UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE *103ᵈ* CONGRESS
FIRST SESSION

VOLUME 139—PART 4

MARCH 10, 1993 TO MARCH 22, 1993
(PAGES 4469 TO 5930)

GENERAL SERVICES ADMINISTRATION
9/18/98
LAW
LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1993

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

For sale by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402–9328

Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 103^{d} CONGRESS, FIRST SESSION

SENATE—*Wednesday, March 10, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Reverend Dr. Richard C. Halverson, Chaplain of the U.S. Senate, will lead the Senate in its prayer to the God of our Fathers.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Though I speak with the tongues of men and angels, and have not love, I am become as sounding brass, or a tinkling cymbal.—I Corinthians 13:1.

Eternal God, it seems almost out of order to speak of love in this place of such great political power. Yet we know that love is the most powerful force in life. We tend to think of love as sweet and sentimental—instead of recognizing it as character and integrity and virtue. We forget that, "Love suffereth long, and is kind; love envieth not; love vaunteth not itself, is not puffed up, Doth not behave itself unseemly, seeketh not her own, is not easily provoked, thinketh no evil; Rejoiceth not in iniquity, but rejoiceth in the truth; Beareth all things, believeth all things, hopeth all things, endureth all things. Love never fails * * *." (I Corinthians 13:4–8)

Mighty God, infuse us with love for God and country and for each other. We pray in Jesus' name Who is Love incarnate. Amen.

RECOGNITION OF THE MAJORITY LEADER

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized and, under the previous order, the leadership time has been reserved.

SCHEDULE

Mr. MITCHELL. Mr. President, there will be a period for morning business until 11 a.m., at which time, pursuant to a prior order, the Senate will proceed to the consideration of S. 460, a bill to establish national voter registration procedures for Federal elections.

As I have previously stated on several occasions publicly, it is my intention that prior to the Easter recess, the Senate will complete action on the pending voter registration bill, to which I have just referred, followed by the budget resolution, which the Budget Committee is today beginning to mark up, then by the President's economic stimulus and investment program, and then by the debt limit extension which is required by law.

In addition, if the Judiciary Committee or other committees report nominees between now and the onset of the Easter recess, it is my hope that the Senate will be able to act on those nominees. Finally, of course, I do not preclude the possibility of any other action which circumstances may require at the time.

Mr. President, the Senate yesterday voted to invoke cloture and terminate a filibuster on the motion to proceed to the voter registration bill. I hope that we can complete action on that bill promptly. If any Senator has an amendment, that Senator is, of course, perfectly free under the rules to appropriately offer the amendment. I hope that Senators who have amendments will do so, and that the amendments will relate to the bill under consideration and that we can complete action on this bill in the near future.

Should we do so promptly, I do not anticipate any further action this week on legislation other than the possibility, of course, of executive nominations to which I already referred. So that as soon as we can complete action on this bill, we will be able to complete our session for this week and we would then return on next Tuesday to take up the budget resolution, if it is possible to begin that resolution on that day.

Mr. President, I reserve the remainder of my leader time, and I understand all of the time of the distinguished Republican leader has been reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 5 minutes each, with the time to extend until the hour of 11 a.m. today.

Mr. HEFLIN addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from Alabama [Mr. HEFLIN] is recognized to speak for 5 minutes.

Mr. HEFLIN. Mr. President, I believe I have a special order that allows me up to 10 minutes.

The PRESIDENT pro tempore. The Chair apologizes to the Senator from Alabama. Under the order, the Senator from Alabama [Mr. HEFLIN] is recognized for not to exceed 10 minutes.

Mr. HEFLIN. I thank the Chair.

(The remarks of Mr. HEFLIN pertaining to the introduction of S. 540 are located in today's RECORD under "Statements of Introduced Bills and Joint Resolutions.")

Mr. PRYOR addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arkansas [Mr. PRYOR] under the previous order is recognized for not to exceed 10 minutes.

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me.

(The remarks of Mr. PRYOR pertaining to the introduction of S. 542 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. PRYOR. Mr. President, seeing no other Senator requesting an opportunity to address the Senate, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Under the order previously entered, the Senator from Texas [Mr. GRAMM] is recognized to speak for up to 10 minutes.

Mr. GRAMM. Mr. President, I thank the Chair for recognition.

THE REALITY OF WHAT HAPPENED YESTERDAY

Mr. GRAMM. Mr. President, normally as I work in the Senate, I am amazed at how the media in trying to cover what we do, something which is often confusing, sometimes by design, sometimes simply by the necessity of the type work we do, ferrets through all the rhetoric and basically come up with the facts. Today, is one of those days, however, where the headlines in the morning paper could not be more at variance with the reality of what happened yesterday. I come to the floor of the Senate to talk about that this morning and to talk about what the reality is, and, also, why it is that we are having such a difficult time getting the public to perceive the reality of the budget debate that is going on in Congress and the country.

Yesterday, if you read the newspapers, we had a banner day for America. Yesterday, the House of Representatives and the Budget Committee came up with 63 billion dollars' worth of additional deficit reduction. Yesterday, the word was leaked from the Senate Budget Committee that perhaps another $90 billion of deficit reduction could be achieved.

Who would not applaud that, Mr. President? It seems to me that if ever there was news that should be applauded by the American people, that should be it. The problem is in the details. The problem is when you look at the plans being discussed.

Let me talk about the House plan first and then the Senate and then talk about what really happened yesterday that, unfortunately, is bad news and not good news.

In the House Budget Committee yesterday, without specifying any details of any significance, the House Budget Committee decided to freeze discretionary spending over a 5-year period with various levels of reductions to be made in the future and in the process claimed 63 billion dollars' worth of savings. Most of those savings, in fact all the net savings, occur in 1995, 1996, 1997, and 1998.

We have not yet seen the proposal that will be made by the chairman of the Senate Budget Committee. But basically, from what we know, it takes the same concept of freezes to be made in the sweet by and by, adds to that another $20 to $30 billion of taxes, depending on whether you read the Washington Post or the New York Times, and then claims $17 billion of savings from this administration doing a better job of selling Government bonds than the last administration did.

Now, you might ask, Mr. President, what is the harm in all that? Oh, that it could be so, that we were going to freeze discretionary spending.

We know from our sad history that tends not to happen. In fact, yesterday, in the Budget Committee, the chairman had a chart which showed various deficit reductions since 1985 and he pointed out how the current proposal was slightly bigger than any of the ones we have attempted since 1985.

So the devil in me made me add up all this deficit reduction we have done since 1985. We have reduced the deficit $1.725 trillion since 1985, and yet the deficit has gone up from about $185 to $310 billion. Why? Because the cuts we are going to make are always in the sweet by and by. Someday we are going to do it, but today is when we promise to do it. Maybe we mean it today, but we do not do it today.

Basically, the headlines in the papers this morning were headlines about cuts, unspecified, to be made in the sweet by and by, off in the future somewhere. What the newspapers did not say is that yesterday we did something. We did not promise to do something yesterday. We actually did something. What we did is bad if you are concerned about spending and if you are concerned about the deficit, because yesterday in the Budget Committee, in the Senate, we had an announcement by the chairman of administration policy to increase spending by $21.5 billion now and, through an accounting ruse, to say this is an emergency and so it does not count as spending, it does not count as deficit increase, it does not count in violating the spending caps which are the law of the land, and it is not even written into the deficit.

So here is the problem. Across the land this morning we had headlines talking about spending cuts and deficit reduction and about the President's reluctance to agree to these new spending cuts. But yet when you look at the reality, these spending cuts are promises to cut spending on a discretionary program 2 years from now, 3 years from now, 4 years from now. What really happened yesterday is that a decision was made, in the next 2 weeks, to increase spending by $21 billion, to designate that as an emergency and, through an accounting gimmick, to not count it as part of the deficit, as spending, or not even count it as part of the budget.

Now, Mr. President, I ask the question, why the headlines about promises to do good in the great by and by but no headlines about a decision to increase spending in the next 2 weeks by $21.5 billion?

Well, I thought about it. In fact, I woke up early this morning thinking about it. Why do people want to write these headlines? Why do people want to believe it?

Quite frankly, Mr. President, I think there is something in all of us that wants to believe that good things are going to happen, especially when you have a new President, especially when you have a new President that was elected with 43 percent of the vote. Many people had doubts. They want to believe good things are going to happen. We all want to read the story about, and perhaps the people writing the stories want to write the story about, the pig who sprouts wings and flies off with eagles or about the ugly frog that becomes a beautiful prince, and we want to believe it.

The basic problem is we have heard all these stories before and the little lesson in my statement today is that when this does not happen, when the pigs do not sprout wings, when they do not soar with eagles, when frogs do not turn into princes, when these spending cuts are not made, when the spending increases are made, when the deficit goes up, when defense is cut but every penny of it is spent, when taxes are raised and every penny of that is spent, if people believed that good things were going to happen, part of that responsibility has to be with them.

I do not think, given the world we live in, given the promises that have been made, that anybody can believe that when our Government in the next 2 weeks decides to spend $21½ billion and invest it as we are now calling spending, and decides to not count that as part of the budget, not count it as spending, not count it as debt, but then promises 2½ years from now to make these unspecified cuts, if people believe that then they are choosing to believe what has never been and, Mr. President, sadly what I believe will never be.

I remember in 1982 President Reagan agreed to a plan that was going to cut spending by $3 for every $1 of taxes, and I voted for it, and the taxes occurred, every single one of them, but the savings did not occur. And in 1990 President Bush agreed to a plan that was going to cut spending by over $2 for every $1 in taxes, but then at the last minute Congress took away some of the savings and added to the taxes. I recognized that I had been down this road before and I decided not to follow that path.

We now have a budget before us that the President said in the campaign would get $3 of savings for every $1 of taxes and his cabinet ministers said in their confirmation $2 savings for every $1 of taxes, and he said in his State of the Union a dollar of savings for every dollar of taxes. When CBO added it up it was $4.85 in taxes for every $1 in savings.

We need to look a little at what we are doing now, not what we promise to do in the future, and I suggest the American people do that as well.

I thank the Chair for its indulgence.

The PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. SPECTER] is recognized for not to exceed 5 minutes.

Mr. SPECTER. I thank the Chair.

Mr. President, permit me to begin by commending the distinguished President pro tempore for presiding notwithstanding his numerous other duties. It is a pleasure to see him in the chair, especially since I know last night was a late night with a very interesting celebration, a salute to Senator STROM THURMOND on the occasion of his 90th birthday with an enormous assemblage at a downtown hotel. He had the dais graced by Senator BYRD, a former majority leader and now President pro tempore, and other distinguished Senators and other distinguished guests.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 543 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

Mr. DOLE. Mr. President, has leader time been reserved?

The PRESIDENT pro tempore. The Republican leader's time has been reserved.

The Republican leader is recognized.

Mr. DOLE. I thank the Chair.

KANSAS STATE, AMERICA'S OLDEST LAND-GRANT UNIVERSITY WEST OF THE MISSISSIPPI

Mr. DOLE. Mr. President, we would all agree that Presidents of the United States do not have a monopoly on being factually correct. And when the President—or any of us for that matter—is found to be wrong, he is entitled to be corrected.

The students at Kansas State University last week did just that. When President Clinton in a speech misstated that the University of Arkansas is the oldest land-grant school West of the Mississippi, the students at K-State acted in a friendly manner to set the record straight—K-State, founded in 1863, is indeed 8 years senior to the University of Arkansas.

Along with a note correcting the President, the K-State students sent President Clinton a personalized K-State sweatshirt and a K-State jogging cap. I look forward to seeing the President sporting this fine attire on a jog through the streets of Washington sometime very soon.

Mr. President, I ask unanimous consent that a news release from K-State University and an article from the K-Stater putting this controversy to rest be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KANSAS STATE UNIVERSITY,
Manhattan, KS, March 4, 1993.

DEAR MR. PRESIDENT: KSU STUDENTS CORRECT THE RECORD

MANHATTAN.—"Dear Mr. Clinton, We regret to inform you that we were first," say the students at the nation's oldest land-grant university west of the Mississippi, Kansas State University.

Having been founded in February 1863 makes K-State the oldest land-grant school west of the Mississippi, not the University of Arkansas (1871) to which the President referred in a speech Monday at Rutgers University.

As a friendly gesture to correct the record, the K-State students sent Mr. Clinton a personalized sweatshirt with the university seal "Founded in 1863," a jogging cap and a short note:

"DEAR PRESIDENT CLINTON: Kansas State University was 130 years old in February, and out here west of the Mississippi, it proudly carries on the land-grant tradition. The idea to give everyone a chance for higher education that began with the Morrill Act was a profound one then, and it still is. As its beneficiaries, we thank you for your support of education for all America's youth.

"K-State today ranks among the top one percent of all universities, public or private, in the number of Rhodes scholars chosen since 1974; no other public university has had as many Truman scholars; and K-State ranks second in the nation among public universities in Goldwater scholars.

"Perhaps, as a former Rhodes Scholar, you would be willing to come to Kansas State University at some future date to take part in the prestigious Landon Lecture Series on Public Issues? It would be our pleasure to host you.

"Please accept these gifts as a token of goodwill from proud students at the first land-grant college west of the Mississippi who simply want to set the record straight about our old alma mater. Good luck Mr. President.

"Sincerely,

"JACKIE MARIE MCCLASKEY,
"Student Body President.

"P.S.: Historians disagree as to whether Kansas State or Michigan State is the nation's first land-grant school. If you need a break from solving the mundane challenges facing our nation, we would be glad to have you arbitrate this weighty controversy by declaring which was first."

K-STATE WAS FIRST

Unequivocally it can be stated that Kansas State Agricultural College was the first institution to meet the basic legal requirements of the Morrill Act and was, in fact, first of the land-grant colleges."

So Ralph W. Sherman, Ag '24, concludes his 18-page paper "Which Land-Grant College Was No. 1?" His study of evidence took him to the Library of Congress to examine original legislative acts, many of them on locked shelves in the rare book section. He also examined many other historical publications.

He sent a copy of the report on his findings to President James A. McCain, who forwarded it to The K-Stater for publication. Here we present a resume of Mr. Sherman's presentation.

Senator Morrill's Bill to give to each state land and scrip for an "agricultural and mechanical college" became law when President Abraham Lincoln signed it July 2, 1862. For any state to qualify for the grants the Act set up two basic requirements:

1. Its legislature had to "express its acceptance thereof . . . within two years from the date of its approval by the President"; and

2. It had to provide "at least one college, where the leading object shall be . . . to teach branches of learning relating to agriculture and the mechanical arts." That college had to be a going concern with a building or buildings and a faculty ready for the instruction of students by July 2, 1867. An amendment in 1866, however, pushed the deadline date ahead to five years after the date of acceptance of the terms of the act, for states which had not yet accepted.

The Kansas Legislature accepted the terms of the grant in a resolution approved Feb. 3, 1863, and tied to the resolution an act which named Bluemont Central College in Manhattan as the college to receive funds from the federal grant. The trustees of the College had previously offered to the state its building and accompanying land, library, and apparatus. The act provided for the ceding of these to the state.

This act of the legislature was approved by Governor Thomas Carney Feb. 16, 1863, and became effective two days later, Feb. 18, 1863, upon its publication in the Topeka Daily State Record. No other state fulfilled both of the requirements that soon.

Here are the pertinent facts about each of the other states for which some claims to priority have been made:

IOWA

The Iowa legislature accepted the provisions of the Morrill Act Sept. 3, 1862, five months before the Kansas legislators acted, but Iowa had no college for the teaching of agriculture and mechanical arts. Such a college opened the doors of its still unfinished building to students Oct. 21, 1868—more than a year after the deadline date set in the original Morrill Act. Former dedication of the building was the next year.

MICHIGAN

Michigan's state agricultural school near Lansing was dedicated May 13, 1857. The next year the legislators, learning that the first Morrill bill was being debated in Congress, passed Act No. 171, which provided that the state "hereby accepts and assents to any such grant or donation of lands or of land scrip now made or which may hereafter be made by Congress for these or like purposes, upon the terms, trusts, and conditions upon which such grants or donation is or may be made." Unfortunately President Buchanan vetoed that bill.

March 15, 1861, the legislature approved Act No. 133 which reorganized the agricultural school and put it under control of the State Board of Agriculture. Somewhat belatedly, Feb. 25, 1863, a week after Kansas had fully qualified under the act of Congress, the

Michigan legislature formally accepted the terms of the Morrill Act. Not until three weeks later did the legislature provide that interest from the sale of grant lands be applied to the endowment of the Lansing college.

PENNSYLVANIA

The Farmers' High School of Pennsylvania, which later evolved into the Agricultural College of Pennsylvania, was opened Feb. 16, 1859. Not until April 1, 1863, however, did the legislature accept the terms of the Morrill Act and appropriate to this school the interest accruing from the land-grant fund. That was almost two months after the Kansas legislature had acted.

OREGON

The legislature designated Corvallis College, a sectarian school, as the state's agricultural college Oct. 27, 1868.

CONNECTICUT

Connecticut's claim that Yale College became the first college actually to operate under the terms of the act is readily disproved," declares Mr. Sherman. The Connecticut General Assembly was the fourth state body to accept the grant (Dec. 24, 1862) but it wasn't until the next year (June 24, 1862) that the assembly complied with the second requirement of the Morrill Act by appropriating the interest from the sale of lands to the maintenance of Sheffield Science School of Yale College. Actually the Sheffield School did not have as its "leading object . . . to teach branches of learning relating to agriculture and the mechanical arts." And in 1893, 30 years later, the legislature tardily made Storrs Agricultural College the beneficiary of the land-grant college act.

Seven states actually accepted the conditions of the Morrill Act before Kansas did: Iowa, Sept. 11, 1862; Oregon, Oct. 9, 1862: Vermont, Oct. 29, 1862; Connecticut, Dec. 24, 1962; Rhode Island, Jan. 18, 1863; Kentucky and Minnesota, both Jan. 27, 1863. But they didn't meet the second requirement of the act until later. We've already discussed the claims of Iowa and Connecticut. Now we'll report what happened in the other states which took their first step so speedily.

VERMONT

In the home state of Justin S. Morrill, author of the Morrill Act, not a single locality offered enough inducement to warrant locating a college there. Finally on Nov. 9, 1895, the trustees gave up and decided to "locate it on the property of the University of Burlington."

RHODE ISLAND

On Jan. 27, 1863, Rhode Island's state legislature assigned to Brown University the land scrip granted by the federal government for the establishment of an agricultural college, if it would maintain a scientific department and allow free tuition to a certain number of students of the state. However, in 1867 it was reported that the University had not yet received enough money from the fund to open such a department. So lax was the enforcement of the act, however, that Brown continued to receive land-grant money until 1892. Then the state agricultural school established at Kingston in 1888 was made the beneficiary and it was reorganized to conform with the Morrill Act.

KENTUCKY-MINNESOTA

Not until late in February of 1863 did these states designate a college to be recipient of Morrill Act funds.

MARYLAND

Maryland's agricultural college was opened to students Oct. 6, 1859. But the legislature waited until Feb. 17, 1864, to accept the terms of the Morrill Act, a year after Kansas had fulfilled all requirements.

TIMOTHY RILEY

Mr. DOLE. Mr. President, last week, a 33-year-old man named Timothy Riley, husband and father of two young children, was kidnaped outside his home in Topeka and forced at gunpoint into the trunk of his own car.

Shortly after the kidnaping, Mr. Riley was shot to death, his lifeless body dumped on the side of a highway, just south of Topeka.

Local police have arrested two teenagers in connection with the carjacking and the murder.

Both teenagers, residents of a halfway house for troubled youth, have criminal records.

Obviously, no one can bring Timothy Riley back to life. No one can restore the loss suffered by Mr. Riley's wife, Jo Ann, and their two children.

But we do have the obligation to wonder why?

Why would two adolescents—apparently unburdened by a sense of guilt or any other social restraint—stoop to this brutal act of barbarism?

Is it poverty? Is it a sense of hopelessness? Is it because Congress has not passed a crime bill in over 3 years?

Or was there a breakdown in the social transmitter—a failure to communicate to these two young men a set of values that say there is indeed a difference between right and wrong, that certain behavior is simply unacceptable?

I suspect that those responsible for murdering Tim Riley were adherents to the morality of the possible: Killing him was right in their minds because they could do it. That is all.

Too often, we read or see the gruesome accounts of gruesome crimes, and our response is simply to shrug it all off.

Some of us shrug it off as the price we pay for living in a free society.

Others find security by saying to themselves, "oh, that won't happen to me."

Crime, like a very hot shower, can become very comfortable.

The more we experience it, the more we begin to accept it. It becomes normal, even routine.

We soon lose our outrage and begin tolerating the intolerable.

Nothing hurts the crime-prevention effort in America more than the loss of public outrage.

The Senate, with its seemingly endless debates over competing crime bills, has certainly pushed itself to the point of irrelevancy.

But this is not the real danger.

The real danger is if we lose our edge, if the public engages in one collective shoulder shrug.

Mr. President, this Senator wants to register his own outrage at what happened last week to Timothy Riley, husband and father.

I would like to take this opportunity to express my sincerest sympathies to the Riley family on their personal tragedy.

Mr. President, I ask unanimous consent that an article from the March 2 Topeka Capital-Journal on this tragedy be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Topeka Capital-Journal, Mar. 2, 1993]

TEENS ARRESTED IN CARJACKING, KILLING

(By Sandra Moran and Steve Fry)

Two teenagers were jailed Monday in Topeka in what Shawnee County District Attorney Joan Hamilton said appeared to be a carjacking and slaying of the car's owner.

Timothy Riley, 33, of Topeka was kidnapped outside his home and shot to death early Monday morning. His body was dumped near US–75 highway south of Topeka.

Arrested in connection with the incidents were Jason Schaffer, 16, and Joshua B. Kaiser, 17, both residents of DCCCA, 1409 S.W. 37th, a halfway house for youths. The teenagers escaped from the low-security facility late Wednesday or early Thursday, authorities said.

"It appears to be a carjacking," said Hamilton. Federal law defines carjacking as the taking of a car with the use of a gun, said Brent Anderson, first assistant U.S. attorney.

Because of their ages, Kaiser and Schaffer wouldn't be candidates under the Kansas statute for the 40-year sentence if they were convicted of premeditated first-degree murder, Hamilton said. For that reason, the Shawnee County district attorney's office inquired about the carjacking statute.

"Life there means life, not just 15 years," Hamilton said, referring to the federal sentence.

"This is an extremely premeditated murder, very gruesome," Hamilton said. The state could file charges that included the slaying of Riley while federal prosecutors could file the carjacking charge, Hamilton said.

The maximum penalty for carjacking linked to a slaying is life in prison, Anderson said. Nationwide, there are about 20 carjacking cases being prosecuted, but none in Kansas.

Schaffer was arrested in connection with first-degree murder, aggravated kidnapping, aggravated robbery, aggravated weapons violation, reckless driving, illegal turn, leaving the scene of an accident, failure to give information and 7 other traffic violations. On Monday, Schaffer remained in Shawnee County Jail. No bond had been set.

Kaiser remained in Shawnee County Youth Center on felony counts of murder, aggravated kidnapping and aggavated robbery.

Police Lt. Steve Harsha said Riley apparently went outside his home at 1832 S.W. Lincoln at 2 a.m. to move his 1988 blue four-door Oldsmobile.

Harsha said that Riley was abducted as he left his house and that the two teenagers shoved him into the car before they moved him to the trunk. Riley was driven briefly around the city before he was taken to the 8500 block of S.W. Jordan, where the teenagers allegedly shot him in the upper torso.

About 3 a.m. officers received a report of a stolen 1988 blue Oldsmobile. Police began a search for the vehicle and at 3:57 a.m., spotted the car at 19th and S. Kansas Avenue. The car sped away when officers attempted to stop it.

After a car chase that lasted about five minutes, the stolen car spun out of control and struck a tree at S.W. 21st and Bowman Court. Two people ran from the car.

Officer William White with the Street Crime Action Team and his police dog, Dux, trailed the two to the 2000 block of S.W. Atwood, where they were apprehended at 4:15 a.m.

One suspect led officers to Riley's body shortly after 5 a.m. The body had been dumped in a remote area near US–75 highway.

The gun thought to have been used in Riley's slaying was stolen last week during a burglary.

Charges are expected to be filed by the district attorney's office today against Kaiser and Schaffer.

Schaffer has been in trouble with the law at least twice previously, both car thefts, said Joel Meinecke, first assistant district attorney. Based on those incidents, he is expected to be charged as an adult.

Today, the district attorney's office will file a motion to waive juvenile jurisdiction for Kaiser.

DCCCA, which originated in Douglas County, is a halfway house program for youths 16 to 21 years old who have alcohol or drug problems and who are in foster care, said Barbara Conant, public information officer for the Kansas Department of Social and Rehabilitation Services.

The Topeka facility, which handles full-time and day patients, is licensed to hold 14 youths. Kaiser and Schaffer were full-time patients, living at the DCCCA site in Topeka. DCCCA has a facility in Lawrence.

VICTIM, 33, WAS "PERFECT FAMILY MAN"

(By Sandra Moran)

Timothy Riley was described by a neighbor as a "perfect family man," definitely not someone expected to die at the hands of kidnappers.

Police say Riley, the 33-year-old husband of Jo Ann Riley and father of Nicole, 10, and Adam, 8, was abducted and killed early Monday when he went outside his home at 1832 S.W. Lincoln to move his 1988 blue Oldsmobile from the street into the driveway.

Neighbors said Riley routinely moved the car before he went to bed.

Police said Riley was abducted by two teenagers who had walked away from a Topeka youth facility. The youths abducted Riley, shoved him into the trunk of his car, drove him to S.W. 85th and Jordan Road and shot him in the upper torso. The pair dumped Riley's body into a remote area near US–75 highway.

One of the suspects led police to the body shortly after 5 a.m.

Monday afternoon, the Riley's neighborhood, which is occupied by a mixture of college students and families, was quiet as rain and drizzle sporadically fell from the iron-colored sky.

Gone were the police cars, detectives and yellow tape that designated a crime scene. They had been removed around 10:30 a.m.

All that remained in front of the Riley's amity gray house were a pair of soggy miniature snowmen made by Nicole and Adam the day before. A note of sympathy was tacked to the front door.

Neighbors expressed shock at the abduction and murder of a man who had exemplified the ideal father and husband.

"He was such a good father," said a next-door neighbor who sometimes baby-sat Nicole and Adam.

She described talking to Jo Ann Riley about a homicide.

"I said, 'Jo Ann, what happened?' and she said that Tim had been killed." The young woman shook her head slowly. "Then she started crying."

Another neighbor who lived across the street said he talked to Tim Riley several times over the past few months.

He described coming home at night and seeing Tim Riley washing dishes through the kitchen window.

"To me, he seemed like a perfect family man," the neighbor said. "You could use him for a perfect father."

A SHORT HISTORY LESSON

Mr. DOLE. Mr. President, today marks the 12th anniversary of President Reagan's first budget—the fiscal year 1982 budget. It was submitted to Congress on March 10, 1981.

The Senate Budget Committee did not vote to report out that budget resolution until March 19, 1981, and the full Senate did not take up the budget resolution until March 26, 1981.

For all the talk about President Clinton using Ronald Reagan's game plan, there are some huge differences. In 1981, President Ronald Reagan, Senate Majority Leader Howard Baker, and Budget Committee Chairman PETE DOMENICI made certain that the full Senate—Republicans and Democrats—had a complete and final budget from the President before they were asked to vote on a budget resolution.

Twelve years later, President Clinton, the distinguished majority leader, Senator MITCHELL, and the chairman of the Budget Committee, Senator SASSER, are taking unprecedented steps to do just the opposite. Today, we are told that we must vote before we get to see the President's budget.

In fact, the Senate Budget Committee began marking up the fiscal year 1994 budget resolution yesterday. The House Budget Committee begins its markup today. Both committees will complete their markups this week. But, let us keep in mind, the President's budget, the one with all the details, all the spending and all the taxing, the one required by law, will not be available until early April.

But the political rush is on—pass the resolution at all costs and forget about the budget. Do not ask any questions. Don't worry about the details. Just vote. Then we are told we have to vote on the President's $16 billion spending stimulus package. The truth is, this political stimulus is paid for by waving a magic wand, shouting emergency and increasing our record deficit by another $16 billion.

Mr. President, something is wrong here. And none of it adds up to anything except more of the same old games the American people are sick and tired of—smoke and mirrors, empty promises, and bankrupt leadership.

Let me be clear: When it comes to the budget, Republicans will be ready, willing, and able to fulfill our part of the bargain. Give us an opportunity to find out what it is we are being told to vote on, and you can expect Republicans to be at the front of the line on the Senate floor with real spending cuts in hand and real options for real deficit reduction.

Last week, the Congressional Budget Office released its preliminary analysis of the Clinton economic plan. It seems CBO has the same problem with the Clinton plan that Republicans do. The report says:

> Because the [President's] April budget is likely to modify, or clarify, some of the administration's proposals, CBO's analysis must be viewed as preliminary.

Let me underscore CBO's use of the word "preliminary." Last week, the distinguishing chairman of the Senate Armed Services Committee, Senator SAM NUNN, admitted that he could not explain the single largest spending cut in the Clinton economic plan—$112 billion in new defense cuts—in any detail. And don't forget, those cuts are in addition to the $75 billion in cuts that Congress approved last year.

Now, the administration and the Democrats on the House and Senate Budget Committees may push for even deeper cuts in defense. What weapons systems are we eliminating? How many bases do we plan to close, and where are they? These are important questions.

And, not even the Secretary of the Treasury, the former chairman of the Finance Committee, Lloyd Bentsen, can tell us how the earned income tax credit will be implemented. This is the proposal that the administration claims will offset the regressive energy tax. How does it work?

Even with the limited information that is available. The preliminary CBO analysis makes one point very clear: The numbers in the Clinton plan do not add up.

We should not forget that President Clinton himself urged us to use the independent Congressional Budget Office to evaluate his plan. President Clinton also claimed that this budget plan would "by 1997 cut $140 billion in that year alone from the deficit."

Not according to CBO's new analysis. The independent CBO says that the Clinton plan overestimates the amount of revenue brought in by the President's new tax proposals while exaggerating the savings in its spending cuts. As a result, the Clinton plan will only reduce the deficit by $116 billion in fiscal year 1997. In other words, the campaign promise to cut the deficit in half in 4 years has been watered down to cutting $116 billion from the deficit in 5 years.

The President's vaunted "Vision of Change for America" claimed that the

Clinton plan would reduce the deficit by $462 billion by 1998. CBO's analysis now says the plan will generate $100 billion less in deficit reduction—only $362 billion—by 1998. So I suppose we should start calling the Clinton plan "Deficit Reduction Lite."

But the third, and perhaps most important, point the new CBO analysis raises is this: By 1998 the Clinton plan raises a net $267 billion in taxes and cuts spending by just over $55 billion. That is almost $5 in new taxes—$4.82 to be exact—for every $1 of spending cuts. Take away all the new tax breaks in the Clinton plan and the ratio of tax hikes to spending cuts jumps to more than 6 to 1.

After first suggesting that he would propose additional spending cuts, then telling us to put up or shut up, President Clinton has reportedly agreed to $55 billion in additional cuts. House and Senate Democrats may be able to persuade him to go even further.

Mr. President, that is progress, but I am afraid that it may be too little, too late. Even if the $55 billion in additional cuts are legitimate, CBO indicates that the latest version of the Clinton plan would still raise almost $5 in net new taxes for every $2 of new spending cuts.

There are a lot of things we still do not know about President Clinton's economic plan. But we do know this: The more we learn about the Clinton plan, the less there is to like, not the least of which is $337 billion in higher taxes.

I reserve any remaining time. I do not think I have any. But I yield the floor.

TRIBUTE TO DON DIAMOND

Mr. DECONCINI. Throughout his administration, President George Bush bestowed his Point of Light Award to individuals and groups who took direct and positive action to make their communities a better place in which to live, who gave freely of themselves to help improve the lives of those less fortunate. "The definition of a successful life must include serving others," President Bush said, and the Point of Light Award was a national tribute of the highest order.

Don Diamond, from my hometown of Tucson, AZ, has spent a lifetime serving others; by George Bush's definition, his life is an unqualified success. This Saturday, Don will celebrate his 65th birthday, and he has spent almost half of those years making Tucson and the State of Arizona a better place to live.

Don has been a moving force at the Jewish Community Center, which has been a bulwark of support for generations of Tucsonans for over 35 years. One of the finest facilities of its kind in the area, the center provides comprehensive services for child care, youth, and the elderly—services which are not limited to the Jewish community but are open to all Tucsonans. Just last year, the Jewish Community Center, on a nonsectarian basis, awarded scholarships in excess of $113,000 to needy youth. In tribute to the philanthropy and hard work of Don and his wife Joan, the center has expanded its commitment to children by establishing the Diamond Perpetual Scholarship Fund.

Those who know Don Diamond attest to his skill in coalition building; he knows how to pull together divergent groups to achieve a common goal. Don was a key factor in getting the Muscular Dystrophy Association to move its national headquarters from New York to Tucson. From the beginning he was a strong proponent of the observance of Martin Luther King Day in Arizona, and he fought hard for this throughout the State until the goal was accomplished. When Don perceives there is a need in Tucson or in the State of Arizona, he will fight for a way to fill it.

I have enjoyed a longstanding friendship with Don Diamond, and I have seen firsthand Don's desire to make serving others central to his life and work. I wish Don a very happy birthday and I salute his life which has been made more full by providing a fuller life for others.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,213,729,981,638.09 as of the close of business on Monday, March 8.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,404.84—thanks to the big spenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

A LOOK AT DEFENSE CUTS

Mr. D'AMATO. Mr. President, on February 19, the Office of Management and Budget released President Clinton's "A Vision of Change for America." This document purports to be a summary of the President's most recent plans for our country. Though the document does not include a great deal of specifics, I find one, in particular, very troubling.

We all recall that President Bush, in response to the demise of the former Soviet Union, had indicated that he intended to reduce the defense budget by $60 billion over 5 years. President Clinton, in his campaign, repeatedly pledged to reduce the defense budget by an additional $60 billion over 5 years making total 5-year defense cuts of $120 billion.

In President Clinton's economic plan, "A Vision of Change for America," he proposes to cut the defense budget $125.9 billion in budget authority or 5 years, an amount double his campaign proposal. This $125.9 billion proposed cut is in addition to the $60 billion proposed by President Bush. These reductions make up the largest component of President Clinton's spending cuts.

Mr. President, cuts of this magnitude are very worrisome because of the inevitable reduction in our ability to protect our vital national security interests and the equally inevitable loss of jobs associated with such draconian cuts, but they are not the center of my concern today.

My main concern today is the potential underfunded liabilities that exist at the Department of Defense. In January, the Comptroller General of the United States warned Clinton administration officials in testimony before the Senate Government Affairs Committee that the Department of Defense is potentially underfunded by $150 billion over the next 5 years. This would mean that there is a $150 billion gap between how much it will cost to run the military using current assumptions and how much will be available over the next 5 years.

Phrased another way, this means that the assumptions under which the Department has calculated its costs are potentially incorrect by $150 billion. Among other things, the Comptroller General cited $53 billion in assumed management savings which may not be achieved, $35 billion in unbudgeted growth in weapons programs, and $5 billion in savings from closing military bases that won't be realized until after 1998.

Upon receipt of this information, Secretary of Defense Aspin, to his credit, appointed a team of outside analysts to review the Department of Defense spending plans in order to provide him with a better baseline from which to calculate defense spending. That team includes: Phil Odeen, the chief executive officer of BDM, Pete Aldridge, vice president of the American Institute of Aeronautics and Astronautics, and Jeffrey Smith of Arnold & Porter. They are expected to report back to the Secretary in about 6 weeks.

Mr. President, I do not know if the Comptroller General is correct, but I suspect that he is. In fairness to President Clinton, the plan was vague about the specifics of his additional $60 billion cut and although some of the savings may accrue, my experience has led me to believe that the Government always overestimates savings and always underestimates costs.

Mr. President, the most troubling and fundamental question remains. If the Comptroller General is correct and if the panel led by Mr. Odeen confirms that the $150 billion of the assumed savings is, in fact, unavailable, President Clinton and we here in Congress will find ourselves in an uncomfortable position. Even if the defense budget suffers the draconian cuts proposed by President Clinton, there will be no savings available for reducing the deficit or for funding other programs.

Mr. President, I ask unanimous consent that two items be placed in the RECORD following my statement: Appendix, table 1, from "A Vision of Change for America" and an article from Army Times of February 1, 1993.

APPENDIX

TABLE 1.—DEFENSE DISCRETIONARY PROPOSALS

[In billions of dollars]

	1993	1994	1995	1996	1997	1998
Current OBRA baseline:						
Budget authority	274.3	288.0	296.4	304.5	312.9	321.5
Outlays	294.3	289.6	293.8	299.8	306.5	313.8
Change from OBRA to Bush adjusted:						
Budget authority	....	−12.5	−18.4	−26.2	−28.3	−28.1
Outlays	....	−5.3	−9.5	−15.2	−20.0	−24.8
Current Bush adjusted baseline:						
Budget authority	....	275.5	278.0	278.3	284.6	293.4
Outlays	....	284.4	284.3	284.6	286.5	289.0
Proposed policy changes:						
Budget authority	....	−11.8	−15.2	−24.5	−36.2	−39.2
Outlays	....	−6.7	−11.7	−19.7	−37.4	−36.3
Proposed defense discretionary:						
Budget authority	274.3	263.7	262.8	253.8	248.4	254.2
Outlays	294.3	277.7	272.6	264.9	249.1	252.7

[From the Army Times, Feb. 1, 1993]

CLINTON WARNED ABOUT $150 BILLION DEFENSE BUDGET GAP

(By Rick Maze)

WASHINGTON.—In a warning to Clinton administration officials about how difficult it can be to cut the defense budget, the comptroller general says there is a potential $150 billion gap between how much it will cost to run the military during the next five years and how much will be available.

If the estimate is accurate, it will be doubly difficult for President Clinton to cut $60 billion in defense spending, as he promised during his campaign.

In addition to trying to cut $60 billion, Clinton faces $35 billion in unbudgeted growth in weapons programs, $12 billion in weapons programs that Congress has refused to terminate but funded, and $5.4 billion to convert defense industries to civilian uses, according to Comptroller General Charles Bowsher.

Testifying Jan. 3 before the Senate Government Affairs Committee, Bowsher said the defense budget also assumes $53 billion in management savings that may not be achieved and $5 billion in savings from closing military bases that won't show up before 1998.

That amounts to a "significant mismatch" between $1.42 trillion 1993-97 defense spending plans and "budget realities," Bowsher said.

COSPONSORSHIP OF THE TELEPHONE COOPERATIVE ACT OF 1993

Mr. KOHL. Mr. President, I rise today to cosponsor an important tax measure—S. 155, the Telephone Cooperative Act of 1993. This measure, as authored by Senator DASCHLE, would restore tax exempt status to telephone cooperatives. This exemption, as currently set forth in section 501(c)(12) of the Internal Revenue Code, has been threatened by a recently issued Internal Revenue Service technical advice memorandum. In the interests of brevity, I refer interested parties to Senator DASCHLE's statement of January 21, 1993, for an explanation of the technical advice memorandum. With respect to this legislation, I note that a provision similar to S. 155 was included in H.R. 11, the Revenue Act of 1992 vetoed by President Bush. I believe that this measure is important to many people across the Nation—and to the people of Wisconsin—because it allows telephone cooperatives to continue providing affordably priced long distance service to citizens who live in rural areas. Without this measure, rural citizens' access to reasonably priced long distance service could be adversely impacted.

This bill is important enough that I also want to be straight with those who may wonder what my cosponsorship means. In the simplest terms I can think of, it means I will support this bill with my votes, my speeches, and my time, if its costs are offset, and if those offsets are acceptable. I believe that this qualified support is made necessary by my dedication to an essential principle of deficit reduction. Namely, that Congress pays for tax breaks with tax offsetting revenues or program or benefit reductions. These are the rules of the game.

As part of H.R. 11, this provision was paid for out of general offsets. The cosponsorship that I announce today continues the spirit of that measure. This means that I will work with the primary sponsors of this bill to find an appropriate offset for this measure. This means that this bill represents tax relief so important that I am willing to support it even though I understand that it also represents potential pain for some unidentified group of taxpayers.

I also want to make clear what my cosponsorship does not mean. It does not mean that I will support this measure at any price. I will not pay for a tax break for telephone cooperatives with a tax increase on boaters, just as I would not pay for tax relief for small business with tax increases on middle-class families. Responsible legislation means making choices that are too complex to describe with the addition of my name to a list of cosponsors.

Again, I cosponsor this bill today because it is an example of a necessary tax measure. However, my top legislative priorities continue to be deficit reduction and fiscal responsibility and all of the hard choices, compromises, sacrifices, and unpopular decisions that those priorities entail.

NELLIS CREW EARNS RECOGNITION

Mr. REID. Mr. President, I rise today to pay tribute to five outstanding airmen currently serving at Nellis Air Force Base just outside of Las Vegas, NV. Too often we hear the lament that there are too few role models and not enough heroes in the world today. These five men, however, are genuine heroes, going above and beyond their normal call of duty, sacrificing their welfare to help save another human being.

On the afternoon of October 10, 1992, a 32-year-old Salt Lake City man was practicing rappeling techniques in a deep, narrow gorge at Zion National Park in southern Utah. At approximately 3:45 p.m. he fell 30 feet when the pinon pine tree he was using for a rappel anchor pulled out of the ground. He suffered massive head injuries and was rendered unconscious. His climbing partners came to his aid, but they could not perform an effective rescue due to the victim's precarious perch on the side of the canyon wall.

Approximately 1 hour later, a member of the climbing party was able to reach the trailhead where he broke into a ranger's vehicle to summon help. By the time rangers were notified, only a couple of hours of daylight remained, not nearly enough time to allow for a successful, standard rescue or evacuation attempt.

Authorties called Maj. Gen. Thomas Griffith, commanding officer of Nellis Air Force Base, for assistance, and an air rescue unit was immediately dispatched to the site. Five brave men boarded a Blackhawk helicopter and responded immediately to the call for help: Lt. Col. Bob Ziehm, pilot; Capt. Ron Newly, Pilot; S. Sgt. Tony Keller, parajumper; S. Sgt. Mike Starnes, hoist operator; and A1c Scott Carmack, medic.

At approximately 6:45 in the evening, the helicopter maneuvered into the canyon. Working feverishly against the clock, S. Sgt. Tony Keller was lowered 150 feet into the slot to prepare the victim for evacuation while pilots Ziehm and Newby helicoptered out of the canyon and hovered over the rescue scene. By the time the victim was prepared, the Sun had set and the canyon was shrouded in darkness.

At 8 p.m., operating through the use of night vision goggles, the flight crew once again descended into the narrow canyon. The danger of this mission cannot be overestimated; the crew had to continually battle the treacherous winds, extremely limited maneuverability, and lack of visibility. One wrong move could have spelled disaster. Mike Starnes, the hoist operator, had to deploy the rescue rope at an altitude of 200 feet above the victim, in the dark, while relaying information to the pilots. Once the rescue was completed, Scott Carmack administered medical treatment in an attempt to keep the patient alive, Sergeant Keller remained at the scene to assist rangers and other park visitors who helped at the rescue site.

Tragically, the patient died shortly after he was delivered to the St. George Medical Center. However, without the valiant efforts of the Nellis flight crew, the man would not have had even the remotest chance for survival. Each of these men exhibited bravery, skill, and daring to save the life of a person they didn't even know.

Later this month, Lieutenant Colonel Ziehm, Captain Newby, Sergeant Keller, Sergeant Starnes, and Airman Carmack will be honored by the National Park Service with the Department of the Interior's Exemplary Act Award. The presentation of this award is even more striking because it is rarely awarded to individuals not directly associated with the Department.

I am pleased to join the National Park Service in recognizing and commending the valor and the courage of these five men. They are, indeed, role models for all of us.

THE STIMULUS PACKAGE

Mr. BREAUX. Mr. President, while our colleagues are debating on the procedure on which to proceed on the motor-voter legislation, I thought I would take this opportunity to make a comment or two about the President's economic plan and to offer a suggestion as to how we might proceed in handling the somewhat controversial stimulus program that is part of that package that some Members of the Senate and also of the other body have differing opinions about its necessity at this time.

I happen to support very strongly the thrust of President Clinton's proposal to the Congress. That proposal calls for reducing the deficit at the same time we are talking about stimulating the economy, and I think most importantly we are talking about changing our priorities and the way that we in fact spend money.

We all know that there is bad spending, and spending on the deficit is a good example. It is $200 billion a year that we waste just by paying the interest on the deficit. That is bad spending. The President called for what I call good things when he talks about spending on welfare reform, spending for a youth apprenticeship program, spending for defense conversion, spending for a national service program. Those items reflect spending on developing the infrastructure of this country and investing in the people of America, and I would suggest that that is good spending.

So, I think the country is reacting very positively toward the President's proposal. We see what is happening with interest rates. That is not just happening because people all of a sudden feel good. It is happening because people believe that there is an economic proposal that makes sense. We see what is happening with the stock market. Again, that is not just happening in isolation. I think it is happening because the people of this country are realizing that the President's proposal is eliminating the gridlock that this Congress has faced for so many years. People are realizing that there is hope that we may come up with a package that makes sense.

I think it is clear, however, that there are two concerns that people are raising every time I return back home. First of all, the American people want real deficit reduction and they want it to achieve basically and essentially through spending cuts and, second, the American people do not want more spending by the Congress before we do more spending reductions.

I believe that we have an opportunity to respond to these concerns. Our Budget Committee has already started this process. As we are here on the floor this afternoon, the Senate Budget Committee, in fact, is working on a budget resolution that responds to this request for spending reductions before there are any other spending increases and before there are any revenue or tax increases.

I think Chairman SASSER is to be commended for putting together an aggressive budget plan which will achieve even greater deficit reduction that the President initially asked for through spending cuts. I applaud that method of proceeding, and I want to associate myself with that concept of spending reductions and spending cuts.

It is important to note that they are looking at, as I understand it, an additional $90 billion of deficit reduction over 5 years and even deeper spending cuts than originally proposed.

Now, the timing of the consideration of the economic plan is very important. We have heard some say, "I do not want to do a stimulus package until we have the actual spending cuts adopted by the Congress." Others have suggested that there are some parts of the stimulus package that are needed immediately and should be enacted now—programs like the highway bill, with which I think most people would agree, programs like the summer jobs program, which I think most all Americans agree is extremely important if we are going to get this country moving again.

So the question that is facing the administration and the Congress is how do we craft a program that gets the stimulus that we need for things that are important now while at the same time keeping faith with what the majority of the American public wants, and that is spending reductions before we start spending more money.

Mr. President, I would suggest and have a proposal that I would make that I think is very important. I propose that when the Congress takes up the stimulus package we should include a provision in that stimulus package to release the money that is needed now immediately. Immediately upon the date of enactment those parts of the stimulus package which are critical from a time-sensitive point, that those funds be released immediately upon the date of enactment of the stimulus package. The other funds that are important and that are needed but that are not necessarily to be enacted immediately would not be released until the adoption of the budget reconciliation bill later this year.

Let me restate that no other emergency programs would be included in the stimulus package to be considered before the April recess. The effective date of their implementation would be triggered after the spending cuts go through later this year in the reconciliation package.

This way we can ensure that the important programs of the stimulus package are funded by this summer when they are needed to be put into effect. But we could also ensure the continued momentum toward the goal of spending cuts and real deficit reduction.

So the concept I think is very simple. Pass the stimulus package in its entirety now when we do the budget resolution and when we do the supplemental appropriations bill. Pass the entire stimulus package but only allow that portion of the stimulus package which is needed immediately to go into effect immediately, and to reserve those programs in the stimulus package which are not necessary immediately, from a time-sensitive standpoint, to not go into effect until we finish the reconciliation process.

That way, the President, I think, will be able to say, "My stimulus package has been approved," and yet we will also be able to say at the same time to the American public that those programs that cost money that are not of an emergency nature, that those moneys will not be spent until such time as we have reduced spending and we have cut programs and we have raised the money to pay for those programs.

So, Mr. President, my suggestion is one that I think we can consider and should consider on the floor of the Senate when this budget resolution is presented to us. I think there is a consensus out there that is just waiting to be brought together and perhaps, just perhaps, this recommendation may be one that both Republicans and Democrats—Democrats who support the total stimulus package and those who feel we do not need one at all—will be able to come together and present a program which makes sense and can be enacted by this body in a timely fashion.

TERRORIST BOMBING IN NEW YORK

Mr. HATCH. Mr. President, I rise to speak about the deplorable terrorist bombing that took place in New York on February 26. And I wish to make two basic points.

First, we must rededicate ourselves to the war against terrorism. The number of terrorist incidents may be down, but the number of fatalities resulting from major terrorist attacks has gone up. As the appropriators of funds to the intelligence community and the Department of Defense, we in the Congress have special responsibility to ensure that those who wage the war against terrorism have all necessary resources to protect America and Americans abroad.

We all have condemned in the strongest terms the individuals and groups who bombed the World Trade Center, and we all applaud the work of law enforcement agencies that led to the swift apprehension of an individual suspected of committing the crime. We have all spoken out strongly to condemn terrorists who so callously took the lives of five innocent people and injured hundreds of others.

But words alone are not enough. In recent years, I as well as many of my colleagues have worked hard to ensure that U.S. Government counterterrorism activities are adequately funded and supported. As we cut Government spending, we must be sure to preserve the necessary counterterrorism assets and capabilities that we have built up over the years.

Second, I wish to speak out against those who would use this bombing as an excuse to fan anti-Arab and anti-Moslem hatreds in this country. I believe that we have a responsibility to speak out publicly against such hatreds in order to deter those who wish to see them escalate.

We encountered this same problem during the Persian Gulf war. Even though we were coming to the defense of an Arab State, Kuwait, and were fighting along side of many others, including Egypt and Saudi Arabia, the number of hate crimes against Arab-Americans rose simply because our enemy was the aggressive, totalitarian regime controlled by Saddam Hussein.

In the case of the World Trade Center bombing, we again must beware of those who would condemn all Arab-Americans for the actions of a few scurrilous and cruel individuals. Americans do not blame Irish-Americans for the terrorism of the Irish Republican Army. Americans do not blame Iranian-Americans for the terrorism sponsored by the Government of Iran. In the same way, Americans must not hold all Arabs or Moslems responsible for the World Trade Center bombing simply because the principal suspect happens to be an Arab.

Because of the World Trade Center bombing and other such events, the Western media gives violent and radical groups in the Moslem world a disproportionate amount of attention in light to their real political strength. In reality, modernist and pro-Western political forces—such as those in power in Egypt, Turkey, Pakistan, and other major Moslem countries—represent the dominant force in the Moslem world. We should remember that these countries not only were our allies in the Persian Gulf war but also are our allies in the war against terrorism.

We must bear all of this in mind in dealing with the aftermath of the World Trade Center bombing.

Americans as a nation are a tolerant people and do not countenance hatred and bigotry based on ethnic and national heritage. But we cannot deny that some individuals in this country are animated by such hatreds and may seek to exploit recent events to advance their contemptuous views. We have a duty to state unequivocally that we will not tolerate hate crimes against our fellow citizens.

Those who engage in terrorism have two objectives, to harm innocents and to sew division among their enemies. We must keep funding counterterrorism programs to defeat their efforts on the first count. And we must condemn bigotry against Arab-Americans and maintain our close relationships with modernist countries in the Moslem world to frustrate their efforts on the second.

TRIBUTE TO PHOTOGRAPHY HISTORIAN BEAUMONT NEWHALL

Mr. BINGAMAN. Mr. President, I rise today to honor this Nation's foremost photography historian, Beaumont Newhall. Mr. Newhall, who passed away on February 26 at the age of 84, was more than an art scholar. He was a true pioneer, establishing photography as an accepted modern art form. As a historian, a photographer, a teacher, and a curator, Beaumont Newhall left an indelible mark on the worlds of art and photography.

After earning his BA and an MA from Harvard University, Beaumont Newhall commenced his career. An invitation from the Museum of Modern Art's director to organize MOMA's first major photographic exhibition resulted in "The History of Photography—1839–1937", a photographic study with accompanying catalog. Newhall revised and expanded the catalog, developing the first book on the history of photography in the English language. Now in its fifth edition as "The History of Photography: 1839 to the Present Day" and published in more than five languages, Newhall's work is the most definitive book on the subject of photography. Beaumont also played a formative role as curator at the George Eastman House in Rochester, NY, establishing one of the greatest photography collections in the world. The current director of the Eastman House commented that Newhall, the consummate historian, produced the cornerstones of a great museum that has no equal.

Beyond curator and historian, Beaumont employed his expertise in photography in various disciplines. As a major in the Air Force during World War II, Beaumont's expertise allowed him to serve as a photographic interpreter in Egypt, North Africa, and Italy. He was a founding member and supporter of the Friends of Photography, Aperture magazine, and the Society of Photographic Education. Beaumont's archive was purchased last year by the Getty Center for the History of Art and Humanities. The archive contained his research documents, letters, manuscripts, lecture notes, slides, and the archive of Beaumont's late wife, Nancy Newhall. His impressive collection of letters include correspondence with luminary figures such as Ansel Adams, Margaret Bourke-White, Buckminster Fuller, Alfred Steiglitz, Paul Strand, and Edward Weston.

I became familiar with Beaumont Newhall's work when he came to New Mexico in the 1970's. Upon his retirement, he had accepted a job teaching at the University of New Mexico, eventually earning the title Professor Emeritus in 1984. Through Beaumont's influence, UNM established their preeminent graduate program in the History of Photography. Beaumont had settled in Santa Fe after his wife's death in 1975. Last year he served as guest curator for an exhibition organized by the Museum of Fine Arts of the Museum of New Mexico entitled "Proto-Modern Photography." He worked religiously until his death, photographing his garden at his home on Old Santa Fe Trail, awaiting publication of his memoirs, "Focus: Memoirs of a Life in Photography", and assisting UMN graduate students in their photo history studies. He was planning a book on the photographs and writings of his late wife, Nancy.

"Newhall's commitment to education and his generosity to his students established him as a mentor to many who today hold the top scholarly and curatorial positions in the world," commented James L. Enyeart, director of the George Eastman House. And, regarding the Eastman House's acquisition of the Newhall archives, Enyeart remarked, "Without the Newhall history, there would be no clear path upon which to build new highways of photographic history and criticism."

The worlds of art, photography, and education will miss this energetic pioneer. Beaumont Newhall's tireless efforts made way for the practice of photography to be recognized and esteemed as a true art form. While I mourn the loss of this revered trailblazer, he has left a permanent mark on New Mexico, and I know that we are the richer for his time there.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. MATHEWS). Morning business is closed.

NATIONAL VOTER REGISTRATION ACT OF 1993

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 460) to establish national voter registration procedures for Federal elections, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 73

(Purpose: To grant the power to the President to reduce budget authority)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself, Mr. COATS, Mr. GRAMM, Mr. BURNS, Mr. COVERDELL, Mr. DANFORTH, Mr. GRASSLEY, Mrs. KASSEBAUM, Mr. McCONNELL, Mr. NICKLES, Mr. SIMPSON, Mr. SMITH, Mr. WALLOP, Mr. WARNER, Mr. MURKOWSKI, Mr. FAIRCLOTH, Mr. PRESSLER, Mr. BENNETT, Mr. LOTT, Mr. MACK, and Mr. THURMOND, proposes an amendment numbered 73.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . LEGISLATIVE LINE ITEM VETO.

(a) SHORT TITLE.—This section may be cited as the "Legislative Line Item Veto Act of 1993".

(b) ENHANCEMENT OF SPENDING CONTROL BY THE PRESIDENT.—The Impoundment Control Act of 1974 is amended by adding at the end thereof the following new title:

"TITLE XI—LEGISLATIVE LINE ITEM VETO RESCISSION AUTHORITY

"PART A—LEGISLATIVE LINE ITEM VETO RESCISSION AUTHORITY

"GRANT OF AUTHORITY AND CONDITIONS

"SEC. 1101. (a) IN GENERAL.—Notwithstanding the provisions of part B of title X and subject to the provisions of part B of this title, the President may rescind all or part of any budget authority, if the President—

"(1) determines that—

"(A) such rescission would help balance the Federal budget, reduce the Federal budget deficit, or reduce the public debt;

"(B) such rescission will not impair any essential Government functions; and

"(C) such rescission will not harm the national interest; and

"(2)(A) notifies the Congress of such rescission by a special message not later than 20 calendar days (not including Saturdays, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriations Act or a joint resolution making continuing appropriations providing such budget authority; or

"(B) notifies the Congress of such rescission by special message accompanying the submission of the President's budget to Congress and such rescissions have not been proposed previously for that fiscal year.

The President shall submit a separate rescission message for each appropriations bill under paragraph (2)(A).

"(b) RESCISSION EFFECTIVE UNLESS DISAPPROVED.—(1)(A) Any amount of budget authority rescinded under this title as set forth in a special message by the President shall be deemed canceled unless during the period described in subparagraph (B), a rescission disapproval bill making available all of the amount rescinded is enacted into law.

"(B) The period referred to in subparagraph (A) is—

"(i) a Congressional review period of 20 calendar days of session under part B, during which Congress must complete action on the rescission disapproval bill and present such bill to the President for approval or disapproval;

"(ii) after the period provided in clause (i), an additional 10 days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission disapproval bill; and

"(iii) if the President vetoes the rescission disapproval bill during the period provided in clause (ii), an additional 5 calendar days of session after the date of the veto.

"(2) If a special message is transmitted by the President under this section during any Congress and the last session of such Congress adjourns sine die before the expiration of the period described in paragraph (1)(B), the rescission shall not take effect. The message shall be deemed to have been retransmitted on the day of the succeeding Congress and the review period referred to in paragraph (1)(B) (with respect to such message) shall run beginning after such first day.

"DEFINITIONS

"SEC. 1102. For purposes of this title the term 'rescission disapproval bill' means a bill or joint resolution which only disapproves a rescission of budget authority, in whole, rescinded in a special message transmitted by the President under section 1101.

"PART B—CONGRESSIONAL CONSIDERATION OF LEGISLATIVE LINE ITEM VETO RESCISSIONS

"PRESIDENTIAL SPECIAL MESSAGE

"SEC. 1111. Whenever the President rescinds any budget authority as provided in section 1101, the President shall transmit to both Houses of Congress a special message specifying—

"(1) the amount of budget authority rescinded;

"(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

"(3) the reasons and justifications for the determination to rescind budget authority pursuant to section 1101(a)(1);

"(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission; and

"(5) all facts, circumstances, and considerations relating to or bearing upon the rescission and the decision to effect the rescission, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided

"TRANSMISSION OF MESSAGES; PUBLICATION

"SEC. 1112. (a) DELIVERY TO HOUSE AND SENATE.—Each special message transmitted under sections 1101 and 1111 shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

"(b) PRINTING IN FEDERAL REGISTER.—Any special message transmitted under sections 1101 and 1111 shall be printed in the first issue of the Federal Register published after such transmittal.

"PROCEDURE IN SENATE

"SEC. 1113. (a) REFERRAL.—(1) Any rescission disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

"(2) Any rescission disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this section.

"(b) FLOOR CONSIDERATION IN THE SENATE.—

"(1) Debate in the Senate on any rescission disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(2) Debate in the Senate on any debatable motion or appeal in connection with such a bill shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(3) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 1, not counting any day on which the Senate is not in session) is not in order.

"(c) POINT OF ORDER.—(1) It shall not be in order in the Senate or the House of Representatives to consider any rescission disapproval bill that relates to any matter other than the rescission of budget authority transmitted by the President under section 1101.

"(2) It shall not be in order in the Senate or the House of Representatives to consider any amendment to a rescission disapproval bill.

"(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.".

Mr. MCCAIN. Mr. President, a couple of weeks ago, on the television program "Good Morning America," Ross Perot said in his own unique fashion:

> If you give the Congress more money it is like giving a friend who is trying to stop drinking a liquor store. The point is, they will spend it. If you don't get a balanced budget amendment, if you don't get a line-item veto for the President, you might as well take this money out to the edge of town and burn it because it will be thrown away.

Mr. President, I think we should listen to Ross Perot and I think we should listen to the overwhelming majority of the American people who, in poll after poll after poll, believe that a line-item veto is appropriate and necessary if we are ever going to get this $4 trillion debt, and annual deficits now running well over $200 billion a year, under control.

Ross Perot is exactly right. For the past 5 years, Senator COATS and I have brought this issue to the floor of the U.S. Senate. We have been diligent. We have worked hard. And I think the debate that has ensued on both sides of this issue has been very helpful to educating the American people as to what is at stake here.

I again congratulate the chairman of the Senate Appropriations Committee, the Senator from West Virginia, who has deeply held philosophical views about the role of the legislative branch in the appropriations process. I understand and respect those views. I respectfully disagree.

I think the American people are right. The American people view this deficit as the No. 1 problem facing America today. And I want to say, a line-item veto is not the answer to our Nation's deficit problems, to the profligate, outrageous spending that goes on week after week, month after month, year after year, decade after decade, that has mortgaged our children's and our grandchildren's future in an obscene fashion. It is a disgrace.

So I understand the philosophical viewpoint that this may be an erosion of legislative power placed in the hands of the executive branch.

I also point out that this line-item veto, as it is called, is more accurately an enhanced rescission power to the President of the United States. This kind of enhanced rescission power was granted in the Constitution of the United States to Presidents of the United States. It was exercised for nearly 200 years up until 1974.

Mr. President, in 1974, under a weakened Presidency, the Congress of the United States passed the Impoundment and Rescission Act of 1974. I want to illustrate what happened after 1974.

Up until 1974 the Congress of the United States basically kept outlays and receipts basically under control. In other words, this line here is the receipts—revenues, taxes, that are taken from the working men and women of America to run our Government. As you can see, it has basically stayed along the same line, up until 1974—with a few exceptions, but always brought back into line. The outlays basically matched receipts, which means that we had, for all intents and purposes, a balanced budget. We did not run a gigantic national debt nor a significant annual deficit.

Mr. President, we did in wartime. In World War II, Korea, Vietnam, World War I, the Civil War, this Nation ran up massive deficits, as we had to, because we were in a state of national emergency. At no time in the history of this country in peacetime has this Nation ever amassed the incredible, now $4 trillion-plus, deficit that we have accumulated today.

Mr. President, I believe that statistics will show that the outlays and receipts began to go in different directions right after the passage of the Budget and Rescission Act of 1974, to the point where the number of receipts—revenues gained by the Federal Government—has basically stayed the same as a percent of the gross national product. What has happened? Outlays, spending—spending has gone out of sight.

I do not think it was an accident that these lines began to diverge in 1974. It was at this time that we deprived the President of the United States of power he had had for about 190 years: that is the ability to tell the Congress of the United States that certain specific appropriations were not in order. And in order for the Congress to be able to spend that money or order that money to be spent, they had to override his veto by a two-thirds vote. It was only in 1974 that there was this significant change in the way that our Government does business. The result is a $4 trillion deficit.

Mr. President, we are going to hear a lot of philosophical arguments. We are going to hear a great deal of history during the course of this debate. All of it will be illuminating, some of it even educational. But the fact is that up until 1974, this country functioned, for all intents and purposes, like every family and business in America does, and that is, we only spent as much money as we took in. It was in 1974, Mr. President, as the chart shows, that spending and revenues began to diverge in this outrageous and obscene fashion. We have to ask ourselves, when will it stop and who is going to pay for it?

I am impressed by the efforts and the dedication of the President of the United States to bring this deficit under control and cut spending. I am not impressed, frankly, with the increases in taxation. But that is the subject of another debate which will come.

I was pleased last week when the President of the United States came to lunch with Republican Senators, an event that all of us welcomed. It was a stellar performance on the part of the President of the United States. He reached out his hand in a spirit of cooperation to the Republican Senators in an effort to work in a bipartisan fashion to address this issue, which the American people demanded in the election of 1992.

At that time, the Republican leader, Senator DOLE, asked me to present to President Clinton a very large 2-foot-long pen labeled "line-item veto." The President of the United States graciously accepted that pen and his comments were, "I look forward to the opportunity of using this line-item veto."

I remind my colleagues that during the Presidential campaign, President Clinton campaigned in favor of the line-item veto. He said, and this is from his campaign literature:

> I strongly support the line-item veto because I think it's one of the most powerful weapons we could use in our fight against out-of-control deficit spending.

Mr. President, that statement is worth repeating. President Clinton, then candidate Clinton:

> I strongly support the line-item veto because I think it's one of the most powerful weapons we could use in our fight against out-of-control deficit spending.

Mr. President, I take President Clinton at his word. I take him at his word that he gave us yesterday, and I hope that my colleagues in the Senate will also take him at his word and provide him with this important tool.

I want to stress again, Mr. President, the line-item veto alone is not the answer, but there can be no answer without the line-item veto, in my view. I intend, as does my colleague, Senator COATS, to describe for the RECORD many of the outrageous spending projects that have been appropriated by this body and by the other body in a form which makes most people either laugh or cry when they read about it. Most recently there was a book put out by the Citizens Against Government Waste called the "Congressional Pork Book." I intend to quote from that as this debate proceeds.

The fact is, Mr. President, the pork book only highlights the tip of the iceberg. What Senator COATS and I, and others who support the line-item veto are attacking—and we should not lose sight of this—the process, not the result of the process. The result of the process is inevitable unless you have a different process.

What do I mean by that? If a project, no matter how outrageous, is the subject of legislation, there are hearings in subcommittee, authorization by committee and subcommittee, and then given to Appropriations where it goes through the hearings and appropriations cycle. Finally, if passed by the Congress, it is signed into law by the President of the United States. That is the way the system works and, if there are appropriations which some of us find offensive, so be it. That is the way the system works.

What we are attacking is a process that results in foot-high appropriations bills coming to the floor of this body which none of us have had the chance to read, with pork barrel spending, additional appropriations added in conference, never even considered on either side of the aisle, but added in conference behind closed doors in the middle of the night. And then we find out about it thanks to organizations such as the Citizens Against Government Waste, Citizens for a Sound Economy, National Taxpayers Union, and others that research these bills and bring them to the attention of the American people.

I am glad they do that. They perform a vital function. But by that point it is too late. It is too late when we get $25 million for a computer study of the energy of the aurora borealis. It is too late when we have an automated express system because of the continuing concerns of the justification and the local financing of the remainder of the project, et cetera, et cetera, et cetera. It goes on and on and on.

Mr. President, I spend a lot of time on the talk shows in my State. I will admit it is a phenomenon that is a very interesting one and that we who are in the business of politics as a profession have to examine very carefully. But I will tell you what happens when I am on the talk shows, Mr. President. Whether it be a local one in my home State or one that is national or one in another State, do you know what the first call is? The first caller wants to know why we are spending the taxpayers' dollars in the fashion that we are. They want it stopped. They deserve to have it stopped.

Mr. President, I see my friend and colleague and comrade in arms, Senator COATS, on the floor. I will return with a much lengthier statement. I would like to have the opportunity of yielding to him, if it is agreeable at this time with Senator FORD and my colleague from Kentucky.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. Senator FORD is recognized.

Mr. FORD. Mr. President, we have no time limit. If the Senator wants a time limit, we will be glad to do that. The Senator is moving very well, and I do not want to stop his flow.

I will make one point to my colleagues, and that is, this is not germane to this bill. We are being forced to offer again a cloture motion in order to drop the nongermane amendments. We will this week, if not the first of next week, have legislation up that will be germane and, therefore, it is disconcerting—we all have the right to do that and I do not object to that at all—but I hope we will not take up all the time.

My colleague from Kentucky and I have talked about this bill until we are trying to find something new to talk about. Something new to talk about may be the line-item veto as it relates to motor-voter. Mr. President, I hope that we will not push this. There are other amendments. We are going to have a balanced budget amendment; we are going to have lots of things that could be offered. Everybody is trying to make their point. I understand that and I have no problem with it.

But then we get into the argument, when did it start? It started in 1981 when Ronald Reagan came into the White House and the red and green lines separated tremendously. That is not the Congress; it is under the administration for 12 years, and the Senator is not very happy with the Budget Act of 1990. Then the Senator tries to blame it on the Congress in 1993. The Congress has done very well. Ronald Reagan submitted $50 billion in rescissions. We sent him back over $60 billion. Congress did very well. President Bush, in his last year, sent up over $6 billion in rescissions, we sent him back over $8 billion. Congress can keep blaming Congress—and Congress has now reduced its administrative costs last year 6.5 percent. We are now on a track of 4 percent each year reducing employees, 14.5 percent reduction on expenses, reducing the budgets of all committees. I have been through all that. This is not the time to argue that. The time to argue this is when we get on the budget, when we get on the appropriations bills, when we get on the authorization bills. That is the time to argue this. They say you must get to it now. I was Governor. I had the line-item veto. I never had to exercise it in 4 years.

I worked with the legislature. I got it worked out. You waited 10 days when I was Governor. You would veto it, and the House and Senate could not come back to override my veto. So I had a pretty firm hand. You do not have those firm hands around here any longer.

So. Mr. President, are we now on S. 460?

The PRESIDING OFFICER. That is correct.

Mr. FORD. All right. I am going to yield the floor. I will listen to the eloquence of my friends, but I am just sitting here listening to Senators talk about amendments that are not germane to this bill at all. We will have that opportunity; those bills are coming down the pike, and it fits much better into that discussion that it does here as it relates to the motor-voter bill.

So, Mr. President, I yield the floor and thank the Chair.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. If my distinguished colleague from Kentucky will answer a question, he mentioned that there might be a bill within a week or so that would be coming up.

Mr. FORD. I think supplemental appropriations will be here. I think the Budget Committee is going to put out a bill probably this week. The House hopefully is going to get theirs out. This is the time that this amendment would be germane, in my opinion, or at least be closer to germaneness than it is now. Of course, a budget point of order could be made at any time, and we could get rid of it very quickly I think, but I do not intend to do that.

I made the point to my colleagues last evening that I would give every amendment serious consideration, give every colleague an opportunity to present his or her amendment as long as they were germane. And that was the understanding we had with the leadership on the Senator's side.

Now the Senator has criticized one of his Members here this morning already on the Alaskan pig book. I looked at Alaska, and I talked to that distinguished Senator and found how important he thinks that particular item is. If you look at the pig book, you have this Senator in it. But it is distance learning and trying to get into the technology that is so important for the education of the whole country, the new super highway for education. I thought $500,000 was not too bad to set up and describe and begin to work in that area. So I am in the book.

So if the Senator is going to talk about the book today, there may be some things in there I am just as disappointed in as he is. But on balance, the pig book, in my opinion, has really reached some depths in order to pull out some programs. And in eastern Kentucky, where we are trying our desperate level best to bring education to Appalachia, they are criticizing that.

So you can mention the pig book, but there are some things in there which I feel, if we did not do it politically, would not be done. It is like the peer group on research and development. The Senator has fine universities in his State, that have the expertise and the ability and should be given an opportunity to do some research. But if we let the peer group do it, then just those universities now getting it are the ones which are going to continue to get it in the future, and we do not spread it out.

And so part of this effort on the line-item veto—if the President does not like it, that is one thing. But I am here to represent Kentucky as best I can, and the country also, and international problems. I have tried awfully hard.

So I think the argument I could make then would be much better than it is now, and I do not want to get into the position of having to argue line-item veto when I have a bill before the Senate trying to connect constituents to Government again so they can speak.

The Senator is saying that these people out there want to talk; they want to be part of Government. We must hear what they are saying. Well, 70 million of them cannot express that at the polls; between 700,000 and 800,000 in my State cannot express that sentiment at the polls.

What we are trying to do is to reconnect them with Government so they can express themselves if they want. And so I think it is just as important to reach our goal, if this bill becomes law, because those people who sent us here, if we are not listening, will certainly go to the polls and bring us home and send somebody else up here to vote and express their opinion.

So this connects to what the Senator is trying to say I think, and I would hate to see this connection severed by the long and laborious debate on this for days. I hope we do not get into that.

Mr. McCAIN. Mr. President, I thank the distinguished Senator from Kentucky for his response. I would just make a couple of comments about his response. One is that although he believes this issue is not germane, I believe it is incredibly germane. He believes that his legislation is to empower the American people. The American people have spoken on this issue time after time, and they deserve to be empowered to have this issued addressed.

The Senator mentions that it might be more germane on another bill. First of all, we would love to bring it up as a freestanding bill for debate on the floor of this body, but we are not allowed to do that. I repeat, we are not allowed to do that. I would love to see my friend from Kentucky urge a freestanding bill for line-item veto be brought up on the floor of this Senate.

Second, I do not question the justification for any appropriation that the Senator just cited, because frankly I am not that aware of the intimate details associated with it. What I am attacking here, as I said before, is the process, the process that produces appropriations bill in the dead of night, without the participation of the majority of the Members of this body, and which basically bypasses the proper process.

So I say to my friend from Kentucky, right now, if he can tell me we can bring up a freestanding bill on the line-item veto, I will do so immediately; and I think my friend from Indiana will agree with me that we would take this amendment down immediately. But at this juncture, we cannot do that. And when the next bill comes up, if my friend from Indiana and I want to bring this subject up, they will say it is not germane because that is a supplemental bill and has to do with much needed projects to stimulate the economy. Again, they will blame us for taking up the time of the Senate.

I intend, I tell my friend from Kentucky, to exercise my rights. And if my friend from Kentucky contemplates, which I was very pleased to hear that he was not, a budget point of order immediately, something like that, all I can tell him is I intend to continue to bring this important issue up, which is my right as a Senator. Again, it is my right as a Senator. If my right is abrogated I hope to prevail upon my colleagues on this side, where there are 41 votes, that they vote with me not to cut off debate until such time as this issue is fully debated, no matter how they feel about the legislation at hand, because if we start depriving Members of this body of their ability to bring issues to the floor of this Senate, then we are then agreeing to significant changes in the rules.

Now, my friend from Kentucky has been on the minority side, and he knows how important it is when you do not hold the majority.

So if there is contemplation of an immediate budget point of order or to cut off debate, then I will be in line to bring up that amendment again and again and again, until such time as my friend from Indiana and I feel this issue has been fully ventilated. We are not talking abut something that is of minor importance to the American people. We are saying exactly what the Senator from Kentucky is talking about, and that is empowering the American people, empowering the American people to do away with a process that has resulted, in GAO's estimates, in $70 billion of unnecessary spending between 1984 and 1989—$70 billion. That is according to the General Accounting Office.

So I very much appreciate the views, the dedication, and the hard work the senior Senator from Kentucky has put into this effort to try to empower the people of his State, and all across this Nation. I am attempting to do the same thing—something that will prevent us from mortgaging our children's futures. And I tell him, I hope we could get this debate, completed in a timely fashion. I understand his sense of urgency, and I appreciate his willingness and his patience as we go through this ordeal.

But finally, I should like to say to him again if he could guarantee us a freestanding bill that will come up at a date certain, I will be glad to withdraw this amendment as we speak.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, if I may make a point or two, I never mentioned the Senator did not have the right. He acted as if I did. He made the statement that he had the right; he was going to exercise that right. I have never denied that. All I suggested to him was that there would be other pieces of legislation coming down the pike to which this amendment would be more germane.

The empowerment of the people comes in various forms. One of the forms that I am trying to help with is the right to vote, to make it easier.

I do not think this President is one that is backing off from reducing the deficit. I think he has a package that a lot of people are beginning to sign onto, much better than we have seen in the past. There are 151- or 150-some odd selective areas in which they cut. I think this President is moving in a direction that the people of this country applaud.

Now we are trying to tell him that we are going to do it our way, not his way. He will have the ability to work with Congress, and I think we have already seen that. In all of the 12 years of the previous two administrations, having some interest in legislation, having some chairmanship, and having some position of leadership, I have gone to the White House more in the last 48 days than I did in the previous 12 years. At those meetings, we were joined by Republicans, the other side of the aisle, to discuss what the President wanted to do. That never happened otherwise.

So something here, in my opinion, is—I do not want to use the wrong terms, so I will be very careful. I know they want to make their point. I have listened to both of these gentlemen from time to time, and I remember last year the issues that were brought up during 1992 on this floor. I remember prime time. Prime time is different across the country when you make a speech from here. Prime time at 11 p.m. here is prime time in Alaska. I have been caught in the chair at 11 o'clock at night, and prime time is 11 p.m. in this town. So I understand what we are doing here.

It may be pretty good that we do away with blue shirts and television, and maybe we get down to making an appearance here and working. I have seen a lot of work done, and I came here after the 1974 Budget Act was passed. I came in December 1975. I watched 30-some odd vetoes, I guess, in the last 8 years. Only one was overridden. That was because it was going to raise the price of oil on the consumer.

We are 48 days in now, and we have what I think this country wants, and we are having an opportunity to work with it. But we want to make additional points. The President of the United States accepts it, and he has a majority here. Sure, we are going to have problems. You are not going to get a philosophical difference here today. You are not going to get an argument or a history lesson, in my opinion. You are going to get a vote. That is after you have made your points. As I said earlier, I want to be fair. I want Senator to be heard, and I want to do as much as I can to move this legislation along, without being arbitrary, and I do not want to use the word "mean," because I hope I am never mean. But I will do my level best to see that the legislation moves on.

This is one thing that is going to stop it and slow it up in its tracks, and it will not go anywhere. I have put almost 7 years into this piece of legislation, and I have hung on 5 minutes longer. I say to my colleagues that I am going to hold on 5 minutes longer on this one, and if we have to go all day and all night, I am dedicated to the purpose, as you are.

Not many people around this body have more dedication and more tenacity than the Senator from Arizona, who is proposing this amendment. I understand that very well and respect that. We have worked well together. In fact, I think we surprised some colleagues that we sat down and worked out a lot of things when he was—and I wish he still was—ranking member on the Aviation Subcommittee. He had some interest and dedication, and he tried.

So I respect him, and I respect my neighbor to the north from Indiana. I can almost tell you what is going to be said in the next 2 or 3 hours. I have heard it before. It is like the motorvoter. We said about everything we can say in the last 6 or 7 years.

It is unfortunate that it has to be my colleague from Kentucky who disagrees with me, or who has been appointed the point man by that side. I guess it pits us against each other, which is regrettable. I do not believe he really believes everything that he is trying to say here—maybe almost all of it. But you use words and language and catchy phrases that will work. But when you look underneath and look at the grassroots, this is a grassroots program, and we always talk about starting down there. It is not something we thought up here in a smoke-filled room. Of course, we do not smoke too much anymore. I am having a hard time finding a lounge in the Capitol Building. But we have worked awful hard.

If you look at the list of organizations that support the grassroots effort, that is meaningful to me. If you want to, I can give you two pages of single-spaced groups out there that support this legislation. They are hoping that it will be held up. The League of Women Voters have worked as hard as any group I have ever dealt with on this legislation. They are nonpartisan, Democrats, and Republicans. They are for issues. This is not a partisan piece of legislation. This is a grassroots issue, and it has bipartisan support.

So, Mr. President, I have talked too much and have taken up your time, but I hope I can get somebody out here so I can go to lunch. We will continue in good humor, and we will continue to do the best each of us can do. This Senator, as I say, respects the Senator's position and what he is trying to do. I just believe it is not the place. I have 7 years in this, and I would like to see that it is passed in a reasonable time. As I say, I have been sitting here for some time now, an old iron bucket still has not rusted out.

Mr. COATS. Mr. President, first of all, let me thank my colleague from Arizona for his persistence in pursuing an issue that is of significant importance to the Members of this body. But, more important, it is of significant importance to the American public who, frankly, are fed up with the way in which the Congress spends their money.

We regularly read, hear, and see, through the media, reports of how the public reacts to the way in which we spend their money. We regularly hear calls, pleas, and cries for institutional reform, the balanced budget amendment, the line-item veto, and a number of other initiatives, which would allow the public to regain some trust in the way in which we conduct their business, because we, on a regular basis, become a laughingstock to most of the country.

As the so-called pork items are reported in newspapers and on the talk shows, we are the butt of jokes, because as item after item is listed, the American public says: how in the world can they spend money on that item, and at the same time tell us that we are facing a budgetary crisis, that we need to consider freezing cost-of-living adjustments for senior citizens, for those on entitlement programs, that we need to consider drastic cuts in spending, because of our burgeoning deficit and $4 trillion-plus national debt?

How can they keep passing this stuff? Sure each one is little, but it is symbolic, it is symbolic of a Congress that does not have the discipline and cannot exercise the discipline necessary to handle the taxpayers' money with care.

So the proposal rolls out we need to raise your taxes more, because Congress needs the money to spend on more programs that are absolutely necessary, top priority. They say we cannot run the country without this additional program. When the American public sees the list of spending programs, they see we can not only run the country without those programs but we can begin to reduce the debt if you just stop spending money that way. So the public says, why don't you guys do something about it?

One of the ways that Senator MCCAIN and I have proposed to do something about it, along with many others in this body, is to give the President a budgetary tool so that he can exercise some discipline on the way in which we spend money.

The objection is that we continue to send to the President of the United States massive spending bills which include items that were debated and discussed in committees and on the Senate floor and voted on, but they also include a whole number of measures that are tucked in there that are called pork, items that go to a specific Member's State, a specific Member's district. They are designed for a specific purpose and they are not discussed or debated in committee, they are not discussed or debated on the floor of the Senate or the floor of the House of Representatives. They are not voted on individually by Members. But they are tucked in as a favor to that particular Member so that he can trot it back home and say, look what I brought home to the folks of wherever. Some of the folks of wherever may be proud of that Senator or Congressman for bringing home that item of porkbarrel but a lot of them have to be scratching their heads and saying: Now let us see where we got this little thing for our court house or this little demonstration project for our highway traffic problems and in return for that, we have to pay higher taxes. We have to put the country deeper in debt. I am not really sure that is a good tradeoff.

That is what my constituents are telling me, and I think that is what the American public is telling most Members of Congress.

So Senator MCCAIN and I have for the last 4 years attempted to bring before this body the issue of line-item veto or enhanced rescission. What we want to do is give the President of the United

States the ability to say: You know this bill you just sent me, this great thousand-page bill appropriating money for transportation or appropriating money for the military, or appropriating money for housing or education or whatever, there is a lot of stuff in there that I like. In fact there are things that the White House has requested and we appreciate working together in hammering these out and adjusting the programs, and about 90 percent of it I am pretty happy with. We think it is necessary for the country. We think it is necessary to advance education or build highways and infrastructure, or whatever, but you know there are some items in here that I do not believe are necessary and I do not believe we can afford. I do not believe they have been adequately debated. I do not believe they really can stand the light of day if you had to individually address these items. So I as President of the United States would like to send those items back to you. Now I understand how the separation of powers works here, that the Congress has a voice and the executive branch has a voice, and I understand there is a constitutional process which we follow. But I am going to send you back a list of items that as Executive of this country I have neither requested nor believe are necessary. I understand, as President, that Congress can override my decision. But I want to send you this list, and I would like to ask you to shed some light on it, the light of public debate, the light of public scrutiny, the light of public accountability on the bases for Members of this body so that they can go home and others around the country can understand whether they are for it or against it.

Now, if this Congress agrees to override the President's decision, then it will go into law, and once into law the people will understand where individual Members stood on that particular porkbarrel item or rescissioned item.

In 1974, when the President utilized impoundment powers, the President simply said, I am not going to spend the money for what you authorized or what you sent up here. I know that Congress wants this, but I do not think it is necessary. I am not going to spend the money.

Congress changed that procedure in the 1974 Budget Act and eliminated the President's power of impoundment and set up instead a rescission process.

You say, well, did they not do what you and Senator MCCAIN are asking them to do? Not exactly. Congress was very clever in the way in which it set up this rescission process. They said the President has the right to rescind or send back line items that he does not want to spend but unless the Congress acts affirmatively the President's request will not be granted. And so what happens, Congress simply does nothing. They simply ignore the President's rescissions. They sit on a shelf and gather dust and by doing nothing, the appropriations, line items, the porkbarrel is not affected.

What Senator MCCAIN and I would like to do is reverse that process. We would like to reverse the presumption. We would like to say that when the President sends back his list of items that he does not think are necessary, that unless Congress affirmatively overrides that, then the President's decisions on items that he does not think are necessary will stand. It is a simple reversal of the presumption. It is a budget tool that 43 of our 50 Governors in the United States have and utilize effectively, because it acts as a balance, a check and balance against the appropriating power of the legislature.

It gives the legislature a chance to override as part of our check and balance system, and so it makes a lot of sense. These Governors have said many times to me and have said in public statements that this tool is absolutely essential to impose fiscal discipline on a legislative body that frankly likes to spend, gets elected by spending, and enjoys bringing home the bacon, bringing home the pork.

In the last few years when Senator MCCAIN and I four times brought this measure to the floor of the Senate, the charge was, well, sure, you are Republicans and want a line-item veto because you have a Republican President in the White House and you know that that Republican President in the White House is not going to take out the stuff you like; he is going to go after the Democrats, and that Republican President is going to use that as leverage against Democrats to deny them spending that they think is appropriate and to reward Republicans and penalize and punish Democrats.

And we said: No. We think this line-item veto power, this enhanced rescission ought to go to whoever is President.

They said: You will not be back here if a Democrat is elected to the Presidency. You guys just want this for yourselves.

Well, a Democrat has been elected to the Presidency, and Senator MCCAIN and I are here today offering the line-item veto to give this authority to the Democrat President of the United States, because we believe that this body needs budgetary discipline and we believe that the most effective way we can impose the discipline on this body is to give that President a check and balance, to reserve for ourselves the right to overturn that but to give the President that right.

Now, this is the fifth time in 4 years that we have been here, and each time the opposition says: Well, you are holding up the process. This is the wrong bill. And it does not matter whether we put it on motor-voter, or whether we put it on a supplemental appropriations, or whether we put it on a debt limit extension, or whether we put it on an authorization or an appropriation. It is always the wrong bill.

We do not have the privilege that the senior Senator from Kentucky has of bringing his specific issue to the floor and having it debated and voted on. We do not have that privilege, because the majority leader will not allow us to do so.

We have introduced legislation. We have asked for hearings. We have asked that the bill be brought here separately so that this body does not have to deal with this as part of motor-voter legislation or some other appropriations bill or a supplemental appropriations but so that we can take a day or two, or three, or whatever is necessary, and debate specifically and only the issue of a line-item veto. We would have a vigorous debate. We would have a debate I think that would be important for the American people, and then we would vote on the issue, and the people back home would know how we stand on the line-item veto: Are you for it or are you against it?

If it failed, those who voted against it and caused it to fail would be accountable. And if it passed, those who voted for it would be accountable; and accountability is one of the things missing in this body.

We have no other choice, however, because the majority does not want to allow a single debate on line-item veto—generally does not want to allow a vote on line-item veto—we have no other choice than to attach it as an amendment to a bill that is on the floor.

Mr. FORD. Will the Senator allow me to make a point on what he just said?

Mr. COATS. I would be more than happy to engage my colleague from Kentucky on this issue.

Mr. FORD. The Senator made a statement about the majority leader that I do not think is true.

Mr. COATS. If it is not true, I will be happy to correct it.

Mr. FORD. The Senator said that he would not allow the Senator to have hearings; that he would not allow the Senator to bring this up for a vote up or down.

The majority leader has said in this session you will get your opportunity. It is coming. He said that.

And so I do not want my majority leader to be accused of not helping the minority. I do not think there is a night that goes by or a day that will go by that he does not consult with the minority leader, and that is the vehicle that we have here as it relates to the operation.

So I want the Senator to be very careful about that. The majority leader is one who protects the minority, because we have been there. We understand that, as you do. I remember the

6 years this past decade that we were trying to get our views over, too. So it plays both ways.

So I would be very careful in condemning the majority leader, because I think he has been more than fair—and some people say more than fair—but he has not attempted to overrun anybody.

So I just wanted to get that into the record. I knew the Senator really was getting carried away a little about the majority leader and I just wanted to correct him, or at least make my point.

I thank him for his generosity for allowing me to make the point.

Mr. COATS. Mr. President, I certainly did not mean to leave the impression that the majority leader did not consult with the minority; that the majority leader has not made an effort to give the minority an opportunity to bring their legislation to the floor.

I have consulted on a number of occasions with the majority leader, and he has been more than fair on issues to this Senator from Indiana.

The point I was trying to make is that the specific legislation before us, the McCain-Coats bill, over a 4-year period of time has not been brought to the floor. It has been introduced. We have not had hearings. We have not had the opportunity to have it scheduled for a debate. That has been frustrating to us.

We understand the way this process works is that any Senator has the right to offer an amendment to another bill. The point I was trying to make is that we would prefer to deal with this legislation on a straight up or down basis. We have, to date, not been granted that opportunity.

If the majority leader has pledged—and I was not aware of this—but if the majority leader has pledged to the minority that we will have the opportunity to address the line-item veto question in a manner in which the Senator from Arizona and I believe is the way in which we would like to address it, then I commend the majority leader for providing that opportunity for us.

What typically happens here—and I am not suggesting it would happen this time—what typically happens is that the majority wants to bring their own version to the floor and will generally not allow debate on the specific bill that has been before this body now not just 4 years, but really dating back a decade or more.

Mr. McCAIN. Will the Senator yield for a question?

Mr. COATS. I will in just one moment be happy to yield to my colleague.

But with very few minor changes, this legislation has been before this body for several years and, to my knowledge, never been singly debated or allowed to be on the floor as a standalone issue.

With that, I am happy to yield for a question from my colleague.

Mr. McCAIN. I would like to ask my colleague, does he know of any hearings that have been held on this issue for the last 5 years that he and I have been involved in this issue?

Mr. COATS. I am not aware of any.

Mr. McCAIN. Is the Senator aware of any up-or-down vote that we have been able to get on this issue? Or has it always been a parliamentary, procedural vote, challenged on a budget point of order, in the last 5 years that the Senator from Indiana and I have been trying to get an up-and-down vote on this issue?

Mr. COATS. The Senator from Arizona and I have repeatedly asked for a direct vote so that Members could be held accountable for their vote.

I respect the right of a Member to oppose us on this issue, to vote against us on this issue. But we have never had direct accountability.

The Senator from Arizona and I have gone through some of the most arcane and complex parliamentary procedure maneuvers possible just to get a vote on a procedural question on this particular issue.

So we would be more than happy to receive an offer from the majority leader that said we will debate this for a limited period of time strictly on your issue; we will have an up or down vote, and everybody can be recorded about how they feel about the issue.

Mr. McCAIN. The Senator has basically answered my question.

But is it not true that time after time the Senator from Indiana and I have been going to the majority leader seeking action—and, by the way, I share his views, as I do the views of the Senator from Kentucky. The majority leader is very, very fair. I think, when history judges the distinguished majority leaders that we have in the U.S. Senate, he will be judged as one of the fairest.

But is it not true that we have never been able to get from the majority leader, or from the majority per se—not just necessarily the majority leader, the majority—the ability to bring this issue to you on the floor, have a vote on it up or down, and then dispense with it?

Is it not true, I say to my friend from Indiana, that we have to do it in such fashion, such as brings up the justified objections from my friend from Kentucky who, understandably, does not like this particular amendment being attached to a bill that he views of prime importance, on which he has labored with such dedication and zeal for 6 or 7 years.

And so, it is not true, I ask, finally, my friend from Indiana, that we would be more than happy to set a time, a date, a time agreement so that we can get an up or down vote on this issue and move on to other important issues of the day?

But is it not also true, I say to my friend from Indiana, that the American people agree with Ross Perot, that "If you give the Congress more money, it is like giving a friend, who is trying to stop drinking, a liquor store. The point is they will spend it. They will not use it to pay down the debt. If you do not get a balanced budget amendment and if you do not get a line-item veto for the President, we might as well take this money out to the edge of town and burn it, because it will be thrown away."

Now that is the view of Ross Perot, which reflects about 19 million people nationwide, and 23 percent of the people in my State, who voted for him for President of the United States. Over 80 percent of the American people, who in poll after poll, say they support the line-item veto. These are the people to whom we need to listen.

Does my friend from Indiana not believe that at least they deserve an up or down vote on this issue, rather than a parliamentary vote?

Mr. COATS. Mr. President, in response to the questions from my friend from Arizona, I would say that in this Senator's opinion, yes, that is true.

I understand the majority leader has constraints. I am not meaning to imply the majority leader is singlehandedly saying, "I am not going to allow you this opportunity." I understand the constraints under which he operates, the fact he is representing the majority and many on his side, for one reason or another, do not support this particular piece of legislation and would prefer, frankly, not to have it debated and not to have it voted on.

So I understand the basis on which the majority leader operates.

But the questions asked by the Senator from Arizona are, in this Senator's opinion, absolutely true.

Mr. FORD. Will the distinguished Senator from Indiana yield for a question?

Mr. COATS. I am happy to yield.

Mr. FORD. Could the Senator tell this Senator how many times, when you were in the majority, this item was brought up for consideration when one of the planks in the platform of Ronald Reagan was a line-item veto? Can the Senator tell me how many times he proposed that to the Senate during the period in which you were in the majority?

Mr. COATS. I wish I could answer the Senator from Kentucky.

Mr. FORD. I believe it is zilch.

Mr. COATS. I was not here during that time as a Senator, so I did not personally have an opportunity to offer it.

I would say to the Senator from Kentucky, were I here, I would have offered it.

But I can also say to the Senator, I know it was offered at least 3 or 4 times when the Republicans were in the majority. I know Senator Armstrong offered it. I know Senator Quayle offered it.

And I believe that others offered it on one or more occasions.

Mr. FORD. Well, you were in the majority and I am just wondering how many times this was brought up during that period because it was, apparently, a mandate for you as a majority, and the President in the White House, to carry that out.

So, apparently, now we are hearing more about it with you in the minority than we did, basically, when you had the majority.

I just wanted to make that point.

Mr. COATS. I am not sure that is an accurate statement. I would have to go back and research the records but I do know it was raised on a number of occasions.

Mr. FORD. Not on the floor.

Mr. COATS. The reason the Senator from Kentucky repeatedly brings up the legislation we are dealing with here today, motor-voter, is because he feels strongly about it and feels it ought to be dealt with. We would like the opportunity to bring up issues we feel strongly about and to date we have not had the opportunity to be in the position the Senator from Kentucky is in and that is to have his issue dealt with as a single issue.

I am trying to recall where I was before we entered into this dialog. I believe I was talking about bipartisanship, and bipartisan support that exists for this particular issue.

Obviously, those 43 Governors are both Republicans and Democrats and they view it not as a partisan issue but as an effective management tool to control excessive spending.

We now are faced with the situation where the President of the United States, who is not of the party of the Senator from Arizona and the Senator from Indiana, strongly, I believe, endorses line-item veto.

And I say that because I have some quotes here that the now President of the United States made regarding this particular issue.

One was quoted in the Houston Chronicle, dated August 4, 1992, which Governor Clinton said:

> The line-item veto is one of the most powerful weapons we could use in our fight against out-of-control deficit spending.

AP reported on April 29 Governor Clinton then saying:

> I strongly support the line-item veto because I believe we need to get Federal spending under control.

In the L.A. Times, on July 27, 1992, Governor Clinton said:

> I'm a Democrat who believes in the line-item veto and believes in cutting out wasteful government spending.

And then in a New Jersey town meeting on October 29, just days before the election, Governor Clinton said, "I am strongly in favor of a line-item veto. I have it," meaning himself as Governor of Arkansas. "I have used a bunch as Governor," a bunch of line-item vetoes, "and, interestingly enough, in my last legislative session I did not have to use it one time because I had it. See? That is one of the things that President Bush and Mr. Perot and I all agree on. I keep telling my friends in Congress, they'd be better off. If they've got to pass some piece of pork barrel for the folks back home, let me take the heat." That is what President Clinton said.

That is a pretty good offer, that is a pretty good analysis. Our new President who is a Democrat and we are Republicans and we are countering the charges that were made for 4 years, oh, you fellows just want this because you control the Presidency. We are saying, no, this is a real thing. We feel so strongly about the negative impact of deficit spending year after year after year, the negative impact of running up a debt over $4 trillion, the impact that will have on the economy, on this generation, on the next generation and many future generations, on our ability as a country to compete worldwide, on our ability to provide needed programs for our people, to provide education and environmental gains, and health care, and the things that are necessary that this Government do, and do so in a way that we do not have to tax the American people and American business to the point where they no longer can be productive, where we no longer can have a growing, dynamic economy. We feel so strongly about it that we are willing to give this power to a Democratic President and take our chances because we believe this is an effective management tool, a management tool that is needed to control excessive spending. And we need none other than the President of the United States, President Clinton, in making our case.

So we are saying today we have a historic opportunity to take a meaningful, significant step forward in the budget process that will allow us to control spending in a way that can provide real benefits for the American people.

Do we as Members want to keep reading about and being ridiculed by the American people for all of this pork-barrel spending that is annually or regularly published not only in the Congressional Pig Book—and I am not going to read down through all these items today. I am not going to put Members on the spot.

This Senator is not claiming to be some self-righteous, always correct, always doing the right thing kind of a legislator. I voted for my share of pork also primarily because I supported an appropriations bill and never found out until 3 weeks later what was tucked in on page 728.

They said, "You voted for that? You voted to spend this x million dollars for this crazy project in someplace I never heard of?"

I said, "I don't remember talking about it. I don't remember talking about it or debating it." And they said, "Oh, yes, you voted for such-and-such appropriations bill and there it was."

This just goes on and on and on. Which of us has not been faced with the temptation of trying to slip a little spending item into an appropriations bill that might look good back home, that we can go back home and crow about? We have all done that. No one is standing here pointing an accusing finger.

We are saying we are all in need of redemption. We are all in need of help. This is a tool which can give us that help, save us from ourselves. And the line-item veto can do that.

Is it going to solve all of the deficit problems? No. Is it going to eliminate the national debt? No. Is it going to help? Is it going to give us a procedure which, over time, can make a meaningful dent in the deficit? I think the answer is "yes".

We asked the General Accounting Office to study a 5-year period, during the period of the eighties, relative to the rescissions that the President sent forward, how much money would it have saved if those rescissions had been granted.

GAO came back and said in that 5-year period in the mid-eighties, we would have saved $70 billion. That is not pocket change. What could we have done with $70 billion? We could have lowered the taxes on the American people. Or we could have applied it to the national debt. Or we could have reduced the deficit. We could have saved interest costs. Or we could have applied it to meaningful spending programs. We could have looked at programs which would benefit the American public on a general basis and said this is a better use of the money than some piece of obscure research at some obscure place somewhere in America. Or some specific project that maybe would have benefited a particular Member's district or area but was not designed to benefit the public good.

So there are all kinds of options that we could have had with that $70 billion.

On and on it goes. It is 1993. We had three Presidential candidates who took their case to the American people this last year. One of them was elected President. But all three of them strongly endorsed line-item veto—President Bush, Mr. Clinton, Mr. Perot—during the campaign strongly endorsed line-item veto as a necessary budget tool to cut wasteful spending. I think they reflected the opinions of the American people. Poll after poll shows that an overwhelming majority of the American people support line-item veto.

Senator MCCAIN and I would like to offer the opportunity to our colleagues to deal with this issue. If the majority leader, who controls the schedule, were to come to this floor—I cannot speak for Senator McCAIN—if he would come to the floor and say this legislation before us, motor-voter is important. We do not think we should take the time now to debate this issue. But I will guarantee you that at a time certain with these limitations and conditions we will move forward with line-item veto, I think that is an offer that Senator McCAIN and I would entertain.

We would like to proceed on a stand-alone basis. We would like to deal with this issue so the American public knows who is for it, who is against it; that we had an honest debate, a direct debate, and so the charge could not be leveled, oh, you people just wanted to deny this bill from being passed and so on. If the majority leader would come down and offer us that, I would jump at the opportunity.

I yield to my colleague.

Mr. McCAIN. I ask if my friend from Indiana will yield for a question?

Mr. COATS. I will be happy to.

Mr. McCAIN. I do not think my friend was aware that the line-item veto was brought up as a freestanding bill, in my view in the appropriate fashion, during the time that this side of the aisle was in the majority.

Individuals on the other side of the aisle exercising their rights as Members engaged in extended debate and blocked the motion to proceed. I hope that my friend from Indiana will inform our colleague and friend from Kentucky that indeed that effort was made in what I believe was a proper parliamentary fashion and in a way that the Senator from Indiana and I would very much like to have a vote taken on this particular bill, not the motion to proceed be filibustered but certainly an up-or-down vote. I thank my friend for responding to questions.

Mr. COATS. I thank the Senator from Arizona for informing me of that. As I indicated, I was not a Member of the Senate at the time when the Republicans were in the majority. I am pleased to hear when we did have that opportunity, we brought it to the floor only to be stopped by the then Democrat minority who were exercising their rights. I will simply add that is exactly what Senator McCAIN and I are doing today, exercising our rights to bring this item before the Senate because this is, frankly, the only way we have to do it, absent some other proposal that has to this point not been offered.

Mr. President, at this point I am going to conclude my remarks. I hope that we can have a good debate on this particular issue. I again want to commend the Senator from Arizona for his dogged persistence in pursuing an issue that I think is of vital importance to the future of this country and to our ability as an institution to carefully handle the money with which we have been entrusted through taxation of the American people. I think we owe them a debate on this issue, we owe them a vote on this issue and we owe them some discipline in this body relative to how we take care of their money and this provides an opportunity to do that. I am pleased to join with the Senator from Arizona in continuing our efforts in bringing this to fruition.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Indiana [Mr. COATS] yields the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona [Mr. McCAIN].

Mr. McCAIN. Mr. President, I again thank my friend and colleague from Indiana for his efforts over a 5-year period that he and I have been involved in this issue. I frankly know of no Member of this body with more integrity, honesty, and decency than my friend from Indiana, Senator COATS, whom I had the privilege of serving with both in the other body and here. I think, Mr. President, that we are blessed to have Members of this body such as Senator COATS and, by the way, as we are the occupant of the Chair whom I have had the opportunity of being friends with for many years.

Mr. President, I understand possibly my colleague from Kentucky would like to speak at this time, or later on?

Mr. McCONNELL. Later.

Mr. McCAIN. Mr. President, continuing, if I can, the issue of Presidential candidate and national leader Ross Perot, I would like to quote from his testimony before the Joint Committee on the Organization of Congress. I will quote from his testimony:

> The American people want the President to have the line-item veto. I know that's controversial with Congress.

I must say, that is a bit of an understatement—

> I know that's controversial with Congress. But for two reasons.
>
> Number one, there is a lot of pork. Number two, it gives him a chance to get rid of it. Number three, it gives us a chance to see if he does get rid of it.
>
> And the one thing I will promise you all is a program called pork of the Month where we will get into this stuff as long as it lives, so it will not be dead and buried, because our people across the country, and there are millions of them who have come together, feel very strongly that every single penny—now this is an important point—see, we, the people, keep track of their pennies. They get really nervous when we round off to the nearest $50 billion here in Washington; really nervous.
>
> And they want everything accounted for. And they're not sure why we have a grant to examine the causes of cheating and rudeness on tennis courts. And they're not sure why we spent a million dollars to find out why people don't ride bicycles.
>
> And they laugh when the see that, and say, you know, the way our industries are being shipped overseas, pretty soon we'll all be riding bicycles.
>
> But the point is, that's not a good use of government—the list goes on. You know as well as I. You've got to change. This is a sacred cow; I understand. We're talking about touching the sacred cow here. But all that funny stuff that happens in the middle of the night around the appropriations committee, if you want the American people to cough up and pay more taxes, just bring out the Orkin man and get rid of it.
>
> And any where, any time, you want me and millions of others, let me know. We'll support it.

My message to my colleagues, Mr. Perot, and the millions of others, is that we are letting you know. We are letting you know we want a vote up or down on the line-item veto. We want it soon; we need it soon. I noted with some interest already that the appropriations cycle has started over in the other body. There was a restoration of some $28 million to the District of Columbia for some program or programs that had been cut. Mr. President, I do not know whether the program in question is good or bad. But I know this: It was not authorized, but it was appropriated, and we need to look at it and the President of the United States needs to be able to get this line-item veto just as soon as the first appropriations bill hits his desk.

One of the habits, unfortunate as it may be, that seems to be prevalent around here is when we get a stimulus package, when we get a supplemental, all kinds of things happen, Mr. President, all kinds of strange things show up in these supplementals. By the way, we usually call them dire emergencies, which is also an interesting use of the English language. We usually call them dire emergency supplementals and all kinds of things show up. It is time we gave this President the line-item veto.

Let me also make a comment. There were several talking heads in Washington, the political pundits in our Nation's Capital who said, "Let's see if McCain and Coats bring up the line-item veto now that they no longer have the Presidency." Mr. President, I think we are answering that question today. The fact is that if they paid attention to Senator COATS and to me, we said time after time after time, we do not care who the President of the United States is, nor do these millions of people that Ross Perot is talking about. We care about the process to restore the way this Government did business up until 1974.

We have heard a lot of conversations and talk about history and what our early Presidents said and what some of our Founding Fathers said. All those are very educational and interesting are enlightening. As a student of history, I appreciate hearing that, but the fact is it was 1974, not 1879 of 1779 that this process changed and it changed because of the passage of the Budget and Rescission Act of 1974 over a weakened Nixon Presidency that caused us to be in the situation we are in today, which this figure shows over a $4 trillion debt on the backs of the American people and future generations of Americans to pay off.

Again, what the American people do not understand, and I cannot explain it to them, is why we are able to do business different than them. Every single American family, every single American business, unless they go into bankruptcy, are required to balance their expenditures with the in-flow of revenue. There is only one institution in the United States that does not do that, and that is the Federal Government.

Mr. President, I have said it so many times that I grow weary, but we are now in a bizarre and Orwellian situation where we may soon pay more in interest on the national debt than we will to defend this Nation. If I had said that 4 or 5 years ago, that we will spend more to pay the interest on the national debt than we are to defend this Nation, you would have thought that I was smoking something that President Clinton said he did not inhale, and Mr. Brown did not exhale.

But the fact is, we cannot accept the status quo. If the opponents of the line-item veto know a better way, then I want to hear it.

I want to briefly review for my colleagues the results of the previous budget summit agreements and budget agreements that we assured the American people time after time would solve our deficit problems: Senators would say: "Don't worry, we're all meeting." Sometimes they go out to Andrews Air Force Base and sit for a week or two and come up with these wonderful ideas—great ideas to cut spending. And what happens? What has happened every time? Spending has gone up, taxes have gone up and the deficit has gone up every single time.

In the 1982 budget summit—I was not a Member of Congress at that time—but in 1982, we had a deficit of $128 billion. But the way, I want to interrupt because my colleague from Kentucky has made an excellent point.

The blame for this is not on Democrats. It is not on Republicans. It is not on Presidents. The blame for this is the process, the process we all become a part of that needs to be reformed. If my friend from Kentucky wants to point out that during the two previous administrations the deficit went up dramatically, I agree with him. That is why I was so dedicated during those administrations to try to pursue the line-item veto. So I certainly think he makes a valid point when he points out that the two previous administrations were significantly responsible for an increase in our deficit.

In 1982, the deficit was going to be $128 billion. That is what it was going to be. So we all got together. We had a budget summit agreement, lots of press, lots of media attention, and they came out with a target. They said to the American people, congratulations, we have solved it. We are going to cut spending, but we are going to have to raise your taxes. But do not worry; we are going to cut spending and reduce the deficit.

Do you know what the 1983 actual deficit was, Mr. President? Two hundred and eight billion dollars. Let me repeat. The commitment was the target for fiscal 1983 would be $104 billion. What did it end up in 1983? Two hundred and eight billion dollars. So that did not work, so we decided to have another budget summit in 1984.

These budget summits are a lot of fun. They really are. People get to stay free out at Andrews Air Force Base, and the media is always out there with the microphones and you appear on CNN or C-SPAN or maybe one of the morning talk shows.

But the fact is, nothing good happens. In fiscal year 1984, we were going to have a deficit of $185 billion. We would have a target of $181 billion. And then what happened? The actual deficit was $212 billion. That, Mr. President, was the result of the 1984 budget summit.

In 1985, we had another summit. This time, we were looking at a $212 billion deficit, as I mentioned, from the previous chart, and we were going to cut the deficit down to $150 billion. That sounds good. You notice creeping gradualism; the deficit gets larger and the target we are trying to meet also gets larger. What happened in 1985? We ended up with a $221 billion deficit.

In 1987, another budget summit agreement. This time, the deficit in 1987 was going to be $150 billion.

What happened is between 1985 and 1987, we did not have a budget summit, Mr. President. Do you know what happened? The deficit went down. One of the curious facts of this history of the last decade is that every time we had a budget summit, the deficit went up. Every time we did not have one, the deficit went down, thanks to Gramm-Rudman-Hollings.

So for fiscal year 1987, there was going to be a $150 billion deficit. Our target for 1988 would be $144 billion, and it was only $155 billion. Not a bad job, but again the deficit went up.

In the 1989 budget summit, the deficit was $152 billion. Our target for fiscal year 1990 was going to be $100 billion. Boy, what a relief. What was the actual budget deficit? Two hundred and twenty billion dollars. That was the actual deficit after that budget summit.

Then, Mr. President, finally we get to the 1990 budget summit, which might be the grandest of them all. Why? Because there was no target. The summit promised us there would be a $527 billion deficit for that year. In fact, CBO projects that the 1990 budget summit result is a $1.4 trillion deficit.

Mr. President, I guess there are several lessons here. One of them is let us not have any more budget summits. That might be an auspicious beginning. But obviously that is not the only answer. The other answer is that, as so many people say, we need to have a balanced budget amendment to the Constitution, and we need a line-item veto. Organizations such as the Chamber of Commerce of the United States strongly support it. The National Taxpayers Union—and I quote the National Taxpayers Union—"strongly endorses the legislative line-item veto." The National Association of Manufacturers and the Seniors Coalition all support this amendment. The list goes on and on and on.

Let me point out what several previous Presidential candidates have said during the past about this. The interesting thing about the line-item veto is that every one of our Presidential candidates who have been a Governor of a State strongly supports the line-item veto.

For example, Michael Dukakis, the former Governor of Massachusetts, said:

> The line-item veto is helpful in stopping efforts to add riders and other extraneous amendments to the bill.

Governor Brown, former Governor of California, strongly supported the line-item veto. The list goes on and on.

Let me point out that Douglas Wilder, the Governor of Virginia and former Presidential candidate, says:

> To the detriment of the Federal process, the President is not held accountable for a balanced budget. Congress takes control over budget development with its budget resolution, after which the President may only approve or veto 13 appropriations bills.

Let me mention what Senator Paul Tsongas, another Democratic candidate for President, said. According to Mr. Cohen, the campaign manager of the Tsongas committee, on February 21, 1992:

> Senator Paul Tsongas, Democrat candidate for President, supports the line-item veto. He believes it is an effective way of reducing waste in the Government. Thank you for your interest.

I guess what I am trying to say, Mr. President, is that the line-item veto is a tool, it is really only a tool. I keep stressing it is not the answer. But it is a useful and important tool that Governors, 43 out of 50, have. And what is the difference between those States, and those Governors, and the Federal Government? The only difference is that they are required to balance their budgets, and obviously we, although required to do so, do not. Therefore, they must quite often exercise the line-item veto.

Most Members are now familiar with this amendment, or enhanced rescission, as it should be properly called. So I will not attempt to explain it in much greater detail.

This amendment gives the President two opportunities every year to eliminate wasteful spending by exercising the enhanced rescission power granted by this amendment.

First, the President can submit rescissions as part of his budget proposal at the beginning of the year. Second, he can line-item veto wasteful spending within 20 days after signing an appropriations bill. In either instance, Congress has 20 days to overturn these line-item vetoes or accept them. If the Congress does not act, the items identified by the President are eliminated and the taxpayers' money is saved. If Congress feels the items have merit, it can adopt a joint resolution by a two-thirds vote disapproving the rescissions.

Thus, for example, if Congress passes an appropriations bill which contains, among other things, hundreds of thousands of dollars for the study of bovine flatulence, which indeed has happened, and the President believes that funding this study would be a waste of the taxpayers' money, then the President may rescind the funds for that project. If Congress in its wisdom continues to believe that the study of bovine flatulence is of crucial importance, then it can insist that the funds be spent so long as two-thirds of the Members are willing to step up to the plate and support the program.

I would like to offer two brief observations about this amendment. First, the amendment would not allow the President to rescind funds for entitlement programs such as Social Security, Medicaid, and food stamps. Similarly, this authority only extends to appropriations bills and not other legislative matters.

Second, which I will discuss more fully, this amendment only provides the President with enhanced rescission authority and thus does not suffer from potential constitutional infirmities which some would attribute to a strict line-item veto.

I also would like to point out that there are some Members of this body who have stated their preference that there be also an elimination of the so-called tax loopholes which are put into tax bills; that the President be granted the authority to eliminate them. I believe that was the position of the senior Senator from New Jersey. But the fact is that I think we must progress one step at a time.

And although I certainly would support such action, I do not think it is appropriate on this bill. Although if it would mean passage of the line-item veto, I would be more than happy to include it.

Simply put, this amendment would help to install some fiscal sanity into an obviously out-of-control process, enhance Presidential accountability, and restore a measure of public confidence in the institution of Federal Government.

I will discuss some of the arguments raised by the opponents. The national debt is now $4 trillion. It is a staggering sum, almost incomprehensible in scope. To give an idea of what we are confronting, the Federal Government would have to completely shut down for 4 years, not spend a penny, but continue to collect revenues, in order to eliminate the national debt. The cost of interest on that debt alone is now almost $200 billion a year.

That is more money than the Federal Government will spend on education, science, law enforcement, transportation, food stamps, and welfare, combined.

Rather than addressing the problem head on, we continue to exacerbate it by piling one enormous budget deficit on top of another. The deficit was a record $290 billion in 1992 and will grow to over $300 billion during 1993. Current CBO projections are that the annual budget deficit will balloon to over $600 billion in just 10 years. Even if President Clinton's economic plan worked exactly as advertised, using the President's own numbers, the deficit would still be over $400 billion at that time, and the national debt would have soared to more than $6 trillion.

How have we gotten ourselves into this mess? By spending. Contrary to the claims of some who believe that the answer to every fiscal crisis is raising taxes, Federal revenues are not the problem. Spending is the problem. Over the last 20 years, Federal revenues as a percentage of gross national product has stayed basically the same. Federal spending has increased. In 1974, when the Budget Impoundment Act was enacted, Federal revenues were 18 to 19 percent of national input, as they are today. In contrast, Federal spending has steadily increased to 23 to 24 percent of national output.

I might add that that number has been somewhat distorted, because we have dramatically—and will continue to in a draconian fashion—cut defense spending.

The American people are sick and tired of us spending beyond our means. But what clearly disgusts them the most is continued predilection for spending billions of dollars on unnecessary and wasteful projects.

I am not going to suggest that eliminating these wasteful projects itself is going to eliminate the budget deficit, let alone the national debt. But these projects, more than anything else, are a symbol of what is wrong with Congress.

We are the ones who are destroying the credibility of Congress by our failure, whether it is unwillingness or inability to control our spending habits.

Mr. President, every Representative or Senator wants to get projects for his or her districts, wants to bring home the bacon for the constituents. But I want to make sure that we understand that the process is what is at stake here. The fact is, as I said earlier, if a project is authorized through the hearing process and is then appropriated and signed by the President of the United States, even though I may disagree with that project, then I think it is legitimate.

Here is an example: Last year, I proposed an amendment on this floor to eliminate the *Seawolf* submarine, $2.7 billion of unnecessary spending of the taxpayers' dollars. But the *Seawolf* submarine, Mr. President, was appropriated through a legitimate process of hearings in the Senate Armed Services Committee, authorization and appropriation. I still believe that there is absolutely no need for a *Seawolf* submarine, when every Russian ship is tied to the pier in Vladivostok, in their ports all around what was the former Soviet Union. We could take that $2.7 billion and spend it on much-needed projects. But the fact is that I accepted the decision of this body when they rejected my amendment to eliminate the *Seawolf* submarine.

That is not what I am talking about here. What I am talking about is projects that are put into being in the form of billions of dollars, cumulatively speaking, in the middle of the night where none of the Members of this body, except for a select few, are involved in the process.

So, Mr. President, I want to be clear that all of us, including this Member, want legitimate much-needed projects for our States, and in the case of the other body, for their districts. I understand and appreciate their zeal. But the process that we are undergoing here is what is at stake and what the American people do not understand. In my view, it is very clear why they do not understand it.

Mr. President, I note the presence of my friend from Idaho, and given his time constraints, I will yield to him at this time.

Mr. CRAIG. I thank my colleague for yielding.

Let me be brief, but very clear, in my support for the effort he is undertaking with this most important amendment regarding the line-item veto. I concur with the Senator in his statement that any President, Republican or Democrat, deserves this as a tool to work with us in crafting effective and responsible budgets for the citizens of this country. I certainly congratulate him on his continued aggressive and dynamic leadership on this key issue.

Senator MCCAIN is absolutely right, Mr. President. He proposed it for Republicans, and now he is proposing it for a Democrat President. It deserves to be a tool in the arsenal of Government and, in this case, the executive branch, as a way of conforming budgets. I also agree that there are an awful lot of important items in key budgets that affect our States, or the districts that we serve. But sometimes those items really ought to be stood alone on the floor of this body, as it determines whether they are in the best interest of this country and deserve to be voted on up or down.

Yesterday, I noticed that the chairman of the Budget Committee over in the other body had mentioned about $50-plus billion in additional cuts. Those are coming from, primarily, discretionary budget areas, in which Congress has some degree of authority, beyond the entitlement programs that are viewed as uncontrolled mandates of the day.

We must get our budget under control. There is no doubt that one of the ways of doing that is to change the structure of the system that my colleague, the Senator from Arizona, is referring to. Without doing that, for some reason, we seem to stumble along the path of increased spending. The American people will become so much more frustrated than they are now and wonder why we cannot keep this Government on track and in order and demonstrate some degree of fiscal responsibility.

I have supported and have been one of the leaders on a balanced budget amendment to our Constitution for several years. That is part of that structural change that is so necessary. The line-item veto is another key element that is part of that structural change. I cannot understand why, collectively, we cannot provide this to the executive branch. It is so very important in the overall management of our Government.

Yesterday, I was on the floor discussing the President's economic package and putting in the Record 259 other cuts that could be made, if this Congress developed the will to do so.

Some of them I would not agree with. But I presented them in a sense of showing the American people that we can make cuts, that we have it within our knowledge, having sorted the budget process out over all these years to make the kinds of cuts that will not damage the responsible areas of Government that we are charged with assuring their continuance of.

Let me tell you tied with that, Mr. President, is the importance of a line-item veto. So let me return the time to the Senator from Arizona and by concluding and saying I congratulate him again on his leadership on this area and I will support him in pushing forward and I plead with the Senate as I think the American people are pleading with their Government to get our fiscal house in order and to provide the kind of structural changes necessary to do so and a line-item veto is critical in accomplishing that task.

I thank my colleague from Arizona once again for his leadership.

The PRESIDING OFFICER. The Senator from Idaho yields time to the Senator from Arizona [Mr. McCain].

Mr. McCAIN. I thank the Presiding Officer.

I note the presence of our distinguished colleague and esteemed chairman of the Appropriations Committee on the floor. I would wonder if he would choose to speak at this time. I know he has time constraints.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I am not ready at this particular moment.

I thank the Senator.

Mr. McCAIN. I thank the Senator. At such time as the Senator chooses to and he tells me, I will be glad to yield at that time.

Mr. President, I would like to enter for the Record excerpts from the Congressional Record of Wednesday, July 17, 1985. My distinguished friend from Kentucky asked, if when the Members of this side of the aisle were in the majority if we sought to give the President line-item veto power. I quote:

> On Wednesday July 17, 1985, the Senate continued consideration of a motion to proceed to consider S. 43, to provide that each item of any general or special appropriation bill or any bill or joint resolution making supplemental, deficiency, or continuing appropriations, et cetera.

A motion to proceed was made, because the then minority side was exercising their legitimate rights as Senators to basically engage in extended debate on the issue of the motion to proceed and, Mr. President, the vote was 58 to 40, 58 votes in favor of cloture on the motion to proceed, 40 against. According to the Congressional Record of Wednesday, July 24, 1985, Senator Ford, my friend and colleague from Kentucky, was one of those who voted "no," in other words, against invoking cloture to proceed with the bill. So I would hope that would clarify the question that my friend and colleague in Kentucky had. Yes, indeed when this side of the aisle was in the majority, indeed when the President of the United States was of this party, we did try to get the line-item veto passed, and because of legitimate, and I emphasize legitimate, parliamentary procedures, we were not able to invoke cloture and thereby proceed to the bill.

So I guess technically the Senator from Kentucky is correct when he asked was there ever a vote during that period of time. But actually we did not receive a vote at that time because of the legitimate preliamentary procedures employed by the then minority to prevent a vote on the line-item veto.

Mr. President, I would like to point out again that according to a recent GAO study, $70 billion could have been saved between 1984 and 1989 if the President had a line-item veto. Mr. President, some may feel, perhaps inside the beltway, that $70 billion is not a significant amount of money. I think $70 billion is a great deal of money. Additionally, one of the beauties of the line-item veto is not just the actual exercising of it, but the threat to exercise it which eliminates much of this unnecessary and wasteful spending before it ever becomes law.

Unfortunately, despite the overwhelming evidence of the value, of the line-item veto Congress, as I mentioned, has refused to act.

The Citizens Against Government Waste released their anticipated Pig Book last week, and as usual it is eye-opening. Mr. President, when people around my State see some of these expenditures they frankly do not understand it.

I would note, as my friend from Kentucky mentioned earlier, that some of the projects in his State are there. I would strongly urge him to at least explain why those projects have been funded. And I say again, it is the process. I am challenging.

Mr. President, as I mentioned 5 years ago we began this fight—and I intend to continue this battle—I continue to believe that this is an important and critical item if we are ever going to fulfill our obligations not only to this generation of Americans, but to future generations of Americans. I am convinced, as I said before, that this above is not the answer to this Nation's fiscal disaster, but I do believe that there is not an answer without a balanced budget amendment and a line-item veto.

I think it is only to be fair for the record that there is a proposal which the distinguished chairman of the Appropriations Committee mentioned to me that may be coming over from the other body. That proposal would take the form of a modified rescission power. There are some, in my view, significant differences between what I am proposing and what may come over from the other body. But I would say to my friends and colleagues, but especially the chairman of the Appropriations Committee, I would hope that we could work something out.

I will tell the Senate what concerns a modified proposal. That proposal does not require a two-thirds vote to override a Presidential veto. In my view that bill is not a real line-item veto. I think it is a contradiction of terms, because we know that a veto here requires a two-thirds majority in order to override the Presidential decision. I find no rationale whatsoever for reducing that criteria to a simple majority.

Let me say that again, that President Clinton has made a very strong argument in favor of this line-item veto. And I think it is very important that the White House be involved in this debate now or in the very near future. I believe President Clinton was sincere when he made the statement that I read earlier about a line-item veto. I trust his word, and I would suggest that it would be appropriate for him or his spokespersons to make their views known on this specific vote. I would hope that we would take the time and opportunity to do so. This is a very, very critical issue we are debating in this body at this time.

Mr. President, I would refer to a little history. Prior to 1974, Presidents had often impounded funds which they thought were being ill-spent by Congress. After the act was passed, however, the President could only recommend rescissions of spending authority, which Congress was perfectly free to ignore. Not surprisingly, since 1974, the Congress' attitude toward Presidential rescission has become one of, in my view, near total neglect.

For example President Ford proposed 150 rescissions, and Congress ignored 97. President Carter proposed 132 rescissions, and Congress ignored 38. President Reagan proposed 601 rescissions, and Congress ignored 384. President Bush proposed 47 rescissions, and Congress ignored 45.

If the Congress had accepted the 564 Presidential rescissions that it has ignored since 1974, $40.4 billion would have been saved. Again, this may be a trivial sum in the view of some of our citizens; to the taxpayer, I believe, it is a significant sum.

The practice of ignoring Presidential recessions is in contrast to the practice that has existed for 200 years prior to passage of the Budget and Rescission Act of 1974.

Presidents Truman, Eisenhower, Kennedy, Johnson, and Nixon all impounded funds that Congress had appropriated for line-item projects. In the most telling example of Presidential impoundment as a means of controlling spending, President Johnson impounded $5.3 billion for many of his Great Society programs during the Vietnam war in order to try to quell inflation.

These modern Presidents were not alone in their exercise of rescission or impoundment power. In 1801, President Jefferson refused to spend $50,000 on gunboats as appropriated by Congress. He, of course, had good reason. When the gunboat funding was appropriated, a war with Spain was considered imminent. The war never materialized, and the threat posed by Spain ebbed. Circumstances changed, and President Jefferson thought it was within his power to eliminate this unnecessary spending.

The money for gunboats was not spent, and money was not appropriated in 1802 for the gunboats.

Clearly, the Union did not fall because the President refused to waste the taxpayers' money.

Contrary to the claims of some of my colleagues, the authority of the President to check excesses, spending or otherwise, of Congress was contemplated and indeed intended by our Founding Fathers.

According to Alexander Hamilton in the Federalist No. 73 the views of the Founding Fathers on executive veto power are as follows:

> It [the veto] not only serves as a shield to the executive, but it furnishes an additional security against the inaction of improper laws. It establishes a salutary check upon the legislative body, calculated to guard the community against the effects of faction, precipitancy, or any impulse unfriendly to the public good, which may happen to influence a majority of that body.

Mr. President, this amendment does not take the purse strings away from Congress; it does not imbue the President with any of the spending authority which is Congress' constitutional prerogative.

As I noted at the outset of my remarks, the amendment only provides enhanced rescission authority for the President. It provides a means, within the constitutional framework, for the President to be able to check the spending excesses of Congress.

Even this authority is not absolute. The Congress would still have the ability to insist upon its spending priorities, notwithstanding the President's objections, upon a two-thirds vote of the Members.

What is the threat to democracy and American constitutional government if the President is empowered to say, "I think that bovine flatulence research is a ridiculous waste of taxpayer money—if you, Congress, think otherwise, you better come up with 67 votes."

It seems to me that the only threat is to those who support the status quo.

As I have already noted, 43 Governors possess the line-item veto, with authority which is much broader than this amendment would grant, and there is no evidence that this power has been abused to the detriment of the taxpayers of those 43 States.

Quite frankly, it is difficult to imagine exactly how rescission authority might be abused. Is the concern that a President might trim too much pork fat from a budget? Some have suggested that the President could use his authority to coerce a helpless Member, by threatening to veto a particular project unless the Member supported him on a vote.

Heaven forbid that someone should use their position to attempt to extract something of interest. I am sure that all of our committee chairmen have never attempted to persuade a colleague through the power of the purse; clearly, only the President would be susceptible to this kind of negotiating strategy.

Mr. President, as I also mentioned earlier in previous debates, the question was asked: What if a Democrat, a Member of the other party from mine, were the President of the United States? "Would our Republican colleagues suffer a vomitive aversion to enhanced rescissions? Would not the wax in their item-veto wings melt if our Republican colleagues were forced to fly in the heat of a Democratic Presidential sun? To ask these questions is to answer them."

Mr. President, we are here in testimony to the fact that we support this, no matter who or what party of what persuasion occupies the incredible seat of power at 1600 Pennsylvania Avenue.

Mr. President, the sad fact that we legislate and appropriate in the dark is what this is all about. The American people are entitled to know what process is occurring and how we can change it.

Mr. President, during last year's debate on this very topic, the distinguished chairman of the Appropriations Committee stated:

> I do not care what those Democratic candidates for President say. I do not care what the President says. I do not care what George Will says. * * * I do not care what the Wall Street Journal says. * * * I do not care what the GAO says. * * *

And I believe that the distinguished chairman of the Appropriations Committee is entitled to those views. And his views are always listened to with the utmost respect and indeed reverence by many of the Members of this body.

But I suggest that the American people—not George Will, not the Wall Street Journal, not the President, but the American people—want, in the strongest possible terms, to change the way that we do business. And one of the things—and most important things—we can do is to enact the line-item veto.

Mr. President, as I said before, the line-item veto is not a panacea. A determined President may not be able to balance the budget—and only the voters can ultimately control Congress—but a determined President with line-item veto authority could make substantial progress toward real spending reduction.

As we continue to face enormous budget deficits and annually search for ways to reduce spending, it seems self-evident that there is a place in our budget process for a President empowered with a line-item veto to provide the needed discipline to eliminate waste. With our public debt now at $4 trillion and our total national output of roughly $5.7 trillion, we run the risk that our debt may soon surpass our output.

With that in mind, I hope the Senate would consider the following quote by a prescient figure in the Scottish Enlightenment, Alexander Tyler. He stated:

> A democracy cannot exist as a permanent form of government. It can exist only until a majority of voters discover that they can vote themselves largesse out of the public treasury. From that moment on, the majority always votes for the candidate who promises them the most benefit from the public treasury, with the result being that democracy always collapses over a loose fiscal policy.

Mr. President, we must recognize our responsibility to change as the times dictate. We have sought to remedy what ails the budget process in the past. As I have sought to do here, it is time we reexamine that history. And I am convinced that a real examination of that history reveals that if we are to get our fiscal house in order we must change the process—we must change the status quo.

It is not an embarrassment to do so. And to do so should not be interpreted by anyone as a method to affix blame for our current deficit. As the President noted in his State of the Union Address, there is plenty of blame to go around.

Now is the time to start anew. Now is the time to throw out games and gimmicks and embrace truth in budgeting. Now is the time to accept the fact that there is a serious problem which must be addressed, and work toward a solution to the problem.

This amendment represents progress and change. The only threat it represents, in my view, is to the status quo. On the other hand, inaction on budget process reform represents a threat to American democracy. I ask my colleagues to carefully weigh these threats before they consider this amendment.

Last, let me emphasize again that this amendment is not radical, extreme, or dangerous. For nearly 200 years our Nation's Presidents had some form of impoundment or line-item veto power. For nearly 20 years now this power has been out of balance.

I give credit to those who tried to change the system. I give credit to those who believe passionately on this issue and will wax eloquently on the Senate floor on this subject. I believe their efforts were well intended, but all the arguments cannot hide the fatal flaw that the system as it now exists is not functioning properly. History now tells us it is time to change again and give the President the authority that 43 Governors possess. It is time to give the President the line-item veto.

Mr. President, this amendment is a small step, but it is an important step in the right direction. The American people are seeking signs that we are responding to the mandate of last November. They want change.

If there is any message to all of us who had the fortune of being elected or reelected, it is that the American people are not satisfied with business as usual in Washington, DC. They believe that there is a disconnect between their views, their hopes, their aspirations and their Government. That is very dangerous to the future of this country, Mr. President.

I believe, as I said, the line-item veto will not restore all that confidence, but I believe that a line-item veto is a major step in that direction to send the American people a message that we are serious about getting this financial mess in some kind of order.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. DORGAN). The Senator from Mississippi [Mr. LOTT] is recognized.

Mr. LOTT. Thank you, Mr. President.

Mr. President, I rise to speak on behalf of this amendment. I want to begin by commending the distinguished Senator from Arizona for his efforts on this issue, the line-item veto. He has been persistent. He has tried this effort in the past. Maybe this time, just maybe this time, we will actually get it through the Senate.

He and Senator COATS of Indiana have joined in making sure that the Senate has an opportunity to consider this line-item veto matter again. I think it is timely and certainly I support it.

There have been accusations in the past that Republicans supported this issue just because we had our man in the White House.

It is not a partisan issue. For many years, going back to my service in the other body, I remember that you had Democrats that were for the line-item veto, you had Republicans that were against it. You have conservatives and liberals on both sides.

There are those that argue eloquently—and I am sure we will hear it during this debate—that this would be conceding too much of the power of the Congress to the President, to the executive. I do not understand what the fear is there. I have faith in the Presidents of the United States.

I have supported the concept of the line-item veto when we have had Democrats in the White House, when we have had Republicans in the White House, and I support it now.

I would like for President Clinton to have the authority to use the line-item veto. He may choose to line out some program or some project that I am for. He may decide that maybe some project that was justified at the time when the Congress voted on it, that circumstances have changed and it cannot be defended.

He may decide that it is just not justified, when you look at the overall picture, a particular project or program that has been added. "I just do not think it can be justified on cost," or whatever the basis may be. But I really think we need to give the Presidents that authority.

What makes this situation unique is that we have a President in the White House who was a Governor who had the authority for line-item veto. He did not, I presume, abuse or misuse it. Some people say it will give him leverage on the Congress. What is wrong with that? I really think Presidents should have some leverage to work with the Congress.

I do not think that Governor Clinton misused this line-item veto when he had it in Arkansas, and I do not think he would misuse it now. He said when he was a candidate that he supported the line-item veto approach. And I think he has said that even since the election. While he has changed his mind on a lot of subjects, I believe he continues to say he would like to have this line-item veto authority.

So we have a unique opportunity here to say, no, this is not a partisan issue, it is not a philosophical issue, it is just one tool that can be used by Presidents working with—sometimes against—the Congress to get a grip on controlling some of the spending that just may not always be necessary. Forty-three Governors, as we have already heard, have this authority. It seems to work with the State legislatures. I just cannot understand why it would not work here.

I call to the attention of the Senate a Wall Street Journal op-ed piece dated January 13, 1993, by the distinguished Senator from New Jersey [Mr. BRADLEY]. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 13, 1993]

LINE-ITEM VETO: WHY I CHANGED MY MIND

(By Bill Bradley)

A new president will soon take office with the obligation to set our nation on a new path to economic growth. Mr. Clinton has promised substantial deficit reduction, modest tax increases, and selective investment in education and infrastructure to improve our economic prospects. To keep these promises, he must have the tools he needs. In particular, to make progress in the battle against narrow interests and a burgeoning deficit, I believe that the president needs a line-item veto.

To change our nation, I have changed my mind. Many times since I first ran for the Senate, I have studied the proposals for a line-item veto, thought through the arguments, and each time come to the conclusion that it would tilt the balance of power farther toward the president than the delicate balance embodied in our Constitution. But I have also watched for 12 years as the deficit quintupled, pork-barrel projects persisted, and our presidents again and again denied responsibility for the decisions that led to these devastating trends. Things have to change.

Spending on narrow interests is only one of the types of spending that drive up the deficit. It's not the only type, nor is it the largest, but until we control these expenditures for the few, we cannot ask for shared sacrifice from the many who benefit from entitlements, or from the many who pay taxes.

To be effective against special interest, the line-item veto must apply to both appropriations and tax bills. Spending on special interests is by no means limited to appropriations bills, usually the sole target of those who support a line-item veto. As many instances can be found in tax bills, although often camouflaged in coded jargon that makes it next to impossible to figure out who benefits. For every $250,000 earmarked in an appropriations bill for a water tower in Joplin, MO., there is $32 million buried in a tax bill in the form of a special depreciation schedule for rental tuxedos. For every $900,000 appropriated for a revolving business loan fund in Elkhart, Ind., there is a $6 million special exemption from *fuel excise taxes* for crop-dusters.

Some tax expenditures even cancel out spending for the common good: We spend millions of dollars to clean up lead, asbestos and *uranium*, three of the most potent poisons on our planet, but in the tax code there's a $12 million subsidy to produce these minerals.

Then there are pure giveaways: for example, allowing people to receive tax-free income for rental of their homes for up to two weeks. If you live near where the Masters Golf tournament is played, you've hit the jackpot.

In singling out these projects, I do not mean to pass judgment on their merits. Every small-business owner could benefit from a revolving loan fund. But these provisions single out narrow subclasses to benefit—businesses that happen to be in Elkhart, Ind., for example, or people who own crop-dusters.

Everyone else pays. A line-item veto would allow the president to weigh these narrow expenditures against our shared goals of reducing spending and lowering taxes. And if Congress concludes that these expenditures still have merit, it can override the veto.

Spending is spending whether it comes in the form of a government check or in the form of a special exemption from the tax rates that apply to everyone else. Tax spending gives special interests an exception from the rules that oblige everyone else to share in the responsibility of paying for government.

But unlike the appropriations process, narrow tax breaks aren't subject to annual debate. They find permanent life, buried deep in the tax code, and add heft to our budget deficit year after year.

In 1992, federal tax expenditures were estimated at a staggering $375 billion—a sum that is more than the entire deficit. These outlays are increasing at an alarming rate, despite the loopholes eliminated by the Tax Reform Act of 1986. In the past 10 years, spending through the tax code has risen by more than $100 billion.

For Mr. Clinton to keep his promise to cut the deficit, he needs the power to block unnecessary spending for narrow interests. For him to hold the line on taxes, he will need the power to block spending through the tax code for special interests. And if he is to keep his promise to make new investments in education, job training and infrastructure, he will need the power to distinguish between spending that benefits the few and investment that will benefit us all.

I agree with Sen. Fritz Hollings (D., S.C.) that each line item in every appropriations bill and every tax bill ought to be enrolled as a separate bill after it has been passed by Congress. The president could then either sign the entire bill or single out individual items to sign or veto. Such a mechanism avoids the constitutional obstacles to a line-item veto.

I also urge that this line-item veto remain in effect for only two years. It needs to be tested before it becomes a fixture of law. Not only would a two-year sunset provision allow the courts to address any constitutional issues that might arise, it would also allow Congress and the White House an opportunity to thoroughly evaluate its consequences. Did the line-item veto truly help reduce the deficit? Was it used judiciously to cut unnecessary spending on special interests, or did the president use it politically against members of Congress? Did it skew the balance of power?

Answering such questions will at least be a step beyond the blaming and excuses that pass for budget policy today. The line-item veto is one tool that will help restore people's trust that Washington can overcome gridlock.

Mr. LOTT. Senator BRADLEY outlines in this article why he changed his mind. I think it is commendable that he has looked at the situation, he has considered the circumstances, he has been on the other side of the issue, and he now feels that there is strong justification for the President to have this authority. I have always felt he should have that authority. Eighty percent of the people—80 percent of the people, according to most of the polls I have seen—outside of Washington support the line-item veto.

When I go back to my own State—a poor State that needs help in any way we can get it, a State where, yes, the congressional delegation, House and Senate, has often added line items—but when I go back there, whether I am talking to student groups, religious groups, Kiwanis Clubs, people on the street, almost invariably some hands will go up and say, "What about the line-item veto? Why do you not do that? Why don't you give the Presidents that authority?"

I think they are right. I agree with them. And I repeat, I just do not believe the Presidents would abuse that authority. But I believe we could save some money in that way. In fact, perhaps it has already been mentioned, but in the letter that Senators MCCAIN and COATS sent to our colleagues, they pointed out a GAO study that indicated that as much as $70 billion could have been saved between 1984 and 1989 if the President had the line-item veto.

Somebody made the point during the Budget Committee hearing, I believe it was yesterday, that Presidents have that pen. If they wanted to, they could veto appropriations bills. But they rarely do that. Think of what they are faced with. They are faced with an appropriations bill for entire segments of the entire Government. Sometimes three departments are lumped into one appropriations bill. While there might be four or five pieces the Presidents feel very strongly against, they have to take it all or reject it all. With this authority they could make some modifications in the bill.

Last year, almost a year to the day, the Senate voted on essentially the same amendment—I believe the same amendment—on S. 479, the national cooperative research bill. The vote was 44 to 54—very close.

So I think maybe this is the year when we can get a little more support on the Democratic side of the aisle because they feel the President should have this authority. I am willing to even do it on a trial basis if that is the way we have to do it. Let us let this President have it for a while, see how he uses it. If he abuses it, maybe we could change it.

But this amendment would not do this. This amendment would say the President, on a permanent basis, would have the line-item veto. I just made that previous point to make the point I am willing to try anything to give the Presidents more opportunity to use their authority to control spending. We need this amendment. It will not solve the deficit. I am not implying that at all. But it would be one more thing that could be used in the processes that we have.

I think the Presidents are not involved in the whole budget process. Most people are not aware that when the President sends a budget up to the Congress, basically that is the end of it for him, in many respects. Congress takes it, does what we want to with it, and eventually kicks out a resolution. I think Presidents ought to be more involved in that process, both in the overall budget effort, and I think Presidents, frankly, should use the veto pen more. But certainly this avenue would be very helpful to the Presidents.

So I urge my colleagues to know the arguments on both sides of this. Let us support the McCain amendment. Let us give this President this opportunity. If it does not work, maybe we can change it, take it back. But I have faith in this President that this would be an authority that would be helpful to him and would be helpful to our country. It would be one way that some of the spending programs that sometimes, perhaps, are not justified could be controlled.

Again I conclude by saying I think we should have this opportunity for the President and urge my colleagues to vote for it. I yield the floor.

Mr. BYRD. Would my distinguished colleague yield? I did not want to interrupt the distinguished Senator.

Mr. LOTT. I will be glad to yield.

Mr. BYRD. I understood him to say that the distinguished Senator from New Jersey [Mr. BRADLEY] had changed his opinion on a line-item veto and was willing to give to the President this authority. I use that phrase because I believe those words are exact—that the senior Senator from New Jersey is now ready to give to the President "this authority."

Am I correct?

Mr. LOTT. That is my understanding. He has changed from being opposed to the line-item veto to saying, in this article, that he has changed his mind and he thinks the President should have this authority.

Now, it may not be this exact language.

Mr. BYRD. Right there at that point——

Mr. LOTT. But he says he has decided he wants to support——

Mr. BYRD. "This authority—what does the Senator from Mississippi think the New Jersey Senator is saying?

Mr. LOTT. Well, we have an article here. He says that, "I also urge that this line-item veto remain in effect for only 2 years. It needs to be tested before it becomes a fixture of law," but that this is something he thinks we should try.

Mr. BYRD. Well, the distinguished Senator from Mississippi has referred to the so-called change of position by the distinguished senior Senator from New Jersey. I hope that the distinguished Senator from Mississippi really knows what he is talking about.

Mr. LOTT. Well, now, just a minute. I think I have control of the floor.

Mr. BYRD. I did not interrupt the Senator.

Mr. LOTT. I think I have control of the floor, not the distinguished Senator from West Virginia, and I would like to regain it just for this point.

I have put in the RECORD the Wall Street Journal article. The title is, "Line-Item Veto: Why I Changed My Mind," by Bill Bradley. I recommend this to my colleagues. I am sure that the Senator is going to come over and speak for himself as the time goes along on this debate. The title is pretty clear. I have read over the article. We may not agree on every detail of how he would like to approach this change, but he has indicated he would like to give this approach a chance. Now that is my understanding.

I will be glad to yield to the distinguished Senator from West Virginia further.

Mr. BYRD. I will seek the floor in my own right.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. LOTT. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi yields the floor.

The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Now, may I say to the distinguished Senator from Mississippi, I suggest that he acquaint himself with Senator BRADLEY's position and then he might more accurately state what that position is.

I do not believe Senator BRADLEY said he had changed his position on "this" authority; this authority. I think the Senator from Mississippi was alluding to the kind of authority that the amendment presently before the Senate would give the President.

He will find that the Senator from New Jersey not only was talking with reference to line-item veto authority regarding appropriations bills, but he was also including other matters as well; tax expenditures, for example. Mr. BRADLEY would apply that authority on a much broader basis. The Senator from New Jersey, as I understand it, would apply that authority on a much broader basis than merely line iteming appropriations bills. It certainly would be of use to hear whether or not the Senator from New Jersey has indeed changed his position on giving to the President "this authority." Well, enough of that.

The distinguished Senator from Mississippi also refers to the title that was given to the article in the Wall Street Journal. But one has to go below a title to understand precisely what is being said, and I can apply that same axiom to the amendment before us.

The amendment before us, if we merely look at the title, the short title: "This section may be cited as the Legislative Line-Item Veto Act."

I would suggest to the Senator from Mississippi and other Senators that they also read the contents of the amendment, if they have not done so. I cannot presume that they have done so when they refer to this amendment as a "line-item veto" amendment. The title says that "This section may be cited as the Legislative Line-Item Veto Act of 1993." If I were to just look at this title, I would say this is a line-item veto amendment; it would give to the President the line-item veto.

Mr. President, it goes far beyond that. It would give to the President rescissions authority—rescissions authority—and I will deal more with that subsequently. There is quite a difference in giving to the President line-item veto authority from giving to the President so-called enhanced rescissions authority.

Mr. President, I thank the distinguished Senator from Arizona [Mr. MCCAIN] for notifying me, as he always does, of his intention to call up this amendment. I knew from his letter about what to anticipate. I thank him. He is a gentleman, and he laid his intentions right out up front. He said within the next few days Senator COATS and I will call up our amendment. So I thank him for that. I respect him as a gentleman, and I also believe that he ardently believes that this amendment, if adopted by the Congress, would indeed go a long way toward dealing with our budget deficits. I think he really believes that. I think he is intellectually honest in his opinion. I think he has argued with himself so much on this that he has convinced himself of that. I think he really believes that.

Notwithstanding its title, the amendment offered today is not a line-item veto amendment. I have read the amendment. I have read it within the last 30 minutes. It is not a line-item veto amendment. Senators who come to the floor and speak ardently for this so-called line-item veto amendment have not read the amendment, or they do not know the difference between a line-item veto amendment and an amendment that is not a line-item veto amendment. This amendment is an enhanced rescissions amendment. And there is a great gulf between the two; there is a great difference.

Senators who so glibly talk about this amendment as a line-item veto amendment, either have not read this amendment, or, if they have read it, they were not concentrating on what they were reading.

They either do not know what the amendment does or they do not know the difference between a line-item veto and enhanced rescissions.

A close reading of the McCain amendment will show that it is an enhanced rescissions amendment, not a line-item veto amendment.

Enhanced rescission authority is very different, as I have said, from a line-item veto, and I hope that Senators will understand that. I hope they will at least listen to what I have said and then look at the matter through their own eyes. I think if they will do that and do it carefully, and in all intellectual honesty, they will find that there is a great difference between the two, and they should not try to fool the American people. The American people should not be fooled into thinking that this is a line-item veto amendment. It is not.

An enhanced rescission amendment is a far more destructive measure than a line-item veto—destructive of the people's power over the purse. I do not support the line-item veto. Everybody knows that. But if I were hauled down the street in a chariot to the guillotine, and before laying my head on the block, were to see the blood-splattered block where other heads had been severed from bodies and were to be told: "Senator, you can have your choice. If you will go along with a line-item veto or, on the other hand, if you will go along with enhanced rescissions—you make the choice—if you will choose the one or the other, your head will not roll, but if you reject both, you will go the way of Mary Queen of Scots. Off with your head!

If I were forced in peril of my life to choose either the line-item veto or enhanced rescission, I would say , "Give me line-item veto and let me get out of here. Take me away from the headsman's ax. I will take the line-item veto.

I have not come to this conclusion just overnight, Mr. President. Enhanced rescissions are far more destructive than would be a line-item veto. The Congressional Budget and Impoundment Control Act of 1974, the legislation presently on the books dealing with rescissions, was enacted by Congress in part to protect the constitutional balance between the executive branch and the legislative branch.

Mr. President, I do not presently intend to speak at great length on this matter. I can do so, and virtually at the drop of a hat.

I am reminded of Cicero who, when asked which of Demosthenes' speeches he liked best, answered, "The longest."

This is not what I would classify as my longest speech.

Regarding the Congressional Budget and Impoundment Control Act of 1974, I helped to write it—I had a great deal to do with the verbiage that is in that act. I spent many days working with other Senators and staff on it.

Mr. President, I understand that the distinguished senior Senator from New Jersey, whose name has been used not in vain today but out of great respect, wishes me to yield to him. I hope he will clarify just precisely what he did mean when he indicated that he had changed his mind on the line-item veto.

Mr. BRADLEY. I thank the distinguished chairman for yielding, and I do appreciate this opportunity to respond to a debate that I did not hear. I was in the midst of giving a wonderful speech at lunch, and I had the audience rapt, right in my hand and somebody slipped a note to me saying that on the floor of the Senate there are two Senators, the distinguished chairman of the committee, and another distinguished Senator from Mississippi, each maintaining that your position is the opposite of the other. Would you please go to the floor and clarify it.

Well, I did not hear the full to and fro of the debate, so I do not know what the distinguished Senator from Mississippi maintained about my position, but I would like to clarify it at this time.

I have changed my position on the line-item veto. I do support the line-item veto, an enhanced line-item veto. And by that I mean a line-item veto that would apply not only to spending through appropriations, which is what has commonly been associated with a line-item veto, but also spending that takes place through the Tax Code.

As you know, we spend over $300 billion a year through the Tax Code. We just do not collect the money if you do this, that or the other thing. Now, I have sat on the Finance Committee for 14 years, and you would be surprised to see the kinds of things on which we do not collect money from taxpayers.

For example, last year we said we will collect less money from you if you rent tuxedos, a rapid depreciation of tuxedos. Frankly, I think the President of the United States, if he gets a tax bill with a rapid depreciation of tuxedos, ought to have the right to take a sharp pen and draw a line through it, just as he should have the right if there is an appropriations provision that he believes should be struck.

I see the distinguished Senator from North Dakota in the chair. We had Lawrence Welk's home. That is what I answered for 1½ years.

The President ought to have, in my view, the right to line-item veto both spending and tax provisions—not halfway with just spending, but with spending and tax provisions because otherwise everybody knows what has happened. If it is tough on the spending side, we just go on the tax side and excuse you from paying taxes if you rebuild Lawrence Welk's home, for example. Instead of appropriating the money to rebuild Lawrence Welk's home, we will have a special provision in the Tax Code that says you get a credit against taxes owned for any amount of money you spend to rebuild Lawrence Welk's home. That would not be subject to the line-item veto unless line-item veto applies both to appropriations and to tax bills.

So I did change my position, and I am for an enhanced line-item veto, but it must apply to taxes—that is the first condition.

Frankly, I was for 14 years a strong opponent of the line-item veto, strong opponent. I felt that it shifted the power too much to the executive branch. I was concerned about that. I was afraid there would be a President in there that would strike out things that were important to my State and could not be defended by anyone else but me. I was afraid a President would come forward and say unless you agree with me on whatever, abortion, death penalty, I am going to strike this provision that affects your State.

I was concerned about that. And so in the enhanced line-item veto that I support, I maintain my concern about that by saying we should test this for 2 years. We should test this for 2 years to see if there is a problem, to see if there is a shift of power from the legislative to the executive branch.

We talk about deficit reduction. This might be the first step to some deficit reduction. But let us be under no illusion that the line item will balance the budget. It will affect only about 15 percent of the whole budget. It will affect only about 15 percent maximum, just talking about the spending side. But what it will do is give a President a chance to poise the narrow special interest against the general interest.

I am willing to try that for 2 years to see if that is how a President will use it, or whether it will, instead, be an enormous grab for power, with all if the dangers that I foresaw during the previous 14 years. But I feel it is time to make that change.

The third condition concerns the constitutionality of the line item. I believe that the constitutional question is a legitimate question. I know the distinguished chairman of the Appropriations Committee has thought about this at great length, and I know that he is the body's leading expert on this subject. I tried to address that concern in the line-item veto message I gave and in the bill I have introduced. The will would have separate enrollment so that separate appropriations and tax expenditures will be treated as separate bills. The President would veto one, not the whole package. That is how he would get at the various items. They would all be enrolled separately.

So that, yes, I do support a line-item veto, an enhanced line-item veto, but one that applies to spending and to taxes, one that is limited in duration so that we can test whether power has shifted, and one that attempts to address the constitutionality question through separate enrollment. That is what I support.

I am not sure of the extent to which that position was represented by one side or the other. I know I had a very good discussion with the chairman of the Appropriations Committee before I made my change. We had a very thorough discussion, one in which we did not see eye to eye on all items, but one in which I think he clearly came to respect why I changed my position.

I appreciate the chairman yielding to me. I cannot support the provision that is before us now, because it applies only to spending; it is not limited in duration, and it does not lead to separate enrollment. I hope that we will have an opportunity, during the course of this year, to have a vote on an enhanced line-item veto, as I have described it this afternoon.

I thank the Chair.

(Mr. ROBB assumed the chair.)

Mr. BYRD. Mr. President, I thank the distinguished Senator for his clarification. It is as I thought. I felt that, having discussed this with the Senator from New Jersey, he wanted to go beyond applying it just to appropriations, but he wanted also to apply it to tax expenditures and other measures as well. I applaud him for the view that if the President is to have line-item veto authority, it ought to be applied not just to appropriations, but also to tax expenditures.

As I understand it from testimony given before the Senate Budget Committee, for fiscal year 1993, there were $403 billion in tax expenditures. I thank the able Senator for clarifying this matter.

So, this is not a line-item veto amendment; it is an enhanced rescission amendment. The Congressional Budget and Impoundment Control Act of 1974, the legislation presently on the books dealing with rescissions, was enacted by Congress, in part, to protect the constitutional balance between the executive branch and the legislative branch. In other words, it was designed to protect the power of the people, through their elected representatives in Congress, over the purse—the power over the purse—and to retain it in the legislative branch—this branch, the only branch of government whose members are directly elected by the American people.

The President is not directly elected by the American people. If anyone thinks so, let him read the Constitution. We count the electoral ballots, after each President is elected, in the House of Representatives. The Senate goes over to the House, and there is a counting of those ballots and a certifying that these indeed are the ballots that the electors cast for candidates for President.

Senator MCCAIN's amendment would turn this present law, the 1974 law, completely upside down. Under section 1012(a) of the Congressional Budget Act, the President can propose rescissions of appropriations. He simply transmits a special message to both Houses of Congress, stipulating the amount of budget authority he proposes to rescind, along with his reasons for the proposal. Once he has done that, the ball is in our court.

The Congress must then decide what action to take, and we have 45 days on which to act on a rescission bill. During that 45-day period, the Congress can do one of several things. It can ignore the request of the President by not taking any action, in which case the budget authority previously appropriated would be made available; it can approve all the President's rescissions; it can approve some of the President's rescissions and disapprove others; or it can approve none of the President's rescissions and substitute its own proposed rescissions.

Despite volumes of rhetoric to the contrary, this process, the one that we are currently operating under, has worked quite well.

The chart to my left is titled "Summary of Proposed and Enacted Rescissions, Fiscal Years 1974–1993." This includes all legislative action through December 11, 1992. Looking at the chart, one will see for each year, 1974 through 1992, December 11, which is well into the fiscal year of 1993, the dollar amounts proposed by the President for rescissions. The whole column represents the dollar amounts that were proposed by the Presidents during the years 1974 through 1992—proposed for rescission. All of our Presidents, during that period, proposed certain rescissions totaling $69,273,034,690.

The next column represents the dollar amount of proposals enacted by the Congress in response to the President's requests. That column represents the action by the Congress only on the proposals requested by the President. We see there that the Congress, during that period, 1974 through fiscal year 1993, went along with the Presidents to the tune of $21,379,000,366.

In the next column, we see the dollars of rescissions initiated by the Congress itself. These were not rescissions requested by the President. These were rescissions that Congress initiated on its own. The total dollar amount of rescissions initiated by the Congress during that period, 1974 to 1993, on its own, was $65,152,450,719.

What, then, is the total dollar amount of the budget authority rescinded by the Congress during those fiscal years 1974 to 1990? While the Presidents' total rescissions requested amounted to $69.2 billion, how much did Congress really rescind? Congress rescinded $86,531,451,085. In other words, Congress rescinded $17,258,416,325 more than the Presidents requested. That is not a bad report card, I would say.

Mr. President, the rescissions process currently on the books, the 1974 Budget Act, works as well as any rescissions process that I can imagine.

Certainly, the rescissions process we are debating in this amendment today is not capable of substantially reducing the Federal deficit. That is a reality that all Americans, especially Members of this body and the House of Representatives, must be made aware of.

Let me quote just from testimony given today by Milton Socolar, the special assistant to the Comptroller General of the United States. There has been some talk about a report that the General Accounting Office made some several months back, and I will have a little something further to say about that a little later on. Let us talk about the testimony given today, by whom? By the special assistant to the Comptroller General of the United States, not from a report, a flawed report, an admittedly flawed report by the Comptroller General, but by the special assistant to the Comptroller General today in testimony given today in the hearing before the House Government Operations Committee. Mr. Socolar stated, and I am quoting from page 6 of his prepared statement, and here is what he said.

> Since 1974, rescinded budget authority has had a negligible impact on annual and total Federal deficits.

That is in all the years we have had the Budget Act.

Total enacted rescissions amount to slightly more than 3 percent of cumulative deficits since 1974.

On page 11, Mr. Socolar goes on to state that "Given the relatively small influence rescissions can have on budgetary totals and deficits of today's magnitude, rescissions cannot be expected to serve as a significant deficit reduction or spending limitation tool."

That is what the General Accounting Office is saying today through the special assistant to the Comptroller General. There are several reasons for why this is so. The first reason, and one I shall speak to at greater length in a few moments, is that the majority of the budget remains off limits to the sharp edges of the rescission knife. There are large areas of Federal spending, entitlements, for example, that completely escape the process. The knife does not come near.

Second, in addition to direct outlays, there is the entire sphere of tax expenditures, or tax deductions as most of us know them, that also elude the rescission's grasp, and the distinguished Senator from New Jersey just addressed himself to that point a few minutes ago. Everything from the interest on our home mortgages, to the deductions businesses take for providing health care benefits to their employees is included in the expanse of tax expenditures. This is an area that will cost the Federal Government over $400 billion in lost revenue this fiscal year alone. What does the McCain amendment do about it? Nothing, zero. Like entitlements, tax expenditures are not subject to the yearly review process.

Finally, the rescinding of budget authority does not automatically translate into deficit reduction since, as sometimes happens, that budget authority is later transferred to another program. As long as the Congress remains within the spending caps required by the 1990 Budget Enforcement Act, budget authority can be moved from one account to another. So rescinding budget authority in one area does not necessarily mean we have reduced the deficit.

Mr. President, my point is to expose the myth perpetuated by some that expanding rescission authority for the President, or enhanced rescission authority by whatever name, the pickle smells just as sour.

In and of itself, the rescissions process, enhanced or not, cannot be substituted for the hard choices that Members must make. To state otherwise is to seriously mislead those young pages sitting up there in front of the Presiding Officer's desk, and it is to mislead the other young people of this country and all of the people of this country, young and old, to mislead the American people.

If agreed to, the McCain amendment would reverse the present law. Here is what would happen if this amendment were agreed to. The amendment clearly states in section 1101(a), and I shall read just excerpts:

> * * * the President may rescind all or part of any budget authority, if the President—
>
> * * * notifies the Congress of such rescission by a special message not later than 20 calendar days (not including Saturday, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriations Act or a joint resolution making continuing appropriations providing such budget authority; or
>
> * * * notifies the Congress of such rescission by special message accompanying the submission of the President's budget to Congress and such rescissions have not been proposed previously for that fiscal year. The President shall submit a separate rescission message for each appropriations bill under Paragraph (2)(A).

Following this, there is a paragraph entitled "Rescission Effective Unless Disapproved." Once again, I will read only the relevant portions of that paragraph. It states:

> * * * Any amount of budget authority rescinded under this title as set forth in a special message by the President shall be deemed cancelled unless during the period described in subparagraph (B), a rescission disapproval bill making available all of the amount rescinded is enacted into law.

Subparagraph (B) goes on to detail the time period in which Congress must act. It allows for:

> * * * a Congressional review period of 20 calendar days of session under part B, during which Congress must complete action on the rescission disapproval bill and present such bill to the President for approval or disapproval;
>
> * * * an additional 10 days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission disapproval bill; and
>
> * * * if the President vetoes the rescission disapproval bill during the period provided * * * an additional 5 calendar days of session after the date of the veto.

We can see from the language which I have just read that this amendment is a complete reversal of the present rescission process. Under this amendment, it would be necessary, for all practical purposes, for Congress to marshal a two-thirds majority in both Houses, not once, but twice, in order to enact any budget authority to which the President might object.

Mr. President, consider this: Once the House and Senate had passed an appropriation bill and sent it to the White House, the President would most likely sign it.

He might have a number of Senators down to the White House who would stand behind him. He would take his pen and he would sign his name and do a little bit here and do a little there, give somebody a pen, do a little there, give somebody a pen, give pens to all Senators there to witness the occasion.

I have been there on such occasions in years gone by. I used to go down and watch Lyndon Johnson sign bills. I would then carry home a pen that night—I, ROBERT BYRD, a country boy from back in the hills of West Virginia. Who would have thought that this country boy, who worked in a gas station pumping gas; worked as a welder in the shipyards where the cold wintry wind blew off the bay in Baltimore, listening to the rivets in my sleep; who worked as a produce salesman; butcher boy—who would have thought that I would ever be invited down to the White House, to stand behind the President, and be handed one of those pens the President used in signing a bill—who would ever have thought that I would take home one of those pens the President used in signing bills?

Well, consider this: Once the House and Senate had passed an appropriation bill and sent it to the White House, the President would most likely sign it. He would have no reason to veto any appropriation bill in its entirety.

Remember, I would have gone down to the White House and gotten my pen. Well, there are 13 regular appropriations bills. If I were invited down to all of the bill signings, I would have received 13 pens. I only have five grandchildren, so I could give pens to each grandchild.

The President would not have to veto a bill in its entirety, since this amendment would allow him to come back with this new rescission authority for a second chance, a second bite at the apple.

What am I supposed to do, give the President back my pen? He gave me a pen when he signed each appropriations bill. He did not tell me he was going to veto part of it, rescind sections out of it. I should think that a bit unfair.

He could use his power under this amendment to carve up the bill just as he would carve a Thanksgiving turkey—a little here, a little there.

After he made his rescission proposal, the Congress would then have 20 days in which to pass a rescission disapproval bill. Because a disapproval bill is a refusal of the President's request, and since any such bill would obviously be vetoed by the President, there would be little point to bringing that bill to the floor to be voted upon unless it had the support of 67 Senators. The President proposed the rescissions in the first place, so I believe we are safe in assuming he would veto the disapproval bill. Following the President's veto, Congress would have the opportunity to attempt to override it. This time, however, we would be limited to 5 days. In any event, it would take a 67-vote effort to override the President's veto.

If that sounds confusing, let me say simply that under this amendment, Congress could be required to adopt an appropriation a number of times—and, in two instances by super majorities—before that appropriation could finally be nailed down into the law. Is that what Senators want?

Mr. President, do Senators know that there are five States in the House of Representatives which, if their votes are combined, can sustain the veto of the President of the United States?

In the Senate, it would require all the Senators from 17 States to sustain the President's rescission—17 States.

But in the House, five States—five States—can sustain a Presidential veto, if those States are California, New York, Texas, Pennsylvania, Illinois—count them up.

It takes 146 votes in the House to sustain a Presidential veto if all Members are voting—435 votes, two-thirds can override—meaning 290; 290 votes can override the President. That means that 146 votes can sustain the President's veto in the House against any kind of super majority in the Senate, and against the overwhelming majority of the House. These five big States have more than enough.

How about it? All of our little States like West Virginia, all the little Northeastern States: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, all of them do not amount to a hill of beans—not speaking disrespectfully of the States involved—but when it comes to votes in the House, let there be something of great importance to the Northeast region of this country, and the President rescinds it under this measure, what would be the chances of the Northeastern States in the House of Representatives marshaling the votes to override a Presidential veto? The chances would be little to none.

Is that what the American people want for their Government? Are they clamoring for more gridlock?

Do the small States of the Union want to stand supinely by and allow an amendment like this to become law? In essence, it is taking away the power, the representative power of the smaller States, especially in the other body, when placed against the big States.

Mr. President, at a time when the Boren committee, the Joint Committee on the Organization of Congress, is studying various proposals to streamline the business of the Senate, I find it astounding that we should be here today debating an amendment that would have the effect of slowing down our business. This amendment flies in the face of ongoing efforts of the Boren committee. It simply makes an about-face. Like Caesar, when he saw a standard bearer of the Roman Eagles running away, he caught them by the scruff of the neck and said, "The enemy is in this direction."

This amendment will be sending us off retreating in the opposite direction.

It simply makes an about-face and goes in the opposite direction of the work of our friend from Oklahoma. This amendment is nothing more than a formula for gridlock—a formula for gridlock. The American people thought we had put gridlock behind us.

Beyond the complication of an already complex process, the powers contained in the McCain amendment—and I only use the Senator's name, but there are, as I understand it, other Senators who have their names on the amendment. So just for the sake of time and convenience, I merely refer to it as the McCain amendment. He is the chief cosponsor, but I do not mean to imply that Senator MCCAIN is the only Senator in the body who believes in this myth—the McCain amendment would increase exponentially the already overwhelming odds that are held by the President in his use of the veto power. He already has overwhelming odds in his favor.

Out of approximately 2,500 vetoes that have been cast by Presidents directly and indirectly, by use of the pocket veto, only 104 have been overridden in all the course of American history, going from Washington, John Adams, Jefferson, Madison, Monroe, John Quincy Adams, Jackson, Van Buren, Harrison, Tyler, Polk, Taylor, Fillmore, Pierce, Buchanan, Lincoln, Johnson of Tennessee, Grant, Hayes, Garfield, Arthur, Cleveland, Benjamin

Harrison, Cleveland again, McKinley, Roosevelt, Taft, Wilson, Harding, Coolidge, Hoover, Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, Bush—all the way through those administrations, only 104 vetoes have ever been overridden. And those were vetoes, we can presume, of bills of some national importance, not of importance just to a region or to a handful of small States, like the Northeastern States, with West Virginia thrown in.

This legislation would increase exponentially the already overwhelming odds that are held by the President in his use of the veto power.

Enhanced rescission authority for any President would create a "heads I win" and "tails you lose" situation. Remember the little boys in the school-yard? They go out, "heads I win, tails you lose," and flip a nickel in the air. Well, this amendment would create a "heads I win, tails you lose" situation.

Senators should reflect on how such a situation is to be reconciled with the intent of the constitutional Framers. That advantage over the representatives of the people would be magnified by the fact that any rescission of budget authority would, in most cases, be of importance only to a single region or to a few States, or even to a single State or congressional district. Thus, fewer Members in both Houses would be interested in overriding the veto. Take, for instance, the six States of Maine, with 2 votes in the House; New Hampshire, with 2 votes; Vermont, 1 vote; Massachusetts, now 10 votes; Rhode Island, 2 votes; and Connecticut, with its 6 votes. Collectively these States have only 23 votes in the House and 12 votes in the Senate. They would find it extremely difficult, if not impossible, to interest two-thirds of the total House and Senate membership in overriding a veto of budget authority of importance only to the Northeast region. This type of "divide and conquer" strategy could have devastating effects on the principle of separation of powers, the fundamental concept of the American constitutional system of government—fundamental concept; separation of powers and checks and balances.

Added to all of that, as if that were not enough, the President's advantages are compounded even further by the fact that the rescission proposals, which are original legislation, are unamendable. Congress would be prohibited, under this amendment, from offering amendments to a piece of legislation. Therefore, one of the most distinctive features of this body, the ability of Senators to offer, with very few exceptions, any amendment at any time, would be lost in the crucial area of fiscal and public policy.

What we are saying is that one of the unique, and there are several unique, elements that make this the premier upper House in all the world—the premier upper House—is, this body has the power to amend and also of unlimited debate. The British House of Lords cannot amend appropriations bills, but the Senate of the United States can. The Constitution expressly gives the Senate of the United States the power to amend revenue bills that come over from the House, but the House of Lords cannot amend revenue or appropriation bills; not the House of Lords. This body can amend, and just as it can amend revenue bills, it can amend appropriations bills and other bills that come over from the House.

The amendment that is offered here today by Mr. MCCAIN and others says no, no, the Senate may not amend. And to a very considerable extent it says the Senate may not debate, so the time is very limited, very limited. Is this what Senators want?

Therefore, one of the most distinctive features of this body, the ability of Senators to offer, as I say, with very few exceptions any amendment—it does not have to be germane in the Senate, except under rule XVI dealing with appropriations bills and under certain time agreements and under a few fast-track items that have been written into law; as a general matter, there is no rule dealing with germaneness in the Senate.

Therefore, it would be difficult to imagine how the people's branch could deal a more fatal blow not only to itself but also to the basic structure of our constitutional form of government.

Nero, who reigned between 54 and 68 A.D., was told that the Senate had passed a decree imposing the death sentence on him. And so he fled to a little house that was owned by one of his, I suppose, friends or freedmen or perhaps even a slave. And as he was there contemplating death, he touched the point of his dagger to see how sharp it was and he then put it aside, and said, "The time, the time has not yet come."

He would say, "Oh, what a magnificent prince, what an artist is about to die." Only four persons were with Nero. He had them dig a grave for him, and he begged that one of the four who were attending him would die first—would die first as an example; Nero could then die more easily if someone else died first. No one volunteered.

Finally, when Nero heard the horses drawing near, Epaphroditus, his Secretary, aided him in plunging the steel into his throat. Nero said, "I die shamefully."

Mr. President, the Senate is about to administer, if not the hemlock, perhaps the steel to its own throat, and if it ever does that, then it should say, like Nero, "I die shamefully."

Enhanced rescission power for the President is so unwise. Beyond the obvious shift of power, a shift that we could see and measure, there lies an equally insidious ramification that would no doubt result from adoption of this amendment.

We hear a great deal these days about reform, about change. I heard it on the floor this morning. The American people voted for "change," which means we need to change the rules of the Senate? Is that what they voted for?

We hear much about reform.

NBC, in some of its recent shenanigans, should have broken people from watching television.

We hear a great deal these days about reform. We hear through our televisions and newspapers about the efforts under way to reform the Congress, the campaign finance laws, and the lobbyist registration laws. I have no doubt, as I have testified, that some of this is a good thing. Some of this needs to be done. We also hear that the outcome of this reform will reduce the influence that the special interests and their lobbyists have on Members of Congress. But in an ironic twist, this amendment goes against the grain of those reform measures. It goes against the grain because it would have the effect of creating a new "superlegislator" with an oval office right down the street.

All of the promises that are being made in the name of the line-item veto, all of the magic incantations that we hear erupt in this Chamber in the name of the line-item veto, and enhanced rescissions. I say, if we really want to do something about the budget deficits, enact meaningful campaign finance reform so that the special interest groups cannot have it their way, so that they do not have the Members of the House and Senate in their hands, so that the real power and authority and sovereignty will go back to the people. Break the hold, rend the chains with which we are bound by these special interest groups!

Call up an amendment on gun legislation. See how far it gets. Call up an amendment that the bankers do not like or the physicians do not like or that the senior citizens do not like or that the Jewish lobby does not like. Offer an amendment to take $1 billion away from Israel and Egypt and give it to Russia and see how many votes the amendment gets.

The special interest groups in this country have been responsible in great measure for the budget deficits. First, they pressure the Congress into enacting an authorizing measure. That is signed by the President. We go down to the White House. The President gives us pens.

An authorizing measure. It does not cost a dime. Well, that is the faucet up here at the head of the line. Once the authorizing measure is passed, once it is signed, there is where it should have been vetoed. There, there is where the President should use his veto pen, on the authorizing faucet. No, he does not use it there.

Pressure groups, they are behind a lot of these new programs, and a lot of them do much good work. I do not mean to imply that their intentions are bad or their motives are bad or anything like that. But I am talking about the effect of the pressures on the Members here from special interest groups.

We enact the authorizing measure. Then, what next? Ah, then the Appropriations Committee room is right down there on the next floor. There is the door, with "Appropriations Committee" written over it. That is the next faucet. That is where the McCain amendment comes in. The Appropriations Committees are blamed for the budget deficits and with the debt which has increased from $932 billion in 1981 to more than $4 trillion today. But it is appropriations, they say. And this little amendment, only a few pages, three or four—it is a little amendment—would go after appropriations.

The Appropriations Committees have not been breaking the caps. We have lived within the caps.

But then there is that appropriations faucet. They say stop spending. They do not say what spending: Entitlements, black lung, food stamps, veterans pensions, veterans compensation, commodity credit, child nutrition, Medicaid, Medicare. There do not say. They just want the President to be able to rescind appropriations. Appropriations. Appropriations. The sponsors of this amendment do not say anything about the things that are really causing the budget deficits.

The President would be the new superlegislator created through this amendment. He would be in an unprecedented position to unleash his newfound powers as a means of controlling the votes of Members not only in the appropriations process but also in a wide array of projects.

Now, someone this morning sort of belittled the idea that the President might use this new power on Members of Congress.

Perhaps they did not belittle it. They said he ought to have that power. The President ought to be able to use this power on the Members of the House and Senate, they said.

The President could say to Senator BYRD, "Well, Senator, you've got an item in this appropriations bill that would be an asset to the country, this automated integrated fingerprint identification system which would enable the law enforcement community all over the country and the world, as a matter of fact, to benefit, help to capture criminals. And I see that the FBI is going to place the facility in West Virginia."

"Yes, sir, Mr. President, that is right."

"Well, I will bet your people think very highly of you and that you are doing a good job."

"Yes, they do, Mr. President."

He would say, "They have every right to. You are doing a good job. I see you have $60 million in that bill this year."

I might say, "Well, that is for the prototype high tech system, by which this new identification facility will be able to make quantum leaps ahead in identifying the fingerprints of criminals."

"Well," he would say, "I kind of favor that, too. I think that is a good idea. But how do you stand on the Clarence Thomas nomination?"

Well, I would have been able to say, "Mr. President, I am going to vote for Clarence Thomas," because I had made up my mind originally to vote for him, but I changed my mind when I witnessed his performance on that day before the Judiciary Committee of the Senate. I changed my mind. I would feel obligated to go back to the telephone and say, "Mr. President, I am sorry to have to tell you that I have changed my mind."

He would say, "Well, I have several of my agency heads suggesting that I veto this item that you have in the appropriations bill. I have been kind of standing against that pressure, and you say you are going to vote against Clarence Thomas?"

"Yes, that is what I am presently intending to do."

"Well, I am sorry to hear that. I may have to veto that item you have in your bill."

If you do not think that would work, if you do not think that is pressure—I had Lyndon Johnson try to twist my arm, and it was excruciating. I felt like I had been through a wringer. My shirt and undershirt were wet. The hardest thing in the world is to say no to the President of the United States. But, I said no to President Johnson more than once. It is not easy to do.

The President would be in a position to call any Senator and say, "I am being advised to rescind a project that is in your State. I know this project is important to you. I really do not care one way or another, but my advisors over at OMB say we can save a $1 million if we do away with it. For now I am just going to study it, and I will get back to you.

"Senator, while I have you on the phone, I sure would like to have you support my nominee to the Supreme Court. That vote is next week, and I sure hope I can count on your support. Looks like it will be a close vote."

That is real pressure.

Vespasian, a Roman Emperor who reigned between the years December 22, 69 A.D., and 79, once sent word to Helvidius Priscus saying, "Do not attend the meeting of the Senate tomorrow."

Helvidius Priscus answered, "Oh, Emperor, you have the power to unmake me as a Senator, but as long as I am a Senator, it is my duty to attend the meetings of the Senate, and I will attend."

Now, Helvidius Priscus said no at the peril of his life. There are not many Roman Senators today. Senators do not say no to the President today at peril to our lives. But how many in here would quake and quail at a Presidential threat? There are not many Helvidius Priscuses around.

No one has to read between the lines to see how the normal give and take that is part of the governing process could be corrupted.

Mr. President, I ask unanimous consent that I may yield to the distinguished senior Senator from California [Mrs. FEINSTEIN] for up to 10 minutes; that she may address the Senate and perhaps carry on some transaction as in morning business; that my rights to the floor be protected in the meantime, and that I be permitted to regain the floor after she completes her remarks.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

The Senator from California is recognized for up to 10 minutes.

(The remarks of Mrs. FEINSTEIN pertaining to the submission of Senate Concurrent Resolution 15 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. Under the previous order, the floor returns to the President pro tempore [Mr. BYRD].

Mr. BYRD. I thank the Chair.

Mr. President, as I was saying, the governing process would be corrupted with the enactment of an amendment of this nature. The implications could not be any clearer. Where would the independence of Senators to vote as they saw fit be then? Where is the separation of powers between the branches with that kind of standard? How will that tactic play with Senators or Members of the House? Where is the control of the legislative branch when that kind of influence is applied?

The issue has nothing whatsoever to do with whether a President is a Democrat or a Republican. It makes no difference what political party the President represents. Enhanced rescissions authority is dangerous regardless of the President's political leanings, because it is far more intrusive into the delicate balance of power, a balance of power that was crafted by the Founders more than 200 years ago, than is a line-item veto.

Were this type of amendment enacted into law, the control of the Nation's purse strings by the people's representatives would be lost.

What did Madison say? It is not what ROBERT BYRD said. But what did Madison say in Federalist No. 48? "The legislative department alone has access to the pockets of the people." The legislative branch.

What did Madison say in Federalist number 58? It is not what ROBERT BYRD said that counts. What did Madison, James Madison, say with reference to the power of the purse, Madison who came from the great State of Virginia, so many times referred to as the mother of Presidents? The State of Virginia, that is where I got my wife, the State of Virginia, and we have been married for 56 years, if the Lord is willing, come the 29th of this coming May, 56 years. The State of Virginia gave me a good wife and the State of Virginia gave us a good President in James Madison. What did he say?

He said "This power over the purse may in fact be regarded as the most complete and effectual weapon with which any Constitution can arm the immediate representatives of the people for obtaining a redress of every grievance and for carrying into effect every just and salutary measure." That is James Madison talking, James Madison talking about this power of the purse, this power over the purse. It is the people's power, and yet Senators would cavalierly, or callously, disregard the people by voting to shift some of this power to the President of the United States.

I need only rest my case on the words of James Madison, the father of the Constitution. Hear him speak, not us pygmies. Let the giant, the father of the Constitution, speak. Listen to what he said about the power over the purse in Federalist No. 58.

Mr. President, the American people really need to know the truth about this snake oil that is being hawked under the label of line-item veto. It just will not work.

There are few line items in an appropriations bill to veto. I do not know why Presidents, beginning with Grant and coming down through Reagan and Bush, sought to perpetuate this hoax on the American people that we can get our budget deficits under control if we just give the President the line-item veto.

That is pure unadulterated, unmitigated hogwash. One would think that President Reagan had never read one of those appropriations bills that came across his desk.

For Senators to stand up on this floor and promote the myth that if the Presidents are given a line-item veto, we will get our deficits under control, we will control spending, well, as I have already said, they are overlooking the real spending that is causing the budget deficits. This amendment will not get to that.

The line-item veto will not get to the entitlements; it will not get to the mandatory items; it will not get to the tax expenditures, the real budget busters. It will not get to them, because they are not in appropriations bills.

The President could not take out cranberry research because that is not a line item in an appropriations bill. That is in a conference report. Conference reports do not go to the President for his signature.

Where have these Senators been? When did they last read an appropriations bill? Why do they not, for once, look at an appropriations bill? They will not find many line items. Most everything is in lump sums. And no President can line something out that is not in an appropriations bill.

Why don't Members of Congress stop trying to fool the people? This is quack medicine, pure snake oil.

Mr. President, I understand that the distinguished junior Senator from California wishes to speak for 5 minutes as if in morning business.

I ask unanimous consent that I may be permitted to yield to the distinguished Senator, Mrs. BOXER, for up to 10 minutes, and that I may be protected in my rights to the floor and that I may be again recognized upon her yielding the floor.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? If not, it is so ordered.

Under the order, the Chair recognizes the Senator from California [Mrs. BOXER].

Mrs. BOXER. I thank the Chair and I thank the distinguished chairman of the Appropriations Committee for his generosity. I am hopeful that I will finish my remarks within about 5 or 6 minutes, at which time I will yield back that time to the Chair.

I just want to say at the outset that I do agree with the comments of the distinguished Senator when he talks about the line-item veto.

I could never put it in as eloquent a way, but I will say I came to Washington to get something done and not to cede away the authority that the people vested in me to make these kinds of very important decisions. So I will be taking that position throughout this debate and others as they may come forward.

(The remarks of Mrs. BOXER pertaining to the submission of Senate Concurrent Resolution 15 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

(Ms. MOSELEY-BRAUN assumed the chair.)

Mrs. BOXER. Madam President, I thank the good Senator from West Virginia and I tell him I will work with him in this fight not to allow a line-item veto. I cannot understand, I say to my friend, how people could come here to this body or to the other body with the trust of their constituency and give up the responsibility they have to make these kinds of spending decisions.

I yield the floor.

Mr. BYRD. Madam President, I thank the distinguished Senator from California for her eloquent statement, not only with respect to matters that particularly pertain to her State, but also with respect to her opposition to the pending amendment. I thank her very much from the bottom of my heart.

I say to Senators who are pondering the line-item veto and enhanced rescissions, if there is a base closing in their State and if we give the President this weapon, it will be an additional and potent weapon for him to take out moneys for bases. So we will be handing to the President just an additional weapon which he can effectively use in dealing with base closings.

If this type of amendment is enacted into law, the control of the Nation's pursestrings by the people's representatives will be lost. It will be gone forever, just as last year, or last month, or yesterday is gone forever. Any attempt to recoup this shift of power from the people's branch, from the legislative branch, to the executive branch, would have to contend with a Presidential veto, because no President would willingly give back such authority. It would require two-thirds of each House to override that Presidential veto. We would need to muster two-thirds of both Houses in order to regain control over the power of the purse. That would not be easy. Look at the history of Presidential vetoes, and one will see what a difficult chore that is.

This is not a dispute over turf, despite the best efforts of some to portray it that way. It is a dispute over the division of powers between the executive branch and the people's branch. Look at the Constitution. What is the first branch that is mentioned in that Constitution? The legislative branch.

> Article I, section 1: All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Which branch came into being first? The legislative branch.

Mr. HATFIELD. The Continental Congress.

Mr. BYRD. Yes, the Continental Congress, as my friend from Oregon, Senator HATFIELD, says. The Senate and House met in April of 1789, and later the President was inaugurated and the Vice President; and later, through the legislation initiated in the Senate of that First Congress, the judiciary was created. So, this is the "mother" of all departments—the legislative branch, the people's branch.

That division, that balance of powers between the two branches is what is fundamentally at stake here. And why Senators cannot see that, why they go along merrily saying, "Well, I want to cut spending, I want to cut deficits." "I am against line-item vetoes," some of them will say, "but I may be for enhanced rescissions," which is worse, worse than line-item veto, worse than the line-item veto many times over. Because in the line-item veto, as I have already explained, the President can only line out what is lined in an appropriations bill. But with enhanced rescissions power, he can sign an appropriations bill, I say to the Senator from Oregon, and after he has signed it—2 or 3 months later, as a matter of fact—he can wait until he sends his next budget message up to the Congress, which has to be between the first Monday after the third day of January and the first of February, and make rescissions for that fiscal year, when the months of October, November, and December have already passed, and even January. He can wait until the first day of February, all that time is passed, then he can send up these rescissions.

It is not like line-iteming out an item that is lined in an appropriations bill. It is not like that. These items are not lined in, in appropriations bills; they are defined and explained in the conference reports or in the committee reports that accompany the legislation. Committee reports do not go to the President. Conference reports do not go to the President to be signed. He has to sign the bill or veto the bill. So, if the President cannot find an item in a bill, he can only line out lump sums.

But in the case of rescissions, he does not have to find an item in the bill. He can go ahead and sign the bill and then, a month later, 2 months later, 3 months later he can send up rescissions. He can take a look at the conference report and—he does not have to do it himself; he can just tell one of the bureaucratic underlings down there—and I do not say that with disrespect toward anybody—but he can say to the persons who, as far as the general public is concerned, are not known, have never been elected to any office—he can take their advice as to what is in that bill, and they can say, well, here are 200, here are 300 items in this bill, Mr. President.

He can say, I will rescind 20 of them, 30 of them, 50 of them, 100 of them—rescind them. All this, after he had already signed the bill. And the Congress would have only a very narrow window of time in which to pass a bill disapproving of the President's rescission.

What can he then do? He can veto the disapproval resolution. Then what? One-third plus 1 of either body can sustain the veto of the President. If that is not 5 times, 10 times, 100 times, 1,000 times more dangerous to the people's power over the purse, through their elected representatives in Congress, I do not know what is—many times worse.

Why would anyone say, "Well, I am against the line-item veto but I do not know about enhanced rescissions. I may be for that. That is a compromise." Mr. President, that is no compromise. It is worse by far, because, as I say, it allows the President to take whatever items are in the conference reports and committee reports and simply send those items up to the Congress and say, "I am rescinding these."

And if Congress does not disapprove them by law within a narrow timeframe, they will be rescinded. And then we run the risk, as I say, of passing a bill and seeing that vetoed and having to override that veto. So enhanced recissions is many times worse.

There is a disagreement over where the power of the purse is to rest. The Presidents, I heard them say: Give me what 43 Governors of this country have; give me the line-item veto and I will balance the budget. And Governors say they balance the budget in their States.

Madam President, the lines of separation between the branches of Government are more tightly drawn in the Federal Constitution than they are at the State level. In addition, State legislatures are not in session; some of them are in session 1 or 2 months a year, or 1 or 2 months every other year. They do not have the budget tools, the oversight tools, the information that is needed to make cuts. Only the Governors have those powers and those tools at their command, and they are in business all the time.

I served in the legislature, both houses. They are not there. When I was a member of the legislature in West Virginia, we were in session 2 months one year, and then we did not have another session until the year after the next year. Legislatures are not equipped to do the trimming of budgets.

The responsibilities and duties and functions of State governments are far different from those that are incumbent upon the Federal Government. And why some Senators cannot for once just sit down and take the Federal Constitution—the Federal Constitution is only a few pages, very few pages—and lay down beside it their own State constitution and observe the differences in responsibilities, powers, and functions of the two governments, the Federal and the State, I cannot understand. The differences are so great in the responsibilities of the two, we should not attempt to equate the one with the other.

Many States are helped in their efforts to balance their budgets by virtue of the fact that millions of dollars in Federal moneys come through the pipeline from Washington to the State houses. Many States have two budgets, an operating budget and the capital budget. We only have one at the Federal level.

Mr. President, I did not put this power where it rests today. I did not put this power over the purse, of which Madison spoke, I did not put it where it rests. Our Founding Fathers put it there. The constitutional framers put it there more than 200 years ago, and they did it for good reason.

We are all aware that all recent Presidents have been fond of speechifying and grandstanding on the subject of pork. For the past 12 years, we have been drowning in a sea of oratory from the great fiscal conservatives over so-called boondoggles. But the sponsors of this amendment, like our two previous Presidents, are misleading the American people on what these legislative elixirs, these gimmicks would accomplish.

Now, I have heard it said that President Clinton favors the line-item veto. But I have said on the floor many times that it is not a matter of who is President or whether he is a Democrat or whether he is a Republican, or what party is represented. We are talking about something that is basic here to the constitutional system. We are talking about checks and balances and the separation of powers. And it is not because I did it or I said it; it is because the framers of the Constitution wrote it into that document.

At another time I, the Lord willing, will have something to say about the history of the power over the purse. I will talk about the history of England and how the Parliament developed and how the power of the purse came to be vested in the House of Commons. I will also go back to the Roman Empire. I will talk about Roman history and about checks and balances there. There were checks and balances there. Two consuls were elected annually and with 1-year terms. Each consul could veto the actions of the other consul. Tribunes represented the plebeians; at first 2 tribunes, later 10 tribunes. Any tribune could veto the actions of another tribune or the actions of a consul or the actions of a praetor or an aedile or a guaestor or a decree of the Senate; thus, there were checks and balances.

I will wait until another time to speak on Roman history.

Incidentally, on the Roman Empire, do not read just what Robert Byrd says. Read what Montesquieu said. The Founding Fathers were very conversant with Montesquieu's principles of government, as they were also familiar with the history of the English nation, and as they were with ancient history.

On constitutional questions, on questions capable of destroying the very taproot of our American democracy, we must seek and speak the truth.

The chart I displayed earlier revealed our record on the rescission side, the savings side, of the issue. Still, proponents of the enhanced rescission amendment claim that the President needs this additional authority in order to put the brakes on the spending habits of the "bloated," "out-of-touch," "wasteful," "Democratically controlled" Congress. The plain fact is, that over the years, Congress has spent less than Presidents have requested in their yearly budgets.

In the 48 years between 1945 and 1992, inclusive, Congress appropriated less than the Presidents requested. During that time, the various administrations, Democrats and Republicans, requested $12,486,478,968,843, while the total of all annual, supplemental, and deficiency acts, all the money appropriated by Congress, minus the amount rescinded, amounted to $12,286,112,065,941. Congressional appropriations were $200,366,902,902 less than the combined budget requests of Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, and Bush. Thus, while the devotees of this amendment like to portray frugal Presidents battling extravagant congressional appropriators, the record does not support their argument.

The truth is, that this amendment, Senator McCAIN's amendment, would not have the effect that it has been advertised to have. To see why this is so, I will again refer to the language of the amendment. This amendment would allow the President to "* * * rescind all or part of any budget authority * * *" contained in any "* * * regular or supplemental appropriations Act or a joint resolution making continuing appropriations * * *." What budget authority will such language allow the President to cut?

Madam President, earlier I quoted from testimony given today by Mr. Socolar of the General Accounting Office. Let me return to his remarks to emphasize the fundamental issue at stake here today.

Mr. Socolar stated that "* * * proposals to change the rescission process should be viewed primarily in terms of their effect on the balance of power between the Congress and the President with respect to discretionary program priorities." He said that enhanced rescission authority "* * * would constitute a major shift of power from the Congress to the President in an area that was reserved to the Congress by the Constitution and historically has been one of clear legislative prerogative."

Madam President, the most effective instrument of restraint possessed by the legislative branch against a powerful executive branch is the control of the purse, and were the President to be granted enhanced rescission authority it would seriously unbalance the delicate system that was put in place by the Constitution. The initiative on spending as a determinant of public policy would be transferred to the hands of an imperial President.

The office of the Presidency is already the repository of awesome power. Its occupant is Commander in Chief, the head of the executive branch, the leader of his political party with extensive patronage at his disposal. He commands, in our modern telecommunications age, a powerful "bully pulpit" that gives him an enormous ability to appeal directly to the people. If, in addition to these formidable strengths, he were given enhanced rescission authority, he would become a king in everything but name. Congress would find itself with no check and balance over him other than that of impeachment.

Senators should think long and hard before they agree to trade the long-term harm that would be done to the structure of our Government and to the interests of the people with this amendment, for the short-term personal political gain that might come from it. They should think about our Constitution, our constitutional system, and the wisdom of the constitutional framers who placed the power of the purse here in this institution. They should reread the Constitution, those who may not have done so lately, they should reread it, and then they should think about what that great document says before they agree to this trade because it would all be lost. It would be gone forever. That is a trade this Senator will never make.

Madam President, I ask unanimous consent that I yield the floor that the distinguished Senator from Arizona may speak for 2 minutes. I yield that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. McCAIN. I thank the Chair. It is my understanding, if I might ask the distinguished chairman and manager of the bill, we are going to have a motion to waive the budget—an objection point of order on the Budget Act.

Mr. FORD. The Senator is correct.

Mr. McCAIN. I thank the Senator.

First of all, I would like to thank the distinguished chairman of the Appropriations Committee for his courtesy. I always appreciate very much these debates we have been having now for many years.

I would just like to point out, Madam President, that even Michael Kinsley, in this week's Time magazine, states, "In domestic and budgetary policy, Congress should restore meaning to the President's veto power by giving him the line-item veto. Fair enough?" And he goes on to say, "A genuine line-item veto would require a constitutional amendment. But Congress could achieve the same result by trying to submit every appropriation and tax item as a separate bill for the President to sign. * * *"

Madam President, I ask unanimous consent this article be made a part of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CASE FOR A BIG POWER SWAP

(By Michael Kinsley)

Bitter arguments between the President and the Congress are built into our constitutional system. What isn't necessarily built in are the bitter arguments of recent years over the constitutional division of labor itself. Controversies over a wide range of issues—independent-counsel prosecutions, Supreme Court nominees, funding of the Nicaraguan contras, the Persian Gulf War, the federal budget deficit—all turned into fights about the separation of powers between the Legislative and Executive branches.

During the era of divided government, conservatives developed an enormous and historically uncharacteristic enthusiasm for presidential power. Conservative legal scholars produced elaborate theories establishing to their own satisfaction that the independent counsel is unconstitutional; that the President not only needs but already has a line-item veto over congressional appropriations; and so on. This trend culminated in President Bush's breathtaking assertion—never put to the test—that he could send half a million American troops into battle halfway around the globe without so much as a nod to Congress's constitutional power to "declare war."

Now divided government is gone. And already we can see the Republican enthusiasm for Executive authority fading and a new respect growing for the prerogatives of the legislature.

But Democrats also face a test of their principles. And with control of both branches, the Democrats are in a position to put their principles into practice. Democrats could serve the Constitution and the country by making a "grand bargain" between Congress and the White House. In foreign policy, the President should acknowledge and begin honoring Congress's war power. In domestic and budgetary policy, Congress should restore meaning to the President's veto power by giving him the line-item veto. Fair enough?

Congress's war power has become the most flagrantly disregarded provision in the Constitution. There have always been debates over the extent of the President's authority to respond to unexpected emergencies. But the real erosion began after World War II. During the cold war era, there were claims that the hair-trigger nuclear stalemate made the notion of consulting Congress obsolete. From Vietnam through the invasion of Panama, there were arguments about what was and was not a "war." In the 1980s the issue was usually whether Congress was trying to "micromanage" foreign-policy issues short of actually sending in the troops. By 1991, however, President Bush could claim with a straight face that he didn't need congressional approval for Operation Desert Storm: a deliberate, unhurried, post-cold war decision to start a war.

In the end, Congress approved Desert Storm. But only after America's prestige and hundreds of thousands of troops had been committed and the President had made clear he would go ahead with or without that approval. And since then there has been no talk of asking Congress's approval for further adventures in Somalia and Bosnia. As legal scholar John Hart Ely explains in a forthcoming book on this subject, restoring the air power is no special favor to the Legislative Branch. "The legislative surrender was a self-interested one: accountability is pretty frightening stuff." It's been too easy for members of Congress to play the hindsight game, supporting military adventures that turn out well and blaming the President for ones that turn out badly.

President Clinton faces the challenge of creating a post-cold war foreign policy. He seems to want it to be activist, including the possibility of military action in support of democracy and human rights. Especially given his own lack of military experience, he should be happy to abandon any claim to the right to commit U.S. troops unilaterally (except in genuine emergencies)—a right he does not possess under the Constitution in any event.

The line-item veto is also a matter of forcing a delinquent branch of government to take responsibility for its actions (or rather, its inactions). In this case, the guilty party is the Executive Branch. For 12 years we have been hearing from Presidents that the budget deficit is the legislature's fault because "Congress appropriates every dime." That's true. But Presidents submit an annual budget, and neither Bush nor Ronald Reagan ever came close to submitting a balanced one.

Critics of Congress have a point when they say the legislature has eviscerated the President's constitutional veto power by submitting gigantic, combination-platter spending bills, often at the last minute. The President then has a Hobson's choice of signing on to the whole thing or shutting down the government. The line-item veto, which 43 Governors (including the Governor of Arkansas) have in one from or another, would give the President authority to approve or disapprove individual spending proposals. It would also, thereby, deny him the luxury of blaming Congress for excessive spending.

A genuine line-item veto would require a constitutional amendment. But Congress could achieve the same result by agreeing to submit every appropriation and tax item as a separate bill for the President to sign or veto. Senator Bill Bradley has suggested adopting this practice as a two-year experiment. The Democratic-controlled Congress should have tried this experiment back when Republicans controlled the White House. It would have been a sparkling exercise in bluff calling. Now they can grant the power to one of their own. Politically, it would be no special favor to Clinton. But if he is serious about leading us out of the deficit, it is a burden he should be willing to accept.

Mr. SIMON. Madam President, I rise to discuss my views on the pending amendment offered by my colleague from Arizona, Senator MCCAIN. I voted against this amendment, despite my support for a line-item veto.

I support line-item veto power for the President, Every available weapon must be put in place to fight our growing national deficit. The most recent estimates show that the Federal budget deficit for this fiscal year will be $310 billion. Clearly, something must be done.

I have introduced legislation in the past to provide constitutional line-item veto power to the President. In fact, the Senate Judiciary Committee approved my legislation in the 101st Congress. It was the first time in more than 100 years that the committee approved any version of the line-item veto. I plan to reintroduce this legislation this year. My legislation is simple. It provides for a constitutional amendment to permit the President to reduce or disapprove any appropriations item. If the President does not reduce or disapprove an appropriation, the item becomes law. But if the President does reduce or disapprove it, then Congress is empowered to override that line-item veto by a simple majority vote of each House.

In my view, this provision allowing for a majority to override the President on a line-item veto is very important. It is the reason why I cannot support the McCain amendment.

A number of my colleagues are concerned that the line-item veto takes away power from the legislative branch and puts it into the hands of the executive branch. Under the McCain proposal, this might be so. Senator MCCAIN's proposal would require a two-thirds vote in each House to override a line-item veto.

The legislation I have sponsored in the past is faithful to the principle of majority rule in passage of legislation. It threatens only those appropriations which do not have majority support. Frankly, it is these appropriations items which often are least credible in the eyes of the American people and are most difficult to justify.

I thank my colleague from Arizona for the work he has done to focus attention on the need for a line-item veto. But I am concerned about the implications of his proposal for the balance of power between the President and Congress. As chairman of the Judiciary Committee's Subcommittee on the Constitution, I will continue to push for a constitutional line-item veto proposal, like the one I have introduced in the past, that would not adversely affect the balance of power between the executive and legislative branches of government.

Mr. DOLE. Madam President, last year when the McCain-Coats amendment was debated, some of our colleagues on the other side of the aisle asked if Republicans would continue to support enhanced rescission if a Democrat was in the White House. As you will see today, the answer is a resounding "Yes," Republicans support for enhanced rescission remains strong, not because it is good for Republicans or Democrats, but because it is a good deficit reduction, and that means its good for America.

ENHANCED RESCISSION

Madam President, most of us know that there is a very little a President can do to target spending for individual projects. He can veto an entire appropriations bill, but a veto can mean delaying funds essential to keeping Government operating.

The President, however, does have another far more precise tool for eliminating pork. It is called rescission authority. A rescission request lists in very exact terms what the President wants to cut from an appropriations bill to be signed into law without delay, while Congress reconsiders items the President has singled out.

Right now, Congress has three options for dealing with the President's rescission requests. Congress can accept a request, reject it, or ignore it. If Congress ignores the rescission, the President must, after 45 days, spend what he has withheld.

Too often, Congress simply ignores the rescission request, unless it needs the rescission to finance additional spending. That is not fair to the President, and moreover, that is not good budget policy. Congress owes it to the President to have an up or down vote on every single rescission request he has submitted.

CLINTON SUPPORTS

In his "vision of change" budget document, President Clinton strongly expressed his support for "modified line-item veto authority." He notes that, "Under the current procedures a President cannot single out wasteful items in an appropriations bill for a veto; he must veto the entire measure." According to the President, a better solution is for "the Congress to enact a modified line-item veto that will enable a President to reject wasteful items from an appropriations and will require the Congress to case a separate vote on those items."

While the President calls this budget reform a modified line-item veto, he is clearly talking about enhanced rescission. To the best of my knowledge, only enhanced rescission would require Congress to vote on items in an appropriations bill singled out by a President. With a pure line-item veto, Congress would vote on the items only if the Senate and the House decided to attempt to an override.

Now whether the President supports the McCain-Coats bill or some other verion of enhanced rescission is not clear. The McCain-Coats bill is the toughest form of enhanced rescission out there. It requires a two-thirds vote to overturn a rescission request, while the version being pushed in the House would only require a majority to reinstate spending. If I were the President, I would want the biggest veto pen available—the Coats-McCain line-item veto.

SENATOR MC CAIN AND SENATOR COATS

I want to praise Senator COATS and Senator MCCAIN for pushing relentlessly on this issue. While it is not popular with some Members of this body, polls show more than 80 percent of the public supports a modified line-item veto. That's because Americans think it is time for a change. No doubt about, the Coats-McCain line-item veto bill would change the way this body does its business and save America's taxpayers billions of dollars in wasteful spending.

Mr. BIDEN. Madam President, today I will vote against the amendment offered by the distinguished Senators from Arizona and Indiana. I will vote against this amendment not because I oppose giving the President responsibility to exercise more restraint over Federal spending. On the contrary, I have supported such legislation for many years.

Madam President, we all deplore the pork that can be found in virtually every part of our Federal budget.

But the proposal before us today will not give the President of the United States line-item veto authority, properly understood. As the distinguished Senator from Arizona admits, and as the distinguished President pro tempore has eloquently argued, it provides enhanced rescission authority, quite a different proposition.

The amendment we will vote on today permits the President to withhold funds from a program—in any amount he chooses, I might add—and then requires Congress to act within 20 days. If both Houses of Congress do not disapprove the President's rescission by a two-thirds majority, that rescission would stand.

Madam President, this would substantially upset the constitutional balance of power on the crucial question of the power of the purse.

But let us assume both Houses do pass legislation disapproving the President's decision to withhold funding from a program. Then, the President could veto that disapproval bill, which would in turn be subject to a vote to override his veto. Madam President, this proposal adds more layers of complexity to a budget process that already has lost the trust of many citizens—and many of us here in the Congress as well.

A real line-item veto, such as I am cosponsoring with the distinguished Senator from South Carolina [Mr. HOLLINGS] raises no such constitutional questions. It will, however, provide the President with a powerful tool to eliminate individual spending items.

The line-item veto I support calls for sending separately to the President each individual item in the big spending bills we pass every year. The way we do this now is to force the President to sign an all or nothing spending bill for Defense, Agriculture, or any other budget category. This permits individual porkbarrel items to ride along on a bill needed to continue the essential functions of Government that the American people sent us here to look after.

By enrolling separately each item in a big spending bill, Congress takes the initiative itself to offer the President separate targets for his constitutional veto power. This would actually restore the essential constitutional balance of power in the area of spending that we used to see before Congress began to lump numerous expenditures together over 100 years ago.

Madam President, there are important questions about the constitutionality of the enhanced rescission authority called for by the amendment before us today. And, to be honest, there are practical questions on the impact of the real line-item veto authority I support. That is why I support legislation providing for a 2-year experiment, to be sure it gets us the spending control we week without unforeseen side effects.

Madam President, I urge my colleagues to join me in sustaining the budget point of order against the amendment before us today, and then to join me in the future in supporting real line-item veto authority that will give the President increased power to control wasteful spending without sacrificing important constitutional safeguards.

Mr. MCCONNELL. Madam President, I rise today in support of the McCain amendment. As a cosponsor of S. 9, I believe the line-item veto will help Congress restore fiscal responsibility to the budget process.

No longer can we, as Members of the Senate, ignore the fact that the lack of budgetary responsibility has hampered the economic vitality of this Nation. If we can reverse this senseless spending trend, billions of dollars will be made available for investment and job creation. Next year, it is estimated that interest payments on our national debt will consume over $200 billion. Left unchecked, interest cost will increase $100 billion over the next 5 years reaching $300 billion by 1998, making it the second largest budget item.

Madam President, the American people were promised change. Unfortunately, very little change is foreseeable in the immediate future. Spending will continue to devour a larger portion of the Nation's gross domestic product without any means of control. The most recent estimate from the Congressional Budget Office indicates the President's plan of higher taxes and higher spending will fall short of its intended 5-year deficit reduction target by over $100 billion. Quite frankly, I am not surprised.

Madam President, I have come to the floor today in an effort to help President Clinton keep both his promise to reduce the deficit and to enact a line-item veto. Like President Clinton, I too, am committed to reducing budget waste through a line-item veto.

While serving as Governor of Arkansas, President Clinton had the power to strike wasteful budget items in order to maintain a balanced budget. Now as President, I hope that we can provide him with the same opportunity to again zero out wasteful spending items.

This authority will force the Congress to justify its spending requests and I believe facilitate the elimination of frivolous and wasteful spending by the Congress. I would like to point out to my colleagues that this amendment will not compromise the budget process, it will enhance it. The line-item veto enables the President to identify wasteful and unnecessary spending items and to notify Congress of his intention to eliminate such items. However, unlike the current rescission process, this would require the Congress to overturn the President's rescission within 20 days.

Madam President, it is high time for Congress to end its spending spree. The American people can no longer afford to pay for our fiscal irresponsibility, and they have stated so. In a Wall Street Journal/NBC News survey, 68 percent of those polled supported giving the President the line-item veto. I do not need a poll to tell me what the American people think about Federal spending. In my office I receive hundreds of pieces of mail each week demanding that Congress quit wasting the taxpayers' dollars. When I return to Kentucky each week, I receive the same response. Kentuckians are infuriated with the waste in Washington.

Madam President, I realize that this measure will not cure the budget deficit. However, I do believe it will change the way Congress spends its money. If we are to get our fiscal house in order we must begin by taking one step at a time. The line-item veto is the first step, and I urge my colleagues to support this amendment.

Mr. MCCAIN. Madam President, as Ross Perot says, the system is broke. It needs to be fixed. Those who believe that this will not work, that it has no effect, that it cannot cure the deficit problem, fine. Let us try it. Let us try it. Maybe you are right. We will not know, I say to the opponents of this legislation, until we try it. I suggest to you that we respond to the American people, who are saying, as Perot said:

> If you give the Congress more money, it's like giving a friend who's trying to stop drinking a liquor store. The point is they will spend it. They will not use it to pay down the debt. If you don't get a balanced budget amendment, if you don't get a line item veto for the President, we might as well take this money out to the edge of town and burn it, because it'll be thrown away.

Madam President, 19 million people voted for that man to be President of the United States. He campaigned on fiscal conservancy. He campaigned on a balanced budget amendment and line-item veto. Eighty percent of the American people want it and support it. It is time we respond to the people of this country and at least give this a chance because the system as functioning today does not work. That is how we have a $4 trillion deficit and that is why it keeps going up in an unconscionable and obscene fashion. With all due respect to the opponents of this legislation, let us at least give it a try rather than business as usual, which the American people have soundly rejected.

I thank the distinguished chairman for granting me time. I yield back the remainder of my time.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I make a point of order that the McCain amendment violates section 306 of the Budget Act.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I move to waive the Budget Act and request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE], the Senator from Texas [Mr. KRUEGER], and the Senator from Minnesota [Mr. WELLSTONE] are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. WELLSTONE] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 45, nays 52, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—45

Bennett
Bond
Boren
Brown
Burns
Chafee
Coats
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Feinstein
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Helms
Kassebaum
Kempthorne
Kohl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Robb
Roth
Shelby
Simpson
Smith
Specter
Thurmond
Wallop
Warner

NAYS—52

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Cochran
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Ford
Glenn
Harkin
Hatfield
Heflin
Hollings
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Stevens
Wofford

NOT VOTING—3

Inouye
Krueger
Wellstone

The PRESIDING OFFICER. On this matter, the yeas are 45; the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. On the previous point of order of the Senator from Kentucky, the amendment of the Senator from Arizona contains matters within the jurisdiction of the Senate Budget Committee and has been offered to a bill that was not reported by that committee.

The amendment, therefore, violates section 306 of the Budget Act, and the point of order is sustained. The amendment falls.

Mr. MITCHELL. Madam President, if there are no further amendments, and no other Senator wishes to address the subject, we are prepared to proceed to final passage of the bill.

Mr. DOLE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FEINGOLD). Without objection, it is so ordered.

AMENDMENT NO. 78

(Purpose: To exempt from coverage under the bill of States in which 75 percent or more of the voting age is registered to vote)

Mr. KEMPTHORNE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] proposes an amendment numbered 78.

On page 4, between lines 17 and 18 insert the following:

(3) A State in which 75 percent or more of the voting age population was registered to vote in the most recent general election for Federal office at any time.

Mr. KEMPTHORNE. Mr. President, I rise today to offer an amendment that calls on my colleagues and asks the American people to fully consider the real intent behind the National Voter Registration Act of 1993. I ask today that we give States and local governments a break instead of burden—incentives instead of another mandate.

We all realize that the motor-voter bill requires States to set up voter registration procedures in motor vehicle offices, in all public assistance Federal offices, and through the mail. But I must ask this body to consider why have we chosen to intercede in this matter and why have we chosen to do so at the sole cost of the States and local governments? What pressing need is there for the governments closest to the people, the governments with the historical right to solve this problem, the governments that know best how to deal with these kinds of issues—what need is there for them to be excluded from managing their own voter registration system?

I know that the people of the State of Idaho sent me to this Congress with a clear mission to end continuing Federal mandates in their lives.

My mandate from the people is to end Federal unfunded mandates on the States, local governments, small business, and the American citizen. The people of my State have sent me to say to you that "this Congress must end the practice of imposing unfunded mandates on our State and local governments and our businesses."

We must instead realize that the best way to gain compliance is not with the stick but with the carrot. We must give incentives to induce performance to States and local governments and not bury them in paperwork.

In the United States, almost every citizen over the age of 18 has the right to vote. It is not hard to register to vote in this country. Twenty-four States have decided that some form of motor-voter legislation is the answer for them. This must be the decision of the individual State legislatures and not the decision of the Federal Government. The States must not have this decision made for them by this Congress.

In Idaho we have a wonderfully simple system which, without the assistance of the Federal Government, has managed to achieve the eighth highest voter registration percentage in this country. In Idaho, when you go to get your driver's license they also will provide you with a voter registration form. If you cannot register personally, the county clerk will send you a registration form by mail—but you have to provide enough information to assure you qualify to vote. This system was developed by the people of the State of Idaho in conjunction with county registrars—without the Federal Government telling us how to do it.

This amendment will not hinder the drive to increase voter registration. It merely gives relief to States with innovative programs. It rewards them for effective voter registration procedures; instead of punishing them with unwanted, unneeded mandates.

In a conversation with Idaho secretary of state Peter Cenarrusa he called this an intrusion into the rights of the States. He is justifiably proud of the efforts the State of Idaho has made under his stewardship and he sees this effort to hold a legislative hammer over the head of his State as an invasion. I ask unanimous consent that his letter be printed in the RECORD at the close of my remarks, together with a list of States meeting or almost meeting exemption requirements.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KEMPTHORNE. The problem with the motor-voter bill is not merely the unwarranted intrusion into the rights of the Stats but also the enormous cost that it imposes.

The Conference of State Legislatures did a cost estimate on the mandates included in S. 460. Forty-one States responded and estimated total costs of compliance at $58 million.

The Congressional Budget Office estimated that the motor-voter bill would cost between $20 and $25 million a year for the first 5 years and an additional one-time cost of $60 to $70 million to computerize registration lists for a total 5-year cost of $160 to $195 million.

If voter turnout is the intent here then the motor-voter bill does not guarantee that end. In fact, voter turnout actually has dropped in some States after they adopted their version of the motor-voter program. Voter participation cannot be legislated; unless this body also chooses to mandate criminal penalties for citizens failing to vote.

We do not argue here whether it is worthwhile to have more Americans participate in their own democracy. All of us recognize that citizen participation is a desired and honorable goal. But I do not believe that this bill will achieve that goal. I do not believe that a bill which mandates, at any cost, the method and manner by which that registration is increased will achieve that goal.

We argue here an elemental principle between the all-knowing paternalism of the Federal Government and the clear freedom of individual State legislatures who will seek to develop a system that works best for their States.

For the privilege of paying for this body's mistake, the States will have no way to avoid the mandate, bear the cost, or ensure greater voter participation. Why have we chosen this course?

Many will argue that motor-voter is the correct solution to the apparent problem in some States of low voter registration. And I may agree. I agree that if the State legislatures are satisfied with the version of motor-voter that they use, then they should take no act which will reduce their success. If, on the other hand, States have found that another system has brought them equal success, why is it left to this body to steal that success from them?

The State of Idaho makes available voter registration at any DMV office. But this is a vastly different system than that proposed in S. 460. Of the 740,000 voting-age Idahoans eligible for registration in 1992, over 82 percent are registered to vote. Some States and local governments may, as some do already, choose motor-voter as a solution to their voter registration problem, but, clearly, it must be their decision to bear the cost of compliance and the cost of enforcement.

Following the 1992 election cycle, 22 States had over 75 percent of their eligible voters registered. The amendment I introduce today recognizes their accomplishments and exempts them from the onerous and expensive mandates of S. 460. Furthermore, it holds out the incentive to any State of avoiding the unfunded mandates in S. 460 if that State can better the national average.

My amendment calls on the proponents of this measure to respectfully realize that some States already have successful voter registration policies. Those States and local governments should be allowed to continue those successful programs without having to suffer the costly Federal mandates included in this bill.

This amendment will exempt any State from the provisions of S. 460 which has, or can by the date of enactment of this act, in 1995 or 1996, achieve a voter registration rate in excess of the national average. Our intent is to raise the Federal average for voter registration through incentives to the States and not through Federal intimidation and mandates.

I have watched this debate and have chosen this course in good faith to try to divert what I believe to be the destructive force of this bill from the people of my State and all States who will have to bear the cost. If we can agree that some States have managed their responsibilities well without our interference then this body must tolerate those States right to control their own affairs. If States which have already met the stated intent of S. 460 through successful, innovative programs, then why can they not be exempted from the provisions of S. 460? If high voter registration cannot be tolerated by this bill then what is the purpose of this bill?

Our Federal budget deficit threatens to consume ordinary Americans. And now we threaten to add to the distress of State and local governments without providing them the funds to carry out what we think is the best way to do business.

I urge this body to support this amendment to help put Washington right and get us back on the track the American people sent us here to follow.

EXHIBIT 1

STATE OF IDAHO,
Boise, ID, March 4, 1993.

Hon. DIRK KEMPTHORNE,
U.S. Senator, U.S. Senate, Washington, DC.

DEAR SENATOR KEMPTHORNE: I certainly welcome the opportunity to express my concerns pertaining to the "National Voter Registration" ie. "motor voter" bill which will soon be voted upon in the Senate.

It is my sincere belief that the "motor voter" bill is an insidious intrusion by the federal government into an area more properly handled by the individual states. The bill also creates yet another set of federal mandates without providing the states with the funds to meet these mandates.

As Idaho's chief election official, I am proud of our fine record both in voter registration and voter turnout. We have consistently been one of the top ten states in voter registration and turnout. Our election system works and any fine-tuning that is necessary will be done by the Idaho Legislature, not the U.S. Congress.

Good luck in your endeavors to amend the "motor voter" bill. I would certainly support any amendments that would exempt states over a certain registration threshold.

Sincerely,

PETE T. CENARRUSA,
Secretary of State.

States meeting exemption requirements: Oklahoma, 98.90; Minnesota, 95.76; Maine, 92.90; Montana, 90.42; Vermont, 89.36; South Dakota, 89.30; Michigan, 88.95; Mississippi, 88.13; Utah, 84.52; Idaho, 82.29; Iowa, 82.10; Nebraska, 81.52; Ohio, 80.32; Colorado, 80.07; Alaska, 79.76; Oregon, 79.71; Missouri, 79.25; New Hampshire, 77.57; Alabama, 77.49; Connecticut, 77.13; Illinois, 77.03; Louisiana, 76.53; Indiana, 76.15.

States almost meeting exemption requirements: Arkansas, 74.54; Arizona, 71.43; Kansas, 74.39; Kentucky, 74.71; Massachusetts, 72.63; Rhode Island, 71.40; Tennessee, 72.07; Washington, 73.72; West Virginia, 70.83; Wyoming, 73.02; North Carolina, 73.17.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. MCCONNELL. First, I want to congratulate my friend from Idaho for his amendment. It makes, it seems to me, eminent good sense. If the government of Idaho and the people of Idaho have registered—is it 82 percent of the eligible voters in Idaho have chosen to get registered in preparation for the opportunity to vote?

Mr. KEMPTHORNE. That is correct.

Mr. MCCONNELL. They should not be penalized for that, and that, as I understand it, is the purpose of the amendment of the junior Senator from Idaho.

It is interesting to note, as I pointed out on the floor in earlier debate on this bill, that all across the United States, since around 1960, both the Federal Government and the various States have made a conscientious and consistent, dogged, determined effort to make it easier for people to register. And, ironically, until 1992, the result was that turnout continued to drop, leading virtually everyone who studied the issue to conclude there is no necessary correlation between throwing onto the rolls large numbers of voters and turning out the vote.

There are some pretty clear signs, pretty clear indicators of what will cause turnout, and that is interest in an election, and aroused—irritated in some instances—electorate.

For example, the Edwin Edwards-David Duke race in Louisiana had a 78-percent turnout, an astonishing turnout. Clearly, the people of Louisiana thought there was something at stake in that election. They were aroused in large numbers to go out and exercise the franchise.

We saw some evidence of that at the national level in 1992, as we saw a 5-percent increase in turnout over the turnout in 1988, reversing the trend in recent years of continually tracking downward in turnout in Presidential races. Probably Ross Perot had something to do with that. Probably a feeling of discontent, a feeling of irritation in the country had something to do with that.

But, clearly, the point I am trying to make is that this bill, be it ever so well intentioned, is not going to have an impact on increased turnout. It can throw whole lots of the voters onto the rolls. It can do that. And it can mandate a particular way of doing that, to the detriment of a State like Idaho, which has obviously crated a procedure that is working. Otherwise, 82 percent of the people in Idaho would not be registered to vote.

So, I not only want to commend the Senator from Idaho for his amendment, I think it makes sense, but also to commend the people of Idaho for registering in rather large numbers in preparation for exercising the franchise.

Mr. KEMPTHORNE. I thank the Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, I have discussed this with the floor leader, and I hope the junior Senator from Idaho understands that we try to get a time agreement. I think 5:30 was agreeable to the Senator on that. I think it is agreeable to the leadership on the other side.

So, Mr. President, I ask unanimous consent that the time until 5:30 p.m. today be equally divided and controlled in the usual form on the pending Kempthorne amendment No. 78, with no second-degree amendments in order thereto; that at 5:30 p.m., the Senate proceed, without any intervening action or debate, to vote on or in relation to amendment No. 78.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I thank the Chair, and I yield the floor.

Mr. CRAIG addressed the Chair.

Mr. KEMPTHORNE. Mr. President, I yield 5 minutes to the senior Senator from Idaho.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. CRAIG. Mr. President, I thank my colleague for yielding. I stand in support of his amendment to S. 460, the motor-voter bill. My colleague raises such a valuable point in the context of this whole debate, and that is, does S. 460 actually encourage increased voter registration and increased voter turnout?

In a nation that values suffrage as much as we do and as our citizens have throughout our better than 200-year history, clearly anything we do that deals with new law in relation to voter registration and the voting processes of this country ought to be geared toward promoting and enhancing the ability to bring people to registration and to the polls in a voluntary way.

In the State of Idaho, as my colleague has just mentioned, we have been extremely successful and the reason is not only do Idahoans, like most American citizens, value their right to suffrage, but we have a tremendous voluntary effort going forth from our secretary of state through our county clerks' offices and out through both Democrat and Republican parties to register people, to encourage them to participate in the process. Yet today S. 460 not only mandates and prescribes a whole new procedure, it does it in a manner of penalizing, and I say that in the context of the costs that it inflicts upon the States and the costs that it inflicts upon the taxpayers of this country, with no guarantee that we will see an enhanced increased voter turnout.

I find it ironic that we would see this legislation back on the floor after last year when we have just gone through an intervening election in which voter participation in this country was actually higher. You almost have to ask yourself the question: If this is in fact legislation to increase voter turnout after an election in which voter turnout was nearly 5 percent higher, then why are we having it? Is it possible there is another reason for the introduction of this legislation? I certainly hope that all of the motives are well explained in the context of the legislation and the debate of those who are proponents of it.

But clearly the amendment of my colleague from Idaho speaks to doing exactly what we ought to be doing at this level of our Government: Encouraging, promoting, enhancing, offering incentives in a process within our constitutional democracy that says that the responsibility we are addressing in S. 460 is a State responsibility and that we will only encourage and enhance it in a way that is fair and balanced, in a way that is nondiscriminatory, in a way that truly brings about the kind of participation in this democracy that we would want.

So when a State reaches a 75-percent level of registration, why not reward them? Why penalize them into a process that costs a substantial amount more money, that is questionable whether it meets the goals of the legislation that it speaks to?

My colleague just came to this Senate from local government. He knows better than most what happens with mandates, at least from this level down to local units of government. They not only hamstring the creativity, the flexibility and, most assuredly, the enthusiasm of local government, but it costs money, money that probably is misdirected because Federal policy never ever really realizes or effectively touches the nuances of the local environment.

The nuance here is to encourage; the nuance here is to enhance participation. The reality is, will it happen? In a nation where men and women have fought and died for the right to suffrage, we ought not be restricting in the way that I think S. 460 restricts. We ought to be enhancing and promoting in a way that the amendment of my colleague from Idaho does, or accomplishes.

So I stand in strong support of it, and I urge my colleagues in the Senate to read this very brief, succinct amendment. It simply says we encourage by exempting from the law those States that meet goals, targets, and that is what Government ought to be about: Encouraging, promoting the very essence of our democracy and that is, of course, the right to suffrage.

So I congratulate my colleague for this amendment, and I stand in strong support of it and encourage our other colleagues in the Senate to vote in favor of it when that vote comes. I yield back the remainder of my time.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, I was pleased to hear the senior Senator from Idaho kind of veer off this sinister motive that might be underlying what was intended by those who sponsored the bill. I want to assure the senior Senator from Idaho that is my intent, and I want him to understand that very clearly.

Second, no one in this Chamber or anywhere can tell us how many people wanted to vote in the last election who were not registered. They became interested in the campaign and they wanted to be a part of it, and somehow or another, we put up barriers to prevent them from being a registered voter.

That bothers me some. They do not have to vote. Sometimes we pass in the Senate, we pass in the committees, we do not vote in a protest or we exercise our right to vote by not voting. And so that is not prevented here.

Let me tell my colleagues what they do with this amendment. We had testimony before the Rules Committee that some counties in one State had 110 percent registered. The amendment does not provide any way to purge; it does not require the States to purge. It does not require the States to keep a clean roll. You say as long as they are registered, you do not take them off and when they get to 75 percent, boy, they are exempt. So you are off and so you do not purge. That means it encourages the States never to purge. That is a mistake, in my opinion, of this particular amendment. We are not encouraging, we have no way to encourage people to vote.

But we do have a way of giving them an opportunity to vote, and we make it easy. We make it easy for them. This amendment that we now have before us would exempt States without regard to convenience or accessibility of voter registration programs for all citizens in that State. We are talking about the system. You talk about convenience for the registrars. You talk about convenience for those at the courthouse. You forget the citizen we are supposed to be working for. We ought to make it easier to reconnect those people who want to be a part of democracy with their Government. And the only way to reconnect them is by putting them on the rolls so they will have a right to exercise their discontent or their support of a particular candidate.

The primary purpose, Mr. President, of the motor voter bill is to provide uniform, convenient and nondiscriminatory access to voter registration. An exemption based solely on an arbitrary target registration rate ignores these purposes and denies the assurance of a convenient, nondiscriminatory voter registration system for all citizens.

Mr. President, I believe this amendment is one that we should turn down.

This bill is not about, as we hear, all these unfunded mandates. I have been Governor. I understand unfunded mandates. I understand funded mandates, too. Then I understand equal or better. The States want to take control of it and then make it equal or worse. And so they get control of it and blame us for it. I understand the political process at the State level. I have been around that circle a couple of times myself. So these unfunded mandates are good to talk about, but, in reality, they are not one and the same.

This bill is not about cost. This bill is not about fraud. It is about whether our Government should be active in extending the opportunity for citizens to register to vote or whether Government should be passive, thus placing the burden on the individual citizen.

We ought not shove it all back on them. That is not the way it should be. We should not place the burden on the individual citizen to learn all these things. We should have a system which takes the steps necessary so they can easily register.

This bill establishes a simple voter registration system. This amendment, even though well-intended, will create a problem not only in one State but in other States in order to try to get out from under this bill.

This is a broad base. This is not just for Idaho. This is for Kentucky and Alabama and all the other States. And so the purging is not in the amendment. It just allows the rolls to enlarge and enlarge. As I said, we had testimony that some counties in a given State had 110 percent registered.

So, Mr. President, we would have to oppose this amendment, and when the time comes—and we have about another 30 minutes to debate it—I will have no alternative but to move to table.

I yield the floor.

Mr. BENNETT and Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not a sufficient second.

Who yields time?

Mr. McCONNELL. Mr. President, I yield whatever time he may desire to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Idaho controls time on this amendment.

Mr. KEMPTHORNE. Mr. President, I would like to make this one comment and then I wish to yield to my good friend, the Senator from Utah.

As a former mayor, I am amazed that a former Governor is not standing on the side of States rights with regard to this issue. How can we not look toward a system that rewards incentives, that says if States can excel in certain areas, they ought to be rewarded. We do that in all aspects of our life. This is just one more opportunity where we ought to be offering rewards instead of mandates.

With that, Mr. President, I yield my time to the Senator from Utah.

Mr. BENNETT. Mr. President, I rise in support of this amendment, representing a State that has often led the Nation in total voter turnout. We are very proud of the fact that in Utah we routinely turn out 60, 70, sometimes 80 percent of our voters. In this last election, perhaps because of the great interest which came from three Presidential candidates, a gubernatorial race as well as a senatorial race, we had the highest turnout in our history.

So in terms of getting people to the polls in our State, frankly, we do not need any Federal help. We know how to do it and we have proven that we know how to do it time after time.

At the same time, the legislature and the staff from the Governor have done a survey and have decided that this amendment would in fact cost the State of Utah at least $100,000 a year in extra money to comply, and that is the direct cost with no reading of the indirect costs that would occur.

So the issue that has been raised about unfunded mandates does apply to us. Here is a State that is leading the Nation in voter turnout, that does not need any Federal help on this particular issue, that has done a study which tells it that it would cost the State money it would desperately need for other things, that is nonetheless going to have this cost put on the State regardless of those facts simply because those of us at the Federal level decide we want to take this opportunity away from the States.

I think that is a mistake, Mr. President. I think it is a clear mistake fiscally and I raise the issue that President Bush raised in his veto of similar legislation last time, the issue of constitutionality. The junior Senator from Idaho has already referred to that when he talked about States rights.

As I understand the Constitution, it is the responsibility of the States to control qualifications for the electorate, and as long as that responsibility is not abused, as it has historically been in some States, the spirit of the Constitution is that the States should be left to handle their affairs in a way that is the most effective.

As I say, there has been some historic evidence of that abuse. We have seen it in the use of the poll tax, in an abusive way, and it was appropriate, in my view, for the Federal Government to finally step in and through constitutional amendment abolish the use of the poll, in a way to take that particular function away from the State.

There is no evidence I can see that there has been abuse in this area that would justify the Federal Government intruding yet one more time into an area which has historically belonged to the States, that has constitutionally belonged to the States. But in the name of Federal uniformity, once again we chip away one more piece of the federalism concept that our Founding Fathers wrote into the Constitution in the first place.

So, Mr. President, representing a State that clearly does not need this legislation, representing a State that clearly does not want to afford this legislation, I rise in support of this amendment which would exempt our State from the pressures of this legislation because we have done a good job; we want to be rewarded for doing a good job and not be tarred with the brush of States that do have some problems. And as one, as I say, who has studied the Constitution, I would prefer to let those States work on their own problems than have the Federal Government intrude in this fashion into this arena.

On that basis, Mr. President, I intend to vote for this amendment.

Mr. FORD. Mr. President, will the distinguished Senator from Utah yield for a question on my time?

Mr. BENNETT. Yes.

Mr. FORD. The Senator talked about high turnout. Our records show that approximately 35 to 40 percent of the eligible citizens of Utah are not registered. Is that true?

Mr. BENNETT. I cannot give the Senator that number.

Mr. FORD. Did not vote.

Mr. BENNETT. Did not vote?

Mr. FORD. Yes, in that last election. Utah had 35 percent of its eligible voters who did not vote in the last election.

Mr. BENNETT. The registration number in the last election was around 80 percent.

Mr. FORD. Registration of those eligible.

Mr. BENNETT. No, voters registered who voted.

Mr. FORD. Has the Senator had an opportunity to read the Congressional Research Service opinion on whether this piece of legislation is constitutionally correct or not?

Mr. BENNETT. I have not. I would be delighted to have the Senator furnish it to me.

Mr. FORD. Mr. President, I will be delighted to do that. I think the Senator was referring to the Constitution, and the Constitution is right, until the Congress acts. Once the Congress acts with regard to the Federal elections, we certainly have that authority. I have this Congressional Research Service opinion of whether this bill is constitutionally correct or not.

I commend it to the Senator to read. I know he would not want to make a statement that even though he thought it was correct at the time—I am not a lawyer, so I have somewhat of a problem. Dad always told me to get a good lawyer and stay with him. I found a couple. I have been trying to stay with them. So this is the CRS statement.

The constitutionality of the National Voter Registration Act is here.

Mr. BENNETT. Mr. President, I thank the Senator. I did not mean to leave the impression that I thought this legislation was unconstitutional, because I recognize that indeed when the Congress acts, it has the constitutional authority so to do.

I, like the distinguished Senator, am not a lawyer. Sometimes I find that is an advantage when it comes to understanding the English language.

My only point was while it may be constitutional, it is nonetheless chipping away at the federalism concept within the Constitution that suggests these kinds of responsibilities should lie with the State.

I appreciate being corrected.

Mr. FORD. I did not mean to correct the Senator.

Mr. BENNETT. I did not intend to leave that impression. I am grateful for this information.

Mr. FORD. Mr. President, I thank the distinguished Senator. I know he is sincere in his position.

As to the question that I asked earlier, no one can tell us how many people wanted to vote in 1992 but were not eligible to vote because they were not registered.

This bill could register 90 percent of the eligible voters because 90 percent of the American people have drivers licenses. It is the best identification you can have in the world. It has your Social Security number, your picture, your signature, your autograph; however you want to refer to it.

So the ability for fraud, noncitizenship, those sorts of things, I think, are relatively minute under this particular piece of legislation.

Mr. President, I compliment those who have a huge majority of registered voters in their States. But, as you say, of the 80 percent of those registered to vote in Utah, that voted, that is great. But only 65 percent of the eligible voters were registered. If you take that percentage and apply it to the total, they really would have had a turnout if they had that kind of enthusiasm—three Presidential candidates, a Governor's race, which always gets the adrenalin moving in the States, then a Senate race can always create some enthusiasm.

So if they had had 90 percent of the eligibles registered, they would have had 80 percent of the eligible voters, which would have been roughly a 35-percent increase.

So I understand the States wanting to do this.

Let me make a point again that there is no provision in this amendment to purge. It is not a clean voting record. So it will allow them to continue to register and register. Some, unfortunately, will have passed away and still be on the roll. You have heard about going out to the cemetery and taking names off the tombstones and registering them so they can vote. This is basically the same thing. You are allowing those who have passed away to remain on the rolls. You find somebody that has registered and moved out of the State. They are still on the roll. But then you say when they reach 75 percent of the total number of eligible voters that are registered, they are no longer required to comply with the motor-voter legislation.

I just point out that in the testimony before the Rules Committee, when we took this piece of legislation before the committee to elicit testimony, States representatives came in and said they had counties with more than 110 percent registered in that county. That means you count 100 percent of the people in that county, and they had 10 percent more than that on the rolls. This is basically calling for the same thing. What we are trying to do in this bill is maintain a clean registration list and give everybody the opportunity to go to the big finals if they so wish.

Mr. President, I see no one on the other side wanting to support this amendment. I am more than willing to call for a quorum. Then it will be equally divided, if they are not here to support this amendment. I guess they are not too enthusiastic or too hopeful that it will pass.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Who yields time?

Mr. NICKLES. Mr. President, on behalf of Senator KEMPTHORNE, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. FORD. Will the Senator yield for just 1 minute?

Mr. NICKLES. Yes.

Mr. FORD. How much time does each side have at this point?

The PRESIDING OFFICER. Each side has 7 minutes remaining.

Mr. FORD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, I rise as a cosponsor of this amendment. Second, I wish to congratulate Senator KEMPTHORNE for an outstanding amendment.

This amendment would exempt States that are doing a good job in voter registration. Many States are doing a very good job. My State of Oklahoma happens to be one of those States. We are proud of our voter registration program.

We have talked to the State election board secretary and he says Oklahoma has registered 87 percent of the eligible voters, one of the highest percentages in the country. Many other States are doing a good job, as well.

I noticed that Maine is 90-plus percent. I congratulate Maine for that. Michigan, Minnesota, Mississippi, Oklahoma, South Dakota, Vermont all register more than 78 percent. They are doing a good job and they are doing a good job without the heavy hand of the Federal Government coming in and mandating that they do it.

Actually, they are able to do it in a much more economical fashion than the bill that we have before us.

The State election board secretary—who, I might mention, happens to be a Democrat—said we do not want this bill, we do not want this mandate, because it is going to cost us a lot more. He estimated the cost in Oklahoma, I believe, to be $1.2 million. He said we can do it for about a 10th of that amount.

Yet, the bill we have before us is going to mandate that we have voter registration not just where one would obtain their driver's license, but also in any variety of Federal agencies that hand out welfare stamps or food stamps or AFDC, and so on. He said, "Wait a minute. We do not need this Federal intrusion. We are able to do a good job without it much more economically, reaching out to a broad base of our constituency."

This amendment would exempt the States that are doing a very good job. Those States that have in excess of 75 percent or more of the voting-age population registered to vote would be exempt.

Mr. President, I think this is an excellent amendment. I hope our colleagues will agree to it and save these States that are doing a very good job from needless Federal intrusion.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, how much time is left on each side?

The PRESIDING OFFICER. The Senator from Kentucky has 3 minutes and 45 seconds remaining.

Mr. FORD. Mr. President, the junior Senator from Idaho made a statement in his remarks earlier that he was surprised that a Senator who had been Governor would support this piece of legislation. When I campaigned for Governor, as others have, I ran on a theme that placed the interests of the people first. When I campaigned for this position for the Senate, I campaigned and ran on a theme that placed the interests of the people first. And, Mr. President, I have not changed. This bill places the interests of the people first. It makes registration to vote simple, inexpensive, and convenient for the individual citizen. And that is why I so strongly support S. 460.

The amendment we have now before us is an amendment that I think probably is well intended, but is misdirected. And the language of the amendment does not do the job I think those who propose the amendment want it to do. Under S. 460, we are determined to have a clean registration roll. This amendment does not purge anyone. It means that someone could have passed away and they are still on the rolls. Somebody could move out of State and they are still on the rolls. They could change the place of their residential address, so they could be on the rolls twice. So it would not take very long for a State, by not purging the registration list, to rise to the point where they would be exempt under this amendment.

Now, we had—and I said earlier—testimony before the Rules Committee about a State that had counties that had 110 percent registered. That meant, if you had 10,000 people in a county, they had 11,000 people registered to vote. That is what is going to happen under this amendment.

All we want to do is connect the citizen with Government again and give easy access, no barriers, no hoops to go through in order to become a registered voter. Go to the polls, go to the courthouse, get your driver's license and you are registered. There is objection for all of these things as it relates to agencies. There are a few people around too poor to have an automobile. You have to give them an opportunity also. We have letters saying that it will not be an additional expense.

Mr. President, I see that the time of 5:30 has arrived. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I move to table amendment No. 78 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 78. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from Texas [Mr. KRUEGER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—41

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—3

Hatfield
Inouye
Krueger

So the motion to lay on the table the amendment (No. 78) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

The Chair recognizes the majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that at 12:30 p.m. on Thursday, March 11, the Senate go into executive session to consider the nomination of Janet Reno to be Attorney General.

I further ask unanimous consent that there be 90 minutes for debate on the nomination, equally divided between the chairman, Senator BIDEN, and the ranking member, Senator HATCH, of the Committee on the Judiciary or their designees; and that the vote on the nomination occur without any intervening action at 2 p.m.; that the motion to reconsider be tabled; that the President be notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. COHEN. Reserving the right to object.

Mr. MITCHELL. Mr. President, I modify my request to ask that the time for debate be from 12:30 p.m. until 2:15 p.m., equally divided, and that the vote occur at 2:15 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask that it be in order to request the yeas and nays on the nomination at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

NATIONAL VOTER REGISTRATION ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, Members of the Senate, pursuant to the order just obtained, the Senate will vote at 2:15 p.m. tomorrow on the nomination of Janet Reno, to be Attorney General. That will follow debate that will occur from 12:30 p.m. until 2:15 p.m. Following the vote, the Senate will return to consideration of the pending measure.

I have discussed the matter with the managers of the bill and the distinguished junior Senator from Kentucky has indicated that he or a colleague on his side will be ready to go with an amendment or a package of amendments at that time.

I see the Senator on the floor. Perhaps I could ask him to state the situation.

Mr. McCONNELL. If the leader will yield, we are working as I indicated to you earlier privately on a core package of amendments which we hope the majority might accept. We hope to have that ready sometime tomorrow. If not, by 12:15, there will be an amendment to the bill to be considered. But we are working diligently to have a package that we hope will improve the bill and may well be accepted by the majority.

Mr. MITCHELL. Mr. President, I thank my colleague.

Then Senators should be prepared for a lengthy session tomorrow in the afternoon and into the evening as we attempt to make further progress on the pending bill. It is, of course, my hope that we can complete action tomorrow. I do not know whether that is possible because I do not know the number of subject matter amendments to be offered. But in any event, Senators should be prepared for a lengthy session tomorrow for progress on the bill.

I thank the Senator from Kentucky for his cooperation. I thank all of my colleagues for their cooperation.

I now yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. I thank the Chair.

(The remarks of Mr. COHEN pertaining to the submission of Senate Resolution 78 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Iowa.

FIFTH ANNIVERSARY GALLAUDET DEAF PRESIDENT NOW MOVEMENT

Mr. HARKIN. Madam President, I rise today to pay tribute to a group of students who were true pioneers in the fight for change.

Five years ago this week, Madam President, on a campus less than 5 miles from where we stand today, a group of students and faculty at Gallaudet University marched to protest the board of trustees' decision to bypass two qualified deaf candidates for president in favor of a hearing candidate.

They took to the streets to overcome paternalism, discrimination, and exclusion. They stood their ground. And thanks to their dedication and their courage, less than a week later, a man named I. King Jordan was named the first deaf president in the 124-year history of Gallaudet University—America's only university dedicated to educating individuals who are deaf and hard of hearing.

The demonstration captured the hearts of the Nation and their victory was cheered by hearing and nonhearing Americans alike.

It was a special week for me, because as I have said many times on this floor, my brother Frank is deaf. I have seen the barriers he's had to climb in his life. Gallaudet was a victory for Frank, too.

Madam President, 5 years ago today, I wrote an open letter to Gallaudet students and faculty that read:

> You have succeeded in educating the world about deafness, the concerns of deaf people, and the simple truth that we all need and are entitled to dignity and respect * * * by your actions, you have brought the deaf community together around the world. You are my heroes.

Again, if you will permit me, I want to say something to these students of Gallaudet who this week are commemorating the fifth anniversary of the time when they all marched together and opened the eyes of Americans and people around the world to the special needs of people in the deaf community and, in fact, that someone who was deaf could indeed be president of Gallaudet University. I said at the time they were my heroes. And so I say this to them in a very special way.

I wanted to say that in sign language to my friends at Gallaudet. For the RECORD, I now say this so the RECORD can print it: You were my heroes then and you are still my heroes.

I also said that today I want to salute another hero, President I. King Jordan, the president of Gallaudet University. I told him that he had changed the world for the better.

Dr. Jordan has proven through his stewardship over the last 5 years at Gallaudet University that, indeed, as he once so eloquently said, there is nothing that a deaf person cannot do, except hear.

And he has proven that in terms of his great leadership of Gallaudet University.

There is a book put out called "The Week the World Heard Gallaudet." It was put out by the student protest. It is a wonderful pictorial essay of what happened that week. I just want to read one quote from the book. It said:

> The era of hearing people deciding what is best for deaf people has come to an end.

And it could not have happened soon enough.

Today we should pause and remember that before the student demonstrations in Tiananmen Square, before the Democratic uprisings in Eastern Europe, before the voter revolt of the 1992 Presidential election, there was a group of young pioneers at Gallaudet University who helped remind us all about the power of people and what the power of people can do.

They also reminded us that the ladder or ramp of opportunity must be left down for all Americans to climb.

During that week, began as a campus protest became a civil rights movement for deaf people everywhere.

Their actions provided a major impetus for the most important and far-reaching legislation Congress has ever passed for people with disabilities—the Americans with Disabilities Act, which I was proud to have sponsored.

Madam President, it has been said that a picture is worth a thousand words. During that week, we were ready to introduce the first draft of the Americans With Disabilities Act. And I was prepared to spend weeks explaining why we needed the legislation and overcoming, I might say right now, quite a bit of opposition. But thanks to the students at Gallaudet, I did not need to because of the picture that went across this Nation on television screens and appeared in newspapers and magazines all over the world.

Madam President, it was a summer afterward I took a trip to Europe, and I happened to see some deaf students in Europe. I began conversing with them. Their counterparts in Europe had watched the proceedings on satellite television of what was happening here in America at Gallaudet University. It sent a wave around the world. I think very few Americans really realized what happened during that week. I was preparing to spend a lot of time defending the Americans With Disabilities Act, explaining why we needed it, but the picture that went all across America of all these students at Gallaudet calmly, within the confines of legal protest, taking to the streets that did it, because that picture of students that were hearing with their eyes and speaking with their hands was worth a thousand words, and it helped remind the Nation and my colleagues here and it reminded the world that people with disabilities were ready, willing, and eager to be their own agents of change.

And did change ever come?

In the 5 years since Gallaudet we have crossed more frontiers for people with disabilities than we have in the entire 216-year history of the United States. In the first year alone after Gallaudet, four laws were passed that helped break down the barriers for people with hearing disabilities. One law made telephones more accessible to hard-of-hearing persons by requiring that they be made hearing-aid compatible. Another law brought technology to people to help them hear better. A third law established a Federal TDD relay service, telecommunications for the deaf service. And on the heels of that came the establishment of a National Institute on Deafness.

In 1990 then, on July 26, in what I called my proudest day in Congress, we passed the Americans With Disabilities Act with overwhelming bipartisan support. Many times I have called that bill the emancipation proclamation for people with disabilities. Among other things it made all State and local services accessible to people with disabilities, it established a national relay system, enabling people who use text telephones to have phone conversations with people who use regular telephone phones any time, any place, and for whatever reason.

Later that same year, the world of television was opened with a new law that required all new television sets with a screen size of 13 inches or larger sold or manufactured in the United States after July 1993 be equipped with built-in caption decoders. So, beginning this July, every new television set made or sold in America will have a little switch on it and have a little chip inside of it so that no matter where you go, in motels, hotels, bars, anywhere, you can get closed caption on your television and will not need one of those great big decoder boxes.

As a matter of fact, when we first introduced that, we had all kinds of estimates of how much this would increase the cost of a television set. Oh, it was going to be $50 a television set. Then maybe it was $20-some. Well, they got it down into the teens. We thought maybe that might be reasonable anyway, with the cost $10 more. Guess what, Madam President. We are now told that with competition, that wonderful thing called competition, the extra chip in those television sets will not even cost one extra dime to people buying those television sets. And, in fact, I talked to some people from the hotel industry who are already putting those televisions into their rooms so they can advertise each of their television sets have the decoder already in it so that people who are hard of hearing and who are deaf will stay in their hotels. So competition has proven that, in fact, all the fears we had of extreme cost of this just was not borne out at all.

So those are just a few of the momentous changes that occurred since that week in March 5 years ago. But, Madam President, I have said many times we cannot just pass a few laws and expect to change attitudes overnight. We still have a lot of work to do, but I am confident we will get there, because I know that in towns and cities all over this country these young men an women who were at Gallaudet 5 years ago are leading the fight to move people with disabilities into the mainsteam of American life.

As Dr. I. King Jordan said in a speech yesterday:

> At one time most Gallaudet students aspired to work within the deaf community and were limited to it. Today, the world is open to them. And students come to Gallaudet knowing they want to be attorneys, computer system designers, entrepreneurs, educators, actors, and even politicians.

So, Madam President, I hope the next 5 years are as fruitful as the last 5. I look forward to the day when all Americans with disabilities have their full share of the American dream. And then, to paraphrase another pioneer, Rosa Parks, we can all join together, disabled and nondisabled alike, and say, "Our bodies are tired but our souls are indeed at rest."

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Madam President, let me compliment my friend from Iowa. He has a special reason to have an interest in this particular field, but I think he has moved all of us to accept what he has proposed. I have had some of the experiences. I am pleased that I have, as they say, some disability but not one as he refers to. My children and grandchildren are healthy, and I am blessed with that. But as Governor we had the School of the Deaf, and I had some good friends that worked there and some from my hometown, and when you go and visit, they dance for you based on the rhythm in the floor.

Mr. HARKIN. Sure.

Mr. FORD. And do it perfectly.

Mr. HARKIN. Yes.

Mr. FORD. And, believe it or not, we have a deaf football team, and they play and they win some ball games. They do not know how to quit, you know.

So all these things begin to happen and it makes you feel good, and the Senator from Iowa should feel very good about what he is doing. I compliment him and hope that we continue to do those things, because that is the sensitivity of this country. It is sometimes hard to move in the direction, but I believe the Senator from Iowa will hang on 5 minutes longer and will accomplish those things that he wishes, and I compliment him for his efforts and for bringing to us, as only he can, the feeling of the disabled of America.

Mr. HARKIN. If the Senator will yield, I thank him for those comments.

Madam President, I cannot let this moment pass without making the record very clear that it was the Senator from Kentucky [Mr. FORD] that I went to see once about closed captioning the proceedings here on the floor of the Senate.

I do not think I had to even talk to the Senator more than 5 minutes about it, maybe not even that long.

He took it up as his own cause. I know there were problems with it. He had to overcome those problems of getting the closed captioning. But, as chairman of the Rules Committee of the Senate, he took it as his own cause. And it was due to the effort of Senator FORD of Kentucky that we got the closed captioning for everything that is said on the Senate floor so that people all over America—and I can still remember talking to my brother, who said it was the first time he ever understood what I said on the Senate floor because he was able to read it on his television set.

Mr. FORD. That may be a mistake, too.

Mr. HARKIN. That may be a mistake, I know.

But, again, I want to make the record very clear that people with hearing disabilities all over America owe a great debt to the Senator from Kentucky for all he did to make sure that we close-caption everything said on the Senate floor. I personally thank him for his leadership in that area.

Mr. FORD. Madam President, the Senator is most kind. I appreciate his remarks and look forward to working with him.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

INTERNATIONAL BANKS

Calendar Order No 31, Lloyd Bentsen, to be U.S. Governor of the International Monetary Fund, U.S. Governor of the International Bank for Reconstruction and Development, U.S. Governor of the Inter-American Development Bank, U.S. Governor of the African Development Bank, U.S. Governor of the Asian Development Bank, U.S. Governor of the African Development Fund, and U.S. Governor of the European Bank for Reconstruction and Development; and

DEPARTMENT OF STATE

Calendar Order No. 32, Peter Tarnoff, to be Under Secretary of State for Political Affairs.

I further ask unanimous consent that the Senate proceed to their immediate consideration; that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

INTERNATIONAL BANKS

Lloyd Bentson, of Texas, to be U.S. Governor of the International Monetary Fund for a term of 5 years; U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years; U.S. Governor of the Inter-American Development

Bank for a term of 5 years; U.S. Governor of the African Development bank for a term of 5 years; U.S. Governor of the Asian Development Bank; U.S. Governor of the African Development Fund; and U.S. Governor of the European Bank for Reconstruction and Development.

DEPARTMENT OF STATE

Peter Tarnoff, of New York, to be Under Secretary of State for Political Affairs.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

MESSAGES FROM THE HOUSE

At 6:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 490. An act to provide for the conveyance of certain lands and improvements in Washington, District of Columbia, to the Columbia Hospital for Women to provide a site for the construction of a facility to house the National Women's Health Resource Center.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 490. An act to provide for the conveyance of certain lands and improvements in Washington, District of Columbia, to the Columbia Hospital for Women to provide a site for the construction of a facility to house the National Women's Health Resource Center; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

The U.S. Army National Guard officers named herein for appointment in the Reserve of the Army of the United States in the grade indicated below, under the provisions of Title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. James H. Garne [redacted].
Brig. Gen. Ronald O. Harriso [redacted].
Brig. Gen. Charles M. Hood, Jr [redacted].
Brig. Gen. Jan P. Webste [redacted].
Brig. Gen. Clayton A. Hovda [redacted].
Brig. Gen. George W. Schule [redacted].

To be brigadier general

Col. Spessard Boatrigh [redacted].
Col. Henry Castillon [redacted].
Col. Charles O. Dillar [redacted].
Col. Richard S. Poole [redacted].
Col. Sharon K. Vander Zy [redacted].
Col. William B. Watson [redacted].
Col. Richard O. Carte [redacted].
Col. David W. Gay [redacted].
Col. Alben N. Hopkins [redacted].
Col. George J. Blysak [redacted].
Col. Dennis Fagan [redacted].
Col. Tommy F. Grier, Jr [redacted].
Col. Ronald K. Kerwood [redacted].
Col. Leroy S. Legowik [redacted].
Col. Joseph O. Nixon [redacted].
Col. John W. Hubbard [redacted].
Col. Jerry C. Smither [redacted].
Col. Paul G. Wisley [redacted].

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 5, January 7, January 20, 1993, February 16 and February 25, 1993 at the end of the Senate proceedings.)

*In the Air Force Reserve there are 16 appointments to the grade of major general and below (list begins with Nora A. Astafan) (Reference No. 10)

**In the Marine Corps there is 1 appointment to the grade of colonel (Michael F. Monigan) (Reference No. 11)

**In the Air Force there are 5 appointments to the grade of colonel and below (list begins with Molly J. Hall) (Reference No. 12)

**In the Air Force Reserve there are 12 appointments to the grade of colonel and below (list begins with Joseph H. Kwan) (Reference No. 13)

**In the Air Force there are 9 promotions to the grade of major (list begins with Richard V. Briggs, Jr.) (Reference No. 14)

**In the Air Force there are 9 promotions to the grade of major and below (list begins with Michael A. Cuddihee) (Reference No. 15)

**In the Air Force Reserve there are 18 promotions to the grade of lieutenant colonel (list begins with Joseph J. Bulmer, Jr.) (Reference No. 16)

**In the Air Force Reserve there are 21 promotions to the grade of lieutenant colonel (list begins with Kathleen M. Ambrosia) (Reference No. 17)

**In the Air Force Reserve there are 38 promotions to the grade of lieutenant colonel (list begins with Frank S. Arnone) (Reference No. 18)

**In the Air Force and Air Force Reserve there are 47 appointments to the grade of colonel and below (list begins with Larry I. Corman) (Reference No. 19)

**In the Army there are 14 promotions to the grade of colonel (list begins with John A. Bauer) (Reference No. 20)

**In the Army there are 5 promotions to the grade of colonel and below (list begins with Gerald E. Crocker) (Reference No. 21)

**In the Army there are 5 promotions to the grade of lieutenant colonel and below (list begins with Alan L. Blatterman) (Reference No. 22)

**In the Army Reserve there are 37 promotions to the grade of colonel and below (list begins with Rick Baccus) (Reference No. 23)

**In the Army there are 10 promotions to the grade of colonel and below (list begins with Celso G. Bolet) (Reference No. 24)

**In the Navy there is 1 appointment to the grade of captain (Ybanez Robert Enrique) (Reference No. 26)

**In the Navy there are 32 promotions to the grade of captain (list begins with Jerry Wayne Bean) (Reference No. 27)

**In the Navy there are 17 promotions to the grade of commander (list begins with Danny Wayne Armstrong) (Reference No. 28)

**In the Navy there are 17 promotions to the grade of commander (list begins with John Francis Brown) (Reference No. 29)

**In the Navy there are 25 promotions to the grade of lieutenant commander (list begins with Matthew Bernard Allmann) (Reference No. 30)

**In the Air Force there are 50 appointments to the grade of captain (list begins with Paul J. Affleck) (Reference No. 31)

**In the Air Force Reserve there are 59 promotions to the grade of colonel (list begins with Jerald K. Aoki) (Reference No. 32)

**In the Air Force there are 980 appointments to the grade of second lieutenant (list begins with Raymond B. Abarca) (Reference No. 33)

**In the Army Reserve there are 56 promotions to the grade of colonel and below (list begins with Jerry L. Anderson) (Reference No. 34)

**In the Army there are 90 appointments to the grade of captain and below (list begins with Charles E. Benson) (Reference No. 35)

**In the Army there are 186 appointments to the grade of colonel and below (list begins with Alfonso J. Ahuja) (Reference No. 36)

**In the Navy there are 76 promotions to the grade of lieutenant commander (list begins with Alan Douglas Ariel) (Reference No. 39)

**In the Navy there are 90 promotions to the grade of commander (list begins with Russell Scott Anderson) (Reference No. 40)

**In the Navy there 176 promotions to the grade of lieutenant commander (list begins with Joseph F. Bagnick) (Reference No. 41)

**In the Navy there are 214 promotions to the grade of lieutenant commander (list begins with Scott L. Ackley) (Reference No. 42)

*General Edwin H. Burba, Jr., USA to be placed on the retired list in the grade of general (Reference No. 50)

*Lieutenant General Charles J. Searock, Jr., USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 53)

**In the Air Force there are 19 promotions to the grade of colonel and below (list begins with Thomas R. Corbitt) (Reference No. 54)

**In the Air Force Reserve there are 221 promotions to the grade of colonel (list begins with Bobby J. Abernathy) (Reference No. 55)

*In the Air Force Reserve there are 26 appointments to the grade of major general and below (list begins with Eugene R. Andreotti) (Reference No. 58)

**In the Air Force Reserve there are 42 promotions to the grade of lieutenant colonel (list begins with Christopher J. Cochran) (Reference No. 67)

**In the Army Reserve there are 49 promotions to the grade of colonel and below (list begins with Vernon L. Benson) (Reference No. 68)

**In the Navy there are 6 promotions to the grade of captain (list begins with Daniel Joe Franken) (Reference No. 69)

**In the Naval Reserve there are 14 promotions to the grade of captain (list begins with Paul Frederick Blunt) (Reference No. 70)

**In the Navy there are 20 promotions to the grade of commander (list begins with Gerald Roger Beaman) (Reference No. 71)

**In the Navy there is 1 promotion to the grade of commander (David McDowell Brown) (Reference No. 72)

**In the Navy there are 12 promotions to the grade of commander (list begins with Kent Michael Bayer) (Reference No. 73)

**In the Navy there are 25 promotions to the grade of lieutenant commander (list begins with Robert William Alcala) (Reference No. 74)

**In the Navy there are 5 promotions to the grade of lieutenant commander (list begins with Leonard R. Klein) (Reference No. 75)

**In the Marine Corps there are 11 appointments to the grade of colonel (list begins with Robert E. Braithwaite) (Reference No. 84)

**In the Marine Corps Reserve there are 3 appointments to the grade of colonel (list begins with David R. Harman) (Reference No. 85)

**In the Marine Corps there are 13 appointments to the grade of lieutenant colonel (list begins with Mark S. Barnhart) (Reference No. 86)

**In the Marine Corps Reserve there is 1 appointment to the grade of lieutenant colonel (Fredrick N. Shepard) (Reference No. 87)

**In the Marine Corps there are 12 appointments to the grade of major (list begins with William D. Beydler) (Reference No. 88)

**In the Air Force there are 25 appointments to the grade of second lieutenant (list begins with Shyamali Armstrong) (Reference No. 94)

Total: 2,823.

By Mr. BIDEN, from the Committee on the Judiciary: Janet Reno, of Florida, to be Attorney General.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEFLIN (for himself, Mr. GRASSLEY, Mr. BRYAN, Mr. CAMPBELL, Mr. COCHRAN, Mr. CONRAD, Mr. DECONCINI, Mr. DURENBERGER, Mr. INOUYE, Mr. KOHL, and Mr. ROTH):

S. 540. A bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes; to the Committee on the Judiciary.

By Mr. BOREN:

S. 541. A bill to establish a National Foundation for Excellence to award scholarships to outstanding students who are committed to careers in teaching in public education and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PRYOR (for himself, Mr. GRASSLEY, Mr. REID, Mr. BAUCUS, Mr. PACKWOOD, Mr. BOREN, Mr. DANFORTH, Mr. RIEGLE, Mr. HATCH, Mr. ROCKEFELLER, Mr. WALLOP, Mr. DASCHLE, Mr. BREAUX, Mr. CONRAD, Mr. BRYAN, Mr. BUMPERS, Mr. CAMPBELL, Mr. COCHRAN, Mr. D'AMATO, Mr. DECONCINI, Mr. DOMENICI, Mr. EXON, Mr. GLENN, Mr. HELMS, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LOTT, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. NICKLES, Mr. PRESSLER, Mr. SARBANES, Mr. SASSER, Mr. SHELBY, Mr. SIMON, Mr. WOFFORD, and Mr. COHEN):

S. 542. A bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights; to the Committee on Finance.

By Mr. SPECTER:

S. 543. A bill to authorize incarceration in Federal prisons of prisoners sentenced to life imprisonment under the habitual criminal statute of a State; to the Committee on the Judiciary.

By Mr. BUMPERS:

S. 544. A bill to amend the Federal Power Act to protect consumers of multistate utility systems, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOREN (for himself, Mr. DOLE, Mr. DANFORTH, and Mr. DORGAN):

S. 545. A bill to amend the Internal Revenue Code of 1986 to allow farmers' cooperatives to elect to include gains or losses from certain dispositions in the determination of net earnings, and for other purposes; to the Committee on Finance.

By Mr. NICKLES (for himself and Mr. BROWN):

S. 546. A bill to prohibit discrimination in contracting with potential contractors and subcontractors in federally funded construction projects on the basis of certain labor relations policies of the potential contractors and subcontractors; to the Committee on Governmental Affairs.

By Mr. KOHL:

S. 547. A bill to amend section 365 of title 11, United States Code, relating to unexpired leases of personal property in chapter 11 cases; to the Committee on the Judiciary.

By Mr. BUMPERS:

S. 548. A bill to provide for the appointment of the Director of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself, Mr. HARKIN, and Mr. DECONCINI):

S. 549. A bill to provide for the minting and circulation of one-dollar coins; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCAIN (by request):

S. 550. A bill to amend the Indian Self-Determination and Education Assistance Act to make certain technical improvements in the self-governance demonstration project; to the Committee on Indian Affairs.

By Mr. PRYOR (for himself and Mr. GRAHAM):

S. 551. A bill to amend title XIX of the Social Security Act to improve the program related to home and community based care; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. PRYOR):

S. 552. A bill to amend title XIX of the Social Security Act to improve programs related to home and community based care and community supported living arrangements, and for other purposes; to the Committee on Finance.

By Mr. GLENN (for himself and Mr. COHEN):

S. 553. A bill to authorize appropriations under the Federal Property and Administrative Services Act of 1949 through fiscal year 1995; to the Committee on Governmental Affairs.

By Mr. GLENN (for himself, Mr. PRYOR, and Mr. COHEN):

S. 554. A bill to amend the Federal Property and Administrative Services Act of 1949 to enhance the solicitation process in certain Government contracts, and for other purposes; to the Committee on Governmental Affairs.

S. 555. A bill to amend the Federal Property and Administrative Services Act of 1949 to clarify procurement protest procedures, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GLENN (for himself, Mr. LEVIN, and Mr. COHEN):

S. 556. A bill to amend chapter 35 of title 31, United States Code, to improve the procurement protest system; to the Committee on Governmental Affairs.

By Mr. HATCH (for himself, Mr. BIDEN, Mr. THURMOND, Ms. MOSELEY-BRAUN, and Mr. DECONCINI):

S. 557. A bill to combat telemarketing fraud; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 558. A bill to authorize financial assistance for the Northern Mariana Islands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BREAUX:

S. 559. A bill to amend title II of the Social Security Act to repeal the rule providing for termination of disabled adult child's benefits upon marriage; to the Committee on Finance.

By Mr. NUNN (for himself, Mr. BUMPERS, Mr. DANFORTH, Mr. ROTH, Mr. PRESSLER, Mr. HEFLIN, Mr. JOHNSTON, Mr. BOND, Mr. BREAUX, Mr. COHEN, Mr. BOREN, Mr. COCHRAN, Mr. BRYAN, Mr. WALLOP, Mr. HOLLINGS, Mr. MACK, Mr. EXON, Mr. BURNS, Mr. SHELBY, Mr. LOTT, Mr. ROBB, Mr. COATS, Ms. MOSELEY-BRAUN, Mr. HATCH, Mr. DOLE, and Mr. DOMENICI):

S. 560. A bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DODD:

S. 561. A bill to establish a child and family services and law enforcement partnership program, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SIMON (for himself, Mr. AKAKA, Mr. BREAUX, Mr. BUMPERS, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. DOMENICI, Mr. DORGAN, Mr. DURENBERGER, Mrs. FEINSTEIN, Mr. GLENN, Mr. HEFLIN, Mr. INOUYE, Mr. JOHNSTON, Mr. LEVIN, Mr. LIEBERMAN, Mr. MCCAIN, Mr. MITCHELL, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. PELL, Mr. REID, Mr. SARBANES, Mr. SPECTER, Mr. STEVENS, and Mr. WELLSTONE):

S.J. Res. 61. A joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week"; to the Committee on the Judiciary.

By Mr. BIDEN (for himself, Mr. HATCH, and Mr. THURMOND):

S.J. Res. 62. A joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Right Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COHEN:

S. Res. 78. A resolution encouraging Germany to assume full and active participation in international efforts to maintain and restore international peace and security, and for other purposes; to the Committee on Foreign Relations.

By Mrs. FEINSTEIN (for herself, Mr. HOLLINGS, Mrs. BOXER, Mr. DODD, Mr. LAUTENBERG, Mr. THURMOND, Mr. LIEBERMAN, and Mr. CAMPBELL):

S. Con. Res. 15. A concurrent resolution expressing the sense of the Congress regarding the emphasis that the Defense Base Closure and Realignment Commission should place on the economic impact of the closure of military installations for closure during the 1993 base closure; to the Committee on Armed Services.

By Mr. SHELBY (for himself, Mr. SIMON, and Mr. DOLE):

S. Con. Res. 16. A concurrent resolution expressing the sense of Congress that equitable mental health care benefits must be included in any health care reform legislation passed by Congress; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN (for himself, Mr. GRASSLEY, Mr. BRYAN, Mr. CAMPBELL, Mr. COCHRAN, Mr. CONRAD, Mr. DECONCINI, Mr. DURENBERGER, Mr. INOUYE, Mr. KOHL, and Mr. ROTH):

S. 540. A bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes; to the Committee on the Judiciary.

BANKRUPTCY AMENDMENTS ACT OF 1993

Mr. HEFLIN. Mr. President, I hope I will not use all of that time. My colleague, Senator GRASSLEY, may be coming to the floor and I may want to yield to him some of the time that is allotted to me.

I rise today, along with my colleague, Senator GRASSLEY, and on behalf of Senators BRYAN, CAMPBELL, COCHRAN, DECONCINI, DURENBERGER, INOUYE, KOHL, ROTH, and CONRAD to introduce the Bankruptcy Improvement Act for the 103d Congress.

This legislation is very similar to legislation that passed the Senate last year by a rollcall vote of 97 to 0. In the 102d Congress, the Judiciary Committee had a series of hearings on the problems dealing with bankruptcy. Bankruptcy filings have substantially increased. In fact, since 1985, there has been a 167-percent increase in the number of filings in the bankruptcy courts.

In the 102d Congress, we conducted five hearings and heard from nearly 40 witnesses. Then I introduced a bankruptcy bill that went through the legislative process, it came out of the Judiciary Committee on a unanimous vote, was debated on the floor and passed as I previously said, by a 97-to-0 vote.

The House also passed a bankruptcy bill, but it was considerably different from the bill that the Senate passed. We then held an informal conference on the two bills. The Senate approved the informal conference agreement, but the House, in the last days of the 102d Congress, because of sudden dilatory tactics that were taken by one or two Members regarding all legislation that was then pending, failed to pass the conference agreement.

So we have returned and are now introducing a similar bill to that which passed with no opposition. However, there are a few minor changes. One particular omission which we hope to have hearings on, reach a consensus, and then amend and put into a final bill that will, hopefully, pass the Senate deals with the asbestos litigation that is presently taking place in a number of courts, including bankruptcy courts. This provision has been referred to as the Manville provision since a judge in New York worked out an agreement by which there is a trust created to handle personal injury claims. However, the injunction creating this trust went to an appellate court and was subsequently reversed.

I think we now know some of the complex legal problems that were unknown during the 102d Congress. Hopefully, through hearings, we will be able to craft legislation that is a consensus of all of the various interests that are involved and add this to this bankruptcy bill that hopefully will pass the Senate this year as expeditiously as possible.

This legislation contains six titles that cover a wide range of specific bankruptcy provisions. Yet, collectively, the primary intent of this legislation is to streamline and update the bankruptcy process. Congestion in the courts and crowded dockets are among the most common complaints regarding the current bankruptcy system.

The initial title of this legislation addresses the application of the code when individual debtors are involved in the bankruptcy system. This section seeks to significantly aid the bankruptcy process and its relationship to individual debtors.

In my judgment, it is the most important part of this legislation. Rather than following the current trend of going into straight bankruptcy under chapter 7, this title is designed to increase and encourage the use of chapter 13 bankruptcies by which the debtor pays his or her debts.

Here, as opposed to liquidating, wage earners reorganize their debts and are given an opportunity to, over time, pay creditors the money that they owe. One very important aspect that the bill provides is a simple procedure by which debtors who file for a straight chapter 7 bankruptcy are questioned by the bankruptcy judge or by his surrogate asking the debtor such matters as whether or not they have considered transferring their chapter 7 bankruptcy to a chapter 13 where you can pay your debts in a more timely manner.

The Judiciary Committee heard testimony from a number of bankruptcy judges that felt that, in their opinion, if 90 percent of the debtors who went into bankruptcy, knew that they could pay their debts, would prefer to follow this procedure rather than going into straight bankruptcy under chapter 7.

So I feel that this legislation will be an important improvement to our bankruptcy procedure that we know today. Not only does this first title encourage the use of chapter 13; it also offers substantial changes to the process once a filing has taken place. These new amendments include procedures to expedite the automatic stay hearing, a limit on the filing time for chapter 11 plans, and expanded use of status conferences by bankruptcy judges, thereby accelerating the pace of litigation.

The second title of the bill relates specifically to commercial issues in bankruptcy. A major provision of this section is a proposal to aid small business bankruptcies by creating a pilot program in which they could file for reorganization without having to use the cumbersome features of a chapter 11 bankruptcy. This legislation allows the proposed small business chapter to be tested in eight judicial districts for a period of 3 years. By utilizing the pilot program approach, a balance is struck between the concerns of substantially rewriting the bankruptcy code without enough experience and information, and the need for congressional action to address the problems faced by small business when they seek bankruptcy protection.

The third title of this package relates to consumer bankruptcy issues. While many important provisions can be found here, a key element of this section is an amendment which would provide greater protection to children and former spouses who are the beneficiaries of child support and alimony payments. This amendment would prohibit the use of bankruptcy protection simply to avoid legitimate obligations.

The fourth title of this bill creates a new national bankruptcy review commission similar to the one that led to the establishment of the present code. This commission is designed to allow further thoughtful study of the function and balances which are currently built into the Bankruptcy Code.

The commission will be charged with providing recommendations to Congress regarding future improvements and necessary modifications.

The final two titles of the bill are technical in nature.

Mr. President, this bill is not the answer to all of the concerns facing the current bankruptcy system. I realize that we cannot solve all of them at this time, however, we need a national review commission to study and to preserve the balance that is now present in the bankruptcy system. This is a balance between debtors and creditors. This is a balance between secured creditors and nonsecured creditors, as well as other elements that are involved in the bankruptcy process.

While bankruptcy is a last resort, it is also an important part of this country's economic and judicial systems. Therefore, I urge all of my colleagues to give this package close attention and careful consideration.

If I have any time remaining, and if Senator GRASSLEY would like to use it when he comes in, I would like to yield that to him.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. HEFLIN. Mr. President, I send to the desk the bill.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE IMPROVEMENT.—This Act may be cited as the "Bankruptcy Amendments Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVED BANKRUPTCY ADMINISTRATION

Sec. 101. Expedited hearing on automatic stay.
Sec. 102. Expedited filing of plans under chapter 11.
Sec. 103. Expedited filing of plans under chapter 12.
Sec. 104. Expedited procedure for reaffirmation of debts.
Sec. 105. Powers of bankruptcy courts.
Sec. 106. Participation by bankruptcy administrator at meetings of creditors and equity security holders.
Sec. 107. Definition relating to eligibility to serve on chapter 11 committees.
Sec. 108. Increased incentive compensation for trustees.
Sec. 109. Dollar adjustments.
Sec. 110. Premerger notification.
Sec. 111. Allowance of creditor committee expenses.
Sec. 112. Delay of repeal of chapter 12 (family farmers).
Sec. 113. Judicial conference report.
Sec. 114. Service of process.
Sec. 115. Pension plan contributions.
Sec. 116. Meetings of creditors and equity security holders.

TITLE II—COMMERCIAL ISSUES IN BANKRUPTCY

Sec. 201. Small business chapter.
Sec. 202. Single asset real estate.
Sec. 203. Aircraft equipment, vessels, and rolling stock equipment.
Sec. 204. Unexpired leases of personal property in chapter 11 cases.
Sec. 205. Protection of assignees of executory contracts and unexpired leases approved by court order in cases reversed on appeal.
Sec. 206. Protection of security interest in post-petition rents.
Sec. 207. Anti-alienation.
Sec. 208. Exemption.
Sec. 209. Indenture trustee compensation.
Sec. 210. Payment of Federal Internal Revenue taxes with borrowed funds.
Sec. 211. Return of goods.
Sec. 212. Exception to discharge.
Sec. 213. Proceeds of money order agreements.
Sec. 214. Limitation on liability of non-insider transferee for avoided transfer.
Sec. 215. Perfection of purchase-money security interest.
Sec. 216. Airport gate leases.
Sec. 217. Trustee duties.
Sec. 218. Payments.
Sec. 219. Seller's right to reclaim goods.
Sec. 220. Payment of insurance benefits to retired employees.

TITLE III—CONSUMER BANKRUPTCY ISSUES

Sec. 301. Period for curing default relating to principal residence.
Sec. 302. Nondischargeability of fine under chapter 13.
Sec. 303. Protection of child support and alimony.
Sec. 304. Bankruptcy petition preparers.
Sec. 305. Conversion or dismissal.
Sec. 306. Contents of plan.
Sec. 307. Stay of action against codebtor.
Sec. 308. Exemption for household goods.
Sec. 309. Professional fees.

TITLE IV—BANKRUPTCY REVIEW COMMISSION

Sec. 401. Short title.
Sec. 402. Establishment.
Sec. 403. Duties of the commission.
Sec. 404. Membership.
Sec. 405. Compensation of the commission.
Sec. 406. Staff of commission; experts and consultants.
Sec. 407. Powers of the commission.
Sec. 408. Report.
Sec. 409. Termination.
Sec. 410. Authorization of appropriations.

TITLE V—TECHNICAL CORRECTIONS

Sec. 501. Title 11, United States Code.
Sec. 502. Title 28, United States Code.

TITLE VI—SEVERABILITY; EFFECTIVE DATE; APPLICATION OF AMENDMENTS

Sec. 601. Severability.
Sec. 602. Effective date; application of amendments.

TITLE I—IMPROVED BANKRUPTCY ADMINISTRATION

SEC. 101. EXPEDITED HEARING ON AUTOMATIC STAY.

The last sentence of section 362(e) of title 11, United States Code, is amended—

(1) by striking "commenced" and inserting "concluded"; and

(2) by inserting ", unless the 30-day period is extended with the consent of the parties in interest or for a specific time which the court finds is required by compelling circumstances" before the period at the end.

SEC. 102. EXPEDITED FILING OF PLANS UNDER CHAPTER 11.

Section 1121(d) of title 11, United States Code, is amended—

(1) by striking "On" and inserting "(1) Subject to paragraph (2), on"; and

(2) by adding at the end the following new paragraph:

"(2) Under paragraph (1)—

"(A) the 120-day period referred to in this section may not be increased beyond the 1-year period beginning on the date of the order for relief under this chapter; and

"(B) the 180-day period referred to in this section may not be increased beyond the 425-day period beginning on the date of the order for relief under this chapter,

unless the need for such an increase is attributable to circumstances for which the debtor should not justly be held accountable.".

SEC. 103. EXPEDITED FILING OF PLANS UNDER CHAPTER 12.

Section 1221 of title 11, United States Code, is amended by striking "an extension is substantially justified" and inserting "the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable".

SEC. 104. EXPEDITED PROCEDURE FOR REAFFIRMATION OF DEBTS.

(a) REAFFIRMATION.—Section 524(c) of title 11, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting "(A)" after "(2)";

(B) by adding "and" at the end; and

(C) by inserting after subparagraph (A), as designated by subparagraph (A), the following new subparagraph:

"(B) such agreement contains a clear and conspicuous statement that advises the debtor that the agreement is not required under this title, under nonbankruptcy law, or under any agreement that is not in accordance with the provisions of this subsection;"; and

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A) by striking "such agreement" the last place it appears;

(B) in subparagraph (A)—

(i) by inserting "such agreement" after "(A)"; and

(ii) by striking "and" at the end; and

(C) in subparagraph (B)—

(i) by inserting "such agreement" after "(B)"; and

(ii) by adding "and" at the end; and

(3) by adding at the end the following new subparagraph:

"(C) the attorney fully advised the debtor of the legal effect and consequences of—

"(i) an agreement of the kind described in this subsection; and

"(ii) any default under such an agreement;".

(b) EFFECT OF DISCHARGE.—The third sentence of section 524(d) of title 11, United States Code, is amended in the matter preceding paragraph (1) by inserting "and was not represented by an attorney during the course of negotiating the agreement" after "this section".

SEC. 105. POWERS OF BANKRUPTCY COURTS.

(a) STATUS CONFERENCES.—Section 105 of title 11, United States Code, is amended by adding at the end the following new subsection:

"(d) The court, on its own motion or on the motion of any party in interest, may—

"(1) hold a status conference regarding any case or proceeding under this title after notice to the parties in interest; and

"(2) unless it would be inconsistent with another provision of this title or with applicable Bankruptcy Rules, issue an order at any such conference prescribing such limitations and conditions as the court deems to be appropriate to ensure that the case is handled expeditiously and economically, including an order that—

"(A) sets the date by which the debtor must accept or reject an executory contract or unexpired lease; or

"(B) in a case under chapter 11—

"(i) sets a date by which the debtor, or the trustee if one has been appointed, shall file a disclosure statement and plan;

"(ii) sets a date by which the debtor, or the trustee if one has been appointed, shall solicit acceptances of a plan;

"(iii) sets the date by which a party in interest other than a debtor may file a plan;

"(iv) fixes the notice to be provided regarding the hearing on approval of the disclosure statement;

"(v) provides that the hearing on approval of the disclosure statement may be combined with the hearing on confirmation of the plan; and

"(vi) directs the use of standard-form disclosure statements, plans, or other forms that have been adopted by the court.".

(b) ABSTENTION.—Section 1334 of title 28, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e);

(2) in the second sentence of subsection (c)(2) by striking "Any" and inserting the following:

"(d) Any"; and

(3) in the first sentence of subsection (d), as designated by paragraph (2), by inserting "(other than a decision not to abstain in a proceeding described in subsection (c)(2))" after "subsection".

(c) ESTABLISHMENT, OPERATION, AND TERMINATION OF BANKRUPTCY APPELLATE PANEL SERVICE.—Section 158(b) of title 28, United States Code, is amended—

(1) by striking paragraphs (3) and (4);

(2) by redesignating paragraph (2) as paragraph (4);

(3) by striking paragraph (1) and inserting the following new paragraphs:

"(1)(A) Except as provided in subparagraph (B), the judicial council of a circuit shall establish a bankruptcy appellate panel service composed of bankruptcy judges of the districts in the circuit who are appointed by the judicial council in accordance with paragraph (3), to hear and determine, with the consent of all parties to an appeal, appeals under subsection (a).

"(B)(i) The judicial council of a circuit need not establish a bankruptcy appellate panel service if the judicial council finds that—

"(I) there are insufficient judicial resources available in the circuit; or

"(II) establishment of such a service would result in undue delay or increased cost to parties in cases under title 11.

"(ii) Not later than 90 days after making a finding under clause (i), the judicial council shall submit to the Judicial Conference a report containing the factual basis of the finding.

"(2)(A) A judicial council may reconsider a finding described in paragraph (1)(B) at any time.

"(B) On the request of a majority of the district judges in a circuit for which a bankruptcy appellate panel service is established under paragraph (1), made after the expiration of the 1-year period beginning on the date on which the service is established, the judicial council of the circuit shall determine whether a circumstance described in paragraph (1)(B)(i) (I) or (II) exists.

"(C) On its own motion, after the expiration of the 3-year period beginning on the date on which a bankruptcy appellate panel service is established under paragraph (1), the judicial council of a circuit may determine whether a circumstance described in paragraph (1)(B)(i) (I) or (II) exists.

"(D) If the judicial council of a circuit finds that a circumstance described in paragraph (1)(B)(i) (I) or (II) exists, the judicial council may provide for the completion of the appeals then pending before a bankruptcy appellate panel service and the orderly termination of the service.

"(3) Bankruptcy judges appointed under paragraph (1) shall be appointed for a term of 2 years and may be reappointed under that paragraph."; and

(4) by inserting after paragraph (4), as redesignated by paragraph (2), the following new paragraphs:

"(5) An appeal to be heard under this subsection shall be heard by a panel of 3 members of the bankruptcy appellate panel service, except that a member of the service may not hear an appeal originating in the district for which the member is appointed or designated under section 152.

"(6) Appeals may not be heard under this subsection by a panel of the bankruptcy appellate panel service unless the district judges for the district in which the appeals occur, by majority vote, have authorized the service to hear and determine appeals originating in that district.".

(d) APPEALS TO BE HEARD BY BANKRUPTCY APPELLATE PANEL SERVICE.—Section 158 of title 28, United States Code, is amended—

(1) in subsection (c) by striking "(c) An appeal" and inserting the following:

"(c)(1) Subject to subsection (b), an appeal under subsection (a) shall be heard by a 3-judge panel of the bankruptcy appellate panel service established under subsection (b)(1) unless—

"(A) the appellant elects, at the time of filing the appeal; or

"(B) any other party elects, not later than 30 days after service of notice of the appeal, to have the appeal heard by the district court.

"(2) An appeal".

(e) RULES OF PROCEDURE AND EVIDENCE; METHOD OF PRESCRIBING.—Section 2073 of title 28, United States Code, is amended—

(1) in subsection (a)(2) by striking "section 2072" and inserting "sections 2072 and 2075"; and

(2) in subsections (d) and (e) by inserting "or 2075" after "2072" each place it appears.

(f) EFFECTIVE DATE OF BANKRUPTCY RULES.—Section 2075 of title 28, United States Code, is amended by striking "ninety days" and inserting "180 days".

SEC. 106. PARTICIPATION BY BANKRUPTCY ADMINISTRATOR AT MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

(a) PRESIDING OFFICER.—A bankruptcy administrator appointed under section 302(d)(3)(I) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note; 100 Stat. 3123), or the bankruptcy administrator's designee, may preside at—

(1) a meeting of creditors convened under section 341(a) of title 11, United States Code; and

(2) a meeting of equity security holders convened under section 341(b) of title 11, United States Code.

(b) EXAMINATION OF THE DEBTOR.—The bankruptcy administrator or the bankruptcy administrator's designee may examine the debtor at the meeting of creditors and may administer the oath required under section 343 of title 11, United States Code.

SEC. 107. DEFINITION RELATING TO ELIGIBILITY TO SERVE ON CHAPTER 11 COMMITTEES.

The definition of "person" in section 101 of title 11, United States Code, as amended by section 501(a), is amended to read as follows:

" 'person' includes an individual, partnership, and corporation, but does not include a governmental unit, except that a governmental unit that—

"(A) acquires an asset from a person—

"(i) as a result of the operation of a loan guarantee agreement; or

"(ii) as receiver or liquidating agent of a person;

"(B) is a guarantor of a pension benefit payable by or on behalf of the debtor or an affiliate of the debtor; or

"(C) is the legal or beneficial owner of an asset of—

"(i) an employee pension benefit plan that is a governmental plan, as defined in section 414(d) of the Internal Revenue Code of 1986; or

"(ii) an eligible deferred compensation plan, as defined in section 457(b) of the Internal Revenue Code of 1986,

shall be considered, for purposes of section 1102, to be a person with respect to such asset or such benefit.".

SEC. 108. INCREASED INCENTIVE COMPENSATION FOR TRUSTEES.

Section 326(a) of title 11, United States Code, is amended by striking "fifteen" and all that follows through "$3,000" the last place it appears and inserting "25 percent on the first $5,000 or less, 10 percent on any amount in excess of $5,000 but not in excess of $50,000, 5 percent on any amount in excess of $50,000 but not in excess of $1,000,000, and reasonable compensation not to exceed 3 percent of such moneys in excess of $1,000,000".

SEC. 109. DOLLAR ADJUSTMENTS.

(a) WHO MAY BE A DEBTOR UNDER CHAPTER 13.—Section 109(e) of title 11, United States Code, is amended—

(1) by striking "unsecured debts of less than $100,000 and noncontingent, liquidated, secured debts of less than $350,000" and inserting "debts of less than $1,000,000"; and

(2) by striking "unsecured debts that aggregate less than $100,000 and noncontingent, liquidated, secured debts of less than $350,000" and inserting "debts in the aggregate of less than $1,000,000".

(b) INVOLUNTARY CASES.—Section 303(b) of title 11, United States Code, is amended—

(1) in paragraph (1) by striking "$5,000" and inserting "$10,000"; and

(2) in paragraph (2) by striking "$5,000" and inserting "$10,000".

(c) PRIORITIES.—Section 507(a) of title 11, United States Code, is amended—

(1) in paragraph (3)(B) by striking "$2,000" and inserting "$4,000";

(2) in paragraph (4)(B)(i) by striking "$2,000" and inserting "$4,000";

(3) in paragraph (5) by striking "$2,000" and inserting "$4,000"; and

(4) in paragraph (6) by striking "$900" and inserting "$1,800".

(d) EXEMPTIONS.—Section 522(d) of title 11, United States Code, is amended—

(1) in paragraph (1) by striking "$7,500" and inserting "$15,000";

(2) in paragraph (2) by striking "$1,200" and inserting "$2,400";

(3) in paragraph (3)—

(A) by striking "$200" and inserting "$400"; and

(B) by striking "$4,000" and inserting "$8,000";

(4) in paragraph (4) by striking "$500" and inserting "$1,000";

(5) in paragraph (5)—

(A) by striking "$400" and inserting "$800"; and

(B) by striking "$3,750" and inserting "$7,500";

(6) in paragraph (6) by striking "$750" and inserting "$1,500";

(7) in paragraph (8) by striking "$4,000" and inserting "$8,000"; and

(8) in paragraph (11)(D) by striking "$7,500" and inserting "$15,000".

(e) APPOINTMENT OF EXAMINER IN CERTAIN CIRCUMSTANCES.—Section 1104(b)(2) of title 11, United States Code, is amended by striking "$5,000,000" and inserting "$10,000,000".

SEC. 110. PREMERGER NOTIFICATION.

Section 363(b)(2) (A) and (B) of title 11, United States Code, are amended to read as follows:

"(A) notwithstanding subsection (a) of that section, the notification required to be given by the debtor shall be given by the trustee; and

"(B) notwithstanding subsection (b) of that section, the required waiting period shall end on the 10th day after the date of receipt of the notification, unless the waiting period is extended—

"(i) pursuant to subsection (e)(2) or (g)(2) of that section; or

"(ii) by the court, after notice and a hearing.".

SEC. 111. ALLOWANCE OF CREDITOR COMMITTEE EXPENSES.

Section 503(b) of title 11, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(7) the actual, necessary expenses incurred by a member of a committee appointed under section 1102 in the performance of the duties of the committee, other than claims for compensation for services rendered as a member of the committee.".

SEC. 112. DELAY OF REPEAL OF CHAPTER 12 (FAMILY FARMERS).

Section 302(f) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (11 U.S.C. 1201 note; 100 Stat. 3124) is amended by striking "October 1, 1993" and inserting "October 1, 1998".

SEC. 113. JUDICIAL CONFERENCE REPORT.

Not later than 180 days after the date of enactment of this Act, the Judicial Conference of the United States shall produce and submit to the appropriate committees of Congress a report containing a description of—

(1) the efforts of the Federal judiciary to automate and computerize the Federal bankruptcy courts;

(2) the types of information that are currently available to Congress and the public regarding the number, size, and types of bankruptcy cases filed in the Federal courts;

(3) the types of additional information that the Federal judiciary believes are necessary and desirable to enhance its ability to manage the affairs of the bankruptcy system; and

(4) the projected timetable for being able to supply those additional types of information to Congress and the public in the future.

SEC. 114. SERVICE OF PROCESS.

Rule 7004(b)(3) of the Bankruptcy Rules is amended—

(1) by inserting ", by certified or registered mail," after "complaint"; and

(2) by inserting ", by certified or registered mail," after "copy".

SEC. 115. PENSION PLAN CONTRIBUTIONS.

(a) TREATMENT AS ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, as amended by section 405, is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(8) minimum funding contributions to an employee pension benefit plan for which the debtor is liable, which accrue on or after the date of commencement of the case (regardless of the time such contribution comes due), under section 412 of the Internal Revenue Code of 1986 and section 302 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082).".

(b) PAYMENT OR POSTPONEMENT OF MINIMUM FUNDING CONTRIBUTIONS DUE PENSION PLANS.—

(1) IN GENERAL.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following new section:

"§ 1115. Contributions to certain employee pension benefit plans

"(a) TIMELY PAYMENT OF CONTRIBUTIONS.—Except as provided in subsection (b), the debtor in possession, or the trustee if one has been appointed, shall make any minimum funding contributions for which the debtor is liable, which accrue on or after the date of commencement of the case (regardless of the time such contribution comes due), under section 412 of the Internal Revenue Code of 1986 and section 302 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082).

"(b) POSTPONEMENT OF CONTRIBUTIONS.—(1)(A) Subject to paragraph (2), the court may, on motion of any party and after notice and hearing, determine that the making of all or part of a minimum funding contribution required to be made by a debtor to a pension plan may be postponed until a date that is not later than—

"(i) the effective date of a plan of reorganization confirmed under section 1129; or

"(ii) if the case is converted to a case under chapter 7, the date on which a distribution of property is made under section 726.

"(B) In making a determination under subparagraph (A), the court shall take into account the requirements of the estate.

"(C) Interest shall accrue on the amount of a contribution that is postponed from the date on which the contribution became due to the date of payment at the rate specified in section 412(m) of the Internal Revenue Code of 1986 and section 302(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082(e)).

"(2)(A) Before permitting payment of all or part of a contribution to be postponed, the court shall grant security to the pension plan and, in the case of a plan covered under section 4021 of the Employee Retirement Security Act of 1974 (29 U.S.C. 1321), the Pension Benefit Guaranty Corporation, for the amount of a contribution that is postponed, affording adequate protection in accordance with section 364(d)(1)(B).

"(B) If the debtor in possession or trustee fails to make a postponed contribution on the date on which it is to be made under an order issued under paragraph (1), the pension plan shall be permitted to foreclose on the security provided under subparagraph (A).

"(c) NOTICE.—The administrator of the pension plan and, in the case of a plan covered under section 4021 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321), the Pension Benefit Guaranty Corporation, shall be given notice of and may participate in any hearing seeking postponement of a contribution or foreclosure under this section.".

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 11 of title 11, United States Code, is amended by inserting after the item for section 1114 the following new item:

"1115. Contributions to certain employee pension benefit plans.".

(c) CLARIFICATION OF EXISTING LAW.—

(1) APPLICATION OF AMENDMENT.—The amendment of section 550 of title 11, United States Code, made by section 214 shall apply with respect to a transfer to a pension plan that is subject to the minimum funding requirements of section 412 of the Internal Revenue Code of 1986 and section 302 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1082) only if the transfer is the subject of a motion or proceeding seeking avoidance of the transfer that is filed on or after the date of passage of this Act in the Senate.

(2) PURPOSE TO CLARIFY.—(A) In making the amendments made by subsections (a) and (b), it is the purpose of Congress to clarify the meaning of the provisions that are amended as they existed prior to the date of enactment of this Act.

(B) The amendments made by subsections (a) and (b) shall not be applied so as to supersede or alter any agreement or understanding (or modifications thereto before or after enactment) regarding a debtor's minimum funding contributions entered into among a debtor, the Internal Revenue Service, and the Pension Benefit Guaranty Corporation prior to the date of enactment of this Act. If any agreement or understanding referenced in the preceding sentence is set aside or not implemented because of the act or omission of the Pension Benefit Guaranty Corporation, the law applicable to all matters in that proceeding shall be determined without regard to subsections (a) or (b).

SEC. 116. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

Section 341 of title 11, United States Code, is amended by adding at the end the following new subsection:

"(d) Prior to the conclusion of the meeting of creditors or equity security holders, the United States trustee shall orally examine the debtor under oath and make recommendations on a preserved record regarding the debtor's knowledge of—

"(1) the potential consequences of seeking a discharge in bankruptcy, including the effects on credit history;

"(2) the debtor's ability to file a petition under a different chapter of this title;

"(3) the effect of receiving a discharge of debts under this title;

"(4) the effect of reaffirming a debt, including the debtor's knowledge of the provisions of section 524(d);

"(5) the debtor's duties under section 521; and

"(6) the potential penalties and fines for committing fraud or other abuses of this title.".

TITLE II—COMMERCIAL ISSUES IN BANKRUPTCY

SEC. 201. SMALL BUSINESS CHAPTER.

(a) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting in its proper alphabetical position the following new definition:

" 'small business' means a person engaged in commercial or business activities (but does not include a person whose primary activity is the business of owning or operating real property and activities incidental thereto) whose aggregate liquidated secured and unsecured debts as of the date of the petition do not exceed $2,500,000.".

(b) WHO MAY BE A DEBTOR UNDER CHAPTER 10.—Section 109 is amended by adding at the end the following new subsection:

"(h) Only a small business may be a debtor under chapter 10.".

(c) TEMPORARY CHAPTER APPLICABLE TO SMALL BUSINESSES.—Title 11, United States Code, is amended by inserting after chapter 9 the following new chapter:

"CHAPTER 10—SMALL BUSINESSES

"SUBCHAPTER I—OFFICERS, ADMINISTRATION, AND THE ESTATE

"Sec.
"1001. Definitions for this chapter.
"1002. Commencement of case.
"1003. Trustee.
"1004. Rights and powers of debtor.
"1005. Removal of debtor as debtor-in-possession.
"1006. Property of the estate.
"1007. Conversion or dismissal.

"SUBCHAPTER II—THE PLAN

"1021. Filing of plan.
"1022. Contents of plan.
"1023. Postpetition disclosure and solicitation.
"1024. Modification of plan before confirmation.
"1025. Confirmation hearing.
"1026. Confirmation of plan.
"1027. Payments.
"1028. Effect of confirmation.
"1029. Modification of plan after confirmation.
"1030. Revocation of order of confirmation.

"Subchapter I—Officers, Administration, and the Estate

"§ 1001. Definitions for this chapter

"In this chapter, 'disposable income' means income that is received by a debtor and that is not reasonably necessary to be expended for the payment of expenditures necessary for the continuation, preservation, and operation of the debtor's business.

"§ 1002. Commencement of case

"(a) ELECTION BY DEBTOR.—A person that is eligible to be a small business debtor may commence a case under this chapter by filing a voluntary petition electing to be treated as a small business.

"(b) CONVERSION.—

"(1) THIS CHAPTER TO CHAPTER 11.—Upon the motion of a party in interest, and after notice and a hearing, the court may determine that a person subject to an order for relief electing treatment under this chapter does not qualify as a small business, and that the case shall be converted to a case under chapter 11, 12, or 13.

"(2) COMPENSATION OF TRUSTEE.—Prior to the court's conversion of a case under this section, the court shall charge upon and require to be paid from the estate such compensation as the court finds reasonable under the circumstances to compensate the trustee appointed and serving under section 1003.

"§ 1003. Trustee

"(a) PERSON TO SERVE.—If the United States trustee has appointed a person under section 586(b) of title 28 to serve as a standing trustee in cases under this chapter and if that person qualifies as a trustee under section 322, that person shall serve as a trustee in any case filed under this chapter. If such a person has not been appointed, the United States trustee shall appoint one disinterested person to serve as trustee in the case or the United States trustee may serve as trustee in the case.

"(b) DUTIES.—The trustee shall—

"(1) perform the duties described in section 704 (2), (3), (5), (6), (7), and (9);

"(2) perform the duties described in section 1106(a) (3) and (4) if the court, for cause and on a request of a party in interest, the trustee, or the United States trustee, so orders;

"(3) appear and be heard at any hearing that concerns—

"(A) the value of property subject to a lien;

"(B) the operation of the business activity of the person by the debtor;

"(C) the filing of a plan and the approval of a disclosure statement;

"(D) confirmation of a plan;

"(E) modification of a plan after confirmation; or

"(F) the sale of property of the estate;

"(4) ensure that the debtor timely files a plan and disclosure statement;

"(5) ensure that the debtor commences making timely payments required by a confirmed plan;

"(6) if the debtor ceases to be a debtor-in-possession, perform the duties described in sections 704(8) and 1106(a) (1), (2), (6), and (7);

"(7) investigate the financial affairs of the debtor including, but not limited to, the proper use of disposable income;

"(8) file and serve the report required by section 1029(d); and

"(9) file such motions as are appropriate under section 1029.

"§ 1004. Rights and powers of debtor

"Subject to such limitations as the court may prescribe, a debtor-in-possession shall have all the rights, other than the right to compensation under section 330, and powers, and shall perform all the functions and duties, except the duties described in section 1106(a) (3) and (4), of a trustee serving in a case under chapter 11, including operating the debtor's business activities.

"§ 1005. Removal of debtor as debtor-in-possession

"(a) ORDER FOR CAUSE.—On request of a party in interest, and after notice and a hearing, the court shall order that the debtor shall not be a debtor-in-possession if cause, including fraud, dishonesty, incompetence, or gross mismanagement of the affairs of the debtor, either before or after the commencement of the case, is shown.

"(b) REINSTATEMENT.—On request of a party in interest, and after notice and a hearing, the court may reinstate the debtor-in-possession.

"§ 1006. Property of the estate

"(a) PROPERTY INCLUDED.—Property of the estate includes, in addition to property described in section 541, all property of the kind specified in that section that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, whichever comes first.

"(b) POSSESSION.—Except as provided in section 1005 or in a confirmed plan or order confirming a plan, a debtor shall remain in possession of all property of the estate.

"§ 1007. Conversion or dismissal

"(a) CONVERSION BY DEBTOR.—A debtor may convert a case under this chapter to a case under chapter 7 at any time if the debtor may be a debtor under that chapter. Any waiver of the right to convert under this subsection is unenforceable.

"(b) DISMISSAL BY DEBTOR.—On request of the debtor at any time, if the case has not been converted under section 706 or 1112, the court may dismiss a case under this chapter.

"(c) CONVERSION OR DISMISSAL AT REQUEST OF PARTY IN INTEREST.—

"(1) IN GENERAL.—On request of a party in interest, and after notice and a hearing, the court may convert a case under this chapter to a case under chapter 7 (if the debtor may be a debtor under this chapter) or may dismiss the case for cause.

"(2) CAUSE.—For purposes of paragraph (1), cause includes—

"(A) unreasonable delay or gross mismanagement by the debtor that is prejudicial to creditors;

"(B) nonpayment of any fees and charges required under chapter 123 of title 28;

"(C) failure to file a plan timely under section 1021;

"(D) failure to file a disclosure statement timely under section 1023;

"(E) failure to commence making timely payments required by a confirmed plan;

"(F) denial of confirmation of a plan under section 1026 or denial of a request made for additional time to filing another plan or a modification of a plan;

"(G) material default by a debtor with respect to a term of a confirmed plan;

"(H) revocation of an order of confirmation under section 1030 or denial of confirmation of a modified plan under section 1029;

"(I) termination of a confirmed plan by reason of the occurrence of a condition specified in the plan; and

"(J) continuing loss to or diminution of the estate and absence of a reasonable likelihood of rehabilitation.

"(d) COMPENSATION OF TRUSTEE.—Prior to the court's conversion or dismissal of a case under this section, the court shall charge upon and require to be paid from the estate such compensation as the court finds reasonable under the circumstances to compensate the trustee appointed and serving under section 1003.

"Subchapter II—The Plan

"§ 1021. Filing of plan

"The debtor shall file a plan not later than 90 days after the date of entry of the order for relief under this chapter, except that the court may, for cause shown, and after notice and hearing, shorten or extend that period if such shortening or extension is substantially justified.

"§ 1022. Contents of plan

"(a) REQUIRED CONTENTS.—The plan shall—

"(1) provide for the submission of all or such portion future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan; and

"(2) if the plan classifies claims and interests, provide the same treatment for each claim or interest within a particular class unless the holder of a particular claim or interest agrees to less favorable treatment.

"(b) ADDITIONAL CONTENTS.—Subject to subsections (a) and (c), the plan may—

"(1) designate a class or classes of unsecured claims, as provided in section 1122, but may not discriminate unfairly against any class so designated; however, the plan may treat claims for a consumer debt differently from other unsecured claims if another individual is liable on the consumer debt with the debtor;

"(2) modify the rights of holders of secured claims or holders of unsecured claims, or leave unaffected the rights of holders of any class of claims, but the plan may not modify a claim pursuant to section 506 of a person holding a primary or junior security interest in real property or a manufactured home (as defined in section 603(6) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5402(6)) that is the debtor's principal residence, except that the plan may modify the claim of a person holding such a junior security interest that was undersecured at the time the interest attached to the extent that the interest remains undersecured;

"(3) provide for the curing or waiving of any default;

"(4) provide for payments on any unsecured claim to be made concurrently with payments on any secured claim or any other unsecured claim;

"(5) notwithstanding paragraph (2), provide for the curing of any default within a reasonable time and maintenance of payments while the case is pending on any unsecured claim or secured claim on which the last payment is due after the date on which the final payment under the plan is due;

"(6) subject to section 365, provide for the assumption, rejection, or assignment of any executory contract or expired lease of the debtor not previously rejected under that section;

"(7) provide for the payment of all or part of a claim against the debtor from the property of the estate or property of the debtor;

"(8) provide for the sale of all or any part of the property of the estate among those having an interest in such property;

"(9) provide for payment of allowed secured claims, consistent with section 1026(a)(5), over a period exceeding the period permitted under section 1022(c);

"(10) provide for the vesting of property of the estate on confirmation of the plan or at a later time, in the debtor of any other entity; and

"(11) include any other appropriate provision not inconsistent with this title.

"(c) Limitation.—Except as provided in subsection (b)(5) and (9), the plan may not provide for payments over a period that is longer than 3 years unless the court for cause approves a longer period, but the court may not approve a period that is longer than 5 years.

"§ 1023. Postpetition disclosure and solicitation

"(a) Plan and Disclosure Statement.—In a case under this chapter, an acceptance or rejection of a plan may not be solicited after the commencement of the case from a holder of a claim or interest with respect to the claim or interest unless, at the time or before such solicitation, there is transmitted to the holder the plan or a summary of the plan and a written disclosure statement that includes information sufficient to show whether or not the plan meets the requirements of section 1026.

"(b) Form.—The court may require that the summary of the plan and the disclosure statement employ a standard form approved by the court.

"§ 1024. Modification of plan before confirmation

"(a) In General.—A debtor may modify a plan at any time before confirmation but may not modify the plan so that the plan as modified fails to meet the requirements of section 1022.

"(b) Effect.—After a debtor files a modification under this section, the plan as modified becomes the plan.

"(c) Acceptance.—A holder of a secured claim that has accepted or rejected a plan is deemed to have accepted or rejected, as the case may be, the plan as modified, unless—

"(1) the modification provides for a change in the rights of the holder under the plan before modification; and

"(2) the holder changes the holder's previous acceptance or rejection.

"§ 1025. Confirmation hearing

"(a) Hearing.—After expedited notice, the court shall hold a hearing on confirmation of the plan.

"(b) Objection to Confirmation.—A party in interest, the trustee, or the United States trustee may object to the confirmation of the plan.

"(c) Objection to Disclosure of Information.—A party in interest, the trustee, or the United States trustee may object to the disclosure of information that is required to be disclosed under section 1023.

"(d) Conclusion of Hearing.—Except for cause, the hearing shall be concluded not later than 45 days after the filing of the plan.

"§ 1026. Confirmation of plan

"(a) Criteria.—Except as provided in subsection (b), the court shall confirm a plan if—

"(1) the plan complies with all applicable provisions of this title;

"(2) any fee, charge, or amount required under chapter 123 of title 28, or by the plan, to be paid before confirmation, has been paid;

"(3) the plan has been proposed in good faith and not by any means forbidden by law;

"(4) the value of property to be distributed under the plan on account of each unsecured claim, as of the effective date of the plan, is not less than the amount that would be paid on the claim if the estate of the debtor were to be liquidated under chapter 7 on that date;

"(5) with respect to each allowed secured claim provided for by the plan—

"(A) the holder of the claim has accepted the plan;

"(B)(i) the plan provides that the holder of the claim will retain the lien securing the claim; and

"(ii) the value of property to be distributed by the trustee or the debtor under the plan on account of the claim, as of the effective date of the plan, is not less than the allowed amount of the claim; or

"(C) the debtor surrenders the property securing the claim to the holder;

"(6) the debtor will be able to make all payments under the plan and to comply with the plan;

"(7) except to the extent that the holder of a claim has agreed to a different treatment of the claim, the plan provides that—

"(A) with respect to a claim of a kind described in section 507(a) (1) or (2), on the effective date of the plan, the holder of the claim will receive on account of the claim cash equal to the allowed amount of the claim;

"(B) with respect to a class of claims of a kind described in section 507(a) (3), (4), (5), or (6), each holder of a claim of the class will receive cash or deferred cash payments of a value, as of the effective date of the plan, equal to the allowed amount of such claims; and

"(C) with respect to a claim of a kind described in section 507(a)(7), the holder of the claim will receive on account of the claim deferred cash payments, over a period ending on the later of—

"(i) the date of termination of the plan; or

"(ii) the date that is 6 years after the date of assessment of the claim,

of a value, as of the effective date of the plan, equal to the allowed amount of the claim; and

"(8) confirmation of the plan is not likely to be followed by the liquidation or the need for further financial reorganization of the debtor or any successor to the debtor under the plan, unless liquidation or reorganization is proposed in the plan.

"(b) Confirmation Notwithstanding Nonconformance or Objection.—If the trustee or the holder of an allowed unsecured claim objects to the confirmation of the plan, the court may not approve the plan unless, as of the effective date of the plan—

"(1) the value of the property to be distributed under the plan on account of the claim is not less than the amount of the claim; or

"(2) the plan provides that all of the debtor's projected disposable income to be received in the 3-year period, or such longer period as the court may approve under section 1022(c), beginning on the date on which the first payment is due under the plan, will be applied to make payments under the plan.

"§ 1027. Payments

"(a) Retention by Trustee.—Payments and funds received by the trustee shall be retained by the trustee until confirmation or denial of confirmation of a plan.

"(b) Distribution Following Confirmation.—If a plan is confirmed, the trustee shall distribute in accordance with the plan payments and funds retained pursuant to subsection (a).

"(c) Return Following Nonconfirmation.—If a plan is not confirmed, the trustee shall return any payments and funds retained pursuant to subsection (a), after deducting—

"(1) any unpaid claim allowed under section 503(b); and

"(2) if a standing trustee is serving in the case, the percentage fixed for the standing trustee under section 1003.

"(d) Payments Preceding Payments to Creditors.—Before or at the time of each payment to creditors under the plan, there shall be paid—

"(1) any unpaid claim of a kind described in section 507(a)(1); and

"(2) if a standing trustee is serving in the case, the percentage fee fixed for such standing trustee under section 1003.

"(e) Payments to Creditors.—Except as otherwise provided in the plan or in the order confirming the plan, the trustee shall make payments to creditors under the plan.

"§ 1028. Effect of confirmation

"(a) Persons Bound.—Except as provided in subsection (d) (2) and (3), a confirmed plan binds the debtor, any entity issuing securities under the plan, any entity acquiring property under the plan, and any creditor, equity security holder, or general partner of the debtor, whether or not the claim or interest of such creditor, equity security holder, or general partner is impaired under the plan and whether or not such creditor, equity security holder, or general partner has accepted the plan.

"(b) Vesting of Property.—Except as otherwise provided in the plan or order confirming the plan, the confirmation of a plan vests all of the property of the estate in the debtor.

"(c) Freedom of Property From Claims and Interests.—Except as provided in subsection (d) (2) and (3), and except as otherwise provided in the plan or in the order confirming the plan, after confirmation of a plan, the property dealt with by the plan is free and clear of all claims and interests of creditors, equity security holders, and general partners of the debtor.

"(d) Discharge of Debtor.—

"(1) On completion of payments.—As soon as practicable after completion by the debtor of all payments under the plan, other than payments to holders of allowed claims provided for under section 1022(b) (5) or (9), unless the court approves a written waiver of discharge executed by the debtor after the order for relief under this chapter, the court shall grant the debtor a discharge of all debts provided for by the plan allowed under section 503 or disallowed under section 502, except any debt—

"(A) provided for under section 1022(b) (5) or (9); or

"(B) of the kind specified in section 523(a).

"(2) WHEN PAYMENTS ARE NOT COMPLETED.—At any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan if—

"(A) the debtor's failure to complete such payments is due to circumstances for which the debtor should not be justly held accountable;

"(B) the value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed secured claim is not less than the amount that would have been paid on the claim if the estate of the debtor had been liquidated under chapter 7 on that date; and

"(C) modification of the plan under section 1029 is not practicable.

"(3) EFFECT.—A discharge granted under paragraph (2) discharges the debtor from all unsecured debts provided for by the plan or disallowed under section 502, except any debt—

"(A) provided for under section 1022(b) (5) or (9); or

"(B) of a kind specified in section 523(a).

"(4) REVOCATION.—On request of a party in interest made before the date that is 1 year after the date on which a discharge under this section is granted, and after notice and hearing, the court may revoke the discharge if—

"(A) the discharge was obtained by the debtor through fraud; and

"(B) the requesting party did not know of the fraud until after the discharge was granted.

"(e) TERMINATION OF SERVICES OF TRUSTEE.—After the debtor is granted a discharge, the court shall terminate the services of any trustee serving in the case.

"§ 1029. Modification of plan after confirmation

"(a) IN GENERAL.—At any time after confirmation of a plan but before the completion of payments under the plan, the plan may be modified, on request of the debtor, the trustee, or the holder of any allowed unsecured claim, to—

"(1) increase or reduce the amount of payments of claims of a particular class provided for by the plan;

"(2) extend or reduce the time for such payments; or

"(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of the claim other than under the plan.

"(b) APPLICABILITY OF REQUIREMENTS.—Sections 1022 (a) and (b) and 1024 and the requirements of section 1025(a) apply to a modification under subsection (a).

"(c) LIMITATION.—A plan modified under subsection (a) may not provide for payments over a period that expires after 3 years after the date on which the first payment under the original confirmed plan was due, unless the court, for cause, approves a longer period, but the court may not approve a period that expires after 5 years after that date.

"(d) REPORT.—Not later than 60 days after each anniversary of the confirmation of the plan, the trustee shall file a report with the court, and serve a copy on all creditors requesting service of a copy of the report, setting forth—

"(1) the amount of distributions made to creditors during the preceding year;

"(2) a description of the debtor's compliance with the provisions of the plan during the preceding year;

"(3) a description of the debtor's disposable income in relation to the continued ability to comply with the terms of the confirmed plan; and

"(4) any modifications to the plan that are necessary to ensure the reorganization of the debtor and the payment to creditors of all disposal income.

"§ 1030. Revocation of order of confirmation

"(a) REVOCATION FOR FRAUD.—On request of a party in interest at any time within 180 days after the date of the entry of an order of confirmation under section 1028, and after notice and a hearing, the court may revoke the order if the order was procured by fraud.

"(b) DISPOSITION OF CASE AFTER REVOCATION.—If the court revokes an order of confirmation under subsection (a), the court shall dispose of the case under section 1007, unless, within a time fixed by the court, the debtor proposes and the court confirms a modification of the plan under section 1029.".

(d) TECHNICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS IN TITLE 11, UNITED STATES CODE.—Title 11, United States Code, is amended in the table of chapters by inserting after the item relating to chapter 9 the following new item:

"10. Small Businesses .... 1001".

(2) CROSS-REFERENCES IN TITLE 11, UNITED STATES CODE.—Title 11, United States Code, is amended—

(A) in section 321(a) by inserting "10," after "7," each place it appears;

(B) in section 322(a) by inserting "1005" after "703,";

(C) in section 326(b)—

(i) by striking "12 or 13" and inserting "10, 12, or 13"; and

(ii) by striking "1202(a) or 1302(a)" and inserting "1005, 1202(a), or 1302(a)";

(D) in section 327—

(i) in subsection (b) by inserting "1005," after "721,"; and

(ii) in subsection (c) by inserting "10," after "7,";

(E) in section 329(b)(1)(B) by inserting "10," after "chapter";

(F) in section 330(c) by striking "12 or 13" and inserting "10, 12, or 13";

(G) in section 346—

(i) in subsection (b) by inserting "10," after "7,";

(ii) in subsection (g)(1)(C) by striking "11 or 12" and inserting "10, 11, or 12"; and

(iii) in subsection (i)(1) by inserting "10," after "7,";

(H) in section 347—

(i) in subsection (a)—

(I) by inserting "1027," after "726,"; and

(II) by inserting "10," after "7,"; and

(ii) in subsection (b)—

(I) by inserting "10," after "9,"; and

(II) by inserting "1026," after "943(b),";

(I) in section 348—

(i) in subsections (b), (c), and (e) by inserting "1009," after "706," each place it appears; and

(ii) in subsection (d) by inserting "1009," after "section";

(J) in section 362(c)(2)(C) by inserting "10," after "9,";

(K) in section 363—

(i) in subsection (c)(1) by inserting "1006," after "721,"; and

(ii) in subsection (l) by inserting "10," after "chapter";

(L) in section 364(a) by inserting "1006, 1007," after "721,";

(M) in section 365—

(i) in subsections (d)(2) and (g) (1) and (2) by inserting "10," after "9," each place it appears; and

(ii) in subsection (g)(2) (A) and (B) by inserting "1009," after "section" each place it appears;

(N) in section 502(g) by inserting "10," after "9,";

(O) in section 523(a) by inserting "1028(d)," after "727,";

(P) in section 524—

(i) in subsections (a)(1), (c)(1), and (d) by inserting "1028(d)," after "727," each place it appears; and

(ii) in subsection (a)(3) by inserting "1028(d)," after "523,";

(Q) in section 546(a)(1) by inserting "1005," after "702,";

(R) in section 557(d)(3) by inserting "1005," after "703,";

(S) in section 706—

(i) in subsection (a)—

(I) by inserting "10," before "11,"; and

(II) by inserting "1009," after "section"; and

(ii) in subsection (c) by striking "12 or 13" and inserting "10, 12, or 13";

(T) in section 726(b) by inserting "1009," after "chapter under section";

(U) in section 1106(a)(5) by inserting "10," after "7,";

(V) in section 1306(a) (1) and (2) by inserting "10," after "7," each place it appears; and

(W) in section 1307—

(i) in subsection (b) by inserting "1009," after "706,";

(ii) in subsection (d) by striking "11 or 12" and inserting "10, 11, or 12"; and

(iii) in subsection (e) by inserting "10," after "7,".

(3) BANKRUPTCY RULES.—The rules prescribed under section 2075 of title 28, United States Code, and in effect on the date of the enactment of this Act shall apply to cases filed under chapter 10 of title 11, United States Code, to the extent practicable and not inconsistent with the amendments made by this Act.

(4) AMENDMENT OF TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended—

(A) in section 157(b)(2)(B) by inserting "10," after "chapter";

(B) in section 586—

(i) in subsection (a)—

(I) in paragraph (1)(C)—

(aa) by striking "12 and 13" and inserting "10, 12, and 13"; and

(bb) by inserting "1025, 1029," after "sections"; and

(II) in paragraph (3) in the matter preceding subparagraph (A), by inserting "10," after "7,";

(C) in subsections (b), (d), and (e) by striking "12 or 13" each place it appears and inserting "10, 12, or 13"; and

(D) in section 1930(a)—

(i) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(ii) by inserting after paragraph (2) the following new paragraph:

"(3) For a case commenced under chapter 10 of title 11, $600.".

(5) AMENDMENT OF THE BANKRUPTCY JUDGES, UNITED STATES TRUSTEES, AND FAMILY FARMER BANKRUPTCY ACT OF 1986.—Section 302 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (100 Stat. 3119) is amended in subsections (d) and (e) by inserting "10," after "7," each place it appears.

(e) APPLICATION OF CHAPTER 10 OF TITLE 11.—

(1) SELECTION OF DEMONSTRATION DISTRICTS.—Not later than 90 days after the date of enactment of this Act, the Director of the Administrative Office of the United States Courts shall—

(A) select 8 judicial districts in which chapter 10 of title 11, United States Code, shall be effective for a period of 3 years; and

(B) identify those districts by notice in the Federal Register.

(2) EFFECTIVE PERIOD.—Chapter 10 of title 11, United States Code, shall become effective only in the 8 judicial districts selected under paragraph (1), beginning on the date that is 90 days after the date of enactment of this Act and ending on the date that is 3 years after that date.

(3) REPEAL.—(A) Chapter 10 of title 11, United States Code, is repealed on the date that is 3 years after the date that is 90 days after the date of enactment of this Act. All cases commenced or pending under that chapter and all matters and proceedings in or relating to those cases shall be conducted and determined under that chapter as if the chapter had not been repealed. The substantive rights of parties in connection with those cases, matters, and proceedings as if the chapter had not been repealed.

(B) The Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives shall prepare and report to the Senate and the House of Representatives, respectively, not later than 90 days before the repeal date described in subparagraph (A), legislation proposing such technical amendments as may be necessary or appropriate at that time in view of the repeal made by subparagraph (A).

SEC. 202. SINGLE ASSET REAL ESTATE.

(a) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting in its proper alphabetical position the following new definition:

" 'single asset real estate' means real property constituting a single property or project, other than residential real property with fewer than 4 residential units, which generates substantially all of the gross income of a debtor and on which no substantial business is being conducted by a debtor other than the business of operating the real property and activities incidental thereto.".

(b) AUTOMATIC STAY.—Section 362 of title 11, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1) by striking "or" at the end;

(B) in paragraph (2) by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(3) with respect to a stay of an act against single asset real estate under subsection (a), by a creditor whose claim is secured by an interest in such real estate, unless, not later than the date that is 90 days after the entry of the order for relief (or such later date as the court may determine for cause by order entered within that 90-day period)—

"(A) the debtor has filed a plan of reorganization that has a reasonable possibility of being confirmed within a reasonable time; or

"(B) the debtor has commenced monthly payments to each creditor whose claim is secured by such real estate, which payments are in an amount equal to interest at a current fair market rate on the value of the creditor's interest in the real estate."; and

(2) by adding at the end the following new subsection:

"(i)(1) Upon request of a creditor whose claim is secured by an interest in single asset real estate, if the interest has more than de minimis value, the court shall issue an order granting limited relief from the stay provided under subsection (a) to permit the creditor to continue a foreclosure proceeding commenced before the commencement of the case up to, but not including, the point of sale.

"(2) An order under paragraph (1) shall not issue before the date that is 30 days after the date of entry of the order for relief, but thereafter shall issue promptly after such a request.

"(3) A hearing shall not be required for the granting of relief under paragraph (1) unless the debtor files an objection to the request and shows the court extraordinary circumstances requiring such a hearing.".

SEC. 203. AIRCRAFT EQUIPMENT, VESSELS, AND ROLLING STOCK EQUIPMENT.

(a) AMENDMENT OF SECTION 1110.—Section 1110 of title 11, United States Code, is amended to read as follows:

"§ 1110. Aircraft equipment and vessels

"(a)(1) The right of a secured party with a security interest in equipment described in paragraph (2) or of a lessor or conditional vendor of such equipment to take possession of such equipment in compliance with a security agreement, lease, or conditional sale contract is not affected by section 362 or 363 or by any power of the court to enjoin the taking of possession unless—

"(A) before the date that is 60 days after the date of the order for relief under this chapter, the trustee, subject to the court's approval, agrees to perform all obligations of the debtor that become due on or after the date of the order under such security agreement, lease, or conditional sale contract; and

"(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

"(i) that occurs before the date of the order is cured before the expiration of such 60-day period; and

"(ii) that occurs after the date of the order is cured before the later of—

"(I) the date that is 30 days after the date of the default; or

"(II) the expiration of such 60-day period.

"(2) Equipment is described in this paragraph if it is—

"(A) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301)) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is an air carrier (as defined in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301)); or

"(B) a documented vessel (as defined in section 30101(1) of title 46, United States Code) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that holds a certificate of public convenience and necessity or permit issued by the Interstate Commerce Commission.

"(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

"(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court's approval, to extend the 60-day period specified in subsection (a)(1).

"(c) If the trustee makes an agreement of the kind described in subsection (a)(1)(A) with respect to a security agreement, lease, or conditional sale contract, any costs and expenses incurred by the secured party, lessor, or conditional vendor to remedy the failure of the trustee to perform the obligations of the estate to maintain or return equipment in accordance with the security agreement, lease, or conditional sale contract constitute administrative expenses under section 503(b)(1)(A).

"(d) With respect to equipment first placed in service on or prior to the date of enactment of this subsection, for purposes of this section—

"(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

"(2) the term 'security interest' means a purchase-money equipment security interest.".

(b) AMENDMENT OF SECTION 1168.—Section 1168 of title 11, United States Code, is amended to read as follows:

"§ 1168. Rolling stock equipment

"(a)(1) The right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described in paragraph (2) to take possession of such equipment in compliance with an equipment security agreement, lease, or conditional sale contract is not affected by section 362 or 363 or by any power of the court to enjoin the taking of possession, unless—

"(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court's approval, agrees to perform all obligations of the debtor that become due on or after the date of commencement of the case under such security agreement, lease, or conditional sale contract; and

"(B) any default, other than a default of a kind described in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

"(i) that occurs before the date of commencement of the case and is an event of default therewith is cured before the expiration of such 60-day period; and

"(ii) that occurs or becomes an event of default after the date of commencement of the case is cured before the later of—

"(I) the date that is 30 days after the date of the default or event of default; or

"(II) the expiration of such 60-day period.

"(2) Equipment is described in this paragraph if it is rolling stock equipment or accessories used on such equipment, including superstructures and racks, that is subject to a security interest granted by, leased to, or conditionally sold to the debtor.

"(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

"(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court's approval, to extend the 60-day period specified in subsection (a)(1).

"(c) If the trustee makes an agreement of the kind described in subsection (a)(1)(A) with respect to a security agreement, lease, or conditional sale contract, any costs and expenses incurred by the secured party, lessor, or conditional vendor to remedy the failure of the trustee to perform the obligations of the estate to maintain or return equipment in accordance with the security agreement, lease, or conditional sale contract constitute administrative expenses under section 503(b)(1)(A).

"(d) With respect to equipment first placed in service on or prior to the date of enactment of this subsection, for purposes of this section—

"(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

"(2) the term 'security interest' means a purchase-money equipment security interest.".

(c) Application of Amendments.—

(1) In general.—The amendment of sections 1110(a) and 1168(a) of title 11, United States Code, made by subsections (a) and (b) shall not apply to cases commenced under title 11, United States Code, prior to the date of enactment of this Act.

(2) Placement in service.—The amendment of section 1168(a) of title 11, United States Code, made by subsection (b) shall take effect with respect to equipment that is first placed in service after the date of enactment of this Act, including rolling stock equipment that is substantially rebuilt after that date and accessories used on such equipment.

SEC. 204. UNEXPIRED LEASES OF PERSONAL PROPERTY IN CHAPTER 11 CASES.

Section 365 of title 11, United States Code, is amended in the first sentence by inserting after "real property" the following: "and, in a case under chapter 11, under an unexpired lease of personal property".

SEC. 205. PROTECTION OF ASSIGNEES OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES APPROVED BY COURT ORDER IN CASES REVERSED ON APPEAL.

Section 365 of title 11, United States Code, is amended by adding at the end the following new subsection:

"(p) The reversal or modification on appeal of an authorization under this section of an assignment of an executory contract or unexpired lease does not affect the validity of the assignment to an entity that obtained the assignment in good faith, whether or not the entity knew of the pendency of the appeal, unless the authorization and the assignment were stayed pending appeal.".

SEC. 206. PROTECTION OF SECURITY INTEREST IN POST-PETITION RENTS.

Post-petition Effect of Security Interest.—Section 552(b) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) by striking "rents," each place it appears; and

(3) by adding at the end the following new paragraph:

"(2)(A) Except as provided in sections 363, 506(c), 522, 544, 545, 547, and 548, if—

"(i) the debtor and an entity entered into a security agreement that was duly recorded in the public records before the commencement of the case; and

"(ii) the security interest created by the security agreement extends to property of the debtor acquired before the commencement of the case and to rents or fees, charges, accounts or other payments for the use or occupancy of rooms and other public facilities in hotels, motels or other lodging properties of such property and has been duly recorded in the public record,

the security interest extends to the rents or fees, charges, accounts, or other payments acquired by the estate after the commencement of the case to the extent provided in the security agreement, whether or not the security interest in such rents, fees, charges, accounts or other payments is perfected under applicable nonbankruptcy law, except to the extent that the court, after notice and a hearing and based on the equities of the case, orders otherwise.".

"(B) If a security interest extends under subparagraph (A) to rents acquired by the estate after the commencement of the case, the security interest in such rents shall be deemed to be perfected for the purpose of section 544(a).".

(b) Use Sale, or Lease of Property.—Section 363(a) of title 11, United States Code, is amended by inserting: "and the fees, charges, accounts or other payments for the use or occupancy of rooms and other public facilities in hotels, motels, or other lodging properties" after "property".

SEC. 207. ANTI-ALIENATION.

(a) Automatic Stay.—Section 362(b) of title 11, United States Code, as amended by section 501(a), is amended—

(1) by striking "or" at the end of paragraph (16);

(2) by adding "or" at the end of paragraph (17); and

(3) by adding at the end the following new paragraph:

"(18) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, pursuant to the debtor's agreement authorizing such withholding and collection for the benefit of a pension, profit sharing, stock bonus, or other plan qualified under section 401(a), 403(a), 403(b), or 408(k), or 457 or a governmental plan under 414(d) of the Internal Revenue Code of 1986, which is sponsored by the employer of the debtor, or an affiliate, successor or predecessor of such employer, to the extent that the amounts withheld and collected are used solely for payments relating to a loan from the plan that satisfies the requirements of section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)(1)) or, in the case of a loan from the Thrift Savings Plan described in subchapter III of title 5, United States Code, that satisfies the requirements of section 8433(i) of that title.".

(b) Exceptions to Discharge.—Subsection 523(a) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(13) owed to a pension, profitsharing, stock bonus, or other plan qualified under section 401(a), 403(a), 403(b), 408(k) or a governmental plan under 414(d) or 457 of the Internal Revenue Code of 1986 pursuant to a loan permitted under section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)(1)) or pursuant to a loan from the Thrift Savings Plan described in subchapter III of title 5, United States Code, that satisfies the requirements of section 8433(i) of that title.".

(c) Property of the Estate.—Subsection 541(c) of title 11, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) Subject to subparagraph (B), assets and benefits accumulated for the benefits of a debtor pursuant to a pension, profitsharing, stock bonus, or other plan qualified under section 401(a), 403(a), 403(b), or 408(k), or a governmental plan under 414(d), or 457 of the Internal Revenue Code of 1986 and any rights of debtor to such assets or benefits shall be excluded from the property of the estate.

"(B) Subparagraph (A) does not apply to plan assets or benefits attributable to contributions of the debtor to the extent that such contributions were in excess of the applicable limits on such contributions under section 401(k), 401(m), or 415 of the Internal Revenue Code of 1986.".

(d) Plan Contents.—Section 1322 of title 11, United States Code, is amended by adding at the end the following new subsection:

"(d) The plan may not materially alter the terms of a loan described in section 362(b)(18).".

(e) Plan Confirmation.—Section 1325 of title 11, United States Code, is amended—

(1) in subsection (b)(2) by striking "debtor and" and inserting "debtor (not including income that is withheld from the debtor's wages for the purposes stated in section 362(b)(18)) and"; and

(2) in subsection (c) by striking "income to" and inserting "income (except income that is withheld from a debtor's wages for the purposes stated in section 362(b)(18) after confirmation of a plan) to".

SEC. 208. EXEMPTION.

Section 109(b)(2) of title 11, United States Code, is amended by inserting after "homestead association" the following: "a small business investment company licensed by the Small Business Administration under section 301 (c) or (d) of the Small Business Investment Act of 1958 (15 U.S.C. 681 (c) and (d)),".

SEC. 209. INDENTURE TRUSTEE COMPENSATION.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (3)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively;

(B) by inserting after subparagraph (C) the following new subparagraph:

"(D) an indenture trustee;"; and

(C) in subparagraph (E), as redesignated by subparagraph (A), by striking "an indenture trustee,"; and

(2) in paragraph (5) by striking "for services rendered by an indenture trustee in making a substantial contribution in a case under chapter 9 or 11 of this title" and inserting "for necessary services".

SEC. 210. PAYMENT OF FEDERAL INTERNAL REVENUE TAXES WITH BORROWED FUNDS.

Section 523(a) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (11);

(2) by adding "or" at the end of paragraph (12); and

(3) by adding at the end the following new paragraph:

"(13) incurred to obtain funds with which to pay a tax imposed under the Internal Revenue Code of 1986.".

SEC. 211. RETURN OF GOODS.

(a) Limitation on Avoiding Powers.—Section 546 of title 11, United States Code, is amended by adding at the end the following new subsection:

"(h) Notwithstanding the rights and powers of a trustee under sections 544(a), 545, 547, 549, and 553, if the court determines, after notice and a hearing, that a return is in the best interests of the estate, the debtor, with the consent of a creditor, may return goods shipped to the debtor by the creditor before the commencement of the case, and the creditor may offset the value of such goods against any claim of the creditor against the debtor that arose before the commencement of the case.".

(b) SETOFF.—Section 553(b)(1) is amended by inserting “546(h),” after “365(h)(2),”.

SEC. 212. EXCEPTION TO DISCHARGE.

Section 523(a)(2) of title 11, United States Code, is amended by striking “forty” and inserting “60”.

SEC. 213. PROCEEDS OF MONEY ORDER AGREEMENTS.

Section 541(b) of title 11, United States Code, is amended—

(1) by striking “or” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(4) any interest in cash or cash equivalents that constitute proceeds of a sale by the debtor of a money order that is made—

“(A) on or after the date that is 14 days prior to the date on which the petition is filed; and

“(B) under an agreement with a money order issuer that prohibits the commingling of such proceeds with property of the debtor (notwithstanding that, contrary to the agreement, the proceeds may have been commingled with property of the debtor),

unless the money order issuer had not taken action, prior to the filing of the petition, to require compliance with the prohibition.”.

SEC. 214. LIMITATION ON LIABILITY OF NON-INSIDER TRANSFEREE FOR AVOIDED TRANSFER.

Section 550 of title 11, United States Code, is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection:

“(b) The trustee may recover under subsection (a) a transfer avoided under section 547(b) from a first transferee or an immediate or mediate transferee of a first transferee only to the extent that—

“(1) all the elements of section 547(b) are satisfied as to the first transferee; and

“(2) the exceptions in section 547(c) do not protect the first transferee.”.

SEC. 215. PERFECTION OF PURCHASE-MONEY SECURITY INTEREST.

Section 547(c)(3)(B) of title 11, United States Code, is amended by striking “10” and inserting “20”.

SEC. 216. AIRPORT GATE LEASES.

Section 365(d) of title 11, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) Notwithstanding paragraphs (1), (2), and (4), and subject to subparagraphs (B) and (C) of this paragraph, if the trustee in a case under any chapter of this title does not assume or reject an unexpired lease or executory contract with an airport operator under which the debtor has a right to the use or possession of an airport terminal, aircraft gate, or related facility within 60 days after the date of the order for relief, or within such additional time (not to exceed 120 additional days) as the court sets during such 60-day period, such lease or executory contract is deemed rejected, and the trustee shall immediately surrender the airport terminal, gate, or related facility to the airport operator.

“(B)(i) The court may enter an order extending beyond 180 days after the date of the order for relief the time for assumption or rejection of an unexpired lease or executory contract described in subparagraph (A) only after finding that such an extension of time does not cause substantial harm to the airport operator or to airline passengers.

“(ii) In making the determination of substantial harm, the court shall consider, among other relevant factors—

“(I) the level of use of airport terminals, gates, or related facilities subject to the unexpired lease or executory contract;

“(II) the existence of competing demands for the use of the airport terminals, gates, or related facilities;

“(III) the size and complexity of the case; and

“(IV) air carrier competition at the airport.

“(iii) The burden of proof for establishing cause for an extension of time under this subparagraph shall be on the trustee.

“(iv) An order entered under this subparagraph shall be without prejudice to the right of a party in interest to request, at any time, a shortening or termination of the extension of time granted under this subparagraph.”.

SEC. 217. TRUSTEE DUTIES.

Section 586(a)(3)(A) of title 28, United States Code, is amended to read as follows:

“(A)(i) reviewing, in accordance with procedural and substantive guidelines adopted by the Executive Office of the United States Trustee (which guidelines shall be applied uniformly by the United States trustee except when circumstances warrant different treatment), applications filed for compensation and reimbursement under section 330 of title 11; and

“(ii) filing with the court comments with respect to each such an application and, if the United States Trustee considers it to be appropriate, objections to such application.

SEC. 218. PAYMENTS.

Section 1326(a)(2) of title 11, United States Code, is amended in the second sentence by striking the period and inserting “as soon as practicable.”.

SEC. 219. SELLER'S RIGHT TO RECLAIM GOODS.

Section 546(c)(1) of title 11, United States Code, is amended by striking “ten” and inserting “30”.

SEC. 220. PAYMENT OF INSURANCE BENEFITS TO RETIRED EMPLOYEES.

Section 1114(e) of title 11, United States Code, is amended by adding at the end the following new paragraph:

“(3) Notwithstanding any other provision of this title, if there are not sufficient unencumbered assets available to make a timely payment required by paragraph (1), an order approving the use, sale, or lease of cash collateral or the obtaining of credit or incurring of debt shall require the debtor to use such cash collateral, credit, or incurring of debt to make the payment.”.

TITLE III—CONSUMER BANKRUPTCY ISSUES

SEC. 301. PERIOD FOR CURING DEFAULT RELATING TO PRINCIPAL RESIDENCE.

Section 1322 of title 11, United States Code, as amended by section 207(d), is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e); and

(2) by inserting after subsection (b) the following new subsection:

“(c) Notwithstanding State law and subsection (b)(2), and whether or not a claim is matured or reduced to judgment, a debtor who at the time of filing a petition under this title possesses any legal or equitable interest, including a right of redemption, in real property securing a claim—

“(1) may cure a default and maintain payments on the claim pursuant to subsection (b) (3) or (5); or

“(2) in a case in which the last payment on the original payment schedule for the claim is due before the date on which the final payment under the plan is due, may provide for the payment of the claim pursuant to section 1325(a)(5).”.

SEC. 302. NONDISCHARGEABILITY OF FINE UNDER CHAPTER 13.

Section 1328(a)(3) of title 11, United States Code, is amended by inserting “, or a fine to the extent such fine exceeds $500,” after “restitution”.

SEC. 303. PROTECTION OF CHILD SUPPORT AND ALIMONY.

(a) RELIEF FROM AUTOMATIC STAY.—Section 362(b)(2) of title 11, United States Code, is amended to read as follows:

“(2) under subsection (a) of this section—

“(A) of the commencement or continuation of an action or proceeding for—

“(i) the establishment of paternity; or

“(ii) the establishment or modification of an order for alimony, maintenance, or support; or

“(B) of the collection of alimony, maintenance, or support from property that is not property of the estate;”.

(b) PRIORITY OF CLAIMS.—

(1) ALIMONY OR SUPPORT.—Section 507(a) of title 11, United States Code, is amended—

(A) in paragraph (8) by striking “(8) Eighth” and inserting “(9) Ninth”;

(B) in paragraph (7) by striking “(7) Seventh” and inserting “(8) Eighth”; and

(C) by inserting after paragraph (6) the following new paragraph:

“(7) Eighth, allowed claims for debts to a spouse, former spouse, or child of the debtor, for alimony to, maintenance for, or support of such spouse or child, in connection with a separation agreement, divorce decree or other order of a court of record, determination made in accordance with State or territorial law by a governmental unit, or property settlement agreement, but not to the extent that such debt—

“(A) is assigned to another entity, voluntarily, by operation of law, or otherwise; or

“(B) includes a liability designated as alimony, maintenance, or support, unless such liability is actually in the nature of alimony, maintenance or support.”.

(2) TECHNICAL AMENDMENTS.—Title 11, United States Code, is amended—

(A) in section 502(i) by striking “507(a)(7)” and inserting “507(a)(8)”;

(B) in section 503(b)(1)(B)(i) by striking “507(a)(7)” and inserting “507(a)(8)”;

(C) in section 523(a)(1)(A) by striking “507(a)(7)” and inserting “507(a)(8)”;

(D) in section 724(b)(2) by striking “or 507(a)(6)” and inserting “507(a)(6), or 507(a)(7)”;

(E) in section 726(b) by striking “or (7)” and inserting “, (7), or (8)”;

(F) in section 1123(a)(1) by striking “507(a)(7)” and inserting “507(a)(8)”; and

(G) in section 1129(a)(9)—

(i) in subparagraph (B) by striking “or 507(a)(6)” and inserting “, 507(a)(6), or 507(a)(7)”; and

(ii) in subparagraph (C) by striking “507(a)(7)” and inserting “507(a)(8)”.

(c) PROTECTION OF LIENS.—Section 522(f)(1) of title 11, United States Code, is amended to read as follows:

“(1) a judicial lien (other than a judicial lien that secures a debt to a spouse, former spouse, or child of the debtor, for alimony to, maintenance for, or support of the spouse or child, in connection with a separation agreement, divorce decree or other order of a court of record, determination made in accordance with State or territorial law by a governmental unit, or property settlement agreement, to the extent that the debt—

"(A) is not assigned to another entity, voluntarily, by operation of law, or otherwise; and

"(B) includes a liability designated as alimony, maintenance, or support, unless such liability is actually in the nature of alimony, maintenance or support).".

(d) Protection Against Trustee Avoidance.—Section 547(c) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (6);

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following new paragraph:

"(7) to the extent that the transfer was a bona fide payment of a debt to a spouse, former spouse, or child of the debtor, for alimony to, maintenance for, or support of such spouse or child, in connection with a separation agreement, divorce decree or other order of a court of record, determination made in accordance with State or territorial law by a governmental unit, or property settlement agreement, but not to the extent that such debt—

"(A) is assigned to another entity, voluntarily, by operation of law, or otherwise; or

"(B) includes a liability designated as alimony, maintenance, or support, unless such liability is actually in the nature of alimony, maintenance or support; or".

(e) Appearance Before Court.—A child support creditor or its representative shall be permitted to appear and intervene without charge and without meeting any special local court rule requirement for attorney appearances in any bankruptcy proceeding in any bankruptcy court or district court of the United States if the creditor or representative files with the court a statement describing in detail the child support debt, its status, and other characteristics.

SEC. 304. BANKRUPTCY PETITION PREPARERS.

(a) Amendment of Chapter 1.—

(1) In general.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following new section:

"SEC. 110. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

"(a) Definition.—In this section—

"'bankruptcy petition preparer' means a person, other than an attorney or an employee of an attorney, who prepares for compensation a document for filing.

"'document for filing' means a petition or any other document prepared for filing by a debtor in a United States bankruptcy court or a United States district court in connection with a case under this title.

"(b) Signing of Documents.—(1) A bankruptcy petition preparer who prepares a document for filing shall sign the document and print on the document the preparer's name and address.

"(2) A bankruptcy petition preparer who fails to comply with paragraph (1) may be fined not more than $500 for each such failure unless the failure is due to reasonable cause.

"(c) Furnishing of Identifying Number.—(1) A bankruptcy petition preparer who prepares a document for filing shall place on the document, after the preparer's signature, an identifying number that identifies the individuals who prepared the document.

"(2) For purposes of this section, the identifying number of a bankruptcy petition preparer shall be the Social Security account number of each individual who prepared the document or assisted in its preparation.

"(3) A bankruptcy petition preparer who fails to comply with paragraph (1) may be fined not more than $500 for each such failure unless the failure is due to reasonable cause.

"(d) Furnishing of Copy to the Debtor.—(1) A bankruptcy petition preparer shall, not later than the time at which a document for filing is presented for the debtor's signature, furnish to the debtor a copy of the document.

"(2) A bankruptcy petition preparer who fails to comply with paragraph (1) may be fined not more than $500 for each such failure unless the failure is due to reasonable cause.

"(e) Authorization To Execute Documents.—(1) A bankruptcy petition preparer shall not execute any document on behalf of a debtor unless—

"(A) the debtor has first given the preparer written authorization to execute the document; and

"(B) the preparer is otherwise authorized by law to execute the document.

"(2) A bankruptcy petition preparer may be fined not more than $500 for each document executed in violation of paragraph (1).

"(f) Damages.—If a bankruptcy case or related proceeding is dismissed because of the negligence or intentional disregard of this title or the bankruptcy rules by a bankruptcy petition preparer, or if a bankruptcy petition preparer violates this section or commits any fraudulent, unfair, or deceptive act, the bankruptcy court shall certify that fact to the district court, and the district court, on motion of the debtor and after a hearing, shall order the bankruptcy petition preparer to pay to the debtor—

"(1) the debtor's actual damages;

"(2) the greater of—

"(A) $2,000; or

"(B) twice the amount paid by the debtor to the bankruptcy petition preparer for the preparer's services; and

"(3) reasonable attorneys' fees and costs in moving for damages under this subsection.

"(g) Injunctive Relief.—

"(1) In general.—A debtor for whom a bankruptcy petition preparer has prepared as document for filing, the United States trustee in the district in which the bankruptcy petition preparer resides or has a principal place of business, or the United States trustee in the district in which the debtor resides may bring a civil action to enjoin a bankruptcy petition preparer from engaging in any conduct in violation of this section or from further acting as a bankruptcy petition preparer.

"(2) Conduct.—(A) In an action under paragraph (1), if the court finds that—

"(i) a bankruptcy petition preparer has—

"(I) engaged in conduct in violation of this section or of any provision of this title a violation of which subjects a person to criminal penalty;

"(II) misrepresented the preparer's experience or education as a bankruptcy petition preparer; or

"(III) engaged in any other fraudulent, unfair, or deceptive conduct; and

"(ii) injunctive relief is appropriate to prevent the recurrence of such conduct,

the court may enjoin the bankruptcy petition preparer from engaging in such conduct.

"(B) If the court finds that a bankruptcy petition preparer has continually engaged in conduct described in clause (i) (I), (II), or (III) and that an injunction prohibiting such conduct would not be sufficient to prevent such person's interference with the proper administration of this title, or has not paid a penalty imposed under this section, the court may enjoin the person from acting as a bankruptcy petition preparer.

"(3) Attorney's fee.—The court shall award to a debtor who brings a successful action under this subsection reasonable attorney's fees and costs of the action.

"(h) Unauthorized Practice of Law.—Nothing in this section shall be construed to permit activities that are otherwise prohibited by law, including rules and laws that prohibit the unauthorized practice of law.".

(2) Technical amendment.—The chapter analysis for chapter 1 of title 11, United States Code, is amended by adding at the end the following new item:

"110. Penalty for persons who negligently or fraudulently prepare bankruptcy petitions.".

(b) Amendment of Title 18, United States Code.—

(1) Offenses.—Chapter 9 of title 18, United States Code, is amended—

(A) by amending sections 152, 153, and 154 to read as follows:

"§ 152. Concealment of assets; false oaths and claims; bribery

"A person who—

"(1) knowingly and fraudulently conceals from a custodian, trustee, marshal, or other officer of the court charged with the control or custody of property, or, in connection with a case under title 11, from creditors or the United States Trustee, any property belonging to the estate of a debtor;

"(2) knowingly and fraudulently makes a false oath or account in or in relation to any case under title 11;

"(3) knowingly and fraudulently makes a false declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, in or in relation to any case under title 11;

"(4) knowingly and fraudulently presents any false claim for proof against the estate of a debtor, or uses any such claim in any case under title 11, in a personal capacity or as or through an agent, proxy, or attorney;

"(5) knowingly and fraudulently receives any material amount of property from a debtor after the filing of a case under title 11, with intent to defeat the provisions of title 11;

"(6) knowingly and fraudulently gives, offers, receives, or attempts to obtain any money or property, remuneration, compensation, reward, advantage, or promise thereof for acting or forbearing to act in any case under title 11;

"(7) in a personal capacity or as an agent or officer of any person or corporation, in contemplation of a case under title 11 by or against the person or any other person or corporation, or with intent to defeat the provisions of title 11, knowingly and fraudulently transfers or conceals any of his property or the property of such other person or corporation;

"(8) after the filing of a case under title 11 or in contemplation thereof, knowingly and fraudulently conceals, destroys, mutilates, falsifies, or makes a false entry in any recorded information (including books, documents, records, and papers) relating to the property or financial affairs of a debtor; or

"(9) after the filing of a case under title 11, knowingly and fraudulently withholds from a custodian, trustee, marshal, or other officer of the court or a United States Trustee entitled to its possession, any recorded information (including books, documents, records, and papers) relating to the property or financial affairs of a debtor,

shall be fined not more than $5,000, imprisoned not more than 5 years, or both.

"§ 153. Embezzlement against estate

"(a) OFFENSE.—A person described in subsection (b) who knowingly and fraudulently appropriates to the person's own use, embezzles, spends, or transfers any property or secretes or destroys any document belonging to the estate of a debtor shall be fined not more than $5,000, imprisoned not more than 5 years, or both.

"(b) PERSON TO WHOM SECTION APPLIES.—A person described in this subsection is one who has access to property or documents belonging to an estate by virtue of the person's participation in the administration of the estate as a trustee, custodian, marshal, attorney, or other officer of the court or as an agent, employee, or other person engaged by such an officer to perform a service with respect to the estate.

"§ 154. Adverse interest and conduct of officers

"A person who, being a custodian, trustee, marshal, or other officer of the court—

"(1) knowingly purchases, directly or indirectly, any property of the estate of which the person is such an officer in a case under title 11;

"(2) knowingly refuses to permit a reasonable opportunity for the inspection by parties in interest of the documents and accounts relating to the affairs of estates in the person's charge by parties when directed by the court to do so; or

"(3) knowingly refuses to permit a reasonable opportunity for the inspection by the United States Trustee of the documents and accounts relating to the affairs of states in the person's charge,

shall be fined not more than $5000 and shall forfeit the person's office, which shall thereupon become vacant."; and

(B) by adding at the end the following new section:

"§ 156. Willful disregard of bankruptcy law or rule

"(a) DEFINITIONS.—In this section—

"'bankruptcy petition preparer' means a person, other than an attorney or an employee of an attorney, who prepares for compensation a document for filing.

"'document for filing' means a petition or any other document prepared for filing by a debtor in a United States bankruptcy court or a United States district court in connection with a case under this title.

"(b) OFFENSE.—If a bankruptcy case or related proceeding is dismissed because of a willful attempt by a bankruptcy petition preparer in any manner to disregard the requirements of title 11, United States Code, or the Bankruptcy Rules, the bankruptcy petition preparer shall be fined $5,000.".

(2) TECHNICAL AMENDMENTS.—The chapter analysis for chapter 9 of title 18, United States Code, is amended—

(A) by amending the item relating to section 153 to read as follows:

"Sec. 153. Embezzlement against estate.";

and

(B) by adding at the end the following new item:

"Sec. 156. Willful disregard of bankruptcy law or rule.".

SEC. 305. CONVERSION OR DISMISSAL.

Section 1307 of title 11, United States Code, is amended by adding at the end the following new subsection:

"(g) The clerk of the court shall give notice to all creditors not later than 30 days after the entry of an order of conversion or dismissal.".

SEC. 306. CONTENTS OF PLAN.

Section 1322(b)(2) of title 11, United States Code, is amended by striking "claims;" and inserting "claims, but the plan may not modify a claim pursuant to section 506 of a person holding a primary or a junior security interest in real property or a manufactured home (as defined in section 603(6) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5402(6)) that is the debtor's principal residence, except that the plan may modify the claim of a person holding such a junior security interest that was undersecured at the time the interest attached to the extent that the interest remains undersecured;".

SEC. 307. STAY OF ACTION AGAINST CODEBTOR.

Section 1301 of title 11, United States Code, is amended—

(1) in subsection (c)—

(A) by striking "or" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(4) the claim is for an amount valued at not greater than $25,000, and such relief is not a substantial impediment to an effective reorganization by the debtor, and unless the codebtor has demonstrated an inability to pay such claim or a substantial portion of such claim."; and

(2) by adding at the end the following new subsection:

"(e) If the relief sought by the creditor pursuant to subsection (c)(4) is granted by the court, the codebtor shall by subrogation have the same rights as the creditor, under this title, against the debtor to the extent of the amount of relief obtained from the codebtor. Pending any delay in obtaining relief from the codebtor, after the court order, payment by the debtor shall continue to be paid to the creditor, but subject to the developing subrogation rights of the codebtor.".

SEC. 308. EXEMPTION FOR HOUSEHOLD GOODS.

Section 522(a) of title 11, United States Code, is amended—

(1) by striking "and" at the end of paragraph (1) and redesignating that paragraph as paragraph (2);

(2) by inserting before paragraph (2), as redesignated by paragraph (1), the following new paragraph:

"(1) 'antique', for purposes of subsection (d), means an item that was more than 100 years old at the time it was acquired by the debtor, including such an item that has been repaired or renovated without changing its original form or character;";

(3) by redesignating paragraph (2), as designated prior to the date of enactment of this Act, as paragraph (4); and

(4) by inserting after paragraph (2), as redesignated by paragraph (1), the following new paragraph:

"(3) 'household goods', for purposes of subsection (d), means clothing, furniture, appliances, linens, china, crockery, kitchenware, and personal effects of the debtor and the debtor's dependents, but does not include—

"(A) works of art;

"(B) electronic entertainment equipment (except to the extent of 1 television and 1 radio);

"(C) antiques; and

"(D) jewelry other than wedding rings.".

SEC. 309. PROFESSIONAL FEES.

Section 330(a) of title 11, United States Code, is amended to read as follows:

"(a)(1) After notice to the parties in interest and the United States trustee and a hearing, and subject to sections 326, 328, and 329, the court may award to a trustee, an examiner, a professional person employed under section 327 or 1103, or the debtor's attorney, after considering comments and objections submitted by the United States Trustee in conformance with guidelines adopted by the Executive Office for United States Trustees pursuant to section 586(a)(3)(A) of title 28—

"(A) reasonable compensation for actual, necessary services rendered by the trustee, examiner, professional person, or attorney and by any paraprofessional person employed by any such person; and

"(B) reimbursement for actual, necessary expenses.

"(2)(A) In determining an amount of reasonable compensation to be awarded under paragraph (1)(A), the court—

"(i) may, on its motion or on the motion of the United States trustee or any party in interest, award compensation that is less than the amount of compensation that is requested; and

"(ii) shall consider the nature, the extent, and the value of such services, taking into account all relevant factors, including—

"(I) the time spent on such services;

"(II) the rates charged for such services;

"(III) whether the services were necessary in the administration of or beneficial toward the completion of a case under this title; and

"(IV) the total value of the estate and the amount of funds or other property available for distribution to all creditors both secured and unsecured.

"(B) In calculating compensation for services for the purpose of subparagraph (A)(ii), the court shall consider—

"(i) whether tasks were performed within a reasonable amount of time commensurate with the complexity, importance and nature of the problem, issue or task addressed; and

"(ii) whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in nonbankruptcy cases.

"(3) The court shall not allow compensation for duplication of services or for services that are not either reasonably likely to benefit the debtor's estate or necessary in the administration of the case.

"(4)(A) The court shall take into account the amount and timing of interim compensation, if any awarded and paid, in awarding final compensation.

"(B) If interim compensation was awarded and paid in an amount that exceeds the amount the court awards as final compensation the court may order the return of the excess to the trustee or other entity that paid it.

"(5) In determining the amount to be awarded for the preparation of fee applications, the court shall recognize the difference between the cost of professional services and services for the preparation of fee applications. The costs awarded for the preparation of fee applications shall be reasonable and based on the level of skill required.

TITLE IV—BANKRUPTCY REVIEW COMMISSION

SEC. 401. SHORT TITLE.

This title may be cited as the "National Bankruptcy Review Commission Act".

SEC. 402. ESTABLISHMENT.

There is established the National Bankruptcy Review Commission (referred to as the "Commission").

SEC. 403. DUTIES OF THE COMMISSION.

The duties of the Commission are—

(1) to investigate and study issues and problems relating to title 11, United States Code (commonly known as the "Bankruptcy Code");

(2) to evaluate the advisability of proposals and current arrangements with respect to such issues and problems;

(3) to prepare and submit to the Congress, the Chief Justice, and the President a report in accordance with section 408; and

(4) to solicit divergent views of all parties concerned with the operation of the bankruptcy system.

SEC. 404. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members as follows:

(1) Three members appointed by the President, 1 of whom shall be designated as chairman by the President.

(2) One member shall be appointed by the President pro tempore of the Senate.

(3) One member shall be appointed by the Minority Leader of the Senate.

(4) One member shall be appointed by the Speaker of the House of Representatives.

(5) One member shall be appointed by the Minority Leader of the House of Representatives.

(6) Two members appointed by the Chief Justice.

(b) TERM.—Members of the Commission shall be appointed for the life of the Commission.

(c) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number may conduct meetings.

(d) APPOINTMENT DEADLINE.—The first appointments made under subsection (a) shall be made within 60 days after the date of enactment of this Act.

(e) FIRST MEETING.—The first meeting of the Commission shall be called by the chairman and shall be held within 90 days after the date of enactment of this Act.

(f) VACANCY.—A vacancy on the Commission resulting from the death or resignation of a member shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(g) CONTINUATION OF MEMBERSHIP.—If any member of the Commission who was appointed to the Commission as a member of Congress or as an officer or employee of a government leaves that office, or if any member of the Commission who was not appointed in such a capacity becomes an officer or employee of a government, the member may continue as a member of the Commission for not longer than the 90-day period beginning on the date the member leaves that office or becomes such an officer or employee, as the case may be.

(h) CONSULTATION PRIOR TO APPOINTMENT.—Prior to the appointment of members of the Commission, the President, the President pro tempore of the Senate, the Speaker of the House of Representatives, and the Chief Justice shall consult with each other to ensure fair and equitable representation of various points of view in the Commission and its staff.

SEC. 405. COMPENSATION OF THE COMMISSION.

(a) PAY.—

(1) NONGOVERNMENT EMPLOYEES.—Each member of the Commission who is not otherwise employed by the United States Government shall be entitled to receive the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which he or she is engaged in the actual performance of duties as a member of the Commission.

(2) GOVERNMENT EMPLOYEES.—A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation.

(b) TRAVEL.—Members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

SEC. 406. STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) STAFF.—

(1) APPOINTMENT.—The chairman of the Commission may, without regard to the civil service laws and regulations, appoint, and terminate an executive director and such other personnel as are necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter II of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(b) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code.

SEC. 407. POWERS OF THE COMMISSION.

(a) HEARINGS AND MEETINGS.—The Commission or, on authorization of the Commission, a member of the Commission, may hold such hearings, sit and act at such time and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission or a member of the Commission may administer oaths or affirmations to witnesses appearing before it.

(b) OFFICIAL DATA.—The Commission may secure directly from any Federal department, agency, or court information necessary to enable it to carry out this title. Upon request of the chairman of the Commission, the head of a Federal department or agency or chief judge of a Federal court shall furnish such information, consistent with law, to the Commission.

(c) FACILITIES AND SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such facilities and support services as the Commission may request. Upon request of the Commission, the head of a Federal department or agency may make any of the facilities or services of the agency available to the Commission to assist the Commission in carrying out its duties under this title.

(d) EXPENDITURES AND CONTRACTS.—The Commission or, on authorization of the Commission, a member of the Commission may make expenditures and enter into contracts for the procurement of such supplies, services, and property as the Commission or member considers appropriate for the purposes of carrying out the duties of the Commission. Such expenditures and contracts may be made only to such extent or in such amounts as are provided in appropriation Acts.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal departments and agencies of the United States.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 408. REPORT.

The Commission shall submit to the Congress, the Chief Justice, and the President a report not later than 2 years after the date of its first meeting. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislative or administrative action as it considers appropriate.

SEC. 409. TERMINATION.

The Commission shall cease to exist on the date that is 30 days after the date on which it submits its report under section 408.

SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,500,000 to carry out this title.

TITLE V—TECHNICAL CORRECTIONS

SEC. 501. TITLE 11, UNITED STATES CODE.

(a) ALPHABETIZATION AND ELIMINATION OF PARAGRAPH DESIGNATIONS.—Section 101 of title 11, United States Code, is amended to read as follows:

"§ 101. Definitions

"In this title—

"'accountant' means an accountant authorized under applicable law to practice public accounting, and includes professional accounting association, corporation, or partnership, if so authorized.

"'affiliate' means—

"(A) an entity that directly or indirectly owns, controls, or holds with power to vote, 20 percent or more of the outstanding voting securities of the debtor, other than an entity that holds such securities—

"(i) in a fiduciary or agency capacity without sole discretionary power to vote such securities; or

"(ii) solely to secure a debt, if such entity has not in fact exercised such power to vote;

"(B) a corporation 20 percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the debtor, or by an entity that directly or indirectly owns, controls, or holds with power to vote, 20 percent or more of the outstanding voting securities of the debtor, other than an entity that holds such securities—

"(i) in a fiduciary or agency capacity without sole discretionary power to vote such securities; or

"(ii) solely to secure a debt, if such entity has not in fact exercised such power to vote;

"(C) a person whose business is operated under a lease or operating agreement by a debtor, or person substantially all of whose property is operated under an operating agreement with the debtor; or

"(D) an entity that operates the business or substantially all of the property of the debtor under a lease or operating agreement.

"'attorney' means an attorney, professional law association, corporation, or partnership, authorized under applicable law to practice law.

"'claim' means—

"(A) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or

"(B) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

"'commodity broker' means a futures commission merchant, foreign futures commission merchant, clearing organization, leverage transaction merchant, or commodity options dealer (as defined in section 761) with respect to which there is a customer (as defined in section 761).

"'community claim' means a claim that arose before the commencement of the case concerning the debtor for which property of the kind specified in section 541(a)(2) is liable, whether or not there is any such property at the time of the commencement of the case.

"'consumer debt' means debt incurred by an individual primarily for a personal, family, or household purpose.

"'corporation'—

"(A) includes—

"(i) an association having a power or privilege that a private corporation, but not an individual or a partnership, possesses;

"(ii) a partnership association organized under a law that makes only the capital subscribed responsible for the debts of such association;

"(iii) a joint-stock company;

"(iv) an unincorporated company or association; or

"(v) a business trust; but

"(B) does not include a limited partnership.

"'creditor' means—

"(A) an entity that has a claim against the debtor that arose at the time of or before the order for relief concerning the debtor;

"(B) an entity that has a claim against the estate of a kind specified in section 348(d), 502(f), 502(g), 502(h), or 502(i); or

"(C) an entity that has a community claim.

"'custodian' means—

"(A) a receiver or trustee of any of the property of the debtor, appointed in a case or proceeding not under this title;

"(B) an assignee under a general assignment for the benefit of the debtor's creditors; or

"(C) a trustee, receiver, or agent under applicable law, or under a contract, that is appointed or authorized to take charge of property of the debtor for the purpose of enforcing a lien against such property, or for the purpose of general administration of such property for the benefit of the debtor's creditors.

"'debt' means liability on a claim.

"'debtor' means a person or municipality concerning which a case under this title has been commenced.

"'disinterested person means a person that—

"(A) is not a creditor, an equity security holder, or an insider;

"(B) is not and was not an investment banker for any outstanding security of the debtor;

"(C) has not been, within 3 years before the date of the filing of the petition, an investment banker for a security of the debtor, or an attorney for such an investment banker in connection with the offer, sale, or issuance of a security of the debtor;

"(D) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the debtor or of an investment banker specified in subparagraph (B) or (C); and

"(E) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor or an investment banker specified in subparagraph (B) or (C), or for any other reason.

"'entity' includes a person, estate, trust, governmental unit, and United States trustee.

"'equity security' means—

"(A) a share in a corporation, whether or not transferable or denominated 'stock', or similar security;

"(B) an interest of a limited partner in a limited partnership; or

"(C) a warrant or right, other than a right to convert, to purchase, sell, or subscribe to a share, security, or interest of a kind specified in subparagraph (A) or (B).

"'equity security holder' means a holder of an equity security of the debtor.

"'family farmer' means—

"(A) an individual or individual and spouse engaged in a farming operation whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse unless such debt arises out of a farming operation), on the date the case is filed, arise out of a farming operation owned or operated by such individual or such individual and spouse, and such individual or such individual and spouse receive from such farming operation more than 50 percent of such individual's or such individual and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

"(B) a corporation or partnership in which more than 50 percent of the outstanding stock or equity is held by one family, or by one family and the relatives of the members of such family, and such family or such relatives conduct the farming operation—

"(i) more than 80 percent of the value of its assets consists of assets related to the farming operation;

"(ii) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for one dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a farming operation), on the date the case is filed, arise out of the farming operation owned or operated by such corporation or such partnership; and

"(iii) if such corporation issues stock, such stock is not publicly traded.

"'family farmer with regular annual income' means a family farmer whose annual income is sufficiently stable and regular to enable such family farmer to make payments under a plan under chapter 12.

"'farmer' means (except when such term appears in the term 'family farmer') a person that received more than 80 percent of such person's gross income during the taxable year of such person immediately preceding the taxable year of such person during which the case under this title concerning such person was commenced from a farming operation owned or operated by such person.

"'farming operation' includes farming, tillage of the soil, dairy farming, ranching, production or raising of crops, poultry, or livestock, and production of poultry or livestock products in an unmanufactured state.

"'Federal depository institutions regulatory agency' means—

"(A) with respect to an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)) for which no conservator or receiver has been appointed, the appropriate Federal banking agency (as defined in section 3(q) of that Act);

"(B) with respect to an insured credit union (including an insured credit union for which the National Credit Union Administration has been appointed conservator or liquidating agent), the National Credit Union Administration;

"(C) with respect to any insured depository institution for which the Resolution Trust Corporation has been appointed conservator or receiver, the Resolution Trust Corporation; and

"(D) with respect to any insured depository institution for which the Federal Deposit Insurance Corporation has been appointed conservator or receiver, the Federal Deposit Insurance Corporation.

"'financial institution' means a person that is a commercial or savings bank, industrial savings bank, savings and loan association, or trust company and, when any such person is acting as agent or custodian for a customer in connection with a securities contract (as defined in section 741(a)), the customer.

"'foreign proceeding' means a proceeding, whether judicial or administrative and whether or not under bankruptcy law, in a foreign country in which the debtor's domicile, residence, principal place of business, or principal assets were located at the commencement of such proceeding, for the purpose of liquidating an estate, adjusting debts by composition, extension, or discharge, or effecting a reorganization.

"'foreign representative' means a duly selected trustee, administrator, or other representative of an estate in a foreign proceeding.

"'forward contract' means a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity, as defined in section 761, or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, but not limited to, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any combination thereof or option thereon.

"'forward contract merchant' means a person whose business consists in whole or in part of entering into forward contracts as or with merchants in a commodity (as defined in section 761) or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade.

"'governmental unit' means—

"(A) the United States, a State, Commonwealth, or Territory, the District of Columbia, a municipality, and a foreign state;

"(B) a department, agency, or instrumentality of the United States (but not a United States trustee while serving as a trustee in a case under this title), a State, Commonwealth, or Territory, the District of Columbia, a municipality, a foreign state; or

"(C) any other foreign or domestic government.

"'indenture' means a mortgage, deed of trust, or indenture, under which there is outstanding a security, other than a voting-trust certificate, constituting a claim against the debtor, a claim secured by a lien on any of the debtor's property, or an equity security of the debtor.

"'indenture trustee' means a trustee under an indenture.

"'individual with regular income' means an individual whose income is sufficiently stable and regular to enable such individual to make payments under a plan under chapter 13, other than a stockbroker or a commodity broker.

"'insider' includes—

"(A) if the debtor is an individual—

"(i) a relative of the debtor or of a general partner of the debtor;

"(ii) a partnership in which the debtor is a general partner;

"(iii) a general partner of the debtor; or

"(iv) a corporation of which the debtor is a director, officer, or person in control;

"(B) if the debtor is a corporation—

"(i) a director of the debtor;

"(ii) an officer of the debtor;

"(iii) a person in control of the debtor;

"(iv) a partnership in which the debtor is a general partner;

"(v) a general partner of the debtor; or

"(vi) a relative of a general partner, director, officer, or person in control of the debtor;

"(C) if the debtor is a partnership—

"(i) a general partner in the debtor;

"(ii) a relative of a general partner in, general partner of, or person in control of the debtor;

"(iii) a partnership in which the debtor is a general partner;

"(iv) a general partner of the debtor; or

"(v) a person in control of the debtor;

"(D) if the debtor is a municipality, an elected official of the debtor or relative of an elected official of the debtor;

"(E) an affiliate, or insider of an affiliate as if such affiliate were the debtor; and

"(F) a managing agent of the debtor.

"'insolvent' means—

"(A) with reference to an entity other than a partnership and a municipality, being in a financial condition such that the sum of the entity's debts is greater than all of the entity's property, at a fair valuation, exclusive of—

"(i) property transferred, concealed, or removed with intent to hinder, delay, or defraud such entity's creditors; and

"(ii) property that may be exempted from property of the estate under section 522;

"(B) with reference to a partnership, being in a financial condition such that the sum of the partnership's debts is greater than the aggregate of, at a fair valuation—

"(i) all of the partnership's property, exclusive of property of the kind specified in subparagraph (A)(i); and

"(B) the sum of the excess of the value of each general partner's nonpartnership property, exclusive of property of the kind specified in subparagraph (A), over such partner's nonpartnership debts; and

"(C) with reference to a municipality, being in a financial condition such that the municipality is—

"(i) generally not paying its debts as they become due unless such debts are the subject of a bona fide dispute; and

"(ii) unable to pay its debts as they become due.

"'institution-affiliated party'—

"(A) with respect to an insured depository institution (as defined in section 3(c)(2) of the Federal Deposit Insurance Act) (12 U.S.C. 1813(c)(2)), has the meaning given it in section 3(u) of the Federal Deposit Insurance Act (12 U.S.C. 1813(u)); and

"(2) with respect to an insured credit union, has the meaning given it in section 206(r) of the Federal Credit Union Act (12 U.S.C. 1786(r)).

"'insured credit union' has the meaning given it in section 101(7) of the Federal Credit Union Act (12 U.S.C. 1752(7)).

"'insured depository institution'—

"(A) has the meaning given it in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)); and

"(B) includes an insured credit union (except as provided in the definition of 'Federal depository institutions regulatory agency' and in subparagraph (B) of the definition of 'institution-affiliated party').

"'intellectual property' means—

"(A) a trade secret;

"(B) an invention, process, design, or plant protected under title 35;

"(C) a patent application;

"(D) a plant variety;

"(E) a work of authorship protected under title 17; and

"(F) a mask work protected under chapter 9 of title 17, to the extent protected by applicable nonbankruptcy law.

"'judicial lien' means a lien obtained by judgment, levy, sequestration, or other legal or equitable process or proceeding.

"'lien' means a charge against or interest in property to secure payment of a debt or performance of an obligation.

"'margin payment', as used in sections 362(b)(6), 546 (e) and (f), 548 (d)(2) (B) and (C), 556, 741(5), 761(15), 764(b), 766(a), and any other provision of this title in relation to forward contracts, means a payment or deposit of cash, a security, or other property that is commonly known in the forward contract trade as original margin, initial margin, maintenance margin, or variation margin, including market-to-market payments or variation payments.

"'mask work' has the meaning given it in section 901(a)(2) of title 17.

"'municipality' means a political subdivision or public agency or instrumentality of a State.

"'person' includes an individual, partnership, and corporation, but does not include a governmental unit, except that a governmental unit that acquires an asset from a person as a result of operation of a loan guarantee agreement, or as receiver or liquidating agent of a person, shall be considered to be a person for purposes of section 1102.

"'petition' means a petition filed under section 301, 302, 303, or 304 commencing a case under this title.

"'purchaser' means a transferee of a voluntary transfer, and includes an immediate or mediate transferee of such a transferee.

"'railroad' means a common carrier by railroad engaged in the transportation of individuals or property or owner of trackage facilities leased by such a common carrier.

"'relative' means an individual related by affinity or consanguinity within the third degree as determined by the common law and an individual in a step or adoptive relationship within such third degree.

"'repo participant' means an entity that, on any day during the period beginning 90 days before the date of the filing of a petition, has an outstanding repurchase agreement with the debtor.

"'repurchase agreement' and 'reverse repurchase agreement' mean an agreement, including related terms, which provides for the transfer of certificates of deposit, eligible bankers' acceptances, or securities that are direct obligations of, or that are fully guaranteed as to principal and interest by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, or securities with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, or securities as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds.

"'security'—

"(A) includes—

"(i) a note;

"(ii) stock;

"(iii) treasury stock;

"(iv) a bond;

"(v) a debenture;

"(vi) a collateral trust certificate;

"(vii) a preorganization certificate or subscription;

"(viii) a transferable share;

"(ix) a voting-trust certificate;

"(x) a certificate of deposit;

"(xi) a certificate of deposit for security;

"(xii) an investment contract or certificate of interest or participation in a profit-sharing agreement or in an oil, gas, or mineral royalty or lease, if such contract or interest is required to be the subject of a registration statement filed with the Securities and Exchange Commission under the provisions of the Securities Act of 1933 (15 U.S.C. 77a et seq.), or is exempt under section 3(b) of that Act (15 U.S.C. 77c(b)) from the requirement to file such a statement;

"(xiii) an interest of a limited partner in a limited partnership;

"(xiv) another claim or interest commonly known as a 'security'; and

"(xv) a certificate of interest or participation in, temporary or interim certificate for, receipt for, or warrant or right to subscribe to or purchase or sell, a security; but

"(B) does not include—

"(i) currency or a check, draft, bill of exchange, or bank letter of credit;

"(ii) a leverage transaction (as defined in section 761);

"(iii) a commodity futures contract or forward contract;

"(iv) an option, warrant, or right to subscribe to or purchase or sell a commodity futures contract;

"(v) an option to purchase or sell a commodity;

"(vi) a contract or certificate of a kind specified in subparagraph (A)(xii) that is not required to be the subject of a registration statement filed with the Securities and Exchange Commission and is not exempt under section 3(b) of the Securities Act of 1933 (15 U.S.C. 77c(b)) from the requirement to file such a statement; or

"(vii) debt or an evidence of indebtedness for goods sold and delivered or services rendered.

"'security agreement' means an agreement that creates or provides for a security interest.

"'securities clearing agency' means a person that is registered as a clearing agency under section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1) or whose business is confined to the performance of functions of a clearing agency with respect to exempted securities (as defined in section 3(a)(12) of that Act (15 U.S.C. 78c(12)) for the purposes of that section 17A.

"'security interest' means a lien created by an agreement.

"'settlement payment' means, for purposes of the forward contract provisions of this title, a preliminary settlement payment, partial settlement payment, interim settlement payment, settlement payment on account, final settlement payment, net settlement payment, or any other similar payment commonly used in the forward contract trade.

"'State' includes the District of Columbia and Puerto Rico, except for the purpose of defining who may be a debtor under chapter 9.

"'statutory lien' means a lien arising solely by force of a statute on specified circumstances or conditions, or lien of distress for rent, whether or not statutory, but does not include a security interest or judicial lien, whether or not such interest or lien is provided by or is dependent on a statute and whether or not such interest or lien is made fully effective by statute.

"'stockbroker' means a person—

"(A) with respect to which there is a customer (as defined in section 741); and

"(B) that is engaged in the business of effecting transactions in securities—

"(i) for the account of others; or

"(ii) with members of the general public, from or for such person's own account.

"'swap agreement' means—

"(A) an agreement (including terms and conditions incorporated by reference therein) which is a rate swap agreement, basis swap, forward rate agreement, commodity swap, interest rate option, forward foreign exchange agreement, rate cap agreement, rate floor agreement, rate collar agreement, currency swap agreement, cross-currency rate swap agreement, currency option, or any other similar agreement (including any option to enter into any of the foregoing);

"(2) any combination of the foregoing; or

"(3) a master agreement for any of the foregoing together with all supplements.

"'swap participant' means an entity that, at any time before the filing of a petition, has an outstanding swap agreement with the debtor.

"'timeshare interest' means an interest purchased in a timeshare plan which grants the purchaser the right to use and occupy accommodations, facilities, or recreational sites, whether improved or unimproved, pursuant to a timeshare plan.

"'timeshare plan' means an interest in any arrangement, plan, scheme, or similar device (but not including an exchange program), whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, right to use agreement, or by any other means, whereby a purchaser of the interest, in exchange for consideration, receives a right to use accommodations, facilities, or recreational sites, whether improved or unimproved, for a specific period of time less than a full year during any given year, but not necessarily for consecutive years, and which extends for a period of more than 3 years.

"'transfer' means a mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the debtor's equity of redemption.

"'United States', when used in a geographical sense, includes all locations where the judicial jurisdiction of the United States extends, including territories and possessions of the United States."

(b) REFERENCES TO DEFINITIONS IN TITLE XI.—

(1) SECTION 362.—Section 362(b) of title 11, United States Code, is amended—

(A) in paragraph (6)—

(i) by striking "section 761(4)" and inserting "section 761";

(ii) by striking "section 741(7)" and inserting "section 741";

(iii) by striking "section 101(34), 741(5), or 761(15)" and inserting "section 101, 741, or 761"; and

(iv) by striking "section 101(35) or 741(8)" and inserting "section 101 or 741"; and

(B) in paragraph (7)—

(i) by striking "section 741(5) or 761(15)" and inserting "section 741 or 761"; and

(ii) by striking "section 741(8)" and inserting "section 741".

(2) SECTION 507.—Section 507(a)(5) of title 11, United States Code, is amended—

(A) by striking "section 557(b)(1)" and inserting "section 557(b)"; and

(B) by striking "section 557(b)(2)" and inserting "section 557(b)".

(3) Section 546 of title 11, United States Code, is amended—

(A) in subsection (e)—

(i) by striking "section 101(34), 741(5), or 761(15)" and inserting "section 101, 741, or 761"; and

(ii) by striking "section 101(35) or 741(8)" and inserting "section 101 or 741"; and

(B) in subsection (f)—

(i) by striking "section 741(5) or 761(15)" and inserting "section 741 or 761"; and

(ii) by striking "section 741(8)" and inserting "section 741".

(4) SECTION 548.—Section 548(d)(2) of title 11, United States Code, is amended—

(A) in subparagraph (B)—

(i) by striking "section 101(34), 741(5) or 761(15)" and inserting "section 101, 741, or 761"; and

(ii) by striking "section 101(35) or 741(8)" and inserting "section 101 or 741"; and

(B) in subparagraph (C)—

(i) by striking "section 741(5) or 761(15)" and inserting "section 741 or 761"; and

(ii) by striking "section 741(8)" and inserting "section 741".

(5) SECTION 555.—Section 555 of title 11, United States Code, is amended by striking "section 741(7)" and inserting "section 741".

(6) SECTION 556.—Section 556 of title 11, United States Code, is amended by striking "section 761(4)" and inserting "section 761".

(c) REFERENCES TO DEFINITIONS IN OTHER LAWS.—

(1) FEDERAL CREDIT UNION ACT.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) is amended—

(A) in clause (ii)(I) by striking "section 741(7)" and inserting "section 741";

(B) in clause (iii) by striking "section 101(24)" and inserting "section 101";

(C) in clause (iv)(I) by striking "section 101(41)" and inserting "section 101"; and

(D) in clause (v) by striking "section 101(50)" and inserting "section 101".

(2) FEDERAL DEPOSIT INSURANCE ACT.—Section 11(e)(8)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)) is amended—

(A) in clause (ii)(I) by striking "section 741(7)" and inserting "section 741";

(B) in clause (iii) by striking "section 761(4)" and inserting "section 761";

(C) in clause (iv) by striking "section 101(24)" and inserting "section 101";

(D) in clause (v)(I) by striking "section 101(41)" and inserting "section 101"; and

(E) in clause (viii) by striking "section 101(50)" and inserting "section 101".

(d) OTHER TECHNICAL AMENDMENTS.—Title 11 of the United States Code is amended—

(1) in section 322(a) by striking "1302, or 1202" and inserting "1202, or 1302",

(2) in section 346—

(A) in subsection (a) by striking "Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.)" and inserting "Internal Revenue Code of 1986"; and

(B) in subsection (g)(1)(C) by striking "Internal Revenue Code of 1954 (26 U.S.C. 371)" and inserting "Internal Revenue Code of 1986";

(3) in section 348—

(A) in subsection (b) by striking "728(a), 728(b), 1102(a), 1110(a)(1), 1121(b), 1121(c), 1141(d)(4), 1146(a), 1146(b), 1301(a), 1305(a), 1201(a), 1221, and 1228(a)" and inserting "728 (a) and (b), 1021, 1028, 1102(a), 1110(a)(1), 1121 (b) and (c), 1141(d)(4), 1146 (a) and (b), 1201(a), 1221, 1228(a), 1301(a), and 1305(a)"; and

(B) in subsections (b), (c), (d), and (e) by striking "1307, or 1208" each place it appears and inserting "1208, or 1307";

(4) in section 349(a) by striking "109(f)" and inserting "109(g)";

(5) in section 362(b)—

(A) by striking "or" at the end of paragraph (10);

(B) in paragraph (12) by striking "the Ship Mortgage Act, 1920 (46 App. U.S.C. 911 et seq.)" and inserting "section 31325 of title 46, United States Code";

(C) in paragraph (13)—

(i) by striking "the Ship Mortgage Act, 1920 (46 App. U.S.C. 911 et seq.)" and inserting "section 31325 of title 46, United States Code"; and

(ii) by striking "or" at the end;

(D) in paragraph (14), as added by section 102 of Public Law 101–311 (104 Stat. 267) at the end of the subsection, by removing it from the end of the subsection, inserting it after paragraph (13), and striking the period at the end and inserting a semicolon; and

(E) by redesignating paragraphs (14), (15), and (16), as added by section 3007(a) of the Student Loan Default Prevention Initiative Act of 1990 (104 Stat. 1388–28), as paragraphs (15), (16), and (17), striking "or" at the end of paragraph (16), as redesignated by this subparagraph, and adding "or" at the end of paragraph (17), as redesignated by this subparagraph;

(6) in section 363(c)(1) by striking "1304, 1203, or 1204" and inserting "1203, 1204, or 1304";

(7) in section 364(a) by striking "1304, 1203, or 1204" and inserting "1203, 1204, or 1304";

(8) in section 365—

(A) in subsection (g)(2) (A) and (B) by striking "1307, or 1208" each place it appears and inserting "1208, or 1307";

(B) in subsection (n)(1)(B) by striking "to to" and inserting "to"; and

(C) in subsection (o) by striking "the Federal" the first place it appears and all that follows through "successors," and inserting "a Federal depository institutions regulatory agency (or predecessor to such an agency)";

(9) in section 507—

(A) in subsection (a)(8) by striking "the Federal" the first place it appears and all that follows through "successors," and inserting "a Federal depository institutions regulatory agency (or predecessor to such an agency)"; and

(B) in subsection (d) by striking "(a)(3), (a)(4), (a)(5), or (a)(6)" and inserting "(a) (3), (4), (6), or (7)";

(10) in section 522(d)(10)(E)(iii) by striking "401(a), 401(b), 403(a), 403(b), 408, or 409 Internal Revenue Code of 1954 (26 U.S.C. 401(a), 401(b), 403(a), 403(b), 408, or 409)" and inserting "section 401 (a) or (b), 403 (a) or (b), 408, or 409 of the Internal Revenue Code of 1986";

(11) in section 523(a) —

(A) in subsection (a)—

(i) by striking "1141,, 1228(a), 1228(b)," and inserting "1141, 1228 (a) or (b),"; and

(ii) in paragraph (12) by striking the semicolon at the end and inserting a period; and

(B) in subsection (e) by striking "depository institution or insured credit union" and inserting "insured depository institution";

(12) in section 524—

(A) in subsection (a)(3) by striking "or 1328(c)(1)" and inserting ", 1228(a)(1), or 1328(a)(1)";

(B) in subsection (c)(4) by striking "recission" and inserting "rescission"; and

(C) in subsection (d)(1)(B)(ii) by adding "and" at the end;

(12) in section 542(e) by striking "to to" and inserting "to";

(13) in section 543(d)(1) by striking "of equity" and inserting "if equity";

(14) in section 546(a)(1) by striking "1302, or 1202" and inserting "1202, or 1302";

(15) in section 549(b) by inserting "the trustee may not avoid under subsection (a) of this section" after "involuntary case,";

(16) in section 553—

(A) in subsection (a)(1) by striking "other than under section 502(b)(3) of this title"; and

(B) in subsection (b)(1) by striking "362(b)(14),," and inserting "362(b)(14),";

(17) in section 706(a) by striking "1307, or 1208" and inserting "1208, or 1307";

(18) in section 724(d) by striking "Internal Revenue Code of 1954 (26 U.S.C. 6323)" and inserting "Internal Revenue Code of 1986";

(19) in section 726(b)—

(A) by inserting a comma after "section 1112"; and

(B) by inserting "1009," after "chapter under section";

(20) in section 743 by striking "342(a)" and inserting "342";

(21) in section 745(c) by striking "Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.)" and inserting "Internal Revenue Code of 1986";

(22) in section 1104(c) inserting a comma after "interest";

(23) in section 1123(a)(1) inserting a comma after "title" the last place it appears;

(24) in section 1129(a)—

(A) in paragraph (4) by striking the semicolon at the end and inserting a period; and

(B) in paragraph (12) inserting "of title 28" after "section 1930";

(25) in section 1145(a) by striking "does" and inserting "do";

(26) in section 1226(b)(2)—

(A) by striking "1202(d) of this title" and inserting "1202(c)"; and

(B) by striking "1202(e) of this title" and inserting "1202(d)";

(27) in section 1302(b)(3) by striking "and" at the end;

(28) in section 1328(a)—

(A) in paragraph (2) by striking "(5) or (8)" and inserting "(5), (8), or (9)"; and

(B) by striking paragraph (3), as added by section 3103 of Public Law 101-64 (104 Stat. 4916)"; and

(29) in the table of chapters by striking the item relating to chapter 15.

SEC. 502. TITLE 28, UNITED STATES CODE.

Section 586(a)(3) of title 28, United States Code, is amended in the matter preceding subparagraph (A) by inserting "12," after "11,".

TITLE VI—SEVERABILITY; EFFECTIVE DATE; APPLICATION OF AMENDMENTS

SEC. 601. SEVERABILITY.

If any provision of this Act or amendment made by this Act or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remaining provisions of and amendments made by this Act and the application of such other provisions and amendments to any person or circumstance shall not be affected thereby.

SEC. 602. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as provided in section 115(c) and in paragraph (2) of this subsection, the amendments made by this Act shall not apply with respect to cases commenced under title 11, United States Code, before the date of enactment of this Act.

(2) SECTION 1110 OF TITLE 11.—Section 1110 of title 11, United States Code, as amended by section 203, shall apply with respect to any lease (as defined in section 1110(c)), entered into in connection with a settlement of any litigation in any case pending under title 11, United States Code, on the date of enactment of this Act.

Mr. GRASSLEY. Mr. President, I am pleased to rise today to introduce with Senator HEFLIN this omnibus bankruptcy reform legislation.

Mr. President, it is a sign of our economic times that bankruptcy is a growth industry. In 1992, more than 1 million bankruptcy cases were filed, a new record. This continues a trend from the mid-1980's, as each year since 1985 has brought a new high in the number of bankruptcies. Over this period, bankruptcies have increased by more than 150 percent. They embrace both the sophisticated chapter 11 business reorganizations, the no-asset personal bankruptcies, and everything in between. No region of the country or personal income level is immune to the bankruptcy boom: the chances of an individual or couple filing for chapter 13 during their lifetime is about 1 in 10.

Thus, this bill could not be more timely. Even as the economy improves, there are likely to be record numbers of bankruptcies for the foreseeable future because individual debt loads continue at high levels. All Americans have an important stake in insuring that our Nation's bankruptcy procedures operate efficiently and fairly so that individuals and corporations seeking bankruptcy protection may again contribute to our Nation's economic vitality.

The bill that Senator HEFLIN and I introduce today is lengthy and complicated. It has been drafted as a bipartisan response to some of the issues facing bankruptcy law, issues that were the subject of a series of hearings that were held in the 102d Congress. The bill changes substantive bankruptcy law only in those instances where the broad range of experts who testified before us reached consensus on those proposals. The consensus nature of the bill is reflected in the fact that an almost identical bill passed the Senate last June by a vote of 97-0. I would take this opportunity to discuss three of the more important provisions of the bill.

First, the bill will create a National Bankruptcy Review Commission. This blue ribbon commission of experts from the bench and bar will investigate and study issues and problems relating to the Bankruptcy Code, evaluate proposals with respect to these issues, and prepare a report setting forth their conclusions on these issues. This Commission is needed for several reasons. The Bankruptcy Code that was enacted in the late 1970's has now been in operation for almost 15 years. We have a body of experience dealing with that Code.

That experience may suggest changes that should be made to the Code in light of its actual operation. Additionally, new circumstances have arisen that were unknown in 1978. For instance, the leveraged buyouts of the 1980's are many of the corporate bankruptcies of the 1990's. Likewise, the world economy is far more integrated today than 1978. The Commission may find that issues of international bankruptcy should be addressed, such as venue for the bankruptcy filings of international corporations. Further, the relation between the Bankruptcy Code and subsequently enacted environmental legislation is another area meriting examination. Moreover, courts have disagreed on many issues contained in the Code that should be made uniform to make the system function more efficiently.

Finally, I believe that policy change in this complex area ought to be the product of coherent analysis and expert opinion—not the piecemeal, special interest amendments that have characterized too much of our legislation in recent years. A special commission, limited in duration and insulated from special interest politics, can give Congress the sound advice we need to make the Bankruptcy Code work in the decade of the 1990's and beyond.

Let me stress that the bill, in creating the National Bankruptcy Review Commission, is not designed to produce major overhaul of the Bankruptcy Code. That was done in 1978. The current Bankruptcy Code functions largely well today. The primary goal of the Commission is to find ways to fine tune the operation of the Code of addressing problems that have arisen since 1978.

The second provision I would like to address concerns chapter 12 of the Code, which was enacted in 1986 and applies to family farmers. Under current law, chapter 12 will expire on October 1, 1993. Under this bill, that date would be extended to October 1, 1998. As the author of chapter 12, I have taken a keen interest in its record to date. The record is an excellent one, I am pleased to report. I continue to believe that a separate chapter of the Code is necessary for our Nation's family farmers. The extension of time for the operation of chapter 12 will permit a careful review of how well this portion of the Code functions. I also note that I have introduced a separate bill, S. 283, cosponsored by Senator HEFLIN, to extend chapter 12 as well. The extension of chapter 12 for 5 years will assist family farmers, many of whom still face tremendously difficult economic situations.

The last portion of the bill I would like to discuss today concerns the new provisions relating to small business bankruptcy. These new provisions are based on the current operation of a similar system by a bankruptcy judge in North Carolina. This experimental system has been widely regarded as both innovative and successful. This bill would create a set of pilot programs in judicial districts around the country that would operate a new chapter 10 for small business bankruptcies.

Among its other features, the new small business chapter would shorten the timeframe for plan filing to 90 days, and truncate the process in other ways, such as by: First, combining the hearing on approval of the disclosure statement with the hearing on plan confirmation; second, eliminating the automatic appointment of a creditor's committee; and third, eliminating the absolute priority rule presently found in chapter 11 cases.

To qualify as a small business eligible for chapter 10 treatment, a debtor must meet a totality of the circumstances test that includes the following nonexclusive indicia: the number of employees of the debtor; the number of creditors of the debtor; the total amount of the secured, priority, and unsecured obligations of the debtor; the total value of the assets of the debtor; the total volume of the sales of the debtor; the nature and substance of the debtor's business activity; and the history of the debtor's business activity. The new chapter 10 would go into effect initially as an eight-district pilot program, and for a 3-year period. The Federal Judicial Center would be charged with the responsibility to study the experience of the chapter 10 pilot and report back to Congress on the success of the program.

I commend the chairman of the subcommittee for his hard work in crafting the bill and look forward to continuing to work with him in the months ahead on this important issue.

By Mr. BOREN:

S. 541. A bill to establish a National Foundation for Excellence to award scholarships to outstanding students who are committed to careers in teaching in public education and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL FOUNDATION FOR EXCELLENCE ACT

• Mr. BOREN. Mr. President, I rise today to address what I believe is one of the most important challenges facing this generation of Americans: the critical need to restore excellence to our system of public education.

If we deal successfully with every other major policy area facing us and fail to rebuild our educational system, we will eventually undermine all our efforts. The plain and simple truth is that a nation with a second or third rate educational system will ultimately be a second or third rate nation.

Therefore, I am introducing the National Foundation for Excellence Act. This bill establishes a national foundation funded by a public and private partnership to fund educational costs for outstanding students who wish to enter the teaching profession.

I began working on this legislation nearly a decade ago, and I believe many of the problems we faced then in education remain the same today, and in several areas, our problems have worsened. We cannot afford to wait any longer on this legislation. It is crucial in this coming decade that we recognize and begin to address our urgent need to support our best teachers and to replenish the talent pool available for the classroom.

We must work to attract our best and brightest students to the classroom, and we must restore the honor the teaching profession so greatly deserves. We must take positive steps to ensure that outstanding students from disadvantaged backgrounds who are currently underrepresented in the teaching profession are given the incentive to go into the classroom. We must ensure that our inner-city and our rural schools are staffed by teachers who graduated in the top ranks of their class or excelled in a particular subject or discipline. And we, as a government, must begin to include American educators and business leaders in coalitions to meet these goals. Mr. President, we must make a commitment to our Nation's students by making a commitment to our Nation's teachers. The National Foundation for Excellence makes this commitment.

The National Foundation for Excellence Act establishes a national foundation funded by a public and private partnership to underwrite educational costs for outstanding students who wish to enter the teaching profession. It will be directed by a board of distinguished citizens and will be patterned somewhat after the Harry S. Truman Scholarship Foundation which awards scholarships to students interested in careers in public service.

The scholarships provided by the National Foundation for Excellence would not only help fill these teacher shortages but will fill these vacancies with the very best students our Nation has to offer. To apply for the educational package, a student would have to have tested in the top 10 percent of the Nation of the Scholastic Aptitude Test or the American College Test; must have graduated in the top 10 percent of his or her high school; must maintain a 3.2-grade point average in college; and must commit to teaching in public schools after graduation.

The amount of available financial aid would depend on the students commitment to teaching postgraduation. Students would receive up to $20,000 in scholarship for a 2-year teaching commitment; up to $28,000 for 3 years; $36,000 for 4 years; $50,000 for 5 years; and $70,000 for 6 years.

If the student later reneged on his or her teaching commitment, he or she would be required to pay the principal amount of the scholarship plus interest equal to the current Treasury bill rate plus 20 percent.

The foundation would be funded by a permanent endowment, and the principal would come from a one-time $200 million appropriation and an additional $200 million set-aside for matching of private gifts for a period of 5 years. Students who receive scholarships from private or State matching funds would be obligated to teach in the public schools of the State from which the private or State contribution had come without regard to where that student attended college. A student from Kansas, for example, who received a scholarship in part from Kansas funds, who decided to go to Harvard College, would be requested to return to Kansas to fulfill the teaching obligation.

By giving them the means to pay the full cost of attendance to any university in the United States, we can motivate our very best students to consider teaching as a career. Because some of our Nation's finest universities now cost over $20,000 a year, financing a college education is simply becoming impossible for middle and lower income families. And those who take out student loans to pay for their degrees are faced with enormous debt when they graduate. This debt forces our best and brightest people to make career decisions based on salary levels rather than personal fulfillment or community gain. And the outlook for the cost of college education is not getting better as tuition for colleges and universities continues to rise at a pace more than twice the rate of inflation.

When I was Governor, Oklahoma had a shortage of doctors in rural areas and small towns. We developed a Rural Medical Scholarship Program under which we paid the full educational cost of medical students who promised to practice in these underserved areas for at least 5 years after graduation. Those who refused to live up to their end of the bargain were forced to pay back all of the educational costs plus a large penalty payment. The program caused a major reduction in the shortage of rural medical manpower.

A similar program for teachers would provide a direct incentive for our Nation's best students to become educators. It is imperative that we take the initiative now to help address the current shortfall in the teaching profession. Like other States throughout the Nation, Oklahoma is currently facing a shortage of teachers in many important academic areas, including mathematics, sciences, and foreign languages. In fact, the United States ranks 12 out of 14 among industrialized nations in science achievement among 13-year-olds and 13 out of 14 among industrialized nations in mathematics achievement among all 13-year-olds. Mr. President, our students deserve better than that and our Nation demands it.

This past year has been witness to an avalanche of studies, conferences and panel discussions on the crisis we now face in education. But studies, conferences and discussions will not change SAT scores and academic achievement. We must stop simply talking about the problems in education to start making real changes.

While it is important to understand and evaluate the statistics generated regarding our classrooms, it is even more important to take active steps in trying to change all that we know is wrong with our schools. Senator William Fulbright stated, "Creative leadership and liberal education, which in fact go together, are the first requirement for a hopeful future for humankind."

Seven years ago, with this ideal in mind, I decided to try to do something real and positive to encourage our students and teachers to excel, so I started a private foundation in my State called the Oklahoma Foundation for Excellence. The foundation is proof positive that action leads to results. Since it was established, we have given out over 20 $5,000 cash awards to our State's best educators and $600,000 in scholarships to our State's best students. Even more importantly, the work of the Oklahoma Foundation for Excellence has led to a new sense of importance and appreciation for our State's outstanding teachers and students. It is time we try to create the same momentum on a national level and that is why I have worked so diligently for the establishment of the National Foundation for Excellence.

Reports published throughout the last decade have shown that American students are slipping, are failing to make the grade. Most importantly, our Nation's students do not have the analytical skills nor the mathematical ability to compete in today's global environment. As former chairman of the Intelligence Committee, I consider our single greatest threat to our national security to be our failure to fully develop our Nation's human resources. We are moving into a new world environment, and our influence can no longer be based solely upon our military strength. We must equip ourselves for the 21st century by building our economic competitiveness through strengthening our education system. Our future well-being as a nation and our ability to compete in world trade is dependent upon the development of our human resources.

We will find that if our economic strength and our ability to compete in the world marketplace continue to erode, our Nation will lose our political, diplomatic, and military strength as well. And as our economic strength becomes increasingly dependent on high skill jobs which require a far more advanced education than has ever been necessary, we must recognize that a literate work force in this country is no longer one that can merely read and write, but a work force that is also computer literate, for example. The only way for the United States to retain the highest standard of living in the world during this century in which human resource development has become the key element is to have the best educated work force in the world.

Our country is learning the hard way that the failure of our educational system to adequately prepare workers can greatly increase the cost of production in the private sector and make American companies less competitive. Private companies are now close to spending roughly as much retraining and providing remedial education for their workers as we as taxpayers spend educating all of the children in the Nation in elementary and secondary schools.

Excellence in public education is also fundamental to our commitment to equality of opportunity without regard to race, creed, or economic status. If we allow two standards of educational opportunity to develop, excellence in private schools for the affluent and mediocrity in public schools for the masses, we will soon find that we live in a country where true equality of opportunity has ceased to exist.

When the President and First Lady were debating which school Chelsea would attend, the press speculated that, because of their commitment to education, they would have to, I repeat, have to send Chelsea to a public school. The idea that sending our children to a public school is a sacrifice is a sad, and sadly common, opinion in our country.

The key to rebuilding our public education system is the attraction of qualified young people into the teaching profession and retention of the best teachers already in the classroom. Although there is no single solution to the problem and no simple way to attract a fair portion of the best and brightest in our society to the teaching profession and keep them in it, inadequate compensation is a major part of the problem and the failure to recognize the importance of teaching and grant it the community status which it deserves is another.

Today we must ask ourselves how we are to break the cycle of taxpayers who are unwilling to raise teachers salaries because they feel that we are not bringing enough of the best and brightest students into the profession. A part of the answer is to ask taxpayers to invest in what they know is an excellent product. By demanding that the people who get these scholarships be the best and the brightest, we can assure the American people they will be getting their money's worth. This is not a total solution to the problem, and while we still need to address questions such as how to retain good teachers already in the profession, this bill does take a step in the right direction by bringing more of our most talented people into public teaching.

I would like to thank the members of the Education Subcommittee of the Labor and Human Resources Committee for their past support of this proposal. I would especially like to thank Senators KASSEBAUM, PELL, SIMON, and KENNEDY for their past commitment to this scholarship program, and I look forward to working with them for its passage in this Congress.

I would also like to remind my fellow Senators, Mr. President, that it is our duty to our democracy to do all that we possibly can to ensure that our very best students consider teaching as a future career. Our public education system is the cornerstone of a strong and vital democratic system. The people cannot fully participate in a society if they are not sufficiently educated about themselves, their past, and the nature of the problems they confront. To become educated to their responsibilities in our democracy they must be taught by the greatest minds our country has to offer. As we act on this bill and other legislation to strengthen our public education system in this country, we must remember the words of the late A. Bartlett Giamatti, former president of Yale and a great educator and scholar: "A liberal education is at the heart of a civil society. And at the heart of a liberal education is the act of teaching."

In our fight to ensure quality education in this country, we must fight with every weapon in our arsenal. The Tax Code must be structured so that it encourages young people to pursue educational opportunities and so that it allows our institutions of higher learning to flourish. Along with the National Foundation for Excellence Act, I am committed to the enactment of three tax provisions that are crucial in the effort to enhance American education.

First, about 2 weeks ago, I introduced with Senator GRASSLEY and others, legislation that would allow taxpayers the ability to elect either a deduction or a tax credit for the interest paid on loans used to finance the costs of higher education. One of the greatest struggles facing middle-income families is the skyrocketing cost of providing a college education for their children. The very wealthy have little trouble finding the money to educate their children; on the other hand, many scholarships and grants are available only for the poor. Those in the middle, however, earn just enough so that their children cannot qualify for benefits; yet they don't earn enough to afford to send their children to college.

The statistics reveal the dilemma faced by middle-income families with teenaged children. While middle-income children make up three-fourths of the college-age population, they receive only about 4 percent of student aid and scholarships. Middle-income Americans therefore have no choice but to take out large educational loans. Although the average cost of going to college ranges between $6,000 and $22,000 per year, the average middle-income family has only about $60,000 in net worth, most of it in home equities.

This statistical truth was forcefully brought home to me last year during the testimony of a middle-income mother of college-age sons before the Finance Committee. She spoke of the painful reality her family faced when they confronted the financial burden of sending her oldest son to university. They could not qualify for need-based scholarships or grants. If they had not taken out substantial loans and the mother had not returned to work, they would have been forced to sell their home to pay for higher education at an institution chosen in part because of its lower tuition.

This is not the story of only one mother, one family. It is the story of middle-income parents in every part of this country.

Mr. President, this is more than an issue of short-term relief for the middle-income taxpayer. A highly educated work force is crucial to this country's economic growth and its ability to compete in the international marketplace. We simply cannot afford to deny a generation of middle-income Americans the opportunity to contribute to this country's future, equipped with the best education available.

Second, I will continue to work with Senators MOYNIHAN and DANFORTH to pass two tax provisions that help to ensure that our educational institutions remain vibrant. The legislation permanently repeals the preference treatment for charitable gifts of appreciated property under the alternative minimum tax and eliminates the cap on tax-exempt bonds that private universities may issue. These provisions were included in the comprehensive tax bill that was vetoed by the President in November. I am confident that we will succeed in making them law early this year.

The repeal of the preference treatment for gifts of appreciated tangible and intangible property is crucial for those sectors of our society that depend heavily on philanthropy for support. Our failure to extend the temporary repeal of the AMT preference treatment when it expired last June is sure to haunt us in the future. A recent survey of museums compared donations in 1990, when the Tax Code did not allow favorable treatment of appreciated property, to donations in 1991. The study revealed an increase of 541 percent in the value of donated items when the repeal was in place. Universities report similar statistics.

The repeal of the arbitrary cap on the amount of tax exempt bonds that private universities and colleges may issue is also a vital part of any education package. Until 1986, public and private educational institutions were treated the same with respect to the availability of tax-exempt financing. But the so-called Tax Reform Act imposed a $150-million cap on the amount of bonds that a private institution could have outstanding.

The cap on tax-exempt bonds restricts our private universities' access to capital and thwarts their ability to fund important research in the sciences and the humanities. The cap also causes such institutions to defer or cancel capital projects that can represent jobs and investment for many communities. We must act now so that the many universities that are pushing against the cap can continue to pursue their very important missions to their students and to their communities.

Mr. President, I appreciate this opportunity to address some of the problems affecting our Nation's education system, and I call on my colleagues to join me in pushing for this legislation to safeguard our country's future.●

By Mr. PRYOR (for himself, Mr. GRASSLEY, Mr. REID, Mr. BAUCUS, Mr. PACKWOOD, Mr. BOREN, Mr. DANFORTH, Mr. RIEGLE, Mr. HATCH, Mr. ROCKEFELLER, Mr. WALLOP, Mr. DASCHLE, Mr. BREAUX, Mr. CONRAD, Mr. BRYAN, Mr. BUMPERS, Mr. CAMPBELL, Mr. COCHRAN, Mr. D'AMATO, Mr. DECONCINI, Mr. DOMENICI, Mr. EXON, Mr. GLENN, Mr. HELMS, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LOTT, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. NICKLES, Mr. PRESSLER, Mr. SARBANES, Mr. SASSER, Mr. SHELBY, Mr. SIMON, and Mr. WOFFORD):

S. 542. A bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights; to the Committee on Finance.

TAXPAYER BILL OF RIGHTS 2

Mr. PRYOR. Mr. President, it was 1 year ago, in the 102d Congress, that I stood on the floor of the U.S. Senate and introduced the taxpayer bill of rights 2. We call this proposal T2. It was cosponsored by an overwhelming, and I must say, bipartisan majority of my distinguished colleagues in the Senate. And it was included in both of the omnibus tax bills passed by the Congress and vetoed by President Bush last year.

Mr. President, today I come again to reintroduce the taxpayer bill of rights 2 for consideration by both my new and old colleagues in the 103d Congress. T2, the taxpayer bill of rights 2, once again, I am proud to announce has strong bipartisan support. At this time T2 has 35 original cosponsors—13 Republicans, 22 Democrats, including 13 of my fellow 20 Finance Committee colleagues who have joined me this year in this effort.

These numbers, I believe, Mr. President, will grow as last year's cosponsors continue to sign on. But I would like to take a special opportunity this morning to urge my 13 new colleagues in the Senate to take a hard and close look at the provisions of the taxpayer bill of rights 2 and consider joining us in this effort at this time.

T2 builds upon the original taxpayer bill of rights passed in 1988. The original bill was the first, and is still, the only comprehensive piece of legislation in the history of our country which deals exclusively with the rights of the American taxpayer.

For example, under the taxpayer bill of rights, there is the right of the taxpayer to be informed of his or her rights; the right of the taxpayer to rely on written advice of the Internal Revenue Service; the right of the taxpayer to receive a notice from the Internal Revenue Service that describes what the taxpayer is being charged with; the right of the taxpayer to recover administrative costs if IRS action is not justified; and finally, the right of the taxpayer to representation.

Mr. President, these basic commonsense provisions were codified by the first taxpayer bill of rights. The battle for their codification was hard fought. Their ultimate enactment and victory was a giant step for the average American taxpayer. This was in 1988. The time has now come to more fully develop and expand those rights.

T2, the taxpayer bill of rights 2, takes the next step by providing the mechanisms to ensure that the IRS meets new standards of accuracy, timeliness, and due process in providing taxpayer service.

T2 also achieves the next step by recognizing that in carrying out its very difficult task, some of the 120,000 IRS employees are going to make some mistakes along the way. So it provides safeguards to protect the taxpayer from the potentially devastating effect of some of those mistakes that will be made by the employees of the Internal Revenue Service.

T2 contains 27 major provisions to protect the rights of taxpayers. Mr. President, in a moment, I will send this bill to the desk, but I first would like to say that the taxpayer bill of rights is the culmination of the dedicated efforts of many who have fought hard and persistently for the average American taxpayer.

Today, I want also to take time to name a very special person who was a major contributor to this effort over the past 7 years. His name may not be recognized by many in this body. His name is Gerald G. Portney. Jerry Portney died on Sunday, February 21, 1993. I will miss him very much. Our heartfelt sympathy goes out to his wife, Clara Portney, and the rest of Jerry Portney's family, at this very difficult time. We hope the continuance of the taxpayer bill of rights will, in some way, comfort them as a testament to Jerry Portney that will benefit future generations.

Ironically, I first met Mr. Portney in 1987. We were on the opposite end of a televised debate on issues surrounding the taxpayer bill of rights. I was on one side; Mr. Portney on the other. But after that debate on TV, Jerry Portney came to me and said: "I would like to help you develop the taxpayer bill of rights." I was a little skeptical, Mr. President, because he was pretty tough during that debate. He knew his subject matter. But I must say he was very fair. I took him up on it. From that point on, Jerry Portney was a constant source of knowledge and insight.

Mr. President, Jerry Portney was a master at the workings of the Internal Revenue Service. He should have been, as he went to work for the Internal Revenue Service in 1957 and continued in that role for 25 years, until 1982, when he retired as Associate Chief Counsel and was honored with the highest award an IRS Commissioner can bestow, which was the Commissioner's Award.

On his retirement from the IRS, Jerry Portney joined the accounting firm of Peat Marwick in 1983. He served continuously as the firm's national director of tax practice, and procedure, and controversy, where he became an advocate for his clients in their dealings with the Internal Revenue Service.

Throughout his long and distinguished career, Jerry Portney mastered the knowledge of the pressure points between the taxpayer and the tax collector. But he had a special gift of knowing how to relieve that tension. He worked tirelessly to teach others and effect positive change for his fellow Americans. For this dedication, I think that our tax system is going to be better, and the American taxpayers are going to be truly well served, and hopefully, will be forever grateful to this fine man, Gerald Portney, who passed away on February 21, and who made such a remarkable contribution to giving the American taxpayer the rights that he or she deserves.

Mr. President, at this time, on behalf of myself and Senator GRASSLEY and several other of my colleagues, I send to the desk the taxpayer bill of rights 2 and a summary description of this legislation for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Taxpayer Bill of Rights 2".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—TAXPAYER ADVOCATE

Sec. 101. Establishment of position of Taxpayer Advocate within Internal Revenue Service.
Sec. 102. Expansion of authority to issue taxpayer assistance orders.

TITLE II—MODIFICATIONS TO INSTALLMENT AGREEMENT PROVISIONS

Sec. 201. Taxpayer's right to installment agreement.
Sec. 202. Notification of reasons for termination or denial of installment agreements.
Sec. 203. Administrative review of denial of request for, or termination of, installment agreement.

TITLE III—INTEREST

Sec. 301. Expansion of authority to abate interest.
Sec. 302. Extension of interest-free period for payment of tax after notice and demand.

TITLE IV—JOINT RETURNS

Sec. 401. Disclosure of collection activities.
Sec. 402. Joint return may be made after separate returns without full payment of tax.

TITLE V—COLLECTION ACTIVITIES

Sec. 501. Modifications to lien and levy provisions.
Sec. 502. Offers-in-compromise.
Sec. 503. Notification of examination.
Sec. 504. Increase in limit on recovery of civil damages for unauthorized collection actions.
Sec. 505. Safeguards relating to designated summons.

TITLE VI—INFORMATION RETURNS

Sec. 601. Phone number of person providing payee statements required to be shown on such statement.
Sec. 602. Civil damages for fraudulent filing of information returns.
Sec. 603. Requirement to verify accuracy of information returns.

TITLE VII—MODIFICATIONS TO PENALTY FOR FAILURE TO COLLECT AND PAY OVER TAX

Sec. 701. Preliminary notice requirement.
Sec. 702. No penalty if prompt notification of the Secretary.
Sec. 703. Disclosure of certain information where more than 1 person subject to penalty.
Sec. 704. Penalties under section 6672.

TITLE VIII—AWARDING OF COSTS AND CERTAIN FEES

Sec. 801. Motion for disclosure of information.
Sec. 802. Increased limit on attorney fees.
Sec. 803. Failure to agree to extension not taken into account.
Sec. 804. Effective date.

TITLE IX—OTHER PROVISIONS

Sec. 901. Required content of certain notices.
Sec. 902. Treatment of substitute returns under section 6651.
Sec. 903. Relief from retroactive application of Treasury Department regulations.
Sec. 904. Required notice of certain payments.
Sec. 905. Unauthorized enticement of information disclosure.

TITLE X—FORM MODIFICATIONS; STUDIES

Sec. 1000. Definitions.

Subtitle A—Form Modifications

Sec. 1001. Explanation of certain provisions.
Sec. 1002. Improved procedures for notifying service of change of address or name.
Sec. 1003. Rights and responsibilities of divorced individuals.

Subtitle B—Studies

Sec. 1011. Pilot program for appeal of enforcement actions.
Sec. 1012. Study on taxpayers with special needs.
Sec. 1013. Reports on taxpayer-rights education program.
Sec. 1014. Biennial reports on misconduct by Internal Revenue Service employees.
Sec. 1015. Study of notices of deficiency.
Sec. 1016. Notice and form accuracy study.
Sec. 1017. Internal Revenue Service employees' suggestions study.

TITLE I—TAXPAYER ADVOCATE

SEC. 101. ESTABLISHMENT OF POSITION OF TAXPAYER ADVOCATE WITHIN INTERNAL REVENUE SERVICE.

(a) GENERAL RULE.—Section 7802 (relating to Commissioner of Internal Revenue; Assistant Commissioner (Employee Plans and Exempt Organizations)) is amended by adding at the end thereof the following new subsection:

"(d) OFFICE OF TAXPAYER ADVOCATE.—

"(1) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the 'Office of the Taxpayer Advocate'. Such office, including all problem resolution officers, shall be under the supervision and direction of an official to be known as the 'Taxpayer Advocate' who shall report directly to the Commissioner of Internal Revenue. The Taxpayer Advocate shall be entitled to compensation at the same rate as the Chief Counsel for the Internal Revenue Service.

"(2) FUNCTIONS OF OFFICE.—

"(A) IN GENERAL.—It shall be the function of the Office of Taxpayer Advocate to—

"(i) assist taxpayers in resolving problems with the Internal Revenue Service,

"(ii) identify areas in which taxpayers have problems in dealings with the Internal Revenue Service,

"(iii) to the extent possible, propose changes in the administrative practices of the Internal Revenue Service to mitigate problems identified under clause (ii), and

"(iv) identify potential legislative changes which may be appropriate to mitigate such problems.

"(B) ANNUAL REPORTS.—

"(i) OBJECTIVES.—Not later than October 31 of each calendar year after 1993, the Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the objectives of the Taxpayer Advocate for the following calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information.

"(ii) ACTIVITIES.—Not later than June 30 of each calendar year after 1993, the Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the activities of the Taxpayer Advocate during the fiscal year ending during such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information, and shall—

"(I) identify the initiatives the Taxpayer Advocate has taken on improving taxpayer services and Internal Revenue Service responsiveness,

"(II) contain recommendations received from individuals with the authority to issue taxpayer assistance orders under section 7811,

"(III) contain a summary of at least 20 of the most serious problems encountered by taxpayers, including a description of the nature of such problems,

"(IV) contain an inventory of the items described in subclauses (I), (II), and (III) for which action has been taken and the result of such action,

"(V) contain an inventory of the items described in subclauses (I), (II), and (III) for which action remains to be completed and the period during which each item has remained on such inventory,

"(VI) contain an inventory of the items described in subclauses (II) and (III) for which no action has been taken, the period during which each item has remained on such inventory, the reasons for the inaction, and identify any Internal Revenue Service official who is responsible for such inaction,

"(VII) identify any Taxpayer Assistance Order which was not honored by the Internal Revenue Service in a timely manner, as specified under section 7811(b),

"(VIII) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by taxpayers, and

"(IX) include such other information as the Taxpayer Advocate may deem advisable.

"(iii) REPORT TO BE SUBMITTED DIRECTLY.—Each report required under this subparagraph shall be provided directly to the Committees referred to in clauses (i) and (ii) without any prior review or comment from the Commissioner of the Internal Revenue Service, the Secretary of the Treasury, any other officer or employee of the Department of the Treasury, or the Office of Management and Budget.

"(3) RESPONSIBILITIES OF COMMISSIONER OF INTERNAL REVENUE SERVICE.—The Commissioner of Internal Revenue shall establish procedures requiring a formal response to all recommendations submitted to the Commissioner by the Taxpayer Advocate."

(b) CONFORMING AMENDMENTS.—

(1) Section 7811 (relating to taxpayer assistance orders) is amended—

(A) by striking "the Office of Ombudsman" in subsection (a) and inserting "the Office of the Taxpayer Advocate", and

(B) by striking "Ombudsman" each place it appears (including in the headings of subsections (e) and (f)) and inserting "Taxpayer Advocate".

(2) The heading for section 7802 is amended to read as follows:

"SEC. 7802. COMMISSIONER OF INTERNAL REVENUE; ASSISTANT COMMISSIONERS; TAXPAYER ADVOCATE."

(3) The table of sections for subchapter A of chapter 80 of subtitle F is amended by striking the item relating to section 7802 and inserting the following new item:

"Sec. 7802. Commissioner of Internal Revenue; Assistant Commissioners; Taxpayer Advocate."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 102. EXPANSION OF AUTHORITY TO ISSUE TAXPAYER ASSISTANCE ORDERS.

(a) TERMS OF ORDERS.—Subsection (b) of section 7811 (relating to terms of taxpayer assistance orders) is amended—

(1) by inserting "within a specified time period" after "the Secretary", and

(2) by inserting "take any action as permitted by law," after "cease any action,".

(b) LIMITATION ON AUTHORITY TO MODIFY OR RESCIND.—Section 7811(c) (relating to authority to modify or rescind) is amended to read as follows:

"(c) AUTHORITY TO MODIFY OR RESCIND.—Any Taxpayer Assistance Order issued by the Taxpayer Advocate under this section may be modified or rescinded only by the Taxpayer Advocate, the Commissioner, or any superior of either."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE II—MODIFICATIONS TO INSTALLMENT AGREEMENT PROVISIONS

SEC. 201. TAXPAYER'S RIGHT TO INSTALLMENT AGREEMENT.

(a) IN GENERAL.—Subsection (a) of section 6159 (relating to agreements for payment of tax liability in installments) is amended to read as follows:

"(a) IN GENERAL.—

"(1) AUTHORIZATION OF AGREEMENTS.—The Secretary is authorized to enter into written agreements with any taxpayer under which such taxpayer is allowed to satisfy liability for payment of any tax in installment payments if the Secretary determines that such agreement will facilitate collection of such liability.

"(2) AGREEMENT AS A MATTER OF RIGHT.—In the case of any taxpayer other than a corporation, the Secretary shall enter into such an agreement if—

"(A) the taxpayer requests such an agreement,

"(B) the tax liability is attributable to the tax imposed under chapter 1 and is less than $10,000, and

"(C) the taxpayer has paid any tax liability for the 3 preceding taxable years at the time such liability was due."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 202. NOTIFICATION OF REASONS FOR TERMINATION OR DENIAL OF INSTALLMENT AGREEMENTS.

(a) TERMINATIONS.—Subsection (b) of section 6159 (relating to extent to which agreements remain in effect) is amended by adding at the end thereof the following new paragraph:

"(5) NOTICE REQUIREMENTS.—The Secretary may not take any action under paragraph (2), (3), or (4) unless—

"(A) a notice of such action is provided to the taxpayer not later than the day 30 days before the date of such action, and

"(B) such notice includes an explanation why the Secretary intends to take such action.

The preceding sentence shall not apply in any case in which the Secretary believes that collection of any tax to which an agreement under this section relates is in jeopardy."

(b) DENIALS.—Section 6159 (relating to agreements for payment of tax liability in installments) is amended by adding at the end thereof the following new subsection:

"(c) NOTICE REQUIREMENTS FOR DENIALS.—The Secretary may not deny any request for an installment agreement under this section unless—

"(1) a notice of the proposed denial is provided to the taxpayer not later than the day 30 days before the date of such denial, and

"(2) such notice includes an explanation why the Secretary intends to deny such request.

The preceding sentence shall not apply in any case in which the Secretary believes that collection of any tax to which a request for an agreement under this section relates is in jeopardy."

(c) CONFORMING AMENDMENT.—Paragraph (3) of section 6159(b) is amended to read as follows:

"(3) SUBSEQUENT CHANGE IN FINANCIAL CONDITIONS.—If the Secretary makes a determination that the financial condition of a taxpayer with whom the Secretary has entered into an agreement under subsection (a) has significantly changed, the Secretary may alter, modify, or terminate such agreement."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date 6 months after the date of the enactment of this Act.

SEC. 203. ADMINISTRATIVE REVIEW OF DENIAL OF REQUEST FOR, OR TERMINATION OF, INSTALLMENT AGREEMENT.

(a) GENERAL RULE.—Section 6159 (relating to agreements for payment of tax liability in installments), as amended by section 202(b), is amended by adding at the end thereof the following new subsection:

"(d) ADMINISTRATIVE REVIEW.—The Secretary shall establish procedures for an independent administrative review of denials of requests for, or terminations of, installment agreements under this section."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1994.

TITLE III—INTEREST

SEC. 301. EXPANSION OF AUTHORITY TO ABATE INTEREST.

(a) GENERAL RULE.—Paragraph (1) of section 6404(e) (relating to abatement of interest in certain cases) is amended—

(1) by inserting "unreasonable" before "error" each place it appears in subparagraphs (A) and (B), and

(2) by striking "in performing a ministerial act" each place it appears.

(b) CLERICAL AMENDMENT.—The subsection heading for subsection (e) of section 6404 is amended by striking "Assessments" and inserting "Abatement".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest accruing with respect to deficiencies or payments for taxable years beginning after the date of the enactment of this Act.

SEC. 302. EXTENSION OF INTEREST-FREE PERIOD FOR PAYMENT OF TAX AFTER NOTICE AND DEMAND.

(a) GENERAL RULE.—Paragraph (3) of section 6601(e) (relating to payments made within 10 days after notice and demand) is amended to read as follows:

"(3) PAYMENTS MADE WITHIN SPECIFIED PERIOD AFTER NOTICE AND DEMAND.—If notice and demand is made for payment of any amount and if such amount is paid within 21 days (10 days if the amount for which such notice and demand is made equals or exceeds $100,000) after the date of such notice and demand, interest under this section on the amount so paid shall not be imposed for the period after the date of such notice and demand."

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 6651(a) (relating to addition to tax for failure to file tax return or pay tax) is amended by striking "10 days" and inserting "21 days (10 days if the amount for which such notice and demand is made equals or exceed $100,000)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply in the case of any notice and demand given after December 31, 1993.

TITLE IV—JOINT RETURNS

SEC. 401. DISCLOSURE OF COLLECTION ACTIVITIES.

(a) GENERAL RULE.—Subsection (e) of section 6103 (relating to disclosure to persons having material interest) is amended by adding at the end thereof the following new paragraph:

"(8) DISCLOSURE OF COLLECTION ACTIVITIES WITH RESPECT TO JOINT RETURN.—If any deficiency of tax with respect to a joint return is assessed and the individuals filing such return are no longer married or no longer reside in the same household, upon request in writing of either of such individuals, the Secretary may disclose in writing to the individual making the request whether the Secretary has attempted to collect such deficiency from such other individual, the general nature of such collection activities, and the amount collected."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 402. JOINT RETURN MAY BE MADE AFTER SEPARATE RETURNS WITHOUT FULL PAYMENT OF TAX.

(a) GENERAL RULE.—Paragraph (2) of section 6013(b) (relating to limitations on filing of joint return after filing separate returns) is amended by striking subparagraph (A) and redesignating the following subparagraphs accordingly.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE V—COLLECTION ACTIVITIES

SEC. 501. MODIFICATIONS TO LIEN AND LEVY PROVISIONS.

(a) WITHDRAWAL OF CERTAIN NOTICES.—Section 6323 (relating to validity and priority against certain persons) is amended by adding at the end thereof the following new subsection:

"(j) WITHDRAWAL OF NOTICE IN CERTAIN CIRCUMSTANCES.—

"(1) IN GENERAL.—The Secretary may withdraw a notice of a lien filed under this section and this chapter shall be applied as if the withdrawn notice had not been filed, if the Secretary determines that—

"(A) the filing of such notice was premature or otherwise not in accordance with administrative procedures of the Secretary,

"(B) the taxpayer has entered into an agreement under section 6159 to satisfy the tax liability for which the lien was imposed by means of installment payments, unless such agreement provides otherwise,

"(C) the withdrawal of such notice will facilitate the collection of the tax liability, or

"(D) with the consent of the taxpayer or the Taxpayer Advocate, the withdrawal of such notice would be in the best interests of the taxpayer (as determined by the Taxpayer Advocate) and the United States.

Any such withdrawal shall be made by filing notice thereof at the same office as the withdrawn notice. A copy of such notice of withdrawal shall be provided to the taxpayer.

"(2) NOTICE TO CREDIT AGENCIES, ETC.—Upon written request by the taxpayer with respect to whom a notice of a lien was withdrawn under paragraph (1), the Secretary shall promptly make reasonable efforts to notify credit reporting agencies, and any financial institution or creditor whose name and address is specified in such request, of the withdrawal of such notice. Any such request shall be in such form as the Secretary may prescribe."

(b) RETURN OF LEVIED PROPERTY IN CERTAIN CASES.—Section 6343 (relating to authority to release levy and return property) is amended by adding at the end thereof the following new subsection:

"(d) RETURN OF PROPERTY IN CERTAIN CASES.—If—

"(1) any property has been levied upon, and

"(2) the Secretary determines that—

"(A) the levy on such property was premature or otherwise not in accordance with administrative procedures of the Secretary,

"(B) the taxpayer has entered into an agreement under section 6159 to satisfy the tax liability for which the levy was imposed by means of installment payments, unless such agreement provides otherwise,

"(C) the return of such property will facilitate the collection of the tax liability, or

"(D) with the consent of the taxpayer or the Taxpayer Advocate, the return of such property would be in the best interests of the taxpayer (as determined by the Taxpayer Advocate) and the United States,

the provisions of subsection (b) shall apply in the same manner as if such property had been wrongly levied upon, except that no interest shall be allowed under subsection (c)."

(c) MODIFICATIONS IN CERTAIN LEVY EXEMPTION AMOUNTS.—

(1) FUEL, ETC.—Paragraph (2) of section 6334(a) (relating to fuel, provisions, furniture, and personal effects exempt from levy) is amended—

(A) by striking "If the taxpayer is the head of a family, so" and inserting "So", and

(B) by striking "$1,650 ($1,550 in the case of levies issued during 1989)" and inserting "$1,700".

(2) BOOKS, ETC.—Paragraph (3) of section 6334(a) (relating to books and tools of a trade, business, or profession exempt from levy) is amended by striking "$1,100 ($1,050 in the case of levies issued during 1989)" and inserting "$1,200".

(3) HEALTH CARE PREMIUMS.—To be discussed.

(4) INDEXED FOR INFLATION.—Section 6334 (relating to property exempt from levy) is amended by adding at the end thereof the following new subsection:

"(f) INFLATION ADJUSTMENTS.—

"(1) IN GENERAL.—In the case of any calendar year beginning after 1993, each dollar amount referred to in paragraphs (2) and (3) of subsection (a) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, by substituting 'calendar year 1992' for 'calendar year 1989' in subparagraph (B) thereof.

"(2) ROUNDING.—If any dollar amount after being increased under paragraph (1) is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10 (or, if such dollar amount is a multiple of $5, such dollar amount shall be increased to the next higher multiple of $10)."

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) EXEMPT AMOUNTS.—The amendments made by subsection (c) shall take effect with respect to levies issued after December 31, 1993.

SEC. 502. OFFERS-IN-COMPROMISE.

(a) GENERAL RULE.—Subsection (a) of section 7122 (relating to compromises) is amended by adding at the end thereof the following new sentence: "The Secretary may make such a compromise in any case where the Secretary determines that such compromise would be in the best interests of the United States.".

(b) REVIEW REQUIREMENTS.—Subsection (b) of section 7122 (relating to records) is amended by striking "$500." and inserting "$50,000. However, such compromise shall be subject to continuing quality review by the Secretary.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 503. NOTIFICATION OF EXAMINATION.

(a) IN GENERAL.—Section 7605 (relating to restrictions on examination of taxpayer) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) NOTIFICATION REQUIREMENT.—No examination described in subsection (a) shall be made unless the Secretary notifies the taxpayer in writing by mail to an address determined under section 6212(b) that the taxpayer is under examination and provides the taxpayer with an explanation of the process as described in section 7521(b)(1). The preceding sentence shall not apply in the case of any examination if the Secretary determines that—

"(1) such examination is in connection with a criminal investigation or is with respect to a tax the collection of which is in jeopardy, or

"(2) the application of the preceding sentence would be inconsistent with national security needs or would interfere with the effective conduct of a confidential law enforcement or foreign counterintelligence activity."

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 7521(b) (relating to safeguards) is amended by striking "or at".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 504. INCREASE IN LIMIT ON RECOVERY OF CIVIL DAMAGES FOR UNAUTHORIZED COLLECTION ACTIONS.

(a) GENERAL RULE.—Subsection (b) of section 7433 (relating to damages) is amended by striking "$100,000" and inserting "$1,000,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to actions by officers or employees of the Internal Revenue Service after the date of the enactment of this Act.

SEC. 505. SAFEGUARDS RELATING TO DESIGNATED SUMMONS.

(a) STANDARD OF REVIEW.—Subparagraph (A) of section 6503(k)(2) (defining designated summons) is amended by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively, and by inserting before clause (ii) (as so redesignated) the following new clause:

"(i) the issuance of such summons is preceded by a review of such issuance by the regional counsel of the Office of Chief Counsel for the region in which the examination of the corporation is being conducted,".

(b) NOTICE REQUIREMENTS FOR ISSUANCE.—Section 6503(k) is amended by adding at the end thereof the following new paragraph:

"(4) NOTICE REQUIREMENTS.—With respect to any summons referred to in paragraph (1)(A) issued to any person other than the corporation, the Secretary shall promptly notify the corporation, in writing, that such summons has been issued with respect to such corporation's return of tax."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to summons issued after the date of the enactment of this Act.

TITLE VI—INFORMATION RETURNS

SEC. 601. PHONE NUMBER OF PERSON PROVIDING PAYEE STATEMENTS REQUIRED TO BE SHOWN ON SUCH STATEMENT.

(a) GENERAL RULE.—The following provisions are each amended by striking "name and address" and inserting "name, address, and phone number of the information contact":

(1) Section 6041(d)(1).
(2) Section 6041A(e)(1).
(3) Section 6042(c)(1).
(4) Section 6044(e)(1).
(5) Section 6045(b)(1).
(6) Section 6049(c)(1)(A).
(7) Section 6050B(b)(1).
(8) Section 6050H(d)(1).
(9) Section 6050I(e)(1).
(10) Section 6050J(e).
(11) Section 6050K(b)(1).
(12) Section 6050N(b)(1).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to statements required to be furnished after December 31, 1993 (determined without regard to any extension).

SEC. 602. CIVIL DAMAGES FOR FRAUDULENT FILING OF INFORMATION RETURNS.

(a) GENERAL RULE.—Subchapter B of chapter 76 (relating to proceedings by taxpayers and third parties) is amended by redesignating section 7434 as section 7435 and by inserting after section 7433 the following new section:

"SEC. 7434. CIVIL DAMAGES FOR FRAUDULENT FILING OF INFORMATION RETURNS.

"(a) IN GENERAL.—If any person willfully files a false or fraudulent information return with respect to payments purported to be made to any other person, such other person may bring a civil action for damages against the person so filing such return.

"(b) DAMAGES.—In any action brought under subsection (a), upon a finding of liability on the part of the defendant, the defendant shall be liable to the plaintiff in an amount equal to the greater of $5,000 or the sum of—

"(1) any actual damages sustained by the plaintiff as a proximate result of the filing of the false or fraudulent information return (including any costs attributable to resolving deficiencies asserted as a result of such filing), and

"(2) the costs of the action.

"(c) PERIOD FOR BRINGING ACTION.—Notwithstanding any other provision of law, an action to enforce the liability created under this section may be brought without regard to the amount in controversy and may be brought only within the later of—

"(1) 4 years after the date of the filing of the false or fraudulent information return, or

"(2) 1 year after the date such false or fraudulent information return would have been discovered by exercise of reasonable care.

"(d) COPY OF COMPLAINT FILED WITH IRS.—Any person bringing an action under subsection (a) shall provide a copy of the complaint to the Internal Revenue Service upon the filing of such complaint with the court.

"(e) FINDING OF COURT TO INCLUDE CORRECT AMOUNT OF PAYMENT.—The judgment of the court in an action brought under subsection (a) shall include a finding of the correct amount which should have been reported in the information return.

"(f) INFORMATION RETURN.—For purposes of this section, the term 'information return' means any statement described in section 6724(d)(1)(A)."

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 76 is amended by striking the item relating to section 7434 and inserting the following:

"Sec. 7434. Civil damages for fraudulent filing of information returns.
"Sec. 7435. Cross references."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to false or fraudulent information returns filed after the date of the enactment of this Act.

SEC. 603. REQUIREMENT TO VERIFY ACCURACY OF INFORMATION RETURNS.

(a) GENERAL RULE.—Section 6201 (relating to assessment authority) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) REQUIRED REASONABLE VERIFICATION OF INFORMATION RETURNS.—In any court proceeding, if a taxpayer asserts a reasonable dispute with respect to any item of income reported on an information return filed with the Secretary under subpart B of part III of subchapter A of chapter 61 by a third party and the taxpayer has fully cooperated with the Secretary (including providing, within a reasonable period of time, access to and inspection of all witnesses, information, and documents within the control of the taxpayer as reasonably requested by the Secretary), the Secretary shall present reasonable and probative information concerning such deficiency in addition to such information return."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

TITLE VII—MODIFICATIONS TO PENALTY FOR FAILURE TO COLLECT AND PAY OVER TAX

SEC. 701. PRELIMINARY NOTICE REQUIREMENT.

(a) IN GENERAL.—Section 6672 (relating to failure to collect and pay over tax, or attempt to evade or defeat tax) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) PRELIMINARY NOTICE REQUIREMENT.—

"(1) IN GENERAL.—No penalty shall be imposed under subsection (a) unless the Secretary notifies the taxpayer in writing by mail to an address as determined under section 6212(b) that the taxpayer shall be subject to an assessment of such penalty.

"(2) TIMING OF NOTICE.—The mailing of the notice described in paragraph (1) shall precede any notice and demand of any penalty under subsection (a) by at least 60 days.

"(3) STATUTE OF LIMITATIONS.—If a notice described in paragraph (1) with respect to any penalty is mailed before the expiration of the period provided by section 6501 for the assessment of such penalty (determined without regard to this paragraph), the period provided by such section for the assessment of such penalty shall not expire before the date 90 days after the date on which such notice was mailed.

"(4) EXCEPTION FOR JEOPARDY.—This subsection shall not apply if the Secretary finds that the collection of the penalty is in jeopardy."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to assessments made after June 30, 1994.

SEC. 702. NO PENALTY IF PROMPT NOTIFICATION OF THE SECRETARY.

(a) IN GENERAL.—Section 6672 (relating to failure to collect and pay over tax, or attempt to evade or defeat tax) is amended by adding at the end thereof the following new subsection:

"(d) PENALTY NOT APPLICABLE WHERE PROMPT NOTIFICATION OF FAILURE.—

"(1) IN GENERAL.—A person shall not be liable for any penalty under subsection (a) by reason of any failure referred to in subsection (a) if—

"(A) such person is not a significant owner, or highly compensated employee, of the trade or business with respect to which such failure occurred,

"(B) such person notifies the Secretary (in such manner as he may prescribe) that such failure has occurred within 10 days after the date of such failure,

"(C) such notification was before any notice by the Secretary to any person with respect to such failure, and

"(D) such failure is not a part of a plan to defraud the Federal Government.

"(2) DEFINITIONS.—For purposes of paragraph (1)—

"(A) SIGNIFICANT OWNER.—The term 'significant owner' means—

"(i) any person holding an interest as a proprietor in a trade or business carried on as a proprietorship, and

"(ii) in the case of a trade or business conducted by a corporation or partnership, any person who is a 5-percent owner (as defined in section 416(i)(1)) in such corporation or partnership, as the case may be.

"(B) HIGHLY COMPENSATED EMPLOYEE.—The term 'highly compensated employee' means any employee who receives compensation from the employer at an annual rate in excess of $75,000.

"(3) SPECIAL RULES.—

"(A) ONE-TIME RELIEF.—This subsection shall apply only once with respect to—

"(i) any person, and

"(ii) any trade or business with respect to which the failure described in subsection (a) occurred.

"(B) APPLICATION OF SUBSECTION.—This subsection shall not apply if it results in no person being held liable for the penalty described in subsection (a)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply in the case of failures after the date of the enactment of this Act.

SEC. 703. DISCLOSURE OF CERTAIN INFORMATION WHERE MORE THAN 1 PERSON SUBJECT TO PENALTY.

(a) IN GENERAL.—Subsection (e) of section 6103 (relating to disclosure to persons having material interest), as amended by section 401(a), is amended by adding at the end thereof the following new paragraph:

"(9) DISCLOSURE OF CERTAIN INFORMATION WHERE MORE THAN 1 PERSON SUBJECT TO PENALTY UNDER SECTION 6672.—If the Secretary determines that a person is liable for a penalty under section 6672(a) with respect to any failure, upon request in writing of such person, the Secretary shall disclose in writing to such person—

"(A) the name of any other person whom the Secretary has determined to be liable for such penalty with respect to such failure, and

"(B) whether the Secretary has attempted to collect such penalty from such other person, the general nature of such collection activities, and the amount collected."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 704. PENALTIES UNDER SECTION 6672.

(a) PUBLIC INFORMATION REQUIREMENTS.—The Secretary of the Treasury or the Secretary's delegate (hereafter in this section referred to as the "Secretary") shall take such actions as may be appropriate to ensure that employees are aware of their responsibilities under the Federal tax depository system, the circumstances under which employees may be liable for the penalty imposed by section 6672 of the Internal Revenue Code of 1986, and the responsibility to promptly report to the Internal Revenue Service any failure referred to in subsection (a) of such section 6672. Such actions shall include—

(1) printing of a warning on deposit coupon booklets and the appropriate tax returns that certain employees may be liable for the penalty imposed by such section 6672, and

(2) the development of a special information packet.

(b) BOARD MEMBERS OF TAX-EXEMPT ORGANIZATIONS.—

(1) VOLUNTARY BOARD MEMBERS.—

(A) IN GENERAL.—The penalty under section 6672 of the Internal Revenue Code of 1986 shall not be imposed on unpaid, volunteer members of any board of trustees or directors of an organization referred to in section 501 of such Code to the extent such members are solely serving in an honorary capacity, do not participate in the day-to-day or financial operations of the organization, and do not have actual knowledge of the failure on which such penalty is imposed.

(B) APPLICATION OF PARAGRAPH.—This paragraph shall not apply if it results in no person being held liable for the penalty described in section 6672(a) of the Internal Revenue Code of 1986.

(2) DEVELOPMENT OF EXPLANATORY MATERIALS.—The Secretary shall develop materials explaining the circumstances under which board members of tax-exempt organizations (including voluntary and honorary members) may be subject to penalty under section 6672 of such Code. Such materials shall be made available to tax-exempt organizations.

(3) IRS INSTRUCTIONS.—The Secretary shall clarify the instructions to Internal Revenue Service employees on the application of the penalty under section 6672 of such Code with regard to voluntary members of boards of trustees or directors of tax-exempt organizations.

(c) PROMPT NOTIFICATION.—To the maximum extent practicable, the Secretary shall notify all persons who have failed to make timely and complete deposit of any taxes described in section 6672 of the Internal Revenue Code of 1986 of such failure within 30 days after the return was filed reflecting such failure or after the date on which the Secretary is first aware of such failure. If the person failing to make the deposit is not an individual, the Secretary shall notify the entity subject to such deposit requirement and that entity shall notify, within 15 days of the notification by the Secretary, all officers, general partners, trustees, or other managers of the failure.

TITLE VIII—AWARDING OF COSTS AND CERTAIN FEES

SEC. 801. MOTION FOR DISCLOSURE OF INFORMATION.

Paragraph (4) of section 7430(c) (defining prevailing party) is amended by adding at the end thereof the following new subparagraph:

"(C) MOTION FOR DISCLOSURE OF INFORMATION.—Once a taxpayer substantially prevails as described in subparagraph (A)(ii), the taxpayer may file a motion for an order requiring the disclosure (within a reasonable period of time specified by the court) of all information and copies of relevant records in the possession of the Internal Revenue Service with respect to such taxpayer's case and the substantial justification for the position taken by the Internal Revenue Service."

SEC. 802. INCREASED LIMIT ON ATTORNEY FEES.

Paragraph (1) of section 7430(c) (defining reasonable litigation costs) is amended—

(1) by striking "$75" in clause (iii) of subparagraph (B) and inserting "$110",

(2) by striking "an increase in the cost of living or" in clause (iii) of subparagraph (B), and

(3) by adding after clause (iii) the following:

"In the case of any calendar year beginning after 1992, the dollar amount referred to in clause (iii) shall be increased by an amount equal to such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, by substituting 'calendar year 1991' for 'calendar year 1989' in subparagraph (B) thereof. If any dollar amount after being increased under the preceding sentence is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10 (or, if such dollar amount is a multiple of $5, such dollar amount shall be increased to the next higher multiple of $10)."

SEC. 803. FAILURE TO AGREE TO EXTENSION NOT TAKEN INTO ACCOUNT.

Paragraph (1) of section 7430(b) (relating to requirement that administrative remedies be exhausted) is amended by adding at the end thereof the following new sentence: "Any failure to agree to an extension of the time for the assessment of any tax shall not be taken into account for purposes of determining whether the prevailing party meets the requirements of the preceding sentence."

SEC. 804. EFFECTIVE DATE.

The amendments made by this title shall apply in the case of proceedings commenced after the date of the enactment of this Act.

TITLE IX—OTHER PROVISIONS

SEC. 901. REQUIRED CONTENT OF CERTAIN NOTICES.

(a) GENERAL RULE.—Subsection (a) of section 7522 (relating to content of tax due, deficiency, and other notices) is amended by striking "shall describe the basis for, and identify" and inserting "shall set forth the adjustments which are the basis for, and shall identify".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to notices sent after the date 6 months after the date of the enactment of this Act.

SEC. 902. TREATMENT OF SUBSTITUTE RETURNS UNDER SECTION 6651.

(a) GENERAL RULE.—Section 6651 (relating to failure to file tax return or to pay tax) is amended by adding at the end thereof the following new subsection:

"(h) TREATMENT OF RETURNS PREPARED BY SECRETARY UNDER SECTION 6020(b).—In the case of any return made by the Secretary under section 6020(b)—

"(1) such return shall be disregarded for purposes of determining the amount of the addition under paragraph (1) of subsection (a), but

"(2) such return shall be treated as the return filed by the taxpayer for purposes of determining the amount of the addition under paragraphs (2) and (3) of subsection (a)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply in the case of any return the due date for which (determined without regard to extensions) is after the date of the enactment of this Act.

SEC. 903. RELIEF FROM RETROACTIVE APPLICATION OF TREASURY DEPARTMENT REGULATIONS.

(a) IN GENERAL.—Subsection (b) of section 7805 (relating to rules and regulations) is amended to read as follows:

"(b) RETROACTIVITY OF REGULATIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, no temporary, proposed, or final regulation relating to the internal revenue laws shall apply to any taxable period ending before the earliest of the following dates:

"(A) The date on which such regulation is filed with the Federal Register.

"(B) In the case of any final regulation, the date on which any proposed or temporary regulation to which such final regulation relates was filed with the Federal Register.

"(C) The date on which any notice substantially describing the expected contents of any temporary, proposed, or final regulation is issued to the public.

"(2) PREVENTION OF ABUSE.—The Secretary may provide that any regulation may take effect or apply retroactively to prevent abuse of a statute to which the regulation relates.

"(3) CORRECTION OF PROCEDURAL DEFECTS.—The Secretary may provide that any regulation may apply retroactively to correct a procedural defect in the issuance of any prior regulation.

"(4) INTERNAL REGULATIONS.—The limitations of paragraph (1) shall not apply to any regulation relating to internal Treasury Department policies, practices or procedures.

"(5) CONGRESSIONAL AUTHORIZATION.—The limitation of paragraph (1) may be superseded by a legislative grant from Congress authorizing the Secretary to prescribe the effective date with respect to any regulation.

"(6) ELECTION TO APPLY RETROACTIVELY.—The Secretary may provide for any taxpayer to elect to apply any regulation before the dates specified in paragraph (1).

"(7) APPLICATION TO RULINGS.—The Secretary may prescribe the extent, if any, to which any ruling (including any judicial decision or any administrative determination other than by regulation) relating to the internal revenue laws shall be applied without retroactive effect."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall apply with respect to—

(A) any temporary or proposed regulation filed on or after January 5, 1993, and

(B) any temporary or proposed regulation filed before January 5, 1993, and filed as a final regulation after such date.

(2) SPECIAL RULE.—Section 7805(b)(2) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply only to statutes enacted on or after the date of the enactment of this Act.

SEC. 904. REQUIRED NOTICE OF CERTAIN PAYMENTS.

If any payment is received by the Secretary of the Treasury or the Secretary's delegate (hereafter in the section referred to as the "Secretary") from any taxpayer and the Secretary cannot associate such payment with any outstanding tax liability of such taxpayer, the Secretary shall make reasonable efforts to notify the taxpayer of such inability within 60 days after the receipt of such payment.

SEC. 905. UNAUTHORIZED ENTICEMENT OF INFORMATION DISCLOSURE.

(a) IN GENERAL.—Subchapter B of chapter 76 (relating to proceedings by taxpayers and third parties) is amended by redesignating section 7434 as section 7435 and by inserting after section 7433 the following new section:

"SEC. 7434. CIVIL DAMAGES FOR UNAUTHORIZED ENTICEMENT OF INFORMATION DISCLOSURE.

"(a) IN GENERAL.—If any officer or employee of the United States intentionally compromises the determination or collection of any tax due from an attorney, certified public accountant, or enrolled agent representing a taxpayer in exchange for information conveyed by the taxpayer to the attorney, certified public accountant, or enrolled agent for purposes of obtaining advice concerning the taxpayer's tax liability, such taxpayer may bring a civil action for damages against the United States in a district court of the United States. Such civil action shall be the exclusive remedy for recovering damages resulting from such actions.

"(b) DAMAGES.—In any action brought under subsection (a), upon a finding of liability on the part of the defendant, the defendant shall be liable to the plaintiff in an amount equal to the lesser of $500,000 or the sum of—

"(1) actual, direct economic damages sustained by the plaintiff as a proximate result of the information disclosure, and

"(2) the costs of the action.

Damages shall not include the taxpayer's liability for any civil or criminal penalties, or other losses attributable to incarceration or the imposition of other criminal sanctions.

"(c) PAYMENT AUTHORITY.—Claims pursuant to this section shall be payable out of funds appropriated under section 1304 of title 31, United States Code.

"(d) PERIOD FOR BRINGING ACTION.—Notwithstanding any other provision of law, an action to enforce liability created under this section may be brought without regard to the amount in controversy and may be brought only within 2 years after the date the actions creating such liability would have been discovered by exercise of reasonable care.

"(e) MANDATORY STAY.—Upon a certification by the Commissioner or the Commissioner's delegate that there is an ongoing investigation or prosecution of the taxpayer, the district court before which an action under this section is pending, shall stay all proceedings with respect to such action pending the conclusion of the investigation or prosecution.

"(f) CRIME-FRAUD EXCEPTION.—Subsection (a) shall not apply to information conveyed to an attorney, certified public accountant, or enrolled agent for the purpose of perpetrating a fraud or crime."

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 76 is amended by striking the item relating to section 7434 and by adding at the end thereof the following new items:

"Sec. 7434. Civil damages for unauthorized enticement of information disclosure.

"Sec. 7435. Cross references."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions after the date of the enactment of this Act.

TITLE X—FORM MODIFICATIONS; STUDIES

SEC. 1000. DEFINITIONS.

For purposes of this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or his delegate.

(2) 1986 CODE.—The term "1986 Code" means the Internal Revenue Code of 1986.

(3) TAX-WRITING COMMITTEES.—The term "tax-writing Committees" means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

Subtitle A—Form Modifications

SEC. 1001. EXPLANATION OF CERTAIN PROVISIONS.

(a) GENERAL RULE.—The Secretary shall take such actions as may be appropriate to ensure that taxpayers are aware of the provisions of the 1986 Code permitting payment of tax in installments, extensions of time for payment of tax, and compromises of tax liability. Such actions shall include revising the instructions for filing income tax returns so that such instructions include an explanation of—

(1) the procedures for requesting the benefits of such provisions, and

(2) the terms and conditions under which the benefits of such provisions are available.

(b) COLLECTION NOTICES.—In any notice of an underpayment of tax or proposed underpayment of tax sent by the Secretary to any taxpayer, the Secretary shall include a notification of the availability of the provisions of sections 6159, 6161, and 7122 of the 1986 Code.

SEC. 1002. IMPROVED PROCEDURES FOR NOTIFYING SERVICE OF CHANGE OF ADDRESS OR NAME.

The Secretary shall provide improved procedures for taxpayers to notify the Secretary of changes in names and addresses. Not later than June 30, 1994, the Secretary shall institute procedures for timely updating all Internal Revenue Service records with change-of-address information provided to the Secretary by taxpayers.

SEC. 1003. RIGHTS AND RESPONSIBILITIES OF DIVORCED INDIVIDUALS.

The Secretary shall include in the Internal Revenue Service publication entitled "Your Rights As A Taxpayer" a section on the rights and responsibilities of divorced individuals.

Subtitle B—Studies

SEC. 1011. PILOT PROGRAM FOR APPEAL OF ENFORCEMENT ACTIONS.

(a) GENERAL RULE.—The Secretary shall establish a 1-year pilot program for appeals of enforcement actions (including lien, levy, and seizure actions) to the Appeals Division of the Internal Revenue Service—

(1) where the deficiency was assessed without actual knowledge of the taxpayer,

(2) where the deficiency was assessed without an opportunity for administrative appeal, and

(3) in other appropriate circumstances.

(b) REPORT.—Not later than June 30, 1994, the Secretary shall submit to the tax-writing Committees a report on the pilot program established under subsection (a), together with such recommendations as he may deem advisable.

SEC. 1012. STUDY ON TAXPAYERS WITH SPECIAL NEEDS.

(a) GENERAL RULE.—The Secretary shall conduct a study on ways to assist the elderly, physically impaired, foreign-language speaking, and other taxpayers with special needs to comply with the internal revenue laws.

(b) REPORT.—Not later than June 30, 1994, the Secretary shall submit to the tax-writing Committees a report on the study conducted under subsection (a), together with such recommendations as he may deem advisable.

SEC. 1013. REPORTS ON TAXPAYER-RIGHTS EDUCATION PROGRAM.

Not later than April 1, 1994, the Secretary shall submit a report to the tax-writing Committees on the scope and content of the Internal Revenue Service's taxpayer-rights education program for its officers and employees. Not later than June 30, 1994, the Secretary shall submit a report to the tax-writing Committees on the effectiveness of the program referred to in the preceding sentence.

SEC. 1014. BIENNIAL REPORTS ON MISCONDUCT BY INTERNAL REVENUE SERVICE EMPLOYEES.

Not later than June 30, 1994 and during June of each second calendar year thereafter, the Secretary shall report to the tax-writing Committees on all cases involving complaints about misconduct of Internal Revenue Service employees and the disposition of such complaints.

SEC. 1015. STUDY OF NOTICES OF DEFICIENCY.

(a) GENERAL RULE.—The Comptroller General shall conduct a study on—

(1) the effectiveness of current Internal Revenue Service efforts to notify taxpayers with regard to tax deficiencies under section 6212 of the 1986 Code,

(2) the number of registered or certified letters and other notices returned to the Internal Revenue Service as undeliverable,

(3) any follow-up action taken by the Internal Revenue Service to locate taxpayers who did not receive actual notice,

(4) the effect that failures to receive notice of such deficiencies have on taxpayers, and

(5) recommendations to improve Internal Revenue Service notification of taxpayers.

(b) REPORT.—Not later than June 30, 1994, the Comptroller General shall submit to the tax-writing Committees a report on the study conducted under subsection (a), together with such recommendations as he may deem advisable.

SEC. 1016. NOTICE AND FORM ACCURACY STUDY.

(a) GENERAL RULE.—The Comptroller General shall conduct annual studies of the accuracy of 25 of the most commonly used Internal Revenue Service forms, notices, and publications. In conducting any such study, the Comptroller General shall examine the suitability and usefulness of Internal Revenue Service telephone numbers on Internal Revenue Service notices and shall solicit and consider the comments of organizations representing taxpayers, employers, and tax professionals.

(b) REPORTS.—The Comptroller General shall submit to the tax-writing Committees a report on each study conducted under subsection (a), together with such recommendations as he may deem advisable. The first such report shall be submitted not later than June 30, 1994.

TAXPAYER BILL OF RIGHTS 2 (T2)

A.—TAXPAYER ADVOCATE

1. Establishment of Position of Taxpayer Advocate within Internal Revenue Service. The Office of the Taxpayer Ombudsman was statutorily created in 1987 in the Omnibus Taxpayer Bill of Rights. The Ombudsman is presently hired by and reports directly to the IRS Commissioner.

T2 will replace the Ombudsman with the new Office of Taxpayer Advocate. The Taxpayer Advocate will continue to be hired by and report to the IRS Commissioner. The Taxpayer Advocate will also have expanded authority as provided in A.2. below.

T2 will require the Taxpayer Advocate to provide the Committee on Ways and Means of the U.S. House of Representatives and the Committee on Finance of the U.S. Senate two annual reports. The first report is on the activities of the Taxpayer Advocate during the previous fiscal year. The report must identify the initiatives the Taxpayer Advocate has taken to improve taxpayer services and IRS responsiveness, contain recommendations received from individuals who have the authority to issue a TAO, contain a summary of at least 20 of the most serious problems which taxpayers have in dealing with the IRS, describe in detail the progress made in implementing these recommendations, include recommendations for such administrative and legislative action as may be appropriate to resolve such problems, and to include other such information as the Taxpayer Advocate may deem advisable. The Commissioner is required to establish procedures that will ensure a formal IRS response to all recommendations submitted by the Taxpayer Advocate.

In the second report, the Taxpayer Advocate must furnish to the tax writing committees its annual objectives, not later than October 31 of each calendar year after 1993.

All reports should contain full and substantive analysis, in addition to statistical information.

Presently, the Office of the Taxpayer Ombudsman carries out its duties and responsibilities in the local field offices through the PRO. However, PROs are hired, supervised, reviewed, and promoted by the local IRS District Director, not the Ombudsman. T2 will provide that the PRO will report directly to the Office of Taxpayer Advocate.

Effective date.—The provision is effective on the date of enactment. The first annual reports of the Taxpayer Advocate are due in 1994.

2. Expansion of Authority of the Taxpayer Advocate to Issue Taxpayer Assistance Orders. Currently under section 7811(b), a TAO allows a PRO to "cease any [IRS] action" with respect to a taxpayer. However, section 7811(b) does not allow the terms of a TAO to authorize affirmative steps to help a taxpayer.

T2 will authorize the terms of a TAO to "cease any action, take any action" with respect to a taxpayer, and therefore, allow a TAO to both stop IRS action and to take affirmative steps with respect to a taxpayer. For example, the Taxpayer Advocate's new scope of power will specifically include, but not be limited to, the authority to (1) abate assessments, (2) grant refund requests, and (3) stay collection activity. Further, a TAO may specify a period of time within which the TAO must be followed. The Taxpayer Advocate will have the power to grant authority to his or her designees (i.e., the Problems Resolution Officers).

Current law provides that a TAO may be modified or rescinded by the Ombudsman, a district director, a service center director, a compliance center director, a regional director of appeals, or any superior of such person.

T2 provides that a TAO may be modified or rescinded only by the Taxpayer Advocate and/or the IRS Commissioner.

Effective date.—The provision is effective on the date of enactment.

B.—MODIFICATIONS TO INSTALLMENT AGREEMENT PROVISIONS

1. T2 will provide that an individual taxpayer has an automatic right to an installment agreement if the taxpayer has not been delinquent in the previous 3 years and the liability is under $10,000. This provision is limited to individual taxpayer's and their income tax liability.

Effective date.—The provision is effective for installment agreements entered into after the date of enactment.

2. Notification of Reasons for Termination of Installment Agreements. Section 6159(b)(3) presently requires the IRS to give the taxpayer a 30-day notice before terminating an installment agreement, if it is determined that the financial condition of the taxpayer has significantly changed. However, no notice is required if the taxpayer defaults for any other reason. In these cases, the IRS may unilaterally terminate the installment agreement with no notice to the taxpayer.

T2 will require the IRS to provide a taxpayer with a 30-day notice before terminating an installment agreement for any reason except when the collection of the tax is determined to be in jeopardy. In addition, T2 will require the notice to include the reason(s) why the IRS considers the installment agreement to be in default.

Effective date.—The provision is effective six months after the date of enactment.

3. Administrative Review of Termination or Denial of Request for Installment Agreement. Under present law, a taxpayer has no right to an independent review of a termination or denial of his request for an installment agreement.

T2 will require the IRS to establish procedures for an independent administrative review of a termination of or denial of a request, for an installment agreement. T2 will also require the IRS to provide a written response to a taxpayer who requested an installment agreement. The written response must state the decision of the IRS and the basis for such decision. Finally, T2 will require the IRS to include in the instructions for filing Federal income tax returns the rules and procedures for requesting installment agreements.

Effective date.—The provision is effective on the date of enactment.

C.—INTEREST

1. Extension of Interest-Free Period for Payment of Tax After Notice and Demand. When the IRS sends a first notice requesting payment to a taxpayer, section 6601(e) provides a 10-day interest-free period from the date of the notice. The 10-day requirement is virtually impossible to meet given delivery time to and from the taxpayer who is attempting to timely remit payment.

T2 will extend taxpayers' interest-free period for payment of the tax liability reflected in the first notice from 10 days to 21 days, when the total tax liability on the notice of deficiency is less than $100,000.

Effective date.—The provision applies in the case of any notice and demand given after the date six months after the date of enactment.

2. Expansion of Authority to Abate Interest. Section 6404(e)(1) (Assessment of interest attributable to errors and delays by the IRS) provides "the Secretary may abate" interest on "any deficiency in whole or in part to [due to] any error or delay by an officer or employee of the IRS (acting in his official capacity) in performing a ministerial act".

The ministerial act requirement too narrowly limits the possibility of relief to the taxpayer with the result that the IRS will not abate interest even if it is the IRS' fault. Further, IRS rejection of a taxpayer request to abate interest cannot be reviewed because section 6404(e)(1) provides no authorization for courts to review an IRS rejection and no appropriate standard of review.

T2 will provide that the Secretary may abate or refund interest when the IRS has made an unreasonable error or delay. Courts will still not be able to review the IRS determination on the abatement of interest issue, however, the new standard of review will allow the IRS more flexibility in providing relief.

D.—JOINT RETURNS

1. Disclosure of Collection Activities. Present law does not allow the IRS to inform either spouse as to the efforts of the IRS to collect the tax liability from the other spouse.

T2 will permit that, if either spouse or former spouse makes a written request, the IRS is required to disclose in writing whether the IRS has attempted to collect the deficiency from his or her spouse or former spouse, the general nature of such collection activities, and the amount collected. The IRS may refuse such request in cases where disclosure of such information may result in the threat of physical danger or harassment to a taxpayer.

Effective date.—The provision is effective on the date of enactment.

2. Joint Return May Be Made After Separate Returns Without Full Payment of Tax. Under section 6013(b)(2), taxpayers, who file separate returns and subsequently determine that their tax liability would have been less if they had filed a joint return, may not reduce their tax liability by filing jointly unless they are able to pay the entire amount of the joint return liability before the expiration of the 3-year period for making the election.

T2 will repeal the provision requiring full payment of the tax liability as a precondition to taxpayers switching from married filing separately status to married filing jointly status.

Effective date.—The provision applies to taxable years beginning after the date of the enactment.

E.—COLLECTION ACTIVITIES

1. Modifications to Lien and Levy Provisions. A Notice of tax lien provides public notice that a taxpayer owes the government money. Section 6326(b) requires the IRS to issue a Certificate of Release for such notices for erroneous liens only. This extremely narrow language prevents the IRS from issuing the Release on premature or incorrectly filed liens.

T2 will give discretion to the IRS to remove such liens without prejudice when (1) the filing of the notice was premature or not in accordance with administrative procedures of the IRS; (2) the taxpayer has entered into an installment agreement for the payment of the tax liability with respect to the tax on which the lien is imposed; (3) the withdrawal of the lien will facilitate the collection of the tax liability; or (4) the withdrawal of the lien would be in the best interest of the taxpayer and the United States (with the best interests of the taxpayer to be determined by the Taxpayer Advocate).

T2 will require that, upon written request by the taxpayer in the 4 cases cited above, the IRS shall make prompt efforts to notify the credit reporting agencies specified that the notice has been withdrawn. T2 will also require the IRS to return levied-upon-property to the taxpayer in the 4 above cited cases.

T2 will raise the levy exemption amounts of $1500 for personal property and of $1100 for equipment and property for a trade, business, or profession, which were set in 1990, to the present indexed amounts of $1700 and $1200, respectively.

Effective date.—The provisions are effective on the date of enactment.

2. Offers-in-Compromise. Section 7122 provides that the IRS may settle a tax debt pursuant to an offer-in-compromise. Amounts over $500 can be accepted only if the reasons for the acceptance are documented in detail and supported by an opinion of the IRS Chief Counsel. Further, section 6103(k) requires public disclosure of the names of taxpayers whose tax debts are compromised, as well as the amount owed and the amount accepted by the Government. These burdensome requirements result in the IRS not pursuing the offer-in-compromise route in settling even small tax disputes.

T2 will provide that, in cases where the unpaid tax assessment is less than $50,000, the opinion of the IRS Chief Counsel is not required. However, the IRS shall subject these offers-in-compromise to an IRS quality review. Further, T2 will amend 6103(k) to provide that in cases where the unpaid tax assessment is less than $50,000, the offer-in-compromise will not be subject to public disclosure.

Effective date.—The provision is effective on the date of enactment.

3. Notification of Examination. Presently, in many cases, the IRS is approaching taxpayers, requesting books and records, but not notifying taxpayers of examination. If the taxpayer is contacted and the agent requests to review the taxpayer's books and records, a written notice, followed by an examination report, should be required.

T2 will amend section 7605 to require that the IRS give the taxpayer written notice that the taxpayer is under examination. The notice will be required for examinations under all sub-titles of the Code. Such notice will include an explanation of the process as described in section 7521 (explanation of examination process, right to be represented by an attorney, certified public accountant, etc.).

Effective date.—The provision is effective on the date of enactment.

4. Removal of Limits on Recovery of Civil Damage. Section 7433 caps civil damage awards for unauthorized collections actions against the IRS at $100,000. Section 7433 also limits recovery to "reckless and intentional" actions of the IRS.

T2 will increase the $100,000 cap for "reckless and intentional actions" to $1 million, and in addition, T2 will include recovery for "negligent" actions of, the IRS capped at $100,000.

Effective date.—The provision applies to actions by IRS employees that occur after the date of enactment.

5. Designated Summons. T2 requires that issuance of any designated summons with respect to a corporation's tax return be preceded by review of such issuance by the Regional Counsel, Office of Chief Counsel to the IRS, for the Region in which the examination of the corporation's return is being conducted.

In addition, T2 requires that the corporation whose return is in issue be promptly notified in writing in any case where the Secretary issues a designated summons (or other summons, the litigation over which suspends the running of the assessment period under the designated summons procedure) to a third party. It is expected that the IRS generally will meet this requirement by issuing such notice on the same day that it issues such summons, and by transmitting such notice to the corporation in a manner reasonably designed to bring it to the prompt attention of an agent of the corporation responsible for communicating with the IRS in connection with the examination.

Effective date.—This provision applies to summonses issued after the date of enactment.

F.—INFORMATION RETURNS

1. Phone Number of Person Providing Payee Statements Required to be Shown on Such Statement. Taxpayers frequently need to contact payors issuing information returns in order to resolve disputes. Presently, information returns (e.g. W-2s, 1099s, etc.) require only the name and address of the payor.

T2 will require the payor to also provide the phone number of the payor's information contact. Payors may have the option of providing the name of its customer service department, if appropriate, an Form 1099.

Effective date.—The provision applies to statements required to be furnished after December 31, 1993 (determined without regard to any extension).

2. Civil Damages for Fraudulent Filing of Information Returns. Some taxpayers have suffered significant personal loss and inconvenience as the result of the IRS receiving fraudulent information returns. These false returns have been filed by payors whose intent is to defraud the IRS or to harass taxpayers.

T2 will provide that, if any person files a false or fraudulent information return with respect to payments made to another person, with the intent of either defrauding the IRS or harassing another person, the other person may bring a civil action for damages against the person filing such return. Further, T2 will provide that damage awards in such cases be at least $5000, and that the plaintiff must bring action within 6 years from the time the fraudulent return was filed with the IRS.

Effective date.—The provision applies to false or fraudulent information returns filed after the date of enactment.

3. Requirement To Conduct a Reasonable Investigation of Information Returns. Section 6212(a) authorizes the IRS to determine tax deficiencies. The term "determine" is not defined in the Code, and until recently, courts have declined to inquire whether or not, and how, the IRS made its determination. Further, courts have begun to chip away at the long-standing presumption of correctness afforded deficiency notices.

T2 will amend section 6212(a) to provide that a "determination" must be "a thoughtful and considered determination that the United States is entitled to an amount not yet paid." Portillo versus Commissioner, 832 F.2d 1128 (5th Circuit 1991). If the IRS fails to make a thoughtful and considered determination, then the notice of deficiency will be invalid.

T2 will provide that where the taxpayer asserts a reasonable dispute with respect to any item of income reported to the IRS on an information return, the IRS, not the taxpayer, will bear the burden of proof in any deficiency or refund proceeding absent a showing that the IRS conducted a reasonable investigation of the facts surrounding the taxpayer's return.

Effective date.—The provision is effective on the date of enactment.

G.—MODIFICATIONS TO PENALTY FOR FAILURE TO COLLECT AND PAY OVER TAX

1. Trust Fund Taxes. Section 6672 imposes personal liability on those persons who are required to collect employment taxes ("responsible officers") and who willfully fail to pay over these taxes to the IRS. The Code additionally provides for a 100% penalty on responsible officers failing to pay over such taxes. Taxpayers who may be responsible persons are assessed the taxes owed and the penalty without the right to an administrative review.

T2 will require the IRS to issue a preliminary notice which will give the taxpayer the right to an administrative appeals hearing.

Effective date.—The provision applies to failures occurring after the date of enactment.

2. No Penalty if Prompt Notification of the Secretary. T2 will excuse from the 100% penalty any person who, notifies the IRS of a failure of a business to pay over taxes within 10 days of the date on which the taxes were due. This relief will not be available to individuals who are significant owners of the business or persons directly responsible for the decision not to pay over the taxes due.

Effective date.—The provision applies in the case of failures to collect and pay over tax that occur after the date of enactment.

3. Disclosure of Certain Information Where More Than One Person Subject to Penalty. The IRS may recover more than the amount owed under section 6672 (since each responsible person is jointly and severally liable). There is no procedure to ensure that the IRS does not collect more than 100% of what is owed.

T2 will require that a person liable for a section 6672 penalty may request, in writing, that the IRS disclose any other person who is liable for such penalty along with general nature of the IRS' collection activities.

Effective date.—The provision is effective on the date of enactment.

4. Penalties Under Section 6672. Under current law, unpaid, volunteers, who serve on boards of tax-exempt organizations, may be held liable for the 100% penalty depending on the duties and roles of the individual involved.

T2 provides that the 100% penalty will not be imposed on unpaid, volunteer members of any board of trustees or directors of a tax exempt organization.

T2 will also require the IRS to develop materials to better inform employees and volunteers of their responsibilities under the law.

H.—AWARDING OF COSTS AND CERTAIN FEES

1. Motion for Disclosure of Information. Once a taxpayer has substantially prevailed in his case with the IRS, he may file a petition for an order requiring the disclosure of all information and copies of relevant records in the possession of the IRS with respect to the taxpayer's case and the substantial justification for the position taken by the IRS.

Effective date.—The provision is effective for notices made and proceedings commenced after the date of enactment.

2. Increased Limit on Attorney Fees. T2 will amend section 7430 to provide that reasonable fees incurred for the services of qualified taxpayer representatives shall not indexed for inflation occurring since 1981, currently $110 per hour, and this amount shall be indexed to inflation in the future.

Effective date.—The provision applies to notices made and proceedings commenced after the date of enactment.

I.—OTHER PROVISIONS

1., Relief from Retroactive Application of Treasury Department Regulations. T2 will generally require that temporary and proposed regulations issued by the Treasury Department are to effective prospectively from the date of filing with the Federal Register except: (1) temporary or proposed regulations may take effect from the date any notice which substantially describes the regulation is issued to the public, (2) Congress may explicitly authorize Treasury to prescribe the effective date, (3) Treasury may issue retroactive temporary or proposed regulations to prevent abuse of the statute, (4) Treasury may issue retroactive temporary, proposed, or final regulations to correct a procedural defect in the issuance of a regulation, (5) Treasury may provide that taxpayers may elect to apply a temporary or proposed regulation retroactively.

Effective date.—The provision applies with respect to any temporary or proposed regulation published on or after January 5, 1993, and any temporary or proposed regulation published before January 5, 1993, and published as a final regulation after that date.

2. Required Content of Notices. Section 7522 (Content of tax due, deficiency, and other notices) requires the IRS to clarify certain notices by January 1, 1990, by identifying and describing the basis for any tax due, as well as any interest and penalties assessed. However, the IRS is not required to separately set forth, in the notice, the components and explanation for each adjustment.

T2 will amend section 7522 to require that the IRS set forth the components and explanation for each specific adjustment which is the basis for the total tax deficiency.

3. Required Notice of Certain Payments. T2 will provide that, if the IRS receives a payment from a taxpayer and cannot associate that payment with any outstanding tax liability, then the IRS must make reasonable efforts to notify the taxpayer of such inability within 60 days after receipt of such payment.

Mr. GRASSLEY. Mr. President, as many taxpayers are struggling in the midst of the current tax filing season, the issue of taxpayers' rights takes on a special importance. Although most IRS employees provide valuable and responsible service, taxpayer abuse still exists. With this in mind, I am very happy to be joining Senator PRYOR and others in reintroducing the taxpayer bill of rights 2. This is very necessary legislation that builds upon the original taxpayer bill of rights that we passed into law in 1988.

For me, the long process of trying to ensure taxpayer protections began in the early 1980's, when I was a member and then chairman of the Finance Subcommittee on IRS oversight. We made progress, but it was only the beginning.

Senator PRYOR continued the cause when he succeeded me as chairman in 1987. At that time, he took the initiative and asked me to work with him in pushing for a taxpayer bill of rights by expanding legislation I and others had introduced. It took nearly 2 years, but we ultimately succeeded in achieving this goal.

We now have a 4-year record of implementation regarding the taxpayer bill of rights. Great strides toward taxpayer protection were achieved through this legislation. However, the taxpayer bill of rights of 1988 was never expected to be the final chapter of the book on taxpayer protection. It was a major step in the continuing process of stamping out taxpayer abuse. And that process continues today, as we look into ways to improve the current law.

In reviewing the record, it's clear that much more needs to be done. There's no question that breakdowns in implementing the law have occurred, and there are gaps in the law that need to be filled. As the ranking member of the Finance Subcommittee that oversees the IRS, I have worked with Senator PRYOR in developing this legislation that will address these concerns.

We were successful in passing a very similar proposal through the Congress twice last year. However, the underlying legislation that the proposal was attached to was vetoed by President Bush. We are back again this year, and I urge my colleagues to join us in this effort to help make the IRS more responsible and more accountable to the taxpayers of this country.

By Mr. SPECTER:

S. 543. A bill to authorize incarceration in Federal prisons of prisoners sentenced to life imprisonment under the habitual criminal statute of a State; to the Committee on the Judiciary.

CAREER CRIMINAL INCARCERATION ACT OF 1993

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Career Criminal Incarceration Act of 1993 which, simply stated, would authorize the Federal Government to incarcerate, with life sentences, for those incarcerated and sent to jail by States under their habitual offender laws. Some 46 States in the United States, according to information provided to me, have habitual offender laws. That means that when someone has been committed on a repetitive basis for three or four major crimes, they are subject to be sentenced as habitual offenders for life sentences. Regrettably, these laws are not used.

I know that very well from my experience in the Philadelphia district attorney's office where I was district attorney from 1966 through 1974, and from my following, as closely as I can, the development in the State criminal courts where the State prisons are full. Some 264 prisoners, again based on information provided to me, are under Federal court orders limiting the number of prisoners who may be taken into those State prisons. And the pattern exists around the country that the State prisons are jammed and States are not sentencing to jail, because of these overcrowded conditions, and, in fact, the States are releasing prisoners prematurely, because there is insufficient space.

In 1990, Mr. President, the latest year available, the statistics show that some 44,208 prisoners were added to the prisoner roles in the 50 States, and the District of Columbia, and during that same period, 6,082 prisoners entered in the Federal prison system. The Federal prisons have been aided by very substantial additions on funding provided by Congress and on expansion of prisons undertaken during the administrations of President Reagan and President Bush.

The statistics are difficult to glean as to what the accurate condition is among the Federal prisons at the present time, but I am advised that although the rated capacity, which is a technical term, shows the prisons to be full, there is substantial space in the Federal prison system. With more Federal prisons being built, and as the Federal Government brings prisoners into their system, I believe that the Federal prisons could accommodate some State prisoners.

This legislation, Mr. President, is a continuation of my efforts along this line, which began as soon as I came to the Senate with the introduction in 1981 of the armed career criminal bill, which was enacted into law in 1984. That law brought the Federal Government into street crime for the first time by making it a Federal offense for anyone convicted of three or more serious crimes, where that person is found in possession of a firearm, subject to prosecution in the Federal courts with a mandatory sentence of 15 years to life. That statute was amended in 1986 to expand the kinds of repetitive crimes that would give rise to Federal jurisdiction, and the offenses involving sale of drugs are included. The armed career criminal bill has been touted by attorneys general and by key officials in the Alcohol, Tobacco and Firearms unit which administers the law as being one of the most effective tools against violent crime in the United States.

One of the most revealing statistics is that 10 percent of the criminals commit some 70 percent of the crimes, because of the very serious incidence of career criminals. The same situation exists in the States where these habitual offenders commit repetitive crimes and are subject to incarceration up to life, and those sentences are not imposed because there is no prison space and inmates are released from the State prisons.

When I served as chairman of the District of Columbia Subcommittee in the timeframe of 1983, 1984, 1985, and 1986, I did considerable research on the prison issue in the District of Columbia, leading to legislation to build a prison in the District with an appropriation of some $30 million, and I might add Mr. President, notwithstanding the many intervening years that has not yet been accomplished. At that time extensive testimony was taken on the status of the District of Columbia jails and testimony was produced from judges who sentenced in the criminal courts. They did not sentence to the criminal courts because there was no space, and it was a weeding-out process where judges would have liked to put some men and women in prison but do not do so because of the limitations in space.

There are many things we can do, Mr. President, to tackle the problem of crime in America, and regrettably we have done very few. We need to be very tough on career criminals, on criminal repeaters, and there is nothing like a life sentence for a career criminal who has committed so many offenses that his record shows he has to be separated from society. At the same time, there are many juvenile offenders, first offenders, some second offenders, who can benefit from realistic rehabilitation. It is no secret when a functional illiterate without a trade or skill, that is, someone who cannot read or write or hold a job, leaves jail that he or she goes back to a life of crime.

I believe that this legislation, Mr. President, to authorize incarceration in Federal jails, would have a very, very helpful effect on the problem of crime in America.

Mr. President, I am today introducing the Career Criminal Incarceration Act of 1993. This bill has been developed from four bills I have previously introduced: S. 58 in the 98th Congress, S. 1189 in the 99th Congress, S. 414 in the 100th Congress, and S. 180 in the 101st Congress. The bill would permit the Federal Government to take custody of a narrow class of our Nation's worst offenders sentenced by State courts to life imprisonment under State habitual offender laws, thereby encouraging the States to enforce these laws more vigorously. The net result will be to get more of the most violent criminals off the street, making our communities safer.

In 1983, I introduced the Armed Career Criminal Act, which made the commission of a felony involving the use of a firearm a Federal offense if the defendant has three prior convictions for robbery or burglary. This bill was signed into law by President Reagan on October 12, 1984, as part of the Comprehensive Crime Control Act. In the 99th Congress, I offered an amendment to the omnibus antidrug bill to broaden the scope of the predicate offenses under the Armed Career Criminal Act to include serious drug offenses and violent crimes. This amendment became law in 1986.

The Federal Armed Career Criminal Act has become a significant weapon in the war on violent crime. Through tough enforcement programs run by the Bureau of Alcohol, Tobacco and Firearms, thousands of violent recidivists have received the tough mandatory penalties provided under the former act. Attorney General Barr has termed the Armed Career Criminal Act one of our most important weapons in the Federal arsenal against violent criminals.

The act has permitted Federal law enforcement agencies to become more actively involved in combating violent crime, previously an enforcement matter left exclusively to State and local enforcement agencies. The Armed Career Criminal Act has spawned a new era of cooperation between the Federal Government and State and local law enforcement agencies.

The bill I am introducing today is an extension of this national effort to deal with the epidemic of violence through the worst contagion, the career criminal—those under 10 percent of all criminals who are responsible for approximately 70 percent of all serious crime.

The bill would confer on the Director of the Bureau of Prisons the authority to incarcerate in Federal correctional facilities all persons convicted and sentenced to life imprisonment in State courts under State habitual offender statutes. No cost would be imposed on the States for this program and no reimbursement sought. All costs would be borne by the Federal Bureau of Prisons.

Permitting persons convicted under State habitual offender laws and sentenced to life imprisonment by State courts to be transferred to Federal correctional facilities to serve their sentences would encourage more prosecutions under State habitual offender laws. Such laws typically allow judges to sentence habitual offenders to lengthy periods of incarceration, including life imprisonment, to keep them from engaging in further criminal behavior. A review of the laws of all the States shows that at this time 46 States, including my State, Pennsylvania, have a specific, identifiable statutory scheme governing the sentencing of repeat offenders.

Two other States use sentencing guidelines under which a defendant's status as a repeat offender is a factor to be considered at sentencing. Of these States, 13 require mandatory life sentences for habitual offenders convicted of certain crimes. Another 14 of the States provide for life sentences for habitual offenders at the discretion of the sentencing judge.

Unfortunately, long-term incarceration of these criminals is nearly impossible due to the already crowded conditions in State prison systems. Indeed, in many cases State inmates are freed early to make room for the steady and continuous stream of newly convicted criminals. By holding persons sentenced to life imprisonment by State courts under State habitual offender statutes, the Federal Government would reduce the burden of such sentences on the States and thereby encourage the States to enforce their habitual offender statutes agressively and actively seek lengthy sentences for career criminals under such laws.

Statistics show that State prison populations continue to increase at an alarming rate. According to information supplied to me by the Bureau of Justice Statistics, in 1990, 44,208 prisoners were added to the prison rolls in the States and District of Columbia. During the same period, 6,082 prisoners entered the Federal prison system.

The number of inmates sentenced to State prisons for more than 1 year grew by 6.4 percent. While the comparable number for the Federal system was about 10 percent, the Federal prison system has been adding space at a faster pace than State systems. That the rate of growth in State prison systems has been insufficient is evidenced by the fact that at the end of 1991, State prison systems were operating at 131 percent of capacity. There was a backlog in 19 States of 12,225 prisoners being kept in county and local jails because of overcrowding in State prisons. Many of these are released early and go on to commit new crimes.

Overcrowding has resulted in constitutional violations at many State prisons. While the conditions of confinement at a Federal prison has never been found to violate the Constitution, as of June 30, 1990, 264 State correctional institutions across the country were operating under court order or a consent decree limiting the inmate population.

Society needs the States to utilize their existing habitual offender statutes to the greatest effect in order to punish the career criminals who commit the overwhelming majority of crimes and to forcefully deter others from entering this cadre. This legislation serves this goal by allowing State law enforcement agents and prosecutors to target career criminals aggressively and actively seek lengthy sentences for them without adding to their crowded prison conditions.

I urge all of my colleagues to join me in addressing the serious problem of recidivism by targeting those who commit the large majority of crimes and making sure that such individuals are put out of society for the remainder of their lives. The goal of this bill is security for the law-abiding, who are genuinely scared. This bill actually does something for them at minimal cost. I urge my colleagues to support it.

I ask unanimous consent that the text of the bill be printed in the RECORD following the completion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) career criminals commit a larger percentage of the violent and major felonies afflicting society, causing immeasurable physical injury to innocent persons and damage, destruction, or loss to their property estimated at billions of dollars annually, there-

by terrorizing law-abiding citizens, disrupting the community, and undermining respect to law:

(2) the continuing criminal activity of career criminals adversely affects interstate commerce;

(3) despite prior convictions for serious offenses, many repeat offenders are placed on probation or sentenced to unduly short terms of imprisonment by State judges, to the detriment of public safety;

(4) many repeat offenders cannot reasonably be rehabilitated and, unless incarcerated for life, will commit further felonies;

(5) many States have "habitual criminal" statutes providing for life sentences for repeat offenders, upon subsequent felony convictions;

(6) many State prison systems are severely overcrowded, understaffed, and unable to confine convicts sentenced to life imprisonment under such statutes in a safe, secure, and humane manner;

(7) State judges may be deterred by the lack of sufficient prison space, staff, and funding from imposing life sentences for offenders as provided by State law, and the legislatures in those States without habitual criminal statutes may be dissuaded by such considerations from enacting such statutes;

(8) The interests of justice and public safety would be served if State authorities felt free to impose life sentences for repeat major offenders unrestrained by such considerations;

(9) the Federal Bureau of Prisons sometimes has empty cells available and can make additional space available by consolidating inmates, consistent with suitable standards, and ultimately can open additional institutions and cells, without great cost or delay, in certain Federal facilities, including abandoned military facilities and Public Health Service Hospitals; and

(10) the Federal Bureau of Prisons has an outstanding record of safely, effectively, and humanely confining inmates sentenced to life imprisonment.

SEC. 2. PURPOSE.

The purpose of this Act is to remove undue restraints on States imposing life sentences on repeat major offenders by authorizing the Federal Government to assume custody of prisoners sentenced under State habitual criminal statutes to imprisonment for life, without cost to the State.

SEC. 3. INCARCERATION OF THE STATE PRISONERS IN FEDERAL PRISONS.

(a) IN GENERAL.—On application by the head of a State prison system, the Director of the Bureau of Prisons of the Department of Justice shall promptly arrange and accept custody of prisoners who are sentenced, after the date of enactment of this Act, to life imprisonment under a State habitual criminal statute, to the extent that space is or can readily be made available in the Federal prison system.

(b) APPLICATIONS.—An application for Federal incarceration shall include—

(1) a certification that the prisoner to be incarcerated has been sentenced to life imprisonment under a State habitual offender statute;

(2) a description of the nature and circumstances of the offenses committed by the prisoner to be incarcerated; and

(3) a statement of the existing capacities of the State prison system from transfer of the prisoner is requested.

(c) ASSESSMENT.—(1) The Director of the Bureau of Prisons shall determine whether to accept custody of a prisoner based on an assessment of the matters described in subsection (b) and the availability of space in the Federal prison system.

(2) A decision of the Director of the Bureau of Prisons under this subsection shall not be subject to review in any court.

(d) PERIOD OF INCARCERATION.—The Federal Bureau of Prisons shall incarcerate a State prisoner under this Act—

(A) until an appropriate State authority certifies to the Director that the sentence of the prisoner has been terminated by parole, pardon, or otherwise as provided by State law; or

(B) absent such a certification, for the life of the prisoner.

By Mr. BUMPERS:

S. 544. A bill to amend the Federal Power Act to protect consumers of multistate utility systems, and for other purposes; to the Committee on Energy and Natural Resources.

MULTISTATE UTILITY COMPANY CONSUMER PROTECTION ACT OF 1993

• Mr. BUMPERS. Mr. President, I rise today to introduce the Multistate Utility Company Consumer Protection Act of 1993 and an amendment thereto.

Mr. President, there are currently nine multistate electric utility holding company systems which are registered under the Public Utility Holding Company Act of 1935 [PUHCA]. These registered holding company systems are among the largest utility companies in the United States providing retail service to millions of consumers in more than 20 states. Federal regulation of these holding company systems has been divided between the Federal Energy Regulatory Commission [FERC] and the Securities and Exchange Commission [SEC]. The legislation I am introducing today would consolidate utility holding company regulation by transferring regulatory authority over PUHCA from the SEC to FERC, providing a more efficient regulatory system and greater protection for holding company consumers.

In 1935 Congress enacted both title II of the Federal Power Act, to provide for the regulation of wholesale electric transactions, and PUHCA, to limit the operations of multistate utility holding company systems to a single region where consumers were served economically and efficiently. PUHCA strictly limited the activities which holding companies could undertake and charged the SEC with ensuring that both investors and consumers were adequately protected from the transactions which PUHCA permits—such as interaffiliate contracts. However, while the SEC has done a good job in limiting investor exposure, over the last 20 years the Commission has forgotten that PUHCA mentions consumer protection more than 50 times.

During the last two decades the SEC has rarely, if ever, prevented a holding company from engaging in a transaction on the grounds that consumers would be adversely impacted. Instead, the Commission has sought to rely on assertions made by the very companies it is supposed to regulate, without much scrutiny. Mr. President, I would challenge anyone in this chamber to give five examples in which the SEC has held an evidentiary hearing since the mid-1970's. In 1977, the General Accounting Office roundly criticized the SEC's oversight of utility holding companies; noting that:

> The Commission depends almost entirely on the affected company to provide pertinent information. Division review seldom includes visits to the offices of the companies and communities served by them to verify the information provided, or to develop additional information that might be relevant.

Sadly, Mr. President, if anything things have become worse—leaving holding company consumers in a perilous position. As President Clinton stated when he testified before the Senate Energy and Natural Resources Committee in 1986:

> [T]here is an enormous gap in the present scheme for regulation of [registered holding companies]. The SEC is supposed to look after the interests of ratepayers along with the interests of the financial concerns, but they never do.

While FERC also has the authority to protect consumers through the oversight of wholesale rates, the Federal Power Act strictly limits the transactions over which FERC has authority. A recent decision by the U.S. Court of Appeals for the District of Columbia Circuit in Ohio Power Co. versus Federal Energy Regulatory Commission, Ohio Power, exemplifies FERC's limitations. In that case, a utility subsidiary of a registered holding company system purchased coal from an affiliated company. Pursuant to PUHCA, the SEC approved the price of the transaction at the level of the coal affiliates' costs in providing the service. However, when FERC reviewed the wholesale rates of the utility subsidiary it disallowed a portion of the coal costs on the grounds that the price paid to the coal affiliate far exceeded the market price for coal. The court ruled that FERC was prohibited from disallowing costs already approved by the SEC under PUHCA, permitting the utility to include the full cost of the coal purchases in its rates.

Mr. President, the Ohio Power decision raises serious concerns for consumers. A utility subsidiary of a registered holding company can engage in transactions with affiliated companies at gold-plated prices and nothing could be done about it. Furthermore, registered holding company systems are likely to use the Ohio Power case as a defense to avoid FERC scrutiny whenever possible. In fact, the Energy Corp., which currently serves Arkansas, Louisiana and Mississippi, has raised Ohio Power as a defense in a FERC proceeding examining the company's allocation of tax benefits between ratepayers and shareholders. This case is worth approximately $100 million to ratepayers. We should not permit consumers to be put at risk any longer.

The legislation I am introducing today would provide effective protection for consumers of registered holding company systems. First, regulatory authority over PUHCA would be transferred from the SEC to FERC. In addition, the legislation amends both the Federal Power Act and PUHCA to ensure that transactions between affiliates of registered holding companies are subject to effective scrutiny.

Mr. President, I wonder how many Senators asked themselves last year during the debate over the Energy Policy Act, what the SEC was doing regulating utility companies? It just doesn't make sense. What it does is lead to inefficiency by requiring FERC to regulate some transactions and the SEC to regulate others. Sometimes both agencies are called upon to review different aspects of the same transaction, such as mergers. At a time when the administration and the voters are calling for more efficiency in government, we can no longer afford to have two agencies regulate utility companies.

I have no doubt that the current administration would want the SEC to be more diligent in carrying out its duties under PUHCA. However, it would take the addition of significant resources and staff at the SEC at a time when we are looking to reduce the deficit. FERC is already well-equipped to carry out PUHCA's responsibilities. In addition, FERC is more inclined to independently consider the impact of a transaction on consumers. Mr. President, I believe the Multistate Utility Company Consumer Protection Act of 1993 would provide the appropriate resolution for many of the problems facing consumers of registered holding companies.

Mr. President, I understand that enactment of this legislation will not be easy. The registered holding companies are a politically powerful group and I am sure they will do everything within their abilities to prevent the passage of legislation that would put an end to the cozy relationship they have enjoyed with the SEC. However, it is time to act now to protect the millions of consumers served by registered holding company systems every day. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill and the amendment be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 544

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be referred to as the "Multistate Utility Company Consumer Protection Act of 1993".

SEC. 2. AFFILIATE CHARGES.

(a) Section 205(a) of the Federal Power Act (16 U.S.C. 824d(a)) is amended—

(a) by inserting "(1)" immediately after "(a)"; and

(2) by adding at the end the following:

"(2) Notwithstanding any provision of the Public Utility Holding Company Act of 1935, if a public utility engages in a transaction with an affiliated company, the Commission shall have the authority to review and disallow the costs associated with such transaction for the purposes of determining a just and reasonable rate under subsection (a)(1).".

(b) Section 206(a) of the Federal Power Act (16 U.S.C. 824e(a)) is amended—

(a) by inserting "(1)" immediately after "(a)"; and

(2) by adding at the end the following:

"(2) Notwithstanding any provision of the Public Utility Holding Company Act of 1935, if a public utility engages in a transaction with an affiliated company, the Commission shall have the authority to review and disallow the costs associated with such transaction for the purposes of determining a just and reasonable rate under subsection (a)(1).".

AMENDMENT NO. 74

At the end of the bill, add the following:

"SEC. 3. TRANSFER OF AUTHORITY.

There are hereby transferred to, and vested in, the Federal Energy Regulatory Commission all of the functions of the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935.

SEC. 4. CONFORMING AMENDMENTS.

(a) Section 2(a)(6) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79b(a)(6)) is amended to read as follows:

"(6) 'Commission' means the Federal Energy Regulatory Commission.".

(b) Section 12(i) of the Public Utility Holding Company Act (15 U.S.C. 791(i)) is amended by striking out "or Federal Power Commission, or any member, officer, or employee of either such Commission" in the first sentence and inserting in lieu thereof "or any member, officer, or employee of the Commission".

(c) Section 20(d) of the Public Utility Holding Company Act (15 U.S.C. 79t(d)) is repealed.

(d) Section 21 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79u) is amended to read as follows:

"SEC. 21. Nothing in this title shall affect (1) the jurisdiction of the Securities and Exchange Commission under the Securities Act of 1933 or the Securities Exchange Act of 1934 over any person, security, or contract; (2) the rights, obligations, duties, or liabilities of any person under the Securities Act of 1933 or the Securities Exchange Act of 1934; or (3) the jurisdiction of any other commission, board, agency, or officer of the United States (or of any State or political subdivision of any State) over any person, security, or contract.".

(e) Section 32(a) of the Public Utility Holding Company Act is amended by striking out "and shall notify the Commission whenever a determination is made under this paragraph that any person is an exempt wholesale generator" in the fourth sentence.

(f) Section 318 of the Federal Power Act (16 U.S.C. 825q) is amended to read as follows:

"SEC. 318. If any person is subject to both (1) a requirement of the Public Utility Holding Company Act of 1935 (or to a rule, regulation, or order issued pursuant to the Public Utility Holding Company Act of 1935); and (2) a requirement of this title (or to a rule, regulation, or order issued pursuant to this title) with respect to the same subject matter, the Commission shall consolidate consideration of the matter into a single proceeding and resolve the matter in a manner consistent with the purposes of both statutes.".

SEC. 5. AFFILIATE TRANSACTIONS.

(a) Section 13(b) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79m(b)) is amended by striking out "at cost" in the first sentence and inserting in lieu thereof "at a price not to exceed cost".

(b) Section 13(d) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79m(d)) is amended by striking out "at cost" in the second sentence and inserting in lieu thereof "at a price not to exceed cost".

SEC. 6. INCREASED EFFICIENCY.

Not later than 6 months after the date of enactment of this Act, the Federal Energy Regulatory Commission shall promulgate rules to eliminate duplication in the administration of the Public Utility Holding Company Act and the Federal Power Act."●

By Mr. BOREN (for himself, Mr. DOLE, Mr. DANFORTH, and Mr. DORGAN):

S. 545. A bill to amend the Internal Revenue Code of 1986 to allow farmers' cooperatives to elect to include gains or losses from certain dispositions in the determination of net earnings, and for other purposes; to the Committee on Finance.

SALE OF ASSETS ACT OF 1993

Mr. BOREN. Mr. President, today Senators DOLE, DANFORTH, and DORGAN join me in introducing legislation to clarify the tax treatment of gains and losses resulting from the sale of assets by farmer cooperatives. This legislation is identical to the provision included in last year's comprehensive tax bill, H.R. 11, which was passed by the Congress but was vetoed by the President.

Currently, cooperatives that sell an asset face uncertainty regarding whether the gain or loss from that asset should be considered as resulting from patronage sources or nonpatronage sources. The classification of income as patronage or nonpatronage is important because gain from patronage sources may be distributed to patrons as a patronage dividend which is deductible to a cooperative and taxable to the patron. This bill allows nonexempt farmer cooperatives to elect patronage-sourced treatment for gain or loss from the disposition of an asset that was used to facilitate the conduct of business with farmer patrons.

Due to conflicting signals from the Internal Revenue Service regarding the classification of various items of income as patronage or nonpatronage sourced, farmer cooperatives have taken different approaches to making these determinations with regard to the sale of assets. Some cooperatives, relying on a general standard adopted by both the IRS and the courts have treated this gain or loss as patronage sourced because the assets sold actually facilitated the marketing, purchasing, or service activities of the cooperative. Other cooperatives have treated gain or loss from the sale of assets used in the patronage operations as nonpatronage sourced in reliance on an example in Treasury Regulation section 1.1382(c)(2).

Farmer cooperatives that have treated gain or loss from the sale of assets as patronage sourced have found themselves facing IRS challenge. Such challenges are surprising because the cooperatives have used an actually facilitated analysis that has been applied consistently by the courts in cases where the characterization of income has been at issue. By essentially codifying the test used by the courts, this legislation would relieve cooperatives of the uncertainty they currently face when deciding how to treat gain or loss from the sale of an asset used in their patronage business.

This issue has been pending before the Senate for some time. In 1989, the Senate Finance Committee passed a provision similar to the one we are introducing today. That provision was never considered by the full Senate. Last year, the Senate adopted the very language included in the legislation I am introducing today. That language provides cooperatives assurance regarding future asset sales, while addressing concerns raised by the Joint Committee on Taxation. The current version is also drafted to limit the revenue loss associated with the provision.

The resolution of this issue is important to the over 100 farmer cooperatives headquartered in my State of Oklahoma as well as thousands of other farmer cooperatives across the Nation and their farmer members. For these reasons, I urge my colleagues who have not done so to join in support of this needed legislation.

Mr. President, I ask unanimous consent that the text and a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 545

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GAINS AND LOSSES FROM CERTAIN DISPOSITIONS BY FARMERS COOPERATIVES.

(a) IN GENERAL.—Section 1388 of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end thereof the following new subsection:

"(k) TREATMENT OF GAINS OR LOSSES ON THE DISPOSITION OF CERTAIN ASSETS.—For purposes of this title, in the case of any farmer cooperative—

"(1) IN GENERAL.—A farmer cooperative may elect to include gain or loss from the sale or other disposition of any asset (including stock or any other ownership or financial interest in another entity) in net earnings of the organization from business done with or for patrons, if such asset was used by the organization to facilitate the conduct of business done with or for patrons.

"(2) ALLOCATION.—An election under paragraph (1) shall not apply to gain or loss on the sale or other disposition of any asset to the extent that such asset was used for purposes other than to facilitate the conduct of business done with or for patrons. For purposes of this paragraph, the extent of such use may be determined on the basis of any reasonable method for making allocations of income or expense between patronage and nonpatronage operations.

"(3) PERIOD OF ELECTION.—An election under paragraph (1) shall apply to the taxable year for which made and all subsequent taxable years unless revoked by the organization. Any such revocation shall be effective for taxable years beginning after the date on which notice of the revocation is filed with the Secretary.

"(4) ELECTION AFTER REVOCATION.—If an organization has made an election under paragraph (1) and such election has been revoked under paragraph (3), such organization shall not be eligible to make an election under paragraph (1) for any taxable year before its 3rd taxable year which begins after the 1st taxable year for which such revocation is effective, unless the Secretary consents to such election.

"(5) COORDINATION WITH SECTION 1231.—If an organization has made an election under paragraph (1), section 1231 shall be applied separately with respect to both patronage-sourced gains and losses and nonpatronage-sourced gains and losses.

"(6) FARMER COOPERATIVE.—For purposes of this subsection, the term 'farmer cooperative' means any farmers', fruit growers', or like association to which subpart I of this subchapter applies.

"(7) NO INFERENCE.—Nothing in this subsection shall be construed to infer that a change in the law is intended for farmer cooperatives not having in effect an election under paragraph (1) or other organizations. Any gain or loss from the sale or other disposition of any asset by such organization shall be treated as if this subsection had not been enacted."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to sales or other dispositions in taxable years beginning after the date of the enactment of this Act.

SECTION-BY-SECTION ANALYSIS

PARAGRAPH 1. IN GENERAL

Cooperatives may elect patronage sourced treatment for gain or loss from the sale or other disposition of any asset, provided that the asset in question was used by the organization to facilitate the conduct of business done with or for patrons. The election would apply to all assets including depreciable section 1231 assets as well as stock or any other ownership or financial interest in another entity.

PARAGRAPH 2. ALLOCATION

Where an asset has been used for both patronage and nonpatronage purposes, the election to treat gain or loss from the sale of that asset as patronage sourced applies only to the amount of the gain or loss allocable to the patronage use. A cooperative may use any reasonable method for making allocations of income or expenses between patronage and nonpatronage operations.

PARAGRAPH 3. PERIOD OF ELECTION

The statutory election would apply to the taxable year for which made and to all subsequent taxable years unless revoked by the organization. An electing cooperative can at any time revoke its election effective for taxable years beginning after the date on which the revocation notice was duly filed with the IRS.

PARAGRAPH 4. ELECTION AFTER REVOCATION

If the cooperative revokes the election, it must wait at least three taxable years before making another election.

PARAGRAPH 5. COORDINATION WITH SECTION 1231

Section 1231 shall be applied separately to patronage gains and losses and nonpatronage gains and losses.

PARAGRAPH 6. FARMER COOPERATIVES

The term "farmer cooperatives" means any farmers', fruit growers', or like association to which subpart I of this subchapter applies.

PARAGRAPH 7. NO INFERENCE

No inference will be drawn from the legislation regarding the proper application of existing law relating to the classification of income or loss from asset dispositions by nonelecting cooperatives or other organizations.

Mr. DOLE. Mr. President, I am pleased to join my colleagues in support of the much-needed sale-of-assets legislation. The farmers' cooperatives in my home State of Kansas, as well as throughout the Nation, are faced with needlessly complex and confusing tax rules.

The problem is that when a farm cooperative sells an asset it must determine for tax purposes whether the income or loss from the sale is patronage sourced. On income classified as patronage sourced, the cooperative may be required to distribute it to its patrons who pay tax on the income. But, if the income is classified as nonpatronage-sourced, the cooperative must pay tax on such income whether or not it is distributed to patrons.

This issue is not new to the Senate. The majority of the members of the committee have sponsored this legislation in the past. In fact, a majority of the entire Senate were cosponsors last year. It is also important to note that this is a national issue. Because of the broad-based support among its membership, this bill remains among the top legislative priorities of the National Council of Farmer Cooperatives.

The legislation introduced today will serve to simplify tax laws dealing with these cooperatives. Under this bill cooperatives can assure that gain or loss from these asset dispositions will be treated as patronage sourced by demonstrating that the asset in question had, in fact, been used by the cooperative to facilitate the conduct of patronage operations. This so-called facilitative test derives from a longstanding IRS revenue ruling that applies regardless of the character or type of asset involved, as long as the requisite factual nexus to patronage operations can be demonstrated.

As an integral part of the agricultural economy, it is essential for these cooperatives to be able to timely determine whether income is patronage sourced. Kansas, alone, has 224 farmer cooperatives operating in virtually all of the State's 105 counties. A substantial number of the 70,000 farmers throughout the State are owner-members of these organizations. Obviously, these local cooperatives as well as the regional cooperatives which they own have a vital stake in this legislation.

It is my hope, Mr. President, that we will be able to finally end the confusion and pass this legislation in 1993. Farmers are not asking for a tax break—just simplification.

By Mr. NICKLES (for himself and Mr. BROWN):

S. 546. A bill to prohibit discrimination in contracting with potential contractors and subcontractors in federally funded construction projects on the basis of certain labor relations policies of the potential contractors and subcontractors; to the Committee on Governmental Affairs.

THE FEDERAL CONSTRUCTION EQUITY ACT

• Mr. NICKLES. Mr. President, the purpose of the proposed legislation is to guarantee that Federal Government procurements and grants will remain open to all responsible bidders without discrimination based on union or nonunion status. Free and open competition has repeatedly been declared to be the best way to control Government spending and create jobs. No special interest group has ever been entitled to claim Government work as its exclusive domain.

Recently, however, the principle of open competition has come under attack, particularly in the construction industry. On February 1, 1993, President Clinton revoked Executive Order 12818, an order which had reaffirmed existing Federal law by prohibiting union-only construction agreements on Federal or federally assisted public works. The President's action effectively permits the exclusion from Government jobs of 89 percent of the Nation's work force, who have chosen not be represented by unions. Such an exclusion is bad for workers, bad for business, and bad for taxpayers.

Allowing union-only agreements on Government jobs will inevitably drive up the Government's construction costs at a time when we are supposed to be searching for ways to reduce the budget deficit. An example of this is demonstrated by a GAO report on the construction of a Department of Energy facility in Idaho Falls, ID. GAO found that wage rates were 17 to 21 percent higher than the Davis-Bacon prevailing wage rates. The majority of the contractors in the construction industry are nonunion, so union-only requirements will deprive Government agencies of many qualified bidders. In addition, most nonunion companies are small businesses who will be denied access to desperately needed Government work. Approximately 40 percent of all construction work nationwide is Government funded. Minorities and women, who work predominately for nonunion companies, will also be denied entry into Government construction if union-only requirements are imposed.

The claim that the President's order will somehow achieve greater efficiency or safety is simply false. Recent experience with government-imposed union-only agreements has shown that they are more likely to lead to cost overruns, delays, and dangerous working conditions.

Many of us are familiar with the cleanup of the Boston Harbor and the pending case before the U.S. Supreme Court. In May 1989, the Massachusetts Water Resources Authority [MWRA] and 31 construction unions signed a project agreement which states that employees of any open shop contractor awarded a contract on the $6.1 billion, 10-year project, must sign a collective bargaining agreement within 7 days of the contract award. In March 1990, this practice was challenged in court. The U.S. First Circuit Court of Appeals en banc, in a 3 to 2 decision, ruled that it is unlawful for local government agencies to force construction industry employers to sign union agreements in order to perform work on Government projects. Just yesterday the U.S. Supreme Court found in favor of the MWRA.

The best way to insure efficient Government spending and to expand job opportunities for small and minority businesses is to maintain maximum competition. Both union and nonunion companies should be allowed to compete, and lowest responsible bidders should get the work, without arbitrary exclusions. This legislation achieves this result by prohibiting any exclusion from participation, denial of contract awards, or other discrimination under any Federal or federally assisted program or activity, on the ground of a person's willingness or unwillingness to enter into or adhere to a union agreement.

I encourage my colleagues to support this legislation which will stimulate the economy and guarantee fundamental fairness in the Government procurement process.•

By Mr. KOHL:

S. 547. A bill to amend section 365 of title 11, United States Code, relating to unexpired leases of personal property in chapter 11 cases; to the Committee on the Judiciary.

THE EQUIPMENT LEASING FAIRNESS ACT OF 1993

• Mr. KOHL. Mr. President, I rise to introduce a measure which brings fairness to the Bankruptcy Code with respect to unexpired equipment leases. The proposed legislation would require a bankrupt debtor to make payments during the period between filing a bankruptcy petition and the time when the debtor decides to assume or reject an executory contract or lease under section 365 of the Code.

Mr. President, although equipment leasing may not be well known, it is a vital part of our country's everyday economic existence. In fact, equipment leasing represents the second largest source of investment capital for business, industry, and agriculture in the United States. The volume of equipment leasing for 1991 is estimated to be $143.7 billion. The figure for 1992 will approach, if not exceed, $150 billion.

Given the importance of equipment leasing to our economy, it is in everyone's best interest that inequities in the Bankruptcy Code affecting equipment leasing be remedied. Often, prior to the filing of a bankruptcy petition, a nonconsumer equipment lessee—a person leasing equipment—uses leased equipment for months without making any rental payments. Once the lessor—a person providing the equipment—tries to recover the equipment, the lessee files for bankruptcy reorganization and continues to use the equipment while failing to make rental payments, and failing to repair and maintain the equipment.

Currently section 365(a) of the Code provides that a debtor/lessee has the right, subject to court approval, to assume or reject an executory contract or unexpired lease of equipment. If the debtor/lessee assumes the lease, he or she must cure prior defaults—typically by paying any past rents due—and provide adequate assurance to the creditor/lessor that the future requirements of the lease will be met. This would be all well and good in the real world, but it simply does not happen.

Under the existing system there is no definite time period fixed for assuming or rejecting an equipment lease once a debtor files for bankruptcy. In addition, there is no way of coaxing a debtor to make a decision to assume or reject a lease. Therefore, the debtor can choose—and often does choose—to delay this decision. In the meantime, he or she continues to use the equipment rent free. Often this delay lasts for many months—even over a year. In contrast, a landlord of nonresidential real property can have a lease deemed rejected and the property returned if the debtor fails to assume a lease within 60 days after filing for bankruptcy, or within such time as the court allows under section 365(d)(4).

Some may suggest that the different treatment real property leases and equipment leases receive is justified. If so, perhaps equipment leases should receive preferential treatment. Equipment leasing differs from lending and real estate leasing in that equipment leases generally involve depreciating assets which decline in value during the term of a lease. Depreciation of an asset makes maintenance and repair of the asset a key factor in ensuring the value of the equipment at the end of a lease. Without a change in the Code, debtors will continue to use and abuse leased equipment.

Mr. President, in my home State of Wisconsin, leasing companies continue to suffer financial hardship due to the Code's inadequacy. For example, in 1990, a Wisconsin leasing corporation leased computer equipment to a major Wisconsin retailer. In 1991, the retailer filed for bankruptcy. At that time, 18 months remained on the computer equipment lease. Initially, the retailer fulfilled its lease obligations. But after 6 months, the retailer unilaterally decided to reduce its lease payments. Thus, the retailer continued to enjoy use of the leased computer equipment at substantially reduced payments—all at the leasing company's expense. In the end, the retailer's actions resulted in a $460,000 loss to the equipment leasing company.

This same Wisconsin leasing company also provided equipment to an Ohio company that later declared bankruptcy. In an effort to cut its losses, the Wisconsin lessor went to court to recover the leased equipment. In order to keep the leased equipment, the bankrupt company disputed the applicability of the Bankruptcy Code to the leasing transaction. This effectively delayed the return of the leased equipment for 2 years, allowing the bankrupt company to continue using the equipment and further depreciate the equipment's value. Mr. President, these examples typify a much broader problem, and unless we address the Bankruptcy Code inequities, leasing companies in Wisconsin and across the country will continue to face financial hardships.

Amending section 365(d)(3), as this bill does, requires equipment lessees to perform all obligations of a lease—including repair and maintenance vital to the long-term value of equipment—during the time taken to decide to reject or accept a lease. Presently, under section 365(d)(3), nonresidential real property lessees perform these obligations prior to assumption or rejection of a lease. It seems only fair that equipment lessees should have the same obligations.

It is sometimes said that the Bankruptcy Code is a convoluted, over-technical, tax-code-like mess. But the Bankruptcy Code provides necessary guidance to those suffering economic difficulties. Even so, questions continually arise regarding why similar situations are treated differently, and why those anomalies aren't corrected. This bill gives us the chance to respond to one of the code's deviations, and to legislate fairness and uniformity at the same time.

Mr. President, this is a simple, straightforward, and effective measure—if debtors in bankruptcy keep rented equipment while they make up their minds, to continue to lease the equipment, they must pay the rent on the equipment. It does not make them hurry their decision. Nor does it make them decide one way or another. It just requires simple fairness—they have to pay for what they use.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 214. UNEXPIRED LEASES OF PERSONAL PROPERTY IN CHAPTER 11 CASES.

Section 365(d)(3) of title 11, United States Code, is amended in the first sentence by inserting "and, in a case under chapter 11, under an unexpired lease of personal property" after "real property".•

By Mr. BUMPERS:

S. 548. A bill to provide for the appointment of the Director of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

PROVIDING FOR THE APPOINTMENT OF THE DIRECTOR OF THE NATIONAL PARK SERVICE

• Mr. BUMPERS. Mr. President, I am introducing legislation today to change the manner in which the Director of the National Park Service is appointed. Currently, the Director is appointed by the Secretary of the Interior, one of only two bureaus within the Department where the Director is not appointed by the President and subject to Senate confirmation. My legislation would simply place the Director of the National Park Service in the same category as the other Interior bureau directors. I have also included a provision requiring the Director to be qualified, by training and experience and by demonstrated ability, to administer, protect, and preserve the natural and cultural resources of the United States. Finally, the bill makes clear that the appointment of the Director serving on the date of enactment of this act would not be affected by this bill.

Mr. President, I do not believe that this legislation will be controversial, and I look forward to its early enactment this Congress. I ask unanimous consent that the text of the bill be printed immediately following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 548

Be it enacted in the Senate and the House of Representatives in the United States of America in Congress assembled,

SECTION 1. DIRECTOR OF THE NATIONAL PARK SERVICE.

(a) There shall be within the Department of the Interior, a National Park Service headed by a Director, who shall be appointed by the President, by and with the consent of the Senate. The Director shall be qualified, by training and experience and by demonstrated ability, to administer, protect, and preserve the natural and cultural resources of the United States.

(b) The Director shall carry out such functions and shall perform such duties as the Secretary of the Interior may prescribe with respect to the management of the National Park System, in accordance with applicable law.

(c) The Director shall be paid at the rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5 of the United States Code.

SEC. 2. EFFECTIVE DATE.

The provisions of this Act shall not affect the appointment of the Director serving on the date of enactment of this Act.•

By Mr. DOMENICI (for himself, Mr. HARKIN, and Mr. DECONCINI):

S. 549. A bill to provide for the minting and circulation of one-dollar coins; to the Committee on Banking, Housing, and Urban Affairs.

U.S. ONE DOLLAR COIN ACT OF 1993

• Mr. DOMENICI. Mr. President, the buzzwords of late have been: streamline, reform. So, in this spirit, I send to the desk a bill that will reform America's coinage system—at a significant savings to our Government and the American taxpayer. I have championed this legislation since the 100th Congress, and I believe its time has come.

My bill directs the Department of the Treasury to place a gold-collar dollar coin into circulation within 18 months of enactment of the legislation.

Every year the United States spends millions of dollars to print and shred $1 bills. Based on data from the Department of the Treasury, the Government could save over $117 million by minting a $1 coin. Other studies have suggested that over a 30-year period the government could save an estimated $318 million by minting a $1 coin rather than printing a $1 bill. These savings are the result of several things: A longer life for coins, differential in transportation costs, and the elimination of shredding costs.

A coin's average life is 30 years, compared to the 18-month life of the dollar bill. Last year alone, the U.S. Treasury printed over 4.9 billion dollar bills, at a cost of 3.5 cents each. For an additional 2.5 cents the government can mint a $1 coin that will stay in circulation for 360 months. The 2.5 cents is a worthy investment in savings.

The differential in transportation costs comes from retrofitting fare machines on our mass transit systems, and the labor involved in counting, sorting, and managing dollar bills. In my State alone, the Albuquerque Sun Tran bus system spent $481,500 to refit our buses to accept dollar bills. Another example is of the situation with the Chicago Transit System (CTA). CTA spends about $2 million a year in processing the dollar bills used to purchase a fare card. Although CTA has encouraged the use of tokens, and have decreased the amount of dollar bills received, it has had to increase the cost of one-time frame patrons by 31 percent, per ride, to handle other costs. A $1 coin would eliminate both the costs of retrofitting and labor.

With a life span of less than 2 years, the Government is constantly transferring new bills into, and old bills out of, circulation. With a currency that has a life span of 30 years, an estimated $39 million in savings could come from reduced transportation costs. An additional $3 million in savings would come from not having to destroy old, exhausted dollar bills.

Mr. President, the dollar bill now buys close to what 18 cents purchased in the 1950's. However, this reduction in value is not just a U.S. issue. Japan, England, Norway, Australia, and Canada are among the countries that have experienced this drop in monetary value, but unlike the United States they have updated their currency system to address this devaluation. Each of these five countries has coins, golden in color, in circulation that closely parallel our proposed $1 coin. We can look to these countries and see success stories. Most recently, our neighbors to the north have witnessed an initial public protest and then a reverse to acceptance of the new currency. Although it was thought that the Canadian Loon could possibly go the way of our Susan B. Anthony, subsequent results are positive.

During the last Congress, the Senate Banking Committee held a hearing on a bill similar to the one I am introducing today. I testified before that committee, and would like to restate part of my testimony: I am convinced that putting a $1 coin in our pockets would be a great convenience, and it would prove a significant savings to the taxpayer, savings that would add up to almost $10 billion over the life of paper dollars.

I urge my colleagues to support this legislation. It is time to reap the benefits of coinage reform. I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 549

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States One-Dollar Coin Act of 1993".

SEC. 2. ONE-DOLLAR COINS.

(a) COLOR AND CONTENT.—Section 5112(b) of title 31, United States Code, is amended—

(1) by striking "The dollar," in the first sentence and inserting in lieu thereof "The"; and

(2) by inserting after the fourth sentence the following: "The dollar coin authorized under subsection (a)(1) shall be golden in color, shall have an unreeded edge, shall have tactile features on the surface that aid the visually handicapped to differentiate the dollar coin from other circulating coins, shall be minted and fabricated in the United States, and shall have similar metallic and anti-counterfeiting properties as existing United States clad coinage.".

(b) DESIGN.—Section 5112(d)(1) of title 31, United States Code, is amended by striking the sixth sentence and inserting in lieu thereof the following: "The obverse side of the dollar shall have a design which shall be selected by the Secretary after consultation with the Commission of Fine Arts.".

(c) EFFECTIVE DATE.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Treasury shall place into circulation one-dollar coins authorized by section 5112(a)(1) of title 31, United States Code, in accordance with the amendments made by subsections (a) and (b).●

By Mr. McCAIN (by request):

S. 550. A bill to amend the Indian Self-Determination and Education Assistance Act to make certain technical improvements in the self-governance demonstration project; to the Committee on Indian Affairs.

TRIBAL SELF-GOVERNANCE DEMONSTRATION PROJECT AMENDMENTS

● Mr. McCAIN. Mr. President, I rise today to introduce, by request, a bill to make certain technical amendments to the self-governance demonstration project.

Before discussing the legislation, I want to briefly highlight for my colleagues the purpose of the self-governance demonstration project that was authorized in 1988 under title III of the Indian Self-Determination and Education Assistance Act Amendments (P.L. 100-472). Title III authorizes participating tribes, under an annual funding agreement with the Secretary of the Interior, to plan, consolidate, and administer programs, services, and functions administered by the Bureau of Indian Affairs and to redesign programs, activities, functions, or services, and reallocate federal funds. The tribe can choose to contract for all, or part of the services, and programs provided by the Bureau of Indian Affairs.

Funds for the annual funding agreements are allocated out of agency, area, and central office accounts of the BIA to the tribe on the basis of what that tribe would have received in funds and services in the absence of the agreement. Currently, funds from the Tribally Controlled Community College Assistance Act, Indian School Equalization formula, and the Flathead irrigation project cannot be included under a self-governance compact.

Under the project, tribes can only use Federal funds to operate those programs which the Congress has previously authorized. A tribe is not required to operate an existing program if it wishes to reallocate those funds, from that program to another program, that is also authorized by the Congress.

Last year, the Congress passed legislation (P.L. 102-184) which extended and expanded the project. This modification to the original act was necessary in order to allow more tribes to participate in the project and to provide for a longer demonstration period in which the Congress could make a determination on whether to make the project available on a permanent basis.

The technical amendments incorporated in the legislation I am introducing today, by request, were drafted by a number of Indian tribes who are currently participating in the project. Based on their individual tribal experiences with the Department of the Interior, it is their collective belief, that these technical amendments are necessary to provide clear and unambiguous direction to the Bureau of Indian Affairs and the Indian Health Service, on several aspects involving the negotiation and implementation of compacts and annual funding agreements during the demonstration phase of the project.

I have informed the tribal proponents of this legislation that I am introducing the bill, by request, because I believe it is only appropriate that the new administration be afforded the opportunity to fully review the project to date. Once they have had that opportunity, I am confident they will strongly back this program. It is my hope that as the administration conducts its review, they will pay particular attention to the issues raised in this legislation to see whether administrative solutions can be implemented to address these tribal concerns. After reviewing the proposed amendments, I believe it is possible that some of the amendments can be resolved through administrative means. For other amendments, further discussion will be required or the administration may propose an alternative course of action.

Given the extension of time that the Congress enacted for the project last year, I believe it is essential that officials at the Federal and tribal levels take a deliberate approach to defining and resolving issues that arise under this project. Such an approach, I believe, will be extremely helpful when the Congress begins later this session to examine whether to make the project a permanent program.

Finally, I want to point out that one of the critical factors in the success of the project is that is has enjoyed strong bipartisan support in both the House and Senate. I have no reason to doubt that the new administration, and Secretary Babbitt in particular, will carry forward this bipartisan approach. I look forward to working with all interested parties as we further examine the issues of self-governance.

Mr. President, I ask unanimous consent that a copy of the bill and a section-by-section analysis be inserted in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tribal Self-Governance Demonstration Project Technical Amendments Act of 1993".

SEC. 2. TRIBAL FUNDING SHARES.

Title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) is amended by adding at the end thereof the following new sections:

"SEC. 311. (a) Unless directed otherwise by an express provision of law enacted after the date of the enactment of this section, the Secretary of the Interior and the Secretary of Health and Human Services, as the case may be, shall make available, through negotiations, a tribal share of all funds and resources requested by a tribe which are specifically or functionally related to the provision of services and benefits to the tribe or its members, including all funds and resources available to the Department of the Interior or the Department of Health and Human Services, as the case may be, to support the provision of services and benefits to Indian tribes and Indian individuals regardless of the organizational level where the affected Secretary would have otherwise spent the funds or provided the resources, and regardless of the origin of the funds or resources.

"(b) Unless directed otherwise by an express provision of law specific to a distribution or allocation enacted after the date of the enactment of this section, the Secretary of the Interior or the Secretary of Health and Human Services, as the case may be, shall make available, through negotiations, a tribal share of all funds and resources requested by a tribe which are available to Indian tribes or Indian individuals and which the affected Secretary could have otherwise distributed or allocated by competitive procedure, formula, priority list, or other mechanism. Tribal shares of such funds shall be determined by the Secretary in a manner similar to that used with other funds under this title.

"(c) The Secretary of the Interior and the Secretary of Health and Human Services shall designate the Director of the Office of Self-Governance, established pursuant to section 315 of this title, to be the Federal negotiator for any agreement with each such Secretary, and delegate to the Director authority to initial and execute any agreement authorized under this title. The Director shall determine a specific Federal program residual and a tribe's tribal share after good faith consideration of the positions of the tribe and the appropriate Federal agency. The Director shall cooperate with the negotiating tribe to prepare and initial the appropriate Federal agency's and the tribe's preliminary approval of a negotiated agreement in accordance with section 315 of this title. Upon expiration of the appeal rights provided in subsection (d), the Secretary shall execute the agreement, the tribe shall execute the agreement on its own behalf, and the agreement shall be forwarded to Congress for review as provided in this title.

"(d) The tribe or the affected Federal agency may appeal the Director's determination of a specific Federal program residual or a tribe's tribal share by filing a written appeal to the appropriate Self-Governance Policy Council within 10 days of the initialing of the agreement by the tribe and the Director. The Council shall render a decision within 15 days of receipt of the appeal, after according the Director, the tribe, and the affected Federal agency the opportunity to file responses and make brief oral presentations to the Council. The Director shall have no vote on appeal decisions of the Council. Appeal decisions of the Council shall be final.

"(e) Unless otherwise agreed to by a tribe in negotiations, a tribal share of a tribe shall be determined as follows:

"(1) A residual amount for programs, activities, functions and services directly related to the natural or financial trust resources of a tribe or to the executive direction and administrative services functions of the affected Federal agency shall be determined and subtracted from the total funds estimated to be available for the next fiscal year, which estimate shall be based either upon the total in that agency's budget request for that year or upon the total made available by Congress for the appropriate year. The residual amount shall be that amount which, if all Federal funds benefiting Indian tribes and Indian individuals were administered by tribes under agreements authorized by this title, would be necessary to support an efficiently restructured Federal implementation of the minimum core Federal activities specifically required by law to be carried out by a Federal official.

"(2) The tribal share of a tribe shall be determined in negotiations using factors directly related to the budget account, fund or program being allocated, and shall be separately calculated at each administrative level of the Federal agency using factors specific to that level. In lieu of negotiating a tribal share of funds from the central office or other national-scope administrative level of a Federal agency, a tribe may elect to receive the sum of $45,000 per year.

"(f) In preparing to negotiate a tribe's third and successive annual agreements under this title, the affected Secretary shall present a base budget to the tribe as the minimum amount to be negotiated. The base budget shall be calculated as the amount the tribe negotiated in the prior year, plus pay cost adjustment increases related to employee costs identical to those applied to Federal employees, and plus inflation increases on the remaining funds. The affected Secretary shall add to a tribe's base budget further increases and additions sought by the tribe in negotiations under the terms and conditions of this title.

"SEC. 312. (a) Subject to the availability of funds, the affected Secretary shall ensure that the contract support costs associated with a tribe's operation of its annual funding agreement with the Secretary are fully funded by the Secretary. Such costs shall be estimated at the time of negotiation by multiplying the tribe's most recent indirect cost rate negotiated with the inspector general of the tribe's cognizant Federal agency times the total amount of funds included within the annual funding agreement regardless of the origin of the funds and regardless of the purpose for which the funds are spent by the tribe; except that contract support costs shall be separately calculated for direct funds flowing through the tribe to an intertribal organization at the intertribal organization's negotiated indirect cost rate. The estimated contract support funds provided to a tribe shall be subsequently adjusted to a final amount based upon the tribe's final approved indirect cost rate for that funding year. The total amount of funds other than contract support included within an annual funding agreement shall be an agreement's direct funds base without exclusions.

"(b) Upon request of the appropriate tribe, a minimum of 80 percent of the full amount of such tribe's estimated annual contract support cost funds shall be made available to it at the beginning of its funding year and the remainder made available either at the beginning of the second half of its funding year or when the tribe's final indirect cost rate has been approved for that funding year, whichever comes later.

"(c) If a tribe's indirect cost rate negotiated with the inspector general has not fluctuated more than 10 percent during the preceding 36-month period, the affected Secretary shall, at the request of a tribe, negotiate a lump sum of contract support funds equal to the tribe's most recent indirect cost rate times the annual funding agreement's total direct funds base, which lump sum shall be added to the agreement and shall remain part of the tribe's base budget in successive years and be adjusted under the provisions of section 311(f).

"SEC. 313. (a) The provisions of section 106 of this Act (25 U.S.C. 450j(b)) shall apply to agreements under this title.

"(b) The provisions of subsections (c) and (d) of section 102 of this Act (25 U.S.C. 450f (c) and (d)) shall apply to agreements under this title, and in all such cases, an Indian tribe and its employees carrying out an agreement under this title shall be deemed to be part of the Bureau of Indian Affairs in the Department of the Interior or the Indian or Public Health Service in the Department of Health and Human Services, as the case may be, while carrying out any such agreement and the tribe's employees (including those acting on behalf of the tribe as provided in section 2671 of title 28, United States Code) are deemed employees of the Bureau or Service while acting within the scope of their employment in carrying out the agreement.

"SEC. 314. (a) General Federal program rules, the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), and all Federal acquisition regulations promulgated pursuant to such Act, shall not apply to agreements under this title, nor shall they apply to a tribe's activities, including construction and a tribe's contracts or subcontracts involving such activities, carried out with funds obtained from agreements under this title.

"(b) The Secretary of the Interior or the Secretary of Health and Human Services, as the case may be, shall, within 60 days after receipt of the request from an Indian tribe, approve the tribe's request to waive the application of a Federal regulation to the tribe's carrying out of activities under an agreement unless, within 30 days of receipt of the request, the affected Secretary makes a specific waiver declination finding, based upon a clear and convincing evidence standard, that—

"(1) adequate protection of trust resources will not otherwise be provided under the terms of the agreement; or

"(2) specific language in the regulation sought to be waived is expressly mandated by law.

"(c) Unless specific language in the regulation sought to be waived is expressly mandated by law, a tribe's request for waiver shall be treated as approved unless declined under the procedures of the foregoing subsection (b). In declining a waiver request, the Secretary shall—

"(1) immediately state all the Secretary's objections in writing to the tribe;

"(2) within 30 days provide assistance to the tribe to revise its waiver request to overcome the stated objections; and

"(3) within 60 days provide the tribe with a hearing on the record and the opportunity for appeal on the objections raised under rules and regulations governing hearings and appeals for self-determination contracts.

"SEC. 315. (a) The Secretary of the Interior and the Secretary of Health and Human Services shall establish an Office of Self-Governance for the appropriate department within the Office of the affected Secretary.

The affected Secretary shall consult with all tribes with whom the affected Secretary has an agreement authorized under this title before making personnel hiring decisions concerning the Office of Self-Governance. The requirements of section 2 of Public Law 96-135 (25 U.S.C. 472a) shall apply to all positions within each Office of Self-Governance, except that, notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any personnel action respecting an applicant or employee not entitled to Indian preference if a majority of the tribes with whom the affected Secretary has an agreement authorized under this title at the time the personnel action is initially implemented concur in writing with suspending the application of such laws with respect to such personnel action.

"(b) The Secretary of the Interior, with respect to the Department of the Interior, and the Secretary of Health and Human Services, with respect to the Department of Health and Human Services, shall vest in the Director all of the functions of the appropriate department with respect to formulation and establishment of Federal policy and procedure, and the supervision of Federal programs and expenditures of Federal funds supporting the Federal implementation of the self-governance demonstration project. The Secretary shall carry out such functions through the Director under the provisions of this title.

"(c) The Secretary of the Interior, with respect to the Department of the Interior, and the Secretary of Health and Human Services, with respect to the Department of Health and Human Services, shall establish a Self-Governance Policy Council for each department, which shall meet in regularly scheduled monthly meetings to finally resolve departmental policy and administrative issues during the demonstration project. The Self-Governance Policy Council of the Department of the Interior shall be chaired by the Director of the Office of Self-Governance, with additional members including the Assistant Secretary for Indian Affairs, a representative of the Secretary of the Interior, the Associate Solicitor for Indian Affairs, and 2 non-Federal members appointed by the Secretary of the Interior representing tribes with self-governance agreements with the Department of the Interior. The Self-Governance Policy Council of the Department of Health and Human Services shall be chaired by the Director of the Office of Self-Governance, with additional members including the Director of the Indian Health Service, a representative of the Secretary of Health and Human Services, a representative of the Office of General Counsel, and 2 non-Federal members appointed by the Secretary of Health and Human Services representing tribes with self-governance agreements with the Department of Health and Human Services. In the case of each department's Policy Council, the 2 non-Federal members shall serve 1-year, nonconsecutive terms, and shall be selected in such manner as to achieve geographic representation from among nominations made by tribes having agreements authorized under this title with the department. The 2 non-Federal members shall have voice but no voting privileges on all matters before the Self-Governance Policy Council. Complete minutes of the Council shall be made and distributed to all tribes having agreements authorized under this title with the Department.

"SEC. 316. The Secretary of the Interior and the Secretary of Health and Human Services shall ensure that the Director and all other departmental officials negotiate agreements under this title in good faith and in a spirit of cooperation with each negotiating tribe.

"SEC. 317. (a) Shortfall or supplemental funding shall be used by each such Secretary for two purposes—

"(1) to make additional funds available to a Federal agency organizational level to address the Director's determination that, based on clear and convincing evidence, the provision of a negotiated tribal share will have an adverse effect on other tribes served by that organizational level; except that such additional funds shall be made available from the shortfall or supplemental funding account for only 1 year, and in successive years shall be met from funds and resources directly derived from restructuring and downsizing on the part of the Federal agency at the particular organizational level affected; and

"(2) to meet the ongoing, additional funding needs of tribes assuming the increased responsibilities and obligations inherent in agreements under this title.

"(b) The restructuring and downsizing on the part of the Federal agency in subsection (a) shall be accomplished in accordance with a plan and time frame that shall be prepared and submitted to the negotiating tribe, to the Committee on Indian Affairs of the Senate, and to the Committee on Natural Resources of the House of Representatives no later than 30 days after the effective date of the annual funding agreement giving rise to the restructuring and downsizing.".

SEC. 3. FUNDS AVAILABLE.

Title III of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) is amended—

(1) in section 303(a)(6), by striking "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (3)"; and

(2) in section 303(a)(6), by inserting after "amount" the following: "which is, at a minimum,".

SECTION-BY-SECTION ANALYSIS

SECTION 1—SHORT TITLE

This section sets forth the short title of the bill as the "Tibal Self-Governance Demonstration Project Technical Amendments Act of 1993."

SECTION 2—TRIBAL FUNDING SHARES

This section amends Title III of P.L. 93-638, as amended, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note), by adding the following new sections to Title III concerning the Self-Governance Demonstration Project.

Section 311(a). This subsection clarifies existing law by emphasizing the current requirement that the Interior Department and the Indian Health Service negotiate into a tribe's Annual Funding Agreement all funds and resources sought by the tribe which the federal government would have used to carry out its programs and operations if it had provided services and benefits, either directly or through contracts, grants or other agreements, to the tribe or its members in lieu of a Self-Governance Annual Funding Agreement. With respect to the Department of the Interior, this would include the funds and resources of the Bureau of Indian Affairs, the Bureau of Reclamation, the U.S. Fish & Wildlife Service, the Office of Policy Management and Budget, the National Park Service, the Bureau of Land Management, the Minerals Management Service, the U.S. Geological Service, the Office of Surface Mining and Enforcement, and the Bureau of Mines. With respect to the Department of Health and Human Services, this would include funds and resources related to only the Indian Health Service. Federal funds and resources addressed for this action include, but are not limited to, those used to support federal automated data processing operations, federal facility management operations, federal government travel rates obtained in agreements with airlines and other common carriers, federal government telephone and communication rates obtained in agreements with telephone and other communications businesses, discounted new equipment government purchase agreements, federal executive direction functions related to policy formulation and legislative monitoring, and the full panoply of federal personnel support, protection and benefit functions which are accorded federal employees through the Office of Personnel Management, the Merit Systems Protections Board, and other personnel offices. This section also requires inclusion of those funds or resources that otherwise would have been spent or provided at the Reservation, Area/Regional, and national/Central levels if the Secretary were carrying out the federal government's responsibilities to the tribe and its members in lieu of an Annual Funding Agreement. This section also requires inclusion of those funds or resources which originate from or are appropriated to other federal agencies but which are transferred to the Secretary's administrative access or control through interagency agreements or other authority. Federal funds and resources covered by this section include those which do not appear on the Secretary's budget as a cost item or activity but are nonetheless used by the Secretary or are otherwise functionally related to the Secretary's capacity to carry out its responsibilities to the tribe or its members in lieu of an Annual Funding Agreement. For example, this section encompasses, at a minimum, agreements or other arrangements with the General Services Administration for transportation and facilities and equipment, agreements or other arrangements with the Federal Highway Administration concerning road construction and maintenance funds and resources, agreements or other arrangements with the Department of Education, and agreements or other arrangements between or among agencies and offices within the Secretary's Department. This section also embraces the Health and Human Services Department funds and resources which support the Secretary's administration and operation of the Commissioned Officers Corps, scholarship and loan programs for medical professionals, AIDS research and treatment programs, and all other programs or operations administered by the HHS Secretary which provide direct or indirect support or assistance to the operation of Indian health programs.

Section 311(b). This subsection requires Interior Department and the Indian Health Service to negotiate into a tribe's Annual Funding Agreement a tribal share of funds which the federal government would have otherwise distributed or allocated by competitive or other allocation procedures. The only instance when the Secretary is permitted to hold back funds from negotiating a tribal share is when Congress has by statute expressly directed that a particular amount of funds be provided to the exclusive benefit of a named tribe or named inter-tribal organization, or has by statute expressly directed that these funds be allocated by competitive or other specific formula This subsection covers all funds made available to Indian tribes and individuals through Secretarially determined competitive grant funds and other resource distribution systems, including Indian Child Welfare grants, Small Tribes Grants, technical assistance funds, road construction and maintenance and planning funds, site development funds, sewer and water system projects, construction project funds, priority lists, and resource allocation systems or methodologies. Tribal shares under this subsection will be calculated in the same way they are calculated in negotiating a share of other programs, either through a pro rata formula or varying share formulas based upon the tribe's relative share of demographic, geographic, or other factors directly related to each of these funds. A tribe's negotiated tribal share will be withdrawn from the total funds available first before the remainder is distributed or allocated to other tribes or individuals through the Secretarially-determined competitive grant funds and other resource distribution systems. Under this subsection, a tribe does not receive a competitive share (e.g., what it might have received if it had competed successfully); instead the tribe elects to take a likely smaller share in lieu of competing for a likely larger competitive share. For example, a tribal share of child welfare funds will likely be determined based upon a tribe's number of children relative to the number of tribal children nation-wide, and road maintenance funds will likely be determined based upon a tribe's relative share of existing road miles on the BIA roads system, with perhaps some uniformly applied cost adjustment for remote or severe weather areas.

Section 311(c). This subsection designates the Director of an Office of Self-Governance (established in Section 315) to be the Federal negotiator and generally, to be the Secretary's representative having authority to negotiate on behalf of the Department.

Section 311(d). This subsection authorizes the federal agency and the tribe to appeal, on an expedited basis, the Self-Governance Director's negotiation decisions. Appeals are made to the Department's Self-Governance Policy Council (established in Section 315(c)). The Director's ordinary voting powers are suspended in appeal decisions of the Council which review the Director's determinations.

Section 311(e). This subsection defines how an administrative residual amount and a tribal share shall be determined. An administrative residual is to be calculated for each budget line item directly related to the natural or financial trust resources of a tribe or to the executive direction and administrative services of a Federal agency. The residual is a theoretical amount which would be required, if all Federal funds benefiting Indian tribes and individuals were administered by tribes under Self-Governance agreements, for an efficiently restructured Federal implementation of the minimum core Federal activities specifically required by law to be carried out only by a Federal official. The tribe share is calculated by determining a tribe's percentage share of the total appropriation estimated to remain available for each budget line item after any residual is withheld. The determination of a tribe's percentage share involves demographic, geographic, or other factors logically and directly related to the budget account, fund or program being allocated at each administrative level of the federal agency, including central office or national headquarter accounts, on a uniform basis. For example, as with BIA Agency Office and BIA Area Office accounts, a tribe's percentage share of BIA Central Office accounts would be relative to all other tribes served by that organizational level within the Department, or, as an alternative during this demonstration period, each tribe executing an agreement may elect to receive a total $45,000 from a Department's national-level or Central Office programs.

Section 311(f). This subsection authorizes a base budget for tribes in their third or successive years as a Self-Governance tribe. A base budget is defined as the previous year's negotiated amount plus paycost and inflation increases.

Section 312(a). This subsection clarifies the requirement in existing law which obligates each Secretary to fully fund contract support costs of Self-Governance Tribes. This subsection also requires the inclusion in an Agreement's "base" of all funds in the Agreement for purposes of calculating the contract support funds due the tribe regardless of how the tribe spends the funds, except that contract support funds are to be separately calculated on direct funds flowing through a tribe's agreement to an inter-tribal organization with a negotiated indirect cost rate different from that of the tribe. In addition, the amount of contract support funds provided on the basis of a prior year's rate is to be adjusted by a subsequent final indirect cost rate for the funding period affected.

Section 312(b). This subsection requires at least 80 percent of a tribe's estimated annual contract support cost funds to be transferred to the tribe at the beginning of its funding year.

Section 312(c). This subsection authorizes the negotiation of a lump sum of contract support funds in cases where a tribe's negotiated indirect cost rate has remained relatively constant for the previous three years. Once negotiated as a lump sum, the contract support amount is treated as part of the tribe's base budget in successive years and loses its identity as contract support funds.

Section 313(a). This subsection clarifies existing law to make it unambiguously clear that the flexible methods of payment and of funds transfer available to tribes with contracts and grants under the Self-Determination Act are likewise available to agreements under this Title.

Section 313(b). This subsection clarifies existing law to make it unambiguously clear that each Department is to assume federal responsibility for liability coverage and that Federal Tort Claims Act (FTCA) coverage is extended to all activities under Agreements under this Title in equal measure to the responsibility and FTCA coverage assumed under this Act for tribes with self-determination contracts and grants.

Section 314(a). This subsection clarifies existing law to make it unambiguously clear that general Federal program rules and all Federal acquisition regulations (FARS) do not apply to Self-Governance Agreements nor to a tribe's activities carried out with funds obtained from agreements under this Title. This subsection also expands the breadth of the current law by specifically exempting from FARS all construction activities carried out under a Self-Governance Agreement according to tribal priorities without the regulatory oversight of the federal government.

Section 314 (b)–(c). To tribal requests to waive federal regulations, these subsections apply declination procedures similar to those governing tribal Self-Determination Act applications to contract.

Section 315(a). This subsection authorizes the establishment of an Office of Self-Governance in the Office of the Secretary of the Interior Department and of the Department of Health and Human Services. This provision simply affirms the present structure in both Departments except that it elevates to the Secretary's Office level the Office of Self-Governance currently within the Indian Health Service. This subsection also applies the statutory requirements of Indian preference in Federal employment to both Offices of Self-Governance but permits exceptions to Indian preference to be made if a majority of the tribes with agreements concur.

Section 315(b). This subsection vests in the Director each Department's Office of Self-Governance the authority to formulate and establish policy and procedure regarding the Department's implementation of the Self-Governance Demonstration Project.

Section 315(c). This subsection authorizes the establishment of a Self-Governance Policy Council within the Interior Department and within the Department of Health and Human Services. This provision simply affirms the present Council within the Interior Department and directs that the Health and Human Services Department create a similar body. This subsection also outlines membership and meeting procedures for each Council.

Section 316. This subsection encourages each Department to conduct negotiations with tribes in good faith.

Section 317(a). This subsection provides legislative authority for shortfall supplemental funding related to the Self-Governance Demonstration Project. In recent years such funding has been appropriated under more general authority. This authority specifically defines shortfall funding to address temporary, transitional difficulties a federal agency may have in making a tribe's tribal share fully available to the tribe as negotiated, but limits to one year the period of time in which the federal agency may receive such funds at a particular organizational level or budget location and requires the agency to develop and implement a plan for down-scaling or restructuring its administrative and program structure to proportionally reflect the transfer of funds and responsibilities to the negotiating tribe. This provision also defines shortfall supplemental funds as those authorized to be provided to Self-Governance tribes to meet their ongoing, recurring additional costs associated with their increased responsibilities of continually assessing tribal priorities, redesigning tribal programs to meet those priorities, and developing and maintaining an effective tribal regulatory and governmental structure that builds their capacity for full self-governance.

Section 317(b). This subsection requires the Federal agency's plan for its restructuring and downsizing associated with the provision of one-year shortfall funding to be submitted to certain committees of Congress and to the affected tribe.

SECTION 3—FUNDS AVAILABLE

This section amends Title III of P.L. 93-638, as amended, the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note), by making a corrective amendment to Section 303(a)(6) and by making a technical amendment to Section 303(a)(6) to ensure that the amount previously received under contracts and grants is the minimum, not the maximum, amount a tribe may negotiate into its funding agreement under this Title.●

By Mr. PRYOR (for himself and Mr. GRAHAM):

S. 551. A bill to amend title XIX of the Social Security Act to improve the program related to home and community based care; to the Committee on Finance.

IMPROVING HOME AND COMMUNITY BASED CARE

• By Mr. PRYOR. Mr. President, over 2 years ago we passed legislation that provided some $580 million over 5 years for home- and community-based long-term care services. Section 4711 of the Omnibus Budget Reconciliation Act of 1990 created a new limited option under the Medicaid Program under which States could provide a broad range of services to very poor, very frail persons over the age of 65.

Although many States are eager to offer long-term care services to their elderly citizens, only two States have taken advantage of this option. There are number of reasons for the States' reluctance, including what they consider to be overly restrictive income and disability requirements, and concerns about the way available funds are allocated.

Mr. President, given the enormous need we have for long-term care, I am troubled by the fact that we have not taken advantage of the millions of dollars available for these services. Last year, I was joined by Senator BOB GRAHAM in introducing legislation, S. 3340, that addressed some of the concerns that were raised by States and aging advocacy organizations with respect to section 4711. The Senate Finance Committee-passed version of the urban aid bill included a provision that addressed the allocation of funds under this program. Unfortunately, that provision was removed during the Senate-House conference on the bill. As a result, the problems with section 4711 remain, and I am reintroducing my legislation, along with Senator GRAHAM, in the hope that it will make the option more attractive and viable to the States.

Some of the States's biggest concerns with this program are the result of being a capped entitlement. In other words, a State is required to serve as many people as are eligible for these services, whether or not there are sufficient matching funds available from the Federal Government. This fiscal uncertainty is further compounded by the way the funds are currently allocated. The present system permits States to enter the program any time during a fiscal year. Therefore, if a State entered the program late in the fiscal year, it would restrict the money that has already been allocated to other States.

This legislation addresses these issues in the following way: It permits States to limit the number of persons who could receive these services, and it limits the number of participating States to 25. It is my intention that these changes to the program be temporary, and that once the program becomes a regular option under the Medicaid Program, these limits would be eliminated.

The legislation would also liberalize the existing income and disability eligibility requirements, giving the States the flexibility they need to tailor the program to their citizens' needs. In addition, my bill would extend spousal impoverishment protection to persons eligible for this program.

President Clinton has made health care reform one of his highest priorities. It is my hope that the health care reform package that will be delivered to Capitol Hill in early May will include some long-term care expansions. Given that we have more than a half billion dollars available for long-term care that is not being spent before we even pass any sort of health care reform package, I think it is imperative and vitally important that we work with the States and advocacy groups to see that this money is utilized. I urge my colleagues to join Senator GRAHAM and me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFERENCES TO SOCIAL SECURITY ACT.

Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

SEC. 2. DEFINITION OF FUNCTIONALLY DISABLED ELDERLY INDIVIDUAL.

Section 1929(b)(1)(C) (42 U.S.C. 1396t(b)(1)(C)) is amended to read as follows:

"(C) subject to section 1902(f) (as applied consistent with section 1902(r)(2))—

"(i) is receiving supplemental security income benefits under title XVI (or under a State plan approved under title XVI), or

"(ii) at the option of the State—

"(I) is described in section 1902(a)(10)(C), or

"(II) has income (as determined under section 1612 for purposes of the supplementary security income program) that does not exceed three times the maximum amount of income that an individual may have and obtain benefits under such program.".

SEC. 3. DETERMINATIONS OF FUNCTIONAL DISABILITY.

Section 1929(c)(1) (42 U.S.C. 1396t(c)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking "3" and inserting "5", and

(B) by striking "toileting, transferring, and eating; or" and inserting "bathing, dressing, toileting, transferring, and eating;",

(2) in subparagraph (B)—

(A) by striking "of the following 5 activities of daily living: bathing, dressing, toileting, transferring, and eating" and inserting "of the 5 activities of daily living described in subparagraph (A)", and

(B) by striking the period at the end and inserting "; or", and

(3) by adding at the end the following new subparagraph:

"(C) needs substantial supervision due to cognitive or other mental impairment resulting in behaviors that are dangerous (to the individual or others), disruptive, or difficult to manage.".

SEC. 4. LIMITATION ON PARTICIPATION OF STATES IN PROGRAM.

(a) IN GENERAL.—Section 1929(m) (42 U.S.C. 1396t(m)) is amended—

(1) by redesignating paragraphs (2), (3), and (4), as paragraphs (3), (4), and (5), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

"(2) PARTICIPATION OF STATES.—

"(A) APPLICATIONS BY STATES.—Each State desiring to provide home and community care under this section shall submit an application to the Secretary at such time and in such manner as the Secretary determines appropriate.

"(B) CRITERIA FOR SELECTION OF PARTICIPATING STATES.—The Secretary shall develop criteria to review the applications of States submitted under this section to provide home and community care.

"(C) LIMIT ON NUMBER OF PARTICIPATING STATES.—The Secretary shall select no more than 25 States to receive Federal financial participation for providing home and community care.".

(b) CONFORMING AMENDMENTS.—Section 1929 (42 U.S.C. 1396t) is amended—

(1) in subsection (b)(2)(A)(i), by striking "election" and inserting "selection under subsection (m)(2)";

(2) in subsection (b)(2)(B), by striking "a State" and inserting "a State selected to provide home and community care";

(3) in subsection (b)(3), by striking "a State" and inserting "a State selected to provide such care";

(4) in subsection (c)(2)(A), by striking "has elected" and inserting "is selected";

(5) in subsection (c)(2)(G), by striking "which elects" and inserting "which is selected";

(6) in subsection (d)(3), by striking "which elects" and inserting "which is selected";

(7) in subsection (i)(1)(A), by striking "under this title" and inserting "under this title of a State which is selected to provide home and community care under this section";

(8) in subsection (i)(3)(A), by striking "each State's" and inserting "a State's";

(9) in subsection (i)(3)(D)—

(A) by striking "each State" and inserting "each State which is selected to provide home and community care under this section"; and

(B) by striking "each State's" and inserting "each such State's";

(10) in subsection (i)(4), by striking "Each State" and inserting "Each State which is selected to provide home and community care under this section";

(11) in subsection (i)(6)(A), by striking "Each State" and inserting "Each State which is selected to provide home and community care under this section";

(12) in subsection (i)(6)(C), by striking "Each State" and inserting "Each State which is selected to provide home and community care under this section";

(13) in subsection (j)(1)(B)(i), by striking "Each State" and inserting "Each State which is selected to provide home and community care under this section";

(14) in subsection (j)(1)(B)(ii), by striking "which elects" and inserting "which is selected"; and

(15) in paragraph (5) of subsection (m), by striking "paragraph (2)" and inserting "paragraph (3)".

SEC. 5. LIMITATION ON NUMBER OF INDIVIDUALS ELIGIBLE TO PARTICIPATE.

Section 1929(m)(3) (42 U.S.C. 1396t(m)(3)), as redesignated, is amended by striking ", without regard to the amount of funds available to the State under paragraph (1).". and inserting ". If a State determines that the amount of funds available to such State under paragraph (1) is insufficient to serve all individuals described in subsection (b), such State may, at any time during an election period, limit the number of individuals who will receive home and community care under this section.".

SEC. 6. APPLICATION OF SPOUSAL IMPOVERISHMENT RULES UNDER MEDICAID TO SPOUSES OF INDIVIDUALS RECEIVING HOME OR COMMUNITY-BASED SERVICES.

Section 1924(h)(1)(A) (42 U.S.C. 1396r-5(h)(1)(A)) is amended to read as follows:

"(A)(i) is in a medical institution or nursing facility; or

"(ii) is described in section 1902(a)(10)(A)(ii)(VI) (except that for purposes of subsection (d), such term shall include such individual only if the State elects to apply such subsection to the individual); and".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall be effective on the date of the enactment of this Act.•

By Mr. GRAHAM (for himself and Mr. PRYOR):

S. 552. A bill to amend title XIX of the Social Security Act to improve programs related to home and community-based care and community supported living arrangements, and for other purposes; to the Committee on Finance.

IMPROVING HOME AND COMMUNITY CARE AND COMMUNITY SUPPORTED LIVING ARRANGEMENTS

• Mr. GRAHAM. Mr. President, today I rise to introduce an important long-term care bill.

Today's Washington Post contained an on-point editorial regarding the budget deficit.

According to the article, long-term deficit reduction must include difficult budget cuts so that our grandchildren will not have to pay for our mistakes in the future—a future which brings greatly increased numbers of elderly in need of expensive long-term care services.

I agree with my colleague Senator MOYNIHAN frequently mentioned phrase, "the study of the future is the study of demographics." It is our responsibility as a nation to make tough choices now in anticipation of our future needs.

Between 1990 and 2010, the over-85 population will double. The 85 plus population have medical expenses 2.5 times higher than those ages 65 to 69. In Florida, the over 85 population will increase from 200,000 in 1990 to 350,000 in the year 2000.

As the aged population grows, social and health service needs will increase. Thus, the Nation must achieve real deficit reduction now, so that in the future we can afford to provide needed services. We can reach that goal by determining the most cost effective means of providing long-term care and the best role for the public and private sector. We must have in place, at the national level, the capability of providing an array of services so that mild to severe disabilities are accommodated.

Thus, long-term care must be part of any Federal health reform effort.

Last year, Senator PRYOR and I introduced legislation which represents an excellent first step on the road to long-term care reform. Today, we are reintroducing the legislation. I thank Senator PRYOR for his guidance in the area of long-term care. As chairman of the Senate Aging Committee, he has been a powerful advocate for the elderly.

Our bill would accomplish several important goals. First, Federal funding is skewed toward institutional services. Florida spent $840 million on nursing home care compared to $66 million for community long-term care programs in 1990–91. Our bill would attempt to adjust this financial imbalance.

Second, the bill would make several existing home and community-based long-term care programs accessible for States, a realistic, short-term approach. Although Medicaid and Medicare provide limited home and community-based services, most services and programs are accessed through waivers or other capped options.

Finally, most persons with chronic health needs and their caregivers prefer to stay in the home. A recent study showed that approximately 86 percent of Floridians desired long-term care services in home-based settings. Our bill would simply offer an alternative setting when appropriate.

Mr. President, I am not advocating a system which will exclude nursing homes. Indeed, institutional settings provide a crucial component of the continuum of care. Instead, I am proposing a humane and balanced system which offers an array of services to mildly, moderately, and severely disabled persons.

First, the bill expands and improves the Medicaid frail elderly home and community-based care program created by OBRA 1990. The program funds $580 million over 5 years for home- and community-based care for disabled individuals over age 65. Because the funding level is capped, States do not have to secure a waiver to provide the non-institutional-based services. The program, created in 1991, runs through 1995.

Last year, only two States applied for the $70 million in funding available under the program for fiscal year 1992. States failed to participate in the program largely because of statutory requirements of State financial participation regardless of availability of Federal funds. The program was created, originally, to improve section 2176 waiver programs which provide home- and community-based care. The new program intended to promote, not to discourage State involvement in this area.

For this reason, my bill makes the following changes to the program. It requires States to give notice of their participation, guaranteeing them a certain funding level, allows States to broaden eligibility standards, and requires a yearly evaluation of the program.

Second, the bill makes modest changes to the Medicaid Community Supported Living Arrangements [CSLA] Program also created under OBRA 1990. The CSLA Program allows up to eight States to provide personal assistance, support services, and rehabilitation to individuals with developmental disabilities. While Federal financial participation is capped at $100 million over 5 years, eight states can participate in the CSLA Program without a Medicaid waiver.

Third, the bill reauthorizes an additional $15 million for the Medicare Alzheimer's Program [MAP] increasing the authorization level from $55 million to $70 million. The demonstration program was created by OBRA 1986.

The MAP Program provides case management services, home- and community-based services, and mental health services to persons with Alzheimer's. While only eight States receive MAP funding, the program is an innovative model which should be duplicated on a national level.

Mr. President, our long-term care legislation represents a short-term solution to a major problem—how to best serve the Nation's rapidly growing chronically ill and disabled population. In the short term, we must utilize our existing long-term care models with the final goal being the provision of a continuum of care services.

In the long term, however, we must expand and create an infrastructure capable of accommodating our long-term health needs and meeting the deficit reduction goals stated above.

To do so, we must accomplish the following goals as identified by the Urban Institute in "The Needs of the Elderly in the 21st Century."

First, we must construct a developed and coordinated service delivery system from adult day care centers to community-based in-home services to foster and nursing home placement.

Second, we must identify financing mechanisms, both public and private, to fund service systems so they are affordable for all Americans.

Third, we must reduce the incidence of disability of those over 65 years.

Mr. President, our Nation must make some difficult decisions on how to provide for the health and social service needs of the Nation's elderly and disabled. As we begin this process, we must improve existing, successful programs and create new programs when necessary.

I invite my colleagues in the Senate to cosponsor my bill. I ask unanimous consent that the full text of the bill be printed in the Record immediately following my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFERENCES TO SOCIAL SECURITY ACT.

Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

SEC. 2. HOME AND COMMUNITY CARE FOR THE FRAIL ELDERLY.

(a) Definition of Functionally Disabled Elderly Individual.—Section 1929(b)(1)(C) (42 U.S.C. 1396t(b)(1)(C)) is amended to read as follows:

"(C) subject to section 1902(f) (as applied consistent with section 1902(r)(2))—

"(i) is receiving supplemental security income benefits under title XVI (or under a State plan approved under title XVI), or

"(ii) at the option of the State—

"(I) is described in section 1902(a)(10)(C), or

"(II) has income (as determined under section 1612 for purposes of the supplementary security income program) that does not exceed three times the maximum amount of income that an individual may have and obtain benefits under such program.".

(b) Determinations of Functional Disability.—Section 1929(c)(1) (42 U.S.C. 1396t(c)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking "3" and inserting "5", and

(B) by striking "toileting, transferring, and eating; or" and inserting "bathing, dressing, toileting, transferring, and eating;",

(2) in subparagraph (B)—

(A) by striking "of the following 5 activities of daily living: bathing, dressing, toileting, transferring, and eating" and inserting "of the 5 activities of daily living described in subparagraph (A)", and

(B) by striking the period at the end and inserting a semicolon, and

(3) by adding at the end the following new subparagraphs:

"(C) needs substantial supervision due to cognitive or other mental impairment and needs substantial assistance or supervision from another individual with at least 1 of the 5 activities of daily living described in subparagraph (A) or in complying with a daily drug regimen; or

"(D) needs substantial supervision from another individual because such individual engages in inappropriate behaviors that pose serious health or safety hazards to such individual or others.".

(c) Survey and Certification for Certain Community Care Settings.—

(1) In general.—Section 1929(i) (42 U.S.C.1395t(i)) is amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

"(D) Special rule for certain small community care settings.—For purposes of this paragraph, the terms 'community care setting' and 'setting' shall not include a small community care setting that is not a provider of home and community care.", and

(B) in paragraph (3), by adding at the end the following new subparagraph:

"(F) Special rule for certain small community care settings.—For purposes of this paragraph, the terms 'community care setting' and 'setting' shall not include a small community care setting that is not a provider of home and community care.".

(2) Additional responsibilities for case managers.—Section 1929(d)(2) (42 U.S.C. 1396t(d)(2)) is amended—

(A) by amending subparagraph (A) to read as follows:

"(A) has experience or has been trained—

"(i) in establishing, and in periodically reviewing and revising, individual community care plans;

"(ii) in the provision of case management services to the elderly; and

"(iii) with respect to case managers for individuals residing in small community care settings that are not providers of home and community care, in reviewing the compliance of such settings with the requirements set forth in subsection (g)(2);", and

(B) in subparagraph (B)—

(i) by striking "and (iii)" and inserting "(iii)", and

(ii) by striking "occur;" and inserting "occur; and (iv) reviewing the compliance of small community care settings that are not providers of home and community care with the requirements set forth in subsection (g)(2) in coordination with Ombudsmen selected under the State Long-Term Care Ombudsman program (described in section 712 of the Older Americans Act of 1965) and reporting any noncompliance of such settings with such subsection to the State;".

(d) Limitation on Amount of Expenditures as Medical Assistance.—Section 1929(m) (42 U.S.C. 1396t(m)) is amended—

(1) in paragraph (1), by striking "The amount of funds" and inserting "Except as provided in paragraph (5), the amount of funds",

(2) in paragraph (2)—

(A) by striking "Individual Community Care Plan" and inserting "individual community care plan", and

(B) by striking "an election period is the period of 4 or more calendar quarters" and inserting "an election period is a Federal fiscal year",

(3) by amending paragraph (4) to read as follows:

"(4) Allocation of medical assistance.—

"(A) In general.—All of the funds available to be expended under paragraph (1) during a fiscal year shall be available as Federal medical assistance to the States electing to provide services under this section during such fiscal year.

"(B) General allocation formula.—For each fiscal year, beginning with fiscal year 1994, a State which has provided a notice to the Secretary under paragraph (6)(A) shall be allocated an amount of the funds that may be expended under paragraph (1) for such fiscal year equal to the product of—

"(i) the total amount of funds that may be expended under paragraph (1) for such fiscal year; and

"(ii) the amount determined by dividing—

"(I) the number of individuals age 65 or older residing in such State during such fiscal year, by

"(II) the total number of individuals age 65 or older residing in all States which have submitted notices to the Secretary under such paragraph during such fiscal year.

"(C) Reallocation of funds.—

"(i) Formula for reallocation.—

"(I) General rule.—Except as provided in subclause (II), within 60 days after the end of each fiscal year, beginning with fiscal year 1993, the Secretary shall pay to each State which provided services under this section during such fiscal year an amount equal to the product of—

"(aa) the total amount of funds that may be expended under paragraph (1) for such fiscal year which remain available at the end of such fiscal year; and

"(bb) the amount determined by dividing the unavailable Federal amount (as defined in clause (ii)) for such State by the total unavailable Federal amount for all the States which provided services under this section during such fiscal year.

"(II) Special rule.—The amount determined for payment to a State under subclause (I) shall not exceed the unavailable Federal amount for such State.

"(ii) Definition.—For purposes of this subparagraph, the term 'unavailable Federal amount' means the excess of—

"(I) the amount a State would have received in Federal medical assistance based on such State's expenditures for services provided under this section but for the allocation under subparagraph (B), over

"(II) the amount of Federal medical assistance allocated to such State under subparagraph (B).", and

(4) by adding at the end the following new paragraphs:

"(5) Carryover of funds to next fiscal year.—Beginning with fiscal year 1993, any funds available under the limitations set forth in paragraph (1) for a fiscal year which remain available at the end of such fiscal year shall be available to be expended in the following fiscal year.

"(6) Notice to states of amounts available for assistance.—

"(A) In general.—

"(i) Notice to secretary.—In order to receive Federal medical assistance for expenditures for home and community care under this section for any fiscal year (beginning with fiscal year 1994), a State shall submit not later than 3 months before the beginning of such fiscal year a notice to the Secretary of its intention to provide such care.

"(ii) Notice to states.—Not later than 2 months before the beginning of each fiscal year (beginning with fiscal year 1994), the Secretary shall notify each State that has submitted a notice to the Secretary under clause (i) for the fiscal year of the amount of Federal medical assistance that will be available to the State for such fiscal year (as established under paragraph (4)(B)).

(e) Evaluations and Reports.—Section 1929 (42 U.S.C. 1396t) is amended by adding at the end the following new subsection:

"(n) Evaluations and Reports.—The Secretary shall evaluate the provision of home and community care by States under this section and shall submit to the Committees on Energy and Commerce and Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the effectiveness of such care, including the cost effectiveness of providing such care, and any recommendations for appropriate legislative action.".

(f) Effective Date.—The amendments made by this section shall be effective on the date of the enactment of this Act.

SEC. 3. AMENDMENTS RELATED TO COMMUNITY SUPPORTED LIVING ARRANGEMENTS SERVICES.

(a) DEVELOPMENTALLY DISABLED INDIVIDUAL DEFINED.—Section 1930(b) (42 U.S.C. 1396u(b)), is amended—

(1) by striking "guardian" and inserting "guardian or", and

(2) by striking "3 other" and inserting "3".

(b) CARRYOVER OF AVAILABLE FUNDS.—Section 1930(j) (42 U.S.C. 1396u(j)) is amended by adding at the end the following new sentence: "Beginning with fiscal year 1993, any funds available under the limitations set forth in this subsection for a fiscal year which remain available at the end of such fiscal year shall be available to be expended in the following fiscal year.".

(c) EVALUATIONS AND REPORTS.—Section 1930 (42 U.S.C. 1396u) is amended by adding at the end the following new subsection:

"(k) EVALUATIONS AND REPORTS.—The Secretary shall evaluate the provision of community supported living arrangements services by States under this section and shall submit to the Committees on Energy and Commerce and Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the effectiveness of such services, including the cost effectiveness of providing such services, and any recommendations for appropriate legislative action.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall be effective on the date of the enactment of this Act.

(2) SPECIAL RULE.—In the case of any State which, on the date of enactment of this Act, provides services under section 1930 of the Social Security Act to 4 individuals residing together for purposes of subsection (b) of such section, the amendment made by subsection (a)(2) shall be effective on October 1, 1994.

SEC. 4. ALZHEIMER'S DISEASE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Section 9342 of the Omnibus Budget Reconciliation Act of 1986, as amended by section 4164(a)(2) of the Omnibus Budget Reconciliation Act of 1990, is amended—

(1) in subsection (c)(1), by striking "4 years" and inserting "6 years",

(2) in subsection (d)(1), by striking "fourth year" and inserting "sixth year", and

(3) in subsection (f)—

(A) by striking "$55,000,000" and inserting "$70,000,000"; and

(B) by striking "$3,000,000" and inserting "$4,000,000".

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective on the date of the enactment of this Act.•

By Mr. GLENN (for himself and Mr. COHEN):

S. 553. A bill to authorize appropriations under the Federal Property and Administrative Services Act of 1949 through fiscal year 1995; to the Committee on Governmental Affairs.

By Mr. GLENN (for himself, Mr. PRYOR, and Mr. COHEN):

S. 554. A bill to amend the Federal Property and Administrative Services Act of 1949 to enhance the solicitation process in certain Government contracts and for other purposes; to the Committee on Governmental Affairs.

S. 555. A bill to amend the Federal Property and Administrative Services Act of 1949 to clarify procurement protest procedures, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GLENN (for himself, Mr. LEVIN, and Mr. COHEN):

S. 556. A bill to amend chapter 35 of title 31, United States Code, to improve the procurement protest system; to the Committee on Governmental Affairs.

PROCUREMENT REFORMS

• Mr. GLENN. Mr. President, today, I bring to the floor a cluster of procurement reform measures aimed at correcting deficiencies in our Nation's procurement system. These measures represent a first step in procurement reform legislation I plan to introduce this year, and they hold the promise of clarifying and streamlining the acquisition process.

The first bill is the Federal Property and Administrative Services Authorization Act [FPASA] of 1993. This bill amends the FPASA by authorizing those functions and activities requiring direct appropriations under the Federal Property and Administrative Services Act. This amendment replaces the current permanent authorization and will provide for a cyclical authorization of the General Services Administration [GSA]. In addition, the bill elevates the status of the GSA Administrator and Deputy Administrator positions.

The committee's investigation of the FTS 2000 telecommunications contract over several years prompted my introduction in the last Congress of S. 1958, which also called for the routine oversight of GSA. FTS 2000 was awarded by GSA to two vendors with a potential cost of $25 billion over its 10-year life. Under the contract, the vendors were to share performance of services with a revenue split of 60 and 40 percent respectively. GSA failed to even come close to reaching this target. Indeed, GSA knew at the time the contract was awarded that there was a problem with the revenue split.

Problems spiraled upward until Congress became actively involved with oversight. GSA has made some improvements in the administration of the program; GSA has appointed an associate administrator for the program to oversee its successful operation. In addition, the second phase of contract activity, commonly known as price redetermination, reportedly has resulted in prices for the system below commercial rates.

Furthermore, GSA is seen by vendors as an obstacle to the successful administration of its own Multiple Award Schedule [MAS] Program. This program accounts for upwards of $4 billion of Government expenditures annually. Under the program, agencies buy products and services from vendors having contracts awarded by GSA. Prices are negotiated based on the Government's high-volume purchasing power.

In hearings last year, the committee learned that the MAS program lacked statutory and regulatory guidance, especially in the areas concerning price. This absence of information has left system users confused with respect to the negotiation and award of these contracts. GAO is studying this program at my request, and I intend to highlight their results in hearings this year.

Finally, it should be noted that GSA ranks among the many agencies of Government that suffers high turnover in upper level personnel. GAO reported that from March 1969 to September 1988 the average tenure of a GSA Administrator was about 14 months. Such disruption in leadership can lead to unstable policy goals and program direction; structural breakdown in the agency's organization; and an inability to develop strong staff.

As I said last year, cyclical authorization will accomplish two goals: First, it will elevate the importance of GSA to its proper status. As the central procurer for the Government, GSA's activities warrant such periodic public consideration. Second, cyclical authorization provides a mechanism for congressional oversight to address problems before they become too complex.

My next bill is the Solicitation Enhancement Act of 1993. This bill calls for the clear establishment of factors and significant subfactors in competitive solicitations, and it requires that the procuring agencies clearly establish the relative importance of factors and significant subfactors, including the quality of the products or services to be provided. This provision will assist agencies in their quest for best value procurement by requiring them to identify the actual value of subfactors.

The bill also sets forth several parameters for contracting functions performed by Federal personnel. It prohibits the use of appropriated funds to pay for non-Federal employees to perform proposal evaluations except where Federal personnel are not readily available within the contracting agency or any other Federal agency. The bill also directs the Federal Acquisition Regulatory Council to clarify regulations governing the use of such non-Federal employees.

With respect to these provisions governing the use of non-Federal employees to perform proposal evaluations, this bill addresses concerns raised during the Committee on Governmental Affairs' review of the Treasury multiuser acquisition contract [TMAC]. After that $1.4 billion contract award was successfully protested at the GSA Board of Contract Appeals [GSBCA], IRS, pursuant to a GSBCA order, had to prepare a suitable price/technical tradeoff analysis and either confirm the contract award or make a new award. IRS contracted with three outside consultants to assist in this effort at a cost of almost half a million dollars.

Although GAO concluded that the use of consultants in the TMAC acquisition was not inconsistent with regulation, it noted that guidance directing when consultants are to be used is not specific. This bill addresses that problem, as well as potential problems associated with the performance of what may be perceived as inherently governmental functions by non-Federal employees, and it is hoped that agencies will train and share personnel with expertise rather than searching under time-critical circumstances for outside personnel at potentially higher costs than in-house.

My next bill for introduction today is the Procurement Protest Clarification Act of 1993. This bill seeks to clarify the responsibilities of the GSA Board of Contract Appeals. This clarification is necessary to restore the Board's ability to fulfill the role established for it by Congress in the Competition in Contracting Act of 1984. I believe that this activity has been jeopardized by the effect of several recent decisions of the U.S. Court of Appeals for the Federal Circuit. The bill provides, among other things:

Clarification that the Board may dismiss frivolous protests, protests brought in bad faith, or protests that do not state a valid basis.

Clarification of definitions relating to interested party and protest. The bill would permit the review of subcontractor protests of solicitation specifications on a 3-year test basis. GAO will study this protest option to review the agency experience with protests of restrictive requirements.

Publication of settlements before the Board that involve the direct or indirect use of appropriated funds.

Debriefing of losing vendors in procurements.

If I may point out, Mr. President, GSBCA protests may result in the suspension of procurement activity. So, to permit the potential bad faith of a party to operate without restraint, I believe, would cause a serious delay of the questioned procurement, and thus, would undermine procurement efficiency. For this reason, I believe that enactment of corrective legislation in this regard is critical.

I also am concerned about the ability of subcontractors to protest restrictive solicitation specifications. GAO has said that in systems integration contracts, potential subcontractors are sometimes unable to obtain agency modification of specifications or to persuade potential offerors to protest specifications that unreasonably exclude the subcontractor's products. Thus, these subcontractors are without redress when they have been unfairly excluded from bidding, and the Government is left without access to their products. I am mindful, Mr. President, of the fear that these protests might burden the system. For that reason, I propose this jurisdictional change on a test basis to obtain the data necessary to make a policy determination.

Mr. President, I point you to another issue in this area, one addressed by GAO for Congress in 1990. GAO identified the GSBCA settlement process as one ripe for legislative action. This finding was in response to reports that losing bidders were filing protests of contract awards as a form of blackmail, and agencies, to avoid procurement delays, were paying protesters to drop their claims. It also followed GAO's study of the Census Bureau's handling of protest of a multimillion dollar procurement of ADP for the then-upcoming census in which $1.1 million was paid by the agency to settle the claims without a review of the merits. GAO recommended that Congress require that settlement terms be disclosed to the Board, and I have implemented that recommendation.

Finally, Mr. President, I have often heard that bidders or offerors for solicitations do not obtain meaningful debriefings after contract award. Generally, postaward debriefings are intended to provide losing offerors with pertinent information concerning the basis for the award decision, as well as an indication of how those offerors can improve their chances for success in future procurements. It has become apparent, however, that debriefings are inconsistently given, and oftentimes fail to achieve their purpose.

By requiring, as this bill does, that meaningful debriefings be given to vendors post contract award, I believe we can reduce the potential for filing protests as a means to discover the propriety of an award decision. This reduction in protests could, in turn, help to speed up the acquisition process.

My final bill, Mr. President, amends the authority of the Comptroller General under title 31 of the United States Code with respect to the award of protest costs to successful procurement protesters before the General Accounting Office. Currently, GAO provides recommendatory opinions to agencies where bidders or offerors on agency solicitations file protests. This activity has assisted agencies over the years to remedy unlawful or unfair award decisions.

After over 6 years of executive branch compliance with this provision, the Department of Justice notified the President of the Senate of its intent to challenge this provision on constitutional grounds. Justice claims that because the law currently permits the Comptroller General to declare a successful protester entitled to recover costs after a determination that the underlying contract award does not comply with law or regulation, the Comptroller General, as an officer of the legislative branch, has the ability to interpret a law and thereby alter the legal rights of nonexecutive branch personnel. In sum, this authority is said to violate the constitutional doctrine of separation of powers.

The court disposed of the case; but the issue remains. The provisions in question digress from the rest of the law in this area in that they go beyond the recommendatory function. In order to assure the stability of GAO's protest resolution system and avoid the uncertainty that would be created by protracted litigation of this issue, I offer an amendment to current law to make the cost award authorities of the Comptroller General recommendatory. In addition, the bill calls for a report of those agencies failing to follow the Comptroller General's recommendation, along with a recommendation to Congress regarding appropriate relief where recommendations are not followed. The language of this bill reflects that language passed by the House in H.R. 3161 last year.

Mr. President, as we start a new Congress with a new President with a hope for a new vision of the future, I offer these bills to assist in improving and streamlining the acquisition process. Left with a near bankrupt Government, we have an obligation to move in the direction of streamlining operations, and I believe these bills start us on our way, and at the same time, retain credibility in the system. I ask for the support of all my colleagues in this effort.

Section-by-Section Analysis of the Federal Property and Administrative Services Authorization Act of 1993

Section 1 states the short title of the Act.

Section 2 would amend the existing permanent authorization of functions and activities of the GSA under the FPASA which are carried out under direct appropriations. This amendment will authorize those functions and activities for a three year period. While permanent authorization of non-appropriated functions and activities of GSA are not affected by this amendment, and thus, the stability of GSA's various revolving fund activities will be maintained, it is the intent of the Committee to continue vigorous oversight of those functions and activities.

Section 3 would elevate the pay levels of the Administrator and Deputy Administrator to Levels II and III respectively.

Section-by-Section Analysis of the Solicitation Enhancement Act of 1993

Section 1 contains a short title of this Act.

Section 2 amends the Federal Property and Administrative Services Act (FPASA) to require that all evaluation factors and significant subfactors be identified and assigned a relative importance in solicitations. Also, the section provides for the award of a contract on the basis of initial proposals so long as the solicitation includes a statement advising offerors that such an award may be made.

Section 3 prohibits the use of appropriated funds to pay for non-federal employees to conduct evaluations or analyses of proposals submitted in response to solicitations unless federal employees with adequate training and capabilities to perform such activities are not readily available within the agency or any other federal agency. In addition, GSA is prohibited from issuing a delegation of procurement authority for an ADP acquisition without first receiving from the contracting agency certification that (1) the agency has employees capable of conducting proposal analysis or evaluation, or (2) the agency does not have such employees and such employees are not readily available from other agencies in accordance with relevant regulations. Finally, this section directs the Federal Acquisition Regulatory Council to provide guidance and regulations regarding what actions agencies are required to take to determine whether expertise is readily available within the government and how it may be shared before contracting for advisory and technical services.

Section-by-Section Analysis of the Procurement Protest Clarification Act of 1993

Section 1 contains a short title to this Act.

Section 2 provides that section 111 of the Federal Property and Administrative Services Act may be cited as the "Brooks Automatic Data Processing Act" and that Title IX of the Federal Property and Administrative Services Act may be cited as the "Brooks Architect-Engineers Act." These amendments reflect the wide-spread colloquial reference to these provisions today.

Section 3 amends subsection (b)(3) of the Brooks Act to clarify that the Administrator is empowered to revoke a delegation of procurement authority either before or after contract award. However, in the latter case, the Administrator's authority is limited to those circumstances where there has been a finding of a violation of law or regulation.

Section 4 states that at the request of an interested party the Board shall review any decision by a federal agency alleged to violate statute, regulation or the conditions of any delegation of procurement authority.

Section 5 amends paragraph (f)(4)(C) of the Brooks Act to emphasize the intent of the Congress that the Board be able to dismiss protests which have been brought "in bad faith." Also, this amendment adds a new subparagraph (D) authorizing the Board to make adverse inferences against a party which fails to comply in good faith with, or causes another party to fail to comply in good faith, with an order or decision of the Board. It is the Committee's intent that the Board be vested with the authority necessary to ably manage its docket, prevent the abuse of its procedures by parties to protest, and avoid the abusive or unnecessary delay of agency procurement actions by meritless cases.

Section 6 amends section (f)(5)(c) of the Brooks Act to provide that a "prevailing" party may be entitled to the award of protest costs. This amendment, together with the amendment made by Section 8(c) of this bill, is intended to make an appropriate intervenor on the side of the government in "reverse protests" entitled to the recovery of protest costs where such intervenor was the original protester in the case. A "reverse protest" typically occurs where a protester and the government settle a protest, the terms of which include either cancellation or termination of the awarded contract, and the awardee of the contract protests that action. In such a "reverse protest," the original protester may intervene on the side of the government for the purpose of demonstrating that the cancellation or termination was properly based upon a violation of statute, regulation or delegation of procurement authority during the award. Where such an intervenor is successful, the Committee believes it should be entitled to the recovery of its protest costs.

Section 7 adds new paragraphs (D) and (E) to subsection (f)(5) of the Brooks Act. New paragraph (D) provides for publication of settlement agreements. Any agreement that contemplates dismissal of a protest and involves the direct or indirect expenditure of appropriated funds must be submitted to the Board and, subject to Board protective order, made part of the record before the protest is dismissed. Where an agency is a party to such agreement, a memorandum from the contracting officer must be submitted describing the procurement, the protest grounds, the settlement terms and the agency's position regarding the propriety of the award or proposed award. New paragraph (E) requires that payment of amounts due from an agency as a result of either a successful protest or settlement agreement shall be made from the appropriations made by section 1304 of title 31, United States Code, for the payment of judgements, and that the agency shall reimburse that account out of agency funds available for the protested procurement.

These provisions of section 205 are intended to address the "fedmail" situation where agencies may settle protests without correcting any defects in the procurement. By requiring publication of settlements involving the direct or indirect expenditures of appropriated funds, and justification by agencies, the Committee believes that "Fedmail" will be eliminated.

Section 8 amends paragraph (f)(9)(A) of the Brooks Act to clarify the definition of the term "protest". Such term includes a challenge to a termination or cancellation of a contract to the extent that such termination or cancellation was based in whole or in part upon actual or alleged improprieties concerning the award of the contract.

Subsection 8(b) amends paragraph (f)(9)(B) of the Brooks Act to clarify the term "interested party." The amendment deletes the requirement that a party have a "direct economic interest" in order to qualify as an "interested party" and substitutes a purposely less restrictive requirement that the party have an "economic interest" to so qualify. The amendment further provides the Board with the discretion to determine whether a party has the requisite "economic interest" by taking into consideration the action which is the subject of the protest and the relief which the Board is apt to order if the protest is successful. For purposes of protesting an award or proposed award of a contract, the amendment further provides that an "interested party" must have been an actual bidder or offeror for that procurement. This particular provision is intended to disallow subcontractor protests of awards or proposed awards.

The definition of "interested party," however, for purposes of objecting to a solicitation as being unduly restrictive, is intended to allow for protests by prospective subcontractors or suppliers with the requisite "economic interest" as determined by the Board. Jurisdiction over such subcontractor protests, however, will expire after 3 years. At that time, the General Accounting Office will study and report to Congress the Board's experience in administering such protests.

Subsection 8(c) amends paragraph (f)(9)(B) of the Brooks Act to add a new subparagraph (c) which defines the term "prevailing party." This amendment is intended to provide for the award of protest costs to an appropriate party, even if not a protestor, such as an intervenor on the side of the agency in a "reverse protest," where that party can be determined to have succeeded in demonstrating a violation of statute, regulation or delegation of procurement authority.

Section 9 amends the Brooks Act to add a new subsection (h) to implement a procedure requiring GSA to collect and compile data regarding agency procurements under the Brooks Act. A corresponding requirement on the part of agencies to provide such data to GSA is also imposed. An exemption is included for propriety information such as teaming agreements. Additionally, the Administrator is given discretionary authority to suspend agency delegations of procurement authority for failure to report the required information.

Section 10 adds a new section to the Office of Federal Procurement Policy Act to provide for detailed post-award debriefings in procurements. Under the new section, an agency, at the request of any offeror, would be required to provide a debriefing at which certain minimum information as outlined in regulation would be provided. The section specifically prohibits the disclosure in a debriefing of information not subject to disclosure under section 552 of title 5, United States Code, such as trade secrets and priveleged and confidential information.

Section 10 provides that a request for a debriefing under the section must be made within 10 days after the contract award, in which case the debriefing must take place within 10 days after the request. Where a timely request for a debriefing is made, the time period for a protesting party to obtain suspension of performance of the contract will commence with the conduct of the debriefing. This new section will be effective 270 days after enactment of the Act.

The goal of this section is to reduce the number of procurement protests filed to obtain a reason for rejection of a bid or offer. The intent is to provide vendors an opportunity to obtain meaningful information regarding the evaluation of their bids or proposals.

Section-by-Section Analysis of S. 556

Section 1 amends Section 3554 of Title 31 United States Code by adding language requiring agencies to report to the Comptroller General when they have not fully implemented his recommendations in procurement protests. Further, language existing in subsection (c)(1) that permits the Comptroller General to declare an appropriate interested party entitled to protests costs is amended to permit the Comptroller General to recommend payment of such costs to an appropriate interested party. Language existing in subsection (c)(2) is amended to provide that when the Comptroller General makes such a recommendation, the federal agency involved must: (1) pay the amount out of funds appropriated by 31 U.S.C. 1304 and reimburse that appropriation out of funds available or by obtaining additional appropriations for that purpose; or (2) report to the Comptroller General why it will not follow the Comptroller General's recommendation.

Language is added to subsection (c) to provide that the agency involved and the party which the Comptroller General recommended entitled to costs must attempt to reach agreement on the amount of costs to be paid. If they cannot reach such an agreement, the party may request. In addition, subsection (e) is amended to provide that the Comptroller General report to appropriate oversight and appropriations Committees of Congress cases where agencies fail to fully implement the Comptroller General's recommendations. Such a report shall review the circumstances surrounding the failure to implement the Comptroller General's recommendations and a recommendation for other action that may be necessary on the part of Congress to preserve the integrity of the process or correct inequity. A summary report of instances where agencies failed to fully implement Comptroller General recommendations must be transmitted by the Comptroller General to Congress by January 31, of each year.

The bill also ratifies all amounts to which an interested party has been declared entitled by the Comptroller General pursuant to 31 U.S.C. 3554 as in effect immediately before the enactment of this bill. Such amounts will be paid from the appropriation made by section 1304 of Title 31 U.S.C., and the agency shall reimburse that appropriation out of available funds or by obtaining additional funds for that purpose.

The bill shall take effect 45 days after its enactment into law.•

• Mr. PRYOR. Mr. President, I rise in support of the Protest Clarification Act of 1993. I commend my colleague, the chairman of the Senate Governmental Affairs Committee, for offering this bill. I am a cosponsor of this important piece of legislation.

Mr. President, while the bill makes a number of important improvements to the present system of bid protests, I want to briefly discuss only one section that addresses the issue of settlement agreements.

In 1989, I had heard of some agencies settling bid protests by paying the losing bidders sizable sums of money. In fact, the General Accounting Office reported that the Bureau of Census settled a bid protest on a computer procurement by paying three bidders $1.1 million primarily because the Census Bureau did not want to waste time fighting with the bidders.

Mr. President, this type of abuse should not be permitted to happen at all. While losing bidders should have the right to ensure that they were not unfairly denied a Federal contract, they should not be permitted to recoup some of their bidding costs by threatening a Federal agency with a bid protest. Unfortunately, this is what is happening and no one knows about it.

The GAO, in a report in response to my request, recommended sunlight over these bid settlement agreements. With disclosure of the settlement agreements, agencies will not simply give in to a protester in the interest of expediency. Furthermore, the GAO also recommended that settlement costs be paid out of the agency's own appropriations and not the Treasury Department's judgment fund. This change would give the agency less of an incentive to simply settle a protest if the agency itself would be picking up the cost.

I am pleased that these two ideas are incorporated into this bill. In my opinion, these two changes are long overdue.•

By Mr. HATCH (for himself, Mr. BIDEN, Mr. THURMOND, Ms. MOSELEY-BRAUN, and Mr. DECONCINI):

S. 557. A bill to combat telemarketing fraud; to the Committee on the Judiciary.

SCAMS, SENIOR CITIZENS AGAINST MARKETING SCAMS ACT OF 1993

Mr. HATCH. Mr. President, last week, the FBI announced the results of an unprecedented undercover investigation into telemarketing fraud which began more than 2 years ago in Salt Lake City, UT. Unfortunately, the trusting people of my home State have been favorite targets of scam artists.

Fortunately, law enforcement has acted appropriately and vigorously pursued this matter. Fifty-six people and seven companies in Utah were indicted. Several hundred arrests were made nationally in an operation encompassing 18 FBI field offices. The FBI is to be commended. Still, more can and should be done.

Many Americans, but particularly our seniors, have been victimized by sleazy telemarketers. A Salt Lake City FBI agent reported that an elderly woman was bilked out of her last $500. She had been too embarrassed to ask for help. Without money she spent the last days of her life eating dog food.

Unbelievably, some of these seniors get scammed more than once, losing into the thousands of dollars. One gentleman I know was inundated with false sweepstakes entries. His name had been sold to illicit firms as far away as Nigeria, New Zealand, and Germany.

Typically, the victim is promised a prize ranging from a Cadillac to diamond and sapphire jewelry. But before the prize is awarded, the victim must often buy hundreds of dollars of products—such as cleaning supplies or cosmetics—priced at highly inflated costs. One Utahn spent $500 on vitamins to receive this tennis bracelet, which a Las Vegas firm represented to be a "10-karat weight sapphire and diamond" bracelet set in gold. In fact, the bracelet does not have any diamonds—these are cubic zirconia—and cheap gemstones in a gold-plated setting that the telemarketer could have purchased wholesale for about $30–$60.

As the chart behind me amply shows, the FBI found that these operations target the elderly 34 percent of the time.

While most of the telemarketing industry is legitimate, a growing number of illicit outfits are operating nationwide. The victims of telemarketing fraud include banks, credit card companies, businesses, and, of course, legitimate telemarketing companies themselves.

Mr. President, I am pleased to be joined by Senator BIDEN, chairman of the Judiciary Committee, Senator THURMOND, Senator MOSELEY-BRAUN, and Senator DECONCINI in introducing this comprehensive legislation.

Today, I am proposing a three-step program to help rid our society of these heartless criminals as well as to help increase public awareness of their scams.

First, the bill I am introducing with Senator BIDEN, called SCAMS, the Senior Citizens Against Marketing Scams Act of 1993, authorizes additional Federal law enforcement resources to combat telemarketing fraud. SCAMS also creates a new Federal statute criminalizing telemarketing fraud, and it enhances penalties for these crooked acts when senior citizens are the principal victims. The bill also establishes a national telemarketing fraud hotline, creates a reward program for tips leading to convictions of telemarketing crooks, and provides for public prevention and awareness initiatives for senior citizens.

Second, in addition to the SCAMS legislation, I will shortly establish a Utah hotline in my office to provide recorded information about where to report concerns or complaints regarding suspected telemarketing fraud.

I anticipate holding hearings on this subject and in Utah my office will sponsor workshops which will detail for our citizens, including our seniors, how to avoid being victims of fraudulent telemarketing schemes.

The FBI estimates annual losses to the public from illicit telemarketing operations to be in the billions of dollars. A Lou Harris survey indicates over 5 million Americans have made telephone purchases they felt were based on false representations. And, of those cheated out of their money, less than a third reported the matter to authorities.

Continued law enforcement and greater public education can bring about an end to these scams. Passage of this Hatch-Biden bill, SCAMS, will help accomplish this goal.

Mr. President, I ask unanimous consent that a copy of the SCAMS be printed in the RECORD immediately following my remarks. As well, I request that copies of a section-by-section analysis and a FBI congressional report be printed as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 557

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Citizens Against Marketing Scams Act of 1993".

SEC. 2. FINDINGS AND DECLARATION.

The Congress makes the following findings and declaration:

(1) Unprecedented Federal law enforcement investigations have uncovered a national network of illicit telemarketing operations.

(2) Most of the telemarketing industry is legitimate, employing over 3,000,000 people through direct and indirect means.

(3) Illicit telemarketers, however, are an increasing problem which victimizes our Nation's senior citizens in disproportionate numbers.

(4) Interstate telemarketing fraud has become a problem of such magnitude that the resources of the Department of Justice are not sufficient to ensure that there is adequate investigation of, and protection from, such fraud.

(5) Telemarketing differs from other sales activities in that it can be carried out by sellers across State lines without direct contact. Telemarketers can also be very mobile, easily moving from State to State.

(6) It is estimated that victims lose billions of dollars a year as a result of telemarketing fraud.

(7) Consequently, Congress should enact legislation that will—

(A) enhance Federal law enforcement resources;

(B) ensure adequate punishment for telemarketing fraud; and

(C) educate the public.

SEC. 3. ENHANCED PENALTIES FOR TELEMARKETING FRAUD.

(a) OFFENSE.—Part I of title 18, United States Code, is amended—

(1) by redesignating chapter 113A as chapter 113B; and

(2) by inserting after chapter 113 the following new chapter:

"CHAPTER 113A—TELEMARKETING FRAUD

"Sec.
"2325. Definition.
"2326. Enhanced penalties.
"2327. Restitution.

"§ 2325. Definition

"In this chapter, 'telemarketing'—

"(1) means a plan, program, promotion, or campaign that is conducted to induce—

"(A) purchases of goods or services; or

"(B) participation in a contest or sweepstakes,

by use of 1 or more interstate telephone calls initiated either by a person who is conducting the plan, program, promotion, or campaign or by a prospective purchaser or contest or sweepstakes participant; but

"(2) does not include the solicitation of sales through the mailing of a catalog that—

"(A) contains a written description or illustration of the goods or services offered for sale;

"(B) includes the business address of the seller;

"(C) includes multiple pages of written material or illustration; and

"(D) has been issued not less frequently than once a year,

if the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls take orders without further solicitation.

"§ 2326. Enhanced penalties

"An offender that is convicted of an offense under 1028, 1029, 1341, 1342, 1343, or 1344 in connection with the conduct of telemarketing—

"(1) may be imprisoned for a term of 5 years in addition to any term of imprisonment imposed under any of those sections, respectively; and

"(2) in the case of an offense under any of those sections that—

"(A) victimized a significant number of persons over the age of 55; or

"(B) targeted persons over the age of 55,

may be imprisoned for a term of 10 years in addition to any term of imprisonment imposed under any of those sections, respectively.

"§ 2327. Restitution

"In sentencing an offender under section 2326, the court shall order the offender to pay restitution to any victims and may order the offender to pay restitution to others who sustained losses as a result of the offender's fraudulent activity.".

(b) TECHNICAL AMENDMENTS.—

(1) PART ANALYSIS.—The part analysis for part I of title 18, United States Code, is amended by striking the item relating to chapter 113A and inserting the following:

"113A. Telemarketing fraud 2325
"113B. Terrorism .... 2331".

(2) CHAPTER 113B.—The chapter heading for chapter 113B of title 18, United States Code, as redesignated by subsection (a)(1), is amended to read as follows:

"CHAPTER 113B—TERRORISM".

SEC. 4. FORFEITURE OF FRAUD PROCEEDS.

Section 982(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(6) The Court, in sentencing an offender under section 2326, shall order that the offender forfeit to the United States any real or personal property constituting or derived from proceeds that the offender obtained directly or indirectly as a result of the offense.".

SEC. 5. INCREASED PENALTIES FOR FRAUD AGAINST OLDER VICTIMS.

(a) REVIEW.—The United States Sentencing Commission shall review and, if necessary, amend the sentencing guidelines to ensure that victim related adjustments for fraud offenses against older victims over the age of 55 are adequate.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Sentencing Commission shall report to Congress the result of its review under subsection (a).

SEC. 6. REWARDS FOR INFORMATION LEADING TO PROSECUTION AND CONVICTION.

Section 3059 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) In special circumstances and in the Attorney General's sole discretion, the Attorney General may make a payment of up to $10,000 to a person who furnishes information unknown to the Government relating to a possible prosecution under section 2325 which results in a conviction.

"(2) A person is not eligible for a payment under paragraph (1) if—

"(A) the person is a current or former officer or employee of a Federal, State, or local government agency or instrumentality who furnishes information discovered or gathered in the course of government employment;

"(B) the person knowingly participated in the offense;

"(C) the information furnished by the person consists of an allegation or transaction that has been disclosed to the public—

"(i) in a criminal, civil, or administrative proceeding;

"(ii) in a congressional, administrative, or General Accounting Office report, hearing, audit, or investigation; or

"(iii) by the news media, unless the person is the original source of the information; or

"(D) when, in the judgment of the Attorney General, it appears that a person whose illegal activities are being prosecuted or investigated could benefit from the award.

"(3) For the purposes of paragraph (2)(C)(iii), the term 'original source' means a person who has direct and independent knowledge of the information that is furnished and has voluntarily provided the information to the Government prior to disclosure by the news media.

"(4) Neither the failure of the Attorney General to authorize a payment under paragraph (1) nor the amount authorized shall be subject to judicial review.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1994 for the purposes of carrying out this Act and the amendments made by this Act—

(1) $10,000,000 for the Federal Bureau of Investigation to hire, equip, and train no fewer than 100 special agents and support staff to investigate telemarketing fraud cases;

(2) $3,500,000 to hire, equip, and train no fewer than 30 Department of Justice attorneys, assistant United States Attorneys, and support staff to prosecute telemarketing fraud cases; and

(3) $10,000,000 for the Department of Justice to conduct, in cooperation with State and local law enforcement agencies and senior citizen advocacy organizations, public awareness and prevention initiatives for senior citizens, such as seminars and training.

SEC. 8. BROADENING APPLICATION OF MAIL FRAUD STATUTE.

Section 1341 of title 18, United States Code, is amended—

(1) by inserting "or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier," after "Postal Service,"; and

(2) by inserting "or such carrier" after "causes to be delivered by mail".

SEC. 9. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH ACCESS DEVICES.

Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "or" at the end of paragraph (3); and

(B) by inserting after paragraph (4) the following new paragraphs:

"(5) knowingly and with intent to defraud effects transactions, with 1 or more access devices issued to another person or persons, to receive payment or any other thing of value during any 1-year period the aggregate value of which is equal to or greater than $1,000;

"(6) without the authorization of the issuer of the access device, knowingly and with intent to defraud solicits a person for the purpose of—

"(A) offering an access device; or

"(B) selling information regarding or an application to obtain an access device; or

"(7) without the authorization of the credit card system member or its agent, knowingly and with intent to defraud causes or arranges for another person to present to the member or its agent, for payment, 1 or more evidences or records of transactions made by an access device;";

(2) in subsection (c)(1) by striking "(a)(2) or (a)(3)" and inserting "(a) (2), (3), (5), (6), or (7)"; and

(3) in subsection (e)—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) the term 'credit card system member' means a financial institution or other entity that is a member of a credit card system, including an entity, whether affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.".

SEC. 10. INFORMATION NETWORK.

(a) HOTLINE.—The Attorney General shall establish a national toll-free hotline for the purpose of—

(1) providing general information on telemarketing fraud to interested persons; and

(2) gathering information related to possible violations of this Act.

(b) ACTION ON INFORMATION GATHERED.—The Attorney General shall work in cooperation with the Federal Trade Commission to ensure that information gathered through the hotline shall be acted on in an appropriate manner.

SECTION-BY-SECTION ANALYSIS OF SCAMS—LAW ENFORCEMENT ENHANCEMENT TO COMBAT TELEMARKETING FRAUD

Section 3 creates a new federal statute, criminalizing telemarketing fraud, under a new chapter 113A of Title 18 of the United States Code.

Subsection 2325 defines telemarketing as a program to induce purchases of goods or services or participation in a contest or sweepstakes by means of telephone contacts. More than one interstate telephone call must be made. Most catalogue order businesses are exempted, where the telephone contact is made by the consumer in response to the catalogue and there is no further solicitation. A crime of telemarketing fraud is committed if a telemarketing enterprise violates federal mail, wire or bank fraud laws or commits fraud in connection with identification documents or access devices as defined by federal fraud laws. Penalties for telemarketing fraud include fines as provided in Title 18 of the United States Code of up to $250,000 per individual or imprisonment under section 2326, or both.

Subsection 2326 provides for an additional term of imprisonment of up to five years for most frauds committed by telemarketers or an additional ten years if the telemarketing scam was targeted at victims over 55 years of age.

Subsection 2327 requires that restitution be paid to the victims of telemarketing fraud and provides that restitution may be ordered for others who sustained losses from such fraudulent activity.

Section 4 adds a new criminal forfeiture provision to section 982(a) of title 18, which provides that persons convicted of telemarketing fraud forfeit real or personal property gained by the telemarketing crimes.

Section 5 orders the United States Sentencing Commission to consider increasing penalties under the sentencing guidelines for fraud committed against older Americans, and to report to Congress within six months of enactment of this Act.

Section 6 amends Title 18 to provide for rewards of up to $10,000 to persons who give information leading to a prosecution and conviction under this Act.

Section 7 authorizes the appropriation of resources to combat telemarketing fraud, including $10 million for additional FBI investigators and support staff, $3.5 million for additional federal prosecutors, and $10 million for public awareness and prevention initiatives.

Section 8 broadens the application of the federal mail fraud statute, section 1341 of Title 18, to include private or commercial carriers in addition to the United States Postal Service.

Section 9 broadens the scope of what constitutes federal fraud in connection with access devices under section 1029 of Title 18, to cover arrangements and transactions often used by fraudulent telemarketing enterprises and to provide greater safeguards through banks and credit card systems against this type of fraud.

Section 10 creates a toll-free hotline for inquiries made to Federal agencies about telemarketing and makes relevant information available to the public.

OPERATION DISCONNECT

PROLOGUE

According to a recent independently conducted survey, approximately 92% of Americans have received postcards in the mail informing them they were winners of a contest. Over 53.6 million Americans have responded to such mailings. While many of these mailings were the result of legitimate offerings, many were invitations to fraud—the first step of elaborate fraudulent telemarketing schemes.

The FBI has aggressively pursued investigations of illegal telemarketers for many years through traditional investigative techniques. Beginning in 1990, initial steps were taken to implement an aggressive strategy to more effectively combat this burgeoning crime problem.

Operation Disconnect is a result of that aggressive approach. Operation Disconnect is a national investigative effort, unilaterally conducted by the FBI, which is the most significant investigative initiative, directed toward illegal telemarketing, ever undertaken by the FBI or Federal law enforcement. The identification, arrest, and successful prosecution of Operation Disconnect subjects will significantly disrupt the illegitimate telemarketer's operations. It will no longer be business as usual.

INTRODUCTION

Telemarketing has been accepted way of conducting business since the early 1930's. With the emergence of advanced telecommunications to include speed dialing, facsimile machines, automatic dialing equipment and home computers, along with the advent of modern conveniences such as credit cards, electronic banking, and T.V's, telemarketing, both legal and illegal, has flourished.

The telemarketing industry employs over 3.4 million people nationwide through direct and indirect means. Industry estimates place consumer spending in the telemarketing arena at over $400 billion annually. Industry experts expect the use of telemarketing and the related electronic methods of communication to continue throughout the 1990's and beyond.

New technologies have provided a number of choices to the American consumer while at the same time providing the illegal telemarketer additional vehicles for cheating those same consumers. Visa and MasterCard estimate that its member institutions lose in excess of $300 million per year as a result of telemarketing fraud involving payment by credit card. This figure does not include the costs associated with the investigation of consumer complaints and processing adjustments to the cardholders account, both of which can be the result of telemarketing fraud. Victims of this crime are not only the individual consumer, credit card companies, and financial institutions, but the long distance telephone carriers, landlords, courier services, and many others as well. Annual losses to these organizations are estimated to be in the billions of dollars.

The typical illegal telemarketer operates by exploiting the trust of individuals who are presented with a deal that is "too good to be true." These "too good to be true" offers include exciting trips, expensive jewelry, household products, expensive land or financial investments. In reality, the deal is in fact "too good to be true." Many times the items ordered or promised are never delivered and the merchandise is not of the value stated in the original offer. Many illegal telemarketing operations remain in one place only long enough to make contact with the consumer, place enough orders to justify the operation, collect the monies made from those sales, and then move on to another location. The mobility of the operations as well as the deceptive methods used, allow the illegal telemarketer to elude law enforcement and prosecution. In addition, telemarketing is a highly under-reported crime. An innovative approach was clearly needed to identify and investigate these crimes.

Operation Disconnect is the codename for a nationwide FBI effort to counter the growing number of illegal telemarketing operations. The arrest and presecution of individual identified through this investigation, as well as the intelligence gathered about their schemes, will assist law enforcement for years to come.

RESULTS OF THE LOU HARRIS SURVEY

In April and May, 1992, a telephone based survey was conducted by Louis Harris and Associates, Inc., 630 Fifth Avenue, New York, NY, 10111, (212) 698-9600, on behalf of the National Consumers League and the Reference Point Foundation. The survey was based on a cross section of 1,255 American adults, aged 18 and over, residing in the U.S. It was conducted in the evening hours by telephone. Some of the highlights of this survey are as follows:

(1) 92% of Americans have at one time or another received a postcard or letter in the mail informing them they were a definite winner of a free prize. Those who have responded to such mailings amounted to nearly 29% of all American adults, or over 53.6 million people.

(2) Two-thirds (66%) of the American public believe the elderly are most likely to be targeted as potential victims of fraud.

(3) Less than one-third (31%) of those who have been cheated out of their monies reported the matter to authorities. One-third (32%) of those who did report it, contacted their local Better Business Bureau.

(4) In the past 2 years, 3% of American adults (5.5 million) have made telephone purchases which they now feel were based upon false representations.

(5) one in three (34%) American adults have been contacted by telephone about purchasing a financial investment. Over 90% of those contacted did not know the individual or firm who contacted them.

(6) Over one in six Americans (17%) find it very difficult or somewhat difficult to resist a telephone solicitation.

THE TELEMARKETING CRIME PROBLEM

Mr. Jon T. Hamilton, President-elect of the American Telemarketing Association, in testimony provided before a Congressional Subcommittee, defined telemarketing as:

"Telemarketing is a planned professional telephone use to advertise, market, or provide service functions to both consumers and businesses. Telemarketing programs can be outbound or inbound (as in 800 number calling). Professional telemarketing programs, like other marketing disciplines, have clear goals; are targeted to specific selected audiences; and are closely supervised."

A major feature of telemarketing is that it eliminates geographic and physical limitations allowing consumers and businesses to access markets otherwise unaccessible.

According to the October 1992 issue of the "The Nilson Report", the telephone has become the credit card industry's most important marketing medium to market creditcards. Estimates are that third-party telemarketers will make over 235 million customer contacts this year. It is expected that this marketing technique will increase in use by 25% over the next two years, spurred by its success in the past. These contacts are made for a variety of reasons to include promotions, surveys of cardholder satisfaction, or reactivation of closed accounts.

In general, most telemarketers contact and attract customers in one of two ways. The first method involves calling the customer directly, either through a cold call (not knowing the person they are calling) or through the purchase of a lead from a lead broker who provides a potential customer's name and phone number. The second method of contact is by mail or through advertising in publications. This method gives the telemarketer a clear indication of the customer's interest and curiosity by causing the consumer to make the first telephone contact.

Many legitimate businesses and organizations utilize multiple telephone solicitations and mass mailings to conduct legitimate business. However, there are numerous telemarketing firms that defraud the unsuspecting consumer through fraudulent representations and promises. The distinction between legitimate and illegal telemarketing operations is critical to an understanding of this crime problem because most fraud schemes are designed to closely resemble legitimate business transactions in order to thwart prosecutive efforts. The term telemarketing is a term that applies to a frequently used legitimate sales technique and this technique is not necessarily criminal in nature.

For purposes of this briefing material, all references made to telemarketing firms and telemarketers, should be considered illegal telemarketing operations unless otherwise noted. Operation Disconnect was carefully designed and directed to penetrate only illegal telemarketing operations. Therefore, the information and intelligence gathered as a result of Operation Disconnect should not be considered indicative of the telemarketing industry as a whole, but merely representative of those illegal telemarketing operations identified through Operation Disconnect.

The FBI has identified two categories of telemarketing fraud in order to differentiate between cases with small losses and those with larger losses. One category of schemes involves a high volume of victims and comparatively low loss per victim. Examples would include fraudulent sales of home or office products, travel or vacation packages, water purifiers, and vitamin packages. Losses in this category are generally limited to small dollar amounts per individual consumer due to credit limits, credit card industry approval procedures, and money order dollar limits. In most cases, the customer is told not to expect delivery of an item for at least 45 days. These types of illegal operations will attempt to capitalize on current news releases or social issues of the day. For example, if the water in a particular city is determined to be tainted, water purifiers will become the sales item of the day.

The second category results in high losses per victim and a comparatively low volume of victims. In this type of fraud, consumers generally are enticed to purchase land, penny stocks, commodities, precious metals or stones, franchises, oil and gas leases, and various other products by means of high pressure telephone sales. The payments are typically made by check or wire transfer. The purchaser is usually told not to expect any return on their money for at least 18 to 24 months. These operations are usually staffed by experienced salesmen who are more aggressive and knowledgeable about their product than their counterparts in the first category of telemarketing fraud.

Telemarketers will sometimes operate from a location referred to as a "boiler room". The term "boiler room" is commonly used to describe office settings involving high pressure sales tactics, numerous phone lines, a sparsely furnished office, all of which is easily and quickly shutdown and moved to a new location. The term originated in the past when telemarketers would acquire cheap office space, sometimes in the basement of buildings, that was typically hot and uncomfortable. According to the Committee on Government Operations, Subcommittee on Commerce, Consumer, and Monetary Affairs, the terms "telemarketing fraud" and "boiler room fraud" cannot be used interchangeably. "Boiler room" operations typically use telemarketing as their means to defraud, while telemarketers may or may not operate from a "boiler room" setting.

Telemarketers prey on the belief of most Americans that the American dream can come true. They offer a window of opportunity that seems irresistible. However, this American dream can soon turn into a nightmare. The telemarketer will sometimes continue to prey on victims of earlier frauds. The telemarketer will continue to contact these individuals over and over again. The consequences can be devastating. Individuals have been known to lose their homes, marriage, and their life savings, all in pursuit of the telemarketer's tantalizing offer.

Previously, the trend for illegal telemarketers was to change locations and names almost on a monthly basis. This was done to avoid detection and avoid arrest. For the most part, this is no longer the case. Telemarketers now operate in a number of States calling or soliciting customers in other States. They take advantage of the fact that most consumer complaints will be made to local law enforcement and consumer agencies which, for the most part, do not regularly and systematically share this type of information.

It is difficult in multi-state operations to identify the number of victims and the scope of the fraud. The typical owner/operator of a telemarketing firm uses multiple aliases, telephones, mail drops, and business locations. Their method of solicitation, product line, and other recognizable traits can be changed overnight in order to thwart law enforcement or to meet new consumer demands. These facts, coupled with the sheer magnitude of most telemarketing investigations, the mobility of the subjects, complexity of the schemes, and number of victims, all contribute to make this type of fraud one of the most difficult white-collar crimes for law enforcement to investigate and prosecute.

Career criminals who specialize in telemarketing frauds, typically operate in warm climates. Along with Southern California cities such as Los Angeles and San Diego, other favored locations include Miami, Florida; Dallas, Texas; Salt Lake City, Utah; Phoenix, Arizona; and Las Vegas, Nevada.

Many of a telemarketer's sales are by credit card. Telemarketers use a variety of means to process their credit card receipts. One method provides security and uses the system itself to evade law enforcement efforts to monitor and trace the telemarketer's activity. This method is accomplished through "credit card laundering". Credit card laundering, sometimes referred to as factoring, involves deceiving a financial institution by using a legitimate merchant account and "laundering" the telemarketers sales receipts through that account. This method conceals the fact that a telemarketer is the source of the sale, and still allows him to convert his credit sales into cash. These laundering activities are perpetuated by third-parties acting as a middle man or broker in the transaction. These brokers persuade legitimate, usually small unsophisticated business merchants to allow their accounts to be used by the telemarketer. The merchant will usually be paid a small percentage of the credit card receipts processed through their account. This method circumvents the security features established in the credit card systems and financial institutions. When the chargebacks begin arriving at the merchant bank, the bank will contact the legitimate account holder and seek repayment of those monies. The telemarketer will, for the most part, leave the merchant with responsibility for repayment of the debt. The huge amount of the chargebacks will force some of these merchants to seek bankruptcy protection, leaving the bank to absorb the fraudulently caused loss.

A second method of processing credit card receipts involves more risk. The telemarketer will open his own merchant account with a bank. He then processes the credit card receipts through that account without the help of a third party. This method would suffice except for the fact that within 60–90 days, chargebacks will begin being processed by the merchant bank when dissatisfied customers begin complaining to their issuing bank. The telemarketer will now either be required to make good on the chargebacks at his bank or move to another location prior to the chargebacks appearing. In many cases, chargebacks reach over 90%. The merchant bank suffers the loss when it becomes unable to collect from the account holder.

The sight draft is another method used to obtain funds from the consumer. The scheme begins with a telephone solicitation during which the telemarketer solicits the consumer's checking account information. A sight draft is prepared by the telemarketer, including bank micro-encoding. The telemarketer deposits the sight draft to the banking system for collection. The banks involved process the sight draft as if it were a check. The consumer's bank processes the draft against the consumer's checking account without written authorization from the customer. At this point, the consumer's bank is exposed to potential losses if the consumer recognizes his money was withdrawn. The fraudulent telemarketer transfers or withdraws his collections daily to prevent "tracing" efforts by victim banks.

The fraudulent bank draft scenario clearly exposes the banking industry to potentially significant losses. This scheme takes advantage of the banking industry's inability to recognize a sight draft from a regular check once the item is in the collection system. This situation is due to the fact that checks and sight drafts are processed mechanically as well as the tremendous volume of individual items processed daily by the banking system.

As a result of consumer complaints, hearings were held in Congress focusing on the telemarketing fraud crime problem. During November 1991, the Committee on Government Operations, Subcommittee on Commerce, Consumer, and Monetary Affairs, released a report entitled "The Scourge of Telemarketing Fraud: What Can Be Done Against It?"

The purpose of the report was to:

(1) educate the public and Congress on the nature, extent, methods and kinds of boiler room/telemarketing fraud;

(2) examine the difficulties in investigating and prosecuting the operators of these schemes;

(3) recommend improvements and solutions for Federal law enforcement to implement.

The report was compiled from numerous committee sessions in which representatives from the FBI, United States Postal Inspection Service (USPIS), Federal Trade Commission (FTC), Commodity Futures Trading Commission (CFTC), Federal Deposit Insurance Corporation (FDIC), the Council of Better Business Bureaus (BBB), and various prosecutors, victims and others including cooperating convicted boiler room operators testified. The committee was provided with much testimony and numerous facts to substantiate the tremendous impact of illegal telemarketing upon the American public. Based upon the testimony, the Committee estimated that only 1 in 10,000 victims of telemarketing fraud report the fraud and that the national telemarketing fraud problem costs consumers between $3-$40 billion dollars per year.

In revealing testimony, a convicted boiler room operator testified as follows:

"We targeted the wealthy and the elderly in our fraud. Retirees were easily accessible by phone, usually at home during the day, and thus easy to resell. We found the elderly intent on enlarging their nest egg, their limited income, and often interested in generating money for their grandchildren. Many were former businessmen who had routinely committed on deals over the phone in their previous working days."

"The elderly are vulnerable because their memory is poor, they rarely memorialize phone conversation into writing, and only occasionally ask for written guarantees . . . Their most notable weakness is that once they recognize the deceit, they are often too embarrassed to relay the events to their offspring, friends, counsel, and law enforcement."

This type of testimony indicates one of the telemarketer's strategies when perpetrating these crimes. The most vulnerable victims are sought and when found, they are exploited. This statement supports one of the findings of the Lou Harris survey indicating that most Americans feel the elderly are targeted as potential victims of fraud.

OPERATION DISCONNECT SCENARIO

Operation Disconnect began approximately two years ago. It was developed as an innovative and unique approach to address Salt Lake City's identified telemarketing crime problem. Salt Lake City FBI Special Agents conceived and initiated an undercover operation designed to allow undercover FBI Agents to engage in direct conversation with the owners and operators of identified illegal telemarketing operations. The undercover scenario proved to be very effective. It proved to be so effective that similar undercover operations were initiated in a number of other field offices around the country. At its conclusion today, Operation Disconnect encompasses a total of 18 FBI field offices. This national, criminal investigative effort, unilaterally conducted by the FBI, is the most significant investigative initiative undertaken to counter illegal telemarketing operations.

An essential feature of the undercover scenario centered around undercover FBI Agents visiting the owners of illegal telemarketing operations and representing themselves as salesmen of a company which leased a "one-of-a-kind" computerized automatic dialing system. This equipment was advertised by the undercover Agents as a method to dramatically reduce the telemarketer's operating costs and increase their incoming phone calls, thereby generating additional profits for the operation.

The undercover scenario continued with the undercover Agents designing a recorded sales pitch that was customized for that particular telemarketing operation. This recorded sales pitch would be installed in the computerized dialing equipment and used to promote the telemarketer's operation. At a prearranged time, the undercover Agents arranged for a test of this customized recorded sales pitch in order to demonstrate its effectiveness. The test turns out to be quite successful with a number of consumers purchasing the product. Based upon the success of the test, the owners of the telemarketing operation were quite naturally impressed and very interested in having the system installed. The telemarketers were unaware, however, that the sales pitch was never reduced to a recording nor was the dialing equipment ever activated. The return phone calls received by the telemarketing sales personnel from consumers were actually calls from other FBI Agents posing as customers. The lure of quick illegal profits proved to be the undoing of these operations.

Operation Disconnect has and will continue to provide a great deal of intelligence about illegal telemarketing. Many details about the current methods of operation and the means of avoiding law enforcement detection have been discovered. This intelligence is expected to assist both law enforcement and regulatory agencies in combatting this crime problem for some time to come.

THE BASIC TELEMARKETING SCHEME

For the most part, the illegal telemarketers identified through Operation Disconnect shared a common method of operation to perpetrate these crimes: contact the customer, promise them a product or service, and have them pay for that product or service prior to receiving it. The majority of the telemarketers identified utilized the telephone in making initial contact with their victims. Many of these calls were "cold calls," in that the telemarketer was not aware of the identity of the victim they contacted. Alternately, the telemarketer will buy lead sheets and/or reload lists from other telemarketers or information brokers. These lists contain the names and phone numbers of victims who have purchased products in the past, and may include some biographical data as well. A small percentage of those telemarketers identified utilized automatic dialing equipment, which automatically calls a series of phone numbers and plays a prerecorded message to whoever answers the phone.

The next most popular contact method involves the use of a postcard being mailed to random or, in some cases, selected households. These postcards will advise the recipient that they are eligible to enter a sweepstakes or have already won a prize in a given sweepstakes offer. The receiver of the postcard is most often requested to contact the telemarketer through an "800" or "900" number. Other initial contact methods involve placing advertisements in the classified ads of newspapers or magazines and placing a solicitation booth at a shopping mall or outdoor fair and having individuals enter a sweepstakes by providing their name, phone number and address on an entry form. This information is then used by the telemarketer to contact the potential victim.

The entry into a sweepstakes is the most popular method employed. The sweepstakes scheme involves the telemarketer advising the potential victim that they are either eligible to win or have already won one of a number of prizes. In order to claim that prize, the entrant needs to purchase a particular product or pay a fee associated with the prize. The fee will be collected via credit card, money order, check, or sight draft. The sweepstake schemes identified offered prizes such as pen sets, skin care products, vitamins, jewelry, household cleaning products, printed materials, and other items. Most of these products are inexpensive and cost the telemarketer significantly less than their stated value in the telemarketer's sales pitch. The cost to the consumer of the products identified through Operation Disconnect ranged from $29.95 to $599.

Other schemes involved the sale of professional services. These services included employment opportunities, credit/debit card protection, scholarship monies, distributorships, investment opportunities, and others. The distinguishing factor in these schemes is that these offerings are not contingent upon entering a sweepstake. The professional service schemes usually cost from $750 to $2,000, with some schemes requiring as much as a $50,000 advance fee. The professional service schemes were, for the most part, directed at a particular type of victim.

As described above, the telemarketer will sometimes design a particular scheme to target a certain type of victim. The largest category of targeted victims uncovered were the elderly. The second largest category represented that of the general public, where no particular type of consumer was targeted. The remaining victim categories were the result of schemes designed to specifically target those types of consumers.

Operation Disconnect provided significant details concerning the illegal telemarketer's methods of operation. New illegal telemarketers' strategies are only limited by their imagination and the susceptibility of the consuming public.

COMMON TELEMARKETING TERMINOLOGY

Ad Specs—Advertising Specialties; promotional type items, including pens, keychains, magnetic business cards baseball caps, etc. Mainly sold to small business customers. The telemarketer will usually print the customer's business name, address and telephone number on the promotional ad spec item.

Automatic Dialer—A lead generating system that uses a computerized machine to randomly telephone potential customers by broadcasting a pre-recorded "speed pitch" which gives a brief explanation of the promotion and invites customers to call in to the telemarketer.

Back End—The actual shipping of the product being offered by the telemarketer. For a boiler room to ship its product to the customer in a timely fashion, it must be able to "fulfill the back end" of the sale.

Boiler Room—A sophisticated telemarketing phone room. The term is used to describe the physical and emotional atmosphere of a typical phone room. Most phone rooms are sparsely furnished with groups of desks and telephones and are characterized by a high-pitched level of excitement generated by the sales reps.

Breakage Certificate (CERT)—Travel certificates offered as prizes or bonuses by telemarketers whereby the majority of customers who receive them never actually utilize the travel of vacation. These certificates often contain so many restrictions and qualifications that most customers find them too prohibitive to use. Since most suppliers of "breakage certs" realize that a limited percentage of customers will ever actually travel, they are able to sell the certificates to telemarketers at very low prices, generally $2.00-$50.00 apiece.

Button Up—Similar to a closer, this term normally refers to a floor manager who finalizes a sale on behalf of the sales rep. During the "button up", the manager may also "verify" the information which the sales rep presented to the customer.

Catalog Rebuttal—Many telemarketers will instruct customers to mail in a photograph of themselves with their award or bonus. Customers are told that this photograph will appear in a future promotional catalog to be published by the company. This rebuttal tends to lend legitimacy to the promotion even though the catalog is never actually published.

Chargebacks—A customer's cancellation of a credit card charge whereby the original purchase was made utilizing a credit card. The customer subsequently receives a refund on his/her VISA or MasterCard and the telemarketer's merchant account is charged with an offsetting chargeback for the amount of the sale.

Check Debit (sight draft)—A method of payment whereby the telemarketer is able to receive funds directly from the customer's checking account via electronic transfer. This eliminates the actual drafting of a check as well as the float period for the instrument to clear.

Closer—A telemarketing sales rep who specializes in finalizing or "closing" the sale to a customer. "Closers" are usually experienced telemarketers who take over the sale from the "fronter" and generally command a higher commission per sale.

Closing Rate—The actual percentage of customers who purchase the product out of all those who are contacted. Typical closing rates fall between 3%–10% based on the experience of the sales reps and the sales tactics used.

Cold Calling—Unsolicited outgoing telephone calls to potential customers. Potential customers names and telephone numbers are usually purchased by boiler room owners in the form of "lead lists".

Control Number—Claim number, activator number; the number listed on a mailer or promotional card sent out to prospective customers. Sales reps use this number to verify that the customer has been preselected to receive an award or bonus. Most telemarketers represent that this is a unique customer number which has been registered in their computer system, when in fact the number acts merely as a state or mail batch identifier.

Customer Service—A separate division in most telemarketing companies whose sole responsibility is to handle customer complaints.

Dropping Mail—The process of mailing large volumes of promotional materials (award notification letters or cards) enticing potential customers to call in to the boiler room. This practice is used as part of an "inbound" system and mail is usually "dropped" several times per week by the telemarketer.

Fronter—Generally, an inexperienced sales rep who handles the first portion of a customer sale. The "fronter" will obtain basic customer background information and provide the customer with an outline of the promotion before turning the telephone over to a "closer" to finalize the deal.

Gimme Gift—The award or bonus that all customers receive. Even though sales reps advise customers that they may receive one of several valuable prizes, if they receive any prize at all, each customer actually receives the same "gimme" gift, usually a prize of very low value. Typical "gimme" gifts include a travel certificate or a piece of cheap jewelry.

Hard Gift—An extra or throw-in gift given in addition to the "gimme" gift in order to entice the customer to make a purchase. Like the "gimme" gift, it usually has a very low cost, although it is represented to be quite valuable. Typical "hard" gifts include a diamond pendant or designer watch.

In the Ether—When a sales rep is able to excite a customer about the awards and bonuses he/she may have won, that customer is said to be "in the ether". Sales reps will then bring the customer "out of the ether" by explaining the terms and conditions under which these awards or bonuses may be obtained.

Laydown—An easy sale. A customer who is so excited about the promotion that he or she becomes an easy target for the sales rep.

Lead Costs—The costs associated with obtaining and contacting new customers. These costs include lead lists, telephone bills, advertising expenses, postage and the costs associated with distributing a mailer.

Lead List—A list of potential customers which a telemarketer purchases from a lead specialist. This list of names and telephone numbers represents potential customers who are most likely to be interested in the promotion, based on past buying tendencies, income bracket, etc. Lead lists are often sold at a cost of between $3.00 and $5.00 per name.

Mailer—The actual letter, card, or award notification that the telemarketer mails to potential customers in order to entice them to call in for more information. Mail is "dropped" by most boiler rooms that utilize an "inbound" system.

Merchant Account—A VISA and/or MasterCard operating account utilized by telemarketers so that customers can charge purchases on their own credit card. A merchant account is actually a clearing account which the telemarketer maintains at a bank. customer charges are credited to the account and funds are subsequently transferred to a separate corporate bank account, usually the next day. In general, telemarketers have an extremely difficult time obtaining merchant accounts due to the highy volume of chargebacks and the nature of the industry.

Misrepresentations (Misreps)—Untrue or exaggerated statements made by a sales rep in order to entice a potential customer to buy. Misreps may include false statements concerning award, bonus or product values, product or award quality, facts concerning the telemarketing company, odds of winning a specific award, etc.

Mooch—A sucker. A term used by telemarketers to describe a naive customer who is easily influenced and manipulated by the sales rep when closing the sale.

No Sale Room—A separate phone room used by some telemarketers to re-contact potential customers who refused to initially make a purchase. These "no sale" reps will usually feign a lack of understanding as to why the customer did not initially choose to take advantage of the promotion.

Omissions—Significant facts relating to a telemarketing promotion which the sales rep elects not to tell the customer. Omissions may include hidden costs or restrictions relating to the promotion of which the customer is fully aware.

One In Four (Five or Six)—A common promotion used by telemarketers where potential customers are notified that they are guaranteed to receive one of the listed awards currently being given away. These awards are usually listed in order of descending value and often include an automobile, cashier's check, vacation package, jewelry, etc. Variations on this theme include a "two in six" or allowing the customer to delete one of the prizes from those listed.

Outbound System—Unsolicited customer contacts generated exclusively through "cold calling". Telemarketers purchase "lead lists" and sales reps call these leads without invitation. Opposite of an inbound system and generally a more difficult sale.

Pre-qualification—Qualifying customers in advance of the lead or sale, in other words, verifying that the potential customer can afford the promotion and has ready access to funds before spending a considerable amount of time trying to make the sale.

Promotion—The total package being offered to the customer which usually includes a product, bonus or award and any other incentives used to help close the sale. This package is usually referred to as a promotion, a limited offering, contest or lottery being provided to "select" customers.

Rebuttal—Standard responses used by sales reps to overcome typical customer objections. "Rebuttals" are often preprinted and readily available to the sales rep in order to help overcome customer hesitancy to purchase.

Reload (LOAD)—An attempt to resell a customer who has already purchased from a telemarketing company in the past. Customers who have made a purchase in a previous promotion are often re-contacted and promised the chance of winning more valuable awards in exchange for a subsequent purchase. Customers can be "reloaded" five, six or more times, each time being promised grander awards with greater chances of winning.

Reload (LOAD) List—A lead list of customers who have previously made purchases in one or more telemarketing promotions. Telemarketers may keep these leads for themselves or sell them to other boiler rooms for as much as $10.00 per name.

Sales Pitch—The actual printed document used by sales reps to help convey the nature of the promotion. This "pitch" lists all the key selling points which management deems necessary to complete the sale. With experience, sales reps tend to develop their own unique pitch or selling style which works best for them.

Seed Pitch—The actual pitch used by an automatic dialing system when generating leads. The "seed pitch" is replayed continuously over the telephone in an attempt to solicit potential customers.

Sight Draft (CHECK DEBIT)—A method of payment whereby the telemarketer is able to receive funds directly from the customer's checking account via electronic transfer. This eliminates the actual drafting of a check as well as the float period for the instrument to clear.

Spiff—An incentive bonus given by a telemarketing owner or manager to a sales rep for exceptional or sustained performance. "Spiffs" are usually given out in the form of cash bonuses once a sales rep has surpassed a predetermined goal or level.

Straight Travel Certificate (CERT)—A telemarketing promotion whereby the company offers the customer a travel certificate of one kind or another as the only award or bonus instead of "one of four". Sometimes this travel cert may also be supplemented with a "hard gift".

Stroke—A customer who has no intention of making a purchase but strings the sales rep along as if they are really interested in the promotion. Customers who have previously been unsatisfied in dealings with telemarketers will sometimes "stroke" the sales rep as a form of revenge.

Takeover (TO)—Similar to a "button up" and a "closer", one sales rep may "takeover" for another in order to try and close the sale. A sales rep may ask for a "TO" in order to put a fresh voice on the phone who can try a different tactic to sell the customer.

Travel Certificate (CERT)—A certificate which, upon completion, entitles the holder to receive a vacation package to a specific destination. The vacation package may include accommodations only, one way or round trip airfare for one or two people, or a combination of these with additional attractions or discount coupons. Most telemarketers are able to obtain travel certificates for between $2.00 and $50.00 a piece and are often used as the "gimme gift" in a "one for four" promotion.

Verification—Confirmation of a customer order. Sometime after the sale is made, most telemarketers will recontact the customer and confirm the information provided by the sales rep and verify that the customer has made his/her payment in the prescribed manner. Verifications are normally handled by a manager or verifying specialist.

Verification Rate—The percentage of customers who continue with the purchase upon verification. Depending on the product, promotion and the experience of the verifier, telemarketing verification rates may vary between 60 percent and 95 percent.

X-Class Certificate (CERT)—A high-priced travel certificate offered by numerous telemarketers. Airlines offer various classes of airfare, including Y-class, which is generally the most expensive. As a bonus or "gimme gift", telemarketers often will give customers one free airfare with a second available only at the Y-class rate.

CONCLUSION

The development of new technologies will change the way consumers conduct business during the 1990s. Digital telephone technology will allow a great deal of flexibility and convenience for consumer interaction with banks, retail establishments, and one another. In the near future, Smart cards will be introduced. These cards will be micro-encoded with personal, medical, and financial information as well as other applications if the consumer so desires. These Smart cards will be programmable and interactive. Future consumers will access various systems using these cards and automatically update their accounts with new personal information such as a new address, bank account number or medical updates.

By 1995, it is estimated that there will be 50 million personal computers in use in American homes. Americans will be able to conduct much of their retail purchases by computer. Electronic bulletin boards, which both advertise and educate, will number 100,000. All this information will be accessible via the computer. These networks of computers will continue to alter the traditional ways that individuals and businesses communicate and conduct business. These technologies and associated advancements will also affect the method and means by which telemarketing fraud will be committed in the years to come. These same technologies will also alter the way in which consumers detect fraud and ultimately report it to the proper authorities.

White collar criminals will endeavor to use these new systems to perpetrate fraud against senior citizens as well as the general public. While Operation Disconnect has resulted in numerous indictments, arrests and searches and should cause the termination of a number of illegal telemarketing operations, the American consumer must remain alert for indications of fraud. It is hoped that the prosecutions and sentences resulting from Operation Disconnect will send a clear and convincing message to these criminals that law enforcement will not tolerate such criminal acts. Law enforcement should be in a better position to understand and combat illegal telemarketing because of Operation Disconnect. The FBI's efforts in combating illegal telemarketing fraud will continue.

CONGRESSIONAL INTEREST

As mentioned previously, illegal telemarketing costs the American consumer tens of billions of dollars each year. Congress has focused increasing attention to this problem. A number of hearings have been held to gain additional insight and understanding about this crime problem. During the past three years, a number of subcommittees have convened to address this crime problem. The following is a brief synopsis of those hearings:

On July 7–11, 1990, the Commerce, Consumer, and Monetary Affairs Subcommittee of the House Government Operations Committee met to address the nature and extent of telemarketing frauds and law enforcement's efforts to respond to the problem. The subcommittee was interested in knowing the FBI's evaluation of the telemarketing crime problem, the United States Attorney's prosecutive efforts, as well as some of the FBI's statistics as they relate to telemarketing fraud.

FBI Inspector Thomas F. Jones testified before the subcommittee relative to these areas and others. A number of other Federal law enforcement and regulatory representatives testified as well. These hearings resulted in the committee preparing a report entitled "The Scourge Of Telemarketing Fraud: What Can Be Done Against It?". The findings of this report prompted the committee to request a number of Federal law enforcement agencies, including the FBI, and regulatory agencies to respond to some of the suggestions and findings of the committee. The Director of the FBI responded to the committee's suggestions via letter dated March 20, 1992. The last paragraph of the letter made reference to the FBI expecting results in the coming months relative to enhanced effectiveness in combating telemarketing fraud. That reference specifically related to Operation Disconnect.

The House Small Business Committee, Subcommittee on Regulation, Business Opportunities and Energy, which Congressman Ron Wyden chairs, along with the House Select Committee on Aging, Subcommittee on Health and Long-Term Care, which Congressman Edward Roybal chairs, held a joint hearing on this subject on June 21, 1991. The hearing focused on the emergence of bank sight drafts as a means to collect fraudulent payments from consumers. The use of bank sight drafts allows telemarketers to withdraw funds directly from a consumer's checking account by use of the banking industry's check collection system. Witnesses at the June 21, 1991 hearing included several victims of telemarketing fraud, a convicted telemarketer, the State Attorneys Generals from Oregon, Rhode Island, and Colorado, a bank security officer, representatives of VISA USA Inc. and MasterCard International Inc., as well as representatives of the United States Postal Inspection Service (USPIS), Federal Trade Commission (FTC), United States Secret Service (USSS), and the FBI. Unit Chief Charles L. Owens of the FBI's White Collar Crimes Section, Economic Crimes Unit, testified as a representative of the FBI.

As a possible indicator of the two Congressmen's interests, Congressman Roybal, during the testimony, stated he had information that the elderly represent one-third of all the victims in telemarketing schemes. Congressman Roybal attributed this high percentage to the fact that elderly consumers have savings, typically from pension payouts and life insurance benefits, and that they are at home to receive the telephone sales pitches. Congressman Wyden, during the hearing, stressed with each witness, the failure of state and local officials to effectively combat telemarketing fraud. Congressman Wyden publicly called for increased Federal involvement to investigate and prosecute fraudulent telemarketers as a means to deter fraud.

On February 24, 1992, a hearing was held before members of the Subcommittee on Regulation, Business Opportunities, and Energy of the House Small Business Committee, relative to the Subcommittee's three-year long investigation of telemarkeing, mail, and other consumer frauds and scams. The Subcommittee was particularly interested in those scams that affected individuals residing in Oregon and the Northwest. Testifying before the Subcommittee were representatives of the USPIS, FTC, Portland Oregon Police Bureau, the Oregon Attorney General, and an elderly victim who lost her life savings to a home improvement scam. The Subcommittee's intention was to introduce legislation allowing the State Attorneys Generals to use the federal courts and the power of a federal injunction to close down illegal telemarketing operations as well as securing restitution from the operators of those operations.

On July 30, 1992, a number of individuals representing private organizations, consumer groups, the FTC, and others testified before the Consumer Subcommittee of the Senate Commerce, Science and Transportation Committee. Senators John McCain (D-AR) and Richard Byran (D-NV) held the hearing in order to call the House of Representatives to act on their legislation designed to strengthen the government's ability to combat telemarketing fraud. The measure increases the FTC's authority to act on telemarketing fraud and health care fraud, particularly when targeted at the elderly. A representative from the American Telemarketing Association (ATA) testified that their association abhors all forms of fraud and expressed the fact that telemarketing fraud affects not only the consumer but the industry as a whole. He stated that the telemarketing industry as a whole employs over 3.4 million people nationwide. Industry estimates place consumer spending in the telemarketing arena at over $400 billion annually. Visa and MasterCard representatives testified that the very integrity of the credit card system is at risk because of this crime problem. That system relies on the widespread acceptability and reliability of credit and the confidence placed in it. They expressed that the banking system itself is a very real victim as well. When consumers dispute the charge appearing on their credit card, the institution issuing the merchant account will be left absorbing the loss when they are unable to collect from the transient telemarketer. Visa and MasterCard are continually educating their member institutions, working with law enforcement, enhancing their monitoring ability within their processing systems, and fully support legislation before Congress to combat telemarketing fraud.

A number of legislative bills designed to address telemarketing fraud had been pending before Congress during the 102nd Session. House of Representatives Bill 3203, "Consumer Protection Telemarketing Act", which was later incorporated into the Senate version (S. 1392), sought to strengthen the authority of the Federal Trade Commission (FTC) with regards to fraud committed in connection with sales made with a telephone. The Act is referred to as the "Telemarketing and Consumer Fraud and Abuse Prevention Act". House of Representatives 3559 sought to amend the Communications Act of 1934 to prohibit certain practices in the use of automatic dialing devices. This bill, the "Electronic Telemarketing Privacy Act" attempts to limit how and when computer generated solicitations can be made and the control given the person called as to how the call can be terminated. House of Representatives 3587, the "Durable Medicare Equipment Fraud Prevention Act of 1991", seeks to amend the Social Security Act to prevent telemarketing fraud directed against medicare beneficiaries by suppliers of durable medical equipment. This act sought to limit the beneficiaries whom the supplier can contact based upon the suppliers prior association with that person. Legislation referred to as the "Telemarketing Bond and Registration Act of 1991" required telemarketers to register with a Federal agency (possibly the Federal Trade Commission (FTC)) and post some form of bond to operate a telephone solicitation business. All of the legislation set forth above was pending upon close of that congressional session.

Long term and effective punishment of those individuals involved in illegal telemarketing begins with effective statutory laws from which to investigate and prosecute. Continued Congressional interest is vital if law enforcement is to be effective in addressing this crime problem. Illegal telemarketers must be aware that if investigated and prosecuted, stiff penalties exist that can and will be used against them. Operation Disconnect will not put an end to illegal telemarketing. It is expected, however, to curtail many of these illegal operations for a period of time while removing some of the confidence under which the subjects have operated in the past. One of the most important gains from Operation Disconnect will be the intelligence gathered as to how these individuals manage their telemarketing operations and the reasons why they operate them in that way.

Operation Disconnect was a well conceived scenario using the telemarketer's own manipulative approach against him. The very technique used by the telemarketers of gaining the confidence and money of their victims was used just as effectively against the telemarketers themselves. They were proposed a deal that was too good to be true. Their greed and personal desire to enhance their criminally derived profits turned out to be their "Achilles Heel". The undercover scenario gathered incriminating evidence against many of the individuals contacted by the undercover Agents. In addition, other individuals who were assisting the telemarketers were also identified. Operation Disconnect does not signal the end to the FBI's efforts in the investigation of telemarketing fraud. The information and intelligence gathered as a result of this investigation will be used to combat this crime problem and others in the years to come.

By Mr. AKAKA:

S. 558. A bill to authorize financial assistance for the Northern Mariana Islands, and for other purposes.

NORTHERN MARIANA ISLANDS ACT OF 1993

• Mr. AKAKA. Mr. President, I am introducing legislation today to implement the third multiyear financial assistance agreement between the United States and the Commonwealth of the Northern Mariana Islands [CNMI].

In 1976, Congress enacted the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, Public Law 94–241 which established the political relationship between the United States and the Northern Mariana Islands, formerly a part of the Trust Territory of the Pacific Islands. Section 702 of the covenant committed the United States to provide financial assistance to the CNMI for 7 years to raise the local standard of living, and to support economic development so that the islands could meet the costs of local government. In addition, section 902 of the covenant provided that, before the end of this initial period of financial assistance, representatives of the United States and Commonwealth of the Northern Mariana Islands would meet to consider and make recommendations regarding future multiyear financial assistance to the CNMI.

In 1985, Congress enacted the second multiyear financial assistance agreement which provided funds for the period 1986 to 1992. A feature of particular importance of this second agreement was that the CNMI would continue to receive $27.7 million annually after the seventh year, until Congress provided otherwise by law. This provision was intended to assure continued funding for the CNMI in the event that an agreement was not reached between the United States and Commonwealth of the Northern Mariana Islands representatives, or Congress was unable to enact implementing legislation prior to the end of fiscal year 1992. As it happened, an agreement was not reached prior to the end of fiscal year 1992, so the CNMI received this $27.7 million contingency payment.

On December 17, 1992, the special representatives of the CNMI and the U.S. signed the third multiyear financial assistance agreement and it was transmitted to Congress on January 19, 1993. A copy of the letter of transmittal, including the agreement and the implementing legislation, are set forth following my statement.

On February 17, 1993, President Clinton included the implementation of this new agreement in his economic plan. Because the new agreement would reduce financial assistance to the CNMI from the current $27.7 million annual payment, its implementation would result in a budget savings estimated at $43 million over the period 1994–98. I expect that the Committee on Energy and Natural Resources will be instructed, as a part of the reconciliation process, to achieve the budget savings estimated to result from the enactment of this legislation. Accordingly, I am introducing this legislation and anticipate holding hearings as soon as practicable.

This new agreement recognizes the enormous economic growth which has occurred in the CNMI and the resulting reduction in the need for Federal financial assistance. The total Federal contribution under the agreement would be $120 million, a substantial reduction from the $228 million provided from 1986–92. In addition, the agreement requires a 50–50 cost share by the CNMI over its entire 7 year term. Finally, combined funding under the agreement would be dedicated to capital infrastructure projects, and would thus contribute directly to long-term economic development in the CNMI.

On the other hand, the need for this level of Federal assistance could be questioned given the substantial growth in local CNMI revenues. Local revenues have grown from $53 million to $136 million from 1987 to 1991. This growth in local revenue exceeds Federal financial assistance under the previous two assistance agreements. In addition, the local population has grown from 16,780 to 43,345 from 1980 to 1990 because the CNMI has opened its doors to immigration. Such an influx of aliens was not intended under the covenant and it raises the question of whether the Federal Government should be providing financial assistance to accommodate an unintended flood of aliens, instead of raising the living standard of U.S. citizens.

Mr. President, I look forward to reviewing this agreement and these related issues in the upcoming hearing, and to working with the administration, Members of the House, and with the CNMI to provide the CNMI with the financial support it needs, while recognizing the serious financial challenge we face here in the Nation's Capital.

Mr. President, I ask unanimous consent that the material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, DC, January 19, 1993.
HON. DAN QUAYLE,
President, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed are the Agreement of the Special Representatives on Future Federal Financial Assistance for the Northern Mariana Islands, and a draft bill "To authorize financial assistance for the Northern Mariana Islands, and for other purposes."

We recommend that the bill be referred to the appropriate committee for consideration, and that it be enacted.

Section 702 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, approved by the Congress in Public Law 94-241, provides that the President and Governor of the Northern Mariana Islands shall appoint special representatives to consider and make recommendations regarding future multi-year financial assistance to the Northern Mariana Islands. President George Bush and Governor Lorenzo I. De Leon Guerrero, respectively, appointed special representatives. On December 17, 1992, the special representatives completed the signing of the Agreement of the Special Representatives on Future Federal Financial Assistance for the Northern Mariana Islands (hereinafter referred to as "agreement").

Subject to approval by the Congress, the agreement provides the framework for Federal financial assistance for the Northern Mariana Islands for a third seven-year period, fiscal years 1994 through 2000. The United States' full faith and credit guarantee would continue to be applicable to the negotiated $120 million in Federal funding for the Northern Mariana Islands. This third agreement differs from the previous two agreements in two significant respects—the funding would be devoted exclusively to capital infrastructure development, and over the period of the agreement there will be a 50/50 match between Federal and local funds.

Fueled by rapid economic growth, the Government of the Northern Mariana Islands has experienced striking increases in local revenue over the past decade. Federal funding of government operations, therefore, is not required. This rapid economic growth, however, has severely taxes the physical infrastructure of the Commonwealth. Thus, Federal assistance, in declining amounts over the seven-year period of the agreement, is required to fund capital infrastructure construction.

The effect of this draft bill on the deficit is:

[In millions of dollars]

	Fiscal years—					
	1994	1995	1996	1997	1998	1994–98
Outlays	−6	−7	−8	−10	−12	−43

The Omnibus Budget Reconciliation Act (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase in the deficit; and if it does, it will trigger a sequester if it is not fully offset. This draft bill would decrease direct spending. Considered alone, it meets the pay-as-you-go requirement of OBRA.

Enactment of the draft legislation is essential for fulfillment of the agreement and meeting the infrastructure needs of the Commonwealth. We urge early action by the new Congress.

The Office of Management and Budget has advised that there is no objection to the submission of this draft bill from the standpoint of the Administration's program.

Sincerely,

STELLA GUERRA,
Assistant Secretary,
Territorial and International Affairs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 24, 1976 (Public Law 94-241; 90 Stat. 263), as amended, is amended by adding the following new section at the end thereof:

"SEC. 6. Pursuant to section 701 of the foregoing Covenant, enactment of this section shall constitute a commitment and pledge of the full faith and credit of the United States for the payment of $120 million of guaranteed amounts of direct grant assistance to the Government of the Northern Mariana Islands for capital infrastructure construction for the seven fiscal years 1994 through 2000, which assistance shall be provided according to the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and the special representatives of the Governor of the Northern Mariana Islands."

AGREEMENT OF THE SPECIAL REPRESENTATIVES ON FUTURE FEDERAL FINANCIAL ASSISTANCE FOR THE NORTHERN MARIANA ISLANDS

Whereas under the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Covenant), the Government of the United States (Federal Government) and the Government of the Commonwealth of the Northern Mariana Islands (Commonwealth Government) desire to further their mutually beneficial relationship through the development of the economic resources of the Commonwealth, which, over the next seven years, are expected to meet the financial needs of local self-government; and

Whereas the current guaranteed annual levels of direct grant assistance expire at the end of fiscal year 1992; and

Whereas the Covenant provides for the appointment of special representatives to consider and make recommendations regarding future Federal financial assistance to the Commonwealth Government; and

Whereas President George Bush and Governor Lorenzo I. De Leon Guerrero appointed such special representatives who have considered such future Federal financial assistance;

Now, therefore, we, Stella Guerra, Special Representative of the President of the United States, and Benjamin T. Manglona, Pedro R. Deleon Guerrero, Joseph S. Inos, Eloy S. Inos, David M. Sablan, and Mike W. Naholowaa, Special Representatives of the Governor of the Commonwealth of the Northern Mariana Islands, agree as follows:

PART I. POLICY STATEMENT

The Special Representatives mutually agree that economic growth in the Commonwealth of the Northern Mariana Islands has progressed so that the Commonwealth Government is now capable of fully financing its government operations, and will phase in local financing for all capital development projects according to the schedule in this agreement, with the goal of self-reliance by the end of the period of this agreement.

PART II. FUNDING

A. Guaranteed Funding Schedule. Subject to the minimum matching contributions by the Commonwealth Government, the Federal Government pledges the full faith and credit of the United States to the appropriation of $120 million in capital development funding in accordance with the following schedule:

Fiscal year	Federal contribution	Commonwealth contribution	Matching percent ratio	Commonwealth capital development fund
1994	22,000,000	9,000,000	71/29	31,000,000
1995	21,000,000	14,000,000	60/40	35,000,000
1996	20,000,000	16,000,000	56/44	36,000,000
1997	18,000,000	18,000,000	50/50	36,000,000
1998	16,000,000	20,000,000	44/56	36,000,000
1999	14,000,000	21,000,000	40/60	35,000,000
2000	9,000,000	22,000,000	29/71	31,000,000
Total	120,000,000	120,000,000	50/50	240,000,000

The Special Representatives agree that the final appropriated amount for fiscal year 1993 will be granted in accordance with the terms described in Parts II and III of this agreement, except that the matching contributions by the Commonwealth Government will be 25 percent of the Federal contribution.

The Special Representatives agree that the interest earnings on funds contributed under the Second Financing Agreement may be applied to the total of the Commonwealth Government matching requirements for fiscal years 1993 through 1995. These earnings will be made available when the terms of the grant pledge agreements entered into under the Second Financing Agreement are met.

Any non-Federal funds appropriated by the Legislature in the internal Commonwealth budget process constitutes local revenue for the purpose of complying with the Commonwealth Government contribution requirements for specific projects delineated in Part II B of this Agreement.

B. Capital Development. The Commonwealth Government shall develop and maintain an integrated list of priorities for new and reconstructed capital infrastructure to serve the residents of the Commonwealth. Each listed project shall have a cost estimate with identified sources of financing. Projects may be phased over two or more years. Such list may be revised as deemed appropriate by the Commonwealth Government. Copies of the list and any revision shall be submitted to the Assistant Secretary of the Interior for Territorial and International Affairs.

Projects shall be funded in accordance with an annual grant that specifies the required Federal Government and Commonwealth Government contributions for the projects.

The islands of Rota and Tinian shall each receive no less than a ⅙th share and the island of Saipan shall receive no less than a 2⁄6th share of the total Commonwealth Capital Development Fund.

C. Debt Financing. The Federal contribution provided in accordance with this agreement may be applied or directed by the Commonwealth Government for the repayment of debt instruments issued by the Commonwealth Government for purposes of capital development, subject to the approval of the Assistant Secretary of the Interior for Territorial and International Affairs.

PART III. ADMINISTRATIVE PROVISIONS

A. Reporting and Accountability. The Federal financial assistance provided under this agreement shall be subject to applicable Federal grant regulations (the Common Rule: 43 CFR 12a, OMB Circular A-102, and OMB Circular A-128).

Prior to the contribution of funds under this agreement, the Federal Government and the Commonwealth Government shall enter into a Subsidiary Agreement on Audit Resolution describing the procedures for resolution and follow-up of all audit recommendations related to financial assistance provided pursuant to Section 702 of the Covenant.

B. Performance Review. Prior to the beginning of the third and fifth years of this agreement, representatives of the Commonwealth Government and the Federal Government shall meet to review progress in carrying out this agreement.

C. Prerogative. This agreement may be amended by mutual agreement in writing, or may be voided by either party prior to ratification by the Congress. In recognition of mutual compromise in exhaustive discussions leading to this agreement, and the Governor of the Commonwealth shall communicate his endorsement of this agreement to the Congress concurrently with the Administration's formal transmission and endorsement.

Signed at San Francisco, California on the 17th day of December, 1992.

For the United States of America:

STELLA GUERRA,
Special Representative of the President.

For the Commonwealth of the Northern Mariana Islands:

Benjamin T. Manglona, Special Representative of the Governor of the Commonwealth of the Northern Mariana Islands.

Joseph S. Inos, Special Representative of the Governor of the Commonwealth of the Northern Mariana Islands.

David M. Sablan, Special Representative of the Governor of the Commonwealth of the Northern Mariana Islands.

Pedro R. Deleon Guerrero, Special Representative of the Governor of the Commonwealth of the Northern Mariana Islands.

Eloy S. Inos, Special Representative of the Governor of the Commonwealth of the Northern Mariana Islands.

Mike W. Naholowaa, Special Representative of the Governor of the Commonwealth of the Northern Mariana Islands.●

By Mr. NUNN (for himself, Mr. BUMPERS, Mr. DANFORTH, Mr. ROTH, Mr. PRESSLER, Mr. HEFLIN, Mr. JOHNSTON, Mr. BOND, Mr. BREAUX, Mr. COHEN, Mr. BOREN, Mr. COCHRAN, Mr. BRYAN, Mr. WALLOP, Mr. HOLLINGS, Mr. MACK, Mr. EXON, Mr. BURNS, Mr. SHELBY, Mr. LOTT, Mr. ROBB, Mr. COATS, Ms. MOSELEY-BRAUN, Mr. HATCH, Mr. DOLE, and Mr. DOMENICI):

S. 560. A bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes; to the Committee on Governmental Affairs.

PAPERWORK REDUCTION ACT OF 1993

Mr. NUNN. Mr. President, I rise this afternoon to introduce the Paperwork Reduction Act of 1993. This bill is substantially identical to Senate bill 1139 from the 102d Congress.

I am pleased that the bill enjoys even broader bipartisan support this Congress. DALE BUMPERS, chairman of the Small Business Committee, will again serve as the principal Democratic cosponsor. He is joined by many current and former members of the committee and other friends of the small business community, including: Senators BOREN, BREAUX, BRYAN, EXON, HEFLIN, HOLLINGS, JOHNSTON, MOSELEY-BRAUN, ROBB, and SHELBY. On the Republican side of the aisle, Senator DANFORTH is the principal cosponsor. He served as the principal cosponsor of the legislation sponsored by our former colleague, Lawton Chiles of Florida, that became the Paperwork Reduction Act of 1980. He is joined by Senators BOND, BURNS, COHEN, COATS, COCHRAN, DOLE, DOMENICI, HATCH, LOTT, MACK, PRESSLER, ROTH, and WALLOP, many of whom are present members of the Committee on Small Business or the Committee on Governmental Affairs.

The bill reaffirms the fundamental congressional objective of the Paperwork Reduction Act of 1980: To minimize the Federal paperwork burdens imposed on the public. It seeks to improve the act's effectiveness as a restraint on the natural tendencies of individual Federal agencies to levy a relentless stream of paperwork requirements on businesses, small and large, State and local governments, educational institutions, nonprofit organizations, and individual citizens.

The bill makes a series of specific amendments to the Paperwork Reduction Act of 1980, based upon more than a decade of experience under the act. These amendments would reemphasize the responsibilities of each agency to carefully review each proposed paperwork requirement to determine if it meets the act's fundamental standards of need and practical utility. And, if needed, assure that the proposed requirement imposes the least burden on those segments of the public against whom the paperwork requirement is directed. The bill seeks to improve the opportunity for public evaluation and comment, while the agency is conducting its review of a proposed paperwork requirement. Who better to suggest alternatives that minimize the burden.

Our amendments also seek to preserve and enhance the role of the Office of Information and Regulatory Affairs [OIRA], which was created by the 1980 act. Located within the Office of Management and Budget, OIRA is expected to "regulate the regulators" in the words of President Carter, when he signed the Paperwork Reduction Act into law. OIRA brings a Government-wide perspective to the act's implementation, serving as both traffic cop and honest broker regarding paperwork requirements advanced by individual Federal agencies without regard to related burdens being imposed by other Federal agencies. We all hear complaints about the cumulative effect of Federal paperwork burdens.

To demonstrate congressional confidence in OIRA, the bill provides a 5-year authorization of appropriations. OIRA has been without an authorization since October 1989.

But the legislation is not merely a vote of confidence in OIRA. The bill substantially strengthens OIRA's ability to effectively foster agency action to minimize paperwork burdens.

For example, our bill would explicitly grant OIRA authority to prescribe standards under which agencies estimate the number of burden hours that a proposed paperwork requirement will impose. Today, too many agency paperwork burden estimates severely underestimate the total burden likely to be imposed. It is not merely the time needed to complete the form. That is just part of the burden. The time needed to understand the paperwork requirement, collect the information, and then array it in the manner requested cannot be ignored. Further, if the paperwork requirement is to be a recurring requirement, it may require the establishment of a special record keeping system.

The bill expands upon the act's public protection features. The act currently permits a member of the public to ignore a paperwork collection requirement that does not display an OMB control number, indicating that the paperwork collection requirement has been approved by OIRA. Under our bill, a member of the public would be empowered to seek a determination from the OIRA Administrator regarding whether the manner in which an agency is implementing a paperwork requirement is in conformity with the act. This provision is based upon an essentially identical authority granted by the Office of Federal Procurement Policy [OFPP] Act. Under the OFPP Act provision, the Administrator for Federal Procurement Policy is empowered to conduct a review of an agency procurement regulation, such as one issued by an individual buying organization, to determine if it conforms to the Government-wide Federal acquisition regulation. The OFPP Act, which I cosponsored, and this public protection feature, is another accomplishment of Lawton Chiles.

The bill also includes a strong requirement relating to paperwork reduction goals. Our objective is to build the act's success as an effective restraint on the growth of Federal paperwork. In fiscal year 1991, the American people spent more than 6.5 billion hours filling out forms, answering survey questions, and compiling records for the Federal Government. On the basis of a 40-hour work week, that is the equivalent of 3 million Americans being employed full time solely to meet the Government's paperwork demands. And, these are conservative estimates, compiled by OIRA on the basis of the burden hour estimates assigned by the agencies to their approved paperwork burdens. Burden estimates, which many in the private sector, those on the receiving end of these paperwork demands, believe to be very low. These estimates are contained in an information collection budget, annually published by OIRA. Lawton Chiles included the word budget to emphasize that Federal paperwork requirements impose real costs on the public and the Nation's economy.

Mr. President, at the same time, there can be no doubt that Government requires information to serve the people. As has been often said, we are in the Information Age. The key is to obtain only what is necessary and to do so in the least burdensome manner. Improving the Government's use of information technology is, and should be, an important function of OIRA. It can simultaneously lessen the burden of information collection on the public, enhance Government's effective use of the information collected, and foster dissemination of Government information for the benefit of the public. Although the product of an era in which mechanical typewriters dominated Government offices, the Paperwork Reduction Act provides the broad legislative foundation to serve as a key tool for coping with the new demands being placed upon the Federal Government.

Similarly, regulations are inherent to government. They specify the details that cannot be readily included in the statutes we enact. Regulations can provide an opportunity for adding flexibility. They can also provide an opportunity to magnify, many times over, the burdens imposed on the public by legislative action. Truly, "the devil is in the details," as the old saying goes.

On January 22, my friend from Arkansas, Mr. BUMPERS, and I wrote to President Clinton regarding the importance of the Paperwork Reduction Act and OIRA in his efforts to improve Government. President Clinton's response was very positive, very encouraging. He said "both can serve as powerful tools in the effort to improve the management of the Federal Government." Senator BUMPERS will have more to say about that in his remarks.

Mr. President, last Wednesday, the Clinton administration announced the National Performance Review. This intense 6-month review of Federal programs is aimed at "not just cutting wasteful spending but also on improving services and making our government work better," as was said by Vice President GORE, who is heading this important initiative. It further demonstrates President Clinton's resolve to make government the servant of the people.

While his actions regarding the National Performance Review have received national attention in the media, less media attention was directed at his early actions regarding restraint on paperwork and regulations. On January 21, day 2 of the Clinton Presidency, he issued an unambiguous directive to the executive agencies that his administration would not abandon centralized review of proposed regulations. The review processes of Executive Order 12291 would continue to be followed, while a review of the various Executive orders relating to regulatory review, inherited from the Reagan and Bush administrations, is completed. Further, new regulations would be issued only after they had been reviewed and approved by an agency head appointed by President Clinton and confirmed by the Senate. These actions were welcomed by the business community, especially by the small business community. There had been some deep concern that the many regulations that had been put on hold by the regulatory moratorium imposed during the last year of the Bush administration might be released without the benefit of a policy review by appointees of the Clinton administration.

Mr. President, it appears to me that those shaping the framework for regulatory review in the Clinton administration are prepared to confront the thorny issues relating to public disclosure of communications received during the regulatory review process. I believe that the outcome of those deliberations will provide disclosure standards that are workable in practical terms, letting the public know the rationale for a decision made without impeding the deliberative process that produces the decision.

Clearly, the strongly held views on what constitutes appropriate public disclosure has been the stumbling block regarding any legislation that includes the reauthorization of appropriations for OIRA.

The public disclosure controversy has also helped to leave OIRA without a Presidentially appointed Administrator since November 1989. While the office has been most ably led by its career Deputy, Jim MacRae, the absence of a Presidential appointee left a vacuum. That vacuum was, in large measure, filled by the Council of Competitiveness, which only complicated the situation further.

I fully expect that President Clinton will soon nominate an OIRA Administrator. That individual will need to have the confidence and the ear of OMB Director Panetta. The new OIRA Administrator should seek to forge close and cooperative partnerships with the person who is nominated to be Administrator for Federal Procurement Policy and with the Deputy OMB Director for Management. Working together, they can make a substantial contribution to President Clinton's goal of making Government more effective and more responsive in delivering services to the public.

Mr. President, I believe that enactment of the Paperwork Reduction Act of 1993 will substantially strengthen one of the best tools at the President's disposal. Further, I would urge administration support for this bill because it sends the right signal to the business community and the public at large. As the President announces his various initiatives, whether they be in advancing manufacturing technology or environmental restoration, he can also signal that his administration is attuned to minimizing the paperwork and regulatory burdens imposed on the public by these various initiatives.

The business community, and especially the small business community, has placed a high priority on minimizing Government paperwork burdens and regulations. Our bill in the last Congress, Senate bill 1139, was strongly supported by the National Federation of Independent Business [NFIB], the Small Business Legislative Council [SBLC], National Small Business United [NSBU], and the many individual small business associations across the Nation that are affiliated with SBLC and NSBU. I am pleased to report that they are with us again this Congress, more determined than ever to see the Paperwork Reduction Act of 1993 enacted into law.

A broad Paperwork Reduction Act coalition, representing virtually every segment of the business community, is also supporting our bill. The participating associations represent many types of manufacturers, aerospace and electronics firms, construction firms, providers of professional and technical services, retailers of various products and services, and the wholesalers and distributors who support them. I would like to identify a few of the coalition's member organizations: The Aerospace Industries Association [AIA], the American Consulting Engineers Council [ACEC], the American Subcontractors Association [ASA], the Associated Builders and Contractors [ABC], the Associated General Contractors of America [AGC], the Contract Services Association [CSA], the Electronic Industries Association [EIA], the Independent Bankers Association of America [IBAA], the International Communications Industries Association [ICIA], the National Association of Wholesalers and Distributors, the National Security Industrial Association [NSIA], the National Tooling and Machining Association [NTMA], the Printing Industries of America [PIA], and the Professional Services Council [PSC]. Leadership for the coalition is being provided by the U.S. Chamber of Commerce, the National Association of Manufacturers [NAM], and the Council on Regulation and Information Management [CRIM]. CRIM is the new name for the Business Council on the Reduction of Paperwork, which has dedicated itself to paperwork reduction and regulatory reform issues for a half century. Next week, the coalition intends to send a letter to the President urging his support of the Paperwork Reduction Act of 1993.

Given the regulatory burdens faced by State and local governments, the educational community, and nonprofit organizations, I suspect that groups representing these interests will be supportive of our legislation. I know that the Governor of Florida, my friend Lawton Chiles, will be pressing our cause within the National Governors Association. President Clinton's long service as Governor of Arkansas, no doubt, has made him personally aware of the paperwork burdens imposed on States and local government by Federal agencies. I suspect that those experiences will bolster my expectation of his support for a revitalizing OIRA and for vigorous application of a strengthened Paperwork Reduction Act.

Mr. President, I am hopeful that the Clinton administration will support the Paperwork Reduction Act of 1993. I believe that if the problem of defining workable public disclosure requirements relating to the review of proposed regulations by OIRA and other parts of the Executive Office of the President can be fashioned, the prospects for passage of this bill should be substantially improved. Again, the Clinton administration seems to be working toward finding a practical and workable set of disclosure procedures that address the concerns for more openness that have been expressed by key members of the Senate and the House. While the resolution of this issue will certainly help clear the way, I have always maintained that the Paperwork Reduction Act already provides appropriate public disclosure procedures, included by Senator Chiles, the sunshine Senator from the Sunshine State. Therefore, at some point during this session, I will press for Senate consideration of the Paperwork Reduction Act of 1993, even if the public disclosure issue has not been resolved.

I urge my colleagues to join us in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the text of the bill along with a summary appear in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paperwork Reduction Act of 1993".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Authorization of appropriations.

TITLE II—REDUCING THE BURDEN OF FEDERAL PAPERWORK ON THE PUBLIC

Sec. 201. Reemphasizing the need to reduce the burden of Federal paperwork on the public.
Sec. 202. Coverage of all federally sponsored paperwork burdens.
Sec. 203. Paperwork reduction goals.

TITLE III—ENHANCING FEDERAL AGENCY RESPONSIBILITY AND ACCOUNTABILITY FOR REDUCING THE BURDEN OF FEDERAL PAPERWORK

Sec. 301. Designating an agency official responsible and publicly accountable for reducing the burden of Federal paperwork.
Sec. 302. Agency responsibilities for controlling and reducing the burden of Federal paperwork.

TITLE IV—ENHANCING GOVERNMENT RESPONSIBILITY AND ACCOUNTABILITY FOR REDUCING THE BURDEN OF FEDERAL PAPERWORK

Sec. 401. Reemphasizing the responsibility of the Director to control the burden of Federal paperwork.
Sec. 402. Enhancing agency responsibility to obtain public review of proposed paperwork burdens.
Sec. 403. Expediting review at the Office of Management and Budget.
Sec. 404. Improving public and agency scrutiny of paperwork burdens proposed for renewal.
Sec. 405. Protection for whistleblowers of unauthorized paperwork burden.
Sec. 406. Enhancing public participation.
Sec. 407. Expediting review of an agency information collection request with a reduced burden.

TITLE V—ENHANCING AGENCY RESPONSIBILITY FOR SHARING AND DISSEMINATING PUBLIC INFORMATION

Sec. 501. Prescribing Governmentwide standards for sharing and disseminating public information.
Sec. 502. Agency responsibilities for sharing and disseminating and sharing public information.
Sec. 503. Agency information inventory/locator system.

TITLE VI—ADDITIONAL GOVERNMENT INFORMATION MANAGEMENT RESPONSIBILITY

Sec. 601. Strengthening the statistical policy and coordination functions of the Director.
Sec. 602. Use of electronic information collection and dissemination techniques to reduce burden.
Sec. 603. Agency implementation.
Sec. 604. Automatic data processing equipment plan.
Sec. 605. Technical and conforming amendments.

TITLE VII—EFFECTIVE DATES

Sec. 701. Effective dates.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 3520(a) of title 44, United States Code, is amended by striking out "$5,500,000 for each of the fiscal years 1987, 1988, and 1989." and inserting in lieu thereof "$7,000,000 for fiscal year 1994, $7,500,000 for fiscal year 1995, $8,000,000 for fiscal year 1996, $8,500,000 for fiscal year 1997, and $9,000,000 for fiscal year 1998.".

TITLE II—REDUCING THE BURDEN OF FEDERAL PAPERWORK ON THE PUBLIC

SEC. 201. REEMPHASIZING THE NEED TO REDUCE THE BURDEN OF FEDERAL PAPERWORK ON THE PUBLIC.

Section 3501 of title 44, United States Code, is amended to read as follows:

"§ 3501. Purposes

"The purposes of this chapter are to—

"(1) minimize the Federal paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons;

"(2) minimize the cost to the Federal Government of collecting, maintaining, using, retaining, sharing, and disseminating information;

"(3) maximize the usefulness of information collected, maintained, used, retained and shared by the Federal Government;

"(4) coordinate, integrate and, to the extent practicable and appropriate, make uniform Federal information policies and practices;

"(5) ensure that government information resources management is conducted in an efficient and cost effective manner to—

"(A) improve the quality of decisionmaking and program management and administration;

"(B) improve the quality and timeliness of services delivered to the public;

"(C) increase productivity;

"(D) reduce waste and fraud;

"(E) facilitate the sharing of information;

"(F) ensure the integrity, quality and utility of the Federal statistical system; and

"(G) reduce burden upon the public;

"(6) ensure that the collection, maintenance, use, retention, sharing, and disseminating of information by or for the Federal Government is consistent with applicable laws;

"(7) establish the responsibility and public accountability of Federal agencies for implementing the information collection review process, information resources management, and related policies and guidance established pursuant to this chapter;

"(8) ensure that automatic data processing, telecommunications and other information technologies are acquired and used by the Federal Government in an effective and efficient manner that—

"(A) improves service delivery and program management;

"(B) increases productivity;

"(C) improves the quality of decisionmaking;

"(D) reduces waste and fraud;

"(E) maximizes the return on investment from the application of Government information and information technology resources over their life cycle; and

"(F) wherever practicable and appropriate, reduces the information processing burden for the Federal Government and for persons who provide information, keep records and otherwise disclose information to and for the Federal Government; and

"(9) strengthen the partnership between the Federal Government with State and local governments by minimizing the burden and maximizing the utility of information collected and shared.".

SEC. 202. COVERAGE OF ALL FEDERALLY SPONSORED PAPERWORK BURDENS.

Section 3502 of title 44, United States Code, is amended—

(1) by amending paragraph (3) to read as follows:

"(3) the term 'burden' means the time, effort, financial resources, and opportunity costs imposed on persons to generate, capture, assemble, process, maintain, and report information to or for a Federal agency, including—

"(A) the resources expended for obtaining, reviewing and understanding applicable instructions and requirements;

"(B) developing a way to comply with the applicable instructions and requirements;

"(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

"(D) searching existing data sources;

"(E) obtaining, compiling and maintaining the necessary data;

"(F) implementing recordkeeping requirements;

"(G) completing and reviewing the collection of information;

"(H) retaining, sharing, notifying, reporting, transmitting, labeling, or otherwise disclosing to third parties or the public the information involved; and

"(I) carrying out any other information transaction which occurs as a result of the collection of information;";

(2) in paragraph (4) by striking out "of facts or opinions by" and inserting in lieu thereof "(through maintenance, retention, notifying, reporting, labeling or disclosure to third parties or the public) of facts or opinions by or for"; and

(3) in paragraph (17) by inserting ", including the retention, reporting, notifying, or disclosure to third parties or the public of such records" before the period.

SEC. 203. PAPERWORK REDUCTION GOALS.

Section 3505 of title 44, United States Code, is amended to read as follows:

"§ 3505. Assignment of tasks and deadlines

"In carrying out the functions under this chapter, the Director shall—

"(1) set a Governmentwide goal, consistent with improving agency management of the process for the review of each collection of information established under section 3506(e), to reduce by September 30, 1994, the burden of Federal collections of information existing on September 30, 1993, by at least 5 percent;

"(2) for the fiscal year beginning on October 1, 1994, and the following 3 fiscal years, set a Governmentwide goal, consistent with improving agency management of the process for the review of each collection of information established under section 3506(e), to reduce the burden of Federal collections of information existing at the end of the immediately preceding fiscal year by at least 5 percent;

"(3) in establishing the Governmentwide goal pursuant to paragraph (2), establish a goal for each agency that—

"(A) represents the maximum practicable opportunity to reduce the paperwork burden imposed upon the public by such agency's collections of information, after considering the recommendations of the senior agency official designated under section 3506(b)(1); and

"(B) permits the attainment of the Governmentwide goal when such agency's goal is aggregated with the individual goals of all other agencies included in the Governmentwide goal; and

"(4) in each report issued under section 3514, beginning with the report relating to fiscal year 1994, identify any agency initiatives to reduce the burden of the Federal collections of information associated with—

"(A) businesses, especially small businesses and those engaged in international competition;

"(B) State and local governments; and

"(C) educational institutions.".

TITLE III—ENHANCING FEDERAL AGENCY RESPONSIBILITY AND ACCOUNTABILITY FOR REDUCING THE BURDEN OF FEDERAL PAPERWORK

SEC. 301. DESIGNATING AN AGENCY OFFICIAL RESPONSIBLE AND PUBLICLY ACCOUNTABLE FOR REDUCING THE BURDEN OF FEDERAL PAPERWORK.

Section 3506 of title 44, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Each agency" and inserting in lieu thereof "The head of each agency"; and

(B) by inserting "resources" after "its information";

(2) in subsection (b)—

(A) by inserting "(1)" before "The head of each agency"; and

(B) by adding at the end thereof the following new paragraphs:

"(2) The senior official designated under paragraph (1) shall be the head of an office, established by the head of the agency, responsible for assuring agency compliance with and prompt, efficient, and effective implementation of the information collection review process, information resources management, and related policies and guidance established pursuant to this chapter.

"(3) Staff to such office shall be well qualified through experience or training to carry out the information collection review process, information resources management, and related policies and guidance established under this chapter."; and

(3) in subsection (c)—

(A) by striking out "and" after the semicolon at the end of paragraph (7);

(B) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon; and

(C) by adding at the end thereof the following new paragraphs:

"(9) prepare estimates of burden that will result from proposed collections of information;

"(10) develop and maintain a strategic Information Resources Management Plan, in accordance with guidance from the Director, for the application of information resources to support the agency's specified mission goals as articulated through its strategic mission planning process;

"(11) establish oversight procedures, in accordance with guidance provided by the Director, to improve the life cycle management of the agency's major information systems; and

"(12) assess the agency's efforts to have program offices manage Government information resources by using performance measures that examine such factors as quality and timeliness of service delivery to the public, productivity of program administration, ability to prevent or reduce fraud, and the burden of Government's information collection practices on the public.".

SEC. 302. AGENCY RESPONSIBILITIES FOR CONTROLLING AND REDUCING THE BURDEN OF FEDERAL PAPERWORK.

Section 3506 of title 44, United States Code (as amended by section 301 of this Act) is further amended by adding at the end thereof the following new subsections:

"(e) The head of each agency, acting through the senior official designated under subsection (b)(1), shall establish an efficient, and effective process for the prompt review of each information collection request before it is submitted to the Director for review and approval under this chapter. At a minimum, this review process shall—

"(1) be sufficiently independent of program responsibilities to evaluate whether each information collection request should be carried out;

"(2) be provided sufficient personnel and other resources to carry out such review responsibility effectively; and

"(3) have authority (independent of agency program officers) to approve, disapprove, and make needed improvements in any agency collection of information.

"(f) Under the process established under subsection (e), the senior official designated under subsection (b)(1) shall certify (and provide a record supporting such certification, including any pertinent public comments received by the agency) to the Director that—

"(1) the collection of information and any applicable instructions and requirements—

"(A) are necessary for the proper performance of the agency's functions and are the least burdensome necessary;

"(B) are not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

"(C) have practical utility;

"(D) are written using plain, coherent and unambiguous terminology;

"(E) are to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

"(F) are understandable to those who are to respond;

"(G) display on the information collection request, to the extent practicable, the agency estimate of the burden for each response, calculated in accordance with the procedures established by the Director under section 3504(c)(5);

"(H) use information technology to reduce burden and improve agency responsiveness to the public;

"(I) use effective and efficient statistical survey methodology appropriate to the need for which the information is to be collected; and

"(J) explain the need and ultimate use of the information to be collected, and the importance of an accurate and timely response; and

"(2) the agency has taken necessary steps to—

"(A) except as provided in section 3507 (g) and (k), give 60-day notice to, and consult with members of the public and interested agencies, in order to—

"(i) enhance the clarity of the proposed collection of information;

"(ii) solicit comment on the agency estimate of the burden for each response for such collection of information; and

"(iii) minimize the burden of such collection of information on those who are to respond, including the appropriate use of automated collection technics or other forms of information technology;

"(B) evaluate the proposed collection of information and any applicable instructions and requirements, by developing and conducting—

"(i) an assessment of need;

"(ii) a functional description of the information to be collected;

"(iii) a plan for the practical collection of information;

"(iv) a specific, objectively supported estimation of burden, including each transaction involved; and

"(v) a test of the collection of information through a pilot or prototype program, if appropriate;

"(C) plan and allocate resources for the efficient and effective management and use of the information to be solicited; and

"(D) reduce burdens on businesses (especially small businesses and those engaged in international competition), State and local governments, and educational institutions, through consideration of such alternatives as—

"(i) establishing differing compliance or reporting requirements or timetables in recognition of the resources available to those who are to respond;

"(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; and

"(iii) an exemption from coverage of the collection of information, or any part thereof.".

TITLE IV—ENHANCING GOVERNMENT RESPONSIBILITY AND ACCOUNTABILITY FOR REDUCING THE BURDEN OF FEDERAL PAPERWORK

SEC. 401. REEMPHASIZING THE RESPONSIBILITY OF THE DIRECTOR TO CONTROL THE BURDEN OF FEDERAL PAPERWORK.

Section 3504(c) of title 44, United States Code, is amended—

(1) in paragraph (3) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and inserting after subparagraph (A) the following new subparagraph:

"(B) display, to the extent practicable, an estimate of the burden for each response;";

(2) by amending paragraphs (5) and (6) to read as follows:

"(5) establishing procedures under which an agency is to estimate the burden under this chapter to comply with the proposed collection of information;

"(6) coordinating with the Office of Federal Procurement Policy to eliminate paperwork burdens associated with procurement and acquisition;";

(3) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(4) by adding at the end thereof the following new paragraphs:

"(8) minimizing the Federal paperwork burden imposed through Federal collection of information, with particular emphasis on those individuals or entities most adversely affected, including—

"(A) businesses, especially small businesses and those engaged in international competition;

"(B) State and local governments; and

"(C) educational institutions; and

"(9) initiating and conducting, with selected agencies and non-Federal entities on a voluntary basis, pilot projects to test or demonstrate the feasibility and benefit of changes or innovations in Federal policies, rules, regulations, and agency procedures to improve information management practices and related management activities (including authority for the Director to waive the application of designated agency regulations or administrative directives after giving timely notice to the public and Congress regarding the need for such waiver).".

SEC. 402. ENHANCING AGENCY RESPONSIBILITY TO OBTAIN PUBLIC REVIEW OF PROPOSED PAPERWORK BURDENS.

Section 3507(a) of title 44, United States Code, is amended—

(1) in paragraph (2)(B) by inserting "a summary of the request," after "title for the information collection request,";

(2) by striking out "and" at the end of paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following:

"(3) the agency provides at least 30 days for public comment to the agency and the Office of Management and Budget after publication of the notice in the Federal Register, except as provided under section 3507 (g) and (k), and the agency head and the Director consider comments received regarding the proposed collection of information; and".

SEC. 403. EXPEDITING REVIEW AT THE OFFICE OF MANAGEMENT AND BUDGET.

Section 3507(b) of title 44, United States Code, is amended—

(1) by striking out the first sentence and inserting in lieu thereof "The Director shall within 30 days after publication of the notice under subsection (a)(3) that is applicable to a proposed information collection request not contained in a proposed rule, notify the agency involved of the decision to approve or disapprove the proposed information collection request and shall make such decisions publicly available. Any decision to disapprove an information collection request shall include an explanation of the reasons for such decision.";

(2) by striking out "sixty" each place it appears and inserting "30" in each such place;

(3) by striking out "thirty" and inserting in lieu thereof "30"; and

(4) by striking out "one" and inserting in lieu thereof "1".

SEC. 404. IMPROVING PUBLIC AND AGENCY SCRUTINY OF PAPERWORK BURDENS PROPOSED FOR RENEWAL.

(a) APPROVAL OF INFORMATION COLLECTION REQUEST.—Section 3507(d) of title 44, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end thereof the following:

"(2)(A) If the head of the agency, or the senior official designated under section 3506(b)(1), decides to seek extension of the Director's approval granted for a currently approved information collection request, the agency shall, through the notice prescribed in subsection (a)(2)(B) and such other practicable steps as may be reasonable, seek comment from the agencies, and the public on the continued need for, and burden imposed by, the collection of information.

"(B) The agency, after having made a reasonable effort to seek comment under subparagraph (A), but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved information collection request, shall—

"(i) evaluate the public comments received;

"(ii) conduct the review established under section 3506(e); and

"(iii) provide to the Director the certification required by section 3506(f), including the text of the certification and any additional relevant information regarding how the information collection request comports with the principles and requirements of this chapter.

"(C) Upon receipt of such certification, and prior to the expiration of the control number for that information collection request, the Director shall—

"(i) ensure that the agency has taken the actions specified under section 3506(f)(2);

"(ii) evaluate the public comments received by the agency or by the Director;

"(iii) determine whether the agency certification complies with the standards under section 3506(f)(1); and

"(iv) approve or disapprove the information collection request under this chapter.

"(3) If a certification is not provided to the Director prior to the beginning of the 60-day period before the expiration of the control number as provided under paragraph (2)(B), the agency shall submit the information collection request for review and approval or disapproval under this chapter.

"(4) An agency may not make a substantive or material modification to an information collection request after it has been approved by the Director, unless the modification has been submitted to the Director for review and approval or disapproval under this chapter.".

(b) APPROVAL OF INFORMATION COLLECTION REQUIREMENTS.—Section 3507 of title 44, United States Code, is further amended by adding at the end thereof the following new subsections:

"(i)(1) As soon as practicable, but no later than publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information requirement and upon request, information necessary to make the determination required under this chapter.

"(2) Within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments under the standards set forth in section 3508 on the collection of information requirement contained in the proposed rule.

"(3) When a final rule is published in the Federal Register, the agency shall explain how any collection of information requirement contained in the final rule responds to the comments, if any, filed by the Director or the public, or explain the reasons such comments were rejected.

"(4) The Director has no authority to disapprove any collection of information requirement specifically contained in an agency rule, if the Director has received notice and failed to comment on the rule within 60 days after the notice of proposed rulemaking.

"(5) No provision in this section shall be construed to prevent the Director, at the discretion of such officer, from—

"(A) disapproving any information collection request which was not specifically required by an agency rule;

"(B) disapproving any collection of information requirement contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

"(C) disapproving any collection of information requirement contained in a final agency rule, if the Director finds within 60 days after the publication of the final rule that such a collection of information requirement cannot be approved under the standards set forth in section 3508, after reviewing the agency's response to the comments of the Director filed under paragraph (2) of this subsection; or

"(D) disapproving any collection of information requirement, if the Director determines that the agency has substantially modified, in the final rule, the collection of information requirement contained in the proposed rule and the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information requirement, at least 60 days before the issuance of the final rule.

"(6) The Director shall make publicly available any decision to disapprove a collection of information requirement contained in an agency rule, together with the reasons for such decision.

"(7) The authority of the Director under this subsection is subject to subsection (c).

"(8) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

“(9) The decision of the Director to approve or not to act upon a collection of information requirement contained in an agency rule shall not be subject to judicial review.

“(j)(1) If the head of the agency, or the senior official designated under section 3506(b)(1), decides to seek extension of the Director's approval granted for a currently approved collection of information requirement, the agency shall, through the notice prescribed in subsection (a)(2)(B) and such other practicable steps as may be reasonable, seek comment from the agencies, and the public on the continued need for, and burden imposed by, the collection of information requirement.

“(2) The agency, after having made a reasonable effort to seek comment under paragraph (1), but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information requirement, shall—

“(A) evaluate the public comments received;

“(B) conduct the review established under section 3506(e); and

“(C) provide to the Director the certification required by section 3506(f), including the text of the certification and any additional relevant information regarding how the collection of information requirement comports with the principles and requirements of this chapter.

“(3) Upon receipt of such certification, and prior to the expiration date of the control number for that collection of information requirement, the Director shall—

“(A) ensure that the agency has taken the actions specified in section 3506(f)(2);

“(B) evaluate the public comments received by the agency or by the Director;

“(C) determine whether the agency certification complies with the standards under section 3506(f)(1); and

“(D) approve or disapprove the collection of information requirement under this chapter.

“(4) If under the provisions of paragraph (3), the Director disapproves a collection of information requirement, or recommends or instructs the agency to make a substantive or material change to a collection of information requirement, the Director shall—

“(A) publish an explanation thereof in the Federal Register; and

“(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information requirement and thereafter to submit the collection of information requirement for approval or disapproval under this chapter.

“(5) Nothing in this subsection affects the review process for a collection of information requirement contained in a proposed rule, including a proposed change to an existing collection of information requirement, under subsection (i) with respect to such collection of information requirement.

“(6) The Director may not approve a collection of information requirement for a period in excess of 3 years.”.

SEC. 405. PROTECTION FOR WHISTLEBLOWERS OF UNAUTHORIZED PAPERWORK BURDEN.

Section 3507(h) of title 44, United States Code, is amended in the second sentence by inserting before the period “, and any communication relating to a collection of information, the disclosure of which could lead to retaliation or discrimination against the communicator”.

SEC. 406. ENHANCING PUBLIC PARTICIPATION.

Section 3517 of title 44, United States, is amended—

(1) by inserting “(a)” before “In development”; and

(2) by adding at the end thereof:

“(b)(1) Under procedures established by the Director, a person may request the Director to review any collection of information conducted by or for an agency to determine, if—

“(A) the collection of information is subject to the requirements of this chapter;

“(B) the collection of information has been approved in conformity with this chapter; and

“(C) the person that is to respond to the collection of information is entitled to the public protections afforded by this chapter.

“(2) Any review requested under paragraph (1), unless the request is determined frivolous or does not on its face state a valid basis for such review, shall—

“(A) be completed by the Director within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension;

“(B)(i) be coordinated with the agency responsible for the collection of information to which the request relates; and

“(ii) be coordinated with the Administrator for Federal Procurement Policy, if the request relates to a collection of information applicable to an actual or prospective Federal contractor or subcontractor at any tier; and

“(C) result in a written determination by the Director, that shall be—

“(i) furnished to the person making the request; and

“(ii) made available to the public upon request (and listed and summarized in the annual report required under section 3514), unless confidentiality is requested by the person making the request.”.

SEC. 407. EXPEDITING REVIEW OF AN AGENCY INFORMATION COLLECTION REQUEST WITH A REDUCED BURDEN.

Section 3507 of title 44, United States Code (as amended by section 404(b) of this Act) is further amended by adding at the end thereof of the following new subsection:

“(k) Upon request by the head of an agency, the Director shall approve a proposed change to an existing information collection request (unless such proposed change is subject to subsection (i)) within 30 days after the Director receives the proposed change. The information collection request shall thereafter remain in effect at least for the remainder of the period for which it was previously approved by the Director, if—

“(1) the information collection request has a current control number; and

“(2) the Director determines that the revision—

“(A) reduces the burden resulting from the information collection request; and

“(B) does not substantially change the information collection request.”.

TITLE V—ENHANCING AGENCY RESPONSIBILITY FOR SHARING AND DISSEMINATING PUBLIC INFORMATION

SEC. 501. PRESCRIBING GOVERNMENTWIDE STANDARDS FOR SHARING AND DISSEMINATING PUBLIC INFORMATION.

Section 3504(h) of title 44, United States Code, is amended to read as follows:

“(h) The functions of the Director related to agency dissemination and sharing of public information shall include—

“(1) developing policies and practices for agency dissemination and sharing of public information consistent with the agency responsibilities under section 3506(g); and

“(2) developing policy guidelines that instruct Federal agencies on ways to fulfill agency responsibilities to disseminate and share information that, to the extent appropriate and practicable—

“(A) make information dissemination products available on timely, equitable and cost effective terms;

“(B) encourage a diversity of public and private information dissemination products;

“(C) avoid establishing, or permitting others to establish, exclusive, restricted, or other distribution arrangements that interfere with the availability of information dissemination products on a timely and equitable basis; and

“(D) avoid establishing restrictions or regulations, including the charging of fees or royalties, on the reuse, resale, or redissemination of Federal information dissemination products by the public; and

“(E) set user charges for information dissemination products at a level sufficient to recover the cost of dissemination, except—

“(i) where otherwise required by statute;

“(ii) where the information is collected, processed, and disseminated for the benefit of a specific identifiable group beyond the benefit to the general public; or

“(iii) where user charges are established at less than cost of dissemination because of a determination that higher charges would interfere with the proper performance of the agency's functions.”.

SEC. 502. AGENCY RESPONSIBILITIES FOR SHARING AND DISSEMINATING PUBLIC INFORMATION.

Section 3506 of title 44, United States Code (as amended by sections 301 and 302 of this Act) is further amended by adding at the end thereof the following new subsection:

“(g) The head of each agency shall, to the extent appropriate and practicable, and in conformance with the policy guidelines established under section 3504(h), establish and maintain a management system for the dissemination and sharing of information that—

“(1) ensures that the public has timely, equitable and cost effective access to the agency's information dissemination products;

“(2) disseminates and shares information in a manner that achieves the best balance between maximizing the usefulness of the information and minimizing the cost to the Government and the public;

“(3) takes advantage of all appropriate channels, Federal and non-Federal, including State and local governments, libraries and private sector entities, in discharging agency responsibilities for the dissemination and sharing of information;

“(4) considers whether an information dissemination product available from other Federal or non-Federal sources is equivalent to an agency information dissemination product and reasonably achieves the objectives of the agency;

“(5) establishes and maintains inventories of all agency information dissemination products in conformance with the requirements of section 3511;

“(6) establishes and maintains communications with members of the public and with State and local governments so that the agency shares information and otherwise creates information dissemination products that meet their respective needs; and

“(7) provides adequate notice when initiating, substantially modifying, or terminating significant information dissemination products.”.

SEC. 503. AGENCY INFORMATION INVENTORY/LOCATOR SYSTEM.

(a) IN GENERAL.—Section 3511 of title 44, United States Code, is amended to read as follows:

"§ 3511. Inventory systems of information dissemination products.

"(a) Each agency having significant information dissemination products shall establish and maintain a comprehensive inventory of such products, which shall include, at a minimum, the title of each such product, an abstract of the contents of each product, the media in which each product is available, and the cost, if any, of each product, subject to any requirements promulgated pursuant to subsection (c).

"(b) The inventory created pursuant to subsection (a) shall be made available for public access by electronic means, and in such other media as are appropriate and practicable, at no charge to the public.

"(c) The Director, in consultation with the Secretary of Commerce, the Archivist of the United States, the Public Printer, and the Librarian of Congress, may establish a mechanism for developing technical standards and other minimum requirements for the agency inventory systems created under subsection (a).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by amending the item relating to section 3511 to read as follows:

"3511. Inventory systems of information dissemination products.".

TITLE VI—ADDITIONAL GOVERNMENT INFORMATION MANAGEMENT RESPONSIBILITY

SEC. 601. STRENGTHENING THE STATISTICAL POLICY AND COORDINATION FUNCTIONS OF THE DIRECTOR.

Section 3504(d) of title 44, United States Code, is amended to read as follows:

"(d)(1) The statistical policy and coordination functions of the Director shall include—

"(A) coordinating and providing leadership for development of the Federal statistical system;

"(B) developing and periodically reviewing and, as necessary, revising long-range plans for the improved coordination and performance of the statistical activities and programs of the Federal Government;

"(C) ensuring the integrity, objectivity, impartiality and confidentiality of the Federal statistical system;

"(D) reviewing budget proposals of agencies to ensure that the proposals are consistent with such long range plans and developing a summary and analysis of the budget submitted by the President to the Congress for each fiscal year of the allocation for all statistical activities;

"(E) coordinating, through the review of budget proposals and as otherwise provided under this chapter, the functions of the Federal Government with respect to gathering, interpreting and sharing statistics and statistical information;

"(F) developing and implementing Governmentwide policies, principles, standards and guidelines concerning statistical collection procedures and methods, statistical data classification, statistical information presentation and sharing, and such statistical data sources as may be required for the administration of Federal programs;

"(G) evaluating statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

"(H) promoting the timely release by agencies of statistical data to the public;

"(I) coordinating the participation of the United States in international statistical activities;

"(J) preparing an annual report to submit to the Congress on the statistical policy and coordination function;

"(K) integrating the functions described under this paragraph with the other information resources management functions specified under this chapter; and

"(L) appointing a chief statistician who is a trained and experienced professional to carry out the functions described under this paragraph.

"(2) The Director shall establish an interagency working group on statistical policy, consisting of the heads of the agencies with major statistical programs, headed by the chief statistician to coordinate agency activities in carrying out the functions under paragraph (1).

"(3) The Director shall provide opportunities for long term training in the statistical policy functions of the chief statistician to employees of the Federal Government. Each trainee shall be selected at the discretion of the Director based on agency requests and shall serve for at least 6 months and no more than 1 year. All costs of the training are to be paid by the agency requesting training.".

SEC. 602. USE OF ELECTRONIC INFORMATION COLLECTION AND DISSEMINATION TECHNIQUES TO REDUCE BURDEN.

Section 3504(g)(1) of title 44, United States Code, is amended—

(1) by inserting "development and" after "overseeing the"; and

(2) by inserting "(including standards that improve the ability of agencies to use technology to reduce burden)" after "establishment of standards".

SEC. 603. AGENCY IMPLEMENTATION.

Section 3514(a) of title 44, United States Code, is amended—

(1) in paragraph (9)(C) by striking out "and" at the end thereof;

(2) in paragraph (10)(C) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraphs:

"(11) a listing of any increase in the burden imposed on the public during the year covered by the report resulting from a collection of information conducted or sponsored by or for an agency, which was imposed by such agency—

"(A) as specifically mandated by the provision of a statute; or

"(B) as necessary to implement a statutory requirement, which requirement shall be identified with particularity; and

"(12) a description of each such agency's efforts in implementing, and plans to implement, the applicable policies, standards and guidelines with respect to the functions under this chapter; and

"(13) a strategic information resources management plan for the Federal Government, developed in consultation with the Administrator of General Services, the Secretary of Commerce, and the Archivist of the United States, that includes an analysis of cross-cutting issues of Governmentwide importance.".

SEC. 604. AUTOMATIC DATA PROCESSING EQUIPMENT PLAN.

Section 3504(g) of title 44, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) developing and annually revising, in consultation with the Administrator of General Services, a 5-year plan for meeting the automatic data processing equipment (including telecommunications) and other information technology needs of the Federal Government in accordance with the requirements of sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759) and the purposes of this chapter;".

SEC. 605. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 3502(10) of title 44, United States Code, is amended by striking out "the Federal Housing Finance Board" and inserting in lieu thereof "Federal Housing Finance Board".

(b) REVIEW PERIODS.—Section 3507(g)(1) of title 44, United States Code, is amended to read as follows: "(1) is needed prior to the expiration of the time periods for public notice and review by the Director pursuant to the requirements of this chapter,".

(c) DIRECTOR REVIEW.—Section 3513(a) of title 44, United States Code, is amended in the first sentence by inserting "resources" after "information".

(d) RESPONSIVENESS.—Section 3514(a) of title 44, United States Code, is amended—

(1) in paragraph (9)(A) by inserting "and" at the end thereof;

(2) in paragraph (9)(B) by striking out the semicolon and inserting a period; and

(3) by striking out paragraph (9)(C).

TITLE VII—EFFECTIVE DATES

SEC. 701. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this Act shall become effective 120 days after the date of the enactment of this Act.

(b) IN PARTICULAR.—Section 101 shall become effective upon the date of the enactment of this Act.

SECTION-BY-SECTION ANALYSIS OF THE PAPERWORK REDUCTION ACT OF 1993

The "Paperwork Reduction Act of 1993" will—

Reaffirm the fundamental purpose of the Paperwork Reduction Act of 1980: to minimize the Federal paperwork burdens imposed on individuals, small businesses, State and local governments, educational and nonprofit institutions, and Federal contractors.

Provide a five-year authorization of appropriations for the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget.

Clarify that the Act's public protections apply to all Government-sponsored paperwork, eliminating any confusion over the coverage of so-called "third party burdens" (those imposed by one private party on another private party due to a Federal regulation), caused by the U.S. Supreme Court's 1989 decision in *Dole* v. *United Steelworkers of America*.

Require goals for reducing the Federal paperwork burden imposed on the public—a Government-wide goal of at least 5 percent and individual agency goals that aggregate to the Government-wide goal.

Emphasize the fundamental responsibilities of each Federal agency to minimize paperwork burdens and foster paperwork reduction, by requiring—

A thorough review of each proposed information collection request for need and practical utility, the Paperwork Reduction Act's fundamental standards, which enables an agency to collect needed information while minimizing the burden imposed on the public;

Agency planning to maximize the use of information already collected by the public;

Better notice and opportunity for public participation with at least a 60-day comment period for each proposed paperwork requirement;

Agency certification of compliance with public participation requirements and the Act's standards of need and practical utility for each proposed paperwork requirement before its submission to OIRA for clearance; and

A certification process for the renewal of a currently approved paperwork requirement, which includes public participation, thorough agency analysis of alternatives, an agency determination that the paperwork requirement meets the Act's standards and imposes the least burden on the public, and final clearance by OIRA.

Reduce by 30 days the time a routine proposed agency paperwork requirement spends under review at OIRA, while improving the overall opportunity for public participation and maintaining ORIA's final clearance authority.

Strengthen OIRA's responsibilities in the fight to minimize paperwork burdens imposed on the public, by—

Requiring OIRA to establish standards under which Federal agencies can more accurately estimate the burden placed upon the public by a proposed paperwork requirement;

Working with the Office of Federal Procurement Policy (OFPP) to reduce the substantial paperwork burdens associated with Government contracting; and

Providing authority for OIRA to initiate and conduct demonstration programs to test innovative approaches to minimize paperwork burdens, similar to OFPP's authority to test innovative procurement practices.

Empower the public further in the paperwork reduction fight by enabling an individual to obtain a written determination from the OIRA Administrator regarding whether a Federally sponsored paperwork requirement complies with the Act's standards and public protections, in the same manner that a determination can be sought from the OFPP Administrator regarding whether a procurement regulation issued by an individual agency or buying activity is consistent with the Government-wide Federal Acquisition Regulation.

Strengthen OIRA's leadership role in Federal statistical policy.

Mr. BUMPERS. Mr. President, as chairman of the Committee on Small Business, I am pleased to be the principal Democratic cosponsor of the Paperwork Reduction Act of 1993, the successor to S. 1139 in the 102d Congress. As I said at the close of the last Congress, I am determined to see legislation strengthening the Paperwork Reduction Act enacted into law. It is sorely needed to make Government work better.

Last Wednesday, President Clinton announced his National Performance Review, a concentrated 6-month effort to take a hard look at how Government agencies carry out their programs and serve the public. Its aim is to rethink how Government works. It will be led by Vice President GORE, and is modeled after a successful review conducted by the State of Texas, under Governor Ann Richards. The National Performance Review is another example of the President keeping his pledge to make the Government work better with less for the American people.

On January 22, my friend from Georgia, Mr. NUNN, and I wrote to President Clinton on the very subject of making Government work better. Specifically, we urged him to take full advantage of one valuable management tool already at his disposal—the Paperwork Reduction Act. We also requested his support for the legislation, which we are introducing today.

Mr. President, I ask unanimous consent that a copy of our letter to the President and a copy of his response appear in the RECORD following my remarks.

Mr. President, today, I renew that request for the President's support of the Paperwork Reduction Act of 1993. Given his most recent initiative to improve Government management, I am convinced, more than ever, that the Paperwork Reduction Act is a tool at hand, which, with some good sharpening, can help the President to get the job done.

Our bill sharpens that valuable tool given us in 1980 through the leadership of our former colleague Lawton Chiles and Representative JACK BROOKS, then chairman of the Government Operations Committee, and signed into law by President Carter. And, like the legislation that became the 1980 act, our legislation enjoys bipartisan support.

Mr. President, the Paperwork Reduction Act of 1980 has already made a real difference. Hearings held by the Small Business Committee, and our Subcommittee on Government Contracting and Paperwork Reduction, firmly convince me of this. When vigorously implemented by individual Federal agencies and by the Office of Information and Regulatory Affairs [OIRA], the Paperwork Reduction Act has worked as a restraint on the natural tendencies of Federal agencies to heap on paperwork requirements. Things would be considerably worse if the small business community didn't have any of the protections afforded by the Paperwork Reduction Act during the 1980's.

Those hearings also make clear to me, Mr. President, that small businesses continue to face serious Federal paperwork and regulatory burdens. The "Information Collection Budget for Fiscal Year 1991," which is published annually by OIRA, shows a total Federal paperwork burden on the public of more than 6.5 billion hours.

Let me repeat that for my colleagues, Mr. President: The public spent 6.5 billion hours completing Federal paperwork requirements; 6.5 billion hours filling out forms, compiling and submitting reports, answering survey questionnaires. If every man, woman, and child in Arkansas, a State of approximately 3.2 million souls, did nothing but complete Federal paperwork requirements on a full-time basis, a 40-hour work week, they couldn't do it all. We'd need some Tennessee volunteers to join the fray. It all seems to defy reality, but for small business it is a very hard reality, and one that costs them cold hard cash and distracts them from productive work.

Throughout the 1980's, the Small Business Committee has paid close attention to overseeing the implementation of the Paperwork Reduction Act, and a closely related statutory protection for small businesses, the Regulatory Flexibility Act of 1980. In all, 10 hearings have been held. Beginning in the 101st Congress, the Paperwork Reduction Subcommittee, under the energetic leadership of Alan Dixon of Illinois, began to explore not only the problem, but how the Paperwork Reduction Act might be strengthened. During the last Congress, Senator NUNN sponsored the Paper Reduction Act of 1991, S. 1139. That bill would have strengthened the 1980 act along the lines recommended by the small business community. I was the principal cosponsor of that bill, which is the basis of the legislation we are introducing today.

My friend, the senior Senator from Georgia [Mr. NUNN], has already described many of the provisions of the Paperwork Reduction Act of 1993 and has inserted into the RECORD the text of the bill and a two-page summary.

Mr. President, there is one provision of our bill, however, that I would like to speak about further. It closes a very big loophole that has been created in the Paperwork Reduction Act. In 1989, the U.S. Supreme Court decided that the protections of the Paperwork Reduction Act do not apply to so-called federally sponsored third-party paperwork burdens. By this I mean a paperwork burden imposed by one private party on another private party, but which is required by Federal agency direction.

In Dole versus United Steelworkers of America, the Court held that such federally sponsored third-party paperwork burdens were not subject to review under the Paperwork Reduction Act. Such an exclusion was not intended. Lawton Chiles, our former colleague from Florida and the sponsor of the legislation that became the Paperwork Reduction Act, tried to convince the Court in an amicus brief that such an exclusion was not intended. Unfortunately, the Court held otherwise. Our bill includes a provision which clarifies the Paperwork Reduction Act, making explicit that all federally sponsored paperwork requirements are covered.

This issue came to the attention of the Small Business Committee because of the overwhelming paperwork burdens associated with implementation of the hazard communication [Hazcom] standard issued by the Occupational Health and Safety Administration [OSHA] at the Department of Labor. The purpose of the Hazcom standard was a most laudable objective, one which I support, to provide workers with notice of hazardous substances to which they would be exposed in the workplace. The implementation technique selected by OSHA was to require a material safety data sheet [MSDS] for each hazardous substance. The MSDS would identify the hazardous substance and inform workers on how to protect themselves from the dangers presented. Employers were required to maintain a file of the MSDS's for the hazardous materials present at their worksite. Sounds reasonable so far, but what resulted was a paper blizzard. MSDS's began to appear for virtually every item found at the worksite of even the smallest firm. Workers were being warned of the serious dangers presented by common items, such as typewriter correction fluid, often referred to by the brand name of "White-Out." The MSDS warned the worker of the danger of drinking "White-Out." Maintaining and filing the ensuing flood of MSDS's placed a very severe paperwork burden on small firms. MSDS's for truly dangerous substances became buried in rooms full of MSDS's, thus frustrating the fundamental objective of protecting workers.

Public comments on OSHA's proposal, conducted pursuant to the Paperwork Reduction Act, predicted that it was not workable and would lead to the absurd outcome that I have just described. OSHA's paperwork heavy implementation program was sent back for rework by OIRA. This action led to the litigation that ended with the Supreme Court decision that I mentioned earlier.

Mr. President, many in the business community, and especially the small business community, became very worried that agencies could put future paperwork burdens outside the public protections of the Paperwork Reduction Act by simply changing the manner in which the burden was to be imposed. Some said that fully one-third of the Government's current paperwork burdens could be restructured as third-party paperwork burdens. OIRA's "Information Collection Budget for Fiscal Year 1991" identifies almost 138 million hours of paperwork burden placed beyond the act's reach. A recent GAO report requested by the chairman of the Committee on Governmental Affairs, my friend from Ohio, Mr. GLENN, confirms the problem but finds only 89 million hours are involved, so far. OSHA has determined that essentially all of its information collection requirements are not subject to the Paperwork Reduction Act.

Mr. President, people in the agencies seem to view the Paperwork Reduction Act as an unwarranted check on their activities. The act's supporters view it as a commonsense restraint on the natural tendencies of Government to issue regulations and impose paperwork burdens.

The act assures that a proposed paperwork requirement must be able to pass muster against some pretty fundamental standards: Is the paperwork requirement necessary for the proper performance of the agency's programs? Does the proposed paperwork requirement have practical utility in furthering a legitimate agency function? Would the proposed information collection duplicate information already being collected by the Government? Is the proposed paperwork requirement the least burdensome alternative?

The act requires the agency proposing the paperwork requirement to assess its proposal against the act's standards. It also provides for a single point of review within the executive branch, by OIRA, to encourage agency compliance with the act's standards and provide a consistent Government-wide application of the act's standards. OIRA was to "regulate the regulators" and be the "paperwork traffic cop", as President Carter said in signing the 1980 act.

Mr. President, the act also assures an opportunity for public comment on a proposed Government-sponsored paperwork burden. This was done in the firm belief that business people would be in a good position to offer practical suggestions on how to minimize the burden to be imposed by an otherwise legitimate information collection request. They would also be in a good position to point out how a proposed information collection request could be met through information already collected by another Government agency. Such an approach would not come naturally to most Federal agencies. All too frequently, they each approach their responsibilities without reference to what other agencies are doing. They tend to forget that they are all part of the same Government. What the Paperwork Reduction Act provides is the opportunity for the public and OIRA to do a reality check on agency proposals.

Mr. President, I believe the immediate future holds an increasing need for a strengthened Paperwork Reduction Act and for its vigorous application by the agencies and by OIRA. Whatever your position regarding the appropriateness of the Family and Medical Leave Act, recently signed into law, it is a relatively brief statute that leaves many very vital details to implementing regulations. I believe that its implementation will be improved if the responsible agencies toe the marks set down by the Paperwork Reduction Act. The final rules and paperwork requirements will also benefit from a hard look from the public and from OIRA. The same potential for paperwork burdens applies to many of the important pieces of legislation that we have recently passed like the Americans With Disabilities Acts, the Civil Rights Act of 1991, and the Clear Air Act amendments. The same can be said regarding legislation that we are likely to be considering to strengthen the Clean Water Act or to move forward on essential environmental cleanup efforts. They all will benefit from the practical review and public participation required by the Paperwork Reduction Act.

Finally, Mr. President, as the administration tackles reform of the Nation's health care system, it will confront paperwork burdens by the ton. I recall a press report from last year, quoting a study published in the New England Journal of Medicine. That study found that approximately 25 percent of the overall cost of the Nation's health care system could be traced to administrative requirements. A grand opportunity to mine some real gold. But a lode that won't be mined too easily, I suspect.

Mr. President, I urge my colleagues to join us in cosponsoring the Paperwork Reduction Act of 1993.

U.S. SENATE,
Washington, DC, January 22, 1993.

The President,
The White House.

DEAR MR. PRESIDENT: We are excited about the many prospects which your Presidency holds for America's future. In particular, the prospect that your Administration is ready to take on the daunting challenge of making the Federal Government change for the benefit of the American people. We believe that an important element of such an effort to improve the management of the Federal Government will be to apply forcefully the powerful set of tools already available to the President, which four separate Presidents and the Congress have worked together to establish since 1974. One such tool is the Paperwork Reduction Act of 1980, sponsored by Senator Lawton Chiles and Congressman Jack Brooks and signed into law by President Carter. We intend to introduce legislation to strengthen this valuable tool. We will need the support of your team at the Office of Management and Budget (OMB) under Director Panetta.

The Paperwork Reduction Act established the Office of Information and Regulatory Affairs within OMB and gave the President a powerful tool for restraining the burdens placed upon the public by the delivery of Federal programs. OIRA was expected to play the role of "honest broker" evaluating proposed paperwork burdens and regulations, the "off-budget" consequences of federal mandates. In exercising the regulatory review function for the President, OIRA assures that agency proposals concurrently comply with any statutory requirements and reflect the President's programs and priorities. OIRA's paperwork and regulatory review functions complement the longer standing OMB functions of reviewing and approving on behalf of the President agency budgetary and legislative proposals before they are transmitted to Congress. They are important elements of the "M" in OMB.

Unfortunately, under the Bush Administration the regulatory review function as exercised by the Competitiveness Council tainted OIRA's reputation and obscured the broad public benefits of regulatory review as a necessary check on the natural regulatory bent of Federal agencies. We believe that a strengthened Paperwork Reduction Act, with its emphasis on public participation, and a revitalized OIRA are indispensible tools to your effort to reinvent government and take full advantage of new information technology.

We look forward to working with you in this and other efforts to improve government for the good of the American people.

Sincerely,

DALE BUMPERS,
SAM NUNN.

THE WHITE HOUSE,
Washington, DC, February 16, 1993.

Hon. DALE BUMPERS,
U.S. Senate,
Washington, DC.

DEAR DALE: Thank you for your kind letter urging my support for strengthening the Paperwork Reduction Act and revitalizing the Office of Information and Regulatory Affairs within the Office of Management and Budget. As you suggest, both can serve as powerful tools in the effort to improve management of the Federal government.

I am aware of your ongoing interest in the Paperwork Reduction Act, and look forward to reviewing the legislation you intend to introduce. In the regulatory area, I sent a memo to OMB Director, Leon Panetta, on January 21 stressing the need for regulatory agencies to provide my appointees an opportunity to review new regulations. I also noted that, pending completion of a review within my Administration, existing Executive Orders on regulatory management will continue to apply.

I also agree that the Bush Administration Council on competitiveness obscured the public benefits that can arise from properly structured regulatory review procedures. On January 21 I announced the termination of that Council.

Thank you for your interest and support, and I look forward to working with you on these important matters.

With best wishes,

Sincerely,

BILL.

Mr. ROTH. Mr. President, as a cosponsor of the Paperwork Reduction Act of 1993, and of similar legislation in the last Congress, I strongly support the need to minimize the paperwork burdens imposed by the Federal Government.

This legislation represents an important effort to deal with the issue in a reasonable and effective manner. It recognizes the legitimate information and documentation needs of the Federal Government. At the same time, it addresses the natural tendency of Government bureaucracies to err on the side of excessive paperwork demands, even when agencies are expected to strike a balance between cost and benefit.

This legislation is overdue. By failing to act on it last year, Congress prolonged expensive and difficult paperwork burdens imposed on individuals, small businesses, educational and nonprofit institutions, State and local governments, and others. I believe that President Clinton, himself a former Governor, well understands the costs and problems created by excessive Federal paperwork requirements.

These burdens also impose unnecessary costs on American businesses, big and small, trying to compete in a global economy. If we are serious about economic stimulus, this is one step we can take that will not cost the Treasury money and will be sure to benefit all businesses.

The United States is a very high-wage nation, compared to the rest of the world. This is certainly good, because it means our workers can enjoy a high standard of living. But it does drive up the cost of our products and services in price-sensitive worldwide competition. This is a competitive disadvantage we can overcome, however, by increasing our productivity and minimizing any Government-imposed costs.

Paperwork is a major Government-imposed cost—one for which we should be constantly vigilant in our efforts to keep at an absolute minimum. This bill does that by strengthening the ability of the Office of Information and Regulatory Affairs to be our paperwork watchdog. I hope that we can act quickly to enact this important piece of legislation.

Mr. PRESSLER. Mr. President, I rise today to join my colleagues, the distinguished Senator from Georgia, Senator NUNN, and the chairman of the Senate Small Business Committee, Senator BUMPERS, in introducing the Paperwork Reduction Act of 1993. As the ranking Republican member of the Small Business Committee, I am delighted to lend my support to this important effort.

This legislation is prompted by a very simple question: Is Congress serious about long-term economic growth? If so, we must enact legislation that will curb the Government overregulation that is stifling growth and strangling our small businesses—the backbone of our Nation's economy. I am hopeful, as I know many of the cosponsors of this legislation are, that we can pass the Paperwork Reduction Act of 1993 this year. The competitiveness of American small business depends on it.

Nothing is more frustrating for small businesses than the endless stream of redtape stemming from existing and new regulations coming from every level of government—particularly Washington. In the past 3 years, the pages of the Federal Register have increased from 55,000 to nearly 70,000. Most every extra page of regulations imposes new requirements on businesses—especially on small businesses.

A National Federation of Independent Business [NFIB] Foundation survey of 5,000 small business owners found that Government regulations hit them harder than any other problem in the past 5 years. According to the Small Business Administration, a minimum of 1.2 billion hours and $100 billion are expended by small businesses, each year, to comply with Government paperwork requirements. Another study shows American citizens are spending more than 5.3 billion hours per year filling out Government forms. This is enough to keep 2 million people busy doing nothing but filling out forms all year. Last year, President Bush said our Government's huge regulatory machine was costing our economy at least $185 billion per year. I understand that new estimates being formulated have increased this figure to between $300 and $400 billion annually.

To address this regulatory menace, the Paperwork Reduction Act of 1993 reauthorizes appropriations for the Office of Information and Regulatory Affairs [OIRA] at the Office of Management and Budget [OMB]. It also would provide a series of changes to existing law designed to build upon and strengthen the 1980 Paperwork Reduction Act. OIRA was created under the Carter administration to review Government regulation and paperwork burdens. As President Carter himself put it, OIRA was formed to regulate the regulators. It has much work to do. We in Congress should support that work enthusiastically.

Regrettably, we have not done this. Congress has left the top position at OIRA vacant for more than 2 years—and has refused to reauthorize the agency. The Paperwork Reduction Act of 1993 sets out to reverse this trend.

The bill would enhance the powers of OIRA to block regulations and paperwork, rather than weaken it as some have proposed. This legislation gives OIRA additional authority over the sometimes uncontrollable bureaucracy.

This year's paperwork reduction bill also would clarify the original intentions of the Paperwork Reduction Act, eliminating any confusion over so-called third-party disclosures caused by the Supreme Court's 1989 decision in Dole versus United Steelworkers of America. In that case, the court ruled the Paperwork Reduction Act does not apply to instances in which the Government mandates, for example, a small business to post OSHA material safety data sheets for its employees to read. The Court ruled the law only refers to occurrences in which individuals are required to return or provide paperwork to the Government. While difficult to understand, this ruling was disastrous for small business. In effect, the holding removed one-third of all Federal paperwork burdens from OMB review and control.

This legislation also offers a series of specific amendments that reemphasizes the primary responsibility of each Federal agency to scrutinize proposed paperwork requirements and to provide maximum opportunity for public participation. Finally, Mr. President, this bill will empower the public with new tools to participate in paperwork reduction. It will force the Government to defend its reasons for requiring information from the public.

This legislation has strong support from business groups like NFIB, the National Association of Manufacturers, the U.S. Chamber of Commerce, as well as the aerospace and technology industry, trade associations, and State and local chambers of commerce.

For small business owners and entrepreneurs, this bill offers real hope of restraining the growth of the Government paperwork burden. I urge my colleagues concerned about the vitality of America's small businesses to cosponsor and actively work for passage of this much-needed legislation.

Mr. HOLLINGS. Mr. President, I am proud to rise today as an original cosponsor of the Paperwork Reduction Act of 1993 as introduced by my colleagues, Senator NUNN and Senator BUMPERS. As a cosponsor of similar legislation introduced during the 102d Congress, I am encouraged by the strong bipartisan support for this bill, and hope that other colleagues will soon join us in recognizing the merits of this proposal.

Mr. President, the cost of duplicative and superfluous governmental regulation is painfully real. Previous reports issued by the Small Business Administration have estimated that a minimum of 1.2 billion hours and $100 billion are expended each year to comply with Government paperwork requirements. Traditionally, the Office of Information and Regulatory Affairs has been the primary agency responsible for restraining paperwork burdens imposed on the public. However, congressional and executive inaction have prevented the reauthorization of this agency since September 30, 1989. In addition, OIRA has been without a Presidentially appointed and Senate-confirmed administrator for the past 3 years, creating a serious decisionmaking vacuum.

Thankfully, this legislation puts us back on track by strengthening the public safeguards established in The Paperwork Reduction Act of 1980. This updated version would require a Governmentwide goal of a 5 percent reduction in the Federal paperwork burden imposed on the public; it would provide a 5-year authorization for the Office of Information and Regulatory Affairs; and it would correct the confusion caused by the Supreme Court's decision in Dole versus United Steel Workers of America (1989) which exempted over a third of Federal paperwork from OIRA review.

In short, Mr. President, it is high time that we as a Congress demonstrate that we are working with individuals and small businesses and not against them. While some Government regulation and paperwork requirements are admittedly necessary, we can all recognize the need for defining some commonsense limits. The Paperwork Reduction Act of 1993 marks a bold step toward ending government micromanagement of the private sector and restoring vigilant oversight of the regulatory process. I urge my colleagues to support this legislation.

By Mr. DODD:

S. 561. A bill to establish a child and family services and law enforcement partnership program, and for other purposes; to the Committee on Labor and Human Resources.

CHILD AND FAMILY SERVICES AND LAW ENFORCEMENT PARTNERSHIP ACT

• Mr. DODD. Mr. President, I rise today to introduce a bill that begins to address the effects of violence on children in this country. The Child and Family Services and Law Enforcement Partnership Act provides an opportunity for collaboration between two major segments of the community—mental health services and law enforcement—in order that both organizations can better meet the needs of the children and families they serve.

Violence is epidemic in this country. The United States now has the dubious distinction of being No. 1 among industrialized nations—not for our gross national product, not for our educational system, nor our science and math acumen, not for the health of our mothers and newborns—rather, we rank No. 1 for our homicide rate.

Too often these days our communities seem to resemble the Wild West, where guns, shootouts, and vigilante justice were commonplace. To our horror, however, the image today frequently has a new and perverse twist: Children carry the guns—not six-shooters, but high-powered assault rifles; teen gangs carry out vigilante justice with shootouts in parks, where children once played peacefully on merry-go-rounds and swings.

Homocide rates for children and youth have doubled since 1950. Firearm homicide is the second leading cause of death for teens 15 to 19. For young black males and females, homicide is the primary cause of death. The primary reason for racial differences in homicide rates is poverty; however, I do not want to simplistically categorize violence as a problem of social class or inner cities. We must begin to realize that violence is America's problem. From affluent suburbs to inner-city streets, violence knows no social, economic, racial, or geographic boundaries. Teenage girls are forming gangs, becoming perpetrators, erasing gender differences, and lending new meaning to the term "equal opportunity."

In my State of Connecticut, teen violent death increased by nearly 50 percent in 5 years. victims and perpetrators keep getting younger: In a 1-week period recently, two children from a Bridgeport elementary school were murdered.

At this time in our history, America is an extremely violent country and, increasingly, children pay the price. Teens are more than twice as likely as adults to be victims of violent crime. Nearly 3 million crimes occur on or near school campuses every year—one every 6 seconds. In one Chicago public housing project, all of the children had witnessed a shooting by the age of 5.

The exposure of American children to violence results in virtually the same symptoms seen in children living in war-torn countries such as Nicaragua, Northern Ireland, and Cambodia. Such children show symptoms of post-traumatic stress disorder, first identified in Vietnam veterans—sleep disturbance, a tendency to startle easily, daydreaming—symptoms that interfere with normal development and school concentration.

The bill I am introducing today, based on a model partnership developed in Connecticut between the Yale Child Study Center and the New Haven Police Department, will provide children exposed to violence with immediate assessment and intervention by child mental health professionals. It will augment community policing efforts by providing training for law enforcement in child, family, and cultural issues. Additional funding for mentoring and conflict solution encourages further collaboration with schools, corporations, labor unions, and other community groups.

For children living in constant danger, perhaps the most poignant symptom is a diminished ability to imagine a future. Children who believe they will not live to be adults do not dream about "what I want to be when I grow up." Their dreams instead are nightmares—images of terror—guns exploding, bloody wounds, dying friends. And a youth who has no belief in the future has absolutely no reason to care what happens in the present, to himself or to others. This finding alone should send shockwaves through American society, moving us to action.

With a partnership between child and family services and law enforcement, we can begin to help these children, and to identify high-risk children and families so that services can be provided to them early, rather than after they become involved in crime—either as victims or perpetrators.

Violence has multiple causes. We cannot attack all of them at once. Congress alone cannot change society nor legislate violence out of existence. It will take each and every one of us, working in our homes, our communities, our States, and at the Federal level, to revolutionize society's relationship to violence. But because we cannot solve the problem overnight, we must not shrink from taking action that might contribute to a long-term solution.

I have just held a hearing this morning on violence and children, and in that hearing there were many good ideas for reducing and preventing violence. Therefore, I consider this bill only a beginning, one that will create a base for a more comprehensive package. We must, of course, attack poverty at its roots by providing full funding for Head Start, jobs for youth, educational reform, and child care for working parents, but we still must address the immediate effects on children.

Mr. President, I firmly believe that collaboration must begin, if violence is to end. We must not point fingers of blame, push others aside, nor complain that one group just doesn't understand, for when we do we are perpetuating the divisive attitudes we see carried to extremes by rival gang members—the belief in us versus them. We must learn to cooperate, to listen, to build peaceful coalitions. For dare we demand of our children what we ourselves cannot accomplish?

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child and Family Services and Law Enforcement Partnership Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Homicide is the leading cause of death for young black males and females and is the second leading cause of juvenile injury deaths for all youth age 15–24.

(2) Homicide rates for children and youth have more than doubled since 1950.

(3) Teenagers are more than twice as likely as adults to be victims of violent crime, such as rape, robbery or assault.

(4) Physical fighting severe enough to require medical treatment for at least one participant occurs among high school students in patterns similar to those of homicide. The incidence rates are higher for males than females, higher for minorities than for nonminorities, and more frequent between acquaintances than among strangers.

(5) There is a need to supplement existing mental health services with a wide and varied range of preventive programs designed to reach those at greatest risk for development of behavioral or social problems.

(6) The reach of professional mental health manpower can be expanded through consultative techniques and by the recruitment, selection and training of various nontraditional helping resources.

(7) Community-based police, by their visibility at the neighborhood level and their engagement in benign activities, can provide role models and resources to promote the well-being of children and families, as well as to identify and refer those at risk for behavioral problems.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) identify children and families at high-risk for developing behavioral or emotional problems resulting from exposure to community violence and provide mental health services to such children and families, including crisis intervention for child witnesses and victims of violence;

(2) facilitate interaction between child and family service organizations, law enforcement agencies, local educational agencies, and other community members for the purpose of building coalitions for the prevention of community violence;

(3) augment law enforcement services and community policing efforts through the provision of training and support by child and family service organizations, and supplement child and family services through the training of law enforcement officers in child, family and cultural issues; and

(4) provide role models for high-risk children and youth and promote conflict resolution training for children and youth in local educational agencies.

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) CHILD AND FAMILY SERVICE ORGANIZATION.—The term "child and family service organization" means a public or private nonprofit entity (such as child guidance centers, child psychiatry or child psychology departments of hospitals or university medical centers, or community mental health centers providing child and family services) that provides mental health services to children and families and that meets the mental health center guidelines under section 1913(c) of the Public Health Service Act (42 U.S.C. 300x-2(c)), with respect to the level of professional care and services provided to children and families.

(2) COMMUNITY-BASED POLICING.—The term "community-based policing" means a commitment and an effort (within the confines of budget restrictions) made by a law enforcement agency to establish or expand cooperative efforts between the police and a community in order to increase police presence in the community, including—

(A) developing innovative neighborhood-oriented policing programs and community-based crime-prevention programs;

(B) developing policies that reorient police from reacting to crime to preventing crime; and

(C) creating decentralized police substations throughout the community to encourage interaction and cooperation between the public and law enforcement personnel on a local level, including the permanent assignment of officers to a specific neighborhood or substation.

(3) LAW ENFORCEMENT AGENCY.—The term "law enforcement agency" means an entity that serves a specified community and has the routine responsibility of policing the activities of such community.

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 5. GRANTS AUTHORIZED.

(a) IN GENERAL.—

(1) ESTABLISHMENT GRANTS.—The Secretary, in consultation with the Attorney General, may award grants to partnerships determined to be eligible under section 6 for the establishment of child and family services and law enforcement partnership programs.

(2) PRIORITY.—In awarding grants described in paragraph(1), the Secretary shall give priority to a partnership that includes a law enforcement agency engaged in community-based policing.

(b) GRANT AMOUNT.—

(1) IN GENERAL.—A grant awarded under this section shall be for an amount that is not less than $150,000 per year. Such grant shall be of a sufficient size to adequately support all anticipated activities.

(2) ADDITIONAL AMOUNTS.—

(A) IN GENERAL.—The Secretary may award additional grant amounts for the purpose of enabling a partnership to provide mentoring or conflict resolution services.

(B) SPECIAL RULES.—

(i) PRIORITY FOR MENTORING SERVICES.—In awarding additional grant funds for the provision of mentoring services under subparagraph (A), the Secretary shall give priority to partnerships that demonstrate commitments from a broad spectrum of community groups to participate in mentoring programs.

(ii) CONFLICT RESOLUTION SERVICES.—In awarding additional grant funds for the provision of conflict resolution services under subparagraph (A), the Secretary may not award grant funds to a partnership unless such partnership demonstrates a commitment from the local educational agency to provide conflict resolution programs in the schools in participation with such partnership.

(c) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of a grant made under this section may not exceed—

(A) with respect to the first fiscal year, 80 percent of the total costs of the projects described in the application submitted under section 6 for such fiscal year;

(B) with respect to the second fiscal year, 70 percent of the total costs of the projects described in the application submitted under section 6 for such fiscal year; and

(C) with respect to the third fiscal year, 60 percent of the total costs of the projects described in the application submitted under section 6 for such fiscal year.

(2) IN-KIND CONTRIBUTIONS.—The Secretary shall accept the value of in-kind contributions made by the grant recipient as a part or all of the non-Federal share of grants.

(d) GRANT DURATION.—A grant awarded under this Act shall be for a period of not less than 3 years.

SEC. 6. APPLICATIONS.

(a) IN GENERAL.—To be eligible for a grant under this section an entity shall—

(1) be a partnership consisting of, at least, a child and family service organization and a law enforcement agency; and

(2) prepare and submit to the Secretary an application in such form at such time and in accordance with such procedures as the Secretary shall establish.

(b) ASSURANCES.—Each application submitted under subsection (a) shall provide the following assurances:

(1) There is a partnership established between, at least, a child and family service organization and a law enforcement agency.

(2) The management, at the highest level, of the child and family service organization and law enforcement agency of the partnership agrees to the establishment of such partnership, and agrees that such organization and such agency of such partnership will cooperate in carrying out the program.

(3) In developing the program, the applicant partnership has coordinated with other segments of the community to ensure that the partnership efforts complement existing community anti-violence efforts.

(4) Programs established from funds received under grants awarded under this Act will do the following:

(A) Be collaborative in nature, with respect to organizing and providing the necessary services to children and families.

(B) Provide response to crisis situations 24 hours a day.

(C) Provide confidentiality.

(D) Be able to provide adequate resources for training of law enforcement officers and for support of professional consultation services for children and families, including professionals licensed to provide child and family evaluations and treatment.

(E) Be able to respond to community needs in a manner reflecting sensitivity to the cultural diversity of that community.

(5) The partnership will provide the following program components:

(A) 24-hour consultation service that includes a team of child guidance professionals and specially trained law enforcement officers to respond to incidents where a child has either witnessed or been a victim of violence. Services by child guidance professionals may include in-home assessments, expedited referrals for treatment, consultations with parents and teachers, and on-the-spot crisis intervention.

(B) Training to law enforcement officers that includes instruction by child and family service organizations in the basic principles of human behavior, child psychology, and family systems. All training will be interactive and jointly taught by law enforcement officers and child guidance professionals, in order to make use of real-life examples drawn from officers' experience in the field. Such training will include the following minimum course curriculum:

(i) Ongoing training for recruits, in which experienced law enforcement officers may participate as is feasible for the department.

(ii) Intensive workshops for law enforcement officers involved in field training.

(iii) A program for supervisory law enforcement officers that provides an opportunity for such officers to observe child and family clinical work in a variety of settings.

(C) Weekly case conferences by the team of child guidance professionals and law enforcement officers described in subparagraph (A).

(D) Community activities for children and families that are designed jointly by the law enforcement and child and family services partnership, including conflict resolution training programs for children and youth, after-school activity and neighborhood recreation programs, and parent support groups co-led by child guidance and law enforcement professionals.

(6) The partnership will provide local matching funds in accordance with the Federal share requirements under section 5(c).

(c) ADDITIONAL ASSURANCES FOR MENTORING AND CONFLICT RESOLUTION SERVICES.—

(1) IN GENERAL.—Each application submitted under subsection (a) for additional funding for the provision of mentoring or conflict resolution services under section 5(b)(2) shall provide assurances described in paragraph (2) or (3), whichever is applicable.

(2) MENTORING.—With respect to the provision of mentoring services, an applicant partnership shall provide assurances that such partnership will:

(A) Provide formal mentoring programs that will include mentors such as police officers, mental health professionals, businessmen, or other community members provided through a partnership with corporations, universities, labor organizations, non-profit entities (such as professional societies) or government agencies.

(B) Provide ongoing support services to mentors through the partnership's child and family services organization, in collaboration with law enforcement officers who receive training as described in subsection (b)(5)(B). Such services will include the following minimum components:

(i) Provision of framework to help mentors understand the issues they may encounter in working with youth from deprived environments.

(ii) Ongoing support groups that meet at a regularly scheduled time to provide mentors an opportunity to discuss the problems such mentors may encounter in working with children.

(C) Collaborate, when possible, with elementary and secondary schools, universities, corporations, labor organizations, or government agencies with respect to matters relating to the partnership's mentoring program.

(D) Recruit mentors who are representative of the cultural mix of the community such mentors serve.

(3) CONFLICT RESOLUTION.—With respect to the provision of conflict resolution services, an applicant partnership shall provide the following assurances:

(A) The child and family services organization and the law enforcement agency partnership, in collaboration with the local educational agency (hereafter referred to in this subparagraph as the "LEA") will assist the LEA in the development and implementation of conflict resolution programs. The assistance provided to the LEA in the preceding sentence shall be tailored to the needs and resources of the local school district, and may include providing assistance to an ongoing conflict resolution program run by such LEA, developing curricula for such a program in cooperation with the LEA, and providing such a program to an LEA.

(d) EVALUATION.—

(1) IN GENERAL.—Applicants shall include in their application the design of an evaluation of program effectiveness in providing services under this Act, including a provision for an adequate control group, such as a nearby community of similar composition and level of violence.

(2) COLLABORATIONS.—To facilitate the evaluation process, the Secretary shall encourage partnership grantees to form collaborative relationships with universities for the purpose of evaluating program effectiveness under paragraph (1). Partnership grantees shall contract with outside organizations for such evaluation.

(3) LIMITATION.—Not more than 15 percent of grants awarded under section 5 may be set aside for the evaluation described in paragraph (1).

(4) COORDINATION.—The Secretary shall coordinate the evaluation described in paragraph (1) of all partnership grantees and ensure that such grantees collect comparable data for such evaluation.

SEC. 7. TRAINING AND TECHNICAL ASSISTANCE.

The Secretary shall provide training and technical assistance to partnership grantees.

SEC. 8. REPORTS.

(a) INTERIM.—Not later than December 31, 1996, the Secretary shall prepare and submit to the appropriate committees of Congress an interim progress report on the evaluation conducted under section 6(d).

(b) FINAL.—Not later than December 31, 1998, the Secretary shall prepare and submit to the appropriate committees of Congress a review and summary of the result of the evaluation conducted under section 6(d).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, $50,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1999.•

By Mr. BREAUX:

S. 559. A bill to amend title II of the Social Security Act to repeal the rule providing for termination of disabled adult child's benefits upon marriage; to the Committee on Finance.

TERMINATION OF CERTAIN BENEFITS

• Mr. BREAUX. Mr. President, I rise to reintroduce legislation that would correct an archaic provision of the Social Security Act's coverage of disabled individuals.

There is a provision in title II of the Social Security Act that provides benefits to the disabled children of individuals who receive old age or disability insurance benefits. We call this the disabled adult child benefit. Eligible individuals receive a cash benefit and Medicare coverage. The most important of these benefits is usually the Medicare coverage—otherwise recipients have nowhere to go to get insurance that would cover their preexisting, often severe, disabilities.

Under current law, anyone who receives the disabled adult child benefit automatically loses it when they get married, unless they marry another person who is eligible for the same benefit. An individual's or family's income is not taken into account in this loss of benefits. The bill that I am introducing today would do away with this automatic provision.

The existing law is based on an old-fashioned approach to the disabled that is no longer valid. Loss of benefits was based on the assumption that, upon marriage, a disabled person would simply become dependent on their spouse, and that the disabled would not contribute to or participate in the larger society. This is, thank goodness, no longer how we look at the disabled.

In modern America we treat the disabled with respect and encourage them to become productive members of society, just like everyone else. We encourage the disabled to get married, raise families, hold jobs, and engage in the pursuit of happiness. The provision in the Social Security Act that takes away their benefits upon marriage is a deterrent to society's larger goal.

In April 1991, I met an extraordinary man from Amite, LA, named Jimmy Rick. Mr. Rick had just driven his wheelchair from his home to Washington, DC, to bring to Congress' attention a provision in the Social Security Act that had prevented him from getting married and raising a family for 7 years. It was Mr. Rick who brought this provision to my attention and who made me aware of how it was affecting his, and his wife Dona's, life.

Mr. President, I introduced this legislation last year and am reintroducing it today. In June 1992, the Senate Finance Committee approved a provision based on this legislation as part of a larger measure that would have liberalized the Social Security earnings limit. Unfortunately, the provision was stripped before legislation was passed due to conflict with the Budget Committee's interpretation of rules related to on-budget versus off-budget financing. I am hopeful that this problem can be resolved and that the Senate Finance Committee will remove this unfair and archaic provision from the law in this Congress.

I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD following my statement and I yield the floor.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF RULE PROVIDING FOR TERMINATION OF DISABLED ADULT CHILD'S BENEFITS UPON MARRIAGE.

(a) IN GENERAL.—Section 202(d) of the Social Security Act (42 U.S.C. 403(d)) is amended—

(1) in paragraph (1)(D), by striking "or marries,";

(2) by striking paragraph (5); and

(3) in paragraph (6)—

(A) by inserting "(other than by reason of death)" after "terminated",

(B) by striking "(provided no event specified in paragraph (1)(D) has occurred)", and

(C) by striking "the first month in which an event specified in paragraph (1)(D) occurs" in subparagraph (C) and inserting "the month in which the child's death occurs".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(d) of such Act (as amended by subsection (a)) is further amended by redesignating paragraphs (6), (7), (8), and (9) as paragraphs (5), (6), (7), and (8), respectively.

(2) Section 202(s)(2) of such Act (42 U.S.C. 402(s)(2)) is amended by striking "So much of subsections (b)(3), (c)(4), (d)(5), (g)(3), and (h)(4) of this section as precedes the semicolon," and inserting "Subsections (b)(3), (c)(4), (g)(3), and (h)(4) of this section".

(3) Section 223(e) of such Act (42 U.S.C. 423(e)) is amended by striking "(d)(6)(A)(ii), (d)(6)(B)," and inserting "(d)(5)(A)(ii), (d)(5)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to marriages occurring on or after May 1, 1991.•

By Mr. SIMON (for himself, Mr. AKAKA, Mr. BREAUX, Mr. BUMPERS, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. DOMENICI, Mr. DORGAN, Mr. DURENBERGER, Mrs. FEINSTEIN, Mr. GLENN, Mr. HEFLIN, Mr. INOUYE, Mr. JOHNSTON, Mr. LEVIN, Mr. LIEBERMAN, Mr. MCCAIN, Mr. MITCHELL, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. PELL, Mr. REID, Mr. SARBANES, Mr. SPECTER, Mr. STEVENS, and Mr. WELLSTONE):

S.J. Res. 61. Joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week"; to the Committee on the Judiciary.

MENTAL ILLNESS AWARENESS WEEK

• Mr. SIMON. Mr. President, today, along with 26 of my colleagues, I am introducing a joint resolution designating the week of October 3, 1993, through October 9, 1993, as Mental Illness Awareness Week.

For the past 9 years, Congress has designated a week in October as Mental Illness Awareness Week. The goal of this resolution is to educate the American public about mental illness and to dispel the myths associated with this type of disease. The American Psychiatric Association continues to play a leading role in the effort to educate the American public.

Mental illness affects all social, ethnic, and national groups. Approximately 52 million Americans suffer from diagnosable mental disorders. Available statistics reveal that out of this 52 million, roughly 12 million children suffer from serious mental disorders. One-third of our elderly population suffers from significant symptoms of mental illness. Major depression and manic-depressive disorders, particularly debilitating forms of mental illness, affect 1 out of every 10 Americans.

Approximately one-third of homeless individuals suffer from psychiatric disorders. Often, these individuals have been discharged from hospitals and receive inadequate followup services. Individuals who are HIV infected are vulnerable to mental illness as well. Approximately 20 to 25 percent of those with the HIV virus will develop psychiatric problems along with the first signs of this disease; more than 60 percent of AIDS patients will ultimately suffer neuropsychiatric consequences. Statistics also reveal that the vast majority of the 30,000 individuals who commit suicide annually suffer from a mental or addictive disorder.

Mental illness affects not only individuals, but society as well. Direct treatment costs and indirect costs from lost productivity associated with mental illness amounts to billions of dollars each year. For fiscal year 1992, however, total Federal expenditure on research into the causes and treatment of mental illness was only $561 million. We must do much better.

Dr. Frederick Goodwin, Director of the National Institute of Mental Health, stated to me in a recent meeting that we must work to dispel the myths that surround mental illness. People must learn that mental illness is definable, that it is treatable and that it is comparable to physical ailments in the costs involved in effective treatment.

Each day the media reveals the human tragedies associated with mental illness. Yet we often do not really understand the severity of the problem until it affects someone close to us. At that point the stigma attached to mental illness becomes very real.

This resolution attempts to educate our society about mental illness and to combat the stigma surrounding this type of disease. People struggling with mental disorders are not evil. They are not incapable of surviving in society. In fact, with proper treatment, the vast majority of those who confront a period of mental illness during their lives can move on to be fully productive, self-sufficient members of society.

Public apathy and misunderstanding must be overcome if we are to help the mentally ill to lead productive lives. I ask my colleagues to join in this effort by cosponsoring this joint resolution.•

By Mr. BIDEN (for himself, Mr. HATCH, and Mr. THURMOND):

S.J. Res. 62. Joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Right Week"; to the Committee on the Judiciary.

NATIONAL CRIME VICTIMS' RIGHTS WEEK

• Mr. BIDEN. Mr. President, I rise today with my colleagues Senators HATCH and THURMOND, to introduce a joint resolution designating the week beginning April 25, 1993, as "National Crime Victims' Rights Week." Nationwide, over 35 million people were victims of crime last year. A violent crime was committed every 17 seconds. These figures represent a national disgrace which cannot be ignored. We must recognize not only the victims of these crimes but also the thousands of people who dedicate their time and energy to addressing the needs of these victims.

Crime touches us all. Americans are attacked on the street, on college campuses, in shopping malls, and even in the sanctity of their own home. Victims of crime suffer devastating psychological, physical, emotional, and financial hardships as a result of their victimization. They have the right to quality programs and services to help them endure and recover from the effects of violence. They deserve our respect and to have their rights vindicated by the criminal justice system.

For decades, victims assistance advocates have worked tirelessly to meet the needs of these victims. Over 10,000 public and private agencies and organizations in the United States are dedicated to assisting crime victims. These advocates offer victims legal, emotional, and financial assistance. Too often these groups have not received the respect due to them. They, too, deserve our recognition and encouragement.

Last year, by passing this same resolution, the U.S. Congress expressed its support for the victims of crime and those who champion their rights. In the 102d Congress, this bill received strong bipartisan support, with 57 Senators cosponsoring. I look forward to the same support this year. We must stand behind those who have endured a violent crime and show our respect for all the hard-working Americans offering them services and guidance. I ask all of my colleagues to join me in supporting this resolution.•

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. FORD, the names of the Senator from Wisconsin

[Mr. KOHL], the Senator from Nebraska [Mr. EXON], the Senator from Massachusetts [Mr. KERRY], the Senator from Maryland [Ms. MIKULSKI], the Senator from Ohio [Mr. GLENN], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 2, a bill to establish national voter registration procedures for Federal elections, and for other purposes.

S. 66

At the request of Mr. NICKLES, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 66, a bill to amend title IV of the Social Security Act to enhance educational opportunity, increase school attendance, and promote self-sufficiency among welfare recipients.

S. 70

At the request of Mr. COCHRAN, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 177

At the request of Mr. DOLE, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 177, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 185

At the request of Mr. GLENN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 185, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the nation, to protect such employees from improper political solicitations, and for other purposes.

S. 208

At the request of Mr. BUMPERS, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 208, a bill to reform the concessions policies of the National Park Service, and for other purposes.

S. 265

At the request of Mr. SHELBY, the names of the Senator from Virginia [Mr. WARNER], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 271

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow a credit for interest paid on education loans.

S. 391

At the request of Mr. MCCAIN, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 391, a bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations.

S. 415

At the request of Mr. BOREN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 415, a bill to require the Attorney General to establish 10 military-style boot camp prisons.

S. 416

At the request of Mr. DECONCINI, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 416, a bill to authorize the provision of assistance to the victims of war in the former Yugoslavia, including the victims of torture, rape, and other war crimes and their families.

S. 424

At the request of Mr. DODD, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 424, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 452

At the request of Mr. CONRAD, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 452, a bill to amend chapter 17 of title 38, United States Code, to establish a program of rural health-care clinics, and for other purposes.

S. 482

At the request of Mr. BOREN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 482, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 503

At the request of Mr. D'AMATO, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 503, a bill to amend the Immigration and Nationality Act to provide that members of Hamas (commonly known as the Islamic Resistance Movement) be considered to be engaged in a terrorist activity and ineligible to receive visas and excluded from admission into the United States.

S. 514

At the request of Mr. PRYOR, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 514, a bill to amend title XVIII of the Social Security Act to improve procedures under part B of the Medicare Program relating to extra-billing limits, and for other purposes.

S. 515

At the request of Mr. PRYOR, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 515, a bill to amend title XVIII of the Social Security Act to provide for a limitation on use of claim sampling to deny claims or recover overpayments under Medicare.

S. 538

At the request of Mr. PRYOR, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 538, a bill to amend title XIX of the Social Security Act to establish Federal Standards for long-term care insurance policies, and for other purposes.

SENATE JOINT RESOLUTION 7

At the request of Mr. GRAMM, the names of the Senator from Montana [Mr. BURNS] and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of Senate Joint Resolution 7, a joint resolution to provide for a Balanced Budget Constitutional Amendment.

SENATE JOINT RESOLUTION 18

At the request of Mr. COATS, the names of the Senator from New Hampshire [Mr. GREGG], and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution of the United States to limit the terms of office for Members of Congress.

SENATE JOINT RESOLUTION 42

At the request of Mr. BUMPERS, the names of the Senator from Maryland [Ms. MIKULSKI], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 42, a joint resolution to designate the month of April 1993 as "Civil War History Month."

SENATE JOINT RESOLUTION 47

At the request of Mr. JOHNSTON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Joint Resolution 47, a joint resolution to designate the week beginning on November 21, 1993, and the week beginning on November 20, 1994, each as "National Family Week."

SENATE JOINT RESOLUTION 56

At the request of Mr. BIDEN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 56, a joint resolution to designate the week beginning April 12, 1993, as "National Public Safety Telecommunicators Week."

SENATE JOINT RESOLUTION 59

At the request of Mr. WELLSTONE, the name of the Senator from Ohio [Mr.

METZENBAUM] was added as a cosponsor of Senate Joint Resolution 59, a joint resolution to express the sense of Congress that the Federal Energy Regulatory Commission should refrain from further processing of restructuring proceedings pursuant to Order No. 636 until 60 days after the submission to Congress of the study of the General Accounting Office of the economic impact of the order on residential, commercial, and other end-users of natural gas, and for other purposes.

SENATE RESOLUTION 35

At the request of Mr. LAUTENBERG, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Resolution 35, a resolution expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia.

SENATE RESOLUTION 68

At the request of Mr. D'AMATO, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of Senate Resolution 68, a resolution urging the President of the United States to seek an international oil embargo through the United Nations against Libya because of its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombing of Pan Am Flight 103.

SENATE CONCURRENT RESOLUTION 15—RELATIVE TO THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

Mrs. FEINSTEIN (for herself, Mr. HOLLINGS, Mrs. BOXER, Mr. DODD, Mr. LAUTENBERG, Mr. THURMOND, and Mr. LIEBERMAN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 15

Expressing the sense of the Congress regarding the emphasis that the Defense Base Closure and Realignment Commission should place on the economic impact of the closure of military installations on affected communities in recommending such installations for closure during the 1993 base closure process.

Whereas in making recommendations to the President in 1993 regarding the closure of military installations, the Defense Base Closure and Realignment Commission will follow a set of criteria;

Whereas such criteria are ranked in order of importance;

Whereas the economic impact of the closure of military installations on communities is among the least important criteria that the Commission currently considers;

Whereas the economies of many states and communities are particularly dependent on the presence of military installations, and such installations may account for more than 50 percent of the total employed workforce of such communities;

Whereas many states have already experienced a large number of closures of military installations, and the cumulative impact of such closures on entire regions has been severe;

Whereas 227 military installations have been approved for closure or realignment since 1988, and the gross reduction in the number of civilian and military personnel at such installations as a result of such closures and realignments has exceeded 200,000;

Whereas the Nation has been in an economic recession, in consequence of which the national unemployment rate is 7 percent and nearly 9,000,000 Americans are unemployed;

Whereas the unemployment rate in some states exceeds 9 percent, and the unemployment rate is as high as 25 percent in some areas;

Whereas the closure of military installations can have a devastating economic impact on communities and entire states; and

Whereas the criteria followed by the Defense Base Closure and Realignment Commission do not give appropriate emphasis to the economic climate of communities that depend on military installations or to the economic impact of such closures on such communities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Defense Base Closure and Realignment Commission should give greater emphasis to the economic impact of the closure of military installations on affected communities (including the cumulative economic impact, if any, resulting from previous such closures) when making recommendations to the President in 1993 relating to the closure of military installations.

Mrs. BOXER. Mr. President, today I asked for the floor because I want to express my full support to the senior Senator from California, DIANNE FEINSTEIN, for her resolution that she just introduced a few minutes ago calling on the Base Closure and Realignment Commission to consider the cumulative economic impact of base closures on the surrounding communities and on the State in which they occur. And, Mr. President, her resolution specifically addresses the cumulative economic effect of these closures.

As we in the U.S. Senate and in the House of Representatives consider the economic stimulus program of our new and enthusiastic leader, President Bill Clinton, it is absolutely incumbent upon us not to take any action to undermine this economic stimulus by closing military bases in a complete economic vacuum.

Mr. President, if the list that was leaked to the New York Times and printed in that paper is accurate, certainly that is what this list represents—a list put together in a complete economic vacuum without taking into account any economic conditions. And, by the way, the base closure commission is supposed to look at economic conditions.

Obviously, we all know that bases must be closed and all the States must do their fair share. Whoever was going to be the winner of the Presidential election said that we would have lower defense numbers. That is what we have been working for, an end to the cold war.

Do we still have threats? Of course we do. Will we still have a sizable military budget? Of course we will.

But we are looking at different threats, we are looking at different levels of military budgets, and we know bases will close.

But I ask you, Mr. President, is it fair that one State should take 60 percent of all the personnel cuts in the first couple of rounds of the base closure process? I think not. And yet that is the case in California. We have taken already 60 percent of the personnel cuts.

Is it fair in this new round of base closures, one State should take 50 percent of the personnel cuts? I say, "No." And yet, that is what will happen if there is no change in the list that was leaked and printed in the New York Times.

Fifty percent of the personnel cuts on top of 60 percent of the personnel cuts are simply too much to expect any State to absorb, particularly California at this time, where we have the largest unemployment rate in the Nation—9.8 percent. Nearly one of every 10 Californians is out of work.

We have 31 million people in our beautiful and great State. We would be the eighth largest nation if we were a separate nation. So it does not take a degree in advanced economics to understand that as California goes economically, so goes the Nation.

Mr. President, I do not think it is enough to stand up here and complain about base closures. As I said earlier, we all know that some bases must be closed and all the States must do their fair share. But I think we must come up with options and alternatives and a road map for the future. So let me put some of those options out here in my remaining time.

One, let us follow the Feinstein resolution and ensure that the cumulative economic impact on any State is considered when we make base closure decisions.

Two, let us link base closure dates to economic conditions and unemployment rates.

Three, let us look at foreign bases first. Under current plans, 85 percent of the foreign bases will still be open after this whole base closure round is completed. Eighty-five percent of foreign bases will still be open Mr. President, while base closures in the United States are hurting people all over the country.

Finally, let us design economic countermeasures to ease the transition. Specifically, accelerated environmental cleanup at closed bases or closing bases to create jobs and prepare the bases for reuse.

Next, let us make grants to local government entities to put people to work for a transition period.

I served on a local board of supervisors. I remember the days of revenue sharing. We were able to do important work and put people to work without bureaucracies. And they did important work. And, Mr. President, they are ready to do important work now in this transition.

Third, we need displaced workers retraining and education and job placement. If we have no such plan and bases are closed in economically distressed and slow-growth areas, the results will increase the risk of geographic areas hurting for years and years to come.

So I thank Senator FEINSTEIN for her resolution. She and I will continue to work with legislators from both parties and with the President of the United States and his administration to call attention to California's extremely difficult economic situation in this transition period and to ensure that we get out of this recession on a path toward a strong economic recovery and a bright future. I know we are going to have that bright future in California if we make the correct decisions today.

Mrs. FEINSTEIN. Yesterday, Mr. President, I spoke on this floor on the impact of base closures on the State of California. Today, I rise on behalf of myself, Senators HOLLINGS, BOXER, DODD, LAUTENBERG, THURMOND, LIEBERMAN, and CAMPBELL to introduce a sense of the Congress resolution urging the defense base closure and realignment commission to place greater emphasis on the economic impact to communities when determining what bases to recommend for closure.

Mr. President, a companion resolution is also being introduced in the House of Representatives by Congressman VIC FAZIO.

Mr. President, yesterday I spoke about the fact that my State, in this round of closures, would suffer approximately 46 percent of the total closures in America and took about 60 percent of the net personnel reductions from the last 2 rounds.

The current base selection criteria is ranked in order of importance, with relatively little consideration given to the impact on individual communities throughout this Nation.

Mr. President, as you may know, many communities across the country are dependent on military bases for their economic well-being. The impact of a base closure not only directly affects the military and civilian personnel stationed there, but indirectly affects the entire region. For many communities, a base closure can be economically devastating and cause the loss of tens of thousands of jobs. For example, just one base in this round—the Alameda Naval Station—has over 31,000 indirect and direct jobs. That is a huge base.

I agree that the military value of a base and national security concerns must be given priority consideration. But economic criteria, I believe, should be weighed heavily when determining which bases to close, because the economies of entire communities could be destroyed. Base closures cannot be taken separately from defense winddowns.

Let me give you an example of a company in my own State, namely, Northrop. Today, Northrop—this is in the headlines of yesterday's Los Angeles Times—will, once again, layoff 2,400 people. If you look at the record just with respect to Northrop, in 1988, Northrop employed 48,200 people.

Northrop's employment has dropped 31½ percent. It has already reduced 600 workers this year and yesterday it announced an additional 2,400 people. This is happening to every major defense contractor. My point is that you cannot isolate base closures from the defense winddown. They are all part of one another, and they are having a major economic effect in many areas of this country.

Let me give you an example of one base in California, Fort Ord, the largest military base yet slated for closure. This was in a prior round. This base was once home to 16,000 military and civilian personnel. Its closure will result in a 31-percent reduction in Monterey County's total earnings in wages and salaries. One-third of the whole country's earnings in wages and salaries will be lost with the closure of this base.

In addition, Fort Ord's closure will cause the loss of 10 percent of the county's population and will quite likely have a major adverse impact on the whole region.

In the case of California, this round of base closure is the mother of all base closures. It is so large that $6.4 billion in economic activity will be lost and 230,000 jobs will be lost in California alone, and I believe it would totally negate the impact of any economic stimulus package on the State.

This resolution is even more important in today's national economic climate. Nearly 9 million Americans are currently unemployed, and the rescission still plagues many parts of the country.

In addition to urging the Commission to place greater emphasis on the economic impact of base closures on communities, this resolution also stresses the cumulative economic impact of previous base closures and asks that the Commission takes it into consideration as well.

Many areas of the country still have not recovered from the 1988 and 1991 rounds of closures and now this additional round is on the way.

To ensure that local communities and entire regions are not devastated by a base closure, economic considerations should be weighted more heavily by the Base Closure and Realignment Commission.

Mr. President, I urge my colleagues to support this resolution.

SENATE CONCURRENT RESOLUTION 16—RELATIVE TO MENTAL HEALTH CARE BENEFITS

Mr. SHELBY (for himself, Mr. SIMON, and Mr. DOLE) submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 16

Whereas mental illness and substance abuse disorders are prevalent throughout our society;

Whereas approximately 19 percent of the adult population in the United States have a diagnosable mental illness or a substance abuse disorder within any 6-month period;

Whereas mental illness and substance abuse disorders can strike at any point during a person's lifetime;

Whereas 20 percent of Americans under the age of 18, or approximately 7,500,000 children and adolescents, have some type of mental illness or emotional disorder;

Whereas ⅘ of children in need of mental health care do not receive services, resulting in significant costs to society as these children become adults;

Whereas approximately ⅓ of homeless people have a mental illness and approximately 40 percent of homeless people have a substance abuse disorder;

Whereas there are more Americans with a serious mental illness in prisons and street shelters than in hospitals;

Whereas the incidence of mental illness and mental health problems is very costly both to the individual with a mental disorder and to society as a whole;

Whereas mental illness and substance abuse disorders are devastating the lives of those afflicted, as there exists a direct and close relationship between mental health and overall well-being;

Whereas American business lose over $100,000,000,000 per year due to lost productivity of employees because of substance abuse and mental illness;

Whereas annual direct costs of treatment for mental illness and substance abuse disorders are estimated at $68,000,000,000 and annual indirect costs due to lost productivity, lost employment, vehicular accidents, criminal activity, and social welfare programs are estimated to be approximately $250,000,000,000;

Whereas significant progress has been made within the last 10 years in research into the causes and treatments of mental illnesses, and many such illnesses are now treatable;

Whereas 70 percent of clinically depressed patients can be successfully treated by psychotherapy, and 80 percent or more clinically depressed patients can be successfully treated by combined psychotherapy and psychopharmacologic treatments;

Whereas pharmacologic intervention for schizophrenia and bipolar disorders, coupled with appropriate rehabilitative services, can dramatically reduce the rehospitalization rate for those afflicted with these disorders, improving the ability of such individuals to live productively in the community;

Whereas the success rate for the treatment of panic disorders is between 70 percent and 90 percent;

Whereas significant numbers of persons with mental illness in the United States find it difficult, if not impossible, to secure needed health care;

Whereas only approximately 30 percent of those in need of mental health services actually receive them;

Whereas mental health care is treated differently from care for other health conditions in both public and private financing systems;

Whereas 99 percent of insured individuals and their families have private health coverage for some inpatient mental health treatment, but only 21 percent have coverage that is equivalent to their coverage for other illnesses, and only 2 percent have coverage for outpatient care that is equivalent to their coverage for other illnesses;

Whereas many private insurance programs continue to discriminate against individuals with mental illness or substance abuse disorders;

Whereas although recent changes have improved the treatment of individuals with mental illness or substance abuse disorders under public insurance programs, such programs continue to discriminate against these individuals, as evidenced by the fact that the Medicare program has a 50 percent copayment requirement for mental health care services but only a 20 percent copayment requirement for all other services; and

Whereas businesses, consumers, and Federal and State governments are already paying for mental health care for the uninsured and underinsured in an inefficient and inequitable manner, resulting in much unnecessary pain and suffering for those afflicted with mental disorders as well for their families: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that any legislation enacted to reform the health care delivery system of the United States must ensure that every person has access to coverage for medically and psychologically necessary treatments for mental disorders that is equitable to the coverage provided for treatments for physical illnesses, and should contain the following provisions:

(1) Provisions providing for coverage of a broad array of mental health and rehabilitation services for individuals of all ages.

(2) Provisions guaranteeing that mental health services will be available based on medical or psychological necessity, including provisions prohibiting discrimination through the imposition of arbitrary barriers to mental health services.

(3) Provisions to ensure that services are based on individual need and informed choice, with consumer participation in treatment decisions.

(4) Provision providing financial protection for individuals and their families with mental health needs to prevent these individuals and families from spending a disproportionate share of their income and resources to obtain services.

(5) Financing policies that guide service delivery to the lowest cost settings consistent with appropriate care, including provisions ensuring that any managed care techniques used limit financial conflicts of interest and promote real efficiencies while protecting the patient's right to quality care, access to necessary care, and confidentiality.

(6) Provisions to ensure that mental health services will be coordinated effectively with existing systems and programs of medical, income, residential, and social support at the Federal, State, and local levels.

• Mr. SHELBY. Mr. President, I am pleased to come before the Senate today to reintroduce a concurrent resolution that I previously introduced during the 102d Congress. This resolution expresses the sense of the Senate that equitable mental health care benefits be included in any national health care reform legislation. Simply put, the resolution asks that the Senate go on record as regarding mental illness as a treatable disease equal to other commonly acknowledged medical conditions and treatments.

Mr. President, primary and preventative health care is sure to be an integral component of any national health care reform legislation because of the savings to be found through the interdiction and treatment of health problems before they require more extensive and expensive treatments. Nineteen percent of the adult population of this Nation have a diagnosable mental illness or substance abuse disorder within any 6-month period. Adequate access to the diagnosis and treatment of these conditions for such individuals could save our society billions of dollars each year. American businesses alone lose $100 billion per year because of substance abuse and mental illness. The annual cost to society of mental illness and substance abuse in accidents, criminal activity and social welfare programs has been estimated at $250 billion.

Unfortunately, our societies recognition of the scope of these problems has been extremely limited. As a result, more Americans with a serious mental illness are in street shelters and prisons than in hospitals. Only 30 percent of Americans in need of mental health services actually receive them.

Mr. President, the lack of access to adequate mental health care and substance abuse treatments can be directly attributed to our unwillingness to view mental illness and its treatments with the same seriousness as other medical disorders. Only 21 percent of all Americans with insurance have inpatient coverage equivalent to their coverage for other inpatient treatments. In addition, only 2 percent have equivalent outpatient coverage. This disparity is not a private sector phenomenon.

Medicare, Mr. President, requires a 50-percent copayment for mental health treatments but only a 20-percent payment for other services. The Federal Government views mental health treatments with no more seriousness than does the private insurance industry.

Mental health treatments do work, Mr. President. With the improvements in psycho-pharmacologic therapies, 80 percent of all clinically depressed individuals can now be successfully treated. Pharmacologic treatments for schizophrenia can dramatically improve the quality of life for afflicted individuals while greatly reducing the rate of rehospitalization in such cases. Mental health care will continue to dramatically improve as more research is conducted into the physical and chemical causes of such disorders.

Mr. President, the time has come for the Nation to recognize mental health care as a most serious and effective field of medical practice. When we consider comprehensive health care reform legislation later this year, we in Congress will certainly be prioritizing our national health goals. Preventative care and cost containment will be high on this list of priorities. I would desire that adequate access to mental health care services be weighted among these priorities. The savings in both human and monetary terms would be enormous. For this reason I am reintroducing the concurrent resolution that I introduced during the last Congress. I am pleased to be joined by my two original cosponsors from last year, Senators DOLE and SIMON.

The resolution expresses the sense of the Senate that national health care reform must include provisions that provide for access to a broad array of mental health services for all individuals who need them. I believe, Mr. President, that this resolution is a significant first step in raising the status of mental health care to its proper level in our health care system.

I urge my colleagues to join me in this effort by cosponsoring this resolution.•

SENATE RESOLUTION 78—RELATIVE TO GERMANY'S PARTICIPATION IN INTERNATIONAL PEACE EFFORTS

Mr. COHEN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. RES. 78

Whereas for more than four decades following the Second World War, Germany was a divided nation;

Whereas notwithstanding the creation of the Federal Republic of Germany on September 7, 1949, and the German Democratic Republic on October 7, 1949, the Four Allied Powers retained rights and responsibilities for Germany as a whole;

Whereas the Federal Republic of Germany acceded to the United Nations Charter without reservation, "accept[ing] the obligations contained in the Charter ... and solemnly undertak[ing] to carry them out", and was admitted as a member of the United Nations on September 26, 1973;

Whereas the Federal Republic of Germany's admission to the United Nations did not alter Germany's division nor infringe upon the rights and responsibilities of the Four Allied Powers for Germany as a whole;

Whereas these circumstances created impediments to the Federal Republic of Germany fulfilling all obligations undertaken upon its accession to the United Nations Charter;

Whereas Germany was unified within the Federal Republic of Germany on October 3, 1990;

Whereas with the entry into force of the Final Settlement With Respect to Germany on March 4, 1991, the unified Germany assumed its place in the community of nations as a fully sovereign national state;

Whereas German unification and attainment of full sovereignty and the Federal Republic's history of more than four decades of democracy have removed impediments that have prevented its full participation in international efforts to maintain or restore international peace and security;

Whereas international peacekeeping, peacemaking, and peace-enforcing operations are becoming increasingly important for the maintenance and restoration of international peace and security;

Whereas United Nations Secretary General Boutros Boutros-Ghali has called for the "full participation of Germany in peacekeeping, peacemaking, and peace-enforcing measures";

Whereas the North Atlantic Council, meeting in ministerial session on June 4, 1992, and December 17, 1992, stated the preparedness of the North Atlantic Alliance to "support, on a case-by-case basis in accordance with our own procedures, peacekeeping activities under the responsibility of the Conference on Security and Cooperation in Europe" and "peacekeeping operations under the authority of the United Nations Security Council";

Whereas the Federal Republic of Germany participated in these North Atlantic Council meetings and fully associated itself with the resulting communiques;

Whereas the Western European Union (WEU) Ministerial Council, in the Petersberg Declaration adopted June 19, 1992, declared that "As the WEU develops its operational capabilities in accordance with the Maastricht Declaration, we are prepared to support, on a case-by-case basis and in accordance with our own procedures, the effective implementation of conflict-prevention and crisis-management measures, including peacekeeping activities of the CSCE or the United Nations Security Council";

Whereas the Federal Republic of Germany presided over this Western European Union Ministerial Council meeting and fully associated itself with the Petersberg Declaration;

Whereas the Federal Republic of Germany, by virtue of its political, economic, and military status and potential, will play an important role in determining the success or failure of future international efforts to maintain or restore international peace and security;

Whereas Germany is currently engaged in a debate on the proper role for the German military in the international community and, in this regard, on how to amend the provisions of the Federal Republic's Basic Law that govern German military activities;

Whereas an important element in the German debate is the question of whether the international community would welcome or oppose full german participation in international peacekeeping, peacemaking, and peace-enforcing operations;

Whereas it is, therefore, appropriate for the United States, as a member of the international community and as a permanent member of the United Nations Security Council, to express its position on the foregoing question; and

Whereas distinctions between peacekeeping, peacemaking, and peace-enforcing measures are becoming blurred, making absolute separation of such measures difficult, if not impossible: Now, therefore, be it

Resolved, That (a) The Senate commends the German people for their efforts over several decades—

(1) to acknowledge forthrightly the evils perpetrated during the National Socialist period;

(2) to construct a democratic state deeply rooted in German society; and

(3) to integrate Germany into international institutions designed to strengthen, protect, and promote democracy and international peace and security.

(b) It is the sense of the Senate that—

(1) an appropriate response under current circumstances to Germany's past would be for Germany to participate fully in international efforts to maintain or restore international peace and security; and

(2) the President should strongly encourage Germany to assume full and active participation in international peacekeeping, peacemaking, and peace-enforcing operations and to take the necessary measures with regard to its constitutional law and policy and its military capabilities so as to enable the full and active participation of Germany in such operations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. COHEN. Last week, Mr. President, an important date in history passed without note. March 4 marked the second anniversary of Germany's return to world stage as a fully sovereign and normal national state.

We all remember the dramatic events of 1989 and 1990:

The opening of the Berlin Wall on November 9;

Chancellor Kohl's speech 2 weeks later proposing a 10-point plan for eventual German unity;

German monetary unification on July 1, 1990; and

German political unification on October 3, 1990, when the East German laender were absorbed into the Federal Republic.

As dramatic and significant as they were, however, these events did not return Germany to the family of nations as a full-fledged, normal member. Even after unification, the four allied powers of the Second World War retained their rights and responsibilities for Germany as a whole and yielded these back to Germany only with the entry into force of the Two-Plus-Four Agreement on March 4, 1991.

Within months of regaining the reins of its destiny, Germany began exercising previously unimaginable international political leadership, as it cajoled and pressured its European Community partners and eventually the United States into recognizing Slovenia and Croatia. Some called it muscle-flexing. Others viewed it as a natural, if somewhat undiplomatic, testing of the newfound possibilities afforded by Germany's new status and abetted by German officials still heady from unification.

Unfortunately, many in Germany have not been as quick to recognize that rights are accompanied by responsibilities—and that Germany's new situation and status brings with it, not only new opportunities, but new responsibilities, as well.

Principal among these is the need for Germany to join with other nations in efforts to maintain and, if necessary, restore international peace and security.

When the Federal Republic joined the United Nations 20 years ago, it did so without reservation. The Federal Republic's deed of accession to the United Nations states that it "accepts the obligations contained in the Charter of the U.N. and solemnly undertakes to carry them out." Yet, while it has contributed to U.N. peacekeeping efforts financially and occasionally with military personnel for humanitarian functions, the Federal Republic declared itself unable to fully participate notwithstanding its obligations and its economic and military resources.

Similarly, while the Federal Republic has been a faithful ally within NATO for nearly four decades, it is hesitating now that NATO is extending its operations eastward in accord with its new mission to support international peacekeeping.

The same is true with regard to the Western European Union, which last year also declared its intent to support international peacekeeping operations—ironically at a meeting at which Germany presided.

This hesitation was understandable so long as Germany was a divided nation, lacking full sovereignty and, in the first decades after the war, still coming to grips with the Nazi era. But Germany's situation and status have changed, removing these impediments to the Federal Republic's full and active participation in international military operations.

To their credit, Chancellor Kohl, Defense Minister Ruehe, and other prominent political figures in Germany have worked to enable the Federal Republic to meet these responsibilities. The Chancellor, supported by most German legal scholars, argues that the Basic Law, the Federal Republic's Constitution, permits the Bundeswehr to participate in international military operations to a much greater extent that it has in the past. In an effort to move Germany toward fulfillment of its international responsibilities, he and Defense Minister Ruehe have sought to further define the Federal Republic's constitutional policy through both public debate and praxis. This has included:

German destroyers being deployed to the Adriatic to help monitor the U.N. embargo on the former Yugoslavia, although German vessels are not engaged in interdiction;

A very small Germany military contingent being sent to Somalia, where the UNITAF rules of engagement exceed those of past U.N. peacekeeping operations; and

German military personnel helping to operate NATO AWACS planes during the gulf war, and the Defense Minister's insistence that they participate in any NATO AWACS role in enforcing the Bosnian no-fly zone.

While these actions mark marginal progress in Germany fulfilling its international responsibilities, the Chancellor has proposed a constitutional amendment to build the political consensus needed for full German participation in efforts to maintain and restore international peace and security.

And while these efforts by the German Government are to be commended, I find it quite disturbing that many Germans, particularly in the political opposition, are arguing that even if the Basic Law is amended, Germany will for reasons of history not be able to participate fully in international military operations.

Some opposition leaders have even argued that German troops cannot be sent anywhere that was overrun or occupied by German forces during the Second World War—an area that extends from the Atlantic to the Caucasus, from the Maghreb to the Barents Sea—an area, moreover, which includes many of the regions now undergoing, or expected to undergo, communal, ethnic, and religious conflict. Such an effort to circumscribe Germany's international role would essentially nullify the constitutional amendment now under consideration.

Mr. President, Germany cannot hide from history, but neither can it hide behind history.

We cannot accept the argument that the events of history forever bind nations and their leaders. One of the principal reasons war has returned to the Balkans is that leaders there count the acts of the long-since dead as more important than the needs of the living. Serbian leaders reach back half a millennium to justify their violent policies. We cannot sanction such myopia masquerading as historical vision.

This is especially the case with Germany, whose citizens have forthrightly grappled with the events and the legacy of the Nazi era; who have built a solidly democratic state deeply rooted in German society; and who have securely anchored Germany in international institutions dedicated to democracy and international peace.

Having worked so diligently to overcome their history, Germans cannot now seek refuge in it.

Having succeeded so well in overcoming their history, Germans should be wary of opportunistically stoking fears abroad of German interventionism.

Statements by German opposition leaders that the Bundeswehr can be trusted, but Germany's political leaders cannot, and that the world "should beware of a Germany that is all too willing to change its stance on this issue" must be seen for what they are: efforts to avoid responsibility internationally and gain political advantage domestically.

Similarly, claims that the world community does not want Germany to fulfill its obligations in the security sphere mischaracterize international opinions in an effort to manipulate the German constitutional debate, and we have an obligation to set the record straight.

U.N. Secretary General Boutros-Ghali has, clearly and forcefully, stated that the United Nations "needs the full participation of Germany in peacekeeping, peacemaking, and peace-enforcing measures."

The purpose of this resolution is to bolster the Secretary General's clarion call by putting the Senate on record as favoring the full and active participation of Germany in such operations. To the extent that the German constitutional debate is based on international opinion, it is critical that our views be clearly understood.

Mr. President, I would like to emphasize that this is not just a question of obligations and burden-sharing, although these are not to be discounted. The end of the cold war and the collapse of communism are unleashing powerful forces that, despite our best efforts to manage them, have led, and will continue to lead, to conflicts in Europe and elsewhere. International peacekeeping and peacemaking operations are becoming increasingly important to efforts to maintain or restore international peace and security. Given its political, economic, and military status and potential, Germany will play an important role in determining the success or failure of these efforts.

Full German participation in these efforts is not only right, it is absolutely needed, as the Secretary General has stated.

To the extent that Germany any longer needs to atone for the evils of an earlier generation, an appropriate way to do so in today's world would be to join with other nations in combating threats to international peace and security.

To avoid misunderstanding, Mr. President, I should address for a moment terminology that is used in the public debate and in this resolution. There are four sources of usage that need to be discussed.

The first is the United Nations Charter. Article 1 of the Charter states that "the purposes of the United Nations are (first) to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression and other breaches of the peace * * *." Chapter VII of the Charter provides for measures to "maintain or restore international peace and security," including the use of military force. It also recognizes the "inherent right of individual or collective self-defense."

The U.N. Charter, however, makes no mention of "peacekeeping," "peacemaking" or "peace-enforcing." These are terms that have entered the public debate primarily through colloquial usage and are still in the process of being precisely defined.

Colloquially, peacekeeping has at times been used to describe the full range of missions that might be conducted in accordance with Chapter VII of the Charter, from monitoring ceasefires to suppressing aggression. However, since up until recently all these operations were blue-helmet missions, "peacekeeping" has become synonymous with blue-helmet operations in the minds of some. In order to distinguish blue-helmet missions from the more forceful actions used to deal with the Iraqi invasion of Kuwait and the situation in Somalia, the term "peacemaking" has been increasingly employed in the public discussion. "Peace-enforcement" has not been used much colloquially, although it might come into use if the UNISOM II mission is given the broader rules of engagement of the U.S.-led UNITAF force or if international military forces are sent to Bosnia to enforce a modified Vance-Owen plan.

One effort to define such terms more precisely was made in the report entitled "An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping" submitted last June by U.N. Secretary General Boutros Boutros Ghali to the U.N. Security Council. (See S17726, October 8, 1992.)

According to the definitional section of that report "peacemaking" involves peaceful measures to bring hostile parties to agreement as foreseen in Chapter VI of the U.N. charter—not Chapter VII's provisions for employing economic sanctions and military force. This same definitional section states that the deployment of military forces in the field constitutes "peacekeeping," although it confuses matters by stating that "peacekeeping is a technique that expands the possibilities for * * * the making of peace."

The rest of the report, while very useful in many respects, further confuses definitions by incorporating the discussion of the use of force under Chapter VII of the U.N. Charter in the "peacemaking" section of the report rather than the section on "peacekeeping." As for "peace-enforcing," the report envisions peace-enforcement units, more heavily armed than peacekeeping forces traditionally have been, to deal with such situations as when ceasefires are violated. The report, however, makes a distinction between such peace-enforcement units and larger forces constituted to deal with acts of aggression which, depending on how one reads the report, are classified as either peacekeeping forces or some other, unnamed category.

In short, Mr. President, while the Secretary General's report seeks to clarify these matters, its actual effect is to muddy the water. Perhaps the most useful thing the report had to say was that there "may not be a dividing line between peacemaking and peacekeeping."

Perhaps recognizing the confused nature of the report, the Secretary General seems to have since adopted a more colloquial usage. The resolution quotes one of these more recent statements in which he called on Germany to fully participate "in peacekeeping, peacemaking, and peace-enforcing measures."

In the German debate, "peacekeeping" (friedenserhaltenden) is being used to denote blue-helmet missions exclusively, while "peacemaking" (friedensherstellenden) is being used to denote the use of military force under Chapter VII and Chapter VIII of the U.N. Charter. The German Government's proposed constitutional amendment also distinguishes "peacemaking" operations undertaken pursuant to a decision of the U.N. Security Council from the use of force in fulfilling the right to collective self-defense in accordance with Article 51 of Chapter VII of the U.N. Charter.

Under the proposed constitutional amendment, German participation in "peacekeeping" and "peacemaking" operations would require approval by a majority of the Bundestag, while participation in collective self-defense outside of NATO would require two-thirds approval by the Bundestag.

Mr. President, I will soon ask that the text of the proposed German constitutional amendment, as translated by the Congressional Research Service, be printed in the RECORD.

Perhaps the most sensible way to define these terms would be to use "peacekeeping" in the broadest sense, covering the full spectrum of possible actions employing police or military forces. The other terms could be used to distinguish different types of peacekeeping missions, from blue-helmet to peacemaking. This seems to be the usage employed in NATO communiques and the Western European Union's Petersberg Declaration and should be encouraged.

Given the varied usage of the terms, however, the resolution I am introducing uses the phrases "maintain or restore international peace and security" and "peacekeeping, peacemaking, and peace-enforcing," to ensure that its intent is clear: Germany is being encouraged to participate in the full spectrum of international military operations, from blue-helmet missions to future Desert Storms.

I ask unanimous consent that the translation of the German constitutional amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC.

[Translation—German]

Art. 24 Section 2a GG—new—as of January 12, 1993

Armed forces of the Federal Republic may be deployed without violating Article 87a:

1. in peace-keeping actions in accordance with a Security Council resolution or as part of regional agreements as put forth in the Charter of the United Nations, insofar as the Federal Republic of Germany is a party to these [agreements],

2. in peace-making actions on the basis of Chapters VII and VIII of the Charter of the United Nations [and] in accordance with a Security Council resolution,

3. in exercising the right of collective self-defense in accordance with Article 51 of the Charter of the United Nations jointly with other nations as part of alliances or other regional agreements.

These military operations require a majority vote of the Bundestag in cases of numbers 1 and 2, and a two-thirds vote of the members of the Bundestag for number 3.

(Translated by David Skelly, CRS-Language Services, March 5, 1993.)

AMENDMENTS SUBMITTED

NATIONAL VOTER REGISTRATION LEGISLATION

MCCAIN (AND OTHERS) AMENDMENT NO. 73

Mr. MCCAIN (for himself and Mr. COATS, Mr. GRAMM, Mr. BURNS, Mr. COVERDELL, Mr. DANFORTH, Mr. GRASSLEY, Mrs. KASSEBAUM, Mr. MCCONNELL, Mr. NICKLES, Mr. SIMPSON, Mr. SMITH, Mr. WALLOP, Mr. WARNER, Mr. MURKOWSKI, Mr. FAIRCLOTH, Mr. PRESSLER, Mr. BENNETT, Mr. LOTT, Mr. MACK, Mr. THURMOND, Mr. LUGAR, and Mr. HELMS) proposed an amendment to the bill (S. 460) to establish national voter registration procedures for Federal elections, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . LEGISLATIVE LINE ITEM VETO.

(a) SHORT TITLE.—This section may be cited as the "Legislative Line Item Veto Act of 1993".

(b) ENHANCEMENT OF SPENDING CONTROL BY THE PRESIDENT.—The Impoundment Control Act of 1974 is amended by adding at the end thereof the following new title:

"TITLE XI—LEGISLATIVE LINE ITEM VETO RESCISSION AUTHORITY

"PART A—LEGISLATIVE LINE ITEM VETO RESCISSION AUTHORITY

"GRANT OF AUTHORITY AND CONDITIONS

"SEC. 1101. (a) IN GENERAL.—Notwithstanding the provisions of part B of title X and subject to the provisions of part B of this title, the President may rescind all or part of any budget authority, if the President—

"(1) determines that—

"(A) such rescission would help balance the Federal budget, reduce the Federal budget deficit, or reduce the public debt;

"(B) such rescission will not impair any essential Government functions; and

"(C) such rescission will not harm the national interest; and

"(2)(A) notifies the Congress of such rescission by a special message not later than 20 calendar days (not including Saturdays, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriations Act or a joint resolution making continuing appropriations providing such budget authority; or

"(B) notifies the Congress of such rescission by special message accompanying the submission of the President's budget to Congress and such rescissions have not been proposed previously for that fiscal year.

The President shall submit a separate rescission message for each appropriations bill under paragraph (2)(A).

"(b) RESCISSION EFFECTIVE UNLESS DISAPPROVED.—(1)(A) Any amount of budget authority rescinded under this title as set forth in a special message by the President shall be deemed canceled unless during the period described in subparagraph (B), a rescission disapproval bill making available all of the amount rescinded is enacted into law.

"(B) The period referred to in subparagraph (A) is—

"(i) a Congressional review period of 20 calendar days of session under part B, during which Congress must complete action on the rescission disapproval bill and present such bill to the President for approval or disapproval;

"(ii) after the period provided in clause (i), an additional 10 days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission disapproval bill; and

"(iii) if the President vetoes the rescission disapproval bill during the period provided in clause (ii), an additional 5 calendar days of session after the date of the veto.

"(2) If a special message is transmitted by the President under this section during any Congress and the last session of such Congress adjourns sine die before the expiration of the period described in paragraph (1)(B), the rescission shall not take effect. The message shall be deemed to have been retransmitted on the day of the succeeding Congress and the review period referred to in paragraph (1)(B) (with respect to such message) shall run beginning after such first day.

"DEFINITIONS

"SEC. 1102. For purposes of this title the term 'rescission disapproval bill' means a bill or joint resolution which only disapproves a rescission of budget authority, in whole, rescinded in a special message transmitted by the President under section 1101.

"PART B—CONGRESSIONAL CONSIDERATION OF LEGISLATIVE LINE ITEM VETO RESCISSIONS

"PRESIDENTIAL SPECIAL MESSAGE

"SEC. 1111. Whenever the President rescinds any budget authority as provided in section 1101, the President shall transmit to both Houses of Congress a special message specifying—

"(1) the amount of budget authority rescinded;

"(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

"(3) the reasons and justifications for the determination to rescind budget authority pursuant to section 1101(a)(1);

"(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission; and

"(5) all facts, circumstances, and considerations relating to or bearing upon the rescission and the decision to effect the rescission, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided

"TRANSMISSION OF MESSAGES; PUBLICATION

"SEC. 1112. (a) DELIVERY TO HOUSE AND SENATE.—Each special message transmitted under sections 1101 and 1111 shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

"(b) PRINTING IN FEDERAL REGISTER.—Any special message transmitted under sections 1101 and 1111 shall be printed in the first issue of the Federal Register published after such transmittal.

"PROCEDURE IN SENATE

"SEC. 1113. (a) REFERRAL.—(1) Any rescission disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

"(2) Any rescission disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this section.

"(b) FLOOR CONSIDERATION IN THE SENATE.—

"(1) Debate in the Senate on any rescission disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(2) Debate in the Senate on any debatable motion or appeal in connection with such a bill shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(3) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed 1, not counting any day on which the Senate is not in session) is not in order.

"(c) POINT OF ORDER.—(1) It shall not be in order in the Senate or the House of Representatives to consider any rescission disapproval bill that relates to any matter other than the rescission of budget authority transmitted by the President under section 1101.

"(2) It shall not be in order in the Senate or the House of Representatives to consider any amendment to a rescission disapproval bill.

"(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.".

MULTISTATE UTILITY COMPANY CONSUMER PROTECTION ACT OF 1993

BUMPERS AMENDMENT NO. 74

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. BUMPERS submitted an amendment intended to be proposed by him to the bill (S. 544) to amend the Federal Power Act to protect consumers of multistate utility systems, and for other purposes, as follows:

At the end of the bill, add the following:

SEC. 3. TRANSFER OF AUTHORITY.

There are hereby transferred to, and vested in, the Federal Energy Regulatory Commission all of the functions of the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935.

SEC. 4. CONFORMING AMENDMENTS.

(a) Section 2(a)(6) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79b(a)(6)) is amended to read as follows:

"(6) 'Commission' means the Federal Energy Regulatory Commission.".

(b) Section 12(i) of the Public Utility Holding Company Act (15 U.S.C. 791(i)) is amended by striking out "or Federal Power Commission, or any member, officer, or employee of either such Commission" in the first sentence and inserting in lieu thereof "or any member, officer, or employee of the Commission".

(c) Section 20(d) of the Public Utility Holding Company Act (15 U.S.C. 79t(d)) is repealed.

(d) Section 21 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79u) is amended to read as follows:

"SEC. 21. Nothing in this title shall affect (1) the jurisdiction of the Securities and Exchange Commission under the Securities Act of 1933 or the Securities Exchange Act of 1934 over any person, security, or contract; (2) the rights, obligations, duties, or liabilities of any person under the Securities Act of 1933 or the Securities Exchange Act of 1934; or (3) the jurisdiction of any other commission, board, agency, or officer of the United States (or of any State or political subdivision of any State) over any person, security, or contract.".

(e) Section 32(a) of the Public Utility Holding Company Act is amended by striking out "and shall notify the Commission whenever a determination is made under this paragraph that any person is an exempt wholesale generator" in the fourth sentence.

(f) Section 318 of the Federal Power Act (16 U.S.C. 825q) is amended to read as follows:

"SEC. 318. If any person is subject to both (1) a requirement of the Public Utility Holding Company Act of 1935 (or to a rule, regulation, or order issued pursuant to the Public Utility Holding Company Act of 1935); and (2) a requirement of this title (or to a rule, regulation, or order issued pursuant to this title) with respect to the same subject matter, the Commission shall consolidate consideration of the matter into a single proceeding and resolve the matter in a manner consistent with the purposes of both statutes.".

SEC. 5. AFFILIATE TRANSACTIONS.

(a) Section 13(b) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79m(b)) is amended by striking out "at cost" in the first sentence and inserting in lieu thereof "at a price not to exceed cost".

"(b) Section 13(d) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79m(d)) is amended by striking out "at cost" in the second sentence and inserting in lieu thereof "at a price not to exceed cost".

SEC. 6. INCREASED EFFICIENCY.

Not later than 6 months after the date of enactment of this Act, the Federal Energy Regulatory Commission shall promulgate rules to eliminate duplication in the administration of the Public Utility Holding Company Act and the Federal Power Act.

NATIONAL VOTER REGISTRATION LEGISLATION

KEMPTHORNE AMENDMENTS NOS. 75–77

Mr. KEMPTHORNE submitted three amendments intended to be proposed by him to the bill (S. 460) to establish national voter registration procedures for Federal elections, and for other purposes, as follows:

AMENDMENT NO. 75

On page 4, between lines 17 and 18 insert the following:

(3) A State in which 75 percent or more of the voting age population was registered to vote in the most recent general election for Federal office held prior to the date of enactment of this Act.

AMENDMENT NO. 76

On page 4, line 10, strike "either or both" and insert "1 or more".

AMENDMENT NO. 77

At the appropriate place, insert the following:

( ) This Act shall not apply to a State in which 75 percent or more of the voting age population was registered to vote in the most recent general election for Federal office held prior to the date of enactment of this Act.

KEMPTHORNE (AND NICKLES) AMENDMENT NO. 78

Mr. KEMPTHORNE (for himself and Mr. NICKLES) proposed an amendment to the bill S. 460, supra, as follows:

On page 4, between lines 17 and 18 insert the following:

(3) A State in which 75 percent or more of the voting age population was registered to vote in the most recent general election for Federal office at any time.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. AKAKA. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on legislation to authorize financial assistance for the Northern Mariana Islands, and for other purposes.

The hearing will take place on Thursday, March 18, 1993, at 2 p.m., in room

SD–366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Patricia Temple.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, March 10, 1993, at 2:30 p.m., in open session, to review the Report of the Advisory Panel on Streamlining and Codifying the Acquisition Laws.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Wednesday, March 10, 1993, at 10 a.m., to conduct a hearing on economic conditions and monetary policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on March 10, 1993, at 10 a.m. on competitiveness of the U.S. auto industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 10, 1993, to hold a hearing on the nomination of Janet Reno to be U.S. Attorney General.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS AND ALCOHOLISM

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Children, Family, Drugs and Alcoholism of the Committee on Labor and Human Resources be authorized to meet for a joint hearing with the House Select Committee on Children, Youth and Families during the session of the Senate on Wednesday, March 10, 1993, at 9:30 a.m., for a hearing on youth violence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR REGULATION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, March 10, beginning at 9 a.m., to conduct a hearing to review the implementation of section 507 of the Clean Air Act and approaches to delivering compliance and technical assistance to small businesses.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, March 10, 1993, to hold a hearing on corruption in professional boxing (part II).

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HONORING THE TOWNSHIP OF AMSTERDAM, NY; 200 YEARS OLD

• Mr. D'AMATO. Mr. President, I rise today to raise my voice in celebration of the township of Amsterdam's 200th anniversary. On March 12, 1793, the township of Amsterdam was officially formed. I take pride in the anniversary of this great town and ask my colleagues to join me in celebrating its longevity and success.

The township of Amsterdam is on the north bank of the Mohawk River in the northeast corner of Montgomery County in eastern New York. The township boasts a rich history, including many diverse events and foundations. Back in 1669, the last battle between the Mohawks and the Mohicans took place near the eastern boundary of the township. In 1730, the Groat brothers erected a gristmill; the first mill of its kind in the area. In 1749, William Johnson built a stone house which still stands in the village of Fort Johnson. It is the only house of its kind to survive from the colonial period to the present.

Water power is in abundance in the area. As such, many mills were built in the area and villages blossomed around the mills. Woolen goods and hosiery were manufactured in the village of Hagaman at the Hagaman Mills; gristmills were located at Cranesville and Fort Johnson; A stone quarry and lime kiln were operating at Manny's Corners; and Rock City, now Harrowers, operated the Amity Knitting Mill.

I am proud to represent Amsterdam and townships like it. It is people like the good people of Amsterdam who make up the fabric of American life. It is only right that we acknowledge the value of our history as exemplified by the Amsterdam township. I salute the people of Amsterdam, and congratulate the township on the occasion of its 200th birthday.•

(At the request of Mr. MITCHELL, the following statement was ordered to be printed in the RECORD at this point:)

MUSEUM OF THE SOUTHWEST

• Mr. KRUEGER. Mr. President, for 25 years the Museum of the Southwest has been a living chronicle of the contributions that make the American Southwest one of our Nation's most remarkable regions. Today, I ask the Congress of the United States to pause in its business to salute the museum's own grand past and bright future on its 25th anniversary.

Opened in 1966 after a grant from the Junior League of Midland, TX, the museum has proved the foresight of its founders, who say a quarter-century ago that the task of preserving and advancing America's heritage belongs equally to America's towns and her metropolises.

The museum's scope and facilities have expanded alongside its hometown, sustained by the generosity of civic groups and private citizens. Housed in Midland's beautiful Turner Mansion, a landmark entered in the National Registry of Historic Places, the museum now includes galleries, administrative and meeting facilities, a children's museum, a planetarium, and other facilities that recognize the arts, culture, and sciences of the area.

Today, the museum has become a free resource to all who want to appreciate the culture and contributions of the region and its people. I offer my congratulations and best wishes on this anniversary.•

OPERATIONS IN SOMALIA AND YUGOSLAVIA

• Mr. D'AMATO. Mr. President, I am very concerned by the one glaring omission from the fiscal year 1993 emergency supplemental proposed by the White House: the operations in Somalia and Yugoslavia. If anything qualifies for emergency status, our humanitarian efforts in these two countries do. Yet, the administration's $16.3 billion supplemental is silent regarding these on-going overseas commitments.

I offer a warning to my colleagues. The costs associated with the operations in Somalia and Yugoslavia are off the books. In other words, right now the Pentagon is paying for these efforts by pillaging funds from other accounts with the understanding that the costs will be reimbursed. If those costs are not reimbursed, if, in fact, our deployments to Somalia and Yugoslavia come out of hide, then the Department of Defense is going to face a serious budget crunch.

The Pentagon will be faced with no choice but to reprogram funds from slow spending procurement and research and development accounts to pay operations and maintenance bills. Soon, phones are going to begin lighting up in our offices with calls from outraged constituents whose livelihood is threatened as the Pentagon begins searching for offsets. A huge melee will result as the politically strong and the well placed in and out of the building wrestle to protect their projects at the expense of other programs.

That this will create an enormous amount of political and programmatic disruption goes without saying. It may also result in additional unfunded costs depending upon contract termination liabilities and the like. My friends here in the Senate should be alert to this fact, and would be well advised to insist that any emergency supplemental include paying for the operations in Somalia and Yugoslavia.●

SINGLE-PAYER WON'T CONTAIN COSTS

● Mr. DURENBERGER. Mr. President, I rise today to address the health care proposal of my distinguished Minnesota colleague, Senator WELLSTONE.

His legislation seeks to establish a single-payer system like the one in Canada—administered at the State level.

Under the Wellstone system, there would be only one payer for health care in any State. A national health board would set standards for benefits, and work with the States to develop health budgets. Government would cap the annual increase in health care expenses to the rise in the overall cost of living.

The Wellstone proposal is supposed to contain costs. But a much more likely result of enacting his single-payer system is the rationing of access to health care, and the reduction of its quality.

Let me illustrate how the Wellstone proposal would work if it were applied to running a restaurant instead of a health care system.

Let's say you own a restaurant with a very big menu. The Government gives everyone in the country a restaurant services card. This card entitles them to anything on the menu they want, at any time, regardless of how hungry they are, or what their needs are.

Now assume that you—the restaurant owner—are required by the Government to serve all the people who come in with their cards. Then the Government will tell you how much you can spend over the next year—and no matter how many customers you serve or what kind of food you serve them, you will never receive more than that initial budget. The Government will also tell you what they will pay you for every individual item on the menu.

What happens if everyone comes in the first few months of the year and orders steak, the most expensive item on the menu? What happens to the budget?

This is what happens. The Government will cut the level of its reimbursements for steak. If demand continues to rise, the reimbursement rates will go down again. In all likelihood, your supplies and operating expenses will end up exceeding what the Government pays you for the steaks you serve!

What will you do? Probably, your first response will be to buy a cheaper cut of meat. You will reduce quality—even if it means that you risk being fined by the quality inspectors. And if your bottom line falls below your budget allocation, you may simply go out of business.

To a businessperson, does this make any sense? Will you be motivated to compete with other restaurants to serve highest quality at lowest prices? Absolutely not.

Yet this is precisely the kind of system Senator WELLSTONE thinks we need for U.S. health care.

He will contend that his system only sticks it to greedy providers. That may well be his intention. But in Government, intentions are not the point. What we have to examine is not intentions—but the likely consequences of our actions. In the event the Wellstone bill is passed, health care consumers will face truly dire consequences.

They will have to pay more—in higher taxes—for a system of lower-quality health care.

My friend PAUL WELLSTONE takes a back seat to nobody in his level of passion on the issue of making sure all Americans get the care they deserve. I wish he would understand that passing his bill would hurt—not help—our efforts toward this common goal. We simply have to do better than that—and that is why I urge Senator WELLSTONE and the other proponents of single-payer legislation to take another look at the managed competition approach to health.

Mr. President, I ask that a valuable analysis of the problems of the Canadian health care system from Sunday's New York Times be included in the RECORD at the conclusion of my remarks.

The analysis follows:

PATIENTS FOOTING THE BILL AMID CANADIAN CUTBACKS

(By Clyde H. Farnsworth)

TORONTO, March 6.—This winter Fred Holmes took his two children, Monica, 15, and David, 13, both of whom had colds, to a medical laboratory to have their throats swabbed. A few weeks later he received two bills, each for $19.80.

Never before under Canada's 27-year-old universal health insurance system did Mr. Holmes have to reach into his own pockets to pay for such a common medical service. But bills like that are the wave of the future.

Like the United States, Canada, with a radically different system in which the Government uses tax money to pay most medical bills and regulates hospital budgets and doctors' fees, faces exploding medical costs. One response had been to get individuals and employers to pick up more of the tab—like laboratory fees for some common procedures.

Canadians are proud of a system that generally provides good medical care to all its citizens at a lower cost than in the United States—averaging 1,915 American dollars per person in 1991, the latest year for which figures are available, compared with $2,868 in the United States. But spending in recent years has grown nearly as fast as in the United States, and is outstripping the ability of the public sector to pay.

Despite new efforts to control costs, from cutbacks in covered services to caps on doctors' fees and hospital budgets, "revenues in the public sector are not increasing fast enough," said Bill Tholl, director of health policy at the Canadians Medical Association.

Aggravating the financial distress has been Canada's most painful recession since the Great Depression, which has compressed tax receipts and cut federal transfer payments to the 10 provinces and 2 territories, which actually run the health system for 27 million Canadians.

A MAJOR REASSESSMENT

The Federal Government used to pay half of the health system costs. Now it is down to 30 percent. As a result, the provinces have been forced into even larger deficits to finance health care, which consumes about a third of their total spending. These deficits mean more money owned to domestic and foreign lenders, who buy provincial bonds.

As the Clinton Administration prepares to overhaul the American health care system to include 37 million Americans now uninsured and to stem rising costs, the Canadian system—which gives everyone, rich or poor, equal access to doctors and hospitals—is going through a major reassessment of its own.

No one wants to dismantle the most popular Canadian social program. But there is talk of changing some of the ground rules.

FEES ARE DEBATED

For example, fees have been widely discussed, even though they would contravene the Canada Health Act of 1984, which, reaffirmed the fundamental principles of universal access to comprehensive care, unimpeded by financial barriers. One of the provincial Premiers, Frank McKenna, a Liberal Party member from New Brunswick, has suggested that wealthier Canadians would be willing to pay fees to insure that the poorest Canadians continue to get free health care.

"I don't believe there's another nation in the world that has such an open-ended system of health care where they simply give the dollars out, no matter what the amount, to health-care providers and recipients, without asking for some modest deductible in return for those who can afford to pay it," he said last year.

Quebec's Ministry of Health has already proposed a user fee of $5 each time a patient uses an emergency room, but has not yet adopted it. Still, it does require a $2 service charge for prescription for those over 65 who normally get prescriptions free. A ceiling limits the fees to $100 a year.

While opinion surveys show that more than half of Canadians would support patient fees as the best way to control health costs, opponents have successfully resisted, arguing that the practice would polarize rich and poor and require cumbersome administrative machinery.

Reducing covered services, another approach to shifting the burden to users, has made greater headway. The Ontario Health Insurance Plan, as Mr. Holmes found, has reduced fees to commercial laboratories and allows them to bill patients directly.

HOW COSTS ARE CUT

Ontario, which insures 10 million people or nearly 40 percent of Canada's population, has cut costs in these other ways.

Stopping payment for certain services in connection with employment, insurance, pensions, legal proceedings, recreation and education. For example, if a doctor writes a letter in support of a disability claim, the claimant pays for that service. Or if a worker needs a physical to get a job, he must pay for the examination.

Ending coverage of electrolysis, used for the removal of unwanted hair, sometimes the result of a hormonal disorder, and reviewing coverage of 40 other items including psychoanalysis, vasectomies, newborn circumcision, in vitro fertilization and chiropractic, pediatric and osteopathic services.

Increasing patient payments for drug prescriptions covered by the Ontario Drug Benefit Plan, which chiefly serves people over 65.

"At one time Government could afford to be comprehensive, covering all medical services," said Dr. David Peachey, director of professional affairs for the Ontario Medical Association. "Now we need to re-examine what the Government will pay for."

A CAP ON SPENDING

Pat Rich, managing editor of The Medical Post, which follows health politics for the country's 40,000 doctors, said that provinces were determined to keep health spending from rising above the current one-third of their total expenditures.

Mainly by curbing hospital budgets and doctors' fees, Ontario has capped spending on health care at $16.9 billion this fiscal year, ending March 31, up only 2 percent over last year, against average increases of 11.2 percent in the 1980's. Hospitals are held to an overall 1 percent increase.

Colin Goodfellow, vice president of the Hospital Council of Metropolitan Toronto, said hospitals had been "surprised" by the required austerity, but added, "Nobody jumped up and down and screamed." He said there was a recognition that "we can sustain quality service with this level of funding."

Still, the hiving off of benefits signals a narrower scope for the basic medical care promised under Canada's insurance system. Analysts see growing use of private insurance to cover what is being taken off the provincial plans. Blue Cross organizations in each of the provinces, for example, are now offering plans for individuals that incorporate the delisted services, according to Mr. Holmes, a health benefits analyst.

Colin Goodfellow vice president of the Hospital Council of Metropolitan Toronto, said hospitals had been "surprised" by the required austerity, but added, "Nobody jumped up and down and screamed." He said there was a recognition that "we can sustain quality service with this level of funding."

Still, the hiving off of benefits signals a narrower scope for the basic medical care promised under Canada's insurance system. Analysts see growing use of private insurance to cover what is being taken off the provincial plans. Blue Cross organizations in each of the provinces, for example, are now offering plans for individuals that incorporate the delisted services, according to Mr. Holmes, a health benefits analyst at the Toronto consulting concern of William M. Mercer Ltd.

REDUCE THE DELAYS

For years, Government limits on medical spending have led to waiting lists for certain costly nonemergency procedures. In some provinces patients have had to wait as long as 18 months for hip replacement surgery, 12 months for cataract surgery 3 to 6 months for elective coronary bypass surgery. In British Columbia the situation became so acute a few years back that the Government arranged to send 200 patients to Seattle to reduce the backlog.

Yet many doctors and health economists here insist the waiting has not been as serious as critics say. In the United States, they note, rationing also exists, but it is rationing by price, keeping many from getting basic health care.

Canadian analysts say that despite the financial constraints, practitioners have worked out new standards for assessing patient priority that have eased the problems. For example, cardiovascular surgeons in Ontario now have a registry for all potential heart patients. A result has been a reallocation of caseloads based on need and surgeon availability.

The registry, combined with a recent 10 percent expansion in open-heart surgery capacity, has largely eliminated delays in the province, practitioners reported. New heart surgery capacity has also come on stream in British Columbia.

THE PROBLEM ZONE

"The first thing to keep in mind," said C. David Naylor, chief of the Institute for Clinical Evaluative Sciences, "is that anyone needing urgent service gets it. The problem arises in the zone between where it is an urgent need and where it is safe and convenient to wait."

According to a 1991 survey by Statistics Canada, 95 percent of all Canadians reported receiving the care they needed within 24 hours.

Dr. Naylor, whose institute is an academic research center that studies the Ontario health system, insisted that "some kind of queuing system is necessary if you want to run a service efficiently."

"The alternative," he said, "is excess capacity, which is not a very efficient way to run a service."

World-class research is conducted in Canada, but Canadian hospitals and institutes cannot always afford the high technology products developed in the United States. For example, not many Canadian hospitals have $1 million to buy a nuclear magnetic resonance imaging machine, and there are long waits for the available machines. But generally, once a procedure proves worthwhile, it is adopted in Canada.

Hospitals in Canada are private, voluntary, nonprofit corporations run by professional administrators and reporting to community trustees. Yet they are also state-dependent contractors that must answer in part to the provincial health ministry.

HOSPITALS AS ENTREPRENEURS

Peter Ellis, chief executive officer of the Sunnybrook Health Science Center, one of the biggest hospitals in Toronto, said: "In the last three years we have received funding way below our actual increase in costs. So we've had to become increasingly aggressive."

He was referring in part to energetic entrepreneurship, the bolstering of revenues by pushing ancillary businesses, from car parking, the cafeteria and the variety store to an on-site conference center. But hospitals are also being pushed into greater efficiency and less wasteful care.

Sunnybrook gets 70 percent of its funds from the Government, against 77 percent five years ago, but thanks to its entrepreneurship, combined with contributions of private foundations and new management techniques it has shown surpluses the last two years.

Beyond the unavoidable price of new medical technology, the explosion in Canadian health costs has been encouraged, many analysts say, by an oversupply of doctors and the fee-for-service system that rewards them for seeing more patients and doing more procedures.

In 1964 there was one doctor for every 800 people in Canada; today there is one for every 450. Growth has been almost comparable in the United States, where in 1965 the ratio was one for every 720 persons compared with one for 411 now. The World Health Organization recommends one for every 600.

In Canada there is evidence that the doctors create their own demand, without necessarily improving the quality of care the population receives. At the encouragement of the Ontario Ministry of Health, the University of Toronto has just announced a 30 percent reduction in enrollment at its medical school, the country's largest. Medical schools in other provinces have also announced cutbacks.

Ontario's Deputy Health Minister, Michael Decter, says that each new doctor who goes into practice costs the province $500,000 a year. "If you continue to have too many physicians, it limits the resources you have for other areas of health care," he added.

Doctors are paid according to a fee schedule negotiated like a labor agreement between each provincial government and the provincial medical association. The latest increase is 1.75 percent, which is less than the rate of inflation.

Ontario doctors went on strike for 25 days in 1986 over a demand to be allowed to make supplementary charges. They lost the strike and had to back down. Now the doctors sit with the Government on a Joint Management Committee that tries to reach consensus. If the two sides cannot agree on fees, the doctors have now agreed to a process of mediation and independent binding arbitration.

After weighing the higher costs in the United States, including malpractice insurance premiums, which are 10 times stiffer, incomes of Canadian doctors are close to American levels. The specialists generally do better in the United States than Canada.

After treating a patient, the doctor bills the provincial health authority according to the fee schedule. For example, if a doctor in this province makes a house call from 5 p.m. to midnight and on weekends he may bill for $71. In Quebec, a simple consultation by a general practitioner costs the Quebec insurance plan $13.80; $50.80 for a complete examination.

The vast majority of doctors—an estimated 80 percent—work under the fee-for-service system, as opposed to salaries. But critics say this system creates incentives for doctors to provide more services than may be needed.

Some fee schedules implicitly recognize this by building in their own disincentives. For instance, the Ontario doctor whose house calls constitute more than 20 percent of his billings will collect only $41.50 for that weekend call, instead of $71. Fees drop for doctors earning more than $400,000, a situation affecting 870, or 5 percent of the province's physicians.

A SHIFT TO CLINICS

Also keeping costs up is the tendency for hospital stays to be long, at least longer than in the United States. For example, maternity cases average three and a half to four days, compared with two days' in many hospitals in the United States. But Canadian hospital managers say they face the same pressures as American counterparts to reduce lengths of stays.

In its own efforts to cut costs, British Columbia is moving dramatically to shift services away from hospitals to outpatient clinics, public-health programs and home care. But the program means closing hospitals, which is not popular either with doctors of the general public.

Despite its current convulsions, Canada's health system remains very popular, Polls regularly show it is supported by 85 to 90 percent of the population. But with rising expectations on the part of the patent, ever more costly technologies and an aging population, more strains and more change are unavoidable.

Echoing a general sentiment, Robert Evans, a health economist at the University of British Columbia, said, "The message must be that business as usual is not sustainable in the new economic environment."•

A TRIBUTE TO PERRYVILLE

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the town of Perryville in Boyle County.

Perryville is a small town nestled among the rolling hills of central Kentucky, southwest of Lexington. Perryville was founded around 1800 to serve as a resting place for people who traveled between neighboring towns.

Perryville gained national attention on October 8, 1862, when land on the outskirts of the town was the site of a Civil War battle. At that time, the South was in the midst of a severe drought, and thirsty Confederate and Union troops wanted to take advantage of the water supply at Perryville's Crawford Springs. A fight for control of the water erupted between the opposing troops, and in the course of 1 day, approximately 1,300 men were killed and many more were injured.

Today, visitors to Perryville would be hard pressed to imagine such a bloody battle taking place in the quiet town. Last year alone, more than 190,000 visitors strolled along Merchants Row, crossed the Chaplain River on a footbridge which connects the east and west sections of the town, and explored the battlefield.

Perryville's future depends on attracting more out-of-town visitors. City leaders recently acquired $3.1 million, largely through a Federal grant, to be used for renovations and improvements. The battlefield will be expanded from 98 acres to more than 2,000 acres, a tourist information center will be built, and a museum which now sits on the battlefield will be moved to an historic building in town. These changes are expected to significantly boost tourism in Perryville.

I applaud the town of Perryville and the residents who are dedicated to maintaining and improving such an important historical treasure.•

NEW BATTLES LOOM FOR PROTOTYPES

• Mr. D'AMATO. Mr. President, I ask that an article that appeared in the February 15, 1993, edition of Aviation Week & Space Technology entitled, "New Battles Loom for Prototypes," be inserted in the RECORD at this point, so that I may comment on the tactical aviation proposals made by the Air Force.

The Air Force is advocating a combination of low-rate production of current aircraft, upgrades to those aircraft, advanced operational prototypes, and continued development and eventual procurement of next-generation aircraft. Has anyone in the Air Force ever balanced a checkbook? Where is the money for all of these efforts to come from? This "I want it all" attitude is exactly the wrong message the Air Force should be sending to Congress.

Not surprisingly, the detailed article mentions not a word about how the Air Force's plan is to be funded. The President's budget is going to demand hard choices. It is imperative that the Air Force give Congress clear, viable alternatives for maintaining and modernizing our strategic and tactical air fleets. Lacking such guidance, Congress must still wield the cleaver. If the Air Force persists in offering us an all-inclusive wish list, it is guaranteeing a particularly bloody visit to the congressional budget butchershop.

We must pick a winner. We can do it with advice of our professional military leaders, but we must do it. I appeal to the Air Force to present a plan we can endorse.

The article follows:

NEW BATTLES LOOM FOR PROTOTYPES

(By David A. Fulghum)

WASHINGTON.—U.S. Combat Command chief Gen. John M. Loh has proposed a new acquisition plan that would require all new aircraft designs, including the F–22 and multirole fighter (MRF), to compete against advanced versions of the F–15, F–16 or F–117 before production is approved.

"I would always like to see the existing, upgraded system compete with any entirely new system," Loh said. If one of the new aircraft become too costly or heavy or cannot accomplish its mission, a "rollover plus" modification of an existing aircraft might be bought instead. Rollover plus refers to advanced operational prototype aircraft.

Another senior Air Force official said that although the F–22 is currently meeting weight and cost goals, "we will continue making comparisons all the way to the final check signing."

Loh said that rolling over new products into upgraded prototypes of existing aircraft, which "will fight their way into production" against new designs, would ensure cost control and discipline in the acquisition system.

Moreover, such competition would promote a diversified industrial base by keeping product development teams active in many companies.

Loh's formula for the Air Force of the future is multifaceted. It includes rollover plus prototypes, aircraft upgrades and purchases of a few "silver bullet," leap-ahead technology aircraft.

It also envisions low-rate production to keep aerospace companies alive and a long-term plan to buy only enough aircraft to replace the existing base force.

"I clearly see the issue of maintaining force structure as a modernization and industrial base issue," Loh said.

He employs sharpened definitions of acquisition reforms proposed by Defense Secretary Les Aspin.

As chairman of the House Armed Services Committee, Aspin suggested the combination of selective upgrades, low-rate production, rollover plus and silver bullet procurement.

Rollover plus is "not putting technology on the shelf" Loh said. Nor is it building an "experimental or proof-of-concept prototype full of wild, unproven new technologies, [or a] prototype like the YF–22—which demonstrates essential performance and high risk technologies but little else."

Instead, rollover plus produces an advanced operational prototype aircraft that incorporates the latest state-of-the-art systems, he said.

Silver bullet procurements would exploit leap-frog advances to produce huge technological leads. While vital in capability, they would be needed in relatively few numbers, like the SR–71, F–117 and B–2.

Low-rate production programs would allow more aerospace companies to stay in business without increasing the number of aircraft in the Air Force force structure. The F–16, for example, is a candidate for continued low-rate production, but there are many more candidates than there will be winners.

"You have to develop a strategy that accounts for low-rate production of several systems . . . on the basis that [maintaining] the industrial base is just as important . . . as the threat basis for continued production," Loh said. He advocated dumping the existing "large, high overhead, big-rate infrastructure" maintained by many aerospace companies and using "lean production" like that adopted by Lockheed's F–22 program, he said.

A prime candidate for the new lean production culture is the MRF. Loh revealed that the services are considering working together to identify "what are the right sort of characteristics [for] perhaps both an Air Force and Navy multirole fighter."

MRF will be fielded after 2010 to complement the F–22 and A/F–X fleets, according to Lt. Gen. John E. Jaquish, principal deputy assistant to the secretary of the Air Force for acquisition. The Air Force is working toward a "milestone zero datum sometime in Fiscal 1994," he said.

Jaquish called for the Navy to join in the definition process to explore the possibility of a "joint program that would meet the unique requirements for both our multi-role fleets." While it would "require some compromise, both services' needs can be accommodated in building a common platform."

The Loh/Aspin concept "would give military and industry planners the framework to make smart decisions for investment and avoid the peak or valley, sink-or-swim, all-or-nothing aircraft programs we have had in the past," Loh said. "We don't want to lop off parts of the industry we can't recover."

Selective upgrades already have become a major acquisition strategy. They were applied in giving the B-1 a conventional bombing capability, in F-15C and AWACS radar upgrades and in the reengining of the U-2, among others.

ORDERS FOR TOMORROW

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Thursday, March 11; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that immediately after the Chair's announcement, there be a period of morning business not to extend beyond 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each, with the time until 10:30 under the control of the majority leader or his designee and the time between 10:30 and 11:30 under the control of the Republican leader or his designee; that the following Senators be recognized for the time limits specified: Senators GRAMM, ROTH, MCCAIN, and FAIRCLOTH for up to 10 minutes each; further, that at the conclusion of the vote on the confirmation of Janet Reno to be Attorney General, the Senate then resume consideration of S. 460, the motor-voter bill.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. FORD. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:22 p.m., recessed until Thursday, March 11, 1993, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 10, 1993:

INTERNATIONAL BANKS

LLOYD BENTSEN, OF TEXAS, TO BE U.S. GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; U.S. GOVERNOR OF THE ASIAN DEVELOPMENT BANK; U.S. GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; AND U.S. GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT.

DEPARTMENT OF STATE

PETER TARNOFF, OF NEW YORK, TO BE UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, March 10, 1993*

The House met at 1 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

You have created each of us, gracious God, from the dust of the Earth and You have breathed into us the very breath of life. You have created us and given us the mark of humankind with all the gifts and possibilities and responsibilities of that marvelous creation. As Your word reminds, You have created in us new hearts and renewed a right spirit within us. May that new spirit and that gift of our humanity lift us to heights of service and new opportunities of justice for the people of this land. Bless us, we pray, this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. NUSSLE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. NUSSLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 251, nays 150, not voting 29, as follows:

[Roll No. 57]

YEAS—251

Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kingston
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Murtha
Myers
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tejeda
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—150

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Cox
Crane
Crapo
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hunter
Hutchinson
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—29

Abercrombie
Bishop
Browder
Clayton
Collins (GA)
Conyers
Cunningham
Dellums
Fish
Flake
Ford (TN)
Franks (CT)
Gutierrez
Hall (OH)
Hastings
Henry
Hoagland
Kleczka
LaFalce
Machtley
McDade
Moran
Neal (NC)
Ridge
Roemer
Swett
Tauzin
Torres
Whitten

☐ 1322

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Will the gentlewoman from Ohio [Ms. KAPTUR] please come forward and lead the House in the Pledge of Allegiance?

Ms. KAPTUR led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will recognize 12 Members on each side for 1-minute requests.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

69-059 O—97 Vol. 139 (Pt. 4) 5

ECONOMIC IMPACT OF BASE CLOSING IN SOUTH CAROLINA

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, today most of the talk concerning my State and district surrounds the issue of base closings. The Charleston naval facilities are the driving forces on the economy of the southern portion of South Carolina's Sixth Congressional District which I am privileged to represent in this body.

Mr. Speaker, my constituents are sensitive to the necessity of paring down the military. But we are hopeful that the Secretary of Defense, the Base Closings Commission and this body will follow our President's lead and not only look at the future military needs, but also the economic impact closings will have on affected communities and social policy.

Mr. Speaker, 24 percent of all minorities in the Charleston area depend upon these facilities for economic survival. The military has led the way in this very important field. I would hope that, as we begin to move toward paring down the military, we will take into account accepted social policy, especially for those who have been historically left out of the mainstream of our society.

SEND US YOUR SPECIFICS, MR. PRESIDENT

(Mr. KASICH asked and was given permission to address the House for 1 minute.)

Mr. KASICH. For the last several weeks, Mr. Speaker, we have been lambasted by the President and the chairman of the Committee on the Budget for sending our specific recommendations for cuts in opposition to the Clinton plan, and let me tell my colleagues today we went to the Committee on the Budget, and the budget Republicans submitted a document that is now being labeled as the most comprehensive and complete document yet presented on the budget on Capitol Hill, even including the President's budget.

However, Mr. Speaker, as my colleagues know, a strange thing happened today. The Democrats came in with an additional $67 billion of unspecified cuts.

Now, if the President is listening to our 1-minute speeches, I say to him, "Mr. President, if the Republican members of the Budget Committee, working with 12 staff people, including interns, can put together a comprehensive document that outlines all of our cuts and all of our reforms for lower deficits and more jobs, we would like to see your specific proposals, Mr. President."

And, Mr. Speaker, I want to say to Mr. Panetta, "Ours are on the table. We would certainly like to see yours."

Mr. Speaker, we have met the challenge. The problem is the majority side of the aisle, including the White House, has failed to meet their own test.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds the Members to address the Chair and not the President.

INVESTING FOR THE FUTURE, AND JOBS FOR THE FUTURE

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, as we take up elements of the President's economic plan over the next few weeks, let us keep in mind why we're doing all this. The answer is: To build a stronger America, with better paying jobs, with renewed hope that our kids can have a better standard of living.

For too long we have neglected our future. We have traded long-term economic strength and prosperity for instant gratification. These shortsighted policies have resulted in long unemployment lines, shrinking wages, crumbling roads and bridges, and companies struggling to hold their own in the world marketplace.

President Clinton understands the great challenge we face. And he has proposed a comprehensive economic plan that will plant the seeds of the prosperity and real national strength we need for the future.

The Clinton plan will redirect resources—so that we invest in the areas that will pay both short- and long-term dividends.

Instead of rewarding corporate takeovers, we will reward the research and development that creates new technologies and new high-wage jobs. Instead of providing subsidies for honey bees and mohair production, we will provide incentives for businesses to expand and create good jobs. Instead of dumping billions into star wars, we will rebuild our roads and bridges.

Instead of giving tax breaks to the rich, we will invest in our children through Head Start, immunization programs, and child nutrition. Instead of buy-now-pay-later mentality, we will start living within our means.

To those who say that we are fine with the way things are, they are wrong. The price of status quo thinking and inaction is too great. If we are to compete, and compete successfully in this rapidly changing world, we must change our priorities and build the solid foundation for a sound future.

The President's economic plan does just that. My vote goes with him and I urge my colleagues to do the same.

SUPPORT THE WELFARE AND TEENAGE PREGNANCY REDUCTION ACT

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, today I am introducing a bill with original cosponsors that I believe will be of help in the long debate about welfare dependency and teenage pregnancy.

My bill does three things: First, freezes AFDC at 1993 levels and returns the program to the States in the form of block grants; second, provides that there will be no AFDC benefits unless both the mother and father are at least 18 years of age; and, third, provides that there will be no AFDC benefits unless paternity is established.

By freezing and returning AFDC to the States, we will stop the uncontrolled upward spiral of spending that began in the 1960's when AFDC became an entitlement. My bill will grant the States more flexibility to design their own welfare reform solutions, with minimal Federal intervention. It stands to reason that a welfare reform plan drafted in Congress may not work well in both New York and Kansas.

My bill ensures that the responsibility of having a child belongs to the mother and father, rather than to the mother and U.S. taxpayers. My bill attacks the teenage pregnancy problem.

We must reevaluate and change the way we help people. I ask my colleagues to cosponsor my bill.

□ 1330

WHERE ARE THE JOBS?

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I want to ask a few questions of my colleagues who have said the President's stimulus package is unnecessary. I pose these questions on behalf of my constituents back home in the 13th District of New Jersey, where despite the recent favorable economic news, the unemployment rate remains over 10 percent. My constituents want to know: If the economy is doing so well on its own, how come we haven't felt it? If things are turning around, when are we going to get the jobs we need to provide for our families?

Mr. Speaker, some of our colleagues here have stood before us, and before the millions of Americans who are still waiting anxiously for a job opportunity to turn up, and said that everything is fine—no stimulus is needed.

Well frankly, Mr. Speaker, that kind of attitude does not create jobs, it costs them. It cost our last President his.

This time, we are fortunate enough to have a President who is not afraid to do something when people are in trouble. Let us hope that this Congress has learned a lesson, and will have the fortitude and the courage to do what is right.

AN EMPTY SHELL

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, where is the Clinton budget?

We have heard a great deal about the budget. We have been inundated by the rhetoric of sacrifice and fairness.

We have been deafened by that political megaphone, previously known as the White House.

But we have yet to see much of a budget, except for a few general principles.

And those general principles—the largest tax increase in American history, a middle class tax increase, more spending—are not that encouraging.

We need more than an empty shell of a budget from President Clinton. We need details, because as the well worn phrase goes, the devil is in the details. I urge the President to give us more than an empty shell. Give us a budget with details.

THE PROMISE OF A NEW ERA OF FISCAL RESPONSIBILITY

(Ms. CANTWELL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CANTWELL. Mr. Speaker, it is clear to me that people across the First District of Washington and throughout the country are applauding our efforts to further perfect the President's economic package by proposing additional budget cuts that are economically sound.

Mr. Speaker, this is truly a new era of fiscal responsibility when the President of the United States calls for real deficit reduction, sound budget cuts of over $223 billion and investment in long-term economic growth—investment that focuses on long range economic stability.

This new atmosphere of fiscal responsibility is also demonstrated in the President's willingness to work with the Congress to develop the best package possible for this country. This spirit of cooperation between the executive and the legislative branches is the only way that we will be able to solve our economic crisis, put people back to work and prepare the country to meet the challenges of the next century.

This new partnership is a welcome change to business as usual in Washington, DC. The American people stand behind our efforts to work together. Congress needs to move ahead with the President's plan.

BARTER FOR FREEDOM

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, former President Nixon has just returned from Russia calling for bold action to help Boris Yeltsin. As he said, it is a tremendous investment for America. I applaud President Clinton for recognizing the urgency of this situation. Announcing an emergency Group of Seven meeting, he hit the nail on the head when he called for innovative ideas.

Mr. Speaker, one of those innovative ideas was supported by former President Nixon earlier this morning. He says it's an idea that is also supported by the Yeltsin government. The idea is for America to barter for freedom. We provide immediate economic assistance to Russia; in return, they pay us back from their massive reserves of natural resources.

To put Russia's natural resources in perspective, the value of their known reserves of just eight minerals, including oil, is $1.7 trillion. Unfortunately, this wealth is locked up in the ground. They need help now to fully pull free of 75 years of communism. But they can, and will, repay us.

I have introduced legislation today to give President Clinton the authority to negotiate this innovative barter deal. The American people know good common sense when they hear it. It is apparent that Boris Yeltsin does, too. Now is the time for us to act.

A TRUE FAMILY VALUES ECONOMIC PLAN

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, our country is in serious economic straits. And we need strong action now. My district in southern Ohio is the most economically distressed region of the State. My constituents are crying out for jobs.

We must put Americans back to work. We must invest in our sorely neglected infrastructure, and in badly needed jobs. And we must have the will to cut unnecessary spending, and the courage to raise appropriate revenues.

President Clinton has done what no President has done for a long time. He has challenged us to care more about our children's future than about ourselves. He has presented us with a true family values economic plan. We need to be strong enough to support him and give his program a chance to work.

Our choices will not be easy, but we must stop passing the burden of our irresponsibility on to our children and grandchildren. To paraphrase a wise woman, "We should never grow a wishbone where our backbones ought to be." Our Nation cannot afford to engage in any more wishful thinking; we must find the backbone to meet the President's challenge.

□ 1340

THE WIZARD OF OZ

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, President Clinton has hit the yellow brick road, trying to sell his economic growth plan to the American people.

With the skills of the Wizard of Oz, President Clinton has magically transformed the term rich to now mean anyone who has a job. He has turned the word spending to mean investment.

And he now says he will make more budget cuts, even though these nebulous cuts still will not add up to his original proposals.

So, it will be interesting to see what happens when President Clinton offers his budget.

Will the President give us a budget that will have a heart? Or will he just give us general principles filled with nothing more than wishes and hopes.

I urge President Clinton, Washington's Wizard of Oz, to give his budget a heart. The American people and we in the Congress deserve to know exactly what he intends to do over the next fiscal year.

PUBLIC BUILDINGS ACT AMENDMENTS

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, the President has correctly called upon the Nation to sacrifice. Our constituents are tightening their belts, and there is absolutely no excuse for the business as usual of wasteful spending by the Government. There is no reason that our Government should be spending money on constructing buildings that are glutting the commercial market. It is time Congress got out of the building business and stopped throwing out money for pork barrel projects that are hurting the economy and can't be justified.

Atlanta, GA, has a commercial office vacancy rate of 23.6 percent, and Congress just spent $702 million to build a new Government office project. This is crazy. These ridiculous expenditures must stop. Today I am introducing the

Public Buildings Act Amendments of 1993 to put a halt to the construction of unnecessary Federal buildings.

President Clinton's stimulus package includes enough growth incentives and infrastructure proposals for the country. The Nation needs roads and sewers, not more office buildings.

The national office vacancy rate is now approaching 20 percent, when it has been traditionally less than 6 percent. Though the economy may be improving, the outlook for the office market is not. So why does our Government add to the problem by building more offices? And why do we allow this practice to go on?

The Public Buildings Act Amendments of 1993, which I am introducing today, will make Congress justify spending precious taxpayer dollars on construction of office space.

STRENGTHEN IMMIGRATION AND NATURALIZATION SERVICE

(Mr. GALLEGLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GALLEGLY. Mr. Speaker, the recent World Trade Center bombing and the tragic shootings outside the CIA demonstrate clearly that our borders are a revolving door for international terrorists—and that something needs to be done now to shut it. Our Nation faces the possibility of being held hostage to future acts of terrorism unless something drastic is done soon to tighten our Nation's immigration laws and stop illegal immigration into this country.

Both these tragic events were triggered by a gaping hole in our immigration laws that permitted aliens to enter the United States on a temporary visa and then drop out of sight, with little chance of ever being apprehended.

American Embassy officials interview foreigners applying for temporary visas, asking them why they want to come to the United States and what they intend to do here. Based on those interviews, they try to issue visas only to those who they believe will leave as promised. Incredibly, however, those records are destroyed after only 1 year. The INS issues an entry card to visa holders once they arrive here and they ask foreigners to supply an address where they can be reached, but the agency does not have the manpower to keep an eye on every foreigner who is here temporarily or to track down those who fail to depart on time.

In 1991 alone, some 19 million persons entered this country on these temporary visas. It is not the practice or policy of the U.S. Government to conduct surveillance on every alien who happens to visit this country. Nor should it be in an open democracy like ours. Yet the recent events show the risk facing our citizens if we do not do something to prevent acts of violence and terrorism committed by aliens who are here illegally. And the more that America remains involved in foreign trouble spots, the more likely the risk of harm to our own people.

The prime suspect in the World Trade Center bombing, which killed at least five persons and injured a thousand more, Mohammed Salameh, entered the United States in 1988 with a visitor's visa issued at the American Embassy in Amman, Jordan. The 20-year-old Palestinian, who has a Jordanian passport, claimed he wanted to study here for only 1 year, but he never returned to his homeland. Mir Aimal Kansi, the Pakistani sought in connection with the CIA shootings, entered this country in December 1990, with a visa issued at the American Embassy in Karachi. He said he was on business and would leave within 1 year, but instead he applied for asylum. Armed with his asylum application and a work permit, Kansi was able to obtain a driver's license and purchase the AK-47 assault rifle he allegedly used to kill three innocent persons, before fleeing back to Pakistan.

Mr. Speaker, we already know of the growing economic and social crisis that illegal immigration is bringing to southern California and the communities and governments of the border States.

The number of illegal aliens in America today is not known, but it is estimated that some 3 million can be found in southern California alone, and over 2 million aliens enter this country illegally every year.

The cost of the taxpayers nationwide to provide benefits and services for this illegal alien population is $5.4 billion annually, according to one study.

In Los Angeles County alone, providing for some 700,000 illegal immigrants costs county taxpayers $308.4 million, assuming that the aliens paid some $36.2 million in local taxes and fees for services they used.

According to an official study of Los Angeles County's criminal justice system, during a 12-month period, over 11 percent of the county jail population were deportable aliens—many of them repeat offenders who, once deported, return to the scene of the crime only to become involved once more in criminal activities. The bill for processing, trying, and incarcerating these criminal aliens came to over $75 million a year.

The INS is already overwhelmed. They can only apprehend one out of every three illegal aliens who try to enter our country, and certainly can't keep track of everyone who came here legally but then decided not to return home when their visas expired.

Mr. Speaker, I have offered several proposals to meet this problem. One bill, H.R. 1079, would require all immigrants who are legally in this country for any period of time and are eligible to work here to be issued a new counterfeit-proof card, in place of the green card and similar in format to the California driver's license, obtainable for a $75 user's fee, which they would have to present whenever they applied for a job or unemployment or any other Federal benefit or service. If they could not show this one card, they could not be hired or given benefits. And if they could not get employment or welfare, it is doubtful that an illegal alien would try to come to this country at all or would be able to stay here indefinitely. Another bill, H.R. 1080 would cut off all Federal unemployment and welfare benefits to illegal aliens. And finally, H.R. 1078, would provide the INS and Border Patrol with the additional manpower, training, and resources they need to carry out their job, so that they could round up aliens who have disappeared or outstayed their temporary visas.

Mr. Speaker, obviously these bills are not panaceas. But as recent incidents have shown, our borders are like sieves. For various reasons, aliens are entering this country illegally by the millions each year, and some of these people are here with criminal intent. The Congress must act now to prevent a recurrence of this kind of international terrorism committed by illegal aliens. We must change our immigration laws and commit ourselves to a strong program of defense against the illegal aliens who are invading our country—or risk future acts of terror and violence against our citizens.

My package of bills will give the Federal authorities the resources they need, and will make it harder for illegal aliens to find jobs or obtain welfare. I have been working for years now to regain control over our borders, and I hope these tragic incidents will finally persuade more of my colleagues to join me in this fight.

NONCASH HELP FOR RUSSIA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Boris Yeltsin is in trouble. Mr. Yeltsin wants more money from Uncle Sam. Boris is a fine man and I hope he survives, but I have a gut feeling if America gives them any more cash, it will spell the downfall for Mr. Yeltsin. I warn this body on giving more cash to Russia that we may be bankrolling the new treasure chest of a dictatorship, no less in a new Russia.

Mr. Speaker, I would like to point out to Congress that if we have any money hanging around to invest in democracy, the Congress had better start reading the graffiti on the abandoned buildings throughout this great Nation. I am opposed to giving Russia any cash. Let us teach them how to fish, teach them how to farm, and teach them how to get their gold and oil out of the ground.

PUTTING JANET RENO ON NOTICE

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, during her confirmation hearing yesterday, Attorney General nominee Janet Reno sought to reassure Senators that, while personally opposed to the death penalty, she will still work hard to alleviate the backlog of capital sentences.

She said, quote:

> We have gotten the death penalty, and to find those people in prison without that penalty carried out after 10 and 13 and 15 years makes a mockery of the justice system and makes a mockery of what we try to do.

Ms. Reno, I couldn't agree with you more.

By any sense of measure, we have a capital punishment crisis in this country today. Of the over 4,000 criminals who have been sentenced to death since the penalty was reinstated 15 years ago, only 3 percent have been executed. Three percent.

In fact, according to Department of Justice statistics, chances are almost the same that a person convicted of a capital crime will die of other causes on death row before he meets his prescribed fate.

As it stands now, the situation is wholly unacceptable. But somehow, the idea of someone personally opposed to the death penalty working hard to speed up the process is a little hard for some of us to swallow.

Therefore, we are putting you on notice, Ms. Reno: We expect you to make good on your promise to curtail endless and groundless appeals. When the long-stalled crime bill comes up for consideration, we will look to you to lobby Members of your party who are opposed to habeas corpus reform.

APPOINTMENT OF AN ENVOY TO NORTHERN IRELAND

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, on March 17, the Prime Minister of Ireland, Mr. Albert Reynolds, will meet President Bill Clinton for the first time here in Washington to discuss the contentious relationship between Great Britain and Ireland and Northern Ireland.

On the day that we celebrate the life of St. Patrick, I strongly urge the President to appoint a special American Envoy to Northern Ireland to help bring about a peaceful and negotiated resolution to the conflict in the north.

Since 1969, more than 3,000 people have been killed in the sectarian strife. Yet the prospect of a united Ireland remains distant and remote. It is clear that a new approach is needed to rekindle the stalled peace talks.

Since his inauguration, President Clinton has demonstrated a real commitment to ending the conflict in Northern Ireland by his endorsement of the MacBride principles and with his support of a new visa policy for Irish refugees that is both fair and equitable.

Mr. Speaker, the appointment of a special peace Envoy by the President, in my opinion, would help facilitate the peace process, while sending the message that the United States is committed to nonviolent change in Northern Ireland. I urge him to act on this timely matter.

PREVENTION: THE KEY TO OUR AILING HEALTH CARE SYSTEM

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, recently Bulletin, a publication of the American Association of Retired Persons published an interview with C. Everett Koop, former U.S. Surgeon General.

During the interview Dr. Koop said:

> It will take at least 10 years to fix the Nation's ailing health care system * * * patching the system with band-aids won't work * * * reform must be undergirded by a broad and deep ethic of prevention, or it will founder.

Mr. Speaker, today the House will be considering H.R. 4, the National Institutes of Health Revitalization Act. This measure takes the necessary steps needed to begin to make disease prevention a priority at NIH.

Additionally, I have introduced H.R. 36, the Comprehensive Preventive Health and Promotion Act of 1993, which provides for comprehensive periodic health exams, health screening, counseling, immunizations, and health promotion.

Accordingly, I urge all my colleagues to work with me in helping all Americans achieve healthier, more productive lives by supporting these measures.

FEDERAL MANDATES WITHOUT MONEY IS KILLING LOCAL GOVERNMENTS

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, local government is getting the shaft from Congress and the EPA. Federal mandates without the money is killing local governments.

As an example, we are mandating clean water legislation. Yes; there are loans available through State revolving funds with mostly Federal dollars, but it is not enough money. It falls short of the needs that are being mandated. Communities cannot meet the deadlines, and the EPA is threatening these communities with daily fines.

Smalltown America, folks, is broke. There is no tax base. There is very little industry, and there is very few jobs.

I think that President Clinton's stimulus program has to fully implement the funding for these mandated programs so that local government can exist. I think it is time to start thinking about back home.

TAXAPHONICS

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, we have got a brand new theory of economics. It is just unbelievable. I just cannot believe it.

We have the President coming out with this deficit reduction that is made up of huge spending increases, huge tax increases, no spending cuts for the first 2 years, and calls that deficit reduction and that will create jobs and stimulate the economy.

Now, as we read in the front page of the Washington Post, last night the President, and I quote, "signaled yesterday that he could accept calls for reducing the deficit by $90 billion beyond the level he proposed but said more than that could stall the economic recovery."

Can my colleagues believe it? If we cut the size of Government, that will starve and stall the American economy. It is amazing.

I guess the President plays the taxaphone. We ought to call his new theory of economics taxaphonics.

While we in the Committee on the Budget, the Republicans presented a specified program of over $400 billion in deficit reduction, almost $40 billion in spending cuts the first year, without raising one dime of taxes.

Mr. President, where is your economic theory? Where are your specifics?

THE NATIONAL INSTITUTES OF HEALTH REAUTHORIZATION BILL AND CANCER REGISTRIES

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, one in three Americans will contract cancer in their lifetimes. The pain and suffering that this terrible disease will cause cannot be put into words.

The NIH reauthorization bill we are voting on today authorizes $30 million to fully fund the 1992 Cancer Registries Amendments Act, which I introduced and which was passed last year. For the 10 States, like my own State of Vermont, which have no cancer registries, and for the other 25 States with incomplete registries, this legislation is a major step forward for cancer prevention.

Mr. Speaker, we must begin to understand the cause of cancer and why, in increasing numbers, our people are contracting this terrible disease. What is the relationship between occupation and cancer; between diet and cancer; between pesticides and cancer; between environmental degradation and cancer; between stress and cancer; between the way we live and contracting this terrible disease?

I urge passage of the NIH reauthorization bill because, among other important programs, this legislation will take a major step forward for cancer prevention. In closing, I wish to thank Chairman WAXMAN, and Chairman DINGELL, and their staffs for the excellent work they have done in this area.

BALANCED BUDGET AMENDMENT

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, President Clinton has kept some of his campaign promises. He promised to increase taxes on those making over $200,000. Unfortunately, he also added everybody else to the list.

He promised a total of $150 billion in higher taxes, but once in Washington, he kind of got in the rhythm of things and actually proposed tax increases that total over $328 billion.

Now we hear out of the White House that new excise and corporate taxes of between $30 billion and $90 billion are needed to finance the national health care plan.

Rumors of other new and improved ways of taxing the middle class are doubtless waiting in the wings.

The trend is clear. The time to act is now. Before Congress votes to lock in the largest tax increase in history, before we once again increase the $4 trillion debt ceiling. We must ensure the American people that we are serious about balancing the Federal budget. Not through the largest tax increase in history but through real spending reductions. I urge you to cosponsor the Barton-Tauzin tax-limitation balanced budget amendment (H.J. Res 9). The passage of House Joint Resolution 9 will ensure the American people that the budget will be balanced without massive tax increases.

THE PRESIDENT'S ECONOMIC STIMULUS PACKAGE INVESTS BOTH IN HUMAN AND PHYSICAL CAPITAL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, it is a very positive development that the House and Senate Budget Committees have been able to prevail upon the White House to reduce, by up to $90 billion, the amount of Federal spending called for in the next 5 years. And certainly, we want to balance the budget more with spending cuts than with tax increases.

Now some of our colleagues are arguing against adoption of the stimulus program saying it is no longer needed in view of the upturn of economic events. I have paid much attention in the last several days to contacts with my elected officials back home who feel that, in fact, a stimulus program is very important today and should be undertaken by this body.

There is another line of argument raised against the stimulus plan, because along with job-creating programs, like bridge building and sewer building, this stimulus program includes childhood immunizations, Chapter 1 education programs, and Head Start, all of which deal with our children. I do not feel this is a compelling argument.

Mr. Speaker, simply said, we are at long last accepting the idea of investment, not just in physical capital, but in human capital as an instrument in our future. So I urge completion of, and passage, of the stimulus program.

A CALL FOR REAL SPENDING CUTS

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, the President is quoted in this morning's Washington Times as saying, "that $90 billion in new spending cuts pushed on him by Members of Congress is all that the economy can stand."

I have got news for you, Mr. President. The economy can stand a lot more in spending cuts. What the economy cannot stand is your massive tax increases.

There are only two effective ways to cut the deficit, cut Government spending, and stimulate economic growth.

The real reason the President is saying no to the cuts in Government spending is because he is afraid that he will lose the votes for his taxing package, if too many cuts are made in the big liberal spending programs.

Mr. Speaker, the way to cut the deficit is to stimulate growth and to cut spending. Give us an open rule to proposes spending cuts, Mr. Speaker.

You will be surprised how much fat that we can cut out of the budget, if you let each Member propose floor amendments to cut wasteful spending.

Let the Members have access to the process. Let the Members vote up or down spending cuts. It is called representative government. It works in many State legislatures, Mr. Speaker. Give us an open rule on spending cuts, Mr. Speaker, and we will see real spending cuts.

Our problem is spending and the size of government; the solution is to cut spending, not raise taxes.

Where are the specifics of your spending cuts, Mr. President?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The gentleman should address the chair, not the President.

PROVIDING FOR CONSIDERATION OF H.R. 4, NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1993

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 119 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 119

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4) to amend the Public Health Service Act to revise and extend the programs of the National Institutions of Health, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed and by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the

Whole. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After passage of H.R. 4, it shall be in order to take from the Speaker's table the bill S. 1 and to consider the Senate bill in the House. It shall then be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 4 as passed by the House. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment to S. 1 and request a conference with the Senate thereon.

□ 1400

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, I yield the customary 30 minutes of debate time to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may consume.

Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only.

Ms. SLAUGHTER. Mr. Speaker, House Resolution 119 is a modified open rule providing for the consideration of H.R. 4, the National Institutes of Health Revitalization Act of 1993.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce.

Points of order are waived against consideration of the bill for failure to comply with clause 2(L)(6) of rule XI, which requires the report accompanying the bill to be available to Members for 3 days before consideration.

The rule makes in order the Committee on Energy and Commerce amendment in the nature of a substitute now printed in the bill as an original bill for the purposes of amendment. The substitute shall be considered as read.

No amendments to the substitute are to be in order except those printed in the report of the Committee on Rules. The amendments are to be considered in the order and manner specified in the report. The amendments are not subject to amendment, except as specified in the report, nor to a demand for a division of the question.

Mr. Speaker, I want to emphasize that this rule makes in order all germane amendments submitted to the Rules Committee. House Members were asked to inform the Rules Committee if they wished to offer amendments to the bill, and this rule provides for full House consideration of all germane amendments which were submitted.

The rule provides for one motion to recommit with or without instructions.

After the passage of the bill, it shall be in order to take the Senate companion bill, S. 1, from the Speaker's table and consider it in the House. The rule also makes in order a motion to strike out all after the enacting clause of the Senate bill and insert the provisions of H.R. 4 as passed by the House.

Finally, the rule makes in order a motion to insist on the House amendment and request a conference with the Senate.

Mr. Speaker, H.R. 4, the bill for which the Rules Committee has recommended this rule, reauthorizes for 3 years the National Cancer Institute and the National Heart, Lung and Blood Institute. It provides a permanent authorization for the National Institute on Aging.

Most importantly, the bill includes requirements to ensure women and minorities are included in NIH-sponsored clinical research. As it states in its report, the Energy and Commerce Committee "has adopted this general principle of inclusion in order to assure that advances in medicine and in public health that are produced by NIH activities are of benefit to all Americans, regardless of their gender and race."

To implement this policy of equity in health research, H.R. 4 statutorily establishes the Office of Research on Women's Health. It also begins to fill major gaps in women's health research through earmarks for research on osteoporosis and breast and ovarian cancers.

The bill authorizes an additional $325 million for both basic and clinical research of breast cancer—a disease which strikes 1 in 9 American women. H.R. 4 also invests $40 million in research for osteoporosis and related bone disorders which cause nearly a quarter of a million hip fractures and cost us more than $10 billion in acute care each year. The $75 million earmarked for ovarian and other reproductive cancer research will hopefully help scientists develop an early detection method for diagnosing ovarian cancer before it is in the terminal stages. And finally, language to increase the participation of women and individuals from disadvantaged backgrounds in fields of biomedical and behavioral research will help ensure that the momentum we have gained on health issues, as they particularly affect women and minorities, is not lost with the change of political winds.

Mr. Speaker, I commend Chairman DINGELL and Chairman WAXMAN for bringing to the floor this vital legislation to safeguard the health of all Americans.

I ask my colleagues to support the rule so that we may proceed with consideration of the merits of this most important legislation. Again, I emphasize that there is no reason that this rule should be controversial as it allows debate on every germane amendment which was brought to the attention of the Rules Committee.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a new member of the Committee on Rules, this is really my first opportunity to manage a rule for the minority. I have been present on the floor, however, for the other rules debates, and I, unfortunately, have to state with some regret that the majority leadership has made my job easy today by reporting a rule that is sadly familiar with the previous five.

Mr. Speaker, this is now the sixth consecutive rule that is restrictive and in which Members are being denied the opportunity to offer amendments under a free and open process. I do not think it is inaccurate to say that the people of the United States are being denied their full rights to representation in this House by their elected Representatives.

It is that time of year when we start thinking about baseball, at least in the part of the world I come from. Therefore, let my colleagues and the American people come up to date on what the score is in the people's House. The democracy box score, as the gentleman from New York [Mr. SOLOMON], the ranking member, has called it, of the season thus far, according to the box score, it is the people 0, tyranny 6 at this stage dealing with free and open rules.

Mr. Speaker, it has been pointed out that the Committee on Rules did graciously consent to make in order all of the germane amendments submitted to it. I am glad for that, but I would ask my colleagues to think for a moment just how ludicrous the process is.

Members were advised by the chairman of the Committee on Rules last Thursday, and that would have been March 4, as they were departing for their districts, that amendments to the bill must be filed by noon on Monday, which, for most of us, is before they return to Washington from their districts.

That in itself causes a logistics problems that can be overcome, but unfortunately matters are made worse when we learn that the full text that we are to be amending, the report, will not be filed until noon on Tuesday. That is, of course, the day after the amendments are due. In other words, Members are being asked to fly blind or somehow intuit what it was they were being asked to draft amendments to.

To take this out of beltway language, it is a little bit like being asked to write a movie critique piece on a movie you have not seen yet. It is hard to do. We can do it on hearsay, only generally what we know, but it is hard to write a good critique unless we know what we are talking about. If we do not have the report, it is pretty hard to know.

Nevertheless, we did get some 12 Member amendments that were filed by Monday, 8 of which the Committee on Rules made in order, thankfully. Now the House is being asked to vote on this bill and the amendments to it, even though, I must say, most Members have not seen the bill and the report that were filed yesterday, Tuesday.

Yes, we have waived the 3-day layover requirement for the report on this bill, and we are again taking it up the day after it was filed. This is the fifth time out of six rules that we have waived the requirement. So much for deliberative, and I underscore "deliberative," democracy.

We can say this a much debated bill, a much debated issue. We all know what it is about. That is not true. We have 25-percent new membership here, 110 new Members who have not had the opportunity to participate in previous debate, let alone acquaint themselves with it.

Another thing that happens with these debates over here is that we sometimes forget history evolves. Things change, new things come into play, different technology applies. I suspect when we are talking about public health that is particularly appropriate.

To say that the debate is over seems to me to be a curious way to begin the debate on this bill. It seems to be the attitude of the majority leadership that it is more important to keep the trains running at breakneck speed than it is for Members to know exactly what cargo is on those trains and exactly what direction they are headed.

Why? We asked the question in the Committees on Rules. The answer: It is the preference of leadership. Certainly it is the prerogative of the majority to make those decisions. However, there is a cost to those decisions, and the cost is measured in the contribution of the collective wisdom of this body when it operates under a rule process that is totally open and unconstrained.

□ 1410

Mr. Speaker, we are told this is a relatively noncontroversial bill. I hope that is true. It does good things. I agree it does, and that it should pass relatively easy, and I think it will. If all that is true, and I have no reason to doubt, as I say, then why does the majority leadership find it necessary to hide behind what is in fact a clearly restrictive and rushed rule.

The majority on the Rules Committee claims that this rule makes in order all germane amendments. That is a truth, but a curious truth. Actually, only an open rule will do that, and the majority turned down an open rule in the Rules Committee on a straight party line vote.

Moreover, my colleague from Florida, Mr. STEARNS, testified in the Rules Committee that his amendment to bar immigrants with AIDS was perfectly germane since this bill already deals with the public health issue of AIDS. And yet the majority of the Rules Committee turned down his amendment on a straight party-line vote.

And they rejected an identical amendment on AIDS by the gentleman from New York [Mr. SOLOMON], the gentleman from Florida [Mr. MCCOLLUM] the gentlewoman from New Jersey [Mrs. ROUKEMA], and the gentleman from Texas [Mr. SMITH], and they turned down a related amendment by the gentleman from New York [Mr. SOLOMON], and the gentleman from Florida [Mr. MCCOLLUM], all on party-line votes. I will include the rollcall votes on all of those motions at the conclusion of my remarks along with certain other matters.

Mr. Speaker, I should point out that the latter amendment to bar aliens with AIDS from permanent immigrant status is identical to an amendment adopted in the other body by an overwhelming vote of 76 to 23 to the Senate companion bill which this rule will make possible to go to conference on.

I think AIDS is a public health concern. I think that the $17 million that the taxpayers have invested in it so far clearly is something that is important and relevant, and I think telling America that this issue about AIDS is not germane does not compute when we are talking about public health. In fact, what has happened is we have created an obstacle for ourselves to trip over here, and we have found it a convenient way to avoid this discussion on a very critical issue. We are going to be denied the opportunity by this rule to fully debate and vote on that amendment.

Mr. Speaker, there is only one way to rectify the mess that the Rules Committee has made of this legislation, and that is to vote down the previous question and adopt the substitute rule that will do three things.

First, it will provide for 2 hours of general debate and an open-amendment process under the 5-minute rule.

Second, it will make in order the Solomon-McCollum amendment that is identical to the other body-passed amendment barring immigrants with AIDS.

Third, it will eliminate the 30-day-layover waiver so that Members will have a chance to study the bill before being asked to vote on it.

I think that is a reasonable and democratic alternative to the tyranny of the majority that we have been subjected to on six out of six occasions in this Congress.

I urge defeat of the previous question and adoption of that open rule, and I do urge adoption of what we call our open rule plus.

Mr. Speaker, I include for the RECORD the material that I previously referred to, as follows:

ROLLCALL VOTES ON MOTIONS TO THE RULE ON H.R. 4, NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT

1. Open Rule-Plus—An amendment in the nature of a substitute providing for a two-hour open rule without three-day layover waiver, plus consideration of Solomon-McCollum amendment (identical to Senate passed amendment by Sen. Nickles) barring aliens with AIDS from permanent immigrant status. Rejected: 4-5. Yeas: Solomon, Quillen, Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, and Slaughter.

2. Open Rule—An amendment in the nature of a substitute providing for a two-hour open rule without three-day layover waiver. Rejected: 4-5. Yeas: Solomon, Quillen, Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost and Slaughter.

3. Solomon/McCollum Amendment #4—Prohibits permanent admission into the U.S. of immigrants who are infected with the HIV virus. Rejected: 4-5. Yeas: Solomon, Quillen, Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost and Slaughter.

4. Stearns #2—Requires Secretary of HHS in carrying out duties under the Immigration and Nationality Act to consider infection with the HIV virus to be a communicable disease of public health significance. Rejected: 4-5. Yeas: Solomon, Quillen, Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost and Slaughter.

5. Strike Three-Day Layover Waiver—Eliminate waiver of clause 2(l)(6) of House rule XI prohibiting consideration of a bill until the third day on which the report is available to Members. Rejected: 4-5. Yeas: Solomon, Quillen, Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost and Slaughter.

6. Order Rule Reported—Rule provides for one-hour of general debate, waives three-day layover requirement, and makes in order eight amendments subject to time limits. Adopted: 5-4. Yeas: Solomon, Quillen, Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost and Slaughter.

H. RES. 119, AMENDMENT OFFERED BY MR. SOLOMON OF NEW YORK

Strike all after the resolving clause and insert in lieu thereof the following: "That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate which shall be confined to the bill and the amendment made in order by this resolution, and which shall not exceed two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and the amendment shall be considered as having been read. It shall be in order to consider the amendment printed in the Congressional Record of March 9, 1993, by, and if offered by, Representative Solomon of New York, or a designee, said amendment shall not be subject to amendment but shall be debatable for not more than exceed

30 minutes to be equally divided and controlled by Representative Solomon and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.".

OPEN VERSUS RESTRICTIVE RULES: 95TH–103D CONGRESSES

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	6	0	0	6	100

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Congresses; "Notices of Action Taken," Committee on Rules, 103d Congress, through Mar. 9, 1993.

WAIVERS OF 3-DAY LAYOVER REQUIREMENT FOR COMMITTEE REPORTS ON LEGISLATION

Congress (years)	Total rules granted [1]	3-day layover waivers [2]	Waivers as percent of total
96th (1979–80)	244	19	8
97th (1981–82)	145	9	6
98th (1983–84)	184	10	5
99th (1985–86)	142	13	9
100th (1987–88)	147	16	11
101st (1989–90)	140	23	16
102d (1991–92)	127	18	14
103d (1993–94)	6	4	67

[1] This figure includes all order of business resolutions providing for the original consideration of measures by the House. It does not include rules for conference reports.

[2] This figure covers all rules in which clause 2(L)(6) of House Rules XI is specifically waived against a measure. It does not include blanket waivers which may also cover violations of the three-day layover requirement for committee reports.

Sources: "Survey of Activities of the House Committee on Rules," 96th–101st Congresses; "Notices of Action Taken," House Committee on Rules 102d–103d Cong., as of Mar. 9, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103d CONGRESS

Rule number and date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D-5; R-25)	3 (D-0; R-3)	PQ: 246–176, A: 259–164 (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: Motor Voter	9 (D-1; R-8)	1 (D-0; R-1)	PQ: 248–171, A: 249–170 (Feb. 4, 1993).
H. Res. 81, Feb. 6, 1993	MC	H.R. 16: Family planning	8 (D-0; R-8)	1 (D-0; R-1)	
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D-2; R-5)	0	PQ: 243–172, A: 237–178 (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D-1; R-8)	3 (D-0; R-3)	PQ: 248–166, A: 249–163 (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act	13 (D-4; R-9)	8 (D-3; R-5)	

Note.—C—Closed; MC—Modified closed; MO—Modified open; O—Open; D—Democrat; R—Republican; PQ—Previous question; A—Adopted; F—Failed

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 4, the National Institutes of Health Revitalization Act of 1993. This bill would improve on one of America's most important assets, the tremendous national research institutions that compose the NIH. We are rightfully proud of the accomplishments of the National Institutes of Health, which have been instrumental in so many important advances in health care and basic research. This reauthorization sets the stage for more and greater advances in research on the illnesses and diseases of our time. It does so while paying particular attention to our diverse population and its many pressing needs.

I am particularly pleased that H.R. 4 includes a provision that was added by my amendment in the Energy and Commerce Committee to institutionalize an Office of Research on Minority Health within the NIH.

Mr. Speaker, the statistics confirming the inferior health status of America's minority populations continue to accumulate. It has become clear in recent years that African-Americans, between the ages of 25 and 44, as among white Americans, largely attributable to the much higher frequency rate of high blood pressure or hypertension among blacks.

The prevalence of diabetes is twice as high among Mexican and Puerto Rican Americans.

Black Americans develop chronic cases of glaucoma nearly twice as frequently as whites, particularly among those over age 65;

The death rate from cirrhosis and other chronic liver diseases among blacks is about 2½ times as high;

Black and Hispanic women account for 73 percent of the reported cases of AIDS among American women, and the death rate from AIDS is 9 times higher among black women than white.

Between 1983 and 1985, when the infant mortality rate among whites was 9.0 deaths per 1,000 live births, the infant mortality rate among blacks was 18.7 and 13.9 among native Americans, with similar disparities among rates of low-birthweight babies.

In 1988, when the rates of death resulting from homicides was 9 per 100,000 among young, ages 15 to 24, white males, the rate among young black males was 59 per 100,000, and the rates for young Hispanic and native American males was roughly 2 to 3 times that of young white males.

Unfortunately, while there has been an influx of information, efforts to address these problems have not kept pace. Research must feature a new attentiveness to particular medical conditions, susceptibilities access limitation, and reactions to treatments that women and minorities experience.

It can no longer be assumed that the entire American population has one uniform set of health care needs and medical responses. The myth of uniformity has led, over the years, to certain needs being unsatisfied, and certain responses going unnoticed or unexplained.

No longer can we ignore the biological and socioeconomic diversity of our Nation. No longer can we ignore the public health needs of large groups of people, such as the need to increase access to free childhood immunizations and to rapidly contain the outbreak of highly contagious diseases such as tuberculosis. No longer can we ignore the shortage of providers that serve predominantly minority communities, and the benefits that would result from increasing the number of minority health professionals. We must, instead, become sensitive to ethnic, racial and cultural factors in the practice of medicine and the full range of health sciences, and we must accommodate those characteristics.

For too long, medical problems unique to or prevalent among women and members of minority groups have either been ignored, or funding levels kept so low as to stifle serious research. Among the many ways that this bill looks out for the health research needs of women and minorities is its establishment of an Office of Research on Women's Health.

Mr. Speaker, I find in this legislation many reasons for its passage. This bill improves an already great institution. With the enhancements provided for in H.R. 4 the NIH is positioned to address the health research needs of all Americans, male, female and minority. I urge my colleagues on both sides of the aisle to support the ride and passage of the bill.

Mr. GOSS. Mr. Speaker, I yield 6 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding the time, and I want to commend him on the excellent manner in which he is handling this rule.

Mr. Speaker, as my colleague has already pointed out, this is the sixth straight restrictive rule we have had in this Congress out of six total. That's an abysmal record for an institution that purports to be a citadel of democracy.

The majority leadership should step back for a bit and look objectively at what it is doing to this place and how bad you are making us look in the eyes of the people.

This is the people's House, yet you are locking the people out as if you, and not they, own this place. Let me just remind my colleagues on the other side that we are simply the people's custodians of this House and not their masters. To paraphrase the real One Book, "by your gag rules you shall be known and reviled."

Mr. Speaker, last Monday, I wrote my second letter to the Speaker this year about the same problem, and that is the tendency of the majority to rush a bill to the floor the day after the report is filed and before Members have any opportunity whatsoever to find out what they are being asked to vote on.

And yet, since my first letter back in January, the Rules Committee has now done this on five out of six occasions. When you combine this with the 100-percent record on gag rules, you can begin to understand the general frustration Members feel about not having any meaningful role to play in the legislative and policy process.

Let me just quote to you from the last paragraph of my March 8 letter to the Speaker:

> As Speaker you are expected to maintain the regular order and decorum of the House. The more you depart from the former, the more you are going to contribute to the deterioration of the latter. Think about it, please!

Mr. Speaker, I am by unanimous consent including the text of my two letters to the Speaker for insertion in the RECORD at the conclusion of my remarks.

Mr. Speaker, I rise to join my colleague from Florida in urging defeat of the previous question so that we can return to that regular order of which I wrote. I do so for two reasons.

First, I think this House deserves an open rule that does not waive the 3-day layover requirement so that all Members may offer amendments, fully represent their constituents and have time to fully understand and deliberate on this legislation.

Second, I urge defeat of the previous question so that the open rule substitute I intend to offer can also provide for separate consideration of the amendment passed by the other body to its companion NIH bill, S. 1. I am referring, of course, to the so-called Nickles amendment that Mr. McCOLLUM and I submitted to the Rules Committee.

That amendment would bar aliens with AIDS from permanent immigrant status in the United States. It passed the other body by an overwhelming vote of 76 to 23.

And yet, even though the Nickles amendment is part of the Senate bill which this rule allows us to take up for purposes of going to conference, the Rules Committee denied our request.

Mr. Speaker, this is a terribly important and urgent issue which the House should deal with now, and not later. The President has threatened to lift the current ban on aliens with AIDS who want to become permanent immigrants. That decision could be disastrous both from a health and a cost standpoint.

Even the Washington Post, in a February 20 editorial, expressed qualified support for the Nickles amendment. The Post noted that most Senators who voted to retain the ban did so out of concern for the cost of caring for AIDS patients. To quote from the editorial:

> This is not a frivolous question, because caring for AIDS patients is expensive. Estimates begin at about $100,000 each, and the cost is increasingly being borne by the taxpayers. Even Senator Edward Kennedy, the leading opponent of Thursday's decision, acknowledges that cost is a legitimate issue that ought to be examined.

Mr. Speaker, back in 1990, that same Senator stated that:

> In terms of pain, suffering, and cost, AIDS is a disaster as severe as any earthquake, hurricane or drought.

To date the Federal Government has spent over $17 billion on AIDS.

The yearly budget has gone from $2.9 billion in fiscal 1990, to $3.7 billion in 1991, to $4.3 billion in 1992.

I would ask my colleagues how we can possibly justify bringing hundreds of AIDS-infected immigrants into our country when our health care system can hardly bear the existing costs and burdens associated with caring for American AIDS patients?

Mr. Speaker, this is an issue we must confront and must confront now before the President saddles us with this new burden by Executive fiat. We in the Congress not only have a right but a responsibility to act to safeguard the fiscal and physical health of this Nation.

Vote down the previous question so that the House can vote on this important amendment to bar aliens with AIDS from becoming permanent immigrants. I am by unanimous consent at this point in the RECORD including also the text of the open-plus rule I will offer if the previous question is defeated.

Mr. Speaker, I submit the following materials for the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 26, 1993.

The SPEAKER,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: As the ranking Republican on the Rules Committee, I would like to urge you and the majority leadership, in scheduling bills for floor consideration, to take into full account our two, three-day rules, so that we in the Rules Committee can avoid waiving the three-day rule in report availability.

As you know, when a committee orders a measure reported, members of the committee are entitled to have up to three days in which to file views to accompany the report. [House Rule XI, clause 2(l)(5)]

And, once a committee has filed a report, it is not in order in the House to consider the bill until the third calendar day (excluding Saturdays, Sundays and legal holidays) on which the report has been available to Members. [House Rule XI, clause 2(l)(6)]

Both of these important safeguards were enacted as part of the Legislative Reorganization Act of 1970. With respect to the three-day layover requirement for committee reports, the Joint Committee on the Organization of Congress in 1965 said the following in its final report:

"Finally there must be time for the report to be studied. A bill that cannot survive a 3-day scrutiny of its provisions is a bill that should not be enacted. Proper consideration must be given to important legislation, even in the closing days of a session. The world's most powerful legislature cannot in good conscience deprive its membership of a brief study of a committee report prior to final action." (p. 13)

Nevertheless, in the 102nd Congress, the Rules Committee waived the three-day layover requirement on 18 rules for the original consideration of bills (14% of the total). And this does not include the 78 instances in which we had blanket waivers on bills and conference reports, many of which included waivers of the three-day rules for each.

It is therefore our recommendation that the leadership assume that the minority will take the full three-days in which to file views on committee reports so that floor scheduling will allow for the full House to study the report at least two days prior to consideration on the third day of its availability as provided for in House Rules.

We are already hearing that the rule may be waived as early as next week in order to take-up at least one of two major bills on Wednesday. While it may well be that the two bills will be nearly identical to those passed in the last Congress, that is no consolation to the 110 new House Members, nor is it a valid exception to the rule.

The new Joint Committee on the Organization of Congress will be looking at ways to improve our existing committee system, as well it should. But one of the best things we could do in that direction is to adhere to the rules recommended by its predecessor Joint Committee in 1965 and enacted by Congress in 1970.

Sincerely,
GERALD B. H. SOLOMON,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 8, 1993.
Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Speaker's Rooms, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: You may recall my letter to you of January 26 complaining of the increasing tendency to rush legislation to the floor without observing the customary three-day layover required by House rules.

Since that time, things have gotten worse. In four out of the five instances in which the Rules Committee has reported rules in this Congress for the original consideration of legislation, this three-day layover requirement has been waived.

Moreover, in most instances, the bills and reports from committees have not even been available to Members at the time amendments have been required to be filed with the Rules Committee. And, once again this week, the same pattern is being followed on the NIH Revitalization bill (H.R. 4). The filing deadline for amendments is today (March 8) at noon, even though the report on the bill and the new amendment in the nature of a substitute will not be filed until tomorrow noon. If we are lucky, the report may be available when the bill is taken up on Wednesday.

Moreover, Chairman Dingell has not only requested a structured rule, but the right to offer second degree amendments to any amendment filed. At least in the past, when restrictive rules were the order, Members were given an up or down vote on their amendments as filed.

I would once again seriously urge you to return to the regular order of open rules which allow germane amendments to be offered under the five-minute rule, and a strict observance of the three-day layover requirement so Members may know what they will be voting on and have time to draft amendments to the legislation.

If you continue to pursue rules which abrogate these requirements and rights, you are only asking for more trouble than it is worth. You have the votes. Why unnecessarily antagonize and polarize the Membership?

As Speaker you are expected to maintain the regular order and decorum of the House. The more you depart from the former, the more you are going to contribute to the deterioration of the latter. Think about it, please!

Sincerely,
GERALD B.H. SOLOMON,
Member of Congress.

H. RES. 119, AMENDMENT OFFERED BY MR. SOLOMON OF NEW YORK

Strike all after the resolving clause and insert in lieu thereof the following:

"That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate which shall be confined to the bill and the amendment made in order by this resolution, and which shall not exceed two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and the amendment shall be considered as having been read. It shall be in order to consider the amendment printed in the Congressional Record of March 9, 1993, by, and if offered by, Representative Solomon of New York, or a designee, said amendment shall not be subject to amendment but shall be debatable for not more than exceed 30 minutes to be equally divided and controlled by Representative Solomon and a Member opposed thereto, and all points of order against said amendment for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.".

□ 1420

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Before I yield further, if I may, I would like to ask the gentleman from New York [Mr. SOLOMON]: Would his substitute require a germaneness waiver?

Mr. SOLOMON. Mr. Speaker, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentlewoman for yielding.

Yes, it would.

Ms. SLAUGHTER. Does that not indicate to the gentleman that his amendment is not germane?

Mr. SOLOMON. The amendment is not germane. But let me, if I may—

Ms. SLAUGHTER. What the gentleman is saying is that we should allow nongermane amendments.

Mr. SOLOMON. Yes. I say to the gentlewoman—and I appreciate her yielding further—because it is very important. Last year alone we allowed for some 27 nongermane amendments. The gentlewoman and I both voted for those nongermane amendments to be allowed on this floor.

Unfortunately, there is not going to be an immigration bill on this floor for the next 6 months. We will not have an opportunity to bring this up.

Second, Health and Human Services has the responsibility to say what kind of diseases are allowed into this country. This is a Health and Human Services bill. Even though it technically is not germane, it is ethically germane, and the American people want a vote on it and they want to vote on it now.

Ms. SLAUGHTER. If I may, I would like to make just one comment before I yield further. Mr. Speaker, let me say again, Members will have an opportunity to vote several times on this issue. In the conference report that will be coming back, I assume, and in their motion to recommit, and the motion to instruct, there will also be opportunities to vote.

But the fact is that the Committee on Rules, in not giving a germane amendment to this amendment, is perfectly within the rules of the House.

Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL], the chairman of the Committee on Energy and Commerce.

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentlewoman from New York for yielding this time to me.

Mr. Speaker, I rise, in part, to pay respect and affection to my dear friend, the gentleman from New York [Mr. SOLOMON], who is one of the most able Members of this body and for whom I have unbounded and unlimited respect. I want to express both of those sentiments to my dear friend, with whom I have served so long and for whom I have such high regard.

The gentleman from New York is rarely wrong. It is regrettable that on this occasion he is very wrong.

Mr. Speaker, what the gentleman seeks is to have a convenient rule, one which permits this bill, which deals with the National Institutes of Health and all of the great, weighty responsibilities of that institution weighted down with an additional responsibility, and that is to address the question of an immigration policy.

The bill really should not be decorated in that way.

The Senate bill has a proposal of that kind in it. Without question, we will address that issue when we go to conference with the Senate. I can tell the gentleman that on substance I strongly agree with him; I think we ought to constrain the entry of people, who are afflicted with diseases, which offer a threat to the well-being of the American people, and which offer a threat to the purse and the pocketbook of the American people because of the high cost of caring for people who are afflicted with this disease.

In a time of budgetary constraint, that judgment is a sound one, and I commend my good friend, the gentleman from New York [Mr. SOLOMON] for that purpose.

But if this body is to legislate well, it is very plain that we have to have some rules. It is equally plain that we have to have some germaneness of proposals which are offered to the legislation before us.

It is equally clear that if we seek to disregard the rules of germaneness, this body is in substantial danger of getting to be like the other body, where the rules, if they could be defined at all, are that you must have 100 votes to accomplish anything.

Clearly, that is not a desirable state of affairs for this body.

I want to observe to my colleagues that the rule of germaneness is set in place to assure the Members that they know what business is coming before us; so that they have a chance to prepare for the debate; so that they can understand what is an intelligible process and an intelligent process; and so that the legislative work product of this body is conducted in a coherent fashion with an intelligent end result.

I would urge my colleagues to recognize that although there is appeal in what my good friend has to say, the light and casual waiver of the rule of germaneness simply to accomplish a momentary gain, which can and will be accomplished, when the House goes to conference with the Senate on this matter, is hardly a good expenditure of our time and effort.

The rule of germaneness is there for good reason and good cause. It is not something which should be casually and lightly waived simply to get a vote on something which could be handled.

Every Member of this body was notified of the fact that this legislation was going to be on the floor. The process under which we are putting it on the floor was regular in every particular.

The House will have a chance to vote on this legislation. When we get done with the vote on this legislation, we will have a full opportunity to address the product of the conference and I think it is fairly sure that something in that conference will embody the concerns the gentleman has expressed; but I do not think that lightly waiving the rule of germaneness is the way to proceed. The rule here is an open rule. The Rules Committee has afforded opportunity for each and every Member who desires to offer an amendment and who has made that information available to the Rules Committee, the opportunity to offer that amendment. All of the germane amendments are permitted under the rule. Only the nongermane amendments were excluded.

Now, it is my job, as the chairman of a legislative committee, to address the question of the regularity of the process under which the work product of our committee is considered by this body.

I would urge my colleagues to adopt the rule, to vote yes on the previous question. Let us then proceed expeditiously through the wise, the tried, and the proper procedures of this House.

I can imagine the screams of outrage that would originate on the other side of this body if my dear friends on the Republican side were to see the Democrats seeking to include in this legislation the proposal which is nongermane and which might be offensive to them. There would be screams for regular order which you could hear clear down to the Washington Monument. And I would not blame my colleagues.

I am simply saying that during my time as the chairman of this committee, I have always sought to protect the regular order, to see to it that the House can proceed and that we can demonstrate the continued difference between this body and the other, which has no rule of germaneness.

The PRESIDENT pro tempore (Mr. FIELDS). The time of the gentleman from Michigan has expired.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 additional minute to the gentleman from Michigan [Mr. DINGELL].

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to my friend, the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman very much for yielding to me.

The legislation before us is about the National Institutes of Health. It is for biomedical research. The nongermane amendment has to do with immigration. Immigration is not within the jurisdiction of our committee, although we have a concern about those matters when it overlaps the public health.

There are serious and complicated policy questions that ought to be looked at before someone wants to take a bill on with the NIH and deal with this other matter.

But even if the previous question was defeated, a nongermane amendment would not be in order and a point of order against that amendment would, as I understand it, lie; so I would hope our colleagues will let us pass the NIH bill. There will be, as I understand it, a motion to instruct conferees, because the Senate has a nongermane amendment, and I suppose it would be a good idea to vote for that amendment so that we could ask the conference to look at it with the appropriate people involved.

Mr. DINGELL. Mr. Speaker, if the gentleman would permit, I think it would be appropriate if we have that kind of situation to consider having somebody from the Judiciary Committee to be a conferee so that matters not in the jurisdiction of this committee, but in the jurisdiction of the Judiciary Committee, can be addressed by a committee of suitable jurisdiction.

Mr. GOSS. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. MOORHEAD], the distinguished ranking member of the Committee on Energy and Commerce.

Mr. MOORHEAD. Mr. Speaker, I rise in opposition to the rule.

While eight amendments were made in order, several other important amendments were not made in order. Simply put, this is still not an open rule.

This is a major reauthorization bill for the National Institutes of Health and should be accompanied by an open rule so as to allow Members of the House to offer amendments and to work their will.

This is particularly so for several reasons. First, the rule does not make in order the Solomon amendment prohibiting permanent admission into the United States of immigrants who are infected with the HIV virus, as identical to the amendment which was adopted by the Senate. This issue is going to be considered in conference, but that does not give the House the opportunity to consider it by itself. When we get the conference report back, of course we can vote yes or no, but you would be rejecting the entire authorization for the National Institutes of Health if you vote no.

This does not give the Members the same kind of vote that you could get if you vote on this amendment as the Senators have had an opportunity to do so.

I think it is very important that this be done. It was pointed out that a point of order could lie against the amendment if it were adopted. Many times the Rules Committee waives all points of order. They do it on a very frequent basis. There is no reason why this amendment could not have been made in order and all points of order against it be waived.

Second, there is a great deal of controversy surrounding the overturning of the moratorium on fetal tissue transplantation research. It is indeed regrettable that the amendments that are in order are not subject to amendment except as specified in the Rules Committee report. This precludes Members from seeking amendments that they feel are appropriate on these important subjects.

While it is commendable that the amendment of the gentleman from Virginia [Mr. BLILEY] on fetal tissue transplantation research safeguards is in order, I think it is regrettable that a second-degree amendment has been made in order, that essentially restates the language that is already in the bill, with very minor changes. That way they can defeat the opportunity for us to vote on the Bliley amendment in its present condition.

For all these reasons, I must oppose the rule and urge Members to vote "no" on the previous question.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

I want to point out that the gentlewoman from New York chairs the health task force of the congressional caucus on women's issues, and today is a good day for her because an awful lot of the things she has been working on are in this bill.

But let me first answer the people who are talking about the rule. I hear a lot of different things. I hear, No. 1, they have not had enough time to read the bill. Well, we do an NIH reauthorization bill every single year. This has been around for a long time. Everyone knew this was coming for 3 months. It is not like we had a crowded legislative calendar.

It is also a bill which was very prominent, I think, in the last campaign because this bill has been vetoed many a time, so I think many of the new Members are very conversant about this bill.

I also hear people saying, wait a minute, they have some nongermane amendments they want to offer. As a member of the Judiciary Committee, I must say how thrilled I was to hear the chairman of the Committee on Energy and Commerce say they were going to respect our jurisdiction. This is a rare admission on this House floor and we were very happy to hear that.

Let me say, look, we are talking about almost 10 billion dollars' worth of research that goes on in the biomedical field. That is a lot of research. Those are very important programs. There are very many issues here, and if we allow people just to tack on whatever happens to be their wont of the day, we really lose control.

So all germane amendments have been permitted that were requested. That gives us enough time to study them and look at them.

I think this is a very good rule. It is an open rule and I think one of which the democratic process should be very proud.

But let me talk about what I like so much in this bill. We have worked so hard to get the National Institutes of Health to put women into health studies of diseases that both men and women get, such as the heart disease studies and so forth. As you know, we have read about men eating fish and eating aspirin and running on bicycles and doing this and doing that, but they never put women in the studies.

We also have been very, very distressed at the shortfall of research funds going to diseases that are gender-specific to women, osteoporosis, the different cancers that women get that men do not get, and this bill finally will put those into law. No more of this trust us stuff which we got for a very long time from NIH, and we should not, because they never did. They always said they were going to, but they never did. This puts it into the law. This finally enacts some very critical things that the caucus on women's issues has been trying to get done for a long time.

I also heard the gentleman from New York saying he did not like the part about the infertility and contraceptive research. That bill has been around for a long time and the cosponsor of it with me is the gentlewoman from Maine [Ms. SNOWE].

I think there is absolutely no question that we all know the NIH has done no research in that area for at least 10 years.

We also know we are way behind many other countries in those areas.

So we are very pleased that they are finally recognizing women do pay part of the taxes in this country and to have some infertility and contraceptive research at a time when population issues are so very critical makes sense.

☐ 1440

I also am very happy because I think this bill will finally get signed into law. We have had the gentleman from California [Mr. WAXMAN] help us over and over pass this bill, only to see it sunk. But thank goodness we now have a President who says he will sign it and who has taken politics out of science by removing the fetal tissue issue and by removing the gag rule and many of the other things that stopped a lot of the research that the Congresswoman and other like-minded Members of Congress have worked so hard to try and correct this oversight on women's health. This bill will begin to correct that oversight.

This bill has a great chance of being signed into law finally. Our goal is to keep this on track under the guidance of the gentlewoman from New York [Ms. SLAUGHTER] and hope that by the end of this decade we know as much about women's health as we now know about men. We are tired of the fact that it has been overlooked for so very long, and it is time we catch up.

So, Mr. Speaker, I really urge all Members to vote for this rule which is a fair rule and allows any amendment pertaining to research that was offered to be permitted out here. I hope that they vote for that rule, and then I hope we see a very, very strong, resounding vote for this bill, and we get it into law once and for all.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to my colleague, the distinguished gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I want to thank my good friend and colleague, the gentleman from Florida [Mr. GOSS], for allowing me the opportunity to speak.

Mr. Speaker, I also went before the Committee on Rules with an amendment, and my amendment approached it a little differently. My amendment was basically to codify the law that AIDS is a communicable disease. Already this is understood in regulation, but it is not in law. So, my amendment was basically to do that.

Now think about that, what I am asking to be done. Basically we are talking about health issues in this NIH reauthorization, this bill, and I ask, "Doesn't AIDS have something to do with health?"

Now they say it is an open rule, and I heard my colleague, the gentlewoman from Colorado [Mrs. SCHROEDER] say that. But what has happened in the Committee on Rules? They made in order only those amendments they wanted, and they used the subterfuge of saying that any other amendment was not germane. So, at this point we do not really have an open rule. What we have is sort of a ruse here that it is an open rule, but anything the Republicans have submitted is not germane, so we cannot, in fact, say that this is an open rule.

My position is that it is very important to codify into law that AIDS is a communicable disease. The NIH bill is dealing with health issues, and, more importantly, the gentlewoman from Chicago, Mrs. COLLINS, introduced an amendment just before my amendment that said we will set up a minority research center to look at how diseases affect minorities. I ask, "Doesn't AIDS affect minorities? Shouldn't we be looking at that?"

So, Mr. Speaker, it seems to me it is germane, yet my amendment was not allowed to be made in order.

I ask my colleagues, "How long are we going to go on and not even have this basic question presented here on the House floor, whether AIDS is a communicable disease when almost all the regulations have already said it is?"

Now the Clinton administration has stated its intention of making AIDS research a priority. Now think of that, my colleagues. Maybe the President should take a look at what Members of his own party are doing here in Congress. The Committee on Rules decided that HIV-infected individuals are not in any way connected to the biomedical research conducted by the NIH.

Now let us talk about that. NIH is involved with biomedical research, and they have told me my amendment, which basically says AIDS is a communicable disease, is not germane to the biomedical research part of the NIH bill. Mr. Speaker, maybe I should point out a few facts before we continue:

Each year individuals who are infected with the HIV virus or already have AIDS are seeking to enter this country. By definition these people fall under the category of minorities, and we had the gentlewoman from Chicago introduce her amendment to say we need to set up a minority research center. So, again, we are talking about AIDS and dealing with minorities. These individuals are coming from Africa, Thailand, Malaysia, and the Caribbean islands. I raise these specific countries because in a report issued by the World Health Organization two areas of particular concern were raised:

First was the spread of AIDS in sub-Saharan Africa; and, second, the rapidly increasing number of infected persons in Asia, particularly in Thailand and India.

Mr. Speaker, let me conclude by asking, "How can the majority on the Committee on Rules claim that while

HIV is a major health threat to the United States that merits massive Federal funding for research and prevention, it is OK to open up the doors, allow more people into this country as additional carriers of this deadly disease?" And how can the Committee on Rules claim that my amendment is not germane? Incidentally the Senate put my amendment in their companion bill.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume to make a comment to the gentleman from Florida [Mr. STEARNS], who is a very valuable Member, and I am sure he has a complete misunderstanding of this thing about no Republican amendments being allowed. I say to the gentleman, "Actually, Mr. STEARNS, five of the eight amendments allowed today are Republican amendments."

Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise in support of the rule but in strong opposition to the Bliley amendment which it makes in order.

Today, we have the opportunity to put behind us a controversy that has for years been a major roadblock to research aimed at treating many life-threatening conditions: diabetes, Alzheimer's, Huntington's disease, and Parkinson's disease. But the Bliley amendment would jeopardize this critical research by continuing to hold biomedical science hostage to abortion politics.

This amendment is an affront to American women. The decision to have an abortion is a highly personal one, and one that is never made lightly. To assume that women would be encouraged or discouraged from having an abortion because of our action on this amendment is a slap in the face of all women.

Let us be very clear: The Bliley amendment will do nothing to stop abortions. All it will do is make it more difficult for tissue to be utilized for potentially lifesaving research.

If there was one message that was loud and clear from last November's election, it was that the American people wanted an end to gridlock, and that they want our Government to get out of the way of positive productive activity. But the Bliley amendment flies in the face of that message. It would impose additional bureaucratic burdens on physicians and on women. The net effect will be to make it more difficult for fetal tissue to be used for critical research. It has no bearing on the abortion decision whatsoever.

Is that what we want? To slow the progress of research that affects millions of lives? All because some in this body cannot leave abortion politics out of this debate.

I urge my colleagues to vote for the Waxman substitute. It strengthens appropriate safeguards for fetal tissue research; it does not throw another roadblock in the way of finding cures for diseases that threaten us all.

Mr. GOSS. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from the Commonwealth of Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from Florida [Mr. GOSS] for yielding this time to me, and what we have here is another in a series of Mussolini rules that have been brought to the House thus far in this Congress. The Mussolini rules are those designed to make the House run on time but smack of authoritarianism.

Mr. Speaker, if my colleagues want to know how far we have gone toward more Mussolini rules, just take a look at this chart. Over the last several years we have moved from a time when only 20 percent of the rules of the House were closed Mussolini rules to the point where now we have 100 percent of the rules of this House that are now Mussolini rules.

□ 1450

Back in the 95th Congress we were at 80 percent or more than 80 percent of the rules that were open rules that allowed free debate on the House floor. Now we have in this Congress so far no such rules.

We have heard a lot of nonsense uttered on the House floor today about this particular rule. We are told, for example, that the waiving of germaneness is something that just is not done. But in the last four Congresses the Democrats have waived germaneness more than 20 times. Invariably they have waived germaneness when it is Democrats involved, not when it is Republicans involved.

We have heard the chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL], say that he comes to the floor and defends the regular processes of the House, that he protects the regular order. In this rule the 3-day rule is waived. That is not regular order. That is doing what he wants done and protecting the things that he does not want done. That is authoritarianism; that is not open rules.

The gentlewoman from Colorado [Mrs. SCHROEDER] told us that this is an open rule, that it allows all germane amendments. Nonsense. If you take a look at the committee report, you will find a number of amendments that are going to be added that middle-class America might be interested in because they are going to add all kinds of costs. If we had an open rule, we would be able to amend those amendments to get at the question of cost, but we cannot do that under this rule. Those germane amendments are not going to be permitted.

This is an authoritarian action on the part of the House. We cannot amend the amendments, so, therefore, we are not doing what the American people are asking us to do, what middle class America wants done, get control of spending.

This is another spending bill. It is another attempt by the Democrats to make certain that this House does not do its job in an appropriate way.

Let me give the Members one more example. This is an amendment made in order by the gentleman from Texas [Mr. JOHNSON] on Project Aries. He is given 5 minutes to explain it. It is a case where we have $2 million being spent to counsel people to have unprotected sex. Now, it seems to me that deserves a little more than 5 minutes of debate, because it goes to the very question of AIDS.

Mr. Speaker, this is an authoritarian rule. It is a Mussolini rule. This rule says, "Viva Il Duce," but it is a sad day for middle class America.

Ms. SLAUGHTER. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from Washington [Mr. KREIDLER].

Mr. KREIDLER. Mr. Speaker, I rise in support of H.R. 4, the National Institutes of Health Revitalization Act. This bill not only reauthorizes NIH, it revitalizes our commitment to biomedical research and redirects that commitment to serve all the people of this country.

Basic biomedical research is one of the best investments a nation can make. It produces treatments and cures for diseases that threaten us all. It helps us understand how to prevent disease and promote health. it strengthens some of our most successful industries in the competitive world economy.

There is so much good in this bill that I could not possibly list everything. But I want to mention three of the most important provisions:

First, this bill ends the ideological controversy over fetal tissue research. It allows this essential work to go forward with safeguards to separate the research from the intensely personal choice about abortion.

Second, the bill guarantees the benefits of medical research to all people, by assuring that the health of women and minorities receives equal attention. This is long overdue, and I am pleased that the Fred Hutchinson Cancer Research Center in Seattle has been chosen to administer the women's health initiative.

Third, the bill provides for a coordinated research strategy against AIDS. I commend the gentleman from California for his work to develop the planning and funding mechanism in this bill. And I welcome the emphasis this bill gives to behavioral research—the kind of research that can bring immediate progress in preventing the spread of the AIDS virus.

Passing this bill is one of the best things this Congress will do. I am proud to support it and urge my colleagues to do so.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to our esteemed colleague, the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, without consulting Congress, the Clinton administration has announced that it will change U.S. immigration policy to admit aliens who have AIDS. Congress deserves to be heard on this issue.

The administration's new policy will open U.S. borders to visa applicants seeking medical treatment at the expense of the U.S. taxpayer.

Our hearts go out to those afflicted with this disease. But health experts estimate that treating each person with AIDS costs $100,000. That translates into at least $100 billion just for the estimated 1 million people with AIDS already in the United States.

There are millions of people on waiting lists to get into this country who are healthy. It just does not make sense to admit individuals who are going to put an additional strain on our health care system.

In a prepared statement, the American Medical Association says it is "* * * concerned that large numbers of HIV-infected permanent immigrants could tax the resources of our already burdened health care system." The AMA supports the "exclusion" of HIV-infected persons" who are "permanent immigrants."

President Clinton maintains that the HIV virus poses a serious public health threat requiring additional resources here at home, but that opening our doors to immigrants with AIDS somehow does not. You can't have it both ways.

The point has been made that most other advanced nations do not restrict the entry of HIV-positive aliens. But those nations have extremely low levels of any kind of immigration. The countries that admit the most immigrants, such as Australia, Germany, and the United States, do restrict the entry of those with AIDS.

Current policy should remain because changing it would threaten the public health and drain the Public Treasury.

I hope my colleagues will vote no on a rule that does not allow an amendment to be offered that would restrict the entry of immigrants with AIDS.

Mr. GOSS. Mr. Speaker, may I inquire as to how much time each side has left and also ask how many speakers the other side has?

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The gentleman from Florida [Mr. GOSS] has 6 minutes remaining, and the gentlewoman from New York [Ms. SLAUGHTER] has 3 minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I would inform the Chair that I have only one speaker remaining.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. DREIER], an important member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from Sanibel, FL, for yielding me this time, and I would like to congratulate him on the first rule he is managing as a member of the Committee on Rules.

Frankly, this has moved a little further away from the kinds of restrictions we have had in the past, but tragically it includes many of the restrictions we have been dealing with, and because of one of them I would like to speak about for a moment, it has gotten worse. That restriction has to do with a very important process, the 3-day layover.

Why is it that we have the 3-day layover? Very simply, Mr. Speaker, I do not think you would enter into a business agreement or purchase a home or engage in any kind of major activity without having read it first. The idea behind the 3-day layover is very simple. It is there so that we may in fact allow Members to have the opportunity to review legislation before they exercise their constitutional right and vote for it or against it.

As we look at this problem of the 3-day layover, we have once again waived the rule. Here we are on March 10, 1993, the 3d month of the 103d Congress, and what has happened? Well, five of the past six pieces of legislation that we have had rules on, that have been considered here on the House floor, have waived the 3-day layover.

Back in 1983 and 1984, 5 percent of the rules that came down waived the 3-day layover. But so far, in the 103d Congress, 83 percent of the rules considered here have waived the 3-day layover. On 83 percent of the major legislation we are considering, we do not allow Members to read it, based on the rules of this House.

Now, let us look at the last 20 years. The per-page average of statutes that have come forward in 1972 was 3.8 pages. In 1992, it was 12.8 pages. So we have seen an increase in the size of legislation, but we have had a decrease in the ability for Members to at least look at legislation.

It seems to me that we once again are continuing this 100-percent record of restrictive rules, limiting the ability of Members to exercise their right to represent the 600,000 constituents who sent them here, and I think we have an opportunity to rectify it here.

We are going, very simply, to vote no on the previous question. We want to bring an end to this 3-month pattern of tyranny here that has been going on and allow the gentleman from New York [Mr. SOLOMON] to offer this amendment which will in fact bar the flow of AIDS immigrants into this country, and when we do that, we will finally be moving in the direction of fair and balanced rules.

Mr. Speaker, I again thank my friend, the gentleman from Sanibel, Mr. GOSS, for yielding me the time.

Mr. Speaker, I include the following chart with my remarks:

WAIVERS OF 3-DAY LAYOVER REQUIREMENT FOR COMMITTEE REPORTS ON LEGISLATION

Congress (years)	Total rules granted[1]	3-day layover waivers	Waivers as percent of total
96th (1979–80)	244	19	8
97th (1981–82)	145	9	6
98th (1983–84)	184	10	5
99th (1985–86)	142	13	9
100th (1987–88)	147	16	11
101st (1989–90)	140	23	16
102d (1991–92)	127	18	14
103d (1993–94)	6	5	83

[1] This figure includes all order of business resolutions providing for the original consideration of measures by the House. It does not include rules for conference reports.

Source: "Survey of Activities of the House Committee on Rules," 96th–101st Congresses; "Notices of Action Taken," House Committee on Rules, 102d–103d Cong., as of Mar. 9, 1993.

☐ 1500

Mr. GOSS. Mr. Speaker, I yield the balance of our time to the gentleman from New York [Mr. SOLOMON], the distinguished ranking member on the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me call attention to the membership that the Committee on Rules in recent years has waived germaneness rules on this floor 116 times.

Mr. Speaker, this is important. The Secretary of Health and Human Services, who has the primary responsibility for public health in America, has said that the AIDS disease is the Nation's highest priority, and the President's budget request appropriates more money for AIDS research than any other disease. Yet, by the President's lifting of the ban on immigrants entering this country with AIDS, the President asserts that AIDS is not of public health significance.

Mr. Speaker, that is ironically preposterous. The only way to block these immigrants with AIDS from entering this country and spreading that deadly virus is to vote down the previous question and allow me to offer this amendment, which every Member on this floor ought to have the right to debate and vote on.

Mr. Speaker, I urge Members to please vote down the previous question.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Mr. Speaker, I rise as an original cosponsor in strong support of H.R. 4 and the rule.

Mr. Speaker, this is a very special piece of legislation. It directly responds to the concerns and demands of my constituents in San Diego and to those of the American people which we all heard so clearly during the last election.

From fetal tissue research to children's vaccines to AIDS, we have a bill which addresses many of the medical research challenges which have been ignored for too long.

However, in my remarks, Mr. Speaker, I would like to focus on just one aspect of this landmark legislation—women's health care. The chairman of the Health Subcommittee, Mr. WAXMAN, has crafted a bill which reverses years of what can only charitably be described as benign neglect with respect to these issues.

H.R. 4 establishes a Federal Office of Research on Women's Health within NIH—an office which will bring a sharper focus to research efforts on breast, ovarian and uteran cancer, menopause, osteoporosis and other health concerns shared by women across the Nation.

This provision is really the first formal recognition by the Federal Government that women's health research is a national priority. For far too long we have lacked both Federal direction and appropriate levels of funding.

As a result, today the odds of contracting breast cancer are chillingly going in the wrong direction—increasing rather than decreasing. Today 1 in 9 American women face the dread of developing breast cancer, and the lives of nearly 100,000 women have ended in the past 2 years alone because of breast cancer. Unfortunately, the frequency and mortality rates of ovarian and uteran cancers are increasing at similar rates.

An Office of Women's Health Research can help to reverse these trends.

It will recommend appropriate levels of Federal support for women's health research, and help to direct funds to where they are most needed.

It will coordinate research initiatives within the various institutes of NIH to attack our most urgent health care priorities.

It will help generate sorely needed clinical data, and it will act as a clearinghouse to distribute this data to doctors and providers across the Nation.

And finally, perhaps with such an office we won't hear ridiculous stories such as research about women's breast cancer being carried out on men or even on male rats rather than female rats.

Mr. Speaker, in closing I would like to add that I am privileged to represent one of the leading biotech centers in America—San Diego, CA. The biotech firms in my district rely on Federal funding to fuel their research efforts—efforts which lead to new medicines and new treatments which save lives, reduce our health care costs, and make life better for all Americans. This revitalization bill renews the Federal Government's commitment to assist private research firms in their life-saving work.

Mr. Speaker, this is landmark legislation. The rule and H.R. 4 should be endorsed and supported by every Member in this body.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think only the most devoted readers of Alice in Wonderland will be able to understand the debate that has gone on here this afternoon from our opponents. They have to believe six impossible things before breakfast.

The first thing I want to bring to mind is the notion that we have never seen this bill before. In the last Congress this bill was voted on and debated with all germane amendments allowed. We then voted and discussed the conference committee report, and then had a lengthy debate in an attempt to override a veto.

Mr. Speaker, this bill has been around a long time. I doubt that there is anybody within the hearing of our voice who does not understand what is in this bill.

Moreover, there is the notion that if we would just allow nongermane amendments, that everything would be all right in the world. If we are going to do that, if we are going to allow nongermane amendments, we might as well call ourselves the U.S. Senate and go home. That has been one of the biggest problems we have had with them in my tenure in the House.

Mr. Speaker, the Committee on Rules has put forth a rule, as we did last time this bill was brought up, allowing all germane amendments that came before us. We can do no more for evenness than to do that. I urge Members to vote for the previous question.

Mr. Speaker, with that, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5(b)(1) of rule XV, the Chair may reduce to not less than 5 minutes the time for any recorded vote that may be ordered on adoption of the resolution without intervening business.

The vote was taken by electronic device, and there were—yeas 247, nays 170, not voting 13, as follows:

[Roll No. 58]

YEAS—247

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—170

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (NJ)

Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—13

Bishop
Conyers
Dellums
Ford (TN)
Franks (CT)
Gibbons
Hastings
Henry
Hoagland
McDade
Meek
Smith (IA)
Young (FL)

□ 1527

Mr. SAXTON changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOSS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 248, noes 170, not voting 12, as follows:

[Roll No. 59]

AYES—248

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—170

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
de la Garza
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Ortiz
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Torkildsen
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Bishop
Conyers
Dellums
Ford (TN)
Hastings
Henry
Hoagland
Hunter
Maloney
McDade
Smith (IA)
Thomas (WY)

□ 1535

Mr. ORTIZ changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VACATION OF SPECIAL ORDER AND REQUEST FOR SPECIAL ORDER

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that my 5-minute special order today be vacated and I be allowed a 1-hour special order for today.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1993

The SPEAKER pro tempore. Pursuant to House Resolution 119 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4.

□ 1536

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, with Mr. MFUME in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes, and the gentleman from Virginia [Mr. BLILEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I am pleased to present to the House H.R. 4, the National Institutes of Health Revitalization Act of 1993. The legislation is similar to H.R. 2507 of the previous Congress, which passed both House and Senate by overwhelming majorities, but was vetoed by President George Bush.

The legislation before us addresses a variety of health research issues—issues that are vital to maintaining America's leadership and international preeminence in biomedical research.

The bill is a comprehensive measure which addresses policy, financial, and organizational issues of growing concern to the public and scientific community. I am pleased to report that this year, the legislation enjoys the strong endorsement of the administration and its Secretary of Health and Human Services, Donna Shalala.

The legislation extends for 3 fiscal years the authorization of appropriations for expiring NIH research authorities. These authorities include the: National Cancer Institute; National Heart, Lung and Blood Institute; Medical Library Assistance Act; National Center for Biotechnology Information; and National Research Service Awards Program.

In addition, the legislation provides a new authorization of appropriations to strengthen the important programs of the National Institute on Aging in accordance with the recommendations of the Pepper Commission.

One of the primary goals of the bill is the improvement of research on women's health. Hearings before our subcommittee have revealed that the NIH has not done an adequate job of assuring the inclusion of women as research subjects in clinical trials. For too long, treatment recommendations have been made for women that have been based on studies that involve only men. The result is a continuous skewing of data creating a blind spot in our research information. The legislation remedies this deficiency by establishing an Office of Research on Women's Health. The Office is charged with assuring that women and minorities are appropriately included in NIH-funded clinical trials.

In addition, the legislation increases authorized funding levels for research on breast cancer and on ovarian cancer—two of the leading causes of illness and death among women. It also authorizes research on osteoporosis, a problem of particular significance to older women.

The legislation increases support for research in cancer prevention by requiring that at least 10 percent of National Cancer Institute funding be allocated for scientifically meritorious projects. A transition period of 3 fiscal years is provided to minimize disruption on existing program priorities.

The legislation strengthens NIH procedures for dealing with scientific misconduct, protecting whistleblowers, and preventing conflicts of interest.

The legislation will help NIH retain talented senior scientists by expanding the Senior Biomedical Research Service. In recognition of the late Silvio Conte's role in its establishment, the service is to be renamed the Silvio O. Conte Senior Biomedical Research Service.

New authorities are provided to spur research into chronic fatigue syndrome, contraception and infertility, and development of a more effective childhood vaccine.

In addition, authority is provided for construction projects to modernize and rehabilitate the infrastructure of our Nation's biomedical research laboratories.

Mr. Chairman, one of the most important features of this legislation codifies President's Clinton's decision to lift the ban on fetal tissue transplantation research imposed on NIH by the Bush administration. This ban—which was imposed arbitrarily—has stopped promising research on the treatment of Parkinson's disease, juvenile diabetes, spinal cord injuries, and Alzheimer's disease. It has also stopped research on techniques to correct genetic defects—defects for which there is now no cure or treatment—even before a baby is born. H.R. 4 strikes down this ban and establishes strong safeguards for the conduct of this research to protect against potential abuses.

Mr. Chairman, the passage of H.R. 4 is important to maintaining a strong National Institutes of Health. The issues we will debate today are critically important in assuring that the Nation's investment in health research continues to yield strong dividends.

□ 1540

Mr. Chairman, I reserve the balance of my time.

Mr. BLILEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 4. I take this action with regret, but I feel that the bill will ultimately damage the work of the National Institutes of Health [NIH] and I am unable to support it.

The National Institutes of Health is one of the finest research institutions in the world and merits our strong support. I am concerned that enactment of the legislation we are debating today will impede, and not enhance, the very fine work that is conducted by NIH. In reauthorizing NIH, we need to emphasize sound science and that NIH must be above both politics and political correctness.

While I can well understand the need for a certain amount of congressional direction and I am certainly supportive of congressional oversight, the bill before us goes way beyond that. The bill contains numerous set-asides, research centers, and research mandates for specific diseases. I personally doubt that a world-renowned institution such as the NIH really needs this much detailed congressional direction in order to conduct the best possible scientific research.

Another matter of very serious concern to me is the bill's nullification of the moratorium on fetal research. I cannot, in good conscience, support the decision to allow such research to move forward with Federal funds. I firmly believe that opening up the door to such research will only lead to more abortions. I also believe that, over time, the safeguards against allowing such research to become an inducement for abortion will prove to be meaningless. I will offer an amendment later which adds additional safeguards.

Finally, I would like to note my very serious concerns regarding provisions of the bill that would restructure the funding of AIDS research projects. Section 2353 will totally transform how AIDS research is funded at NIH. Under this provision, appropriations for AIDS research will not go directly to the various Institutes as is the current practice, but will go directly to the Director of the NIH.

In a letter dated January 22, 1993, to the NIH Director, Bernadine Healy, the 22 Institute and Center Directors of NIH, said the following regarding S. 1, which contains a similar funding provision for AIDS research:

> The bill, as written, creates an administrative structure and outline of authorities which, in fact, may inadvertently be detrimental to the main purpose to which the legislation was directed * * * it, in fact, will have the opposite effect of impeding both the planning process and particularly the execution of AIDS research because of the additional bureaucratic layer which will have been added to the process. Of major concern is the paradox that this, in fact, will have the effect of impeding the progress of AIDS research and, at the same time, having negative effects on non-AIDS research. By hurting research other than AIDS, there will also be the additive effect of hampering those multidisciplinary areas of research that feed into AIDS research, thus compounding the problem.

At the full committee markup of this legislation, the subcommittee chairman announced a compromise on these AIDS funding provisions developed with the Association of American Medical Colleges [AAMC], which was accepted by the committee. This provision will give the independent budget authority to the Director of NIH rather than the Office of AIDS Research. Although the change incorporated is a very small step in the right direction, I believe it is largely a cosmetic change and is of very little value in addressing the fundamental problems spelled out in the NIH Institute Directors' letter quoted above. I still strongly believe that the overall effect of the AIDS research provisions will impede the progress of AIDS research.

Mr. Chairman, for all these reasons, I urge my colleagues to vote no on H.R. 4.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON], an important member of our subcommittee.

Mr. RICHARDSON. Mr. Chairman, this legislation is important for several reasons.

First, it shows the administration and the Congress are cooperating for the first time on health care.

Second, this legislation is a major commitment to biomedical research.

Third, women and minorities are included strongly in clinical research.

Fourth, it establishes an Office on Minority Health.

Most importantly, though, additional research funds for diseases that disproportionately affect women are included: osteoporosis, cancer research—$40 million more that move research funds in the direction of women's issues.

Mr. Chairman, I wish to commend the chairman, the gentleman from California [Mr. WAXMAN], for this long, laborious work on this issue over the years. Finally, it appears that this legislation is going to become law, and no one deserves more credit than the chairman, the gentleman from California [Mr. WAXMAN].

Mr. Chairman, I rise in strong support of H.R. 4, the National Institutes of Health reauthorization, legislation which is long overdue. The anticipated passage of this vital bill marks not only congressional commitment to biomedical research but perhaps, more importantly, the beginning of coordinated efforts between Congress and the administration in the area of health care.

As Congress and the administration consider a health care reform package, it is essential that the health needs of minorities and women are not overlooked. Historically, women and minorities have been omitted from clinical research. The NIH reauthorization bill represents a significant step toward improving health care for these populations by requiring the inclusion of women and minorities as subjects in NIH-funded research, as well as establishing an Office of Research on Women's Health and an Office of Research on Minority Health. Finally, this bill establishes a national women's health data bank to assist in the coordination and dissemination of women's health research.

In addition to ensuring the inclusion of women and minorities in all NIH research, this legislation also authorizes additional research funds for diseases which disproportionately impact women. This bill contains important language authorizing an additional $40 million in research on osteoporosis that I and my colleagues, OLYMPIA SNOWE and MARCY KAPTUR, worked to include. This debilitating disease affects an estimated 27 million Americans of all ages and is responsible for 1.3 million bone fractures annually. While the medical costs of osteoporosis are an estimated $27 million per day, scientists are convinced we can reduce the incidence of osteoporosis with an expanded research program. I also am pleased to support this legislation's increased funding for research on breast cancer, a disease which claimed the lives of nearly 46,000 women last year.

NIH reauthorization is a strong sign to the American public that Congress is committed toward biomedical research for the benefit of all Americans. I am pleased to lend my strong support to this vital legislation and urge my colleagues to do the same.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Chairman, just this week I received a letter from a constituent in my district. It is rather, really, the most touching letter I have ever received.

She writes to me this way:

> DEAR MR. INGLIS: Last night while watching C-SPAN's coverage of the March for Life, I and my family were lucky enough to see you speak. Your comments about finding compassion and forgiveness hit the nail right on the head. Tears streamed down my face not for others but for myself. I have had two abortions, one while I was very young, 18 years old, and another at about 24 years for reasons of convenience. At that time it was no big deal; it is legal; it is available; everyone does it.

She goes on to write something very interesting and something very apropos of this debate today.

> I now sometimes feel outraged that I was never really told about what was happening. It was like I was having a tumor removed. I often think and cry about my decisions made years ago.

Mr. Chairman, that is what I hope we can avoid by having fetal-tissue research done. Imagine what will happen if not only we have the current profit incentives driving abortion but introduce another level of profit motive into the abortion calculus, introduce the concept of harvesting organs out of unborn children, introducing the concept of going in and grabbing hearts and grabbing tissue so that you can use it and sell it.

Add that profit motive to the one that already exists, and how many more constituents will write letters like this, people who regret their decisions.

Mr. Chairman, that is what I think this bill is partly about. Unfortunately, there are some good things in the bill, but there is a whole lot of bad stuff in the bill.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. BROWN], a member of the subcommittee.

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of H.R. 4, the National Institutes of Health Revitalization Act.

This legislation will provide essential support for biomedical research to conquer the diseases which plague our Nation.

In addition, this legislation will wage battle on another front—on behalf of our future, for our children. It is unconscionable that many of America's children are currently at risk of developing diseases for which we already possess safe and effective vaccines. In Ohio and in many other States, only 52 percent of children under 2 are immunized. Epidemics of measles and whooping cough—ailments thought to be eradicated—have reemerged causing unnecessary suffering and even death.

These examples illustrate the serious cultural and economic barriers poor families confront in obtaining basic health care services. They identify for us the glaring need to improve avenues to preventive health services.

H.R. 4 will establish a children's vaccine initiative for the development of vaccines which can be administered safely with better access, with fewer patient contacts, and which can provide longer protection from a wide variety of disease.

Coupled with expanded access to health services, community outreach and health education, this research can begin to meet the challenge of protecting our Nation's children and ensuring them a healthy start.

I urge my colleagues to support H.R. 4 and its critical support for vaccine development.

☐ 1550

Mr. BLILEY. Mr. Chairman, I yield 3½ minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have no doubt or reservations as to the necessity of funding NIH and its many activities. Due to research conducted by NIH, we have been able to save the lives of many people who have been afflicted with diseases once thought to be terminal, particularly cancer and heart disease. NIH has been at the forefront of AIDS research and is presently working on the cutting edge of many therapies.

In this regard, I believe that one of the most important provisions in this bill is the fiscal year 1994 authorization for the National Cancer Institute. During the Health Subcommittee markup on H.R. 4, I offered an amendment to increase the authorization for NCI's activities and continuing research. This amendment was unanimously accepted by the subcommittee.

Very briefly, this level of funding was recommended by the National Cancer

Institute to the President as part of its annual by-pass budget. Unique among Federal agencies, NCI has been empowered to construct such a budget each year in accordance with the National Cancer Act. The budget reflects not a wish list of projects but what NCI and its Advisory Board believe in their professional scientific judgment, to be a needed, suitable level of funding which can be judiciously spent.

Although we know it is so, we tend to forget that cancer is the second leading cause of death in the United States. In 1992, approximately 1.1 million Americans developed cancer and roughly 520,000 individuals died from cancer.

In 1992, 230,000 more Americans died from cancer than during the entire U.S. engagement in World War II. In that 1 year, almost 10 times as many Americans died from cancer as during the Vietnam war.

The measure before us increases funding for research on breast cancer, prostate cancer, cancers of women's reproductive systems, and the aging process of women. In addition, the bill authorizes funding for research on children's health, vaccines for childhood diseases, and eye care for individuals with diabetes.

Unfortunately, H.R. 4 also contains provisions that I cannot, in good conscience, support. The primary issue which concerns me is the nullification of the 1989 moratorium on NIH-approved fetal tissue transplantation research.

Mr. Chairman, while H.R. 4 claims to endorse the recommendations of the 1988 human fetal tissue transplantation research panel, some of the safeguards which the panel considered necessary for human fetal transplantation research to be done ethically are clearly missing from the bill. Thus, I believe the bill to be seriously flawed.

In addition, I continue to object to the expenditure of Federal resources in activities involving abortion. Despite the lengthy debates we have held on this issue in the past, I continue to believe that allocating Federal resources to this research would necessarily interwine the Government in the act of abortion. I believe that the ultimate effect would be the sanctioning or promotion of abortion by the Federal Government.

Through the years, I must admit that the issue of fetal tissue research has been a very difficult one for me. My youngest brother, George, died from Parkinson's disease last spring. During his illness, I obviously hoped and prayed for any scientific advance or treatment which could alleviate his suffering or restore him to health.

Like any brother or sister, mother, father, or child I wanted to help save a member of my family—to do anything in my power to reverse the terrible progress of disease. I desperately wanted to find a cure then, as I do now.

I considered and reconsidered and reconsidered again my public position on fetal tissue research. I looked not only at the scientific background but the moral and philosophical arguments. I had every reason to grasp at straws to find any rationale to alter my stance. But in the end, I could not.

I came to the decision that while this research may hold promise for those with juvenile diabetes, Parkinson's disease and Alzheimer's disease, the long-term prognosis is inconclusive. Moreover, as I mentioned above, I believe that there are some things that the Government—as the sum of the people—should not promote nor utilize public resources for.

Mr. Chairman, for this reason, I will reluctantly oppose the legislation on final passage.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from Vermont [Mr. SANDERS], author of a very important provision in this legislation.

Mr. SANDERS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to congratulate the gentleman from California, Chairman WAXMAN, for the outstanding work he has done for many years in this whole entire area.

Mr. Chairman, I rise in very strong support of the NIH reauthorization bill, for many reasons, too many to articulate in 1 minute. But the one point that I do want to focus on is that this bill includes a $30 million authorization for the 1992 Cancer Registries Amendment Act.

For the 10 States like my own State of Vermont which have no cancer registries and for the other 25 States with incomplete registries, this legislation is a major step forward for cancer prevention; but it is a major step forward for the whole country because for the first time we are going to have uniform national registry from one end of this Nation to the other.

Mr. Chairman, we must begin to understand the causes of cancer and why in increasing numbers our people are contracting this terrible disease.

What is the relationship between occupation and cancer, between diet and cancer, between pesticides and cancer, between environment and cancer, between stress and cancer, between the way we live and the contraction of this terrible disease?

Mr. Chairman, I believe the Cancer Registry Act would provide us valuable information as we begin to understand the causes of cancer, and I hope very much this important legislation is passed today.

Mr. BLILEY. Mr. Chairman, it is my pleasure to yield such time as he may consume to the ranking member on the full committee, the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, the National Institutes of Health is one of the most prestigious research facilities in the world and I support reauthorization of those programs which have expired. However, I have several concerns about numerous provisions in H.R. 4.

Let me briefly mention a few of those concerns.

Last year, President Bush established a fetal tissue bank. We received a number of letters from noted scientists, including Dr. Bernadine Healy, Director of the NIH, stating that the tissue bank was a viable alternative to using tissue from aborted fetuses to meet research needs. Why has the moratorium been lifted before we know if the tissue bank is or is not a success? Under the circumstances, I cannot support legislation which would permit the use of tissue from induced abortions for this research.

Another problem I have with the bill concerns the level of funding. When the President is proposing raising taxes to help reduce the Federal deficit, it is critical that we not respond with business as usual, namely increased spending. The American people do not want to see their taxes increased only to see Federal spending increase. I urge my colleagues to display fiscal constraint.

I am also very concerned about the provisions of the bill which would significantly alter the mechanism by which AIDS research is funded. I understand that some in the research community consider the language in the bill a compromise and an improvement. I, however, am not at all convinced that the changes are meaningful and I am afraid that both AIDS and non-AIDS research will suffer.

Mr. Chairman, I strongly support funding for the National Institutes of Health, but I cannot support H.R. 4 in its present form.

Mr. WAXMAN. Mr. Chairman, yield 1 minute to the gentleman from New York [Mr. ACKERMAN].

☐ 1600

Mr. ACKERMAN. Mr. Chairman, every Member has an opportunity today to vote in favor of legislation that could save the lives of thousands, and perhaps one day even millions of Americans.

H.R. 4 will allow the National Institutes of Health to carry on in its life-saving fight against cancer, heart disease and AIDS. I am particularly pleased that this legislation focuses on women's health concerns, especially breast cancer.

It is no secret that one in every nine women will contract breast cancer in her lifetime, but there remain unanswered questions about why some areas of the country have considerably higher breast cancer rates than others.

H.R. 4 acknowledges this mystery by authorizing a specific study on the possible connection between local environmental factors and breast cancer.

My constituents will be reassured to learn that this investigation will be conducted in Nassau and Suffolk Counties, which have some of the highest breast cancer rates in not only New York State, but in the entire country.

The study will assess any possible relationship between Long Island's high breast cancer rates and various environmental factors, including electromagnetic fields, water pollution and hazardous waste sites.

It is imperative that we explore these possibilities since known risk factors explain less than half of all breast cancer cases.

While this investigation has clear implications for the entire country, its findings may have a very immediate impact on women living on Long Island. They have a right to know why they are at a greater risk of contracting breast cancer than women in most other parts of the country.

It is my hope that this study will begin the unraveling of this deadly mystery.

I urge my colleagues, in the strongest possible terms, to support this important legislation. The women of Long Island, and women throughout America deserve our full commitment to the battle against breast cancer.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. UPTON], a member of the committee.

Mr. UPTON. Mr. Chairman, I rise in strong support of this legislation.

The National Institutes of Health provides the backbone for medical research worldwide.

The history of this legislation is very sad. Last Congress, the debate focused almost solely on something called fetal tissue research, and unfortunately politics got in the way of substance.

Two years ago if someone had asked me about fetal tissue research, I do not think I would have known what they were talking about, so I did a lot of homework when this issue came before our committee.

I support fetal tissue research, with proper safeguards, along with nearly every major health group in America.

Parkinson's, Alzheimer's, Lou Gehrig's, diabetes, leukemia, and cancer, what family has not been impacted by one of these dreaded usually fatal diseases? Mine has, as has just about every other Member of this body.

In our daily lives, we regularly encounter folks tragically afflicted with these diseases, and we hope and pray for a cure, a cure that will end their suffering and their fears and restore their life, their strength, and hopefully their ultimate victory over death.

A lot has been said about fetal tissue research, and I will remind you that it was a Ronald Reagan appointed panel that voted 17 to 4 that the research ought to continue.

There are strict safeguards to ensure that abortion is not promoted, and that the research continues in an ethical manner. It was my amendment, in fact, that prohibited the buying and selling of tissue in the private sector.

Mr. Chairman, there are many examples of the benefits that humankind has reaped from this research. In the early years of this century polio crippled so many, and today it has been virtually wiped out as a threat to our kids. In fact, the polio vaccine was developed through research using fetal tissue. It is this progress that we must not hinder. Such promise lies ahead for the end of so many diseases that will otherwise end so many lives.

The other body passed their companion bill, S. 1, with only four dissenting votes. Now it is our turn to pass H.R. 4.

Who has not found themselves at the point of desperation, where if granted one wish it would be to cure a loved one who was terminally ill, be it a parent, a child, a friend, or a colleague.

When the buzzers go off and you cast your vote on this issue, I will ask you all to take a few minutes to think about them.

We have all cried, cried for hope. This legislation is that hope. Let us take a step forward today and tomorrow in support of medical progress, a step to cure in our lifetime these killer diseases.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I urge my colleagues to vote for H.R. 4, the NIH Revitalization Act.

Passage of this critical legislation has been delayed for several years over the fetal tissue research provisions. The President has already issued a memorandum directing HHS to lift the ban on fetal tissue research; however, it is important that Congress approve legislation that eliminates the moratorium as well.

Fetal tissue research has already led to a number of medical advances and is very promising in fighting diseases, ranging from Alzheimer's and Parkinson's disease to juvenile diabetes and leukemia. The legislation includes important safeguards to ensure that any future research is conducted in an ethical manner. For example, fetal tissue could not be sold nor could donations be targeted to any particular individual. As a result of these protections, ethical concerns have been addressed. I urge my colleagues to vote for the Waxman substitute and to oppose the Bliley amendment.

Mr. Chairman, the women's health provisions are critical. We have seen progress made on women's health research at NIH; however, we have no guarantees that this progress will continue under future NIH directors. Many provisions of the Women's Health Equity Act are part of the bill, such as the requirement that women and minorities are represented in clinical trials. This provision is vital if we are to adequately understand the differences in the progression of HIV and other diseases in women. The lack of research on gender differences has serious ramifications on the effective and early treatment of, and access to benefits for, women.

Funding for breast and ovarian cancer, osteoporosis, and other women's diseases is increased, and the Office of Research on Women's Health is permanently authorized. These provisions and others in the bill will help to assure that the history of neglect of women's health will not be allowed to continue in the future. We have a long way to go to fill the many remaining gaps, but this bill represents a very important beginning.

Mr. Chairman, this bill is critical to the health of millions of Americans. I urge my colleagues to join me in voting for H.R. 4.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, it is with great sadness that I rise in opposition to H.R. 4. Though there are many beneficial aspects of the bill, H.R. 4 would codify in law the use of fetal tissue from aborted babies in federally funded research.

Though the administration has already reversed the moratorium to allow Federal funding of aborted baby tissue, this bill mandates that the new proabortion policy becomes permanent.

The use of aborted babies in medical research creates, in my view, the mistaken impression that the destruction of unborn babies can have a positive impact on humanity and medical science. Abortion is not a positive action, Mr. Chairman, and masking the gruesome realities of abortion, be it dismemberment or suction, in the name of medical advancement is just furthering the lack of respect and sensitivity for human life that has made abortion so prevalent in our Nation today.

Mr. Chairman, a June 1989 Archives of Neurology article detailed one process of extracting tissue from unborn babies, a sickening procedure indeed, and very briefly quoting:

> * * * a plastic cannula connected to a 60 ml syringe was inserted into the uterus. Under ultrasound guidance, the opening of the cannula was directed to the fetal head. Suction was applied, and the fetus was slowly aspirated and fragmented into the cannula.

According to a proponent of fetal tissue research, Prof. Mary Mahowald of the Center for Biomedical Ethics at the Case Western Reserve University School of Medicine:

> The process is straightforward. Abortion is induced and performed through a method intended to preserve the desired fetal tissue.

Mr. Chairman, a recent issue of Newsweek magazine had a very interesting and I would say sad picture of an unborn baby and it says in the caption, "The sum of its parts," and with arrows pointing to different parts of that baby's body, the head, the pancreas, the liver, and to the spinal column. The text suggests different usages of the baby's parts for transplantation.

It seems to me, and it is very sad, that we covet an unborn baby's body parts we glibly describe the child's organs as "miracle tissue," and yet we will not allow these individual babies to live.

This legislation, it seems to me, establishes a close relationship between abortion mills, abortionists, and researchers. The collaboration of medical researchers with the abortionists lends credence to the practice and further dehumanizes human life.

H.R. 4, Mr. Chairman, further provides for the dehumanization and victimization of unborn babies by setting in stone a new policy of federally funded fetal experimentation. Living unborn children again are reduced to the level or status of a guinea pig.

H.R. 4 transfers to what is known as ethics boards the waiver authority of the Secretary to permit research and experiments using living babies, whether in-utero or ex-utero, where greater than minimal risk is involved. Incredible as it sounds, these boards may override the disapproval of the Secretary so that he or she may not withhold funding for ethically objectionable research.

In the past, Mr. Chairman, the NIH has sponsored experimentation on living children who were still in the womb, whose mothers intended to abort them. Because these kids were marked for death, they were fair game. They were reduced to guinea pigs and deliberately exposed to sickness for experimental purposes.

Consequently, Mr. Chairman, H.R. 4 not only authorizes the use of tissue from children who have died from induced abortions, it also opens the door wide to the extraction of tissue and experimentation on living unborn babies.

Mr. Chairman, I urge a no vote on this legislation.

□ 1610

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, today, we are on the verge of ending, at long last, the gridlock we experienced in the last Congress by passing a strong NIH reauthorization bill.

H.R. 4 includes provisions which offer the potential for saving tens of thousands of people's lives: men, women, and children. It contains money for AIDS, for childhood vaccines, for research on osteoporosis and numerous other diseases.

The provisions for women's health and research are an important and integral part of this bill. For years, women's health concerns have been systematically ignored by the Federal Government. Often overlooked by researchers and left out of clinical trials, women are suffering and dying because not enough has been done to find cures or treatments for the diseases that afflict them.

I know, because I have experienced this neglect firsthand. By chance, I was diagnosed with ovarian cancer, and by luck I survived a disease that kills 13,000 women in this country each year.

This bill makes important strides in redressing past neglect. It authorizes $225 million for basic breast cancer research, $100 million for breast cancer detection, prevention, and treatment, and $75 million for gynecological cancer research.

We cannot continue to ignore the disease that affect our sisters, daughters, and mothers. We must heighten awareness that the diseases affecting women have to be understood, analyzed, and treated with the same care and diligence with which we fight all other diseases. This bill helps to do that. It puts some balance into medical research, and provides millions of American women with the hope that their medical needs may be met.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. COYNE].

Mr. COYNE. Mr. Chairman, I rise in support of H.R. 4, the reauthorization of the National Institutes of Health.

NIH-sponsored research continues to make significant contributions toward curing and eliminating illnesses. A few recent examples of these contributions include a vaccine for hepatitis B, development of nonsurgical treatment for gallstones, and identification of a gene that is linked to an early stage of colon cancer. Not only have these scientific breakthroughs saved millions of dollars, they have increased the quality of life for thousands of individuals.

H.R. 4 not only authorizes funds for the National Cancer Institute and the National Heart, Lung, and Blood Institutes, it also focuses on biomedical research for women by requiring that more women and minorities be included in clinical trials, and by increasing research on breast, ovarian, cervical cancers, osteoporosis, and reproductive health. This issue is of particular interest to me because Magee-Womens Hospital and Magee-Womens Research Institute, the Nation's foremost institutions for the study of women's health issues, are in my district.

Magee-Womens Hospital is one of the few hospitals in the country that cares solely for women. It is the largest private obstetrical hospital in the country, the largest provider of obstetrical care in Pennsylvania, and the hospital which serves half of all indigent pregnant women in Allegheny County.

Magee is more than a provider of care. The Magee-Womens Research Institute is the only facility in the country that exclusively studies women's health problems. Over the years, it has gained a well-earned reputation as the source of major advances in the study of neonatology, pregnancy complications, infertility, and sexually transmitted diseases. Now, the institute is broadening the scope of its scientific research to include cardiovascular disease, breast and ovarian cancer, and arthritis.

Mr. Chairman, researchers are at work uncovering the causes of debilitating diseases such as cystic fibrosis, muscular dystrophy, as well as major new developments in our understanding of the underlying causes of Lou Gehrig's disease. H.R. 4 recognizes that we need these sort of results if we are to have a significant impact on diseases that affect women. To further this progress we must increase the funding for NIH for women's health issues.

It is impossible to overstate the value of the National Institutes of Health to our society. The NIH has improved and enriched all of our lives in the past and by supporting H.R. 4 now, we can ensure that it continues to do so in the future as well.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, the National Institutes of Health is a world-renowned institution deserving of strong bipartisan support. Unfortunately, Mr. Chairman, this bill badly misdirects and mismanages the NIH, and I must rise in opposition to it.

Mr. Chairman, this is a politically ideological bill rather than a benign or neutral reauthorization. I personally hope that this bill gets recommitted and a bill could be brought to the floor that we can all agree on. The NIH is a great institution and worthy of our support, and I regret that this measure is not the vehicle by which we can show that support.

I regrettably object to H.R. 4 for a number of reasons:

First, I strongly object to this legislation because it undermines the authority of the Secretary of Health and Human Services to run the National Institutes of Health. The bill is replete with micromanagement provisions, such as special set-asides, requirements, and unnecessary advisory committees, all of which would disrupt the NIH scientific program and dilute and confuse its management.

Second, a provision of this bill, section 2353 will totally transform how AIDS research is funded at the National Institutes of Health [NIH]. Under this provision, appropriations for AIDS research will not go directly to the various institutes of the NIH as is the current practice, but will go directly to the Office of the Director of the National Institutes of Health. All appropriations for new extramural and intramural grants, contracts, and initiatives would be distributed by the Director of the NIH based on a strategic plan to be developed by the Office of AIDS Research.

Third, this legislation takes away the Secretary's authority to withhold funding of research projects based on ethical reasons. The legislation replaces the Secretary's authority with a new procedure which defers that authority to advisory boards. If a majority of an ethics advisory board recommends that on ethical grounds the research is permissible, the Secretary cannot withhold funds for that research project. While the bill includes a provision allowing the Secretary to overrule the board's decision if it is found to be arbitrary and capricious, this standard will obviously be impossible to meet. This is purely a cosmetic change that will not have any practical effect.

This provision undermines the Secretary's ability to make critical decisions regarding the ethical implications of research projects. Because ethical issues are so intertwined with biomedical research, this legislation will make it impossible for the Secretary to responsibly supervise and direct the scientific work of the NIH. By creating ethics advisory boards which are all-powerful, the legislation makes the Secretary and the entire executive branch of Government irrelevant in this area.

In conclusion, this bill misdirects and micromanages the NIH and will seriously disrupt the valuable programs of biomedical and behavioral research. For all of these reasons, I must oppose passage of H.R. 4. Let's send it back to committee and insist on a bill that is worthy of NIH and its mission.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. E.B. Johnson].

Ms. E.B. JOHNSON of Texas. Mr. Chairman, I want to voice my strong support for this legislation to reauthorize the National Institutes for Health. I am particularly impressed with the actions taken to rectify many of the shortcomings which have long put the health of women on the back burner.

Most of the research to date on virtually every disease has been accumulated from studies on male subjects only. The results of clinical studies on men has then been extrapolated to women, although these results are frequently not interchangeable. For instance, coronary disease is a glaring example of the inadequacies of this system. Although 250,000 women die every year from coronary disease, the misinformation has persisted that somehow women are immune to it. This legislation will ensure that no longer will women be excluded unnecessarily from clinical trials.

I also want to mention how pleased I am that this legislation will upgrade in status the National Center for Nursing Research. The proposed name change to the Institute for Nursing Research is an important signal to the medical community that nursing research has a permanent and important role within the mainstream of medical research.

Nursing is the largest health profession in the United States and nurses play a critical role in providing for the Nation's health care. And because nursing care is very cost effective, this role is certain to expand once health care reforms are made.

The National Center for Nursing Research, although established just 7 years ago, has already supported impressive research studies that address some of this Nation's most critical health problems. For instance, studies are underway to answer how nurses can help mothers-to-be prevent low birthweight babies. Other areas of significant study are how nurses can determine the extent of a child's pain, how nurses can assist mid-life women to better deal with the typical symptoms of menopause, and how older people can live independent lives as long as possible.

Thanks to the research underway at the National Center for Nursing Research, answers to these questions will be forthcoming in the near future.

Mr. Chairman, nursing research strongly emphasizes the prevention of disease and the promotion of health, so that problems can be prevented before they happen. These facets of health care—education and prevention—need to be better emphasized throughout the health profession as a whole. I wholeheartedly endorse the changes in this regard proposed by this legislation, and I hope each of my colleagues will stand behind these changes.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from the State of California [Ms. Pelosi].

□ 1620

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman for yielding this time and for his leadership in bringing this important legislation to the floor. Our colleagues, the gentlewoman from Connecticut [Mrs. Johnson], the gentlewoman from Connecticut [Ms. DeLauro], and the gentleman from Pennsylvania [Mr. Coyne], have said how important this legislation is and some of the important diseases that it will help address. I wish to associate myself with their remarks and requests for the increased funding in the reauthorization of NIH.

Mr. Chairman, in the course of the debate today we will be considering the Bliley amendment which would I believe add onerous conditions to the fetal tissue transplantation research provisions in this bill, and in support of the Waxman substitute, which would establish reasonable standards and safeguards.

Studies from across the world have suggested the benefit of fetal tissue transplantation for the treatment of Parkinson's disease and diabetes. This technique also has enormous potential for the in utero treatment of genetic disorders. Unfortunately, because of the ill-conceived political interference, very little of this research has been conducted in the United States. The Clinton administration, by lifting the ban on fetal tissue research, has acted to give new hope to those who suffer from these illnesses—and their families.

The Waxman substitute has realistic guidelines to protect women who may donate fetal tissue and patients receiving such transplants. Additional protection may be added through regulation after careful consultation with medical and scientific experts. The Bliley amendment attempts to create unnecessary barriers to restrict fetal tissue research. Let us put abortion politics behind us. I urge my colleagues to vote for hope—support the Waxman substitute and vote for H.R. 4.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from New York [Mrs. Maloney].

Mrs. MALONEY. Mr. Chairman, I rise today in support of H.R. 4, which will improve and expand women's health research.

Over the years the lack of funding for women's health research has been appalling, and this bill goes a long way to correct the problem.

This bill makes permanent the Office for Research on Women's Health at NIH, and it makes certain that future Presidents cannot undo the progress women have made at NIH in recent years.

Mr. Chairman, I am the mother of two young daughters, and I don't want them to grow up as I did—and as my generation did—basically in the dark about the major health risks women face.

Like every woman in America, my daughters deserve to know why breast cancer and reproductive cancers are killing hundreds of women every day and what they can do to protect themselves.

For me and for every mother in America, I support this legislation so that one day soon our daughters will have the answers that they demand and deserve.

Mr. BLILEY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, since my friend, the gentlewoman from California [Ms. Pelosi], for whom I have the greatest respect, mentioned my name, I would only point out that the terms of my amendment only restate what the bipartisan advisory commission itself recommended last year when they recommended that fetal tissue research go forward.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I am perhaps in a unique position relative to this bill here in the Congress. I have a doctorate degree in biological science. I have taught 4 years in medical school, 3 years in postgraduate medicine. I had a rich career in basic research, with over 100 papers in the open scientific literature. I then went into the applied research area in biomedical engineering and have 20 patents in that area. I was very privileged to work at the National Institutes of Health for 3 years, and then for a number of years after that I worked with grants and contracts from the National Institutes of Health. I am very, very supportive of the National Institutes of Health.

Mr. Chairman, the issue here is not whether NIH is a prestigious institution worthy of support. Of course it is. Let me rise in opposition to this particular bill though for two very specific reasons that I think only one who has worked in this area could understand, only a scientist.

There are two fatal flaws in this bill. One, there is far, far too much bureaucracy in the bill. There is far too much attempt to control. I know that these motives are well-intentioned, but this will work to the detriment of NIH and to the detriment of science.

There is another fatal flaw, and that is there is the notion that one can have directed basic research. Those two terms are mutually exclusive. If it is directed, it is not basic.

Mr. Chairman, I would plead with Members to vote against this bill and ask the committee to send back a bill that does not have the onerous minute control and regulation of this bill and that does not have the portions of this bill that will try to direct basic research.

One never, never knows in the pursuit of knowledge when there will be an enormous benefit to society as a result of basic research. Please do not place these impediments in the way of these good people at NIH and the scientists across the country. Please vote against this bill and ask the committee to bring back a good bill that we can support.

Mr. WAXMAN. Mr. Chairman, it is my pleasure to yield I minute to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I want to commend subcommittee Chairman WAXMAN and Chairman DINGELL for their persistence and diligence on H.R. 4, the NIH Revitalization Act, until we have finally belatedly and gotten to this day.

What do all of these diseases have in common, Alzheimer's, osteoporosis, and breast cancer? Nothing, Mr. Chairman, except that other issues, issues that should never stand in the way of research on human diseases have gotten in the way.

Finally we are through the controversies on fetal tissue, abortion, sex surveys and the rest. We are through the great controversial diseases, the diseases that have no power group. H.R. 4 assembles funding for research on the most neglected and most urgent health conditions and for many of America's most neglected people.

The Office of AIDS Research. More than 240,000 cases so far, at least 150,000 deaths. The Office of Research on Women's Health will focus the country and get us past the great neglect of women's diseases. The Office of Research on Minority Health to point us where health conditions are worse, and to help erase the awful disparities in health that are tied to color and to class.

Mr. Chairman, it is time, and I am pleased that we have finally reached this day after so much controversy.

Mr. BLILEY. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 4. I am very pleased that at long last we will pass into law, and I believe the President will sign, a bill that will make certain that women and minorities participate in all clinical trials and that more money will go to investigate diseases that are common to women and that in fact kill women in as large volumes each year as Americans died in Vietnam over the whole course of that war. So I am proud to support this bill and pleased as well that it puts into law not only the right to proceed with fetal tissue research, but the ethical safeguards that were adopted by the commission appointed by President Reagan in 1988 to assure the ethical governance of that research. It is not just fetal tissue research that is going to have to be governed thoughtfully and with careful examination, but research in many areas now is touching on very difficult ethical matters and requires passage of the governance provisions in this bill.

I am also very pleased that this bill specifically establishes centers for contraceptive research. The difficult issue of abortion has divided our society too long. The real answer to safe, effective, affordable, and available means of preventing conception. This research will make that possible.

Mr. Chairman, I commend the chairman and all those whose work has brought this bill before us for their fine work on this matter and support it with enthusiasm.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I rise in strong support of the National Institutes of Health Reauthorization Act of 1993 and urge my colleagues to join me in supporting this very critical bill.

We have before us today legislation reauthorizing the National Institutes of Health which contains critical provisions concerning women's health research. This bill contains provisions to expand research on breast cancer and other cancers. The incidence of breast cancer is increasing and will claim the lives of 46,000 women this year. If we are to move closer to understanding, treating, and ultimately curing breast cancer and other cancers that cause so much human suffering and loss of life, we must pass this bill. At the very least, this legislation would begin to correct many years of neglect.

I think it important to note this bill lifts the ban on fetal tissue research imposed under our past President by establishing a separate authority to allow NIH to unlock the mystery of debilitating diseases like Parkinson's and Alzheimer's with the inclusion of important safeguards against potential abuse of fetal tissue transplantation.

This bill is truly a human life bill that deserves your support.

□ 1630

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, here are just five good reasons to vote against H.R. 4.

First, cost: CBO estimates that enactment of H.R. 4 will result in outlays of $3.3 billion in fiscal year 1994; $6.5 billion in fiscal year 1995; $7.2 billion in fiscal year 1996; $4 billion in fiscal year 1997; and $799 million in fiscal year 1998. The authorization levels for the National Cancer Institute, the National Heart, Lung, and Blood Institute; the National Institute on Aging; the National Library of Medicine; and the National Research Service Awards exceed the levels provided for in the bill which passed the House last year.

Second, in addition to H.R. 4 allowing human fetal tissue transplantation to be performed using tissue from intentionally aborted children, H.R. 4 also nullifies a regulation requiring that in vitro fertilization experiments must first be reviewed by an ethical advisory board, which the Secretary of HHS currently has the authority to establish, before they can be federally funded.

Please note, Mr. Chairman, that no human in vitro research has ever been done with Federal funds because under the Carter, Reagan, and Bush administrations, the Secretaries of HHS were not inclined to fund experimentation with living human beings during the early stages of development. But they always had the authority to do so provided that the proposed research projects were reviewed and approved by an ethical advisory board.

Third, the ethical advisory boards section under this bill is at least arguably unconstitutional, insofar as it gives a board appointed by the Secretary of HHS authority over the Secretary's—and even the President's—decisions regarding funding of biomedical research. If the Secretary wants to decline funding a research project because of serious ethical considerations, but a majority of the ethics board convened does not "recommend that the Secretary withhold funds," he or she must fund it. This provision does not simply deal with policy decision, but with the parameters of legislative powers and authority.

Fourth, H.R. 4 effectively transfers to ethics advisory boards the waiver authority for the Secretary to permit research and experiments using living fetuses, in utero and ex utero, where greater than minimal risk is involved. How long will it be before an ethics advisory board moves from accepting the harvesting of tissue from a baby who has been aborted to a baby who is going to be aborted?

And most horrible fifth, H.R. 4 opens the door to the possible extraction of tissue from living fetuses. Moreover, with regard to the possible transplantation of tissue from living fetuses in Federal research projects, none of the safeguards concerning the woman's decision, directed donation, reimbursement of the abortionist, the timing and method of abortion, et cetera would apply.

Please, my colleagues, vote "no." This path that liberal philosophy takes us down will surely destroy our Nation.

Mr. WAXMAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to point out that the issue before us on fetal tissue transplantation research is not an abortion question. Abortion is legal in this country. There are people who have decided under certain circumstances that they want to terminate a pregnancy.

The issue is, after that pregnancy has been terminated, what will we do with that tissue of the fetus. It is dead. Just as a person who has died in an accident is dead. But we permit the organ of a person who has died in an accident to be used to give the gift of life to someone who otherwise will die. And in this case, we are asking that rather than take the fetal tissue that has resulted from the termination of a pregnancy and simply bury it or throw it in the trash, that we allow the use of that tissue for experimentation that may lead to cures for such terrible diseases as Parkinson's, diabetes, and Alzheimer's.

I hope Members will not be confused. This is not an abortion debate. It is a debate about the use of tissue after an abortion.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair would advise Members controlling time that the gentleman from Virginia [Mr. BLILEY] has 6 minutes remaining, and the gentleman from California [Mr. WAXMAN] has 13 minutes remaining.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding time to me. Mr. Chairman, this is supposed to be the year of change, according to the public and according to Members on the other side of the aisle. But the bill before us, the reauthorization of the National Institutes of Health, has not changed—it is still bad public policy.

This bill is singing the same old tune of last year—fetal tissue research, otherwise known as the death watch for many unborn children. It is a shame that the majority included this provision in the bill, it is truly poison. I have always been supportive of NIH and have great respect for the efforts of each institute, especially the National Cancer Institute. As a breast cancer survivor myself, I know the importance of research and prevention funding for all diseases. While I do not approve of many of the provisions in the bill, I do support the authorization of $400 million for breast and gynecological cancer and $72 million for efforts to expand and intensify research on prostate cancer. As most people know, both of these issues are extremely important to me.

Furthermore, I am pleased that Congress is finally willing to take that extra step by including women and minorities in health research. Participation of women and minorities in medical research can only further our commitment to find a cure for devastating diseases.

Unfortunately, these good programs are being overshadowed by a poisonous fetal tissue transplant program. Instead of using a compromise, like former President Bush initiated last year with the creation of a fetal tissue bank, the authors of this legislation have decided that Congress is no place for compromise and have sought to eliminate the bank. Furthermore, the bill codifies an Executive order signed by the new President, which will likely create a demand for aborted babies. I believe this is wrong and so do many women and men throughout the United States. Let me share with you a letter I received from a woman in Las Vegas in my State of Nevada. It reads:

> We need to do all we can to make abortions less advantageous, we must do everything possible to not encourage the use of aborted babies * * * I am 51 years old and could possibly benefit from the finding of studies of Alzheimer's et cetera. However, I would not want my life spared, or even discomforts eased, if it took the life of an infant. I would rather be disabled or dead.

Mr. Chairman, I believe this woman sums it up. She would not accept this language in the bill, and I will not accept the poisonous language in the bill. The sad thing about poison, no matter how great it may taste, it still is deadly. So, too, is H.R. 4.

Mr. Chairman, I urge my colleagues to recommit this bill to committee and demand change, change which includes the deletion of these provisions. It is good public policy to do this, and creating good public policy is why we have been elected. I urge my colleagues to vote against H.R. 4 and wait for legislation which will benefit all generations, living and future.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in support of the National Institutes of Health Revitalization Act. I am pleased that this bill will require all NIH grantees to include a representative sampling of women and minorities in their clinical research.

There is a critical need for research funding to go toward diseases that disproportionately affect women and minorities. Latinos and other minorities, for example, suffer from unusually high rates of diabetes, cancer, heart disease, tuberculosis, and AIDS. Families who have lost loved ones to these illnesses know better than anyone that funding for women and minority-related diseases must be maintained.

By codifying the Offices of Women's Health Research and the Office of Minority Health Research, we can help to guarantee that all minorities will be represented in health research.

I urge my colleagues to vote in favor of H.R. 4.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BRYANT], who is a very distinguished member of our subcommittee.

Mr. BRYANT. Mr. Chairman, I rise in support of this bill and commend Chairmen WAXMAN and DINGELL for their diligence in bringing this legislation to the floor today.

I particularly appreciate language affecting the National Cancer Institute's Cancer Control Program, which I requested at the encouragement of the Susan G. Komen Foundation and Mary Kay Cosmetics of Texas. Both organizations have worked tirelessly to eradicate breast cancer as a life-threatening disease by advancing research, education, screening and treatment.

The language would encourage—not mandate—that funding in the National Cancer Institute's Cancer Control Program include: Community-based programs designed to assist women who are members of medically underserved populations, low-income populations, or minority groups.

This provision is consistent with one of my main concerns in the current debate over health care reform: Providing proper health infrastructure to adequately address the access needs of currently underserved populations.

The NCI Cancer Control Program supports projects for the detection, diagnosis, prevention, and treatment of cancer and for rehabilitation and counseling respecting cancer. H.R. 4, as introduced, makes specific the use of this authority to support breast cancer, the second leading killer of women in the United States today.

The National Cancer Institute's 1994 bypass budget places high priority on the accessibility and delivery of state-of-the-art health care to women who, for reasons of age, race, culture, education, or most importantly poverty and lack of resources, are medically underserved.

The language I have proposed merely legislates that which the National Cancer Institute has already stated is one of its primary goals. NCI has confirmed this and favors the language.

A good example of such a program is the Dallas YWCA breast cancer education and screening project initiated in September 1990. The project's goals are to: Provide breast cancer education promoting early detection, and offer breast cancer screening—mammography—opportunities to economically disadvantaged women.

Community-based programs for breast cancer control, such as this, are necessary to address the disparity in breast cancer survival rates between white and minority women. The 5-year survival rates between black and Hispanic women in the United States is 64 and 71 percent, respectively, compared to 78 percent for white women. This difference reflects—at least in part—limited access to preventive health care experienced by women with low incomes.

The language included in this amendment will encourage programs like the Dallas YWCA's, and enable more women in medically underserved, low-income and minority populations to take control of their own lives.

Ms. WOOLSEY. Mr. Chairman, I rise today to commend my colleague from the great State of California, Chairman WAXMAN, for his work in crafting this important legislation. I urge by colleagues on both sides of the aisle to vote in favor of this bill.

H.R. 4 makes huge strides toward equity in women's health research. It includes women and minorities in clinical research trials, so that we can be sure that results from the trials are applicable to both sexes. It also permanently establishes the Office of Research on Women's Health at NIH, which will promote the inclusion of women as senior scientists and doctors as well as advise NIH on groundbreaking areas of women's health.

I would also highlight the increased funding for research on breast and ovarian cancer, osteoporosis, and infertility. This funding is crucial to provide a cure for the many millions of women suffering from these illnesses.

This legislation has literally been years in the making. It is a carefully crafted, well-thought-out bill, and I urge my colleagues to vote yes on final passage.

Ms. SNOWE. Mr. Chairman, it is with great pleasure that I rise today in support of the National Institutes of Health Revitalization Amendments Act of 1993. The passage of this legislation today, and its subsequent signing into law, will represent the most significant and comprehensive step toward real progress on women's health ever made by the Federal Government.

This is so because the NIH reauthorization bill contains seven provisions of the Women's Health Equity Act, an omnibus piece of legislation addressing women's health, first introduced by the congressional caucus for women's issues back in the 101st Congress. At that time, the caucus exposed NIH's egregious dearth of research on women's health issues and systematic exclusion of women in major clinical trials.

Many of my bills from the Women's Health Equity Act were incorporated into the NIH reauthorization including the permanent authorization of an Office of Research of Women's Health, and increased funding for research on osteoporosis, contraceptive, and infertility.

In the last 2 years, NIH has markedly enhanced its commitment to women's health issues by establishing an Office of Research on Women's Health and enforcing an internal policy on the inclusion of women in clinical trials.

And, I am certainly encouraged by and supportive of these developments. However, it is Congress' responsibility to make a permanent commitment to the women of this country by ensuring fairness in our Nation's premier health research system. With our support of the NIH reauthorization bill today, each of us will be expressing our commitment to American women and their different health needs.

Members of the House, this is a historic opportunity to correct past discriminatory policies and practices regarding women's health research at NIH. With the passage of the National Institutes of Health Revitalization Amendments Act, together we can forge a new and just path in our national health research system.

Mr. HOYER. Mr. Chairman, I rise in strong support of H.R. 4, the National Institutes of Health reauthorization. Among many important features, this excellent bill makes a groundbreaking Federal commitment to women's health research.

For several years now, some of us have been working to increase funding for long-neglected women's health concerns, including breast and ovarian cancer. We have made progress, but when nearly 65,000 women each year die from those two types of cancer alone, much more remains to be done.

This excellent bill goes a long way in that direction. H.R. 4 includes not only new authority for research on breast, ovarian, and other reproductive cancers, but also for osteoperosis, infertility, and contraception.

I am also enormously pleased that this bill requires the inclusion of women and minorities in clinical trials. For far too long, medical science hasn't had the data to know whether heart disease and other conditions affect men and women differently, requiring different treatment. This legislation will help put an end to this sad gap in our medical knowledge.

As a member of the Appropriations Subcommittee with jurisdiction over NIH, I am very much looking forward to following through on these excellent initiatives. Finally, I would like to commend Chairman WAXMAN and his fine staff for the vision and determination it has taken to produce H.R. 4. Their years of work are greatly appreciated and are, I believe, an important investment in the future health of this Nation's women.

Mrs. LLOYD, Mr. Chairman, I rise in strong support of the National Institutes of Health Reauthorization Act of 1993 and urge my colleagues to join me in supporting this very critical bill.

We have before us today legislation reauthorizing the National Institutes of Health which contains critical provisions concerning women's health research. This bill contains provisions to expand research on breast cancer and other reproductive cancers. The incidence of breast cancer is increasing and will claim the lives of 46,000 women this year and we still know very little about its cause or cure. If we are to move closer to understanding, treating, and ultimately curing breast cancer and other cancers that cause so much human suffering and loss of life, we must pass this bill. At the very least, this legislation would begin to correct many years of neglect.

In June 1991, I joined with my colleagues on the congressional caucus for women's issues to challenge our medical research community to find the causes and cure for breast cancer research by the year 2000. Dr Sam Broder, director of the National Cancer Institute, accepted our challenge provided the institute be given the resources to succeed. H.R. 4 contains the fuel needed to keep those NCI research fires burning in order to rid breast cancer from the lives of women through an increased emphasis on basic and clinical research, through the development of innovative programs to attract talented scientists, and through improved education and outreach efforts.

This bill includes language to overturn the ban on fetal tissue research imposed under our past President by establishing a separate authority to allow NIH to unlock the mystery of debilitating diseases with the inclusion of important legal safeguards against potential abuse of the use of fetal tissue. We read about important medical breakthroughs that give hope to afflicted patients and their families. These advances do not occur overnight. They are the result of years of adding to our existing building blocks of knowledge. The use of this tissue is considered critical by our medical research community for research to treat incurable debilitating diseases.

I am pleased to note the bill incorporates language which I introduced with my colleagues, Representative WYDEN, former Representative Downey, and Senators Adams and BINGAMAN which will provide studies on malnutrition in the elderly. Not only does malnutrition affect the health and quality of life of older Americans, it also is a cause of often preventable institutionalization. One study will address cost-effectiveness and efficacy of nutrition screening among our older population. A second study will take a look at the causes of malnutrition among the institutionalized elderly as well as individuals living independently within the community.

I feel strongly that strengthening our Nation's research commitment is fundamental to health care reform in this country. The adoption of this legislation would be good news for Third District Tennesseans who suffer with such diseases. This bill is truly a human life bill that deserves your support.

Ms. VELÁZQUEZ. Mr. Chairman, I rise today in strong support of H.R. 4, the National Institutes of Health reauthorization bill. This bill will have an enormous impact on the future health status on this Nation. In particular, the measure represents a giant step forward for women's health research.

The NIH bill would provide $6.6 billion for NIH-related activities, including over $500 million in special cancer initiatives. The bill recognizes the importance of early detection in breast cancer, and therefore sets aside $225 million for this purpose, as well as $100 million for breast cancer detection and prevention.

On January 22, President Clinton issued a memorandum directing the Health and Human Services Department to lift the ban on fetal tissue research. The NIH bill follows this important action and provides strong safeguards to ensure that fetal tissue is ethically obtained, and allows the advancement of research to help alleviate the pain suffered by those afflicted by Parkinson's disease, spinal cord injuries, and Alzheimer's disease.

For many years clinical trials have been conducted in this country using solely white males as the subjects. The NIH bill reverses this long-standing bias by including women and minorities in clinical trials, where appropriate. I shudder to think of the number of women and minorities whose ailments went untreated simply because their symptoms did not mirror those of white males. I am proud to see that our communities will finally be acknowledged as having distinct health needs.

This bill also provides $100 million for the emergency AIDS research fund. Trends in AIDS diagnosis and HIV infection show that the virus will continue to disproportionately impact communities of color, particularly the African-American and Hispanic communities. In 1991 the total number of reported AIDS cases rose 5 percent over the previous year, but increased by 11.5 percent in the Hispanic community and 10.5 percent in the African-American community. Sadly, these figures don't tell the whole story—there are countless numbers of our people who do not know that they are infected and others who refuse treatment for a host of reasons. Within the Puerto Rican community, there are HIV-positive individuals who accept this infection as their fate, their destiny, and subsequently will not seek treatment. These are the people who we must reach, must count, must educate, and must treat.

The National Institutes of Health is of vital importance to the future health of our country. We must move into the 21st century with aggressive research that will help save the lives of millions of Americans. I urge my colleagues to vote in favor of the NIH reauthorization bill.

Mr. VENTO. Mr. Chairman, I rise today in support of H.R. 4, the National Institutes of Health Revitalization Act of 1993. Once again, I am pleased to have the opportunity of voting for a delayed but important legislation which has survived many hurdles, including a Presidential veto, in order to finally be headed for enactment today. The legislation contains important provisions relating to women's health, reauthorizes institutes within the NIH—the major institution for federally funded biomedical research—and directs the Office of AIDS Research to develop and implement a coordinated research plan. H.R. 4 has been held up in the past over the controversy surrounding fetal tissue transplantation research. This important research holds great promise for finding treatments for Parkinson's disease, diabetes, and Alzheimer's disease and this legislation would allow research to take place while implementing important safeguards to prevent abuse.

What has been lost in the significant controversy over fetal tissue transplantation research is the meaning of this legislation for women's health. Medical research on diseases specific to women and the special impact of conditions such as heart disease which affect women have been disregarded during decades of research effort. This neglect has resulted in a lack of knowledge about women's health and the loss of many lives. Congress takes significant steps through this legislation, increasing the equity of such medical research and improving the information available on women's health. Women in our Nation, of course, comprise more than half of the population and participate fully in all responsibilities of our society yet women are not receiving the full benefit of nationally tax funded medical research.

The National Institutes of Health Revitalization Act includes significant measures relating to women's health research. This legislation would permanently establish the Office of Research on Women's Health at NIH, which was created in 1990 after considerable congressional pressure. The Office for Research on Women's Health at NIH will focus on oversight and coordination of efforts at NIH to improve women's health research, shielded from the arbitrary action of any administration. H.R. 4 would also require that women and minorities be included as research subjects in NIH-sponsored clinical trials.

The bill provides for expanded research and new authorities for research on breast, ovarian and other reproductive cancers, osteoporosis, and contraception and infertility. It is vital that we increase the attention and the resources directed toward research in these areas. At a hearing held last year, by the House Select Committee on Aging, Subcommittee on Health and Long-Term Care, members learned that overall breast cancer incidence rates have increased 3 percent a year since 1980. Women who die of breast cancer are losing an average of 20 years of life. This legislation will help us to research, understand and reverse this tragic trend.

This bill fits well with our current goal of health care reform, of access to care and cost containment. H.R. 4 will broaden the information available to us on the health care needs of more than half of the population and will greatly increase the likelihood of prevention, early detection, and successful treatment of many diseases affecting women.

Mrs. MINK. Mr. Chairman, I rise today to join my colleagues in strong support of H.R. 4, the National Institutes of Health Revitalization Act of 1993. And I call on the Members of this House to support the rule and reject measures to delay this bill further with extraneous issues that are not appropriate at this time.

Many of us, particularly the women in Congress have worked very hard over the last 2 years to pass this legislation. Last year we were blocked by an unsupportive administration; and now with President Clinton on our side it is essential that we move quickly to pass this legislation. The lives of many women, men, and children across this Nation depend upon the aggressive, proactive research policies established in this act.

H.R. 4 includes the most comprehensive initiative to address the century-long history of inequities and discrimination against women in the area of biomedical research. This includes:

The permanent establishment of the Office of Women's Health Research;

More research dollars for ailments that affect women, such as breast and ovarian cancers, osteoporosis, and difficulties involving contraception and fertility;

Policies to encourage the inclusion of women and minorities in clinical trials and research;

The establishment of the National Institute for Nursing Research, which acknowledges the importance of nurses and their role as health care providers; and

The establishment of State cancer registries which will help tract the genetic link of some cancers, such as ovarian and breast cancer.

Mr. Chairman, I have a very special interest in this bill. Since I returned to the Congress in 1990, one of my priorities has been to increase Federal funding of research on ovarian cancer. Ovarian cancer is perhaps the most glaring example of the past neglect and disregard for women's health needs.

As ovarian cancer continues to threaten over 21,000 women each year, there is still no early detection test to diagnose this disease in its early stages. The result is that two-thirds of the women with this terrible disease will die.

In the 102d and the 103d Congress I introduced legislation to increase Federal dollars for ovarian cancer research, and I am pleased that the bill the Mr. WAXMAN and his committee has produced is in line with my legislation and will provide for $75 million for research on ovarian and other reproductive cancers. When this bill becomes law, and I am confident that it will, I urge the National Cancer Institute to use this increased authorization of funds to direct more resources to ovarian cancer research, specifically to finding an early detection test.

Mr. Chairman, last year political battles over small portions of this legislation prevented this bill from becoming law. We cannot allow this to happen again. I urge my colleagues to vote for the rule and support final passage of the National Institutes of Health Revitalization Act of 1993.

Mr. DINGELL. Mr. Chairman, I rise today in support of H.R. 4, the National Institutes of Health Revitalization Amendments of 1993.

The bill before us today is one of great importance to the quality of our Nation's future health care and to the quality of health care currently available. NIH is one of the foremost biomedical and behavioral science research centers in the world. Each year, important advances in medical science result from NIH-sponsored research. These breakthroughs will greatly reduce the enormous burden of human suffering and economic loss inflicted by illness.

This bill reauthorizes important NIH programs such as the National Cancer Institute, the National Heart, Lung, and Blood Institute, and the National Research Service Awards Program; addresses a wide variety of health research issues; and issues new mandates for research that has not received sufficient attention in the past. For example, the bill:

First, mandates that the health problems of women and minorities be properly considered;

Second, increases the funding authorized for research on breast and ovarian cancer;

Third, provides new authorization of appropriations for the National Institute on Aging;

Fourth, brings a heightened priority to our national AIDS research program; and

Fifth, provides for human fetal tissue transplantation research.

The bill also responds to an issue of deep concern to me—that of research misconduct. To ensure that NIH has mechanisms in place to adequately guard against such misconduct, this legislation establishes an Office of Research Integrity to investigate allegations of research misconduct. Further, if contains provisions to protect whistleblowers who report cases of alleged misconduct.

Last year the House passed this important bill. However, President Bush, in his infinite wisdom, chose to veto this bill and deny those who suffer from incurable, debilitating diseases such as Parkinson's disease, Alzheimer's disease and diabetes the hope and promise of the benefits of critical research that could lead to treatment or cures for these diseases. We cannot afford to delay any longer. We need to reauthorize NIH now.

There are few other investments of the Federal dollar that can be so productive and can so significantly affect the quality of life and health care for all Americans. This investment in biomedical research will help us obtain the scientific knowledge we need to prevent and treat disease, to prolong life, and to reduce health care costs. I wish to thank my colleague, Congressman HENRY WAXMAN, for his hard work and perseverance on this bill. I strongly support this legislation and urge you, my colleagues, to do likewise.

Ms. ESHOO. Mr. Chairman, women have been shortchanged when it comes to Federal health research.

Whether it's funding for womens' health problems or the exclusion of women in clinical research trials, our Nation's basic biomedical research policy comes up short.

Clearly, womens' health needs differ significantly from men.

Yet, historically, basic biomedical research decisions have failed to reflect this fact.

Today we have the opportunity to redress many of these problems and I urge my colleagues to seize this opportunity.

The NIH revitalization bill contains critically needed funds to study breast cancer, other gynecological cancers, and osteoporosis.

It requires the inclusion of women and minorities in clinical research trials.

And it permanently establishes the office of research on women's health and other programs to help increase the number of women in biomedical research.

Mr. Chairman, today we have the opportunity to finally give the women of America the hope and the action they need to address their long-forgotten health needs.

I urge my colleagues to support the NIH reauthorization today.

Mrs. MEEK. Mr. Chairman, I rise in strong support of H.R. 4, the NIH Revitalization Amendments of 1993. The time has finally come for the Congress and the administration together to provide the necessary leadership in setting policy for the National Institutes of Health. This bill is another sign that the gridlock in Washington is over.

I am particularly pleased by the provisions included in H.R. 4 dealing with the inclusion of women and minorities in NIH-funded research. It is astounding that it has taken so many years to recognize the deficiencies in research which looked only at male subjects. The establishment within NIH of the Office of Research on Women's Health in 1990 was an important step in correcting the inadequacies of the past. The legislation before us today establishes this office in law. This is not a merely a symbolic gesture. The Office of Research on Women's Health has important work to do to ensure that women are represented in studies and to promote increased research into diseases and conditions that afflict women. Although women have longer lifespans than men, it cannot be denied that women generally have worse health than men. They are more susceptible to chronic illness, and some health problems are unique to women or affect than differently than they affect men.

H.R. 4 requires the inclusion of minorities as well as women in clinical research trials. In 1989, the life expectancy for African-American men was 64.8 years, nearly 9 years less than the life expectancy of white males. The life expectancy that year for African-American women was 73.5 years, almost 6 years less than the expected lifespan of white women. These stark statistics tell us that the health of African-Americans needs more study and more action.

I have a particular interest in diseases which seem to affect African-American women more than other segments of the population. Twice as many African-American women die of stroke than do white women. Death rates from coronary heart disease are higher. Lupus strikes African-American women three times the rate of white women. These are just some examples where glaring differences indicate the need for more attention to be paid to this too often neglected group in our Nation.

Mr. Chairman, H.R. 4 is a great accomplishment, and I wish to congratulate the chairman of the Health Subcommittee, Mr. WAXMAN, for his persistence and dedication to making improvements in our national health research efforts. We are close to the end of a long and arduous legislative process, but this bill represents a beginning rather than an end. It marks the beginning of a new era in health research, and we must keep on guard to make sure the goals of this legislation are achieved in years to come. I urge my colleagues to support H.R. 4.

Ms. HARMAN. Mr. Chairman, it is beyond debate that fetal tissue research has the potential to yield life-saving and pain-saving treatments for some of our most debilitating diseases like Alzheimer's and Parkinson's. Anyone who has tended for a sick parent or friend knows the havoc that these neurodiseases can wreak on an entire family. Unfortunately, this vital research has been held hostage for many years by those who would confuse and sensationalize the issue. Fetal tissue research should not be turned into a political football.

The assertion that fetal tissue research will increase the number of terminated pregnancies not only has no basis in fact, it is insulting to women in this country who face unplanned pregnancies and make the best decisions they can for themselves and their families. Nothing will reduce the number of unwanted pregnancies except more emphasis on prevention and education. We need full funding of title X programs, and more support on the State and local level for high quality, affordable family planning and family life education programs.

Scientific research should be funded solely on the educated hope that it has a chance for success—that it will help eradicate disease or ease the pain of sufferers. Fetal tissue research has a very good chance of doing just that; hence the support it receives from every major medical organization and numerous patient advocate groups. Do not let it be derailed by ignorance, or misguided political grandstanding. Don't stand by and allow the victims of Parkinson's and Alzheimer's diseases to suffer any more than they already have.

I want to commend President Clinton and Chairman WAXMAN for their leadership on this issue, and urge my colleagues to oppose any reimposition of the ban on fetal tissue research.

Let me note, further, that H.R. 4 will establish the Office of Research on Women's Health at the NIH. This Office, with its authority to implement the women's health initiative, is long overdue. For decades now, vital research in breast and gynecological cancer has not received the attention it deserves. Similarly, contraception and infertility research has not been given the resources needed. This bill will fund these vital programs, and for the first time actively address the unique health problems suffered by millions of women. NIH has long been a site for heroic innovation and research, and it is high time that it began to devote the needed resources to the majority of our population.

I commend the work of the Committee on Energy and Commerce and I urge strong support for H.R. 4.

Mr. KING. Mr. Chairman, I rise to express strong and enthusiastic support for the breast cancer study provisions of H.R. 4, the National Institutes of Health Revitalization Act. This measure would provide for an important and long overdue study of the environmental causes of breast cancer in Nassau and Suffolk Counties, areas in which there is an alarmingly high incidence of breast cancer among women aged 35–52.

While the breast cancer epidemic has been called this Nation's best kept secret, it is no secret in my Nassau County district. Within New York State, Long Island has the highest mortality rates for breast cancer. From 1984–88, the breast cancer mortality rate for one particular group in Nassau was 16 percent higher than that of New York State and 36 percent higher than that of the Nation.

Last year, 180,000 new cases of breast cancer were reported. This best kept secret took 46,000 lives.

While breast cancer continues to take its tragic toll throughout the Nation, the fact is, women in Nassau County face even greater odds of being stricken. In December 1992, a study released by the Centers for Disease Control and Prevention recommended that "Long Island be considered for inclusion in studies done by the National Cancer Institute to examine why breast cancer mortality is higher in the Northeast."

I am pleased that action is finally being taken to address this epidemic. The National Cancer Institute study is of great importance in that it is the first of its kind to specifically investigate the environmental factors which may contribute to this disease. Due to the alarming incidence of breast cancer on Long Island, I believe that it is a natural for inclusion in NCI's comprehensive study.

Mr. Chairman, it is only through improved public awareness and more focused medical research that we can defeat this dreaded disease. I urge my colleagues to join me in supporting the National Cancer Institute's Nassau-Suffolk breast cancer study.

Mr. STUDDS. Mr. Chairman, I rise in strong support of this bill. Its passage by the Congress and expected signing by President Clinton bring to an end the frustrating gridlock that—for 5 years—has prevented us from reauthorizing important NIH programs.

There are a number of provisions in this bill on which I would like to focus special attention.

First, I am particularly pleased that this measure authorizes an additional $472 million in fiscal year 1994 for programs that target breast, ovarian, and prostate cancers. Of these funds, $225 million would be for basic research on the causes of breast cancer, $100 million for breast cancer detection, prevention, and treatment programs, $75 million for ovarian and other cancers, and $72 million for prostate cancer research, detection, and control.

The bill also establishes an Office of Research on Women's Health and requires the appropriate inclusion of women and minorities in clinical research studies. These provisions, together with increased funding for cancer programs, will help us bring more resources to bear on these devastating diseases that are bringing tragedy to more and more American families.

Second, the bill revitalizes the entire AIDS research effort at NIH by authorizing the Office of AIDS Research [OAR] to develop a comprehensive plan for coordinating research across Institute lines. Unlike most major diseases, AIDS is a syndrome which affects many different organs and biological systems. As a result, responsibility for AIDS research is shared among the 21 Institutes. The cross-fertilization which results is of tremendous benefit to our overall understanding of the disease. However, there is an urgent need for strategic planning and coordination to ensure, on the one hand, that valuable scientific opportunities are not missed, and, on the other, that wasteful duplication is avoided.

The bill will set in motion a process by which this goal can be achieved, by: first, directing the President to appoint a full-time Director of the OAR; second, investing the Director with the authority to establish a comprehensive, long-range plan for AIDS research, with the Institute Directors retaining responsibility for approval and administration of specific programs; third, authorizing the Director to submit directly to the President, in consultation with an AIDS Research Advisory Council, an annual budget for AIDS research; and, fourth, empowering the Director to approve additional expenditures out of an emergency discretionary fund, so that urgent research opportunities are not lost.

I also commend the authors of the bill for including among the AIDS research provisions specific language concerning behavioral and social sciences research related to AIDS. This research is of vital importance to any serious, comprehensive program to conquer the disease, and is all too frequently overlooked in our quest for biomedical solutions.

The AIDS provisions in the bill are patterned, in part, on the strategic planning process which we established under the National Cancer Act of 1972. That statute authorized the National Cancer Institute to submit a scientifically justified bypass budget directly to the President. This process has been in operation for over 20 years, and has succeeded admirably in advancing the goals of cancer research at NIH. Such will surely be the case with AIDS research as well, and the provisions deserve our strong support.

Third, H.R. 4 includes a provision, inserted at my request, which directs the NIH Director to conduct research into methods of research and experimentation that involve the use of marine life. We have learned over the years that, frequently, marine organisms are an ideal alternative to the use of animals—a controversial and expensive research method. The provision in this bill recognizes the important role that marine science laboratories and marine species play in biomedical research.

For years, the spinal cord of the lowly squid has helped in the study of nerve impulse conduction. Sand dollars, starfish, and sea squirts have given us much needed knowledge about embryology. We are learning more about human diabetes from studying insulin production in the pancreas of the toadfish and goosefish and studies of cell division in clams, urchins, and sea squirts is increasing our knowledge of AIDS.

There is great potential for marine biotechnology as a contributor to health technology and the Nation's economy. I am fortunate to have in my district a number of institutions actively engaged in this work; this provision will give them and their counterparts around the country an extra boost while providing the medical community another important research tool.

This NIH reauthorization bill is long overdue and I urge my colleagues to give it their strong support.

Mrs. KENNELLY. Mr. Chairman, I rise today in strong support of H.R. 4, the National Institutes of Health Revitalization Act. At a time when so much of the discussion in this country is focused on health care, it is appropriate that we provide support for programs within the National Institutes of Health. Action taken at NIH will aid in the research and prevention of diseases and help us become a healthier nation.

This legislation is especially important to American women. Over 2.5 million women in this country have breast cancer. Provisions in this legislation will support increased basic and clinical research to help fight this dreaded disease. In addition, programs at NIH will help fight other diseases that are a major concern for women including ovarian and reproductive cancers, as well as additional research on osteoporosis and other bone disorders. The past several years have brought increased attention to the research and study of diseases which affect women. The funding in this bill will allow this work to continue.

Providing support for medical research is essential in combating these diseases as well as other health challenges we face. Research which has been performed at NIH over the years has enabled science to make great strides in the development of treatments and cures. The funding we provide the NIH today is guaranteed to save lives tomorrow. I urge my colleagues to support this bill.

Mr. MFUME. Mr. Chairman, the National Institutes of Health [NIH] is our Nation's premier medical research center. The environment of the Institutes fosters the scientific creativity enabling first-class scientists and medical practitioners to develop medical advances that benefit not only Americans, but citizens around the world. Indeed, the National Institutes of Health has been called the premier biomedical research center in the world.

The National Institutes of Health have time and again proven their mettle. NIH scientists work at the cutting edge of biomedical research. One critical example is their conducting of the most advanced AIDS research in the country. NIH researchers were pivotal in bringing the disease to the forefront of the Nation's health care agenda. Without data collected by the National Cancer Institute, identification of the HIV virus would have been significantly delayed, thereby stalling critical preventative measures.

By reauthorizing the National Institutes of Health at appropriate funding levels, we can demonstrate to the world our pride in the premier status of the U.S. medical and scientific community and our determination to remain on the cutting edge of biomedical research. We can demonstrate that our Nation is competitive on many fronts, including that of biomedical research.

Politics should not be allowed to interfere with funding of this crucial research institute. Let us resolve our differences on programs funded through this authorization and agree on a generous reauthorization. We cannot afford to undermine the existing and future accomplishments of this indispensable Institute through shortsightedness. Nor can we shortchange the many beneficiaries of the medical innovations and cures advanced by the Institutes.

Of particular concern in this reauthorization debate is the extent to which fetal tissue research should be conducted and controlled. It is imperative that research and beneficial medicinal treatments not be impeded by overly restrictive constraints. At the same time, precautions must be taken to ensure that fetal tissue will not become treated like a commodity to be bought and sold. The unamended version of the bill has adequate safeguards to prevent this from occurring without imposing burdensome administrative requirements on the patient and physician. We should not set a precedent for impeding medical research as we approach the 21st century.

I take great pride in representing the State that is home to the National Institutes of Health. The presence of the Institutes helps place Maryland in the top tier of States promoting biomedical research. Biomedical research generates medical cures, high-skilled jobs, and brings valuable funds to the areas where it is conducted. Most importantly, it serves a critical function in our society and leads to an improved quality of life by promoting public health and saving lives.

Mr. STUDDS. Mr. Chairman, I wish to place on the record my strong opposition to the Johnson amendment, which seeks to deny further funding to Project Aries, a Washington State research program supported by the National Institute of Mental Health. The amendment is yet another attempt to transfer to politicians a decision which belongs in the hands of trained professionals. It is scientists, not Members of Congress, who are qualified to evaluate the merits of scientific research. By overruling the considered judgment of the scientific community, the sponsors of this amendment seek to extinguish a valuable program which is saving lives.

The research program singled out by the amendment, known as Project Aries, seeks to reduce transmission of the AIDS virus among gay and bisexual men and among women who engage in sexual relationships with bisexual men and are often unknowingly at risk.

Contrary to the propaganda that has been circulated by opponents of this program, Project Aries is not a telephone sex line. It is a telephone counselling service which uses trained therapists to promote safer sexual practices within the target population, including abstinence.

The telephone enables the project to ensure confidentiality to individuals who are unwilling to be identified, and to reach many individuals who are geographically isolated from conventional AIDS prevention programs.

The program is endorsed by the National Institute of Mental Health and the Washington State Public Health Office. It has been subjected to a rigorous process of peer review. In the professional judgment of the scientists themselves, Project Aries represents sound science and enlightened medical policy. With so much at stake, we must not substitute our judgment for theirs.

It is time to stop playing politics with people's lives. I urge my colleagues to reject the amendment.

Mr. GALLO. Mr. Chairman, today I rise in support of H.R. 4, the National Institutes of Health Revitalization Act of 1993. The NIH has been in place since 1937 and we cannot forget the extraordinary value its work has added to alleviating human suffering through its research and discoveries. For example, the NIH can claim responsibility for having developed vaccines for polio, rubella, whooping cough, and measles. Today, in the Western Hemisphere, we rarely hear of these diseases which, when vaccinated for, show staggering cost savings in health care and prevent enormous human suffering.

I am also pleased that H.R. 4 codifies the Executive order signed by President Clinton on January 22, 1993, that eliminates the ban on Federal funding of medical research using fetal tissue from elective abortions. While lifting the ban, this legislation also provides important safeguards that prohibit the purchase or sale of fetal tissue; directed donations of tissue, including donations to relatives; and, any interference with abortion procedures for the purpose of obtaining fetal tissue.

With these safeguards in place, I believe that this legislation strikes the appropriate balance between the ethical issues involved and the importance of advances made in critical medical research.

This has been a very emotional and divisive issue in our Nation. I believe, however, that for the future success of combating disease and illness in the United States and the world, the NIH must take a direct role in medical research that holds some promise for curing diseases such as Parkinson's, Alzheimer's, and diabetes. For too long these diseases have continued to cause great harm to our families, friends, and society.

Finally, Mr. Chairman, this bill contains other significant elements that I believe are essential to promoting equality in medicine. It establishes new mechanisms to ensure that women and minorities are included as subjects in NIH-sponsored clinical research, and it requires that all AIDS funds be allocated through the office of Director of NIH to coordinate and oversee all NIH AIDS-related research.

For these reasons, I must support H.R. 4. The United States has made tremendous strides in leading the way to wipe out destructive diseases and I, wholeheartedly, believe we must continue along this avenue for the good of all Americans.

Mr. LAZIO. Mr. Chairman, I rise to express my support for H.R. 4, the National Institutes of Health Revitalization Act of 1993. I congratulate our colleagues, Mr. WAXMAN and Mr. BLILEY for their leadership in bringing this important legislation to the floor. One of our greatest responsibilities as elected representatives is to safeguard the health of Americans. H.R. 4 works to satisfy this obligation.

I especially want to thank Chairman WAXMAN for using his good offices to facilitate the inclusion of a provision requiring a study of the abnormally high rates of breast cancer incidence and mortality in Nassau and Suffolk Counties, Long Island. This legislation requests NIH to isolate for special review the statistical information of these counties and two others to determine the relationship of environmental and other factors to breast cancer. The unexplained high incidence of breast cancer on Long Island is of particular concern to myself as it is to those of you whose districts face similar circumstances. This investigation will ultimately benefit all individuals at risk from these maladies.

Breast cancer affects one out of every nine women in the United States. It has the awful distinction of being the most diagnosed cancer in the country and is second only to lung cancer in the number of cancer deaths nationwide. The National Breast Cancer Coalition reports that 1.8 million women are suffering from breast cancer today; 46,000 of these women may die this year from breast cancer—120 deaths a day or one every 12 minutes.

Several Northeastern States face higher than average breast cancer incidence and mortality rates. The situation on Long Island exceeds New York State and national averages in both respects. In fact, the mortality rates for some groups of women in Nassau County and in Suffolk County are 36 and 25 percent above the national average respectively.

While several factors have been identified in contributing to breast cancer incidence and mortality rates, 80 percent of women diagnosed with breast cancer fall into no known risk category. Studies such as the one proposed are absolutely necessary if we are to cope with and conquer this killer.

The seriousness of the situation on Long Island provides a much needed opportunity to isolate and study the effects of environmental and other factors on breast cancer incidence and mortality.

Mr. Chairman, I urge passage of this significant legislation.

Mr. STRICKLAND. Mr. Chairman, I commend Mr. WAXMAN for offering the amendment to statutorily establish the existing Office of Alternative Medicine within NIH. The study of these techniques, utilized by many in the medical community, will provide the necessary evaluative data to present these techniques as additional tools in the delivery of health care services.

Physical manipulation therapy, one tool utilized today by many doctors of osteopathic medicine, is acclaimed by patients and scientists alike. Osteopathic science is defined as the science that recognizes and treats the natural forces of the human body.

Osteopathic medicine is a true American science that began in this country more than 100 years ago. At Ohio University in Athens, OH, we have a well-respected school of osteopathic medicine, which was established to train doctors to serve rural Americans' health care needs.

In their own words, "Osteopathic physicians combine conventional, medical, surgical, and obstetrical practices with joint and soft tissue manipulation, physical therapy, exercise, postural re-education and other techniques to restore the structural balance of the musculoskeletal system, helping the body to regain a healthy state and fight disease."

Osteopathic medicine is more than just an alternative medicine. In the treatment of patients with lower back pain, an osteopathic doctor utilizes their training and skill to maximize the effectiveness of medication through the manipulation of the bodies structural components. Through this holistic approach, osteopathic medicine takes into consideration the body's innate ability to heal itself when provided with the appropriate medical resources.

I commend the osteopathic medical community for their training of primary care physicians and general practitioners. Currently, over

70 percent of practicing osteopathic doctors are internists, primary care doctors, or general practitioners. This commitment to total patient care has positioned osteopathic doctors to play an important role in our future health care delivery system.

The establishment of the Office of Alternative Medicine within NIH is an important first step in funding research into the principles of manipulation therapy, so it may become more widely utilized in the health care community. Again, I commend my colleague, Mr. WAXMAN, for initiating this first step.

Mr. FAZIO. Mr. Chairman, I rise in support of H.R. 4, the bill that will reauthorize funding for the institutes, centers, and divisions of the National Institutes of Health [NIH] for the first time since 1988. If H.R. 4 is enacted, it will enable America's top scientists and researchers to continue the crucial research that will lead to the new knowledge necessary for preventing, detecting, diagnosing, and treating disease and disability.

H.R. 4 is a controversial bill because of its fetal tissue transplantation research provisions. In 1988, the Reagan administration banned funding of research performed on transplanted fetal tissue obtained through induced abortions. This ban went into effect—supposedly temporarily—pending recommendations of an NIH advisory committee. Subsequently, this very same Reagan-appointed advisory committee determined that this research is acceptable, so long as ethical guidelines are developed. And last year, Reagan's Secretary of Health and Human Services—who originally ordered the ban back in 1988—came out of retirement to say that the ban should have been lifted years ago. But nearly 5 years later, up until President Clinton lifted the ban in January, we were still stifled by the Reagan moratorium.

H.R. 4 is controversial because it upholds President Clinton's directive and makes his lifting of the research ban the law of the land. Opponents of this research argue that it increases the number of abortions in this country. Yet, it has been documented that countries in which fetal tissue transplantation research is supported experience no abortion increase. Opponents also maintain that this research will create a demand for fetal tissue. But the ethical provisions in H.R. 4 ensure that a woman's decision to have an abortion remains separate and distinct from the decision to donate the resulting tissue to research. And these ethical provisions apply to both the public and private sectors.

Opponents of this critical research ignore the fact that it holds tremendous promise for a number of incurable diseases and conditions, including Parkinson's disease, diabetes, Alzheimer's disease, and epilepsy, as well as for the prevention of birth defects. Doctors have found that, if fetal tissue is transplanted into a diseased or disabled part of a patient's body—such as the brain of a Parkinson's disease victim—the fetal tissue cells may begin to function as units of the patient's disabled organ, causing the patient's health to improve. Unlike adult cells, transplanted fetal cells are not rejected by the patient's body. As a result, there are people whose lives are unalterably changed by the impact of fetal tissue research—adults and children—both born and unborn—whose lives are extended due to fetal tissue transplants. Because of the promise that fetal tissue research holds for the treatment of so many life-threatening conditions, the research provisions in H.R. 4 have been endorsed by numerous academic, scientific and health-related organizations, including—but not limited to—the Alzheimer's Association, the American Diabetes Association, the American Medical Association, the March of Dimes Birth Defects Foundation and the Parkinson's Disease Foundation.

The controversy surrounding fetal tissue transplantation research generates a lot of attention. But what we need to focus on is the essence and substance of the work that is done at NIH—the work that this bill authorizes. For example, NIH research encompasses juvenile diabetes, as well as heart disease and arthritis in our children, and results in immunizations against the infectious diseases that threaten them. It has resulted in decreases in both heart disease and stroke mortality in Americans of all ages.

H.R. 4 continues in this tradition by providing for research on the development of new and improved childhood vaccines, as well as on juvenile arthritis, multiple sclerosis and nutritional disorders and obesity. The reauthorization also streamlines and coordinates AIDS research, avoiding wasteful duplication and paving the way for a more efficient approach to combatting this deadly disease.

Recognizing that, in the course of a lifetime, 1 in every 3 Americans is expected to contract some form of cancer, H.R. 4 includes a provision enabling all states to set up cancer registries—for all cancers—operating under uniform standards. It also expands research for cancer, fertility and contraception, and osteoporosis—a disease to which so many American women fall prey and which is a major cause of chronic disability in our elderly.

One out of every 9 women in this country will develop breast cancer; this year alone, tens of thousands of American women will die from this terrible disease. Therefore, H.R. 4 establishes the first congressional program targeted specifically at breast cancer prevention and cure. It increases research on the causes and prevention of breast cancer, ovarian cancer and other cancers of the female reproductive system. It also requires that women and minorities be included in clinical research studies, where appropriate, and establishes a permanent Office for Research on Women's Health within the NIH. There is also a provision that increases research and prevention programs in prostate cancer, a disease that is diagnosed in 132,000 American men every year and that kills 34,000 American men annually—second only to lung cancer.

American families are being overwhelmed by the financial and emotional strain that results when a child, parent or spouse—any loved one—is stricken with diabetes or heart disease or Alzheimer's or a stroke. I have received numerous letters and phone calls from such families in my district—the families who have a stake in the work of the NIH. These are the Americans whose hopes hinge on the discovery of a cure for juvenile diabetes, for cancer, for kidney disease, for arthritis. We therefore have to support NIH research. We cannot afford not to invest in the kind of lifesaving research that H.R. 4 authorizes, because it is such an important part of the foundation of our health care system.

An investment in the work of the NIH is one of the best ways we have of preventing the costly treatment that too often follows when serious illness strikes. If an ounce of prevention is really worth a pound of cure, it makes good common sense to pass this bill now so that we can get on with the business of tackling the major health care reform challenges that are before us.

Mr. Chairman, I commend Chairman WAXMAN and his subcommittee for their efforts in bringing this bill to the floor and for reminding us of the challenge that remains—the challenge for us to better prevent and treat cancer, diabetes, heart disease, kidney disease, stroke, Alzheimer's disease, AIDS, blindness and arthritis, and to better understand both the aging process and the lifestyle practices that affect our health. NIH research is one of the best tools we have in meeting this challenge.

This is not a partisan issue. It is a health care issue. Mr. Chairman, I therefore urge my colleagues on both sides of the aisle to make an up-front investment in the health and the quality of life of all Americans by supporting the reauthorization of our National Institutes of Health.

Mr. STOKES. Mr. Chairman, I rise today in strong support of H.R. 4, the National Institutes of Health [NIH] Revitalization Act of 1993. I would like to commend Chairman WAXMAN for his perseverance in working to ensure that this bill was quickly brought back before the House again this year for consideration. After Congress labored arduously, last session, to craft a measure that reauthorized several of the research institutes and activities at NIH, that bill was vetoed by the President. Today, we have an opportunity to once again demonstrate our support of the vital efforts undertaken at NIH by voting in favor of H.R. 4.

As you know, NIH is the cornerstone of our Nation's biomedical research activity. Its work is critical to improving the health of the people of this nation, and indeed, of people across the world. Biomedical research is the gateway to discoveries that have the potential to put within our reach the preventable treatments and cures for many diseases.

Mr. Chairman, I am most gratified that several provisions included under H.R. 4 are ones that I offered in legislation and were incorporated during last year's deliberations on NIH. These initiatives focus on minority health and minority biomedical research concerns at NIH. One measure addresses the issue of minorities and women participation in biomedical research. As established in my legislation, the NIH bill requires that minorities and women be included as subjects in NIH-funded research projects except in special circumstances. This would be in situations where it would be inappropriate to the purpose of the research; where it could put the participants at-risk; and where it is determined to be inappropriate under the circumstances specified by the Director of NIH.

H.R. 4 also provides for the establishment of a scholarship and loan repayment program to address the continued underrepresentation of individuals from disadvantaged backgrounds pursuing careers in biomedical research and in midlevel and senior scientific and administrative positions at NIH. This program is also modeled after the legislation I introduced last session and would allow NIH to enhance its ability to recruit and retain scientists and administrators while increasing their representation of individuals from disadvantaged backgrounds within their professional force.

Another key and crucial provision in this bill, Mr. Chairman, statutorily authorizes the Office of Research on Minority Health which has been in existence since 1990. Under H.R. 4, the Office on Research on Minority Health would be able to carry out a coordinated and strategic plan to implement NIH's minority health initiative. Through this office, NIH can seriously work to meet its goals of improving health in minority communities and attracting minorities into careers of medicine and research.

Mr. Chairman, the bill we have before us today endorses and enhances the role NIH historically has played in helping our Nation become the world's leader in biomedical and behavioral research. H.R. 4 permits us to further this leading status and to pursue the many promising approaches that might eradicate illness and suffering for people worldwide.

I ask you to join with me today in support of this measure.

Mr. BLACKWELL. Mr. Chairman, I rise in support of H.R. 4, legislation to reauthorize the National Institutes of Health.

As we all know, we are in the midst of a health care crisis in this country. A crisis that is forcing us to reexamine many of the fundamental principles around which our health care system is built. We are not only doing this because the rising cost of health care is damaging our entire national economy, but also because of the byproducts of our health care system, such as our high infant mortality rates. We spend more on health care than any other country, but the majority of American people are not getting the best possible health care.

Mr. Chairman, not everyone agrees with this conclusion, and I imagine that we will debate this point at another time. What can not be disputed, however, is the assertion that the biomedical research community in this country is not equal anywhere in the world. Whenever we hear of another major breakthrough in our fight against disease, we are likely to find that this research was accomplished in an American research laboratory.

This ground breaking research is more likely to be supported by one of the foremost leaders in research, the National Institutes of Health. The NIH, Mr. Chairman, is truly the foundation upon which our entire biomedical research community stands, and, for this reason, it is essential that we act decisively to enable this institution to continue its good work.

I would also like to take this opportunity to bring to your attention an organization that has been a partner in the fine work of the National Institutes of Health, the Children's Hospital of Philadelphia, which is located in my district. It is one of the foremost providers of care for children as well as one of our premier pediatric research institutes.

Over the years, researchers at the Children's Hospital of Philadelphia have been at the forefront of new and better ways to treat congenital heart defects, premature birth, rubella, mumps, influenza, and other medical problems. Today, these researchers are working on new development involving cystic fibrosis, leukemia, sickle cell disease, asthma, diabetes, and mental retardation.

Mr. Chairman, one of Children's Hospital of Philadelphia's most recent activities, and an endeavor of which I am particularly proud, is its participation in the human genome project. With support from NIH, the Children's Hospital of Philadelphia has become the world's foremost authority on chromosomes No. 22, which is often referred to as the "Philadelphia Chromosome."

As recently as last month Mr. Chairman, the hospital's research made headlines with a new discovery that doctors hope will lead to major improvements in the fight against cancer.

In my opinion, that is what NIH is all about. The private sector cannot generate funds sufficient to support this kind of research. All of the telephone and door to door solicitations, bake sales, or raffles can not generate funds sufficient to support research.

Only the National Institutes of Health can do so. Only the NIH has consistently had both the good judgment to select these and other worthy projects for further study as well as to allocate the resources with which to support this kind of work.

Mr. Chairman, as a Philadelphian, I have witnessed, time and time again, the life saving care provided by Children's Hospital of Philadelphia.

As an American, I am proud that the research that the hospital has done has improved and saved the lives of children here and around the world. I cannot think of a more worthy use of our Nation's resources.

Mr. Chairman, as a Member of this House, I urge my colleagues to support the reauthorization of the National Institutes of Health, by voting in favor of H.R. 4. By doing so, we can reaffirm our commitment to the preservation and improvement of lives everywhere.

□ 1640

Mr. BLILEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Institutes of Health Revitalization Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

Sec. 101. Establishment of certain provisions regarding research conducted or supported by National Institutes of Health.

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

Sec. 111. Establishment of authorities.
Sec. 112. Purchase of human fetal tissue; solicitation or acceptance of tissue as directed donation for use in transplantation.
Sec. 113. Nullification of moratorium.
Sec. 114. Report by General Accounting Office on adequacy of requirements.

PART III—MISCELLANEOUS REPEALS

Sec. 121. Repeals.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

Sec. 131. Requirement of inclusion in research.
Sec. 132. Peer review.
Sec. 133. Applicability to current projects.

PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

Sec. 141. Establishment.

PART III—OFFICE OF RESEARCH ON MINORITY HEALTH

Sec. 151. Establishment.

Subtitle C—Research Integrity

Sec. 161. Establishment of Office of Research Integrity.
Sec. 162. Commission on Research Integrity.
Sec. 163. Protection of whistleblowers.
Sec. 164. Requirement of regulations regarding protection against financial conflicts of interest in certain projects of research.
Sec. 165. Effective dates.

TITLE II—NATIONAL INSTITUTES OF HEALTH IN GENERAL

Sec. 201. Health promotion research dissemination.
Sec. 202. Programs for increased support regarding certain States and researchers.
Sec. 203. Establishment of Office of Behavioral Research.
Sec. 204. Children's vaccine initiative.
Sec. 205. Plan for use of animals in research.
Sec. 206. Increased participation of women and disadvantaged individuals in fields of biomedical and behavioral research.
Sec. 207. Requirements regarding surveys of sexual behavior.
Sec. 208. Discretionary fund of Director of National Institutes of Health.
Sec. 209. Miscellaneous provisions.

TITLE III—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

Sec. 301. Appointment and authority of Directors of national research institutes.
Sec. 302. Program of research on osteoporosis, Paget's disease, and related disorders.
Sec. 303. Establishment of interagency program for trauma research.

TITLE IV—NATIONAL CANCER INSTITUTE

Sec. 401. Expansion and intensification of activities regarding breast cancer.

Sec. 402. Expansion and intensification of activities regarding prostate cancer.
Sec. 403. Authorization of appropriations.

TITLE V—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

Sec. 501. Education and training.
Sec. 502. Centers for the study of pediatric cardiovascular diseases.
Sec. 503. National Center on Sleep Disorders.
Sec. 504. Authorization of appropriations.

TITLE VI—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

Sec. 601. Provisions regarding nutritional disorders.

TITLE VII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

Sec. 701. Juvenile arthritis.

TITLE VIII—NATIONAL INSTITUTE ON AGING

Sec. 801. Alzheimer's disease registry.
Sec. 802. Aging processes regarding women.
Sec. 803. Authorization of appropriations.
Sec. 804. Conforming amendment.

TITLE IX—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Sec. 901. Tropical diseases.
Sec. 902. Chronic fatigue syndrome.

TITLE X—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

Sec. 1001. Grants and contracts for research centers.
Sec. 1002. Loan repayment program for research with respect to contraception and infertility.

Subtitle B—Program Regarding Obstetrics and Gynecology

Sec. 1011. Establishment of program.

Subtitle C—Child Health Research Centers

Sec. 1021. Establishment of centers.

Subtitle D—Study Regarding Adolescent Health

Sec. 1031. Prospective longitudinal study.

TITLE XI—NATIONAL EYE INSTITUTE

Sec. 1101. Clinical research on diabetes eye care.

TITLE XII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

Sec. 1201. Research on multiple sclerosis.

TITLE XIII—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Sec. 1301. Applied Toxicological Research and Testing Program.
Sec. 1302. Study of environmental and other risks contributing to incidence of breast and prostate cancer.

TITLE XIV—NATIONAL LIBRARY OF MEDICINE

Subtitle A—General Provisions

Sec. 1401. Additional authorities.
Sec. 1402. Authorization of appropriations.

Subtitle B—Financial Assistance

Sec. 1411. Establishment of program of grants for development of education technologies.

Subtitle C—National Information Center on Health Services Research and Health Care Technology

Sec. 1421. Establishment of Center.
Sec. 1422. Conforming provisions.

TITLE XV—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

Subtitle A—Division of Research Resources

Sec. 1501. Redesignation of Division as National Center for Research Resources.
Sec. 1502. Biomedical and behavioral research facilities.
Sec. 1503. Construction program for national primate research center.

Subtitle B—National Center for Nursing Research

Sec. 1511. Redesignation of National Center for Nursing Research as National Institute of Nursing Research.
Sec. 1512. Study on adequacy of number of nurses.

Subtitle C—National Center for Human Genome Research

Sec. 1521. Purpose of Center.

TITLE XVI—AWARDS AND TRAINING

Subtitle A—National Research Service Awards

Sec. 1601. Requirement regarding women and individuals from disadvantaged backgrounds.

Subtitle B—Acquired Immune Deficiency Syndrome

Sec. 1611. Loan repayment program.

Subtitle C—Loan Repayment for Research Generally

Sec. 1621. Establishment of program.

Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by National Institutes of Health

Sec. 1631. Establishment of programs.
Sec. 1632. Funding.

Subtitle E—Funding for Awards and Training Generally

Sec. 1641. Authorization of appropriations.

TITLE XVII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

Sec. 1701. Date certain for appointment of Board members.
Sec. 1702. Miscellaneous provisions.

TITLE XVIII—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

Subtitle A—Office of AIDS Research

Sec. 1801. Establishment of Office.
Sec. 1802. Establishment of emergency discretionary fund.
Sec. 1803. General provisions.

Subtitle B—Certain Programs

Sec. 1811. Revision and extension of certain programs.

TITLE XIX—STUDIES

Sec. 1901. Acquired immune deficiency syndrome.
Sec. 1902. Malnutrition in the elderly.
Sec. 1903. Research activities on chronic fatigue syndrome.
Sec. 1904. Report on medical uses of biological agents in development of defenses against biological warfare.
Sec. 1905. Personnel study of recruitment, retention and turnover.
Sec. 1906. Procurement.
Sec. 1907. Chronic pain conditions.

TITLE XX—MISCELLANEOUS PROVISIONS

Sec. 2001. Designation of Senior Biomedical Research Service in honor of Silvio O. Conte; limitation on number of members.
Sec. 2002. Master plan for physical infrastructure for research.
Sec. 2003. Certain authorization of appropriations.

TITLE XXI—EFFECTIVE DATES

Sec. 2101. Effective dates.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

SEC. 101. ESTABLISHMENT OF CERTAIN PROVISIONS REGARDING RESEARCH CONDUCTED OR SUPPORTED BY NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 492 the following new section:

"CERTAIN PROVISIONS REGARDING REVIEW AND APPROVAL OF PROPOSALS FOR RESEARCH

"SEC. 492A. (a) REVIEW AS PRECONDITION TO RESEARCH.—

"(1) PROTECTION OF HUMAN RESEARCH SUBJECTS.—

"(A) In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to review under section 491(a) by an Institutional Review Board unless the application has undergone review in accordance with such section and has been recommended for approval by a majority of the members of the Board conducting such review.

"(B) In the case of research that is subject to review under procedures established by the Secretary for the protection of human subjects in clinical research conducted by the National Institutes of Health, the Secretary may not authorize the conduct of the research unless the research has, pursuant to such procedures, been recommended for approval.

"(2) PEER REVIEW.—In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to technical and scientific peer review under section 492(a) unless the application has undergone peer review in accordance with such section and has been recommended for approval by a majority of the members of the entity conducting such review.

"(b) ETHICAL REVIEW OF RESEARCH.—

"(1) PROCEDURES REGARDING WITHHOLDING OF FUNDS.—If research has been recommended for approval for purposes of subsection (a), the Secretary may not withhold funding for the research on ethical grounds unless—

"(A) the Secretary convenes an advisory board in accordance with paragraph (4) to study the ethical implications of the research; and

"(B)(i) the majority of the advisory board recommends that, on ethical grounds, the Secretary withhold funds for the research; or

(ii) the majority of such board recommends that the Secretary not withhold funds for the research on ethical grounds, but the Secretary finds, on the basis of the report submitted under paragraph (4)(B)(ii), that the recommendation is arbitrary and capricious.

"(2) APPLICABILITY.—The limitation established in paragraph (1) regarding the authority to withhold funds on ethical grounds shall apply without regard to whether the withholding of funds on such grounds is characterized as a disapproval, a moratorium, a prohibition, or other description.

"(3) PRELIMINARY MATTERS REGARDING USE OF PROCEDURES.—

"(A) If the Secretary makes a determination that an advisory board should be convened for purposes of paragraph (1), the Secretary shall, through a statement published in the Federal Register, announce the intention of the Secretary to convene such a board.

"(B) A statement issued under subparagraph (A) shall include a request that interested individuals submit to the Secretary recommenda-

tions specifying the particular individuals who should be appointed to the advisory board involved. The Secretary shall consider such recommendations in making appointments to the board.

"(C) The Secretary may not make appointments to an advisory board under paragraph (1) until the expiration of the 30-day period beginning on the date on which the statement required in subparagraph (A) is made with respect to the board.

"(4) ETHICS ADVISORY BOARDS.—

"(A) Any advisory board convened for purposes of paragraph (1) shall be known as an ethics advisory board (hereafter in this paragraph referred to as an 'ethics board').

"(B)(i) An ethics board shall advise, consult with, and make recommendations to the Secretary regarding the ethics of the project of biomedical or behavioral research with respect to which the board has been convened.

"(ii) Not later than 180 days after the date on which the statement required in paragraph (3)(A) is made with respect to an ethics board, the board shall submit to the Secretary, and to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report describing the findings of the board regarding the project of research involved and making a recommendation under clause (i) of whether the Secretary should or should not withhold funds for the project. The report shall include the information considered in making the findings.

"(C) An ethics board shall be composed of no fewer than 14, and no more than 20, individuals who are not officers or employees of the United States. The Secretary shall make appointments to the board from among individuals with special qualifications and competence to provide advice and recommendations regarding ethical matters in biomedical and behavioral research. Of the members of the board—

"(i) no fewer than 1 shall be an attorney;

"(ii) no fewer than 1 shall be an ethicist;

"(iii) no fewer than 1 shall be a practicing physician;

"(iv) no fewer than 1 shall be a theologian; and

"(v) no fewer than one-third, and no more than one-half, shall be scientists with substantial accomplishments in biomedical or behavioral research.

"(D) The term of service as a member of an ethics board shall be for the life of the board. If such a member does not serve the full term of such service, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(E) A member of an ethics board shall be subject to removal from the board by the Secretary for neglect of duty or malfeasance or for other good cause shown.

"(F) The Secretary shall designate an individual from among the members of an ethics board to serve as the chair of the board.

"(G) In carrying out subparagraph (B)(i) with respect to a project of research, an ethics board shall conduct inquiries and hold public hearings.

"(H) In carrying out subparagraph (B)(i) with respect to a project of research, an ethics board shall have access to all relevant information possessed by the Department of Health and Human Services, or available to the Secretary from other agencies.

"(I) Members of an ethics board shall receive compensation for each day engaged in carrying out the duties of the board, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS-18 of the General Schedule.

"(J) The Secretary, acting through the Director of the National Institutes of Health, shall provide to each ethics board reasonable staff and assistance to carry out the duties of the board.

"(K) An ethics board shall terminate 30 days after the date on which the report required in subparagraph (B)(ii) is submitted to the Secretary and the congressional committees specified in such subparagraph.".

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

SEC. 111. ESTABLISHMENT OF AUTHORITIES.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498 the following new section:

"RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

"SEC. 498A. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—The Secretary may conduct or support research on the transplantation of human fetal tissue for therapeutic purposes.

"(2) SOURCE OF TISSUE.—Human fetal tissue may be used in research carried out under paragraph (1) regardless of whether the tissue is obtained pursuant to a spontaneous or induced abortion or pursuant to a stillbirth.

"(b) INFORMED CONSENT OF DONOR.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the woman providing the tissue makes a statement, made in writing and signed by the woman, declaring that—

"(A) the woman donates the fetal tissue for use in research described in subsection (a);

"(B) the donation is made without any restriction regarding the identity of individuals who may be the recipients of transplantations of the tissue; and

"(C) the woman has not been informed of the identity of any such individuals.

"(2) ADDITIONAL STATEMENT.—In research carried out under subsection (a), human fetal tissue may be used only if the attending physician with respect to obtaining the tissue from the woman involved makes a statement, made in writing and signed by the physician, declaring that—

"(A) in the case of tissue obtained pursuant to an induced abortion—

"(i) the consent of the woman for the abortion was obtained prior to requesting or obtaining consent for the tissue to be used in such research; and

"(ii) no alteration of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue;

"(B) the tissue has been donated by the woman in accordance with paragraph (1); and

"(C) full disclosure has been provided to the woman with regard to—

"(i) such physician's interest, if any, in the research to be conducted with the tissue; and

"(ii) any known medical risks to the woman or risks to her privacy that might be associated with the donation of the tissue and that are in addition to risks of such type that are associated with the woman's medical care.

"(c) INFORMED CONSENT OF RESEARCHER AND DONEE.—In research carried out under subsection (a), human fetal tissue may be used only if the individual with the principal responsibility for conducting the research involved makes a statement, made in writing and signed by the individual, declaring that the individual—

"(1) is aware that—

"(A) the tissue is human fetal tissue;

"(B) the tissue may have been obtained pursuant to a spontaneous or induced abortion or subsequent to a stillbirth; and

"(C) the tissue was donated for research purposes;

"(2) has provided such information to other individuals with responsibilities regarding the research;

"(3) will require, prior to obtaining the consent of an individual to be a recipient of a transplantation of the tissue, written acknowledgment of receipt of such information by such recipient; and

"(4) has had no part in any decisions as to the timing, method, or procedures used to terminate the pregnancy made solely for the purposes of the research.

"(d) AVAILABILITY OF STATEMENTS FOR AUDIT.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the head of the agency or other entity conducting the research involved certifies to the Secretary that the statements required under subsections (b) (2) and (c) will be available for audit by the Secretary.

"(2) CONFIDENTIALITY OF AUDIT.—Any audit conducted by the Secretary pursuant to paragraph (1) shall be conducted in a confidential manner to protect the privacy rights of the individuals and entities involved in such research, including such individuals and entities involved in the donation, transfer, receipt, or transplantation of human fetal tissue. With respect to any material or information obtained pursuant to such audit, the Secretary shall—

"(A) use such material or information only for the purposes of verifying compliance with the requirements of this section;

"(B) not disclose or publish such material or information, except where required by Federal law, in which case such material or information shall be coded in a manner such that the identities of such individuals and entities are protected; and

"(C) not maintain such material or information after completion of such audit, except where necessary for the purposes of such audit.

"(e) APPLICABILITY OF STATE AND LOCAL LAW.—

"(1) RESEARCH CONDUCTED BY RECIPIENTS OF ASSISTANCE.—The Secretary may not provide support for research under subsection (a) unless the applicant for the financial assistance involved agrees to conduct the research in accordance with applicable State law.

"(2) RESEARCH CONDUCTED BY SECRETARY.—The Secretary may conduct research under subsection (a) only in accordance with applicable State and local law.

"(f) DEFINITION.—For purposes of this section, the term 'human fetal tissue' means tissue or cells obtained from a dead human embryo or fetus after a spontaneous or induced abortion, or after a stillbirth.".

SEC. 112. PURCHASE OF HUMAN FETAL TISSUE; SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.

Part G of title IV of the Public Health Service Act, as amended by section 111 of this Act, is amended by inserting after section 498A the following new section:

"PROHIBITIONS REGARDING HUMAN FETAL TISSUE

"SEC. 498B. (a) PURCHASE OF TISSUE.—It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.

"(b) SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.—It shall be unlawful for any person to solicit or knowingly acquire, receive, or accept a donation of human fetal tissue for the purpose of transplantation of such tissue into another person if the donation affects interstate commerce, the tissue will be or is obtained pursuant to an induced abortion, and—

"(1) the donation will be or is made pursuant to a promise to the donating individual that the

donated tissue will be transplanted into a recipient specified by such individual;

"(2) the donated tissue will be transplanted into a relative of the donating individual; or

"(3) the person who solicits or knowingly acquires, receives, or accepts the donation has provided valuable consideration for the costs associated with such abortion.

"(c) CRIMINAL PENALTIES FOR VIOLATIONS.—

"(1) IN GENERAL.—Any person who violates subsection (a) or (b) shall be fined in accordance with title 18, United States Code, subject to paragraph (2), or imprisoned for not more than 10 years, or both.

"(2) PENALTIES APPLICABLE TO PERSONS RECEIVING CONSIDERATION.—With respect to the imposition of a fine under paragraph (1), if the person involved violates subsection (a) or (b)(3), a fine shall be imposed in an amount not less than twice the amount of the valuable consideration received.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'human fetal tissue' has the meaning given such term in section 498A(f).

"(2) The term 'interstate commerce' has the meaning given such term in section 201(b) of the Federal Food, Drug, and Cosmetic Act.

"(3) The term 'valuable consideration' does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.".

SEC. 113. NULLIFICATION OF MORATORIUM.

(a) IN GENERAL.—Except as provided in subsection (c), no official of the executive branch may impose a policy that the Department of Health and Human Services is prohibited from conducting or supporting any research on the transplantation of human fetal tissue for therapeutic purposes. Such research shall be carried out in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act), without regard to any such policy that may have been in effect prior to the date of the enactment of this Act.

(b) PROHIBITION AGAINST WITHHOLDING OF FUNDS IN CASES OF TECHNICAL AND SCIENTIFIC MERIT.—

(1) IN GENERAL.—In the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may not withhold funds for the research if—

(A) the research has been approved for purposes of section 492A(a) of the Public Health Service Act (as added by section 101 of this Act);

(B) the research will be carried out in accordance with section 498A of such Act (as added by section 111 of this Act); and

(C) there are reasonable assurances that the research will not utilize any human fetal tissue that has been obtained in violation of section 498B(a) of such Act (as added by section 112 of this Act).

(2) STANDING APPROVAL REGARDING ETHICAL STATUS.—In the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the issuance in December 1988 of the Report of the Human Fetal Tissue Transplantation Research Panel shall be deemed to be a report—

(A) issued by an ethics advisory board pursuant to section 492A(b)(4)(B)(ii) of the Public Health Service Act (as added by section 101 of this Act); and

(B) finding, on a basis that is neither arbitrary nor capricious, that there are no ethical grounds for withholding funds for the research.

(c) AUTHORITY FOR WITHHOLDING FUNDS FROM RESEARCH.—In the case of any research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may withhold funds for the research if any of the conditions specified in any of subparagraphs (A) through (C) of subsection (b)(1) are not met with respect to the research.

(d) DEFINITION.—For purposes of this section, the term "human fetal tissue" has the meaning given such term in section 498A(f) of the Public Health Service Act (as added by section 111 of this Act).

SEC. 114. REPORT BY GENERAL ACCOUNTING OFFICE ON ADEQUACY OF REQUIREMENTS.

(a) IN GENERAL.—With respect to research on the transplantation of human fetal tissue for therapeutic purposes, the Comptroller General of the United States shall conduct an audit for the purpose of determining—

(1) whether and to what extent such research conducted or supported by the Secretary of Health and Human Services has been conducted in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act); and

(2) whether and to what extent there have been violations of section 498B of such Act (as added by section 112 of this Act).

(b) REPORT.—Not later than May 19, 1995, the Comptroller General of the United States shall complete the audit required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made pursuant to the audit.

PART III—MISCELLANEOUS REPEALS

SEC. 121. REPEALS.

(a) CERTAIN BIOMEDICAL ETHICS BOARD.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by striking part J.

(b) OTHER REPEALS.—Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended—

(1) in section 498, by striking subsection (c); and

(2) by striking section 499; and

(3) by redesignating section 499A as section 499.

(c) NULLIFICATION OF CERTAIN PROVISIONS.—The provisions of Executive Order 12806 (57 Fed. Reg. 21589 (May 21, 1992)) shall not have any legal effect. The provisions of section 204(d) of part 46 of title 45 of the Code of Federal Regulations (45 CFR 46.204(d)) shall not have any legal effect.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

SEC. 131. REQUIREMENT OF INCLUSION IN RESEARCH.

Part G of title IV of the Public Health Service Act, as amended by section 101 of this Act, is amended by inserting after section 492A the following new section:

"INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH

"SEC. 492B. (a) REQUIREMENT OF INCLUSION.—

"(1) IN GENERAL.—In conducting or supporting clinical research for purposes of this title, the Director of NIH shall, subject to subsection (b), ensure that—

"(A) women are included as subjects in each project of such research; and

"(B) members of minority groups are included as subjects in such research.

"(2) OUTREACH REGARDING PARTICIPATION AS SUBJECTS.—The Director of NIH, in consultation with the Director of the Office of Research on Women's Health and the Director of the Office of Research on Minority Health, shall conduct or support outreach programs for the recruitment of women and members of minority groups as subjects in projects of clinical research.

"(b) INAPPLICABILITY OF REQUIREMENT.—The requirement established in subsection (a) regarding women and members of minority groups shall not apply to a project of clinical research if the inclusion, as subjects in the project, of women and members of minority groups, respectively—

"(1) is inappropriate with respect to the health of the subjects;

"(2) is inappropriate with respect to the purpose of the research; or

"(3) is inappropriate under such other circumstances as the Director of NIH may designate.

"(c) DESIGN OF CLINICAL TRIALS.—In the case of any clinical trial in which women or members of minority groups will under subsection (a) be included as subjects, the Director of NIH shall ensure that the trial is designed and carried out in a manner sufficient to provide for a valid analysis of whether the variables being studied in the trial affect women or members of minority groups, as the case may be, differently than other subjects in the trial.

"(d) GUIDELINES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Director of NIH, in consultation with the Director of the Office of Research on Women's Health and the Director of the Office of Research on Minority Health, shall establish guidelines regarding the requirements of this section. The guidelines shall include guidelines regarding—

"(A) the circumstances under which the inclusion of women and minorities as subjects in projects of clinical research is inappropriate for purposes of subsection (b);

"(B) the manner in which clinical trials are required to be designed and carried out for purposes of subsection (c); and

"(C) the operation of outreach programs under subsection (a).

"(2) CERTAIN PROVISIONS.—With respect to the circumstances under which the inclusion of women or members of minority groups (as the case may be) as subjects in a project of clinical research is inappropriate for purposes of subsection (b), the following applies to guidelines under paragraph (1):

"(A)(i) In the case of a clinical trial, the guidelines shall provide that the costs of such inclusion in the trial is not a permissible consideration in determining whether such inclusion is inappropriate.

"(ii) In the case of other projects of clinical research, the guidelines shall provide that the costs of such inclusion in the project is not a permissible consideration in determining whether such inclusion is inappropriate unless the data regarding women or members of minority groups, respectively, that would be obtained in such project (in the event that such inclusion were required) have been or will be obtained through other means that provide data of comparable quality.

"(B) In the case of a clinical trial, the guidelines may provide that such inclusion in the trial is not required if there is substantial scientific data demonstrating that there is no significant difference between—

"(i) the effects that the variables to be studied in the trial have on women or members of minority groups, respectively; and

"(ii) the effects that the variables have on the individuals who would serve as subjects in the trial in the event that such inclusion were not required.

"(e) DATE CERTAIN FOR GUIDELINES; APPLICABILITY.—

"(1) DATE CERTAIN.—The guidelines required in subsection (d) shall be established and published in the Federal Register not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(2) APPLICABILITY.—For fiscal year 1995 and subsequent fiscal years, the Director of NIH may not approve any proposal of clinical research to be conducted or supported by any agency of the National Institutes of Health unless the proposal specifies the manner in which the research will comply with this section.

"(f) REPORTS BY ADVISORY COUNCILS.—The advisory council of each national research institute shall annually submit to the Director of NIH and the Director of the institute involved a report describing the manner in which the agency has complied with this section.

"(g) DEFINITIONS.—For purposes of this section:

"(1) The term 'project of clinical research' includes a clinical trial.

"(2) The term 'minority group' includes subpopulations of minority groups. The Director of NIH shall, through the guidelines established under subsection (d), define the terms 'minority group' and 'subpopulation' for purposes of the preceding sentence.".

SEC. 132. PEER REVIEW.

Section 492 of the Public Health Service Act (42 U.S.C. 289a) is amended by adding at the end the following new subsection:

"(c)(1) In technical and scientific peer review under this section of proposals for clinical research, the consideration of any such proposal (including the initial consideration) shall, except as provided in paragraph (2), include an evaluation of the technical and scientific merit of the proposal regarding compliance with section 492B.

"(2) Paragraph (1) shall not apply to any proposal for clinical research that, pursuant to subsection (b) of section 492B, is not subject to the requirement of subsection (a) of such section regarding the inclusion of women and members of minority groups as subjects in clinical research.".

SEC. 133. APPLICABILITY TO CURRENT PROJECTS.

Section 492B of the Public Health Service Act, as added by section 131 of this Act, shall not apply with respect to projects of clinical research for which initial funding was provided prior to the date of the enactment of this Act. With respect to the inclusion of women and minorities as subjects in clinical research conducted or supported by the National Institutes of Health, any policies of the Secretary of Health and Human Services regarding such inclusion that are in effect on the day before the date of the enactment of this Act shall continue to apply to the projects referred to in the preceding sentence.

PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

SEC. 141. ESTABLISHMENT.

(a) IN GENERAL.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this title, is amended—

(1) by redesignating section 486 as section 485A;

(2) by redesignating parts F through H as parts G through I, respectively; and

(3) by inserting after part E the following new part:

"PART F—RESEARCH ON WOMEN'S HEALTH

"SEC. 486. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

"(a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Women's Health (in this part referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on women's health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on women's health that should be so conducted or supported;

"(3) carry out paragraphs (1) and (2) with respect to the aging process in women, with priority given to menopause;

"(4) promote coordination and collaboration among entities conducting research identified under any of paragraphs (1) through (3);

"(5) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(6) recommend an agenda for conducting and supporting such research;

"(7) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research;

"(8) assist in the administration of section 492B with respect to the inclusion of women as subjects in clinical research; and

"(9) prepare the report required in section 486B.

"(c) COORDINATING COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Coordinating Committee').

"(2) The Coordinating Committee shall be composed of the Directors of the national research institutes (or the designees of the Directors).

"(3) The Director of the Office shall serve as the chair of the Coordinating Committee.

"(4) With respect to research on women's health, the Coordinating Committee shall assist the Director of the Office in—

"(A) identifying the need for such research, and making an estimate each fiscal year of the funds needed to adequately support the research;

"(B) identifying needs regarding the coordination of research activities, including intramural and extramural multidisciplinary activities;

"(C) supporting the development of methodologies to determine the circumstances in which obtaining data specific to women (including data relating to the age of women and the membership of women in ethnic or racial groups) is an appropriate function of clinical trials of treatments and therapies;

"(D) supporting the development and expansion of clinical trials of treatments and therapies for which obtaining such data has been determined to be an appropriate function; and

"(E) encouraging the national research institutes to conduct and support such research, including such clinical trials.

"(d) ADVISORY COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Advisory Committee').

"(2) The Advisory Committee shall be composed of no fewer than 12, and not more than 18 individuals, who are not officers or employees of the Federal Government. The Director of the Office shall make appointments to the Advisory Committee from among physicians, practitioners, scientists, and other health professionals, whose clinical practice, research specialization, or professional expertise includes a significant focus on research on women's health. A majority of the members of the Advisory Committee shall be women.

"(3) The Director of the Office shall serve as the chair of the Advisory Committee.

"(4) The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) research on women's health;

"(ii) research on gender differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on gender differences in disease etiology, course, and treatment;

"(iv) research on obstetrical and gynecological health conditions, diseases, and treatments; and

"(v) research on women's health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on such research;

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on the development of the methodologies described in subsection (c)(4)(C) and recommendations on priorities in carrying out research described in subparagraph (A)); and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of women in clinical research.

"(5)(A) The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on women's health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) The report required in subparagraph (A) shall be submitted to the Director of NIH for inclusion in the report required in section 403.

"(e) REPRESENTATION OF WOMEN AMONG RESEARCHERS.—The Secretary, acting through the Assistant Secretary for Personnel and in collaboration with the Director of the Office, shall determine the extent to which women are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(f) DEFINITIONS.—For purposes of this part:

"(1) The term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means all diseases, disorders, and conditions (including with respect to mental health)—

"(A) unique to, more serious, or more prevalent in women;

"(B) for which the factors of medical risk or types of medical intervention are different for women, or for which it is unknown whether such factors or types are different for women; or

"(C) with respect to which there has been insufficient clinical research involving women as subjects or insufficient clinical data on women.

"(2) The term 'research on women's health' means research on women's health conditions, including research on preventing such conditions.

"SEC. 486A. NATIONAL DATA SYSTEM AND CLEARINGHOUSE ON RESEARCH ON WOMEN'S HEALTH.

"(a) DATA SYSTEM.—

"(1) The Director of NIH, in consultation with the Director of the Office and the Director of the National Library of Medicine, shall establish a data system for the collection, storage, analysis, retrieval, and dissemination of information regarding research on women's health that is conducted or supported by the national research institutes. Information from the data system shall be available through information systems available to health care professionals and providers, researchers, and members of the public.

"(2) The data system established under paragraph (1) shall include a registry of clinical

trials of experimental treatments that have been developed for research on women's health. Such registry shall include information on subject eligibility criteria, sex, age, ethnicity or race, and the location of the trial site or sites. Principal investigators of such clinical trials shall provide this information to the registry within 30 days after it is available. Once a trial has been completed, the principal investigator shall provide the registry with information pertaining to the results, including potential toxicities or adverse effects associated with the experimental treatment or treatments evaluated.

"(b) CLEARINGHOUSE.—The Director of NIH, in consultation with the Director of the Office and with the National Library of Medicine, shall establish, maintain, and operate a program to provide information on research and prevention activities of the national research institutes that relate to research on women's health.

"SEC. 486B. BIENNIAL REPORT.

"(a) IN GENERAL.—With respect to research on women's health, the Director of the Office shall, not later than February 1, 1994, and biennially thereafter, prepare a report—

"(1) describing and evaluating the progress made during the preceding 2 fiscal years in research and treatment conducted or supported by the National Institutes of Health;

"(2) describing and analyzing the professional status of women physicians and scientists of such Institutes, including the identification of problems and barriers regarding advancements;

"(3) summarizing and analyzing expenditures made by the agencies of such Institutes (and by such Office) during the preceding 2 fiscal years; and

"(4) making such recommendations for legislative and administrative initiatives as the Director of the Office determines to be appropriate.

"(b) INCLUSION IN BIENNIAL REPORT OF DIRECTOR OF NIH.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH for inclusion in the report submitted to the President and the Congress under section 403.".

(b) REQUIREMENT OF SUFFICIENT ALLOCATION OF RESOURCES OF INSTITUTES.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (10), by striking "and" after the semicolon at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (11) the following new paragraph:

"(12) after consultation with the Director of the Office of Research on Women's Health, shall ensure that resources of the National Institutes of Health are sufficiently allocated for projects of research on women's health that are identified under section 486(b).".

PART III—OFFICE OF RESEARCH ON MINORITY HEALTH

SEC. 151. ESTABLISHMENT.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following section:

"OFFICE OF RESEARCH ON MINORITY HEALTH

"SEC. 404. (a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Minority Health (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on minority health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on minority health that should be so conducted or supported;

"(3) promote coordination and collaboration among entities conducting research identified under paragraph (1) or (2);

"(4) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(5) recommend an agenda for conducting and supporting such research;

"(6) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research; and

"(7) assist in the administration of section 492B with respect to the inclusion of members of minority groups as subjects in clinical research.".

Subtitle C—Research Integrity

SEC. 161. ESTABLISHMENT OF OFFICE OF RESEARCH INTEGRITY.

(a) IN GENERAL.—Section 493 of the Public Health Service Act (42 U.S.C. 289b) is amended to read as follows:

"OFFICE OF RESEARCH INTEGRITY

"SEC. 493. (a) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall establish an office to be known as the Office of Research Integrity (hereafter referred to in this section as the 'Office'), which shall be established as an independent entity in the Department of Health and Human Services.

"(2) DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary, be experienced and specially trained in the conduct of research, and have experience in the conduct of investigations of research misconduct. The Secretary shall carry out this section acting through the Director of the Office. The Director shall report to the Secretary.

"(b) EXISTENCE OF ADMINISTRATIVE PROCESSES AS CONDITION OF FUNDING FOR RESEARCH.—The Secretary shall by regulation require that each entity that applies for a grant, contract, or cooperative agreement under this Act for any project or program that involves the conduct of biomedical or behavioral research submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that such entity—

"(1) has established (in accordance with regulations which the Secretary shall prescribe) an administrative process to review reports of research misconduct in connection with biomedical and behavioral research conducted at or sponsored by such entity; and

"(2) will report to the Director any investigation of alleged research misconduct in connection with projects for which funds have been made available under this Act that appears substantial.

"(c) PROCESS FOR RESPONSE OF DIRECTOR.—The Secretary shall establish by regulation a process to be followed by the Director for the prompt and appropriate—

"(1) response to information provided to the Director respecting research misconduct in connection with projects for which funds have been made available under this Act;

"(2) receipt of reports by the Director of such information from recipients of funds under this Act;

"(3) conduct of investigations, when appropriate; and

"(4) taking of other actions, including appropriate remedies, with respect to such misconduct.

"(d) MONITORING BY DIRECTOR.—The Secretary shall by regulation establish procedures for the Director to monitor administrative processes and investigations that have been established or carried out under this section.

"(e) EFFECT ON PRESENT INVESTIGATIONS.—Nothing in this section shall affect investigations which have been or will be commenced prior to the promulgation of final regulations under this section.".

(b) ESTABLISHMENT OF DEFINITION OF RESEARCH MISCONDUCT.—Not later than 90 days after the date on which the report required under section 162(d) is submitted to the Secretary of Health and Human Services, such Secretary shall by regulation establish a definition for the term "research misconduct" for purposes of section 493 of the Public Health Service Act, as amended by subsection (a) of this section.

SEC. 162. COMMISSION ON RESEARCH INTEGRITY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish a commission to be known as the Commission on Research Integrity (in this section referred to as the "Commission").

(b) DUTIES.—The Commission shall develop recommendations for the Secretary of Health and Human Services on the administration of section 493 of the Public Health Service Act (as amended and added by section 161 of this Act).

(c) COMPOSITION.—The Commission shall be composed of 12 members to be appointed by the Secretary of Health and Human Services. Not more than 3 members of the Commission may be officers or employees of the United States. Of the members of the Commission—

(1) three shall be scientists with substantial accomplishments in biomedical or behavioral research;

(2) three shall be individuals with experience in investigating allegations of misconduct with respect to research research;

(3) three shall be representatives of institutions of higher education at which biomedical or behavioral research is conducted; and

(4) three shall be individuals who are not described in paragraphs (1), (2), or (3), at least one of whom shall be an attorney and at least one of whom shall be an ethicist.

(d) COMPENSATION.—Members of the Commission may not receive compensation for service on the Commission. Members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Commission.

(e) REPORT.—Not later than 120 days after the date on which the Commission is established under subsection (a), the Commission shall prepare and submit to the Secretary of Health and Human Services, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report containing the recommendations developed under subsection (b).

SEC. 163. PROTECTION OF WHISTLEBLOWERS.

Section 493 of the Public Health Service Act, as amended by section 161 of this Act, is amended by adding at the end the following new subsection:

"(f) PROTECTION OF WHISTLEBLOWERS.—

"(1) IN GENERAL.—In the case of any entity required to establish administrative processes under subsection (b), the Secretary shall by regulation establish standards for preventing, and for responding to the occurrence of retaliation by such entity, its officials or agents, against an employee in the terms and conditions of employment in response to the employee having in good faith—

"(A) made an allegation that the entity, its officials or agents, has engaged in or failed to adequately respond to an allegation of research misconduct; or

"(B) cooperated with an investigation of such an allegation.

"(2) MONITORING BY SECRETARY.—The Secretary shall establish by regulation procedures for the Director to monitor the implementation of the standards established by an entity under paragraph (1) for the purpose of determining whether the procedures have been established, and are being utilized, in accordance with the standards established under such paragraph.

"(3) NONCOMPLIANCE.—The Secretary shall by regulation establish remedies for noncompliance by an entity, its officials or agents, which has engaged in retaliation in violation of the standards established under paragraph (1). Such remedies may include termination of funding provided by the Secretary for such project or recovery of funding being provided by the Secretary for such project, or other actions as appropriate.

"(4) FINAL RULE FOR REGULATIONS.—The Secretary shall issue a final rule for the regulations required in paragraph (1) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(5) REQUIRED AGREEMENTS.—For any fiscal year beginning after the date on which the regulations required in paragraph (1) are issued, the Secretary may not provide a grant, cooperative agreement, or contract under this Act for biomedical or behavioral research unless the entity seeking such financial assistance agrees that the entity—

"(A) will maintain the procedures described in the regulations; and

"(B) will otherwise be subject to the regulations.".

SEC. 164. REQUIREMENT OF REGULATIONS REGARDING PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH.

Part H of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 493 the following new section:

"PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH

"SEC. 493A. (a) ISSUANCE OF REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall define by regulation, the specific circumstances that constitute the existence of a financial interest in a project on the part of an entity or individual that will, or may be reasonably expected to, create a bias in favor of obtaining results in such project that are consistent with such financial interest. Such definition shall apply uniformly to each entity or individual conducting a research project under this Act. In the case of any entity or individual receiving assistance from the Secretary for a project of research described in paragraph (2), the Secretary shall by regulation establish standards for responding to, including managing, reducing, or eliminating, the existence of such a financial interest. The entity may adopt individualized procedures for implementing the standards.

"(2) RELEVANT PROJECTS.—A project of research referred to in paragraph (1) is a project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment and for which such entity is receiving assistance from the Secretary.

"(3) IDENTIFYING AND REPORTING TO THE DIRECTOR.—The Secretary shall ensure that the standards established under paragraph (1) specify that as a condition of receiving assistance from the Secretary for the project involved, an entity described in such subsection is required—

"(A) to have in effect at the time the entity applies for the assistance and throughout the period during which the assistance is received, a process for identifying such financial interests as defined in paragraph (1) that exist regarding the project; and

"(B) to report to the Director such financial interest as defined in paragraph (1) identified by the entity and how any such financial interest identified by the entity will be managed or eliminated such that the project in question will be protected from bias that may stem from such financial interest.

"(4) MONITORING OF PROCESS.—The Secretary shall monitor the establishment and conduct of the process established by an entity pursuant to paragraph (1).

"(5) RESPONSE.—In any case in which the Secretary determines that an entity has failed to comply with paragraph (3) regarding a project of research described in paragraph (1), the Secretary—

"(A) shall require that, as a condition of receiving assistance, the entity disclose the existence of a financial interest as defined in paragraph (1) in each public presentation of the results of such project; and

"(B) may take such other actions as the Secretary determines to be appropriate.

"(6) DEFINITION.—As used in this section:

"(A) The term 'financial interest' includes the receipt of consulting fees or honoraria and the ownership of stock or equity.

"(B) The term 'assistance', with respect to conducting a project of research, means a grant, contract, or cooperative agreement.

"(b) FINAL RULE FOR REGULATIONS.—The Secretary shall issue a final rule for the regulations required in subsection (a) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.".

SEC. 165. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by this subtitle shall become effective on the date that occurs 180 days after the date on which the final rule required under section 493(f)(4) of the Public Health Service Act, as amended by sections 161 and 163, is published in the Federal Register.

(b) AGREEMENTS AS A CONDITION OF FUNDING.—The requirements of subsection (f)(5) of section 493 of the Public Health Service Act, as amended by sections 161 and 163, with respect to agreements as a condition of funding shall not be effective in the case of projects of research for which initial funding under the Public Health Service Act was provided prior to the effective date described in subsection (a).

TITLE II—NATIONAL INSTITUTES OF HEALTH IN GENERAL

SEC. 201. HEALTH PROMOTION RESEARCH DISSEMINATION.

Section 402(f) of the Public Health Service Act (42 U.S.C. 282(f)) is amended by striking "other public and private entities." and all that follows through the end and inserting "other public and private entities, including elementary, secondary, and post-secondary schools. The Associate Director shall—

"(1) annually review the efficacy of existing policies and techniques used by the national research institutes to disseminate the results of disease prevention and behavioral research programs;

"(2) recommend, coordinate, and oversee the modification or reconstruction of such policies and techniques to ensure maximum dissemination, using advanced technologies to the maximum extent practicable, of research results to such entities; and

"(3) annually prepare and submit to the Director of NIH a report concerning the prevention and dissemination activities undertaken by the Associate Director, including—

"(A) a summary of the Associate Director's review of existing dissemination policies and techniques together with a detailed statement concerning any modification or restructuring, or recommendations for modification or restructuring, of such policies and techniques; and

"(B) a detailed statement of the expenditures made for the prevention and dissemination activities reported on and the personnel used in connection with such activities.".

SEC. 202. PROGRAMS FOR INCREASED SUPPORT REGARDING CERTAIN STATES AND RESEARCHERS.

Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by adding at the end the following new subsection:

"(g)(1)(A) In the case of entities described in subparagraph (B), the Director of NIH, acting through the Director of the National Center for Research Resources, shall establish a program to enhance the competitiveness of such entities in obtaining funds from the national research institutes for conducting biomedical and behavioral research.

"(B) The entities referred to in subparagraph (A) are entities that conduct biomedical and behavioral research and are located in a State in which the aggregate success rate for applications to the national research institutes for assistance for such research by the entities in the State has historically constituted a low success rate of obtaining such funds, relative to such aggregate rate for such entities in other States.

"(C) With respect to enhancing competitiveness for purposes of subparagraph (A), the Director of NIH, in carrying out the program established under such subparagraph, may—

"(i) provide technical assistance to the entities involved, including technical assistance in the preparation of applications for obtaining funds from the national research institutes;

"(ii) assist the entities in developing a plan for biomedical or behavioral research proposals; and

"(iii) assist the entities in implementing such plan.

"(2) The Director of NIH shall establish a program of supporting projects of biomedical or behavioral research whose principal researchers are individuals who have not previously served as the principal researchers of such projects supported by the Director.".

SEC. 203. ESTABLISHMENT OF OFFICE OF BEHAVIORAL RESEARCH.

Part A of title IV of the Public Health Service Act, as amended by section 151 of this Act, is amended by adding at the end the following new section:

"OFFICE OF BEHAVIORAL RESEARCH

"SEC. 404A. (a) There is established within the Office of the Director of NIH an office to be known as the Office of Behavioral Research (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b)(1) With respect to research on the relationship between human behavior and the development, treatment, and prevention of medical conditions, the Director of the Office shall coordinate research conducted or supported by the agencies of the National Institutes of Health.

"(2) Research authorized under paragraph (1) includes research on teen pregnancy, infant mortality, violent behavior, suicide, and homelessness.

"(3) The sole responsibility of the Director of the Office shall be carrying out paragraph (1).".

SEC. 204. CHILDREN'S VACCINE INITIATIVE.

Part A of title IV of the Public Health Service Act, as amended by section 203 of this Act, is amended by adding at the end the following new section:

"CHILDREN'S VACCINE INITIATIVE

"SEC. 404B. (a) DEVELOPMENT OF NEW VACCINES.—The Secretary, in consultation with the Director of the National Vaccine Program under title XXI and acting through the Directors of the National Institute for Allergy and Infectious Diseases, the National Institute for Child Health and Human Development, the National Institute for Aging, and other public and private programs, shall carry out activities, which shall be consistent with the global Children's Vaccine Initiative, to develop affordable new and improved vaccines to be used in the United States and in the developing world that will increase the efficacy and efficiency of the prevention of infectious diseases. In carrying out such activities, the Secretary shall, to the extent practicable, develop and make available vaccines

that require fewer contacts to deliver, that can be given early in life, that provide long lasting protection, that obviate refrigeration, needles and syringes, and that protect against a larger number of diseases.

"(b) Report.—In the report required in section 2104, the Secretary, acting through the Director of the National Vaccine Program under title XXI, shall include information with respect to activities and the progress made in implementing the provisions of this section and achieving its goals.

"(c) Authorization of Appropriations.—In addition to any other amounts authorized to be appropriated for activities of the type described in this section, there are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 205. PLAN FOR USE OF ANIMALS IN RESEARCH.

(a) In General.—Part A of title IV of the Public Health Service Act, as amended by section 204 of this Act, is amended by adding at the end the following new section:

"PLAN FOR USE OF ANIMALS IN RESEARCH

"Sec. 404C. (a) The Director of NIH, after consultation with the committee established under subsection (e), shall prepare a plan—

"(1) for the National Institutes of Health to conduct or support research into—

"(A) methods of biomedical research and experimentation that do not require the use of animals;

"(B) methods of such research and experimentation that reduce the number of animals used in such research;

"(C) methods of such research and experimentation that produce less pain and distress in such animals; and

"(D) methods of such research and experimentation that involve the use of marine life (other than marine mammals);

"(2) for establishing the validity and reliability of the methods described in paragraph (1);

"(3) for encouraging the acceptance by the scientific community of such methods that have been found to be valid and reliable; and

"(4) for training scientists in the use of such methods that have been found to be valid and reliable.

"(b) Not later than October 1, 1993, the Director of NIH shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, the plan required in subsection (a) and shall begin implementation of the plan.

"(c) The Director of NIH shall periodically review, and as appropriate, make revisions in the plan required under subsection (a). A description of any revision made in the plan shall be included in the first biennial report under section 403 that is submitted after the revision is made.

"(d) The Director of NIH shall take such actions as may be appropriate to convey to scientists and others who use animals in biomedical or behavioral research or experimentation information respecting the methods found to be valid and reliable under subsection (a)(2).

"(e)(1) The Director of NIH shall establish within the National Institutes of Health a committee to be known as the Interagency Coordinating Committee on the Use of Animals in Research (hereafter in this subsection referred to as the 'Committee').

"(2) The Committee shall provide advice to the Director of NIH on the preparation of the plan required in subsection (a).

"(3) The Committee shall be composed of—

"(A) the Directors of each of the national research institutes and the Director of the Center for Research Resources (or the designees of such Directors); and

"(B) representatives of the Environmental Protection Agency, the Food and Drug Administration, the Consumer Product Safety Commission, the National Science Foundation, and such additional agencies as the Director of NIH determines to be appropriate.".

(b) Conforming Amendment.—Section 4 of the Health Research Extension Act of 1985 (Public Law 99–158; 99 Stat. 880) is repealed.

SEC. 206. INCREASED PARTICIPATION OF WOMEN AND DISADVANTAGED INDIVIDUALS IN FIELDS OF BIOMEDICAL AND BEHAVIORAL RESEARCH.

Section 402 of the Public Health Service Act, as amended by section 202 of this Act, is amended by adding at the end the following new subsection:

"(h) The Secretary, acting through the Director of NIH and the Directors of the agencies of the National Institutes of Health, may conduct and support programs for research, research training, recruitment, and other activities to provide for an increase in the number of women and individuals from disadvantaged backgrounds in the fields of biomedical and behavioral research.".

SEC. 207. REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR.

Part A of title IV of the Public Health Service Act, as amended by section 205 of this Act, is amended by adding at the end the following new section:

"REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR

"Sec. 404D. With respect to any survey of human sexual behavior proposed to be conducted or supported through the National Institutes of Health, the survey may not be carried out unless—

"(1) the proposal has undergone review in accordance with any applicable requirements of sections 491 and 492; and

"(2) the Secretary, in accordance with section 492A, makes a determination that the information expected to be obtained through the survey will assist—

"(A) in reducing the incidence of sexually transmitted diseases, the incidence of infection with the human immunodeficiency virus, or the incidence of any other infectious disease; or

"(B) in improving reproductive health or other conditions of health.".

SEC. 208. DISCRETIONARY FUND OF DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.

Section 402 of the Public Health Service Act, as amended by section 206 of this Act, is amended by adding at the end the following new subsection:

"(i)(1) There is established a fund, consisting of amounts appropriated under paragraph (3) and made available for the fund, for use by the Director of NIH to carry out the activities authorized in this Act for the National Institutes of Health. The purposes for which such fund may be expended include—

"(A) providing for research on matters that have not received significant funding relative to other matters, responding to new issues and scientific emergencies, and acting on research opportunities of high priority;

"(B) supporting research that is not exclusively within the authority of any single agency of such Institutes; and

"(C) purchasing or renting equipment and quarters for activities of such Institutes.

"(2) Not later than February 10 of each fiscal year, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities undertaken and expenditures made under this section during the preceding fiscal year. The report may contain such comments of the Secretary regarding this section as the Secretary determines to be appropriate.

"(3) For the purpose of carrying out this subsection, there are authorized to be appropriated $25,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 209. MISCELLANEOUS PROVISIONS.

(a) Term of Office for Members of Advisory Councils.—Section 406(c) of the Public Health Service Act (42 U.S.C. 284a(c)) is amended in the second sentence by striking "until a successor has taken office" and inserting the following: "for 180 days after the date of such expiration".

(b) Literacy Requirements.—Section 402(e) of the Public Health Service Act (42 U.S.C. 282(e)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and±

(3) by adding at the end thereof the following new paragraph:

"(5) ensure that, after January 1, 1994, at least one-half of all new or revised health education and promotion materials developed or funded by the National Institutes of Health is in a form that does not exceed a level of functional literacy, as defined in the National Literacy Act of 1991 (Public Law 102–73).".

(c) Day Care Regarding Children of Employees.—Section 402 of the Public Health Service Act, as amended by section 208 of this Act, is amended by adding at the end the following new subsection:

"(j)(1) The Director of NIH may establish a program to provide day care services for the employees of the National Institutes of Health similar to those services provided by other Federal agencies (including the availability of day care service on a 24-hour-a-day basis).

"(2) Any day care provider at the National Institutes of Health shall establish a sliding scale of fees that takes into consideration the income and needs of the employee.

"(3) For purposes regarding the provision of day care services, the Director of NIH may enter into rental or lease purchase agreements.".

TITLE III—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

SEC. 301. APPOINTMENT AND AUTHORITY OF DIRECTORS OF NATIONAL RESEARCH INSTITUTES.

(a) Establishment of General Authority Regarding Direct Funding.—

(1) In general.—Section 405(b)(2) of the Public Health Service Act (42 U.S.C. 284(b)(2)) is amended—

(A) in subparagraph (A), by striking "and" after the semicolon at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) shall receive from the President and the Office of Management and Budget directly all funds appropriated by the Congress for obligation and expenditure by the Institute.".

(2) Conforming Amendment.—Section 413(b)(9) of the Public Health Service Act (42 U.S.C. 285a–2(b)(9)) is amended—

(A) by striking "(A)" after "(9)"; and

(B) by striking "advisory council;" and all that follows and inserting "advisory council.".

(b) Appointment and Duration of Technical and Scientific Peer Review Groups.—Section 405(c) of the Public Health Service Act (42 U.S.C. 284(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) may, in consultation with the advisory council for the Institute and with the approval of the Director of NIH—

"(A) establish technical and scientific peer review groups in addition to those appointed under section 402(b)(6); and

"(B) appoint the members of peer review groups established under subparagraph (A); and"; and

(2) by adding after and below paragraph (4) the following:

"The Federal Advisory Committee Act shall not apply to the duration of a peer review group appointed under paragraph (3).".

SEC. 302. PROGRAM OF RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 121(b) of Public Law 102–321 (106 Stat. 358), is amended by adding at the end the following new section:

"RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS

"SEC. 409A. (a) ESTABLISHMENT.—The Directors of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, and the National Institute of Diabetes, Digestive and Kidney Diseases, shall expand and intensify the programs of such Institutes with respect to research and related activities concerning osteoporosis, Paget's disease, and related bone disorders.

"(b) COORDINATION.—The Directors referred to in subsection (a) shall jointly coordinate the programs referred to in such subsection and consult with the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and the Interagency Task Force on Aging Research.

"(c) INFORMATION CLEARINGHOUSE.—

"(1) IN GENERAL.—In order to assist in carrying out the purpose described in subsection (a), the Director of NIH shall provide for the establishment of an information clearinghouse on osteoporosis and related bone disorders to facilitate and enhance knowledge and understanding on the part of health professionals, patients, and the public through the effective dissemination of information.

"(2) ESTABLISHMENT THROUGH GRANT OR CONTRACT.—For the purpose of carrying out paragraph (1), the Director of NIH shall enter into a grant, cooperative agreement, or contract with a nonprofit private entity involved in activities regarding the prevention and control of osteoporosis and related bone disorders.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 303. ESTABLISHMENT OF INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.

(a) IN GENERAL.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as amended by title VI of Public Law 102–321 (106 Stat. 433) and section 304 of Public Law 102–408 (106 Stat. 2084), is amended by adding at the end the following part:

"PART F—INTERAGENCY PROGRAM FOR TRAUMA RESEARCH

"SEC. 1261. ESTABLISHMENT OF PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health (hereafter in this section referred to as the 'Director'), shall establish a comprehensive program of conducting basic and clinical research on trauma (hereafter in this section referred to as the 'Program'). The Program shall include research regarding the diagnosis, treatment, rehabilitation, and general management of trauma.

"(b) PLAN FOR PROGRAM.—

"(1) IN GENERAL.—The Director, in consultation with the Trauma Research Interagency Coordinating Committee established under subsection (g), shall establish and implement a plan for carrying out the activities of the Program, including the activities described in subsection (d). All such activities shall be carried out in accordance with the plan. The plan shall be periodically reviewed, and revised as appropriate.

"(2) SUBMISSION TO CONGRESS.—Not later than June 1, 1993, the Director shall submit the plan required in paragraph (1) to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, together with an estimate of the funds needed for each of the fiscal years 1994 through 1996 to implement the plan.

"(c) PARTICIPATING AGENCIES; COORDINATION AND COLLABORATION.—The Director—

"(1) shall provide for the conduct of activities under the Program by the Directors of the agencies of the National Institutes of Health involved in research with respect to trauma;

"(2) shall ensure that the activities of the Program are coordinated among such agencies; and

"(3) shall, as appropriate, provide for collaboration among such agencies in carrying out such activities.

"(d) CERTAIN ACTIVITIES OF PROGRAM.—The Program shall include—

"(1) studies with respect to all phases of trauma care, including prehospital, resuscitation, surgical intervention, critical care, infection control, wound healing, nutritional care and support, and medical rehabilitation care;

"(2) basic and clinical research regarding the response of the body to trauma and the acute treatment and medical rehabilitation of individuals who are the victims of trauma; and

"(3) basic and clinical research regarding trauma care for pediatric and geriatric patients.

"(e) MECHANISMS OF SUPPORT.—In carrying out the Program, the Director, acting through the Directors of the agencies referred to in subsection (c)(1), may make grants to public and nonprofit entities, including designated trauma centers.

"(f) RESOURCES.—The Director shall assure the availability of appropriate resources to carry out the Program, including the plan established under subsection (b) (including the activities described in subsection (d)).

"(g) COORDINATING COMMITTEE.—

"(1) IN GENERAL.—There shall be established a Trauma Research Interagency Coordinating Committee (hereafter in this section referred to as the 'Coordinating Committee').

"(2) DUTIES.—The Coordinating Committee shall make recommendations regarding—

"(A) the activities of the Program to be carried out by each of the agencies represented on the Committee and the amount of funds needed by each of the agencies for such activities; and

"(B) effective collaboration among the agencies in carrying out the activities.

"(3) COMPOSITION.—The Coordinating Committee shall be composed of the Directors of each of the agencies that, under subsection (c), have responsibilities under the Program, and any other individuals who are practitioners in the trauma field as designated by the Director of the National Institutes of Health.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'designated trauma center' has the meaning given such term in section 1231(1).

"(2) The term 'Director' means the Director of the National Institutes of Health.

"(3) The term 'trauma' means any serious injury that could result in loss of life or in significant disability and that would meet pre-hospital triage criteria for transport to a designated trauma center.".

(b) CONFORMING AMENDMENT.—Section 402 of the Public Health Service Act, as amended by section 209(c) of this Act, is amended by adding at the end the following new subsection:

"(k) The Director of NIH shall carry out the program established in part E of title XII (relating to interagency research on trauma).".

TITLE IV—NATIONAL CANCER INSTITUTE

SEC. 401. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING BREAST CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

"BREAST AND GYNECOLOGICAL CANCERS

"SEC. 417. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on breast cancer, ovarian cancer, and other cancers of the reproductive system of women.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to breast cancer and other cancers of the reproductive system of women.

"(c) PROGRAMS FOR BREAST CANCER.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, breast cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of breast cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of breast cancer;

"(C) control programs with respect to breast cancer in accordance with section 412, including community-based programs designed to assist women who are members of medically underserved populations, low-income populations, or minority groups;

"(D) information and education programs with respect to breast cancer in accordance with section 413; and

"(E) research and demonstration centers with respect to breast cancer in accordance with section 414, including the development and operation of centers for breast cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities on breast cancer.

Not less than six centers shall be operated under subparagraph (E). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the In-

stitute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than May 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(d) OTHER CANCERS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research on ovarian cancer and other cancers of the reproductive system of women. Activities under such subsection shall provide for the conduct and support of—

"(1) basic research concerning the etiology and causes of ovarian cancer and other cancers of the reproductive system of women;

"(2) clinical research and related activities into the causes, prevention, detection and treatment of ovarian cancer and other cancers of the reproductive system of women;

"(3) control programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 412;

"(4) information and education programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 413; and

"(5) research and demonstration centers with respect to ovarian cancer and cancers of the reproductive system in accordance with section 414.

"(e) REPORT.—The Director of the Institute shall prepare, for inclusion in the biennial report submitted under section 407, a report that describes the activities of the National Cancer Institute under the research programs referred to in subsection (a), that shall include—

"(1) a description of the research plan with respect to breast cancer prepared under subsection (c);

"(2) an assessment of the development, revision, and implementation of such plan;

"(3) a description and evaluation of the progress made, during the period for which such report is prepared, in the research programs on breast cancer and cancers of the reproductive system of women;

"(4) a summary and analysis of expenditures made, during the period for which such report is made, for activities with respect to breast cancer and cancers of the reproductive system of women conducted and supported by the National Institutes of Health; and

"(5) such comments and recommendations as the Director considers appropriate.".

SEC. 402. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING PROSTATE CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 401 of this Act, is amended by adding at the end the following new section:

"PROSTATE CANCER

"SEC. 417A. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on prostate cancer.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to prostate cancer.

"(c) PROGRAMS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, prostate cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of prostate cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of prostate cancer;

"(C) prevention and control and early detection programs with respect to prostate cancer in accordance with section 412, particularly as it relates to intensifying research on the role of prostate specific antigen for the screening and early detection of prostate cancer;

"(D) an Inter-Institute Task Force, under the direction of the Director of the Institute, to provide coordination between relevant National Institutes of Health components of research efforts on prostate cancer;

"(E) control programs with respect to prostate cancer in accordance with section 412;

"(F) information and education programs with respect to prostate cancer in accordance with section 413; and

"(G) research and demonstration centers with respect to prostate cancer in accordance with section 414, including the development and operation of centers for prostate cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and control, treatment, research, and related activities on prostate cancer.

Not less than six centers shall be operated under subparagraph (G). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than May 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 402 of this Act, is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 417B. (a) ACTIVITIES GENERALLY.—For the purpose of carrying out this subpart, there are authorized to be appropriated $3,200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) BREAST CANCER AND GYNECOLOGICAL CANCERS.—

"(1) BREAST CANCER.—

"(A) For the purpose of carrying out subparagraph (A) of section 417(c)(1), there are authorized to be appropriated $225,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(B) For the purpose of carrying out subparagraphs (B) through (E) of section 417(c)(1), there are authorized to be appropriated $100,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(2) OTHER CANCERS.—For the purpose of carrying out subsection (d) of section 417, there are authorized to be appropriated $75,000,000 for fiscal year 1994, and such sums as are necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(c) PROSTATE CANCER.—For the purpose of carrying out section 417A, there are authorized to be appropriated $72,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(d) ALLOCATION REGARDING CANCER CONTROL.—

"(1) IN GENERAL.—Of the amounts appropriated for the National Cancer Institute for a fiscal year, the Director of the Institute shall make available not less than the applicable percentage specified in paragraph (2) for carrying out the cancer control activities authorized in section 412 and for which budget estimates are made under section 413(b)(9) for the fiscal year.

"(2) APPLICABLE PERCENTAGE.—The percentage referred to in paragraph (1) is—

"(A) 7 percent, in the case of fiscal year 1994;

"(B) 9 percent, in the case of fiscal year 1995; and

"(C) 10 percent, in the case of fiscal year 1996 and each subsequent fiscal year.".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 408 of the Public Health Service Act (42 U.S.C. 284c) is amended—

(A) by striking subsection (a);

(B) by redesignating subsection (b) as subsection (a);

(C) by redesignating paragraph (5) of subsection (a) (as so redesignated) as subsection (b); and

(D) by amending the heading for the section to read as follows:

"CERTAIN USES OF FUNDS".

(2) CROSS-REFERENCE.—Section 464F of the Public Health Service Act (42 U.S.C. 285m–6) is amended by striking "section 408(b)(1)" and inserting "section 408(a)(1)".

TITLE V—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

SEC. 501. EDUCATION AND TRAINING.

Section 421(b) of the Public Health Service Act (42 U.S.C. 285b–3(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) shall, in consultation with the advisory council for the Institute, conduct appropriate intramural training and education programs, including continuing education and laboratory and clinical research training programs.".

SEC. 502. CENTERS FOR THE STUDY OF PEDIATRIC CARDIOVASCULAR DISEASES.

Section 422(a)(1) of the Public Health Service Act (42 U.S.C. 285b–4(a)(1)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end thereof the following new subparagraph:

"(D) three centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment (including genetic studies, intrauterine environment studies, postnatal studies, heart arrhythmias, and acquired heart disease and preventive cardiology) for cardiovascular diseases in children.".

SEC. 503. NATIONAL CENTER ON SLEEP DISORDERS.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by adding at the end the following new section:

"NATIONAL CENTER ON SLEEP DISORDERS

"SEC. 424. (a) Not later than 1 year after the date of the enactment of the National Institutes of Health Revitalization Act of 1993, the Director of the Institute shall establish the National Center on Sleep Disorders (in this section referred to as the 'Center'). The Center shall be headed by a director, who shall be appointed by the Director of the Institute.

"(b) The general purpose of the Center is the conduct and support of research, training, health information dissemination, and other activities with respect to sleep disorders.

"(c) The Director of the Center may coordinate the activities of the Center with similar activities of other agencies of the Federal Government, including the other agencies of the National Institutes of Health, and with similar activities of other public entities and of private entities.".

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

Subpart 2 of part C of title IV of the Public Health Service Act, as amended by section 503 of this Act, is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 425. For the purpose of carrying out this subpart, there are authorized to be appropriated $1,500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

TITLE VI—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

SEC. 601. PROVISIONS REGARDING NUTRITIONAL DISORDERS.

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by adding at the end the following new section:

"NUTRITIONAL DISORDERS PROGRAM

"SEC. 434. (a) The Director of the Institute, in consultation with the Director of NIH, shall establish a program of conducting and supporting research, training, health information dissemination, and other activities with respect to nutritional disorders, including obesity.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall conduct and support each of the activities described in such subsection.

"(c) In carrying out the program established under subsection (a), the Director of the Institute shall carry out activities to facilitate and enhance knowledge and understanding of nutritional disorders, including obesity, on the part of health professionals, patients, and the public through the effective dissemination of information.".

(b) DEVELOPMENT AND EXPANSION OF RESEARCH AND TRAINING CENTERS.—Section 431 of the Public Health Service Act (42 U.S.C. 285c–5) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) The Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the development or substantial expansion of centers for research and training regarding nutritional disorders, including obesity.

"(2) The Director of the Institute shall carry out paragraph (1) in collaboration with the Director of the National Cancer Institute and with the Directors of such other agencies of the National Institutes of Health as the Director of NIH determines to be appropriate.

"(3) Each center developed or expanded under paragraph (1) shall—

"(A) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Director;

"(B) conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control and treatment of nutritional disorders, including obesity and the impact of nutrition and diet on child development;

"(C) conduct training programs for physicians and allied health professionals in current methods of diagnosis and treatment of such diseases and complications, and in research in such disorders; and

"(D) conduct information programs for physicians and allied health professionals who provide primary care for patients with such disorders or complications.".

TITLE VII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

SEC. 701. JUVENILE ARTHRITIS.

(a) PURPOSE.—Section 435 of the Public Health Service Act (42 U.S.C. 285d) is amended by striking "and other programs" and all that follows and inserting the following: "and other programs with respect to arthritis and musculoskeletal and skin diseases (including sports-related disorders), with particular attention to the effect of these diseases on children.".

(b) PROGRAMS.—Section 436 (42 U.S.C. 285d–1) is amended—

(1) in subsection (a), by inserting after the second sentence, the following: "The plan shall place particular emphasis upon expanding research into better understanding the causes and the development of effective treatments for arthritis affecting children."; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(5) research into the causes of arthritis affecting children and the development, trial, and evaluation of techniques, drugs and devices used in the diagnosis, treatment (including medical rehabilitation), and prevention of arthritis in children.".

(c) CENTERS.—Section 441 of the Public Health Service Act (42 U.S.C. 286d–6) is amended by adding at the end thereof the following new subsection:

"(f) Not later than October 1, 1994, the Director shall establish a multipurpose arthritis and musculoskeletal disease center for the purpose of expanding the level of research into the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

(d) ADVISORY BOARD.—

(1) TITLE.—Section 442(a) of the Public Health Service Act (42 U.S.C. 285d–7(a)) is amended by inserting after "Arthritis" the following: "and Musculoskeletal and Skin Diseases".

(2) COMPOSITION.—Section 442(b) of the Public Health Service Act (42 U.S.C. 285d–7(b)) is amended—

(A) in the matter preceding paragraph (1), by striking "eighteen" and inserting "twenty"; and

(B) in paragraph (1)(B)—

(i) by striking "six" and inserting "eight"; and

(ii) by striking "including" and all that follows and inserting the following: "including one member who is a person who has such a disease, one person who is the parent of an adult with such a disease, and two members who are parents of children with arthritis.".

(3) ANNUAL REPORT.—Section 442(j) of the Public Health Service Act (42 U.S.C. 285d–7(j)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(5) contains recommendations for expanding the Institute's funding of research directly applicable to the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

TITLE VIII—NATIONAL INSTITUTE ON AGING

SEC. 801. ALZHEIMER'S DISEASE REGISTRY.

(a) IN GENERAL.—Section 12 of Public Law 99–158 (99 Stat. 885) is—

(1) transferred to subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.);

(2) redesignated as section 445G; and

(3) inserted after section 445F of such Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 445G of the Public Health Service Act, as transferred and inserted by subsection (a) of this section, is amended—

(1) by striking the section heading and all that follows through "may make a grant" in subsection (a) and inserting the following:

"ALZHEIMER'S DISEASE REGISTRY

"SEC. 445G. (a) IN GENERAL.—The Director of the Institute may make a grant"; and

(2) by striking subsection (c).

SEC. 802. AGING PROCESSES REGARDING WOMEN.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 801 of this Act, is amended by adding at the end the following new section:

"AGING PROCESSES REGARDING WOMEN

"SEC. 445H. The Director of the Institute, in addition to other special functions specified in section 444 and in cooperation with the Directors of the other national research institutes and agencies of the National Institutes of Health, shall conduct research into the aging processes of women, with particular emphasis given to the effects of menopause and the physiological and behavioral changes occurring during the transition from pre- to post-menopause, *and into the diagnosis, disorders, and complications related to aging and loss of ovarian hormones in women.".*

SEC. 803. AUTHORIZATION OF APPROPRIATIONS.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 802 of this Act, is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 445I. For the purpose of carrying out this subpart, there are authorized to be appropriated $500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 804. CONFORMING AMENDMENT.

Section 445C of the Public Health Service Act (42 U.S.C. 285e-5), as amended by section 9 of Public Law 102-507 (106 Stat. 3287), is amended—

(1) in subsection (b)(1), in the first sentence, by inserting after "Council" the following: "on Alzheimer's Disease (hereafter in this section referred to as the 'Council')"; and

(2) by adding at the end the following new subsection:

"(e) For purposes of this section, the term 'Council on Alzheimer's Disease' means the council established in section 911(a) of Public Law 99-660.".

TITLE IX—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

SEC. 901. TROPICAL DISEASES.

Section 446 of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting before the period the following: ", including tropical diseases".

SEC. 902. CHRONIC FATIGUE SYNDROME.

(a) RESEARCH CENTERS.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f) is amended by adding at the end the following new section:

"RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME

"SEC. 447. (a) The Director of the Institute, after consultation with the advisory council for the Institute, may make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct basic and clinical research on chronic fatigue syndrome.

"(b) Each center assisted under this section shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.".

(b) EXTRAMURAL STUDY SECTION.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall establish an extramural study section for chronic fatigue syndrome research.

(c) REPRESENTATIVES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall ensure that appropriate individuals with expertise in chronic fatigue syndrome or neuromuscular diseases and representative of a variety of disciplines and fields within the research community are appointed to appropriate National Institutes of Health advisory committees and boards.

TITLE X—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

SEC. 1001. GRANTS AND CONTRACTS FOR RESEARCH CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 3 of Public Law 101-613, is amended by adding at the end the following new section:

"RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 452A. (a) The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct activities for the purpose of improving methods of contraception and centers to conduct activities for the purpose of improving methods of diagnosis and treatment of infertility.

"(b) In carrying out subsection (a), the Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the establishment of three centers with respect to contraception and for two centers with respect to infertility.

"(c)(1) Each center assisted under this section shall, in carrying out the purpose of the center involved—

"(A) conduct clinical and other applied research, including—

"(i) for centers with respect to contraception, clinical trials of new or improved drugs and devices for use by males and females (including barrier methods); and

"(ii) for centers with respect to infertility, clinical trials of new or improved drugs and devices for the diagnosis and treatment of infertility in males and females;

"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals;

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals and the public.

"(2) A center may use funds provided under subsection (a) to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (C) of paragraph (1), and to provide fees to individuals serving as subjects in clinical trials conducted under such paragraph.

"(d) The Director of the Institute shall, as appropriate, provide for the coordination of information among the centers assisted under this section.

"(e) Each center assisted under subsection (a) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(f) Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(g) For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 1002. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 487A the following section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 487B. (a) The Secretary, in consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program of entering into agreements with qualified health professionals (including graduate students) under which such health professionals agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(b) The provisions of sections 338B, 338C, and 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

Subtitle B—Program Regarding Obstetrics and Gynecology

SEC. 1011. ESTABLISHMENT OF PROGRAM.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1001 of this Act, is amended by adding at the end the following new section:

"PROGRAM REGARDING OBSTETRICS AND GYNECOLOGY

"SEC. 452B. The Director of the Institute shall establish and maintain within the Institute an intramural laboratory and clinical research program in obstetrics and gynecology.".

Subtitle C—Child Health Research Centers

SEC. 1021. ESTABLISHMENT OF CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1011 of this Act, is amended by adding at the end the following new section:

"CHILD HEALTH RESEARCH CENTERS

"SEC. 452C. The Director of the Institute shall develop and support centers for conducting research with respect to child health. Such centers shall give priority to the expeditious transfer of advances from basic science to clinical applications and improving the care of infants and children.".

Subtitle D—Study Regarding Adolescent Health

SEC. 1031. PROSPECTIVE LONGITUDINAL STUDY.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1021 of this Act, is amended by adding at the end the following new section:

"PROSPECTIVE LONGITUDINAL STUDY ON ADOLESCENT HEALTH

"SEC. 452D. (a) IN GENERAL.—Not later than October 1, 1993, the Director of the Institute shall commence a study for the purpose of providing information on the general health and well-being of adolescents in the United States, including, with respect to such adolescents, information on—

"(1) the behaviors that promote health and the behaviors that are detrimental to health; and

"(2) the influence on health of factors particular to the communities in which the adolescents reside.

"(b) DESIGN OF STUDY.—

"(1) IN GENERAL.—The study required in subsection (a) shall be a longitudinal study in which a substantial number of adolescents participate as subjects. With respect to the purpose described in such subsection, the study shall monitor the subjects throughout the period of the study to determine the health status of the subjects and any change in such status over time.

"(2) POPULATION-SPECIFIC ANALYSES.—The study required in subsection (a) shall be con-

ducted with respect to the population of adolescents who are female, the population of adolescents who are male, various socioeconomic populations of adolescents, and various racial and ethnic populations of adolescents. The study shall be designed and conducted in a manner sufficient to provide for a valid analysis of whether there are significant differences among such populations in health status and whether and to what extent any such differences are due to factors particular to the populations involved.

"(c) Coordination With Women's Health Initiative.—With respect to the national study of women being conducted by the Secretary and known as the Women's Health Initiative, the Secretary shall ensure that such study is coordinated with the component of the study required in subsection (a) that concerns adolescent females, including coordination in the design of the 2 studies.".

TITLE XI—NATIONAL EYE INSTITUTE

SEC. 1101. CLINICAL RESEARCH ON DIABETES EYE CARE.

(a) In General.—Subpart 9 of part C of title IV of the Public Health Service Act (42 U.S.C. 285i) is amended by adding at the end the following new section:

"CLINICAL RESEARCH ON EYE CARE AND DIABETES

"Sec. 456. (a) Program of Grants.—The Director of the Institute, in consultation with the advisory council for the Institute, may award not more than three grants for the establishment and support of centers for clinical research on eye care for individuals with diabetes.

"(b) Authorized Expenditures.—The purposes for which a grant under subsection (a) may be expended include equipment for the research described in such subsection and the construction and modernization of facilities for such research.".

(b) Conforming Amendment.—Section 455 of the Public Health Service Act (42 U.S.C. 285i) is amended in the second sentence by striking "The Director" and inserting "Subject to section 456, the Director".

TITLE XII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

SEC. 1201. RESEARCH ON MULTIPLE SCLEROSIS.

Subpart 10 of part C of title IV of the Public Health Service Act (42 U.S.C. 285j et seq.) is amended by adding at the end the following new section:

"RESEARCH ON MULTIPLE SCLEROSIS

"Sec. 460. The Director of the Institute shall conduct and support research on multiple sclerosis, especially research on effects of genetics and hormonal changes on the progress of the disease.".

TITLE XIII—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

SEC. 1301. APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM.

(a) In General.—Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285l) is amended by adding at the end the following new section:

"APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM

"Sec. 463A. (a) There is established within the Institute a program for conducting applied research and testing regarding toxicology, which program shall be known as the Applied Toxicological Research and Testing Program.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall, with respect to toxicology, carry out activities—

"(1) to expand knowledge of the health effects of environmental agents;

"(2) to broaden the spectrum of toxicology information that is obtained on selected chemicals;

"(3) to develop and validate assays and protocols, including alternative methods that can reduce or eliminate the use of animals in acute or chronic safety testing;

"(4) to establish criteria for the validation and regulatory acceptance of alternative testing and to recommend a process through which scientifically validated alternative methods can be accepted for regulatory use;

"(5) to communicate the results of research to government agencies, to medical, scientific, and regulatory communities, and to the public; and

"(6) to integrate related activities of the Department of Health and Human Services.".

(b) Technical Amendment.—Section 463 of the Public Health Service Act (42 U.S.C. 285l) is amended by inserting after "Sciences" the following: "(hereafter in this subpart referred to as the 'Institute')".

SEC. 1302. STUDY OF ENVIRONMENTAL AND OTHER RISKS CONTRIBUTING TO INCIDENCE OF BREAST AND PROSTATE CANCER.

(a) In General.—The Director of the National Institute of Environmental Health Sciences (in this section referred to as the "Director"), in collaboration with the Director of the National Cancer Institute, shall conduct a case-controlled study to assess biological markers of environmental and other risk factors contributing to the incidence of breast and prostate cancer in the Counties of Nassau and Suffolk, in the State of New York.

(b) Certain Elements of Study.—Activities of the Director in carrying out the study under subsection (a) shall include the use of a geographic system to evaluate the current and past exposure of individuals, including direct monitoring and cumulative estimates of exposure, to—

(1) contaminated drinking water;

(2) sources of indoor and ambient air pollution, including emissions from aircraft;

(3) electromagnetic fields;

(4) pesticides and other toxic chemicals;

(5) hazardous and municipal waste; and

(6) such other factors as the Director determines to be appropriate.

(c) Report.—Not later than 24 months after the date of the enactment of this Act, the Director shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

(d) Funding.—Of the amounts appropriated for fiscal years 1994 and 1995 for the National Institute of Environmental Health Sciences and the National Cancer Institute, the Director of the National Institutes of Health shall make available amounts for carrying out the study required in subsection (a).

TITLE XIV—NATIONAL LIBRARY OF MEDICINE

Subtitle A—General Provisions

SEC. 1401. ADDITIONAL AUTHORITIES.

(a) In General.—Section 465(b) of the Public Health Service Act (42 U.S.C. 286(b)) is amended—

(1) by striking "and" after the semicolon at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (8); and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) publicize the availability from the Library of the products and services described in any of paragraphs (1) through (5);

"(7) promote the use of computers and telecommunications by health professionals (including health professionals in rural areas) for the purpose of improving access to biomedical information for health care delivery and medical research; and".

(b) Limitation Regarding Grants.—Section 474(b)(2) of the Public Health Service Act (42 U.S.C. 286b–S(b)(2)) is amended by striking "$750,000" and inserting "$1,000,000".

(c) Technical and Conforming Amendments.—

(1) Repeal of certain authority.—Section 215 of the Department of Health and Human Services Appropriations Act, 1988, as contained in section 101(h) of Public Law 100–202 (101 Stat. 1329–275), is repealed.

(2) Applicability of certain new authority.—With respect to the authority established for the National Library of Medicine in section 465(b)(6) of the Public Health Service Act, as added by subsection (a) of this section, such authority shall be effective as if the authority had been established on December 22, 1987.

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

(a) Establishment of Single Authorization.—Subpart 1 of part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 468. (a) For the purpose of carrying out this part, there are authorized to be appropriated $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) Amounts appropriated under subsection (a) and made available for grants or contracts under any of sections 472 through 476 shall remain available until the end of the fiscal year following the fiscal year for which the amounts were appropriated.".

(b) Conforming Amendments.—Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by striking section 469 and section 478(c).

Subtitle B—Financial Assistance

SEC. 1411. ESTABLISHMENT OF PROGRAM OF GRANTS FOR DEVELOPMENT OF EDUCATION TECHNOLOGIES.

Section 473 of the Public Health Service Act (42 U.S.C. 286b–4) is amended by adding at the end the following new subsection:

"(c)(1) The Secretary shall make grants to public or nonprofit private institutions for the purpose of carrying out projects of research on, and development and demonstration of, new education technologies.

"(2) The purposes for which a grant under paragraph (1) may be made include projects concerning—

"(A) computer-assisted teaching and testing of clinical competence at health professions and research institutions;

"(B) the effective transfer of new information from research laboratories to appropriate clinical applications;

"(C) the expansion of the laboratory and clinical uses of computer-stored research databases; and

"(D) the testing of new technologies for training health care professionals.

"(3) The Secretary may not make a grant under paragraph (1) unless the applicant for the grant agrees to make the projects available with respect to—

"(A) assisting in the training of health professions students; and

"(B) enhancing and improving the capabilities of health professionals regarding research and teaching.".

Subtitle C—National Information Center on Health Services Research and Health Care Technology

SEC. 1421. ESTABLISHMENT OF CENTER.

Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following new subpart:

"Subpart 4—National Information Center on Health Services Research and Health Care Technology

"NATIONAL INFORMATION CENTER

"SEC. 478A. (a) There is established within the Library an entity to be known as the National Information Center on Health Services Research and Health Care Technology (in this section referred to as the 'Center').

"(b) The purpose of the Center is the collection, storage, analysis, retrieval, and dissemination of information on health services research, clinical practice guidelines, and on health care technology, including the assessment of such technology. Such purpose includes developing and maintaining data bases and developing and implementing methods of carrying out such purpose.

"(c) The Director of the Center shall ensure that information under subsection (b) concerning clinical practice guidelines is collected and maintained electronically and in a convenient format. Such Director shall develop and publish criteria for the inclusion of practice guidelines and technology assessments in the information center database.

"(d) The Secretary, acting through the Center, shall coordinate the activities carried out under this section through the Center with related activities of the Administrator for Health Care Policy and Research.".

SEC. 1422. CONFORMING PROVISIONS.

(a) IN GENERAL.—Section 903 of the Public Health Service Act, as amended by section 3 of Public Law 102-410 (106 Stat. 2094), is amended by amending subsection (e) to read as follows:

"(e) REQUIRED INTERAGENCY AGREEMENT.—The Administrator and the Director of the National Library of Medicine shall enter into an agreement providing for the implementation of section 478A.".

(b) RULE OF CONSTRUCTION.—The amendments made by section 3 of Public Law 102-410 (106 Stat. 2094), by section 1421 of this Act, and by subsection (a) of this section may not be construed as terminating the information center on health care technologies and health care technology assessment established under section 904 of the Public Health Service Act, as in effect on the day before the date of the enactment of Public Law 102-410. Such center shall be considered to be the center established in section 478A of the Public Health Service Act, as added by section 1421 of this Act, and shall be subject to the provisions of such section 478A.

TITLE XV—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

Subtitle A—Division of Research Resources

SEC. 1501. REDESIGNATION OF DIVISION AS NATIONAL CENTER FOR RESEARCH RESOURCES.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2)(B), by amending such subparagraph to read as follows:

"(B) The National Center for Research Resources."; and

(2) in part E—

(A) in the heading for subpart 1, by striking "Division of" and inserting "National Center for";

(B) in section 479, by striking "the Division of Research Resources" and inserting the following: "the National Center for Research Resources (hereafter in this subpart referred to as the 'Center')";

(C) in sections 480 and 481, by striking "the Division of Research Resources" each place such term appears and inserting "the Center"; and

(D) in sections 480 and 481, as amended by subparagraph (C), by striking "the Division" each place such term appears and inserting "the Center".

SEC. 1502. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES

"SEC. 481A. (a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—

"(1) IN GENERAL.—The Director of NIH, acting through the Director of the Center, may make grants to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

"(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, the terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but do not include the cost of acquisition of land or off-site improvements.

"(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.—

"(1) IN GENERAL; APPROVAL AS PRECONDITION TO GRANTS.—

"(A) There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (hereafter referred to in this section as the 'Board').

"(B) The Director of the Center may approve an application for a grant under subsection (a) only if the Board has under paragraph (2) recommended the application for approval.

"(2) DUTIES.—

"(A) The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (hereafter in this section referred to as the 'Advisory Council') on carrying out this section.

"(B) In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

"(C) In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided in the grant.

"(D) In carrying out subparagraph (A), the Board shall prepare an annual report for the Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—

"(i) summarize and analyze expenditures made under this section;

"(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

"(iii) contain the recommendations of the Board for any changes in the administration of this section.

"(3) MEMBERSHIP.—

"(A) Subject to subparagraph (B), the Board shall be composed of 9 appointed members, and such ex officio members as the Director of the Center determines to be appropriate.

"(B) Not more than 3 individuals who are officers or employees of the Federal Government may serve as members of the Board.

"(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Director of the Center shall ensure that the members are individuals who, by virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Director of the Center shall ensure that the members of the Board collectively—

"(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

"(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

"(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

"(D) are experienced with emerging centers of excellence, as described in subsection (c)(3).

"(5) CERTAIN AUTHORITIES.—

"(A) In carrying out paragraph (2), the Board may convene workshops and conferences, and collect data as the Board considers appropriate.

"(B) In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

"(6) TERMS.—

"(A) Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

"(B) Of the initial members appointed to the Board (as specified by the Director of the Center when making the appointments)—

"(i) 3 shall hold office for a term of 3 years;

"(ii) 3 shall hold office for a term of 2 years; and

"(iii) 3 shall hold office for a term of 1 year.

"(C) No member is eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

"(7) COMPENSATION.—Members of the Board who are not officers or employees of the United States shall receive for each day the members are engaged in the performance of the functions of the Board compensation at the same rate received by members of other national advisory councils established under this title.

"(c) REQUIREMENTS FOR GRANTS.—

"(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

"(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

"(B) The applicant provides assurances satisfactory to the Director that—

"(i) for not less than 20 years after completion of the construction, the facility will be used for the purposes of research for which it is to be constructed;

"(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

"(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

"(iv) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

"(C) The applicant meets reasonable qualifications established by the Director with respect to—

"(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

"(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

"(iii) the need of the applicant for such facilities in order to maintain or expand the applicant's research and training mission;

"(iv) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

"(v) the age and condition of existing research facilities and equipment.

"(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

"(2) CONSIDERATION OF CERTAIN FACTORS.—In making grants under subsection (a), the Director of the Center may, in addition to the requirements established in paragraph (1), consider the following factors:

"(A) To what extent the applicant has the capacity to broaden the scope of research and research training programs of the applicant by promoting—

"(i) interdisciplinary research;

"(ii) research on emerging technologies, including those involving novel analytical techniques or computational methods; or

"(iii) other novel research mechanisms or programs.

"(B) To what extent the applicant has broadened the scope of research and research training programs of qualified institutions by promoting genomic research with an emphasis on interdisciplinary research, including research related to pediatric investigations.

"(3) INSTITUTIONS OF EMERGING EXCELLENCE.—Of the amounts appropriated under subsection (h) for a fiscal year, the Director of the Center shall make available 25 percent for grants under subsection (a) to applicants that, in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

"(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

"(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

"(C) The applicant has been productive in research or research development and training.

"(D) The applicant—

"(i) has been designated as a center of excellence under section 739;

"(ii) is located in a geographic area a significant percentage of whose population has a health-status deficit, and the applicant provides health services to such population; or

"(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

"(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(e) AMOUNT OF GRANT; PAYMENTS.—

"(1) AMOUNT.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

"(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

"(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

"(2) RESERVATION OF AMOUNTS.—On approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available therefore, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of the Director of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

"(3) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under this subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

"(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this section; and

"(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(4) WAIVER OF LIMITATIONS.—The limitations imposed by paragraph (1) may be waived at the discretion of the Director for applicants meeting the conditions described in paragraphs (1) and (2) of subsection (c).

"(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

"(1) the applicant or other owner of the facility shall cease to be a public or nonprofit private is entity; or

"(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

"(g) GUIDELINES.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 1503. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTER.

Subpart 1 of part E of title IV of the Public Health Service Act, as amended by section 1502 of this Act, is amended by adding at the end the following new section:

"CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES

"SEC. 481B. (a) With respect to activities carried out by the National Center for Research Resources to support regional centers for research on primates, the Director of NIH shall, for each of the fiscal years 1994 through 1996, reserve from the amounts appropriated under section 481A(i) $5,000,000 for the purpose of making awards of grants and contracts to public or nonprofit private entities to construct, renovate, or otherwise improve such regional centers. The reservation of such amounts for any fiscal year is subject to the availability of qualified applicants for such awards.

"(b) The Director of NIH may not make a grant or enter into a contract under subsection (a) unless the applicant for such assistance agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward such costs in an amount equal to not less than $1 for each $4 of Federal funds provided in such assistance.".

Subtitle B—National Center for Nursing Research

SEC. 1511. REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AS NATIONAL INSTITUTE OF NURSING RESEARCH.

(a) IN GENERAL.—Subpart 3 of part E of title IV of the Public Health Service Act (42 U.S.C. 287c et seq.) is amended—

(1) in section 483—

(A) in the heading for the section, by striking "CENTER" and inserting "INSTITUTE"; and

(B) by striking "The general purpose" and all that follows through "is" and inserting the following: "The general purpose of the National Institute of Nursing Research (hereafter in this subpart referred to as the 'Institute') is";

(2) in section 484, by striking "Center" each place such term appears and inserting "Institute";

(3) in section 485—

(A) in subsection (a), in each of paragraphs (1) through (3), by striking "Center" each place such term appears and inserting "Institute";

(B) in subsection (b)—

(i) in paragraph (2)(A), by striking "Center" and inserting "Institute"; and

(ii) in paragraph (3)(A), in the first sentence, by striking "Center" and inserting "Institute"; and

(C) in subsections (d) through (g), by striking "Center" each place such term appears and inserting "Institute"; and

(4) in section 485A (as redesignated by section 141(a)(1) of this Act), by striking "Center" each place such term appears and inserting "Institute".

(b) CONFORMING AMENDMENTS.—

(1) ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.—Section 401(b) of the Public Health Service Act (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

"(Q) The National Institute of Nursing Research."; and

(B) in paragraph (2), by striking subparagraph (D).

(2) TRANSFER OF STATUTORY PROVISIONS.—The Public Health Service Act, as amended by subsection (a) of this section and by section 124 of Public Law 102-321 (106 Stat. 364), is amended—

(A) by transferring sections 483 through 485A to part C of title IV;

(B) by redesignating such sections as sections 464V through 464Y of such part; and

(C) by adding such sections, in the appropriate sequence, at the end of such part.

(3) HEADING FOR NEW SUBPART.—Title IV of the Public Health Service Act, as amended by

the preceding provisions of this section, is amended—

(A) in part C, by inserting before section 464V the following:

"Subpart 17—National Institute of Nursing Research";

and

(B) by striking the subpart designation and heading for subpart 3 of part E.

(4) CROSS-REFERENCES.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended in subpart 17 of part C—

(A) in section 464W, by striking "section 483" and inserting "section 464V";

(B) in section 464X(g), by striking "section 486" and inserting "section 464Y"; and

(C) in section 464Y, in the last sentence, by striking "section 485(g)" and inserting "section 464X(g)".

SEC. 1512. STUDY ON ADEQUACY OF NUMBER OF NURSES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institute of Nursing Research, shall enter into a contract with a public or nonprofit private entity to conduct a study for the purpose of determining whether and to what extent there is a need for an increase in the number of nurses in hospitals and nursing homes in order to promote the quality of patient care and reduce the incidence among nurses of work-related injuries and stress.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Institute declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "nurse" means a registered nurse, a licensed practical nurse, a licensed vocational nurse, and a nurse assistant.

(2) The term "Secretary" means the Secretary of Health and Human Services.

(d) REPORT.—The Secretary shall ensure that, not later than October 1, 1994, the study required in subsection (a) is completed and a report describing the findings made as a result of the study is submitted to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate.

Subtitle C—National Center for Human Genome Research

SEC. 1521. PURPOSE OF CENTER.

Title IV of the Public Health Service Act, as amended by section 141(a)(1) of this Act and by paragraphs (1)(B) and (3)(B) of section 1511(b) of this Act, is amended—

(1) in section 401(b)(2), by adding at the end the following new subparagraph:

"(D) The National Center for Human Genome Research."; and

(2) in part E, by adding at the end the following new subpart:

"Subpart 3—National Center for Human Genome Research

"PURPOSE OF THE CENTER

"SEC. 485B. (a) The general purpose of the National Center for Human Genome Research (hereafter in this subpart referred to as the 'Center') is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—

"(1) planning and coordinating the research goal of the genome project;

"(2) reviewing and funding research proposals;

"(3) developing training programs;

"(4) coordinating international genome research;

"(5) communicating advances in genome science to the public; and

"(6) reviewing and funding proposals to address the ethical and legal issues associated with the genome project.

"(b) The Director of the Center may conduct and support research training—

"(1) for which fellowship support is not provided under section 487; and

"(2) that is not residency training of physicians or other health professionals.

"(c)(1) Except as provided in paragraph (2), of the amounts appropriated to carry out subsection (a) for a fiscal year, the Director of the Center shall make available not less than 5 percent for carrying out paragraph (6) of such subsection.

"(2) With respect to providing funds under subsection (a)(6) for proposals to address the ethical issues associated with the genome project, paragraph (1) shall not apply for a fiscal year if the Director of the Center certifies to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such proposals meet the applicable requirements of sections 491 and 492.".

TITLE XVI—AWARDS AND TRAINING

Subtitle A—National Research Service Awards

SEC. 1601. REQUIREMENT REGARDING WOMEN AND INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

Section 487(a) of the Public Health Service Act (42 U.S.C. 288(a)(4)) is amended by adding at the end the following paragraph:

"(4) The Secretary shall carry out paragraph (1) in a manner that will result in the recruitment of women, and individuals from disadvantaged backgrounds, into fields of biomedical or behavioral research and in the provision of research training to women and such individuals.".

Subtitle B—Acquired Immune Deficiency Syndrome

SEC. 1611. LOAN REPAYMENT PROGRAM.

Section 487A of the Public Health Service Act (42 U.S.C. 288–1) is amended to read as follows:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

"SEC. 487A. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct, as employees of the National Institutes of Health, research with respect to acquired immune deficiency syndrome in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B) agrees to serve as an employee of the National Institutes of Health for purposes of paragraph (1) for a period of not less than 3 years.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.".

Subtitle C—Loan Repayment for Research Generally

SEC. 1621. ESTABLISHMENT OF PROGRAM.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1002 of this Act, is amended by inserting after section 487B the following new section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH GENERALLY

"SEC. 487C. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct research, as employees of the National Institutes of Health, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B) agrees to serve as an employee of the National Institutes of Health for purposes of paragraph (1) for a period of not less than 3 years.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section other than with respect to acquired immune deficiency syndrome, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.".

Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by Certain Agencies

SEC. 1631. ESTABLISHMENT OF PROGRAMS FOR NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1621 of this Act, is amended by inserting after section 487C the following new sections:

"UNDERGRADUATE SCHOLARSHIP PROGRAM REGARDING PROFESSIONS NEEDED BY NATIONAL RESEARCH INSTITUTES

"SEC. 487D. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH, may carry out a program of entering into contracts with individuals described in paragraph (2) under which—

"(A) the Director of NIH agrees to provide to the individuals scholarships for pursuing, as undergraduates at accredited institutions of higher education, academic programs appropriate for careers in professions needed by the National Institutes of Health; and

"(B) the individuals agree to serve as employees of the National Institutes of Health, for the period described in subsection (c), in positions that are needed by the National Institutes of Health and for which the individuals are qualified.

"(2) INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—The individuals referred to in paragraph (1) are individuals who—

"(A) are enrolled or accepted for enrollment as full-time undergraduates at accredited institutions of higher education; and

"(B) are from disadvantaged backgrounds.

"(b) FACILITATION OF INTEREST OF STUDENTS IN CAREERS AT NATIONAL INSTITUTES OF HEALTH.—In providing employment to individuals pursuant to contracts under subsection (a)(1), the Director of NIH shall carry out activities to facilitate the interest of the individuals in pursuing careers as employees of the National Institutes of Health.

"(c) PERIOD OF OBLIGATED SERVICE.—

"(1) DURATION OF SERVICE.—For purposes of subparagraph (B) of subsection (a)(1), the period of service for which an individual is obligated to serve as an employee of the National Institutes of Health is, subject to paragraph (2)(A), 12 months for each academic year for which the scholarship under such subsection is provided.

"(2) SCHEDULE FOR SERVICE.—

"(A) Subject to subparagraph (B), the Director of NIH may not provide a scholarship under subsection (a) unless the individual applying for the scholarship agrees that—

"(i) the individual will serve as an employee of the National Institutes of Health full-time for not less than 10 consecutive weeks of each year during which the individual is attending the educational institution involved and receiving such a scholarship;

"(ii) the period of service as such an employee that the individual is obligated to provide under clause (i) is in addition to the period of service as such an employee that the individual is obligated to provide under subsection (a)(1)(B); and

"(iii) not later than 60 days after obtaining the educational degree involved, the individual will begin serving full-time as such an employee in satisfaction of the period of service that the individual is obligated to provide under subsection (a)(1)(B).

"(B) The Director of NIH may defer the obligation of an individual to provide a period of service under subsection (a)(1)(B), if the Director determines that such a deferral is appropriate.

"(3) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO APPOINTMENT AND COMPENSATION.—For any period in which an individual provides service as an employee of the National Institutes of Health in satisfaction of the obligation of the individual under subsection (a)(1)(B) or paragraph (2)(A)(i), the individual may be appointed as such an employee without regard to the provisions of title 5, United States Code, relating to appointment and compensation.

"(d) PROVISIONS REGARDING SCHOLARSHIP.—

"(1) APPROVAL OF ACADEMIC PROGRAM.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless—

"(A) the individual applying for the scholarship has submitted to the Director a proposed academic program for the year and the Director has approved the program; and

"(B) the individual agrees that the program will not be altered without the approval of the Director.

"(2) ACADEMIC STANDING.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless the individual applying for the scholarship agrees to maintain an acceptable level of academic standing, as determined by the educational institution involved in accordance with regulations issued by the Secretary.

"(3) LIMITATION ON AMOUNT.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year in an amount exceeding $20,000.

"(4) AUTHORIZED USES.—A scholarship provided under subsection (a) may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attending the school involved.

"(5) CONTRACT REGARDING DIRECT PAYMENTS TO INSTITUTION.—In the case of an institution of higher education with respect to which a scholarship under subsection (a) is provided, the Director of NIH may enter into a contract with the institution under which the amounts provided in the scholarship for tuition and other educational expenses are paid directly to the institution.

"(e) PENALTIES FOR BREACH OF SCHOLARSHIP CONTRACT.—The provisions of section 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(f) REQUIREMENT OF APPLICATION.—The Director of NIH may not provide a scholarship under subsection (a) unless an application for the scholarship is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(g) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for scholarships under this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.

"LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS

"SEC. 487E. (a) IMPLEMENTATION OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH may, subject to paragraph (2), carry out a program of entering into contracts with appropriately qualified health professionals who are from disadvantaged backgrounds under which such health professionals agree to conduct clinical research as employees of the National Institutes of Health in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of the health professionals.

"(2) LIMITATION.—The Director of NIH may not enter into a contract with a health professional pursuant to paragraph (1) unless such professional has a substantial amount of education loans relative to income.

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—Except to the extent inconsistent with this section, the provisions of sections 338C and 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(b) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for contracts under subsection (a) shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

SEC. 1632. FUNDING.

Section 487(a)(1) of the Public Health Service Act (42 U.S.C. 288(a)(1)) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) provide contracts for scholarships and loan repayments in accordance with sections 487D and 487E, subject to providing not more than an aggregate 50 such contracts during the fiscal years 1994 through 1996.".

Subtitle E—Funding

SEC. 1641. AUTHORIZATION OF APPROPRIATIONS.

Section 487(d) of the Public Health Service Act (42 U.S.C. 288(d)) is amended—

(1) in the first sentence, by amending the sentence to read as follows: "For the purpose of carrying out this section, there are authorized to be appropriated $400,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996."; and

(2) in paragraph (3)—

(A) by striking "one-half of one percent" each place such term appears and inserting "1 percent"; and

(B) by striking "780, 784, or 786," and inserting "747, 748, or 749,".

TITLE XVII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

SEC. 1701. DATE CERTAIN FOR APPOINTMENT OF BOARD MEMBERS.

Section 499 of the Public Health Service Act, as redesignated by section 121(b)(3) of this Act, is amended in subsection (c)(1)(C) by inserting after and below clause (iii) the following:

"Not later than April 1, 1993, the Secretary shall convene a meeting of the ex officio members of the Board for the purpose of making the appointments required in this subparagraph.".

SEC. 1702. MISCELLANEOUS PROVISIONS.

Section 499 of the Public Health Service Act, as redesignated by section 121(b)(3) of this Act, is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting after "Secretary" the following: ", acting through the Director of NIH,"; and

(B) in the second sentence, by striking "the purposes of" and all that follows through "Transfer Act," and inserting the following: "the purposes of the Ethics in Government Act of 1978 and the Stevenson-Wydler Technology Innovation Act of 1980,";

(2) in subsection (b)(2), by striking "Ethics" and all that follows and inserting the following: "Ethics in Government Act of 1978, and the Stevenson-Wydler Technology Innovation Act of 1980.";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), in the second sentence, by inserting ", except the ex officio members," after "Foundation";

(ii) in subparagraph (B), in the matter preceding clause (i), by striking "Council" and inserting "Board"; and

(iii) in subparagraph (C), in the first sentence, by striking "Council" and inserting "Board"; and

(B) in paragraph (3)(A), by striking "paragraph (2)(C)" and inserting "paragraph (1)(C)";

(4) in subsection (g)(8), by striking "subtitle" and inserting "part"; and

(5) in subsection (i)(1), by striking "1995" and inserting "1996".

TITLE XVIII—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

Subtitle A—Office of AIDS Research

SEC. 1801. ESTABLISHMENT OF OFFICE.

(a) IN GENERAL.—Part D of title XXIII of the Public Health Service Act (42 U.S.C. 300cc-41 et seq.) is amended—

(1) by striking the part designation and the heading for the part;

(2) by redesignating section 2351 as section 2354; and

(3) by inserting before section 2354 (as so redesignated) the following:

"PART D—OFFICE OF AIDS RESEARCH

"Subpart I—Interagency Coordination of Activities

"SEC. 2351. ESTABLISHMENT OF OFFICE.

"(a) IN GENERAL.—There is established within the National Institutes of Health an office to be known as the Office of AIDS Research. The Office shall be headed by a director, who shall be appointed by the Secretary.

"(b) DUTIES.—

"(1) INTERAGENCY COORDINATION OF AIDS ACTIVITIES.—With respect to acquired immune deficiency syndrome, the Director of the Office shall plan, coordinate, and evaluate research and other activities conducted or supported by the agencies of the National Institutes of Health.

"(2) CONSULTATIONS.—The Director of the Office shall carry out this subpart (including developing and revising the plan required in section 2353) in consultation with the heads of the agencies of the National Institutes of Health, with the advisory councils of the agencies, and with the advisory council established under section 2352.

"SEC. 2352. ADVISORY COUNCIL.

"(a) IN GENERAL.—The Secretary shall establish an advisory council for the purpose of providing advice to the Director of the Office on carrying out this part. (Such council is referred to in this section as the 'Advisory Council'.)

"(b) COMPOSITION, COMPENSATION, TERMS, CHAIR, ETC.—Subsections (b) through (g) of section 406 apply to the Advisory Council to the same extent and in the same manner as such subsections apply to advisory councils for the national research institutes, except that, in addition to the ex officio members specified in section 406(b)(2), there shall serve as ex officio members of the Advisory Council the chairs of the advisory councils for each of the National Cancer Institute, the National Institute on Allergy and Infectious Diseases, and the National Institute on Mental Health.

"SEC. 2353. COMPREHENSIVE PLAN FOR EXPENDITURE OF APPROPRIATIONS.

"(a) IN GENERAL.—Subject to the provisions of this section and other applicable law, the Director of the Office, in carrying out section 2351, shall—

"(1) establish a comprehensive plan for the conduct and support of all AIDS activities of the agencies of the National Institutes of Health (which plan shall be first established under this paragraph not later than 12 months after the date of the enactment of the National Institutes of Health Revitalization Act of 1993);

"(2) ensure that the Plan establishes priorities among the AIDS activities that such agencies are authorized to carry out;

"(3) ensure that the Plan establishes objectives regarding such activities, describes the means for achieving the objectives, and designates the date by which the objectives are expected to be achieved;

"(4) ensure that all amounts appropriated for such activities are expended in accordance with the Plan;

"(5) review the Plan not less than annually, and revise the Plan as appropriate; and

"(6) ensure that the Plan serves as a broad, binding statement of policies regarding AIDS activities of the agencies, but does not remove the responsibility of the heads of the agencies for the approval of specific programs or projects, or for other details of the daily administration of such activities, in accordance with the Plan.

"(b) CERTAIN COMPONENTS OF PLAN.—With respect to AIDS activities of the agencies of the National Institutes of Health, the Director of the Office shall ensure that the Plan—

"(1) provides for basic research;

"(2) provides for applied research;

"(3) provides for research that is conducted by the agencies;

"(4) provides for research that is supported by the agencies;

"(5) provides for proposals developed pursuant to solicitations by the agencies and for proposals developed independently of such solicitations; and

"(6) provides for behavioral research and social sciences research.

"(c) BUDGET ESTIMATES.—

"(1) FULL-FUNDING BUDGET.—

"(A) With respect to a fiscal year, the Director of the Office shall prepare and submit directly to the President, for review and transmittal to the Congress, a budget estimate for carrying out the Plan for the fiscal year, after reasonable opportunity for comment (but without change) by the Secretary, the Director of the National Institutes of Health, and the advisory council established under section 2352. The budget estimate shall include an estimate of the number and type of personnel needs for the Office.

"(B) The budget estimate submitted under subparagraph (A) shall estimate the amounts necessary for the agencies of the National Institutes of Health to carry out all AIDS activities determined by the Director of the Office to be appropriate, without regard to the probability that such amounts will be appropriated.

"(2) ALTERNATIVE BUDGETS.—

"(A) With respect to a fiscal year, the Director of the Office shall prepare and submit to the Secretary and the Director of the National Institutes of Health the budget estimates described in subparagraph (B) for carrying out the Plan for the fiscal year. The Secretary and such Director shall consider each of such estimates in making recommendations to the President regarding a budget for the Plan for such year.

"(B) With respect to the fiscal year involved, the budget estimates referred to in subparagraph (A) for the Plan are as follows:

"(i) The budget estimate submitted under paragraph (1).

"(ii) A budget estimate developed on the assumption that the amounts appropriated will be sufficient only for—

"(I) continuing the conduct by the agencies of the National Institutes of Health of existing AIDS activities (if approved for continuation), and continuing the support of such activities by the agencies in the case of projects or programs for which the agencies have made a commitment of continued support; and

"(II) carrying out, of activities that are in addition to activities specified in subclause (I), only such activities for which the Director determines there is the most substantial need.

"(iii) Such other budget estimates as the Director of the Office determines to be appropriate.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out AIDS activities under the Plan, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(2) DIRECT RECEIPT BY DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.—For the first fiscal year beginning after the date on which the Plan first established under section 2353(a)(1) has been in effect fot 12 months, and for each subsequent fiscal year, the Director of the National Institutes of Health shall receive directly from the President and the Director of the Office of Management and Budget all funds available for AIDS activities of the National Institutes of Health.

"(3) DISBURSEMENT TO AGENCIES.—

"(A) With respect to the disbursement by the Director of the National Institutes of Health of amounts for carrying out AIDS activities specified in subsection (c)(2)(B)(ii)(I) for the fiscal year involved, the Director shall, to the extent practicable, disburse all of such amounts to the agencies of such Institutes not later than 30 days after the date on which the Director receives amounts under paragraph (2).

"(B) With respect to the disbursement by the Director of the National Institutes of Health of amounts for carrying out AIDS activities of the National Institutes of Health in addition to the activities specified in subparagraph (A) for the fiscal year, the Director shall, to the extent practicable, disburse all of such amounts to the agencies of the National Institutes of Health not later than 90 days after the date on which the Director receives amounts under paragraph (2).".

(b) CONFORMING AMENDMENTS.—Section 2354 of the Public Health Service Act, as redesignated by subsection (a)(2) of this section, is amended—

(1) in the heading for the section, by striking "**ESTABLISHMENT OF**" and inserting "**ADDITIONAL**";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "In carrying out" and all that follows and inserting the following: "In carrying out AIDS research, the Director of the Office—";

(B) by striking paragraphs (1) and (2) and redesignating paragraphs (3) through (8) as paragraphs (1) through (6);

(C) in paragraph (3) (as so redesignated), by striking "may" and all that follows in the matter preceding subparagraph (A) and inserting the following: "may support—";

(D) in paragraph (5) (as so redesignated)—

(i) in subparagraph (A)—

"(I) by striking "may" and all that follows through "acquire," and inserting "may acquire,"; and

"(II) by striking "Director" and all that follows through "determines" and inserting "Director of the Office determines";

(ii) in subparagraph (B), by striking "may" and all that follows through "make grants" and inserting "may make grants"; and

(iii) in subparagraph (C), by striking "may" and all that follows through "acquire," and inserting "may acquire,"; and

(E) in each of paragraphs (2), (3)(A), and (4) (as so redesignated), by striking "research relating to acquired immune deficiency syndrome" and inserting "AIDS research";

(3) in subsection (b), in the matter preceding paragraph (1), by striking "The Director" and all that follows through "shall" and inserting "The Director of the Office shall"; and

(4) in subsection (c), by striking "the Director" and all that follows through "shall" and inserting "the Director of the Office shall".

SEC. 1802. ESTABLISHMENT OF EMERGENCY DISCRETIONARY FUND.

Part D of title XXIII of the Public Health Service Act, as amended by section 1801 of this Act, is amended by adding at the end the following subpart:

"Subpart II—Emergency Discretionary Fund

"SEC. 2356. EMERGENCY DISCRETIONARY FUND.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—There is established a fund consisting of such amounts as may be appropriated under subsection (g). Subject to the provisions of this section, the Director of the Office, after consultation with the advisory council established under section 2352, may expend amounts in the Fund for the purpose of conducting and supporting such projects of AIDS research and other AIDS activities as may be authorized in this Act for the National Institutes Health.

"(2) PRECONDITIONS TO USE OF FUND.—Amounts in the Fund may be expended for an AIDS project only if—

"(A) the Director of the Office has made a determination that there is a significant need for the project; and

"(B) as of June 30 of the fiscal year preceding the fiscal year in which the determination is made, such need was not provided for in any appropriations Act passed by the House of Representatives to make appropriations for the Departments of Labor, Health and Human Services (including the National Institutes of Health), Education, and related agencies for the fiscal year in which the determination is made.

"(3) TWO-YEAR USE OF FUND FOR PROJECT INVOLVED.—In the case of an AIDS project, obligations of amounts in the Fund may not be made for the project after the expiration of the 2-year period beginning on the date on which the initial obligation of such amounts is made for the project.

"(b) PEER REVIEW.—With respect to an AIDS project carried out with amounts in the Fund, this section may not be construed as waiving applicable requirements for peer review.

"(c) LIMITATIONS ON USE OF FUND.—

"(1) CONSTRUCTION OF FACILITIES.—Amounts in the Fund may not be used for the construction, renovation, or relocation of facilities, or for the acquisition of land.

"(2) CONGRESSIONAL DISAPPROVAL OF PROJECTS.—

"(A) Amounts in the Fund may not be expended for the fiscal year involved for an AIDS project, or category of such projects, for which—

"(i)(I) amounts were made available in an appropriations Act for the preceding fiscal year; and

"(II) amounts are not made available in any appropriations Act for the fiscal year involved; or

"(ii) amounts are by law prohibited from being expended.

"(B) A determination under subparagraph (A)(i) of whether amounts have been made available in appropriations Acts for a fiscal year shall be made without regard to whether such, Acts make available amounts for the Fund.

"(3) INVESTMENT OF FUND AMOUNTS.—Amounts in the Fund may not be invested.

"(d) APPLICABILITY OF LIMITATION REGARDING NUMBER OF EMPLOYEES.—The purposes for which amounts in the Fund may be expended include the employment of individuals necessary to carry out AIDS projects approved under subsection (a). Any individual employed under the preceding sentence may not be included in any determination of the number of full-time equivalent employees for the Department of Health and Human Services for the purpose of any limitation on the number of such employees established by law prior to, on, or after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(e) REPORT TO CONGRESS.—Not later than February 1 of each fiscal year, the Director of the Office shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report on the AIDS projects carried out during the preceding fiscal year with amounts in the Fund. The report shall provide a description of each such project and an explanation of the reasons underlying the use of the Fund for the project.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'AIDS project' means a project described in subsection (a).

"(2) The term 'Fund' means the fund established in subsection (a).

"(g) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of providing amounts for the Fund, there is authorized to be appropriated $100,000,000 for each of the fiscal years 1994 through 1996.

"(2) AVAILABILITY.—Amounts appropriated for the Fund are available until expended.".

SEC. 1803. GENERAL PROVISIONS.

Part D of title XXIII of the Public Health Service Act, as amended by section 1802 of this Act, is amended by adding at the end the following subpart:

"Subpart III—General Provisions

"SEC. 2359. GENERAL PROVISIONS REGARDING THE OFFICE.

"(a) ADMINISTRATIVE SUPPORT FOR OFFICE.—The Secretary, acting through the Director of the National Institutes of Health, shall provide administrative support and support services to the Director of the Office.

"(b) DEFINITIONS.—For purposes of this part:

"(1) The term 'AIDS activities' means AIDS research and other activities that relate to acquired immune deficiency syndrome.

"(2) The term 'AIDS research' means research with respect to acquired immune deficiency syndrome.

"(3) The term 'Office' means the Office of AIDS Research.

"(4) The term 'Plan' means the plan required in section 2353(a)(1).".

Subtitle B—Certain Programs

SEC. 1811. REVISION AND EXTENSION OF CERTAIN PROGRAMS.

Title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304(c)(1)—

(A) in the matter preceding subparagraph (A), by inserting after "Director of such Institute" the following: "(and may provide advice to the Directors of other agencies of the National Institutes of Health, as appropriate)"; and

(B) in subparagraph (A), by inserting before the semicolon the following: ", including recommendations on the projects of research with respect to diagnosing immune deficiency and with respect to predicting, diagnosing, preventing, and treating opportunistic cancers and infectious diseases";

(2) in section 2311(a)(1), by inserting before the semicolon the following: ", including evaluations of methods of diagnosing immune deficiency and evaluations of methods of predicting, diagnosing, preventing, and treating opportunistic cancers and infectious diseases";

(3) in section 2315—

(A) in subsection (a)(2), by striking "international research" and all that follows and inserting "international research and training concerning the natural history and pathogenesis of the human immunodeficiency virus and the development and evaluation of vaccines and treatments for acquired immune deficiency syndrome and opportunistic infections."; and

(B) in subsection (f), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.";

(4) in section 2318—

(A) in subsection (a)(1)—

(i) by inserting after "The Secretary" the following: ", acting through the Director of the National Institutes of Health and after consultation with the Administrator for Health Care Policy and Research,"; and

(ii) by striking "syndrome" and inserting "syndrome, including treatment and prevention of HIV infection and related conditions among women"; and

(B) in subsection (e), by striking "1991." and inserting the following: "1991, and such sums as may be necessary for each of the fiscal years 1994 through 1996.";

(5) in section 2320(b)(1)(A), by striking "syndrome" and inserting "syndrome and the natural history of such infection";

(6) in section 2320(e)(1), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.";

(7) in section 2341(d), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year."; and

(8) in section 2361, by striking "For purposes" and all that follows and inserting the following:

"For purposes of this title:

"(1) The term 'infection', with respect to the etiologic agent for acquired immune deficiency syndrome, includes opportunistic cancers and infectious diseases and any other conditions arising from infection with such etiologic agent.

"(2) The term 'treatment', with respect to the etiologic agent for acquired immune deficiency syndrome, includes primary and secondary prophylaxis.";

TITLE XIX—STUDIES

SEC. 1901. ACQUIRED IMMUNE DEFICIENCY SYNDROME.

(a) THIRD-PARTY PAYMENTS REGARDING CERTAIN CLINICAL TRIALS.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of—

(1) determining the policies of third-party payors regarding the payment of the costs of appropriate health services that are provided incident to the participation of individuals as subjects in clinical trials conducted in the development of drugs with respect to acquired immune deficiency syndrome; and

(2) developing recommendations regarding such policies.

(b) ADVISORY COMMITTEES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of determining—

(1) whether the activities of the various advisory committees established in the National Institutes of Health regarding acquired immune deficiency syndrome are being coordinated sufficiently; and

(2) whether the functions of any of such advisory committees should be modified in order to achieve greater efficiency.

(c) VACCINES FOR HUMAN IMMUNODEFICIENCY VIRUS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the National Institutes of Health, shall develop a plan for the appropriate inclusion of HIV-infected women, including pregnant women, HIV-infected infants, and HIV-infected children in studies conducted by or through the National Institutes of Health concerning the safety and efficacy of HIV vaccines for the treatment and prevention of HIV infection. Such plan shall ensure the full participation of other Federal agencies currently conducting HIV vaccine studies and require that such studies conform fully to the requirements of part 46 of title 45, Code of Federal Regulations.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report concerning the plan developed under paragraph (1).

(3) IMPLEMENTATION.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall implement the plan developed under paragraph (1), including measures for the full participation of other Federal agencies currently conducting HIV vaccine studies.

(4) For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

SEC. 1902. MALNUTRITION IN THE ELDERLY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the National Institute on Aging, coordinating with the Agency for Health Care Policy and Research and, to the degree possible, in consultation with the head of the National Nutrition Monitoring System established under section 1428 of the Food and Agriculture Act of 1977 (7 U.S.C. 3178), shall conduct a 3-year nutrition screening and intervention activities study of the elderly.

(2) EFFICACY AND COST-EFFECTIVENESS OF NUTRITION SCREENING AND INTERVENTION ACTIVITIES.—In conducting the study, the Secretary shall determine the efficacy and cost-effectiveness of nutrition screening and intervention activities conducted in the elderly health and long-term care continuum, and of a program that would institutionalize nutrition screening and intervention activities. In evaluating such a program, the Secretary shall determine—

(A) if health or quality of life is measurably improved for elderly individuals who receive routine nutritional screening and treatment;

(B) if federally subsidized home or institutional care is reduced because of increased independence of elderly individuals resulting from improved nutritional status;

(C) if a multidisciplinary approach to nutritional care is effective in addressing the nutritional needs of elderly individuals; and

(D) if reimbursement for nutrition screening and intervention activities is a cost-effective approach to improving the health status of elderly individuals.

(3) POPULATIONS.—The populations of elderly individuals in which the study will be conducted shall include populations of elderly individuals who are—

(A) living independently, including—

(i) individuals who receive home and community-based services or family support;

(ii) individuals who do not receive additional services and support;

(iii) individuals with low incomes; and

(iv) individuals who are minorities;

(B) hospitalized, including individuals admitted from home and from institutions; and

(C) institutionalized in residential facilities such as nursing homes and adult homes.

(b) MALNUTRITION STUDY.—The Secretary, acting through the National Institute on Aging, shall conduct a 3-year study to determine the extent of malnutrition in elderly individuals in hospitals and long-term care facilities and in elderly individuals who are living independently.

(c) REPORT.—The Secretary shall submit a report to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives containing the findings resulting from the studies described in subsections (a) and (b), including a determination regarding whether a program that would institutionalize nutrition screening and intervention activities should be adopted, and the rationale for the determination.

(d) ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary, acting through the Director of the National Institute on Aging, shall establish an advisory panel that shall oversee the design, implementation, and evaluation of the studies described in subsections (a) and (b).

(2) COMPOSITION.—The advisory panel shall include representatives appointed for the life of the panel by the Secretary from the Health Care Financing Administration, the Social Security Administration, the National Center for Health Statistics, the Administration on Aging, the National Council on the Aging, the American Dietetic Association, the American Academy of Family Physicians, and such other agencies or organizations as the Secretary determines to be appropriate.

(3) COMPENSATION AND EXPENSES.—

(A) COMPENSATION.—Each member of the advisory panel who is not an employee of the Federal Government shall receive compensation at the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the member is engaged in the performance of duties for the advisory panel, including attendance at meetings and conferences of the panel, and travel to conduct the duties of the panel.

(B) TRAVEL EXPENSES.—Each member of the advisory panel shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(4) DETAIL OF FEDERAL EMPLOYEES.—On the request of the advisory panel, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the advisory panel to assist the advisory panel in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) TECHNICAL ASSISTANCE.—On the request of the advisory panel, the head of a Federal agency shall provide such technical assistance to the advisory panel as the advisory panel determines to be necessary to carry out its duties.

(6) TERMINATION.—Notwithstanding section 15 of the Federal Advisory Committee Act (5 U.S.C. App.), the advisory panel shall terminate 3 years after the date of enactment of this Act.

SEC. 1903. RESEARCH ACTIVITIES ON CHRONIC FATIGUE SYNDROME.

The Secretary of Health and Human Services shall, not later than May 1, 1993, and annually thereafter for the next 3 years, prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that summarizes the research activities conducted or supported by the National Institutes of Health concerning chronic fatigue syndrome. Such report should include information concerning grants made, cooperative agreements or contracts entered into, intramural activities, research priorities and needs, and a plan to address such priorities and needs.

SEC. 1904. REPORT ON MEDICAL USES OF BIOLOGICAL AGENTS IN DEVELOPMENT OF DEFENSES AGAINST BIOLOGICAL WARFARE.

The Secretary of Health and Human Services, in consultation with other appropriate executive agencies, shall report to the House Energy and Commerce Committee and the Senate Labor and Human Resources Committee on the appropriateness and impact of the National Institutes of Health assuming responsibility for the conduct of all Federal research, development, testing, and evaluation functions relating to medical countermeasures against biowarfare threat agents. In preparing the report, the Secretary shall identify the extent to which such activities are carried out by agencies other than the National Institutes of Health, and assess the impact (positive and negative) of the National Institutes of Health assuming responsibility for such activities, including the impact under the Budget Enforcement Act and the Omnibus Budget Reconciliation Act of 1990 on existing National Institutes of Health research programs as well as other programs within the category of domestic discretionary spending. The Secretary shall submit the report not later than 12 months after the date of the enactment of this Act.

SEC. 1905. PERSONNEL STUDY OF RECRUITMENT, RETENTION AND TURNOVER.

(a) STUDY OF PERSONNEL SYSTEM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study to review the retention, recruitment, vacancy and turnover rates of support staff, including firefighters, law enforcement, procurement officers, technicians, nurses and clerical employees, to ensure that the National Institutes of Health is adequately supporting the conduct of efficient, effective and high quality research for the American public. The Director of NIH shall work in conjunction with appropriate employee organizations and representatives in developing such a study.

(b) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report containing the study conducted under subsection (a) together with the recommendations of the Secretary concerning the enactment of legislation to implement the results of such study.

SEC. 1906. PROCUREMENT.

(a) IN GENERAL.—The Director of the National Institutes of Health and the Administrator of the General Services Administration shall jointly conduct a study to develop a streamlined procurement system for the National Institutes of Health that complies with the requirements of Federal law.

(b) REPORT.—Not later than March 1, 1994, the officials specified in subsection (a) shall complete the study required in such subsection and shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

SEC. 1907. CHRONIC PAIN CONDITIONS.

(a) IN GENERAL.—The Director of the National Institutes of Health (in this section referred to as the 'Director'), acting through the Director of the National Institute of Dental Research and as appropriate through the heads of other agenices of such Institutes, shall conduct a study for the purpose of determining the incidence in the United States of cases of chronic pain and the effect of such cases on the costs of health care in the United States.

(b) CERTAIN ELEMENTS OF STUDY.—The cases of chronic pain with respect to which the study required in subsection (a) is conducted shall include reflex sympathetic dystrophy syndrome, temporomandibular joint disorder, post-herpetic neuropathy, painful diabetic neuropathy, phantom pain, and post-stroke pain.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Director shall complete the study required in subsection (a) and submit to the the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

TITLE XX—MISCELLANEOUS PROVISIONS

SEC. 2001. DESIGNATION OF SENIOR BIOMEDICAL RESEARCH SERVICE IN HONOR OF SILVIO O. CONTE; LIMITATION ON NUMBER OF MEMBERS.

(a) IN GENERAL.—Section 228(a) of the Public Health Service Act (42 U.S.C. 237(a)), as added by section 304 of Public Law 101–509, is amended to read as follows:

"(a)(1) There shall be in the Public Health Service a Silvio O. Conte Senior Biomedical Research Service, not to exceed 750 members.

"(2) The authority established in paragraph (1) regarding the number of members in the

Silvio O. Conte Senior Biomedical Research Service is in addition to any authority established regarding the number of members in the commissioned Regular Corps, in the Reserve Corps, and in the Senior Executive Service. Such paragraph may not be construed to require that the number of members in the commissioned Regular Corps, in the Reserve Corps, or in the Senior Executive Service be reduced to offset the number of members serving in the Silvio O. Conte Senior Biomedical Research Service (hereafter in this section referred to as the 'Service').".

(b) CONFORMING AMENDMENT.—Section 228 of the Public Health Service Act (42 U.S.C. 237), as added by section 304 of Public Law 101–509, is amended in the heading for the section by amending the heading to read as follows:

"SILVIO O. CONTE SENIOR BIOMEDICAL RESEARCH SERVICE".

SEC. 2002. MASTER PLAN FOR PHYSICAL INFRASTRUCTURE FOR RESEARCH.

Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall present to the Congress a master plan to provide for the replacement or refurbishment of less than adequate buildings, utility equipment and distribution systems (including the resources that provide electrical and other utilities, chilled water, air handling, and other services that the Secretary, acting through the Director, deems necessary), roads, walkways, parking areas, and grounds that underpin the laboratory and clinical facilities of the National Institutes of Health. Such plan may make recommendations for the undertaking of new projects that are consistent with the objectives of this section, such as encircling the National Institutes of Health Federal enclave with an adequate chilled water conduit.

SEC. 2003. CERTAIN AUTHORIZATION OF APPROPRIATIONS.

Section 399L(a) of the Public Health Service Act (42 U.S.C. 280e–4(a)), as added by Public Law 102–515 (106 Stat. 3376), is amended—

(1) in the first sentence, by striking "the Secretary" and all that follows and inserting the following: "there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996."; and

(2) in the second sentence, by striking "Out of any amounts used" and inserting "Of the amounts appropriated under the preceding sentence".

TITLE XXI—EFFECTIVE DATES

SEC. 2101. EFFECTIVE DATES.

Subject to section 165, this Act and the amendments made by this Act take effect upon the date of the enactment of this Act.

The CHAIRMAN. No amendment to the substitute is in order except those amendments printed in House Report 103–27. Each amendment shall be considered in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall not be subject to amendment, except as specified in House Report 103–27, and shall not be subject to a demand for a division of the question. Debate on each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

The Chair will announce the number of the amendment made in order by the rule in order to give notice to the Committee of the Whole as to the order of recognition.

AMENDMENT OFFERED BY MR. BLILEY

Mr. BLILEY. Mr Chairman, I offer an amendment that has been made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BLILEY:

In section 111 of the bill, in section 498A of the Public Health Service Act (as proposed to be inserted by the bill), strike subsection (b) and insert the following:

"(b) INFORMED CONSENT OF DONOR.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the woman providing the tissue makes a statement, made in writing and signed by the woman, declaring that—

"(A) the woman donates the fetal tissue for use in research described in subsection (a);

"(B) the donation is made without any restriction regarding the identity of individuals who may be the recipients of transplantations of the tissue;

"(C) the woman has not been informed of the identity of any such individuals;

"(D) a discussion has taken place with the woman on whether—

"(i) the attending physician with respect to obtaining the tissue from the woman has an interest in the research to be conducted with the tissue; and

"(ii) there are any known medical risks to the woman or risks to her privacy that might be associated with the donation of the tissue and that are in addition to risks of such type that are associated with the woman's medical care; and

"(E) in the case of tissue obtained pursuant to an induced abortion—

"(i) the woman provided consent for the abortion prior to signing the statement under this paragraph, and the decision of the woman to donate the tissue is made separately and independently of the decision to undergo the abortion;

"(ii) prior to providing consent for the abortion, the woman was not offered, or without her request provided, any information regarding the donation (including a request for the donation) by the attending physician with respect to obtaining the tissue from the woman, by personnel of the office of the physician, or by personnel of the health facilities involved with the abortion; and

"(iii) to the woman's knowledge, there has not been, or will not be, for purposes of obtaining the tissue, any alteration of the timing, method, or procedures used to terminate the pregnancy.

"(2) ADDITIONAL STATEMENT.—In research carried out under subsection (a), human fetal tissue may be used only if the attending physician with respect to obtaining the tissue from the woman involved makes a statement, made in writing and signed by the physician—

"(A) declaring that the woman has made a statement in accordance with paragraph (1);

"(B) declaring that full disclosure has been provided to the woman with respect to—

"(i) such physician's interest, if any, in the research to be conducted with the tissue; and

"(ii) any known medical risks to the woman or risks to her privacy that might be associated with the donation of the tissue and that are in addition to risks of such type that are associated with the woman's medical care;

"(C) declaring that, in the case of a pregnancy occurring other than pursuant to rape or incest, the father of the human fetus does not, to the knowledge of the physician, object to the donation of the tissue;

"(D) declaring that, in the case of tissue obtained pursuant to an induced abortion—

"(i) the consent of the woman for the abortion was obtained prior to obtaining consent for the tissue to be used in such research;

"(ii) prior to providing consent for the abortion, the woman was not offered, or without her request provided, any information regarding the donation (including a request for the donation) by the physician, by personnel of the office of the physician, or by personnel of the health facilities involved with the abortion; and

"(iii) there has not been, or will not be, for the purposes of obtaining the tissue, any alteration of the timing, method, or procedures used to terminate the pregnancy; and

"(E) declaring that—

"(i) the physician maintains such procedures and records as may be necessary to ensure that, during the 5-year period beginning on the date on which the physician signs the statement under this paragraph, the physician can, upon presentation of such statement, confirm that the tissue involved was donated by the woman in accordance with this subsection; and

"(ii) upon request of the Secretary, the physician will confirm that the tissue was so donated (including, if requested, presenting a photocopy of the statement signed by the woman under paragraph (1), subject to all identifying information on the woman being struck from the photocopy before presentation to the Secretary)."

In section 111 of the bill, in subsection (c) of section 498A of the Public Health Service Act (as proposed to be inserted by the bill)—

(1) in paragraph (4), strike "pregnancy" and all that follows and insert "pregnancy."; and

(2) insert after paragraph (4) the following paragraph (and make conforming changes at the end of paragraphs (3) and (4)):

"(5) in the case of tissue obtained pursuant to an induced abortion, does not know the identity of the woman who donated the tissue."

In section 111 of the bill, in section 498A of the Public Health Service Act (as proposed to be inserted by the bill), insert after subsection (e) the following subsections (and redesignate subsequent subsections accordingly):

"(f) ISSUANCE OF CERTAIN CRITERIA.—

"(1) PROCEDURES REGARDING RESPECT FOR TISSUE.—Not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993, the Secretary shall, with respect to research under subsection (a), issue final regulations establishing criteria for procedures to be used for human fetal tissue that accord to the tissue the same respect that is accorded to other cadaveric human tissues entitled to respect.

"(2) USE OF FEDERAL FUNDS.—

"(A) Subject to subparagraph (B), the Secretary shall issue regulations specifying the purposes for which Federal funds may be expended in research carried out under subsection (a). The Secretary shall issue final regulations under the preceding sentence not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(B) Regulations under subparagraph (A) shall specify that, in research carried out under subsection (a), Federal funds may not be expended for any of the costs of terminating pregnancy, except where the life of the mother would be endangered if the fetus were carried to term.

"(g) PERIODIC DETERMINATIONS REGARDING TIMING OF DONATION.—

"(1) IN GENERAL.—In the case of human fetal tissue available pursuant to induced abortions, the Secretary, subject to paragraph (2), shall make periodic determinations of the feasibility, with respect to research under subsection (a), of deferring until after the abortions any discussion with women of whether the women will donate tissue for such research.

"(2) REPORTS.—Not later than 1 year after the date of the enactment of the National Institutes of Health Revitalization Act of 1993, and every year thereafter, the Secretary shall make a determination described in paragraph (1) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made pursuant to the determination."

AMENDMENT OFFERED BY MR. WAXMAN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BLILEY

Mr. WAXMAN. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from Virginia [Mr. BLILEY].

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WAXMAN as a substitute for the amendment offered by Mr. BLILEY: In section 111 of the bill, in section 498A of the Public Health Service Act (as proposed to be inserted by the bill), strike subsection (b) and insert the following:

"(b) INFORMED CONSENT OF DONOR.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the woman providing the tissue makes a statement, made in writing and signed by the woman, declaring that—

"(A) the woman donates the fetal tissue for use in research described in subsection (a);

"(B) the donation is made without any restriction regarding the identity of individuals who may be the recipients of transplantations of the tissue; and

"(C) the woman has not been informed of the identity of any such individuals.

"(2) ADDITIONAL STATEMENT.—In research carried out under subsection (a), human fetal tissue may be used if the attending physician with respect to obtaining the tissue from the woman involved makes a statement, made in writing and signed by the physician, declaring that—

"(A) in the case of tissue obtained pursuant to an induced abortion—

"(i) the consent of the woman for the abortion was obtained prior to requesting or obtaining consent for a donation of the tissue for use in such research;

"(ii) no alternation of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue; and

"(iii) the abortion was performed in accordance with applicable State law;

"(B) the tissue has been donated by the woman in accordance with paragraph (1); and

"(C) full disclosure has been provided to the woman with regard to—

"(i) such physician's interest, if any, in the research to be conducted with the tissue; and

"(ii) any known medical risks to the woman or risks to her privacy that might be associated with the donation of the tissue and that are in addition to risks of such type that are associated with the woman's medical care.".

In section 111 of the bill in subsection (c)(1)(B) of section 498A of the Public Health Service Act (as proposed to be inserted by the bill), strike "subsequent" and insert "pursuant to".

In section 111 of the bill, in section 498A of the Public Health Service Act (as proposed to be inserted by the bill), insert after subsection (e) the following subsection (and redesignate subsequent subsections accordingly):

"(f) REPORT.—The Secretary shall annually submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding fiscal year, including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] will be recognized for 40 minutes, and the gentleman from California [Mr. WAXMAN] will be recognized for 40 minutes. The Chair will treat the time as fungible.

The Chair recognizes the distinguished gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California. His amendment makes only insignificant changes to what is currently in the bill. Specifically, the second degree amendment only does the following:

First, it restates the substance of the provisions of H.R. 4 dealing with the safeguards for fetal tissue donation;

Second, it requires the attending physician to certify that the abortion was performed in accordance with applicable State law—laws which they are required to comply with already;

Third, it makes one meaningless word change; and

Fourth, it requires the Secretary to make an annual report to the House Energy and Commerce and the Senate Labor and Human Resources Committees on activities carried out under the fetal research provisions of the bill, including a description of whether and to what extent such research has been conducted.

This amendment obviously does not provide any additional safeguards. It appears only to be a clear cut attempt to deny Members a straight vote on my amendment.

A "no" vote on the amendment offered by the subcommittee chairman will not remove any of the safeguards currently provided for in the bill. What it will do is provide Members with an up-or-down vote on the additional safeguards provided for in my amendment.

My amendment adds to the safeguards provisions of H.R. 4 all the safeguards recommended by the 1988 Human Fetal Tissue Transplantation Research Panel. H.R. 4 does include several of these safeguards; however, it does not include them all. If this research is to go forward then all the safeguards recommended by the Panel to ensure that it is conducted ethically should be adhered to.

Specifically, my amendment requires the woman to provide consent for the abortion before the issue of donating tissue is raised. This provisions addresses the statement made by the Panel:

> Because the Panel believes strongly that we should keep transplantation and research on fetal tissue from encouraging abortion, the Panel recommends that informed consent for an abortion should precede informed consent or even provision of preliminary information for tissue donation.

My amendment requires the woman to certify that she was provided with certain information, such as: First, any interest the physician has in the research; second, any known medical risks associated with tissue donation; and, third, that there will not be any alteration of timing, method or procedures used to end her pregnancy. The physician is also required to certify that this information was provided to the woman.

My amendment requires the physician to declare that he or she is unaware of an objection to tissue donation on the part of the father of the unborn child. According to the recommendations of the Panel, the woman's consent "should be sufficient, except where the procurement team knows of the father's objection to such donation. There is no legal or ethical obligation to seek the father's permission, but there is a legal and ethical obligation not use the tissue if it is known that he objects." I want to make clear that my amendment requires no affirmative act on the part of the physician to seek out the father.

My amendment adds another safeguard required of the researcher. The researcher must assure that he does not know the identity of the woman who donated the tissue.

The final portion of my amendment requires the Secretary to establish criteria, with respect to fetal tissue transplantation research, for procedures to be used that accord to fetal tissue the same respect that is accorded to other cadaveric human tissues. This provision responds to the Panel recommendation which states: "Procedures must be adopted that accord human fetal tissue the same respect accorded other cadaveric human tissues entitled to respect."

My amendment also requires the Secretary to issue regulations specifying the purposes for which Federal funds may be expended with respect to human fetal tissue research. The amendment specifies that Federal funds may not be expended for any costs of terminating pregnancies. This provisions is to comply with the Panel recommendation which states: "To prevent abortion clinics from making profits from fetal tissue donation, specific rules for what counts as a reasonable payment for retrieval expenses may be required."

Mr. Chairman, as you can see, the provisions of my amendment are supported by specific statements of the 1988 Panel. I urge my colleagues to join me in insuring that all of the safeguards with respect to this research that the Panel determined were ethically necessary are included in the legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to talk about how we got to the point we are today. This issue, using fetal tissue for purposes of medical research and to save lives of people with a number of different diseases, is not about abortion. Abortion is legal in the United States. This legislation neither expands nor narrows that. This is about what happens after an abortion takes place: Will the tissue be discarded or will the tissue be used for research that could treat or even cure such diseases as Parkinson's, diabetes, and Alzheimer's?

The Reagan administration, when they first were presented with this question of fetal tissue transplant research, for which a number of scientists were asking that the NIH award them grants and research grants, appointed a panel. That panel recommended that the research go forward, but the Bush administration rejected that recommendation and banned all NIH research in any of these areas.

The Congress then had to pass legislation overturning that ban. That legislation was supported by a broad bipartisan majority in both this House and the other body. That legislation was supported by Members who are against abortion and Members who are for choice.

However, the Bush administration, citing their opposition to fetal tissue research and their opposition to women's health provisions, vetoed the bill. Therefore, we are back here today with a new administration and a new Congress, trying to clarify the situation, and from our point of view, to enact a way to conduct research that can save lives.

We can get the abortion politics out of research and let the Parkinson's Action Network, the Alzheimer's Disease Association, and the Juvenile Diabetes Foundation, have this hope for treatment and even cure.

□ 1650

Or, we can complicate this discussion with abortion politics once again.

The Bliley amendment goes back to square one for fetal tissue transplantation research. This amendment would put the debate back on abortion and not on research, and I am afraid that the end result will be what we have now. After an abortion occurs, the tissue will be discarded; not used for research to find treatments and cures.

I could go through some particulars. The Bliley amendment requires doctors who perform abortion to keep their files for 5 years and to be ready to supply photocopies of them to HHS. Why? No explanation is given. But keep in mind, this is not a requirement for every doctor providing abortions, just for those who are cooperating with NIH-funded research.

If a doctor is afraid that he or she may be picketed and boycotted by those who are against abortion, and that this requirement may be too burdensome and lead to this harassment, the result will be the doctor will continue to provide abortions, but not allow the result of that abortion to be used for research. The tissue will be discarded and not used to help find cures.

Another provision in the Bliley amendment requires women to make a series of statements about their personal reasons for having an abortion. Now keep in mind, this is not a requirement for every woman having an abortion, just for those who are donating the tissue to NIH-funded research.

What is the obvious response from women? This is an intrusion into their medical history and could result in breaches of confidentiality. What is the obvious result? Women will continue to have abortions, but will decide not to allow the tissue to be donated for research. The tissue will be discarded and not used to help find ways to cure people with diseases.

I am offering a substitute for this Bliley amendment which would restate and clarify the safeguards in the bill. The safeguards in the bill were supported in the last Congress by a vote of 271 to 156 in this institution and in the Senate by a vote of 87 to 10. Those safeguards are supported by research groups, medical groups, and disease groups.

My amendment would also include several new provisions. It limits research to tissue that has been obtained in a legal manner under each State's abortion law. If a State has a restrictive law on abortion, this legislation will honor that restriction.

Furthermore, we would require a study on compliance with the safeguards so as not to allow abuse.

This amendment that I am offering as a substitute would enact the most important safeguards, and those are the safeguards to prevent any sale of fetal tissue for any purpose, just not for the purpose of research. It would be abhorrent to allow for a sale of fetal tissue and a market to be created for that sale. And second, we would enact the safeguards to prevent the donation or the dedication of research tissue for research on any particular individual because we do not want a woman to consider an abortion to help a friend or a relative. We want this decision on abortion to be separate from the decision on what will be the use of the fetal tissue.

My amendment in the nature of a substitute is supported by the research, medical, and disease groups that support fetal tissue research. The Bliley amendment is not supported by any of them, but in fact is opposed by them. In particular, the American Medical Association which fears the harassment of doctors—which may well result if the Bliley amendment were to be adopted—opposes the Bliley amendment.

Let us also recognize the statement by my friend and colleague from Virginia [Mr. BLILEY], when he spoke earlier in the debate and told us what we knew from last year, that he is against fetal tissue transplantation research at all because he and others believe that it is abhorrent to use tissue from an abortion for that purpose. I think we should respect that point of view, but it is not the point of view that I believe is the majority one in this House and in the Senate and across this land. People understand and sincerely feel that we should not jeopardize the lives of people with diseases and tell them that this tissue is too political to study and that, therefore, what may save them—the tissue from a fetus that has died—will be discarded because we are all afraid of this abortion question. This debate should be focused on research, and if we are focused on research we should vote for the Waxman substitute and not for the Bliley amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BLILEY. Mr. Chairman, I yield myself an additional 30 seconds.

Mr. Chairman, I would like to point out to my colleague from California who pointed out that this is somehow an unreasonable demand on doctors to keep their records for 5 years, I would point out that doctors keep their records considerably longer than 5 years if they are involved with babies because they are subject to a suit until the last baby they delivered reaches adulthood. So they already keep the records. So this is no additional burden.

Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Florida [Mr. STEARNS], a member of the committee.

Mr. STEARNS. Mr. Chairman, I want to thank my distinguished colleague, the gentleman from Virginia for yielding me the time.

Mr. Chairman, I would like to take this opportunity to voice my support for the amendment offered by the gentleman from Virginia [Mr. BLILEY]. But before I do, I'd like to make a few comments regarding this bill.

This legislation contains many authorizations which I am pleased to support. These programs include the National Cancer Institute, National Heart, Lung, and Blood Institute, the National Institute on Aging, and research with respect to aids. Like my colleagues, I believe that it is imperative that research in the areas of breast, ovarian, prostate, and other cancers be adequately funded so that we might obtain a cure for these and other diseases and help the men and women in this country live longer and healthier lives.

But with any major piece of legislation, there are going to be points of disagreements and honest differences raised among the Members. I would like to voice my concerns with respect to the provisions authorizing fetal tissue transplant research. I realize that in light of President Clinton's January 22, 1993, memorandum to the Department of Health and Human Services removing the moratorium on research using fetal tissue from elective abortions, my major concern with this bill is moot. I wish to make clear that the issue regarding fetal tissue research is not an easy one for me to make. Under normal circumstances, I would encourage, even wholeheartedly, any opportunity to support research that would even help us obtain cures to a number of debilitating diseases such as diabetes, Alzheimer's, Parkinsons, and other similar conditions.

I have personally witnessed the tragic effects Parkinson's disease had on my friend and colleague, former Representative Mo Udall. I understand that there is a possibility that fetal tissue research could play a major role in helping us find a cure for the diseases that plague the severely mentally ill. I understand that. And to my friends who disagree with me on this issue, I respect your opinions and views surrounding fetal tissue research.

However, I am confronted with the facts that this tissue would come from prenatal infants 13 weeks or older. And since this is beyond the first trimester or in medical terms, the fetus has reached the point of viability, I must object to the use of Federal tax dollars funding this program. It is my understanding that in most of these cases, the unborn child would have to be past the point of viability for its tissue to be sufficiently developed for the experimentation. It would also require an abortion procedure that would result in a live birth in order to preserve the sought after tissue. This procedure crosses an ethical and moral line I and a majority of my constituents are not comfortable with crossing.

I stress again, that this is not an easy or simple matter. Those that see it as a clear cut issue do not fully understand all of the implications that are involved.

We all know that a majority of the members on this committee support the measure as reported by the distinguished chairman's subcommittee. I, myself, support a majority of the provisions included in this bill before us. By and large, it is a good bill, and a positive step in the right direction when it comes to medical research.

That is why I support the Bliley amendment which is basically a finetuning measure to this massive piece of legislation. In brief, it only strengthens the safeguards regarding fetal tissue transplantation research. Since this program is going to go into effect, I believe it is better to be prudent, and that the personnel charged with carrying out fetal tissue transplants observe the ethical guidelines recommended in the 1988 report by the NIH human fetal tissue transplantation research panel.

Again, I urge my colleagues to support the Bliley amendment. Whether you are pro-life or pro-choice, this amendment urges caution, prudence, and common sense while adhering to strict medical ethic guidelines.

□ 1700

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I thank the distinguished gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Bliley amendment to the NIH reauthorization bill.

Unamended, this bill contains several ethical problems. First, it nullifies a regulation requiring that in vitro fertilization experiments must first be reviewed by an ethical advisory board before they can be federally funded. Second, this bill does provide for so-called ethics advisory boards which are not advisory, but which instead have the authority to overrule the Secretary's—and even the President's—decisions regarding biomedical research. If the Secretary wants to decline to fund a certain experiment, but the so-called advisory board decides to the contrary, it must be funded.

Giving the board the authority to override the Secretary's decision means that the review of ethical questions is very different from the review of scientific questions. With scientific experiments, HHS may—but need not—fund the experiment if the expert advisors agree that it is acceptable.

With ethical questions, however, HHS will be required to fund experiments, even if the Secretary herself sees them as unethical, unless the appointed board also decides that a given experiment is unethical. This is, in effect, a presumption that experimentation with the first few weeks of human life is ethical until proven otherwise. With our rapidly developing technologies, this poses severe ethical problems.

Regardless of where my colleagues stand on the abortion issue, I think we must all agree that our technology has progressed faster than has our ability to sort out the ethical issues raised by this technology. Remember Baby M? The controversy over surrogate motherhood? The new technology of artificial insemination raised ethical and legal questions that still have not been definitively resolved in the minds of Americans.

Remember the frozen embryos that were the subject of the divorce suit? If I remember correctly, the mother wanted the embryos implanted and the father did not. The court could not decide whether to treat the embryos as children or property for purposes of the divorce. Other new technologies include genetic engineering to include or leave out certain traits, and human cloning—used properly, these technologies can open bright and wonderful worlds to us, curing human ills. Used improperly, they can evoke horror, toying with human lives as if they are only scientific equations. Human life demands our respect, and until an ethical system is equipped to deal with complex questions like these, we need to give the benefit of the doubt to the innocent.

Support the Bliley amendment, and oppose the Waxman amendment to gut the Bliley amendment. Make sure that ethical standards are in place.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MOORHEAD], the ranking Republican on the full committee.

Mr. MOORHEAD. Mr. Chairman, I rise in opposition to the amendment offered by the subcommittee chairman, the gentleman from California [Mr. WAXMAN], and in support of the amendment sponsored by the gentleman from Virginia.

Mr. Chairman, let me first say that I am concerned about Federal funding of fetal transplantation research using tissue from induced abortion. However, as a result of President Clinton's overturning the moratorium on such research, I know it is going to go forward.

In that light, we should include in the legislation every safeguard provided by the 1988 report of the Human Fetal Tissue Transplantation Research Panel. That panel recommended that the research go forward but, at the same time, recommended that certain safeguards be followed to provide that the research be conducted in an ethical fashion.

It has been stated that if we put these protections into the bill that were recommended by the commission that there would be a shortage of tissue. That is absolutely false. With over 1 million induced abortions a year in the United States, there will be plenty of tissue without any concern, and most people believe that there is enough noninduced abortion material to take care of all the needs of the country.

The amendment offered by the gentleman from California merely states the provisions already contained in H.R. 4 and provides no additional safeguards.

I urge my colleagues to vote "no" on that amendment. Voting "no" will not alter the current provisions of the bill but will permit Members to vote on the amendment offered by the ranking Republican of the subcommittee which adds to the legislation those safeguards recommended by the panel which are not now included in the bill.

This is a commonsense amendment. This is one that merely has protection and in no way will harm research.

I urge my colleagues to vote "no" on the amendment offered by the subcommittee chairman.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, my colleagues, in listening to the debate on this bill, I cannot help but think there is something terribly wrong with an Orwellian proposal like this that encourages the harvesting of unborn children. We are talking about human tissue.

We have got to stop treating people like things. They are not things. They are members of the human family.

When you want to donate an organ, you want to donate your eyes, or your liver, or your heart, or some other part of your body, that is a noble act, and the nobility comes from its voluntariness. But when you are forced by circumstances to give up parts of your body as though you were something to be harvested and farmed, that is demeaning. That is an insult. That trivializes the humanity of the human life we are talking about.

My God, our society has many wonderful things about it, but there are some frightening things too. We do not respect each other. That is why we have riots in cities, drive-by shootings, child molestations, battered wives. Somehow life has become less than sacred. It is now a thing.

Now, I am all for fetal research, and if it can be done in an ethical way and we have a tissue bank that takes the fetal tissue from pregnancies that have been involuntary, not voluntary, why not give that a chance? But where and when do we turn for respect for human life? These little defenseless unborn children are going to be harvested.

We have to move forward to try and solve the riddle of cancer and Alzheimer's through research. But there is a way to do it ethically.

The gentleman from Virginia [Mr. BLILEY] is to be commended for his courage and his sensitivity to the reality of the sanctity of human life.

Until we start treating everybody, whether you are born or preborn, with respect, our society is going off the edge of the cliff.

So I salute the gentleman from Virginia [Mr. BLILEY], and I salute the gentleman from New Jersey [Mr. SMITH]; I salute the gentleman from Missouri [Mr. EMERSON], the gentlewoman from Nevada [Mrs. VUCANOVICH], and the gentleman from California [Mr. MOORHEAD], all sensitive people who understand what is at stake here, human respect for fellow human beings.

□ 1710

Mr. WAXMAN. I yield myself 1 minute.

Mr. Chairman, I wonder how many people across this country who are suffering from Alzheimer's or who have children who are suffering from diabetes or who see loved ones shaking from Parkinson's will feel that we are respecting life when we are to tell them, as the previous speaker would have us do, that we will not pursue research in a realistic way that might lead to a way to cure their disease because it is more important to object to the fact that a pregnancy was terminated by taking the result of that terminated pregnancy and discarding it rather than using it for a transplantation.

Let us think about it in another context: Would anybody submit to a person who is seeking a transplant of a liver, a kidney, a heart, or a lung, an argument that they should be denied the transplantation of those organs from someone who drove excessively fast and perhaps aided their own death? I cannot really abide by the idea that to tell people who are suffering we are going to ignore their suffering is respect. It seems to me it is the highest disrespect to them.

Mr. Chairman, I reserve the balance of my time.

Mr. BLILEY. Mr. Chairman, it is my pleasure to yield 4½ minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. I thank the gentleman for yielding this time to me.

Mr. Chairman, you know, a moment ago the chairman, the gentleman from California [Mr. WAXMAN] discussed the scenario of someone who would perhaps die as a result of an auto accident who might donate his or her own body parts, organs, for transplantation to somebody else to save a life. There is a fundamental difference, however, between that situation and the transplantation of an unborn child's organs. First, induced abortion is the premeditated destruction of a baby who, it can be inferred, wants to cling to life, wants to continue living, and yet through no fault of his or her own is being killed by the abortionist by being dismembered or by chemical means.

I would like to share a Newsweek article with those Members who perhaps did not see it. It is a rather interesting and provocative cover story.

Included in the story is a picture of an unborn child with the caption "The sum of its parts." Various lines pinpoint different parts of the body—the brain, the pancreas, the liver, the spinal cord and other parts. The accompanying text suggests how this child's body parts might be used for treatment of various diseases. The compelling impression the picture leaves is that an unborn child can be divided up without a shred of concern for his or her innate value.

We all care about cures for diseases. Let that be said. There is not a single Member on either side of this debate that thinks otherwise.

But I submit that unborn babies ought not to be cannibalized—wanted only for their utility and used as guinea pigs.

Mr. Chairman, I have a question of the chairman, the gentleman from California [Mr. WAXMAN].

The language on page 15 states that the physician needs to sign the statement that no alteration of the timing, method, or procedure used to terminate the pregnancy was made solely for the purpose of obtaining tissue.

My question is: Does this mean that an alteration of the timing, method, or procedure used to terminate that pregnancy is permissible for obtaining tissue when that alteration is not made solely for the procurement of the baby's tissue? In other words, if the alteration is merely influenced by the desire to obtain fetal tissue, does that satisfy the language?

Mr. WAXMAN. Will the gentleman yield?

Mr. SMITH of New Jersey. I am happy to yield to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. I thank the gentleman for yielding. And I will yield him additional 30 seconds so that I may be able to respond.

If it is to save the life of the woman, then that would be to change the method under which the procedure is performed.

Mr. SMITH of New Jersey. My understanding of the language and a plain reading of the language, Mr. Chairman, reclaiming my time, is that putting the word "solely" in there, the abortionist who would like to use the method that is most likely to procure the brain or the other body part of interest, may be able to say in the situation that that was not the sole reason why the abortionist chose that method but it was a contributing reason. How do we prove otherwise?

Mr. BLILEY has language in his amendment that would simply strike the word "solely" so that procuring the baby's tissue does not alter the method employed by the abortionist.

You know, Members who are concerned about the woman's health and safety ought to be supporting the Bliley amendment. A woman by the name of Janice Raymond, a professor of women's studies of medical ethics at the University of Massachusetts and associate director of MIT's Institute on Women and Technology at Amherst, said that about 90,000 of the more than 1 million abortions performed each year will yield baby parts that are usable. She worried, and said this very openly, that women will therefore be exposed to greater risk. Now, she is not a pro-lifer, she does not share my view on protection for unborn children, but she says doctors who are eager to get good tissue samples must put women at additional risk of complication by altering the method for performing abortion or by extending the time that it takes to perform a conventional abortion procedure.

Mr. BLILEY's amendment strikes the word "solely" and thereby makes it so that the abortionist cannot say that the desire to obtain tissue and the use of an alternative method of abortion was just a contributing factor.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I am happy to yield to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. I thank the gentleman for yielding.

Mr. Chairman, I do want to clarify why we have the word "solely" in there. Should the word "solely" be struck, the method of the abortion could not be changed even for medically necessary reasons, and we feel that we ought to have that word "solely" in there to clarify that situation.

Mr. SMITH of New Jersey. It says "solely for the purposes of obtaining the tissue."

Mr. WAXMAN. That is right. It would not change the timing, method, or procedure used to terminate the pregnancy solely for the purpose of obtaining the tissue.

Mr. SMITH of New Jersey. But it is part of the reason, they would be able to change the procedure.

Mr. WAXMAN. If they are doing it for medical reasons, we want to be sure they would be able to do it. That would be solely for that purpose.

Mr. SMITH of New Jersey. Mr. Chairman, many people have been misled by the myth that most abortions are performed by the woman's personal physician. In reality, many abortions are performed at abortion mills by individuals who had not previously met the woman.

One such abortionist is Dr. Abu Hayat, who the New York City press has appropriately labeled the "Butcher of Avenue A." Doctor Hayat provided a grisly glimpse at the nature of the abortion business when he performed an abortion on a woman who was 7½ months pregnant. Ana Rosa Rodriguez survived the abortion and is now 16 months old. However, her right arm was sheared off during the procedure by a butcher whose ethics were clearly very dubious.

We should not allow a situation to develop where medical researchers can form an unseemly alliance with abortion mill operators like Doctor Hayat. Congressman BLILEY's amendment will make it clear that the timing, method, or procedures used to perform an abortion cannot be altered for the purpose of obtaining tissue. The Bliley amendment will also require the researcher to certify that he or she has had no part in any decisions as to the timing, method, or procedures used to terminate the pregnancy.

The American people are clearly troubled about the ethical issues involved in fetal tissue research. In a survey conducted by Redbook, the national women's magazine, 61 of their 1,300 respondents opposed the use of tissue taken from aborted fetuses for medical research.

In light of the well-founded concerns of the American people, we should at least adopt some meaningful safeguards. The Bliley amendment enacts the very modest safeguards which have been recommended by the NIH panel. We should reject the watered down approach advanced by Mr. WAXMAN and adopt the Bliley amendment.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have avoided coming down to the floor to talk about issues involving abortion. They are very difficult. People have strongly held positions on both sides, and I respect both positions. But this issue of fetal research is so important and so clear to me that I feel compelled to come down here and speak in favor of Congressman WAXMAN's position.

The fact of the matter is that with respect to fetal research—which, by the way, has affected my own family, because my son was Rh-negative and had the RhoGAM vaccine, partially developed through the use of fetal tissue—the fact of the matter is that all sorts of diseases, whether Parkinson's disease, diabetes, correcting genetic defects so that we can avoid abortions in the future, all of these things are extraordinarily promising areas which have been shut down in recent years because of the previous administration's decision stopping this research using fetal tissue.

In the area of diabetes, we probably will have a cure sooner rather than later because of research using fetal tissue.

Now, the question is: Are the protections in the Waxman amendment provisions strong enough? I say "yes." They are the exact same protections in last year's conference report. A person cannot sell fetal material, cannot direct the donor; both of these things would be subject to criminal penalties.

Mr. WAXMAN adds provisions which further strengthen protections by requiring that abortions must be done in accordance with State law.

□ 1720

The fact of the matter is that in my judgment the issue is so clear that when the other body considered this issue, even Senators like Senator THURMOND of South Carolina, Senator DOLE of Kansas, Senator DANFORTH of Missouri, and other people who have historically taken a very legitimate pro-life position voted in favor of continuing this fetal research in accordance with procedures that the gentleman from California [Mr. WAXMAN] has brought to the floor today.

This is an extraordinarily important issue in terms of life for people in the future who have serious genetic diseases, so that you can attack the problem, for example, through exotic microsurgery to save an infant in the womb so that abortion would not be necessary, for people who have diabetes in terms of transplantation of cells and the development of synthetic insulin, for people who have Parkinson's disease who can live their lives very confidently and strongly in the future.

This is an area where life and good policy and good medicine go hand in hand. An overwhelming majority of the American people support this research.

I urge my colleagues to support the Waxman amendment which has the proper protections in it so we can go forward with the necessary research to save lives and make the quality of life better for tens of thousands, if not millions of people.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I rise in support of the Bliley amendment.

Obviously, there is a fundamental flaw in the proposed bill. The humanity of the unborn child is not a factor in the equation.

Nobody will disagree with those in medical science who argue that the tissue from aborted fetuses is good for research. This is not the issue.

The issue is that the unborn child is not recognized as possessing basic human rights.

I cannot support the philosophy behind the fetal tissue research provision which argues that one is justified in destroying one life by using his or her remains to save another.

I rise in support of the Bliley amendment, which seeks to bring at least some safeguards to the practice of using aborted fetal tissue for medical research.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Mr. Chairman, I want to thank my friend and colleague, the gentleman from California for yielding me this time.

I rise in strong and unqualified opposition to the Bliley amendment and I urge my colleagues to support the Waxman amendment in its place.

Mr. Chairman, the sponsors of this amendment talk about safeguards when they really mean limits, limits on the amount of tissue which can be donated for potentially life-saving research.

Supporters of this amendment hope to drown fetal tissue research in a sea of paperwork, regulations, and confusion. Again, we must remind our colleagues this issue has very little to do with the debate over a woman's right to choose. It has everything to do with the development of treatments for Parkinson's disease from which my own father suffers and for other life-threatening diseases.

If my colleagues want to vote for safeguards they should support the Waxman amendment, it contains reasonable safeguards that will in no way impede or deter future research efforts.

I am very privileged in San Diego to represent one of America's strongest and biggest centers for biomedical research. For years the biomedical industry has been held hostage by those who are intent on trying to link fetal tissue research to the abortion debate.

I urge my colleagues to join me in opposing the Bliley amendment and support the amendment of the gentleman from California [Mr. WAXMAN], so that the next generation of biomedical progress can begin.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I always have a mixed feeling when I speak on this issue which I see as a human rights issue and an issue, and I am not overstating the case, not from my heart and my brain, an issue that is integral to the survival of our civilization in America as a Nation.

I always have mixed feelings going against the gentleman from California [Mr. WAXMAN] on this because he is a leader. In all the years we have been here, almost two decades, well through the second decade on human rights, and it hurts me that we have this disconnect with him and so many of my other colleagues here who are leaders on human rights that they do not see this as a human rights issue.

But during the 101st and 102d Congress, the proposed NIH reauthorization by the gentleman from California [Mr. WAXMAN] contained a provision that the mother sign a statement declaring her decision to donate tissue is separate from her decision to destroy the fetus, the baby in her womb. That provision has now been altered, and the gentleman from California [Mr. WAXMAN] has someone else making that declaration on the women's behalf.

The amendment of the gentleman from Virginia [Mr. BLILEY] corrects this disparity and creates a situation where the woman must speak for herself.

One of the central objectives of the NIH panel's recommendations was to create so-called ethical safeguards. By picking and choosing among these recommendations, the gentleman from California [Mr. WAXMAN] has inadvertently, I am sure, created avenues for great abuse.

The gentleman from Virginia [Mr. BLILEY], on the other hand, incorporates all of the panel's recommendations. These recommendations are very modest and do not pose any significant obstacle whatsoever.

It is highly inappropriate for an abortionist who may receive some economic remuneration from a researcher to ever speak on behalf of another human being, be it a woman.

Abortion rights groups are repeatedly telling us about the deliberative process that a woman goes through in deciding whether or not to have an abortion to kill that fetus, that child.

Researchers have told us that a large percentage of women, whatever their ultimate decision, change their decision at least once before arriving at that conclusion. If Members are serious about making certain that the woman's decision to donate her child's tissue is informed and separate from her decision to have an abortion and destroy life with a beating heart and brain waves, they should support the Bliley amendment.

Please, my colleagues, this is an issue that is integral to the survival of our Nation as a Judeo-Christian ethical entity.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from California for yielding me this time.

I must say, I come to the floor very sad because as many of you have probably read on the wire, a doctor has been killed at a clinic in Florida, and the State of Florida has really been under seige as many people have gone after family planning clinics down there.

I think it is very sad that violence has gotten to that level. There are many of us who will be asking the FBI and the Federal Government to please step in, because apparently it has gotten beyond the ability of the local authorities to do this.

I think that what we are talking about here brings this to mind, because we are talking about having to have the doctor's name published. You are giving out his license number. What are you doing? Can people stalk him or her? Can people run them down? What is really going on here?

The scientific community has spoken very loudly about the importance of this research. It used to go on and it went on with great dignity and the respect that the scientific community gives to this type of thing.

What the gentleman from California is trying to do with his amendment is reinstate that, get back to that level. It is the recommendation that so many scientists made.

I would really hope that in this tenuous time in which we all live, that Americans would look to us to try to find ways to handle this without inflaming passions and doing things that can lead to the violence that we have so sadly seen in Florida today and try to put these things aside.

I really listened to this debate and I hear an awful lot of polarizing going on, and an awful lot of things happening that I do not want to hear.

I certainly hope the amendment of the gentleman from California passes. I think it is the proper thing to do and it is time that we start taking politics out of science and allowing this important research to proceed.

Mr. BLILEY. Mr. Chairman, it is my pleasure to yield 3 minutes to the gentleman from Illinois [Mr. HASTERT], a distinguished member of the committee.

Mr. HASTERT. Mr. Chairman, I rise in strong support of the Bliley amendment and in opposition to the substitute offered by the gentleman from California [Mr. WAXMAN.]

Mr. Chairman, the Bliley amendment simply places in the NIH bill the safeguards on fetal tissue transplantation that were recommended by the 1988 NIH Fetal Tissue Transplantation Research Panel.

This Panel was convened to review the ethical considerations surrounding the use of tissue from induced abortions in federally funded human transplantion research. They recommended that such research go forward, but only with certain safeguards. Those safeguards were part of the very basis of the Panel's conclusion.

Unfortunately, not all of those safeguards were included in the NIH legislation we are now considering. In fact, the safeguard assuring that the woman's decision to donate tissue was made separately and independently of the decision to undergo the abortion was dropped from H.R. 4. However, that safeguard was in the NIH reauthorization bill passed by the House in the last Congress.

Other safeguards recommended by the Panel that are not part of H.R. 4 include: First, requiring the researcher to state that he does not know the identity of the woman who donated the tissue if the tissue was obtained from an induced abortion; second, including in the statements signed by the woman and the attending physician—statements which are already required under H.R. 4—the assurance that fetal tissue donation was not discussed with the woman, unless she requested the information, before she gave consent for the abortion; and third, requiring the Secretary of HHS to issue regulations establishing criteria for procedures so that human fetal tissue is accorded the same respect as other cadaveric human tissues is entitled to respect.

I do not intend to reargue the wisdom of their ultimate conclusion, but I do believe that Congress ought to include the safeguards which the Panel stated were necessary when they gave the go-ahead to fetal tissue transplantation research.

Moreover, Members of this body should at least have the opportunity to vote on these safeguards. That opportunity will be taken away if the substitute offered by the gentleman from California passes.

Why is this substitute being offered in the first place? In submitting the summary of his amendment to the Rules Committee, the author of the amendment described it as follows:

> Restates language of the bill establishing requirements regarding the donation of fetal tissue for research purposes.

Restates. Not amends. Not modifies. Restates. The only point I see in offering such an amendment is to prevent the Members from getting a clean up or down vote on the safeguards outlined in the Bliley amendment.

Since the Waxman amendment merely restates the language in the bill, if it is not adopted, the safeguards in the bill will still remain. If it is adopted, we will have lost our chance to vote on the remainder of the NIH Panel's safeguards.

A vote for the Waxman substitute is a vote against the Bliley amendment. For this reason, I urge a "no" vote on the Waxman amendment and a "yes" vote on the Bliley amendment.

□ 1730

Mr. BLILEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, for purposes of closing the debate, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in support of the Waxman substitute and in opposition to the Bliley amendment.

The bill, as currently drafted, provides strict safeguards for the donation of fetal tissue. The Waxman substitute further clarifies these safeguards, making it very clear that the decision to donate tissue must be made after the decision to have an abortion. It also adds another protection to ensure that only tissue that has been obtained under applicable State law may be used in research.

Fetal tissue research has already led to a number of medical advances and is very promising in fighting diseases ranging from Alzheimer's and Parkinson's disease to juvenile diabetes and leukemia. The Bliley amendment would add a number of unnecessary and burdensome regulations to the bill, further impeding this critical research that has already been delayed for the past 6 years. In addition, it would ban the use of tissue from abortions that may have been paid for with Federal funds. While the Federal funding of abortions is currently prohibited by the Hyde amendment, it has never been made a part of permanent authorizing language, and would add still another obstacle to the future funding of abortions for poor women who receive their health care from the Federal Government.

The Bliley amendment is opposed by a broad coalition of scientific and health organizations, including the American Medical Association, the American Academy of Pediatrics, and the American College of Physicians, to name just a few. These organizations agree that the safeguards in the bill are thorough and that the Bliley amendment will only unnecessarily delay this vital research. I urge my colleagues to vote yes on the Waxman amendment and to oppose the Bliley amendment.

Mr. PORTER, Mr. Chairman, I support the Waxman perfecting amendment to the Bliley amendment. This provision will ensure that all federally funded fetal tissue research complies fully with the ethical restrictions and guidelines established by the 1998 scientific panel appointed by President Reagan.

These restrictions ensure that the decision regarding fetal tissue donation is considered after the decision to abort has been made. In addition, tissue may not be sold, nor may it be directed to a particular donor. These guidelines ensure that fetal tissue research will not encourage women to seek abortions that they would not otherwise have sought.

The Bliley amendment adds additional and unnecessary requirements and would help to effectively reduce the availability of potentially life-saving treatments from tissue that would otherwise simply be discarded, providing no benefit to society.

We know that fetal tissue holds great promise for treating or curing diabetes and for treating Parkinson's and other disorders of the brain. Our nation's preeminent scientists have testified to the great potential shown by previous fetal tissue research and the opportunities to relieve human suffering lost during the period of the fetal tissue ban.

Finally, the Waxman amendment ensures that any fetal tissue donation is conducted in strict accordance with all applicable State law.

Mr. Chairman, I commend the Waxman amendment to the House.

Mr. WAXMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. WAXMAN] as a substitute for the amendment offered by the gentleman from Virginia [Mr. BLILEY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BLILEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 253, noes 173, not voting 9, as follows:

[Roll No. 60]

AYES—253

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hamburg
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hochbrueckner
Horn
Houghton
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy
Kennelly
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (FL)
Lewis (GA)
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
McMillan
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Montgomery
Moran
Morella
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Ravenel
Reed
Reynolds
Richardson
Ridge
Romero-Barcelo (PR)
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOES—173

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Crapo
Cunningham
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fields (TX)
Fish
Gallegly
Gekas
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kyl
LaFalce
Lazio
Levy
Lewis (CA)
Lightfoot
Linder
Lipinski
Livingston
Manton
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McHugh
McKeon
McNulty
Mica
Michel
Mollohan
Moorhead
Murphy
Murtha
Myers
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Poshard
Quillen
Quinn
Rahall
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Clay
Conyers
Ford (TN)
Gonzalez
Hastings
Henry
Hoagland
Leach
McDade

□ 1757

Messrs. POMBO, KILDEE, and APPLEGATE changed their vote from "aye" to "no."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. BLILEY], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BEREUTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 162, not voting 12, as follows:

[Roll No. 61]

AYES—261

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de Lugo (VI)
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hamburg
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klug
Kolbe
Kopetski
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
McMillan
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Ravenel
Reed
Reynolds
Richardson
Ridge
Romero-Barcelo (PR)
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Thomas (CA)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOES—162

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Crapo
Cunningham
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Emerson
Everett
Ewing
Fields (TX)
Fish
Gallegly
Gekas
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoekstra
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Klink
Knollenberg
Kyl
LaFalce
Levy
Lewis (CA)
Lightfoot
Linder
Livingston
Manton
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McHugh
McKeon
McNulty
Mica
Michel
Minge
Mollohan
Moorhead
Murphy
Myers
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Poshard
Quillen
Quinn
Rahall
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bishop
Dellums
Ford (MI)
Ford (TN)
Hastings
Henry
Hoagland
McDade
Obey
Pelosi
Sangmeister
Santorum

□ 1805

Mr. SARPALIUS and Mr. ORTIZ changed their vote from "aye" to "no."

So the amendment, as amended, was agreed to.

The result of he vote was announced as above recorded.

The CHAIRMAN. it is now in order to consider amendment No. 3 printed in House Report 103–27.

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GILMAN: Insert after section 208 of the bill the following:

SEC. 209. DISEASE PREVENTION.

For the purpose of carrying out activities for the prevention of diseases, disorders, and other conditions, there is authorized to be appropriated to the Director of each of the Institutes of the National Institutes of Health an amount equal to 5 percent of the amount appropriated for the Institute for fiscal year 1993.

The CHAIRMAN. Pursuant to the rule, the gentleman from New York

[Mr. GILMAN] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Does any Member rise in opposition to the amendment offered by the gentleman from New York [Mr. GILMAN]?

Mr. WAXMAN. Mr. Chairman, I rise in opposition.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to H.R. 4, the National Institutes of Health Revitalization Act. My amendment will make disease prevention a priority at the National Institutes of Health.

Prevention plays a crucial role in improving the health of our Nation. Benefits of prevention include rewards from averting human suffering by reducing the amount of illness and disability, and by preventing premature death. And, in some cases, preventive measures have been shown to provide a cost-effective alternative to other health care approaches.

It is essential that our country continue to research ways to prevent the premature onset of disease and disability, and to help all Americans achieve healthier, more productive lives. The National Institutes of Health [NIH] has the resources, as well as the most talented and dedicated staff needed to help pave the way to a healthier nation.

We in Congress need to take the necessary steps in reducing our health care costs, while improving the quality of life for our Nation's citizens. It is of vital need to continue to find ways to prevent debilitating diseases and disorders from occurring. Through research, we have discovered vaccines for destructive diseases like polio, mumps and measles.

Hopefully, through continued research we will find ways to prevent the deadly AIDS virus. I hope to see the day that we will finally have a vaccine for this horrible disease.

We still have a long way to go to prevent diseases like cancer, multiple sclerosis, muscular dystrophy, heart disease, and many others. We must keep up with research to ensure that diseases that we thought we had eliminated like tuberculosis do not become an epidemic again. I am hopeful that through continued research we will find ways to reduce costs, prevent diseases, and improve the quality of life for people around the world.

I intended to offer this amendment today, but after discussing the role NIH should be playing in disease prevention with the committee, I have decided to withdraw my amendment at this time. I look forward to working closely with Chairman WAXMAN and his committee on making disease prevention and health promotion a priority at NIH. It is my hope that we will be able to utilize our current knowledge on the benefits of preventive health care, as well as continuing to discover innovative technologies, to help reduce the cost of health care while improving the quality of life for our Nation's citizens.

□ 1810

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, the gentleman's concern over the inadequate attention to prevention related research at the NIH is commendable. We must do a better job of defining prevention research and assuring that an increased percentage of NIH research resources are allocated to this important area of inquiry.

I commend the gentleman on his leadership in calling attention to the role that prevention research can play in reducing the incidence of disease and I look forward to working with him.

Mr. GILMAN. I thank the gentleman for his kind support and look forward to working with the chairman in the future on this issue.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

It is now in order to consider Amendment No. 4 printed in House Report 103–27.

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WAXMAN: Strike section 1302 of the bill.

Insert after section 403 of the bill the following:

SEC. 404. STUDY OF ENVIRONMENTAL AND OTHER RISKS CONTRIBUTING TO INCIDENCE OF BREAST CANCER.

(a) REQUIREMENT OF STUDY.—

(1) IN GENERAL.—The Director of the National Cancer Institute (in this section referred to as the "Director"), in collaboration with the Director of the National Institute of Environmental Health Sciences, shall conduct a case-controlled study to assess biological markers of environmental and other risk factors contributing to the incidence of breast cancer in—

(A) the Counties of Nassau and Suffolk, in the State of New York; and

(B) the 2 counties in the northeastern United States that, as identified in the report specified in paragraph (2), had the highest age-adjusted mortality rate of such cancer that reflected not less than 30 deaths during the 5-year period for which findings are made in the report.

(2) RELEVANT REPORT.—The report referred to in paragraph (1)(B) is the report of the findings made in the study entitled "Survival, Epidemiology, and End Results", relating to cases of cancer during the years 1983 through 1987.

(b) CERTAIN ELEMENTS OF STUDY.—Activities of the Director in carrying out the study under subsection (a) shall include the use of a geographic system to evaluate the current and past exposure of individuals, including direct monitoring and cumulative estimates of exposure, to—

(1) contaminated drinking water;

(2) sources of indoor and ambient air pollution, including emissions from aircraft;

(3) electromagnetic fields;

(4) pesticides and other toxic chemicals;

(5) hazardous and municipal waste; and

(6) such other factors as the Director determines to be appropriate.

(c) REPORT.—Not later than 30 months after the date of the enactment of this Act, the Director shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

(d) FUNDING.—Of the amounts appropriated for fiscal years 1994 and 1995 for the National Institute of Environmental Health Sciences and the National Cancer Institute, the Director of the National Institutes of Health shall make available amounts for carrying out the study required in subsection (a).

In section 1801 of the bill, in section 2352(b) of the Public Health Service Act (as proposed to be inserted by the bill), insert "the National Institute on Drug Abuse," after "Infectious Diseases,".

Insert after section 208 of the bill the following:

SEC. 209. ESTABLISHMENT OF OFFICE OF ALTERNATIVE MEDICINE.

Part A of title IV of the Public Health Service Act, as amended by section 207 of this Act, is amended by adding at the end the following section:

"OFFICE OF ALTERNATIVE MEDICINE

"SEC. 404E. (a) There is established within the Office of the Director of NIH an office to be known as the Office of Alternative Medicine (in this section referred to as the 'Office'), which shall be headed by a director appointed by the Director of NIH.

"(b) The purpose of the Office is to facilitate the evaluation of various alternative medicine treatment modalities, including acupuncture and Oriental medicine, homeopathic medicine, and physical manipulation therapies.

"(c) In carrying out subsection (b), the Director of the Office shall—

"(1) establish an information clearinghouse to exchange information with the public about alternative medicine;

"(2) support research training—

"(A) for which fellowship support is not provided under section 487; and

"(B) that is not residency training of physicians or other health professionals; and

"(3) submit an annual report on past and future activities of the Office, each of which reports shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

Is there a Member in opposition to the amendment?

If not, the Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment would revise the committee reported bill in three areas.

First, it would expand from two to four the number of counties in which a study of environmental risk factors to breast cancer will be conducted.

Second, the Chairman of the National Institute on Drug Abuse's Advisory Council would be included as an ex officio member of the AIDS Planning Advisory Council.

Finally, the amendment authorizes the Director of the NIH's Office of Alternative Medicine to initiate a program of research training.

The amendment was developed in consultation with the distinguished chairman of the Energy and Commerce Committee, Mr. DINGELL, and the ranking minority member of the subcommittee, the gentleman from Virginia [Mr. BLILEY].

Mr. Chairman, I urge the adoption of the amendment.

Mr. BLILEY. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Virginia [Mr. BLILEY] is recognized for 5 minutes.

There was no objection.

Mr. BLILEY. Mr. Chairman, I merely want to say that I support the amendment. We have worked everything out and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. WAXMAN].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 5 printed in House Report 103–27.

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GILMAN: Insert after section 1907 of the bill the following:

SEC. 1908. BACK INJURIES.

(a) IN GENERAL.—The Director of the National Institutes of Health, acting through the appropriate national research institute, shall conduct a study of back injuries, with consideration of the following:

(1) Accurate diagnosis, and the appropriate form of treatment.

(2) Providing for return to employment as soon as is practicable.

(3) Minimizing the probability of recurrence.

(4) A comparison of conventional treatments and alternative treatments.

(5) Costs to health care system.

(6) Costs to the economy generally.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of the National Institutes of Health shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Is there a Member in opposition to the amendment?

If not, the Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to H.R. 4, the National Institutes of Health Revitalization Act of 1993. My amendment will establish a 1-year study on back pain.

Back pain affects up to 80 percent of our Nation's adults at some point in their lives and is one of the leading causes of visits to physicians. Total direct and indirect costs of back problems range from $30 to $60 billion a year. Additionally, average worker's compensation claims costs for back pain have risen from $6,000 in 1981 to $9,225 in 1989.

With the current state of our Nation's health care system, and the continued escalating costs, it has been estimated that if there was a cure for all types of low back pain, the United States' annual back dividend could go as high as $13 billion in savings on medical care alone, and probably a good deal more in restored productivity.

Diagnosing the cause of back pain can be difficult, and there is disagreement among physicians as to what constitutes appropriate treatment. Last year, Congress established the Office of Alternative Medicine at the National Institutes of Health. However, there is a current need for more published evidence on the clinical efficacy and cost effectiveness of alternative care versus conventional treatment for back injuries.

My amendment will establish a study on back injuries, which will include: Data on the causes of most back injuries; how back injuries should be treated in order to return workers to their jobs quickly; ways to prevent and minimize the recurrence of back pain; how to diagnose back injuries with maximum accuracy; the clinical efficacy, cost effectiveness, and quality of care for conventional treatment and alternative care; the overall costs to the health care system; and the effect on our Nation's work force.

On April 20, 1992, Department of Health and Human Services Assistant Secretary for Health, Dr. James Mason said, "No other health problem affects working age Americans as much as low back dysfunction. It reduces the quality of life, cuts a person's productivity and costs society billions of dollars every year."

We in Congress need to take the necessary steps in reducing our health care costs, while improving the quality of life for our Nation's citizens. Implementing studies to find ways to reduce back pain, and prevent the recurrence of back pain is essential.

Mr. Chairman, in closing I would like to thank Chairman WAXMAN and the ranking member, Mr. BLILEY, for bringing this important measure to the floor. I would also like to commend him on his unceasing efforts to keep our Nation in the forefront on biomedical research, as well as his hard work in trying to improve our health care system.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the distinguished gentleman from California, the subcommittee chairman.

Mr. WAXMAN. Mr. Chairman, I want to commend the gentleman for the amendment and tell him we have no objections. I would urge Members to support it.

Mr. GILMAN. I thank the gentleman for his support, and I urge the passage of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GILMAN].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 103–27.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: Insert after section 2003 of the bill the following section:

SEC. 2004. BUY-AMERICAN PROVISIONS.

No funds appropriated pursuant to this Act may be used to fund a grant or contract unless the recipient agrees that substantially all goods and services acquired with such grant or contract assistance will be produced in the United States.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Is there a Member in opposition to the amendment?

If not, the Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the Buy America amendment, similar to the language that was passed last year. I appreciate the support of the committee.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding to me. I have no objection to this amendment.

Mr. BLILEY. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Virginia, the ranking member.

Mr. BLILEY. Mr. Chairman, I thank the gentleman for yielding. We have read the amendment. We have no objection on this side.

Mr. TRAFICANT. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 103–27.

AMENDMENT OFFERED BY MR. SAM JOHNSON OF TEXAS

Mr. SAM JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SAM JOHNSON of Texas: Insert after section 2003 of the bill the following:

SEC. 2004. PROHIBITION AGAINST FURTHER FUNDING FOR PROJECT ARIES.

For fiscal year 1994 and each subsequent fiscal year, the project administered by the University of Washington at Seattle and known as Project Aries may not receive any funding from any agency of the National Institute of Health, other than payments under awards made for fiscal year 1993 or prior fiscal years.

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. SAM JOHNSON] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Is there a Member in opposition to the amendment?

Mr. MCDERMOTT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Washington [Mr. MCDERMOTT] will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Texas [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Chairman, this amendment simply talks to the funding of Project ARIES from the University of Washington.

I do not know if enough of you have ever called the toll-free number that the U.S. Government is funding out there, but you get the University of Washington, not Project ARIES. So we, in effect, are funding for $2 million, a free phone number, a staff, and counselors, so-called. We have tried for an hour at a time to try to call that number and get no answer.

So I think that since the university is possibly misusing our taxpayer money, we ought to save the Government, as we are in a saving mode, since the people of this country have said let us reduce spending, let us get the deficit down, let us take this $2 million out of this budget by virtue of eliminating this ARIES Program which I do not think talks to anyone, and certainly not the voters of my area or in the United States as a whole.

Mr. Chairman, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the debate over the ARIES research project should be based on facts, not irrational exaggerations about its scope or its intent. Project ARIES is a credible study which has been receiving funding from the National Institutes of Mental Health since 1991. The study is designed to assess the effectiveness of telephone counseling in overcoming the geographical and psychological barriers to reaching individuals at high-risk for infection of HIV, the virus that causes AIDS. The project is conducted by trained mental health professionals at the University of Washington, an institution internationally recognized for its medical and behavioral research.

The gay and bisexual men that are participating in this study are difficult to reach with HIV/AIDS prevention messages for a variety of reasons, including the legitimate fear of stigmatization that some in this society have chosen to place on the issues of homosexuality and of AIDS. Project ARIES can provide important information for health professionals about reaching these men, as well as other hard-to-reach individuals, with prevention messages.

It is a tragic reality, but the AIDS epidemic has entrenched itself in this country. As a nation, we simply cannot afford to bury our head in the sand and believe that it cannot happen to us, because there is no "them." AIDS effects everyone, young people, women, and men, regardless of sexual orientation or ethnicity. And because AIDS is spread primarily through sexual activity, we must be frank and open about these behaviors if we are to change them. Project ARIES has been designed by researchers to examine the difficulties surrounding behavior change, and, while it is controversial, it is an important and necessary study if we are going to stem the tide of the AIDS epidemic. Mr. JOHNSON's amendment completely ignores the severity of this situation and attempts to pass judgment without having all the facts.

Last year, this body voted to kill a major survey of adolescent sexual practices that may have provided critical information that would give us a fighting chance to save the lives of our children from this deadly disease. The arrogance of this body in killing that study, and the arrogance and ignorance displayed on this floor today, is galling. The Congress should not be telling medical researchers what is appropriate to research based on our own narrow minds. This is not a morality play; this is life and death.

I urge my colleagues to avoid dictating to the medical research community based on politics. Vote "no" on the Johnson amendment to deny funding to this important project.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. MCDERMOTT. I am happy to yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I do want to point out that I am opposed to this amendment and to politicizing NIH's peer review process and substituting political judgment for NIH's advisory council decisions.

So I would urge Members to vote against this amendment.

Mr. MCDERMOTT. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. I yield myself such time as I may consume. Mr. Chairman, I would question what was just said. There are hundreds, hundreds of programs that offer HIV and AIDS counseling across this Nation.

Did you know that there are 36 such programs in Seattle alone where this one is located, and they are not funded with Federal taxpayer dollars? There are 83 located in Washington, DC, right here. There is even a 24-hour toll-free AIDS counseling program in my hometown of Dallas, which surprised the heck out of me.

You know, we are waging a fight that we all want to win, and we want modern science to win it, but I do not believe that this kind of a program that talks to Vancouver, Canada, uses United States dollars without asking the nation of Canada for one penny, and if you ask them, the bulk of their calls are from Vancouver, then I think we need to do away with the program as duplicative and overexpensive.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. SAM JOHNSON of Texas. I am happy to yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, you might be interested to know that even though we are not debating the dire emergency supplemental appropriation bill that not only are we going to have this money you are talking about, we will have another $200 million in dire emergency additional moneys for the AIDS program, $200 million, more dollars in the emergency supplemental appropriation bill.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. SAM JOHNSON of Texas. I am happy to yield to the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I rise in support of the Johnson amendment.

Mr. Chairman, I think that if we are going to try to reduce spending, this is a good place to start. As he pointed out, there are many other programs that reach the same target audience.

I think it is worthy of support.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, my friend, the distinguished doctor, our colleague, the gentleman from the State of Washington got into a little florid rhetoric there. So let me respond to his charges of arrogance and gall.

The taxpayers pay for all of this stuff. We here in Washington are not supposed to put a rubber stamp on everything that comes to us with the name "scientist" or "educational doctor" on it.

Have you gone through the list of all the grants that go out to unbelievable pork? Have you looked at this ARIES project which is really, to me, some sort of a homosexual 800 number or 900 number that just talks dirty on the phone to you?

Here are some of the lines: "The counseling will not cost you a penny." No, it costs the taxpayers that we are supposed to represent. "Using our 800 number means you don't have to pay for calls. We strongly believe that sex is good," not sex that leads to death and an epidemic, not sex among strangers through a hole in the wall of a commode in a public bathroom. That is not all good sex. It says that, "AIDS is the problem, not sex or people." No, sexual behavior, heterosexual and homosexual promiscuity with strangers have caused this plague. It was incubated by sodomy and dirty sex.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, you know, Project ARIES is not 24 hours a day. It only accepts homosexual and bisexual males. No others are allowed including lesbians, bisexual females, or women with AIDS.

I think that the American taxpayers are tired of their hard-earned tax dollars being used unwisely, and that is what my colleagues and constituents in Dallas have written me about. I think that we need to do away with this extra $2 million on a project that duplicates existing programs.

I urge you to vote for this amendment.

The SPEAKER pro tempore (Mr. MFUME). The question is on the amendment offered by the gentleman from Texas [Mr. SAM JOHNSON].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 103-27.

AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment. The text of the amendment is as follows:

Amendment offered by Mr. BEREUTER: Insert after title XX of the bill the following title:

TITLE XXI—LIMITATION ON INCREASES IN FUNDING

SEC. 2101. REVISIONS IN AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, in the case of any program for which this Act provides an authorization of appropriations for a fiscal year, the authorization of appropriations for the program for the fiscal year is, subject to subsection (b), an amount equal to the sum of the amount appropriated for the program for the preceding fiscal year.

(b) NEW PROGRAMS.—In the case of a program described in subsection (a) that is established in this Act, the first fiscal year for which subsection (a) applies to the program is fiscal year 1995.

(c) DEFINITION.—For purposes of this section, the term "this Act" includes the amendments made by this Act.

The CHAIRMAN. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 15 minutes, and a Member opposed to the amendment will be recognized for 15 minutes.

Is there a Member in opposition?

Mr. WAXMAN. Mr. Chairman, I am in opposition to this amendment.

The CHAIRMAN. The gentleman from California [Mr. WAXMAN] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Members of the House, this Member rises today to speak in favor of his amendment to H.R. 4. This is a simple and straight forward amendment that provides for an across-the-board freeze in funding for the National Institutes of Health at fiscal year 1993 appropriation levels.

Mr. Chairman, we are all in favor of health programs and health research—this Member has been a strong supporter of research efforts, including women's health projects over the years. However, H.R. 4 is not just about health research legislation; it is a spending issue in what is said to be a new congressional era of fiscal responsibility.

We know that the time has come to make the tough decisions necessary to begin to balance the budget. In light of the increasing deficit, it is imperative that we hold the line of spending in every possible area. This reauthorization bill approves large increases in spending.

For example, the CBO has just provided me with their preliminary estimates, and they estimate that this reauthorization bill is $1.7 billion over existing appropriation levels. That is not including what has happened in here tonight with the amendatory process—$1.7 billion.

While health research is important, we must ensure that we do not increase the deficit by writing a blank check in the name of research.

In fact, as you know, on Monday night, Democrat members of the House Budget Committee agreed to a freeze on all domestic nondefense discretionary spending. This amendment is certainly consistent with that decision.

This Member knows that this is an unusual way to freeze spending. And this Member knows that it is unusual to freeze spending on an authorization bill, rather than appropriations. However, since appropriation levels are based on authorization bills, it is entirely appropriate that we first take a stand to cut spending on this authorization legislation.

It is very difficult to compare funding levels under this bill since NIH has not been reauthorized since 1990. For purposes of comparison, this Member is contrasting fiscal year 1993 appropriation levels with the authorization levels listed in this bill.

Specifically, in this fiscal year 1994 reauthorization, $3.2 billion would be authorized for the National Cancer Institute. The 1993 fiscal year appropriation for the National Cancer Institute was $1.99 billion. This is a $1.2 billion increase in authorization level over appropriated dollars. Likewise the National Heart, Lung, and Blood Institute would receive a $300 million authorization increase. The National Institute on Aging would receive a $99 million authorization increase over the current appropriation level. The National Library of Medicine would receive a $46 million authorization increase over current appropriations under the legislation. By freezing funding for only these four programs, perhaps $1.6 billion can be saved. Just think how much more could be saved by an across-the-board freeze on all NIH programs.

In fact, I now have, I will reiterate, the CBO estimate. We are talking about $1.7 billion less—excuse me—a larger authorization level than the current appropriation level. It is a $1.7 billion message and commitment I ask you to make here tonight.

Mr. Chairman, in closing, this Member would like to urge his colleagues to think seriously about our No. 1 priority—to stop runaway spending and promote fiscal responsibility. I urge an "aye" vote for the Bereuter amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the gentleman's amendment.

Adoption of the amendment would impose an arbitrary, across-the-board, indefinite freeze on appropriations for the NIH.

The gentleman's amendment would tie the hands of the Appropriations Committee. Under the amendment, the Appropriations Committee would be prohibited from increasing funding for the National Cancer Institute. Under the amendment, they would be prohibited from adding funding for cancer research even if an increase was authorized by the 1994 Budget Resolution. Under the amendment they would be prohibited from adding funding for heart disease research even if compensatory spending cuts were achieved in other domestic programs of lesser priority.

Under the amendment, proposals to increase research dollars targeted to breast cancer and prostate cancer research would be precluded. Efforts to increase funding for cancer prevention and control programs could only be achieved by cutting funding for other research initiatives.

Mr. Chairman, it is inappropriate to single out the National Institutes of Health as the target for a Federal spending freeze. When President Clinton talks about investing in our future, he is talking about the many programs of the NIH. He is talking about the thousands of scientists laboring in research laboratories to find cures for diseases like cancer, heart disease, diabetes, arthritis, and multiple sclerosis.

The NIH is a unique Federal institution. If successful, it will help to lift the shadow that deadly disease casts on the lives of our children and grandchildren. Support for health research is a worthy legacy for the 103d Congress. NIH is a national treasure.

I urge opposition to the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BEREUTER. Mr. Chairman, I would say to the distinguished gentleman from California [Mr. WAXMAN], I have not arranged for other speakers. I think most Members understand how they intend to vote on this issue. If the gentleman from California [Mr. WAXMAN] would care to yield back the balance of his time, this Member will do likewise.

Mr. WAXMAN. I think we have articulated the debate on this issue. I would urge a "no" vote. The gentleman is, of course, supporting his amendment. No other Members want to speak on it. I have nothing more to say on it other than what I have said.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Chairman, I rise in strong support of the Bereuter amendment.

Just a few months ago, in H.R. 2507, this House passed an authorization for NIH of $4.7 billion for fiscal year 1994.

President Bush vetoed that bill, in part because it was such a huge increase over the previous year.

Now, this bill authorizes fiscal year 1994 spending of $6.9 billion, a $2.2 billion increase over what we passed just a few months ago.

In other words, the White House changes hands and suddenly we're talking about a 47-percent increase over a bill that was already more than we could afford just a few months ago.

Talk about lip service to reduced spending.

There has been a lot of criticism recently about President Bush and President Reagan increasing our national debt.

Actually it has been a liberal, big-spending Congress that has done it.

Anyone who votes for this bill in its present form proves this point beyond a shadow of a doubt.

The Bereuter amendment is not a cut. Actually, it is the least we can do if we ever really intend to get Federal spending under control.

Mr. BEREUTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. BEREUTER].

The question was taken; and the Chairman announced that the noes have it.

RECORDED VOTE

Mr. BEREUTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 234, not voting 8, as follows:

[Roll No. 62]

AYES—193

Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bliley
Blute
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Franks (CT)
Franks (NJ)
Gallegly
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson (GA)
Johnson, Sam
Kanjorski
Kasich
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
Kyl
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Long
Manzullo
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Minge
Montgomery
Moorhead
Murphy
Myers
Neal (NC)
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Porter
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—234

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Frost
Furse
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Hoyer
Hughes
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Lowey
Machtley
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Morella
Murtha
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Romero-Barcelo (PR)
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—8

Chapman
Ford (TN)
Hastings
Henry
Hoagland
Mann
McDade
Moran

□ 1858

Messrs. SMITH of Oregon, OXLEY, ENGLISH of Oklahoma, HERGER, GRAMS, and LEWIS of California changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1900

Mr. WAXMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. PELOSI) having assumed the chair, Mr. MFUME, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, had come to no resolution thereon.

HOUR OF MEETING ON TOMORROW

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11:30 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

THE RELIGIOUS FREEDOM RESTORATION ACT

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in support of the Religious Freedom Restoration Act which will correct the problems caused by the 1990 Supreme Court decision in the Oregon Employment Division versus Smith case.

This Supreme Court decision has allowed the Government to cross the line of separation between church and state. Under this decision, the courts have determined that the Government can enact laws that force a person to participate in actions that violate their religious beliefs. This decision could also limit religious practices that have been practiced in the United States for hundreds of years. Imagine laws that prohibit the wearing of religious clothing or that prohibit school holidays for religious events and you can imagine the possible long-range effects of this decision.

You will hear the opponents of this bill argue that it will open the door to strange or dangerous religious practices, but the fundamental goal of this bill is to ensure that the Government has a compelling reason for restricting any religious practices.

Members, this bill has bipartisan support as well as the support of over 50 religious and social organizations with widely different views. President Clinton has indicated that he is anxious to sign this bill and I urge you to support swift passage of this extremely important legislation.

Madam Speaker, I include the following article for the RECORD.

[From the Columbia Missourian, Mar. 7, 1993]

RELIGIOUSLY RESTORING AMERICA'S CORNERSTONE

(By Michael Smith)

Americans pride themselves on freedom—freedom of speech, of the press, of assembly, of religion. But religious liberty and the separation of church and state, a uniquely American addition to human history, has taken a hit from judicial activism of the worst kind. And forces in Congress are rallying to defend one of the pillars of the First Amendment.

Sens. Edward Kennedy, D-Mass., and Orrin Hatch, R-Utah, are putting aside their usual bitter differences to unite on an issue of mutual importance, protecting religious expression.

Kennedy, a Roman Catholic, and Hatch, a Mormon, are co-sponsoring the Religious Freedom Restoration Act, to be introduced in Congress this month.

The bill, meant to rectify bad law made by the U.S. Supreme Court, failed in the last Congress. This term it appears to have a better chance merely because it has received a warm reception from President Clinton.

A 1990 Supreme Court decision, Employment Division vs. Smith, audaciously pinched the protection of Americans to practice and express their various religious faiths.

Smith dealt with the Native American Church's sacramental use of peyote, a hallucinogenic drug. The court ruled that the free religious expression interest of the church was overruled by the state of Oregon's interest in outlawing illegal drug use.

The court ruled that the state can prohibit the exercise of religion if the prohibition is "merely the incidental effect of a generally applicable and otherwise valid provision."

It overturned decades of judicial precedence in saying that government no longer has to justify most burdens on religious exercise. The state no longer has to find a "compelling interest" to restrict religion, as in prohibiting human sacrifice.

Justice Antonin Scalia, the author of the Smith decision, added insult to injury by stating that any ill effect of the decision on religious minorities is an "unavoidable consequence of democratic government."

Scalia even called the previous free religious atmosphere a "luxury" that such a pluralistic society could no longer afford.

The Smith decision "places religious rights in an inferior position to other First Amendment rights such as freedom of speech and press," said the Coalition for the Free Exercise of Religion. The alliance of 55 religious and civil-rights organizations includes the American Jewish Congress, the Southern Baptist Convention, the Mormons and the American Civil Liberties Union.

The coalition has united to endorse the Religious Freedom Restoration Act. One would be hard-pressed to find another issue of agreement from such a broad and diverse grouping.

The Smith decision already has been used by the Supreme Court and lower federal courts to limit religious expression in the past two years. Orthodox Jews have been subjected to autopsies in violation of their religious faith. Evangelical churches have been denied the right to meet even in commercial areas. Catholic teaching hospitals have lost their accreditation for refusing to provide abortion services.

Jews, Evangelical and Catholics are not obscure faiths dismissed easily and sanctimoniously as "cults." That's the funny thing about freedom—when it's limited for one, it's limited for all.

The next court test of Smith comes out of Florida. It involves the Santeria faith, an African-Cuban-based religion requiring the ritual sacrifice of animals.

A Florida city passed ordinances prohibiting animal sacrifice for religious reasons but allows the killing of animals for sport, food, research and pest control.

The city ordinance allows you to pray prior to eating fried chicken but not while your wringing the bird's neck.

The founding fathers adopted a neutral position in regard to religion when they framed the Bill of Rights. Allowing citizens the right to free religious expression, while in the same breath disallowing the government from establishing a preferred religion, is the atmosphere in which a nation of many faiths has lived in relative harmony and tolerance for 200-plus years.

The concept of separation of church and state is America's greatest addition to the idea of freedom and to political science. Americans can expect the right to practice any religious faith, or no faith at all, without the interference of the state.

The world is full of examples of religious strife that the United States has avoided. Conflicts that have at least a partial religious nature rage in the former Yugoslavia, the Sudan, Israel, Iraq, India, Algeria and Northern Ireland, among the more glaring cases.

The United States has one of the most diverse religious populations in the world—a country of Roman Catholics and Rastafarians, Mormons and Moslems, Hasidic Jews and Hare Krishnas, Presbyterians and Pentecostals. It has been to the benefit of all that the government has not involved itself in their business.

Freedom of religion means just that * * * freedom.

INVESTIGATION ASKED IN CONDUCT OF MEMBER'S TRIAL IN TENNESSEE

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute, and to include extraneous matter.)

Mr. LIVINGSTON. Mr. Speaker, there is an unpleasant odor arising from the recent Justice Department foray into the jury selection process of Representative FORD's second Federal trial in Tennessee.

As confirmed by the articles I am filing with this statement, it is alleged that pressure was brought on the Justice Department by supporters of Mr. FORD, including one Webster Hubbell, a Clinton confidant and former law partner of Mrs. Hillary Clinton, who is serving as a White House liaison at the Justice Department. Such pressure allegedly prompted the Acting Attorney General to reverse a Department position and demand, first, dismissal of a jury selected to try Representative FORD, and second, that Representative

FORD's trial be moved to his hometown of Memphis, TN.

Mr. Speaker, the reasons for this last-minute switch were legally faulty, and the demand was denied by the Court. But the conduct of Mr. Hubbell and Justice Department officials was highly questionable and should be carefully scrutinized.

If we reauthorize the enabling legislation, I believe a special prosecutor or, if not, an independent counsel should be appointed to determine if Federal obstruction of justice laws were violated.

Mr. Speaker, the fact is that an attempt to obstruct justice is as wrongful as the completed act, and the facts should be investigated.

Mr. Speaker, the articles to which I referred are included, as follows:

WHO IS WEBSTER HUBBELL

Well, Webster Hubbell is a close friend of Bill Clinton and a former law partner of Hillary Rodham Clinton in Little Rock's Rose law firm. During the past five weeks he's taken up an office in the Justice Department; in the absence of an Attorney General, he's described as the department's "liaison" to the White House. Now his intervention in a corruption trial of a Congressman has led to the resignation of a U.S. Attorney and a stinging rebuke from a federal judge.

The case concerns Rep. Harold Ford, who has represented Memphis, Tennessee, for 18 years and sits on the House Ways and Means Committee that will pass on the Clinton economic program. He was indicted by a federal grand jury in 1987 on charges that he accepted $1.2 million in improper payments from the corrupt Butcher banking empire. He launched a successful political campaign to have the trial moved from Knoxville to Memphis, where his family has a machinelike grip. Memphis is a black-majority city, and Rep. Ford is a prominent member of the Congressional Black Caucus. His brother sits in the State Senate and holds a court post that controls some city pensions. During his trial, Rep. Ford constantly accused prosecutors and witnesses of racism and orchestrated frequent and vocal demonstrations outside the courtroom.

In 1990, after 10 weeks of testimony, the jury deadlocked with eight whites voting to convict Mr. Ford and four blacks voting for acquittal. The trial judge, U.S. District Judge Odell Horton, ruled that the trial had been flawed by Mr. Ford's incendiary appeals to racial solidarity. Judge Horton, a black appointed to the bench by Jimmy Carter, noted that two members of the jury were determined to acquit Mr. Ford regardless of the government's evidence. "Juror misconduct permeated the trial of this case," Judge Horton ruled. He ordered that jurors for the second trial should be selected from a nearby city that is 20% black. He then stepped down from the case due to illness.

Jury selection for the retrial produced a jury of 11 whites and one black. Rep. Ford cried foul and began lobbying the Clinton White House to have it dismissed. Jesse Jackson intervened with White House officials, and Mr. Ford spoke in mid-February with President Clinton himself. A few days later, Mr. Hubbell arranged for the Black Caucus to press Mr. Ford's case with Stuart Gerson, a Bush holdover who is Acting Attorney General. The next day, just before the trial was to begin, Mr. Gerson renounced the Justice Department's longstanding support for Judge Horton's order and demanded the new jury be dismissed.

Court officials in Tennessee went ballistic. Ed Bryant, U.S. Attorney for the Western District of Tennessee, resigned; two Justice lawyers quit the case. The new trial judge, Jerome Turner, denied the department's motion in a blistering statement: "A white man, as three of the defendants are in this case, is not entitled to a white jury. Likewise, a black man, as one of the defendants is, is not entitled to a given number of black jurors." Chastened, Justice reversed itself. Mr. Ford's retrial will now proceed; the issue of biased juries is a real one, but it should be settled at the trial level and not in back-room Washington meetings.

Yet the case stirs doubts about the administration of justice, and indeed about the paths of accountability, in the new administration. While the White House denies that it asked Justice to interfere with the jury-selection process, career Justice officials are outraged at the perception that political muscle led to the reversal of the department's position. William Greenhalgh, a Georgetown University law professor, says he has never heard of such an attempt. "Just bluntly, it's wild," he says. Republicans want an investigation. Before her withdrawal, Zoe Baird said her top priority would be to take politics out of the Justice Department, as if Ed Meese had demanded a new jury for Bob Wallach. No doubt Attorney General-designate Janet Reno will come to her confirmation hearings prepared for the issue.

After all, we seem to have the spectacle of Hillary Clinton's former law partner fixing meetings between Justice officials and demand-waving pols, with the pols getting Justice to do their bidding. And of Webster Hubbell, a temporary appointee not subject to confirmation proceedings, apparently running the Justice Department as a partner of the First Lady. We are left to wonder what kind of Justice Department this will be, and what kind of administration.

LIKE JUSTICE, JURY SELECTION SHOULD BE COLORBLIND

(By Elizabeth McCaughey)

The acting attorney general and 26 members of Congress seem to believe that only black jurors will provide justice for black defendants. Last week they called for the dismissal of a jury composed of 11 whites and one black who had been selected for the federal retrial of Rep. Harold Ford, a black Tennessee Democrat charged with taking political payoffs. In the wake of a rebuke from a federal judge and the resignation of a U.S. attorney, Justice reversed its call for a new jury but the damaging racial stereotypes behind the call linger on.

When Mr. Ford's first trial ended in deadlock, District Court Judge Odell Horton called for a retrial because of "juror misconduct." It appeared to Judge Horton, who is black, that at least two jurors had been determined to acquit the congressman, regardless of the evidence. He called for a jury assembled from the nearby Jackson, Tenn., area, outside Mr. Ford's district, to ensure impartiality.

Two weeks ago, the Congressional Black Caucus protested to Justice that the new Ford jury was "racially prejudicial" and warned that its verdict would amount to "a travesty of justice." The caucus pointed only to the jury's racial composition. The congressmen must have been thinking in racial stereotypes—that white jurors will not be fair to a black defendant.

It appears that Acting Attorney General Stuart Gerson agreed. Although he called the government's case against Mr. Ford "factually overwhelming," he acceded to Mr. Ford's argument that he was being deprived of a jury of his "peers." Citing the demographic differences between Jackson (20% black) and Memphis (52% black), Mr. Gerson supported Mr. Ford's request that a new jury be drawn from Memphis. The thinking behind this request outraged Judge Horton's successor, Judge Jerome Turner, who flatly refused to call a new jury. Judge Turner declared it a "sad day" when the government "gives in to a demand that a jury of the United States must be selected by race, that their concept of fairness means percentages."

The Ford case is only the latest example of a demand now frequently heard that a jury must be drawn from a community racially and ethnically the same as the community where the crime occurred. This is a racist attitude that is taking us a step toward an apartheid legal system. Unfortunately, it is perilously close to becoming law in several states. New York, New Jersey, California and Florida are considering legislation that state judges be guided by race when relocating trials. (Usually, when judges must move a trial, they are guided by such neutral factors as travel time for jurors and witnesses and where courthouse space is available for a speedy trial.)

The Supreme Court has ruled repeatedly that no group may be systematically excluded from the pool of potential jurors. The court has also made clear that no defendant is guaranteed jurors of his own race. Moreover, in Georgia v. McCollum (1992), the court declared that racial stereotypes about black and white jurors cannot be allowed to guide any legal proceedings. The court barred defense attorneys from using peremptory strikes to eliminate jurors of a race different from the defendant's on the assumption that they would be unfavorably biased. Allowing racial stereotypes about black or white jurors, Justice Harry Blackmun wrote in the majority decision, gives discrimination the sanction of law. In the Ford case, Judge Turner echoes that principle: "It is unlawful to exclude jurors because of their race, and that is what this court is being asked to do."

In Florida, too, judges are being pressured to consider race. The issue is where to retry William Lozano, a Miami police officer charged with manslaughter in the shooting of a black motorcyclist in 1989. The state Court of Appeals ordered a retrial outside Miami on the grounds that the Miami jury that convicted him had feared an acquittal would spark riots. The retrial was moved initially to Orlando, but black groups objected because the area's population is only 10% black, compared with Miami's 20%. Subsequently, the retrial was moved to Tallahassee, which also is 20% black.

The struggle in Florida is not about protecting the defendant's right to an impartial jury but finding a jury sympathetic to the victim. Defendant Lozano is Hispanic, like nearly half the residents of Miami. Orlando is 9% Hispanic, Tallahassee is only 2% Hispanic. "That's what happens when you play these numbers games," said the defense attorney, "someone is going to come out the loser. . . . You're starting down a slippery slope; Norwegians are going to say, 'We're entitled to so many Norwegians.' "

Making race a factor in relocating trials will balkanize the legal system. A note in the January Harvard Law Review argues that moving a trial from a black urban neighborhood to a white suburban one makes "it impossible to have members of the aggrieved community . . . apply their values to the proceedings." Every class and every race has its own "norms" and the norms of the "aggrieved community" should prevail. To the contrary, a jury's job is not to apply its own norms but to hear evidence, strive to reconstruct the truth and follow the court's instructions about the law.

That is why courts consistently have refused to overturn verdicts on the basis that the case was tried in a community markedly different from the one in which the crime occurred. The rare exception proves the point. Consider the overturned conviction (*Avarado* v. *State of Alaska*, 1971) of an Aleut tried for rape by an Anchorage jury. The alleged crime occurred in the defendant's village, 450 miles from Anchorage in an area lacking any contact by road, telephone or TV with the modern life and laws of Alaska. The appeals court held that the defendant had been tried by a jury from a different culture rather than by his peers.

Are we prepared to say that across the U.S. a cultural chasm of this magnitude separates city from suburb—Los Angeles from Simi Valley? Are we ready to say that African-Americans, Hispanic-Americans and Americans of all other ethnic heritages are not bound to obey the same laws and cannot apply those laws as jurors?

The inevitable outcome of such racial and ethnic particularism is visible in South Africa where a jury system is not possible. There, racial loyalties override any commitment to impartial fact-finding and a uniform application of the laws. Are we prepared to move our own society in that direction? The proposals in our own state legislatures to make race a factor in where to relocate trials legitimate juror bias and enshrine it in the law.

RENO WILL FACE QUESTIONS FROM SENATE ABOUT ROLE OF CLINTON LIAISON HUBBELL

(By Joe Davidson)

WASHINGTON—As confirmation hearings for Janet Reno, President Clinton's nominee for attorney general, begin today, some of the attention will fall on a man with no official position and an uncertain amount of power.

Webster Hubbell, a former mayor of Little Rock, Ark., and a former law partner of Hillary Rodham Clinton, is the president's liaison with the Justice Department, which is being run by Stuart Gerson, a Bush administration holdover. Department officials expect Mr. Hubbell to remain in a top position in the agency after a new attorney general takes office.

The recent actions of Mr. Hubbell and Mr. Gerson regarding the trial of a Democratic congressman has stirred interest in Mr. Hubbell's behind-the-scenes role at the agency. Although the issue isn't likely to create any serious obstacles to Ms. Reno's confirmation, Republicans will try to get some political mileage out of the controversy.

SEN. GRASSLEY PLANS QUESTIONS

Sen. Charles Grassley (R., Iowa) has promised to question Ms. Reno on the part Mr. Hubbell plays in shaping Justice Department policy. Messrs. Hubbell and Gerson met with the Congressional Black Caucus before Mr. Gerson decided last month to seek a new jury in the corruption trial of Tennessee Rep. Harold Ford. The judge in the case denied the request and strongly criticized Mr. Gerson's actions, and Sen. Grassley said in a statement that the actions of Messrs. Gerson and Hubbell "constitute political conduct of the Justice Department."

Ms. Reno will tell the senator that she has no direct knowledge of the Ford affair because she wasn't in the department at the time, according to a lawyer who helped her prepare for the Judiciary Committee hearings.

She met Mr. Hubbell, whom then-Gov. Clinton appointed chief justice of the Arkansas Supreme Court in 1984, for the first time when she came to Washington for Mr. Clinton's announcement of her nomination said another associate. "She was very impressed with Hubbell," he added.

Separately, Drew Days, an assistant attorney general for civil rights during the Carter administration, has emerged as the leading candidate for solicitor general. While his nomination isn't certain, the appointment of the Yale Law School professor would help the president honor his diversity pledge by placing a black person in a top department position.

The solicitor general is the government's main lawyer before the Supreme Court and helps shape administration policies on a variety of legal issues. Mr. Days has served in the Peace Corps, as a volunteer lawyer for the American Civil Liberties Union and on international human rights fact-finding missions.

In looking ahead to Ms. Reno's confirmation hearings, supporters of the Miami prosecutor and Judiciary Committee staffers expect her to have little trouble negotiating the confirmation process. Clinton administration and congressional officials said a Federal Bureau of Investigation background check of Ms. Reno turned up no information that is likely to torpedo her nomination.

OPPONENTS OF THE NOMINATION

Several people requested permission to testify against her nomination, but no request was granted by the committee. They will be allowed to submit their comments in writing. The conservative Free Congress Foundation issued a 12-page report yesterday sharply critical of Ms. Reno. It cited her lack of federal experience, criticized her prosecution record, and said she abused the grand jury process to further her social activism.

One policy area that senators probably will ask about is Ms. Reno's position on the death penalty. When her nomination was announced, she said, "I'm personally opposed to the death penalty." Then she added that "when the evidence and the law justify the death penalty, I will ask for it as I have consistently, and I will advocate for it as the law of the land in particular situations, if we can secure such penalties."

---

§1503. Influencing or injuring officer or juror generally.

Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States commissioner or other committing magistrate, in the discharge of his duty, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such officer, commissioner, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(June 25, 1948, c. 645, 62 Stat. 769; Oct. 12, 1982, Pub.L. 97–291, §4(c), 96 Stat. 1253.)

§1509. Obstruction of court orders.

Whoever, by threats or force, willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both. No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.

(Added Pub.L. 86–449, Title I, §101, May 6, 1960, 74 Stat. 86.)

§1505. Obstruction of proceedings before departments, agencies, and committees.

Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly and properly made under the Antitrust Civil Process Act, willfully withholds, misrepresents, removes from any place, conceals, covers up, destroys, mutilates, alters, or by other means falsifies any documentary material, answers to written interrogatories, or oral testimony, which is the subject of such demand; or attempts to do so or solicits another to do so; or

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceedings is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(June 25, 1948, c. 645, 62 Stat. 770; Sept. 19, 1962, Pub.L. 87–664, §6(a), 76 Stat. 551; Oct. 15, 1970, Pub.L. 91–452, Title IX, §903, 84 Stat. 947; Sept. 30, 1976, Pub.L. 94–435, Title I, §105, 90 Stat. 1389; Oct. 12, 1982, Pub.L. 97–291, §4(d), 96 Stat. 1253.)

§1503. Influencing or injuring officer or juror generally.

Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States commissioner or other committing magistrate, in the discharge of his duty, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such officer, commissioner, or other committing magistrate in his person or property on account of the performance of his official duties, or corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(As amended Oct. 12, 1982, Pub. L. 97–291, §4(c), 96 Stat. 1253.)

§1505. Obstruction of proceedings before departments, agencies, and committees.

Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly and properly made under the Antitrust Civil Process Act, willfully withholds, misrepresents, removes from any place, conceals, covers up, destroys, mutilates, alters, or by other means falsifies any documentary material, answers to written interrogatories, or oral testimony, which is the subject of such demand; or attempts to do so or solicits another to do so; or

Whoever corruptly, or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(As amended Oct. 15, 1970, Pub. L. 91–452, Title IX, §903, 84 Stat. 947; Sept. 30, 1976, Pub. L. 94–435, title I, §105, 90 Stat. 1389; Oct. 12, 1982, Pub. L. 97–291, §4(d), 96 Stat. 1253.)

§1510. Obstruction of criminal investigations

(a) Whoever willfully endeavors by means of bribery to obstruct, delay, or prevent the communication of information relating to a violation of any criminal statute of the United States by any person to a criminal investigator shall be fined not more than $5,000, or imprisoned not more than five years, or both.

GOD AND THE GHETTO

(Ms. KAPTUR asked and was given permission to address the House for 1 minute, and to revise and extend her remarks, and include extraneous matter.)

Ms. KAPTUR. Madam Speaker, as the Clinton administration and Congress address community development and welfare reform, I urge my colleagues to read a thought-provoking article from a recent issue of the Wall Street Journal entitled "God and the Ghetto" by Boston University Prof. Glenn C. Loury.

He cautions that 25 years now since the Kerner Commission first reported on civil disorders both liberals and conservatives have missed the boat in seeking to solve, through economics only, behavior problems involving criminality, unwed childbearing, low academic achievement, drug use, and gratuitous violence.

He cries also for a noneconomic definition of poverty, for someone to pay attention to the sources of value creation in our communities, most especially the family and our religious institutions.

Before we embark upon another reshuffling of community development and welfare programs, we must begin with the question: How are we going to reinforce the moral and cultural fiber that shapes the ways individuals develop a conscience, and as Mr. Loury said, "conceive of their duties to themselves, their obligations to each other, and their responsibilities before God."

Mr. Speaker, the text of the article appearing in the Wall Street Journal to which I referred is as follows:

[From the Wall Street Journal, Feb. 25, 1993]

GOD AND THE GHETTO

(By Glenn C. Loury)

It is now 25 years since the National Advisory Commission on Civil Disorders, popularly known as the Kerner Commission, issued its scathing report on the urban riots of the 1960s. The commission blamed white racism for the riots and concluded famously that "our nation is moving toward two societies, one black, one white—separate and unequal."

Much has changed in the intervening years. Indeed, many of the commission's recommended reforms have been adopted. Yet the problems of our inner cities seem as intractable as ever. This raises troubling questions about the Kerner Commission's conclusions, and forces us to think again about what must be done.

President Johnson created the commission after a spate of violent disturbances in cities across the country during the summer of 1967 left the nation in crisis. He ordered former Illinois Gov. Otto Kerner and his associates to determine exactly what had happened in these riots, why it had happened, and what should be done to prevent it from happening again.

Less than eight months later the commission issued its findings, declaring that the rage, alienation and hopelessness of the ghetto were the consequence of racial isolation, inferior education, limited economic opportunity and an attitude of indifference, if not hostility, toward blacks from the white majority. "What white Americans have never fully understood—but what the Negro can never forget—is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it."

MUCH HAS CHANGED

In the quarter century since the appearance of this landmark document, much has changed. Federal programs of employment training, educational subsidy, housing assistance and welfare reform have been enacted. The courts and Congress have expanded civil rights protections. Employment opportunities for blacks as a whole have improved markedly, as have incomes and educational attainment. Blacks wield vastly more political clout today, at all levels of government, than was the case in 1968.

Yet it is arguable that conditions in some big city neighborhoods are worse now than in the late 1960s. The human tragedy that so moved the commission—drugs, gangs, violence, unemployment, failed schools, broken families, teen pregnancies, disease, despair, alienation—are still to be observed in the black ghettos of the 1990s.

The reality is that the conditions of black ghettos today reveal as much about the disintegration of urban black society as they do about the indifference, hostility or racism of white society. Institutional barriers to black participation in American life still exist, but they have come down considerably and everybody knows it. Everybody also knows that other barriers have grown up within the urban black milieu in these last decades that are profoundly debilitating.

The effects are manifest in patterns of behavior involving criminality, unwed childbearing, low academic achievement, drug use and gratuitous violence. These behaviors, which destroy a person's ability to seize existing opportunity, must be changed if progress is to come.

Here our social scientists, and our politicians, have failed us. For the longest time it was forbidden to speak of the unraveling social fabric of ghetto life. This has changed in the past decade, with the discovery of the black underclass, but the former conspiracy of silence has not been replaced with a meaningful discourse on how this broken world will be mended.

Liberals, like the sociologist William Julius Wilson, have now acknowledged that behavioral problems are fundamental, but insist that these problems derive ultimately from a lack of economic opportunities and will abate once "good jobs at good wages" are at hand. Conservatives, such as the political scientist Charles Murray, see the tragic developments in the inner cities as the unintended legacy of a misconceived welfare state. If the government would stop underwriting irresponsible behavior, they argue, poor people would be forced to discover the virtues of self-restraint.

These polar positions have something in common. They both implicitly assume that economic factors lie behind the behavioral problems, even behaviors involving sexuality, marriage, childbearing and parenting. Both points of view suggest that behavioral problems in the ghetto can be cured from without, by changing government policy, by getting the incentives right. Both smack of a mechanistic determinism, wherein the mysteries of human motivation are susceptible to calculated intervention. Both have difficulty explaining why some poor minority communities show a much lower incidence of these behavioral problems than others, and are apparently less influenced by the same economic forces.

Ultimately, such sterile debates over policy fail to engage the fundamental questions of personal morality, of character and values. We do not give public voice to the judgments that it is wrong to abuse drugs, to be sexually promiscuous, to be indolent and without discipline, to be disrespectful of legitimate authority, to be unreliable, untruthful, unfaithful.

The advocacy of a conception of virtuous living has vanished from American public discourse, especially in the discussion of race and social policy. For example, the institution of marriage has virtually disappeared from inner city black communities. The vast majority of poor black children are raised by a mother alone. But who will say that black men and women should get together and stay together more than they now do, for the sake of their children? Who will say that young people of any race should abstain from sexual intimacy until their relationships have been consecrated by marriage?

These are, in our secular age, not matters for public policy. Government, it would appear, must confine itself to dealing with the consequences of these matters not having been taken up elsewhere.

Luckily, government is not the only source of authority. In every community there are agencies of moral and cultural development that seek to shape the ways in which individuals conceive of their duties to themselves, their obligations to each other, and their responsibilities before God.

The family and the church are primary among these. These institutions have too often broken down in the inner city; they have been overwhelmed by an array of forces from within and without. Yet these are the natural sources of legitimate moral teaching—indeed, the only sources. If those institutions are not restored, the behavioral problems of the ghetto will not be overcome. Such a restoration obviously cannot be the object of programmatic intervention by public agencies. Rather, it must be led from within the communities in question, by the moral and political leaders of those communities.

The mention of God may seem quaint, but it is clear that the behavioral problems of the ghetto (and not only there) involve spiritual issues. A man's spiritual commitments influence his understanding of his parental responsibilities. No economist can devise an incentive scheme for eliciting parental involvement in a child's development that is as effective as the motivations of conscience deriving from the parents' understanding that they are God's stewards in the lives of their children.

THE POWER OF FAITH

One cannot imagine effectively teaching sexual abstinence, or the eschewal of violence, without an appeal to spiritual concepts. The most effective substance-abuse recovery programs are built around spiritual principles. The reports of successful efforts at reconstruction in ghetto communities invariably reveal a religious institution, or a set of devout believers, at the center of the effort.

To evoke the issue of spirituality is not to deny the relevance of public action. There are great needs among the inner city poor, of the sort identified in the Kerner Commission's report, toward which public efforts should be directed. But if we do not want to be marking the 50th anniversary of that report's release with a reflection of the wretched condition of America's ghettos, then we must be willing to cautiously and sensitively expand our discourse about this problem beyond a recitation of the crimes of white racism and public neglect. Some of the work that needs doing involves giving support to the decent and virtuous people in these communities whose lives are a testimony to the power of faith.

HEALTH CARE TASK FORCE MEETINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. SCHIFF] is recognized for 5 minutes.

Mr. SCHIFF. Madam Speaker, I want to bring to the attention of my colleagues the ruling that was reported in an Associated Press article only a few hours ago in which the U.S. district judge ruled that the meetings of the health care task force advising the President of the United States and headed by Mrs. Hillary Rodham Clinton was illegally meeting in secret in violation of the Federal Advisory Committee Act.

Madam Speaker, I want to back up for a moment and say that when President Clinton appointed Mrs. Clinton to head this task force, that the President was subjected to a certain degree of criticism for having made that appointment. It is a voluntary position, I might add. In any event, I do not necessarily join that criticism.

Madam Speaker, I have always felt that it is a prerogative of President Clinton, having been elected President of the United States, to select those advisers whom he believes are best suited to work with his administration, and I know no inherent reason why one of those advisers cannot be Mrs. Clinton, especially in view of Mrs. Clinton's long and prominent professional history.

However, the task force has chosen to hold its meetings, up until now, in secret. Mrs. Clinton is quoted personally in an Associated Press article, which I believe is dated yesterday, as defending that decision on the grounds that secrecy is necessary to keep special interests from influencing the proposed legislation.

□ 1910

Well, obviously in keeping meetings totally secret, every citizen of the United States becomes a special interest, according to that definition, because holding meetings in secret keeps the public from knowing what is going on in one of the most crucial policy issues that is going to be addressed, I think, in this Congress.

Judge Royce C. Lamberth is quoted in the Associated Press article today, however, as pointing out that the Federal Advisory Committee Act requires that if a member of a Presidential task force is not a full-time government employee, then meetings of such task forces must be in public.

I personally believe that that was the correct decision by the judge.

I want to conclude, Madam Speaker, by saying that even if there were no law on this subject, which there is, as the judge has pointed out, good policy, I think, dictates that such an important body should hold its meetings in public so that the public can follow the suggestions and deliberations and the public, all of the public, can be a part of this process, because certainly every citizen of the United States will be affected by the legislation that this task force may propose.

Therefore, I respectfully urge the administration not to appeal the judge's ruling but to accept the ruling and henceforth hold the task force meetings in public.

Madam Speaker, I yield to the gentleman from California [Mr. COX].

Mr. COX. Madam Speaker, I thank my colleague, the gentleman from New Mexico [Mr. SCHIFF], for bringing to the attention of the body this recent news report.

I was among several who signed a letter addressed to the White House counsel, Mr. Nussbaum, complaining of a violation of the Federal Advisory Committee Act.

I am disappointed that this had to go to litigation. In fact, I used to work as a lawyer in the White House for President Reagan during the Reagan administration. We were called upon on many occasions to opine whether a particular Presidential task force or advisory group had to have open meetings under the Federal Advisory Committee Act.

Having been through the statute on many occasions, I can assure the gentleman it is nearly impossible to structure around the requirements of the law imposed by this Congress.

The law quite plainly requires that meetings of a task force such as this health care task force, chaired by Mrs. Clinton, be open to the public.

As the gentleman points out, because this health care task force is dealing with broad issues concerning taxes to be paid by all Americans, spending across the board by this Congress, and health care—what can be more important than the health care of every American—most certainly this is something which in a democracy should be carried on in the open, not in secret.

We are not a totalitarian country. We are an open democracy.

So I commend the gentleman for bringing this to our attention.

Mr. SCHIFF. Madam Speaker, reclaiming my time, I thank the gentleman from California. I want to point out, I also signed that letter to the White House urging them to make this task force public.

I just stress again, in conclusion, that nothing that I am saying in bringing this up is intended as a criticism of the fact that the President either appointed such a task force or appointed Mrs. Clinton to head the task force, only my personal, very strong feeling that all of such meetings should be in public, as a matter of law and as a matter of policy.

POLITICS AT THE EXPENSE OF FLORIDA VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Madam Speaker, last November the people of America expressed their strong desire for a change from business as usual in Washington. Unfortunately, not everyone got the message. I rise today to inform the Congress, the American people, and my constituents that business as usual reigns supreme in Washington.

Late last Thursday I received a phone call from the new Secretary of Veterans Affairs, Jesse Brown. Secretary Brown, acting in total disregard for the interest of Florida veterans, made an arbitrary decision to move the site of a proposed veterans hospital in central Florida.

After years of work, study, and proper consideration the Department decided last year to locate a new hospital in Orange County, FL.

The decision to locate in Orange County was reached after more than a decade of research, hearings, site evaluations, commitments by local officials, obligations by private parties, and most importantly after consulting the veterans and veterans leaders of central Florida.

After barely a month in office, the newly confirmed Secretary of Veterans Affairs reneged on his Department's commitment to build in Orange County. Without notice, hearing, or consultation he decided to arbitrarily move the hospital to another site. A site 50 miles south of where most veterans live.

As the Orlando Sentinel said:

> That move amounts to the most ugly, perverse politicking that has been seen around these parts in a good, long while.

Madam Speaker, I represent part of Orange County, and over 150,000 veterans in central Florida. And yet I was never informed that this matter was being reconsidered.

I find it inconceivable that the Secretary would make a decision of this magnitude without consulting the duly elected Federal Representatives. More importantly, this action was taken without a proper hearing from the local veterans population.

In more than 20 years of public and private service I have never witnessed a more inconsiderate, arbitrary, and thoughtless action by a public official.

Madam Speaker, I come from the State where business is conducted in the sunshine, in the open. This is not a 25-cent dime store purchase. We're talking about the construction of a $200 million hospital. This is not a decision to be made behind closed doors.

Madam Speaker, I have not even addressed the merits of one site over another, but even a cursory glance at this map of central Florida shows clearly that most veterans live well north and west of this site.

In fact, looking at the potential service radius of the Brevard site, it appears that the Department will be in a better position to serve veterans in the Atlantic Ocean, than the 200,000 plus who live on dry land in Volusia, Seminole, and Orange Counties.

The time has come for the House of Representatives and the Congress to look at how this agency conducts its business. Clearly, we need a more responsible method of making these decisions.

This is a prime example of shabby administration, lack of executive ability, and shameful politics. What pure disregard for central Florida veterans. What a bad mark on the operation of this agency created to serve those who have served us.

Apparently, it's business as usual at the Department of Veterans Affairs, and in the high offices of this new administration.

Madam Speaker, I demand that Congress investigate this matter. And I call on the Secretary to reconsider his unfortunate action. It does not make sense. We made a commitment to our veterans. It is time to put politics aside and honor that commitment.

□ 1920

FOREIGN POLICY OR TRADE THE CHOICE IS OURS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Madam Speaker, for the past 45 years a debate has raged throughout the Government and business world apparently about free trade versus protectionism. I say apparently about free trade and protectionism because the real debate for 45 years has been about foreign policy versus domestic economic interests.

We have been told by Government officials, principally the State Department, that we should open our domestic markets to keep peace in the world, or to not offend a former enemy of this Nation. This argument has worked well in pushing the foreign policy debate in trade issues in spite of what Congress has done to protect American industry. Presidents always have the last word in this debate.

We should examine the true facts of this 45-year-old debate as Congress is being urged to give both renewed fast track and negotiating authority to President Clinton to complete the Uruguay round of the General Agreement on Tariffs and Trade [GATT] and the North American Free-Trade Agreement [NAFTA].

Once again the debate is focusing on foreign policy as it did 45 years ago, instead of domestic economic concerns of keeping American jobs and industries to help the working men and women of this country. We need to review the trade history since World War II to understand the current Government positions on trade, which originated in the first GATT agreement in 1947.

An article in Foreign Affairs by Alfred E. Eckes, eminent research professor at Ohio University, reveals the tradeoffs since World War II between foreign policy and domestic interests. It is a blockbuster of an article. Professor Eckes is well qualified to write about trade because he was Commissioner of the U.S. International Trade Commission from 1981–90 and Chairman of the Commission from 1982–84 in the Reagan and Bush administrations. He understands the trade issues.

The Foreign Policy article "Trading American Interests" spells out the trade charade that the Federal Government has perpetrated on the American people beginning with the Truman administration. The Government's reasoning at that time was not favorable to America's long-term economic interests—nor has it proven to be to the present day.

Professor Eckes pointed out—Foreign Affairs that during the 1940's and 1950's public officials seemed to have complete confidence in America's ability to lead. At a time when imports of goods and services were less than 4 percent of gross domestic product [GDP], leaders spoke and acted as if American manufacturing would remain permanently strong, efficient and invulnerable to foreign competition.

The professor cited a 1953 report, prepared by President Truman's Public Advisory Board for Mutual Security, which called for the United States to eliminate unnecessary tariffs on industries producing automobiles, machinery and consumer electronics, such as radios and televisions.

These industries, the report stated, "are so highly developed and very efficient that this country has nothing to fear." What poor judgment on the part of the Advisory Board.

President Truman was more concerned about foreign policy concerns than trade. Professor Eckes wrote:

> President Truman was concerned that foreign policy matters should take priority over domestic economic interests: * * * our industry dominates world markets * * * American labor can now produce so much more than low-priced foreign labor in a given day's work that our working men need no longer fear, as they were justified in fearing in the past, the competition of foreign workers.

It is a shame that President Truman cannot hear the voices of today's workers who have lost their jobs to low-paid foreign workers as a result of this policy.

But what is important is the thinking that prevailed in the 1940's and has carried through to today's trade talks.

According to the Professor Eckes, opening the huge American market to aid foreign allies first surfaced during the 1947 Geneva trade negotiations which produced the General Agreement on tariffs and Trade [GATT].

Losing the battle to pen the British Commonwealth system, the United States ultimately gave in to the British desire for Marshall plan aid to facilitate European recovery. The United States signed an agreement, GATT, that cracked only one market—its own.

At that time, the State Department acknowledged that Washington gave up concessions worth $1.77 billion in return for gaining $1.19 billion in trade concessions.

To me—that spells a trade deficit of nearly $600 million. The math on that trade agreement was not good—and cutting tariffs was also poor judgment.

Participants in those original GATT talks agreed to some strange deals for the United States. Professor Eckes reports that, according to declassified British records, the GATT agreement came after British negotiators were invited to make "innocuous improvements" on offers that would enable the U.S. chief negotiator to "dress up his statistics so as to have * * * a chance of getting away with it with Congress."

Fortunately, the Tariff Commissioner, John Gregg, had better sense and refused to approve the results of the GATT talks because he believed the United States had received inadequate compensations for its numerous concessions.

Professor Eckes also pointed out that the pattern of trade was established when the United States acceded, in 1947, to discrimination against U.S. exports on balance-of-payment grounds. The United States would tolerate continued discrimination against U.S. exports and lower its duties on imported goods in the interests of global economic recovery and containment.

Sounds like a familiar theme. Today we are urged to lower tariffs and accept GATT so we can help raise the standard of living in Third World countries so they can buy American products. When you raise the standard of living abroad, it only can be done through transfer of money and jobs at someone's expense—and that someone means working Americans.

Today our Government policymakers have not changed their thinking much from those policies developed after the war.

In the 1950's we continued the same policy. Professor Eckes explained that in 1955 we tried to bind our former enemies, the Axis nations of Italy, Japan, and Germany, to the West with most-favored-nation trade treatment. After the war, we sponsored their membership in GATT.

In August 1952 the National Security Council insisted that the United States should ease the entry of Japanese goods into the United States market.

The following bilateral trade agreement signed with Japan in 1955 was described by Professor Eckes as "the most egregious" example of sacrificing domestic interests for foreign policy advantage. He reported that Washington embarked on a program of one-sided tariff concessions to stimulate Japanese exports.

Let me remind you—this action of our Government was occurring at the same time the United States was setting up the Japanese Zeibitsus to help the military with the Korean war.

Although these cartels had been outlawed, they profited handsomely during the war under the watchful eye of Gen. Douglas MacArthur.

It angers me even now to read that State Department officials, using American taxpayers' funds, championed efforts to promote Japanese exports. According to Professor Eckes, they actively lobbied European allies to buy Japanese products, argued for Japan's membership in GATT and sought a bilateral trade agreement to facilitate Japanese exports.

The Commerce Department objected because it was fearful of ruinous competition from cheap labor. But, in 1953, the Department yielded to the foreign relations argument of the State Department that anything less than Japanese accession to GATT would jeopardize United States objectives in Japan.

Professor Eckes wrote that during the Eisenhower administration the President's preoccupation with foreign policy considerations troubled businessmen in his own Cabinet, including Treasury Secretary George Humphrey and Commerce Secretary Sinclair Weeks. The two men felt that Eisenhower's policy was wrong. They anticipated that cheap foreign labor would bring vast unemployment to this country.

The Secretary of State in the Eisenhower administration, John Foster Dulles, had a different viewpoint. In 1955 he told Japanese officials there "will always be an imbalance in Japan's direct trade with the United States." Professor Eckes reports Dulles supported the State Department's view that trade concessions were necessary to secure Japanese cooperation in mutual defense activities and in national-security export controls.

Although the United States Government claimed a winning strategy in those bilateral talks with Japan, the true story about the agreement came out in the Japanese papers and was different.

Professor Eckes wrote:

> The Mainichi Daily News reported that domestic industries in Japan will not suffer any unfavorable influence * * * Fifty-six out of 75 tariff rates conceded by Japan are reduced only by less than 5 percent: the Nippon Times also cited Japanese government sources who anticipated that the adverse effects the Japanese concessions would bring on the domestic industries would be negligible as compared with the benefits Japan would gain.

We not only gave Japan a sweet deal in its bilateral trade agreement, but we gave away concessions to third parties—all in the name of helping Japan.

Included in that 1955 agreement were other controversial aspects according to Professor Eckes. Washington reduced duties on products of primary interest to third countries in exchange for their extending export opportunities to Japan.

Negotiated at a time when other nations actively discriminated against Japanese goods, official Washington viewed these tariff cuts as essential to helping Japan establish a viable pattern of expanding trade. Such benefits went to Canada, Denmark, Finland, Italy, Norway, and Sweden. United States officials purchased market share in Europe and Canada for Japanese exports at the expense of American business and workers.

I was so angry when I read that we actually hawked markets for the Japanese at the expense of working Americans—I wondered what these United States officials thought the Government was for? They certainly weren't working for the American taxpayers' interest.

The result of this agreement with Japan is not surprising. From 1955 to 1960 Japan more than doubled its share of America's manufactured imports according to Professor Eckes. Japan achieved its first postwar trade surplus with the United States in 1959 when its market share of United States imports reached 15.4 percent, which was up from 7.6 percent. During the same time, the United States share of Japan's foreign-manufactured imports declined from 66.3 to 51.7 percent. The pattern of behavior was set during the Dillon round of trade talks, in the Kennedy administration, according to Professor Eckes. That round sacrificed import-sensitive domestic producers and agricultural export interests to appease Britain and the European Community. The State Department was instrumental in getting the administration to ignore peril-point recommendations on 70 tariff items—including steel, machine tools, tableware, ferrochromium, toweling, and linen handkerchiefs.

The Congress retaliated to the State Department's insensitivity to domestic interests during the Dillon round by passing the Trade Expansion Act, which established a special representative for trade negotiations.

Unfortunately, foreign policy continued to drive trade negotiations. During the Vietnam war, President Johnson was so preoccupied he gave little attention to the Kennedy round negotiations. Agricultural and farm exports issues were abandoned which left the United States in substantial deficit with Japan.

It was at this time, according to Professor Eckes, that President Johnson's advisers informed him what "foreign negotiators had long suspected: the U.S. interest in a successful Kennedy round outcome required accepting a compromise that did not satisfy principal U.S. negotiating objectives." Because of this poor advice, the Kennedy round ended with a face-saving agreement intended to sustain the multilateral process and demonstrate U.S. support for European unification.

However, the real winner of the Kennedy round was Japan. The average duties on nonelectrical machinery remained at 12 percent but into the United States the duty fell to 5 percent and into the EC to 6.6 percent. Transportation equipment average import duty was 12.2 percent in Japan, 3.8 percent for the United States and 7.1 for the EC. At the same time many countries, including Japan, imposed high nontariff barriers, such as excise taxes and registration fees on large American-style vehicles.

Of course, it was not surprising that the Japanese press hailed the Kennedy round agreement as paving the way for continued export expansion. Professor Eckes wrote that:

> Government sources in Tokyo indicated that Japan will gain much eventually because U.S. products to be affected by the Kennedy round include many heavy industrial and chemical products, which this country (Japan) intends to emphasize in the future.

Another reason for anticipating that Japanese exports would rise more than imports from the United States according to Eckes, was that Japan excepted "almost all strategic industrial goods" from tariff cuts.

Unfortunately, President Johnson did not listen to John Kenneth Galbraith, a former Ambassador to India and a well-known economist. Professor Eckes wrote that Galbraith warned President Johnson that:

> If we are screwed on tariffs, this will have an enduringly adverse effect on the balance of payments. It will be a serious problem for you for years to come.

What a prophet Ambassador Galbraith was—if only President Johnson had listened to him—for that matter, if only any Government officials since then had paid attention to this warning.

We know what happened. As the Kennedy round of tariff cuts was implemented, the U.S. merchandise trade surplus vanished according to Professor Eckes. From 1893 to 1970 U.S. exports consistently had exceeded imports, but in 1971 after the Kennedy round, the United States began to generate merchandise trade deficits in 19 of the next 21 years.

Congress tried to respond to American industry by making changes in the Tariff Commission, the forerunner of the International Trade Commission. Unfortunately, the record of help is not good. Professor Eckes wrote that from 1951 to 1962 the Tariff Commission rejected 71 of 112 petitions. Only 15 findings out of 41 sent to the White House gained some relief. After 1974, petitioners brought 62 cases to the Commission, which recommended relief in 34 cases and the President provided help in only 15.

Just what were the industries asking for relief and what was the reasoning behind the need to ask for help from the Government?

The domestic watch industry asked for relief in 1952. According to Professor Eckes, the

State Department reminded President Truman of his effort to draw Switzerland away from neutrality and to support export controls on shipments to the Soviet bloc.

Only during the Eisenhower administration did the domestic watch industry get some relief, and that was because President Eisenhower believed it was necessary for military preparedness.

However, President Eisenhower did say it was silly to impose import restrictions on clothespins from 11 foreign countries just to protect 6 small companies employing 260 workers in the State of Maine, according to Professor Eckes.

Eisenhower said that trade restrictions, "which tend to drive away an ally as dependable as Great Britain would do much more harm in the long run to our security than would be done by permitting a U.S. industry to suffer from British competition."

Professor Eckes reported that Eisenhower proposed in reaching trade remedy decisions, the administration should take into account "the damage to national security which could result from restrictions which might weaken the ties which bind us to our allies in the collective security effort."

Just what did the President believe would happen to national security if these American industries survived? Professor Eckes listed these industries in his article.

In 1953 handblown glassware import restrictions would have "grave political repercussions in the Federal Republic of Germany and would provide the Soviet Union with unanswerable material for propaganda."

United States producers of scissors heard much the same argument in 1954 when the State Department argued that if the scissors industry received relief that the increase of duty would affect the morale of such countries as Germany, Italy, Japan, and Britain, as well as their economic welfare and stability.

So, another American industry supported foreign policy objects and the American workers lost out.

In 1954, Secretary Allen Dulles advised President Eisenhower not to give relief to the lead and zinc industry because import relief would gravely compromise U.S. foreign policy objectives.

Professor Eckes wrote that Dulles claimed:

> There would be strong popular resentment in Canada and Mexico, which will make our borders much less secure. The great opportunity to combat communism in this hemisphere won by the success of Guatemala would be more than canceled out.

Dulles added that:

> Soviet communist leaders would be elated and would redouble their efforts to divide the free world.

This free world versus communism theme also applied to the Nordic countries and Iceland. President Eisenhower approved a 1954 National Security Council policy memorandum that the United States should avoid trade actions affecting Iceland.

Professor Eckes wrote that given the importance of Iceland for a NATO base, it is not surprising that President Eisenhower twice rejected relief to New England fish producers who claimed that fish from Canada, Norway, and Iceland were injuring the domestic industry.

The official reasoning became as fish goes, so goes Iceland. As a result, Professor Eckes wrote, two countries that sold virtually no fish fillets to the United States before World War II gained, with U.S. assistance, 20 percent of the U.S. market in 1952. In 1939, Canada had 9 percent of the market and gained another 25 percent with the Government actions. Today, Canada and Iceland together have 80 percent of the United States market for frozen groundfish fillets.

Nonrubber footwear was a labor intensive industry which became another victim of Government policy. In 1970 the 50-percent cut in tariffs of nonrubber footwear granted in the Kennedy round took effect.

According to Professor Eckes, shoe imports soared—especially from Italy, Japan, and Spain. Imports rose from 18 percent of domestic consumption in 1967 to 30 percent in 1970 and, the number of production workers fell from 202,000 to 185,000.

In 1971 the State Department warned President Nixon not to impose restraints for relief for the nonrubber footwear industry. Secretary William P. Rogers advised:

> That to impose restraints might invite retaliation against U.S. exports in the EC and against military bases in Spain, as well as arousing opposition to U.S. goals in Japan. Import restrictions would undermine efforts of Mexico, India, Brazil and other developing countries to diversify their economies.

According to Professor Eckes, the import assault continued to hammer the shoe industry. Domestic producers lost another 11 points of market share and laid off an additional 50,000 workers.

In February 1976, the International Trade Commission ruled in favor of the industry, but National Security Adviser Brent Scowcroft told President Ford that "the Communists would seize on any U.S. import action against shoes * * * to argue that the United States was harming Italy during a time of crisis."

According to Professor Eckes the National Security Advisor warned of similar negative reactions from Brazil, Korea, and Taiwan, so President Ford concluded that shoe restraints were not in the national economic interest.

President Carter again faced the problem of the remnants of the nonrubber footwear industry. This time, in 1977, the National Security Advisor, Zbigniew Brzezinski, opposed assistance to the shoe industry. Professor Eckes wrote that:

> He warned that trading partners see shoes as a test case and indicated that import restraints could sour the atmosphere for the London economic summit.

Countries that might be negative were Italy, Britain, and France. He warned that implementing the relief remedies would hit developing countries hardest and raise serious doubts about our commitment to the economic well-being of the Third World. Just in case, he also added Spain and Greece to the list because shoe exports were vital to their respective bilateral relationships with the United States.

President Carter, however, acted to help the industry and ordered his trade negotiators to conclude orderly marketing agreements [OMAS] with the offended countries. They were successful with Asia, but not other areas so the shoe industry continued to lose market share.

When the OMAS were removed in 1981 the nonrubber footwear industry, according to Professor Eckes, in the next 3 years lost another 20 points of market share and 28,000 jobs.

President Reagan did not act to help the industry, so by 1992 foreign countries had 88 percent of the U.S. market and domestic producers had lost 148,000 workers from the time the Kennedy round tariff concessions were concluded.

Professor Eckes also wrote that official documents reveal that similar considerations influenced decisions affecting high-wage industries producing automobiles, steel, and consumer electronics.

It was during the Johnson administration that the State Department fashioned an automotive products market sharing agreement with Canada. After extensive negotiations, the Canadian agreement allowed only original equipment manufacturers to import vehicles and parts into Canada.

The result of the agreement was the transfer of auto production and jobs to Canada. According to Professor Eckes, the result was turning a $657 million automotive products trade surplus with Canada in 1965 into a negative. Over the last 25 years the United States has experienced automotive deficits with Canada in all but 1 year.

Incidentally, we did essentially the same thing with Europe. To import cars to Europe, U.S. makers were required to set up plants. And over 20 years ago we agreed to import $1.50 worth of goods from Mexico for every $1 of export, and so more of our auto industry was moved out of the United States.

Other Government agreements during the Ford administration affected automobiles, steel and canned ham. During the Carter years import restrictions were denied for copper because it would damage relations with Canada, Peru, Chile, Zambia, and other copper producing countries.

President Reagan did not move for some 27 months to help machine tools. I personally know about that issue. Challenges to our aerospace industry were allowed to stand because it would upset European governments.

The Bush administration continued to trade off industries for foreign policy considerations. Professor Eckes wrote that most-favored-nation tariff rates were renewed for China, in an apparent trade-off for cooperation in the United Nations on matters involving Libya, Yugoslavia, and Iraq.

As a result China has become the leading United States supplier of shoe imports and is a major provider of apparel, toys and other labor-intensive items.

Similar favorable considerations and one-way-free trade were given to the countries of the U.S.S.R. so they would cooperate on arms control and human rights and political issues. As Professor Eckes points out, it is desirable to promote respect for human liberties, but what about the American worker. What has happened?

In 1991, the United States had a $12.7 billion trade deficit with Beijing, and today it is bigger. In effect, Professor Eckes pointed out, China rapidly is becoming a second Japan: a nation that restricts foreign access to its own market while feasting on the open United States market.

Professor Eckes concluded his paper that:

> America's current economic problems have roots in those one-sided trade policies. A series of unilateral and nonreciprocal concessions have contributed, cumulatively, to a demise of domestic manufacturing and to the loss of production jobs.

Implementation of the final Kennedy round tariff cuts in 1972 coincides with the beginning of a 20-year decline in domestic earnings and manufacturing jobs.

In 1991 American workers earned average weekly wages 20 percent below 1972 levels. Meanwhile, the textile and apparel industries lost over 600,000 jobs, while steel and automobiles sacrificed another 500,000 positions. Measured in declining income and jobs, the burden of global leadership thus has fallen heavily on low-skilled American workers. Labor-intensive manufacturing jobs have moved abroad to low-cost Third World countries, leaving a caste of poorly skilled American workers.

One lone voice warning about this trade charade was former U.S. Senator Russell Long, of Louisiana, who constantly criticized the State Department's judgment for using "trade concessions as bargaining chips in foreign policy negotiations or to buy votes in the United Nations." Professor Eckes quoted Senator Long's charge "that to save the world from a great war the State Department believed it would be worth giving away every industry we had."

In 1976, Senator Long also warned Secretary of State Henry Kissinger that:

> If we trade away American jobs and farmers' incomes for some vague concept of a new international order, the American people will demand from their elected representatives a new order of their own, which puts their jobs, their security and their income above the priorities of those who dealt them a bad deal.

Senator Long was right then and he was a prophet about America. Professor Eckes is right in his article and he, too, is a voice of the future.

Government policymakers should pay attention to what Professor Eckes is saying. We cannot continue to function as a strong nation, by giving away our assets and making it more difficult for people to have a decent standard of living. We cannot continue to rob working Americans of opportunities and the fulfillment of their dreams by giving away their livelihood.

The heartache and pain our policymakers have caused with the jobs they have so freely dispensed in trade negotiations since World War II cannot be calculated. When I look in the antique shops at the beautiful American glass we made I am sad—it is no more.

Or look for American made shoes in the store—textiles—scissors, consumer goods, and the list goes on. How many times have you heard I cannot find a "Made in the U.S.A." label on anything. Just remember that this slippery slope began in 1947 with the GATT agreements—and it is continuing right now. We have a chance to reverse this slide and do something for working Americans. Let's examine the GATT agreement in the light of employment and the past history that Professor Eckes has so eloquently written about. It is not too late.

□ 1230

FAIRNESS FOR HAITIAN REFUGEES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. MEEK] is recognized for 60 minutes.

Mrs. MEEK. Madam Speaker, I have called this special order today in order to have an opportunity to discuss the situation in Haiti and the consequences of the political crisis for the people of Haiti. I want to thank my distinguished colleagues from New York, Congressman MAJOR OWENS, for joining with me in sponsoring this special order, and our other colleagues who are participating with us today.

Four years after ousting Jean Claude Duvalier, the people of Haiti democratically elected President Jean-Bertrand Aristide. Less than 1 year later, on September 30, 1991, elements of the Haitian military launched an armed attack, forcing President Aristide to leave Haiti and to interrupt the task of improving the lives of the poorest people in the Americas.

The hopes of the Haitian people were dashed as Aristide's ambitious program was just getting started. The economic embargo imposed by the OAS and supported by the United States has failed to end the political crisis.

While we cannot release the pressure on those of the military who continue to hold the Haitian people hostage, we all know the high price the Haitian people have themselves paid. Without basic resources to help themselves, without the simple protections that allow for people to go about their daily business, or to express their political will, the Haitian people are desperate. We see the consequences of that in South Florida.

I have personally urged the President and the Secretary of State to keep Haiti on the high list of priorities, to take a stronger leadership role in developing a decisive and comprehensive approach at resolving the political crisis in Haiti. Only then, after the reinstatement of President Aristide, can we move toward a post-crisis, long-term approach for democratization and economic development in Haiti. A timetable for an orderly process and return of Aristide must be set.

There must be an unequivocal call for nonviolence in the period of transition, a period during which the Haitian military must be brought under civilian control. The most pressing need is for the military and civilian police functions to be separated as called for in the Haitian Constitution. Until that is done, democratic institution building cannot happen.

The only real solution is long-term democratic process and democratic governance in Haiti. But that does not mean that we have no obligation to comply with international agreements on human rights and on the right of refugees to make their case for political asylum.

That is why I have introduced legislation, H.R. 986, to see to it that Haitians who fled Haiti due to a fear of persecution are not deported back to Haiti. Deportees are not monitored by the U.S. Embassy or by human rights monitors. There is no adequate security protection for returnees to ensure that they are not beaten or worse when they return to their villages and towns.

My bill will simply allow for a one-time period of adjustment to permanent residency status for Haitians who can prove that they have been in the United States prior to January 20, 1993. This would not apply to any Haitians outside the United States. It would help some of the 500 Haitians in detention nationwide, and certainly the 307 people in Florida detention centers, many of whom are women.

It would help Moonlight, a 4-year-old Haitian girl who is detained, like house arrest, in room 625 of the Holiday Inn near Miami International Airport. Moonlight and her father have been detained there since October 15 of last year, when they arrived with no travel documents. Her father has been denied political asylum even though he was beaten and detained in Haiti because he is a fervent Aristide supporter. The scars on his body are his only documentation, yet INS will deport him and Moonlight if his appeal is denied.

I know of no Cuban family who has received similar INS treatment. Mr. Speaker, I would like to insert this article in the RECORD so that my colleagues can see what kind of human tragedies are being played out in our country.

We can do something about this. The President can put an end to the nightmare experienced by Haitians in the United States. I implore my colleagues to cosponsor H.R. 986 to say to these people, we feel for you, you deserve as much respect for the situation you are in as any other person fleeing persecution.

I would like to relate to you the story of a 21-year-old young man who, after fleeing Haiti was picked up last December by the Coast Guard and after a short stay at Guantanamo, was returned to Haiti. His name is Pierre.

On his return to Port-au-Prince, he was photographed and fingerprinted. He went with a U.S. news crew who offered to take him home. They filmed his home and family and then left. Two soldiers visited his family and beat his mother, his sister, and his niece. Pierre is now in hiding, his brother Paul has disappeared.

I doubt whether the OAS is capable of providing the safeguards that returnees like Pierre should have. Yet we are now deporting Haitians from the United States back to Haiti.

Madam Speaker and colleagues, I implore the INS to halt the deportation of

Haitians who are denied political asylum. It is simply unconscionable for us to continue this practice until the political crisis ends.

Letters have begun to surface in Miami from relatives of returnees who have been killed. If President Aristide were returned tomorrow, it would take time for the perpetrators of these abuses to be rooted out.

I would like to thank my colleagues for taking the time from their busy schedules to discuss this subject, one which some would ignore and wish would go away. I know the American people are compassionate, and I know that if President Clinton releases the few hundred Haitians from detention, he will be applauded for doing what is right.

□ 2010

Madam Speaker, I yield to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Madam Speaker, I want to congratulate the gentlewoman from Florida [Mrs. MEEK] for this special order and underscore the importance of it. We are in a situation where, as the days go by, it appears that justice in Haiti becomes less and less a priority for this administration. We want to send a clear signal to the administration that we are deeply disturbed and quite disappointed by the about-face that it has taken on this issue of Haiti.

Madam Speaker, we have indicated that we stand firmly on the side of democracy in the world wherever we can support it. We have traveled across the entire globe to support people's rights to govern themselves. We fought a major war in Desert Storm to guarantee that one nation, Iraq, could not overrun another nation, Kuwait, and impose upon Kuwait a government that was not elected by the Kuwaiti people. We have, in World War I, in World War II, repeatedly, made it quite clear what the United States of America stands for in the world when it comes to promoting democracy.

Now, Madam Speaker, we have a situation in Haiti, which is only 90 miles from the shores of the United States, a clear-cut situation where a President who was elected under a supervised election—it was supervised, and there is no question about the fact it was a fair election, and he was elected by 70 percent of the voters—and I would ask, "When in the United States have we had an election where 70 percent of the voters chose a President?" Madam Speaker, 70 percent of the voters chose Aristide as President.

For 7 months, while Aristide was in power, their population was content to stay put in Haiti. They had nothing really basically new because Aristide's election did not automatically generate a higher standard of living. It did not bring any automatic new amounts of money, foreign aid. Nothing materially happened, but something spiritual, something very important, happened. The people in Haiti began to have hope.

Madam Speaker, for the first time in this decade the number of people who were trying to get out of Haiti into the United States went down almost to zero. They were not trying to get out for economic reasons, for political reasons, for any reason. Nobody wanted to get out of Haiti because they felt there was hope, they should stay there and build with Aristide.

That is the simple solution to the problem we face. The simple solution President Clinton should understand is to return Aristide, and by returning Aristide we end the refugee crisis with respect to Haiti.

Madam Speaker, I will not go on at great length and talk about the racism involved in the double standard that we see being used toward the Haitians versus other refugees. I think the facts speak for themselves. But we would not have this problem, we would not be confronted daily with the racist policies of our own Government, if we would just move to return Aristide.

This would also increase the U.S. effectiveness in stopping the flow of drugs. Haiti is now a major transshipment point for drugs on the way into the United States. If Aristide was in power, if there were an honest government, a large flow of drugs into this country through Haiti would be stopped.

And we would have political stability in Haiti. We would have in this hemisphere a government which would be able to solve most of its own problems and not become dependent upon the United States.

So, Madam Speaker, I support the recommendations offered by the gentlewoman from Florida [Mrs. MEEK]. I support the bill for the amnesty. I think that we certainly cannot justify not treating the people of Haiti, the refugees from Haiti, in the same manner as we treat those from Cuba. That is all we are asking. Let us just do the same thing. They are both within this hemisphere. What is the justification for not treating the Haitians the same as we treat the Cubans?

Here is a simple formula: Set a date certain for President Aristide's return to Haiti. That is one step. Step two: Liberate the army. By removing it from its leadership make it clear the United States does not have to take troops in there because they train the military. They have the most influence among the military in Haiti. All they have to do is make it clear that Mr. Cedras and the other leaders of the September 1991 coup, they have to go. They make that clear, they will go.

However, we can also take step three to ensure that they will go by announcing the annulments of their visas. All members of the de facto government and all those associated with the coup should have their visas annulled.

□ 2020

Also freeze their international assets. They have assets. All of the members of the de facto government and all of the others who are associated with the coup should have their assets frozen.

We should also take pains to work with President Aristide and support President Aristide in the selection of a new commander in chief of the army. Article 141 of the Haitian Constitution gives the President that power. We should support the legalization of a new commander in chief of the army.

We should help Aristide begin the process of the professionalization of the army. That can only be done after you remove Mr. Cedras as the leader of the army.

There should be a full deployment, and this Nation should support the full deployment in every way possible, of 3,000 persons in the UN-OAS civilian mission in Haiti, people who would be there as observers, not carrying guns, but carrying the authority and the weight of international opinion with them.

There should also be a guarantee of the right of free expression for all Haitians in Haiti.

Step by step, President Aristide should be helped to select a new Prime Minister. The new government of Aristide should be installed, and President Aristide's return should follow after these steps. Set the date and proceed with these other matters and then return Aristide. That is the simplest, least costly, most just solution for the problem of Haiti.

I urge the President to take those steps, and I think the voice of the gentlewoman from Florida [Mrs. MEEK], who represents the largest number of Haitian Americans in any congressional district in this country, and I represent the second largest number in New York, I think our voices have to be raised again and again. I hope that all Members of Congress and all of the people in this country who feel strongly about democracy and who think that we have a moral duty here will raise their voice and let the President hear that we want President Aristide returned, we want a date set, and we want step by step to move to that achievement.

I thank the gentlewoman for allowing me to participate in this special order.

Mrs. MEEK. I yield to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Speaker, I rise today to talk about an extremely serious problem facing Florida and the future role of the United States in the global community—democracy must be restored to Haiti as soon as possible. American foreign policy must begin here at home and with our neighbors. American foreign policy should be colorblind. The policy against Haiti has been racist and we must take action now to change that policy.

The democratically elected leader of Haiti, President Aristide, met members of the Congressional Black Caucus last week, and today, with other members of the Foreign Affairs Committee. He asks for our help and we must see that he gets the help he needs.

First, we must have a firm date by which President Aristide is restored to power. We can no longer count on open-ended negotiations to bring about change. This situation can be resolved peacefully. But, there is only a very narrow window of opportunity. If we do not act quickly, and decisively, that window will be closed.

Timing is crucial. The largest boat departures of Haitians has occurred during the months of April, May, and June, when the seas are calmest before the hurricane season. Action to restore President Aristide needs to occur by May 31. Haitians are staying in Haiti not simply because the Coast Guard is blocking their way. They're staying because President Aristide asked them to stay. He has asked Haitians to hang on to their hope for democratic change for a little while longer, and they are waiting for his swift return. The Haitian people have been waiting for a very long time. Centuries ago, Haiti became the world's first independent black Republic, but they have struggled to achieve true democracy. Unfortunately, American foreign policy has failed to give Haiti the Democratic leadership and support it gives to European countries.

We can't afford to wait any longer. We must restore democracy to Haiti now—and set a firm date to do it—while it can be done peacefully and without the loss of life. We can't ignore this situation any longer.

Mrs. MEEK. I yield to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Madam Speaker, let me also add my voice and let me commend the gentlewoman from Florida [Mrs. MEEK], for calling this special order. I think that all of the main points certainly have been brought out. We feel that this is an injustice in our hemisphere, in our time.

As we look at the history of Haiti we find that there is a coexistence between the history of Haiti and the United States of America. It was back in the struggle where the colonies were fighting against the English for our independence that Haiti sent troops to fight on the side of the colonies. It was a battalion of color, they were called, that fought in the Battle of Savannah.

There were continued relations, and in 1804 when Haiti became independent there started relations, and Haiti allowed runaway slaves that could get to Bethel Baptist Church in Philadelphia to go to Haiti as free people. There are still villages in Haiti that were founded by runaway slaves who were slaves in the United States of America, but the Haitian Government allowed them to come to Haiti as free people.

Haiti was very involved in our struggle for independence and also in our struggle to keep our country free back during the time that Toussaint L'Overture defeated Napoleon's army. At that time France owned the Louisiana Territory, which was expansive amounts of land, probably as much territory as the original 13 colonies. When Haiti defeated the French army, Napoleon's army, France at that time needed cash and was forced to sell the Louisiana Territory to the United States, therefore freeing up the threat of the French, as you know, with the French and Indian wars in 1812 and the French and English still fighting, using Indians as in-betweens.

But there was once again a significant situation in Haiti that helped for the growth and development of the United States of America. Actually there were several incidents that the Haitians were very involved in. Right here in the House in 1873 Joe Rainey, who was an African American elected from the State of South Carolina, was presiding over the House. He had a hearing on Haiti and suggested that there be a steamship line from South Carolina to Haiti.

As a matter of fact, there were strong relations between Adams and Jefferson with the Haitian government and the United States of America. At one time there was the fear that if the French combined with the Haitians, they would come through the South; freed slaves would join the Haitian army with the French, and the United States could have possibly been defeated.

So there is much more in the history. Unfortunately, the history of our country never reflects truly some of the responsibilities.

I am not saying because there has been a historical tie that we should have a different policy, but I think people should know that there has been a relationship.

As a matter of fact, Frederick Douglass was an ambassador to Haiti. When I was in Haiti 2 weeks ago I saw a plaque on the wall of our U.S. Embassy with the name of Frederick Douglass. Actually they wanted him to go there because he was fighting for women's rights at that time after slaves were freed. But there still has been a tremendous relationship between our countries.

As a matter of fact, finally on the historical part, during World War II the president of Haiti asked President Roosevelt how could Haiti help in the war effort. At that time our Southeast Asian connections were overrun by the enemy and President Roosevelt asked Haiti if they could change their whole agricultural system to attempt to grow latex, trees that could produce rubber.

□ 2030

Their Secretary of Agriculture said it was impossible, that the climate would not and the soil would not carry that, but they attempted to do it anyway and denuded much of their area from rich mahogany and other natural vegetation to attempt to put in some other types. And since that time, as it was predicted by their Secretary of Agriculture, who actually resigned because he knew it was a flawed policy, erosion set in and Haiti loses a tremendous amount of its topsoil annually because of this flawed policy, started in 1942 and 1943 and 1944, when this attempt was made.

So we are involved with Haiti. We talk about democratization in the world, and we have a democracy, a person who received 69 percent of the vote, and our Government sort of looked the other way as the coup d'etat took place.

I think that the people in Haiti today, those who oppose President Aristide, as I found out in my trip there 3 weeks ago, that those who oppose him are ready for his return.

They say the embargo is making too much hardship. They say that although they did not vote for him, would not support him, they feel that the future of Haiti is going to be tied to the return of Aristide.

So I think our President should send a clear message to General Cedras and the de facto government of Mr. Bazin and should tell them that it is time for President Aristide to be restored to his rightful place. I think that there will be receptivity for that. I believe that it is the only right thing to do.

I think that the church community is ready for it. I think that we have an obligation to see that President Aristide is returned to his rightful position.

So let me once again congratulate the gentlewoman for having this special order. I think that her concern about detainees in Florida, about HIV-positive political refugees in Guantanamo, I think the whole question of the return of Aristide and a policy where we would give financial aid to Haiti to see them get back on their feet, it is clear that if a boat that should have had 250 people on it, the *Neptune*, the ferry boat, had 1,500 people on it and had never been inspected and, when those people saw danger and shifted from one side of the boat to the other, they found that there were not 250 people on that ship, it was 1,500, 1,250 who drowned because there were two life preservers on the boat and no lifeboats at all. The captain had one of the life jackets, and he survived. But 1,200 people died because of neglect of a government.

We cannot stand by in this hemisphere and allow that to continue.

As a matter of fact, they then went and buried these 1,200 people in mass graves without even allowing the relatives to come to identify the bodies and went on with Mardi Gras because it was the day before Mardi Gras season. So the insensitivity of a government like this cannot stand.

I simply join the gentlewoman and urge President Clinton to be forceful in his meeting with President Aristide on March 16 and to come with a policy that will restore President Aristide within 90 to 180 days.

Ms. MEEK. Madam Speaker, I yield to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Madam Speaker, first let me thank the gentlewoman from Florida for arranging this special order.

Madam Speaker, I rise to speak in opposition to the forced repatriation of Haitians fleeing their homeland, without the benefit of a hearing to determine whether they are in fact refugees fleeing persecution. The practice of intercepting boats filled with refugees on the high seas and forcing them to return to Haiti is one drastically at odds with the longstanding American traditions of offering asylum to the oppressed and of due process for all.

The position of the INS is that it stands ready to process any and all requests for asylum through its processing center in Port-au-Prince. In practice, however, it is precisely those people with a well-founded fear of persecution who will not expose themselves by openly appearing at such a processing center, clearly signaling their dissatisfaction with the Government and their intention to leave.

The President has pledged to make the restoration to power of Haiti's legally elected President, Jean-Bertrand Aristide, a foreign-policy priority of his. that is encouraging, and I am certainly hopeful that, in the not-too-distant future, we will see a restoration of Haitian democracy as a result of the President's efforts. It is vital to Haiti's future that the United States continue to make an honest and vigorous effort toward that end.

Let there be no doubt that the primary responsibility for human rights violations in Haiti rests with the illegal military government. I support the President's initiative, in cooperation with President Aristide, to restore democratic government in Haiti. It is the only hope for long-term change in Haiti. Only a restoration of the democratic government will stem the floodtide of fleeing Haitians that we witnessed before the institution by President Bush of this repatriation policy. With the terror ended, average Haitians will not be forced to take to the sea, risking their lives in flimsy boats, to get to America.

But the primary responsibility of the military junta in Haiti for this tragedy does not excuse the actions of our own Government. The United States should not be intercepting Haitians on the high seas and returning them, against their will, to the land they have been forced to flee. If the INS or local authorities in Florida feel they would be overwhelmed if all of the Haitian refugees were permitted to land in Florida, some Haitians seeking to have their asylum claims determined could be taken to safe havens such as the naval base at Guantanamo Bay, or Puerto Rico, or Caribbean nations willing to cooperate. Such options would certainly be preferable to returning refugees to the arms of the tyrants from whom they are seeking to flee.

There is also a grave legal violation presented by our current policy. The interception of Haitian refugees on the high seas in international waters, miles from the territorial waters of the United States, goes well beyond the President's power to regulate entry into the United States.

As the Court of Appeals for the 2d Circuit noted in its decision last year holding the forced-repatriation policy illegal:

> Even though the executive's actions have the practical effect of prohibiting some Haitians' entry into the United States, they also have the effect of prohibiting the Haitians from gaining entry into the Bahamas, Jamaica . . . Mexico, the Cayman Islands, or any other country in which they might seek safe haven.

What a role for the U.S. Navy and Coast Guard.

I urge the administration to drop its appeal to the Supreme Court of this decision and to search, instead, for a creative alternative to the present policy and to drop the present policy. This would honor the American tradition of providing refuge to the oppressed and of providing due process for all.

The district I represent in Manhattan and Brooklyn in New York is home to refugees from many oppressed regimes, including those of czarist Russia and the Soviet Union, Nazi Germany, Syria, Iran, the People's Republic of China, and others. Indeed, my predecessor in Congress, the late Ted Weiss, came to this country as a refugee from Hungary in 1938. As my colleagues might imagine, the people of my district are strong believers in the American tradition of providing refuge to the oppressed, as am I.

Our current policy reminds me of the shameful policy pursued by our Government and by the governments of many countries in Europe in the late 1930's, of denying refuge to many refugees fleeing Nazi tyranny and sending them back to their deaths, ultimately, in Nazi death camps.

It is a policy unworthy of our traditions, unworthy of this country.

I hope to see a policy with respect to refugees from Haiti that is in keeping with the traditions of the democratic traditions of the United States.

Ms. MEEK. Madam Speaker, I thank the gentleman.

□ 2040

THE PRESIDENT'S PLAN II

The SPEAKER pro tempore (Ms. PELOSI). Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Madam Speaker, it's clear that people watch C-SPAN, because they write me letters about it.

Let me begin by reading one. It's from a viewer in Cleveland. "I watched you on C-SPAN," the card reads. "You are a filthy rotten swine. Voters do not want an extension of unemployment compensation. I remember the Great Depression of 1930. My father was unemployed. He received no unemployment compensation, no hospitalization, no food stamps. He found a job."

He concludes, "You are fat and soft."

Madam Speaker, I would answer this viewer by letter but there's no signature.

Let me simply say that I admire this viewer's ability to support the sacrifice of others. It reminds me of that remark of the 19th-century American humorist, Artemus Ward. He wrote, during the Civil War: "I support the Rebellion—and am prepared to sacrifice two cousins and my wife's brother."

It's true that we had no support for people in pain during the 1930's. Much of the last half-century has seen creation of that kind of support.

I say this is to the writer, whom I hope is watching:

If that's being a filthy rotten swine so be it.

I'm proud of my party's role in creating jobs and our determination to put people back to work and support them while they are trying.

I say to this viewer in Cleveland: Continue to write, though. Just sign your name. I don't bite—I just grunt a little.

Most Americans don't agree with the writer. Most Americans also support what I'm really here to talk about today, the President's economic plan.

These days, the news about the President's economic plan has focussed on cuts—the $63 billion more in cuts the White House and Congress has come up with to reduce the deficit.

The President deserves a lot of credit. He has done something every President has talked about but never done.

Serious, believable, well-crafted, deficit reduction.

But let's not forget the other half of what makes this bold plan so right for America.

Investment in the future.

You know, anybody who's been on a team knows that one player can't do it all. A few years back, I remember a World Series pitcher, Jack Morris, telling reporters "There's no I in the word team."

It's the same with the President's plan.

Just making cuts can't do it.

Just getting the deficit down can't do it.

Even just providing some temporary jobs can't do it.

It's the whole package, each part helping the other, just like a relay team.

And the anchor runner on this team is the President's plan to invest in the future. In the private sector.

The President has come through.

He knows that we won't have economic growth unless we put people back to work.

That's why the investment part of his plan has gotten such widespread support. People have begun to hope again.

We've had 12 years where the administration was so preoccupied with problems around the world they couldn't focus on the problems of people around the corner.

But if we believe in progress, if we believe that our next generation can live a little better than ours, if we have a vision of the future filled with hope, then we have to plan for that future.

That's what people are starting to feel. And we can't let them down.

"Oh," some people say, "we don't need investment. We're in a recovery."

Some recovery.

There are still 3 million more people out of work in America than before the recession started.

Three million more.

You think it sounded like a recovery to the people of Northwest Airlines last month when they announced they were laying off another 1,000 people?

Or McDonnell Douglas when they cut 8,700 jobs?

Or Sears, 50,000 jobs?

Or Boeing, 20,000 jobs?

Or all those folks at IBM, Xerox, Eastman Kodak, or General Motors who heard their companies make similar announcements?

This economy could rebound like Shaquille O'Neal and there would still be players left on the bench.

The President wants to get them back in the game.

President Clinton's plan puts people back to work right away, for the things America needs.

Madam Speaker, at last we'll have Americans working to rebuild our highways and airports and crumbling bridges.

At last we'll have Americans working to renovate affordable housing.

At last we'll have Americans working to immunize our children and reverse the terrible upsurge in mumps and measles and other diseases.

At last we'll have Americans working as teachers to give young Americans a chance for the education they'll need in the 21st century.

At last we'll have Americans working to create wastewater treatment facilities so Americans can enjoy the clean water that was our birthright.

These are all things America needs today.

But the Clinton plan also builds for tomorrow.

How?

Four ways.

First, by investing in people:

Fully funding Head Start.

Allowing young people to serve their country and pay for college.

Training America's work force.

Second, by rewarding work:

Expanding the Earned Income Tax Credit.

Ending welfare by offering people training, child and health care, then asking them to find jobs in the private or public sector.

Third, by investing in the future:

Improving our transportation system.

Investing in technology to clean up the environment.

Creating information highways for the 21st century that link homes, businesses, schools, and libraries by computer.

Fourth, by strengthening business and communities:

With a permanent investment tax credit to small business.

With credit available to small businesses and the decline in long-term interest rates sparked by this plan has already made about $80-$90 billion available to the private sector.

Community development banks.

Investing in people, rewarding work, looking to the future, strengthening business and communities.

And here's an important point: the President's plan is fair.

I hear lots of Republicans talk about how they oppose having the wealthiest Americans pay more to pay for these investments.

I say why not?

Everyone else has been asked to contribute.

Why not those who got the benefit of the 1980's?

Why not stop deductions for country club dues?

Why not raise the tax rate for large corporations?

Why not eliminate the tax deduction for outrageous executive salaries?

There are people who say it doesn't matter how you spend money—or how you cut the deficit.

Just get the number down, they say.

That's a little like the story about the veterinarian and the taxidermist who opened an office together. There slogan was: "Either way you get your dog back."

All ways aren't the same.

You know, the other day, the President gave a speech in which he talked about that very point.

He pointed out we should distinguish between a subsidy that was justified 50 years ago because we needed more wool in our uniforms and a subsidy we can justify now to help people start high-tech business to provide jobs for the future.

"Dwight Eisenhower knew there was a difference between the interstate highway system and paying to maintain the status quo of Government programs that didn't work."

The Clinton plan draws that line.

It looks at our investment in the things that make a country strong. Those investments went down over the last decade.

Infrastructure.

K through 12 education.

High-tech manufacturing.

That's where we need to invest. And that's where Americans support spending.

And I must say, after the newspaper reports last week, the Republican complaints about balanced budgets ring a little hollow.

I'm talking about the new Republican Senator from New Hampshire who ran for the Senate saying that as Governor he had been a "deficit cutter and skinflint."

Now we see how he did it.

Turns out the only people he skinned were the taxpayers. Here's how it worked.

New Hampshire had a fiscal crisis. They couldn't balance the budget. They were $35 million short.

Did they cut spending? No.

Instead, they found a loophole. They decided to overbill the Federal Government for Medicaid and use the extra money to eliminate their State deficit.

In other words, they'd balance their budget on the backs of taxpayers from the other 49 States.

So far they've soaked the Federal Government $336 million.

And here's the amazing thing about this super-soaker approach to Government.

It was all legal, thanks to a change in the law engineered by the then-Republican Senator from New Hampshire, Warren Rudman.

Let me spare you the full force of my thoughts about this scheme.

But why not let people from New Hampshire tell you?

"Despicable," said one State Representative.

"It was a scam, no question about it," said another, a Republican.

So it was.

Madam Speaker, it's time to end doing business this way no matter which party does it.

No more gimmicks.

No more scams.

Let's have real deficit reduction.

Let's have an honest approach to investment that gives America what it needs.

And that is yet another reason to support the President's plan.

It's honest. It's clearly laid out. It uses conservative numbers in a way Washington hasn't seen in 12 years.

His priorities are clear.

He's said no to Government that benefits the privileged few.

He's said yes to Government that invests in people.

He's said yes to a Government that will create jobs for Americans.

Deficit cuts, jobs, investing in the future, fairness.

Because this plan is so strong on all four of those cornerstones, it's won approval from such a broad spectrum of Americans.

Labor endorsed it, whether Lane Kirkland, the president of the AFL-CIO or Owen Bieber from the UAW or American Federation of Teachers, or AFSCME.

Business has endorsed it. In fact, one of the most amazing things has been the number of CEO's who think this is what America needs: August Busch from Anheuser-Busch, John Sculley, from Apple Computer, Emma Chappell from United Bank of Philadelphia, and the CEO's of Sara Lee, ARCO, American Airlines, TRW, Ford.

Dozens more.

Then there was the headline from last week's news: "State, Local Officials Line Up Behind Plan To Boost Economy."

Governors, mayors, State legislators, county officials.

It's bipartisan support, too, the president of the U.S. Conference of Mayors is a Republican. They're going to build grass roots support for the plan.

So is the National Association of Counties and the National Governors Association.

For that matter, so are hundreds of groups who have announced their support, from A to W—from the Amalgamated Transit Union to the World Hunger Year.

The American Electronics Association, the Association for American Universities, Catholic Charities, the Children's Defense Fund, the Committee for Education Funding, Common Cause, the Consumer Federation of America.

Also: the Environmental Defense Fund, the International Union of Bricklayers & Allied Craftsmen, the Teamsters, the National Council of Jewish Women, the National Council on the Aging, the National Council of the Churches of Christ, the Sierra Club.

All of them support the plan.

And listen to these headlines:

"Cheers from States for Clinton's Plan."

"Clinton's Economic Plan Finding Respect from Corporate America."

And here's the most important headline: "Clinton Plan Enjoys Strong Public Support."

The public thinks the President has begun to "break the gridlock."

Three in five Americans support the plan.

Seventy-three percent believes the sacrifices the President has called for are necessary.

Fifty-eight percent said he didn't go far enough in raising taxes on the wealthy.

And in a CNN-Gallup poll, Americans favored spending to boost the economy 69-27.

In fact, in a recent Washington Post poll most people say they wish he'd gone further.

Madam Speaker, the economist, Barbara Ward, once pointed out that the notion of progress is in itself progress. For most of human history, "(people) tended to believe themselves fortunate if tomorrow was not worse than today, and anyway there was little they could do about it."

That's true.

One of the profound changes of the 20th century has been the growth of this idea that the lives of our children can be significantly better than our own—and that we can help bring that about.

Progress.

The notion of progress is essential to America.

For 12 years we have been governed by those who believe Government could not help build for America's future.

Over those 12 years Americans began to lose faith in Government.

No wonder.

Bill Clinton has restored that faith.

He's made us believe progress is possible again.

He's made us believe we can do better—and that Government can help.

Moreover, he's presented his plan in a way that Americans support.

I ask my colleagues to listen to the American people.

Listen to the voices from labor and business, from private sector and public sector, from farmers and teachers, from assembly line workers and white-collar workers, from people in the suites and people on the streets.

Let's pass this plan and get on with the job of building America's future.

Restoring our belief that progress is possible may turn out to be Bill Clinton's—and our—greatest legacy.

□ 2100

SOMALIA, WORLD HUNGER, AND THE FOREIGN POLICY IMPLICATIONS OF HUMANITARIAN RELIEF IN THE NEW WORLD ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 60 minutes.

Mr. BEREUTER. Madam Speaker, tonight I want to share with my colleagues in the House some basic information about the hunger and nutrition problems in Somalia, and to examine, in general, the condition of hunger in the world. On the basis of that information, I will attempt to share some of my thoughts, and the views of leading experts, on the foreign policy implications of humanitarian relief in the era of the new world order. First, a few facts drawn from the Congressional Research Service on the war and famine in Somalia, and United States actions taken in Somalia.

A. SOMALIA: WAR AND FAMINE

First, the conditions.

Since January 1991, an estimated 300,000 Somalis have died due to civil strife, disease, and famine. Reportedly, one-fourth of Somali children under the age of 5 have died over the past months, while over 900,000 Somalis have been made refugees. Almost 2 million Somalis have been displaced within their country.

The United States is the largest bilateral donor of emergency food and non-food assistance to Somalia. Since January 1991, the United States has provided over $240 million in aid, including 300,000 metric tons of food aid. In mid-August, President Bush announced a sweeping emergency aid program for Somalia. On August 21, 1992, the United States began airlifting food to Somali refugees in Kenya and to famine-stricken areas inside Somalia.

It is certainly this Member's assessment that there is effectively no government in that war-torn nation, as clan violence and drug trafficking have robbed Somalia of its last vestiges of order. As a result of the social anarchy, the international food assistance was not being delivered. Thousands more were dying every week, with no end in sight. Faced with this complete breakdown of established order, President Bush chose to order U.S. forces to assist in the delivery of food and medical supplies. Given the urgent humanitarian need, it is a decision that this Member fully supported, as did nearly all Members of Congress and the large majority of the American people who responded to polls.

Some voices, both American and many among the international community, have urged that the United States assume a peace enforcement role in Somalia. Despite these urgings, it clearly, demonstrably was never President Bush's intent that the United States assume the role of peacemaker for the region. Any seizure of weapons or disarming of clans is incidental to the primary mission of delivering humanitarian assistance. I agree with limited goals, but note that many people forget about that stated purpose or are intentionally trying to demand a larger role for America.

On December 3, 1992, the United Nations approved the use of all necessary force to reestablish a secure environment for humanitarian relief operations in Somalia. In mid-December, the Secretary General reportedly said that he expected U.S. troops to disarm Somalis. U.S. troops are expected to hand over the operation to a U.N. peacekeeping force once the environment for relief operations is secured.

Madam Speaker, secondly, I would provide a few summary comments on Operation Restore Hope.

On December 4, 1992, President Bush announced that the United States would send a substantial force of United States troops to Somalia. The troops began to arrive on December 9 in support of United Nations efforts to create a secure environment for the delivery of humanitarian relief. According to CRS, House Speaker THOMAS FOLEY has said, "the overall judgment of Members is that the President had acted wisely in circumstances in which he had little choice."

Initial plans called for a U.S. force of approximately 28,000 troops, but the deployment peaked at 25,000 because of contributions from other countries. Already as of January 19, 1993, some 11,000 troops from 20 countries had arrived in Somalia. The first withdrawal of U.S. troops took place on January 19, and it continues today. United Nations Secretary General Boutros-Ghali is now reported to be asking the United States to keep a sizable component of our troops in Somalia until the first of May.

From the beginning, President Bush emphasized the United States troops would be withdrawn and the security mission handed back to the United Nations peacekeeping force in Somalia as soon as a secure environment for the delivery of food had been created. The United Nations Secretary General frequently urged United States forces to disarm Somalia, but United States policymakers resisted this assignment.

The willingness of the United States to intervene in Somalia solely for humanitarian reasons, with no substantial American national security interest at risk, certainly raises a number of issues with respect to the future of United States foreign policy, the role of the military, and the growing responsibilities of the United Nations.

B. WHERE HUNGER EXISTS IN THE WORLD: A BRIEF SUMMARY

Madam Speaker, now I would turn to a very basic regional summary of the primary locations of hunger around our globe. This account is from Bread for the World's third annual report on the state of world hunger entitled, "Hunger 1993."

First, the United States, where recession and structural changes in the economy led to a 26-percent increase in requests for emergency food assistance in major U.S. cities in 1991—with 17 percent of those requests going unmet. In April 1992, a record number of people relied on food stamps.

In much of Asia and the Pacific, hunger is likewise on the rise. Seventy percent of Filipinos now live in poverty. In Cambodia and Afghanistan, peace settlements are fragile at best, and the legacy of war will keep millions of people hungry for years to come. Even where rapid economic growth has occurred, as in Thailand, significant pockets of poverty and hunger remain. Yet some countries in the region—notably China, Indian, and the so-called newly industrializing countries—have made substantial long-term progress in reducing hunger.

In Latin America and the Caribbean, many countries continue to face severe economic deterioration related to efforts to grapple with the intractable debt crisis. Brutal, longstanding civil wars continue to uproot people in Peru and Guatemala. Political injustice and a dysfunctional economy, have left millions of Haitians hungry and uprooted.

In the Middle East, the long unresolved conflict between Jewish and Palestinian national aspirations is taking a toll on the nutritional levels of Palestinians.

In the former Soviet Union and Eastern Europe, even where massive bloodshed thus far has been largely avoided in the post-Communist era—except in the Yugoslavia area and the Caucasus—creating new economic systems has meant hardship and scarcer food for millions of people.

While Africa has made progress toward resolving some of its longstanding conflicts—notably in Ethiopia and we still hope in Angola—war continues to rage in places on the continent, and has combined with the punishing drought to threaten the existence of 60 million people.

Madam Speaker, the World Hunger Program at Brown University, bringing together and updating the U.N.'s Food and Agriculture Organization [FAO] and World Bank data, has estimated that in sub-Saharan Africa some 235 million people, or 44 percent of the region's total population, lived in households suffering from some level of food deprivation in 1989. Of that number, as many as 140 million people, or 26 percent of the total sub-Saharan population, consumed insufficient dietary energy to permit minimal adult activity and healthy child growth. Another 95 million people, or 18 percent of the population, consumed insufficient dietary energy to permit a full adult work load.

These are astonishing figures, but they may actually underestimate the problem, since many more people are at risk of falling far below these thresholds than are actually counted as being food poor at any one time. With irrigation rare and expensive, African agriculture is highly vulnerable to climatic variation.

U.N. data on growth failure among children under 5 years of age confirms the severity of the problem. Actually, data on seriously underweight children show that the percentage of such children has increased slightly in sub-Saharan Africa, while in the rest of the developing world it has declined. The numbers of undernourished children in the region rose from 18 million in 1975 to an estimated 30 million in 1990.

Who are the food insecure in Africa? According to Simon Maxwell, head of the food security unit at the Institute of Development Studies at the University of Sussex in the United Kingdom, writing in a September 1992 U.N. Briefing Paper—Africa Recovery, in Africa—the food insecure fall into five main categories:

First, families that are poor in assets and productive resources, but live in surplus agricultural areas;

Second, the resource-poor, but also others, in drought-prone or other marginal areas;

Third, poor pastoralists;

Fourth, the urban poor; and

Fifth, refugees, displaced persons and others affected by war.

C. CAUSES OF FOOD INSECURITY IN AFRICA

Now, Madam Speaker, I would turn to the question of what causes food insecurity in Africa?

Dr. Maxwell suggests that, overall, the greatest long-term cause of food insecurity has been poor agricultural performance. In Africa as a whole, agriculture contributes roughly 20 percent of the gross domestic product and employs 65 percent of the labor force. According to data from the Institute of Development Studies examining Djibouti, Ethiopia, Kenya, Somalia, Sudan, and Uganda, the Africans living in those nations in a position of substantial food insecurity can be placed in the following categories:

Rural poor, 39.9 percent.

War affected, 34.9 percent.

Urban poor, 12 percent.

Nomads, 8.9 percent.

Refugees, 5.3 percent.

Again, according to Dr. Simon Maxwell:

> Contrary to popular view, agricultural and food production have both increased in Africa since 1970, and in fact increased at about the same rate as the rest of the world.
>
> However, unlike the rest of the world, agricultural production has risen more slowly than population. The result has been a sustained decline in agricultural production per capita, with Africa's per capita food production falling at a comparable rate. While world agricultural and food production per capita increased some 10 percent over two decades, in Africa they fell by about 15 percent, from a level that was even initially barely in balance. * * * Food self-sufficiency has declined to under 90 percent, and import and aid dependence have increased.

D. PRESCRIPTION FOR FOOD SECURITY IN AFRICA

Madam Speaker, now the Member turns to the matter of a prescription to establish food security in Africa.

In advancing a prescription for food security in Africa, I am using quotations and am paraphrasing the following recommendations of Simon Maxwell. The key elements of the prescription are as follows:

First, peace is an essential precondition of food security in much of Africa. In the 1990's, unlike the 1970's, war is a major factor precipitating acute food insecurity; it was the immediate cause of famine in all the main affected countries in 1991 and in many of them in 1992.

Second, slow growth in agricultural production and very high variability from year to year are still the main underlying causes of food insecurity in Africa. Growth is therefore central, and the agricultural sector a priority for resources. But growth needs to be directed specifically to the employment and incomes of the poor and food insecure: small-scale, usually labor-intensive and with a special focus on resource-poor and marginal areas. There also needs to be a balance between cash crops and food.

Third, liberalization of food markets in Africa is much less easy than free-market advocates imagine. But it is worth pursuing nonetheless. Food security policies should aim towards establishing efficient and equitable food systems.

Fourth, there needs to be a greater appreciation of the value of targeting. Food security interventions generate a larger payoff and are more cost-effective if they are targeted on the most food insecure, whether through geographical targeting, focusing on food consumed primarily by the poor or community management.

Fifth, more modest approaches to food security planning as a process and often with a strong local government component, are likely to be more successful than overcentralized, top-down models. Food security planning should foster data collection, planning, and action with the communities on which people depend.

Sixth, there is a new realization that famine can be prevented only by better understanding of, and resultant action from, the complex famine process, including the utilization of traditional and newly evolving household and community-based strategies for coping with food shortages, by tackling disease and by improving disaster preparedness. It is also important to make better use of early warning information, particularly for contingency planning.

Seventh, better use can be made of food aid, especially through better management of counterpart funds, greater flexibility on the monetization policy of donor countries' foreign aid programs and greater and more effective integration between food aid and financial aid.

Madam Speaker, in summary description of these recommendations or prescription for food security in Africa, I give my colleagues the following summary quotations from Simon Maxwell found in his September 1992 report:

> Taken together, these principles the general focus of the foregoing seven recommendations can provide a basis for action which moves beyond the desperate short-term approach of famine relief in Africa, to longer-term and more sustainable programs which provide genuine food security. African people and governments can do a great deal to foster food security. But more aid will also be required from the rest of the world if food poverty is not to increase again in the coming decade.

E. AN AGENDA FOR REDUCING WORLD HUNGER WHILE PROTECTING THE ENVIRONMENT

Madam Speaker, now it is important to consider the implications of solutions to the world's hunger problems on the physical environment of our globe. Here for my comments I draw upon and quote the work of Dr. Joachim von Braun, director of the Food Consumption and Nutrition Division at the International Food Policy Research Institute in Washington, DC. (His comments are found in volume 14, No. 3, of the IFPR Report dated October 1992.)

He reported that:

> During the past two decades considerable progress has been made in reducing hunger in the world. However, most of this progress has been in Asia. In Africa, the number of households that do not consume enough food continues to increase. Meeting world food demands over the next 15 years will require that agricultural production increase by about 40 percent. Unless a major change in trade and aid patterns occurs, 75 percent of the increase will have to be produced by developing countries. * * *

According to Dr. von Braun, world hunger can be further reduced while protecting the environment by focusing on six areas, paraphrased:

> (1) There must be global responsibility to develop sustainable agricultural production technologies. Accelerated growth in food supplies [is called for]. The technologies necessary to increase production while preserving the natural resource base are complex and expensive and cannot be developed by individual countries alone.
>
> (2) The developing countries must increase food production in order to provide jobs and raise incomes while meeting the growing demand for food.
>
> (3) Economic and agricultural policy reforms must occur in industrialized and developing countries in order to facilitate efficient food production growth.
>
> (4) Developing countries must diversify and commercialize agriculture in order to capture the economic benefits of trade and to cope with rapid urbanization. But policies that are single-mindedly oriented toward self-sufficiency can be damaging to the environment when they encourage the spread of low-technology food crops into environmentally fragile areas.
>
> (5) Food security must be part of any environmental policy. Only people who are "food secure" can care about the future and the generations to follow. (The "food insecure" are forced to focus on survival today at any cost, including environmental destruction. An environmental policy that does not put food security first will be unsustainable.)
>
> (6) A precondition to environment-related loans or grants to developing countries should be that the countries have in place a comprehensive national policy for household food security.

F. HUMANITARIAN RELIEF IN THE NEW WORLD ORDER: IMPLICATIONS FOR AMERICAN FOREIGN POLICY AND INTERNATIONAL INSTITUTIONS

Madam Speaker, as the final major section in my remarks tonight I would attempt to provide an answer to a fundamentally important question. The question:

What are the implications for both American foreign policy and for international institutions of the desire to and actions for delivering humanitarian relief in the new world order? Certainly the international community is in the midst of a fundamental rethinking of the way that it approaches crises and conflicts. In the past, the international community could be stirred to action only:

First, if one nation committed blatant and intolerable acts of aggression against another nation; for example, Korean war, Operation Desert Storm); or

Second, if the warring peoples agreed to permit a third party to separate the combatants; that is, U.N. peacekeeping operations in Cambodia, Angola, El Salvador, and elsewhere.

These types of action were surely necessary, but they certainly don't measure or account for the entire gamut of international crises during those years. And, even when peacekeeping forces have been deployed, they have often been ineffective. For example, there were U.N. peacekeepers in Somalia before the United States Marines landed—the Pakistani Army—but they were ineffective because they were not given any authority to enforce the peace. Thus, a narrowly constructed view of peacekeeping activities has greatly limited the ability of the international community to resolve such crises.

However, Madam Speaker, with the end of the cold war, a related more positive and cooperative big-power relationships in the U.N. Security Council, and a more widespread international desire to lessen human suffering, the world's community of nations is coming to accept the need for a more active or proactive international capability to intervene in situations of humanitarian crises. Nations are looking beyond traditional peacekeeping actions to something with much more muscle—peace enforcement or peacemaking or war prevention.

Where squabbles between the United States, the Soviet Union, China, and others previously prevented the United Nations from taking a more active role, now we are finding much more agreement on the need for an effective peace-enforcement capability.

With the U.N. actions in northern Iraq, the protection of the Kurds, and in Somalia, we see the United Nations undertaking peacekeeping activities—admittedly largely at the instigation of the United States—without the permission of the local government.

The U.N.'s traditional view that national sovereignty is sacrosanct has begun to crumble. When a government is engaging in gross human rights abuses, or in those situations where the government has collapsed, the United Nation is now willing, with a strong push from the United States, to consider intervention even if it does not have permission from the local authorities.

Where does this lead us? The fact is that attitudes are changing at the very highest levels. Both the U.N. Secretary General and, last fall, President Bush, joined together in a common effort to push the debate much further along.

Madam Speaker, and my colleagues, it is important to note that in June 1992, U.N. Secretary General Butros Butros-Ghali issued a major appeal to the world community which be titled, "Agenda for Peace." This document outlines the Secretary General's suggestions for ways that the U.N. peace and security capacities might be strengthened. In "Agenda for Peace," Butros-Ghali proposes that the United Nations:

First, activate military forces anticipated in the U.N. Charter to respond to outright aggression, imminent or actual and empower the U.N. Security Council for the provision of forces, facilities, and equipment;

Second, in a situation where a cease-fire becomes difficult to maintain, use peace-enforcement units, available on-call and composed of more heavily equipped troops than simple peacekeepers. These peace-enforcement units would or could be empowered under the existing authority of the U.N. Charter; and

Third, strengthen peacekeeping capabilities in the areas of equipment, logistics, personnel, training, and finance so that each emergency will not produce a flurry of loose ad hoc arrangements.

Last September, President Bush responded to the "Agenda for Peace" in his annual address to the United Nations. President Bush recommended a five-part program that would add teeth to the U.N. peace-enforcement capability. Mr. Bush suggested:

First, that nations should develop and train military units for peacekeeping that would be available on short-notice request by the Security Council;

Second, that multinational units must have multinational planning, training, and field exercises, including command and control;

Third, that nations should provide logistical support for these operations and predesignate specific stockpiles of resources and material;

Fourth, that nations must develop planning, crisis management, and intelligence capabilities for peacekeeping and humanitarian crises; and,

Fifth, that nations must ensure adequate financing for U.N. peacekeeping efforts.

Madam Speaker, Mr. Bush and Secretary General Butros-Ghali have been pointing us in the direction of greater international responsibility for peacekeeping and peacemaking.

We are not there yet, as Yugoslavia makes clear. There are enormous problems about finance or funding, about training, about composition of forces, about the command of U.N. military units, and a host of other questions. Many third world nations are fearful that a U.N. peacekeeping force dominated by the United States, Europe, and the other developed nations will strip them of their sovereignty.

Yet things are moving in the direction of a more active peace-enforcement role. Congress will surely act on this matter in the coming months. The International Security, International Organizations and Human Rights Subcommittee is committed to addressing this issue in the coming months, and ensuring that the proposals of former President Bush and Secretary General Butros-Ghali are implemented.

Madam Speaker, in concluding my remarks tonight, this Member would postulate that we are on the verge of some very fundamental changes in the way the nations of the world view the use of international action and international military forces. Only time will tell whether the changes are a short-term focus or whether they are indeed attitudinal changes in world opinion that will shape important new international policies, structures, and actions to preserve peace on Earth and to relieve human suffering. There is reason to be very hopeful that substantial progress will be made in a post-cold-war era.

□ 2120

WORLD TRADE CENTER BOMBING

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York [Mr. NADLER] is recognized for 60 minutes.

Mr. NADLER. Madam Speaker, I rise today to express my pride in the people who live and work in New York City for their courageous response to the catastrophic bombing of the World trade Center, in my district, on February 26, 1993. The bravery, courage, quick thinking, and genuine concern for others exhibited by each person whose life this disaster touched helped prevent even greater tragedy. The ability of average New Yorkers to cope with and recover from this catastrophic event is a fine example for all Americans. I am proud to represent citizens of New York today.

As New York recovers and looks toward the future, I want to remember the five innocent victims of this callous terrorism. When William Macko, Robert Kirkpatrick, Monica Smith, and Steven Knapp, all Port Authority employees, and John DiGiovanni, a dental equipment salesman, left their homes that cold winter morning it was a typical day. They went to the World Trade Center to do an honest job and provide for their families. During lunch hour, an enormous explosion in the nearby parking lot abruptly ended their lives. The injustice of this crime is incomprehensible. I offer my condolences to the families and friends of the deceased, who must endure the pain caused by the untimely deaths of their loved ones.

We will not forget the tragedy of these five senseless deaths, but we must learn from the strength and courage of those who helped each other remain calm and evacuate the buildings safely and efficiently. The afternoon of the blast, I visited the World Trade Center. Thousands of people emerged from the building gasping for fresh air after descending seemingly endless flights of stairs in dark, smoky stairwells. Despite the threat to their own safety, these New Yorkers demonstrated compassion and calm in a time of crisis by helping total strangers descend the dark staircases. One woman, whose disability confines her to a wheelchair, was passed from person to person until she was safely on the street outside.

Brave acts, such as this, were exhibited by both young and old. Courageous kindergarten children from P.S. 95 in Brooklyn were trapped in a dark elevator for 7 hours. These children and their chaperones sang songs to comfort each other from the terror of not knowing the cause of their situation and the extent of danger they faced. They were rescued when James Sherwood, a lieutenant of the New York City Fire Department, sledgehammered a hole through a wall where he heard faint voices. Another group of schoolchildren visiting the Trade Center that day remained trapped on the outdoor observation deck, 110 stories above New York City streets in the cold winter air. Parents of the children waited anxiously for several hours before their children were brought safely to the ground.

The suffering that many endured waiting for information about family and friends who were in the World Trade Center at the time of the bombing was equally painful. An employee in my office anxiously waited for 2 hours before she learned that her father had safely escaped the 99th floor of One World Trade Center.

Every New Yorker took justifiable comfort in knowing that New York's uniformed services were prepared and in control of the situation. Were it not for the expertise, courage and professionalism of these brave New Yorkers the tragedy would have been even greater.

I personally witnessed the New York City police skillfully maintain order in a situation which would seem to encourage panic and chaos. New York's Finest had full command of downtown Manhattan, facilitating the rescue of thousands.

The New York City Fire Department quickly controlled and extinguished the fire caused by the explosion, and rescued many trapped by the smoke throughout the Trade Center. One survivor recalled how firefighters rescued him and friends from the basement by beating back flames caused by the blast, shielding them, and guiding them to safety. There are numerous examples of heroism that took place on that day. I am extremely proud of each member of the New York City Police Department and the New York City Fire Department for their work.

New York's emergency medical service workers also played a heroic role in saving lives that day. They immediately established triage areas as people emerged from the building covered in soot, treating them skillfully and efficiently. EMS quickly and successfully treated a seemingly unmanageable number of people. We are grateful to have had their care and expertise working to help numerous New Yorkers.

The courage of ordinary New Yorkers on February 26 saved us all from even greater losses. Now we must concentrate on achieving full recovery from this bombing. I want to commend Governor Cuomo and Mayor Dinkins for their leadership and compassionate response to this disaster.

Unfortunately, many businesses were lost, and others have had to relocate temporarily. The Small Business Administration quickly declared the World Trade Center an economic disaster, and distributed funds to save many of the businesses that have tremendously suffered. On behalf of New Yorkers, I thank the SBA for its timely response.

President Clinton's concerned response and continued support since the afternoon of the tragic bombing is also greatly appreciated. I join Governor Cuomo in asking President Clinton to provide further needed assistance by offering FEMA funding to aid in the recovery of those who are suffering because of the bombing.

Madam Speaker, in the wake of the tragic World Trade Center bombing, we must look to the future. First, every one of the perpetrators of this horrendous crime must be brought to justice. Americans should not and will not stand for this cowardly act to go unpunished.

Second, we must carefully examine our emergency preparedness systems so that we can reaffirm our confidence in our infrastructure. We must be confident that we have the ability to cope with any future crisis.

Finally, we must never forget the courage exhibited by those who were trapped in the World Trade Center on February 26. They serve as an inspiration to us all.

Mr. GILMAN. Madam Speaker, I would like to thank my colleagues from the State of New York, [Mr. NADLER and Ms. MALONEY], for organizing today's special order on the tragic bombing of the World Trade Center.

Madam Speaker, virtually every American household saw the dramatic television footage of the recent World Trade Center explosion. Sadly, in my district, bordering New York City, the tragedy struck close to home and claimed the life of Robert Kirkpatrick, a carpenter and locksmith, whose neighbors described as "generous to a fault." Robert, whose office was on the second level of the parking garage, was one of the five killed in that incident. In addition, over 1,000 were injured as a result of the bomb blast.

Over the years, due to the extraordinary efforts of our nation's law enforcement officials, Customs Service, and intelligence agencies, the United States has been virtually free of terrorist incidents. However, as the World Trade Center bombing tragically demonstrates, we are certainly not free of this criminal scourge.

Clearly, those responsible must be brought to justice. However, in this time of anger and bewilderment over this senseless act, it is important that we allow our justice system to take its course, and not succumb to the urge to take justice into our hands.

Terrorism continues to be a concern for Americans, and demands the attention of our government, which has a clear responsibility to provide for the safety of its citizens. However, our government, albeit a world superpower with vast intelligence and military powers, cannot always stop terrorists.

Following the gulf war, the world was granted a reprieve from terrorism. However, terrorism has not ceased; it has temporarily gone into remission. Many of the States that previously supported terrorism have only shelved their terrorist infrastructures for temporary storage.

I believe that there are several steps that can be taken to strengthen our Nation's approach to terrorism. While democracies must preserve the ideals upon which they are founded, I believe that democracies can and should have a strong response to terrorism. Our Nation, working with other nations, can severely curtail the freedoms under which terrorists have operated during the past decade.

Accordingly, I am preparing an omnibus antiterrorism bill which seeks to strengthen the U.N. position against terrorism, to utilize our vast economic resources and political pressure against states which support terrorism, to strengthen bilateral and multilateral cooperation against terrorist organizations, focus on encouraging media restraint in reporting terrorist incidents, and to strive to alleviate the social and economic problems which contribute to the rise of terrorist activity.

I invite my colleagues to join me and cosponsor my legislation. While no government can guarantee to be 100 percent effective in combating terrorism, I believe that given the extraordinary changes in the world political balance over the past decade, our Nation is poised to lead a serious effort to eradicate certain forms of terrorism.

Mr. KING. Mr. Speaker, I rise today in outrage over the recent attack on the World Trade Center in Manhattan. The cowardly assault on the unsuspecting civilian target left hundreds injured and five dead, including one of my constituents from my hometown of Seaford, Long Island. My heart goes out to all the victims of the attack, and I extend my deepest sympathies to the families of the slain. The bombing also caused tens of millions of dollars in physical damage and immeasurable economic disruption. Yet, through it all, the people of New York demonstrated their indomitable spirit.

Tremendous credit must also be given, of course, to the FBI and the New York City Police Department for the professional job they have done in investigating this heinous crime. I would also like to commend the firefighters, emergency services personnel, and hundreds of ordinary New Yorkers on the scene during the World Trade Center emergency. Their heroic response during the disaster displayed the true spirit of New York—showing and giving their best when things were at their worst.

Ms. VELÁZQUEZ. Madam Speaker, I rise today to join my New York colleagues in commending the men and women of New York City's emergency services who risked their lives during the horrifying tragedy at the World Trade Center.

Our police officers, firefighters, emergency medical technicians, and civilian employees responded bravely, quickly, and effectively, thereby minimizing the loss of life and damage of property. Once again, New Yorkers proved that, even under the most difficult and threatening of circumstances, they are able to meet any challenge and overcome any crisis. Like them, I only wish that no lives had been lost and no families were grieving as a result of this tragedy.

This disaster resulted in five fatalities and over 1,000 injuries. It also disrupted transportation networks and caused smoke and related damage to more than 40 retail businesses on the concourse level of the facility. For example, the Vista Hotel sustained such heavy damage that its management has announced the layoff of more than 600 employees. In addition, this event has caused the relocation of several hundred vital and essential businesses which comprise the heart of our city's and the country's financial services industry.

In this regard I applaud Governor Cuomo's and Mayor Dinkins' request to the Small Business Administration for expedited economic assistance for small businesses located in the towers. This initiative will help them recover some of the financial losses they are bearing, and I am grateful for President Clinton's favorable response.

I also applaud the joint venture between the Port Authority and New York City to establish a $5 million, no interest loan fund for small businesses to rebuild and restart their operations.

The struggle for thousands and thousands of workers and businesses is far from over, and under the current situation I urge the Federal Emergency Management Administration to expedite Governor Cuomo's request for a major disaster declaration.

Once again, my heart goes out to those who lost family members in this disaster, and my assistance goes out to those workers and businesses still reeling from the effects of the explosion.

Mrs. MALONEY. Madam Speaker, I rise this evening to speak about the World Trade Center explosion and about the heroes and heroines who responded so quickly and so diligently to this disaster.

The lives of tens of thousands of people were in jeopardy on Friday, February 26, when a van filled with explosives blew up in an underground garage beneath the World Trade Center.

New York's police, fire, and emergency service personnel performed magnificently, putting their own lives at risk so that tens of thousands of citizens inside the building could make it to safety.

There are so many examples of heroism which I could recount, but let me relate a handful of them that have been reported in the New York Times.

There's Sgt. Timothy Farrell of the New York City Police Department who was lowered by a cable to the roof of the World Trade Center from a helicopter to rescue eight trapped people, including a woman who was 8 months pregnant.

There's firefighter Kevin Shea, who plunged into a gaping crater blown open by the explosion as he groped through the smoke in search of victims. Other firefighters risked their lives to rescue Shea from the rubble.

There's Police Lt. James W. Sherwood and Lt. Michael Podolak of the Port Authority Police who used a sledgehammer to break through an elevator wall on the 43d floor and rescue 62 school children trapped in the dark for nearly 5 hours.

Lieutenant Sherwood recalls telling the children, "You are the bravest kids I've ever seen."

Besides the officials who responded to this disaster, there were many other heroes and heroines inside the buildings, like the office mate who helped a colleague confined to a wheelchair make it through dozens of flights of stairs through smoke that was so thick you could not see your shoes.

And there were the school teachers of several different groups of school children trapped inside the building including several who spent 5 hours calming the children trapped inside the elevator on the 43d floor.

George Howard, a Port Authority police officer, summed up the attitude of hundreds of people who worked hard to save lives when he told a reporter, "There is no single hero story. Everybody just did their job. That's what they pay us for. When something like this happens, we end up doing what we've got to do."–

Mr. FLAKE. Madam Speaker, I would like to extend my sincere admiration and gratitude to those individuals who were involved in the fatal bombing of the World Trade Center in New York. The level of courage that was displayed by all parties involved was certainly commendable. People often view New York City as a cold and heartless place. It is both comforting and enlightening to see this myth dispelled.

Several members of my congregation at Allen AME Church were in the World Trade Center at the time of the bombing. Each conveyed their own personal story of how someone, often a stranger, had offered them assistance, even at the risk of their own life. I applaud the selflessness of these individuals and would like to recognize them as heroes.

I would also like to convey my condolences to those families who lost loved ones and to those businesses that were forced to relocate. This was an unfortunate and regrettable occurrence. There is nothing I can say to ease your grief. However, I hope that you will take solace in the fact that the loss resulting from this disaster was kept to such a minimum. We have our fellow New York citizens, the fire department, the police department, and other emergency technicians to thank for this. It was inspiring to see everyone unite and work together to alleviate the ailments of this catastrophe.

Mr. MANTON. Madam Speaker, I rise today to address my colleagues on the senseless devastation resulting from the terrorist bombing attack at the World Trade Center and upon the citizens of the New York metropolitan area.

On Friday, February 26 at 12:18 p.m., an explosion ripped through six underground parking levels of the World Trade Center located immediately underneath the Vista Hotel and between two twin towers. The blast was so strong that it produced a crater six stories deep and about 200 feet wide. Approximately 90,000 people work and visit there every weekday, 6 of whom were killed as a result of the bombing. A thousand more were injured, and the lives of tens of thousands more were severely disrupted. The economic losses caused by the bombing are estimated at $1 billion.

Today, our condolences are extended to the families of those killed in the blast. The death of a loved one under any circumstance is a source of great sorrow but when that death is the result of a senseless and hateful act, the loss is particularly devastating. Certainly, our thoughts and prayers are with all those families who had relatives that were killed or injured as a result of the blast.

Every tragedy produces its heroes, and this was no exception. The World Trade Center bombing was the largest terrorist attack within the borders of the United States, and the response of our city's police, firefighting, and emergency medical personnel should be highly commended. Within minutes of the explosion, the street in front of the World Trade Center was filled with responding emergency equipment from the New York City police department, fire department, and emergency medical services, as well as the Port Authority of New York and New Jersey which owns the center. Four New York City police department helicopters made 40 rooftop landings on the towers between 12:30 p.m. and 11 p.m. During these flights, 25 New York City police officers rappelled from helicopters to the roofs of tower one where a landing zone was established and where police department pilots later delivered 125 rescue personnel to the roofs. Scores of police, fire, and EMS personnel were among the 1,000 injured in the blast's wake, and their heroism is to be applauded. As a retired police officer, I am particularly proud of the efforts of my former colleagues at the New York Police Department.

The economic losses resulting from the bombing are enormous. While it is difficult to measure accurately the extent of these losses, some estimates are as high as $1 billion—not a surprising figure when one considers that the tens of thousands of people who work at the World Trade Center have been denied access to their offices for weeks. While we recognize the coordinated efforts of the New York State Emergency Management Office, the Federal Emergency Management Agency, and the U.S. Small Business Administration, more will need to be done to assure that the economic consequences of this attack are minimized to the greatest extent possible.

Lastly, no one would argue with the assertion that anything that can help us prevent a single terrorist act from occurring, or in apprehending those responsible, certainly merits serious examination by Congress. To that end, I am proud to have sponsored H.R. 1262, the Explosives Fingerprinting Act of 1993, which would require all explosive manufactures to introduce high-technology additives into explosives that will give them identifying signatures which would tell our law enforcement officials when and where they were made.

Such additives, called taggants, are microscopic chips designed to survive explosives. Taggants have been long supported by the Federal Bureau of Alcohol, Tobacco and Firearms as a valuable and antiterrorist tool. After a bombing incident, agents could examine the manufacturer's required paperwork to identify suspects from lists of purchasers. Identifying the source and subsequent sale of explosives is nearly impossible without taggants.

So, one may ask, why hasn't this antiterrorist technology been developed and utilized in the past? The tragic answer is that special interest groups representing the explosives and gun industries have not only killed previous legislation to require taggants, but have also limited the amount of funding the Bureau of Alcohol, Tobacco and Firearms can devote to developing this technology.

As a former police officer, I know well it is tough enough to conduct criminal investigations without having one hand tied behind your back. It's time to get tough on terrorist bombings and give our agents a valuable new tool in their arsenal. I would encourage my colleagues to join me as cosponsors of this important legislation, thereby taking a small step toward making sure another such terrorist attack does not occur.

□ 2130

GENERAL LEAVE

Mr. NADLER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore (Ms. PELOSI). Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FRANKS of Connecticut (at the request of Mr. MICHEL) for today from 3:30 p.m. on account of attending a funeral.

Mr. HOAGLAND (at the request of Mr. GEPHARDT) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Mr. MICA, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. SAM JOHNSON of Texas, for 60 minutes, today.

Mr. BARTLETT of Maryland, for 5 minutes, today.

Mr. KASICH, for 60 minutes, today.

Mr. KIM, for 5 minutes, on March 11.

Mr. SCHIFF, for 5 minutes, today.

Mr. BEREUTER, for 60 minutes, on March 11.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. WYNN, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. ORTIZ, for 5 minutes, today.

Mrs. MINK, for 60 minutes, on March 16.

Mr. SANDERS, for 60 minutes, on March 17.

Mr. KENNEDY, for 60 minutes, on March 16.

Mr. MCCLOSKEY, for 60 minutes, on March 17.

(The following Member (at the request of Mr. GONZALEZ) to revise and extend his remarks and include extraneous material:)

Mr. BONIOR, for 60 minutes each day, on May 4, 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, and 27, and June 8, 9, 10, 15, 16, 17, 22, 23, 24, 29, and 30.

(The following Member (at the request of Mrs. BENTLEY) to revise and extend his remarks and include extraneous material:)

Mr. KASICH, for 60 minutes, on March 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. SCHIFF) and to include extraneous matter:

Mr. ARCHER in two instances.

Mr. KING in two instances.

Mrs. ROUKEMA.

Mr. GILMAN in two instances.

Mr. KYL.

Mr. SOLOMON in four instances.

Mr. PETRI.

Mr. OXLEY.

Mr. WOLF.

Mr. GALLO.

Mr. PACKARD.

Ms. SNOWE.

Mr. PORTER.

Mr. FIELDS of Texas in three instances.

Mr. GOODLING in two instances.

Mr. GEKAS.

Mr. SHAW.

Mr. STUMP.

The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:

Mr. KANJORSKI.

Mr. HOLDEN in two instances.

Mr. HAMILTON in two instances.

Mr. FORD of Michigan.

Ms. MARGOLIES-MEZVINSKY.

Mr. DIXON in three instances.

Mr. SERRANO in three instances.

Mr. WYDEN.

Mr. DURBIN.

Mr. FOGLIETTA.

Mr. SCHUMER.

Mr. ACKERMAN.

Mr. TRAFICANT in two instances.

Mr. ORTIZ.

Mr. CLAY.

Mr. TORRICELLI.

Mr. HOCHBRUECKNER in two instances.

Mr. STUPAK.

Mr. VOLKMER.

Mrs. LLOYD.

Mr. VENTO.

Mr. KENNEDY.

Mr. TEJEDA.

Mr. LAFALCE.

Mr. STRICKLAND.

ADJOURNMENT

Mr. NADLER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 11, 1993, at 11:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

868. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of March 1, 1993, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 103–55); to the Committee on Appropriations and ordered to be printed.

869. A letter from the Comptroller of the Currency, Department of the Treasury, transmitting the annual report on enforcement actions for the period of January 1, 1992 through December 31, 1992, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Finance and Urban Affairs.

870. A letter from the Director, Export-Import Bank of the United States, transmitting a report involving United States exports to Venezuela, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

871. A letter from the Secretary of Education, transmitting final regulations—Drug-Free Schools and Communities Counselor Training Grants Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

872. A letter from the Inspector General, Federal Emergency Management Agency, transmitting a report on FEMA's administration of the permanent and temporary relocation components of the Superfund Program during fiscal year 1991; to the Committee on Energy and Commerce.

873. A letter from the Director, National Institute on Deafness and Other Communication Disorders, transmitting their 1991 annual report, pursuant to Public Law 100–553, section 2 (102 Stat. 2773); to the Committee on Energy and Commerce.

874. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report containing the status of each loan and contract of guaranty or insurance to which there remains outstanding any unpaid obligation or potential liability and the status of each extension of credit for the procurement of defense articles or services, pursuant to 22 U.S.C. 2765(a); to the Committee on Foreign Affairs.

875. A communication from the President of the United States, transmitting his determination that continued nuclear cooperation with the European Atomic Energy Community [Euratom] is needed in order to achieve U.S. nonproliferation objectives and to protect our common defense and security, pursuant to 42 U.S.C. 2155(a)(2) (H. Doc. No. 103–56); to the Committee on Foreign Affairs and ordered to be printed.

876. A letter from the Acting Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

877. A letter from the Deputy Assistant Secretary for Public Affairs, Department of Defense, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

878. A letter from the Chairman, Federal Communications Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

879. A letter from the Assistant Vice President, Government and Public Affairs, National Railroad Passenger Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

880. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

881. A letter from the Secretary of Transportation, transmitting a report on the U.S. Coast Guard Military Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

882. A letter from the Director, Selective Service, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C.

552(d); to the Committee on Government Operations.

883. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

884. A letter from the Acting Administrator, U.S. Small Business Administration, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

885. A letter from the CEO, United States Postal Service, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

886. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

887. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

888. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

889. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

890. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

891. A letter from the Secretary of State, transmitting a report assessing the voting practices of the governments of U.N. member states in the General Assembly and Security Council for 1992, and evaluating the actions and responsiveness of those governments to U.S. policy on issues of special importance to the United States, pursuant to Public Law 98–473, section 530a (98 Stat. 1900; 102 Stat. 2268–26; 103 Stat. 1223); jointly, to the Committees on Foreign Affairs and Appropriations.

892. A letter from the Inspector General, Department of Commerce, transmitting a report on the yearly evaluation of the Department's compliance with the Byrd Amendment and the effectiveness of the amendment, pursuant to Public Law 101–121, Section 319; jointly, to the Committees on Government Operations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 965. A bill to provide for toy safety and for other purposes, with an amendment (Rept. 103–29). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PETRI (for himself, Mr. Martinez, Mr. Goodling, Mr. Gunderson, Mr. Fawell, Mr. Ballenger, Ms. Molinari, Mr. Barrett of Nebraska, Mr. Boehner, Mr. Grandy, Mr. Sensenbrenner, Mr. Oxley, Mrs. Morella, Mr. Lewis of Florida, and Mr. Barton of Texas):

H.R. 1272. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to set standards under such title for multiple employer welfare arrangements providing health plan benefits; to the Committee on Education and Labor.

By Mr. ANDREWS of Texas (for himself and Mr. Archer):

H.R. 1273. A bill to extend until January 1, 1995, the existing suspension of duty on furniture of unspun fibrous vegetable materials; to the Committee on Ways and Means.

By Mr. ANDREWS of Texas (for himself and Mr. Archer):

H.R. 1274. A bill to extend until January 1, 1995, the existing suspension of duty on certain wicker products; to the Committee on Ways and Means.

By Mr. DREIER:

H.R. 1275. A bill to provide the President with the authority to negotiate agreements with the Government of Russia, and other former Soviet republics, providing economic assistance in return for reimbursement from natural resources, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BARTLETT:

H.R. 1276. A bill to establish the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right; to the Committee on the Judiciary.

By Mr. CUNNINGHAM (for himself and Mr. Hall of Texas):

H.R. 1277. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Ms. DeLAURO:

H.R. 1278. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of paramedic intercept services provided in support of public, volunteer, or nonprofit providers of ambulance services; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DEUTSCH (for himself, Mr. Hastings, Ms. Ros-Lehtinen, and Mr. Saxton).

H.R. 1279. A bill to amend the Immigration and Nationality Act to provide that members of Hamas (commonly known as the Islamic Resistance Movement) be considered to be engaged in a terrorist activity and ineligible to receive visas and excluded from admission into the United States; to the Committee on the Judiciary.

By Mr. FORD of Michigan (for himself, Mr. Clay, Mr. Miller of California, Mr. Murphy, Mr. Kildee, Mr. Martinez, Mr. Owens, Mr. Sawyer, Mr. Payne of New Jersey, Mrs. Unsoeld, Mrs. Mink, Mr. Andrews of New Jersey, Mr. Engel, Mr. Becerra, Mr. Gene Green, Mr. Strickland, Mr. de Lugo, and Mr. Faleomavaega):

H.R. 1280. A bill to revise the Occupational Safety and Health Act of 1970; jointly, to the Committees on Education and Labor and House Administration.

By Mr. FIELDS of Texas (for himself, Mr. Tauzin, and Mr. Ortiz):

H.R. 1281. A bill to provide for lease sales on the Outer Continental Shelf under certain conditions, and for other purposes; jointly, to the Committees on Natural Resources and Merchant Marine and Fisheries.

By Mr. FIELDS of Texas (for himself, Mr. Tauzin, Mr. Young of Alaska, Mr. Livingston, and Mr. Laughlin):

H.R. 1282. A bill to provide enhanced energy security through incentives to explore and develop frontier areas of the Outer Continental Shelf and to enhance production of the domestic oil and gas resources in deep water areas of the Outer Continental Shelf; jointly, to the Committees on Natural Resources and Merchant Marine and Fisheries.

By Mr. GALLO:

H.R. 1283. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to provide protection for sole source aquifers; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. GEKAS (for himself and Mr. Hyde):

H.R. 1284. A bill to amend title 28, United States Code, to reauthorize and modify the provisions relating to independent counsel; to the Committee on the Judiciary.

By Mr. GLICKMAN:

H.R. 1285. A bill to amend the Public Buildings Act of 1959 relating to authorization of appropriations for construction of public buildings by committee resolution approval; to the Committee on Public Works and Transportation.

By Mr. HOLDEN (for himself, Mr. Frank of Massachusetts, Mr. Torkildsen, Mrs. Meyers of Kansas, Ms. Danner, Mr. Kyl, Mrs. Johnson of Connecticut, Mr. Coppersmith, and Mr. Buyer):

H.R. 1286. A bill to reduce the amount authorized for the official mail allowance for Members of the House of Representatives by 20 percent; to the Committee on House Administration.

By Mr. HOLDEN (for himself and Mr. McMillan):

H.R. 1287. A bill to suspend until January 1, 1996, the duty on certain chemicals; to the Committee on Ways and Means.

By Mr. HOLDEN (for himself and Mr. McMillan):

H.R. 1288. A bill to extend until January 1, 1995, the existing suspension of duty on certain chemicals; to the Committee on Ways and Means.

By Mr. KOPETSKI (for himself, Mr. Sensenbrenner, Mr. Stark, Mr. Young of Alaska, Mr. Rohrabacher, Mr. Wyden, Ms. Furse, Mr. DeFazio, Mr. Wilson, Mr. de la Garza, Mr. Gonzalez, Mr. Frost, Mr. Goodling, Mr. Tejeda, Mr. Edwards of Texas, Mr. Chapman, Mr. Sarpalius, Ms. E.B. Johnson, Mr. Bryant, Mr. Coleman, and Mr. McHale):

H.R. 1289. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 1290. A bill to ensure the financial soundness and solvency of insurers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LIPINSKI (for himself, Mr. Frank of Massachusetts, Mr. Gutierrez, Mr. Stupak, Mr. Rush, Mr. Kopetski, and Mr. Evans):

H.R. 1291. A bill to provide for adjustment of immigration status for certain Polish and Hungarian parolees; to the Committee on the Judiciary.

By Mr. MARTINEZ:

H.R. 1292. A bill to amend the Immigration and Nationality Act with respect to improvements in enforcement of antidiscrimination provisions of that Act; to the Committee on the Judiciary.

By Mrs. MEYERS of Kansas (for herself, Mrs. Johnson of Connecticut, Mr. Gilman, Mr. Clinger, Mr. Fawell, Mr. Gingrich, Mr. Solomon, Mr. DeLay, Mr. Ewing, Mr. Moorhead, Mr. Stump, Mr. Goss, Mr. Dreier, Mr. Ballenger, and Mr. Livingston):

H.R. 1293. A bill to replace the program of aid to families with dependent children with a program of block grants to States for families with dependent children, and for other purposes; to the Committee on Ways and Means.

By Ms. MOLINARI (for herself, Mr. Gallo, and Mr. Saxton):

H.R. 1294. A bill to designate military installations selected for closure or realignment under a base closure law, and the communities within which such military installations are located, as enterprise zones for purposes of title VII of the Housing and Community Development Act of 1987 and as redevelopment areas for purposes of the Public Works and Economic Development Act of 1965; jointly, to the Committees on Armed Services, Banking, Finance and Urban Affairs, and Public Works and Transportation.

By Mr. MORAN (for himself, Mr. Goodling, Mr. Holden, Mr. Condit, Mr. Browder, Mr. Deal, Mr. Sisisky, Mr. Payne of Virginia, Mr. Wolf, Ms. McKinney, Mr. Penny, Mr. Wheat, Mr. Lancaster, Mr. Parker, Mr. Goodlatte, Mr. Mazzoli, Mr. Bereuter, Ms. Danner, Mr. Canady, Mr. Greenwood, Mr. Pickett, Mr. Klink, Mr. Cooper, Mr. Gene Green of Texas, Mr. Stenholm, Mr. Taylor of North Carolina, Mr. Peterson of Minnesota, Mr. Taylor of Mississippi, Mr. Bilbray, Mr. Rogers, Mr. Johnston of Florida, Mr. Cramer, Mr. Crapo, Mr. Murphy, Mr. Traficant, Mr. Thomas of Wyoming, Mr. Emerson, Mr. Orton, Mr. Clinger, Mr. McHale, Mrs. Meyers of Kansas, Mr. Camp, Mr. Lewis of Florida, Mr. Slattery, Mr. Livingston, Mr. Hyde, Mr. Clement, Mr. Bliley, Mr. Kanjorski, Mr. Spratt, Mr. Tanner, Mr. Sarpalius, Mr. Rose, Mr. McCurdy, Mr. Montgomery, Mr. Hoagland, Mr. Swett, Mr. Rowland, Mr. Hall of Texas, Mr. Poshard, Mr. Burton of Indiana, Mr. Rahall, Mr. Wilson, Mr. Peterson of Florida, Mr. Petri, Mr. Allard, Mr. Buyer, Mr. Collins of Georgia, Mr. LaFalce, Mr. Coppersmith, Mr. Lightfoot, Mr. Bateman, Mr. English of Oklahoma, Mr. Skeen, and Mr. Myers of Indiana):

H.R. 1295. A bill to improve Federal decisionmaking by requiring a thorough evaluation of the economic impact of Federal legislative and regulatory requirements on State and local governments and the economic resources located therein; jointly, to the Committees on Government Operations and Rules.

By Mr. ORTIZ (for himself, Mr. Slattery, Mr. Wilson, Mr. Evans, Mr. Pastor, Mr. Gonzalez, Mr. Towns, Mr. McDermott, Mr. Coleman, Mr. Filner, Mr. Tejeda, Ms. Pelosi, Mr. Romero-Barceló, Mr. de la Garza, Mr. Gutierrez, Mr. Blackwell, Mr. Pickle, Mr. Frost, Mr. Dixon, Mr. Gene Green of Texas, Mr. Lipinski, Mr. Kreidler, Mr. Torres, and Mr. Serrano):

H.R. 1296. A bill to provide surveillance, research, and services aimed at prevention of birth defects; to the Committee on Energy and Commerce.

By Mr. PETERSON of Minnesota:

H.R. 1297. A bill to reduce the rates of basic pay for Members of Congress; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. ROBERTS:

H.R. 1298. A bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of the special estate tax valuation; to the Committee on Ways and Means.

By Mr. SANDERS:

H.R. 1299. A bill to provide funding for the Resolution Trust Corporation to meet immediate needs and to authorize additional funding for the Corporation subject to a requirement that the President submit a plan for fully paying for such funding, including interest costs, over the next 5 years, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WALKER (for himself and Mr. Brown of California):

H.R. 1300. A bill to establish a Department of Science, Space, Energy, and Technology; to the Committee on Government Operations.

By Mr. SCHUMER (for himself and Mr. Sensenbrenner):

H.R. 1301. A bill to combat terrorism; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. Goss, Mr. Hastings, Mr. McCollum, Ms. Meek, Mr. Johnson of Florida, and Ms. Brown of Florida):

H.R. 1302. A bill to provide for a national insurance and reinsurance program against the risk of hurricanes, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SMITH of New Jersey:

H.R. 1303. A bill to designate the Federal Building and U.S. Courthouse located at 402 East State Street in Trenton, NJ, as the "Clarkson S. Fisher Federal Building and United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. STARK (for himself and Mr. Rangel):

H.R. 1304. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on sales of syringes and intravenous systems which do not meet antineedlestick prevention standards; to the Committee on Ways and Means.

By Mr. VENTO (for himself and Mr. Hansen):

H.R. 1305. A bill to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service; to the Committee on Natural Resources.

By Ms. DeLAURO (for herself, Ms. Snowe, Mr. Abercrombie, Mr. Ackerman, Mr. Andrews of Maine, Mr. Bacchus of Florida, Mr. Bateman, Mr. Becerra, Mr. Beilenson, Mr. Berman, Mr. Bilbray, Mr. Bilirakis, Mr. Blackwell, Ms. Brown of Florida, Mr. Brown of Ohio, Ms. Byrne, Ms. Cantwell, Mr. Cardin, Mr. Clay, Mr. Clement, Mr. Clyburn, Mr. Coleman, Mrs. Collins of Illinois, Miss Collins of Michigan, Mr. Conyers, Mr. Coppersmith, Mr. Coyne, Mr. Cramer, Ms. Danner, Mr. de la Garza, Mr. de Lugo, Mr. Dixon, Ms. Eshoo, Mr. Faleomavaega, Mr. Fazio, Mr. Filner, Mr. Foglietta, Mr. Ford of Michigan, Mr. Frost, Mr. Gingrich, Mr. Gordon, Mr. Gunderson, Mr. Hamburg, Mr. Hastings, Mr. Hochbrueckner, Mr. Holden, Mr. Jefferson, Mrs. Johnson of Connecticut, Ms. E.B. Johnson, Ms. Kaptur, Mr. Kasich, Mr. Kildee, Mrs. Kennelly, Mr. Kleczka, Mr. Kopetski, Mr. Levin, Mrs. Lloyd, Ms. Maloney, Ms. Margolies-Mezvinsky, Mr. McCloskey, Mr. McDermott, Ms. McKinney, Mr. Meehan, Ms. Meek, Mrs. Meyers of Kansas, Mr. Miller of California, Mrs. Mink, Ms. Molinari, Mrs. Morella, Mr. Murphy, Ms. Norton, Mr. Oberstar, Mr. Paxon, Ms. Pelosi, Mr. Poshard, Ms. Roybal-Allard, Mr. Rush, Mr. Sanders, Mrs. Schroeder, Mr. Schumer, Mr. Serrano, Ms. Slaughter, Mr. Smith of Texas, Mr. Spratt, Mr. Stokes, Mr. Studds, Mrs. Thurman, Mr. Towns, Mrs. Unsoeld, Mr. Walsh, Ms. Waters, Mr. Wilson, Mr. Wolf, Ms. Woolsey, Mr. Wyden, Mr. Neal of Massachusetts, Mr. Stark, Mr. Gejdenson, Mr. Visclosky, Mr. Barrett of Wisconsin, Mr. Bonior, Mrs. Clayton, Mr. Martinez, Mr. McNulty, Mr. Gutierrez, Mr. Washington, Mr. Lazio, Mr. Gekas, Mr. Solomon, Mr. Nadler, Mr. Gallegly, and Mr. Lehman):

H.J. Res. 143. Joint resolution designating March 1993 and March 1994 both as "Women's History Month"; to the Committee on Post Office and Civil Service.

By Mr. FRANKS of Connecticut:

H.J. Res. 144. Joint resolution proposing an amendment to the Constitution of the United States to provide for issuance of writs of election in cases of vacancies in the Senate; to the Committee on the Judiciary.

By Mr. HYDE:

H.J. Res. 145. Joint resolution providing for the establishment of a Joint Committee on Intelligence; to the Committee on Rules.

By Mr. PETERSON of Minnesota:

H.J. Res. 146. Joint resolution proposing an amendment to the Constitution of the United States limiting the number of consecutive years a person may serve in or be employed by the Government of the United States or be employed to affect the policies and programs of the Government of the United States; to the Committee on the Judiciary.

By Mr. SHAW:

H.J. Res. 147. Joint resolution to designate the month of April 1993 as "Civil War History Month"; to the Committee on Post Office and Civil Service.

By Mr. WYDEN (for himself, Mr. Kasich, Mr. Wise, Mr. Ackerman, Mr. Neal of Massachusetts, Mr. Machtley, Mr. Blackwell, Mr. Brewster, Mr. Cramer, Mr.

Kopetski, Mr. Holden, Mr. Lipinski, Mr. Bilirakis, Mr. Gonzalez, Mr. Cardin, Mr. Bacchus of Florida, Mr. Studds, Ms. Pelosi, Ms. Norton, Mr. Peterson of Florida, Mr. Hunter, Mr. Spratt, Mr. Jefferson, Mr. Martinez, Mr. Filner, Mr. Walsh, Mr. Gene Green, Mr. McDermott, Mr. Buyer, Mr. Kreidler, Mr. Shays, Ms. E.B. Johnson, Mr. Rowland, Mr. Jacobs, Mr. Moran, Mr. Frost, Mr. Montgomery, Mr. Peterson of Minnesota, Mr. Cooper, Mr. Spence, Mr. Mazzoli, Mr. Markey, Mrs. Morella, Mr. Rahall, Mr. Faleomavaega, Mr. Kleczka, Mr. Gejdenson, Mrs. Roukema, Mr. Ford of Tennessee, Mr. Waxman, Mr. Synar, Mr. King, Ms. Woolsey, Mrs. Unsoeld, Mr. Wolf, Mr. Rangel, and Mr. Pickett):

H.J. Res. 148. Joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. FAZIO (for himself, Mr. Zeliff, Ms. Schenk, Mr. Matsui, Mr. Brown of California, Mr. Doolittle, Mr. Calvert, Mr. Dixon, Mr. Filner, Ms. Harman, Mr. Lantos, Mr. Martinez, Mr. Miller of California, Mr. Mineta, Ms. Roybal-Allard, Mr. Torres, Mr. Waxman, Mr. Hamburg, Mr. Edwards of California, Ms. Woolsey, Ms. Pelosi, Mr. Becerra, Ms. Waters, Ms. Eshoo, and Mr. Tucker):

H. Con. Res. 60. Concurrent resolution expressing the sense of the Congress regarding the emphasis that the Defense Base Closure and Realignment Commission should place on the economic impact of the closure of military installations on affected communities in recommending such installations for closure during the 1993 base closure process; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Ms. Maloney, Mr. Blute, Mr. Towns, Mr. McHugh, and Mr. King):

H. Con. Res. 61. Concurrent resolution calling for the adoption of a Bill of Rights for Northern Ireland; to the Committee on Foreign Affairs.

By Mr. HYDE:

H. Res. 123. Resolution to amend rule XLVIII of the Rules of the House of Representatives to provide for a phased reduction in the size of the Permanent Select Committee on Intelligence; to the Committee on Rules.

H. Res. 124. Resolution to amend the Rules of the House of Representatives to require secrecy oaths for Members, officers, and employees of the House before they may have access to classified information; to the Committee on Rules.

By Mr. PETERSON of Minnesota:

H. Res. 125. Resolution providing for reform of the House of Representatives; jointly, to the Committees on Rules and House Administration.

By Mrs. SCHROEDER:

H. Res. 126. Resolution to establish the Select Committee on Children, Youth, and Families; to the Committee on Rules.

By Mr. STUMP:

H. Res. 127. Resolution expressing the sense of the House of Representatives that Congress, in providing funds for any fiscal year for programs to assist the homeless, should appropriate one-third of those funds for programs to assist the homeless that are administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BACCHUS of Florida introduced a bill (H.R. 1306) for the relief of Harold W. Brown, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. Coyne, Mr. Yates, and Mr. Skaggs.

H.R. 5: Mr. Wyden, Ms. Furse, Ms. Harman, Mr. Carr, Mr. Smith of Iowa, Mr. Ackerman, Mrs. Schroeder, Mr. Traficant, Mr. Flake, Mr. Fazio, Mr. McDermott, Mr. Sharp, Mr. Sabo, Mr. Gejdenson, Mr. Jefferson, Mr. Klein, Mr. Sawyer, Mr. Fingerhut, Mr. Torres, Mr. Skelton, Ms. Waters, Mr. Levin, Mr. Lipinski, Mr. Barlow, Ms. Lowey, Mr. Jacobs, Mr. Kleczka, Mr. Peterson of Florida, Mr. Slattery, Mr. Towns, Ms. E.B. Johnson, Mr. Richardson, Mr. Coleman, Mr. Becerra, Mr. LaRocco, Mr. Mann, Mr. Brown of Ohio, Ms. Roybal-Allard, Mr. Condit, Mr. Mollohan, Mr. Pastor, Mr. Lewis of Georgia, Mr. Hamburg, Mr. Blackwell, Mr. Tucker, Mr. Conyers, Mr. Johnson of South Dakota, Ms. McKinney, Mr. Wheat, Mr. Dingell, Mr. Mfume, Ms. Schenk, Mr. Swett, Mr. Swift, Mr. Deutsch, Mr. Hall of Ohio, Mr. Peterson of Minnesota, Mr. Barcia, and Mr. Manton.

H.R. 34: Mr. Hochbrueckner and Mr. Sanders.

H.R. 57: Mr. Gene Green.

H.R. 59: Mr. Penny, Ms. Pryce of Ohio, Ms. Snowe, Mr. Gekas, Mr. Hastert, Mr. Huffington, and Mrs. Meyers of Kansas.

H.R. 73: Mr. Dooley.

H.R. 93: Mr. Emerson, Mr. Roth, Mr. Paxon, Mr. Levy, Mr. Gekas, Mr. Knollenberg, and Mr. Fields of Texas.

H.R. 100: Mr. Gallo.

H.R. 103: Mr. Schiff.

H.R. 146: Mr. King and Mr. Doolittle.

H.R. 159: Mr. Fields of Texas and Mr. Spence.

H.R. 171: Mr. Solomon.

H.R. 214: Mr. King, Mr. Hoke, and Mr. Vento.

H.R. 298: Mr. Goodling, Mrs. Roukema, and Mr. Fawell.

H.R. 324: Mr. Wynn, Mr. Kyl, and Mr. Minge.

H.R. 349: Ms. Dunn.

H.R. 410: Mr. Franks of New Jersey.

H.R. 415: Mr. Dreier.

H.R. 429: Mr. Boehner, Mr. Combest, Mr. Hastert, Mr. Knollenberg, Mr. Lightfoot, and Mr. Ramstad.

H.R. 431: Ms. Eshoo.

H.R. 493: Mr. McHugh, Mr. McCandless, Mr. Buyer, and Mr. Kyl.

H.R. 512: Miss Collins of Michigan, Mr. Fish, Mr. Frost, Mr. Hyde, and Mr. Lewis of Florida.

H.R. 544: Mr. Stark.

H.R. 549: Mr. Baker of Louisiana, Mr. Thomas of Wyoming, Ms. Danner, and Mr. Frank of Massachusetts.

H.R. 551: Mr. Ramstad, Mr. Clinger, Mr. McCandless, Mrs. Meyers of Kansas, Mr. Roemer, Mr. Emerson, Mr. Lancaster, Mr. Zeliff, Mr. Camp, Mr. Levy, Mr. Sanders, and Mr. Walsh.

H.R. 563: Mr. Zimmer and Mr. Pete Geren.

H.R. 591: Mr. Peterson of Minnesota and Mr. Upton.

H.R. 624: Mr. Sensenbrenner, Mr. Everett, Mr. Bonilla, Mr. Holden, Mr. Oxley, Mr. Synar, Mr. McMillan, Mr. Goss, Mrs. Meyers of Kansas, Mr. Fingerhut, Mr. Skaggs, Mr. Hall of Texas, Mr. Solomon, Mr. Walsh, Mr. Smith of New Jersey, Mr. Sanders, Mr. Derrick, Mr. Houghton, Mr. Stenholm, Mr. McCandless, Ms. Woolsey, Mr. Frost, Mr. Sisisky, Mr. Hutto, Mr. Linder, Mr. Stearns, Mr. Pickle, Mr. Petri, Mr. Miller of Florida, Mr. Shaw, and Mr. Santorum.

H.R. 649: Mr. Porter.

H.R. 653: Mr. Stump.

H.R. 656: Mr. Kasich, Mr. Kopetski, Mr. Sanders, and Mr. Fish.

H.R. 667: Mr. Wilson.

H.R. 692: Mr. Conyers, Miss Collins of Michigan, Mr. Gutierrez, and Mr. Clyburn.

H.R. 702: Mr. Moorhead, Mr. Hutchinson, Mr. Paxon, Mr. Fields of Texas, Mr. Oxley, Mr. Ballenger, Mr. Kolbe, Mrs. Thurman, Mr. Zimmer, Mr. Gallo, Mr. Gordon, Mr. Gilchrest, Mr. Combest, Mr. Richardson, and Mr. Cramer.

H.R. 723: Mr. Frank of Massachusetts, Mr. Kasich, Mr. Hastert, and Mr. Barcia.

H.R. 784: Mr. Porter, Mr. Sanders, Mr. Grams, and Mr. Scott.

H.R. 794: Mr. Hughes.

H.R. 795: Mr. Andrews of Maine, Mr. Towns, Ms. Norton, Ms. Kaptur, Mr. Coble, Mr. Gunderson, and Mr. Gephardt.

H.R. 799: Mr. Buyer, Mr. Strickland, Mr. Hutchinson, Mr. Walsh, Mr. Young of Alaska, Mr. Clyburn, Mr. Sanders, and Mr. Roth.

H.R. 833: Mr. Durbin, Mr. Faleomavaega, Ms. Eshoo, and Mr. Porter.

H.R. 842: Mr. Frank of Massachusetts and Mr. Evans.

H.R. 847: Mr. Pickett, Mr. Sisisky, Mr. Bliley, and Mr. Wolf.

H.R. 854: Miss Collins of Michigan.

H.R. 870: Mr. Sanders and Ms. E.B. Johnson.

H.R. 886: Mr. Kyl, Mr. Coble, Mr. Boehner, Mr. Moran, and Mr. Gallegly.

H.R. 902: Mr. Kanjorski, Mr. Strickland, and Mr. Hughes.

H.R. 915: Mrs. Pelosi, Mr. Jefferson, Mr. Gene Green, Mr. Yates, Mrs. Clayton, Mr. Deutsch, and Mrs. Morella.

H.R. 921: Mr. Martinez, Mr. Frost, Mr. Evans, and Ms. Molinari.

H.R. 959: Mr. Glickman, Mrs. Mink, Ms. Byrne, Mr. Strickland, Ms. Cantwell, Mr. Schiff, Mr. Inslee, and Mr. Towns.

H.R. 962: Mr. Emerson, Mr. Gekas, Mr. Pomeroy, Mr. McCurdy, Mr. Manzullo, Mr. Chapman, Mr. Stearns, Mr. Kopetski, Mr. Coble, Mr. Ramstad, Mr. Upton, Mr. Huffington, Mrs. Johnson of Connecticut, Mrs. Meyers of Kansas, Mr. English of Oklahoma, Mr. Johnson of South Dakota, Mr. Swett, and Mr. Dooley.

H.R. 998: Mr. Kaptur and Mr. Minge.

H.R. 999: Mr. Payne of New Jersey, Mr. Dornan, Mr. Armey, Mr. Petri, and Mr. Ewing.

H.R. 1005: Mr. Weldon and Mr. Sanders.

H.R. 1016: Mr. Clyburn and Mrs. Clayton.

H.R. 1017: Mr. Fingerhut, Mr. Taylor of North Carolina, and Mr. Jacobs.

H.R. 1052: Mr. Ford of Tennessee.

H.R. 1078: Mr. Tauzin.

H.R. 1079: Mr. Tauzin and Mr. Bereuter.

H.R. 1080: Mr. Tauzin, Mr. Smith of Oregon, Mr. Linder, and Mr. Bereuter.

H.R. 1081: Mr. Tauzin and Mr. Bereuter.

H.R. 1082: Mr. Young of Alaska.

H.R. 1083: Mr. Tauzin and Mr. Bereuter.

H.R. 1099: Mr. Gingrich, Mr. Hutchinson, Mr. Talent, and Mr. Knollenberg.

H.R. 1107: Mr. BROWN of California.

H.R. 1149: Mr. SENSENBRENNER.

H.R. 1155: Mr. LEWIS of Georgia.

H.R. 1188: Mr. TOWNS.

H.R. 1189: Mr. MARTINEZ and Mr. TOWNS.

H.R. 1209: Mr. TORKILDSEN.

H.R. 1230: Mr. FILNER.

H.R. 1258: Mr. BARRETT of Wisconsin.

H.R. 1260: Mr. BACCHUS of Florida.

H.J. Res. 7: Mr. DICKEY, Mr. GILCHREST, Mr. HANCOCK, Mr. INHOFE, Mr. LIGHTFOOT, and Mr. MICA.

H.J. Res. 10: Mr. LEWIS of Georgia, Mr. MILLER of California, Mr. SYNAR, Mrs. VUCANOVICH, Mr. SAXTON, Mr. HAYES, Mr. FLAKE, Mr. FRANKS of Connecticut, Mr. FOGLIETTA, Mr. HANSEN, Mr. MCCLOSKEY, Mr. MOORHEAD, Mr. SPRATT, Mr. TOWNS, Mr. VOLKMER, Ms. THURMAN, and Mr. FISH.

H.J. Res. 22: Mr. BLILEY, Mr. QUILLEN, and Mr. BAKER of Louisiana.

H.J. Res. 75: Mr. GILLMOR and Mr. SANDERS.

H.J. Res. 84: Mr. TRAFICANT, Mr. GEKAS, Mr. WHITTEN, Mr. HUGHES, Mr. PETE GEREN, Mr. SANDERS, Mr. SKELTON, Mr. MCCRERY, Mr. SMITH of Oregon, Mr. EMERSON, Mr. MORAN, Ms. E.B. JOHNSON of Texas, Mr. MCCOLLUM, Mr. MCDADE, Ms. LAMBERT, Mr. NATCHER, Mr. BOEHLERT, Mr. BAKER of Louisiana, Mr. GONZALEZ, Mr. COBLE, Mr. LIGHTFOOT, Ms. BYRNE, Mr. BROWN of Ohio, Mr. APPLEGATE, Mr. DEAL, Mr. GALLEGLY, Mr. HERGER, Mr. CRAMER, Mr. CASTLE, Mr. GINGRICH, Mr. LAROCCO, Mr. CLYBURN, Mr. KLEIN, Mr. CONYERS, Mr. HOAGLAND, Mr. BONIOR, Mr. LEWIS of California, Mr. BEREUTER, Mr. HILLIARD, Mr. DINGELL, Ms. MEEK, Mr. WALSH, Mr. DICKEY, Mr. VALENTINE, Mr. MINGE, Mr. CALLAHAN, Mr. PETERSON of Minnesota, Mr. RANGEL, Mr. DOOLEY, Mrs. CLAYTON, Mr. SKEEN, Mr. INSLEE, Mr. LANCASTER, Mr. STENHOLM, Mr. FILNER, Mr. MARTINEZ, Mr. YOUNG of Alaska, Mr. ROSE, Mr. TANNER, Mr. HUTTO, Mr. FALEOMAVAEGA, Mr. BISHOP, Mr. QUILLEN, Mr. TAYLOR of Mississippi, Mr. KOPETSKI, Mr. CRAPO, Mr. PAYNE of New Jersey, Mr. STUMP, Mr. CARDIN, Mr. MCHUGH, Mr. OBERSTAR, Mr. HEFNER, Mr. COOPER, Mr. EVANS, Mr. SHARP, Mr. FAZIO, Mr. LEVIN, Mr. HASTERT, and Mr. NEAL of Massachusetts.

H.J. Res. 94: Mr. ROMERO-BARCELO, Mr. BACCHUS of Florida, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. ROEMER, Mr. MARTINEZ, Mr. LEVY, Mr. GEKAS, Mr. UPTON, Mr. BILIRAKIS, Mr. SARPALIUS, Mr. KOPETSKI, Mr. FIELDS of Texas, Ms. BROWN of Florida, and Mr. FISH.

H.J. Res. 108: Miss COLLINS of Michigan, Mr. BREWSTER, Mr. SCOTT, Mr. GEKAS, Mrs. JOHNSON of Connecticut, Mr. GONZALEZ, Ms. E.B. JOHNSON, Ms. SLAUGHTER, and Ms. FURSE.

H.J. Res. 131: Mr. SANDERS, Mr. CLYBURN, Mr. WALSH, Mr. SISISKY, Ms. E.B. JOHNSON, Mr. BILBRAY, and Mr. BONIOR.

H. Con. Res. 3: Mr. PETE GEREN and Mr. ARMEY.

H. Con. Res. 7: Mr. GRAMS, Mr. HASTINGS, Mr. LEWIS of Florida, Mr. KREIDLER, Mr. WALSH, Mr. LINDER, Mr. GALLO, and Mr. QUINN.

H. Con. Res. 24: Mr. PASTOR, Mr. SANTORUM, Mr. CRAMER, Mr. MARTINEZ, Mr. RAHALL, Mr. LEVY, Mr. TALENT, Mr. DEUTSCH, Mr. WASHINGTON, Mr. SERRANO, and Mr. KILDEE.

H. Con. Res. 29: Mr. ARMEY.

H. Con. Res. 46: Ms. E.B. JOHNSON, Mr. SARPALIUS, Mr. LAUGHLIN, Mr. BERMAN, Mr. FILNER, and Mr. COPPERSMITH.

H. Con. Res. 52: Mr. STRICKLAND, Mr. WILLIAMS, Mr. MAZZOLI, and Mr. MARTINEZ.

H. Res. 32: Ms. BROWN of Florida, Mr. LAZIO, and Mr. TRAFICANT.

EXTENSIONS OF REMARKS

THE FEDERAL INSURANCE SOLVENCY ACT OF 1993

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. DINGELL. Mr. Speaker, I am pleased to introduce H.R. 1290, to Federal Insurance Solvency Act of 1993, a bill similar to one I first introduced in the 102d Congress as H.R. 4900. This bill provides for national standards for the financial condition of insurers and reinsurers in interstate commerce.

When we buy insurance, we buy a promise—a promise to pay for hospital care in the event of a car accident or illness, to provide for a family's support and child education in the event of a parents death, to provide an annuity for the retirement years—or any of the myriad other occurrences for which a person seeks protection. The insurance company collects premiums today in return for the promise of payments it will make tomorrow. The essence of this transaction is trust: trust in the integrity of the insurer and trust in the system of regulation of the financial condition of the industry to be sure that this promise will be kept. This trust has not always been justified.

Over the past 5 years, the Energy and Commerce Subcommittee on Oversight and Investigations has studied the causes of insurance company insolvencies. We have discovered that insurance companies can be inviting targets for mischief, scoundrels, and fraud, and that, under the current regulatory system, they can be terribly mismanaged over long periods of time. Any of these situations can cause an insurer to fail, leaving policyholders unprotected and promises unmet.

Although insurance regulation has traditionally been within the purview of the States, even the State insurance commissioners have in recently twice concluded that they find State regulation wanting. First, the State insurance commissioners, through their voluntary association, the National Association of Insurance Commissioners [NAIC], have attempted to establish a national certification program for State solvency regulation. However, many States have not yet been certified under this program, even though the deadline for nationwide certification is January 1994. Also, as my subcommittee hearings have shown, the NAIC program is inadequate and does not really require the States to meet tough uniform standards. Moreover, the NAIC has no institutional ability to ensure that even the States that have been or will be certified will effectively or consistently continue to follow the NAIC standards in the future.

Second, in December 1992, the NAIC urged national regulation by asking Congress to enact the Federal Non-U.S. Insurer Act, to regulate foreign insurers and reinsurers, thereby admitting that the States are not up to the task.

The key problem is that the NAIC is a voluntary organization without enforcement authority, and no single State has the authority or capacity to regulate the entire industry. No matter how good the intentions or the people, no matter how hard the effort, the States acting individually or acting through the NAIC cannot adopt or enforce compliance with national standards.

Clearly, as even the NAIC recognizes, the real issue is not whether there should be national regulation of the financial condition of insurers, but rather how this national regulation should be done and by whom.

I believe that national financial standards for insurers should be established in the most straightforward and effective manner—and that is by the Federal Government. My bill provides for uniform, national standards for all insurers that operate in interstate commerce. Every insurer that sells a policy across State lines will be subject to these uniform, national financial standards. This bill is based on one essential fact: the financial condition of an insurer is the same wherever that insurer operates. If the Smith-Jones Insurance Co. sells insurance in California, North Dakota, and Florida, its management, its investments, its underwriting criteria, its risks—everything about the finances of that insurer—support each policy, no matter where that policy is sold. There is no different source of money for the insurer to pay for the protection of the policyholder in California than for the policyholder in North Dakota or Florida.

The Federal Insurance Solvency Commission will develop these national standards. Each insurer will remain free either to seek a Federal certificate of solvency with financial regulation only by the Commission, or to remain subject to State regulation for financial condition. An insurer that chooses State regulation of financial condition will be subject to enforcement of the national standards by each State in which the insurer operates. Because all insurers will be subject to the national standards established by the Commission, consumers will be assured that any insurer they use will have strong enough financial condition to back up its promises with performance.

Federal certificates of solvency will be available to large and small insurers alike. Each federally certified insurer will be a member of a National Insurance Protection Corporation so that if the insurer fails, the policyholders will be protected. An insurer that chooses State regulation of financial condition will remain in the State guaranty funds of any States in which the insurer operates.

This legislation also federalizes the regulation of reinsurers. The $23 billion U.S. reinsurance market is the world's largest. This market in fully in interstate commerce and, with multiple domestic reinsurers and with an additional 1,800 foreign reinsurers that accounting over 40 percent of U.S. reinsurance premiums, only the Federal Government can set and enforce policy in this market.

Reinsurers insure the coverages provided by insurance companies. They do so by obtaining funds in many financial markets around the world. The regulatory, financial, and investment issues involved in reinsurance regulations are not local, but global. They involve such vital national priorities as access to fair and open financial markets throughout the world. Even more important, for the sake of consumers the insurers must have sufficient access to good reinsurance so that insurance in the U.S. is both available and reasonably priced. Only the Federal Government is equipped to operate at this international level to ensure the effectiveness of regulation and the needed access to these markets.

By centralizing the regulation of reinsurance, this bill will encourage financially sound international reinsurers to enter the U.S. market and continue to provide such essential coverages as medical malpractice, environmental liability, war risk, aviation, marine hull and cargo, and catastrophe reinsurance protection. At the same time, this legislation contains major new safeguards to protect American consumers, including the establishment of significant financial standards, jurisdictional requirements, and reporting obligations on these entities. At the same time, with its strict regulatory requirements, this bill will discourage bandits who have sought to prey on U.S. entities, and the qualification requirements and the Commission's expansive investigatory authority will make the United States a much less attractive hunting ground for these elusive, underfunded, and sometimes fraudulent, operators.

Mr. Speaker, I ask unanimous consent that a more detailed explanation of the bill be included to follow my remarks. That statement sets forth the particular means by which this legislation would:

Establish Federal standards for all insurers in interstate commerce;

Authorize Federal certificates of solvency for insurers;

Regulate the reinsurance market;

Establish a National Insurance Protection Corporation to protect the policyholders of federally regulated insurers that become insolvent;

Establish a National Association of Registered Agents and Brokers to provide for Federal registration of insurance agents and brokers; and

Set Federal standards and procedures for the rehabilitation and liquidation of insurance companies.

The insurance industry is very complex and we need to be sensitive to that complexity in crafting a new Federal regulatory system. Many details, and perhaps even major new issues, may well need to be examined as this process moves forward. In fact, the new version of that bill reflects a response to issues

---

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

raised and comments received since introduction of the first version in 1992. I know that this bill will continue to be much debated, and I invite this debate. I want to hear how this bill could be further improved, and encourage those who care about this debate to join it.

FEDERAL INSURANCE SOLVENCY ACT OF 1993

The Federal Insurance Solvency Act of 1993 establishes an independent agency to regulate the financial condition of insurance and reinsurance companies in the United States. Its purpose is to ensure that policyholders receive the coverage they pay for when they purchase insurance. This Commission, which will be named the Federal Insurance Solvency Commission and is modeled on the Securities and Exchange Commission, will establish national standards for financial soundness and solvency for all insurers and reinsurers in interstate commerce. The Commission will be the sole regulator of financial condition for the insurers and reinsurers that it certifies for solvency. Each state will be required to impose these national standards on any insurer that the state regulates for financial condition. The Commission will be self-funded and will carry out the functions specified below.

FEDERAL CERTIFICATES OF SOLVENCY FOR INSURERS

The Federal Insurance Solvency Commission will be authorized to establish national standards for financial soundness and solvency for all insurers in interstate commerce. The Commission will establish strong financial standards that will include net worth requirements and procedures for monitoring the financial condition of insurers. The financial standards will vary depending on the size of the insurer, the type of business done by the insurer, and whether the insurer is domestic or foreign.

One of the main goals of the bill is to ensure that there will be sufficient insurance available in the U.S. marketplace so that policyholders will have reasonably priced insurance choices in a competitive environment. At the same time, while not favoring large or small companies or domestic or foreign companies, the standards and monitoring requirements will ensure that any insurer operating in interstate commerce will fulfill its promise to pay policyholders for their claims, whether for personal injury arising from a car accident, replacing a home destroyed by a hurricane, or paying an annuity to a pensioner.

The Commission will be authorized to grant a federal certificate of solvency to any insurer that meets the national standards for financial condition and solvency. The Commission will monitor federally certified insurers for their compliance with the national standards, and will be required to suspend or revoke the certificate if the insurer fails to comply with these standards or if for any reason the insurer is no longer financially secure enough to continue to do business.

The State insurance regulator will be required to impose the national standards established by the Commission on any insurer regulated for financial condition by that State. The State insurance regulator will monitor these insurers for their compliance with these standards, and will be required to suspend or revoke an insurer's state insurance license for failure to comply with the standards or if the insurer is for any reason no longer financially secure enough to continue to do business.

A foreign insurer will be able to enter the U.S. insurance market in the same manner as a domestic insurer. A foreign insurer may also enter this market either by establishing a trust fund that meets standards set by the Commission in an amount adequate to ensure payment of U.S. policyholders or by fully funding all U.S. liabilities in forms approved by the Commission. This extra level of protection from foreign insurers is necessary to ensure that the funds are there to pay U.S. policyholders in the event the foreign insurer has difficulty with its business outside the United States. These foreign insurers will also be required to submit to U.S. legal jurisdiction; to provide for a recipient for service of process in the U.S.; and to allow the Commission to review all corporate financial records if there is reason to believe the U.S. operations of the insurer company might be financially threatened by the insurer's non-U.S. operations.

A federal certificate of solvency will authorize a domestic or foreign insurer to write business throughout the United States with no other regulation of its financial condition by any State. A federally certified insurer will also be able to obtain from the Commission a surplus lines approval and a certificate to provide reinsurance if it meets the additional standards to do so. Insurers regulated for financial condition by a State will remain subject to financial regulation by any State in which the insurer operates, for only in this way can each State assure itself and its citizens that the insurer is properly regulated by the other State.

All federally certified insurers will be members of the National Insurance Protection Corporation. This Corporation will ensure the payment of claims on insurance policies in the event a federally certified insurer becomes financially impaired or insolvent. Insurers regulated for financial condition by a State will remain subject to the state guaranty fund requirements of any State in which they operate.

CERTIFICATES TO PROVIDE REINSURANCE

A reinsurer is an insurer of insurance companies. As an important step in ensuring that policyholders have their claims paid, all insurers in the United States will be allowed to take credit for reinsurance only if the reinsurance is provided by a federally certified reinsurer.

There are two ways to obtain a federal certificate to provide reinsurance. First, a reinsurer may obtain a certificate to be a professional reinsurer. This certificate will be available to those reinsurers that do only the business of reinsurance (that is, they do not write direct insurance for policyholder). To obtain this certificate, the professional reinsurer will have to maintain a minimum net worth of $50 million, a minimum which could be set higher by the Commission depending on the type of business the reinsurer writes. A reinsurer that obtains this type of reinsurance certificate will not be subject to any state regulation except for taxation and corporate governance.

Second, a federal reinsurance certificate will also be available to any state-licensed insurer, to any insurer that holds a federal solvency certificate, and to foreign reinsurers. To obtain this reinsurance certificate, the applicant will have to meet higher net worth requirements, based on the type of business it does, than those set in the national standards for insurers, and will have to submit to Commission regulation and monitoring of financial condition. In the alternative, applicants licensed to do the business of reinsurance in their State or country of domicile may obtain the certificate if they meet a different set of requirements, which include either establishing a trust fund in the amount of all U.S. liabilities or full funding of the risks they have covered in the United States. In either case, the Commission is authorized to require the reinsurer to establish an extra trust fund to guarantee payment on those risks if this is needed to ensure payment of all claims. Both the trust fund and the full funding will have to meet the standards set by the Commission, and the reinsurer will have to submit to the Commission oversight as to U.S. operations.

Holders of either type of reinsurance certificate will be subject to full monitoring of financial condition by the Commission, which will consist of monitoring of the trust fund or full funding if those approaches are chosen. All foreign reinsurers that obtain reinsurance certificates will also be required to submit to U.S. legal jurisdiction; to provide for a recipient for service of process in the U.S.; and to allow the Commission to review all corporate financial records if there is reason to believe the U.S. operations of the reinsurer might be financially threatened by the reinsurers non-U.S. operators.

RELATIONSHIP OF FEDERALLY CERTIFIED INSURERS AND REINSURERS TO STATE REGULATORY AUTHORITY

Federally certified insurers will not be subject to any state regulation of financial condition because this will be regulated solely by the Commission. They will remain subject to the corporate governance and tax laws of the States in which they are domiciled and do business. If a State chooses to regulate the rates of insurers, such rates will apply to federally certified insurers in the same manner as they apply to insurers regulated for financial condition by that State. Federally certified insurers will also be required to participate in state-established residual risk pools and will generally be subject to state market conduct and policy form regulation. Federally certified insurers will not participate in state guaranty funds because they will be members of the National Insurance Protection Corporation.

There will be a partial exception from certain state regulation for highly capitalized insurers that provide commercial insurance to large insurance buyers. The partial exception will be from state regulation of market conduct, rates, and forms. The Commission will be responsible for market conduct regulation for this type of insurance. There will be no regulation of rates and forms.

This exception will be available only for highly capitalized property and casualty insurers, that is, such insurers that have more than $50 million in net worth or in a trusteed surplus account. Moreover, this exception will apply only when the highly capitalized insurer provides commercial insurance to a large insurance buyer. A large insurance buyer is a purchaser that has a net worth of at least $10 million and agrees to buy insurance under this provision. As to this commercial insurance, only beneficiaries, not the buyer, will be able to make claims against the National Insurance Protection Corporation (see below) in the event of the insurer's insolvency, and then only if the large insurance buyer is itself bankrupt. Otherwise, the buyer must pay all the insurance claims owed by the insolvent insurer.

States will be explicitly prohibited from discriminating against federally certified insurers as to taxes, or any other regulatory activity. States will also be explicitly prohibited from imposing barriers to the withdrawal of an insurer from either a line of business or all business in a State. The Commission will be authorized to direct any State to stop any regulatory or other action that substantially threatens the financial soundness of federally certified insurers operating in that State.

Federally certified professional reinsurers will be subject to regulation by the appropriate States as to corporate governance and taxation. They will not be subject to state regulation as to their reinsurance activities.

Holders of federal reinsurance certificates will be subject to regulation by the appropriate States as to corporate governance and taxation. If they obtain a federal solvency license to provide insurance, their sole regulator for financial condition will be the Commission. The reinsurance activities of federally certified insurers will not be subject to state regulation. Their insurance activities will remain subject to state regulation in the same manner as any other federally certified insurer. If the certified reinsurer does not obtain a federal solvency license, then it will remain fully subject to state insurance regulation.

NATIONAL INSURANCE PROTECTION CORPORATION

All federally certified insurers will be required to join a nation-wide self-regulatory organization supervised by the Commission that will cover the claims of the policyholders and beneficiaries of those federally certified insurers that become insolvent. This organization, to be known as the National Insurance Protection Corporation (NIPC), will have an organizational structure, procedures, and requirements that are substantially similar to those of the Securities Investor Protection Corporation, which was established by the Securities Investor Protection Act of 1970 and operates under the supervision of the Securities and Exchange Commission. The Corporation will be pre-funded by member insurers with risk-based assessments.

NIPC will be divided into three divisions:

1. Property and casualty insurance, which will include personal and commercial insurance except that sold to large insurance buyers or by a holder of a surplus lines approval under the requirements of the bill;
2. Life and health insurance; and
3. Commercial insurance sold to large insurance buyers.

NIPC will have limits on the amount of recovery of a single claim. Categories 1 and 2 will each be divided into funds (a personal fund and a commercial fund for category 1; a life fund, a health fund, and an annuities fund for category 2). Claims will be paid first from the fund in a division that covers the type of claim. If that fund is insufficient, claims will be paid from the other fund in the division. Divisions and accounts may borrow from each other and the Corporation will be authorized to borrow to pay claims in the event funds are inadequate to cover current claims. The Corporation and its obligations will not be backed by the full faith and credit of the United States. The Corporation, and the accounts within it, must be repaid from assessments on member insurers of any account that becomes inadequate.

NIPC will be prefunded through assessments on member insurers, and assessments will be risk-based. The Corporation, with the approval of the Commission, will set a maximum that NIPC can collect through prefunding, as well as an annual cap on the amount of additional assessments that might be needed to cover the claims arising from insolvencies. Assessments will continue to be levied until the refunded maximum is reached and, in the event of insolvencies, until all claims are paid.

If a State imposes premium taxes on insurers, such State will be required to provide a premium tax offset or credit (or any other similar offset or credit) to the same extent that it provides an offset or credit for assessments for its state guaranty fund.

NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS

Insurance agents and brokers will be allowed to become members of the National Association of Registered Agents and Brokers (NARAB). The purpose of this organization will be to reduce duplicative regulatory requirements that are now imposed on agents and brokers that seek to do business in more than one State.

NARAB will be a nationwide self-regulatory organization that will operate under the supervision and oversight of the Commission, which will have the authority to review and modify its bylaws and rules. NARAB's organization, procedures, and requirements are substantially similar to those of the National Association of Securities Dealers, which was established pursuant to the Securities Exchange Act of 1934 and operates under the supervision of the Securities and Exchange Commission.

NARAB will have the authority to establish membership criteria as to the integrity, personal qualifications, education, training, and experience of members. States will continue to have the authority to regulate member agents and brokers as to those matters, such as market conduct, but will not be able to impose additional requirements in those areas subject to regulation by NARAB.

REHABILITATION AND LIQUIDATION

The Commission will be responsible for the rehabilitation and liquidation of all federally certified insurers and reinsurers. As to the federally certified foreign insurers and reinsurers, this authority will extend to the assets in the U.S. trust fund and the Commission will have legal authority to proceed against the foreign company in U.S. District Courts to recover any amounts due that exceed the assets in the trust fund.

State-licensed insurers which are not federally certified will be rehabilitated or liquidated by the responsible State regulator in the appropriate U.S. District Court. The procedures for rehabilitation and liquidation for state-licensed insurers will be those established by this Act for federally insurers and reinsurers.

AMERICAN HEART MONTH

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. SERRANO. Mr. Speaker, this past Valentine's Day I had the privilege of participating in a signing ceremony at Hains Point National Park as President Clinton proclaimed February as American Heart Month. This ceremony was followed by an American Heart Association-sponsored run-for-heart. Other participants included Vice President And Mrs. Gore, my colleagues Mel Reynolds of Illinois, and Dave McCurdy of Oklahoma, and 60 some volunteers and staff from the American Heart Association.

In recognition of the seriousness of cardiovascular diseases, including heart attack and stroke, Congress issued a joint resolution in 1963 requesting that the President annually issue a proclamation designating February as American Heart Month. This year's proclamation signing by President Clinton was the first time this ceremony was made into an outdoor event.

Mr. Speaker, I am pleased to report that American Heart Month was also marked in my home State of New York by the participation of over 1 million volunteers in educational and fundraising programs in support of the goal of reducing the costly incidence of heart disease. From the "America's Greatest Heart Walk" in Utica to South Nassau Community Hospital's "Eat to Your Heart's Content" culinary competition, to the flurry of television and radio interviews, public service announcements, and special reports that blanketed the New York City area, events in New York demonstrated the vast, positive contribution of American Heart Month to our Nation's fight against heart disease.

Mr. Speaker, I would like to take this opportunity to remind by colleagues about the seriousness of cardiovascular diseases. Despite progress, cardiovascular diseases, including heart attack and stroke, remain the No. 1 killer in the United States and a leading cause of disability. According to the American Heart Association, each year over 930,000 Americans die from cardiovascular diseases—that is a death every 34 seconds. Cardiovascular diseases take an enormous toll on our economy. The AHA reports that more than 1 in 4 Americans suffers some form of cardiovascular disease at a projected cost in 1993 of $117.4 billion in medical expenses and lost productivity. According to the association, based on a lifespan of 74 years, cardiovascular diseases accounted for 4.9 million years of potential life lost in 1989.

Mr. Speaker, I would also like to emphasize that older men are not the only victims of cardiovascular diseases. These diseases remain the leading cause of death for both men and women in this country. The American Heart Association points out that over two times as many women die from cardiovascular diseases in the United States each year as from all forms of cancer. According to AHA statistics, heart attack alone remains the No. 1 killer of American women, claiming almost three times as many female lives as breast and lung cancers combined. In addition, the AHA reports that each year about 30,000 babies are born in the United States with congenital heart defects, which kill about 10 percent of these infants in the first year of life. Also, the AHA stresses that whereas stroke is the third leading cause of death in the United States and the leading cause of serious disability, women represent over 60 percent of stroke deaths each year.

Unfortunately, Federal funding does not reflect the seriousness and large financial expense to our Nation of cardiovascular disease. For fiscal year 1993 we appropriated $701 million for cardiovascular research at the National Heart, Lung, and Blood Institute, and $67 million for stroke research at the National Institute of Neurological Disorders and Stroke. By way of comparison, we appropriated $1.8 billion for the National Cancer Institute and $1.1 billion for AIDS research at the National Institutes of Health. I urge my colleagues to provide significant growth in funding for cardiovascular research to take advantage of promising research opportunities in the battle against our Nation's costly No. 1 killer.

Mr. Speaker, I insert this year's Presidential proclamation in the CONGRESSIONAL RECORD:

AMERICAN HEART MONTH, 1993

(Proclamation by the President of the United States of America, February 14, 1993)

Approximately every 34 seconds, someone in the United States dies of some form of heart and blood vessel disease. Heart attack, stroke, and other cardiovascular diseases kill nearly one million Americans every year.

Heart diseases and stroke exact an incalculable toll in human pain and suffering. More than 70 million Americans, young and old, currently suffer from one or more forms of cardiovascular disease. Stroke is the leading cause of serious disability and the third leading cause of death in the United States. Heart diseases and stroke also cost our Nation more than $117 billion in terms of health care expenses and lost productivity.

The Federal Government, through the National Heart, Lung, and Blood Institute, and the American Heart Association have spent millions of dollars on research into cardiovascular diseases and educational programs. That investment was greatly enhanced by the dedicated efforts of the Association's 3.7 million volunteers.

We know how important it is to educate people, particularly young people, about the use of tobacco products. We also know that controlling blood pressure, eating a diet low in fat and cholesterol, and exercising regularly are all prudent ways of reducing the risk of cardiovascular diseases.

Advances in both the treatment and the prevention of heart and blood vessel diseases have resulted in great progress. From 1980 to 1990 age-adjusted death rates from heart attack declined 32.8 percent and during the same years the death rate from stroke dropped 32.4 percent.

Although significant progress has been made in the struggle to overcome cardiovascular diseases, we must not become complacent. We must strengthen and renew our commitment to winning this battle.

In recognition of the need for all Americans to become involved in the ongoing fight against cardiovascular diseases, the Congress, by Joint Resolution approved December 30, 1963 (77 Stat. 843; 36 U.S.C. 169b), has requested that the President issue an annual proclamation designating February as "American Heart Month."

Now, therefore, I, William J. Clinton, President of the United States of America, do hereby proclaim the month of February 1993 as American Heart Month. I invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in reaffirming our commitment to combatting cardiovascular diseases and stroke.

In witness whereof, I have hereunto set my hand this fourteenth day of February, in the year of our Lord nineteen hundred and ninety-three and of the Independence of the United States of America the two hundred and seventeenth.

WILLIAM J. CLINTON.

INTRODUCTION OF THE NATIONAL ENERGY SECURITY ACT OF 1993

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. FIELDS of Texas. Mr. Speaker, I am pleased to introduce today, along with our distinguished colleagues Congressmen BILLY TAUZIN and SOLOMON ORTIZ, the National Energy Security Act of 1993.

While the text of this legislation should have been incorporated within the Comprehensive Energy Policy Act of 1992, regrettably, Congress was denied an opportunity to debate the merits of this proposal. As a result, Congress approved an energy bill that does little, if anything, to encourage the development of our offshore energy resources or to stop our growing dependence on foreign oil imports.

This bipartisan legislation is a straight-forward attempt to deal with the serious problem of our growing dependence on foreign crude oil. It would allow us to protect our national security while reducing the risks of oil pollution in U.S. waters.

The Federal Outer Continental Shelf [OCS] Program has had an outstanding safety record for nearly 40 years. It is time we develop these resources and stop importing so much foreign oil to America on leaky foreign tankers.

If enacted, my bill would allow the President to lease certain OCS moratoria areas if several stringent conditions were met. These conditions are:

First, the level of oil imports would have to exceed 50 percent for more than 4 consecutive months, as determined by the Energy Information Agency.

Second, the President could only lease those OCS planning areas that have undergone sufficient environmental review to fully comply with the National Environmental Policy Act.

Third, the Minerals Management Service would have to certify that a proposed planning area has significant quantities of oil or gas resources.

Furthermore, under this bill, the President would be required to submit an annual report to Congress including a forecast of both oil production and domestic consumption and the steps he would take to reduce our dependence to less than 50 percent.

Mr. Speaker, there is an energy crisis in America. While it may not be as obvious as the gas lines of the 1970's, it is far more dangerous. We are systematically destroying any incentive to invest and to find the domestic energy resources we will need to survive in the future.

During the last 4 years, our dependence on foreign oil has increased from 27 to over 42 percent of our energy needs. Unless we find new oil and gas resources, that dependence will grow to 60 to 70 percent of our petroleum requirements by the year 2000. As a nation, we can ill afford to allow this to occur.

I would ask each Member to consider the following:

First, production from Prudhoe Bay, AK, which now provides 24 percent of our energy, is falling and this decline will rapidly accelerate during the next 10 years.

Second, the United States consumed an average of 17 million barrels of oil per day of petroleum products in 1992, and our consumption is expected to increase to 22.6 million barrels per day in the year 2010.

Third, the United States produced an average of 7.4 million barrels per day of petroleum products in 1992.

Fourth, as recently as 5 years ago, our domestic energy industry invested nearly 70 percent of its capital here in the United States. Today, more than half of this capital is spent abroad because the oil industry is being forced out by leasing moratoria, drilling bans, and other punitive actions.

Fifth, the Department of the Interior conducted an OCS lease sale in August 1992 in the western Gulf of Mexico. At that sale, it received the lowest number of leasing bids in the history of the Gulf of Mexico Offshore Program.

Sixth, according to the Department of Energy, the United States spends about $100 million every day to buy imported oil. It is the single largest component of our trade deficit. In 1992, we spent $52 billion to acquire imported crude oil and that represented nearly one-half of our total trade deficit.

Seventh, finally, the oil industry has been in a depression for the past decade. Domestic employment in oil and gas extraction fell from over 770,000 in 1982 to about 320,000 today. This is a loss of 450,000 jobs, which is more than the jobs lost in the automobile and steel industries combined. By comparison, there were over 16 million more private sector jobs in 1992 than 1982, a 22-percent increase.

While much has been written about OCS leasing and development, there is no evidence that OCS leasing is a danger to our environment. In fact, the OCS program is our Nation's safest energy extraction program.

Since 1975, when current Federal offshore safety regulations went into effect, about one one-thousandth of 1 percent of the oil produced in the Federal OCS has been spilled. This represents a 99.99 safety record. In addition, there has never been a blowout or a major oilspill from any oil exploration well drilled in U.S. waters.

In the past 15 years, nearly 5 billion barrels of oil have been produced from the Federal Outer Continental Shelf. Less than 900 barrels have been spilled. Indeed, urban runoff dumps more oil into the ocean than do offshore rigs.

Mr. Speaker, according to the National Academy of Sciences, oil from tankers and other forms of transportation account for 45 percent of oil pollution in the sea, while oil from offshore production is less than 2 percent.

Of the largest oilspills that have occurred in the waters of this Nation, only one was the result of OCS oil and gas activity, and subsequent technological advances have made another spill of that type virtually impossible. The remaining 59 oilspills were mainly caused by tankers, the majority of which were carrying imported crude oil.

While it may be good politics for some to prohibit leasing on nearly 500 million acres of our Federal offshore lands, this policy is a disaster for America because it costs jobs, threatens our economy, exacerbates our trade deficit, undermines our national security, and increases our dependence on foreign oil.

What is tragically ironic about the moratoria debate is that it is self-defeating because the net effect of leasing prohibitions is more tanker traffic and more oilspills. The real risk to our environment is in oil tanker transportation, not OCS development.

Mr. Speaker, under current law, our domestic oil industry must comply with 74 sets of Federal regulations and nearly three dozen major Federal laws concerned with environmental protection and safety.

Under the National Energy Security Act, none of these laws is waived. In fact, my bill would prohibit the President from leasing certain areas unless two additional conditions—the 50-percent import penetration level and the significant oil or gas resources test—are met.

Mr. Speaker, it is clearly not in our Nation's best interests that we obtain 60 percent of our crude oil from unstable foreign sources. At a minimum, the President should be given the authority to lease certain offshore areas when the level of imports reaches 50 percent.

In an emergency, which I have defined as an import level greater than 50 percent, our citizens must have access to the 25 billion barrels of oil and 204 trillion cubic feet of natural gas that the Minerals Management Service has estimated exist on the Federal OCS.

After all, these offshore Federal lands and the energy resources they may contain belong to the people, all of the people, of the United States.

Mr. Speaker, in closing, my bill would establish a fail-safe procedures, by allowing us to obtain stable and safe sources of domestic energy from the Federal OCS without endangering our coastal environment.

I ask my colleagues to review this legislation and to join with Billy Tauzin, Solomon Ortiz, and me in urging the adoption of the National Energy Security Act of 1993. I hope the House of Representatives will have the opportunity to act on this proposal.

TRIBUTE TO JONEAL CLYTE WILLIAMS AND TO ROGER "CHIP" WILLIAMS

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to two very special individuals who on Sunday, February 7, 1993, were killed in an automobile collision in Charlotte, NC. Joneal Clyte Williams and her son, Roger "Chip" Williams are survived by husband and father, John Williams, a host of other relatives and many treasured friends and admirers.

Joneal was born in Union County, NC on November 19, 1938. She moved to Los Angeles as a young woman where she later graduated from Fremont High School. Following high school, Joneal took several extension courses offered by local universities in the Los Angeles area. In 1954, Joneal graduated from the Henrietta Beauty School with a degree in cosmetology. In later years, she would return to this institution as a licensed cosmetologist instructor. Joneal also taught cosmetology in the Los Angeles Unified School District, where she was recognized by her peers as a teacher of teachers.

In 1964, Joneal and John opened the first of two Universal Colleges of Beauty in Los Angeles. A third college was opened in 1988 in Charlotte, NC. The Universal Colleges of Beauty have been instrumental in providing meaningful alternative career opportunities to hundreds of residents of the Los Angeles community.

Joneal was a warm, caring, and thoughtful individual who imbued anyone in her presence with a sense of joy and hopefulness. As a devoted member of the congregation of the Mt. Gilead Missionary Baptist Church, Joneal endeavored to inspire in her Sunday School pupils equal measures of faith, tolerance, compassion, and thanksgiving. Joneal believed that it was more important to show concern than to talk about it, and her commitment to Mr. Gilead was just one of the many ways in which she abided by this belief. However, this sense of responsibility to our community was not confined only to Joneal's church. She was also affiliated with several organizations in the Los Angeles basin including the Urban League, California Teachers Council, Southern Christian Leadership Conference, NAACP, and the National Heart Association.

On April 30, 1964, Joneal and John were blessed with the birth of their beloved son, Roger "Chip" Williams. Due to complications experienced at birth, Chip was a developmentally challenged young man. He was very special and a constant source of joy to his parents and to all who knew him. He gave love willingly, asking nothing in return, and showered unlimited bales of kindness on everyone.

Mr. Speaker, many adjectives come to mind when remembering Joneal and Chip, but perhaps none are more fitting than that they were just two very decent and caring human beings. I am grateful to have had the opportunity to call them my friends and express my heartfelt condolences to John, the many relatives, members of the Gourmet Club, and other treasured friends of Joneal and Chip.

COUNTRY OF ORIGIN MARKING REQUIREMENTS FOR SEMICONDUCTORS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. ARCHER. Mr. Speaker, on February 17, I introduced H.R. 955, a bill which would remove the country of origin marking requirements for semiconductors and their containers classified in headings 8541 and 8542 of the Harmonized Tariff Schedule of the United States. The products provided for under these headings include diodes, transistors, integrated circuits, and microassemblies.

While the cost of marking semiconductors is not great when amortized over a production run, the cost is significant in absolute terms. In addition, most of these components are small and often difficult to legibly mark with the requisite producer identification and his numbers, grade, quality, electrical values, and other symbols, making it difficult to comply with the country of origin marking requirement.

Country of origin marking requirements are in part intended as a consumer protection measure. However, only a tiny fraction of semiconductors are sold at retail. Semiconductors are normally sold to customers who are unconcerned about their country of origin since the customers are usually manufacturers who incorporate them into other products without reference to the country of origin. These customers are concerned about the semiconductor's quality, which is more a function of its producer than its origin.

Further, since the basis for determining country of origin for semiconductors differs between the United States and the European communities for those semiconductors that are not wholly produced within one country, the United States marking requirement creates difficulties for those manufacturers trying to serve both markets. These producers may violate the laws of individual EC countries when shipping semiconductors to the EC that are marked according to U.S. standards since those countries do not require marking, but only that a product not be mislabeled.

For example, the producer may diffuse circuit patterns on a wafer in one country, mount and encapsulate the chips in a second country, and import the semiconductors to the United States for final testing. These products may then be sold to domestic manufacturers or foreign purchasers. In this case, the United States considers the semiconductor the origin of the second country, and under current law, it must be marked accordingly. The EC, on the other hand, considers the origin of the semiconductor to be the first country. In order not to violate EC law, the producer would have to remove the U.S. required marking before export from the United States, which is a possible violation of U.S. law.

The elimination of the U.S. marking requirement is a simple way to solve this problem.

For all these reasons, country of origin requirements serve no useful purpose and simply adds to the cost of producing and selling semiconductors in the international market.

H.R. 955 passed the House last year in H.R. 4318, a miscellaneous tariff bill, and in H.R. 5100, the tax bill, but was not considered by the Senate.

TRIBUTE TO HARMON "HARM" ANDREWS, JR.

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here to pay tribute to a good friend of mine from the 17th Congressional District of Ohio whose family business in Warren has been a lamdmark for years. I am speaking of Harmon Andrews, Jr., businessowner and car collector.

Harm Andrews graduated from Harding High School in January 1937. His father owned a corner gas station in Howland, OH with a small 12 by 16-foot gas station. Upon graduating, his father let him run the station and acted as his silent partner. Business was slow until he added a frozen custard and ice cream machine.

In March 1942, Harm volunteered for the Army Air Corp. He began his military career where everyone does, as a private. Exactly 4 years later he left the Army as a first lieutenant. The experience in the army as an aircraft maintenance man really helped him with his hobby as a car collector.

After the war, in 1949, his brother joined him as a partner after buying out his father. In keeping with that tradition, Harm sold his store to his son in 1987.

About 30 years ago, Harm had saved enough money to buy his first antique car, a 1926 Chrysler that he still owns today. Despite the great times he had with that car, his heart yearned to own a Stanley. He found a 1913 version that he could afford, but hardly drive. He scorched the burner twice in learning to drive this classic car. A driving tour with steam vehicles took care of that and 5 years later he bought a 1910 Stanley Model 70. Eventually he came to own, several cars including a 1900 Mobile steam car, a 1902 Dayton—made in Dayton, OH—a 1912 Stanley 4-passenger car, two Packards from the early Depression, and a 1959 Cadillac 4-door sedan.

Mr. President, I had the honor to ride with Harm Andrews last year Fourth of July parade in my district. Mr. Speaker, Harm Andrews is a generous, kind, hard working man who has realized the American dream here in America. I was very happy to ride with him. He is a great man. May God bless him, I wish him well.

CAL THOMAS COLUMN EXPOSES DECEPTION OF CLINTON PLAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. SOLOMON. Mr. Speaker, it is possible to fool the American people, or at least some of them, but not for very long. Sooner or later, the polished charm and salesmanship skills of President Clinton are going to fail him, and that's going to happen precisely when the American people have been educated to the truth of Clintonomics.

Most of our national pundits lack the necessary grasp of history or economics necessary to undertake this task. There are exceptions, however, and one of them is Cal Thomas.

I'll stop here, Mr. Speaker, and submit a recent column by Mr. Thomas in today's RECORD. It was published February 20 in the Albany Times-Union, and I would advise all Members to read it.

[From the Albany Times-Union, Feb. 20, 1993]

THERE'S NO WAY WE SHOULD PAY MORE TAXES

(By Cal Thomas)

President Clinton has proposed the biggest tax increase in history, and, in perhaps the biggest presidential flimflam yet, he contends that he is slashing the deficit by cutting spending in some categories and advocating new spending in others. This is like proposing to reduce your credit-card bill by not spending $200 at your favorite department store—then spending $200 dining out.

President Clinton says he wants to cut government spending by about $250 billion, while adding government programs that cost nearly the same amount. He claims the new revenue—additonal money extracted from those making over $30,000 a year—will be used for "investment." This simply means more will be spent on resurrecting old government programs with a track record of failure—like job training and bridge repairs. It is a more sophisticated approach than welfare, but unless people get real jobs in real businesses, they remain on the government payroll, which means the taxpayers still subsidize them.

The President's proposal presumes, with no historical evidence to prove it, that Congress will use any new revenue to reduce the deficit.

Of the last four big tax increases—in '82, '84, '87 and '90—none lowered the deficit and reduced spending. Not a dime from the $30 billion raised in the 1990 budget deal with Congress reduced the deficit. The Democratic Congress spent it as fast as it came in. Given Clinton's broken campaign promise not to burden the middle class with new taxes, why should the President be believed when he says a tax increase will be linked to a spending cut and a deficit reduction?

Since 1947, every $1 in new taxes has resulted in $1.59 of additional spending, according to the Joint Economic Committee. Giving Congress additional funds is like giving an alcoholic a bottle of booze, hoping he has the will power not to drink it.

The 1980s were a fraud, the President contends. Are 18 million new jobs created by the private sector, which had more money to invest because of lower taxes, fraudulent? Presidents from Herbert Hoover to George Bush imposed substantial tax increases and the economy suffered every time. Better models would be John F. Kennedy and Ronald Reagan, both of whom cut marginal tax rates, leading to record economic expansions.

If President Clinton attacked waste in government, rather than the overstressed wallets of taxpayers, who already work more than four months of every year just to pay their tax bills, he would have bipartisan support and achieve a significant victory over deficit spending. The Government Accounting Office has identified more than $180 billion of government waste. The House Government Operations Committee has catalogued $300 billion of waste. Why is the President talking about "sacrifice" and "contribution" when the subject ought to be waste?

Even adjusted for inflation, federal spending is more than 40 percent higher today than in 1980. Higher taxes on corporations, savers and investors will shut off access to new capital and could destroy jobs and reduce our international competitiveness. Democrats love to tax corporations. The President wants to raise the corporate rate to 36 percent for those companies earning more than $10 million taxable income annually. He forgets that corporations, if they are to continue to make profits (the only reason they exist), must either raise prices or reduce costs by laying off workers when faced with higher costs, which higher taxes will bring.

Recall what happened as part of the 1990 budget agreement when yachts were hit with a luxury tax. Fewer boats were purchased because the price increased, so yacht makers laid off workers, who had to apply for unemployment compensation. That effectively eliminated the goal of the higher tax.

The overly taxed American people should emulate their President in his declared war on the deficit and his definition of patriotism. When Bill Clinton had an opportunity to demonstrate his patriotism in the traditional way, he avoided the draft and protested against the military and his country while on foreign soil. "Hell no, we won't go," his like-minded friends chanted nearly 30 years ago.

Now, those of us who believe the patriotic thing to do is to force our government to live within our means should coin another phrase and refuse to send another dollar above what we are now paying until government makes real and substantial reductions in spending. We should chant, "No way, we won't pay."

BTU TAX IS A BAD IDEA

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. KYL. Mr. Speaker, President Clinton's proposed new tax based on the heat content of fuel, as measured in British thermal units [BTU's], ought to be rejected out of hand. It is regressive, inflationary, and punitive, particularly to rural areas and the West.

Mr. Speaker, every American will feel the impact of this tax either directly or indirectly, and it will hit hard. People will see the cost of a gallon of gasoline increase by about 8 cents, and that may be one of the more obvious costs that they'll see.

Virtually every good requires energy in its production or transportation to market, so costs will not only be imposed on manufacturers and shipping companies, but also passed on to consumers in the form of higher prices. Taxes hidden away in the prices of goods are the easiest for politicians to pass, but it is precisely because they are hidden that they are the most insidious of all.

An electric utility, like Arizona Public Service [APS], which anticipates a jump in fuel costs of over $70 million annually, will have to seek rate relief, and its customers, too, will ultimately pay. APS estimates that average residential customer bills will increase by 4.05 percent per month.

There is another side-effect as well. APS estimates that the costs of electric power for commercial users would rise an estimated 4.4 percent, and industrial customers in Arizona would pay another 6.2 percent. That will help drive up the costs of American-made products in overseas markets, making U.S. goods less competitive. That will cost American jobs.

Phelps Dodge, a major global copper producer with operations in Arizona, expects the price of copper to rise by a penny per pound. That translates into increased costs of about $12 million annually for Phelps Dodge in Arizona alone. Unlike other companies, however, which can pass the costs on to customers, Phelps Dodge is constrained by the fact that the copper market is global and prices are set on the international market. If it increases prices, it loses sales. So, in order to absorb the increased costs, Phelps Dodge would have to cut back on such things as exploration or new employment, or possibly even lay off existing employees. People can lose their jobs.

The Btu tax is a bad idea, no matter how you look at it. It will hit the elderly and poor particularly hard; it will fan the fires of inflation, and maybe even cost jobs. The President ought to withdraw it, and if he does not, this House ought to reject it.

THE INFORMATION SUPER HIGHWAY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, March 3, 1993 into the CONGRESSIONAL RECORD:

THE INFORMATION SUPERHIGHWAY

One of the more intriguing of President Clinton's initiatives is his plan for a national superhighway for information. This high-speed computer network aims to do for the flow of information what the railroad did for the flow of goods in the 19th century and the interstate highway system did this century. The President proposes a joint government-private sector initiative to establish and maintain a technology infrastructure that would link schools, businesses, private homes, libraries, laboratories, and other institutions. This network would allow a student in Vevay, through his or her personal computer at school or at home, to reach into an electronic Library of Congress and have access to thousands of books, records, videos and photographs; or a family doctor in Seymour who needs a second opinion to transmit instantly a patient's entire medical record, including x-rays and ultrasound scans, to a specialist in New York. These types of links could serve to strengthen the U.S. economy and improve the quality of life for Americans.

Existing Systems: The U.S. presently has an extensive information highway. Started in 1969 as a Defense Department initiative to link a handful of universities, research laboratories and military bases, the system now encompasses 9,000 interconnected networks over existing telephone lines that link 500,000 computers and over 10 million users worldwide. Many American universities, including Indiana University and Purdue, government laboratories and industrial research facilities share information through this network, which is known as Internet. A growing number of businesses are now providing electronic mail and other information services to companies and individuals over the Internet system.

However, the current network does not have the capacity to carry the volume and complexity of information generated by today's most powerful computers. A state-of-the-art supercomputer is 100,000 times more powerful than the personal computer, and can perform complex functions, like simulating three-dimensional images of DNA molecules and storm systems. For example, the Landsat satellite, guided and aided by supercomputers, is capable of photographing the entire surface of the Earth every two weeks, but after 20 years of operation, 95% of the images collected by Landsat have never been seen by human eyes. These images could be invaluable to Hoosier farmers, environmental scientists and educators at Indiana's colleges and universities, and others, but no electronic means currently exists for getting them from the government's supercomputers to researchers throughout the U.S.

Information Superhighways: President Clinton proposes to build a new information superhighway to take advantage of the powers of supercomputers and the abundance of new information services. The government would construct over the next decade an enormous network of fiber-optic cable and sophisticated switchers that could carry data at thousands of times the speed of today's digital systems which run over copper phone lines. Once completed, the system would be operated by private industry and regulated by the government as is the case with Internet.

This superhighway would provide a "backbone" for a national communications network which could be extended to homes and businesses using additional cable lines much as state highways flow off the interstate system. Such a system could help companies collaborate on research and design for advanced manufacturing, improve scientific research, and put educational resources at the fingertips of American teachers and students. Many rural communities in the 9th Congressional District could benefit from expanded access to these and other information services.

Congress acted last year to finance the development of advanced technology that may be the basis for the information superhighway. The High Performance Computing Act authorizes $2.9 billion over five years to develop an enhanced and expanded version of Internet. When completed, the network would be able to process almost 70 times more information than Internet. The new law also authorized additional funding for five federally financed "testbed" centers where industry and university researchers are developing technologies that could be used in an information superhighway, including the use of fiber optic cables and the development of more sophisticated computer programs to process large volumes of data.

Policy Debate: Critics have numerous concerns with the project. They say that a market does not exist to support the information services offered by a superhighway. They contend that the private sector, not the government, should take the lead because government moves too slowly, is often subject to political pressures, and has a mixed record on picking winning technologies (the SST and synfuels are two notable failures). They also point out that the existing information highway could be upgraded more gradually to meet future demands for information services, rather than making a more immediate investment that could cost hundreds of billions of dollars.

I support investment in technological innovation like the information superhighway for a number of reasons. First, the superhighway project could spur the development of new information technologies, products and services, which, in turn, will create more jobs and boost productivity. Second, the federal government should take a lead role in this effort because private industry may be unwilling or unable to make the necessary investment. The federal government built Internet, and should invest in the next generation of computer links. Third, it is a necessary response to competitive pressures in the global marketplace. The Japanese government reportedly has committed to investing over $120 billion by 1995 to develop a communications infrastructure, and plans to invest another $150 billion to establish model programs for business and residential users.

Conclusion: I support President Clinton's plan to redirect research funds from the military to civilian purposes like the information superhighway. This joint governmental-private sector initiative is essential to improving the technology base and competitive position of U.S. companies. The U.S. has been the world's leader in computing and communications technology. From faxes to personal computers, this technology has had an astonishing impact on our lives. It has also contributed to improved productivity in our economy. An information superhighway holds out enormous promise, and the High Performance Computing Act is a good first step in assessing the viability of this initiative.

TRIBUTE TO WILLIAM CUSTIS SYPHAX, JR.

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. DIXON. Mr. Speaker, I rise today to pay a special tribute to William Custis Syphax, Jr. who passed away on Monday, February 1, 1993, at the age of 83. He is survived by his beloved wife of 47 years, Mrs. Orieanna Collins Syphax.

Following a distinguished career of 36 years with the U.S. Department of Labor, Mr. Syphax retired on June 30, 1973, as acting chief of the department's Division of Placement in the Manpower Administration. In later years, Mr. Syphax, a fourth generation Washingtonian, served as the retired veterans employment representative for the Labor Department.

Mr. Syphax served in the U.S. Army from September 20, 1943 to May 25, 1946. As an officer in the Air Corps, he was in charge of civilian personnel at Tuskegee Army Air Field in Tuskegee, AL.

Throughout his professional career and well into retirement, Mr. Syphax devoted a majority of his spare time in service to the Washington Urban League. He served as chairman of the league's veterans committee and as co-chairman of the league's employment committee, led the organization's successful program which resulted in the dismantling of employment barriers in Washington, DC hotels, banks, and building and loan associations. In addition, Mr. Syphax directed the Urban League's Job Bank. He was also a long-time member of the board of directors for the Metropolitan Washington Area Health and Welfare Council.

Mr. Syphax's significant contributions to the Washington Urban League were recognized by the organization in 1968 with the Volunteer in Community Service Award. In 1970, he received the Meritorious Service Award presented by the Metropolitan Washington Area Health and Welfare Council.

In addition to his devoted wife, Mr. Syphax is survived by a brother, Dr. Burke Syphax, a host of other relatives, and many friends and admirers.

Mr. Speaker, I am proud to have this opportunity to provide my colleagues with but a brief glimpse of the many distinguished contributions rendered to the citizens of our Nation's capital by Mr. William Custis Syphax. I now ask my colleagues to join me in extending heartfelt condolences to Orieanna Collins Syphax, Dr. Burke Syphax, other members of the Syphax family, and the treasured friends and admirers of Mr. William Custis Syphax.

ST. PATRICK'S DAY 1993

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. GILMAN. Mr. Speaker, I am pleased to rise to call the attention of our colleagues to the fact that St. Patrick's Day is nearly upon us. This feast is not only the national holiday of the Republic of Ireland; it is also a special day for the Irish and the Irish at heart throughout the world.

One thousand five hundred years have gone by since St. Patrick converted the Emerald Isle to Christianity. It is altogether fitting and proper that St. Patrick be remembered on this day, for he has served as a constant inspiration to the Irish people for the past 15 centuries.

Tragically, the need for constant inspiration in Northern Ireland is great. Unemployment remains the highest in all of Western Europe. And, while changes have been made in the Fair Employment Act, we must make certain that the deep-rooted economic and religious discrimination in Ireland is ended.

For this reason, I continue to heartily support the MacBride Principals for American firms doing business in Northern Ireland. These principals of fair employment and antidiscrimination serve as a model for a future generation of employment opportunities.

Further, since American companies provide for over 10 percent of employment in Northern Ireland, we have the opportunity and moral obligation to fight against the discrimination in Northern Ireland.

Mr. Speaker we must continue to condemn, in the strongest manner, all forms of terrorism and senseless violence by all sides of the conflict in Northern Ireland. Over the past 20 years, the armed struggle in Northern Ireland has lead to numerous tragic innocent deaths.

After over 20 years of violence, I call upon both sides to the struggle to give peace a chance—to take the first step and see where it leads. Additionally, it is incumbent upon the British Government to recognize that the dissatisfaction of the nationalists arises from centuries of abuse and discrimination. For this reason, I also call upon the British Government to focus on the issues of discrimination and ensure that the well-meaning fair employment laws for Northern Ireland are adhered to. Additionally, the British Government must end the violence of its own troops and police forces. Without trust and understanding, peace and justice can have no hope.

Mr. Speaker, on a more positive note, this week I had the pleasure to attend the annual Project Children dinner. This dinner, which grows in size each year, serves to raise the funds necessary to bring nearly 1,000 children to the United States each summer in order to give them an opportunity to learn a different way of life, one in which Catholics and Protestants live together with no thoughts of violence or hatred.

Many years ago, I had the pleasure to be with Denis Mulcahy as the very first Project Children arrived from Ireland in Greenwood Lake, in my district. Over the years, it has been a pleasure to watch this organization grow and progress. Today, Project Children has grown enormously and has hosted to date over 6,000 children from Ireland.

Ultimately, the hope for all of us for peace in Ireland lies with the children. While we all know that there are no easy answers to the problems in Northern Ireland, we hope and pray that the youngsters who are touched by Project Children will make a difference there one day.

One of the highlights for many Members of Congress each summer is welcoming to the Capitol over one hundred Irish children brought to the United States by Project Children. Children from both the Protestant and Catholic communities travel to the United States to stay with an American family for the summer months. This invaluable experience affords them an opportunity to live away from the "troubles" and learn a new way of understanding.

Mr. Speaker, let us take advantage of this St. Patrick's Day to reflect on the positive events that have taken place throughout the world during the past few years, and to resolve to strive to eliminate the "troubles" of Northern Ireland and work toward a just and long-lasting peace for the too long-embattled Island of Ireland so that they too may enjoy the fruits of liberty, justice, and freedom.

H.R. 956, LAS TARIFF

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. ARCHER. Mr. Speaker, on February 17, I introduced H.R. 956, a bill which makes a technical change in the Harmonized Tariff Schedule to clarify the classification of linear alkylbenzene sulfonic acid [LAS]. This bill is necessary to correct an inadvertent tariff reduction that occurred when the U.S. converted its tariff system from the TSUS to the HTSUS—from 3.7 cents/kg.+15.9 percent ad valorem under TSUS to 7.2 percent under the Harmonized Tariff Schedules.

The conversion to the Harmonized Tariff System was never intended to significantly alter the tariff treatment of a product. My bill simply clarifies the tariff treatment for linear alkylbenzene sulfonic acid by establishing an 8-digit breakout under HTS 3402.11 with the same tariff rate it had under the TSUS. This would assure a tariff-neutral conversion for that product and avoid further injury to U.S. producers of this product.

Last year, this bill passed the House on two separate occasions, first as part of H.R. 4318 and then, it was one of only a handful of noncontroversial, revenue-neutral tariff bills included in the House-passed version of H.R. 5100, the tax bill. When the Senate made the decision not to act on any tariff bills, the LAS bill, along with other miscellaneous tariff bills, did not gain final passage.

BAPTIST HOME IS BENEFICIARY OF TALENTS AND DEDICATION OF TED AND CARL DAHLSTROM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. SOLOMON. Mr. Speaker, I've gotten word about two rather extraordinary men who, beyond the immediate beneficiaries of their work, have gotten little public recognition. I hope to rectify that here today.

Ted and Carl Dahlstrom are brothers in their eighties who have dedicated the past 20 years of their lives to the Baptist Home in Rhinebeck, NY.

Many times they took it upon themselves to pay for the improvements to the 75-acre parcel of land. Their role in building a gazebo was only one example.

Officials of the Baptist Home have taken great pride in making the facility one of the best nursing homes in the State of New York. The Dahlstroms have played no small role in this success, not only in their contribution of trees but in the design of buildings needed for the home's operation.

The two brothers recently sold their Millbrook home and moved to Camp Hill, PA to be with their sister. Naturally, they built the house. I have been told that the distance from Camp Hill to Rhinebeck prevents them from attending board meetings, but that they are planning to attend the annual corporate meeting in April. Home officials are planning a book of remembrance for the two brothers, and I would like to let them know that their years of dedication have impressed this House as well.

Mr. Speaker, Ted and Carl Dahlstrom have taken a small corner of this world and made it a better place to live and work. If only there were more people like them. Let us therefore rise for our own tribute to Ted and Carl Dahlstrom, two outstanding Americans.

TRIBUTE TO REV. TORRENCE ROBINSON

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Rev. Torrence Robinson, who on the 14th of this month will have served 10 years as pastor of the Gethsemane Baptist Church in the Bronx.

I rise on this occasion not because of Reverend Robinson's record as a clergyman. Though I understand that he has been an outstanding leader of his congregation, it is not my place as a government official to honor him on those grounds.

Mr. Speaker, I rise in tribute to Rev. Robinson because in the time that he has served as pastor of the Gethsemane Baptist Church, Rev. Robinson has rendered outstanding service to the south Bronx.

Reverend Robinson has been an untiring advocate for the low-income tenants of his community. In this role he has visited with tenants to advise them of their rights, met with management companies to negotiate in the tenants' behalf, and accompanied tenants to housing court to assist them in the proceedings.

Reverend Robinson has instituted community outreach programs and made door-to-door visits to hundreds of residents to learn their problems and offer assistance in finding solutions. The Reverend has recently expanded upon this initiative to found the Fairmount Development Center, a not-for-profit corporation designed to channel available funding into a local job training program to turn welfare recipients into carpenters, plumbers, electricians, and data processors.

Reverend Robinson has also been strongly involved in helping young people avoid a life of drugs and crime by coordinating recreational outlets with local schools and making referrals for a drug treatment program in Connecticut. He has also completed an agreement with the National Center on Institutions and Alternatives by which inmates from the Spofford Correctional Facility in the Bronx will be able to return to their homes and schools and serve their sentences by performing community service through the church. In addition to these initiatives, Reverend Robinson plans to open an after-school program to provide tutoring and assertive college counseling.

Mr. Speaker, in addition to all of these institutional initiatives, Reverend Robinson has repeatedly gone to great lengths to bring the force of compassionate involvement to bear in a number of instances when tragedy has struck individuals in the community.

Mr. Speaker, for all of these reasons I believe Rev. Torrance Robinson deserves our recognition and gratitude on this happy occasion.

THE ALARM BELLS ARE SOUNDING

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. KYL. Mr. Speaker, alarm bells are going off at the Pension Benefit Guaranty Corporation [PBGC].

If Congress hits the snooze button as it did with savings and loans a decade ago, the taxpayers can expect to be hit with the bill for another huge bailout. The time to resolve the problems confronting the PBGC is now, before another bailout bill comes due.

Mr. Speaker, the PBGC was established nearly 20 years ago to insure certain pension plans, and help protect workers against fraud or the mismanagement of their pension funds. More than 32 million workers are now covered by plans insured by the PBGC.

Like Federal deposit insurance, pension fund insurance is a good idea. But, it is also an idea that can result in tremendous costs to taxpayers if the Federal Government does not rigorously ensure that pension funds are properly run and adequately funded, and can ultimately pay the pension benefits that have been promised.

The problem is, about 15,000 plans are now underfunded by an estimated $51 billion, and about $12 billion of that is in plans sponsored by companies that are financially troubled. That deficit gap must be closed as promptly as possible so that taxpayers are not put at risk. The Treasury isn't a bottomless till to be used to fund the pension promises that companies are not prepared to meet and employees know they cannot afford.

Mr. Speaker, the alarm bills are sounding. Will Congress turn off the alarm with a solution, or just hit the snooze and let the problem continue to grow?

CHILD SUPPORT ENFORCEMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 10, 1993, into the CONGRESSIONAL RECORD:

CHILD SUPPORT ENFORCEMENT

Sometimes I feel that the failure to support children is an epidemic. I hear daily from parents dissatisfied with the child support system. Custodial parents, usually mothers, complain about difficulty collecting court-ordered support payments. Noncustodial parents complain that their support payments are too high and that they are denied visitation with their children. My chief concern is the financial and emotional well-being of the children. I am persuaded that despite efforts to improve child support enforcement, State and Federal systems are inadequate. The failure of absent parents to pay child support has devastating economic and emotional consequences for children.

Background: Divorce, custody, and child support decisions have traditionally been governed by State law. In order to obtain child support, the custodial parent must obtain a court order specifying the amount to be paid by the noncustodial parent.

Today 1 in 4 children grow up in single-parent households, and almost half of them live in poverty. Many of them do not receive support from the absent parent. In 1989, only 25% of the ten million single mothers in the nation received all of the support they were owed. Furthermore, over 40% of single mothers have never obtained a child support order. The deficit between child support owed and paid was about $5 billion in 1989. Critics of the current system also argue that child support awards are set inconsistently and often too low. The average amount of child support received by families in 1989 was under $3,000, even though almost all married fathers contribute more than this to their families. Although many parents act responsibly, what strikes me most is that as a group fathers do not contribute as much to the support of their children as they should, and many mothers cannot afford to pursue remedies through the courts.

Enforcement is even more difficult when the children and noncustodial parent live in different States, sometimes resulting in multiple, conflicting child support orders. Although States try to cooperate to resolve these cases, questions often remain about which State has responsibility for the support order.

What Has Been Done? In 1975, as it became apparent that nonsupport was driving many families onto welfare, the Federal Government established the Child Support Enforcement [CSE] program. Under the program, Federal and State governments work to locate absent parents, establish paternity and support orders, and collect payments. Welfare recipients are required to participate in the program, and most of the support collected for their children is used by the government for welfare payments. Families not on welfare also may apply for CSE services.

Congress has added stronger enforcement methods through the years, such as obtaining parents' Social Security numbers upon the birth of their child; placing emphasis on establishing the paternity of children born outside of marriage; and collecting child support payments through automatic wage withholding and intercept of tax refunds and unemployment compensation. Beginning in 1994, all new child support orders will be enforced through wage withholding. Last year the Congress made it a federal crime to willfully fail to pay support to a child living in another state and required consumer credit reports to include information on child support delinquencies, thus hindering delinquent parents in obtaining loans or other types of credit. Today the CSE program handles almost 8 million cases for welfare families and 5 million cases for non-welfare families, collecting about $7 billion in 1991.

Reform Proposals: First, paternity establishment must be improved. Aided by genetic testing, states have made progress. But nationwide, over half of the fathers of children born out of wedlock remain unidentified. Some states are achieving success by asking fathers to voluntarily acknowledge paternity at the hospital after a child's birth. Second, a national databank to help locate delinquent parents should be established. Third, the capability of the Internal Revenue Service to collect child support should be expanded in several ways, such as requiring employees to report child support obligations on income tax withholding forms. Fourth, states should be encouraged to adopt a model state law drafted by a congressional commission to clarify which state has jurisdiction over child support orders involving parents and children in different states. Fifth, efforts should be made to enforce visitation orders, since parents who spend time with their children are more likely to pay support.

Sixth, consideration should be given to creating national child support guidelines. In order to ensure more consistent awards, the federal government required states in 1984 to develop guidelines—for example, a percentage of the noncustodial parent's income—which generally determine how much support a parent should pay. Many noncustodial parents feel that the guidelines are too generous and inflexible. The Indiana Supreme Court recently revised the state's guidelines, lowering the payments expected from some parents. But guidelines differ substantially from state to state

Seventh, some propose experimenting with child support assurance. Under this proposal, the government would guarantee single-parent families a minimum benefit, and would collect child support owed by the noncustodial parent. If the amount collected were insufficient to meet the guaranteed benefit, the government would provide the rest. Supporters of this idea argue that children's support is so crucial that it must be guaranteed beyond what even the most efficient child support enforcement program can provide. I worry, though, that such a program could serve as a disincentive for noncustodial parents to pay support, since their children would receive assistance anyway.

Conclusion: Fortunately, millions of parents do pay child support fully and regularly. But it is clear that many children are not receiving the support they need and deserve. Increasing child support collections will reduce childhood poverty and welfare dependency, and help to firmly establish the key principle of parents financial responsibility for their children. But government efforts cannot serve as a replacement for family responsibility. The most fundamental changes we need cannot be legislated. We need to help families stay intact; we need for parents who divorce, or never marry to always act in the best interests of their children and understand their moral obligations to them. But if they fail to do so, society must enforce those obligations by making it clear that the failure of parents to care for their children will not be tolerated.

COMMEMORATION OF THE 34TH ANNIVERSARY OF THE TIBETAN PEOPLE'S NATIONAL UPRISING OF 1959

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. GILMAN. Mr. Speaker, 34 years ago the Tibetan people rose up against the Chinese Government that conquered and brutally subjugated their nation. It is estimated that 80,000 Tibetans were killed in Lhasa that day. His Holiness, the Dalai Lama, fled Tibet and has since resided in India. In a few weeks His Holiness will be visiting Washington and will spend some time with us in the Congress. I urge my colleagues to meet with His Holiness in order to have the benefit of his perspective regarding communist China.

Today the Dalai Lama will be addressing his people concerning their plight. I am deeply honored to be asked to share his statement with you and I request the full text of his statement be printed in the RECORD at this point:

THE 10TH MARCH STATEMENT OF HIS HOLINESS THE DALAI LAMA ON THE COMMEMORATION OF THE 34TH ANNIVERSARY OF THE TIBETAN PEOPLE'S NATIONAL UPRISING OF 1959

Today, as we commemorate the 34th anniversary of the Tibetan people's national uprising of 1959, we find the world around us in a uniquely promising moment of change. I believe that many of the recent changes work in favor of the aspirations of the Tibetans and of oppressed people elsewhere in the world. Millions who lived under the repressive yoke of communism and other forms of dictatorship are now free and democratic aspirations are on the rise in all continents.

The Tibetan people continue to resist subjugation and colonization with courage and determination. No amount of repression and propaganda has lessened their yearning for a life of freedom, peace and dignity.

On this anniversary, I pay homage to the brave men and women of Tibet, who laid down their lives for the freedom of our country, and I call upon every Tibetan to renew our dedication until we have regained our rights and freedom.

As we adjust to the changing global scene, we need to focus our efforts on four fronts. Firstly, we must continue to engage the Chinese Government in a dialogue that is mutually beneficial and will eventually lead to earnest negotiations to peacefully resolve the question of Tibet. Secondly, we need to intensify our efforts to further educate the world community of the problems of Tibet. International concern and pressure are conducive to bringing about a change in the Chinese Government's position on negotiations and respect for human rights. Thirdly, because the new economic policies in Tibet will have a profound impact on the very survival of the cultural identity of the Tibetan nation, we must carefully study and monitor these developments. Fourthly, the democratization of the Tibetan Administration-in-exile and the implementation of democracy at the grassroots level must be further encouraged.

Last June, direct contact with Beijing was again established. The Chinese ambassador in New Delhi informed us that in the past the Chinese attitude toward the Tibetans had been "conservative" and that if Tibetans were to adopt a "realistic" stand, the Chinese Government could be "flexible." Responding positively to this rapprochement and an invitation for a Tibetan representative to visit Beijing, Kalon Gyalo Thondup was sent to Beijing. The Chinese Government conveyed to Kalon Gyalo Thondup their inflexible, hard-line position with strong pre-conditions for negotiations.

I have responded to the Chinese Government expressing my disappointment with their position. Nevertheless, I stated my wish to send three representatives to deliver a detailed note from me explaining my views and efforts through the years to promote negotiations for the mutual benefit of the Tibetan and Chinese people. I believe it is now time for the Chinese Government to make a genuinely meaningful proposal on how they wish to see Tibet and China live in peace. We, on our part, have gone to the fullest extent to facilitate a sincere, meaningful and substantial dialogue.

For centuries Tibet and China have lived as neighbors, and I am convinced that we can find a way to live in peace and friendship in the future too. I have always believed that this is possible and worthy of our efforts. In this spirit I have, over the years, personally met with Chinese brothers and sisters throughout the world. I have encouraged my fellow Tibetans to engage in friendly discussions with members of the Chinese communities abroad. I am also greatly pleased with the increasing contacts and friendly dialogue between the exiled Tibetans and the members of the Chinese democracy movement. As a result, there is a growing understanding of the just aspirations of the Tibetan people and therefore, sympathy and support for Tibet among our Chinese brothers and sisters.

Last year we were also able to establish direct official contact with Taiwan. In the past, there has been considerable misunderstanding between Dharmsala and Taipei which resulted in mistrust and an absence of formal relations. Today, with Taiwan on its way to becoming a genuine democracy, it is my hope that the establishment of direct ties will pave the way for a mutually beneficial relationship.

Recently, there has been a number of international conferences discussing not only the violation of human rights in Tibet, but also on the question of the legal status of Tibet and the right to self-determination of the Tibetan people. Furthermore, a number of governments and parliaments have sent fact-finding delegations to Tibet; have adopted resolutions expressing grave concern about the continuing human rights abuses in Tibet; and have urged for direct negotiations between the Chinese and Tibetans. These are clear indications that the issue of Tibet has moved from the political fringe and is gaining greater international attention. Many people throughout the world who believe in compassion, justice, non-violence and in the ultimate triumph of freedom and democracy support our cause. On behalf of my suffering people, I express our deep gratitude for this support and solidarity. We are especially indebted to the government and people of India for their continuing hospitality and kindness.

Despite these encouraging and hopeful developments, the situation in Tibet continues to remain bleak. Merciless repression of the slightest political dissent is the order. The demographic aggression of Tibet through a policy of population transfer continues unabated, escalating the marginalization of the Tibetan people and the assimilation of the Tibetan way of life into the Chinese mainstream. Cultural genocide is being committed, intentionally or unintentionally. Tibet, an ancient country on the roof of the world, is fast becoming a Chinese colony.

China's recent announcement of turning the so-called Tibet Autonomous Region into a special economic zone is, in principle, welcome. However, there are reasons to fear the long-term impact of the new Chinese policy on the survival of the cultural identity of the Tibetan people and on the environment of Tibet. If the best interests of the Tibetan people are not kept in the forefront, there is a real danger that this policy will only promote and intensify the transfer of more Chinese into Tibet. This will further reduce the Tibetans into an insignificant minority in their own country, thus completing the thorough colonization of Tibet which will have serious consequences to its fragile environment.

It is against such a background that I appeal to Tibetans and friends of Tibet everywhere, and to international agencies eager to undertake projects in Tibet, to always bear in mind the need to protect and to safeguard the well-being of the Tibetan people and our unique culture and identity.

To those of you who intend to involve yourselves in the development of Tibet, I must emphasize the special attention needed in the fields of education, health and development in the rural areas. You must also discourage the indiscriminate exploitation of Tibet's natural resources and, above all, ensure the full involvement of the Tibetan people if your efforts are meant to benefit the Tibetans.

Since the dramatic events of 1959, we in exile have always aspired for freedom and democracy. In spite of our limitations, we have made significant progress in the practice of democracy. I am very keen and committed to the idea that genuine democracy must prevail in a free Tibet.

I have publicly declared that in the future I will not hold any official position in the government of a free Tibet. I have made such a decision in order to facilitate the development of a healthy democracy. The promulgation of my "Guidelines for Future Tibet's Polity and the Basic Features of Its Constitution" is a reaffirmation of my vision of a free Tibet as a peaceful and truly democratic country, dedicated to demilitarization and non-violence.

Throughout human history, dictators and totalitarian governments have learned that there is nothing more powerful than a people's yearning for freedom and dignity. While bodies may be enslaved or imprisoned, the human spirit can never be subjugated or defeated. As long as we uphold this human spirit and determination, our aspirations and beliefs have the power to ultimately prevail. The sweeping global changes in recent years reaffirms my beliefs and I am more optimistic than ever before that freedom and peace for the Tibetan people is now within our reach.

With my prayers for the well-being of all sentient beings.

THE DALAI LAMA.

H.R. 1194, THE MEDICARE OUTPATIENT DIABETES SELF-MANAGEMENT TRAINING ACT OF 1993

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. KOPETSKI. Mr. Speaker, I rise today to talk about one of the most prevalent, chronic diseases affecting our country's citizens, diabetes. Diabetes is the fourth leading cause of death by disease in the United States, but more than half of the estimated 14 million people who have diabetes don't even know it. If left untreated, diabetes can cause great damage to the body, including the nervous system, kidneys, and circulatory system. It can lead to strokes, blindness, the amputation of limbs, as well as death. Although there is no cure for diabetes, it can be successfully treated through a combination of diet, exercise, and oral medications or insulin.

All too often, however, diabetes goes untreated. In my State of Oregon, the direct and indirect cost of diabetes in 1990 was roughly $285 million. Nationally, diabetes results each year in some 54,000 lower-extremity amputations, at least 15,000 new cases of blindness, and some 2.8 million hospitalizations. The national costs of diabetes in 1990 were conservatively estimated at $25.7 billion.

Mr. Speaker, a primary objective for Congress and the administration this session is the enactment of major health care reform. With reform, we are trying to do two things: increase coverage and constrain costs. The most effective means of doing this is to keep people well, thereby keeping them out of the hospital. Diabetes provides a classic example of how this can be done, because it is a chronic disease in which patients can play a large role in their own treatment. Given quality training, diabetes patients can manage their condition. People with diabetes can learn how to balance and manage their insulin injections or other medications, and how to manage their diet and exercise to prevent complications.

Unfortunately, Medicare currently pays for this self-management training only if it is done in a hospital setting, or in a rural health clinic. This runs counter to the principle that when possible, services should be provided in a less-costly outpatient setting rather than in a hospital. Training diabetes patients to take care of themselves on an outpatient basis should be done both to reduce the costs of hospital use and to enable those patients without access to a hospital or a rural health clinic to self-manage their cases. This is simply common sense.

Mr. Speaker, to address this issue I have introduced H.R. 1194, the Medicare Outpatient Diabetes Self-Management Training Coverage Act of 1993. This bill will extend coverage for eligible diabetes outpatient self-management training beyond the current Medicare restrictions that limit reimbursement to hospital-based or rural health clinic settings, and will require the implementation and development of coding guidelines to facilitate uniform payment. My bill will also link reimbursement to meeting quality standards for diabetes outpatient self-management training programs, to be based upon National Diabetes Advisory Board standards.

Last year the Congressional Budget Office estimated that this bill would cost $155 million in its first year of enactment, while saving $40 million. I believe this underestimates the savings from preventing needless hospitalizations, blindness, amputations, and the like.

The Maine Diabetes Control Program showed a 32-percent reduction in hospitalizations and a 32-percent reduction in hospital length-of-stays after outpatient education, resulting in a $3 saving for each $1 spent on outpatient education. It is estimated that increased outpatient education will save Medicare roughly $150 million annually just in reduced need for amputations.

I urge my colleagues to join me in cosponsoring this legislation. Diabetes is a silent killer. We have the ability to stop it. Lets help give patients the power to treat themselves.

MONDAY COUNCIL CLUB CELEBRATES 100 YEARS OF MAKING CAIRO, NY, A NICER PLACE TO LIVE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. SOLOMON. Mr. Speaker, the Monday Council Club has made the Greene County town of Cairo, NY, a better place to live for 100 years.

All I need to do is list the accomplishments of the Monday Council Club to give Members an idea of how dedicated this group is to serving the community.

The Monday Council Club of Cairo has established the Cairo Public Library, the Cairo Golden Agers, and the Amblyopia Clinic for preschool-age children which was first run by club members only, but is now run in conjunction with kindergarten screening at the Cairo Elementary School.

The club has also distributed "Tot Finder Seals" and "Vials of Life" in conjunction with Price Chopper Markets. Since 1940 the Monday Council Club of Cairo has given an English award at the Cairo High School, and since 1989 has given a peacemaker award to the sixth grade at the Cairo Elementary School, where the club also sponsors a health contest.

The Monday Council Club of Cairo, along with the district and State federation, also sponsors contests for students in the fields of art, creative writing, sewing, and music.

Mr. Speaker, the Monday Council Club of Cairo joined the State Federation of Women's Clubs in 1912, and the General Federation of Women's Clubs in 1916. But the local club was an asset to the community long before that, having been formed in 1983, with 12 charter members.

Mr. Speaker, I am extremely proud of this organization, because it typifies the spirit of voluntarism which is so central a part of American life. It's with a sense of that pride that I ask all Members to join me in wishing a happy 100th birthday to the Monday Council Club of Cairo.

THE MULTIPLE EMPLOYER HEALTH BENEFITS PROTECTION ACT OF 1993

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. PETRI. Mr. Speaker, today I am introducing H.R. 1272, The Multiple Employer Health Benefits Protection Act of 1993, to properly regulate and, thus, keep alive hundreds of self-insured multiple employer health plans which provide needed health care benefits to thousands of employees and their dependents. These plans, which can range from jointly trusteed and large employer plans to those typically run by business associations like the auto dealers, realtors, printers, bankers, and chambers of commerce, are defined under ERISA as "multiple employer welfare arrangements," or MEWA's. At a time when increasing access to health care is of great concern, we should be taking these needed steps, as part of omnibus health care reform or otherwise, to prevent the shutdown of existing viable health plans.

My colleagues, Representatives MATTHEW G. MARTINEZ, WILLIAM F. GOODLING, STEVE GUNDERSON, HARRIS W. FAWELL, CASS BALLENGER, SUSAN MOLINARI, BILL E. BARRETT, JOHN A. BOEHNER, FRED GRANDY, F. JAMES SENSENBRENNER, Jr., MICHAEL G. OXLEY, CONSTANCE A. MORELLA, TOM LEWIS, and JOE BARTON have joined me in sponsoring this bill which addresses important ERISA enforcement and health care access issues.

In short, the legislation clearly defines the role of the Department of Labor in regulating the reserve funding of those health benefit MEWA's which seek a Federal exemption.

Since the enactment in 1983 of the ERISA preemption amendments sponsored by former Representatives Burton and Erlenborn, the States have had the authority to regulate MEWA's. However, it has only been in the last several years that the States have accelerated their enforcement activity in this area. The basic argument favoring MEWA legislation is that for too long the States have failed to regulate these entities in a vigorous and uniform fashion. However, in accepting their responsibility, some States have chosen to throw out the baby with the bathwater, thereby threatening the very existence of long-standing multiple employer health plans like those maintained by the United Agribusiness League and other associations.

The choice is simply stated—should States be allowed to shut down all MEWA's as unlicensed insurers or should reasonable funding standards be applied uniformly to true employer-sponsored health plan arrangements to allow them to continue to exist, but in a sound operating fashion? The thrust of the legislation introduced today is to ensure the latter.

As a result of hearings held by the Subcommittee on Labor-Management Relations last June 16, this legislation has been fashioned as a comprehensive solution to the complex MEWA problem. The solution draws on the most workable parts of the four bills introduced in the last Congress which were designed to address this issue.

First, as under S. 2843, (Nunn), the status of certain collectively bargained multiple employer arrangements is clarified by retaining new ERISA preemption from State law. Nonexempted entities could still seek a Federal exemption if statutory reserve and other regulatory requirements are met. In like manner, as under H.R. 4919, (Hughes/Boehlert), the ERISA status of certain large company plans is clarified. An option for franchise and other plans to seek a Federal exemption is also provided if statutory reserve and other regulatory requirements are met.

Second, as under H.R. 4919, (Hughes/Boehlert) and S. 2843, (Nunn), certain employee leasing healthcare arrangements would be given ERISA status if strict definitional, statutory, and regulatory standards are met.

Finally, as suggested by the Department of Labor under H.R. 5386, certain employer association plans could apply for a Federal exemption from State law. However, as under H.R. 2773—my own 102d Congress bill—and H.R. 4919, such arrangements would have to meet new eligibility, reserve, and other solvency requirements.

Specifically, the bill adds a new part 7 to title I of ERISA which allows MEWA's providing health care benefits to obtain a Federal exemption from the U.S. Department of Labor. Arrangements with exemptions would be subject to uniform standards under ERISA regarding reporting, disclosure, fiduciary requirements, and new funding/reserve requirements. Health benefit MEWA's choosing not to obtain an exemption from the Department would be required to register and report to the Department and to each State in which they operate. New entities could not commence operation without an exemption. The bill also clarifies the ability of the States to regulate any MEWA which lacks an exemption from the Department of Labor, which should make it easier to close down unsound plans.

The most recent report by the Labor Department inspector general urges the Congress and the Department of Labor to make ERISA enforcement of MEWA's a legislative priority. It is in this spirit that I urge my colleagues to study this issue closely and support the early enactment of these important ERISA health plan and enforcement measures.

Mr. Speaker, I insert a section-by-section explanation in the RECORD at this point:

SECTION-BY-SECTION EXPLANATION OF H.R. 1272

The bill adds a new Part 7 to Title I of ERISA which allows certain multiple employer welfare arrangements (MEWAs) providing health benefits to receive an exemption from the Department of Labor to become an ERISA multiple employer health plan (MEHP). Entities eligible for such an exemption include certain collectively-bargained and "single-employer" plans that otherwise fail to meet criteria exempting them from the MEWA definition. Also certain employer associations and employee leasing arrangements may also qualify. Arrangements receiving an exemption would be subject to uniform standards under ERISA regarding reporting, disclosure, fiduciary requirements, and new funding/reserve requirements. Regulations would be promulgated by the Department of Labor in connection with these standards. Arrangements operating a multiple employer health plan would be required to notify the states in which they operate. In addition, all other MEWAs providing health care would be required to register and report to the Department of Labor and to each state in which they operate. The bill also clarifies the ability of the states to regulate any multiple employer welfare arrangement which lacks an exemption from the Department of Labor. States could enter into agreements with the Department regarding the enforcement of the federal statutory and exemption standards.

Sec. 701. Definitions.

This section defines insurer, participating employer, excess/stop-loss coverage, qualified actuary, fully insured arrangement, plan sponsor, state location of covered individuals, domicile state, and multiple employer health plan.

Sec. 702. Exempted Multiple Employer welfare Arrangements Treated as Employee Welfare Benefit Plans and Exempt from Certain Restrictions on Preemption.

A self-insured health benefits MEWA obtaining an exemption under ERISA section 703 would be treated as an employee welfare benefit plan which is exempt from the state regulation that is currently permitted under section 514(b)(6). Exempted MEWAs would be referred to as multiple employer health plans.

Sec. 703. Exemption Procedure.

This provision amends ERISA's preemption provisions to allow the Secretary of Labor to exempt from state insurance regulation certain MEWAs which provide medical care benefits and which are not fully insured. This authority is modeled after the authority granted to the Secretary to issue exemptions from ERISA's prohibited transaction provisions.

The Secretary shall grant the exemption, if a complete application is filed demonstrating compliance with the eligibility provisions of section 704, and the Secretary finds that the application is administratively feasible, not adverse to the interests of covered individuals, and protective of the rights and benefits of such persons.

Sec. 704. Eligibility Requirements.

Subsection (a) sets forth the information required to be eligible to receive an exemption from the Secretary of Labor. A filing fee is required to be paid at the time of the application. Among the items of information to be supplied are: the name of the sponsor and the identity of the members of the plan's "operating committee"; the states in which the arrangement intends to do business; documents and evidence of the arrangement's governance; a funding report showing the adequacy of reserves and contribution rates; and a complete actuarial statement prepared by a qualified actuary on the arrangement's costs of coverage and current and projected actuarial status.

Subsection (b) sets forth additional requirements which must be met by both the sponsor and the arrangement before an exemption can be issued. The association, chamber of commerce, or similar business group sponsoring the arrangement must meet certain thresholds of operation and be established as a permanent entity. The operating committee of the plan must also meet certain membership requirements and accept responsibility as the plan's "named fiduciary" under ERISA. The plan's written documents must incorporate reserve/funding and other requirements not less stringent than the ERISA minimum and must provide that all future plan participants be employees or dependents of participating employers who are members or associate members of the plan sponsor.

Subsection (c) authorizes the Secretary to deny the issuance of an exemption if the sponsor or any person associated with the arrangement is subject to "disqualification." Persons may be subject to disqualification for a variety of reasons including misrepresentation, fraud, and misappropriation of funds.

Subsection (d) allows franchise networks to become eligible for an exemption if certain requirements are met.

Subsection (e) extends Part 7 exemption eligibility to collectively bargained health arrangements which fail to meet the new collectively bargained plan exception from the MEWA definition (see section 5 of the Act).

Subsection (f) extends Part 7 exemption eligibility to certain employer and "related employer" plans which fail to meet the new single-employer plan exception from the MEWA definition (see section 4 of the Act).

Sec. 705. Additional Exemption Requirements.

Under subsection (a) MEWAs may be required to notify the Secretary of material changes in the information submitted with the application for a certificate of compliance.

Under subsection (b), the ERISA annual reporting requirement is to include updated actuarial and financial information.

Subsection (c) requires each plan to engage a qualified actuary to report and provide information on behalf of all plan participants.

Subsection (d) requires each plan which is issued an exemption to file a notice with certain states in which it operates.

Sec. 706. Disclosure to Participating Employers.

The section requires exempt multiple employer plans and other MEWA's to provide prospective participating employers with information indicating their scope of coverage, rates of contribution, self-insured status, and whether they have an exempt status.

Sec. 707. Maintenance of Reserves.

This section requires each multiple employer health plan to establish and maintain minimum unearned contribution reserves and unpaid claim reserves in an amount not less than 25% of expected incurred claims and expenses. A margin for error and additional reserves for any other obligations of the arrangement would be required in amounts recommended by the plan's qualified actuary.

In granting an exemption it is expected that the Secretary will require additional solvency safeguards in appropriate situations, such as excess/stop-loss coverage, escrow accounts, or retroactive contribution assessments. In addition, the Secretary is to take into account the presence of any excess/stop-loss coverage in setting minimum reserves.

Sec. 708. Corrective Actions.

Under subsection (a), in order to avoid a suspension or revocation of an exemption, the operating committee of each multiple employer health plan shall determine semi-annually whether the reserve/funding requirements of section 707 are met. If there is reason to believe that such requirements may not be met, then the operating committee is required to obtain recommendations for corrective action from the plan's qualified actuary and report to the Secretary as to the nature and effect of the corrective actions actually taken by the committee. The Secretary is generally authorized under ERISA to enjoin any act or practice violating any provision of Title I, or to obtain other appropriate equitable relief to redress any such violation and enforce the provisions of Title I and the terms of the arrangement.

Subsection (b) requires the operating committee of a terminating plan to provide notice to the Secretary and submit a plan for winding up the affairs of the arrangement which will result in the timely payment of plan obligations. The Secretary may take action to terminate an arrangement which is in violation of the reserve requirements and which can reasonably be expected to fail to pay benefits as obligated.

Sec. 709. Expiration, Suspension, or Revocation of Exemption.

Subsection (a) requires a three-year renewal for each exemption.

Under subsection (b), the Secretary may suspend or revoke an exemption after a showing of cause and after notice and an opportunity for hearing.

Under subsection (c), an exemption may also be revoked pursuant to a court proceeding brought by the Secretary.

Employers and others must be notified of any suspension or other actions taken.

Sec. 710. Review of Actions of the Secretary.

This section provides for the appeals procedure to be followed in connection with the denial, suspension, or revocation by the Secretary of an exemption. Notice and an opportunity for a hearing is required in the case of a suspension or revocation.

Sec. 3 of the Act. Scope of Preemption Rules.

This amends ERISA section 514(b)(6)(A)(ii) by inserting ", but only, in the case of an arrangement which provides medical care described in section 607(1) and with respect to which an exemption under part 7 is not in effect," before "to the extent not inconsistent with the preceding sections of this title". This further clarifies the ability of the states to regulate MEWAs which do not possess an exemption under Part 7.

Sec. 4 of the Act. Single Employer Arrangements.

This provision clarifies the exception to the definition of a MEWA for single employers by defining the minimum interest required for two or more entities to be in "common control" as a percentage which cannot be greater than 25%. In addition, employees and dependents of a former common control member, for example in a spin-off situation, could be retained in the plan for up to one plan year without violating the common control requirement. Also, a plan would be considered a single-employer plan if less than 5% of the covered employees are employed by other affiliated employers.

Sec. 5 of the Act. Collectively Bargained Arrangements.

This provision clarifies the exception to the definition of a MEWA for collectively bargained multiple employer arrangements. As under S. 2843 introduced by Senator Nunn in the 102nd Congress, a test is provided to determine whether an employee welfare benefit plan or other arrangement established pursuant to a collective bargaining agreement constitutes a MEWA. Under current ERISA provisions, a plan or other arrangement found by the Secretary of Labor to be established pursuant to a collective bargaining agreement is excluded from the definition of a MEWA. Some MEWA promoters, however, have tried to use this exclusion in order to market participation in collectively bargained plans by offering individuals "associate membership" in a "union". Although the "union" sponsoring the plan does not enter into a collective bargaining agreement with the employers of these associate members, and in many cases apparently does not represent the associate members for any other purpose, the promoters of these plans have claimed that they nevertheless fall under the collective bargaining exclusion because the benefit plan being marketed was originally established pursuant to a collective bargaining agreement.

This section therefore attempts to separate these activities from those of legitimate unions whose plans are expanded as the result of true collective bargaining on behalf of represented employees by setting limits on those participants which legitimately can be covered by a collectively bargained plan or arrangement. It would thus prevent promoters from taking a so-called union benefit plan and marketing it nationwide as an insurance product.

Sec. 6 of the Act. Employee Leasing Health Care Arrangements.

The legislation addresses abuses in employee leasing arrangements that are merely in the business to sell health coverage. It also prevents fraudulent MEWA operators from labeling themselves as leasing arrangements in order to escape MEWA regulation. This section creates a presumption that all employee leasing arrangements are MEWAs, subject to rebuttal by the employee leasing arrangement. The employee leasing arrangement has the burden of proof in such a rebuttal.

Under ERISA section 711, (1) Arrangements must meet the following requirements in order to rebut the MEWA presumption: (a) the lessor must be in business for at least 3 years; (b) the arrangement cannot solicit, advertise, or market its services through licensed insurance agents or brokers; (c) applicants of employment must be informed that the employer is a lessor and must consent in writing to this form of employment; (d) if an employee of the lessee is offered employment by the lessor, refusal will not constitute resignation or job abandonment; (e) the lessor must retain ultimate authority to hire, terminate, and reassign its employees; (f) the lessor is legally responsible for payment of wages, payroll-taxes, and employee benefits; (g) the lessor's right of direction and control is limited only to the extent necessary for the lessee to be responsible for the supervision of the work performed by the leased employees, consistent with the lessee's responsibility for its product or service; (h) the lessor arbitrates employee grievances, consistent with the terms of the Labor Management Relations Act of 1947; and (i) the lessor cannot employ or cover under its health plan certain other persons.

Employee Leasing Healthcare Arrangements meeting such requirements may then apply for an exemption as described above.

Sec. 7 of the Act. Enforcement.

Under subsection (a), the Secretary may assess a civil penalty up to $1,000 per day for refusal to file required information.

Under subsection (b), section 502(a) of ERISA is amended to allow states to enjoin any act or practice which violates any provision of the new Part 7 over which such state has authority under a cooperative agreement or otherwise.

Under subsection (c), ERISA section 501(b) is amended to provide for criminal penalties for willful misconduct regarding an employee leasing healthcare arrangement.

Under subsection (d), the Secretary of Labor is given authority to seek a court cease activities order.

Subsection (e) amends ERISA section 503 to require each MEWA plan to specifically provide that the named fiduciary be responsible for carrying out the claims filing procedure.

Sec. 8 of the Act. Filing Requirements.

Multiple employer welfare arrangements providing medical benefits are required to file a registration statement each year with the Department of Labor.

Sec. 9 of the Act. State and Federal Roles.

A state may enter into cooperative agreements with the Secretary of Labor as provided in New ERISA section 506(c) to enforce compliance with the provisions of ERISA title I. The Secretary shall enter into such agreements in order to improve enforcement. The Secretary is also to provide technical and other assistance to the states.

Sec. 10 of the Act. Effective Dates.

The amendments made by this Act will take effect January 1, 1994. In addition, sponsors of existing multiple employer welfare arrangements who have applied for an exemption will be able to continue operating until an exemption is granted, if the Secretary does not find the application to be materially deficient within 90 days after receipt.

PATIENT RECOGNITION AND EMPOWERMENT DAY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. SERRANO. Mr. Speaker, I rise today so that we may join the South Bronx Mental Health Council, Inc. In honoring its many special patients on its second annual patient recognition and empowerment day.

On January 29, 1993, the South Bronx Mental Health Council, Inc. paid tribute to those of its patients who have made outstanding progress in their efforts toward recovery. To a degree not well understood by the general public, people disabled by mental illness must work with their attending mental health professionals to achieve their own recovery. It is hard work for all concerned.

And it is particularly hard work in a community such as the south Bronx, where the prevailing climate of poverty often contributes to the distress of the largely minority patient base.

Mr. Speaker, in 1990 we passed the Americans With Disabilities Act, legislation which, by removing barriers to employment, facilitates the entry of our Nation's disabled into the mainstream of American life. We can make another contribution to this same goal by joining the South Bronx Mental Health Council, Inc. in recognizing and supporting the achievements of those patients who have made progress in overcoming their mental disabilities.

IN HONOR OF YOLANDA RUIZ ON HER RETIREMENT

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. DIXON. Mr. Speaker, I rise today to pay a special tribute to Yolanda O. Ruiz, who is retiring after 20 years of devoted service to the county of Los Angeles. The southern California congressional delegation also joins me in saluting Ms. Ruiz who has effectively served as the county of Los Angeles' legislative liaison in Washington, DC.

Over the years, Yolanda has represented the views and concerns of the county of Los Angeles Board of Supervisors. She has clearly earned the respect and admiration of those of us in Congress who have had the pleasure of working with her.

Ms. Ruiz is a versatile, competent, and well respected individual who overcame enormous social odds. She was born in El Paso, TX, and grew up in the barrios of east Los Angeles, with three brothers and three sisters. Her mother was a seamstress in a sweat shop in the garment industry in Los Angeles and her father barely earned minimum wages as a laborer on the railroad.

Yolanda held numerous jobs to pay for her college education. She married Carlos Ruiz and together they raised seven sons—Daniel, Donald, Carlos, Richard, Anthony, Michael, and Nicholas. In 1971, Ms. Ruiz began an illustrious career with the county of Los Angeles when she, her husband and their children moved to Washington, DC.

In addition to working for the county and raising her family, Yolanda has been actively involved in the PTA, Little League, the Red Cross, her homeowners association, voter registration drives, community assistance for Spanish-speaking persons and a variety of civic and social organizations. Most of us are familiar with Yolanda's unfailing support of the California State Society as a past president, vice president, and presently, the society's treasurer. In an age when our young men and women are desperately seeking role models to help guide and direct their lives, individuals like Yolanda Ruiz stand out as a living testimony that hard work and dedicated service reaps a positive goal.

Mr. Speaker, we will miss Yolanda as she retires from the county of Los Angeles. However, we are pleased that we had the pleasure of knowing and working with such a gracious, dedicated individual. She has completed a remarkable career in public service. My colleagues and I wish her continued success in her future endeavors.

AS AN ANTI-CRIME MEASURE, THE BRADY BILL IS A 100 PERCENT FRAUD

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. FIELDS of Texas. Mr. Speaker, I would like to submit for the RECORD an editorial by Charley Reese which appeared in the Orlando Sentinel on March 4, 1993. Mr. Reese reveals the truth about the Brady bill's effect on decreasing criminal activity—100 percent fraud. Guns will remain available to those the Brady bill attempts to exclude and honest Americans will be inconvenienced by this futile government regulation.

AS AN ANTI-CRIME MEASURE, THE BRADY BILL IS A 100 PERCENT FRAUD

(By Charley Reese)

Well, they have reintroduced the Brady Bill again. This proposed law would require an honest, law-abiding citizen who wishes to purchase a handgun from a federally licensed dealer to wait five days before he or she could pick it up.

It is nothing more than an inconvenience, and I would not get too excited about it except that I am incensed by public fraud. As an anti-crime measure, the Brady Bill is 100 percent public fraud.

First of all, it is already against the law for a minor to purchase a firearm. Therefore, no member of any youth gang would be inconvenienced one second or prevented from acquiring a firearm by the Brady Bill. Obviously, being underage, they do not buy their firearms from licensed dealers anyway.

Second, many states with high crime rates already have waiting periods, some longer than the five days the Brady Bill would require. In California, for example, there is a two-week waiting period, which many people in Los Angeles discovered to their horror when armed mobs began to threaten them.

In more honest days, it used to be said that one advantage of our federal system was that, as states tried various things, we could see whether they worked. States have tried waiting periods, and the evidence is overwhelming that, as an anti-crime measure, they do not work at all.

Third, it is already against the law for any convicted felon to purchase or possess a firearm. Therefore, convicted felons, who commit about 80 percent of the crime in America, will not be prevented by the Brady Bill from acquiring a handgun, nor will they be inconvenienced.

The only people in America that the Brady Bill will inconvenience is honest citizens who wish to purchase a handgun for a legitimate reason.

Now, all the people pushing the Brady Bill are surely not stupid. They know that not in any of the horror stories they like to cite would the Brady Bill have prevented the crime. Not one schoolyard shooting, not one drive-by shooting, not the shooting of Jim Brady himself would have been prevented by the Brady Bill. Brady was shot with a firearm legally purchased by John Hinckley weeks before he used it. Underage kids, teenage gangs and convicted felons buy their guns on the street or steal them.

So if the people pushing the Brady Bill know, as they must if they are not stupid as a stone, that it will not prevent crimes, then you have to ask yourself, why are they doing it?

Well, there are a couple of reasons. Some of these people are just scheming to deprive all Americans of the right to buy and own firearms because they are scared of common folks. The politicians, for the most part, are just doing what they often do in other areas—pretending to legislate by passing legislation they know will be ineffective but which nevertheless allows them to posture to the public.

But then, America, on the whole, is becoming a dumb and incompetent society, and most dumb and incompetent societies are riddled with superstitions, fads and irrational notions. Unable or unwilling to confront of the complexities of human behavior, which is what crime is, many people have developed a superstitious fear of guns, which, after all, are inanimate objects and have been plentiful in American society from Day One, as Ross Perot likes to say.

The variable in our society today is not the gun, which has always been plentiful, and available; it is the increase in the number of people who will kill you for trivial reasons. If people would spend less time and fewer resources trying to put an hex on a piece of steel, they might figure out what's going on in our society that produces these killers. The Brady Bill is the equivalent of a voodoo doll or a love potion or a lottery charm.

It requires excessive optimism, however, to expect societies in the vortex of history's toilet bowl to act in a rational manner.

TRIBUTE TO ST. MATTHIAS SCHOOL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the St. Matthias School in my 17th District of Ohio. This beautiful school with its wonderful church and congregation are celebrating their jubilee year beginning with festivities that started November 1. These celebrations will last for 6 months culminating with a dinner dance in April.

Mr. Speaker, St. Matthias School has been educating children in Youngstown for 75 years now. St. Matthias and its Slovak-Catholic community of parishioners have long demonstrated their commitment to quality parochial education by the integration of Catholic faith and culture. The faculty and staff of St. Matthias believe that a parish school must reflect the teachings of the Catholic Church, rich in its traditions of Christian values, and cherishing the background of its ethnic culture.

Mr. Speaker, St. Matthias School offers a well rounded Catholic education with 13 full-time certified teachers, a student/teacher ratio of 28 to 1, many service projects and extra-curricular activities as well. Some of the best leaders and role models of Youngstown are products of St. Matthias School.

I congratulate them on their jubilee year and wish them the best in the future. I know that the alumni of this great school are very proud.

FINDING MORE CUTS IN THE BUDGET

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. HOLDEN. Mr. Speaker, I rise today to praise my colleagues on the House Budget Committee for agreeing to and finding more cuts in the budget. The last account I had was that we will cut spending by between $63 billion and $90 billion beyond what the administration proposed over the next 5 years. I have been an active participant in the process to find more cuts and I applaud the commitment I have seen to find some more cuts. I strongly believe that this commitment demonstrates that we in Congress are trying to do what many of our constituents want.

Mr. Speaker, our constituents are also demanding that Congress show some leadership and demonstrate willingness to reduce some of its expenses. I will introduce today a bill that cuts each Member's franking allowance by 20 percent as a way to show such willingness on our part.

My bill is simple: The factor used to determine each Member's franking allotment will be reduced from a factor of 3 to a factor of 2.4, a 20-percent reduction. This bill will not eliminate the flexibility in the Legislative Appropriations Act which accommodates each Member's particular costs of mailing—geography, population, density, etc.

If we are calling on Americans to sacrifice then Congress, too, must lead by example. A 20-percent cut will not impinge on any Member's ability to communicate with his constituents in a responsible manner. Nor will it stop a Member from using his franking budget in whatever manner he or she deems appropriate.

Mr. Speaker, because American business and American households have had to cut back and tighten their belts because of our recent recession, then Congress can do no less. I want Congress to lead by example, and I think this bill puts us squarely on that road.

TRIBUTE TO JOHN LESLIE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. WOLF. Mr. Speaker, I rise today to bring to the attention of my colleagues the story of a true modern day hero, a good samaritan, John Leslie.

John, a former constituent of mine who grew up in Fairfax, VA, recently took the California bar exam. Not only did John finish the exam, but he saved a man's life in the process.

About an hour into the exam, another student taking the test, a stranger to John, became gravely ill. John, and another test taker, rushed to the man's aid and administered cardiopulmonary resuscitation. Before the paramedics could arrive at the test site at the Pasadena Convention Center, the ill man had gone into respiratory arrest, and his heart stopped beating, twice.

Thanks to John, the man is alive today to take the exam again. Amazingly, after the paramedics took the ill man to the hospital, John returned to his seat and finished the exam.

Mr. Speaker, I ask my colleagues to join me in congratulating John Leslie for his valiant effort and his willingness to help another while sacrificing personal gain. What a wonderful world this would be if everyone were like John Leslie, a true modern day hero.

Mr. Speaker, I respectfully ask that a recent article from the Fairfax Journal be submitted at this point in the RECORD.

[From the Fairfax Journal, Mar. 2, 1993]

NORTHERN VIRGINIA NATIVE SAVES MAN IN EXAM HEROICS

(By Angela Rucker)

An appearance on The Tonight Show.

Interviews with CNN, CBS and National Public Radio.

John Leslie didn't expect all this attention after saving the life of a man who passed out in the middle of taking the California Bar Exam.

Leslie, who grew up in Fairfax County and graduated from Marshall High School in 1982, was taking the test last Tuesday at the Pasadena Convention Center. He was one of about 600 other test takers in the huge room.

About an hour into a three-hour test one of the test takers took ill.

"When I got to him it was pretty obvious he was having a seizure," said Leslie, who now lives in Los Angeles.

He and another bar exam taker—who, as it turned out, was a nurse—got up from their tests to tend to the man.

"He went into respiratory arrest and his heart stopped * * * twice," Leslie said.

Leslie, 28 knew cardiopulmonary resuscitation and performed it until paramedics could arrive. The sick man is doing well now.

After all the hoopla, Leslie and the others had to return to the bar exam. It's only offered two times a year.

"I tried to get settled down and finish the exam," but couldn't quite do it, he said.

Test officials have told Leslie they'll take his "extenuating circumstances" into consideration when the test is scored.

After high school, Leslie entered the Manhattan School of Music. After graduation, he played saxophone professionally before enrolling at Whittier College School of Law in Los Angeles.

Since the event, Leslie says he's been in the spotlight.

Does he feel like a hero?

With a laugh, he answered, "I don't, but the more the media talks to me * * *."

CYSTIC FIBROSIS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Ms. SNOWE. Mr. Speaker, I would like to share with my colleagues a letter I recently received from Breeze Gammelin of Ellsworth, ME.

Breeze has two family members who are afflicted with cystic fibrosis. She is concerned that few people know about cystic fibrosis. Therefore, I would like to share her letter because it provides a wealth of information about this disease. I hope my colleagues will learn as much from it as I did.

DEAR REPRESENTATIVE SNOWE: Would you please help to increase our nation's awareness of Cystic Fibrosis (CF)? I feel that, since this disease is the most common inherited disease among whites, more people should know about it.

Cystic Fibrosis is caused by a gene flaw that prevents the body from properly processing chloride, which is important for the body. This results in a thick mucus that accumulates in the lungs, intestines, and pancreas. It interferes with breathing and fosters frequent infection that leads to death.

I realize that we are very close to discovering the cure, according to a Dr. Ramsey who was quoted in Time Magazine, but I still think more children as well as adults should be aware of this awful disease. The reasons we need awareness are as follows:

1. One in every twenty Americans (more than twelve million people) are unknowingly carrying the defective gene, and could therefore possibly produce a CF child.

2. Both parents must carry the defective gene of CF in order to produce a child with the disease. (Most likely, the parents are unaware that they are carrying the gene, for they may not have the disease themselves.) When a child is conceived, he/she has a 25% chance to have CF, a 50% chance to be a carrier, and a 25% chance to be a non-carrier.

3. CF afflicts about 30,000 Americans and kills much more than 500 a year. (Two of these victims were in my family.) In addition many family members are affected.

4. I did a survey of eighteen eighth graders. Only one half had ever heard of CF, and, of that half, less than a quarter knew what it was, and yet one day they may have a CF child.

I'm aware that there is a little education on Cystic Fibrosis, but I really think there should be a lot more. I hope that from this letter you will see how little people know about CF and how important it is that they are taught more about it.

Sincerely,

BREEZE GAMMELIN.

THE SECRET FILES OF J. EDGAR HOOVER

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. OXLEY. Mr. Speaker, I was deeply offended by a recent PBS "Frontline" program, entitled "The Secret Files of J. Edgar Hoover," based on the book "Official and Confidential: The Secret Life of J. Edgar Hoover." In my opinion, this taxpayer-subsidized broadcast exhibited an obvious bias against the Bureau and the late Mr. Hoover. It is also my opinion that the so-called evidence on which both the book and the program were based is of highly dubious authenticity. I believe that the production of this program was unprofessional and not in keeping with the tenets of good journalism. Furthermore, it is my opinion that its broadcast reflects poorly on the reputation of the Corporation for Public Broadcasting.

Mr. Speaker, "The Secret Files of J. Edgar Hoover" was nothing more than a foul piece of slander, directed against one of the greatest figures in modern American law enforcement. As a former special agent of the FBI who worked under Director Hoover, I believe this demeans the agency and all who have served in it.

Mr. Speaker, I received a copy of a letter to Sheila Tate, chairman of the Corporation for Public Broadcasting, written by the editor of the official magazine of the Society of Former Special Agents of the Federal Bureau of Investigation. I include it in the RECORD for the edification of my colleagues.

SOCIETY OF FORMER SPECIAL AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION, INC.,
Quantico, VA, February 17, 1993.

MS. SHEILA TATE,
Chairperson of the Board, Corporation for Public Broadcasting, Washington, DC.

DEAR MS. TATE: I am very disturbed by the PBS "Frontline" program on Feb. 9, 1993 entitled "The Secret Files of J. Edgar Hoover" which was based on the Anthony Summers book "Official and Confidential: The Secret Life of J. Edgar Hoover." As a tax payer and a retired career FBI Agent, I find this one-hour production to be among the most unprofessional and unethical presentations and damaging to the journalism and news media profession.

A discredited British author teamed with an array of conveniently deceased sources of information, a convicted perjurer, a Watergate burglar, a dismissed FBI Agent, and some minor underworld friends of dead mobsters projecting second- and third-person hearsay and alluding to never seen fatal photographs is certainly not becoming to the Corporation of Public Broadcasting or the code of American ethics and fair play.

Ordinarily, it is my policy to express opinions or protests concisely. However, in the view of the mass of incredible false charges and the degree of venom in the "Frontline" program and the book, I am presenting for your evaluation some observations of our preliminary investigation and rebuttal.

The author, Anthony Summers, in his 1980 book "Conspiracy", published in London, accused CIA of involvement in the assassination of President Kennedy and CIA official David Atlee Phillips (under the pseudonym of Maurice Bishop, which he never used) of being a contact of Lee Harvey Oswald. This false accusation was excerpted in the London Observer and later repeated in a book "Death in Washington" by two other authors. Mr. Phillips sued for libel and in 1966 in Britain's High Court he was awarded substantial libel damages and the London Observer was forced to publicly retract and apologize and agreed to pay the damages.

The 5-year libel suit in the U.S. concluded in 1966 with the authors and publishers of "Death in Washington" having to issue a retraction in U.S. District Court in Washington, D.C. and pay libel damages. After Mr. Phillips died Mr. Summers repeated on Ted Koppel's "Nightline" the very accusations he had admitted to a British Court as being false. In this instance a major metropolitan newspaper is here quoted: "Irresponsibility isn't quite the word we would use to describe Mr. Summers' conduct. Another word better fits him: he is a coward who slandered a man who can no longer defend himself." Both targets, Phillips and Hoover, could not sue for libel.

One of the prime allegations is that the Mafia with incriminating photographs blackmailed J. Edgar Hoover and precluded any investigation of the Mafia. Discounting the fact that no photographs have ever surfaced, this is unfounded. Mr. Hoover insisted on the FBI having jurisdiction before investigative activity and without jurisdiction a police agency would be taking the first step toward being a "national police force" which he adamantly opposed. From the early 1930's the Bureau pursued organized crime figures under the Hobbs Act, The White Slave Traffic Act, Interstate Transportation of Stolen Property and other laws. In 1958 the FBI got limited jurisdiction and the Top Hoodlum Program was instituted by Mr. Hoover. Then in 1961 the Interstate Transportation in Aid of Racketeering Act finally gave the FBI greater jurisdiction against Organized Crime.

Was Mr. Hoover intimidated and blackmailed into inaction by the Mafia? After the ITAR jurisdiction organized crime convictions from FBI investigations increased annually from 131 in 1965 to 183 in 1972 when Mr. Hoover died. On April 11, 1988 FBI Director William Sessions testified before the Senate Permanent Committee on Investigations on "RE Organized Crime: 25 Years After Valachi" and reported FBI success against the Mafia over the years since 1961, including the arrest, indictment or jailing of the following Mafia leaders or heads of Mafia Families:

6/1/65—Sam Giancano, Chicago Boss, contempt of court, 1 year;

11/10/67—Johnny Dioguardo, Federal Bankruptcy Fraud, 5 years;

3/8/68—Ray Patriarca, New England Boss, ITAR-Racketeering;

3/21/68—Sam DeCavalcante, Elizabeth, NJ Boss, arrested for extortion;

8/8/68—Carlos Marcello, New Orleans Boss, assault on FBI Agent, 2 years;

11/26/68—Stefano Magaddino, Buffalo Boss, Federal gambling law violation;

7/9/69—Nicolo Licata, Los Angeles Boss, Federal charge of contempt, jail;

5/9/70—John Cerone, Chicago Boss, Federal gambling laws, 5 years;

4/26/72—Anthony Giardana, St. Louis Boss, convicted, Interstate gambling.

In addition Mr. Hoover personally directed the FBI successful investigation of the April 5, 1958 blinding by lye of columnist Victor Reisel after which numerous Mafia figures were indicted and convicted. Note that these court actions resulted from prior years of FBI investigation. What happened to the incriminating photographs and where were the alleged blackmailers of Mr. Hoover while their top leaders were going to jail? Any reasonable observer would have to realize the absurdity of the Mafia blackmail charge leveled by Anthony Summers and PBS.

The claim of "overwhelming evidence of homosexuality of Mr. Hoover" is baseless and, if he were alive, libelous. Certainly these rumors were existent but always with the preface that "although no evidence can be found." Mr. Hoover was prominent in the kleig lights of scrutiny for over 50 years in Washington, D.C., the home base of the greatest investigative reporters in the land. A certain front page by-line would be the reward for any reporter substantiating these rumors but not once in half a century was any of the press corps able to do so. Throughout the history of the FBI, the acknowledged premier law enforcement agency, not one of the professional FBI Special Agents, even the few disciplined or disgruntled ones, ever brought such a vicious charge or any such evidence.

In the "Frontline" program the main witness to this allegation was one Susan Rosenstiel (also known as "Snow White" in some circles), an acknowledged convicted perjurer who was reported in the media as also convicted of bad check charges and whose statements seemed to be prejudiced by hatred of her former husband and his attorney who focused on her reputation and conduct in a bitter five-year divorce proceeding. These charges, like other accusations, come decades later when those involved are deceased and unable to respond.

We will be disseminating rebuttals of the many false charges to our 8000 membership throughout the country and the media but one more is of interest. The "Frontline" program alleged that Mr. Hoover had a "free ride at taxpayers expense all his life" and that the Mafia gave him "horse race tips and fixed races for him" as well as not accepting money when he lost. Under these conditions he should have been a millionaire. Yet how can the author and "Frontline" program director explain how the court probate records after his death lists his estate at $376,676.76—a modest total for the average middle-income person in a similar life-time career.

This detailed letter, only part of our rebuttal material, is furnished for your consideration and action in relation to the Sigma Delta Chi Code of Ethics which states: "The news media should not communicate unofficial charges affecting reputation or moral character without giving the accused a chance to reply."

Sincerely yours,
LAWRENCE J. HEIM,
Editor, The Grapevine.

MINOR BOUNDARY ADJUSTMENTS AND MISCELLANEOUS PARK AMENDMENTS ACT OF 1993

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. VENTO. Mr. Speaker, today I am introducing legislation to make a number of minor boundary adjustments to units of the National Park System and make other miscellaneous changes involving programs and functions of the National Park Service. I am pleased that the ranking member of the Subcommittee on National Parks, Forests and Public Lands, Mr. JAMES HANSEN of Utah, has joined me as an original cosponsor of this measure.

The bill I am introducing today is a noncontroversial housekeeping bill consisting of minor boundary adjustments and clarifications in various programs of the National Park Service. All of the provisions of this bill were passed by the House in the 102d Congress as part of S. 2563 as amended. However, the 102d Congress adjourned prior to the Senate taking action on this measure.

Title I contains seven minor boundary adjustments suggested by the National Park Service including Yucca House National Monument in Colorado, Zion National Park in Utah, Pictured Rocks National Lakeshore in Michigan, Independence National Historical Park in Pennsylvania, Craters of the Moon National Monument in Idaho, Hagerman Fossil Beds National Monument in Idaho and Wupatki National Monument in Arizona.

Title II extends the advisory commissions at Kaloko-Honokohau National Historical Park in Hawaii and the Women's Rights National Historical Park in New York and eliminates the authority of the Army Corps of Engineers to deposit dredging spoils in Fort Pulaski National Monument in Georgia.

Title III makes several permanent changes in authorities which had previously been carried in annual appropriations bills. Provisions include repealing a sentence in the 1912 Appropriation Act for the Department of the Interior which requires congressional approval for building construction expenditures in excess of $3,000 in a national park unit; authorizing funds for transporting children to and from units of the National Park System in connection with organized recreation and interpretive programs and other educational activities; additional language pertaining to the Secretary's authority to use aircraft to remove feral burros and horses from units of the National Park System; and an increase in the authorization for the Volunteers in the Parks Program from $1,000,000 to $1,750,000.

Title III also clarifies the National Park Service's authority to establish cooperative park study units [CPSUS] with institutions of higher learning for mutually beneficial research on park resources and use. NPS has established CPSUS at 24 institutions across the country to assist the National Park Service in conducting research appropriate for NPS resource management needs. Finally, the bill amends the Museum Properties Act of July 1, 1955, by allowing the NPS to dispose of unneeded museum properties under appropriate circumstances. This would reduce the number of objects gained through land acquisitions and stored and maintained by NPS that have no national or historical significance.

THE LINE-ITEM VETO AND REPUBLICAN VIEWS ON CLINTON BUDGET

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. SOLOMON. Mr. Speaker, last week the Rules Committee submitted its letter to the Budget Committee in compliance with the requirement that committees submit their views and estimates on the President's budget. The committee noted that the President, in his February 17 budget vision submitted to Congress, asked for an expedited rescission, and indicated that it would consider this and related proposals that are within the jurisdiction of the committee.

The minority members of the Rules Committee exercised their prerogative to file its views as well for the purpose of differentiating between various expedited or modified rescission proposals and a true, line-item veto which the President supported as a candidate.

At this point in the RECORD, Mr. Speaker, I include the additional views submitted to the Budget Committee by Rules Committee Republicans. The views follow:

ADDITIONAL VIEWS OF MR. SOLOMON, MR. QUILLEN, MR. DREIER, AND MR. GOSS

(To accompany the Rules Committee's "Budget Estimates and Views" submission to the House Budget Committee)

In his campaign book, "Putting People First," candidate Bill Clinton wrote, "To eliminate pork barrel projects and cut government waste, we will ask Congress to give the President the line-item veto." (p. 25)

In his message to a joint session of Congress on February 17, 1993, President Clinton was silent on the line-item veto. However, in the accompanying document entitled, "A Vision of Change for America," can be found the following under the heading, "Unnecessary Spending":

"The President intends to work with Congress to enact a modified line-item veto that will enable a President to reject wasteful items from an appropriations bill and will require Congress to cast a separate vote on those items. Items that have broad support will survive; but over time millions, perhaps billions, of dollars will be saved by the defeat of items without broad support." (p. 113)

And, under the heading, "Budget Enforcement Proposals," the President's "Vision" document mentions that, "the budget will support enactment of enhanced rescission authority legislation that would require expeditious Congressional action on Presidential rescissions, similar to H.R. 2164 as passed by the House last year." (p. 106)

We do not know whether the President is talking about the same thing when he refers to "modified line-item veto" and "enhanced rescission authority," though it does seem clear that he is confusing the latter with so-called "expedited rescission authority" as passed by the House last year as H.R. 2164.

However, if that is what the President has in mind when he refers to a "modified line-item veto," then he has bought a bill of goods wrapped in deceptive packaging.

While many Republicans supported expedited rescission authority proposals in the previous Congress through our cosponsorship and votes, we have no illusions that this is anything close to being a true, line-item veto with real teeth.

All the expedited rescission approach does is to accelerate, consolidate and force votes on the current Budget Act impoundment process. It still requires a majority of both Houses to approve any presidential rescission package. Put another way, it permits a majority of either House, as few as 51 Senators, to block a President's spending cuts by rejecting the rescission approval bill.

That is why we in the minority, and some of our Democratic colleagues, have consistently introduced and cosponsored either line-item veto constitutional amendments or a "legislative line-item veto" which is also called "enhanced rescission authority." Both the constitutional amendment and the enhanced rescission legislation (see, for instance, H.R. 24, 103rd Congress, introduced by Rep. Solomon) ultimately require a two-thirds majority of both Houses to override the President's item vetoes and force the money to be spent.

The President should be under no illusion that he is gaining anything by the expedited rescission authority being dangled before him by the House majority leadership. It is our hope that he will still recognize it as a fast-track to defeat for his attempts to cut wasteful pork-barrel spending, and will instead embrace a true line-item veto as he did as a candidate.

And we hope the Rules Committee will see fit to allow the House an opportunity to vote on both approaches at the appropriate time—preferably in connection with the first supplemental or the debt limit bill, along with a chance to vote for a balanced budget, constitutional amendment.

GERALD B. SOLOMON.
JAMES H. QUILLEN.
DAVID DREIER.
PORTER GOSS.

SUPPORT OF ENVIRONMENTAL STUDY OF HIGH BREAST CANCER RATES ON LONG ISLAND, NY

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today in strong support of the Waxman amendment, which authorizes the study of environmental factors that may cause the high rates of breast cancer in Suffolk and Nassau Counties on Long Island, NY.

Mr. Speaker, New York State has the second highest incidence rates of breast cancer in the country. Within New York State, Long Island has more breast cancer cases per women than the State as a whole. In addition, according to the Suffolk County Office for Women, Suffolk County has the highest mortality rate for breast cancer of all counties in New York State. Although studies of this region have been performed in the past, no reason for the high occurrance of this disease on Long Island has been discovered.

Among women in the United States as a whole, more new cases of breast cancer are diagnosed than any other cancer, and breast cancer is second only to lung cancer as a cause of cancer death. The American Cancer Society estimates that in 1992, 180,000 new cases of breast cancer were diagnosed among women in this country and that 46,000 deaths from breast cancer occurred. On the basis of current incidence rates, the American Cancer Society estimates that the chance that a woman will develop breast cancer at some point during her lifetime is now a staggering one in nine.

Due to these alarming figures, and considering the unique prevalence of such cancers on Long Island, the natural place to conduct a study of this nature is Long Island. A study of this region would best assist researchers in determining what factors play a part in the cause of this disease.

Mr. Speaker, breast cancer has quickly become an issue of great concern to women in this country, and to all Americans as a whole. A study of this nature could go a long way toward alleviating such concerns, and provide peace of mind to thousands of Americans. I strongly urge my colleagues to support this important amendment.

LEGISLATION ALLOWING VETERANS TO PARTICIPATE IN STATE VETERANS HOME LOAN PROGRAMS

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. KOPETSKI. Mr. Speaker, today I am introducing legislation to enable all veterans to participate in State-run veterans home loan programs. These primary mortgage home loan programs provide below market rate mortgages to veterans for first time home purchases. Oregon, Texas, California, Alaska, and Wisconsin all operate their own veterans home loan programs.

Currently, the Internal Revenue Code contains a strict definition of which veterans can participate in State-operated programs. To be eligible, a veteran must have served before January 1, 1977, and must have served less than 30 years ago.

Mr. Speaker, this exclusion prevents all Persian Gulf war veterans from participating, and will shortly prevent Vietnam war veterans from participating. Roughly 4,000 Oregon Persian Gulf veterans can't get a loan through the State program, and pretty soon the State's 122,000 plus Vietnam veterans won't be able to participate. Excluding these veterans from their State-run home loan programs sends exactly the wrong signal to past, present, and future servicemembers. The veterans home loan program was designed as a thank you to returning servicemembers. Surely, if some veterans are worth thanking for their service, then all veterans are.

This can also be looked at as a development issue. When tax exempt bonds are issued, the proceeds are used to finance the construction or purchase of a residence. As the construction is paid for, the dollars become taxable more than once as they flow through the community. I need not remind my colleagues that encouraging home construction can help create jobs.

I urge my colleagues to help ensure that all veterans are given the chance to participate in their State's home loan program. Please join me in cosponsoring this legislation.

HOME CARE WEEK RESOLUTION

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mrs. LLOYD. Mr. Speaker, I rise today to introduce a resolution to designate the weeks of November 28 to December 4, 1993 and November 27 to December 3, 1994 as National Home Care Weeks. I join my distinguished colleague, Senator HATCH who introduced this measure in the Senate, in commemorating the organizations and professionals who provide this extremely vital health service to millions of Americans.

Especially at this time when the Congress and the administration are actively working to reform the American health care system to ensure quality, affordable care for all Americans, it is important that we recognize the important role that home care plays in our health care system.

Since 1982, Congress has honored home care during the week following Thanksgiving. It is fitting that we honor home care during this time because the holiday is a time that brings families together to share in their joys, their hopes, and their traditions. Home care keeps families together by allowing a loved one to receive needed care in the familiar surroundings of his or her own home. This Thanksgiving, countless thousands of home care recipients will be able to spend their holiday in the midst of their families. Furthermore, millions of elderly will live out the remainder of their lives with dignity and a sense of independence thanks to assistance provided by home care providers. Forced institutionalization due only to incontinence and transferring problems is simply wrong. Assistance with these and other activities of daily living is one of the main functions of home care.

As the 103d Congress takes up the issue of providing long-term care to the millions of elderly, chronically ill children, and disabled in America, it is my fervent hope that home care be the first and most essential component of any program. Home care provides cost-effective treatment of maladies that, left untreated, often lead to more costly acute care and long-term institutionalization. Given our continuing battle with rising health care costs and the fact that we must rein in these costs if we hope to provide our Nation with appropriate health care, we must work to identify and develop these cost-effective means of health care delivery.

Home care is much more than preventive medicine. It is the most humane form of health care. It is also the form of care preferred by the vast majority of elderly. According to a national poll conducted by Louis Harris and Associates, fully 78 percent of those polled said they preferred to receive care in their homes over care in a nursing home. In short, home care is the preferred form of care, the most cost-effective form of care, and the most appropriate form of care for millions of elderly, chronically ill children, AIDS patients, and disabled Americans.

This resolution honors the numerous health professionals who provide compassionate and much needed care for elderly and disabled individuals in their homes. The individuals and organizations who make such a very worthwhile contribution to society deserve to be honored. Moreover, it is our hope that, by commemorating the cause of National Home Care Week, we may bring increased attention to this valuable service and the potential it holds for meeting the long-term care needs of our Nation. I urge my colleagues to cosponsor this resolution.

The text of the resolution follows:

H.J. Res. —

Whereas organized home care services to the elderly and disabled have existed in the United States since the last quarter of the 18th century;

Whereas home care is an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare home care program, which provides coverage for skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home care agencies in the United States providing these services has increased from fewer than 1,275 to more than 12,000; and

Whereas many private and charitable organizations provide these and similar services to millions of individuals each year preventing, postponing, and limiting the need for them to become institutionalized to receive these services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, are designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate ceremonies and activities.

CARMINE CABELL: SELF-MADE SUCCESS STORY GIVES BACK TO COMMUNITY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. PALLONE. Mr. Speaker, on Sunday, March 14, 1993, La Fontana Ristorante in New Brunswick, NJ, will be the scene for the Premier Champagne Gala in celebration of the 250th anniversary of Moet & Chandon, considered France's most illustrious and prestigious champagne distillery. The proceeds from this gala event will benefit New Jersey's Specialty Acute Care Children's Hospital.

Much of the credit for organizing Sunday's event belongs to the owner of La Fontana, Mr. Carmine Cabell. This phenomenally successful 32-year-old restaurateur was recently profiled in Corporate New Jersey magazine. Born and raised in New Jersey, Mr. Cabell was forced by the difficult circumstances of his childhood to become a go-getter in the classic sense, a self-made businessman whose hard work and creativity have led to the creation of three highly successful restaurants. In addition to La Fontana, Mr. Cabell also owns Al Dente in Piscataway, NJ, and the Feast of San Gennaro in Franklin Park, NJ.

From his high school days, when he worked all night and attended school during the day, through the years when he put himself through college, carrying a full academic load while working 50- to 60-hour weeks, Mr. Cabell's success has been based largely on a good old-fashioned work ethic. After school, Mr. Cabell bought a neighborhood bar with his savings and converted it into a tuxedo-service Italian restaurant. Eventually, he developed a 10-year plan, a grand scheme to create a formal restaurant, a more casual eatery, and a fast food outlet. The formula for his success: relentless work. The 90- to 100-hour workweeks are the norm, and a vacation is out of the question.

What truly sets Carmine Cabell apart is his efforts to give something back to the community. He has created the Angeltree Foundation, which has been granted legal foundation status by the State of New Jersey. The current goal of Angeltree is to raise funds for the State-sanctioned Children's Hospital in Newark, where the focus will be on prenatal and neonatal medical care and research. This is obviously a most generous and praiseworthy goal, something that would be considered remarkable by most of us. But those of us who know Carmine Cabell recognize that this type of dedication is right in character. It is an honor and a privilege to pay tribute to this fine man and good friend, and to share some of his achievements with my colleagues in this House and in the pages of the CONGRESSIONAL RECORD.

TRIBUTE TO DR. BERNARD HARRIS

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. TEJEDA. Mr. Speaker, I rise today to recognize a remarkable individual whose impressive list of career accomplishments is continually expanding. In fact, next week's scheduled space shuttle mission will take Dr. Bernard A. Harris, Jr. where only a select few have ventured.

It is not difficult to see why NASA selected Dr. Harris as an astronaut in January 1990. A graduate of Sam Houston High School in San Antonio, Dr. Harris went on to receive a bachelor of science degree in biology from the University of Houston and a doctorate of medicine from Texas Tech. He completed a residency in internal medicine at the Mayo Clinic as well as a National Research Council fellowship at NASA Ames Research Center, and trained as a flight surgeon at the Aerospace School of Medicine at Brooks Air Force Base, San Antonio.

Dr. Harris has received numerous special awards, including a certificate of merit from the Governor of Texas, a citation for achievement from the city of San Antonio, a citation from Who's Who Among Rising Young Americans, a NASA outstanding performance rating and two NASA sustained superior performance awards.

Aside from his sparkling resume, I am most impressed by Dr. Harris' demonstrated desire to educate our Nation's youth. He is an assistant professor at the Baylor College of Medicine, a clinical professor at the University of Texas School of Medicine, and an adjunct professor at the University of Texas School of Public Health.

Dr. Harris' next teaching assignment, however, might be his most interesting. He will be teaching from space, and some of the students will be in his mother's classroom at Meadow Village Elementary School in San Antonio. Several other astronauts and Dr. Harris will communicate by amateur radio to students in six States across the country.

I know that Dr. Harris' mother, Mrs. Gussie H. Burgess, and her students in San Antonio have been eagerly studying about space in preparation for the big day. I hope her students and students throughout San Antonio and the Nation will also take a close look at Dr. Harris' career and accomplishments. I submit that our youth could not find a finer role model than Dr. Bernard Harris.

TAKING A CHUNK OUT OF THE CREDIT CRUNCH WALL

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. LAFALCE. Mr. Speaker, today is a very important day for the small business community and, as chairman of the Small Business Committee, I am very pleased that it has finally arrived.

President Clinton has just announced a package of credit crunch initiatives that will go a long way to removing the stranglehold that excessive regulation has placed on the flow of credit to small business. The small business sector is this country's economic lifeblood. As small businesses have been denied necessary credit, the job creation, and economic expansion that smaller firms have contributed to our economy have also disappeared.

Since our consideration of the S&L bailout legislation in 1989, I have consistently argued that the thrift crisis engendered a regulatory overreaction. Excessive restrictions placed on our financial institutions have inhibited banks and thrifts from lending and helped create the severe credit crunch our smaller enterprises have confronted for so long. To quote the President, "care has been confused with regulatory excess that has been too much of a burden for everyone."

Faced with reluctant lenders, small businesses have, in turn, been unable to provide the job growth which we have come to expect and depend on to spur economic growth. As the President pointed out, "if you had to put in a sentence why this has been a jobless recovery it's because small business job creation hasn't offset big business job losses. And that is the central challenge we face." Today, we begin to meet that challenge as we finally see a large chunk taken out of that credit crunch wall.

I commend the President's remarks to my colleagues.

The President: Thank you very much. Thank you very much, Secretary Bentsen, other members of the Cabinet and distinguished members of the House and Senate of both parties, and the businessmen and women and the bankers who are here today.

I am in debt to many people in this room and throughout this country who raised to me in many ways over the 16 months in which I was engaged in the campaign for the presidency and question of the credit crunch. From the beginning of that campaign in New Hampshire, across the country to Illinois, and Michigan down to Florida, across to California, and in all points in-between, I repeatedly ran into small businessmen and women, I repeatedly met bankers themselves who said they wished that something could be done to open up credit again to creditworthy loans to generate jobs in the private sector.

Today we are taking a step to speed the economic recovery that will increase jobs by increasing access to credit for the main engine of our economy—small and medium-sized businesses. At the same time, by strengthening our banking system, our plan will move us beyond the banking problems of the last decade. The initiative avoids the regulatory excess and duplication we've seen, and focuses on real risks within our financial institutions, and on fair lending, equal opportunity, and credit availability.

Every day, small business is a big part of all of our lives. It's the coffee shop on the corner, the florist down the street, the stationery store that carries office supplies, the dry cleaner, the contractor who will remodel a kitchen—many are businesses with fewer than 100 employees. Many more employ fewer than 20 people. But they keep communities and neighborhoods vibrant and vital. They are the industry in a cottage, in a garage, in a spare bedroom. They are downtown in every town, and sometimes they grow into very large enterprises indeed.

Small business includes small farms, the agricultural community. Their contribution is evident every day on our tables. But it is much more. They are the cultivators of an essential part of our history, our heritage, our culture. Small business is also high tech—the industries of tomorrow—from computer software to communications, to biotechnology and environmental testing, all enterprises that create high-wage, high-skill jobs, for Americans today, and they will be there tomorrow.

And small business has been the route to a better life for immigrants who set up a family business. For men and women who save as they work for others until they can venture off on their own. Often a small business is actually an outgrowth of the global economy. As larger firms downsize to remain competitive, they contract out to smaller firms. And many talented people who once worked for large companies are now going off on their own to seize opportunities in smaller enterprises, building businesses for themselves.

Owning one's own business is a cornerstone of the American Dream, fortified by hard work, determination, and creativity. My first experience in life with business was in my grandfather's little grocery store. He was the symbol of hope and opportunity to many people with whom he dealt in many ways, six days a week at all hours of the day and night.

Today's small businesses are a barometer of the economic recovery. And as the strength of this recovery has been diluted by the inability to create jobs, it is clear that it's largely because small companies are still having a hard time.

If you look at this chart here, you can see the number of small business failures. Just since 1985—119,000 in '85–'86; 118,000 the next year; 111,000 in the next two-year period. But in '91–'92, almost 185,000 small business failures.

These businesses have been hit especially hard by the recession and by a problem not of their own making that can be summarized by two fearsome, but now well-worn words: credit crunch. Small companies are simply unable in too many cases to get loans from banks. And I want to show this—if you look here, the growth in commercial and industrial loans in '85–'86, and billions of dollars in the last two years, down to a negative $36 billion.

Now, if these businesses can't begin or expand or try new ventures, that means stagnation for our economy, lost opportunity, and sometimes ruin for entrepreneurs. Indeed, I've met businesspeople in this country in the last year and a half who have never missed a payment on a loan and still had the loans cancelled. These problems are America's problems. When small businesses aren't prospering, they create fewer jobs, and that means fewer jobs for America.

If you look at this last chart, you will see the real essence of why this has turned out to be, so far, a jobless recovery. In '85–'86, there was a positive change in small business employment of 2.4 million; '87–'88, 2.8 million; '89–'90, 3.2 million; but down in '91–'92, 400,000. Now, in every year of the 1980s the Fortune 500 companies have reduced employment by several hundred thousand people a year in the United States. But all during the '80s that reduction was more than offset by the creation of new jobs in the small business sector until the last couple of years.

If you had to put in a sentence why this has been a jobless recovery it's because small business job creation hasn't offset big business job losses. And that is the central challenge we face as we take advantage of the incredible things going on now in the big and small business sector with productivity increases. With the aggregate indications that we're in an economic recovery we have to look for ways, all of us together, to try to help to spur small business and medium-size business job growth so that we can put some jobs back into these impressive economic figures of the last quarter.

Nearly two-thirds of all of our workers are employed by small businesses. And as I said, millions of jobs in the last decade were created by them even as larger employers were downsizing, contracting out or moving employment offshore.

We cannot afford not to try to resume this trend in the 1990s. We know that if we create a reliable and secure system of credit for America's small businesses, they'll create jobs for Americans and profits for themselves. That's why we have offered incentives like investment tax credits for small employers, the new business capital gains tax, urban enterprise zones and a network of small business community development banks.

In our country you can become successful if you have a better idea that you can turn into reality. But that reality can only occur if credit is available for most Americans. And we think we have a better idea for getting lenders and creditworthy borrowers together.

What we propose does not involve any changes in legislation. These steps can be taken quickly because they have been agreed to already by the four federal bank and thrift regulatory agencies: the Comptroller of the Currency, the Federal Reserve, the Federal Deposit Insurance Corporation, and the Office of Thrift Supervision. Today I'll outline the basics of the plan, but the four bank and thrift regulators are issuing a joint interagency policy statement today that sets out more of the details. It will be available to all of you—and most of you will understand it. I don't know if I left the implication that I didn't.

What we have done, first of all, is to reexamine our examination system, a system that bankers often felt has become too excessive in the wake of the banking and savings and loan failures of the '80s. With this plan our examiners will be directed to do what they do best and not to spend endless hours on pointless paperwork. It will strengthen our oversight by shifting our regulatory attention from unproductive and repetitive procedures, redirecting our resources to better use so that bank examiners will be able to seek out the real risks in today's environment. They'll go after bad loans and troubled banks. That means improved safety and soundness. But they will reduce the credit crunch because they will reduce attention to things that do not deserve them.

We will not, I will say again, we will not reduce attention to important regulation or to proper reserves for problem loans. The plan will not lower the capital requirements established in accordance with international standards. It will not cause a single bank to fail. And it will not cost the deposit insurance funds one dollar.

Through a proper allocation of our regulatory resources, we will be able to focus more on examination procedures to further meaningful compliance with the Community Reinvestment Act, and to promote fair opportunities for all of our people while reducing the hassles for all creditworthy loans.

Above all, borrowers can go to their banks expecting fair and equal treatment and a reasonable application process. Fairness is a goal for many good reasons, including the fact that women and other minorities have been very bullish for small business and for America. Female-owned companies now employ 11.5 million Americans.

A side effect of the savings and loan disaster was a reaction that forced many banks into a thinking mode that didn't distinguish between a good risk and a bad risk where small businesses were concerned. They were afraid to. This was a problem, especially for community bankers who frequently had to decide whether they could loan money to other members in their own community. Even if a banker could personally vouch that an applicant was a person of good character and an unblemished credit record and a good business track record, the loan might still be turned down because the banker felt his hands were tied by tight restrictions.

So while we ask bankers to give the small businessmen and women credit, we'll give the bankers some credit too, as they consider loans to small and medium-size companies in their own communities and neighborhoods. They will be encouraged to use their judgment to determine whether a borrower is creditworthy. And we're telling bankers that as long as their institutions and their practices are sound, they shouldn't be afraid of the regulator. If they disagree with a decision by a regulator, they'll now have a recourse, a workable and prompt appeals process.

To bankers across the nation, we say you are a pillar of our neighborhoods and communities. We know the demands of rebounding from the last decade have often been painful for many of you. Your comeback has been nothing short of amazing. But there is more work to do. And we need you go get it done. And if it gets done, there will be something to show for it—the kind of broadbased economic growth that benefits all of us.

And we further say to bankers across the land that if you make sensible loans, the government should not come down on you. That's why we're taking this action today. We want bankers to get back into the business of lending money, and we're going to work with them to make it happen. We're also making clear that taking collateral as part of a business loan should not be so burdensome or costly to discourage borrowers or lenders from making sound credit decisions. Often the only collateral a would-be borrower can offer is real estate. Of course, we learned the hard way in the '80s that we had to be careful where loans involving commercial real estate are concerned.

But care has been confused with regulatory excess that has been too much of a burden for everyone. The changes we propose will strike a balance so that we can have both safety and credit availability. These changes will also address the paper crunch in getting a small business loan. It simply shouldn't be as burdensome to get a $25,000 loan as it is to get a $25 million loan. It makes no sense for a small or medium-sized business borrower, or for an individual, for that matter, to be required in every case to produce a pile of paper like this one—pretty thick—when a loan can be made safely in many cases, particularly by banks who have demonstrated judgment in their business practices with merely a promissory note and a financial statement and possibly a short credit application like this.

So under the current system, the paperwork—and I expect every one of you to come back and show me your measured envelopes here—we've got to prove that the difference is what we're asserting it is today. Under the current system, the paperwork is often daunting to the applicant and discourages banks from making smaller loans. Streamlining the process will make it easier to free up credit without compromising security. This is action that everyone, conscientious regulators, community-conscious banks and growing businesses can embrace. With this approach we want to marry the ingredients for a thriving business climate. Right now banks are healthier than they've been in years—1990 was a record year for bank profitability. And these profits have been used to put banks in the strongest position they've been in, in a quarter of a century.

At the same time, interest rates have gone down. Just three years ago the average interest rate on a small business loan was 12 percent. So far the average is eight percent. The climate for business ventures has been made even sunnier by economic growth that we've seen in the last quarter. That's a by-product of the optimism for the growth that we are pressing for now with all the economic initiatives that are before the Congress and the country.

So both supply and demand for business loans are there. And would-be small business owners are right to feel they have the wind at their backs. Now that we have banks in the strongest positions they've been in, in a quarter century, they ought to be able to give us the strongest economic boost we've had for small business in a quarter century. Until now the problems has been that everyone has had to face a 10-foot wall called the credit crunch. This action that this administration is taking today should take a big chunk out of that wall. The result should be a flow of billions of dollars of economic stimulus that doesn't cost the American taxpayers one red cent. The payoff will be in new jobs and in reversing the charts that I have shown you today.

At the same time, by encouraging new small business ventures, we'll be laying the groundwork for a smarter work force that can compete more effectively in the global economy. Getting financing to these businesses is absolutely essential to the future growth of America. We'll see the benefits and so will our children.

This administration is firmly and unequivocally committed to the private sector as the engine of economic growth in America. We have no illusions, no abstractions, no preoccupations. We know that this is what works in this country. In America we put people first, first by having a prosperous economy founded on a thriving private sector. What's good for America is good for business, and we are determined to make the climate for business and for growth better and better and better, beginning today, where so many of you have told me for so long we ought to begin with a real assault on the credit crunch.

AND NOW SOME GOOD NEWS

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. FOGLIETTA. Mr. Speaker, it is a rare occurrence lately, that one can open their newspaper and find a story to warm the heart, rather than sadden it. Such a story occurred recently in my home district of Philadelphia. A loving father was reunited with his long lost daughter, saving her from the succession of foster homes she had lived in, and providing her with a real family environment. So often, public resources are wasted tracking down parents who are avoiding responsibility for their children. I wish to enter this story into the RECORD in order to remind everyone of the true meaning of parenthood and family.

[From the Philadelphia Inquirer, Mar. 7, 1993]

DETERMINATION UNITES A FAMILY

(By Martha Woodall)

Tomika Lewis was 14 years old when her fragile world fell apart.

It happened on June 20, 1991, when the grandmother who had given her a loving home since the day she was born died of a heart attack. Tomika's grandfather was too ill to keep her. The man she called Daddy refused to take her in. Her mother couldn't; ravaged by drugs and poor health, she herself had no home.

After bouncing from one aunt to another, fitting in nowhere, Tomika drifted into the city's child-welfare system and a succession of foster homes. Even while she dreamed of being part of a family again, she didn't really believe dreams came true for children like her.

But then the phone call came. A stranger named Andrew Robinson was telling her he was her real father. That he had just found out. That he wanted her to live with him, his wife, Dylesta, and their five children.

A bad joke, Tomika figured. But Robinson went on to wage a determined campaign to claim his newly found daughter from the city Department of Human Services. And a week ago, he plucked her out of foster care and whisked her to his Sharon Hill home, where she has taken her place at the family's custom-made table for eight.

Her improbable rescue has stunned veteran lawyers and DHS officials, more accustomed to chasing down errant dads. Even Tomika knows the odds were against it.

"I am happy he came through to say I was his child," she said. "Some men wouldn't do that. They would try to deny the fact."

That never occurred to Robinson, 38, a Navy veteran who owns a contracting business.

"I can't understand a man denying his child," he said. "I have tried not to shun that responsibility. That is important to me. I want to give all my kids a chance in this world."

Andrew Robinson and Janice Lewis were high school sweethearts. But after he graduated from South Philadelphia High in 1972 and joined the Navy, she wrote him a letter announcing that she was marrying someone else.

Three years later, the Navy transferred Robinson to Philadelphia to be near his dying father. He ran into Lewis, who was separated from her husband, and "the thing got kindled up," as he put it.

They lived together for several weeks, then broke up. Lewis went back to her husband.

Over the years, Robinson saw her from time to time on the street, once or twice with her two daughters.

In early January, he glimpsed the older one walking by the South Seventh Street garage where he keeps scaffolding and ladders. She smiled at him, teasingly said, "Hello, Dad," and moved on.

Robinson had not ever given a thought to the girls' ages. He was sure this one was at least 18, too old to be his daughter. But the younger one? "Something just clicked in my head," he remembered. "I'm the type of person, I started wondering."

That night Robinson sat at his kitchen table without even removing his coat and said quietly to his wife, "'Dylesta, there's something I have to tell you.'"

He described the strange encounter, how it had rattled him and made him wonder whether he might have another child.

"Let's find out," his wife said. "If you have a child, then she is my child, as well."

Robinson dug out his military records to pinpoint the months that he and Lewis had lived together. By his reckoning, if they had had a daughter, she would have been born in May 1976 and would now be 16.

He tracked Lewis down at St. Agnes Medical Center in South Philadelphia, where she was hospitalized with pneumonia, heart problems and epilepsy. She confirmed his suspicions.

"'You couldn't look at Tomika and see she was your child?'" he recalled her asking. "And she broke down crying, saying she had meant to tell me down through the years."

Lewis had told her husband that Tomika was his and put his name on her birth certificate. But she knew all along, she said recently, that Robinson was the father.

Later, when she ran into her old boyfriend on the street, "I would always want to tell him, but by then I knew he was married, and he had his own children," Lewis said. "I didn't want to cause a disturbance with that."

Lewis told Robinson that Tomika was in foster care, but she did not know how to reach her.

Back home in Sharon Hill, all five Robinson children, from 3 to 13, urged their father to search for Tomika. "I didn't know how they were going to react," Dylesta said. "But all the kids said to him, 'We have to find out if she is yours, so we can get her.'"

In keeping with its policy of confidentiality, DHS refused to disclose Tomika's whereabouts. So Robinson played detective and, within two weeks, got her phone number.

On Jan. 21, he called.

"I was kind of shocked," Tomika said. "I thought someone was playing a joke on me."

The next day she headed for St. Agnes, where her mother set her straight. Tomika recalled that when she demanded to know why the truth had been kept from her, Lewis replied simply that "she did not want me to go without a father."

A few days later, Robinson went to the McDonald's at Broad Street and Hunting Park Avenue, where Tomika worked part time. From a distance, he studied her features. She was short like her mother, barely 5 feet tall. But she looked like his younger sister. He couldn't help grinning.

Tomika was so unnerved to see this strange man smiling at her, she nearly burned the burgers. "I thought, 'Who's this lunatic?' He started laughing and smiling, and I started laughing."

Her manager came back and announced her father was waiting to see her.

"And I said, 'My dad!' That must be why he's looking at me."

The two got acquainted while visiting Janice Lewis in the hospital. Tomika telephoned Robinson for long talks and began calling him Daddy. He obtained permission from DHS to visit her. He introduced her to the rest of his brood and took her to the Philadelphia Home Show.

And when he was convinced that she wanted to join his family, he vowed to obtain custody from DHS.

His attorney, Tina Weber, set to work. The case was complicated by the fact that Robinson's name did not appear on Tomika's birth certificate. But Robinson told DHS he would undergo any blood tests or DNA testing at his own expense to establish paternity.

Last month, he and Weber met with Tomika's social worker and other DHS officials. But Lewis, hospitalized again, could not attend. DHS officials said they would have to interview her before they could proceed.

Nothing happened. The DHS worker said she was having a difficult time reaching Lewis, who had left the hospital. But Lewis contends that she was available at her sister's home. Both she and Robinson said they called the worker repeatedly, but their calls were not returned.

Robinson said he even volunteered to take Lewis to DHS offices, but "they said, 'This is our business; it's none of your business'—in so many words. I called every supervisor. I went up there in person. When I was home sick in bed, I was calling. I called DHS all day—several days in a row. Anybody I could speak to—I talked to them about the problem."

On Feb. 18, two days after a reporter made inquiries, DHS officials began returning Robinson's calls.

One week later, he was granted temporary custody of Tomika, who moved into her own first-floor bedroom that night. On Tuesday, the high school junior transferred from Olney High School to Academy Park High School in Folcroft.

"I am really happy," Janice Lewis said last week. "Her situation will be much better."

Robinson, although elated by the outcome, remains puzzled that DHS did not move more quickly.

"I just never thought I would have so much problem trying to do what was right," he said. "But I am still thankful because I'm sure this is not the worst scenario."

Maxine Tucker, DHS deputy commissioner for children and youth, said she had no knowledge that social workers had been slow to act. "He was certainly persistent, which I am glad to see," Tucker said. "My hat is off to this father."

Tomika is marveling, too—that Robinson resumed his relationship with her mother after that "Dear John" letter.

"But thanks for getting back with her anyway," she said with a laugh. "At least you got something out of it."

Robinson will seek permanent custody of Tomika during a Family Court hearing on May 17—just 12 days shy of Tomika's 17th birthday.

Eventually he will undergo a blood test to establish paternity and change Tomika's birth certificate. Neither he nor Janice Lewis has any doubt that he is Tomika's biological father. But if it turns out he's not?

Said Robinson, "I still want her."

KILDEE HONORS JACOB LAWRENCE

HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 10, 1993

Mr. KILDEE. Mr. Speaker, I am privileged to rise today to pay tribute to an extraordinary American artist whose distinguished works have broken barriers and fostered greater understanding among our peoples for more than 50 years.

With his breakthrough series of paintings, "Migration of the Negro," Mr. Jacob Lawrence became a pioneer for civil rights and human dignity. It was 1941. Segregation in America was reality. No black American artist had ever been represented by a New York gallery until New York's prestigious downtown gallery presented to America Mr. Lawrence's "Migration of the Negro." The exhibit brought Mr. Lawrence immediate acclaim at age 24. His works then, and since, connected with audiences who saw through his talent the everyday reality of the poor and their struggle for freedom and justice. Mr. Lawrence knew this reality firsthand, growing up in Harlem during the Great Depression. It is important to note that if not for the Works Progress Administration Federal Art Project, which served as a school for Mr. Lawrence, America might have been deprived of his enormous talent.

I share with others in my hometown of Flint a great sense of privilege and honor to have him appear at the Flint Institute of Arts at the Jacob Lawrence American Painter Exhibit, cosponsored with Pierians of Flint, Inc., from April 2 through April 4, 1993. It is a particular honor for me to cochair the exhibit with our distinguished Mayor Woodrow Stanley. I commend the cosponsors and the Steering Committee for their wisdom and dedication in bringing Mr. Lawrence and the exhibit to Flint for all to see and learn.

Mr. Speaker, I ask that my colleagues in the U.S. House of Representatives to join me in celebrating the talent and contributions of Mr. Jacob Lawrence, truly an American painter and patriot extraordinaire.

THE PROPOSED FISCAL YEAR 1994 BUDGET AND ADDITIONAL BUDGET CUTS

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 10, 1993

Mr. KANJORSKI. Mr. Speaker, on March 5 I submitted to the House Budget Committee the following testimony regarding the proposed budget for fiscal year 1994:

As we all know, the United States is faced with a dire fiscal situation. Our national debt, which currently impedes our country's progress, could paralyze us in the very near future. If we do not address our economic problems now we will be saddling our children and our grandchildren with a financial crisis that could be the downfall of our Nation.

I applaud President Clinton for his efforts to meet the economic challenges facing this Nation head-on. His proposal, as outlined in "A Vision of Change for America," offers this country an opportunity to begin to reverse the economic quagmire we have been struggling with for years.

While nobody is eager to pay more in taxes or receive less in services, I believe that the American taxpayers are willing to make concessions if they feel that their sacrifices are going toward reducing the deficit and that any new taxes are fair and equitable. I do not think that these are unreasonable nor unattainable requests.

Having reviewed President Clinton's proposal, I would like to make it clear that I intend to support the package—it is clearly a step in the right direction. I would, however, like to urge the President as well as my colleagues to look for more areas to reduce spending. If we are truly serious about reducing our deficit, which I believe we are, we need to do everything we can to ensure that the American taxpayers are getting the most for their money.

This being said, I am enclosing a list of additional spending cuts that I believe we can and should pursue in our efforts to reduce the Federal deficit. This list is not complete, as I shall continue to look for programs or areas that I think can be eliminated or reduced until our budget is balanced. I support these cuts in addition to the cuts proposed by President Clinton.

Furthermore, I would strongly urge both Congress and the administration in the next year to take a very hard look at the waste that has been perpetuated through corporate and academic welfare. We all hear the examples, such as seemingly irrelevant studies by the National Science Foundation or the fact that the U.S. Department of Agriculture gave millions of dollars to McDonalds to establish and promote their fast food restaurants in foreign nations.

We must remain vigilant in our efforts to reduce spending and to reduce the deficit. The future depends upon it.

Additional cuts proposed by Congressman Paul E. Kanjorski: March 5, 1993

	5-year savings[1] (billions)
Domestic spending programs:	
Reduce spending for intelligence activities	$21.9
Eliminate the Space Station program	11.35
Reduce deficiency payments to farmers participating in USDA commodity programs by lowering target rates	11.2
Impose a royalty payment on communications users of the radio spectrum	10.3
Raise the proportion of each farmer's base acreage ineligible for deficiency payments from 15 percent to 25 percent	3.9
Eliminate the Superconductor program	3.8
Eliminate the Export Enhancement Program	3.15
Extend existing customs users fees	2.4
Eliminate production of the Advanced Solid Rocket Motor system	1.95

Additional cuts proposed by Congressman Paul E. Kanjorski: March 5, 1993—Continued

	5-year savings[1] (billions)
Extend existing nuclear regulatory fees	1.17
Eliminate the 0/92 and 50/92 programs for participants in USDA commodity programs	1.45
Reduce the overhead rate on federally sponsored university research	1.15
Require the Department of Energy to raise rates for federal hydroelectric power to speed debt repayment (millions)	970
Eliminate the Market Promotion Program (millions)	900
Charge the beneficiaries of the U.S. Travel and Tourism Administration and the Trade Promotion Activities of the International Trade Administration (millions)	890
Raise recreation fees at federal facilities (millions)	890
Eliminate the support program for wool and mohair (millions)	760
Charge royalties and holding fees for hardrock mining on federal lands (millions)	560
Increase FCC user fees (millions)	400
Extend existing patent and trademark fees (millions)	350
Eliminate unnecessary Congressional committees and subcommittees and reduce the amount of mail sent under the Congressional "frank" (millions)	300
Extend existing coast guard user fees (millions)	250
Eliminate below-cost timber sales from National Forests (millions)	250
Index nuclear waste disposal fees for inflation (millions)	250
Raise fees for grazing rights on federal lands (millions)	240
Extend existing vessel tonnage charges (millions)	195
Extend existing rail safety fees (millions)	155
Raise charges for federal water (millions)	75
Reduce USDA subsidies for export marketing (millions)	65
Reduce the budget of the Export Administration (millions)	55
Eliminate the Cost of Living Adjustment for Members of Congress for FY 1994 (millions)	2.1
Total	81.277
Foreign assistance programs:	
Eliminate Title I Sales and Title III Grants to foreign nations	3.66
Reduce foreign development assistance	3.07
Reduce security assistance to foreign nations	2.78

Additional cuts proposed by Congressman Paul E. Kanjorski: March 5, 1993—Continued

	5-year savings[1] (billions)
Eliminate overseas broadcasting and reduce exchange programs	2.68
Reduce State Department funding and eliminate redundant foreign affairs activities	1.85
Reduce overall spending on foreign assistance by 10 percent (millions)	950
Eliminate debt restructuring under the Enterprise for the Americas Initiative (millions)	490
Eliminate the National Endowment for Democracy (millions)	150
Total	15.63
Defense programs:	
Cut Star Wars to a basic research program	28
Focus missile defense forces on Theater Defenses	22.8
Terminate production of the Trident II (D5) missile system	15
Cancel the Air Force's F-22 Aircraft Program	14.9
Increase support of U.S. forces by host nations	9.62
Reduce Air Force Tactical Fighter Wings to 18	7.8
Scale back the Department of Energy's weapons production and maintenance activities	6.3
Retire all ICBM's by eliminating Minuteman III	3.29
Reduce the Attack Submarine Force to 40	2.9
Use early retirement to reduce the number of military personnel	2.87
Reduce Armed Forces recruiting by 5 percent in 1994 and 8 percent in 1995	1.5
Reduce DOE nuclear weapons research and testing budget by 10 percent in 1994 increasing to 40 percent by 1997	1.5
Eliminate HAP, through which DOD gives away surplus heavy equipment to foreign nations (millions)	125
Eliminate DOD funding for the World University Games, Summer Olympics, and the World Cup	85
Total	116.69
Total proposed cuts by Congressman Paul Kanjorski	213.597

---

[1] Savings amounts have been derived from a variety of sources, including the Congressional Budget Office, the Library of Congress, Congressional Quarterly magazine, and the budget of the United States for fiscal year 1993.

FAIRNESS FOR HOMELESS VETERANS RESOLUTION

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. STUMP. Mr. Speaker, studies show that at least one-third of America's homeless are veterans. For many of these veterans, psychiatric and medical problems exacerbate circumstances which have led to their living on the streets or dependence on homeless shelters. The status of "veteran" tells you something about them: at one time they held steady, responsible jobs. VA has proven that they can again.

Experts are discovering that where there is a comprehensive approach to the problems of homelessness, more of the homeless achieve successful reintegration into society. VA homeless programs, in addition to providing crisis intervention, emergency shelter and meals, the components of most homeless programs, provide for comprehensive rehabilitation of the homeless person. VA utilizes its medical resources such as substance abuse treatment, various forms of psychiatric intervention and basic medical care and combines these with social services, job training and transitional housing to provide a comprehensive array of services; and they work. The Dallas VA Medical Center received an award for Excellence in Human Services Programming from the Community Council of Greater Dallas. In Arizona, the homeless veterans program at the Prescott VA Medical Center documented that 63 percent of those who go through their program meet all the criteria of successful reintegration into society—double the national average for similar programs. This is not unusual for VA—many VA homeless treatment programs boast similar awards and achievements.

Yet, even though one-third of the homeless are veterans and VA homeless programs are some of the best around, the VA receives less than 5 percent of the money appropriated for McKinney Act homeless programs.

Providing VA so small a percentage of funding to assist homeless veterans is difficult to reconcile with the high percentage of veterans among this population. Because of that relatively limited support, VA specialized programs, while achieving some success, do not yet serve many communities with substantial numbers of homeless veterans, and in other communities lack the resources to reach the numbers of veterans needing assistance. Additional McKinney Act funding would provide opportunities to expand and link other programs and initiatives, such as compensated work therapy and transitional housing, with existing rehabilitative efforts. Since one-third of the homeless are veterans, VA should get a proportional amount of resources for treatment. I hope my colleagues agree that veterans deserve equal treatment and support this resolution for proportional distribution of homeless program funding.

TRIBUTE TO JOHN B. ZERBE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to John B. Zerbe, who is retiring as president and chief operating officer of Hershey Entertainment and Resort Company [HERCO].

A native of Lykens, Dauphin County, John Zerbe is a graduate of the Pennsylvania State University and a 4-year veteran of the U.S. Air Force. He has spent 24 years of his life associated with HERCO and other Hershey interests. He held management positions at Hersheypark and Hersheypark Arena, Hershey Recreation Center, the Hershey Education and Cultural Center, and Hershey Estates.

John's talents and skills did not go unnoticed, and in 1981 he became managing director of the Baltimore Convention Complex and was responsible for managing the Baltimore Convention Bureau, Baltimore Convention Center, Baltimore Arena, and Festival Hall. John initiated and oversaw the expansion of the convention center, improvements to the arena, construction of a parking garage adjacent to the arena, and the building of Festival Hall. During his tenure, John was named executive aide and chief of staff by then-Baltimore Mayor William Donald Schaefer, where he helped restructure the management of the city's Lexington Market, the radio station at Baltimore Community College and the city's Office of Promotion and Tourism.

John later served as executive vice president of the Miss America Pageant and as assistant secretary and director of State marketing in the State of Maryland's Department of Economic and Employment Development. While there, John oversaw the office of tourism development, office of sports promotion, film commission, Maryland Magazine, and Maryland State Games.

John came back into the Hershey fold when, in 1988, he was named executive vice president and chief operating officer for HERCO, and was later elected to the post of president and chief operating officer.

John has also served the community ably, as he was president of the Hershey Rotary Club, the Pennsylvania Parks and Recreation Society, and the National Association of Miss America State Pageants, vice president of the Dauphin County Parks and Recreation Commission and chairman of the Derry Township Parks and Recreation Board.

I want to congratulate John for his many years of hard work and service to HERCO and the community at large. I ask my colleagues to join me in wishing John the best for whatever lies ahead, and in hoping that his retirement is a long and happy one.

THE FISCAL ACCOUNTABILITY AND INTERGOVERNMENTAL REFORM ACT OF 1993

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. GOODLING. Mr. Speaker, today, Congressman MORAN and I, along with over 70 Members of the House, are introducing the Fiscal Accountability and Intergovernmental Reform Act of 1993 [FAIR]. I believe this truly bipartisan legislation will make the U.S. Congress more accountable for its actions by curtailing the passage of unfunded Federal mandates. These mandates have cause States like Pennsylvania, and local governments like York, Gettysburg, and Carlisle, PA, increased headaches as they would try to assess their obligations based upon their incoming tax revenues. Further, this legislation would also ease the burden on small businesses by curtailing needless and excessive Federal agency redtape and regulation.

The idea of this legislation is simple, the U.S. Congress must become more accountable for its actions which in some cases has an adverse effect on States, local governments, and small businesses. For example, as the ranking member of the House Education and Labor Committee, I have consistently fought against legislation that would impose burdensome mandates on States, local governments, and small businesses. During the last Congress, my committee had jurisdiction over legislation to remove lead paint from the Nation's schools. I agreed with the sponsors that this is a high priority and that it should be done. However, the bill did not include provisions to pay for this legislation It was understood that this legislation would be paid for through the appropriations process. I disagreed with this because, I remember not too long ago that we proposed the same for asbestos removal and passed legislation providing for asbestos removal, but did not pass the dollars with the legislation. This type of unfunded mandate is one which handcuffs States, local governments, and small businesses.

I must stress, the idea behind this is not to impede legislation, rather it is to force the Congress to seriously consider the impact of any new legislation before the legislation is passed. It is a policy that the Congress must adopt to stop giving lipservice to the idea of true reform.

This legislation will achieve this end by forcing the Congressional Budget Office to conduct an impact assessment on legislation that is reported out of committee for action on the House floor. This legislation would also require agencies prior to the implementation of any rule or any other major Federal action affecting the economy to perform an assessment of the economic impact of the proposed rule or action and seek public comment on the assessment. Finally this legislation would require that whenever there is more than one option, the agency must adopt the option with the least adverse economic impact or provide a statement of reason's why the agencies failure to do so is consistent with the purposes of this legislation.

I believe this legislation has the key ingredients for passage. It sends the proper signal, an ideal good government mission which makes the Congress more accountable for it's actions and studies the impacts of legislation before it is passed. This legislation has bipartisan support of Members in the House. I also believe this bill would signal an end to closed door agency policy decisions which hurt many States, local governments, and small businesses.

I look forward to working with my colleagues, especially the gentleman from Virginia, Congressman JAMES MORAN to see this needed legislation passed in the U.S. Congress. The time has come for Congress to pass this FAIR legislation which will bring more accountability to the Government by the people. I would urge my colleagues to support this needed legislation.

HOUSE PAYS TRIBUTE TO VINCENZO PALMIOTTO

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. SOLOMON. Mr. Speaker, I like to call them "quiet American heroes." They are men and women who aren't in the headlines every day, but who nevertheless leave a positive mark in their communities and work places.

Today I'd like to tell you about one of them, Vincenzo Palmiotto of Loudonville, NY.

Mr. Palmiotto recently retired as assistant district manager of the Schenectady office of the Social Security Administration. The best tribute he could possibly receive has already been rendered, and that's the best wishes of his coworkers mixed with regret at losing him to retirement.

Originally from Peekskill, Mr. Palmiotto is a graduate of Syracuse University. One of his undergraduate distinctions was being the third-ranked collegiate boxer in the country.

Mr. Palmiotto is also a veteran, another thing which makes him special to me. He served in the Korean war, and is also a retired major in the Air Force Reserves.

He joined the Social Security Administration in 1954, and joined their management team in 1959. He served at the Schenectady office from 1965 until his retirement this year.

His retirement will give him more time to spend with his wife, Ellen, their six children and many grandchildren. Like many of my quiet American heroes, Mr. Palmiotto is not only a solid family man but one who gives something back to the community. He is quite active in charity work at his church, another likely beneficiary of his additional time during retirement.

You see, Mr. Speaker, Mr. Palmiotto's attitude is that he has been blessed with fairly good health, and he wants to repay his good fortune by helping others. That's the kind of guy he is.

And that's why he has been so popular with his coworkers. District Manager Thomas M. McGovern says Mr. Palmiotto is the very embodiment of decency and honesty, a colleague who will be sorely missed.

Everyone who knows him feels that way about him. And that's why, Mr. Speaker, I would ask you and all Members to join me today for our own tribute, wishing many happy retirement years to Vincenzo Palmiotto, a dedicated public servant and my good friend.

FEDERAL INSURANCE ADMINISTRATION ACT

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. KENNEDY. Mr. Speaker, yesterday the distinguished chairman of the Committee on Banking, Finance and Urban Affairs, HENRY B. GONZALEZ, and I introduced the Federal Insurance Administration Act, H.R. 1257. This legislation is intended to address several longstanding problems with the provision of insurance in our country. These problems call for a measured Federal response. It is our hope that this legislation provides that response, and in the process improves the safety and fairness of our insurance system.

Title I of H.R. 1257 establishes the Federal Insurance Administration as an independent executive branch agency. The FIA originally existed as an office within the Department of Housing and Urban Development. There it had responsibility for administering the Federal crime and flood insurance programs. It was removed to the Federal Emergency Management Administration, known as FEMA, as part of the 1978 reorganization of the executive branch. Both as part of HUD, and now as part of FEMA, the Banking Committee has had sole jurisdiction over the activities of the FIA.

Under H.R. 1257, the FIA will continue to administer the crime and flood insurance programs. These programs were created, as many of my colleagues know, to address the fact that, in high-crime and flood-prone areas, the private insurance market simply was not functioning to provide adequate and affordable insurance to residents of such areas.

Over the last several years, it has become evident that, in other ways as well, the market is not serving the interests of consumers, insurers, and overall economic stability. Therefore, H.R. 1257 gives the FIA additional responsibilities to remedy these market inadequacies. Title II of the bill establishes a process whereby foreign-owned insurers and reinsurers must be certified by the FIA before selling their products in the United States. This provision attempts to put an end to the proliferation of offshore, unregulated, undercapitalized, unethical, and irresponsible insurance providers in the United States. These companies collect hundreds of millions of dollars in premiums, usually from those for whom insurance is largely unavailable or unaffordable, like inner-city merchants. Yet, when significant amounts of claims are filed—as say, in the wake of the 1992 Los Angeles riots—these fly-by-night insurers disappear, without paying out a cent in claims. As a result, consumers and merchants are left with policies worth no more than the paper they are written on.

State insurance commissioners have long admitted their frustration over their inability to adequately regulate offshore insurers. John Garamendi, the California Insurance Commissioner and perhaps this Nation's leading public official in the fight for a safer and sounder insurance industry, has said that "We need help from the Federal Government." His fellow insurance commissioners echoed that sentiment last Spring when they called for Federal legislation to regulate offshore insurers and reinsurers seeking to do business in the United States. H.R. 1257, by requiring that these offshore entities meet basic registration, solvency, and other business requirements, answers the States' call for Federal action.

Title III of the bill establishes a process to provide for the short-term liquidity needs of insurance companies. It is similar to legislation introduced by Chairman GONZALEZ during the 102d Congress. It would allow companies access to the discount window of the Federal Reserve, provided that they meet minimum financial resource and solvency standards set by the FIA, and that they show a need for short-term credit to avoid a liquidity crisis caused by policyholder withdrawals. It would provide insurers with access to a source of liquidity which neither they nor State regulators have been able to thus far provide.

The hope in creating this kind of liquidity facility is, of course, that it would not be used. Policyholders, knowing that their insurance companies could go to the Fed to meet short-term liquidity needs, would be less likely to panic at the first sign of trouble. At the same time, such a facility would provide a source of stability to insurers who are financially sound but ill equipped to handle an onslaught of policyholders seeking refunds. One need only look at the case of the Mutual Benefit Life Insurance Co., a New Jersey-based company seized by State regulators in 1991, to understand the terribly damaging effect of policyholder runs. The company suffered large losses from its investments in commercial mortgages. Customers became unnerved and demanded immediate refunds. The company was unable to liquidate sufficient assets to meet this demand, and had to be seized by State regulators, even though it was solvent at the time of seizure. By providing liquidity assistance under title III, H.R. 1257 will offer a much-needed measure of protection to well-capitalized insurers who might otherwise be seized or forced to sell profitable assets because of policyholder withdrawals. In the end, policyholders will benefit, and insurers will not have to sacrifice long-term safety and soundness to meet short-term cash demands.

Title IV of H.R. 1257 is intended to gather information about where and to whom insurers issue policies. Recently, the Subcommittee on Consumer Credit and Insurance held a hearing into the problem known as insurance "redlining". Witnesses testified to what can only be described as a massive, nationwide pattern of discrimination against low-income and minority consumers. This pattern has been documented in studies and surveys going back 25 years and continuing to this day. A recent study by the consumer group ACORN shows that urban minorities are far less likely to have homeowners insurance than whites. Those that do find insurance are paying more in premiums for less coverage—as much as 270 percent more for State-sanctioned homeowners insurance than for standard private insurance sold to white consumers.

In the course of its preparation for the hearing, the subcommittee obtained confidential underwriting guidelines used by several insurance companies to underwrite automobile insurance in Texas. These guidelines set standards that have little if any relation to individual risk, but that have the clear effect—if not the intent—of excluding low-income and minority citizens from consideration for coverage. For instance, one company, Metropolitan Life, requires people seeking car insurance to own a home. Since most working families do not own a home, they have no chance to obtain auto insurance, even if they have excellent driving records. Another Dallas-based insurer, Trinity Universal told its agents not accept applications from anyone living in six designated Texas counties. It so happens that those counties are overwhelmingly urban and Hispanic, including Dallas, Fort Worth, Corpus Christi, El Paso, and the Rio Grande Valley, which is the single poorest area of the United States. Residents of these counties with unblemished driving and personal histories are simply out of luck if they seek a policy with Universal.

The presence of discrimination in the insurance industry would be no more surprising than its existence in any other sector of our society. It is a fact of American life. What is surprising, however, is that so little has been done thus far to detect it. H.R. 1257 will require the FIA to collect data from insurance companies on where they do, and where they do not, write policies—much like the Home Mortgage Disclosure Act requires lenders to produce data on mortgage loans. It will also give consumers the right to know why they have been turned down for insurance, much like the right they now have if they are turned down for credit. If sunlight is the best disinfectant, then these requirements will shed some much-needed light on industry practices, and put to the test any contention that discrimination does not exist.

Mr. Speaker, H.R. 1257 takes reasonable and responsible steps to address some of the very serious problems facing our insurance industry. I believe it deserves the support of the membership, and I look forward to receiving comments on it as we move through the 103d Congress.

TRIBUTE FOR THE NEWLY ESTABLISHED LONG ISLAND JEWISH SPORTS HALL OF FAME

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. ACKERMAN. Mr. Speaker, today, I rise to respectfully offer my congratulations and tribute to the YM–YWHA of Suffolk County for establishing the Long Island Jewish Sports Hall of Fame. This new institution will honor those Jewish sports figures who have made a significant contribution to the world of sports with grace and distinction. The initial inductees are great sportsmen who achieved excellence in such sports as baseball, basketball, boxing, wrestling, and swimming. Some of them have won truly prestigious sports prizes—from the Olympic Gold Medal to the Cy Young Award.

The sports figures that we honor challenged the old discriminatory stereotypes about the Jewish people—that nice Jewish boys and girls don't enjoy or participate in sports and that Jewish culture and traditions which emphasize intellectual accomplishments and the life of the mind allow no place for sport or physical activities. It used to be the joke that the role of Jews in sports could be written in a few short sentences. However, we know that in reality, many Jews, such as these inductees, have made key contributions to sports competition in the United States and abroad. Mr. Speaker, the Long Island Jewish Sports Hall of Fame will honor just a few of those wonderful Jewish sports figures who have special ties to Long Island.

Marv Albert: Mr. Albert, the voice of the New York Knicks and the New York Rangers, is a widely respected and hardworking sportscaster whose popularity quickly spread from the New York area to the rest of the Nation. At his peak workload in the 1980's, he announced the New York Knicks and Rangers games, boxing matches, football games, a pregame baseball show for NBC Sports as well as a sports segment at 6 and 11 o'clock on weekdays for WNBC–TV in New York. As Sports Illustrated recently noted, "Nobody takes sports-casting as seriously as Marv does, yet nobody seems to have as much fun doing it."

Ernie Grunfeld: This Romanian-born American basketball star played for the University of Tennessee from 1973 to 1977, where he averaged 22.3 points per game. He made the Sporting News All-America second team in 1977. Beginning in 1977, he played pro basketball with the Milwaukee Bucks, then with the Kansas City Kings, and the New York Knicks.

Art Heyman: A native of Rockville Center, Mr. Heyman became a three-time All-American basketball hero at Duke University—1961–63. He was Duke's highest scorer and averaged 25.1 points per game, with 1,984 total points. The Associated Press and the Sporting News voted Mr. Heyman 1963 college basketball player of the year. Mr. Heyman later played 4 years in the National Basketball Association and 3 in the American Basketball Association.

William "Red" Holzman: During the 1960's and 1970's he was a successful coach of the New York Knicks and led the Knicks to a pair of world championships. He also compiled one of the best records of any active coach in pro basketball. The Knicks eventually elevated Mr. Holzman to the dual post of general manager-coach.

Sanford "Sandy" Koufax: He was one of baseball's greatest pitchers. During his distinguished career with the Brooklyn and Los Angeles Dodgers, he set all-time records with four no-hitters in 4 years. He captured the earned-run title for 5 seasons in a row—1963–66. He won 25 or more games in 3 seasons. He had 11 shutouts in 1963 and was the strikeout leader four times with a record 382 strikeouts in 1965. He was voted most valuable player in 1963. He received the Cy Young Award in 1963, 1965, and 1966. He also was inducted into the Baseball Hall of Fame in Cooperstown, NY, in 1972.

Shep Messing: He starred as a two-time all-American soccer goalie at Harvard University. Afterward, he was the goalkeeper of the United States Olympic team in 1972 at Munich, Germany. He later joined the New York Cosmos soccer team, where he was recognized as a colorful and exciting player.

Henry Wittenberg: He was once considered one of the world's greatest wrestlers. Between the years 1938 and 1952, he won 400 consecutive matches. Mr. Wittenberg won two Olympic medals: a gold medal in the 1948 London games and a silver medal in the 1952 Helsinki games.

Max Zaslofsky: Mr. Zaslofsky began his career as a basketball star with St. John's University. From 1946 to 1956, he played pro basketball for the Chicago Stags and New York Knicks. In 1948, he led the NBA in scoring with a 21-point average. When he retired in 1956, he was the NBA's third highest all-time scorer with 7,990 points.

Mr. Speaker, I offer my hearty congratulations to all of these well-deserving inductees, as well as to the leadership of the Suffolk County YM-YWHA for its vision in honoring these praiseworthy individuals.

MENTAL ILLNESS AWARENESS WEEK

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. WYDEN. Mr. Speaker, the tragedy of mental illness affects 40 million adults and 12 million children in this country alone.

Over the past 9 years, the first week of October has been proclaimed Mental Illness Awareness Week. During this time many national and local grass roots organizations throughout the country sponsor activities directed to their members, volunteers, the media, legislators and the public to bring awareness to the plight of the mentally ill. Today, I am once again introducing a resolution to commemorate Mental Illness Awareness Week to keep the flame of hope alive for victims of mental illness.

Barriers to the recognition and treatment of mental illness persist, and we continue to pay the price. Inadequate treatment shows up in performance and absentee statistics in school and industry, in homelessness, in chronic physical problems, and in suicide, crime and accident reports. Mental illnesses claim tens of thousands of lives and cost the Nation $273 billion annually.

Children are particularly vulnerable. The rate of completed and attempted suicides in adolescents continues to rise. Children with depression, anorexia, autism, and behavioral disorders experience the anguish of mental illness directly. But children are also indirect victims, suffering the consequences of impaired parenting by a mentally ill or drug or alcohol abusing mother or father.

There is much to be done. We must provide adequate funding for research and act as advocates for mental health, recognizing the diverse settings where mental illnesses are treated. We need to champion preventive and early diagnostic services and recognize the benefits of early treatment, a prerequisite of which is the goal of this annual proclamation: The formation of a national partnership to dispel the silence surrounding mental illness.

Mental Illness Awareness Week provides us with the opportunity to overcome the cruel stigma surrounding mental illness. It also helps to educate the public that treatment is available and can lead to increased productivity and improved quality of life for millions of Americans.

I thank my colleagues who have already joined this cause through their support for this resolution, and urge the Congress to move swiftly in recognizing again the plight and needs of the mentally ill.

THE OUTER CONTINENTAL SHELF ENHANCED EXPLORATION AND DEEP WATER INCENTIVES ACT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. FIELDS of Texas. Mr. Speaker, I am pleased to introduce today, along with our distinguished colleagues BILLY TAUZIN, DON YOUNG, BOB LIVINGSTON, and GREG LAUGHLIN, the Outer Continental Shelf [OCS] Enhanced Exploration and Deep Water Incentives Act.

Mr. Speaker, it is essential that we maintain a viable U.S. oil and gas industry, not only for the jobs it creates, but to enjoy some measure of energy independence. It is also in our Nation's best interest to have a secure domestic supply of oil and gas resources.

Unfortunately, unless the Congress reverses its misguided policies, we will be dependent on foreign sources for 60 to 70 percent of our energy needs by the year 2000. Clearly, to place our energy security in the hands of unstable foreign energy producers is irresponsible and intolerable.

Mr. Speaker, we must enact incentives to encourage the exploration and development of our most promising Federal lands. This legislation will keep our domestic industry alive by providing royalty relief to those producers who are willing to make the financial investments necessary to explore in deep water offshore areas. Without these incentives, domestic producers simply will not drill in these deep water and other frontier areas and our dependence on foreign oil will continue to grow.

According to the Department of the Interior, some 25.6 billion barrels of oil and 204.8 trillion cubic feet of natural gas may lie undiscovered under the Federal Outer Continental Shelf. A significant amount of those energy reserves are likely to be found in waters deeper than 200 meters.

While the technology exists to produce oil and gas resources in water depths greater than 200 meters, the capital investment necessary to develop a deep water project can easily exceed $1 billion, which is 10 times the amount necessary to produce resources from a shallow water well.

The positive benefits for this Nation, however, are substantial. To date, the offshore energy industry has identified some 25 deep water tracts that contain, under the right conditions, commercially recoverable amounts of oil and gas.

By producing these resources, we will provide badly needed employment for up to 200,000 Americans, reduce our dependence on foreign oil, and lower our staggering trade deficit.

It is also important to note that the Mineral Management Services has estimated that deep water reserves could contain up to 8 to 10 billion barrels of oil. By comparison, Prudhoe Bay reserves totaled 10 billion barrels and they provide about 19 percent of our energy needs. It is imperative that our Nation have access to these untapped deep water reserves.

Mr. Speaker, our domestic offshore energy industry is in serious financial period. American companies are leaving for foreign markets, and they are taking American jobs with them. In the past 10 years, more than 450,000 men and women have lost their jobs in the energy industry. This staggering loss of American jobs is more than losses suffered by both the automobile and the steel industries combined.

Simply put, the U.S. energy industry is being driven out of the country by regulations, leasing prohibitions, the high cost of doing business, and an ever-shrinking amount of Federal acreage that is available for exploration.

As recently as 5 years ago, the domestic industry invested nearly 70 percent of their equity capital here in the United States. Today, those same companies are finding it much easier to negotiate with foreign governments, such as the Russian Republic, than to explore domestic onshore and offshore lands. In fact, they are now spending nearly 50 percent of their exploration budget outside of the United States.

What is ironic is that our Federal OCS is our Nation's safest energy extraction program. The Industry must now comply with 74 sets of Federal regulations and nearly three dozen major Federal laws concerned with environmental protection and safety.

While opponents often equate OCS activity with oil spills, that comparison is unfair and grossly inaccurate. Of the 60 largest oil spills that have occurred in the waters of this Nation, only 1 was the result of OCS activity. The remaining 59 spills were mainly the result of tanker accidents.

Mr. Speaker, instead of encouraging the development of our energy resources, Congress has enacted OCS leasing moratoria which have locked up almost 500 million acres. During the debate on the Comprehensive Energy Policy Act provisions were included to place additional acreage off limits to development. Fortunately, common sense prevailed and those misguided provisions were dropped in the House-Senate conference committee.

Nevertheless, the existing prohibitions have made it virtually impossible for a company to lease, explore, and develop energy resources outside of the Gulf of Mexico.

Mr. Speaker, it is counterproductive to further impede the ability of our domestic energy industry to develop potential sources of oil and natural gas. By locking up millions of acres of the Federal OCS and by refusing to allow access to the Arctic National Wildlife Refuge, we are making it difficult, if not impossible, to achieve energy security for this Nation.

We must enact this royalty relief proposal as a first step to encourage companies to make the investments necessary to find and produce energy resources in water depths greater than 200 meters. I would urge my colleagues to carefully review this legislation and to join in this effort to enact the Outer Continental Shelf Enhanced Exploration and Deep Water Incentives Act.

CONGRATULATIONS TO CLAY CONSTANTINOU

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Clay Constantinou, Esq., who is being honored by the Cyprus Federation of America.

Clay Constantinou was born in New York City in 1951 of Greek Cypriot immigrants. Two years later following the death of his mother, Clay's father decided to return to Cyprus with his two young sons.

Following his graduation from grade school in Karavas, Clay attended the American Academy High School at Larnaca. In 1968, Clay's family returned to the United States, where he completed his senior year. The family moved to Jersey City where Clay enrolled in Jersey City State College and received his bachelor of arts in 1973.

Upon graduation, Clay joined John Hancock Insurance Co. In 1976, Clay married his college sweetheart, Eileen Calamari. Two years later he entered Seton Hall School of Law and earned his juris doctorate. He immediately formed his own law firm and simultaneously enrolled in a graduate law studies program at New York University. In 1986 he received his masters in law degree. It was during this time that Clay and Eileen became the proud parents of their two children, Jennifer and Dan.

Clay is involved in numerous community organizations. He serves as a trustee on the board of directors for Jersey City State College Development Fund. He has served as supreme president of the Cyprus Federation of America, Inc., president of the American Academy Alumni Association of New York, Inc., and on the board of directors of the Cyprus Children's Fund, Inc.

His political involvement has seen him as national cochair and New Jersey State finance director of Clinton for President and of Dukakis for President and as a delegate to the Democratic National Convention in 1988 and 1992. Clay presently serves as a managing trustee to the Democratic National Committee and as a member of the board of directors of the New Jersey State Democratic Finance Committee.

Clay presently also practices law for the firm Wilentz, Goldman, and Spitzer, as well as serving as a commissioner on the New Jersey Turnpike Authority and on the Essex County Utilities Association. In January 1993, Clay was appointed deputy treasurer and director of northeast political affairs of the Democratic National Committee.

He is truly one of the special few who make a difference in society. Clay is a man of the utmost integrity who sincerely cares about his neighbors, his community, and his country.

Mr. Speaker, I am proud to join in paying tribute to Clay Constantinou as a colleague and a friend, as he continues to provide invaluable service to his community and truly makes a difference in society. I extend my best wishes to him on this most special occasion.

TRIBUTE TO GLEN AND SALLY WOODIN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Kalkaska, MI newly elected "Citizens of the Year," Glen and Sally Woodin. Both are longstanding pillars of the community and are very deserving of this award. Time and time again the community of Kalkaska has depended on Glen and Sally for their support, and each and every time they have responded with their time, effort and heart-felt concern.

Their commitment to the community is hard to measure on any conventional scale as their lives are so inextricably tied to Kalkaska and its citizens. Nevertheless, it is obvious that they are at the forefront when it comes to community service. Yearly, Glen and Sally take time at Christmas to distribute Christmas baskets and good will to the needy and less fortunate. Every first weekend in June they take time out to host the hospital and crosstrails annual benefit. Every second week in June, Glen and Sally attend the Miss Michigan pagent as ambassadors for the Greater Kalkaska Area. And while the Woodins wedding anniversary falls annually on the Trout Festival, they give up this weekend each year, forsaking travel or private time, to make sure that the festival runs smoothly.

Both Glen and Sally have their own specialized interests within the community. Sally is the president of Dancers Unlimited, a not for profit group that helps local dancers earn money to further their education in the fine arts—be it in Grand Rapids, Detroit, or New York City.

Glen volunteers his time to many service organizations around the area including the South Boardman American Legion Post, the Kalkaska VFW, and the Kalkaska Booster Club. He also served as an original board member of Kalkaska Hospice.

Mr. Speaker, these two individuals have been and continue to be invaluable to their community. They are truly deserving of all the thanks and gratitude they receive. They have continued to give freely of themselves without ever asking for anything in exchange. Very few people will ever affect as many in such a positive way as Glen and Sally Woodin. It is an honor to pay tribute to them today.

CYPRUS FEDERATION OF AMERICA PAYS TRIBUTE TO CLAY CONSTANTINOU

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. PALLONE. Mr. Speaker, on Saturday, March 13, the Cyprus Foundation of America will pay tribute to Mr. Clay Constantinou of Colts Neck, NJ. I cannot imagine anyone more deserving of this high honor. Mr. Constantinou is an American of Greek Cypriot descent who has contributed mightily to democracy and justice in the United States as well as working on behalf of the struggle for the freedom and self-determination of the long suffering Greek Cypriot people.

Clay Constantinou was born in New York City in 1951 of Greek Cypriot parents. Two years later, following the death of his mother, he moved to Cyprus with his father and brother. The Constantinou family remained in Cyprus until 1968, and Clay still fondly remembers growing up in the picturesque town of Karavas on the northern coast of the island. Sadly, Clay's idyllic memories were shattered by the brutal Turkish invasion of the region in 1974. Clay has dedicated much of his time, energy and immense talents to bringing an end to the injustice of the Turkish oppression in the land of his youth.

Clay Constantinou's life seems at times like a retelling of the classic American dream. Upon his return to the United States, he attended Jersey City State College, where he participated in numerous organizations and activities and particularly excelled as an athlete. After his graduation on 1973, he joined John Hancock Insurance in Millburn, NJ, where he quickly earned awards for quality and production. In 1976, he married his college sweetheart, Eileen Calamari. Two years later, he entered Seton Hall University School of Law, earning his J.D. in 1981 after leaving his mark as a leader in various student activities. He immediately formed a law partnership with one of his classmates and also found time to obtain a masters in law degree from New York University in 1986. He and Eileen also became the proud parents of two children, Jennifer and Dan.

Always active in Greek American issues, and in particular the Cyprus cause, Clay was elected supreme president of the Cyprus Federation of America in 1986, and served two consecutive 2-year terms. Today, he continues to work with others to end the Turkish occupation and division of Cyprus, to return the refugees to their homes and to reunite the island. It is his lifelong aspiration to experience the joy of returning to his beloved Karavas with his displaced family and friends to celebrate a free and united Cyprus.

Clay Constantinou has also been deeply involved in national politics here at home. In 1987 and 1988, he served as finance chairman of the Presidential campaign of Michael Dukakis. Four years later, he served as New

Jersey finance chairman of Bill Clinton's campaign for the White House. This year, he served as finance cochair of the 52d Presidential Inaugural and presided over New Jersey's Electoral College. He was a delegate to both the 1988 and 1992 Democratic National Conventions. He also worked for the successful campaign of New Jersey Gov. Jim Florio. In 1990, Governor Florio appointed Mr. Constantinou, a commissioner of the New Jersey Turnpike Authority, and he continues to serve in this capacity. In addition, in 1992 he was appointed a commissioner of the Essex County Utilities Authority, and currently serves as vice chairman.

Early this year Mr. Constantinou joined the law firm of Wilentz, Goldman & Spitzer as a partner, where he is continuing his practice in business transactions, corporate and commercial matters, and litigation.

Mr. Speaker, it is an honor and a privilege for me to join the Cyprus Federation of America in paying tribute to Mr. Clay Constantinou, a man of great accomplishments who has worked so hard and shown such profound dedication to the betterment of both of his homelands.

REGARDING THE HURRICANE HAZARD REDUCTION ACT OF 1993

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. SHAW. Mr. Speaker, today, I am introducing legislation that would help protect residents of hurricane-prone States from financial ruin if another catastrophic hurricane were to strike the United States.

After our experience with Hurricane Andrew, it is clear that we must start taking steps today to prepare for the possible financial consequences of another major hurricane. With a $16 billion price tag, Andrew wiped out some insurers in the State of Florida. Experts claim that if Andrew had hit just a few miles north, covered losses might have approached $50 billion, which no insuror could have withstood. The employment, tax, real estate, and public welfare consequences of such an event are barely imaginable, but we need to prepare in advance for the possibility of such a financial catastrophe. Experts believe that a similar disaster could befall other coastal communities from Texas to Maine if they were struck by major hurricanes.

My bill has a number of goals, including promoting better construction to limit future damage; providing incentives for the purchase of windstorm coverage in hurricane-prone areas; and creating Federal insurance and reinsurance trust funds, composed of premiums collected by private insurors. In addition, this legislation would authorize up to $50 billion to be borrowed from the Federal Government to cover catastrophic losses exhausting the trust funds. Covered losses up to this amount could be borrowed from the Treasury, and would be repaid from future premiums.

My bill would also bring together State emergency planners, local building experts, hurricane engineers, and insurance and reinsurance experts. Led by the Director of FEMA, business and government representatives would work together to develop a program that would both reduce damages from future hurricanes, and also make sure that the funds are set aside to provide for truly catastrophic losses. For losses that would otherwise bankrupt private insurors, the Federal Government would step in and make sure that claims are paid.

This issue is vitally important to my home State of Florida, and I am pleased to be joined by six Members of Florida's congressional delegation in introducing this legislation. While I expect that the majority of support for this legislation will come from representatives of coastal communities, I believe passage would benefit all Americans. By promoting improved building standards and hurricane planning, this legislation seeks to limit damages in future hurricanes, and also make sure that claims are covered. As a result, this would limit the need for and size of future emergency supplemental spending bills, as occurred after Hurricanes Andrew and Iniki and Typhoon Omar.

HONORING THE LONG ISLAND JEWISH SPORTS HALL OF FAME

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to proclaim the establishment of the Long Island Jewish Sports Hall of Fame, which was established by and will be located at the Suffolk YM–YWHA.

The objective of the Jewish Sports Hall of Fame, which will open on March 21, 1993, is to honor Long Island Jewish sports figures who have distinguished themselves in the field of sports. Unbeknownst to some, a great number of Jewish athletes were born, raised, or live on Long Island, including such renowned sports figures as Marv Albert, Red Holzman, and Sandy Kofax. A display of each of the inductees' plaques and memorabilia will be housed at the Suffolk Y permanently.

Mr. Speaker, a Jewish Sports Hall of Fame will go a long way in fostering Jewish identity through athletics. I commend the Suffolk Y for such a creation, and for a job well done.

PURCHASING MONTH MARCH 1993

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. HOLDEN. Mr. Speaker, I rise today to recognize the Purchasing Management Association [PMA] of Reading and the National Association of Purchasing Management as they celebrate March 1993, as Purchasing Month.

The purchasing and materials management profession plays a key role in ensuring the quality, efficiency, and profitability of business and government throughout our great country. Moreover, the purchasing and materials management profession is actively engaged in both the private and public sectors and is found in both for-profit and non-profit organizations. Purchasing managers execute, implement, and administer contracts, they develop forecasts and procurement strategies, and they supervise and monitor the flow and storage of materials. All told, the purchasing management profession has a direct and positive impact on this country's economy and its competitive stance in the world.

The Purchasing Management Association of Reading was formed in 1925 to facilitate the overall betterment of the purchasing profession in Berks County. PMA-Reading currently has a membership of 125 active and enthusiastic purchasing managers. PMA-Reading is a positive force in the community—they support a scholarship program and conduct educational seminars and review classes for the Certified Purchasing Manager Certificate program.

Mr. Speaker, I know my colleagues join me as I applaud and thank all of the purchasing and materials managers across the country and join them as they celebrate Purchasing Month.

INTRODUCTION OF A NATIONAL BIRTH DEFECTS REGISTRY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. ORTIZ. Mr. Speaker, today, I rise to announce the introduction of a bill which, I believe, will help lay a foundation upon which future efforts at improving American health care can be built. Today, I am pleased to introduce a bill, in conjunction with Mr. SLATTERY and 22 of our colleagues, to establish a national birth defects registry.

In many ways, this legislation is a product of the tragedy which occurred in Cameron County, TX, last year, when a diligent nurse at one of the area hospitals noticed a high rate of spinal and neural tube birth defects in infants born along the border region of south Texas. The general term for these neural tube birth defects is known as anencephaly, which is a lethal birth defect, in which a baby is born with a partial brain, or no brain at all.

The number of anencephaly cases in my district last year resulted in great anguish and misery for the families, and the surrounding communities. When the matter was first brought to my attention, I was astonished that there was no national monitoring system with which to check to see if these birth defects were occurring elsewhere, or only in south Texas.

Although birth defects are the leading cause of infant mortality, the tragedy in south Texas has highlighted the fact that no reliable nationwide system for collecting information on babies born with birth defects exists. The majority of States, including Texas, have no surveillance or monitoring systems capable of tracking the occurrence of birth defects.

This bill, which I discussed with the chair of the President's task force on health care, Hillary Rodham Clinton, will establish a national monitoring system to enable comprehensive birth defect statistics to be collected. Hillary Clinton is in full agreement with the concept of such a monitoring system, and I look forward to working with the task force on establishing such a monitoring system for birth defects among America's children.

HUMAN RIGHTS FOR ALL SYRIAN JEWS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. PORTER. Mr. Speaker, in honor of the Sabbath of Remembrance and Prayer for Syrian Jews which was commemorated this year on Friday, March 5, I rise today to discuss the plight of the Jewish community in Syria.

Without question, the Syrian Government has one of the worst human rights records of any government in the world. Torture is commonly used as a means to repress political opposition and government forces frequently arrest and detain individuals who are perceived to be security threats. Many of those in prison have received an unfair trial for their alleged offenses. Basic freedoms, including the freedom of speech, press, and association, are virtually nonexistent.

In addition to this already poor political climate for human rights protection, the Syrian Government also consistently violates the civil and political rights of its small Jewish community. Up until April 1992, the nearly 4,000 Jews living in Syria were denied their fundamental right to emigrate. Once the emigration restrictions were lifted, more than 70 percent of the Jewish community left the country. However, since October 1992, the Government has issued very few exit permits, stranding some 1,000 Jews remaining in Syria.

Overall, the Syrian Government is especially harsh in the restrictions it places on Syrian Jews. According to the State Department country reports on human rights practices for 1992, Jews in Syria are generally barred from government service jobs, are prohibited from joining the military, and are the only minority whose passports and identity cards mention their religion. They are also under greater surveillance by government security forces than is the general population.

Despite recent human rights developments in Syria which were positive—notably the release of the Swed brothers who had been in prison since 1987 for illegally traveling to Israel and the release of thousands of other political prisoners—the Syrian Government must do more to demonstrate to the international community that it will adhere to international human rights standards. For example, it must not stand in the way of the right of Syrian Jews to emigrate, it must allow the Syrian Jewish community who chooses to remain in Syria to live their lives free from government persecution or discrimination, and it must protect and promote the human rights of all Syrian citizens. So long as these steps are not taken, Syria will continue to be perceived as an intolerant and undemocratic nation with an egregious human rights record toward its Jewish community.

IN MEMORY OF ARTHUR ASHE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. CLAY. Mr. Speaker, last month our Nation mourned the passing of one of the greatest sports heroes in history. Arthur Ashe distinguished himself as something far more exceptional than an ordinary sports star. By all recollections, Arthur Ashe was a gentleman with an unfailing commitment to the highest ideals.

A true champion of justice, Arthur Ashe gave much more than could be appreciated in his short lifetime. His legacy will live for generations. I commend the following thought provoking commentary by Bryan Burwell to my colleagues in Congress. The following appeared in USA Today on February 8, 1993.

HONOLULU.—For all his brilliance on the tennis court, for all the splendid magic Arthur Ashe could muster with that tennis racket in his hand, none of that seems important now.

When we lost Ashe Saturday afternoon to AIDS-related pneumonia, the greatest loss we suffered was not the loss of another star athlete. There are many more of those where he came from.

The assembly line from our city streets and country roads and suburban country clubs will surely churn out another athlete whose on-field skills will make any recollection of Ashe's tennis skills no more than a fuzzy memory.

But what I mourn today is the passing of Arthur Ashe the man, not the athlete. Too many athletes pay so much lip service to the notion of taking a stand. But Arthur Ashe spent most of his 49 years on this earth taking valiant stands against some of the world's injustices.

As a child of the South, he took on the institutional racism that threatened to hold him back but never did. He took on apartheid in South Africa and championed Nelson Mandella's cause long before it became a fashionable thing to do. He was an advocate of reform in amateur and college sports long before it was popular.

He gave. He fought. He protested. Even in the final months of his life, he was out there marching and protesting. And now that he is gone, Ashe's void as athlete/activist becomes even more glaring by the shameful absence of someone of substance among the current crop of professional athletes who is willing to step in and take his place as a fearless social champion.

Where is that new voice that is willing to challenge the status quo?

Where is that new voice that dares to question the obvious ills of both sport and society?

Where is that vibrant man or woman who dares to dictate what his proper social conduct should be rather than stand in silence for fear of ruining an endorsement deal?

How far along an enlightened path would major league baseball be if its sport was populated by a dozen men like Ashe?

With all this talk about minority hiring and the reluctance of baseball owners to step up and discipline Marge Schott appropriately, how quickly would those weak-kneed owners change their embarrassing ways if all the African-American and Hispanic players stood up and demanded changes?

If an Arthur Ashe were in the National Football League, would the NFL have dared to have been so brazen as to give referee Larry Nemmers—the man who is under investigation for calling New York Jets defensive back Erik McMillan a "nigger" during a game—an all-expenses-paid trip to Hawaii for Sunday's Pro Bowl as the alternate official?

If the NFL players truly held to the sort of beliefs that Ashe represented, wouldn't they have banded together months ago and demanded an immediate resolution of McMillan's charges? Wouldn't the name and face of Larry Nemmers be ingrained in their minds? Wouldn't the very sight of him send off rocket flares? Shouldn't today's socially aware NFL player have sat on Commissioner Paul Tagliabue's doorsteps and made this so-called "investigation" move at light's speed?

And how much better off would the sport of track and field be now if its athletes followed the example set by Ashe in the early 1960's when he helped turn tennis out of the dark ages and into the multi-billion-dollar industry it is today?

The clowns at the top of track and field's hierarchy like IAAF president Primo Nebiolo seem to think they—not the athletes—are the sport. They legislate against any attempt by the athletes to make a change.

But just think for a moment what would happen to world-class track and field if the cream of the sport simply said, "No more"? Let Nebiolo create all the rules he wants. But if the Carl Lewises, Jackie Joyner-Kersees or Mike Powells en masse stood up to that greedy dictator, just like Ashe did nearly 30 years ago in tennis, Nebiolo's fake rules would be meaningless.

But now that Ashe has passed away, so too has his feisty, intellectual, activist spirit. This giant will be missed. Sadly, hardly any of the athletes of this generation have any clue just how huge a voice he was or have the courage to take up where he left off.

H.R. 1280

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. MURPHY. Mr. Speaker, today I rise to cosponsor the new occupational safety and health reform bill introduced by the chairman of the Education and Labor Committee, BILL FORD. I am hopeful that this bill will receive more careful and complete attention from the White House than the last OSHA reform package. I commend Chairman FORD for once again showing his commitment to protecting the lives and health of America's workers, by reintroducing this legislation.

President Clinton reminded us in his State of the Union Address that putting people back to work will provide the greatest jump start for the American economy. But, putting workers into unsafe and unhealthy working environments benefits no one, least of all the worker. The President was right to highlight job creation so prominently in his economic program. I share with him the belief that if given the chance America's workers will lead the Nation out of bad times. If we intend to place our faith in economic recovery in the hands of American workers, then let's guarantee their safety along with their success by mandating healthy productive workplaces in all industries.

As chairman of the Subcommittee on Labor Standards, Occupational Health and Safety, I intend to begin the process of review and careful consideration of this legislation very soon with a series of hearings. I guarantee that our hearings will focus on the goal of producing legislation that will ensure that workplace hazards are eliminated, hazardous operators are punished, and honest enterprises are allowed to operate free from excessive government bureaucratic interference. I am hopeful that our hearings will afford an opportunity for all interested parties to be able to come to the table and through full and frank discussion of these complex issues reach reasonable consensus.

SALUTE TO THE COMMUNITY HEALTH CENTERS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. CONYERS. Mr. Speaker, as chairman of the House Committee on Government Operations, which is charged with overseeing the economy and efficiency of all levels of government, as a member of the Congressional Black Caucus, and as a representative from the city of Detroit, where 27 percent of the population lacks health insurance, the delivery of health care services to the medically underserved has become one of my greatest concerns.

Today I take the floor to salute America's community, migrant, rural, and homeless health centers as the National Association of Community Health Centers conducts its 18th annual policy and issues conference here in Washington.

I had the distinct pleasure of meeting with Mary Stevens Ferris and Dr. Isabello Reyes of the Detroit Community Health Connection, William Cartwright and Florida Williams of the Detroit Primary Care Network, and Ricardo Guzman of the Community Health and Social Services [CHASS] clinic in southwest Detroit, in my offices yesterday. These people, whose mission can be described as nothing less than God's work, provide the services that represent the "safety net" for Detroit's medically underserved, and they are doing outstanding work. Their national association is one of the most effective advocacy groups I have worked with during my career in Washington, and I am very pleased with my relationship with them.

Mr. Speaker, over 600 federally funded community, migrant and homeless health care centers across the country provide health care services to almost 6.5 million medically underserved patients, about 40 percent of whom are Medicaid recipients. With limited support from the Federal Government, these facilities have over the past 27 years filled a critical gap in our rapidly eroding health care system. Detroit is home to several of these critical operations.

It gives me great concern that there is precious little attention being paid to the role of community health centers and primary care in the debates on managed care in Medicaid or health care reform more generally.

I met yesterday with First Lady Hillary Rodham Clinton, who chairs the President's task force on health care reform, to discuss H.R. 1200, the American Health Security Act, which I introduced last week with my friend and colleague, Representative JIM MCDERMOTT of Washington State, and over 50 cosponsors last week.

The American Health Security Act would establish a State-administered, single-payer health system that offers universal coverage, strong cost containment, freedom to choose one's provider, progressive financing, and, importantly, a reshaping of our health care delivery system to emphasize primary care. It is the only major health care reform proposal that does this. It provides for:

A national goal that 50 percent of graduate medical residencies will be in primary care—family practice, general internal medicine, general pediatrics—within 5 years of enactment;

Significant new funding to the U.S. Public Health Service for existing programs supporting health professional education, nursing education, the National Health Service Corps, the maternal and child health block grant, preventive health block grant, community mental health block grant, substance abuse block grant, and grants for HIV services under the Ryan White AIDS Care Act;

A significant program of new revenues for nonprofit community health centers, migrant health centers, and other federally qualified health centers for the planning, development, and delivery of primary care in medically underserved areas, in addition to current appropriations for such facilities.

I am heartened that Mrs. Clinton took great interest in the act's emphasis on community health centers and primary and preventive care. We all can learn from the extraordinary work of community health centers across America the last 27 years in providing cost-effective, comprehensive primary care services as the Nation's course on health care reform takes shape.

Further, Mr. Speaker, I am alarmed by the increasing signals from the Senate Finance Committee that legislation on Medicaid-managed care will be revisited in the near future. I have so much confidence in community health centers because they were providing a cost-effective, managed continuum of care long before the concept of capitation or prepayment for Medicaid services was ever conceived. For the last 25 years health centers have been reaching the quality of care goals and cost savings that managed care advocates are looking for.

It is for this reason that Congress, led by Senator JOHN CHAFEE and the Senate Finance Committee, explicitly and solely protected FQHC's from growing utilization of managed care programs by State Medicaid agencies through the Social Security Act section 1915(b) waiver process in the Omnibus Reconciliation Act [OBRA] of 1989. Approval of a section 1915(b) waiver by the Health Care Financing Administration allows States to "lock in" or require Medicaid recipients to enroll in specific managed care plans. Such a waiver states clearly, however, that when establishing a managed care program, States must utilize FQHC's as providers, and cannot deny FQHC's the reasonable cost reimbursement that Congress mandated they will receive from Medicaid agencies. No other health care provider has received such congressional recognition.

My interpretation of Medicaid managed care legislation, such as S. 2077, introduced by Senator MOYNIHAN in the 102d Congress, is that it runs counter to this special status granted to FQHC's and potentially does serious damage to the financial viability of these essential facilities. The result, I fear, of this legislation's enactment, might be diminished access to primary care for the medically underserved if the reimbursement needs of community health centers are disregarded and these facilities are effectively financially eliminated. This legislation may mean further destabilization of community health centers when the numbers of the uninsured are at an historic level and continue to increase—facilities Senator MOYNIHAN's Finance Committee sought to give financial stability through the FQHC provisions of OBRA 1989.

Unlike private physicians or clinics, health centers—due to their unique mission—require cost-based reimbursement and must be completely protected against risk-based payment plans if their survival is to be insured. Community health centers serve virtually only low-income patients, and are required by law to accept all comers. Much like disproportionate share hospitals, due to their geographic location, historical patterns of patient behavior, and the mission of these facilities, community health centers will continue to serve this population regardless of reimbursement rates or capitation arrangements. They thus have no bargaining power with managed care plans and are therefore forced to accept whatever payment rates and risk exposure these plans demand.

Further, community health centers are prohibited by law from establishing capital reserves and have few privately insured patients over which to spread costs of indigent care. They therefore have absolutely no capacity to absorb losses caused by Medicaid payments that are insufficient to cover their costs, explaining their need for cost-based reimbursement. Their only option is to use their scarce Federal funds—used to pay for health care for the uninsured—to cover the shortfall, or by curtailing or terminating services to those in greatest need of them. The same can unfortunately be said of critical community-based public health services, such as for persons with communicable diseases, school health services, sexually transmitted disease services, immunization clinics and prenatal care programs.

Under the new Primary Care Case Management [PCCM] System established by S. 2077, states can require Medicaid recipients to enroll in a PCCM System without going through the section 1915(b) waiver system—effectively eliminating all of the FQHCs' current legislative mandated protections I mentioned earlier. The legislation then eliminates the requirement that PCCMs paid on a risk basis either: First, pay FQHC's their cost if FQHC's are subcontractors, or second, be paid at cost, if the FQHC is a prime contractor.

For example, Ohio uses the new PCCM option in Cleveland. The State Medicaid agency has told all community health centers that it is paying a risk-based rate for primary care and that the centers can take it or leave it. The centers are no longer guaranteed their cost reimbursement—as Congress intended—and are no longer guaranteed to be "in-plan."

S. 2077 does not eliminate FQHC services as mandated services. But the PCCM provisions of S. 2077 virtually eliminate FQHCs' right to cost-based reimbursement in a PCCM System and their right to refuse a Medicaid contract that does not provide for it. To those policymakers who contend that cost-based reimbursement to FQHC's is "regressive" or "antiquated," I respectfully point out that this incentive was built into the statute because we need these centers so desperately. Community health centers are nonprofits in their purest form, and require unique support from governments for their unique mission.

At a time of contracting budgets and decreasing access to health care for the medically underserved, community health centers should be receiving additional support from Government at all levels rather than threats to their already tenuous financial condition. The Congress must cease in its attempts to balance the budget on the backs of our poorest citizens and the community health centers that serve them.

Mr. Speaker, I hope my colleagues will join with me in acknowledging the outstanding work of our Nation's community health centers, the National Association of Community Health Centers, and these facilities' critical role as we address our health care crisis.

MARYLAND STATE ASSOCIATION OF B'NAI B'RITH

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. MFUME. Mr. Speaker, on Saturday, March 13, 1993 and Sunday, March 14, 1993, the Maryland State Association of B'nai B'rith will conduct its annual convention. B'nai B'rith is the oldest and one of the largest service organizations in the world.

B'nai B'rith was founded 150 years ago and its projects and philanthropy impact on the lives of millions of people, regardless of creed, race, age, sex, or nationality.

This organization is an outstanding example of America's most distinctive characteristic—volunteerism. By merging voluntary action with community service, B'nai B'rith has achieved an international reputation as a major benevolent force. For more than 75 years, B'nai B'rith members in Maryland have perpetuated the tradition of community service by conducting programs for disabled persons, working in hospitals and police stations, sponsoring housing for senior citizens, and providing constructive services and facilities for young people.

One particularly significant convention ceremony will involve honoring Mr. Len Stoler as B'nai B'rith Man of the Year. Mr. Stoler will be presented the Guardian of the Menorah Award by Mr. Ken Schiner, international president of the B'nai B'rith. Mr. Stoler is a prominent business entrepreneur in the Baltimore metropolitan area, who has vigorously supported youth programs and has provided leadership to numerous civic and humanitarian projects.

Further highlights of the convention will include the installation of Mr. Len Liberman as the 32d president of the Maryland State Association and the recognition of Mr. Edward Friedman for his successful service as the 1992–93 State association president. Dr. Meir Rosenne, former Israeli Ambassador to the United States, will be the keynote speaker at the Sunday business session.

Other dignitaries participating in the convention will be Maryland Lt. Gov. Melvin "Mickey" Steinberg, and national and district five B'nai B'rith leaders Philip Kershner, Eugene Margolis, Stan Joffe, Alvin Singer, and Bernard Trieber.

Mr. Speaker, it is indeed an honor to call the Maryland State Association of B'nai B'rith to the attention of my colleagues. Thanks to organizations such as B'nai B'rith and individuals like the aforementioned honorees, our efforts as elected officials are extended much further and are enhanced through the interaction of public and private sector cooperation.

TRIBUTE TO ZACHARY AISHA FREYBERG

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. SCHUMER. Mr. Speaker, I would like to extend my congratulations to Zachary Aisha Freyberg of Brooklyn's Midwood High School who was awarded 10th place in one of the Nation's most prestigious science competitions, the Westinghouse Talent Search.

Brooklyn should be proud of this talented and hard working young man, the only New Yorker chosen for the scholarship. Zachary was first selected as a finalist from over 1,662 high school seniors, and was then chosen for 1 of only 10 scholarships awarded.

Zachary analyzed blood cells called platelets to better understand heart attacks. His promise as a scientist has only just begun, and I know that this will be one of many successes to come.

KILDEE SALUTES SHERMAN NAPHIER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. KILDEE. Mr. Speaker, it is with great pride that I rise now to pay tribute to Mr. Sherman Naphier on the occasion of his retirement after 37 years with the General Motors Corp. To honor this landmark achievement, Mr. Naphier's friends and family will come together for a roast this Saturday in my hometown of Flint, MI.

During Mr. Naphier's stellar career, he has worked at the Inland Fisher Guide Plant on Coldwater Road as well as with the local chapter of the UAW. As a member of the United Auto Workers Local 326, Mr. Naphier rose through the ranks of the union to assume several leadership positions. In 1982, Mr. Naphier was the first African-American in the Flint area to receive the international appointment as attendance coordinator for Local 326. In 1990, Mr. Naphier received an international appointment to the employee assistance program at Local 326. In addition, Mr. Naphier has also served as alternate benefits plan and alternate committee person at Local 326 and was elected to the fair employment personnel committee.

Yet, Mr. Naphier's list of accomplishments at the workplace represents only the tip of the iceberg of his contributions to the community. In 1989, Mr. Naphier, along with his wife Agnes, cofounded CARE to provide substance abuse prevention and treatment for the indigent of the north Flint area. Under the direction of the Naphiers, CARE has grown to become a pillar of the community, providing a vast range of resources to meet the escalating needs of the neighborhood. Mr. Naphier is also the president of the New Jerusalem Full Gospel Baptist Church senior church usher board and serves on the board of trustees for the church.

Mr. Speaker, I would like to take this moment to ask my colleagues in the U.S. House of Representatives to join with me in wishing Mr. Naphier much joy in his retirement. His selflessness has touched the lives of countless people and will continue to serve as a message of bright hope for the citizens of Flint.

TRIBUTE TO MR. GARY ANDERSON

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. DURBIN. Mr. Speaker, Congressman POSHARD and I would like to recognize a great civic leader from Decatur, IL, Mr. Gary Anderson.

Gary Anderson has served the Decatur community for two decades as member and president of the Decatur Board of Education, mayor of Decatur for three terms, a founding board member of Partners in Education, and a member of the Decatur City Council.

Having obtained a bachelor of science degree in business administration from Northwestern University in 1963 and a law degree from DePaul University in 1968, Mr. Anderson has remained committed to public service while also serving as president of Decatur Title Corp. His dedication and commitment to education and business has greatly improved the quality of life in Decatur.

Mr. Anderson helped launch Partners in Education, a joint effort by Macon County business people and educators to improve the quality of education. He helped develop an affirmative action plan and was active in efforts to seek new approaches to dealing with functional illiteracy, juvenile crime, school dropouts, substance abuse, teen pregnancy, and youth unemployment.

Recently, Mr. Gary Anderson was selected as the Partners in Education honoree for its annual Partners Salute on March 1.

Gary Anderson has a rare quality in public life. His patience and sense of caring have enabled him to bridge many differences in the Decatur community and find compromise in the most difficult situations.

While compiling a fine record of public service, Gary and his wife, Jane, have raised two children who are a great source of pride. A son, Kyle Scott, is a second-year law student at Vanderbilt and Debra is a senior at Valparaiso University.

Gary Anderson should be congratulated for his years of leadership and public service to the central Illinois community. Congressman POSHARD and I would like to thank him and wish him the very best.

IN RECOGNITION OF HEROISM ABOARD THE U.S.S. "DU PAGE"

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. DERRICK. Mr. Speaker, I rise today to recognize and commend the heroic and unheralded actions of four brave men serving in the U.S. Navy during World War II. These four were Clarence E. Roberts, boatsmate, of Edgefield, SC; Albert Ramirez, seaman, of Lompac CA; George Cannon, lieutenant, of Denver, CO; and Robert G. Miller, signalman, of Louisville, KY. The four men serving aboard the U.S.S. *Du Page*, an armed combat loaded transport operating in the Pacific and commanded by Capt. George N. Wauchope, USNR.

In early January of 1945 the *Du Page* was engaged in operations against Japanese forces in the Lingayon Gulf. Part of task force 78, the *Du Page* had sailed from New Guinea in late December carrying Army troops and supplies. By the time she reached the Lingayon Gulf on January 8, she and the ships accompanying her had survived numerous attacks by enemy airplanes, fended off repeated submarine attacks, and had managed to sink an enemy destroyer.

On January 9, the *Du Page* anchored and successfully disembarked its Army troops for an assault on San Fabian Beach, all the while repulsing repeated enemy aircraft attacks, Throughout the rest of the day, the *Du Page* took aboard Army and Navy casualties for treatment in her sick bay. During the night and next day, enemy suicide boats loaded with high explosives attempted to ram the ships belonging to the *Du Page*'s task force.

As the *Du Page* prepared to leave the area on the evening of January 10, she again came under enemy aircraft attack. At 7:15 p.m. a Japanese kamikaze pilot in a twin-engine Nick crashed into the port wing of the ship's navigation bridge and continued aft on the bridge to the fantail, setting her on fire and causing extensive damage. It was at this point that Boatsmate Roberts, Signalman Miller, Seaman Ramirez, and Lieutenant Cannon distinguished themselves. Minutes after the plane's impact, Lieutenant Cannon indicated to the other men that he had found an unexploded bomb in the wreckage left by the plane. They determined that they must throw the bomb off the ship. Putting themselves in the gravest danger, with the *Du Page* burning around them, the four men picked up the bomb, extracted it from the wreckage and threw it over the side.

Mr. Speaker, these four men ignored the immediate peril the bomb presented for the sake of their shipmates. The kamikaze attack on the *Du Page* caused 171 casualties, 35 of whom were killed. Had these men not put their own lives on the line and rid the ship of the bomb, it could have exploded on board, undoubtedly killing many more men, and completely incapacitating the ship. These men's selfless actions saved lives and allowed the ship to maintain its place and duties in the operation. Mr. Speaker, after the passage of almost 50 years, I am proud to finally bring attention to the courageous act of these men as they served their country in the massive struggle of World War II.

TRIBUTE TO HUGH CAMPBELL, HERO OF PEARL HARBOR

HON. NATHAN DEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. DEAL. Mr. Speaker, rarely should we use the time of this House to pay tribute to individuals. But there are certain circumstances when persons have distinguished themselves in the service of their country that is fitting and right to honor them here. I call attention today to one of those persons.

Hugh Lester Campbell, who died last week in LaFayette, GA, at the age of 79, was such a person. Although he was laid to rest in a ceremony with full military honors, the retired lieutenant commander of the U.S. Navy deserves to be mentioned here with distinction.

The day was December 7, 1941, and gun captain, Boatswain's Mate Campbell was standing by his station at gun 3 on the U.S.S. *Sumner*, waiting on his shipmates to go ashore to play softball. Then he saw the planes. In Campbell's words, "I saw the sky full of planes as they started diving toward Battleship Row. The planes were swooping and this plane came over the stern of our ship. I could see the pilot."

Campbell reacted quickly loading the gun, but it would not fire because the wire to the firing pin was not attached. So Campbell reached up to trip the firing pin manually, fracturing his hand from the recoil, and in doing so, shot down the first Japanese plane in the attack. The plane he shot down, according to the ship's log now in the Archives, was attempting a torpedo attack on the U.S.S. *California*.

Although his hand was broken, Campbell continued to fire his gun manually for 2 hours at the enemy planes, unloading 58 rounds and burning up the gun in the process. No one on the U.S.S. *Sumner* was killed, but Campbell watched as his former ship, the U.S.S. *Arizona* was torpedoed and continued to burn after the explosion. Campbell was awarded the Purple Heart for the injuries he received at Pearl Harbor, and he continued to serve throughout the war and afterward, commanding three ships.

Lt. Comdr. H.L. Campbell retired in 1957 after a 24-year career in the Navy and returned to his native Walker County where he served as county surveyor.

For his commitment to duty, for outstanding service to his country and to his community, we honor the memory of Hugh Campbell.

GUARANTEE FREEDOM OF THE PRESS IN HONG KONG

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. PORTER. Mr. Speaker, a free, vocal and active press is of paramount importance to promoting and preserving democracy and in ensuring that the potential excesses of government are aggressively investigated, made public and kept in check. The Founding Fathers of our country recognized clearly this truth and included strong protections for the press in the Bill of Rights.

With the end of the cold war and the decline of the superpower rivalry the press is emerging from dormancy in many places to take its rightful place ensuring open, transparent government and safeguarding human rights and the rule of law. In Eastern Europe, the Baltics, the former Soviet Union, and certain places in Sub-Saharan Africa, to name a few, the free press is a growing and newly vibrant institution.

Under the evenhanded, sometimes disinterested leadership of the British, the Hong Kong press has been vibrant, aggressive, articulate and insightful—unafraid to tell any story. Today the Hong Kong news media uses the most modern telecommunications technology and includes nearly 70 daily newspapers, including 39 Chinese, and 2 English language dailies, over 600 periodicals, 2 private television companies, 1 government radio-television station, and 2 commercial radio stations. Keeping in line with the history of this economic powerhouse, freedom of the press also has an unmistakable commercial angle in Hong Kong. Rapid access to complete and reliable electronic and print information is essential for Hong Kong to remain an international business center and Hong Kong's press has risen to meet this need.

The Sino-British Joint Declaration of 1984 guaranteed that Hong Kong would be allowed to maintain its economic, political, cultural and social structures for at least 50 years after the transfer of sovereignty in 1997. Under this provision, the Hong Kong press should be allowed to operate without mainland interference until 2047.

Unfortunately, with the transfer just over 4 years away the global trend toward a freer press is reverse in Hong Kong. The Hong Kong press has been receiving subtle and not so subtle indications from the mainland that the Communist leadership in Beijing is monitoring it and does not appreciate stories that reflect negatively on the Communist leadership and its policies. I have been told by many sources, including Hong Kong reporters themselves, that the Hong Kong news media feel the pressure of this closer scrutiny and are, with increasing frequency, practicing self-censorship both in reporting and editing news stories in print and on radio and television. This self-censorship is exercised by otherwise excellent, conscientious reporters who have a legitimate concern over Chinese retribution after 1997 and who, in many cases, have wives and families in Hong Kong.

A 1990 survey of 522 Hong Kong reporters conducted by the Department of Journalism and Communications at the Chinese University of Hong Kong showed that 7 of 10 of those surveyed thought press freedom would be curtailed in Hong Kong after 1997. At that time, 25 percent of Hong Kong journalists admitted that they were apprehensive when criticizing the Chinese Government. It is logical to conclude that these numbers have increased as the transfer of power has gotten closer and the mainland leadership has sought to become increasingly active in Hong Kong's affairs.

The Chinese have pursued a course designed to cast doubt and fear into the minds of Hong Kong's reporters. Chinese harassment of Washington Post reporter Lena Sun and other foreign journalists in Beijing is not lost on Hong Kong's journalists, and it is rumored among Hong Kong media types that the Chinese are compiling a journalistic blacklist for use after July 1, 1997.

On July 3, 1991, Mr. He Xin, a member of the Chinese People's Political Consultative Conference, submitted a proposal calling for legal action against Hong Kong publications which made defamatory comments against mainland political figures. In this proposal, Mr. He asked the Chinese courts—the same ones that tried the Tiananmen Square protestors—to handle the libel cases against Hong Kong publications and to extradite individuals to the mainland for trials if necessary. It is messages like these that bombard the Hong Kong media and create a crisis of confidence among even the most dedicated reporters and editors.

Yesterday, I introduced a bill designed to alleviate the concern felt by some of Hong Kong's media and counteract the need for self-censorship among Hong Kong's professional press corps. This bill will extend 1,500 visas to Hong Kong reporters and their spouses and dependent children and would allow the reporters to exercise these visas any time between January 1, 1997 and January 1, 2002.

Individuals who are nationals of Hong Kong or China, whose principal employment or source of income for the 3 years prior to their application for this special visa has been the news media—including print, radio, and television—and whose welfare or safety is likely to be subject to threats or harassment due directly to the journalist's work in the news media in Hong Kong would be eligible for these visas. I anticipate that the 1,500 visas made available by this bill would extend special immigrant status to between 300 and 500 reporters and their immediate family members. While this is only a portion of the reporters working in Hong Kong, it is a substantial number for a colony with a population of 5.8 million and will form a core group immune from Chinese pressures.

The goal of this bill is not, of course, to encourage the Hong Kong press corps to emigrate to the United States. In fact, this bill will be a success if conditions in Hong Kong are such that no Hong Kong reporters feel the need to exercise their visas. The purpose of this bill is to preserve a free, vibrant press in Hong Kong by giving Hong Kong's reporters, editors, and producers the confidence to report the news fairly and accurately both before and after 1997, and by serving notice on the Chinese leadership in Beijing that the Hong Kong press will not be intimidated.

I believe that this bill is a simple and effective way to help preserve Hong Kong's freedom and vitality at this extremely important juncture. Promoting a free press in Hong Kong will help limit China's encroachment into Hong Kong affairs by highlighting Chinese activities and keeping Hong Kong's people informed and aware. I commend this bill to the attention of the Members of the House and encourage my colleagues to become cosponsors.

THE COMPREHENSIVE SAFETY AND HEALTH REFORM ACT OF 1993

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. FORD of Michigan. Mr. Speaker, today I am introducing the Comprehensive Safety and Health Reform Act, the first revision of the Occupational Safety and Health Administration since it was established in 1970.

The evidence of the need surrounds us. Two decades after we enacted OSHA, 10,000 Americans are killed on the job each year. There are 6,700 disabling injuries every day, and 390,000 new occupational disease cases are diagnosed each year. We have done little to reduce exposures to toxic chemicals. Most distressing, despite these statistics, the Occupational Safety and Health Administration, under Republican Presidents for the last 12 years, has fought against effective enforcement of existing Federal protection.

I introduced a similar bill 2 years ago, and we held several hearings on it in the 102d Congress. But we were unable to enact it because of opposition from the Bush administration. Opponents criticized the bill because, they contended, Government cannot mandate good management-labor relations.

The fact is, work force injuries cost American business $83 billion a year, according to a 1989 Rand Corp. study. The improvements we seek will not hurt employers who make safety a priority, but they will force changes on businesses that have been callous toward their employees. For the safety-conscious, we would not impose new requirements. For those employers who are not safety-conscious, we will demonstrate that worker safety is a key to success, that good practices will lower their costs and improve their productivity, their morality, and their employees' morale.

Mr. Speaker, I would like to outline the many improvements that would be made by the bill.

The first area of reform concerns employer and employee participation in making workplaces safer. A major problem on the job today is that workers have no voice in health and safety issues. We intend to give them a bullhorn. Employers would be required to establish health and safety programs to reduce or eliminate hazards and to prevent illnesses and injuries. The programs would mandate health and safety education and training, whose absence is often the reason for injuries.

Employers of at least 11 full-time workers would be required to establish joint safety committees, comprised of employee and management representatives. Their task would be to review the safety and health program, conduct inspections, and recommend corrections.

These joint committees are of paramount importance, Mr. Speaker. If our OSHA reform bill had been the law in 1991, the 25 victims of the Hamlet, NC, poultry plant fire might have had a fighting chance to get out of that firetrap rather than die behind locked doors.

A joint committee and improved training also would have prevented the deaths of two workers at an Ionia, MI, bumper manufacturing plant in 1991. The company has been fined $1 million for the conditions that led to the tragedy, but current law does not require immediate correction of those conditions. The same company was fined another $250,000 last month after two more workers were almost killed, but it has yet to pay a dime. The injustice these victims and their families suffered cannot be allowed to continue.

The bill would give employees greater participation in enforcement proceedings before the Occupational Safety and Health Review Commission. Employees also would have a voice in settlements between OSHA and employers.

A key to making OSHA work is better protection of employees who blow the whistle on dangerous conditions. Employers would be prohibited from firing or otherwise retaliating against an employee for reporting unsafe conditions or for refusing to perform work that would expose the employee to a bona fide danger. It also would authorize the Labor Secretary to order reinstatement and assess back pay, compensatory damages, and attorney fees. Aggrieved employees could pursue litigation independently if the Labor Department failed to act on a discrimination complaint within 90 days.

A second area concerns OSHA's record in setting standards for hazards. Since its creation in 1970, OSHA has adopted fewer than 30 comprehensive health standards, and most safety standards have not been revised since the 1960's. The bill would strengthen and expedite the standard-setting process.

It would require OSHA to respond to petitions for health and safety standards within 90 days of receipt. If it found the standard were warranted, OSHA would issue a proposed rule within 12 months and a final rule 18 months after that. OSHA's failure to do so would be subject to judicial review.

More than 2,000 chemicals are developed each year, yet OSHA regulates workplace exposure to no more than 600 toxins. The bill would require OSHA to update exposure limits every 3 years. The bill also would codify 425 revised exposure limits that were invalidated by the U.S. Court of Appeals for the 11th Circuit last July.

The bill would require that OSHA standards address a significant risk to workplace health or safety and reduce that risk to the extent feasible. The bill would require three generic standards: exposure monitoring of toxic substances, medical surveillance of exposed employees, and ergonomic hazards.

The third major concern is law enforcement. A targeted inspection program would be established for high-risk industries. Employers would be required to report, and OSHA investigate, within 24 hours all work-related fatalities and accidents resulting in the hospitalization of more than one worker. The bill requires employers promptly to correct imminent dangers identified by OSHA. Employers could be fined up to $50,000 per day for noncompliance. This is a major change from current law, which allows employers to litigate through the entire appeal process before correcting major hazards.

Criminal penalties would be increased. Willful violations that cause death could bring up to 10 years in prison, and criminal penalties could be applied to willful violations that cause serious injury. Importantly, management personnel other than executives could be held criminally liable. As it stands, it is the front-line manager who orders workers to perform dangerous duties, but is free from responsibility if injuries and even death result.

I want to point out to my colleagues that under Federal law, it is a felony to maliciously harass a wild horse on Federal lands, but it is only a misdemeanor when an employee is killed as a result of the willful violation of a health or safety standard.

We would expand coverage of the law to millions of workers for the first time, including those in State and local government and employed in Federal nuclear plants under the jurisdiction of the Energy Department. As we have done in other areas of the law in recent years, Congress would extend health and safety protection to its own employees.

The bill improves the collection of employer data on work-related deaths, injuries, and illnesses. It guarantees victims of accidents, or their families, access to information on OSHA's investigation. And it requires OSHA to meet with victims or their families before sending a citation regarding their accident.

State plans would have to meet many of the updated Federal standards, such as the requirements for safety and health programs, joint committees, reporting, nondiscrimination protection, and access to information. OSHA would investigate complaints against State plans. The bill allows States to adopt additional safety and health requirements to protect the general welfare.

To help business comply with the law, OSHA would offer technical assistance, training, and consulting services to employers and employees, at cost. These fees would be used to expand compliance assistance OSHA provides to businesses.

The bill would create an Office of Construction Safety within OSHA, and add special safeguards for construction industry workers. General or prime contractors would have to have written safety plans for each construction project and an on-site safety coordinator to implement the plan.

To deal with the problems of worker's compensation, the bill would establish a 15-member Federal Worker's Compensation Commission. Its charge would be to examine compensation law and determine what changes are necessary to improve the system.

Mr. Speaker, every American has the right to a safe and healthy workplace. That was the principal behind OSHA when we established it, and it remains our goal today. It is time for us to take the next step to protect the health of workers in our factories and offices.

BASE CLOSURE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. PACKARD. Mr. Speaker, I am here today to discuss a very important issue. Not only is this issue critical to the future of 100,000 potentially displaced defense workers in California, but also to thousands of workers in various cities throughout this country whose economic livelihood hinges on the military.

Mr. Speaker, as my colleagues know, Secretary Aspin is scheduled to send a list of suggested shutdowns to the independent Defense Base Closure and Realignment Commission this week.

The question involving the economic impact of these base closings is not one of partisanship and politics but one of need and obligation. California alone could lose up to $300 billion in their annual defense payroll, plus another $1.4 billion in defense contracts if these closings materialize. California is home to military installations, 17 of which are scheduled for closure or consolidation.

Currently, $1.7 billion is allotted in fiscal year 1993 for defense conversion purposes. To ease the economic impact which California disproportionately bears, President Clinton announced that he will release $500 million to compensate districts for economic hardships caused by these closings. However, the administration has yet to distribute any of this funding.

Subsequently, we are forced to sit back and anticipate Secretary Aspin's next move. Unofficial lists published in the press name nine more bases on the list slated for closure. According to the California Institute, California is shouldering 60 percent of the cuts pursuant to 1988 and 1991 rounds of base closures.

Just as we cannot rely on defense cuts alone to balance the Federal budget, we also cannot close a disproportionate amount of bases in California as we downsize.

HONORING THE RIVERDALE COMMUNITY CENTER AT M.S. 141

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. ENGEL. Mr. Speaker, it is with great pride and pleasure that I recognize the 20th anniversary of the Riverdale Community Center at Middle School 141.

An organization that was born out of concern over the temptations that stalk our youth, such as drugs and alcohol abuse, has grown into a place where children, teens, and adults can all enrich their lives.

The RCC was founded two decades ago by the Parents' Association of Middle School 141 to address the many serious problems facing the youth of the community. Today, the RCC is an integral part of the Northwest Bronx. Its free teen center programs serve over 1,500 teens each year, and hundreds of seniors, adults, and youngsters participate in more than 150 education courses. The RCC Outreach Program assists troubled teens before they get caught up in dangerous behavior.

It is this spirit of action and intervention that makes the Riverdale Community Center so unique. I commend all the people who have helped to develop these innovative and effective programs. Their efforts have touched many individual lives and enhanced the entire community.

IN RECOGNITION OF TIMOTHY J. SHOTMEYER

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mrs. ROUKEMA. Mr. Speaker, the Boy Scouts of America are a unique organization. When most think of the Boy Scouts, the image that immediately comes to mind is the young man dressed in his khaki uniform, escorting the elderly woman across the street. While I am sure that no Scout would pass up that chance to lend a helping hand, for the Shotmeyer family of Bergen County, NJ, Scouting has meant so much more. I rise today to ask my colleagues to join with me in recognizing the Shotmeyers' dedication to Scouting and specifically, to acknowledge the attainment of the rank of Eagle Scout, by Timothy Shotmeyer.

The Shotmeyer family has been involved with the Boy Scouts for many years serving local Scouting organizations on all levels. Henry Shotmeyer, Jr., of Wyckoff, NJ, was recently inducted to serve as president of the Passaic County Council of the Boy Scouts. His brother, Charlie Shotmeyer, of Franklin Lakes, is assistant scoutmaster of Boy Scout Troop 77 and serves as an executive board member of the Bergen County Council. The tradition runs deep in the family.

Today, I want to call the attention of my colleagues to the next chapter in the Shotmeyers' legacy with the Scouts as troop 77 holds an Eagle Scout Court of Honor for Charlie's son, Timothy J. Shotmeyer.

Tim Shotmeyer was the sixth member of troop 77, joining shortly after it was founded in September 1989. He is the first in T–77 to attain Eagle Scout rank. To demonstrate Tim's dedication to Scouting, one merely looks at his efforts to become an Eagle Scout. The long road to Eagle status requires a Scout to earn at least 21 merit badges. In his 3 years as a scout, Tim has earned 37 merit badges—a remarkable average of one a month—in such areas as American Heritage, Consumer Buying, Firemanship, and Personal Management. A leader among his peers, Tim has served as senior patrol leader and was elected by his fellow Scouts to the National Honor Camper Order of Arrow as an ordeal member of the Oratam Lodge. He now serves as an officer of the lodge.

Following his Scout pledge to "do my best to do my duty to God and Country" and "to help other people at all times," Tim has served in school as class vice president and homeroom delegate, and is a member of the band, Rotary Interact, Bible Club, Young Conservatives for a Stronger America, the Green House Club, National Rifle Association, Young Republicans of Sussex County and the YMCA Youth in Government. He has also earned the religious award of his faith: The God and Country Award.

Mr. Speaker, Scouting brings boys of common interest together and provides a camaraderie that builds friendships, strengthens families, and nurtures character. I can think of few who are better role models for our youths than the Shotmeyer family. That is why I urge my colleagues in the House of Representatives to join with the Bergen County Council of the Boy Scouts of America and me in congratulating Timothy J. Shotmeyer and his entire family as he earns the rank of Eagle Scout.

TRIBUTE TO FIVE OUTSTANDING AFRICAN-AMERICANS

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. KLEIN. Mr. Speaker, I rise to pay special tribute to five outstanding African-Americans from Paterson, NJ. On Sunday, February 28, 1993, the Integrity Lodge No. 51 honored Curtis Taylor, M.M. Burkley James, Martha Bolds Afetse, R.W. John D. Givens, and Rev. Dr. Gregory Turner. These citizens devoted tremendous time, talent, and energy to the enrichment and protection of the Paterson community.

Curtis Taylor is undersheriff of the Passaic County Sheriff's Department. He is an invaluable asset to the sheriff's department because of his tireless drive to continually enhance his ability as a law enforcement officer. His exceptional service has won him a medal of honor for distinguished performance of an act of gallantry beyond the call of duty, a citation from the New Jersey Senate for dedicated volunteer services to maintain law and order, and a certificate of appreciation in recognition to commitment and active participation.

M.M. Burkley James, Sr., a distinguished veteran of the U.S. Army and retired General Motors employee, has dedicated countless hours in community service. He is a member of several Masonic Houses, Adoptive Rites, and Concordant Bodies of the Prince Hall Family. And many people still remember his talents as a superb baseball player.

Martha Bolds Afetse has many responsibilities, one of which is as the founder and executive director of Community Action Day Care Inc. of Paterson, NJ. She is also the founder of the Paterson Sickle Cell Foundation and the Paterson Black Women's Health Projects. Her steadfast community involvement has earned her a magnitude of awards and certificates, such as the Dr. George Washington Carver Award for Education, the Mayor's Award, and the Arthur Johnson Award for youth work. Her membership in organizations like the Youth Group-Core, Northside Addict Rehabilitation Center, Women for Political Action, and the New Jersey Policy Development Board have inspired many to fight for a better future for themselves and others.

Enterprising entrepreneur, John D. Givens is the owner and operator of Givens Chrysler Plymouth Inc., a first sergeant in the Army Reserve, and a teacher of auto mechanics at Middlesex Technical School. Under his leadership, Integrity Lodge No. 51 purchased the Masonic Building at 224 Martin Luther King Way, a scholarship fund was established and the George Bumpass Shrine Club was founded, just to highlight a few of his many contributions. He has fund-raised and organized for numerous events and is the recipient of many military and civic awards. I hope he is successful in this goal to establish a trade school for the urban community.

With a flock of 1,500, Rev. Dr. Gregory C. Turner has led the Christ Temple Baptist Church in several successful outreach ministries. They have uplifted the spirit of Paterson, as well as helped in feeding and clothing the needy. He continues to search for more ways to serve the community of Paterson, and he has received numerous civic awards.

Mr. Speaker, I commend Curtis Taylor, M.M. Burkley James, Martha Bolds Afetse, R.W. John D. Givens, and Rev. Dr. Gregory Turner for their unselfish contributions that have been an inspiration throughout the Paterson community. I am thankful that these exemplary citizens of New Jersey are continuing in their devoted work for the benefit of our community.

INTRODUCTION OF LEGISLATION TO PROTECT AQUIFERS

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 10, 1993

Mr. GALLO. Mr. Speaker, today, I am reintroducing legislation to protect our Nation's sole source aquifers from potential contamination resulting from the siting of landfills.

We have learned from past experiences that it is easy to pollute our underground sources of safe drinking water and much more difficult to reverse the process of leachate seepage once it has begun to occur.

Each day, the United States consumes over 74 billion gallons of ground water for drinking and other uses. Contamination of this ground water with chemicals and other pollutants can be a serious environmental and public health problem. We especially need to be cautious when our landfills are placed over the sources of our precious ground water—sole source aquifers.

Most of the Superfund sites in my congressional district involve ground water pollution from a specific source, often a landfill. My bill will prevent future occurrences of this unfortunate pattern by requiring specific actions to certify protection before the damage is done.

In 1986, we passed the Safe Drinking Water Act amendments creating a national program to identify our sole source aquifers and now it is time to provide protections for these valuable sources of clean water. This year the Clean Water Act is due up for reauthorization. I am hopeful that Congress will take the necessary steps this year to provide the needed protection for our valuable sources of drinking water. I plan to offer my bill as part of the reauthorization process.

Currently, the States make most of the decisions that affect ground water protection and the States should be responsible for certifying that projects under their review are safe. My legislation is a significant step toward providing the needed protection by placing the responsibility for prevention with the States under Federal guidance.

Specifically, my bill would ban the construction of a landfill, surface impoundment, waste pile, or land treatment facility within the aquifer protection area unless the State developed a comprehensive plan for protection of the aquifer.

The plan must include a mapping of the sole source aquifer, an assessment of the relationship between land surface activities and ground water quality, management practices to be implemented in order to prevent the adverse impacts on ground water, and a program for State and local implementation of the plan to ensure the continued protection of the sole source aquifer.

In addition to the creation of a plan and a means to implement this plan, the State must during the development of the plan consult with and consider the comments of concerned individuals. The State must also conduct public hearings at places within the protection area to provide the opportunity for comment.

My bill will play an important role in protecting sole source aquifers and will provide our Nation with clean drinking water for future generations.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 11, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 16

9:30 a.m.

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold hearings on S. 257, to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims.

SD–366

Environment and Public Works

To hold hearings on environmental aspects of the North American Free Trade Agreement.

SD–406

Judiciary

Constitution Subcommittee

To hold hearings on a proposed amendment to the U.S. Constitution relating to a Federal balanced budget.

SD–226

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings with the Joint Economic Committee to review the Competitiveness Policy Council's Second Annual Report to the President and Congress.

SD–538

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings to examine telecommunications infrastructure.

SR–253

Joint Economic

To hold hearings with the Committee on Banking, Housing, and Urban Affairs to review the Competitiveness Policy Council's Second Annual Report to the President and Congress.

SD–538

MARCH 17

9:30 a.m.

Armed Services

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the future years defense plan.

SH–216

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Transportation Safety Board.

SD–192

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 335, to require the Secretary of Commerce to make additional frequencies available for commercial assignment in order to promote the development and use of new telecommunications technologies.

SR–253

Foreign Relations

To hold hearings on the nominations of Lynn E. Davis, of Virginia, to be Under Secretary of State for International Security Affairs, and J. Brian Atwood, of the District of Columbia, to be Under Secretary of State for Management.

SD–562

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine corruption in the professional boxing industry.

SD–342

4:00 p.m.

Foreign Relations

Closed briefing, on the Treaty on Open Skies, with 12 Annexes (Treaty Doc. 102–37).

S–116, Capitol

MARCH 18

9:00 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings to examine issues relating to telemarketing fraud.

SR–253

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 473, to promote the industrial competitiveness and economic growth of the U.S. by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the U.S.

SD–366

Rules and Administration

Business meeting, to mark up proposed legislation relating to Congressional election campaign finance reform.

SR–301

10:00 a.m.

Foreign Relations

To hold hearings on the nomination of Timothy E. Wirth, of Colorado, to be Counselor of the Department of State.

SD–628

MARCH 19

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine the purposes of foreign aid in the post-cold war era.

SD–192

MARCH 22

9:30 a.m.

Environment and Public Works

Toxic Substances, Research and Development Subcommittee

To hold hearings to examine the environmental aspects of current hydrogen/renewable energy programs, and the interface between these programs and existing environmental regulation, and emerging environmental technologies.

SD–406

MARCH 23

9:30 a.m.

Energy and Natural Resources

To resume hearings on S. 473, to promote the industrial competitiveness and economic growth of the U.S. by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the U.S.

SD–366

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold oversight hearings on radio and television broadcast use fees on public lands, focusing on a report of the Radio and Television Broadcast Use Fee Advisory Committee.

SD–366

MARCH 24

9:30 a.m.

Energy and Natural Resources

To continue hearings on S. 473, to promote the industrial competitiveness and economic growth of the U.S. by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the U.S.

SD–366

MARCH 30

9:30 a.m.

Energy and Natural Resources

To hold hearings on the science of global climate change.

SD–366

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.

SD–G50

MARCH 31

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, the Veterans of World War I, the Vietnam Veterans of America, the American Ex-Prisoners of War, and the Non-Commissioned Officers Association.

345 Cannon Building

APRIL 1

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Highway Administration, focusing on implementation of the Intermodal Surface Transportation Efficiency Act.

SD–116

APRIL 20

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on sustainable development goals and strategies.

SD–138

APRIL 21

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Transportation.

SD–192

APRIL 27

9:30 a.m.

Governmental Affairs

To hold hearings to examine environmental problems in the Federal Government.

SD-342

MAY 4

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine foreign assistance and U.S. international economic and commercial interests.

SD-138

MAY 6

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.

SD-138

MAY 11

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine foreign assistance and U.S. foreign policy and security interests.

SD-138

MAY 13

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.

SD-138

MAY 18

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine foreign assistance and transnational issues, focusing on population, environment, health, narcotics, and anti-terrorism issues.

SD-138

MAY 25

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on foreign assistance and the transition to democracy in the former Soviet Union and eastern Europe.

SD-138

MAY 27

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.

SD-138

JUNE 8

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.

SD-138

HOUSE OF REPRESENTATIVES—*Thursday, March 11, 1993*

The House met at 11:30 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We confess, O God, that we accept so many of the blessings of life and we forget to give thanks; we receive the support of family and friends and we do not always remember to be grateful; we have food and freedom and we can easily forget that many in our land and world have so little. Remind us, O gracious God, of all these gifts that we receive each day, so we may live our lives with awareness, gratitude, and appreciation. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WELDON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WELDON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 152, not voting 34, as follows:

[Roll No. 63]

YEAS—244

Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Green
Gunderson
Hall (TX)
Hamburg
Hamilton
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoke
Holden
Houghton
Hoyer
Hughes
Hutto
Hyde
Inglis
Jefferson
Johnson (GA)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Smith (IA)
Smith (NJ)
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Woolsey
Wyden
Yates

NAYS—152

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Everett
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Huffington
Hunter
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Machtley
Manzullo
McCandless
McCrery
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—34

Abercrombie
Barton
Berman
Boucher
Brown (CA)
Cardin
Collins (IL)
Cox
DeLauro
Emerson
Fields (TX)
Foglietta
Ford (TN)
Frost
Gordon
Gutierrez
Hall (OH)
Harman
Hastings
Henry
Inslee
Johnson (SD)
Kopetski
LaFalce
Livingston
McDade
Parker
Rogers
Slaughter
Thornton
Washington
Williams
Wise
Wynn

☐ 1152

Mr. KLEIN changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

☐ 1210

PERSONAL EXPLANATION

Mr. WYNN. Mr. Speaker, during rollcall vote No. 63 on the Journal, I was unavoidably detained. Had I been present I would have voted "yes."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MURTHA). Will the gentleman from California [Mr. BAKER] please come forward and lead the House in the Pledge of Allegiance?

Mr. BAKER of California led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMUNICATION FROM WALTER P. KENNEDY, MINORITY SERGEANT AT ARMS

The SPEAKER pro tempore laid before the House the following communication from Walter P. Kennedy, Minority Sergeant at Arms:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 1, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
The Capitol.

DEAR MR. SPEAKER: I have had a great privilege that very few in America have experienced and that is serving as a member of the Staff of the House of Representatives for some 44 years. It has been an experience that I shall remember to the end of my time. The friendships I have developed with you, with my own Leader, Bob Michel, and so many others over these years has been a very rare privilege.

But now with the years passing by more rapidly I have determined that I should spend more of my remaining time with my long suffering and devoted wife, my seven children and nine grandchildren. I shall continue to remain active participating in my son's law firm but at a pace one can have the opportunity to stop and smell the roses.

I, therefore, submit my resignation effective the end of business on March 15, 1993. I thank you, my Leader and all the Members for making my life a Camelot come true.

Respectfully,

WALTER P. KENNEDY.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that after the gentleman from Illinois [Mr. MICHEL] is recognized for an extended 1-minute, the Chair will then recognize 17 Members for 1-minute speeches on each side.

The Chair recognizes the gentleman from Illinois [Mr. MICHEL].

TRIBUTE TO WALTER P. KENNEDY, MINORITY SERGEANT AT ARMS

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker and Members of the House, I have asked for this extended 1 minute from the Speaker to take special note of the letter of resignation which was just read from our long-time friend and devoted House employee, Walter P. Kennedy. There is a special significance to my taking this time because Walt and I served together as administrative assistants in our earlier years on Capitol Hill. He began his career as an AA to former Congressman Gordon Canfield from New Jersey in 1949, and that is the year I began my tour on Capitol Hill. He subsequently was appointed minority pair clerk by the late Speaker Joseph W. Martin of Massachusetts, and then appointed to fill the minority Sergeant at Arms post by our former minority leader, John Rhodes, and has continued in that position under my tenure as Republican leader.

Mr. Speaker, it should be noted that during Walt's 44 years of service on Capitol Hill he served as president of the Congressional Secretaries Club, founder of the Capitol Hill First Friday Club, and during World War II he served in the European theater of operations with the 44th Infantry Division in southern France and Germany, ending up at the Brenner Pass.

Walt has decided, as we heard in his letter of resignation, to spend more time with his seven children and nine grandchildren, and I just wanted to take this opportunity to express my own personal love and affection for him as a friend, express our profound appreciation for Walt's long and devoted service to the House of Representatives.

I guess Wally serves officially as a representative of our party. I know that he has acquired many, many friends on the Democrat side of the aisle of this House. There was no center line of division for him. He always wanted to be helpful to Members of both sides, particularly younger Members, getting them acclimated to this institution.

Walter P. Kennedy has set a high standard of performance for all of our employees, Mr. Speaker, and I think we, as House Members, do ourselves proud to appropriately recognize that kind of service. This place will not be quite the same without him, wherever he is, but I am sure I speak for the entire House when I say, "Thank you from all of us for your long, distinguished and loyal service to this institution. We wish you all the best in your retirement."

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I made mention of the other side of the aisle, and I am most happy to yield to the distinguished gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank my very good and close friend, the distinguished minority leader who I think reflects the same qualities that Walter Kennedy reflects, and I am very pleased, as chairman of the Democratic caucus and on behalf of the Members of this side of the aisle, to rise and to join with the remarks of the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Walter P. Kennedy is a gentleman of great understanding, knowledge, and love of this institution. Any of us who have served here with him know him to be a person who has indeed, as the minority leader said, walked on both sides of these aisles, extended his hand to both sides, given good advice and counsel to both sides. He has been a staunch and strong supporter of the other side's interests and objectives, but that has not obscured his view of the fact that we are, in this body, all Americans, concerned about the welfare of our country, and no person who has served in this body has reflected that any more than Walter Kennedy.

Mr. Speaker, those of us on this side of the aisle regret Walter's retirement. We lament the fact that he is leaving our body. Our body will be a lesser body for his absence. But we say to him, we join with your distinguished friend, the minority leader, and all of your friends on that side of the aisle, and all of your friends on this side of the aisle, in wishing you a long life, enjoyment of those seven children and your grandchildren, and we know that you will continue to play, as you have, not just for the 44 years, but for your entire life, a positive role in making this country a better place for all.

Mr. Speaker, let me say this in conclusion: Congratulations to you, Walter Kennedy, and Godspeed.

Mr. Speaker, I thank the minority leader for yielding.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman from Maryland [Mr. HOYER] for his very valuable contribution.

Mr. HYDE. Mr. Speaker, will the Republican leader yield?

Mr. MICHEL. I am happy to yield to my friend, the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I thank the leader for yielding.

We are celebrating today the 44 years of Walter Kennedy's service on the Hill. What I have to say celebrates his seven children, his lovely and long-suffering wife, Ana, and his founding of the First Friday Club many years ago.

Mr. Speaker, I just want to say this to Walt: In America we do not have any hereditary aristocracy, but there is an aristocracy of the heart and of the soul and of the spirit, and in that very special limited aristocracy Walt Kennedy is at least a prince.

Mr. Speaker, this is a bittersweet occasion. I want to join our distinguished minority leader in congratulating Walt Kennedy on his imminent retirement, and at the same time, like so many other Members, I am sorry to see him go.

The title of Sergeant at Arms for the minority hardly begins to describe what Walt has been to this body. He has served as friend, advisor, institutional memory, and gadfly. He has been both conscience and counselor.

His career on the Hill spans 44 years, through the terms of 11 Presidents and 9 Speakers of the House. Somehow, through it all, he has retained—indeed, perfected—both a sense of humor and a sense of humility. He has taught by example that you can be tough and genial at the same time.

Perhaps that's because he never lost sight of the truly important things in life, and never let his priorities get mixed up. Let others point to this or that piece of legislation as their monuments. I think Walt would be far prouder of his seven kids, nine grandchildren—so far—and the Capitol Hill First Friday Club, which he founded and which remains one of the wellsprings of spiritual strength for many in the House.

While we salute Walt for more than 4 decades of service to the Congress and the Nation, we also pay tribute to the person who made all that possible, his wife Ana. We thank her for sharing him with us all these years, for sustaining his dedication, and for putting up with the demands the House makes of its most valuable officers.

To both Ana and Walt, we offer our appreciation and congratulations, with the specific understanding, however, that they are to remain part of our congressional family with a place ever close to our hearts.

Mr. SOLOMON. Mr. Speaker, will the Republican leader yield?

Mr. MICHEL. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, let me just say to my leader that I just want to call this to the attention of some of the new Members who are here: I can recall—not having been here as long as you and Walter, but having been here only about 15 years—I can remember coming here 15 years ago, not knowing anything; I guess I was about the most naive kid on the block. And the one man who came over to me that day 15 years ago was Walter Kennedy. I did not even know who he was. He sat me down and we talked about this body and about the historical institution, and I think I learned more from him than I have learned from all the other people we have been associated with all these years. He has such great infinite wisdom that he can bestow on all of us. We are going to miss that dearly.

But there is one thing about this that I might warn the other side, and that is that everybody knows I have a tendency sometimes to become frustrated and exercised and excited, and when that used to happen, there was one man in this body who would come over to me and say, "Gerry, sit down for a minute. I want to talk to you." And he would settle me down, and things then would be much, much better.

I do not know who is going to take Walter's place. So look out, Democrats. Look out.

Walter, we love you. We are going to miss you dearly. But just come back and say hello to us from time to time.

Mr. GILMAN. Mr. Speaker, will the leader yield?

Mr. MICHEL. I am glad to yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the leader for yielding.

I, too, want to add my congratulations and express my sorrow upon learning that Walter will no longer be part of the great tradition of this wonderful body.

Walter has not only been a minority Sergeant at Arms but he has been an adviser to all of us on both sides of the aisle.

Walter, we will surely miss you. God bless you, and may you enjoy many years of good health ahead.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the distinguished Republican whip.

Mr. GINGRICH. Mr. Speaker, I just want to say this: After hearing HENRY HYDE'S words on Sir Walter Kennedy, he is surely a prince of a man. That when people watch and try to understand the House, I would make two points that Walter Kennedy personifies.

First, is that this House is not just the Members, but that there are staff who work endless hours and who bring to us a sense of decency and a sense of love for their country. Those staff members, of whom Walter is just one of the most notable examples, are absolutely vital to bring about the kind of representative body that we are.

Second, despite all these scandals, despite all the problems, this is a process of representation which for over 200 years has served the American people very well.

Walter Kennedy is one of the longest serving institutional memories of the great moments and the bad moments, of the wonderful things and the endless things that come together in the human drama. We will all miss him. I hope he will assume that he is never fully retired but is permanently available to this House and to the younger staff and the younger Members to help continue the long tradition of freedom in America.

We are going to miss Walter. He and his family have certainly deserved this day, and I thank the leader for taking the time to bring this to our attention.

Mr. MICHEL. Mr. Speaker, the gentleman has just buttressed the point that I wanted to make with respect to taking the time today, that all of us rely on our individual staffs and those in our offices. The institution could not run without devoted people like Walt, and from time to time I think it serves us well if we honor that service.

Mr. WALKER. Mr. Speaker, will the leader yield?

Mr. MICHEL. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I, too, want to praise Walter Kennedy for his service in the House. I, like some others, have known Walter for a long, long time, and what has been said about him here thus far is absolutely correct.

There is one other point I want to make: I came here as an inexperienced staffer in the 1960's, and the one thing I have always found about Walter Kennedy is that it did not matter whether you were the young, inexperienced staffer or whether you were one of the leadership people on either side of the Hill, he treated everybody the same. Everybody had access to Walter, and he worked with us and tried to help us. That, I think, is one of the things that distinguishes staff members the most, that they are capable of that kind of decency.

Mr. Speaker, we are going to miss Walter Kennedy very much on the Hill.

Mr. KLEIN. Mr. Speaker, will the distinguished minority leader yield?

Mr. MICHEL. I am happy to yield to the gentleman from New Jersey.

Mr. KLEIN. Mr. Speaker, I find that Walter Kennedy is not only a great servant of this House, but also a resident of the city of Patterson, NJ, and a constituent of mine in the Eighth Congressional District of New Jersey. Of course, Walter's career in the House began by serving Gordon Canfield, who was one of my distinguished predecessors.

Walter has had an illustrious career in the House, and my largest and biggest regret is that he leaves at a time when I did not get to know him as well as I would have wished to have done. I wish him Godspeed and success in all of his future endeavors.

Mr. MICHEL. Mr. Speaker, I appreciate so much the gentleman from New Jersey serving to wrap up this little exchange, coming from Walter's home district.

Mr. Speaker, in conclusion, I include two letters, as follows:

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, March 10, 1993.

Mr. WALTER P. KENNEDY,
c/o Congressman BOB MICHEL,
The Capitol, Washington, DC.

DEAR WALTER: I just wanted to wish you the best of luck as you seek to prove that there is life after Capitol Hill.

Washington has turned over many times the past 44 years—but one thing that has not changed is that Republican House members could always count on Walter Kennedy to get the job done.

I am just one of many who is proud to salute you for your service to the Republican Party, to the House of Representatives, and to America.

Elizabeth joins with me in sending our very best to you and your family. May you have many happy years ahead.

Best regards,

BOB DOLE.

House of Representatives,
Washington, DC, March 10, 1993.

Hon. ROBERT H. MICHEL,
Republican Leader, U.S. House of Representatives, The Capitol, Washington, DC.

DEAR BOB: It is with mixed emotions that I learned of Walter Kennedy's retirement as our Minority Sergeant at Arms.

After 44 years of service to the Congress and the hundreds of Republican members who have served here during that time, I am pleased that Walter will now be able to relax and give his undivided attention to his wife Ana, their seven children, and their nine grandchildren who have been such a great source of pride.

The sadness comes in knowing that when the House convenes next Tuesday, things will not be quite the same without Walter in the House chamber. He has always been there for our members and he always knew what was happening—at least as well as anyone around here could.

It is ironic in a way that Walter is retiring in a year in which we have so many freshmen members. When I came to Congress in 1970, we had no formal orientation sessions or big brother programs, in which freshmen were paired with sitting members. It was every member for himself and I found that Walter Kennedy became the best source of information for me and for so many of my colleagues. He told us where things were and how to get things done. Twenty-three years later, I still seek out Walter's advice and will greatly miss having the benefit of his counsel.

This is the 23rd Congress in which Walter has served the members of the House. He has been here during the tenure of 11 Presidents and nine Speakers. In an institution full of history and legends, Walter Kennedy has become an institution and legend himself. This will be the living tribute to his service to this great House which he leaves behind.

My best wishes go out to Walter, Ana and their children and grandchildren for many happy and healthy years together. With warmest personal regards, I am

Very truly yours,

C.W. BILL YOUNG,
Member of Congress.

Mr. LEWIS of California. Mr. Speaker, I have known Walter Kennedy since the first day I arrived in Congress. He is a friend of mine and has served as my counselor many a time. Walt has always looked out for me, and every Republican, on the difficult issues and those tough political votes.

In public affairs and politics, loyalty is everything. Understanding the importance of this principle has been at the heart of Walter Kennedy's success. Contributions he has made to Members of this House, especially to his mentor BOB MICHEL, are a part of the legend that makes this Congress the world's most important legislative body.

Walter has always been available, day or night, to help with whatever project I am working on. He has extensive institutional memory, the type of historic knowledge that we will never be able to replace. Nevertheless, I want to join our leader in wishing him all the best in a well deserved retirement.

Mr. GALLO. Mr. Speaker, I would like to take this opportunity to recognize Walter P. Kennedy for his accomplished and dedicated career. He has announced that he will retire after 44 years of service on Capitol Hill.

In 1985, when I was new in Congress, Walter was very helpful to me during that adjustment period. He has been willing to discuss issues with me and he has offered exceptional advice on various topics. I would like to thank him for all of that advice and express my deepest gratitude.

Walter Kennedy's career on Capitol Hill began in 1949, in the 81st Congress when he worked as an administrative assistant for the late Congressman Gordon Canfield of New Jersey. He remained there until 1960, and then began working for Congressman Bradford Morse.

He was appointed by the late Speaker Joseph W. Martin Jr. to be the minority pair clerk. Later he was appointed by former Minority Leader John Rhodes and current Republican leader BOB MICHEL to fill the minority Sergeant at Arms post.

A native of Paterson, Walter P. Kennedy was educated in the local schools of New Jersey and is also a graduate of Seton Hall University and John Marshall School of Law, now called Seton Hall University School of Law.

He also attended Columbia University School of Business and Georgetown University School of Foreign Service.

He has numerous achievements on Capitol Hill, including being the president of the Congressional Secretaries Club. He was also the founder and first president of the Capitol Hill First Friday Club. He served in World War II with the 44th infantry Division in the European Theater of Operation.

Mr. Speaker, I would like to wish Walter P. Kennedy and his wife Ana Luisa a very happy and healthy future.

Mr. EMERSON. Mr. Speaker, my first exposure to Capitol Hill was 40 years ago, when at age 15, I had the wonderful privilege of being a page in the House of Representatives. At that time Walter Kennedy was well into service here, and beyond that point in time he served for four full decades. I've had the privilege of knowing Walter throughout that time and know of his commitment and dedication to this institution and all of the people who serve here.

Walter has had the great opportunity to see an awful lot of water pass over the dam. He has been a witness to the mundane and the monumental of what happens here, from inaugurations to State funerals, uplifting debates to petty squabbles, he has known the great people and, I'm sure, some rascals also.

Walter, Godspeed as you move to your next career and God bless you for the service you have rendered. I hope your enjoyment of the future is as rewarding to you, and is as fulsome, as the job you've done as a part of this institution.

Mrs. MORELLA. Mr. Speaker. I rise to pay tribute to an almost legendary Hill staffer, Walter P. Kennedy, a constituent of mine who is retiring after 44 years of service.

Walt, who lives in Bethesda, MD, in my Eighth Congressional District, has served as minority Sergeant at Arms for the current Republican leader, BOB MICHEL, as well as for his predecessor, John Rhodes. Prior to that, he had been minority pair clerk after serving for more than a decade as administrative assistant to the late Congressman Gordon Canfield and Congressman Bradford Morse.

During that long period, Walt was a hardworking assistant known for his creativity and loyalty. But he was much more: With his vast experience and institutional memory, he was a wonderful adviser to scores of freshmen Members of Congress when they came to the Hill. And while he is a good Republican, he was never too busy to provide assistance to those on the other side of the aisle as well.

During his time on the Hill, which spanned 11 Presidents and 9 Speakers of the House, Walt involved himself in a variety of Hill-related organizations. He has been president of the Congressional Secretaries Club and was founder and first president of the Capitol Hill First Friday Club.

During World War II, he served in the European Theatre, with the 44th Infantry.

Walt has left a mark on this body over the past half-century, and I wish him continued success in his retirement.

GENERAL LEAVE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks, and include extraneous matter, on the subject of my 1-minute, out of respect to Walter Kennedy and his retirement from this distinguished body.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will announce once again that there will be 17 1-minute speeches allowed on each side.

The Chair will first recognize the gentleman from New York [Mr. SCHUMER].

A TERRORIST STRIKES AT A FLORIDA ANTIABORTION DEMONSTRATION

(Mr. SCHUMER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, yesterday, in Pensacola, FL, another tragic shot was fired by an antichoice terrorist in what has become an all-out guerrilla war on the women who seek abortions and the doctors who care for them. Unfortunately, I am not speaking figuratively. An ideological extremist participating in an antichoice demonstration shot Dr. David Gunn in cold blood as the doctor got out of his car in front of the clinic he had opened only a month ago.

They cannot persuade people by words, so they resort to bullets. They can no longer rely on the Congress and the courts, so they rely on coercion and violence.

Clearly, the threat to a woman's right to choose is no longer in the courts or in the Oval Office. It is in the streets in front of abortion clinics. It has become a deadly serious business for a woman to go to a clinic where she is almost certain to face harassment and even physical attack.

Mr. Speaker, in conclusion, let me say that we cannot bring Dr. Gunn back, but we can pass the Freedom of Access to Clinic Entrances Act, which I have introduced, along with the gentlewoman from Maryland [Mrs. MORELLA]. I will be holding a markup on this legislation shortly.

Mr. Speaker, in light of this most recent act of terror, we cannot pass this bill soon enough.

WORRY ABOUT TAXES, NOT CUTS

(Mr. BUNNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, according to the Washington Post, President Clinton is wary of more spending cuts because he is afraid they will stall the recovery.

I understand why the President is wary of stalling the recovery, but spending cuts are not the problem.

The problem is the President's tax increases on the middle-class taxpayer. We all know the history. Every time we have raised tax rates over the last 30 years, we have stalled our economy.

And now President Clinton wants to raise even more taxes to help make life more fair.

Mr. Speaker, the President should not be afraid to cut more Federal spending. That will only help the economy.

His worries should be with his plans to tax the middle class more. That is the part of the plan that worries me the most.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 103

Mr. HOLDEN. Mr. Speaker, due to an administrative error, my name was incorrectly listed as a cosponsor of House Joint Resolution 103. I ask unanimous consent that my name be withdrawn as a cosponsor of House Joint Resolution 103.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MOVING IN THE RIGHT DIRECTION

(Mr. McHALE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHALE. Mr. Speaker, Justice Oliver Wendell Holmes once said:

> I find the great thing in this world is not so much where we stand, but in what direction we are moving. * * * we must sail sometimes with the wind and sometimes against it—but we must sail, and not drift, nor lie at anchor.

Regrettably, for the past 12 years our social conscience has been adrift and our once great economy has remained at anchor. We now confront a $4 trillion debt and the harsh reality that 36 million of our fellow citizens are without health insurance.

Fortunately, last November, the American people elected a President with the courage to move our country in a bold new direction—a President who believes, as I do, that we must enact a targeted capital gains tax cut to vigorously promote investment in new businesses; we must pass a permanent tax credit spurring research and development; we must rebuild our cities and dramatically strengthen our Nation's infrastructure; and along the way we dare not forget our children; we must fully fund Head Start.

After 12 years of economic drift, we are finally moving in the right direction.

WHERE'S THE BEEF?

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, Walter Mondale, the intellectual guru of the Clinton administration, asked a question during the 1984 election that is especially relevant today.

He asked: Where's the beef?

As I look at the Clinton budget, I am forced to ask the same question.

I see function totals. I see general principles. I see lots of promises. But I do not see any of the details.

Where's the beef? The Budget Committee Republicans came up with a specific package of real cuts.

Where are the President's spending cuts? We have heard him speak magnificently about the need for Government to cut spending. But as the Washington Post pointed out yesterday, the spending cuts remain "vague or loosely defined."

Mr. Speaker, we need a budget with some beef. We need details so we can be assured that we are not just voting on more Clinton promises.

The middle class knows how relevant Clinton promises can really be.

KEEP PRESIDENT'S INVESTMENT PACKAGE INTACT

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, I rise to once again applaud the President for his temerity and tenacity in setting the Nation upon a measured and responsible course toward economic security and stability. His leadership and the Budget Committee's actions last night have produced a very good framework for debate by this august body.

While the Budget Committee's intentions may be honorable, it is my personal belief, however, that its decision to cut $8 billion more than the CBO determined is necessary to meet the President's stated goals could very well be the first step on a paved road to hell. I am hopeful that this body will take a hard look at our social infrastructure as we begin to put flesh on this frame.

Now let me sound a warning as we begin to consider the President's investment package. Our physical infrastructure is in bad need of attention. Our water is not safe. Our roads and bridges are in need of repair. Our rural communities are crying out for long overdue assistance. In short, Mr. Speaker, we must keep the President's investment package intact. Our Nation needs it and our people are deserving of it.

CLINTONOMICS, ELVIS PRESLEY, AND HEARTBREAK HOTEL

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, it was reported during the Presidential campaign that President Clinton is an admirer of Elvis Presley. Let us talk about Clintonomics in terms Elvis would understand:

Don't be cruel to the middle class. They can't pay more taxes.

Increased taxes will check small businesses right into Heartbreak Hotel. And now the President is asking for military cuts of $127 billion. What's next, Mr. President? Why do you want to weaken U.S. military strength and kill small business with more taxes?

The President's unfolding tax increase plan is economically destructive. The President must come clean with the American people. We need all the details.

And, finally, if Mr. Clinton sends us a budget without specifics, as Elvis would say, return to sender.

MEMBERS URGED TO APPROVE PRESIDENT'S ECONOMIC STIMULUS PACKAGE

(Mr. KLEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN. Mr. Speaker, all week I have been receiving phone calls from the people of northern New Jersey demanding two things from their Representative in Congress—put people back to work and get our fiscal house in order. I think we can and will deliver both.

Highway construction, summer jobs for students, and other job-creation programs could begin immediately if we pass President Clinton's stimulus package next week. This is our opportunity to help our neighbors back home recover the jobs they have lost and to get this Nation back on a prosperous track.

However, our $4 trillion debt continues to suffocate our economy. Balancing our investments with spending cuts is crucial to our deficit reduction goal. The President has demonstrated his aptitude at doing this and the Democrats on the House Budget Committee commendably have gone even farther when they added $63 billion more in cuts to the President's total economic package.

I hope we continue to prove to the American public that we are serious about fiscal responsibility and job creation with a yea vote on the President's economic stimulus package.

WHAT IS AN "EMERGENCY"?

(Mr. ZIMMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZIMMER. Mr. Speaker, how does Clintonomics define "emergency"?

Well, according to President Clinton's emergency supplemental appropriations bill, here are some ways to define an emergency.

It's an emergency to begin preparing for whitewater canoeing for the 1996 Olympics.

It's an emergency to expand arts education.

It's an emergency to expand overseas vaccinations.

It's an emergency to give money to the District of Columbia to reduce its debt.

Mr. Speaker, the only emergency I can think of that warrants this kind of attention is the size of our national debt. I urge the President to think first about this emergency before he signs the emergency supplemental.

BUDGET COMMITTEE CUTS THREATEN TO UNRAVEL PRESIDENT'S ECONOMIC PLAN

(Mr. HAMBURG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAMBURG. Mr. Speaker, my constituents and I are encouraged by President Clinton's economic proposals.

After 12 years, we have a President who understands the need to invest in our communities, in our families, and in our future. It is a much needed step in the right direction.

That is why I am frustrated by the additional cuts the Budget Committee voted on last night. What programs will be cut? I fear that the committee has pulled the first threat in the unraveling of the President's economic plan.

Now there is talk about scaling back the stimulus package that will provide immediate relief to districts like mine, where unemployment is nearly double the national average and more and more families are struggling to make ends meet.

The people of my district need solutions to our economic problems. It is important to address the deficit, but we must not deny the harsh realities of today.

I urge my colleagues to focus more on individuals and families and less on abstract numbers.

□ 1220

REPUBLICANS CALL THE PRESIDENT'S BLUFF

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, this morning's New York Times lauds our Republican members of the Committee on the Budget for calling President Clinton's bluff.

We all recall that he stood here in his address to the joint session of Congress and said to us that if we were not going to support his plan, he wanted us to be specific. Then he went on the next several days and said, "No more hot air. Show me where."

Well, Mr. Speaker, our Republican members of the Committee on the Budget have called the President's bluff. What have they provided? Eighty pages of specific cuts.

Now we have to say, where is the President's proposal? We have called his bluff, but he has no cards.

Mr. Speaker, I hope very much that he will provide us no more hot air and show us where.

A CALL FOR AN END TO GRIDLOCK

(Mr. MINGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINGE. Mr. Speaker, our Nation demands that the Federal Government move ahead. Gridlock must end.

I am proud that we have an administration and a Congress determined to work together. It is going to call for sacrifice from many quarters, from those who are already in economic distress.

As a society, unfortunately, we cannot afford to do all that we want or should for the poor, the elderly, and children. But we must do what we can.

From those who have had the benefit of Government programs, they also must sacrifice. Hundreds of these programs are being reduced or phased out. The entitlements are being scaled back. Our defense effort must be downsized.

Third, from taxpayers, those who benefited from the fast times and the high income of the 1980's have a responsibility to join in the sacrifice and pay toward balancing the budget today. We want the economy to move ahead. We want to be a part of that movement. Our Nation demands no less.

DAVID AND BEA BRODY'S 50TH WEDDING ANNIVERSARY

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. FISH. Mr. Speaker, I rise today to honor two dear friends, David and Bea Brody, on their 50th wedding anniversary.

David Brody first came to Washington in 1940 to work for the Department of Agriculture and in 1949 joined the B'nai B'rith Anti-Defamation League. As director of the league's Washington office for 24 years and now as special counsel, he has continued to perform his functions with forthrightness and vigilance. He has dedicated more than 40 years of his life to the promotion of the security and prosperity of Israel, Soviet Jewry, civil rights, civil liberties, and the social welfare of all Americans.

Many past and present members of Congress consider David Brody to be not only a wise counsel but a dear and trusted friend who often has been described as the "101st Senator."

As someone who has known Bea almost as long as he has David, it's hard to believe she has been married 50 years. Bea is charming, entertaining, and lovely, and always by David's side. She is the model of a loving helpmate.

Mr. Speaker, on this very special day I salute this couple who have together contributed so much to American values and the quality of our government.

Mr. EDWARDS of California. Mr. Speaker, it is a delight to join my friend and colleague, Mr. FISH, in offering congratulations and best wishes to David and Bea Brody on the occasion of their 50th wedding anniversary.

One of the pleasures of my 30 years here in the House of Representatives has been my friendship with David and Bea. As my colleagues know, David was for many years the Washington representative of the Anti-Defamation League of B'nai B'rith and, along with Clarence Mitchell, Joseph Rauh, Jr., Arnold Aronson, and others, played a huge role in the early years of the leadership conference on civil rights and long served on the executive committee of that organization.

As chairman of the Committee on Civil and Constitutional Rights, I have always been able to look to David for his advice and insight and his abundant energy in advancing the civil rights agenda for our country. But more than an ally in the ongoing effort for a just society, David has also been a dear friend.

So it is a special pleasure to commemorate the 50th anniversary of David and Bea. I know that my colleagues join me in offering them abundant best wishes on this happy occasion.

Mrs. MORELLA. Mr. Speaker, I rise today in recognition of the 50th wedding anniversary of David and Bea Brody. Mr. Brody, commonly known as the 101st Senator during his tenure as the Washington representative of the B'nai B'rith Anti-Defamation League, has long been a dynamic force for the advancement of civil rights and civil liberties in this country.

Mr. Brody's esteemed counsel and unswerving guidance to the Members of Congress have served the people of this country for more than 40 years. He is known to many Members of this House as a tireless advocate of Israeli rights and Soviet Jewry, and he is a trusted friend to many of us.

Mr. Brody's long record of commitment to the advancement of individual freedoms in the United States dates back to his service as an officer in the U.S. Navy during World War II. Mr. Brody, a transplanted New Yorker, moved to Washington, DC in 1940 to take a position as a lawyer for the Department of Agriculture. He joined the Anti-Defamation League in 1949, and by 1965 had become the chief Washington representative of the league. Since that time Mr. Brody has been a force in the sphere of foreign affairs and civil rights policy.

Over the years Bea Brody has served as a source of strength and encouragement in supporting Mr. Brody's endeavors. As the host of countless gatherings of legislators, reporters, lobbyists, and constituents at the Brody home, Mrs. Brody has joined her husband in a concerted effort to facilitate the exchange of ideas and information in the name of individual freedoms.

I extend a warm congratulations to David and Bea Brody on the happy occasion of their 50th wedding anniversary, and I wish them many continued years of happiness.

Mr. GILMAN. Mr. Speaker, today I join my colleagues in calling to the attention of our colleagues a most joyous occasion: The 50th wedding anniversary of David and Bea Brody, who are well known to us all.

David and Bea Brody were married on March 11, 1943. Since that day, there have been many changes in the world. But their love for each other and their commitment to improving this world have been constant, and have served as an inspiration to many.

For more than a generation, David Brody has served as Washington representative of B'nai B'rith's Anti-Defamation League. In this position, he has worked on behalf of the interests of the Jewish-American community, as well as on behalf of all who cherish freedom. His outstanding service to our Nation demonstrates his true dedication to civil rights and personal liberty. I have been privileged to have worked with David on many projects of mutual concern, including the promotion of peace in the Middle East. His knowledge and thorough understanding of the issues have made him a respected advisor to many Members who walk these halls.

Every great person needs a supportive spouse to sustain their works and Dave Brody has had the pleasure and good fortune—for 50 years—to enjoy the wise counsel and loving support of Bea Brody. Anyone who has met Bea is well aware of her staunch determination to make a better world for all of us, and can well appreciate how Dave and her have complimented each other so successfully for so long. Dave and Bea are truly a unique couple who have been an inspiration to us all.

Mr. Speaker, with this in mind, I ask our colleagues to join in congratulating David and Bea on this happy and wonderful occasion. May they have many more years of good fortune and good health in all of their future endeavors.

GENERAL LEAVE

Mr. FISH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my 1 minute.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from New York?

There was no objection.

A CALL FOR QUICK ENACTMENT OF THE FREEDOM OF CHOICE ACT

(Ms. ESHOO asked and was given permission to address the House for 1 minutes and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, although abortion is an emotional and controversial issue, we are free to express our views on this issue under the protection of the first amendment.

But for several months there has been an increasing level of violence by the anti-choice movement: Emotional and physical harassment of doctors, patients, and health care workers; bombings; chemical sprayings, beatings; and now coldblooded murder.

Unfortunately, many will view this crime as an anomaly—something done by a disturbed individual from a movement with many erratic people.

But listen to the weak disavowals of violence by the anti-choice people. Listen to its leaders establish a defense fund for the killer of this doctor.

Mr. Speaker, they have created this climate of violence. And this violence will continue until we insist that the law stop what their conscience permits.

For the sake of health professionals and women across the country, I urge our Nation's law enforcement authorities to respond appropriately to the anti-abortion movement's increasingly violent tactics. And I urge this Congress to quickly enact the Freedom of Choice Act to guarantee women their legal right to choose.

CONGRATULATIONS TO DAVID AND BEA BRODY

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, I join the gentleman from New York [Mr. FISH] in honoring the distinguished career and the 50th wedding anniversary of David Brody, former director, Washington office of the Anti-Defamation League.

For several decades, David has been the friend of Members of this House on both sides of the aisle, friend of Presidents of the United States of both parties, Members of the other body of both parties and a major figure working for worthwhile causes in this city and Nation.

I first met him when I was a 20-year-old legislative assistant to the Republican whip of the other body, Senator Kuchel of California.

My first assignment was to join in a coalition to deal with rule XXII.

David knew everybody, knew everything and was an invaluable adviser to all of us at the staff level over the years. He is a caring person. He is a person of great integrity.

He is one of the few outsiders that was permitted to join the two whips of the other body who were the floor managers for the Civil Rights Act of 1964. He not only was there when history was made, through his energy, his implementation of what was decided, he helped make that history one of the most significant acts in this century, the Civil Rights Act of 1964.

So David and Bea, on your 50th wedding anniversary, we congratulate you and we thank you for all that you have done to help advance the cause of human rights in the country.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. HORN. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Speaker, I just want to associate myself with the remarks of the gentleman from California [Mr. HORN].

Dave and Bea Brody are great personal friends of mine, and I concur in what the gentleman has just said.

THE RIGHT TO CHOOSE MUST BE UPHELD

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, the violence has gone too far. No matter what one's views on abortion, we cannot tolerate actions like the murder of Dr. David Gunn in Florida yesterday. It is clearly barbaric.

It should not come as a surprise that the warfare against clinics has escalated to murder when anti-choice fanatics will state clearly that they cannot condone or condemn this action. As the political tides shift toward protecting abortion rights, an extremist minority within the anti-abortion movement is turning increasingly to terrorism to achieve their goals.

In recent years, we have witnessed a frightening rise in harassment and violence against clinics. And while the violence has escalated, local law enforcement officials in some communities simply look the other way. The unwillingness of some authorities to clamp down on harassment has served to encourage new and more brazen actions by some in the anti-choice movement.

I have introduced legislation, H.R. 519, that puts extremist forces and local authorities on notice that the right to choose must be protected. We must change the climate in this country by standing up for law and order. Dr. David Gunn's death should not be in vain.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will announce that we have more than 17 members lined up on both sides. We are only going to take 17 today prior to business. Of course, there will be 1 minutes afterward.

MILITARY BASE CLOSINGS

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, our friends on the other side of the aisle have been squealing like stuck donkeys all week, after getting a look at potential military base closings. Senators from the other body and Members here have been whining about the economic impact of base closings in their area.

Are these the same Members who have been so effusive in their praise of the Clinton budget, which includes $127 billion in unspecified defense cuts?

□ 1230

Are these the same Members who have cast vote after vote in favor of cutting defense by 50 percent during annual budget deliberations?

For all of those defense-cutting Clinton cheerleaders, remember that this is only the beginning. As Ross Perot has said, the devil is in the details. How many more bases will be closed and how many more jobs will be lost? How many defense systems will be canceled and how many jobs will be lost? How many more active duty personnel will receive pink slips from the job-producing President?

INTRODUCING LEGISLATION TO PROVIDE EDUCATION, JOB TRAINING, AND JOB PLACEMENT

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, this morning there was bad news in terms of unemployment. Those filing for unemployment benefits jumped by 25,000. This is bad news in many ways, especially since the experts and analysts had predicted that the number would go down. Instead, we are at the highest number in the last 4 months.

Tomorrow, the third round of base closures will be announced. Many communities across the country have already suffered severe job loss, as the filings for unemployment compensation indicate, this resulting in economic decline because of military downsizing.

Mr. Speaker, while we must be prudent and fair in our decision to close military bases, we must also combine our energies to realize the potential that remains for local communities.

Today, I am introducing legislation to provide education, job training and placement in the field of environmental cleanup at closed bases. The purpose of this program is twofold—to benefit both displaced defense workers and disadvantaged youth and to clean up the bases.

Too often, the only thing left when a base closes is a hazardous material site. We must emphasize rapid restoration of these bases so our communities can be revitalized.

Successful economic conversion also depends on the investment we make in our human capital. By forming new community partnerships with labor and business, defense workers can gain the specialized training needed to clean up Federal facilities, and to secure alternative employment.

Much of America's new generation of workers, without further education or training, will be destined to serve in low-skill, low-wage jobs, or become unemployed. By providing disadvantaged youth with training in a growing industry, this program could offer new opportunities for young adults who might otherwise join the forgotten half of at-risk youth in our society. I think this legislation will provide new education and job opportunities for America's displaced defense workers and disadvantaged youth.

It will also bring us a step closer to cleaning up contaminated Federal sites so that local communities can enhance their workforce and improve their economy. I hope my colleagues will support this important endeavor.

NO ROOM FOR VIOLENCE IN ABORTION DEBATE

(Mr. CANADY asked and was given permission to address the House for 1 minute.)

Mr. CANADY. Mr. Speaker, yesterday's act of mindless violence in my home State of Florida leaves me appalled.

The Pensacola murder should outrage every person who respects human life.

Making this act even more irrational was the murderer's claim that he wanted to save lives.

This deranged act strikes at the heart of two principles we as Americans revere:

Our respect for the life of each individual.

And our belief in the rule of law and not violence.

Mr. Speaker, there is a great debate in America over the practice of abortion.

Americans passionately disagree about the justice and morality of our laws permitting virtually unrestricted abortion.

However, one of the glories of America is this:

We settle our political differences through reasoned discourse and elections.

We do not resolve political conflicts by assassination.

The principle of respect for human life will only be undermined by lawless acts of violence such as the murder in Pensacola.

Violence only breeds more violence.

Mr. Speaker, the only appropriate response to this crime is unequivocal condemnation.

URGING PASSAGE OF THE FREEDOM OF CHOICE ACT AND THE CLINIC ACCESS BILL

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, yesterday's murder of Dr. David Gunn outside a Florida clinic by an antiabortion activist is an outrageous and shocking act.

I am deeply saddened by this ugly crime, and my heart goes out to the family and friends of Dr. Gunn.

Perhaps the only thing that eclipses the horror of this tragedy is the callousness with which the leaders of the so-called pro-life movement have responded to the actions of one of their own.

For several years now, these zealots have sought to deny women their legal rights to a safe abortion by blocking access to abortion clinics.

Yesterday's crime represents a sick and dangerous escalation of those activities and it must be condemned.

Today, the Congress must redouble its efforts to guarantee women the legal right to safe abortions and to ensure their safety as they seek this right.

A swift and strong message must be sent to the radical antiabortion activists: Women have a right to legal abortion, and the Federal Government intends to fully guarantee it.

Let us pass the Freedom of Choice Act and the clinic access bill and end this madness.

IN SUPPORT OF THE LINE-ITEM VETO AND BREAKING THE BUDGET GRIDLOCK

(Mr. QUINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUINN. Mr. Speaker, all of us who took office this January were elected to break the gridlock in Washington.

How do we break the budget gridlock?

Give the President the line-item veto. That is how. President Clinton has said he wanted a line-item veto. On April 29, 1992, Bill Clinton said, "I strongly support the line-item veto because I believe we need to get Federal spending under control."

And like President Clinton, I support the line-item veto.

I gathered yesterday with my colleague, Mr. BLUTE from Massachusetts, and 20 other freshman Republicans to offer our help to President Clinton.

I know many of our classmates from the other side of the aisle also support the line-item veto.

Together—Democrats and Republicans—the freshman class can give President Clinton more than 100 votes for the line-item veto.

Now is the time for us to come together—Republicans and Democrats—Congress and the President of the United States. Now is the time to break the gridlock and get to work. Now is the time to give the President the line-item veto.

FREEDOM OF ACCESS, FREEDOM OF CHOICE

(Mr. KREIDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KREIDLER. Mr. Speaker, everyone should be outraged by the murder yesterday of Dr. David Gunn, by the increasing violence against abortion clinics throughout the country, and by the response from extremists whose comments come close to justifying this coldblooded murder.

These attacks are not simply destructive to the clinics themselves. They are destructive to our democracy—for any time we allow terrorism to win, we all lose.

It is time for this Congress to protect patients and health care providers from harassment and violence. It is time to pass the Freedom of Choice Act, so all Americans will understand that in this country, women have a right to make their own choices about reproduction—and no amount of intimidation, threats, or harassment can take that right away.

And it is time to condemn the cult of self-righteous zealotry that fosters such brutal violence. Extremist fanaticism has no place in America, and its consequences are always tragic—in New York City, in Waco, and now in Florida.

DESIGNATING CLOSED MILITARY BASES AS ENTERPRISE ZONES AND AS REDEVELOPMENT AREAS

(Ms. MOLINARI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOLINARI. Mr. Speaker, starting tomorrow, every Member of this body will directly or indirectly face the harsh realities of military base closures. Once the list of bases to be closed is released, we will all begin to understand the dramatic and devastating affects which result from this process, and how they affect the local communities.

In particular, unemployment will rise dramatically, small and large businesses will shut down, and local constituencies will be hit by recession.

There is a great need to make sure these communities are given every tool possible to reconvert their economies from one which depends heavily on the military, to a sufficiently strong economy which can thrive without its largest employer.

One tool we in Congress must immediately make available is a means to retain as many permanent jobs, while also creating new private sector jobs to fill the void left by the military. Today, I am introducing legislation which would do just that.

My legislation would do two things. It would direct the Secretary of HUD to designate all closed military installations as enterprise zones, while also directing the Secretary of Commerce to designate these same communities as economic redevelopment areas. And, perhaps more importantly, it would automatically make such a designation a top priority.

Under current law, bases which are closed may qualify for some of the needed programs and incentives which HUD and the Department of Commerce can provide. This bill ensures that each military installation automatically qualifies for assistance. It ensures that as these bases are closed down, maintaining and creating jobs will be given top priority.

I sincerely hope that all Members will carefully consider this proposal and cosponsor this bill as a necessary step to help communities affected by the base closure process move quickly toward real and successful defense reconversion.

CONGRESS MUST ENACT LEGISLATION TO PROTECT WOMEN'S REPRODUCTIVE FREEDOM

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, I rise today in anger and horror at the brutal murder of Dr. David Gunn by an anti-abortion protester.

Dr. Gunn's murder does not take place in a vacuum. It is the tragic culmination of 12 years of increasing violence against physicians, nurses, counselors, and organizations who provide reproductive health services to women.

It is the tragic culmination of the Supreme Court's misguided decision depriving women of protection against systematic civil rights attacks.

For too long, investigations of violent attacks against clinics providing abortion services have lagged or suffered from institutional neglect.

While no one will suggest that anti-abortion organizations condone vicious murders, there has been a tendency by these zealous protesters to push the envelope of the law to force their views upon the women of America.

Congress has a responsibility to act by passing a freedom of choice law, and by passing a clinic access bill to end this violence.

By sending so many pro-choice women to Congress this year, the public has sent a resounding message to Washington that they want reproductive freedom protected.

PASS THE FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, yesterday, the most extreme act of violence occurred at an abortion clinic in Pensacola, FL. A doctor at a woman's health clinic was murdered by an anti-choice protester.

We have stood by far too long as clinics have been physically blocked, bombed, and have been subjected to arson and chemical attacks. I urge my colleagues to join me in denouncing yesterday's tragedy and in immediately passing the Freedom of Access to Clinic Entrances Act, H.R. 796. The recent clinic blockades and attacks, and now the murder of a physician, make it imperative that we take immediate action to protect women and clinics from this violence. Women must be able to safely and privately obtain medical services from health clinics. The Federal Government must be given the power to act when abortion protestors go beyond their legal right to freedom of expression and turn to violent acts.

Let us work together to quickly pass H.R. 796 and to protect the freedom of access to medical facilities.

□ 1440

IN TRIBUTE TO DR. DAVID GUNN

(Ms. MARGOLIES-MEZVINSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, I am shocked and outraged at the murder yesterday of Dr. David Gunn in Pensacola, FL. Dr. Gunn, the father of two, was shot and killed in broad daylight as he went to his job.

He spent his days on the road sometimes driving 2½ hours to do what others have become too scared to do. He was a professional who was determined to give women meaningful choices about their reproductive rights.

Today as we mourn the tragedy of Dr. Gunn's senseless death, we are again reminded of the difficult and critical work that lies ahead. We must fight to ensure safe access to medical facilities where a woman has the right to choose.

Dr. Gunn's death will not be forgotten. Instead, it will give us renewed motivation to ensure that all American women have the right to choose. His death will not be in vain. We must fight with the same spirit that shaped his life as we move forward to protect women.

PRESIDENT CLINTON, SHOW US YOUR SPECIFICS

(Mr. HOBSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOBSON. Mr. Speaker, yesterday the Democrats on the Budget Committee refused specific spending cuts offered by Republicans. As a member of the committee, I find this disappointing for several reasons.

First, candidate Clinton promised serious deficit reduction. But President Clinton gives us more taxes than spending cuts by at least 3 to 1. Our alternative budget would have allowed the President to meet his original promise to the American people.

Second, the President and the Democratic members of the Budget Committee challenged the Republicans to show us specifics. Frankly, I don't think they thought we could or would do it, but we met the challenge and identified $429 billion of specific spending cuts over 5 years. The Democrats showed us no specifics, and they flunked their own test.

I hope my colleagues will read today's New York Times editorial page. It says that when Republican members of the Budget Committee "laid out 80 pages of detail for the committee yesterday, they were brushed aside with barely a nod. Their effort deserved better." My third point, and the reason that I am most disappointed, is that in our attempt to respond to the American taxpayers mandate—I know you all are getting postcards that say "cut spending first." The American taxpayers where brushed aside by the Democrats with barely a nod. They, the taxpayers, are the ones who truly deserve better.

KEEP THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

(Mr. TOWNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOWNS. Mr. Speaker, I rise to address a life-threatening issue of global proportions that affects the well-being of all Americans, born and unborn. That issue is a possible elimination of the Select Committee on Narcotics Abuse and Control.

Countless antidrug advocacy groups across the Nation have pleaded with me to express their distress with this possibility. I recognize the need for all of us to tighten our belts and our responsibility to pitch in to lower the deficit. However, it would be a tragedy to abolish this efficient and highly productive committee in the name of reform.

We should not allow the Select Committee on Narcotics Abuse and Control to become the sacrificial lamb of budget cutters. The elimination of the Select Committee on Narcotics Abuse and Control will inevitably leave the taxpayers with a larger bill later.

We owe it to our constituents and to this Nation to solve this problem, not to ignore it by eliminating the Select Committee on Narcotics Abuse and Control.

POLITICAL ASYLUM HEARINGS FOR HAITIAN REFUGEES

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and including extraneous material.)

Mr. GILMAN. Mr. Speaker, yesterday, members of the Foreign Affairs Committee met with President Jean Bertrand Aristide to discuss the deplorable situation in Haiti. Of special concern is President Clinton's policy on Haitian refugees.

Last year, President Bush had the Coast Guard return fleeing Haitians without determining if any were entitled to political asylum. Mr. Clinton called that policy cruel.

In his campaign, Mr. Clinton promised to give fleeing Haitians refuge, and consideration for political asylum, until democracy is restored there.

Instead, President Clinton has continued the very policy he criticized—even defending it before the Supreme Court.

If that policy was wrong last year—and it was—it is equally wrong this year.

That is why, Mr. Speaker, I am calling on President Clinton to keep his promise to the people of Haiti, in introducing today the Haitian Refugee Protection Act of 1993, H.R. 1307, which I invite my colleagues to cosponsor.

It will ensure that the United States will not arbitrarily turn back Haitian people fleeing their country—without first determining if they are entitled to political asylum.

I include the full text or H.R. 1307 at this point in the RECORD:

H.R. 1307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Haitian Refugee Protection Act of 1993".

SEC. 2. PROHIBITION OF INVOLUNTARY RETURN TO HAITI OF HAITIAN REFUGEES.

(a) ACTIONS OUTSIDE THE UNITED STATES.—The United States Government shall not return, cause to be returned, or affect the movement in any manner which results in returning, a national or habitual resident of Haiti, who is outside the territorial boundaries of the United States, to the territorial boundaries of Haiti, and no funds may be expended with respect to any such return, unless the United States Government determines in accordance with fair procedures that that individual is not, due to fears about returning to Haiti, a refugee under United States law.

(b) ACTIONS WITHIN THE TERRITORIAL WATERS OF HAITI—The United States Government shall not return, cause to be returned, or affect the movement in any manner which results in returning, a national or habitual resident of Haiti, who is within the territorial waters of Haiti, to the land frontier or territorial land of Haiti, and no funds may be expended with respect to any such return, unless the United States Government determines in accordance with fair procedures that if that individual were outside the territory of Haiti such individual would not be, due to fears about returning to Haiti, a refugee under United States law. This subsection shall not constitute authority for conducting operations by the United States Government within the territorial waters of another country.

(c) LIMITATIONS.—

(1) The provisions of this section do not apply to an individual if—

(A) such individual ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationally, membership in a particular social group or political opinion; and

(B) such individual, having been convicted by a final judgment of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act) constitutes a danger to the community of the United States.

(2) The provisions of this section do not apply to national and habitual residents of Haiti at United States diplomatic and consular missions in Haiti.

THE SHOCKING MURDER OF DR. DAVID GUNN

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, no matter how fervently one feels about the right to life of the unborn, and I believe that the right to life of the unborn is not protected sufficiently, any thoughtful person has to be horrified, shocked, and greatly dismayed by the murder yesterday of Dr. David Gunn in Pensacola in front of his abortion clinic. This heinous crime is particularly reprehensible and grievous to me because the accused is a member of an antiabortion organization.

These violent and deplorable and unjustified acts, even though they are today allegations and not proven charges, taint the millions of Americans throughout this land who believe and stand for the right to life of the unborn, but whose actions take the form of peaceful protests or seeking to pass legislation to protect the rights of the unborn.

I grieve for Dr. Gunn, I grieve for the members of his family, and condemn in the most forceful way the shameful and horrible act against his life and against all human life.

SUPPORT FOR GIVING PRESIDENT CLINTON LINE-ITEM VETO

(Mr. BLUTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUTE. Mr. Speaker, yesterday the gentleman from New York [Mr. QUINN], and I and many freshman Republican colleagues held a news conference to announce that we are firmly behind President Clinton on an important issue of deficit reduction. We pledged to work with the President to gain passage of a full line-item veto authority.

Like many members of the freshman class, the President campaigned on this issue last year. He stressed its importance as a strong tool of deficit reduction and said that as Governor of Arkansas he has used the line-item veto to discipline the budget process.

If the President supports the line-item veto, then why has he not spoken out and demanded that the Congress adopt it? Unfortunately, the forces of the status quo here in the Congress do not want to see the President have this important tool. It is no secret that the Democratic leadership and other powerful forces strongly oppose the line-item veto authority. As I said yesterday, they view it as the beginning of the end of pork-o-mania in the Congress.

Mr. Speaker, I urge all in the freshman class, Democrats and Republicans alike, to join with the President and support the line-item veto authority.

SUPPORT FOR FREEDOM OF ACCESS TO CLINIC ENTRANCES ETC.

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. NADLER. Mr. Speaker, yesterday during a demonstration in front of a women's health clinic in Florida, a physician was brutally murdered by a so-called pro-life activist who said, "Don't kill any more babies," before he pulled the trigger.

The victim, Dr. David Gunn, leaves behind a wife and two children.

This is only the most recent act of domestic terrorism perpetrated by violent extremists. No one can any longer doubt the true intentions of the so-called crusaders for life who committed an estimated 186 acts of violence against women and their health care providers last year alone.

Mr. Speaker, I wish to enter into the RECORD a report from UPI quoting the organizers of the demonstration, a group called Rescue America. Their statements show shocking indifference to the life and family of the murdered physician, as does their asking for donations to aid the family of the murderer, not the family of the victim.

□ 1250

We must get serious about ending domestic terrorist activity targeted at American women and health care providers, and I urge my colleagues to join me in cosponsoring the Freedom of Access to Clinic Entrances Act, H.R. 796.

ABORTION PROTESTER ARRESTED IN KILLING OF DOCTOR

PENSACOLA, FL.—A protester shot a doctor to death at a Pensacola abortion clinic Wednesday after telling the physician, "Don't kill any more babies," police and protesters said.

Dr. David Gunn was shot behind Pensacola Medical Services at 9:44 a.m. Wednesday and died a short time later during surgery at Sacred Heart Hospital, Police Sgt. Jerry Potts said.

Gunn was shot several times in the chest with a .38-caliber revolver, Potts said.

Michael Frederic Griffin, 31, was arrested at the scene on an open count of murder.

Griffin approached a police officer and "admitted to him that he had just shot a person in the rear of the building, behind the building," Potts said.

Potts said police did not know what provoked the shooting. But Rescue America, a Houston group that sponsored the protest demonstration at the clinic, said the shooting followed a brief exchange in which Griffin told the doctor, "Don't kill any more babies."

Don Treshman, national director of Rescue America, issued a statement saying, "While we think Gunn's death is unfortunate, the fact is that a number of mothers would have been put at risk today and over a dozen babies would have died at his hands."

"Pro-lifers are asked to pray that he had a chance to ask for God's forgiveness for his part in the abortion holocaust before his demise," Treshman said.

Potts said there were 12 to 15 protesters demonstrating outside the clinic at the time of the shooting. Police also answered a complaint about protesters at the clinic on Friday, but there were no incidents or arrests Friday.

Rescue America said Wednesday's demonstration was the first it had held outside the clinic.

Gunn leaves a wife and two children aged 10 and 12.

Griffin was still at the Pensacola police station Wednesday afternoon and will be booked into the Escambia County Jail, police said.

Treshman said the suspect was not a member of Rescue America, but was "affiliated with an affiliate" that he declined to identify. He said Griffin had shown up regularly at abortion clinic protests in recent months, though there was never any previous indication that he carried a gun.

"He's always been quiet and kept to himself. Everyone is kind of surprised by this," Treshman said.

He said Rescue America is not affiliated with the Operation Rescue anti-abortion group, and has a mailing list of about 35,000 families. Treshman also said Rescue America would continue its protests in Pensacola.

CUT SPENDING FIRST

(Mr. INGLIS asked and was given permission to address the House for 1 minute.)

Mr. INGLIS. Mr. Speaker, this morning I received in my office from a constituent in Spartanburg, SC, a sign that sums it up very well. We have it hanging over our door. It says, "Cut Spending First."

Mr. Speaker, he is fairly specific in his request.

Mr. Speaker, yesterday in the House Budget Committee meetings the Republicans got very specific and presented a very detailed list of proposed spending cuts. Unfortunately, each and everyone of those was rejected by the Democrat majority on that committee. I would encourage the Democrats on that committee and here in the House to understand that specifics are not bad, in fact they are good.

On our side I was able to successfully get the gasoline extension—the extension of the gasoline tax, due to expire in 1995, out of our package. That is good because we are going to free the American people from the burden of taxation that has become increasingly, and increasingly crushing to the American people.

Finally, when we get specific about these cuts, let us start here and let us do what we did yesterday in attempting to cut committee staffs in half and cutting the franking privilege by 75 percent.

Mr. Speaker, cuts start in this House.

OUTRAGED AT THE MURDER OF DR. GUNN

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today to express outrage and to condemn the vicious murder of Dr. David Gunn in Pensacola, FL, yesterday. Dr. Gunn was slain while stepping from his car during an anti-abortion protest at the clinic where he worked. I must point out that, although I am angry, grieved, and frustrated by the murder, I am not too surprised. Dr. Gunn's clinic, along with scores of others across the country, have been bombed and vandalized repeatedly over the past decade. Mr. Speaker, most of these acts of violence aimed at doctors, clinics, and patients go unpunished.

Mr. Speaker, it is time to debunk the myth of nonviolent protests that occur outside abortion clinics everyday in America. Dr. Gunn's murder provides a glimpse at the darker side of the anti-choice movement. Mr. Speaker, it is time for law enforcement officials at all levels to step up prosecution and to treat these crimes as the serious and dangerous offenses that they are.

AMERICAN PEOPLE WANT REAL, NOT MAKE-BELIEVE, CUTS

(Mr. ISTOOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISTOOK. Mr. Speaker, as children, we all played hide and seek. This Congress is playing a new game. It is called hide the truth. The budget is supposed to decrease the Federal deficit, but hidden in the small print is a proposal to push the Federal debt ceiling even further beyond the $4 trillion mark.

Let us be honest here. The Government has this enormous debt because it's addicted to increasing spending. Let us help this addict by cutting its appetite for our constituents' hard-earned tax dollars.

Republicans presented a plan that cuts the deficit by $70 billion more than the Clinton version and does it more quickly, with no new taxes, without the new spending of the Clinton plan, with half the defense cuts, but four times the cuts in foreign aid.

Mr. Speaker, the Democrats shot it down. But their plan did not actually make cuts. They only promised to be good boys and girls and decide later on cuts. But now you will pretend you have eaten your spinach and you want dessert, meaning more new taxes. Well, every parent knows that trick. The spinach has not been eaten; it has just been pushed into the garbage.

Let us stop the garbage and stop the games like hide-and-seek. The American people want real cuts in Federal spending, not just another game of make believe.

FISCAL ACCOUNTABILITY AND INTERGOVERNMENTAL REFORM ACT

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MORAN. Mr. Speaker, as we focus on the enormity of the Federal budget deficit, we cannot ignore what is happening to State and local governments because they are facing their own very serious fiscal crises. Most are precluded by law from piling up the enormous Federal deficit that we have.

So what they have had to do is to cut back, seriously cut back in schools, police, fire protection, and other essential municipal services. They tell us that the most crushing financial burden that State and local governments are facing is unfunded Federal mandates.

My colleague, the gentleman from Pennsylvania [Mr. GOODLING] and I have introduced a bill called the Fiscal Accountability and Intergovernmental Reform Act, that would put an end to the tendency to pass the bill and pass the buck onto others to pay for it.

Mr. Speaker, I urge my colleagues to support it.

Like the National Environmental Policy Act, this measure will require Federal agencies to analyze the economic costs of new regulations before they are adopted.

And, like the 1974 Budget Reform Act, this measure will require that a bill cannot be considered by the full House or Senate without an analysis of the costs of compliance to State and local governments and to the private sector.

Mr. Speaker, this legislation is necessary to safeguard against a tendency within this institution and among the Federal agencies to resort to more and more unfunded Federal mandates.

Enacting new unfunded Federal mandates is not good government; it's passing the buck to State and local governments and the private sector.

While many of these Federal mandates represent vital public policy objectives, the need for State and local governments to be able to spend local resources on local priorities must also be respected.

Only by fully evaluating the economic impact of Federal regulations on State and local governments are policymakers at all levels able to balance priorities for finite resources.

The same is true for the private sector, particularly small businesses.

Clearly, there is a need to identify the costs of Federal mandates before they are implemented, so the administration and Congress have the facts they need to make informed decisions.

The intent of this legislation is not to impede the legislative or the regulatory process.

It is simply to make sure that we as legislators—and the administrators to whom we delegate rulemaking and regulatory rsponsibility—fully appreciate the financial implications of our decisions before we make them.

CHANGE THE STATUS QUO, CUT SPENDING FIRST

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I would like to state my frustration as a Budget Committee member who was asked yesterday to vote on a budget resolution without any information about the specific cuts and program increases that were part of that package. The President and his budget director challenged Republicans of the Committee on the Budget to be as specific as he was, and yet his own party chose not to reveal any of the details of their proposed budget resolution.

The Republicans laid out 80 pages of detail on specific budget cuts, and it was disturbing that every Democrat during the 10-hour Budget Committee meeting voted against every Republican amendment to cut spending.

Mr. Speaker, I came to this Congress to make the tough choices. What appears to be business as usual, tax and spend, can still be changed if the American people tell their Representatives in Congress to cut spending first.

Increased taxes should only be used to pay off the debt, and we should cut spending before we do anything else.

IT IS TIME FOR CONGRESS TO PASS THE FREEDOM OF CHOICE ACT

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, 12 years of relentless assault by the Reagan and Bush administrations on the rights of women to control their own bodies has engendered a climate of intimidation, intolerance, and violence, and yesterday we saw the awful manifestation of that hatred.

When a doctor who performs abortions is gunned down in broad daylight, it is time for Congress to act; it is time for Congress to pass the Freedom of Choice Act and to make it clear from one end of this country to the other that women and woman alone must have the right to make the difficult choice regarding abortion.

When women seeking abortions and doctors working in abortion clinics must fear for their lives, something is terrible wrong in our country.

Mr. Speaker, this Congress must pass legislation which makes clear to all, to all, that the right of choice with regard to abortion is a right of privacy, is a constitutional right.

Mr. Speaker, let us pass the Freedom of Choice Act.

WHO SAID SPECIFICS?

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, this past month I have heard it all. First, the OMB Director, Mr. Panetta, asked the Republicans to be specific in your requests, and the President made the same remarks. Now the Democrats on the Committee on the Budget are saying that that does not apply to them.

Mr. Speaker, yesterday, I along with my Republican colleagues offered specific spending cuts totaling $428 billion over 5 years—$40 billion alone was in the first year. We did it without one tax increase.

Our colleagues on the other side of the aisle offered approximately $60 billion of additional spending reductions to the administration's plan, however, they have no idea on where the cuts are going to be made. Worse yet, if they do know they are not sure they want to share them with the public because not one of them wants their fingerprints on the cuts.

May I indulge and ask of any one of the Members on the other side of the aisle to come forward and show us where you are proposing to make these additional cuts.

NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1993

The SPEAKER pro tempore. Pursuant to House Resolution 119 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4.

□ 1300

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, with Mr. MFUME in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 10, 1993, amendment No. 8 offered by the gentleman from Nebraska, [Mr. BEREUTER] had been disposed of.

No further amendments being in order, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. MFUME, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes, pursuant to House Resolution 119, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. SOLOMON. Mr. Speaker, I demand a separate vote on the following amendments: The so-called Bliley amendment, as amended; the so-called Waxman technical amendment; the so-called Gilman amendment; the so-called Traficant amendment; and the so-called Sam Johnson amendment.

The SPEAKER pro tempore. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment:

In section 111 of the bill, in section 498A of the Public Health Service Act (as proposed to be inserted by the bill), strike subsection (b) and insert the following:

"(b) INFORMED CONSENT OF DONOR.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the woman providing the tissue makes a statement, made in writing and signed by the woman, declaring that—

"(A) the woman donates the fetal tissue for use in research described in subsection (a);

"(B) the donation is made without any restriction regarding the identity of individuals who may be the recipients of transplantations of the tissue; and

"(C) the woman has not been informed of the identity of any such individuals.

"(2) ADDITIONAL STATEMENT.—In research carried out under subsection (a), human fetal tissue may be used only if the attending physician with respect to obtaining the issue from the woman involved makes a statement, made in writing and signed by the physician, declaring that—

"(A) in the case of tissue obtained pursuant to an induced abortion—

"(i) the consent of the woman for the abortion was obtained prior to request or obtaining consent for a donation of the tissue for use in such research;

"(ii) no alteration of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue; and

"(iii) the abortion was performed in accordance with applicable State law;

"(B) the tissue has been donated by the woman in accordance with paragraph (1); and

"(C) full disclosure has been provided to the woman with regard to—

"(i) such physician's interest, if any, in the research to be conducted with the tissue; and

"(ii) any known medical risks to the woman or risks to her privacy that might be associated with the donation of the tissue and that are in addition to risks of such type that are associated with the woman's medical care.

In section 111 of the bill, in subsection (c)(1)(B) of section 498A of the Public Health Service Act (as proposed to be inserted by the bill), strike "subsequent" and insert "pursuant to".

In section 111 of the bill, in section 498A of the Public Health Service Act (as proposed to be inserted by the bill), insert after subsection (e) the following subsection (and redesignate subsequent subsections accordingly):

"(f) REPORT.—The Secretary shall annually submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding fiscal year, including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section.

Mr. SOLOMON (during the reading). Mr. Speaker. I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Let the Chair announce that the votes following after this first vote will be reduced to 5 minutes.

The vote was taken by electronic device, and there were—yeas 250, nays 161, not voting 19, as follows:

[Roll No. 64]

YEAS—250

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Hall (TX)
Hamburg
Hamilton
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Horn
Houghton
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klug
Kolbe
Kreidler
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Martinez
Matsui
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
McMillan
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Montgomery
Moran
Morella
Nadler
Natcher
Neal (MA)
Neal (NC)
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel

Ravenel
Reed
Reynolds
Richardson
Ridge
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Swett
Swift
Synar
Tanner
Thomas (CA)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NAYS—161

Allard
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Bateman
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Cunningham
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Emerson
Everett
Ewing
Fields (TX)
Fish
Gallegly
Gekas
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Hall (OH)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoekstra
Hoke
Holden
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kanjorski
Kasich
Kim
King
Kingston
Klink
Knollenberg
Kyl
LaFalce
Levy
Lewis (CA)
Lightfoot
Linder
Livingston
Manton
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McHugh
McKeon
McNulty
Mica
Michel
Mollohan
Moorhead
Murphy
Murtha
Myers
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Poshard
Quillen
Quinn
Rahall
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Volkmer
Vucanovich
Walker
Walsh
Watt
Weldon
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Barton
Boucher
Cardin
Collins (IL)
Conyers
Crapo
Foglietta
Ford (TN)
Frost
Gutierrez
Harman
Hastings
Henry
Kopetski
Markey
McDade
Mineta
Smith (MI)
Wilson

☐ 1322

Mr. COBLE and Mr. APPEGATE changed their vote from "yea" to "nay."

Messrs. BEILENSON, KENNEDY, OBEY, MCMILLAN, and BISHOP changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MURTHA). The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Strike section 1302 of the bill.

Insert after section 403 of the bill the following:

SEC. 404. STUDY OF ENVIRONMENTAL AND OTHER RISKS CONTRIBUTING TO INCIDENCE OF BREAST CANCER.

(a) REQUIREMENT OF STUDY.—

(1) IN GENERAL.—The Director of the National Cancer Institute (in this section referred to as the "Director"), in collaboration with the Director of the National Institute of Environmental Health Sciences, shall conduct a case-controlled study to assess biological markers of environmental and other risk factors contributing to the incidence of breast cancer in—

(A) the Counties of Nassau and Suffolk, in the State of New York; and

(B) the 2 counties in the northeastern United States that, as identified in the report specified in paragraph (2), had the highest age-adjusted mortality rate of such cancer that reflected not less than 30 deaths during the 5-year period for which findings are made in the report.

(2) RELEVANT REPORT.—The report referred to in paragraph (1)(B) is the report of the findings made in the study entitled "Survival, Epidemiology, and End Results", relating to cases of cancer during the years 1983 through 1987.

(b) CERTAIN ELEMENTS OF STUDY.—Activities of the Director in carrying out the study under subsection (a) shall include the use of a geographic system to evaluate the current and past exposure of individuals, including direct monitoring and cumulative estimates of exposure, to—

(1) contaminated drinking water;

(2) sources of indoor and ambient air pollution, including emissions from aircraft;

(3) electromagnetic fields;

(4) pesticides and other toxic chemicals;

(5) hazardous and municipal waste; and

(6) such other factors as the Director determines to be appropriate.

(c) REPORT.—Not later than 30 months after the date of the enactment of this Act, the Director shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

(d) FUNDING.—Of the amounts appropriated for fiscal years 1994 and 1995 for the National Institute of Environmental Health Sciences and the National Cancer Institute, the Director of the National Institutes of Health shall make available amounts for carrying out the study required in subsection (a).

In section 1801 of the bill, in section 2352(b) of the Public Health Service Act (as proposed to be inserted by the bill), insert "the National Institute on Drug Abuse," after "Infectious Diseases,".

Insert after section 208 of the bill the following:

SEC. 209. ESTABLISHMENT OF OFFICE OF ALTERNATIVE MEDICINE.

Part A of title IV of the Public Health Service Act, as amended by section 207 of this Act, is amended by adding at the end of the following section:

"OFFICE OF ALTERNATIVE MEDICINE

"SEC. 404E. (a) There is established within the Office of the Director of NIH an office to be known as the Office of Alternative Medicine (in this section referred to as the 'Office'), which shall be headed by a director appointed by the Director of NIH.

"(b) The purpose of the Office is to facilitate the evaluation of various alternative medicine treatment modalities, including acupuncture and Oriental medicine, homeopathic medicine, and physical manipulation therapies.

"(c) In carrying out subsection (b), the Director of the Office shall—

"(1) establish an information clearinghouse to exchange information with the public about alternative medicine;

"(2) support research training—

"(A) for which fellowship support is not provided under section 487; and

"(B) that is not residency training of physicians or other health professionals; and

"(3) submit an annual report on past and future activities of the Office, each of which reports shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

Mr. WALKER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Let the Chair announce again that this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 350, noes 67, not voting 13, as follows:

[Roll No. 65]

AYES—350

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne

Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutto
Hyde
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klug
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Michel
Miller (CA)
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Petri
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOES—67

Allard
Archer
Armey
Baker (CA)
Ballenger
Bartlett
Boehner
Burton
Canady
Crane
Crapo
Cunningham
de la Garza
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Everett
Ewing
Fish
Fowler
Gekas
Gillmor
Goodling
Grams
Hancock
Herger
Hoekstra
Hutchinson
Inglis
Johnson, Sam
Kim
Kingston
Klink
Knollenberg
Kolbe
Linder
Mann
McCandless
Meyers
Mica
Miller (FL)
Minge
Packard
Paxon
Peterson (MN)
Pombo
Quillen
Roth
Royce
Santorum
Schaefer
Sensenbrenner
Shuster
Skelton
Smith (MI)
Spence
Stearns
Stump
Stupak
Taylor (NC)
Thomas (CA)
Walker
Zimmer

NOT VOTING—13

Boucher
Collins (IL)
Conyers
Ford (TN)
Gutierrez
Hastings
Henry
Kopetski
Markey
McDade
Mineta
Pelosi
Wilson

□ 1333

Mr. CUNNINGHAM changed his vote from "aye" to "no."

Messrs. MANZULLO, LaFALCE, ZELIFF, and EMERSON changed their vote from "no" to "aye."

Mr. BUYER changed his vote from "present" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MURTHA). The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Insert after section 1907 of the bill the following:

SEC. 1908. BACK INJURIES.

(a) IN GENERAL.—The Director of the National Institutes of Health, acting through the appropriate national research institute, shall conduct a study of back injuries, with consideration of the following:

(1) Accurate diagnosis, and the appropriate form of treatment.

(2) Providing for return to employment as soon as is practicable.

(3) Minimizing the probability of recurrence.

(4) A comparison of conventional treatments and alternative treatments.

(5) Costs to the health care system.

(6) Costs to the economy generally.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of the National Institutes of Health shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

Mr. WALKER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This vote will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 305, noes 109, not voting 16, as follows:

[Roll No. 66]

AYES—305

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (LA)
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilirakis
Bishop
Blackwell
Bliley
Boehlert
Bonior
Borski
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Calvert
Camp
Cantwell
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Edwards (CA)
Engel
English (AZ)
English (OK)
Evans
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Goss
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hayes
Hefner
Hilliard
Hobson
Hochbrueckner
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Hutto
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kaptur
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Kreidler
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Manton
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDermott
McHale
McHugh
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)

Quillen
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Shuster
Sisisky
Skeen
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stark
Stearns
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas (WY)
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Vucanovich
Walsh
Washington
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NOES—109

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Ballenger
Bartlett
Barton
Bilbray
Blute
Boehner
Bonilla
Brewster
Burton
Callahan
Canady
Cardin
Coble
Collins (GA)
Crane
Cunningham
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
Eshoo
Everett
Ewing
Fields (TX)
Fowler
Frank (MA)
Gekas
Grams
Hancock
Hansen
Hefley
Herger
Hinchey
Hoagland
Hoekstra
Hunter
Hutchinson
Inglis
Inhofe
Istook
Johnson, Sam
Kanjorski
Kasich
King
Kingston
Klink
Klug
Knollenberg
Kolbe
Lambert
Lewis (CA)
Linder
Mann
Manzullo
McCurdy
McInnis
McKeon
Mica
Miller (FL)
Minge
Nussle
Obey
Orton
Packard
Paxon
Penny
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Roberts
Roemer
Roukema
Royce
Santorum
Sarpalius
Schaefer
Sensenbrenner
Sharp
Shepherd
Skaggs
Skelton
Slattery
Smith (MI)
Spratt
Stenholm
Stump
Talent
Taylor (MS)
Thomas (CA)
Torkildsen
Volkmer
Walker
Watt
Zimmer

NOT VOTING—16

Boucher
Collins (IL)
Conyers
Ford (TN)
Gordon
Gutierrez
Hastings
Henry
Houghton
Kopetski
Markey
McDade
Mineta
Pelosi
Waters
Wilson

□ 1340

Messrs. SHARP, TAYLOR of Mississippi, CARDIN, KASICH, and DUNCAN changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MURTHA). The clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Insert after section 2003 of the bill the following section:

SEC. 2004. BUY-AMERICAN PROVISIONS.

No funds appropriated pursuant to this Act may be used to fund a grant or contract unless the recipient agrees that substantially all goods and services acquired with such grant or contract assistance will be produced in the United States.

Mr. WALKER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 405, noes 9, not voting 16, as follows:

[Roll No. 67]

AYES—405

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—9

Armey
DeLay
Dreier
King
Kolbe
Royce
Smith (MI)
Stump
Thomas (CA)

NOT VOTING—16

Boucher
Collins (IL)
Conyers
Ford (TN)
Gordon
Gutierrez
Hastings
Henry
Kopetski
Lewis (CA)
Markey
McDade
Mineta
Rose
Shepherd
Wilson

□ 1346

Mr. ROYCE changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Clerk will report the last amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Insert after section 2003 of the bill the following:

SEC. 2004. PROHIBITION AGAINST FURTHER FUNDING FOR PROJECT ARIES.

For fiscal year 1994 and each subsequent fiscal year, the project administered by the University of Washington at Seattle and known as Project Aries may not receive any funding from any agency of the National Institutes of Health, other than payments under awards made for fiscal year 1993 or prior fiscal years.

The SPEAKER pro tempore (during the reading). Without objection, the amendment is considered as read.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 278, noes 139, not voting 13, as follows:

[Roll No. 68]

AYES—278

Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Browder
Brown (FL)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Carr
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Hefner
Herger
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Machtley
Manzullo
McCandless
McCollum
McCrery
McCurdy
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Natcher
Neal (NC)
Nussle
Oberstar
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Poshard
Price (NC)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Royce
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Tucker
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—139

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Blackwell
Bonior
Borski
Brooks
Brown (CA)
Brown (OH)
Bryant
Cantwell
Cardin
Clay
Clayton
Coleman
Collins (MI)
Coppersmith
Costello
Coyne
DeFazio
DeLauro
Dellums
Dicks
Dixon
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gunderson
Hall (OH)
Hamburg
Harman
Hilliard
Hinchey
Hoagland
Inslee
Jefferson
Johnson, E.B.
Kennedy
Kennelly
Kolbe
Kreidler
Levin
Lewis (GA)
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moran
Morella
Nadler
Neal (MA)
Obey
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Pickle
Pomeroy
Pryce (OH)
Rangel
Reed
Reynolds
Richardson
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Swift
Synar
Towns
Traficant
Unsoeld
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Yates

NOT VOTING—13

Boucher
Brewster
Collins (IL)
Conyers
Ford (TN)
Gutierrez
Hastings
Henry
Kopetski
McDade
Mineta
Shepherd
Wilson

□ 1353

Mrs. LOWEY, Mr. BEILENSON, Mr. DURBIN, Ms. PRYCE of Ohio, and Mr. RUSH changed their vote from "aye" to "no."

Mr. SPRATT changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BLILEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 283, nays 131, not voting 16, as follows:

[Roll No. 69]

YEAS—283

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonilla
Bonior
Borski
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Cooper
Coppersmith
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Green
Greenwood
Gunderson

Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kolbe
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Ravenel
Reed
Reynolds
Richardson
Ridge
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Slattery
Slaughter
Smith (IA)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NAYS—131

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boehner
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Clinger
Coble
Collins (GA)
Combest
Costello
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Emerson
Everett
Ewing
Fields (TX)
Gallegly
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grandy
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoekstra
Hoke
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kyl
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McKeon
Mica
Michel
Mollohan
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Poshard
Quillen
Quinn
Rahall
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Sarpalius
Schaefer
Sensenbrenner
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Solomon
Stearns
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)

NOT VOTING—16

Boucher
Browder
Collins (IL)
Conyers
Derrick
Ford (TN)
Grams
Gutierrez
Hastings
Henry
Kopetski
Lehman
McDade
Mineta
Wilson
Wyden

☐ 1411

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 4, the bill just passed.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Speaker, pursuant to House Resolution 119, I call up from the Speaker's table the Senate bill, S. 1, to amend the Public Health Service Act to revise and extend the program for the National Institutes of Health, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WAXMAN moves to strike all after the enacting clause of the Senate bill, S. 1, and to insert in lieu thereof the provisions of H.R. 4, as passed, as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Institutes of Health Revitalization Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

Sec. 101. Establishment of certain provisions regarding research conducted or supported by National Institutes of Health.

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

Sec. 111. Establishment of authorities.

Sec. 112. Purchase of human fetal tissue; solicitation or acceptance of tissue as directed donation for use in transplantation.

Sec. 113. Nullification of moratorium.

Sec. 114. Report by General Accounting Office on adequacy of requirements.

PART III—MISCELLANEOUS REPEALS

Sec. 121. Repeals.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

Sec. 131. Requirement of inclusion in research.

Sec. 132. Peer review.

Sec. 133. Applicability to current projects.

PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

Sec. 141. Establishment.

PART III—OFFICE OF RESEARCH ON MINORITY HEALTH

Sec. 151. Establishment.

Subtitle C—Research Integrity

Sec. 161. Establishment of Office of Research Integrity.

Sec. 162. Commission on Research Integrity.

Sec. 163. Protection of whistleblowers.

Sec. 164. Requirement of regulations regarding protection against financial conflicts of interest in certain projects of research.

Sec. 165. Effective dates.

TITLE II—NATIONAL INSTITUTES OF HEALTH IN GENERAL

Sec. 201. Health promotion research dissemination.

Sec. 202. Programs for increased support regarding certain States and researchers.

Sec. 203. Establishment of Office of Behavioral Research.

Sec. 204. Children's vaccine initiative.

Sec. 205. Plan for use of animals in research.

Sec. 206. Increased participation of women and disadvantaged individuals in fields of biomedical and behavioral research.

Sec. 207. Requirements regarding surveys of sexual behavior.

Sec. 208. Discretionary fund of Director of National Institutes of Health.

Sec. 209. Establishment of Office of Alternative Medicine.

Sec. 210. Miscellaneous provisions.

TITLE III—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

Sec. 301. Appointment and authority of Directors of national research institutes.

Sec. 302. Program of research on osteoporosis, Paget's disease, and related disorders.

Sec. 303. Establishment of interagency program for trauma research.

TITLE IV—NATIONAL CANCER INSTITUTE

Sec. 401. Expansion and intensification of activities regarding breast cancer.

Sec. 402. Expansion and intensification of activities regarding prostate cancer.

Sec. 403. Authorization of appropriations.

Sec. 404. Study of environmental and other risks contributing to incidence of breast cancer.

TITLE V—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

Sec. 501. Education and training.

Sec. 502. Centers for the study of pediatric cardiovascular diseases.

Sec. 503. National Center on Sleep Disorders.

Sec. 504. Authorization of appropriations.

TITLE VI—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

Sec. 601. Provisions regarding nutritional disorders.

TITLE VII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

Sec. 701. Juvenile arthritis.

TITLE VIII—NATIONAL INSTITUTE ON AGING

Sec. 801. Alzheimer's disease registry.
Sec. 802. Aging processes regarding women.
Sec. 803. Authorization of appropriations.
Sec. 804. Conforming amendment.

TITLE IX—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Sec. 901. Tropical diseases.
Sec. 902. Chronic fatigue syndrome.

TITLE X—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

Sec. 1001. Grants and contracts for research centers.
Sec. 1002. Loan repayment program for research with respect to contraception and infertility.

Subtitle B—Program Regarding Obstetrics and Gynecology

Sec. 1011. Establishment of program.

Subtitle C—Child Health Research Centers

Sec. 1021. Establishment of centers.

Subtitle D—Study Regarding Adolescent Health

Sec. 1031. Prospective longitudinal study.

TITLE XI—NATIONAL EYE INSTITUTE

Sec. 1101. Clinical research on diabetes eye care.

TITLE XII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

Sec. 1201. Research on multiple sclerosis.

TITLE XIII—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Sec. 1301. Applied Toxicological Research and Testing Program.

TITLE XIV—NATIONAL LIBRARY OF MEDICINE

Subtitle A—General Provisions

Sec. 1401. Additional authorities.
Sec. 1402. Authorization of appropriations.

Subtitle B—Financial Assistance

Sec. 1411. Establishment of program of grants for development of education technologies.

Subtitle C—National Information Center on Health Services Research and Health Care Technology

Sec. 1421. Establishment of Center.
Sec. 1422. Conforming provisions.

TITLE XV—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

Subtitle A—Division of Research Resources

Sec. 1501. Redesignation of Division as National Center for Research Resources.
Sec. 1502. Biomedical and behavioral research facilities.
Sec. 1503. Construction program for national primate research center.

Subtitle B—National Center for Nursing Research

Sec. 1511. Redesignation of National Center for Nursing Research as National Institute of Nursing Research.
Sec. 1512. Study on adequacy of number of nurses.

Subtitle C—National Center for Human Genome Research

Sec. 1521. Purpose of Center.

TITLE XVI—AWARDS AND TRAINING

Subtitle A—National Research Service Awards

Sec. 1601. Requirement regarding women and individuals from disadvantaged backgrounds.

Subtitle B—Acquired Immune Deficiency Syndrome

Sec. 1611. Loan repayment program.

Subtitle C—Loan Repayment for Research Generally

Sec. 1621. Establishment of program.

Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by National Institutes of Health

Sec. 1631. Establishment of programs.
Sec. 1632. Funding.

Subtitle E—Funding for Awards and Training Generally

Sec. 1641. Authorization of appropriations.

TITLE XVII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

Sec. 1701. Date certain for appointment of Board members.
Sec. 1702. Miscellaneous provisions.

TITLE XVIII—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

Subtitle A—Office of AIDS Research

Sec. 1801. Establishment of Office.
Sec. 1802. Establishment of emergency discretionary fund.
Sec. 1803. General provisions.

Subtitle B—Certain Programs

Sec. 1811. Revision and extension of certain programs.

TITLE XIX—STUDIES

Sec. 1901. Acquired immune deficiency syndrome.
Sec. 1902. Malnutrition in the elderly.
Sec. 1903. Research activities on chronic fatigue syndrome.
Sec. 1904. Report on medical uses of biological agents in development of defenses against biological warfare.
Sec. 1905. Personnel study of recruitment, retention and turnover.
Sec. 1906. Procurement.
Sec. 1907. Chronic pain conditions.
Sec. 1908. Back injuries.

TITLE XX—MISCELLANEOUS PROVISIONS

Sec. 2001. Designation of Senior Biomedical Research Service in honor of Silvio O. Conte; limitation on number of members.
Sec. 2002. Master plan for physical infrastructure for research.
Sec. 2003. Certain authorization of appropriations.
Sec. 2004. Buy-American provisions.
Sec. 2005. Prohibition against further funding for Project Aries.

TITLE XXI—EFFECTIVE DATES

Sec. 2101. Effective dates.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

SEC. 101. ESTABLISHMENT OF CERTAIN PROVISIONS REGARDING RESEARCH CONDUCTED OR SUPPORTED BY NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 492 the following new section:

"CERTAIN PROVISIONS REGARDING REVIEW AND APPROVAL OF PROPOSALS FOR RESEARCH

"SEC. 492A. (a) REVIEW AS PRECONDITION TO RESEARCH.—

"(1) PROTECTION OF HUMAN RESEARCH SUBJECTS.—

"(A) In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to review under section 491(a) by an Institutional Review Board unless the application has undergone review in accordance with such section and has been recommended for approval by a majority of the members of the Board conducting such review.

"(B) In the case of research that is subject to review under procedures established by the Secretary for the protection of human subjects in clinical research conducted by the National Institutes of Health, the Secretary may not authorize the conduct of the research unless the research has, pursuant to such procedures, been recommended for approval.

"(2) PEER REVIEW.—In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to technical and scientific peer review under section 492(a) unless the application has undergone peer review in accordance with such section and has been recommended for approval by a majority of the members of the entity conducting such review.

"(b) ETHICAL REVIEW OF RESEARCH.—

"(1) PROCEDURES REGARDING WITHHOLDING OF FUNDS.—If research has been recommended for approval for purposes of subsection (a), the Secretary may not withhold funding for the research on ethical grounds unless—

"(A) the Secretary convenes an advisory board in accordance with paragraph (4) to study the ethical implications of the research; and

"(B)(i) the majority of the advisory board recommends that, on ethical grounds, the Secretary withhold funds for the research; or

"(ii) the majority of such board recommends that the Secretary not withhold funds for the research on ethical grounds, but the Secretary finds, on the basis of the report submitted under paragraph (4)(B)(ii), that the recommendation is arbitrary and capricious.

"(2) APPLICABILITY.—The limitation established in paragraph (1) regarding the authority to withhold funds on ethical grounds shall apply without regard to whether the withholding of funds on such grounds is characterized as a disapproval, a moratorium, a prohibition, or other description.

"(3) PRELIMINARY MATTERS REGARDING USE OF PROCEDURES.—

"(A) If the Secretary makes a determination that an advisory board should be convened for purposes of paragraph (1), the Secretary shall, through a statement published in the Federal Register, announce the intention of the Secretary to convene such a board.

"(B) A statement issued under subparagraph (A) shall include a request that interested individuals submit to the Secretary recommendations specifying the particular individuals who should be appointed to the advisory board involved. The Secretary shall consider such recommendations in making appointments to the board.

"(C) The Secretary may not make appointments to an advisory board under paragraph (1) until the expiration of the 30-day period beginning on the date on which the statement required in subparagraph (A) is made with respect to the board.

"(4) ETHICS ADVISORY BOARDS.—

"(A) Any advisory board convened for purposes of paragraph (1) shall be known as an ethics advisory board (hereafter in this paragraph referred to as an 'ethics board').

"(B)(i) An ethics board shall advise, consult with, and make recommendations to the Secretary regarding the ethics of the project of biomedical or behavioral research with respect to which the board has been convened.

"(ii) Not later than 180 days after the date on which the statement required in paragraph (3)(A) is made with respect to an ethics board, the board shall submit to the Secretary, and to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report describing the findings of the board regarding the project of research involved and making a recommendation under clause (i) of whether the Secretary should or should not withhold funds for the project. The report shall include the information considered in making the findings.

"(C) An ethics board shall be composed of no fewer than 14, and no more than 20, individuals who are not officers or employees of the United States. The Secretary shall make appointments to the board from among individuals with special qualifications and competence to provide advice and recommendations regarding ethical matters in biomedical and behavioral research. Of the members of the board—

"(i) no fewer than 1 shall be an attorney;

"(ii) no fewer than 1 shall be an ethicist;

"(iii) no fewer than 1 shall be a practicing physician;

"(iv) no fewer than 1 shall be a theologian; and

"(v) no fewer than one-third, and no more than one-half, shall be scientists with substantial accomplishments in biomedical or behavioral research.

"(D) The term of service as a member of an ethics board shall be for the life of the board. If such a member does not serve the full term of such service, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(E) A member of an ethics board shall be subject to removal from the board by the Secretary for neglect of duty or malfeasance or for other good cause shown.

"(F) The Secretary shall designate an individual from among the members of an ethics board to serve as the chair of the board.

"(G) In carrying out subparagraph (B)(i) with respect to a project of research, an ethics board shall conduct inquiries and hold public hearings.

"(H) In carrying out subparagraph (B)(i) with respect to a project of research, an ethics board shall have access to all relevant information possessed by the Department of Health and Human Services, or available to the Secretary from other agencies.

"(I) Members of an ethics board shall receive compensation for each day engaged in carrying out the duties of the board, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS–18 of the General Schedule.

"(J) The Secretary, acting through the Director of the National Institutes of Health, shall provide to each ethics board reasonable staff and assistance to carry out the duties of the board.

"(K) An ethics board shall terminate 30 days after the date on which the report required in subparagraph (B)(ii) is submitted to the Secretary and the congressional committees specified in such subparagraph.".

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

SEC. 111. ESTABLISHMENT OF AUTHORITIES.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498 the following new section:

"RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

"SEC. 498A. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—The Secretary may conduct or support research on the transplantation of human fetal tissue for therapeutic purposes.

"(2) SOURCE OF TISSUE.—Human fetal tissue may be used in research carried out under paragraph (1) regardless of whether the tissue is obtained pursuant to a spontaneous or induced abortion or pursuant to a stillbirth.

"(b) INFORMED CONSENT OF DONOR.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the woman providing the tissue makes a statement, made in writing and signed by the woman, declaring that—

"(A) the woman donates the fetal tissue for use in research described in subsection (a);

"(B) the donation is made without any restriction regarding the identity of individuals who may be the recipients of transplantations of the tissue; and

"(C) the woman has not been informed of the identity of any such individuals.

"(2) ADDITIONAL STATEMENT.—In research carried out under subsection (a), human fetal tissue may be used only if the attending physician with respect to obtaining the tissue from the woman involved makes a statement, made in writing and signed by the physician, declaring that—

"(A) in the case of tissue obtained pursuant to an induced abortion—

"(i) the consent of the woman for the abortion was obtained prior to requesting or obtaining consent for a donation of the tissue for use in such research;

"(ii) no alteration of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue; and

"(iii) the abortion was performed in accordance with applicable State law;

"(B) the tissue has been donated by the woman in accordance with paragraph (1); and

"(C) full disclosure has been provided to the woman with regard to—

"(i) such physician's interest, if any, in the research to be conducted with the tissue; and

"(ii) any known medical risks to the woman or risks to her privacy that might be associated with the donation of the tissue and that are in addition to risks of such type that are associated with the woman's medical care.

"(c) INFORMED CONSENT OF RESEARCHER AND DONEE.—In research carried out under subsection (a), human fetal tissue may be used only if the individual with the principal responsibility for conducting the research involved makes a statement, made in writing and signed by the individual, declaring that the individual—

"(1) is aware that—

"(A) the tissue is human fetal tissue;

"(B) the tissue may have been obtained pursuant to a spontaneous or induced abortion or pursuant to a stillbirth; and

"(C) the tissue was donated for research purposes;

"(2) has provided such information to other individuals with responsibilities regarding the research;

"(3) will require, prior to obtaining the consent of an individual to be a recipient of a transplantation of the tissue, written acknowledgment of receipt of such information by such recipient; and

"(4) has had no part in any decisions as to the timing, method, or procedures used to terminate the pregnancy made solely for the purposes of the research.

"(d) AVAILABILITY OF STATEMENTS FOR AUDIT.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the head of the agency or other entity conducting the research involved certifies to the Secretary that the statements required under subsections (b) (2) and (c) will be available for audit by the Secretary.

"(2) CONFIDENTIALITY OF AUDIT.—Any audit conducted by the Secretary pursuant to paragraph (1) shall be conducted in a confidential manner to protect the privacy rights of the individuals and entities involved in such research, including such individuals and entities involved in the donation, transfer, receipt, or transplantation of human fetal tissue. With respect to any material or information obtained pursuant to such audit, the Secretary shall—

"(A) use such material or information only for the purposes of verifying compliance with the requirements of this section;

"(B) not disclose or publish such material or information, except where required by Federal law, in which case such material or information shall be coded in a manner such that the identities of such individuals and entities are protected; and

"(C) not maintain such material or information after completion of such audit, except where necessary for the purposes of such audit.

"(e) APPLICABILITY OF STATE AND LOCAL LAW.—

"(1) RESEARCH CONDUCTED BY RECIPIENTS OF ASSISTANCE.—The Secretary may not provide support for research under subsection (a) unless the applicant for the financial assistance involved agrees to conduct the research in accordance with applicable State law.

"(2) RESEARCH CONDUCTED BY SECRETARY.—The Secretary may conduct research under subsection (a) only in accordance with applicable State and local law.

"(f) REPORT.—The Secretary shall annually submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding fiscal year, including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section.

"(g) DEFINITION.—For purposes of this section, the term 'human fetal tissue' means tissue or cells obtained from a dead human embryo or fetus after a spontaneous or induced abortion, or after a stillbirth.".

SEC. 112. PURCHASE OF HUMAN FETAL TISSUE; SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.

Part G of title IV of the Public Health Service Act, as amended by section 111 of this Act, is amended by inserting after section 498A the following new section:

"PROHIBITIONS REGARDING HUMAN FETAL TISSUE

"SEC. 498B. (a) PURCHASE OF TISSUE.—It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.

"(b) SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.—It shall be unlawful for any person to solicit or knowingly acquire, receive, or accept a donation of human fetal tissue for the purpose of transplantation of such tissue into another person if the donation affects interstate commerce, the tissue will be or is obtained pursuant to an induced abortion, and—

"(1) the donation will be or is made pursuant to a promise to the donating individual that the donated tissue will be transplanted into a recipient specified by such individual;

"(2) the donated tissue will be transplanted into a relative of the donating individual; or

"(3) the person who solicits or knowingly acquires, receives, or accepts the donation has provided valuable consideration for the costs associated with such abortion.

"(c) CRIMINAL PENALTIES FOR VIOLATIONS.—

"(1) IN GENERAL.—Any person who violates subsection (a) or (b) shall be fined in accordance with title 18, United States Code, subject to paragraph (2), or imprisoned for not more than 10 years, or both.

"(2) PENALTIES APPLICABLE TO PERSONS RECEIVING CONSIDERATION.—With respect to the imposition of a fine under paragraph (1), if the person involved violates subsection (a) or (b)(3), a fine shall be imposed in an amount not less than twice the amount of the valuable consideration received.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'human fetal tissue' has the meaning given such term in section 498A(f).

"(2) The term 'interstate commerce' has the meaning given such term in section 201(b) of the Federal Food, Drug, and Cosmetic Act.

"(3) The term 'valuable consideration' does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.".

SEC. 113. NULLIFICATION OF MORATORIUM.

(a) IN GENERAL.—Except as provided in subsection (c), no official of the executive branch may impose a policy that the Department of Health and Human Services is prohibited from conducting or supporting any research on the transplantation of human fetal tissue for therapeutic purposes. Such research shall be carried out in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act), without regard to any such policy that may have been in effect prior to the date of the enactment of this Act.

(b) PROHIBITION AGAINST WITHHOLDING OF FUNDS IN CASES OF TECHNICAL AND SCIENTIFIC MERIT.—

(1) IN GENERAL.—In the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may not withhold funds for the research if—

(A) the research has been approved for purposes of section 492A(a) of the Public Health Service Act (as added by section 101 of this Act);

(B) the research will be carried out in accordance with section 498A of such Act (as added by section 111 of this Act); and

(C) there are reasonable assurances that the research will not utilize any human fetal tissue that has been obtained in violation of section 498B(a) of such Act (as added by section 112 of this Act).

(2) STANDING APPROVAL REGARDING ETHICAL STATUS.—In the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the issuance in December 1988 of the Report of the Human Fetal Tissue Transplantation Research Panel shall be deemed to be a report—

(A) issued by an ethics advisory board pursuant to section 492A(b)(4)(B)(ii) of the Public Health Service Act (as added by section 101 of this Act); and

(B) finding, on a basis that is neither arbitrary nor capricious, that there are no ethical grounds for withholding funds for the research.

(c) AUTHORITY FOR WITHHOLDING FUNDS FROM RESEARCH.—In the case of any research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may withhold funds for the research if any of the conditions specified in any of subparagraphs (A) through (C) of subsection (b)(1) are not met with respect to the research.

(d) DEFINITION.—For purposes of this section, the term "human fetal tissue" has the meaning given such term in section 498A(f) of the Public Health Service Act (as added by section 111 of this Act).

SEC. 114. REPORT BY GENERAL ACCOUNTING OFFICE ON ADEQUACY OF REQUIREMENTS.

(a) IN GENERAL.—With respect to research on the transplantation of human fetal tissue for therapeutic purposes, the Comptroller General of the United States shall conduct an audit for the purpose of determining—

(1) whether and to what extent such research conducted or supported by the Secretary of Health and Human Services has been conducted in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act); and

(2) whether and to what extent there have been violations of section 498B of such Act (as added by section 112 of this Act).

(b) REPORT.—Not later than May 19, 1995, the Comptroller General of the United States shall complete the audit required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made pursuant to the audit.

PART III—MISCELLANEOUS REPEALS

SEC. 121. REPEALS.

(a) CERTAIN BIOMEDICAL ETHICS BOARD.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by striking part J.

(b) OTHER REPEALS.—Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended—

(1) in section 498, by striking subsection (c); and

(2) by striking section 499; and

(3) by redesignating section 499A as section 499.

(c) NULLIFICATION OF CERTAIN PROVISIONS.—The provisions of Executive Order 12806 (57 Fed. Reg. 21589 (May 21, 1992)) shall not have any legal effect. The provisions of section 204(d) of part 46 of title 45 of the Code of Federal Regulations (45 CFR 46.204(d)) shall not have any legal effect.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

SEC. 131. REQUIREMENT OF INCLUSION IN RESEARCH.

Part G of title IV of the Public Health Service Act, as amended by section 101 of this Act, is amended by inserting after section 492A the following new section:

"INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH

"SEC. 492B. (a) REQUIREMENT OF INCLUSION.—

"(1) IN GENERAL.—In conducting or supporting clinical research for purposes of this title, the Director of NIH shall, subject to subsection (b), ensure that—

"(A) women are included as subjects in each project of such research; and

"(B) members of minority groups are included as subjects in such research.

"(2) OUTREACH REGARDING PARTICIPATION AS SUBJECTS.—The Director of NIH, in consultation with the Director of the Office of Research on Women's Health and the Director of the Office of Research on Minority Health, shall conduct or support outreach programs for the recruitment of women and members of minority groups as subjects in projects of clinical research.

"(b) INAPPLICABILITY OF REQUIREMENT.—The requirement established in subsection (a) regarding women and members of minority groups shall not apply to a project of clinical research if the inclusion, as subjects in the project, of women and members of minority groups, respectively—

"(1) is inappropriate with respect to the health of the subjects;

"(2) is inappropriate with respect to the purpose of the research; or

"(3) is inappropriate under such other circumstances as the Director of NIH may designate.

"(c) DESIGN OF CLINICAL TRIALS.—In the case of any clinical trial in which women or members of minority groups will under subsection (a) be included as subjects, the Director of NIH shall ensure that the trial is designed and carried out in a manner sufficient to provide for a valid analysis of whether the variables being studied in the trial affect women or members of minority groups, as the case may be, differently than other subjects in the trial.

"(d) GUIDELINES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Director of NIH, in consultation with the Director of the Office of Research on Women's Health and the Director of the Office of Research on Minority Health, shall establish guidelines regarding the requirements of this section. The guidelines shall include guidelines regarding—

"(A) the circumstances under which the inclusion of women and minorities as subjects in projects of clinical research is inappropriate for purposes of subsection (b);

"(B) the manner in which clinical trials are required to be designed and carried out for purposes of subsection (c); and

"(C) the operation of outreach programs under subsection (a).

"(2) CERTAIN PROVISIONS.—With respect to the circumstances under which the inclusion of women or members of minority groups (as the case may be) as subjects in a project of clinical research is inappropriate for purposes of subsection (b), the following applies to guidelines under paragraph (1):

"(A)(i) In the case of a clinical trial, the guidelines shall provide that the costs of such inclusion in the trial is not a permissible consideration in determining whether such inclusion is inappropriate.

"(ii) In the case of other projects of clinical research, the guidelines shall provide that the costs of such inclusion in the project is not a permissible consideration in determining whether such inclusion is inappropriate unless the data regarding women or members of minority groups, respectively, that would be obtained in such project (in the event that such inclusion were required) have been or will be obtained through other means that provide data of comparable quality.

"(B) In the case of a clinical trial, the guidelines may provide that such inclusion in the trial is not required if there is substantial scientific data demonstrating that there is no significant difference between—

"(i) the effects that the variables to be studied in the trial have on women or members of minority groups, respectively; and

"(ii) the effects that the variables have on the individuals who would serve as subjects in the trial in the event that such inclusion were not required.

"(e) DATE CERTAIN FOR GUIDELINES; APPLICABILITY.—

"(1) DATE CERTAIN.—The guidelines required in subsection (d) shall be established and published in the Federal Register not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(2) APPLICABILITY.—For fiscal year 1995 and subsequent fiscal years, the Director of NIH may not approve any proposal of clinical research to be conducted or supported by any agency of the National Institutes of Health unless the proposal specifies the manner in which the research will comply with this section.

"(f) REPORTS BY ADVISORY COUNCILS.—The advisory council of each national research insti-

tute shall annually submit to the Director of NIH and the Director of the institute involved a report describing the manner in which the agency has complied with this section.

"(g) DEFINITIONS.—For purposes of this section:

"(1) The term 'project of clinical research' includes a clinical trial.

"(2) The term 'minority group' includes subpopulations of minority groups. The Director of NIH shall, through the guidelines established under subsection (d), define the terms 'minority group' and 'subpopulation' for purposes of the preceding sentence.".

SEC. 132. PEER REVIEW.

Section 492 of the Public Health Service Act (42 U.S.C. 289a) is amended by adding at the end the following new subsection:

"(c)(1) In technical and scientific peer review under this section of proposals for clinical research, the consideration of any such proposal (including the initial consideration) shall, except as provided in paragraph (2), include an evaluation of the technical and scientific merit of the proposal regarding compliance with section 492B.

"(2) Paragraph (1) shall not apply to any proposal for clinical research that, pursuant to subsection (b) of section 492B, is not subject to the requirement of subsection (a) of such section regarding the inclusion of women and members of minority groups as subjects in clinical research.".

SEC. 133. APPLICABILITY TO CURRENT PROJECTS.

Section 492B of the Public Health Service Act, as added by section 131 of this Act, shall not apply with respect to projects of clinical research for which initial funding was provided prior to the date of the enactment of this Act. With respect to the inclusion of women and minorities as subjects in clinical research conducted or supported by the National Institutes of Health, any policies of the Secretary of Health and Human Services regarding such inclusion that are in effect on the day before the date of the enactment of this Act shall continue to apply to the projects referred to in the preceding sentence.

PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

SEC. 141. ESTABLISHMENT.

(a) IN GENERAL.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this title, is amended—

(1) by redesignating section 486 as section 485A;

(2) by redesignating parts F through H as parts G through I, respectively; and

(3) by inserting after part E the following new part:

"PART F—RESEARCH ON WOMEN'S HEALTH

"SEC. 486. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

"(a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Women's Health (in this part referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on women's health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on women's health that should be so conducted or supported;

"(3) carry out paragraphs (1) and (2) with respect to the aging process in women, with priority given to menopause;

"(4) promote coordination and collaboration among entities conducting research identified under any of paragraphs (1) through (3);

"(5) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(6) recommend an agenda for conducting and supporting such research;

"(7) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research;

"(8) assist in the administration of section 492B with respect to the inclusion of women as subjects in clinical research; and

"(9) prepare the report required in section 486B.

"(c) COORDINATING COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Coordinating Committee').

"(2) The Coordinating Committee shall be composed of the Directors of the national research institutes (or the designees of the Directors).

"(3) The Director of the Office shall serve as the chair of the Coordinating Committee.

"(4) With respect to research on women's health, the Coordinating Committee shall assist the Director of the Office in—

"(A) identifying the need for such research, and making an estimate each fiscal year of the funds needed to adequately support the research;

"(B) identifying needs regarding the coordination of research activities, including intramural and extramural multidisciplinary activities;

"(C) supporting the development of methodologies to determine the circumstances in which obtaining data specific to women (including data relating to the age of women and the membership of women in ethnic or racial groups) is an appropriate function of clinical trials of treatments and therapies;

"(D) supporting the development and expansion of clinical trials of treatments and therapies for which obtaining such data has been determined to be an appropriate function; and

"(E) encouraging the national research institutes to conduct and support such research, including such clinical trials.

"(d) ADVISORY COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Advisory Committee').

"(2) The Advisory Committee shall be composed of no fewer than 12, and not more than 18 individuals, who are not officers or employees of the Federal Government. The Director of the Office shall make appointments to the Advisory Committee from among physicians, practitioners, scientists, and other health professionals, whose clinical practice, research specialization, or professional expertise includes a significant focus on research on women's health. A majority of the members of the Advisory Committee shall be women.

"(3) The Director of the Office shall serve as the chair of the Advisory Committee.

"(4) The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) research on women's health;

"(ii) research on gender differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on gender differences in disease etiology, course, and treatment;

"(iv) research on obstetrical and gynecological health conditions, diseases, and treatments; and

"(v) research on women's health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on such research;

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on the development of the methodologies described in subsection (c)(4)(C) and recommendations on priorities in carrying out research described in subparagraph (A)); and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of women in clinical research.

"(5)(A) The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on women's health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) The report required in subparagraph (A) shall be submitted to the Director of NIH for inclusion in the report required in section 403.

"(e) REPRESENTATION OF WOMEN AMONG RESEARCHERS.—The Secretary, acting through the Assistant Secretary for Personnel and in collaboration with the Director of the Office, shall determine the extent to which women are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(f) DEFINITIONS.—For purposes of this part:

"(1) The term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means all diseases, disorders, and conditions (including with respect to mental health)—

"(A) unique to, more serious, or more prevalent in women;

"(B) for which the factors of medical risk or types of medical intervention are different for women, or for which it is unknown whether such factors or types are different for women; or

"(C) with respect to which there has been insufficient clinical research involving women as subjects or insufficient clinical data on women.

"(2) The term 'research on women's health' means research on women's health conditions, including research on preventing such conditions.

"SEC. 486A. NATIONAL DATA SYSTEM AND CLEARINGHOUSE ON RESEARCH ON WOMEN'S HEALTH.

"(a) DATA SYSTEM.—

"(1) The Director of NIH, in consultation with the Director of the Office and the Director of the National Library of Medicine, shall establish a data system for the collection, storage, analysis, retrieval, and dissemination of information regarding research on women's health that is conducted or supported by the national research institutes. Information from the data system shall be available through information systems available to health care professionals and providers, researchers, and members of the public.

"(2) The data system established under paragraph (1) shall include a registry of clinical trials of experimental treatments that have been developed for research on women's health. Such registry shall include information on subject eligibility criteria, sex, age, ethnicity or race, and the location of the trial site or sites. Principal investigators of such clinical trials shall provide this information to the registry within 30 days after it is available. Once a trial has been completed, the principal investigator shall provide

the registry with information pertaining to the results, including potential toxicities or adverse effects associated with the experimental treatment or treatments evaluated.

"(b) CLEARINGHOUSE.—The Director of NIH, in consultation with the Director of the Office and with the National Library of Medicine, shall establish, maintain, and operate a program to provide information on research and prevention activities of the national research institutes that relate to research on women's health.

"SEC. 486B. BIENNIAL REPORT.

"(a) IN GENERAL.—With respect to research on women's health, the Director of the Office shall, not later than February 1, 1994, and biennially thereafter, prepare a report—

"(1) describing and evaluating the progress made during the preceding 2 fiscal years in research and treatment conducted or supported by the National Institutes of Health;

"(2) describing and analyzing the professional status of women physicians and scientists of such Institutes, including the identification of problems and barriers regarding advancements;

"(3) summarizing and analyzing expenditures made by the agencies of such Institutes (and by such Office) during the preceding 2 fiscal years; and

"(4) making such recommendations for legislative and administrative initiatives as the Director of the Office determines to be appropriate.

"(b) INCLUSION IN BIENNIAL REPORT OF DIRECTOR OF NIH.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH for inclusion in the report submitted to the President and the Congress under section 403.".

(b) REQUIREMENT OF SUFFICIENT ALLOCATION OF RESOURCES OF INSTITUTES.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (10), by striking "and" after the semicolon at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (11) the following new paragraph:

"(12) after consultation with the Director of the Office of Research on Women's Health, shall ensure that resources of the National Institutes of Health are sufficiently allocated for projects of research on women's health that are identified under section 486(b).".

PART III—OFFICE OF RESEARCH ON MINORITY HEALTH

SEC. 151. ESTABLISHMENT.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following section:

"OFFICE OF RESEARCH ON MINORITY HEALTH

"SEC. 404. (a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Minority Health (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on minority health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on minority health that should be so conducted or supported;

"(3) promote coordination and collaboration among entities conducting research identified under paragraph (1) or (2);

"(4) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(5) recommend an agenda for conducting and supporting such research;

"(6) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research; and

"(7) assist in the administration of section 492B with respect to the inclusion of members of minority groups as subjects in clinical research.".

Subtitle C—Research Integrity

SEC. 161. ESTABLISHMENT OF OFFICE OF RESEARCH INTEGRITY.

(a) IN GENERAL.—Section 493 of the Public Health Service Act (42 U.S.C. 289b) is amended to read as follows:

"OFFICE OF RESEARCH INTEGRITY

"SEC. 493. (a) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall establish an office to be known as the Office of Research Integrity (hereafter referred to in this section as the 'Office'), which shall be established as an independent entity in the Department of Health and Human Services.

"(2) DIRECTOR.—The Office shall be headed by a Director, who shall be appointed by the Secretary, be experienced and specially trained in the conduct of research, and have experience in the conduct of investigations of research misconduct. The Secretary shall carry out this section acting through the Director of the Office. The Director shall report to the Secretary.

"(b) EXISTENCE OF ADMINISTRATIVE PROCESSES AS CONDITION OF FUNDING FOR RESEARCH.—The Secretary shall by regulation require that each entity that applies for a grant, contract, or cooperative agreement under this Act for any project or program that involves the conduct of biomedical or behavioral research submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that such entity—

"(1) has established (in accordance with regulations which the Secretary shall prescribe) an administrative process to review reports of research misconduct in connection with biomedical and behavioral research conducted at or sponsored by such entity; and

"(2) will report to the Director any investigation of alleged research misconduct in connection with projects for which funds have been made available under this Act that appears substantial.

"(c) PROCESS FOR RESPONSE OF DIRECTOR.—The Secretary shall establish by regulation a process to be followed by the Director for the prompt and appropriate—

"(1) response to information provided to the Director respecting research misconduct in connection with projects for which funds have been made available under this Act;

"(2) receipt of reports by the Director of such information from recipients of funds under this Act;

"(3) conduct of investigations, when appropriate; and

"(4) taking of other actions, including appropriate remedies, with respect to such misconduct.

"(d) MONITORING BY DIRECTOR.—The Secretary shall by regulation establish procedures for the Director to monitor administrative processes and investigations that have been established or carried out under this section.

"(e) EFFECT ON PRESENT INVESTIGATIONS.—Nothing in this section shall affect investigations which have been or will be commenced prior to the promulgation of final regulations under this section.".

(b) ESTABLISHMENT OF DEFINITION OF RESEARCH MISCONDUCT.—Not later than 90 days after the date on which the report required under section 162(d) is submitted to the Secretary of Health and Human Services, such Secretary shall by regulation establish a definition for the term "research misconduct" for purposes of section 493 of the Public Health Service Act, as amended by subsection (a) of this section.

SEC. 162. COMMISSION ON RESEARCH INTEGRITY.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish a commission to be known as the Commission on Research Integrity (in this section referred to as the "Commission").

(b) DUTIES.—The Commission shall develop recommendations for the Secretary of Health and Human Services on the administration of section 493 of the Public Health Service Act (as amended and added by section 161 of this Act).

(c) COMPOSITION.—The Commission shall be composed of 12 members to be appointed by the Secretary of Health and Human Services. Not more than 3 members of the Commission may be officers or employees of the United States. Of the members of the Commission—

(1) three shall be scientists with substantial accomplishments in biomedical or behavioral research;

(2) three shall be individuals with experience in investigating allegations of misconduct with respect to research research;

(3) three shall be representatives of institutions of higher education at which biomedical or behavioral research is conducted; and

(4) three shall be individuals who are not described in paragraphs (1), (2), or (3), at least one of whom shall be an attorney and at least one of whom shall be an ethicist.

(d) COMPENSATION.—Members of the Commission may not receive compensation for service on the Commission. Members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Commission.

(e) REPORT.—Not later than 120 days after the date on which the Commission is established under subsection (a), the Commission shall prepare and submit to the Secretary of Health and Human Services, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report containing the recommendations developed under subsection (b).

SEC. 163. PROTECTION OF WHISTLEBLOWERS.

Section 493 of the Public Health Service Act, as amended by section 161 of this Act, is amended by adding at the end the following new subsection:

"(f) PROTECTION OF WHISTLEBLOWERS.—

"(1) IN GENERAL.—In the case of any entity required to establish administrative processes under subsection (b), the Secretary shall by regulation establish standards for preventing, and for responding to the occurrence of retaliation by such entity, its officials or agents, against an employee in the terms and conditions of employment in response to the employee having in good faith—

"(A) made an allegation that the entity, its officials or agents, has engaged in or failed to adequately respond to an allegation of research misconduct; or

"(B) cooperated with an investigation of such an allegation.

"(2) MONITORING BY SECRETARY.—The Secretary shall establish by regulation procedures for the Director to monitor the implementation of the standards established by an entity under paragraph (1) for the purpose of determining whether the procedures have been established, and are being utilized, in accordance with the standards established under such paragraph.

"(3) NONCOMPLIANCE.—The Secretary shall by regulation establish remedies for noncompliance by an entity, its officials or agents, which has engaged in retaliation in violation of the standards established under paragraph (1). Such remedies may include termination of funding provided by the Secretary for such project or recov-

ery of funding being provided by the Secretary for such project, or other actions as appropriate.

"(4) FINAL RULE FOR REGULATIONS.—The Secretary shall issue a final rule for the regulations required in paragraph (1) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(5) REQUIRED AGREEMENTS.—For any fiscal year beginning after the date on which the regulations required in paragraph (1) are issued, the Secretary may not provide a grant, cooperative agreement, or contract under this Act for biomedical or behavioral research unless the entity seeking such financial assistance agrees that the entity—

"(A) will maintain the procedures described in the regulations; and

"(B) will otherwise be subject to the regulations.".

SEC. 164. REQUIREMENT OF REGULATIONS REGARDING PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH.

Part H of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 493 the following new section:

"PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH

"SEC. 493A. (a) ISSUANCE OF REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall define by regulation, the specific circumstances that constitute the existence of a financial interest in a project on the part of an entity or individual that will, or may be reasonably expected to, create a bias in favor of obtaining results in such project that are consistent with such financial interest. Such definition shall apply uniformly to each entity or individual conducting a research project under this Act. In the case of any entity or individual receiving assistance from the Secretary for a project of research described in paragraph (2), the Secretary shall by regulation establish standards for responding to, including managing, reducing, or eliminating, the existence of such a financial interest. The entity may adopt individualized procedures for implementing the standards.

"(2) RELEVANT PROJECTS.—A project of research referred to in paragraph (1) is a project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment and for which such entity is receiving assistance from the Secretary.

"(3) IDENTIFYING AND REPORTING TO THE DIRECTOR.—The Secretary shall ensure that the standards established under paragraph (1) specify that as a condition of receiving assistance from the Secretary for the project involved, an entity described in such subsection is required—

"(A) to have in effect at the time the entity applies for the assistance and throughout the period during which the assistance is received, a process for identifying such financial interests as defined in paragraph (1) that exist regarding the project; and

"(B) to report to the Director such financial interest as defined in paragraph (1) identified by the entity and how any such financial interest identified by the entity will be managed or eliminated such that the project in question will be protected from bias that may stem from such financial interest.

"(4) MONITORING OF PROCESS.—The Secretary shall monitor the establishment and conduct of the process established by an entity pursuant to paragraph (1).

"(5) RESPONSE.—In any case in which the Secretary determines that an entity has failed to comply with paragraph (3) regarding a project of research described in paragraph (1), the Secretary—

"(A) shall require that, as a condition of receiving assistance, the entity disclose the existence of a financial interest as defined in paragraph (1) in each public presentation of the results of such project; and

"(B) may take such other actions as the Secretary determines to be appropriate.

"(6) DEFINITION.—As used in this section:

"(A) The term 'financial interest' includes the receipt of consulting fees or honoraria and the ownership of stock or equity.

"(B) The term 'assistance', with respect to conducting a project of research, means a grant, contract, or cooperative agreement.

"(b) FINAL RULE FOR REGULATIONS.—The Secretary shall issue a final rule for the regulations required in subsection (a) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.".

SEC. 165. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by this subtitle shall become effective on the date that occurs 180 days after the date on which the final rule required under section 493(f)(4) of the Public Health Service Act, as amended by sections 161 and 163, is published in the Federal Register.

(b) AGREEMENTS AS A CONDITION OF FUNDING.—The requirements of subsection (f)(5) of section 493 of the Public Health Service Act, as amended by sections 161 and 163, with respect to agreements as a condition of funding shall not be effective in the case of projects of research for which initial funding under the Public Health Service Act was provided prior to the effective date described in subsection (a).

TITLE II—NATIONAL INSTITUTES OF HEALTH IN GENERAL

SEC. 201. HEALTH PROMOTION RESEARCH DISSEMINATION.

Section 402(f) of the Public Health Service Act (42 U.S.C. 282(f)) is amended by striking "other public and private entities." and all that follows through the end and inserting "other public and private entities, including elementary, secondary, and post-secondary schools. The Associate Director shall—

"(1) annually review the efficacy of existing policies and techniques used by the national research institutes to disseminate the results of disease prevention and behavioral research programs;

"(2) recommend, coordinate, and oversee the modification or reconstruction of such policies and techniques to ensure maximum dissemination, using advanced technologies to the maximum extent practicable, of research results to such entities; and

"(3) annually prepare and submit to the Director of NIH a report concerning the prevention and dissemination activities undertaken by the Associate Director, including—

"(A) a summary of the Associate Director's review of existing dissemination policies and techniques together with a detailed statement concerning any modification or restructuring, or recommendations for modification or restructuring, of such policies and techniques; and

"(B) a detailed statement of the expenditures made for the prevention and dissemination activities reported on and the personnel used in connection with such activities.".

SEC. 202. PROGRAMS FOR INCREASED SUPPORT REGARDING CERTAIN STATES AND RESEARCHERS.

Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by adding at the end the following new subsection:

"(g)(1)(A) In the case of entities described in subparagraph (B), the Director of NIH, acting through the Director of the National Center for Research Resources, shall establish a program to enhance the competitiveness of such entities in obtaining funds from the national research institutes for conducting biomedical and behavioral research.

"(B) The entities referred to in subparagraph (A) are entities that conduct biomedical and behavioral research and are located in a State in which the aggregate success rate for applications to the national research institutes for assistance for such research by the entities in the State has historically constituted a low success rate of obtaining such funds, relative to such aggregate rate for such entities in other States.

"(C) With respect to enhancing competitiveness for purposes of subparagraph (A), the Director of NIH, in carrying out the program established under such subparagraph, may—

"(i) provide technical assistance to the entities involved, including technical assistance in the preparation of applications for obtaining funds from the national research institutes;

"(ii) assist the entities in developing a plan for biomedical or behavioral research proposals; and

"(iii) assist the entities in implementing such plan.

"(2) The Director of NIH shall establish a program of supporting projects of biomedical or behavioral research whose principal researchers are individuals who have not previously served as the principal researchers of such projects supported by the Director.".

SEC. 203. ESTABLISHMENT OF OFFICE OF BEHAVIORAL RESEARCH.

Part A of title IV of the Public Health Service Act, as amended by section 151 of this Act, is amended by adding at the end the following new section:

"OFFICE OF BEHAVIORAL RESEARCH

"SEC. 404A. (a) There is established within the Office of the Director of NIH an office to be known as the Office of Behavioral Research (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b)(1) With respect to research on the relationship between human behavior and the development, treatment, and prevention of medical conditions, the Director of the Office shall coordinate research conducted or supported by the agencies of the National Institutes of Health.

"(2) Research authorized under paragraph (1) includes research on teen pregnancy, infant mortality, violent behavior, suicide, and homelessness.

"(3) The sole responsibility of the Director of the Office shall be carrying out paragraph (1).".

SEC. 204. CHILDREN'S VACCINE INITIATIVE.

Part A of title IV of the Public Health Service Act, as amended by section 203 of this Act, is amended by adding at the end the following new section:

"CHILDREN'S VACCINE INITIATIVE

"SEC. 404B. (a) DEVELOPMENT OF NEW VACCINES.—The Secretary, in consultation with the Director of the National Vaccine Program under title XXI and acting through the Directors of the National Institute for Allergy and Infectious Diseases, the National Institute for Child Health and Human Development, the National Institute for Aging, and other public and private programs, shall carry out activities, which shall be consistent with the global Children's Vaccine Initiative, to develop affordable new and improved vaccines to be used in the United States and in the developing world that will increase the efficacy and efficiency of the prevention of infectious diseases. In carrying out such activities, the Secretary shall, to the extent practicable, develop and make available vaccines that require fewer contacts to deliver, that can be given early in life, that provide long lasting protection, that obviate refrigeration, needles and syringes, and that protect against a larger number of diseases.

"(b) REPORT.—In the report required in section 2104, the Secretary, acting through the Director of the National Vaccine Program under title XXI, shall include information with respect to activities and the progress made in implementing the provisions of this section and achieving its goals.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated for activities of the type described in this section, there are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 205. PLAN FOR USE OF ANIMALS IN RESEARCH.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act, as amended by section 204 of this Act, is amended by adding at the end the following new section:

"PLAN FOR USE OF ANIMALS IN RESEARCH

"SEC. 404C. (a) The Director of NIH, after consultation with the committee established under subsection (e), shall prepare a plan—

"(1) for the National Institutes of Health to conduct or support research into—

"(A) methods of biomedical research and experimentation that do not require the use of animals;

"(B) methods of such research and experimentation that reduce the number of animals used in such research;

"(C) methods of such research and experimentation that produce less pain and distress in such animals; and

"(D) methods of such research and experimentation that involve the use of marine life (other than marine mammals);

"(2) for establishing the validity and reliability of the methods described in paragraph (1);

"(3) for encouraging the acceptance by the scientific community of such methods that have been found to be valid and reliable; and

"(4) for training scientists in the use of such methods that have been found to be valid and reliable.

"(b) Not later than October 1, 1993, the Director of NIH shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, the plan required in subsection (a) and shall begin implementation of the plan.

"(c) The Director of NIH shall periodically review, and as appropriate, make revisions in the plan required under subsection (a). A description of any revision made in the plan shall be included in the first biennial report under section 403 that is submitted after the revision is made.

"(d) The Director of NIH shall take such actions as may be appropriate to convey to scientists and others who use animals in biomedical or behavioral research or experimentation information respecting the methods found to be valid and reliable under subsection (a)(2).

"(e)(1) The Director of NIH shall establish within the National Institutes of Health a committee to be known as the Interagency Coordinating Committee on the Use of Animals in Research (hereafter in this subsection referred to as the 'Committee').

"(2) The Committee shall provide advice to the Director of NIH on the preparation of the plan required in subsection (a).

"(3) The Committee shall be composed of—

"(A) the Directors of each of the national research institutes and the Director of the Center for Research Resources (or the designees of such Directors); and

"(B) representatives of the Environmental Protection Agency, the Food and Drug Administration, the Consumer Product Safety Commission, the National Science Foundation, and such additional agencies as the Director of NIH determines to be appropriate.".

(b) CONFORMING AMENDMENT.—Section 4 of the Health Research Extension Act of 1985 (Public Law 99–158; 99 Stat. 880) is repealed.

SEC. 206. INCREASED PARTICIPATION OF WOMEN AND DISADVANTAGED INDIVIDUALS IN FIELDS OF BIOMEDICAL AND BEHAVIORAL RESEARCH.

Section 402 of the Public Health Service Act, as amended by section 202 of this Act, is amended by adding at the end the following new subsection:

"(h) The Secretary, acting through the Director of NIH and the Directors of the agencies of the National Institutes of Health, may conduct and support programs for research, research training, recruitment, and other activities to provide for an increase in the number of women and individuals from disadvantaged backgrounds in the fields of biomedical and behavioral research.".

SEC. 207. REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR.

Part A of title IV of the Public Health Service Act, as amended by section 205 of this Act, is amended by adding at the end the following new section:

"REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR

"SEC. 404D. With respect to any survey of human sexual behavior proposed to be conducted or supported through the National Institutes of Health, the survey may not be carried out unless—

"(1) the proposal has undergone review in accordance with any applicable requirements of sections 491 and 492; and

"(2) the Secretary, in accordance with section 492A, makes a determination that the information expected to be obtained through the survey will assist—

"(A) in reducing the incidence of sexually transmitted diseases, the incidence of infection with the human immunodeficiency virus, or the incidence of any other infectious disease; or

"(B) in improving reproductive health or other conditions of health.".

SEC. 208. DISCRETIONARY FUND OF DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.

Section 402 of the Public Health Service Act, as amended by section 206 of this Act, is amended by adding at the end the following new subsection:

"(i)(1) There is established a fund, consisting of amounts appropriated under paragraph (3) and made available for the fund, for use by the Director of NIH to carry out the activities authorized in this Act for the National Institutes of Health. The purposes for which such fund may be expended include—

"(A) providing for research on matters that have not received significant funding relative to other matters, responding to new issues and scientific emergencies, and acting on research opportunities of high priority;

"(B) supporting research that is not exclusively within the authority of any single agency of such Institutes; and

"(C) purchasing or renting equipment and quarters for activities of such Institutes.

"(2) Not later than February 10 of each fiscal year, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities undertaken and expenditures made under this section during the preceding fiscal year. The report may contain such comments of the Secretary regarding this section as the Secretary determines to be appropriate.

"(3) For the purpose of carrying out this subsection, there are authorized to be appropriated $25,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 209. ESTABLISHMENT OF OFFICE OF ALTERNATIVE MEDICINE.

Part A of title IV of the Public Health Service Act, as amended by section 207 of this Act, is amended by adding at the end the following section:

"OFFICE OF ALTERNATIVE MEDICINE

"SEC. 404E. (a) There is established within the Office of the Director of NIH an office to be known as the Office of Alternative Medicine (in this section referred to as the 'Office'), which shall be headed by a director appointed by the Director of NIH.

"(b) The purpose of the Office is to facilitate the evaluation of various alternative medicine treatment modalities, including acupuncture and Oriental medicine, homeopathic medicine, and physical manipulation therapies.

"(c) In carrying out subsection (b), the Director of the Office shall—

"(1) establish an information clearinghouse to exchange information with the public about alternative medicine;

"(2) support research training—

"(A) for which fellowship support is not provided under section 487; and

"(B) that is not residency training of physicians or other health professionals; and

"(3) submit an annual report on past and future activities of the Office, each of which reports shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

SEC. 210. MISCELLANEOUS PROVISIONS.

(a) TERM OF OFFICE FOR MEMBERS OF ADVISORY COUNCILS.—Section 406(c) of the Public Health Service Act (42 U.S.C. 284a(c)) is amended in the second sentence by striking "until a successor has taken office" and inserting the following: "for 180 days after the date of such expiration".

(b) LITERACY REQUIREMENTS.—Section 402(e) of the Public Health Service Act (42 U.S.C. 282(e)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and±

(3) by adding at the end thereof the following new paragraph:

"(5) ensure that, after January 1, 1994, at least one-half of all new or revised health education and promotion materials developed or funded by the National Institutes of Health is in a form that does not exceed a level of functional literacy, as defined in the National Literacy Act of 1991 (Public Law 102–73).".

(c) DAY CARE REGARDING CHILDREN OF EMPLOYEES.—Section 402 of the Public Health Service Act, as amended by section 208 of this Act, is amended by adding at the end the following new subsection:

"(j)(1) The Director of NIH may establish a program to provide day care services for the employees of the National Institutes of Health similar to those services provided by other Federal agencies (including the availability of day care service on a 24-hour-a-day basis).

"(2) Any day care provider at the National Institutes of Health shall establish a sliding scale of fees that takes into consideration the income and needs of the employee.

"(3) For purposes regarding the provision of day care services, the Director of NIH may enter into rental or lease purchase agreements.".

TITLE III—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

SEC. 301. APPOINTMENT AND AUTHORITY OF DIRECTORS OF NATIONAL RESEARCH INSTITUTES.

(a) ESTABLISHMENT OF GENERAL AUTHORITY REGARDING DIRECT FUNDING.—

(1) IN GENERAL.—Section 405(b)(2) of the Public Health Service Act (42 U.S.C. 284(b)(2)) is amended—

(A) in subparagraph (A), by striking "and" after the semicolon at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) shall receive from the President and the Office of Management and Budget directly all funds appropriated by the Congress for obligation and expenditure by the Institute.".

(2) CONFORMING AMENDMENT.—Section 413(b)(9) of the Public Health Service Act (42 U.S.C. 285a-2(b)(9)) is amended—

(A) by striking "(A)" after "(9)"; and

(B) by striking "advisory council;" and all that follows and inserting "advisory council.".

(b) APPOINTMENT AND DURATION OF TECHNICAL AND SCIENTIFIC PEER REVIEW GROUPS.—Section 405(c) of the Public Health Service Act (42 U.S.C. 284(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) may, in consultation with the advisory council for the Institute and with the approval of the Director of NIH—

"(A) establish technical and scientific peer review groups in addition to those appointed under section 402(b)(6); and

"(B) appoint the members of peer review groups established under subparagraph (A); and"; and

(2) by adding after and below paragraph (4) the following:

"The Federal Advisory Committee Act shall not apply to the duration of a peer review group appointed under paragraph (3).".

SEC. 302. PROGRAM OF RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 121(b) of Public Law 102–321 (106 Stat. 358), is amended by adding at the end the following new section:

"RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS

"SEC. 409A. (a) ESTABLISHMENT.—The Directors of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, and the National Institute of Diabetes, Digestive and Kidney Diseases, shall expand and intensify the programs of such Institutes with respect to research and related activities concerning osteoporosis, Paget's disease, and related bone disorders.

"(b) COORDINATION.—The Directors referred to in subsection (a) shall jointly coordinate the programs referred to in such subsection and consult with the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and the Interagency Task Force on Aging Research.

"(c) INFORMATION CLEARINGHOUSE.—

"(1) IN GENERAL.—In order to assist in carrying out the purpose described in subsection (a), the Director of NIH shall provide for the establishment of an information clearinghouse on osteoporosis and related bone disorders to facilitate and enhance knowledge and understanding on the part of health professionals, patients, and the public through the effective dissemination of information.

"(2) ESTABLISHMENT THROUGH GRANT OR CONTRACT.—For the purpose of carrying out paragraph (1), the Director of NIH shall enter into a grant, cooperative agreement, or contract with a nonprofit private entity involved in activities regarding the prevention and control of osteoporosis and related bone disorders.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 303. ESTABLISHMENT OF INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.

(a) IN GENERAL.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as amended by title VI of Public Law 102–321 (106 Stat. 433) and section 304 of Public Law 102–408 (106 Stat. 2084), is amended by adding at the end the following part:

"PART F—INTERAGENCY PROGRAM FOR TRAUMA RESEARCH

"SEC. 1261. ESTABLISHMENT OF PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health (hereafter in this section referred to as the 'Director'), shall establish a comprehensive program of conducting basic and clinical research on trauma (hereafter in this section referred to as the 'Program'). The Program shall include research regarding the diagnosis, treatment, rehabilitation, and general management of trauma.

"(b) PLAN FOR PROGRAM.—

"(1) IN GENERAL.—The Director, in consultation with the Trauma Research Interagency Coordinating Committee established under subsection (g), shall establish and implement a plan for carrying out the activities of the Program, including the activities described in subsection (d). All such activities shall be carried out in accordance with the plan. The plan shall be periodically reviewed, and revised as appropriate.

"(2) SUBMISSION TO CONGRESS.—Not later than June 1, 1993, the Director shall submit the plan required in paragraph (1) to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, together with an estimate of the funds needed for each of the fiscal years 1994 through 1996 to implement the plan.

"(c) PARTICIPATING AGENCIES; COORDINATION AND COLLABORATION.—The Director—

"(1) shall provide for the conduct of activities under the Program by the Directors of the agencies of the National Institutes of Health involved in research with respect to trauma;

"(2) shall ensure that the activities of the Program are coordinated among such agencies; and

"(3) shall, as appropriate, provide for collaboration among such agencies in carrying out such activities.

"(d) CERTAIN ACTIVITIES OF PROGRAM.—The Program shall include—

"(1) studies with respect to all phases of trauma care, including prehospital, resuscitation, surgical intervention, critical care, infection control, wound healing, nutritional care and support, and medical rehabilitation care;

"(2) basic and clinical research regarding the response of the body to trauma and the acute treatment and medical rehabilitation of individuals who are the victims of trauma; and

"(3) basic and clinical research regarding trauma care for pediatric and geriatric patients.

"(e) MECHANISMS OF SUPPORT.—In carrying out the Program, the Director, acting through the Directors of the agencies referred to in subsection (c)(1), may make grants to public and nonprofit entities, including designated trauma centers.

"(f) RESOURCES.—The Director shall assure the availability of appropriate resources to carry out the Program, including the plan established under subsection (b) (including the activities described in subsection (d)).

"(g) COORDINATING COMMITTEE.—

"(1) IN GENERAL.—There shall be established a Trauma Research Interagency Coordinating Committee (hereafter in this section referred to as the 'Coordinating Committee').

"(2) DUTIES.—The Coordinating Committee shall make recommendations regarding—

"(A) the activities of the Program to be carried out by each of the agencies represented on the Committee and the amount of funds needed by each of the agencies for such activities; and

"(B) effective collaboration among the agencies in carrying out the activities.

"(3) COMPOSITION.—The Coordinating Committee shall be composed of the Directors of each of the agencies that, under subsection (c), have responsibilities under the Program, and any other individuals who are practitioners in the trauma field as designated by the Director of the National Institutes of Health.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'designated trauma center' has the meaning given such term in section 1231(1).

"(2) The term 'Director' means the Director of the National Institutes of Health.

"(3) The term 'trauma' means any serious injury that could result in loss of life or in significant disability and that would meet pre-hospital triage criteria for transport to a designated trauma center.".

(b) CONFORMING AMENDMENT.—Section 402 of the Public Health Service Act, as amended by section 210(c) of this Act, is amended by adding at the end the following new subsection:

"(k) The Director of NIH shall carry out the program established in part E of title XII (relating to interagency research on trauma).".

TITLE IV—NATIONAL CANCER INSTITUTE

SEC. 401. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING BREAST CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

"BREAST AND GYNECOLOGICAL CANCERS

"SEC. 417. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on breast cancer, ovarian cancer, and other cancers of the reproductive system of women.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to breast cancer and other cancers of the reproductive system of women.

"(c) PROGRAMS FOR BREAST CANCER.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, breast cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of breast cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of breast cancer;

"(C) control programs with respect to breast cancer in accordance with section 412, including community-based programs designed to assist women who are members of medically under-

served populations, low-income populations, or minority groups;

"(D) information and education programs with respect to breast cancer in accordance with section 413; and

"(E) research and demonstration centers with respect to breast cancer in accordance with section 414, including the development and operation of centers for breast cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities on breast cancer.

Not less than six centers shall be operated under subparagraph (E). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than May 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(d) OTHER CANCERS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research on ovarian cancer and other cancers of the reproductive system of women. Activities under such subsection shall provide for the conduct and support of—

"(1) basic research concerning the etiology and causes of ovarian cancer and other cancers of the reproductive system of women;

"(2) clinical research and related activities into the causes, prevention, detection and treatment of ovarian cancer and other cancers of the reproductive system of women;

"(3) control programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 412;

"(4) information and education programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 413; and

"(5) research and demonstration centers with respect to ovarian cancer and cancers of the reproductive system in accordance with section 414.

"(e) REPORT.—The Director of the Institute shall prepare, for inclusion in the biennial report submitted under section 407, a report that describes the activities of the National Cancer Institute under the research programs referred to in subsection (a), that shall include—

"(1) a description of the research plan with respect to breast cancer prepared under subsection (c);

"(2) an assessment of the development, revision, and implementation of such plan;

"(3) a description and evaluation of the progress made, during the period for which such report is prepared, in the research programs on breast cancer and cancers of the reproductive system of women;

"(4) a summary and analysis of expenditures made, during the period for which such report is made, for activities with respect to breast cancer and cancers of the reproductive system of women conducted and supported by the National Institutes of Health; and

"(5) such comments and recommendations as the Director considers appropriate.".

SEC. 402. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING PROSTATE CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 401 of this Act, is amended by adding at the end the following new section:

"PROSTATE CANCER

"SEC. 417A. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on prostate cancer.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to prostate cancer.

"(c) PROGRAMS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, prostate cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of prostate cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of prostate cancer;

"(C) prevention and control and early detection programs with respect to prostate cancer in accordance with section 412, particularly as it relates to intensifying research on the role of prostate specific antigen for the screening and early detection of prostate cancer;

"(D) an Inter-Institute Task Force, under the direction of the Director of the Institute, to provide coordination between relevant National Institutes of Health components of research efforts on prostate cancer;

"(E) control programs with respect to prostate cancer in accordance with section 412;

"(F) information and education programs with respect to prostate cancer in accordance with section 413; and

"(G) research and demonstration centers with respect to prostate cancer in accordance with section 414, including the development and operation of centers for prostate cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and control, treatment, research, and related activities on prostate cancer.

Not less than six centers shall be operated under subparagraph (G). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than May 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 402 of this Act, is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 417B. (a) ACTIVITIES GENERALLY.—For the purpose of carrying out this subpart, there are authorized to be appropriated $3,200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) BREAST CANCER AND GYNECOLOGICAL CANCERS.—

"(1) BREAST CANCER.—

"(A) For the purpose of carrying out subparagraph (A) of section 417(c)(1), there are authorized to be appropriated $225,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(B) For the purpose of carrying out subparagraphs (B) through (E) of section 417(c)(1), there are authorized to be appropriated $100,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(2) OTHER CANCERS.—For the purpose of carrying out subsection (d) of section 417, there are authorized to be appropriated $75,000,000 for fiscal year 1994, and such sums as are necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(c) PROSTATE CANCER.—For the purpose of carrying out section 417A, there are authorized to be appropriated $72,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(d) ALLOCATION REGARDING CANCER CONTROL.—

"(1) IN GENERAL.—Of the amounts appropriated for the National Cancer Institute for a fiscal year, the Director of the Institute shall make available not less than the applicable per-

centage specified in paragraph (2) for carrying out the cancer control activities authorized in section 412 and for which budget estimates are made under section 413(b)(9) for the fiscal year.

"(2) APPLICABLE PERCENTAGE.—The percentage referred to in paragraph (1) is—

"(A) 7 percent, in the case of fiscal year 1994;

"(B) 9 percent, in the case of fiscal year 1995; and

"(C) 10 percent, in the case of fiscal year 1996 and each subsequent fiscal year.".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 408 of the Public Health Service Act (42 U.S.C. 284c) is amended—

(A) by striking subsection (a);

(B) by redesignating subsection (b) as subsection (a);

(C) by redesignating paragraph (5) of subsection (a) (as so redesignated) as subsection (b); and

(D) by amending the heading for the section to read as follows:

"CERTAIN USES OF FUNDS".

(2) CROSS-REFERENCE.—Section 464F of the Public Health Service Act (42 U.S.C. 285m-6) is amended by striking "section 408(b)(1)" and inserting "section 408(a)(1)".

SEC. 404. STUDY OF ENVIRONMENTAL AND OTHER RISKS CONTRIBUTING TO INCIDENCE OF BREAST CANCER.

(a) REQUIREMENT OF STUDY.—

(1) IN GENERAL.—The Director of the National Cancer Institute (in this section referred to as the "Director"), in collaboration with the Director of the National Institute of Environmental Health Sciences, shall conduct a case-controlled study to assess biological markers of environmental and other risk factors contributing to the incidence of breast cancer in—

(A) the Counties of Nassau and Suffolk, in the State of New York; and

(B) the 2 counties in the northeastern United States that, as identified in the report specified in paragraph (2), had the highest age-adjusted mortality rate of such cancer that reflected not less than 30 deaths during the 5-year period for which findings are made in the report.

(2) RELEVANT REPORT.—The report referred to in paragraph (1)(B) is the report of the findings made in the study entitled "Survival, Epidemiology, and End Results", relating to cases of cancer during the years 1983 through 1987.

(b) CERTAIN ELEMENTS OF STUDY.—Activities of the Director in carrying out the study under subsection (a) shall include the use of a geographic system to evaluate the current and past exposure of individuals, including direct monitoring and cumulative estimates of exposure, to—

(1) contaminated drinking water;

(2) sources of indoor and ambient air pollution, including emissions from aircraft;

(3) electromagnetic fields;

(4) pesticides and other toxic chemicals;

(5) hazardous and municipal waste; and

(6) such other factors as the Director determines to be appropriate.

(c) REPORT.—Not later than 30 months after the date of the enactment of this Act, the Director shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

(d) FUNDING.—Of the amounts appropriated for fiscal years 1994 and 1995 for the National Institute of Environmental Health Sciences and the National Cancer Institute, the Director of the National Institutes of Health shall make available amounts for carrying out the study required in subsection (a).

TITLE V—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

SEC. 501. EDUCATION AND TRAINING.

Section 421(b) of the Public Health Service Act (42 U.S.C. 285b-3(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) shall, in consultation with the advisory council for the Institute, conduct appropriate intramural training and education programs, including continuing education and laboratory and clinical research training programs.".

SEC. 502. CENTERS FOR THE STUDY OF PEDIATRIC CARDIOVASCULAR DISEASES.

Section 422(a)(1) of the Public Health Service Act (42 U.S.C. 285b-4(a)(1)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end thereof the following new subparagraph:

"(D) three centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment (including genetic studies, intrauterine environment studies, postnatal studies, heart arrhythmias, and acquired heart disease and preventive cardiology) for cardiovascular diseases in children.".

SEC. 503. NATIONAL CENTER ON SLEEP DISORDERS.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by adding at the end the following new section:

"NATIONAL CENTER ON SLEEP DISORDERS

"SEC. 424. (a) Not later than 1 year after the date of the enactment of the National Institutes of Health Revitalization Act of 1993, the Director of the Institute shall establish the National Center on Sleep Disorders (in this section referred to as the 'Center'). The Center shall be headed by a director, who shall be appointed by the Director of the Institute.

"(b) The general purpose of the Center is the conduct and support of research, training, health information dissemination, and other activities with respect to sleep disorders.

"(c) The Director of the Center may coordinate the activities of the Center with similar activities of other agencies of the Federal Government, including the other agencies of the National Institutes of Health, and with similar activities of other public entities and of private entities.".

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

Subpart 2 of part C of title IV of the Public Health Service Act, as amended by section 503 of this Act, is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 425. For the purpose of carrying out this subpart, there are authorized to be appropriated $1,500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

TITLE VI—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

SEC. 601. PROVISIONS REGARDING NUTRITIONAL DISORDERS.

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by adding at the end the following new section:

"NUTRITIONAL DISORDERS PROGRAM

"SEC. 434. (a) The Director of the Institute, in consultation with the Director of NIH, shall establish a program of conducting and supporting research, training, health information dissemination, and other activities with respect to nutritional disorders, including obesity.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall conduct and support each of the activities described in such subsection.

"(c) In carrying out the program established under subsection (a), the Director of the Institute shall carry out activities to facilitate and enhance knowledge and understanding of nutritional disorders, including obesity, on the part of health professionals, patients, and the public through the effective dissemination of information.".

(b) DEVELOPMENT AND EXPANSION OF RESEARCH AND TRAINING CENTERS.—Section 431 of the Public Health Service Act (42 U.S.C. 285c-5) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) The Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the development or substantial expansion of centers for research and training regarding nutritional disorders, including obesity.

"(2) The Director of the Institute shall carry out paragraph (1) in collaboration with the Director of the National Cancer Institute and with the Directors of such other agencies of the National Institutes of Health as the Director of NIH determines to be appropriate.

"(3) Each center developed or expanded under paragraph (1) shall—

"(A) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Director;

"(B) conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control and treatment of nutritional disorders, including obesity and the impact of nutrition and diet on child development;

"(C) conduct training programs for physicians and allied health professionals in current methods of diagnosis and treatment of such diseases and complications, and in research in such disorders; and

"(D) conduct information programs for physicians and allied health professionals who provide primary care for patients with such disorders or complications.".

TITLE VII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

SEC. 701. JUVENILE ARTHRITIS.

(a) PURPOSE.—Section 435 of the Public Health Service Act (42 U.S.C. 285d) is amended by striking "and other programs" and all that follows and inserting the following: "and other programs with respect to arthritis and musculoskeletal and skin diseases (including sports-related disorders), with particular attention to the effect of these diseases on children.".

(b) PROGRAMS.—Section 436 (42 U.S.C. 285d-1) is amended—

(1) in subsection (a), by inserting after the second sentence, the following: "The plan shall place particular emphasis upon expanding research into better understanding the causes and the development of effective treatments for arthritis affecting children."; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(5) research into the causes of arthritis affecting children and the development, trial, and evaluation of techniques, drugs and devices used in the diagnosis, treatment (including medical rehabilitation), and prevention of arthritis in children.".

(c) CENTERS.—Section 441 of the Public Health Service Act (42 U.S.C. 286d–6) is amended by adding at the end thereof the following new subsection:

"(f) Not later than October 1, 1994, the Director shall establish a multipurpose arthritis and musculoskeletal disease center for the purpose of expanding the level of research into the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

(d) ADVISORY BOARD.—

(1) TITLE.—Section 442(a) of the Public Health Service Act (42 U.S.C. 285d–7(a)) is amended by inserting after "Arthritis" the following: "and Musculoskeletal and Skin Diseases".

(2) COMPOSITION.—Section 442(b) of the Public Health Service Act (42 U.S.C. 285d–7(b)) is amended—

(A) in the matter preceding paragraph (1), by striking "eighteen" and inserting "twenty"; and

(B) in paragraph (1)(B)—

(i) by striking "six" and inserting "eight"; and

(ii) by striking "including" and all that follows and inserting the following: "including one member who is a person who has such a disease, one person who is the parent of an adult with such a disease, and two members who are parents of children with arthritis.".

(3) ANNUAL REPORT.—Section 442(j) of the Public Health Service Act (42 U.S.C. 285d–7(j)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(5) contains recommendations for expanding the Institute's funding of research directly applicable to the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

TITLE VIII—NATIONAL INSTITUTE ON AGING

SEC. 801. ALZHEIMER'S DISEASE REGISTRY.

(a) IN GENERAL.—Section 12 of Public Law 99–158 (99 Stat. 885) is—

(1) transferred to subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.);

(2) redesignated as section 445G; and

(3) inserted after section 445F of such Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 445G of the Public Health Service Act, as transferred and inserted by subsection (a) of this section, is amended—

(1) by striking the section heading and all that follows through "may make a grant" in subsection (a) and inserting the following:

"ALZHEIMER'S DISEASE REGISTRY

"SEC. 445G. (a) IN GENERAL.—The Director of the Institute may make a grant"; and

(2) by striking subsection (c).

SEC. 802. AGING PROCESSES REGARDING WOMEN.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 801 of this Act, is amended by adding at the end the following new section:

"AGING PROCESSES REGARDING WOMEN

"SEC. 445H. The Director of the Institute, in addition to other special functions specified in section 444 and in cooperation with the Directors of the other national research institutes and agencies of the National Institutes of Health, shall conduct research into the aging processes of women, with particular emphasis given to the effects of menopause and the physiological and behavioral changes occurring during the transition from pre- to post-menopause, and into the diagnosis, disorders, and complications related to aging and loss of ovarian hormones in women.".

SEC. 803. AUTHORIZATION OF APPROPRIATIONS.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 802 of this Act, is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 445I. For the purpose of carrying out this subpart, there are authorized to be appropriated $500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 804. CONFORMING AMENDMENT.

Section 445C of the Public Health Service Act (42 U.S.C. 285e–5), as amended by section 9 of Public Law 102–507 (106 Stat. 3287), is amended—

(1) in subsection (b)(1), in the first sentence, by inserting after "Council" the following: "on Alzheimer's Disease (hereafter in this section referred to as the 'Council')"; and

(2) by adding at the end the following new subsection:

"(e) For purposes of this section, the term 'Council on Alzheimer's Disease' means the council established in section 911(a) of Public Law 99–660.".

TITLE IX—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

SEC. 901. TROPICAL DISEASES.

Section 446 of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting before the period the following: ", including tropical diseases".

SEC. 902. CHRONIC FATIGUE SYNDROME.

(a) RESEARCH CENTERS.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f) is amended by adding at the end the following new section:

"RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME

"SEC. 447. (a) The Director of the Institute, after consultation with the advisory council for the Institute, may make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct basic and clinical research on chronic fatigue syndrome.

"(b) Each center assisted under this section shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.".

(b) EXTRAMURAL STUDY SECTION.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall establish an extramural study section for chronic fatigue syndrome research.

(c) REPRESENTATIVES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall ensure that appropriate individuals with expertise in chronic fatigue syndrome or neuromuscular diseases and representative of a variety of disciplines and fields within the research community are appointed to appropriate National Institutes of Health advisory committees and boards.

TITLE X—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

SEC. 1001. GRANTS AND CONTRACTS FOR RESEARCH CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 3 of Public Law 101–613, is amended by adding at the end the following new section:

"RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 452A. (a) The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct activities for the purpose of improving methods of contraception and centers to conduct activities for the purpose of improving methods of diagnosis and treatment of infertility.

"(b) In carrying out subsection (a), the Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the establishment of three centers with respect to contraception and for two centers with respect to infertility.

"(c)(1) Each center assisted under this section shall, in carrying out the purpose of the center involved—

"(A) conduct clinical and other applied research, including—

"(i) for centers with respect to contraception, clinical trials of new or improved drugs and devices for use by males and females (including barrier methods); and

"(ii) for centers with respect to infertility, clinical trials of new or improved drugs and devices for the diagnosis and treatment of infertility in males and females;

"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals;

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals and the public.

"(2) A center may use funds provided under subsection (a) to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (C) of paragraph (1), and to provide fees to individuals serving as subjects in clinical trials conducted under such paragraph.

"(d) The Director of the Institute shall, as appropriate, provide for the coordination of information among the centers assisted under this section.

"(e) Each center assisted under subsection (a) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(f) Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(g) For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 1002. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this

Act, is amended by inserting after section 487A the following section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"SEC. 487B. (a) The Secretary, in consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program of entering into agreements with qualified health professionals (including graduate students) under which such health professionals agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(b) The provisions of sections 338B, 338C, and 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

Subtitle B—Program Regarding Obstetrics and Gynecology

SEC. 1011. ESTABLISHMENT OF PROGRAM.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1001 of this Act, is amended by adding at the end the following new section:

"PROGRAM REGARDING OBSTETRICS AND GYNECOLOGY

"SEC. 452B. The Director of the Institute shall establish and maintain within the Institute an intramural laboratory and clinical research program in obstetrics and gynecology.".

Subtitle C—Child Health Research Centers

SEC. 1021. ESTABLISHMENT OF CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1011 of this Act, is amended by adding at the end the following new section:

"CHILD HEALTH RESEARCH CENTERS

"SEC. 452C. The Director of the Institute shall develop and support centers for conducting research with respect to child health. Such centers shall give priority to the expeditious transfer of advances from basic science to clinical applications and improving the care of infants and children.".

Subtitle D—Study Regarding Adolescent Health

SEC. 1031. PROSPECTIVE LONGITUDINAL STUDY.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1021 of this Act, is amended by adding at the end the following new section:

"PROSPECTIVE LONGITUDINAL STUDY ON ADOLESCENT HEALTH

"SEC. 452D. (a) IN GENERAL.—Not later than October 1, 1993, the Director of the Institute shall commence a study for the purpose of providing information on the general health and well-being of adolescents in the United States, including, with respect to such adolescents, information on—

"(1) the behaviors that promote health and the behaviors that are detrimental to health; and

"(2) the influence on health of factors particular to the communities in which the adolescents reside.

"(b) DESIGN OF STUDY.—

"(1) IN GENERAL.—The study required in subsection (a) shall be a longitudinal study in which a substantial number of adolescents participate as subjects. With respect to the purpose described in such subsection, the study shall monitor the subjects throughout the period of the study to determine the health status of the subjects and any change in such status over time.

"(2) POPULATION-SPECIFIC ANALYSES.—The study required in subsection (a) shall be conducted with respect to the population of adolescents who are female, the population of adolescents who are male, various socioeconomic populations of adolescents, and various racial and ethnic populations of adolescents. The study shall be designed and conducted in a manner sufficient to provide for a valid analysis of whether there are significant differences among such populations in health status and whether and to what extent any such differences are due to factors particular to the populations involved.

"(c) COORDINATION WITH WOMEN'S HEALTH INITIATIVE.—With respect to the national study of women being conducted by the Secretary and known as the Women's Health Initiative, the Secretary shall ensure that such study is coordinated with the component of the study required in subsection (a) that concerns adolescent females, including coordination in the design of the 2 studies.".

TITLE XI—NATIONAL EYE INSTITUTE

SEC. 1101. CLINICAL RESEARCH ON DIABETES EYE CARE.

(a) IN GENERAL.—Subpart 9 of part C of title IV of the Public Health Service Act (42 U.S.C. 285i) is amended by adding at the end the following new section:

"CLINICAL RESEARCH ON EYE CARE AND DIABETES

"SEC. 456. (a) PROGRAM OF GRANTS.—The Director of the Institute, in consultation with the advisory council for the Institute, may award not more than three grants for the establishment and support of centers for clinical research on eye care for individuals with diabetes.

"(b) AUTHORIZED EXPENDITURES.—The purposes for which a grant under subsection (a) may be expended include equipment for the research described in such subsection and the construction and modernization of facilities for such research.".

(b) CONFORMING AMENDMENT.—Section 455 of the Public Health Service Act (42 U.S.C. 285i) is amended in the second sentence by striking "The Director" and inserting "Subject to section 456, the Director".

TITLE XII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

SEC. 1201. RESEARCH ON MULTIPLE SCLEROSIS.

Subpart 10 of part C of title IV of the Public Health Service Act (42 U.S.C. 285j et seq.) is amended by adding at the end the following new section:

"RESEARCH ON MULTIPLE SCLEROSIS

"SEC. 460. The Director of the Institute shall conduct and support research on multiple sclerosis, especially research on effects of genetics and hormonal changes on the progress of the disease.".

TITLE XIII—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

SEC. 1301. APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM.

(a) IN GENERAL.—Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285l) is amended by adding at the end the following new section:

"APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM

"SEC. 463A. (a) There is established within the Institute a program for conducting applied research and testing regarding toxicology, which program shall be known as the Applied Toxicological Research and Testing Program.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall, with respect to toxicology, carry out activities—

"(1) to expand knowledge of the health effects of environmental agents;

"(2) to broaden the spectrum of toxicology information that is obtained on selected chemicals;

"(3) to develop and validate assays and protocols, including alternative methods that can reduce or eliminate the use of animals in acute or chronic safety testing;

"(4) to establish criteria for the validation and regulatory acceptance of alternative testing and to recommend a process through which scientifically validated alternative methods can be accepted for regulatory use;

"(5) to communicate the results of research to government agencies, to medical, scientific, and regulatory communities, and to the public; and

"(6) to integrate related activities of the Department of Health and Human Services.".

(b) TECHNICAL AMENDMENT.—Section 463 of the Public Health Service Act (42 U.S.C. 285l) is amended by inserting after "Sciences" the following: "(hereafter in this subpart referred to as the 'Institute')".

SEC. 1302. STUDY OF ENVIRONMENTAL AND OTHER RISKS CONTRIBUTING TO INCIDENCE OF BREAST AND PROSTATE CANCER.

(a) IN GENERAL.—The Director of the National Institute of Environmental Health Sciences (in this section referred to as the "Director"), in collaboration with the Director of the National Cancer Institute, shall conduct a case-controlled study to assess biological markers of environmental and other risk factors contributing to the incidence of breast and prostate cancer in the Counties of Nassau and Suffolk, in the State of New York.

(b) CERTAIN ELEMENTS OF STUDY.—Activities of the Director in carrying out the study under subsection (a) shall include the use of a geographic system to evaluate the current and past exposure of individuals, including direct monitoring and cumulative estimates of exposure, to—

(1) contaminated drinking water;

(2) sources of indoor and ambient air pollution, including emissions from aircraft;

(3) electromagnetic fields;

(4) pesticides and other toxic chemicals;

(5) hazardous and municipal waste; and

(6) such other factors as the Director determines to be appropriate.

(c) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Director shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

(d) FUNDING.—Of the amounts appropriated for fiscal years 1994 and 1995 for the National Institute of Environmental Health Sciences and the National Cancer Institute, the Director of the National Institutes of Health shall make available amounts for carrying out the study required in subsection (a).

TITLE XIV—NATIONAL LIBRARY OF MEDICINE

Subtitle A—General Provisions

SEC. 1401. ADDITIONAL AUTHORITIES.

(a) IN GENERAL.—Section 465(b) of the Public Health Service Act (42 U.S.C. 286(b)) is amended—

(1) by striking "and" after the semicolon at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (8); and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) publicize the availability from the Library of the products and services described in any of paragraphs (1) through (5);

"(7) promote the use of computers and telecommunications by health professionals (including health professionals in rural areas) for the purpose of improving access to biomedical information for health care delivery and medical research; and".

(b) LIMITATION REGARDING GRANTS.—Section 474(b)(2) of the Public Health Service Act (42 U.S.C. 286b–S(b)(2)) is amended by striking "$750,000" and inserting "$1,000,000".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL OF CERTAIN AUTHORITY.—Section 215 of the Department of Health and Human Services Appropriations Act, 1988, as contained in section 101(h) of Public Law 100–202 (101 Stat. 1329–275), is repealed.

(2) APPLICABILITY OF CERTAIN NEW AUTHORITY.—With respect to the authority established for the National Library of Medicine in section 465(b)(6) of the Public Health Service Act, as added by subsection (a) of this section, such authority shall be effective as if the authority had been established on December 22, 1987.

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

(a) ESTABLISHMENT OF SINGLE AUTHORIZATION.—Subpart 1 of part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 468. (a) For the purpose of carrying out this part, there are authorized to be appropriated $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) Amounts appropriated under subsection (a) and made available for grants or contracts under any of sections 472 through 476 shall remain available until the end of the fiscal year following the fiscal year for which the amounts were appropriated.".

(b) CONFORMING AMENDMENTS.—Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by striking section 469 and section 478(c).

Subtitle B—Financial Assistance

SEC. 1411. ESTABLISHMENT OF PROGRAM OF GRANTS FOR DEVELOPMENT OF EDUCATION TECHNOLOGIES.

Section 473 of the Public Health Service Act (42 U.S.C. 286b–4) is amended by adding at the end the following new subsection:

"(c)(1) The Secretary shall make grants to public or nonprofit private institutions for the purpose of carrying out projects of research on, and development and demonstration of, new education technologies.

"(2) The purposes for which a grant under paragraph (1) may be made include projects concerning—

"(A) computer-assisted teaching and testing of clinical competence at health professions and research institutions;

"(B) the effective transfer of new information from research laboratories to appropriate clinical applications;

"(C) the expansion of the laboratory and clinical uses of computer-stored research databases; and

"(D) the testing of new technologies for training health care professionals.

"(3) The Secretary may not make a grant under paragraph (1) unless the applicant for the grant agrees to make the projects available with respect to—

"(A) assisting in the training of health professions students; and

"(B) enhancing and improving the capabilities of health professionals regarding research and teaching.".

Subtitle C—National Information Center on Health Services Research and Health Care Technology

SEC. 1421. ESTABLISHMENT OF CENTER.

Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following new subpart:

"Subpart 4—National Information Center on Health Services Research and Health Care Technology

"NATIONAL INFORMATION CENTER

"SEC. 478A. (a) There is established within the Library an entity to be known as the National Information Center on Health Services Research and Health Care Technology (in this section referred to as the 'Center').

"(b) The purpose of the Center is the collection, storage, analysis, retrieval, and dissemination of information on health services research, clinical practice guidelines, and on health care technology, including the assessment of such technology. Such purpose includes developing and maintaining data bases and developing and implementing methods of carrying out such purpose.

"(c) The Director of the Center shall ensure that information under subsection (b) concerning clinical practice guidelines is collected and maintained electronically and in a convenient format. Such Director shall develop and publish criteria for the inclusion of practice guidelines and technology assessments in the information center database.

"(d) The Secretary, acting through the Center, shall coordinate the activities carried out under this section through the Center with related activities of the Administrator for Health Care Policy and Research.".

SEC. 1422. CONFORMING PROVISIONS.

(a) IN GENERAL.—Section 903 of the Public Health Service Act, as amended by section 3 of Public Law 102–410 (106 Stat. 2094), is amended by amending subsection (e) to read as follows:

"(e) REQUIRED INTERAGENCY AGREEMENT.—The Administrator and the Director of the National Library of Medicine shall enter into an agreement providing for the implementation of section 478A.".

(b) RULE OF CONSTRUCTION.—The amendments made by section 3 of Public Law 102–410 (106 Stat. 2094), by section 1421 of this Act, and by subsection (a) of this section may not be construed as terminating the information center on health care technologies and health care technology assessment established under section 904 of the Public Health Service Act, as in effect on the day before the date of the enactment of Public Law 102–410. Such center shall be considered to be the center established in section 478A of the Public Health Service Act, as added by section 1421 of this Act, and shall be subject to the provisions of such section 478A.

TITLE XV—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

Subtitle A—Division of Research Resources

SEC. 1501. REDESIGNATION OF DIVISION AS NATIONAL CENTER FOR RESEARCH RESOURCES.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2)(B), by amending such subparagraph to read as follows:

"(B) The National Center for Research Resources."; and

(2) in part E—

(A) in the heading for subpart 1, by striking "Division of" and inserting "National Center for";

(B) in section 479, by striking "the Division of Research Resources" and inserting the following: "the National Center for Research Resources (hereafter in this subpart referred to as the 'Center')";

(C) in sections 480 and 481, by striking "the Division of Research Resources" each place such term appears and inserting "the Center"; and

(D) in sections 480 and 481, as amended by subparagraph (C), by striking "the Division" each place such term appears and inserting "the Center".

SEC. 1502. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES

"SEC. 481A. (a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—

"(1) IN GENERAL.—The Director of NIH, acting through the Director of the Center, may make grants to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

"(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, the terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but do not include the cost of acquisition of land or off-site improvements.

"(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.—

"(1) IN GENERAL; APPROVAL AS PRECONDITION TO GRANTS.—

"(A) There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (hereafter referred to in this section as the 'Board').

"(B) The Director of the Center may approve an application for a grant under subsection (a) only if the Board has under paragraph (2) recommended the application for approval.

"(2) DUTIES.—

"(A) The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (hereafter in this section referred to as the 'Advisory Council') on carrying out this section.

"(B) In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

"(C) In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided in the grant.

"(D) In carrying out subparagraph (A), the Board shall prepare an annual report for the Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—

"(i) summarize and analyze expenditures made under this section;

"(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

"(iii) contain the recommendations of the Board for any changes in the administration of this section.

''(3) MEMBERSHIP.—

''(A) Subject to subparagraph (B), the Board shall be composed of 9 appointed members, and such ex officio members as the Director of the Center determines to be appropriate.

''(B) Not more than 3 individuals who are officers or employees of the Federal Government may serve as members of the Board.

''(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Director of the Center shall ensure that the members are individuals who, by virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Director of the Center shall ensure that the members of the Board collectively—

''(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

''(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

''(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

''(D) are experienced with emerging centers of excellence, as described in subsection (c)(3).

''(5) CERTAIN AUTHORITIES.—

''(A) In carrying out paragraph (2), the Board may convene workshops and conferences, and collect data as the Board considers appropriate.

''(B) In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

''(6) TERMS.—

''(A) Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

''(B) Of the initial members appointed to the Board (as specified by the Director of the Center when making the appointments)—

''(i) 3 shall hold office for a term of 3 years;

''(ii) 3 shall hold office for a term of 2 years; and

''(iii) 3 shall hold office for a term of 1 year.

''(C) No member is eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

''(7) COMPENSATION.—Members of the Board who are not officers or employees of the United States shall receive for each day the members are engaged in the performance of the functions of the Board compensation at the same rate received by members of other national advisory councils established under this title.

''(c) REQUIREMENTS FOR GRANTS.—

''(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

''(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

''(B) The applicant provides assurances satisfactory to the Director that—

''(i) for not less than 20 years after completion of the construction, the facility will be used for the purposes of research for which it is to be constructed;

''(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

''(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

''(iv) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

''(C) The applicant meets reasonable qualifications established by the Director with respect to—

''(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

''(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

''(iii) the need of the applicant for such facilities in order to maintain or expand the applicant's research and training mission;

''(iv) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

''(v) the age and condition of existing research facilities and equipment.

''(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

''(2) CONSIDERATION OF CERTAIN FACTORS.—In making grants under subsection (a), the Director of the Center may, in addition to the requirements established in paragraph (1), consider the following factors:

''(A) To what extent the applicant has the capacity to broaden the scope of research and research training programs of the applicant by promoting—

''(i) interdisciplinary research;

''(ii) research on emerging technologies, including those involving novel analytical techniques or computational methods; or

''(iii) other novel research mechanisms or programs.

''(B) To what extent the applicant has broadened the scope of research and research training programs of qualified institutions by promoting genomic research with an emphasis on interdisciplinary research, including research related to pediatric investigations.

''(3) INSTITUTIONS OF EMERGING EXCELLENCE.—Of the amounts appropriated under subsection (h) for a fiscal year, the Director of the Center shall make available 25 percent for grants under subsection (a) to applicants that, in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

''(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

''(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

''(C) The applicant has been productive in research or research development and training.

''(D) The applicant—

''(i) has been designated as a center of excellence under section 739;

''(ii) is located in a geographic area a significant percentage of whose population has a health-status deficit, and the applicant provides health services to such population; or

''(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

''(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

''(e) AMOUNT OF GRANT; PAYMENTS.—

''(1) AMOUNT.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

''(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

''(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

''(2) RESERVATION OF AMOUNTS.—On approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available therefore, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of the Director of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

''(3) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under this subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

''(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this section; and

''(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

''(4) WAIVER OF LIMITATIONS.—The limitations imposed by paragraph (1) may be waived at the discretion of the Director for applicants meeting the conditions described in paragraphs (1) and (2) of subsection (c).

''(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

''(1) the applicant or other owner of the facility shall cease to be a public or nonprofit private entity; or

''(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

''(g) GUIDELINES.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.''.

SEC. 1503. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTER.

Subpart 1 of part E of title IV of the Public Health Service Act, as amended by section 1502 of this Act, is amended by adding at the end the following new section:

"CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES

"SEC. 481B. (a) With respect to activities carried out by the National Center for Research Resources to support regional centers for research on primates, the Director of NIH shall, for each of the fiscal years 1994 through 1996, reserve from the amounts appropriated under section 481A(i) $5,000,000 for the purpose of making awards of grants and contracts to public or nonprofit private entities to construct, renovate, or otherwise improve such regional centers. The reservation of such amounts for any fiscal year is subject to the availability of qualified applicants for such awards.

"(b) The Director of NIH may not make a grant or enter into a contract under subsection (a) unless the applicant for such assistance agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward such costs in an amount equal to not less than $1 for each $4 of Federal funds provided in such assistance.".

Subtitle B—National Center for Nursing Research

SEC. 1511. REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AS NATIONAL INSTITUTE OF NURSING RESEARCH.

(a) IN GENERAL.—Subpart 3 of part E of title IV of the Public Health Service Act (42 U.S.C. 287c et seq.) is amended—

(1) in section 483—

(A) in the heading for the section, by striking "CENTER" and inserting "INSTITUTE"; and

(B) by striking "The general purpose" and all that follows through "is" and inserting the following: "The general purpose of the National Institute of Nursing Research (hereafter in this subpart referred to as the 'Institute') is";

(2) in section 484, by striking "Center" each place such term appears and inserting "Institute";

(3) in section 485—

(A) in subsection (a), in each of paragraphs (1) through (3), by striking "Center" each place such term appears and inserting "Institute";

(B) in subsection (b)—

(i) in paragraph (2)(A), by striking "Center" and inserting "Institute"; and

(ii) in paragraph (3)(A), in the first sentence, by striking "Center" and inserting "Institute"; and

(C) in subsections (d) through (g), by striking "Center" each place such term appears and inserting "Institute"; and

(4) in section 485A (as redesignated by section 141(a)(1) of this Act), by striking "Center" each place such term appears and inserting "Institute".

(b) CONFORMING AMENDMENTS.—

(1) ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.—Section 401(b) of the Public Health Service Act (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

"(Q) The National Institute of Nursing Research."; and

(B) in paragraph (2), by striking subparagraph (D).

(2) TRANSFER OF STATUTORY PROVISIONS.—The Public Health Service Act, as amended by subsection (a) of this section and by section 124 of Public Law 102-321 (106 Stat. 364), is amended—

(A) by transferring sections 483 through 485A to part C of title IV;

(B) by redesignating such sections as sections 464V through 464Y of such part; and

(C) by adding such sections, in the appropriate sequence, at the end of such part.

(3) HEADING FOR NEW SUBPART.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended—

(A) in part C, by inserting before section 464V the following:

"Subpart 17—National Institute of Nursing Research"; and

(B) by striking the subpart designation and heading for subpart 3 of part E.

(4) CROSS-REFERENCES.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended in subpart 17 of part C—

(A) in section 464W, by striking "section 483" and inserting "section 464V";

(B) in section 464X(g), by striking "section 486" and inserting "section 464Y"; and

(C) in section 464Y, in the last sentence, by striking "section 485(g)" and inserting "section 464X(g)".

SEC. 1512. STUDY ON ADEQUACY OF NUMBER OF NURSES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institute of Nursing Research, shall enter into a contract with a public or nonprofit private entity to conduct a study for the purpose of determining whether and to what extent there is a need for an increase in the number of nurses in hospitals and nursing homes in order to promote the quality of patient care and reduce the incidence among nurses of work-related injuries and stress.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Institute declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "nurse" means a registered nurse, a licensed practical nurse, a licensed vocational nurse, and a nurse assistant.

(2) The term "Secretary" means the Secretary of Health and Human Services.

(d) REPORT.—The Secretary shall ensure that, not later than October 1, 1994, the study required in subsection (a) is completed and a report describing the findings made as a result of the study is submitted to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate.

Subtitle C—National Center for Human Genome Research

SEC. 1521. PURPOSE OF CENTER.

Title IV of the Public Health Service Act, as amended by section 141(a)(1) of this Act and by paragraphs (1)(B) and (3)(B) of section 1511(b) of this Act, is amended—

(1) in section 401(b)(2), by adding at the end the following new subparagraph:

"(D) The National Center for Human Genome Research."; and

(2) in part E, by adding at the end the following new subpart:

"Subpart 3—National Center for Human Genome Research

"PURPOSE OF THE CENTER

"SEC. 485B. (a) The general purpose of the National Center for Human Genome Research (hereafter in this subpart referred to as the 'Center') is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—

"(1) planning and coordinating the research goal of the genome project;

"(2) reviewing and funding research proposals;

"(3) developing training programs;

"(4) coordinating international genome research;

"(5) communicating advances in genome science to the public; and

"(6) reviewing and funding proposals to address the ethical and legal issues associated with the genome project.

"(b) The Director of the Center may conduct and support research training—

"(1) for which fellowship support is not provided under section 487; and

"(2) that is not residency training of physicians or other health professionals.

"(c)(1) Except as provided in paragraph (2), of the amounts appropriated to carry out subsection (a) for a fiscal year, the Director of the Center shall make available not less than 5 percent for carrying out paragraph (6) of such subsection.

"(2) With respect to providing funds under subsection (a)(6) for proposals to address the ethical issues associated with the genome project, paragraph (1) shall not apply for a fiscal year if the Director of the Center certifies to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such proposals meet the applicable requirements of sections 491 and 492.".

TITLE XVI—AWARDS AND TRAINING

Subtitle A—National Research Service Awards

SEC. 1601. REQUIREMENT REGARDING WOMEN AND INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

Section 487(a) of the Public Health Service Act (42 U.S.C. 288(a)(4)) is amended by adding at the end the following paragraph:

"(4) The Secretary shall carry out paragraph (1) in a manner that will result in the recruitment of women, and individuals from disadvantaged backgrounds, into fields of biomedical or behavioral research and in the provision of research training to women and such individuals.".

Subtitle B—Acquired Immune Deficiency Syndrome

SEC. 1611. LOAN REPAYMENT PROGRAM.

Section 487A of the Public Health Service Act (42 U.S.C. 288-1) is amended to read as follows:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

"SEC. 487A. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct, as employees of the National Institutes of Health, research with respect to acquired immune deficiency syndrome in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B) agrees to serve as an employee of the National Institutes of Health for purposes of paragraph (1) for a period of not less than 3 years.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.".

Subtitle C—Loan Repayment for Research Generally

SEC. 1621. ESTABLISHMENT OF PROGRAM.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1002 of this Act, is amended by inserting after section 487B the following new section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH GENERALLY

"SEC. 487C. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct research, as employees of the National Institutes of Health, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B) agrees to serve as an employee of the National Institutes of Health for purposes of paragraph (1) for a period of not less than 3 years.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section other than with respect to acquired immune deficiency syndrome, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.".

Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by Certain Agencies

SEC. 1631. ESTABLISHMENT OF PROGRAMS FOR NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1621 of this Act, is amended by inserting after section 487C the following new sections:

"UNDERGRADUATE SCHOLARSHIP PROGRAM REGARDING PROFESSIONS NEEDED BY NATIONAL RESEARCH INSTITUTES

"SEC. 487D. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH, may carry out a program of entering into contracts with individuals described in paragraph (2) under which—

"(A) the Director of NIH agrees to provide to the individuals scholarships for pursuing, as undergraduates at accredited institutions of higher education, academic programs appropriate for careers in professions needed by the National Institutes of Health; and

"(B) the individuals agree to serve as employees of the National Institutes of Health, for the period described in subsection (c), in positions that are needed by the National Institutes of Health and for which the individuals are qualified.

"(2) INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—The individuals referred to in paragraph (1) are individuals who—

"(A) are enrolled or accepted for enrollment as full-time undergraduates at accredited institutions of higher education; and

"(B) are from disadvantaged backgrounds.

"(b) FACILITATION OF INTEREST OF STUDENTS IN CAREERS AT NATIONAL INSTITUTES OF HEALTH.—In providing employment to individuals pursuant to contracts under subsection (a)(1), the Director of NIH shall carry out activities to facilitate the interest of the individuals in pursuing careers as employees of the National Institutes of Health.

"(c) PERIOD OF OBLIGATED SERVICE.—

"(1) DURATION OF SERVICE.—For purposes of subparagraph (B) of subsection (a)(1), the period of service for which an individual is obligated to serve as an employee of the National Institutes of Health is, subject to paragraph (2)(A), 12 months for each academic year for which the scholarship under such subsection is provided.

"(2) SCHEDULE FOR SERVICE.—

"(A) Subject to subparagraph (B), the Director of NIH may not provide a scholarship under subsection (a) unless the individual applying for the scholarship agrees that—

"(i) the individual will serve as an employee of the National Institutes of Health full-time for not less than 10 consecutive weeks of each year during which the individual is attending the educational institution involved and receiving such a scholarship;

"(ii) the period of service as such an employee that the individual is obligated to provide under clause (i) is in addition to the period of service as such an employee that the individual is obligated to provide under subsection (a)(1)(B); and

"(iii) not later than 60 days after obtaining the educational degree involved, the individual will begin serving full-time as such an employee in satisfaction of the period of service that the individual is obligated to provide under subsection (a)(1)(B).

"(B) The Director of NIH may defer the obligation of an individual to provide a period of service under subsection (a)(1)(B), if the Director determines that such a deferral is appropriate.

"(3) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO APPOINTMENT AND COMPENSATION.—For any period in which an individual provides service as an employee of the National Institutes of Health in satisfaction of the obligation of the individual under subsection (a)(1)(B) or paragraph (2)(A)(i), the individual may be appointed as such an employee without regard to the provisions of title 5, United States Code, relating to appointment and compensation.

"(d) PROVISIONS REGARDING SCHOLARSHIP.—

"(1) APPROVAL OF ACADEMIC PROGRAM.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless—

"(A) the individual applying for the scholarship has submitted to the Director a proposed academic program for the year and the Director has approved the program; and

"(B) the individual agrees that the program will not be altered without the approval of the Director.

"(2) ACADEMIC STANDING.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless the individual applying for the scholarship agrees to maintain an acceptable level of academic standing, as determined by the educational institution involved in accordance with regulations issued by the Secretary.

"(3) LIMITATION ON AMOUNT.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year in an amount exceeding $20,000.

"(4) AUTHORIZED USES.—A scholarship provided under subsection (a) may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attending the school involved.

"(5) CONTRACT REGARDING DIRECT PAYMENTS TO INSTITUTION.—In the case of an institution of higher education with respect to which a scholarship under subsection (a) is provided, the Director of NIH may enter into a contract with the institution under which the amounts provided in the scholarship for tuition and other educational expenses are paid directly to the institution.

"(e) PENALTIES FOR BREACH OF SCHOLARSHIP CONTRACT.—The provisions of section 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(f) REQUIREMENT OF APPLICATION.—The Director of NIH may not provide a scholarship under subsection (a) unless an application for the scholarship is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(g) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for scholarships under this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.

"LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS

"SEC. 487E. (a) IMPLEMENTATION OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH may, subject to paragraph (2), carry out a program of entering into contracts with appropriately qualified health professionals who are from disadvantaged backgrounds under which such health professionals agree to conduct clinical research as employees of the National Institutes of Health in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of the health professionals.

"(2) LIMITATION.—The Director of NIH may not enter into a contract with a health professional pursuant to paragraph (1) unless such professional has a substantial amount of education loans relative to income.

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—Except to the extent inconsistent with this section, the provisions of sections 338C and 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(b) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for contracts under subsection (a) shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

SEC. 1632. FUNDING.

Section 487(a)(1) of the Public Health Service Act (42 U.S.C. 288(a)(1)) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) provide contracts for scholarships and loan repayments in accordance with sections 487D and 487E, subject to providing not more than an aggregate 50 such contracts during the fiscal years 1994 through 1996.".

Subtitle E—Funding

SEC. 1641. AUTHORIZATION OF APPROPRIATIONS.

Section 487(d) of the Public Health Service Act (42 U.S.C. 288(d)) is amended—

(1) in the first sentence, by amending the sentence to read as follows: "For the purpose of carrying out this section, there are authorized to be appropriated $400,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996."; and

(2) in paragraph (3)—

(A) by striking "one-half of one percent" each place such term appears and inserting "1 percent"; and

(B) by striking "780, 784, or 786," and inserting "747, 748, or 749,".

TITLE XVII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

SEC. 1701. DATE CERTAIN FOR APPOINTMENT OF BOARD MEMBERS.

Section 499 of the Public Health Service Act, as redesignated by section 121(b)(3) of this Act, is amended in subsection (c)(1)(C) by inserting after and below clause (iii) the following:

"Not later than April 1, 1993, the Secretary shall convene a meeting of the ex officio members of the Board for the purpose of making the appointments required in this subparagraph.".

SEC. 1702. MISCELLANEOUS PROVISIONS.

Section 499 of the Public Health Service Act, as redesignated by section 121(b)(3) of this Act, is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting after "Secretary" the following: ", acting through the Director of NIH,"; and

(B) in the second sentence, by striking "the purposes of" and all that follows through "Transfer Act," and inserting the following: "the purposes of the Ethics in Government Act of 1978 and the Stevenson-Wydler Technology Innovation Act of 1980,";

(2) in subsection (b)(2), by striking "Ethics" and all that follows and inserting the following: "Ethics in Government Act of 1978, and the Stevenson-Wydler Technology Innovation Act of 1980.";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), in the second sentence, by inserting ", except the ex officio members," after "Foundation";

(ii) in subparagraph (B), in the matter preceding clause (i), by striking "Council" and inserting "Board"; and

(iii) in subparagraph (C), in the first sentence, by striking "Council" and inserting "Board"; and

(B) in paragraph (3)(A), by striking "paragraph (2)(C)" and inserting "paragraph (1)(C)";

(4) in subsection (g)(8), by striking "subtitle" and inserting "part"; and

(5) in subsection (i)(1), by striking "1995" and inserting "1996".

TITLE XVIII—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

Subtitle A—Office of AIDS Research

SEC. 1801. ESTABLISHMENT OF OFFICE.

(a) IN GENERAL.—Part D of title XXIII of the Public Health Service Act (42 U.S.C. 300cc-41 et seq.) is amended—

(1) by striking the part designation and the heading for the part;

(2) by redesignating section 2351 as section 2354; and

(3) by inserting before section 2354 (as so redesignated) the following:

"PART D—OFFICE OF AIDS RESEARCH

"Subpart I—Interagency Coordination of Activities

"SEC. 2351. ESTABLISHMENT OF OFFICE.

"(a) IN GENERAL.—There is established within the National Institutes of Health an office to be known as the Office of AIDS Research. The Office shall be headed by a director, who shall be appointed by the Secretary.

"(b) DUTIES.—

"(1) INTERAGENCY COORDINATION OF AIDS ACTIVITIES.—With respect to acquired immune deficiency syndrome, the Director of the Office shall plan, coordinate, and evaluate research and other activities conducted or supported by the agencies of the National Institutes of Health.

"(2) CONSULTATIONS.—The Director of the Office shall carry out this subpart (including developing and revising the plan required in section 2353) in consultation with the heads of the agencies of the National Institutes of Health, with the advisory councils of the agencies, and with the advisory council established under section 2352.

"SEC. 2352. ADVISORY COUNCIL.

"(a) IN GENERAL.—The Secretary shall establish an advisory council for the purpose of providing advice to the Director of the Office on carrying out this part. (Such council is referred to in this section as the 'Advisory Council'.)

"(b) COMPOSITION, COMPENSATION, TERMS, CHAIR, ETC.—Subsections (b) through (g) of section 406 apply to the Advisory Council to the same extent and in the same manner as such subsections apply to advisory councils for the national research institutes, except that, in addition to the ex officio members specified in section 406(b)(2), there shall serve as ex officio members of the Advisory Council the chairs of the advisory councils for each of the National Cancer Institute, the National Institute on Allergy and Infectious Diseases, the National Institute on Drug Abuse, and the National Institute on Mental Health.

"SEC. 2353. COMPREHENSIVE PLAN FOR EXPENDITURE OF APPROPRIATIONS.

"(a) IN GENERAL.—Subject to the provisions of this section and other applicable law, the Director of the Office, in carrying out section 2351, shall—

"(1) establish a comprehensive plan for the conduct and support of all AIDS activities of the agencies of the National Institutes of Health (which plan shall be first established under this paragraph not later than 12 months after the date of the enactment of the National Institutes of Health Revitalization Act of 1993);

"(2) ensure that the Plan establishes priorities among the AIDS activities that such agencies are authorized to carry out;

"(3) ensure that the Plan establishes objectives regarding such activities, describes the means for achieving the objectives, and designates the date by which the objectives are expected to be achieved;

"(4) ensure that all amounts appropriated for such activities are expended in accordance with the Plan;

"(5) review the Plan not less than annually, and revise the Plan as appropriate; and

"(6) ensure that the Plan serves as a broad, binding statement of policies regarding AIDS activities of the agencies, but does not remove the responsibility of the heads of the agencies for the approval of specific programs or projects, or for other details of the daily administration of such activities, in accordance with the Plan.

"(b) CERTAIN COMPONENTS OF PLAN.—With respect to AIDS activities of the agencies of the National Institutes of Health, the Director of the Office shall ensure that the Plan—

"(1) provides for basic research;

"(2) provides for applied research;

"(3) provides for research that is conducted by the agencies;

"(4) provides for research that is supported by the agencies;

"(5) provides for proposals developed pursuant to solicitations by the agencies and for proposals developed independently of such solicitations; and

"(6) provides for behavioral research and social sciences research.

"(c) BUDGET ESTIMATES.—

"(1) FULL-FUNDING BUDGET.—

"(A) With respect to a fiscal year, the Director of the Office shall prepare and submit directly to the President, for review and transmittal to the Congress, a budget estimate for carrying out the Plan for the fiscal year, after reasonable opportunity for comment (but without change) by the Secretary, the Director of the National Institutes of Health, and the advisory council established under section 2352. The budget estimate shall include an estimate of the number and type of personnel needs for the Office.

"(B) The budget estimate submitted under subparagraph (A) shall estimate the amounts necessary for the agencies of the National Institutes of Health to carry out all AIDS activities determined by the Director of the Office to be appropriate, without regard to the probability that such amounts will be appropriated.

"(2) ALTERNATIVE BUDGETS.—

"(A) With respect to a fiscal year, the Director of the Office shall prepare and submit to the Secretary and the Director of the National Institutes of Health the budget estimates described in subparagraph (B) for carrying out the Plan for the fiscal year. The Secretary and such Director shall consider each of such estimates in making recommendations to the President regarding a budget for the Plan for such year.

"(B) With respect to the fiscal year involved, the budget estimates referred to in subparagraph (A) for the Plan are as follows:

"(i) The budget estimate submitted under paragraph (1).

"(ii) A budget estimate developed on the assumption that the amounts appropriated will be sufficient only for—

"(I) continuing the conduct by the agencies of the National Institutes of Health of existing AIDS activities (if approved for continuation), and continuing the support of such activities by the agencies in the case of projects or programs for which the agencies have made a commitment of continued support; and

"(II) carrying out, of activities that are in addition to activities specified in subclause (I), only such activities for which the Director determines there is the most substantial need.

"(iii) Such other budget estimates as the Director of the Office determines to be appropriate.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out AIDS activities under the Plan, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(2) DIRECT RECEIPT BY DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.—For the first fiscal year beginning after the date on which the Plan first established under section 2353(a)(1) *has been in effect for 12 months, and for each subsequent fiscal year, the Director of the National Institutes of Health shall receive directly from the President and the Director of the Office of Management and Budget all funds available for AIDS activities of the National Institutes of Health.*

"(3) DISBURSEMENT TO AGENCIES.—

"(A) With respect to the disbursement by the Director of the National Institutes of Health of amounts for carrying out AIDS activities specified in subsection (c)(2)(B)(ii)(I) for the fiscal year involved, the Director shall, to the extent practicable, disburse all of such amounts to the agencies of such Institutes not later than 30 days after the date on which the Director receives amounts under paragraph (2).

"(B) With respect to the disbursement by the Director of the National Institutes of Health of amounts for carrying out AIDS activities of the National Institutes of Health in addition to the activities specified in subparagraph (A) for the fiscal year, the Director shall, to the extent practicable, disburse all of such amounts to the agencies of the National Institutes of Health not later than 90 days after the date on which the Director receives amounts under paragraph (2).".

(b) CONFORMING AMENDMENTS.—Section 2354 of the Public Health Service Act, as redesignated by subsection (a)(2) of this section, is amended—

(1) in the heading for the section, by striking ***"ESTABLISHMENT OF"*** *and inserting* ***"ADDITIONAL"****;*

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "In carrying out" and all that follows and inserting the following: "In carrying out AIDS research, the Director of the Office—";

(B) by striking paragraphs (1) and (2) and redesignating paragraphs (3) through (8) as paragraphs (1) through (6);

(C) in paragraph (3) (as so redesignated), by striking "may" and all that follows in the matter preceding subparagraph (A) and inserting the following: "may support—";

(D) in paragraph (5) (as so redesignated)—

(i) in subparagraph (A)—

"(I) by striking "may" and all that follows through "acquire," and inserting "may acquire,"; and

"(II) by striking "Director" and all that follows through "determines" and inserting "Director of the Office determines";

(ii) in subparagraph (B), by striking "may" and all that follows through "make grants" and inserting "may make grants"; and

(iii) in subparagraph (C), by striking "may" and all that follows through "acquire," and inserting "may acquire,"; and

(E) in each of paragraphs (2), (3)(A), and (4) (as so redesignated), by striking "research relating to acquired immune deficiency syndrome" and inserting "AIDS research";

(3) in subsection (b), in the matter preceding paragraph (1), by striking "The Director" and all that follows through "shall" and inserting "The Director of the Office shall"; and

(4) in subsection (c), by striking "the Director" and all that follows through "shall" and inserting "the Director of the Office shall".

SEC. 1802. ESTABLISHMENT OF EMERGENCY DISCRETIONARY FUND.

Part D of title XXIII of the Public Health Service Act, as amended by section 1801 of this Act, is amended by adding at the end the following subpart:

"Subpart II—Emergency Discretionary Fund

"SEC. 2356. EMERGENCY DISCRETIONARY FUND.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—There is established a fund consisting of such amounts as may be appropriated under subsection (g). Subject to the provisions of this section, the Director of the Office, after consultation with the advisory council established under section 2352, may expend amounts in the Fund for the purpose of conducting and supporting such projects of AIDS research and other AIDS activities as may be authorized in this Act for the National Institutes Health.

"(2) PRECONDITIONS TO USE OF FUND.—Amounts in the Fund may be expended for an AIDS project only if—

"(A) the Director of the Office has made a determination that there is a significant need for the project; and

"(B) as of June 30 of the fiscal year preceding the fiscal year in which the determination is made, such need was not provided for in any appropriations Act passed by the House of Representatives to make appropriations for the Departments of Labor, Health and Human Services (including the National Institutes of Health), Education, and related agencies for the fiscal year in which the determination is made.

"(3) TWO-YEAR USE OF FUND FOR PROJECT INVOLVED.—In the case of an AIDS project, obligations of amounts in the Fund may not be made for the project after the expiration of the 2-year period beginning on the date on which the initial obligation of such amounts is made for the project.

"(b) PEER REVIEW.—With respect to an AIDS project carried out with amounts in the Fund, this section may not be construed as waiving applicable requirements for peer review.

"(c) LIMITATIONS ON USE OF FUND.—

"(1) CONSTRUCTION OF FACILITIES.—Amounts in the Fund may not be used for the construction, renovation, or relocation of facilities, or for the acquisition of land.

"(2) CONGRESSIONAL DISAPPROVAL OF PROJECTS.—

"(A) Amounts in the Fund may not be expended for the fiscal year involved for an AIDS project, or category of such projects, for which—

"(i)(I) amounts were made available in an appropriations Act for the preceding fiscal year; and

"(II) amounts are not made available in any appropriations Act for the fiscal year involved; or

"(ii) amounts are by law prohibited from being expended.

"(B) A determination under subparagraph (A)(i) of whether amounts have been made available in appropriations Acts for a fiscal year shall be made without regard to whether such Acts make available amounts for the Fund.

"(3) INVESTMENT OF FUND AMOUNTS.—Amounts in the Fund may not be invested.

"(d) APPLICABILITY OF LIMITATION REGARDING NUMBER OF EMPLOYEES.—The purposes for which amounts in the Fund may be expended include the employment of individuals necessary to carry out AIDS projects approved under subsection (a). Any individual employed under the preceding sentence may not be included in any determination of the number of full-time equivalent employees for the Department of Health and Human Services for the purpose of any limitation on the number of such employees established by law prior to, on, or after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(e) REPORT TO CONGRESS.—Not later than February 1 of each fiscal year, the Director of the Office shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report on the AIDS projects carried out during the preceding fiscal year with amounts in the Fund. The report shall provide a description of each such project and an explanation of the reasons underlying the use of the Fund for the project.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'AIDS project' means a project described in subsection (a).

"(2) The term 'Fund' means the fund established in subsection (a).

"(g) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of providing amounts for the Fund, there is authorized to be appropriated $100,000,000 for each of the fiscal years 1994 through 1996.

"(2) AVAILABILITY.—Amounts appropriated for the Fund are available until expended.".

SEC. 1803. GENERAL PROVISIONS.

Part D of title XXIII of the Public Health Service Act, as amended by section 1802 of this Act, is amended by adding at the end the following subpart:

"Subpart III—General Provisions

"SEC. 2359. GENERAL PROVISIONS REGARDING THE OFFICE.

"(a) ADMINISTRATIVE SUPPORT FOR OFFICE.—The Secretary, acting through the Director of the National Institutes of Health, shall provide administrative support and support services to the Director of the Office.

"(b) DEFINITIONS.—For purposes of this part:

"(1) The term 'AIDS activities' means AIDS research and other activities that relate to acquired immune deficiency syndrome.

"(2) The term 'AIDS research' means research with respect to acquired immune deficiency syndrome.

"(3) The term 'Office' means the Office of AIDS Research.

"(4) The term 'Plan' means the plan required in section 2353(a)(1).".

Subtitle B—Certain Programs

SEC. 1811. REVISION AND EXTENSION OF CERTAIN PROGRAMS.

Title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304(c)(1)—

(A) in the matter preceding subparagraph (A), by inserting after "Director of such Institute" the following: "(and may provide advice to the Directors of other agencies of the National Institutes of Health, as appropriate)"; and

(B) in subparagraph (A), by inserting before the semicolon the following: ", including recommendations on the projects of research with respect to diagnosing immune deficiency and with respect to predicting, diagnosing, preventing, and treating opportunistic cancers and infectious diseases";

(2) in section 2311(a)(1), by inserting before the semicolon the following: ", including evaluations of methods of diagnosing immune deficiency and evaluations of methods of predicting, diagnosing, preventing, and treating opportunistic cancers and infectious diseases";

(3) in section 2315—

(A) in subsection (a)(2), by striking "international research" and all that follows and inserting "international research and training concerning the natural history and pathogenesis of the human immunodeficiency virus and the development and evaluation of vaccines and treatments for acquired immune deficiency syndrome and opportunistic infections."; and

(B) in subsection (f), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.";

(4) in section 2318—

(A) in subsection (a)(1)—

(i) by inserting after "The Secretary" the following: ", acting through the Director of the National Institutes of Health and after consultation with the Administrator for Health Care Policy and Research,"; and

(ii) by striking "syndrome" and inserting "syndrome, including treatment and prevention

of HIV infection and related conditions among women''; and

(B) in subsection (e), by striking ''1991.'' and inserting the following: ''1991, and such sums as may be necessary for each of the fiscal years 1994 through 1996.'';

(5) in section 2320(b)(1)(A), by striking ''syndrome'' and inserting ''syndrome and the natural history of such infection'';

(6) in section 2320(e)(1), by striking ''there are authorized'' and all that follows and inserting ''there are authorized to be appropriated such sums as may be necessary for each fiscal year.'';

(7) in section 2341(d), by striking ''there are authorized'' and all that follows and inserting ''there are authorized to be appropriated such sums as may be necessary for each fiscal year.''; and

(8) in section 2361, by striking ''For purposes'' and all that follows and inserting the following:

''For purposes of this title:

''(1) The term 'infection', with respect to the etiologic agent for acquired immune deficiency syndrome, includes opportunistic cancers and infectious diseases and any other conditions arising from infection with such etiologic agent.

''(2) The term 'treatment', with respect to the etiologic agent for acquired immune deficiency syndrome, includes primary and secondary prophylaxis.''.

TITLE XIX—STUDIES

SEC. 1901. ACQUIRED IMMUNE DEFICIENCY SYNDROME.

(a) THIRD-PARTY PAYMENTS REGARDING CERTAIN CLINICAL TRIALS.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of—

(1) determining the policies of third-party payors regarding the payment of the costs of appropriate health services that are provided incident to the participation of individuals as subjects in clinical trials conducted in the development of drugs with respect to acquired immune deficiency syndrome; and

(2) developing recommendations regarding such policies.

(b) ADVISORY COMMITTEES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of determining—

(1) whether the activities of the various advisory committees established in the National Institutes of Health regarding acquired immune deficiency syndrome are being coordinated sufficiently; and

(2) whether the functions of any of such advisory committees should be modified in order to achieve greater efficiency.

(c) VACCINES FOR HUMAN IMMUNODEFICIENCY VIRUS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the National Institutes of Health, shall develop a plan for the appropriate inclusion of HIV-infected women, including pregnant women, HIV-infected infants, and HIV-infected children in studies conducted by or through the National Institutes of Health concerning the safety and efficacy of HIV vaccines for the treatment and prevention of HIV infection. Such plan shall ensure the full participation of other Federal agencies currently conducting HIV vaccine studies and require that such studies conform fully to the requirements of part 46 of title 45, Code of Federal Regulations.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report concerning the plan developed under paragraph (1).

(3) IMPLEMENTATION.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall implement the plan developed under paragraph (1), including measures for the full participation of other Federal agencies currently conducting HIV vaccine studies.

(4) For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

SEC. 1902. MALNUTRITION IN THE ELDERLY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), acting through the National Institute on Aging, coordinating with the Agency for Health Care Policy and Research and, to the degree possible, in consultation with the head of the National Nutrition Monitoring System established under section 1428 of the Food and Agriculture Act of 1977 (7 U.S.C. 3178), shall conduct a 3-year nutrition screening and intervention activities study of the elderly.

(2) EFFICACY AND COST-EFFECTIVENESS OF NUTRITION SCREENING AND INTERVENTION ACTIVITIES.—In conducting the study, the Secretary shall determine the efficacy and cost-effectiveness of nutrition screening and intervention activities conducted in the elderly health and long-term care continuum, and of a program that would institutionalize nutrition screening and intervention activities. In evaluating such a program, the Secretary shall determine—

(A) if health or quality of life is measurably improved for elderly individuals who receive routine nutritional screening and treatment;

(B) if federally subsidized home or institutional care is reduced because of increased independence of elderly individuals resulting from improved nutritional status;

(C) if a multidisciplinary approach to nutritional care is effective in addressing the nutritional needs of elderly individuals; and

(D) if reimbursement for nutrition screening and intervention activities is a cost-effective approach to improving the health status of elderly individuals.

(3) POPULATIONS.—The populations of elderly individuals in which the study will be conducted shall include populations of elderly individuals who are—

(A) living independently, including—

(i) individuals who receive home and community-based services or family support;

(ii) individuals who do not receive additional services and support;

(iii) individuals with low incomes; and

(iv) individuals who are minorities;

(B) hospitalized, including individuals admitted from home and from institutions; and

(C) institutionalized in residential facilities such as nursing homes and adult homes.

(b) MALNUTRITION STUDY.—The Secretary, acting through the National Institute on Aging, shall conduct a 3-year study to determine the extent of malnutrition in elderly individuals in hospitals and long-term care facilities and in elderly individuals who are living independently.

(c) REPORT.—The Secretary shall submit a report to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives containing the findings resulting from the studies described in subsections (a) and (b), including a determination regarding whether a program that would institutionalize nutrition screening and intervention activities should be adopted, and the rationale for the determination.

(d) ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary, acting through the Director of the National Institute on Aging, shall establish an advisory panel that shall oversee the design, implementation, and evaluation of the studies described in subsections (a) and (b).

(2) COMPOSITION.—The advisory panel shall include representatives appointed for the life of the panel by the Secretary from the Health Care Financing Administration, the Social Security Administration, the National Center for Health Statistics, the Administration on Aging, the National Council on the Aging, the American Dietetic Association, the American Academy of Family Physicians, and such other agencies or organizations as the Secretary determines to be appropriate.

(3) COMPENSATION AND EXPENSES.—

(A) COMPENSATION.—Each member of the advisory panel who is not an employee of the Federal Government shall receive compensation at the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the member is engaged in the performance of duties for the advisory panel, including attendance at meetings and conferences of the panel, and travel to conduct the duties of the panel.

(B) TRAVEL EXPENSES.—Each member of the advisory panel shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(4) DETAIL OF FEDERAL EMPLOYEES.—On the request of the advisory panel, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the advisory panel to assist the advisory panel in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) TECHNICAL ASSISTANCE.—On the request of the advisory panel, the head of a Federal agency shall provide such technical assistance to the advisory panel as the advisory panel determines to be necessary to carry out its duties.

(6) TERMINATION.—Notwithstanding section 15 of the Federal Advisory Committee Act (5 U.S.C. App.), the advisory panel shall terminate 3 years after the date of enactment of this Act.

SEC. 1903. RESEARCH ACTIVITIES ON CHRONIC FATIGUE SYNDROME.

The Secretary of Health and Human Services shall, not later than May 1, 1993, and annually thereafter for the next 3 years, prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that summarizes the research activities conducted or supported by the National Institutes of Health concerning chronic fatigue syndrome. Such report should include information concerning grants made, cooperative agreements or contracts entered into, intramural activities, research priorities and needs, and a plan to address such priorities and needs.

SEC. 1904. REPORT ON MEDICAL USES OF BIOLOGICAL AGENTS IN DEVELOPMENT OF DEFENSES AGAINST BIOLOGICAL WARFARE.

The Secretary of Health and Human Services, in consultation with other appropriate executive agencies, shall report to the House Energy and Commerce Committee and the Senate Labor and Human Resources Committee on the appropriateness and impact of the National Institutes of Health assuming responsibility for the conduct of all Federal research, development, testing, and evaluation functions relating to medical countermeasures against biowarfare threat agents. In preparing the report, the Secretary shall identify the extent to which such activities are carried out by agencies other than the National Institutes of Health, and assess the im-

pact (positive and negative) of the National Institutes of Health assuming responsibility for such activities, including the impact under the Budget Enforcement Act and the Omnibus Budget Reconciliation Act of 1990 on existing National Institutes of Health research programs as well as other programs within the category of domestic discretionary spending. The Secretary shall submit the report not later than 12 months after the date of the enactment of this Act.

SEC. 1905. PERSONNEL STUDY OF RECRUITMENT, RETENTION AND TURNOVER.

(a) STUDY OF PERSONNEL SYSTEM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study to review the retention, recruitment, vacancy and turnover rates of support staff, including firefighters, law enforcement, procurement officers, technicians, nurses and clerical employees, to ensure that the National Institutes of Health is adequately supporting the conduct of efficient, effective and high quality research for the American public. The Director of NIH shall work in conjunction with appropriate employee organizations and representatives in developing such a study.

(b) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report containing the study conducted under subsection (a) together with the recommendations of the Secretary concerning the enactment of legislation to implement the results of such study.

SEC. 1906. PROCUREMENT.

(a) IN GENERAL.—The Director of the National Institutes of Health and the Administrator of the General Services Administration shall jointly conduct a study to develop a streamlined procurement system for the National Institutes of Health that complies with the requirements of Federal law.

(b) REPORT.—Not later than March 1, 1994, the officials specified in subsection (a) shall complete the study required in such subsection and shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

SEC. 1907. CHRONIC PAIN CONDITIONS.

(a) IN GENERAL.—The Director of the National Institutes of Health (in this section referred to as the 'Director'), acting through the Director of the National Institute of Dental Research and as appropriate through the heads of other agenices of such Institutes, shall conduct a study for the purpose of determining the incidence in the United States of cases of chronic pain and the effect of such cases on the costs of health care in the United States.

(b) CERTAIN ELEMENTS OF STUDY.—The cases of chronic pain with respect to which the study required in subsection (a) is conducted shall include reflex sympathetic dystrophy syndrome, temporomandibular joint disorder, post-herpetic neuropathy, painful diabetic neuropathy, phantom pain, and post-stroke pain.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Director shall complete the study required in subsection (a) and submit to the the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

SEC. 1908. BACK INJURIES.

(a) IN GENERAL.—The Director of the National Institutes of Health, acting through the appropriate national research institute, shall conduct a study of back injuries, with consideration of the following:

(1) Accurate diagnosis, and the appropriate form of treatment.

(2) Providing for return to employment as soon as is practicable.

(3) Minimizing the probability of recurrence.

(4) A comparison of conventional treatments and alternative treatments.

(5) Costs to the health care system.

(6) Costs to the economy generally.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of the National Institute of Health shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

TITLE XX—MISCELLANEOUS PROVISIONS

SEC. 2001. DESIGNATION OF SENIOR BIOMEDICAL RESEARCH SERVICE IN HONOR OF SILVIO O. CONTE; LIMITATION ON NUMBER OF MEMBERS.

(a) IN GENERAL.—Section 228(a) of the Public Health Service Act (42 U.S.C. 237(a)), as added by section 304 of Public Law 101–509, is amended to read as follows:

"(a)(1) There shall be in the Public Health Service a Silvio O. Conte Senior Biomedical Research Service, not to exceed 750 members.

"(2) The authority established in paragraph (1) regarding the number of members in the Silvio O. Conte Senior Biomedical Research Service is in addition to any authority established regarding the number of members in the commissioned Regular Corps, in the Reserve Corps, and in the Senior Executive Service. Such paragraph may not be construed to require that the number of members in the commissioned Regular Corps, in the Reserve Corps, or in the Senior Executive Service be reduced to offset the number of members serving in the Silvio O. Conte Senior Biomedical Research Service (hereafter in this section referred to as the 'Service').".

(b) CONFORMING AMENDMENT.—Section 228 of the Public Health Service Act (42 U.S.C. 237), as added by section 304 of Public Law 101–509, is amended in the heading for the section by amending the heading to read as follows:

"SILVIO O. CONTE SENIOR BIOMEDICAL RESEARCH SERVICE".

SEC. 2002. MASTER PLAN FOR PHYSICAL INFRASTRUCTURE FOR RESEARCH.

Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall present to the Congress a master plan to provide for the replacement or refurbishment of less than adequate buildings, utility equipment and distribution systems (including the resources that provide electrical and other utilities, chilled water, air handling, and other services that the Secretary, acting through the Director, deems necessary), roads, walkways, parking areas, and grounds that underpin the laboratory and clinical facilities of the National Institutes of Health. Such plan may make recommendations for the undertaking of new projects that are consistent with the objectives of this section, such as encircling the National Institutes of Health Federal enclave with an adequate chilled water conduit.

SEC. 2003. CERTAIN AUTHORIZATION OF APPROPRIATIONS.

Section 399L(a) of the Public Health Service Act (42 U.S.C. 280e–4(a)), as added by Public Law 102–515 (106 Stat. 3376), is amended—

(1) in the first sentence, by striking "the Secretary" and all that follows and inserting the following: "there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996."; and

(2) in the second sentence, by striking "Out of any amounts used" and inserting "Of the amounts appropriated under the preceding sentence".

SEC. 2004. BUY-AMERICAN PROVISIONS.

No funds appropriated pursuant to this Act may be used to fund a grant or contract unless the recipient agrees that substantially all goods and services acquired with such grant or contract assistance will be produced in the United States.

TITLE XXI—EFFECTIVE DATES

SEC. 2101. EFFECTIVE DATES.

Subject to section 165, this Act and the amendments made by this Act take effect upon the date of the enactment of this Act.

SEC. 2005. PROHIBITION AGAINST FURTHER FUNDING FOR PROJECT ARIES.

For fiscal year 1994 and each subsequent fiscal year, the project administered by the University of Washington at Seattle and known as Project Aries may not receive any funding from any agency of the National Institutes of Health, other than payments under awards made for fiscal year 1993 or prior fiscal years.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar bill (H.R. 4) was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF S. 1, NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1993

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that, in the engrossment of the House amendment to the Senate bill, S. 1, the Clerk of the House be authorized to correct section numbers, cross-references, punctuation, and indentation, and to make other technical and conforming changes necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES TO S. 1

Mr. WAXMAN. Mr. Speaker, pursuant to House Resolution 119, I offer a motion.

The Clerk read as follows:

Mr. WAXMAN moves that the House insist on its amendment to S. 1 and request a conference with the Senate thereon.

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. BLILEY

Mr. BLILEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BLILEY moves that the managers on the part of the House at the committee of conference on the disagreeing votes of the two houses on the amendments of the House to the bill, S. 1, be instructed to agree to section 2011 of the Senate bill (relating to preventing the admission to the United States of aliens infected with the human immunodeficiency virus).

The SPEAKER pro tempore. The gentleman from Virginia [Mr. BLILEY] will be recognized for 30 minutes, and the gentleman from California [Mr. WAXMAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my motion is very simple. It instructs the conferees to agree to accept section 2011 of the Senate bill dealing with the immigration of individuals infected with the human immunodeficiency virus. I think it is important for Congress to deal with this issue because President Clinton has announced his intention to lift the ban through executive order.

This provision in the Senate bill would codify the current practice of testing immigrants for the HIV virus and excluding from immigration into the United States those individuals found to be infected. It also requires the President to submit a report by September 1, 1993 assessing the cost and impact of removing the ban on the immigration of infected individuals. Finally, this provision would provide for a 30-day waiver which will allow people to come into the country without testing if they are entering the country temporarily to: Receive medical treatment; attend educational or medical conferences; visit family members; conduct temporary business; or visit on vacation. In addition, the Attorney General would have the discretion to provide for other waivers.

This provision represents an important public health measure which will continue the current policy that has been in effect since 1987. The Clinton administration's proposal to reverse this immigration policy will add to an already overburdened and overwhelmed health care system.

Currently, the United States denies permanent immigration status to individuals with communicable diseases of public health significance such as leprosy, syphilis, and infectious tuberculosis. These diseases are treatable compared to AIDS which is always fatal.

Because HIV is always fatal, the public health consequences of allowing HIV individuals to immigrate is of the highest order. We have never before permitted immigration of those who were infected in the middle of an epidemic. We should not start now.

I ask my colleagues to support my motion.

Mr. Speaker, I am including at this point in the RECORD section 2011, "Admission to the United States of Aliens Infected With the AIDS Virus," as follows:

SEC. 2011. ADMISSION TO THE UNITED STATES OF ALIENS INFECTED WITH THE AIDS VIRUS.

(a) ADMISSION.—Notwithstanding any other provision of law, regulations or directives concerning the exclusion of aliens on health related grounds, infection with HIV, the human immunodeficiency virus, shall constitute a communicable disease of public health significance for purposes of section 212(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(A)(i)).

(b) REPORT REQUIRED.—The President shall submit a report by September 1, 1993, containing—

(1) an assessment of the anticipated costs of the admission to the United States of persons with HIV to public health care programs, including such costs as will be borne by States and municipalities, and private insurers and health care providers;

(2) an estimate of the number and origins of persons infected with HIV likely to seek entry into the United States before December 31, 2003;

(3) an assessment of the effectiveness of the Immigration and Nationality Act in preventing persons entering the United States likely to become a public charge, as well as the ability to enforce this Act with regard to persons infected with potentially costly health conditions including, but not limited to HIV;

(4) the cost implications of refugees entering or likely to enter the United States, who carry the HIV virus;

(5) a comparison of the anticipated public and private health care costs associated with aliens infected with HIV with the costs attributable to the entry of aliens suffering from other health conditions.

(c) HIV TESTING.—Except as otherwise provided in subsection (d) the Attorney General, in consultation with the Secretary of Health and Human Services, shall provide for the testing of aliens for infection with HIV in accordance with the policy in effect on January 1, 1993.

(d) WAIVER AUTHORITY.—Subsection (c) may be waived by the Attorney General, in consultation with the Secretary of Health and Human Services for non-immigrants who, except for the provisions of this Act, would be admissible to the United States, and who seek admission for 30 days or less for the purpose of—

(1) attending educational or medical conferences;

(2) receiving medical treatment;

(3) visiting close family members;

(4) conducting temporary business activities; or

(5) visiting for pleasure (tourism);

and in addition such non-immigrants may be admitted without questions as to whether they are carriers of the HIV virus, at the discretion of the Attorney General.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary of HHS to prescribe regulations concerning communicable diseases of public health significance, other than infection with the human immunodeficiency virus in accordance with section 212(a)(1)(A)(i) of the immigration and Nationality Act (8 U.S.C. 1182(a)(1)(A)(i)).

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to support this amendment, or this proposal, for instructing of conferees, because I believe the Members of the House do want us to address this issue in a conference with the Senate. With that understanding, I am going to urge my colleagues to support the instruction to conferees offered by the gentleman from Virginia [Mr. BLILEY].

But I believe that this issue is a lot more complicated than some people think it is. For example, many people think they know what to do about HIV-infected immigrants. But I would ask them questions like this: Do you intend to stop business travelers and tourists and test them on their way into the country? That would mean there would be only three countries in the world with such restrictions on travel, Iraq, South Africa, and the United States.

Surely, if there was a problem of cost associated with travelers' health care, European countries and Japan would have dealt with it. But, instead, we have been boycotted for our travel policy by the International Red Cross, by the World Health Organization, and by other health and medical groups.

And then how would you implement such a policy? The standard AIDS test takes 48 hours to get the results back. Would you really ask international business travelers and tourists to sit in Kennedy Airport or Dulles or Los Angeles International for 48 hours while they go through London and Tokyo with no hassle?

Would we intend to send refugees back to dictator governments just because the refugees are HIV infected? Surely I would hope no one is suggesting that there should be one policy to protect refugees from torture and execution for people who are HIV negative and another one for people who are HIV positive.

What would we intend to do about people with HIV who are physically now in the United States? The truth is that we have a large number of people who are illegally in the United States, and that is not going to change because of the Senate amendment.

To slow the AIDS epidemic in the United States, the public health people need to get information and education, counseling and testing, and in some cases preventive treatment for diseases like tuberculosis to those people. If we scare them away from public health clinics, we are doing no one a public health service.

There are deeply held questions about health-care costs, but there are questions about how best to deal with travel and public health and refugee policy, and there are issues of plain discrimination.

We have said that public health decisions should be made by public health people, but now that both the Bush and the Clinton administration Secretaries of Health have recommended action, the other body has decided to overrule that.

□ 1420

What I am asking Members to understand is how complicated these issues are and to give us the ability to work to address these complexities in a fair way. I would expect that we would have that opportunity in the conference.

The instructions, which are not binding—but I will interpret them to mean that this House wants us to address these questions—are instructions that would have us do just that, and interpreted in that way I will vote for those instructions and urge my colleagues to vote for those instructions as well to give the conferees the signal that you want us to look at the issue and come up with a reasonable proposal on how to deal with this immigration matter.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, for debate purposes only, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. I certainly thank the gentleman for his time.

Mr. Speaker, I want to thank Congressman BLILEY and certainly Congressman WAXMAN for their support of this instruction to the conferees. You know, Mr. Speaker and my colleagues, it really is terribly, terribly important. Never, never in the history of immigration law in this country have we knowingly admitted sources of contagious diseases to come across our borders and into our country. Lifting the present restrictions will not only place healthy American citizens at higher risk but it will also strain existing resources that are already so terribly overtaxed.

We are going to be debating that all next week.

That does not even include the welfare costs for those patients who end up in this country.

We are overburdening the taxpayers right now. They cannot afford to have this ban lifted.

Mr. Speaker, the amendment which I have been trying to offer to several pieces of legislation over the last several weeks, which is contained in the Nickles amendment presently in the Senate bill, would do nothing more than prohibit the executive order ban from being lifted by codifying into law the present ban on immigrants known to have communicable diseases that are listed in this amendment.

Now, the amendment I am talking about would continue to allow existing exceptions, which the gentleman from California [Mr. WAXMAN] is concerned about, and I understand his concern, but it would continue to allow existing exceptions for AIDS carriers who wish to enter the country for limited periods for specific purposes.

Mr. Speaker, I just mention that next week we are going to be debating two bills on this floor. One is the Federal budget for 1994, and the other is an appropriation stimulus package containing billions and billions of dollars. And the issue is going to be how to significantly reduce the unconscionable red-ink deficit that the American people are saddled with, much of which is caused by just runaway, rampant medical costs.

Now, I do not mean to take up the time of this body, but we have to point out that it costs over $100,000 per year per AIDS patient. I have hospitals in upstate New York, small hospitals that are presently taking care of as many as 300 AIDS patients. Three hundred times $100,000 is backbreaking on that hospital.

Then you look at the large metropolitan areas around the New York/New Jersey area, where they have thousands and thousands and thousands of AIDS patients to deal with.

Now, last year, because of the ban that is in effect today that we are trying to keep in effect, we turned back over 600 immigrants who were applying for permanent resident visas in this country—600. There are presently 270 Haitians being held in Guantanamo Naval Base, Cuba, who are afflicted with that disease. If this ban were lifted tomorrow, it would allow those 600 to come in, those 270; and think what that would do to the already everescalating costs that we have now that we cannot even deal with.

So, let me just repeat: This Nation has never admitted new sources of contagious diseases into this country, and lifting the present restrictions will place not only healthy Americans at higher risk, it would also very much strain the medical resources that are already overtaxed at a cost of $2 billion a year, and rising.

Again, I point out that does not even include the welfare costs.

So, without belaboring, let me thank the gentleman from California [Mr. WAXMAN], and the gentleman from Michigan [Mr. DINGELL], the chairman of the committee, and certainly the gentleman from California [Mr. MOORHEAD], and the ranking Republican on the subcommittee, the gentleman from Virginia [Mr. BLILEY] for their support, because we need to show overwhelming support for this amendment.

Mr. Speaker, this amendment passed the Senate by a vote of 76 to 23. That is overwhelming. If it were brought to a vote, a recorded vote in this House, we would get 380 votes for it. That is what we need to show so that we can ensure this ban is codified into law and kept in effect.

Mr. Speaker, I really appreciate the time of the committee, and I hope everyone will support the instructions to the conferees.

Mr. BLILEY. Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. I thank the gentleman for yielding.

Mr. Speaker, I rise to support this instruction.

As the gentleman from California [Mr. WAXMAN] has said, this country needs a rational policy dealing with AIDS. One of the unfortunate things about the way this issue has been discussed in the public is that it gives people the impression that somehow if we close the borders there will be no problem in this country, if we somehow keep out everybody who has an AIDS diagnosis, then the problem will never affect the United States. That is a process that every country in the world has gone through, trying to deny that they had the problem.

We should do nothing that gives the American people the attitude that somehow it is "them" who have it, and "not us," because this is an issue that has to be dealt with with respect to the entire society and the world.

When you look at this issue, if you say, "Well, we are going to ban everybody who comes in with AIDS," then you immediately say to yourselves, "What about all the other immigrants that we have tested or have not tested who do not have AIDS? Are they in the 6-months' waiting period or the window between the time they get infected and the time they begin to show manifestations of the disease?

There is no guarantee to the American people that you are keeping out people with AIDS by this kind of provision in the law. To me, it gives us a false sense of security. There needs to be an honest evaluation of this whole question, and I think that this instruction to the conference committee will allow them to come forward with a rational policy rather than the rather ill-considered and ill-thought-through policy we have had before.

Anybody who has been in places elsewhere in the world, as I have as leader of the international AIDS caucus in this Congress, knows that if you go to Thailand or you go to India or you go to Brazil or you go anywhere else on the face of the globe, they do not have this kind of provision because they know that that does not deal with the problem within their borders.

We have more than 1 million infected cases in this country already. The hospitals that my colleague from New York [Mr. SOLOMON] talks about would be burdened down by cases that are already in this country. The problem is not going to be stopped by putting up a kind of travel ban, which simply isolates us from the rest of the world.

If you ask yourself what happens if every other country in the world says, "Well, we are not going to let any infected patients in and we are going to test everybody," before you could go to your vacation in France you would have to have an AIDS test. Then you have to wait 6 months to be sure that you do not have it.

So you cannot go into France until you have had an AIDS test, have waited 6 months and had a second test.

If you consider what the kind of a policy spread across the face of the

Earth is, you are going to absolutely destroy international travel. What the United States is doing by this is saying, "Well, we are going to protect ourselves and nobody else can."

Ask yourselves what happens to us if every other country does that? That is why we have such an important part to play in setting the national agenda on dealing with an international epidemic.

Mr. Speaker, I commend the gentleman from California [Mr. WAXMAN] for joining in this because I think that maybe out of this conference we can get a rational policy on a very complicated and difficult public health and political issue.

☐ 1430

Mr. BLILEY. Mr. Speaker, I yield myself 30 seconds, just to point out that in this amendment the previous speaker mentioned about coming in for vacations. Very few people stay longer than 30 days on vacations and 30-day visits are already protected under this amendment.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California [Mr. MOORHEAD], the ranking member of the committee.

Mr. MOORHEAD. Mr. Speaker, I thank the gentleman for yielding me this time. Mr. Speaker, I rise in support of the motion to instruct the conferees on H.R. 4 to agree to accept section 2011 of the Senate bill dealing with the immigration of individuals infected with the human immunodeficiency virus.

As an original cosponsor of H.R. 985 which continues the policy currently in place to exclude immigrants infected with HIV, I feel very strongly that this provision should be included in this legislation. H.R. 4 is an ideal vehicle for inclusion of this provision because we know that it will be signed by President Clinton.

This ban has been in place since 1987 and has prevented a potential influx of aliens infected with the HIV virus from burdening our already overloaded health care system and putting Americans at risk.

The standard under the Immigration Act for which an alien may be denied permanent immigration status is if they have a communicable disease of public health significance. Currently, there are eight diseases on the list, including HIV, leprosy, syphilis, and infectious tuberculosis.

The Clinton administration is proposing removing HIV from the list of diseases because it is not easily communicable. That, however, is not the standard of the Immigration Act. The disease is communicable and, when considered with the facts that it is always fatal and that costs for treatment exceed $100,000 per patient, it clearly is significant to the public health of this Nation.

Mr. Speaker, this provision was adopted by the Senate by a vote of 76 to 23. I firmly believe that the vote is highly representative of the views of the American people and the Members of this body.

For all these reasons, I strongly support the motion to instruct the conferees and I urge its adoption.

Mr. WAXMAN. Mr. Speaker, I yield 5 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time, and once again commend him for his leadership on this important legislation.

While I appreciate the statement that the gentleman from California [Mr. WAXMAN] made earlier about supporting this motion to instruct, I myself am not going to be able to do that, and for the following reasons:

I do not believe that we should be allowing Congress to determine what diseases will be on the list of those for inclusion for entry into the United States.

I respect the opinion of our colleagues on the other side of this issue. I know that they have thought about it long and hard, but in opposing this motion to instruct because I do not believe that Congress should make scientific and medical decisions about who should be coming into the country, and instead I believe that authority should rest with the Public Health Service.

I associate myself with the opinions of some that I would like to call the attention of this Congress.

The American Medical Association writes:

> The Association consistently has supported the authority of the Public Health Service to determine which diseases should trigger exclusion of foreign nationals. Federal law requires the Public Health Service to base this determination on current epidemiological concepts and medical diagnostic standards.

In addition, the U.S. Catholic Conference writes:

> We ask for your support in defeating any amendment that would overturn or interfere with the Department of Health and Human Services' authority to make the decision about what diseases are on the exclusion list.

In addition, the National Commission on AIDS appointed by President Bush writes:

> The Commission voices its deep distress over the encroachment, once again, of extraneous issues into a decision that should be science-based and focused solely on public health concerns. We must not allow arguments based on politics, misinformation, fear or discrimination to triumph.

In addition to that, the Association of State and Territorial Health officials writes:

> Because HIV infection is not spread by casual contact and immigration of infected individuals does not pose a direct threat to the health or safety of the population, ASTHO continues to support removal of HIV infection from the list of communicable diseases of public health significance upon which U.S. travel and immigration can be denied.

The fact is they strongly believe that that decision should be made by the Public Health Service.

APHA, the American Public Health Association, one of the oldest and largest associations of health professionals supports the decision to end immigration policy which bars HIV infected persons from entering the country, again emphasizing the decision should be made by the Public Health Service.

Mr. Speaker, the list goes on and on. I could quote hundreds of organizations, ranging from the American Bar Association to the National Organization Responding to AIDS, which again has scores of organizations.

Again I would like to quote a letter to President Clinton written by a group of Public Health organizations and HIV service providers who also support the position that the Department of Health and Human Services should be the arena where this decision is made.

In closing, Mr. Speaker, I would like to quote. They say that:

> We the undersigned represent medical research scientists deeply concerned about the interim ruling.

These people restate the idea that I have been emphasizing in my remarks that this decision should be left to the Public Health Service. It reads:

> We are all dedicated to stemming the HIV/AIDS epidemic, and it is out of this dedication that we write to you. We ask that you join us in taking a stance on this issue based on medical and epidemiologic truth, and not on distracting and potentially harmful misconceptions. We thank you for your thoughtful consideration of this important international and public health matter.

In conclusion, Mr. Speaker, I would like to say that I am sure that we all share the view that we want to stop the spread of AIDS in our country and in the world. We all share the view that if anyone who comes into this country poses a danger or a threat to the health of Americans, we cannot have that happen. We all share the view that we cannot have people coming in who will become a public health charge and that is a cost to the U.S. taxpayers; but the point where we differ is who makes the decision about that, how contagious or what the merit is of a disease to be put on the list; but in this motion to instruct we will be talking about Congress making scientific and medical decisions. I oppose the motion to instruct because I believe that authority should rest with the Public Health Service.

The SPEAKER pro tempore (Mr. HOLDEN). The time of the gentlewoman from California [Ms. PELOSI] has expired.

Mr. WAXMAN. Mr. Speaker, I yield 1 additional minute to the gentlewoman from California.

Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I am happy to yield to the chairman, the gentleman from California.

Mr. WAXMAN. Mr. Speaker, I understand and respect and agree with everything the gentlewoman has said, except for one thing. The only way this House can express itself on the desire to deal with the problem of people who may come into this country and wanting to deal with the immigration question of those who are HIV infected or who have AIDS or who may come into this country and then have the American taxpayers pay for their health is through this motion to instruct.

I interpret this motion to instruct to be a desire by Members to have us address that issue.

I can understand fully those who feel that a motion to instruct which says that to accept the Senate amendment means that the Senate amendment with all its flaws is one that they cannot support; so I just wanted to point that out and make that distinction; but I certainly can understand why the gentlewoman is urging us to vote against the motion to instruct. I wanted to point out a further clarification of why I will vote for the motion to instruct.

Ms. PELOSI. Mr. Speaker, I appreciate the gentleman's clarification, and as I said, I respect his views. We are fortunate indeed in the Congress to have Chairman WAXMAN where he is on that committee. I know that the issue will be well served in the conference because of his leadership there, and as I say, I say this out of respect for our colleagues on both sides of this issue that we share the view that we want to stop the spread of AIDS and its cost in lives and money to the American people.

□ 1440

Mr. Speaker, I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield myself 30 seconds only to mention that, if the President can deal with it, I do not see any reason why the Congress cannot.

Mr. SPEAKER, with great pleasure, I yield 2 minutes to the distinguished gentleman from Florida [Mr. MCCOLLUM].

Mr. McCOLLUM . Mr. Speaker, I thank the gentleman from Virginia [Mr. BLILEY] for yielding this time to me.

I rise in support of this motion to instruct wearing a couple of hats. One of them is the ranking Republican on the Subcommittee on Immigration. One of them is the author of a bill which several of my colleagues have cosponsored that does essentially what the Nickles amendment in the Senate does that we are asking the conferees to agree to.

It seems to me that we need to recognize the fact of law that we passed back in 1990 when we passed that immigration act, and we changed the language on excludable diseases from dangerous, contagious disease to communicable disease of public health significance. It seems obvious that the HIV AIDS virus is covered by this description. HIV is a disease, it is communicable as that term is defined by Webster's dictionary, and it certainly is a significant question of public health in this Nation. In fact, this country faces an HIV epidemic, the cost of which in human suffering and public dollars is not always fully appreciated.

We are debating hairs out here today and splitting them, I think, in terms of support or not support for this resolution. The bottom line is that all we are doing is saying we want to stick with present law. We hear President Clinton is moving away from that. This Congress does not want to do that.

The present law says that anybody who wants to immigrate to this country permanently gets tested for disease, or anybody who comes here as a refugee is tested for disease. If the person has a communicable disease of public health significance like HIV, they are excluded, they should be excluded. We should want to continue that policy. That is what we are codifying today.

The American Medical Association says that under those conditions they agree, we should continue to exclude those people. We should do what we are doing today.

If the person is coming here to be a visitor, to be a guest, to pass through this country, for any number of other reasons, the law presently does not involve any testing. We are never going to know, probably, if they have AIDS unless they tell us. If they do tell us, and we want to exclude them, there is a provision for waiver. The Attorney General has not agreed to do that. He probably would not. We have been waiving a lot of people into this country with disease situations for tourist reasons, for specific conferences. That is not an issue. What is at issue is the question of permanent immigrants and refugees and the present law.

Let us pass this motion to instruct simply to reinforce and put into law what permanently is the operating procedures of our Government.

Mr. WAXMAN. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, let me first say that I associate myself with the remarks of the gentlewoman from California [Ms. PELOSI] with which I agree.

I think that the major issue here is not whether AIDS meets the dictionary definition, as some might read it, of a communicable disease. The major issue here is whether we will single out AIDS from all other diseases and say that, unlike tuberculosis, or cholera, or typhoid, or other diseases which we know are highly contagious, which are not listed in the law as excluded from this country, but which are subject to the decision of the Secretary in the Public Health Service, we will write this into the law. That is what the Senate amendment would do, would make AIDS a disease different from every other disease.

The question should be based on science. It should be based on the decision of whether a disease should be on the exclusion list is properly made by the administration officials to whom we have delegated that responsibility for every disease who will, hopefully, make it based on science, not based on politics, not based on a motion, not based on fear. But I am afraid that based on those emotions, that based on some extraneous considerations, we are saying that in a way different from diseases that are much more easily communicable, like typhoid, or cholera, or yellow fever, or all the bacterial diseases and the various diseases that can be spread by breathing on someone. Unlike AIDS, we are going to list this in the law. We are going to say the Public Health Service cannot decide this. We, in our great medical knowledge, we determine this, and because of the absurdity of that view I think that is why the National Commission on AIDS, and the Association of State and Local Health Officials, and the Medical Association of the Catholic Conference will all say that we should not agree with the Senate amendments, and I, therefore, will urge that we not agree with the Senate amendments.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would just point out, because the gentleman was talking about some groups that are opposed to this ban staying in effect, that the Secretary of Health and Human Services, who has the primary responsibility for public health in America, has said that AIDS is a disease that is of the highest priority. President Clinton in his budget request, which we will be acting on next week, lists AIDS with more research money than any other disease, more so than cancer.

And finally let me just read from the American Medical Association, the other group that has the most responsibility for health in America, and I would just say that they say:

> Since current immigration law does not distinguish between travelers and permanent immigrants, we believe the best solution to this issue would be a legislative modification of the immigration laws so that exclusion of HIV-infected persons would be limited to permanent immigrants.

That is exactly what our amendment does, so I thought I would call it to the gentleman's attention.

Mr. NADLER. Mr. Speaker, I appreciate the solicitousness of my colleague from New York, but obviously those comments are not relevant to the point at issue. Of course it is a serious disease. Of course we ought to spend more research money on it. I certainly support that. But that is not to say that it is contagious in a manner that would deserve its being on the exclusion list, and that is why Secretary Sullivan and Secretary Shalala left it to experts to determine that, and the essential point I am making is that we should leave it to the health experts and not pick this up with every other disease and say we will write it into law. It is a scientific decision for the health experts, not political decision for the Congress.

Mr. BLILEY. Mr. Speaker, for purposes of debate, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I thank my good friend and colleague, from Virginia [Mr. BLILEY] for allowing me this opportunity to speak.

Mr. Speaker, I also rise to support the motion to instruct the conferees to accept the Senate provision dealing with HIV-infected individuals seeking immigration into the United States. Since the Committee on Rules ruled on my amendment and others, of my colleagues, Mr. McCOLLUM, Mr. SOLOMON, Mrs. ROUKEMA out of order on a germaneness question, I am glad that the issue of HIV-invested immigrants will be visited again.

I am glad because I believe an argument could have been made for germaneness on these amendments. The issue of HIV infection is one of national importance. When the other body was dealing with this exact same bill, they saw fit to consider a similar amendment I had attempted to offer. I remind my colleagues that that amendment offered by Senator NICKLES, passed on a vote of 76 to 23. After that, the Senate passed the overall bill, S. 1, by a vote of 93 to 4.

The last time I checked, HIV infection and AIDS research were top national priorities of public health significance to the Congress. I would like to point out a few facts I hope my colleagues will take into account, before they decide how to vote on the motion to instruct conferees.

Individuals who are infected with the HIV virus, or already have AIDS, are constantly seeking entry into the United States. The amendment I sought to offer was not meant to be discriminatory in any way, shape, or form. It was offered to protect the public health of our citizens.

Before we open up the doors to our country to just anyone, would it not be a matter of sound public policy to take care of our own citizens, afflicted with the HIV/AIDS virus, before adding infected immigrants to the public charge?

I would respectfully ask the Members listening to this debate, "Are the hospitals in your district financially and physically able to handle more HIV/AIDS patients? Do you have adequate facilities and doctors to treat these patients? Is your State budget in such wonderful shape that it can afford to take care of these immigrants? If so, would you mind pointing some of those dollars to the hospitals in my district?" I ask because down in Florida and other States, we are having a hard enough time already taking care of HIV-infected and AIDS patients.

I know that by not allowing HIV-infected immigrants to come into the country on a permanent basis will not alone solve the HIV/AIDS epidemic we face here at home. I do not think that is the purpose behind this motion. All we are asking for, is to try to control the problem as it currently exists.

Again, I ask my colleagues to support the motion to instruct, offered by my colleague from Virginia.

☐ 1450

Mr. BLILEY. Mr. Speaker, for purposes of debate only, I yield 2½ minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, current U.S. immigration policy, adopted in 1987, states that before people emigrate to this country, they must have blood tests. They are not allowed in our country except under a waiver provision if they test positive for HIV. This way individuals can come into the United States for health conferences, medical treatment, or to visit the United States—but cannot stay on an extended or permanent basis.

Mr. Speaker, my constituents express their concern that if HIV positive individuals are permitted to come into our country without any restrictions, it will cost our country millions, perhaps billions of dollars yearly. More importantly, it could also cost lives.

Mr. Speaker, I am the son of two Greek immigrants who were proud to come over to the United States on any basis or condition. My parents and the immigrants of their generation accepted the fact that certain rules and regulations were necessary to protect our country.

The immigration rules were simple—if you had a communicable disease, such as tuberculosis, you were not allowed to enter this country. Indeed, for decades, our country has maintained policies prohibiting people coming into this country carrying contagious, infectious diseases.

Perhaps this rule caused hardship, but it was fair. Perhaps in difficult cases, sacrifices ensued. But the rules were applied to everyone equally.

Therefore, I have serious reservations about the administration's proposed changes to our current immigration laws. If the administration's policy is adopted, we could have thousands of people, who would be Medicaid eligible, wanting to emigrate to the United States, knowing that we have the highest quality of health care in the world and that the taxpayers of this country will provide them with health care.

Mr. Speaker, we know that our Nation is experiencing a health care crisis—my constituents believe their health care costs are unbearable now—can you imagine how the American public would feel about picking up the health care costs of so many people who did not even live in this country prior to their illness?

The President's policy is not fair, it is not right, nor is it just to the American taxpayer and those citizens who depend on our Nation's public and private health care system.

Mr. Speaker, for these reasons, I will be supporting the motion to instruct conferees.

Mr. BLILEY. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, this is one issue that if it were opened up to a national referendum, we would see widespread support for maintaining the current immigration policy. However, I oppose a national referendum because I am a Representative in a republican form of government, in which we are supposed to come here and have access from the Library of Congress to a world body of knowledge and debate among our colleagues, and where we are supposed to make some tough calls. But again, if we did have a national referendum, this is one of those cases where the American citizenry would overwhelmingly not act as a mob or out of emotion, which is what a representative government is supposed to prevent, but they would act with overwhelming common sense. And in a referendum of all 50 States and territories, the results would probably come in somewhere in the 80-percent range not to change our immigration policy with regard to communicable diseases.

I was flying into China in 1988 with one of my sons to ride the Trans-Siberian Railroad, at my own expense, taxpayers, and I picked up the visa application and it said if you have tested positive for the human immunodeficiency virus, don't get off the airplane. You will be held and turned around at the airport.

China is not the best example to use because it is a cruel Communist dictatorship. But they have got 1 billion people plus the population of the United States, 261 million, and they do not need a communicable social disease sweeping through one billion two hundred sixty-some million people.

Are we any different here when it comes to protecting our own citizens? What are we really talking about here? This is a pandemic of a venereal disease. Because AIDS is a politically protected disease, you never hear it referred to the way it was referred to on this floor in 1985, 1986, and 1987 when we called it a venereal disease. That is because whatever constructed our current politically correct language about AIDS kicked in drug users, innocent hemophiliacs, and people with blood transfusions, and since it is only 75 percent transmitted by hetero and homo sex, we do not refer to it as a venereal disease. But it is. Therefore, what we are talking about is letting people into this country in their young years—look at the profile of Haitians—in their young years, what liberals call raging hormone-sexually active years, into this country with a communicable venereal disease that is always fatal.

I am not just isolating this disease or isolating Haitians. If they were all little redheads from Ireland I would still say: "I am sorry, this is not the world's open hospital for people who cannot pay. That is an Irish problem."

It is a Haitian problem. And I want to help Haitians in a lot of ways, and I follow the leadership of the Black Caucus on that where they urge direct action. You can hold me to that. But we cannot let in people with a venereal disease that is communicable. That would kill Americans, and it is stupid. Let the common sense of our citizenry prevail on this.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume to engage the gentleman from California [Mr. DORNAN], in a question.

Mr. DORNAN. Mr. Speaker, I would be honored.

Mr. WAXMAN. Mr. Speaker, the gentleman raised the point yesterday about concern for human rights, and I know that the gentleman is a champion in the cause of human rights, people oppressed around the world, particularly in the Soviet bloc as we have seen it during the time preceding the cold war.

Mr. DORNAN. Many times following the lead of the gentleman.

Mr. WAXMAN. And we have been together. But one of the difficulties in this issue, and we will have to address it, but I would be interested in the thoughts of the gentleman about it, is if you have someone who is seeking refugee status to come to the United States because they face—persecution may not be sufficient—but the kind of threat of execution by the authorities in a country, if we allow people to get refugee status on that basis, what should we do then if that individual has HIV infection? Should we turn them back to certain execution and persecution, or should we accept them on the basis which the United States has accepted refugees in the past?

I only single out this specific issue. Obviously it is narrower than the broader question do we let anybody who wants to come to the United States for permanent residency who may well end up as a public charge. I could not defend that. We do not want Americans to have to pay for care for people from other countries, when we do not even allow Americans to have health coverage. But I do raise it as a complexity in this issue and a nuance that I think we have to think through carefully.

Mr. DORNAN. Mr. Speaker, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from California.

Mr. DORNAN. Mr. Speaker, I agree with the gentleman. I would say brilliant political figures, those aspiring to statesmanship over the years, and I would bet the gentleman has quoted them, have said laws based on exceptional cases, it is usually bad law.

This is an exceptional case of human pathos, and that is why we have this holding area at Guantanamo. I would say that the protection, when you have a pandemic situation of a communicable disease, and I put syphilis coequal with the HI virus, positive or AIDS manifested, we have to look at people who are in that danger and say what have we done over the past to be fair?

The great Kennedy family in our politics is third generation Irish. I am second generation. I am the grandson of immigrants on my father's side and the great-grandson on my mother's side. They were turned away if there was something in the eye that looked infected. They were turned back from that beautiful Ellis Island, and I have walked those grounds since reconstruction and said how changing in history was it for one little physical ailment to send somebody home?

We are not talking about little infections. We are talking about TB and infectious communicable diseases, and in the case of AIDS, not spread just by sex, but through dirty needle use.

Mr. WAXMAN. Mr. Speaker, if I might reclaim my time, the position of the gentleman would then be even if someone who would be entitled to refugee status who escaped the oppression of a dictator in another country, that the gentleman would say if that person has HIV status, the gentleman would not accept him?

Mr. DORNAN. Mr. Speaker, if the gentleman will yield further, is the chairman familiar with the story of Typhoid Mary, a waitress in New York? They set up an island for her in the East River where she lived out her years, because her gall bladder had the capability of killing 400,000 people. This beautiful young Irish lady was locked up for the rest of her life.

I say set up a better place than tent city in Guantanamo. I would put it on American soil somewhere. But they cannot leave that compound until threat to their life politically by execution is gone. Then they have to go back to the country of their birth, Haiti, which I have walked the streets. I have been to City Sole. It is the poorest country in the Western Hemisphere, a sad plight for the first democracy in the Caribbean in 1804 thanks to Napoleon, who could not hold onto it, and he gave us the Louisiana Purchase to buy it.

I know the history there. I want to be humane, but I am not going to let in communicable diseased people into this country, because it will kill as sure as you and I stand here. And we want our constituents to respect us. It will kill Americans if the position of the gentleman prevails.

□ 1500

Mr. WAXMAN. Mr. Speaker, reclaiming my time, let me just indicate that there is a distinction that we need to draw. It will not kill Americans by someone walking into the streets or coming into this country who has full-blown AIDS or HIV infection. It will have a chance to infect other people, should they engage in sexual activities with someone else. That is one issue. So it is not communicable in the sense of tuberculosis or other kinds of diseases that are communicable.

The real question, it seems to me, is the question of the payment for the health care for those people who come into this Nation. I raised that refugee question only to point out that the matter is a lot more complicated than some might otherwise think it to be, and I think we have got to look at all those complications, as we get into the conference on this matter.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would like to address some of the statements, I think, that have been made. One, that the illustrious chairman said that there are many people already in the United States that are illegally here, infected with AIDS.

I believe our position should be, whether one is here in this country illegally or not, with AIDS or healthy, that they ought to get a one-way ticket out of this country if they are here illegally.

Second, it is like throwing a bucket of gas on a building that is already on fire. We say the fire is there but, by the way, we are not going to give any more water. Why is because the cost of health care; the President's wife is working now on a health care bill to try and cut those costs. The available research dollars for AIDS and other infectious diseases would be diminished.

AIDS has no barriers, not man, woman, or lifestyle, and it is critical.

I think, as my fellow colleague from California stated, people will die. And I disagree with the chairman. It is not like tuberculosis. It is not caught in the air. People will die if we allow folks to come into this country that are infected with the AIDS virus.

So let us support the motion to instruct.

Public health concerns prohibit permanent immigration. And when my colleague says, would I keep someone from coming into this country that would face certain death in another country, I would say to my colleague, I cannot answer that question. It would be difficult.

But again, law based on individual specifics is bad law. It is going to cost us down the line for these AIDS patients beyond what we are already saturated with.

Health care—let us make it affordable. And I would support the motion to instruct.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of this motion to instruct the conferees, to accept the Nickles amendment relating to the immigration of AIDS-infected aliens.

My colleagues, make no mistake about it: This is a public health issue which cannot be ignored.

As we heard in debate on the floor yesterday, I, along with Mr. SOLOMON, Mr. MCCOLLUM, Mr. SMITH, and Mr. STEARNS, sought to offer the Nickles amendment. We were defeated by parliamentary maneuvers. Today, we can correct this ill-advised judgment by instructing conferees.

The Nickles amendment, which mirrors the legislation my colleagues and I have introduced, codifies the present law restricting the permanent immigration of AIDS-infected foreigners. It was adopted by a 3-to-1 margin in the other body, and rightly so.

We are on the floor today, ready to approve more than $3 billion in programs to improve and protect the public health of our citizens. How can we not include the Nickles amendment, which is based on sound health care policy?

As you know, Mr. Speaker, the Clinton administration proposed removing AIDS from the list of diseases for which permanent immigration into this country can be denied. That policy cannot be supported by medical or scientific evidence.

We cannot afford, amid media hysteria, to lose sight of this simple fact: In this context, AIDS must be treated as an issue of public health, not one of civil rights or political expediency.

We know the facts: AIDS remains terminal and contagious in nature. No cure has been found. Every piece of medical information indicates that the epidemic is accelerating. And finally, scientists are finding new strains of HIV and pneumonia, proving the point that there is more unknown than known about this disease.

There are also enormous costs associated with this disease. The long-term costs of treating an AIDS patient start at $100,000. We're here on the floor increasing the money we spend on AIDS research and treatment, and still our public hospitals cannot face the existing caseload.

Last year we spent more than $2 billion in AIDS research and treatment, and our cities and hospitals still cannot keep up. How can we add to the burden of health care the expense of treating these HIV-infected immigrants?

And more and more, it is the public—the taxpaying American citizen—who picks up the cost of care for AIDS patients. How, in the name of all that is rational, can we act to radically increase those costs? At a time when millions of Americans struggle daily under the crushing burden of escalating health care costs, how can we knowingly add to that drain?

Let me remind my colleagues that never in the history of modern medicine or modern immigration laws have we knowingly admitted new sources of contagion during an epidemic. Our efforts should be concentrated on containing the spread of the epidemic, not introducing new sources of infection. Lifting the ban on AIDS will only serve to place healthy citizens at higher risk.

Finally, let me note for the record that this is not a heartless or cruel policy. Our present law can and does deal with visitors infected with HIV. We allow waivers for men and women who may want to visit family, seek medical treatment, or conduct business. These people are allowed to enter the United States for a short time, and this amendment protects those waivers.

The Nickles amendment would ensure that AIDS is classified as a communicable disease of public health significance, and that the longstanding prohibition on HIV-infected immigration stays in place. This is the only acceptable policy supported by medical and scientific evidence, and not special interests or political expediency.

As we conclude debate of the National Institutes of Health, we must make decisions based on health policy. The only public health choice you can make today is to support this motion to instruct, support the Nickles amendment, and continue the existing ban on immigrants with AIDS.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the motion to instruct offered by the gentleman from Virginia [Mr. BLILEY].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BLILEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 356, nays 58, not voting 16, as follows:

[Roll No. 70]

YEAS—356

Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brewster
Brooks
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English (AZ)
English (OK)
Evans
Everett
Ewing
Fawell
Fazio
Fields (TX)
Filner
Fingerhut
Fish
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Menendez
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers

Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—58

Abercrombie
Andrews (ME)
Becerra
Bishop
Blackwell
Bonior
Brown (CA)
Brown (FL)
Clay
Clayton
Clyburn
Collins (MI)
Coyne
Dellums
Dixon
Edwards (CA)
Engel
Fields (LA)
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Hamburg
Jefferson
Johnson, E.B.
Lantos
Lewis (GA)
Markey
Matsui
McDermott
McKinney
Meek
Mfume
Mink
Nadler
Olver
Owens
Payne (NJ)
Pelosi
Rangel
Roybal-Allard
Rush
Sabo
Sanders
Stark
Stokes
Studds
Synar
Towns
Unsoeld
Velazquez
Vento
Washington
Waters
Watt
Wheat
Woolsey

NOT VOTING—16

Barton
Boucher
Collins (IL)
Conyers
Dicks
Eshoo
Ford (TN)
Gutierrez
Hastings
Henry
Klink
Kopetski
McDade
Mineta
Quillen
Spratt

□ 1541

Ms. FURSE, Messrs. BROWN of California, BECERRA, RUSH, Ms. E.B. JOHNSON of Texas, Messrs. BLACKWELL, FOGLIETTA, CLYBURN, GEJDENSON, TOWNS, STARK, JEFFERSON, Miss COLLINS of Michigan, Messrs. BISHOP, ENGEL, VENTO and FLAKE changed their vote from "yea" to "nay."

Mr. WHITTEN, Mr. YATES, and Mrs. MALONEY changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LANCASTER). Without objection, the Chair appoints the following conferees:

From the Committee on Energy and Commerce, for consideration of the Senate bill, and the House amendment, and modifications committed to conference: Messrs. DINGELL, WAXMAN, WYDEN, MOORHEAD, and BLILEY.

As additional conferees from the Committee on Education and Labor, for consideration of section 2013 of the Senate bill, and modifications committed to conference: Messrs. FORD of Michigan, MARTINEZ, and GOODLING.

As additional conferees from the Committee on the Judiciary, for consideration of section 2011 of the Senate bill, and modifications committed to conference: Messrs. BROOKS, MAZZOLI, and MCCOLLUM.

There was no objection.

PERSONAL EXPLANATION

Mr. KOPETSKI. Mr. Speaker, I was unavoidably away and missed several rollcall votes. For the record, had I been in attendance, I would have voted: On rollcall 63—aye; rollcall 64—aye; rollcall 65—aye; rollcall 66—aye; rollcall 67—aye; rollcall 68—nay; rollcall 69—aye; rollcall 70—nay.

PERSONAL EXPLANATION

Mr. GRAMS. Mr. Speaker, I was present in the Chamber at the time of rollcall vote 69 on final passage of H.R. 4, the National Institutes of Health Revitalization Act.

Although my votes were recorded on six preceding amendments, the RECORD shows no recorded vote by me on final passage, although I remember having recorded my vote.

I wish to have the RECORD show that I was present in the Chamber at the time of the vote, and that I intended to vote "no" on rollcall vote 69.

PERSONAL EXPLANATION

Mr. SERRANO. Mr. Speaker, I inadvertently voted "yea" to the amendment offered by Representative BLILEY, roll No. 70. I intended to vote "nay" on this amendment and would appreciate it if this was reflected in the RECORD.

LEGISLATIVE CALENDAR

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I asked to proceed for 1 minute that I might inquire of the distinguished majority leader the program for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Missouri, the distinguished majority leader.

Mr. GEPHARDT. I thank the gentleman for yielding.

Mr. Speaker, obviously business is finished for today. There will not be votes on tomorrow.

Monday, March 15, the House will meet at noon. There will not be legislative business.

On Tuesday, March 16, the House will meet at noon to consider two suspensions. Recorded votes on the suspensions will be postponed until after debate on all suspensions: H.R. 965, Child Safety Protection Act; H.R. 1109, Merchant Seamans Reemployment Rights Act of 1993.

On Wednesday, March 17, and Thursday, March 18, the House will meet at 2 p.m. on Wednesday and at 11 a.m. on Thursday. We will take up the budget resolution for fiscal year 1994 and the fiscal year 1993 stimulus appropriations bill.

On Friday, March 19, the House will not be in session. That will be the start of a March short district work period.

Mr. Speaker, I would say also to the gentleman that the time on finishing Wednesday and beginning on Thursday may find that there needs to be change on those. I do not know that now. But obviously we would like to finish both the budget resolution and the appropriations bill next week.

Mr. MICHEL. I think that does it. I thank the gentleman. I appreciate the gentleman's response.

RULES OF PROCEDURE FOR THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT FOR THE 103D CONGRESS

Mr. MCDERMOTT. Mr. Speaker, pursuant to clause 2(a) of rule XI of the Rules of the House of Representatives, I submit the rules of the Committee on Standards of Official Conduct for the 103d Congress which were adopted by the committee today.

RULES—COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

FOREWORD

The Committee on Standards of Official Conduct is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help insure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES

Rule 1. General Provisions

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a) of Rule XI of the Rules of the House of Representatives, 103d Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

Rule 2. Definitions

(a) "Adjudicatory Subcommittee" means a subcommittee of the Committee, comprised of those Committee members not on the investigative subcommittee, that holds a disciplinary hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(b) "Committee" means the Committee on Standards of Official Conduct.

(c) "Complaint" means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate a Preliminary Inquiry.

(d) "Disciplinary Hearing" means an adjudicatory subcommittee hearing held for the purposes of receiving evidence regarding conduct alleged in a Statement of Alleged Violation and determining whether the counts in the Statement of Alleged Violation have been proved by clear and convincing evidence.

(e) "Investigative Subcommittee" means a subcommittee designated pursuant to Rule 6 to conduct a Preliminary Inquiry to determine if a Statement of Alleged Violation should be issued.

(f) "Office of Advice and Education" refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

(g) "Preliminary Inquiry" means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(h) "Respondent" means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of a Preliminary Inquiry or a Statement of Alleged Violation.

(i) "Sanction Hearing" means a Committee hearing to determine what sanction, if any, to recommend to the House of Representatives.

(j) "Statement of Alleged Violation" means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

Rule 3. Advisory Opinions and Waivers

(a) There is established within the Committee an Office of Advice and Education. The Office shall handle inquiries; prepare written opinions providing specific advice; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives, or any other person specifically authorized by law, may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, employee, or person.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request.

(e) Unless specifically authorized by law or resolution of the House of Representatives, written opinions may be provided only to Members, officers, and employees of the House of Representatives. Other individuals may be provided with general information regarding rules or laws, such as citations to relevant texts of publicly available documents.

(f) A written request for an opinion shall be addressed to the Chairman of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(g) A written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(h) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(i) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(j) The Chairman and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chairman or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(n), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(k) The Committee shall keep confidential any request for advice, as well as any response thereto.

(l) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(m) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 4(e)(1)(B) of Rule X of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(n) A written request for a waiver of House Rule XLIII, clause 4 (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(o) A written request for a waiver of House Rule XLIII, clause 4 (the House gift rule), shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(p) An employee seeking a waiver of time limits applicable to fact-finding or substantial participation travel shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

Rule 4. Financial Disclosure

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Office of Records and Registration, to assure that appropriate individuals are notified of their obligation to file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Office of Records and Registration to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) The Chairman and Ranking Minority Member are authorized to grant on behalf of the Committee requests for reasonable extensions of time for the filing of Financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days. No extension shall be granted authorizing a nonincumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(d) An individual who takes legally sufficient action to withdraw as a candidate before the date on which that individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(e) Any individual who files a report required to be filed under title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of $200. The Chairman and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(f) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(g) The Chairman and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(D) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Office of Records and Registration for placement on the public record.

(h) The Chairman and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(f)(3) of the Ethics in Government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to be made public, shall be forwarded to the Office of Records and Registration for such purpose.

(i) The Committee shall designate staff counsel who shall review Financial Disclosure Statements and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(j) Each Financial Disclosure Statement shall be reviewed within 60 days after the date of filing.

(k) If the reviewing counsel believes that additional information is required because (1) the Statement appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(l) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who concurs with the Committee's notification that the Statement is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised Financial Disclosure Statement or an explanatory letter addressed to the Clerk of the House of Representatives.

(m) Any amendment shall be placed on the public record in the same manner as other Statements. The individual designated by the Committee to review the original Statement shall review any amendment thereto.

(n) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who does not agree with the Committee that the Statement is deficient or that other action is required, shall be provided an opportunity to respond, orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in Committee files with the original report.

(o) The Committee shall be the final arbiter of whether any Statement needs clarification or amendment.

(p) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

Rule 5. Meetings

(a) The regular meeting day of the Committee shall be the second Wednesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chairman determines that there is sufficient reason, a meeting may be called on additional days. A regularly scheduled meeting need not be held when the Chairman determines there is not business to be considered.

(b) A subcommittee shall meet at the discretion of its chairman.

(c) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chairman of the Committee or subcommittee may waive such time period for good cause.

Rule 6. Subcommittees—General Policy and Structure

(a) If the Committee determines by majority vote of its members that allegations of improper conduct (brought to its attention by a complaint or otherwise) by a Member, officer, or employee merit further inquiry, the Chairman and Ranking Minority Member of the Committee shall designate four or six members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake a Preliminary Inquiry. The senior majority and minority members of an investigative subcommittee shall serve as the chairman and ranking minority member of the subcommittee. The Chairman and Ranking Minority Member of the Committee may serve only as nonvoting, ex officio members of any investigative subcommittee.

(b) If an investigative subcommittee, by a majority vote of its members, adopts a Statement of Alleged Violation, the remaining members of the Committee shall comprise an adjudicatory subcommittee to hold a Disciplinary Hearing under Committee Rule 19 on the violations alleged in the Statement.

(c) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(d) The Chairman may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(e) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

Rule 7. Quorums and Member Disqualification

(a) The quorum for an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, and conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any committee or subcommittee proceeding that relates to the member's own conduct.

(e) A member of the Committee may disqualify himself or herself from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, or if a member is disqualified pursuant to Rule 15(h) or Rule 19(a), the Chairman shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

Rule 8. Vote Requirements

(a) The following actions shall be taken only upon affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate.

(1) Adoption of a resolution to conduct a Preliminary Inquiry;

(2) Adoption of a Statement of Alleged Violations;

(3) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence;

(4) Sending of a letter of approval;

(5) Adoption of a recommendation to the House of Representatives that a sanction be imposed;

(6) Adoption of a report relating to the conduct of a Member, officer, or employee;

(7) Issuance of an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this Rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

Rule 9. Communications by Committee Members and Staff

Committee members and staff shall not disclose any evidence relating to an investigation to any person or organization outside the Committee unless authorized by the Committee, nor shall any evidence in the possession of an investigative subcommittee be disclosed to Committee members who are not members of the subcommittee prior to the filing of a Statement of Alleged Violation with the Committee.

Rule 10. Committee Records

(a) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

(b) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including, but not limited to: (i) the fact of or nature of any complaints; (ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or subcommittee report, study, or other document which purports to express the views, findings, conclusions, or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer, or employee.

(c) The committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a Member, officer, or employee of the House of Representatives until it has transmitted a Statement Of Alleged Violation under Rule 17 of the Committee rules, to such Member, officer, or employee and the Member, officer or employee has been given full opportunity to respond pursuant to Rule 18. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such opportunity has been provided. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives.

(d) If no public hearing or meeting is held on the matter, the Statement and any written response thereto shall be included in the Committee's final report to the House of Representatives.

(e) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(f) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule XXXVI of the Rules of the House of Representatives.

Rule 11. Broadcasts of Committee and Subcommittee Proceedings

Whenever any hearings or meeting by the Committee or a subcommittee is open to the public, the Committee or subcommittee may, by a majority vote, permit coverage, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage, under the following rules:

(a) If television or radio present live coverage of the hearing or meeting to the public, it shall be without commercial sponsorship.

(b) No witness shall be required against his or her will to be photographed or otherwise to have a graphic reproduction of his or her image made at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness, all media microphones shall be turned off, all television and camera lenses shall be covered, and the making of a graphic reproduction at the hearing shall not be permitted. This paragraph supplements clause 2(k)(5) of rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(e) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

PART II—INVESTIGATIVE AUTHORITY

Rule 12. House Resolution

Whenever the House of Representatives, by resolution, authorizes the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

Rule 13. Committee Authority to Investigate—General Policy

Pursuant to clause 4(e)(2)((B) of Rule X of the Rules of the House of Representatives, the Committee may exercise its investigative authority when—

(a) a complaint by a Member of the House of Representatives is transmitted directly to the Committee;

(b) a complaint by an individual not a Member of the House of Representatives is transmitted through a Member who agrees, in writing, to submit it for the purpose of requesting an investigation;

(c) a complaint by an individual not a Member of the House of Representatives is submitted to the Committee after three Members of the House of Representatives have refused, in writing, to transmit the complaint to the Committee for the purpose of requesting an investigation;

(d) the Committee, on its own initiative, determines that a matter warrants inquiry;

(e) a Member, officer, or employee is convicted in a Federal, State, or local court of a criminal offense for which a sentence of one or more years' imprisonment may be imposed; or

(f) the House of Representatives, by resolution, authorizes the Committee to undertake an investigation.

Rule 14. Complaints

(a) A complaint submitted to the Committee shall be in writing, under oath and dated, setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the "complainant");

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) A complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) A complaint by an individual not a Member of the House of Representatives may be transmitted through a Member who states, in writing, that it is submitted for the purpose of initiating a Preliminary Inquiry. A copy of the exact complaint submitted to and transmitted by the Member must be attached to the Member's letter to the Committee.

(e) If a complaint by an individual who is not a Member of the House of Representatives is submitted to three Members of the House of Representatives who refuse, in writing, to transmit the complaint to the Committee for the purpose of requesting an investigation, the complainant may transmit the complaint to the Committee. Legible copies of each refusal letter must accompany the complaint. Each letter must clearly state the Member's refusal to transmit the complaint and must contain the Member's acknowledgment that such refusal may cause the Committee to consider initiating a Preliminary Inquiry. A legible copy of the exact complaint submitted to and considered by the Member must be attached to that Member's refusal letter.

(f) A complaint must be accompanied by a certification that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(g) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the Committee has reason to believe such conduct is being reviewed by appropriate law enforcement or regulatory authorities.

(h) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(i) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(j) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

Rule 15. Processing of Complaints

(a) Upon receipt of a complaint, the Committee shall determine if it complies with clause 4(e)(2)(B) of Rule X of the Rules of the House of Representatives and Rule 14 of the Committee rules.

(b) If the complaint does not comply with such House and Committee Rules, it shall be returned to the complainant with a copy of such Rules and a statement specifying why the complaint is not in compliance. The respondent shall be notified when a complaint is returned and provided the reasons therefor.

(c) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent with notice that the complaint conforms to the applicable rules and will be placed on the Committee's agenda.

(d) The respondent may provide to the Committee any information relevant to a complaint filed with the Committee. The Committee staff may request information from the respondent prior to the consideration of a Resolution of Preliminary Inquiry only when so directed by the Chairman and Ranking Minority Member.

(e) At the first meeting of the Committee following the procedures or actions specified in clauses (c) and (d), the Committee shall consider the complaint.

(f) If the Committee, by a majority vote, determines that the complaint is within the Committee's jurisdiction and merits further inquiry, it shall adopt a Resolution of Preliminary Inquiry. After such resolution is adopted, the Chairman and Ranking Minority Member shall designate four or six members to serve as an investigative subcommittee to conduct a Preliminary Inquiry in accordance with Rule 17.

(g) The respondent shall be notified, in writing, regarding the Committee's decision either to dismiss the complaint or to initiate a Preliminary Inquiry.

(h) Respondent shall be notified of the membership of the investigative subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of his or her disqualification.

Rule 16. Committee Initiated Preliminary Inquiry

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his or her duties or the discharge of his or her responsibilities.

(b) If the Committee determines that the information merits further inquiry, the Committee shall proceed in accordance with Rule 17.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an inquiry into such person's own conduct shall be processed in accordance with subsection (a) of this Rule.

(d) An investigative or disciplinary hearing shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e) Conviction of a Member, officer, or employee of the House of Representatives in a Federal, state, or local court of a criminal offense for which a sentence of one or more years' imprisonment may be imposed shall be a matter that merits further inquiry pursuant to Rule 15 and, after sentencing, a preliminary inquiry shall be undertaken. Notwithstanding this provision, the Committee may exercise its investigative authority at any time prior to conviction or sentencing.

Rule 17. Preliminary Inquiry

(a) In a Preliminary Inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in Executive Session and all testimony taken by deposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in Executive Session.

(2) The Chairman of the investigative subcommittee shall ask respondent and all witnesses whether they intend to be represented by counsel. If so, respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the Preliminary Inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chairman and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the chairman and ranking minority member of the investigative subcommittee. A motion to quash a subpoena shall be decided by the Chairman of the Committee.

(6) The subcommittee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the chairman or subcommittee member designated by him to administer oaths.

(b) During the Preliminary Inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The chairman of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or pertinency of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness's counsel, or a member of the subcommittee may appeal any evidentiary rulings to the members present at that proceeding. The majority vote of the members present at such proceeding on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is deemed by a chairman or presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with respondent and/or respondent's counsel as to facts that are not in dispute.

(c) Upon completion of the investigation, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received and may include any recommendations for action by the subcommittee regarding the alleged violations.

(d) Upon completion of the Preliminary Inquiry, an investigative subcommittee, by majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is reason to believe that a violation has occurred. If more than one count is alleged, such Statement shall be divided into counts. Each count shall relate to a separate violation, shall contain a plain and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation or other applicable standard of conduct governing the performance of duties or discharge of responsibilities alleged to have been violated. A Statement of Alleged Violation may include offenses beyond those referenced in the Resolution of Preliminary Inquiry. A copy of such Statement shall be transmitted to the respondent and respondent's counsel.

(e) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefor, and any appropriate recommendation. The Committee shall transmit such report to the House of Representatives.

Rule 18. Respondent's Answer

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 15 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 15 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 15 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 15 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 15 days after the subcommittee has replied to the Motion to Dismiss.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The chairman of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the chairman of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the chairman of the investigative subcommittee to the Chairman and Ranking Minority Member of the Committee.

Rule 19. Disciplinary Hearings

(a) If a Statement of Alleged Violation is transmitted to the Chairman and Ranking Minority Member pursuant to Rule 18, and no waiver pursuant to Rule 23(b) has occurred, the Chairman shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chairman and Ranking Minority Member of the Committee shall be the chairman and ranking minority member of the adjudicatory subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of his or her disqualification.

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudicatory subcommittee shall hold a Disciplinary Hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) At a Disciplinary Hearing the adjudicatory subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be accepted into the hearing record.

(e) The procedures set forth in clause 2(k) of Rule XI of the Rules of the House of Representatives shall apply to Disciplinary Hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determines that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that respondent and his or her counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that the adjudicatory subcommittee counsel intends to use as evidence against the respondent in a Disciplinary Hearing. Respondent shall be given access to such evidence, and shall be provided the names of witnesses the subcommittee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in a Disciplinary Hearing unless respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness called by subcommittee counsel has testified on direct examination at a Disciplinary Hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which relates to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than five days prior to the Disciplinary Hearing, respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) During the Disciplinary Hearing, the procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The chairman of the subcommittee or other presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or pertinency of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness's counsel, or a member of the subcommittee may appeal any evidentiary ruling to the members present at that proceeding. The majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a chairman or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with respondent and/or respondent's counsel as to facts that are not in dispute.

(j) Unless otherwise provided, the order of a Disciplinary Hearing shall be as follows:

(1) The chairman of the subcommittee shall open the hearing by stating the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The chairman shall then recognize Committee counsel and respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other pertinent evidence shall be received in the following order whenever possible:

(i) witnesses (deposition transcripts and affidavits obtained during the Preliminary Inquiry may be used in lieu of live witnesses) and other evidence offered by the Committee counsel,

(ii) witnesses and other evidence offered by the respondent,

(iii) rebuttal witnesses, as permitted by the chairman.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination may be permitted at the chairman's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the chairman, such questions shall be conducted under the five-minute rule.

(k) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the chairman of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(l) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the pertinent provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(m) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chairman or Committee member designated by the Chairman to administer oaths.

(n) At a Disciplinary Hearing the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated.

(o) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that the count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(p) The findings of the adjudicatory subcommittee shall be reported to the Committee.

Rule 20. Sanction Hearing and Consideration of Sanctions or Other Recommendations

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes a Disciplinary Hearing pursuant to Rule 19 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reproval or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reproval constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dismissal from employment.

(2) Reprimand.

(3) Fine.

(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

Rule 21. Disclosure of Exculpatory Information to Respondent

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information immediately known and available to the Member, officer, or employee.

Rule 22. Rights of Respondents and Witnesses

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at his or her own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for the hearing and to obtain counsel.

(d) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee the name of any witness subpoenaed to testify or to produce evidence.

(e) Prior to their testimony, witnesses shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(f) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman may punish breaches of order and decorum, and of professional responsibility on the part of the counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(g) Each witness subpoenaed to provide testimony or other evidence shall be provided such travel expenses as the Chairman considers appropriate. No compensation shall be authorized for attorney's fees or for a witness' loss of earnings.

(h) With the approval of the Committee, a witness, upon request, may be provided with a transcript of his or her deposition or other testimony taken in executive session, or, with the approval of the Chairman and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that the witness, and counsel, agree to maintain the confidentiality of all executive session proceedings covered by such transcript.

Adopted March 11, 1993.

ADJOURNMENT TO MONDAY, MARCH 15, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests at this time.

PLANS OF THE COMMITTEE ON RULES FOR THE FIRST TWO ELEMENTS OF PRESIDENT'S ECONOMIC PACKAGE

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I rise today to notify Members about the Rules Committee's plans for the first two elements of the President's economic package: The fiscal year 1994 budget resolution and the emergency supplemental appropriation bill.

As you know, both committees completed their markups earlier this week and, to allow 3 days for additional views, will file next week.

It is my understanding, Mr. Speaker, that the text of each measure will be available at the committee offices before then.

The Rules Committee will meet next week to grant separate rules for consideration of the two measures.

In order to provide for fair and timely consideration, the committee may grant rules that structure the offering of amendments.

Mr. Speaker, any Member contemplating an amendment to either measure should submit 55 copies of the amendment and a brief explanation by 12 noon on Tuesday March 16. The committee offices are in H-312 in the Capitol.

Mr. Speaker, on the budget resolution, I would like to make two points. First, Members will find it helpful to work with the Congressional Budget Office as they draft their amendments.

Also, as in the past, the committee looks more favorably on substitutes than on cut-and-bite amendments. Cut-and-bite amendments only raise the very same issues that will be decided in the authorization and appropriation bills.

Mr. Speaker, I have sent two "Dear Colleague" letters to all offices explaining our intentions on each measure. We appreciate the cooperation of all Members.

ACCESS TO HEALTH CARE: ONE OF THE MOST IMPORTANT HUMAN AND CIVIL RIGHTS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I think one of the things that struck all of us this year is how fragile civilization really is. Before we got too smug about thinking that it was just overseas, we had some incredible events happen in this country to remind us that things can come unraveled here, too.

I believe, after the horrible murder of the doctor outside the clinic yesterday in Pensacola, where he was shot in the back, I think that says to all of us we must work together and make one of the highest priorities access to being able to get into health clinics. We cannot allow people to take the law into their own hands and say they are answering to a higher law and, therefore, able to murder.

When you look at the incredible history of this case, where people were handing out posters with the doctor's picture on it, saying, "Wanted," where people were having prayer services saying they really wanted to go after the specific doctor, and they are also targeting many other health care workers, this is very, very serious to this democracy. And I hope this body acts, and acts forthwith, on the clinic violence bill and then moves to make access to health care one of the most important human and civil rights there is so that we do not have any more actions like this and we make it very clear we are firmly against it.

REQUESTS FOR SPECIAL ORDERS

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that today, following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include therein extraneous material:

Mr. BARTLETT of Maryland for 5 minutes today; Mr. HORN for 5 minutes today; Mr. BACHUS of Alabama for 5 minutes today; Mr. WALKER for 60 minutes today; Mr. GOODLATTE for 5 minutes today; Mr. HOKE for 5 minutes today; Mr. KYL for 60 minutes each day on March 22, 23, 24, and 25; Mr. GREENWOOD for 5 minutes today; Mr. KOLBE for 60 minutes on March 16; Mr. KASICH for 60 minutes on March 16; Mr. HOBSON for 60 minutes on March 16; Mr. FRANKS of New Jersey for 5 minutes today; Mr. SCHIFF for 5 minutes today; Mr. REGULA for 60 minutes each day on March 23, 24, and 25; Mr. DORNAN for 60 minutes today; Mrs. BENTLEY for 60 minutes each day on April 27, 28, and 29, and on March 4, 5, 6, 11, 12, and 13; Mr. GINGRICH for 60 minutes each day on March 22, 23, 24, 25, 26, 29, 30, and 31, and on April 1, 2, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, and 30; Mr. BACHUS of Alabama for 5 minutes on March 16; and Mr. SOLOMON for 60 minutes today.

□ 1550

The SPEAKER pro tempore (Mr. LANCASTER). Is there objection to the request of the gentleman from Pennsylvania [Mr. GREENWOOD]?

Mr. TAYLOR of Mississippi. Mr. Speaker, I find the practice of special orders a very wasteful expenditure of the public's money at $8,000 per hour. That adds up to millions of dollars a year. I find the practice of a Member speaking to an empty Chamber an embarrassment to this Congress, and I do object.

The SPEAKER pro tempore. Objection is heard.

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that today, following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks, and include therein extraneous material: Mrs. CLAYTON for 5 minutes; Mr. TAUZIN for 5 minutes; and Mr. ENGEL for 30 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. FRANK]?

Mr. TAYLOR of Mississippi, Mr. Speaker, for the same reasons that I objected to the request by the minority, I will object to the request by the majority.

The SPEAKER pro tempore. Objection is heard.

CONGRESSIONAL REFORM

Mr. KIM. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, after hearing Mr. Perot's testimony, before the Joint Committee for Congressional Reform, it dawned on me that now may well be the last chance for Congress to begin to regain credibility with American citizens.

We all must know that there is a great deal of contempt for this body throughout our Nation. Self-interest, corruption, scandals, and self-indulgence have left deep scars on this body, and serious internal injuries.

We won't cure this body with cosmetic surgery; organ transplant would be more appropriate because our body is in the emergency room on life support.

We are going to have to be bipartisan and we are going to have to put the American people first.

We aren't princes and princesses or dukes and duchesses in a feudal nation, we are public servants and we must begin to serve. And we must be held accountable for our actions.

Out there in the 435 districts in this vast land, there are people who voted for us. Because they believed they could count on us to represent their interests and not our own. And in my way of thinking, that vote is a serious public trust.

America wants change. No, America demands change and we had better heed that demand and correct the way Congress does the public's business.

As new Members, many of us do not feel party to the mistakes of the past. Our concern is the future. As Mr. Perot has said, "it's time to clean out the barn." And we had better listen.

The administrative cost of this body is very excessive.

And now we have an administration that is asking taxpayers to share the cost and share the pain of tax increases.

This body is no better than the American taxpayer. We have to consider their pain and their cost and substantially cut the cost of Congress, even if it is painful to some Members.

The bottom line is, we have to simplify Congress, get rid of nonessential committees, and put more common sense and frugality into legislative passage or rejection.

That is why I urge all my colleagues to join me by cutting the size and cost of all congressional committees by 25 percent.

The war cry is, eliminate gridlock. But this House manages to create its own gridlock.

We can begin to put an end to gridlock by eliminating the overwhelming power of the seniority system.

After all, one Member from 1 district out of 435 should not be in a position to dominate the actions of Congress. My district is just as important as the Speaker's district.

This is why the Republican freshman class has managed to successfully push through term limits on all committee and subcommittee chairs.

Tonight, I urge my fellow freshmen Democrats to join us in reforming this House by demanding the same concessions from their leadership. We must have term limitations on all committee and subcommittee chairs if real reform is going to take place, even if there might be some retaliation from senior Members.

After all, real congressional reform is what the American people are expecting. The simple fact is that this House isn't the possession of the politicians that inhabit it.

This House belongs to the people of our Nation who support us with their precious tax dollars. They are the owners, they are the landlords. We must not forget it.

The 103d Congress could gain a page in history by returning the grant deed of the House Chambers to the rightful owners—American citizens.

INTRODUCTION OF CITIZEN SELF-DEFENSE ACT

Mr. BARTLETT of Maryland. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. BARTLETT] is recognized for 5 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, late yesterday I introduced legislation that would give victims of crime a fighting chance. Too often in our society people fall victim to crime because they are not able to defend themselves.

My bill would give victims just that right. This legislation, entitled the Citizens Self-Defense Act, gives law-abiding citizens the right to obtain and use firearms in self-defense.

My bill does not put guns into the hands of criminals, nor does it increase the crime rate. Instead, my legislation will make for fewer victims and fewer crimes. The statistics are clear.

Fifty-six percent of convicts agree, a criminal is not going to mess around with a victim he knows is armed with a gun.

Fifty-seven percent of convicts say that they are more worried about meeting an armed victim than they are about running into the police.

Forty-four percent of Americans keep a gun at home to protect themselves from crime.

Three hundred thousand Americans a year use a handgun to deter criminals.

In instance after instance, the government is prosecuting Americans whose only crime is self-defense, either by acquiring or using a firearm in self-defense. The Citizens Self-Defense Act is a protection against government prosecuting law-abiding citizens.

This common sense measure does not conflict with any waiting period or regulation schemes now in effect, including Brady-style waiting periods.

Please support and cosponsor this important legislation.

All of us are appalled by the victims of crime. All of us are appalled by violence where guns are involved, and if there was a shred of evidence that limiting guns to law-abiding citizens would decrease crime and would decrease violence with guns, then one might debate that, but as far as I know there is no evidence that this is true.

There are accidents with guns. There are also accidents with automobiles. Thousands and thousands of people a year are injured in automobiles. Somewhere near 50,000 are killed in automobiles, and I see no move to ban automobiles because there are accidents with automobiles.

Similarly with guns, there are accidents with guns. They need to be decreased by training and learning how to properly use guns.

Americans have decided that in spite of many deaths from automobiles, despite thousands and thousands of injuries from automobiles, that the benefits of having automobiles outweigh the benefits of not having automobiles. So we have agreed as a society that we are benefited by having automobiles.

I submit that the same benefit will accrue to individuals and families owning and using guns to protect themselves.

This bill will reduce crime. It will reduce deaths from guns. It will make all of our lives safer. There just is not a shred of evidence that limiting guns to law-abiding citizens has any effect on crime.

□ 1600

If we make this bill law, Mr. Speaker, crime will be decreased and injury with guns will be decreased.

THE DEFENSE BASE REALIGNMENT AND CLOSURE COMMISSION NEEDS TO LOOK AT THE FOREIGN MILITARY OPERATIONS OF THE UNITED STATES

Mr. HORN. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes, to revise and extend my remarks, and include extraneous material.

The SPEAKER pro tempore (Mr. LANCASTER). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HORN. Mr. Speaker, I am pleased to introduce today on behalf of several colleagues and myself, legislation which would give the authority to the Defense Base Realignment and Closure Commission in its next go-around to include the military recommendations for the termination and reduction of military operations carried out by the United States at military installations outside the United States. One of my concerns over the last few years has been the extensive investment this country has made abroad in such matters as ship repair and maintenance. At Yokosuka, a base in Japan, in the last 4 years $1½ billion has been spent on ship repair and maintenance by the American fleet. Those funds in this very tight economy, when we need to retain skilled American workers as a basic defense mobilization force, could much better have been spent, in my opinion, at the various shipyards on the east and west coasts of the United States, as well as in Hawaii. And yet a billion and a half dollars was spent abroad.

So, Mr. Speaker, today I am introducing legislation to amend the basic act which has the Defense Base Realignment and Closure Commission review possible termination of U.S. military operations abroad in its next go-around two years from now. I think it is essential that the foreign military operations of the United States be judged in competition with domestic military operations and facilities.

An hour or two ago a number of us met with James Courter, the distinguished chairman of the Defense Base Realignment and Closure Commission. I asked his judgment on this proposed legislation, and he said, "If we are given the jurisdiction by Congress, we will follow the law."

I think that is appropriate, and I commend Secretary Aspin for his leadership in trying to include this type of language in the original law and for his actions that will occur in the next day or so where various U.S. foreign bases will be canceled on the initiative of the Secretary of Defense.

I feel, however, that to simply leave it to the Secretary of Defense, who might follow Mr. Aspin, is not enough. We need to work the consideration of U.S. bases abroad into the regular base closure process which starts in the various forces and moves up to the secretary level of the Army, Navy, and Air Force, and into the Office of the Secretary of Defense. This legislation, if enacted, would do that.

We have had in the last few years approximately 1,669 bases or facilities of some type abroad that service the vast forces of American military personnel overseas. So far, 661 of those have been closed, or reduced in size. That is appropriate with the changing posture and force needs that have come about as a result of the end of the cold war, but there are still almost a thousand facilities abroad. The Secretary of Defense will presumably close a number of those tomorrow. I think that we should take a careful look at what remains after his action. Thus, I commend this legislation to the House. This proposal is in the national interest as we see very skilled, qualified Americans holding jobs with dignity who are slowly being put out of work, endangering the capacity of this country to deal with the needs of our forces in repair and maintenance should future emergencies arise.

I enclose as exhibits for this legislation the text of the bill as well as various lists of bases overseas.

The material referred to is as follows:

H.R. 1321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSIDERATION OF MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES FOR CLOSURE AND REALIGNMENT.

(a) EXPANSION OF SCOPE OF BASE CLOSURE LAW.—The Defense Base Closure and Realignment Act of 1990 (Part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by redesignating sections 2910 and 2911 as sections 2911 and 2912, respectively; and

(2) by inserting after section 2909 the following new section:

"SEC. 2910. CONSIDERATION OF MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES.

"(a) RECOMMENDATIONS FOR TERMINATION AND REDUCTIONS OF MILITARY OPERATIONS OUTSIDE THE UNITED STATES.—With respect to recommendations made in 1995 for the closure and realignment of military installations under this part, the Secretary and the Commission shall include recommendations for the termination and reduction of military operations carried out by the United States at military installations outside the United States.

"(b) SELECTION CRITERIA.—(1) Not later than December 31, 1993, the Secretary shall publish in the Federal Register and transmit to the congressional defense committees the criteria proposed to be used by the Department of Defense in making recommendations for terminating and reducing military operations carried out by the United States at military installations outside the United States. The Secretary shall provide an opportunity for public comment on the proposed criteria for a period of at least 30 days and shall include notice of that opportunity in the publication required under the preceding sentence.

"(2) Not later than February 15, 1994, the Secretary shall publish in the Federal Register and transmit to the congressional defense committees the final criteria to be used in making recommendations for terminating and reducing military operations carried out by the United States at military installations outside the United States.

"(3) The criteria developed under this subsection, along with the force-structure plan referred to in section 2903(a), shall be the final criteria to be used in making recommendations for terminating and reducing military operations carried out by the United States at military installations outside the United States, unless the criteria are—

"(A) disapproved by a joint resolution of Congress enacted on or before March 15, 1994; or

"(B) amended by the Secretary in the manner described in section 2903(b)(2)(B).

"(c) RECOMMENDATIONS OF THE SECRETARY.—The Secretary shall transmit recommendations to the Commission for the termination and reduction of military operations of the United States at specified military installations outside the United States. The recommendations shall be included in the recommendations transmitted to the Commission with respect to the closure and realignment of military installations inside the United States under section 2903(c).

"(d) REVIEW AND RECOMMENDATIONS BY COMMISSION.—The Commission shall review the recommendations transmitted by the Secretary under subsection (c). The Commission may make changes in the recommendations made by the Secretary only in the manner provided in subparagraphs (B), (C), and (D) of section 2903(d)(2). The Commission shall include, in its recommendations to the President under section 2903(d), its recommendations for the termination and reduction of military operations of the United States at specified military installations outside the United States.

"(e) REVIEW AND TRANSMITTAL BY THE PRESIDENT.—The recommendations transmitted by the President under section 2903(e) shall contain the recommendations of the Commission for the termination and reduction of military operations of the United States at specified military installations outside the United States.".

(b) CONFORMING AMENDMENTS.—(1) Subsection (b) of section 2901 of such Act is amended to read as follows:

"(b) PURPOSE.—The purpose of this part is to provide a fair process that will result in the timely closure and realignment of military installations inside and outside the United States.".

(2) Section 2911 of such Act, as redesignated by subsection (a)(1), is amended—

(A) in paragraph (4), by inserting after the first sentence the following new sentence: "With respect to military operations carried out by the United States outside the United States, such term includes the sites and facilities at which such operations are carried out without regard to whether the sites and facilities are owned by the United States."; and

(B) by adding at the end the following new paragraph:

"(8) The terms 'closure' and 'realignment' include, with respect to military operations carried out by the United States outside the United States, the termination or reduction of such operations.".

THE SECRETARY OF DEFENSE,
Washington, DC, March 10, 1993.

Hon. STEVE HORN,
U.S. House of Representatives, Longworth House Office Building, Washington, DC.

DEAR STEVE: As you know, I have been trying to think through for some time a new strategic basis for protecting Americans and American interests against the new threats of the post Cold War world. The disintegration of the Warsaw Pact and the Soviet Union has given us a historic opportunity to downsize our forces in a strategically smart way and to reinvest some of the resources no longer needed for defense in areas of civilian growth.

Closing military bases we no longer need for defense purposes is a key component of this strategy. Later this week, I will make public a list of military bases proposed for close and realignment. Today, I'd like to describe for you the rationale and process I'm using to develop the overall plan.

The attached memorandum offers additional details. Briefly, there are four key points:

Closing Bases Saves Taxpayer Dollars and Maintains Military Effectiveness. We must shed an inefficient and large Cold War overhead structure in order to free up the resources to properly invest in military effectiveness and civilian growth enterprises. In so doing, we'll also save billions of dollars to contribute toward reducing the deficit.

The Process for Closing Domestic Bases is Objective and Fair. Politics must not play a role in the base closure process. Congress gave the Executive Branch extraordinary authority to close bases, using a fair and analytical process driven by the force structure plan and objective criteria. The Department of Defense has used this method in developing its recommendations and the final decisions rest with an independent, bipartisan Base Closure Commission.

We're Reducing Overseas Bases Even More than Bases Here at Home. The Department of Defense will reduce its overseas base structure much more than in the US. We expect to announce additional overseas base closures within the next several weeks and will work toward even bigger announcements in the early autumn timeframe.

We will Reinvest for Growth to Create Good, New Jobs. I am committed to a proactive program on reinvestment. The President will shortly make public our plan for using the Reinvestment funds previously authorized and appropriated by Congress to support economic growth and to create new, good jobs for our people, communities and defense industries.

Important work lies ahead. I hope I can count on your input and support as we move through the process.

With warm regards,

LES ASPIN,
Secretary of Defense.

THE SECRETARY OF DEFENSE,
Washington, DC, March 9, 1993.

Memorandum from Les Aspin, Secretary of Defense.

Subject: Base closure and realignment.

Because of the collapse of the Soviet Union and the end of the cold war, the Defense Department must get smaller. We are downsizing in the same way many major corporations are. Just as they are eliminating overhead and closing unneeded plants, so we are inactivating forces, eliminating overhead, and closing unneeded military bases worldwide.

By downsizing in this way, we make resources available to allow us to do the right things in defense: maintain the quality of people in uniform and maintain the technological edge of their weapons.

Our overall base closure policy is an important part of this effort. The policy has five compelling characteristics:

It saves money that would otherwise go to unnecessary overhead.

It supports military effectiveness by reducing the competition for ever scarcer resources.

It is fair and objective.

It hits bases overseas harder than those at home.

It supports the investment necessary to foster economic growth.

SAVING TAXPAYER DOLLARS AND MAINTAINING MILITARY EFFECTIVENESS

Closing military bases worldwide saves taxpayer dollars; permits DoD to invest properly in the forces and bases it keeps in order to ensure their continued effectiveness; and frees up valuable defense assets (people, facilities and real estate) for productive private sector reuse.

The defense budget will decline by 40 percent in real terms from 1985 to 1997, and military personnel in the United States will be reduced by 30 percent. Base closures have lagged behind this overall drawdown. No bases were closed until two years ago, following decisions made in the 1988 and 1991 rounds of base closures. Under those two rounds, domestic base structure was reduced by only nine percent, measured by plant replacement value.

Plant replacement value is what it would cost to replace all the buildings, pavements, and utilities at a base. We measure our progress in terms of plant replacement value because it is a better measure of magnitude than simply counting large bases and small bases equally.

Failure to close bases in line with reductions in budgets and personnel constitutes a double hit: Resources are drained into bases we don't need, and therefore are not available to buy the things we do need.

BEING OBJECTIVE AND FAIR

Congress has given the Executive Branch extraordinary authority to close domestic bases, provided the Executive Branch follows the established rules strictly, and keeps faith with the Congress.

This means using an objective, fair analytical process for closing bases that will withstand scrutiny by the Defense Base Closure and Realignment Commission, the General Accounting Office, Congress and the public. The process has worked well so far.

The Military Departments and Defense Agencies made their recommendations to me on February 22, 1993. The Joint Staff and the Office of the Secretary of Defense reviewed the recommendations and underlying analyses to ensure that the law and DoD policies were followed.

I will not recommend any base for closure that would conceivably be kept open under a revised force structure plan.

The recommendations I will make, however, are consistent with a six-year force structure plan. The plan DoD has used in the Bush Administration's "base force." The legal deadline for recommendations precluded us from making changes based on future force reductions not yet decided.

The "base force" has twelve active Army divisions; we will have room to station all of them. It has twelve carriers; we will have room to berth all of them. It has 1098 active Air Force fighters; we will have room to beddown all of them.

Unless the force structure is increased above the "base force," we will have all the bases we need.

I am confident, therefore, that future changes will decrease force structure, and will require more, not fewer, base closures than those I will recommend at this time.

REDUCING OVERSEAS BASES EVEN MORE

DoD is reducing its military forces and its overseas base structure much more than in the U.S.

DoD has, to date, announced it will end or reduce its operations overseas at sites accounting for 28 percent of replacement value.

Our plan is to reduce the overseas base structure by 35–40% as we complete our reduction in personnel stationed overseas to about 200,000, down 56 percent from 1985.

DoD base spending overseas will also decline dramatically, both because of troop reductions and because Japan and Korea are paying an increasing share of the costs of stationing U.S. forces there.

While DoD will continue to reduce its forward deployed forces, those forces have played a fundamental role in regions vital to the national interest. Permanently stationing and periodically deploying forces overseas have been key to averting crises and preventing war. They show our commitment, lend credibility to our alliances, enhance regional stability, provide crisis response capability, and promote U.S. influence and access throughout the world.

SUPPORTING THE REINVESTMENT NECESSARY TO RESTORE ECONOMIC GROWTH

Closing domestic bases and reducing DoD's weapons and equipment purchases are critical elements of a balanced defense drawdown—one which will preserve a fully capable, albeit smaller, military.

Nationally, the drawdown in defense spending does not pose any extraordinary problems for the economy. The economic impact of the planned drawdown is actually smaller than the impacts after the Korean and Vietnam wars. However, the impacts are substantial in regions where the local economy depends heavily on defense spending.

There are three ways DoD can help support economic growth: investing in people, investing in industry, and, investing in communities. The President will soon announce more details on his plans in this regard.

FOREIGN AREAS[1]—MILITARY INSTALLATIONS AND PROPERTIES

[As of September, 1991]

	Army	Navy	Marine Corps	Air Force	Total
Australia		1		1	2
Belgium	1				1
Bermuda		1			1
Canada		1			1
Cuba		1			1
Diego Garcia		1			1
Germany	15			8	23
Greece		1			1
Greenland				1	1
Iceland		1			1
Italy	2	2		2	6
Japan	2	6	3	3	14
Korea, Republic of	4			2	6
Netherlands	1			1	2
Panama	1	2		1	4
Philippines		3		0	3
Portugal				1	1
Spain		1		1	2
Turkey	2			4	6
United Kingdom	1	3		10	14
Total foreign areas	29	23	3	36	91

[1] Does not include reserve centers and minor properties.

Source: Defense Almanac, September/October 1992.

CREATING EXPENSIVE JOBS

Mr. BACHUS of Alabama. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes, to revise and extend my remarks, and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS of Alabama. Mr. Speaker, despite an economy that created over 365,000 new jobs last month without any expense whatsoever to the American taxpayer, the Clinton administration clings desperately to the myth that their stimulus package is needed to create jobs.

Just this morning there were front page headlines: "Spending, Home Sales Spur Growth." The economy is improving across most of the Nation and will remain healthy throughout the year, presidents of the 12 Federal Reserve banks said Wednesday.

Despite a recovery that the Federal Reserve governors described as broad-based, gaining in strength every day and likely to continue for the remainder of 1993, one which should create millions of new jobs and without any additional intervention, the Democrat administration wants to plow ahead with their unneeded and expensive economic stimulus, and how many new jobs will their stimulus plan create?

Well, according to OMB, 209,000 jobs will be created or added to the work force as a result of this so-called economic stimulus legislation.

How much will the Clinton program cost? The bill will cost over $16 billion.

Now let us do a little arithmetic. That means that each job created by Government intervention and the Clinton administration will cost $93,300, almost a hundred thousand dollar price tag to the American taxpayer for each job created by the Clinton administration.

Mr. Speaker, I do not think the Government should be in the business of creating 100,000 jobs for a small group of Americans, especially when the economy on its own is creating monthly twice as many jobs as the total projected to be created by the entire Clinton economic stimulus package without Government intervention or without any cost to the American taxpayer.

Mr. Speaker, Members of the House, if the President really wants to help out long-term economic growth, he should concentrate on cutting spending, not increasing it, not adding to the deficit and making the American people pay that back.

CLINTON ADMINISTRATION PLANNING TO SEND 20,000 AMERICAN TROOPS INTO BOSNIA

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, today's New York Times reports that the Clinton administration plans to send up to 20,000 American troops into the killing zone of Bosnia. This is supposed to be part of a so-called U.N. peacekeeping force.

But the military planners know the truth: The civil war will continue. That means American troops will be caught in the middle—targets for the artillery, the machineguns, and the snipers.

Mr. Speaker, some of us haven't forgotten what happened to our marines in Lebanon. And some of us see our troops being shot at in Somalia.

And we know Bosnia will be much worse for American troops.

The Clinton plan is a prescription for disaster.

And one has to wonder why a man who avoided serving his country in war, why a man who protested in Europe against his own country, is now so eager to put American troops in the middle of a conflict that we can never solve.

Mr. President, on behalf of those Americans who are willing to serve their country, I appeal to you, don't use American troops as your political pawns.

□ 1610

GOVERNMENT REGULATION

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, since my election to Congress I've heard from many constituents frustrated with Federal regulations on business.

A small business owner in Allegheny County was told by an OSHA bureaucrat after a surprise visit that he had the safest, best run facility he had ever inspected. Then the businessowner was fined $1,300 for not having his paperwork up to date.

Another business executive in Lynchburg told me that it's easier to deal with the Socialist French Government than our own Federal Government.

The U.S. Chamber of Commerce estimates that Federal regulations cost each American family more than $4,000 per year. Others estimate this cost to be in excess of $10,000 per household.

Overregulation is the great hidden addition to the Federal budget deficit. When businesses must meet needless paperwork requirements, they have less money to pay higher wages to workers and dividends to investors. Smaller paychecks mean less revenue to the Government and a bigger deficit.

Congress must slash the Government redtape that makes it difficult for businessowners to earn a living. But it's frustrating dealing with those in Congress who still believe the Government can solve all of society's problems.

If left unchecked, new regulations will reduce business profits, raise prices, and limit economic growth. Ultimately, it's consumers who shoulder the regulatory burden of this hidden form of taxation.

REAL CAMPAIGN FINANCE REFORM

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore (Mr. LANCASTER). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, I'm a new Member of Congress. Before I was elected, I would see on C-Span a Congressman speaking to an essentially empty House, and I thought it fairly odd. So I haven't come to the well to make one of these special order speeches until now.

But today I want to speak directly to all those Americans who are interested enough in our Government to watch the House in session even to the final fall of the gavel. I want to talk about campaign finance reform—real campaign finance reform.

The campaign last year in my congressional district was very expensive. My committee raised and spent $750,000. The incumbent we defeated outspent us by nearly one-half a million dollars. The difference reflected his ability to collect hundreds of thousands of dollars in political action committee, or PAC dollars.

I'm not here to condemn PAC's.

PAC's solicit voluntary political contributions from employees or union members and then contribute sums of up to $10,000 per election to selected candidates for Congress. The argument that can be made in support of the PAC system is that it enables like-minded individuals to join together to support candidates who support their philosophy or who are sensitive to their particular needs and interests.

But there are strong arguments that must be made to demonstrate why the time has come to enact real campaign finance reform—reform that does away with the PAC system entirely. Last week I announced that I simply will not accept PAC money for my reelection campaigns. It's a tough thing to do, but I'm convinced it's the right thing to do.

What's wrong with the PAC system? First, it undermines the public's confidence in the independence and integrity of its elected Representatives.

When a Member of Congress casts votes critical to the interests of a particular labor union, industry, or trade association on one day, and then solicits these same interests for financial contributions the next, he or she creates at least the appearance of basing his or her vote on what's good for the contributor and not on what's good for the people he or she represents. Our duty must not be to just avoid conflict of interest; our duty must be to avoid even the appearance of conflict of interest.

Second, it protects incumbents and allows outside interests to dominate local concerns.

Picture the case of an incumbent Member of Congress who has been here too long and who has become out of touch with the voters. He or she is challenged by a bright, dynamic individual who may be willing to work harder, may be more representative of the district's voters, and all in all has a better message. The challenger may even be able to attract more individual contributors from within the district. But the incumbent is the chairman of an important committee or subcommittee. The PAC dollars flow to the incumbent from all over the country. The incumbent dominates the airways with slick, misleading television ads attacking the challenger. The challenger's message is overwhelmed. The incumbent is reelected largely on the strength of special interest money from out of State. Power and position win. Principle loses again.

Third, the PAC system reduces the incentive for individual voters to get personally involved in choosing which candidate to support.

For example, under the PAC system we have today, a union member may give money to a political action committee—and completely dismiss his or her responsibility as a voter to evaluate the candidate on a wide agenda of issues. Neither voters nor candidates are one-dimensional. Steamfitters shouldn't judge candidates based only on their views on steamfitting. Neither should doctors, lawyers, teachers, or anyone else limit the evaluation of a candidate to one narrow band of issues. When a donation comes directly from the voter to the candidate of choice, the contributor will be more inclined to consider more of the candidate's views on a greater spectrum of issues.

Americans voted for change last November. They voted for reform. They don't want symbolic gestures, press releases, or studies. They want results. Real reform means campaign finance reform. And real campaign finance reform means doing away with the PAC system and returning political power to the voters of each congressional district.

ATTORNEY GENERAL INVOLVEMENT IN JURY SELECTION IN TENNESSEE

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. SCHIFF. Mr. Speaker, I want to address an ongoing controversy that deals with the Acting Attorney General of the United States, Mr. Stuart Gerson, and the allegation that Mr. Gerson chose to involve the Justice Department in the jury selection process involving the trial of our colleague, Representative FORD, from the State of Tennessee.

It is my understanding that Mr. Gerson directed the U.S. attorneys actually involved in the case to change their position that they had in the midst of the jury selection process, and basically to adopt the position advanced by Representative FORD's attorneys.

It is my understanding that over that, at least one U.S. attorney in the State of Tennessee resigned on the spot, and indeed the judge rejected the argument advanced by Representative FORD's attorneys and by then the U.S. attorneys and continued the jury selection process, and the matter is now at trial.

Of course, I do not express any opinion on the merits of that case that is now at trial. I am addressing only the involvement of the Justice Department in the jury selection matter.

The suggestion was made, and hence the controversy, that the Attorney General of the United States acted on this matter under political pressure, particularly under political pressure from the White House. However, the White House, the President of the United States, the administration, and the Acting Attorney General, have all denied this. They have all stated that the Acting Attorney General acted solely on his own and made the decision by himself. And I want to state that I have no reason to challenge this decision, and I accept that explanation as given.

However, I do not accept that that explanation should end the controversy. I personally am not aware of any situation previously where an Attorney General or Acting Attorney General directed a U.S. attorney or assistant U.S. attorney to change their position on jury selection in the middle of a case. As far as I know, that is unprecedented.

Even if this matter does not involve political pressure from the administration, which again I accept as not the case, it still raises the question was some action taken in this case by the Justice Department, because, and simply because, the defendant on trial is a Member of the House of Representatives, that would not have been taken in an identical set of circumstances if the defendant were not a Member of the House of Representatives?

Mr. Speaker, I therefore think that this matter still warrants inquiry and investigation. I have written to the subcommittee chairmen of jurisdiction on both the Committee on the Judiciary and the Committee on Government Operations, both of which I serve on as members of the full committee, asking their subcommittees to hold an investigation, a hearing on this matter, in which the Acting Attorney General of the United States can come forward and explain his involvement in this case and explain his reasons and allow us to question those reasons. If adequate reason is given, then that would put the matter to rest. But right now, Mr. Speaker, I regret to say that I think the whole matter is being swept under the rug.

THE WORLD TRADE CENTER BOMBING

Mr. FRANKS of New Jersey. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. FRANKS] is recognized for 5 minutes.

Mr. FRANKS of New Jersey. Mr. Speaker, I was shocked and appalled, along with the rest of our Nation, at the recent terrorist bombing of the World Trade Center in New York City. This cowardly attack left 5 people dead, and injured over 1,000 innocent people.

Yesterday, the FBI announced yet another arrest in this case. The FBI captured a Kuwaiti immigrant who allegedly helped make the bombs used in this incident. I believe that our Nation owes the FBI and all our law enforcement officials who participated in this investigation a debt of gratitude for their swift work in bringing these criminals to justice.

However, while the FBI's investigative work after the blast has been exemplary, their work before the bombing deserves further scrutiny. For example, it is now known that Mr. Salameh, the man who allegedly rented the van used in the bombing, was under surveillance by the FBI for his connection with Sheik Omar Abdel Rahman. My colleagues may recall that Sheik Rahman is the radical Moslem cleric who was tried and acquitted in Egypt for the 1981 assassination of President Anwar Sadat.

What is even more disturbing is that Sheik Rahman's name appears on a Federal Government list of suspected terrorists. This raises a fundamental question. How did this man get into the country in the first place? The Federal Government is now trying to deport Sheik Rahman, but to date has been unsuccessful. I find it unconscionable that our immigration laws are either so lax or poorly enforced that we are unable to quickly deport a man like Sheik Rahman.

Protecting the World Trade Center also deserves added attention. Today's New York Times reported that the Port Authority of New York and New Jersey's office of special planning, whose job is to assess security, had once recommended closing the garage where the blast occurred because it seemed to invite a car attack. For whatever reason, that recommendation was disregarded. In light of recent events, I urge the port authority to reexamine all of its security measures.

Mr. Speaker, many of my constituents work in the World Trade Center and had to go through this terrible ordeal. Although according to the FBI this incident appears to be the work of a relatively unsophisticated group of saboteurs, we must nevertheless remain ever vigilant in our fight against international terrorism. Finally, to better protect our citizens, the House should move expeditiously to pass legislation that would make acts of domestic and international terrorism a Federal crime punishable by the death penalty.

HOMOSEXUALS IN THE MILITARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN. Mr. Speaker, with the rush of business yesterday on the authorization bill for the National Institutes of Health, I was unable to come to the floor about an article on the front page of the Washington Times that really has me upset at the Pentagon. And that is pretty rare, because I admire our women and men in uniform serving our country.

It is about a lieutenant that was silenced by the Pentagon. The Washington Times front page headline is "Proban Lieutenant Silenced," meaning he is for the ban on allowing professed, avowed homosexuals, that is by definition activists, to be recruited or to stay in the military once they come out of privacy.

I do not use that stupid, ignorant, pejorative term "in the closet"; privacy over sexual conduct has nothing to do with a bad, naughty stepmother making you hide in a dark closet. It is just what it says, privacy.

And for those that want to proclaim openly their homosexuality, which is that very important proclamation, is, therefore, an admission of homosexual activity or activism in the military services, is something that has got to be blocked and stopped and the current policy should be respected.

So let us look at this story, because I am glad, in a way, I did not come to the floor yesterday, because I have researched who this gentleman is, this Navy lieutenant, David Quint, and find out that the plot thickens, because he is an Annapolis graduate. And at the Naval Academy up the road here in Maryland his roommate was one of the nine battalion commanders who has now become the poster boy of homosexual activism vis-a-vis the military because his name is Joseph Stefans.

He lives in New York now, in a homosexual relationship that he refuses to talk about. But I have seen this Joseph Stefans get front page coverage in Sunday magazine supplements to the New York Times, I believe also the Washington Post, People magazine, several page coverage, all of it glorifying him as this great loss to the U.S. military.

I debated Mr. Stefans, formerly a midshipman. He was kicked out, I think, as long ago as April 1987, in his last year at the Naval Academy.

I have debated him on the "Larry King Show," a nationwide show of some repute and a show that creates Presidential candidates, as a matter of fact. And I have also debated him on "Nightline," a loaded deck. The host, Forrest Sawyer, always introduced as a Reagan defense expert but liberal in nature, Larry Korb, three against one, but I have been against Stefans twice on television. And in between the "Nightline" appearance, where I would say the truncated, imbalanced debate was a draw, I was visited in my office by a Marine colonel, an Army Marine colonel, a Navy full captain, and an Air Force colonel explaining, this is months ago, explaining how they never go on the media, spokesmen from the Pentagon, because "We always lose, the deck is always stacked by the media culture against us, as it was against you, Mr. DORNAN." They said, "However, we never lose in court."

And they never did in a local decision last or a few weeks ago out in Los Angeles by a Federal judge, which pertained only to his jurisdiction there in southern California. So that is pretty good, 99.9 percent history rate in court for maintaining this ban against avowed, open, professed, activist homosexuals in the military.

Let me go into this article a little bit, Mr. Speaker, and try and see what we can learn from this, elucidate this issue a bit.

A little quoting here from Rowan Scarborough's article.

"Naval Spokesman Angered Superiors" is the subtitle.

"The Navy has muzzled an official spokesman," official spokesman of the public information office for all matters of naval importance, "for expressing his opposition to lifting the ban on homosexuals in the military."

He was muzzled.

"The Public Affairs Officer, Lt. David Quint, was threatened with disciplinary action if he did not stop that advocacy as a naval officer."

□ 1630

In other words, if he did not stop upholding a 50-year policy that is actually a several hundred year policy. "Lieutenant Quint declined to comment yesterday, saying any utterance might place him in violation of the gag order."

I may just be contacting Lieutenant Quint to come up to the Hill and speak before one of my subcommittees of the Committee on Armed Services, including having his commanders invited up here.

"Friends of the naval officer said the Pentagon spokesman believes the Navy violated his freedom of speech." I am inclined to believe that, also.

> The acquaintances, one of whom provided the disciplinary memo to the Times, complained that the Navy took no similar action during the past two years of public debate on women in combat. During that time, female officers in uniform gave numerous press interviews on their opposition to the current combat ban.

Let me discuss that statement, because it is not only true, this Member of the U.S. House of Representatives from California witnessed this. Not only did women in uniform give interviews, and they were almost always officers, because enlisted women, 95 percent said "We do not want to be in combat," but because of career advancement reasons, and I will concede, maybe some courage in many of the cases, they not only gave interviews in uniform, female officers, but I went over to the Senate side because this Chamber, Mr. Speaker, as we know gutted out on this issue.

We did not have day one, not a minute of hearings on women in combat in the military. We have not even thoroughly debated women in support combat units and what is happening: for example, 18-percent pregnancy rate of all women who go to sea on our auxiliary support ships. We have not even debated that. But in this House there was no debate. We deferred to the Senate.

The Senate got it out, except it set up a commission, thanks to senior Democrat, ex-Marine officer and Mig, almost an ace, shot down three Mig's in Korea, astronaut hero JOHN GLENN of *Freedom 7* fame, and the first missile program we ever had, the first man to orbit the globe; and POW hero for 6½ years, JOHN MCCAIN, Republican Senator.

Thanks to those two taking the lead, we had a commission on women. I thought it was a pretty balanced commission. All viewpoints were heard. They issued a decision, an advisory decision to then-President Bush that women should not be in combat.

When I testified before that commission and went over there and had discussions in the halls and did a little lobbying, I saw women in uniform, I think particularly of two Army captains in uniform, lobbying.

My own past is not particularly perfect in this area. I marched with Reverend Dr. Martin Luther King on August 28, 1963, Mr. Speaker, in my Air Force uniform with two rows of peacetime fighter pilot ribbons, my Air Force silver wings, my captain's bars, my summer silver tans, the uniform long gone.

I knew I was probably violating a military regulation for making a political statement on civil rights and using my uniform to do it. I was 27 years of age, excuse me, I had just turned 30, 1963, and I have pictures in front of the Washington Monument sitting with a whole delegation of some pretty famous people, since I was not known outside of my own family, sitting next to the late Sammy Davis, Jr.; the late fine actor Robert Ryan; the late great screenwriter of "Judgment at Nuremburg," just coming off an Academy Award, Abby Mann; the fine actor and Korean Army veteran and liaison pilot James Garner. We were all there in this delegation.

All I had to offer was my Air Force captain's uniform. I was willing to put my career on the line because the Kennedy brothers were hiding in the White House. They did not want to get out in front of Dr. King.

I was proud to be there in August 1963, because I had flown with African-Americans, then called black officers, who taught me to fly a fighter and flew with me in F–100's at George Air Force Base; Fig Newton in the adjoining squadron, my own flight commander who is now a medical doctor, heard from him the first time in 35 years the other day; retired Major Wilson, who was my flight commander a few years before at George Air Force Base.

I was proud to march in my uniform. My best memory of that day, other than looking around and seeing the tears flowing down everybody's face as Dr. King made that beautiful "I Have a Dream" speech about all of us living in harmony, with brotherhood really meaning something, I remember walking down Constitution Avenue, I think it was the parade approach to this gathering of some 250,000 people, without even a fistfight, not a harsh word, not a scuffle that I knew of.

I remember a little child coming up to me, a black child, a little boy. He says to me, "Sir, are you guarding or marching?" And I said, "I am marching, son." And he slipped his hand into mine and for fully half that march, all the way up until he went his way in front of the Lincoln Memorial, I held that little black child's hand.

I never wore my Air Force captain's uniform more proudly than I did that day. The fact is, people told me later when they saw the photographs come back, and you can check them in my office, I am proud of them, they said, "You broke Air Force regulations. You were making a statement in your uniform and you were not supposed to do that." This article kind of gets into that.

There are some issues that transcend a rule that limits the freedom of speech of our men and women, officers and enlisted, who are on active duty or even are quite active in the Reserve.

Listen to the rest of this article: "The Quint Case," and I do not like the sound of that, and I am sure Lt. David Quint does not, either, "the Quint case illustrates the tightrope pro-ban officers, including the Joint Chiefs of Staff," and now we are talking about people with eight stars, four on each shoulder, "walk as they attempt to implement President Clinton's order to ease some restrictions on homosexuals in the Armed Forces.

"It also shows, according to allies of Lieutenant Quint, how senior officers moved to stamp out dissent on the issue so as not to appear in opposition. The President is preparing to order the ban lifted on July 15"; not until we have had hearings here and in Senator NUNN's Committee on Armed Services, and in the subcommittee of my good friend, Chairman IKE SKELTON.

The hearings have been put off for a week. We do not have to appear on St. Patrick's Day next week, but the week after on the full Committee on Armed Services. We are a bit out of sync. We should have Mr. SKELTON's subcommittee hearings first and then the full committee, but people are interested in this.

The article continues: "All six members of the Joint Chiefs, including the chairman, Gen. Colin Powell," proudly of African-American descent, by way of his parents coming as immigrants to the United States that they loved from Jamaica and becoming citizens, they all oppose, the Joint Chiefs, removing the ban. "But they stopped expressing that view publicly so as not to contradict Mr. Clinton, the Commander in Chief."

"Lieutenant Quint's superiors ordered him to stop talking the same day senior Pentagon officials 'chewed out' several Admirals for an anti-homosexual comment in the New York Times that was attributed by name to a senior Navy spokesman," a lieutenant commander, by the way.

"Navy sources said the unhappy senior officials include General Powell. But the General's spokesman, Col. Bill Smullen, said 'I'm not aware of that, and I am sure I would have been apprised of that.'" I will bet he would, too. So people in the press are cranking in Colin Powell without his permission.

"Lieutenant Quint expressed his views in several forums," including conservative radio talk shows; are there any other talk shows these days, other than conservative ones; "including the Christian Broadcasting Service on cable TV." That was either their new show or their new 700 Club.

"He also addressed the issue during duty hours in his work space;" his superiors claim, at the Navy's Central Public Affairs Office in the Pentagon. "Because previous counseling apparently has not been heeded, this letter is directive in nature," said a memo to Lieutenant Quint from Cap. Fred Leeder, Deputy Chief of Information."

Captain Fred, you will hear from Congressman BOB DORNAN from California. I want to chat with you, Fred. I admire guys in uniform. A full captain like you, that would be a colonel in my service or my dad's Army service. I want to talk to you, Fred; want to find out from you what you think of homosexuals in the military. It is my privilege to quote you or not, but I have a right to ask you as a Congressman who sets your pay scale.

"You will refrain immediately," says Fred Leeder, to his lieutenant, "from any activity detailed in this letter * * * Violation of this directive may result in disciplinary action which could affect your continued assignment and your professional record."

This to an Annapolis graduate means "They are going to wreck your career, and I will help them do it if you don't back off." Did anybody tell this to these women who were over on the Senate side and had been on this House side moving in and out of our offices, in uniform, arguing for women in combat?

The reason I never came to the floor on that or objected to it was because, I will say this to these women, they were not trying to get out of something, and that is the kind of letters I get from parents or people in the military, to which I write back and say, "I cannot help you get out of anything."

If somebody said to me they want to get into the Special Forces, get on the Delta team, go to pilot training, get into submarine service, get into helicopter school, get into Special Forces, they want to do something, they want to get into a combat unit and put their lives in harm's way if we go to war, small or large, I bend every rule in my office to help people get into something.

These women were fighting to get into combat. I knew they were bending their free speech that is limited by wearing the uniform, but I did not say anything. However, now this double standard: Women in combat, which I was never convinced was correct, they are allowed to lobby, but when it comes to keeping people who are disrespected by 95 percent of the military, and I feel like saying 99 percent, because they think they are morally corrupt because their gender orientation is to their own sex, anybody who is a strict biblical student or who is an orthodox Jewish, Catholic, Protestant, or any faith, certainly orthodox Islam, finds it morally offensive to take orders from somebody they consider morally corrupt.

This cannot be compared to Harry Truman's order of July 26, 1948. Anybody who went to the Bible that we use when people are sworn in, and didn't President Clinton put his hand on his mamma Kelly's Bible when he was sworn in?

□ 1640

Well, if anybody said I will not follow that person because of the color of their skin, you could go to the Bible and say nothing wrong with that person morally. You are a bigot, you are a racist, you are corrupt by scripture. You are corrupt by Jewish, Catholic, or the teachings of the major religions in the world. What Harry Truman is doing is correct, and besides, folks, get this, there were tens of thousands of people of color in uniform in 1948. It is just that they were segregated in their own units, and demeaning to their dignity in some of the units the officers were white. And that went all the way back to the Civil War. Crispus Attucks, an African Englishman, actually, or whatever you would call a pre-colonial American, died at Lexington Green in April 1775. A black American gives his life for his country, Crispus Attucks.

If anybody saw the movie, "Glory," and did not have tears come to their eyes with the 54th Regiment, led by Col. Bob Shaw, a white officer of Boston still in his twenties, and the attack on Battery Wagner, now called Fort Wagner, which was not more than a battery at that time, that black regiment brought such glory then to all black units throughout the Civil War on the Union side that it is incredible that it took from 1864 in that battle all the way until 1948 to integrate black units in with every other unit in the country.

This cannot be compared to telling an officer or an enlisted man who refuses to follow somebody because he is an avowed homosexual, because when you go to the Bible in that instance, whether it is in Genesis, or the third book of the Penteuch, which is called the Torah in the Jewish law, the first five books of the Bible, book one and three are very explicit about homosexuality. An abomination. In St. Paul's letters to the Romans when he takes the word of Jesus across the then-known Mediterranean world, writing to no less than the Romans themselves, he points out what an abomination it is.

Go to the Bible, these officers. I am sure Lieutenant Quint as a roommate of the poor, pathetic poster boy, Joseph Stephens of the homosexual movement, I am sure he feels nothing but pain, sorrow, and friendship for Joe from his Annapolis days, and this is what may be causing him to speak out.

Let me get back to the "Larry King Show." I did not tell you what all of the senior field-grade officers, the colonels and the Navy captains told me in my office, that Stephens lies when he goes on a television show, and said he never engaged in homosexual conduct, that he only told a couple of friends, and then by implication they ratted on him and destroyed his naval career as an officer. They showed me documentation that two freshmen on the main Annapolis choir—Joe Stephens used to be a practicing Catholic, I am sure. He is from a small town in North Dakota, the only kid from that area ever to go to one of our service academies, traditional Scandanavian Catholic family, two sisters, mother, dad, all broken hearted over this. So he is on the Catholic choir because the whole Annapolis choir travels more, and he switched over to the main Annapolis choir. He sang the "Star Spangled Banner" back at the Army-Navy games of 1986–87 and the 1985–86 season when he went to the main, big choir which travels around the country, scholastic requirements notwithstanding. He woke up two freshmen at night, and I see in this print from the Navy document, he was rubbing their stomachs. In other words, a pass, a pitch, a move, hitting upon freshmen as a senior battalion commander, one of the eight gays. I put this proposition right in his face on the "Larry King Show," and he turned ashen white, even under his makeup, and he fled the studio. Larry King said, "Well, you sure hit him." And I said go to confession, Joe, and make a confession, make a general confession to ease the pain for your mother, father, and sisters, and get back in God's graces, and stop being used by those crazed homosexual movement people like Act Up in New York there. But he did not take the advice and he fled. I pray for Joe occasionally. He will come together someday. I am going to follow this thing through to its logical conclusion. We are suppressing people's freedom of speech on the key issue of a military unit's cohesiveness, combat readiness, morality, yes, and health, yes. I am probably not going to discuss the morality issue in the subcommittee or in the full committee hearings, or maybe not again on the floor until the dust has settled on the military aspects of homosexuals in the military.

Closing out this Washington Times headline article from yesterday, March 10, here is the payoff: "Captain Leeder issued the memo the same day another spokesman, Comdr. Craig Quigley," and he would be a lieutenant colonel in the Marine Corps, Air Force, or the Army, a middle grade, field grade officer, he was quoted in a New York Times story headlined "Military Cites Wide Range of Reasons for Its Gay Ban."

My staff will have that article waiting for me when I get back to my office this evening over the computer Nexus system. Hint.

The commander was quoted as saying, this is Quigley, "Homosexuals are notoriously promiscuous." Statement of fact. I will take it from him and make it my statement. Statement of Congressman Bob Dornan from California, homosexuals are notoriously promiscuous, period, fact. Every survey ever done fairly in the history of modern times.

"Sources said General Powell," Colin Powell, "troubled by persistent reports the Pentagon is bucking Mr. Clinton on the issue, was angered and relayed his feelings to the Navy.

"After the quote appeared, Rear Admiral Kendell Pease —" I think I will be calling Admiral Pease. Some of these folks out across America may want to call him too, Mr. Speaker. He is Navy Chief of Information. That is way up the chain of command of Lt. David Quint. He "ordered his subordinates to make no further comment on homosexuals in the military."

Now how are we going to learn from people in uniform what they think about this issue if they are all furious about it, if morale at the Pentagon is on the floor, and starting with what they have as a Commander in Chief, a former demonstrator, not a draft dodger, but somebody whogot drafted and had his show-up date of 1969 squelched politically, a little different from evading, but changing the draft notice and making somebody else take your place. Or that weak salute. That spread through the corps kind of poorly, a guy who kind of is popping a half salute, and morale is at the bottom at the Pentagon. Everybody listening at the Pentagon knows that, and now you are suppressing them on an issue that is ripping the morale of the military services even further.

Then on that same page Quigley caused this admiral's memo to come out, and that is the day that Lieutenant Quint was reprimanded via the memo.

"Quigley said," 2 days ago, "he knew of no repercussions or complaints from General Powell because of his quote in the New York Times. He said his statement about homosexual promiscuity was not comparable to Lieutenant Quint's statements in opposition to homosexuals in the military. He said his statement was based on research articles he read," now backed up by DORNAN on the House floor.

Commander Quigley, "declined to discuss the Quint case. 'I would never discuss with you the counseling of any junior officer by a senior officer.' " I like that. Good going, Craig Quigley.

"But he added, as a general principle, that 'if a Navy spokesperson has very strong personal convictions on a subject, any subject,' "—any subject? Any subject, something we are going to have hearings on in the House and the Senate? And this had been a national issue since Veterans Day when the President-Elect brought it up in the rotunda on Veterans Day in Little Rock, AR, the rotunda of the State Capitol. "any subject, he or she must be very careful to separate their professional role from their personal convictions."

In other words, BOB DORNAN should not have worn his military uniform and marched with Martin Luther King? Probably. And all of these women should not wear their uniforms when they come here to lobby for women in combat. Lieutenant Quigley should not have worn his uniform to make statements about being in the military if he is on active duty. Free speech, suppressing speech.

Let me tell you my experience. I think it is probably that Quint started to talk about his roommate, poster boy, gay midshipman, sounds like a Dick Powell 1930's movie, "The Gay Midshipman," which was a headline in the Washington Post article, and in one magazine, a posh, Hollywood elitist magazine they had a full-page picture of Stephens with his mouth wide open, and it looked like an ad for the former Morton Downey Show, screaming, the primal scream, you open it up and it's screaming out unfairness in the Naval Academy by not letting him go on active duty as a known homosexual.

So let me close this article. I am continuing to quote Commander Quigley.

"If it is felt that they are crossing the line and blurring the two roles, then it is appropriate and expected for a more senior, more experienced individual would counsel that person on their performance," he said.

"A Navy captain, who asked not to be named"—here comes more guts on the parts of these guys that are fighting our wars for us. I have seen people who have had 300 or 400 combat missions in North Vietnam, rolling in against SAM missiles, MiG interference, flying from Bob McNamara's MiG sanctuaries, unbelievable, Russian supplied, directed antiaircraft fire, and it is known and able to be called factually the most dangerous air warfare environment in the history of flying since the Wright brothers in 1903.

□ 1650

They will have 300 or 400 combat missions, 6 rows of medals, Air Force Cross, Navy Cross, Silver Stars, several times, multiple Distinguished Flying Crosses, and Air Medals, and you tell them that they have to go and testify on Capitol Hill and they pale. I cannot understand that. I do not know why more military people are not up here volunteering to tell us what a dangerous world it is and why these savage cuts of the Clinton administration are going to serve this country poorly, not just 10 years from now but probably as short a period as 4 years from now.

I want people in the military, to use their own expression, to fall on your sword more, get on a white charger like Paul Revere, and ride across this country and tell the truth. It might cost you your career, but you are going to sleep better at night, and not only your grandchildren but your great-grandchildren are going to talk about you in the same way that we talk about great military heroes who gave the warning to their Nation in times when people thought the military was not important anymore.

What is Kipling's poem? "He's Tommy this, and he's Tommy that. Throw him out of here, the brute. But he's the hero of his country when the guns begin to shoot." We are entering that same period again of disrespect for the military.

So this brave, anonymous Navy captain said that the Navy is extremely fearful of offending Mr. Clinton and jeopardizing its standing in budget negotiations with Defense Secretary Les Aspin and the White House.

There are some worst-case scenarios that the Navy's once-growing fleet of nearly 600 ships in the 1980's will shrink to 300 vessels during the Clinton administration. If naval officers, distinguished men and women of high rank, believe that this administration is going to be so petty as to cut naval combat vessels, to cut into the meat and the bone marrow of our national security because they take a stand based on combat-unit cohesiveness, readiness or even morality, that loss-of-respect factor between enlisted kids and their petty officers or NCO sergeants or younger officers in the field grade, if not flag grade, people in the service, if they are afraid to speak out on that, what a mess our military is going to be in.

So all of the aforementioned people I will be calling over the next few days at the Pentagon. I will tell you this: I know what is going on over there. I know there are about 157 Deputy Assistant Secretaries, Assistant Secretaries; a principal Deputy Assistant Secretary is 157 civilian positions unfilled, because my friend and former colleague here for 16 years, Les Aspin, is unable to get these positions filled because the White House wants to sign off on them. That is not the way Mel Laird accepted the Secretary of Defense job under Richard Nixon.

He told his former colleague from this House, President Nixon, he said, "I will answer to you, but you let me pick my own team, and I will leave the House, and I will take that job as Secretary of Defense." And that is the way it works best in a lot of these cases.

Do you know what they are all whispering over there? They are saying that they think that this current Commander in Chief is waiting until the dust settles on some other problems including homosexuals, avowed homosexuals being allowed in the military, and that he is going to stuff these civilian jobs over there with former flower children from the 1960's who also chanted in the streets, "Ho, Ho, Ho Chi Minh, the Viet Cong or the North Vietnamese are going to win. Hey, hey, LBJ, how many kids did you kill today?"

Strobe Talbott, now an ambassador designate to be ambassador to all of the former Soviet republics, a former senior editor of Time magazine, admitted in a disingenuous, if not totally deceitful April 6 Time magazine article, trying to cover over Clinton's draft evasion as draft dodging, when in fact he was drafted and had it squelched, as I just said; he covered all of that over which is, I think, a form of lying. Strobe Talbott admitted on the first page of that two-page foldout article in Time magazine of April 6, look it up, he admitted that he himself, Strobe Talbott, chanted, "Hey, hey, LBJ, how many babies did you kill today," on the campus at Oxford and in the streets of London, and now he is going to be our ambassador and the President's senior adviser on all affairs in Russian or former so-called republics, all Kazakhstan affairs, all Kirghizia, all Turkmenistan, all Moldavia, all Byelorus affairs are going to be handled by this guy who was pulling for a Communist victory and arguing as a moral equivalency that we were as evil as the Soviet Union during all of this very bloody and very hot cold war period of almost half a century.

Well, I know that morale is on the floor, and homosexuals in the military is a key item that is wrecking the morale. And when I see a brave enlisted man on camera look into a network news camera in Somalia and say, "Hey, he pretty loathed us when he was a graduate student in England, and now it is our time maybe to loathe him."

But I see officers running for cover, because they are afraid they are going to be hurt in the budget, more importantly, that means hurt in their own career. I say to these senior men and women that I admire, stand tall, put your country first, put it ahead of your career.

Who knows, God may have a break for you out there in the professional world with a book or a TV show or a teaching position at some university where you will be more fulfilled than during the period when the country is taking so many hits, and do not go around figuring out how to suppress Lt. David Quint when he may have a story to tell about the poster boy, main spokesman for the liberal media on homosexuals in the military, poor Joseph Stephens who to this day, I guarantee you, is still making life uncomfortable for his sisters, breaking his parents' hearts, even though in the articles you can see that they are trying to be supportive of him and whoever he is living with that he doubletalks, and by the way, Stephens in print, in the most recent article, and I do not remember where, but I think it was in New York magazine, an article, that he said, "I admit at the Academy that I was attracted to certain people. I remember once my leg brushed somebody, and it was very exciting." Do we need this in the military? He said, "Well, you have to know when and where, how to call your shots and all that," yes, like hitting on two freshmen on the Naval Choir, and that is why he got busted out.

So he should stop lying, and Quint should be allowed to tell the truth, and we had better standardized how we treat our people.

I would be satisfied with a ruling that says everybody on active duty can speak out, but you cannot do it in uniform, and you must preface every remark on this issue as, "I am speaking as an individual, yes, with my experience as a sergeant, a petty officer, or an enlisted man or high-ranking officer, I am speaking from that experience, but I am speaking as myself; I do not speak for the Department of the Navy or the U.S. Naval uniformed services."

Let us have some sort of fair ground rules here, because I want to hear these people testify up on this Capitol Hill before Mr. SKELTON's committee, Mr. DELLUMS, my main Armed Services Committee, and the committee of the distinguished Senator from Georgia, SAM NUNN. I want to hear people testify without fear, without fear that it is going to destroy their military career.

On that, I am going to my office to read the New York Times articles, and I yield back the balance of my time, Mr. Speaker.

NATURAL GAS: LESS RELIANCE UPON FOREIGN OIL AND A CLEANER ENVIRONMENT

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent to address the House on today for 5 minutes, and I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore (Mr. LANCASTER). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, one of the most important goals of the Energy Policy Act of 1992 was the reduction of our Nation's growing dependence upon foreign oil, by encouraging the use of domestically produced alternative fuels like natural gas.

Mr. Speaker, natural gas powered vehicles, one of the prime new users of natural gas, not only help accomplish that goal but also deliver an extra bonus for us, that is, they help us comply with the new requirements of the Clean Air Act Amendments of 1990.

Natural gas powered vehicles are cleaner for the environment and, of course, present a chance for us to use a fuel produced here in America rather than one imported from distant shores.

For many years, the leading, No. 1, in fact, operator of natural gas vehicles in America has very naturally been a natural gas company, Consolidated Natural Gas, one of the Nation's largest interstate natural gas systems, headquartered in Pittsburgh, PA, and, coincidentally, in New Orleans, LA. Consolidated Natural Gas has for a long time had a natural gas powered fleet of trucks and cars that totaled 1,057 vehicles.

Well, I have just learned that recently Consolidated Natural Gas has surrendered its No. 1 position as the No. 1 user of natural gas in vehicles. They have surrendered that position to the U.S. postal office. The Postal Service has just raised its fleet of natural gas vehicles to 1,070. Of course, Consolidated Natural Gas gladly surrenders that No. 1 spot to the U.S. Postal Service, and by the way, will not be getting back that No. 1 ranking anytime soon, because our U.S. Postal Service intends by September to add another 1,400 natural gas vehicles to its fleets of cars and trucks that deliver the mail for every citizen in this country.

Mr. Speaker, examples like this are occurring all over America as private and governmental fleets are converting to clean-burning natural gas. As we see this occurring, we see one more step toward two important national goals that are good for all American citizens: less reliance upon foreign oil and a cleaner environment for our country.

□ 1700

I salute the U.S. Postal Service. They are showing an example for all of us in America: Government and private fleets could well learn by their example.

More use of natural gas in vehicles in America means less imported oil, more jobs in America, and a cleaner environment for us all.

THE BALKAN CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. SKELTON] is recognized for 60 minutes.

Mr. SKELTON. Mr. Speaker, last month I had the opportunity to travel to Europe, as a member of the Armed Service Committee, when I focused much attention to the on-going crisis in former Yugoslavia. The closer one gets and the more one learns about the situation there, the more intractable the problems in the Balkans seem. To quote Mark Twain: "The more you explain it to me, the more I don't understand it." At present, there are estimated to be over 3 million refugees in the area, and the number will spiral if the fighting spreads to the south into Kosovo and Macedonia.

For almost 1,000 years, the Balkans have hosted one major historical battle after another. The Moslem Ottoman Turks' advance into Europe was halted at roughly the modern Croatian-Serbian border. Before the Turks were driven from Europe many native Balkans had been converted, by force or otherwise, to Islam. Consequently, the conflict between Christianity and Islam remains a potent force in the Balkans and explains much of the present conflict in Bosnia. The Christian rift between Roman Catholic and Orthodox adherents, which occurred in the ninth century, further divided the Balkans.

Balkan history explains the comment of a representative of the International Committee of the Red Cross: The problem is these people are not dealing with each other as people. If the enemy is not a person, ethnic cleansing, murder, rape, and other atrocities are not inhuman. Thus, in the absence of some external factor, the barbarity is likely to continue.

U.S. INTERESTS

The United States should be extremely cautious in its approach to the crisis. Military commanders and diplomats in Europe uniformly warned against imposing a solution. Such an attempt would require several hundred thousand troops, massive resources, and years of effort.

But the individuals I visited argued with equal force that U.S. interests are at stake in the Balkans. First, Americans are offended at the atrocities on innocent people taking place. Second, our credibility with non-Western peoples is at stake. Third, as the foremost provider of humanitarian relief, it is in the interest of the United States to counteract trends that will greatly enlarge the number of refugees.

And fourth, it is also in the interest of the United States that the approach of the community of nations to the Balkan crisis signal resolve in opposing ethnic barbarity. The disintegration of the former Soviet Union has raised the potential for many others. One estimate places 92,000 refugees in the former Soviet Republic of Georgia, 300,000 in Tajikistan, and 750,000 in Azerbaijan and Armenia. It is in the interest of all nations which seek a stable world that those who would exacerbate the ethic divisions in the former Soviet Union and elsewhere be discouraged by the multilateral actions taken to resolve the Balkan crisis.

A UNITED STATES VITAL INTEREST IN THE BALKAN CONFLICTS?

Although the foregoing discussion addressed significant U.S. interests, none would perhaps be viewed as vital. The United States does, however, in my view have a vital interest at stake in the Balkans: ensuring that the conflict does not spread beyond the territory of the former Yugoslavia. The potential for world disorder emanating from the Balkans for the second time in this century is greater than most people realize. One expert, Susan Woodward of the Brookings Institution, placed the chances of the war expanding at 98 percent, if no action were taken to limit the present conflict.

Serbian attempts to consolidate Serb positions in Kosovo and expand to the south into Macedonia could trigger increased tensions between Greece and Turkey, sundering the NATO alliance. It might also bring Bulgaria into the conflict to protect ethnic Bulgarians in Macedonia. The Islamic world, already seriously flirting with anti-Western fundamentalism, could be energized to support Moslems in Bosnia, Kosovo, Albania, and elsewhere. Heavy-handed treatment of the Serbs and other Slavic people would draw Russian opposition and undermine progress in United States-Russian relations. Transregional conflict could also see renewed Romanian-Ukrainian fighting over Moldavia, Hungary seeking to protect 400,000 ethnic Hungarians in Serbia and Germany and Austria acting in behalf of Slovenia and Croatia. Italy, only a short distance across the Adriatic, might find it necessary to take independent measures outside the NATO alliance to protect itself.

DILEMMA: WHAT TO DO?

I have concluded that the United States has to be involved, in fact, should lead the effort to end the Balkan crisis. Why must the United States lead? Why not the Europeans? A Turkish diplomat answered the question. Although the United States is understandably reluctant to play the leadership role in crises so far from its shores, countries like Turkey look to the United States, not the European Community or the United Nations, for leadership. As the only superpower, the United States may not want special responsibilities, but, like it or not, the United States has them. A British Ministry of Defense official added to the argument, pointing out that no other entity exists to provide the necessary leadership. Laying Yugoslavia at the doorstep of the fledgling European Community is like giving an essay test to a first grader, he remarked.

Although I do not pretend to have the complete answer, I offer the following as observations on how to proceed.

BUILD A CONCERT OF NATIONS ON THE BALKANS

The United Nations should sanction, under its auspices, a concert of nations with significant interests in containing the Balkan conflict and ending the fighting.

The United States should undertake the vigorous and continuing diplomatic initiative promised by Secretary of State Warren Christopher on February 10 to build the coalition authorized by the United Nations.

As I envision it, the coalition would include two groupings: First, rim countries—Greece, Bulgaria, Romania, Hungary, Austria, Italy, and Albania; second, other nations with direct economic, cultural, religious, ethnic, political, or economic interests in ending the conflict—the United States, Russia, France, Great Britain, Turkey, Germany, Egypt, Spain, Holland, Saudi Arabia, Japan, and Ukraine. Although all of these countries, and others, would be important members, the most crucial after the United States is Russia with its strong ties to Serbia. Ambassador Bartholomew's visit to Russia within hours of being appointed the United States envoy to the United Nations and European Community, Vance-Owen, negotiations on Bosnia signals that the Clinton administration understands this point.

The coalition-building effort would be comparable to that of the Persian Gulf war, but the nature of the coalition would be different. Unlike the unified opposition of the Persian Gulf coalition to Iraq, many member nations' sympathies with the Balkan belligerents would be at cross purposes. But nations would be persuaded to join the coalition, and remain therein, because they would see it in their larger interests to contain the conflict and end the fighting.

COALITION TASKS

We need to develop a consensus on a strategy to deal with the crisis. The strategy should place pressure on the Balkan belligerents by nations whose larger interests are threatened by spillover of the Balkan crisis. Many of those with whom I met believe that Russia would support such a strategy if a broad coalition of nations accepts it and if it is applied evenhandedly.

The coalition nations and the belligerents must eventually agree on the future shape of the Balkans—both geographical and political arrangements. Some observers have suggested that this is an impossible task; the parties cannot be persuaded to agree to the postcrisis map of the Balkans. They may be right. The way to find out, however, is to try. One observer told me that "they will stop the fighting when the parties get tired of killing."

The coalition could probably agree on retaining most of the present boundaries and governmental arrangements of the formerYugoslav Republics of Slovenia, Croatia, Kosovo, Macedonia, and Montenegro. This would defuse the suspicions of countries like Turkey and Bulgaria that Serbia is intent upon realizing a centuries-old dream of creating a greater Serbia. To have a chance of acceptance the agreement would have to include safeguards for minorities such as the Serbian Croatians and the Hungarian Serbs.

As I mentioned, one official told me that the fighting in the former Yugoslavia will not stop until the participants are sick of it. The coalition's task should be to hasten that point. A number of political sanctions, such as withdrawal of recognition, have not been exacted. With the rim countries' cooperation, the economic embargo could be made much tighter and more effective. Other coalition countries would probably be required to provide financial and security support to secure rim countries' cooperation. The coalition should also consider implementing an information campaign to counteract the propaganda circulated by all sides that fans the flames of the conflict.

It is crucial that the coalition begin preparations for implementation in anticipation of an agreement among the belligerents. The profound distrust among the parties requires that the coalition have overwhelming force at its disposal to move immediately into

Bosnia and other key locations, thus demonstrating to the parties that any agreement that is approved on all sides will be implemented.

As a British official emphasized, this task requires the coalition to decide what to do, and who is going to do it.

The what to do would entail such things as deciding how many and what types of forces are needed, under what command arrangements, what positions they would occupy, rules of engagement, where border patrols and border crossings would be established, how heavy weapons would be collected and impounded, how air space would be controlled, how initial civil administration would be initiated and elections scheduled and monitored.

Who is going to do it poses a difficult question for the United States. I envision the U.S. role as much more crucial to the diplomatic effort of building the coalition than to leading the implementation effort with large numbers of U.S. troops on the ground. Because of its unique ability to project power, the United States would of necessity be required to assist in sea patrols, as at present, and air cover as well as to provide logistics support, probably including sealift, and help in establishing and maintaining command, control, and communications.

Who is going to do it poses problems for the coalition beyond the question of the specific contribution of the United States and other nations. The best advice I heard was that some existing NATO forces should be de-NATOized to participate with the forces of other nations from Russia, Eastern Europe, and elsewhere in a coalition military force. Command and control capabilities and commensurate military leadership would be vital part of the NATO package provided to the coalition.

USE OF FORCE

Should the United Nations collectively, or the United States unilaterally, use force in the territory of the former Yugoslavia? The officials with whom I met were most divided on this question.

The Turks believe that a multinational show of force—bombing Serbian installations and forces—is necessary to show resolve. Moreover, the Turks believe that Serbia is likely to back down in reaction to such a demonstration of resolve. They caution, however, that a united international front, including Russia in particular, must agree or at least acquiesce in the use of force.

British and U.N. officials, and others with whom I met, disagree wholeheartedly with Turkey on the use of force. The military units assisting the U.N. convoys, principally from France, Britain, and Spain, are very light forces. There is a great deal of concern among all of the participants that any use of force will endanger humanitarian assistance personnel. We are pleased to see, thus far, that the United States C–30 air drops over Bosnia are successful.

Those who oppose the use of force in the Balkans also argue that they doubt that it would have the desired effect. Short of placing several hundred thousand troops on the ground to impose a resolution—which would last only as long as the troops remained in place—the only possibility of ending the bloodshed, they believe, is to persuade the parties to negotiate and agree on a settlement.

Having listened to these and other arguments, I oppose the use of force at present as a means of compelling a cessation of hostilities. The situation of the United Nations military and civilian personnel is too reminiscent of that of the United States marines in Lebanon in 1983. When the factions altered their perception of the marines from neutral to favoring the Government, it was only a matter of months until the terrorist attack took the lives of 241 young American marines. As I emphasized previously, the United States should at present focus on diplomacy, building and leading a coalition to bank the flames of the Balkan fires.

At the same time I think the question of using force in the future should be left open. No great power caught in a dilemma like that posed by the Balkans should willingly forgo the advantage afforded by deliberately shrouding how it will make use of the vast means at its disposal to solve its problem. U.S. officials weaken our hand when they make statements that remove the ambiguity about whether, when, and how we shall use force.

Whether the United States should provide ground units as part of the coalition force should remain an open question for now. Ideally, that force should be comprised of nations whose military units would not arouse the attention that would inevitably accompany U.S. troops.

CONCLUSION

The crisis in Yugoslavia has been a test for the European Community and for the United States. America did not take a leading role in efforts to contain the Balkan crisis. American leaders were quite willing to have Europeans, through the European Community, shoulder the effort on this matter. After all, it was thought that this was a matter of vital interest for the Europeans.

The lesson of this sad story is that American leadership is still needed in the post-cold-war era. American leaders must be on watch for developing crises, get involved early, and try to head off problems. This is especially true for those crises that have the potential for involving friends and allies in direct conflict.

□ 1710

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on House Administration:

COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, September 11, 1992.

Hon. TOM S. FOLEY,
Speaker of the House, H–204, the Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the House that the Custodian of Records of the Committee on House Administration has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,
CHARLIE ROSE,
Chairman.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
February 22, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House I have been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel of the House, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

APPOINTMENT FOR DEPUTY ASSISTANT IN THE OFFICE OF TERRITORIAL AND INTERIOR AFFAIRS [OTIA], DEPARTMENT OF INTERIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 15 minutes.

Mr. UNDERWOOD. Mr. Speaker, my major concern here in Congress and with the Clinton administration is Guam and how insular affairs policy is formulated and administered. I sit on the Natural Resources Subcommittee on Interior Affairs and I carefully monitor the activities of the Department of the Interior and, in particular, the Office of Territorial and Interior Affairs [OTIA].

I applaud the appointment of Bruce Babbitt as Secretary. In the past months, I have enjoyed working with him and his able and competent staff.

It is my understanding that the administration will soon appoint a distinguished lawyer to the position of Assistant Secretary of Territorial and International Affairs. I support the administration's plans and hope that the nomination process proceeds promptly so that this person can begin working on critical issues affecting Guam and the other territories.

I am disappointed that the administration, however, does not intend to nominate a candidate from one of the territories. My disappointment is sincere because since last Saturday, March 6, it has been 32 years since a person from the territories has been appointed to this position. In 1961, Richard Taitiano from Guam was appointed by President Kennedy to fill the Director of the Office of Territorial Affairs, the precursor of OTIA. In 32 years, no one from Guam, no one from the Virgin Islands, no one from Puerto Rico, no one from American Samoa, no one from the Northern Mariana Islands, has been appointed to a position which has significant influence on policies intimately affecting the lives of people of the territories.

While the administration has apparently made a decision about the Assistant Secretary's position, I believe that it is imperative that this person have a competent staff including people from the territories with experience handling territorial issues. In light of the strategic challenges facing the territories, it is crucial that the administration appoint someone from the territories to fill these additional positions. The administration not only needs to appoint someone who intimately understands the culture and history of the people whose lives are affected by OTIA's decisions, but also someone who understands the issues and the current mood of the people of the territories—someone who can assist the Assistant Secretary in repairing the 12 years of a strained and decayed relationship between the Federal Government and the local governments of Guam and the other territories.

With the current emphasis on diversity and inclusion, the skills and competence of the people from the territories must not be ignored. there are competent people from the territories who can and should be considered for policymaking positions within the Office of Territorial and International Affairs. It would be a refreshing change for the Government to have its own territorial experts and to see their influence on policies.

It would be a mistake, however, to assume that competent people from the territories should only be placed in those departments of sole interest to the territories. Qualified competent people from the territories should be considered for other policymaking positions.

Why not appoint a person from the territories as an associate solicitor? Why not appoint a person from the territories to the position of Deputy Assistant Secretary of Water and Science? Why not appoint a person from the territories as Director of U.S. Geological Survey? Why not appoint someone from the territories as special assistant to the Director of National Park Service. The citizens from the territories are ready, competent and capable to assume responsible positions in the executive branch; in the spirit of inclusion and with respect for all, I hope that we will see new faces, fresh faces from the territories in executive offices. Thirty-two years have passed since any citizen from the territories has been appointed to a major responsible position.

□ 1720

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. COLLINS of Illinois (at the request of Mr. GEPHARDT), for today, on account of official business.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GREENWOOD) and to include extraneous matter:)

Mr. THOMAS of California.
Mr. REGULA.
Mr. CRANE.
Mr. GOODLING, in two instances.
Mrs. MORELLA.
Mr. MOORHEAD.
Mr. EMERSON.
Mr. GUNDERSON.
Mr. GALLO, in two instances.
Mr. COX, in two instances.
Mr. PETRI.
Mrs. BENTLEY.
Mr. WALSH.

(The following Members (at the request of Mr. FRANK of Massachusetts) and to include extraneous matter:)

Mr. VOLKMER.
Ms. HARMAN.
Mr. ACKERMAN.
Mr. BLACKWELL.
Mr. BROOKS.
Mr. CLAY.
Mr. HOLDEN.
Mr. STOKES.
Mr. ANDREWS of New Jersey.
Mr. BOUCHER.
Mr. HOCHBRUECKNER.
Mr. RICHARDSON.

ADJOURNMENT

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p.m.), under its previous order, the House adjourned until Monday, March 15, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

893. A letter from the Secretary, Department of Defense, transmitting a report on the training of special operations forces, pursuant to Public Law 102–190, section 1052(a) (105 Stat. 1471); to the Committee on Armed Services.

894. A letter from the Secretary of the Army (Installations, Logistics and Environment), Department of Defense, transmitting notification of munitions disposal pursuant to 50 U.S.C. 1512(4); to the Committee on Armed Services.

895. A letter from the National Institutes of Health, Director, Department of Health and Human Services, transmitting a copy of the 15th annual report of National Institutes of Health Program in biomedical and behavioral nutrition research and training for fiscal year 1991, pursuant to 42 U.S.C. 288b(c); to the Committee on Energy and Commerce.

896. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 93–15, authorizing the furnishing of assistance from the Emergency Refugee and Migration Assistance Fund for unexpected urgent needs of refugees and other persons in Haiti, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

897. A letter from the Acting Director of Administration and Management, Department of Energy, transmitting a report of activities under the Freedom of Information Act for calender year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

898. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting a report of activities under the Freedom of Information Act for calender year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

899. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting copies of the report of the Attorney General regarding activities initiated pursuant to the Civil Rights of Institutionalized Persons Act during fiscal year 1992, pursuant to 42 U.S.C. 1997 et seq; to the Committee on the Judiciary.

900. A letter from the Secretary of Defense, transmitting a report on the status of the process for resolution of commercial disputes in Saudi Arabia and the prognosis for such disputes which remain unresolved, pursuant to Public Law 102–396, section 9140; jointly, to the Committee on Appropriations and Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN (for himself and Mr. RANGEL):

H.R. 1307. A bill to prohibit the involuntary return to Haiti of Haitian refugees outside the United States; jointly, to the Committees on the Judiciary and Foreign Affairs.

By Mr. SCHUMER (for himself, Mr. COX, Mr. NADLER, Ms. MALONEY, Mr. GILMAN, Mr. MORAN, Mr. LEWIS of

Georgia, Ms. WOOLSEY, Mr. WASHINGTON, Mr. COOPER, Mr. ACKERMAN, Mr. CARDIN, Mr. YATES, Ms. MEEK, Mr. KOPETSKI, Mr. RAMSTAD, Mr. DEUTSCH, Mr. PRICE of North Carolina, Mr. SWIFT, Ms. SHEPHERD, Mr. TOWNS, Mrs. MORELLA, Mr. CRAPO, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. EDWARDS of California, Ms. BYRNE, Ms. PELOSI, Mr. SUNDQUIST, Mr. BRYANT, Mr. HUTCHINSON, Mrs. UNSOELD, Ms. MOLINARI, Mr. HALL of Ohio, Ms. SLAUGHTER, Mr. HASTINGS, Mr. GUTIERREZ, Mr. WELDON, Mr. GORDON, Mr. SPRATT, Mr. SAWYER, Mr. ANDREWS of New Jersey, Mr. RUSH, Mr. LEHMAN, Mr. GLICKMAN, Mr. GONZALEZ, Mr. JOHNSTON of Florida, Mrs. JOHNSON of Connecticut, Mr. MATSUI, Mr. OWENS, Mr. MARTINEZ, Mr. MCDERMOTT, Mr. PORTER, Mr. JEFFERSON, Ms. ESHOO, Mr. HERGER, Mr. SAXTON, Mr. SMITH of Texas, Mr. MCHALE, Mr. SANDERS, Ms. WATERS, Mr. WYNN, Mr. THORNTON, Mr. NEAL of North Carolina, Mr. WYDEN, Ms. MARGOLIES-MEZVINSKY, Mr. LANTOS, Mr. REYNOLDS, Mr. LEVY, Mr. STUDDS, Mr. LINDER, Mr. BLACKWELL, Mr. MINETA, Mr. PAYNE of New Jersey, Ms. MCKINNEY, Mr. TORRICELLI, Mr. KNOLLENBERG, Mr. SERRANO, Mr. SABO, Mr. BARRETT of Wisconsin, Mr. MACHTLEY, Mr. SISISKY, Mr. TORRES, Mr. DELLUMS, Mr. DEFAZIO, Mr. WAXMAN, Mr. STARK, Mr. SHAYS, Mr. SCOTT, Mr. FROST, Mr. LEVIN, Mr. FILNER, Mr. PETE GEREN, Mr. STRICKLAND, Mr. FINGERHUT, Mr. HOCHBRUECKNER, Mr. GEJDENSON, Mr. FRANKS of Connecticut, Mr. GOODLATTE, Mr. HOUGHTON, Mr. LIGHTFOOT, Mr. SCHIFF, Mr. TALENT, Mr. BEILENSON, Ms. LOWEY, Mr. HANSEN, Ms. DELAURO, Mr. MFUME, Mr. HOYER, Ms. NORTON, Mr. ORTON, Mr. GUNDERSON, Mr. WILLIAMS, Mr. HAMBURG, Mr. KLEIN, Mr. DICKS, Mr. STUMP, Mr. EVANS, Mr. SKAGGS, Mr. STOKES, Mrs. COLLINS of Illinois, Ms. VELÁZQUEZ, Mr. VENTO, Mr. GENE GREEN, Mr. ANDREWS of Maine, Mr. BACCHUS of Florida, Mr. FAZIO, Mr. COPPERSMITH, Mrs. KENNELLY, Mr. DERRICK, Mr. SWETT, Mr. LAZIO, Ms. FOWLER, Mr. FRANKS of New Jersey, Mr. RAVENEL, Mr. MCKEON, and Mr. GALLO):

H.R. 1308. A bill to protect the free exercise of religion; to the Committee on the Judiciary.

By Mr. ANDREWS of New Jersey (for himself and Mr. PETRI):

H.R. 1309. A bill to amend the Fair Labor Standards Act of 1938 relating to the minimum wage and overtime exemption for employees subject to certain leave policies; to the Committee on Education and Labor.

By Mr. BAKER of Louisiana:

H.R. 1310. A bill to prohibit any policy relating to benefits provided to spouses of members of the Armed Forces that would make such benefits available to homosexual partners of members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. BAKER of Louisiana (for himself, Mr. EMERSON, Mr. LIGHTFOOT, Mr. WALSH, Mr. BUNNING, Mr. KYL, Mr. BEREUTER, Mr. INHOFE, and Mr. LIVINGSTON):

H.R. 1311. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on higher education loans and to permit penalty-free withdrawals from qualified retirement plans to pay for higher education expenses; to the Committee on Ways and Means.

By Mr. BOUCHER (for himself, Mr. FIELDS of Texas, Mr. SLATTERY, Mr. OXLEY, Mr. RICHARDSON, Mr. BARTON of Texas, Mr. LEHMAN, Mr. GILLMOR, Mr. HUGHES, Mr. HUTCHINSON, Mr. SPRATT, Mr. BLILEY, and Mr. HALL of Texas):

H.R. 1312. A bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. BROOKS (for himself, Mr. FISH, Mr. EDWARDS of California, and Mr. BOUCHER):

H.R. 1313. A bill to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service; to the Committee on the Judiciary.

By Mr. BRYANT:

H.R. 1314. A bill to amend chapter 1 of title 9 of the United States Code to permit each party to a sales and service contract to accept or reject arbitration as a means of settling disputes under the contract; to the Committee on the Judiciary.

By Mr. LAFALCE:

H.R. 1315. A bill to strengthen current Federal law and regulation to protect consumers in connection with the representation and sale of franchise businesses; to facilitate increased public disclosure regarding franchise opportunities, to enhance common law remedies for purchasers of franchises, and for other purposes; jointly, to the Committees on Energy and Commerce and the Judiciary.

H.R. 1316. A bill to establish minimum standards of fair conduct in franchise business relationships, and for other purposes; to the Committee on the Judiciary.

H.R. 1317. A bill to revise current Federal law and procedure to provide consumers with comprehensive and accurate statistical information about franchising and franchise practices, and for other purposes; jointly, to the Committees on Energy and Commerce and Post Office and Civil Service.

By Mr. COBLE:

H.R. 1318. A bill to provide for the liquidation or reliquidation of a certain entry of warp knitting machines as free of certain duties; to the Committee on Ways and Means.

By Mr. GLICKMAN (for himself, Mr. FAWELL, and Mr. PORTER):

H.R. 1319. A bill to provide for the reorganization of the U.S. Department of Agriculture; to the Committee on Agriculture.

By Mr. GOODLING:

H.R. 1320. A bill to amend the Internal Revenue Code of 1986 to exclude certain employee productivity awards from gross income; to the Committee on Ways and Means.

By Mr. HORN (for himself, Ms. PELOSI, Mr. WELDON, Mr. BACHUS of Alabama, Mr. DORNAN, and Mr. KIM):

H.R. 1321. A bill to amend the Defense Base Closure and Realignment Act of 1990 to require the Secretary of Defense and the Defense Base Closure and Realignment Commission to consider military installations outside the United States for closure and relignment in addition to military installations inside the United States; to the Committee on Armed Services.

By Mr. KOLBE (for himself, Mr. TORRES, Mr. POSHARD, Mr. HYDE, Mr. MONTGOMERY, Mr. FLAKE, Mr. MINETA, Mr. STUMP, Mr. SABO, Mr. MOAKLEY, Mr. DREIER, Mr. KILDEE, Mr. BONIOR, Mr. RAMSTAD, Mr. PACKARD, Mr. COSTELLO, Mr. HAYES, Mr. PORTER, Mr. COX, Mr. LAFALCE, Mr. BLACKWELL, Mr. MARKEY, Mr. MCDADE, Mr. MURTHA, Mr. WELDON, Mr. PETRI, Mr. BOUCHER, Mr. FAWELL, Mr. SAXTON, Mr. PENNY, Mr. GILLMOR, Mr. WHEAT, Mr. MCCRERY, Mr. ZELIFF, Mr. HALL of Ohio, Mr. PICKETT, Mr. CUNNINGHAM, Mr. BOEHNER, Mr. HANCOCK, Mr. WALSH, Mr. EMERSON, Mr. DORNAN, Mrs. VUCANOVICH, Mr. HASTERT, Mr. BATEMAN, Mr. MCHUGH, Mr. BUNNING, Mr. HOBSON, Mr. SARPALIUS, Mr. PASTOR, Mr. LANTOS, Mr. HEFNER, Mr. GREENWOOD, Mr. MORAN, Mr. SAWYER, Mr. GORDON, Mr. SISISKY, Mr. RAVENEL, Mr. EVANS, Mr. KLUG, Mr. PARKER, Mr. GOODLATTE, Mr. FROST, Mr. RIDGE, Mr. CLEMENT, Mr. HINCHEY, Mr. BOEHLERT, Mr. NEAL of Massachusetts, Mr. BORSKI, Ms. NORTON, Mr. PAYNE of Virginia, Mr. WILSON, Mr. CRANE, Mr. EWING, Mr. BACCHUS of Florida, Mr. OXLEY, Mr. BREWSTER, Mr. BILIRAKIS, Mr. SANGMEISTER, Mr. CARDIN, Mr. TORKILDSEN, Mr. VENTO, Mr. BEVILL, Mr. ROSE, Mr. SANTORUM, Mr. HOLDEN, Mr. UPTON, Mr. BLILEY, Mr. MFUME, Mr. PETERSON of Minnesota, Mr. SHAYS, Mr. MCCLOSKEY, Mr. INHOFE, Mr. SWETT, Mr. HOCHBRUECKNER, Mr. TAYLOR of North Carolina, Mr. LANCASTER, Mr. MOORHEAD, Mr. RICHARDSON, Mr. SUNDQUIST, Mr. TORRICELLI, Mr. SPRATT, Mr. SCHAEFER, Mr. GRANDY, Mr. STOKES, and Mr. SHAW):

H.R. 1322. A bill to provide for the minting and circulation of $1 coins, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Ms. PELOSI:

H.R. 1323. A bill to provide demonstration grants to institutions of higher education for the purpose of providing education and training in environmental restoration to dislocated defense workers and young adults; to the Committee on Education and Labor.

By Mr. PENNY:

H.R. 1324. A bill to amend title 38, United States Code, to revise the rules relating to crediting of third-party reimbursements received by the United States for the costs of medical services and hospital care furnished by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. RICHARDSON:

H.R. 1325. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for Indian investment and employment, and for other purposes; to the Committee on Ways and Means.

H.R. 1326. A bill to suspend temporarily the duty on rifabutin (dosage form); to the Committee on Ways and Means.

H.R. 1327. A bill to amend title XVIII of the Social Security Act to provide for a limitation on the use of claim sampling to deny claims or recover overpayments under the Medicare Program; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. ROSE (for himself, Mr. THOMAS of California, Mr. ROBERTS, Mr. GINGRICH, Mr. GEJDENSON, and Mr. KLECZKA):

H.R. 1328. A bill to establish in the Government Printing Office a means of enhancing electronic public access to a wide range of Federal electronic information; to the Committee on House Administration.

By Mr. SCHUMER (for himself and Mr. Sensenbrenner):

H.R. 1329. A bill to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to provide additional authorizations of appropriations; to the Committee on the Judiciary.

By Mr. HAYES (for himself, Mr. Ridge, Mr. Tauzin, Mr. Young of Alaska, Mr. Brewster, Mr. Shuster, Mr. Brooks, Mr. Fields of Texas, Mr. Natcher, Mr. Clinger, Mr. Montgomery, Mr. Emerson, Mr. Thomas of California, Mr. Laughlin, Mr. Inhofe, Mr. Paxon, Mr. LaFalce, Mr. Cunningham, Mr. Volkmer, Mrs. Vucanovich, Mr. Grandy, Mr. Wilson, Mr. Pickett, Mr. Baker of Louisiana, Mr. DeLay, Mr. Roth, Mr. Parker, Mr. Clement, Mr. Hefner, Mr. Pombo, Mr. Packard, Mr. Murphy, Mr. Sarpalius, Mr. Thomas of Wyoming, Mr. Smith of Oregon, Mr. Ewing, Mr. Hansen, Mr. Bliley, Mr. Pete Geren, Mr. Crapo, Mr. Condit, Mr. Livingston, Mr. Bateman, Ms. Lambert, Mr. Lightfoot, Mr. McCrery, Mr. Poshard, Mr. Walker, Mr. Solomon, Mr. Lancaster, Mr. Stenholm, Mr. Skelton, and Mr. Orton):

H.R. 1330. A bill to amend the Federal Water Pollution Control Act to establish a comprehensive program for conserving and managing wetlands in the United States, and for other purposes; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. SCHUMER (for himself and Mr. Sensenbrenner):

H.R. 1331. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to control the diversion of certain chemicals used in the illicit production of controlled substances, to provide greater flexibility in the regulatory controls placed on the legitimate commerce in those chemicals, and for other purposes; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. SWIFT (for himself, Mr. Rose, and Mr. Livingston):

H.R. 1332. A bill to amend the Internal Revenue Code of 1986 and title II of the Social Security Act to expand the Social Security exemption for election officials and election workers employed by State and local governments; to the Committee on Ways and Means.

By Mr. THOMAS of California:

H.R. 1333. A bill to provide for improved consultation between the Secretary of Agriculture and the U.S. Trade Representative regarding the prohibition or regulation of the importation of fruits and vegetables into the United States; jointly, to the Committees on Agriculture and Ways and Means.

By Mr. WYDEN:

H.R. 1334. A bill to amend the Public Health Service Act to establish a process to provide for reasonable prices for drugs, devices, and other tangible products made available to the public as a consequence of funding by the National Institutes of Health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GOODLING (for himself and Mr. Traficant):

H.J. Res. 149. Joint resolution designating July 4, 1993, through July 10, 1993, as "Buy American Week"; to the Committee on Post Office and Civil Service.

By Mr. GOODLING:

H. Con. Res. 62. Concurrent resolution encouraging employee achievement awards; to the Committee on Education and Labor.

By Mr. WYDEN (for himself and Mr. Richardson):

H. Con. Res. 63. Concurrent resolution concerning the establishment of a North American Commission on the Environment; to the Committee on Foreign Affairs.

By Mr. PAYNE of New Jersey (for himself and Mr. Johnston of Florida):

H. Res. 128. Resolution concerning democracy for Zaire; jointly, to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, the Judiciary, and Ways and Means.

By Mr. RANGEL (for himself and Mr. Oxley):

H. Res. 129. Resolution to establish the Select Committee on Narcotics Abuse and Control; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

56. The Speaker presented a memorial of the General Assembly of the State of New Jersey, relative to the Occhipinti case and Dominican crime operations; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. Shays and Mr. Towns.

H.R. 18: Mr. Camp, Mr. Olver, Mr. Santorum, Mr. Meehan, Ms. Furse, Mr. Browder, Mr. Gekas, Mr. Rush, Mr. Gallo, Mr. Bevill, Ms. Velázquez, Mr. Skelton, Mr. Parker, Mr. Fields of Louisiana, Mr. Spence, Mr. Emerson, Mr. Pomeroy, Mr. Torkildsen, Mrs. Clayton, Mr. Carr, Mrs. Meek, Mr. Hilliard, and Mr. Hoekstra.

H.R. 21: Mr. Emerson, Mr. Volkmer, Mrs. Schroeder, Mr. Machtley, Mr. Bacchus of Florida, and Mr. Brewster.

H.R. 64: Mrs. Vucanovich.

H.R. 65: Mr. Mollohan, Mr. Baker of Louisiana, Mr. Fish, and Mrs. Thurman.

H.R. 66: Mr. Johnston of Florida.

H.R. 142: Mr. Payne of Virginia.

H.R. 145: Mr. Gingrich, Mr. Stump, and Mr. English of Oklahoma.

H.R. 147: Mr. Stump and Mr. Dornan.

H.R. 159: Mr. Quinn and Mr. Kim.

H.R. 167: Mr. Towns.

H.R. 303: Mr. Kreidler, Mr. Mollohan, Mr. Baker of Louisiana, Mr. Fish, and Mrs. Thurman.

H.R. 345: Mr. Levin.

H.R. 349: Mr. Hutchinson.

H.R. 350: Mr. Ackerman, Mr. Andrews of New Jersey, Mr. Coleman, Mr. Conyers, Mr. de Lugo, Mr. Hastings, Mr. Hochbrueckner, Mr. McHale, Ms. Maloney, Mr. Moran, Ms. Norton, and Mr. Richardson.

H.R. 354: Mr. English of Oklahoma.

H.R. 358: Mr. Clyburn, Mr. Stokes, Mr. Berman, Mr. Frost, Mr. Washington, Mrs. Byrne, and Mr. Filner.

H.R. 405: Mrs. Maloney.

H.R. 419: Mr. Fish and Mr. Towns.

H.R. 431: Mr. Fazio and Mr. Lantos.

H.R. 453: Mr. Lipinski, Mr. LaFalce, Mr. Fingerhut, Mr. Bartlett of Maryland, Mr. Hughes, Miss Collins of Michigan, Mr. Fish, and Mr. Strickland.

H.R. 462: Mr. Skeen, Mr. Richardson, Mr. Hoagland, Mr. Kreidler, Mr. Clay, Mr. McDade, Mrs. Meek, Mr. Paxon, Mrs. Morella, Ms. Velázquez, Mr. Dicks, Mr. Parker, Mr. Spence, Mr. Browder, Ms. Furse, Mr. Wise, Mr. Blute, Mr. Barrett of Wisconsin, Mr. Gallo, Mr. Bevill, Mr. Lewis of Georgia, Mr. Carr, Mrs. Clayton, Mr. DeFazio, Mr. Hansen, Mr. Hoekstra, and Mr. Swett.

H.R. 538: Mr. Rangel, Mr. Frost, and Ms. Furse.

H.R. 542: Mr. Gutierrez and Mrs. Maloney.

H.R. 549: Mr. Hancock, and Mr. McHugh.

H.R. 571: Mr. Fish.

H.R. 656: Mr. Bacchus of Florida.

H.R. 660: Mr. Studds, Mr. Faleomavaega, Mr. Levy, Ms. Slaughter, and Mr. Olver.

H.R. 688: Mr. Diaz-Balart, Mr. Thomas of Wyoming, Mr. McCollum, Mr. Sensenbrenner, Mr. Gilchrest, Mrs. Meyers of Kansas, Mr. Clement, Mr. Royce, Mrs. Morella, Mr. Fingerhut, Mr. Young of Alaska, Mr. Houghton, and Mr. Shaw.

H.R. 739: Mr. Parker, Mr. Burton of Indiana, and Mr. Coble.

H.R. 746: Mr. Andrews of Texas and Mr. Goodlatte.

H.R. 826: Ms. Slaughter, Mr. Wheat, Mr. Holden, Mr. Schiff, Mr. McCandless, Mr. Lightfoot, Mr. Houghton, Mr. Romero-Barceló, Mr. Kyl, and Mr. Thomas of Wyoming.

H.R. 830: Mr. Buyer, Mr. Collins of Georgia, Mr. Kim, Mrs. Lloyd, Mr. Houghton, Mr. Cooper, Mr. Schaefer, Mr. Schiff, Mr. Boehner, Mrs. Byrne, Mr. McKeon, and Mr. Lazio.

H.R. 887: Ms. Danner and Mr. Hancock.

H.R. 893: Mr. Rush, Ms. Furse, and Mrs. Byrne.

H.R. 899: Mr. Goss, Mr. Roberts, Mr. Bonilla, Mr. Taylor of North Carolina, Mr. Dickey, and Mr. Quinn.

H.R. 924: Mr. Peterson of Minnesota.

H.R. 925: Mr. Torkildsen, Mr. Doolittle, and Mr. Gallegly.

H.R. 961: Mr. Rohrabacher, Mr. Frank of Massachusetts, Mr. Andrews of Maine, Mr. Archer, Mr. Gilchrest, Mr. Slattery, Mr. Gordon, Mr. Minge, Mr. Inglis, Mr. Armey, Mr. Sanders, Mr. Jacobs, Mr. Shays, and Mr. Petri.

H.R. 966: Mr. Dixon, Mr. Evans, and Mr. Barrett of Wisconsin.

H.R. 986: Ms. McKinney and Mr. Payne of New Jersey.

H.R. 999: Mr. Hancock.

H.R. 1009: Mr. Kildee, Mr. Crane, and Mr. Peterson of Minnesota.

H.R. 1034: Mr. Hunter, Mr. Hutto, Mr. Lehman, Mr. Livingston, Ms. Molinari, Mr. Price of North Carolina, and Mr. Quillen.

H.R. 1036: Ms. Pelosi, Mr. Stark, and Mr. Dixon.

H.R. 1044: Mr. Wynn and Mr. Zimmer.

H.R. 1049: Mr. Blute, Mr. Greenwood, Mr. Walsh, and Mr. Houghton.

H.R. 1050: Mr. Blute, Mr. Greenwood, Mr. Walsh, and Mr. Houghton.

H.R. 1067: Mr. Dornan, Mr. Rohrabacher, and Mr. McKeon.

H.R. 1091: Mr. Murphy, Mr. Bereuter, Mr. Cox, Mr. Levy, Mr. Doolittle, Mr. Houghton, Mrs. Meyers of Kansas.

H.R. 1098: Mr. Hutchinson and Mr. Klug.

H.R. 1131: Mr. Fish.

H.R. 1142: Mr. Sanders, Mr. Gillmor, Mr. Lightfoot, and Mr. Roth.

H.R. 1151: Mr. Gunderson, Mr. Payne of New Jersey, and Mrs. Unsoeld.

H.R. 1161: Mr. Smith of New Jersey.

H.R. 1242: Mr. Deutsch.

H.R. 1253: Mr. Hefley, Mr. Rohrabacher, Mr. Ballenger, Mr. Boehner, Mr. Sam Johnson, Mr. Zeliff, Mr. Hoekstra, Mr. Grams, and Mr. Stearns.

H.R. 1260: Mr. Hochbrueckner.

H.R. 1262: Mr. Towns, Mr. King, Mr. Applegate, Ms. Molinari, and Mr. Berman.

H.R. 1293: Mrs. Fowler and Mr. Baker of Louisiana.

H.J. Res. 6: Mr. Filner, Mr. Pete Geren, Mrs. Meek, Mr. Johnson of Georgia, Mr. Levy, Mr. Lazio, Mr. Peterson of Florida, Mr. Evans, Ms. Brown of Florida, Mr. Archer, Mr. Hutchinson, Ms. Pelosi, Mr. Parker, Mr. Cardin, Mr. Faleomavaega, Mr. Sisisky, Mr. Skeen, Mr. Coleman, Mr. Olver, Mr. Solomon, Mr. Bliley, Mr. Oxley, Mr. Shaw, Mr. Stump, Mr. Gillmor, Mr. Hochbrueckner, Mr. Moran, Mr. Murphy, Mr. Ford of Tennessee, Mrs. Thurman, Mr. Sanders, Mr. Gekas, Mr. Machtley, Mrs. Vucanovich, Mr. Burton of Indiana, Mr. McCloskey, Mr. Markey, Mr. Clement, Mr. Rahall, Mr. Lewis of Florida, Mr. Ackerman, Mr. Payne of New Jersey, Mr. Hall of Ohio, Mr. Fish, Mr. McDade, Mr. Costello, Mr. Coble, Mr. Camp, and Mr. Tauzin.

H.J. Res. 10: Mr. Valentine, Mr. Paxon, Mr. Burton of Indiana, Mr. Oxley, Mr. Upton, Mr. Gibbons, Mr. Crane, Mr. Kanjorski, Mr. Callahan, Mr. Sabo, Mr. Costello, Mr. Goodling, Mr. Boehlert, and Mr. Rowland.

H.J. Res. 30: Mr. Collins of Georgia and Mr. Doolittle.

H.J. Res. 111: Mr. Pickett, Mrs. Maloney, Mr. Hamilton, Mr. Baker of Louisiana, Mr. Goodling, and Mr. Johnson of Georgia.

H.J. Res. 142: Mr. Hughes.

H. Con. Res. 6: Mr. King and Mr. DeLay.

H. Con. Res. 15: Mr. Becerra and Mr. Fish.

H. Con. Res. 29: Mr. McInnis.

H. Con. Res. 38: Mr. Mica, Mr. Shaw, Mr. Solomon, and Mr. Lewis of Florida.

H. Con. Res. 43: Mr. Torkildsen, Mr. Fish, Mr. Zeliff, Mr. Gunderson, Mr. Armey, and Mr. Levy.

H. Res. 47: Mrs. Meyers of Kansas, Mr. Kolbe, Mr. Torkildsen, Mr. Fawell, Mr. Everett, Mr. Duncan, Mr. Dornan, Mr. Cox, Mr. Blute, Mr. Fields of Texas, Mr. Goss, Mr. Gallegly, Mr. King, Mr. Franks of New Jersey, Mr. Lazio, Mr. Kyl, and Mr. Schiff.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 103: Mr. Holden.

PETITIONS, ETC.

Under clause 1 of rule XXII,

17. The SPEAKER presented a petition of the Legislative Counsel Bureau, Nevada, relative to the Spring Mountain National Recreation Area; which was referred to the Committee on Natural Resources.

SENATE—*Thursday, March 11, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson. Dr. Halverson, please.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

And whosoever will be chief among you, let him be your servant: Even as the Son of man came not to be ministered unto, but to minister, and to give his life a ransom for many.—Matthew 20:27, 28.

Almighty God, greatness in the Kingdom of God is measured by service. This morning we pray for the many who serve the Senate without recognition or publicity and yet, without whose service, the Senate could not function. We ask Your blessing upon these faithful men and women, tireless in their efforts, selfless in their dedication, who make it possible for the Senators to do their business.

Gracious Father, let Thy blessing be upon all those who work on the floor and in the Cloakrooms. Bless the committee staffs whose work is never finished, and the office staffs who protect and support the Senators. We commend to You the food service people, the custodians, and those who maintain buildings and grounds. We pray for those who provide security—those in plain clothes and those in uniform—whose duties can be so routine and yet, at any moment, face the possibility of life at risk.

Thank You, Father in Heaven, for these faithful men and women whose greatness is their service. We pray in His name who was the Servant of servants. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, and Members of the Senate, from now until 12:30 p.m. there will be a period for morning business during which Senators will be permitted to speak. At 12:30 the Senate, by previous order, will begin consideration of the nomination of Janet Reno to be Attorney General. Debate on that nomination will continue until 2:15 p.m., at which time there will be a recorded vote on the Reno nomination.

Following that vote, the Senate will return to consideration of the Voter Registration Act, which is the pending measure. My hope is that we can complete action on that bill today, or at least make good progress on it. Senators should be prepared for a lengthy session this evening in order to make progress on that bill.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I reserve all of the leader time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the majority leader's request will be granted.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes.

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. Under the order, the majority leader controls the time until 10:30 a.m.

Mr. MITCHELL. Mr. President, I yield such time as the Senator may need to the Senator from Nevada.

The PRESIDENT pro tempore. The senior Senator from Nevada is recognized for such time as he may consume.

WHAT IS HAPPENING TO OUR SOCIETY?

Mr. REID. So there is no question about the statement that I am making, my record is pro-life. I have never made a statement on the Senate floor or on the House floor regarding this very troublesome issue, but my voting record speaks for itself.

I am here today because I am repulsed at the killing of a human being yesterday by the name of Dr. Gunn. I do not know Dr. Gunn, never would have met him. But I feel so bad for this man's family. I understand that he has two children. This man was shot down in cold blood, in the back. One report indicates the man had leg braces and was trying to leave when he was shot three times by a .38 caliber revolver, and died.

What is happening to our society? What is happening to our society, to allow acts of violence like this to take place as if they meant nothing.

I have been so impressed recently with an article written by one of our colleagues, DANIEL PATRICK MOYNIHAN, talking about violence and other things that we have come to accept. In effect his article says we have come to accept the unacceptable. We are now accepting the unacceptable.

Reading from this article that he wrote:

> Crime is a more or less continuous subject of political pronouncement, and from time to time it will be at or near the top of opinion polls as a matter of public concern. But it never gets much further than that. In the words spoken from the bench, Judge Edwin Torres of the New York State Supreme Court, Twelfth Judicial District, described how "the slaughter of the innocent marches unabated: subway riders, bodega owners, cab drivers, babies; in laundromats, at cash machines, on elevators, in hallways." In personal communication, he writes: "This numbness, this near narcoleptic state can diminish the human condition to the level of combat infantrymen, who, in protracted campaigns, can eat their battlefield rations seated on the bodies of the fallen, friend and foe alike. A society that loses its sense of outrage is doomed to extinction."

I am outraged, as I hope—as I know that most in society, if they would think for a second, would be outraged at what just took place.

This has to stop. I hope this act of violence to another human being will not be the cause of other acts of violence on this very troublesome subject. Abortion is a difficult subject. But no matter how you feel about abortion you cannot stand by and let things like this take place.

I was watching television as I was trying to do my exercises this morning and I saw there, on one of the networks, a man who represented the pro-life position indicate that during the last less than 24 hours since this man was murdered, a trust fund has been set up—not for Dr. Gunn's children, but for the man that did the murdering. Not for the person who was killed, but for the person who did the killing.

This society has to stop these terrible acts of violence. I hope pro-life and pro-choice groups, both, would understand this is not a cause for more violence. I believe something needs to be done.

I also have a record that is as good as anyone in this Chamber on labor union matters.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I vote for organized labor. I am proud of the fact that the working men and women of Nevada have supported me always. But yet over the years, the law has developed so that labor unions do not have the ability to close up businesses that they disagree with. If there is an employer-employee controversy, the courts and the law have restricted the ability of picketers to close up a business. They limit the number of pickets to so many pickets per block. There are restrictions. I believe that we have to take a look at that in regard to this. We cannot have situations that ferment violence. We cannot turn our head to a man who was killed yesterday. I hope, Mr. President, that this Congress and the American public will revile against this terrible thing that took place and say this cannot continue.

I ask that the chairman of the Education and Labor Committee and the chairman of the Judiciary Committee to take a very close look at this and look at ways to restrict the ability of violence to take place. Confrontations have to be limited. I do not have the line and verse as to how to solve the problem today; I do not serve on those two committees. But there are ways, just like with an employer-employee relationship that has gone sour, to limit confrontation.

I express to Dr. Gunn's family my sympathy and my hope and the hope of the American people that violence will lessen in this country and we will be able to get under control this plague that is sweeping the Nation.

I suggest the absence of a quorum.

Mr. BURNS addressed the Chair.

Mr. REID. I apologize. I withdraw that. I did not see the other Senator in the Chamber.

The PRESIDENT pro tempore. The Senator from Montana [Mr. BURNS].

Mr. BURNS. Mr. President, I understand there has been an hour set aside for leader's time on the discussion of health care and economic issues this morning. I ask unanimous consent to speak as in morning business but this time not be charged against the leader's time.

The PRESIDENT pro tempore. The Chair hearing no objection, the request is granted and the Senator from Montana [Mr. BURNS] is recognized for how much time?

Mr. BURNS. It will be less than 5 minutes.

The PRESIDENT pro tempore. For not to exceed 5 minutes.

LOCAL EXCHANGE INFRASTRUCTURE AND MODERNIZATION ACT

Mr. BURNS. Mr. President, I am pleased to join with my colleagues, Senator GRASSLEY of Iowa and Senator EXON of Nebraska, who will be introducing legislation later today called the Local Exchange Infrastructure and Modernization Act of 1993.

In recent years, issues have come about in telecommunications as to what we are trying to do in order to spur some new technology into rural America and also into our inner cities. This is just another step in that direction. In order to assure that all Americans have access to enhanced telecommunications services, local exchange carriers must have the capabilities to provide these services. But these new services require additional switching and transmission requirements and additional intelligence that, frankly, many telephone companies simply do not have the financial capability to provide.

Small telephone companies, especially those in rural areas like the State of Montana, fear that the doors to advanced telecommunications services will be closed on them and that they will not be able to serve their communities as adequately as they would like.

The answer to this situation is infrastructure sharing. This piece of legislation does do that. Infrastructure sharing will make it possible for telephone companies that are economically unable to invest in state-of-the-art switching and transmission equipment to use the enhanced infrastructure of a neighboring telephone company. So infrastructure sharing has strong support from small- and mid-size telephone companies who understand that without the ability to tap into an advanced infrastructure, their company will not remain viable in a changing telecommunications market.

A recent report by an economist at the University of Montana hits the nail on the head. The report states that there is an agreement that modern telecommunications infrastructure is necessary for rural economic development. Without modern communication links with the rest of the United States and, yes, with the rest of the world, rural areas will become economically isolated and they will also be economically disadvantaged. That is what we have to be very careful of as we start down this business of this country trying to jump start the economy.

I want to join Senator GRASSLEY and Senator EXON as a cosponsor of this legislation which will be introduced later on today.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDENT pro tempore. A point of no quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. SPECTER. Mr. President, I have sought recognition in the absence of any other Senator seeking recognition. Just as I start to do so, I notice my distinguished colleague from Iowa, Senator HARKIN, chairman of the Subcommittee on Labor, Health, and Human Services of the Appropriations Committee, as the Presiding Officer, the President pro tempore, is well aware, has come to the floor. So I shall speak only for a few minutes.

The PRESIDENT pro tempore. If the Senator will allow the Chair, tne Chair would observe that under the order previously entered, the majority leader has control of the time until 10:30 a.m. If the Senator wishes, he may ask unanimous consent that the Senator be given 5 minutes not to be charged against the majority leader's time.

Mr. SPECTER. I will do that, Mr. President. I ask unanimous consent I may be permitted to speak for 5 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. It is my understanding that the Republican side of the aisle has the period from 10:30 to 11:30. So that time might be appropriately used, I intend to stay and speak during that time.

HEALTH CARE

Mr. SPECTER. Mr. President, I am glad to see there has been a reservation of time this morning for both the Democratic side and Republican side to speak on the issue of health care, because I believe there ought to be a sharper focus on the issue than there is. And that will take some doing because health care is on everyone's mind and on everyone's agenda.

The President has empowered the First Lady to preside over a committee to produce health care legislation with a target date of May 1. There has been a Republican task force under the direction and the chairmanship of Senator CHAFEE. I came to the Chamber about 9:40 this morning because we were meeting from 8:30 until that time. But I submit that there ought to be a sharper focus, that it is really in the national interest to see legislation on health care brought to the Senate floor at the earliest date.

It would be my hope, Mr. President, that this might even be done in advance of May 1. I say that because of the serious problems confronting us on this subject.

Last July 29, this Senator proposed an amendment concerning health care reform consisting of legislation then pending, on the energy bill. The majority leader came to the floor and made the statement that the amendment on health care did not belong on an energy bill. I replied that I agreed; I would be glad to withdraw the amendment if we had a date certain for health care.

The majority leader responded that that was not possible. I reminded the majority leader a date certain had been set at September 8 on product liability, and health care was just as important, perhaps more so, than product liability, and that I would be prepared to withdraw my amendment if we could have a date certain.

The majority leader, in the exercise of his discretion and discharge of his business in setting the calendar, said he thought that not doable, and I proceeded with the amendment. And principally along party lines, it was defeated.

On January 21, the first legislative day for the Senate, this Senator introduced a comprehensive bill on health care, S. 18, the product of a great deal of work combining some concepts of managed competition with an emphasis on primary and preventive care, programs designed specifically to deal with low birthweight babies, issues involving consumer protection on disclosure of information, and legislation directed at dealing with terminal health costs, where so many people spend so much money in the last few days, few weeks, few months of their lifetime. The later proposal was put forward on the proposition that no one should decide for a competent adult how much health care they should have.

I noted at that time, the day after the President's inaugural speech—I complimented the President on a speech which was delivered with flare and style—that I had hoped there would have been some substance as to the economic recovery program and health care reform.

Mr. President, I am concerned that we are not now following a schedule which will get health care to the American people this year. A week ago Sunday, the majority leader appeared on "Face the Nation" and said that he thought we could enact health care reform legislation this year. But in the context of his comments, listening to the music rather than the specific words, I have a concern that that would not happen. I have noticed that the distinguished chairman of the Ways and Means Committee, Congressman ROSTENKOWSKI, was quoted in the press as saying he thought health care reform was unlikely to be delivered this year because of the complexity of the subject.

Mr. President, it is my view that we have enough health care bills now pending before the Senate and that it would be in the public interest to bring up one of those bills. And I would suggest S. 18, a bill on which I have requested the chairman of the Committee on Labor and Human Resources to hold hearings, but perhaps hearings are unnecessary. We have been debating health care and many ramifications of it for years. The majority leader on "Face the Nation" a week ago Sunday noted, as I recollect, that he had been working on the issue for some 6 years.

My preference, Mr. President, would be to see a bill come to the floor, and we deal with it as we dealt with the Clean Air Act of 1990, where the legislation was pending on the floor, various task forces were organized, they deliberated, and we moved ahead with the bill; perhaps it was not a perfect bill, but I think a bill which certainly advanced the cause of clean air.

I know that as a Senator I have the right at any time to introduce health care legislation. I could offer S. 18 as an amendment to the pending motor-voter bill, but I have been reluctant to do that up to this time. But it is something that this Senator is considering.

I do look forward to the statements made by my distinguished colleagues on the other side of the aisle, and when our time comes at the 10:30 or 10:35 mark, I shall be prepared to supplement these remarks.

I thank my colleague, Senator HARKIN, for his courtesy in allowing me to proceed.

I thank the Chair and yield the floor.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. HARKIN] is recognized.

Mr. HARKIN. I ask unanimous consent that I be allowed to speak for up to 10 minutes.

The PRESIDENT pro tempore. The Chair hears no objection. The Senator is recognized for not to exceed 10 minutes.

HEALTH CARE

RURAL HEALTH CARE—HILLARY CLINTON VISIT

Mr. HARKIN. Mr. President, 4 days from today, on March 15, I will be traveling to Ankeny, IA, with First Lady Hillary Clinton for a forum on health care reform, which will emphasize the health-care needs of rural Americans.

This is one of only four such forums being held around the country—the other three are in Tampa, FL; Dearborn, MI, and here in Washington, DC. As you know, Mr. President, one of President Clinton's first, and I believe strongest, appointments was his naming of Mrs. Clinton to chair the White House health care task force. And we look forward to her visit.

Iowa is blessed with some of the finest health care services and research facilities in the world, and I am proud that Mrs. Clinton has chosen to include the views of Iowans as an integral part of national health care reform.

Mr. President, Iowa is also the only rural State that Mrs. Clinton is visiting. And as cochair of the Senate rural health caucus, I am encouraged that this visit is a reflection of the administration's commitment to include rural America in any health care reform package we undertake.

Everybody agrees that health care reform is one of the top priorities of the White House and the 103d Congress.

The statements made by my distinguished colleague and friend from Pennsylvania I agree with. We must be about this sooner rather than later.

And the big question on everybody's mind is, "How do we extend coverage to all Americans while cutting the high cost of health care." That is the $930 billion question.

But in rural America, the problems run much deeper than that.

And before we go out to Iowa, I want to take a few minutes today to talk about some of the unique health-care needs of rural America.

In baseball, Mr. President, they talk about a triple crown. Not many players have won it. It is pretty rare.

Well, in rural America, we have our own version of the triple crown—but it is nothing to celebrate. Rural Americans are more often poor, more often uninsured, and more often without access to health care than any other Americans. It is a rare combination of chronic illness and occupational hazards that places rural Americans in triple jeopardy—and increases the need for preventive measures.

Over the last decade, health care costs for the average family in Iowa has risen 245 percent faster than wages.

Businesses, on average, pay 167 percent more for health coverage today than they did 10 years ago—and it is expected to reach 394 percent more by the year 2000.

Today, 200,000 Iowans—nearly 10 percent of the nonelderly population—have no health insurance of any kind.

We have felt the sting of the health care crisis and experienced all the problems that go along with it. But it is cut deeper in rural America—because we have many problems that cities and suburbs do not have to deal with.

For starters, many people who have coverage cannot find a doctor. It is not out of the ordinary for a person in rural America to travel 100 miles to see a doctor.

In the small town I grew up in, in Iowa, there were not any doctors, any dentists, or any nurses. The nearest hospital was many miles away. If you were lucky enough to get an ambulance, it had to travel over dirt roads and through bad weather just to get to our town.

In a city, if a hospital closes, chances are, there is another hospital nearby that people can go to. In rural Iowa, if a health center closes, there may not be another one within 100 miles.

In Iowa today, two counties have either no doctor or fewer than one doctor per 5,000 people.

Eighteen counties now have no doctors who deliver babies, and an additional 14 have only one doctor in the county. Imagine your wife or daughter going into labor and having to travel two counties over just to have the baby delivered—hoping all along that the one doctor in the next county does not have the day off.

In addition, almost one-third of Iowa's rural counties have no local services for prenatal care.

And less than 50 percent of all 2-year olds are fully immunized.

This year over 170 Iowa communities are seeking a physician—many want more than one. But Iowa will graduate and/or import less than one-quarter that number, and even less in rural areas where the need is greatest. Not to mention the fact that 20 percent of our doctors are within 5 years of retirement age.

And the doctors who do choose to practice in rural areas are often overworked and underpaid. Over the past decade, big-city primary care physicians have seen an average real-dollar increase of 30-35 percent. During that same time period, Iowa primary care physicians actually noticed a decrease of around 7 percent.

And many rural physicians are demoralized. Three weeks ago, I held a rural health care hearing in Cedar Rapids, IA. One doctor told me about a study by the Mayo clinic who said:

> As Mayo began the study of rural family practice, they discovered that urban academic specialists have, at times, been overly critical in making highminded comparisons between specialists with 8 hours sleep, high technology, and expert back-up—compared to a solo rural family physician, seeing 50 patients a day, and 20 patients at night with no support at all.

No wonder it is so hard to attract doctors to rural America. My hat is off to anybody who would want to work under those conditions.

Mr. President, I have met many, many doctors in rural Iowa. They are young, they are full of spirit, they come there, graduated from medical school, want to get into family practice. They have brought their young wives usually, starting a family in a small community. They start in practice and from early morning till late at night they work every day. They are on call on Saturdays. They are on call on Sundays. I have seen the burnout happen. They are there 1 year, 2, 3 years, and finally the wife probably usually says to the husband—or it happens to be the other way around. I have seen it where the woman was the doctor—the spouse says, "That is enough. We cannot handle this anymore." They pack up and they move on. Quite frankly, I cannot blame them. it is hard to work under those conditions.

But, Mr. President, you have to understand—this is more than just a health issue. It is an economic issue as well.

Agriculture is Iowa's largest employer—but health care runs a close second. In many communities, hospitals, dentists, and pharmacists are often the primary employer. Some economists have found that $1 in payroll creates $7 in the community.

To many rural communities, having a hospital means physician retention, economic stability, and a strong draw for business and citizens into the area. For nurses, social workers, therapists, and adjunct caregivers, it means a job. For public health nurses, clinics, and physicians, the hospital is a place to refer patients for acute care. And for elderly citizens, it is a place to get care without the burden of leaving friends, family, and home.

But if you shut down the local hospital, many times the doctor's office goes, the pharmacy goes, the nursing home goes, and so does the local economy. It is a domino effect that is killing rural America.

But since 1985, five rural hospitals in Iowa have closed. Today, 60 percent of our rural hospitals are in duress and frankly, 30 percent are in the red. Costs are increasing 7 to 8 percent per year without corresponding revenue.

And they cannot cost-shift any further—they have to deal with overpriced medical supplies, pharmaceuticals, and ineffective regulatory controls just like everyone else.

The funding problems rural hospitals face are often different because rural America is home to a disproportionately large segment of older citizens who often require long-term care for their illnesses and disabilities.

Iowa is second only to Florida in the percentage of citizens over the age of 65, and we are first in the number of citizens over 85. In some of these communities, like the town of Cresco—the biggest town in Howard County—nearly 50 percent of the citizens are over the age of 65.

This means a smaller tax base for a country infrastructure and a higher demand for services. It also means more hospitals depend on Medicare to stay alive and to stay open.

In Iowa today, 35 of our 99 rural hospitals are dependent on Medicare. Between 60 and 80 percent of the patients in rural hospitals are Medicare patients. As you can imagine, Medicare cuts and freezes affect our rural hospitals more than their counterparts in other sectors of the economy.

Decreasing Medicare dollars to the State of Iowa is only third to decreasing agricultural subsidies and Social Security in terms of economic impact. In fact, Mr. President, it has been said in Iowa that the health care crisis of this decade is really our agricultural crisis that we had over the last decade.

Medicare is one of the few ways that Iowa gets a return for the tax dollars we send to Washington. This situation is not helped by the fact that most Iowans—thousands of Iowans—are farmers, which is the most hazardous occupation in America. We all remember the young boy in North Dakota last year who had both arms severed by a farm machine. Sadly, in 1991, 470 Iowa children were injured, and 10 were killed in farm accidents.

Rural America is not immune from the social illnesses of modern society. We keep seeing an increased need for mental health services to deal with needed alcohol and drug treatment, not to mention a significantly higher rate of suicide in rural America. Worst of all is the high cost for health care faced by farm families. They actually pay twice as much for health coverage, because farmers are self employed. They have to pay both the employer and employee share.

The higher costs have forced many wives to leave the farm and find outside jobs just to get health insurance. One farm family of seven from Denison, IA, who the First Lady may meet on Monday, has a 21-year-old son who was born deaf and later paralyzed from the waist down in a farm accident. They were told that their medical coverage would increase from $8,000 to $14,000 a year. So they had to reduce their overall coverage. Now their son is covered as a dependent under a separate plan at only $2,000 a year. They are worried that once he is not a dependent, he will not be able to get coverage, which is probably true.

That is just one story, but there are millions more like it. These are just some of the unique problems we have in health care in rural America. I hope we will address them on Monday.

Keep in mind, Mr. President, that among all of the rural States, Iowa, States like the State of West Virginia, and others that are rural, cannot be forgotten in this health care crisis. We have to tackle this problem, the health care problem, in America. But again, we cannot forget rural America and the unique problems that we have in rural America. Again, I believe the fact that one of these four forums is dedicated to rural health reflects the administration's commitment to make rural health part of any health reform package.

I am encouraged by the First Lady's visit Monday, because I think it is the first step to real change for rural Americans.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. What is the will of the Senate?

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BREAUX. I ask unanimous consent that I may speak as in morning business.

The PRESIDENT pro tempore. For how much time?

Mr. BREAUX. Not to exceed 7 minutes.

The PRESIDENT pro tempore. Without objection, the Senator from Louisiana [Mr. BREAUX] is recognized for not to exceed 7 minutes.

HILLARY CLINTON'S VISIT TO NEW ORLEANS

Mr. BREAUX. Mr. President, I take this time to inform Members of the

Senate, and also others who may be listening, of a very interesting and very informative meeting that I had an opportunity to participate in this past week in my home State of Louisiana.

I accompanied Mrs. Hillary Clinton, along with our senior Senator, Senator J. BENNETT JOHNSTON, along also with one of our distinguished House Members, Congressman BILL JEFFERSON, who sits on the Ways and Means Committee, to New Orleans, LA, to conduct a briefing and a hearing on health care reform. The White House, under her leadership, is soliciting comments and suggestions, hearing people tell their stories about the difficulties they are experiencing with health care. The hearing was called at a company called Glazer Steel, which has about 100 employees. What we learned in that meeting I think was very interesting and very informative.

Every one of those individuals who worked in that company that we met with were full-time working Americans. They work every day. They follow the law. They obey the law. They take care of their families the best they possibly can. While all these men and women had full-time jobs, some of which had been working in that same job for 15, 20, 29 years, working on a full-time basis in that job, not a single one of those individuals was able to afford health insurance. None of them had even the rudimentary forms of health insurance to take care of themselves, their families, and their children.

I think, Mr. President, what we are learning is not atypical. It is unfortunately more commonplace than all of us would like to admit.

As an example, the health premium for that individual company in Louisiana between 1985 and 1986, one year, it went up 136 percent for a family and 230 percent for an individual. Between 1985 and 1992, the cost of their health insurance plan went up 405 percent for a family and 559 percent for an individual.

It is no wonder why only 12 individuals in that company's employment are able to participate in the company's insurance plan. The vast majority do not.

Of the stories we heard from people who had no health insurance—which I think were all too typical of the situation in America today—one female employee, for instance, who had been there most of her working life on that job, told a story of going to the doctor for a checkup following a finding by the doctor of a mass in her breast. When the doctor asked her whether she had insurance to take care of any additional tests, the lady said no, she did not. The doctor merely told her: "Come back next year, and we will see how you are doing then."

Mrs. Clinton asked that individual what was she doing, and the lady said she was praying a lot and hoping that nothing further will develop.

Mr. President, this story was far too typical, I am afraid, of many individuals in this country in the situation they find themselves in when they talk about health care. Every one of these people were workers; every one had a full-time job; every one of them was making anywhere between, $19,000, $20,000, $22,000, to $25,000. They were hardworking people, but they did not know where to go to take care of themselves.

I think, Mr. President, that Mrs. Clinton is having a very positive effect on the issue, as the struggles to make a recommendation to the President on what needs to be done.

Mr. President, I would like to make a comment or two about the concept of the managed competition approach to health care, that I support, in an effort to provide quality health care, but also in an effort to control cost.

Individuals who do not share my opinion on what managed competition can do call it an untested theory that only has been considered in theory but never in practice. I do not agree with that. It is not an untested theory. In fact, elements of management competition already exist in some parts of our country. While none of them contain all of the elements of a true managed competition plan, and none of them are exactly like a managed competition plan would work, many of these plans contain elements of managed competition that in fact are working.

One example is the California Public Employees Retirement System, called CalPERS, which covers 900,000 public employees and retired public employees in the State of California. Individuals who are covered by this managed competition type of health plan have a choice of 22 different coverage options, as well as one self-funded preferred provider organization.

The system has been in place since 1962, but about 3 years ago, it really started showing some real success. In that period of time, premium increases have fallen from 17 percent annually to a 1.5-percent increase this year. I think this is phenomenal compared to growth in regular private-sector employer-provided insurance premiums, which have gone up 15 to 20 percent each year for the last 4 years.

What we see with the California system I think is real progress. CalPERS has been successful in bringing down the rate of premium increases to half the rate of inflation in the overall economy because the number of employees who buy insurance through this system makes up a large pool with substantial purchasing power that can be used—and, in fact, is being used—to negotiate lower prices.

Managed competition does the same thing. It pools individuals and employees of small- to medium-sized businesses into even larger purchasing pools than what exists under the California system. In the terminology of the current health care debate, these purchasing pools are called health plan purchasing cooperatives, or HPPC's. The ability of these HPPC's to negotiate on behalf of the consumers would be compounded due to their larger size and the clout that would go with them.

Also, Mr. President, this CalPERS system in California gives consumers a real financial incentive to select the most cost-effective plan by basing employer premium contributions on the cost of the lowest-based price plan that contracts with CalPERS. Managed competition would employ a very similar incentive to the one that is in effect in California. It would effectively cap an employer's exclusion from Federal taxation of the cost of employer-provided health benefits at the cost of the lowest-priced plan in a given geographic area.

Obviously, when a company knows that they can deduct 100 percent of the cost of their health plan, there is less of an incentive to get the least expensive plan.

Finally, Mr. President, CalPERS imposes general standards on health benefit plans and regulates marketing activity. Thus, it is able to actively foster competition on the basis of price and on the basis of quality. Managed competition would require that all plans offer a uniform, comprehensive package of benefits and also would require health plans to provide uniform data on outcomes and consumer satisfaction that would measure the quality of the services provided to the customer so that the purchasing customer can see the value that he is purchasing and also can determine the effectiveness of the various plans that he may choose from. Thus, managed competition would give individuals each more information and a completely standardized product, thereby giving them greater ability to choose the best plan, the one with the best price and the highest quality for their particular needs.

Mr. President, the CalPERS system in California is not a complete managed competition model. No one, I think, ever argues it is. In fact, the people who run CalPERS have identified some changes in their policies which would give them even more control over costs, changes that are part of the basic framework of managed competition. For example, Stanford Prof. Alain Enthoven, the chairman of the Health Benefits Advisory Council of CalPERS, noted that the public employees retirement system's achievement was all the more impressive because consumer premium price sensitivity, an essential component of managed competition, has not yet been fully phased in.

Mr. President, he is saying that when it is fully phased in, there will be even greater benefits.

As I described earlier, a true managed competition system would fully inform employees of the cost of their health plan by effectively capping the deductibility of employer-provided health benefits at the cost of the lowest-priced plan available in a given area so long, of course, as that plan meets quality standards.

I am glad to see that there is a healthy degree of skepticism on the part of people involved in the health care debate. I think that is good. I think it will ultimately produce a better product. I also think managed competition has a lot to offer, and needs to be better understood. Its essential concepts are based on common sense and the well-proven experience of free and competitive marketplace economics.

Mr. President, I ask unanimous consent to print in the RECORD a policy brief from the Progressive Policy Institute, which is entitled "How Managed Competition Controls Costs: The CalPERS Experience."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Progressive Policy Institute Says CALPERS Study Proves Managed Competition Cuts Health Care Costs

WASHINGTON, D.C.—The California Public Employees Retirement System (CALPERS), which recently published health care premiums below the rate of inflation, provides strong proof that managed competition reduces health care costs, according to a policy brief issued today by the Progressive Policy Institute (PPI).

CALPERS reported that it will hold health care premium increases to 1.5 percent in 1993, compared to 12 percent average increase nationwide and well below the 3 percent inflation, according the policy brief written by Jeremy Rosner, former PPI vice president for domestic policy and Ray LaRaja, PPI policy analyst.

"Contrary to claims that managed competition in health care is untested theory, the CALPERS experience provides compelling evidence that competition produces real health care savings while ensuring accessible, secure, high quality health care for nearly one million California public employees, retirees and their dependents," said PPI President Will Marshall.

The PPI's plan for managed competition in health care is elaborated in its new book, Mandate for Change,which calls for market-based reform that minimizing bureaucracy and creates competition on the basis of price and quality.

On the heels of a 6.1 percent rise in 1992, this cost-control breakthrough marks the second year in a row that CALPERS has held medical cost inflation to single digits for its 887,000 members and dependents. The two-year CALPERS increase of 7.6 percent was achieved while nationally health care costs soared 30 percent.

Under the CALPERS program, none of its participating health care plans may deny a consumer coverage or charge higher prices based on past or current health problems.

CALPERS administrators attributed the program's success to aggressive negotiations as a "health insurance purchasing cooperative" and believe this approach may offer significant benefit to both the public and private sectors around the country.

CALPERS no longer pays list price for health care. By demanding cost and performance data, consumers are better informed and the company does comparison shopping before it writes the check for its health care costs.

How Managed Competition Controls Costs: The CalPERS Experience

(By Ray LaRaja and Jeremy Rosner)

The Clinton Administration is now moving to complete a comprehensive health care reform proposal for the nation. Throughout the presidential campaign, candidate Clinton stressed the need for an approach to reform known as managed competition. Managed competition is premised on the belief that well-structured consumer choice among health plans can improve health quality and control costs more powerfully and less bureaucratically than government price controls. Critics of this idea often argue that managed competition is an untested theory, an idea that looks good on paper but has never been tried. For example, Congressman Pete Stark (D–CA) recently stated, "managed competition is to health care what the Laffer curve was to economics: a hope and a prayer and an untested theory."[1]

But managed competition has a proven track record. An excellent managed competition system—one that has controlled the rise in health care premiums while ensuring accessible, secure, high quality health care—exists for nearly one million California public employees, retirees, and their dependents. The system is called CALPERS (California Public Employees' Retirement System). New rates announced by CALPERS show that a system of managed competition has been able to hold premiums below the general rate of inflation. In addition, none of the plans that participate in CALPERS can deny any consumer coverage or charge higher consumer prices because of past or current health problems.

On February 17, the CALPERS Governing Board approved its new rates for premiums covering the year beginning in August 1993. Overall, they average only 1.5 percent higher than last year's rates, an increase significantly below the rate of general inflation, which is 3.0 percent.[2] By contrast, health care premiums nationwide are expected to soar 10 to 14 percent in 1993. By keeping rate increases small, over the past two years CALPERS saved its beneficiaries $178 million—the additional amount they would have paid had CALPERS rates kept pace with the national average.

Equally significant, CALPERS accomplished its performance with minimal bureaucracy. Only 20 employees are needed to administer a program for almost one million beneficiaries. Medicare, by contrast, requires 89 public employees for every million beneficiaries to run its price-controlled system.

MANAGED COMPETITION

Managed competition is a creative approach to using market forces rather than government-set price controls to restrain health care costs, improve quality, and increase consumer choice among health plans.[3] The system works by changing the market's ground rules to help decentralize decision-making, spur innovation, reward efficiency, and respect personal choice. This model of reform, first developed by Alain C. Enthoven, Paul Ellwood, and other members of the "Jackson Hole Group," strengthens the argument for universal coverage because markets will be more efficient if everyone is included in the system. While many versions of managed competition have been proposed, most include the following provisions:

"Reliance on consumer choice in well-structured markets rather than on public regulation of health prices and volume of procedures to control costs;

"Reliance on private health coverage rather than on expanded public programs (such as Medicaid) to achieve universal health care coverage;

"Tax reform, regarding the treatment of employer provided health benefits, to make government subsidies more progressive and less inflationary;

"Better incentives and information to help providers focus on the health care plans that give the greatest value to the consumer."

The mechanism for establishing managed competition is much like that which exists under the CALPERS system. An organization such as CALPERS acts as the intermediary (a health insurance purchasing cooperative, or HIPC) through which consumers in a given region purchase a standardized (and probably comprehensive) package of benefits. HIPCs could be quasi-public entities, non-profits or some other form of private organization. They would contract with a variety of competing private health plans, each of which would name a price at which it would agree to accept and serve any consumer for a full year. The HIPCs would then present this full range of private health plans to their customers who each could choose his or her preferred plan.

Each year during open enrollment, the HIPCs would provide their customers with materials that describe the participating plans and their performance, and act as the sole point of direct marketing allowed between insurers and consumers. All plans competing through the HIPCs would also agree to collect and report data on medical outcomes and consumer satisfaction so consumers could better decide which plans were delivering value for the money. Many types of health plans could offer coverage through the HIPCs—from Health Maintenance Organizations (HMOs), to physician networks, to plans that resemble current "fee-for-service" insurance; but all would have to agree to take any consumer, at their advertised rate, for a full year's coverage.

This approach stands in contrast to those that would rely on setting price and volume controls throughout the private health care economy. Such an approach currently exists under Medicare: the Health Care Financing Administration sets prices for thousands of hospital physician procedures. Medicare also tries to control the volume of procedures performed in an effort to prevent doctors from compensating for lower fees simply by performing more procedures. Some reformers now suggest that this Medicare model should be extended to the rest of the health care economy even though, under the Medicare system, costs are projected to increase at double digit rates for the foreseeable future.[4]

HOW MANAGED COMPETITION WORKS FOR THE CONSUMER

Managed competition is a distinctly pro-consumer reform. It offers consumers an unrestricted choice among many health plans, none of which can reject potentially sicker consumers or charge them higher prices. An employer no longer decides in which plan to enroll all its employees. Instead, the company pays its portion of the health care premium to a local HIPC, such as CALPERS, which in turn negotiates among several health care plans. The consumers are then permitted to choose among the various health care plans under contract with the HIPC.

Consider Mr. Smith, an employee of a firm with 50 employees. He and his family currently have no choice among health plans; his firm offers one insurance plan and pays half his premium. Under managed competition, by contrast, Mr. Smith can choose among a half dozen private health plans through a HIPC, and none of the plans can refuse to cover him for any reason.

Once a year, during an open enrollment period, the HIPC sends the Smith family a booklet that describes the health plans and their prices negotiated by the HIPC for the year. The booklet describes each plan, its participating doctors and hospitals, and its other resources. Each plan offers an identical standardized package of benefits (although some may also offer supplemental services at added cost). If the Smith family chooses to enroll in a plan that charges more for the standardized package of benefits than the lowest cost plan (the lowest cost plan represents the maximum amount his employer is willing to contribute in health benefits), the family pays the full difference in costs between the lowest cost package and the higher cost package. Thus, the family has an incentive to choose the most efficient provider of the standardized benefit package. Because they are all required to provide the same benefit plan, providers are compelled to compete on the basis of price (by offering low premiums) and quality (by providing the best health care outcomes).

The money Mr. Smith's employer was previously spending on health benefits is now paid to the HIPC, and stays the same regardless of which health plan the Smith family chooses. In order to ensure that Mr. Smith's company doesn't make a contribution to his health plan that exceeds the price of the lowest-cost plan (which would then leave Mr. Smith no incentive to choose the least expensive plan) the current tax treatment for employer provided benefits would be reformed.[5]

In summary, under managed competition:

Private sector health plans are given strong incentives to lower prices as much as possible in order to attract enrollees, while keeping quality as high as possible in order not to lose current enrollees or discourage potential enrollees. Under the current health care system, by contrast, many consumers have no annual choice of health plans or, if they do have a choice, they have little awareness of plans' prices and no information about the quality those plans produce.

"No plan can reject any consumer for coverage based on current health status or past conditions. In the current health insurance market, insurers often reject coverage for individuals or small businesses if these consumers have some pre-existing medical problem.

"No insurance plan can boost a firm's rates simply because one of its employees incurred a major expense in the previous year. In the current health market, by contrast, this is a common practice among insurers.

"Insurers, because they accept a fixed-price for each enrollee for the year (a capitated payment), have a strong incentive to negotiate aggressively with participating doctors and hospitals to limit the prices they will pay for specific procedures. In the current health care market—dominated by 'fee-for-service' medicine—insurers have limited ability and incentive to negotiate aggressively with doctors and hospitals."

CALPERS LEADS THE WAY

Congressman Stark is not the only critic of managed competition who claims it is merely an abstract theory. For example, Karen Davis, an ex-Carter official and Executive Vice-President of New York's Commonwealth Fund, recently argued regarding managed competition, "the nation [cannot] afford to rely on an untested approach."[6]

Despite the claims of its critics, millions of Americans already receive their health care through systems that incorporate many features of managed competition. The health benefits program under CALPERS (California Public Employees' Retirement System) is one of the most important. CALPERS, in essence, acts as a health care purchasing cooperative. It has offered its beneficiaries a multiple choice among competing private health plans since the mid-sixties, and in the past three years has adopted other important features of managed competition. CALPERS negotiates agreements with almost two dozen private health care plans, handles premiums totaling $1.4 billion each year and provides coverage for more than 887,000 public employees, retirees, and their dependents.

CALPERS not only covers state employees but also offers its services to employees of almost any public agency in California. As a result of this provision, employees in what are essentially small businesses—for example, the two employees of the Antelope Valley Mosquito Abatement District—are able to enjoy the same low health care prices as the 626,000 employees of the State of California. Moreover, no CALPERS enrollee, whether part of a small or large unit, can be forced to pay higher rates or rejected by a plan because of current health status or past medical conditions. Thus, insurers cannot "risk skim"—that is, enroll healthier segments of the population to ensure higher profits.

Each December, health plans participating in CALPERS submit proposed premiums to the CALPERS staff. The staff then conducts confidential negotiations with each plan over the next month. In February, final premiums are announced for the subsequent year of coverage beginning August 1. During May there is an open enrollment period during which consumers can shop for new plans based on the newly-negotiated rates and supplemental benefit choices.

Over the past two years, two changes to CALPERS's system moved it closer to the ideal of managed competition. First, the state's health benefit contribution to its employees changed to a level which approximates the price of lowest cost health plan in the system. In the past, the state's contribution to employees' plans equaled 100 percent of the average of the four largest plans in the system, a formula that destroys enrollees' incentives to choose cheaper plans or for plans to offer lower rates.

For example, in the 1990-91 coverage year, the state's monthly contribution for individual coverage was $157; thus, when plans offered a premium at something less than this, few employees had the incentive to choose lower-cost coverage. But then in 1991, prompted in large part by the state's budget crisis, the state negotiated with its public employees to freeze the level of the state's health benefit contributions for three years. At the end of this period the state's contribution is expected to approach the amount of the lowest cost plan in the system. At this point, individuals choosing a higher cost plan will have to pay the difference; but if they choose a lower-cost plan, they will also pocket the full savings.

The second important change was CALPERS's effort to standardize the benefit package across all HMOs for basic coverage. CALPERS's staff worked closely with various constituent groups and health providers to develop a standard benefit design that would not reduce the scope of benefits currently available. Standardizing a benefit package is important for two reasons. First, it enables consumers to shop for plans on the basis of prices more effectively.[7] Prior to this change, CALPERS had to provide its customers with a two by three foot chart containing a graphic display of 1,110 cells showing the various limitations, co-pays, and exclusions among 22 health plans.[8] This degree of complexity made it virtually impossible for consumers to compare plans. It also had the likely impact that many consumers would think low-cost plans likely lacked some essential service—they would worry about encountering "airpockets" or "swiss cheese" coverage when they became sick.

The other problem, according to CALPERS staff, was that the degree of variation among plans made it difficult for CALPERS to negotiate premiums. Often during negotiations, when CALPERS challenged prices, the response from various health care plans was: "we cover areas that the others don't." Without a uniform definition of a basic benefit package it is difficult for a purchasing cooperative to negotiate effectively.

In response to this problem, CALPERS decided to use its leverage to negotiate a standardized benefit package with all providers. It began by imposing a benefit freeze two years ago, in preparation for last year's negotiations for rate renewal. This at least prevented providers from changing their benefit configurations from year to year. During the next year staff reviewed existing definitions and identified the most comprehensive benefits packages among the plans for a model of what the CALPERS package should look like. Despite fears among some state employees' unions that a standardized benefit package would mean a reduction in benefits, the process actually resulted in broader, more comprehensive benefits than previously existed under most plans. To meet the new standards, eight plans reduced their co-pay charges for drugs and physician visits, four plans expanded coverage for substance abuse services, nine plans expanded coverage for skilled nursing facility care, and nine plans broadened hospice care.[9]

KEEPING PREMIUMS DOWN

As CALPERS put these changes into effect, it demonstrated that managed competition has an impressive ability to control costs. At a time of skyrocketing health care costs, CALPERS will be lowering its premiums by almost two percent in real (that is, inflation-adjusted) dollars. If CALPERS rates had increased at the national rate of premium increases of 30 percent over the last two years, its beneficiaries would be paying an additional $178 million.[10]

[Dollar amounts in millions]

	CALPERS rate increase	CALPERS gross premiums	National rate increase	CALPERS avoided cost
1992-93	1.5	$1,400	14.0	$108
1991-92	6.1	1,300	16.0	70

Source: CALPERS Health Plan Administration Division.

The role of HIPC's

Part of the reduction in premiums achieved by CALPERS occurs during the negotiations with health plans that takes place between December and February. One of the key questions about managed competition is whether to make HIPCs "weak" or "strong"—that is, whether to give HIPCs such powers as the ability to contract selectively with only a subset of plans within a region, or to impose sanctions on plans that insist on price increases that are seen as unreasonable. On such questions, CALPERS is a relatively strong HIPC—it can contract selectively with individual plans, negotiate between the initial submission of bids and the final prices, and impose certain sanctions on participating plans.

For example, when Kaiser Permanente, the giant of its health care plans, attempted to raise premiums by more than 10 percent last year, CALPERS mandated a freeze on future enrollment of CALPERS members in Kaiser. As one executive of another major carrier put it, "That served as an example that CALPERS meant business." Partly in response to these actions, this year Kaiser decreased its premiums by 2.2 percent and 3.3 percent in Northern and Southern California, respectively.[11]

Under a national plan for managed competition, HIPCs such as CALPERS would be established in every state. The results from CALPERS' experience suggest that strong HIPCs can exert strong pressure to keep prices down.

It is also significant that the price gap between the highest and lowest cost plans has been steadily decreasing over the last several years. A narrowing spread in rates is one indication that plans are competing on the basis of value and suggests that real resource savings are being achieved. In one area of Southern California where 10 HMOs were providing health care to CALPERS' members, the difference between the lowest and highest family monthly premium was 14.5 percent during the 1991-92 coverage year even though these plans contracted with the same provider networks and hospitals, and provided care to virtually the same demographic mix of members. By leveling the playing field through a standard benefit package, CALPERS forced the plans to compete on the basis of price. As a result the difference between the lowest and highest premiums in this area is now close to nine percent.

OTHER ADVANTAGES OF CALPERS AND MANAGED COMPETITION

In addition to cost control and savings for its beneficiaries, managed competition systems such as CALPERS have other important advantages. The first involves minimizing bureaucracy. The entire system requires only 20 employees to administer (this does not include personnel who simply enroll CALPERS beneficiaries). The total administrative cost to the system is $7 million which reflects only one-half of one percent of enrollees' premiums.

A health care system that relies on government to set prices tends to be bureaucratic and cumbersome. This is reflected in a higher number of employees required to set and monitor prices charged for thousands of specific procedures. For example, medicare has 89 public employees for every million beneficiaries to run its price-controlled system. The comparable figure for CALPERS (adjusting upward to one million beneficiaries) would be only 22. Interestingly, this is quite comparable to another major managed competition system already in the U.S.—the Federal Employees Health Benefits Plan (FEHBP) for federal employees—that only requires 16 public employees per million lives covered. The similarity between FEHBP and CALPERS regarding the number of employees required to run the system suggests that managed competition would be a bureaucratically lean way to pursue health care reform, and could represent one way for President Clinton to fulfill his campaign pledge to "reinvest government."

Managed competition also allows for much more dynamism than government-set price controls. Rather than setting fee schedules for doctors and hospitals, managed competition systems such as CALPERS leave it up to private plans to figure out how best to live within their capitated premiums. Several HMOs, for instance, have elected to make capitation payments, in turn, to their doctors as a way to hold down costs. Other firms have merged or consolidated their operations to avoid redundant administrative costs and broaden services. CALPERS also insisted on an across-the-board one percent reduction in plan administrative costs from 12 percent last year to 11 percent, and would like to push this percentage down even further. Managed competition also allows for more dynamism among states because, under a national framework, each could become laboratories for testing different approaches for structuring HIPCs, improving care in rural areas, collecting outcome data, and ensuring universal coverage.[12]

CALPERS also collects and evaluates detailed budget information from each plan; it uses this information to suggest improvements in the delivery of health care.[13] For instance, during negotiations this year CALPERS recommended to one health plan that it reduce the abnormally high rate of caesarean sections performed, a change that would reduce inpatient delays, surgical costs and ultimately improve the quality of care provided to patients and lower premiums.

A third benefit of managed competition is that it creates a powerful advocate for consumers. Among the services CALPERS provides is a Consumer Advocate Unit. This team acts as an independent third party to respond to complaints and questions asked by CALPERS's members. Typically, this unit is asked to enforce aspects of the contract where consumers believe they are being cheated or denied certain benefits. CALPERS's staff is able to bring these complaints to higher levels of authority within firms than the individual consumer who might not receive the same attention from an unresponsive service provider. As a result of such efforts, consumers' satisfaction appears to be high; on average, 71 percent of enrollees would recommend their plan to a friend.[14]

QUESTIONS FOR FURTHER STUDY

While CALPERS displays a strong record, there are many questions that merit further study to determine effectiveness of managed competition in controlling costs and improving quality. For example, some have argued that CALPERS's lower costs have resulted from participating plans offering volume discounts and price-shifting to other consumers. Tom Elkin, CALPERS' chief for health benefits, responds, "To the extent we're getting good prices, it's because we're not accepting the list price offered. No one should take the first price given to them without first evaluating the quality and competition. Consumers do this for cars, CDs and refrigerators—why shouldn't we do it for health care?"

Certainly, the lower prices CALPERS receives results from their strong purchasing power, yet there is no evidence that these prices have fallen below the inherent cost of the service. At the very least, to the extent that some of the savings does result from such cost shifting, managed competition is an extremely efficient way for a group of consumers to exert pressure since the government doesn't have to set prices for each procedure. Ultimately, any existing degree of cost shifting would disappear if everyone obtained their coverage under managed competition.

It is also important to note that California has been in a recession for the last several years. Low health care prices may reflect stagnant incomes and diminished demand for services. Even so, health care prices generally in California have not dropped as a result of the recession, and nationally, increases in health spending certainly have not slowed appreciably during recent recessions.

Some also argue that CALPERS's lower prices may stem from the high penetration of HMOs in California. More than 33 percent of Californians currently receive services through HMOs compared to just over 15 percent for the entire United States.[15] At least 75 percent of CALPERS enrollees participate in HMOs. In cities that have high HMO penetration, however, the same success in restraining prices has not been achieved. Furthermore, before CALPERS established its managed competition system, HMOs were already present in large numbers yet rates continued to escalate. What appears to be essential to holding down prices then, is not just the presence of organized delivery systems, but also the managed competition framework through which such systems compete for enrollees.

One final issue is the question of whether managed competition only applies to densely populated regions that can support multiple, competing health plans. In other words, can this system work in predominantly rural states, where the number of participating health care plans would likely be relatively small? One way CALPERS addresses the needs of California's rural areas is through its self-funded preferred provider organization which is available to members statewide. CALPERS has been able to hold the rate of premium increases under this plan to 4.9 and 7.9 percent in 1992 and 1993, respectively.

These and other questions clearly require further research. Even so, CALPER's remarkable results suggest that managed competition is producing real health care resource savings in California and substantial improvement in consumer satisfaction. Far from being an untested theory, CALPERS represents a practical model for expanding managed competition to other states under a national plan for health care reform.

FOOTNOTES

---

[1] As quoted in Robert Pear, "Budget Official Sees No Savings in Clinton's Health-Care Plans," The New York Times, February 3, 1993.

[2] Change in Consumer Price Index 1991-1992, according to the Congressional Budget Office.

[3] For extended discussions of managed competition, see Jeremy Rosner, "A Progressive Plan for Affordable, Universal Health Care," in Mandate for Change, eds. Will Marshall and Martin Schram (New York: Berkley Books, 1992), 107-28; See also Paul Ellwood, Alain C. Enthoven, and Lynn Etheredge, "The 21st Century American Health System: A Proposal for Reform," Health Economics 1 (1992): 149-68.

[4] For example, H.R. 5502, "The Health Care Cost Containment and Reform Act of 1992" sponsored by Rep. Pete Stark (D-CA).

[5] There are many potential ways to do this. PPI's Progressive Plan calls for abolishing the exclusion of health benefits from taxable income and replacing it with a fixed tax credit. The Managed Competition Act (H.R. 5936) introduced in 1992 by Reps. Cooper (D-TN), Andrews (D-TX), Stenholm (D-TX), McCurdy (D-OK), and Glickman (D-KA), and its companion bill in the Senate, (S. 3299) introduced by Sens. Boren, (D-OK) and Breaux (D-LA), essentially

proposes to cap employers' deductions of health benefits to the cost of the lowest priced plan in a region. The Jackson Hole Initiatives (proposed by managed competition innovators Paul Ellwood, Alain Enthoven, and Lynn Etheredge) recommends limiting tax-free employer contributions by taxing employees on any amount contributed by their employer beyond the cost of the least costly plan. See also Alain C. Enthoven, "A New Proposal to Reform the Tax Treatment of Health Insurance," Health Affairs (Spring 1984): 21.

[6] From the prepared statement of Ms. Karen Davis to the Committee, December 16 and 17, 1992, U.S. Senate, Hearings of the Committee on Labor and Human Resources, Achieving Effective Cost Control in Comprehensive Health Care Reform (Washington, D.C.: 1992): 81.

[7] Managed competition seeks to make consumers cost-conscious and price sensitive with regard to annual purchases of health coverage. While managed competition does not necessarily rely on greater price sensitivity with regard to individual medical procedures, it allows consumers to compare value based on premium payments and the basic benefit package. The "cost unconsciousness" of consumers today with regard to individual procedures is illustrative of more widespread cost unconsciousness throughout the health care system. A recent Gallup survey reports that almost two-thirds of patients never bring up the topic of money with their doctors before treatment. Another new study by Medirisk shows that the vast majority of consumers have little idea what medical services actually cost. When asked to estimate the charge for a complete physical, those polled cited figures ranging from $8 to $2,500. The actual national average for a check-up is $111, yet the average estimate for all respondents was $270. As cited in Glenn Ruffenach, "Firms Use Financial Incentives to Make Employees Seek Lower Health-Care Fees," The Wall Street Journal, February 9, 1993, B1.

[8] Co-payments are standardized across all benefit plans except in the areas of emergency room services and outpatient mental health. The variation in co-payments for these categories is a reflection of real differences in costs for the provider depending on the location of facilities and prior contracts with suppliers.

[9] One exception was Kaiser Permanente. In order to conform to the new standardized package of benefits and out-of-packet payment requirements, Kaiser had to raise its co-payment requirements for visits to the family doctor and prescription drugs from $1 to $5 for each of these services.

[10] "Health Benefits 1992," KPMG Peat Marwick Survey. CALPERS adjusted the figures which were based on the calendar year to reflect the CALPERS coverage year.

[11] A significant reason for this reduction was also the expansion of co-payments under Kaiser, from $1 to $5 per office visit or drug prescription, required to bring Kaiser in line with CALPERS's new standardized benefit package, as discussed above.

[12] For a broader discussion of the advantages of state-based reform see Rosner, "A Progressive Plan for Affordable, Universal Health Care," in Mandate for Change, 126–27.

[13] Calpers recently implemented an "enhanced data collection" system that enables it to evaluate performance and budget data for each plan. For instance, for the 25 key benefits provided to its members, Calpers looks at the per member, per month costs and outcomes of all services and compares them across all plans.

[14] The California PERS 1991 Consumer Experience Survey Report prepared by Freeman, Sullivan & Company (January 1992).

[15] National Directory of HMOs-1992," (Washington, D.C.: Group Health Association of America, December 1991).

Mr. BREAUX. In summary, Mr. President, I am just delighted we are making this progress, and that Mrs. Clinton is in charge of the Commission. I think the information they get is going to ultimately produce a better product.

That Commission is hearing from various interested groups. We have heard some recent reports in the press that groups are not happy with the fact that they do not sit on the Commission. Well, there is a difference between sitting on the Commission as a member of the Commission and having input to that Commission.

I would suggest that various interest groups—suppliers, doctors, hospitals, and the AMA—are, in fact, being listened to. They are just not making good decisions. And I think that is a fundamental distinction that we should be aware of.

So when I read the articles, I initially was somewhat concerned that we were not listening to the people that are going to be affected who are suppliers of health care. After finding out a little bit more information, I find that they are not complaining about not being listened to. They are complaining about not running the Commission.

And certainly the Commission has to be, I think, an in-house operation that the President has appointed. They listen to everybody and then they make a recommendation. And that recommendation is going to be fully aired in the Congress and in the Senate. Every interest group will be able to come in and say why they think it is a good idea or why it is a bad idea and have the opportunity to make suggestions.

So, Mr. President, I think we are well on our way to coming up with a proposal which is going to be sound and solid and one that I think this Congress will give most serious consideration to.

With that, I yield the floor and make the point of order that a quorum is not present.

The PRESIDENT pro tempore. A point of order has been made that a quorum is not present. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Florida is recognized.

The Chair observes that the time under the control of the majority leader has expired.

Mr. GRAHAM. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Florida [Mr. GRAHAM] is recognized for not to exceed 10 minutes.

LONG-TERM HEALTH CARE

Mr. GRAHAM. Mr. President, tomorrow Hillary Rodham Clinton and the Robert Wood Johnson Foundation will convene one of several hearings across the country on health care reform. Mrs. Clinton and Mrs. Gore will hear from several hundred Floridians in Tampa, FL.

I am proud that they will have the opportunity to review the unique, health-related concerns and issues of Floridians, ranging from the high number of small businesses in the State, to several innovative Florida insurance programs. I applaud and support the President's efforts at forging consensus on health reform.

I am particularly pleased tomorrow's hearing will focus on long-term care and issues of special concern to older Americans. Three million older Americans live in the State of Florida. Indeed, in Florida, the over-85 population will increase from 200,000 in 1990 to 350,000 in the year 2000. It is particularly appropriate that tomorrow's hearing occur in Tampa because of these demographics.

Yesterday's Washington Post contained an on-point column regarding demographics and the budget deficit. I ask unanimous consent that the article be printed in the RECORD immediately after my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. According to the article, long-term deficit reduction must include difficult budget cuts so that our grandchildren will not have to pay for our mistakes, mistakes that could become their future—a future which will bring greatly increased numbers of older Americans in need of expensive long-term care services.

I agree with my colleague, Senator MOYNIHAN, who has frequently observed that "the study of the future is the study of demographics." Between 1990 and 2010, the over-85 population of America will double. In 1990, there were 3.2 million Americans of the age of 85, representing 1.3% of the population.

By the year 2010, the over 85 population is projected to increase to 6.1 million. This population has medical expenses 2.5 times higher than those ages 65 to 69.

As the aged population grows, social and health service needs will increase. It is our responsibility as a nation to make tough decisions today in anticipation of and preparation for our future needs.

One part of this effort is to determine the level of services needed in the future, the role of the private and public sector, and the most cost effective and humane way to provide services. We must devise and implement a system which acknowledges the aging process; which, in fact, more than acknowledges, but which applauds the aging process.

Mr. President, one of the fundamental reasons for the creation of our Nation was to preserve life, liberty and the pursuit of happiness. And one of the great accomplishments of our Nation has been to extend the period of life. We must see that that extension is only the addition of numbers of years, but also the pursuit of happiness throughout those years. We must provide a system that assists without engaging, and recognizes the dignity and desire for independence of older Americans.

Our system must promote self-sufficiency by assisting persons with chronic health needs and disabilities to the degree necessary, not overcompensating and misplacing persons in institutional settings prematurely and unnecessarily. Our goal must be to place persons in the home or community with an institutional setting as the last resort.

Mr. President, I am not advocating a system which will exclude nursing homes. Indeed, institutional settings provide a crucial component of a comprehensive continuum care system. However, our system must offer alternative settings—in the home and community—where appropriate and until a nursing home is absolutely necessary.

In considering a solution, one must consider the various aspects of the problem.

First, the provision of long-term care in an institutional setting is very expensive. An average year in a nursing home costs $30,000. Nursing home costs are the leading cause of catastrophic costs, which diminish lifesavings for the elderly and disabled.

Second, the current system is skewed toward institutional settings, both financially and in terms of service delivery. Nationally, total spending for persons with chronic illnesses or functional limitations totaled an estimated $57.8 billion in 1988, the last year for which figures are available. Seventy-seven percent of the spending was for nursing home care compared to 23 percent targetted to home- and community-based care.

The imbalance is the result of several factors. While Federal Government funding for institutional care is provided with virtually no strings attached, great restraints exist for home- and community-based funding, such as waivers and caps on spending levels.

Many States lack the necessary infrastructure to provide home- and community-based care. The existing infrastructure is characterized by limited alternatives to institutional care, few incentives for innovation, and little to no referral in hospital settings or by community physicians to noninstitutional settings.

An example of an enlightened infrastructure exists, I am pleased to say, in the State of Florida, which pioneered a statewide home- and community-based program called Community Care for the Elderly.

Florida—in large part because of that system and in spite of the fact that it has the highest proportion of its population in the Nation over 65 and by far the highest proportion of its population over 85—has the second lowest ratio of nursing home beds in the population over 65 in the country.

I am pleased that tomorrow Mrs. Clinton and Mrs. Gore will have an opportunity to learn first hand about what a State innovation can do to deal with an important, pressing national concern relative to how to provide a range of services for older Americans and for disabled Americans.

A third concern about our current system is its philosophical limitation. Many so-called social services, such as homemaker services or adult day care, are considered in a separate category from health services and, consequently, not funded.

But, these very social services are utilized to deter or to treat a medical event or consequence. If one conceptualizes health care as a final destination, then the above social services should be included in comprehensive reform efforts.

Finally, our long-term care system is plagued by quality of care problems. While quality of care is difficult to monitor, it is imperative that we install and maintain comprehensive quality of care standards for the most needy Americans—the frail elderly and the severely disabled.

Mr. President, yesterday, my colleague from Arkansas, Senator PRYOR, and I introduced a modest long-term care bill that addresses these issues. It is modest because it begins the process of reforming our system, improving and expanding programs to be used as building blocks in the future.

Unfortunately, Americans have a long history of using their rear view mirror as a crystal ball—we see our reflection and keep on driving. Today, we must carefully evaluate our future needs, using the demographics of my State and the Nation, and make sure that in the 21st century we are prepared for the needs of elderly and disabled Americans. I am pleased that Hillary Clinton will accomplish this goal in Tampa, FL, tomorrow.

EXHIBIT 1

[From the Washington Post, Mar. 10, 1993]

WHAT CLINTON ISN'T SAYING

(By Robert J. Samuelson)

We face a future of much bigger government, regardless of which party controls the White House. Even if President Clinton's budget program were completely adopted it would only nibble at the long-term deficit. An aging America is relentlessly raising the costs of existing federal programs, and there remain large gaps in social services that most Americans want from government. By my rough estimates, balancing the budget early in the next century could easily require increasing the federal tax burden by nearly a third: from today's 19 percent of gross domestic product to about 25 percent.

You simply aren't getting an accurate picture of the budget outlook. President Clinton isn't giving it to you, nor is the press. No one is looking beyond the next four or five years to the population changes that will fundamentally drive federal spending in the next century. It is precisely because these forces are so powerful that everyone needs to take a longer view. Once you do, the conclusion becomes obvious: The president and Congress ought to be ruthless today in paring back unneeded government programs so that tomorrow's unavoidable spending increases will be easier to bear.

Unfortunately, Clinton's budget program goes in exactly the opposite direction. He condones unneeded programs and adds too much new spending. Instead of clarifying government's responsibilities—telling us what's essential and what's expendable—Clinton perpetuates the fuzzy notion that government should do anything that seems vaguely desirable. He gives us a smorgasbord of new government ranging from "national service" to more research and development. By 1998, all his new spending proposals and tax breaks would bloat the deficit by $62 billion.

Worse, these scattered spending increases will compound all the other pressures for higher taxes. Let's examine what those are. Consider:

AN AGING AMERICA

An older population means Medicare costs more. People get sicker, and their illnesses are more expensive. Between 1990 and 2010, the over-85 population will double; and those over 85 have medical expenses 2.5 times higher than those 65 to 69. The taxes used to pay for Medicare are gradually being overwhelmed. Between 1997 and 2010, spending will increase by nearly 2 percent of GDP, estimates the Health Care Financing Administration. Paying for that increase would require about a $120 billion tax increase in today's dollars.

HEALTH INSURANCE FOR THE UNINSURED

Clinton has promised this as a part of his health-care program, and so the extra spending could come sooner rather than later. In 1992 an estimated 35 million Americans lacked health insurance. The cost of covering them would be about $35 billion annually, if the cost of a basic insurance package could be held to $1,000 per person. That's about 0.5 percent of GDP.

LONG-TERM CARE

Older Americans already fear being bankrupted by nursing-home care. As more Americans age, the anxieties will rise—and so will pressures for government help. Clinton may or may not include long-term care in his health plan. But any major program would be costly. Legislation proposed by congressional Democrats would expand Medicare coverage for home health care (visiting nurses, caretakers, etc.) and nursing-home stays. The annual cost is $45 billion, about 0.75 percent of GDP.

You may note that my list doesn't include some possible new programs: for instance, welfare reform. Even so, the items listed above would cost about $200 billion annually. However, that's not the end of the story. Let's assume that Clinton's budget is adopted. The deficit drops temporarily—mainly because taxes rise and defense spending falls—to a low of 2.7 percent of GDP in 1997. (Extra spending cuts now being discussed in Congress might reduce that to 2.5 percent of GDP.) To balance the budget, this, too, has to be covered. All told, the necessary tax increases amount to nearly 6 percent of GDP. That's $360 billion in today's dollars and more than five times the tax increases in Clinton's program.

Given these huge pressures, Clinton's expansive spending proposals—on everything from highways to subsidized tree planting—are simply an exercise in irresponsibility. Clinton could easily have cut the deficit an additional $50 billion a year: $30 billion of savings could have come from forgoing much of his new spending; $20 billion more could have been saved by eliminating outmoded programs like farm and cultural subsidies. All these programs—old and new—are mostly handouts to favored constituencies. They're not essential social spending.

There are two possible defenses of Clinton. The first is that he's unaware of the next century's huge spending pressures. This is implausible. Hey, this guy is President Policy Wonk. He knows budget trends. The second defense is that Clinton will defuse these pressures by controlling health-care inflation. Yes, that's critical. But it isn't by itself a solution. The excess inflation in health care isn't the only reason for rising costs. An older America will need (and demand) more health care than today's younger America. Indeed, the projections of Medicare spending cited above already assume that health-care inflation will subside substantially.

We are on the edge of an upheaval. Since the 1950s, the national tax burden has been stable. In 1954 federal taxes were 18.9 percent of GDP; in 1992, they were 18.6 percent. Two trends explain this remarkable stability: first, we paid for rising welfare spending by cutting defense (in 1954, defense was 70 percent of the total; now it's 20 percent); and second, we allowed the deficits to explode. Both trends are now reaching their limits. My projections of spending and tax pressures are admittedly crude. But in some ways, they are conservative, because all the pressures will intensify around 2010, when baby boomers begin to turn 65.

One way or another, today's younger and middle-aged workers will shoulder the load of bigger government. Given population trends—and the essential role of government in providing medical care for older Americans—much of the increase is unavoidable. The legitimate complaint against Clinton is that he's not anticipating this spending bulge and, through his own unchecked spending increases, is making matters worse. He keeps preaching to us about the need to be candid and to take the long view. But he hasn't done either.

The PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I ask confirmation from the Chair that the 1 hour under the time controlled by the majority leader has now expired and it is time for the 1 hour on the Republican side of the aisle to commence?

The PRESIDENT pro tempore. The Senator is correct.

Mr. SPECTER. Mr. President, I seek recognition, after having discussed it with the staff for the leadership, to proceed on the topic on health care.

The PRESIDENT pro tempore. The Senator wishes to have his time charged against the minority leader's time?

Mr. SPECTER. Yes, I do. I think that is in order. That time has arrived.

The PRESIDENT pro tempore. It is. How much time does the Senator wish to consume?

Mr. SPECTER. I would seek time, Mr. President, until another Republican Senator arrives on the floor.

But let me start with up to 7 minutes?

The PRESIDENT pro tempore. Without objection, the Senator from Pennsylvania [Mr. SPECTER] is recognized for not to exceed 7 minutes.

Mr. SPECTER. Mr. President, 2 hours were set aside today for discussion of health care. It is now 10:42, so we are just a little late in starting on the Republican time. During the course of the past hour plus, according to my tabulation, there were six Senators who spoke. I arrived at about 9:40, after attending a meeting of the Republican Task Force on Health Care, which started at approximately 8:30 this morning. I am informed that Senator REID had spoken in advance of my arrival. When I came, Senator BURNS, the Republican Senator from Montana, was speaking on another subject. And in the absence of any other Senator from the Democratic side of the aisle, I spoke briefly.

(Mr. GRAHAM assumed the chair.)

Mr. SPECTER. Then Senator HARKIN, Senator BREAUX, and Senator GRAHAM all spoke on the issues of health care. I would note two of the Senators who spoke, Senator HARKIN and Senator GRAHAM of Florida, spoke in part because the First Lady, Hillary Clinton, is due to be in their States.

My conclusion, Mr. President, is that the showing, at least so far on this 2 hours set aside for health care, has not been enormously positive. As we are on the floor today, there are only two Senators present, the distinguished Senator from Florida [Mr. GRAHAM] is presiding, and I am the only other Senator on the floor. And I would say the lack of enthusiasm or lack of press is about the same on both sides of the aisle. But that conclusion, perhaps, is premature as to the Republican side since we are only 14 minutes into the hour which has been reserved for our side.

But my conclusion is that we need something more than an hour set aside in morning business for Democrats, an hour for Republicans, in order to focus some real attention on this issue.

I have been in this body for 12 years-plus and I know we all have many other responsibilities. There are committee meetings, committees where I am a member, which are in progress now. But I believe this is a more important subject to take my attention this morning. There are numerous other responsibilities with constituent visits and with speeches off the Hill and with phone calls in preparation of legislation, work on the motor-voter bill which is coming up today, the confirmation process of Attorney General-designee Janet Reno.

But I also note, Mr. President, that the way to command attention from Senators, really the only effective way, is when the bells ring for a vote. When that first, long ring occurs, shortly thereafter, a few Senators appear on the floor. When those five bells ring, at about the 10, 12, 14-minute mark, Senators pour onto the floor. So when you have a vote you command attention of Senators. And when you offer an amendment you command attention of a few Senators. Senators who are interested in the matter come to the floor. Others listen. Then there may be some response.

The experience of this morning leads me to give renewed consideration to offering health care legislation on another bill at a reasonably early date. Before I make that judgment, I will want to consult with some of my colleagues to make that determination. But I believe it is important that we do more than reserve 2 hours of debate in morning business which is scarcely attended at all. I believe it is important that we do something to focus the attention of the Senate on health care reform and to move the health care issued ahead.

Last year, one of the Senators on the other side of the island—aisle, it almost seems like an island this morning; sometimes the Freudian slips are the most accurate—commented that this is a one-man town, a one-person town, and that there could not be action in the absence of a push from the President.

I responded to that by saying I thought it was not a one-man town or a one-person town, but that the Senate and the House had opportunities for leadership on the issue of health care and on all the other issues as well. And I would renew that statement today.

As I had said earlier this morning, on January 21, the first day the Senate was in session for legislative business, I offered a comprehensive bill on health care designated as Senate bill 18. I commented during the course of that floor statement that, while complimenting President Clinton on his Inaugural Address, that I would have wished for some more substance on an economic package, which I considered to be the top issue facing America, and on health care, which is the other top issue facing America. Perhaps I should say they have equal status.

I introduced Senate bill 18, which is comprehensive health care legislation, based on work which I have done on that subject during the course of my 12 years plus in the U.S. Senate, with emphasis on my work on the Appropriations Subcommittee on Labor, Health, Human Services and Education for the past 4 years plus, in the fifth year now. Senator HARKIN, the distinguished Senator from Iowa, and I have worked closely together—Senator HARKIN has been the chairman and I have been the ranking Republican.

My legislation addresses the critical issues of access, where we now have some 37 million Americans without health insurance. In my extensive floor statement, part of which was presented on the floor and the balance of which was put in the RECORD, I addressed a means of covering most of the 37 million Americans now not covered with provision of coverage for the balance by the Federal Government under a program like Medicare or Medicaid and outlined a proposal which would pay for that additional Federal responsibility starting with the concept of expanding managed health care, which has gained wide acceptance and appears to be the cornerstone of the program where First Lady Hillary Clinton is working with her committee.

She joined a large group of Republican Senators yesterday afternoon for approximately an hour. I attended. Mrs. Clinton made a very impressive presentation, very knowledgeable, responded to questions very directly. I am hopeful that her committee will produce health care legislation which we can all support. It is a big task to get that done by May 1. Even if it is done by May 1, there are questions which have been raised as to whether we can complete health care legislation this year.

My own view is that we should have started on it earlier. I would like to have seen an administration proposal on Inauguration Day. That may be a little demanding, but the health care issue was in the forefront of the legislative agenda last year. We have a variety of bills which have been pending for a long time.

The way to get legislative action in the Congress is to bring a bill up on the floor. The best illustration was the clean air bill which was brought up in 1990. We debated it. I had some spirited discussions with my distinguished colleague from Minnesota, Senator DURENBERGER, who has come to the floor, and, noting his appearance, I will be more brief than I would otherwise. We divided into task forces and we enacted a bill which was a significant step forward.

The legislation, Senate bill 18, which I have proposed, deals with the issue of access and deals with the issue of costs. We have very good evidence that managed health care can provide very substantial savings, perhaps up to 20 percent or perhaps even more. The legislation that I have proposed deals with expanding access to prenatal care to reduce the number of low birthweight births. A reduction in the number of low birthweight births involves a multi-billion-dollar savings. It is a human tragedy to see a youngster come into this world weighing, 16, 18, 20 ounces, and it is a financial expense with costs as high as $150,000 per child, perhaps even higher.

My legislation deals with terminal costs; deals with expanding the pool of nurses and physician assistants into the field of primary care delivery, which would involve savings; deals with information for consumers as to the doctors' records and quality of care and as to the hospitals' records and quality of care; deals with expanding primary and preventive care; deals with the issue of encouraging doctors to practice in underserved rural and urban areas. It is a good place to start.

I am not saying that S. 18 is the final answer. As you try to work through the structure of the so-called HPIC's, the organizations that establish and monitor the standards for the coverage and delivery of care, who is going to control, Federal or State, and how they are going to be organized, it is clear much work needs to be done. It is extremely difficult to put a comprehensive umbrella over our health care system in a way we are sure will work. My bill contains eight titles, which will advance the field very substantially and would leave a relatively small number of people not covered, and those not covered could be provided coverage by the Federal Government.

But I do hope, Mr. President, that my colleagues in the Senate will focus with greater care and intensity on this subject—similarly in the House—and give thought as to how we can move this ahead. It is now March 11. We are a long way from May 1. If on May 1 legislation is introduced, which is then going to be referred to committee, we are a long way from having a committee reported bill. But I do believe that if the majority leader would schedule health care, or in the absence of its being scheduled at an early date, if legislation were introduced on our side, which we can do at any time, and the legislation is ready, we should move ahead.

I was asked to speak, Mr. President, until another Republican Senator appeared on the floor. Senator DURENBERGER, the distinguished Senator from Minnesota, was not present when I started my talk. In yielding the floor, I pass on the admonition to my colleague, Senator DURENBERGER, that he only has 37 minutes until 11:30. I thank the Chair and yield the floor to my colleague from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

ACCEPT THE CHALLENGE

Mr. DURENBERGER. Mr. President, I appreciate the generosity of my colleague. Certainly with 37 minutes, I challenge my Republican colleagues to come to the floor and speak on an issue in which we have been deeply involved for a long time. I do appreciate the opportunity to be here and listen to my friend from Pennsylvania because more than once he has come to the floor, particularly in 1992, and challenged us actually to get to work on this problem and to produce something. If it was not going to be produced in the executive branch, then we ought to produce it here. I guess we stood here many times trying to respond to that challenge. It is never too late. This is the year. As he indicated, with the opportunities given us now by the President and by the First Lady, all of us are willing, as well as able, to accept that challenge.

TRIBUTE TO DR. BILL ROPER

Mr. President, I rise for two purposes today. The first is to recognize that in this business of health care and health policy, there are unique people who infrequently come—and only too frequently go—from our midst. One of them is leaving us today; Dr. Bill Roper is leaving the public sector.

Dr. Bill Roper is in the process right now of announcing his resignation as the Director of the Centers for Disease Control. Bill Roper is a doctor of pediatrics. He has a master's degree in public health, and he has spent the whole of his life in the field of public health and child health. He came to Washington, DC, as I recall, in the early eighties—1983—to work in the Reagan administration, in the White House Office of Policy Development. He rose to be the Deputy Assistant to the President for Domestic Policy and Director of the White House Office of Policy Development.

He also served President Reagan as the Director of the Health Care Financing Administration from May 1986 to February 1989.

Then, from March 1990 to the present, he went to Atlanta, which is near his home in Alabama, to take charge of the Centers for Disease Control.

I ask that a statement of Donna Shalala, the Secretary of Health and Human Services be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY DONNA E. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES

Dr. William L. Roper announced today that he has resigned as the director of the Centers for Disease Control and Prevention and the administrator of the Agency for Toxic Substances and Disease Registry effective June 30.

Dr. Roper has been an outstanding advocate for disease prevention activities, moving the country into new areas of prevention and strengthening existing programs. He has been a leader in working with state and local governments to strengthen the nation's public health system. And, during his stewardship of the CDC, he has worked tirelessly to improve the health of the nation's children. While at CDC he has launched a major new initiative to systematically evaluate the effectiveness and the cost effectiveness of preventive services. He has been an articulate spokesman for the need to include prevention as a key element in health reform.

Dr. Roper's contributions to public health began early in his career. As the health officer of Jefferson County, Alabama, he was recognized by the Institute of Medicine for his outstanding efforts in improving maternal and child health services, particularly for low income women and children.

In addition to his major contributions to public health and prevention, he has been a leader in health care financing and health care reform. As the administrator of the Health Care Financing Administration, he played a key role in the Medicare Physician Payment Reform enacted by Congress in 1989, including the emphasis placed on improving the quality of medical care. Particularly important were his contributions related to the research that established the basis for the Medicare payments to physicians and his stressing the need to judge medical care on the basis of its effectiveness.

There are few health leaders who have contributed so substantially in public health, health care financing and the organization and delivery of health care. We are grateful for his contribution to public service, particularly for his contribution as the director of the Centers for Disease Control and Prevention.

We are pleased that Dr. Roper has agreed to continue as CDC director and ATSDR administrator until June 30, 1993, in order to ensure the implementation of the President's immunization initiative and to ensure an orderly transition.

A search committee to seek a successor will be established immediately under the chairmanship of Dr. William Foege, former director of CDC.

Mr. DURENBERGER. I want just a minute to acknowledge that those of us who have known Bill Roper at one time or another know him as the kindly doctor that we all kind of remember when growing up—except that he is younger than we are, and he is still there to remind us of the values that people bring to the practice of medicine. It seems like some of them lose those values somewhere along the line. Bill Roper never has, and he never will.

He has made amazing contributions to my understanding and the understanding of Presidents, people inside the bureaucracy, people in elected public life, as well as the general public, trying to improve public policy. He has done it in an amazingly intelligent, quiet, unassuming way—you know he means exactly what he says and that he will do whatever he suggests that you do.

Bill has become a very close friend of mine, as he has of many of us around here. His dear wife is also a friend. His pride and joy, of course, is not his work in the Public Health Service, not his work at CDC, not his work at HCFA, not being right next door to the President for several years giving policy advice. I think his pride and joy is a little kid named Will who has been part of his life for the past 2 or 3 years. Will more than anything represents why Bill Roper is committed to reforming health care and improving the quality of health care in America for everyone.

DISPARITY IN PHYSICIAN CHARGES

Mr. President, the Urban Institute has conducted a study which was published in the New England Journal of Medicine earlier this week. The study examined the geographic disparity in doctor bills for all Medicare patients in 59 selected metropolitan statistical areas in 1989. In terms of physician charges, Miami is the most expensive major metropolitan area in the country for a senior citizen to get sick. Minneapolis, where I come from, is one of the least expensive. In fact, we are so inexpensive they did not even include us in a study of about 19 major metropolitan areas.

Overall payments per Medicare beneficiary average $1,874 in Miami and only $822 in Minneapolis. The same people going to the same kind of doctors with the same kind of background, but the difference in payment to the doctors and hospitals is more than twofold between Miami and Minneapolis.

If you think we are that unique, I would inform you that it is almost the same in San Francisco and some other areas of our country. Researchers were uncertain as to why geographic disparity exists. The evidence showed that charges were lower in places with relatively more family doctors and fewer specialists and, therefore, an important revelation to further study the source of geographic disparity, which is a concern that my colleague on the Medicare Subcommittee, JAY ROCKEFELLER, shares. I hope to work with him to further examine that issue and the relationship of primary care to it as well.

Mr. President, there is an editorial on this subject in today's Washington Post, and it is referring to the New England Journal of Medicine article on the issue of geographic disparity.

I ask unanimous consent that the Post editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 11, 1993]

WHERE NOT TO GET SICK

Wide disparities in health care exist throughout this country, and there's not necessarily any relationship between the amount of care and the quality. The diagnosis that gets you wheeled off for an expensive operation in one city may well be treated with pills in another—with a similar or, sometimes, better outcome.

It's only recently, with the growing attention to health care costs, that the size of these regional disparities has become fully apparent. The largest study yet, comparing treatment of Medicare patients in 317 metropolitan areas, appeared this week in the New England Journal of Medicine. With statistical adjustment for all the usual factors, it provides a clear picture of the disparities in the number and complexity of services provided to patients.

In San Francisco, the average Medicare payment per beneficiary in 1989 was $872. The same figure in Miami was more than twice as great: $1,874. But the five authors—two health care analysts at the Urban Institute and three Dartmouth Medical School physicians—were unable to find any evidence that patients in Miami benefit from those high rates of treatment. To the contrary, the authors say, "they may just as plausibly be harmed." There's a correlation between areas with high rates of admission to hospitals and those with higher death rates.

Here in the Washington area, if you were wondering, the hospitalization rate is just about the national average, and the average Medicare patient gets somewhat more than the average amount of treatment—but far less than, for example, in Little Rock or New Orleans. Costs tend to be somewhat lower in cities with high ratios of primary care doctors to specialists. But the chief explanation for these enormous differences seems to lie in the widely varying habits of doctors. As the study points out, these variations illustrate the lack of consensus among doctors about the proper treatment of many conditions.

Translated into budgetary terms, these comparisons suggest tens of billions of dollars a year in questionable Medicare outlays alone. That's a clear warning to the Clinton administration as it designs the country's future health care system.

There's currently a lot of talk about imposing a national ceiling on health expenditures. A temporary one might serve a useful purpose, but there's a great danger that a simple price freeze would only perpetuate the present structure of treatment and payments. As the authors of this Medicare study observe, the reformers can't afford to lock in this misallocation of resources and geographic inequity.

Mr. DURENBERGER. Mr. President, before I yield to my colleague from Arizona, I would like to observe that this is a very important issue. It is not just a strange phenomenon. It is not just a freak of nature, something different about the cold weather of Minneapolis or the nice, consistent 60–70 degree weather in San Francisco. It has everything to do with our ability to contain costs in the medical care system in this country by raising the quality of the care.

There are two ways to do that. One is to change the way medicine is practiced in America. We can change that by the way we purchase our health care, and that is what is going on in the Twin Cities right now. Large groups of people, buying through what we are now going to be calling accountable health plans, change the way medicine is practiced—rewarding the best providers with business, and rewarding the consumers who buy more appropriately with financial savings.

The second way to reach cost containment is to redefine the problem. Many of us who have been in political campaigns in the last couple of cycles have come to believe that the problem is the 37 million uninsured, that the solution is universal coverage, and that the way to get the universal coverage is cost containment.

But the problem is much larger than that. It is a problem of medical access especially in rural areas, and some inner city areas. But there is a much larger health problem in America today.

As my colleague from Pennsylvania has indicated, the lack of immunization of young people, the lack of prenatal care, the lack of responsibility, the lack of appropriate lifestyle—all of these factors have contributed to the major health care problems that this country faces today.

As President Clinton indicated to us yesterday, in addition to the health coverage problem, the medical access problem, we have a long-term problem. We are spending billions and billions of medical dollars on social services for the elderly in this country, and that is a situation that has to stop as well.

So cost containment can be achieved by raising the quality of care in this country. It can be done by changing the way we practice medicine. It can be done by showing Miami and the rest of this country how it is done in San Francisco, Minneapolis-St. Paul, or Rochester, NY. Second, and more importantly we need to redefine the health problem that faces the people of this country. We can give everybody in this country, if we could afford it, a health plan. But, if we do not do something about the health problems that plague our families and our communities every single day of the week, we have not solved this problem.

Mr. President, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent to allow 5 minutes to the Senator from Alaska. It is important that his remarks follow those of the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, the Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair and I thank the Senator from Arizona for accommodating my schedule.

HEALTH CARE REFORM

Mr. MURKOWSKI. Mr. President, I am going to bring to you and the remainder of my colleagues a new perspective for consideration in the issue of health care reform. I rise this morning, as ranking minority member of the Veterans' Affairs Committee, with a special interest in interaction of reforms in the general health care system, and I would like to communicate some specifics for my colleagues.

The Federal Government is currently committed to not only the Veterans' Administration health care obligation, but for Native Americans we operate the Native Indian Health Service as well as an extensive Department of Defense health care system.

Mr. President, some interesting facts. There are in the VA system 171 hospitals, 350 outpatient clinics, 126 nursing homes, 35 domiciliaries, over 500 separate health care sites, and direct employment for 210,000 health care employees.

The work load: About 943,500 hospital episodes annually, 22.5 million outpatient visits, 2.5 million veterans served annually; with a budget, Mr. President, of $14.6 billion. Health care is $14.6 billion out of the $34.7 billion budget.

Now, let us look at the Department of Defense, another commitment of the Federal Government: 168 hospitals, approximately 800 total service delivery sites worldwide; direct employment, Mr. President, of 329,000 health care employees worldwide. The work load: 50 million outpatient visits, 797,500 hospital episodes annually, and a budget of $13 billion in fiscal year 1993.

The third area, Mr. President, is the Indian Health Service: 42 hospitals, 121 Indian Health Service health centers, over 500 direct health care delivery sites including 172 Alaska village clinics in my State; direct employment: 14,764 health care employees; workload: 58,500 hospital episodes annually, 12,100 births annually, 3.8 million outpatient visits; the budget: Approximately $2 billion.

So, Mr. President, we are looking at a health care system that is going to be affected by health care reform we are contemplating in this body, and it is going to affect the VA, the Department of Defense, Indian Health, and other Federal health programs provided to care for millions of American citizens as an obligation.

Yesterday, a portion of our caucus met with the Nation's First Lady. We discussed the role that the administration, and basically her organization, foresees for the Federal direct providers, the VA, the DOD, migrant health care centers, and so forth. The indication was that there was a concern about the possible consequences of this health care reform bill and how it would affect these hospital care systems of the VA, Indian Health Service, and the Department of Defense. But there were no specifics as to whether these considerations were going to be dealt with, or whether we were going to go ahead with the legislation as proposed, by May.

Clearly, Mr. President, this is a major consideration because it is going to affect these Federal programs and affect our obligations.

In all good conscience, one has to ask, should the Federal health care program be allowed to continue to stand alone regardless of proposed reforms? That is unlikely to occur. Last year, the Congress appropriated over $30 billion, as I have indicated, for approximately 600,000 Federal employees to serve those recipients.

Let me conclude, Mr. President, by advising the Chair that at my request the GAO analyzed this matter last year. GAO's report suggested—and this is astounding, Mr. President—that up to one-half of the VA patients would choose an alternative to the VA if a national health care or universal health access system were available to them.

Think of that. What would that mean in revamping the VA system? Nobody knows.

A veterans organization, the Paralyzed Veterans of America, conducted its own study in 1992 called Strategy 2,000. Strategy 2,000 showed that one-fourth of the VA patients would leave the VA for a national health care system.

Mr. President, we have these agencies, VA, DOD, Indian Health, advancing their own agendas. The VA has over $2 billion in construction currently underway for the next 4 or 5 years. The DOD has a similar program. As a consequence, Mr. President, we are faced with a reality of not really knowing where we are going with these programs. One can ask should construction be held off until we have a determination? The VA budget for construction is $668 million. We have a President's economic stimulus package of over $236 million earmarked for the VA alone. These are temporary jobs, construction, maintenance, and so forth.

In summary, Mr. President, we need to take a long look at the implications of what major health care reform would do to these three systems and the budget of some $30 billion and the lifestyle of over 600,000 who serve those systems.

Mr. President, I intend to make a series of statements on these matters over the next few weeks because I think it is mandatory that those considerations be part of the health care reform process as we visit the implications and obligations we have.

I thank the Chair. I particularly thank my colleague from Arizona for allowing me to come in ahead of him.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank my friend from Alaska. I think it would be appropriate to comment on his many year long efforts in behalf of the veterans of this Nation. He has served both as chairman and now as ranking member of the Veterans' Affairs Committee and he has carried out those duties in a splendid and dedicated fashion. He has been recognized by veterans organizations all over America. I believe the American people also should give him his deserved praise and credit for his efforts on behalf of those who have served and sacrificed in behalf of freedom. I thank you, Mr. President.

THE CLINTON BUDGET AND NATIONAL SECURITY

Mr. MCCAIN. I would like to begin my remarks by making a comment on some of the statements that some Members have made on the subject of base closings. As we all know, there will be a list provided tomorrow. It is very understandable that many of these Members would be concerned about the economic impacts on their States and districts. I would point out that many of these same Members are ones who have called for draconian cuts in defense spending. It seems to me a bit paradoxical that they did not or do not appreciate the fact that if you continue to seek these dramatic cuts in defense spending even in excess of those that we are already experiencing, inevitably, bases will have to be closed.

Although a base in my State was closed in the last round and may be in this coming round, I think the fact is that the Base Closing Commission has acted in a fair and equitable manner, having made some mistakes as all commissions do.

I also point out that it was a positive act of Congress that gave this responsibility to the Base Closing Commission since it became abundantly clear that we were unable to manage that responsibility ourselves because of the, at least, short-term pain that was inflicted on our various States and districts.

On three separate occasions in recent history we have disarmed ourselves, and needlessly imperiled our national security in doing so. Few truths are more enduring than the warning that those who forget the past are condemned to repeat it.

I am increasingly concerned that the Clinton administration's economic program ignores the warnings of history and once again threatens our future security. The draconian and disproportionate share of budget savings that will be borne by our Nation's defenses under the President's proposals belie his stated intentions to sustain a military force that is adequate to the challenges of the future.

Often in American history, the end of conflict is the beginning of illusions. Left behind on the battlefield are the hard learned lessons of wars that could have been avoided or concluded at a less terrible cost. We have endured one military trial only—by errors of omission and commission—to begin an unseen drift toward another, as little prepared for the new crisis as we were for the last.

After World War II, flush with victory and weary of war, we demobilized our forces and relaxed our defenses far beyond the levels which prudence and the apparent hostility of an erstwhile ally demanded. We had confused victory with enduring invincibility, and the cost was a war in Korea, for which we were ill prepared and which we nearly lost.

After Korea, we again raced incautiously from war to peace without due regard to the emerging and global threat from the Soviet Union. We lost our ability to fight a European conflict without immediate resort to nuclear war. We lost our power projection capability and our technological edge. Our self-imposed weakness invited new challenges from our enemies, and we found ourselves trapped in a long, escalating arms race with a determined adversary.

Stunned and enervated from our losses in Vietnam, we nearly conceded the larger contest, and once again tempted our enemy into escalating a massive arms race. Our forces were hollow. Our conventional options in Europe were abandoned. Our power projection efforts were undermined by inferior readiness and capability.

Indeed the Chief of Staff of the U.S. Army had to formally warn the Congress that he commanded a hollow force. Then, as we again approached the precipice of disaster, we initiated another crash buildup of our forces to compensate for past underspending and unpreparedness.

Thanks to a determined President Reagan, we were able to restore our readiness and capabilities in time not only to check the advance of the Soviet Union, but to help render it bankrupt, and hasten the collapse of its empire.

Fast on the heels of that collapse, we frustrated the ambitions of a regional empire builder in the Persian Gulf, and overwhelmingly defeated the world's fourth largest military power with a minimum loss of life. Those two events have established for now America's sole claim to the status of world superpower. Thus, the question recurs: Will our confidence obscure new challenges, and will our relief in victory dull our anticipation of new threats. Or will we learn the lessons of war and peace, and recognize our responsibilities in a world of greater opportunities, but less stability, where the threats we face are less immense, but more diverse.

President Bush had implemented a policy which promised to avoid the mistakes of the past. He initiated major reductions, which I supported, in defense spending which responded correctly to changing geopolitical circumstances and security threats, and to the fiscal pressures of the time. But those reductions were appropriately based on estimates of present and emerging threats to our security. Thus, he was able to effect a real peace dividend while sustaining our status as the only power capable of meeting aggression, when necessary, anywhere in the world.

Today, I fear that our new President's understandable focus on our economic problems has encouraged him to take risks with our security that we can ill afford to take. I fear that he has yet to grasp the hard learned lessons of the past and may give less than adequate attention to the imperative of preventing the occurrence of conflicts tomorrow by preparing to meet them fully today. If he proceeds on the course he has inaugurated, he will eventually discover that the cost of recovery is always greater and more terrible than the cost of prevention.

There is a clear and present danger that we will sacrifice our status as the world's only superpower on the mistaken premise that it is essential to our economic recovery. There is a very real risk that we will end the 1990's with our military manpower and major combat unit strength cut by 40 percent, having replaced our readiness during Desert Storm with hollow forces, and having substituted empty rhetoric for a real capability to meet our strategic commitments.

We must understand that we are entering a budget debate that involves far more than dollars and deficits. We should bring to that debate an understanding that we must only cut Defense when we know the impact of such cuts on our economy and defense industrial base, and when we fully appreciate how our national security and power projection capabilities will be affected.

The new administration has proposed to make a total of nearly $188 billion in defense cuts from 1994 to 1998 in President Bush's original defense budget program, and cuts of $127 billion in the program Congress approved last year. The only net cuts in its proposed budget come from Defense. Net nondefense spending actually increases.

The administration is anticipating unrealistic savings in areas like military pay, and avoiding an accurate assessment of the true potential impact of such cuts on our national security by pretending that they could be obtained at the direct expense of the men and women who won Desert Storm. It is providing no real information on what programs will be impacted, the degree to which they will be impacted, their effects on the economy, and our defense industrial base.

Quite frankly, I do not know if the administration is proposing cuts of this magnitude simply to meet its deficit reduction targets—even though it realizes that they are not attainable—or whether it seriously intends to make cuts which could threaten the security of the United States. In either case, there is good reason for concern.

DEFENSE SPENDING THROUGH SMOKE AND MIRRORS

Since the administration has not yet provided any details with regard to the proposed cuts, I believe it is appropriate to give Members, and the American people, some idea of what cuts of this magnitude could mean. What matters in this debate is one thing: Where we will be at the end of 1998 if we implement the entire Clinton plan, not what happens if we implement the part of it that extends to 1997.

I believe that the administration is putting us on a course that could cut our forces by 40 percent between 1991 and the end of 1998. A cut of this magnitude could reduce our total military manpower to about 1.2 million men and women, and result in at least a 20 percent larger reduction of defense industry employees. This would force hundreds of thousands of men and women, including many minorities, to accept involuntary separation from the service.

Despite reassurances from the administration, these cuts may well mean that we could go from 28 Army divisions to around 14. We would go from 13 carriers to 8. We could go from 545 combat ships to 361; from 15 carrier air wings to 10; from 3 Marine Expeditionary Forces to 2; from 36 Air Force fighter wings to 21; and from 268 bombers to 145.

The remaining forces could well be hollow in terms of strategic mobility, sustainability, training, and technology. We could find ourselves without the power projection capabilities that are vital to global stability in the post-cold-war era, and to any concerted effort to replace violence with deterrence and peace making.

To understand these risks, we need to look beyond press releases, and the narrow focus on budget cuts and domestic programs. There are three blatant examples of smoke and mirrors inherent in the literature the administration has issued to support its program:

First, you must search in vain for any details of where the administration's cuts are coming. While he talks about $88 billion in cuts between 1994 and 1997, the only details given concern a proposed $18 billion savings through a Governmentwide pay adjustment, which would, in effect, finance new social spending at the cost of fair pay for enlisted personnel and officers.

Second, the Department of Defense has issued a press release that only reports a total of $88 billion in cuts, but the detailed material issued by OMB shows that the program cuts another $39.3 billion in 1998—a cut that the press release mysteriously ignores. This kind of fast and loose exercise with numbers means that much of the press has ignored the fact that the administration's cuts are at least 45 percent higher than $88 billion.

Third, the administration keeps referring to cuts in military manpower that would reduce our military manpower to 1.4 million men. In fact, however, such figures only cover manning levels through 1997, and again ignore the $39.2 billion additional cuts in 1998. The truth is that it will be almost impossible to sustain a future force level of greater than 1.2 million. The true cuts will be at least 400,000 larger than those recommended by President Bush—enough men and women to field 10 divisions. There must also be massive additional cuts of defense civilian employees and defense industry workers.

The worst aspect of the administration's exercise in smoke and mirrors, however, is that the Congress will be asked to vote on a total Federal budget before it sees a Defense budget and the details of the administration's defense program. We will be required to act before we think, and act on the basis of rhetoric that it is already clear we cannot trust.

We will act in a political climate where few understand that we have already made major cuts in defense spending and were planning further cuts in the coming years. We could support a program that adds up to waste, weakness, and welfare, and effectively turn the congressional budget process into a threat to national security.

THE PEACE DIVIDEND OF THE REAGAN AND BUSH PROGRAMS

To put this issue in perspective, it is necessary to understand what we have already accomplished under the Reagan and Bush administration.

Two years ago, we won a decisive victory against a heavily armed enemy with few American or allied casualties. We did so because we had the best military forces in the world. We had the best trained and most combat-ready men and women. We had the best weapons, intelligence, communications, and logistics. We were ready to project power anywhere in the world, and to sustain our forces in combat.

That victory came in combat, but we had won an even more important victory earlier without any casualties and without firing a shot. We had demonstrated a level of military capability and resolve that helped catalyze the collapse of the Soviet Union and Warsaw Pact. We had responded to a massive Soviet military buildup, and shown the leaders of the Soviet Union that they had no hope of dominating or intimidating the West.

We would never have won either victory if it had not been for the buildup in our forces and defense spending during the Presidency of Ronald Reagan. President Reagan took office at a time when we had hollow military forces. Forces that were underequipped, undertrained, lacking readiness, and lacking sustainability. By the mid-1980's, he had reversed that perilous situation, and created a mix of high technology new weapons programs that convinced the leaders of the Soviet Union that their arms race was unwinnable.

Since that time the cold war has ended, and the Soviet Union and Warsaw Pact have vanished into history. President Reagan and President Bush have signed the most successful arms control agreements in history—ending Warsaw Pact superiority in conventional forces, eliminating most deployed theater nuclear missiles, and putting us on a path that will reduce the strategic nuclear threat to the United States from more than 20,000 weapons to 3,000—a seven-fold reduction that includes the elimination of virtually every risk from a nuclear first strike.

During the last 4 years, President Bush took advantage of these changes to affect a massive peace dividend. He carried out a series of carefully planned and managed cuts in defense spending. As a result, the United States has saved over $330 billion relative to the peak spending levels of the Reagan buildup in 1985. In fact, defense spending has dropped by nearly one-third in constant dollars.

These savings, however, are only part of the story. Under the Bush administration, defense spending dropped from 27 percent of the Federal budget to less than 17 percent—the lowest share of the Federal budget in more than half a century.

This point is critical because the burden defense puts on Federal spending is not a function of how many dollars are spent, but rather how much defense consumes out of the total Federal budget. Our economy and Federal revenues grow constantly, and when defense budgets drop, they drop far more quickly in terms of the burden they place on total spending than they do in dollars.

Today's defense budget provides vast security benefits while placing only a minor burden on the total budget. It is less than one-third of the 57 percent of the Federal budget we spent at the time of Korea, and less than half of the 43 percent we spent during Vietnam.

In fact, defense spending has contributed virtually nothing to our current budget and deficit problems—the issues that President Clinton says he is trying to address. During the period from 1950 to the present, which includes all of the major increases in the Federal deficit, payments to individuals, the so-called entitlement programs have risen from 18 percent of the Federal budget to over 50 percent.

Defense has also dropped massively as a burden on our economy. We spent 11.9 percent of our GNP on defense at the time of Korea and 9.1 percent during Vietnam. President Bush reduced defense spending to less than 4.5 percent of our GNP today, versus 6.3 percent at the height of the Reagan buildup—this is a reduction of roughly 33 percent in the burden defense places on our economy since the beginning of the end of the cold war.

THE BUSH DEFENSE PLAN AND ADDITIONAL PEACE DIVIDENDS

While some Democrats who defend the Clinton administration's program like to forget this, President Bush also planned major additional defense cuts and peace dividends. Unlike President Clinton, President Bush had a very clear plan for reducing our military forces and defense expenses.

He planned to reduce military manpower by 360,000 people between 1991 and 1997, or from 2 million to 1.63 million. He planned to cut Army divisions from 26 to 18 divisions, aircraft carriers from 15 to 12, combat ships from 536 to 448, Air Force fighter wings from 34 to 26, and strategic bombers from 228 to 181.

Long before President Clinton discovered peace dividends, President Bush was making them a reality. Further, his force cuts would have reduced defense spending to only about 16 percent of Federal spending, and 3.5 percent of the GNP by 1997. By that time, we would have been spending more on the paperwork and overhead costs of medical care than we would have been spending on our national security.

Defense has also been the only part of the Federal budget that has borne its fair share of cuts. Because of increases in entitlement spending and discretionary defense spending by a Democrat controlled Congress, the supposed $500 billion cut in the budget deficit that was supposed to occur between 1990 and 1995 has turned into a $500 billion increase. In contrast, defense spending has been cut by more than called for by the budget summit.

THE DANGEROUS IMPACT OF THE CLINTON PROGRAM

These are realities that we cannot conveniently ignore. They are the statistics upon which the security of our Nation depends. The fact is that the administration is proposing to go far beyond prudent cuts to the 1994–98 defense program.

Now let us be clear about three things:

First, the administration's program clearly extends through 1998. Any analysis of the administration's program that ignores this is meaningless, and so are references to cuts of only 200,000 men or any other adjustment to our defense program that ignores the administration's $39.2 billion cut in 1998—the balloon mortgage of the administration's defense reductions.

Second, we need to understand, that the administration's cuts are incremental to cuts that the Congress has already made.

Third, we need to understand that while many people talk about budget outlays, because these affect the deficit in a given year, it is budget authority that counts when it comes to shaping the trends in total force size and military capability.

Given this background, it is striking that the OMB estimates that the administration relied on in its "Vision for America" list defense expenditures in 1998 of $254 billion, and the total is 21 percent less than the $322 billion recommended by President Bush.

Now remember that President Bush already planned for 25-percent force cuts between 1991 and 1997. We are not cutting defense spending relative to today's force. We are cutting defense spending relative to a force that is already intended to be 25 percent smaller.

There is no easy way to translate such budget cuts into force cuts. In fact, the administration has made it virtually impossible by using smoke and mirrors to obscure the one table that shows its true defense figures on page 121 of "A Vision for America." The administration's estimates use current dollars when only constant dollars reveal real trends in defense spending, and they project a 1998 year for the Bush program when this program formally ends in 1997.

There are also major uncertainties regarding the extent to which the administration believes or does not believe it can seriously freeze the pay of every man and woman in uniform, and defense civilian, for half a decade. It is not clear what it is assuming about inflation. It is not clear what it is assuming about energy tax costs. Moreover, there are some serious questions the administration has not addressed concerning the Bush administration's assumptions about management and efficiency savings.

At least half a billion dollars a year evidently has to be reprogrammed into defense conversion, and some part of $17 billion in additional spending for technology and business reinvestment and defense conversion may have to come out of the defense budget.

Even if we ignore all of these uncertainties, however, we still seem to be going from 25 percent force cuts to 40 percent force cuts. Once all the smoke clears, and we look directly at hard data, there is virtually no way to cut the Bush program in fiscal year 1998 by more than 20 percent without making more than 20 percent cuts in forces. Even if we are charitable about the administration's plans for a pay freeze, this assumption is almost certain to be offset by the undercosting of the 1994–98 program, and by the major diseconomies of scale that raise force costs as we cut our total force structure and defense industrial base.

WHAT DOES A 40-PERCENT FORCE CUT MEAN?

I have already outlined the devastating impact that a 40-percent force cut could have on our status as a world power. In broad terms, it could mean total active military manning of about 1.2 million men and women. It could mean at least 20 percent more cuts in the manpower in defense industry, and cuts of well over 100,000 more defense civilians.

It also could mean cuts of about 2.5 more active Army divisions, at least 1 more reserve division, 2.5 carrier battle groups, 90 more surface ships, 2.5 carrier air wings, 1 MEF equivalent, 3 active tactical fighter wings, 2 reserve fighter wings, and 36 more bombers.

Let me repeat what this would do to the forces that won Desert Storm. During the period between fiscal year 1991 to fiscal year 1998, we would go from 28 Army divisions to 14, we would go from 13 carriers to 8, we would go from 545 combat ships to 361, from 15 carrier air wings to 10, from 3 Marine Expeditionary Forces to 2, and from 36 Air Force fighter wings to 21, and from 268 bombers to 145.

Other risks are less clear because they are far harder to cost, but they are not less important. We already are letting some aspects of our forces to go hollow. We are not buying the major spare parts and advanced munitions we need. We are not keeping our military bases modernized. We are reducing support activities, and we are slowing many other areas of force modernization. We are disguising this by not cutting normal operational and training rates, but the fact remains that we are losing readiness.

We often forget what Desert Storm taught us about shortfalls in our forces. Our modernization of strategic and tactical airlift is far behind schedule, and critical areas like Marine Corps tactical lift are effectively unfunded. Strategic sealift has funds, but little tangible activity. Maritime prepositioning is inadequate and underfunded, as are many aspects of mine warfare. We face block obsolescence in amphibious lift, and we are funding shipbuilding at a rate that can only sustain a 200-ship Navy. We have no clear program to deal with the growing risk that we will face long range missiles and weapons of mass destruction on the battlefields of the future.

Not all of these cuts and problems can be blamed on the administration's program. Some are attributable to undercosting and exaggerated management savings during President Bush's term. Roughly a third are the long term consequences of the budget cuts made by Congress before President Clinton took office.

The fact is, however, that if these figures are even approximately correct, they mean we cannot maintain an effective defense of Asia. We cannot provide security for Israel and the gulf. We cannot provide adequate safeguards for the security of Europe. They also mean we will have no real reserve for peace making and other contingencies. We will probably have lost much of the technology edge we had during Desert Storm. We will have crippled part of our defense industrial base.

STRATEGIC FACTS BEFORE BUDGET CUTS

I hope I am wrong. The administration and Secretary Aspin may have a much more realistic plan than their preliminary budget data indicate. They may have identified a way to maintain the forces we need beyond 1998 in spite of the political and fiscal realities surrounding some of the assumptions made in the administration's plan.

The smoke and mirrors approach that the Department of Defense seems to be using in hiding the full nature of the administration's defense spending cuts does not, however, inspire confidence. Neither do the very real problems raised by the chairman of the Armed Services Committee.

One thing is clear. This body should never accept the administration's 1994 defense program without a detailed explanation of the administration's plan through 1998, and without a clear budget justification of that plan. It should not shift dollars from valid jobs in national defense to half explained programs that may add up to little more than welfare. It should not penalize Defense for a deficit it did not create and does not sustain.

The Congress must not act until it has a Presidential commitment to preserving our security with specific numbers. We must not slash blindly at our security and the security of the world at a time when an adequate defense would consume so much less a share of Federal spending and place so much less a burden on our economy.

Our Vision for America must be guided by the lessons we have learned over the years through so much hardship and sacrifice. They are lessons which carry with them an urgent warning: Conflicts come much sooner to countries who are not ready for them, and victory comes at a much dearer price.

We must not slash blindly at our security and the security of the world at a time when an adequate defense consumes so much less a share of Federal spending and places so much less burden on our economy. Our vision for America must be guided by the lessons we have learned over the years through so much hardship and sacrifice. There are lessons which carry with them an urgent warning. Conflicts come much sooner to countries that are not ready for them, and victory comes at a much dearer price.

Mr. President, I am fully aware that, according to every opinion poll I have seen, somewhere around 4 to 5 percent of the American people are concerned about defense and national security and foreign policy. I think that has been true at several other times in our history. I think it makes it very urgent, however, for those of us who have spent our lives in this area to increase our vigilance and to at least make sure that there is an open debate and discussion of the impacts of draconian cuts in defense on the future of our national security.

Mr. President, I thank the President for his indulgence, and I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Am I right, Mr. President, that we have a special order that extends to 11:35?

The PRESIDING OFFICER. The time expires at 11:30.

Mr. CHAFEE. I may be inaccurate. Perhaps the Chair can correct me. I thought the Democrats, when they had the floor from 9:30 to 10:30, it was over. Am I correct?

The PRESIDING OFFICER. The majority leader controlled the time to 10:30 and the Republican leader controlled the time until 11:30.

Mr. WELLSTONE. Mr. President, this may be helpful. I came on the floor with the idea that at 11:30 we would be on. I probably will take about 4 minutes, certainly not much more than that.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

DR. DAVID GUNN

Mr. WELLSTONE. Mr. President, I really will be very brief, and this may have already been done on the floor of the U.S. Senate this morning. I think it should. I would, as a Senator from Minnesota, like to express to Dr. David Gunn's family my sorrow that he was indeed murdered yesterday in Pensacola, FL. I think it is just a tragedy for Dr. Gunn and a tragedy for this family.

Mr. President, I do not intend to demagogue on the issue. I cannot believe that people that have been involved in these demonstrations and clinics would ever condone what can only be called murder, but I would have to say on the floor of the Senate today that it is to me unconscionable that this happened, and in my State of Minnesota I could cite for you many attacks on abortion clinics and the people who operate them.

Mr. President, it seems to me that, at the very minimum, in response to what has happened in Florida and in response to this violence that continues that: First, I hope that the FBI will become even more concerned about this kind of domestic terrorism; second, I think it is time for us to pass the Freedom of Choice Act so we as the United States Congress make it clear that, as a matter of law, women have this right to choose without having to be confronted with this kind of terrorism; and third I think it is time to pass the freedom of access to clinic entrances bill to combat this antichoice terrorism, and that is what it is. It is just pure terrorism.

And, finally, Mr. President, I just want to emphasize what I emphasized several weeks ago when I introduced a bill on RU–486. I think it is time to direct the FDA to look at clinical trials of this, take steps to bring RU–486 into this country so that women do not have to be confronted with the kind of terrorism that they are confronted with when they try to exercise their constitutional right.

I guess it is not a time to express any more indignation about what happened than I expressed on the floor of the Senate to otherwise take a terrible tragedy to make your own political points. I would like to one more time say to Dr. David Gunn's family that I believe all of us in the U.S. Senate express our sincere sympathy. And for my own part, I think it was a terrible tragedy. I am so sorry that it happened, and I hope we can take steps here in the Congress to try to put an end to this kind of senseless violence.

Mr. President, I yield the remainder of my time, and I thank the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Thank you, Mr. President. I thank the Senator from Minnesota.

DR. DAVID GUNN

Mr. CHAFEE. Mr. President, I also want to express my grief and deep concern over the horrible murder of Dr. David Gunn in Pensacola, FL. That is a horrible thing to take place in our country. Certainly those individuals who were picketing outside are perfectly entitled to express their views, but to bring it to this extent, murdering someone whose views were different from those of, in this particular case, Dr. Gunn, who was the physician at the clinic and I believe was the owner of the clinic, is totally inexcusable. And to his family, I join the other Senators and our Nation in saying how deeply we regret this, and we send our condolences to his family.

HEALTH CARE

Mr. CHAFEE. Mr. President, if the majority leader and the minority leader were to join together on the floor of the Senate and present a sense-of-the-Senate resolution that said that Congress should enact a health care reform proposal that would bring health care costs under control and that would assure every American, man, woman, and child access to quality, affordable health care, every single Senator would vote for that. There is no question about it.

We all share the same goals—total coverage, access for everybody; in other words, not only have the coverage but have a doctor available to go to or a hospital available to go to, and the cost be under control and the care would be quality care.

Thus, we all want to see our health care system in the United States reformed. The question comes up: How do we do it?

We have seen a multitude of approaches suggested just on the floor of the Senate. For example, some have advocated a Canadian-style system, the so-called single-payer approach, and that indeed has been presented on the floor of the Senate as a measure this year with some four Senators sponsoring it.

Last year, the Democratic leadership of the Senate advocated a mandate on employers to either provide insurance for their colleagues or to pay a very severe tax. That is the so-called pay-or-play proposal. Last year I joined with a number of my Republican colleagues, and the distinguished senior Senator from Utah, for example, was a cosponsor of that measure, and that bill had very significant reforms in our health care system.

Each of these approaches, the Canadian system, the Chafee or the Republican Senators approach, the pay or play, or others, each of them angers or distresses some group in our Nation, some special-interest group if you want to call it that, whether it is labor or whether it is the American trial lawyers or whether small business or whether it is organized medicine. So each of these approaches likewise has something good that appeals to a lot of Americans and something that does not appeal to many Americans.

As an example, the Canadian system makes health care the responsibility of the Government and limits national health care expenditures. While this approach would guarantee access to every American, it could lead to what I believe to be excessive Government regulation and ultimately to rationing of health care services.

The pay-or-play proposal that the Democratic leadership presented last year would provide insurance to most Americans, approximately something between 95 and 98 percent of all Americans. It would not ration health care. But in my judgment it would do little to control rising health care costs. In other words, there is not much in it for cost containment. And, furthermore, it would result in increased unemployment in our country because of the mandate levied on small businesses that could not afford it.

What about the Republican health care task force proposal? That would provide many more Americans with health care, with health insurance. It would not lead to rationing. It would not cost American jobs. However, it would not guarantee every American access to health insurance. We would not get every American, and, like the Democratic proposal would have done, our proposal did not adequately deal with cost containment.

We are discussing managed competition, which some argue will control costs with minimal Government regulation. Yet, managed competition, by its very nature, relies extremely heavily on managed care. Managed care, by its very definition, limits choice of health care providers. There is, quite frankly, Mr. President, no perfect solution to our health care problems.

Which of these reform proposals does the American public want to see enacted? Well, the answer is, none of the above. What do the American people want, as disclosed by polls and focus groups? They want the following:

First, they want a health care system that is not run by the Government.

Second, they want comprehensive health care services for everybody.

Third, they want to be able to chose their physicians and their hospitals.

Fourth, they want to maintain whatever existing benefits they have and add to them some preventive services.

Fifth, they want to make sure that it costs no more than the present system and hopefully less.

Now, health policy experts in universities or academia across our country will shake their heads over the naivete of the American public. How can the public possibly believe they can have everything for less?

The answer is simple. Here on the Senate floor, as Senators, or out in the campaign trail as politicians, or at town meetings, politicians have told the public that they can have it all. I have heard my colleagues here on the floor tell heart-rendering stories of folks back home who have suffered as a result of the lack of health insurance. Senators have pounded the tables in committee and denounced special interest groups, such as the hospitals or the doctors or the druggists, the pharmaceutical manufacturers, or the insurance companies, and have said we have to do something about this, and have held out hope for some utopian health care reform proposal.

In other words, we, as politicians, have indicated to the American public that there is a magic way of solving our health care problems in America, with little or no increased sacrifice.

As long as this type of talk is emanating from Washington and elsewhere across the country, the public will believe it and will applaud those who indicate that all of this is possible.

So it seems to me that such politicians and other interest groups are as guilty of blocking comprehensive health care reform in this country as those who seek to maintain the status quo. These same individuals and groups could easily doom President Clinton's plan to failure.

As any of us—and many, many Senators in this body are in this group—as any of us who scratch the surface of this business of health care reform in America realize, there is no magic bullet, there is no perfect health care reform bill.

I do not doubt that within the next 2 years we are going to pass health care reform in the Congress of the United States. However, unless the public understands clearly what this all entails—that there are going to be winners and there are going to be losers—if the public has unrealistic expectations about health care reform and then finds those expectations are not met, then we are going to see the whole thing repealed, just as we went through that bitter experience with the Medicare Catastrophic Coverage Act, which seemed to be a splendid program, was passed here overwhelming—something like 83 to 12—and within 18 months was repealed 99 to nothing.

So, Mr. President, I think it is time that all of us attempt to be extremely candid with the American public and with ourselves. There will be winners and there will be losers in any health reform proposal.

While Americans, under the managed competition approach and the way we seem to be going, no longer have to fear losing coverage when they get sick or when they change jobs, many, undoubtedly, will see their premiums increase. This program is not going to result in reduced premiums, in reduced total health care costs in the country. What we hope to do is to reduce the rate of increase that is occurring at such shocking rates currently.

Many will see dramatic improvements in their benefit packages. But, on the other hand, many will lose coverage for certain services that they now have or will be asked to share the costs for those services.

Ultimately, every man, woman, and child in this country will have health insurance, but they will not have complete freedom to choose their doctors or their hospitals. And, furthermore, if some suggest the way to go is through strict price controls, if that is the route that is followed, we may no longer have access to the best and brightest in our educational system, our students going on to medical school and becoming doctors. We may not have that any longer under the price control system.

It seems to me, again, Mr. President, that we owe it to ourselves and to the American public to reduce the rhetoric, to weigh the benefits and shortcomings of every aspect of health care reform, and to admit that compromise will be necessary to develop a reform proposal that will make sense in our country. Unless we bring these realities and public expectations together, our efforts will be fruitless.

So, in summary, Mr. President, we should and indeed will have health care reform in our country. But, at the same time, it behooves all of us to be very, very candid with our constituents and to remind those constituents that this is not going to be easy; that some will have their premiums increased; that there will indeed be coverage for everyone after awhile, but that some regulation is going to have to come into the lives of our constituents who are currently enjoying fee for service type of medical care where they can go to any doctor they want to, any hospital they want to. That, to a great extent, will no longer be possible.

I thank the Chair and I thank my distinguished friend from Utah.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

The Chair will advise the Senator that the time allocated to the majority leader and the Republican leader has expired. We are now in morning business, with time allowed up to 5 minutes.

Mr. HATCH. I ask unanimous consent that I might have 10 minutes to continue on after the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHAT IS GREAT WITH AMERICAN HEALTH CARE

Mr. HATCH. Mr. President, I want to praise the distinguished Senator from Rhode Island. He has been, I think, a very good leader on the Republican side on the task force on health care issues. He has, in a dedicated fashion, brought us together on many occasions to discuss all of the ramifications regarding health care reform. He and Senator DOLE deserve a great deal of credit for their leadership in this area, as well as those on the other side of the aisle who have been leaders in health care issues, as well.

Yesterday, we had the remarkable experience of having President Clinton's wife, Hillary Rodham Clinton, come to our Republican task force and chat with us about health care. And she did a very good job. She indicated she has a wide background of understanding in this particular area.

I think most Republicans really enjoyed having her here. I want to personally pay tribute to her for being willing to stand up and be counted on this issue and to take this responsibility, for which there may not be an awful lot of accolades in the future, because this is a very difficult subject. It is very difficult to resolve. There are people all over the map on these issues. The issues are complex. It takes a great deal of effort just to try to bring people together. I just want to commend her for her effort.

Mr. President, the Republican leadership in both the Senate and the House, have devoted long hours over the past 3 years to looking at the problems confronting health care in America and examining a broad range of proposals to make needed improvements. Important to any reform, in my view, is maintaining intact the vitality of what's great with American health care.

Certain values are built into the American health care system and those values cannot be ignored. We have a tradition of the finest physicians and the most advanced technology diagnosis and treatment of any nation in the world. We are able to choose our own doctors and get treatment when we need it and when we want it.

Our fundamental reliance on individual initiative and the free market has enabled us as a nation to develop our unprecedented excellence in health care. No other country provides as rich a culture to explore the frontiers of biomedical knowledge and to develop innovative therapies. The growth of the U.S. biotechnology industry and the soon to be realized remarkable benefits of gene therapy are but a single example of U.S. preeminence in health care research.

Americans have consistently sought to make progress through individual initiative and the market place. Americans traditionally and explicitly reject the view that government knows what is best for us.

I will continue to stress the appropriateness of the free market as a way to reform health care.

Simply stated, the health care system problem has three components: Cost of care, access to care, and quality of care.

The great challenge is to reduce the rate of cost growth while expanding access and maintaining quality.

Good health care has a price. Americans live longer thanks, in part, to the power of our innovative and sometimes expensive new medicines and medical technology. Obviously, increasing health care costs will continue to correlate with human longevity and development of innovative technology and therapies.

It is easy to point fingers at who should be blamed for rising health care costs. Indeed, some attack the private sector for gouging the sick by charging high prices for innovative life saving medicines and therapies; they believe these drugs should be sold for less money. However, innovative research is costly, and needs to be paid for. Without innovation, many existing therapies would not exist and the patients would have to suffer more or even die.

If we are going to find a cure for AIDS, for which I wear this little red ribbon as a show of compassion for those who have AIDS, then it seems to me it is going to have to come from our pharmaceutical industry. And we ought to be encouraging them rather than bashing them for finding these new therapies and medicines for us at tremendously expensive costs they have to undergo, realizing they have 4,000 misses to bring a marketable drug to the marketplace. Last year we mentioned it costs at least $231 million to get that final marketable drug to the marketplace. So it is easy to throw blame. But we surely want to encourage the pharmaceutical industry to find a cure for AIDS, to find a cure for Alzheimer's to find a cure for cancer, to find a cure for Parkinson's disease, to find a cure for diabetes.

Charges can also be made that government is a significant part of the problem because of reimbursement policies, slow approval for new drugs and devices, burdensome insurance mandates, excessive paperwork, and similar policies. In reviewing our health care system, we need to address systemic problems and to avoid needless blame.

Nearly everyone agrees that a significant portion of health care costs has risen because of malpractice concerns, antitrust constraints, inefficient paperwork burdens, fraud and abuse, and similar systemic problems that create an inefficient and antagonistic environment for health care delivery. For example, malpractice concerns give rise to the practice of defensive medicine, and the burden of expensive malpractice insurance costs. Antitrust laws impose constraints that prevent hospitals and providers from efficiently sharing the use and cost of expensive technology, or limiting the duplication of expensive services, or cooperating together in what would be cooperative technology and medical care and services agreements.

For years the Republicans—I among them—have urged reform of the tort system, particularly malpractice reform. I believe that reform and the use of alternative dispute resolution mechanisms will save billions of dollars now spent on adversarial legal proceedings and defensive medicine. The use of defensive medicine should lessen with a diminished threat of unfounded malpractice litigation. It seems—if you believe a recent front page article in the March 8, 1993 New York Times—that the administration now believes some malpractice reforms may be necessary.

Similarly, costly investigations and enforcement of antitrust laws have added billions to health care costs by preventing hospitals and providers from sharing expensive facilities and technology. I believe we need to reexamine how we define competition within the health care system. We need to identify areas and situations where the antitrust system forces the delivery system to respond in ways that are costly and inefficient.

I believe that the free market can maintain competitive health care prices once we have insurance reform, malpractice reform, antitrust reform, greater disease prevention, and programs for the primary care for underserved populations. Moreover, I believe that these reforms should be given a chance to work first to give the permanent health care reforms an environment which will allow them to flourish.

We should all be concerned that in our enthusiastic search for a treatment for our health care system problems that we do not settle for a cure that is worse than the disease. I believe that we should exercise the same degree of caution in correcting the health care system that a physician would exercise in treating a patient. What would happen if a physician who in attempting to treat a patient for specific ailments used a variety of untested schemes that had a raft of devastating but somewhat predictable unintended consequences? Some of my friends on the other side of the aisle are proposing such radical therapy that the American health care system may become permanently disabled. There is no malpractice system for Congress. We need to be careful that these radical structural changes do not lead to rationed care for patients, or undermine the innovative U.S. health care industry that leads the world in life saving drugs, devices, and other technology and just as importantly, jobs.

Managed competition is now widely discussed. The phrase is a catchy euphemism which implies that competition will flourish or at least work better under Government control. Managed competition is not yet clearly defined, and susceptible to different meanings. One should recognize, however, that the core concept is a system of health maintenance organization [HMO] type providers under regional or National Government oversight. While American experience with HMO's and PPO's, and other managed care delivery schemes may have much to offer, critics have raised questions about the quality of an access provided by managed care. Moreover, managed care has worked in the United States because other components of our health care system provide, on an as-needed basis, services excluded from managed care plans. Finally, managed care has worked in an American environment that provides consumers with the choice of other health care delivery systems including fee-for-service solo practitioners. For example, the concept of managed care would appear to have great potential difficulty in addressing the health care needs that confront rural areas like those found in my home State of Utah. Thus, I believe that restricting Americans to only one type of delivery system, would restrain the individuality and market mechanisms that have formed the strength of American innovation and health care quality, and ultimately would bring us dangerously close to ineffective nationalized medicine.

Some believe that Government can best control rising health care costs through massive regulation and wage and price controls. We must ask ourselves: "How much Government do we want in health care?" Currently, the Federal Government oversees almost half of the U.S. health care expenditures through payment in Medicare, Medicaid, VA, military, and other health care services and biomedical research. We need to think carefully about whether the Government should control all health care resources?

We all know the limitations of our current regulatory system. The FDA system for approvals of new products is constantly criticized for its slowness. I receive a daily stream of letters raising the question of FDA approval or enforcement. I hear from medical professionals and from patients who ask why FDA is not approving life saving therapies. I am convinced that medical progress in the United States would grind to a halt if a new layer of regulatory burden were added to the burdens already imposed by FDA and other agencies.

I do know that we have a vibrant health care industry, one sector of the economy that is responsible for increasing the number of jobs—high paying jobs—over the past decade. We have the finest hospitals in the world. Patients come to our hospitals from other modern Western countries that have Government regulation of medical care. Have you ever heard of Americans seeking care overseas? The Canadians rely heavily on specialized United States resources to augment their national health care system. Our pharmaceutical and medical device industries are world leaders. We hold a positive balance of payments for these innovations—a status that could change if the administration regulates profits.

In evaluating the seemingly hundreds of health care proposals that come before us, I ask myself the question: Are we going to be better off with this proposal rather than what we have today? I encourage my colleagues and the American people to ask themselves the same question.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

THE PRESIDENTIAL TASK FORCE ON HEALTH CARE REFORM AND THE FEDERAL ADVISORY COMMITTEE ACT

Mr. GRASSLEY. Mr. President, the New York Times has reported that, "It is easier to find out who is in charge of military intelligence for the Joint Chiefs of Staff than to find out who is designing cost controls for President Clinton's health care plan."

Yesterday, a Federal judge enjoined the Health Care Task Force—headed by Mrs. Clinton—from conducting fact-finding or information gathering until it fully complies with the Federal Advisory Committee Act.

Before the Federal Advisory Committee Act, task forces frequently were appointed secretly, met secretly, and spent secretly. They acted as a shadow government, without accountability to the American people.

The law has changed secrecy to open government. All Americans should know what their Government is doing and how it is spending public funds. That is just the way we ought to do things in a democracy.

Under the law, any task force or its subgroups must comply with the act's openness requirements. Committees comprised "wholly of full-time officers or employees" of the Federal Government are exempt. The openness requirements include:

Filing a charter;

Opening each meeting to the public;

Providing timely notice of each committee meeting in advance;

Allowing interested persons to attend the meetings;

And making available the committee's working papers, including minutes of meetings that indicate who was present and provide detailed descriptions of matters discussed and conclusions reached.

In spite of the plain meaning of this act, the President refused to conduct business of the Health Care Task Force in the sunshine.

As a result, several interested parties—among them the Association of American Physicians and Surgeons, the American Council for Health Care Reform, and the National Legal and Policy Center—brought an action in Federal court seeking a restraining order against the task force from meeting until it complies with the law.

The President's position is very disappointing—for one who has ridden into Washington on the horse of change.

And some of the arguments his lawyers put forward stretched credulity. For instance, the Justice Department argued that Mrs. Clinton has a unique status as First Lady and is exempt from the Federal Advisory Committee Act.

But the court chided the administration for seeking "the judicial rewriting of an inconvenient statute."

Judge Lamberth regretted, as I do, "that one of the first actions taken by a new President is in direct violation of a statute enacted by Congress."

But the decision was not a complete victory on behalf of open government. Because in addition to the task force itself, 300 to 400 experts have formed working groups to devise a health care plan.

"Their identity," according to the New York Times "is treated as a White House secret, and they have been told not to discuss their work. In fact, few have been identified and their status in the Government is murky at best."

The court held that the Federal Advisory Committee Act is unconstitutional as applied to these cluster groups.

It found that requiring openness at the meetings of these groups would violate the President's power under article II, section 3 to make legislative recommendations to Congress.

But it is within these cluster groups, within the working of these groups, that the detailed work of devising a national health care system is being done. These cluster group meetings are closed to the public.

The specific issues being addressed by particular cluster groups are not even fully known to the public. These cluster groups compose the Health Care Task Force, and as such should be subject to the same laws as the task force itself. It is simply fiction, Mr. President, to suggest that the cluster groups are somehow distinct from the task force itself.

The President stated before the court decision that opening task force deliberations "would be like opening the White House at every staff meeting we have. We can't do that."

Unfortunately, this statement misses the point of the statute. Opening task force working group meetings to the public is not at all like opening White House staff meetings. The President has every right to keep private the meetings of his staff at which policy is developed.

His staff also can certainly meet privately with individuals. But the formal cluster groups include many individuals from the private sector whose identities have not been publicly announced. Who are these people? What interests do they represent? What interests are gaining access to the making of very important public policy unbeknownst to the public?

Reports indicate that many of the outside advisers are academics. The assumption, I suppose, is that they are neutral experts without interests to advance and protect, or without ideological axes to grind. Unfortunately, that is not the way the world works. The fact that they might be academics certainly does not provide sufficient assurances that they are without real-world commitments.

If the President is not going to have his own advisers develop health care policy, then the public has every right to know who is developing that policy under this act.

Obviously, complying with FACA is not as efficient or as pleasant for the executive branch as meeting secretly and cooking up a health care plan in the White House basement with the help of a politically favored shadow government.

But our Government does not always make efficiency the highest value. Although the President's proposal will be debated in Congress, public discussion here supplements, not substitutes for, the openness required under the law. So I urge the President to comply with this act regardless of what the court said yesterday.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SHELBY). The time of the Senator has expired.

Mr. SIMPSON. Mr. President, health care, along with employment and the economy, has been at the top of President Clinton's priority list since he was elected. The President's Health Care Task Force is in full swing and Mrs. Clinton has assembled the best and brightest health policy experts in the country to help her fashion a health care proposal which will be presented in early May. Even though we only know the sketchiest details of what the President intends to do, Mrs. Clinton has already begun to crisscross the country talking to the public in hopes of gaining support for the Clinton health plan.

Mrs. Clinton came up to Capitol Hill yesterday to share her ideas with us and to hear our thoughts and concerns about health care and the process the administration is pursuing in crafting a health care plan.

I believe the announced 100-day timeframe for getting legislation to the hill is unrealistic. There are currently too many details which are missing from the President's plan.

The secrecy of the ongoing negotiations within the confines of the White House is also a major concern of mine. The White House task force should lay all of their options on the table and get a real dialog going with the Republicans. We should be working on this issue in a bipartisan fashion and leave our politics behind us. Health care is too important of an issue to the American public to deliberate behind the secretive walls of the White House.

The Republicans want to move forward on this issue—we want all Americans to have access to health care coverage, and we especially want to control the skyrocketing costs of health care. We are confronting an uphill battle and none of us can face this herculean task alone. The administration and Congress must all work together on reforming our Nation's health care system and the Republicans are ready to roll up our sleeves and face the difficult decisions that must be made.

Given the priority he has assigned to resolving the health care issue, how President Clinton handles such difficult negotiations will be a real test of his leadership abilities.

Mr. DOLE. Mr. President, yesterday 35 Republican Senators met with the First Lady, Hillary Rodham Clinton, to discuss Health Care Reform. During our meeting Mrs. Clinton emphasized the President's strong commitment to reforming America's health care system. We welcomed her input and her candor about the work of the White House task force.

What became evident during our meeting is that Mrs. Clinton—and the President—will suffer no shortage of advice in this endeavor.

Senate Republicans have been deeply immersed in the issue of health care reform for over 2 years now, since the creation of our Health Task Force, ably chaired by Senator CHAFEE.

Mr. President, if one point was emphasized more than any other during our meeting it is that, no doubt, health care is an issue that cries out for bipartisan cooperation. It will be nearly impossible to pass any major reform without it. While we welcome continued meetings with the First Lady and other members of the task force, what is essential to this process is that these gatherings move forward from get-to-know-you sessions, to real bipartisan substantive negotiations on responsible health care reform.

We have expended enormous resources to build the finest health care delivery system in the world. Unfortunately, Mr. President, it is a system that fails to include all Americans and that is consuming more and more of our resources.

Mr. President, while my colleagues and I are just as eager to address these very real problems in our system, what concerns us—and what we emphasized to the First Lady—is that we not destroy what we know to be the good and strong points of our current system—or ignore the realities of the needs of a diverse population in a country the size of ours.

We also need to pay special attention to the needs of our rural population. Rural health care is not a miniature version of urban health—I have questioned for some time how managed competition will work in Russell, KS, for example, where there are only a couple of doctors.

Mr. President, the challenge is to develop a fair and equitable health care strategy to make health care available to all Americans through a competitive private sector health care system—with the Government serving as a backup for those who have no access to private insurance.

Perhaps the real challenge is to accomplish this without ravaging the economy—without hurting small business—and without further straining our thinning budget.

Mr. President, as a group, Republicans continue to be fully committed to reforming our health care delivery system. We continue to meet consistently on a weekly basis and will remain committed until health care costs are contained and all Americans have access to the system.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 10 minutes.

CUT SPENDING—DO NOT RAISE TAXES

Mr. FAIRCLOTH. Mr. President, I know many Senators are sincere and well meaning when they try to defend President Clinton's budget plan, but I am opposed to it.

I see things differently than many in Washington. I come from the private sector as a farmer and businessman who has met a payroll every Friday for 44 years.

Common sense tells us that Government cannot tax us into prosperity. Nor can it spend us rich.

Before President Clinton did one thing to the budget, Congress was already operating on a budget plan that automatically increased spending every year for the next 5 years. Congress was already operating under a budget calling for $245 billion in spending increases in the next 4 years.

Instead of cutting that spending increase, President Clinton proposed a plan that adds $178 billion in spending increases on top of the $245 billion already in the law and more to come with the health care tax.

Congress has balanced the budget one time in 32 years. But in 28 out of those 32 years, Congress has increased taxes usually in the name of reducing the deficit—none of these tax increases have reduced the deficit.

Now President Clinton proposes another tax increase of over $360 billion—the largest tax increase in history by far.

The American people are asking and should ask the question: What makes anyone think the 29th tax increase is going to do any better job reducing the deficit than the 28 failed ones that came before?

The Clinton program is not change. President Clinton's program is more of the same, a repeat of tax-and-spend economics that brought us the deficit. President Clinton promised to change things in Washington. I do not see how he is doing anything different than the Congress did in 1990 with the so-called deficit reduction tax increase. And we know what it brought us: A greater and extended recession.

What makes anyone think it is going to work any better in 1993 than it did in 1990?

The Congressional Budget Office, the agency the President says we should look to for honest figures, reports the Clinton program falls $107 billion short of the deficit reduction goals he promised. The Congressional Budget Office reports the Clinton program actually increases the deficit in 1993 and the deficit rises sharply in 1996 and on into the future.

I predict the $107 billion hole in the Clinton plan is just the start because raising taxes costs jobs. Fewer jobs means fewer taxpayers and a slower recovery, a repeat of 1990.

The new Clinton tax on energy, according to the National Association of Manufacturers and the American Petroleum Institute, will wipe out about 700,000 jobs. We need more taxpayers—not fewer taxpayers—and fewer people on welfare. If raising taxes was the road to prosperity, we would all be residing in economic heaven today.

There is a commonsense alternative to Clinton's plan. If this Congress will limit the growth in domestic spending to 2 percent per year for the next 5 years, we would reduce the deficit by $568 billion—that is $200 billion more in deficit reduction than President Clinton even promises with the largest tax increase in history.

It is time Congress got serious about cutting spending starting right now by stopping the $178 billion in spending increases President Clinton proposes.

I did not come to Washington to raise taxes.

I came to Washington to work for reduced spending. Since I have been here and observed the somewhat casual attitude with which so many Members of Congress view debt, I am reminded of an event in my life when I was a young man of 21, or maybe even a little younger. I was trying to buy some trucks, heavy trucks and equipment, and the bank would not make the loan without my mother's endorsement. She was not at all anxious to do so. So after about a week, I came in to lunch one day and she handed me a handkerchief on which she had written what I proposed as income, and on the other side a column she had written of what I was going to have in debt and what the debt service would be. She handed that handkerchief to me and said, "Go and wash it."

Well, when I put the handkerchief under the spigot, I found she had written my debt in indelible ink and my income was written in food coloring. It immediately evaporated. And she said, "Never you forget that your income can go in an instant, but your debt will be with you until you pay it, plus interest."

That is a lesson that so many Members of the Congress have never had. If every Member of Congress had accepted that degree of fiscal responsibility, we would not have the deficit we have today. The only way, and the one way, to reduce the deficit is simply to cut spending. We must muster the fortitude to do it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent to speak as if morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. I thank the Chair.

(The remarks of Ms. MOSELEY-BRAUN pertaining to the introduction of S. 563 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. MOSELEY-BRAUN. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas [Mr. GRAMM] is recognized, under a previous order, for 10 minutes.

THE BUDGET

Mr. GRAMM. Mr. President, I thank the Chair for the recognition.

I wanted this morning to talk about the budget which is on its way to the floor of the U.S. Senate. We are going through a markup process in committee. But I think it is fair to say at this point that it is obvious that a majority of Committee members have decided that they are going to vote for that budget. I am also sorry to say that we do not seem to be making a lot of progress in getting people to understand what is in the budget, in part because many people do not want to know what is in the budget.

The other day, Mr. President, I was on a TV show with some people from Wall Street. They kept asking me questions about what is in the budget. Maybe I can define where we are and what the process is that we are going to follow and what the choice is we are going to have to make.

Let me take the so-called Clinton budget as it will come to the floor of the U.S. Senate. In simple numbers, here is what it does over a 5-year period. It cuts defense by $151 billion over a 5-year period and, second, revenues rise over a 5-year period. All of these numbers are in relation to where we are today in 1993.

So as compared to 1993 under the Clinton plan, a 5-year budget, defense will go down by $151 billion, taxes will go up by $1.332 trillion, and nondefense spending will go up by $698 billion.

Let me just give you a figure which to me, Mr. President, is startling. If you took 42 percent of all of the spending increases built into the Clinton budget over the next 5 years and said, let us not allow 42 percent of the scheduled spending increases, you would save $298 billion. And you could drop all these taxes in the Clinton budget—the income taxes, the corporate taxes, the Social Security taxes, the energy taxes; all $298 billion of them go to fund part of this $698 billion increase in spending.

So if you look at the whole 5 years, and you look at where we are today in spending on defense, in taxes, and on spending on nondefense, because there is a built-in increase in nondefense spending of $698 billion over the next 5 years, what that means is, if we could just stop 42 percent of those spending increases from occurring, we could eliminate all of those taxes.

You may well be one of those lucky, rich people that the President wants to tax and you just don't know it yet. If you make $25,000 a year and draw Social Security, President Clinton has made you rich. If you are a working family, you are going to pay, on average, $500 a year from this energy tax, and you, too, are one of those rich people. And you are going to pay these taxes. The sad reality, Mr. President, is that every dollar of those taxes will go to fund new spending built into the budget over the next 5 years.

You might ask the question, Mr. President: Why are we not hearing from more groups that are going to be affected by this budget plan? That is basically what I wanted to address very briefly here this morning. You have a combination of factors at work.

First of all, you have a bunch of big, powerful interests who want something in return for their support of the President's plan.

I have a clip here from the Washington Post, last Sunday, entitled, "Japanese Auto Sales Limits Urged."

It says:

> Executives of the big three U.S. car companies are seeking a European solution to limit

> the growth of Japanese car sales in the United States by setting a fixed percentage for Japan's share of the U.S. auto market, industry sources said yesterday. The officials have offered in return to strongly support the Clinton administration's proposed energy tax and the rest of the economic package.

In other words, if President Clinton will protect them from foreign competition, then they are going to support his budget.

So they have apparently endorsed it and they are hoping to be indemnified.

I find people in the natural gas business who come to see me, and say, well, we have a real dilemma because the impact of this energy tax on us is going to be greatly magnified depending on who pays it, whether it is paid at the producer level or the consumer level. So maybe if we sign on to this deal, maybe we can get it imposed on the consumer level and not on the producer level.

Then we have the president of Northwest Airlines who says, well, I am for this plan, but I do not want to remit the excise tax on the tickets that I sell if we are losing money.

Mr. President, the sad reality of this is it all has a familiar ring. The familiar ring is the special interest groups, big business groups, the big labor groups are cutting their little deals with the President. They all want to get indemnified. They are all going to be protected. But who will not be protected? The people who are not going to be protected are the people who cannot cut a special deal with the President. They are not going to get protection from foreign competition. They are not going to get the tax imposed at another level on somebody else. The people who are not going to be protected are the people who do the work, pay the taxes, and pull the wagon in this country.

The people who are not going to be protected are the people who worked all their lives to build up a nest egg, to build up their savings. They are earning $25,000 a year in retirement, and now the President says: We are going to come in and tax 85 percent of your Social Security benefits, so that somebody with $14,000 a year of retirement and $11,000 a year Social Security is going to be in the 76-percent tax bracket. Do you think they are going to come to Washington and offer to support this deal in return for some special gift from the administration? No. They get no special deals; they get only to suffer the very heavy burden of this policy.

Mr. President, the President's policy is very dangerous because it increases spending over 5 years with spending rising far more than taxes go up, so that when you look at the whole 5 years, every penny of new taxes will be spent and every penny of defense cuts will be spent. And in 5 years, taxes will be at record levels and defense will have been cut so far that it cannot be cut any further, and we are still going to have the deficit. When marginal tax rates are 41.5 percent, we are still going to have the deficit.

Finally, if you look at the few savings that are promised in this plan, they are all promised off in the future. In the next 2 weeks, we are going to increase new spending by $21.5 billion, and through an accounting gimmick, none of that money is going to count as spending, as deficit. It is not going to count under the spending cap. We are simply going to have a procedure whereby the President says it is an emergency, so it does not count.

Not until the end of 1995 will this budget even claim to save the amount of money that we are going to spend in the next 2 weeks, and none of those savings are guaranteed. If you look at the savings that are in this budget, they are all promises to control spending in the sweet by and by. Well, my experience tells me that when it comes to saving money in Government, the sweet by and by never, ever comes. Like that old hymn, "In the Sweet By and By," when salvation is to come, we are guaranteed that salvation, and we are all thankful for it. But we are not guaranteed that Government will ever deliver on any of these spending control measures. But we know in the next 2 weeks that we are going to increase spending by $21.5 billion.

Mr. President, if the American people know that for every dollar of spending cuts they get to pay $4.85 cents in new taxes, I do not believe people would support this budget.

So I urge my colleagues to get the facts. Let us remember that most people cannot cut a deal with the administration, and let us represent those who cannot cut special deals to protect themselves.

Mr. DOLE. Mr. President, is leader time reserved?

The PRESIDING OFFICER. Yes, the leader time was reserved.

TAXING AND SPENDING

Mr. DOLE. Mr. President, I commend my colleague from Texas, Senator GRAMM, one of the experts on the budget process. Certainly, he articulates the view, I think, of many people. He understands what is in this economic package. I hope my colleagues on both sides of the aisle will take a closer look. The point I want to underscore is the point he made about the special interests taking care of their little problems.

A lot of people out there—as Senator GRAMM rightly stated—cannot afford somebody to take care of their problems. They are the farmers in my home State. I was in my hometown this past weekend, and they know about the taxes. They cannot pass on the taxes to anybody else. They do not like the energy tax. They pay more taxes, but they do not trust us. We are going to spend it on something else.

Of course, big business sort of rolls with the punches. Whether a Democrat or a Republican is in the White House, it does not make much difference. They say: We are big and they will take care of us. The Senator pointed that out.

I hope the business community will understand that this is important to the American economy, and it may be important to their business. They can get their deal taken care of, and the first thing they are going to do is erode the package as far as savings are concerned. It seems it is time to have a little truth in advertising and budgeting. It may not happen, but we can talk about it.

I think the President is a very good salesman. I do not quarrel with what he wants to do—reduce the deficit. I just have a different vision for America. I think we can do it without raising taxing $295 billion. That is the net tax increase.

I want to take just a moment here. My good friend from Tennessee, the chairman of the Budget Committee, Senator SASSER, had a press release saying that the "revision of the President's budget cuts $140 billion off the 1997 deficit, producing a record $502 billion in 5-year savings."

Mr. President, I think we have to point out that this may not be quite accurate. First of all, the chairman's document assumes that President Clinton's plan cut the deficit by $406 billion over 5 years. It does not. Just last week, the Congressional Budget Office, the honest, independent budgeting scorekeeper, told us the Clinton plan only reduced the deficit by $362 billion by 1998.

By that count, that is $44 billion in phony savings. Using CBO's numbers, the Congressional Budget Office numbers, the Sasser plan only produces $458 billion in deficit reduction—$4 billion less than the President claimed less than a month ago in his "Vision of Change for America."

Wait; there is more. Of the $96 billion in additional deficit reduction claimed by Chairman SASSER, $28 billion is in even higher taxes. Using CBO figures, that raises the total net 5-year tax increase in the chairman's plan to $295 billion in increased taxes.

Roughly, $31 billion in additional budget savings comes from stretching out some of the new spending programs over a longer period of time. We are going to spend all of the money, but we are going to spend it more slowly, so we save $31 billion. Try to explain that to anybody in small business or medium-sized business, a farmer, businessman, or businesswoman in America. If you are going to spend $178 billion in new spending, the fact that you spend it in 6 or 7 years instead of 5 makes no difference; you are still going to spend $178 billion. You cannot save

$31 billion, as they claim in the chairman's proposal.

Another $10 billion comes from unspecified spending cuts. Somewhere, we are going to cut spending another $10 billion.

Assuming all of these so-called cuts are legitimate, that brings total net spending reduction over 5 years to $95 billion. The remaining $30 billion in deficit reduction comes from interest savings—interest savings. That is not cutting anything. If they cut all this, they say we will save that much on interest.

I am not a budget technician, but using CBO numbers—and that is the Congressional Budget Office, which the President said we ought to use—simple math tells me Chairman SASSER's plan calls for more than $3 in net new taxes for every $1 of new spending cuts.

The one thing I heard in my hometown from people I know well—Republicans and Democrats, and probably Independents—is that they like more spending cuts. If we can change that around to $3 in spending cuts to $1 in taxes, I think most Americans might say that is not a bad deal. But $3 in taxes for every dollar in spending—and most people do not think we are ever going to get the spending cuts—is not a good deal. There is almost $4 in new taxes for every $1 of the new spending cuts.

Before my colleagues on either side of the aisle blindly follow anybody's plan, whether the chairman's plan—and I commend him, he has a tough job; I know how difficult it is—I think we want to take another look at this proposal. I believe we can do better. Republicans are going to make an effort to do better. We know we are in the minority. We do not have the votes. We are going to offer a number of amendments and an alternative plan at some future time.

So it seems to me that the debate will be when the budget comes to the floor, maybe next week. And we will be in a position to offer what we believe are constructive amendments; real spending cuts, eliminating $295 billion in net tax increases and trying to bring some reason to this so-called deficit reduction plan, which to me is just a big, big, big spending program—spending and taxes, spending and taxes, spending and taxes—the very thing the American people indicated last November they did not want any more of.

So. Mr. President, I know the President feels strongly about his package. I know he is doing a good job telling the American people about the concept. But I hope he will have a press conference sometime, where reporters can ask him specifics about the plan.

Have a press conference, Mr. President. Go out and let the reporters ask you about how much your tax is, how much spending, what is really in the plan; because I have to believe that less than 10 percent of the American people can tell you one thing that is in this package.

They can tell you they like the speech, Mr. President. They can tell you they would like to cut the deficit. But they cannot tell you what is in your plan.

Obviously, the President would rather not talk about specifics. But we think it is time and we will do our best on this side to try to call attention to some of the areas we believe deserve public scrutiny.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Chair.

(The remarks of Mr. WARNER pertaining to the introduction of S. 565 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DEATH OF ROBERT W. MITCHELL

Mr. LEAHY. Mr. President, on Tuesday afternoon, Robert W. Mitchell, the publisher of the Rutland Herald, passed away at the age of 82.

Mr. Mitchell was witness to the greatest period of change in Vermont history—from the days of gravel roads and horse-drawn delivery wagons to interstate highways placing our State within hours of the major cities of the Atlantic seaboard.

Fortunately for Vermonters, he was also in a unique position to chronicle these changes as a reporter, editor, and finally the publisher of the most respected newspaper in Vermont.

Bob Mitchell was more than a friend to this Senator. I sought his counsel many times, and my respect for his complete integrity and honesty—a man who always put his community and his State above any self-interest—is unmatched among all my friends in public life.

He was the genius behind a newspaper that is respected as the only journal of record in Vermont. He resisted today's journalistic trend toward fluff, color, and community pandering. He refused to trivialize news and sacrifice content for modern gadgetry with no more meaning to an average reader than the content on a box of breakfast cereal.

I have lost a good friend. Vermont has lost a man who helped shape the State's rich history by reporting it honestly in the newspaper that is the greatest monument to his memory.

I ask that the story on Mr. Mitchell's life that appeared in the Wednesday morning editions of the Rutland Herald, written by Kendall Wild, be included in its entirety in the CONGRESSIONAL RECORD as a final expression of the respect that Vermonters hold for his memory.

There being no objection, the ordered to be printed in the RECORD, as follows:

[From the Rutland Daily Herald, Mar. 10, 1993]

RUTLAND HERALD PUBLISHER DIES AT 82—SHAPED VERMONT ISSUES, CHAMPIONED FAMILY OWNERSHIP OF NEWSPAPERS

(By Kendall Wild)

Robert W. Mitchell, the longtime editor and publisher of the Rutland Herald, died Tuesday afternoon at his home after a long illness. He was 82.

For more than 50 years he was at the helm of Vermont's second largest daily newspaper, where he was a champion of state and local news coverage and an influential force in politics, business and the media.

He once said he considered ownership of a newspaper a public trust and stood for thorough and fair coverage of Vermont. He was a strong advocate for freedom of the press.

His daily editorials in the Rutland Herald reflected a memory of Vermont affairs that reached far into the state's past for illumination of current issues. His addition to The New York Times news service to the pages of the newspaper was an indication of his commitment to excellence in journalism.

Mitchell's death came a year away from the newspaper's 200th anniversary, which will be celebrated in 1994. He took considerable pride in the fact that the Herald is the oldest family-owned newspaper in the country. It also is the fourth oldest continuously published newspaper in the United States.

He had a keen interest in history and already had researched and written about much of the Herald's 199 years.

Gov. Howard B. Dean, who was en route to Ohio when he learned of Mitchell's death, said:

"Robert Mitchell stood for two things very important to Vermont. One was family ownership of state newspapers and the other was First Amendment protection. For half a century, he has been a bulwark on both fronts."

BORN IN RANDOLPH

Robert Watson Mitchell was born in Randolph Oct. 2, 1910, the son of Robert John Mitchell and Stella (Watson) Mitchell. Randolph, at the geographic center of the state and on a bustling railroad, was a trading center for western Orange County and northern Windsor County. His father operated a dry-goods store in Randolph, and before Robert's birth had run similar stores in various Vermont locations, including Rutland.

Bob Mitchell's early experiences were those of most Vermont boys growing up when most roads were unpaved, when practically all long-distance travel was by train, when a lot of local transport was in horse-drawn vehicles, and when automobiles were not unheard of but were still unusual.

As a boy he drove cattle to pasture and went to call them in at night. For that chore he was paid 50 cents a week.

Later as a teenager he was a caretaker at the local country club, and had told about shooting skunks to keep them from digging holes in the golf greens.

The youngster was just beginning grade school when the United States entered World War I early in 1917. But he was old enough to sense the excitement among the adults when people in the town went into the armed services, and the stir that occurred when news came about those who had been sent overseas.

Meanwhile, some of the relatives who came to visit and sometimes stay for extended periods with the family were people who told him stories about their own younger days at the time of the Civil War.

ROBIN, BOB, RWM

In grade school he was called "Robin" but when he became an adult going out into the world that changed to "Bob," and that's how he signed himself in short notes to staff members, unless he used the familiar initials: "RWM."

As a tall youth at Randolph High School, Mitchell was called upon to play for the school basketball team. The gym was heated by means of stoves in two corners of the hall. The Mitchell basketball career came to an end dramatically when there was a midcourt collision and Mitchell went down with one leg broken so badly it stuck out at right angles to the rest of his body.

He recalled: "I was so busy thinking about one thing and another that it didn't really bother me to see the leg like that—but my brother, who was in the audience, fainted at the sight."

The injury healed and did not interfere with other athletic activities that he enjoyed throughout his life—tennis, golf and swimming.

The boy's mother died when he was 11, and Mitchell became very close to his grandmother, while his father and a succession of housekeepers looked after the family.

Supermarkets were unknown in Vermont in the second decade of this century, but practically every thrifty family in places like Randolph found spots for family gardens to add variety to the regular fare. Work there as a child gave Mitchell the experience he nurtured diligently in later years—an enjoyment for growing things, especially garden vegetables.

INFLUENCE OF DARTMOUTH

Mitchell's father had attended Dartmouth, but a financial crisis occurred in the 1890s when investments by Bob Mitchell's grandfather were embezzled and disappeared. The father had to return to work in the family dry-goods business and much to his regret he never achieved a college degree.

But the father was determined that at least one of his sons would go to college—preferably Dartmouth—and that is where Mitchell went after graduating from high school. The stock market crash of 1929 occurred during his sophomore year, but he worked at odd jobs during the summer and his father managed to save enough from week to week so they could put together enough for tuition. He graduated in the Class of 1932.

Except for reading about them, Mitchell had never had much contact with people of other races until he started at Dartmouth. He used to tell about asking a classmate who was black to go to the movies with him one night in Hanover. It was a natural gesture of friendship that was characteristics of his throughout his life, but he realized later that the classmate might have thought he was doing it to be patronizing.

PASSION FOR DANCING

All during his college years Mitchell indulged in a passion that be retained all his life—ballroom dancing. In the days before discos there were dance halls at many resorts throughout Vermont. And each dance hall featured live bands, some booking nationally known ensembles. The Pomoseen dance pavilion, for example, periodically advertised the bands of Tommy Dorsey, Jimmy Dorsey, Gene Krupa, and many others. They would come for a weekend or longer, and then move on to the site of their next engagement.

Mitchell remarked once that he figured he had been to every dance hall in Vermont, over the course of several summers, at a time when most highways were still unpaved, and automobile durability was considerably less. It was considered a great advance, for instance, when an auto tire company announced production of a tire "that will last 5,000 miles."

During Vermont's 1991 Bicentennial year, television station WCAX of Burlington produced a series of programs from various sites in the state's counties. One such site featured a broken-down and abandoned dance pavilion at Lake Willoughly in the Northeast Kingdom. Mitchell said, "Oh yes, I was there several times."

EUROPE BECKONS

After college graduation Mitchell found he had accumulated enough money ($1,000) to think of visiting Europe. That sum of money was a large amount in those days, and he managed not only to stay in Paris but also to attend the London School of Economics in England. The era of Gertrude Stein, Earnest Hemingway and other expatriates was coming to an end—Hitler was on the rise—but there was enough atmosphere of the previous decade for the young graduate to partake of travel adventures that sound like something out of those writers. Once, years later Mitchell wrote a description of an actual trip from Paris to the Balearics, through Barcelona, that sounded exactly like something Hemingway could have written.

FIRST NEWSPAPER JOB

Back home, and looking for a job, Mitchell soon found one on the Bennington Banner. He had some experience with weekly papers in his home area, but the Banner was his first stint on a daily newspaper. It was owned and operated at the time by a crusty individualistic Bennington man named Frank Howe, who ran the paper the way he wanted, regardless of what would be considered proper newspapering.

A prominent Bennington lawyer once was disciplined by the state board for an infraction. The maneuvers leading up to the disciplinary action were given exposure in many of the state's newspapers. Not a word in the Banner.

Mitchell asked Howe if a story of such local importance would eventually appear in the local paper. Howe replied: "Maybe we won't use it at all."

Shocked, Mitchell said: "But you can't do that." To which Howe replied: "Oh yes I can. I can do anything I want with this newspaper."

It was an exchange which Mitchell was fond of recounting, especially after he came to own the Rutland Herald and various people tried to tell him what he could—or couldn't—have written in it.

FOUNDS PRESS BUREAU

While in Bennington Mitchell fell in love with and married Rita C. Morrissey, member of a family still prominent in that town. Some time later he was offered a job as founder of the Morning Press Bureau, later the Vermont Press Bureau in Montpelier. Since his wife was working in Bennington, the move to Montpelier meant a pay cut for the couple, even though Mitchell's salary at the Press Bureau was considerably higher than he had been paid at the Banner.

The Press Bureau in those days was operated jointly by the Burlington Free Press and the Rutland Herald. (It is now the capital bureau for the Rutland Herald and the Barre-Montpelier Times * * * Argus.) The Free Press paid 55 percent of the bureau's salary and expenses, and the Herald paid 45 percent. That percentage was determined by the circulation figures of the two papers, but the Free Press seldom lost an opportunity to remind reporters who paid the majority of their salaries.

AT THE STATE HOUSE

During legislative sessions other Vermont dailies also contributed and extra reporters were sent to cover House and Senate.

State House news people occupied what was called the "Crow's Nest" under the eaves of the building. It was reached by a winding set of stairs that went up from between the entrances to the House and Senate balconies, so it was a very handy location for quick access to legislative personalities and developments. Windows looked out at the tops of the building's front columns and the place could be stultifyingly hot in summer and chilly in winter. There were no screens, so the Crow's Nest periodically experienced invasions of wasps, sparrows and pigeons, with an occasional bat. (The space is now occupied by the State House air-conditioning equipment.)

From a mechanical standpoint, getting stories to the Rutland Herald and Burlington Free Press was arduous. Less important material could be mailed, but spot news—and there would be a lot of that during a legislative session—had to be sent direct. There was no teletype system in those days. When he had finished writing his stories for the day, Mitchell would pick up the telephone and call the Free Press. Then he dictated his stories, one by one, to someone at the other end. After finishing with the Burlington connection, he would then phone the Herald, and go through the entire process a second time. In light of modern instantaneous transmission that method seems quite primitive, but it was considered quite modern in those days.

In later years Mitchell kept a certain copy of the daily Herald in which every front-page story in that issue was one that he had dictated to Rutland the night before.

DAVID W. HOWE

Working for two newspapers with two circulation areas but often overlapping interests took a certain diplomatic quality. That was especially true since the Free Press was owned at the time by the redoubtable David W. Howe (no relation to Frank Howe of Bennington) who had his own ideas of what should be covered and how stories should be written.

Howe was also quite aware of other functions of a newspaper. Once Mitchell was covering a tourism conference at Bluff Point in northern New York State, David Howe wrote to him: "If you get a chance to talk with Mr. Gilbert (owner of the Hotel Champlain where the conference was held) you can remind him that the Free Press has more circulation than the largest Plattsburgh paper plus the Malone paper, plus the Ogdensburg paper and covers a territory of much more agricultural importance, industrial importance and with much more through tourist traffic than is to be found in the areas of these other three papers.

"Many people who spend a weekend in Burlington and asked where there are deluxe accommodations with good golf and swimming on the lake will be directed to Hotel Champlain with the aid of their advertising.

"It is well in an offhand manner in talking with Mr. Gilbert to remind him what a lucky man he is to get so much advertising with no cash outlay.

"Sincerely yours, David W. Howe."

Mitchell's response at being asked to promote advertising while covering the news has not been recorded. However, he did respond to a Howe-ism uttered at the outset of a statewide political campaign.

Howe had written: "I am sure I do not need to remind you to keep rigidly objective during the forthcoming political campaign. Officials who are candidates for office tend to be regarded as candidates rather than officials, and the public is not so interested in frequent minutiae and trivialities regarding them."

That was a reference to Gov. George D. Aiken, whom Howe (and the Free Press) figured they would oppose. To Howe's admonition Mitchell responded:

"I always intend to preserve an objective viewpoint in my new stories and will make a special effort to be fair in my political stories during the coming weeks.

"I have found, however, that my idea of fairness frequently makes both sides mad, which may be a reasonable test."

This principal stayed with Mitchell throughout his newspaper career. He made it clear to his managing editors that he supported them in the quest for balanced and objective news reporting.

And his experience with Howe also may have influenced him. He made it a point to try to explain in editorials to the community the necessary separation between the news and advertising sections of the Herald that assured fair news coverage.

GOVERNOR SMITH

The first governor Mitchell covered in Montpelier was Charles M. Smith of Rutland, an amiable person who recently had lost his wife. Smith kept a set of rooms at the Pavilion Hotel next to the State House complex, and Mitchell would drop in on him in the evening after having called his daily stories to Burlington and Rutland. The lonely Smith would invite comment on all sorts of situations which obviously would develop into important news stories. "Well, what shall we do about this?" Gov. Smith would inquire, holding up a few sheets of paper. One such document turned out to be a report on conditions at the state prison in Windsor, which developed into a major story. Other Montpelier reporters went home after finishing their day's work, and often wondered how Mitchell obtained such information. A big issue in the 1936 election was whether to build a highway on top of the Green Mountains, in place of the Long Trail. The Free Press favored the project and the Herald opposed it. Mitchell's efforts at objectivity often reflected his comment that "fairness frequently makes both sides mad." The highway project was defeated.

POLITICAL MOVERS, SHAKERS

The 1936 election also brought George Aiken to his first term as governor, and that began a friendship between Mitchell and Aiken that was to last for the rest of Aiken's life, as governor and then as longtime U.S. senator. It was a personal friendship that endured after Aiken retired from the Senate.

In 1940 Mitchell accompanied the Vermont Republican delegation to the party's national convention in Philadelphia. The delegation contained many prominent people of different political viewpoints, and Mitchell in later years often spoke with amusement about the jostling for leadership that took place even as the convention was under way. That was the year that Wendell Willkie was a dark-horse convention candidate swept into the nomination when the convention members were considerably overawed by Willkie-organized chanting from the spectator galleries: "We want Willkie! We want Willkie!" But the Democrat, Franklin Roosevelt, won a third term in the General Election.

However, the experience gave Mitchell an acquaintance with Vermont's political makers and shakers that was to last for the rest of his career.

To make the trip to the convention in Philadelphia, the Free Press and Herald had advanced Mitchell the sum of $75. He reported on his return that he had spent only $65 and could return the other $10—$5.50 to the Free Press and $4.50 to the Herald. But it was typical of him that he suggested he keep the money and have the two sums deducted from the next expense accounts that he submitted.

BECOMES HERALD EDITOR

Things were going to change for the Mitchells pretty soon. The long-time editor of the Herald, Howard Hindley, died about that time, and the paper's owner, William Field, asked Mitchell to come to Rutland to be editor. He came in May of 1941, in the midst of federal activation of the National Guard and preparations for war. Within six months Pearl Harbor was attacked, and William Field went off to enlist in the armed services. So Mitchell became both editor and acting publisher.

When the war was over, Field decided he wasn't interested in continuing as owner of the Herald, or in taking up life again in Rutland. An avid skier, he was anxious to go to Colorado, where the town of Aspen was about to turn into a popular all-year resort.

PURCHASE OF HERALD

So Field offered to sell the paper to Mitchell, who couldn't come up with the full sum required. Instead, a majority ownership went to Mitchell, and a minority ownership was purchased by Leroy B. Noble, the Herald business manager who had come to Vermont as assistant to Field's father, William H. Field.

The transaction took place in 1948. The joint ownership operated until the 1980s, when Mitchell bought out the Noble interests from L.B. Noble's son, Gene E. Noble.

Meanwhile, Mitchell had suffered the loss of his first wife to an illness which probably could have been prevented if antibiotics had been as accessible as they are today. Left with a small daughter and even smaller son, he subsequently married Virginia Buckingham, whom he had met in Rutland before she moved to Boston. She was the widow of Capt. Ripley Buckingham, who was killed in China in World War II. Capt. Buckingham was the great-grandson of Vermont's Gen. W.Y.W. Ripley. The Mitchells had another son and another daughter.

AFTER WORLD WAR II

In the years right after World War II, Mitchell kept up his activity in politics. He was among those who felt that Gen. Leonard Wing of Rutland should become governor upon return from service in the Pacific during the war. When Wing suffered a heart attack and died shortly after returning home, Mitchell urged Ernest Gibson Jr. of Brattleboro to run for governor. Gibson, a political friend of George Aiken, defeated the incumbent governor, Mortimer Proctor of Proctor, in the Republican primary election. In those days winning the Republican primary in Vermont was tantamount to winning the election.

Mitchell was consulted by other political aspirants, who sought his support before announcing their campaigns. When Gibson stepped down as governor to take the Vermont federal judgeship, Mitchell had a hand in trying to find someone sympathetic to the Aiken-Gibson Republicans who could defeat the candidates of the establishment Republicans.

He acknowledged that he wasn't too successful. After the campaign of 1952 he became less active in Republican doings but started to comment editorially on how the Democrats were on the verge of become a winning force. He supported Republican Robert Stafford of Rutland for attorney general, lieutenant governor, governor, congressman and U.S. senator, and always has a kind word of support for Aiken. But he predicted that, unless the Republican organization mended its corpulent attitudes, the Democrats would win elections. That prediction came true in 1958 with the election of William H. Meyer to Congress, and in 1962 with the election of Philip H. Hoff as governor.

OTHER INTERESTS

In addition to operating the Herald, and continuing his political interest, Mitchell acquired a summer home on Lake Dunmore that occupied to a great deal of his attention during the summer months. He took up sailing and participated with his own craft or as a crew member on the boats of friends for many years.

Skiing was always an interest, even before the days when William Field introduced him to the slopes at Pico. In addition to skiing himself, Mitchell promoted it as an aid to tourism. When Killington Ski Area was first proposed Mitchell supported it very actively, both editorially and in trying to help line up contacts for financing.

KILLINGTON STOCK

To help the fledgling company get started he bought $1,000 worth of Killington stock. In the 1960's some of the news staff felt there was a chance for a conflict of interest between the stories the Herald was covering about Killington's expansion and the fact that the owner of the paper owned stock in Killington. Accordingly Mitchell sold his shares for $2,500 and considered he had made a profit. Not long ago, musing over an annual report of S.K.I. Ltd. (now Killington's owner) he surmised that, if he had held on to his original $1,000 in stock, the various stock splits and increases in value would have made that same stock worth $400,000.

GOLF ENTHUSIAST

Golf was another abiding Mitchell interest. Often on good days in the summer he would leave the office at noon saying: "I'm going to try some golf this afternoon," and could be found on the course at Rutland Country Club. He used the sport to help raise funds for the Vermont Achievement Center, where he was a board member for many years. During a golf tournament Mitchell would buy an insurance policy that would pay off if someone got a hole-in-one at a particular hole on the local course. The beneficiary of the policy would be the VAC.

In later years, after he came to feel skiing was rather beyond his efforts, he became a fixture at the VAC swimming pool, appearing daily, winter or summer, in the early morning.

LOVE OF GARDENING

In the years toward the end of World War II the Mitchell family moved to the residence at the corner of Temple Street and Deer Street in Rutland, where they remained and where their children grew up. Here Mitchell was able to indulge in another passion of his—vegetable gardening. The garden area west of the house became more and more elaborate. He started seeds indoors or under plastic covers very early in the season. As late as the summer of 1992 he was able to boast to friends that his lettuce was among the earliest in Rutland to mature, that his peas had improved greatly, and that his tomatoes provided a promising crop. He showered friends with samples of all three vegetables.

One of Mitchell's outstanding characteristics was his sense of humor a trait he displayed frequently and keenly even during his final days at home.

NEWSPAPER COMPETITION

In the hot metal days of printing Mitchell was very proud of the fact that the Herald won several national typographical awards for excellence in layout. That was in competition with newspapers like the old New York Herald Tribune and the Christian Science Monitor. Then, as with so many other newspapers in the country, the shift to offset printing took place at the Herald in the mid-1960's, and everybody's typography became so much better that the agencies sponsoring the contests gave them up.

Mitchell never lost his sense of competition—of being first and most authoritative with a story, that he had honed as a Montpelier reporter. He transmitted that sense to his personal and business families. When the Burlington Free Press announced one spring that it would begin publishing a Sunday newspaper that October, it was the Mitchell sense of competitiveness that brought the Rutland Herald and Barre-Montpelier Times Argus to their Sunday publications a month or two ahead of the Free Press.

Mitchell instilled in his staff the desire to be first with the news and to be the newspaper with the best understanding of state and local issues. He made sure the editors knew that it was as important to get in the community news as it was to get the big Vermont story.

For a number of years Mitchell was on the board of the local Congregational Church, and served as board chairman during a particularly stressful time when there was widespread disagreement among the members of the congregation as to the status of the minister of that time, and whether he should be replaced.

Mitchell also served on the board of Rutland Hospital, at a time when it was in the process of moving from its old location on Nichols Street to its present site at Allen Street and Stratton Road. He often recounted humorous stories about his efforts at fund-raising among local professional people—some of whom would agree to give only what some deep professional rival had given.

Also in Rutland Mitchell remained active in the Chamber of Commerce and in industrial development. There was a time when he was the mainspring of efforts to create industrial sites in Rutland Town south of the city, and to recruit businesses to fill those spaces. As he once put it to a staff member: "More jobs here mean more chances at improving circulation." He was named "Man of the Year" by the local Chamber, and served on Vermont boards dealing with industrial prospects.

Statewide honors came, too. He was awarded an honorary degree by the University of Vermont in 1985 and last week received an honorary degree, doctor of laws, from Middlebury College. And while he never sought public office for himself, he was still consulted by those with political affiliations.

EDITORIAL PAGE

Until recently, Mitchell arrived at the Herald office every day to prepare at least one of the next day's editorials. One of his favorite themes was improvements to Rutland County's highways. Through his editorials and from his 50 years in the business, Vermonters often gleaned a lesson in history on the topics of the day.

MEMORIAL SERVICE

A memorial service will be held at 2 p.m. on Saturday at the Grace Congregational United Church of Christ in Rutland.

HEROIC ACTS BY CITADEL CADETS BROWN AND JOHNSON

Mr. THURMOND. Mr. President, I rise today to commend cadets Jimmy Brown and Daniel Johnson of The Citadel, the military college of South Carolina, for selfless and heroic acts they recently performed.

Downtown Charleston, SC, is one of the most beautiful and historic cities in our Nation. A popular place with both tourists and natives, it is an area that is always active and full of people. Unfortunately, its popularity also makes it an attractive place for those who choose to prey on the innocent. On Monday, February 1, 1993, Ms. Patty Weathers' purse was snatched as she was walking to her car. Ms. Weathers was unable to cry for help and it appeared that her purse was gone along with the juvenile who stole it.

As Ms. Weathers' purse was snatched, cadets Johnson and Brown were jogging back to campus after having visited their friend and fellow cadet who was in the hospital recovering from a lacerated throat. Spotting Ms. Weathers and the fleeing criminal, the cadets immediately realized what had happened and gave chase. The young thief did not have a chance as both men, who are star athletes, easily caught the purse snatcher, and held him until the police arrived.

What makes this story all the more interesting is that this was the second heroic act by cadet Johnson in a 48-hour period. Just the night before, Johnson saved the life of a fellow cadet, Layne Dellinger, whose throat was slashed in a late night fight outside a popular Charleston night club. By placing his finger inside Dellinger's neck and closing off a shooting artery, Johnson was able to stop the bleeding and save his friend's life.

I would certainly like to join the Charleston community in saluting these courageous young men, their actions are living proof that compassion and civic mindedness have not disappeared from our society.

TRIBUTE TO MARTHA BARNETTE

Mr. THURMOND. Mr. President, I rise today to pay tribute to one of my constituents, Mrs. Martha Barnette, who recently passed away at the age of 66.

Martha Barnette was a woman who believed in giving to her community. Born in Greenwood, SC, she spent her life helping her fellow citizens in various ways. Her involvement in local causes included serving as an endowment trustee for the McCormick Arts Council; a member of the State museum board; the Greenwood board of directors of Citizens and Southern Bank; and as a deacon and elder of the First Presbyterian Church.

Greenwood is also home to Lander University, of which Mrs. Barnette was a very active and devoted alumna. Her distinguished record of service to this institution was recognized when she was awarded the university's Medallion of Honor.

Mr. President, Martha Barnette was a lovely and public spirited lady who enriched the lives of countless South Carolinians, we will certainly miss her and I would like to take this opportunity to extend my condolences to her family.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,209,676,722,160.86 as of the close of business on Tuesday, March 9.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck on this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion very week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,389.08—thanks to the bit spenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

TRIBUTE TO L.B. ERGLE

Mr. THURMOND. Mr. President, I rise today to pay tribute to Mr. L.B. Ergle, a dedicated educator in my home State of South Carolina who recently passed away.

Leonel Ergle was a man committed to making the world a better place through education. He stressed the "three R's" and enforced a strict code of discipline so that students could concentrate on their studies and develop their minds. Mr. Ergle was known to his students as a serious man, and serious he was—about ensuring his students received the best education he could provide.

During the school year 1926-27, I taught school in Ridge Spring, SC, Leonel Ergle's hometown. I had the pleasure of tutoring two of his brothers, who, like Leonel, were fine men and I have always felt close to the Ergles since this association began.

Mr. President, I would like to take this opportunity to extend my condolences to Mr. Ergle's family and request that an editorial published by the Aiken Standard eulogizing him be inserted into the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

L.B. ERGLE

A native of Ridge Spring, Leonel B. (L.B.) Ergle devoted his life to education, and he demonstrated the principles that some say are sadly lacking in schools today.

He was for many years a teacher and school administrator in Lexington, Lancaster and Aiken counties.

He served as principal at Lancaster High School from 1931 to 1952. He then became principal of Langley-Bath-Clearwater School, where he served for six more years before becoming administrative assistant for District 3.

He was a graduate of Furman University and held a master's degree from the University of South Carolina.

He was a Sunday school teacher for 61 years, teaching the L.B. Ergle Class at Langley Baptist Church for 31 years. He was also a deacon in his church.

He was a past president of the Midland Valley-LBC Lions Club and was a former president of the Aiken County Education Association.

He received the United Way Award for community service. He was a member of the Aiken County Council on Aging.

Mr. Ergle died Jan. 8 at an area hospital.

A friend and fellow educator, L.L. Willis, said Mr. Ergle "had convictions and he stuck by them. He was an outstanding educator who demanded discipline. He felt that education would be the salvation of the nation. He guarded every penny of school money as if it were his own, and he felt the same about school property.

"He did not believe in all the frills and outside activities and believed that every minute of school hours should be spent in learning. He believed in strict discipline, and felt that for learning to take place you first had to have the attention of students."

Mr. Ergle played a vital role in the education of thousands of young people during his lifetime, and his influence will be felt for generations to come.

He was a great citizen, an active Christian and a fine human being. We extend our sincere sympathies to his family.

ACTS OF TERRORISM BY ANTI-CHOICE PROTESTERS

Mrs. FEINSTEIN. Mr. President, I was very horrified by the news from Florida yesterday—news that a doctor, married with two young children, who had been working in a family planning clinic in Pensacola, was shot and killed in cold blood by a so-called abortion protester. For too long, the anti-choice extremists have been performing acts of terrorism and cloaking them in acts of protecting life, and the Nation has silently stood by.

The blockades, bombings, arson, and chemical attacks—I have seen them in my own State—all against women seeking health care and those who try to provide such care. They have become so commonplace that the news media does not even report these episodes anymore. But this incident, this killing, this murder, did in fact make news. I can only hope that it will give us pause and make us act to provide some Federal protection to those using and working in health clinics.

I am so very disturbed by the response from the organization sponsoring the protest at the Pensacola Medical Services Clinic. After Dr. David Gunn was shot several times—several times, Mr. President—at his place of employment, the national director of Rescue America had this to say:

> While we think Gunn's death is unfortunate, the fact is that a number of mothers would have been put at risk today, and over a dozen babies would have died in his hands. Pro-lifers are asked to pray that he had a chance to ask for God's forgiveness for his part in the abortion holocaust before his demise."

It would seem to me that who was put at risk was Dr. Gunn, and that his death is much more than unfortunate. I am unsettled by the fact that this organization is more wrapped up in the forgiveness of someone who was just murdered than calling into question the actions of his killer. Rather, Rescue America is seeking donations for the family of the murderer, not the family of the victim.

I am outraged by violence of any kind, and this is certainly no exception. One of the deeply held tenets of our country is an individual's freedom of thought and speech. However, individuals do not have the freedom to disregard other's rights, or to disregard the law. Murderers do both.

Clearly, there will be legal action against the man who killed Dr. Gunn. This instance of violence associated with a clinic does not get lost in any Supreme Court decision. It is clearly against the law.

I call on my colleagues to take swift action on legislation to combat all forms of terrorism against family planning clinics and those that use them, eliminating any question about what is legal and what is not legal.

We must also move on legislation that guarantees, once and for all, that American women retain their legal right to choice.

Mr. President, I am deeply saddened by this recent act of violence, and I want to extend my very deep feelings to the family of Dr. Gunn. I hope that the prosecution of his killer will be swift.

I yield the floor.

Mr. BIDEN. Mr. President, I would like to associate myself with the remarks of the distinguished Senator from California and suggest that she has called to the attention of the Senate and the country a circumstance that, I can assure you, will at least be debated here, if not settled here, because I think she is right.

There is a need for us to deal with the violence that has been spawned by the activities that take place at these family planning centers. I assure her—and she knows as a member of the Judiciary Committee—that there will be, I am sure, ample opportunity for us to discuss meaningful ways in which the impact on the hopefully diminishing violence that is taking place. I compliment her for her comments this afternoon.

THE INTERSTATE WASTE MANAGEMENT CONTROL ACT

Mr. WARNER. Mr. President, I was pleased to join recently as an original cosponsor of the Interstate Transportation of Municipal Waste Act of 1993 introduced by Senator COATS and others.

This legislation continues efforts that I have been actively involved in for the past 3 years to give States and localities authority to control the disposal of out-of-State municipal waste within their borders.

My fundamental goal in sponsoring and supporting legislation in this area is simply to encourage communication and consultation between State and local governments, and waste companies when siting landfills and incinerators designed to receive municipal solid waste generated out-of-State.

Since this issue first came before the Senate in 1990, I have introduced my own legislation and worked with Senator COATS to secure Senate action. I am pleased that last year the Senate passed legislation which for the first time gave States and localities the authority to restrict the high volumes of municipal waste entering their jurisdictions for disposal. Unfortunately, the House did not take similar action.

While I concur with the basic principles of this legislation, I was active last year and will again work to modify this legislation to recognize the validity of arrangements or so-called host agreements that exist or are entered into between private companies and affected local jurisdictions.

It is my hope that this legislation will be amended to ensure that the authority to ban or limit waste shipments does not extend to written, legally binding contracts between a private company and a local government willing to accept this waste. I believe we reached a fair balance on this specific issue in the legislation passed by the Senate last year and I will work with Senators from importing States to include a similar provision in this bill.

While Virginia is one of a few States which dispose of over 1 million tons of out-of-State municipal waste, in most cases this waste is entering Virginia with the consent of the affected local governments. Host agreements have been an effective means of providing appropriate compensation to localities who have primary responsibility for land use planning and who are willing to bear the burden of serving these facilities. Host agreements also have allowed for direct participation by local governments in the decisionmaking process of siting landfills or incinerators.

These arrangements between private companies and local governments provide for the kind of consultation that should occur between all parties involved in waste disposal and should be recognized and encouraged in any legislation considered by the Senate.

RURAL TOURISM DEVELOPMENT FOUNDATION

Mr. PRESSLER. Mr. President, late in the 102d Congress, the Tourism Policy and Export Promotion Act was enacted. This new law is essential to the continued prosperity of our Nation's tourism industry—America's largest export and second largest employer. In short, the travel and tourism industry's success equates to America's overall economic success.

The Tourism Policy and Export Promotion Act provides for various directives impacting the travel and tourism industry. It reauthorizes the U.S. Travel and Tourism Administration [USTTA] and requires improved methods for collecting statistical data on international travelers. The law also emphasizes the importance of further developing and expanding tourism markets and marketing programs. Perhaps most important, it creates the Rural Tourism Development Foundation.

The purpose of creating the Rural Tourism Development Foundation is to assist States like South Dakota in efforts to promote rural America as a travel destination. By increasing awareness, greater attention will be drawn to the wide range of unique attractions offered by rural States. A more concentrated promotional effort touting rural America is long overdue. The Rural Tourism Development Foundation will lead this promotional effort.

I am pleased to inform my colleagues that nine board members of the Rural Tourism Development Foundation recently were announced. Each of these nine individuals is a knowledgeable professional in the travel and tourism industry. I ask unanimous consent that the list of these new board members be printed in the RECORD at the end of my statement.

On March 12 and 13, the board members will gather together here in Washington, DC, for their first meetings. I know my colleagues join me in wishing the board members well as they begin the challenging task of developing the goals and directions of the Rural Tourism Development Foundation. I commend each of the members for accepting this challenging position.

Mr. President, at this time I wish to congratulate my friend and colleague, Senator BURNS, for his leadership on the Foreign Commerce and Tourism Subcommittee over the past years. Senator BURNS played an instrumental role in formulating the Rural Tourism Development Foundation. Coming from neighboring rural States, we share an agenda for promoting rural travel and tourism. Although Senator BURNS is no longer serving on the Tourism Subcommittee, I know his strong interest in and support for the tourism industry will continue.

During this Congress, I am pleased to have returned to the Foreign Commerce and Tourism Subcommittee. I look forward to working closely with my colleagues and proponents of America's travel and tourism industry in an effort to strengthen and build this vital sector of America's economy. The economic impact of the travel and tourism industry should not be overlooked.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RURAL TOURISM DEVELOPMENT FOUNDATION, BOARD OF DIRECTORS

Gail E. Chehak, Associate Director, The Morning Star Foundation, 403 1/2 Tenth St. S.E., Washington, D.C. 20003.

Susan Edwards, Secretary of Tourism, South Dakota Department of Tourism, Capitol Lake Plaza, 711 E. Wells Ave., Pierre, SD 57501.

Larry McRae, General Manager, Outlaw Inn, 1701 Hwy 93 So., Kalispell, MT 59901.

William H. Morris, Jr., Vice Chairman, Global USA, Inc, 5050 Poplar Ave., Suite 2411, Memphis, TN 38157.

Art Peterson, President & CFO, Kampgrounds of America (KOA), P.O. 30558, Billings, MT 59114.

Ron Evans, President/CEO, Best Western International, P.O. Box 10203, Phoenix, AZ 85064.

Patrick Long, Associate Professor, Tourism Management Program, College of Business and Administration, Campus Box 419, University of Colorado at Boulder, Boulder, CO 80309.

Berlyn Miller, President, Acme Electric, 3373 Procyon, Las Vegas, NV 89102

Tommy Walsh, Chairman, Johnson County Tourism Board, Mountain City, TN 37683.

MURDER OF DR. DAVID GUNN

Ms. MIKULSKI. Mr. President, I rise today to express my outrage at the violent murder of Dr. David Gunn. There is no rational or reasonable justification for such behavior.

My heart goes out to Dr. Gunn's family and friends. There is no comfort in words with any death, but my thoughts are with Dr. Gunn's family.

Yesterday's tragedy sends a chilling message to women and their physicians: Antiabortion extremists will stop at nothing in their effort to prevent women from having the freedom to choose.

They have elevated their war against the freedom to choose to a new level of domestic terrorism. Blocking clinics and taunting women and their physicians, firebombing abortion facilities and chemical attacks are no longer enough. Now women and their physicians have to fear for their lives.

We must put a stop to this outrage. We must guarantee women access to health care services and to the clinics that provide these services. We must pass the Freedom of Choice Act and the clinic access bill. We cannot allow this tragedy to be repeated.

WEST FOREST INTERMEDIATE SCHOOL, OPELIKA, AL

Mr. HEFLIN. Mr. President, today, I would like to tell the story of a remarkable group of teachers at an equally remarkable school in my home State of Alabama. It is the story of a small K–5 school in central Alabama, that has taken great leaps forward and created a top-notch education plan for its students.

In 1991, West Forest Intermediate School in Opelika, AL, ranked at the bottom of the school district. Teachers felt overworked; regulations were outdated; and students were not learning. So, that year, school educators came together and created a new method of education. They changed nearly every facet of the school's operations and the results to date have been remarkable: West Forest's test scores have shot to the top of the district. Parents are becoming more involved and teachers are finding new enthusiasm for innovative ideas.

Mr. President, I ask unanimous consent that an article from the January 10, 1993, New York Times be printed in the RECORD.

Thank you, Mr. President, and I yield the floor.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 10, 1993]

CREATING A SPACE CALLED SCHOOL

(By Jill Jordan Sieder)

After 12 years of watching her students perform poorly and express open disdain for the concept of school, Cheryl Deaton, the principal of West Forest Intermediate School in Opelika, Ala., decided to make several radical breaks with tradition. All were designed to remove what she considered to be structural impediments to learning among her students, 57 percent of whom are black and 5 percent Asian, mostly Loatoians, and 70 percent of whom come from one-parent, blue-collar families in a town where adults never graduated from high school and unemployment is high.

Some of those impediments, Mrs. Deaton says, were rules and policies that were too rigid or impractical for her school. Other obstacles derived from the home lives of students, many of whom have never been read to by a parent. Together they produced an environment that was antagonistic toward children, she says.

Opelika is a manufacturing town of 21,500 that features textile mills and auto-parts makers; West Forest, which includes grades 3 to 5, had been stigmatized locally as the "backward mill school." But by late 1990 teachers there had assembled a reform plan that would tailor school programs to the needs of the students and their families. That plan was impressive enough to win a $750,000 grant from RJR Nabisco's educational foundation. Local and state school officials then gave the school a green light. Project Space was born.

READING AS A GOAL

The reforms had a simple set of objectives: to restructure the school and its teaching methods in a way that would increase student motivation to succeed, improve parental involvement in the learning process and reinvigorate the teaching staff. A primary goal was to increase the amount of time that students and their parents spent reading, individually and together, in hopes that scholastic improvement would follow. Another goal was to transform West Forest into an inviting, not a confining, place to spend the day.

First to go were such time-honored practices as reliance upon textbooks as the primary teaching tool and ability grouping, in which faster learners were channeled into one set of classes and activities while the physically handicapped and slower learners were channeled into another.

Mrs. Deaton did away with the standard classroom setup of rows of desks facing a blackboard and a teacher, which she says takes "ownership of learning" away from students, creating a prison-like atmosphere.

Bells do not ring and students do not change rooms. Children with learning, speech or hearing disabilities are not shuttled out of the main class to another room; the special education teacher comes to them. Anything that smacks of segregation learning, of what Mrs. Deaton calls "the caste system in public schools" that creates undue feelings of inferiority—or superiority—had to go.

In its place has come an educational approach based on teamwork and group learning, where teachers plan lessons together, students tutor one another and parents act as policy makers, classroom aides and at-home tutors. For most of the day students remain in the same room, organized into stations of five or six desks that face each other. Ideally, two children of average aptitude are clustered with one faster and one slower learner.

Teachers act more as "learning partners" than as classroom authorities, letting students direct discussions and plan class projects when possible. Disciplinary techniques that emphasize penalties for bad behavior have given way to less confrontational methods. Now, says Mrs. Deaton, a disruptive student is not automatically sent to the principal's office or hallway, but to a "timeout" corner in the classroom "where he can cool off and still benefit from the ongoing instruction." Later the teacher will talk to the student about his conduct and have him fill out a form explaining his actions.

SMALL-GROUP LESSONS

Many lessons at West Forest are taught with 20 children sitting cross-legged on the carpet in cozy circles, knees touching, encouraging more eye contact and participation. Recently, fourth graders presenting oral book reports in this fashion were so animated in their discussion of "My Girl," the book and the popular film starring the preteen idol Macaulay Culkin, that their teacher, Sylvia Gill, extended the session 20 minutes instead of turning to a scheduled math lesson. That simple move would not have been possible if the State had not waived a policy mandating a tightly segmented school day.

An 18-year veteran of the Opelika school system, Ms. Gill says she was used to having to pry comments out of pupils whose low literacy levels made a reading of a district-recommended classic such as "Charlotte's Web" a chore for many. She attributes the newfound enthusiasm to a curriculum flexibility that allows children and their parents to choose the books they read, noting that literature from the popular culture often reinforces the notion that reading can be fun.

"I was on the verge of early retirement before we changed things around," Ms. Gill said. "Now I'm seeing the lights go on in their heads again, which is why I got into teaching."

One of those lights has illuminated Melanie Strozier, 11, a fifth grader at West Forest. Formerly shy and troubled about her mother's divorce, Melanie no longer cries in school. Now she leads class discussion and has starred in two class plays. "In the third grade we just went by the book," Melanie said. "It was kind of boring. Now we do all kinds of projects and plays, and read more exciting things, and it's a lot more fun."

Monica Hicks-Crump, 31, said her son, Robbie, a third grader, "began begging me to buy him a telescope and books on astronomy" after his social studies, science, math, art and music classes did an interdisciplinary study of the space age. "He's even asking for encyclopedias," Mrs. Hicks-Crump said. "It's hard to believe."

Elbert Smith, 8 described as a "sometimes mischievous and rambunctious" student, has been behaving better since he began participating in a group counseling session offered to all students every morning. "The counseling group is fun," Elbert said, "because you get to help other people solve their problems. We joke around a bit, and then we have a true talk. It gives us a chance to get to know each other."

One of the most popular features of Project Space is the extended school day, which begins at 7 a.m. with an enrichment period called "Blast-off," to accommodate the 75 or so children whose parents' schedules demand they be dropped off early. Children choose among board games, coloring books, rope-jumping and other activities that prime them for the start of school.

At 2:45 p.m., those enrolled in the "Odyssey" after-school program engage in art, music, athletic and club activities until 5:30, when their parents can pick them up. One day the Lovers of Construction were building houses out of Popsicle sticks, while the Young Astronauts were assembling small-scale working rocket ships.

About two-thirds of West Forest's 400 students participate in at least one of the programs, which cost their parents $7 per week. The financial break it gives single parents who cannot afford day care, much less music instructors, has generated measurable good will among parents. Mrs. Deaton says it is largely responsible for the dramatic increase in parental voluntarism, which zoomed from 25 hours logged among 5 parents in 1990 to 1,500 hours among 75 parents last year.

Tara Burton, for example, is a divorced 28-year-old mother of two who works the third shift, midnight to 8 a.m., on the assembly line of the nearby Uniroyal Tire plant. Ms. Burton, whose son, Anthony, was suspended several times last year for bad behavior, says she used to "cancel out" on parent-teacher conferences, because she had an image of school officials as snobbish. Now she is a regular volunteer in the school library, and a counselor says her presence in the school has helped Anthony to "settle down" in the classroom.

Wanda Lewis, a mother who coordinates a parent volunteer center in the school, says that parents are influencing more than morale. Recently they have brought such multicultural fare into the classrooms as the African-American celebration of Kwanzaa, a tradition emphasizing spirituality and African ancestry; Laotian cuisine and origami, and frank discussions of Malcolm X.

The result, Mrs. Deaton says, is that students are better motivated. Standardized test scores of fourth graders rose significantly last year, while disciplinary problems and suspensions schoolwide have been dramatically reduced. "These kids smile when they walk into the building now," she said.

$250,000 IN GRANTS

Perhaps the best news is that local school officials, politicians and businesses are buying into the project. Mrs. Deaton says she has secured $250,000 in grants from foundations and 13 business partners, including the College of Education at Auburn University.

Auburn students and faculty members are using West Forest for training and teaching purposes, extending professional development and library privileges to the West Forest faculty in turn. The Opelika City Council has appropriated one-third of the $3 million needed for a new school building. And Phil Raley, superintendent of Opelika city schools, says the school district plans to assume the costs of the extended day and parenting programs, and is replicating the cooperative teaching techniques in other district schools.

Still, Mrs. Deaton insists, "Even if we didn't have the money to keep up the wild growth, this school will never be the same again. We've just come too far."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider the nomination of Janet Reno, of Florida, to be Attorney General of the United States.

The Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

DEPARTMENT OF JUSTICE

The assistant legislative clerk read the nomination of Janet Reno, of Florida, to be Attorney General.

The PRESIDING OFFICER. The time between now and 2:15 is controlled equally by the distinguished Senator from Delaware and the distinguished Senator from Utah.

Who yields time?

The Senator from Delaware.

Mr. BIDEN. Mr. President, I yield myself 5 minutes.

Yesterday the Judiciary Committee, as has been pointed out, already voted unanimously to recommend the Senate nomination of Janet Reno to be Attorney General of the United States.

Mr. President, Janet Reno's record and the testimony before the committee I think portends great promise for her leadership in the Department of Justice.

Janet Reno comes before the Senate, as has been pointed out, with 15 years of experience in the Dade County, FL, State's attorney's office, heading one of the Nation's busiest local prosecutorial offices. Her tough approach to fighting crime won her acclaim with the law enforcement community. In Dade County, she has established a record that would make any prosecutor proud. She is a leader whose office has obtained the death penalty more than 100 times in over 70 different cases. This is a prosecutor who consistently talks about putting mean, bad criminals away and who has a tremendous success record in putting career criminals, that is, criminals who have a record of felony after felony after felony, career criminals behind bars for anywhere from 15 to 50 years to life.

This is a nominee who has not backed away from vigorous penalties for drug traffickers, those people who, as she puts it, "deal in human misery." This is a nominee who, when asked about treatment for criminals said, "It is not going to work unless people in this country mean what they say and if you continue to commit crime there is going to be punishment."

What is also clear for the record, and expressed forcefully in her testimony, is that Ms. Reno is not only a tough prosecutor, she is a leader with a vision, a new vision about how we can begin to prevent crime, the crime that plagues our Nation, victimizes men, women, and particularly children.

In Dade County, Ms. Reno made a priority of problems long ignored in other jurisdictions; the increasing problem of violence by juveniles, of the cycle of violence set in motion when violence occurs in the home among family members, the crime that is fed by illegal drug addiction.

She pointed out to us, Mr. President, unless we get to children early, a chain has already begun. One of the things she observed in her practice as a prosecutor, and is clear from all the empirical studies that have been done separate and apart from her experience, is that those who victimize children were usually victimized as children, and those who observe violence tend to commit violent acts.

There was a direct relationship. And she spoke very well, subsequently at the hearing, about intervening early in the process, about her desire to increase the Federal Government's role as it relates to looking for answers to the juvenile justice dilemma.

She pointed out what has been the experience of the three Senators on this floor, all members of the Judiciary Committee of two different parties, that when we all first came here—and we came roughly in the same timeframe—when we all first came here, the most violent offenders in America were young men about 18 years of age. Today, the most violent crimes in largest numbers are committed by people closer to 15 years of age. That scale keeps dropping, Mr. President. Violent acts among our young are increasing and the age is decreasing.

So she was very eloquent, in my view, about the need for intervention.

And, further, Mr. President, she is the first Attorney General, in going on 21 years I have been a U.S. Senator, the first one that has overwhelming experience at the local end of this scale. Ninety-five percent of all the crimes committed are committed in local jurisdictions. Ninety-five percent of the prosecutions are undertaken by local jurisdictions. Ninety-five percent of the people put in jail are put in local jails.

And one of the biggest problems we have had, Mr. President—and I know our colleagues are probably tired of hearing Senator HATCH and I talk about this—one of the biggest problems we have is the lack of coordination or not sufficient coordination between State, local, and Federal officials.

I think it is going to be a tremendous advantage having a person as Attorney General who, for 15 years has eaten, she drank, and she slept working with the problems of the criminal justice system in a jurisdiction that has, in effect, international jurisdiction. It is the place into which a significant portion of the illegal drugs in the world flow. Other than New York City and Los Angeles—probably other than New York City; maybe even including New York City—it, in fact, is a meeting ground for international crime figures to the local thug on the corner.

And so she has had to be a part of a number of joint operations involving State, local, county, Federal, and, in some cases, international police organizations. She understands the difficulties, Mr. President.

I believe she will be able to, as the first, in my memory, Attorney General with this kind of experience, understand how the Federal Government can better equip the States and localities and better coordinate with the State and local governments the anticrime fighting effort, because the bulk of it falls to them to have to do.

In addition, Ms. Reno will be an Attorney General who is committed to fighting crime fairly and to restoring the integrity of the department, so that Americans of all races and economic strata believe that it deserves the name justice.

Too many Americans distrust the ability of the Federal Government to ensure the fair enforcement of our laws.

Ms. Reno believes in the principle of justice and equality first and foremost. She is an Attorney General who will represent all Americans and will lead all Americans.

And she also convinced at least me—and I believe all of my colleagues on the committee—of another thing.

When President Clinton contacted me early on about recommendations for the Attorney General, I asked him what he was most looking for in an Attorney General, in order for me to be able to give him advice, as he was seeking, I am sure, from many other people, as well. I said, "What, Mr. President, are you most looking for?"

He said, "I want to establish two things: I want to establish that the Attorney General's office can be an office that is free from political influence. I want you folks up on the Hill and the American people to believe that this is an independent operator. My second objective is that I would like very much to demonstrate that justice can be administered by women as well as men, and there are as many competent women to do the job as men."

Mr. President, I would respectfully suggest that President Clinton, albeit not the first time at bat, has hit a home run. He has accomplished both of his objectives.

For one thing that became very clear to me—and I will not speak for my distinguished colleague who leads the committee with me; he can speak very eloquently for himself, but I would be surprised if he had a different impression—I got the distinct impression that if anyone, including the President of the United States, picked up the phone to suggest to Janet Reno should make a political call instead of a call on the substance, in terms of enforcing the laws of the United States, that that person would wish they had not made the call.

That was my impression. I hope and believe my impression is correct. If it is, then clearly President Clinton has met his objective, as stated to me back in late November, that he wanted to have someone who was truly, completely independent, and it was clear to the American people that she was independent, of political influence.

And so I look forward to working with Janet Reno.

Let me say one more thing. I find a great advantage to have an Attorney General who was a State prosecutor who also had to run for public office.

I know this is not a popular thing to say. The fact that she is a politician and stood before the people of her county and stood before the people of Miami and had to say: "Here I am. You can decide whether you like me or not. This is what I believe," and did it five times, sensitizes her to something that I think all too often pure professionals sometimes miss. And that is what is on the people's minds. It has enabled her to do something that I think the next Attorney General is going to have to do, and everyone must do who is Attorney General—bring together very disparate people, organizations, and ideas and reach some consensus about how to deal with our problems.

I believe her significant political skills of having to run for local office in a very large county, which is one of the most heterogeneous counties in terms of its racial and religious makeup of any in the country, will serve her very well and, in turn, serve us very well.

She is a woman of principle. She is extremely bright. She has a keen and palpable understanding of the Constitution and the Bill of Rights and the notion that you are innocent until proven guilty. She has sound judgment.

I look forward, truly looked forward, to working with her as Attorney General.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am honored to stand on the floor this afternoon and express my support for Janet Reno for Attorney General of the United States.

I was very impressed when she first came to my office. She was very candid, very straightforward, very down to earth. I have to say she is a very fine person.

Meeting her family impressed me as well, because they are clearly very good people who, I think many would say, in each case, are the salt of the Earth.

As we listened to Janet Reno make her opening remarks, I have to say that she did so without benefit of notes, and yet she followed her written statement almost word for word. She is a person of great intelligence, she is a person of vast experience, and she is a person on whom I think we can rely to carry out this office of Attorney General in a good way. I share the opinion of Senator BIDEN that she is going to be a tough prosecutor who is not going to be moved by politics in this position.

This is a very important position in this country. We all want to see the Attorney General of the United States disregard politics and do what is in the best interests of the law in this country. And I believe that she will do that.

Mr. President, I am pleased to support the nomination of Janet Reno to be Attorney General of the United States. This is a historic appointment.

Ms. Reno has served for the last 15 years as the State attorney of the Eleventh Judicial District of Florida, based in Miami, FL. Her background as a prosecutor will serve her well in her new position.

There are a number of issues of paramount importance to the people of my home State of Utah and the Nation at large.

Ms. Reno acknowledged my concern that the Federal Government needs to devote adequate resources to combating crime in the more rural States like my home State of Utah. Sometimes the Washington headquarters of Federal law enforcement agencies do not appreciate how real the crime problem is even outside our Nation's urban, industrialized States. She pledged that States like Utah would get their fair share of Federal anticrime resources, and I am determined to work with her to ensure that happens.

Ms. Reno noted that the President is anxious to get the Religious Freedom Restoration Act on his desk so that he can sign it this year. This bill, which Senator KENNEDY and I, along with many other colleagues, are introducing today, restores the application of the compelling interest test to government action which burdens the exercise of religion. Religious liberty is the first freedom mentioned in the Bill of Rights. It deserves greater protection than the Supreme Court gave it in 1990 in the Oregon versus Smith case. I commend her support of this legislation. And I commend the President for writing a letter to Senator KENNEDY saying he supports the legislation and will sign it into law.

I have no doubt that Ms. Reno and I will have our share of disagreements on the issues. But, I am persuaded that she will listen to the concerns of those with whom she disagrees and I look forward to a dialog with her on a range of issues when she is confirmed.

I have no doubt we are going to agree on a lot of issues, too, because she is a person of great common sense, of great experience, and one who I think can fulfill this job with a great deal of ability.

So I am very happy to stand on my feet to praise this fine woman and I look forward to her serving as Attorney General of the United States.

I thank all of my colleagues on the Judiciary Committee for being willing to report her out yesterday after the hearings were ended, and I thank all of our colleagues for being willing to waive the 3-day rule with regard to bringing her nomination to the floor of the Senate, because this is an important decision. This is an important position. It has been left vacant too long. And she will do a great job, in my opinion, in fulfilling the responsibilities of her office.

Having said all that, I want to pay a special tribute to Stuart Gerson, who has been the Acting Attorney General since President Clinton has taken office. He has served this President well. He has served him with loyalty. He has done a very good job, and my respect and admiration and fondness for him has been increased in the process. He is a very, very fine human being and, I suspect, has a great future ahead of him. I think he does look forward to getting back into the private sector and practicing law again. But he has done a good job, and I think the President would be the first to say it, and I hope that he will.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support the nomination of Ms. Janet Reno for Attorney General of the United States, because I think she has good qualifications and ample experience, and has the prospects to be an outstanding Attorney General.

We have just concluded 2 days of hearings in the Committee on the Judiciary. We followed an expedited process in having Ms. Reno reported out on a committee vote yesterday afternoon, because of the feeling on both sides of the aisle that the time had come to move ahead. Considering the fact that yesterday was March 10, and we have not had a confirmed Attorney General of the United States since the inauguration, with the nomination of Zoe Baird having been considered and withdrawn, and others under consideration not having been nominated, it is my hope we will move with dispatch to confirm an Attorney General.

Ms. Reno was educated at Cornell and Harvard, has excellent experience as a practicing lawyer, was an assistant district attorney in Dade County, Miami, FL, and an aide in the Florida Legislature before becoming the district attorney for Dade County.

I think it is especially useful to have someone from the State prosecution system, and I make that statement having been district attorney of the city of Philadelphia, a city of some comparable size to Miami, Philadelphia County being somewhat comparable to Dade County. I believe that Ms. Reno is in a position to act to coordinate law enforcement among Federal, State, and local governments in a unique way with her 15 years of experience as district attorney of Dade County.

One of her unique accomplishments has been the Dade County drug court, which has had a diversion program taking first-time non-violent offenders, for whom there is a reasonable chance of rehabilitation, out of the prosecution system and putting them through an intensive, court-supervised drug treatment program. I think that is an excellent idea.

I think her programs for rehabilitation, to try to have job training and educational training in prison are good ideas, but they have to be balanced against an appropriately tough approach on hardened criminals.

We did examine Ms. Reno to some extent on the statistics in Dade County which showed a somewhat lower conviction rate than neighboring Broward County, somewhat lower conviction rate than the balance of the State, and somewhat lower rate of felony cases which are brought to trial. These facts raise a certain question, but I think notwithstanding that question she merits confirmation.

On the issue of the death penalty, she has a rather unique stand, saying that she is personally opposed to the death penalty, but pledging to act with dispatch to carry out the death penalty, because it is the law of the land. Based on my own experience, I believe the death penalty is an effective deterrent and ought to be used wisely in a limited way, preserving it as an effective tool of law enforcement.

Ms. Reno was questioned extensively on Federal habeas corpus review, which delays the imposition of the death penalty, and she pledged to work for reform of the system which now has some cases pending for as long as 17 years after conviction in the State courts and for an average of some 8½ years.

Those, in brief, are my comments, Mr. President, and I have abbreviated them noting that since I started the distinguished chairman of the Judiciary Committee has come to the floor. The ranking member was on the floor.

I do support Ms. Reno, and I urge my colleagues to support her confirmation for Attorney General.

The PRESIDING OFFICER (Mr. DORGAN). The Chair recognizes the Senator from Illinois [Mr. SIMON].

Mr. SIMON. Mr. President, first, I know I speak on behalf of the chairman of the committee in thanking Senator HATCH and our Republican colleagues on the Judiciary Committee for their cooperation.

I yield whatever time she may consume to the distinguished junior Senator from Illinois, Senator CAROL MOSELEY-BRAUN.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, I feel especially honored to have the opportunity, as a member of the Judiciary Committee and a Member of this body, to vote twice for Janet Reno. I voted for her yesterday, and I will have the opportunity today, shortly, to cast another vote to confirm her as the first female Attorney General of the United States of America.

Seriously, Mr. President, we are living in a dangerous time, at a time when it almost seems that justice is under siege. From the endemic crime that victimized almost one-third of American families last year, to the growing sense in this country that the courts are for the few and not for the many, the Justice Department desperately needs new leadership.

Janet Reno is that leader. She has the experience, the commitment, and the integrity to make her one of this Nation's finest Attorneys General.

For the last 15 years, as Dade County State's attorney, she has stood at ground zero in the war on crime and drugs. She knows firsthand the importance of cooperation between Federal law enforcement agencies and the police and sheriff's departments, who are this society's first line of defense against crime. She understands the importance of coordination of effort to maximize our resources in this important war. She has cracked down on career criminals while offering first-time offenders alternative programs and a pathway out of the life of crime. She has promised prison cells to violent killers, yet offered a helping hand to troubled youth. She understands the importance of crime prevention. And, perhaps most important, in Janet Reno's office, the victims of crime have always received as much attention and concern as the criminals and those who are charged with criminal activity.

The challenges before our new Attorney General are almost frightening. She must make Americans feel safer in their homes, on their streets, and in their communities. She must find a way to curb the epidemic of violence against women, which is one of this country's most shameful secrets. She must reform our civil justice system and implement the sweeping changes heralded by the coming passage of an omnibus crime bill.

I was impressed, as a member of the Judiciary Committee, to review Janet Reno's outstanding record. I was impressed to see firsthand her demeanor and forthrightness in 2 days of testimony before that committee. But, most of all, I was impressed by her promise that, as Attorney General, she will be the people's lawyer. She has the credentials. She has the character, the integrity, and, most important to me, the practical common sense to do the job well.

I know that Janet Reno will represent the people of this country well, and I welcome the opportunity today to confirm her as their champion.

Mr. HATCH. Mr. President, I yield to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Utah yields to the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am going to support the confirmation of Janet Reno to be Attorney General of the United States because I think in her 2 days of testifying before the Senate Judiciary Committee she showed herself to possess all the skills for this job.

First, there is no doubt that she has the intellect and the experience to do the job. She is well educated, and she has had a variety of positions within our legal system, both in the public and the private sector. She will bring these diverse experiences and good performance on the job to her new job as the chief law enforcement officer of our Nation.

Second, she has the temperament to do the job. She demonstrated tenacity as she sat through my questioning and that of my colleagues. She also showed herself to be a compassionate individual. She has deep concerns for those less fortunate in our society and also for—an interest I do not think this body has given enough attention to—the victims of crime and the rights of those victims as well as the constitutional rights of the accused.

Third, she has the integrity to do the job. I believe, in points that I made in questioning her, that she will protect the independence of the Office of Attorney General. Of course, this is one of the most important and sometimes most difficult parts of the job, and probably are the points about this job and this position that have been questioned more by Members of this body than any other aspect of being Attorney General.

But she clearly told us that those who try to bring influence to bear on her decisionmaking about particular investigations or cases, will politely, but firmly, be shown the door. However, she said she will remain accessible and available to talk with interested parties about policy matters.

She addressed this issue in the context of some specific pending matters that I discussed with her. On one of those matters, the pending Ford case in Tennessee, the issue was whether White House officials and Members of Congress intervened on behalf of a Congressman—who wanted to have the judge's order on jury selection reversed.

I discussed that case with her, just as a launching off, not with the specifics of the case because those are immaterial, while Ms. Reno was not involved in this matter, and cannot be held accountable for the actions of department officials, she told us where she would draw the line in a case like this, and she draws it in the right place, and I, for one, will support her any time someone, or some group, tries to get her to erase that line.

And on a particular policy matter in which I have a great interest, I was pleased to hear her endorse the False Claims Act Amendments of 1986. I think for too long, the Department of Justice has not been supportive of many whistleblowers who bring fraud actions to recover tens of millions of dollars on behalf of our Government. We have collected half a billion dollars just under this act. This law has been a remarkable tool in the fight against defense fraud, and it is already being used to combat health care fraud.

So, I am pleased to offer my vote in support of Janet Reno for Attorney General.

Mr. President, I ask unanimous consent to print in the RECORD the judge's order in the Ford case to clarify the specifics of this case, because this is one of the examples I used in the hearing to ask about her feelings on the independence of the Attorney General.

There being no objection, the order was ordered to be printed in the RECORD, as follows:

[In the U.S. District Court for the Western District of Tennessee Western Division, No. 87-20193-H(TU)]

UNITED STATES OF AMERICA *v.* HAROLD E. FORD, DOUGLAS R. BEATY, KARL A. SCHLEDWITZ AND DAVID CRABTREE

ORAL RULING ON DEFENDANT'S MOTION TO EXCUSE PROSPECTIVE JURORS AND TO SELECT A JURY FROM THE WESTERN DIVISION OF THE WESTERN DISTRICT OF TENNESSEE BEFORE THE HONORABLE JEROME TURNER, MEMPHIS, TENNESSEE, FEBRUARY 22, 1993

APPEARANCES

For the Government: Mr. Dan Clancy, AUSA; Mr. Gary Humble, AUSA; Mr. Jerry Cunningham, District Attorney Eastern District of TN, 1026 Federal Office Bldg., Memphis, TN 38103.

Ms. Ella Meltzer, Attorney, U.S. Department of Justice, Washington, DC 20005.

For the Defendant, Harold E. Ford: Mr. William McDaniels; Mr. Tom Patton; Williams & Connolly, 725 12th Street, NW., Washington, DC 20005.

For the Defendant, Douglas R. Beaty: Mr. Herbert S. Moncier, Attorney at Law, 507 S. Gay St., Knoxville, TN 27902-1504.

For the Defendant, Karl A. Schledwitz: Mr. Al Harvey; Mr. Kemper Durand, Attorneys at Law, 44 N. Second St., 9th Floor, Memphis, TN 38103.

The COURT: Ms. Meltzer is right, that on Friday evening late in the evening I was contacted by the United States Marshal who stated to me that he had received a call from the Acting Attorney General, who had indicated, as the press has reported, that the Attorney General was going to file a concurrence with the motion of the defendant, Ford, to move this trial—jury selection process once again. I state that only for the record, so I have had some opportunity to consider it for the last two days and to give thought to the processes that are being employed in the disposition of this case, or the attempted disposition of this case.

The defendant, Ford, has, as I suppose everyone in this room knows, filed a motion to strike the petit jury selected during what I consider a fairly grueling eight day voir dire process by counsel in Jackson, Tennessee, from a venire selected from the seventeen counties of the Eastern Division of the Western District of Tennessee. And the motion further suggests that we should select a new jury in the Western Division of the Western District of Tennessee. Today, as I noted, after a weekend of news releases and voluminous media coverage, the Department of Justice has joined in that motion.

I take it that the United States Attorney, from what I have read in the paper, has resigned on account of that decision. That is, the United States Attorney for this district, and the two attorneys assigned to prosecute this case, perhaps I think more than six years ago, have asked to be relieved of the responsibility to present this motion for what they consider to be guiding ethical principles.

The media reported, and the United States seems to confirm, that the Department reached this extraordinary decision after its acting head and a representative of the Whitehouse, Webb Hubbell, met with members of the congressional black caucus, who had earlier met with Mr. Ford's lawyer, and after Mr. Gerson, Acting Attorney General, met with Mr. Ford's lawyer himself.

The jury selection in the Eastern Division took place in this six year old bank and wire fraud case, which originated in Knoxville, Tennessee, where the crimes are alleged to have occurred because in the first instance supporters of Congressman Ford intentionally utilized tactics both inside and outside of the courtroom that were designed, apparently, for the sole purpose of intimidating and influencing the first jury to decide this case in favor of Congressman Ford.

This process continued even in Jackson when we attempted to select a jury, and did, where pickets carried signs around the courthouse and again here in Memphis, after that process had been completed, where ministers have threatened without much subtlety to bring our American system of justice to a halt unless the defendant, Ford, prevails in his effort to seat a jury from Memphis.

The defendant, Ford, and the other defendants in this case were not indicted in Memphis. They were indicted in Knoxville where they are charged with conspiring to defraud banks, not in Memphis, but in East Tennessee, and where three of the five alleged conspirators live, or lived at the time.

The trial was moved to this Western District by a federal magistrate in Eastern Tennessee, not because of any constitutional right, but as I understand it merely for the convenience of the parties. And for that reason, Judge Horton determined that it was appropriate to try this case on the second time here in Memphis.

But because the efforts of intimidation were found to have successfully contaminated the first jury, and because the huge overwhelming media attention given to this case has so inflamed the passions of so many people, both black and white, in the Memphis and Western Division areas, Chief Judge Horton determined that it would be difficult, if not impossible, to select a jury in this division that could try this case free of prejudice and preconceived opinions, and as importantly, free of intimidation and coercion, or coerced influence by people who are not willing to let an impartial jury decide this case on the evidence.

The decision to select a jury in the Eastern Division was thus made nearly two years ago, after the first jury trial was brought to a conclusion without a verdict. The defendants in this case went to the United States Court of Appeals for the 6th Circuit on a Petition for a writ of Mandamus seeking to overturn the determination that a jury would be selected from the Eastern Division, a division that is comprised, as I said, of seventeen different counties.

It was held by that Court, the United States Court of Appeals, that this Court had the authority to issue that order and that the issue could be raised in due course after the trial, if a verdict of guilty is returned.

The Supreme Court of the United States refused to hear arguments on the issue and denied the defendants petition for writ of certiorari in the fall of 1992.

This Judge, having been reassigned to the case by random selection after Chief Judge Horton underwent a serious surgical procedure, was asked by the defendants to revisit this issue, and I did so. And in so doing added to the process my own view of the devastating effect that pretrial publicity in this case rendered both during and after the first trial—before, during, and after the first trial, for that matter.

I have not, in the twenty-seven years that I have practiced as a trial lawyer in this district and have been a Judge on this bench, ever seen such a mass of media coverage. I cannot say that the media has covered this case every day for the last six years, but I think I can say that the newspapers, the television, the radio patrons in this area, have been flooded with the view points of the defendants themselves, one of whom has actively sought such extensive coverage and engaged in belligerent attacks on the prosecutors, the Federal Bureau of Investigation, and the first judge who initially tried this case, all of which scurrilous and defamatory rhetoric has been unsupported by the record, so far as I have been able to find, that is, unsupported by evidence presented to this Court.

The apparent decision by some to try this case by media trial has expanded the publicity in this case to unheard of heights. Other members of this community have likewise used the media in their efforts to saturate the swell of public opinion with racial bias and deny this Court and the citizens of this country the opportunity to fairly and impartially dispose of these charges, whether the answer is guilty or not guilty, under the rules of law that our constitution guarantees apply to every man and every woman, not just some.

For years now, the courts of the United States have led the fight to assure that our constitutional protections are applied to all people of any color or race, and to do this by recognizing that we are not, and cannot lawfully be treated differently under the law on account of our race or color. That means that the law must be color blind, seemingly simplistic, perhaps, but that is our law and it is perhaps—not perhaps, it is the assurance that race will not be used against anyone by the government or its processes, or its laws.

At the same time that our constitution provides for equal protection under the law and forbids the taking of ones freedom without due process of law, it assures that we shall be judged under the law, not by who we are or what color our skin is, but by the laws of this land. Thus, the same laws that apply to the poorest man on the street also apply to the richest, none is entitled to ignore the law by his station in life.

It is this essence of democracy that assures us our freedom from dictators and elite despot. If some are exempt from the enforcement of our criminal laws, then all are subject to the denial and the loss of their freedoms and the pursuit of happiness. The concept of equality carries with it the corollary that no person shall be denied the right to sit on a jury because of race or color, religion or sex, economic status, or national origin. Thus, the Congress of the United States has determined by law, and I quote, "No citizen shall be excluded from service as a petit juror in the district courts of the United States on account of race, color, religion, sex, national origin, or economic status."

Because of the extreme bias reflected during the first trial of this case and still evidenced by mass gatherings, pickets, traffic slow-downs, and veiled threats from people bussed to Jackson, this Court convened in Jackson, using the same lawful processes that apply to everyone in the hundreds of criminal cases tried in this district year in and year out, selected forty-two people from the venire drawn at random, from which the parties were allowed to exclude thirty-two people, leaving a jury of twelve.

The defendants, using all of their challenges, excused twenty white people. The United States excused eight black people and one white person. After challenges were asserted to the manner required by law, with respect to these challenges I required each party to explain the jury excuses which they exercised and allowed the other side to be heard on whether the reasons given were credible and believable. The law allows each party the right to challenge a certain number of jurors for any reason at all, except that these peremptory challenges may not be based on the race of the juror. In order to preclude racially motivated challenges, the parties were required to state, or are required in certain circumstances to state, as they did in this case, a reason for the challenge of a particular juror, and they must show that that reason is race neutral. Each side was required to do that in this case. And although the effect of the appearance of the defendants using all twenty of their challenges to strike white jurors and the government to strike eight black jurors raised in my mind an inference that race may have been a motivating factor for these challenges, each party stated to the Court what I consider to be racially neutral believable reasons for striking the juror that they struck.

The Acting Attorney General has today announced through his attorney in this court that there is no basis for him to conclude that race was the motivating factor in the exercise of the peremptory challenges used by the United States.

If we are truly to become one in a nation, to be integrated in a society where the laws are color blind and all men are equal under the law, then we cannot allow demands of racially fixed jobless to invade our jury system of random selection. A white man, as three of the defendants are in this case, is not entitled to a white jury, or to a given number of white jurors. Likewise, a black man, as one of the defendants is, is not entitled to a given number of black jurors. A Roman Catholic is not entitled to a jury of Catholics. A Jew is not entitled to a jury of Jews. Asians cannot lawfully demand that a percentage of the jury be constituted of Asians, nor can the Italians, or the Irish. Rich men are not entitled to rich jurors, and poor men are not entitled to poor jurors. Our laws say that we are all equal and that the selection of a jury shall be done among equals at random.

Today the United States, at the direction of the Attorney General of the United States, the Acting Attorney General, after meeting with a number of black congressmen called the Black Caucus, after meeting with the defendant, Ford's attorney, has joined with the defendant, Ford, in asking this Court to overrule Judge Horton's 1991 Order and my own Order of 1992, that the jury selection in this case would take place in the Eastern Division, where the people have not formulated such fixed views of this case and have not been subjected to the intimidation, and hopefully are not as subject to intimidation, as residents of this division would be. They will, it is the hope of this Court, be free to decide the issues in this case on the evidence lawfully admitted at trial without regard to race.

The motion made by the defendant and joined in by the United States Attorney General today comes nearly two years after the original order, after writs were requested and denied by the 6th Circuit Court of Appeals, and after an eight day jury selection process, which by the way is the longest jury process I have ever—the longest jury voir dire process I have ever set through. And during that time, we—at least in my view—impaneled jurors who will decide this case on the basis of the evidence presented during the trial of this case, and not based on the race of the defendants or the views of race that have so flooded the media in this city on account of this trial.

It comes after the defendants have seen the racial content of a randomly selected jury and have determined that they want a jury of different racial content. It is a sad day, in my view, when the Acting Attorney General and a representative of the Whitehouse give into a demand that a jury of the United States must be selected by race, that their contempt of fairness means percentages, that equality depends on one's race. And I say that with due respect for the Attorney, Ms. Meltzer, presenting the case on behalf of the Acting Attorney General. This is a concept, though, that equality depends on ones race that I thought was dead and buried in the eyes of the law.

The only reason to disband this jury today is because of their race. The location of the jury selection was decided, as I said, two years ago, and has been properly challenged and has stood the test of those challenges. It is unlawful to exclude jurors because of their race, and that is what the Court is being asked to do regardless of the gloss that is being placed on this request. This, the Court will not do.

Perhaps just as disturbing is the appearance that the Department of Justice has created by this motion that justice in the courts of the United States can be handled differently if one is a member of the United States Congress. And I say this with recognition of the fact that no man wants to be put to trial. But every man is subject to the laws of this country and the grand jury has returned an indictment in this case, which the law requires be disposed of by trail.

Never before have I heard of the Department of Justice asking to disband a jury once its racial content was divulged. The appearance that can be inferred from this motion is repugnant to the Court in view of the fact that the Acting Attorney General has himself recognized that things—I quote, "things occurring outside the courtroom made the first trial of this case a mockery," unquote. Yet, knowing this, and that a jury of known racial content has been selected, the Acting Attorney General would have this Court go through a similar charade as the first trial turned out.

I do not believe that there are any facts offered to support his motion, nor that there is any law that would justify its acceptance. It is untimely. It is denied.

CERTIFICATE

I, Sharlyn A. Phillips, Official Court Reporter, certify that the foregoing is a correct transcript from the record of the proceedings in the above—entitled matter.

SHARLYN A. PHILLIPS,
Official Court Reporter.

Date: February 22, 1993.

Mr. GRASSLEY. I yield the floor.

Mr. SIMON. Mr. President, I yield such time as he may consume to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I thank my distinguished colleague from Illinois. I appreciate his courtesy.

This, Mr. President, is a very proud day for Floridians and for those of us who have been fortunate enough to call Janet Reno a friend. I wish to take this opportunity to express my appreciation to Senator BIDEN, Senator HATCH, and the other members of the Judiciary Committee for the thoroughly professional manner in which they have reviewed this nomination and the expedition with which they have now sent it to the Senate floor for a final vote of confirmation. I believe that the action of the committee and its individual members has been a very appropriate step toward building a new relationship between the Congress and the Department of Justice.

I believe also, Mr. President, that the American people have seen over the past 2 days a truly distinguished public servant. They have seen Janet Reno in an eloquent opening statement in which she talked about the parents who shaped her life and the community that has nurtured her. She responded to a wide range of inquiries from members of the committee. I believe that she has started the process of building a bond between herself and the American people.

In the opportunity that I had to present her to the committee, Mr. President, I discussed the fact that if one had set about drawing a job description for the Attorney General's position in this new administration and then sought out a person who could meet that job description, I do not think the President could have found one who would more completely have fulfilled the challenging characteristics that the Attorney General will have to include than Janet Reno.

Janet Reno will bring to the Office of the Attorney General unique, diverse, deep managerial experience. She is now running one of the largest prosecutorial offices in the Nation, over 900 employees, over 250 attorneys. That office last year filed over 100,000 felony or misdemeanor charges. It is an office which is located in one of the most diverse communities in America dealing with the wide range of criminal justice issues which she will now face in her role as the U.S. Attorney General.

In that position, she has also fulfilled a second important requirement, and that is extensive intergovernmental experience. While she has been a State prosecutor, she has worked closely with all of the panoply of Federal law enforcement agencies, from the Federal district attorney to the FBI to the Drug Enforcement Agency and especially to the Immigration and Naturalization Service, an agency that has often been described as the stepchild of the Department of Justice. She brings a unique understanding of the operation of those agencies as they touch and affect human beings. She understands the relationship between their activities and the activities of State and local law enforcement. She also is a person who has been willing to put aside the ability to get that big conviction, the headline in the newspaper for a cooperative relationship with other law enforcement agencies. Janet Reno is a person who is interested in results, not who gets credit for the results.

She has had a personal wide range of experience having served in private practice as the staff director for legislative committees and now for almost 15 years as a prosecutor.

Fourth, Mr. President, she brings a unique approach to what it means to be a law enforcement prosecutor official. She understands that it is not just her job to manage the law as it has been given to her, but it is her leadership opportunity to shape the law to be more responsive to the needs of society.

One of the often cited examples is the establishment of a special drug court. She could have enforced the law by just bringing people who had been arrested for nonviolent drug cases before a judge and jury and having them convicted and sent away to jail. That would have been perfectly within her standards as a law enforcement prosecutor. But rather than just do that, she led the establishment of a special drug court, and under that court, with judicial supervision, nonviolent drug offenders have been sent into a treatment program. That program helped these people to overcome, to deal with their drug addiction. Those who were in this program understood that if they failed to accomplish that objective, they would be placed in jail or in prison.

The success rate of that program—and there have been well over 3,000 graduates today—has been in the range of 60 to 90 percent of those persons who come through that program that have not had any further impact with the criminal justice system, an amazing statistic in terms of the success of that endeavor.

That is just one of many examples of a person who has used her creative talents to create a more just society and to save lives.

But let me say one final item which was not on my list of qualifications for the Attorney General when I presented Ms. Reno to the committee on Tuesday. Last weekend I participated in a conference, an overtly political conference, focused on the upcoming 1994 campaigns.

One element of that conference was a discussion of what was the political environment in America as we approach 1994? Frankly, Mr. President, I was appalled at the information provided by some of the best analysts of public opinion and attitude in this country. Public attitude toward public officials and Government is not in decline, it is in free fall.

We are at the lowest level of public esteem in the period of time for which scientific studies of the public attitude have been taken, and getting worse. I think there are a number of reasons why we are going through this free fall of public attitude. One of those is that the public has not been viewing its public officials as having the characteristics that indicate they are genuinely concerned about people and they are prepared to put the people's interest above and beyond and ahead of any personal or special agenda.

I believe that over the last 2 days Janet Reno not only acquitted herself with great distinction, but she made a contribution to enhancing the public attitude toward public service and those who serve the public. Those who watched her over the last 2 days saw a person who is open, candid, and obviously very intelligent without being arrogant. They saw a person who is compassionate. They saw a person who, not just from her words but from her ability to draw from personal experience with children in need, with battered wives, with persons who were at the depths of our society, is clearly a human being who cares deeply about the human condition.

When you talk to persons who are recently naturalized into this country and ask what is it that made them give up their citizenship from another country to become an American, I have found one of the first things that is given as that reason is our system of justice. People feel that in America everybody, no matter where they came from or what their station in life, is going to be treated fairly. For the person who is going to be heading our national Department of Justice to have those qualities that Janet Reno so abundantly possesses I believe will be an inspiration to our citizens, those who have recently joined as naturalized citizens and those who have been fortunate to have been born and spent a lifetime in this country.

Janet Reno knows about those things that shaped her character: Her foreign-born father who came to this country, as she said, with funny clothes and a funny accent, and who never forgot what it meant to be taunted because of that and always had a respect and sensitivity to people who were different; to her mother who, in the most literal sense, built their home, a home which survived the hurricane of August of last year because, as she said, it was built without compromise.

Janet Reno is a human being who is built without compromise.

I might say that as a Floridian who grew up in the same community as did Ms. Reno, I was proud of the comments she made about how much her community had shaped her character; that the diversity of people and experiences that that young and still relatively frontier community of Miami has brought to her life helped shape her character and her sense of public responsibility.

So, Mr. President, it is with great pride that I commend the committee for its action yesterday, and I recommend to all of my colleagues today their vote to confirm Janet Reno to the highest position of justice in our Nation. She will do us all proud. She will be true to her commitment to justice, as she has been throughout her lifetime. She will assist in restoring confidence in democracy to the American people.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Florida yields his time. The Chair advises the managers that under the previous order, the Senator from Illinois has 17 minutes remaining and the Senator from Utah has 32 minutes remaining.

Mr. SIMON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. SIMON. Mr. President, it is with genuine enthusiasm that we approach this nomination. As the Presiding officer knows, when you are in the party of the President in power, there is frequently pro forma support and, if there is not any strong objection, kind of pro forma support on the other side. I think there is a feeling on the part of the Judiciary Committee that here we have someone who really is going to do a solid job.

I jotted down a few adjectives that I think describe the nominee: independent. I think that is precisely what she will be. When I asked her—because I believe an Attorney General should not be a participant in partisan activities—if Senator BIDEN or I asked her to be at a fundraiser, whether she would come—and Senator BIDEN in jest said, "Well, the answer is 'yes' for Biden and 'no' for Simon"—she said that she would decline doing that. I think that is the right answer.

She is substantial. She is sensitive to the rights of others. Practical and upretentious. I think that is something which really comes through. Very direct and practical. Her opening statement, as someone who has been a student of Abraham Lincoln, had a touch of Lincolnesque in the simplicity and the directness of what she had to say.

I mentioned that I favored the drug czar being removed from politics. Unfortunately, we have a tradition that is the opposite. I am pleased to say that I will be introducing legislation cosponsored by Senator HATCH which will statutorily make that clear. But she indicated she favors that approach.

She also indicated—and I think this is the multidimensional nature of Janet Reno—that if the President used two-thirds for law enforcement and one-third for education and drug treatment, it is imbalanced. I might add, if you were to add prison costs to that, it would go up to probably 95 percent and 5 percent.

She said we have to be doing more in treatment; we have to be doing more in education; and she said we have to be reaching out to people long before they end up in the judicial system.

I think we have an unusually fine, competent, practical, sensitive person who is going to do honor to the Office of Attorney General. We had an Attorney General in this Nation who, back some years ago under Gerald Ford, was that kind of a person—Ed Levy. I think Griffin Bell was that kind of a person under Jimmy Carter.

I think we have another person of that kind of stature and ability, and I am pleased to vote for her and commend her to my colleagues.

Mr. President, I yield 7 minutes to my colleague from Ohio, Mr. METZENBAUM.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 7 minutes.

Mr. METZENBAUM. I thank my good friend and colleague from Illinois.

I rise to join him in support of the nomination of Janet Reno to be Attorney General of the United States. This is a historic day. Ms. Reno is about to become the first female Attorney General in this Nation's history, and I am proud, very proud to support her.

President Clinton should be commended for taking yet another step in our ongoing effort to open new doors of opportunity to women and minorities. But make no mistake. Ms. Reno is not being confirmed by reason of her gender. Anyone who reviews her record or spends a little time with her quickly realizes that Janet Reno is superbly qualified to be this Nation's Attorney General.

She is an intelligent and innovative thinker with a distinguished legal background.

Janet Reno has nearly 30 years experience as an attorney. She has worked in both private practice and public service. She has developed a solid law enforcement record and gained valuable management experience during her 14 years as State attorney for Dade County, FL. She has won numerous awards and has a sterling reputation, winning high praise from both prosecutors and defense attorneys.

Best of all, Janet Reno has hands-on, street-level experience in fighting crime. In recent years, our debates over crime have degenerated into contests over who is tougher or who can invent more new death penalties or more new mandatory minimum sentences. Tough talk has substituted for effective action.

I believe that Janet Reno will be the kind of Attorney General whose deeds will speak much louder than her words. She has spent years working with police officers, prosecutors, judges, community leaders, and ordinary citizens in the effort to make our neighborhoods and our streets safer. And she knows that there has to be a balanced approach to our battle against crime. Janet Reno will not shrink from her duty to enforce the law and bring criminals to justice, regardless of whether they are street criminals or white-collar criminals. But she also recognizes that we have got to put more thought and more resources into stopping crimes before they start. She realizes that we have got to make a better effort at preventing children from growing up and becoming criminals in the first place.

Let me say a brief word about one issue which arose during her confirmation hearing. Some of my colleagues on the other side of the aisle have suggested that Janet Reno is firmly in the camp of those who seek to virtually eliminate habeas corpus review—that is just not the case.

Habeas corpus is a crucial backstop which helps to prevent innocent people from being executed and which ensures that the death penalty is carried out in accordance with our Constitution. Like most people who have studied the issue, Janet Reno recognizes that some reform of habeas corpus is needed in order to reduce unwarranted delay and prevent unnecessary or repetitive litigation. But that does not mean that she shares the goal of those here in the Senate who would like to dismantle habeas corpus to destroy it to make it a nonentity.

Janet Reno recognizes that, in the words of former Justice Potter Stewart, "There is more to swift justice than just swiftness." In response to a question from Senator LEAHY on habeas, she stated that:

> I think it is imperative, as we discuss anything in habeas reform, that we address the issue of delay. At the same time, we have got to make sure that the process is fair, that the process is just, and that people are properly and completely represented so that their constitutional rights are worth something and that they are not mere words on paper.

In response to a question from Senator HEFLIN, she stated that:

> I think clearly we have got to reduce the delay involved in carrying out the death penalty. I do not think, however, that that should produce undue and unseeming haste. I am concerned, when I see figures that 40 to 60 percent of the cases are reversed, because people didn't have component counsel upfront pretrial.

Ms. Reno's mention of the 40-percent figure refers to the fact that the American Bar Association has found that 40-percent of habeas corpus petitions brought by death row inmates result in a determination that a significant and prejudicial constitutional error was committed at trial.

The record demonstrates that Ms. Reno understands that habeas corpus is a complicated issue with a number of different dimensions. It is clear that she is not in anyone's camp on this issue. I believe she will bring the same kind of independence and intelligence to this issue, that she has shown throughout her career. It would be folly for anyone on either side of the aisle to suggest that Ms. Reno has committed herself to being an advocate for their particular position on habeas corpus.

The bottom line is that President Clinton has made an outstanding decision in selecting Janet Reno to be our next Attorney General. She has the intelligence, the temperament, the dedication and the experience to do a first-rate job. Most importantly, she has a deep respect for the law and demonstrated commitment to justice.

I urge all my colleagues to support her nomination.

It will be a great day for America when we confirm her.

Mr. President, I yield the remainder of my time.

Mr. BIDEN. Mr. President, I yield 3 minutes to my distinguished colleague from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. KOHL] is recognized for 3 minutes.

Mr. KOHL. Thank you very much, Mr. President.

Mr. President, I am pleased to cast my vote in favor of Janet Reno as Attorney General. But first I want to compliment Chairman BIDEN for conducting a fair and thorough hearing.

As members of the Judiciary Committee, we had the opportunity to ask her questions and listen to her responses. She is obviously a very intelligent and articulate person. She has been an excellent prosecutor, mastering legal detail with a clear understanding of the Constitution. She meets all the technical requirements to be Attorney General.

She also meets what is, for me, another requirement: Janet Reno understands the devastating impact that crime has on our society. She knows the fear that people feel; she shares our frustration; and she realizes that government has an obligation to protect us and prevent criminals from taking over our streets.

Today crime threatens every city, every town, and every village. From inner-city neighborhoods to rural farm communities, Americans live in fear of being victims. And their fear is proof that our Government is failing to guarantee the basic freedoms of live, liberty, and the pursuit of happiness.

The atrocities are all too familiar: Innocent kids killed in driveby shootings; crack house busts ending in deaths; rapes, beatings, and killings on the evening news. In 1991, violent crime attempts increased 11 percent; there were 6.4 million reported rapes, robberies, and assaults; 6.4 million Americans whose lives were violated, whose hopes were damaged, whose dream of safety was destroyed. And even worse—the rest of us, the hundreds of millions who weren't directly touched by crime—have almost come to accept this behavior and these statistics as normal.

But we cannot accept this. We cannot remain captives in our own homes. We cannot allow thugs to swagger down the street to intimidate and frighten. United, as one people, we must take back our streets.

Success will not come easily, nor will it come quickly. But it must come.

And to make sure, we need a comprehensive, long-term approach, blending education and prevention with incarceration and rehabilitation. And this must start with children at risk—children perhaps as young as 2 or 3 years old. We must do all we can to keep these kids from turning to crime. As for those who do commit crime, we must let them know we will help them if they are willing to work; and if they are not, we are also willing to put them away for a very long time.

If we are to succeed in fighting this onslaught of crime, we need a strong leader. One with great integrity, extensive experience, the vision to see where we must go and the know-how to get there. Janet Reno is that person. I will support her nomination, and am eager and looking forward to working with her in the years ahead.

The PRESIDING OFFICER. The Chair advises the Senator from Delaware that he has 4 minutes remaining and the Senator from Utah has 32 minutes remaining.

Mr. BIDEN. Mr. President, I know that there are several other Democrats who wish to speak on the nomination and that they are on their way.

What I would suggest is, I realize it is taken out of the Senators time on both sides, but I know the generosity of my friend from Utah, and his willingness to yield time on his time.

So what I would do is for the moment suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I realize I only have a few minutes left. Whatever time I have left I would be happy to yield to my friend from Alabama.

The PRESIDING OFFICER. The Senator from Alabama [Mr. HEFLIN] is recognized for 2 minutes.

Mr. HEFLIN. Mr. President, I rise today in full support of the nomination of Janet Reno to be the next Attorney General of the United States. From the time that President Clinton named Ms. Reno as the Attorney General designate, through the close of our confirmation hearings late yesterday afternoon, the Senate Judiciary Committee has very thoroughly investigated her record and probed her mind. It is certainly no fluke that the committee was unanimous in its approval of Ms. Reno to be our Nation's chief law enforcement official. She possesses all of the qualities necessary to enable her to do an outstanding job and to make a substantial difference in the well-being of our country.

The Department of Justice has, as one of its most important functions, the function of protecting the safety of our Nation's citizens. Janet Reno has convinced me that she will carry out that function very effectively. Her background as chief law enforcement official for Dade County, FL, has sufficiently prepared her for this vital Cabinet post. I believe her answers to the questions the committee put to her amply demonstrates her knowledge over a broad range of criminal justice issues, which she will face when confirmed by the full Senate.

I am particularly impressed with Ms. Reno's concern for victim's rights. She has displayed an indepth understanding of the pain and suffering that crime victims endure. She has also shown a history of involving victims in the process and giving them the right to be heard. She has been heralded as an exceptional advocate for victims of crime, according to leading victims' rights organizations nationwide.

Ms. Reno will restore integrity to the Department of Justice and invigorate its personnel in carrying out the mandates in such diverse areas as criminal law, antitrust, civil rights, and environmental law. She is a credit to her profession and will reflect honor upon the Clinton administration.

I will be pleased to cast my vote in favor of Janet Reno's nomination, and I look forward to working with her in the near future.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I am happy to yield 5 minutes to the distinguished Senator from South Dakota.

The PRESIDING OFFICER. The Chair recognized the Senator from South Dakota [Mr. PRESSLER] for 5 minutes.

Mr. PRESSLER. Mr. President, I rise in support of the nomination of Janet Reno to be Attorney General of the United States. As a member of the Judiciary Committee, I was privileged yesterday to vote for her. I did express to her disappointment in one area, and that is her knowledge of the problems of native Americans on the reservations and off the reservations, as well as non-Indians who live on or near Indian reservations.

There have been several cases before the U.S. Supreme Court arising in Indian country—disputes involving Indian rights pertaining to fishing and hunting, ownership of land, and non-Indians operating businesses on reservations for which they are taxed by both the tribe and the State, to name a few.

Also across the United States, we have both a growing problem and an opportunity arising from gambling, or gaming, on Indian reservations. Under the Indian Gaming Regulatory Act, enacted into public law in 1988, Indian reservations, whether they are in New York, or Florida, or wherever, have the right to conduct the same level of gambling on the reservation as occurs anywhere in the State. As a result, many tribes are engaged in very lucrative gaming activities. With that comes the blessing of having money, we hope, for economic development, if it is used right. But with it comes many problems associated with crime, gambling addiction, and individual impoverishment.

The States are not able to tax Indian gaming proceeds to fund schools, educational institutions and roads that might be used by the residents of the reservations. Indeed, the very roads used to bring people to the reservation to gamble are not being supported by the people using them. This has been a problem throughout the West, Southwest, Midwest, and, indeed, wherever Indian gaming occurs.

When I met with Ms. Reno in my office, I asked her to become familiar with some of these subjects so that we could have a conversation on them during the hearings. I did ask several questions related to these issues. She responded that she had not yet had a chance to properly study them. I accept her response for the moment.

Indians and the non-Indians in Indian country feel they are ignored at a high level in Washington. Everybody expresses an interest in their problems, but it is very rare we get the President of the United States or the Attorney General or someone else at a high level who really get involved with their problems.

Mr. President, I have spent a good deal of my time while serving in the House and Senate working on Indian problems and the problems of non-Indians who live on or near the reservation. I have done this not to get the votes, though I get some votes on the reservation. Indian people tend to vote Democratic. But I act out of my commitment to native Americans to improve their plight and to develop real jobs on the reservations. There are many problems on the reservations; alcoholism, especially among males, is a major one that we need to address. For many alcoholics dignity can be restored through meaningful jobs. But there also are real problems with non-Indians who live on or near the reservations who feel that the BIA police or the tribal courts are not fair to them, who feel that they could lose deeded land, who have a hard time selling the ranch because of clouds on the title, who may operate a business on the reservation and are taxed by both the State and the tribal government. All these problems need to be addressed, along with issues raised by Indian gaming.

So, Mr. President, I did receive assurance from Ms. Reno. She said she was going to make the concerns of Indians and non-Indians in Indian country a top priority. I hope she is able to visit the reservations and talk to Indians and non-Indians who have severe problems. We need top-level people in Washington interested in their problems.

I shall continue to speak on these issues so long as I am in the Senate. Jurisdictional issues arising in Indian country deserve high priority at the Justice Department. I shall vote for Ms. Reno. I think she will be an excellent Attorney General. I hope and pray she keeps the pledge she made to me that she will make the concerns of Indians and non-Indians in Indian country a top priority.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota yields the floor.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

Mr. HATCH. Mr. President, I yield 3 minutes to the distinguished Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I rise in very strong support of the nomination of Janet Reno to be Attorney General of the United States. When President Clinton announced Janet Reno's name last month to be the Attorney General, I indicated with enthusiasm that I considered this to be an outstanding choice.

I have known Janet Reno for many years and have the highest regard for her competence, for her integrity, and for her ability to be the chief legal officer of the Federal Government.

These qualities were clearly evident, I believe, in the course of the recently concluded hearings of the Judiciary Committee and of course were reflected in the animous vote by the members of the committee to report her nomination favorably to the Senate.

The details of Janet Reno's legal career are well known. A graduate of Cornell and the Harvard Law School, she worked in the private practice of the law, and for over 20 years has pursued a distinguished public legal career in the State of Florida, the last 15 of those as chief prosecuting attorney for the 11th Judicial District of Florida, which includes Miami and surrounding Dade County.

She has really had an extraordinary record of achievement. She has been on the front line of the fight against crime and drugs, and has worked closely with police and Federal law enforcement agencies and the courts. She has managed an office of over 900 people and developed a number of innovative programs to deal with the crime problem and creative approaches for incarcerating and rehabilitating criminals.

She has been a pioneer in developing effective alternative strategies to fight crime, such as the special court to deter young drug offenders. She has been an aggressive prosecutor of sexual and child abuse cases. She has been reelected on five occasions in Dade County, with margins of victory that would be the envy of any candidate for public office. She clearly commands broad support in her community.

Mr. President, let me say, in closing, I am confident that Janet Reno will be an exemplary leader and an outstanding manager of the Department of Justice, and that she will bring a deep sense of integrity and high standards to that very important national Department—one of the original departments of our National Government.

Janet Reno is a fair, intelligent, and strong individual, with the broad experience and vision that are so critically needed at this time.

I again commend the President on his selection of Janet Reno to be the Attorney General of the United States.

I thank Chairman Biden and all the members of the Judiciary Committee for their prompt and unanimous approval of her nomination. I urge all of my colleagues to support this nomination. Our Nation will be much the better and stronger for it.

I look forward to an outstanding performance by Janet Reno as the next Attorney General of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield some time to the distinguished Senator from North Carolina.

Mr. HELMS. Three minutes ought to do it, if the Senator has that much time remaining.

Mr. HATCH. I do.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I have been very much impressed with the nominee, Ms. Reno, even though I have yet to find many things about which she and I agree.

Let me ask the Senator from Utah, my good friend, Senator HATCH: This lady favors gun control; did she say that much?

Mr. HATCH. I believe that is correct.

Mr. HELMS. And she is against the death penalty—I think STROM THURMOND took note of that during the hearings—is that correct?

Mr. HATCH. She is against the death penalty. But she has been a very decent and honorable prosecutor who has enforced the death penalty better than 100 times in her career down there. So she has abided by the law, regardless of whether she disagreed with it or not.

Mr. HELMS. What percentage of her cases did the hearings disclose with reference to plea bargaining? Was it 97 percent?

Mr. HATCH. I cannot recall the actual percentage. I do not think it was that high.

Mr. HELMS. I think that is in the ballpark.

Mr. HATCH. It could very well be. Because they brought, I believe, over 100,000 cases last year alone, and it is logical that many of them would be plea bargains.

Mr. HELMS. She favors abortion. She is pro-choice, I will put it that way.

But I did like what she said when she was accused of something which I believe, and trust, was absurd in the nature of a rumor. She said something to the effect that she was an old maid. I have not heard that expression in a long time. And she lives with her mother, does she not?

Mr. HATCH. Her mother is deceased now. She lives in the family home.

Mr. HELMS. In any case, some of my friends have called in and said, "You must not vote for this lady." I said, "Why not?" And they said, "Well she is pro-abortion." I said, "Well, do you think President Clinton is going to send up a nominee who is opposed to abortion?"

I think this lady is absolutely honorable. I have three or four people in my State who went to school with her. They have called me, or written to me, and they have given her the highest recommendation with respect to her character.

Now, I say to the Senator from Utah, that counts with me. I can get along with people who disagree with me on issues, just so long as they have character. And I believe Ms. Reno is a lady of character.

Do you agree with that?

Mr. HATCH. I surely do. Every indication is that she is not only a person of character, but of high standards. I believe that her background, intelligence, ability, education, and her work effort have been those of a person of great character.

Mr. HELMS. Mr. President, I felt the need to ask these questions because, even as we speak, a lot of people are calling to say "you cannot vote for her."

Mr. Clinton won the election. We do not have but one President at a time. I do not like some of his nominees. But I am sure that, if I knew this lady personally, I would like her. And also, based on what I have been able to learn by reading transcripts and reading the news accounts and, I must say, talking to my friends, such as ORRIN HATCH, I am going to vote for her, and I am going to do it unhesitatingly, because I think she is a lady of character.

Mr. HATCH. I thank the distinguished Senator from North Carolina. It is characteristic of him to support good people, and this is a good person, and a person of great ability.

I believe she will make a real difference as Attorney General. I think she will set standards that will be long followed by others who may succeed her in the future.

Mr. HARKIN. Mr. President, I strongly support the nomination of Janet Reno as the next Attorney General of the United States. Ms. Reno's experience, qualifications, temperament, and forthright testimony before the Judiciary Committee convinces me that she has the potential to be a great Attorney General of the United States. As we all know, Ms. Reno will be the first female Attorney General of the United States, and I salute her in this historic appointment.

As Dade County State's attorney, she has developed a reputation for integrity and toughness. She has established herself as a fighter against drugs, as a proponent of victim's rights, and as a person committed to combatting child abuse. The people of Dade County have shown that Ms. Reno is held in the highest regard, by repeatedly electing her by lopsided margins.

However, her job will not be an easy one. Over the last 12 years, the Justice Department, which previously had a reputation for professionalism, has endured scandal and incompetence under previous Attorneys General, like Ed Meese. We need an Attorney General who can turn the department around, and put the justice back into the Justice Department. I am confident that Janet Reno is the person to do that. I congratulate the President for such an excellent choice to be our Attorney General.

Mr. THURMOND. Mr. President, I rise today in support of Ms. Janet Reno to be confirmed as the next Attorney General.

Since her nomination by the President, Ms. Reno has been the focus of a very thorough background check and definitive questioning during 2 days of hearings before the Judiciary Committee.

My support for Ms. Reno is based upon the examination of her record and her testimony before the committee. Ms. Reno proved to be an adept witness facing questions on myriad issues for which she will have jurisdiction.

I was pleased particularly with Ms. Reno's response to my questions on the need for effective habeas corpus reform. Ms. Reno said and I quote, "Senator, I could not agree with you more on that issue. * * * We sought the death penalty, we have gotten the death penalty, and to find those people still in prison without that penalty carried out after 10 * * * years makes a mockery of the justice system * * *." She went on to comment on frivolous appeals and said, "It makes no sense and is not in line with the idea that punishment, to be effective, must be fair, but swift * * *, to see a crime committed and then to see the punishment carried out 12 years later * * * does not send any message and I think it impedes the deterrent effect" of capital punishment. Mr. President, her remarks are encouraging that we may reach agreement on legislation in this area.

Additionally, Ms. Reno has assured the Judiciary Committee that she will not neglect the fight against violent crime—whether it is in the cities, in rural areas, or in the home.

Mr. President, I believe that Ms. Reno's background, intelligence, enthusiasm, understanding of the Nation's problems, and her commitment to vigorous but fair enforcement of the law will serve her well as Attorney General.

She has the confidence of the President, and I believe she is well qualified to serve as Attorney General.

Mr. SIMPSON. Mr. President, I rise in support of the confirmation of Janet Reno as U.S. Attorney General.

I am impressed by her spirit and by her humanity, a combination which should serve her well in the Attorney General's Office.

She has been a vigorous prosecutor, but she has also given much effort to education and rehabilitation, particularly of young offenders using a carrot-and-stick approach, probation with the threat of serious punishment, if the rehabilitation program is not followed to the letter.

She has promoted programs to ease first-time offenders, particularly drug offenders, back into the mainstream society by helping them get jobs.

While much of her efforts in Florida have been of the root cause approach to fighting crime, she has assured the committee that when more heinous offenses were involved, she has supported dealing harshly with those criminals.

Janet Reno's education, experience, and personality suit her well for the job.

I believe the issue of immigration control may have been raised by more members of the Judiciary Committee than any other single issue during the 2 days of hearings with Ms. Reno. She assured the committee that enforcing our immigration laws is a top priority with her. She assured us that she will be personally involved in seeking increased resources and staff for the Immigration and Naturalization Service.

As one of my colleagues told her, we will be watching carefully to see to it that her actions fulfill the promises we heard at the hearings.

I believe Janet Reno can be a fine Attorney General.

Mr. DOLE. Mr. President, I would like to take a few moments to express my support for the confirmation of Janet Reno, President Clinton's nominee for Attorney General.

Ms. Reno has certainly impressed me and my Senate colleagues with her poise, her intelligence, and her familiarity with a broad array of criminal justice and civil justice issues, particularly the issue of domestic violence. Perhaps most impressive is the practical law enforcement experience she has garnered during her 15 years of service as Dade County prosecutor. This experience will undoubtedly be an invaluable resource to her as she confronts one of the great problems of our time—the proliferation of violent crime.

Indeed, Mr. President, it is my hope that Ms. Reno will make combating crime her No. 1 priority.

Many people mistakenly believe that crime is a problem reserved to the large urban areas of our country. Although I wish this belief were true, it certainly does not reflect the recent experience of my own State of Kansas.

According to the Kansas Bureau of Investigations, violent crime jumped by 10.9 percent in Kansas in 1991, and rose again by 10.5 percent during the first 6 months of 1992. Much of this increase in violence can be directly attributed to the sudden emergence of gang activity. The most recent estimates, for example, suggest that there are now more than 3,100 serious gang members throughout Kansas. Last year, Wichita—with nearly 1,200 gang members roaming its streets—recorded 14 gang-related killings. Even in the Johnson County area, an affluent suburb of Kansas City, police have identified 16 different gangs with several hundred members.

One wonders why young men and women would choose to join these gangs and become foot soldiers in the drug trade, committing brutal acts of unspeakable violence. Poverty, a sense of hopelessness, a drug habit that bends the mind and inflames the passions—these are some of the reasons often given to explain, if not to excuse, violent criminal behavior.

But, Mr. President, there are no excuses. In fact, this country cannot afford any more excuses. There is only the bitter reality that society has somehow failed to communicate to a segment of our youth the moral lesson that, "yes, there is indeed a difference between right and wrong, and that certain behavior is simply intolerable."

In my judgment, it is this failure to communicate a shared public morality, rather than poverty or other social conditions, that is the biggest factor behind the crime epidemic. As my colleague in the House of Representatives, JOHN LEWIS, once explained, "It's not poverty that causes crime. It's crime that causes poverty."

During her tenure as Attorney General, it is my hope that Ms. Reno will remember these important words.

Mr. President, I wish Janet Reno the very best as she becomes our Nation's top law enforcement officer. I will be closely watching her performance, and I look forward to working with her in the months and years ahead.

Mr. HATFIELD. Mr. President, I would like to add my voice to the many who have already expressed support for Ms. Reno as U.S. Attorney General. Janet Reno has demonstrated, through years of service and in her testimony before the Judiciary Committee, that she is highly dedicated to the pursuit of justice in America.

The academic and career record of Ms. Reno illustrates the impressive legal abilities that will be crucial to success as the Nation's top law enforcement officer. Friends of mine who have worked with her in Florida speak very highly of her, as do those in Washington who have had the chance to interview Ms. Reno. Her adept handling of questions by members of the Judiciary Committee led to an 18-to-0 vote yesterday to recommend confirmation.

Perhaps the most important point in favor of confirming Ms. Reno as Attorney General is that she has shown herself to be a tough and independent administrator who is not afraid to take new directions when necessary. I was encouraged by comments indicating some personal opposition on her part to the death penalty—for decades some of us have been raising questions about its merit. Ms. Reno appears ready to attack the causes of crime, while remaining tough on enforcement mechanisms that actually work. I wish her the best of luck in the enormous challenges that face her in the coming years.

Mr. KENNEDY. Mr. President, I join in strongly supporting the confirmation of Janet Reno as Attorney General, and I am confident that she will do an outstanding job as the Nation's top law enforcement officer.

As Attorney General, she faces many difficult challenges. Violent crime victimizes vast numbers of Americans each year, and leaves millions of others fearful in the streets and in their homes. Public confidence in the fairness of our legal system has fallen. Working families, the poor, women, and racial minorities believe that they cannot get a fair shake in our courts, that they do not yet stand equal before the law.

Janet Reno is uniquely qualified to meet these challenges. For 15 years she has served as State's attorney for Dade County, where she presided over an office with 240 assistant prosecutors and a $33 million budget. She brings more impressive crime-fighting credentials to the Department of Justice than any Attorney General in recent memory.

She has prosecuted violent street crime and white-collar fraud with equal determination. She has confronted the flood of illegal drugs in Miami with tough, effective policies. And she has worked closely with Federal prosecutors in the Southern District of Florida to bring corrupt public officials and international drug traffickers to justice.

She has sought stiff sentences for career criminals and established special units within her office to focus on child abuse and domestic violence. She has also been a forceful advocate for the rights of victims and witnesses.

Janet Reno has pioneered innovative programs, like the Miami drug court, to treat drug addicts so that they won't need to commit robberies or burglaries to support their habits. She has worked tirelessly to remove the conditions that breed criminal activity, like rundown public housing and a soaring high school dropout rate.

In a county that has extraordinary ethnic diversity, she has gained the full confidence of the entire community. Those skills will serve her well as Attorney General, where she will be responsible for protecting the civil rights of all Americans.

Janet Reno has felt the pain of discrimination firsthand. As a law student, she was denied a job at a Miami law firm because she was a woman; 14 years later, she was made a partner in that firm. She is fully committed to vigorous enforcement of our civil rights laws to secure equal opportunity for all Americans.

Unlike many who preceded her, Janet Reno brings to the Office of Attorney General a firsthand knowledge of both the challenges and the benefits of immigration. Based on her record and her testimony in her confirmation hearings, I am confident that she will enforce the immigration laws fairly and effectively. Whether it is protecting America against terrorism or helping persecuted refugees or fighting discrimination against immigrants, she will be an Attorney General who will be on the side of effective law enforcement and justice and fairness for all.

The Justice Department is also responsible for enforcing many important environmental laws. Ms. Reno brings to her office a lifelong respect for the environment and a deep commitment to protecting our natural heritage for future generations.

At every stage of her confirmation hearings, she demonstrated extraordinary intelligence, integrity, and candor. She has the experience and the potential to be an outstanding Attorney General, and an outstanding symbol of the best in American justice. I commend her on her nomination, and I know that all of us on the Judiciary Committee look forward to working with her in the years ahead.

Ms. MIKULSKI. Mr. President, I rise today to express my strong support for Janet Reno's nomination as the next Attorney General of the United States.

Ms. Reno is an excellent choice for this important position. Her record as the leader of the Dade County, FL State attorney's office for the last 15 years speaks for itself. The fact that she has been reelected to that post five times shows the faith and admiration which her community holds for her.

I am pleased that our next Attorney General will come to the job with hands-on experience in fighting crime. I am also pleased that Ms. Reno has an interest, not only in fighting crime, but in learning what causes it and preventing it.

Of course, Mr. President, I am also very happy that for the first time in American history, the Attorney General will be a woman. Being the first Democratic woman to win a seat in the Senate in her own right, I know what it is like to be the first.

But I am not voting for Janet Reno just because she is a woman.

Rather, I am voting to confirm Janet Reno as U.S. Attorney General because she has shown that she is qualified and ready to do the job.

I look forward to the confirmation of Ms. Reno as Attorney General, and I wish her the best as she takes on this important position.

Mr. LEAHY. Mr. President, I rise today in support of Janet Reno as the first woman Attorney General of the United States. Ms. Reno's dedication to public service, her accomplishments in law enforcement, and her long-standing proven commitment to justice make her an outstanding nominee.

During Ms. Reno's distinguished career, she has shown herself to be a talented, forceful, and versatile advocate. She is a prosecutor's prosecutor. Her knowledge of this art is not based on theory, but rather, on practice. Her hands-on approach to fighting crime and representing the people of Dade County has won her the deep respect of those she has served. We as a Nation will be fortunate to have her experience guiding the Justice Department.

Ms. Reno knows from experience how important the role of tough law enforcement is in fighting crime. I think all those present, for her confirmation hearing, witnessed her mettle and will attest to her strength of purpose. This is a person of unwavering purpose. And the "mean bads" as she calls them will not rest easy knowing she heads Federal law enforcement.

But aside from being a tough prosecutor in the traditional sense of the term, Ms. Reno has also proven herself to be an innovator who understands that ending this epidemic also requires addressing the broader issues that contribute to crime: Poverty; inadequate education and sparse economic opportunities. Her initiatives to reform the juvenile justice system and to establish a special court for drug offenders—combining punitive sanctions with rehabilitative measures—demonstrate her commitment to refocus the system toward prevention and rehabilitation. She understands the complexity of our crime problem, and how deep a commitment we need by government and all of society to improve the situation.

Her nomination comes at a crucial time for the Justice Department. Instead of enjoying its historic reputation as the champion of justice over the last 12 years, the Department became one of the most partisan bulwarks of the conservative political agenda. I was disheartened to see Attorneys General Meese, Thornburgh, and Barr engage the Justice Department in political confrontations with Congress and the courts, instead of concentrating on enforcing the law evenhandedly. The public rightly is concerned that the Department's integrity has been compromised by political ends. It has been a long time since we have had someone who can give the proper direction to Federal law enforcement. I believe Janet Reno is that person.

As Attorney General, Ms. Reno will head a professional corps of some of the most talented and dedicated attorneys and law enforcement officials in the country—men and women who take deep pride in representing their country in court and in furthering the cause of justice. She will need to reinvigorate this committed group with a new sense of morale and purpose. Ms. Reno has been described by both colleagues and adversaries as a person of unwavering integrity. From her fine record and her straightforward and thoughtful testimony these past 2 days, I am confident that she can draw on this integrity to make the Department of Justice a place where justice, not politics, is the first and only priority.

At its fundamental core, the guiding principle of our Republic is that it is ruled by laws—not by the wishes of particular men or women holding political power. Our society's legitimacy and justness stems from this core principle. It is the paramount duty of the judiciary to protect the rule of law, but it is the paramount duty of the Department of Justice to promote and pursue it, as well as to protect it. This is a weighty responsibilty, but one Ms. Reno is extemely well-suited to undertake. I look forward to working with this excellent nominee on the difficult but rewarding tasks that lie ahead.

Mr. HOLLINGS. Mr. President, I rise today in support of the nomination of Ms. Janet Reno for U.S. Attorney General. I am convinced that Janet Reno is the Attorney General that America has been waiting for. She is an exceptional woman. She is tough. She is talented. And she is experienced—both in civil and criminal law.

After a long wait, we finally have the kind of effective crimefighter that America deserves. Her 15 years as a tenacious prosecutor in Dade County have given her the grit and the experience necessary to do the job at Justice. I can testify myself, as a trial lawyer, that there's no better place to develop the advocacy skills she will need than the inside of a courtroom. Ms. Reno has been down in the trenches. She knows what it's like to work with the courts, what it takes to organize and prosecute a case, and what the rank-and-file law enforcement officer is up against on the streets. And believe me, that will be a breath of fresh air.

Mr. President, as the chief prosecutor for Dade County, Ms. Reno has done an outstanding job. She has been on the front lines of fighting every aspect of crime. Her innovative approach has not only attacked high-profile criminals but also has aggressively prosecuted deadbeat dads and cases of spousal and child abuse. In fact, she has established a children's center for prosecution of child sexual abuse cases, and created Florida's first domestic violence prosecution unit. Additionally, she has worked with local police to establish an innovative, special unit to better coordinate and prosecute career criminals.

Mr. President, Ms. Reno garners the utmost respect from colleagues for her intuitive understanding and far-reaching vision for the way to get our country on the road to eradicating crime at its source. She knows the importance of rehabilitation and education. I've always said that it's better to feed the child than to jail the adult. Ms. Reno, with her firsthand experience of seeing juveniles caught in the downward spiral of the destructive criminal underworld, knows that we have to educate and rehabilitate our young people in order to make them productive citizens.

Toward that end, she has used her office to revamp Florida's juvenile justice system. This is right in line with all my efforts as chairman of the Appropriations Subcommittee on Commerce, Justice, State and the Judiciary to increase funding for juvenile rehabilitation and education programs across the country.

Let me just add in closing that I am delighted to be here in support of Janet Reno's nomination to be Attorney General. She is a law enforcement professional. Many of her predecessors were just high-level campaign operatives. In contrast, Ms. Reno brings real courtroom and law enforcement experience to the position. Her strong, sure-handed, capable leadership, her innovative and vibrant thinking and her extensive criminal experience is just the tonic the Justice Department needs. I urge my colleagues to support her nomination. I thank the Chair.

Mr. DECONCINI. Mr. President, I rise in strong support of the nomination of Janet Reno to be this country's next Attorney General. Ms. Reno is consummately qualified for the position of top law enforcement officer of the United States. In her statement to the Judiciary Committee, Ms. Reno referred to the inscription on the Department of Justice building which reads, "Justice in the Life and Conduct of the State is possible only as first it resides in the Heart and Souls of the citizens." Ms. Reno's life and her service to the people of Florida for the past 15 years, as a State attorney and chief prosecutor, are testimony that justice resides in her heart and soul. I am confident that as Attorney General, Janet Reno will bring justice to the life and conduct of our great United States and to the Department of Justice.

My colleagues and I on the Judiciary Committee were extremely impressed by Ms. Reno's profound understanding of the roots and extent of the crime which plaques our country, an understanding she gained from her vast experience on the local level in Florida. She is tough on career criminals, murderers, and drug traffickers through her support of vigorous penalties. Moreover, she has strongly advocated bold drug treatment programs, early intervention for juvenile offenders, and programs to combat violence in the home.

Ms. Reno is a tough-minded prosecutor. She made clear at the nomination hearings that she is not concerned about turf or credit. I spend a lot of time in the Senate managing turf battles—battles between Treasury, Justice, Border Patrol, DEA, and Customs, for example. Ms. Reno, however, is concerned about doing it the right way. I am confident from her past treatment of turf battles that Ms. Reno will, as she pledged, meet with Secretary Bentsen, and with all agencies involved to deal with this problem effectively.

I was also encouraged and pleased by Ms. Reno's willingness to review the number of cases, one of which is Inslaw, that have cast a shadow on the credibility of the Justice Department.

She also agreed that improving the operations of the Immigration and Naturalization Service should be a high priority in her Department. The Border

Patrol, which functions under INS, is miserably underfunded and mismanaged, both in terms of manpower and resources.

Finally, I am confident Ms. Reno will bring a new excellence and diversity to the Department of Justice by increasing the number of women and minorities in the Senior Executive Service and other management positions.

Mr. President, unfortunately, scurrilous attacks against nominees are all too common distasteful occurrences in the confirmation process. Many unfounded accusations were made against Ms. Reno's character. The FBI and the Judiciary Committee independently investigated these allegations and found them to be without merit. Moreover, there were several individuals who wished to come and testify in opposition to Ms. Reno. As is the practice in these circumstances, these individuals were invited to submit their testimony in writing to be included as part of the public record. To date, they have declined this offer.

In Ms. Reno's nearly 30 years of private and public practice, she has developed a professional reputation for unquestionable and impeccable integrity. She is an extraordinary compassionate and intelligent woman who will be a dedicated attorney for the people. I strongly support her confirmation and look forward to her tenure at the Department of Justice.

Mr. PELL. Mr. President, I am thoroughly pleased today to vote to confirm the nomination of Janet Reno of Florida to be the Attorney General for the United States. As the first woman to be selected to fill this position, Ms. Reno brings to the Justice Department an impressive record of integrity, commitment, and legal prowess. Since being nominated nearly 1 month ago, I have been impressed with her conduct, demeanor, and forthrightness. For too long our Nation's top law enforcement agency has been compromised by doubts about political motives, personal integrity, and abuses of power. I believe that Ms. Reno will erase such misgivings and restore to the Justice Department the very highest level of prestige and civic mindedness.

I am particularly pleased that Ms. Reno has indicated that she will take a comprehensive, centrist approach in carrying out the Department of Justice's responsibilities. She indicates that this means such things as not only the rigorous enforcement of our drug laws but also the successful implementation of drug treatment programs. She speaks of tough punishment of criminals that also ensures fairness and encourages rehabilitation where possible. She points out the need for combating the out-of-control gun violence plaguing our streets while promising to preserve basic rights under the second amendment. This approach, which seeks solutions rather than political advantage, is desperately needed in today's society where the pursuit of divisive policies in recent years has paralyzed the administration of justice. I am encouraged that Ms. Reno is committed not only to finding answers but including everyone in the process.

The work ahead at the Justice Department for Ms. Reno is by no means a small task. Nevertheless, I am confident that she will tackle the problems facing her with vigor and that the country will be well-served by her service. I wish her the best of luck and look forward to working with her over the coming years.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I have received a number of calls and personal contacts from Senators regarding the timing of this vote. There are a number of conflicts in the schedules of Senators and in an effort to balance the conflicting requests, and following consultation with the distinguished Republican leader, I am momentarily going too ask unanimous consent that the vote occur at 2:20 instead of the 2:15 p.m. originally scheduled. That would give an additional 5 minutes for Senators who are on their way here, and not greatly inconvenience Senators who are to leave immediately upon voting.

I believe it is the best solution to accommodate the various requests.

I therefore ask unanimous consent that the vote now scheduled for 2:15 occur at 2:20 p.m., and that the additional 5 minutes be under my control.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the Senate is about to cast a historic vote. For the first time in American history, a woman will become Attorney General of the United States. I commend President Clinton for his appointment of Janet Reno. I commend the Judiciary Committee for the prompt, yet thorough, consideration of the nominee. And I especially commend Janet Reno for her handling of the confirmation hearing and the nomination to date.

Mr. President, I have never met Janet Reno. I know her only by reputation and all that I have read about her. But I must say that I am very greatly impressed. I myself served as a prosecutor at the State level. I served as the chief Federal prosecutor for the district of Maine, as U.S. attorney for that position, and for a brief period of time as a U.S. district judge. I devoted much of my adult life to matters in the judicial system, and especially in the criminal justice system. I cannot think of a person, male or female, in this country better qualified to serve as Attorney General than Janet Reno.

Her nomination is historic, not because she is a female, but because she is a superbly qualified person to serve in the position for which she has been nominated. She has vast experience as a prosecutor managing one of the largest prosecutor's offices in the country with, I understand, nearly 900 persons under her supervision. And, with a distinguished record and detailed knowledge of the law and the criminal justice system, I think she will do well.

I am also most impressed about the following: One of the greatest powers in a democratic society is the power of prosecution. It is, in fact, the greatest power for which there is little or no accountability. Members of Congress are regularly described as being powerful. We would question that. But we are, at least, accountable. Our votes are recorded and all of our deliberations are in public. We must go before the voters on a regular basis.

A very great power—and I am aware of it because I possessed that power personally—is the power of prosecution. It must be exercised with a balance of vigor and restraint. It requires the best judgment and the best reasoning and restraint in action of which our society is capable.

That is often not the case. The power of prosecution is greatly abused in a democratic society. I am confident, based on what I know about Janet Reno, she will conduct herself properly in that regard. And finally, and most especially, she will keep politics out of law enforcement.

Some months ago I met with then-President-elect Clinton and we talked about this position. My advice was the best thing he could do for himself, for the country, was to nominate a person who would make judicial decisions based on judicial factors; who would make law enforcement decisions based on law enforcement factors and keep politics out of law enforcement.

The Attorney General's position ought not to be a political position. It ought to be occupied by a person who understands the difference and who will make decisions based on what is in the best interests of the country and on that basis alone. I think where Presidents have gotten in trouble in the past is where they have appointed people who have not followed that standard, who thought they were doing Presidents a favor by basing decisions on, or considering, political factors.

The best thing we can do is to have an Attorney General who will keep politics out of law enforcement, and I am confident that Janet Reno will do that.

So I commend the President very strongly for this superb nomination, and I look forward to an overwhelming—if not unanimous—vote by the Senate in just a few minutes, to confirm Janet Reno as the Attorney General of the United States.

Mr. President, I yield the floor.

Mr. BIDEN. Mr. President, is there any time remaining?

The PRESIDING OFFICER. There remain 4 minutes and 30 seconds.

Mr. BIDEN. Mr. President, I yield myself 2 minutes.

Mr. President, just let me say once again how much I appreciate the cooperation of my Republican colleagues, and in particular Senator HATCH. I want everyone to realize that under the standing rulings of the committee, Senator HATCH could have, or any Republican could have insisted that this vote not take place for another 10 days. It would be appropriate, fully within the rules, and would be the way we usually do business. But I can tell you that Senator HATCH not only acceded to the request, he initiated it, along with his Republican colleagues on the committee, and moved this nomination process along because of the need for an Attorney General. I want to just personally thank him. The Senator from Utah is always cooperative. We have been good personal friends. But he is also a pleasure to work with politically in that he acted in this case, as did his Republican colleagues, to fill a vacuum that needs to be filled right now in the Justice Department.

I think I might say, Mr. President, we are doing more than filling a vacuum. We are putting in place a woman of incredible talent, energy, and integrity who, I am convinced, has the potential to be one of the truly fine Attorneys General this Nation has had. Her commitment is unyielding, her integrity is beyond question. I think we are going to have as nonpolitical a Justice Department as possible. This woman is going to do what she thinks is right. This women has a vast amount of experience in the one area we have to deal with more than any other in this country, the violence that plagues this Nation.

Again I would like to pay my respects to my ranking member, Senator HATCH from Utah, and also congratulate, again, a truly fine public servant, a woman willing to come and serve in a very difficult job, and congratulate her now—Janet Reno.

I would also like to thank my staff, which has followed down every single solitary lead, accusation, rumor, question—all of which came up to be baseless. But they worked; this looks like it was awfully easy. One of my colleagues said this was an easy one. It all just worked smoothly. But the majority staff, the investigators' staff spent hours and hours and hours pursuing every single solitary question that was raised. I thank them both. I thank the minority staff as well as the majority staff and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I want to thank my colleague for his kind remarks. I just want to express my respect for President Clinton for having made this choice, and congratulate him for an excellent choice for Attorney General of the United States.

Janet Reno is a good person. Her family are good people. I believe she will handle this job with aplomb, with dignity, and with the fairness it deserves. I believe politics will be a very secondary factor, if any factor at all, other than her work as representative of the President of the United States. Naturally, she has to give him good advice.

So, Mr. President, I congratulate President Clinton for his choice here. I look forward to all of us voting on this matter. I hope every Senator in the U.S. Senate will vote affirmatively, to show our support for this fine woman.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Janet Reno, of Florida, to be Attorney General of the United States? The yeas and nays having previously been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. KRUEGER] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 29 Ex.]

YEAS—98

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NOT VOTING—2

Hatfield
Krueger

So the nomination was confirmed.

[Applause.]

[Disturbance in the visitors' galleries.]

Mr. MITCHELL. Mr. President, may we have order?

Mr. BYRD. May we have order in the Senate galleries? And the galleries will be in order, Mr. President.

The PRESIDING OFFICER. I ask the galleries to be in order.

Under the previous order, the motion to reconsider the previous vote is laid on the table.

And the President will be notified of the confirmation of the nominee.

Mr. MACK. Mr. President, I am pleased with the unanimous confirmation of Ms. Janet Reno as the first female U.S. Attorney General. I am particularly delighted in light of the fact that she is a fellow Floridian and a highly qualified individual. I believe Janet will serve our country well and I look forward to working with her to help solve some of society's most entrenched crime problems.

As I relayed to the Senate Judiciary Committee, my initial knowledge of Janet was limited. However, subsequent to her nomination I received numerous phone calls and letters in her behalf and I was impressed with what I heard. These calls and letters came from a number of individuals, Republicans and Democrats alike, whose opinions I greatly respect. Many of them have worked with Janet directly and others know her by reputation. The overwhelming opinion is that Janet is a talented prosecutor who is tough on crime yet fair in the administration of justice.

As a person, she is marked by a sense of human decency which she extends to every aspect of her professional life. By her ability to get things done and inspire those around her to reach their full potential, Janet epitomizes what a public servant ought to be. She has established a strong personal and professional reputation for integrity and requires herself and those with whom she works to abide by the strictest code of ethics.

I am told by those most familiar with Janet that she "does a lot more than prosecute." In Florida, she has been a champion in criminalizing domestic violence, cracking down on deadbeat parents, and being a spokesperson for crime prevention.

Janet has also shown exceptional willingness to find and adopt innovative approaches to the criminal justice system. It is crucial the Justice Department develop innovative programs that tackle some of society's most entrenched social problems.

As I expressed at Janet's nomination hearing, I believe it is critical we have an individual as the country's chief law enforcement official who is particularly sensitive to the immigration issues facing our country and particularly Florida. As prosecutor of Dade County, Janet has a keen understanding of the financial strains imposed upon our State and local communities by Washington's immigration policies and enforcement procedures. In her role as Attorney General, she can be sensitive to the impact immigration issues will continue to have on Florida taxpayers. I look forward to working with her to make certain that Florida receives its fair share of funds from Washington to deal with the immigration crisis.

As U.S. Attorney General, Ms. Reno will bring her qualifications and her innovative approaches in the local and State justice system to the Federal level. I am pleased she has been confirmed and I look forward to working with her for Florida and the Nation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that I may be able to speak——

The PRESIDING OFFICER. The galleries will be in order.

The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO LESLIE FINN

Mr. DODD. Mr. President, it is with a great degree of sadness that I rise to tell my colleagues of the passing of a——

Mr. MCCAIN. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. The galleries will be in order.

Mr. DODD. Mr. President, it is with great sadness that I rise to inform my colleagues of the Senate of the passing of a beloved friend of mine and someone who worked with me for 12 years as my office manager, Leslie Finn. She arrived in the Senate in 1967, working for Senator Tydings of Maryland, then Senator Adlai Stevenson, and for 8 years with Edmund Muskie of Maine, both in his capacity as Senator from that State and during the 10-month tenure that he served as Secretary of State. She joined my staff in January 1981 and was with me until she passed away this past Monday.

Leslie Finn discovered that she had cancer in December, and in 12 weeks she lost her life.

Mr. President, there was a memorial service for Leslie Finn this morning, attended by many people from the Senate, particularly staff and support staff from throughout this institution. I was very fortunate, Mr. President, that she dedicated so many of her days to our office. She did a remarkable job, and was one of the most highly competent, efficient staff members of the U.S. Senate.

There are many offices throughout this body that benefited from her knowledge and her expertise. She was one of the most highly respected members of the Senate staff, and she dedicated a quarter of a century of her life to this institution.

Regretfully, she died at the tragic young age of 47, but her mark on this institution will be remembered for many, many years to come. I was fortunate that she gave me so many years of her life in making my office a very successful one. She was in the office at 6:30 or 7 o'clock every morning, organizing.

But beyond what she did for this Senator—and I said this morning, I am a far better Member of this institution because Leslie Finn was a part of my staff—Leslie Finn was a unique individual. Not only had she served for four U.S. Senators, as I mentioned before, and served them well during their tenure, she went beyond the role of just being a good staff member for an individual office. Leslie Finn was dedicated to this institution. She improved the quality of life in the Senate because she cared about the mechanics of this institution. She wanted to see it be a more coherent, more cohesive, more effective institution.

Outside this Chamber, Mr. President, there are five portraits hanging in the reception room. Those portraits reflect the decision by a committee some 30 or 35 years ago that determined who, up to that point, were the most effective Members of the U.S. Senate in our history. Then-Senator John F. Kennedy chaired that Commission. Those Senators were Senator Taft, Senator Calhoun, Senator Clay, Senator Webster, and Senator La Follette.

Mr. President, there is no such facility, that I know of, where members of the Senate staff are so recognized for their contributions. They are rarely, if ever, mentioned in the press. They never get an opportunity to give a speech on the Senate floor. But I know each and every one of our colleagues here deeply appreciates the work that these Senate staffs do.

Were there such a hall of fame, were there such a room or a place where Senate staff could be recognized, I have no doubt in my mind, Mr. President, that Leslie Finn's name would be in that hall of fame for her contribution to the culture of the U.S. Senate. She was responsible for modernizing many of the accounts practices that we all enjoy today. She organized the Democratic office managers group in the Senate, and was its first Chair. She helped improve what many of us may enjoy and may think of as innocuous. Yet this body now has a furniture policy thanks to her perseverance. She knew virtually every office in the Senate. She made her rounds regularly and saw to it that the people who helped make this facility work did so effectively.

So we are all saddened by her loss. She will really be missed. And I think the presence this morning at that memorial service by so many members of the staff of the Senate from both sides of the aisle who respected her and had great admiration for her ability and contributions reflect the remarks that I have made here this afternoon.

Last, Mr. President, I want to say that aside from her tremendous contribution to me and to Senator Muskie, Senator Tydings, Senator Stevenson, and to the Senate as a whole, her husband, Terry; her two sons, Timothy and Kevin; and her sisters, brother, and mother also lost someone who was a very caring and very devoted person.

This was a great friend of mine. I was with her on Saturday, just a few hours before she passed away. Leslie was not given to expressing emotions outwardly very easily. But she died with great dignity, great strength, and great courage, just as she lived her life.

While the public may never know the name of Leslie Finn, there are those in this body who will thoroughly miss her effective presence in this Chamber, in this body; her contribution to the Senate; her contribution to the offices of this institution. I want to express my deep sorrow to her family and to her fellow workers at her loss and her passing.

Mr. SARBANES. Mr. President, I want to underscore the comments of Senator DODD with respect to Leslie Finn, who was one of the extraordinary members of the Senate staff that had a career of great service to this institution. She will be buried tomorrow in Baltimore. Her death is a tragic loss not only to her family and those of us who were her friends, but also to this institution. It is people like Leslie Finn that enable the Senate to meet high standards. I want to associate myself with the very moving and meaningful remarks made by my distinguished colleague from Connecticut.

Mr. President, I ask unanimous consent to proceed for an additional 10 minutes as if in morning business.

Mr. MCCAIN. Reserving the right to object——

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I would be curious to know how much more we are going to do in morning business. I have an amendment. I know the distinguished manager of the bill is interested in moving forward with the bill. If we could get some sense of that, because I also have other things on my schedule.

Mr. FORD. Mr. President, will the Senator yield to me?

Mr. McCAIN. I yield.

Mr. FORD. I reserve the right to object. What is the legislative business before the Senate?

The PRESIDING OFFICER. The business before the Senate is S. 460.

Mr. FORD. Under the circumstances—

Mr. McCAIN. I have an amendment. I will not object.

Mr. SARBANES. Mr. President, perhaps we should lay down the amendment, and then if the Senator will yield us the 10 minutes, his amendment would be pending.

Mr. McCAIN. I do not see how that helps me any.

Mr. FORD. It does not. How much time does the Senator from Maryland need?

Mr. SARBANES. I asked for 10 minutes. I can cut it to 8 minutes, and split it with the Senator from Virginia.

Mr. WARNER. Mr. President, if the Senator from Maryland would be kind enough to put my statement in as if given, I would be happy not to use the time.

Mr. FORD. I have no objection to the Senator doing that. How much time does the Senator from Massachusetts need?

Mr. KENNEDY. Reserving the right to object, is the Senator from Arizona proposing a time agreement on his amendment?

Mr. McCAIN. I was seeking to know when I could bring up my amendment. I would like to know the schedule. If there is going to be further morning business, I will go about my business until it is appropriate to bring up this amendment. That was my only question.

Mr. FORD. Mr. President, the Senators know we do not have to go into morning business. They can get up and speak, as long as there is no time agreement. I was trying to maybe limit the amount of time the speakers would have, so we can get to the amendment of the Senator from Arizona as soon as possible. The Senator from Maryland needs 8 minutes; the Senator from Massachusetts, 4 minutes. Does anybody else need any time?

Mr. President, I ask unanimous consent that after the Senator from Maryland has spoken for 8 minutes, and the Senator from Massachusetts, 4 minutes, we return to the consideration of S. 460 and the recognition of the distinguished Senator from Arizona.

Mr. JEFFORDS. Reserving the right to object, I will have an amendment that will take about 1 minute, and I wonder if I could sneak it in ahead of the Senator from Arizona.

Mr. FORD. Mr. President, I amend the unanimous-consent agreement to the extent that we recognize the Senator from Vermont, then followed by the Senator from Arizona.

Mr. McCONNELL. Reserving the right to object, we are in the process of taking a look on this side at the amendment of the Senator from Vermont. If the Senator from Vermont will withhold his unanimous-consent request for a few moments until we see his amendment, as I have just received it 5 minutes ago.

Mr. FORD. If we leave the unanimous-consent agreement the way it is, he can be recognized. He does not necessarily have to agree with it. Then we can go ahead in an orderly fashion.

Mr. JEFFORDS. If it is not agreeable to the minority, I will not offer it and the time would pass immediately to the Senator from Arizona.

The PRESIDING OFFICER. Is there objection to yielding 8 minutes to the Senator from Maryland, 4 minutes to the Senator from Massachusetts, and then returning to S. 460?

Without objection, it is so ordered.

The Senator from Maryland is recognized.

Mr. SARBANES. I thank the Chair.

(The remarks of Mr. SARBANES, Ms. MIKULSKI, Mr. WARNER, and Mr. ROBB pertaining to the introduction of S. 567 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Massachusetts.

VIOLENT ANTIABORTION PROTESTS

Mr. KENNEDY. Mr. President, I condemn the extreme act of violence committed yesterday in Pensacola, FL. The brutal murder of Dr. David Gunn makes clear that tough new measures are needed to deal with antiabortion terrorists and their abhorrent tactics.

Peaceful protests by those opposing abortion on moral or religious grounds are protected by the Constitution. Everyone is entitled to have and express a view. But no zealot or anyone else is justified in stalking physicians, harassing women, blockading clinics, or resorting to any form of violence, let alone murder.

Clinic violence is nothing new. With increasing frequency, antiabortion extremists around the country have gone beyond peaceful expressions of their views. They have engaged in bombings and arson, vandalized and destroyed clinics, and committed other vigilante acts that have no place in our free society.

Every woman in America has a constitutional right to decide for herself whether to terminate her pregnancy, and that fundamental right deserves the full protection of Federal, State, and local law.

Now, because the government has failed to provide that protection, an innocent physician has lost his life. His death is a national tragedy, and the act of violence that took his life is a national outrage.

This particular killer will be brought to justice. We must send an unequivocal message that his sort of violence will not be tolerated in any community in America.

Physicians who perform legal abortions for American women must be reassured that they can practice their profession freely, without fear of violence or sudden violent death.

The Federal Government can and must do more to help. Occasionally, the number and conduct of antiabortion demonstrators mean that local law enforcement authorities are overwhelmed and unable to bring the situation under control. In these situations, the Attorney General has the power to send in Federal law enforcement assistance, and she should do so.

In addition, we need a new Federal law to prohibit clinic blockades and violence and to provide adequate Federal remedies for the victims of this conduct. I intend to introduce such legislation soon, and I will do everything within my power to see that it is swiftly enacted into law.

The PRESIDING OFFICER. The Senator from Kentucky.

VITIATION OF TIME

Mr. FORD. Mr. President, I have been advised by the distinguished Senator from Vermont [Mr. JEFFORDS] that he would not ask for his time and I ask unanimous consent that part be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL VOTER REGISTRATION ACT OF 1993

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 460) to establish national voter registration procedures for Federal elections, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 79

(Purpose: To ensure that individuals applying for agency based registration are not coerced by such agencies)

Mr. McCAIN. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself and Mr. McCONNELL, proposes an amendment numbered 79.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

At the end of Section 7 of the Act, add:

(d) RESTRICTIONS ON AGENCY REGISTRATION.—No agency designated under this Act shall register any individual who receives direct financial aid from the agency.

(1) If an agency described in paragraph (d) is requested by an individual to register that person to vote, the agency must refer that individual to an agency designated in this section and from which the individual does not receive direct financial aid.

(2) EXCEPTION TO PARAGRAPH (d).—If the individual noted in paragraph (d) has or claims to have a disability as defined by the Americans With Disabilities Act of 1990 (P.L. 101–332), that individual must be

(i) referred to another agency designated in this section and from which the individual does not receive direct financial aid, that is both convenient and accessible under the standards of the Americans With Disabilities Act of 1990 (P.L. 101–336), or

(ii) if no such agency designated under (d)(2)(i) exists, any agency designated by this Act may register such individual.

Mr. MCCAIN. Mr. President, before I describe my amendment, I would like to extend my appreciation and my sympathy to my two colleagues from Kentucky who have been working on this bill now for 6 or 7 days. It probably seems like more to them, and I realize that they would like to see this legislation brought to some kind of conclusion. I join them in that desire.

I do think it is important for our colleagues to understand, as the junior Senator from Kentucky has pointed out, this is a very, very significant piece of legislation and one that deserves our scrutiny. As time has passed this bill has gotten the scrutiny of some important people, not only in my State but around the country. I intend to discuss that a little bit as I discuss this amendment.

Specifically, Mr. President, this amendment restricts agencies from registering individuals who receive direct financial aid from that agency. The amendment takes into account the needs of the disabled and makes exceptions for disabled Americans. The amendment mandates that no agency may register any individual who receives direct financial aid from that agency. Should an individual seek to register at an agency that is banned from registering that person, the individual must be referred to another place or agency that can register that person. I repeat. The amendment mandates referral so that everyone will have the opportunity to register.

Lastly, the amendment allows anyone who is disabled to register at any agency regardless of whether he or she receives financial aid from that agency or not.

This provision was added to the amendment to ensure that our Nation's disabled citizens are not excluded from registering due to physical disabilities.

Mr. President, those who are most vulnerable in our society must be protected from coercion. This amendment does exactly that.

S. 460, as currently drafted, allows for agency based voter registration. To be specific, the bill mandates that all unemployment offices, public assistance offices, and vocational rehabilitation offices seek to register to assist in registering their clients.

Although this outreach program is noble in concept, it is fatally flawed as currently drafted. I believe this bill will subject the poorest and least educated in our society to undue and unfair coercion, and I believe that we must ensure that this kind of coercion is not allowed under this bill. Before we act, I suggest we examine what the States have implemented in this area.

Mr. President, my own State of Arizona offers motor-voter registration. Yet, under this bill, Arizona would be severely penalized. It is a miscarriage of justice that a State such as mine, which is one of the leaders in the Nation in this area, will be severely hurt under this bill.

Under this legislation, Maricopa County, just one county in the State of Arizona, would be forced to expend an additional $900,000 under this legislation.

At the same time we are imposing this Federal mandate, my State has a registration rate of just over 68 percent of eligible citizens. We have motor-voter, we have mail-in registration, and we have limited agency based registration with safety precautions built in.

Mr. FORD. Will the distinguished Senator yield at this point for a question, since we are not on a time agreement?

Mr. MCCAIN. I am happy to yield.

Mr. FORD. Could the Senator give us the breakdown of the figures for $900,000 for one county?

Mr. MCCAIN. I would be more than happy to do so. I thank my friend from Kentucky for that question.

I would like to best answer that and describe that to him by reading a column from the March 8 Mesa Tribune, written by Ms. Helen Purcell, who is the county recorder in Maricopa County and who happens to be a Republican, and Mr. Jim Shumway, who is the deputy secretary of state of my State, who happens to be a member of the Democratic Party. So I would just like to read it and hope that it will answer the questions that my friend from Kentucky might have.

Once again Arizona is on the brink of being penalized for meeting federal standards ahead of time.

House Resolution 2, a piece of federal legislation on voter registration, is about to be slam-dunked through Congress and appears to have gained the favor of the president.

The basic theory of this "new legislation" has been around for years. Provide a positive atmosphere for voter registration: registration while applying for your driver's license; registration forms available at all agencies of state and local government; registration by mail through self-registration.

Arizona already meets each of these qualifications!

You can register to vote while applying for your driver's license; pick up a voter registration form at any motor vehicle location, as well as most state and local agencies.

There are more than 1,000 locations (including all post offices) in Maricopa County where forms are available. Grocery stores, banks, libraries and town halls are also part of the growing list. Arizonans already have the right of self-registration by mail.

The new version of H.R. 2 throws the current system out the door and mandates that each person applying for a driver's license be automatically registered to vote. Applicants must formally decline in order not to be registered.

While this sounds like a panacea for registration, this bill specifically prohibits government from asking the applicant to fill out a voter registration form. All information must be contained in the driver's license document. This means, at best, that the entire driver's license forms and procedures must be reworked.

Currently a voter registers and the original copy of the form is filed in the County Recorder's/Election Office. Under the new provisions of H.R. 2, the election department would receive a second- or third-generation carbon copy of the driver's license/voter registration form.

It will prove interesting trying to satisfy the U.S. Justice Department mandate of bilingual translation of all voter-related information, especially the drivers license form.

Currently each voter registration form in both Maricopa County and Pima County—

And for the record, Pima County is the second largest county in Arizona, approximately 80-some percent of the entire population of my State live in these two counties—

is scanned onto a computer disk. In this high-tech world it makes sense that we can accomplish this exchange of data electronically to update the computer files.

However, because of this legislation, we will be re-recording data that is already placed in the system. This duplication of efforts will be cost-prohibitive to both the Driver's License Division of state government, the Recorder's Offices for each of Arizona's counties and ultimately to you, the taxpayer!

The basis for voter participation in Arizona has always been registration and voting in the precinct where the voter resides. It seems inherently unfair for voters to return to their "old" voting place and cast their ballot for candidates that do not represent them at their current location. H.R. 2 allows this to happen on a continuing basis.

In a time when government is making an honest effort to react to a mandate from the public for more fiscally responsible management, it is unfortunate that we are being led down the primrose path in the name of "easier accessibility."

The cost—

I am getting to the point that my friend from Kentucky asked about.

The cost for Maricopa County's participation is estimated to exceed $900,000 additional tax payer dollars annually. This cost will no doubt continue and escalate every year. This does not include State Motor Vehicle Department costs.

Arizona and any other state that already provides for easy access to voter registration deserves an exemption to this legislation.

Don't be fooled by quick-fix solutions. In order to protect our precious right to vote, election laws must continue to provide security to help insure the absence of fraud. This "convenient, ease-at-all-costs" approach is not the answer.

I hope that answers the question of my friend from Kentucky about how the county recorder in Maricopa County and the assistant secretary of state of the State of Arizona feel about this issue.

Mr. FORD. Mr. President, in answer to my distinguished friend, this is a purely misunderstood article about this piece of legislation. I do not have any balance figures for the $900,000.

Most of the States have a maximum cost of 18 cents per registered voter. I am not sure that adds up to $900,000. But there is nothing in here that says this costs so much, that costs so much. It is basically a figure.

But, nevertheless, since the Senator has gone through all this, it seems to me, since you are probably the leading State, as you say, as it relates to motor-voter, I do not understand why it is such a big problem to make the changes that you are outlining there in that article, not the ones I read in this piece of legislation.

The Senator can have his own interpretation of it, or they can, too, but my interpretation of the article I just listened to him read is somehow or another the bill and the article do not coincide. I regret that I cannot agree to it, but I understand.

Mr. MCCAIN. I thank my friend from Kentucky. I would repeat perhaps the more relevant part. They are saying, "Because of this legislation, we will be recording data that is already placed in the system. This duplication of effort will be cost prohibitive to both the driver's licenses division of the State government, the recorder's office for each of Arizona's counties, and ultimately to the taxpayer."

Also I have a letter concerning this legislation from the head of the Department of Economic Security in Arizona who says:

> The Arizona Department of Economic Security management staff have reviewed the Motor Voter bill, S. 250, for implications on the Department. We are extremely concerned about the mandates to register every assistance applicant to vote, or to obtain every refusal in writing, without adequate funding.
>
> Additional client services without additional funding would place an added strain on an already tight budget. Additionally, we are concerned with potential Federal litigation.

That is from the Arizona Department of Economic Security.

Perhaps there is some misunderstanding in my State about the implications of this, but, obviously, as a representative of the State of Arizona, I am required to go to the people who are responsible for carrying out the laws we pass. And, frankly, I did not solicit that—I wish I had—I did not solicit that article that they wrote in the Mesa Tribune.

If I might continue my remarks, Mr. President.

We must ensure that this bill does not punish States such as mine that have already acted progressively on this issue.

I would also like to point out that Mr. David Broder, on February 14, 1993, in a Washington Post column entitled "Inflated Expectations" wrote:

> But, unfortunately, they have done something else that is altogether too common in this capital. They have failed to put their money where their mouth is. The bill imposes a welter of new duties on the states, and it offers them little help in paying for them.
>
> When the nation's governors were in town two weeks ago, President Clinton listened sympathetically to their pleas for a halt to Washington's habit of dumping unfounded mandates on the States. But, so far, Clinton has urged Congress to send him the motor-voter bill and hasn't said "boo" about it being another unfunded mandate.

Mr. Broder goes on to say:

> The only benefit the bill provides is about $5 million of postal subsidies for the verification forms states may use to check the validity of registrations. The estimates of what it will cost the states range from $25 million a year up to 10 times that amount. But no one disputes that computerization and manpower costs are going to put an additional burden on strained state budgets and Congress, with its usual cavalier attitude, is going to make the states pay.

Mr. President, David Broder, I think, is right on the mark with his comments. In Arizona we know he is completely accurate on the subject of new costs associated with the bill. I would like to mention again the March 8 issue, Helen Purcell, who wrote the article in the Maricopa paper, is the reporter with Jim Shumway, the Maricopa elections director that I mentioned before who wrote the editorial that I just stated.

Again, I think there are very few people who would disagree with the fact that before we pass legislation, we should listen to the people we represent, including those who will be required to carry out and implement these laws.

I would like to say to my friend from Kentucky, if there are inaccuracies in their judgment of the legislation, I would be more than glad to get that to them, if he feels they need to be reeducated as to the impact of this bill on their ability to carry out their duties and on the taxpayers of Arizona.

Mr. President, the Department of Justice wrote:

> The Department's experience demonstrates that public officials sometimes use their power to dispense or withhold benefits in order to pressure citizens into voting a particular way or registering for a particular party. S. 250 would increase substantially the opportunities for such intimidation and coercion of the public.

In 1991, the St. Louis Post Dispatch reported on an ongoing investigation into allegations that public assistance employees were routinely registering public assistance applicants——

Mr. FORD. Mr. President, my good friend from Arizona is going to fuss at me, I suspect, but we are not on S. 250 and it is not this Justice Department. We are on S. 460 in the year 1993. It is a different bill.

Mr. MCCAIN. S. 460. I apologize to my friend from Kentucky, who I am sure I yielded to, if he would show me how the previous Justice Department was incorrect in their view of S. 460? In fact, I see no change in S. 460 as opposed to S. 250 that would remove or allay the concerns the then-Justice Department displayed.

Mr. FORD. Mr. President, I say to my good friend, I have heard lawyers saying, "You tell me which way you want to go and we will make a good case."

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Arizona has the floor.

Mr. MCCAIN. Again, I enjoyed yielding to the Senator from Kentucky.

If I could ask him at the appropriate time if he would tell me how S. 460 is different from S. 250 which would lead the Justice Department to a different conclusion?

> The Department's experience demonstrates public officials sometimes use their powers to dispense or withhold benefits in order to pressure citizens into voting a particular way or registering for a particular party.

In 1991, the St. Louis Post Dispatch reported on an ongoing investigation into allegations that public assistance employees were routinely registering public assistance applicants, suggesting who they should vote for, and taking them to the polls.

Although I applaud the protections against coercion in the bill, in my view they are simply not enough. Public assistance recipients are most in need of the government and thus the most vulnerable for exploitation. It is foolish, in my view, to think that such individuals who depend on this social agency for their livelihood will risk all—or they may risk all—to report an instance of coercion.

Even worse, would a person seeking public assistance risk all to turn down an application to register to vote? Even if such a real threat does not exist, the perception is certainly real. We are not speaking of overt coercion. The bill sufficiently addresses that issue. We are talking of subtle manipulation and abuse.

Will not a welfare mother feel extreme pressure to register to vote if the person in charge of her money makes such a suggestion? S. 460 wisely states that an individual may refuse to register with no repercussions. But will that individual truly realize that he or she possesses that right? Further, will that individual realize that he or she can take the civil servant to court? Reality, I think, tells us that the answer is no. The welfare mother will sign right up against her will, because she believes it will help her situation.

This kind of coercion is as reprehensible as overt arm-twisting. This body simply cannot prohibit one kind of coercion while allowing the other to exist unchecked. As long as registration is linked to public assistance benefits, coercion will exist. My amendment would solve this dilemma. The amendment forbids any agency from registering an individual who receives direct financial aid from that agency.

In order not to disenfranchise that individual or create a disparate impact on any group in our society, this amendment then mandates that the agency refer the individual seeking to register to vote to another agency that is eligible to register the individual. This amendment does not ban agency-based registration. The amendment does, however, in my view, protect individual rights.

Let me emphasize that point. If this amendment is adopted, limited coercion-free agency-based registration will still be allowed while at the same time protecting individual rights. If an individual truly wants to register to vote, that individual will gladly walk down the hall or around the block to register in a coercion-free environment.

Further, this amendment protects the rights of those who are physically disabled. Disabled Americans seeking to register to vote will be referred to the most convenient acceptable agency that is eligible to register the individual to vote. Most important for the disabled, if no agency is both convenient and acceptable, then any agency, including the one that may give direct financial assistance to the individual, may register the person to vote.

Mr. President, I have talked to many disability advocacy groups in Arizona, who overwhelmingly support my efforts. Sue Webb, the executive director of the Arizona Bridge to Independent Living, one of the largest disability advocacy and resource groups in my State, wrote to me regarding this same amendment last year. She said:

> I am pleased with this amendment as I believe it resolves an important issue of coercion that apparently exists on occasion when individual voters are registered at social service agencies who provide some means of support for these individuals.

The amendment facilitates, in my view, easy, coercion-free registration. The amendment does not link a person's financial stability to voter registration. The amendment reestablishes the American tradition that participation in the political system is voluntary. And certainly we have an obligation to protect those in our society who might be vulnerable. This amendment does exactly that.

The amendment is pro-individual rights, pro-privacy rights, anti-coercion, pro-voter registration, and pro-participation in our democratic system of government.

I want to point out again that I come from a State that has extremely liberal motor-voter State-passed legislation. In fact, in my view, I believe from a pure philosophical standpoint that the States should be making these decisions and not the Federal Government.

I believe, as Mr. Broder does, that "they have failed to put their money where their mouth is," and "the bill imposes a welter of new duties on the States and it offers them little help in paying for them."

One of the biggest problems in my State and, I believe, in every State in America today is the size of their budgets. They are now required to make very difficult decisions on education, on mental health, on other very important programs that are lacking in funding. This is certainly true in the State that I represent. Instead, in the view of those who are responsible for carrying out this amendment, that they will be required to spend in excess of $900,000 of their additional taxpayers' money when they already have a system in our State that has over 68 percent voter registration.

I think from a philosophical standpoint, as Mr. Broder says, we have again unfortunately placed an unwanted and unneeded burden on the States and at the same time, in the view of the elected officials in my State who are required to carry out these mandates, both Republican and Democrat, that this is an unnecessary Federal mandate that is being laid on them.

This amendment is an attempt to make sure that there is no coercion of any individual in the voting process. I believe sincerely that the overwhelming majority of people who work in these various agencies are honest, decent, straightforward individuals who would not exercise coercion. All we are saying is that history shows us, as the St. Louis Post Dispatch described, that from time to time, unfortunately, there are people who will coerce others into exercising their most precious right in a fashion that they otherwise would not.

So, Mr. President, I hope that we will see this amendment for what it is, an attempt to eliminate any coercion of, frankly, our poorest and least educated voters. At the same time we can encourage their participation. This is possible, in my view, because there is ample opportunity in other agencies throughout my State and other places where they would be able to register to vote.

Mr. President, I would ask for the yeas and nays, but I do not see enough people on the floor as yet. So I will withhold that. I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I agree with many things my friend from Arizona said. I agree with him that David Broder is a good writer. I agree with him that, in my opinion, David Broder is among the best. But generally you have to read all of David Broder's article in order to understand the total picture of what he says. You can pick out two or three paragraphs or a paragraph of David Broder's and make your point.

Let me make a couple of other points that David Broder said: "By building on that State experience"—motor-voter experience; left-hand column about four paragraphs down in case the Senator is interested—"its sponsors have done something that is altogether too rare in Washington. They allowed the design to be field tested before taking it national." That is one positive step.

Also to add to the part that the Senator has read:

> The prospect of all these newcomers make Republicans nervous—even though many of the new registrants are expected to be young people. In two of the last three Presidential elections, most young people voted Republican. Some of the Republican rhetoric condemning the bill has been even more exaggerated than Democratic descriptions of its benefits.

So I think the Senator ought to read all of David Broder's article and not just a paragraph or two. We discussed this in the beginning of the bill. It was submitted for the RECORD at that time.

The Senator from Arizona read a letter from, I guess, a year or so ago from the Justice Department. The case that the Senator is referring to in the Justice Department letter, as stated by the Bush administration Justice Department, took place in a State that did not have agency-based registration, so it did not even apply to motor-voter. It did not even apply to this bill. It did not have the safeguards that S. 460 has to protect against intimidation or coercion.

So I get overwhelmed with statements and articles and you have to go back and ferret out the facts. The facts are the case they stated in that particular letter was in a State that did not have agency-based registration, did not have the safeguards that S. 460 has in it to protect against intimidation or coercion.

Mr. President, this amendment would undermine the purpose of the bill. It treats people differently, not equally. It points out a little bit like grade school where those who get free meals go in one line and those who can pay 40 cents for a meal in another line and those who can pay the full value get in another line. So we set them all out. These cannot pay so they go over there, and everybody looks at them. These can pay a little bit, they go in this line and they pay a little bit, so everybody looks at them.

Here we are saying, because you do not own a car, because you are poor, because you are here on the unemployment line, we do not trust you; we do not trust you; we do not trust employees; we do not trust people. That is what this amendment says, you do not trust people.

Trust is the important part of this legislation. Do we not trust a citizen? How many are here today who would do it properly? What is the percentage who would coerce an individual, who would intimidate them? Somehow or another, Mr. President, we have to start having trust and faith in the people of this country instead of trying to say we want to prevent them from doing anything wrong. This bill says if they do, we will take care of them under the Federal statutes. Let us start trusting people. We do not trust the individuals. We do not trust the administration of the program.

This bill has protections against intimidation, it has protections against undue pressure.

So, Mr. President, we talk about the money. Somehow or another I do not understand why some States have to pay so much money, and they are already in motor-voter, have one of the best ones. I am not sure you have agency based in Arizona. You do in Government offices and libraries, but I am not sure you have agency based in Arizona. You could have. But Texas appropriated no additional money for motor-voter. A whole State did this without one dime of appropriations. Already this year approximately 50,000 additional people are on the rolls; 50,000 people will be eligible to vote in the next Federal election without costing the State a dime.

And talk about computers, where in this piece of legislation does it say you have to have computers? I have never heard of it. We do not mandate computers. We keep going over and over and over. Pretty soon we are going to have a broken record. If we just put it on tape we can listen to it: Fraud, cost, whatever it might be, and you turn around and point out that it does not do that; we have to have computers. You do not have to have computers. This bill does not mandate that.

So I appreciate the support of the disabled Americans, and under this amendment they are still directed, by the way, to another agency unless it is not accessible. So you are saying to disabled Americans that they have to go to another agency unless it is not accessible. That is the way I read it. So really I do not believe the disabled can endorse this amendment. At least I would have some reservations about it. The disabled under this amendment are still directed to another agency unless it is not accessible.

I think when you begin to look by it—it has a good sound to it. It has a good image to it. Unless somebody looks behind the imagery of it, they will probably buy on. But when you look behind it, there is no way for you to buy on to this legislation.

And so, Mr. President, I hope at some point here, maybe in the next 15 or 20 minutes, we can have a vote but that we would see this amendment for what it is, that it damages this legislation considerably, and I do not think it carries out the intent of the Senator who proposed it. So I hope that at some point the judgment of the Senate would be in opposition to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my friend from Kentucky, and I do think he makes a good point about the Broder article. I ask unanimous consent that it be made a part of the RECORD in its entirety.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 14, 1993]

INFLATED EXPECTATIONS

(By David S. Broder)

It is rare that Congress passes a good bill that also sends a bad message. The "motor-voter" bill that whipped through the House early this month and is slated for floor action soon in the Senate is such legislation.

For the most part, it is well-designed to accomplish the worthy purpose of increasing access to the voting booth for millions of Americans. But it is also an example of the kind of underfunded, overhyped legislation that gives Congress and Washington a bad name.

The purpose of the legislation is to make voting registration easier by combining it with the procedure for obtaining or renewing your driver's license. The bill would also require states to offer postcard registration and mandate outreach to unregistered voters through many of the government offices people deal with every day.

It was approved by Congress but vetoed by President Bush, for not very compelling reasons, last year. An identical bill cleared the House by a healthy 259-160 margin on Feb. 4, and the Senate Rules Committee has slated a meeting for Thursday to send it on for floor debate.

Motor-voter has been tried in a small number of states, with results that so far fail to confirm the fears of widespread fraud that Bush and other Republicans assert is its crippling defect. By building on that state experience, its sponsors have done something that is altogether too rare in Washington: They allowed the design to be field-tested before taking it national.

But, unfortunately, they have done something else that is altogether too common in this capital. They have failed to put their money where their mouth is. The bill imposes a welter of new duties on the states, and it offers them little help in paying for them.

When the nation's governors were in town two weeks ago, President Clinton listened sympathetically to their pleas for a halt to Washington's habit of dumping unfunded mandates on the states. But so far, Clinton has urged Congress to send him the motor-voter bill and hasn't said "boo" about it being another unfunded mandate.

The only benefit the bill provides is about $5 million of postal subsidies for the verification forms states may use to check the validity of registrations. The estimates of what it will cost the states range from $25 million a year up to 10 times that amount. But no one disputes that computerization and manpower costs are going to put an additional burden on strained state budgets. And Congress, with its usual cavalier attitude, is going to make the states pay.

The other characteristic thing Congress has done is to hype what the bill can be expected to accomplish. During the House debate, speaker after speaker talked as if the measure were a sure cure for the embarrassing gap in voter turnout between the United States and most other democracies.

Those who have studied election laws know better. As the House committee report recommending the bill says, "Expanding the rolls of eligible citizens who are registered is no guarantee that the total number of voters will increase, but it is one positive action Congress can take to give the greatest number of people an opportunity to participate."

Curtis Gans, the head of the Committee for the Study of the American Electorate, who is the authority on these matters, agrees. He points out that Colorado had a 13 percent increase in registration when it introduced motor-voter after the 1984 election, but only a one percent increase in turnout in 1988.

Turnout increased almost everywhere between 1988 and 1992, but the statistics are, in Gans' word, "ambivalent" on whether motor-voter states did better than those without that registration system.

Still, there's little doubt a great many more people will be on the registration rolls after this becomes law. Currently, only about 65 percent of the voting-age population is registered to vote. But that will rise to more than 90 percent if this measure succeeds in registering every auto license holder. And additional hundreds of thousands will be enrolled by mail or by other government agencies.

The prospect of all these newcomers makes Republicans nervous—even though many of the new registrants are expected to be young people. In two of the last three presidential elections, most young people voted Republican. Some of the Republican rhetoric condemning the bill has been even more exaggerated than Democratic descriptions of its benefits. They have warned of a "monstrous bureaucracy" exposing "our electoral system to terrible abuses."

In the Senate, diehard Republicans are threatening a filibuster to delay or block the measure. Rather than go down in flames, Republicans could more usefully try to improve the bill's verification procedures, which are vaguer now than in earlier versions. They could also reasonably insist that a wide variety of state offices, serving many constituencies, be required to offer voter registration forms—not just the welfare and unemployment benefits offices mandated in the Democratic bill.

And, most important of all, the Republicans could pressure the Democrats to guarantee that the federal government will pick up its share of the costs of this bill instead of loading them onto the states.

Mr. MCCAIN. Mr. President, just to clear it up, the amendment says it would have to be both convenient and accessible. I agree with him. If the word was only accessible, it would probably not be acceptable to Americans with disabilities. But the fact is the amendment says both convenient and accessible.

By the way, it was put in those words at the request of many Americans who have disabilities and with whom we discussed this issue.

I ask my friend from Kentucky, when we are talking about places to register, I wonder, using his line of debate and rationalization, why we would not include then the IRS as a place to register, congressional or senatorial offices, perhaps military recruitment offices. I wonder if they would be appropriate as well, as opposed to just offices that dispense welfare or other benefits to the citizens of our State or our country.

I see he is occupied in conversation. Perhaps we can get back to that question later.

But I think clearly, in the sense of fairness, it would dictate that military recruitment offices and IRS offices would be convenient places to register for many Americans. Unfortunately, many Americans are forced to visit IRS offices, and I wonder again why these offices are not included in this bill as well. Many fine Americans visit military recruitment offices. They are agencies of the Government. I wonder why concerned Americans can not register there. I wonder why people could not register at my office with my staff. Lots of people come to my office.

I would hope my friend from Kentucky would respond to that.

Mr. President, I would like, in a sense of fairness to my colleague from Kentucky, to point out that Mr. Broder in his article does say that there are many good things about this legislation. He is not totally opposed to it in this article. In fact, he makes an argument concerning increased voter turnout. That has been exactly the case in my State—65 percent voter registration in the last election and 68 percent is predicted in the next election.

He does say, however, at the end of the article, "And, most important of all, the Republicans could pressure the Democrats to guarantee that the Federal Government will pick up its share of the costs of this bill instead of loading them onto the States."

I hope that my friend, the junior Senator from Kentucky, might have an amendment that would call for the Federal Government not to lay these additional costs onto the States and local governments which, as we all know, already are required by Federal mandate to do too much.

Mr. President, I see other Members on the floor. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. I thank the Chair.

I will not take too much longer on this. I am not talking about coercion on the part of the individuals who are registering to vote. I am talking about the possibility of coercion by those who are registering voters. I am concerned about it. I think past history indicates that it has happened.

I am not afraid, as Mr. Broder alleges, that there will be an increase in voter turnout amongest younger people. In fact, I won my election in 1992 in a very liberal motor voter State with a cushion of some 28 percent of the vote.

So that is not what concerns me. That is not in any way how this amendment or my remarks should be construed. I am wholeheartedly in favor of expanding voter participation. I am in favor of most every possible program including one which, by the way, began in my State called Kids Vote where schoolchildren from second grade through high school have been involved in our voter participation programs coordinated by volunteers. It has contributed enormously not only to the awareness of grownups, those over 18 and voting, but also the school children. I am hoping to see that program expand nationwide because it has not only increased voter participation, which is one criteria, but it also has increased another, far more important criteria and that is informing the voters about the issues and candidates they will decide on.

Mr. President, I hope we can get this amendment passed. I think it is an important one.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. The thought that the Senator from Arizona has in proposing this amendment is not in any way preposterous.

Let me suggest to my friend from Arizona I had a person sitting in my office just yesterday who talked—this was a person who had moved to Kentucky, to a county that was overwhelmingly of one party in my State. She was laughing about what she went through to get registered in the county clerk's office of that county. She said, why, it was made perfectly apparent to me that in this county we only register—and the person cited the party. In Kentucky we register by party.

Now, it was about as close to intimidation as you can imagine. And that was a situation where the registrant was not going into the office seeking anything in return other than to get registered. But what the Senator from Arizona has done is to point out the possibility of someone applying for public assistance, for example, assuming that there is a quid pro quo—in other words, the assumption being that if I do not register and register the way the person dispensing the public money wants me to register, I may not get my check.

The Senator from Arizona is stating here something that is a very real possibility. I do not think the authors of this bill really seriously want to put public assistance applicants in the position they could well be put in in the absence of the adoption of the amendment of the Senator from Arizona.

The concept of motor-voter, as we all know, is noble, but the bill does have some flaws. It is not perfect. Senator MCCAIN's amendment attempts to correct I think one of the major flaws involving agency-based voter registration. The McCain amendment will restrict an agency from registering individuals who receive direct financial aid from that agency. The amendment also takes into account the needs of the disabled and makes exceptions for disabled Americans.

Now, the point I want to make at the risk of being redundant, Mr. President, is that the suggestion of a quid pro quo is not at all farfetched. I simply cite an example in my State yesterday of a citizen who went into an office, a local government office, to register.

Now, that particular citizen was not asking for anything in return. They did not want a public assistance check. They were not trying to get unemployment benefits. They were simply trying to get registered. And yet there was a suggestion, a strong suggestion, on the part of the registrant, that person accepting the filled-out registration form, that if you wanted to participate in politics in that particular county, by golly, you should sign up for a given party.

So this is not farfetched. And if you added into the equation that that Kentuckian may well have been there seeking some Government assistance, some benefit from the Government, I think it gives the registering party in that particular situation enormous power over the citizen who is coming into that agency for the primary purpose of receiving some public assistance in one form or another and then this other issue is added into the mix. It is an atmosphere which, it seems to me, cries out for abuse.

Mr. McCAIN. Will the Senator from Kentucky yield for a question?

Mr. McCONNELL. Yes.

Mr. McCAIN. Will the Senator respond to the letter from the elections director from the largest county in Arizona concerning the costs of this on the State and the voters?

They estimated that in Maricopa County alone, there will be an additional $900,000 taxpayer costs. And we already have a very effective motor-voter law that people of my State are entirely satisfied with, and have not sought to change. We have over 65 percent of voter registration.

The people who have written this column are responsible for carrying out these mandates and they are highly disturbed—one is in the Republican Party; the other is in the Democratic Party—highly disturbed about this additional mandate laid on them, and echoed by Mr. Broder in his column.

Will the Senator respond to that, how we can go back to our constituents and explain to them how we have agreed to additional moneys they will have to spend to comply with something which should basically be their own right to decide—if you believe in the constitutional right of the States to make their own decisions in these areas?

Mr. McCONNELL. The Senator posed that question to the senior Senator from Kentucky. As I recall the answer of the senior Senator from Kentucky, he started talking about Texas and cited that Texas has apparently been able to go to something like motor-voter and incurred no cost. That is terrific. If that is the case, then any State in America can go to motor-voter today, if they want to, in the absence of this Federal unfunded mandate. Maybe some of them can enact it at no cost. But in Arizona, in Maricopa County, for example, obviously they believe it will cost them $900,000 to comply with this unfunded Federal mandate.

The arrogance of your making Maricopa County pick up the tab, particularly when, as the Senator from Arizona has pointed out, Arizona has a very progressive election law on the books now—you already have motor-voter; is that correct? You have already mail registration. You have high turnout in Arizona. You have, as far as I know, not the kind of history of fraud that we have in my State, for example, election day fraud. What are you being punished for? You have not done anything wrong. We have to send one county a bill for $900,000.

I do not think it is an answer to the question of my friend from Arizona to start citing Texas.

Mr. McCAIN. May I ask my friend from Kentucky, will he yield for another question?

Mr. McCONNELL. Yes.

Mr. McCAIN. Have we considered an amendment to this legislation which would require the Federal Government to pay any additional costs that are incurred by the States in the implementation of this legislation?

Mr. McCONNELL. Absolutely. That amendment will be offered during the course of this debate. Unfortunately, as the Senator from Arizona may recall, we offered that amendment last year. It was not passed. But we have a President now—I quoted from him earlier in this debate—we have a new President, who used to be Governor, who said last year and throughout his 12 years as Governor of Arkansas, that these Federal mandates were outrageous.

And the response to that we get from the proponents of this legislation is, well, it will not cost much. Well, my answer to that is if it is not going to cost much, why do we not pay for it?

Mr. McCAIN. In continuation, I question my friend from Kentucky, does he contemplate an amendment that would require that any additional expenses incurred by the States—especially any State which already has a liberal motor-voter law which has accounted for an increase in voter registration—that any additional costs would be assumed by the Federal Government and not laid on the State and local governments?

Mr. McCONNELL. Such an amendment will be offered. It is the sincere hope of this Senator that it will be adopted.

Let me quote from my friend from Arizona what the President of the United States said June 7, 1990, not too far back.

> States don't have the luxury of operating a budget deficit. Every mandated dollar that we spend is a real dollar that has to be taken from another program. As Governors, we have had to make very difficult choices in a wide array of health and human service initiatives. We have found ourselves cutting back on important educational initiatives, closing county hospitals, unable to fund increases in cash assistance levels, and slashing a variety of important State programs that provide health and support services to our low-income citizens.

That is Gov. Bill Clinton, June 7, 1990, decrying unfunded Federal mandates. Here we are once again. It is no answer when the proponents of this legislation cite Texas or some study saying it is not going to cost much. If it is not going to cost much, it seems to me it is even a stronger argument for our funding it at this level if we are going to make everybody do it.

Mr. President, the Senator from Arizona has offered an excellent amendment. It is a reasonable amendment. I gather that there is a propensity on the part of the other side that they mindlessly vote down every amendment that is offered. But the Senator is dealing with a very real problem here. A person comes in to apply for public assistance; their principal purpose for entering that government office is to apply for public assistance. Yet, while they are there, the person offering the public assistance brings up the issue of voter registration. I think the potential for abuse is obvious.

Mr. President, I hope that there will be some on the other side who will conclude this is a very thoughtful amendment, not designed to gut the bill, but designed to improve the bill.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I hope my colleague from Kentucky, the junior Senator from Kentucky, is not suggesting that to vote against the proposal automatically puts you in the mindless category if we happen to be in disagreement.

Let me first of all respond to Senator McCAIN's amendment by just making it clear for the RECORD that the Disabled American Veterans, the United Cerebral Palsy Association, and the Disabled and Able To Vote oppose this amendment. I think the Senators ought to understand that.

Let me, second of all, simply deal with the substance of this amendment. No agency designated under this act shall register any individual who receives direct financial aid from that agency.

What we are talking about here is, in addition to motor-voter, there are those Americans, many of them low-income, who do not own a car, do not drive, and do not benefit from motor-voter.

It so happens that one of the ways that we can reach out and make sure that people are able to register to vote regardless of their income bracket is by making sure that our agencies do it, and they do it in a scrupulously nonpartisan manner. We have been doing this in Minnesota since 1987.

This whole issue of fraud, there simply is no evidence for it. It is based upon the assumption, No. 1, that public employees in our States—whether it be Kentucky or Minnesota, whether it be Arizona—are not capable of providing voter registration assistance to people in a professional, nonpartisan way. Given the fact there is no evidence for that, I can only sharply question that assumption and say that it is a bit insulting to those public employees.

Second, let me point out to all Senators who are going to vote on this amendment that there is no evidence that in those States that have done agency-based registration, it has not worked well. In fact, it is another way of reaching out, making sure without economic bias that Americans are able to register to vote, including low- and moderate-income people.

Let me also point out that the biggest fraud of all would be once again to insist, as my colleague seems to insist, that we throw up obstacles in the way of citizens being able to register to vote. That is really what this amendment is all about. It has an enormous bias against low-income people, or against people that would not benefit from motor-voter but do find themselves in contact with our public agencies.

There is no reason for us to support such an amendment. It goes against the very grain of what we do in a democracy, which is to make sure that people are able to participate in the process.

So I think this amendment really takes us in the wrong direction. I think it severely undercuts what Senators have already voted for. Quite frankly, I do not think it is based upon any evidence of the way it works. I come from a State with agency-based registration. It has worked extremely well.

So I certainly hope that when we come to a vote on this, either a vote to table or a vote up or down, that Senators will vote against the McCain amendment.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Thank you, Mr. President.

I remind my colleagues that this does not change in any way the aspect of the bill which states that voter registration agencies designated may include State or local government offices such as public libraries, public schools, and offices of city and county clerks, including marriage license bureaus, fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph 2(B) that provide services to persons with disabilities.

So there is a very large number of offices that are still available for registration. The only aspect of the bill this amendment changes is that it alters the provisions of the bill that deal with those offices which directly dispense some kind of financial benefit to a recipient.

This is a very narrowly crafted amendment. Again, if a person is an American with a disability, if it is not convenient for that person to go to another office, or that office is inaccessible, then, of course, they will be able to be allowed to register to vote at any agency.

So I think it is important to recognize how narrowly focused this amendment is.

I would like to stand here and say that all elections in the history of our country have been fair, without any corruption or coercion exerted, but unfortunately, as we all know, that is not the case. That is why we have certain safeguards and methods of checking voter participation. That is why we have secret ballots. That is why we have certain documentation that must be provided. What I am seeking to do here is certainly not to disenfranchise anyone but, on the contrary, to make sure that everybody has the opportunity to register, but that opportunity must be without coercion.

I want to again mention that this amendment mandates that no agency may register any individual who received direct financial aid; but should an individual seek to register at an agency which is banned from registering that person, the individual must be referred to another place or agency that can register the person.

We also know that most State agencies are clustered together. This is not always the case. But in almost every community in America, one agency is very near the other. So in most cases—not all—this amendment would entail a person going down the hall, or even in many cases, next door to register.

So I do not believe this puts a significant burden on anybody. I think it is also a fact—a sad one, but a fact—that those who are the least educated in our society, historically speaking, are those who are most subject to the kind of coercion that we are trying to prevent here. As I mentioned, last year, the Justice Department did say that their experience demonstrates that public officials sometimes use their power to dispense or withold benefits in order to pressure citizens into voting a particular way or registering for a particular party. That is the only aspect of the problem.

I point out to my friend from Minnesota, in one of the few counties in America where there is a preponderance of Republicans, I am just as concerned that there might be abuses in the offices dominated by Republican bureaucrats, as I am of any other persuasion. As I also mention, in 1991, the St. Louis Dispatch reported an ongoing investigation into allegations that public assistance employees were routinely registering public assistance applicants and were, in their words, suggesting whom they should vote for and even taking them to the polls. That is the kind of thing we have to guard against.

I hope that there will be a true appreciation of the extent of this amendment, which is very narrowly focused.

I say to my friend from Minnesota, my colleague from Texas, Senator GRAMM, is on his way over here. He would like to speak on this amendment. Unless the Senator would like to respond again, I will suggest the absence of a quorum.

Mr. WELLSTONE. First of all, I would like to respond.

Mr. McCAIN. I yield to the Senator from Minnesota.

Mr. WELLSTONE. The case the Senator talks about of coercion took place where, in what State?

Mr. McCAIN. St. Louis, MO.

Mr. WELLSTONE. Do they have a system of agency-based registration?

Mr. McCAIN. This particular case, as I understand it, is a case where people who were beneficiaries of welfare, when they came to receive their assistance, they were told whom to vote for and were given transportation to the polls. So in this case, it was not even a case of registering to vote. It just happened to be showing up to receive their benefits. They were then coerced into voting for the individuals that the public officials sought them to. They were even transported to the polls.

So I think that the opportunity for this kind of coercion would then be even dramatically increased if that were indeed the place they registered to vote. I am sure that the Senator may disagree with that conclusion, that logic.

Mr. WELLSTONE. Well, Mr. President, let me just point out that the problem with that example is that things can be confused by Senators listening and trying to decide how to vote.

No. 1, this was not agency-based registration we are talking about. So it does not quite apply. It had nothing to do with registration. It had to do with telling people to go out to vote. I think the example is a little bit off.

If the Senator from Arizona wants to argue that, by virtue of this example, he thinks other abuses can take place, that is fine. But it is no direct evidence whatsoever.

Let me go back to my essential point, that in States that have agency-based registration, like Minnesota, we simply do not see this taking place. No. 2, I want to point out again for Senators that it is not by accident that the Disabled American Veterans, United Cerebral Palsy Association, and the Disabled and Able To Vote, oppose this amendment, because even if you have language that says, yes, you can go to the place and register there, if you are not inconvenienced, there is burden of proof on people with disabilities that should not exist.

My third point is that, once again, if you want to talk about the problem of fraud, the biggest fraud of all is that if you want to say that certain public agencies are there, that people can come to those agencies, and they can register to vote, but not the low-income, because they happen to be receiving some assistance, unemployment or welfare; there is an enormous economic bias to this.

Once again, whether it be disabled or low-and moderate-income Americans, or the very philosophy of this legislation, which is, as many editorials have pointed out, making sure people are able to register and vote and participate in the political process, I think the Senator has presented no evidence to the contrary, and I think this amendment should and will be voted down.

Let me, Mr. President, while I have the floor, just list these for the RECORD. This is a partial list of organizations opposing this: The Disabled American Veterans; Paralyzed Veterans of America; American Council of the Blind; United Cerebral Palsy Association; National Association of Developmental Disability Councils; National Council on Independent Living; Association for the Severely Handicapped; Affiliated Leadership League of and for the Blind of America; and the Disabled and Able to Vote.

Mr. President, I think the list of those organizations alone tells a rather powerful story.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Texas [Mr. GRAMM] is recognized.

Mr. GRAMM. Mr. President, throughout the 1992 campaign, our new President is purported to have had, on the wall of his campaign office, a sign that said: "The Economy Stupid," the basic point being that they were emphasizing that people were concerned about the economy above all else.

I ask my colleagues, Why are we here talking about a bill called motor-voter? What does this have to do with anything that is of immediate relevance to the American people?

Mr. President, let me answer the question that I have posed. Traditionally, voter registration has been something that has been left up to the States. We are here debating this bill for one, and only one, reason, and that is our colleagues on the left side of this Chamber believe that this bill will help them in the election process.

Our dear colleague from Arizona has offered an amendment that affects several sections of the bill. I want to just deal with one section. If you look at this bill and you listen to how it is being lobbied, it sounds great. Why not have it so that everybody who gets a driver's license is registered to vote?

I got on the little trolley downstairs, the other day, with a very sweet lady who obviously did not know who I was, and she had on a button that said "motor-voter." I said to her, "What is it about this bill that you are for?" She said, "Well, what I am for in this bill is that it makes the social welfare agencies of Government register people to vote. It forces them to provide registration forms, to help people fill them out, to deliver them to the registrar's office."

Mr. President, do you not think it is strange in a bill that we call motor-voter that much of the bill has nothing to do with motor-voter? Do you not think it is strange that in a bill that, if you listen to the outside world, if you listen to this lady, if you read editorials endorsing it, the basic idea is that we are registering to vote those people who get driver's licenses, and yet, when you pick up the bill, so much of it has to do with other things?

I want to focus in on one of those things. Why is it in this bill, that we force every State agency that provides public assistance, unemployment compensation, and related services in an absolute mandate to provide for voter registration, to fill out forms for people, to carry them over to the registrar's office, and to get these people registered, and yet we do not make the tax office register them? I wonder why that is. What is special about people who get public assistance, people who draw unemployment compensation and related services? Why does this bill want to force local governments to register those people to vote and yet this bill does not have voter registration mandated for the tax office?

Mr. President, I do not think that you have to have a Ph.D. in political science or to have done indepth studies on political behavior to find that one of our great two political parties is the party of bigger Government. In essence, one of our two great political parties is the party of the people that are riding in the wagon, getting benefits from Government, and the other party is the party of the people who do the work and pay the taxes and pull the wagons.

So I ask the question again and, of course, I am going to answer it again. Why does this bill force State agencies that provide public assistance, unemployment compensation, and related services, to register people to vote and yet does not require the tax office to do it?

I answer the question, Mr. President, by saying these are people who, as obviously our dear colleagues on the left believe, with some justification, are going to vote for them. On the other hand, there are many over here who believe that the people who are going to the tax office are likely to vote for us.

So what is the objective here? The objective here is to have a mandate to impose costs on local government, to force them to register people to vote who are drawing public assistance and unemployment compensation and related services.

Mr. President, there is only one objective in trying to do that, and that is to try to change the political system. As this sweet lady told me, we might be able to get 25 million people, who are not now voting, to vote.

Mr. President, I would like everybody who works, to vote, but I am not forcing on the local government the mandate that they force people who do the work and pay the taxes and pull the wagon, to vote. I think people ought to have a right to register to vote, or not register to vote, as they choose. I think people ought to have a right to decide whether they want to cast their vote for me, or against me, or for my dear colleagues, or against them. But I do not think we ought to be in the business of, first, forcing States to set up a system of voter registration that we force upon them, rather than a system that States choose, and, second, I do not believe that it makes any sense to be forcing the public assistance office and the welfare office to be registering people to vote and not forcing the tax office to do it. Quite frankly, I do not think we ought to be forcing any such office to do it, and I think this is a bad bill.

I think the whole objective of this bill—and, quite frankly, I believe the motor-voter stuff is meant to tilt the political system a little; I think that it probably at least is viewed by our colleagues on the left side as being to their advantage. I am not sure that is the case. I think it is an open question. But, quite frankly, I think that is the red herring. Motor-voter is a red herring. I believe that you could get cloture and probably pass a real motor-voter bill. I do not believe you can get cloture to pass a bill that says make the welfare office register people to vote, but do not have the tax office register people to vote.

The reason I do not think you can get cloture on that is because you have to have 60 votes to get cloture. There are only 57 Democrats, and I think anybody that reads this provision, and reads the report that goes with this provision, can see very clearly that the objective here is partisan. The objective here is to force local government, at its expense, every time someone comes in to get a welfare check, to give them this voter registration form, and basically, as I am sure will happen all over the country where you have local Democrats who are running these offices, people are going to come in and ask for Government services and it is possible they will hear, "Well, now to get these Government services you know we are into the voter registration business here, and we need you to fill out this form to register to vote, and what we are going to do is, we are going to make that form and then you can fill out the form to get your welfare."

Mr. President, I do not understand why we should be doing this. I do not think it is the objective of the U.S. Senate to, in perpetuity, keep Democrats in power. I do not think we ought to be trying to tilt the political system in favor of voting by people who go to the welfare office and against voting by people who go to the tax office.

Mr. McCAIN. Mr. President, will the Senator yield for a question?

Mr. GRAMM. I am happy to yield.

Mr. McCAIN. I believe that the Senator represents a State that perhaps has a history of there sometimes being electoral abuse. I read with great interest a book about the late President Lyndon Johnson and some electioneering that took place. This was well documented by Mr. Caro in his book about Lyndon Johnson called "Path to Power."

I wonder if perhaps the Senator from Texas could maybe describe some of the unfortunate incidents that might have taken place that perhaps distorted the electoral process and how this legislation might perhaps lead to the same kind of an abuse?

Mr. GRAMM. If my dear colleague from Arizona would forgive me, I am not eager to air the dirty laundry of the long, and not too distinguished electoral history, of some of the counties in my State, but it is said in some counties that people will continue and, in fact in some cases intensify, their political involvement once they are dead.

In fact, once when I was a Congressman, I was not paying attention to my business and a sheriff in one of my counties died, and I kept writing him for about 2½ years. I happened to be in the town that was the county seat of that rural county, and the new sheriff said to me, "Well, you need to know that the sheriff, that you are writing to, has been dead for 2½ years." So I said, "Well, I keep writing because maybe he will vote for me."

Basically, the point that needs to be made here that is relevant to this bill—and I want to speak in all sincerity and then I will stop, because I see our dear colleague on the other side of the aisle is standing with some exuberance and wants to speak. Let me say this: Maybe in some States vote fraud is not a problem. There are many States where it is a very, very real problem. I remember a very closely contested race for the U.S. House where the race was decided by several hundred votes and after the election was over, they went back and found some 300 people who were registered to vote and their address was a vacant lot.

It is very important that, not only that everybody be able to vote, but that everybody gets to vote only once. It is also very important that only people get to vote who have a right to vote.

And one of the problems with this whole bill is that it makes it very difficult to prevent voter fraud. It is especially difficult, it seems to me, when you give States very few alternatives.

If they decide they do not want to do all the things that are mandated in here, a State must either adopt no registration or must allow registration on the same day that the vote actually occurs.

Am I right on that?

Mr. McCONNELL. Will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. McCONNELL. The Senator is correct.

And to prove that his concerns are well-founded, we have just learned that the State government of Wyoming has already announced, the legislature there has already announced that if this bill passes, they will go to same-day registration—like that—in order to avoid the expense of this Federal mandate.

Mr. GRAMM. Let me ask the Senator a question. If someone were an illegal alien and walked in and wanted to vote and you had same-day registration, what would happen?

Mr. McCONNELL. I think, as a practical matter, there would simply be no way to check to see whether that person was registered or not.

The other option, I say to my friend from Texas, in the bill, if the State decides it is too expensive, is to have no registration at all.

Now we have one State in America that has no registration at all. And, to their credit, they never had a recorded case of fraud. There is no history of it in North Dakota. I think they all know each other, anyway. It is quite a small State.

But the Senator is right. They are left with two options. And my friend from Arizona has indicated it would cost $900,000 to Maricopa County, alone, in Arizona to comply with this legislation.

So it is not at all inconceivable, I say to my friend from Texas, that a State, pressed to meet so many financial burdens—many of which we have handed down to them—might well throw up its hands in frustration—even States, such as yours and mine, which have a history of election day shenanigans—and say, "We cannot afford this. We are going to go to same-day registration or no registration at all," and then the very fear that my colleague from Texas raises, that everybody's vote will be counted only once, is severely undermined by a bill that initially was well-intentioned.

And I would say to my friend, when the motor-voter bill was first produced a few years back, it did not have this fallback in it that left a State only with the option of going to same-day registration or no registration. That has somehow crept into this legislation, as it has moved through the legislative process.

And it is a great fear many of us have, that tremendous fraud and abuse will occur in certain areas of the country, such as our area of the country where this sort of thing does have a history.

Mr. GRAMM. If I could reclaim my time, let me say, I do see a pattern, I say to my dear colleague from Kentucky, and it is called in street language, bait and switch. And the basic bait and switch thing is, we always start out talking about something—for example we are going to get rid of PAC's. I remember our dear colleague, Senator BOREN, was going to get rid of PAC's. Then when we got around to reforming the election finance system, not only did we not get rid of PAC's, but we nearly wound up with taxpayer funding of campaigns.

Here is my point, and then I will yield the floor: I do not have anything against dead people. The problem is, all the dead people that would vote for me have gone on to Heaven. The ones that are going to vote against me—if we do not have some way of verifying that they are ineligible to vote—have not gone on to Heaven. If we could bring the ones back from Heaven and have a fair election, I would be happy to do it.

Mr. McCAIN. Will the Senator yield for a question?

Mr. GRAMM. I am kind of afraid to, but I will.

Mr. McCAIN. As the Senator well knows, probably the segment of our society that has the lowest voter turnout, because of their circumstances, are the men and women in the military. They are away from home. They are spread all over the world.

I know that several times in my elections, we have attempted absentee ballot voter drives, and we found out many of the men and women in the military were unfortunately not registered to vote. Many had left home at an early age to join the military, some at age 18. Many of them have not been able to get home very often.

Does the Senator from Texas believe it might be appropriate to register voters at military recruitment centers, or Department of Defense facilities, particularly military recruitment centers, which are generally located in downtown, populated areas of the country?

Mr. GRAMM. I think anything we could do to help our service personnel vote would be good. But I am not holding my breath waiting for the Democratic majority to do that, because what the Democratic majority wants to do is to have the welfare office register people to vote.

I am not going to support any bill that forces the welfare office to register people but does not force the tax office to do it. I do not understand any objective in doing that, other than to tilt the outcome of the election process.

I want to make it clear: I would like every American who wants to vote to register and vote. I would like our military personnel to vote, and I hope they will vote in huge numbers in 1994 and 1996. I can assure them, if they do, we will not have to consider bills like this again.

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. GRAMM. Let me finish my point. Basically, there can be no other purpose in trying to mandate that the welfare office register people to vote but the tax office not register people to vote than to distort the outcome of elections.

I have no doubt that a random selection of people from the tax office will produce voters for me. I have no doubt that a random selection of people from the welfare office will create voters for my colleagues, and I accept that.

I would like to eliminate welfare by creating jobs.

But I am not going to support a bill that has the welfare office registering and the tax office not registering. And that is basically what this whole bill is about.

I thank my colleagues for their indulgence and I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, before the Senator from Texas leaves, just to further elaborate on his point, it is right here in the bill.

Section 7, Voter Registration Agencies.

"Each State shall"—mandate—"Each State shall designate as voter registration agencies (A) all offices in the State that provide public assistance, unemployment compensation, or related services."

In subsection B:

"Voter registration agencies designated under paragraph (A) may"—

not "shall," but "may,"—and it lists other agencies, such as the Government revenue offices.

If we are going to register—and this is the point of my friend from Texas—if we are going to register in Government agencies, why not all of them? Why pick out some Government services as somehow more worthy of this assisted registration than others?

I thank my friend from Texas. I think he makes a very good argument.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I do not know quite where to begin. I see the Senator from Texas is leaving. I would have been pleased to have talked a little bit more about this piece of legislation.

Mr. GRAMM. I will stay a moment, if my colleague wishes.

Mr. WELLSTONE. I thank the Senator. I wanted to point out for the Senator from Arizona, and the Senator from Texas, that actually we do have an office of voter registration in the Pentagon. In fact, I think we did fax voter registrations during the Persian Gulf war. So I think it is a good idea. But I think there is an office that has as its sole responsibility to do the voter registration for men and women in our armed services. But that is not really my main point.

Mr. MCCAIN. I just ask my friend from Minnesota, did he feel the military recruitment offices would be suitable places for voter registrations?

Mr. WELLSTONE. From my point of view, you want to have voter registration cards available for men and women in public places. I think that is a very important thing to do. I have no problem with that at all.

But let me simply try to respond to a little bit of what has been said here. First of all, the question comes up over and over again about fraud.

Let me say that the biggest fraud in this country is the fact that we make it so difficult for people to register to vote. I hear my colleagues actually saying, when all is said and done, that they are worried about the motor-voter bill because they are afraid that most of the 70 million people or thereabouts who are not registered to vote are going to vote for the Democratic Party. That is not what this is about.

Mr. MCCAIN. Will the Senator yield?

Mr. WELLSTONE. I want to first have a chance to develop this line of argument.

Mr. MCCAIN. For a question only?

Mr. WELLSTONE. I want to first have a chance to develop this line of argument because I have been waiting for a while. To my mind, that is what people in the country ought to take a look at here, now, on the floor of the Senate. What we have is a group of Senators who are saying we do not want to see this piece of legislation. It is called motor-voter because the motor-voter takes care of about 85 percent of the problem. Then you have agency-based because there are some people by virtue of low income and what not who do not own cars, or who would not be able to do it through motor-voter. We are attempting to reach out and make sure that people are able to register to vote in our country.

If you want to say that you are opposed to people being able to register and vote because you are afraid they are going to vote for the Democratic Party, or for Democrats—well, that can be a good up front argument. You should tell that to people with disabilities. You should tell that to many people who find it difficult to register to vote today in this country. But I do not, quite frankly, think that is a very democratic—with a small "d"—argument.

This is a civil rights bill. That is really what this is all about. And in some ways the obstacles that are being thrown up here to this piece of legislation remind me of what a little bit of the debate must have been like leading up to the Voting Rights Act. Again, the fear that a certain group of people, a certain segment of the population, will be able to register to vote and, my gosh, they might vote for Democrats.

I, frankly, do not know that the evidence actually supports that. I do not think we know. But here is what we do know. What we do know is there is a reason for this piece of legislation. The reason is that we have a huge number of Americans, 70 million plus, who are not able to register to vote. And it is not just because they are apathetic and do not wish to register to vote. We have, around this country, Byzantine rules and regulations. In some States—about four, Minnesota is one of them—you can register to vote on election day.

In one State, that came in North Dakota, that was the Nonpartisan League, you do not have to register to vote at all.

In other States it all depends. In some States you can register by postcard. You can pick up a form. But quite often those forms are not readily available. So even though in theory you could register by form and postcard and send it in, quite often it is just not available and you do not know where to pick it up.

In other States you cannot register by postcard, you have to figure out where to register to vote. And in all too many States and all too many counties in all too many States, people just do not know. And all too often the hours at which those offices are open are inconvenient—especially for, I would say to the Senator from Texas, working people.

So, Mr. President, this piece of legislation is about expanding political participation in the United States of America. It is about what my dad would say democracy is all about.

When the Senator from Texas talks about tax offices—there is nothing in this bill that says you could not have voter registration in tax offices. From my point of view, I think the more public places you have voter registration forms for men and women who want to pick them up so they are readily available and they could register to vote that way, the better off we will be. But I would point out to my colleagues, unless they have a particular problem with people with disabilities and people in the low income end being able to register to vote, that there are some people who might just not be covered by motor-voter. Thus we have the agency-based registration. Thus we make sure that there is not discrimination, economic discrimination against people. That is the basis of why we do the agency-based. That is why we have it in unemployment offices or welfare agencies, so on and so forth.

It is not a conspiracy. The only conspiracy to this particular bill is a conspiracy of political participation: The conspiracy of voter registration; the conspiracy of voter turnout; the conspiracy of expanding democracy; the conspiracy of encouraging people and enabling people to participate in the political process in America.

That is why the President of the United States supports this legislation. That is why I believe it will pass. It is no other kind of conspiracy—except for my colleagues. They are afraid of it. They are afraid of it because they want to decide, a priori, to make sure we continue to have all of these different rules and regulations which impose difficulties on some people in our country to register to vote because it is far better, from their point of view, to continue with the status quo than that those people—Americans who are not registered to vote—might, pray tell, register and vote. Would that not be terrible in that more people would register and vote in the United States?

Mr. MCCONNELL. Will the Senator yield for a question?

Mr. WELLSTONE. I will be pleased to.

Mr. MCCONNELL. The Senator's wife is from eastern Kentucky, right?

Mr. WELLSTONE. From Frankfort—Fayette, but her family is from Harlan and Letcher County.

Mr. MCCONNELL. I would respectfully suggest to my good friend from Minnesota that tonight, without any prompting or suggesting what answer should be given, my good friend from Minnesota ask his wife, whose family is from Harlan County and Letcher County, which is the mountains of eastern Kentucky, counties in which we have election fraud litigation virtually every election—ask her if she would ask her relatives what chance there would be of having an honest election in Harlan or Letcher County, KY, if the State government in Kentucky said to the Feds, "We do not accept your Federal mandate. We wash our hands of the whole thing. We will not go to motor-voter. We will try having no registration at all. Or same day registration."

Mr. WELLSTONE. First of all, what my wife, from Kentucky originally but living in Minnesota, would say to me, is, "Did Senator McCONNELL suggest anything to you? Because, if so, you should think to the contrary."

But above and beyond that—and I mean that just in jest—I think that what Sheila would say is first of all she does not accept the assumption that people in eastern Kentucky are less honest than people in other parts of the country. The second point is you make all of these assumptions.

Mr. McCONNELL. If my colleague will yield——

Mr. WELLSTONE. Nobody on this side has argued—if the Senator will let me answer—nobody on our side has argued that by virtue of the motor-voter bill, the State of Kentucky or any other State is, ipso facto, going to have to go to same day registration or with no registration. You make that argument. We do not.

And third of all, what Sheila would say—and I see the Presiding Officer, Senator KOHL from Wisconsin—I can only go by the evidence of our State; and in Minnesota, we have same day; in Wisconsin, they have same day registration, and we do not have a problem of fraud. So, speaking as a Minnesotan, I think she would simply not accept the premise of your question.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona [Mr. McCAIN].

Mr. McCAIN. I thank you, Mr. President, I thank my friend from Minnesota who speaks passionately and eloquently, and frankly almost—almost everything he says I agree with. I remind him I come from a State that does have motor-voter. I come from a State that got a 65-percent voter turnout in the last election. Our goal in my State is to empower people.

My question is, obviously not to the Senator from Minnesota, but the question must be asked, "Why is it that the people of the other States cannot make those same decisions for themselves? Why is it that we as a Congress have to, one, force this upon States?" We have come up with what we think is the best method to increase our voter turnout and voter participation in the State of Arizona. The reaction of the elected officials who are required to carry out this legislation will be that, in our omniscience we are going to lay at least a $900,000 additional bill on the people of the county of Maricopa, who are perfectly satisfied with the electoral process as it exists and the dramatic increase in voter participation that we have experienced in Maricopa County and throughout our State.

So instead of letting us decide what is best for us in the State of Arizona and in Maricopa County, we are mandating to them an additional procedure which will cost one county an additional $900,000 and will decide procedures for our State that maybe we do not want. And to add insult to injury, we are not going to pay for it. We are going to tell the taxpayers to pay for it. We are going to tell the people of Maricopa County, even though you are perfectly satisfied with the legislation passed by the State of Arizona and our turnout will match up with anybody's in America, the fact is that we are not going to pay you, reimburse you for your additional expenses.

Mr. President, I say to my friend from Minnesota, not personally, but as a body, to me that is the height of arrogance that the people of a State with an enviable record of voter turnout, with a motor voter which is basically modeled along these lines are required to spend an additional $900,000 of their money—not mine, not of the Senator from Minnesota, not of the Senator from Kentucky—but their money in order to comply with a law that is coming down from the Federal Government.

Frankly, somehow that does not make sense. Perhaps the Senator from Minnesota can make an argument that there are parts of other States in the country that need motor-voter in his view and the view of this body, need a greater voter turnout. But why do it to my State? Why do it to North Dakota? Why do it to his own State? Why is it that the Federal Government has to do it when the State of Arizona can do it?

Mr. McCONNELL. Will the Senator yield?

Mr. McCAIN. I would just like to finish the thought.

I guess it gets to the basic fundamental philosophy, very frankly, Mr. President, that is the difference between our two parties. My view is that the least government, the local government, can decide best. Obviously, because of this legislation the view by the majority party is that only the Congress knows what is best and we will mandate the States to do these things and, as I said, in the height of arrogance, we will make them pick up the bill for what we decide is best for them. I will be glad to yield to my friend.

Mr. McCONNELL. Mr. President, just for an observation. With all due respect for my friend from Minnesota, it is easy for him to engage in this debate because Minnesota is exempt from this bill. Minnesota has same-day registration. So it is not only a financial mandate but in terms of a Minnesotan lecturing a Kentuckian about this, this bill does not even apply to Minnesota. Minnesota already has election day, mail in, motor-voter, agency based, and it is apparently working very fine in Minnesota, I would argue. But clearly no one who is at all familiar with Kentucky would argue that Kentucky ought to have same day or no registration at all. And that would be the only option if people in Kentucky concluded, as at least one county has concluded in Arizona, that the costs of this are quite onerous.

Mr. WELLSTONE addressed the Chair.

Mr. McCAIN. Mr. President, do I still have the floor? I would like to allow my friend from Minnesota to respond to that and maybe we could have a reasonable exchange here. I will be glad to yield to my friend from Minnesota.

Mr. WELLSTONE. I am about ready to move to table. Does the Senator from Arizona wish to speak more on this?

Mr. McCAIN. I would like to finish. I had yielded to him but—

Mr. WELLSTONE. Let me just yield to the Senator from Arizona.

Mr. McCAIN. Mr. President, I thank my friend from Minnesota. I would perhaps like to return, Mr. President, to what this amendment is all about.

We had a very interesting and, I think, enlightening philosophical discussion about the bill. I think that is important, but I would like to mention again about this amendment before we actually have the vote, which I am sure will be momentarily.

This simply says that agencies that do dispense benefits to their clients will not be allowed to register those clients to vote. People with disabilities, where it is convenient and where it is inaccessible, will, of course, be allowed to register there. Otherwise they would fall under the requirement to register somewhere else.

I think it is very simple, I think it is straightforward. I think that we would prevent the possibility of abuse and I hope that we can adopt this amendment and make sure that we treat everyone of our citizens with fairness. I think we pretty well ventilated the issue as to whether the Federal Government or the States should be making these decisions. And, since this bill clearly has a majority support, at least that is certainly the view that one gets from the cloture vote, I hope we can adopt this amendment.

Mr. President, I appreciate the debate with my friend from Minnesota, with my friends, both the senior and junior Senators from Kentucky, and I appreciate their participation. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, we have had a full debate. I do not know that there is more to say. I will say to my colleague, the junior Senator from Kentucky, it has not just been the Senator from Minnesota who has been speaking in behalf of this legislation, this proposed legislation, but also the senior Senator from Kentucky. Actually, I think as a Senator from Minnesota, I am in a very good position to talk about the motor-voter bill because Minnesota is at the top of the Nation in voting participation, and Minnesota is very proud, in fact, of our voter registration laws. We have motor-voter, we have agency-based and we have same-day registration. So I speak from some experience, both as someone even not as a legislator but as a teacher who helped write some of that legislation and watched the way it worked in the State. It was exciting to me to see some citizens in our State, and I am sure the Chair has seen the same thing in Wisconsin, who I know would not have been able to vote, otherwise, now able to register and vote and participate in the political process.

Mr. President, let me just conclude by saying one more time, I really believe that there is no particular label that can be applied to this bill. The motor-voter bill really is about expanding democracy and political participation. I think that the McCain-McConnell amendment goes in the opposite direction and I will, one more time, remind my colleagues as they come down here to vote, that we have a very strong list of organizations, just starting with people who are disabled, because I think that is part of what this is about is accessibility, who are opposed to this amendment: The Disabled American Veterans; the Paralyzed Veterans of America; the American Council of the Blind; the United Cerebral Palsy Association; the National Association of Developmental Disability Councils; the National Council on Independent Living; the Association for the Severely Handicapped; the Affiliated Leadership League of and for the Blind of America; and Disabled and Able to Vote.

The reason, Mr. President, that you get such strong opposition from disability organizations is because they know that the agency-based registration part of this is an important complement to the motor-voter part for them and for many other Americans as well.

This, I think, really is a good Government piece of legislation. Either the Government at the State level or at the county level operates in such a way as to discourage voting registration and participation, or there is a way that Government can reach out affirmatively in a scrupulously nonpartisan way and make sure that American citizens, regardless of income, regardless of region, regardless of race, regardless of disability, regardless of age, are able to register to vote. That is what this motor-voter bill is all about.

Mr. President, at this point in time, I move to table the McCain-McConnell amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 79, offered by the Senator from Arizona. The clerk will call the roll.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL Mr. President, I say to my friend from Minnesota, who is a distinguished former professor of government, he knows full well that election fraud depends on where you are in the country. The fact that there is no history of election fraud in States like Minnesota or Wisconsin or North Dakota simply says nothing about whether you would have election fraud in certain areas of the country if a State concluded that they would not go to motor-voter but rather go to same-day registration or no registration at all. So I think the Senator from Arizona has offered a good amendment. I hope it will not be tabled.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 79. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. KRUEGER] and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

The PRESIDING OFFICER. (Mr. FEINGOLD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—55

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—42

Bennett
Bond
Boren
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—3

Hatfield
Krueger
Shelby

So the motion to lay on the table the amendment (No. 79) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, I rise today to show my support for this very important motor-voter legislation.

Mr. President, we know that voting is fundamental to our democratic system. Yet about 70 million eligible Americans—nearly one-third of those eligible—cannot vote because they are not registered.

Every election we see all kinds of reports about voter apathy and the low turnout of voters.

But the facts show that in Presidential elections since 1968, voter turnout among registered voters has been 80 to 90 percent. In fact, in the election this past November, over 85 percent of the registered voters actually cast their vote for President.

That's good turnout and it shows me that the American people do care enough to participate in the democratic process when they can. We have to empower more people to participate.

Mr. President, we could go into all kinds of studies about why people are not registered, or we could get into a big debate about whether the real problem is voter registration or voter turnout, but I do not think that is the issue here.

The issue is: "Is this motor-voter law something that we as Senators can do to support the operation of democracy here in the United States?"

Mr. President, we have fought many wars and given billions in foreign aid to support democracy in other lands—this is something we can do to spread democracy in our own country.

The motor-voter program can work. Several States have already proven that it does.

According to the League of Women Voters, in the 1992 elections, voter turnout increased twice as much in States with motor-voter programs as in other States.

The voter registration in motor-voter States increased five times more than the registration increases of other States without motor-voter.

Mr. President, I am proud that my own State of Maryland is one of the leading States to take active steps to encourage voter registration.

In Maryland, we have mail-in registration and hotline numbers so that Marylanders can request a voter registration form 24 hours a day, and that includes a special T-D-D hotline for Maryland's hearing impaired.

We have registration forms available in public buildings all over the State—in libraries, post offices, schools, and college campuses.

And now Maryland residents can even register at some offices of the department of motor vehicles because voter registration forms are available there.

But, Mr. President, while my State is a frontrunner, people in other States are not as fortunate. They may not have the commitment and dedication to register voters that Maryland has. And we have to help those people.

It would be nice if American citizens all had unlimited amounts of time to track down registration offices that are sometimes located in hard-to-find places—or to take time off work to register at offices that are open only during restrictive hours.

But the fact is that they do not. And having the time and transportation to track down registration offices should not be a test of a citizen's right to vote.

Let me say that again, it is important, voter registration procedures should not be an obstacle to a citizen's right to vote.

We need to do whatever we can to make voter registration convenient and accessible for all citizens. They all have the right to vote and should be able to do so.

Mr. President, I urge my colleagues to join me in doing what we can to support and spread democracy at home—we must pass the motor-voter bill.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I am not sure where we go from here, whether or not we have other amendments. I would like to try to give my colleagues some answer as to how long we will be here tonight.

Mr. McCONNELL. Mr. President, it is my understanding that the Senator from Oklahoma [Mr. NICKLES] is ready to offer an amendment.

Mr. FORD. Mr. President, would my colleague be able to tell me how many amendments he thinks may be offered to this?

Mr. McCONNELL. We have several more, and we still have the core package we are working on.

Mr. FORD. These are not going to be included in the core package? Are we going to get one on the death penalty, also?

Mr. McCONNELL. I cannot guarantee that all of the amendments will be germane. We are still working on the core package, and as I indicated to my friend from Kentucky and the leader, we hope to be able to get it together sometime today.

AMENDMENT NO. 80

(Purpose: To put off the effective date with respect to a State until January first of the year after the year in which Congress enacts legislation authorizing and appropriating funds to pay the State's costs of implementing the act)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. DOLE, Mr. WALLOP, Mr. HELMS, Mr. SMITH, Mr. MACK, Mr. KEMPTHORNE, Mr. McCAIN, and Mr. COVERDELL, proposes an amendment numbered 80.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 13 and insert the following:

SEC. 13. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), this Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on January 1, 1996; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

(b) FUNDING.—(1) Not later than 180 days after the date of enactment of this Act, a State may submit to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives an estimate of the costs that the State and each political subdivision of the State will incur in implementing this Act that are in addition to costs that the State or subdivision would incur in the registration of voters absent this Act.

(2) This Act shall not take effect with respect to a State that makes a submission under paragraph (1) until January 1 of the year following the year in which Congress enacts—

(A) an Act authorizing payment to the State and its political subdivisions of the additional costs of implementing this Act in the amounts estimated by the States under paragraph (1), unless Congress, in a provision that makes specific reference to this subparagraph, finds and declares that payment of a lesser amount in the case of any particular State will be sufficient to cover the State's additional costs; and

(B) an Act making appropriations in the amounts necessary to make the payments described in subparagraph (A).

Mr. NICKLES. Mr. President, the amendment I sent to the desk today on behalf of myself, Senators DOLE, WALLOP, HELMS, SMITH, MACK, and KEMPTHORNE is very simple. It is an amendment that says, as far as the motor voter legislation is concerned, it will not go into effect until we pay for it.

The theory of this is very simple. Myself and many of us—probably the majority on the floor of the Senate—have said that we should not be passing mandates on the States without paying for it. Yet, we have done it time and time again. I do not think we should do it again.

This is one excellent example of a place where we should not be putting additional unfunded mandates on States, unnecessarily so. In my State of Oklahoma, I have had contacts from election officials. I have had contacts from State officials. I have had contacts from education officials. Several said: Please do not give us more mandates without paying for it. So that is the thrust of this amendment.

Reading parts of the amendment, it says:

Not later than 180 days after the enactment of this Act, a State may submit to the committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives an estimate of the costs that State and each political subdivision of the State will incur in implementing this Act that are in addition to costs that the State or subdivision would incur in the registration of voters absent this Act.

This act shall not take effect with respect to a State that makes a submission under paragraph (1) until January 1 of the year following the year in which Congress enacts * * *.

If we think the costs are exorbitant or something, we can change that. But the thrust of it is we should not be passing unfunded mandates to the States and making them pay.

A lot of States are having real financial difficulties, mine included. The State of California and several other States are having difficulties. Yet, the cost of this legislation is in the millions of dollars. It is estimated, I believe, by CBO to be $20 million to $25 million per year over a 5-year period of time. That is $125 million. They also estimate that the cost of getting started is in the neighborhood of about $75 million in addition to that.

So you are talking about a $200 million expense mandated on the States. The States seem to think it is going to cost a lot more than that. As a matter of fact, the Conference of State Legislatures did a cost estimate, and 41 States responded and estimated the cost each year at $58 million. I might also mention that many States really do not need this. Many States are already doing a very good job. In my State, we have voter registration now in excess of 90 percent. I even have a letter from Oklahoma State Election Board that says they are doing it at a much less cost. In Oklahoma, we do it for one-tenth the estimated cost that would apply under this bill.

Mr. President, this amendment is supported by numerous organizations. Let me just touch on some of the letters that have come in saying: Please do not pass this, unless you are going to fund it.

One, I mentioned the Oklahoma State Election Board. It says: Oklahoma is ranked third nationally in the percentage of voters registered, and the cost to taxpayers is about $120,000 annually. It says that major elements of the National Voter Registration Act will cost Oklahoma 10 times that amount and will not increase registration, may reduce voter turnout, will force registration rolls to close earlier, and will destroy Oklahoma's good registration system along with new and popular voting options that have potential to increase turnout.

In Oklahoma, the National Voter Registration Act will be costly, unnecessary, and counterproductive.

Mr. President, I could go on and I will mention a couple of others. This is from the State of New York, department of state. They support this legislation, but they condition their support on the appropriation of funds to implement its requirement. I think that is a legitimate caveat.

The National Conference of State Legislatures wrote a letter that says: Do not pass this unless it is funded.

The National Association of Counties says:

> We offer strong support for your amendment to reimburse State and local governments for any new activities required under the Act. And we further urge all Senators to support this amendment.

The Midwestern Universities Alliance: "Federal unfunded mandates impose an enormous burden on State budgets." So they support this amendment.

Bob Taft, who is secretary of state in Ohio, says:

> However, the Federal motor-voter bill contains several mandates that are of great concern to me and the election officials throughout Ohio due to the costs associated with them.

He continues:

> A delay in the effective date of this bill until Congress authorizes and appropriates the funds necessary to carry out this mandate clearly seems warranted given the already serious financial constraints other unfunded mandates have placed on States and local governments. I hope the Senate will adopt your amendment.

The American Association of State Colleges and Universities also endorsed this.

Mr. President, I ask unanimous consent the letters I am reading from be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OKLAHOMA STATE ELECTION BOARD,
Oklahoma City, OK, January 27, 1993.

Hon. DON NICKLES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR NICKLES: Once again, as my predecessor Lee Slater did before, I urge you to consider the effect the National Voter Registration Act will have on Oklahoma.

Oklahoma's voter registration system isn't broken; it works well, Oklahoma is third nationally in the percentage of voters registered and the cost to taxpayers is about $120,000 annually. Major elements of the National Voter Registration Act will cost Oklahoma ten times that (see attached estimate), will not increase registration, may reduce voter turnout, will force registration rolls to close earlier, and will destroy Oklahoma's good registration system along with new and popular voting options that have potential to increase turnout.

In Oklahoma the National Voter Registration Act will be costly, unnecessary and counterproductive.

Attached is a sheet from the August 11, 1992, report from the Congressional Research Service Report for Congress which indicates that in the 1990 General Election Oklahoma ranked third nationally in registration of voting age population. Statistics are not yet available for 1992, but Oklahoma will continue to rank very high and, in spite of a 1993 purge to eliminate 350,000 or so persons who have not voted during the past eight years, Oklahoma's registration ranking will remain high in 1994.

Motor voter, mail and agency based registration will do away with Oklahoma's system of registrars who work almost everywhere and are paid when they seek out voters at retail and grocery stores.

Also in jeopardy is Oklahoma's new option for voting that permits anyone to vote by mail or in person before election day. Almost 100,000 did that in November, three times the previous absentee record, and continued dramatic increases are expected unless there is unchecked abuse, which becomes far more possible with mail and similar registration schemes. The potential for fraud increases with each liberalization of registration or voting procedures. Oklahoma has kept a successful face-to-face registration system while opting to make voting easier and more convenient. If forced to abandon in-person registrars for impersonal and liberalized registration, the result likely will require a retreat from reforms that appear to increase voting.

Another negative effect of motor voter, mail and agency registration will be to increase the time when registration must be closed. Oklahoma now closes registration ten days before an election, among the shortest nationally. With the proposed systems, time must be added to permit forms to be transmitted to appropriate jurisdictions, checked and entered into registration records. When listed according to registration percentages it is impressive to note that states, such as Oklahoma, with short closed registration times rank high while states with the longer closed times generally rank low.

In Oklahoma voting, not registration, should be our focus. States should be judged based on meaningful performance. One organization promoting motor voter rated Oklahoma as a "worst" registration state while extolling the virtues of their "best" list which includes Texas because their "best" states had liberal registration systems. For what it's worth, Oklahoma ranks 3d in voter registration and Texas is 35th. Oklahoma ranks 25th in voter turnout and Texas is 43rd. In 1992, Oklahoma led the nation in turnout percentage increase, Texas was 43rd.

If voter registration must be reformed, let the reforms occur where there is some evidence change is needed. For Oklahoma, the National Voter Registration Act isn't the solution, it's a problem. It will not improve registration but will push Oklahoma backward in areas where your home state has been and is becoming a national leader.

I would be pleased to provide any information you request.

Sincerely,

LANCE WARD,
Secretary, State Election Board.

Estimated annual costs of National Voter Registration Act components

Mail and agency based registration:	
Forms printing: 2,000,000 annually	$40,000
Forms distribution from SEB to 500 locations	3,000
Forms returned to SEB (Approx. 175,000 per year)	65,000
Forms forwarded to CEB from SEB (Two per county per mailing)	25,000
Mail confirmation and/or ID card from CEB to applicant (Approx. 175,000 per year)	50,000
Mail verification annualized	145,000
Followup, undeliverable, etc. (20 percent estimated)	40,000
Total annual estimated cost: (Excludes personnel)	368,000
Motor voter (Exclusive costs only. Some costs are included above):	
Forms printing (2,000,000 annually)	$25,000
Forms from License Agents to SEB (one mailing per week from 300 locations at $2 per)	30,000
Forms forwarded to CEBs from SEB (one mailing per day to 50 locations at $1 per)	100,000
Forms from License Agents to CEBs (one mailing per week to 25 CEBs at 0.50 per)	5,000
Mail confirmation and/or ID card from CEB to applicant (Approx. 325,000 per year)	65,000
Followup, undeliverable, returned, etc. (20 percent estimated)	15,000
Total annual estimated cost: (excludes personnel)	235,000
Grand total mail and materials	603,000
Estimated personnel costs (estimate simply assumes double mail and materials cost)	603,000
Grand total all estimated costs	1,206,000

STATE OF NEW YORK,
DEPARTMENT OF STATE,
Albany, NY, March 2, 1993.

Hon. DON NICKLES,
U.S. Senate,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR NICKLES: As President of the *National Association of Secretaries of State* (NASS), I am writing to express our association's strong support for the concepts in HR 2, the National Voter Registration Act of 1993. In 1989, NASS went on record in support of the concept of Motor-Voter; a copy of that Resolution is attached for the record.

There is one caveat, however, in our support of HR 2. As an organization of state officials, we are understandably concerned about the fiscal impact of any unfunded federal mandate, no matter how laudable the intent. Therefore, as you will note in the

Resolution, our support as an association for Motor-Voter is conditioned on the appropriation of funds to implement its requirements.

Therefore, I would like to express our Association's support of the amendment you plan to offer during Senate deliberation of the Motor-Voter bill which would condition implementation of the provisions of HR 2 on the provision of funds for states and localities to properly fulfill the requirements of the bill.

As an organization representing the chief election officials of forty-four states, NASS is in the forefront of attempts to ensure maximum voter participation. In the past we have undertaken studies and made recommendations aimed at identifying and eliminating structural barriers to registration and voting. Today, our work continues in many forms, primary among them the work of the National Commission on the Renewal of American Democracy, also known as "Project Democracy."

The work of that Commission is showing clear proof that making it easier for citizens to register has a direct impact on electoral participation. Clearly "Motor-Voter" is one method that has been tried in several states with some noticeable results. To further substantiate the results of the efforts of some of the pioneering states which have already implemented a form of motor-voter, I would refer you to the testimony of several of my colleagues who testified before the Committee on House Administration's Subcommittee on Elections.

Motor-Voter and agency-based registration can have very positive impacts on participation in our democracy; providing funding will go a long way toward ensuring that they are properly effectuated. It will also initiate a new partnership approach between the federal government and the states in conducting our electoral processes.

Sincerely,

GAIL S. SHAFFER.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC, March 3, 1993.

Hon. DON NICKLES,
U.S. Senate,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR NICKLES: We write not to oppose S. 2, the "motor voter" bill, but to urge deliberate consideration of costs the bill would impose on states. Although many states have found registration at multiple public offices to be a great convenience to voters, the provisions of S. 2 contain additional mandates even for states that have adopted legislation. According to House Report 103-9, the Congressional Budget Office (CBO) estimates conservatively a cost of $20 million annually for the first five years just for states that do not have some form of motor voter registration. An additional $5 to $10 million in annual costs would be imposed on local jurisdictions. Computerization could cost an additional $25 million in the first year. NCSL surveyed the states last year and determined that the cost of purging voter registration lists alone could run as high as $35 million. And these estimates are conservative. Consider that California estimates that it will cost the state $26 million annually to implement the bill.

You have been sympathetic to NCSL's concerns about unfunded mandates in the past, and the inclusion of postal subsidies is a step in the right direction. We hope that Congress will be persuaded to avoid transferring further costs to state and local governments in establishing voter registration procedures for national officeholders. As we consistently contend with respect to mandates, accountability in government is fostered by each level of government paying the costs associated with programs that it proposes.

We therefore urge that you amend H.R. 2 to include authorization of sufficient federal appropriations for proper implementation. We believe that $75 million should be appropriated in the first year and that annual appropriations of at least $40 million would facilitate prompt and effective implementation of the Act.

Federal appropriations would not simply fund the mandate, they would insure that the law is implemented and that more Americans are registered to vote. Once again, thank you for your consideration. We look forward to a continued partnership on issues of unfunded mandates.

Sincerely,

ART HAMILTON,
House of Representatives, Arizona,
President, NCSL.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, March 9, 1993.

Hon. DON NICKLES,
U.S. Senate,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR NICKLES: Now that the Senate has voted to cut off debate and proceed to consideration of the National Voter Registration Act (S. 460), we offer our strong support for your amendment to reimburse state and local governments for any new activities required under the Act. And we further urge all Senators to support this amendment.

While we support the concept of removing barriers and expanding access to voter registration, we do have some concerns about the bill. Our primary concern is the bill will impose another unfunded mandate on state and local governments at a time when they are struggling to meet existing financial obligations. Los Angeles County estimates the bill will cost the county an additional $5.5 million and the state of California estimates it will cost the state an additional $26 million.

As you well know, federal assistance to states and localities has declined drastically since 1981. During the same period, the number of unfunded federal mandates on state and local governments has increased significantly. Each time a new federal mandate is enacted, state and local officials are forced to make the tough decisions on raising taxes and cutting existing services to pay for the new mandate. Needless to say, these tough decisions have caused many of them their jobs.

As you consider S. 460 and other mandates on state and local governments, we would merely urge you to ensure, at the very least, that full funding is provided to states and localities to implement new initiatives. Thank you for your consideration and please feel free to contact Larry Jones of the NACo legislative staff if you have any questions.

Sincerely,

LARRY E. NAAKE,
Executive Director.

MIDWESTERN UNIVERSITIES ALLIANCE,
Washington, DC, March 2, 1993.

Hon. DON NICKLES,
U.S. Senate,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR NICKLES: In behalf of the members of the Midwestern Universities Alliance, I want to commend you for seeking to amend "The National Voter Registration Act of 1993" so that its provisions will not be implemented until there is a federal appropriation to pay for its cost.

Any measure that increases voter turnout is to be commended; the motor-voter bill would provide important benefits, especially for college students. So we do not oppose the bill; we oppose the requirement that our states must defray the cost.

Federal unfunded mandates impose an enormous burden on state budgets. After the states finish paying for mandated costs, there is little left for public higher education. I am sure that you and your colleagues are aware of the budget cuts from which higher education institutions have suffered. Mandates are a significant part of the problem.

Thank you for your leadership on this issue.

Sincerely,

NEWTON O. CATTELL,
Director.

STATE OF OHIO,
Columbus, OH, March 3, 1993.

Hon. DON NICKLES,
U.S. Senate,
Hart Senate Building, Washington, DC.

DEAR SENATOR NICKLES: I am writing to endorse your amendment to H.R. 2, The National Voter Registration Act of 1993, which seeks to delay the bill's provisions from becoming effective until Congress authorizes and appropriates the funds to pay its costs to the States.

Ohio already has motor-voter and registration by mail. I have continuously sought to make voter registration more convenient and accessible for all Ohioans, and I support H.R. 2 because it will help us to accomplish that goal.

However, the federal motor-voter bill contains several mandates that are of great concern to me and the election officials throughout Ohio due to the costs associated with them.

In addition to the significant costs associated with the implementation of the motor-voter system described in H.R. 2, the purge procedure outlined in the bill are equally costly. Under H.R. 2, voters could not be removed from the voter rolls until after the second federal election following the mailing of a forwardable postcard. This will require Ohio to add two additional years to our purge cycles, causing boards of elections to bear the costs and the risks of inflated voter rolls during that period.

The use of the National Change of Address System is an option for certain counties. However, there is a substantial cost associated with that system which is likely to be prohibitive to a number of counties in Ohio whose budgets are under tremendous strain.

A delay in the effective date of this bill until Congress authorizes and appropriates the funds necessary to carry out this mandate clearly seems warranted given the already serious financial constraints other unfunded mandates have placed on State and local governments. I hope the Senate will adopt your amendment.

Thank you for your efforts on this measure.

Sincerely,

BOB TAFT,
Secretary of State.

AMERICAN ASSOCIATION OF
STATE COLLEGES AND UNIVERSITIES,
Washington, DC, March 10, 1993.

Hon. DON NICKLES,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: On behalf of the American Association of State Colleges and

Universities (AASCU) I am writing to inform you of the association's long-standing public policy position of discouraging efforts by Congress to pass legislation that imposes unfunded federal mandates on the states. Higher education in America is being financially strangled by unfunded federal mandates. In recent years, states have been forced to divert scarce resources from vital programs in order to comply with new federal directives. Higher education is one of those areas that has taken a large hit as a result of newly mandated federal initiatives.

Average state funding of higher education has decreased, in absolute dollars, for the last two years. This reduction in funding is an historic reversal of public support for higher education. It is happening not because the states have stopped valuing higher education, but rather because unfunded federal mandates have dried up all sources of a state's discretionary revenue. One striking result is that public college tuition has soared, which in turn limits access to higher education for our nation's poorest students.

We encourage efforts by Congress to weigh the cost of imposing new mandates on states without offsetting appropriations.

Sincerely,

EDWARD M. ELMENDORF,

Vice President for Governmental Relations, Division of Governmental Relations, and Policy Analysis.

Mr. NICKLES. Mr. President, this amendment is simple and very plain, and it is very important that it be adopted. I am hopeful that my colleagues will agree with myself and Senator DOLE.

I thank Senator DOLE, because he helped me in formulating this language. It is almost identical to language we had on the floor of the Senate in the last Congress. I thank Senator DOLE and his staff for their help. I am hopeful that my colleagues will agree.

I might mention, I have heard President Clinton say we do not want to pass additional mandates on States. He is a former Governor, and most former Governors can appreciate this. Many of us have served as Governors or State legislators, and we resent that the Federal Government comes up with a heavy-handed unfunded mandate, telling us how to spend our money.

So that is the purpose of this amendment, Mr. President, I am not trying to kill the legislation. I am trying to say, wait, if we are going to pass this, if it is such a good and worthy goal, let us fund it and make sure we do not put an unnecessary financial burden on the States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I rise in opposition to this amendment. I was just here in the Chamber this morning to talk about the issue of unfunded mandates and the effect on State and local government.

I come from a background in State government and local government as well and recognize the importance to those units of government of having the information regarding what it is that this body, this Congress, does, to push along requirements and mandates to those local units of government.

I filed legislation this morning calling for disclosure so there would be information sharing, so that there would be sunshine on the process, so State and local governments could adequately plan for the kinds of requirements that are being sent forward from the National Congress.

I find it ironic, Mr. President, that this amendment comes on this legislation which does precisely that which the State and local governments want to have done. State and local governments want to know what the costs are.

This legislation has cost estimates associated with it, and there has been discussion over time regarding the impact in terms of the finances and the shifting reality of costs at the State and local level.

This legislation is grassroots legislation. It is legislation to address the needs of the people at the State and local level and, indeed, Mr. President, some 69 organizations have signed onto this legislation and mayors and Governors have signed onto this legislation precisely because it does the people's will. It expands the franchise. It gives people an opportunity to participate in this great democracy.

So I find it not only ironic but specious to suggest that the issue of mandates is somehow a bar to this legislation. It is simply a delaying tactic, Mr. President. It is simply yet another barrier for this people's grassroots legislation to overcome on its way to final passage.

I encourage support for the underlying legislation, and I encourage the Members to defeat this amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask unanimous consent that Senators MCCAIN and COVERDELL be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President. I appreciate the comments that were made by the Senator from Illinois. If you look through the legislation, this legislation consists of 29 pages. It is not overly complicated. But I just went through and started marking the number of "each State shall" and again maybe somewhat resenting the idea of the Federal Government dictating the State function because it is a State function for registration. That is a State obligation and a State responsibility. When we say we are against Federal mandates, I want you to know if you look at the legislation in the 29 pages, you will find 30 times the States are told to do something.

Page 3, "* * * each State shall establish procedures to register to vote * * *."

Pages 4 and 5, "* * * under State law shall serve as an application for voter registration with respect to elections for Federal office."

"Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license."

I can go on and on.

I look through here and again I found 30. It says, "States shall include a means by which an applicant may decline * * *."

"Each State shall accept and use the mail voter registration application form * * *."

"A State shall make the forms described * * *."

It goes on and on. There are 30 "State shalls" in these 29 pages.

Again some States are doing an excellent job. My State is doing a good job and doing it inexpensively.

So why should we take a system that is doing something very well and mandate something that is going to be very expensive? It will be open to fraud, because a lot of people unfortunately get a driver's license that frankly are not even legal in this country. And so I hate to open it up and make it more abusive and more expensive for States to fail to comply.

In my State you can register very close, up to a few days before election.

They say if we pass this bill, they are not going to have registration up to a few days and are going to have to cut off registration quite a bit before to make sure that this law is complied with.

Again, coming from Oklahoma, the State election board happens to be controlled and dominated by Democrats. So I hope that this is not perceived as strictly a partisan issue or amendment.

I know my friend and colleague from Georgia and others have stated in the past they are opposed to mandating unfunded mandates onto States.

So I would hope that my colleagues would support this amendment.

The PRESIDING OFFICER. Is there further debate?

The Chair recognizes the senior Senator from Kentucky.

Mr. FORD. Mr. President, I understand if there is no further debate the Chair is required to put the question. That would not disturb me at all.

The amendment is the same amendment basically that we voted on last time and was defeated by an overwhelming margin. I guess there is a theory around this town that if you are against something, it is going to cost a whale of a lot; if you are for something, it is not going to cost very much. Maybe somewhere in between is the real cost, but CBO figures say that is somewhere around $20 or $25 million. That is probably a one-time cost. Once you get into the cycle, it is 18 cents a voter, and the cost somehow does not ring true. When the State of Texas instituted the similar procedure to motor-voter, it did not appropriate one thin dime more in order to put it in place, and already this year have registered 50,000 new or additional voters.

Everybody hears something about computers. There is nothing in this legislation that mandates computers.

I hear the Senator from Oklahoma saying it is going to make us do so and so about cutting off the rolls earlier. There is nothing in this legislation that says you have to change your State law as to when is the time to close the books for registration for the election. I do not see that in there anywhere.

It is just trying to conjure up all these things to try to prevent the individual citizen from having a right to have a convenient way of registering to vote.

He said it went up 5 percent last year. That is wonderful. Nobody told me how many people wanted to vote but were not registered. If they had under this bill been registered we could have had a 10- or 15-percent increase.

So, all these things we hear, and I do not understand the gridlock here. I do not understand why the Republicans are so violently opposed to this legislation. This side is just saying. We want democracy. We want people to participate. We want to make it convenient. We do not care what station of life you are in, at what income level you may be. We want you to participate and if you reconnect your citizens with Government, I think Government will improve.

So, this bill is not about unfunded mandates. We hear the same argument over and over again. It keeps coming. It is not about cost. It is not about fraud. It is about whether our Government should be active in extending the opportunity for our citizens to register to vote or whether Government should be passive. That is the question here. It is about time we recognized that the centerpiece of democracy is the individual citizen. This bill does just that. It will enhance the opportunity, and I repeat, Mr. President, the opportunity for citizens to vote.

Oh, we here hear this will not increase turnout. No one is saying it will increase turnout. All we are saying is that you have an opportunity to make it convenient for the American citizen and at all levels to register and to exercise their God given right under the Constitution. We do not need anymore barriers. We do not need any more hoops or walls to jump up or climb over in order to be registered.

They want to put all the pressure on the citizen. They want them to be responsible for everything. Why not make it easy for them? And that is all we are trying to do here, Mr. President.

Let us give the people the opportunity. Let it be the choice of individual citizens not to vote if that is their choice, but be registered and vote if they want to.

A registration system that determines whether they vote or not is wrong. I think that is wrong.

You ought to have the right to vote or not to vote. And under this bill, if you do not vote, you are not automatically purged.

So, Mr. President, I hope that my colleagues will turn this amendment down also. And it appears that we are going to continue with another amendment and another amendment, and so we will be here awhile.

As one fellow said, "Don't leave on your boat to Mandalay for a while."

I yield the floor.

Mr. McCONNELL. Mr. President, this bill is most certainly about unfunded mandates.

The Senator from Arizona was over here just a few moments ago pointing out that in his State alone, in one county, Maricopa County, the additional costs will be $900,000 a year. And this is in a State that is already quite progressive, a State that already has motor-voter, a State that already has high turnout. Nevertheless, their judgment is that this bill will require compliance costs of $900,000 a year.

Make no mistake about it. This is not a no-cost bill. This is an unfunded mandate bill.

The amendment of the Senator from Oklahoma is right on the mark.

A lot of colleagues here say frequently that they are in favor of stopping this practice of unfunded mandates. The junior Senator from Illinois today, as she just pointed out, introduced a measure just today on this very subject.

Now it was, I gather—I will not speak for her; she is on the floor and can speak for herself—it was sort of a red flat amendment, under which the CBO would tag these amendments. But regardless of the specificity of the bill that our new colleague from Illinois introduced just this morning, it was indeed on the subject of unfunded mandates.

And my colleague from Kentucky said on April 7, 1987—my dear colleague from Kentucky, the principal supporter of this bill:

> As a former Governor of the Commonwealth of Kentucky, I am concerned that the Federal Government sometimes asks State and local governments to assume responsibilities and deliver services without any consideration of how such mandates will affect our constituents as State and local taxpayers.

So all of us, at one time or another, have expressed concern about unfunded mandates.

The bill of the senior Senator from Kentucky in 1987, as I recall, only affected measures that would mandate above $50 million.

We are not quite sure what this is going to cost. Senator McCAIN has heard from just one county in Arizona that it cost them $900,000. We have been kicking around various cost estimates from first one group and then another. It is not inconceivable to this Senator that this could be a mandate in excess of $50 million. It may not be. We do not know for sure.

What we do know is that it is an unfunded mandate in some amount.

The President of the United States, I say to my friend from Oklahoma, said just a couple of years ago, and repeated on the campaign trail last year and may have even said after becoming President—I do not recall specifically—that he did not like unfunded mandates.

Gov. Bill Clinton said on June 7, 1990:

> States do not have the luxury of operating a budget deficit. Every mandated dollar that we spend is a real dollar that has to be taken from another program. As Governors, we have to make very difficult choices in a wide array of health and human services initiatives. We have found ourselves cutting back on important educational initiatives, closing charity hospitals, unable to fund increases in cash assistance levels, and slashing a variety of important State programs that provide health and support services to our low income citizens.

That was Gov. Bill Clinton in 1990, now President, obviously, of the United States.

So the Senator from Oklahoma is right on the mark. This is an unfunded mandate. You cannot just stand up and claim that it is not what it is. That is what it is.

Nine-hundred thousand dollars in Maricopa County, AZ, alone, to comply with this bill; in a State with a progressive history of turnout, a State in which a large number of people are registered, a State in which there is no history of election fraud that we are aware of, unlike my own State.

So this is a very, very important amendment. This is an amendment that is about mandates. It is also an amendment that is about fraud. Because the only way to avoid the operation of this bill in your State, if you conclude it is very expensive, as the people of Maricopa County have already concluded, if they convince the Arizona State government that complying with this bill is too expensive, they have two options, I say to my friend from Oklahoma: Same day registration or no registration at all. And that, in many areas of our country, is a prescription for election day fraud.

So I commend my friend from Oklahoma. I think it is an outstanding amendment and I hope the Senate will accept it.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. NICKLES. Will the Senator yield?

Ms. MOSELEY-BRAUN. Yes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I have a commitment before the Budget Committee.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. I thank the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Thank you, Mr. President.

I will be brief—the yeas and nays have been ordered—just to say, I know an unfunded mandate when I see one, and this is not an unfunded mandate in this bill.

In fact, if anything, the argument can be made that this legislation will save money in the longrun. It will certainly save money. It will cost some money in the shortrun, but over time and based on the cost estimates put out by the CBO attached to this bill, there will be cost savings to all the States.

The Congressional Budget Office has found that the annual direct cost of the bill is less than $20 million nationwide. That is in all 50 States.

I understand also that the CBO estimated that S. 460 will enable local election officials to save—to save, Mr. President—between $7 and $10 million in part-time employee costs that are now incurred to handle many registration rushes.

I also think it is important to note that the bill provides for approximately $4 million in annual savings by providing reduced postal rates for mailins required by the bill.

I would go further to point out the cost savings that this bill will occasion, with regard to individuals who now have to make, in some States, repeated trips in order to exercise their right even to be recognized as eligible to vote, and that is what this bill really is about.

I heard a discussion about mandates on the States and there are "shalls" in this bill. Of course, there are "shalls" in this bill. That is what we are elected to do, to have standards, with regard to something as basic as the franchises, that are consistent across these United States.

There is no reason why one person should be more of a citizen in one State than he or she is in another State; to have easy access to the ballot in one State and barriers in another State.

This bill seeks to correct that and to expand the franchise, so that every American will have the most precious of rights that we enjoy, which is access to the ballot box without institutional artificial barriers blocking the way.

This is not a procost bill. It is not an unfunded mandate. This bill will provide for the American people to have access to the ballot box, the essence of our democracy. It is a pro-consumer, a pro-voter, a pro-people, a pro-State bill. And the State and local governments will save money in the longrun with a uniform, consistent program, as provided for in S. 460.

Mr. McCONNELL. Will the Senator yield for a question?

Ms. MOSELEY-BRAUN. Yes, I yield.

The PRESIDING OFFICER. The Senator yields.

The Chair recognizes the Senator from Kentucky.

Mr. McCONNELL. The distinguished junior Senator from Illinois cited the CBO study, the analysis of which, it is my recollection, is $20 million a year over 5 years, which would be $100 million.

So my question of the Senator from Illinois is: You indicated this was not an unfunded mandate, this bill was not an unfunded mandate, and the Senator from Illinois quoted the CBO study.

I am curious as to how the Senator from Illinois concludes this is not an unfunded mandate if CBO is saying the cost to the States would be roughly $20 million a year for each of the 5 years?

Ms. MOSELEY-BRAUN. Mr. President, I would point out that the issue of unfunded mandates is a broad issue. There are any number of mandates where we send administrative costs to the States that do not get paid for, where we send activities to the States or different sets of requirements to the State and local governments that do not get paid for.

The distinction that I made here, and that I make here, is that this bill pays for itself. This bill will effect cost savings for State and local governments and indeed for the voters who, again, will be spared the expense.

There are direct and indirect costs. And the point that I make this afternoon is that if you take the direct costs of this legislation and stack them up against the indirect costs that are presently being paid and will be paid—overtime, postal costs, part-time employees, the cost to the voters to go to make 2 and 3 and 4 registration trips or attempts—if you take those costs and put them up against this $20 million figure that CBO has come up with, what you wind up with is a net gain for the State and local governments.

So I say to you, because of that analyses, both direct and indirect costs have to be taken into account, as I suggest they should be, with regard to our actions here in general.

If you take that analysis, if you look at it in that way again, I have seen unfunded mandates. There are many of them. This is not an unfunded mandate in that regard.

Mr. McCONNELL. So the Senator from Illinois is not disputing the CBO figure that the cost to the States of this bill would be $100 million over 5 years. The Senator is stating, I gather, someplace off down the road they will recoup recruitment costs? Is that the argument?

Ms. MOSELEY-BRAUN. No, sir, that is not the argument. The argument is you cannot take one set of figures and not the others. You cannot take the $20 million and not take up the about $7 million that is going to be saved to the election officials, saved off the bat, not take the $10 million saved of part-time employees right off the bat, not take the savings to the voters, again who will be spared repeated attempts to register, right off the bat. You cannot talk about one set of figures and fail to talk about the other.

So, on balance, if you stack both sets of figures up next to each other, the direct and indirect costs, what happens here is that bill will, in the final analysis, result, I think, in a cost savings to State and local governments, a savings to the voters, and will at the same time expand the opportunities for participation in our great democracy.

The PRESIDING OFFICER. The Senator from Illinois has the floor. Does the Senator yield for a further question?

Ms. MOSELEY-BRAUN. I think the yeas have been called for. No?

The PRESIDING OFFICER. Will the Senator from Illinois yield the floor?

Ms. MOSELEY-BRAUN. I yield.

Mr. McCONNELL. I certainly was not trying to put words in the mouth of the distinguished Senator from Illinois. I was just trying to find out whether the Senator from Illinois felt the CBO study was simply inaccurate?

Ms. MOSELEY-BRAUN. No, sir.

The PRESIDING OFFICER. The Chair recognizes the junior Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, no, I did not so suggest. On the contrary. I am taking—arguendo, I am taking the CBO figures as accurate figures and I am using those figures as a starting point. But, again, I say to the junior Senator from Kentucky, and to the other Members of this body, that you cannot take one set of figures in isolation, that you have to look at direct costs on both sides of the equation. You have to look at indirect costs as well. And as you look at costs in the broader sense, as you look at the savings, you have to balance expenditures with savings. A penny saved is a penny earned, and if you take the pennies saved here, what you wind up with is a net gain for the American people as well as for State and local governments. And that is the point that I am making, sir.

The PRESIDING OFFICER. The Chair recognizes the junior Senator from Kentucky.

Mr. McCONNELL. Mr. President, it is an interesting argument, I suppose. We can all speculate about whether this is an unfunded mandate. As Senator

MCCAIN pointed out in offering his amendment earlier this afternoon, in one county in Arizona, Maricopa County, the people who would have to comply with the bill and who would have to, presumably, deal with the vendors who would sell them whatever equipment they think they need, that one county thinks it would cost them $900,000. CBO believes it will cost $20 million a year for each of 5 years, which adds up to $100 million.

I suppose all of us can differ on whether this is an unfunded mandate. But it seems to this Senator at least, having taken a look at the studies that have been made available to us, that it is very difficult to argue that this is not a bill that is going to cause a number of States and localities to incur considerable expense.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Kentucky.

Mr. FORD. Mr. President, I think it is time we vote on this amendment. You can use CBO figures or quote David Broder taking paragraphs out of his article. If you do that reading the whole article, you might get a different picture.

Under this CBO estimate that my distinguished colleague from Illinois argues about so eloquently, I might say, she adds in the possible $10 million, which reduces it in half, and then the indirect savings and those sorts of things.

Mr. MCCONNELL. The Republican leader wants to speak on this amendment. Both Senators from New Hampshire want to speak on this amendment, and they are on the floor prepared to speak.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Kentucky.

Mr. FORD. I am not trying to hold the bill up. Senators from both sides who would like to vote, I understand are at a meeting. I was just trying to expedite it. I do not want to cut anybody off. I am very pleased. I just hope we do not start getting amendments in the second degree and all these other things around here that could be done. I would like to have an up-or-down vote and move on if we could.

I will be glad to yield the floor.

The PRESIDING OFFICER. The Chair recognizes the junior Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise in support of this amendment. There has been a lot of discussion so far about whether this is a mandate. We have a saying, if it walks like a duck, sounds like a duck, looks like a duck, it must be a duck. This is not only a duck, it is an unfunded mandate on the States, and it is an unfunded mandate on the communities and on the towns. Look at what it asks people to do and you recognize fairly quickly it is asking people to do things which are going to cost money. But it is not paying for it. That is an unfunded mandate. When one level of government says to another level of government, you shall do this, and that "this" costs money to do, but does not send any money to do it, that is an unfunded mandate.

The Secretary of State of New Hampshire, who has been Secretary of State of New Hampshire ever since I can remember, I think it has been about 20 years now, who also happens to be a very honorable gentleman of the other party—which is rare in New Hampshire—has said this is an unfunded mandate. And he is a person of great honor. In fact, he even puts a dollar figure on it. He said it is an unfunded mandate that is going to cost tens of thousands of dollars to the communities of New Hampshire.

At some point this has to stop. At some point this legislative body and this Congress has to stop passing policy which it deems to be appropriate but not being willing to pay the bills for that policy. It is just not right, it is not fair, it is not appropriate to the other levels of government because it takes the budgets of those governments, whether they are States or local communities or towns, and it skews those budgets because the State and the town and the county has to adjust their budget to pay for a policy, which they did not put in place, with their tax revenue base.

If the policy is so darned good—and in this case I do not think it is a good policy—but if the body as a majority decides this policy is so darned good, then this body has an obligation to pay for it and not to pass those costs down.

This amendment does not undermine this bill. This amendment makes this legislation legitimate, because what it says is, if this is good enough policy for us as a Senate to pass, then it ought to be good enough policy for us as a Senate to pay for. That is the issue. This is an unfunded mandate. Without this amendment it becomes a cost to the States, local communities, and to the counties which is not reimbursed and which is, therefore, not fair. And this amendment remedies that problem. Therefore, it is a good amendment, and I hope the Senate will support it.

I yield my time.

The PRESIDING OFFICER. The Chair recognizes the junior Senator from Kentucky.

Mr. MCCONNELL. On the question of what is a mandate, which we have been discussing here on the floor of the Senate, again reading from the statement of my friend and colleague from Illinois, who I see is here on the floor, her statement today with regard to the legislation that she introduced this morning, she says, "For purposes of the CBO analysis, a Federal mandate is a provision in a reported or enacted bill that"—and I am quoting my friend from Illinois—"requires the creation or expansion of a State and/or local service or activity." I believe clearly this bill does that. "Second, requires standards different from existing State and/ or local law or practice or in conducting an activity." Certainly that would be the case with this legislation as it applies to some States. "Third, creates additional personnel or other administrative costs for State and/or local governments." That is what we are arguing about, as to whether or not that standard would be met. "Or requires contracting procedures different from or in addition to those required under existing State and/or local law."

So it seems to this Senator—again, these are the words of the Senator from Illinois—but it seems at least the four requirements in the Senator's much-needed legislation that she introduced today are met by this particular measure. And I wonder why the Senator from Illinois does not feel that this meets the very standard of the legislation that the Senator from Illinois introduced just this morning.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I do not have my speech this morning with me, but I remember—and will check the RECORD—I also said in that statement, in introducing that legislation—I am glad you liked the bill—said in that legislation that not all mandates are inappropriate. And, quite frankly, if you just want to take a really broad view of what a mandate is—I mean, the Constitution of the United States is a mandate. The Ten Commandments is a mandate. There are all kinds of mandates. The question is, are we here to do our job, which is to provide for access to the polls by the American people?

To take it one step further—and I ask ordinary citizens just to take out your calculator, to look at whether or not this is unfunded. I think this was the point I was making. Not so much it was not mandated. Of course, we are going to try to make uniform among the States the fundamental citizen's right of access to the polls. That is our job. That is what we are supposed to do, and that is what this bill seeks to do, to give people equal access; whether they live in Virginia, Arkansas, Arizona, Illinois, Kentucky, or wherever, to let people have access to the precious franchise that is a fundamental right in this democracy.

But just to go through the numbers again, to explain what I referred to when I talked about savings, and taking all of the costs that are involved here and looking at the CBO numbers, which I believe to be accurate, the CBO talks about a $20 million cost annually. So put that in one column. Then we will construct another column. The CBO also then says that this bill could save between $7 and $10 million in direct costs to election officials in a year. So on the saving side, we have $10 million in an election year.

Then they go on to say that it can save an additional $4 million in postage costs. That is in nonelection years. But we will take the $4 million and be conservative about it. So we are now up to $14 million annually saved against our $20 million in costs.

Then we go further, and the CBO has an estimate coming out of Kentucky—your State, sir—that says the Kentucky officials were able to save $800,000 in a year using this system. So you add that. So now are almost to $15 million versus the $20 million on an annual basis.

And then we add to that—and this is the point that I made earlier, or attempted to make—you add to that the indirect costs, the indirect costs associated with a system that is not uniform, with a system that does not provide easy access. And you begin to calculate the costs in time, energy, expense—postage costs and the like—that are borne by the voters, by the American people, in just becoming eligible to exercise the franchise, when you add the indirect costs with the direct costs, I submit to you, sir, and I submit to the other Members of this Chamber that what you have is not an unfunded mandate at all.

As I said earlier in my statement, I know an unfunded mandate when I see one, and this is not an unfunded mandate. This is a change that will do several things. It will expand the franchise, and it will have a cost associated in the short run. But over the long run, it is not only cost effective but it is a positive contribution by State and local governments to expanding the franchise.

I go back and say, again, everything we do is a mandate in one form or another. The question is, are we pushing costs unfairly to the States, and are we failing to tell them what those costs are? I submit to you and I submit to the Members of this body that this legislation does neither. This is a fair procedure; this is a sensible procedure; this makes for a uniform standard nationwide. And we have gone—the sponsor of this legislation, the senior Senator from your State, has gone to great lengths to talk to State and local governments about what they can expect in terms of costs.

Disclosure is the key with regard to any activity that we do here, funded or unfunded. Disclosure is the key. This legislation has the disclosure associated with it. It is very straightforward. There are no hidden agendas here.

We do not know whether this bill will increase turnout. We do not know if the people who come to the polls will be Republicans or Democrats or Independents or Peronistas, or whatever. We do not know that. But what we do know is that this legislation will give the American people an opportunity to access the right to vote without the institutional barriers that exist in all too many States. And, in that regard, it is consistent. It is absolutely consistent with our constitutional charge, with our mandate to serve the interests of the American people and to make this democracy viable.

Mr. MCCONNELL. If the Senator will yield for one final question, if I correctly understand the Senator from Illinois that there is little or no cost associated with this legislation—am I correctly interpreting what the Senator from Illinois has just related to the Senate; that it is her view that when you balance the savings versus the expenditures, there is little or no cost involved in this legislation? Is that the essential point of the Senator from Illinois?

Ms. MOSELEY-BRAUN. I think even your question kind of misstates what I have been saying.

Mr. MCCONNELL. I am trying not to misstate. That is why I ask the Senator.

Ms. MOSELEY-BRAUN. Let me say what we say at home: Let me "'splain" it to you. If you take all of the costs involved here, what we have is a net benefit as opposed to a net burden to State and local governments, as well as to the voters and the American people.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. MCCONNELL. I ask unanimous consent I be added as an original cosponsor of the measure the Senator from Illinois introduced this morning on the subject of unfunded mandates.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, it seems to me that if CBO is right and if there is very little cost, that is a stronger argument for the Nickles amendment. If it does not cost much, why should we not pick up the tab? We never hesitate to pass mandates that cost the States huge amounts of money. And if the proponents of this legislation are indeed correct that it is going to cost little or nothing, or actually even be a savings, then what harm in adopting the amendment that is being discussed at this very moment? And if, per chance, there is some cost, and those who think this is going to be a savings are incorrect, at least for once, at this level of Government, we can do the right thing, which is to pick up the costs for legislation that we are about to pass.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, when I first started to speak on this legislation and on the unfunded mandate issue that this amendment attempts to raise, I think even then I said that all this was was another dilatory tactic to try to create another burden, another barrier against the final passage of the underlying legislation; that all this was was another stalling job to try to delay our opportunity to vote on the underlying bill.

If the junior Senator from Kentucky would like to fund whatever costs he sees that I do not see coming out of motor-voter, then I think the appropriate thing is not to try to stop this bill and muddy up the waters. This bill has been talked about and debated. We had to go to cloture, and we have been debating it longer than anything I heard since I have been here, Mr. President.

I think the appropriate move would be for the junior Senator to file his own bill. If he wants to fund voter registration activities, we can take up the voter registration activities for all the States and pay for the whole kit and caboodle, and not have local governments pay for any of it. And we can do it on your legislation. And I would have to take a look at that bill, sir.

All I am saying, Mr. President, is we are entitled to have a vote on S. 460. This legislation has been around. This legislation is good legislation. It is well thought out. It has been crafted in a way everybody knows what is in this bill, and everybody also knows the series of amendments are simply dilatory and designed to keep us from having the opportunity of voting on the legislation as it is written.

I encourage the Senator to, if he will, cut to the chase and allow us to have a debate on the legislation so that we can resolve the issue of whether or not the American people have an opportunity to have consistent registration procedures across this country.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The senior Senator from New Hampshire.

Mr. SMITH. Does the leader wish to take the floor at this time?

Mr. DOLE. No.

Mr. SMITH. I ask unanimous consent my colleague, Senator GREGG, be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, I might also say to the Senator from Illinois before she leaves the floor, there will be a time when she will be out trying to delay a bill that she does not like, and I think it is part of the process. It is, in this case, very justified.

I do not in any way question the motives of my senior colleague from Kentucky; he knows that. He believes in this legislation. But the bottom line is it is not good legislation. It is a mandate. It is an unfunded mandate.

I rise in strong support of the Nickles amendment. Seldom, frankly, is the Senate faced with legislation which in my opinion is as foolish on its face as this one, Senate bill 460, because this legislation mandates—and I know it has been said before and I will quote again—"each State shall designate as voter registration agencies all offices in the State that provide public assistance, unemployment compensation, or related services; and all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities."

There is no discretion here. If a person or organization is an office—what is it, is it a person or an organization? What is an office? But if it is, and he or it provides services related to public assistance, he or it must be covered under the provisions of this act, pure and simple. S. 460 does not define the term office. It does not, for example, specify whether this section applies only to State offices or also corporate offices and charitable organizations which provide services related to public assistance. But reading it in the context of paragraph (3)(B), it is clear that the term office must include private as well as State facilities.

Paragraph (3)(B) also states that "Voter registration agencies may include local government offices and nongovernmental offices." So it is clear that the term office encompasses all corporations, charitable organizations, local government offices, and other organizations and private individuals which have the requisite relationship to the provision of public services.

This is a lawyer's delight, Mr. President. We can all have different kinds of interpretations on this bill. This will be a lot of fun.

And it is going to cost a ton of money. Every charitable organization in New Hampshire, for example, could be required to become a voter registration agency. Every group home, mental health facility, counselor, or job referral service for the State of New Hampshire, every grocery store that accepts food stamps, every retirement home that cashes Social Security checks, all of these are now going to be voter registration facilities.

What is this going to involve? How many employees are these people going to have to hire to do this? Each of these persons or organizations could be required to distribute mail registration materials, provide assistance to applicants, and to submit completed voter registration materials, presumably at their own expense and legal risk, I might add. Any organization which refuses to do so runs the considerable legal risk of suit under section 11 for monetary damages, punitive damages, and legal fees.

And second, if the organization provides assistance to a physically, mentally, or emotionally handicapped person in the person's home, it would be required to provide in-home voter registration.

Third, the person or organization providing the social services is explicitly prohibited from "making any statement to an applicant or taking any action, the purpose or effect of, which is, to discourage the applicant from registering to vote."

Thus, an inadvertent statement from an untrained social worker could put the organization in violation of the law.

Mr. President, this is just not good legislation.

An organization or person designated as a voter registration agency under this act would be required to "distribute a mail voter registration form with each application for such service or assistance and with each recertification, renewal, or change of address."

Thus, if an individual is required to reapply for a particular service daily, the individual would have to be daily provided with mail registration materials, however useless, redundant or expensive.

Fifth, section 7 provides that "no information relating to a declination to register to vote may be used for any purpose." Presumably the term any—and I am just presuming here; your guess is just as good as mine—includes, for example, use as evidence in a criminal trial. Why not. What utility this provision would have for anyone other than a person acting unlawfully is an unanswered question.

And finally, in section 7 it requires that completed applications be forwarded with fixed transmission deadlines, but fails to give any guidance on what happens if the agency fails to comply. Can stores selling hunting licenses, for example, now be sued for punitive damages? Is that possible? Does this provision, coupled with section 11, remove immunity from State and Federal agencies currently protected from a suit? Nobody knows that.

We do have some idea of the cost of all of this. According to one study, costs for approximately 10 States alone would be $100 million. Estimates run from $200 to $500 million—money all over the place—excluding the self-interested projections by Democratic officeholders in the United States. The President of the United States is against unfunded mandates and here we are with his party giving us some more of it.

Mr. President, if the Federal Government wants States to engage in these foolish and self-defeating requirements, it ought to be prepared to pay for them. And if there is no cost, then what is wrong with the amendment. If it is not going to cost anything, the amendment is good. The amendment would achieve this result by suspending the effectiveness of this act until a mechanism is found for compensating the States for their costs. That is why this amendment is a good amendment.

The Secretary of State of the State of New Hampshire, William Gardner, as my colleague, Senator GREGG has already mentioned, is a Democrat, by the way, not that it is of relevance here, but he sent a statement to me recently in which he outlines very clearly what the costs are to our State, to our small State.

> H.R. 460, a bill to establish national voter registration procedures for Federal elections does not appear to have provisions as written which would be of benefit to the State of New Hampshire.
>
> At present New Hampshire has a system of local voter registration except, for handicapped or out of town/overseas citizens, registration is taken and proof of residency and citizenship is given in person to town or city clerks or to supervisors of the checklist in each voting jurisdiction. Voters may be registered up to 10 days before any election. Local officials thus determine the qualifications of voters and must so state so on the checklist.

Mr. Gardner also says that:

> H.R. 460 alleges to make it easier for eligible voters to be registered. While the aim of registering more voters may be achieved, passage of this act does not mean that voter participation will be increased.

You cannot force a person to vote.

> And will require the expenditure of large amounts of tax dollars to benefit few.

Also, Mr. Gardner says:

> The most recent study shows a greater increase in voter turnout in New Hampshire than in States with motor-voter registration.

Yet we are being punished under this act.

> The voter turnout increase from the 1988 to the 1992 Presidential election in New Hampshire was 9 percent while the average increase in motor-voter States from 1988 to 1992 was 6.6 percent. The widely fluctuating turnout in individual States shows that voter registration procedures is only one factor in influencing whether people will actually vote.
>
> New Hampshire, for instance, which has sometimes been criticized for its voter registration process, registered 90,000 new voters for the 1992 Federal election, achieving a total registration percentage of 80 percent for the current voting age population. The 1992 voter turnout was 64 percent, higher than that of several of the motor-voter States which averaged a 60.1 percent turnout. In fact, New Hampshire at 55 percent had a higher percentage even in 1988 than did the motor-voter States with an average of 53.5 percent.
>
> In addition, the cost of implementing H.R. 460 appears to be prohibitive for our small State. Pursuant to this legislation, any place of motor vehicle registration, or any office providing assistance. * * *

And on and on and on in terms of the facilities that are provided.

Secretary Gardner has worked in this position for a long time, all the years that I have been in politics. He knows the State and he knows it well. He knows the registration process. Secretary Gardner says:

> Other provisions of H.R. 460 are also troublesome. All agencies newly responsible for sending completed forms to the State election offices would have 10 days to do so, up until 5 days before the cut-off date of reg-

istering, then the forms must be sent in 5 days. The Federal cut-off date allows 30 days before an election, while ours is 10 days before an election. If the State of New Hampshire stays with the present dates of registration, some voters will not be placed on the checklist in time, while others may find they are judged ineligible too close to the election to rectify their voting status.

This will cause unbelievable confusion and chaos in our State, which does a good job in getting voters registered and turned out to vote.

If our State does conform to the 30-day limitation, voters who currently have 20 extra days to register will also lose this opportunity to be registered close to an election.

First-time voters who registered by mail, if 460 is approved, are required to vote in person under the provisions of this law. To prove their qualifications, they could lose the right to vote by an absentee ballot. Since this is a right constitutionally guaranteed to New Hampshire citizens, this would also necessitate a change in our State constitution.

How do we fund that? It is going to be funded by the people of New Hampshire with another mandate. That is how.

The office of the Secretary of State of New Hampshire has grave concerns about the passage of H.R. 2 in its present form because of the before-mentioned reasons.

Mr. Gardner also says:

There is no firm evidence that increasing voter registration by such means as motor-voter registration will automatically increase voter turnout. Local control which appears to be working well—

I remind my colleagues in this Chamber, local control appears to be working well out there, contrary to what may be on your agendas. It does work. That is what the thrust of our Constitution was.

Local control which does appear to be working well in its present form in New Hampshire, is going to be overruled by this legislation.

Another layer of bureaucracy through the cumbersome system of State control and notifications as described in this bill would be imposed to supplant our present procedures.

Confusion and lines at the polling place as certain new voters verify their qualifications could actually discourage voters and lower the voter turnout.

Voters may also be required to register 30 days before an election rather than 10, thus losing the ability to register close to an election.

Why do you not let us register our voters in New Hampshire? Let us do it. We have a higher turnout than most of you, my colleagues.

Most troublesome is the potentially excessive cost required to benefit very few in this particular state. At a time when New Hampshire is struggling to fund social services, the expenditure of tax dollars to make it more convenient for only 20% of the population to register is not a high priority.

Registration to vote is a privilege. You ought to exercise it. You ought to go out and register because you want to, because it is the right thing to do. That is your responsibility as a citizen. Exercise it.

The Secretary of State's Office has been committed to eliminating past barriers to voting and feels strongly that the rights of all eligible persons to vote should be guaranteed, it also assumes that these same persons will take some responsibility as citizens, as President Clinton asked for in his inaugural address.

Take some responsibility, he says. Most importantly, take responsibility to vote and do not ask somebody else to take the responsibility for you.

Expecting non-handicapped persons who reside in their jurisdictions to appear in person to register to vote as the present local system requires is not only a less expensive procedure than that mandated by H.R. 2, but it will also help prevent election fraud. It does not, our opinion, constitute an undue burden on eligible voters.

In fact * * * the legislation will cause a decrease in voter turnout in New Hampshire because new voters will be required to prove eligibility at the polls rather than prior to election day. Lines could develop, which will discourage voters from waiting to cast their votes.

Madam President, I ask unanimous consent that the entire statement of Mr. Gardner, the secretary of state of New Hampshire, be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Statement of the Secretary of State for the State of New Hampshire Concerning the National Voter Registration Act

H.R. 460, a bill to establish national voter registration procedures for federal elections, does not appear to have provisions as written which would be of benefit to the State of New Hampshire.

At present, New Hampshire has a system of local voter registration. Except for handicapped or out of town/overseas citizens, registration is taken and proof of residency and citizenship is given in person to town or city clerks or to supervisors of the checklist in each voting jurisdiction. Voters may be registered up to 10 days before any election. Local officials thus determine the qualifications of voters and must so state on the checklist.

H.R. 460 alleges to make it easier for all eligible voters to be registered. While the aim of registering more voters may be achieved, passage of this act does not necessarily mean that voter participation will be increased and will require the expenditure of large amounts of tax dollars to benefit few.

The most recent study shows a greater increase in voter turnout in New Hampshire than in states with motor-voter registration. The voter turnout increase from the 1988 to the 1992 Presidential Election in New Hampshire was 9% while the average increase in motor-voter states from 1988 to 1992 was 6.6%. The widely fluctuating turnout in individual states shows that voter registration procedures is only one factor in influencing whether people will actually vote. New Hampshire, for instance, which has been sometimes criticized for its voter registration process, registered 90,000 new voters for the 1992 federal election, achieving a total registration percentage of 80% for the current voting age population. The 1992 voter turnout was 64%, higher than that of several motor-voter states, which averaged a 60.1% voter turnout. In fact, New Hampshire, at 55%, had a higher percentage of voter turnout even in 1988 than did the motor-voter states with an average of 53.5%.

In addition, the cost of implementing H.R. 460 appears to be prohibitive for our small state. Pursuant to this legislation, any place of motor vehicle registration, or any office providing public assistance such as welfare offices, vocational rehabilitation offices, or unemployment offices shall provide voter registration forms to all applicants for driver's licenses or assistance. Potential voters could apply anywhere in the state. Any completed forms would be sent by these offices or by the registrants by mail to state election officials. The official would determine the eligibility of the applicants and would notify the applicants as to their placement on the checklist. Not only would these agency offices supplant the local officials in the registration function, the cost of this new mandate to New Hampshire state and local government for materials, mailings, and manpower would be in the tens of thousands of dollars per year. The cost of printing and distributing the forms would also be borne by the state. Local Offices could bear the cost of notifying the applicants of the disposition of their applications.

Other provisions of H.R. 460 are also troublesome. All agencies newly responsible for sending completed forms to the state election offices would have 10 days to do so, up until 5 days before the cut-off date of registering, then the forms must be sent in 5 days. The federal cut-off date allows thirty days before an election, while ours is ten days before an election. If the State of New Hampshire stays with the present dates of registration, some voters will not be placed on the checklist in time, while others may find they are judged ineligible too close to the election to rectify their voting status.

If our state does conform to the 30 day limitation, voters who currently have 20 extra days to register will also lose this opportunity to be registered close to an election.

In addition, H.R. 460 relates to federal elections. In New Hampshire, the question arises as to whether two checklists, one for local, county and state elections and one for federal elections, may be maintained. Supervisors may also object to the addition of federal election applicants too close to an election for verification by them in regards to an applicants' place of residence. Concern for voter fraud could even lead to the rejection of eligible applicants. Chaos would reign at the polling place if in fact voters were responsible for registering under two systems for two checklists.

New voters who register by mail are required to be responsible for verifying their eligibility at the polls. The possible results of confusion, lines, and frustration at the polls could even serve to discourage voter participation.

In addition, first-time voters registered by mail, if required to vote in person under the provisions of H.R. 460 to prove their qualifications, could lose the right to vote by absentee ballot. Since this is a right constitutionally guaranteed to all our New Hampshire citizens, this would also necessitate a change in our state constitution.

The office of the secretary of state of New Hampshire has grave concerns about the passage of H.R. 460 in its present form because of the before-mentioned reasons.

There is no firm evidence that increasing voter registration by such means as motor-voter registration will automatically increase voter turnout. Local control which appears to be working well in its present form in New Hampshire would be overruled.

Another layer of bureaucracy through the cumbersome system of state control and notifications as described in this bill would be imposed to supplant our present procedures.

Confusion and lines at the polling place as certain new voters verify their qualifications could actually discourage voters and lower the voter turnout.

Voters may also be required to register 30 days before an election rather than 10, thus losing the ability to register close to an election.

Most troublesome is the potentially excessive cost required to benefit very few in this particular state. At a time when New Hampshire is struggling to fund social services, the expenditure of tax dollars to make it more convenient for only 20% of the population to register is not a high priority.

The Secretary of State's Office has been committed to eliminating past barriers to voting and feels strongly that the rights of all eligible persons to vote should be guaranteed, it also assumes that these same persons will take some responsibility as citizens, as President Clinton asked for in his inaugural address.

This bill attempts to describe those voting age citizens who haven't taken the time to register to vote as victims of a system which has deliberately attempted to make it difficult for them to vote. We, on the other hand, would ask, why should the 80% of the eligible voters in New Hampshire who have made the effort to register spend their tax dollars on the 20% who have not done so, especially when in our depressed economy we have so many other serious needs?

Expecting non-handicapped persons who reside in their jurisdictions to appear in person to register to vote as the present local system requires is not only a less expensive procedure than that mandated by H.R. 2, but it will also help prevent election fraud. It does not, our opinion, constitute an undue burden on eligible voters.

In conclusion, the cost of this legislation not only outweighs the benefits to New Hampshire, but there is also no guarantee that voter participation will be increased in this state once this new federal mandate is in place.

In fact, it is my opinion that the legislation will cause a decrease in voter turnout in New Hampshire because new voters will be required to prove eligibility at the polls rather than prior to election day. Lines could develop, which will discourage voters from waiting to cast their votes.

Mr. SMITH. Madam President, in conclusion I would like to compliment my colleague from Oklahoma for an amendment which goes right to the heart of not only the issue here at hand, but frankly at the heart of the differences between our two political parties. I commend the Senator for an amendment that is common sense. That is probably the reason it will go down because it is common sense.

But I hope that my colleagues will reflect carefully upon what this amendment is going to do across this Nation. It is going to cause chaos in an area that should be a privilege. That chaos is going to be all kinds of restrictions and requirements and mandates and confusion that is just going to cause absolute utter chaos.

I commend my colleague. I am privileged to join him, and say again that this goes to the heart and soul of the differences between the two political parties.

I thought when the President asked for a removal of mandates and asked for more responsibility on the part of our citizens that the ladies and gentleman in his party and in this body might support him. Apparently that is not the case.

I yield to my colleague.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I wish to thank my colleague, Senator SMITH, for an outstanding statement. I hope my colleagues had a chance to hear his statement. I hope that they will respond and vote in favor of this amendment so we do not have the additional expensive unfunded mandates on the States.

I wish to compliment him for his statement. I think it said it all. I hope that our colleagues will respond accordingly.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Madam President, I want first to commend my colleague from Oklahoma for offering the amendment, and as he indicated, Senator SMITH and others have spoken on the amendment.

Madam President, during the past several days, I have heard my colleagues explain how wonderful and important this bill is to our democracy.

I have heard them say that this legislation will make it easier for millions of Americans to vote.

I have heard about all the terrible burdens imposed by States, making access to the ballot more difficult.

Well, if all this is true, if this bill is so important, why does not Congress put its money where its collective mouth is, and pay for the bill's mandates?

Apparently, Congress is ready, willing, and able to bask in all the hype, but is a deadbeat when it comes time to pay the bill.

Ten States, including my State of Kansas, have estimated that complying with this bill's requirements will cost more than $87 million.

The total cost of all 50 States would obviously be much higher.

I would ask my colleagues on the other side of the aisle: How do we expect the States to pay for this legislation?

Should they cut their education budgets? Their child nutrition programs? Or should they just raise taxes?

Take the case of cash-poor New Jersey, which has recently slashed the budget of its election law enforcement commission, the government agency charged with monitoring State campaign activities.

Because of State spending cutbacks, the commission has lost a third of its staff and 42 percent of its budget since 1989.

And now, Congress wants to tell New Jersey, "Reform your voter registration procedures, comply with our mandates, but do not come to us with the bill."

Mr. President, this amendment attempts to restore some accountability by forcing Congress to pick up the motor-voter tab.

It would allow each State to estimate the additional costs associated with the motor-voter requirements and to submit this estimate to the Senate Rules Committee and the House Administration Committee.

The amendment would then delay the effective date of these requirements until Congress appropriates funds to defray these additional costs.

If Congress determines that a State has overestimated its costs, then Congress can make the necessary adjustment and appropriate a lesser amount.

Simple. Responsible. No gimmicks.

This amendment is not partisan. It is not a Republican amendment or a Democrat amendment.

Quite simply, this amendment should be supported by anyone concerned about Congress' credit card mentality.

Earlier this year, Congress passed a family leave bill that will cost businesses hundreds of millions of dollars.

Last week, the Senate passed an unemployment compensation bill raising the deficit by $5.8 billion but did not offer a single way to finance this new debt.

And now we have the motor-voter mandate.

We seem to think we can come up with any idea, no matter how expensive, and just charge it—charge it to business, charge it to future generations, and with this bill, charge it to the States and localities.

Mr. President, last June, then-candidate Bill Clinton told the U.S. Conference of Mayors that "I am going to stop handing down mandates to you and regulating you to death."

These words were warmly received, and it is no wonder.

State and local officials throughout America understand what it means when Washington calls.

It means added expense, added regulation, and more mandates—so think twice before you pick up the phone.

Perhaps that is why the National Governors Association, the National Association of Counties, the National Association of Towns and Townships, and the National League of Cities have all registered their opposition to this bill.

Earlier this afternoon, my distinguished colleague from Illinois, Senator MOSELEY-BRAUN, came to the floor and spoke very eloquently.

She introduced a bill requiring the Congressional Budget office to estimate the cost to State and local governments of complying with any new Federal mandate that Congress may propose.

My colleague's words were so important, and so relevant to this debate, that I would like to repeat them here:

> State and local officials believe their budgets are unduly pressured because the Federal Government has pushed additional requirements on the State and local governments, without the funding necessary to cover the additional costs. Given the level of concern among State and local government officials, I expected to arrive in Washington to find that the Government was addressing the issue. Instead, to my great surprise, most of the Federal establishment appears to be totally unaware of the impact that Federal mandates have on State and local governments. In fact, I was surprised to find that the situation is even worse than that. There is almost a total absence of information on the mandates issue, and much of the Government does not even know what a mandate is.

Well, Mr. President, I will tell you what a mandate is—this bill is a mandate.

Congress mandates, and the States are forced to pay.

Although I have not had an opportunity to review the details of my colleague's proposal, I will seriously consider adding my name as a cosponsor. And I hope that she, with her unique experience as a former State official, will consider supporting this amendment as well.

Mr. President, I have heard from many State and local officials who are making voter registration easier, and who just do not need any more unfunded help from the Federal Government.

For once, I urge my colleagues to listen to those who will have to live with—and, yes, pay for—what we in the imperial Congress seek to mandate.

My colleagues can begin this listening process by supporting this amendment.

We offered a similar amendment on family leave. I suppose people wanted a mandate. It was not a mandate. This is a mandate. It is not going to change because somebody said it is not a mandate. It will cost somebody some money. It will cost my State and other States $87 million over the next few years. That is real money.

It seems to me that if everybody says it does not cost anything, why not pass the amendment anyway? I think that is the point the Senators from Oklahoma and New Hampshire made. If it is not expensive, why worry about it? We will come up with some dollars if that is all it is going to cost. The CBO indicates from $20 to $100 million over 5 years.

I want to say I went to a Governors' meeting as leader on the Republican side. I talked to the Democrats and Republicans. They said, no more mandates. That was their message. I went to speak to the county officials—no more mandates. That was their message. I mentioned motor-voter was a mandate. I got a big round of applause. At least they think it is a mandate. They are the ones out there dealing with it. We are not.

Then I spoke to the city officials. They are in town this week—no more mandates, including motor-voter.

But we know what is best for everybody. That is part of the problem. We are going to pass it whether you like it or not. We do not care if you are a county commissioner, Governor, or a city official. We know what is best. This is the Federal Government speaking direct from Washington. We can tell you what you have to do.

I thought people voted for change last November. They are tired of all of these mandates. It is like a tax on their business. It is an additional expense for taxpayers. The State has to pay it. The taxpayers are going to have to pay it. My Governor is a Democrat. This is a mandate to her. I think her judgment is pretty good.

So if this is not a mandate, then I have missed something along the way.

Take the case of cash-poor New Jersey which has recently slashed the budget of its election law enforcement commission, the government agency charged with monitoring State campaign activities. Because of State spending cutbacks, the commission has lost a third of its staff and 42 percent of its budget since 1989.

Now Congress wants to tell New Jersey, "Reform your voter registration procedures, comply with our mandates, but do not come to us with a bill."

We are so good at this. We practice it. We know how to do it. It is an art form. All of the things we tell people they have to do, we are not going to pay you for it. You are on your own. We know what is best because we get elected to think up these great ideas, to put more burdens on the taxpayers and more burdens on county, State, and city officials.

All this amendment does is try to restore some accountability. A lot of people talk about accountability. I spoke to a group of newspaper people. They said, "When are you people going to start passing those silly things such as a study about people snoring? A million dollars for this, a million dollars for that."

I said, well I am not very encouraged because we have got a bill on the floor right now that is going to cost who knows how much. We know it is good for you or we would not be doing it. We have made that judgment that it is good for you. So it may be good for some.

Certainly we want people to register and vote. But I tend to agree with the Senator from New Hampshire. Voting is a privilege. At least they ought to be able to register to vote. We do not need the Federal Government, in my view, telling us everything.

This is a simple, responsible amendment—no gimmicks. It is not a partisan amendment.

As I said, I talked to Democrats, Republicans, county commissioners, Governors, city officials, and they do not want any more mandates unless we send the money. So we just say in this amendment we will send the money before the law is implemented.

I am encouraged by the words this morning of the current Presiding Officer. We ought to get the cost of all of these mandates, find how much it costs. Maybe this is not a mandate. I read it that way. The Presiding Officer does not, and I do not want to quarrel with that. I do not want to suggest we have been on this bill too long. This is not gridlock. This is an effort to let the American people know what is in this legislation. We might be here next week this time, and maybe the next week at this time on this particular legislation. I think it is important that we make a stand now, based on what the Governors, the county officials, and the city officials are saying, that we are serious, and we hear them, and we are not going to give them anymore mandates unless we fund them.

I suggest that the Senator from Oklahoma is on the right track. It seems to me that we have an opportunity here to strike a blow for responsibility. There is not a precedent for it, but this is an opportunity. It does not come along every day around here. This is one vote that will not hurt this bill at all. It says we are going to pay for it. It will probably pass eventually and we can say we paid for it. We can write our city and county officials and say: I heard you; I did not like the bill, but we paid for it. I think it is a step in the right direction.

We have motor-voter in Kansas. It has not been implemented yet. We are waiting to see what happens to this legislation. I thank the Senator from Oklahoma and the others who spoke on this. I understand the Senator from Wyoming wishes to speak. We are offering germane amendments. This is an important issue, and we hope we can reconcile our differences, so a lot of people can vote for this bill on a bipartisan basis. That may or may not happen. We think there is a possibility it could happen.

Again, this is a very important amendment. This is very simple and straightforward. It is one that ought to pass by a voice vote. Maybe we can get a voice vote on this and save a rollcall. If not, it ought to be unanimous on a rollcall vote.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Madam President, I will not be long, but I was distracted by the debate on the floor which claimed that a bill which says "States shall," is not a mandate. I was distracted by the concept that the Attorney General would bring an action and seek injunction relief is not a mandate.

Most Americans are intimidated by the idea of having the Attorney General of the United States—and as of today we have one—saying that the State must do this. I have a letter here from the Secretary of State of Wyoming, of the party of the distinguished occupant of the chair. I think she may know our secretary of state, Kathy Carpin. She has written me, called me, and written again. There is a personal P.S. on this letter. So it is not just something ginned up out of the office to go ahead and be routine.

"Dear Malcolm, I am enclosing additional fuel for the fire with respect to the Federal voter registration legislation." She goes on to say how much it would cost. And then, in a penned postscript, she said: "More than the budget is at issue. Think of the potential for abuse when an agency conferring a benefit registers voters."

That is not my party, Madam President, and friends on the left. That is not my party, my friends who seek to impose government at every level, every step, and every walk of life in America. The amount of $100 million may not seem like much of a mandate to our friends on the left. We are not into the billions yet, so it is probably sort of unrecognizable as being real money; it just does not matter. But some of our States and some of our communities suffer a bit, because this Congress sends out its laundry and expects it to come back clean. It simply will not pay heed to the cries from the folks at home about, "for heavens sake, if you insist on America doing this, then pay for it."

More and more often, Washington tells us, Washington orders us, Washington compels us, Washington sues us, Washington brings injunctions against us, but this is not a mandate.

This is America. There was a time when all of us going to school used to think that Government was the servant of the people. And more and more, our friends on the left are suggesting that the people are the servants of the Government.

More and more often, we just discard whatever counsel and advice we get—in this instance, from a Democratic Governor, a Democratic secretary of state, and the county clerks of the State of Wyoming. Others have spoken of theirs, crying out "do not make us do this." It subverts the rights of States to conduct elections under the Constitution of the United States. We had a right, at one time, and Congress is just comfortably assuming a role of what was always considered to be one of the rights of States, so long as it was done within the confines and structures of the Constitution of America.

I hope our friends on the left will recognize a mandate when they see one. I hope our friends on the left will remember that, in America, at least we once had the idea that Government served us, not compelled us, and not threatened to sue us. I hope at one time that we might remember the potential for abuse and the potential for coercion that is contained in the seemingly innocent piece of legislation. It has not been proven to be a vote increaser in the States in which it has been implemented.

I might say that maybe this Congress, and maybe our friends on the left, would just recognize that some States have felt that this was a thing that they wanted to do and had implemented, and having implemented it, they cannot demonstrate to the rest of America that the cost will bring up the percentage of Americans that vote.

Madam President, when I see party line votes coming down on every issue like this, I hope that our friends on the left will think about what it is they are doing. Their friends in the Democratic Party in America are saying "do not do it," as well as some Republicans on the floor of the Senate tonight.

I yield the floor.

Mr. BIDEN. Madam President, I have had the opportunity to be on the floor for the last few minutes, and I have had the opportunity to hear part of the statement of my distinguished friend from New Hampshire, and the statement of my distinguished friend from Kansas, and now that of my distinguished friend from Wyoming. In one form or another, they all very articulately discuss their "friends on the left," that we should understand about mandates.

I want to point out to my friends on the right, I thought the whole notion of voting was that, first of all, it is not a privilege. I went to school. Where I went to school, they did not talk about it being a privilege. They talked about it being a right.

We may disagree on this legislation, but since my friends are talking about such fundamentals as what we have learned in school, and about the role of Government——

Mr. WALLOP. Will my friend yield for a question?

Mr. BIDEN. I will be happy to.

Mr. WALLOP. Surely he would not consider it in the realm of an obligation like national service?

Mr. BIDEN. Of course not. I do not consider national service a right.

Mr. WALLOP. But I am detecting overtones that the next thing we do, as has been done in some other countries in the world, is order people to go vote under penalty of being absent without a doctor's excuse.

Mr. BIDEN. Madam President, I wondered how long it would take to get to communism. It usually is the staple of the right that anything they oppose be put in the context of something that would in fact do one of two things: either have the Government shoving down someone's throat something they should not have to swallow, or somehow, somewhere around the world, we are going to end up emulating a Communist dictatorship.

Mr. McCONNELL. If the Senator will yield on that point, it is not Communist countries we are talking about here. What the Senator from Wyoming is referring to is not Communist countries; they are democracies, a number of them, that fine or penalize people for not voting. I do not speak for my friend, but I am confident he was not referring to Communist countries, or was he?

Mr. BIDEN addressed the Chair.

Mr. WALLOP. I say it was not. I do not mean to interrupt my friend. I apologize. I was not referring to that. It may be some sort of primeval reaction on the part of my friend from Delaware that I was speaking of communism, but there are countries in the world which are democracies that insist on doing those things, and I see every sign that Washington is headed in that direction.

Mr. BIDEN. I see.

Madam President, I do apologize. It is true, it is an instant reaction. I worked with my friend from Wyoming so long. I do apologize. I should not have jumped to the usual conclusion. I was wrong this time. For that I apologize.

Most of our discussions have involved this notion, though, and right now we are discussing this notion that this motor-voter bill is something else in disguise.

They say to all the folks here and to those listening: beware if this bill passes, you will have the FBI knocking at your door prepared to arrest you if you do not vote.

I do not know why everything seems so sinister to may friends on the right. The further right they are, the more sinister they seem to be.

I just want to make a very basic point, and I think it is the essence of the debate here. My friends on the right, the further right they go, the more they think that voting is a privilege. The further to the center they are, they seem to understand it is a right. Now, that is the only point I want to make.

We are giving civics lessons here. I was being given a civics lesson on the role of the Federal Government, not from my friend from Kentucky. I have not had the benefit of hearing him today, although I always look forward to that, but I did not have that benefit.

I just heard three Senators speaking in a row, giving us a civics lesson. I wanted to remind them of the fundamental underlying principles I thought we all agreed on. I did not want them to be confused. I get confused on occasion on the floor and they watched me do it. I just am suggesting maybe they were confused. Voting is a right, not a privilege, to the extent that you increase the prospect that suffrage will be broadened—as historically has been a position of those of us who are sitting on this side of the aisle and of many on the other side of the aisle—and made easier. I just wanted to point that out. That is all.

All my colleagues here understand more about this legislation than I do. They have been working on it every day. For that I admire their due diligence. I want to inject my civics lessons. That voting is a right not a privilege.

Mr. SMITH. Madam President, will my friend yield on that point?

Mr. BIDEN. I am happy to yield.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. I cannot vote in Delaware, can I?

Mr. BIDEN. Not unless the Senator moves there.

Mr. SMITH. Then that is a privilege rather than a right.

Mr. BIDEN. I see.

Mr. SMITH. I cannot vote if I am 10 years old, can I?

Mr. BIDEN. I see. OK.

Mr. SMITH. I think we are splitting hairs on a definition.

Mr. BIDEN. I think it has a difference to do with education received in New Hampshire and Delaware.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. MCCONNELL. Madam President, I say to my friend from Delaware in terms of how I view right versus privilege, I happen to agree with him. It is a right and not a privilege, but in further elaboration just for his edification since he has not had a chance to listen to this debate much in the past, a number of Democrats that do, in fact fine people, the only reason we discuss that here on the floor is that that is the original thing that any of the groups that have studied voter turnout believe will really increase voter turnout and in fairness to the principal sponsor of this bill I do not think my senior colleague from Kentucky is necessarily arguing it will increase turnout. We know one thing that will increase turnout even in the democracy is fines or penalties, and I am sure that is what the Senator from Wyoming was referring to, not Communist countries.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Kentucky.

Mr. FORD. Madam President, at the end of some remarks I will move to table this amendment and ask for the yeas and nays.

Somehow I guess that we try to hang on 5 minutes longer around here. You begin to get whipped and sawed and you begin to find ways and people write statements that really some of our colleagues do not really believe all of it. If you listen to the statements we heard here this afternoon you would not believe that we are talking about S. 460, the motor-voter registration bill.

It may do this. Or it may do that. Or it may cost or it may not. I have never heard it is going to put our registration 30 days instead of 10.

There is nothing in the bill that says that. It is going to cause us to buy computers. There is nothing in this bill that says that. There is nothing there.

And you talk about Democrats and Republicans. I have talked to Democrats and Republicans and we have letters in the file—I can put them in the RECORD—from statewide elected officials, both Democrat and Republican, supporting this bill.

Mr. BURNS. What are the names?

Mr. FORD. I will give the Senator plenty of those if he wants to get up on the floor and ask.

But they are State-elected officials. Then we talk about an abuse and fraud. There is one thing about this legislation, and in the David Broder article we have heard so much about that that he said we finally have done it right. We brought it up from the grassroots. It has been tried at the local level and finally we are listening to the people, and I cannot understand the barriers have been placed just like trying to get to register now in most places or some places, you got barriers to go over, hoops to jump through, places to drive to, all that we are doing the same thing here.

All we want to do is reconnect, as I said, citizens with Government and give them easy access in being registered to vote.

We place it all on Joe Citizen, place it all on Joe Citizen. It is all your responsibility. I have no challenge to be helpful to them. I have no challenge to be in a position to say here is a vehicle, try it at the grassroots, and we think it is a good one and so we are going to respond to the citizens.

So, Madam President, I hope my colleagues will vote with me to table this amendment and I will move to table.

Mr. MCCONNELL. One final observation before we go.

Mr. FORD. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky to lay on the table amendment of the Senator from Oklahoma.

On this question, the yeas and nays have been ordered, and the clerk will call the yeas and nays.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Colorado [Mr. CAMPBELL], the Senator from Texas [Mr. KRUEGER], and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—53

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—43

Bennett
Bond
Boren
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—4

Campbell
Hatfield
Krueger
Shelby

So the motion to lay on the table the amendment (No. 80) was agreed to.

Mr. METZENBAUM. Madam President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Madam President, could I ask my colleague what his agenda might be for the rest of the evening?

Mr. MCCONNELL. Yes. We are very close to giving my friend from Kentucky the core package.

Mr. FORD. Madam President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MCCONNELL. Madam President, we are very close to giving my friend from Kentucky the core package of amendments that we hope the majority will accept, that we think will improve the bill. We should be able to do that momentarily. And then there may be other amendments that will be offered that we expect might be opposed, which we are prepared to continue to offer if my friend would so desire.

Mr. FORD. Did I understand that—will those other amendments then be germane?

Mr. McCONNELL. I think most of them will be. I cannot guarantee that all 42 Senators on this side will offer only germane amendments.

Mr. FORD. I know my colleague has been working for a couple of days, trying to put this core package together. We have not seen it.

Mr. McCONNELL. I know you have not. We are very close.

Mr. GRAMM. I have a tobacco amendment I would like to offer.

Mr. FORD. That is something you and I can agree on, Senator.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Madam President, I ask unanimous consent to speak as in morning business to make a short speech on the murder of the doctor at the abortion clinic yesterday.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAGIC KILLING OF DR. DAVID GUNN

Mr. PACKWOOD. Madam President, I rise to express my shock and sadness at the senseless tragedy that occurred yesterday: The death of a young doctor who was shot by an antiabortion protester. I am extremely concerned about the escalation of violence directed at medical personnel and women exercising their constitutional right to choose whether or not to have an abortion.

Just 2 months ago, we thought that such crimes would be punishable under Federal law. But after the Supreme Court's ruling in Bray versus Alexandria Women's Health Clinic earlier this year, there is no Federal mechanism to punish those who intimidate patients and staff seeking access to medical facilities.

In the past I have cosponsored legislation which would make such interference with safe access to medical facilities a Federal offense. This Congress I will again cosponsor the Freedom of Access to Clinic Entrances Act which would allow Federal resources to be used if necessary to secure clinics.

Abortion providers are routinely threatened with death, and their clinics have been bombed and vandalized. I understand the seriousness of these threats because I too, have been the victim of a death threat by an extremist antiabortion group. Dr. Gunn is the first to die as a result of these outrageous tactics. Illegal means to overturn legal rights must never be successful. We must never allow a group to force its views on the rest of us through violence and intimidation. Clinic violence must stop, and I urge this Congress to pass legislation to allow Federal resources to be used.

I extend my deepest sympathies to Dr. David Gunn's family and friends during this tragic time.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL VOTER REGISTRATION ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. EXON. Madam President, I would like to appeal for some reason on both sides of the aisle on just the matter that is before us but also to maybe begin to set a precedent for moving the Senate ahead in a more expeditious fashion. If you look at the polls these days, you will see that we in this body and our colleagues on the other side of the Hill are not held in the highest of regard for efficiency and moving things along in a rapid fashion by the people at large. I think that applies to both the Democratic and Republican Members of the body.

It seems to me that here is a case where the filibuster is being used in a dilatory fashion. It seems to me that the other day when we voted cloture on this motion the die was cast. It seems to me, therefore, to string out this debate even under the rules of postcloture filibuster is not providing the image of the Senate to get things done that the people would like to see.

The junior Senator from Kentucky not too long ago stated that the people of the country were very much upset about the fact that we were not doing our important matters in a timely fashion. I certainly think there is some legitimacy to what the junior Senator from Kentucky said. He also said that while the Nation was focused on the budgetary matters, we were in the process of passing a bill that was not that important, and I agree with him on that also.

But if all that is true, why are we being held to this postcloture filibuster in what I frankly feel is a very dilatory fashion, certainly not what in my view the Founding Fathers of the country or the precedents in the U.S. Senate envisioned. We are, once again, approaching gridlock on something as relatively unimportant as the motor-voter bill. I do not believe that the motor-voter bill is the mother of all bills by any means, but whether you like it or whether you do not like it, the majority has cast its will. In fact, we had 63 votes the other day on cloture. I think the Senate has spoken.

Therefore, I am very fearful that continuation of these debates and amendments, all, I suspect, which are going to be defeated, puts us back into that gridlock situation and makes the people of the Nation feel that much more discouraged with what we are not doing properly here, in their view.

Therefore, I hope and I plead once again, while everybody has their right to do whatever they want on the floor of the U.S. Senate, and I do not quarrel with that, I believe that there are times when reason has to set in.

I predict, Madam President, that few, if any, of these amendments, and I think none, will be adopted. Therefore, in the end after we have all gone through this exercise in futility, wasted the time of the Senate and expense on this matter that already has been decided by the cloture vote previously entered into by the Senate, that we are carrying on gridlock, not getting our work done, primarily because we are being diverted by these types of filibusters and delaying tactics that certainly does not contribute to either the good of the country of the image of the U.S. Senate.

I thank the Chair and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Madam President, I have two letters from individuals from my State. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE STATE OF NEW HAMPSHIRE,
Concord, NH, February 9, 1993.
Hon. ROBERT C. SMITH,
U.S. Senator, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR SMITH: I am writing in opposition to HB #2 and SB #2, better known as Motor Voter Legislation.

My concern is that it imposes additional administrative responsibilities on our state, but does not provide adequate funding to meet the cost of implementing such a program.

We in New Hampshire have streamlined our Motor Vehicle operation to reduce long lines at our substations, and I am afraid all this will do is bring back the long lines.

Your help in defeating this legislation will be very much appreciated.

Sincerely,
ROBERT K. TURNER,
Director of Motor Vehicles.

EMPLOYMENT SECURITY,
Concord NH, January 28, 1993.
Hon. ROBERT SMITH,
U.S. Senate, Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR SMITH: I am writing to call your attention to the impact of H.R. 2, the National Voter Registration Act of 1993, on our state's unemployment insurance services.

Section 7(a)(2)(A) of H.R. 2 specifically requires state unemployment insurance offices to provide voter registration services. It requires staff assistance in completing the applications, modifying unemployment claim forms to provide for individuals to certify that they decline to register, forwarding completed forms to the proper state agency and, as we interpret it, requiring applications to be provided each time an individual makes a weekly or bi-weekly claim for unemployment benefits, i.e., "recertifies" for benefits.

I am concerned that the requirements of this legislation could give unemployed individuals the impression that their political affiliation or unwillingness to register to vote might affect their eligibility for benefits. Requiring individuals to certify that they decline to register each time (i.e., weekly or biweekly) they file a claim could appear coercive. Any hint that one's eligibility for benefits is tied to one's political affiliation or participation in the political process could irreparably damage the unemployment compensation program.

Apart from these considerations, no funds are available to carry our responsibilities under this legislation. Federal funds provided to states to administer unemployment compensation programs are authorized by Title III of the Social Security Act. We have absolutely no state funds in our budget and those federal funds can be used only for the proper and efficient administration of unemployment compensation laws. States cannot legally use their current UC resources to provide voter registration services. Unless other federal funds are provided this becomes another federal "unfunded mandate" on states.

I encourage you to seek a modification in this legislation to require only that voter registration materials be made available in local unemployment compensation offices, rather than requiring these agencies to register voters.

If state UC agencies are required by federal law to provide voter registration services, federal funds should be authorized and appropriated for this purpose. If that is not possible, the bill should be amended to allow the states to use their UC administrative money to carry out the requirements of H.R. 2.

Sincerely,

JOHN J. RATOFF,
Commissioner.

Mr. SMITH. Madam President, there is a letter from the director of motor vehicles, Robert Turner. And Director Turner points out that New Hampshire has tried to streamline its motor vehicle operation to reduce the long lines that sometimes result and that the enactment of the motor-voter bill, he believes, could have the effect of bringing those lines back.

Just reading briefly from Director Turner's letter, he says that it is his "concern that it imposes additional administrative responsibilities on our State, but does not provide adequate costs of implementing such a program." That, of course, is something that has been stated a number of times this afternoon.

Also, I have a letter from Mr. John Ratoff, the commissioner of the employment security office in Concord, NH, and I believe I covered that in the original request. I would just like to quote from one paragraph in that letter in which he says:

> I am concerned that the requirements of this legislation could give unemployed individuals the impression that their political affiliation or unwillingness to register to vote might affect their eligibility for benefits. Requiring individuals to certify that they decline to register each time (i.e. weekly or biweekly) they file a claim could appear coercive.
>
> And any hint that one's eligibility for benefits is tied to one's political affiliation or participation in the political process could irreparably damage the unemployment compensation program.

I think this is extremely good advice for the Senate to consider, that there should not be any attempt to coerce or in any way relate benefits to one's party affiliation or registration or willingness or nonwillingness to vote. And also again, under the same guidelines as Mr. Turner indicated, Commissioner Ratoff also points out that no funds are available to carry out the responsibilities under this legislation.

So I just wanted to get those two letters in the RECORD at this time, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I wanted to say to the majority leader, I am not going to take very long. Actually, if they are ready to do something, they can just give me the word.

Madam President, I would like to offer comments about several provisions of this bill which I believe merit further consideration.

I would like to first note an observation that I find somewhat intriguing. Like my colleagues, issues of importance to the public generally result in hundreds, if not thousands, of communications from our State's citizens. I find it interesting to note that in the case of this measure, I have received only eight letters: four from national public interest organizations that support the bill and four from constituents in my State opposing the bill.

There are, no doubt, numerous reasons for this general disinterest, and I do not intend to speculate on the causal factors involved. However, one letter from my State identifies issues of concern that I believe articulates well several problems of this measure.

The secretary of New Mexico's department of labor clearly details two overriding concerns: the financial implications of this measure and the potential appearance of political coercion. I believe the secretary's comments clearly separate a well-intended concept from the realities of implementation.

With respect to the cost effectiveness of this matter, proponents argue that any financial obligations are miniscule. I respectfully submit that the State of New Mexico does not agree with this rosy analysis. Let me quote from our secretary of labor's letter:

> * * * no funds are available to carry out responsibilities under this legislation. We estimate that the requirements of this bill would cost $80,000 for staff in our state. Federal funds provided to states to administer unemployment compensation programs are authorized by Title III of the Social Security Act. Those funds can be used only for the proper and efficient administration of unemployment compensation laws. States cannot legally use their current UC resources to provide voter registration services. State budgets are tight everywhere. Unless other federal funds are provided, this becomes another federal "unfunded mandate" on states."

Let me emphasize, again: "Unless other federal funds are provided, this becomes another federal 'unfunded mandate' on states."

New Mexico, while a large State geographically, has approximately 1.5 million citizens, and $80,000 squeezed from an already burdened State budget is a great deal of money. What may represent but a few dollars to someone else is not viewed in the same light in my State. I can assure you that there will be many proponents of worthwhile State programs who are going to be more than unhappy to find their critical programs reduced to pay for this new Federal mandate.

There is nothing in this measure that provides funds to help the States. Why? I surmise one reason is that the Federal Government doesn't have the money either. As is far too often the case, Congress is responsible for the good ideas and then it passes the costs back to the public—and we define it either as a contribution to a great cause or a tax for the public good.

At the same time, we have also placed new and critical mandates on the Federal Election Commission [FEC] for enforcement of this law, and, once again, Congress has provided no new funding to meet these requirements. As a consequence, the FEC has already appeared before the House Appropriations Subcommittee on Treasury, Postal Service, and General Government and requested an increase of its budget by approximately 10 percent. The FEC is asking for $23.6 million more to implement this bill.

Mr. President, I would like to suggest that since we have now established a new commission to examine the costs and efficiency of the Federal Government, we better look at the issue of mandating good ideas with a way of paying for them. If we're going to change the way Government does business, maybe we should first institute some sound business principles ourselves.

The second issue of the New Mexico secretary of labor's letter concerns the issue of coercion. Again, let me quote:

> I am concerned that the requirements of this legislation could give unemployed individuals the impression that their political affiliation or unwillingness to register to vote might affect their eligibility for benefits. Requiring individuals to certify that they decline to register each time (i.e., weekly or biweekly) they file a claim could appear coercive. Any hint that one's eligibility for benefits is tied to one's political affiliation or participation in the political process could irreparably damage the unemployment compensation program."

We fondly call this bill a motor-voter bill. However, this bill doesn't just include departments of motor vehicles, it mandates that States designate all offices in the State which provide public assistance, unemployment compensation and related services as entities for registering voters.

New Mexico's secretary of labor is right. Any hint of a linkage between one's benefits and one's political affiliation or participation subverts the intent of our public assistance programs and undermines the very ideals of our democratic form of government.

As noted in the minority views of the Report of the Senate Committee on Rules and Administration, the Department of Justice communicated this warning:

> The Department's experience demonstrates that public officials sometimes use their power to dispense or withhold benefits in order to pressure citizens into voting a particular way or registering for a particular party. This bill would increase substantially the opportunities for such intimidation and coercion of the public.

These are powerful statements that should be considered thoroughly. Any linkage between receiving benefits and voting in an election is fundamentally wrong, and frankly, extraordinarily unfair to the very individuals we are purporting to help.

Moreover, the bill's report also states that "* * * forms and assistance in completing such forms—will be available routinely and year round in many government and private sector offices," and that there will be "individuals to assist registrants in completing the information on the registration application."

Now, I wonder what kind of assistance we expect from already pressured and overworked public employees. If any of you have stood in multiple lines to apply for a new driver's license, the level of expected service from that harried public employee to fill out a voter registration form defies the imagination.

We are now asking that everyone from motor vehicle employees to unemployment clerks be experts in voter registration laws. This is ludicrous. Aside from the political implications of intimidation or coercion, the issue of time and knowledge is a reality we fail to address. But, once again, we mandate good ideas with little understanding of the realities of implementation.

In closing, I would like to add one additional thought. For those who argue that this bill encourages participation, I would suggest that it merely provides another facility to register to vote. It's that simple. Let's just say that. It doesn't encourage anyone to go out in the cold or rain to vote. It doesn't encourage anyone to drive someone to the polls to vote. It doesn't encourage anyone to participate in this constitutionally guaranteed right.

This measure merely creates additional registration points or facilities for citizens to register their intent to participate in our democratic process. Is this a good idea. Of course. We have lots of good ideas. However, there's a big gap between facilitating a good idea and the actual result of participation. I would prefer that while mandating another one of our good ideas we would also honestly assess what this bill provides and what it fails to provide. I believe the few points I have discussed above reveal several valid reasons why this so-called motor-voter bill is just another good idea with little thought to the potential ramifications or outcomes. If we wonder why the public questions the efficiency or effectiveness of its Government, or why the public fails to participate in the elective process, we might just look to passage of this measure as another example of a good idea lacking substantive analysis or a means of implementation.

Madam President, I have heard an awful lot about how important this bill is. And in this new era of participation by our people and by institutions in wanting to tell us what they think should happen, I find little or no interest. I have received eight communications, four from public-interest groups, three of which are in Washington, DC, and four letters from constituents, all four against it.

Most of the issues before us recently the people are very concerned about. One day after they are in the public domain, we are hearing from our constituents. Not so on this one.

I believe that it is far more important that I come to the floor and not give you my views—because I would suspect, just like he says, especially since I find that he thinks every time you qualify, you have to certify that you do not want to register to vote, which could become a rather frequent event—I think it is important that we listen to this kind of people.

This is not a motor-voter bill. This secretary is not writing me about motor-voter. He is writing me about something else in this bill that talks about public institutions, institutions like the Department of Labor, across this country. And I tend to agree that this secretary has put his finger right on the mark. In the interest of saying, "We want to help you register," what we are also doing is saying it to people who might not want to register, as he says, because they do not want to do it in the unemployment office because they are fearful it has some effect on the unemployment. It turns out to be far more than giving them a voluntary opportunity to participate in our democracy by voting by making it easier for them to register. It turns out that it has potential to do some real harm. And he uses the word "irreparable."

Mrs. BOXER. Mr. President, I rise in strong support of the National Voter Registration Act.

With the adoption of the 15th amendment to the Constitution in 1871, our Nation extended the franchise to African-American men. Nearly 50 years later, women won the right to vote. And democracy was extended to all Americans age 18 and over. Despite these constitutional guarantees, barely half of all eligible Americans actually vote.

Why do not more Americans vote? There are a variety of reasons. Some are apathetic. Some believe that their votes will not make a difference. But Mr. President, the experts agree that millions of Americans are unable to exercise their constitutionally protected right to vote simply because they are not registered.

The data are indisputable. According to the Census Bureau, over 85 percent of those registered actually vote. If we want to increase voter turnout rates, we must increase registration rates.

The motor-voter bill will do just that by making registration more available and accessible. Nearly 90 percent of all Americans have a driver's license, and the applications they are required to complete are nearly identical to voter registration forms. Combining these applications makes simple common sense.

Nearly 90 percent of all eligible Americans could be registered under the motor-voter provisions of this bill, but there is more. People could also register at unemployment or public assistance offices. And finally, this bill requires all States to allow registration by mail—a system currently used successfully in a majority of the States.

Opponents of this legislation have reached deep into a familiar bag of tricks to come up with arguments against this bill. They say it will result in rampant fraud or that it infringes on States rights.

Mr. President, we know these arguments so well because we have heard them all before. We heard them from legislators opposed to expanding the franchise to freed slaves because they thought that African-Americans would be easily confused into selling their votes. We heard them from legislators who argued that newly enfranchised women would simply fall under the influence of their husbands and waste their votes. And we heard them from legislators who argued that college students were incapable of exercising the right to vote because they would be so easily influenced by their professors.

These arguments were wrong in the past and they are wrong today.

Opponents of this legislation have found one new argument—that the costs associated with motor-voter registration would damage several fragile State economies. In debate last week, the junior Senator from Kentucky, Senator McCONNELL, discussed California's economic situation at great length. He said that my State was in a depression, said that its finances were in a severe crisis twice, and referred to its economic problems alternately as difficult, devastating, severe, serious, and enormous. Passing this legislation, he argued, would exacerbate California's problems.

I must say that I was touched by my colleagues' concern for my State and I trust that his distress will lead him to support the President's economic plan, which will help provide the relief that California so desperately needs. Furthermore, I hope that he will support my efforts and those of Senator FEINSTEIN to obtain funding to help California mitigate the cost of immigration and to help displaced defense industry workers retrain for other jobs.

California needs that help now more than ever. According to statistics released last Friday by the Bureau of Labor Statistics, California's unemployment rate jumped three-tenths of 1 percent last month, while unemployment nationwide declined slightly. The unemployment rate in my home State now stands at a staggering 9.8 percent—2.8 percent above the national rate.

So we will have an excellent opportunity to help California, and I trust that the junior Senator from Kentucky will be my ally in that effort. I want to make one point crystal clear about motor-voter. Despite the comments by the junior Senator from Kentucky, there is broad support for this legislation in California. Increased participation in the political process is a very important goal of our people and the State's leaders.

On Thursday, three constitutional officers of the State of California contacted the chairman of the Rules Committee, Senator FORD, to express their support for this bill and clarify that the costs that California may incur have been greatly exaggerated in debate on S. 460.

March Fong Eu, California's Secretary of State for 18 years, wrote to reiterate her support. She writes:

> It would be a travesty to oppose this bill on the grounds that we should not pay the relatively modest price for providing for the exercise of the people's right to vote.

The junior Senator from Kentucky had dismissed Secretary Eu's support for this measure, arguing that as secretary of state she is unconcerned with the financial implications of this legislation. Mr. President, March Fong Eu is a life-long public servant who has dedicated her career to the health and well-being of the State of California. Of course she is concerned with costs. She supports the National Voter Registration Act because she knows that its benefits are compelling.

Gray Davis, the State controller—a man very much concerned with California's economic vitality—writes:

> Opponents of the legislation have raised the issue of cost as a reason to block this important initiative. As California's chief fiscal officer, I believe their concerns are overstated and should not overshadow the clear benefits of this bill.

And finally, Leo McCarthy, California's distinguished Lieutenant Governor, also wrote to share his view with us. Quote, "I urge quick action by the Senate to approve S. 460."

I will ask unanimous consent that these three letters appear in the RECORD at the end of my remarks.

Mr. President, the issue of cost is a legitimate one, but S. 460 addresses it fully. Last week, Senator McCONNELL cited a letter that said it would cost California $26 million to implement motor-voter. Actually, it is impossible to determine the exact cost of this legislation to California or any other State because the bill allows individual States flexibility in implementing the program.

For example, S. 460 neither requires nor necessitates the computerization of the voter registration process. To save money, the District of Columbia implemented its motor-voter program without computers. That was the District's choice.

Furthermore, there are substantial offsets to the costs States may incur. Enacting the bill would equalize the demand to register over the entire year, eliminating the traditional preelection rush. States would no longer need to hire part-time employees or pay extensive overtime costs as registration deadlines approach. The Congressional Budget Office estimates that this could save local election officials $10 million in Presidential election years and $7 million in non-Presidential election years.

Also, the bill includes a postal rate reduction for all mailings required by the bill. CBO estimates that such low-cost mailings would save States about $2 million annually.

But we do know one thing for certain. If, as I and other supporters of this bill fully expect, this legislation results in higher registration and turnout rates, it will result in higher election costs. As more people vote, election costs rise. There are more sample ballots to print and mail, more precinct workers to hire, and more votes to count. This is economic reality. It is the price of democracy. It is the cost of the expansive nature of our democracy.

To those who are using the issue of cost to oppose this expansion of democracy, let me say to you, trust the people. Do not fear them. Reach out to the people by passing this motor-voter bill as your predecessors reached out to give nonproperty owners the right to vote, African-Americans the right to vote, women the right to vote, and 18-year-olds the right to vote. Reach out to the people and our Nation will grow stronger.

I believe that those opposing this bill are less afraid of fraud or cost than of change. I will be first to admit that I do not know the political consequences of unleashing millions of new voters into the electoral process. But Mr. President, I believe that we must not fear change, we must have the courage to embrace it.

In his inaugural address President Clinton urged us to, "resolve to reform our politics, so that power and privilege no longer shout down the voice of the people." Mr. President, today we have the chance to arm the people's voice with democracy's mightiest weapon. We dare not let this historic opportunity slip by.

I ask that the letters to which I referred be printed in the RECORD.

There being objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF CALIFORNIA,
Sacramento, CA, March 4, 1993.

Hon. WENDELL H. FORD,
Chair, Senate Committee on Rules and Administration, Russell Senate Office Building, Washington, DC.

DEAR SENATOR FORD: I am writing to express my very strong support for S. 460, the National Voter Registration Act of 1993.

California has long been at the forefront of making voting easier for our citizens. As Assembly Speaker I worked with Secretary of State March Fong Eu to enact registration by mail in 1976. I have long advocated agency-based registration as a further measure to enhance voter participation.

I urge quick action by the Senate to approve S. 460.

Sincerely,

LEO McCARTHY,
Lieutenant Governor.

CONTROLLER OF THE
STATE OF CALIFORNIA,
Sacramento, CA, March 4, 1993.

Hon. WENDELL H. FORD,
Chair, Senate Committee on Rules and Administration, Russell Senate Office Building, Washington, DC.

DEAR SENATOR FORD: I wish to lend my support to S. 460, the National Registration Act of 1993.

Opponents of the legislation have raised the issue of cost as a reason to block this important initiative. As California's chief fiscal officer, I believe their concerns are overstated and should not overshadow the clear benefits of this bill.

Exact costs will only be calculated once a specific implementation plan is determined. Furthermore, many of the costs will be one-time start-up costs, not on-going program expenditures. In any case, the cost would be but a fraction of the overall expense of holding an election.

Much of the additional expense is associated with having more people on the voter roles—an estimated 2.2 million new registrants. I believe we should not put a price tag on citizen participation, so long as those costs are within reason—which in this case they clearly are.

In the case of S. 460, the costs of registering more voters is very modest, especially compared to the overall administrative costs of holding an election.

I strongly urge passage of this legislation to expand participation in the electoral process.

Sincerely,
GRAY DAVIS,
Controller, State of California.

OFFICE OF THE SECRETARY OF STATE,
Sacramento, CA, March 4, 1993.
Hon. WENDELL H. FORD,
Chair, Senate Committee on Rules and Administration, Russell Senate Office Building, Washington, DC.

DEAR SENATOR FORD: I am writing to reiterate my continuing support for S. 460 and the programs embodied in this legislation to facilitate exercise of the franchise by all citizens. I have always supported registration by mail, "motor voter" and agency-based registration as workable, effective programs to increase voter participation.

I understand that there has been an effort to use the concerns I expressed in my letter to you dated March 13, 1991 regarding S. 250 as arguments against S. 460. This is nonsense. That letter reflected a compromise view at the time of a task force of elections officials in California. The task force expressed support for S. 250 but expressed concerns. Those concerns have largely been addressed in S. 460 and interpretive materials related to it.

There is, to be sure, the issue of funding. There will be costs associated with implementing S. 460; however, I believe that through proper implementation, they can be minimized. Much of the cost, actually, is driven by the fact that more people will be registered and voting and that, I submit, is simply the cost of democracy. It would be a travesty to oppose this bill on the grounds that we should not pay the relatively modest price of providing for the exercise of the people's right to vote. The fact is, in the context of the overall cost of conducting elections, the cost is modest indeed.

I have always supported voters to facilitate the right of citizens to vote. That is why I support S. 460.

If your staff has questions regarding this matter, please have them contact my chief deputy, Tony Miller, at 916-445-6371.

Sincerely,
MARCH FONG EU.

Unless the leadership wants the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations. Calendar 33, 34, 35, 36, and 37, and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I ask further unanimous consent that the Senate proceed to their immediate consideration and that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following officers of appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of section 593, 8218, 8373, and 8374, title 10 United States Code:

To be major general

Brig. Gen. Nora A. Astafan [redacted] Air Force Reserve.

Brig. Gen. Gerald F. Crum [redacted], Air Force Reserve.

Brig. Gen. Esker K. Davis [redacted] Air Force Reserve.

Brig. Gen. David C. Gildart [redacted] Air Force Reserve.

Brig. Gen. William F. Willoughby [redacted] Air Force Reserve.

To be brigadier general

Col. Alan H. Bruce [redacted] Air Force Reserve.

Col. Jim L. Folsom [redacted] Air Force Reserve.

Col. Danny A. Hogan [redacted] Air Force Reserve.

Col. Michael J. Quarnacci [redacted] Air Force Reserve.

Col. Keith T. Reiling [redacted] Air Force Reserve.

Col. Jerry Scott [redacted] Air Force Reserve.

Col. Donald B. Stokes [redacted] Air Force Reserve.

Col. James L. Turne [redacted] Air Force Reserve.

Col. Ralph M. Utterback, Jr [redacted], Air Force Reserve.

Col. Leonard D. Williams [redacted] Air Force Reserve.

Col. Robert J. Winner [redacted] Air Force Reserve.

The following named officer for appointment to the grade of lieutenant general on the retired list under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Charles J. Searock, Jr [redacted] United States Air Force.

The following named officers for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of Section 593, 8218, 8373, and 8374, Title 10, United States Code:

To be major general

Brig. Gen. Eugene R. Andreotti [redacted] Air National Guard of the United States.

Brig. Gen. Michael J. Bower [redacted], Air National Guard of the United States.

Brig. Gen. Michael S. Hal [redacted] Air National Guard of the United States.

Brig. Gen. Wallace D. Hegg [redacted] Air National Guard of the United States.

Brig. Gen. Gene A. Katke [redacted] Air National Guard of the United States.

Brig. Gen. Lawrence A. Maciariello [redacted] Air National Guard of the United States.

Brig. Gen. David J. Ris [redacted] Air National Guard of the United States.

Col. Larry K. Arnold [redacted] Air National Guard of the United States.

Col. Douglas Burnett [redacted] Air National Guard of the United States.

Col. Charles D. Burnfield [redacted] Air National Guard of the United States.

Col. John T. Byrd [redacted] Air National Guard of the United States.

Col. John J. Crawford, J [redacted] Air National Guard of the United States.

Col. Samuel G. Degeneres [redacted] Air National Guard of the United States.

Col. George A. Demers [redacted] Air National Guard of the United States.

Col. Thomas H. Despain [redacted] Air National Guard of the United States.

Col. Gary W. Felstead [redacted] Air National Guard of the United States.

Col. Jon C. Heaton [redacted] Air National Guard of the United States.

Col. Gary E. Kaiser [redacted] Air National Guard of the United States.

Col. Stephen G. Kearney [redacted] Air National Guard of the United States.

Col. Emmett L. McCutchi [redacted] Air National Guard of the United States.

Col. James McIntosh [redacted] Air National Guard of the United States.

Col. Melvyn S. Montano [redacted] Air National Guard of the United States.

Col. Donald L. Powell [redacted] Air National Guard of the United States.

Col. Thomas W. Powers [redacted] Air National Guard of the United States.

Col. Wilbur E. Rose [redacted] Air National Guard of the United States.

Col. Victor R. Schwanbeck [redacted] Air National Guard of the United States.

IN THE ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Edwin H. Burba, Jr [redacted] U.S. Army.

The U.S. Army National Guard officers named herein for appointment in the Reserve of the Army of the United States in the grades indicated below, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. James H. Garne [redacted].
Brig. Gen. Ronald O. Harriso [redacted].
Brig. Gen. Charles M. Hood, Jr [redacted].
Brig. Gen. Jan P. Wepste [redacted].
Brig. Gen. Clayton A. Hovda [redacted].
Brig. Gen. George W. Schule [redacted].

To be brigadier general

Col. Spessard Boatrigh [redacted].
Col. Henry Castillo [redacted].
Col. Charles O. Dillard [redacted].
Col. Richard S. Poole [redacted].
Col. Sharon K. Vander Zy [redacted].
Col. William B. Watson [redacted].
Col. Richard O. Carter [redacted].
Col. David W. Gay [redacted].
Col. Alben N. Hopkins [redacted].

Col. George J. Blysak [redacted].
Col. Dennis Fagan [redacted].
Col. Tommy F. Grier, Jr [redacted].
Col. Ronald K. Kerwood [redacted].
Col. Leroy S. Legowik [redacted].
Col. Joseph O. Nixon [redacted].
Col. John W. Hubbard [redacted].
Col. Jerry C. Smither [redacted].
Col. Paul G. Wisley [redacted].

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Molly J. Hall, and ending David A. Wagie, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Air Force nominations beginning Joseph H. Kwan, and ending James V. Simpson, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Air Force nominations beginning Richard V. Briggs, Jr., and ending Judith A. Volpe, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Air Force nominations beginning Michael A. Cuddihee, and ending Linda N. Foote, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Air Force nominations beginning Maj. Joseph J. Bulmer, Jr [redacted] and ending Maj. Frank D. Walterschei [redacted], which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Air Force nominations beginning Maj. Kathleen M. Ambrosia [redacted] and ending Maj. Gerald M. Schneide [redacted], which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Air Force nominations beginning Maj. Frank S. Arnone [redacted] and ending Maj. Richard E. Horn [redacted] which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Air Force nominations beginning Larry I Corman, and ending Richard L. Stahlman, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Air Force nominations beginning Paul J. Affleck, and ending Shawn M. Varney, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Air Force nominations beginning Jerald K. Aoki, and ending Agapito Miranda, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Air Force nominations beginning Raymond B. Abarca, and ending Todd C. Zumbehl, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Air Force nominations beginning Thomas R. Corbitt, and ending John F. Rivero, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 1993.

Air Force nominations beginning Bobby J. Abernathy, and ending Elias N. Souri, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 1993.

Air Force nominations beginning Major Christopher J. Cochran [redacted] and ending Major Deborah L.Har [redacted] which nominations were received by the Senate on January 19, 1993, and appeared in the Congressional Record of January 20, 1993.

Air Force nominations beginning Shyamali Armstrong, and ending Christopher A. Worley, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 1993.

Army nominations beginning John A. Bauer, and ending Frank J. Whalen, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Army nominations beginning Gerald E. Crocker, and ending Joseph A. Gagliardi, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Army nominations beginning Alan L. Blatterman, and ending Patricia A. Gustafson, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Army nominations beginning Rick Baccus, and ending Patricia D. Prechter, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Army nominations beginning *Celso G. Bolet, and ending Patricia A. Rikli, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Army nominations beginning Jerry L. Anderson, and ending James Coffey, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Army nominations beginning Charles E. Benson, and ending Clorinda K Zawacki, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Army nominations beginning Alfonso J Ahuja, and ending Robert Shakespeare, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Army nominations beginning Veron L. Benson, and ending Joseph B. Ezhaya, which nominations were received by the Senate on January 19, 1993 and appeared in the Congressional Record of January 20, 1993.

Marine Corps nomination of Michael F. Monigan, which was received by the Senate and appeared in the Congressional Record of January 5, 1993.

Marine Corps nomination beginning Robert E Braithwaite, and ending James L Sachtleben, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 1993.

Marine Corps nomination beginning David R Harman, and ending Dennis K Staver, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 1993.

Marine Corps nomination beginning Mark S Barnhart, and ending Clarence L Wallace, Jr, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 1993.

Marine Corps nomination of Frederick N. Shepard, which was received by the Senate and appeared in the Congressional Record of February 16, 1993.

Marine Corps nomination of William D Beydler, and ending Robert S Zak, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 1993.

Navy nomination of Robert Enrique Ybanez, which was received by the Senate and appeared in the Congressional Record of January 5, 1993.

Navy nominations beginning Jerry Wayne Bean, and ending Bruce Leon Hawk, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Navy nominations beginning Danny Wayne Armstrong, and ending William Earl Danka, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Navy nominations beginning John Francis Brown, and ending Jean Ann Thurber, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Navy nominations beginning Matthew Bernard Allmann, and ending Winston C. Thomas, Jr, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Navy nominations beginning Alan Douglas Ariel, and ending Robert Lee Thome, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Navy nominations beginning Russell Scott Anderson, and ending Cynthia Louise Spaid, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Navy nominations beginning Joseph F. Bagnick, and ending Michael F. Woelkers, which nominations were received by the Senate and appeared in the Congressional Record of January 5, 1993.

Navy nominations beginning Scott L. Ackley, and ending Kevin Robert Slates, which nominations were received by the Senate and appeared in the Congressional Record of January 20, 1993.

Navy nominations beginning Daniel Joe Franken, and ending Roland Michael Franklin, which nominations were received by the Senate on January 19, 1993, and appeared in the Congressional Record of January 20, 1993.

Navy nominations beginning Paul Frederick Blunt, and ending George Allen Zolla, Jr, which nominations were received by the Senate on January 19, 1993, and appeared in the Congressional Record of January 20, 1993.

Navy nominations beginning Gerald Roger Beaman, and ending Winston D. Wood, which nominations were received by the Senate on January 19, 1993, and appeared in the Congressional Record of January 20, 1993.

Navy nominations beginning David McDowell Brown, which nominations were received by the Senate on January 19, 1993, and appeared in the Congressional Record of January 20, 1993.

Navy nominations beginning Kent Michael Bayer, and ending Matthew John Flaherty, which nominations were received by the Senate and appeared in the Congressional Record of January 20, 1993.

Navy nominations beginning Robert William Alcala, and ending John Randloph Wood, which nominations were received by the Senate and appeared in the Congressional Record of January 20, 1993.

Navy nominations beginning Leonard R. Klein, and ending Andrew Jackson May, III, which nominations were received by the Senate on January 19, 1993, and appeared in the Congressional Record of January 20, 1993.

*Signifies nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. Mr. President, on behalf of the majority leader, pursuant to appropriate provisions of Public Law 102-246, the majority leader appoints the following individuals as members of the Library of Congress Trust Fund Board: John W. Kluge of New York and Arthur Ortenberg of New York.

GREEK INDEPENDENCE DAY—NATIONAL AGRICULTURE DAY

Mr. INOUYE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc from further consideration of the following joint resolutions: Senate Joint Resolution 22 designating Greek Independence Day and Senate Joint Resolution 36 designating National Agriculture Day, and that the Senate then proceed en bloc to their immediate consideration; that the joint resolutions be deemed read three times and passed en bloc, the preambles agreed to, and the motions to reconsider laid upon the table en bloc; further that the consideration of these items appear individually in the RECORD and any statements relating thereto appear in the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (Senate Joint Resolution 22) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 22

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas these and other ideals have forged a close bond between our two nations and their peoples;

Whereas March 25, 1993, marks the one hundred and seventy-second anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations were born: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1993, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

The joint resolution (S.J. Res. 36) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 36

Whereas agriculture is the Nation's largest and most basic industry, and its associated production, processing, and marketing segments together provide more jobs than any other single industry;

Whereas the United States agricultural sector serves all Americans by providing food, fiber, and other basic necessities of life;

Whereas the performance of the agricultural economy is vital to maintaining the strength of our national economy, the standard of living of our citizens, and our presence in the world trade markets;

Whereas the Nation's heritage of family-owned, family-operated farms and ranches has been the core of the American Agricultural system and continues to be the best means for assuring the protection of our natural resources and the production of an adequate and affordable supply of food and fiber for future generations of Americans;

Whereas the American agricultural system provides American consumers with a stable supply of the highest quality food and fiber for the lowest cost per capita in the world;

Whereas American agriculture continually seeks to maintain and improve the high level of product quality and safety expected by the consumer;

Whereas the public should be aware of the contributions of all people—men and women—who are a part of American agriculture and its contributions to American life, health, and prosperity;

Whereas women play a vital role in maintaining the family farm system, both as sole operators and as working partners, and are also attaining important leadership roles throughout the American agricultural system;

Whereas farm workers are an indispensable part of the agricultural system as witnessed by their hard work and dedication;

Whereas scientists and researchers play an integral part in the agricultural system in their search for better and more efficient ways to produce and process safe and nutritious agricultural products;

Whereas farmers and food processors are responding to the desire of health-conscious American consumers by developing more health-oriented food products;

Whereas distributors play an important role in transporting agricultural products to retailers who in turn make the products available to the consumer;

Whereas our youth—the future of our Nation—have become involved through various organizations in increasing their understanding and our understanding of the importance of agriculture in today's society;

Whereas it is important that all Americans should understand the role that agriculture plays in their lives and well-being, whether they live in urban or rural areas;

Whereas since 1973, the first day of spring has been celebrated as National Agriculture day by farmers and ranchers, commodity and farm organizations, cooperatives and agribusiness organizations, nonprofit and community organizations, other persons involved in the agricultural system, and Federal, State, and local governments; and

Whereas 1993 marks the twentieth celebration of National Agriculture Day; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 20, 1993, is proclaimed "National Agriculture Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities during the week of March 14, through March 20.

MEASURE PLACED ON CALENDAR

Mr. INOUYE. Mr. President, I ask unanimous consent that H.R. 890, a bill relating to FDIC treatment of unclaimed deposits, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAUTHORIZATION OF THE EXPORT ADMINISTRATION ACT OF 1979

Mr. INOUYE. Mr. President, in behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 6, H.R. 750, an act to extend the Export Administration Act of 1979; that the bill be deemed read three times and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I rise in support of H.R. 750, a bill that renews and extends the Export Administration Act [EAA] through June 30, 1994, and authorizes appropriations under that act for fiscal years 1993 and 1994.

The EAA permits the President to control exports for purposes of national security, foreign policy, and domestic short supply. It provided the statutory basis for the export control regime the United States used during the cold war to deny the Soviet Union and its allies critical technologies which could have been used to strengthen their military capabilities.

Almost 4 years ago the Banking Committee began to develop legislation to refocus our export control system as the cold war was ending. Congress, in 1989 and 1990, spent countless hours on this matter and developed a bill, H.R. 4653, that: First, streamlined our national security controls governing exports to the newly emerging democracies of Eastern Europe; second, instituted new export controls on goods that could assist renegade governments to develop chemical and biological weapons and the means to deliver them; and third, imposed sanctions on Iraq for its invasion and occupation of Kuwait. The conference report on H.R. 4653 was sent to President Bush in October 1990. Conferees had labored in full consultation with the administration to ensure that the new controls H.R. 4653 fashioned on chemical and biological weapons and the means to deliver them would be acceptable and effective.

Despite this, shortly after the Senate passed the conference report, we began to hear reports that some of President Bush's advisers were recommending that he veto the bill. They complained H.R. 4653 did not provide the President with complete discretion to waive sanctions against foreign companies that knowingly and materially assisted in the development and/or use of chemical and biological weapons, or against countries that used such weapons in violation of international law. To head off a veto 79 Senators wrote to President Bush on October 27, 1990, and urged him to sign the conference report. He refused to do so and the EAA which expired on September 30, 1990, remained lapsed.

Immediately after the opening of the 102d Congress in 1991, the Senate passed S. 320, which was almost identical to the EAA conference report vetoed by President Bush. The House ultimately passed its own bill, H.R. 3489, which included new provisions to tighten controls on nuclear proliferation. These controls were unacceptable to the Bush administration, and its officials made threats to veto any new conference report containing such provisions. In October 1992, conferees met and agreed to postpone consideration, until 1993, of the nuclear provisions of H.R. 3489 that the Bush administration found unacceptable. All other differences were reconciled, and the new conference report on H.R. 3489 which renewed and amended the EAA was passed by the Senate on October 8, 1992, without any objection. Unfortunately a small group of House Members blocked H.R. 3489's final passage in that body on the last day of the 102d Congress, and once again legislation renewing and amending the EAA failed to pass.

Since the EAA's expiration on September 30, 1990, our export control system has been operated by the executive branch pursuant to an Executive order issued under the authority of the International Emergency Economic Powers Act [IEEPA]. That act, which is to be used during international economic emergencies was not designed to be used on a continuing basis to authorize our export control system. The Commerce Department, in fact, now faces some legal challenges to its authority to continue to operate our export control regime under the IEEPA. In addition, some have questioned whether the antiboycott provisions of the EAA are enforceable under the IEEPA.

At the moment, most of the legal challenges are still in litigation. Continuously battling these challenges to the Department's authority diverts essential financial, legal, and technical resources from that Department's fundamental task of administering an effective export control system.

In addition to the legal challenges, IEEPA provides inadequate law enforcement authority. For example, the EAA gives agents of the Commerce Department key investigative powers, such as the ability to execute search warrants which are absent under IEEPA. Therefore, the Department has been forced to deputize agents as Special Deputy U.S. Marshals whose status must be renewed periodically.

On February 12, 1993, Secretary of Commerce Ron Brown wrote to me and asked that we pass on extension of the EAA. In that letter he noted that the "IEEPA is not ideally suited to serve for an extended period of time as the authority to administer our system of export controls." He further noted that an extension of the EAA "would provide an opportunity for the administration and the Congress to collaborate in a major refashioning of this statute * * * to reflect the enormous changes in world conditions that have occurred since the act expired."

In response to a letter written to him by Senators D'AMATO and MACK, President Clinton himself wrote a letter to them on February 23, 1993, asking for an extension of the EAA "to provide an opportunity for the administration and Congress to collaborate in a major refashioning of our system of export controls." I look forward to working with President Clinton and the new administration in doing so.

We must fashion a system of export controls that safeguards our national security interests in preventing proliferation of nuclear, chemical, and biological weapons and the means to deliver them. Last October, the Banking Committee held a hearing examining how United States licensed exports helped Iraq strengthen its military machine prior to its invasion of Kuwait. We must develop an export control regime that will prevent such occurrences in the future.

If, however, we are going to stop U.S. companies from making certain types of exports to predator nations, we must ensure other civilized nations do the same. Otherwise we are not achieving the purposes of our own controls. A multilateral approach to this matter is called for. During the period of the cold war, we achieved such a system in the Cocom and worked together with our allies to deny critical technologies to the Soviet Union. We must do the same thing now with regard to terrorist and other predator nations.

The Banking Committee will make recrafting an effective export control regime a top priority in this new Congress. I welcome a chance to work with President Clinton and his administration in doing so.

Mr. SARBANES. Mr. President, I rise in support of H.R. 750, a bill which would reauthorize the Export Administration Act through June 30, 1994.

The Export Administration Act has been out of force since September 30, 1990. In that year the Congress passed a reauthorization of the EAA, which I helped manage as chairman of the Subcommittee on International Finance and Monetary Policy of the Senate Banking Committee. Unfortunately, the bill was pocket-vetoed by the President because of objections to provisions in the bill which would have imposed sanctions on countries which use chemical and biological weapons. The President invoked the authority of the International Emergency Economic Powers Act [IEEPA] in order to continue controls on exports absent the authority of the EAA.

In the last Congress considerable efforts were made to reauthorize the Export Administration Act based on the bill passed by the Congress in 1990. Both the House and the Senate passed a bill, and a conference committee met to resolve the differences. An agreement was reached, and a conference report was sent back to the Senate and House at the end of last year. The conference report passed the Senate, but unfortunately the House was unable to act on the conference report prior to adjournment.

As a result, export controls have been imposed by the President for over 2 years now, pursuant to the authority of the International Emergency Economic Powers Act. That act was intended for the exercise of emergency economic powers by the President, not for the routine enforcement of an export control regime. For that reason alone, I believe it is imperative that the EAA be reauthorized so that our export control system can be placed back under the appropriate law.

In addition, there are other serious consequences for continuing the enforcement of export controls pursuant to IEEPA. According to information provided to the Banking Committee by the Commerce Department, nothing in IEEPA is addressed to the matters covered by section 8 of the EAA—preventing cooperation by United States persons with the Arab boycott of Israel. The Government is asserting that the language of IEEPA is broad enough to support the antiboycott regulations, but this has been questioned and no court has yet ruled on the issue.

The administrative law judge of the Commerce Department, whose position is provided for in the EAA, has raised a number of problems posed by the lapse of EAA. These include whether he has authority to conduct administrative enforcement proceedings and whether there is authority for the position of under secretary of Commerce for Export Administration, which is created by the EAA.

In addition, there are significant differences in the penalty levels for violations of IEEPA and for violations of the EAA. IEEPA penalty levels are $10,000 for civil violations and $50,000 for criminal violations. The EAA civil penalty level for violation of national security export controls is $100,000. EAA criminal penalties go up to the greater of $1 million or five times the export value. Both laws provide for imprisonment, but IEEPA lacks an export denial order provision.

Finally, section 12 of the EAA conferred needed investigative powers on Commerce's special agents for the execution of search warrants and arrests. There are no comparable provisions in IEEPA. As a result, the Commerce and Justice Departments have had to resort to the complicated process of having U.S. marshals deputize Commerce agents.

For all of these reasons, it is imperative that the Export Administration Act be reauthorized. The administration, through a letter from Commerce Secretary Brown which I am including for the RECORD, has requested a simple extension of the EAA. The bill before the Senate, H.R. 750, would provide a simple reauthorization of the EAA through June 30, 1994, at the same authorization level as provided for in last year's conference report.

There were several important provisions contained in last year's conference report which should be enacted into law. These included sanctions on countries which engage in the proliferation of nuclear weapons, a set of principles to guide the conduct of United States companies in the Peoples Republic of China, and a number of constructive reforms of the export control system. However, to attempt to reenact the conference report at this point would require an extensive review by the new administration and by the Congress. The immediate objective is to put the basic authority of the Export Administration Act back in place.

For that reason. Mr. President, I support the simple extension of the authority of the Export Administration Act contained in H.R. 750, and urge its adoption by my colleagues.

I ask unanimous consent that the letter from Ronald H. Brown be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,
Washington, DC, February 12, 1993.

Hon. PAUL S. SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: I am advised that the Senate Committee on Banking, Housing and Urban Affairs will soon consider a bill that would extend for a short-term the Export Administration Act of 1979 (EAA) and authorize appropriations for fiscal years 1993–94 to administer the EAA, but would not otherwise amend the law.

The Administration supports a short-term extension of the EAA.

Since September 30, 1990, the Government has been required to control exports using the emergency authority granted to the President under the International Emergency Economic Powers Act (IEEPA). IEEPA is not ideally suited to serve for an extended period of time as the authority to administer our system of export controls. For this reason, I believe all interested parties would benefit from a renewal of the EAA.

More importantly, a short-term extension of the EAA would provide an opportunity for the Administration and the Congress to collaborate in a major refashioning of this statute—one that will not only reflect regulatory improvements already adopted by the Department of Commerce, but also reflect the enormous changes in world conditions that have occurred since the Act expired.

I look forward to working with you and the other Members of the Congress in formulating an effective EAA.

The Office of Management and Budget has advised that there is no objection to the submission of this letter to the Congress from the standpoint of the President's program.

Sincerely,

RONALD H. BROWN.

Mr. SASSER. Mr. President, I rise today in support of legislation to renew and extend the Export Administration Act [EAA] through June 30, 1994, and authorize appropriations for fiscal years 1993 and 1994. The EAA allows the President to control exports for the purposes of foreign policy, national security, and domestic short-supply.

The Export Administration Act expired on September 30, 1990, and has remained lapsed ever since. Although both the Senate and the House of Representatives passed reauthorization and reform legislation in the 101st Congress, President Bush's veto prevented renewal of the EAA. In the 102d Congress, the Senate passed a conference report on the EAA, but the House failed to pass it. As a result, the executive branch has operated the export control system by Executive Order under the authority of the International Emergency Economic Powers Act [IEEPA].

Earlier this month, Secretary of Commerce Ronald H. Brown wrote to the chairman of the Banking Committee in support of the temporary reauthorization legislation before the Senate today. In his letter, Secretary Brown pointed out that "IEEPA is not ideally suited to serve for an extended period of time as the authority to administer our system of export controls. For this reason, I believe all interested parties would benefit from a renewal of the EAA." Secretary Brown added that the administration recognizes the need to reform the EAA to "reflect the enormous changes in world conditions."

Indeed, the EAA was written to address our Nation's export concerns during the cold war. Today, the world landscape has changed significantly, and the EAA needs to change with it. Through reform of the EAA, we can better enable U.S. exporters to effectively participate in the world economy. Such reform will make U.S. firms more competitive in the global marketplace.

As the new chairman of the International Finance and Monetary Policy Subcommittee of the Banking Committee, I look forward to working with the chairman of the full committee, Senator RIEGLE, and the administration on developing an export control bill that will deal with the current realities and needs for export control.

Mr. D'AMATO. Mr. President, I rise in support of H.R. 750, an extension of the Export Administration Act of 1979. This important statute expired in September 1990. Since that time the Government has relied upon the International Emergency Powers Act to administer and enforce the system of export controls. I believe it is important to put the law back on the books. Exporters have been challenging the legitimacy of the emergency powers in the courts and without these authorities sensitive exports can go abroad unchecked.

The House of Representatives passed a simple extension of the act through June 30, 1994. I support the passage of this bill, but this legislation is only a temporary fix. The Congress will be considering a comprehensive rewrite of the Export Administration Act during the next year. Our world has changed drastically since the original legislation was crafted in the late 1970's. The containment of nuclear, chemical, and biological proliferation is now the primary goal of any export control policy and I strongly believe the Export Administration Act should be rewritten with these considerations in mind.

Last year, the Senate passed a conference report on the Export Administration Act, but the House of Representatives failed to pass the bill prior to the conclusion of the 102d Congress. The conference report recognized some of the changes which have occurred around the world. I would prefer that we act on the conference report; however, I also believe the President must have the clear authority to control the export of sensitive technologies as soon as possible. The interim step of a simple extension will give the President the requisite authority for export licensing.

Everyone is in agreement about the need for a rewrite of the basic statute, which will recognize the breakup of the Soviet Union. However, I am interested in going much further than simply adjusting the law to recognize the new world map. Last week, Senator MACK and I wrote to President Clinton in an effort to focus attention on the need to consider a change in how the executive branch is organized with respect to export licenses. Mr. President, I ask unanimous consent that the full text of the letter be printed in the CONGRESSIONAL RECORD, at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. D'AMATO. President Clinton responded to our letter. The President has acknowledged the need to review the system of export controls and has requested a comprehensive review of the export control system. I applaud him for these efforts. I ask unanimous consent that the full text of the letter be printed in the CONGRESSIONAL RECORD, at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. D'AMATO. Mr. President, I was impressed by his interest in this complicated process and hope he continues to demonstrate a commitment to balancing our national security interests and the need for business to export products. I firmly believe that after reviewing the system of export licensing, President Clinton will recognize the necessity for changing the way our system functions.

While we await the outcome of the administration's review, I intend to introduce legislation in the near future which will look at the overall organization of the export licensing process. The proposal will address the major technology security challenges of the 1990's, including interagency gridlock over export policy, increasingly diverse proliferation problems in the Third World, and the growing economic security challenges facing the United States.

The present system of export controls is bound to create more failures and breakdowns, like the situation in Iraq. Our soldiers, or those of our allies, will needlessly face either our own technology, or that of our allies. The legislation I intend to propose will remove inherent conflicts in the present system. The legislation will reject the notion underlying the present system that debate among Commerce, Defense, and State can produce decisions characterized by the optimal balance of commercial, security, and foreign policy interests. It has become painfully clear that tough licensing decisions are never brought to a resolution, unless forced by overwhelming external pressure from Congress or our allies. Again, I state that the reasons for policy gridlock are endemic to the system and will remain until the system itself is reformed.

Mr. President, I am pleased the Senate is acting with dispatch upon this extension of the Export Administration Act. I would also continue to urge President Clinton to seriously consider not only a rewrite of the act, but also complete a reorganization of the export control system.

EXHIBIT 1

COMMITTEE ON BANKING, HOUSING,
AND URBAN AFFAIRS,
Washington, DC, February 17, 1993.

Hon. BILL CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing in response to Secretary of Commerce Ronald H. Brown's, letter to us in support of an extension of the Export Administration Act of 1979 (EAA). Yesterday, the House of Representatives passed an extension of the Act through June 30, 1994, as a stop-gap measure, pending a comprehensive rewrite of the EAA. The Congress hopes to complete action on the rewrite prior to the expiration of the simple extension.

We intend to support the EAA extension when it comes before the Senate. However, as the Congress embarks on rewriting the EAA, it is important for us to know that the Administration is committed to a reorganization of the export control bureaucracy. We believe the current system is inadequate to deal with the new national security challenges.

As you know, the current export control system was designed to address the Cold War imperative of preventing the Soviet Union from acquiring militarily sensitive technologies. However well or poorly the system may have worked in the past, it is ill-equipped to deal with today's national security threats. The United States has a major interest in preventing additional countries from acquiring weapons of mass destruction, as the war with Iraq amply illustrates. Our current export control system, if not a complete failure in this area, falls short of meeting the goal of preventing the spread of nuclear, chemical and biological weaponry.

In the past, our export control system has been characterized by intense rivalries between departments with differing institutional approaches toward export controls. There is no incentive within the bureaucracy to refine the responsibilities for export control. The resulting bureaucratic maze has been difficult for exporters, and less than ideal for our national security.

We are profoundly skeptical the current system, split among Commerce, Defense, and State, will successfully balance today's commercial, security, and foreign policy interests. Tough issues are not resolved, unless forced by overwhelming external pressure from Congress or our allies. We believe the reasons for policy gridlock are endemic to the system and will remain, until the system is reformed.

Since each department has strong and entrenched interests in this area, we believe a comprehensive reorganization must come from a body which is able to mediate between departments and has the authority of the President, such as the National Security and National Economic Councils. We recognize many of the subcabinet appointees, who will be critical in designing the Administration's export control framework, are not yet in place. However, we would ask the Administration to propose a comprehensive reorganization plan.

We look forward to reviewing the Administration's goals for reorganization and we believe the effort will be best focussed by setting a deadline up front. We respectfully request the Administration commit to outlining a reorganization plan by the end of September, 1993. This date would enable Congress to hold hearings this fall and act upon legislation early next year, prior to expiration of the Act. If the Administration presents a reorganization plan by that time, it will facilitate Congress's job of rewriting the Export Administration Act.

We thank you for your attention to this important matter, and look forward to your response, and to moving forward with the bill to extend the Export Administration Act.

Sincerely,

ALFONSE D'AMATO.
CONNIE MACK.

EXHIBIT 2

THE WHITE HOUSE,
Washington, February 23, 1993.

Hon. ALFONSE M. D'AMATO,
U.S. Senate, Washington, DC.

DEAR SENATOR D'AMATO: Thank you for the co-signed letter with Senator Mack regarding an extension of the Export Administration Act (EAA). I appreciate your willingness to support a short-term extension of the EAA when it is considered by the Senate in the very near future. As Ron Brown, Secretary of Commerce, said in his recent letter to you, this short-term extension will provide an opportunity for the Administration and the Congress to collaborate in a major refashioning of our system of export controls.

I agree with you that recent changes in world conditions and relationships require that we do a thorough and comprehensive review of all aspects of the export control system. I also agree that the procedures used by the agencies charged with export control responsibilities should not make it more difficult for U.S. exporters to compete in international markets, so long as U.S. national security interests are adequately protected.

The Administration has not, at this point, discussed whether a reorganization of export control functions is necessary. I have, however, initiated a thorough review of the export control system and will make this review a top priority of the officials responsible for export control policy. We will seriously consider the option that you have presented, along with any other views on export controls that you may have, as we formulate our approach to a new EAA.

The Administration will consult with you and other members of Congress as we design and implement an export control system that is so critical for both the security and economic interests of the United States.

With best wishes,

Sincerely,

BILL.

I was impressed by your letter and look forward to working with you on this.

Mr. MURKOWSKI. Mr. President, the Senate is considering H.R. 750, the Export Administration Act [EAA]. I believe the Senate intends to act quickly on this bill, and I understand the reasons for doing so. There are many important provisions included within the EAA having to do with U.S. export controls which need to be reauthorized.

There is one provision of the bill which I do not believe should be reauthorized, and which, in fact, may be unconstitutional. I'm referring to the ban on the export on Alaska North Slope crude oil which is contained in the EAA.

Section 7(d) of the EAA totally prohibits the export of any oil which is transported through the trans-Alaska pipeline system, committing its entire through-put instead to domestic markets. Mr. President, this oil export ban is market distorting; it artificially holds down the price of both Alaska and California crude oil, it eliminates an opportunity to reduce our trade deficit, and it goes against the grain of the free market principles that the United States promotes throughout the world. This legislation should not move forward without raising the issue of the inequity of this ban that severely affects Alaska North Slope oil.

The export ban has created a glut of oil on the west coast of the United States. California oil production combined with 85 percent of all the oil produced from Alaska's North Slope has flooded the west coast markets. This has artificially lowered the wellhead prices for crude oil from both Alaska and California. Excess California and Alaska oil production is sent to the gulf coast at increased transportation cost, again reducing wellhead prices. I say artificial because studies have indicated that in the absence of a ban, Alaska oil could be sold around the Pacific rim for as much as three dollars a barrel more than it is sold in California. Artificially depressed wellhead prices in California and Alaska means less exploration, less production, fewer jobs, and lower revenues to the Federal and State governments.

The Nation's domestic oil industry is struggling to survive. Rig counts are the lowest in decades. Oil exploration and development capital is sent overseas. Lower wellhead prices will make it less attractive to explore and invest in California and Alaska or to undertake expensive enhanced oil recovery projects from existing oil fields.

Export of Alaska's crude oil would help reduce the trade deficit. Alaska is geographically closer to Japan and other Pacific rim countries than the Middle Eastern countries that are their traditional source of crude oil. Our trade deficit with Japan alone was back up to $50 billion last year. Lifting the ban would be one way to contribute to reduction of the trade deficit.

Mr. President, 10 years ago, in 1983, the GAO conducted a study on the effects of the export ban on Alaska oil. The study came out largely in favor of lifting the ban.

But there is an even more fundamental and compelling reason for lifting the ban. Prohibiting the State of Alaska from obtaining the full value of its oil unconstitutionally discriminates against the State and denies Alaska its entitlement to the resources of the State. This is a right guaranteed by the Alaska Statehood Act. It is a right guaranteed by the constitutionally supported doctrine that all States share equal footing with all other States.

Mr. President this is a ban against export of oil from State lands, not Federal lands. This is a discriminatory ban against Alaska. Only Alaska has a total export ban on nearly all its oil. Only Alaska is deprived of the full benefits of ownership and economic use of its property. This is an infringement on the constitutional rights of the State of Alaska and it should not be tolerated by this Congress.

This ban has a very real economic impact on my State. Eighty-five percent of the State's annual budget is funded from oil royalties. The State receives a 12.5 percent royalty from the oil produced from State land. For every dollar that the price of oil goes down, the State of Alaska loses $130 million in yearly royalty revenue. A $3 decrease in the price of oil adds up to a loss of $390 million each year.

Mr. President, I have come to the floor prepared to offer an amendment to the EAA to exempt the State of Alaska's royalty share of oil produced from lands owned by the State of Alaska from the EAA's export ban. This would actually affect a very small amount of the oil currently covered by the export ban, about 100,000 barrels per day. My amendment would be a small, but important, step in the right direction toward allowing the oil producers in Alaska the same right to compete in the international marketplace that farmers and manufacturers, and even oil producers all over the country enjoy.

However, I will not offer my amendment at this time. The chairman and ranking member of the Banking Committee have assured me that the Alaska crude oil export prohibition, specifically the exemption for State royalty oil, will be in the course of hearings on the reauthorization of the EAA. I am pleased that this distinguished committee will take the time to fully consider the impacts of the ban and address this issue of unconstitutional discrimination against one State. I hope and expect that after a review of the facts, the committee will be persuaded to correct this injustice.

Mr. MACK. I am pleased to rise in support of this bill to extend the Export Administration Act until June 30, 1994. As my colleagues have stated, the EAA has been out of force for too long and must be temporarily extended as the Congress works on a comprehensive rewrite of the act.

Mr. President, our export control system is in drastic need of an overhaul. The current system was designed primarily to prevent the Soviet Union from acquiring militarily sensitive technologies. That was an important goal and the current system, as flawed as it was, made an important and under-recognized contribution toward winning the cold war.

The challenge of today, however, is very different. Today we must find a way to prevent aggressive dictatorships from acquiring military useful technologies while minimizing the regulatory burden on legitimate exporters. Neither task will be easy to accomplish, but we must do our best to accomplish both.

We now know from the U.N. inspection efforts that Iraq was less than 5 years away from developing a nuclear weapon before the invasion of Kuwait. It is sobering to think of the choices our President would have faced if Iraq had possessed nuclear weapons on the day of the invasion of Kuwait. Luckily, Saddam Hussein did not wait for his own crash nuclear program to succeed. It is now clear that one of the greatest national security challenges for the United States will be to prevent rogue dictatorships like Iraq from acquiring weapons of mass destruction and advanced missile technology.

At the same time, we must do a better job at easing the burden that our export control system imposes on legitimate exporters who are trying to compete in an increasingly high-technology and fast-paced global marketplace. The current system, divided between competing bureaucracies at the State, Commerce, and Defense Departments has recently improved, but is still an exporter's nightmare. Small businesses that cannot afford to have someone spend full time dealing with export licensing have been particularly disadvantaged by the current system.

I, along with the ranking member of the full Senate Banking Committee, Senator D'AMATO, wrote to President Clinton urging that administration embark on "a reorganization of the export control bureaucracy." We believe that a reorganization is necessary in order to better balance today's commercial, security, and foreign policy interests.

In his response to our letter, President Clinton wrote that he has "initiated a thorough review of the export control system and will make this review a top priority of the officials responsible for export control policy." I would like to take this opportunity to thank President Clinton for his quick and forthcoming response to our letter, and am pleased to accept his offer to work closely with the administration as they review this issue.

Mr. MURKOWSKI. Mr. President, it is my understanding that the Senate has pending on its calendar the reauthorization of the Export Administration Act [EAA] and that the chairman and ranking member of the Banking Committee—the committee of jurisdiction—hope to see the Senate pass favorably the EAA.

I understand and appreciate this imperative. Nonetheless, there is a provision in the EAA which profoundly affects Alaska, which I have discussed with Senators RIEGLE and D'AMATO, and of which every Senator ought to be made aware. The EAA contains the major statutory provision prohibiting the export of Alaskan North Slope crude oil.

There have been major studies completed by both private and Government sources that examine the economic effects of this export ban. I have a statement which I intend to make which goes into greater detail. But the issue I have raised with my colleagues from Michigan and New York is that this is something I believe the Senate needs to pursue.

I had come to the floor prepared to offer an amendment to the EAA to exempt the State of Alaska's royalty share of oil produced on lands owned by the State of Alaska which accounts for a very small amount of the oil currently covered by the export ban. Under my amendment, the State's royalty share could be sold abroad with the result that State revenues in Alaska would rise, and the price of oil on the west coast would more closely mirror the market price of oil.

I want to point out, Mr. Chairman, that should my amendment some day become law, the vast majority of Alaskan North Slope oil, about 1.5 mill/bd, would not be effected by the exemption.

It is my understanding that the EAA will need to be reauthorized again by mid-1994 and that this authorization will be the subject of hearings in the Banking Committee prior to that time. I would seek the Senator from Michigan to agree to dedicate a hearing, or dedicate part of a hearing, to discuss my proposal to exempt the State of Alaska's royalty share of oil produced on land owned by the State of Alaska from the oil export ban contained in the EAA, and would ask if the Senator from Michigan will agree to hold such a hearing or dedicate part of a hearing to this subject?

Mr. RIEGLE. Yes; I would be pleased to dedicate a panel of a reauthorization hearing on the EAA to discuss the proposed exemption to the oil export ban of the EAA for the State of Alaska's royalty share, as proposed by the Senator from Alaska.

Mr. MURKOWSKI. I thank the Senator. I would further request that I have an opportunity to testify at that hearing, and would ask that the chairman include the Governor of Alaska, and a representative of the petroleum industry impacted by the export prohibition, and that the chairman will request the administration, when it testifies on EAA reauthorization, to specifically address this issue. Is that acceptable to the chairman?

Mr. RIEGLE. Yes; that is acceptable. It would be my intention to ask the administration to testify on the matter and also have a balanced panel of witnesses that would include those cited by the Senator.

Mr. MURKOWSKI. I would like to pose the same questions to the Senator from New York, the ranking Republican of the Banking Committee. Is it acceptable to the Senator from New York to dedicate a hearing, or a portion of a hearing, to discuss my proposal to exempt the State of Alaska's royalty share of oil from State lands from the oil export ban contained in the EAA, and to ask that, when the administration testifies on EAA reauthorization, this issue will be specifically addressed?

Mr. D'AMATO. Yes; I would be pleased to join the chairman in dedicating a panel of a reauthorization hearing on the EAA to the subject of exempting the State of Alaska's royalty share of oil produced from State land from the oil export ban of the EAA, and would be pleased to join the chairman in inviting Alaska's Governor, and affected industry representatives, and in asking the administration to specifically address this issue when they testify on the EAA reauthorization.

Mr. MURKOWSKI. I thank the Senator from Michigan and the Senator from New York for accommodating my request.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the Senator from Alabama [Mr. HEFLIN] as chairman of the Senate delegation to the North Atlantic assembly during the 103d Congress.

The Chair, on behalf of the Vice President, pursuant to 122 U.S.C. 276, as amended, appoints the Senator from California [Mrs. BOXER] as chairman of the Senate delegation to the Interparliamentary Union during the 103d Congress.

PENSION BENEFIT GUARANTY CORPORATION LEASE SETTLEMENTS ACT OF 1993

Mr. INOUYE. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Labor Committee be discharged from further consideration of S. 400, a bill to provide for the treatment of settlement agreements reached with the Pension Benefit Guaranty Corporation, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 400) to amend the Employee Retirement Income Security Act of 1974 to provide for the treatment of settlement agreements reached with the Pension Benefit Guaranty Corporation.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 81

(Purpose: To provide for the treatment of certain aircraft equipment settlement leases)

Mr. SIMPSON. Mr. President, I send a substitute amendment to the desk on behalf of Senator JEFFORDS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for Mr. JEFFORDS, proposes an amendment numbered 81:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aircraft Equipment Settlement Leases Act of 1993".

SEC. 2. TREATMENT OF AIRCRAFT EQUIPMENT SETTLEMENT LEASES WITH THE PENSION BENEFIT GUARANTY CORPORATION.

In the case of any settlement of liability under title IV of the Employee Retirement Income Security Act of 1974 entered into by the Pension Benefit Guaranty Corporation and one or more other parties, if—

(1) such settlement was entered into before, on, or after the date of enactment of this Act,

(2) at least one party to such settlement was a debtor under title 11 of the United States Code, and

(3) an agreement that is entered into as part of such settlement provides that such agreement is to be treated as a lease,

then such agreement shall be treated as a lease for purposes of section 1110 of such title 11.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 81) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aircraft Equipment Settlement Leases Act of 1993".

SEC. 2. TREATMENT OF AIRCRAFT EQUIPMENT SETTLEMENT LEASES WITH THE PENSION BENEFIT GUARANTY CORPORATION.

In the case of any settlement of liability under title IV of the Employee Retirement Income Security Act of 1974 entered into by the Pension Benefit Guaranty Corporation and one or more other parties, if—

(1) such settlement was entered into before, on, or after the date of the enactment of this Act,

(2) at least one party to such settlement was a debtor under title 11 of the United States Code, and

(3) an agreement that is entered into as part of such settlement provides that such agreement is to be treated as a lease,

then such agreement shall be treated as a lease for purposes of section 1110 of such title 11.

Mr. INOUYE. I move to reconsider the vote by which the bill passed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President and Members of the Senate, over the past few hours, I have discussed with the distinguished Republican leader, the managers of the bill, the Senators from Kentucky, and others, the status and prospects for the pending bill, the voter registration legislation.

The current status and my suggestion for dealing with it is as follows: Within the hour, we have received from our Republican colleagues a package of amendments, I believe eight in number, and those are now being reviewed by staff and Senators on the Democratic side. It is not possible to reach a decision with respect to those amendments this evening, and at my suggestion the distinguished Republican leader and the managers have agreed that the managers and staff will meet tomorrow to discuss these amendments to see if it is possible to reach agreement on them.

The Senate will not be in session tomorrow, but the Senate will come into session on Monday. By that time, we anticipate it will be clear whether or not an agreement can be reached. If an agreement has been reached, then we can proceed to dispose of those, either having them accepted or having record votes set for Tuesday. If an agreement has not been reached, and it appears not possible to proceed any further on the bill for that reason, I would file cloture on Monday with the understanding that we will then have a cloture vote on Tuesday as opposed to the 2-day wait. And I am going to momentarily ask unanimous consent to be able to do that.

My hope is that we can reach agreement. I think it is likely that some of the amendments will be accepted, some not accepted, on others modifications will be suggested to them. This is going to require negotiation in good faith on both sides, and I am confident that will occur. It seems to me this is the best way to proceed because we clearly cannot reach a conclusion this evening. There has to be a time for good-faith negotiations. The best time to do that is tomorrow. And then by Monday, we will know where we are and either bring the bill to a conclusion on Tuesday or have a cloture vote and see if it is possible to bring it to a conclusion.

Mr. President, before I put the unanimous-consent request, I would like to yield to the distinguished Republican leader to ask if I have in any way misstated the circumstances or our discussion that he correct me, and ask him to make any other additional comments he wishes to make.

Mr. DOLE. Mr. President, the majority leader has correctly stated where we are now, what we propose to do. I am not certain we can accept any modification of the proposal or offer made by the majority leader. But I think in fairness we certainly have to take a look at the counterproposal. The distinguished Senator from Kentucky [Mr. McCONNELL] is prepared to do that tomorrow.

I think we certainly can accommodate the unanimous-consent request. If cloture is filed on Monday, the vote would come on Tuesday.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I thank my colleague.

Accordingly, I ask unanimous consent that if a cloture motion is filed on the pending bill on Monday, the vote occur on Tuesday at a time to be set by the majority leader following consultation with the Republican leader, and with the live quorum to be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I had anticipated not being in tomorrow. I am advised that we have to be in to permit the Budget Committee to file its reported legislation, unless we get consent. I will put the consent, if that is agreeable to the Republican leader.

Mr. DOLE. We are checking.

Mr. MITCHELL. Mr. President, in either event, if we get consent, we will not be in. If we cannot get consent, we will come in for the purpose of allowing the report to be filed.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, pursuant to the previous discussion there will be no further rollcall votes today. There will be no rollcall votes tomorrow. We may be in session tomorrow depending upon whether or not I can obtain the consent for the filing of the concurrent budget resolution, and we will know that in a few moments as our colleagues are attempting to clear that.

I thank my colleagues for their cooperation. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEE TO REPORT

Mr. FORD. Mr. President, I ask unanimous consent that the Budget Committee be permitted to file reported legislation relating to the concurrent budget resolution on Friday, March 12, from 5 p.m. until 7 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I thank the Chair.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. MACK] is recognized.

ORDER OF PROCEDURE

Mr. MACK. Mr. President, I ask unanimous consent to address the Senate as if in morning business not to exceed more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. Thank you, Mr. President.

MFN RENEWAL FOR CHINA

Mr. MACK. Mr. President, in each of the last 3 years, I have argued against MFN renewal for China. I did so because it was the right thing to do.

In doing so, I opposed the President of my own party. We should not reward the butchers of Tiananmen Square. They should not have the same trade privileges that we extend to free nations.

I have made many statements in support of human rights in China. I was pleased to see candidate Clinton support the same principles. In his book, "Putting People First," he said:

> The Bush Administration erred by extending Most Favored Nation trade status to the People's Republic of China before it achieved documented progress on human rights.
>
> We should not reward China with improved trade status when it has continued to trade goods made by prison labor and has failed to make sufficient progress on human rights since the Tiananmen Square massacre.

But now, we are told that the administration will soften its campaign stance. Once again, President Clinton has broken his promise to the American people.

This time, however, it's not just the American people who are being betrayed. It is the over 1 billion Chinese striving for freedom and democracy in their own land.

He promised not to "coddle tyrants from Baghdad to Beijing," as he said at the Democratic Convention. But now, he wants to coddle Beijing's tyrants a little longer.

As Americans pursue their own dreams and hopes for the future, the President continues to litter their path with his broken promises.

He promised to lower taxes on the middle class. But now, his economic plan would raise taxes on those with incomes of $20,000 and up.

He promised not to raise taxes on gasoline. But now, his proposed Btu tax would increase the price of a gallon of gasoline through the back door, as well as raise the price of other energy sources.

He promised to lift the punitive earnings cap on social security recipients, and to enact the line-item veto to get rid of wasteful spending. But now, sadly, he is conspicuously silent on both.

The President has made many solemn promises and pledges during his campaign. America will judge him, and rightly so, on whether those pledges are kept. Right now, however, those pledges are being abandoned at an alarming rate.

MURDER OF DR. DAVID GUNN

Mr. BRYAN. Mr. President, the murder yesterday of Dr. David Gunn while leaving his car to enter his medical clinic is heinous. Dr. Gunn was shot to death for the simple fact that he choose, as a physician, to provide legal abortion services.

Throughout my political career, I have been pro-choice, and I understand the intensely emotional aspects of the abortion issue for those on both sides of the issue. This country has always protected the rights of individuals to differ on an issue; such protection is the very foundation of our democracy. But that protection does not allow one individual to decide another individual will die, because they hold different positions on an issue.

In our diverse Nation, we must respect the views of all our citizens. The U.S. Constitution guarantees the right to freedom of speech. However, those who choose to publicly express their opinions must do so responsibly. Moreover, those who express their opinions must respect the rights of those individuals and organizations with whom they disagree.

In any instance where individuals react to the responsible expression of one organization with vehemence or, even worse, violence, then such individuals should be prosecuted to the fullest extent of the law. This applies to those who support as well as those who oppose abortion. As long as the law is being followed, individuals who choose abortion, and the physicians and other health care personnel who provide legal abortion services should not be threatened by those who disagree, and vice versa.

I am most troubled by yesterday's event. A physician who chooses to provide legal abortion services in the face of continual harassment of himself and his family is dead. A grieving family is without a father. This cannot be tolerated. The Senate must soon consider legislation to clarify the legal rights and limitations placed on abortion protests.

I extend my heartfelt sympathy to the family of Dr. David Gunn. And I pledge to do what I can to ensure such an act of violence never occurs again.

VIOLENCE AT ABORTION CLINICS

Mrs. BOXER. Mr. President, yesterday's shooting at the Pensacola Women's Medical Services Clinic is a tragic and outrageous chapter in the history of family planning clinic blockades.

Today, these blockades are no longer just peaceful expressions of disagreement. Clinics are bombed, vandalized and set on fire. The facilities are sprayed with butyric acid, a substance so foul smelling that those inside are forced to evacuate. Physicians' homes are picketed by antiabortion demonstrators, their names and addresses publicized on wanted posters and their lives, and the lives of their families, are threatened.

Decent Americans cannot allow this violence and horror to continue and we must move to ensure that it must not be repeated. The National Abortion Federation reported 186 such incidents of violence in 1992. They have reported 27 incidents just in the first 2 months of this year. In California this week, eight clinics in Riverside and San Diego Counties were sprayed with butyric acid and four health care workers were hospitalized for respiratory problems.

As an outgrowth of the Florida blockade, a dedicated physician was shot and killed in cold blood outside the clinic he was about to enter.

While at community meetings in my home State of California several weeks ago, I heard many distressing stories about the violence and threats directed at these health clinics. Choice Medical Group in Santa Cruz, CA, wrote to inform me of the frightening incidents they have experienced.

It is now the time to act. Antistalking laws, like the bill I have introduced to make stalking a Federal crime, can offer protection to health care workers when antiabortion protestors follow and threaten them.

But we need to go further to guarantee the safety of health care workers and the legal rights of women who choose to have an abortion. That is why I have pledged my support to Senator KENNEDY for upcoming legislation he will introduce to impose Federal penalties for antiabortion protestors who physically block access to clinics, or who commit actions which either permanently or temporarily render the facility unusable. I look forward to quick passage of this bill.

Violence has never solved any problem the world has faced. Let us join hands on all sides of the choice issue and end the violence.

MEASURE PLACED ON THE CALENDAR

The following measure, received from the House of Representatives for the concurrence on March 3, 1993, was read the second time and placed on the calendar:

H.R. 890. An act to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to improve the procedures for treating unclaimed insured deposits, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-637. A communication from the Acting Director of the United States Information Agency, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-638. A communication from the Director of the Export-Import Bank of the United States, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-639. A communication from the Chairman of the Federal Reserve Center, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-640. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-641. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-642. A communication from the Archivist of the United States, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-643. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-644. A communication from the Acting Assistant Secretary (Management), Department of the Treasury, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-645. A communication from the Executive Director for Government Affairs, Non-Commissioned Officers Association of the United States of America, transmitting, pursuant to law, the annual report of consolidated financial statements for calendar years 1991 and 1992; to the Committee on the Judiciary.

EC-646. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, notice relative to the economic stimulus proposals; to the Committee on Appropriations.

EC-647. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report entitled "The Location of Worst Case Needs in the Late 1980's"; to the Committee on Banking, Housing and Urban Affairs.

EC-648. A communication from the Acting Assistant General Counsel, Department of Energy, transmitting, pursuant to law, notice of a meeting related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-649. A communication from the Acting Assistant Secretary (Environmental Restoration and Waste Management), Department of Energy, transmitting, pursuant to law, notice of a study relative to the safety of shipments of plutonium by sea; to the Committee on Environment and Public Works.

EC-650. A communication from the Acting Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, the annual report on Assistance Related to International Terrorism Provided by the U.S. Government to Foreign Countries; to the Committee on Foreign Relations.

EC-651. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the Disposition of Highly Enriched Uranium Previously Exported from the United States; to the Committee on Foreign Relations.

EC-652. A communication from the Director (Office of Congressional Affairs), Nuclear Regulatory Commission, transmitting, pursuant to law, a corrective page for a report on the Disposition of Highly Enriched Uranium Previously Exported from the United States; to the Committee on Foreign Relations.

EC-653. A communication from the Acting Comptroller of the Department of Defense, transmitting, pursuant to law, a report on Program Activities For Facilitation of Weapons Destruction and Non-Proliferation in the former Soviet Union for the period from the October 1, 1992 through December 31, 1992; to the Committee on Foreign Relations.

EC-654. A communication from the President and Chief Executive Officer, Corporation For Public Broadcasting, transmitting, pursuant to law, a report entitled "Public Broadcasting: Ready to Teach"; to the Committee on Commerce, Science, and Transportation.

EC-655. A communication from the President and Chief Executive Officer, Corporation For Public Broadcasting, transmitting, pursuant to law, a report entitled "Lifelines of Learning: Distance Education and America's Rural Schools"; to the Committee on Commerce, Science, and Transportation.

EC-656. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition and Forestry, to the Committee on Environment and Public Works, to the Committee on Finance, and to the Committee on Foreign Relations.

EC-657. A communication from the Archivist of the United States, transmitting, pursuant to law, notice relative to the National Archives and Records Administration; to the Committee on Governmental Affairs.

EC-658. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Governmental Affairs.

EC-659. A communication from the Office of the Chair of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

EC-660. A communication from the Acting Assistant Attorney General (Office of Legislative Affairs), Department of Justice, transmitting, pursuant to law, the Attorney General's report on the Civil Rights of Institutionalized Persons Act for fiscal year 1992; to the Committee on the Judiciary.

EC-661. A communication from the Acting Director of Administration and Management, Department of Energy, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1992; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 80. A bill to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek Corridor Unit, the Big Sandy Corridor unit, and the Canyonlands Unit (Rept. No. 103-9).

S. 164. A bill to authorize the adjustment of the boundries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes (Rept. No. 103-10).

S. 214. A bill to authorize the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict (Rept. No. 103-11).

S. 252. A bill to provide for certain land exchanges in the State of Idaho, and for other purposes (Rept. No. 103-12).

S. 275. A bill to direct the Secretary of Agriculture to convey certain lands to the town of Taos, New Mexico, and for other purposes (Rept. No. 103-13).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 326. A bill to revise the boundaries of the George Washington Birthplace National Monument, and for other purposes (Rept. No. 103-14).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 328. A bill to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes (Rept. No. 103-15).

S. 344. A bill to direct the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Fox and Lower Wisconsin River corridors in the State of Wisconsin as a National Heritage Corridor, and for other purposes (Rept. No. 103-16).

S. 375. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers System, and for other purposes (Rept. No. 103-17).

S. 433. A bill to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish, Louisiana, and for other purposes (Rept. No. 103-18).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WELLSTONE:

S. 562. A bill to amend the Fair Labor Standards Act of 1938 to increase and index the Federal minimum wage relative to the average hourly earnings for private, non-agricultural workers, and for other purposes; to the Committee on Labor and Human Resources.

By Ms. MOSELEY-BRAUN (for herself, Mr. SHELBY, and Mr. MCCONNELL):

S. 563. A bill to require CBO analysis of each bill or joint resolution reported in the Senate or House of Representatives to determine the impact of any Federal mandates in the bill or joint resolution; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. FORD (for himself and Mr. STEVENS):

S. 564. A bill to establish in the Government Printing Office a means of enhancing electronic public access to a wide range of Federal electronic information; to the Committee on Rules and Administration.

By Mr. WARNER (for himself and Mr. HELMS):

S. 565. A bill to amend the Internal Revenue Code of 1986 to improve disclosure requirements for tax-exempt organizations; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. NUNN, Mr. DURENBERGER, and Mr. BINGAMAN):

S. 566. A bill to amend title 5, United States Code, to provide that service performed by air traffic second-level supervisors and managers be made creditable for retirement purposes; to the Committee on Governmental Affairs.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ROBB, Mr. WOFFORD, and Mr. SPECTER):

S. 567. A bill to assist in the restoration of the Chesapeake Bay, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BRYAN (for himself, Mr. MCCAIN, and Mr. GORTON):

S. 568. A bill to strengthen the authority of the Federal Trade Commission regarding fraud committed in connection with sales made with a telephone, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERREY (for himself, Mr. DURENBERGER, Mr. PRYOR, Mr. EXON, Mr. DASCHLE, Mr. HARKIN, Mr. CONRAD, Mr. WELLSTONE, Mr. GRASSLEY, and Mr. DORGAN):

S. 569. A bill to amend the Agricultural Act of 1949 to improve the farmer owned reserve program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY (for himself, Mr. EXON, Mr. DOLE, Mr. KERRY, Mr. BRYAN, Mr. PRESSLER, Mr. STEVENS, Mr. BURNS, Mr. LOTT, Mr. HATCH, Mr. THURMOND, Mr. SIMON, Mr. KOHL, Mr. BROWN, Mr. PRYOR, Mr. SASSER, Mr. CONRAD, Mr. WOFFORD, Mr. BOND, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. SMITH, Mr. HARKIN, Mr. D'AMATO, Mr. BINGAMAN, Mr. BUMPERS, Mr. NICKLES, Mr. COCHRAN, Mr. DURENBERGER, Mr. DASCHLE, Mr. MURKOWSKI, Mr. SHELBY, and Mr. RIEGLE):

S. 570. A bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure; to the Committee on Commerce, Science, and Transportation.

By Mr. DURENBERGER (for himself, Mr. MCCAIN, Mr. HELMS, Mr. GRASSLEY, Mr. DANFORTH, Mr. STEVENS, Mr.

Kempthorne, Mr. Shelby, Mr. Lugar, Mr. Packwood, Mr. Cohen, and Mr. Gorton):

S. 571. A bill to amend the Internal Revenue Code of 1986 to permanently increase the deductible health insurance costs for self-employed individuals; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. McCain, Mr. Grassley, Mr. Danforth, Mr. Stevens, Mr. Kempthorne, Mr. Cochran, Mr. Levin, Mr. Shelby, Mr. Lugar, Mr. Packwood, Mr. Cohen, and Mr. Gorton):

S. 572. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs for self-employed individuals; to the Committee on Finance.

By Mr. BREAUX (for himself, Mr. Dorgan, Mr. Conrad, Mr. Durenberger, Mr. Boren, Mr. Danforth, and Mr. Baucus):

S. 573. A bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer social security taxes paid with respect to employee cash tips; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. Thurmond, Mr. Biden, Mr. Brown, Mr. DeConcini, Mr. Heflin, Mr. Kohl, Mr. Grassley, Mr. Jeffords, Mr. Wofford, Mr. Bumpers, and Mrs. Feinstein):

S. 574. A bill to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. Metzenbaum):

S. 575. A bill to amend the Occupational Safety and Health Act of 1970 to improve the provisions of such Act with respect to the health and safety of employees, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr. Inouye, Mr. McCain, Mr. Simon, Mr. Campbell, Mr. DeConcini, Mr. Boren, Mr. Wellstone, and Mr. Dorgan):

S. 576. A bill to provide that a portion of the income derived from trust or restricted land held by an individual Indian shall not be considered as a resource or income in determining eligibility for assistance under any Federal or federally assisted program; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN:

S. 577. A bill to resolve the status of certain lands relinquished to the United States under the Act of June 1897 (30 Stat. 11, 36), and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. Hatch, Mr. Bennett, Mr. Bond, Mr. Bradley, Mr. Bumpers, Mr. Campbell, Mr. Danforth, Mr. Daschle, Mr. Exon, Mr. Feingold, Mrs. Feinstein, Mr. Graham, Mr. Harkin, Mr. Hatfield, Mr. Jeffords, Mrs. Kassebaum, Mr. Kerry, Mr. Lautenberg, Mr. Levin, Mr. Lieberman, Mr. Metzenbaum, Ms. Mikulski, Ms. Moseley-Braun, Mr. Moynihan, Mrs. Murray, Mr. Packwood, Mr. Pell, Mr. Reid, Mr. Riegle, Mr. Specter, Mr. Wellstone, Mr. Wofford, and Mr. Kohl):

S. 578. A bill to protect the free exercise of religion; to the Committee on the Judiciary.

By Mr. SMITH:

S. 579. A bill to require Congress to comply with the laws it imposes on others; to the Committee on Governmental Affairs.

By Mr. ROTH (for himself, Mr. Dole, Mr. Boren, Mr. Moynihan, Mr. Cohen, and Mr. Lieberman):

S. 580. A bill to enhance the competitiveness of the United States in the global economy through the establishment of Department of Trade as an executive department of the Government, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SIMON:

S.J. Res. 63. A joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations; to the Committee on the Judiciary.

By Mr. BROWN:

S.J. Res. 64. A joint resolution to designate June 5, 1993, as "National Trails Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD:

S. Res. 79. A resolution expressing the Sense of the Senate concerning the United Nation's arms embargo against Bosnia-Herzegovina, a nation's right to self-defense, and peace negotiations; to the Committee on Foreign Relations.

By Mr. PRESSLER:

S. Con. Res. 17. A concurrent resolution expressing the sense of the Congress that ethanol and mass fuels other than ethanol not be subject to any new energy tax; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 562. A bill to amend the Fair Labor Standards Act of 1938 to increase and index the Federal minimum wage relative to the average hourly earnings for private, nonagricultural workers, and for other purposes; to the Committee on Labor and Human Resources.

FAIR MINIMUM WAGE GUARANTEE ACT OF 1993

• Mr. WELLSTONE. Mr. President, today I am introducing the Fair Minimum Wage Guarantee Act of 1993. This measure would gradually restore the value of the Federal minimum wage to a level approaching that necessary to provide for a decent standard of living for our poorest workers and their families. It would also ensure that the minimum wage no longer erodes as a result of inflation, congressional inaction, or some combination of both, by permanently tying the minimum wage to a traditional index: one-half of average hourly U.S. private sector wages.

General erosion in wages and living standards has become a fact of life for many Americans, with the average inflation-adjusted wage for private sector workers now at its lowest level since the 1960's. President Clinton's recently announced plan for job creation generated by sustained increases in public and private investment is designed to reverse this erosion in real wages and to combat falling living standards. I support this public investment approach, and I am grateful that the President has consistently expressed his support for increasing and indexing the minimum wage as a critical part of his economic plan.

The problem of declining wages and living standards are especially acute for America's low-wage workers. In the past 15 years, the purchasing power of the Federal minimum wage has declined substantially. As a consequence, it is no longer effective in helping to lift the poor out of poverty and to provide a viable alternative to dependence on public assistance.

I have witnessed the results of eroding wages and living standards as I have travelled throughout Minnesota during the last 2 years, talking with workers in cafes, fast-food restaurants, convenience stores, offices, and other places where large numbers of minimum-wage workers are employed. Over and over, I have heard from Minnesotans that they can't make it without a decent wage, and modest health care benefits. But most low-paying jobs provide neither. People are being overwhelmed by these bread-and-butter economic issues. Restoring the value of the minimum wage to a reasonable level, and indexing it thereafter, would at least begin to help address this problem.

Women and minorities are disproportionately affected by a low Federal minimum wage. Women are 63 percent of minimum wage workers, but only about 50 percent of the work force. Almost half a million women who are single and maintain families do so on the minimum wage or less, at a time when a full-time minimum wage worker with one child is below the poverty level. Almost 900,000 African-American workers—1 out of every 9—are minimum wage workers, Over 650,000 Hispanics work at the minimum wage—1 of every 9 Hispanic workers.

Coupled with appropriate Federal and State income support programs, such an increase could help lift many Americans out of poverty. But let there be no mistake. The Federal minimum wage is not a welfare program. It is not a public benefit. It is one of our most important Federal labor standards, requiring a reasonable hour's pay for an hour's work. This bill simply underscores our commitment to that Federal labor standard, and to restoring its historical value.

Let me try to illustrate these declining wage and living standard trends with some historical data. Based in part on CPI–U changes since January 1978, the Congressional Research Service [CRS] has estimated that by 1996 the minimum wage would have to be over $6.75 per hour to equal the purchasing power it had in 1978.

In 1978 it was possible for a full-time year-round worker earning the minimum wage to support a family of three at 6 percent above the poverty level. In 1993, such a worker will earn an estimated 23 percent below the three-person poverty line. A recent Census Bureau report found that the number of full-time minimum wage workers who did not even meet the family poverty line standard increased by almost 50 percent between 1979 and 1990. And don't believe the old saw that most minimum wage workers are teenagers: Fully 90 percent of American workers at or below the minimum wage are adults.

An equally troubling picture emerges when the minimum wage is viewed as a percentage of average wages for all nonfarm, nonsupervisory private workers—the traditional index calculated by the Department of Labor. During the 1960's, the minimum wage generally stayed at or slightly over 50 percent of the average wage for such workers. By 1992, it was estimated to be only 40 percent. However you look at it, minimum wage workers are falling further and further behind.

But as disturbing as these statistics are, they do not convey the complete picture. When comparing the earnings of minimum wage workers both to the poverty line and the average hourly nonsupervisory wage, it is often assumed that the minimum wage employee works 40 hours per week, 52 weeks a year. But most minimum wage employees don't work year-round, and therefore are typically much further below the poverty line than the data suggest. Even if comparisons between the average worker and minimum wage workers accounted for this problem, they would still have to account for the fact that many middle-class American workers have fringe benefits ranging from health insurance to pensions and paid vacations, while most low-wage workers do not.

Mr. President, there is little doubt that the growing gap between the minimum wage and a living wage has a corrosive effect on our society, contributing to a variety of social ills and exacerbating the economic problems of our urban and rural poor. The negative effects on the family and society at large of a minimum wage that is even too low to enable families with children headed by two-minimum wage workers to support themselves are very serious.

For example, older children may be compelled to work to raise family income when they should be in school or studying, latch-key children are left without adult supervision because low-wage workers cannot afford child care, and crime and other antisocial behaviors become tempting alternatives to regular employment when only low-wage jobs are available. Finally, businesses suffer when low-income workers don't have the income or buying power to get what they need. While an increase in the Federal minimum wage does not completely solve these problems, it would help to alleviate them. For this reason, I believe it should be incorporated into the legislation embodying President Clinton's economic plan to be considered later this year.

The Fair Minimum Wage Guarantee Act of 1993 has two essential elements. First, it provides for an increase in the Federal minimum wage to $6.75 per hour in four annual increments to make up for historical erosion in the value of that wage: to $4.85 on September 1, 1993, $5.55 on September 1, 1994, $6.20 on September 1, 1995, and $6.75 on September 1, 1996. Such a gradual restoration of the purchasing power of the minimum wage to its level during the late 1970's prevents the potential economic shock which could be caused by enacting such a large increase immediately.

Second, and as important, the legislation seeks to break the cycle of minimum wage hikes enacted at irregular intervals by the Congress by providing for annual indexation, beginning September 1, 1997. Thereafter, increases in the minimum wage would be automatic, tied to the traditional index of 50 percent of the average hourly earnings for nonfarm, nonsupervisory private workers. Indexing would substitute modest annual increases in the minimum wage consistent with general wage trends for large, belated, and sometimes inadequate adjustments by the Congress.

This bill would benefit millions of low-income working people whose interests are too seldom taken into account by Congress. They have the pride, dignity, and determination to want to work, even at low-paying jobs that are undervalued by society at large. These people look to us for help and need us to champion their interests.

In recent months, we've all been encouraged by signs of modest economic recovery, including a rise in housing starts and sales, increasing consumer confidence, and a 3.8 percent annualized rate of GDP growth during the last quarter. Unfortunately, the real incomes of the poor tend to be affected little by economic upturns. A rising tide may lift most boats, but the boats of the working poor are very leaky. Providing a decent Federal minimum wage is key to a more comprehensive effort to restore a decent standard of living for low-income Americans. I urge my colleagues to join me by cosponsoring this important measure.

I ask unanimous consent that the text of the bill be printed following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Minimum Wage Guarantee Act of 1993".

SEC. 2. FINDINGS AND POLICIES.

Congress finds that—

(1) after more than 9 years during which the minimum wage remained fixed at $3.35 per hour, Congress passed and the President signed in November 1989 the Fair Labor Standards Amendments of 1989 (Public Law 101–157) which raised the minimum wage to $3.80 per hour after April 1, 1990 and to $4.25 per hour after April 1, 1991;

(2) the modest increases in the minimum wage in 1990 and 1991 did little to address the substantial erosion in the purchasing power of the minimum wage over the past 15 years;

(3) based on changes in the Consumer Price Index-Urban, the minimum hourly wage would have to be increased to $6.16 on September 1, 1993 and to $6.83 on September 1, 1996 in order to have the same purchasing power it had on January 1, 1978 when the minimum wage was $2.65 an hour;

(4) the minimum wage in 1978 was 47 percent of the average private wage in the nonagricultural sector, but in 1992 was estimated to be only 40 percent of the average wage and will be subject to continuing erosion without indexing;

(5) from the late 1970's through 1992, the after-tax average family income of the richest 1 percent of the population rose by 136 percent, while the after-tax average family income of the poorest one-fifth of the population fell 12 percent;

(6) it remains in the interest of the American people to ensure that our lowest-paid workers are paid a living wage the value of which does not continually erode;

(7) a four-step phased increase in the minimum wage will restore its value to a level approaching that of 1978, increase incentives for the poor to seek and retain jobs, and help to mitigate poverty in inner city communities that have a disproportionate share of low-wage and unskilled workers;

(8) increasing the minimum wage by an increment of $0.60 beginning on September 1, 1993, followed by an increment of $0.70 an hour effective on September 1, 1994, an increment of $0.65 an hour effective September 1, 1995, and an increment of $0.55 an hour effective September 1, 1996, will bring the minimum wage to $6.75 an hour, an amount approximating that needed to restore the minimum wage to the value it had in 1978; and

(9) indexing is needed to prevent continual erosion in the value of the minimum wage and to substitute modest annual increases in the minimum wage consistent with general wage trends for large, belated, and sometimes inadequate adjustments by the Congress.

SEC. 3. MINIMUM WAGE INCREASE AND INDEXATION.

Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section—

"(A) not less than—

"(i) $4.25 an hour during the period ending on August 30, 1993;

"(ii) $4.85 an hour during the year beginning on September 1, 1993;

"(iii) $5.55 an hour during the year beginning September 1, 1994;

"(iv) $6.20 an hour during the year beginning September 1, 1995; and "(v) $6.75 an hour during the year beginning September 1, 1996; and

"(B) with respect to the year beginning on September 1, 1997, and each such succeeding year, not less than the amount applicable under this paragraph adjusted on June 1 of such year to equal 50 percent of the monthly average hourly earnings for nonfarm, nonsupervisory private workers for the proceeding 12 months, as determined by the Bureau of Labor Statistics, rounded to the nearest multiple of $0.05, except that any amount determined under this subparagraph shall not be less than the amount applicable under this paragraph for the proceeding year;".●

By Ms. MOSELEY-BRAUN (for herself, Mr. SHELBY, and Mr. McCONNELL):

S. 563. A bill to require CBO analysis of each bill or joint resolution reported in the Senate or House of Representatives to determine the impact of any Federal mandates in the bill or joint resolution; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

MANDATES COST DISCLOSURE LEGISLATION

Ms. MOSELEY-BRAUN. Mr. President, I come to the Senate from a background in State and local government. One issue that gets a lot of discussion in State capitals, and in local government circles, is the issue of Federal mandates, that is, Federal requirements that impose additional costs on State and local governments.

State and local officials believe their budgets are unduly pressured because the Federal Government has pushed additional requirements on State and local governments, without the funding necessary to cover the additional costs. Given the level of concern among State and local government officials, I expected to arrive in Washington to find that the Federal Government was addressing the issue.

Instead, to my great surprise, most of the Federal establishment appears to be totally unaware of the impact that Federal mandates have on State and local governments. In fact, I was surprised to find that the situation is even worse than that. There is almost a total absence of information on the mandates issues, and much of the Government does not even know what a mandate is. We searched, for example, Mr. President, for information regarding the costs of specific program items on State and local governments and discovered that that information was nowhere to be found.

The legislation I am introducing today is a first step toward addressing the mandates issue. It does not prohibit the Federal Government from issuing new mandates, nor does it repeal any existing Federal mandates. Instead, it simply requires that the Senate have information on any mandates in proposed legislation before it when the legislation is considered by the full Senate.

The legislation adds a section to committee reports on proposed bills. This new section, which would be prepared by the Congressional Budget Office, would include information on: First, the cost to State and local governments of complying with any Federal mandates in the reported bill; and second, the extent to which Federal funds, either contained in the bill or otherwise, cover the costs of complying with the mandates. In addition, the legislation requires the Congressional Budget Office to issue an annual report on the cumulative costs of complying with Federal mandates in all enacted bills, together with an analysis of the extent to which Federal funds cover the costs of complying with the mandates.

For purposes of the CBO analysis, a Federal mandate is a provision in a reported or enacted bill that: Requires the creation or expansion of a State and/or local service or activity; requires standards different from existing State and/or local law or practice in delivering a service or in conducting an activity; creates additional personnel or other administrative costs for State and/or local Governments; or requires contracting procedures different from or in addition to those required under existing State and/or local law or practice.

Senate reports already require a CBO analysis of the proposed reported legislation's impact on the Federal budget. In addition, committee reports are required to contain information on the regulatory impact of proposed reported bills on businesses and individuals. This legislation fills in the remaining major gap—the impact of the legislation on State and local governments.

I am well aware, Mr. President, of the budget pressures that have encouraged the Federal Government to add mandates on State and local governments, and I am not suggesting that every mandate is inappropriate. I do believe, however, that the Senate should know what it is doing, that it should know the impact a proposed bill has on State and local governments, so that Senators can cast informed votes. This bill will shed some light—sunshine, if you will—on the process, and on the real and practical effects on our actions here.

I hope my colleagues will agree that the Senate should have information on the impact Federal mandates have on State and local governments, and that the time to have that information is before the Senate votes on bills on the floor. I urge the Senate to promptly enact this simple but necessary piece of legislation.

Mr. President, I ask unanimous consent that a copy of the bill be included at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE CONGRESSIONAL BUDGET ACT OF 1974.

Section 202 of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following:

"(i) FEDERAL MANDATES.—

"(1) The Director shall analyze each bill or joint resolution reported in the Senate or the House of Representatives to determine—

"(A) the cost to State and local governments of complying with any Federal mandates in the reported bill or joint resolution; and

"(B) the extent to which Federal funds, either in the bill or joint resolution, or otherwise, cover the costs of complying with the mandates.

"(2) The Director shall annually determine the cumulative costs of complying with Federal mandates in all bills or joint resolutions enacted in the preceding year and the extent to which Federal funds cover the costs of complying with the such mandates.

"(3) For purposes of this subsection, the term 'Federal mandate' means a provision that—

"(A) requires creation or expansion of a State or local service or activity;

"(B) requires standards different from State or local law or practice in delivering a service or in conducting an activity;

"(C) creates additional personnel or other administrative costs for State and local governments; or

"(D) requires contracting procedures different from or in addition to those required under State or local law or practice.".

SEC. 2. REPORT REQUIRED FOR SENATE CONSIDERATION.

Paragraph 11 of rule XXVI of the Standing Rules of the Senate is amended—

(1) in subparagraph (c) by striking "(a) and (b)" and inserting "(a), (b), and (c)";

(2) by redesignating subparagraph (c) as subparagraph (d); and

(3) by inserting after subparagraph (b) the following:

"(c) Each such report shall also contain an evaluation by the Congressional Budget Office of any Federal mandates in the bill or joint resolution as required by section 202(i) of the Congressional Budget Act of 1974.".

By Mr. FORD (for himself and Mr. STEVENS):

S. 564. A bill to establish in the Government Printing Office a means of enhancing electronic public access to a wide range of Federal electronic information; to the Committee on Rules and Administration.

GOVERNMENT PRINTING OFFICE ELECTRONIC INFORMATION ACCESS ENHANCEMENT ACT OF 1993

Mr. FORD. Mr. President, I am pleased today to introduce with the senior Senator from Alaska [Mr. STEVENS] the Government Printing Office Electronic Information Access Enhancement Act of 1993. This legislation will greatly enhance free public access to Federal electronic information.

The bill requires the Superintendent of Documents at the Government Printing Office to provide an online

Congressional Record and Federal Register free to depository libraries and at the incremental costs of distribution to other users. The bill allows other documents distributed by the Superintendent of Documents to be added online as practicable and permits agencies to voluntarily disseminate their electronic publications through the same system.

I believe this bill goes a long way toward ensuring that taxpayers have affordable and timely access to the Federal information which they have paid to generate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Printing Office Electronic Information Access Enhancement Act of 1993".

SEC. 2. AMENDMENTS TO TITLE 44, UNITED STATES CODE.

(a) In General.—Title 44, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 41—ACCESS TO FEDERAL ELECTRONIC INFORMATION

"Sec.
"4101. Electronic directory; online access to publications; electronic storage facility.
"4102. Fees.
"4103. Biennial report.
"4104. Definition.

"§ 4101. Electronic directory; online access to publications; electronic storage facility

"(a) In General.—The Superintendent of Documents, under the direction of the Public Printer, shall—

"(1) maintain an electronic directory of Federal electronic information;

"(2) provide a system of online access to the Congressional Record, the Federal Register, and, as determined by the Superintendent of Documents, other appropriate publications distributed by the Superintendent of Documents; and

"(3) operate an electronic storage facility for Federal electronic information to which online access is made available under paragraph (2).

"(b) Departmental Requests.—To the extent practicable, the Superintendent of Documents shall accommodate any request by the head of a department or agency to include in the system of access referred to in subsection (a)(2) information that is under the control of the department or agency involved.

"(c) Consultation.—In carrying out this section, the Superintendent of Documents shall consult—

"(1) users of the directory and the system of access provided for under subsection (a); and

"(2) other providers of similar information services.

The purpose of such consultation shall be to assess the quality and value of the directory and the system, in light of user needs.

"§ 4102. Fees

"(a) In General.—The Superintendent of Documents, under the direction of the Public Printer, may charge reasonable fees for use of the directory and the system of access provided for under section 4101, except that use of the directory and the system shall be made available to depository libraries without charge. The fees received shall be treated in the same manner as moneys received from sale of documents under section 1702 of this title.

"(b) Cost Recovery.—The fees charged under this section shall be set so as to recover the incremental cost of dissemination of the information involved, with the cost to be computed without regard to section 1708 of this title.

"§ 4103. Biennial report

"Not later than December 31 of each odd-numbered year, the Public Printer shall submit to the Congress, with respect to the two preceding fiscal years, a report on the directory, the system of access, and the electronic storage facility referred to in section 4101(a). The report shall include a description of the functions involved, including a statement of cost savings in comparison with traditional forms of information distribution.

"§ 4104. Definition

"As used in this chapter, the term 'Federal electronic information' means Federal public information stored electronically.".

(b) Clerical Amendment.—The table of chapters for title 44, United States Code, is amended by adding at the end the following new item:

"41. Access to Federal Electronic Information .... 4101".

SEC. 3. STATUS REPORT.

Not later than June 30, 1994, the Public Printer shall submit to the Congress a report on the status of the directory, the system of access, and the electronic storage facility referred to in section 4101 of title 44, United States code, as added by section 2(a).

SEC. 4. SPECIAL RULES.

(a) Operational Deadline.—The directory, the system of access, and the electronic storage facility referred to in section 4101 of title 44, United States Code, as added by section 2(a), shall be operational not later than one year after the date of the enactment of this Act.

(b) First Biennial Report.—The first report referred to in section 4103 of title 44, United States Code, as added by section 2(a), shall be submitted not later than December 31, 1995.

By Mr. WARNER (for himself and Mr. Helms):

S. 565. A bill to amend the Internal Revenue Code of 1986 to improve disclosure requirements for tax-exempt organizations; to the Committee on Finance.

THE TRUTH IN TAX-EXEMPT GIVING ACT

Mr. WARNER. Mr. President, I rise this morning to introduce a bill entitled the "Truth in Tax Exempt Giving Act." This is a repeat of the legislation that I introduced last year.

The purpose of my bill is simply to draw back the curtains of these charitable organizations and allow some light to come into the organizations. Only in that way can the American public examine these organizations which indirectly receive a tax subsidy from the American people by virtue of the tax law which allows a deduction for contributions.

Again, yesterday morning, regrettably, an article appeared in the paper about the United Way. The United Way gave rise to this legislation which I introduced last year, but as you know, that legislation was attached to a tax bill that did not become law. Therefore, Mr. President, I renew the effort this year not simply because yesterday we had the discouraging news about the United Way although I must add, United Way is now under the direction of a new executive officer and it is our hope that that distinguished individual can turn around this most important organization—but because it highlights the need for a law to pull back the curtains and allow the light to flow, such that the American public can better understand these institutions to which they donate their hard-earned dollars to with great feeling in their hearts to help others less fortunate than themselves.

Mr. President, I ask that the text of the bill and my full statement be inserted in the Record, as well as a copy of yesterday's Washington Post article to which I referred. I yield the floor.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPROVED DISCLOSURE TO DONORS BY TAX-EXEMPT ORGANIZATIONS.

(a) In General.—Section 6033 of the Internal Revenue Code of 1986 (relating to returns by exempt organizations) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) Additional Requirement For Tax-Exempt Organizations.—

"(1) In general.—Except as provided in paragraph (2), any organization described in section 501(c)(3) or 501(c)(4) and any separate segregated fund described in section 527(f)(3) maintained by such organization, which is subject to the requirements of subsection (a) shall—

"(A) advise each contributor of the availability of a disclosure statement described in paragraph (3), and

"(B) shall furnish such statement upon written request to—

"(i) such contributor, or

"(ii) any potential contributor,

within 30 days of such request.

"(2) Exception.—Paragraph (1) shall not apply to—

"(A) any organization described in clause (ii) or (iii) of section 170(b)(1)(A)), or

"(B) any organization the gross receipts of which in each taxable year are normally not more than $100,000.

"(3) Disclosure statement.—The disclosure statement described in this paragraph is a statement for the most recent taxable year for which a return under subsection (a) has been filed, which contains the information described in—

"(A) paragraphs (1), (2), and (3) of subsection (b), and

"(B) paragraphs (6) and (7) of subsection (b), but only with respect to—

"(i) the 5 highest compensated individuals of the organization for such taxable year, and "(ii) any other individual whose total compensation and other payments from such organization for such taxable year exceeds $100,000.

"(4) PROCESSING FEES—Any organization furnishing a disclosure statement under this subsection may require that a self-addressed, stamped envelope and a fee not to exceed $2 to cover the costs of copying and mailing such statement be included in the written request for such statement."

(b) PENALTY FOR FAILURE TO MEET REQUIREMENTS.—Paragraph (1) of section 6652(c) of the Internal Revenue Code of 1986 (relating to returns by exempt organizations and by certain trusts) is amended by adding at the end the following new subparagraph:

"(E) DISCLOSURE STATEMENT.—In the case of a failure to comply with the requirements of section 6033(e)(1) (relating to disclosure statements provided upon request), there shall be paid by the person failing to meet such requirements $50 for each day during which such failure continues."

"(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1994.

STATEMENT BY SENATOR JOHN WARNER ON THE TRUTH IN TAX-EXEMPT GIVING ACT

Mr. President, I stand before the Senate once again to introduce legislation that, I suspect by this time, is familiar to most of my colleagues. The legislation I speak of is the Truth in Tax-Exempt Giving Act which I introduced as a free-standing bill last Congress, and later attached as an amendment to H.R. 11. The amendment was accepted by the Senate and included in that omnibus tax bill, however the majority of it was dropped by the conference committee, and, of course, the tax bill was ultimately vetoed.

But, Mr. President, as I indicated on this floor at the end of the 102d Congress, I remain committed to this legislation and am therefore reintroducing the bill in the same form as it appeared last Congress.

We must restore the faith of the American people in good and honest charities, and, at the same time, protect hard-working Americans from having their contributions squandered by corrupt sham organizations. That's what this legislation seeks to accomplish.

Just yesterday there was an article in the front section of the Washington Post entitled, "A Year Later, United Way Still Faces Investigations, Morale Problems." Yes, Mr. President, the problems have not gone away, and it is more clear than ever to this Senator that legislation is required to try and avert future problems.

In a nutshell, my legislation would amend the Internal Revenue Code to require tax-exempt organizations, namely those falling under sections 501(c)3 and 501(c)4, to inform donors and potential donors of the availability of a financial disclosure form, and make such form available to the individual upon request. My bill would also require these organizations to list their five top paid employees, as well as all employees making over $100,000.

Mr. President, when it comes to charitable giving, Americans have a history of digging deeply into their pockets. According to the umbrella group Independent Sector, 75 percent of all households in the United States contribute to charities. Between 1955 and 1980, giving increased at an annual rate of 3.3 percent, from $34.5 to $77.5 billion. But, between 1980 and 1989, giving increased to $121 billion. But, between 1980 and 1989, giving increased to $121 billion, an annual rate of increase of 5.1 percent. These figures indicate a growth rate 55 percent higher than in the preceding 25 years.

What this tells me, Mr. President, is that people have it in their heart and want to give; it is therefore imperative that they retain confidence in the organizations to which they contribute.

As my colleagues may recall, my interest in introducing the legislation last year stemmed from reports of the excessive salaries, limousine service, first-class airfares, and luxury trips that the head of the United Way, William Aramony, was enjoying.

While that high lifestyle may be the norm in some private sector companies, I don't believe the public parts with its hard-earned dollars in order to provide presidents of charitable organizations with salaries and lifestyles far more lavish than those of the donors.

Unfortunately, this was not an isolated incident. Following the United Way scandal, numerous reports surfaced regarding other charities, including names familiar to all of us. Last year I cited examples of spending abuses within some of these organizations, including the American Cancer Society. I received calls and letters from that organization regarding the allegations, and I would like to clarify for the record that they remain a reputable and esteemed organization, worthy of donor dollars.

I must also note for the record, Mr. President, that the United Way of America is now under new management, headed by the very able Elaine Chao, and, through my meetings with several of the new representatives, I feel reassured that the abuses are being eliminated. However donors would benefit from having the veil lifted on the financial dealings of all charitable organizations, so that such problems do not reoccur.

There is an ingrained perception of charitable organizations as philanthropic groups devoted to the public good. In fact, charities are often judged more by their good intentions than their actual deeds, thus escaping close public oversight into their personal and financial dealings. However, to hear that the head of the quintessential symbol of all charitable giving, the United Way, enjoyed such an excessive lifestyle, financed mainly by charitable contributions, woke many people up and made them realize that the righteousness of the cause doesn't assure the integrity of their conduct.

Mr. President, charities operate on public trust. If this trust is eroded, as it was following the Aramony tragedy, not only the charities, but also the persons who are the beneficiaries of these charities stand to suffer.

The most unfortunate aspect of this is that the majority of the charitable organizations are honest, good, noble organizations, dedicated to serving the public. Nonetheless, they are grouped together in peoples' minds, with the few who acted irresponsibly.

Currently, tax-exempt organizations are required to file a Federal 990 form with the IRS detailing, among other items, their income, expenditures, fundraising costs, and salaries of their five highest paid employees. While that may sound well and good, Mr. President, I see two main problems with current law: The public's lack of knowledge that such a form exists, and logistical problems of obtaining the information even if they are aware of its existence.

Many persons donate to their favorite charity, unaware that a 990 form is available. Or, even if they are aware of the existence of such information, current law simply requires the organization to make it available at the organization's headquarters, or for the individual to obtain it through the IRS. The charity is not required to send the information to the interested inquirer.

My legislation addresses these two key issues. First, it requires the charitable organization to let a donor or potential donor know of the availability of the disclosure form. Mr. President, I am not going to mandate the exact way this is to be done. Probably the most practical way for donors is in an acknowledgment thank you note. For potential donors, they can be notified over the phone or through news bulletins the organization puts out.

The interested individual can then send in a written request with the appropriate postage and handling fees, and the organization would be required to provide this financial information within 30 days of receipt of the request, or be subject to a $50 per day per person penalty.

In addition, my legislation would require the charity to disclose the five top highest employees' salaries, as well as all employee salaries over $100,000. Current law simply requires that the top five salaries be disclosed.

It is important to know what my legislation doesn't do as well as what it does do. It does not require the organizations to alter the manner in which they spend their money. It does not require them to alter the amount they pay their employees. It doesn't even require them to fill out a new form.

I believe that the American people are interested in knowing how much the heads of the charities to which they donate are being paid. This is especially true in light of the fact that President Clinton has indicated he will seek to raise taxes on single wage earners making $115,000 or more, and couples making $140,000 or above. The president believes he can get support for such a proposal since, to the average person, $100,000 or more is considered a sizable salary.

The organizations affected by my legislation are encouraged, but not required, to enclose a clarifying statement explaining their expenditures, salaries, as well as any other details they believe are relevant. Such a clarifying statement could provide a logical place to explain high salaries or other controversial expenditures.

Let me stress, Mr. President, that I am not going after the employee of a tax-exempt organization who makes a six-figure salary. I just say if he earns it, disclose it, and justify it. Likewise, if a charity nets out, after expenses, a small amount for the cause, then disclose it, and explain it.

My legislation exempts hospitals, religious organizations, educational institutions, and current law already exempts churches. It also exempts 501(c)3 organizations which take in less than $100,000 a year.

I made these exceptions for several reasons, but mainly because this legislation is not to be considered the entire solution, but rather a small first step. If it proves successful, I can always expand it to include some of these additional categories.

Mr. President, my staff and I have consulted with representatives from numerous charities and interested groups regarding this legislation since I first introduced it last year. These meetings were helpful, and I incorporated several of their suggestions in my bill. I realize, however, that the different groups will most likely oppose various aspects of the bill. I regret that, however I firmly believe donors and charities alike will benefit if this legislation becomes law, and the public gains more exposure into the financial dealings of these organizations.

[From the Washington Post, Mar. 10, 1993]

A YEAR LATER, UNITED WAY STILL FACES INVESTIGATIONS, MORALE PROBLEMS

(By Charles E. Shepard)

A year after ousting its longtime president and acknowledging that donors' money was misspent, United Way of America is dogged by pending investigations, low staff morale and ticklish negotiations with its former leader over his claim to $4 million in retirement benefits.

The UWA board has been trying for months to reach a financial settlement with William Aramony, who stepped down after 22 years as president after his spending and management practices came under fire in February 1992.

The board is eager to resolve the dispute but finds itself in a bind. A payment perceived as too generous could offend two constituencies vital to UWA's survival—the local United Ways that pay dues to finance the UWA's operations and the public, which donates $3 billion a year to the United Way network.

The Aramony controversy already has cost local United Ways millions of dollars in public support. And of the 1,400 local United Way that once paid dues, half have yet to return to the fold this year, including the United Ways in metropolitan Washington and Norfolk. The dues falloff has forced the independently run national office to cut its staff and budget, which has gone from $30 million to $21 million in two years.

Also looming over United Way of America is a criminal investigation by federal authorities. FBI and Internal Revenue Service agents working with the U.S. attorney's office in Alexandria recently began seeking interviews with former Aramony aides after months of collecting and reviewing subpoenaed documents. The New York state attorney general is conducting a separate civil inquiry of the UWA board's performance.

The questions about Aramony's retirement benefits first became public last April, when United Way of America issued a lengthy report sharply critical of Aramony's spending practices. The report disclosed, to the surprise of many in the United Way system, that the UWA board had approved a retirement package that appeared "unusually lucrative" and could provide Aramony with a lump sum of $4.4 million if "construed in a manner most favorable" to the former president.

Promising to investigate further before paying anything, the UWA board hired auditors to do a more extensive study of Aramony's spending and pledged to pursue any misappropriated money. The auditors' findings have not been disclosed.

Aramony, who has called the April report unfair and inaccurate, declined to comment about the negotiations. He said in a brief telephone interview, "I'd like to get this behind me and start a new life. I can't do that yet."

Officials at local United Ways also are eager to put the Aramony controversy to rest but say that will be difficult while questions remain.

"We want to know what other shoes are out there to drop," said Jack Pelisek, who chairs a task force in Milwaukee that is considering whether the local United Way should resume its ties to UWA. "We don't want to be in the position of recommending recommitment to United Way of America and then three weeks later have another mess arise in the United Way of America's old regime."

Inside United Way of America's riverfront headquarters in Alexandria, some employees feel bruised, overworked and unfairly blamed for someone else's alleged misdeeds. Elaine L. Chao, the organization's new president, said she was surprised by the staff's intense feelings. "It's very hard for people who are not within this building, I think, to understand the pain that is here," said Chao, who is a newcomer to the United Way movement.

At stake, aside from 187 jobs, are the services that United Way of America provides to a network that supports 47,000 local charities. Local United Ways rely on the Alexandria office to help train and recruit staff, raise money, shape national policy issues such as welfare reform and, increasingly, remake themselves to meet the public's changing expectations and society's changing needs.

"We just can't let United Way of America go out of business," said Robert C. Reifsnyder, president of Metro United Way in Louisville.

United Way of America's troubles began in February 1992, when published reports disclosed Aramony's $463,000 in annual salary and benefits, his use of chauffeured cars, flights on the supersonic Concorde, hiring of friends and the purchase of two condominiums in New York and Florida by Partnership Umbrella, one of several companies spun off by the UWA during Aramony's tenure.

Aramony and a longtime associate, Stephen J. Paulachak, still control Partnership Umbrella, a private company that helps nonprofit groups buy goods at a discount.

Aramony, 65, has started a consulting firm, The Aramony Co. He has a sizable nest egg after 38 years in the United Ways system: papers filed in his divorce last year show that, shortly before leaving his job, he owned cash, stocks, limited partnership interests and other assets of about $870,000, as well as a condominium in Old Town Alexandria and the disputed retirement benefits. Under the divorce settlement, Aramony has agreed to pay his ex-wife at least $112,000 a year in alimony.

Aramony's retirement package includes three pension plans. He contends that he is due $1.2 million under the basic plan that covers all UWA employees, $2.9 million from two supplemental pension plans and $239,000 in deferred compensation. The April 1992 report raised questions about the supplemental plans, saying that it is unclear from UWA records whether the board was fully aware of how much the plans would cost.

W.R. Howell, who chairs the UWA board, said the negotiations are very complicated. "I wish it was behind us, but it's not. But I can assure you that the resolution will be in the best interests of United Way of America and every local United Way," said Howell, chairman of the board of J.C. Penney Co. Howell said he intends to share as much information as possible "if, in fact, we can reach some resolution."

The loudest opposition to settling has come from the local United Way in Fresno, Calif. Michael J. Andritch, a banker who chairs the Fresno United Way's board, said he believes any settlement will "look like the good ol' boy network is alive and well and they are taking care of their own."

Andritch, who has voiced Fresno's discontent publicly, said the Fresno United Way lost $200,000 in pledges after the controversy broke last year. During last fall's fund-raising campaign, he said, he was amazed at how many local residents brought up the issue. "They would ask us, 'What is your attitude toward Bill Aramony and are you sending any of my money back there to those guys?' " he said.

Nationally, reports so far show that donations to the fall 1992 campaign fell 2.9 percent from the year before—a decline officials blame first on the economy and second on the Aramony controversy. The final figures are not complete yet, but if the pattern holds, this would translate into a drop of about $92 million.

The Fresno United Way has suggested that Aramony should be sued. "The fact of the matter is, his actions could very well lead to the downfall and disintegration of United Way of America, which would be a bad thing for this country," Andritch said.

All eyes are on Chao, 39, who was a surprise pick to put United Way of America back together again. Chao, who emigrated from Taiwan at age 8, is a Harvard Business School graduate and former banker who ran the Peace Corps for 14 months. She is paid $195,000 a year.

She moved quickly to build a rapport with local United Way officials, traveling to more than 30 cities, and several said in interviews that they were impressed by her intelligence and attentiveness to their concerns.

But back at the Alexandria headquarters, some staff members have complained privately about their early impressions of Chao: a mercurial temper, her early decision to fill three top jobs with outsiders whom she knew from the Reagan-Bush administration and BankAmerica Corp. and a perceived lack of sensitivity to the United Way culture and to the hurt feelings that persist.

Some of this frustration bubbled up in an 18-point letter sent anonymously to the UWA board in January. The document claimed participation of 30 employees, but was unsigned.

Chao said in an interview that she considers the letter's criticisms unfair. "Many people . . . came (to me) and did not want me to think that it was representative of the staff," she said. Chao said the letter saddened her because "in such a critical period in our recovery, we certainly don't need a letter such as this, which conjures up once again memories of the past."

UWA chairman Howell said that Chao, as an outsider coming into a new environment, was bound to meet some resistance. He said he talked with her about the letter and that Chao told him she was taking steps to respond. Those include staff meetings to discuss issues raised in the letter.

The board itself is under scrutiny from the New York state attorney general's charities bureau, which is investigating whether the board "did everything they should have done to make sure that United Way's money was used for the purposes of United Way and not for the benefit of any particular individual," said Pamela A. Mann, assistant attorney general in charge of the bureau.

Mann's staff has interviewed Howell and has asked to speak to other board members. Investigators also are looking at the United Way spinoff companies, Mann said.

Uptown from Mann's office, the spinoff Partnership Umbrella has shed one of the more controversial tokens of Aramony's management style: a 12th-floor condominium in a New York City high-rise used by Aramony and Paulachak on United Way of America and Partnership Umbrella business. Bought for $388,000 and decorated for nearly $50,000 more, the unit was sold last summer for about $415,000, land records show.

Partnership Umbrella has had less luck with a fifth-floor condominium in a hotel in Coral Gables, Fla., near Miami. That property, bought for $135,000, is still for sale.

In Louisville, Reifsnyder said he hopes the public will view further disclosures as leftovers from last year's controversy. "They surfaced, they were a problem, we're moving on—and not . . . let's stew over this for another year."

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ROBB, Mr. WOFFORD, and Mr. SPECTER):

S. 567. A bill to assist in the restoration of the Chesapeake Bay, and for other purposes; to the Committee on Environment and Public Works.

CHESAPEAKE BAY RESTORATION ACT OF 1993

Mr. SARBANES. Mr. President, today I am introducing, together with my colleagues from Maryland, Virginia, and Pennsylvania—Senators MIKULSKI, WARNER, ROBB, WOFFORD, and SPECTER—an amended version of legislation we sponsored in the 102d Congress to reauthorize and enhance the Chesapeake Bay Program. This legislation builds upon the previous measure and the tremendously successful program authorized in the 1987 Water Quality Act, expanding and strengthening the cooperative efforts to protect and restore the Chesapeake Bay. I am pleased to note that an identical bill is being introduced in the House with broad bipartisan support.

The Chesapeake Bay Program which was authorized in the 1987 Water Quality Act, has been a successful endeavor. The cooperative Federal-State and interstate management structure established through the Chesapeake Bay Program has provided the framework for the restoration of the bay and serves as a model for other estuaries throughout the country and around the world. The bay program has pioneered pollution prevention techniques such as phosphate controls, bans on toxic boat paint, nutrient management efforts, and programs to cut pesticide use on cropland. The program serves as a proving ground for innovative approaches to environmental restoration.

With the signing of the Chesapeake Bay Agreement in 1987 and the 1992 amendments to the agreement, the Federal Government and the bay area jurisdictions—Pennsylvania, Maryland, Virginia, the District of Columbia and their local governments—set goals, made plans and have undertaken commitments to an ambitious program to achieve improved water quality and living resources productivity.

The level of public support and the degree of cooperation and coordination among all parties—the Federal, State, and local governments; environmental, community and citizens groups—is unparalleled. There are over 700 groups and some 40 committees involved in the bay program. Nine Federal agencies have signed memoranda of understanding [MOU's] with EPA to participate in the program.

In the years since the bay program was authorized, substantial progress has been made both in putting in place a coordinated Federal-State-local-citizen management structure and in specific programs to address key problems in the bay such as nutrient loads and the decline of living resources. Throughout this process, the Federal role has been crucial. It has served, in effect, as the glue that binds the program together and the catalyst that keeps it moving forward.

There are signs that the bay is improving:

Phosphorus discharges from municipal treatment plants, industry and nonpoint sources into the bay have been reduced by 35 percent from 1985 levels. This is a direct result of the phosphate detergent ban now in place in each State and the District of Columbia, new sewage treatment plant construction featuring processes for advanced phosphorus removal, and the Bay Program's unique nonpoint source controls.

Submerged Aquatic Vegetation [SAV], which provides critical habitat for the bay's living resources, has made a slow but steady comeback from dramatic declines in the 1960's and 1970's. This can be directly traced to improved water quality.

Striped bass have also made a significant recovery from the depleted stocks of the early 1980's. This success demonstrates that management controls can make a difference in the health of the bay's resources.

But, despite these efforts, the job of restoring the Chesapeake to levels of quality and productivity that existed earlier in this century is far from complete.

Many of the Bay's living resources—oysters, shad, white perch—which are indicators of the bay's health, are still in decline.

Runoff from farms and city streets and pollution from fertilizers, animal wastes, and air deposition, among other so-called nonpoint sources, continue to deprive the bay of life-sustaining oxygen. Nitrogen loads to the bay have increased by about 5 percent since 1985, despite the Chesapeake Bay's nutrient management program.

Population growth and development, and resulting pollution impacts in the watershed, threaten to undermine the gains that have been made thus far. The population of the United States increased by 22 percent in the past 20 years. In the Chesapeake Bay region, the population grew by roughly 40 percent over this same period. The cumulative effect of the growth in population is putting enormous pressures on our natural resource base.

Toxic chemicals are still present in the bay's surface and bottom waters, having untold impacts on the bay's water quality and wildlife.

A 1991 report prepared by the Chesapeake Bay Foundation entitled "Turning the Tide" documents many of these trends. It is clear that we need to do much more to really turn the tide and restore the bay to health.

Year 1993 marks the 10th anniversary of the signing of the first Chesapeake Bay Agreement and the beginning of a new phase in the Chesapeake Bay restoration effort. We have moved from the planning and analytical phase to advanced implementation of programs. Many of the relatively easy steps have been taken. Now we must begin addressing the problems that are much more difficult to resolve, as well as more expensive. New approaches and enhanced resources and effort are essential if we are to meet our goals and objectives in the Bay.

In order to address these problems I convened a distinguished group of experts on the Chesapeake Bay, consisting of representatives of the bay area States, the District of Columbia, the Chesapeake Bay Commission, the Citizens Advisory Committee, the Scientific and Technical Advisory Committee, the Local Government Advisory Committee, the Alliance for the Chesapeake Bay, the Chesapeake Bay Foundation, and other agencies and organizations responsible for implementing the strategies and programs called for under the bay agreement. I asked them to identify the highest priority needs for the restoration of the Chesapeake in the years ahead. We have continued to refine these needs and the results of this effort are embodied in this measure.

What does the legislation do?

First, it improves upon the management of the Bay Program by facilitating cooperation and coordination among the various agencies and programs of the Federal Government in support of the restoration of Chesapeake Bay. There are over 16 Federal agencies or departments with responsibility for the stewardship of the bay's resources or which have programs that influence or impact both directly and indirectly upon the bay. These agencies include the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the National Park Service, the National Oceanic and Atmospheric Administration, the Department of Defense, the U.S. Forest Service, the Soil Conservation Service, and the Federal Highway Administration. By more effectively sharing information, pooling agency expertise and combining and targeting resources, we can improve the Federal response, get more bang for the buck, and greatly enhance our abilities to protect and restore the Chesapeake Bay.

The legislation identifies and codifies the responsibilities of all the Federal agencies involved in the bay cleanup effort and requires that they cooperate in developing and implementing plans, programs and projects to meet their commitments to the Bay Program. Furthermore, it requires those agencies to report in their annual budget submissions on the activities that are being undertaken and planned. This will help ensure accountability of the agencies and that any problems encountered come to the attention of the Congress.

Second, it requires the Federal facilities within the Chesapeake Bay watershed to review their operations on a regular basis and take corrective actions to ensure that these facilities do not adversely impact on the bay's water quality and living resources. A number of Federal agencies own or occupy large tracts of real estate in the Chesapeake Bay watershed. There are 66 military installations on approximately 350,000 acres. The U.S. Fish and Wildlife Service has 13 National Wildlife Refuges and a number of other facilities occupying approximately 46,000 acres. The Army Corps of Engineers owns approximately 70,000 acres in the watershed. While these agencies have made great strides in recent years to reduce discharges into the bay, there are still problems to be resolved to further reduce point and nonpoint source discharge from federally owned or occupied real estate and protect the natural resources of these areas.

The legislation would require each department, agency or instrumentality of the United States which owns or operates facilities within the bay watershed to perform an annual assessment of their facilities to ensure consistency and compliance with the commitments, goals and objectives of the Bay Program. It would also require the agencies to develop a detailed plan, funding mechanism and schedule for addressing or mitigating any potential impacts.

Third, it authorizes a comprehensive research, monitoring and data collection program to assess the status and trends in the environmental quality and living resources of the major tributaries, rivers and streams within the Chesapeake Bay watershed and to assist in the development of management plans for such waters. Until now, the principal focus of the bay cleanup effort has been on the mainstem of the Chesapeake. It has become increasingly clear however that many of the bay's problems originate in the rivers and streams which flow into the bay and that expanded efforts are needed in these waters if we are to achieve improvements in conditions in the bay watershed. In the 1992 amendments to the Chesapeake Bay Agreement, the Chesapeake Executive Council committed to develop and begin implementation of tributary-specific strategies to "achieve the water quality requirements necessary to restore living resources in both the mainstem and the tributaries." Although we have an extensive body of information about the mainstem bay and its dynamics from current monitoring and modeling programs, there is a critical need for enhanced basic and applied scientific research and long term monitoring of the trends in environmental quality and living resources of the tributaries. For example we do not have a system for accounting for sources of nutrients, and the movements of nutrients, pollutants, and sediments through the watershed.

It is clear that one of the most cost-effective ways to protect the rivers and streams in the watershed is to help, encourage and promote stewardship among the citizens and other interested parties who have a direct stake in the specific local situation. Stewardship starts with the individual citizens who live in the watershed. By conserving and protecting local water resources, citizens can also help to clean up the bay. However they frequently need guidance in identifying the threats to the water body and in devising appropriate solutions.

The legislation specifically encourages local and private sector participation in efforts to protect and restore the rivers and streams in the bay watershed by establishing a technical assistance and small grants program to support such activities as developing citizen monitoring programs, initiating local pollution prevention techniques and practices, and determining the most effective and appropriate vegetative plantings to prevent nonpoint source runoff into the rivers and streams. The seed grants would be available on a competitive and cost-sharing basis. The legislation also requires that the local efforts be coordinated in a watershed wide strategy.

Fourth, the legislation provides support to State and local governments in collecting and analyzing information about land use around the bay to give planners better tools in making sound land use management decisions. The Year 2020 Report underscored the need for comprehensive and coordinated information about forest resources, important habitat areas, unique and scenic areas and other sensitive areas so that planners can take this information into consideration in their planning and development activities. While land management and use is not a Federal responsibility, the Federal Government through agencies like the Soil Conservation Service, U.S. Forest Service, U.S. Geological Service and NOAA, to name a few, have invaluable information and technical expertise which can be of great assistance to State and local authorities, when properly integrated. The legislation authorizes EPA to work with other Federal agencies in developing a coordinated watershed land use data base.

Fifth, it establishes a habitat restoration and enhancement demonstration program to develop, demonstrate and showcase various low-cost techniques for restoring or enhancing wetlands, forest riparian zones and other types of habitat associated with the Chesapeake Bay and its tributaries. The wetlands, submerged aquatic vegetation [SAV] beds, and forest buffer strips play a vital role in the bay by absorbing nutrients such as phosphorus and nitrogen, trapping sediments, producing oxygen, and providing food, shelter, and nursery areas for fish and wildlife. They also serve as measures, or indicators of the bay's health. Scientists have demonstrated a clear link between water quality conditions and the survival and health of these various types of habitat. Protecting and restoring these resources offers tremendous opportunities to improve water quality conditions necessary to support the living resources of the bay and its tributaries and provide a host of other benefits.

Unfortunately, there is no centralized data base of scientific literature on habitat restoration design and techniques. We need to learn more about the effectiveness of different kinds of riparian zone vegetation in different geologic conditions. For example are forest buffer strips more effective in removing nutrients than other types of vegetation plantings? Under what conditions? What types of forest cover remove the most nutrients? How much of a buffer strip is needed to prevent or reduce runoff? More information is needed about the hydrology of rivers and streams and the mechanisms by which nutrients are removed. It is these kinds of questions and information gaps which the habitat restoration and enhancement demonstration program authorized in this legislation seeks to address.

Sixth, the legislation authorizes funding to assist in the implementation of specific actions to reduce toxics use and risks throughout the bay watershed. The 1987 bay agreement committed the signatories to the ambitious goal of eliminating all controllable sources of toxics to the Chesapeake Bay and the Bay Program is currently in the process of reviewing the baywide toxics reduction strategy to better target toxic pollutant problems. One of the most important steps in accomplishing this goal is identifying and quantifying the amount of toxics being discharged into the bay and its tributaries. The legislation specifically directs the Administrator to assist the States in improving this data collection process and integrating this information into the Chesapeake Bay Program toxics loading inventory. It also directs the EPA Administrator to begin implementing toxics reduction, pollution prevention and management actions, including targeted demonstration projects, to achieve the toxics reduction goals of the bay agreement.

The Chesapeake Bay Restoration Act, in my view, represents the third leg of the three-legged stool on which the Chesapeake Bay Program must rest. The first two legs were established in the 1987 Water Quality Act authorization, an authorization for EPA to administer the program and an authorization for grants to the bay area States which has been used primarily for nonprofit source reduction efforts. The third leg, which this legislation would authorize, provides the authority and resources that are necessary for Federal agencies to implement the strategies called for under the 1987 bay agreement and the 1992 amendments to the agreement.

I want to underscore that this legislation is not intended as an all-encompassing measure which seeks to remedy all of the problems of the bay. Some of these issues have been or are being addressed in other measures. Rather, the Chesapeake Bay Restoration Act is intended to continue and improve upon the Chesapeake Bay Program that was authorized in the 1987 Clean Water Act.

It has been our strategy to incorporate this measure in the reauthorization of the Clean Water Act. During the last Congress however efforts to reauthorize the Clean Water Act were unfortunately hampered by a number of controversial issues and the legislation did not come to the floor for consideration. In the meantime, one of the key provisions of our original Chesapeake Bay bill, the NOAA science, research and monitoring program, was enacted as part of the NOAA authorization bill. The Chesapeake Bay Program also began implementing some of the strategies and programs called for under our previous bill and has taken some important new directions, based on the findings of the modeling efforts. The Chesapeake Bay Restoration Act of 1993 builds upon the previous measure and addresses priority needs reflected in the Bay Program's new directions and in the 1992 amendments to the Chesapeake Bay Agreement.

The Chesapeake Bay Restoration Act was developed in consultation and cooperation with the signatories to the bay agreement and has the strong support of the Chesapeake Bay Commission, the Chesapeake Bay Foundation, and the congressional delegations from the region.

Mr. President, 1993 marks the 10th anniversary of the signing of the first Chesapeake Bay Agreement. We have made great progress in the past 10 years in the restoration effort, and there are clear signs that the health of the bay is improving. Phosphorus discharges have been reduced substantially; bay industries and sewage treatment plants lead the Nation in compliance with pollution discharge requirements; submerged aquatic vegetation is making a comeback in the bay; the striped bass are making a come back in the bay. But despite these advances, it is also clear that we still have a long way to go in order to turn the tide.

Runoff from city streets, from farms, from suburban areas, pollution from fertilizers, animal waste, and air deposition, among other so-called nonpoint sources, continue to deprive the bay of important life-sustaining oxygen.

Toxic chemicals are still present in the bay's surface and bottom waters with untold impacts on its water quality and wildlife. Continued population growth and development is putting enormous pressure on the Chesapeake Bay watershed. And many of the bay's living resources, oysters, water fowl, and many species of finfish, and the habitats which support them, are still in decline.

Mr. President, new approaches and enhanced resources and effort are absolutely essential if we are to meet our goals and objectives in the Chesapeake Bay cleanup program in the years ahead. These objectives are what the Chesapeake Bay Restoration Act seeks to provide.

This legislation includes new Federal initiatives to improve cooperation, coordination, and compliance on the part of the Federal agencies which directly impact the bay. There are numerous Federal facilities on the bay.

It establishes a new program to encourage citizens and private sector stewardship of the bay and of the tributaries, the rivers and streams, which flow into it.

It provides support to State and local governments in collecting and analyzing information about land use around the bay to provide better tools in making sound land use management decisions.

The legislation authorizes a habitat restoration demonstration program to develop and demonstrate low cost techniques for restoring or enhancing wetlands, submerged aquatic vegetation and forest riparian zones in the watershed.

The legislation provides funding to assist in implementing toxic reductions, pollution prevention, and management actions to reduce toxic use and risk throughout the bay.

The legislation will provide a much-needed boost to our efforts to clean up the Chesapeake Bay and to set the course for the restoration program to nearly the turn of this century.

This legislation, the Chesapeake Bay Restoration Act, was developed in consultation and cooperation with my fellow cosponsors, with the signatories to the Bay Agreement, the States in the bay watershed, the Federal agencies that have played such an instrumental rule. It has the strong support of the Chesapeake Bay Commission, the Chesapeake Bay Foundation, elected representatives, not only at the national but at the State and local level, from the region.

Mr. SARBANES. Mr. President, it is the hope of the cosponsors of this measure that it will be incorporated into the reauthorization of the Clean Water Act when that legislation is considered in the course of this session of the Congress.

The Chesapeake Bay cleanup effort has been a major initiative, strongly supported by all of the Members of this body. I urge my colleagues to join with us in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill, a section-by-section analysis, and supporting letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 567

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chesapeake Bay Restoration Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) in recent years, the productivity and water quality of the Chesapeake Bay and the tributaries of the Bay have been diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of growth and development of population in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government, State governments, the District of Columbia and the governments of political subdivisions of the States with jurisdiction over the Chesapeake Bay watershed have committed to a comprehensive and cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national model for the management of estuaries; and

(5) there is a need to expand Federal support for research, monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the goals and commitments of the Chesapeake Bay Program.

(b) PURPOSES.—The purposes of this Act are to—

(1) expand and strengthen the cooperative efforts to restore and protect the Chesapeake Bay; and

(2) achieve the goals embodied in the Chesapeake Bay Agreement.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) CHESAPEAKE BAY AGREEMENT.—The term "Chesapeake Bay Agreement" means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the ecosystem and signed by the Governor of the State of Maryland, the Governor of the State of Pennsylvania, the Governor of the State of Virginia, the mayor of the District of Columbia, the chairman of the tri-State Chesapeake Bay Commission, and the Administrator, on behalf of the executive branch of the Federal Government.

(3) CHESAPEAKE BAY PROGRAM.—The term "Chesapeake Bay Program" or "Chesapeake Bay Programs" means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

(4) CHESAPEAKE BAY WATERSHED.—The term "Chesapeake Bay watershed" shall have the meaning determined by the Administrator.

(5) CHESAPEAKE EXECUTIVE COUNCIL.—The term "Chesapeake Executive Council" means the signatories of the Chesapeake Bay Agreement.

(6) PERSON.—The term "person" includes a State or a political subdivision of a State, interstate, or regional agency or entity, or any other public or nonprofit private agency, institution, or organization.

(7) SIGNATORY JURISDICTION.—The term "signatory jurisdiction" means a jurisdiction of a signatory of the Chesapeake Bay Agreement.

SEC. 4. MANAGEMENT OF CHESAPEAKE BAY PROGRAM.

(a) IN GENERAL.—Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(3) by inserting before subsection (c) (as so redesignated) the following new subsections:

"(a) DEFINITIONS.—As used in this section:

"(1) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the ecosystem and signed by the Governor of the State of Maryland, the Governor of the Commonwealth of Pennsylvania, the Governor of the Commonwealth of Virginia, the mayor of the District of Columbia, the chairman of the tri-State Chesapeake Bay Commission, and the Administrator, on behalf of the executive branch of the Federal Government.

"(2) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' or 'Chesapeake Bay Programs' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

"(3) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories of the Chesapeake Bay Agreement.

"(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

"(2) PROGRAM OFFICE.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office. The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

"(A) implementing and coordinating science, research, modeling, support services, monitoring, and data collection activities that support the Chesapeake Bay Program;

"(B) making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay Program;

"(C) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement that participate in the Chesapeake Bay Program in developing and implementing specific action plans to carry out the responsibilities of the authorities under the Chesapeake Bay Agreement;

"(D) assisting the Administrator in coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

"(i) improve the water quality and living resources of the Bay; and

"(ii) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

"(E) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.".

(b) INTERAGENCY COOPERATION AND COORDINATION.—

(1) IN GENERAL.—There is established a Chesapeake Bay Federal Agencies Committee (hereafter in this subsection referred to as the "Committee").

(2) PURPOSES.—The purposes of the Committee shall be to—

(A) facilitate the collaboration, cooperation and coordination among Federal agencies and programs of Federal agencies in support of the restoration of the Chesapeake Bay;

(B) ensure the integration of Federal activities relating to the restoration of the Chesapeake Bay with State and local restoration activities, and the restoration activities of nongovernmental entities; and

(C) provide a framework for activities that effectively focus the expertise and resources of Federal agencies on problems identified by the Committee in such manner as to produce demonstrable environmental results and demonstrable improvements in the agency programs.

(3) DUTIES OF THE COMMITTEE.—The Committee shall share information, set priorities, and develop and implement plans, programs, and projects for collaborative activities to carry out the following duties:

(A) Reviewing all Federal research, monitoring, regulatory, planning, educational, financial and technical assistance, and other programs that the Committee determines to be appropriate, that relate to the maintenance, restoration, preservation or enhancement of the environmental quality and natural resources of the Chesapeake Bay.

(B) Reviewing each Federal program administered by the head of each participating Federal agency that may influence or contribute to point and nonpoint source pollution and establish a means for the mitigation of any potential impacts of the pollution.

(C) Developing and implementing an annual and long-range work program that specifies the responsibilities of each Federal agency in meeting commitments and goals of the Chesapeake Bay Agreement.

(D) Assessing priority needs and making recommendations to the Chesapeake Executive Council for improved environmental and living resources management of the Chesapeake Bay ecosystem.

(4) APPOINTMENT OF MEMBERS.—The members of the Committee shall be appointed as follows:

(A) At least 1 member who is an employee of the Environmental Protection Agency shall be appointed by the Administrator.

(B) At least 1 member who is an employee of the National Oceanic and Atmospheric Administration of the Department of Commerce shall be appointed by the Secretary of Commerce.

(C) At least 3 members shall be appointed by the Secretary of the Interior, of whom—

(i) 1 member shall be an employee of the United States Fish and Wildlife Service;

(ii) 1 member shall be an employee of the National Park Service; and

(iii) 1 member shall be an employee of the United States Geological Survey.

(D) At least 4 members shall be appointed by the Secretary of Agriculture, of whom—

(i) 1 member shall be an employee of the Soil Conservation Service;

(ii) 1 member shall be an employee of the Forest Service;

(iii) 1 member shall be an employee of the Agricultural Stabilization and Conservation Service; and

(iv) 1 member shall be an employee of the Extension Service.

(E) At least 3 members shall be appointed by the Secretary of Defense, of whom—

(i) At least 2 members shall be employees of the United States Army, of whom 1 member shall be an employee of the Army Corps of Engineers; and

(ii) 1 member shall be an employee of the United States Navy.

(F) At least 1 member who is an employee of the Federal Highway Administration shall be appointed by the Secretary of Transportation.

(G) At least 1 member who is an employee of the Coast Guard shall be appointed by the head of the department in which the Coast Guard is operating.

(H) At least 1 member shall be appointed by the Secretary of Housing and Urban Development.

(I) At least 1 member shall be appointed by Board of Regents of the Smithsonian Institution.

(5) CHAIRPERSON.—The Committee shall on the initial meeting of the Committee, and biennially thereafter, select a Chairperson from among the members of the Committee.

(6) PROCEDURES.—The Committee may establish such rules and procedures (including rules and procedures relating to the internal structure and function of the Committee) as the Committee determines to be necessary to best fulfill the responsibilities of the Committee.

(7) MEETINGS.—The initial meeting of the Committee shall be not later than 60 days after the date of enactment of this Act. Subsequent meetings shall be held on a regular basis at the call of the Chairperson.

(c) REPORTS.—Beginning with the submission by the President of the budget of the United States relating to the first fiscal year beginning after the date of enactment of this Act, the head of each Federal agency shall submit to the President a report to be submitted to Congress along with the budget of the United States that identifies—

(1) the activities that have been carried out or are being undertaken to carry out the responsibilities of the Federal agency under this section or that are otherwise required under the Chesapeake Bay Program;

(2) planned activities to carry out the responsibilities referred to in paragraph (1); and

(3) the resources provided by the Federal agency to meet the responsibilities of the agency under this section and under the Chesapeake Bay Program.

SEC. 5. COMPLIANCE BY FEDERAL FACILITIES.

(a) IN GENERAL.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, and annually thereafter, the head of each Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall perform an assessment of the facility for the purpose of ensuring consistency and compliance with the commitments, goals, and objectives of the Chesapeake Bay Program.

(2) ASSESSMENT.—The assessment referred to in paragraph (1) shall identify any existing or potential impact on the water quality

or living resources of the Chesapeake Bay (or both) by the facility, including any potential land-use impacts of activities related to new development, man-made obstructions to fish passage, shoreline erosion, and ground water and storm water runoff.

(3) STATE PLANS AND PROGRAMS.—To the maximum extent practicable, each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure conformance with any applicable State plans and programs to protect environmentally sensitive areas in the Chesapeake Bay watershed.

(b) REPORT REQUIREMENTS.—As part of each report required under section 4(c), the head of each Federal agency shall include a detailed plan, funding mechanism, and schedule for addressing or mitigating the impacts referred to in subsection (a).

SEC. 6. CHESAPEAKE BAY WATERSHED, TRIBUTARY, AND RIVER BASIN PROGRAM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in cooperation with the Chesapeake Executive Council, the Secretary of Commerce (acting through the Administrator of the National Oceanic and Atmospheric Administration), the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), and the heads of such other Federal agencies as the Administrator determines to be appropriate, shall implement a coordinated research, monitoring, and data collection program to—

(1) assess the status of, and trends in, the environmental quality and living resources of the major tributaries, rivers and streams within the Chesapeake Bay watershed; and

(2) assist in the development of management plans for the waters referred to in paragraph (1).

(b) CONTENTS OF PROGRAM.—The program referred to in subsection (a) shall include—

(1) a comprehensive inventory of water quality and living resource data for waters within the Chesapeake Bay watershed;

(2) an assessment of major issues and problems concerning water quality in the Chesapeake Bay watershed, including the extent to which the waters provide for the protection and propagation of a balanced indigenous population of fish, shellfish, and wildlife;

(3) a program to identify sources of water pollution within the Chesapeake Bay watershed, including a system of accounting for sources of nutrients, and the movement of nutrients, pollutants, and sediments through the Chesapeake Bay watershed; and

(4) the development of a coordinated Chesapeake Bay watershed land-use database that incorporates resource inventories and analyses—

(A) for the evaluation of the effects of different land-use patterns on hydrological cycles, water quality, living resources, and other environmental features; and

(B) as an aid to making sound land-use management decisions.

(c) MANAGEMENT PLANS.—In a manner consistent with each applicable deadline established by the Chesapeake Executive Council, the Administrator, in consultation with the Chesapeake Executive Council, shall assist each signatory jurisdiction of the Chesapeake Bay Counsel in the development and implementation of a management strategy for each of the major tributaries of the Chesapeake Bay, designed for the achievement of—

(1) a reduction, in a manner consistent with the terms of the Chesapeake Bay Agreement, in the quantity of nitrogen and phosphorous entering the main stem Chesapeake Bay; and

(2) the water quality requirements necessary to restore living resources in both the tributaries and the main stem of the Chesapeake Bay.

(d) ASSISTANCE.—

(1) IN GENERAL.—The Administrator, in consultation with the Chesapeake Executive Council, is authorized to provide technical and financial assistance to any State government, interstate entity, local government, or any other public or nonprofit private agency, institution or organization in the Chesapeake Bay watershed to—

(A) support the research, monitoring, and data collection program under this section;

(B) develop and implement cooperative tributary basin strategies that address the water quality and living resource needs described in paragraph (2); and

(C) encourage and coordinate locally based public and private watershed protection and restoration efforts that aid in the development and implementation of programs that complement the tributary basin strategies developed by the Chesapeake Executive Council.

(2) GRANTS.—

(A) IN GENERAL.—In providing financial assistance pursuant to paragraph (1), the Administrator may carry out a grant program. Under the grant program, the Administrator may award a grant to any person (including the government of a State) who submits an application that is approved by the Administrator.

(B) FEDERAL SHARE.—A grant awarded under this subsection for a fiscal year shall—

(i) not exceed an amount equal to 75 percent of the total annual cost of carrying out the activities that are the subject of the grant; and

(ii) be awarded on the condition that the non-Federal share of the costs of the activities referred to in subparagraph (A) is paid from non-Federal sources.

(C) WATERSHED PROTECTION AND RESTORATION.—As part of the grant program authorized under this paragraph, the Administrator may award a grant to a signatory jurisdiction to implement a program referred to in paragraph (1)(C).

(3) PRIORITIZATION.—In carrying out the technical and financial assistance program under this subsection, the Administrator shall give priority to proposals that facilitate the participation of local governments and entities of the private sector in efforts to improve water quality and the productivity of living resources of rivers and streams in the Chesapeake Bay watershed.

(4) COORDINATION WITH OTHER FEDERAL PROGRAMS.—The Administrator shall ensure that assistance made available under this subsection—

(A) is consistent with the requirements of other Federal financial assistance programs;

(B) is provided in coordination with the programs referred to in subparagraph (A); and

(C) furthers the objectives of the Chesapeake Bay Program.

SEC. 7. HABITAT RESTORATION AND ENHANCEMENT DEMONSTRATION PROGRAM.

(a) IN GENERAL.—

(1) HABITAT RESTORATION AND DESIGN PROGRAM.—The Administrator, in cooperation with the individuals described in paragraph (2), shall establish a habitat restoration and design program in the Chesapeake Bay watershed for the purpose of developing and demonstrating low-cost techniques for restoring or enhancing wetlands, forest riparian zones, and other types of habitat associated with the Chesapeake Bay and the tributaries of the Chesapeake Bay.

(2) INDIVIDUALS.—The individuals described in this paragraph are the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, the Secretary of Defense, acting through the Assistant Secretary of the Army for Civil Works, the Secretary of Agriculture, acting through the Chief of the Forest Service, and the heads of such other Federal agencies and departments and agencies of a State or political subdivision of a State as the Administrator determines to be appropriate

(b) CRITERIA FOR IDENTIFICATION OF AREAS OF SPECIAL CONCERN.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Chesapeake Executive Council, shall develop criteria to identify areas of special concern, including—

(1) unique, significant, or representative habitat types;

(2) areas that are subject to, or threatened by, habitat loss or habitat degradation (or both) attributable to human or natural causes; and

(3) areas inhabited by endangered, threatened, rare species, neotropical migratory birds, or species that have a unique function within the Chesapeake Bay ecosystem.

(c) PLAN.—Not later than 2 years after the date of enactment of this Act, the Administrator, in consultation with the Chesapeake Executive Council, shall develop a plan for the protection and conservation of wetlands, contiguous riparian forests, and other habitats within the Chesapeake Bay watershed.

(d) DUTIES OF THE ADMINISTRATOR.—In carrying out the demonstration program under this section, the Administrator, in consultation with the Chesapeake Executive Council, shall—

(1) identify opportunities for the restoration and mitigation of major habitat resources in the Chesapeake Bay watershed;

(2) characterize the historical importance of the habitat resources identified pursuant to paragraph (1) to the health and functioning of the Chesapeake Bay ecosystem;

(3) conduct a prerestoration characterization assessment of each habitat resource identified pursuant to paragraph (1) to evaluate with respect to the habitat resource—

(A) the potential effectiveness of a restoration effort;

(B) mitigation options; and

(C) the cost-effectiveness of each effort or option referred to in subparagraphs (A) and (B);

(4) consider the degree to which reconstructed and enhanced habitats may—

(A) mitigate the effects of nutrient loading caused by nonpoint source pollution from developed areas and agricultural activities;

(B) reduce erosion and mitigate flood damage; and

(C) assist in the protection or recovery of living resources;

(5) ensure coordination with all existing management, regulatory, and incentive programs;

(6) to accomplish the purposes of the demonstration program under this section, test materials and techniques for restoration and enhancement, including dredge material, submerged aquatic vegetation plantings, breakwaters, forest buffer strips, and artificial wetlands;

(7) monitor and evaluate the effectiveness of the demonstration projects;

(8) establish and maintain a central clearinghouse to facilitate access to information related to habitat of the Chesapeake Bay watershed, including information relating to—

(A) habitat—

(i) location;

(ii) type;

(iii) acreage;

(iv) function;

(v) condition and status; and

(vi) restoration and design techniques; and

(B) trends related to the information referred to in subparagraph (A); and

(9) develop and carry out educational programs (including training programs), research programs, and programs for technical assistance to assist in the efforts of State and local governments and private citizens related to habitat restoration and enhancement, including efforts for habitat—

(A) identification;

(B) delineation;

(C) mapping;

(D) functional assessment and mitigation; and

(E) restoration or creation practices.

(e) ASSISTANCE.—

(1) IN GENERAL.—In carrying out the demonstration program under this section, the Administrator is authorized to provide, in cooperation with the Chesapeake Executive Council, technical assistance and financial assistance in the form of a grant to any State government, interstate entity, local government, or any other public or nonprofit private agency that submits an approved application.

(2) FEDERAL SHARE.—

(A) GRANTS.—The Federal share of the amount of any grant awarded under this subsection shall be—

(i) with respect to a project conducted by the grant recipient on land owned or leased by the Federal Government, 100 percent of the cost of the activities that are the subject of the grant; and

(ii) with respect to a project conducted by the grant recipient on land that is not owned or leased by the Federal Government, 75 percent of the cost of the activities that are the subject of the grant.

(B) PROJECTS.—The Federal share of any project conducted by the Administrator under this subsection shall be—

(i) with respect to a project conducted on land owned or leased by the Federal Government, 100 percent of the cost of the activities that are the subject of the project; and

(ii) with respect to a project conducted on land that is not owned or leased by the Federal Government, 75 percent of the cost of the activities that are the subject of the project.

(f) HABITAT PROTECTION AND RESTORATION PROGRESS ASSESSMENT.—Not later than 3 years after the date of enactment of this Act, and biennially thereafter, the Administrator shall submit a report to Congress concerning the results of the demonstration projects conducted under the habitat restoration and design program described in subsection (a). The report shall also include a summary of scientific information concerning habitat restoration and protection in existence at the time of preparation of the report, and a description of methods, procedures, and processes to assist State and local governments and other interested entities in carrying out activities for the protection and restoration of wetlands, contiguous riparian forests, and other types of critical habitat that the Administrator determines to be appropriate.

SEC. 8. BASINWIDE TOXICS REDUCTION.

(a) IN GENERAL.—The Administrator, in cooperation with the Chesapeake Executive Council, shall implement a comprehensive basinwide toxics reduction strategy (referred to in this section as the "Basinwide Toxics Reduction Strategy") that, with respect to the reduction of inputs of toxic pollutants to the Chesapeake Bay and the tributaries of the Bay—

(1) establishes basinwide objectives; and

(2) describes actions that are necessary to achieve a multijurisdictional approach to the reduction of the inputs.

(b) RESEARCH AND MONITORING.—

(1) IN GENERAL.—The Administrator shall undertake such research and monitoring activities as the Administrator determines to be necessary for the improvement of the understanding of intermedia transfers of toxic pollutants and the ultimate fate of the pollutants within the Chesapeake Bay ecosystem.

(2) REASSESSMENT OR REVISION.—The Administrator shall—

(A) take into account the results of the research and analysis referred to in paragraph (1) in any reassessment of the Basinwide Toxics Reduction Strategy; and

(B) incorporate the results in any related revision of the Basinwide Toxics Reduction Strategy.

(c) FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Administrator, in cooperation with the Chesapeake Executive Council, shall provide such financial and technical assistance as the Administrator determines to be necessary to—

(A) by not later than 1 year after the date of enactment of this Act, develop a process to assist signatory jurisdictions—

(i) with improving the identification of the sources and transport mechanisms of toxic pollutant loadings to the Chesapeake Bay and the tributaries of the Bay from point and nonpoint sources; and

(ii) with the periodic integration, in a consistent format and manner, of the information obtained pursuant to subparagraph (A) into a toxics loading inventory for the Chesapeake Bay maintained pursuant to the Chesapeake Bay Program (referred to in this section as the "Chesapeake Bay Program Toxics Loading Inventory"); and

(B) by not later than 2 years after the date of enactment of this Act, commence the implementation of toxics reduction, pollution prevention, and management actions designed to achieve the toxics reduction goals of the Chesapeake Bay Agreement.

(2) ACTIONS.—The toxics reduction, pollution prevention, and management actions referred to in paragraph (1)(B) shall—

(A) be based upon the findings and recommendations of a reevaluation of the Basinwide Toxics Reduction Strategy; and

(B) include targeted demonstration projects designed to reduce the level of toxic pollutant loadings from major sources identified in the Chesapeake Bay Program Toxics Loading Inventory.

SEC. 9. STUDY OF CHESAPEAKE BAY PROGRAM.

Not later than January 1, 1996, the Administrator, in cooperation with the Chesapeake Bay Executive Council, shall complete a study and submit a comprehensive report to Congress on the results of the study. The study and report shall, at a minimum—

(1) evaluate the implementation of the Chesapeake Bay Agreement, including activities of the Federal Government and State and local governments;

(2) determine whether Federal environmental programs and other activities adequately address the priority needs identified in the Chesapeake Bay Agreement;

(3) assess the priority needs required by the Chesapeake Bay Program management strategies and how the priorities are being met; and

(4) make recommendations for the improved management of the Chesapeake Bay Program.

SEC. 10. AUTHORIZATIONS.

(a) FEDERAL WATER POLLUTION CONTROL ACT.—

(1) PROGRAM OFFICE.—Section 117(d)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1267(d)(1)) is amended by striking "1987, 1988, 1989, and 1990" and inserting "1987 through 1999".

(2) OTHER AUTHORIZATION.—Section 117(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1267(d)(2)) is amended by striking "1987, 1988, 1989, and 1990" and inserting "1987 through 1999".

(b) ADDITIONAL AUTHORIZATION.—There are authorized to be appropriated to the Environmental Protection Agency to carry out activities under this Act that are not funded under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267)—

(1) $10,000,000 for fiscal year 1994;

(2) $11,000,000 for fiscal year 1995;

(3) $12,000,000 for fiscal year 1996;

(4) $13,000,000 for fiscal year 1997;

(5) $14,000,000 for fiscal year 1998; and

(6) $15,000,000 for fiscal year 1999.

CHESAPEAKE BAY RESTORATION ACT OF 1993—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Establishes the title of the bill, the "Chesapeake Bay Restoration Act of 1993."

SECTION 2. FINDINGS AND PURPOSE

States that the purpose of the Act is to expand and strengthen the cooperative efforts to restore and protect the Chesapeake Bay and to achieve the goals embodied in the Chesapeake Bay Agreement.

SECTION 3. DEFINITIONS

Defines the terms, "Administrator," "Chesapeake Bay Agreement," "Chesapeake Bay Program," "Chesapeake Bay Watershed," "Chesapeake Executive Council," and "Person."

SECTION 4. MANAGEMENT OF CHESAPEAKE BAY PROGRAM

Provides authority for EPA to continue to lead and coordinate Federal agency participation in the Chesapeake Bay Program, in cooperation with the Chesapeake Executive Council, and to maintain a Chesapeake Bay Liaison Office.

Directs the Chesapeake Bay Liaison Office to provide support and coordinate Federal, state and local efforts in developing strategies and action plans and conducting systemwide monitoring and assessment to improve the water quality and living resources of the Bay.

Establishes a "Chesapeake Bay Federal Agencies Committee" to facilitate collaboration, cooperation and coordination among the agencies and programs of the Federal government in support of the restoration of Chesapeake Bay.

Directs each agency to provide, as part of its annual budget submission to the Congress, a report on the activities being undertaken and planned and the resources being provided to assist in the Bay restoration effort.

SECTION 5. FEDERAL FACILITIES COMPLIANCE

Requires each department, agency or instrumentality of the United States which owns or operates facilities within the Bay watershed to perform an annual assessment of their facilities to ensure consistency and compliance with the commitments, goals and objectives of the Bay program. Also requires the agencies to develop a detailed plan, funding mechanism and schedule for addressing or mitigating any potential impacts.

SECTION 6. CHESAPEAKE BAY WATERSHED, TRIBUTARY AND RIVER BASIN PROGRAM

Authorizes a comprehensive research, monitoring and data collection program to assess the status and trends in the environmental quality and living resources of the major tributaries, rivers and streams within the Chesapeake Bay watershed and to assist in the development of management plans for such waters. Directs the establishment of a system for accounting for sources of nutrients, and the movements of nutrients, pollutants and sediments through the watershed.

Provides for development of a coordinated Chesapeake Bay watershed land use data base, incorporating resource inventories and analyses in a digital format, to provide information necessary to plan for and manage growth and development and associated impacts on the Bay system.

Encourages local and private sector participation in efforts to protect and restore the rivers and streams in the Bay watershed by establishing a technical assistance and small grants program. Requires that local efforts be coordinated in a watershed-wide strategy.

SECTION 7. HABITAT RESTORATION AND ENHANCEMENT DEMONSTRATION PROGRAM

Establishes a habitat restoration and enhancement demonstration program to develop, demonstrate and showcase various low-cost techniques for restoring or enhancing wetlands, forest riparian zones and other types of habitat associated with the Chesapeake Bay and its tributaries.

Directs the Administrator, in cooperation with the Chesapeake Executive Council, to develop a plan for the protection and conservation of wetlands, contiguous riparian forests and other habitats within the Bay watershed, within two years from the date of enactment of the act.

Establishes a central clearinghouse to facilitate access to information about Bay watershed habitat locations, types, acreages, status and trends and restoration and design techniques.

Directs the Administrator to publish and disseminate on a periodic basis a habitat protection and restoration guidance manual describing methods, procedures and processes to guide State and local efforts in the protection and restoration of various types of habitat.

SECTION 8. BASIN WIDE TOXICS REDUCTION

Authorizes EPA to assist the States in the implementation of specific actions to reduce toxics use and risks throughout the Bay watershed. Directs the Administrator to assist the States in improving data collection on the sources of toxic pollutants entering the Bay and integrating this information into the Chesapeake Bay Program Toxics Loading Inventory. Also directs the Administrator to begin implementing toxics reduction, pollution prevention and management actions, including targeted demonstration projects, to achieve the toxics reduction goals of the Bay Agreement.

SECTION 9. STUDY OF CHESAPEAKE BAY PROTECTION PROGRAM

Directs EPA to undertake an assessment of the Chesapeake Bay Program and evaluate implementation of the Bay Agreement. Also directs EPA to assess priority needs for the Bay and make recommendations for improved management of the program.

SECTION 10. AUTHORIZATIONS

Authorizes $23 million for fiscal year 1994, $24 million for fiscal year 1995, $25 million for fiscal year 1996, $26 million for fiscal year 1997, $27 million for fiscal year 1998 and $28 million for fiscal year 1999 to carry out this act.

STATE OF MARYLAND,
EXECUTIVE DEPARTMENT,
Washington, DC, March 8, 1993.

Hon. PAUL S. SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: I am writing, in my capacity as Governor and Chair of the Executive Council of the Chesapeake Bay Agreement, to commend you for the initiative you have taken to reauthorize and expand federal participation in the Chesapeake Bay program through the introduction of the Chesapeake Bay Restoration Act of 1993. It is time to update the existing federal involvement, and build upon the federal-state partnership we established in the 1987 Chesapeake Bay Agreement. Your legislation opens a new phase in the Bay program and gives the clean up effort an important boost.

The Chesapeake Bay watershed will face increasing environmental threats in the years ahead. In 1992, the Executive Council agreed to amendments that will expand the program to include control of the pollution that flows into the Bay from its major tributaries. This approach will require substantial new efforts to reduce the amount of nutrients that enter the Bay from nonpoint sources. The new efforts are necessary if we are to meet the 40 percent nutrient reduction goal called for in the Bay agreement.

The cooperation of government at the federal, state and local level will be essential to protecting and restoring the Bay. Your bill helps to establish the blueprint for that cooperation. It also provides for new opportunities on habitat restoration through the creation of low-cost restoration and enhancement demonstration projects. These projects directly address an areas that is key to supporting the living resources of the Bay, the main goal of the Bay agreement.

I also want to thank you, and Charles Stek of your office, for consulting extensively with my Washington Office, Maryland state agencies, the Chesapeake Bay Commission, and all sectors of the Bay community during the process of drafting your legislation. The final product reflects a broad consensus of what needs to be done to build upon the progress we have already made.

I look forward to working with you to ensure the passage of this important legislation.

Sincerely,
WILLIAM DONALD SCHAEFER,
Governor.

CHESAPEAKE BAY FOUNDATION,
Annapolis, MD, March 9, 1993.

Hon. PAUL S. SARBANES,
Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: I am writing to express the Chesapeake Bay Foundation's strong support for the Chesapeake Bay Restoration Act of 1993. As you know, I have been concerned about the apparent loss of momentum within the Chesapeake Bay Program in recent months. Although I realize that no single piece of legislation can save the Chesapeake Bay, I believe this bill will shake up and reenergize the Bay program. I am particularly enthusiastic about the new wetlands restoration program. It is time to move beyond simply focussing on preserving our remaining wetlands, and get on with the job of restoring and enhancing the resilience of the Bay.

I am also glad to see the Act's focus on the tributary strategies. This legislation will take us the necessary next step toward true integrated watershed management, an approach pioneered by the Chesapeake Bay Program that is now widely recognized as the only logical way to protect our waterbodies.

Finally, the participation of Federal agencies new to the Bay Program, including the Departments of Transportation and Housing and Urban Development, recognizes the fact that many parts of the Federal government, not just those concerned with the environment, affect the health of the Bay. As we increasingly recognize the linkages between how we use the land and the health of the Bay, these agencies' participation in the Bay Program has become essential.

In summary, this legislation is a definite step forward for the Bay Program, and will aim it in the right direction for the rest of the century. I would like to thank you and your cosponsors for your efforts on behalf of this legislation and on behalf of the Chesapeake Bay.

Very truly yours,
WILLIAM C. BAKER,
President.

CHESAPEAKE BAY COMMISSION,
Annapolis, MD, March 8, 1993.

Hon. PAUL S. SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: I am writing to express the Chesapeake Bay Commission's strong support for the Chesapeake Bay Restoration Act (CBRA) of 1993. As you know, the Chesapeake Bay Commission is a tri-state legislative advisory commission created to assist the General Assemblies of Maryland, Virginia and Pennsylvania in addressing Chesapeake Bay-related issues which are of mutual concern to the three member States. The congressional reauthorization and enhancement of the Chesapeake Bay Program is certainly one such issue.

The Chesapeake Bay Restoration Act of 1993 builds upon the highly successful program authorized in the 1987 Water Quality Act and includes important new Federal initiatives in the areas of Federal agency cooperation, coordination and compliance; the conservation and restoration of the tributaries, rivers and streams in the Bay watershed; habitat protection and restoration; population growth and development; and toxics reduction. These are major areas in which we, the States, require additional Federal assistance. The legislation provides enhanced resources and new programs that will assist us and other governmental and nongovernmental organizations in addressing and meeting the needs for the restoration of the Chesapeake Bay in the years ahead.

The legislation is vital to the continued success of our efforts to protect this national treasure, the Chesapeake Bay. We believe it warrants and should receive the full backing of citizens throughout the Chesapeake Bay watershed. I want to commend you for your leadership in developing this important measure.

Sincerely,
Representative JEFFREY W. COY,
Chairman.

Ms. MIKULSKI. Mr. President, I rise proudly today to strongly support the legislation introduced by the senior Senator from Maryland.

The Chesapeake Bay Restoration Act is another critical step for all of us who enjoy the bay. This bill will continue the 10 years of progress we have made on the bay.

Mr. President, the Chesapeake Bay is our bay.

For the watermen on the Eastern Shore, the bay is a way to make a living.

For the scientists, the bay is a laboratory to study living things.

For the students, the bay is a hands-on environmental science class.

For everyone who loves the outdoors, the bay is a great place to get away.

And for this Senator from Maryland, the bay has been a place to grow up, relax, and drop a line in the water and fish with my father.

Mr. President, this is the 10th year anniversary of our bay program; 10 years ago three States and the District of Columbia came together to reclaim the Chesapeake Bay.

There was a vision then that was staked out. We had to say "no" to pollution in the bay. We had to say "yes" to restoring the bay's resources.

And over the past 10 years, we know a lot more about how to do that.

We know we have to control nutrients flowing into the bay. We have to give living resources a chance to breathe.

We know where pollution comes from, and by eliminating it, what that will mean for restoring living resources.

To put it bluntly, we've got this down to a science.

Now, we have to make sure we continue to take action. Action to implement what we've learned.

That's what the Chesapeake Bay Restoration Act does.

Mr. President, this bill would develop management plans in the watershed. Plans that would take the data collected, work with the private sector and local governments on implementing a watershed strategy.

This bill provides for better coordination for all the Federal agencies involved. And requires Federal facilities along the bay to make sure they are setting the best example.

Finally, this bill also provides for projects to find low-cost alternatives to restoring and enhancing habitats.

Mr. President, I'm not being parochial when I say our bay is a model for the Nation, a model for the National Estuary Program.

We've come a long way in 10 years. We've disagreed. We've brought together divergent views and we've even solved some problems.

Now is the time to take those lessons we've learned and turn them into real action.

Action that will allow all of us to continue being good neighbors to the environment and good neighbors to our bay.

Mr. WARNER. Mr. President, I am pleased to join my colleagues from the Bay States today to introduce the Chesapeake Bay Restoration Act of 1993. Of course, very special recognition and appreciation should be extended to Senator SARBANES for his leadership in working with officials from all of the bay States to bring this legislation to this point.

I am pleased that we can report that on this 10th anniversary year of the signing of the first Chesapeake Bay Agreement progress has been made in our efforts to save the bay. Oxygen levels in the bay's main channel are up; several pollutants are down; aquatic vegetation is on the rebound; and striped bass have made a significant recovery since the early 1980's.

It is also important to note that phosphorus pollution from point sources has been cut in half in Virginia and Maryland and by nearly one-third in Pennsylvania since 1983. This 35-percent reduction in phosphorus discharges is the result of the phosphate detergent ban now in place in each State and the District of Columbia, new sewage treatment plant construction featuring processes for advanced phosphorus removal, and the Bay Program's unique nonpoint source controls.

However, the tremendous population growth and development in the Chesapeake Bay region in the past two decades coupled with pollution from nonpoint sources continue to negatively impact water quality and wildlife. Recognizing that the bay is still far from being healthy, we are here today to introduce a measure which will significantly improve our chances to restore water quality and productivity to the bay.

The Chesapeake Bay Restoration Act of 1993 not only builds upon the initiatives in previous bay agreements but also addresses the priority needs for the restoration of the bay in future years. This bill includes provisions to: Enhance Federal agency cooperation and coordination; improve Federal facilities compliance; facilitate local and private sector participation in the development and implementation of cooperative watershed and river basin management, conservation, and restoration plans; and demonstrate and showcase various techniques for restoring or enhancing wetlands, submerged aquatic vegetation, and forest riparian zones in the bay.

One of the Chesapeake Bay Program's greatest strengths is in the number and variety of its supporters and contributors. Not only are the representatives from the legislative and executive branches of Maryland, Virginia, Pennsylvania, the District of Columbia, and the Environmental Protection Agency who signed the bay agreements key players in the management of the program. Numerous local governments, 10 Federal agencies, and over 700 active environmental, community, and civic groups lend additional support by promoting bay-related initiatives.

I would also like to emphasize how important and far-reaching the Federal role has and continues to be in this program. Federal involvement—headed by EPA—continues to provide invaluable coordination, oversight, research, and technical assistance to the program. Federal EPA funding, which now amounts to $20 million annually, has fostered hundreds of millions of dollars from State and local governments to the Bay Program.

Because the Chesapeake Bay Program serves as a model for the entire Nation, the Chesapeake Bay Restoration Act of 1993 is deserving of every Senator's endorsement. The Bay Program utilizes structure, management programs, and technologies which are of significance worldwide. The Bay Program leads the Nation in nonpoint source pollution control, nitrogen removal technologies, estuarine modeling efforts, and sediment and erosion control initiatives. It has pioneered beneficial uses of dredged materials and has initiated several model land use programs. The Bay Program's cooperative structure has served as a model for similar programs including Long Island Sound, Lake Champlain, the Gulf of Mexico, the Puget Sound, and Albemarle-Pamlico Sound. In addition, both coastal America and the Coastal Zone Management Non-point Source Regulations owe much of their structure to the Bay Program.

I look forward to seeing that this worthwhile legislation becomes law this Congress.

Mr. ROBB. Mr. President, I rise today in strong support of the Chesapeake Bay Restoration Act of 1993.

I want to commend my distinguished colleague from Maryland, Senator SARBANES, for his hard work and dedication on this issue, and I am pleased to be an original cosponsor of this important initiative.

Mr. President, I have been strongly committed to efforts to clean up the bay since my term as Governor of Virginia.

Since 1983, when the first Bay Agreement was signed, we have made important progress in restoring and preventing further deterioration of the bay.

Phosphorous levels in the bay, are down 35 percent since 1985.

Striped bass stocks are up since the early 1980's.

And submerged aquatic vegetation has made a comeback thanks to improved water quality in the bay.

However, as the population grows in each of the States surrounding the bay and the pressures to develop land increase, it is essential that we continue to push forward in the bay restoration effort.

Mr. President, the legislation being introduced today is very similar to a measure which I supported in the 102d Congress.

This year's bill would authorize $23 million in Federal funds for fiscal year 1994, and additional funds through fiscal year 1999, for a variety of bay cleanup activities such as research, monitoring, habitat restoration, and toxics reduction.

The bill will make a number of improvements to the current bay program.

Section 4 of the legislation establishes a Chesapeake Bay Federal Agencies Committee to better coordinate Federal support for bay restoration.

Currently, 16 Federal agencies play a role in the bay cleanup; improved coordination will go a long way toward getting the job done.

Section 5 ensures that Federal facilities operating within the bay watershed do not adversely affect the bay.

This is vitally important given the broad Federal presence along the bay, which includes 66 military installations.

Section 6 extends research and monitoring beyond the mainstem of the Chesapeake to its important tributaries, rivers, and streams—reflecting the growing realization that to clean up the bay, we need to improve the conditions of the tributaries that contribute to it.

Section 7 establishes a Habitat Restoration and Enhancement Demonstration Program and section 8 authorizes the EPA to assist the States in the reduction of basinwide toxics.

Mr. President, the introduction of this legislation today marks an exciting new chapter in the bay restoration effort.

It is my hope that with the commitment of a new Democratic administration, the Clean Water Act will be reauthorized this year, and that the Chesapeake Bay Restoration Act will become an important part of that legislation.

Mr. President, I thank the Chair and I yield the floor.

By Mr. BRYAN (for himself, Mr. MCCAIN, and Mr. GORTON):

S. 568. A bill to strengthen the authority of the Federal Trade Commission regarding fraud committed in connection with sales made with a telephone, and for other purposes; to the Committee on Commerce, Science, and Transportation.

TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT

Mr. BRYAN. Mr. President, as chairman of the Commerce Committee Consumer Subcommittee, I will be introducing today legislation to protect consumers from telemarketing fraud. This is the same bill I introduced last year.

Telemarketing is estimated to be a $400 billion industry annually. While most of this volume is from legitimate telemarketers—the L.L. Beans and similar reputable businesses—it is also common knowledge that the telemarketing business can be a fertile ground for fraudulent operators. Unfortunately, as much as $40 billion is estimated to be lost due to fraudulent telemarketing every year. More specific estimates of dollars lost to fraud cannot be ascertained because many victims are too embarrassed to come forward and report their losses to authorities. Visa and Mastercard estimate that their member institutions lose in excess of $300 million per year as a result of telemarketing fraud involving payment by a credit card.

The Consumer Federation of America and the National Association of Consumer Agency Administrators asked State and local consumer protection agencies "what is the worst consumer ripoff and abuse you see?" The response: telemarketing fraud. A report issued by the National Consumers League last year reveals that 92 percent of all Americans received a postcard claiming they had "definitely won a valuable prize;" 29 percent of those people responded. The report also found that more than 5.5 million people have bought something by telephone they now feel was a definite fraud.

In telemarketing fraud, consumers are typically offered goods and services that are what we call too good to be true. The offers include luxury items and fabulous trips, at little or no costs. The consumer is often required to pay in advance, and is generally asked to pay by credit card. The reality, however, is that many of these deals are indeed too good to be true. Items are never delivered, or are not of the value which the consumer was promised. Many of these operations are fly-by-night boiler room shops, whose contact with the consumer is limited to the telephone, and whose mobility permit the consumer no recourse when the goods are deficient or not delivered. The quick movement and deceptive tactics by these scam operators also make it difficult for enforcement and prosecution, particularly for State law enforcement officials.

The sight draft is a new method for fraudulent telemarketing to obtain funds from consumers. This scheme involves a telephone solicitation whereby the telemarketer obtains the consumer's checking account information. A sight draft is prepared by the telemarketer, who then deposits it to the banking system for collection. The consumer's bank processes the draft against the consumer's checking account without written authorization. Often, the consumer does not discover the unauthorized debts for 30 to 45 days. Such fraud has the potential for exposing the banking industry to significant losses.

As I have stated before, the citizens of my own State of Nevada know the problems of telemarketing abuse all too well. During the 1980's, fraudulent telemarketing boiler rooms were a growth industry in Nevada. The State's consumer affairs division has recorded over 15,000 written complaints and over 66,000 telephone inquiries from consumers concerned about such fraud. Estimates show that Nevada consumers lost about $8 million between 1984 and 1989 because of fraudulent telemarketing schemes.

The Nevada State government, together with the Federal strike force, has done an admirable job in attempting to deal with this overwhelming problem. The boiler room industry has gone into sharp decline, from 400 telemarketing firms with 20,000 employees in 1988 to 60 operations with 5,000 salespeople in 1989. Nevada has enacted creative and effective legislation to address this problem, requiring licensing of telemarketers and establishing tough anti-fraud provisions in the securities area, which I was pleased to sign into law when I served as Governor.

The effects of telemarketing fraud, however, are felt throughout the Nation, both by consumers and legitimate telemarketers. The Federal Trade Commission and the National Association of State Attorneys General have both stated that they consider telemarketing fraud a grave threat to consumers, and that the problem is one of their top priorities.

In the last two Congresses, I have introduced legislation to strengthen the FTC's authority, and the ability of State attorneys general, and individual consumers, to combat fraudulent telemarketing. I have been joined in those efforts by Senator MCCAIN. Our bill was passed unanimously by the full Senate in the last Congress. Similar legislation introduced by Congressman SWIFT was passed by the House.

Today, I reintroduce legislation to combat telemarketing fraud and ask the Congress to put this bill on a fast track. The terrible costs that fraudulent telemarketing inflicts on innocent victims—whether consumers, legitimate businesses, credit card companies, or others—continue to increase, and Congress should not delay.

The recent criminal sting operation brought by the Federal Bureau of Investigation, whereby 548 individuals and 123 illegal telemarketing operations were identified, represents the most significant criminal telemarketing fraud investigation ever initiated by the FBI. The Bureau is to be commended for its remarkable efforts in this area.

While criminal enforcement of telemarketing fraud is unquestionably necessary and effective, civil enforcement is also vital in the fight against such fraud.

My bill strengthens the enforcement authority of the Federal Trade Commission with respect to fraudulent telemarketing. The legislation broadens the FTC's civil investigative demand authority by permitting the commission to subpoena physical, as well as documentary, evidence. In addition, the bill contains provisions relating to venue, service of process, and criminal contempt authority, which the FTC has stated will assist it in prohibiting fraudulent telemarketing. The legislation also directs the FTC to undertake a rulemaking to prohibit fraudulent and abusive telemarketing activities, which includes credit card laundering.

Equally important, this bill provides a new cause of action for State attorneys general and other State officials, and for private parties, including financial institutions and member organizations of financial institutions.

I will be chairing a consumer subcommittee hearing on March 18 to further address these issues, and to allow the FBI an opportunity to present information to the committee regarding its undercover investigation. The FTC will also provide information regarding fraudulent telemarketing and the legislation introduced today.

Mr. President, this legislation is vitally important. It will protect all consumers, as well as legitimate businesses and financial institutions, from becoming unwilling victims of unscrupulous and fraudulent telemarketers. I ask for the unanimous support of my colleagues and quick passage by this Congress.

Mr. GORTON. Mr. President, I am pleased to cosponsor the Telemarketing and Consumer Fraud and Abuse Prevention Act. This bill takes a reasonable approach to addressing the problems associated with telemarketing fraud.

Telemarketing is one of the fastest growing industries in the United States. In 1986, telemarketing revenues were approximately $118 billion. The industry is comprised of more than 140,000 firms employing 2 million people. Consumers are making increased use of telemarketing, as it allows them to make purchases from their homes.

Although the vast majority of telemarketing firms are legitimate, fraud is a major problem. For example, a Florida company operated a telemarketing investment scam that convinced 13,000 individuals to purchase gold bars, which were to be held in the company's vault. When law enforcement officials closed down the operation, they discovered that the vault contained pieces of wood painted to look like gold bars and money bags filled with shredded paper. Consumers were defrauded out of more than $75 million by this scheme. A report last year by the House Committee on Government Operations concluded that telemarketing fraud may cost society as much as $40 billion annually.

The magnitude of this problem is underscored by the results of a survey conducted last year by the National Consumers League. It found that 92 percent of all Americans had been contacted about a guaranteed prize, and 29 percent had responded to such offers at least once. Sixty-nine percent of those that responded to these notices received no prizes, but most of those that did receive one found them to be worth far less than the promised value.

Combating telemarketing fraud is particularly difficult, since scam artists often operate out of boiler rooms consisting of banks of phone lines on which solicitors place calls to likely prospects. If the scam artists determine that legal action by State or Federal authorities is imminent, the boiler room is packed up and moved to a new location.

This bill addresses this problem through enhanced law enforcement. The legislation provides the Federal Trade Commission [FTC] important enforcement tools that are essential if the Commission is to bring scam artists to justice. For example, the bill expands the Commission's authority to collect financial evidence. This is needed to allow the Commission to follow the money—an axiom of law enforcement. The legislation also modifies the Commission's authority to initiate criminal contempt proceedings against those that repeatedly violate Commission orders. This recognizes that civil remedies are not adequate to deal with those hard-core scam artists who routinely attempt to defraud unwitting consumers.

The bill also enhances FTC enforcement authority by permitting the Commission to subpoena physical evidence in addition to documents, as allowed under current law. Also, the bill amends section 13 of the FTC Act to permit a Federal court to join additional defendants in a civil action even if they have no contacts with the district in which the case is pending. The FTC would be permitted to serve process on defendants wherever the defendants can be found.

In addition to enhancing FTC enforcement authority, the bill seeks to increase the resources available to combat telemarketing fraud. The legislation requires the FTC to promulgate a rule regarding fraudulent telemarketing acts or practices that the FTC and State attorneys general would be authorized to enforce. This authority for State attorneys general is very important because the FTC does not have the resources to address this pervasive problem alone. State law enforcement resources are critical to the national effort to combat telemarketing fraud, and this provision will allow State attorneys general to bring scam artists who have defrauded their citizens to justice, even if the scam artists are located outside that State.

A 1989 report by the American Bar Association on the FTC urged the Commission and the States to work cooperatively on national matters such as this. This provision requires State attorneys general to give the FTC prior written notice of his or her intent to file a civil action in order to ensure a cooperative approach to enforcement. In addition, the FTC would have authority to intervene in any lawsuit brought by a State and to file appeals of any court order, and State attorneys general would be prohibited from bringing a civil action during the pendency of an action by the FTC against the same defendant for a violation of the rule.

Last week, the Federal Bureau of Investigation [FBI] concluded a 2-year undercover investigation of telemarketing fraud, which resulted in hundreds of arrests and the exposure of numerous networks of fraudulent activity. The FBI, FTC, and State officials must devote considerable resources to combat this problem because it is pervasive and, tragically, usually very successful. This bill will help provide civil enforcement agencies, Federal and State, the tools they need. Mr. President, I urge my colleagues to support this bill.

Mr. MCCAIN. Mr. President, I am pleased to join my distinguished colleague and good friend from Nevada, Senator BRYAN, in introducing today the Telemarketing and Consumer Fraud and Abuse Prevention Act.

Mr. President, telemarketing is one of the fastest growing industries in the United States. This industry has provided American consumers greater options for obtaining information, entertainment, and home shopping opportunities. A great many of these telemarketing companies are legitimate, and operated by honest businessmen and women. Unfortunately, the expansion of the industry has also led to the emergence of telemarketing and consumer fraud.

As we saw with the FBI sting this past weekend, this problem is pervasive and national in scope.

I have focused on the issue of consumer fraud for several years now, particularly on the issues of health and consumer fraud targeted at the elderly. On March 16, 1988, I testified before the Federal Trade Commission [FTC] on my concern about health care and consumer fraud affecting senior citizens—leaving behind unsatisfied, and in some cases, physically harmed seniors who relied on fraudulent products and health care schemes. For the past several years, Senator BRYAN and I have been working together to try and get legislation enacted to combat telemarketing fraud.

Telemarketing and consumer fraud costs American taxpayers tens of billions of dollars per year, and, in the case of health fraud, can costs lives as well. Such fraud is often committed by individuals who escape legal action by dismantling their operation and relocating to begin the operation again. In the cases of these boiler room scams, such as the subjects of the recent FBI sting, both the victims and the perpetrators are difficult to locate since the operations often consist of nothing more than phone banks which do not readily provide detailed evidence of illegal activity.

There are several areas of fraud to which the elderly are particularly susceptible.

First, health fraud is one of our Nation's leading consumer fraud and health care problems. Older Americans, as a group, experience deteriorating health and a greater number of terminal illnesses than the rest of the population. In searching for a way to prolong life and combat illness, the elderly are particularly susceptible to the claims of scam operators.

Health-care fraud can be life threatening. In some cases, the so-called cure may be deadly as well. In other cases, the product may be harmless, but a victim may be led to choose the product for treatment of an illness instead of a physician-recommended course of treatment. Again, the result could be quite serious.

Not only is such fraud dangerous to the consumer's health, it is also costly. Current projections by the National Council Against Health Fraud indicate that this activity is costing Americans close to $25 billion a year.

A few examples from my own State of Arizona illustrate the magnitude of the problem.

An advertisement was placed in the Arizona Republic and Phoenix Gazette newspapers that read: "Alzheimer's disease—symptoms of senility. At last—now there is hope! Call [this number] for help. Free—no charges—no fees."

Another case involved a phony cancer cure called Tumorex. The ad read:

> Cancer patients undergo a six-day therapy of daily tumorex injections administered by a licensed M.D. or R.N. This is augmented by amino acid capsules taken half hour before each meal. Any enzyme program must be discontinued 24 hours before the first day of treatment. In most cases, 6 days of treatment are sufficient; however, 12 days or more are required for some severe cases. Colon cleaning is important before treatment and imperative after treatment. $2,500 includes the 6- or 12-day treatment, and transportation (meals and lodging not included). We suggest cashier's or traveler's checks, however Mastercard and Visa are acceptable.

Mr. President, Tumorex is really the amino acid L-Arginine, which can be purchased at local health food stores at a cost of $5.50 for 100 tables.

Second, consumer fraud via the television or telephone is another issue of particular concern to older Americans. Consumer items for purchase, and medical and health services are commonly marketed in this manner. While many of these sellers offer legitimate services or merchandise, many times consumers lose by not receiving the ordered item, receiving a copy rather than an authentic item, or by suffering some financial or health loss.

One example of this type of telemarketing scam in Arizona involved a nationwide, shop-at-home program. This program, which was aired over nationwide television, involved a listing of various items for sale. The money for these items was sent to the company which, in turn, cashed the checks and never delivered the merchandise. The operation generated over 1,300 complaints.

Third, is the area of life-care communities. While life-care communities can be a practical solution to the problem of assuring constant care for the elderly, there have been several occasions where senior citizens have lost their investments due to fraud or mismanagement. This has involved the misrepresentation of financial risks, mortgage-lender's interests in the life-care community, and the misuse of the entrance fee financing.

The structure of the life-care industry facilitates such abuses, and it is time that we take a close look at the industry's practices and ensure that life-care communities remain safe alternatives for senior citizens.

And, last, is the area of credit card laundering. This area of fraud is emerging as a great threat to both consumers and the banking community. This is exemplified by the situation where a fraudulent telemarketer uses the credit card privileges of a merchant to obtain legitimate credit card drafts as records of transactions to receive payment from the unsuspecting customer's bank.

Consumers fall prey to the attractive descriptions of an item by a telemarketer, and provide their credit card numbers to the so-called seller. The telemarketer then submits that number to a willing merchant with legitimate credit card privileges, who submits the credit card drafts to the corresponding bank. This activity often results in a customer not receiving the item or receiving an item which is different from the promised item. An additional effect on the banking institutions is that, upon receiving the complaint from the consumer, or upon acquiring the accounts of telemarketing merchants who went out of business, the institutions must settle the chargebacks against their own accounts when the merchants are unable to pay them.

This exact scenario played out in my State of Arizona with Gateway National Bank in Phoenix which ended up being declared insolvent by the Office of the Comptroller of the Currency. Just 1 year prior to insolvency, Gateway claimed assets of $1 million. One of the main reasons attributed to its demise was the overwhelming number of chargebacks the bank had to absorb because of merchants' failure to pay. These chargebacks ate away at the bank's equity capital, depleting it so as to render the bank insolvent.

The message here is clear: With credit card fraud, the consumer and the banking community are the big losers.

The legislation we are introducing today would combat telemarketing, consumer and credit card fraud in the following ways:

It offers a solution to the problems facing Federal law enforcement officers working toward bringing scam operators to justice, by expanding the venue and service of process provisions in the Federal Trade Commission Act. Thus, authorities will be permitted to summon and serve process upon any party, regardless of where they live or conduct business. This way, law enforcement officials will be able to bring scam operators to justice even if they have packed up their operation.

It enhances the enforcement authority of the Federal Trade Commission [FTC] by amending the Right to Financial Privacy Act of 1978 to permit access to financial records of consumer fraud suspects, without providing advance notice to the suspects, with court approval, if the FTC can show that the funds are likely to disappear during an investigation.

It identifies credit card laundering as a fraudulent telemarketing act or practice.

It offers protection to consumers against telemarketing fraud and abuse by requiring the FTC to develop telemarketing fraud protection for consumers. The rules would include: First, refunds for untimely delivery of goods or services, second, order cancellations, third, time restrictions on unsolicited sales calls, fourth, a prohibition on the use of equipment that does not allow the person called to hang up and disconnect the call immediately, and fifth, requirements for proper record keeping for the purposes of establishing evidence of proper business practices. The bill also directs the FTC to reflect on the changing nature of these illegal practices. These provisions would protect unsuspecting consumers from both unwelcome, and unsolicited goods or services, and, more importantly, fraud.

It will allow enforcement assistance by the States by permitting State attorneys general to enforce the proposed FTC telemarketing rules after first notifying the Commission. After receiving a copy of the State's complaint, the Commission may intervene as a matter of right in the proceeding. This provision assures joint enforcement efforts by both State and Federal authorities without precluding one or the other.

It permits private individuals to sue for violation of the FTC telemarketing rules when the amount in controversy exceeds $50,000. As in the case of the State attorneys general, a plaintiff would be required to notify the FTC prior to bringing suit.

These last three provisions are subject to a 5-year sunset clause, at which time they will cease to be effective. This will allow Congress the opportunity to evaluate the reasonableness and effectiveness of the telemarketing fraud and enforcement rules before continuing them indefinitely.

It amends the Federal Trade Commission Act to clearly set forth that it is unlawful to disseminate any false advertisement for the purpose of inducing the purchase of services, such as health care or home repair services. This provision addresses the problems and dangers of health care fraud by further amending the Federal Trade Commission Act to expand the definition of "physical evidence" for the purpose of bringing these cases to court. The definition of physical evidence should be expanded to include services, as well as medical devices, food products, nutritional or cosmetic products, or audio or video recordings, all things which are often pivotal evidence in consumer fraud cases generally, and health care fraud in particular.

It permits the FTC to bring an action for criminal contempt for violation of an FTC order, if it is presently authorized to institute a proceeding for civil contempt.

It requires the FTC to establish a clearinghouse for telemarketing inquiries to be made available to the public.

And, finally, it requires the FTC to conduct a study of unfair or deceptive acts or practices in the life care home industry and report to Congress on the results of that study. This would be a starting point toward ensuring that the elderly are not misled when choosing a life-care community, and can feel confident when making this very important decision.

Mr. President, this legislation is an important step toward minimizing the practice of telemarketing, consumer, and credit card fraud, and help protect senior citizens in particular, who are all too often targeted as victims of fraud. I realize, however, that some of the provisions of this bill may slightly increase redtape for businesses and could nominally increase the price of products or services, but this is one case in which I believe the end result justifies the means. We must provide sufficient tools to the authorities to shut down the crooks that are ripping off, and in some cases threatening the lives, of consumers.

Last week the House of Representatives passed their telemarketing fraud bill. Next week Senator BRYAN and I will be holding a hearing in the Consumer Affairs Subcommittee of Commerce to review the facts behind the FBI sting. I share Senator BRYAN's hope that we will be able to move this legislation in an expeditious manner.

I hope that all of our colleagues will consider supporting this important legislation.

By Mr. GRASSLEY (for himself, Mr. EXON, Mr. DOLE, Mr. KERRY, Mr. BRYAN, Mr. PRESSLER, Mr. STEVENS, Mr. BURNS, Mr. LOTT, Mr. HATCH, Mr. THURMOND, Mr. SIMON, Mr. KOHL, Mr. BROWN, Mr. PRYOR, Mr. SASSER, Mr. CONRAD, Mr. WOFFORD, Mr. BOND, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. SMITH, Mr. HARKIN, Mr. D'AMATO, Mr. BINGAMAN, Mr. BUMPERS, Mr. NICKLES, Mr. COCHRAN, Mr. DURENBERGER, Mr. DASCHLE, Mr. MURKOWSKI, Mr. SHELBY, and Mr. RIEGLE):

S. 570. A bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure; to the Committee on Commerce, Science, and Transportation.

LOCAL EXCHANGE INFRASTRUCTURE MODERNIZATION ACT OF 1993

Mr. GRASSLEY. Mr. President, I am delighted to be joined by Senator EXON today to introduce the Local Exchange Infrastructure Modernization Act of 1993. Also joining us as original cosponsors are Senators DOLE, KERRY, BRYAN, PRESSLER, STEVENS, BURNS, LOTT, HATCH, THURMOND, SIMON, KOHL, BROWN, PRYOR, SASSER, CONRAD, WOFFORD, BOND, JEFFORDS, KASSEBAUM, SMITH, HARKIN, D'AMATO, BINGAMAN, BUMPERS, NICKLES, COCHRAN, DURENBERGER, DASCHLE, MURKOWSKI, SHELBY, and RIEGLE.

With this legislation, we are literally paving the road to America's future—to improve our economy, to enhance our world competitiveness, and to maintain our preeminence in the field of telecommunications.

We must take decisive steps to assure that all Americans—rural and urban—share the benefits of a modern telecommunications infrastructure. These benefits include not only expanding job opportunities and consumer services, but also the delivery of social services, education and health care, which are crucial to an improved quality of life.

At the outset, I want to extend my appreciation for the leadership and initiative of the officials and members of the U.S. Telephone Association [USTA] which represents well over 1,100 of America's local telephone companies.

I am also pleased to note that this legislation has the wholehearted support of the National Rural Telecom Association, the National Telephone Cooperative Association, and the Organization for the Protection and Advancement of Small Telephone Companies, who have told me that this bill "is of vital importance to all consumers. It will significantly help in preserving the availability of universal service at reasonable rates on the Nation's local exchange network."

Mr. President, during the 1939 World's Fair, the most popular attraction was General Motor's Futurama exhibit, which provided a glimpse into the year 1960.

Central to that 1939 vision of the future was a system of express highways which would be key to renewing America's cities, developing rural areas, creating new jobs, and improving the efficiency of the economy.

Like many visions, it seemed impossible. But what seemed impossible in 1939, is a reality today.

Our Nation developed a modern system of interstate and State highways which has been crucial to the economic growth of largely rural areas such as my home State of Iowa.

But just as in 1939, today we must have a vision for tomorrow. We must have a vision of a different infrastructure—one just as critical to our ability to compete in the information world.

It is the telecommunications infrastructure that will support the growth of new information-based industries and will permit existing information-intensive industries—such as the insurance industry, which has a major presence in Iowa—to expand and to become more efficient.

Telecommunications infrastructure will enable manufacturers to operate more efficiently and to develop products which will be more competitive in the global marketplace. For example, companies like John Deere, which employs 13,000 families in Iowa, can utilize telecommunications to strengthen its position as a leader in the manufacture of farm machinery and equipment.

The United States is well-positioned generally to compete in a global information economy. We have the best communications infrastructure of any of the world's leading economic powers, including Japan. But how long will this last?

I am concerned that we do not decline from world leader to "also-ran" in the arena of telecommunications.

It was as recently as the end of World War II that almost half of the households in the United States did not have telephone service. The number of "have-nots" was even higher in rural States such as Iowa. But by adopting the right public policies, including the expansion of the Rural Electrification Administration Program, we have seen telephone penetration grow to 93.4 percent nationwide and to 95.6 percent in Iowa.

We must not allow ourselves to slip backward into an area of haves and have-nots. But to assure this, we must take steps to remove impediments to the modernization of the telephone network and to universal access to advanced network capabilities.

A report prepared for the rural economic policy program of the Aspen Institute identified both the problem and the opportunity for rural America:

> What makes telecommunications so attractive as a rural development strategy is its potential for promoting long-term growth, diversification and stability. Rural communities are not just losing their traditional industries; they are not attracting the more specialized entrepreneurial businesses that provide value-added services to niche markets. By investing in an enhanced telecommunications infrastructure that can serve the information-intensive needs of today's businesses, rural America can hitch its wagon to a rising star.

And the Office of Technology Assessment has warned, in its study entitled "Rural America at the Crossroads," that existing "regulatory restrictions and antitrust considerations often prevent or impede" the cooperation by which "telecommunications providers can distribute the high costs and diminish some of the risk of investing in advanced telecommunications technology in rural areas."

Incredibly, in the face of these regulatory and antitrust obstacles, we still expect our Nation's 1,300 local exchange carriers to plan and manage the public switched network, and to do so without the benefit for a formal agreement.

In the aftermath of the breakup of the old Bell System and in an era of increasing competition, we are depending on good will and on voluntary cooperation among all these telephone companies to keep this critical portion of our infrastructure working.

Both of these problems are addressed in the legislation we are introducing today. The Local Exchange Infrastructure Modernization Act of 1993 has two objectives.

First, it will permit coordinated network planning by the local exchange carriers, including the development of standards for interconnection among the local exchange carriers and between those carriers and other telecommunications providers and users.

Second, it will permit the sharing of public switched network infrastructure among the local exchange carriers which is especially important for smaller telephone companies serving rural areas and for the customers of those companies.

Achieving these objectives is extremely important for our Nation as a whole if we are to insure that the public switched network continues to function as an efficient, reliable element of our telecommunications infrastructure. Moreover, it is particularly important for those of us representing states with large rural populations which might otherwise not have access to new network technology or applications.

In its study "Telecommunications in the Age of Information," the National Telecommunications and Information Administration reached the following conclusion:

> Historically, the availability of telephone service in this country has been a national concern and the pursuit of 'universal service' has been a long-standing national goal. Americans must renew our commitment to this goal and update it in light of the benefits that today's technologies can bring. * * * The emergence of the world economy has brought with it new requirements for national telecommunications policy. Objectives such as economic development and competitiveness in global markets are becoming as important to the well-being of the U.S. populace as telephone penetration rates.

Mr. President, Congress has the opportunity to take steps now to secure the economic future of this country and to enable all businesses and all households—regardless of whether they are located in our largest metropolis or in our most isolated, rural regions—to share in that future. I urge my colleagues to join us in prompt consideration and passage of the Local Exchange Infrastructure Modernization Act of 1993, which will set us on the right course.

Mr. President, there is one additional point that needs emphasizing. Our legislation is not a Government takeover of our Nation's telecommunications infrastructure. Quite the contrary, it sets up a regulatory playing field from which our existing telephone industry can meet the challenges of the information age. These are the people, not Uncle Sam, who are best suited for the task.

Competition, and the proliferation of networks spawned by competition, are major factors in the relative strength of our telecommunications infrastructure today. However, equally important is the role played by the public switched telephone network.

I am particularly proud of the crucial role small telephone companies play in providing the local exchange portion of this network. Their facilities are among the most advanced in the world and these companies have been instrumental in extending the reach of the telephone network to nearly every household and business in the country.

There are over 150 telephone companies and cooperatives in my State of Iowa. In fact, Iowa has bragging rights to having more telephone companies than any other State.

Through my years of working with the people who own and operate these telephone companies, I have learned firsthand just how critical their role has been in facing the challenges of assuring that Iowans enjoy the technological advances in telecommunications which have come at breakneck speed.

The people behind Iowa's telephone companies care about their communities. They care about the economy, about jobs, and about the future of our children. And they realize that in this fast-moving information age, either rural Americans must get on board or be left behind in the dust. Consequently, they have worked hard to overcome the challenges of advancing technology and the unique obstacles of difficult terrain and sparse population in order to deliver to Iowans state-of-the-art telecommunications services.

The study I mentioned earlier which was completed by the Office of Technology Assessment gave me occasion to be very proud of Iowans who operate and manage our telephone companies. I serve on the congressional board to the OTA, and I had earlier requested that OTA analyze the links between communications technologies and rural economic development. The study is entitled "Rural America at the Crossroads: Networking for the Future."

One portion of the OTA study showcased the successful effort by 128 of Iowa's independent telephone companies to create what we call the Iowa Network Services as an example to be followed by other telephone companies from other States. By joining forces, the Iowa Network Services has been able to provide an independent fiber optic network as well as signaling system seven [SS7], which allows telephone company computers to communicate with each other.

The Local Exchange Infrastructure Modernization Act of 1993 allows the experts, the local exchange company officials, not Government bureaucrats, to take the appropriate lead as we move into the telecommunications "Futurama" of tomorrow.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Exchange Infrastructure Modernization Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) a ubiquitous high quality public switched network will promote—

(A) universal service at reasonable rates;

(B) the universal availability of advanced public switched network capabilities and information services;

(C) the public health, safety, national defense, education and security and emergency preparedness;

(D) the economic development and quality of life by bringing access to advanced public switched network capabilities to the American people regardless of their location;

(E) new services and motivate new service providers by providing uniform accessibility and interoperability;

(F) the international competitiveness of American industry; and

(G) a seamless, nationwide, coordinated and state-of-the-art public switched network that will enhance the quality of life for all Americans;

(2) the increasing technological complexity and need for ubiquitous infrastructure capability and interoperability of the public switched network requires—

(A) sharing of the public switched network infrastructure and functionality between and among local exchange carriers;

(B) joint coordinated network planning, design and cooperative implementation among all local exchange carriers; and

(C) development of standards for interconnection between the local exchange carrier public switched network and others by appropriate standards-setting bodies;

(3) the access services provided by the local exchange carrier public switched network to competitive carriers, information service providers and others, tie these diverse elements into an interoperable national telecommunications network;

(4) a ubiquitous, advanced local exchange carrier public switched network enhances the function and availability of services provided by all carriers and all other persons accessing the local exchange carrier public switched network; and

(5) it is in the public interest to promote development of the public switched network by local exchange carriers because they—

(A) have universal service obligations for geographically specific serving areas for which they must construct a ubiquitous infrastructure;

(B) provide public switched network services that are subject to regulation with respect to rates, terms and conditions;

(C) must provide network access to their own competitors on nondiscriminatory rates, terms and conditions; and

(D) are suppliers of last resort to customers in their serving areas.

SEC. 3. AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934.

(a) AMENDMENT TO SECTION 1.—Section 1 of the Communications Act of 1934 (47 U.S.C. 151) is amended by designating the existing text of subsection (a), and adding at the end thereof the following new subsection:

"(b) The Commission shall exercise its authority so as to—

"(1) preserve and enhance universal service at reasonable rates;

"(2) achieve universal availability of advanced network capabilities and information services;

"(3) assure a seamless nationwide distribution network through joint network planning, coordination and service arrangements between and among local exchange carriers;

"(4) maintain high standards of quality for advanced network services; and

"(5) assure adequate communication for the public health, safety, defense, education, national security and emergency preparedness.".

(b) AMENDMENT TO SECTION 2.—Section 2(b) of the Communications Act of 1934 (47 U.S.C. 152) is amended by deleting "227" and inserting in lieu thereof "229".

(c) AMENDMENT TO SECTION 3.—Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended by adding at the end thereof the following new definitions:

"(hh) The term 'local exchange carrier' means a carrier which—

"(1) is required to provide upon request, under tariff or subject to other government oversight (by the Commission or a State commission), interstate and intrastate access services and telephone exchange service;

"(2) is, or was, a participant in one or more interstate pools established by the Commission, or would have been required to participate in one or more such pools had the carrier been engaged in interstate and intrastate access and telephone exchange service while such participation was mandatory;

"(3) is subject to the requirements imposed by the Commission or a State commission related to the provision of equal access; and

"(4) conforms with the provisions of the North American Numbering Plan applicable to the assignment of numbering resources for telephone exchange service, as defined by the Plan's Administrator.

"(ii) The term 'Modification of Final Judgment' means the decree entered August 24, 1982, in United States v. Western Electric, Civil Action No. 82–0192 (United States District Court, District of Columbia).".

(d) AMENDMENT TO TITLE II.—Title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end thereof the following new sections:

"SEC. 228. NETWORK PLANNING AND STANDARDS.

"The Commission shall, within 180 days following the date of the enactment of this section, prescribe regulations that require—

"(1) joint coordinated network planning, design and cooperative implementation among all local exchange carriers in the provision of public switched network infrastructure and services; and

"(2) development of standards for interconnection between the local exchange carrier public switched network and others by appropriate standard-setting bodies.

"SEC. 229. INFRASTRUCTURE SHARING ARRANGEMENTS BETWEEN OR AMONG LOCAL EXCHANGE CARRIERS.

"(a) Within 180 days following the date of the enactment of this section, the Commission shall prescribe regulations that require a local exchange carrier to share public switched network infrastructure and functionality with requesting local exchange carriers lacking economies of scale or scope, as defined in subsection (b).

"(b) For the purposes of this section, the term 'local exchange carrier lacking economies of scale or scope' means any local exchange carrier which serves a geographic area for which it lacks economies of scale or scope for the particular required network functionality.

"(c) The regulations governing such sharing between or among local exchange carriers shall—

"(1) promote economically efficient decisionmaking by local exchange carriers;

"(2) not require any local exchange carrier to make any decision that is uneconomic or adverse to the public interest;

"(3) permit, but not require, joint ownership and operation of public switched network infrastructure and services by or among local exchange carriers;

"(4) limit their applicability to local exchange carriers;

"(5) ensure that a local exchange carrier, when sharing any infrastructure or providing any functionality to other local exchange carriers pursuant to this section, shall not be deemed a common carrier for hire when acting in this capacity, and such arrangements shall not be deemed common carrier services by the Commission or by any State commission;

"(6) ensure that fair and reasonable terms and conditions for and in connection with the business arrangement described in this section are determined by local exchange carriers in accordance with general guidelines contained in the regulations prescribed pursuant to this section;

"(7) establish conditions that promote cooperation between local exchange carriers; and

"(8) ensure that all regulatory rights and obligations for and in connection with the business arrangements described in this section shall be determined exclusively in accordance with the regulations prescribed pursuant to this section.

"(d) Nothing in this Act shall be construed to enact into law any economic support currently provided to telephone exchange service or enact into law any prohibition with regard to new economic support mechanisms for telephone exchange service or any service other than telephone exchange service.

"SEC. 23. SIGNALLING.

"Notwithstanding any other law or any restriction or obligation imposed before the date of enactment of this section pursuant to Modification of Final Judgment, no local exchange carrier shall be prohibited from transporting or processing signalling and information for another local exchange carrier in adjoining or reasonably proximate serving areas upon request of that local exchange carrier to the same extent that the providing local exchange carrier is permitted to engage in such activities for itself.

"SEC. 231. INTRASTATE COMMUNICATION.

"Except as provided in section 2, nothing in this Act shall be construed to alter, limit, or supersede the authority of any State with respect to the regulation of intrastate communication service.".

SEC. 4 ANTITRUST IMMUNITY FOR LOCAL EXCHANGE CARRIERS.

(a) Nothing contained in any Federal or State antitrust law shall render unlawful any action taken by a local exchange carrier pursuant to sections 228, 229, and 230 of the Communications Act of 1934, or any individual or concerted action taken, including but not limited to, lobbying before Congress or the Federal Communications Commission or communicating by any means with other local exchange carriers, by any local exchange carrier, or its directors, officers, agents, employees, affiliates, subsidiaries, joint ventures, counsel or other persons purporting to act on behalf of such carrier.

(b) For purposes of this Act, the following terms are defined to mean:

(1) The term "Federal Antitrust Laws" means the Acts known as the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12 et seq.), the Robinson-Patman Act (15 U.S.C. 13 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), all subsequent amendments of such Act, and any and all other laws which have been or are hereafter enacted to regulate or prevent contracts, combinations, or conspiracies in restraint of trade or monopolistic practices.

(2) The term "State Antitrust Laws" means all laws enacted by States or territories within the United States or their political subdivisions which are patterned after the Federal laws known as the Sherman Act (15 U.S.C. 1 et seq.), the Clayton Act (15 U.S.C. 12 et seq.), The Robinson-Patman Act (15 U.S.C. 13 et seq.), the Federal Trade Commission Act (15 U.S.C. 41 et seq.), or any subsequent amendments to such Acts, or any other State laws which are not patterned after such Federal Acts or amendments but which are designed to regulate or prevent contracts, combinations, or conspiracies in restraint of trade or monopolistic practices.

SECTION-BY-SECTION ANALYSIS OF THE LOCAL EXCHANGE INFRASTRUCTURE MODERNIZATION ACT OF 1993

SHORT TITLE

Local Exchange Infrastructure Modernization Act of 1993.

FINDINGS

Congress finds that a ubiquitous high quality public switched network is in the public interest; that the technological complexity of the network requires infrastructure sharing, network planning and standardization; and that it is in the public interest to promote development of the public switched network by local exchange carriers.

AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934

The bill adds several new sections to the Communications Act of 1934 including:

Authority

Section 3(a) would add a new subsection (b) to Section 1 of the Communications Act [47 U.S.C. 151]. Section One refers to the purposes of the Act and creates the Federal Communications Commission. New subsection (b) specifies that the Commission shall exercise its authority so as to:

Preserve and enhance universal service at reasonable rates;

Achieve universal availability of advanced network capabilities and information services;

Assure a seamless nationwide distribution network through joint network planning, coordination and service arrangements between and among local exchange carriers;

Maintain high standards of quality for advanced network services; and

Assure adequate communication for the public health, safety, defense, education, national security and emergency preparedness.

Definitions

Section 3(b) adds a new subsection (hh) to the definitions' section, Section 3 of the Act [47 U.S.C. 153]. The new subsection defines the term "Local Exchange Carrier" as a carrier which

Is required to provide interstate and intrastate access services and telephone exchange service upon request;

Is or was a participant in an interstate pool established by the Commission or would have been required to participate had that carrier been engaged in telephone exchange service while such participation was mandatory;

Is subject to the equal access requirements of the FCC or State Commission; and Conforms to the provisions of the North American Numbering Plan.

Analysis

Local exchange carrier is defined so as to include in this Act, carriers that are responsible for maintaining and operating the public switched network.

Section 3(c) adds four new sections to Title II of the Act [47 U.S.C. 201 et. seq.].

Network Planning and Standards

The FCC, within 180 days of enactment, is to prescribe regulations that require:

Joint coordinated network planning, design and cooperative implementation among all local exchange carriers; and

Development of standards for interconnection between the public switched network and others.

Analysis

This section provides explicit authority for local exchange carriers to engage in network planning. This authority is necessary to prevent network outages and to promote the reliability of the public switched network by ensuring that a local exchange network can function in an interoperable manner and that the network will be shaped to meet the heads of all areas and customers.

Infrastructure Sharing Arrangements Between or Among Local Exchange Carriers

Within 180 days of enactment, the Commission must prescribe regulations requiring local exchange carriers to share public switched network infrastructure with requesting local exchange carriers that lack economies of scale necessary to acquire such infrastructure. This section also prescribes the principles that will be required under these regulations.

Analysis

This new section would require local exchange carriers to share infrastructure technology with other local exchange carriers, such as small carriers in rural areas, and allow requesting carriers to gain access to services and facilities that they cannot economically acquire on their own. The purpose is to prevent a situation where two classes of telephone customers are created—information rich and information poor. This section would require local exchange carriers that offer these services and facilities to share their infrastructure with other local exchange carriers that request sharing. This will ensure that customers in all areas of the country can have access to quality telecommunications services.

Nothing in this section would in any way limit the obligation of local exchange carriers ("LEC") to publicize infrastructure information or other information under the FCC's Open Network Architecture ("ONA") requirements. Provisions are made in this bill to require LECs to develop standards of interconnection between LECs and other carriers by appropriate standard setting bodies.

Signaling

This new section makes clear that local exchange carriers shall not be prohibited from transporting or processing signaling and information for and at the request of another local exchange carrier in adjoining or nearby areas.

Analysis

Signaling is an important technical component of an advanced telecommunications network. It functions as a separate network to set up, maintain and disconnect message traffic. Information passed over the signaling network may also inform the local exchange carrier about how the route a call, whom to bill and what features should be provided. The signaling function takes on added importance as more advanced functions, such as new information services, are offered to customers. Signaling infrastructure is very expensive and many local exchange carriers would therefore be unable to offer advanced information services to their customers without the authority granted in this bill.

The Bell Operating Companies ("BOCs") already have an exemption under the "Modification of Final Judgment" ("MFJ") to allow signaling for administrative services they provide for themselves. This section would allow BOCs upon request, to provide the same signaling services for LECs.

Intrastate Communication

This section makes clear that nothing in this bill supersedes state authority over intrastate communication.

Analysis

This section merely reaffirms State jurisdiction over intrastate communication services.

ANTITRUST IMMUNITY FOR LOCAL EXCHANGE CARRIERS

Section 4 provides antitrust immunity under the Sherman Act, Clayton Act, the Robinson-Patman Act, the FTC Act and all State Antitrust Laws for actions taken pursuant to the bill.

Analysis

A narrow antitrust immunity is required to implement the authority granted in the sections on network planning and standardization, infrastructure sharing and signaling. This section is needed so as to permit the contemplated activity to occur, to make clear that it is in the public interest and thus not in violation of the antitrust laws.

Mr. DOLE. Mr. President, I am pleased to join my colleagues on both sides of the aisle in the reintroduction of the Local Exchange Infrastructure Modernization Act.

In my view, the most compelling argument in support of this measure is the fact that it provides fair distribution of telecommunications services to all Americans. As my friends from Iowa and Nebraska have described the technical details of this innovative and far-reaching legislation in great detail, I see no need to repeat them here. Instead, I would like to concentrate on the problems that this measure will solve and the new applications that it will foster.

No doubt about it, the information age is here. The question, however, is who will be able to participate in this new era? I'm glad to say that this bill encompasses both rural and urban America. As I've said in the past, I will not tolerate the creation of an information age that is discriminatory.

Coming from a rural State, I have seen the negative impact of current communications policies. For instance, due to outdated equipment, some Kansans only have access to operator-assisted long distance calls, and many consumers still only have multiline service. It is essential that these systems be upgraded in order to ensure full participation in future services that accompany new technologies.

The current short-falls are not due to the lack of commitment by rural telephone companies. Given the limited ability of small populations to afford new technology and services, I am quite impressed with the many creative advances that have taken place.

This bill directly helps small phone companies by reducing the burden that they operate under every day. It requires that, under appropriate safeguards, network infrastructure and software be fairly shared with small and rural companies. It also provides a mechanism through which large telephone companies' assets can be put at the disposal of those smaller companies serving rural areas, to the benefit of both—and particularly, to the benefit of rural consumers: doctors, teachers, business people, and families.

In short, this measure seeks to rectify past shortcomings and also lays the groundwork for future services. Interactive medical diagnostic capabilities exemplifies the marriage of these two goals. For those who are not familiar with this medical advancement, interactive video eliminates the great distances that once separated country doctors and specialists in the cities.

This relatively new service has even generated Ripley's Believe It Or Not type stories. One particular case involved a doctor in Hays, KS, who was stumped by a young boy experiencing paralysis of the right side. Unlike a stroke victim, however, the paralysis was sporadic and therefore difficult to diagnose. During one such episode, the doctor and the patient made use of the University of Kansas Medical Center's new link-up site. Two hours later, a specialist 266 miles away diagnosed the condition as a hemiplegic migraine and prescribed the proper medication. The boy is now back on his feet again—all without leaving his hometown.

And these types of facilities are rapidly developing. In just a few weeks, I will be at the dedication ceremony for another such system at St. Francis Regional Medical Center in Wichita.

Mr. President, in closing I would like to note that this bill represents the product of difficult negotiations between interests often opposed, the small independent companies and cooperatives serving rural America on one hand, and the large regional telephone companies on the other. In the end, they found a way, despite their differences, to support a common proposal and pull together for the benefit of rural and other underserved Americans.

It seems to me that we in the Congress should be able to do the same. I urge my colleagues to support and pass this initiative.

Mr. PRYOR. Mr. President, I come to the floor today as an original cosponsor of the Local Exchange Infrastructure Modernization Act of 1993, sponsored by my colleagues Senators GRASSLEY and EXON.

This legislation acts as an outreach to those of us from rural States. In my years in the Senate I have heard from countless Arkansans in rural areas of my State who have had trouble getting even basic telephone services, much less emergency services in their area. In fact, 85 percent of Arkansas is serviced by small, rural phone companies who serve just over 400,000 people.

The Local Exchange Infrastructure Modernization Act of 1992, will require the larger telephone companies to share facilities and services with the smaller companies in rural areas. It will provide valuable services to these areas while encouraging competition and creating economic development.

Mr. President, I am proud to be a cosponsor of this legislation and I urge the Senate to act quickly on its passage.

Mr. BURNS. Mr. President, I am pleased to join my colleagues Senator GRASSLEY and Senator EXON in introducing the Local Exchange Infrastructure Modernization Act of 1993.

In recent years, remarkable strides have been made in communications technology. Advances in our ability to process, transmit and use information are occurring almost daily. And these advances will transform the way we communicate and the way we live our lives.

In order to ensure that all Americans have access to enhanced telecommunications services, local exchange carriers must have the capability to provide these services. But these new services require additional switching and transmission requirements and additional intelligence that, frankly, many telephone companies simply do not have the financial capability to provide. Small telephone companies, especially those in rural areas like in my State of Montana, fear that the doors for advanced telecommunications services will be closed to them and that they will not be able to serve their communities adequately.

The answer to this situation is infrastructure sharing. Infrastructure sharing will make it possible for telephone companies that are economically unable to invest in state-of-the-art switching and transmission equipment to use the enhanced infrastructure of a neighboring telephone company.

Infrastructure sharing has strong support from small and midsized telephone companies which understand that without the ability to tap into an advanced infrastructure, their company will not remain viable in a changing telecommunications market. In the simplest terms, without infrastructure sharing, our small an midsized telephone companies will be left behind in the dust. Without infrastructure sharing, we will become a nation divided into information haves and information have-nots.

A recent report by an economist with the University of Montana hits the nail on the head. The report states there is agreement that a modern telecommunications infrastructure is necessary for rural economic development. Without modern communications links with the rest of the United States and to the rest of the world, rural areas will become economically isolated and economically disadvantaged.

The telephone cooperatives and small independent telephone companies in Montana understand the implications of tapping into advance telecommunications systems and the importance of this to the people of Montana. Since the 1980's, many of our rural phone companies have put in thousands of miles of fiber optic cables in our State and have committed themselves to providing the most advanced telecommunications networks to better serve their customers.

But not all local exchange carriers have the luxury of being able to provide its customers with state-of-the-art technology, and this is where infrastructure sharing comes into play.

As America's telecommunications industry continues to move away from a network that provides just plain old telephone service toward an advanced infrastructure able to carry multiple forms of information, we have a great opportunity to enhance the quality of life for all Americans. It won't happen, however, if we do not ensure that these new telecommunications services are available to everyone, equally.

Afterall, universal service has been the driving force of the telephone industry since the beginning. It should continue to be the driving force as we enter the information age of the 21st century.

Mr. PRESSLER. Mr. President, I am very pleased to join with my distinguished colleague and good friend from Iowa, Senator GRASSLEY, and the distinguished Senator from Nebraska, Senator EXON, as an original cosponsor of the Local Exchange Infrastructure Modernization Act.

Last year's Presidential campaign spawned a number of new buzz words and phrases that mean different things to different people. One of these words is infrastructure. We continue to hear it time and time again, applied in various contexts. We need to modernize and improve our transportation infrastructure—projects that range from repairing a road or bridge to constructing high speed commuter rail systems. The goal is simple: to have a system that enables us to move people and goods quickly and efficiently.

But infrastructure means more than transporting tangible resources by road, rail or air. It also means moving information by wire or signal—at speeds measured in seconds, not miles per hour. Indeed, our Nation's economic viability rests largely on an advanced telecommunications network. Millions of dollars may depend on the ability of an American business to send vital information at the speed of light. Lives may depend on the ability of an American doctor to send vital health care information from coast to coast in a heartbeat.

Mr. President, our telecommunications infrastructure is one of the most important issues this Congress will discuss. Improving quality and access in education and health care will depend on improving quality and access in our telecommunications infrastructure. Nowhere is this more true than in small cities and towns, where telecommunications is the lifeline that links them with the rest of the Nation and the world.

All in Congress agree that the time has come to invest in improving our telecommunications infrastucture. But equally crucial is the assurance that any improvements will be shared by all. Modernizing our telecommunications networks must uplift the entire system, not create a two-tiered system of haves and have-nots.

At present, there is no guarantee that small, local telephone companies will have access to new information services and technologies. The legislation we are introducing today—the Local Exchange Infrastructure Modernization Act—would provide that guarantee.

Specifically, this legislation addresses the future viability of the public switched network in a number of ways. It would make the preservation and enhancement of universal service a top priority. How? First, it would permit coordinated network planning by local exchange carriers.

Second, it would permit sharing of public switched network infrastructure among local exchange carriers. By doing so, small companies serving small cities would be assured access to new telecommunications technology.

Third, the legislation would remove several antitrust barriers that prevent cooperation between large and small telephone companies. Many of my colleagues will recall that in the last Congress, the Office of Technology Assessment found that existing regulations and antitrust laws work prevent telecommunications firms from taking the risk of investing new technology in less populated areas. The infrastructure modernization legislation would correct this problem.

Mr. President, in the months ahead, this Congress will embark on the difficult task of establishing a telecommunications policy for the next century. Infrastructure will be at the heart of this debate. Many questions need to be answered—questions that are not answered by the legislation we are introducing today.

This legislation is designed to address one portion of a much broader debate, but a portion that is crucial to those of us who represent small States. We are at the dawn of an exciting new era of telecommunications—one where the world literally will be at our fingertips. All Americans should have the opportunity to be a part of this new era. By passing the Local Exchange Infrastructure Modernization Act, we can ensure that some Americans are not left behind.

Mr. EXON. Mr. President, I am pleased to rise in support and as the lead Democratic sponsor of the Local Exchange Infrastructure Modernization Act. This legislation will help preserve universal phone service, assure high quality, advanced phone service for rural citizens and maintain adequate communications ability for health, safety, defense, education and national security purposes.

During the era of the AT&T monopoly, the Bell system worked as a unit to assure that the Nation's phone system was modern, compatible and universal. Since the break up of AT&T under the Reagan administration's Justice Department, there has been a growing risk that the various local exchange carriers' systems would grow incompatible and that new technologies would develop at an uneven pace in various parts of the country. This is especially a problem from small, rural phone systems which have limited financial capability to make major investments in engineering, and capital investments to fill the gap once spanned by the unified AT&T.

The Local Exchange Infrastructure Modernization Act would allow local exchange carriers to engage in joint planning and sharing arrangements to upgrade and maintain the public telecommunications infrastructure. Such cooperation will prevent the danger of various phone systems growing in different directions and at different rates. This cooperation will spread costs and encourage consistent, reliable and seamless telecommunications for all America.

I ask my colleagues to review this important legislation and join in the effort to secure swift passage of the Local Exchange Infrastructure Modernization Act.

By Mr. DURENBERGER (for himself, Mr. McCain, Mr. Helms, Mr. Grassley, Mr. Danforth, Mr. Stevens, Mr. Kempthorne, Mr. Shelby, Mr. Lugar, Mr. Packwood, Mr. Cohen, and Mr. Gorton):

S. 571. A bill to amend the Internal Revenue Code of 1986 to permanently increase the deductible health insurance costs for self-employed individuals; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. McCain, Mr. Grassley, Mr. Danforth, Mr. Stevens, Mr. Kempthorne, Mr. Cochran, Mr. Levin, Mr. Shelby, Mr. Lugar, Mr. Packwood, Mr. Cohen, and Mr. Gorton):

S. 572. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs for self-employed individuals; to the Committee on Finance.

SELF-EMPLOYED HEALTH ACTS

Mr. DURENBERGER. Mr. President, at the end of last July, the 25-percent deduction that is allowed for self-employed individual—farmers, small business owners, independent small contractors—will expire.

Today I am introducing legislation that would make this modest tax deduction permanent. I am also introducing legislation that would expand the 25-percent deduction to 100 percent, thereby putting independent business people on a somewhat more equal footing with their counterparts in the corporate sector.

I want to thank my colleagues on both sides of the aisle who have joined me in cosponsoring these bills.

Mr. President, given the choice between these two bills, I would prefer that Congress adopt the legislation expanding the health insurance deduction from 25 to 100 percent. I believe that it is fundamentally unfair that we allow corporate business owners to deduct 100 percent of the cost of their health insurance while allowing sole proprietors, farmers, and other small business owners a mere 25-percent deduction. This unfairness is compounded by that fact that small business owners must pay higher health insurance premiums than their counterparts in the large corporate sector because small businesses cannot take advantage of group pricing structures offered by the insurance industry.

Yet, Mr. President, I recognize that the constraints of a $319 billion Federal deficit make some of my colleagues hesitant about supporting an expansion of the 25-percent deduction. Because of these budgetary constraints, and because it is fundamentally inequitable to have allowed the modest 25-percent deduction to have expired June 30, 1992, I am introducing this extender legislation.

But I will not be satisfied until the day comes when we equalize the tax subsidy for the self-employed with the subsidy we provide the corporate community.

Mr. President, the Joint Committee on Taxation estimates that extending the 25-percent deduction for the self-employed would cost $300 million in 1993, and $2.8 billion over 5 years. With health care costs continuing to rise at more than 12 percent per year, this revenue loss will likely increase this year and over the next 5 years. It is probably fair to say that if we expanded the deduction from 25 to 100 percent, the 1-year cost would likely exceed $1.5 billion, and the 5-year cost could go as high as $11.1 billion. Certainly, these are revenue costs that cannot be ignored, especially at a time when the budget deficit is so devastatingly high.

Yet, the revenue losses associated with the deduction for the self-employed, whether a 25-percent deduction or a 100-percent deduction, should not be viewed in isolation. In comparison with the tax subsidy we provide to the corporate sector, the deduction for the self-employed is a mere drop in the bucket.

For 1991, the 100-percent income tax exclusion for corporate health insurance is estimated to cost the Treasury $33 billion. That is nearly 100 times as costly as the deduction for the self-employed. Over 5 years, the income tax exclusion will cost the Treasury more than $212 billion. But just considering the size of the income tax exclusion for corporate employees does not provide a fair picture of the true cost of this corporate benefit. Health insurance provided to corporate employees is not subject to income tax, nor is it included in determining the wage base for FICA taxes. The 1-year cost of the FICA tax exclusion adds another $22 billion to the subsidy provided to corporate employees. And the 5-year cost is $135 billion. By contrast, the 25-percent cost of health insurance that is deductible by self-employed individuals does not reduce the income base for the self-employed individual's FICA tax.

So, if we are comparing true costs, it would be fair to say that the Treasury is subsidizing the cost of corporate health insurance to the tune of $55 billion in 1991 and $347 billion over 5 years. That compares to less than $3 billion over 5 years for the self-employed.

However, Mr. President, there is one further cost that must be considered in determining the size of the subsidy provided to the corporate sector for providing health insurance. And that cost is the tax savings to corporations resulting from being entitled to deduct 100 percent of the cost of health insurance. The Joint Tax Committee estimates that cost at $43 billion in 1991, and $260 billion over 5 years.

Mr. President, the bottom line is that in 1991, the taxpayer is subsidizing health care provided by corporations at a cost of $98 billion. And over 5 years, the true corporate subsidy is more than $600 billion. When compared with these figures, the modesty of the deduction for the self-employed pales.

Mr. President, I hope I can convince my colleagues on both sides of the aisle of the fairness of raising the deduction for the self-employed to 100 percent. However, if I fail this year, I will return next year and the year after until fairness is achieved. In the meantime, the integrity of the 25-percent deduction must be preserved.

Mr. President, I ask unanimous consent that the text of both of these bills be included in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 571

Be it enacted by the Senate and House of Representatives of the United States of America Congress assembled,

SECTION 1. PERMANENT INCREASE IN DEDUCTIBLE HEALTH INSURANCE COSTS FOR SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking "25 percent" and inserting "100 percent".

(b) PERMANENT DEDUCTION.—Section 162(l) of such Code is amended by striking paragraph (6).

(c) EFFECTIVE DATE.—The amendments made by this section shall reinstate the 25-percent deduction for July 1 through December 31, 1992, and shall increase permanently to 100 percent the deduction for health insurance expenses effective January 1, 1993.

S. 572

Be it enacted by the Senate and House of Representatives of the United States of America Congress assembled,

SECTION 1. DEDUCTION FOR HEALTH INSURANCE COSTS FOR SELF-EMPLOYED INDIVIDUALS MADE PERMANENT.

(a) IN GENERAL.—Section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (6).

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective July 1, 1992 and permanently extended at this rate.

Mr. GORTON. Mr. President, I am pleased to be an original cosponsor of two pieces of legislation designed to ensure fairness for the farmers and small businesses in my State who pay for their own health insurance.

Current law states that an employer who provides health insurance to his employees can generally deduct the costs of those benefits. Furthermore, the amount the employer paid for the benefits is excluded from the employee's income, and therefore, is not taxed. This is not the case, however, with self-employed individuals. A similar deduction for these people does not exist.

Instead, Congress has enacted a series of temporary extensions, granting a 25-percent deduction for the health insurance costs of the self-employed. The latest extension expired for taxable years beginning after June 30, 1992.

Mr. President, I have heard from many farmers and small businesses in Washington on this unfair tax treatment. They have two concerns. First, the self-employed should be treated in the same manner as other businesses and should be allowed to deduct 100 percent of the costs of health insurance. Second, the deduction needs to be permanent because temporary extensions only inhibit the ability to plan health care packages.

I have listened to their arguments and I agree. The current law levies an unfair burden on entrepreneurs and it must be corrected.

The first bill I am cosponsoring will make the 25-percent deduction permanent. It will provide a measure of certainty for small businesses and farmers. They need the confidence of knowing that they can plan their health care needs around a permanent deduction.

The second bill will provide for a permanent 100-percent deduction of the costs of health insurance. It will equalize the treatment of self-employed individuals with other employers and bring some fairness back into the taxation of farmers and small businesses.

Mr. President, if allowed to choose which bill should pass Congress this year, I obviously would pick the second one. I will push extremely hard for its passage this year. But I also recognize that there are some who, for budgetary or other reasons, may oppose a 100-percent deduction. That is why I also support a 25-percent deduction. I want to at least continue current law so that our farmers and small businesses will reap the benefits of legislation whose goal is within reach.

Our Nation's small businesses and farmers have been stuck at the wrong end of an uneven playing field for too long. They need affordable health care just like the rest of us, and they should not be penalized simply because they are self-employed.

I strongly encourage my colleagues to cosponsor both pieces of legislation.

By Mr. BREAUX (for himself, Mr. DORGAN, Mr. CONRAD, Mr. DURENBERGER, Mr. BOREN, Mr. DANFORTH, and Mr. BAUCUS):

S. 573. A bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer Social Security taxes paid with respect to employee cash tips; to the Committee on Finance.

FICA TAX LEGISLATION

• Mr. BREAUX. Mr. President, last year I introduced legislation, S. 765 that repealed the FICA tax paid on cash tips earned in excess of the minimum wage. That bill had strong bipartisan support and had 50 cosponsors in the Senate. This strong showing of support resulted in the Congress to adopt, not once, but twice, FICA tip tax relief. What was adopted was a modified version of S. 765. The first time was as a provision of H.R. 4210, the Tax Fairness and Economic Growth Act of 1992. The second time was as a provision of H.R. 11, the Revenue Act of 1992. Unfortunately, President Bush vetoed both of these bills.

The bill I am introducing today is identical to the provision twice passed by Congress and twice vetoed by the President. The bill does not repeal the FICA tax requirement, rather it would provide a tax credit equal to the amount of FICA taxes paid by employers on the cash tips paid to the employee above the minimum wage. The result is roughly equivalent but gives employers ordinary income tax relief instead of payroll tax relief.

S. 765 was restructured due to the budget rules associated with FICA taxes and the Social Security trust fund. Those rules require that any revenue losses to the Social Security trust fund must be made up from within the Social Security system, either through increased payroll taxes or through reduced benefits. Since repealing the FICA taxes paid on cash tips would result in revenue losses to the Social Security trust fund and we did not want to raise payroll taxes or reduce Social Security benefits, the proposal was modified. That modification is what I am introducing today.

This bill is an important small business initiative. The bulk of the restaurant industry is small business. According to 1987 census figures, nearly 80 percent of eating and drinking establishments have annual sales of less than $500,000. According to a study by the Employment Policies Institute, relief from the FICA tax would create an estimated 39,000 new jobs.

As I said in my statement last year, each time Congress passes a law it is with the implicit understanding that implementation of that law will be reviewed and evaluated. Sometimes Congress makes a mistake. Sometimes it finds it has passed a law that places an unfair burden on certain members of society.

This is, I believe, to be the case under a law adopted in 1987 requiring employers to pay FICA payroll taxes on tips even though tips are not payroll income provided by an employer. FICA taxes are payroll taxes imposed on an employee's wages, half of the tax is withheld from the employee's wages and half of the tax is paid by the employer. The current combined employer/employee FICA tax rate is 15.02 percent.

Tips are compensation provided to an employee by a third party and not by an employer. Congress has struggled with how to treat this special form of compensation for over 200 years. Since 1965 and prior to 1987, Congress properly treated tips as self employment income and required only the employee to pay FICA taxes on reported tips. Employers were required to pay FICA taxes only on wages he paid and the value of the tip credit. The tip credit allowed employers to pay tipped employees less than the minimum wage, provided these employees reported tips equal to or greater than the tip credit amount. The employers were required to pay FICA taxes on wages paid and any tip income used by the employer as a tip credit to meet the minimum wage. This policy was consistent and fair, with tips treated uniformly for both FICA and minimum wage purposes. I believe this policy, Mr. President, was the correct policy and the only fair way to treat tips.

However, in 1987 Congress reversed this policy when it required employers to pay FICA taxes on all reported tips. As a result, tips are treated inconsistently for purposes of the minimum wage laws and for purposes of the FICA tax. This policy has been devastating to the restaurant industry which is made up primarily of small businesses. Clearly, these taxes increase costs, reduce profits, and act as powerful disincentives for job creation by small business.

This requirement also puts restaurant employers in jeopardy of incurring unknown liabilities for taxes, interest, and penalties when employees do not fully report tip income. The 1982 Tax Equity and Fiscal Responsibility Act [TEFRA] requires that certain restaurant employers must annually report information that includes gross receipts, total amount of charge receipts, the total amount of charged tips, and the total amount of tips reported by employees. The TEFRA provision also requires that if the total amount of tip income reported by employees to employers was less than 8 percent of the establishment's total sales, employers must allocate the difference between 8 percent and the reported amount among the individual employees as tip income. This law puts the restaurant employer at the mercy of his tipped worker. Although an employer has no control over the amounts of tips received or reported, if an employee underreport his tips, the employer could be subject to back taxes, penalties, and interest.

The bill I am introducing today would help alleviate the unfair administrative and tax burden placed on these small businessmen. Quite simply, this bill would reinstate the former and longstanding congressional policy, and the only policy that makes sense, that tips in excess of the tip credit are not payroll income. Because of the budget rules mentioned before, that policy must be implemented by giving a credit on ordinary income tax as opposed to providing direct payroll tax relief. The result is to treat tips consistently for purposes of the minimum wage laws and for purposes of imposing the FICA tax.

Mr. President, the average restaurant is not the fancy, high priced restaurant but is the highway truck stop or the local diner. In many rural areas, such as in my State of Louisiana, restaurants are a primary employer. Restaurants have been hard hit by FICA on tips, reducing or eliminating thin profit margins. The industry average pretax profit is 2 to 4 percent of total sales. This tax obviously reduces the after tax profit and takes valuable resources away from job creation. The unfair tax burden now carried by these small businessmen needs lifting and I look forward to working with my colleagues in the Senate toward that end.

I hope that we can once again pass this very important legislation at the earliest opportunity.●

By Mr. LEAHY (for himself, Mr. THURMOND, Mr. BIDEN, Mr. BROWN, Mr. DECONCINI, Mr. HEFLIN, Mr. KOHL, Mr. GRASSLEY, Mr. JEFFORDS, Mr. WOFFORD, Mr. BUMPERS, and Mrs. FEINSTEIN):

S. 574. A bill to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service; to the Committee on the Judiciary.

NATIONAL COOPERATIVE RESEARCH AMENDMENTS

Mr. LEAHY. Mr. President, today I am pleased to be joined by Senators BIDEN and THURMOND in introducing the National Cooperative Production Amendments of 1993. Similar to S. 1006 of the 101st Congress, and S. 479 in the 102d Congress, this legislation will strengthen the competitiveness, technological leadership and economic growth of the United States by extending the National Cooperative Research Act of 1984 to allow joint production ventures, as well as joint research and development ventures.

As American firms come under increased pressure from fast-paced technological innovation and development abroad, it is more important than ever to make sure that our companies do not function at a disadvantage. The national cooperative production amendments will begin to level the international playing field, without risking harm to the competitive marketplace or the integrity of our antitrust laws.

American scientists and engineers are the world's best innovators. We continue to make scientific breakthroughs and invent new and improved products. But good ideas and breakthrough inventions alone will not spell America's success in global markets. World technological leadership depends on our ability to convert research and development advances into commercial production at a rapid pace. This is often a costly and risky endeavor.

In 1984, Congress passed the National Cooperative Research Act which addressed the significant financial commitment involved in high-technology innovation. That act encouraged American firms to join forces—to share the cost and risk of research and development projects—by clarifying antitrust law regarding combined research ventures. Specifically, the 1984 act applied the rule-of-reason standard to joint research and development ventures so that, if legal action were taken against a venture, a court could consider the competitive benefits of the venture. It also limited antitrust recoveries against joint R&D ventures to single damages and attorneys' fees, if the ventures follow the act's notification procedure.

The National Cooperative Research Act has been a success. Since its enactment, companies have established over 230 joint research ventures to develop everything from chipmaking and steelmaking processes to superconductors. Many argue that the 1984 act was critical to the formation of Sematech, the industry-Government research consortium whose mission is to restore the U.S. world leadership in semiconductor manufacturing technology.

With its success, however, the 1984 act has its limitations. The act does not address the need for joint production ventures and it is precisely in the area of manufacturing that the United States faces its most serious competitive challenges. We must recognize the significance of this country's manufacturing capability by giving joint production ventures the same treatment as joint research and development ventures under the National Cooperative Research Act.

While this legislation will benefit American businesses across the board, it will have perhaps the greatest impact on our electronics industry—an industry which employs 2.6 million Americans and which represents a $750 billion global market. Over the past decade, we have witnessed the erosion of America's leadership in hi-tech electronics.

As chairman of the Judiciary Committee's Subcommittee on Technology and the Law, I am particularly concerned about the United States semiconductor industry. I am pleased to see that our semiconductor industry is getting back on track. Considered the crude oil of our electronics chain, semiconductor chips are at the heart of the technology revolution. These tiny silicon wafers are critical to this Nation's economic growth and national security. Nearly every domestic industry depends, directly or indirectly, on the products of the semiconductor industry. Semiconductor chips drive everything from wristwatches, to medical diagnostic equipment, to desk-top computers, to fighter jets. We should all be proud that this important tool is an American invention, and that this crucial industry is back on the rise.

Do American companies understand the significance of their declining share of the global market in several products? In order to regain their competitive edge, are they willing to alter the way they do business? After many discussions with industry representatives, I can say, emphatically, yes. I think the late Bob Noyce, inventor of the integrated circuit and former president of Sematech, said it best when he told my subcommittee that companies simply cannot afford to go it alone anymore. "Cooperation," Bob said, "is not only important for survival today, it's essential."

Some critics of this legislation claim that cooperation means mergers and acquisitions—that it means a boost for the big guy at the expense of our smaller entrepreneurs. This is not the case at all. As a matter of fact, in testimony before the Antitrust Subcommittee, Prof. David Teece of the Berkeley University School of Business emphasized that this legislation would take away the incentives for mergers and acquisitions. It would allow small- to middle-sized firms to maintain their independence and yet join with other companies for R&D and production when a project is too big or too costly or too risky to pursue alone. This Nation's industrial strength depends on the inventive dynamism located in our small enterprises. The National Cooperative Production Amendments of 1993 will guarantee diversity and economic prosperity for all American companies.

Mr. President, we must recognize that our foreign competitors do not labor under the same antitrust restrictions that confront American businesses. Their R&D and manufacturing muscle is unlimited, and their R&D and manufacturing ventures are formed on strictly pragmatic grounds: What is needed and what will work. As a result, they move ahead while the United States falls behind.

I do not believe that joint production ventures are a panacea for this Nation's competitiveness ills. No one blames our decline in international high-technology markets solely on antitrust barriers to cooperation. But joint research, development and production ventures are an important part of our long-term, comprehensive industrial strategy. By passing the National Cooperative Production Amendments of 1993, Congress can remove a significant impediment to the creation of joint production ventures.

Let me emphasize that passage of this bill will not weaken our antitrust laws. By extending rather than supplanting the 1984 R&D Act, this legislation retains the 1984 act's protections against antitrust violations. It retains the 1984 act's notice provisions and underscores the 1984 act's safeguards against price-fixing and market allocation arrangements.

Concerns have been raised about allowing joint production ventures in services. This bill is intended to allow joint ventures in services in a high-technology world where the distinction between products and services is becoming less meaningful. It is intended to allow high-technology services joint ventures that are part and parcel of many emerging technologies and technological products. Joint ventures regarding services such as networks for hand-held communicators, navigation systems or two hospitals working together to design and use new diagnostic imaging systems would be protected under the bill. But this bill is not about allowing joint ventures to provide what are obviously services unconnected to any concrete product. This bill would not protect joint ventures to provide health care or legal services.

In fact, language we included at Senator METZENBAUM's request in section 3 of the bill regarding the integration or use of existing facilities guards against this result. The Metzenbaum language protects against service joint ventures that would in effect be mergers of strict service providers by requiring that existing facilities can be used only if the joint venture is producing a new product.

The bill includes language limiting its protections to joint ventures which locate their principal production facilities in the United States and whose parties are from countries whose law accords antitrust treatment to United States joint venturers no less favorable than the treatment domestic entities receive. This language was the result of extensive negotiations during this Congress and the last Congress between Senators BIDEN, THURMOND, BROWN, and myself in the Senate, and Chairman BROOKS in the House.

I wish to salute these gentleman for their perseverance and ingenuity in reaching the compromise bill that we are introducing in both Houses of Congress today. The result of all this hard work is a bill that will protect and promote American jobs but at the same time acknowledge the beneficial impact that foreign participation can have on production joint ventures. I also wish to acknowledge the contribution of Senator KOHL in emphasizing the location requirements for the production facilities of the production joint ventures.

Mr. President, it is time to level the playing field in the international marketplace. I urge my colleagues to support this proposal and ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Cooperative Production Amendments Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) technological innovation and its profitable commercialization are critical components of the ability of the United States to raise the living standards of Americans and to compete in world markets;

(2) cooperative arrangements among nonaffiliated businesses in the private sector are often essential for successful technological innovation; and

(3) the antitrust laws may have been mistakenly perceived as inhibiting cooperative innovation arrangements that promote competition, and accordingly, clarification of the law would serve a useful purpose in helping to promote such arrangements.

(b) PURPOSE.—It is the purpose of this Act to promote innovation, facilitate trade, and strengthen the competitiveness of the United States in world markets by clarifying the applicability of the rule of reason standard and establishing a procedure under which businesses may notify the Department of Justice and Federal Trade Commission of their cooperative ventures and thereby qualify for a single-damage limitation on civil antitrust liability.

SEC. 3. AMENDMENTS.

(a) SHORT TITLE.—Section 1 of the National Cooperative Research Act of 1984 (15 U.S.C. 4301 note) is amended by striking "National Cooperative Research Act of 1984" and inserting "National Cooperative Research and Production Act of 1993".

(b) DEFINITION.—Section 2(a)(6) of the National Cooperative Research Act of 1984 (15 U.S.C. 4301(a)(6)) is amended—

(1) in the matter preceding subparagraph (A) by striking "research and development";

(2) in subparagraph (D) by inserting "or production" after "research";

(3) in subparagraph (E) by striking "and (D)" and inserting "(D), (E), and (F)";

(4) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively;

(5) by inserting after subparagraph (C) the following:

"(D) the production of a product, process, or service,

"(E) the testing in connection with the production of a product, process, or service by such venture,"; and

(6) by striking "research" the last place it appears and inserting "such venture".

(c) Exclusions.—Section 2(b) of the National Cooperative Research Act of 1984 (15 U.S.C. 4301(b)) is amended—

(1) in the matter preceding paragraph (1) by striking "research and development";

(2) in paragraph (1) by striking "that is not reasonably required to conduct the research and development that is" and inserting "if such information is not reasonably required to carry out";

(3) by amending paragraph (2) to read as follows:

"(2) entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the marketing, distribution, or provision by any person who is a party to such venture of any product, process, or service, other than—

"(A) the distribution among the parties to such venture, in accordance with such venture, of a product, process, or service produced by such a venture,

"(B) the marketing of proprietary information, such as patents and trade secrets, developed through such venture formed under a written agreement entered into before the date of enactment of the National Cooperative Production Amendments Act of 1993, or

"(C) the licensing, conveying, or transferring of intellectual property, such as patents and trade secrets, developed through such venture formed under a written agreement entered into on or after the date of enactment of the National Cooperative Production Amendments Act of 1993,";

(4) in paragraph (3)—

(A) in subparagraph (A) by striking "or developments not developed through" and inserting ", developments, products, processes, or services not developed through or produced by";

(B) in subparagraph (B) by striking "such party" and inserting "any person who is a party to such a venture"; and

(C) by striking the period at the end and inserting a comma; and

(5) by adding at the end the following new paragraphs:

"(4) entering into any agreement or engaging in any other conduct allocating a market with a competitor,

"(5) exchanging information among competitors relating to production (other than production by such venture) of a product, process, or service if such information is not reasonably required to carry out the purpose of the venture,

"(6) entering into any agreement or engaging in any other conduct restricting, requiring, or otherwise involving the production (other than the production by such venture) of a product, process, or service,

"(7) using existing facilities in connection with the production of a product, process, or service by the venture unless the use is for the production of a new product or technology, and

"(8) except as provided in paragraphs (2), (3), and (6), entering into any agreement or engaging in any other conduct to restrict or require participation by any person who is a party to the venture, in any unilateral or joint activity that is not reasonably required to carry out the purpose of the venture.".

(d) Rule of Reason Standard.—Section 3 of the National Cooperative Research Act of 1984 (15 U.S.C. 4302) is amended—

(1) by striking "research and development" the first place it appears;

(2) by striking "and development" the last place it appears and inserting ", development, product, process, and service"; and

(3) by adding at the end the following:

"For the purpose of determining a properly defined, relevant market, worldwide capacity shall be considered to the extent that it is appropriate in the circumstances.".

(e) Technical Amendments.—The National Cooperative Research Act of 1984 (15 U.S.C. 4301 et seq.) is amended—

(1) in section 4 (a)(1), (b)(1), (c)(1), and (e) by striking "research and development" each place it appears; and

(2) in section 5(a) in the matter preceding paragraph (1) by striking "research and development".

(f) Disclosure.—Section 6 of the National Cooperative Research Act of 1984 (15 U.S.C. 4305) is amended—

(1) in the heading by striking "RESEARCH AND DEVELOPMENT";

(2) in subsection (a)—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ", and"; and

(C) by inserting after paragraph (2) the following new paragraph:

"(3) if a purpose of the venture is the production of a product, process, or service described in section 2(a)(6)(D), the identity and nationality of any person who is a party to the venture or who controls any party to the venture, whether separately or with 1 or more other persons acting as a group for the purpose of controlling that person."; and

(3) in subsections (a), (d)(2), and (e) by striking "research and development" each place it appears.

(g) Limitation.—The National Cooperative Research Act of 1984 (15 U.S.C. 4301 et seq.) is amended by adding at the end the following new section:

"APPLICATION OF SECTION 4 PROTECTIONS TO PRODUCTION OF PRODUCTS, PROCESSES, AND SERVICES

"Sec. 7. Notwithstanding sections 4 and 6, the protections of section 4 shall not apply with respect to a joint venture's production of a product, process, or service described in section 2(a)(6)(D) unless—

"(1) the principal facilities for such production are located in the United States or its territories, and

"(2) each person who controls any party to the venture (including the party itself) is a United States person, or a foreign person from a country the law of whom accords antitrust treatment no less favorable to United States persons than to that country's domestic persons with respect to participation in joint ventures for production.".

SEC. 4. REPORTS ON JOINT VENTURES AND UNITED STATES COMPETITIVENESS.

(a) Purpose.—The purpose of the reports required by this section is to inform Congress and the American people of the effect of the National Cooperative Research and Production Act of 1993 on the competitiveness of the United States in key technological areas of research, development, and production.

(b) Annual Report by the Attorney General.—In the 30-day period beginning at each 1-year interval after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate—

(1) a list of joint ventures for which notice was filed under section 6(a) of the National Cooperative Research and Production Act of 1993 during the 12-month period for which the report is made, including the purpose of each joint venture and the identity and nationality of each party to the joint venture as described in that section; and

(2) a list of cases and proceedings brought during that period under the antitrust laws by the Department of Justice and the Federal Trade Commission with respect to joint ventures for which notice was filed under that section at any time.

(c) Triennial Report by the Attorney General.—In the 30-day period beginning at each 3-year interval after the date of enactment of this Act, the Attorney General, after consultation with such other agencies as the Attorney General considers to be appropriate, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate—

(1)(A) a description of the technological areas of research, development, and production most commonly pursued by joint ventures for which notice was filed under section 6(a) of the National Cooperative Research and Production Act of 1993 during the 3-year period for which the report is made; and

(B) an analysis of the trends in the competitiveness of United States industry in those areas; and

(2) a supplement to the report submitted by the Attorney General under subsection (d) reflecting changes in antitrust treatment of joint ventures under the laws of other nations.

(d) Review of Antitrust Treatment Under Foreign Laws.—Not later than 1 year after the date of enactment of this Act, the Attorney General, after consultation with such other agencies as the Attorney General considers to be appropriate, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the antitrust treatment of United States businesses that are parties to joint ventures under the law of each foreign nation in which there is operating a business that filed notice under section 6(a) of the National Cooperative Research and Production Act of 1993.

Mr. THURMOND. Mr. President, I am pleased to join Senators Leahy, Biden, and several other of my colleagues in reintroducing the National Cooperative Production Amendments Act of 1993. This legislation is similar to a bill passed by the Senate last year and amends the National Cooperative Research Act of 1984 [NCRA] by extending its provisions to include manufacturing as well as research and development. The 1984 act enjoyed broad bipartisan support and I am hopeful that the same will be true for this act.

Mr. President, competition in worldwide markets is strong and is getting stronger every year. It is my expectation that these amendments will enable American businesses to respond more effectively to the competitive challenges that face them in international markets. American firms cannot afford to settle for less than the most advanced means of manufacturing and production if they are to be successful in this challenge. Although costly, substantial investments must be made in state-of-the-art facilities. Joint manufacturing ventures will ease such investment burdens, and may provide just the answer for firms which cannot make the needed investments in new production technology, but do not want to merge their entire operations to achieve the benefits such ventures provide.

Mr. President, in 1984, Congress passed the National Cooperative Research Act in the hopes of addressing some of these very concerns. That act has two simple features: first, it guarantees that joint research and development ventures, if they are ever called into question under the antitrust laws, will be analyzed under the rule of reason standard so that the competitive benefits of such ventures can be considered; and, second, antitrust liability with respect to a joint venture disclosed to the government, is limited to actual damages plus pre-judgment interest.

The NCRA, although limited to research and development, has proven to be very successful. It is my understanding that well over 200 joint research and development ventures have been undertaken under the auspices of the NCRA protections. Mr. President, I hope that we will shortly enact these proposed amendments to the NCRA. It is time for us to extend the same benefits and the same encouragement to manufacturing joint ventures. I urge my colleagues to carefully study this legislation we are introducing today and support its adoption.

Mr. President, there is one last point that should be made. This bill, like the 1984 act it amends, does not provide an antitrust immunity. Nor does it weaken antitrust enforcement. It only clarifies that these production joint ventures, if challenged under the antitrust laws, are subject to rule of reason treatment, and will be subject to actual, rather than treble damages. I think this distinction is an important one to remember, especially since it is erroneously, but frequently stated, that this legislation creates an antitrust immunity.

As I noted at the outset, Mr. President, the 1984 act received strong bipartisan support. I am pleased that this bill has also been the product of much bipartisan cooperation. It is now time to take the next step and to extend the benefits of the 1984 act to production joint ventures.

By Mr. KENNEDY (for himself and Mr. METZENBAUM):

S. 575. A bill to amend the Occupational Safety and Health Act of 1970 to improve the provisions of such Act with respect to the health and safety of employees, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE OCCUPATIONAL SAFETY AND HEALTH REFORM ACT

Mr. KENNEDY. Mr. President, 23 years ago, when Congress enacted the Occupational Safety and Health Act, we committed this Nation to take the steps necessary to assure as far as possible a safe and healthy workplace for every American. The act represented a broad, bipartisan response to the unconscionable number of workers being killed, injured, or made ill as a result of hazardous working conditions.

We have made significant strides in improving workplace safety in the intervening years. Sadly, however, we still have much to do to make the promise of the OSH Act a reality for millions of working Americans. The toll exacted by workplace accidents and by workplace exposure to toxic substances continues to be staggering. Each year, 10,000 workers die from accidents on the job. As many as 100,000 more die from workplace illnesses, and nearly seven million more are injured. This suffering was brought into tragic focus in September 1991, when 25 workers lost their lives in Hamlet, NC in a fire at a chicken processing plant.

The toll on our economy is appalling. In too many workplaces across America, OSHA is a no-show. Costs include the loss of productive work time, burdens on health insurance and other private insurance plans, and the strain on workers' compensation and public safety-net programs. A recent study found that work-related injuries cost the Nation more than $83 billion in 1989, or nearly 2 percent of the GNP.

In the last Congress, the Committee on Labor and Human Resources and the Subcommittee on Labor conducted five hearings on OSHA reform and on measures that can and should be taken to improve workplace health and safety. The testimony demonstrated that the Federal Government can create a new and productive partnership with employers and employees to identify and remedy workplace hazards before injuries and illnesses occur.

The Labor Committee reported S. 1622, the Comprehensive Occupational Safety and Health Reform Act, last September, but Congress adjourned before the full Senate could consider it.

Today, Senator METZENBAUM and I are reintroducing the bill, and we look forward to working with the administration, with Senators from both sides of the aisle, and with labor and management to undertake the first major revision of the Occupational Safety and Health Act in 23 years.

Front and center on the legislative agenda in this Congress is the reform of the Nation's health care system. In order for that effort to be successful, we must provide Americans with greater protection against workplace hazards. We know the critical importance of preventive health care, such as ensuring that all children receive proper immunizations. It is equally true that preventing the mothers and fathers of those children from suffering work-related injuries and illnesses can play an important role in reining in the excessive human and economic costs associated with our health care crisis. As a panel of health professionals, Federal officials, and employer and employee representatives convened by the Centers for Disease Control and Prevention stated in 1991, "occupational injury is a public health crisis that demands immediate attention."

The bill we are introducing will empower employers and employees to address workplace hazards in a reasonable and realistic fashion. It requires employers to develop written safety and health programs, and greatly expands the opportunity for employers and employees to receive educational and technical assistance, with particular emphasis on providing assistance to small businesses.

The tragedy in Hamlet, NC, might well have been avoided if the plant had adopted a fire safety program. When a fire occurred at a similar plant in Mt. Pleasant, TX, the employer's health and safety program enabled all employees to exit safely.

The bill also requires joint employer-employee safety and health committees to be established at worksites with 11 or more employees. This mechanism has been widely used in this country and in European countries, and has been shown to be an effective tool in promoting health and safety.

The bill expedites the standard-setting process at OSHA, requires employers cited for certain serious violations to act promptly to abate the hazards, requires better targeting of OSHA's limited resources to high-risk workplaces, and expands coverage of the Act to Federal, State, and local government employees.

In his confirmation hearing, Secretary of Labor Reich emphasized that one of President Clinton's central goals is to create jobs that provide a good work environment. The prompt and bipartisan passage of the Family and Medical Leave Act was a first step in creating the improved work environment needed for the 21st century. Passage of the Comprehensive Occupational Safety and Health Reform Act will be another important step toward that goal, and I urge my colleagues to support it.

I ask unanimous consent that the text of the bill and a summary be printed in the RECORD in their entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Occupational Safety and Health Reform Act".

(b) REFERENCE.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(c) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings and purposes.

TITLE I—SAFETY AND HEALTH PROGRAMS

Sec. 101. Safety and health programs.

TITLE II—SAFETY AND HEALTH COMMITTEES AND EMPLOYEE SAFETY AND HEALTH REPRESENTATIVES

Sec. 201. Safety and health committees and employee safety and health representatives.
Sec. 202. Employee participation in inspections.

TITLE III—COVERAGE

Sec. 301. Extension of coverage to public employees.
Sec. 302. Application of Act.
Sec. 303. Application of OSHA to DOE nuclear facilities.
Sec. 304. Extension of employer duties to all employees working at a place of employment.

TITLE IV—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Sec. 401. Time frames for setting standards.
Sec. 402. Basis for standards.
Sec. 403. Recording of work related adverse medical conditions.
Sec. 404. Public disclosure of all communications on standards.
Sec. 405. Revision of permissible exposure limits.
Sec. 406. Exposure monitoring and health surveillance.
Sec. 407. Standard on ergonomic hazards.
Sec. 408. Emergency temporary standards.
Sec. 409. Air Contaminants.

TITLE V—ENFORCEMENT

Sec. 501. No loss of employee pay for inspections.
Sec. 502. Time frame for response to complaints.
Sec. 503. Complaints.
Sec. 504. Mandatory special emphasis.
Sec. 505. Investigations of deaths and serious incidents.
Sec. 506. Abatement of serious hazards during employer contests.
Sec. 507. Right to contest citations and penalties.
Sec. 508. Right of employee representatives to participate in other proceedings.
Sec. 509. Objections to modification of citations.
Sec. 510. Imminent danger inspections.
Sec. 511. Citations and penalties for violations of sections 27, 28 and 31.
Sec. 512. OSHA criminal penalties.
Sec. 513. Commission member's terms.
Sec. 514. Inspections.
Sec. 515. Employee accountability.

TITLE VI—PROTECTION OF EMPLOYEES FROM DISCRIMINATION

Sec. 601. Antidiscrimination provisions.
Sec. 602. Posting of employee rights.

TITLE VII—OSHA TRAINING AND EDUCATION

Sec. 701. Technical assistance to employers and employees.
Sec. 702. OSHA assistance fund.

TITLE VIII—RECORDKEEPING AND REPORTING

Sec. 801. Data collected by Secretary.
Sec. 802. Employee reported illnesses.
Sec. 803. Employee access.

TITLE IX—NIOSH

Sec. 901. Hazard evaluation reports.
Sec. 902. Safety research.
Sec. 903. Contractor rights.
Sec. 904. National surveillance program.
Sec. 905. Establishment of NIOSH as a separate agency within Public Health Service.
Sec. 906. NIOSH training.

TITLE X—STATE PLANS

Sec. 1001. State plan committees and programs.
Sec. 1002. Access to information; employee rights.
Sec. 1003. Application of Federal standards.
Sec. 1004. Complaints against a State plan.
Sec. 1005. Action against a State plan.
Sec. 1006. State plan conforming amendments.
Sec. 1007. Effect on State law.

TITLE XI—VICTIMS' RIGHTS

Sec. 1101. Victims' rights.

TITLE XII—CONSTRUCTION SAFETY

Sec. 1201. Short title.
Sec. 1202. Definitions.
Sec. 1203. Office of Construction Safety, Health, and Education.
Sec. 1204. Construction safety and health plans and programs.
Sec. 1205. Inspections, investigations, reporting, and recordkeeping.
Sec. 1206. Advisory Committee on Construction Safety and Health.
Sec. 1207. State construction safety and health plans.
Sec. 1208. Construction Safety and Health Academy.
Sec. 1209. Enforcement.
Sec. 1210. Reports to Congress.
Sec. 1211. Federal construction contracts.
Sec. 1212. Relationship to existing law and regulations.
Sec. 1213. Timetable for regulations.

TITLE XIII—ADMINISTRATION

Sec. 1301. Administration.

TITLE XIV—EFFECTIVE DATE

Sec. 1401. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) during the past two decades progress has been made in reducing workplace deaths, injuries, and exposure to toxic substances through efforts of Federal agencies, States, employers, employees, and employee representatives;

(2) despite the progress described in paragraph (1), work-related injuries, illnesses, and deaths continue to occur at rates that are unacceptable and that impose a substantial burden upon employers, employees, and the Nation in terms of lost production, wage loss, medical expenses, compensation payments, and disability;

(3) employers and employees are not sufficiently involved in joint efforts to identify and correct occupational safety and health hazards;

(4) employers and employees require better training to identify safety and health problems;

(5) mandatory regulation is necessary to protect employees from health and safety hazards but Federal agency standard setting has not kept pace with knowledge about such hazards;

(6) enforcement of occupational safety and health standards has not been adequate to bring about timely abatement of hazardous conditions or to deter violations of occupational health and safety standards;

(7) millions of employees exposed to serious occupational safety and health hazards are excluded from full coverage under the Occupational Safety and Health Act of 1970; and

(8) the lack of accurate data and information on work-related deaths, injuries, and illnesses has impeded efforts to prevent such deaths, injuries, and illnesses.

(b) PURPOSES.—The purposes of this Act are to—

(1) increase the joint participation of employers and employees in identifying and correcting occupational safety and health hazards, by requiring the establishment of employer safety and health programs, joint employer-employee safety and health committees, and training and education programs;

(2) improve and expedite the setting of occupational safety and health standards;

(3) strengthen Federal and State agency enforcement of violations of safety and health standards;

(4) assure that all employees are afforded full coverage and protection from safety and health hazards under the Occupational Safety and Health Act of 1970 or other Federal laws; and

(5) improve information and data on work related injuries, illnesses and fatalities for purposes of enhancing occupational safety and health.

TITLE I—SAFETY AND HEALTH PROGRAMS

SEC. 101. SAFETY AND HEALTH PROGRAMS.

Section 27 (29 U.S.C. 676) is amended to read as follows:

"SEC. 27. SAFETY AND HEALTH PROGRAMS.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Each employer shall, in accordance with this section, establish and carry out a safety and health program to reduce or eliminate hazards and to prevent injuries and illnesses to employees.

"(2) MODIFICATIONS TO SAFETY AND HEALTH PROGRAMS.—The Secretary may by regulations issued under subsection (c)(1) modify the requirements of this section with respect to classes of employers where the Secretary determines that, in light of the nature of the risks faced by the employers' employees, such a modification would not reduce the employees' safety and health protection.

"(3) DEFINITION OF WORKSITE.—As used in this section and section 28, the term 'worksite' means a single physical location where business is conducted or where operations are performed by employees of one or more employers.

"(b) REQUIREMENTS.—A safety and health program established and carried out under subsection (a) shall be a written program that shall include—

"(1) methods and procedures for identifying, evaluating, and documenting safety and health hazards;

"(2) methods and procedures for correcting the safety and health hazards identified under paragraph (1);

"(3) methods and procedures for investigating and recording work-related deaths, injuries, and illnesses;

"(4) methods and procedures for providing occupational safety and health services, including emergency response and first aid procedures;

"(5) methods and procedures for employee participation in the implementation of the employer's safety and health program, including (where applicable) participation through a safety and health committee established under section 28;

"(6) methods and procedures for providing a timely response in writing to the recommendations of the safety and health committee, where applicable;

"(7) methods and procedures for providing safety and health training and education to employees and to members of a safety and health committee established under section 28 (where applicable);

"(8) the designation of one or more representatives of the employer who have the qualifications and responsibility to identify safety and health hazards and the authority to initiate corrective action where appropriate;

"(9) in the case of a worksite where employees of two or more employers work, procedures for each employer to protect employees at the worksite from hazards under the employer's control, including procedures to provide information on safety and health hazards to other employers and employees at the worksite; and

"(10) such other provisions as the Secretary requires to effectuate the purposes of this Act.

"(c) REGULATIONS ON EMPLOYER SAFETY AND HEALTH PROGRAMS.—

"(1) IN GENERAL.—Within 1 year of the date of enactment of the Comprehensive Occupational Safety and Health Reform Act, the Secretary shall issue final regulations on employer safety and health programs required by subsection (a), which shall take effect no later than 18 months after such date of enactment.

"(2) REGULATIONS ON TRAINING AND EDUCATION.—The regulations of the Secretary under paragraph (1) with respect to an employer's safety and health program shall—

"(A)(i) provide for training and education of employees at the time of employment, in a manner that is readily understood by such employees, concerning safety and health hazards, control measures, and the employer's safety and health program;

"(ii) provide for the dissemination of information to employees at the time of employment, in a manner that is readily understood by such employees, regarding employee rights and applicable laws and regulations; and

"(iii) provide for training and education of employees who are selected to be safety and health committee members, at the time of their selection, that is necessary to enable such employees to carry out the activities of the committee under section 28; and

"(B) require that refresher training and dissemination of information be provided on at least an annual basis and that additional training and dissemination of information be provided to affected employees and to safety and health committee members when there are changes in conditions or operations that may expose such employees to new or different safety or health hazards or when there are changes in safety and health regulations or standards under this Act that apply to the employer.

"(3) COORDINATION OF PROGRAMS.—The regulations of the Secretary under paragraph (1) shall provide that any specific program or training requirements imposed by regulations under section 6 may be combined or coordinated with an employer's safety and health program.

"(4) NO LOSS OF PAY.—The time during which employees are participating in training and education provided in accordance with the regulations of the Secretary shall be considered hours worked for purposes of wages, benefits, and other terms and conditions of employment. The training and education shall be provided by the employer at no cost to the employer's employees.".

TITLE II—SAFETY AND HEALTH COMMITTEES AND EMPLOYEE SAFETY AND HEALTH REPRESENTATIVES

SEC. 201. SAFETY AND HEALTH COMMITTEES AND EMPLOYEE SAFETY AND HEALTH REPRESENTATIVES.

Section 28 is amended to read as follows:

"SEC. 28. SAFETY AND HEALTH COMMITTEES AND EMPLOYEE SAFETY AND HEALTH REPRESENTATIVES.

"(a) PURPOSE.—The purpose of this section is to bring employees and employers together in a nonadversarial, cooperative effort to promote safety and health in each worksite. A safety and health committee established under subsection (b) is intended to assist the employer and make recommendations regarding methods of addressing safety and health hazards.

"(b) SAFETY AND HEALTH COMMITTEE ESTABLISHMENT.—Each employer who has 11 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year shall establish a safety and health committee (hereafter in this section referred to as the 'safety and health committee') at each worksite of the employer, except as provided in subsection (e)(2).

"(c) RIGHTS OF COMMITTEE AND COMMITTEE MEMBERS.—

"(1) IN GENERAL.—Each safety and health committee shall have the right, within reasonable limits and in a reasonable manner, to—

"(A) review the employer's safety and health program established under sections 27 and 31 (where applicable);

"(B) review incidents resulting in work-related deaths, injuries, and illnesses and complaints regarding safety or health hazards by employees or safety and health committee members;

"(C) review, upon a request made to the employer by any safety and health committee member, the employer's work injury and illness records, other than personally identifiable medical information, and other reports or documents relating to occupational safety and health;

"(D) conduct inspections of the worksite at least once every 3 months and in response to complaints regarding safety or health hazards by employees or safety and health committee members;

"(E) conduct interviews with employees in conjunction with inspections of the worksite;

"(F) conduct meetings at least once every 3 months and maintain written minutes of such meetings;

"(G) observe the measurement of employee exposure to toxic materials and harmful physical agents; and

"(H) establish procedures for exercising the rights of the safety and health committee; to the employer for improvements in the employer's safety and health program and for the correction of hazards to employee safety or health.

"(2) RECOMMENDATIONS.—Each safety and health committee and each member of the committee shall have the right to—

"(A) make recommendations to the employer for improvements in the employer's safety and health program and for the correction of hazards to employee safety or health; and

"(B) receive from the employer a timely written response to any such recommendation.

Recommendations under this paragraph shall be advisory only and the employer shall retain full authority to manage the worksite.

"(3) TIME FOR COMMITTEE ACTIVITIES.—The employer shall permit members of the safety and health committee to take such time from work as is reasonably necessary to exercise the rights of the committee, without suffering any loss of wages, benefits, and other terms and conditions of employment for time spent on duties of the committee.

"(d) COMMITTEE MEMBERSHIP.—

"(1) MEMBERSHIP.—Each safety and health committee shall consist of the employee safety and health representatives selected or appointed under paragraph (3) and up to an equal number of employer representatives.

"(2) EMPLOYEE SAFETY AND HEALTH REPRESENTATIVES.—Except as provided in subsection (e)(2), each safety and health committee shall, at a minimum, include—

"(A) one employee safety and health representative at each worksite where the average number of nonmanagerial employees of the employer during the year ending January 1 was more than 10, but less than 51;

"(B) two representatives where the number of such employees was more than 50 but less than 101; and

"(C) an additional employee safety and health representative for each additional 100 such employees, up to 6 employee safety and health representatives.

"(3) SELECTION.—The employer's nonmanagerial employees shall select employee safety and health representatives by and from among themselves as follows:

"(A) Where none of the employer's employees at a worksite are represented by an exclusive bargaining representative, the employees shall select employee safety and health representatives.

"(B) Where the employer's employees are represented by a single exclusive bargaining representative, the bargaining representative shall designate the employee safety and health representatives.

"(C) Where the employer's employees are represented by more than one exclusive representative or where some but not all of the employees are represented by an exclusive representative, each bargaining unit of represented employees (and any residual group of unrepresented employees) shall have a proportionate number of employee safety and health representatives based on the number of employees in each bargaining unit or group, except that each such unit or group of 11 or more employees shall have at least one representative. The selection process shall be conducted in accordance with the provisions of subparagraph (A) or (B) as applicable.

"(4) PROTECTION OF EMPLOYEE RIGHT.—An employee's right to seek to be an employee safety and health representative and to otherwise participate in the selection process without being subject to penalties, discipline, employer interference, or reprisal of any kind shall be protected.

"(e) REGULATIONS.—Within 1 year of the date of enactment of the Comprehensive Occupational Safety and Health Reform Act, the Secretary shall issue regulations on safety and health committees. Such regulations shall be effective within 18 months of the date of enactment. Such regulations shall include provisions on—

"(1) the functioning of committees, including selection of employee safety and health representatives, the terms of such representatives, and the maintenance of records; and

"(2) the functioning of committees, including the number and selection of employee safety and health representatives—

"(A) where an employer's employees do not primarily report to or work at a fixed location;

"(B) with regard to worksites where less than 11 employees of a covered employer are employed; and

"(C) with regard to worksites where employees of more than one employer are employed.

"(f) ADDITIONAL RIGHTS.—The rights and remedies provided to employees and employee safety and health representatives by this section are in addition to, and not in lieu of, any other rights and remedies provided by contract, by other provisions of this Act, or by other applicable law, and are not intended to alter or affect such rights and remedies.".

"(g) CONSTRUCTION.—A safety and health committee established under and operating in conformity with this section shall not constitute a labor organization within the meaning of section 2(5) of the National Labor Relations Act or a representative within the meaning of section 1, sixth, of the Railway Labor Act.".

SEC. 202. EMPLOYEE PARTICIPATION IN INSPECTIONS.

Section 8(e) (29 U.S.C. 657(e)) is amended to read as follows:

"(e) Subject to regulations issued by the Secretary, a representative of the employer and a designee of the employee safety and health representatives shall be given an opportunity to accompany the Secretary or the Secretary's authorized representative during the physical inspection of any workplace under subsection (a) for the purpose of aiding such inspection. Where no employee safety and health representatives have been selected, a representative authorized by the employer's employees shall be given an opportunity to accompany the Secretary in lieu of the designee of the employee safety and health representatives. Where there is no authorized employee representative, the Secretary or the Secretary's authorized representative shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.".

TITLE III—COVERAGE

SEC. 301. EXTENSION OF COVERAGE TO PUBLIC EMPLOYEES.

(a) DEFINITION OF EMPLOYER.—Section 3(5) (29 U.S.C. 652(5)) is amended by striking out "but does not include" and inserting in lieu thereof "including".

(b) CONFORMING AMENDMENTS.—

(1) Section 19 (29 U.S.C. 668) is repealed.

(2) Section 410(b) of title 39, United States Code, is amended by striking out paragraph (7) and inserting in lieu thereof the following new paragraph:

"(7) the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);".

SEC. 302. APPLICATION OF ACT.

Section 4(b) (29 U.S.C. 653(b)(1)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (5), (6), and (7), respectively; and

(2) by striking out paragraph (1) and inserting in lieu thereof the following new paragraphs:

"(b)(1) Where a Federal agency has promulgated and is enforcing standards or regulations affecting occupational safety or health of some or all of the employees within that agency's regulatory jurisdiction, and the Secretary determines that such a standard or regulation as promulgated and the manner in which the standard or regulation is being enforced provides protection to those employees that is at least as effective as the protection provided to those employees by the Secretary's enforcement of this Act, the Secretary may publish a notice in the Federal Register setting forth that determination and the reasons for the determination and certifying that the Secretary has ceded jurisdiction to that Federal agency with respect to the specified standards or regulations affecting occupational safety and health. In determining whether to cede jurisdiction to a Federal agency, the Secretary shall seek to avoid duplication of, and conflicts between, health and safety requirements. Such certification shall remain in effect unless and until rescinded by the Secretary.

"(2) The Secretary shall, by regulation, establish procedures by which any person who may be adversely affected by a decision of the Secretary certifying that the Secretary has ceded jurisdiction to another Federal agency pursuant to paragraph (1) may petition the Secretary to rescind a certification under paragraph (1). Upon receipt of such a petition, the Secretary shall investigate the matter and shall, within 90 days after receipt of the petition, publish a decision with respect to the petition in the Federal Register.

"(3) Any person who may be adversely affected by—

"(A) a decision of the Secretary certifying that the Secretary has ceded jurisdiction to another Federal agency pursuant to paragraph (1); or

"(B) a decision of the Secretary denying a petition to rescind such a certification,

may at any time prior to the sixtieth day after such decision is published in the Federal Register file a petition challenging such decision with the United States court of appeals for the circuit wherein such person resides or such person has a principal place of business for judicial review of such decision. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary's decision shall be set aside if found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(4) Nothing in this Act shall apply to working conditions covered by the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.).".

SEC. 303. APPLICATION OF OSHA TO DOE NUCLEAR FACILITIES.

Paragraph (6) of section 4(b) (29 U.S.C. 653(b)(6)) (as so redesignated by section 302(1)) is amended to read as follows:

"(6) Notwithstanding paragraph (1), this Act shall apply with respect to employment performed in the Federal nuclear facilities under the control or jurisdiction of the Department of Energy.".

SEC. 304. EXTENSION OF EMPLOYER DUTIES TO ALL EMPLOYEES WORKING AT A PLACE OF EMPLOYMENT.

Paragraph (1) of section 5(a) (29 U.S.C. 654(a)(1)) is amended to read as follows:

"(1) shall furnish employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to the employees of the employer or to other employees at the place of employment.".

TITLE IV—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

SEC. 401. TIME FRAMES FOR SETTING STANDARDS.

(a) RECOMMENDATIONS AND PETITIONS FOR STANDARDS.—Paragraph (2) of section 6(b) (29 U.S.C. 655(b)(2)) is amended to read as follows:

"(2)(A) If the Secretary receives—

"(i) a recommendation of an advisory committee, the Secretary of Health and Human Services, or the Administrator of the Environmental Protection Agency; or

"(ii) a petition from an interested person which sets forth with reasonable particularity the facts which the person claims establish that an occupational safety or health standard should be promulgated, modified or revoked;

the Secretary shall, within 90 days of the receipt of the recommendation or petition, publish in the Federal Register a response stating whether the Secretary intends to publish a proposed rule promulgating, modifying or revoking such standard.

"(B) If the Secretary's response states that the Secretary does not intend to publish a proposed rule, the Secretary shall set forth the reasons for that decision. In all other cases, the Secretary shall, within 12 months of the decision, publish in the Federal Register a proposed rule promulgating, modifying, or revoking the standard cited in the petition or recommendation.".

(b) PROCEDURE FOR COMMENT AND HEARING.—Paragraph (3) of section 6(b) (29 U.S.C. 655(b)(3)) is amended—

(1) by redesignating such paragraph as subparagraph (B);

(2) by striking out "under paragraph (2)"; and

(3) by inserting immediately before subparagraph (B) (as so redesignated) the following new subparagraph:

"(3)(A) Where information developed by the Secretary or submitted to the Secretary indicates that a rule should be proposed promulgating, modifying, or revoking an occupational safety or health standard, the Secretary shall publish such a proposed rule in the Federal Register and shall afford interested persons a period of at least 30 days after publication to submit written data or comments.".

(c) TIME FRAME FOR ISSUING RULES.—Section 6(b)(4) (29 U.S.C. 655(b)(4)) is amended by striking out "Within" and all that follows through "paragraph (3)" and inserting in lieu thereof "Within 18 months of publication of a proposed rule under paragraph (2)(B)".

(d) REVIEW OF SECRETARY'S FAILURE OR REFUSAL TO ISSUE RULES.—Section 6 (29 U.S.C. 655) is amended by adding at the end thereof the following new subsection:

"(h)(1) Any person who may be adversely affected by a determination by the Secretary under subsection (b)(2) not to propose a rule promulgating, modifying, or revoking a standard may at any time prior to the sixtieth day after such determination is published in the Federal Register file a petition seeking review of such determination with the United States court of appeals for the circuit wherein such person resides or such person has a principal place of business. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary's determination shall be set aside if found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

"(2) Any person who may be adversely affected by a failure of the Secretary to take any action required by this section within the time period prescribed therefor by this section may at any time after such period of time has elapsed file a petition for review stating that such action has been unlawfully withheld or unreasonably delayed. Such petition may be filed with the United States court of appeals for the circuit wherein such person resides or such person has a principal place of business. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The reviewing court shall compel the Secretary to take any action that is found to have been unlawfully withheld or unreasonably delayed. The Secretary's desire to confer with, or to receive approval from any other Federal agency or Federal executive official, shall not justify the withholding or delaying of action by the Secretary, except where such consultation or solicitation of approval is required by statute and has been pursued in a timely fashion.".

(e) JUDICIAL REVIEW.—Section 6(f) (29 U.S.C. 655(f)) is amended—

(1) by inserting after the first sentence the following new sentence: "However, no contention that the standard is infeasible may be entertained in such petition unless the contention and evidence to support the contention were presented to the Secretary in the rulemaking proceeding wherein the challenged standard was promulgated."; and

(2) by adding at the end thereof the following new sentence: "The procedures under this subsection shall be the exclusive means of challenging the validity of any occupational safety or health standard and the validity of any such standard may not be raised in an enforcement action under section 10 or 11.".

SEC. 402. BASIS FOR STANDARDS.

Paragraph (8) of section 3 (29 U.S.C. 652(8)) is amended to read as follows:

"(8) The term 'occupational safety and health standard' means a standard which addresses a significant risk to the safety or health of employees by requiring conditions, or the adoption or use of one or more practices, means, methods, operations, or processes that most adequately assure, to the extent feasible, safe and healthful employment and places of employment.".

SEC. 403. RECORDING OF WORK RELATED ADVERSE MEDICAL CONDITIONS.

Section 6(b)(7) (29 U.S.C. 655(b)(7)) is amended by inserting after the third sentence the following new sentence: "The standard shall also prescribe requirements for recording or reporting work-related adverse medical conditions determined as a result of medical examinations or tests conducted under the standard.".

SEC. 404. PUBLIC DISCLOSURE OF ALL COMMUNICATIONS ON STANDARDS.

Section 6(b) (29 U.S.C. 655(b)) is amended by adding at the end thereof the following new paragraph:

"(9) The Secretary shall place all written comments and communications and a summary of all verbal communications with parties outside the Department of Labor (including communications with executive branch officials but not including communications with the President) regarding the promulgation, modification, or revocation of a standard under this section in the public record not later than 10 working days after the receipt of such communications.".

SEC. 405. REVISION OF PERMISSIBLE EXPOSURE LIMITS.

Section 6 (29 U.S.C. 655) (as amended by section 401(d)) is further amended by adding at the end thereof the following new subsection:

"(i) In addition to other health and safety standards promulgated under subsection (b), the Secretary shall, in cooperation with the Secretary of Health and Human Services, modify and establish exposure limits for toxic materials and harmful physical agents on a regular basis in the following manner and in accordance with the requirements of subsection (b)(5):

"(1) The Secretary of Health and Human Services, acting through the National Institute for Occupational Safety and Health, shall regularly evaluate available scientific evidence, data, and information to determine if exposure limits for toxic materials and harmful physical agents promulgated under subsections (a) and (b) should be modified or if exposure limits for other toxic materials and harmful physical agents should be established to protect exposed employees from material impairment of health or functional capacity. Such evaluation shall include a review of the scientific literature, standards of private and professional organizations, national consensus standards, standards adopted by other countries, recommendations of State and Federal agencies, and consideration of whether such toxic materials and harmful physical agents pose a significant risk to employee health or safety.

"(2) At least once every 3 years the Secretary of Health and Human Services, acting through the National Institute for Occupational Safety and Health, shall, on the basis of the evaluation under paragraph (1), develop and transmit to the Secretary recommendations identifying toxic materials and harmful physical agents, if any, for which exposure limits should be modified or established to protect employees from material impairment of health or functional capacity. For each such material or agent, the recommendation shall include a suggested permissible exposure limit, the basis for the suggested exposure limit, and, where available, information on feasible control measures.

"(3) Within 30 days of the receipt of recommendations under paragraph (2), the Secretary shall publish the recommendations on exposure limits in the Federal Register and provide a period of 30 days for public comment. The Secretary shall evaluate the recommendations and public comments and, within 6 months of the receipt of the recommendations, shall publish a proposed rule to modify, maintain, or establish exposure limits for each toxic material and harmful physical agent for which the Secretary of Health and Human Services has recommended that such a limit should be modified or established. If a proposed exposure limit is not the same as the exposure limit suggested by the Secretary of Health and Human Services, the Secretary shall explain why the recommended limit is not being proposed.

"(4) Within 1 year of the publication of the proposed exposure limits under paragraph (3), the Secretary shall issue a final standard, which standard shall be subject to the requirements of subsection (b)(5). If a final exposure limit is not the same as the exposure limit recommended by the Secretary of Health and Human Services, the Secretary shall explain why the recommended exposure limit is not being adopted.

"(5) In addition to the periodic review of permissible exposure limits required by this subsection, the Secretary shall also establish or modify exposure limits for toxic materials and harmful physical agents whenever such action is warranted, pursuant to subsections (b)(5) and (g).".

SEC. 406. EXPOSURE MONITORING AND HEALTH SURVEILLANCE.

Section 6 (42 U.S.C. 655) (as amended by section 405) is further amended by adding at the end thereof the following new subsection:

"(j) Within 2 years of the effective date of the Comprehensive Occupational Safety and Health Reform Act, the Secretary shall promulgate final standards on exposure monitoring and health surveillance programs in the following manner and in accordance with subsection (b):

"(1) The standard on exposure monitoring shall include the following:

"(A) Requirements for a formal exposure assessment where workers may be exposed to toxic materials or harmful physical agents which are subject to standards issued under this section, including toxic materials or harmful physical agents.

"(B) Requirements for regular monitoring and measurement of toxic materials or harmful physical agents for which an exposure limit has been established by the Secretary or adopted by the employer if such monitoring and measurements will assist in protecting the health and safety of workers exposed to such toxic materials or harmful physical agents.

"(C) Requirements for a written compliance plan for reducing exposures where exposures are determined to exceed limits established by the Secretary or adopted by the employer.

"(D) Requirements for employees to be notified in writing of exposures to toxic materials or harmful physical agents above exposure limits established by the Secretary or adopted by the employer and the steps the employer is taking to reduce such exposures.

"(E) Requirements for maintenance and access to records of exposure to toxic materials or harmful physical agents.

"(2) The standard on health surveillance programs shall include the following:

"(A) Requirements for an evaluation of employee exposure assessments and exposure monitoring to identify which employees may be at risk of material impairment of health or functional capacity due to exposure to toxic materials or harmful physical agents.

"(B) Requirements for periodic medical examinations for employees identified to be at risk of material impairment of health or functional capacity due to exposure to toxic materials or harmful physical agents where such examinations are appropriate to identify or to prevent material impairment of health or functional capacity.

"(C) Requirements for the evaluation of the results of medical examinations to determine if an employee or a group of employees are exhibiting indications of present or potential material impairment of health or functional capacity due to exposure to toxic substances or harmful physical agents.

"(D) Requirements for the notification of employees of the results of medical examinations in a manner that is understood by the employees.

"(E) Provisions setting forth the qualifications for health care providers who may conduct required medical examinations. Where feasible, the Secretary in cooperation with the Secretary of Health and Human Services shall establish criteria and procedures for the certification of health care providers who conduct medical examinations.

"(F) Provisions to assure the confidentiality of personally identifiable medical information.

"(G) Provisions to prohibit discrimination against employees based on the results of medical examinations, and, as appropriate, provisions to provide protection of the wages, benefits, and other terms and conditions of employment of employees who are transferred or removed from their jobs due to the result of medical examinations.

"(H) Records developed under this subsection shall be maintained and made available according to regulations published at section 1910.20 of title 29, Code of Federal Regulations.".

SEC. 407. STANDARD ON ERGONOMIC HAZARDS.

Section 6 (42 U.S.C. 655) (as amended by section 406) is further amended by adding at the end thereof the following new subsection:

"(k) Within 2 years of the effective date of the Comprehensive Occupational Safety and Health Reform Act, the Secretary shall issue a final standard on ergonomic hazards to protect employees from work-related musculoskeletal disorders in accordance with subsection (b)(5). The standard shall include the following:

"(1) Requirements for an ergonomics program where employees are exposed to ergonomic hazards which include provisions for hazard identification, control measures, medical management, training and education, and employee participation.

"(2) Requirements for an evaluation of job processes, work station design, rate of work, and work methods to identify ergonomic risk factors that cause or are likely to cause musculoskeletal disorders.

"(3) Requirements for control measures to reduce stressors and musculoskeletal disorders, including engineering controls, new equipment, or work organization controls.

"(4) Requirements for an effective medical management program for musculoskeletal disorders, including requirements for qualified health care providers, health surveillance, appropriate diagnosis, treatment, and followup.

"(5) Requirements for recording musculoskeletal disorders as an illness and reporting such illnesses to the Secretary.

"(6) Requirements for training and education of employees exposed to ergonomic hazards on ergonomic risk factors, control measures, and the employer's medical management program.

"(7) Requirements for employee participation in the establishment and implementation of the employer's ergonomic program through any safety and health committee established under section 28.".

SEC. 408. EMERGENCY TEMPORARY STANDARDS.

Section 6(c) (29 U.S.C. 655(c)) is amended—

(1) in paragraph (1) by striking out "if he determines" and inserting in lieu thereof "if the Secretary determines on the basis of the best available evidence"; and

(2) in paragraph (3), by striking out "six months" and inserting in lieu thereof "18 months".

SEC. 409. AIR CONTAMINANTS.

Notwithstanding the provisions of chapter 5 of title 5, United States Code, or the provisions of section 6 of the Occupational Safety and Health Act of 1970, the Secretary of Labor shall, not later than 60 days after the date of the enactment of the Comprehensive Occupational Safety and Health Reform Act, by rule promulgate as an occupational safety or health standard—

(1) the final rule on air contaminants published at 54 Federal Register 2332 (January 19, 1989); and

(2) the proposed rule on air contaminants for construction, agriculture, and maritime published at 57 Federal Register 26001 (June 12, 1992).

The rule mandated by this section shall take effect upon its issuance, however, the Secretary may provide in such rule for a reasonable delay in the compliance deadlines for specific provisions. Such rule after its issuance may be modified or revoked in the same manner as any occupational safety or health standard promulgated pursuant to section 6 of the Occupational Safety and Health Act of 1970.

TITLE V—ENFORCEMENT

SEC. 501. NO LOSS OF EMPLOYEE PAY FOR INSPECTIONS.

Section 8(e) (29 U.S.C. 657(e)) is amended by inserting after the first sentence the following new sentence: "Time spent by an employee on any such inspection shall be deemed to be hours worked and no employee shall suffer any loss of wages, benefits, and other terms and conditions of employment for having participated in the inspection.".

SEC. 502. TIME FRAME FOR RESPONSE TO COMPLAINTS.

The last sentence of section 8(f)(1) (29 U.S.C. 657(f)(1)) is amended by inserting before the period the following: "not later than 30 days after the receipt of the request for inspection".

SEC. 503. COMPLAINTS.

Section (8)(f)(1) (29 U.S.C. 657(f)(1)) is amended—

(1) in the first sentence by inserting "the Act or" after "a violation of";

(2) in the second sentence, by striking out "Any such notice" and all that follows through "and a copy shall be provided" and inserting in lieu thereof the following: "Any such notice shall set forth with reasonable particularity the grounds for the notice, and a copy of the notice if written or a summary of the notice if oral shall be provided"; and

(3) by adding at the end thereof the following new sentence: "The Secretary shall make a special inspection in accordance with this section upon notification from any Federal or State agency that there are reasonable grounds to believe that a violation of this Act or a safety and health standard exists that threatens physical harm or that an imminent danger exists."

SEC. 504. MANDATORY SPECIAL EMPHASIS.

Section 8 (29 U.S.C. 657) is amended by adding at the end thereof the following new subsection:

"(h)(1) The Secretary shall establish and carry out a special emphasis inspection program for conducting inspections of industries or operations where—

"(A) existing hazards; or

"(B) newly recognized or new hazards introduced into worksites;

warrant more intensive than normal inspections, as determined by the Secretary.

"(2) The Secretary shall annually designate the industries and operations for the special emphasis inspection program and identify the number of special emphasis inspections that the Secretary plans to conduct in each designated industry and operation and the number of enforcement personnel required for such inspections.

"(3) Inspections conducted under paragraph (1) shall be in addition to other programmed and complaint inspections conducted under this Act.

"(4) The Secretary shall annually submit a report to the Congress on the special emphasis inspection program as part of the Secretary's annual report required under section 26 which shall include information on inspections conducted pursuant to paragraph (2) which were carried out during the preceding year.".

SEC. 505. INVESTIGATIONS OF DEATHS AND SERIOUS INCIDENTS.

Section 8 (29 U.S.C. 657) (as amended by section 504) is further amended by adding at the end thereof the following new subsection:

"(i)(1) The Secretary shall investigate any work-related death or serious incident.

"(2) If a death or serious incident occurs in a place of employment covered by this Act, the employer shall notify the Secretary of the death or serious incident in accordance with section 24(a)(5) and shall take appropriate measures to prevent the destruction or alteration of any evidence that would assist in investigating the death or serious incident. The appropriate measures required by this paragraph do not prevent an employer from taking action on a worksite to prevent injury to employees or substantial damage to property. If an employer takes such action, the employer shall notify the Secretary of the action in a timely fashion.

"(3) As used in this subsection, the term 'serious incident' means an incident that results in the hospitalization of two or more employees.".

SEC. 506. ABATEMENT OF SERIOUS HAZARDS DURING EMPLOYER CONTESTS.

(a) CITATIONS.—Section 9(a) (29 U.S.C. 658(a)) is amended by inserting after the third sentence the following new sentence: "If the Secretary or an authorized representative of the Secretary believes that an alleged violation is serious and presents such a substantial risk to the safety or health of employees that the initiation of review proceedings should not suspend the running of the period for the correction of the violation, the citation shall so state.".

(b) CITATIONS AND ENFORCEMENT.—Section 10 (29 U.S.C. 659) is amended—

(1) in subsection (b), by striking out "(which period shall not begin to run until the entry of a final order by the Commission in the case of any review proceedings under this section initiated by the employer in good faith and not solely for delay or avoidance of penalties)"; and

(2) by adding at the end thereof the following new subsection:

"(d)(1) Except as provided in paragraphs (2) and (3), the period permitted for the correction of a violation shall begin to run from the date of the receipt of the citation.

"(2) If the employer initiates timely review proceedings under this section in which the employer contests matters other than the proposed assessment of penalty or characterization of the violation and the proceedings are initiated by the employer in good faith and not solely for delay, the period permitted for the correction of a violation shall, except as provided in paragraph (3), not begin to run until the entry of a final order by the Commission.

"(3) If the citation states that the violation is serious and presents such a substantial risk to the safety or health of employees that the initiation of review proceedings shall not suspend the running of the period for correction of the violation and if, simultaneous with initiating timely review proceedings under the citation, the employer files a statement asserting that the period for correction of the violation should be suspended during such proceedings, the Commission shall expedite the consideration and decision of the employer's review proceeding. In its decision resolving that proceeding, the Commission may modify the citation's provision that the period for the correction of the violation shall run from the date of the receipt of the citation, if the Commission determines, based on a consideration of the nature of the violation, that the nature and degree of risk posed to employees by the employer's refusal to undertake prompt correction of the violation, and the extent of any irreparable injury the employer would incur by undertaking correction of the violation during the pendency of review proceedings, that such provision is unreasonable in the circumstances.".

(c) PENALTIES.—Section 17(d) (29 U.S.C. 666(d)) is amended by striking out "(which period shall not begin to run until the date of the final order of the Commission in the case of any review proceeding under section 10 initiated by the employer in good faith and not solely for delay or avoidance of penalties)".

(d) EMPLOYER CONTEST.—Section 10(c) (29 U.S.C. 659(c)) is amended by inserting after the first sentence the following new sentence: "The pendency of a contest before the Commission shall not bar the Secretary from inspecting a place of employment or from issuing a citation under section 9.".

(e) STATUTE OF LIMITATION.—Section 9(c) (29 U.S.C. 658(c)) is amended by adding at the end thereof the following new sentence: "The 6-month time limit shall not apply to a notification of penalty.".

(f) VERIFICATION OF ABATEMENT.—Section 10 (as amended by subsection (b)) is further amended by adding at the end thereof the following new subsection:

"(e)(1) Each employer to whom a citation for a serious, willful or repeated violation has been issued under section 9 shall verify the abatement of such violation in writing to the Secretary not later than 30 days after the period for the correction of the violation has expired. Such verification shall include appropriate documentary evidence. Each such employer shall prominently post, within 10 days after the verification of abatement, at or near each place that a violation referred to in the citation occurred, a notice that the violation has been abated, and shall make available to employees and employee representatives for inspection a copy of the verification of abatement provided to the Secretary pursuant to this subsection.

"(2) Not later than 1 year after the effective date of this subsection, the Secretary shall promulgate final regulations regarding the requirements of this subsection.".

SEC. 507. RIGHT TO CONTEST CITATIONS AND PENALTIES.

The first sentence of section 10(c) (29 U.S.C. 659(c)) is amended—

(1) by inserting after "the issuance of a citation" the following: "or a modification of a citation issued"; and

(2) by inserting after "files a notice with the Secretary" the following: "alleging that the citation fails properly to designate the violation as serious, willful, or repeated, or that the proposed penalty is not adequate, or".

SEC. 508. RIGHT OF EMPLOYEE REPRESENTATIVES TO PARTICIPATE IN OTHER PROCEEDINGS.

The last sentence of section 10(c) (29 U.S.C. 659(c)) is amended by striking out "hearings" and inserting in lieu thereof "proceedings".

SEC. 509. OBJECTIONS TO MODIFICATION OF CITATIONS.

Section 10 (29 U.S.C. 659) (as amended by section 506(e)) is amended by adding at the end thereof the following new subsection:

"(f)(1) If the Secretary intends to withdraw or to modify a citation as a result of any agreement with the cited employer, the rules of procedure prescribed by the Commission shall provide for prompt notice to affected employees or representatives of affected employees, and which notice shall include the terms of the proposed agreement.

"(2) Not later than 15 working days after the receipt of the notice provided in accordance with paragraph (1), any employee or representative of employees, regardless of whether such employee or representative has previously elected to participate in the proceedings, shall have the right to file a notice with the Secretary alleging that the proposed agreement fails to effectuate the purposes of this Act and stating the respects in which it fails to do so.

"(3) Upon receipt of a notice filed under paragraph (2), the Secretary shall consider the matter, and if the Secretary determines to proceed with the proposed agreement, the Secretary shall respond with particularity to the statements presented in that notice.

"(4) Not later than 15 working days following the Secretary's response provided pursuant to paragraph (3), the employee or representative of employees shall, upon a request to the Commission, have the right to a hearing as to whether adoption of the proposed agreement would effectuate the purposes of this Act, including a determination as to whether the proposed agreement would adequately abate the alleged violations.

"(5) If the Commission determines that a proposed agreement fails to effectuate the purposes of this Act, the proposed agreement shall not be entered as an order of the Commission and the citation shall not be withdrawn or modified in accordance with the proposed agreement.".

SEC. 510. IMMINENT DANGER INSPECTIONS.

(a) SPECIAL CONDITIONS AND PRACTICES.—Section 13 (29 U.S.C. 662) is amended—

(1) by striking out subsection (c);

(2) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(3) by inserting before subsection (b) (as so redesignated) the following new subsection:

"(a)(1) If the Secretary determines, on the basis of an inspection or investigation under this section, that a condition or practice in a place of employment is such that an imminent danger to safety or health exists that could reasonably be expected to cause death or serious physical harm or permanent impairment of the health or functional capacity of an employee if not corrected immediately, the Secretary shall so inform the employer and affected employees and shall request that the condition or practice be corrected immediately or that employees be immediately removed from exposure to such danger.

"(2) If the employer refuses to comply with a request under paragraph (1), the Secretary shall immediately cause notice to be posted in the workplace identifying the equipment, process, or practice that is the source of the imminent danger. Such notice shall take the form of a tag or other device that will be seen by employees who might otherwise be exposed to the dangerous equipment, process, or practice. The notice shall be removed only by the Secretary.

"(3) The fact that notice under paragraph (2) has been posted shall be noted in any citation issued pursuant to section 9 with respect to the hazard involved.

"(4) No person shall discharge or in any manner discriminate against any employee because such employee has refused to perform a duty that would expose the employee to the condition or a practice that has been identified as the source of an imminent danger by a notice posted pursuant to paragraph (2). The right to refuse to perform such a duty shall be in addition to any other right to refuse to perform hazardous work that is afforded to employees by this Act, by standards or regulations issued pursuant to this Act, by contract, or by other applicable law."; and

(4) in the first sentence of subsection (b) (as so redesignated) to read as follows: "The United States district courts shall have jurisdiction, upon petition of the Secretary, to restrain any conditions or practices in any place of employment which pose an imminent danger as described in subsection (a).".

(b) PENALTIES.—Section 17 is amended—

(1) by redesignating subsections (h) through (l) as subsections (i) through (m), respectively; and

(2) by inserting after subsection (g) the following new subsection:

"(h) In the event that an employer does not immediately correct the hazard referenced in a notice posted under section 13(a)(2) or remove all employees from exposure thereto, the employer shall be assessed a civil penalty of not less than $10,000 and not more than $50,000 for each day during which an employee continues to be exposed to the hazard unless the Commission determines that the condition or practice is not of such a nature as to be covered by section 13(a).".

SEC. 511. CITATIONS AND PENALTIES FOR VIOLATIONS OF SECTIONS 27, 28 AND 31.

(a) CITATIONS.—Section 9(a) (29 U.S.C. 658(a)) is amended by inserting ", 27, 28, or 31" after "section 5".

(b) PENALTIES.—Section 17 (29 U.S.C. 666) is amended—

(1) in subsection (a), by inserting ", 27, 28, or 31" after "section 5";

(2) in subsection (b), by inserting ", 27, 28, or 31" after "section 5"; and

(3) in subsection (c), by inserting ", 27, 28, or 31" after "section 5".

SEC. 512. OSHA CRIMINAL PENALTIES.

(a) IN GENERAL.—Section 17 (29 U.S.C. 666) (as amended by section 510(b)) is further amended—

(1) in subsection (e)—

(A) by inserting after "employer" the following: "or any officer, management official, or supervisor having direction, management, control, or custody of any place of employment";

(B) by striking out "fine of not more than $10,000" and inserting in lieu thereof "fine in accordance with section 3571 of title 18, United States Code,";

(C) by striking out "six months" and inserting in lieu thereof "10 years";

(D) by striking out "fine of not more than $20,000" and inserting in lieu thereof "fine in accordance with section 3571 of title 18, United States Code,";

(E) by striking out "one year" and inserting in lieu thereof "20 years"; and

(F) by inserting "under this subsection or subsection (i)" after "first conviction of such person";

(2) in subsection (f), by striking out "fine of not more than $1,000 or by imprisonment for not more than six months," and inserting in lieu thereof "fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 2 years,";

(3) in subsection (g), by striking out "fine of not more than $10,000, or by imprisonment for not more than six months," and inserting in lieu thereof "fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 1 year,";

(4) by redesignating subsections (i) through (m) as subsections (j) through (n), respectively;

(5) by inserting after subsection (h) the following new subsection:

"(i) Any employer or any officer, management official, or supervisor having direction, management, control, or custody of any place of employment who willfully violates any standard, rule, or order promulgated pursuant to section 6, or any regulation prescribed pursuant to this Act, and that violation causes serious bodily injury to any employee but does not cause death to any employee, shall, upon conviction, be punished by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 5 years, or by both, except that if the conviction is for a violation committed after a first conviction of such person under this subsection or subsection (e), punishment shall be by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 10 years, or by both,"; and

(6) by adding at the end the following new subsection:

"(o) If a penalty or fine is imposed on a director, officer, or agent of an employer under subsection (e), (f), (g), or (i), such penalty or fine shall not be paid out of the assets of the employer on behalf of that individual.".

(b) DEFINITION.—Section 3 (29 U.S.C. 652) is amended by adding at the end thereof the following new subsection:

"(15) The term 'serious bodily injury' means bodily injury that involves—

"(A) a substantial risk of death;

"(B) protracted unconsciousness;

"(C) protracted and obvious physical disfigurement; or

"(D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.".

(c) JURISDICTION FOR PROSECUTION UNDER STATE AND LOCAL CRIMINAL LAWS.—Section 17 (29 U.S.C. 666) (as amended by subsection (a)) is further amended by adding at the end thereof the following new subsection:

"(p) Nothing in this Act shall preclude State and local law enforcement agencies from conducting criminal prosecutions in accordance with the laws of such State or locality.".

SEC. 513. COMMISSION MEMBER'S TERMS.

Section 12(b) (29 U.S.C. 661(b)) is amended by inserting after the first sentence the following new sentence: "A member of the Commission may serve after the expiration of the member's term until a successor has taken office.".

SEC. 514. INSPECTIONS.

Section 8(a) (29 U.S.C. 657(a)) is amended by adding after paragraph (2) the following new flush left margin sentence: "In carrying out the inspection authority under this section, the Secretary shall establish an effective system for targeting inspections of worksites, especially worksites with a high potential for death, serious injury, or exposure to toxic materials or harmful physical agents and shall establish priorities for such inspections to ensure that enforcement activities are concentrated on such worksites.".

SEC. 515. EMPLOYEE ACCOUNTABILITY.

Section 9 (29 U.S.C. 658) is amended by adding at the end thereof the following new subsection:

"(d) A citation issued under subsection (a) to an employer who violates the requirements of section 5, any standard, rule, or order promulgated pursuant to section 6, or any other regulation promulgated under this Act shall be vacated if such employer demonstrates that—

"(1) employees of such employer have been provided with the proper training and equipment to prevent such a violation;

"(2) work rules designed to prevent such a violation have been established and adequately communicated to employees by such employer and have been effectively enforced when such a violation has been discovered;

"(3) the failure of employees to observe work rules led to the violation; and

"(4) reasonable steps have been taken by such employer to discover any such violation.".

TITLE VI—PROTECTION OF EMPLOYEES FROM DISCRIMINATION

SEC. 601. ANTIDISCRIMINATION PROVISIONS.

(a) EMPLOYEE ACTIONS.—Section 11(c)(1) (29 U.S.C. 660(c)(1)) is amended by inserting before the period at the end thereof the following: "including reporting any injury, illness or unsafe condition to the employer, agent of the employer, the safety and health committee, or employee safety and health representative".

(b) PROCEDURE.—Section 11(c) (29 U.S.C. 660(c)) is amended by striking out paragraphs (2) and (3) and inserting in lieu thereof the following new paragraphs:

"(2) No person shall discharge or in any manner discriminate against an employee for refusing to perform the employee's duties when the employee has a reasonable apprehension that performing such duties would result in serious injury to, or serious impairment of the health of, the employee or other employees. The circumstances causing the employee's apprehension of serious injury must be of such a nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a bona fide danger of a serious injury or serious impairment of health resulting from the circumstances. In order to qualify for protection, the employee, when practicable, must have sought from his employer, and have been unable to obtain, correction of the circumstances causing the refusal to perform the employee's duties.

"(3) Any employee who believes that he or she has been discharged, disciplined, or otherwise discriminated against by any person in violation of paragraph (1) or (2) may, within 180 days after such alleged violation occurs, file (or have filed by any person on the employee's behalf) a complaint with the Secretary alleging that such discharge, discipline, or discrimination violates paragraph (1) or (2). Upon receipt of such a complaint, the Secretary shall notify the person named in the complaint of the filing of the complaint.

"(4)(A)(i) Not later than 60 days after the receipt of a complaint filed under paragraph (3), the Secretary shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit. During the investigation, the Secretary shall notify the person named in the complaint of the charges made in the complaint, shall provide such person with an opportunity to meet with the inspector conducting the investigation, to submit a response to such charges, and to present witnesses to rebut such charges. The Secretary shall also consider the result of any collectively-bargained grievance proceeding which may have been held with respect to such charges. Upon completion of the investigation, the Secretary shall notify the complainant and the respondent to the complaint of the Secretary's findings. Where the Secretary has concluded that there is reasonable cause to believe that a violation has occurred, the Secretary's findings shall be accompanied by a preliminary order providing the relief prescribed by subparagraph (B).

"(ii) After the Secretary has made findings, either the respondent or the complainant may, within 30 days, file objections to the findings or preliminary order, or both, and request a hearing on the record, except that the filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. If the Secretary does not issue findings with respect to a complaint within 90 days of the receipt of the complaint, the complainant may request a hearing on the record on the complaint.

"(iii) A hearing requested under clause (ii) shall be expeditiously conducted. Where a hearing is not timely requested, the preliminary order shall be deemed a final order which is not subject to judicial review. Upon the conclusion of such hearing, the Secretary shall issue a final order within 120 days. In the interim, such proceedings may be terminated at any time on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person named in the complaint.

"(B) If, in response to a complaint filed under paragraph (3), the Secretary determines that a violation of paragraphs (1) or (2) has occurred, the Secretary shall order—

"(i) the person who committed such violation to correct the violation;

"(ii) such person to reinstate the complainant to the complainant's former position together with the compensation (including back pay), terms, conditions, and privileges of the complainant's employment; and

"(iii) compensatory damages.

If such an order is issued, the Secretary, at the request of the complainant, may assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

"(5)(A) Any person adversely affected or aggrieved by an order issued after a hearing under paragraph (4)(A) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred, or the circuit in which such person resided on the date of such violation. The petition for review must be filed within 60 days from the issuance of the Secretary's order. Such review shall be in accordance with the provisions of chapter 7 of title 5, United States Code, and shall be heard and decided expeditiously.

"(B) Whenever a person has failed to comply with an order issued under paragraph (4)(A), the Secretary shall file a civil action in the United States district court for the district in which the violation was found to occur in order to enforce such order. In actions brought under this subparagraph, the district court shall have jurisdiction to grant all appropriate relief, including injunctive relief, reinstatement, and compensatory damages.

"(6) The legal burdens of proof set forth in section 1221(e) of title 5, United States Code, shall govern adjudication of protected activities under this subsection.".

SEC. 602. POSTING OF EMPLOYEE RIGHTS.

Section 8(c)(1) (29 U.S.C. 657(c)(1)) is amended by adding at the end thereof the following new sentence: "Such regulations shall include provisions requiring employers to post for employees the protections afforded under section 11(c).".

TITLE VII—OSHA TRAINING AND EDUCATION

SEC. 701. TECHNICAL ASSISTANCE TO EMPLOYERS AND EMPLOYEES.

Section 21 (29 U.S.C. 670) is amended by adding at the end thereof the following new subsections:

"(d) The Secretary shall develop and disseminate, directly or by grants or contracts, model curricula, model programs and other information and materials to assist employers in complying with the requirements for safety and health programs and employee safety and health training and education under section 27, with the requirements for safety and health committees under section 28, with the requirements of section 5, including the requirements of standards issued under section 6, and other requirements of the Act.

"(e) The Secretary shall establish and implement a program to provide technical assistance and consultative services for employers and employees, either directly or through grants or contracts, concerning worksite safety and health and compliance with this Act. Such assistance and consultation shall be targeted at small employers, high hazard worksites, and high hazard industries.

"(f) The Secretary shall award grants for the establishment and functioning of regional or State safety resource councils or centers. Such councils or centers shall identify safety and health resources within the State or region that employers and employees can utilize—

"(1) to improve safety and health;

"(2) to assist with the development of industry-specific projects to promote safety and health; and

"(3) to assist employers and employees with the development of safety and health programs.

Such councils or centers shall be not-for-profit organizations, and shall include representatives from State agencies, employers and labor organizations.

"(g) The Secretary shall establish a program under which the Secretary may annually recognize employers with outstanding safety and health records by presenting such employers with a safety and health excellence award. The Secretary may annually recognize other organizations through the presentation of such awards in recognition of the outstanding efforts of such organization to promote occupational safety and health."

SEC. 702. OSHA ASSISTANCE FUND.

Section 7 (29 U.S.C. 656) is amended by adding at the end thereof the following new subsection:

"(d)(1) There is established in the Treasury of the United States a revolving fund to be known as the 'OSHA Assistance Fund' (hereinafter in this subsection referred to as the 'Fund'). The Fund shall be used to offset the costs of implementing section 21 (including administrative and personnel expenses). Monies in the Fund shall be available without fiscal year limitation to the Secretary for such purpose.

"(2)(A) The Secretary is authorized to charge fees in accordance with this paragraph for technical assistance and consultative services provided under section 21. Such fees—

"(i) shall be imposed on a uniform basis on persons receiving such assistance or services under section 21;

"(ii) shall not exceed the cost of implementing section 21; and

"(iii) with respect to each person receiving such assistance or services, shall bear a reasonable relationship to the cost of providing such assistance or services to such person.

"(B) Fees received by the Secretary under this subsection shall be deposited in the Fund.

"(C) The Secretary shall report with respect to each fiscal year to the Congress on the operation of the Fund.

"(3) The Secretary of the Treasury shall invest the portion of the Fund not required to satisfy current expenditures from the Fund, as determined by the Secretary, in obligations of the United States or obligations guaranteed as to principal by the United States. Investment proceeds shall be deposited in the Fund.".

TITLE VIII—RECORDKEEPING AND REPORTING

SEC. 801. DATA COLLECTED BY SECRETARY.

Section 24(a) (29 U.S.C. 673) is amended—

(1) by designating the first through third sentences as paragraphs (1) through (3), respectively and margining such paragraphs accordingly; and

(2) by adding at the end the following new paragraphs:

"(4)(A) For the purpose of setting safety and health standards, targeting inspections to individual establishments, evaluating standard setting and enforcement programs, and for other purposes, the Secretary shall collect such information as may be necessary and conduct analyses that identify—

"(i) industries, employers, establishments, processes, operations, and occupations that have a high rate of injury or illness;

"(ii) factors that cause or contribute to injuries and illnesses;

"(iii) workers' compensation and other costs associated with the injuries and illnesses; and

"(iv) employee exposures to toxic substances and harmful physical agents.

"(B) Data collected under this subsection shall be publicly available in a form suitable for further statistical analysis.

"(5) The Secretary shall issue regulations that require each employer covered by this Act to report to the Secretary each work-related death of an employee of the employer immediately upon knowledge of the employer and to report each serious incident that results in the hospitalization of two or more employees within 24 hours of the incident.".

SEC. 802. EMPLOYEE REPORTED ILLNESSES.

Section 8(c)(2) (29 U.S.C. 657(c)(2)) is amended by striking out "deaths, injuries, and illnesses other than" and inserting in lieu thereof "deaths, injuries, illnesses, suspected work-related illnesses reported by an employee or an employee's physician unless the employer makes a reasonable determination that the illness is not work-related, and adverse medical conditions determined as a result of a medical examination or test conducted under an occupational safety or health standard. Records and reports shall not be required for".

SEC. 803. EMPLOYEE ACCESS.

Section 8(c)(2) (29 U.S.C. 657(c)(2)) is amended by adding at the end the following new sentence: "The records and reports required under this section shall be made available to the Secretary, the Secretary of Health and Human Services, employees and employee representatives.".

TITLE IX—NIOSH

SEC. 901. HAZARD EVALUATION REPORTS.

Section 20(a)(6) (29 U.S.C. 669(a)(6)) is amended—

(1) in the second sentence, by inserting ", or whether any potentially hazardous condition or harmful physical agent found in the place of employment poses a risk to exposed employees" after "as used or found"; and

(2) by inserting after the second sentence the following new sentence: "If a determination is not made within 6 months of the request, the Secretary shall provide the employer and employees with an interim report on the known or suspected hazards, a recommendation for control, and an estimate of the time that a final determination will be made.".

SEC. 902. SAFETY RESEARCH.

Section 20(a) (29 U.S.C. 669(a)) is amended by adding at the end the following new paragraph:

"(8) The Secretary of Health and Human Services shall identify major factors contributing to occupational injuries and deaths through accident investigations and epidemiological research.".

SEC. 903. CONTRACTOR RIGHTS.

Section 20(b) (29 U.S.C. 669(b)) is amended in the first sentence by inserting after "Secretary of Health and Human Services" the following: "or the Secretary's designees or contractors.".

SEC. 904. NATIONAL SURVEILLANCE PROGRAM.

Section 20 (29 U.S.C. 669) is amended by adding at the end thereof the following new subsection:

"(f)(1) Not later than 2 years after the date of enactment of the Comprehensive Occupational Safety and Health Reform Act, the Secretary of Health and Human Services, acting through the National Institute for Occupational Safety and Health, shall (in cooperation with other agencies of the Department of Health and Human Services and the Secretary of Labor) establish a national surveillance program to identify cases of occupational illnesses, deaths, and serious injuries. In conducting the national surveillance program, the Secretary of Health and Human Services shall coordinate the activities of the Secretary with State health agencies and Federal and State workers' compensation agencies.

"(2)(A) The Secretary of Health and Human Services shall collect data each year on the number and characteristics of all occupational deaths, selected occupational illnesses, and selected occupational injuries.

"(B) In selecting occupational illnesses and injuries for the collection of data under subparagraph (A), the Secretary of Health and Human Services shall consider the known frequency of the disorder, the severity of the disorder, and the size of the population at risk.

"(3) The Secretary of Health and Human Services shall prepare reports and analysis of deaths, occupational illnesses, and injuries collected under the national surveillance program and transmit the information to the Secretary of Labor, State health agencies, employers, employees, and other interested parties.

"(4) The Secretary of Health and Human Services may issue regulations to require an employer, through a physician or other health professional employed by or under contract to the employer, to report information on occupational deaths, illnesses and injuries in order to carry out the provisions of this subsection.".

SEC. 905. ESTABLISHMENT OF NIOSH AS A SEPARATE AGENCY WITHIN PUBLIC HEALTH SERVICE.

The second sentence of section 22(b) (29 U.S.C. 671(b)) is amended by inserting after "The Institute shall be" the following: "established as a separate agency within the United States Public Health Service and be".

SEC. 906. NIOSH TRAINING.

Section 21(a) (29 U.S.C. 670(a)) is amended by inserting after "educational programs to provide an adequate supply of qualified personnel to carry out the purpose of this Act," the following: ", including education programs for employees and member of safety and health committees, as appropriate.".

TITLE X—STATE PLANS

SEC. 1001. STATE PLAN COMMITTEES AND PROGRAMS.

Section 18(c) (29 U.S.C. 667(c)) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting a comma; and

(3) by adding at the end the following new paragraph:

"(9) provides for the development of safety and health programs, safety and health committees and training programs that are at least as effective as those required under sections 27 and 28, and".

SEC. 1002. ACCESS TO INFORMATION; EMPLOYEE RIGHTS.

Section 18(c) (29 U.S.C. 667(c)) (as amended by section 1001) is further amended by adding at the end thereof the following new paragraph:

"(10) provides for reporting requirements, protection of employee rights, and access to information that are at least as effective as those required under this Act or other Federal laws which govern access to information related to this Act.".

SEC. 1003. APPLICATION OF FEDERAL STANDARDS.

Section 18 (29 U.S.C. 667) is amended by adding at the end thereof the following new subsection:

"(i) In the event a State, within 6 months after the promulgation of a safety and health standard by the Secretary under section 6, fails to adopt or promulgate a standard which is at least as effective as the Secretary's standard, the State shall enforce the Secretary's standard until a State standard which is at least as effective as such standard is in effect.".

SEC. 1004. COMPLAINTS AGAINST A STATE PLAN.

Section 18 (29 U.S.C. 667) (as amended by section 1003) is further amended—

(1) in the third sentence of subsection (e), by inserting after "preceding sentence" the following: "except as provided in subsections (f) and (j)"; and

(2) by adding at the end the following new subsection:

"(j)(1) If the Secretary receives a written complaint from an employer, employee, or employee representative that a State is deficient in its compliance with a provision of its State plan and the Secretary determines that there are reasonable grounds to believe that such deficiency exists, the Secretary shall promptly investigate any such complaint, except that complaints which allege a deficiency in an enforcement action by a State shall be investigated within 30 days of the receipt of the complaint.

"(2) The Secretary shall, not later than 30 days after the completion of any investigation, transmit the findings in writing to the State and to the complainant, which findings shall include recommendations for the correction of any deficiency which is identified. If the Secretary determines there are no reasonable grounds to believe that a deficiency exists, the Secretary shall notify the complainant in writing of such determination.

"(3) Not later than 30 days after the receipt of findings issued under paragraph (2), the State shall respond to the Secretary in writing, describing what action the State has taken in response to the Secretary's findings and recommendations.

"(4) If after receipt of the response of the State, the Secretary believes a serious violation of the Act exists for which the State has failed to issue a citation, the Secretary with reasonable promptness shall issue a citation. Section 9(e) shall not apply with respect to a citation issued under this paragraph.".

SEC. 1005. ACTION AGAINST A STATE PLAN.

Section 18(f) (29 U.S.C 667(f)) is amended—

(1) by designating the first sentence as paragraph (1);

(2) by redesignating the second sentence as paragraph (3);

(3) by margining such paragraphs accordingly; and

(4) by inserting after paragraph (1) (as so designated) the following new paragraph:

"(2)(A) If the Secretary determines at any time that there are reasonable grounds for concluding that there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), the Secretary shall give notice to the State of the deficiencies which, in the Secretary's view, warrant a withdrawal of approval, and shall allow 6 months for the correction of the deficiencies.

"(B) If after 6 months the Secretary determines that the State has not corrected the deficiencies and that grounds for withdrawing approval of the State plan still exist, the Secretary shall institute proceedings pursuant to paragraph (3) for the withdrawal of approval of the plan, unless the Secretary determines in writing that exceptional circumstances exist that justify a decision not to institute such proceedings.

"(C) During the pendency of proceedings pursuant to paragraph (3), the Secretary shall exercise jurisdiction, concurrent with the State, over the safety and health issues that are subject to the State plan.".

SEC. 1006. STATE PLAN CONFORMING AMENDMENTS.

Section 18 (29 U.S.C. 667) (as amended by section 1004(2)) is further amended by adding at the end thereof the following new subsection:

"(k)(1) Except as provided in paragraph (2), each State which is exercising authority to operate a State safety and health plan under this section shall within 1 year of the effective date of the Comprehensive Occupational Safety and Health Reform Act modify the plan to conform with the requirements of this Act.

"(2) In the case of a State which the Secretary identifies as—

"(A) requiring State legislation (other than legislation appropriating funds) to modify the State safety and health plan to conform with the requirements of this Act; and

"(B) having a legislature which is not scheduled to meet within 1 year of the effective date of the Comprehensive Occupational Safety and Health Reform Act in legislative session in which such legislation may be considered;

the State shall modify the plan to conform with the requirements of this Act within 1 year or by the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins after the effective date of the Comprehensive Occupational Safety and Health Reform Act, whichever is later. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate session of the State legislature.".

SEC. 1007. EFFECT ON STATE LAW.

Section 18 (29 U.S.C. 667) (as amended by section 1006) is further amended by adding at the end thereof the following new subsection:

"(l) Nothing in this section shall be construed to prevent any State from enacting or enforcing State public safety or health laws which are not limited to providing safe and healthful employment or places of employment, including laws that regulate employees or places of employment as a means of protecting the health and safety of nonemployee members of the public as well as of employees, such as those that license individuals to perform particular types of work.".

TITLE XI—VICTIMS' RIGHTS

SEC. 1101. VICTIMS' RIGHTS

Section 29 is amended to read as follows:

"SEC. 29. VICTIMS' RIGHTS

"(a) DEFINITION.—For purposes of this section, the term 'victim' means—

"(1) an employee who has sustained a work-related injury or illness which is the subject of an inspection or investigation conducted under section 8, or

"(2) a family member of an employee, if—

"(A) the employee is killed as a result of a work-related injury or illness which is the subject of an inspection or investigation conducted under section 8; or

"(B) the employee sustains a work-related injury which is the subject of an inspection or investigation conducted under section 8, and the employee cannot reasonably exercise his or her rights under this section.

"(b) RIGHTS.—On request, a victim shall be afforded the right, with respect to a work-related injury, illness, or death involving the employee, to—

"(1) meet with the Secretary, or an authorized representative of the Secretary, regarding the inspection or investigation conducted under section 8 concerning the employee's injury, illness, or death before the Secretary's decision to issue a citation or take no action; and

"(2) receive, at no cost, a copy of any citation or report, issued as a result of such inspection or investigation on the date the citation or report is issued, be informed of any notice of contest filed under section 10, and be provided an explanation of the rights of employee and employee representatives to participate in proceedings conducted under section 10.

"(c) MODIFICATION OF CITATION.—Before entering into an agreement to withdraw or modify a citation issued as a result of an inspection or investigation of a death or serious incident under section 8, the Secretary, on request, shall provide an opportunity to the victim to appear and make a statement before the parties conducting settlement negotiations.

"(d) NOTIFICATION AND REVIEW.—The Secretary shall establish procedures—

"(1) to inform victims of their rights under this section; and

"(2) for the informal review of any claim of a denial of such rights.".

TITLE XII—CONSTRUCTION SAFETY

SEC 1201. SHORT TITLE.

This title may be cited as the "Construction Safety, Health, and Education Improvement Act of 1993".

SEC. 1202. DEFINITIONS.

Section 3 (29 U.S.C. 652) (as amended by section 512(b)) is further amended by adding at the end thereof the following new paragraph:

"(16) For purposes of section 7(c), subsections (j) through (l) of section 8, and sections 30 and 31:

"(A) The term 'construction employer' means an employer as defined in paragraph (5) (including an employer who has no employees) who is engaged primarily in the building and construction industry or who performs construction work under a contract with a construction owner, except that a utility providing or receiving mutual assistance in the case of a natural or man-made disaster shall not be considered a construction employer.

"(B) The term 'construction owner' means a person who owns, leases or has effective control over property with or without improvements, a structure, or other improvement on real property on which construction work is being, or will be, performed.

"(C) The term 'construction project' means all construction work by one or more construction employers which is performed for a construction owner and which is described in work orders, permits, requisitions, agreements, and other project documents.

"(D) The term 'construction work' means work for construction, alteration, demolition, or repair, or any combination thereof, including painting and decorating, but does not include work performed under a contract between a construction employer and a homeowner for work on the homeowner's own residence, or routine maintenance and upkeep performed at least monthly, and such term shall include work performed under a contract between a construction employer and an agency of the United States or any State or political subdivision of a State.

"(E) The term 'construction worksite' means a site within a construction project where construction work is performed by one or more construction employers.

"(F) The term 'competent person' means a representative of a construction employer who satisfies the requirements of section 27(b)(8).".

SEC. 1203. OFFICE OF CONSTRUCTION SAFETY, HEALTH, AND EDUCATION.

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) is amended—

(1) by striking out sections 30, 31 and 34;

(2) by redesignating sections 32 through 33 as section 34 and 35, respectively; and

(2) by inserting after section 29 the following new section:

"SEC. 30. OFFICE OF CONSTRUCTION SAFETY, HEALTH, AND EDUCATION.

"(a) ESTABLISHMENT.—There is established in the Occupational Safety and Health Administration an Office of Construction Safety, Health, and Education (hereinafter in this section referred to as the 'Office') to ensure safe and healthful working conditions in the performance of construction work.

"(b) DUTIES.—The Secretary shall—

"(1) identify construction employers that have high fatality rates or high lost workday injury or illness rates or who have demonstrated a pattern of noncompliance with safety and health standards, rules, and regulations;

"(2) develop a system for notification of employers identified under paragraph (1);

"(3) establish, after consultation with the Advisory Committee on Construction Safety and Health, training courses and curriculum for the training of inspectors and other persons with duties related to construction safety and health who are employed by the Occupational Safety and Health Administration;

"(4) establish model compliance programs for construction safety and health standards and assist employers, employees, and organizations representing employers and employees in establishing training programs appropriate to such standards; and

"(5) establish a toll-free line on which reports, complaints, and notifications required under this Act may be made.

"(c) PERSONNEL.—

"(1) DEPUTY ASSISTANT SECRETARY FOR CONSTRUCTION.—The Office shall be headed by a Deputy Assistant Secretary of Labor for Construction, appointed by the Secretary. The Deputy Assistant Secretary shall coordinate the activities of the Office and the Advisory Committee on Construction Safety and Health with the activities of other offices and directorates within the Occupational Safety and Health Administration to the extent that the activities of those other offices and directorates relate to safety, health, and education in the construction industry.

"(2) QUALIFICATIONS OF INSPECTORS.—The Secretary, with the advice of the Advisory Committee on Construction Safety and Health, shall determine the necessary qualifications and training requirements for individuals employed by the Occupational Safety and Health Administration whose responsibilities include the inspection of construction worksites. Such qualifications and requirements shall, at a minimum, include—

"(A) a requirement that the inspector, after receiving appropriate training, have a full understanding of this Act and the Secretary's standards and regulations applicable to construction work; and

"(B) in the case of a construction safety inspector, at least 5 years of experience working in the construction industry.".

SEC. 1204. CONSTRUCTION SAFETY AND HEALTH PLANS AND PROGRAMS.

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) (as amended by section 1203) is further amended by adding after section 30 the following new section:

"SEC. 31. CONSTRUCTION SAFETY AND HEALTH PLANS AND PROGRAMS.

"(a) PROJECT CONSTRUCTOR.—The Secretary shall, by regulation, require each construction project to have an individual or entity (hereinafter referred to as the 'project constructor') that is responsible for the establishment of the safety and health plan for such project and for ensuring that the project safety coordinator exercises the duties set forth in this Act. Such regulations shall require that—

"(1) if only one general or prime contractor exists on a construction project, such contractor shall be the project constructor, unless such contractor designates another entity with its consent to be the project constructor; and

"(2) if a construction project has more than one general or prime contractor, the construction owner shall be the project constructor unless such construction owner designates another entity with its consent to be the project constructor.

"(b) CONSTRUCTION SAFETY AND HEALTH PLAN.—

"(1) IN GENERAL.—The Secretary shall, by regulation, require that the project constructor for a construction project develop and implement a written construction safety and health plan for the construction project (hereinafter in this section referred to as the 'plan') to protect employees against hazards which may occur at such project.

"(2) REQUIREMENTS.—The regulations under paragraph (1) shall, at a minimum, require that the plan shall include a hazard analysis and construction process protocol which shall apply to each worksite of the project. The analysis and protocol shall include a specific reference to critical conditions in the construction process which may cause hazards to exist, identify the methods to be used at such worksite to ensure the structural stability of all buildings, structures, and excavations, and list all inspections and tests required at such worksite to protect the safety and health of employees.

"(3) AVAILABILITY.—Copies of the plan shall be made available to each construction employer prior to commencement of construction work by that employer.

"(c) PROJECT SAFETY COORDINATOR.—

"(1) IN GENERAL.—The Secretary shall, by regulation, require that for every construction project, the project constructor shall designate a project safety coordinator appointed by and acting on behalf of the project constructor. Such regulations shall, at a minimum, require the following:

"(A) The project safety coordinator shall, on behalf of the project constructor—

"(i) ensure the implementation of the plan;

"(ii) ensure that each construction employer on the project has a safety and health program which complies with the plan and the requirements of subsection (d);

"(iii) conduct regular inspections of the worksite to monitor compliance by employers with the plan and with their safety and health programs;

"(iv) notify affected construction employers of any hazardous conditions discovered at a construction worksite or of noncompliance by an employer with the project safety and health plan, or the employer's own safety and health plan; and

"(v) if the hazard or noncompliance is not corrected, notify the construction owner and the project constructor.

"(B) The project safety coordinator shall issue written approval before an employer may engage in an operation of a type determined by the Secretary to pose a substantial risk of death or serious bodily injury.

"(C) The project safety coordinator shall—

"(i) upon request of any construction employer, employee, or employee representative, conduct an inspection at a construction worksite to determine if an imminent danger exists and shall stop work at, or remove affected employees from, an area in which such a danger exists;

"(ii) investigate each fatality, serious bodily injury, structural failure, fire, or explosion that occurs on the project; and

"(iii) notify the Secretary if a construction employer fails promptly to abate an imminent danger, and request the Secretary to conduct an immediate inspection of the worksite.

"(D) The project safety coordinator shall be on site as necessary and be promptly available at all times that work is being performed on the project.

"(2) QUALIFICATIONS.—The project safety coordinator shall be an individual who is certified by an organization or organizations approved by the Secretary as having fulfilled the requirements of a standardized training course and testing program developed or approved by the Secretary with the advice of the Advisory Committee on Construction Safety and Health. Until the Secretary develops such approved procedures, the project safety coordinator shall meet the requirements of a competent person under subsection (e).

"(d) CONSTRUCTION SAFETY AND HEALTH PROGRAMS.—The Secretary shall, by regulation, require every construction employer on a construction project to have a written safety and health program established in accordance with section 27 applicable to the employer's work on such project. The Secretary's regulations shall, in addition to the requirements under section 27(b), at a minimum, require the following:

"(1) The program shall provide for safety and health meetings to review the safety and health program to be conducted with construction employees during working hours prior to the commencement of the employer's work on the project. Thereafter, safety and health meetings shall be held at least monthly to provide updated information to employees on the construction process and the hazards associated with those processes. A safety and health meeting shall be held with newly hired employees and with those employees assigned to construction work with which they are unfamiliar before such work commences.

"(2) The program shall contain procedures for the emergency evacuation of the employer's employees from a construction worksite.

"(3) The program shall contain procedures to ensure that a competent person is on the construction worksite at all times that work is being performed by such employer.

"(4) The program shall contain procedures to ensure that all construction employees of the employer shall receive or have received within the 12-month period immediately preceding their employment, general safety and health training in a manner prescribed by the Secretary. The Secretary shall prescribe a procedure or procedures by which an employer may verify that employees have received the required training.

"(5) The program shall indicate if the employer has received notification under section 30(b)(2).

"(e) COMPETENT PERSONS.—The Secretary shall, by regulation, require each construction employer to designate one or more competent persons, in accordance with section 27(b)(8), who shall be responsible for the administration of the safety and health program. Such regulations shall, at a minimum, require the following:

"(1) A competent person shall be on the construction worksite at all times that work is being performed by such employer.

"(2) A competent person shall engage in inspections of the site, materials, and equipment, as appropriate, and shall stop work of such employer at, or remove affected employees of the employer from, an area in which an imminent danger exists. The competent person shall notify forthwith the project constructor or project safety coordinator of the imminent danger and of the action taken to ensure the prompt abatement of such danger and to prevent its recurrence.

"(f) APPLICATION.—

"(1) IN GENERAL.—The Secretary, by regulation, may modify the requirements of subsections (a) through (e), or portions thereof, as they apply to certain types of construction work or operations where the Secretary determines that, in light of the nature of the risks faced by employees engaged in such work or operation, such a modification would not reduce the employees' safety and health protection. In making such modifications, the Secretary shall take into account the risk of death or serious injury or illness, and the frequency of fatalities and the lost work day injury rate attendant to such work or operations.

"(2) EMERGENCY WORK.—If it is necessary to perform construction work on a worksite immediately in order to prevent injury to persons, or substantial damage to property, and such work must be conducted before compliance with the requirements of the regulations under subsections (a) through (e) can be made, the Secretary shall be given notice as soon as practicable of such work. Compliance with such requirements shall then be made as soon as practicable thereafter.

SEC. 1205. INSPECTIONS, INVESTIGATIONS, REPORTING, AND RECORDKEEPING.

Section 8 (29 U.S.C. 657) (as amended by sections 504 and 505) is further amended by adding at the end thereof the following new subsections:

"(j)(1) The Secretary shall establish an effective targeting system for general schedule construction inspections. In establishing such system, the Secretary shall establish priorities to ensure that construction enforcement activities are concentrated on construction work and construction projects having a high potential for deaths, injuries or illnesses and, within such construction projects, on worksites or operations having a high potential for deaths, injuries or illnesses.

"(2) In establishing construction inspection priorities under paragraph (1), the Secretary shall give due weight to—

"(A) the record of compliance with this Act and its regulations by particular construction employers; and

"(B) the fatality rate and the lost workday injury rate attributable to particular construction owners and construction employers and particular types of construction projects and construction work.

"(3) The Secretary shall use reports and notices filed under this subsection and subsection (i) and other pertinent information to develop the system of prioritized inspections required under this subsection.

"(4) The inspection priority system required by paragraph (1) shall not have the effect of limiting the Secretary's authority to conduct inspections of any employer or worksite under other provisions of this Act.

"(5) The Secretary shall, by regulation, require that, before the commencement of (A) specific, highly hazardous construction work, or (B) work by employers identified under section 30(b)(1), the project constructor shall report to the Secretary information regarding the project to allow the Secretary, on the basis of the inspection priority system required by paragraph (1), to determine whether to conduct an inspection of such project or of a worksite or worksites on such project. Such regulations shall require, at a minimum, that the information reported include the location of the project or worksite, the names of the construction owner, project constructor, project safety coordinator, and construction employers working on the project, the type of work to be performed, and the anticipated dates of such construction activities.

"(k)(1) The Secretary shall, by regulation, require that the project constructor of a construction project promptly report to the Secretary any incident involving construction work that results in—

"(A) a fatality;

"(B) an injury or illness causing 2 or more hospitalizations; or

"(C) a structural failure or fire or explosion which caused or could have caused serious bodily injury to an employee.

"(2) The Secretary's regulations shall provide at a minimum that each report required under paragraph (1) shall contain the names, business addresses, and telephone numbers of the construction owner of the worksite, the project constructor and project safety coordinator, and the construction employer whose construction employee was killed or seriously injured.

"(3) The Secretary shall investigate any incident reported pursuant to paragraph (1).

"(l) The Secretary shall, by regulation, require project constructors to make and maintain accurate records concerning fatalities, serious bodily injuries, structural failures, fires, and explosions at construction projects.".

SEC. 1206. ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH.

Section 7 (29 U.S.C. 656) is amended—

(1) by redesignating subsections (c) and (d) (as added by section 702) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsections:

"(c)(1) The Advisory Committee on Construction Safety and Health established by the Secretary pursuant to section 107(e) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333(e)), shall be composed of 15 members, as follows:

"(A) One member shall be designated by the Secretary of Health and Human Services.

"(B) Five members, appointed by the Secretary, shall be qualified by experience and affiliation with construction employer and employer associations to present the viewpoint of the employers involved and five members, appointed by the Secretary, shall be qualified by experience and affiliation with labor organizations in the building and construction industry to present the viewpoint of employees involved.

"(C) Two members, appointed by the Secretary, shall be representatives of State safety and health agencies.

"(D) Two members, appointed by the Secretary, shall be qualified by knowledge and experience to be able to make useful contribution to the work of the Advisory Committee.

"(2) The term of office of each member shall be 3 years. The terms of five members shall expire each year, provided that the terms of no more than two representatives of the same interest shall expire the same year. A member whose term has expired shall continue to serve until a successor is appointed unless such member resigns or becomes unable to service.

"(d)(1) In addition to the functions prescribed by section 107(e) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333(e)), the Advisory Committee on Construction Safety and Health shall also serve as an advisory committee to the Secretary and the Secretary of Health and Human Services on matters relating to the administration of the Act. The Committee shall advise, consult with, and make recommendations to the Secretary and the Secretary of Health and Human Services in the formulation of construction safety and health standards and other regulations and with respect to policy matters arising in the administration of this Act as it affects the construction industry. In carrying out its functions, the Advisory Committee may—

"(A) with the consent of the Secretary, obtain special advisory and technical experts or consultants as may be necessary to carry out the functions of the Advisory Committee;

"(B) establish working groups to address matters coming before the Committee during times the Committee is not in session;

"(C) schedule no fewer than four meetings during each calendar year and require a transcript to be kept of the meetings and to be made available for public inspection; and

"(D) consider such matters as it may determine to be appropriate, in addition to those matters referred by the Secretary.

"(2) The Secretary shall respond in writing to any recommendations made by a majority of the members of the Advisory Committee within 60 days of the Advisory Committee's issuance of such recommendation.".

SEC. 1207. STATE CONSTRUCTION SAFETY AND HEALTH PLANS.

Section 18 (29 U.S.C. 667) (as amended by sections 1003, 1004 and 1006) is further amended by adding at the end thereof the following new subsection:

"(l) Any State plan that covers construction safety and health shall contain requirements which, and the enforcement of which, are, and will be, at least as effective, in providing safe and healthful employment and places of employment in the construction industry as the requirements contained in subsection (c), and the requirements imposed by, and enforced under, this Act and section 107 of the Contract Work Hours Standards Act (40 U.S.C. 333), including—

"(1) requirements relating to the training and qualifications of State agency construction inspectors;

"(2) requirements relating to construction safety and health plans and programs; and

"(3) requirements relating to inspections, investigations, reporting, and recordkeeping.".

SEC. 1208. CONSTRUCTION SAFETY AND HEALTH ACADEMY.

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) (as amended by section 1204) is further amended by inserting after section 31 the following new section:

"SEC. 32. CONSTRUCTION SAFETY AND HEALTH ACADEMY.

"There is established in the Occupational Safety and Health Administration a Construction Safety and Health Academy to conduct training of employees of the Occupational Safety and Health Administration who conduct inspections of construction worksites and such other persons as the Secretary, with the advice of the Advisory Committee on Construction Safety and Health, shall consider appropriate.

SEC. 1209. ENFORCEMENT.

(a) CITATIONS.—Section 9(a) (29 U.S.C. 658(a)) is amended by inserting ", 8, or 31" after "section 5".

(b) PROJECT CONSTRUCTORS.—Section 9 (29 U.S.C. 658) (as amended by section 514) is further amended by adding at the end the following:

"(f) For purposes of this section and sections 8, 10, 11, and 17 a project constructor shall be considered an employer.".

SEC. 1210. REPORTS TO CONGRESS.

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) (as amended by section 1208) is further amended by adding after section 32 the following new section:

"SEC. 33. REPORTS TO CONGRESS.

"(a) IN GENERAL.—The Secretary, in consultation with the Advisory Committee on Construction Safety and Health, shall prepare and submit to the President for transmittal to the Congress an annual report upon the same general subjects as are set forth in section 26 and as they relate to the construction industry, including the operation of the Office of Construction Safety, Health, and Education.

"(b) EFFECT OF EXISTING CONDITIONS IN CONSTRUCTION INDUSTRY.—Within 120 days following the conclusion of 3 years of operation of the Office of Construction Safety, Health, and Education, the Secretary, with the advice and assistance of the Advisory Committee on Construction Safety and Health, shall prepare and submit to the President for transmittal to the Congress a report upon the subject whether the then existing conditions of occupational safety and health in the construction industry, the effectiveness of regulation and enforcement, and any other relevant information supports the continued existence of the Office within the Occupational Safety and Health Administration, or the enactment of legislation to establish in the Department of Labor a Construction Industry Safety and Health Administration to be headed by an Assistant Secretary of Labor for Construction Safety and Health, or the enactment of legislation making any other changes in the law."

SEC. 1211. FEDERAL CONSTRUCTION CONTRACTS.

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) (as amended by section 1210) is further amended by adding after section 33 the following new section:

"SEC. 34. FEDERAL CONSTRUCTION CONTRACTS.

"Not later than 90 days after the date of the enactment of this section, the Secretary shall deliver to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate recommendations regarding legislative changes required to make the safety records (including records of compliance with Federal safety and health laws and regulations) of persons bidding for contracts subject to section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) a criterion to be considered in the awarding of such contracts.".

SEC. 1212. RELATIONSHIP TO EXISTING LAW AND REGULATIONS.

(a) IN GENERAL.—Nothing contained in the amendments made by this title or the regulations issued to carry out the amendments shall limit the application of, or lessen, any of the requirements of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Contract Work Hours Standards Act (40 U.S.C. 327 et seq.), or the standards or regulations issued by the Secretary of Labor to carry out either such Act.

(b) PROJECT CONSTRUCTORS.—The presence and duties of a project constructor or a project safety coordinator on a project shall not in any way diminish the responsibilities of construction employers under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) for the safety and health of their employees.

SEC. 1213. TIMETABLE FOR REGULATIONS.

The Secretary of Labor shall publish in the Federal Register in proposed form, no later than 90 days after the effective date of this Act, the regulations that this title directs the Secretary to prescribe, and shall promulgate the final regulations no later than 180 days after the effective date of this title. The final rules and regulations shall become effective 60 days after the date on which they are promulgated.

TITLE XIII—ADMINISTRATION

SEC. 1301. ADMINISTRATION.

There is established in the Department of Labor an Occupational Safety and Health Administration to be headed by an Assistant Secretary of Labor for Occupational Safety and Health who shall be appointed by the President, by and with the advice and consent of the Senate. The Secretary of Labor shall, except as specifically provided otherwise, carry out the Secretary's functions under the Occupational Safety and Health Act of 1970 through the Occupational Safety and Health Administration.

TITLE XIV—EFFECTIVE DATE

SEC. 1401. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b) and section 1213, this Act and the amendments made by this Act shall take effect upon the expiration of 90 days after the date of the enactment of this Act.

(b) EXCEPTIONS.—The amendments made by section 302 shall take effect 1 year after the date of enactment of this Act.

SUMMARY OF THE COMPREHENSIVE OCCUPATIONAL SAFETY AND HEALTH REFORM ACT

A. EMPLOYER AND EMPLOYEE PARTICIPATION

1. *Safety and Health Programs.* The bill requires employers to establish and maintain safety and health programs to reduce or eliminate hazards and prevent injuries and illnesses to employees. Such programs must provide for, among other things, employee training and education. OSHA is authorized to modify the applicability of these requirements to classes of employers provided that protection of employees is not diminished.

2. *Joint Safety and Health Committees.* The bill requires employers of 11 or more employees to have safety and health committees made up of employee representatives and up to an equal number of employer representatives. In unionized settings, employee representatives are to be designated by the employees' bargaining representative; otherwise they are to be selected by the employees. The joint committees are authorized to review the employer's safety and health program, conduct inspections, and make advisory recommendations to the employer.

3. *Employee Participation in Enforcement Proceedings.* The bill allows affected employees to participate more actively in proceedings of the Occupational Safety and Health Review Commission, by authorizing employees (1) to challenge OSHA's characterization of a violation and the amount of the proposed penalty before the Commission, and (2) to obtain Commission review of any settlement agreement entered into between an employer and OSHA modifying or withdrawing a citation.

4. *Antidiscrimination Protections.* The bill clarifies that the Act prohibits employers from discharging or otherwise retaliating against an employee (1) because the employee has reported an unsafe condition or (2) because the employee, after seeking from the employer and being unable to obtain corrective action, has refused to perform duties that the employee reasonably believes would expose employees to a bona fide danger of injury or serious impairment of health.

The bill also provides for enforcement procedures for the handling of discrimination complaints, modeled on provisions of the Surface Transportation Act. The bill authorizes the Secretary of Labor to order reinstatement and assess back pay, compensatory damages and attorneys' fees if the Secretary finds that an employee has been discharged or discriminated against in violation of the Act. Decisions by the Secretary are subject to judicial review.

B. THE STANDARD SETTING PROCESS

1. *Petitions for Standards.* The bill requires OSHA to respond to petitions requesting promulgation, modification or revocation of health or safety standards within 90 days of receipt, and if the agency finds that the action petitioned for is warranted, to issue a proposed rule within 12 months of the petition and a final rule within 18 months thereafter. Affected persons may obtain judicial review of any decision by the agency to deny a petition, or any failure of the agency to act within the timeframes specified.

2. *Permissible Exposure Limits for Toxic Substances.* The bill requires the National Institute for Occupational Safety and Health (NIOSH) to submit to OSHA at least once every three years recommendations for revisions of permissible exposure limits for toxic

substances, and requires OSHA to respond to NIOSH recommendations by issuing a proposed rule within six months and a final rule within one year of receipt of such recommendations.

The bill also authorizes OSHA to issue an air contaminants standard consisting of (1) revised permissible exposure limits for 428 toxic substances which were adopted by OSHA in 1989 but invalidated by the U.S. Court of Appeals for the 11th Circuit in 1992, and (2) related permissible exposure limits covering workers in the construction, agriculture and maritime industries which were proposed by OSHA in 1992.

3. *Basis for Standards.* The bill amends the definition of an OSH "standard" to codify the current judicial interpretation of the Act that all standards must address a "significant" risk to workers' safety or health. The bill also provides that safety and health standards must reduce the risk to the extent feasbile.

4. *Specific Standards.* The bill requires OSHA to issue standards relating to exposure monitoring, medical surveillance, and ergonomic hazards specified time frames.

C. ENFORCEMENT

1. *Targeted Inspection Program.* The bill requires OSHA to establish a special emphasis inspection program to target high-risk industries and operations.

2. *Reports and Investigations.* The bill requires employers to report all work-related fatalities immediately upon knowledge of the employer and to report all incidents resulting in the hospitalization of two or more employees within 24 hours of the incident. OSHA is required to investigate all such incidents and fatalities.

3. *Imminent Danger.* Where OSHA determines that a condition or practice poses an imminent danger to employees, the bill authorizes OSHA to require the employer to take immediate corrective action or remove employees from exposure to the hazard. Employees refusing to perform work which would require them to be exposed to the hazard are protected against discrimination, and OSHA is authorized to fine an employer who fails to take corrective action from $10,000 to $50,000 per day.

4. *Abatement of Hazards.* The bill modifies requirements for abatement of hazards by providing that where OSHA has determined that a serious violation exists that will pose a substantial risk of harm to employees, the period for abatement will begin to run on the date of issuance of the citation, regardless of whether or not the employer appeals the citation. Appeals from such citations are entitled to expedited review.

Employers who have been cited for serious, willful or repeated violations are required (1) to submit to the agency appropriate documentary evidence verifying that corrective action has been taken, and (2) to post a notice of abatement in the workplace.

5. *Employee Accountability.* The bill codifies the "employee misconduct" defense to a citation issued against an employer, which requires that the citation be vacated if the employer shows that the violation occurred because of employee misconduct contravening a well-established, effectively enforced work rule.

6. *Criminal Penalties.* The bill increases the maximum criminal penalties available under the Act for willful violations which cause death, and authorizes criminal penalties for willful violations which cause serious bodily injury. The bill also clarifies that corporate officers, managers, and supervisors may be prosecuted for criminally culpable conduct.

D. EXPANSION OF COVERAGE

1. *Public Employees.* The bill extends the coverage of the Act to federal employees (including congressional employees) and to state and local government employees.

2. *Other Federal Agency Jurisdiction.* With regard to private sector employees in industries within the regulatory jurisdiction of other federal agencies (e.g., the transportation and commercial fishing industries), the bill gives OSHA general authority to regulate occupational safety and health, but allows OSHA to cede jurisdiction over regulation of particular safety and health hazards to another agency if OSHA determines that the other agency has and is enforcing a standard that is as effective as the applicable OSHA standard. The mining industry, separately regulated under the Mine Safety and Health Act (MSHA), is exempted. In addition, the bill provides that OSHA may not cede jurisdiction with regard to employees working in federal nuclear facilities under the jurisdiction of the Department of Energy.

3. *General Duty Clause.* The bill modifies the Act's "general duty" clause to clarify that a covered employer has a duty to protect not only his own employees, but also any other employees who may be at the worksite, from hazardous conditions within the employer's control.

E. TECHNICAL ASSISTANCE TO EMPLOYERS AND EMPLOYEES

The bill requires OSHA to develop model training curricula and programs for dissemination to employers, and to provide technical assistance and consultative services to employers and employees. OSHA is authorized to charge reasonable fees to persons receiving technical assistance and consultative services, to help defray the cost of such services and to allow OSHA to expand such services to meet the needs of employers and employees. The bill also authorizes OSHA to award grants for the establishment of state or regional safety and health resource councils and present safety and health excellence awards to employers with outstanding records.

F. DATA COLLECTION AND RESEARCH

The bill requires improved collection and analysis by OSHA of employer data regarding work-related injuries and illnesses, employee exposures to toxic substances, and workers' compensation and other costs associated with occupational injury and disease. The bill also requires NIOSH to establish a national surveillance program to identify and collect data on work-related injuries and illnesses, and designates NIOSH as a separate agency within the Public Health Service.

G. STATE PLANS AND STATE LAWS

1. *State Plans.* The bill requires state plans to include provisions regarding employer safety and health programs, joint safety and health committees, reporting by employers, nondiscrimination and access to information which are at least as effective as those provided by federal law. When OSHA issues a new federal standard, state plans are required either to adopt a comparable standard within six months, or to enforce the federal standard until a comparable state standard is adopted. In addition, the bill requires OSHA to investigate complaints against state plans, and modifies the procedures for withdrawal of approval of a state plan.

2. *State Laws.* The bill leaves states free to enact and enforce public safety and health laws, including laws that regulate employees or places of employment as a means of protecting public health or safety, such as state licensing laws.

H. VICTIMS' RIGHTS

The bill provides, to employees who have suffered work-related injuries or illnesses or to their family members, (1) the right to meet with OSHA regarding any related inspection or investigation before the agency makes a decision to issue a citation or take no action; (2) the right to a copy of any citation or report issued as a result of such inspection or investigation; (3) the right to notice of any challenge to the citation filed by the employer; and (4) the right to meet with the parties prior to any settlement modifying or withdrawing the citation.

I. CONSTRUCTION SAFETY

1. *Office of Construction Safety.* The bill formally establishes, within OSHA, an Office of Construction Safety, Health and Education.

2. *Constructin Safety and Health Plan.* The bill requires each general or prime contractor on a construction project to: establish a written safety and health plan for the project; designate a project safety coordinator to implement the plan, conduct safety and health inspections, and oversee safety and health activities at the worksite; provide pre-start notice to OSHA of any high-hazard work or work by employers with poor safety records being performed on the project; and report safety and health incidents to OSHA.

3. *Construction Safety and Health Program.* The bill requires each construction employer on a project to include in its written safety and health program provisions to ensure that all workers have received proper training. Each such employer must also designate a competent person to be on the jobsite at all times that work is being performed.

4. *Modification of Requirements.* The bill allows OSHA to modify the safety and health plan and program requirements for construction employers where such modifications would not reduce employees' protection.

5. *Other Provisions.* The bill also reconstitutes the Advisory Committee on Construction Safety and Health to provide consultative expertise to OSHA on construction issues; requires OSHA to establish model compliance and training programs; and requires OSHA to establish a Construction Safety and Health Training Academy as part of its Training Institute.

Mr. METZENBAUM. Mr. President, I am pleased to join Senator KENNEDY today as an original cosponsor of the Comprehensive Occupational Safety and Health Reform Act. This legislation is based on a very simple principle: That America's hardworking men and women should not have to put their lives on the line just to earn a living in this country.

Moreover, saving lives and preventing injuries in the workplace will make us more competitive. The staggering costs of workplace accidents and illnesses contribute significantly to our high health care and workers' compensation costs. This bill is critical to getting these costs under control.

Senator KENNEDY and I first introduced this legislation in 1991. After a series of very productive legislative hearings, the Labor and Human Resources Committee favorably reported the bill last year. The 102d Congress adjourned without further action.

This year, we expect to move the legislation through additional hearings and a second committee markup, and to bring the bill to the floor. Congressman BILL FORD has similar plans for this measure in the House of Representatives.

For those of my colleagues who have yet to consider this issue in detail, let me explain why we need OSHA reform and what this bill would accomplish.

We have made some progress in reducing workplace injury and illness rates since OSHA was enacted in 1970. But today's statistics are no less chilling than they were two decades ago.

Every year, some 10,000 workers are killed on the job—one worker every hour of every day. These aren't just numbers—they represent real people suffering real tragedies. Take, for example, the first 2 workweeks this year.

On Monday, January 4, Ira Melton was electrocuted at an Orlando, FL worksite when the crane he was working on came in contact with high-voltage electrical wires. In Fletcher, OK, Terry Johnson was cleaning the guide rollers on a conveyor belt when he became caught in the belt and was crushed to death. Ronald Williams and two coworkers were cleaning a boiler furnace grate in Portsmouth, VA when the steam boiler tube ruptured, burning and causing inhalation injuries to all three workers. Mr. Williams died of his injuries a week later.

On Tuesday, Janice Banks was buried alive by falling lumber when a stacker broke at a lumberyard in Pulaski, TN. On Wednesday, Fred Zenner was crushed underneath the tracks of a bulldozer at a worksite in Kerrville, TX. On Thursday, Kenneth and Harold Bouma were using flammable cleaning solvents to clean a storage tank in Orange City, IA when a spark triggered an explosion and fire that burned them to death. Two other workers were also injured. On Friday, Jason Davis was accidentally electrocuted at a drilling company in Decatur, TX.

The following Monday, in Ventura, CA, David Duncan was helping to hoist a 2,100-pound metal tool when the hoisting straps broke. The tool struck Mr. Duncan and killed him. On Wednesday, Duane Miller was loading sheetrock onto flatbed trucks in Tucker, GA. He was killed when he became pinned between an unattended forklift and a flatbed truck. On Thursday, in Garfield, NJ, Willie Davis was unloading wound paper rolls from an industrial paper winder, when he became caught in the nipping points of the paper winder and was crushed to death. On Friday, James Puffinberg was electrocuted while performing maintenance work at a public school in Stephens City, VA.

Mr. President, I could go on, and on, and on. And in addition to these fatalities, 1,700,000 more workers suffer disabling injuries each year. As many as 100,000 die from occupational diseases. And the lost workday rate—based on the average number of workdays lost each year due to the occupational injury and illness, per 100 employees—has increased significantly, from 47.9 days lost in 1972 to 84.0 days lost in 1990.

According to the National Safety Council, workplace accidents cost $63.3 billion in 1991 in lost wages and productivity, medical costs, and insurance administration. Occupational illnesses—which cause many times more worker deaths than safety accidents—cost even more. And no one can place a monetary value on the suffering of millions of American families affected by a workplace death, injury, or illness that need not have happened.

Who pays these costs? We all do. About half of the costs fall on victims and their families in the form of lost income and out-of-pocket payments for medical care. The remaining half of these costs are paid for by a variety of public and private sources, including private health insurance, other health insurance, employer-provided benefits [such as sick leave], workers compensation, and public programs such as medicare, social security-disability, and supplemental security income.

While we can never eliminate all of these injuries and illnesses, it is estimated that as much as 80 percent of them are preventable using existing technologies and practices. Clearly, though, much of corporate America lacks the will to prevent these injuries and illnesses, and OSHA is incapable of securing compliance. OSHA's annual budget is less than $300 million, a pittance compared to the $6 billion appropriated for the Environmental Protection Agency.

OSHA's current budget pays for about 1,200 Federal inspectors, who are supposed to cover 3.5 million workplaces. I find it very troubling that we have six times as many fish and game inspectors in this country as we do occupational safety and health inspectors. At current staffing levels, OSHA can inspect each workplace only once every 84 years.

We must renew our commitment to the promise of a safe and healthy workplace, a promise Congress made to American workers back in 1970 when the OSHA Act was signed into law. But we must also recognize that OSHA is unlikely to receive large funding increases in the near future. Moreover, even with additional funding, OSHA can never do the job alone.

Instead, we must look to employers and employees to play a large role in addressing safety and health hazards. The legislation we are introducing today will accomplish this end by requiring employers to create safety and health programs as well as joint safety and health committees.

There is virtual unanimity in the OSHA community—from businesses to workers, from Government officials to safety experts and medical personnel—that corporate safety and health programs help make workplaces safer and make good business sense as well. Such programs help reduce injuries, improve morale, and pay for themselves through increased productivity and reduced workers' compensation costs. In its voluntary safety and health program guidelines, OSHA notes a strong correlation between the application of sound management practices in the operation of safety and health programs and a low incidence of occupational injuries and illnesses.

Seven States—California, Washington, Oregon, Alaska, Minnesota, Hawaii, and most recently North Carolina—already require such programs for some or all employers. The OSHA reform bill we are introducing today would require employers to establish safety and health programs to reduce or eliminate hazards, to prevent injuries and illnesses to employees, and to provide employee training and education.

The safety and health community is also in agreement with regard to the importance of employee involvement in addressing workplace safety and health problems. Joint safety and health committees have proved to be an effective means of ensuring employee involvement. According to Ford Motor Co., the establishment of joint committees within Ford facilities has promoted a spirit of teamwork that improves working conditions for all employees. In a work atmosphere where there has traditionally been an adversarial working relationship, joint safety and health committees have helped reduce conflict by demonstrating that our objectives are the same—an accident-free work environment.

These committees have been successfully utilized in thousands of unionized workplaces, and are required by law in Oregon, Washington, North Carolina, and Tennessee, as well as in many of our competitor nations. The OSHA reform bill requires employers of 11 or more employees to establish safety and health committees made up of both employee and employer representatives. These committees would have the right to review the employer's safety and health program, conduct inspections, and make advisory recommendations to the employer.

Some of the lobbyists for corporate America say don't impose mandated safety programs or committees on us. Give us the flexibility to establish them voluntarily. Well, we heard plenty of testimony in 1991 and 1992 that safety programs and committees make good business sense, but the reality is that most businesses have yet to get that message. The majority of American businesses have not established comprehensive safety programs or committees, and there is no reason to think they would in the future unless we enact this legislation.

In addition, the claim that the bill would impose a one-size-fits-all approach ignores the flexibility built into these provisions. Both the program and committee provisions are performance oriented, and give the Secretary of Labor a great deal of discretion in determining how they will be carried out. The legislation explicitly authorizes the Secretary to modify the program requirements where doing so will not reduce worker protection, and gives him broad authority to issue regulations on the functioning of committees and the application of the committee provisions where workers do not primarily report to or work at a fixed location, at worksites with fewer than 11 employees, and at multiemployer worksites.

The OSHA reform bill we are introducing today also addresses a number of major problems in OSHA coverage, standard setting and enforcement. First, when Congress enacted OSHA in 1970, it did not provide for coverage of public sector employees. Instead, States were invited to establish their own plans to cover them. But only half of the States have enacted their own such plans since then, leaving millions of public sector employees in the other States with no OSHA protection at all. The OSHA reform bill would extend coverage to these workers.

Second, OSHA's existing standard-setting process is woefully inadequate to keep up with the thousands of potentially hazardous new chemicals and other physical agents introduced into the American workplace annually. As of 1989, OSHA standards regulated only about 630 substances, fewer than 30 of which were regulated by comprehensive standards providing for such things as exposure monitoring and medical surveillance.

For example, in 1975 OSHA began formal consideration of a confined spaces standard to protect workers against exposure to toxic gases in closed-in, unventilated areas. OSHA finally issued the rule this past January, 18 years later. Thousands of deaths and injuries could have been prevented if the rule had been adopted in an expeditious fashion. The bill streamlines OSHA's standard-setting process, shortening it to roughly 30 months.

Third, OSHA needs stronger abatement authority. Under current law, where a hazard rises to the level of an imminent danger, OSHA cannot force an employer to abate the hazard unless it gets a temporary restraining order from a court. This legislation would let OSHA tag the hazardous operation and impose civil penalties if the tagged operation is run before the hazard is abated.

In addition, where a hazard does not rise to the level of an imminent danger, but nonetheless poses a substantial risk of harm, employers can delay abatement simply by contesting a citation issued by OSHA. That process can take months or years to complete. The bill would require employers to abate serious violations of the act when a citation is first issued if there is a substantial risk of harm, even if the employer appeals the citation. An employer could challenge the reasonableness of the immediate abatement requirement before the OSHA review commission as part of its appeal.

Fourth, OSHA's current criminal penalty provisions are virtually useless. There is no criminal penalty for a willful violation that seriously injures or permanently disables a worker. OSHA cannot seek prosecution unless a worker dies.

Thus, no matter how outrageous its conduct, no matter how many workers are injured, no matter how clear the employer's criminal intent is, an employer cannot be prosecuted if the victims are lucky enough just to be maimed or crippled. This legislation would permit prosecution of employers who cause serious bodily injury to one or more workers.

Moreover, under current law, if an employer willfully violates a health or safety standard and that violation causes the death of an employee, the maximum penalty that can be imposed is 6 months—a simple misdemeanor. In contrast, the maximum penalty under Federal law for maliciously harassing a wild burro is 1 year—a felony. The bill lengthens the maximum allowable sentences under OSHA's criminal provisions, in order to encourage OSHA and the Department of Justice to make more meaningful use of these provisions as a deterrent to violations.

In addition, under the Seventh Circuit Court of Appeals' 1991 decision in U.S. versus DOIG, only owners and corporate officers can be held liable under OSHA's criminal provisions. But in realty, it may be a lower level employee who acts with criminal culpability in intentionally exposing a worker to highly dangerous conditions that cause death or serious injury. Thus, the bill amends the act to permit the criminal prosecution of managers and supervisors. If these individuals willfully kill or seriously injure a worker, they should not be shielded from responsibility merely because they are not an owner or a corporate officer.

Together, these various provisions will undoubtedly help OSHA meet its enforcement responsibilities and make the best use of its funding.

In addition to strengthening OSHA's authority and requiring safety and health programs and committees, this year's legislation addresses two issues that have arisen since the bill was first introduced in the last Congress in 1991. First, the bill would permit OSHA to reissue its 1989 Air Contaminants Standard, which was struck down last year by the 11th Circuit Court of Appeals.

When Congress enacted the OSHA Act in 1970, it allowed OSHA to adopt National Consensus Standards on an expedited basis. Those consensus standards, adopted in the early 1970s, were based on data developed in the 1950s and 1960s.

By the late 1980's, these consensus standards were woefully out of date, and offered scant protection to workers. Thus, OSHA updated the standards in 1989, based on recommendations of the American Conference of Governmental Industrial Hygienists and the National Institute for Occupational Safety and Health. The final rule represented a broad consensus of government, industry and labor, adopting industry standards that most employers had complied with for years. The vast majority of the 428 individual permissible exposure limits were not even subject to debate in the rulemaking process.

Nevertheless, last summer, the 11th Circuit used a challenge to several of these standards to strike down all 428 permissible exposure limits, on the ground that OSHA had failed to show adequate justification for each individual limit. That ruling left American workers without adequate protection against hundreds of toxic substances found in our workplaces. Even worse, it could take decades for OSHA to meet the regulatory burden suggested by the 11th Circuit's decision.

To address this situation, this legislation permits the Department of Labor to place the air contaminants standard into effect as a final rule. Having based its air contaminants update on existing industry standards, OSHA should be permitted the same deference as it received in adopting the initial rule in the early 1970's.

Second, in June of last year, the Supreme Court struck down an Illinois law requiring the licensing of hazardous waste disposal workers in Gade versus National Solid Wastes Management Association. The Court held that the State law directly, substantially, and specifically regulated occupational safety and health and therefore was preempted by the Federal OSHA Act.

As a general matter, States may regulate worker safety and health only if they have a State plan approved by Federal OSHA. Otherwise, the act preempts State regulation of workplace health and safety.

The court's ruling in Gade, however, prohibits non-State plan States from enacting not just worker safety laws, but public safety and health laws which protect both workers and the general public. The court's decision will significantly limit States' ability to protect public health and safety where it is intertwined with workers' health and safety. The Gade ruling could invalidate a host of public health and safety laws which protect the public from such hazards as fire, toxic waste, and asbestos.

To address this problem, the legislation permits States to enact laws which protect both workers and the general public. The act would continue to preempt State worker safety laws in the absence of an approved State plan.

In conclusion, Mr. President, let me say that I recognize that the Senate is a political body. But the safety and health of American workers should not be a political issue. We must not allow ourselves to become mired in partisan posturing while the casualties mount in the American workplace.

I want to work with my colleagues on both sides of the aisle, and with the business community, to enact a strong worker safety bill. Improving the OSHA Act will save lives and prevent injuries. But it will also reduce health care and workers' compensation costs, and improve U.S. competitiveness. I urge my colleagues on both sides of the aisle to cosponsor this legislation, and I look forward to moving it through the legislative process swiftly this year.

By Mr. DASCHLE (for himself, Mr. INOUYE, Mr. MCCAIN, Mr. SIMON, Mr. CAMPBELL, Mr. DECONCINI, Mr. BOREN, Mr. WELLSTONE, and Mr. DORGAN):

S. 576. A bill to provide that a portion of the income derived from trust or restricted land held by an individual Indian shall not be considered as a resource of income in determining eligibility for assistance under any Federal or federally assisted program; to the Committee on Indian Affairs.

INDIVIDUAL INDIAN TRUST INCOME EXEMPTION ACT

• Mr. DASCHLE. Mr. President, today I am introducing legislation that will restore a measure of equity to the treatment of native Americans under Federal entitlement programs. This bill exempts up to $4,000 per year in income from tribal lands that are held in trust for individual Indians for the purpose of the calculation of benefits under Social Security and other federally assisted programs. I am introducing this bill on behalf of Senators INOUYE, MCCAIN, SIMON, CAMPBELL, DECONCINI, BOREN, WELLSTONE, DORGAN, and myself.

In Indian country, land owned jointly by a number of heirs is often leased to non-Indians by the Bureau of Indian Affairs on behalf of those tribal members. The lease payments are, in turn, allocated to the individual heirs based on their specific interest in the land.

In the majority of cases, income from leased tribal lands is not substantial. Nor is it regular in many cases. It is not uncommon for inherited trust lands to be owned by such a large number of heirs that the lease income from them is less than $50 per year. Also, the availability of leasees often changes from year to year, which leaves heirs without income for a period of months or even years.

Under current law, the Federal Government counts each small lease payment from inherited trust lands as income and then reduces the individual recipient's Federal benefits by a corresponding amount. Also, since these calculations are often based on trust income received in the previous year, benefit reductions can be made in years when income is not even received.

Federal programs treat individual trust moneys with such harshness that the Nation's poorest population repeatedly faces distressing and unnecessary benefit denials or reductions, and loss of medical benefits, due to small amounts of unpredictable income from fractionated trust lands. The practical result of current policy is that tribal members frequently end up with neither trust money nor Federal benefits during one of many months of the year.

For example, the SSI Program, upon which may tribal elders depend, bases its monthly payments on increasingly inaccurate estimates of future trust income and counts trust income even if it is unavailable, that is, previously assigned with BIA consent. The VA's improved pension program, the AFDC Program, and even the BIA's own general assistance program are harsher yet, leaving poor Indian families with inadequate income for months on end by averaging the trust money over several or many months to assure that every dollar of trust money that may arguably be received is offset by a loss of equivalent Federal benefits. In many cases, this offset trust income is never received and not even available.

The bill I am introducing today would benefit primarily tribal members, and especially tribal elders, who face continuing financial uncertainly as they seek to supplement small trust income with Federal welfare benefits. A study of income received from land lease rentals on the Rosebud Reservation in South Dakota, conducted by Sinte Gleska College in 1988, found that over 70 percent of those receiving trust income received less than $200 per year. The study also showed that 50 percent received less than $50 per year or no income at all.

The counting of trust income against Federal entitlement benefits is a breach of the fiduciary duty that every Federal agency owes to protect trust income for the benefit of Indian people, and this breach invites endless litigation. Even without appeals and litigation, the cost to the BIA and other Federal agencies of keeping accurate track of multitudinous small lease and grazing payments for purposes of program eligibility is enormous in terms of program time and money, undoubtedly more than the Federal money saved by resulting reductions in entitlements. Additional costs are transferred to tribes which try to mitigate the financial and emotional harm to tribal members caused by these policies.

Congress has specifically protected all types of Indian moneys other than trust income, including tribal per capita payments, from this offset requirement. The bill I am introducing would provide the tribal elders and families who are current heirs to allotted and restricted trust lands with similar protection for up to $4,000 of their trust income per year.

Finally, Mr. President, the Congress last year included this bill as a provision in H.R. 11, a bill vetoed by President Bush in the closing days of his administration. I hope the Senate will consider it carefully again and move to address this important problem.

Mr. President, I ask unanimous consent that the bill be printed in full at the conclusion of these remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION.

Section 8 of the Act of October 19, 1973 (25 U.S.C. 1408) is amended by—

(1) inserting immediately after "lands" a comma and the following: "and income including interest up to $4,000 per annum derived therefrom,"; and

(2) inserting immediately after "resource" the following: "or income".•

By Mrs. FEINSTEIN:

S. 577. A bill to resolve the status of certain lands relinquished to the United States under the Act of June 1897 (30 Stat. 11, 36), and for other purposes; to the Committee on Energy and Natural Resources.

RESOLVING THE STATUS OF LAND RELINQUISHED TO THE UNITED STATES

• Mrs. FEINSTEIN. Mr. President, today I am introducing legislation to remove a Federal cloud on the title to lands held by several thousand citizens throughout 10 Western States, most of them in California.

This legislation would resolve problems that arose from the so-called forest in lieu selection section of the Forest Management Act of 1897. The purpose of the 1897 act was to consolidate Federal holdings within the newly created national forests. Under the act, Congress invited landowners within the national forests to trade their land for comparable Federal lands elsewhere. The regulations under the act required that the private landowners first had to relinquish title to their lands in order to select other Federal lands. When the 1897 act was repealed in 1905, many private landowners had relinquished title, but had not had their selections approved or had simply had never made formal selections. Unfortunately, the 1905 repealing legislation made no provision for reconveyance of the relinquished lands to the grantors.

Since then, various administrative programs, lawsuits and Congressional actions have attempted to address the thousands of title questions resulting from the conditional relinquishments, but did not completely resolve the problem. Today title to some 20,639 acres of private lands in national forests and 8,115 acres in areas administered by the Bureau of Land Management remains clouded and the properties are essentially unmarketable. Of the total 28,754 acres affected, some 10,825 acres are located in California. There are over 2,000 owners of the California lands, with the largest percentage of them owners of subdivided lots in the vicinity of Lake Arrowhead, Big Bear Lake, Castaic, and Newhall. Despite their equitable rights, these landowners may have no legal remedy because their claims may be barred by the applicable statute of limitations or because they cannot afford lengthy and expensive litigation.

The bill I am introducing resolves the problem. It requires the Secretaries of Agriculture and Interior to identify lands that were transferred to the United States under the 1897 act without compensation or selection rights received in return. Of these lands, the United States would retain title to those that are nationally significant and deed back to the original owners or their successors the rest of the lands. Owners of lands deemed to be nationally significant would be allowed to seek monetary relief for the lands retained by the United States. Additionally, the bill requires any persons seeking the benefits of the bill to waive all claims against the United States for any actions the agencies may have taken in disposing of timber or other resources from the lands and preserves any grants the agencies may have made to third parties, such as rights-of-way.

Mr. President, both the House and Senate passed this legislation late last year with a one-word difference. However, Congress adjourned before this difference could be corrected. Because of the thorough review the bill has had in the last Congress, I hope that the Senate will be able to expedite its consideration and passage this year.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 577

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Pursuant to the invitation and requirements contained in the 15th paragraph under the heading "Surveying the Public Lands" in the Act of June 4, 1897 (30 Stat. 11, 36), as amended or supplemented by the Acts of June 6, 1900 (31 Stat. 588, 614), March 4, 1901 (31 Stat. 1010, 1037), and September 22, 1922 (42 Stat. 1067), certain landowners or entrymen within forest reserves acted to transfer their lands to the United States as the basis for an in lieu selection of other Federal lands (hereafter in this Act referred to as "lieu lands") in exchange for such lands within such reserves (hereafter in this Act referred to as "base lands").

(2) By the Act of March 3, 1905 (33 Stat. 1264), Congress repealed the in lieu selection provisions of the Act of June 4, 1897, as amended, and terminated the right to select lieu lands, but expressly preserved the rights of land owners who had valid pending applications for in lieu selections, most of which have subsequently been granted.

(3) Other persons affected by the Acts cited in paragraphs (1) and (2) who acted to transfer base lands, or their successors in interest, have never obtained either (A) a patent to the lieu lands or any other consideration for their relinquishment, or (B) a quitclaim of their base lands, notwithstanding relief legislation enacted in 1922 and 1930.

(4) By the Act of July 6, 1960 (74 Stat. 334), Congress established a procedure to compensate persons affected by the Acts cited in paragraphs (1) and (2) who had not received appropriate relief under prior legislation. However, no payments of such compensation were made under that Act.

(5) Section 4 of the Act of July 6, 1960, further provided that lands with respect to which compensation under that Act were or could have been made, and not previously disposed of by the United States, shall be a part of any national forest, national park, or other area withdrawn from the public domain wherein they are located.

(6) Absent further legislation, lengthy and expensive litigation will be required to resolve existing questions about the title to lands covered by section 4 of the 1960 Act.

(b) PURPOSE.—The purpose of this Act is to resolve the status of the title to base lands affected by the past legislation cited in subsection (a).

SEC. 2. IDENTIFICATION AND QUITCLAIM OF FEDERAL INTEREST IN BASE LANDS.

(a) QUITCLAIM.—Except as otherwise provided by this Act, and subject to valid existing rights, but notwithstanding any other provision of law, the United States hereby quitclaims to the listed owner or entryman, his heirs, devisees, successors, and assigns, all right, title, and interest of the United States in and to the base lands described on a final list published pursuant to subsection (d)(1), effective on the date of publication of such list.

(b) PREPARATION OF INITIAL LISTS.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior, with respect to lands under such Secretary's jurisdiction, and the Secretary of Agriculture with respect to National Forest System lands, shall each prepare an initial list of all parcels of base lands that were relinquished to the United States pursuant to the Act of June 4, 1897 (as amended), and for which selection or other rights under that Act or supplemental legislation were not realized or exercised.

(2) The initial lists prepared under paragraph (1) shall be based on information in the actual possession of the Secretaries of the Interior and Agriculture on the date of enactment of this Act, including information submitted to Congress pursuant to the directive contained in Senate Report No. 98-578, issued for the Fiscal Year 1985 Interior and Related Agencies Appropriation, as revised and updated. The initial lists shall be published and distributed for public review in accordance with procedures adopted by the Secretary concerned.

(3) For a period of 180 days after publication of a list pursuant to paragraph (2), persons asserting that particular parcels omitted from such a list should have been included may request the Secretary concerned to add such parcels to the appropriate list. The Secretary concerned shall add to the list any such parcels which the Secretary determines meet the conditions specified in paragraph (1).

(c) NATIONALLY SIGNIFICANT LANDS.—(1) During preparation or revision of an initial list under subsection (b), the Secretary concerned shall identify those listed lands which are located wholly or partially within any conservation system unit and all other listed lands which Congress has designated for specific management or which the Secretary concerned decides, in the concerned Secretary's discretion, should be retained in order to meet public, resource protection, or administrative needs. For purposes of this paragraph, the term "conservation system unit" means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, or National Wilderness Preservation System, a national forest monument, or a national conservation area, a national recreation area, or any lands being studied for possible designation as part of such a system or unit.

(2) The provisions of subsection (a) shall not apply to any lands identified by the Secretary concerned pursuant to paragraph (1). The Secretary concerned shall not include any such lands on any list prepared pursuant to subsection (d). Subject to valid existing rights arising from factors other than those described in subsection (b)(1), any right, title, and interest in and to lands identified pursuant to paragraph (1) and not previously vested in the United States is hereby vested and confirmed in the United States.

(3) In the same manner as the initial list was published and distributed pursuant to subsection (b)(2), the Secretary concerned shall publish and distribute an identification of all lands in which right, title, and interest is vested and confirmed in the United States by paragraph (2).

(d) FINAL LISTS.—(1) As soon as possible after considering any requests made pursuant to subsection (b)(3) and the identification of lands pursuant to subsection (c), the Secretary of the Interior and the Secretary of Agriculture shall each publish a final list, consisting of lands included on each Secretary's initial list not identified pursuant to subsection (c)(1). Unless a Secretary has published a final list on or before the date 18 months after the date of publication, pursuant to subsection (b)(2), of such Secretary's initial list, the initial list prepared by such Secretary shall be deemed on such date to be the final list required to be published by such Secretary, and thereafter no lands included on such initial list shall be excluded from operation of subsection (a).

(2) If a court makes a final decision that a parcel of land was arbitrarily and capriciously excluded from operation of subsection (a), such parcel shall be deemed to have been included on a final list published pursuant to paragraph (1), unless such parcel is located wholly or partially inside a conservation system unit or any other area

which Congress has designated for specific management, in which case such parcel shall be subject to the provisions of subsection (c)(2).

(e) ISSUANCE OF INSTRUMENTS.—(1) Except as otherwise provided in this Act, no later than 6 months after the date on which the Secretary concerned publishes a final list of lands pursuant to subsection (d), the Secretary concerned shall issue deeds confirming the quitclaim made by subsection (a) of this section of all right, title, and interest of the United States in and to the lands included on such final list, subject to valid existing rights arising from factors other than a relinquishment to the United States of the type described in subsection (b). Each such confirmatory deed shall operate to estop the United States from making any claim of right, title, or interest of the United States in and to the base lands described in the deed, shall be made in the name of the listed owner or entryman, his heirs, devisees, successors, and assigns, and shall be in a form suitable for recordation and shall be filed and recorded by the United States with the recorder of deeds or other like official of the county or counties within which the lands covered by such confirmatory deed are located so that the title to such lands may be determined in accordance with applicable State law.

(2) The United States shall not adjudicate and, notwithstanding any provision of law to the contrary, does not consent to be sued in any suit instituted to adjudicate the ownership of, or to quiet title to, any base land included in a final list and described in a confirmatory deed.

(3) Neither the Secretary of the Interior nor the Secretary of Agriculture shall be required to inspect any lands included on a final list nor to inform any member of the public regarding the condition of such lands prior to the issuance of the confirmatory deeds required by this subsection, and nothing in this Act shall be construed as affecting any valid rights with respect to lands covered by a confirmatory deed issued pursuant to this subsection that were in existence on the date of issuance of such confirmatory deed.

(f) WAIVER OF CERTAIN CLAIMS AGAINST THE UNITED STATES.—Any person or entity accepting the benefits of this Act or failing to act to seek such benefits within the time allotted by this Act with respect to any base or other lands shall be deemed to have waived any claims against the United States, its agents or contractors, with respect to such lands, or with respect to any revenues received by the United States from such lands prior to the date of enactment of this Act. All non-Federal, third party rights granted by the United States with respect to base lands shall remain effective subject to the terms and conditions of the authorizing document. The United States may reserve any rights-of-way currently occupied or used for Government purposes.

SEC. 3. OTHER CLAIMS.

(a) JURISDICTION AND DEADLINE.—(1) Subject to the requirements and limitations of this section, a party claiming right, title, or interest in or to land vested in the United States by section 2(c)(2) of this Act may file in the United States Claims Court a claim against the United States seeking compensation based on such vesting. Notwithstanding any other provision of law, the Claims Court shall have exclusive jurisdiction over such claim.

(2) A claim described in paragraph (1) shall be barred unless the petition thereon is filed within 1 year after the date of publication of a final list pursuant to section 2(d) of this Act.

(3) Nothing in this Act shall be construed as authorizing any claim to be brought in any court other than a claim brought in the United States Claims Court based upon the vesting of right, title, and interest in and to the United States made by section 2(c)(2) of this Act.

(b) LIMITATIONS, DEFENSES, AND AWARDS.—(1) Nothing in this Act shall be construed as diminishing any existing right, title, or interest of the United States in any lands covered by section 2(c), including but not limited to any such right, title, or interest established by the Act of July 6, 1960 (74 Stat. 334).

(2) Nothing in this Act shall be construed as precluding or limiting any defenses or claims (including but not limited to defenses based on applicable statutes of limitations, affirmative defenses relating to fraud or speculative practices, or claims by the United States based on adverse possession) otherwise available to the United States.

(3) Nothing in this Act shall be construed as entitling any party to compensation from the United States. However, in the event of a final judgment of the United States Claims Court in favor of a party seeking such compensation, or in the event of a negotiated settlement agreement made between such a party and the Attorney General of the United States, the United States shall pay such compensation from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(c) SAVINGS CLAUSE.—This Act does not include within its scope selection rights required to be recorded under the Act of August 5, 1955 (69 Stat. 534), regardless of whether compensation authorized by the Act of August 31, 1964 (78 Stat. 751) was or was not received.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.•

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. BENNETT, Mr. BOND, Mr. BRADLEY, Mr. BUMPERS, Mr. CAMPBELL, Mr. DANFORTH, Mr. DASCHLE, Mr. EXON, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mrs. MURRAY, Mr. PACKWOOD, Mr. PELL, Mr. REID, Mr. RIEGLE, Mr. SPECTER, Mr. WELLSTONE, and Mr. WOFFORD):

S. 578. A bill to protect the free exercise of religion; to the Committee on the Judiciary.

RELIGIOUS FREEDOM RESTORATION ACT OF 1993

Mr. KENNEDY. Mr. President, I am honored to join with Senator HATCH and 31 other Senate colleagues in introducing the Religious Freedom Restoration Act of 1993. Identical legislation is being introduced today in the House of Representatives by Representative SCHUMER of New York, Representative COX of California, and over 130 other sponsors.

The Supreme Court's 1990 decision in Oregon Employment Division versus Smith sharply limited the first amendment's guarantee of freedom of religion. Until then, Government actions that interfered with individuals' ability to practice their religion were prohibited, unless the restriction met a strict two-part test. It must be necessary to achieve a compelling governmental interest, and there must be no less burdensome way to achieve the goal.

The compelling interest test had been the constitutional standard for nearly 30 years. Yet, in 1990, the Court abruptly abandoned it. Under the new standard, there is no special constitutional protection for religious liberty, as long as governmental restrictions are neutral on their face as to religion and have general application.

The bill we are reintroducing today restores the compelling interest test by statute. Not every free exercise claim will prevail. The previous standard had worked well for many years, and it deserves to be reinstated.

Few issues are more fundamental to our country. America was founded as a land of religious freedom and a haven from religious persecution. Two centuries later, that founding principle has been endangered. Religious liberty is damaged each day the Smith decision stands. Since Smith, more than 50 cases have been decided against religious claimants, and harmful rulings are likely to continue.

As a result of the Smith decision, it has been suggested that Government could regulate the selection of priests and ministers, dry communities could ban the use of wine in communion services, government meat inspectors could require changes in the preparation of kosher food, and school boards could force children to attend sex education classes contrary to their faith.

Because of this threat to religious freedom, organizations with widely divergent views strongly support this legislation, including the National Council of Churches, the National Association of Evangelicals, the United States Catholic Conference, the American Jewish Committee, the American Muslim Council, the Southern Baptist Convention, the Baptist Joint Committee, the Episcopal Church, the Christian Legal Society, the Church of Jesus Christ of Latter-day Saints, the American Civil Liberties Union, People for the American Way, Coalitions for America, Concerned Women for America, and the House School Legal Defense Association.

I am especially pleased that in this year's bill, we have been able to clarify its provisions to meet concerns expressed by the U.S. Catholic Conference that the legislation might be construed to provide a basis for challenging government programs that benefit religious organizations. That

was never the intent of the bill, and it was not the result of the pre-Smith test. This year's bill makes clear that, so long as government programs are consistent with the Establishment Clause of the Constitution, they do not violate the legislation. The Catholic Conference has endorsed the 1993 legislation, and we are very pleased to have their support.

It should also be clear that the bill does not give practitioners of a particular religion the right to violate general criminal laws protecting public safety. Our society clearly has a compelling interest in protecting people and property. Criminal behavior cannot and would not overcome that important interest.

President Clinton has endorsed this legislation, and we are grateful for the administration's support. With the bipartisan assistance of our colleagues and the hard work of the organizations supporting the legislation, I am confident that we will have the bill on the President's desk this year.

I ask unanimous consent that the text of the bill, the text of a letter from President Clinton, and a section-by-section analysis of the bill may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Religious Freedom Restoration Act of 1993".

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the framers of the Constitution, recognizing free exercise of religion as an unalienable right, secured its protection in the First Amendment to the Constitution;

(2) laws "neutral" toward religion may burden religious exercise as surely as laws intended to interfere with religious exercise;

(3) governments should not burden religious exercise without compelling justification;

(4) in Employment Division v. Smith, 494 U.S. 872 (1990) the Supreme Court virtually eliminated the requirement that the government justify burdens on religious exercise imposed by laws neutral toward religion; and

(5) the compelling interest test as set forth in prior Federal court rulings is a workable test for striking sensible balances between religious liberty and competing prior governmental interests.

(b) PURPOSES.—The purposes of this Act are—

(1) to restore the compelling interest test as set forth in Sherbert v. Verner, 374 U.S. 398 (1963) and Wisconsin v. Yoder, 406 U.S. 205 (1972) and to guarantee its application in all cases where free exercise of religion is burdened; and

(2) to provide a claim or defense to persons whose religious exercise is burdened by government.

SEC. 3. FREE EXERCISE OF RELIGION PROTECTED.

(a) IN GENERAL.—Government shall not burden a person's exercise of religion even if the burden results from a rule of general applicability, except as provided in subsection (b).

(b) EXCEPTION.—Government may burden a person's exercise of religion only if it demonstrates that application of the burden to the person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(c) JUDICIAL RELIEF.—A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

SEC. 4. ATTORNEYS FEES.

(a) JUDICIAL PROCEEDINGS.—Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended by inserting "the Religious Freedom Restoration Act of 1993," before "or title VI of the Civil Rights Act of 1964".

(b) ADMINISTRATIVE PROCEEDINGS.—Section 504(b)(1)(C) of title 5, United States Code, is amended—

(1) by striking "and" at the end of clause (ii);

(2) by striking the semicolon at the end of clause (iii) and inserting ", and"; and

(3) by inserting "(iv) the Religious Freedom Restoration Act of 1993;" after clause (iii).

SEC. 5. DEFINITIONS.

As used in this Act—

(1) the term "government" includes a branch, department, agency, instrumentality, and official (or other person acting under color of law) of the United States, a State, or a subdivision of a State;

(2) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each territory and possession of the United States;

(3) the term "demonstrates" means meets the burdens of going forward with the evidence and of persuasion; and

(4) the term "exercise of religion" means the exercise of religion under the First Amendment to the Constitution.

SEC. 6. APPLICABILITY.

(a) IN GENERAL.—This Act applies to all Federal and State law, and the implementation of that law, whether statutory or otherwise, and whether adopted before or after the enactment of this Act.

(b) RULE OF CONSTRUCTION.—Federal statutory law adopted after the date of the enactment of this Act is subject to this Act unless such law explicitly excludes such application by reference to this Act.

(c) RELIGIOUS BELIEF UNAFFECTED.—Nothing in this Act shall be construed to authorize any government to burden any religious belief.

SEC. 7. ESTABLISHMENT CLAUSE UNAFFECTED.

Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the First Amendment prohibiting laws respecting the establishment of religion (referred to in this section as the "Establishment Clause"). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act. As used in this section, the term "granting", used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

TEXT OF LETTER FROM PRESIDENT CLINTON TO SENATOR KENNEDY

I am pleased that you and Senator Hatch, and Representatives Schumer and Cox, will be reintroducing the Religious Freedom Restoration Act (RFRA).

The right to practice one's faith free from governmental interference is among the most fundamental liberties protected by our Constitution. That right was seriously undermined by the Supreme Court's 1990 decision in the *Smith* case.

RFRA is urgently needed to restore full legal protection for the exercise of religion. I look forward to working with the Congress to secure speedy enactment of this important legislation.

SECTION-BY-SECTION ANALYSIS

SECTION 1. This section provides that the title of the Act is the Religious Freedom Restoration Act of 1993.

SEC. 2. In this section, Congress finds that the framers of the Constitution recognized that religions liberty is an inalienable right, protected by the First Amendment, and that government laws may burden that liberty even if they are neutral on their face. Congress also determines that the Supreme Court's decision in *Employment Division* v. *Smith* eliminated the compelling interest test for evaluating free exercise claims previously set forth in *Sherbert* v. *Verner* and *Wisconsin* v. *Yoder*, and that it is necessary to restore that test to preserve religious freedom. The section recites that the Act is intended to restore the compelling interest test and to guarantee its application in all cases where the free exercise of religion is burdened.

SEC. 3. This section codifies the compelling interest test as the Supreme Court had enunciated it and applied it prior to the *Smith* decision. The bill permits government to burden the exercise of religion only if it demonstrates a compelling state interest and that the burden in question the least restrictive means of furthering the interest. It permits persons whose religious exercise has been burdened in violation of the Act to assert that violation as a claim or defense in a judicial proceeding and to obtain appropriate relief against a government. Standing to assert such a claim or defense is to be governed by the general rules of standing under Article III of the Constitution.

SEC. 4. This section amends attorneys' fees statutes to permit a prevailing plaintiff to recover attorneys fees in the same manner as prevailing plaintiffs with other kinds of civil rights or constitutional claims.

SEC. 5. This section defines the terms "government", "State", "demonstrates" and "exercise of religion". "Government" includes any agency, instrumentality or official of the United States, any State or any subdivision of a State. "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and every territory and possession of the United States. "Demonstrates" means to meet the burden of production and persuasion. "Exercise of religion" means the exercise of religion under the First Amendment.

SEC. 6. This section states that the Act applies to all existing state and federal laws, and to all such laws enacted in the future. It also clarifies that the authority it confers on the government should not be construed to permit any government to burden any religious belief.

SEC. 7. This section makes it clear that the legislation does not alter the law for determining claims made under the Establishment Clause of the First Amendment. It also confirms that granting government funding, benefits or exemptions, to the extent permissible under the Establishment Clause, does not violate the Act; but the denial of such funding, benefits or exemptions may constitute a violation of the Act, as was the case under the Free Exercise Clause in *Sherbert* v. *Verner*.

Mr. HATCH. Mr. President, I am pleased today to introduce, along with Senator KENNEDY and others, the Religious Freedom Restoration Act [RFRA] of 1993. This legislation responds to the Supreme Court's April 17, 1990, decision in *Employment Division* v. *Smith*, 494 U.S. 892 (1990). In the Smith case, the Supreme Court abandoned the compelling State interest standard of review for government practices burdening an individual's exercise of religion where the Government action involves a "valid and neutral law of general applicability." 494 U.S. at 879.

In my view, the standard outlined by the Court in Smith does not sufficiently protect an individual's first amendment right to the "free exercise" of religion. Freedom of religion is the first freedom in the Bill of Rights, guaranteed to every individual, not just those who practice their faith in a majority religion. I do not believe the Framers of the first amendment envisioned that the religious minority would remain at a relative disadvantage in our society as an unavoidable consequence of our democratic government, as the Court suggests. In my view, it was exactly this relative disadvantage a religious minority might suffer that the authors of the first amendment specifically sought to avoid and protect against. The free exercise of religion is not a luxury afforded our citizenry, but a well conceived and fundamental right.

In a Senate hearing held this past Congress, religious leaders like Elder Dallin Oaks of the highest governing body of the Church of Jesus Christ of Latter-day Saints, testified before our committee and underscored the urgency and critical importance of this legislative initiative. Supporters of this legislation include over 55 groups, representing an extremely broad and diverse coalition of religious and civil liberties organizations, including the U.S. Catholic Conference.

It is clear to me a legislative response is critical to the preservation of the full range of religious freedoms the first amendment guarantees to the American people, particularly those whose religious beliefs and practices differ from the religious majority in our country. This bill will serve to reestablish those rights guaranteed in the first amendment by imposing the "compelling state interest" standard for judicial review of governmental action which burdens an individual's free exercise of religion.

It is imperative Congress act expeditiously in response to the Smith decision. I look forward to working with Senator KENNEDY, the distinguished chairman of the Judiciary Committee, Senator BIDEN, and others, in reaffirming this fundamental right to the free exercise of religion.

By Mr. SMITH:

S. 579. A bill to require Congress to comply with the laws it imposes on others; to the Committee on Governmental Affairs.

REQUIRING CONGRESS TO COMPLY WITH MANDATES IT IMPOSES ON OTHERS

• Mr. SMITH. Mr. President, I am today introducing legislation which would require Congress to comply with the mandates it imposes on everyone else.

Over the past 30 years, the Federal Government has heaped one regulation after another on the private sector. According to the U.S. Chamber of Commerce, business spent approximately $70 billion in 1992 merely to comply with the costs of clean air, disability, and other new regulations.

Is it any wonder that American business finds itself weighed down by regulations which make it almost impossible to compete with countries such as Japan, Taiwan, and Korea?

As much as the American public resents the foolish and counterproductive impositions placed on it by the Federal Government, what they resent even more is the fact that the legislators who have piled all these burdens on the general public somehow feel that they themselves are above any requirement of compliance.

Last year, the Senate took a terrified first step in the direction of congressional accountability. It created a Senate Office of Fair Employment Practices to hear complaints from Senate employees that their rights were violated at the hands of the Senate itself. It is now apparent that the procedure it created was a sham.

This office, delegated to monitor the Senate, is itself appointed by the Senate. Its power is limited to mediation, rather than any binding arbitration. And clearly, this convoluted procedure continues to send a message to the American people that Congress has placed itself above the law.

Mr. President, the bill I am introducing today would reverse this disturbing and hypocritical trend.

First, I would apply to Congress six current statutes from which Congress has conveniently exempted itself. These are: The Americans with Disabilities Act; Federal prohibitions against race discrimination; the National Labor Relations Act; the Fair Labor Standards Act; the Equal Pay Act; and the Occupational Safety and Health Act.

These statutes would be applicable to Members of Congress in the same manner as other Americans. In addition, my bill would require a supermajority of three-fifths of those Senators and House Members chosen and sworn for any future legislation of general applicability which sought to exempt Congress from its provisions.

In summary, Mr. President, what's sauce for the goose is sauce for the gander. If we are going to impose regulation after regulation on American business, the least we can do is hold ourselves accountable. This legislation would force Members of Congress to comply with the same laws as other Americans. I urge its adoption.•

By Mr. ROTH (for himself, Mr. DOLE, Mr. BOREN, Mr. MOYNIHAN, Mr. COHEN, and Mr. LIEBERMAN):

S. 580. A bill to enhance the competitiveness of the United States in the global economy through the establishment of Department of Trade as an executive department of the Government, and for other purposes; to the Committee on Governmental Affairs.

TRADE REORGANIZATION ACT OF 1993

Mr. ROTH. Mr. President, I rise today to reintroduce legislation establishing a Cabinet-level Department of Trade. I am again pleased to be joined in this effort by Senators DOLE, BOREN, MOYNIHAN, COHEN, and LIEBERMAN.

As I said when introducing my Reinventing Government Act, S. 15, we need to create a new government structure that is much less bureaucratic and more responsive in its service to the public. As a long time advocate of streamlining government and improving program effectiveness, I must say that I am encouraged by the President's renewed pledge to reexamine the executive branch. During the past decade, companies all across America have had to restructure for the 21st century and in my view, the Federal Government faces an obligation to do the same. The American taxpayer deserves nothing less.

While there are many areas of our Government that call for reform, none in my opinion is more urgent or important than trade. According to the Carnegie Endowment of International Peace and the Institute for International Economics, "if we wish to compete in the new global economy and deal effectively with other 'new priorities,' reorganizing the government for the postcold war world is a necessity, not a luxury.

The importance of our ability to compete in international markets is central to our future economic growth, our domestic welfare and our national security. Just as America prevailed in the cold war, we must continue to lead the world in the global economy of the next century. Our present system, by failing to integrate into our overall policy economic and other global concerns, makes it virtually impossible to develop a coherent and effective strategy for the post-cold war era. As President Eisenhower observed more than 30 years ago, poor organization "can scarcely fail to result in inefficiency and can easily lead to disaster."

If we really want to restake our claim in the international marketplace, we must get organized and project a strong, resolute trade presence to the world that will command respect and serve our domestic trade interests. By streamlining our Government's trade functions, the United States will finally be able to speak with a single, strong voice on trade matters. A new department dedicated to trade will also expand our exports by giving American firms and workers the tools necessary to compete and win in international competition. And by enhancing our ability to compete in the global economy, a Cabinet-level department of trade will create new American jobs.

BACKGROUND

Mr. President, a trade department is by no means a new idea. I introduced legislation in 1983 and again in 1987 to create such a department. Other members of Congress, both in the House and in the Senate, have also advocated various models of trade reorganization during the past decade. But while the idea of a cabinet-level trade department is not a new idea, it is an idea whose time has come.

As many of you know, the Governmental Affairs Committee held hearings on trade reorganization in 1983. First to testify before the committee at those hearings was the distinguished Senator from New York, Senator MOYNIHAN. Senator MOYNIHAN testified that:

> Our current trade policy-making apparatus is woefully inadequate. We need to create a single Department, single organization and a single cabinet level voice responsible for making and coordinating trade policy. And we must do it soon. To delay or to avoid this consolidation is to condemn our trade policy to inaction, indecision and inertia.

As Senator MOYNIHAN put it, "while organization isn't everything, disorganization isn't anything."

The late Malcolm Baldridge, who as many of you know was a great proponent of trade reorganization, also testified before the Committee on Governmental Affairs that:

> If we are to meet the challenges of foreign competition and maintain and enhance the multilateral framework for trade, we must take the institutional steps that will be necessary to meet those challenges. Trade policy formulation, negotiation, regulation and promotion are closely intertwined. They cannot efficiently or effectively be artificially separated in different cabinet-level organizations.

The Secretary of Commerce continued:

> Our national interest in trade deserves the most effective organization we can design for the challenges just ahead. We need a Cabinet-level Department that can act to assure that the U.S. economy gets maximum benefit from international trade during these demanding and dangerous years.

Also testifying before the Committee on Governmental Affairs was former Trade Representative Robert Strauss. Ambassador Strauss testified that the establishment of a department of trade "would give trade issues a higher visibility within our Government and send a signal to our partners that trade policy will no longer be relegated to secondary status." Ambassador Strauss expressed his concern to the committee that other nations, seeing the fragmented responsibilities for trade in the U.S. Government, would judge that "we do not take trade issues seriously." According to Strauss, one of the strengths of the reorganization proposal "is its potential for longer-range policy planning, particularly with regard to an aggressive export policy."

In its 1984 report on trade reorganization, the Committee on Governmental Affairs concluded:

> The present trade organization has four basic failings: (1) it does not focus national and Presidential attention on trade; (2) it divides trade leadership, leaving our government without a strong trade advocate and hindering the development of coherent, strategic trade policy; (3) it is a management nightmare requiring principal trade policy officials to spend a significant portion of their time on coordination rather than on design and implementation of effective trade policy; and (4) it does not adequately support improvements in U.S. competitiveness.

More recently, a 1992 study by the Competitiveness Policy Council concluded that "our present governmental structure was not designed to help this country compete in a global economy." According to the Progressive Policy Institute, "government is virtually the only sector of American society that has yet to confront the need to reinvent itself for the information age."

More specifically, in "Mandate For Change," the Progressive Policy Institute asserts:

> New priorities require new institutional arrangements. If the Clinton administration is going to elevate trade and competitiveness within its foreign policy priorities; if it is going to expand the scope, pace, and impact of multilateral and bilateral trade talks; if it is going to coordinate the pursuit of trade and noneconomic goals—then it will need to reorganize the system the government uses to pursue its trade and competitiveness objectives.
>
> The Clinton Administration should press for Congressional cooperation to abolish USTR and the Commerce Department, moving their trade functions, and many similar functions in other departments, into a streamlined Department of Trade and Technology. The new department should have responsibility, in all goods and service sectors, for negotiating and implementing trade agreements, for operational and analytical support, for technology policy, for export financing, for many import and export controls, and for liaison to industry. By replacing many of the duplicative and fragmented divisions and agencies involved with trade today, such a department would provide better coordination and leadership on these critical issues.

In a similar vein, Ambassador Alan Wolff, who served as the U.S. Deputy Representative for Trade Negotiations from 1977 to 1979 and is coauthor of "Conflict Among Nations—Trade Policies in the 1990's," argued that the "United States should establish a Department of Trade." In a presentation before the Economic Strategy Institute in Washington, D.C. on October 5, 1992, Ambassador Wolff remarked:

> Unfortunately, trade policy formulation has become a step-child in the government's decision-making process. There is duplication, conflict and confusion. A consolidation of functions and a reduction in the number of agencies involved is clearly called for. The United States should establish a Department of Trade. This would bring together all the line functions affecting trade—analysis, negotiations, enforcement, implementation, and export promotion. Recognizing the special international negotiating role of the Secretary of Trade, he or she would retain the function of personal representative of the President in trade negotiations.

The General Accounting Office, in its most recent transition series report, also indicated that there is a need to develop and implement a comprehensive Government strategy for export promotion programs which are currently spread among many agencies. The GAO characterized the existing Department of Commerce as "likely facing the most complex web of divided authorities" within our government and urged that the current components of Commerce be carefully examined with an eye toward "spinning off or eliminating those components that do not fit."

Finally, during his recent confirmation hearing to become Director of the Office of Management and Budget, Congressman Leon Panetta testified that "we have got to create a more central focus on trade issues." Recognizing that trade is a fundamental element of our economy, Congressman Panetta argued that "if we are going to get into the 21st century and be competitive with the Japanese and with the Germans and with the French and with the rest of the world, we have got to emphasize the trade side of this thing—and look seriously at the element of reorganization and trying to centralize these agencies."

As indicated, there is a very distinguished history of support for the idea of a Cabinet-level department of trade. While I understand that it is not easy to abandon the status quo, we should heed the seasoned advice of our top trade leaders and get organized for the future. As the Republican leader and cosponsor of this legislation, Senator DOLE, wrote in the Journal of Commerce last spring:

> We have been debating trade reorganization for years. Let's stop debating and start reorganizing in a way that will give us a lean, mean governmental structure to attack our trade problem.

STRUCTURE

A carefully crafted department of trade will provide this country with a trade infrastructure that will be a source of strength and reliability for years to come. Briefly, the Trade Reorganization Act of 1993 proposes to consolidate the principal executive branch trade functions within a single, Cabinet-level Department of Trade. The new Department will incorporate the related economic affairs and business elements of the existing Commerce Department, including the International Trade Administration, the Bureau of Export Administration, the functions of the Under Secretary for Economic Affairs, other than Census, and the U.S. Travel and Tourism Administration. Furthermore, the Overseas Private Investment Corporation, the Export-Import Bank, the Trade and Development Agency and Bureau of Private Enterprise will move to the new Department.

Under my proposal, the remaining elements of the Department of Commerce will be reassigned to other areas of the Government resulting in no net gain in the number of Cabinet-level departments. Thus, the Bureau of the Census will combine with the Bureau of Labor Statistics and the Minority Business Development Agency will combine with the Small Business Administration. Under my proposal, the National Oceanic and Atmospheric Administration and the Technology Administration will become independent agencies of the U.S. Government. In addition, the Technology Administration would gain the added resources of the Patent and Trademark Office and the National Telecommunications and Information Administration.

As President Clinton has remarked, we need to bring together the resources necessary to develop cutting-edge products and technologies and to convert from a defense to a peacetime economy. An integrated and revitalized Technology Administration would strengthen our government's ability to implement policies designed to speed technology transfer from the laboratory to the marketplace, thereby creating new jobs. I might add that while my bill proposes an independent U.S. Technology Administration, I would not be adverse to housing that organization within a larger Department of Trade and Technology as recommended by the Progressive Policy Institute and others. This is, in fact, structurally closer to the reorganization I have advocated in past years, and would achieve the uniform goal of enhancing America's economic competitiveness.

LEADERSHIP

In the trade war in which we are engaged, we are losing ground because of our divided trade leadership. For too long our trade interests have had no central authority to turn to for straight, dependable, consistent information on trade policy, and our trade competitors are free to shop the system for the best deal for their particular interests. Lack of clear trade leadership often creates confusion and allows our economic competitors to use "divide-and-conquer" tactics to influence the trade policy-making process.

Indeed, in "A Japan That Can Say No," Shintaro Ishihara writes:

> Relations are very poor between the Department of Commerce and the U.S. Trade Representative. [The USTR] and [the Secretary of Commerce] quarreled like dogs and monkeys, they never got along and were always bad mouthing each other.

According to the Carnegie Endowment of International Peace and the Institute for International Economics "confusion between the USTR and the Secretary of Commerce continues so much so that in foreign eyes the United States has often appeared to have two Trade Ministers." One can argue that things will be different now, under new leadership and new players. But already there is the same confusion that has characterized the past. During his confirmation hearing last month, Commerce Secretary Ron Brown promised that he would make the Department of Commerce "the lead agency in trade policy." By elevating the USTR to the Secretary level and by consolidating trade leadership within one office as suggested in my bill, there should no longer be any question as to who is boss when it comes to matters affecting U.S. trade interests. For the first time in our history, a single department dedicated to trade will be responsible for both policymaking and policy implementation.

NEGOTIATIONS

While our trade agenda has expanded enormously over the past decade, our ability to meet new needs has not. The small staff at United States Trade Representative is just not sufficient to handle all of the detailed work required for increasingly complex negotiations such as NAFTA and the Uruguay round. Moreover, the future areas of major trade negotiation will likely be in areas such as competition policy and the environment. The issues are no longer simply tariffs and typical nontariff barriers, but are more fundamental such as the way in which major market economies are structured and how they affect trade patterns. There are also issues related to the growing regionalism in the world economy and how that will affect the evolution of our trade system as we know it.

Clearly, addressing these and other crucial trade issues requires additional expertise and resources at the Office of the U.S. Trade Representative beyond a few more staff. One only has to look at the number of trade negotiations we have had with Japan and the number of United States Trade Representative officials staffing them. As it stands now there are only five professional staff in the United States Trade Representative's Japan and China office, and one of them focuses exclusively on China. Of course the U.S. Trade Representative can ask Commerce to handle the detailed tasks, but the U.S. Trade Representative has no management control over the results. This kind of management inefficiency stifles creativity and hampers quality performance—elements that are increasingly important as we seek to break new ground in our international trade agreements and in the implementation of domestic trade laws.

Another problem is that our trade negotiators often lack the experience and detailed professional competence of their foreign counterparts. Unfortunately, the absence of a clear and attractive career path for international trade experts discourages many talented individuals from staying in the government. That is why I have included a provision in the bill recommending the creation of a Professional Trade Service Corps designed to attract and retain the very best trade personnel. Under this provision, the Trade Representative's office will be transformed into a corps of trade experts. Not only will the new department be lean, under 4,000 employees, it will also be muscular.

In addition to clear trade leadership and a strong team of negotiators, the Trade Reorganization Act establishes three distinct bureaus to support the new department.

TRADE POLICY AND ANALYSIS

First, the bill establishes a new Bureau of Trade Policy and Analysis to provide analytical and policy support to the Secretary. The two components within the Commerce Department now responsible for assisting the U.S. Trade Representative in bilateral and multilateral trade negotiations, namely trade development and international economic policy, will combine with the existing Office of Economic Analysis to form the new bureau. The combined bureau is designed to ensure that our trade negotiators have the organizational support they deserve and will provide American business with a central point of contact within the Department.

TRADE AGREEMENTS

Second, the United States must do a better job of monitoring and enforcing its trade agreements. The Uruguay round itself, if concluded successfully, will require an enormous amount of close attention and monitoring to ensure that our trading partners fulfill their obligations under the agreement. There needs to be a more focused effort aimed at enforcing U.S. trade laws and monitoring existing agreements to ensure that our businesses are getting a fair shake. That is why the legislation that I am introducing today combines the forces of both the Export and Import Administrations in a new Bureau of Trade Administration designed to ensure that all our trade agreements and laws are enforced to their fullest extent.

EXPORT PROMOTION

Third, and perhaps most importantly, we need a national export vision. As in other areas of trade, our export promotion functions are dispersed throughout the Federal Government. There is nothing in my judgment more important to get this country moving again, to create jobs and growth, than for us to do a better job in exporting American-made products and services.

According to his January 8, 1993, testimony before the Governmental Affairs Committee, the Director of International Trade and Finance Issues of the General Accounting Office, Dr. Alan Mandelowitz, asserted:

> In order to do a good job in export promotion, you need to know what your mission is, you need to have a field structure, you need to have expertise in your organization, and you need to have resources. Because we have spread export promotion among so many agencies, we do not have all those aspects of an effective organization in one place.
>
> At the Commerce Department, in the Foreign Commercial Service, we have an organization which has made tremendous strides in improving its effectiveness. It has studied in depth its mission, its programs; it has improved the expertise of its organization and its people, but it has very limited resources.
>
> At the Ex-Im Bank, you have an agency with the resources and expertise, but no field structure to deliver those resources. At the Small Business Administration, you have a large field structure and you have a lot of resources, but you have no expertise in the delivery of export assistance, and as a result, they provide almost no assistance to exporters.
>
> And in the Trade Development Program, you have an agency with assistance to help underwrite the cost of feasibility studies for major projects overseas in the hopes that if we fund the feasibility studies, we'll have a more attractive opportunity for exporting to those projects when they are implemented, but that organization is a stand-alone organization which is not integrated with all the others.
>
> Until we begin to address this kind of fracturing of our export promotion services, we are going to continue to dissipate the resources we have available, and we will continue, I think, to not make the most effective use of available resources in an area that is so critical to our economic success and competitiveness today.

My reorganization proposal establishes a new Bureau of Export Promotion within the trade department that will include the United States and Foreign Commercial Service, the Trade and Development Agency, the Export-Import Bank, OPIC and the U.S. Travel and Tourism Administration. While the United States and Foreign Commercial Service has made significant improvements in our government's export promotion functions, I believe we can do better. As it stands now, only one-third of our manufacturing companies are exporting. By combining our trade marketing and financing arms under one roof, I believe that American businesses will benefit from enhanced exports.

The centerpiece of the new Bureau of Export Promotion—the United States and Foreign Commercial Service—will be beefed up in two important respects. First, the Administrator of the U.S. Travel and Tourism Administration will report to the Director General of the United States and Foreign Commercial Service and will continue to be responsible for conducting programs designed to increase U.S. export earnings through travel and tourism. Second, the Trade and Development Agency, currently associated with the Agency for International Development, will transfer to the Foreign Commercial Service. As you know, that program supports feasibility studies by U.S. firms and is intended to win substantial follow-up contracts for project implementation, again boosting exports.

It is absolutely crucial that we provide U.S. businesses with the financial backing to compete in world markets. Under the reorganization, the Under Secretary of Trade for Export Promotion will become the Chairman of both Exim and OPIC. Exim will continue to provide direct credits, guarantees and insurance, plus intermediary loans to commercial banks and will work closely with the United States and Foreign Commercial Service in beefing up exports. Similarly, OPIC will continue to operate financial services and political risk insurance to encourage U.S. investment in developing countries.

The idea is simple: increase U.S. exports and create new American jobs. It has been said that every billion dollars of U.S. exports creates nearly 20,000 new jobs. Significantly, exports have accounted for seventy percent of U.S. economic growth since 1988 and today support the jobs of more than 7.5 million Americans. According to President Clinton, "we now have over 7 million export-related jobs in America. They tend to involve better work and better pay * * *. They are exactly the kind of jobs we need for a new generation of Americans."

CONCLUSION

As President Clinton declared upon assuming office, "(p)rofound and powerful forces are shaking and remaking our world. * * * We know we have to face hard truths and take strong steps. But we have not done so. Instead, we have drifted, and that drifting has eroded our resources, fractured our economy, and shaken our confidence." According to the President, "we must look new at institutions we use to chart our way in the global economy and ask whether they are serving our interest in this new world, or whether we need to modify them or create others."

In my view, there has never been a stronger case for trade reorganization than today. The world has fundamentally changed in recent years and one thing remains absolutely clear—our competitive posture in world markets will be a critical determinant of our national strength in years ahead. I would urge every one of my colleagues to give this proposal the serious consideration it deserves and to join with me, Senator DOLE, Senator BOREN, and Senator COHEN in moving this bill through Congress and on to the President. As Abraham Lincoln observed over a century ago, "the dogmas of the quiet past are inadequate to the stormy present. As our case is new, we must think anew, and act anew." Unless the United States puts muscle and coherence into its trade policy, we may squander what is perhaps our greatest growth opportunity.

Mr. President, I ask unanimous consent to include the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Trade Reorganization Act of 1993".

TABLE OF CONTENTS

TITLE I—GENERAL PROVISIONS
Sec. 101. Findings.
Sec. 102. Definitions.
TITLE II—DEPARTMENT OF TRADE
PART A—ESTABLISHMENT
Sec. 201. Establishment of Department.
Sec. 202. Functions of the Secretary.
PART B—OFFICES AND BUREAUS
Sec. 211. Office of the Trade Representative.
Sec. 212. Bureau of Export Promotion.
Sec. 213. Bureau of Trade and Policy Analysis.
Sec. 214. Bureau of Trade Administration.
PART C—OFFICERS
Sec. 221. Deputy Secretary.
Sec. 222. Trade Representative.
Sec. 223. Under Secretaries.
Sec. 224. Assistant Secretaries.
Sec. 225. General Counsel.
Sec. 226. Inspector General.
Sec. 227. Representative to the General Agreement on Tariffs and Trade.
PART D—TRANSFERS TO THE DEPARTMENT
Sec. 231. Office of the United States Trade Representative.
Sec. 232. Transfers from the Department of Commerce.
Sec. 233. Transfer of the Export-Import Bank.
Sec. 234. Overseas Private Investment Corporation.
Sec. 235. Trade and Development Agency.
Sec. 236. Bureau of Private Enterprise.
PART E—ADMINISTRATIVE PROVISIONS
Sec. 241. Personnel provisions.
Sec. 242. Delegation and assignment.
Sec. 243. Succession.
Sec. 244. Reorganization.
Sec. 245. Rules.
Sec. 246. Working capital fund.
Sec. 247. Funds transfer.
Sec. 248. Contracts, grants, and cooperative agreements.
Sec. 249. Publications.
Sec. 250. Use of facilities.
Sec. 251. Field offices.
Sec. 252. Gifts and bequests.

Sec. 253. Seal of Department.
Sec. 254. Annual report.
Sec. 255. Professional Trade Service Corps.
Sec. 256. National Trade Data Bank.

PART F—RELATED AGENCIES

Sec. 261. Interagency trade organization.
Sec. 262. National Security Council.
Sec. 263. International Monetary Fund.

PART G—CONFORMING PROVISIONS

Sec. 271. Amendments.
Sec. 272. Repeals.

TITLE III—ESTABLISHMENT OF TECHNOLOGY ADMINISTRATION AS INDEPENDENT AGENCY

PART A—ESTABLISHMENT OF TECHNOLOGY ADMINISTRATION

Sec. 301. Short title.
Sec. 302. Findings.
Sec. 303. Definitions.
Sec. 304. Establishment.
Sec. 305. Functions of the Administrator.
Sec. 306. Conforming amendments.

PART B—ADMINISTRATIVE PROVISIONS

Sec. 321. Rules.
Sec. 322. Delegation.
Sec. 323. Personnel and services.
Sec. 324. Contracts.
Sec. 325. Use of facilities.
Sec. 326. Service charges.
Sec. 327. Acquisition and maintenance of property.
Sec. 328. Facilities at remote locations.
Sec. 329. Copyrights and patents.
Sec. 330. Gifts and bequests.
Sec. 331. Transfers of funds from other Federal agencies.
Sec. 332. Working capital fund.
Sec. 333. Seal of Administration.
Sec. 334. Annual report.
Sec. 335. Status of Administration under certain laws.

TITLE IV—ESTABLISHMENT OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AS AN INDEPENDENT AGENCY

PART A—ESTABLISHMENT OF ADMINISTRATION

Sec. 401. Short title.
Sec. 402. Findings.
Sec. 403. Definitions.
Sec. 404. Establishment.
Sec. 405. Officers.
Sec. 406. Transfer of the National Oceanic and Atmospheric Administration from the Department of Commerce.

PART B—ADMINISTRATIVE PROVISIONS

Sec. 411. Rules.
Sec. 412. Delegation.
Sec. 413. Personnel and services.
Sec. 414. Contracts.
Sec. 415. Use of facilities.
Sec. 416. Service charges.
Sec. 417. Acquisition and maintenance of property.
Sec. 418. Facilities at remote locations.
Sec. 419. Copyrights and patents.
Sec. 420. Gifts and bequests.
Sec. 421. Transfers of funds from other Federal agencies.
Sec. 422. Working capital fund.
Sec. 423. Seal of Administration.
Sec. 424. Annual report.
Sec. 425. Status of Administration under certain laws.
Sec. 426. Salary of Assistant Administrators.
Sec. 427. Coordination of environmental policy.

TITLE V—TRANSFERS TO OTHER FEDERAL AGENCIES

PART A—MINORITY BUSINESS DEVELOPMENT AGENCY

Sec. 501. Transfers to the Small Business Administration.
Sec. 502. Administrative provisions relating to the Minority Business Development Agency.
Sec. 503. Conforming amendments relating to the Minority Business Development Agency.

PART B—TRANSFER OF THE BUREAU OF THE CENSUS TO THE DEPARTMENT OF LABOR

Sec. 511. Transfers.
Sec. 512. Establishment within the Department of Labor.
Sec. 513. Report to the President and Congress.
Sec. 514. Conforming amendments relating to the Bureau of the Census.

TITLE VI—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

Sec. 601. Additional transfers.
Sec. 602. Transfer and allocations of appropriations and personnel.
Sec. 603. Incidental transfers.
Sec. 604. Effect on personnel.
Sec. 605. Savings provisions.
Sec. 606. Separability.
Sec. 607. Reference.
Sec. 608. Transition.
Sec. 609. Additional conforming amendments.
Sec. 610. Termination of the Department of Commerce.

TITLE VII—MISCELLANEOUS

Sec. 701. Effective date.
Sec. 702. Interim appointments.
Sec. 703. Personnel and funding reductions resulting from reorganization.
Sec. 704. Authorization of appropriations.

TITLE I—GENERAL PROVISIONS

FINDINGS

SEC. 101. The Congress finds that—

(1) principal national goals of the United States are to—

(A) maintain United States leadership in international trade liberalization and expansion efforts;

(B) reinvigorate the ability of the United States economy to compete in international markets and to respond flexibly to changes in international competition; and

(C) expand United States participation in international trade through aggressive promotion and marketing of American products and services;

(2) the economy of the United States is so inextricably linked with the international economic system that all domestic economic sectors are influenced by the dynamics of global trade and investment;

(3) the expansion of United States participation in international trade will improve the general welfare of the people of the United States by increasing demand for American products and services, creating jobs, and increasing the gross national product;

(4) business, labor, and all levels of government must place the highest priority on developing methods and policies to achieve the goals described in paragraph (1), and the achievement of such goals is dependent on a marked improvement in the capability of United States businesses to compete in foreign markets;

(5) the Federal Government can enhance the capability of United States businesses to compete in foreign markets by acting to—

(A) reduce political and economic barriers to sales and investments by such businesses;

(B) promote American goods and services in foreign countries;

(C) encourage aggressive participation by the private sector in the international marketplace; and

(D) develop policies to enhance productivity and long-term growth;

(6) effective and efficient Government action to enhance the capability of United States businesses to compete in foreign markets requires coordination of the development and implementation of Government policies relating to the international trade interests of the United States;

(7) the Federal Government can enhance the capability of State governments to expand foreign markets for goods and services produced in such States by—

(A) providing information resources suitable for developing and conducting international export programs in the States;

(B) coordinating activities of Federal overseas trade facilities with State international trade offices;

(C) providing practical and technical assistance to States developing or conducting international export and investment programs; and

(D) taking appropriate actions to promote the availability of such information and assistance;

(8) effective and efficient Government action with respect to international trade further requires the employment of a corps of personnel consisting of individuals who, like the personnel of the governments of United States trading partners, are highly experienced and educated in international trade operations and negotiations;

(9) the present organizational structure of Government administration of international trade activities is so diffuse that inconsistent and contradictory policies and actions result;

(10) such inconsistent and contradictory policies and actions inhibit domestic trade interests, create trade opportunities for our international competitors, and discourage experienced Government personnel from career service in international trade activities;

(11) United States performance in international trade is fundamentally linked to the competitiveness of American industry in the world economy;

(12) improvements in the competitiveness of United States industry, products, and services can be aided by reducing traditional antagonisms among government, industry, labor, and the public;

(13) a lack of analytical capability and knowledge concerning the competitive position of American industries and foreign industries greatly hampers or delays the ability of the United States to formulate responsible trade policies and policies that affect the international competitiveness of domestic industries;

(14) the consolidation of Government functions relating to international trade, including functions relating to technical analysis, policymaking, international negotiation, and operational responsibilities, into a Department of Trade shall provide the needed coordination of Government activity in international trade and will encourage the retention of the highly experienced personnel necessary for such coordination to be effective;

(15) the continued prosperity and overall competitive posture of the United States calls for a decisive and unified trade policy that vigorously promotes an equitable international trade environment in which the United States is able to compete fully and fairly;

(16) continued United States leadership in the world economy requires the formulation and implementation of a trade policy that is delineated and understood by the rest of the world;

(17) establishing a decisive and unified trade policy has become a number one priority of the United States;

(18) enhancing the process of consultation and advice between the executive branch, the Congress, and the private sector will assist in developing the consensus on and support for the trade policy of the United States;

(19) there is no one single agency or department within the executive branch with overall responsibility for the development, coordination, implementation, and administration of the United States trade policy, and the proliferation and division of agencies within the executive branch have weakened the overall leadership of the United States in international trade matters; and

(20) the economic well-being of the American people will be substantially enhanced through the creation of the Department of Trade.

DEFINITIONS

SEC. 102. As used in this Act, unless otherwise provided or indicated by the context—

(1) the term "Department" means the Department of Trade;

(2) the term "Secretary" means the Secretary of Trade;

(3) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program;

(4) the term "administrative and support functions" means legal functions, investigative functions, budget preparation and analysis functions, administrative functions, public information functions, and congressional relations functions carried out by a Federal agency, and such other support services as may be determined by the head of such agency;

(5) the term "executive department" has the meaning given to the term "Executive department" by section 101 of title 5, United States Code;

(6) the term "Federal agency" has the meaning given to the term "agency" by section 551(1) of such title; and

(7) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

TITLE II—DEPARTMENT OF TRADE

PART A—ESTABLISHMENT

ESTABLISHMENT OF DEPARTMENT

SEC. 201. (a) There is established an executive department to be known as the Department of Trade. The Department shall be administered by a Secretary of Trade, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The Department of Trade shall be deemed the successor to the Department of Commerce for all purposes, including protocol.

FUNCTIONS OF THE SECRETARY

SEC. 202. (a) In addition to the functions transferred to the Secretary by this Act, such other functions as the President may assign or delegate to the Secretary, and such other functions as the Secretary may, after the effective date of this Act, be required to carry out by law, the Secretary shall—

(1) serve as the principal advisor to the President on international trade policy and advise the President on the impact of other policies of the United States Government on international trade;

(2) exercise primary responsibility, with the advice of the interagency organization established under section 242 of the Trade Expansion Act of 1962, for developing and implementing international trade policy, including commodity matters and, to the extent related to international trade policy, direct investment matters and, in exercising such responsibility, advance and implement the goals described in section 101(1) as the primary mandate of the Department;

(3) exercise lead responsibility for the conduct of international trade negotiations, including negotiations relating to commodity matters and, to the extent that such negotiations are related to international trade, direct investment negotiations;

(4) exercise lead responsibility for the establishment of a national export strategy, including policies designed to implement such strategy;

(5) with the advice of the interagency organization established under section 242 of the Trade Expansion Act of 1962, issue policy guidance to other Federal agencies on international trade, commodity, and direct investment functions to the extent necessary to assure the coordination of international trade policy;

(6) seek and promote new opportunities for United States products and services to compete in the world marketplace;

(7) assist small businesses in developing export markets;

(8) support State governments involved in expanding foreign markets for goods and services produced in such States;

(9) enforce the laws of the United States relating to trade;

(10) analyze economic trends and developments in order to understand and foster the conditions that enhance productivity, growth, and competitiveness;

(11) report directly to the Congress—

(A) on the administration of, and matters pertaining to, the trade agreements program under Omnibus Trade and Competitiveness Act of 1988, the Trade Act of 1974, the Trade Expansion Act of 1962, and section 350 of the Tariff Act of 1930; and

(B) with respect to other important issues pertaining to international trade;

(12) keep each official adviser to the United States delegations to international conferences, meetings, and negotiation sessions relating to trade agreements who is appointed from the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives under section 161 of the Trade Act of 1974 currently informed on United States negotiating objectives with respect to trade agreements, the status of negotiations in progress with respect to such agreements, and the nature of any changes in domestic law or the administration thereof which the Secretary may recommend to Congress to carry out any trade agreement;

(13) consult and cooperate with State and local governments and other interested parties on international trade matters of interest to such governments and parties, and to the extent related to international trade matters, on investment matters, and, when appropriate, hold informal public hearings;

(14) serve as the principal advisor to the President on government policies designed to contribute to enhancing the ability of American industry and services to compete in international markets;

(15) develop recommendations for national strategies and on specific policies intended to enhance the productivity and international competitiveness of United States industries;

(16) identify and develop recommendations to address problems affecting the economic competitiveness of the United States;

(17) serve as the principal advisor to the President in identifying and assessing the consequences of any government policies which adversely affect, or have the potential to adversely affect, the competitiveness of United States industries and services; and

(18) promote cooperation between business, labor, and government to improve industrial performance and the ability of American industries to compete in international markets and to facilitate consultation and communication between the government and the private sector about domestic industrial performance and prospects as well as the performance and prospects of foreign competitors.

(b) The Secretary shall be the Chairman pro tempore of the interagency organization established under section 242 of the Trade Expansion Act of 1962.

(c) The Secretary shall be a member of the National Security Council.

(d) The Secretary shall be Deputy Chairman of the National Advisory Council on International Monetary and Financial Policies established under Executive Order 11269, issued February 14, 1966.

(e)(1) The Secretary of Trade shall consult with the Secretary of Agriculture or the designee of the Secretary of Agriculture on all matters which potentially involve international trade in agricultural products.

(2) If an international meeting for negotiation or consultation includes discussion of international trade in agricultural products, the Secretary of Trade or the designee of such Secretary shall be Chairman of the United States delegation to such meeting and the Secretary of Agriculture or the designee of such Secretary shall be Vice Chairman. The provisions of this paragraph do not limit the authority of the Secretary under subsection (g) to assign responsibility for the conduct of, or participation in, any trade negotiation or meeting to the Secretary of Agriculture.

(f) The Secretary shall be Chairman of the Trade Promotion Coordinating Committee established by the President on May 23, 1990.

(g) Except where expressly prohibited by law, the Secretary, at the request or with the concurrence of the head of any other Federal agency, may assign the responsibility for conducting or participating in any specific international trade negotiation or meeting to the head of such agency whenever the Secretary determines that the subject matter of such international trade negotiation is related to the functions carried out by such agency.

PART B—OFFICES AND BUREAUS

OFFICE OF THE TRADE REPRESENTATIVE

SEC. 211. There is established in the Office of the Secretary the Office of the Trade Representative. The Secretary, through the Office of the Trade Representatives, shall perform all functions (other than administrative and support functions) transferred to the Secretary by section 231.

BUREAU OF EXPORT PROMOTION

SEC. 212. (a) There is established within the Department, the Bureau of Export Promotion. The Bureau of Export Promotion shall be administered by the Under Secretary of the Bureau of Export Promotion who shall be appointed by the President, by and with the advice and consent of the Senate. The Secretary, through the Under Secretary of the Bureau of Export Promotion, shall perform all functions (other than administrative and support functions) transferred to the Secretary under sections 232(3)(A), 233, 234, and 235. The Bureau of Export Promotion shall be the Government's lead organization responsible for implementing and devising United States trade promotion and financing efforts.

(b)(1) There is established within the Bureau of Export Promotion the—

(A) United States and Foreign Commercial Service;

(B) Export-Import Bank of the United States; and

(C) Overseas Private Investment Corporation.

(2)(A)(i) The United States and Foreign Commercial Service shall be administered by an Assistant Secretary, who shall serve as Director General of the United States and Foreign Commercial Service, and who shall be appointed by the President, by and with the advice and consent of the Senate.

(ii) There is established the Trade and Development Agency and the United States Travel and Tourism Administration within the United States and Foreign Commercial Service. The Trade and Development Agency shall be administered by a Director and the United States Travel and Tourism Administration shall be administered by a Director. Both Directors shall be appointed by the President with the advice and consent of the Senate.

(B) The Export-Import Bank established under paragraph (1)(A) shall be administered by a President and a Board of Directors as provided under section 3 of the Export-Import Bank Act of 1945 (12 U.S.C. 635a) as amended by section 233 of this Act.

(C) The Overseas Private Investment Corporation established under paragraph (1)(C) shall be administered by a President and a Board of Directors as provided under section 233 of the Foreign Assistance Act of 1961 (22 U.S.C. 2193) as amended by section 234 of this Act.

BUREAU OF TRADE POLICY AND ANALYSIS

SEC. 213. (a) There is established within the Department, the Bureau of Trade Policy and Analysis. The Bureau of Trade Policy and Analysis shall be administered by the Under Secretary of the Bureau of Trade Policy and Analysis who shall be appointed by the President, by and with the advice and consent of the Senate. The Secretary through the Under Secretary of the Bureau of Trade Policy and Analysis shall perform all functions (other than administrative and support functions) transferred to the Secretary under section 232(3)(B). The Under Secretary for Trade Policy and Analysis shall advise the Secretary of Trade on international trade and economic policy and provide assistance to the Secretary in multilateral and bilateral trade negotiations.

(b)(1) There is established within the Bureau of Trade Policy and Analysis the—

(A) Office of International Economic Policy;

(B) Office of Business Analysis; and

(C) Office of Economic Analysis.

(2) Each component of the Bureau of Trade Policy and Analysis established under paragraph (1) (A), (B), and (C) shall be administered by an Assistant Secretary who shall be appointed by the President, by and with the advice and consent of the Senate.

BUREAU OF TRADE ADMINISTRATION

SEC. 214. (a) There is established within the Department, the Bureau of Trade Administration. The Bureau of Trade Administration shall be administered by the Under Secretary of the Bureau of Trade Administration who shall be appointed by the President, by and with the advice and consent of the Senate. The Secretary through the Under Secretary of the Bureau of Trade Administration shall perform all functions (other than administrative and support functions) transferred to the Secretary under section 232(3)(C). The Bureau of Trade Administration shall be responsible for overseeing and enforcing all trade laws and agreements of which the United States is a party.

(b)(1) There is established within the Bureau of Trade Administration the—

(A) Export Administration; and

(B) Import Administration.

(2) Each administration established under paragraph (1) (A) and (B) shall be administered by an Assistant Secretary who shall be appointed by the President, by and with the consent of the Senate.

PART C—OFFICERS

DEPUTY SECRETARY

SEC. 221. (a) There shall be in the Department a Deputy Secretary of Trade, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The Deputy Secretary shall act for and exercise the functions of the Secretary during the absence or disability of the Secretary or in the event the office of Secretary becomes vacant. The Deputy Secretary shall act for and exercise the functions of the Secretary until the absence or disability of the Secretary no longer exists or a successor to the Secretary has been appointed by the President and confirmed by the Senate.

TRADE REPRESENTATIVE

SEC. 222. There shall be in the Department a Trade Representative, who shall be appointed by the President, by and with the advice and consent of the Senate. The Trade Representative shall have the rank and status of Ambassador and shall represent the United States in all trade negotiations on behalf of the Secretary of Trade.

UNDER SECRETARIES

SEC. 223. (a) There shall be in the Department three Under Secretaries of Trade, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Each Under Secretary of Trade shall perform such functions as the Secretary may prescribe.

ASSISTANT SECRETARIES

SEC. 224. (a) There shall be in the Department six Assistant Secretaries of Trade, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Each Assistant Secretary of Trade shall perform such functions as the Secretary may prescribe.

GENERAL COUNSEL

SEC. 225. There shall be in the Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall provide legal assistance to the Secretary concerning the activities, programs, and policies of the Department.

INSPECTOR GENERAL

SEC. 226. There shall be in the Department an Inspector General who shall be appointed in accordance with the Inspector General Act of 1978, as amended by section 271(h) of this Act.

REPRESENTATIVE TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

SEC. 227. There shall be in the Department a Permanent Representative to the General Agreement on Tariffs and Trade, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall have the rank and status of Ambassador Extraordinary and Plenipotentiary.

PART D—TRANSFERS TO THE DEPARTMENT

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SEC. 231. There are transferred to the Secretary all functions of the United States Trade Representative and the Office of the United States Trade Representative in the Executive Office of the President and all functions of any officer or employee of such Office.

TRANSFERS FROM THE DEPARTMENT OF COMMERCE

SEC. 232. Except for functions transferred by titles III, IV, V, and VI, there are transferred to the Secretary—

(1) all functions of the Secretary of Commerce;

(2) all functions of the Department of Commerce; and

(3) all functions of, and all functions performed under the direction of, the following officers and employees of the Department of Commerce:

(A) the Under Secretary of Commerce for International Trade, the Director General of the United States and Foreign Commercial Services, the Under Secretary of Commerce for Travel and Tourism and the Assistant Secretary of Commerce for Tourism Marketing;

(B) the Under Secretary of Commerce for Economic Affairs, the Assistant Secretary of Commerce for International Economic Policy, the Assistant Secretary of Commerce for Trade Development, the Director of the Bureau of Economic Analysis of the Department of Commerce, and the Chief Economist of the Department of Commerce; and

(C) the Under Secretary for Export Administration of the Department of Commerce and the Assistant Secretary for Import Administration of the Department of Commerce.

TRANSFER OF THE EXPORT-IMPORT BANK

SEC. 233. (a)(1) There are transferred to the Secretary all functions of the Secretary of Commerce relating to the Export-Import Bank of the United States.

(2) The Export-Import Bank of the United States is transferred to the Department of Trade.

(b) Section 3(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(b)) is amended to read as follows:

"(b) There shall be a President of the Export-Import Bank of the United States who shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve as chief executive officer of the Bank. There shall be a First Vice President of the Bank, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall serve as President of the Bank during the absence or disability of or in the event of a vacancy in the Office of the President of the Bank, and who shall at other times perform such functions as the President of the Bank may from time to time prescribe.".

(c) Section 3(c)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)(1)) is amended to read as follows:

"(c)(1) There shall be a Board of Directors of the Bank consisting of the Under Secretary of the Bureau of Export Promotion of the Department of Trade (who shall serve as Chairman), the President of the Export-Import Bank of the United States (who shall serve as Vice Chairman), the President of the Overseas Private Investment Corporation, and the Director General of the United States and Foreign Commercial Service.".

(d) Section 2301(h) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(h)) is amended to read as follows:

"(h) ASSISTANCE TO EXPORT-IMPORT BANK.—The Commercial Service shall provide, at its district offices in the United States, such services as the Under Secretary of Trade for Export Promotion determines necessary to assist the Export-Import Bank of the United States to carry out the lending, loan guarantee, insurance, and other activities of the Bank.".

OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 234. (a) There are transferred to the Secretary all functions of the Director of the United States International Development Cooperation Agency relating to the Overseas Private Investment Corporation.

(b) The second and third sentences of section 233(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2193(b)) are amended to read as follows: "The Under Secretary of the Bureau of Export Promotion of the Department of Trade shall be the Chairman of the Board. The Administrator of the Agency for International Development, the President of the Overseas Private Investment Corporation (who shall serve as Vice Chairman), and the Director General of the United States Foreign and Commercial Service shall serve on the Board.".

TRADE AND DEVELOPMENT AGENCY

SEC. 235. There are transferred to the Secretary all functions of the Director of the United States International Development Agency relating to the Trade and Development Agency. There are transferred to the Department all functions of the Trade and Development Program.

BUREAU OF PRIVATE ENTERPRISE

SEC. 236. There are transferred to the United States and Foreign Commercial Service all functions of the Bureau of Private Enterprise of the Agency for International Development.

PART E—ADMINISTRATIVE PROVISIONS

PERSONNEL PROVISIONS

SEC. 241. (a) The Secretary may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the functions of the Secretary and the Department. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b)(1) At the request of the Secretary, the Director of the Office of Personnel Management shall, under section 5108 of title 5, United States Code, provide for the establishment in a grade level above GS–15 of the General Service, and in the Senior Executive Service, of a number of positions in the Department equal to the number of positions in that grade level which were used primarily for the performance of functions and offices transferred by this Act and which were assigned and filled on the day before the effective date of this Act.

(2) Appointments to positions provided for under this subsection may be made without regard to the provisions of section 3324 of title 5, United States Code, if the individual appointed in such position is an individual who is transferred in connection with the transfer of functions and offices under this Act and, on the day before the effective date of this Act, holds a position and has duties comparable to those of the position to which appointed under this subsection.

(3) The authority under this subsection with respect to any position established at a grade level above GS–15 shall terminate when the person first appointed to fill such position ceases to hold such position.

(4) For purposes of section 414(a)(3)(A) of the Civil Service Reform Act of 1978, an individual appointed under this subsection shall be deemed to occupy the same position as the individual occupied on the day before the effective date of this Act.

(c) The Secretary may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the maximum rate of pay for a position at a grade level above GS–15 of the General Schedule under section 5332 of such title. The Secretary may pay experts and consultants who are serving away from their homes or regular place of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

(d)(1)(A) The Secretary is authorized to accept voluntary and uncompensated services without regard to the provisions of section 1342 of title 31, United States Code, if such services will not be used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

(B) The Secretary is authorized to accept volunteer service in accordance with the provisions of section 3111 of title 5, United States Code.

(2) The Secretary is authorized to provide for incidental expenses, including but not limited to transportation, lodging, and subsistence for individuals who provide voluntary services under subparagraph (A) or (B) of paragraph (1).

(3) An individual who provides voluntary services under paragraph (1)(A) shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims.

(e) In order to assure United States representation in trade matters at a level commensurate with the level of representation maintained by industrial nations which are major trade competitors of the United States, the Secretary of State shall classify certain positions at Foreign Service posts as commercial minister positions and shall assign members of the Foreign Service performing functions of the Department of Trade, with the concurrence of the Secretary of Trade, to such positions in nations which are major trade competitors of the United States. The Secretary of State shall obtain and use the recommendations of the Secretary of Trade with respect to the number of positions to be so classified under this subsection.

DELEGATION AND ASSIGNMENT

SEC. 242. Except where otherwise expressly prohibited by law or otherwise provided by this Act, the Secretary may delegate any of the functions transferred to the Secretary by this Act and any function transferred or granted to the Secretary after the effective date of this Act to such officers and employees of the Department as the Secretary may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions by the Secretary under this section or under any other provision of this Act shall relieve the Secretary of responsibility for the administration of such functions.

SUCCESSION

SEC. 243. (a) Subject to the authority of the President, and except as provided in section 221(b), the Secretary shall prescribe the order by which officers of the Department who are appointed by the President, by and with the advice and consent of the Senate, shall act for, and perform the functions of, the Secretary or any other officer of the Department appointed by the President, by and with the advice and consent of the Senate, during the absence or disability of the Secretary or such other officer, or in the event of a vacancy in the office of the Secretary or such other officer.

(b) Notwithstanding any other provision of law, and unless the President directs otherwise, an individual acting for the Secretary or another officer of the Department pursuant to subsection (a) shall continue to serve in that capacity until the absence or disability of the Secretary or such other officer no longer exists or a successor to the Secretary or such other officer has been appointed by the President and confirmed by the Senate.

REORGANIZATION

SEC. 244. (a) Subject to subsections (b) and (c), the Secretary is authorized to allocate or reallocate functions among the officers of the Department, and to establish, consolidate, alter, or discontinue such organizational entities in the Department as may be necessary or appropriate.

(b) Except as provided in subsection (c), the Secretary may establish, consolidate, alter, or discontinue any organizational entity in the Department or allocate or reallocate any function of an officer or employee of the Department upon the expiration of a period of sixty days after the receipt by the Committee on Finance and the Committee on Governmental Affairs of the Senate and the Committee on Government Operations and the Committee on Ways and Means of the House of Representatives of notice by the Secretary containing a full and complete statement of the action proposed to be taken pursuant to this section and the facts and circumstances relied upon in support of such proposed action.

RULES

SEC. 245. The Secretary is authorized to prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Secretary or the Department.

WORKING CAPITAL FUND

SEC. 246. (a) The Secretary is authorized to establish for the Department a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the Secretary shall find to be desirable in the interest of economy and efficiency, including—

(1) a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its components;

(2) central messenger, mail, and telephone service and other communications services;

(3) office space, central services for document reproduction and for graphics and visual aids;

(4) a central library service; and

(5) such other services as may be approved by the Director of the Office of Management and Budget.

(b) The capital of the fund shall consist of any appropriations made for the purpose of providing working capital and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. The fund shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus of the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain the fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to those services which the Secretary determines will be performed.

FUNDS TRANSFER

SEC. 247. The Secretary may, when authorized in an appropriation Act in any fiscal year, transfer funds from one appropriation to another within the Department, except that no appropriation for any fiscal year shall be either increased or decreased by more than 10 per centum and no such transfer shall result in increasing any such appropriation above the amount authorized to be appropriated therefore.

CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS

SEC. 248. (a) Subject to the provisions of the Federal Property and Administrative Services Act of 1949, the Secretary may make, enter into, and perform such contracts, leases, cooperative agreements, grants, or other similar transactions with public agencies, private organizations, and persons, and make payments (in lump sum or installments, and by way of advance or reimbursement, and, in the case of any grant, with necessary adjustments on account of overpayments and underpayments) as the Secretary considers necessary or appropriate to carry out the functions of the Secretary or the Department.

(b) Notwithstanding any other provision of this Act, the authority to enter into contracts or to make payments under this title shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts. This subsection does not apply with respect to the authority granted under section 252.

PUBLICATIONS

SEC. 249. Subject to such procedures of the Director of the Office of Management and Budget may prescribe, the Secretary may disseminate in the form of reports or publications such information as the Secretary considers appropriate.

USE OF FACILITIES

SEC. 250. (a) With their consent, the Secretary, with or without reimbursement, may use the research, services, equipment, and facilities of—

(1) an individual;

(2) any public or private nonprofit agency or organization, including any agency or instrumentality of the United States or of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;

(3) any political subdivision of any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States; or

(4) any foreign government,

in carrying out any function of the Secretary or the Department.

(b) The Secretary, under terms, at rates, and for periods that the Secretary considers to be in the public interest, may permit the use by public and private agencies, corporations, associations or other organizations, or by individuals, of any real property, or any facility, structure or other improvement thereon, under the custody of the Secretary. The Secretary may require permittees under this section to maintain or recondition, at their own expense, the real property, facilities, structures, and improvements used by such permittees.

FIELD OFFICES

SEC. 251. (a) Subject to subsection (b), the Secretary may establish, alter, consolidate, maintain, or discontinue State, regional, district, local, or other field offices as the Secretary finds necessary or appropriate to perform any function of the Secretary or the Department.

(b) The Secretary may establish, alter, consolidate, maintain, or discontinue State, regional, district, local, or other field offices under subsection (a) upon the expiration of a period of sixty days after the receipt by the Committee on Finance and the Committee on Governmental Affairs of the Senate and the Committee on Government Operations and the Committee on Ways and Means of the House of Representatives of notice by the Secretary containing a full and complete statement of the action proposed to be taken pursuant to this section and the facts and circumstances relied upon in support of such proposed action.

(c) Within one year after the effective date of this Act, the Secretary and the Administrator of the Small Business Administration shall prepare and transmit to the President and to Congress a joint report containing recommendations for improving the competitiveness of United States business through—

(1) enhanced cooperation between the Small Business Administration and the United States and Foreign Commercial Service;

(2) the utilization of Small Business Administration regional offices by the United States and Foreign Commercial Service;

(3) increased efforts to assist small- and medium-size firms to enter the export market through the facilities of the United States and Foreign Commercial Service; and

(4) consolidation of the Small Business Administration within the United States and Foreign Commercial Service or the Department of Trade.

GIFTS AND BEQUESTS

SEC. 252. (a) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the United States Treasury in a separate fund and shall be disbursed on order of the Secretary. Property accepted pursuant to this paragraph, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest.

(b) For the purpose of Federal income, estate, and gift taxes, and State taxes, property accepted under subsection (a) shall be considered a gift or bequest to or for use of the United States.

(c) Upon the request of the Secretary, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in subsection (a). Income accruing from such securities, and from any other property held by the Secretary pursuant to subsection (a), shall be deposited to the credit of the fund, and shall be disbursed upon order of the Secretary.

SEAL OF DEPARTMENT

SEC. 253. The Secretary shall cause a seal of office to be made for the Department of such design as the Secretary shall approve. Judicial notice shall be taken of such seal.

ANNUAL REPORT

SEC. 254. The Secretary shall, as soon as practicable after the end of each fiscal year, prepare and transmit a written report to the President for transmission to the Congress on the activities of the Department during such fiscal year.

PROFESSIONAL TRADE SERVICE CORPS

SEC. 255. Within 180 days after the effective date of this Act, the Secretary shall prepare and transmit to the President and the Congress a report containing recommendations for the establishment of a Professional Trade Service Corps designed to attract and retain highly qualified, experienced, and motivated professionals to administer the trade policies and activities of the United States. The system shall contain provisions for—

(1) the advancement and retention of personnel on a competitive basis;

(2) the designation of senior positions in such Federal agencies in order that personnel employed in such agencies may advance in careers relating to international trade; and

(3) the transfer of personnel between the system and the Foreign Service personnel system in order that personnel employed in such systems may be employed in foreign and domestic service.

NATIONAL TRADE DATA BANK

SEC. 256. Within 180 days after the effective date of this Act, the Secretary shall prepare and transmit to the President and the Congress a report containing recommendations for enhancing the Government's foreign trade and economic data collection and dissemination activities. The report shall include—

(1) recommendations for increasing the capacity of the National Trade Data Bank established by the Omnibus Trade and Competitiveness Act of 1988;

(2) findings by the Interagency Trade Data Advisory Committee for expanding the National Trade Data Bank consistent with the needs of its users;

(3) recommendations on including within the National Trade Data Bank economic information collected by United States intelligence agencies; and

(4) suggestions for the overall improvement and coordination of the United States Government's trade and economic data collection and dissemination activities.

PART F—RELATED AGENCIES

INTERAGENCY TRADE ORGANIZATION

SEC. 261. Section 242(a)(3) of the Trade Expansion Act of 1962 (19 U.S.C. 1872(a)(3)) is amended to read as follows:

"(3)(A) The interagency organization established under subsection (a) shall be composed of—

"(i) the Secretary of Trade, who shall be Chairman,

"(ii) the Secretary of Agriculture,

"(iii) the Secretary of the Treasury,

"(iv) the Secretary of Labor,

"(v) the Secretary of State, and

"(vi) the representatives of such other departments and agencies as the Secretary of Trade shall designate.

"(B) The Secretary of Trade may invite representatives from other agencies, as appropriate, to attend particular meetings if subject matters of specific functional interest to such agencies are under consideration. It shall meet at such times and with respect to such matters as the President or the Chairman shall direct.".

NATIONAL SECURITY COUNCIL

Sec. 262. The fourth paragraph of section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating clauses (5), (6), and (7) as clauses (6), (7), and (8), respectively; and

(2) by inserting after clause (4) the following new clause:

"(5) the Secretary of Trade;".

INTERNATIONAL MONETARY FUND

Sec. 263. Section 3 of the Bretton Woods Agreement Act is amended by adding at the end thereof the following new subsection:

"(e) The United States executive director of the Fund shall consult with the Secretary of Trade with respect to matters under consideration by the Fund which relate to trade.".

Part G—Conforming Provisions

AMENDMENTS

Sec. 271. (a) Section 19(d)(1) of title 3, United States Code, is amended by striking out "Secretary of Commerce," and inserting in lieu thereof "Secretary of Trade,".

(b) Section 101 of title 5, United States Code, is amended by striking out the item relating to the Department of Commerce and inserting in lieu thereof the following:

"The Department of Trade.".

(c) Section 5312 of such title is amended—

(1) by striking out the items relating to the Secretary of Commerce and the United States Trade Representative; and

(2) by adding at the end thereof the following:

"Secretary of Trade.".

(d)(1) Section 2(b) of Reorganization Plan No. 3 of 1979 is amended by striking out paragraph (1) and by striking out "(2)".

(2) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"Deputy Secretary, Department of Trade.".

(e) Section 5314 of such title is amended—

(1) by striking out the item relating to the Under Secretary of Commerce, the Under Secretary of Commerce for Economic Affairs, and the Under Secretary of Commerce for Travel and Tourism;

(2) by striking out the item relating to the Deputy United States Trade Representatives; and

(3) by adding at the end thereof the following:

"Under Secretaries of Trade (3).

"Deputy Secretary of Trade.

"Chief Trade Negotiator, Department of Trade.

"Permanent Representative to the General Agreement on Tariffs and Trade, Department of Trade.".

(f) Section 5315 of such title is amended—

(1) by striking out the item relating to the Assistant Secretaries of Commerce;

(2) by striking out the item relating to the General Counsel of the Department of Commerce; and

(3) by adding at the end thereof the following:

"Assistant Secretaries of Trade (6).

"General Counsel, Department of Trade.

"President of the Export-Import Bank of the United States.

"President of the Overseas Private Investment Corporation.".

(g) Section 5316 of such title is amended—

(1) by striking out the item relating to Commissioner of Patents, Department of Commerce;

(2) by striking out the item relating to the National Export Expansion Coordinator, Department of Commerce;

(3) by striking out the item relating to the Director, United States Travel Service, Department of Commerce;

(4) by striking out the item relating to the Inspector General, Department of Commerce;

(5) by striking out the item relating to the Director, National Bureau of Standards, Department of Commerce; and

(6) by adding at the end thereof the following:

"Inspector General, Department of Trade.".

(h) The Inspector General Act of 1978 is amended—

(1) in subsection 9(a)(1)—

(A) by striking out subparagraph (B);

(B) by redesignating subparagraphs (C) through (H) as subparagraphs (B) through (G), respectively; and

(C) by inserting before subparagraph (I) the following:

"(H) of the Department of Trade, all functions of the Inspector General of the Department of Commerce and the Office of the Inspector General of the Department of Commerce relating to the functions transferred to the Secretary of Trade by section 232 of the Trade Reorganization Act of 1992;";

(2) by striking out "Commerce," each place it appears in section 11; and

(3) by inserting "Trade," after "Interior," each place it appears in such section.

(i)(1) Chapter 4 of title I of the Trade Act of 1974 is amended to read as follows:

"CHAPTER 4—REPRESENTATION IN TRADE NEGOTIATIONS

"SEC. 141. FUNCTIONS OF THE SECRETARY OF TRADE.

"The Secretary of Trade shall—

"(1) be the chief representative of the United States for each trade negotiation under this title or chapter 1 of title III of this Act, or subtitle A of title I of the Omnibus Trade and Competitiveness Act of 1988;

"(2) report directly to the President and the Congress, and be responsible to the President and the Congress for the administration of trade agreements programs under this Act, the Omnibus Trade and Competitiveness Act of 1988, the Trade Expansion Act of 1962, and section 350 of the Tariff Act of 1930;

"(3) advise the President and Congress with respect to nontariff barriers to international trade, international commodity agreements, and other matters which are related to the trade agreements programs; and

"(4) be responsible for making reports to Congress with respect to the matters set forth in clauses (1) and (2).".

(2) The table of contents in the first section of the Trade Act of 1974 is amended by striking out the items relating to chapter 4 and section 141 and inserting in lieu thereof the following:

"CHAPTER 4—REPRESENTATION IN TRADE NEGOTIATIONS

"Sec. 141. Functions of the Secretary of Trade.".

(j) The Foreign Service Act of 1980 is amended by striking out paragraph (3) of section 202(a) (22 U.S.C. 3922(a)) and inserting in lieu thereof the following:

"(3) The Secretary of Trade may utilize the Foreign Service personnel system in accordance with this Act—

"(A) with respect to the personnel performing functions—

"(i) which were transferred to the Department of Commerce from the Department of State by Reorganization Plan No. 3 of 1979; and

"(ii) which were subsequently transferred to the Secretary of Trade by section 232 of the Trade Reorganization Act of 1992; and

"(B) with respect to other personnel of the Department of Trade to the extent the President determines to be necessary in order to enable the Department of Trade to carry out functions which require service abroad.".

(k)(1) Section 201 of the International Travel Act of 1961 (22 U.S.C. 2122) is amended by striking out "Commerce" and inserting in lieu thereof "Trade".

(2) Section 202(a)(13) of such Act (22 U.S.C. 2123(a)(13)) is amended by striking out "Commerce" and inserting in lieu thereof "Trade".

(3) Section 301 of such Act (22 U.S.C. 2124) is amended to read as follows:

"Sec. 301. All duties and responsibilities of the Secretary under this Act shall be exercised directly by the Secretary or by the Secretary through the Assistant Secretary of Trade for the United States and Foreign Commercial Service.".

(4) Section 302(b)(1) of such Act (22 U.S.C. 2124a(b)(1)) is amended—

(A) by striking out "Commerce" in subparagraph (A) and inserting in lieu thereof "Trade";

(B) by striking out "Under Secretary" and inserting in lieu thereof "Assistant Secretary of Trade" in subparagraph (B); and

(C) by striking out subparagraph (D) and inserting in lieu thereof the following:

"(D) an individual designated by the Secretary of Trade from the Department of Trade;".

(5) Section 303(f) of such Act (22 U.S.C. 2124b(f)) is amended by striking out "and shall advise the Assistant Secretary of Trade for the United States and Foreign Commercial Service with respect to the preparation of the marketing plan under section 202(a)(15)".

REPEALS

Sec. 272. (a)(1) The first section of the Act entitled "An Act to establish the Department of Commerce and Labor", approved February 14, 1903 (15 U.S.C. 1501), is repealed.

(2) The first section of the Act entitled "An Act to create a Department of Labor", approved March 4, 1913 (15 U.S.C. 1501), is amended by striking out beginning with "and the Department of Commerce and Labor" through "accordingly".

(b) Subsection (a) of the first section of the Act entitled "An Act to authorize an Under Secretary of Commerce for Economic Affairs", approved June 16, 1982 (96 Stat. 115; 15 U.S.C. 1503a), is repealed.

(c) The Act entitled "An Act to provide for the appointment of one additional Assistant Secretary of Commerce, and for other purposes", approved July 15, 1947 (15 U.S.C. 1505), is repealed.

(d) The first sentence of section 304 of the Department of Commerce Appropriation Act, 1955 (15 U.S.C. 1506), is repealed.

(e) The Act entitled "An Act to authorize an additional Assistant Secretary of Commerce", approved February 16, 1962 (15 U.S.C. 1507), is repealed.

(f) Subsection (a) of section 9 of the Maritime Appropriation Authorization Act for Fiscal Year 1978 (15 U.S.C. 1507b), is repealed.

(g)(1) The first section of the Act of March 18, 1904 (33 Stat. 135, chapter 716; 15 U.S.C. 1508), is amended by striking out the paragraph relating to the Office of the Solicitor of the Department of Commerce and Labor.

(2) Section 2 of the Act of July 17, 1952 (66 Stat. 758, chapter 932; 15 U.S.C. 1508), is repealed.

(h)(1) Sections 4 and 12 of the Act entitled "An Act to Establish the Department of Commerce and Labor", approved February 14, 1903 (15 U.S.C. 1511), are repealed.

(2) The first section of the Act of August 23, 1912 (37 Stat. 407, chapter 350; 15 U.S.C. 1511), is amended by striking out the paragraph relating to the Bureau of Foreign and Domestic Commerce.

(3) The first section of the Act of January 5, 1923 (42 Stat. 1109, chapter 23; 15 U.S.C. 1511), is repealed.

(4) The first section of the Act of May 27, 1936 (49 Stat. 1380, chapter 463; 15 U.S.C. 1511), is repealed.

(i) Section 8 of the Act entitled "An Act to establish the Department of Commerce and Labor", approved February 14, 1903 (15 U.S.C. 1519), is repealed.

(j) Title III of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce for the fiscal year ending June 30, 1945, and for other purposes", approved June 28, 1944 (15 U.S.C. 1521), is amended by striking out the paragraph relating to the working capital fund of the Department of Commerce.

(k) Sections 1, 2, and 3 of Public Law 88-611 (15 U.S.C. 1522, 1523, and 1524) are repealed.

TITLE III—ESTABLISHMENT OF TECHNOLOGY ADMINISTRATION AS INDEPENDENT AGENCY

PART A—ESTABLISHMENT OF TECHNOLOGY ADMINISTRATION

SHORT TITLE

SEC. 301. This title may be cited as the "Technology Administration Act of 1992".

FINDINGS

SEC. 302. The Congress finds that the establishment of an independent agency for technology programs shall—

(1) provide a focus for technological innovation for industrial and commercial purposes;

(2) facilitate the development of a single agency and a unified means for research and development to enhance the United States competitive position in the global economy; and

(3) aid in the establishment of a coherent program to promote civilian research and development and the commercialization of new technologies.

DEFINITIONS

SEC. 303. For the purposes of this title—

(1) the term "Administration" means the Technology Administration established under section 304; and

(2) the term "Administrator" means the Administrator of the Technology Administration.

ESTABLISHMENT

SEC. 304. (a) There is established the Technology Administration which shall be an independent establishment as defined under section 104 of title 5, United States Code. The Administration shall be administered by the Administrator of the Technology Administration who shall be appointed by the President, by and with the advice and consent of the Senate. The Administration shall be composed of—

(1) the National Institute of Standards and Technology established under subsection (c);

(2) the National Technical Information Service established under subsection (d);

(3) the National Telecommunications Institute established under subsection (e); and

(4) the Patent and Trademark Office established under subsection (f).

(b) There are transferred to the Administration and the Administrator all functions of the Technology Administration of the Department of Commerce and the Under Secretary for Technology and—

(1) all functions performed by the National Institute of Standards and Technology of the Department of Commerce and the Director of the National Institute of Standards and Technology of the Department of Commerce;

(2) all functions performed by the National Technical Information Service of the Department of Commerce and the Director of the National Technical Information Service of the Department of Commerce;

(3) all functions performed by the National Telecommunications and Information Administration of the Department of Commerce and the Assistant Secretary for Communications and Information of the Department of Commerce; and

(4) all functions performed by the Patent and Trademark Office of the Department of Commerce and the Assistant Secretary and Commissioner of Patents and Trademarks of the Department of Commerce.

(c) There is established in the Administration the National Institute of Standards and Technology. The National Institute of Standards and Technology shall be administered by the Director of the National Institute of Standards and Technology appointed by the President, by and with the consent of the Senate. The Director shall perform all functions (other than administrative and support functions) transferred to the Administrator under subsection (a)(1).

(d) There is established the National Technical Information Service within the Administration. The National Technical Information Service shall be headed by the Director of the National Technical Information Service appointed by the President, by and with the consent of the Senate. The Director of the National Technical Information Service, shall perform all functions (other than administrative and support functions) transferred to the Administrator under subsection (a)(2).

(e) There is established in the Administration the National Telecommunications Institute. The National Telecommunications Institute shall be administered by the Director of the National Telecommunications Institute appointed by the President, by and with the consent of the Senate. The Director shall perform all functions (other than administrative and support functions) transferred to the Administrator under subsection (a)(3).

(f) There is established in the Administration the Patent and Trademark Office. The Patent and Trademark Office shall be administered by the Commissioner for Patents and Trademarks appointed by the President, by and with the advice and consent of the Senate. The Administrator through the Commissioner for Patents and Trademarks, shall perform all functions (other than administrative and support functions) transferred to the Administrator under subsection (a)(4).

FUNCTIONS OF THE ADMINISTRATOR

SEC. 305. In addition to the functions transferred under section 304 or functions delegated by the President, the Administrator shall—

(1) exercise responsibility, through the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) and other policies, for the Federal Government's role in encouraging technological innovation for industrial and commercial purposes;

(2) consult and coordinate technology policy with the Office of Science and Technology Policy of the Executive Office of the President;

(3) use Federal resources in a manner consistent with the needs and demands of the commercial marketplace to ensure the competitiveness of United States industries;

(4) accelerate technology transfer by collecting, condensing, interpreting, synthesizing, adding value, and diffusing to industry innovative technology, research advancements, and ideas for technology, products, and manufacturing processes that are developed throughout the world;

(5) improve industry manufacturing and commercialization capabilities by creating and maintaining a distributed national network of expertise in manufacturing skills and commercialization methods; and

(6) facilitate the transfer of knowledge to startup companies and other businesses requesting assistance to strengthen manufacturing skills.

CONFORMING AMENDMENTS

SEC. 306. (a) The provisions of subchapter II of chapter 53 of title 5, United States Code (as amended by section 271 of this Act) are further amended—

(1) in section 5313 by adding at the end thereof:

"Administrator of the Technology Administration.";

(2) in section 5314 by striking out the item relating to the Under Secretary of Commerce for Technology and adding at the end thereof:

"Director of the National Technical Information Service of the Technology Administration.

"Director of the National Telecommunications Institute of the Technology Administration.

"Commissioner of the Patent and Trademark Office of the Technology Administration.

"Director of the National Institute of Standards and Technology of the Technology Administration."; and

(3) in section 5316 by striking out the items relating to the Commissioner of Patents, Department of Commerce, the Deputy Commissioner of Patents and Trademarks, the Assistant Commissioner of Patents, and the Assistant Commissioner for Trademarks.

(b) The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended—

(1) in section 4 by striking out paragraphs (1) through (3) and inserting in lieu thereof:

"(1) 'Administration' means the Technology Administration.

"(2) 'Administrator' means the Administrator of the Technology Administration.";

(2) in section 5—

(A) by striking out subsections (a) and (b);

(B) in subsection (d) by striking out "subsection (c)" and inserting in lieu thereof "subsection (a)"; and

(C) redesignating subsections (c), (d), and (e) as subsections (a), (b), and (c), respectively.

(3) by striking out "Office" each place it appears and inserting "Administration" in each such place;

(4) by striking out "Secretary" each place it appears and inserting "Administrator" in each such place;

(5) by striking out "and the Under Secretary" each place it appears; and

(6) by striking out "Department of Commerce" each place it appears and inserting "Foundation" in each such place.

(c) Section 212 of the National Technical Information Act of 1988 (15 U.S.C. 3704b) is amended—

(1) in subsection (a)(1) by striking out "The Secretary of Commerce, acting through the Director of the National Technical Information Service" and inserting in lieu thereof "The Administrator of the Technology Administration";

(2) in subsection (f)(1) by striking out "Secretary of Commerce and"; and

(3) by striking out "Secretary of Commerce" and "Secretary" each place it appears and inserting "Administrator" in each such place.

PART B—ADMINISTRATIVE PROVISIONS

RULES

SEC. 321. In the performance of the functions of the Administrator and the Administration, the Administrator is authorized to make, promulgate, issue, rescind, and amend rules and regulations. The promulgation of such rules and regulations—

(1) shall be governed by the provisions of chapter 5 of title 5, United States Code; and

(2) shall be after notice and opportunity for full participation by relevant Federal agencies, State agencies, local governments, regional organizations, authorities, councils, and other interested public and private parties.

DELEGATION

SEC. 322. Except as otherwise provided in this Act, the Administrator may delegate any function to such officers and employees of the Administration as the Administrator may designate, and may authorize such successive redelegations of such functions in the Administration as may be necessary or appropriate. No delegation of functions by the Administrator under this section or under any other provision of this Act shall relieve the Administrator of responsibility for the administration of such functions.

PERSONNEL AND SERVICES

SEC. 323. (a) In the performance of the functions of the Administrator and in addition to the officers provided for by section 304, the Administrator is authorized to appoint, transfer, and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Administrator and the Administration. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and compensated in accordance with title 5, United States Code.

(b) The Administrator is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(c) The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5, United States Code.

(d) The Administrator is authorized to utilize, on a reimbursable basis, the services of personnel of any Federal agency.

(e) The Administrator is authorized to appoint such advisory committees as may be appropriate for purposes of consultation and advice to the Administration in carrying out the functions of the Administration.

(f)(1)(A) The Administrator is authorized to accept voluntary and uncompensated services without regard to the provisions of section 1342 of title 31, United States Code, if such services will not be used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

(B) The Administrator is authorized to accept volunteer service in accordance with the provisions of section 3111 of title 5, United States Code.

(2) The Administrator is authorized to provide for incidental expenses, including but not limited to transportation, lodging, and subsistence for such volunteers.

(3) An individual who provides voluntary services under paragraph (1)(A) of this subsection shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims.

CONTRACTS

SEC. 324. The Administrator is authorized, without regard to the provisions of section 3324 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the functions of the Administrator and the Administration. The Administrator may enter into such contracts, leases, agreements, and transactions with any Federal agency or any instrumentality of the United States, or with any State, territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, on such terms and conditions as the Administrator may consider appropriate. The authority of the Administrator to enter into contracts and leases under this section shall be to such extent or in such amounts as are provided in appropriation Acts.

USE OF FACILITIES

SEC. 325. With their consent, the Administrator may, with or without reimbursement, use the services, equipment, personnel, and facilities of Federal agencies and other public and private agencies, and may cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities. The head of each Federal agency shall cooperate fully with the Administrator in making the services, equipment, personnel, and facilities of the Federal agency available to the Administrator. The head of a Federal agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, without reimbursement, supplies and equipment other than administrative supplies or equipment.

SERVICE CHARGES

SEC. 326. (a) Notwithstanding any other provision of law, the Administrator may establish reasonable fees and commissions with respect to applications, documents, awards, loans, grants, research data, services, and assistance and may change and abolish such fees and commissions. Prior to establishing, changing, or abolishing any schedule of fees or commissions under this section, the Administrator may submit such schedule to the Congress.

(b) The Administrator is authorized to require a deposit before the Administrator provides any item, information, service, or assistance for which a fee or commission is required under this section.

(c) Moneys received under this section shall be deposited with the Treasury in a special account for use by the Administrator and are authorized to be appropriated and made available until expended.

(d) In establishing reasonable fees or commissions under this section, the Administrator may take into consideration—

(1) the actual costs which will be incurred in providing items, information, services, or assistance;

(2) the efficiency of the Government in providing such items, information, services, or assistance;

(3) the portion of the cost that will be incurred in providing such items, information, services, or assistance which may be attributed to benefits for the general public interest rather than to exclusive benefits for the applicant;

(4) any public service which occurs through the provision of such items, information, services, or assistance; and

(5) such other factors as the Administrator considers relevant.

(e) In any case in which the Administrator determines that any person has made a payment which is not required under this section or has made a payment which is in excess of the amount required under this section, the Administrator, upon application or otherwise, may cause a refund to be made from applicable funds.

ACQUISITION AND MAINTENANCE OF PROPERTY

SEC. 327. (a) The Administrator is authorized—

(1) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain—

(A) laboratories;

(B) research and testing sites and facilities;

(C) quarters and related accommodations for employees and dependents of employees of the Administration; and

(D) such other real and personal property (including patents), or any interest therein within and outside the continental United States;

(2) to lease to others such real and personal property; and

(3) to provide by contract or otherwise for eating facilities and other necessary facilities for the welfare of employees of the Administration at its installations and to purchase and maintain equipment therefor.

(b) Title to any property or interest therein acquired pursuant to this section shall be in the United States.

(c) The authority granted by subsection (a) of this section shall be available only with respect to facilities of a special purpose nature that cannot readily be reassigned from similar Federal activities and are not otherwise available for assignment to the Administration by the Administrator of General Services.

(d) The authority of the Administrator to enter into contracts and leases under this section shall be to such extent or in such amounts as are provided in appropriation Acts.

FACILITIES AT REMOTE LOCATIONS

SEC. 328. (a) The Administrator is authorized to provide, construct, or maintain for employees and their dependents stationed at remote locations as necessary and when not otherwise available at such remote locations—

(1) emergency medical services and supplies;

(2) food and other subsistence supplies;

(3) meeting facilities;

(4) audiovisual equipment, accessories, and supplies for recreation and training;

(5) reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons;

(6) living and working quarters and facilities; and

(7) transportation for school-age dependents of employees to the nearest appropriate educational facilities.

(b) The furnishing of medical treatment under paragraph (1) of subsection (a) and the furnishing of services and supplies under paragraphs (2) and (3) of such subsection shall be at prices reflecting reasonable value as determined by the Administrator.

(c) Proceeds derived from reimbursements under this section shall be deposited in the Treasury and may be withdrawn by the Administrator to pay directly the cost of work or services provided under this section, to repay or make advances to appropriations of funds which do or will bear all or a part of such cost, or to refund excess sums when necessary, except that such payments may be credited to a service or working capital fund otherwise established by law, and used under the law governing such funds if the fund is available for use by the Administrator for performing the work or services for which payment is received.

COPYRIGHTS AND PATENTS

SEC. 329. The Administrator is authorized to acquire any of the following described rights if the property acquired thereby is for use in, or is useful to, the performance of functions of the Administrator or the Administration:

(1) Copyrights, patents, and applications for patents, designs, processes, specifications, and data.

(2) Licenses under copyrights, patents, and applications for patents.

(3) Releases, before an action is brought, for past infringement of patents of copyrights.

GIFTS AND BEQUESTS

SEC. 330. The Administrator is authorized to accept, hold, administer and utilize gifts, donations, or bequests of property, real or personal, tangible or intangible, and contributions of money for purposes of aiding or facilitating the work of the Administrator or the Administration. For the purposes of Federal income, estate, and gift taxes, and State taxes, property accepted under this subsection shall be considered a gift or bequest to the United States.

TRANSFERS OF FUNDS FROM OTHER FEDERAL AGENCIES

SEC. 331. The Administrator is authorized to accept transfers from other Federal agencies of funds which are available to carry out functions transferred by this Act to the Administrator or functions assigned by law to the Administrator after the date of enactment of this Act.

WORKING CAPITAL FUND

SEC. 332. (a) The Administrator is authorized to establish for the Administration a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the Administrator shall find to be desirable in the interest of economy and efficiency, including such services as—

(1) a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Administration and its components;

(2) central messenger, mail, and telephone service and other communications service;

(3) office space, central services for document reproduction and for graphics and visual aids; and

(4) a central library service.

(b) The capital of the fund shall consist of any appropriations made for the purpose of providing working capital and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Administrator may transfer to the fund, less the related liabilities and unpaid obligations. Such funds shall be reimbursed in advance from available funds of agencies and offices in the Administration, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus of the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain such fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to those services which the Administrator determines will be performed.

SEAL OF ADMINISTRATION

SEC. 333. The Administrator shall cause a seal of office to be made for the Administration of such design as the Administrator shall approve. Judicial notice shall be taken of such seal.

ANNUAL REPORT

SEC. 334. (a) As soon as is practicable after the close of each fiscal year, the Administrator shall submit to the President a report on the activities of the Administration during the preceding fiscal year. The President shall transmit each such report to the Speaker of the House of Representatives and the President pro tempore of the Senate not later than December 31 of each year.

(b) Each Federal agency shall, without charge, provide the Administrator with such data and information as the Administrator may request to carry out this section. Each Federal agency shall, on a cost reimbursable basis, provide the Administrator with such services and personnel as the Administrator may request to carry out this section.

(c)(1) The Administrator is authorized to include in the report required by subsection (a) for each fiscal year a report on any program or activity carried out by the Administrator during such fiscal year.

(2) Notwithstanding any other provision of law, the inclusion by the Administrator in the report required by subsection (a) for any fiscal year of a report on any program or activity carried out by the Administrator during such fiscal year shall be considered compliance with any requirement established by law or regulation that the Administrator prepare a report with respect to the administration of such program or activity during all or part of such fiscal year. If the Administrator includes in the report required under subsection (a) for any fiscal year a report on any program or activity, the Administrator shall include in such report all items required to be included in the report with respect to such program or activity required to be prepared by law or regulation.

STATUS OF ADMINISTRATION UNDER CERTAIN LAWS

SEC. 335. For purposes of section 552b of title 5, United States Code, the Administration is an agency. For purposes of chapter 9 of such title, the Administration is an independent regulatory agency.

TITLE IV—ESTABLISHMENT OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AS AN INDEPENDENT AGENCY

PART A—ESTABLISHMENT OF ADMINISTRATION

SHORT TITLE

SEC. 401. This title may be cited as the "National Oceanic and Atmospheric Administration Act of 1992".

FINDINGS

SEC. 402. The Congress finds that the establishment of an independent agency for ocean, coastal, and atmospheric programs will—

(1) provide a focus for ocean, coastal, and atmospheric activities;

(2) facilitate the development of a single agency and a unified means for research concerning ocean, coastal, and atmospheric programs; and

(3) aid in the establishment of a coherent program to promote understanding, assessment, development, management, conservation, and protection of ocean, coastal, and atmospheric environments.

DEFINITIONS

SEC. 403. For the purposes of this title—

(1) the term "Administration" means the National Oceanic and Atmospheric Administration established under section 404; and

(2) the term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

ESTABLISHMENT

SEC. 404. There is established as an independent establishment of the Government the National Oceanic and Atmospheric Administration. The Administration shall succeed the National Oceanic and Atmospheric Administration of the Department of Commerce in existence on the day before the effective date of this Act.

OFFICERS

SEC. 405. (a) The Administration shall be administered by an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall carry out all functions transferred to the Administrator by this Act and shall have authority and control over all personnel, programs, and activities of the Administration.

(b) There shall be in the Administration a Deputy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall perform such functions as the Administrator shall prescribe. The Deputy Administrator shall act for and perform the functions of the Administrator during the absence or disability of the Administrator, or in the event of a vacancy in the office of the Administrator.

(c) There shall be in the Administration an Associate Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. The Associate Administrator shall perform such functions as the Administrator shall prescribe. The Associate Administrator shall act for and perform the functions of the Administrator during the absence or disability of the Administrator and the Deputy Administrator or in the event of a vacancy in both of those offices.

(d) There shall be in the Administration not less than five and not more than seven Assistant Administrators, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Administrators shall perform such functions as the Administrator shall prescribe. The Administrator shall designate the order in which the Assistant Administrators shall act for and perform the functions of the Administrator during the absence or disability of the Administrator, the Deputy Administrator, and the Associate Administrator, or in the event of vacancies in all of those offices.

(e) There shall be in the Administration a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be the chief legal officer for all legal matters arising from the conduct of the functions of the Administration.

(f)(1) There shall be in the Administration a Commissioned Officer Corps, which shall be the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration established by Reorganization Plan No. 4 of 1970. Members of the Corps, including those appointed after the effective date of this Act, shall be entitled to all rights, privileges, and benefits available under any law to commissioned officers of the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration of the Department of Commerce on the day before the effective date of this Act.

(2) All laws and regulations applicable to commissioned officers of the National Oceanic and Atmospheric Administration of the Department of Commerce on the day before the effective date of this Act shall be applicable to commissioned officers of the Administration.

(g) The Secretary of the Navy may detail to the Administrator, on an additional-duty basis, a Navy flag officer of the rank of rear admiral, who shall serve and be designated as the Naval Deputy to the Administrator. The Naval Deputy shall—

(1) act as a liaison between the Administrator and the Secretary of the Navy in order to avoid duplication of Federal oceanographic activities;

(2) act to maintain a close relationship between the Administration and the Navy in research and development; and

(3) ensure that national security considerations are addressed by the Administrator in formulating policies.

(h)(1) There shall be in the Administration a Director of the national sea grant college program, who shall be appointed by the Administrator and who shall be a qualified individual who has knowledge or expertise in fields relating to ocean and coastal resources and appropriate administrative experience. The Director of the national sea grant college program shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be compensated at a rate not in excess of the maximum rate for a position above GS-15 of the General Schedule.

(2) The Director of the national sea grant college program shall administer the national sea grant college program subject to the supervision of the Administrator and in accordance with functions prescribed by law or by the Administrator.

TRANSFER OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FROM THE DEPARTMENT OF COMMERCE

SEC. 406. (a)(1) The National Oceanic and Atmospheric Administration of the Department of Commerce is transferred to the Administration.

(2) All functions of the Secretary of Commerce or the Department of Commerce with respect to or being administered through the National Oceanic and Atmospheric Administration of the Department of Commerce or the Administrator of such Administration on the day before the effective date of this Act are transferred to the Administrator appointed under section 405(a).

(3) All functions of the National Oceanic and Atmospheric Administration of the Department of Commerce or the Administrator of such Administration are transferred to the Administrator appointed under section 405(a).

PART B—ADMINISTRATIVE PROVISIONS

RULES

SEC. 411. In the performance of the functions of the Administrator and the Administration, the Administrator is authorized to make, promulgate, issue, rescind, and amend rules and regulations. The promulgation of such rules and regulations—

(1) shall be governed by the provisions of chapter 5 of title 5, United States Code; and

(2) shall be after notice and opportunity for full participation by relevant Federal agencies, State agencies, local governments, regional organizations, authorities, councils, and other interested public and private parties.

DELEGATION

SEC. 412. Except as otherwise provided in this Act, the Administrator may delegate any function to such officers and employees of the Administration as the Administrator may designate, and may authorize such successive redelegations of such functions in the Administration as may be necessary or appropriate. No delegation of functions by the Administrator under this section or under any other provision of this Act shall relieve the Administrator of responsibility for the administration of such functions.

PERSONNEL AND SERVICES

SEC. 413. (a) In the performance of the functions of the Administrator and in addition to the officers provided for by section 305, the Administrator is authorized to appoint, transfer, and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Administrator and the Administration. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and compensated in accordance with title 5, United States Code.

(b) The Administrator is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(c) The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5, United States Code.

(d) The Administrator is authorized to utilize, on a reimbursable basis, the services of personnel of any Federal agency. With the approval of the President, the Administrator is authorized to enter into cooperative agreements under which members of the Army, Navy, Air Force, and Marine Corps may be detailed by the Secretary of the Army, the Navy, or the Air Force, as the case may be, to assist the Administrator in carrying out the functions of the Administrator. Members of the Army, Navy, Air Force, or Marine Corps detailed to carry out functions under this section shall carry out such functions to the same extent as that to which such members might be lawfully assigned in the Department of Defense.

(e) The Administrator is authorized to appoint such advisory committees as may be appropriate for purposes of consultation and advice to the Administration in carrying out the functions of the Administration.

(f)(1)(A) The Administrator is authorized to accept voluntary and uncompensated services without regard to the provisions of section 1342 of title 31, United States Code, if such services will not be used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

(B) The Administrator is authorized to accept volunteer service in accordance with the provisions of section 3111 of title 5, United States Code.

(2) The Administrator is authorized to provide for incidental expenses, including but not limited to transportation, lodging, and subsistence for such volunteers.

(3) An individual who provides voluntary services under paragraph (1)(A) of this subsection shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, relating to compensation for work injuries, and chapter 171 of title 28, United States Code, relating to tort claims.

CONTRACTS

SEC. 414. The Administrator is authorized, without regard to the provisions of section 3324 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the functions of the Administrator and the Administration. The Administrator may enter into such contracts, leases, agreements, and transactions with any Federal agency or any instrumentality of the United States, or with any State, territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, on such terms and conditions as the Administrator may consider appropriate. The authority of the Administrator to enter into contracts and leases under this section shall be to such extent or in such amounts as are provided in appropriation Acts.

USE OF FACILITIES

SEC. 415. With their consent, the Administrator may, with or without reimbursement, use the services, equipment, personnel, and facilities of Federal agencies and other public and private agencies, and may cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities. The head of each Federal agency shall cooperate fully with the Administrator in making the services, equipment, personnel, and facilities of the Federal agency available to the Administrator. The head of a Federal agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, without reimbursement, supplies and equipment other than administrative supplies or equipment.

SERVICE CHARGES

SEC. 416. (a) Notwithstanding any other provision of law, the Administrator may establish reasonable fees and commissions with respect to applications, documents, awards, loans, grants, research data, services, and assistance and may change and abolish such fees and commissions. Prior to establishing, changing, or abolishing any schedule of fees or commissions under this section, the Administrator may submit such schedule to the Congress.

(b) The Administrator is authorized to require a deposit before the Administrator provides any item, information, service, or assistance for which a fee or commission is required under this section.

(c) Moneys received under this section shall be deposited with the Treasury in a special account for use by the Administrator and are authorized to be appropriated and made available until expended.

(d) In establishing reasonable fees or commissions under this section, the Administrator may take into consideration—

(1) the actual costs which will be incurred in providing items, information, services, or assistance;

(2) the efficiency of the Government in providing such items, information, services, or assistance;

(3) the portion of the cost that will be incurred in providing such items, information, services, or assistance which may be attributed to benefits for the general public interest rather than to exclusive benefits for the applicant;

(4) any public service which occurs through the provision of such items, information, services, or assistance; and

(5) such other factors as the Administrator considers relevant.

(e) In any case in which the Administrator determines that any person has made a payment which is not required under this section or has made a payment which is in excess of the amount required under this section, the Administrator, upon application or otherwise, may cause a refund to be made from applicable funds.

ACQUISITION AND MAINTENANCE OF PROPERTY

SEC. 417. (a) The Administrator is authorized—

(1) to acquire (by purchase, lease, condemnation, or otherwise) construct, improve, repair, operate, and maintain—

(A) laboratories;

(B) research and testing sites and facilities;

(C) quarters and related accommodations for employees and dependents of employees of the Administration; and

(D) such other real and personal property (including patents), or any interest therein within and outside the continental United States,

as the Administrator considers necessary;

(2) to lease to others such real and personal property; and

(3) to provide by contract or otherwise for eating facilities and other necessary facilities for the welfare of employees of the Administration at its installations and to purchase and maintain equipment therefor.

(b) Title to any property or interest therein acquired pursuant to this section shall be in the United States.

(c) The authority granted by subsection (a) of this section shall be available only with respect to facilities of a special purpose nature that cannot readily be reassigned from similar Federal activities and are not otherwise available for assignment to the Administration by the Administrator of General Services.

(d) The authority of the Administrator to enter into contracts and leases under this section shall be to such extent or in such amounts as are provided in appropriation Acts.

FACILITIES AT REMOTE LOCATIONS

SEC. 418. (a) The Administrator is authorized to provide, construct, or maintain for employees and their dependents stationed at remote locations as necessary and when not otherwise available at such remote locations—

(1) emergency medical services and supplies;

(2) food and other subsistence supplies;

(3) meeting facilities;

(4) audiovisual equipment, accessories, and supplies for recreation and training;

(5) reimbursement for food, clothing, medicine, and other supplies furnished by such employees in emergencies for the temporary relief of distressed persons;

(6) living and working quarters and facilities; and

(7) transportation for school-age dependents of employees to the nearest appropriate educational facilities.

(b) The furnishing of medical treatment under paragraph (1) of subsection (a) and the furnishing of services and supplies under paragraphs (2) and (3) of such subsection shall be at prices reflecting reasonable value as determined by the Administrator.

(c) Proceeds derived from reimbursements under this section shall be deposited in the Treasury and may be withdrawn by the Administrator to pay directly the cost of work or services provided under this section, to repay or make advances to appropriations of funds which do or will bear all or a part of such cost, or to refund excess sums when necessary, except that such payments may be credited to a service or working capital fund otherwise established by law, and used under the law governing such funds if the fund is available for use by the Administrator for performing the work or services for which payment is received.

COPYRIGHTS AND PATENTS

SEC. 419. The Administrator is authorized to acquire any of the following described rights if the property acquired thereby is for use in, or is useful to, the performance of functions of the Administrator or the Administration:

(1) Copyrights, patents, and applications for patents, designs, processes, specifications, and data.

(2) Licenses under copyrights, patents, and applications for patents.

(3) Releases, before an action is brought, for past infringement of patents of copyrights.

GIFTS AND BEQUESTS

SEC. 420. The Administrator is authorized to accept, hold, administer and utilize gifts, donations, or bequests of property, real or personal, tangible or intangible, and contributions of money for purposes of aiding or facilitating the work of the Administrator or the Administration. For the purposes of Federal income, estate, and gift taxes, and State taxes, property accepted under this subsection shall be considered a gift or bequest to the United States.

TRANSFERS OF FUNDS FROM OTHER FEDERAL AGENCIES

SEC. 421. The Administrator is authorized to accept transfers from other Federal agencies of funds which are available to carry out functions transferred by this Act to the Administrator or functions assigned by law to the Administrator after the date of enactment of this Act.

WORKING CAPITAL FUND

SEC. 422. (a) The Administrator is authorized to establish for the Administration a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the Administrator shall find to be desirable in the interest of economy and efficiency, including such services as—

(1) a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Administration and its components;

(2) central messenger, mail, and telephone service and other communications service;

(3) office space, central services for document reproduction and for graphics and visual aids; and

(4) a central library service.

(b) The capital of the fund shall consist of any appropriations made for the purpose of providing working capital and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Administrator may transfer to the fund, less the related liabilities and unpaid obligations. Such funds shall be reimbursed in advance from available funds of agencies and offices in the Administration, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus of the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain such fund. There shall be transferred to the fund the stocks of supplies, equipment, other assets, liabilities, and unpaid obligations relating to those services which the Administrator determines will be performed.

SEAL OF ADMINISTRATION

SEC. 423. The Administrator shall cause a seal of office to be made for the Administration of such design as the Administrator shall approve. Judicial notice shall be taken of such seal.

ANNUAL REPORT

SEC. 424. (a) As soon as is practicable after the close of each fiscal year, the Administrator shall submit to the President a report on the activities of the Administration during the preceding fiscal year. The President shall transmit each such report to the Speaker of the House of Representatives and the President pro tempore of the Senate not later than December 31 of each year.

(b) Each Federal agency shall, without charge, provide the Administrator with such data and information as the Administrator may request to carry out this section. Each Federal agency shall, on a cost reimbursable basis, provide the Administrator with such services and personnel as the Administrator may request to carry out this section.

(c)(1) The Administrator is authorized to include in the report required by subsection (a) for each fiscal year a report on any program or activity carried out by the Administrator during such fiscal year.

(2) Notwithstanding any other provision of law, the inclusion by the Administrator in the report required by subsection (a) for any fiscal year of a report on any program or activity carried out by the Administrator during such fiscal year shall be considered compliance with any requirement established by law or regulation that the Administrator prepare a report with respect to the administration of such program or activity during all or part of such fiscal year. If the Administrator includes in the report required under subsection (a) for any fiscal year a report on any program or activity, the Administrator shall include in such report all items required to be included in the report with respect to such program or activity required to be prepared by law or regulation.

STATUS OF ADMINISTRATION UNDER CERTAIN LAWS

SEC. 425. For purposes of section 552b of title 5, United States Code, the Administration is an agency. For purposes of chapter 9 of such title, the Administration is an independent regulatory agency.

SALARY OF ASSISTANT ADMINISTRATORS

SEC. 426. Section 5316 of title 5, United States Code (as amended by section 271(g) of this Act) is further amended—

(1) by striking out the items relating to the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, and the Assistant Administrators, National Oceanic and Atmospheric Administration; and

(2) by adding at the end thereof the following:

"Assistant Administrators, National Oceanic and Atmospheric Administration.".

COORDINATION OF ENVIRONMENTAL POLICY

SEC. 427. The Administration shall consult and coordinate environmental policy with the Council on Environmental Quality of the Executive Office of the President.

TITLE V—TRANSFERS TO OTHER FEDERAL AGENCIES

PART A—MINORITY BUSINESS DEVELOPMENT AGENCY

TRANSFERS TO THE SMALL BUSINESS ADMINISTRATION

SEC. 501. (a)(1) There are transferred to the Administrator of the Small Business Administration all functions of the Secretary of Commerce or the Department of Commerce with respect to or being administered through the Minority Business Development Agency of the Department of Commerce or the Director of such Agency.

(2) There are transferred to the Administrator of the Small Business Administration all functions of the Minority Business Development Agency of the Department of Commerce and the Director of such Agency.

(b) The Minority Business Development Agency of the Department of Commerce is transferred to the Small Business Administration.

ADMINISTRATIVE PROVISIONS RELATING TO THE MINORITY BUSINESS DEVELOPMENT AGENCY

SEC. 502. (a) The Minority Business Development Agency shall be a separate identifiable unit in the Small Business Administration.

(b) The Administrator of the Small Business Administration, through the Director of the Minority Business Development Agency, shall perform all functions (other than administrative and support functions) transferred to such Administrator by section 501.

CONFORMING AMENDMENTS RELATING TO THE MINORITY BUSINESS DEVELOPMENT AGENCY

SEC. 503. (a) Section 5316 of title 5, United States Code (as amended by this Act) is further amended by inserting after the item relating to the Associate Administrators of the Small Business Administration the following:

"Director, Minority Business Development Agency, Small Business Administration.".

(b) Section 9(a)(1)(T) of the Inspector General Act of 1978 (as redesignated by section 271(h)(3) of this Act) is amended to read as follows:

"(T) of the Small Business Administration—

"(i) the office of that agency referred to as the 'Office of Audits and Investigations'; and

"(ii) all functions of the Inspector General of the Department of Commerce and the Office of the Inspector General of such Department relating to the functions transferred to the Administrator of the Small Business Administration by section 501 of the Trade Reorganization Act of 1992; and".

PART B—TRANSFER OF THE BUREAU OF THE CENSUS TO THE DEPARTMENT OF LABOR

TRANSFERS

SEC. 511. (a) All functions of the Secretary of Commerce being administered through the individual holding the office of Director of the Census on the day before the effective date of this Act are transferred to the Director of the Census appointed under section 21 of title 13, United States Code, as amended by section 512(e) of this Act.

(b) All functions of the Secretary of Commerce with respect to the Bureau of the Census or the Director of the Census are transferred to the Secretary of Labor.

(c) The Bureau of the Census of the Department of Commerce is transferred to the Bureau of the Census of the Department of Labor established by section 3 of title 13, United States Code, as amended by section 512(d) of this Act.

(d) There are transferred to the Director of the Census appointed under section 21 of title 13, United States Code (as amended by section 512(e) of this Act) all functions of the Inspector General of the Department of Commerce or of the Office of the Inspector General of the Department of Commerce relating to the agency and functions transferred by subsections (a), (b), and (c) of this section.

ESTABLISHMENT WITHIN THE DEPARTMENT OF LABOR

SEC. 512. (a)(1) Section 4 of title 13, United States Code, is repealed.

(2) Sections 1, 2, and 3 of such title are redesignated as sections 2, 3, and 4, respectively.

(b) Title 13, United States Code, is amended by inserting before section 2 (as redesignated by subsection (a)(2) of this section) the following new section:

"§1. Purpose

"The purpose of this chapter is to establish the Bureau of the Census within the Department of Labor due to the importance of the functions of the Bureau in providing statistical information to all agencies of the United States Government and to the people of the United States.".

(c) Section 2 of such title (as redesignated by subsection (a)(2) of this section), is amended by striking out clause (2) and inserting in lieu thereof the following:

"(2) 'Director' means the Director of the Census appointed under section 21 of this title; and".

(d) Section 3 of such title (as redesignated by subsection (a)(2) of this section), is amended to read as follows:

"§3. Establishment

"There is established the Bureau of the Census within the Department of Labor. The Bureau shall be administered by the Director.".

(e) Section 21 of such title is amended to read as follows:

"§21. Director of the Census; powers and duties

"(a) The Bureau shall be headed by a Director of the Census, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) The Director may prescribe such policies, standards, criteria, procedures, rules, and regulations as the Director finds necessary or appropriate to carry out the functions of the Director.

"(c) The Director may organize the Bureau as the Director finds necessary or appropriate.

"(d) Except as otherwise expressly provided by law, the Director may delegate any of the functions of the Director to such officers and employees of the Bureau as the Director may designate, and may authorize such successive redelegations of such functions as may be necessary or appropriate. A delegation of functions by the Director shall not relieve the Director of responsibility for the administration of such functions.

"(e) The Director is authorized to obtain the services of experts and consultants as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed $100 per day for individuals unless otherwise specified in an appropriation Act.

"(f) The Director is authorized to appoint, without regard to the classification and civil service laws, advisory committees to advise the Director with respect to any function of the Director or the Bureau.

"(g) The Director shall consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this title. Each Federal agency is authorized to furnish to the Director, upon request of the Director, any information or other data which the Director finds necessary to carry out his duties.

"(h) If authorized by the Director, officers and employees of the Bureau are empowered, while engaged in the performance of their duties, to administer oaths.".

(f) The table of sections for chapter 1 of title 13, United States Code, is amended—

(1) by redesignating the items relating to sections 1, 2, and 3 as the items relating to sections 2, 3, and 4, respectively; and

(2) by inserting before the item relating to section 2 (as redesignated by clause (1) of this subsection) the following new item:

"1. Purpose.".

(3) by inserting "powers and" before "duties" in the item relating to section 21.

(g) Title 13, United States Code, is amended by striking out "Department of Commerce" each place it appears and inserting in lieu thereof "Department of Labor".

REPORT TO THE PRESIDENT AND CONGRESS

SEC. 513. Within 180 days after the effective date of this Act, the Secretary of Labor shall prepare and transmit to the President and the Congress a report containing recommendations for streamlining or integrating the Bureau of the Census and the Bureau of Labor Statistics within the Department of Labor in order to improve the efficiency and effectiveness of the Government's statistical collection activities.

CONFORMING AMENDMENTS RELATING TO THE BUREAU OF THE CENSUS

SEC. 514. (a) Section 5314 of title 5, United States Code (as amended by this Act) is further amended by adding at the end thereof the following:

"Director of the Census.".

(b) Section 5316 of title 5, United States Code (as amended by this Act) is further amended by striking out the item relating to the Director, Bureau of the Census, Department of Commerce and inserting in lieu thereof "Director of the Bureau of the Census, Department of Labor".

TITLE VI—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

ADDITIONAL TRANSFERS

SEC. 601. Any function of the Secretary of Commerce or the Department of Commerce which—

(1) is not transferred by titles II, III, IV, or V of this Act; and

(2) is incidental to, necessary for, or primarily related to, the performance of a function transferred by any such title,

is transferred to the head of the Federal agency to which the related function is transferred by such title.

TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL

SEC. 602. Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions and offices transferred by this Act, subject to section 1531 of title 31, United States Code, shall be transferred to the head of the Federal agency to which such functions or offices are transferred by this Act. Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

INCIDENTAL TRANSFERS

SEC. 603. (a) The Director of the Office of Management and Budget, at such time or times as the Director shall provide, is authorized to make such determinations as may be necessary with regard to the functions and offices transferred by this Act, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions and offices, as may be necessary to carry out the provisions of this Act. The Director shall provide for the termination of the affairs of all entities terminated by this Act and for such further measures and dispositions as may be necessary to effectuate the purposes of this Act.

(b) After consultation with the Director of the Office of Personnel Management, the Director of the Office of Management and Budget is authorized, at such times as the Director of the Office of Management and Budget may provide, to make such determinations as may be necessary with regard to the transfer of positions within the Senior Executive Service in connection with the functions and offices transferred by this Act.

EFFECT ON PERSONNEL

SEC. 604. (a) Except as otherwise provided by this Act, the transfer pursuant to this Act of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for one year after the date of transfer of such employee under this Act.

(b) Any person who, on the day preceding the effective date of this Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in a Federal agency to which functions are transferred by this Act to a position having duties comparable to the duties performed immediately preceding such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) Except for members of the Foreign Service, positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this Act, shall terminate on the effective date of this Act.

SAVINGS PROVISIONS

SEC. 605. (a) All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act, and

(2) which are in effect at the time this Act takes effect, or were final before the effective date of this Act and are to become effective on or after the effective date of this Act, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the head of the Federal agency to which such functions are transferred under this Act or other authorized official, a court of competent jurisdiction, or by operation of law.

(b)(1) The provisions of this Act shall not affect any proceedings, including notices of proposed rule making, or any application for any license, permit, certificate, or financial assistance pending on the effective date of this Act before the Department of Commerce or the Office of the United States Trade Representative, or any office thereof with respect to functions transferred by this Act; but such proceedings or applications, to the extent that they relate to functions transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made under such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the head of the Federal agency to which such functions are transferred by this Act, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Secretary of Commerce, the United States Trade Representative, and the head of each Federal agency to which functions are transferred by this Act are authorized to issue regulations providing for the orderly transfer of proceedings continued under paragraph (1).

(c) Except as provided in subsection (e)—

(1) the provisions of this Act do not affect actions commenced prior to the effective date of this Act, and

(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No action or other proceeding commenced by or against any officer in his official capacity as an officer of the Department of Commerce or the Office of United States Trade Representative with respect to functions transferred by this Act shall abate by reason of the enactment of this Act. No cause of action by or against the Department of Commerce or the Office of United States Trade Representative with respect to functions transferred by this Act, or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this Act. Causes of action and actions with respect to a function or office transferred by this Act, or other proceedings may be asserted by or against the United States or an official of the Federal agency to which such function or office is transferred by this Act, as may be appropriate, and, in an action pending when this Act takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(e) If, before the date on which this Act takes effect, the Department of Commerce or the Office of the United States Trade Representative, or any officer thereof in his official capacity, is a party to an action, and under this Act any function of such Department, Office, or officer is transferred to a Federal agency, then such action shall be continued with the head of such agency substituted or added as a party.

(f) Orders and actions of the head of a Federal agency in the exercise of functions transferred to the head of such agency by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the Department of Commerce or the Office of the United States Trade Representative, or any office or officer thereof, in the exercise of such functions immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the head of the Federal agency to which such function is transferred by this Act.

SEPARABILITY

SEC. 606. If a provision of this Act or its application to any person or circumstance is held invalid, neither the remainder of this Act nor the application of the provision to other persons or circumstances shall be affected.

REFERENCE

SEC. 607. With respect to any functions transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to—

(1) the Secretary of Commerce or the United States Trade Representative; or

(2) the Department of Commerce or the Office of the United States Trade Representative or any officer or office thereof,

shall be considered to refer to the head of the Federal agency to whom such functions were transferred by this Act.

TRANSITION

SEC. 608. With the consent of the Secretary of Commerce or the United States Trade Representative, as the case may be, the head of each Federal agency to which functions or offices are transferred by this Act is authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Department of Commerce or the Office of the United States Trade Representative, as the case may be, with respect to functions or offices transferred to that agency by this Act; and

(2) funds appropriated to such functions or offices for such period of time as may reasonably be needed to facilitate the orderly implementation of this Act.

ADDITIONAL CONFORMING AMENDMENTS

SEC. 609. (a) After consultation with the appropriate committees of the Congress and the Director of the Office of Management and Budget, the head of each agency to which functions were transferred under this Act shall prepare and submit to the Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this Act.

(b) No later than 6 months after the effective date of this title, each such agency head shall submit the recommended legislation referred to under subsection (a).

TERMINATION OF THE DEPARTMENT OF COMMERCE

SEC. 610. The Department of Commerce is terminated.

TITLE VII—MISCELLANEOUS

EFFECTIVE DATE

SEC. 701. (a) This Act shall take effect 120 days after the date of enactment, except that—

(1) section 608 shall take effect on the date of enactment; and

(2) at any time after the date of enactment of this Act—

(A) the officers provided for in titles II, III, IV, V, and VI of this Act may be nominated and appointed, as provided in such titles; and

(B) the Secretary of Commerce, the United States Trade Representative, and the head of each Federal agency to which functions are transferred by this Act may promulgate regulations under section 605(b)(2).

(b) Funds available to the Department of Commerce or the Office of the United States Trade Representative (or any official or component thereof), with respect to the functions transferred by this Act, may be used, with approval of the Director of the Office of Management and Budget, to pay the compensation and expenses of an officer appointed under subsection (a)(2)(A) who will carry out such functions until funds for that purpose are otherwise available.

INTERIM APPOINTMENTS

SEC. 702. (a) If one or more officers required by this Act to be appointed by and with the advice and consent of the Senate have not entered upon office on the effective date of this Act and notwithstanding any other provision of law, the President may designate any officer who was appointed by and with the advice and consent of the Senate, and who was such an officer on the day before the effective date of this Act, to act in the office until it is filled as provided by this Act.

(b) Any officer acting in an office pursuant to subsection (a) shall receive compensation at the rate prescribed by this Act for such office.

PERSONNEL AND FUNDING REDUCTIONS RESULTING FROM REORGANIZATION

SEC. 703. No later than 180 days after the date of the enactment of this Act, the Office of Management and Budget shall conduct a study and submit a report to the President and the Congress on personnel and funding reductions which should be implemented consistent with the provisions of this Act to reduce duplicative or unnecessary functions. In preparing the report, the Office of Management and Budget shall consult with the Secretary of Trade and the head of each Federal agency affected by the provisions of this Act and develop a plan for the implementation of such reductions beginning 1 year after the effective date of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 704. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Amounts appropriated under this section shall be available until expended.

Mr. DOLE. Mr. President, I rise today to join my friend and distinguished colleague from Delaware, Senator ROTH, in cosponsoring the Trade Reorganization Act of 1993.

This bill is nearly the same as the bill which Senator ROTH introduced at the end of the 102d Congress and which I was pleased to cosponsor at that time.

When the bill was introduced last year, its objectives were efficiency in our foreign commercial and investment efforts, streamlining of bureaucracy and bringing an array of trade assistance programs originally designed for situations that existed in past decades up to date with the global challenges that exist in the 1990's and that will exist in the 21st century.

If those objectives were valid last year—and I believe they certainly were—they are even more valid this year when we need to get more out of Government with less spending.

Mr. President, the American businesswoman and businessman who need information and assistance from the Federal Government, often have to negotiate a large and far flung bureaucracy to get that help. Major corporations have full time offices here in Washington do nothing more than deal with the Federal Government on trade and investment matters.

But our small- and medium-sized companies can't afford that kind of presence. They need the most user-friendly system possible in their Government.

Mr. President, we talk a lot about competition and competitiveness in global trade and that competition is good because it makes our companies better and more efficient. But competition also exists in the American bureaucracy and that doesn't leave our companies in such a good position.

I understand that the Secretary of Agriculture told representatives of American agriculture interests recently that 10 separate administration agencies were involved in reviewing plans for dealing with the former Soviet Union. In the previous administration, a minimum of five agencies were represented at the Assistant Secretary or Under Secretary level in meetings on even the most mundane decisions on trade policy. Companies have waited months or even years for decisions to be made on trade policy matters that seriously affected their profits, their investment, and their ability to hire or maintain employees.

That is understandably frustrating, Mr. President, for the American business person who needs a decision—any decision—so he or she can get on with their jobs but it is doubly frustrating when our business people realize that the entire process is financed by their taxes.

I want to make it clear that the underlying premise of this bill is not to assign blame for bureaucratic delays but to do something about them. I would be remiss though, Mr. President, if I didn't say that Congress itself has to share much of the blame for the situation for creating so many—and often competing—to satisfy the natural desire of committees and subcommittees for jurisdiction in trade and economic policy.

Therefore, Mr. President, one of the requirements of this legislation is for Congress to recognize a national interest in trade policy and to agree on a structure that successfully addresses that interest.

The distinguished Senator from Delaware, Senator ROTH, has put together just that kind of structure in this legislation. As one of the leading experts in Congress on trade policy, he has an excellent perspective on the problems of the past and the solutions for the future. I commend Senator ROTH for his work on this legislation and his devotion to a stronger, more efficient trade policy and I recommend this legislation to my colleagues.

Mr. COHEN. Mr. President, I am pleased to join Senator ROTH and others in introducing the Trade Reorganization Act of 1993. I was pleased to be an original cosponsor of this legislation in the 102d Congress and believe it is a very positive step toward improving U.S. trade policy and our efforts to promote exports.

Currently, Federal efforts to promote U.S. exports are spread among 10 different Federal agencies. The result has been an inefficient and overly bureaucratic system for trying to help U.S. businesses sell their wares overseas. A recent General Accounting Office [GAO] report found a serious lack of coordination among these agencies and recommended that U.S. export promotion programs be consolidated. The act we are introducing today will go a long way toward that end.

Streamlining the Federal bureaucracy will not only eliminate wasteful Government spending but it will greatly improve the service that small businesses receive from the Federal Government. In fact, the ultimate objective of this legislation should be to make whatever bureaucratic changes are necessary to improve our frontline efforts to help businesses—in very practical terms—to export their products. One-stop shopping for businesses looking for export assistance is essential.

Exports already account for about 10 percent of our gross domestic product [GDP]. This figure is sure to grow. To assure the ability of small businesses to participate, it is critical that the Federal Government provide concrete and timely assistance to U.S. small businesses. Many businesses have little or no experience in exporting. The Federal Government can play an invaluable role in helping these businesses compete in the world market. U.S. companies will not benefit from efforts to open foreign markets unless they have the know-how to access these markets. Consolidating the Federal bureaucracy will enhance the Government's ability to give these businesses the knowledge they need.

I want to emphasize that this legislation would not expand the Federal bureaucracy. I would not support adding to the bureaucratic maze that already plagues Washington. This legislation is designed to reduce, not increase, the size of the Federal Government. Moreover, it would do so in a way that would enhance the effectiveness of our trade policy and programs.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. LEAHY, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 22, a bill to amend the Child Nutrition Act of 1966 to make available certain amounts of funding for the special supplemental food program for women, infants, and children [WIC], and for other purposes.

S. 32

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 32, a bill to provide for the collection and dissemination of information on injuries, death, and family dissolution due to bullet-related violence, to require the keeping of records with respect to dispositions of ammunition, and to require that persons comply with State and local firearms licensing laws before receiving a Federal license to deal in firearms.

S. 108

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 108, a bill to prohibit the importation of semiautomatic assault weapons, large capacity ammunition feeding devices, and certain accessories.

S. 109

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 109, a bill to amend section 923 of title 18, United States Code, to require the keeping of records with respect to dispositions of ammunition, and to require a study of the use and possible regulation of sales of ammunition.

S. 113

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 113, a bill to amend title 18, United States Code, to require that persons comply with State and local firearms licensing laws before receiving a Federal license to deal in firearms.

S. 178

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 178, a bill to amend chapter 44 of title 18, United States Code, to prohibit the manufacture, transfer, or importation of .25 caliber and .32 caliber and 9 millimeter ammunition.

S. 179

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 179, a bill to tax 9 millimeter, .25 caliber, and .32 caliber bullets.

S. 212

At the request of Mr. DORGAN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 212, a bill to modernize the Federal Reserve System and to provide for prompt disclosure of certain decisions of the Federal Open Market Committee.

S. 235

At the request of Mr. REID, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 235, a bill to limit State taxation of certain pension income, and for other purposes.

S. 265

At the request of Mr. MACK, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 340

At the request of Mr. HEFLIN, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 340, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 348

At the request of Mr. RIEGLE, the names of the Senator from Connecticut [Mr. DODD], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Nebraska [Mr. KERREY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Mississippi [Mr. COCHRAN], the Senator from New Mexico [Mr. DOMENICI], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Hawaii [Mr. INOUYE], the Senator from Nevada [Mr. REID], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 348, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 368

At the request of Mr. BUMPERS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 368, a bill to amend the Internal Revenue Code of 1986 to provide a capital gains tax differential for individual and corporate taxpayers who make high-risk, long-term, growth-oriented venture and seed capital investments in startup and other small enterprises.

S. 430

At the request of Mr. MACK, the names of the Senator from New Hampshire [Mr. SMITH], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 430, a bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes.

S. 434

At the request of Mr. BUMPERS, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require the inclusion in income of child support payments which a taxpayer does not pay, and for other purposes.

S. 455

At the request of Mr. HATFIELD, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 470

At the request of Mrs. BOXER, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 470, a bill to amend chapter 41 of title 18, United States Code, to punish stalking.

S. 473

At the request of Mr. HATFIELD, his name was added as a cosponsor of S. 473, a bill to promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific, and technological competitiveness of the United States, and for other purposes.

S. 474

At the request of Mr. COATS, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 474, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes.

S. 493

At the request of Mr. COHEN, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 493, a bill to amend the Public Health Service Act to facilitate the entering into of cooperative agreements between hospitals for the purpose of enabling such hospitals to share expensive medical or high technology equipment or services, and for other purposes.

S. 503

At the request of Mr. D'AMATO, the names of the Senator from Florida [Mr. MACK] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 503, a bill to amend the Immigration and Nationality Act to provide that members of Hamas (commonly known as the Islamic Resistance Movement) be considered to be engaged in a terrorist activity and ineligible to receive visas and excluded from admission into the United States.

SENATE JOINT RESOLUTION 22

At the request of Mr. ROBB, his name was added as a cosponsor of Senate Joint Resolution 22, a joint resolution designating March 25, 1993, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 39

At the request of Mr. D'AMATO, the names of the Senator from Delaware [Mr. BIDEN] and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 39, a joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, each as "Emergency Medical Services Week."

SENATE JOINT RESOLUTION 43

At the request of Mr. LIEBERMAN, the names of the Senator from Delaware [Mr. BIDEN] and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Joint Resolution 43, a joint resolution designating the week beginning June 6, 1993, and June 5, 1994 each as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 47

At the request of Mr. JOHNSTON, the names of the Senator from Ohio [Mr. METZENBAUM] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 47, a joint resolution to designate the week beginning on November 21, 1993, and the week beginning on November 20, 1994, each as "National Family Week."

SENATE JOINT RESOLUTION 48

At the request of Mrs. MURRAY, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Joint Resolution 48, a joint resolution to designate February 21 through February 27, 1993, as "National FFA Organization Awareness Week."

SENATE JOINT RESOLUTION 52

At the request of Mr. PACKWOOD, the names of the Senator from Illinois [Mr. SIMON], the Senator from Delaware [Mr. BIDEN], the Senator from Ohio [Mr. METZENBAUM], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 52, a joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month."

SENATE JOINT RESOLUTION 53

At the request of Mr. HATCH, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Nevada [Mr. BRYAN], the Senator from North Dakota [Mr. CONRAD], the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. DODD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Maine [Mr. MITCHELL], the Senator from Rhode Island [Mr. PELL], the Senator from Nevada [Mr. REID], the Senator from Michigan [Mr. RIEGLE], the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. SASSER], the Senator from Alabama [Mr. SHELBY], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Rhode Island [Mr. CHAFEE], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Oregon [Mr. PACKWOOD], the Senator from Wyoming [Mr. SIMPSON], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 53, a joint resolution designating March 1993 and March 1994 both as "Women's History Month."

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. EXON, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution urging the President to negotiate a comprehensive nuclear weapons test ban.

SENATE RESOLUTION 68

At the request of Mr. D'AMATO, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Resolution 68, a resolution urging the President of the United States to seek an international oil embargo through the United Nations against Libya because of its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombing of Pan Am flight 103.

SENATE CONCURRENT RESOLUTION 17—RELATIVE TO TAXATION OF CERTAIN FUELS

Mr. PRESSLER submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 17

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that ethanol fuels and biomass fuels other than ethanol should be exempt from any new energy tax enacted during the 103d Congress.

Mr. PRESSLER. Mr. President, today I am introducing a sense-of-the Congress resolution which states that ethanol and other biomass fuels should be exempt from any new energy tax enacted during the 103d Congress.

At this time, the exact details of the proposed energy tax are not fully available. However, according to the Department of Treasury, ethanol is scheduled to be included in the proposed British thermal unit, or "BTU" tax. That would be a serious mistake.

Mr. President, if the Treasury Department is correct, it would be the proverbial "straw that broke the camel's back." However, it won't be a camel's back we would be breaking. It would be the backs of America's farmers and ranchers collectively snapping under the weight of the BTU tax.

With each passing day, we are learning more and more that agriculture and rural America could be unfairly burdened by the BTU tax. South Dakota's farmers and ranchers cannot afford to pay thousands of dollars in extra taxes. Changes must be made in the BTU tax proposal. One of those changes should be the exemption for ethanol.

The proposed BTU tax is expected to result in tax increases of 7.5 cents per gallon for gasoline, 8.3 cents for diesel and 2.3 cents for propane. It would hit every aspect of agriculture—planting, cultivating, harvesting, heating and drying, and irrigation. The BTU tax would hit South Dakota corn growers especially hard. The fuel cost per acre for corn production in South Dakota already has risen from $21.78 in 1988 to $23.98 in 1990. The BTU tax would increase these costs by an additional 7 to 10 percent. That equates to an additional $1.70 to $2.40 per acre.

However, we also need to look beyond fuel and energy production costs. Fertilizer and pesticide prices would increase as a result of the tax. For corn, drying costs would increase. In South Dakota, those costs already are over $11 per acre for corn. Individually, some cost increases may not seem that great, but when you begin to add-up all the increases, you can see that rural America is being asked to shoulder a very heavy burden.

What can we conclude? It is becoming apparent that the BTU tax would hit American farmers, ranchers and small businesses hard. As for myself, I can reach one additional obvious conclusion: the proposed energy tax would hit South Dakota even harder.

Some numbers being discussed are alarming. The Fertilizer Institute estimates the proposed tax would result in a $4,515 loss in income for the typical 1,500 acre wheat producer. The Fertilizer Institute also estimates the annual loss of income for the typical 700 acre producer would be $5,159.

Mr. President, I know of no South Dakota farmer who could afford to lose $5,000 of his or her hard-earned income each year.

These cost increases focus on energy. Other proposals being discussed would impose additional costs on South Dakota farmers and ranchers. Reductions in low-interest Rural Electric Administration loans could increase electric rates in South Dakota between 10 and 15 percent. The proposed increase for inland waterway fuel taxes could cost farmers who rely on barge transportation from 7 to 8 cents per bushel. In addition to these costs, other proposals such as pollution and environmental taxes are being considered. I will address those proposals at another time, but the numbers on the potential loss of farm income are disturbing.

Mr. President, taxing ethanol while excluding other renewable fuels simply does not make sense. Ethanol is one of the cleanest burning fuels available and our most successful renewable fuel. Additional taxes on ethanol would discourage its use. Ethanol helps reduce carbon monoxide, toxins, and greenhouse gases that contribute to global warming. There is no more environmentally friendly fuel in use today.

Increasing ethanol use will provide additional markets for South Dakota corn growers, benefit the State's agricultural economy and decrease our Nation's dependency on foreign oil. Subjecting ethanol to the proposed BTU tax while excluding other renewable fuels is not good policy. We must not discourage the production and use of ethanol. We must encourage it.

Mr. President, many groups, including the Nation Corn Growers Association, the Renewable Fuels Association, and the Farm Bureau, oppose subjecting ethanol to the proposed BTU tax. I ask unanimous consent that documents from these organizations be printed in the RECORD.

Mr. President, the time has come to stand up and be counted. We must ask ourselves whether we are prepared to expect rural America to pay more than urban America in reducing our Federal deficit. Next week, when the Senate takes up the budget resolution, would be a good time for the Senate to be counted on this issue.

I continue to believe that spending reductions are our best way out of our deficit mess. I have taken the floor of the Senate today to speak on behalf of South Dakota's farmers and ranchers and urge the Congress to ensure fairness for the family farm. By supporting this resolution, we would send an important message about fairness to America's hard-working farmers and ranchers.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Farm Bureau News, Mar. 8, 1993]

CITING FARM IMPACT, FB URGES CLINTON TO NIX ENERGY TAX

President Clinton's proposed energy tax will hit farmers especially hard because it will raise production costs, cut farm prices and make U.S. farmers less competitive in world markets, the American Farm Bureau Federation told the president last week.

In a letter to Clinton, AFBF President Dean Kleckner said the proposed tax will cost farmers an estimated $1 billion per year, about 2 percent of U.S. net farm income. Half the $1 billion hit would come from direct fuel costs; the other half would come from indirect costs resulting from price hikes for inputs like fertilizer and pesticides.

The farm leader urged the president to "remove the energy tax from your economic proposal because of its negative impact on efficiency, productivity and competitiveness."

Kleckner told Clinton that agricultural production is "highly energy-dependent." The proposed BTU tax on the heat content of various fuels would result in tax increases of 7.5 cents per gallon for gasoline, 8.3 cents for diesel and 2.3 cents for propane. Kleckner said the new levies would affect all aspects of agricultural production, from running combines to heating barns and greenhouses and operating irrigation systems.

Kleckner provided Clinton with several examples of how the energy tax would affect various kinds of farming operations nationwide. A greenhouse nursery operation in New Jersey would face $1,469 in added costs because of the tax. A 1,200-acre farm with 600 acres of tomatoes in California's San Joaquin Valley would face $3,486 in added fuel costs. A 2,100-acre Kansas farm producing corn, soybeans, milo and wheat would be hit with $1,513 in added costs. The increased expenses will cause lower prices, Kleckner said, because farm prices "generally are established in markets that reflect national and international demand." Farm prices, he explained, reflect international price minus the transportation and handling costs of moving farm goods to centralized markets. With increased marketing and transportation costs, he said, farm prices will "tend to decline to offset these margins."

The proposed increase in the inland waterway fuel tax from 19 cents to $1.19 per gallon, which Kleckner called "exorbitant," highlights the farm price problem. Kleckner said the cost of shipping corn and soybeans from the Midwest to New Orleans on barges would increase by 7 cents and 8 cents a bushel, respectively. That would add $150 million in shipping costs.

"We believe this additional tax would prove to be especially detrimental to U.S. agricultural products in the highly competitive world market and, therefore, to farmers and ranchers," Kleckner asserted.

Another major concern voiced by Kleckner is that ethanol would be subject to the new tax. Kleckner noted that ethanol reduces dependence on foreign oil and cuts air pollution, and increased ethanol production would create American jobs. He said Farm Bureau "strongly opposes" slapping the tax on ethanol.

Kleckner stressed that all rural residents, not just farmers and ranchers, will be hurt by the tax. "The energy tax will disproportionately increase the cost of living for 65 million rural people" who must drive farther than urban and suburban residents to work, shop, get medical care and take children to school, he said.

NATIONAL CORN GROWERS ASSOCIATION,
Washington, DC, March 8, 1993.
Hon. LLOYD BENTSEN,
Secretary of the Treasury, U.S. Department of the Treasury, Washington, DC.

DEAR MR. SECRETARY: On behalf of the National Corn Growers Association, I would like to express a few concerns our organization has with some elements of the Clinton Administration's energy tax proposal which we understand were still being finalized by the Treasury Department late last week.

At the outset, I want to stress that NCGA is troubled by several aspects of the energy tax proposal—let alone other portions of the President's plan affecting commodity programs, inland waterway user fees and commodity futures transaction fees, to name a few. While raising specific questions with the energy tax here, NCGA will ultimately evaluate the President's proposal based on its overall impact on agriculture.

Let me first raise our concern that ethanol would be taxed although the proposal specifically exempts nonconventional fuels including biomass. To suggest that biomass will be exempt, but that alcohol derived from biomass is not exempt ignores the reality that ethanol is produced from domestic, renewable feedstocks. These feedstocks, including corn, have always been included in the broad definition of biomass.

The Treasury proposal would impose the tax on "imported taxable products at a rate equal to the average tax imposed on equivalent domestic products." Will this tax apply to refined energy products? The question arises with respect to methanol produced from fossil fuels which under the proposal would not be subject to the tax, presumably because the underlying fossil fuel would be taxed. To achieve the stated goal of reduced dependence on foreign sources of energy, it is essential that the term "imported taxable products" include refined products such as methanol, methyl tertiary butyl ether (MTBE), and gasoline that would not be taxed domestically, but that would consist entirely of taxable fossil fuels.

We also understand the Treasury Department is working out specifics on how to tax propane, which is a critically important fuel for drying much of our nation's corn supply. NCGA opposes new taxes on fuel for agricultural uses but would recommend, at the very least, that propane be taxed at no more than the basic fossil fuel rate.

Again, these are but a few of the elements of the plan that give us pause. NCGA looks forward to working with the Administration and Congress to craft legislation that will help strengthen our economy but not unfairly burden agriculture.

Sincerely,

RANDY CRUISE,
President.

SENATE RESOLUTION 79—RELATIVE TO BOSNIA-HERZEGOVINA

Mr. FEINGOLD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 79

Whereas Bosnia-Herzegovina was recognized as a sovereign nation by the United Nations on May 21, 1992, and by the United States on April 7, 1992;

Whereas the Government of Bosnia-Herzegovina has been duly-elected, and is committed to peaceful negotiations with its neighboring states;

Whereas the Government of the United States and the United Nations Security Council is committed to maintaining the territorial integrity of Bosnia-Herzegovina;

Whereas Article 51 of the Charter of the United Nations guarantees the right of self-defense to individuals and states;

Whereas United Nations Resolution 713 (1991) imposed a "general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia" on September 22, 1991, "recalling its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security";

Whereas the Serbian forces inherited almost the entire stockpile of armaments in the Socialist Republic of Yugoslavia, which was the fifth largest army in Europe;

Whereas the embargo froze an unequal and unjust distribution of force, and has enabled the Yugoslav Army and the Serb militias to wage war in Bosnia-Herzegovina;

Whereas Serbia and Serbian-armed forces have launched campaigns of "ethnic cleansing" against non-Serbian residents in Bosnia-Herzegovina, killing over 130,000 people and transferring more than 1.5 million from their homelands;

Whereas the 1992 State Department Country Report on Human Rights Practices states that "massive systematic rape, committed by Bosnian Serb military units and prison guards" has been instituted as policy, and a European Community report estimates that 20,000 women have been raped by Serb forces;

Whereas the Charter of the United Nations is clearly violated when the Government of Bosnia-Herzegovina cannot defend its citizens from such aggression;

Whereas United Nations peacekeeping troops are not authorized through the rules of engagement to protect victims of military assault;

Whereas the Government of the United States and its allies in Europe are committed to enforcing an eventual peace agreement, but are reluctant to send their troops into Bosnia-Herzegovina for the purpose of peacekeeping;

Whereas the international arms embargo has impeded the right of the Government of Bosnia-Herzegovina to protect its citizens from aggression, to ensure humanitarian efforts to delivery food and other supplies, to develop as an independent nation, and to enforce meaningful peace agreements;

Whereas international diplomatic efforts have not to date produced a peaceful and just solution;

Whereas the negotiating strength of each party is dependent to some degree on equity in access to arms, lifting the arms embargo against Bosnia-Herzegovina will assist in self-defense and thereby strengthen the peace process;

Whereas United States Public Law 102–391 of October 6, 1992, states "because the United Nations arms embargo is serving to sustain the military advantage of the aggressor, the United Nations should exempt the government of Bosnia-Herzegovina from its embargo";

Whereas the United States should not act unilaterally in this regard without unanimous agreement from the United Nations Security Council; and

Whereas the United States should take actions to support the peace process and political resolutions to the tragedy in Bosnia-Herzegovina; Now, therefore, be it

Resolved,

(1) That the United States should work with the member states of the United Nations Security Council to lift the international arms embargo as it applies to Bosnia-Herzegovina in concurrence with Article 51 of the United Nations Charter; and

(2) That such action should be taken on a timely basis in a manner to complement to the maximum extent feasible the peace process.

Mr. FEINGOLD. Mr. President, today I am submitting a resolution which is intended to contribute to moral deliberations on how the international community is to respond to the genocide and aggression occurring today in Bosnia-Herzegovina. My resolution would express the sense of the Senate that the United States should work with the member states of the U.N. Security Council to lift the international arms embargo as it applies to Bosnia-Herzegovina in concurrence with Article 51 of the U.N. Charter; and that such action should be taken on a timely basis in a manner to complement to the maximum extent feasible the peace process.

Quite frankly, Mr. President, I am submitting this language out of some frustration. For 2 years, we have watched Yugoslavia disintegrate. in the past 6 months, we have witnessed the Serbs perpetrate policies of "ethnic cleansing," systematic rape, and torture of detainees. We have watched the entire city of Sarajevo endure a winter-long siege. We have taken few effective measures against the Serbian tactic of starving Moslem citizens. The list of aggression and sadistic horrors continues—a list so long and outrageous that the United Nations has established a court of international war crimes to prosecute the perpetrators of such atrocities.

We as a Nation and as a world have not done enough to combat this aggression. As I analyze the situation, I think, perhaps, our most serious mistake was imposing an arms embargo against Bosnia-Herzegovina, and prohibiting the Bosnians from defending themselves, as is both their human and political right. Lifting that embargo in a manner consistent with the ongoing and, so far, fruitless peace negotiations is a critical and urgent step we must take.

The arms embargo was imposed by the U.N. Security Council in September 1991 on what was then Yugoslavia for the "maintenance of international peace and security." From that point, the embargo froze an unequal and unjust distribution of force by which the Yugoslav army and the Serb militias inherited almost the entire stockpile of armaments of the Yugoslav Army—which was the fifth largest in all of Europe. The Bosnians and the Croats were left with no means of self-defense, no reasonable protection against what Slobodan Milosevic and the Serb paramilitaries were plotting. Hence, we have found ourselves party to an incomprehensible situation where we are actively denying the Bosnian people the right to self-defense against the worst aggression Europe has known since Hitler.

In effect, the embargo has resulted in a perverted situation in which the U.N. action is serving the aggressor, and not halting aggression. Had the embargo been lifted a year ago, the situation would probably not be as desperate as it is today. Bosnians would have been more able to protect themselves. They would have been less dependent on international protection. They would have been able to try to fight to protect the bundles we airdropped to them. They would have been able to fight to secure access to their roads, to food, to the supplies which have been lacking. They would have had a fighting chance to break the awful siege of Sarajevo, to fight on the ground, and then to come to the peace negotiations with leverage.

Every day that the embargo continues we are further weakening the Bosnians: We are leaving them to slaughter, stripping them of their dignity, and undermining their aspirations to develop as a nation. We are also damaging the prospects for a real peace because negotiations will be effective only when the Bosnians can come to the table as an equal partner.

I understand that our allies in the Security Council are opposed to this move at this point. France and Britain are understandably concerned that lifting the arms embargo would only escalate the level of violence and further endanger their troops on the ground. Russian President Yeltsin, in a delicate position with the Russian nationalists who promote the historic pan-Slavic relationship, does not want to abandon the Serbian position.

I disagree with these reasons, though, and believe that in this case of naked aggression, we must persuade our allies that there are compelling reasons to lift the embargo in the interest of peace.

Though it appears that Cyrus Vance and David Owen could be on the brink of another breakthrough in the peace talks, recent history leads me to be skeptical because they have not reflected or responded to what is transpiring in the theater of battle. Several cease fires have been negotiated. All of these, Mr. President, were broken. All of them only resulted in more bloodshed, more torture, more rape, more "ethnic cleansing." The Serbs, particularly, have been duplicitous as Serb diplomats in London, Geneva, and New York have paid lipservice to peace, while Milosevic and his thugs perpetrate horror on the ground.

We must recognize this pattern, and realize that only when the Bosnians can arm themselves will the Serbs be deterred from committing further aggressions. Only when there is some degree of equity in access to arms can the negotiated cease fires be implemented.

Mr. President, when the Senate Foreign Relations Committee held hearings on this issue in February, all the expert witnesses, Jeane Kirkpatrick, Gen. Michael Dugan, Director William Colby, and Ambassador Paul Nitze, supported lifting the arms embargo: I ask that excerpts from their testimony be submitted for the RECORD.

But the most compelling testimony I heard was from the Bosnian Foreign Minister, Mr. Haris Sildazdjic. In response to a question from Senator BIDEN about whether Bosnia would prefer the continued presence of the U.N. forces or a total U.N. withdrawal, the foreign minister replied, "We would prefer doing it ourselves, but for that we need arms. The arms embargo is what is humiliating * * * the humiliation is to be slaughtered like an animal and not being able to defense yourself like a man."

Clearly, the embargo has not met its objectives. We must do more for peace, and we must do it soon. Meaningful peace talks should continue, and to that end, the U.N. Security Council must lift that embargo. This is only one step of several which we must take to contribute to the peace process, but it is an overdue and terribly important one. We cannot ignore this tragedy any longer.

I ask animous consent that the excerpts mentioned earlier be printed in the RECORD.

STATEMENTS IN SUPPORT OF LIFTING THE ARMS EMBARGO BEFORE THE SENATE COMMITTEE ON FOREIGN RELATIONS, FEBRUARY 25, 1993

Ambassador Jeane Kirkpatrick:

"I believe in the right to self-defense. * * * I formed that view when reading about the Warsaw Ghetto, of course. * * * I think it is a terrible and * * * unintended consequence of a very good motive to impose an arms embargo in a situation where one side has almost all the weapons and the other side is virtually without means to defend themselves. * * * And so I have believed that we should lift the arms embargo for Bosnians."

General Michael Dugan:

"It seems to me that by empowering the Bosnians * * * [is to] level this playing field. There are several ways one may do that. One has to do with perhaps impounding the heavy weapons. * * * Another has to do with lifting the arms embargo and then supplying weapons to the Bosnians to increase their ability to defend themselves. For the long haul, we want Bosnia to solve Bosnian problems.

"It is my understanding and my belief that given the disparity in weapons available now, the Bosnians are handing themselves very nicely. * * * They inherited this organizational system from Yugoslavia * * * and that with a little technical support, they could—given the morals, given the determination of the people, could handle themselves very well."

Ambassador Paul Nitze:

"I think we should lift the embargo. I should think that would be a helpful thing to do."

Director William Colby:

"I think the argument is that if you lift the embargo you merely create more bloodshed. I do not accept that argument. * * * The real problem * * * is the continuing oppression by the Serbian heavy weapons. * * * Symbolically, lift the embargo, but * * * the solution has to be found in another action."

AMENDMENTS SUBMITTED

NATIONAL VOTER REGISTRATION LEGISLATION

MCCAIN (AND MCCONNELL) AMENDMENT NO. 79

Mr. MCCAIN (for himself and Mr. MCCONNELL) proposed an amendment to the bill (S. 460) to establish national voter registration procedures for Federal elections, and for other purposes, as follows:

At the end of section 7 of the Act, add:

(d) RESTRICTIONS ON AGENCY REGISTRATION.—No agency designated under this Act shall register any individual who receives direct financial aid from that agency.

(1) If an agency described in paragraph (d) is requested by an individual to register that person to vote, the agency must refer that individual to an agency designated in this section and from which the individual does not receive direct financial aid.

(2) EXCEPTION TO PARAGRAPH (d).—If the individual noted in paragraph (d) has or claims to have a disability as defined by the Americans With Disabilities Act of 1990 (P.L. 101-332), that individual must be

(i) referred to another agency designated in this section and from which the individual does not receive direct financial aid, that is both convenient and accessible under the standards of the Americans With Disabilities Act of 1990 (P.L. 101-336), or

(ii) if no such agency designated under (d)(2)(i) exists, any agency designated by this Act will register such individual.

NICKLES (AND OTHERS) AMENDMENT NO. 80

Mr. NICKLES (for himself), Mr. DOLE, Mr. WALLOP, Mr. HELMS, Mr. SMITH, Mr. MACK, Mr. KEMPTHORNE, Mr. GREGG, Mr. MCCAIN, and Mr. COVERDELL) proposed an amendment to the bill (S. 460), supra, as follows:

Strike section 13 and insert the following:

SEC. 13. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), this Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on January 1, 1996; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

(b) FUNDING.—(1) Not later than 180 days after the date of enactment of this Act, a State may submit to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives an estimate of the costs that the State and each political subdivision of the State will incur in implementing this Act that are in addition to costs that the State or subdivision would incur in the registration of voters absent this Act.

(2) This Act shall not take effect with respect to a State that makes a submission under paragraph (1) until January 1 of the year following the year in which Congress enacts—

(A) an Act authorizing payment to the State and its political subdivisions of the additional costs of implementing this Act in the amounts estimated by the States under paragraph (1), unless Congress, in a provision that makes specific reference to this subparagraph, finds and declares that payment of a lesser amount in the case of any particular State will be sufficient to cover the State's additional costs; and

(B) an Act making appropriations in the amounts necessary to make the payments described in subparagraph (A).

PENSION BENEFIT GUARANTY CORPORATION LEASE SETTLEMENTS ACT OF 1993

JEFFORDS AMENDMENT NO. 81

Mr. JEFFORDS proposed an amendment to the bill (S. 400) to amend the Employee Retirement Income Security Act of 1974 to provide for the treatment of settlement agreements reached with the Pension Benefit Guaranty Corporation, as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aircraft Equipment Settlement Leases Act of 1993".

SEC. 2. TREATMENT OF AIRCRAFT EQUIPMENT SETTLEMENT LEASES WITH THE PENSION BENEFIT GUARANTY CORPORATION.

In the case of any settlement of liability under title IV of the Employee Retirement Income Security Act of 1974 entered into by the Pension Benefit Guaranty Corporation and one or more other parties, if—

(1) such settlement was entered into before, on, or after the date of the enactment of this Act,

(2) at least one party to such settlement was a debtor under title 11 of the United States Code, and

(3) an agreement that is entered into as part of such settlement provides that such agreement is to be treated as a lease,

then such agreement shall be treated as a lease for purposes of section 1110 of such title 11.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, March 11, 1993, at 9:30 a.m., in open session, to receive testimony on certain pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, March 16, 1993 at 10 a.m. to conduct a hearing on the Competitiveness Policy Council's second annual Report (being held jointly with the Joint Economic Committee).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., March 11, 1993, to receive testimony on the energy needs of the People's Republic of China.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 11, 1993 at 10 a.m., to hold a hearing on the money's worth of Social Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 11 at 3 p.m. to hold a hearing on the Open Skies Treaty; Treaty Doc. 102-37.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet for a hearing on Thursday, March 11, at 9:30 a.m., on the subject: Improving Government Organization and Performance.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. INOUYE. Mr. President, I ask unanimous consent that the Surface Transportation, Subcommittee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on March 11, 1993, at 9 a.m. on oversight of the intercity bus industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONCERN FOR THE NATURAL GAS CONSUMER

• Mr. SARBANES. Mr. President, I rise today to express my concern that natural gas consumers could face inequitable and substantial costs due to a Federal order that will restructure the natural gas industry. In particular, I am very concerned that the implementation of this order could create a unique problem for natural gas users served by Columbia Gas Transmission Corp., possible costing these consumers hundreds of millions of dollars.

In April of last year, the Federal Energy Regulatory Commission issued Order 636 to require a massive restructuring of services, tariffs, and rates rendered by interstate natural gas pipelines. Order 636 would mandate that pipeline companies transport only natural gas owned by others, and not act as wholesalers as they have until now. To comply with the order, pipeline companies would be permitted to pass along to their consumers the cost of terminating long-term gas contracts. While it is my understanding that on the average, a household in the Washington-Baltimore area could expect to see a $100 increase in their natural gas bills because of these transition costs, I am further concerned by a special situation involving the Columbia Gas Transmission Corp. that could raise natural gas bills for consumers in my State even more.

Mr. President, Columbia Gas Transmission Corp., an interstate natural gas pipeline company, filed for Chapter 11 bankruptcy protection on July 31, 1991. The Bankruptcy Court is currently in the process of determining the allowable level of claims that must be paid to creditors in a confirmed reorganization plan. I am very concerned that implementation of Order 636, before these issues are clarified in the pending bankruptcy proceedings, could have significant impacts on the pipeline's customers. Specifically, Order 636 could compromise the consumer's rights in bankruptcy and require execution of new service contracts with an entity that may change ownership and cost structure due to the bankruptcy reorganization. Moreover, it is my understanding that Order 636 may enable the pipeline to pass along to consumers over $1 billion in contract rejection costs.

In light of this potentially large and inequitable cost to natural gas consumers in Maryland, I have joined with the entire Maryland delegation in sending a letter to Elizabeth Moler, acting chair of the FERC, requesting that implementation of Order 636 on Columbia Gas Transmission Corp. be deferred until the Bankruptcy Court completes its deliberations and proceedings. I note that such a deferral is strongly supported by Columbia's public utility customers, the Maryland Public Service Commission, and consumer advocates and would be consistent with other utility bankruptcies where the Bankruptcy Court conditionally confirmed a reorganization plan subject to regulatory approval.

Most recently, I have joined as an original sponsor of Senate Joint Resolution 59, to express the sense of Congress that the Federal Energy Regulatory Commission should refrain from further processing of Order 636 until 60 days after the General Accounting Office submits a report detailing the economic impact of this order on homeowners, small businesses, and other end-users of natural gas. In my view, it would be inappropriate to further proceed with this order without the benefit of careful analysis to determine the economic effect that Order 636 may have on consumers.•

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through March 5, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $2.1 billion in budget authority and $0.5 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993-97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated March 1, 1993.

The report follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, March 9, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through March 5, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated March 1, 1993, Congress approved and the President signed P.L. 103-6, providing emergency funding for extended unemployment benefits. This action did not change the current level of budget authority, outlays, or revenues.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., AS OF MAR. 5, 1993

[in billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level [1]	Current level +/− resolution
On-budget:			
Budget authority	1,250.0	1,247.9	−2.1
Outlays	1,242.3	1,241.8	−.5
Revenues			
1993	848.9	849.4	+.5
1993–97	4,818.6	4,820.0	+1.4
Maximum deficit amount	420.8	392.4	−28.4
Debt subject to limit	4,461.2	4,120.4	−340.8
Off-budget:			
Social Security outlays:			
1993	260.0	260.0	
1993–97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(2)
1993–97	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS MAR. 5, 1993

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			849,425
Permanents and other spending legislation	764,283	737,413	
Appropriation legislation	732,061	743,943	
Offsetting receipts	(240,524)	(240,524)	
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(7,928)	962	
Total current level [1]	1,247,892	1,241,794	849,425
Total budget resolution [2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	2,098	496	
Over budget resolution			535

[1] In accordance with the Budget Enforcement Act, the total does not include the following in emergency funding: P.L. 102–229, BA, 0, Outlays, $712,000,000; P.L. 102–266, BA, 0, Outlays, $33,000,000; P.L. 102–302, BA, 0, Outlays, $380,000,000; P.L. 102–368, BA, $926,000,000, Outlays, $5,850,000,000; P.L. 102–381, BA, $218,000,000, Outlays, $13,000,000; P.L. 103–6, BA, $3,322,000,000, Outlays $3,322,000,000; total BA, $4,467,000,000, Outlays, $10,310,000,000.

[2] Includes revision under section 9 of the concurrent resolution on the budget.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.•

CUIDANDO LOS NIÑOS (CARING FOR THE CHILDREN)

• Mr. DOMENICI. Mr. President, I would like to bring to the attention of the Senate a story which I think illustrates how something special can happen when concerned citizens, businessmen, and public officials work together to preserve something worth fighting for in their community. We often hear talk of how Americans have grown more cynical and callous; however, don't tell this to the people of New Mexico.

In February, I was contacted by Peggy McIntire, the executive director of the Cuidando Los Niños, which translates as "caring for the children," is a preschool, daycare, and family-service center for homeless children in Albuquerque. The center currently cares for 26 children daily while their parents work, go to school, or search for employment.

The center normally relies primarily on emergency shelter grant Federal funds, grants from the county, funds from the Federal Child-Care Food Program, to meet its $16,000 monthly budget. Donations from private foundations, churches, and individuals also help ensure that the center's doors stay open and that the children are adequately cared for.

In February, however, Peggy informed me that many of these foundation grants wouldn't be arriving until May. Unless the center could raise the $32,000 needed to continue operations for 2 months, it would have to close its doors until May.

There's a marvelous scene at the conclusion of the Capra movie "It's A Wonderful Life," when the townspeople of Bedford Falls, knowing that George Bailey—a decent, caring individual—is in financial trouble and facing prison, generously and without question, donate their own money to assist him in his hour of need. In the case of Cuidando Los Niños, its cry for assistance sparked the same outpouring of community support and generosity.

With the help of the Albuquerque Journal, Albuquerque Tribune, and KOB–TV in Albuquerque, the word quickly spread that Cuidando Los Niños was in dire financial straits. The response, in an understatement, was phenomenal. Individuals donated checks ranging from $5 to $30,000. I personally contacted several businesses in New Mexico to encourage their support, and am pleased to note the generosity of several businesses in the Albuquerque area.

Schools, churches, and other organizations generously lent their support as well, and I will ask in a moment that Peggy McIntire's most recent letter to me be printed in the RECORD so she can share with you some other examples of the kindness of New Mexicans.

Mr. President, there's an old saying that one never stands so tall as when stooping to help a small child. The tremendous public and private response to the plight of the children at Cuidando Los Niños is further indication that the people of New Mexico have never been too proud to stoop to lend a hand.

I ask that the March 9 letter from Peggy McIntire be printed in the RECORD.

The letter follows:

CUIDANDO LOS NIÑOS,
Albuquerque, NM, March 9, 1993.

Senator PETE V. DOMENICI,
Albuquerque, NM.

DEAR SENATOR DOMENICI: I would like to tell you of the commitment of the Albuquerque and Santa Fe communities.

Exactly one month ago, February 9, 1993 I wrote to you and explained the difficult situation that Cuidando Los Niños was facing. We were caught in a cash flow crisis that could easily have forced us to close the center. Maxine Gallegos from your office was very helpful.

The next day I contacted the Albuquerque Journal. Rene Kimball wrote a wonderful article that began a wonderful flood of support from the community. We were featured on a news segment on Channel 4, both the Journal and the Tribune wrote editorials to support our plight.

The children of Comanche Elementary School are putting together a talent show, art show, and fundraiser for Cuidando Los Niños that will be held tomorrow evening. The children have worked very hard on this project, included in their show will be facts about homelessness that they have researched.

The seventh grade class at Sandia Prep had a Valentine Dance with all the proceeds going to Cuidando, they raised $500.00. Both schools have written letters to our Congressional Delegation as well as our State officials.

The General Mills Foundation was able to give us a check for $10,000.00. This donation was supported by you and we certainly appreciate your help.

Thank you for your help and those of your staff. We are on our way to becoming even more financially sound than we had ever dreamed.

In the words of Marian Wright Edelman in her State of America's Children 1992, for the Children's Defense Fund . . . "It is time to wake up and realize that the poor and homeless are not somebody else. They are, or may be, you and me."

I personally thank you for your help and look forward to working with you again.

Sincerely,

PEGGY A. MCINTIRE,
Executive Director.•

DEFENSE REINVESTMENT AND CONVERSION

• Mr. PRYOR. Mr. President, I am pleased to be on the Senate floor today to congratulate the President on his announcement to release $1.4 billion in defense conversion funds appropriated last year by Congress. There can be no doubt that this assistance is needed, with portions of our economy already reeling from last year's defense cutbacks, and with more on the way this year. Nevertheless, the President has shown true vision and leadership by making this decision. His swift action demonstrates a true commitment to helping the many veterans of the cold war who must endure the painful effects of reduced defense spending.

By now, most people are familiar with the devastating statistics that describe the defense draw down: Every day for the next 5 years our country will lose 1,000 defense-related jobs; over that same period, some 160 communities will be economically devastated due to base closures and defense industry shutdowns. States like Connecticut and California, which face significant regional economic problems already, are targeted to lose major defense installations over the coming years.

This bleak picture is what prompted the Senate majority leader, Senator MITCHELL, to appoint a task force last year to examine this issue and make recommendations to the Senate on how to help the country adjust to defense reductions. It was my pleasure to serve on the Senate Democratic Defense and Economic Transition Task Force last year with 20 of my Senate colleagues. The task force studied the issue thoroughly, made recommendations on ways to help workers, communities, and industries adjust to defense reductions, and then worked together to turn these recommendations into law. The result of this work was over $1.5 billion in defense conversion funds authorized or appropriated by Congress last year. I commend my fellow members of the Senate task force for this accomplishment, as well as other Members of the Senate who worked so hard on this issue including Senators INOUYE and LIEBERMAN, and those Members of the House of Representatives who provided leadership to make this assistance available.

One would think that with such a clear, demonstrated need for defense conversion assistance, Presidential leadership would have been evident in the past, but that was not the case. When the Congress appropriated $200 million in defense-related worker and community adjustment funds in 1991, it took the Bush administration almost a year to begin spending the money. When the House and Senate included defense conversion and reinvestment money in last year's Defense authorization bills, the money which President Clinton is now releasing, Secretary Cheney wrote a letter to the chairman of the Armed Services Committee in which he said:

> Both bills provide at least $1 billion for economic conversion. * * * The programs in both bills are not necessary, would be an inappropriate use of defense funds, and would be at the expense of needed national security programs.

Last year, Fort Chafee in Fort Smith, AR, and Eaker Air Force Base in Blytheville, AR, were affected by the defense drawdown, and I saw the previous administration's indifference to conversion efforts first hand. When I sat down with local community leaders, I learned that our Government was not prepared to handle the challenges of defense conversion. These leaders described the frustration of working with a Federal Government that was not properly coordinated in its efforts. At a hearing I held on the closing of the Eaker Air Base, members of the President's Economic Adjustment Committee—which has been responsible for conversion activities and is composed of representatives from various Federal agencies—acted as though they had never met each other. In fact, they barely had, since the Economic Adjustment Committee has only met twice over the last 10 years.

This example demonstrates exactly why Congress alone cannot direct the Nation's defense conversion efforts. The President must be involved to focus attention on the needs of defense impacted areas, to mobilize the energies of the Federal Government, and most of all to coordinate the multitude of conversion efforts which will take place across the Federal Government. The Departments of Labor, Commerce, Defense, Energy, the Small Business Administration, the National Science Foundation, and many other agencies and entities of the Federal Government all have a defense conversion role to play. With so many different actors the potential for confusion and duplications of effort is tremendous. Moreover, given the reluctance of the executive branch to undertake defense conversion efforts in the past, the bureaucracy needs a strong signal and a firm guiding hand from the White House to insure that these funds flow quickly and effectively to the people and places that need help.

I am confident the President will continue to provide that strong signal and that guiding hand. The President discussed this issue at length during the campaign, he has demonstrated a deep understanding and interest in the problems affecting defense-impacted areas, and now, less than 2 months into his administration, he is personally kicking off this sizable conversion program. Not only is the President himself involved in leading defense conversion efforts, but I understand his National Economic Council will play a monitoring and coordinating role which will be most welcome.

While the road ahead for the country will clearly be a difficult one, help is available for those unfortunate enough to feel the effects of reductions in defense spending. Moreover, with continuing work by the Congress and with Presidential leadership, I believe our country can emerge from this post-cold-war transition stronger and more vibrant than before. I look forward to working with the President and my colleagues on this issue in the future.•

COMMENDING THE SYNERGY CORP. SMALL BUSINESS INCUBATOR

• Mr. BOND. Mr. President, today I would like to take a few moments to recognize the Small Business Synergy Corp. On March 12, 1993, there will be a ribbon-cutting ceremony in their honor. The Synergy Corp. utilize the incubator concept to assist small and emerging businesses, who in return strengthen the economy of St. Charles County, MO.

During the 1980's St. Charles County experienced significant economic and population growth, ranking in the top three fastest growing counties in the United States. Although this is good news for my home State, this fast-paced growth has left St. Charles County with an economic dependence on three key industries: automotive, airline, and defense.

The area's economy has suffered profoundly from the recent series of McDonnell Douglas layoffs which began in July 1990. Projected declines in defense spending combined with possible cutbacks in the automotive and airline industries have caused some concern. The workforce in these industries are highly educated and well paid. If cutbacks occur, these skilled workers will have a difficult time finding comparable jobs and wages.

The Small Business Synergy Corp. will use the incubator concept to help stimulate and diversify the local economy by assisting small and emerging businesses. Small businesses are important to the economic growth of St. Charles County because they create jobs, provide new products and services, purchase goods and services, increase the tax base, and enhance the overall quality of life.

The Synergy Center is a facility that offers new and emerging businesses affordable space, shared equipment and services, and a wide range of professional, technical, and financial assistance. The Synergy Center will also provide onsite business and MBA courses as well as continuing education opportunities for incubator tenants and St. Charles County businesses.

Mr. President, I would like to extend my sincere congratulations to the Small Business Synergy Corp. for their service and commitment to the community, and I am honored to have had the opportunity to recognize their accomplishments.•

CONGRATULATIONS TO AGRIBANK FOR PAYING OFF ITS LOAN 11 YEARS EARLY

• Mr. DURENBERGER. Mr. President, I rise today to pay tribute to the AgriBank, Farm Credit Bank of St. Paul, MN. AgriBank has paid off the remaining $133 million of a Federal loan that was provided to the former Farm Credit Bank of St. Paul under the Agricultural Credit Act of 1987.

AgriBank's solvency proves not only that the Agricultural Credit Act of 1987 was the right move—but also that farm lending has regained its strength and will help rural America for years to come. It is not very often that we hear about Government loans being paid off early, let alone 11 years before they come due. If the savings and loan bailout had been handled as well as the Agricultural Credit Act, this country would be in a lot steadier fiscal shape right now.

AgriBank, FCB is the wholesale lender for 34 farm credit services throughout Arkansas, Illinois, Michigan, Minnesota, Missouri, North Dakota, and

Wisconsin. These institutions have more than $10 billion in loans outstanding to more than 124,000 farmers, ranchers, and rural homeowners. Mr. President, the strength and success of AgriBank assures thousands of rural Americans that they will have a lender who understands and cares about their way of life. I ask my colleagues to join me in congratulating AgriBank for its record of success.●

TRIBUTE TO WADDY AND PEYTONA

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to the towns of Waddy and Peytona located in eastern Shelby County about 30 miles east of Louisville.

Waddy and Peytona rest among the rolling hills of central Kentucky amid a countryside dotted with farms, ponds, and forests. The villages are separated by Interstate 64, but many residents are hesitant to say where one boundary ends and the other begins.

Waddy was founded in 1888, and takes its name from Maj. W.L. Waddy, a Confederate Army veteran who once owned land where the town is now located. Peytona was named for landowner John Peyton. Both villages have survived the urbanization of America's rural towns and are now popular with families seeking quiet, convenient living relatively close to the city.

Waddy and Peytona residents enjoy the simplicity of their towns. Although most businesses are in Peytona, only one traffic light is needed. In Waddy, the self-appointed town council meets at the Mini Mart, and for entertainment, friends gather at the elementary school for basketball games sponsored by the Waddy Ruritan Club. Most houses in Waddy and Peytona do not have cable television, but for a quarter, Waddy Union 76 Truck Stop patrons can purchase 15 minutes of cable programming on a pay television. Most residents prefer the simple life offered in Waddy and Peytona and regularly turn down offers to urbanize their towns.

I salute Waddy and Peytona and the fine citizens of these towns for maintaining such a simplistic lifestyle. Waddy and Peytona truly are outstanding Kentucky towns.

Mr. President, I ask that an article from the Louisville Courier-Journal be submitted in today's CONGRESSIONAL RECORD.

The article follows:

[From the Louisville Courier-Journal, Feb. 8, 1993]

WADDY/PEYTONA—HIGHWAY THAT SEPARATES TOWNS ALSO GIVES THEM EQUAL BILLING

(By C. Ray Hall)

Imagine a place so wholesome that the town's Miss Kitty was a schoolmarm. A place with more churches than stores. A place where the lawns sprout American flags, not satellite-TV dishes. Where both grocery stores use the front porch as a crisper for the lettuce. A place where, in the old days, the big money was in milk.

A place with no city government. A place where the self-appointed "town council" meets at the Mini Mart, under a sign saying, "Cold an Flu Center." The other day while the council huddled beneath the Tylenol and Alka-Seltzer, 10 pickups, half of them Fords, were parked out front. "There wasn't a car in the lot," said store owner Bill Eggen.

An autographed photo of Naomi Judd on the store's bulletin board certifies that it's "my kind of town."

It's a'um, Waddy kind of a place.

Distinctive as it is, Waddy is doomed to share equal billing in the public imagination with Peytona, its northern neighbor. Like Hope and Crosby, or Sonny and Cher. This blurring of identities comes from one thing: a green sign on Interstate 64, halfway between Louisville and Lexington, announcing the Waddy-Peytona exit. The sign, which punctuates an otherwise unremarkable stretch of I-64, gives comic relief to big-city smart alecks, they keep cracking wise about the Waddy-Peytona International Airport and other such mirages. So Waddy and Peytona are two towns joined at the hyphen, by the would-be hip.

Says Betty Curtsinger, a school secretary who lives in Peytona: "What amazes me, that sign, Waddy-Peytona. It seems like it fascinates people."

Waddy could be the name of a carton character, like Elmer Fudd. Peytona suggests grandeur, the kind of place Robin Leach might visit ("Welcome to Pay-toner, Cher's palatial hideaway on the Adriatic"). In reality, Waddy is closer to grandeur, "Peytona," says Thelma Woods, not unkindly, "is just a garage."

A few days ago, a man in Louisville called information for the number of Peytona's landmark business, the Peytona Garage.

Operator: "Is that in Kentucky?"

Caller: "Yes ma'am. Shelby County. It may be in the Waddy listings."

Long pause.

Operator: "I don't see any Pay-tone-yuh. I can check Waddy."

You know you're small when you're a bit player in the Waddy section of the phone book. And yet, as Betty Curtsinger and Thelma Woods were saying just the other day. . . .

Woods: "Peytona has no . . ."

Curtsinger. ". . . beginning and no end."

You could say the same of Waddy. When asked to define the town's boundaries, a functionary at the county zoning office in Shelbyville said with a chuckle, "Really, we don't know."

David Sparrow, principal of the Heritage Elementary School, says, "This is probably going to make a lot of people made, but I think Waddy has absorbed Peytona."

Sparrow's school, a handsome 3-year-old structure, is in Peytona, but it has a Waddy address.

"A lot of people have Waddy addresses that have never been to Waddy," says postmaster Linda Waits, who dispatches mail to four counties in the name of Waddy.

Mail carrier Jim Rankin says, "You can say you live in Waddy and you could live in Anderson, Spencer, Franklin or Shelby county." He guesses 350 people live in Waddy, counting "downtown and the suburbs."

"A few years ago, a fellow down at the bank and I did a mental head count," says the postmaster. They came up with 300. Now she guesses perhaps 400 people live there.

Regardless of how many people there are, they go by an enchanting name. "Most people," says Thelma Woods, "call us Waddy Bodies.

People say Eggen, the storekeeper, thought that up. "He instigates all the problems," says Joe Franklin, unofficial town council member. Likewise, Eggen is given credit for naming Peytona Beach Road (a play on Daytona Beach, Fla., that doesn't register as it should, because everybody says "Puhtona"). The beaches are as imaginary as the international airport. .

Before this highway-sign thing and the attendant fun-poking, Waddy used to live in happy obscurity. Well, not always happy.

"When we went to Washington, D.C., on our senior trip, we felt like we were as big as anybody," says Curtsinger (class of '56). "People would say, 'Where is Waddy?' and we were ready to fight them."

Thereby living up to the nickname of the school's basketball team, the Waddy Warriors, who fired their last shot in anger in 1960.

The old school is in ruins now, but the memories linger. And the slogans that are so often chiseled above eternal columns on public buildings are graven into private memories. Curtsinger can never think of school librarian Posey Brown without the word "Integrity" leaping into her mind.

The town's heroes have always been teachers. (One of them, Paul Garrett, was president of Western Kentucky University. He read anything with words, from classics to pulp.)

The teachers who stayed are locally famous: Roy Martin, teacher and principal for four decades; Miss Kitty Frazier, first-grade teacher; the four redoubtable Brown sisters, Posey, Alpha, Lucille and Billie, who taught less in the classroom than in real life. Christine Neblett, the last link to those old days, can be seen regularly cruising about in her yacht-sized Cadillac. Well, almost seen, because she is short in stature, far shorter than the shadow she throws over the town.

Franklin recalls Neblett's telling obstreperous algebra students twice her size: "I don't give very many whippings, but when I get through talking to you, you'll wish I had."

Locally, you can go only through the fifth grade now, and the school is across the interstate, in Peytona.

Peytona, hub of commerce and learning, has all the businesses. The few businesses in Waddy are notable as social centers. The top floor of the bank is owned by the Masonic lodge. The town council, so to speak, meets at the Mini Mart. The other grocery, Linda's, was once owned by a fellow named B. Shouse, who was so dexterous he could play Rook with one hand and run the cash register with the other. On winter days when there was little farming to do, as many as five Rook games would be going on simultaneously.

It figures the game would be Rook, a card game not associated with gambling. A century ago, when Waddy was young, it had a paper, the Waddy Enterprise ("Our Motto: Push and Progress") that proclaimed the town the "new and successful wonder of the Bluegrass region." It also had a spate of laws designed to keep the new wonder civilized. Some of the laws:

No marble playing on Sunday. Fine $1–$5.

No hog pens and such that become offensive to neighbors. Fine $5–$10 per day.

No hitching your stallion to a shade tree. Fine 50 cents–$1.

No stallion shows in the street, either. Fine $5–$10.

No ball-playing in the street, either. Fine $1–$5.

And this one: "Behavior at any public gather unbecoming a good citizen, such as talking, hissing, stamping the feet or in any way disturbing the speaker or the audience." Fine $5–$25.

And there was supposedly a minor turf war when Gov. Brereton Jones' helicopter crashed last year in Shelby County. Unlike the Waddy boundary, the volunteer fire departments' line is clearly drawn. If your car catches on fire in the eastbound lane of I–64, the Waddy firefighters will respond; if you're on fire in the westbound lane, the Peytona-side firefighters will put you out.

So there's a history of contentiousness, as well as contentment, in Greater Waddy. That may explain why a town of its size needs three Baptist churches, the newest of which has the most inspired name: Sonrise Valley.

"What is commendable," says Sparrow, "is that people who live in Shelbyville and Frankfort still come to Waddy to church."

That's one way to spend half the weekend. Another is to go to the youth basketball games sponsored by the Waddy Ruritan club. Every Saturday, nearly 150 youngsters ages 8–14 execute nine games in the Heritage school gym. The two strangest sights: 8-year-olds firing a multitude of shots straight up in the air; and middle-aged guys in plaid shirts and farmer's caps serving the crowd hot dogs for breakfast.

Ed Fegenbush, who runs the league, is one of the town's many commuters, driving 38 miles to his job with the Army Reserves in Lexington. When he comes home, he's glad to be back in the country.

"People in town want to keep Waddy small, not have a stoplight in the middle of town," he says.

Peytona does have a red traffic light, slowing down the traffic to Bagdad. But Waddy has a king-sized traffic stopper in the trains that regularly come through. Because of this inconvenience, Waddy actually has a bypass, called Fair View Avenue, that goes around and over the railroad track, on a bridge whose steep approach might appeal to motorcycle stuntman Evel Knievel.

There are some highly noticeable changes, including the new street names. Next on the agenda of social change is cable television.

"I think we have just about everything we need," Spencer says. Actually, Waddy-Peytona already has pay television, at the Waddy Union 76 Truck Stop (somewhat casually called "Col. Waddy's Cafe," in historical disregard for W.L. Waddy's actual rank; the man who gave his name to the town was a Confederate major). A quarter will buy you 15 minutes of Lexington TV. The television sets, alas, are smaller than some of the entrees.

The truck stop capitalizes on casual passers-by, selling commuter mugs that say "Buzzard's Roost Waddy Kentucky," (The sleight-of-hand here is geographical, for the actual Buzzard's Roost is way up the road, by Clay Village.)

For many folks, the truck stop is a symbol of something other than historical or geographical impurity. It's a symbol of urban intrusion. Some out-of-towners have proposed building a competing truck stop on the Peytona side of I–64. Locals aren't at the pushing-and-shoving stage yet, but they're plenty worried.

"One truck stop is enough," says Spencer.

Interstate 64 brought the truck stop. It brought an element of cartoonist identity to the place. And it continues to bring new residents who work in cities where they'd rather not live.

"I think it keeps the town from disappearing," Sparrow says of the interstate. But even without the interstate, there might have been some stubborn survivability. There's just something about Waddy Bodies, apparently.

POPULATION (1990)

Shelby County, 24,824, Waddy and Peytona are unincorporated, so the U.S. Census Bureau has no figures. Locals estimate the population at 450–500. That may be wildly inaccurate, since nobody, not even the county zoning office, seems ready to declare exactly where either place begins and ends.

BIG WADDY-PEYTONA EMPLOYERS (1993)

Heritage Elementary School, 50; Waddy Union 76 Truck Stop, 35; Masters Equipment, 9; Peytona Garage, 8; Ferrell's Air Conditioning & Heating, 5.

MEDIA

Newspaper—Shelbyville Sentinel-News (twice weekly), Radio—Shelbyville, WCND–AM, WOPK–FM, Television—10 broadcast channels available from Louisville and Lexington; folks with big antennae get Cincinnati stations; cable is coming soon to screens in Waddy and Peytona.

EDUCATION

Heritage Elementary School (Peytona), 520 students, part of Shelby County Public School, whose enrollment is 4,486.

TRANSPORTATION

Air—Nearest airports with scheduled service, Standford Field, Louisville, and Bluegrass Airport, Lexington, each about 40 miles away, Rall—CSX, Southern, Highways—I–64 is normally 1 mile from Waddy and 2 miles from Peytona, which are connected by KY, 395; U.S. 50 runs through Peytona.

TOPOGRAPHY

Pleasantly rolling countryside punctuated with farm ponds, forests, exciting two-lane roads and signs denoting just-sold farms that are ready to be made into subdivisions.

FAMOUS FACTS AND FIGURES

Waddy, which was founded in 1888, takes its name from Maj. W.L. Waddy, Confederate Army veteran. For $1 the major gave land for the railroad on condition that the depot (and ultimately, the town) bear his name. Peytona was named for landowner John Peyton.

Waddy produced at least two presidents, Leon Martin was president of the Louisville & Nashville Railroad and Paul Garrett was president of Western Kentucky University from 1937–55.

The Waddy voting precinct which stretches far beyond the village, is 92 percent Democratic, with 817 Democrats and 48 Republicans. Peytona is a small part of the Clay Village precinct which has 748 Democrats and 72 Republicans. Both areas are overwhelmingly white. Among the 1,496 registered voters, independents included, less than 1 percent (14) are black.

Price of a Kentucky HeadHunters Dumas Walker burger at the Union 76 truck stop: $3.79.●

GATT NEGOTIATIONS

● Mr. RIEGLE. Mr. President, the Clinton administration's trade negotiators are now involved in a review of the current status of the Uruguay round of the GATT world trade negotiations. Press reports indicate that officials at USTR and elsewhere are attempting to focus on the outstanding issues that still need to be resolved in order to make a judgment as to how long a period of time they should seek an extension of GATT fast-track authority.

One outstanding issue on which these negotiators should focus, is the unsatisfactory condition of the so-called Dunkel text on financial services. Under that text, countries with closed financial services markets are not required to provide market access to foreign firms, nor to extend national treatment to those firms that are permitted into their market. The text, which extends most-favored-nation treatment to all signatories, contains no mechanism to protect against free riders.

On February 3, 1992, Senator Garn and I wrote to then Secretary Brady and then Trade Representative Hills to voice our concerns about the inadequacies of the Dunkel text in this regard. In that letter, we set forth what we believed had to be the basic elements of any agreement on financial services that was in the best interests of our Nation.

On January 10, 1993, an article by Bob Pozen, managing director of the Fidelity Investment firm in Boston, entitled "Is America Being Shut Out Again" was published in the New York Times. The article likewise criticizes the current Dunkel financial services text. Mr. Pozen warns that:

> For the American financial services sector, however, a quick completion of the Uruguay Round threatens to cast in concrete a current one way street: American financial markets would remain open to all comers, while Asian markets would continue to restrict access.

Mr. Pozen believes such an agreement would not serve America's interests and I agree with him. He believes that the United States should take an exemption from the most-favored-nation concept in relation to countries with closed financial markets.

As chairman of the Banking Committee, I urge the new administration's trade negotiators to list this item as an outstanding issue that needs to be resolved in future negotiations. If it is not resolved, it will certainly make it more difficult for Congress to approve whatever agreement finally emerges from the current GATT round.

I am putting into the RECORD the letter Senator Garn and I sent to U.S. negotiators on this issue last year and the article the Fidelity Company's managing director recently had published on it in the New York Times.

The material follows:

U.S. SENATE,
Washington, DC, February 3, 1992.

Hon. NICHOLAS F. BRADY,
Secretary, Department of the Treasury, Washington, DC.

Hon. CARLA A. HILLS,
U.S. Trade Representative, Executive Office of the President, Washington, DC.

DEAR MR. SECRETARY AND MADAM AMBASSADOR: This is a follow-up to previous letters of September 21 and December 6, 1990 expressing our views on the financial services agreement currently under discussion in the Uruguay Round of the GATT international trade negotiations. While we commend both of you and your staffs for the efforts you have made in these negotiations, we are very concerned that none of the major objectives sought by the U.S. are attained in the so-called Dunkel "draft" text.

Under that text, countries with closed financial service markets are not required to provide market access to foreign firms nor to extend national treatment, defined as equality of competitive opportunity, to those firms that are permitted into their market. The text, which extends MFN to all signatories, contains no mechanism to protect against "free riders", or countries which sign the agreement but make few if any concessions in the current negotiations. Furthermore, the text does not give financial services officials a role in making final decisions regarding disputes that might arise under the annex.

As currently formulated, the agreement would institutionalize the weak competitive position of U.S. financial services firms in foreign financial markets. It would require the U.S. to maintain its current open market, while permitting other countries to keep their markets closed. Such an agreement does not serve the interests of our financial services industry or our Nation. In our September 21, 1990 letter we stated that any GATT agreement on financial services should contain, at a minimum: (1) the right of establishment; (2) a guarantee of national treatment, defined as equality of competitive opportunity; (3) procedures for settling disputes quickly; and (4) a prompt withdrawal of benefits from any signatory that fails to comply with its objectives. In our view, as we stated in 1990, these are the minimum commitments to which any OECD signatory must be bound and are the basic elements we will be looking for in any GATT agreement on financial services. It appears to us that sectoral non-application is the best mechanism to ensure that only those countries that are serious about liberalization enjoy the benefits of any financial services commitments.

We urge that you consider these concerns during your efforts to conclude a GATT Round that really does serve the interests of our Nation.

Sincerely,

DONALD W. RIEGLE, Jr.,
Chairman.
JAKE GARN,
Ranking Minority Member.

IS AMERICA BEING SHUT OUT AGAIN?

(By Robert C. Pozen)

The world's trade negotiators, having reached a tentative agreement on agriculture, are pushing to conclude an agreement on other sectors by next month, when the Uruguay Round of the General Agreement on Tariffs and Trade is slated to be completed. For the American financial services sector, however, a quick completion of the Uruguay Round threatens to cast in concrete the current one-way street: American financial markets would remain open to all comers, while Asian markets would continue to restrict access.

Under the ground rules for service agreements, GATT does not grant foreigners the right to compete in domestic markets unless that right is included in a country's GATT service schedules. This creates a disadvantage for American and European financial institutions, whose markets are open to foreign banks and brokers that meet the regulatory standards of domestic institutions.

By contrast, Asian countries generally impose special restrictions on foreign access to their financial markets. For example, Korea has an outright prohibition on foreigners selling mutual funds to local investors, while Japan requires foreign fund companies to go through a multi-year application process without clear objective criteria for approval. Most Asian countries limit the number of foreign banks and/or the scope of their local activities, while many Asian countries have only recently begun to allow the entry of foreign securities dealers on any conditions.

Given these existing disparities, Americans and Europeans can improve their relative market access through the GATT negotiations only if the Asians make substantial commitments to open up their financial markets to foreigners. However, such commitments to date have been very thin.

For example, Korea has even refused to guarantee that it would maintain the limited market access it currently affords to foreign banks and securities firms. Other Asian countries with significant exports are trying to position themselves as third world economies in need of protection for local financial markets. Singapore and Thailand, despite having advanced financial centers, exclude virtually all of their domestic banking sectors and the dealer portions of their local securities markets.

If the Asian commitments on financial services do not substantially improve, the United States would be locking in current disparities by signing the Uruguay Round. It would be prohibited from using access to its financial markets as a basis for reciprocal negotiations with Asian countries. Any special limits on Asian access to American financial markets would violate the most favored nation provision of GATT—a requirement to provide all signatories with the best market access afforded to any signatory. Thus, the most favored nation requirement would eliminate nearly all American leverage in bilateral negotiations with the Asians.

What should be done? If the Asian countries do not make reasonable commitments to open their financial markets within the next month, the United States and Europe should claim a most favored nation exemption for financial services. At the same time, they should agree to maintain the current openness of their financial markets between themselves.

The United States would then be free to adopt a reciprocity statute like the Fair Trade in Financial Services Act, which last year passed the Senate but not the House. Under this act, the Treasury would be required to evaluate whether American firms were being given fair access to Asian financial markets. If not, the United States could deny or condition licenses to Asian firms doing business in the American financial markets.

Although the United States negotiators are under intense international pressure to complete the Uruguay Round without taking major exceptions in any service sector, they should not allow Asia to become a "free rider" on the GATT agreement for financial services. By taking a most favored nation exemption for financial services, the United States would pave the way for tough bilateral negotiations based on true reciprocity—the only viable method for getting equal access to Asian financial markets.•

THE CHILDREN'S TELEVISION ACT OF 1990

• Mr. SIMON. Mr. President, we may be adults, but we still have a lot to learn from Captain Kangaroo. Bob Keeshan, better known as Captain Kangaroo, has entertained and educated our Nation's children for over 30 years. "Captain Kangaroo" had its debut in 1955 on CBS and stayed there for 3 decades before moving to public television, where it is still aired by 170 stations. Over the decades, "Captain Kangaroo" has set a standard of excellence to which today's children programs still aspire.

Recently, Mr. Keeshan testified before a Senate committee on television violence. He explained that the increasingly important role television plays in most households and the limited availability of children's programming, make television violence a more serious problem today than ever.

Television has become the national babysitter. Mr. Keeshan observed that "The most commonly exchanged words between a parent and child are not, 'Honey, I love you,' he said with a shake of his head, and a long loving look at his own daughter. "They are, 'Honey, I'm busy. Go watch television.'" This is not as good an idea as it used to be.

"Too much television is too violent, too commercial or too coarse," he complains. He blames this deterioration of broadcast programming on the deregulation of television in the 1980's. At that time, Mr. Keeshan maintains, the requirements that television stations demonstrate service to their communities were loosened, to the point of being meaningless.

Mr. Keeshan remembers the good old days of the 1950's, 1960's, and 1970's, when his greatest friends were the affiliated stations. "They used to have to talk, in the FCC logs, about what they were doing for children and for others in the community. It was taken seriously—a station could lose its license." Then came the 1980's, the era of deregulation. The administration sent a message to broadcasters, "That doesn't matter anymore. We don't want to interfere with the business of television."

The 1990 Children's Television Act promises to bring back an era of quality programming for our young audiences. Congress has mandated that stations regularly provide programming specifically for children. Mr. Keeshan is quick to warn, however, that without proper enforcement, this legislation won't mean much.

Mr. President, the recent interpretations of the act have been comical: Stations claiming that "The Jetsons" is educational because it teaches youngsters about space technology, or that "Family Feud" helps develop problem-solving skills in a family setting. Both Mr. Keeshan and myself are hopeful that the Children's Television Act will be more potent under the Clinton administration.

Mr. Keeshan admits that there are quality programs available, especially those shown on PBS. He specifically mentioned "Mr. Rogers' Neighborhood." "Fred Rogers is a very good friend of mine," he said, "We have worked together for many years." Mr. Keeshan is also inspired by the choices brought by new technology. Cable has brought us the Disney channel, and the VCR enables parents to do their own programming. Unfortunately, he recognizes that cable TV and VCR's are not universally available. However, most households can receive a PBS station.

Mr. Keeshan concluded by reminding us, we need more than a change in legislation, we need a change in attitude. Society often talks about how important our children are, but we rarely do anything about it. If we had a change in attitude, we would not have to say to broadcasters: This is a special audience, and you have to treat it in a special way. It is vulnerable. You can't sell children the way you sell a 30-year-old audience. "If we had different attitudes, you wouldn't have to tell them that. But, we don't," he conceded. "Now, the only protection a child watching television has is a thinking parent."•

RECOGNITION FOR SCHOLARSHIP RECIPIENT MICHAEL J. DVORZNAK

• Mr. WOFFORD. Mr. President, I rise today to congratulate Michael J. Dvorznak, a senior at Kiski Area High School in Vanedergrift, PA for being recognized with the All American Award. AAU/Mars Milky Way High School All-American Award recognizes 8 students out of 13,000 for their exceptional scholastic, athletic and community service achievements. The scholarship is awarded in the amount of $10,000.

Michael is a National Honor Society member who currently ranks first in his class. In addition, he is a varsity member of the wrestling, tennis, and soccer teams.

He is also actively involved in many community service efforts. Among the most notable are Group Recycling in Pennsylvania, West Haven Nursing Home, and Camp Carol, a camp for mentally and physically handicapped children.

Again, I offer my congratulations and good wishes to Michael and his family, Principal Shaner and the faculty, staff, and students of Kiski Area High School.•

NATIONAL AGRICULTURE DAY

• Mr. LEAHY. Mr. President, I am pleased to support the passage of the National Agriculture Day resolution. I think it is important that we recognize the agricultural community's invaluable contributions in our daily lives.

Today's farmers, ranchers, and the entire agribusiness community face many challenges. They must deal with the uncertainties of nature, international markets, new technology, and a host of other diverse issues. Americans are fortunate to have such a group of hard-working people who are devoted to their jobs and successful in their fields.

In the last five decades, the number of working farms has decreased and the jobs have been reassigned. American agriculture has had to adjust to changing times in order to survive. Being the son or daughter of a farmer no longer served as a guarantee that you would continue the tradition.

The agriculture community, however, did not quit. To survive, American agriculture developed innovative research to increase yields, practiced more sustainable production practices, and improved marketing of their products. New processing and food safety methods were also developed to provide higher quality food to the American public. These advances and these successes secured American agriculture as one of our Nation's greatest strengths.

National Agriculture Day recognizes the significant contributions that farmers make throughout the year. This resolution acknowledges the hard work that is involved with providing our country with an abundant food supply. National Agriculture Day acknowledges the American breadbasket as the single largest exporter of food in the world, and a positive contributor to our national trade balance.

American agriculture is a source of wonderful diversity, from the small dairy farmer in Vermont, to the midwestern corn and cattle farm, to the California vegetable grower, to the High Plains cotton farm and to the southern rice farm. Agriculture provides jobs on and off the farm, in the field, and in the processing and marketing of the food. The American people benefit greatly from such fertile land, modern technology, and dedicated workers. It is imperative that this way of life be protected.

As the original sponsor of this year's National Agriculture Day resolution, I am extremely honored to be able to pay tribute to American agriculture, and dedicate March 20 as a day to pay thanks to those in agriculture who make thankless contributions to our lives every day.•

KILLING OUR CHILDREN

• Mr. SIMON. Mr. President, on January 3, 1993, the Chicago Tribune began a year-long series entitled, "Killing Our Children." Having seen the Chicago metropolitan area confront the deaths of 57 children under 14 during 1992, the Tribune has made the decision to track the death of every child, 14 and under, during the coming year. This is not a decision that the paper has made easily, and it is likely to cause some controversy.

But I applaud the Tribune for its decision. Far too often, the victims are young, innocent bystanders. We can no longer stand idly by as familial, and community violence escalates.

I ask that the article be printed in full in the RECORD.

The article follows:

[From the Chicago Tribune, Jan. 3, 1993]

KILLING OUR CHILDREN

(By Steve Johnson)

In 1992, 57 children age 14 or under were murdered in the Chicago area, felled by snipers, sacrificed by gangs, killed by parents. It was a year for burying the young.

No. 44 you know about. He was a 7-year-old killed by a sniper in October as he walked to school with his mother. His name was Dantrell Davis.

His murder shocked people. It shouldn't have.

Before his death, killers claimed 43 children under the age of 15 in Chicago and its suburbs in 1992. After his death, 13 more kids were slain.

Most of these children you know little about. Many made the journey from birth to a slab in the county morgue with little more notice from middle-class Chicago than the few lines they receive in the list accompanying this story. But like the classified advertisement that writing instructors call the shortest short story—"For sale: One pair baby shoes; never used"—each of those paragraphs describing the 57 deaths is its own short story.

Taken as a whole, the list is a tragic novel of epic proportions. It is a tale of a society that—in its inability to perform a fundamental duty, the protection of its most vulnerable members—is yielding its claim to the term "civilization."

Yes, we have literature, opera and laws governing the height of grass in suburban yards. But we also have the following, now occurring often enough to be characterized as "routine": a baby going almost literally from cradle to grave, allegedly shaken to death by his mother's boyfriend for the crime of crying too much; a 10-year-old killed by a stray bullet as his father parks the family car so the boy can play in the snow; an adolescent fatally shot while nursing a gunshot wound received the week before during gang cross-fire.

Just seven months before Dantrell Davis died, a schoolmate of his, 9-year-old Anthony Felton, was shot to death, also by sniper fire, also on blacktop adjacent to the boys' school.

Pick a few more: There were Raphael, Christopher and Danielle Turner, ages 5, 7 and 4, killed by arson. There was Taylor Briana Huggins, 7 weeks old, allegedly beaten to death by her 15-year-old father. There was 12-year-old Shamin Watters, stabbed to death in a fight with a 14-year-old girl.

Emily Hernandez, Tyjaun Cox, London Akins, Kevin McMillan, Holly Staker * * *

There is a crisis in Chicago and its suburbs and a crisis nationwide. In 1981, according to FBI statistics, there were 864 homicide victims age 14 and under in the United States. In 1991, the last year available, there were 1,075, an increase of 24 percent.

About half of that increase occurred among 10- to 14-year-olds. That rise is directly attributable to gunplay, a word whose whimsicality is both an affront to decency and a perfect description of how casually some use firearms. In 1981, guns killed 107 of the 214 homicide victims in that age group. Ten years later, they killed 209 out of 290.

Much of the rest of the increase occurred in children who had not reached their first birthday. In 1981, 182 kids younger that 1 were killed, compared with 304 a decade later.

"Homicide rates in this country were actually higher nine, 10 years ago," said Dr. Robert G. Froehlke, a epidemiologist with the Michigan Department of Public Health. "But if you look at it by age, homicide rates in children are the highest they've been for this century."

While the killing of children is mostly a city problem, because that is where the poverty that produces violence is most entrenched and concentrated, it is not exclusively so.

Of those 57 deaths in 1992, seven occurred in Chicago's suburbs and one victim was a suburban resident killed in Chicago. Among them were an 11-year-old baby-sitter raped and slain on the job in Waukegan, a 13-year-old schoolgirl shot on a street in Evanston, and twin babies smashed against a wall, allegedly by their father, in the family home in Riverside.

Two west suburban high schools, Oak Park-River Forest in Oak Park and Proviso West in Hillside, had their first gun incidents last fall. Earlier in the year, a pupil at Julian Junior High School in Oak Park brought a handgun from Julian to the suburb's Longfellow Elementary School, where he showed it off to 6th graders. This time, at least, the display did not end in death.

Laurie Dann shooting up the Hubbard Woods Elementary School in Winnetka in 1988 was the most publicized invasion of a classroom. But in Chicago, as in other large cities, schools are now so grotesquely accustomed to students carrying guns that metal detectors routinely guard the doors. Since September, the Chicago Police Department's school patrol unit has seized 93 guns in an around city schools.

The notion that a school is by definition a haven from street crime, an island of succor and sanity, has grown absurd.

Standing on a street corner, an apparent gang member was talking to a reporter last month after witnessing the second gang-related shooting in a week outside Lake View High School. The Chicago school stands at Ashland Avenue and Irving Park Road, in a neighborhood where some single-family homes sell for as much as they do in the North Shore suburbs.

"The only way you can (shoot someone) is in school," explained the student, a freshman. "Out here, there's too much going on * * * too many cars, too many cops."

Katherine Flanagan, principal of Manley High School in Chicago's impoverished North Lawndale neighborhood, has had two of her students gunned down this year away from school grounds.

"Now it's so easy for people to pull a trigger," she said. "It's just unreal how easy it is, and there's just no respect for another human being."

While the killing may occur mostly in poor areas, the attendant problems are everybody's. When human potential is cut short, we all lose. When it is dimmed by constant exposure to violence, we all lose.

Is that too sentimental for you? Try simple economics. An increase of violence means more criminals, more tax dollars to jail them (currently about $25,000 per inmate per year) and to build jails to hold them ($42 million is being spent on a new 450-bed jail in Du Page County).

Look at the picture on the front page of this newspaper. Taxpayers pay the salaries of that army of Cook County Hospital trauma unit specialists gathered around the teen, who died. Victims who live can cost taxpayers up to $2,350 a day for care at the hospital.

Or try fear. A culture growing more hostile will not confine itself to city borders. Criminals don't just have guns and attitude; they have cars.

"Our society is not set up in walled, medieval cities, and problems that occur in one segment of society, if they get bad enough, reach out and touch others," said Dr. Katherine Kaufer Christoffel, an attending pediatrician at Children's Memorial Hospital and an expert on violence against children.

Throughout this year, the Tribune will examine in detail every murder of a child 14 and under in Cook, Lake, Du Page, Will, McHenry and Kane Counties. The first purpose is to remember those who are so easily forgotten. The second is more complicated: to shine light on the problems that have brought us to this moment and to search for remedies.

The death toll will probably seem wearying at times, both to readers who have been touched by it personally and to those who feel they and their children are safely removed from the battleground. But it is important to remember that the dead kids could be anybody's. In interviews this past year, the families and friends of the victims invariably remembered the dead as having loved Nintendo, pets, pizza or Michael Jordan. Whose child does that not describe?

It is not a project entered into lightly. Experts in the field of violence against children, and those who try to combat it daily, were asked whether such a persistent drumbeat of reporting might seem more exploitative or inflammatory than elucidating. Most said this: When faced with a situation so obviously unacceptable, it is more important to try to do something than to sit back and find reasons not to.

Many among the experts consulted shared the opinion of Dr. Robert Kirschner, deputy chief medical examiner of Cook County. "I can't think of a good reason why not," Kirschner said. "People need to realize what an enormous toll all violent death and nonnatural death takes on our kids."

Isolating the murders of those children age 14 or younger has several advantages. For one thing, 14 is a cutoff point for one set of national murder statistics kept by the FBI, making it possible to compare numbers between cities and within cities from year to year.

For another, if we can't begin to understand how to keep the children from dying, how can we hope to keep them safe throughout their later teenage years and into adulthood?

This doesn't mean the paper will ignore the scores of older murder victims. For African-American teens and young men, especially, the numbers are appalling: In 1989, the homicide rate for white males age 15 to 24 was 12.8 per 100,000; for black males, it was 114.8, and gunshot wounds were the leading cause of death.

Nor will the paper ignore those children who die accidentally, like the 4-year-old Joliet girl killed last week by her 3-year-old brother wielding the family handgun.

But the hope is that focusing on the murder of the very youngest will help make the problem more vivid.

Remedies are elusive. All evidence suggests that the killing of children is the result of a web of social ills, each filament lending strength to its neighbors, each so strong on its own that it is overwhelming just to contemplate doing something to cut it.

Dozens of law enforcement officials, psychologists, child welfare authorities, teachers and kids themselves named the same problems time and again.

There are more guns available, and those guns are more lethal than ever before. There are guns on the streets of our cities that have no purpose except for taking human life. Mac 10s, Tech 9s and Uzis were among the more than 21,000 illegal firearms confiscated by the Chicago police last year; they are not made for hunting game.

There is a growing gap between wealthy people and poor people, and poverty is increasingly concentrated in specific neighborhoods.

More of the people who are having babies simply are not prepared—emotionally, financially, educationally—to do so. An increasing number of child abuse deaths are attributable to what experts have named "shaken baby syndrome." There are parents who simply don't understand this most basic fact about infants: They are too fragile to be shaken violently without risking death.

In the suburbs, in middle-class city neighborhoods and in their traditional low-income strongholds, street gangs are gaining influence, even as they are recruiting younger members to their bloody ranks. Their violence, often indiscriminate, is fueled mostly by the lust for the lucre that illegal drugs brings. And those drugs, especially highly addictive crack cocaine, contribute to a situation in which more babies are not safe around even their mothers.

Meanwhile, racism remains a stultifying part of the culture, meaning poor black and Hispanic children, especially, begin life practically destined to have lower self-esteem and lower expectations than their white peers, a fact that can translate into a feeling of being apart from the society at large and its rules.

Educators, researchers and residents of high-crime neighborhoods report that even very young children there increasingly use violence as the first option in settling disputes.

And children, no matter how innocent or how hard they may seem, cannot help but notice that something is not right in their lives.

This was demonstrated graphically in December when the Hyde Park Bank held an award ceremony to honor winners in its essay contest, "My Neighborhood."

An official of the bank imagined the contest producing paeans to playgrounds and other totems of childhood. It did—a very few. Mostly it tapped a geyser of bitterness and fear and despair.

A 6-year-old, Sean A.R. Williams, called his essay "Trapped in My House."

"The houses in my neighborhood look so pretty, but I don't see my neighborhood much," Williams intoned from the lectern, reading his essay aloud to the hundreds gathered in the bank. "I only go outside when I get in the car or go to school."

It was a theme echoed by almost all of these most gifted and motivated of South Side students. If their parents care, if they want their children to survive their surroundings, they turn them into virtual prisoners in their homes.

And even there, the children learn early to scurry away from windows when the gunfire starts.

Demetrius Jones, 13 years old and seemingly more world-weary than many four times his age, offered sentiments whose rawness belied his neat typewriting and perfect grammar.

"I feel as though the world and the people may come to an end," read his essay. "No one seems to care about the children of the future."

Asked later if he saw a solution, or even any hope, he was tight-lipped. "Really," he said, "nothing can be done."

For another demonstration of the effect of street violence, turn to Gatling's Funeral Home, the complex on the Far South Side that can count Dantrell Davis' family among its clients. There, another visitation for a boy was taking place one recent day.

Charles Dixon, a 15-year-old whose parents struggled in vain to save him from the streets, had been strangled, drugs and dice found by his body, according to police.

The kids in the front row of the funeral parlor, friends of Dixon's, had seen death before, but were curious still. They approached their friend's body in its open casket, pulling back his shirt collar to check for strangulation marks.

One mentioned that Dixon would be buried in West Virginia. This triggered an association, and another chimed in that "George's" body had been shipped to Arkansas. George was a friend who had been shot the week before Dixon was strangled.

A few moments later, one of the girls in the group picked up a program referring to another funeral in the complex.

Reading through it, she pointed and exclaimed, "That's Antoinetta's baby. Let's go see Antoinetta's baby."

The young people left the room containing one dead friend in search of the room displaying the dead baby of another friend.

The majority of children, of course, will survive to adulthood, no matter how challenging their situations. Pondering them, the question becomes: What kind of scars does an atmosphere of violence leave?

Research suggests that those children who are exposed to violence are more likely to commit violence. A kid scared by the guns around him feels that getting his own gun is the best way to protect himself and his family.

At a Christmas party for child psychiatric patients at Cook County Hospital, two girls who had survived a horrible attack on their family laughed at a clown who pretended to have a talking insect. But an aunt of the girls said the attack had left behind a residual "hatefulness" in them.

"They get evil, real mean," the aunt confided. "One, she destroys everything she gets her hands on."

Those who have studied children, growing up amid violence say their behavior changes. They have trouble sleeping, have repetitive nightmares, develop facial tics.

"In some respects, the experience of these kids probably more resembles the experience of children in war zones than in what we like to think of as normal society," said James Garbarino, president of Chicago's Erickson Institute for Advanced Study in Child Development. "In Mozambique, which is recognized as one of the most hideous civil wars on the planet, a survey found that 75 percent of kids had witnessed a killing. We have neighborhoods in Chicago where the figure is 35, 40 percent.

"It kind of blows away their idea of the world."

The killing of children occurs essentially in two ways: Parents or caretakers slay their infants, and adolescents die in street violence. Those in between who are killed are frequently bystanders.

Christoffel, of Children's Memorial, studied all reported homicides and violent deaths of children 14 and under in Cook County for the years 1977 to 1982. There were 230 homicides, an average of less than 40 per year, and 207 other violent deaths.

She found that 61 percent of the victims were male, a proportion that increased after the age of 1. Black children were 70 percent of the dead, although they were just 34 percent of the county's under-15 population in 1980. Gunshots caused almost half of the homicide deaths among 10- to 14-year-olds.

"Winter is more dangerous for younger children (who get beaten)," Christoffel wrote, "and summer for older children (who get shot)."

Where 10 or 20 years ago, a fight may have been settled with fists or even knives, now there is more likely to be a gun around.

In 1950, according to the federal Bureau of Alcohol, Tobacco and Firearms, there were 50 million non-military guns in the United States. By 1970, the number had doubled. Two decades later, it had doubled again, to 200 million.

The bureau estimates that there are 3 million "crime guns" on the streets, said Special Agent Jerry Singer, and guns are available for as little as $35.

The number of gunshot wounds treated at Children's last year was more than seven times the number in 1980.

"It basically comes down to the availability of firearms, a deadly weapon that's easy to use and kills quickly and efficiently," Christoffel said. "Although homicides in the style of the inner city are not widespread in middle-class suburban areas, guns are, and therefore suicides are and unintentional homicides are."

Meanwhile, said Christoffel, unemployment and low wages push city youth into the violent drug trade, while movies and television are delivering to boys a message that "they should shoot."

"So you have more guns lying around, you have job and social situations that call for their use, and then a strong media message that promotes its. That's a mass marketing technique, isn't it? That's what you'd do if the goal was to increase shooting."

Of the 57 Chicago-area child killings last year, 23 were by gunshot, while 26 were allegedly cases of infant abuse by parents or caretakers, In all but three of the abuse killings, a father, mother or boyfriend of the mother was charged. At least 14 of the deaths occurred in Chicago Housing Authority developments.

Studies by the beleaguered Illinois Department of Children and Family Services have found that child-abuse deaths tend to occur in low-income households headed by single parents, usually women, with little education, living in overcrowded households in neighborhoods where there are few social services.

Just one in seven of the deaths in one DCFS study happened in areas where the median household income was above $18,000.

While the number of child-abuse deaths has fluctuated from year to year but has not generally increased in Illinois, nationwide it has. In 1991, there were 1,383 such deaths, an increase of 10 percent over 1990 and 22 percent over 1985, said Deborah Daro, director of research for the National Committee for the Prevention of Child Abuse, headquartered in Chicago.

"We think we may be seeing children who live in the most violent situations at much greater risk than five or 10 years ago," Daro said. "The one thing we would have said then is, 'We can prevent fatalities.' And now I don't think people would say that."

Stories involving the DCFS are frequently about a director leaving, a cutback in staffing, or a child, now dead, whom the agency failed to protect, but private social-service agencies report they, too, are underfunded and overwhelmed.

"We had last summer a child—4 years old—walk in and say he watched his father kill somebody," recalled Karen Haigh, child development director for Chicago Commons, a multisite social-service agency in low-income areas. "And nobody knew how to handle it. And you know what? I'm going to be perfectly honest with you: We didn't handle it.

"We never dealt with it. All the shooting was going on the same day, and it was just too much."

One recent afternoon at the Elliott Donnelley Youth Center, 3947 S. Michigan Ave., a South Side haven of various games and activities, Cherita Mallett stopped her play for a time to talk about growing up in her neighborhood.

Cherita, with her shy manner and hair in multicolored ribbons, is the picture of childhood vulnerability. She talks in almost a whisper, but on occasion will blurt out something like, "I like to read because reading is FUN-damental."

But reading is not so easy to concentrate on, she said, when the shooting starts. When it begins, she said, "I run under my mother's skirt." When it awakens her, she worries for her older brother. She has warned him about gangs and has lectured her family that if they use drugs, she won't go to their funerals. She is 9 years old.

"Sometimes I think I won't see my 10th birthday if I'm out in the streets," Cherita said. "I would be kind of happy if they would stop the killing just a little bit."

EDITORS' NOTE.—A society can be fairly judged by how it treats its children. Caring for and guiding them to maturity is its most essential work, for they are the means by which it survives.

By this measure, something has gone terribly wrong in our own community. In appalling and unprecedented numbers, the children are being killed.

During the next year, the Tribune will not let the murder of a single child in our metropolitan area go unnoticed. It will document every one, both to accord the loss of each young life the significance it deserves and to see if detailed knowledge can bring an end to the escalation of violence against those we all have the greatest duty to protect.•

REFORM OF OUR IMMIGRATION CONTROL SYSTEM

• Mr. D'AMATO. Mr. President, I rise today to again address the enormous problem facing the United States in regard to immigration reform, especially the tidal wave of illegal immigrants who enter the country through JFK Airport in New York.

As I spoke on last Friday and again on Tuesday, it is absolutely necessary that the United States reform its immigration control system to prevent the abuses that result in the admission of aliens such as Sheik Omar Abdel Rahman and Mohammad Salemeh, who entered this country illegally and are

now charged with causing death and destruction. Salemeh has been charged with the bombing of the World Trade Center and Sheik Rahman is his spiritual mentor and the leader of a large terrorist organization wreaking havoc in Egypt today.

In relation to this horrendous problem, I would like to include the following article from the March 15, 1993, edition of the National Review, entitled "The New Jet Set."

Mr. President, I ask that the text of this article be included in the RECORD following my remarks.

The article follows:

THE NEW JET SET

(By Ira H. Mehlman)

It's a slow day at New York's John F. Kennedy International Airport. Mondays usually are. "You should be here on a Friday or a Saturday, that's when the action is," says one of the uniformed immigration inspectors who deal with up to 1,300 political-asylum claimants a month.

At the secondary inspection area in the East Wing of JFK's international Arrivals Building, a Liberian national is entering a claim for political asylum. He is traveling on a British passport which he purchased for $300 in Bangkok. The flight that he arrived on several hours earlier originated in Tokyo.

The man, about 30, has his lines well rehearsed: "My uncle was killed in an attempted coup. He was a soldier in [Samuel] Doe's army."

"What would happen if you would go back?" asks a skeptical officer from the Immigration and Naturalization Service.

"I'm afraid of the situation," replies the Liberian.

"What would happen?" insists the officer, a man who has clearly heard it all before.

"My father was killed," the Liberian states emphatically.

"When?"

A long pause. "February. February '92. My mother is in Ghana."

"When did she go?"

"I don't know."

"Did she go to Ghana alone?"

"I cannot say."

The interview drags on. Both men are going through the charade. The Liberian will be out on the street in a matter of hours—he knows it and so does the officer.

The political-asylum claimant left Liberia in 1988, stowing away by ship to Thailand. Two years later he moved on to Malaysia, then back to Bangkok, followed by a stint in Japan. Frustrated by poor earnings over the past four years, he's decided to try the land of opportunity: the United States.

He has a bogus passport, he's been out of Liberia for four years, but he knows the magic words that will get him past the harried officers at JFK. Once he utters "political asylum" his chances of remaining in the United States are 93 per cent.

We're being deluged. It's scandalous," complains the officer filling out the papers on this case. "In a matter of hours he's going to be walking out onto the street joining the ranks of the unemployed. We don't know anything about him. We don't know if he has AIDS. We don't know if he's a murderer." In most cases immigration authorities don't even find out a real name. It's a complaint heard over and over again from any of the 360 immigration officers who work America's most unguarded border—JFK.

Last year 14,688 excludable aliens attempted to enter the United States through JFK, nearly triple the number just two years earlier. Of these, 9,194, or 63 per cent, asked for political asylum. All but 428 of them had either fraudulent documents or no documents at all.

The deck is stacked in favor of the aliens. The detention center at JFK airport has a maximum capacity of 100 beds and only 12 to 15 vacancies for some 1,300 new excludable aliens every month. For someone contemplating illegal immigration it's difficult to find better odds. "During fiscal 1992, I detained only 1,169 of the 15,000 inadmissibles who came through JFK," says William Slattery, New York district director for the INS.

In total, only about 7 per cent of the inadmissible aliens who come in at JFK can be detained. The rest are simply released onto the street and asked to present themselves for a hearing at a future date. "We have no good, solid data" on how many ever show up for their hearings, says Duke Austin, an INS spokesman. "I know it sounds crazy, but it's just not collected." On background, other INS people concede that probably not more than 5 per cent of the airport asylum claimants are ever heard from again.

RECORDS, ANYONE?

Beginning last October, the INS started keeping computerized records of asylum seekers who come through Kennedy and other major airports. INS also no longer lets a claimant leave the airport before it has scheduled him for a preliminary hearing before an asylum judge. The first hearings under the new rules had been set for mid January, which means the INS will finally have some hard data about how many of these asylum seekers actually bother to show up. The new system won't make it any earlier to apprehend and deport the no-shows, but at least INS will know how many people are scramming the system.

China and the Asian subcontinent are the prime sources of jet-set asylum seekers, accounting for more than two-thirds of the applicants at JFK. The remainder are from an assortment of countries in Africa, the Middle East, Eastern Europe, and the Caribbean. Though U.S. immigration authorities in recent months have moved to crack down on abuses through fines against the airlines and pre-boarding inspection of passengers in countries such as India and Pakistan, it has done little to slow down the flow.

By and large, the "jet people" phenomenon is well-orchestrated. Through some of the asylum seekers have made it to JFK on their own, most, particularly those from China, India, and Pakistan, rely on professional smugglers. For a fee, generally in the $30,000 range, the smuggler provides them with an airline ticket, a high-quality phony passport (which, if it's not destroyed en route to the United States, is often secretly turned over to the smuggler on the last leg of the voyage to be recycled for the next group of "refugees"), and a tale of persecution.

Veteran immigration officers at JFK say they can easily identify the smuggling rings' local agents hanging around the International Arrivals terminal, waiting for their clients to finish up their paperwork and be on their way; they're the ones with the cellular telephones.

For some arrivals, particularly among the Pakistanis, the U.S. is not even the final objective—Canada is. Being admitted to Canada for political asylum is like hitting the lottery jackpot: the benefit package there—including welfare, education, resettlement assistance, and more—is worth considerably more than a similar package here. But Canada does a much better job of overseas screening of potential asylum-seekers, weeding out the ones with bad documents before they board Canada-bound planes—so Kennedy airport, it seems, has become a back door to Canada.

Regardless of whether the United States is the asylum-seeker's ultimate destination, or just a stop along the way, JFK's International Arrival terminal has become a virtual open door for anyone who pushes on it. The law says that anyone who requests political asylum in the U.S., regardless of the circumstances of his arrival, must be given a hearing. The system is so backed up that it takes a minimum of four months to bring a claimant before a judge for a preliminary hearing and 14 months before the actual facts of the claim are heard in court. A particularly sore point for the INS's Slattery is the length of time it can take to resolve even the most bogus asylum claim. The judges "have no standards they are supposed to meet, no work performance plans," he complains.

There are plans in the works to quadruple the number of detention spaces available at Kennedy by October of this year, but even that, Slattery points out, will be woefully inadequate. Even assuming that there isn't an increase in asylum claimants coming through JFK, 400 beds would still accommodate only 28 per cent of the current traffic.

If anyone is less pleased about the whole situation than the INS, it is the airlines. Each time someone shows up without proper documents, it costs the carrier $3,000 and the fine may soon be raised to $5,000. The U.S. Government fined the airlines $20 million last year for delivering undocumented or badly documented passengers to U.S. airports. Half of those fines were levied at JFK.

JET PEOPLE?

The West Wing of International Arrivals is a mirror image of the East Wing. In a room identical to the East Wing's inspection area sit three Indian nationals with white sheets of paper stapled to their jackets bearing their names (aliases, most likely) and the name of the airline on which they arrived. All three have arrived without passports, asking political asylum. Confident the minor inconvenience of the airport waiting room will soon be behind them, they offer no more information and claim not to speak English.

Sitting in a row in front of the Indians are five Chinese nationals who have also arrived without documents. "The Chinese don't have to claim political asylum," says a Chinese-speaking agent who is handling the paper work. "They're all protected by the executive order" issued after the Tiananmen Square massacre. Though the order technically applies only to Chinese who were present in the U.S. prior to June 4, 1989, in practice it makes it virtually impossible to deport any Chinese national.

The five in the JFK inspection room arrived after an odyssey that would make anyone looking to pad a frequent-flyer account green with envy. Hong Kong to Paris. Paris to Santo Domingo. Santo Domingo to New York. The more indirect the route, the Chinese-speaking officer relates, the less scrutiny the travelers and their documents receive. There were seven people on their flight from the Dominican Republic: none had a visa to enter the United States, but all were planning to stay.

One well-dressed thirty-year-old woman was seeking political asylum based on China's single-child-per-family rule. "I'm afraid of forced sterilization if I return to China," reads her Q&A sheet, as filled out by the immigration officer. Her first child remains behind in China with the woman's mother. Her husband has been living in the U.S. since 1989. She doesn't know his address, but has a phone number for him in New Jersey.

A younger woman, in her late teens, stares shyly at the floor as she answers the questions posed in Chinese by Officer Catherine Bryant. The younger woman does not directly request asylum. When asked why she is here, she replies, "I heard life was better in the United States." She has no documents of her own, only the tattered business card of Bing Wong, a real-estate agent in the Elmhurst section of Queens who she describes vaguely as a distant relative.

Both women claim that they paid—or have promised to pay—the smuggler $30,000. The older woman's husband may have been able to come up with the cash to smuggle his wife into the U.S. The younger one will almost assuredly be working off her passage for many years to come in the sweatshops or restaurants of Chinatown. Many of the Chinese being smuggled into the United States wind up in a state of indentured servitude or as foot soldiers in the Chinese underworld.

A Ghanian woman is sitting alone in the front row of the waiting room, sobbing uncontrollably. She has just disembarked from a KLM flight from Amsterdam. The Dutch passport she is carrying is a valid one, but it does not belong to her. The photo on the document bears a resemblance to her, but on close inspection it is clearly the photo of another woman.

The sobbing woman has been living in the Netherlands for the past two years. She has not requested political asylum there because she has an aunt in New York whom she wishes to join. Upon arrival in New York she claims political persecution, for the first time.

OVERLOAD

Political asylum was first codified into U.S. law in 1980, when Congress passed sweeping reforms of the refugee laws. At the time it was estimated that about 5,000 people a year would seek asylum in the U.S. In recent years, the number of asylum requests has exploded to about 100,000 annually. Because the system was never designed to handle anything approaching that volume, and because every claim must get a hearing, it can take years for the process to play itself out.

The system's Achilles' heel is the right granted to each person who presses a claim for political asylum to have his case heard by a judge. The more people who apply, the more the system becomes bogged down. The more bogged down the system becomes, the more inviting it becomes for those filing bogus claims.

Jonathan Fuchs, who represents Iceland Air and other Europe-based carriers, would like to see summary exclusion for obvious abusers of the process, particularly aliens who flush their documents down the airplane toilet and then ask for political asylum. "Flushers should not get an automatic right to go see a judge. Just because they get their feet on the ground in the U.S. doesn't mean they're entitled to a hearing," he claims.

The airlines would much rather put these people on the next flight back to wherever it is they came from, and not have to pay the $3,000 fine for delivering an inadmissible alien to the U.S. "When someone arrives at JFK or any other international airport, they are at the functional equivalent of a border," and if they lack adequate documentation, they ought to be turned around and sent back, Fuchs contends.

Slattery would like to see summary exclusion for applicants who have entered by way of a third, presumably safe, country. The majority of claimants at JFK fall into this category. "If I have someone from China who has been through six or seven countries before finally asking for asylum when they hit JFK, I don't see why I should have to admit them," he says.

In striking contrast to your typical illegal alien who sneaks across the border, an asylum claimant who arrives at an airport without documents or with phony documents is almost always rewarded not only with admission to the U.S., but also with authorization to hold employment for as long as he can manage to clog the court's docket. With work authorization, the asylum abuser can obtain a Social Security card and a driver's license, the de-facto identifiers used by most Americans to prove eligibility for everything from welfare benefits to the right to vote.

Although the casual way in which we hand out these documents usually amounts to nothing more than the government aiding and abetting violation of our immigration laws, the consequences can be more serious. In the case of Mir Aimal Kansi, the man alleged to have gone on a shooting spree outside CIA headquarters last month, that laxness led to two deaths and three other people being wounded.

Kansi, a Pakistani citizen, entered the United States through JFK in February 1991 using what the INS now believes was a phony business visa (which he overstayed anyway). A year later, Kansi applied for political asylum at the INS office in Arlington, Virginia. Using the work-authorization document issued to him by the INS, Kansi was able to obtain a Social Security card and a Virginia driver's license. With that license Kansi had all the documentation he needed to purchase the AK-47 rifle he allegedly used to go on his rampage. Ironically, although nearly a year has passed between the time he filed his asylum petition and the date of the shootings, his case has not been scheduled for a hearing.

ENTER JFK

Even when the results are not quite so tragic, the abuse of asylum at JFK airport, though still relatively small, tends to have greater outrage value than other forms of illegal immigration. People sneaking past Border Patrol, even in much greater numbers, are less irritating than people who mock our humanitarianism. Senator Edward Kennedy, who chairs the Immigration and Refugee Affairs Subcommittee and who has traditionally worked for more liberal immigration and asylum laws, has dispatched two top aides, Jerry Tinker and Michael Meyers, to JFK to assess the situation.

After seeing the situation first-hand, Tinker, the subcommittee chief of staff, agrees that the asylum system is abused. Kennedy's subcommittee plans to hold hearings on the problem sometime in the spring. But Tinker believes the problem can be handled without requiring any new legislation. Additional detention facilities at the airport and quick hearings for asylum claimants, he believes, will deter people from abusing the system.

When Los Angeles International Airport boosted its detention capacity to 800 beds, asylum abuse all but stopped there. The addition of the extra detention space at LAX, however, also happened to coincide with the increase of asylum abuse at JFK. It seems likely, then, that simply building more detention facilities at JFK will not solve the problem; rather, it is likely to shift it to some other airport less well-equipped to hold inadmissible aliens.

While Tinker opposes summary exclusion as premature and unnecessary, he does favor a quick airport hearing for applicants and the immediate return of those whose claims have no merit. This is precisely what was being done in the case of Haitian boat people until last May. "While we agree this is a real problem that needs to be nipped in the bud, I would like to see them have a hearing and be put back on a plane. I don't think civil libertarians could have any problem with that," says Tinker.

But they do have a problem with it, says Arthur C. Helton, director of the Refugee Project for New York-based Lawyers Committee for Human rights. A quick airport hearing and a prompt return flight for those whose claims are deemed to be totally lacking in merit is wrong, in Helton's opinion. "There would have to be a more substantial procedure" to ensure that an asylum claimant is guaranteed the full protection of the law.

Helton accuses Senator Kennedy and others of political grandstanding. The phenomenon of airport asylum seekers is "a relatively discrete problem, but it's one that policy-makers are quite tempted to fix because it's relatively controllable," says Helton. He points out that compared to the more than 5,000 illegal aliens who sneak across the U.S.-Mexico border every day, the 15,000 a year who brazenly march through JFK are a mere drop in the ocean.

The ideal solution would be to screen out the abusers before they ever set foot on American soil. Under the law, a person must have physically reached the United States in order to press a claim of political asylum. A mobile corps of just ten agents moving from airport to airport to keep smugglers off-guard, says Slattery, would have a greater deterrence potential than the 360 agents currently at JFK.

OH, CANADA

The Canadian Immigration Service tested a similar program for six weeks beginning in November, and their preliminary findings indicate a reduction in the number of bogus asylum claimants turning up at Canadian airports. Pre-screening of passengers before they board flights to the U.S. can work, but it is a somewhat dicey proposition for the INS and the airlines.

Neither the U.S. Government nor the airlines want to appear to be hassling legitimate visitors. Adding to the problem is the matter of racial and ethnic sensitivities. Inevitably, somebody is going to raise an objection if the only passengers whose documents are closely scrutinized happen to be wearing turbans. Moreover, refugee-rights advocates have serious reservations about such screenings in countries whose human-rights records are suspect. Pulling someone with bad documents out of line in London or Paris is one thing. Pulling that person out of line in Karachi or Bombay is quite another matter, says Helton.

The number of people seeking political asylum will continue to grow as long as the odds of beating the system remain so high. Other democratic countries have concluded that the only way of dealing with asylum abuse is through summary exclusion of people they know are abusing the process. In some European countries, people who show up without documents, with phony documents, or who have traveled through other safe countries are simply presumed to be asylum abusers and are sent packing.

In a highly mobile world filled with billions of desperately poor people, some of the rules may have to be reconsidered. Our commitment to due process is admirable, but it has clearly become a magnet for abuse.

Under such circumstances, blind obeisance to the notion that every human being on planet earth is entitled to a day in an American court, no matter how frivolous the claim to asylum, can only undermine our ability to protect the truly persecuted.

Applying to come to the United States as an immigrant or a refugee can entail years of waiting. Entering illegally means risking apprehension. Going the political-asylum route, however, means no waiting your turn a set of documents entitling you to work, and a virtual assurance that you'll never be caught. The only thing that's surprising is that far more people haven't caught on.

Back in the East Wing of International Arrivals at JFK, a Dominican who has been sitting in the secondary inspection area for about 24 hours—the immigration officers suspect he is a criminal—gives up and asks to be sent home. He's destined to be one of the unlucky 7 percent who winds up in detention. A return flight home sounds like a much better option.

A victory of sorts—at least for now. "He'll try again," says the immigration officer as he begins filling out the inevitable forms.•

TRIBUTE TO SIRO DEGASPERIS

• Mr. MACK. Mr. President, I rise today to bring to the attention of my colleagues Mr. Siro DeGasperis, vice president of public affairs in charge of domestic and international operations for United Parcel Service. Siro is retiring this month after 32 years of service. After graduating from Bryant College with a bachelor of arts degree, Siro joined United Parcel Service as an operations clerk and driver. His varied career with the company has given him a background in business affairs, safety, human resources, engineering, and company operations.

Siro has been very active in the public affairs community serving as advisory board chairman for the Freight Services Improvement Conference, as an industry vice president for the American Trucking Association, and serving on the urban goods movement committee of the Transportation Research Board. He's also been associated with the Commercial Vehicle Safety Alliance and the Professional Truck Drivers Institute of America.

He is a director of the ATA Research Foundation and a member of the executive advisory committee of the National Industrial Transportation League. Siro's other association membership's include being on the advisory panel with the Agency Industry Council on the Transportation Research Consortium.

Siro served on the advisory committee with Vanderbilt Engineering Center for Transportation Operations and Research, and has worked closely with the Northwestern University Transportation School, MIT, and the University of Tennessee.

Mr. President, I know my colleagues here in the Senate join me in recognizing Siro's many accomplishments and in wishing him a happy and healthy retirement. I also welcome him to his new home in the great State of Florida.•

UNIVERSITY OF DELAWARE BASKETBALL TEAM WINS NORTH ATLANTIC CONFERENCE TITLE

• Mr. ROTH. Mr. President, last year at this time I rose to congratulate the University of Delaware's Fightin' Blue Hens mens' basketball team on their winning the North Atlantic Conference title and qualifying for the NCAA tournament for the first time in the school's history. Much to my delight, I can once again applaud the Hens after their exciting 67 to 64 victory Wednesday night over Drexel University, in the NAC finals in Philadelphia, which has placed them in the NCAA tournament for the second year in a row.

This group of young men has given our small State—known as the Small Wonder—a lot to be proud of. They have excelled and reached their goal, through their discipline, determination, and hard work. They have attracted a hearty following who faithfully come out to cheer the Blue Hens on to victory in their spectacular new home—the Bob Carpenter Sports and Convocation Center. Over the past 2 years, this team has helped bring out the best in our State and it has primed the spirit of the University of Delaware to two all time highs—with back-to-back, 20-plus victories.

Blue Hen spirit has taken flight, and as seasoned tournament veterans, the Hens will surely be a force to be reckoned with, for all of their competitors. As Blue Hens standouts Spencer Dunkley, Brian Pearl, Kevin Blackhurst, Anthony Wright, Coach Steve Steinwedel, and the rest of the squad prepare to do battle with the giants of college basketball, they can do so knowing that the entire State of Delaware is behind them 100 percent.

Of course, regardless of how they fare in the Big Dance, the Hen cagers are owed a great deal of thanks for all the excitement and the pleasure that they have provided over two remarkable seasons—and that will long be remembered by basketball fans in the First State.

I wish the Blue Hens all the best, as they begin down the long road to Cajun country—to New Orleans—for the final four. And I am making plans to cheer them on as they reach the top of the pecking order of college hoops.•

FACES OF THE HEALTH CARE CRISIS IN MICHIGAN

• Mr. RIEGLE. Mr. President, I rise today in a continuing effort to put a face on America's health care crisis. The Caldwells of Burton, MI, are an example of the problems that occur when a family loses its health insurance because the primary wage earner loses his or her job. Ms. Caldwell wrote to me in December of last year to tell me about the problems her family is facing.

Sharin and her husband, Geoffrey, and their two children, Leslie, 6, and Tyler, 4, were insured through Geoffrey's employer, Oak Distributing. They paid $200 a year in premiums for complete family medical coverage, a dental coverage program, and an optical program covering up to $100 in services. Unfortunately, in April 1991, Geoffrey was injured on the job and was put on workman's compensation. A year later, Geoffrey was fired due to his extended leave of absence. His employer offered to continue the family's health care coverage but the Caldwells would have had to pay a premium of $600 a month, a cost they cannot afford to pay.

For the past 10 years, Sharin has been a nurse's aid at Clara Barton Terrace Nursing Home in Flint. She applied for insurance benefits at the beginning of her employment and was denied, because she has a condition similar to diabetes. The insurance company sees her as a risk, even though she does not use insulin and controls her condition through her diet. She has not reapplied because she knows she will be denied again.

Recently, Sharin contacted the department of social services and was denied Medicaid coverage. However, she was told that her family was eligible for a $1,300 a month spend-down. This means that her family must pay $1,300 each month in health care costs before Medicaid will pick up any health care expenses. She also contacted Blue Cross Blue Shield of Michigan and was told family coverage would cost $430 a month. Both options are too expensive for the Caldwells to afford.

Since their insurance was discontinued in April 1992 the entire family has needed medical treatment to one degree or another. The family has had to pay over $700 for routine office calls, lab visits, and prescription drugs. In addition, after she had a blackout 3 months ago Sharin had two EEG's which cost $100 apiece. Sharin also had warts removed from her foot by a dermatologist. She had started her treatment while she was covered under Geoffrey's insurance. After they lost their insurance coverage, she was forced to end the treatments because they could not afford the $150 fee for each treatment.

Geoffrey has had to stop his treatment for a hereditary eye condition. He has stated that the eye drops he needs cost too much money and that he has to make sacrifices somewhere and his medical needs are one area.

Sharin states that when Leslie or Tyler gets sick she delays seeking treatment and then utilizes a local free clinic. Leslie has a history of bronchitis and pneumonia which makes her very susceptible to infections. Sharin knows this, but they only see their family doctor when it is absolutely necessary.

In a final attempt to obtain medical coverage for the children, Sharin inquired about the Caring Program for Children. This program provides basic health care and preventative services, at no cost, to uninsured Michigan children who meet the program requirements. The Caring Program for Children is funded through private donations and some Federal money. Currently, there is enough money available to fund approximately 1,500 children in Michigan. More than 300,000 children in my State need insurance coverage. The Caldwell children do not qualify for coverage because the family does not meet the income guidelines which require that the family income be at or below 185 percent of the Federal poverty level.

Sharin's greatest fear is that her daughter, Leslie, will have a reoccurrence of bronchitis and pneumonia that may require hospitalization. She keeps Leslie and Tyler from playing outside as much as possible so that they won't get sick, because she cannot afford to take them to the doctor. She is frustrated because she has investigated every avenue of health care coverage for her family with no luck. In her letter to me, she says "I have been trying to get some kind of health insurance but I have done nothing but hit dead ends."

Sharin and her family deserve to have access to affordable health care coverage to meet their needs. We need to enact national health care reform to make sure that families like the Caldwells have the health care coverage they need, regardless of their employment status.●

ORDERS FOR MONDAY, MARCH 15, 1993

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 3 p.m., Monday, March 15; that following the prayer the Journal of proceedings be deemed approved to date; that following the time for the two leaders there then will be a period for morning business not to extend beyond 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; that at 3:30 p.m. the Senate then resume consideration of S. 460, the motor-voter bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, MARCH 15, 1993 AT 3 P.M.

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:38 p.m., recessed until Monday, March 15, 1993, at 3 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 11, 1993:

DEPARTMENT OF JUSTICE

JANET RENO, OF FLORIDA, TO BE ATTORNEY GENERAL.

AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. NORA A. ASTAFAN, [redacted] AIR FORCE RESERVE.
BRIG. GEN. GERALD F. CRUMP [redacted] AIR FORCE RESERVE.
BRIG. GEN. ESKER K. DAVIS [redacted] AIR FORCE RESERVE.
BRIG. GEN. DAVID C. GILDART [redacted] AIR FORCE RESERVE.
BRIG. GEN. WILLIAM F. WILLOUGHBY, [redacted] AIR FORCE RESERVE.

To be brigadier general

COL. ALAN H. BRUCE, [redacted] AIR FORCE RESERVE.
COL. JIM L. FOLSOM, [redacted] AIR FORCE RESERVE.
COL. DANNY A. HOGAN, [redacted] AIR FORCE RESERVE.
COL. MICHAEL J. QUARNACCIO, [redacted] AIR FORCE RESERVE.
COL. KEITH T. REILING [redacted] AIR FORCE RESERVE.
COL. JERRY SCOTT, [redacted] AIR FORCE RESERVE.
COL. DONALD B. STOKES, [redacted] AIR FORCE RESERVE.
COL. JAMES L. TURNER, [redacted] AIR FORCE RESERVE.
COL. RALPH M. UTTERBACK, JR. [redacted] AIR FORCE RESERVE.
COL. LEONARD D. WILLIAMS, [redacted] AIR FORCE RESERVE.
COL. ROBERT J. WINNER, [redacted] AIR FORCE RESERVE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CHARLES J. SEAROCK, JR [redacted], UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593,8218,8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. EUGENE R. ANDREOTTI [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. MICHAEL J. BOWERS, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. MICHAEL S HALL [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. WALLACE D. HEGG [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. GENE A. KATKE [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. LAWRENCE A. MACIARIELLO [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. DAVID J. RIST [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. LARRY K. ARNOLD, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DOUGLAS BURNETT, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. CHARLES D. BURNFIELD [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOHN T. BYRD, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOHN J. CRAWFORD, JR. [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. SAMUEL G. DEGENERES [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. GEORGE A. DEMERS, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. THOMAS H. DESPAIN [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. GARY W. FELSTEAD [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JON C. HEATON, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. GARY E. KAISER [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. STEPHEN G. KEARNEY [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. EMMETT L. MCCUTCHIN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JAMES MCINTOSH [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. MELVYN S. MONTANO, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DONALD L. POWELL [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. THOMAS W. POWERS, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. WILBUR E. ROSE [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. VICTOR R. SCHWANBECK, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. EDWIN H. BURBA, JR. [redacted] U.S. ARMY.

THE U.S. ARMY NATIONAL GUARD OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. JAMES H. GARNER [redacted]
BRIG. GEN. RONALD O. HARRISON [redacted]
BRIG. GEN. CHARLES M. HOOD, JR. [redacted]
BRIG. GEN. JAN P. WEPSTER [redacted].
BRIG. GEN. CLAYTON A. HOVDA [redacted].
BRIG. GEN. GEORGE W. SCHULER [redacted]

To be brigadier general

COL. SPESSARD BOATRIGHT [redacted].
COL. HENRY CASTILLON [redacted]
COL. CHARLES O. DILLARD [redacted].
COL. RICHARD S. POOLE [redacted].
COL. SHARON K. VANDER ZYL [redacted].
COL. WILLIAM B. WATSON [redacted]
COL. RICHARD O. CARTER [redacted]
COL. DAVID W. GAY [redacted]
COL. ALBEN N. HOPKINS [redacted]
COL. GEORGE J. BLYSAK [redacted]
COL. DENNIS FAGAN [redacted]
COL. TOMMY F. GRIER, JR. [redacted]
COL. RONALD K. KERWOOD [redacted]
COL. LEROY S. LEGOWIK [redacted].
COL. JOSEPH O. NIXON [redacted]
COL. JOHN W. HUBBARD [redacted]
COL. JERRY C. SMITHERS [redacted].
COL. PAUL G. WISLEY [redacted].

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING MOLLY J HALL, AND ENDING DAVID A WAGIE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

AIR FORCE NOMINATIONS BEGINNING JOSEPH H. KWAN, AND ENDING JAMES V. SIMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

AIR FORCE NOMINATIONS BEGINNING RICHARD V BRIGGS, JR. AND ENDING JUDITH A VOLPE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

AIR FORCE NOMINATIONS BEGINNING MICHAEL A CUDDIHEE, AND ENDING LINDA N FOOTE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

AIR FORCE NOMINATIONS BEGINNING MAJ. JOSEPH J. BULMER, JR., [redacted] AND ENDING MAJ. FRANK D. WLATERSCHEID, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

AIR FORCE NOMINATIONS BEGINNING MAJ. KATHLEEN M. AMBROSIA, [redacted] AND ENDING MAJ. GERALD M. SCHNEIDER, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

AIR FORCE NOMINATIONS BEGINNING MAJ. FRANK S. ARNONE, [redacted] AND ENDING MAJ. RICHARD E. HORN, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

AIR FORCE NOMINATIONS BEGINNING LARRY I CORMAN, AND ENDING RICHARD L STAHLMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

AIR FORCE NOMINATIONS BEGINNING PAUL J AFFLECK, AND ENDING SHAWN M VARNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

AIR FORCE NOMINATIONS BEGINNING JERALD K AOKI, AND ENDING AGAPITO MIRANDA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

AIR FORCE NOMINATIONS BEGINNING RAYMOND B ABARCA, AND ENDING TODD C ZUMBEHL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

AIR FORCE NOMINATIONS BEGINNING THOMAS R CORBIT, AND ENDING JOHN F RIVERO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 7, 1993.

AIR FORCE NOMINATIONS BEGINNING BOBBY J ABERNATHY, AND ENDING ELIAS N SOURI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 7, 1993.

AIR FORCE NOMINATIONS BEGINNING MAJ. CHRISTOPHER J. COCHRAN [redacted] AND ENDING MAJ. DEBORAH L. HART [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 20, 1993.

AIR FORCE NOMINATIONS BEGINNING SHYAMALI ARMSTRONG, AND ENDING CHRISTOPHER A WORLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 25, 1993.

IN THE ARMY

ARMY NOMINATIONS BEGINNING JOHN A. BAUER, AND ENDING FRANK J. WHALEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

ARMY NOMINATIONS BEGINNING GERALD E. CROCKER, AND ENDING JOSEPH A. GAGLIARDI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

ARMY NOMINATIONS BEGINNING ALAN L. BLATTERMAN, AND ENDING PATRICIA A. GUSTAFSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

ARMY NOMINATIONS BEGINNING RICK BACCUS, AND ENDING PATRICIA D. PRECHTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

ARMY NOMINATIONS BEGINNING * CELSO G. BOLET, AND ENDING PATRICIA A. RIKLI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

ARMY NOMINATIONS BEGINNING JERRY L. ANDERSON, AND ENDING JAMES COFFEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

ARMY NOMINATIONS BEGINNING CHARLES E. BENSON, AND ENDING CLORINDA K. ZAWACKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

ARMY NOMINATIONS BEGINNING ALFONSO J. AHUJA, AND ENDING ROBERT SHAKESPEARE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

ARMY NOMINATIONS BEGINNING VERNON L. BENSON, AND ENDING JOSEPH B. EZHAYA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS OF MICHAEL F. MONIGAN, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

MARINE CORPS NOMINATIONS BEGINNING ROBERT E. BRAITHWAITE, AND ENDING JAMES L. SACHTLEBEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 16, 1993.

MARINE CORPS NOMINATIONS BEGINNING DAVID R. HARMAN, AND ENDING DENNIS K. STAVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 16, 1993.

MARINE CORPS NOMINATIONS BEGINNING MARK S. BARNHART, AND ENDING CLARANCE L. WALLACE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 16, 1993.

MARINE CORPS NOMINATIONS OF FREDERICK N. SHEPARD, WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 16, 1993.

MARINE CORPS NOMINATIONS BEGINNING WILLIAM D. BEYDLER, AND ENDING ROBERT S. ZAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 16, 1993.

IN THE NAVY

NAVY NOMINATION OF ROBERT ENRIQUE YBANEZ, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

NAVY NOMINATIONS BEGINNING JERRY WAYNE BEAN, AND ENDING BRUCE LEON HAWK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

NAVY NOMINATIONS BEGINNING DANNY WAYNE ARMSTRONG, AND ENDING WILLIAM EARL DANKA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

NAVY NOMINATIONS BEGINNING JOHN FRANCIS BROWN, AND ENDING JEAN ANN THURBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

NAVY NOMINATIONS BEGINNING MATTHEW BERNARD ALLMANN, AND ENDING WINSTON C. THOMAS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

NAVY NOMINATIONS BEGINNING ALAN DOUGLAS ARIEL, AND ENDING ROBERT LEE THOME, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

NAVY NOMINATIONS BEGINNING RUSSELL SCOTT ANDERSON, AND ENDING CYNTHIA LOUISE SPAID, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

NAVY NOMINATIONS BEGINNING JOSEPH F. BAGNICK, AND ENDING MICHAEL F. WOELKERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

NAVY NOMINATIONS BEGINNING SCOTT L. ACKLEY, AND ENDING KEVIN ROBERT SLATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 5, 1993.

NAVY NOMINATIONS BEGINNING DANIEL JOE FRANKEN, AND ENDING ROLAND MICHAEL FRANKLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON JANUARY 19, 1993, AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 20, 1993.

NAVY NOMINATIONS BEGINNING PAUL FREDERICK BLUNT, AND ENDING GEORGE ALLEN ZOLLA, JR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON JANUARY 19, 1993, AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 20, 1993.

NAVY NOMINATIONS BEGINNING GERALD ROGER BEAMAN, AND ENDING WINSTON D. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON JANUARY 19, 1993, AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 20, 1993.

NAVY NOMINATIONS OF DAVID MCDOWELL BROWN, WHICH WAS RECEIVED BY THE SENATE ON JANUARY 19, 1993, AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 20, 1993.

NAVY NOMINATIONS BEGINNING KENT MICHAEL BAYER, AND ENDING MATTHEW JOHN FLAHERTY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON JANUARY 19, 1993, AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 20, 1993.

NAVY NOMINATIONS BEGINNING ROBERT WILLIAM ALCALA, AND ENDING JOHN RANDOLPH WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON JANUARY 19, 1993, AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 20, 1993.

NAVY NOMINATIONS BEGINNING LEONARD R. KLEIN, AND ENDING ANDREW JACKSON MAY, III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON JANUARY 19, 1993, AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 20, 1993.

EXTENSION OF REMARKS

LEGISLATION TO PROMOTE FAIR FRANCHISING

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. LAFALCE. Mr. Speaker, I am today introducing three bills that address serious problems in business franchising. Two of these bills are similar to bills I introduced in the 102d Congress.

The first provides for more effective public disclosure and strengthened consumer protections in connection with the representation and sale of franchise opportunities.

The second seeks to promote greater balance and fairness in franchise relationships and to provide general standards of conduct in franchising practices.

The third bill is intended to facilitate the collection, analysis, and publication of statistical information on franchising by the Federal Government to provide the public with more objective, accurate, and comprehensive information on franchise practices and franchise business performance.

In the past decade franchising has changed the way Americans do business and the way we purchase goods and services. In large and small communities in my district and across the Nation the growing majority of businesses are either franchises or licensed outlets of national companies or retail chains. Each year thousands of individuals invest in franchises in the hope of realizing dreams of business ownership and economic independence.

The growing franchising sector of our Nation's economy employs more than 7 million workers in a half million businesses in over 60 industries. Combined annual sales of franchise businesses account for more than one-third all retail sales of goods and services in the U.S. economy.

As with anything this big and diverse, however, the growing importance of franchising has not been achieved without serious problems and abuses. Press reports provide increasing evidence of fraudulent franchise offerings, troubled franchise systems, and growing numbers of unprofitable or failed franchise businesses. State and Federal officials also report increases in franchise fraud that far exceed their enforcement capabilities. The Federal Trade Commission reported in December that it receives far more complaints regarding franchise violations than it can pursue and acknowledged that "there are many victims with meritorious complaints against franchisors whom State and Federal agencies simply cannot help."

The Committee on Small Business, for which I serve as chairman, has been engaged in a 3-year study of franchising and franchise practices. I initiated this study to provide the Congress with a better understanding of franchising and of franchising's growing importance in our Nation's economy. And I have pursued this inquiry with a strong appreciation of the enormous potential of franchising in promoting small business growth and entrepreneurial opportunity within our country and around the world.

Regrettably, the committee's study has uncovered substantial evidence of unfair, abusive or fraudulent franchising practices. The committee has also found that the extremely one-sided nature of franchise contracts permits little, if any, viable legal recourse to most franchisees for recovery of losses or damages caused by these abusive or fraudulent practices. In essence, large numbers of small business owners are routinely required to forgo basic legal rights just because they choose to become franchisees.

While some of the unfair practices found by the committee may be temporary responses to severe competition and recessionary conditions, others appear rooted in the intentional design and operation of franchise systems. Such practices have been encouraged nationally by an extremely weak regulatory climate and by an absence of Federal law or legal guidelines providing even minimal standards of conduct for franchise relationships.

I fully recognize that these findings do not characterize all franchise systems, or franchising generally; however, I am also firmly convinced that these problems are widespread enough to have caused substantial financial losses among franchisees and to warrant serious examination and corrective actions by Congress.

FRANCHISE DISCLOSURE LEGISLATION

The legislation I am introducing today is directed to the most serious problems of business-format franchising, both with regard to the representation and sale of franchises to the public and to the imbalance of rights and privileges in franchise relationships.

The first proposal, the Federal Franchise Disclosure and Consumer Protection Act, addresses problems involving fraudulent franchise offerings, deceptive or misleading franchise promotions, and misrepresentation of the costs, experience, or potential success of established franchise systems. The legislation has three general objectives. First, it seeks to codify and strengthen current Federal law and procedure relating to franchise disclosure and antifraud enforcement.

Second, it creates a right of action that permits individuals injured by violations of the bill to seek redress in the Federal courts. The bill provides an unambiguous congressional mandate for more vigorous and effective public and private enforcement of long-standing Federal standards and procedures to protect the public from fraudulent and deceptive sales practices.

The third objective of the legislation is to enhance the information available to the public regarding specific franchise opportunities. It proposes a number of revised or expanded disclosure requirements which have been urged by experts as necessary to provide prospective franchisees with more useful and accurate information regarding the prior experience and the potential profitability of a franchise opportunity.

While much of the proposed bill is unchanged from the legislation I introduced last year, a number of significant changes and clarifications have been made in response to comments submitted by franchise regulators, franchisors, and franchisees. Changes have been made to clarify and simplify compliance with required disclosure of information relating to franchise sales and earnings, to permit prior agreement to arbitration except where used to negate the private right of action in the legislation, to add requirements for the preservation of relevant documents and records relating to franchise sales and disclosures and to provide a good faith standard of compliance by franchisors.

I am told by several major franchisors that the legislation proposes nothing in way of disclosure that they are not already providing or that any responsible franchisor would not be willing to disclose to prospective franchisees. The clear intent of the proposal is to provide franchisees with more relevant information up front, before they sign a franchise agreement, to minimize misunderstanding and conflict that can be damaging to both parties later in the business relationship.

FAIR FRANCHISE PRACTICES

The second bill I am introducing, the Federal Fair Franchise Practices Act, is intended to promote greater fairness and equity in ongoing franchise relationships and to establish general standards of conduct in franchising practices. As with the first initiative, the legislation also provides for a clear, unqualified right of action to permit franchisees to bring suits in Federal court against specific violations of the act and against abusive or unfair conduct by franchisors.

The substantive proposals of this legislation are few in number, but focus on problems that are national in scope and involve serious operational or legal issues. These include a limited number of prohibited practices, three general standards of conduct, and important procedural protections for franchisees. In short, the intent of the legislation is to provide a minimum Federal standard of fair conduct in franchising.

Key provisions in the bill are intended to clarify that basic standards of common law, which apply to all other contractual or professional relationships, are equally applicable to franchise arrangements. The bill requires all parties to a franchise to act in good faith. It would prevent franchisors from terminating a franchise without good cause. It imposes on franchisors, like all persons offering professional or specialized services to the public, a duty to exercise commonly recognized standards of expertise and knowledge in establishing and operating a franchise system. And it requires a fiduciary obligation of franchisors that undertake broad financial and accounting functions on behalf of franchisees.

Mr. Speaker, I find it interesting, and somewhat heartening, that the International Franchise Association, the trade association representing many of the Nation's franchisors and a past opponent of franchise legislation, has recently revised its code of ethics to address some of the problems and concerns addressed in this bill. However, this attempt at self-regulation, while offering an admission that serious problems exist in franchising, provides an inadequate substitute for strong, enforceable standards and protections in Federal law.

FRANCHISE DATA LEGISLATION

A continuing theme in the committee's 3-year inquiry into franchising has been the inadequacy of the information available to the public about franchising. Despite the growing importance of franchising in the American marketplace, we continue to have surprisingly little comprehensive, objective, or accurate information about the operation of franchise systems and franchise business performance. A unique aspect of franchising has been the continuing ability of the franchise industry to control much of the public information available about itself and about franchising.

A number of recent academic studies have found a "disturbing" lack of empirical research on franchising generally and a "serious void of reliable statistics" on rates of success and failure of franchise businesses. Despite such findings, statistical information appears routinely in the press and in franchise promotional materials claiming extremely high rates of success for franchise businesses. Even systems with high rates of franchise turnover or failure have been able to conceal this information from prospective investors by using broad, unsubstantiated data showing franchises generally to be successful.

In short, we have a situation in which too many prospective franchisees are induced to make one of the most important investments of their lives with inaccurate or false information that is often attributed to Federal agencies and which is intended to make franchises appear uniformly successful and virtually risk free. No independent sources of data exist to refute such claims or to provide objective information about franchise performance.

The bill I am introducing, the Federal Franchise Data and Public Information Act, would address the problems of inadequate and inaccurate information on franchising with two initiatives. The first requires the Department of Commerce to collect and publish data from the disclosure documents filed each year with the Department by all franchisors. The second initiative requires the Census Bureau to collect and analyze statistical data on franchises as part of the Bureau's 5-year business survey. These short-term approaches to data collection will enhance the reliability of statistical information on franchising and, ultimately, provide prospective investors with the kind of information they need to make an informed decision on whether to purchase a franchise business.

IMPORTANT AND NEEDED LEGISLATION

Let me emphasize two additional points about the proposed legislation. First, I think the changes in Federal law I am proposing are not only extremely important, but also historic. In much the same way that the Wagner Act helped revolutionize labor-management relations in the industrial economy of the 1930's, I believe this legislation can help restore balance and fairness within the franchising sector of our service economy and also help revitalize broader economic growth.

Second, let me emphasize my belief that these proposals will be enacted by Congress, either in this or another form, because the need for the proposed protections is so great. Often during the recent campaign, President Clinton repeated his commitment "to the idea that people who work hard and play by the rules should not be punished, but should share in the rewards of the American dream." Nowhere is this vision of change more urgent than in franchising.

In the past decade hundreds of thousands of individuals and families have put everything they own in a franchise business, investing in the American dream of business ownership and economic independence. They have worked hard and played by the many rules imposed by franchisors and have contributed significantly to the success of many franchise systems. But increasing numbers of these people have seen their dreams shattered and have lost everything they own, the victims of slick operators who never intended to help them build a successful business or of large corporations seeking to bolster corporate revenues by saturating the market with new, unprofitable franchises.

The time has come for this to change. Franchisees need and deserve protections that permit them to share in the rewards of their investment and their effort. To paraphrase President Clinton, we need to assure that franchisees who work hard and play by the rules are not punished, but have every opportunity to share in the rewards of the American dream.

The proposed legislation, I believe, provides a balanced, commonsense response to current abuses in franchising that can enhance franchising's image and growth and also assure that small business owners are not victimized by unfair or unethical practices. I think there is much in the legislation that reputable franchisors will not only be able to live with, but will support.

Mr. Speaker, franchising has undergone tremendous growth in the past two decades and now dominates our Nation's retail and services sectors. Unfortunately, Federal and State law and regulation have failed to keep pace. Federal guidelines intended to protect the public from false or misleading franchise promotions are sadly out of date and only marginally enforced. Legal rights and standards taken for granted in other business relationships continue to be debated and denied in franchising arrangements. It is time Congress acted to provide basic protections in Federal law to discourage fraudulent and abusive franchising practices and to help strengthen the American dream of small business ownership. I urge the Congress to adopt this important legislation.

A section-by-section summary of the legislation follows:

H.R. 1315—FRANCHISE DISCLOSURE AND CONSUMER PROTECTION ACT

SECTION-BY-SECTION SUMMARY

A bill to strengthen current Federal law to protect consumers in connection with the representation and sale of franchise businesses, to facilitate increased public disclosure regarding franchise opportunities and to enhance common law remedies for purchasers of franchises, and for other purposes.

Section 1. Short Title—Federal Franchise Disclosure and Consumer Protection Act.

Section 2. Statements of Findings and Purpose.

Section 3. Prohibited Actions—The section includes two sets of prohibited conduct. The first identifies actions or conduct prohibited elsewhere in federal law, including fraud, deceptive practices, misrepresentation of material facts and discrimination, clarifying that such actions or conduct are unlawful for all parties in contractually defined franchise relationships.

Section 3(b) codifies specific prohibitions in current federal disclosure rules to make it unlawful for franchisors, in disclosing information to prospective franchisees: (1) to make an untrue statement of material fact or an omission of material fact; (2) to fail to furnish prospective franchisees with all information as required in regulation; (3) to fail to provide information that is current and (4) to fail to furnish prospective franchisees with all documents incorporated by reference in a franchise agreement; and (5) to make claims or representations that contradict or are inconsistent with information provided in written disclosure.

Section 3(c) excludes from liability under subsection 3(b) actions, statements or omissions done or made in good faith in conformity with any regulation or order of the Federal Trade Commission (FTC).

Section 4. Material Omissions Defined—The section identifies thirteen (13) criteria for disclosure which would be considered omissions of material fact if not properly disclosed to prospective franchisees. Ten of the disclosure criteria either restate existing requirements in the FTC Franchise Rule and in state guidelines for the Uniform Franchise Offering Circular (UFOC) or make technical changes in these current disclosure standards.

Three additional criteria incorporate substantial revisions of current FTC/UFOC disclosure standards or propose new disclosure requirements. The first requires franchisors to disclose the most current information available from actual operating data relating to gross sales of franchise and/or nonfranchise outlets. Information relating to operating costs and net profit or net losses would also be disclosed, to the extent that such information is known, can be estimated or is discoverable by the franchisor through exercise of reasonable diligence. All franchisors would be required to exercise diligent efforts to collect all relevant information needed to make such disclosure.

The second change would expand the information available to potential investors about current franchise owners and about franchisees who have left the franchise system. It would also require identification of any associations or other organizations of franchise owners which can provide prospective franchisees with additional information about the franchise system. The third change would require franchisors to disclose to prospective investors the existence of any written agreement or commitment or publicly expressed intention to sell or dispose of the franchise system or the controlling interest in the franchise system.

Section 5. Accounts and Records—The section requires franchisors, subfranchisors and franchise brokers to maintain and preserve for such periods as the FTC prescribes in regulation all disclosure documents, accounts, receipts, books, records or other documents relating to any transaction involving the offering, sale or resale of a franchise or forming the basis for any financial statement or earnings representation required to be disclosed under the Act. Franchisors would be prohibited from destroying, mutilating or altering any account or document required to be maintained or preserved.

Section 6. Enforcement—The section authorizes the Federal Trade Commission to enforce the provisions of the Act, and enhances current authority by extending the period during which the FTC may bring actions for violations.

Section 7. Actions by Private Persons—The section authorizes any person injured by a violation of the Act to bring an action in any federal district court for a period of up to five years after the date of the violation, or three years following discovery of such violation. Persons injured by a violation, or threatened with injury by an impending violation, would also be authorized to bring action in federal court for injunctive relief.

The section authorizes a court with jurisdiction over an action brought against a violation of the Act to interpret provisions in a franchise agreement intended to confer a benefit, impose a duty or apply a restriction only on one party to the agreement as reciprocal and equally applicable to both parties.

The section also clarifies that nothing in the Act is intended to deprive any person of the ability to settle any dispute through arbitration or other non-judicial procedure, except that provisions of a franchising agreement requiring resolution of all disputes by arbitration shall not be used to bar legal actions which involve requests for damages and/or equitable relief arising from alleged violation of section 3 of the Act.

Section 8. Prohibition on Waiver of Rights and Liability—The section prohibits a franchisor from requiring franchisees to agree to specific provisions in franchise agreements which would: (1) violate specific prohibitions in the Act; (2) relieve any person of liability or duties imposed by the Act; or (3) waive or restrict any right granted under the Act.

The section also prohibits provisions in franchise agreements which are intended to deprive franchisees of the protections of the Act or protections in state laws by designating the law of another jurisdiction as governing disclosure or the franchise agreement; of the right to commence a legal action in a court or forum in the state of the franchisee's place of business; of the ability to act collectively to settle like disputes arising under the franchise agreement.

Section 9. Effect on State Law—The section clarifies that the Act preempts state laws only to the extent that state laws offer less protection to franchisees than provided by the Act.

Section 10. Study of Need for Additional Protections—The section requires the FTC to study the need for additional provisions in Federal law or regulation to prevent evasions or violations of the requirements of the Act and to report the findings of such study to Congress.

Section 11. Effective Date—Provides that the provisions of the Act will take effect 180 days after enactment.

Section 12. Definitions.

H.R. 1316—FEDERAL FAIR FRANCHISE PRACTICES ACT

SECTION-BY-SECTION SUMMARY

A bill to prohibit certain unfair franchise business practices, to establish minimum standards of conduct in franchise relationships, to enhance common law remedies for franchisees, and for other purposes.

Section 1. Short Title—Federal Fair Franchise Practices Act.

Section 2. Statements of Findings and Purpose.

Section 3. Prohibited Actions—The section includes two sets of prohibited conduct. The first includes actions or conduct prohibited elsewhere in Federal law, including fraud, deceptive practices and discrimination, clarifying that such actions are unlawful in contractually defined franchise relationships.

Section 3(b) identifies four specific franchise practices that would be prohibited: (1) requiring franchisees to purchase all equipment, inventory and supplies directly from the franchisor or sources affiliated with the franchisor, except for reasonable quantities of goods or services which incorporate a trade secret or patent owned by the franchisor or its affiliate; (2) terminating a franchise without good cause; (3) prohibiting a franchisee from engaging in a similar business after a franchise contract has expired or been terminated, except where necessary to protect trademarks or trade secrets, or where the franchisor agrees to purchase the assets of the franchise; and (4) prohibiting or hindering the ability of franchisees to organize or participate in trade associations to promote the interests of franchisees.

Section 4. Encroachment—The section prohibits a franchisor from locating a new outlet or point of sale offering similar products or services as an existing franchise in unreasonable proximity to the existing franchise where it can be shown that the new outlet or point of sale significantly reduced the sales of the existing franchise. Exception is provided where the franchisor offers to compensate the owner of the existing franchise for loss of sales either in advance of opening the new outlet or after a significant loss in sales has occurred as a direct result of competition from the new outlet.

Section 5. Standards of Conduct—The section clarifies that three standards of conduct broadly recognized in contract and commercial law are applicable to contractually defined franchise relationships: (1) the duty of all parties to a franchise to act in good faith; (2) the duty of a franchisor to exercise due care and common standards of competence in all aspects of its relationship with franchisees; (3) the duty of the franchisor to exercise fiduciary responsibilities in limited circumstances in which the franchisor undertakes financial or accounting services on behalf of franchisees or administers pooled funds to which franchisees are required to contribute.

Section 6. Procedural Fairness—The section prohibits a franchisor from requiring franchisees to agree to specific provisions in franchise agreements which are intended to: (1) violate specific prohibitions in the Act; (2) relieve any person of liability or duties imposed by the Act; (3) waive or restrict any right granted under the Act; (4) deprive franchisees of the benefits of the Act, a state law, or the ability to bring legal actions in a court in the state of the franchisee's principal place of business by designating the law of another jurisdiction as governing the franchise agreement; or (5) exclude collective action by franchisees to settle like disputes arising from violations of the Act either by civil action or arbitration.

Section 7. Actions by Private Persons—The section authorizes any person injured by a violation of the Act to bring an action against the violator in any federal district court for a period of up to five years after the date of the violation, or three years following discovery of such violation. Persons injured by a violation, or threatened with injury by an impending violation, would also be authorized to bring actions in federal court to obtain injunctive relief to halt further or likely violations.

The section authorizes a court with jurisdiction over an action brought against a violation of the Act to interpret provisions in a franchise agreement intended to confer a benefit, impose a duty or apply a restriction only on one party to the agreement as reciprocal and equally applicable to both parties.

Subsection 7(c) clarifies that nothing in the Act is intended to deprive any person of the ability to agree to settle a dispute through arbitration or other non-judicial process. It also clarifies that provisions in franchise agreements requiring settlement of all disputes through arbitration may not be used to bar legal actions under the Act that involve requests for equitable relief for damages caused by alleged violations of the Act, provided that such requests are not frivolous or insubstantial.

Section 8. Effect on Other Law—The section clarifies that the Act preempts state laws only to the extent that state laws offer less protection to franchisees than provided by the Act.

Section 9. Scope and Applicability—The provisions of the legislation would apply to all franchise agreements which are entered into, renewed or amended after the date of enactment.

Section 10. Definitions.

H.R. 1317—FEDERAL FRANCHISE DATA AND PUBLIC INFORMATION ACT

SECTION-BY-SECTION SUMMARY

A bill to revise current Federal law and procedure to provide consumers with comprehensive and accurate statistical information about franchising and franchise practices, and for other purposes.

Section 1. Short Title—Federal Franchise Data and Public Information Act.

Section 2. Statements of Findings and Purpose.

Section 3. National Filing and Data Collection—Section 3(a) requires all franchisors to file with the U.S. Department of Commerce copies of the disclosure documents which the franchisor provides to prospective franchisees under federal and state disclosure regulations. Franchisors would be required to file the most current version of their disclosure document each year under procedures described in regulation by the Commerce Department. Franchisors would be prohibited from making any statement or representation that a disclosure document has been filed with the Department or that the Department or any other federal agency has made any finding, approval or endorsement relating to the franchise opportunity.

The Commerce Department is directed to make copies of disclosure documents available to the Congress, the Federal Trade Commission (FTC) and other federal agencies, as requested, and to establish procedures under which such documents may be viewed by the public.

Section 3(b) directs the Department of Commerce to establish procedures for the compilation, analysis and publication of statistical information on franchise ownership and performance and on national franchising practices. The Department is required to use information from disclosure documents filed by franchisors as the principal source of statistical information on franchise ownership and practices. The proposal sets forth a partial listing of categories or topics for data collection and analysis and requires the Department to consult with the Congress, the FTC and with other interested organizations, to establish additional categories of statistical information to be collected.

The Commerce Department is directed to publish annual reports of its compiled data and relevant findings relating to franchise ownership and practices.

Section 4. Census Bureau Data on Franchising—The Section requires the Bureau of the Census of the Department of Commerce to include questions relating to franchise businesses in its 1997 Business Census and in each succeeding five-year business census. The section provides general guidance as to the type of census information to be collected and requires the Census Bureau to consult with the FTC and with other interested organizations to establish specific categories of information to be included in the business census.

The section requires the Census Bureau to submit a report to Congress describing the procedures it intends to implement for collecting and analyzing data on franchise businesses, plus the specific categories of statistical information to be collected.

Section 5. Rules, Regulations and Fees—The section provides general authorization for the Secretary of Commerce to issue any rules or regulations required to implement the data collection and publication initiatives. It further authorizes the Secretary to collect a "reasonable" fee from franchisors to cover the costs associated with the filing and processing of disclosure documents.

Section 6. Definitions.

A TRIBUTE TO JACK STONE

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. DOOLEY. Mr. Speaker, I rise today to pay tribute to a friend and fellow San Joaquin Valley farmer, Jack Stone, who is retiring after 17 years as a director of the Westlands water district.

Jack is a pioneer on the valley's west side. After graduating from the University of California at Davis in 1940, he scratched out a living on a few acres of good ground. His farming career was detoured for World War II, during which he earned the rank of captain in the Army.

After the war, Jack returned to the west side, cleared away the sagebrush and jackrabbits, and began growing grain and cotton. In those days his land was irrigated with well water pumped from underground.

Jack never imagined that he and his fellow west side growers would ever farm with surface water delivered by the Central Valley Project, but in 1960, Congress authorized construction of the San Luis unit of the CVP. In 1968, deliveries of fresh water from northern California began to Jack's ranch in western Kings County.

Jack was appointed to the Westlands Water District board of directors in 1972, and was elected president 4 years later. He led the district through years of significant change, including two severe droughts, the Reclamation Reform Act of 1982, the Kesterson Reservoir controversy, and the CVP Improvement Act of 1992.

Jack also has served on the boards of more than 20 community, farm, academic, and water-related organizations. He is past president of the National Cotton Council of America and past chairman of its producers steering committee; a past member of the International Cotton Advisory Committee; and past president of the Western Cotton Growers Association.

He was the Irrigation Institute's Man of the Year in 1989; was inducted into the Cotton Hall of Fame in 1992; and is an active member of the Kings County Sheriff's Posse.

Jack Stone is a dedicated valley and west side resident who has served his community and his country well. I wish him the best.

TRUST INCOME EXEMPTION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. RICHARDSON. Mr. Speaker, I rise today to introduce legislation which will provide that a portion of income derived from trust land held by an individual Indian not be considered as income for purposes of determining eligibility for Federal needs based programs. This legislation is overdue and badly needed in order to right a wrong which hurts the elderly and poor in Indian country.

Many American Indians and Alaska Natives own small parcels or shares of small parcels of land on reservations which are held in trust for them by the U.S. Government. These lands are leased out for a variety of purposes such as grazing, mining, logging, or farming. The owners of these parcels receive payments for the use of their land. These payments are generally quite small and come at various times during the year. Most of the recipients of income derived from these allotted lands are tribal elders who are usually poor and many are disabled. Oftentimes the income from these allotments and their supplemental security income [SSI] payments are all they have to live on.

The problem is that SSI administers its program by recording and calibrating check amounts on the basis of estimates and not actual income received. This causes nearly every record to be either adjusted due to an "overpayment" or "underpayment" when actual income is received. These tribal elders then receive notices that they owe the Government money, their checks are decreased or they are dropped from the program rolls altogether. When the latter occurs they must go in person in order to reapply. This imposes an immense hardship on the elderly who live great distances from the agency offices.

Congress previously passed legislation which exempts these same lands which are tribally owned from being considered income. The bill I am introducing today will simply bring individually owned trust land into the same status. I urge my colleagues to support this legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION.

Section 8 of the Act of October 19, 1973 (25 U.S.C. 1408), is amended—

(1) by inserting immediately after "lands" the following: ", and income (including interest) up to $4,000 per year derived therefrom,"; and

(2) by inserting immediately after "resource" the following: "or income".

SEC. 2. ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENT.

Section 29(c)(3)(A) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c)(3)(A)) is amended by striking "$2,000" and inserting in lieu thereof "$4,000".

BUY AMERICAN WEEK

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. GOODLING. Mr. Speaker, today I have introduced legislation designating the week beginning Sunday, July 4, 1993, as Buy American Week. I introduce the legislation, not as an attack on other nations, but rather to celebrate the high quality of American-made products.

All too commonly, people believe American products are of inferior quality. On the contrary, goods produced by American workers are sought throughout the world. Our production methods are still the basis for world industrial growth. Our ingenuity and entrepreneurship will continue to provide us with the ideas needed to sustain the drive of this Nation ever forward as a world power.

The battle for independence from England was one of the greatest endeavors by ordinary citizen-colonists. July 4, 1776, marks the day when 13 individual States came together to form one United States of America. The signers of the Declaration of Independence risked everything, including the liberties that the document outlined as essential and self-evident. In signing the Declaration, our patriots jeopardized their inalienable rights of life, liberty, and the pursuit of happiness.

The courage of Americans then—statesmen, legislators, lawyers, farmers, traders, entrepreneurs, skilled craftsmen, and laborers—enabled a diverse society and culture to meld together and to mold the greatest Nation on Earth. The trials of new ideas and a new Nation allowed America to wage a war for independence. The American experiment in representative government had to flee Philadelphia in 1777 to avoid destruction by British forces. Their new meeting place was York, PA, where they solidified their experiment in the form of the Articles of Confederation. Perseverance and rational planning made their ideas reality. Their long-term dream was a nation built on freedom and a new form of commercialism better known as capitalism.

Today that dream is in jeopardy. Our ability and capacity to dream, create, and produce has been thwarted by short-sightedness, adherence to short-term portfolios and projections, and extremely high-leveraged business activity. Our own internal factors generated many of the problems we are facing today. However, the typical response to our own problems is to blame someone else. My legislation intends not to blame any one nation; rather it is to celebrate the innovator who provides quality American-made products to foreign markets as well as our own. We should reward their talents, energies, and entrepreneurship accordingly.

The week of July 4 should be a week to mark the rebirth of the American spirit. We should celebrate the rediscovery of American-made products. Our celebration should include purchasing American-made items to reward all those involved in production, the employers as well as employees. Businesses should move toward long-term investment and focus upon American-made products. Consumers should celebrate this week by remembering the sacrifices of our Founding Fathers as well as the sacrifices of our inventors, entrepreneurs, farmers, and workers. A week celebrating our products and highlighting our ingenuity as producers will help this country to reassess the value of American products.

We need to stop blaming others for problems which can be solved at home. We need to clean our own house before we can suggest that someone else's house is dirtier than ours. We must take pride in our own house; we have to be ready to make repairs, replace what we have used, and remember to keep our foundation strong. American pride enabled us to build our country into the greatest Nation on Earth. Designating the week of July 4, as Buy American Week will help to restore a great asset that has been lost: American pride.

SWIM WITH MIKE

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. COX. Mr. Speaker, I rise today to pay tribute to the swimmers and participants of the 13th annual "Swim With Mike," a swim-a-thon fundraiser held every year to raise scholarship funds for physically challenged athletes to attend the University of Southern California.

This daylong event will take place on Saturday, March 20 at the Olympic Swim Stadium on the U.S.C. campus. Hundreds of participants will take to the water to raise the much-needed funds for the Physically Challenged Athletes Scholarship Fund.

Swim With Mike began in 1981, when U.S.C. All-American swimmer Mike Nyeholt became paralyzed in a motorcycle accident. Mike's friends held a fundraiser—called Swim For Mike—and raised enough money to buy a specially equipped van, which helped Mike to pursue a graduate degree at U.S.C.

Because of its success, Swim With Mike has become an annual event at U.S.C. Over the last decade, it has raised thousands of dollars for paralyzed and physically disabled athletes, providing scholarships and contributing toward housing and transportation costs.

Mr. Speaker, Swim With Mike cannot be a more positive and supportive way of offering scholarships to these challenged athletes, giving them the opportunity to attend college and to pursue their dreams. It is with great pleasure that I ask my colleagues to join with me in honoring the students at U.S.C. for their gracious and generous spirit.

TRIBUTE TO THE INDEPENDENT REPUBLIC OF LITHUANIA'S 75TH ANNIVERSARY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mrs. BENTLEY. Mr. Speaker, I rise to pay tribute to the Independent Republic of Lithuania's 75th anniversary, which occurred on February 16, 1993.

On Sunday, February 21, 1993, the council of the Lithuanian Societies of Maryland braved a blizzard to celebrate this often overlooked event of great historic importance by holding a commemorative program at Lithuanian Hall in Baltimore, MD.

Among those involved at the anniversary celebration were Dr. Elena Armanas, the president of the council of the Lithuanian Societies of Maryland, and Mr. Vincent Boris, a writer/editor. Both have dedicated their entire lives to this historically oppressed and exploited nation. I submit the remarks they made that afternoon for inclusion in the CONGRESSIONAL RECORD.

I encourage my colleagues to read these words because Lithuanian freedom and autonomy are still uncertain and Members of Congress should be aware of the situation. In my opinion, Mr. Boris and Dr. Armanas provide tremendous insight into Lithuania's unending struggle for independence.

LITHUANIA FOREVER! . . .

(Remarks by Dr. Elena Armanas)

Let us all on this day remember to revisit and pay homage to the Declaration of February 16, 1918 of the Independent Republic of Lithuania on this 75th Anniversary. After the First World War, Lithuania arose from the ashes and through great sacrifice protected its freedom and independence. During the twenty three years that followed, Lithuania's people lived a free life, regained their confidence and strength, and rebuilt the country. Lithuania joined the family of nations as a member of the League of Nations, improved its economy, education and culture through ties with the international community, established its international trade and encouraged people to improve business, agriculture, and farming. Improvement and freedom were the significant theme of all such achievements.

But the threatening clouds of World War II were handing over Lithuania in 1939 when the military forces of the Soviet Union, known as Bases, invaded Lithuania's territory, imposing great despair and insecurity followed by violence. This new threat dangerously affected their lives.

Finally in June of 1940, Lithuania's land was trampled by hordes of Soviet military and Lithuania was forcibly occupied and annexed. Silence, fear and uncertainty was existent and apparent.

Pages of history have been written of that imposed terror, deprivation of humanity and destruction of the beloved homeland of Lithuania, and will forever be painfully remembered.

On March 11, 1990, after long years of continuous struggle and waiting, the re-acclaimed Independence Act of Lithuania brought new hope to the land and its people.

However, the fifty years of life under imposed communist dictatorship have taken its toll. Communism was imposed on the new growing generation by affording unpaid education of choice. But in reciprocity for that education, they subjected themselves to known and well-preserved communistic indoctrination, which resulted in a newly-bred elite of overprotected and affluent Lithuanians. This generation, presently influential, has undertaken many important government positions and is powerful in the political spheres of the Republic of Lithuania and, in great part, of its people.

It can not be denied that in order to maintain, support and educate this current generation, Lithuanians were forced onto collective farms, heavy industry factories known as kombinats, and deported to concentration and labor camps. They sacrificed their health, well-being and lives to bring-up this affluent class of people.

The November 24, 1992 election affected by this noted generation, presented great dismay all around the world. Nevertheless, it could be ascertained that the previous Government of Lithuania presented its new Constitution by which a new Parliament known as Seimas was duly elected. Presumably, when this writing is published, the Lithuanian people accordingly will have elected the President of the Republic and re-acclaim the Lithuanian Independence Act of March 11, 1990 and confirm the February 16, 1918 Declaration of the Republic of Lithuania. This will be the Law of the Land where Liberty and Justice will prevail, and Lithuania stands as a member of the family of nations in the new world.

All of us who have gather humbly remember those who perished and died throughout the 75 years of Lithuania's cause of freedom and its independence wars—volunteers, the partisans who were tortured and whose bodies were displayed in public places to view, those who were deported to the vast lands of Siberia, jailed in concentration and labor camps, those who died at the Television Tower in Vilnius and in Medininkai and Romas Kalanta, who cried out "*Freedom to Lithuania*" while dying in flames. His echo is widely heard as Truth until present time.

The Council of the Lithuanian Societies of Maryland recognizes all these Lithuanians and Friends of the State of Maryland who have hastened the Independence and Freedom of Lithuania, namely the Free Lithuania Committee, United Relief Fund of America, Baltimore and all people who have extended a helping hand to protect and to support the sick, the orphaned, and all in need and to prevent hunger, poverty and death.

God will extend His grace to Lithuania forever and its people of good will!

RESOLUTION

We, the Lithuanian-Americans represented by the Council of the Lithuanian Societies of Maryland assembled this 21st day of February, 1993 to mark the 75th Anniversary of the Sovereign Republic of Lithuania's Declaration of February 16, 1918 and the 740 years of Lithuania's Statehood, do hereby present:

Whereas, we Lithuanian-Americans of the State of Maryland are grateful to the United States for continuous and uninterrupted non-recognition policy concerning the former Soviet Occupation of the Republic of Lithuania. We recognize the extended material-medical help that supports the democracy in Lithuania. We appreciate the opening of the Consulate General Office in the Capital, Vilnius.

Whereas, despite that the former Soviet Union recognized the Independence of Lithuania on September 6, 1991 and was deliberately requested by the Lithuanian Government to begin withdrawal of the military troops of which only part have been withdrawn, but instead that additional substituting troops and equipment have been returned, creating a serious threat to the security of the Republic of Lithuania and a costly maintenance expense.

Whereas, we desire that the U.S. Government would undertake to inquire of the return of Lithuania Minor, which has been the land of Lithuania and its kindred people since ancient times. No other nation or state should have priority to that territory, which is presently known as Königsberg, Kaliningrad, but by the ancient Lithuanian language is known as Karaliaucius (where at its ancient University's Library the treasurers of the history, language, law, literature and other were present, where Gutenberg printed the Catechism in the Lithuanian language) at present has been under the temporary Russian administration, which region has been inhabited with its nationals and with military bases which threaten the security of Lithuania.

Therefore, we request that the U.S. Government undertake toward the withdrawal of all military forces from Lithuania Minor and do request of the unification of the ancient Lithuania Minor lands with the mainland of Lithuania.

Whereas, that the boundaries of Eastern and Southern Lithuania, which cross the ethnographic territory, have been established by the Peace Treaty between and by the former Soviet Union and Lithuania on July 12, 1920 but presently is in violation of that Treaty, by the present Russian Government, due to the lack of equipment for the security forces such as border guards, coast guard and police, are not able to secure its borders with Lithuania to the East. Drug and weapons trafficking from the Southern Republics has become a serious concern to the present Government of the Republic of Lithuania.

Whereas, we strongly believe that the continuous help to the Republic of Lithuania is essential that to establish its economy and democratic political system is a serious factor through which U.S. business could explore that noted possibility of the market and we urge the U.S. Government to continue to extend its material and medical help in equipment, personnel and other that help orphanages, old and seriously ill and all those in need and that to encourage the Peace Corp volunteers to share, undertake their knowledge and skills to the Republic of Lithuania.

Whereas, we extend our congratulations to the Free and Independent Republic of Lithuania, its people and all political parties on this occasion of February 16, 1918 Declaration of the Republic of Lithuania which has been reaffirmed by the March 11, 1990 Act and we salute its bravery and all efforts to shake the chains of previous slavery and the years of oppression.

Whereas, we cherish the memory of those martyrs who perished being deported to the vast lands of Siberia, who died in concentration and labor camps, those who were tortured in jails, psychiatric wards and those who died for the cause of Freedom and Independence to all volunteers-partisans men and women, those who perished at the TV Tower in Vilnius and Medininkai, all those heroes who sacrificed in cause of freedom and Independence to Lithuania.

We wish that copies of this Resolution be forwarded to the President, Honorable William Jefferson Clinton of the United States of America, Secretary of State, Senators and Congressional Representatives of the State of Maryland and the media.

This resolution was adopted on the 21st day of February, in the year 1993.

DR. ELENA ARMANAS,
President.
VALERIJA LASKAUSKAS,
Secretary.

REMARKS BY VINCENT BORIS

We come together today to celebrate a great event, the restoration of Lithuanian statehood. We here in the United States have commonly referred to February 16th as Lithuanian Independence Day. Two year ago, however, when post-Soviet Lithuania was able to reinstall this day as a National Holiday, they placed it into an historical perspective. It recalls the date when in 1918, the assembled Council of Lithuania reclaimed a sovereignty which had been taken away in 1795. They then created the Republic of Lithuania.

Thus, we celebrate this year the 75th anniversary of that event but at the same time recognize that this statehood was re-established within a continuum of nation-hood. This year we celebrate the 740-th year of that nationhood.

I intend today to focus my comments on Lithuania as a state and as a nation. The State, a political entity called the Grand Duchy of Lithuania, was dismembered and buried in the Russian Empire but reborn as a republic in 1918. The Nation, a distinct ethnic grouping, came together in 1253 and would not die. This focus will add a personal perspective on what Lithuania, both State and Nation, mean to me whose family roots were transplanted to America over 100 years ago.

As a guide, I will use a most beautiful and noble expression of what it means to be "Lithuanian." It is that great poem of Vincas Kudirka now used as the State Hymn, or National Anthem. It is much more than just a poem, a hymn or an anthem. It is both a definition and a benediction.

LITHUANIA, SOURCE OF OUR HERITAGE

The emergence of Lithuania as a state dates back at least to the year 1253. Historians appear to agree that it was in that year that the Pope sanctioned the Crowning of Mindaugas as King of the Lithuanians. This event marked Papal, and thereby world recognition of the existence of a political entity called Lithuania. Important as that recognition might have been, it also serves as a reference mark to the birth of the Nation. It was the beginning of an era when a unified people willingly and collectively called themselves, Lithuanians.

Without regard to political boundaries, geographic reference points or, even, the identity of civil authorities, the idea of Lithuania as a nation, a people, took root and has persisted. It lasted through two hundred years of formal union with Poland and the consequent polonization of the gentry. It survived partitioning and 123 years of subjugation to the Tsar with harsh attempts at Russification. Most recently, the national identity was reasserted after 50 years of domination by the Soviet Union and its programs of genocide and sovietization.

This concept of nation-blood and self-identification as Lithuanians survived in the consciousness of the masses of peoples forcibly exiled into Siberia under Tsar and Commissar. It remained in the hearts of untold thousands of emigres to the Americas during the late 19th and early 20th Century. It was cherished by refugee intelligentsia and professionals following World War II and maintained in a worldwide diaspora.

I might have used a literal translation of Tevyne into Fatherland but that creates some difficulty. English simply does not naturally include the concept of Fatherland. In responses that I've received from several native-born Lithuanians on the meaning to them of the term—Tevyne, I found that it had meaning as the native land, land of our forefathers, or even homeland. The most important significance of Tevyne, however, is as a term which embodies those cultural, historical, ethical values by which we define ourselves as Lithuanian, a distinct people, a nation. It is in this specific context that I, a third generation American of Lithuanian extraction, can honestly acknowledge that Lithuania is—mano Tevyne—the source of my ethnic, cultural, historic heritage.

THOU LAND OF HEROES

The unique cultural and historical experience of Lithuania can be expressed in many ways; but the greatest manifestation is that reflected in this opening line of our anthem—Land of Heroes. For over two millennia, the Aistian peoples had inhabited the eastern and southern shores of the Baltic. Protected by the Sea on one side, marshlands on another and almost impenetrable forests completing the circle, they tilled the soil, worshiped their Gods and flourished. They were basically untouched by the migrating hordes of Goths, Vandals, Slavs and other groups that eventually peopled the rest of the European continent. But, finally in the 13th Century, when the armies of militant Christendom determined to eliminate the last vestige of paganism in Europe, the idyllic life of the Aistian tribes ended. The Northern tribes were conquered by the Knights Sword-bearers of the Order of Livonia. They survived but in subjugation. The Western tribes were attacked by the Knights Cross-bearers of the Teutonic Order and were virtually annihilated. In self-defense, the remaining tribes eventually organized and unified, as Lithuanians, to engage the invading marauders.

It can be said, then, that the political entity, known as Lithuania, was born out of this heroic struggle for the very survival of the people. The State lived and grew over a span of 500 years before it fell to the combined forces of its three Imperial neighbors. The nation, however, continued to live and engage in the same heroic struggle. An American patriot/hero once said "Give me Liberty or give me death." Every generation of Lithuanians during the past two centuries has faced that ultimate challenge and frequently paid that ultimate price. The Lithuanian nation would not die because each generation produced its poets and heroes that championed the people and kept the flame of nationhood alive. The restoration of statehood in 1918 came, then, as the realization of a constant dream and frequent struggle of the nation for a free and independent Lithuania.

THOU LAND OF HEROES FROM WHOM SINCE ANCIENT TIMES YOUR SONS HAVE DRAWN STRENGTH

As much as we might and do revere those heroes of the past, was their courage any greater than that of the hundreds who stood on the grounds of the Television tower in 1991 facing soviet tanks? Has there been in the history of any nation, greater heroes than the martyrs of January 13th? Modern martyrs for the state and the nation against communism and domination by a foreign power. Western media and politicians have often remarked on the heroism and courage displayed by Boris Yeltsin and the Moscow residents who stood at the Russian parliament building in the face of approaching armed forces, not knowing whether the troops would open fire or not. What then is to be said of the Lithuanians who stood at the parliament building in Vilnius in the face of Soviet armed forces knowing full well that the troops would open fire if given the order? They had already demonstrated that at the TV tower. Today's heroes—these heroes of the singing revolution—are surely worthy heirs and exemplars of the ancient tradition. A fact that is vividly portrayed in a current exhibit at the Children's Museum in Washington DC. Entitled "Eyewitness to Freedom Reborn," the exhibit displays paintings and drawings by Lithuanian children aged 6 to 13 which present their impressions of the events of Jan. 13, 1991. In several of these works, the TV tower is depicted somewhat more like an ancient castle than a modern slender shaft with a rotating restaurant and antenna at the top.

But, I would also speak of other kinds of heroics, of deeds and accomplishments that fully reflect the valor and spiritual fortitude displayed in the ancient times, but in a much different context. These heroes were, for me, my grandparents. They were caught up in the circumstances of a vastly different society—one that still included vestiges of the involuntary servitude of serfdom. Their search for freedom and independence meant leaving home and family. It meant secretive night departures with barely adequate farewells, furtive journeys through strange lands with unfamiliar languages and frightening sea voyages with accommodations more befitting livestock. Impoverished and unlettered, they endured hardships, worked diligently and made a new life for themselves and for their families. Their courage and hope for the future were drawn from, and reinforced by, the memories of their heritage. These memories were to be their legacy. Despite their meager finances, they built churches and schools wherein they could gather to address the Almighty in their most cherished language and instill in their children a similar love for their language and culture. What they achieved was, indeed, a transplantation of a part of the nation. The soil may have been the new land of America, but the roots remained staunchly Lithuanian. The fruit was an amalgam of both. And in this new setting, this new breed—the Lithuanian-American flourished. In form and substance—distinctly American; in soul—genuinely Lithuanian. As a product of that amalgam, I proudly join in this great national anthem to extol the heroes—ancient, past and present.

Having defined a Lithuania, which he recognized despite its entombment in the Tsarist empire, Kudirka then penned a series of benedictions on that Lithuania which he had enshrined in his heart.

MAY YOUR CHILDREN FOLLOW ONLY THE PATHS OF RIGHTEOUSNESS

I was recently told by someone who was involved in reading the ancient chronicles of the area; that one of the early Christian missionaries to the Lithuanians reported back to his superiors that despite their lack of knowledge of Christ, the inhabitants of the eastern Baltic shores had developed an ideal Christian-like, peaceful and loving society in which concern for the welfare of their clansmen and neighbors was a highly developed aspect.

Even after having been aroused to self-defensive warfare under Mindaugas and having proved themselves to be successful warriors, the Lithuanians have generally remained a peace-loving people quick to turn their swords into plowshares. They were fierce warriors and attained many successes in their defensive battles and punitive expeditions. These did ultimately result in the extension of territorial control from the Baltic to the Black Sea, from the gates of Moscow to the Carpathian Mountains. This period also marked the promulgation of the Lithuanian Statutes, which would for 300 years be the basic code of law in this area.

In these statutes, the Lithuaninans were certainly ahead of the times in their ethnic and racial tolerance. In all their conquered territories, the Lithuanians showed total respect for local customs and religions. While the Jews were being expelled from Spain and rejected by the French and German principalities, they were welcomed into the territories controlled by the Lithuanians. In time, Vilnius itself would become a center of Jewish culture and learning, often referred to as the second Jerusalem. After the Tsarist Russian pogroms, the Nazi Holocaust and the Soviet occupation, virtually nothing was left of this ethnic treasure. In 1990, very early in the Sajudis period, Vytautas Landbergis echoed his most famous namesake, Vytautas the Great, by offering asylumn to Soviet Jewry who were being threatened by the resurgent Russian anti-semitism of the ultra-nationalist movement, Pamyat.

In Trakai, one can today find the descendants of Turkic prisoner/slaves brought back by Vytautas still worshiping in their own mosque and maintaining their own culture.

I'm not sure what purpose Kudirka had in mind when he made this the first of his benedictions. But, today, it is certainly a most poignant wish. After 50 years of Soviet domination, most of these paths of righteousness have been obliterated. So brutalized and deeply damaged have been the body and the soul of so many of Lituania's best and brightest. In the process of survival over these decades, many compromises to morality and principle were required of them. I say this not to lay any blame but only to grieve at the reality. There is hope that the healing has begun. We pray that this first of the benefications be also the first to be fulfilled in the new life of the republic.

MAY THEY STRIVE NOT ONLY FOR YOUR BENEFIT BUT ALSO FOR THE WELL-BEING OF ALL MANKIND

There are some who view the aspirations of the Lithuanians for independence as a kind of rampant nationalism—a neo-fascism. Reality, however, is that the people are striving for that most cherished God-given right, that is, to be masters of one's own destiny. This second benediction that the children of Lithuania work not only in the national interest but toward the betterment of all mankind is indeed a noble aspiration not one of fervid nationalism. Actually, the realization of this wish and the patriotic fervor of the Lithuanian people should be a cause for praise and gratitude.

Shortly, after the massacre at the TV tower in Vilnius in 1991, a photo essay entitled "The Gift of Vilnius" appeared. It had a very strange cover—the title was emblazoned on a ghastly picture of youths carrying only the tri-color flag of Lithuania facing down an advancing Soviet tank. The premise of this photo essay was simply that while serving the needs of their nation, the youth of Lithuania had also offered a gift, beyond price, to the world. The gift of truth. The experience at the TV tower had revealed quite graphically the true nature of the Soviet regime. It was a gift and a lesson that was received and learned not only by the non-comunist world by the Russians as well. Certainly, these events caused many a western leader to re-evaluate his own assessment of Mr. Gorbachev; it most assuredly marked the beginning of the fading of his star in the West. Eight months later in Moscow, it became quite obvious that the youth of Russia had learned the lesson. They saw in the August coup, an attempt to return to the old ways of repression and terror as surely as it had been clearly displayed in Vilnius. They emulated the Singing Revolution of Lithuania and world history was changed. The Evil Empire collapsed; the cold war was ended, and a new era begun. Will history books credit Lithuanian youth for this gift of a better world? Probably not, but we know and we take pride in their noble effort and sacrifices.

MAY THE UNIVERSAL LIFE-FORCE EVER BREAK THROUGH THE OBSCURING SHROUDS

A literal translation into "May the sun dissipate the darkness of Lithuania" just doesn't seem quite adequate. The two key words—sun and darkness—represent more than just their literal translation.

Throughout history and particularly in the pre-scientific age, the sun has been given mystical connotations. It has always been recognized as the primary source of energy, an essential element for life. In primitive societies, including the Lithuanian, the sun became the embodiment of life-giving forces and was worshiped as the pre-eminent deity.

The word for darkness also has an interesting aspect. Two forms of the word exist in the language—one, tamSUma, ends with an a and thus carries, grammatically, a feminine gender. Its meaning refers to a soft enveloping but benign darkness of the kind lovers might seek for their privacy. The second form, TAMsumas, ends in a s and carries a masculine gender. Its use is limited to the malevolent darkness a thief might use to cover his crime or the pitch black of the grave. It is this second form that Kudirka used.

It was natural then that the divine life-force be invoked at a time when Lithuania was, in fact, enshrouded by the forces of Tsarist imperialism. The State had been divided into three administrative provinces. The Nation was being suffocated. The Lithuanian language had been submerged by the imposition of Russian as the official language. What few Lithuanian publications were allowed could only be printed with Cyrillic characters. From a political and cultural viewpoint, it was undoubtedly one of the darkest periods in Lithuanian history.

But clouds cannot forever obscure the sun, nor can tyranny forever suppress the human spirit. Thus, Kudirka fervently prayed that the divine would infuse new life to strengthen the Nation and resurrect the State. He did not live to see the fulfillment of his prayers in 1918 or the acceptance of his poem as the National Hymn the year following.

A short twenty years later, darkness again covered the land. Giving voice to this great National Hymn was forbidden to the people in Lithuania. Only we the transplanted Lithuanian nation, could give voice to this benediction. For 50 years we have fervently and loudly raised this prayer that the Lithuanian spirit would be regenerated with sufficient power to break the chains of tyranny. It is the victory of that Lithuanian spirit in 1918 and in 1990 that we celebrate today and equally pray that it should ever be victorious.

MAY ENLIGHTENMENT AND TRUTH GUIDE OUR STEPS

Truly a noble thought—this benediction on our nation can almost go without commentary. But there is one anecdote that bears telling at this point. Several years ago, Cardinal Cushing, then Archbishop of Boston, spoke at a banquet of the Knights of Lithuania. He felt it appropriate to compare his own Irish-American background with the Lithuanian-American heritage of his audience. He felt that the Irish and Lithuanians had much in their history that was common. Both were from relatively small countries that had the misfortune of being located next to strong imperial powers that had overrun them and had attempted to impose their own culture and language on the native populace. The English had been quite effective and had all but eradicated the Celtic culture and Gaelic language. He was gratified to note that the Russians had largely failed in their campaigns against Lithuanians. But he was most impressed with one aspect of this Lithuanian experience, a factor that he felt set Lithuanians apart from the rest of the world. The book-smugglers. World history was filled with stories and exploits of smugglers trafficking in gold, jewels, drugs, slaves and a myriad of other goods. But no one else, that he was aware of, so prized enlightenment and knowledge that they would carry out so extensive and dangerous a program for forty years to maintain their language and culture.

During the Soviet era, the great tradition of the Book-smuggler era was revived to enable the continued teaching of Lithuanian culture and religion. The smuggling in of forbidden texts was resumed. As in the past, the true Lithuanian school was not in the formal classroom but at the knee of the Grandmother who, once again, assumed the task of religious and cultural training.

And, of course, there was a reverse in the flow as today's Lithuanians strove to keep enlightenment and truth about the Soviet regime flowing into the West. For decades, the Chronicles of the Catholic Church in Lithuania were compiled to document the human rights violations and other depredations of the occupying regime. With great personal peril, the evidence was gathered; manuscripts were compiled, copied and smuggled out of the country.

With great effort and dedication, these manuscripts were received, translated into several languages and published in the West. We take immense pride that the dedication to enlightenment and truth continues unabated in the history of our people. We here in Baltimore are perhaps even prouder in that one of our own was so deeply involved in this effort. I refer of course to Fr. Pugavicius. We pray with the poet Kudirka that this dedication to enlightenment and truth will never diminish.

MAY THE LOVE OF LITHUANIA BURN IN OUR HEARTS

A few years ago, at a gathering which then could only be a commemoration of independence, Paul Goble, the Baltic Desk Officer at the U.S. State Department, predicted that 1990 might be as significant in Lithuanian history as 1918 had been. This indeed proved to be the case. Some time later, I asked Paul how he could have so confidently made such a prediction. He said that he had been much impressed by the ethnic Lithuanians that he had met. Their love of their ancestral homeland was reflected in a stubborn determination and unshakable faith that Lithuania would again be free and independent. He was sure that such love and dedication as displayed by those who were at least one generation separated from their homeland could be but an echo of the feelings of those still in Lithuania. Together they constituted a force that would not be denied. And so it has come to pass.

AND IN THE NAME OF THAT LITHUANIA MAY UNITY BLOSSOM

In 1253, the people found that their very survival depended upon unity; they joined together in common defense against the Crusader armies and gave birth to Lithuania.

In 1918, the people again came together in Congress to declare a national unity and independence. They restored the State and created the Republic of Lithuania.

In 1990, the people once more joined in common cause. With unity of purpose, they expressed their determination to once again be free and independent. They achieved the restoration of a free and independent Republic.

In 1993, we most fervently add our voices to this benediction. May the love of Lithuania and belief in her destiny, inspire her people to set aside their political preferences in order to work together to renew, rebuild and restore the nation. We, Americans, with a common heritage and pride in our nation, pledge ourselves to aid and support the reborn Republic.

IN SUPPORT OF H.R. 796 AND H.R. 519

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. ENGEL. Mr. Speaker, I rise today to voice my extreme outrage regarding yesterday's murder of a Pensacola, FL physician, Dr. David Gunn by a so-called pro-life protester. Yesterday morning, as Dr. Gunn got out of his car to go to work, he was shot three times, point blank, in the back. It is incomprehensible that an individual who claims to adhere to the preachings of the Bible and maintains a pro-life position, could voluntarily and coldly murder a fellow human being. Where is the logic? Quite simply, there is none.

I have long been an outspoken pro-choice advocate. I believe that every woman should be protected by the law and Government to make her own reproductive choices. I understand that there are those who disagree with me, and I respect that. In return, I would ask that my views, and the views of those who also share my beliefs, would also be respected. Afterall, unless things have drastically changed since I stepped onto this floor, abortion as a reproductive choice is still a legal option in this country.

However, I now hope that Dr. Gunn's death is not in vain. As some pro-life groups become more and more desperate, it appears they will also become much more aggressive and violent in promoting their cause. Clinic blockades, bombings, harassment, threats of violence, and murder are not protected under first amendment rights. No one group should be allowed to impose their very personal beliefs on the rest of society, especially in such a manner that it severely violates others constitutional rights. That is why I would urge my colleagues to join me in cosponsoring H.R. 796, the Freedom of Access to Clinic Entrances Act of 1993, and H.R. 519, a bill to encourage local governments to fully enforce existing local harassment and disorderly conduct laws against pro-life extremists. Unlike the actions of numerous pro-life activists, neither one of these proposed laws violates constitutional rights.

My sincere sympathies go out to Dr. Gunn's family, loved ones, friends, and coworkers.

CLINTON'S SUMMER JOBS SHAM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. CRANE. Mr. Speaker, one of the greatest fallacies of the last hundred years is that Government can create jobs. Keynesian economists believed that by priming the pump—either through Government spending or WPA-style jobs programs—Government could reinvigorate a slumping economy.

Despite the fact that this theory has been discredited by generations of real world experience, including the Reagan expansion in the mid- and late-1980's, President Clinton and Labor Secretary Robert Reich seem to believe that they are somehow different. Like daytime game show hosts, they are intent on giving away jobs, hoping for long-term benefits. Unfortunately, the economic prizes they are giving away are unlikely to outlive their half-hour slot.

As Nobel Prize winner Milton Friedman is fond of pointing out, Government cannot create jobs, only redistribute them. The wealth to pay a worker must be created by the market and by the worker, not through Government mandate. One example of this syndrome is the Federal summer jobs program. I have included, for the RECORD, an article from the March 5, 1993 Wall Street Journal, written by James Bovard. I respectfully recommend that both our new President and his Cabinet examine Mr. Bovard's arguments, and understand that the summer jobs program is one show that should unquestionably be canceled.

[From the Wall Street Journal, Mar. 5, 1993]

CLINTON'S SUMMER JOBS SHAM

(By James Bovard)

The flagship of President Clinton's emergency economic stimulus program is his proposal to spend a billion dollars to create 700,000 summer jobs for youth. But the program is fundamentally fraudulent and subversive of America's long-term economic future.

Government summer jobs programs have long sabotaged the work ethic. The General Accounting Office noted as early as 1969 that some people hired in the government summer programs "regressed in their conception of what should reasonably be required in return for wages paid." Sen. Lawton Chiles complained in 1979 that young people "get such a strong message of cynicism and corruption that it cannot fail to carry over into their attitudes about work, crime and society."

Washington, DC, has one of the largest summer job programs, with more than 16,000 youths collecting checks financed jointly by the federal and local government. I visited some of the Washington sites in 1989. At the Marion Barry Youth Leadership Institute (named after the city's role-model mayor), young people "worked" by having a rowdy talk over whether "women are not interested in sex" and whether "men want women to be submissive." The director explained to me that the teenagers were learning "conversational skills." Many participants were shouting, throwing paperclips, and punching each other, and few were paying attention to the group leaders. In the afternoon, the youth were paid to work at basketball—a frequent "occupational skill" underwritten by big-city summer jobs programs.

DANCING FOR DOLLARS

The summer programs often reveal a genius for divorcing jobs from work. The New York Times reported last summer that Bridgeport, Conn., youth workers were assigned to the Sweat Team; but, instead of signifying arduous work, the acronym referred to Students Who Entertain Artistic Thoughts. In the first week of their "jobs," the "workers" went to a local dance, took a trip to Spike Lee's Block Party in New York, and had a "brotherhood picnic."

The summer jobs programs create scores of thousands of "jobs" simply by paying teenagers to attend summer school. In Houston last summer, youths were paid to participate in classes in a "multicultural curriculum" and lengthy discussions on race relations. The Brown County, Wis., jobs program has paid students for sitting in high school during the summer to make up the detention time they did not serve during the school year.

Labor Secretary Robert Reich states that the jobs program benefits the "long-term unemployed." But many of the beneficiaries will actually be college students taking a break from their studies. The Labor Department inspector general reported that in Wisconsin some college students were placed on the summer job payroll who would have been hired by government agencies anyhow.

Mr. Reich, touting the need for an "aggressive campaign of academic enrichment," stresses that the expanded summer jobs program will focus more on educating young people. But a major 1992 federally funded report by Public/Private Ventures concluded after analyzing eight years of data that the remedial education provided by summer jobs programs had little or no long-lasting impact.

Mr. Reich, in a phone interview March 1, declared the summer jobs program an "investment in the good work practices" of young people. In the private sector, a young person keeps a job by producing enough to earn his pay. But not in the summer jobs programs. Larry Brown, public affairs director of the D.C. Department of Employment Services, explained in 1989: "We don't fire any of the kids—it just doesn't do anything to help a 14- or 15-year-old." Youths who refuse to exert themselves at one job site are simply transferred to another. This is not untypical of how jobs programs run nationwide.

Robert Woodson of the National Center for Neighborhood Enterprise observes, "The programs instill a false sense of work in kids and make it more difficult for them when they go out and try to get a real job." Elijah Anderson, a University of Pennsylvania sociologist, wrote, "In many black communities, the [summer youth program] has * * * a reputation for being 'a sham' and a 'waste of time.'"

Mr. Reich claims that the expanded summer jobs program will "result, eventually, in decreased welfare." But the Job Training Partnership Act (JTPA), of which the summer jobs program is a part, may have actually boosted the number of young people on the dole. The Labor Department inspector general reported in 1988 that the percentage of young JTPA "trainees" receiving food stamps and general assistance was twice as high after JTPA involvement as before. (Government programs routinely deluge people with information on how to apply for welfare as part of their "training.")

Federal training programs have a long record of blighting young Americans' economic prospects. The liberal Urban Institute concluded that the Comprehensive Employment and Training Act, or CETA, which consumed over $35 billion between 1974 and 1983, produced "significant earnings losses for young men of all races and no significant effects for young women."

Last May, a damning six-year Labor Department-financed study revealed that young males enrolled in JTPA programs had significantly lower earnings than a control group that did not participate in JTPA; the report concluded that federal training "actually reduced the earnings of male out-of-school youths." Employment and Training Reporter newsletter reported on Jan. 20 that Jon Weintraub, staff director of the House Education and Labor Subcommittee on Labor-Management Relations, asked the Labor Department "to isolate positive lessons that can be gleaned from the report * * * but that the department has not yet done so."

Mr. Reich told CBS on Feb. 3 that Mr. Clinton's stimulus package is "very, very importantly going to [be] labor-intensive. Wherever that money is going it's going to create a multiplier effect." But, the main thing that job creation programs multiply is boondoggles. CETA bankrolled such job-creating activities as building an artificial rock in Oregon for rock climbers to practice on, conducting a nude sculpture class in Miami where aspiring artists practiced Braille reading on each other, and sending CETA workers door-to-door in Florida to recruit people for food stamps. Economist George E. Johnson, writing in the Brookings Institution study "Creating Jobs," estimated that the gross national product lost 34 cents in the long term for every dollar spent on public service employment job creation.

POOR COORDINATION

Though Mr. Reich seeks to sharply expand federal jobs programs, the federal government already has 125 different employment and training programs administered by 14 federal departments or independent agencies, costing taxpayers $16.3 billion a year. The General Accounting Office reported last July that there are "40 programs providing counseling and assessment to the economically disadvantaged and 34 programs providing this group with remedial or basic skills training." GAO found that there was poor coordination between the programs and "confusion among programs serving the same target groups."

At the same time that Mr. Reich is calling for massively expanding summer jobs programs, he is also advocating a boosting of the federal minimum wage. Yet, according to economist Carlos Bonilla of the Employment Policies Institute, boosting the minimum wage to $5 an hour would destroy 442,000 jobs held by teenagers and young adults. Mr. Reich is thus simultaneously advocating policies to destroy teenagers' private jobs and to enroll more teen in make-work pseudojobs.

In the long run, every make-work program destroys more jobs than it creates, because it squanders the capital needed to support all jobs. If the sale of basketball shoes were the sole determinant of the nation's economic destiny, it might make sense to stimulate the economy by giving paychecks to teenagers to play basketball. But, otherwise, Mr. Clinton's jobs program is a junkheap of thrice-failed policies, deceptive rhetoric and political opportunism.

GOOD-BYE TO MY FRIEND BILLY ECKSTINE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. CLAY. Mr. Speaker, it was with great sadness that I learned of the death of singer-bandleader Billy Eckstine on March 8, 1993. Like others, I would mourn the passing of this great entertainer who made such an impact in the world of music, but more than that, I am feeling a very personal loss. Billy Eckstine came to St. Louis in 1972 and played an instrumental role in my congressional campaign that year. He always gave unconditional support to me in most of my political endeavors. He was an advocate for the Congressional Black Caucus and, in fact, highlighted the entertainment program of our first Caucus dinner in 1971. As a final tribute to my friend, I would like his obituary inserted in the RECORD as printed in the March 9, 1993, edition of the Washington Post.

SINGER-BANDLEADER BILLY ECKSTINE DIES

Billy Eckstine, 78, the singer-bandleader whose warm baritone graced a string of post-World War II hits such as "Fools Rush In" and "Everything I Have Is Yours," died March 8 while undergoing treatment at Montefiore Hospital in Pittsburgh.

Mr. Eckstine, who lived in Las Vegas, recently had suffered a stroke.

Known as Mr. B, he established a new and romantic style of singing, delivering ballads in a strong, vibrant baritone, with impeccable diction. One of America's most popular vocalists in the late 1940s and early 1950s, he drew bigger audiences at New York's Paramount theater in 1950 than record-setter Frank Sinatra. That same year, touring with the George Shearing Quintet, he had two sold-out concerts at Carnegie Hall in one day. There were said to be 80,000 Eckstine fan clubs in the United States, Canada and England.

Billy Eckstine was the first black singer to make the cover of Life magazine and the first to develop an international appeal through his interpretation of love songs. He had a host of imitators, set trends in fashion and was pursued by bobby-soxers. Hip young men copied the elegant singer's style of dress—shirts with rolled collars and jackets draped off the body.

His hit records included "A Cottage for Sale," "Prisoner of Love," "I Surrender, Dear," "Everything I Have Is Yours," "Blue Moon," "My Foolish Heart," "Caravan," "Body and Soul" and "I Apologize."

His career took a pounding late in the 1950s as rock-and-roll gained in popularity. But he rebounded with a series of hit albums for Mercury Records and was in great demand on the nightclub circuit. His last big hit was "Passing Strangers," a duet with Sarah Vaughan.

Mr. Eckstine, who also played valve trombone, directed a band that at one time or another included Dizzy Gillespie, Fats Navarro, Miles Davis, Gene Ammons, Dexter Gordon, Charlie Parker, Sonny Stitt, Art Blakey and Lucky Thompson, as well as Vaughan.

Unlike most swing bands that accompanied singers, the Eckstine band played powerful, thick chords and rhythmically complex figures. It is credited with being the first big bop band.

He was born William Clarence Eckstein—he changed the spelling of his name when he was an adult—in Pittsburgh, where he lived until he was a teenager. He then moved to Washington and attended Armstrong High School, where his sister taught. He also studied physical education at St. Paul Normal and Industrial School in Lawrenceville, VA, and attended Howard University.

During his student years, Mr. Eckstine was more interested in football than in music. But at age 19, he won the first of many amateur shows and a week's engagement with the band at Washington's Howard Theater. Mr. Eckstine won the $10 prize by imitating Cab Calloway, singing a nursery rhyme lyric with interpolated scatting.

He went on to work at small clubs and theaters in Washington and Pittsburgh, then sang for two years at the De Lisa Club in Chicago.

He was hired as vocalist with the Grand Terrace Orchestra of Earl "Fatha" Hines in 1939. Three years later, Mr. Eckstine heard Vaughan at an amateur show and encouraged Hines to hire her. While with Hines, Mr. Eckstine taught himself to play trumpet and valve trombone. He recorded as vocalist on two blues hits, "Jelly, Jelly" and "Stormy Monday."

In the 1930s and 1940s, the heyday of radio, music publishers who wanted to plug their new songs would take them to orchestras with national broadcasting contracts.

"They usually wouldn't give the songs to black singers because they though black singers didn't have clear-enough diction," Mr. Eckstine recalled in a 1974 interview. "This was in the day of 'race records.' They gave blues to black singers. But Earl fought against that. I was given plug songs by the big publishers. I did 'Skylark,' and my version outsold Bing Crosby's."

Mr. Eckstine left Hines in 1943 and spent a year as a solo nightclub act before founding his own big band, which featured the then-emerging be-bop style.

The band was active only three years during the mid-1940s, but had pivotal influence on be-bop. While Mr. Eckstine's focus on love songs pushed him to wider stardom, he continued to believe in bop.

It influenced his own records, and he gave work and encouragement to many of its players. He also wrote a few tunes of his own. John Coltrane was so fascinated by one of them, "I Want to Talk About You," that he recorded it several times.

Mr. Eckstine was twice divorced. His survivors include seven children, four grandchildren and a great-grandchild. A son, Ed, is president of Mercury Records, and another son, Guy, heads Mercury's jazz division. A daughter, Gina, is a singer in Las Vegas, and toured with her father in the 1980s.

CELEBRATING THE CENTENNIAL OF SELMA, CA

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. DOOLEY. Mr. Speaker, I rise today to acknowledge and celebrate the centennial of the city of Selma, CA.

Selma is in the great San Joaquin Valley of California. The snowcapped Sierra Nevada stands at high sentry over this beautiful community, and it is surrounded by miles and miles of the richest farmland in the United States.

Selma is known as the Raisin Capital of the World. Within 8 miles of the city is produced more than 90 percent of the Nation's raisin crop. It also is rich in other crops. Today, Fresno County, with the help of Selma, grosses billions of dollars a year from more than 220 commercial commodities. Some of these major crops include cotton, oranges, nectarines, peaches, plums, cantaloupes, tomatoes, milk, cattle, and poultry.

Selma was not always this agriculturally prosperous. At first, the dry, sandy area was inhospitable and home only to the families of four farmers. The countryside blossomed after the introduction of irrigation from the nearby Kings River between 1875 and 1878.

Homesteading gradually led to the establishment of stores, a post office, and rail station. With the founding of the Valley View School district in 1880, Selma quickly skipped from sleepy infancy to farming boomtown.

On March 4, 1893, by a count of 124 to 54, the citizens of Selma voted to turn their growing community into a city.

Days before that historic vote, a commentary in a local newspaper, urging a yes vote on incorporation, extolled the virtues of Selma and spoke of a promising future.

> [Knowing that] Selma is situated in the midst of one of the most thickly settled and productive sections in the state, that our streets are thronged with farmers' teams nearly every day in the week, that a complete and effective irrigation system puts the always abundant water of Kings River upon the surrounding country, that our climate is as near perfect as possible with flowers giving out their fragrance in the warm sunshine in February and the bloom breaking forth on the thousands of acres of orchard that lie about us in every direction, that we are in the center of this broad valley with the snow-covered mountains on one side lifting white crests against the sky and on the other the blue hills glinting through the misty distance, it seems there can be no reason why Selma shall not become one of the handsomest, most prosperous interior cities in the state.

Please join me, Mr. Speaker and my colleagues, in honoring that handsome, prosperous city upon its centennial.

THE DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1993

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. GLICKMAN. Mr. Speaker, we learned from last year's elections that Americans are alienated from and angry with a distant, ineffective, and seemingly unresponsive Federal Government. Business as usual is over, it is time for reinventing government.

Those of us in agriculture must step up to the same challenge. The logical place to begin is with the overwhelming size and complexity of the Department of Agriculture. We must revamp USDA paperwork requirements, freeing farmers to be farmers, not form-fillers. The job will not be finished until, from top to bottom and headquarters to county office, we have transformed a 19th century leviathan into a nimble structure able to meet the challenges of the 21st century.

Today, I am introducing legislation calling for such a transformation. It will map out a comprehensive reorganization plan for USDA, to streamline and make more efficient its county offices and cut its red tape. It will lead, I hope to a more efficient, more responsive bureaucracy, and be, as well, the first step to making farm programs themselves simpler, more straightforward, and less complicated.

Additionally, this legislation will result in considerable savings. One of its central elements will reduce USDA administrative costs by nearly $750 million over 5 years. That provision is the creation of a new entity within USDA, a farm services administration to oversee all farmer services programs with a new, streamlined field office structure. Not only is it contained in this bill, the President proposed its creation in his economic growth package as one component of his overall plan to make the Government more efficient.

I am convinced that reorganizing USDA is a long overdue task. We have passed, in my mind, the time for study. Numerous reports from the General Accounting Office and the Department itself have laid out options.

In September 1991, the General Accounting Office issued a summary report of its 3-year review of USDA's management and structure, which stated in part:

> USDA's organizational structure—essentially unchanged since the 1930s—is not responsive to the new challenges facing the Department. Consolidating and integrating organizational functions would allow USDA to provide the same services more efficiently to agribusiness customers and give it flexibility to meet needs more effectively.

In addition to the bill I introduced last year, in the Senate, Senator LEAHY introduced two bills in an effort to recognize and streamline the Department of Agriculture. His first bill, S. 2752, introduced on May 20, 1992, would have required USDA to name a bipartisan commission to decide which field offices to close and to report back to the Secretary and Congress. His second bill, S. 2879, introduced on June 23, 1992, would have prohibited the Secretary from spending any money to buy or upgrade computers until he completed plans for reorganizing the Department. Even though it did not pass Congress, the Secretary carried out the bill's intent. Senator LUGAR also has played a major role in the reorganization issue. He reviewed records of many county offices and found in some cases their administrative expenses equaled or exceeded the value of benefits they provided.

In addition to introducing legislation, both the House and Senate held hearings to learn from the Department, farmer groups, and USDA employee associations their thoughts and actions on reorganization. The Senate Agriculture Committee held two hearings: One on April 8, and the other on June 3, 1992. The House Agriculture Committee also held a hearing on June 23, 1992. Finally, on July 30, 1992, my Subcommittee on Wheat, Soybeans, and Feed Grains held a reorganization hearing and today, Chairman STENHOLM of the Subcommittee on Department Operations and Nutrition kicked off a series of hearings he will conduct on the subject.

As a result of the hearings, the Department, for the first time in over a decade, made reorganizing a high priority. Secretary Madigan reinstituted the State Food and Agriculture Councils, first organized in 1982 by then-Secretary John Block, as the major vehicle for looking at overall USDA field structure and recommending improvements. The Department held a series of town meetings around the county and discussed with farmers, county employees, and others their ideas on reorganization and began upgrading and integrating its computer networks. It initiated eight pilot projects aimed at making programs easier for farmers to use and county employees to administer.

The Secretary and the Director of the Office of Management and Budget, Richard Darman, formed a team to review USDA field structure. The team consisted of 30 staff which collected and manipulated useful data on field agencies. It gave this information to USDA, which in turn, used it to make field office closing determinations leading to Secretary Madigan's decision to close 1,242 field offices.

This bill contains that essential element plus it will realign USDA's headquarters. I agree wholeheartedly with Secretary Espy; the latter is the essential first step in revamping the entire bureaucracy. In fact, my legislation is based on some of the ideas the Secretary has discussed for headquarters reorganization.

I have put the farm programs under one roof, the rural development programs not already consolidated, all the consumer programs go another place, and the research programs another. I have centralized all of the administrative and operational functions of USDA under one officer. It simply does not make sense, to me, to have separate financial, public affairs, congressional affairs, and personnel, to name just a few, functions spread throughout all of USDA's constituent parts.

That brings me to a second principle I followed in writing the legislation: This is the people's Government. While that sounds simple and straightforward, I can assure you not many farmers agree. Reorganizing, or reinventing, USDA needs to include more than just redrawing the organizational chart. It also ought to include making it more user-friendly and that means cutting down on paperwork. That also means that, quite frankly, we need to make the programs simpler, from farm programs to food stamps.

A summary of the main points of the legislation, which I urge my colleagues to support, follows this statement:

EXPLANATION OF THE DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1993

The Department of Agriculture Reorganization Act of 1993 lays out a three-pronged plan to reorganize USDA and make it more efficient:

I. streamlining USDA's headquarters operation;

II. restructuring USDA's field office network; and

III. simplifying USDA's paperwork requirements.

I. STREAMLINING HEADQUARTERS

The legislation realigns the Department of Agriculture into ten functional areas headed by the office of the secretary, an executive secretariat, six under secretaries, general counsel, and inspector general:

Office of the Secretary: The office of the Secretary will be charged with overall leadership of the Department.

Executive Secretariat: Headed by the Deputy Secretary, the Executive Secretariat will consolidate into one place all department-wide administrative and managerial activities such as personnel, information, and financial systems including the administrative functions of the Commodity Credit Corporation. The Executive Secretariat will be responsible for public affairs, including media relations, throughout the Department and the congressional liaison and intergovernmental affairs of each intra-departmental agency. The Executive Secretariat will oversee adjudicatory agencies and functions in the Department, including the National Appeals Division to hear appeals related to all former services programs.

General Counsel: The General Counsel will have responsibility for all departmental legal matters.

Inspector General: The Inspector General will have responsibility for departmental oversight.

Under Secretary for Farm Programs: The Under Secretary for Farm Programs will have jurisdiction for all programs providing direct assistance to farmers, including farm price and income support, farm financing, crop insurance, and technical assistance. The program will be consolidated into a new Farmer Services Administration and will include the farm price and income support programs of the Agricultural Stabilization and Conservation Service, farmer lending programs of Farmers Home Administration, Federal Crop Insurance Corporation, farmer education and assistance programs of the Extension Service.

Under Secretary for Rural Development: The Under Secretary for Rural Development will have jurisdiction for programs in the Department related to rural development, including those in the Rural Development and Rural Electrification Administrations, and the housing, community facilities, and business and industry loan programs of Farmers Home Administration.

Under Secretary for International Programs: The Under Secretary for International Programs will oversee the Department's trade policy and export programs under the jurisdiction of the Foreign Agricultural Service and Office of International Cooperation and Development.

Under Secretary for Natural Resources and Environment: The Under Secretary for Natural Resources and Environment will have jurisdiction for programs affecting natural resources, conservation, and the environment generally. The under secretary will have jurisdiction over the Forest Service, Soil Conservation Service, conservation cost share programs of the Agricultural Conservation and Stabilization Service, and natural resource programs of the Extension Service. The under secretary will also have responsibility for energy and pesticide programs.

Under Secretary for Consumer and Marketing Services: The Under Secretary for Consumer and Marketing Services will have authority for the Department's food and nutrition, inspection, and marketing programs. The jurisdiction will include nutrition programs, food stamps, meat and grain inspection, marketing programs, and the consumer assistance programs of the Extension Service.

Under Secretary for Research: The Under Secretary for Research will have responsibility for all research efforts and economic analysis.

II. RESTRUCTURING THE FIELD OFFICE NETWORK

The bill requires the Secretary of Agriculture, within five years of enactment, to consolidate existing Department of Agriculture field offices into new multi-county district Farm Services Administration offices.

Before establishing the new district office system, the Secretary must issue guidelines for the consolidation. The guidelines, which must be published for public comment before implementation, are to include the following criteria—Number of farms and farmers in each administrative area; Geographic size of each administrative area; Amount and kind of crops grown in each administrative area; Cost of operating the office compared to the benefits it administers; Inconvenience to farmers of the size of the administrative area; Ability to service efficiently the administrative area; Ability of farmers to utilize user-friendly application processes; and extent to the paperwork burden on farmers has been streamlined.

The guidelines must also delineate circumstances under which the Secretary may establish administrative areas of single counties.

The bill establishes a new system of farmer-elected committees. Each new administrative office will have just one comprehensive committee, responsible for all the programs administrated by the Farm Services Administration in that area.

III. SIMPLIFYING PAPERWORK

The bill requires the Secretary of Agriculture to establish a centralized data system for information regarding services provided to farmers and information required for participation in farm programs.

The Secretary must examine all forms, applications, and other information requests and eliminate duplication to save time for farmers. The Secretary must also establish a system for allowing farmers to enroll in programs with one, user-friendly, application process that may be completed and filed with the Farm Services Administration electronically, by facsimile, by mail, or other means appropriate to ease the paperwork burden on farmers.

The bill sets a goal for Congress to make simplification of programs a primary goal of future farm legislation.

INDIAN EMPLOYMENT AND INVESTMENT ACT OF 1993

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. RICHARDSON. Mr. Speaker, today I am introducing the Indian Employment and Investment Act of 1993. This bill was a part of H.R. 11 which was vetoed by the Bush administration. This measure will stimulate the economy in Indian country by providing new businesses Federal tax incentives to locate on reservations. First, an employment credit provides for a 10-percent credit to the employer based on the qualified wages and qualified health insurance costs paid to Indian employees. A credit of 30 percent is offered to employers having an Indian work force of at least 85 percent. This credit is limited to new hires and to those employees who do not receive wages in excess of $30,000. The credit would only be allowed on the first 7 years of employment. This tax credit will begin to address the severe unemployment problems in Indian country. It will stimulate job creation on Indian reservations and significantly reduce Indian unemployment on reservations.

Second, the bill provides for a 10-percent credit for personal property, 15 percent for new construction property, and 15 percent for infrastructure investment on or near reservations. This investment tax credit is limited to reservations where the unemployment levels exceed the national average by at least 300 percent. On reservations where unemployment exceeds 150 percent of the national average, half of the credit would be available for qualifying investments. Restrictions in the measure preclude both credits from being used for the development of operation of gaming establishments on reservations. These investment credits will serve to attract new businesses to Indian reservations by reducing costs associated with locating businesses on reservations. It will offset additional costs of doing business on Indian reservations due to a lack of adequate infrastructure and significantly increase employment opportunities on Indian reservations.

Mr. Speaker, unemployment on reservations exceed 50 percent nationwide, 93,000 Indians are homeless or underhoused, 600,000 Indians live below the poverty line. It is manifest that reservations must have economic development. These incentives will help tribes help themselves by encouraging new businesses and new jobs on reservations. I urge my colleagues to support this measure as they did in the last Congress.

THE 10TH ANNIVERSARY "SPIRIT RUN" RACE

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. COX. Mr. Speaker, on the last day of February of this year, in my hometown of Newport Beach, CA, the 10th anniversary "Spirit Run" was held. This annual 5K/10K community-based running and walking race, held to raise money for three area elementary schools, has, in 10 short years, grown to be the largest and most successful road race in Orange County.

Mr. Speaker, I can't emphasize enough the community enthusiasm generated by the spirit run. Over 5,000 racers participated, with at least that many spectators cheering on the sidelines. Just as importantly, a record $75,000 was raised for the supplemental educational needs of Harbor View, Lincoln, and Roy O. Andersen Elementary Schools.

The annual spirit run is a magnificent example of community caring and cooperation. Parents, students, and faculty get involved. Indeed, over 500 members of the community volunteered their efforts to make this year's event a success. Local companies sponsor the event, so that all the money raised benefits the students of the three schools. The funds, divided evenly between the schools, go toward the purchase of science, computer, and physical education equipment.

The primary sponsors of the 1993 spirit run include: Golden State Bank; Nissan; Daily Pilot; Pacific Mutual; Nike; The Ink Spot; 95.9 KEZY; Fashion Island; Ralph's; OCN; and DLD Insurance Brokers.

Mr. Speaker, I know that the House of Representatives will want to join me in congratulating the volunteers, racers, and sponsors of the 1993 spirit run. It's a great way to promote not only a sense of community and physical fitness, but also to help our public education system. I look forward to participating in next year's spirit run.

THE AMERICAN BUSINESS PRODUCTIVITY AND QUALITY ENHANCEMENT ACT OF 1993

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. GOODLING. Mr. Speaker, the debate continues over how best to encourage economic growth and bring relief to the many who have suffered from this prolonged recession, there are clearly no easy answers. Some have advocated an increase in the amount of funds that are provided by the Government to workers, while others have advocated that higher wages will only bring about better productivity among our Nations work force. The one thing I do know, is that finding ways to increase business productivity and efficiency will certainly help stimulate the economy. One way to do this is to encourage businesses to seek ideas from employees about improving efficiency, productivity, and competitiveness.

The ingenuity of the American worker is what has made this country great, and I want to do all that I can to encourage it. I fear that too many of our current policies, in both business and Government, discourage, rather than encourage or reward employee problem solving and creativity. The very ideas of total quality management [TQM] were at first rejected by American business. However, in the past 5 years, an increasing number of the larger businesses are beginning to do what the smaller businesses have been doing for some time by allowing and encouraging employees to offer ideas that will improve the quality and productivity of their products. This change in the business environment could not have come at a better time, as we ready our work force for the challenges of the year 2000 and more importantly, global competition. Our overall approach to business policy should be to advocate high productivity, and offer incentives to reward it.

I have a plan, which, I think will do just that. Today I am introducing legislation which will make awards for employee productivity of up to $500 exempt from taxation. These awards would be offered for employee activity which results in increased productivity per worker, increased competitiveness in the marketability of any product of the employer or an improvement in, or increased efficiency in, producing any product of the employer. The underlying statement of this legislation is that employee involvement is critical to the long-term success of American business. I believe we should back that statement by offering incentives for greater productivity and increased competitiveness.

In addition, I want to strongly encourage businesses to offer monetary awards to employees who offer ideas to improve efficiency, productivity, and competitiveness. I believe in an increased relationship between businesses and their workers. in Japan, business, employees, and Government work like "hand in glove." Most of the larger businesses are beginning to encourage these types of production methods. The end result has been increased productivity, better products, and better overall competitiveness in the world market.

I believe the Congress must do its part to encourage this type of cooperation. By enacting changes in tax policy which would provide significant incentives for employees to contribute to business productivity and for businesses to reward such action, Congress will send a clear message regarding the importance of employee productivity in the workplace.

Though this proposal likely will not turn the economy around overnight, I think it has merit in encouraging some basic behavior would could result in increased productivity and competitiveness for our Nation in the long term. I would urge all Members to consider these issues and cosponsor this needed legislation.

OUTRAGE AT MURDER IN PENSACOLA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. HASTINGS. Mr. Speaker, I must take a moment to express my outrage at the recent murder of a doctor at the Pensacola Women's Medical Services clinic in Pensacola, FL.

According to witnesses, there were a handful of protesters surrounding the clinic. As Dr. David Gunn stepped out of his car, one of the protesters stepped forward from the crowd, shouted "Don't kill any more babies" and shot him three times in the back.

Why did the self-acknowledged assailant murder this man? Because he, the assailant, was opposed to the doctors' performing legal abortions at the clinic which he owned. Because he thought Dr. Gunn should give his life as reparations for performing a legal act with which the assailant happened not to agree. Because the assailant interpreted the Bible as saying that abortion is murder, and therefore the person who commits the act must be stopped.

The tactics of the anti-abortion movements are verging on anarchy. But the leaders of the movement sanction these terrorists acts in the name of God because that is how they interpret the teachings of the Bible. The legal authority in the United States is the Supreme Court and the Supreme Court ruled that the acts which Dr. Gunn performed at his clinic were legal. The Bible is the moral authority, but the Bible does not command people to murder those with whom they do not agree.

Women's health clinics have been subjected to vandalism, bombings, chemical attacks, arson, picketing and blockades. In keeping with my opposition to these vigilante-style forms of harrassment, I cosponsored legislation to withhold community development block grants to communities which fail to enforce laws preventing the use or threat of force against individuals for exercising their right to an abortion.

The actions of many of the anti-choice groups are escalating from the extremely annoying to the illegal. And if the U.S. Congress has to take stronger actions to protect the rights of doctors to provide legal services, and the right of women to avail themselves of these services, I will be in the forefront of the movement.

HONORING SARA DALKOWITZ KAPLAN

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mrs. UNSOELD. Mr. Speaker, on March 14, 1993, one of Washington State's most active and distinguished citizens will be celebrating her 70th birthday. Sara Dalkowitz Kaplan has been a leader among us since she first moved to our State in 1956. I want to recognize her dedication, hard work, commitment, and effectiveness in support of the good causes we share.

Sara was born in a small town, Pearsall, TX, so she was in college before she learned that her natural instinctual political beliefs branded her as a liberal. She has acknowledged that label with characteristic pride ever since. Sara has long been active in the fight for human rights, equal access, and in the fight to break down the barriers amongst people of different races, cultures, and religions. She abhors prejudice of any kind. Sara's thousands of friends cross every race, creed, national origin, and religion. She is a liberal in the best, most open-minded connotations of the word.

Sara has worked tirelessly on behalf of countless worthy causes. She is currently president and creator of the Seattle chapter of B'nai B'rith Women; vice president of the Mercer Island Friends of the Library; vice president of Brandeis University's National Women's Committee; 41st District representative to King County Democratic Central Committee; on the boards of the Washington chapter of the National Jewish Democratic Council, the Anti-Defamation League, the American Israel Public Affairs Committee, and the finance committee of Hands-Off Washington; the Jewish representative to the Washington Interfaith Council; an active member of the NAACP, the ACLU, and the Coalition of Labor Union Women.

In her past activities she has served as: a social studies teacher and winning speech and debate coach for Seattle Public Schools—always fielding a multiethnic group of speech and debaters; the Franklin High School representative for the Seattle Education Association; president of Puget Sound Educators for Social Responsibility, of the Puget Sound Council of Social Studies Teachers, and of the Seattle chapter of the Brandeis University National Women's Committee; and was elected to Phi Beta Kappa and Mortar Board of the University of Texas.

Sara is probably best known for her intense love of politics and consistent participation in the campaigns of literally hundreds of Democratic Party candidates. One thing that really sets Sara apart is her indomitable spirit and the incredible commitment to the causes and candidates she holds dear. Few know that Sara has survived two brain tumors, the first occurrence in the early 1950's and the recurrence in the early 1960's. Nothing stops Sara. Whether recruiting disadvantaged students for her Franklin High School debate teams and subsequently coaching them to victory and college scholarships or signing on early and often for campaigns, community activities, and causes, Sara is there. She is a wonderful person loved by more people than she will ever know.

I am delighted to honor my old friend today for her lifetime of dedicated service to our State, our country, and our world. Sara will always be a hell-raiser and an agitator for what is right—whether popular or not. She has earned our gratitude, our admiration and our enduring affection.

TRIBUTE TO MR. AND MRS. SIDNEY KLINE, JR.

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. HOLDEN. Mr. Speaker, I rise today to pay tribute to Mr. and Mrs. Sidney Kline Jr. of Wyomissing, PA, the recipients of the 1993 Richard J. Caron Award of Excellence. This award is presented annually by the Caron Foundation to a person or persons who demonstrate the same spirit of caring and compassion as exemplified by the founder of the Caron Foundation, Mr. Richard J. Caron. The Kline's will be honored at a dinner on March 25, 1993, which will benefit the Caron Adolescent Treatment Scholarship Fund.

The Sixth District of Pennsylvania and Berks County are very fortunate to have citizens like the Klines. Mr. and Mrs. Kline have distinguished themselves by helping the citizens of Berks County for over 30 years. They have been involved in a wide variety of activities to help make life better for other Berks residents. The list of their accomplishments and community activities is both lengthy and diverse. They have both received the Wilbur Doran Award for Outstanding Community Service, and both have served on the Caron Foundation Board of Directors.

Mr. Kline has been involved in many fine organizations including the United Way of Berks County, the Dickinson College and School of Law Alumni Associations, the Reading Rotary Club, the Penn State Berks Advisory Committee, the Reading Hospital and Medical Center Board of Directors, the Reading Chamber of Commerce Board of Directors, the Reading Center City Development Fund and the YMCA of Berks and Reading. He is also a former councilman in the Borough of Wyomissing Hills.

Mrs. Kline is a member and former president of the Junior League of Reading. She is a board member and former board president at Community General Hospital and an active volunteer for the United Way of Berks County. She is a board member of the YMCA of Berks and Reading, Berks County Community Television and the Historical Society of Berks County. She also serves as a trustee for Albright College and the Foundation for the Reading Public Museum, and is the president of the Olivet Boys & Girls Club.

Mr. Speaker, Mr. and Mrs. Kline epitomize the highest virtues and qualities of community service. Their efforts have helped to enrich the lives of many of the residents of Berks County. They are totally unselfish in their efforts to help others. They truly exemplify the spirit embodied in the Richard J. Caron Award of Excellence.

Mr. Speaker, I ask all of my colleagues to join me in honoring Mr. and Mrs. Kline for their achievements. Their efforts serve as an example for all Americans in helping their fellow human beings. I wish Mr. and Mrs. Kline the greatest success and happiness in the future.

H.R. 1330, THE COMPREHENSIVE WETLANDS CONSERVATION AND MANAGEMENT ACT OF 1993

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to join my colleagues Mr. HAYES, Mr. RIDGE, Mr. TAUZIN, and Mr. BREWSTER in the introduction of H.R. 1330, the Comprehensive Wetlands Conservation and Management Act of 1993. We are introducing this legislation to provide a framework for resolution of the complex issues related to wetlands conservation and management. There are aspects of this legislation that some Members on both sides of the aisle may not be entirely comfortable with, it is a compromise that may resolve the enormous failings of the section 404 program in the last several years.

This legislation is a complete overhaul of the 404 program. It starts by expanding the activities that require permits, while protecting traditional exemptions such as farming, ranching, and silviculture. It also recognizes that all wetlands are not of equal value and should not be treated the same. It divides wetlands into three classifications, with varying requirements based on the habitat, water quality characteristics, and flood control qualities of each wetland. This will overcome a significant shortcoming in the existing program by allowing greater protections for those high value wetlands while still allowing for economic growth in this Nation.

This legislation also recognizes that any wetlands program must respect the rights of private property owners. Since a large majority of the wetlands in the United States are privately owned, or have significant private property rights associated with them, it is important to recognize that if we protect a valuable wetland because the national interest is furthered, the Nation must be prepared to compensate the owner for the taking of private property interests. The program also allows for States to set up statewide mitigation banking programs which will allow for improvement in overall wetlands values. This mitigation banking program allows credit be given for Federal land in protective status, if the State has less than 10 percent of the State's wetland resources. The bill also allows the States to take over management of the permitting process and to develop their own wetlands enhancement programs.

This legislation was the subject of numerous hearings in the last Congress in both the Merchant Marine and Fisheries Committee and the Public Works and Transportation Committee. It received a thorough review by the Congressional Budget Office as to its costs and it sparked discussions of much needed administrative reforms. Unfortunately, with all of this discussion the problem has not been resolved.

Mr. Speaker, this is far from a perfect bill, it will have to go through some significant changes as it moves through the committee process. My colleagues and I have received literally hundreds of comments from all over the country. We have incorporated a number of improvements in this legislation as a result of those comments and would look forward to continuing input as the legislation progresses. However, we believe that this legislation should provide a basis for any legislative solution to the wetlands crisis in this country.

While some Members may not entirely endorse all aspects of this legislation, I hope it will facilitate a dialogue that will allow us to move forward early in this Congress to address this critical problem.

H.R. 1330, THE COMPREHENSIVE WETLANDS CONSERVATION AND MANAGEMENT ACT OF 1993

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. HAYES. Mr. Speaker, today I am introducing the Comprehensive Wetlands Conservation and Management Act. This bill reflects my beliefs, as well as those of the 53 Members who have joined me in introducing this measure, that revisions in the current section 404 permitting process must be made if we are going to overcome the problems that have plagued this regulatory system since its onset. As I did in the 102d and 101st Congress, I continue to believe that the issue of wetlands protection, the inadequacies in the section 404 permitting process and the issue of private property rights must be addressed in a comprehensive legislative manner.

While introducing this bill represents the sincere convictions and commitment that I hold regarding this issue, I introduce it realizing that others too have their own beliefs and commitments, and although they do not mirror those that I hold, they are just as sincere as my own. One view that I share with my colleagues whose views may differ from mine on certain elements of the 404 program is the necessity to protect this Nation's rapidly disappearing wetlands. With this in mind, Mr. Speaker, I submit to you this legislation with the hopes that all who have different perspectives on how to improve the current program can come together to establish a dialog in order to reach a common ground for discussing revisions in current wetlands regulations.

The scope of the Comprehensive Wetlands Conservation and Management Act encompasses the expansion of coverage of the section 404 program to include draining, channeling and excavation of wetlands, streamlining the permitting process under one authority—the Corps of Engineers—and putting strict limits on the time the corps takes to process permits.

Additionally, the bill classifies wetlands according to their functions and values, a basic premise that is not currently in place with the program, while prohibiting development in the most pristine wetlands. It also prohibits the Government from forcing a landowner to absorb the costs associated with condemnation of the landowner's property on the basis that it is a wetland

Finally, the bill encourages the States to take over the administration of the section 404 Program with a minimum of interference by the Federal Government, and to establish State mitigation banking programs.

Mr. Speaker, this legislation is a complete overhaul of the 404 program which expands activities that require a permit, while protecting the traditional exemptions such as farming, ranching, and silviculture. It recognizes that all wetlands are not created equal, and seeks to overcome many of the shortcomings in the current program.

Finally, the bill addresses the issue of takings and constitutionally protected private property rights. In light of the fact that 75 percent of this Nation's wetlands are privately owned, addressing the issue of landowner compensation is imperative and must be included in any approach that this Congress chooses to take to protect this Nation's valuable wetlands.

Mr. Speaker, this issue is one that has been debated heavily for the last several years with no consensus reached, and thus no relief in sight. It is my hope that, by working together with all of the interested parties on this issue, we can achieve an accord that balances the needs and constitutional rights of private property owners with the need for further protection of our nation's rapidly disappearing wetlands.

TRIBUTE TO JACK BROWARD

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. HUNTER. Mr. Speaker, tomorrow will be Jack Broward's last day as editor of the Borrego Sun and I thought I would take some time out tonight to talk about this man who has been one of my good friends for many years. In fact in 1980, when Jack was in charge of the Navy Dispatch, he was the only newspaper editor with foresight enough to endorse my fledgling candidacy for Congress. I won that year and I owe a big portion of that victory to Jack. I appreciate his confidence in me during our long association.

Jack's career began back in his hometown of Tampa, FL, with the Tampa Morning News. Soon after, Jack embarked on 20 years, including much of World War II, as a Navy enlisted correspondent. During his military career, Jack acted as assistant PIO at the Naval Ordinance Test Station at China Lake, oversaw advance publicity for the Blue Angels, and edited Air Navy magazine for 5 years at the Navy Journalism School.

Jack joined San Diego's Teledyne Ryan Aeronautical in 1965, moving to Sea World in the mid-1970's and then to Cubic Corp. in the late 1970's. You know Mr. Speaker, I could list all the papers he has worked for or ran or founded, but that's not my purpose here. Jack knows all of his accomplishments over the years.

We, his readers, will certainly miss his work at the Borrego Sun and we are thankful for his contribution. I have a feeling this is not the last we will hear from Jack, so I will just wish him the best in all his future endeavors.

REGARDING MISCELLANEOUS TRADE LEGISLATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. COBLE. Mr. Speaker, today I am introducing legislation to benefit a small business located in Burlington, NC, which is part of my congressional district. The company is called D&S International, and it actively engages in overseas trade. This legislation is virtually identical to another bill (H.R. 5701) I sponsored last term at the behest of D&S.

By way of background, D&S imported four German-made warp knitting machines in the fall of 1988. Warp knitting machines are classified under HTS 8447.20.40 and are not dutiable. D&S subsequently sold the machines to a Venezuelan company, which reserved the right to return them to D&S if certain conditions were not met. This, in fact, did occur, and the buyer shipped the machines back to D&S. The Customs entry summary lists an entry date for this transaction of July 12, 1989, at the Port of Charleston.

Here is where the problem arose. The entry documentation classified the machinery as a reentry of goods of U.S. origin. This misclassification was then changed to a second misclassification in which the goods were listed as knitting machines under HTS 8447.90.90—dutiable at 4.4 percent.

Upon discovery of the additional duties, D&S contacted its freight forwarder and the U.S. Customs Service. This was done at the Customs level by letter and office memorandum. Instead of correcting the classification at this point, however, Customs engaged D&S and the freight forwarder in a series of discussions and exchanges of information.

Pursuant to 19 U.S.C. 1514, such duty protests must be filed within 90 days of liquidation, that is, the time at which Customs classifies an imported good and gives notice to the importer. While D&S conveyed the necessary information in a timely manner to Customs, the company did not do so by using the technical agency method of documentation, called "form 19." Since D&S did not use form 19 within this 90-day period, Customs did not and will not recognize the company protest. The inequity of the situation is therefore manifest: the other correspondence, while accomplishing the same goal as form 19, is considered worthless for the purposes of protesting a misclassification.

The bottom line is that D&S now owes $25,000 in duty with interest accruing daily, effectively inhibiting the ability of the company to do business. Litigation is not a viable alternative, as it will only add to these costs. Accordingly, I urge my colleagues to support this legislation, which simply instructs the Secretary of the Treasury to treat the reentry of the four machines from Venezuela as a duty-free occurrence; and to refund any duties which D&S has paid as a result of the misclassification.

THE BOSNIA QUAGMIRE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. MICHEL. Mr. Speaker, the Republican Policy Committee, under the inspired leadership of my Illinois colleague, HENRY HYDE, has issued a statement concerning the current situation in Bosnia. I want to bring to the attention of our colleagues this incisive and throught-provoking analysis.

At this point I wish to insert in the RECORD "The Bosnian Quagmire: Step Carefully, Mr. President," a policy statement of the Republican Policy Committee.

THE BOSNIAN QUAGMIRE: STEP CAREFULLY, MR. PRESIDENT

"It has no combat connotations. . . . We think the risks are quite small."—President Clinton on planned military airdrops over Bosnia, February 23, 1993.

Without fanfare, and with little in the way of apparent consultation with foreign allies or our own Congress, President Clinton has begun to escalate United States involvement in a foreign crisis that is clearly no place for beginners. Bosnia is smack in the middle of an old Balkan neighborhood in which ethnic hatred is firmly rooted and well beyond the reach of logic and reason. It is into this difficult terrain that he has rather casually ventured. His next steps should be more carefully considered.

Since Slovenia, Croatia and Bosnia-Hercegovina declared their independence in 1991, war has racked the former Yugoslavia at a cost of tens of thousands of lives. It has brought human suffering not seen in Europe since the Second World War. In Bosnia alone, estimates of dead range from 20,000 to over 100,000. Nearly two million of a total population of 4.3 million have been driven from their homes as military forces representing the three primary ethnic groups (Muslims-44%, Serbs-31%, and Croats-17%) try to gain an upper hand.

What makes this conflict especially repugnant is that innocent civilians are viewed in military terms as primary targets, rather than unfortunate spectators. The now infamous "ethnical cleansing" is achieved either by killing the victims or spurring mass exodus of their ethnic group from a given area. Unconscionable brutality from one side predictably results in horrific violence from the other. Rape on a massive scale and in a cruelly repetitive manner is one of the abominable techniques of moral terrorism employed.

It is a difficult cycle to break. A peacekeeping force (UNPROFOR), economic sanctions, and UN Security Council Resolutions have so far done little to improve the situation. Secretary of State Warren Christopher has indicated that, if diplomacy can forge an agreement among the parties to the conflict, U.S. military forces would participate in its enforcement. This could mean a substantial commitment of U.S. forces under UN command. Since the protagonists in this war have a proven record of not keeping their word, enforcement of any agreement could be a daunting challenge, and a costly one as well.

POLICY CONSIDERATIONS

It raises a host of questions, some of which should have been asked—and publicly answered: What national interests are affected by events in the Balkans? Do we have clearly defined and attainable goals? Will actions short of U.S. military intervention stop the war? Will inaction on our part lead to Serbian violence against ethnic Albanians in Kosovo? Will that in turn bring into the conflict Albania, Greece, Turkey, Bulgaria, or even Russia? Is the humanitarian crisis in Bosnia sufficient cause for U.S. military intervention when the costs in American lives and resources cannot be known and the sustainability of any positive result is questionable? Should we subordinate substantial numbers of U.S. military forces to UN command?

CLINTON POLICY

Not surprisingly, President Clinton seems to be trying to have it both ways. He wants to comply with one of his few campaign promises that remain unbroken by doing more than his predecessor to relieve the suffering in Bosnia. At the same time, he wants to do so from arm's length with symbolic, if not successful, airdrops of aid from 10,000 feet and with vague but troubling commitments of U.S. military participation in hypothetical UN peacekeeping operations.

What is most troublesome is his ad hoc, piecemeal approach. One gets the uneasy feeling that the Clinton Administration is taking this crisis a day at a time without any real game plan and without any clear objectives. Early on, we need to establish how important this part of the world is to our national interests and what price we are willing to pay to protect those interests. Several parties to the conflict have their own intriguing agencies and will try to ensnare the U.S. into their conflict if they think it will benefit them.

We are all shocked by the horrible suffering that is occurring in Bosnia. Our government should do all that it reasonably can to end this tragedy and ameliorate its consequences. However, before one American life is placed on the line, we should know what it is we are trying to achieve—and that it cannot be achieved by means other than direct involvement. Especially important, we should know whether that involvement would accomplish our goals at a price we are willing to pay.

The President should answer those questions before he considers placing our military men and women in harm's way.

INTRODUCTION OF THE COMPREHENSIVE WETLANDS CONSERVATION AND MANAGEMENT ACT

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. RIDGE. Mr. Speaker, today I am pleased to announce the introduction of H.R. 1330, the Comprehensive Wetlands Conservation and Management Act. It is my hope that the reintroduction of this bill in the 103d Congress will send a clear message to all that wetlands reform is needed, and it is needed now.

Mr. Speaker, it is my belief that H.R. 1330 provides this Congress with a unique opportunity to truly address the issue of wetlands in a fair, bipartisan manner. With the help of Mr. HAYES, Mr. TAUZIN, and Mr. YOUNG, we have put together a strong bipartisan coalition that is interested in moving the debate on our Nation's wetlands forward, not in a divisive, confrontational manner, but in a manner inclusive of the diverse needs of our Nation's landowners, its environmental community, and its economic development community.

Mr. Speaker, we all recognize the importance of wetlands in the protection of our Nation's ecosystem. But not all wetlands are created equal. Wetlands can and must be classified according to their value to the environment. In my congressional district, we have some of the most abundant and pristine wetlands in the entire mid-Atlantic State region. These areas are critically needed for waterfowl and wildlife. But we also have drainage ditches along roads, nuisance spots in farm fields, and manmade wetlands in the middle of small housing developments. While common sense tells us that all of these areas are different, as a government we cannot seem to make the distinction. This points to the urgency in developing a definitive legislative solution in regard to the issue of wetlands.

Mr. Speaker, the current system simply does not work. As we continue to lose thousands of acres of wetlands, reasonable community development is being inhibited and halted. The lack of a sense of balance in the regulatory community has adversely affected both legitimate environmental interests and the individual property rights of landowners. H.R. 1330 addresses these problems by providing a clearer definition of wetlands and distinguishing among different classes of wetlands for regulatory purposes, and provides compensation to landowners when properties are taken. We as a legislative body must step forward with a comprehensive approach, standard definition, rating according to ecological value and function, and a means of providing compensation consistent with the fifth amendment to the Constitution. H.R. 1330 provides such a vehicle, and I ask for the support of my colleagues on both sides of the aisle in implementing the Comprehensive Wetlands Conservation and Management Act.

USE OF SAMPLING AUDITS HAVING NEGATIVE EFFECTS ON HOME CARE AGENCIES

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. RICHARDSON. Mr. Speaker, I rise today to introduce legislation that will guarantee the right of every Medicare beneficiary to have his or her home care benefits reviewed individually and in full light of the patient's needs. In 1982, the Health Care Financing Administration [HFCA] began using a technique called "sampling" for reviewing Medicare home care claims after the claims had already been approved and paid for by the Medicare intermediary. Since this technique has been implemented, it has proved to have disastrous effects on home care agencies.

Under sampling, a Medicare intermediary reviews a small sample of a home health agency's claims during a postpayment audit. The findings from this small sample are then applied to all of the agency's claims. Any errors in the sample are exponentially multiplied when applied to the agency's total claims. In the meantime, the agency is expected to reimburse the Medicare carrier immediately for the denied claims before the home care agency can appeal the decision. The problem is compounded by the lengthy appeals process which can take several years for even a single claim.

The use of sampling audits is not specifically authorized by current law. Instead, current law guarantees individual coverage determinations, based on the principle that each patient under Medicare presents unique home care needs. As a result, I believe sampling is in direct conflict with that principle. I am pleased to add that I am joined in that belief by the distinguished majority leader of the Senate, Senator MITCHELL, and the chairman of the Senate Special Committee on Aging, Senator PRYOR, who have introduced the companion bill in the Senate.

The practice of sampling has had a devastating impact on certain home care agencies in my home State of New Mexico. In 1984, the Albuquerque Visiting Nurse Service [VNS] and the Chaves County Home Health Services, Inc., were notified that thousands of previously reviewed and paid claims had been readjudicated and denied. However, the intermediary had not rereviewed the claims on an individual basis. Instead, the intermediary had substituted a small—as low as 3 percent—sample review in a postpayment readjudication of claims which had already been reviewed on an individual, claim-by-claim basis before payment was made. The results of the sample review were projected on the total Medicare claims for each agency.

Based upon the sample, the intermediary demanded immediate repayment of more than $100,000 from Albuquerque VNS and a nearly $47,000 from Chaves County, before the agencies were able to appeal. The case of Albuquerque VNS underscores the disastrous impact of sampling on home care agencies. There, the intermediary examined only 200 of 2,460 claims already reviewed and paid. Although nearly all of the agency's appeals were successful, the agency was not able to financially survive the long wait for appeal and was forced to declare bankruptcy.

HCFA's use of claim sampling audits is nothing more than an attempt to deny payment for Medicare home care benefits to which Medicare beneficiaries are entitled under the law. These audits ultimately affect Medicare beneficiary access to needed services as agencies become fearful that they may be next.

This legislation would bar HCFA from using sampling audits except under strictly defined circumstances, such as in cases of fraud. I urge my colleagues to support this legislation to ensure that elderly and disabled Medicare beneficiaries received benefits to which they are entitled.

ENFORCE HUMAN RIGHTS IN KOSOVA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. ENGEL. Mr. Speaker, as cochair of the Albanian Issues caucus, last month I had the honor of hosting a reception for President Ibrahim Rugova of Kosova. Several of my colleagues had the opportunity to attend this event and speak with President Rugova about his Government's peaceful resistance to the campaign of quiet ethnic cleansing which Serbian aggressors wage against 2 million Albanians in Kosova.

As the world focuses on the unspeakable atrocities being committed by Serbian extremists against Moslems in Bosnia and Herzegovina, we must also be mindful that Belgrade's expansionist drive is quietly escalating in Kosova. By denying nearly all civil and human rights to Albanians, imposing a brutal system of apartheid, and violently repressing freedoms, Serbia is succeeding in driving the 90-percent Albanian population from their homeland.

Now, only immediate preemptive action by the international community can prevent defenseless Kosova from suffering a catastrophe which could easily surpass the nightmare of Bosnia.

Last week, President Rugova and Kosova's Prime Minister Bujar Bukoshi took their case to the United Nations Commission on Human Rights [UNHRC] in Geneva. There, the Commission passed by consensus a resolution condemning Serbian oppression in Kosova and calling for immediate concrete action to alleviate the intolerable conditions for Albanians and prevent the likely conflagration.

While welcoming this first step toward peace and security, Kosova's Government is eager to make certain the terms of the resolution are actively implemented and not simply ignored like so many other attempts at alleviating suffering in the Balkans. Accordingly, Prishtina sent six urgent requests to the international organizations responsible for carrying out the resolution.

I urge my colleagues to do everything in their power to make certain that these requests, outlined in the following statement, are fulfilled promptly and effectively.

Additionally outlined in the following statement are refutations of three specific points from the resolution which I along with the Kosova Government find unacceptable. The resolution was flawed by: First, identifying Kosova as part of Serbia; second, proposing the restoration of autonomy for Kosova, despite free elections in which Kosovans overwhelmingly declared their independence; and third, suggesting that Albanians are a minority when they actually compose over 90 percent of the Kosova population.

I commend the statement, which follows in its entirety, to my colleagues:

THE GOVERNMENT OF
THE REPUBLIC OF KOSOVA,
Geneva, Switzerland, February 24, 1993.

The Republic of Kosova welcomes the United Nations Human Rights Commission resolution E/CN.4/1993/L.16 which requires the international community to take specific actions regarding the perilous situation in Kosova.

In order to build on consensus and work cooperatively with the international community in the future, the Kosova Ministry of Information is preparing a detailed report for submission to the UNHRC including an analysis of: Prison conditions; persons illegally detained; incidents of beatings and torture; poisoning of children; seizure of property; inadequate delivery of humanitarian assistance; other flagrant violations of human, civil and national rights of Albanians in Kosova.

Furthermore, today we are sending the following requests via fax urging active implementation of items in the resolution:

1. We are urging the UNHRC, EC, and CSCE to immediately investigate prison conditions and obtain the release of persons illegally detained (Items 6–7).

2. We are asking the Special Rapporteur on Human Rights in former Yugoslavia,

Tadeusz Mazowiecki, to further investigate and report to UNHRC on human rights violations in Kosova (Items 24 a,b,c).

3. We are requesting Professor Sharif Bassioni, U.N. Experts Commission on Crimes Against Humanity in the former Yugoslavia, to prosecute Serbs who have committed crimes against humanity who have been identified by the Kosova Council on Human Rights, the United States, and other international entities, including Slobodan Milosevic, Zelko Raznjatovic, and Vojislav Seselj (Items 17–18).

4. We are imploring presidents of countries which are members of the U.N. Security Council to dispatch a U.N. Observer Mission to the Republic of Kosova (Item 29).

5. We are appealing to the CSCE Secretariat to expand the CSCE permanent observer mission in Kosova (Item 29).

6. We are asking UNICEF to assess the traumatic experiences of children in Kosova and their medical and nutritional needs. (Item 31c).

However, the Government of Kosova is nonetheless disappointed by the manner in which the political status of Kosova is prejudged in the UNHRC resolution. We are of the opinion that it is not within the mandate of the UNHRC to determine the political future of a nation. Specifically, the resolution:

1. Identifies Kosova as a part of Serbia when, in fact, Kosova has never been a part of Serbia but rather has been an autonomous province within the former Socialist Federal Republic of Yugoslavia. Under the 1974 Constitution, Kosova had sovereign rights and independent institutions.

2. Proposes the restoration of autonomy for Kosova, though Kosova's previous autonomous status was summarily revoked by Serbia in 1989. Furthermore, as a result of the disintegration of former Yugoslavia, the citizens of Kosova through referendum and multi-party democratic elections, declared their independence.

3. Suggests that the Albanians are a "minority" when in fact they represent more than 90 percent of the population of Kosova.

Though we greatly appreciate the efforts of the United States to sponsor a resolution on human rights in Kosova, we urge immediate implementation of preventive diplomacy. Meanwhile, conditions in Kosova worsen daily.

We remember only too well the way in which the Serbian aggressors have thwarted efforts by the United Nations and the European Community to take effective steps to stop Serbian aggression in the Republic of Bosnia-Herzegovina which led to massive, sustained crimes against humanity not witnessed since World War II.

Without effective steps taken immediately by the international community, we fear an even worse fate for Kosova.

Unless the practical actions are undertaken immediately, we are convinced of the inevitability of a major military crackdown by the Serbian Army and paramilitary forces to which the only effective response will be a significant military intervention by NATO.

INTRODUCTION OF LEGISLATION REGARDING VETERANS' BENEFITS

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. PENNY. Mr. Speaker, several years ago, Congress passed legislation that allowed the Department of Veterans Affairs to collect third-party payments for non-service-connected veterans covered by private insurance. Since enactment of that legislation—Public Law 99–272—third-party collections have accrued to the Treasury. Today I am reintroducing legislation that would redistribute those collections directly to veterans programs. Since these are funds paid on behalf of insured veterans, they should be used to the benefit of veterans. This bill is identical to H.R. 4018, which I introduced in the 102d Congress.

My legislation provides that third-party payments be disbursed by the Secretary of Veterans Affairs, with one-third of the collections deposited in the nursing home revolving fund and the other two-thirds deposited to the credit of the VA medical center which rendered the treatment and collected the reimbursement. This will provide an added incentive to local medical centers to collect funds owed them. The contribution to the nursing home revolving fund recognizes the need and increasing demand within the VA as a whole for long-term care services and is a way that third-party collections can benefit veterans throughout the Nation.

This legislation is intended to give veterans' medical care a needed boost. It is meant to provide supplemental funding to VA programs and should not be looked at as a replacement for the increased appropriations necessary to keep the VA system delivering high quality medical care.

PARTNERS IN SERVICE

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. LEWIS of Florida. Mr. Speaker, the Association of Florida Hospital Auxiliaries represents the dedicated volunteers across my home State whose services are absolutely vital to the operations of our hospitals. I am particularly proud that the president of these auxiliarians, Bette Klein, comes from my district.

Her acceptance speech at the installation of the association's officers last November summarizes the philosophy of service that is at the heart of the AFHA. These volunteers of our hospital auxiliaries play a crucial, caring role in our home care system. I would like to submit Bette Klein's excellent statement of purpose for the AFHA at this point in the RECORD.

PARTNERS IN SERVICE

(Acceptance Speech of Bette Klein)

The big news this week was the election of Bill Clinton as President of the United States. Whether you voted for him or for someone else, now is the time for all of us in America to work together for the good of our country, praying for and supporting in any way we can the one who will lead our country, and in many ways the world, in the next four years.

Of much less importance is the news of the installation this night of the Officers of the Association of Florida Hospital Auxiliaries. I am honored by the confidence you have placed in me as your president. I seek your prayers and your support for the coming year.

It was in August of 1963 that Dr. Martin Luther King stood on the steps of the Lincoln Memorial in Washington, D.C. and spoke those words which have echoed around the world: "I Have a Dream!"

Do you dream? I do. Do you ever "Dream the Impossible Dream?" I do at times. I guess I'm a dreamer and an optimist. Sometimes I dream possible dreams—and sometimes those dreams come true. If you were at the opening session yesterday, you heard the speaker, George Mendoza say: "Beware of what you dream. It has the possibility of becoming a reality."

Tonight I have a dream. It's a dream for the future of AFHA. I firmly and sincerely believe that it is a possible dream. It can happen. My dream tonight is that during the year I serve as president, we will be Partners in Service.

What do you mean when you speak of Partners in Service some of you are asking. Let me tell you what it means to me. First of all, let's break it apart.

Partners—meaning two or more persons working together on common goals and objectives. Being on the team and participating as a team member, not as an individual star. There are no solo performances. There is no Me First. There is only cooperation and collaboration. Working together as partners we can get the job done, and on one individual needs to claim the glory or be singled out for praise or special commendation.

Service—meaning To Do; To Help; To Listen; To Share; To Give of our time and our talents for the good of others. It means looking beyond self to others and finding ways and words to ease pain and burdens; to calm fears and anxieties; to wipe away tears and sorrows; to help others find New Hope and New Beginnings. So we broke up our theme, Partners in Service. Now let us put it back together again. When we do we find that Partners is what we are, and Service is what we do. Our best service is always in partnership with one another. Let's begin with AFHA which has almost 40 years of service to the auxiliaries and hospitals in the state of Florida. That's a lot of time and commitment!

Just today an auxiliary president gave me a good example of commitment. When she entered her hospital for duty for the fourth time in a week, she was greeted by a staff member who commented: "I've seen you here every day this week, are you a widow?" "No," she answered, "at least I wasn't when I left home this morning."

I was thinking about how some things change, and how some things remain the same. Consider some of the famous companies associated with a certain product which made them great and famous. When you hear the word "Singer", don't you automatically think of a sewing machine. And when you hear the word "Chris-Craft", boats come to mind. But notice how times have changed. Singer sold off its sewing machine division and has concentrated its efforts toward manufacturing of aerospace electronic components used in the space industry. Chris-Craft no longer makes those wonderful wooden cabin cruisers. Since 1981 the company has been in the business of owning and operating TV stations as well as making mattresses and plastic foam.

When you hear the letters "AFHA", what comes to mind? You can be sure that the AFHA is in the same business it was in when it was organized. In the volunteer business—a service agency—devoted to assisting hospitals and auxiliaries through programs of education, leadership development, teen age volunteers, and many other worthy endeavors.

What good friend comes to your mind or to the minds of people in your community when your auxiliary is mentioned?

When your auxiliary was organized, 5, 10, 20 or even 40 years ago, what were its objectives? Was it supposed to render service to the hospital, the patients, and the families of patients and community? Is that what you are doing today? Or have you somehow and in some way gotten off the beaten track so that you are now known more as a fund-raising or fraternal organization than a service organization? In this new year, a year of New Beginnings and New Achievements, we need to remember that whatever we accomplish this year will only be adding bricks and mortar to the AFHA foundation and building which already exists. We need to get back to the basics, to our original Reason for Being. We need to be Partners in Service in all that we do! One thing we can do is to strengthen the "Traveling Educational Programs. This is a training tool which reaches down to the local auxiliary.

I attended one that was recently conducted at Indian River Memorial Hospital in Vero Beach, and heard about a volunteer who waded through puddles of water and bucked a wind-swept downpour—not uncommon in Florida. As she entered the hospital her umbrella was inside out and she was dripping wet. The person who greeted her remarked: "You certainly are a dedicated volunteer to come out in weather like this." The volunteer's reply was: "If this was a paying job, I would have called in sick!"

The Traveling Program is part of our Leadership Development Package. District meetings, annual meetings, and other state-side workshops and training events are good and serve a real purpose. But they only touch a very small percentage of our 60,000 plus members.

The Traveling Educational Program is aimed at reaching down to the grass roots and involving many more volunteers who will gain new insights and inspiration for enthusiastic and effective leadership. It will only be beneficial, however, if it is used. Does Partners in Service give us a clue for the future success of this Traveling Program?

Another area that needs strengthening is the Teenage Volunteer Program. In this endeavor we enlist and train youth in our local communities in the areas of hospital volunteer service. Through this effort we have always found a number of young people who accept the challenge and call to enter the health service field. This certainly is a viable career opportunity today in view of our aging society, especially here in Florida which has the highest percentage of senior citizens.

If your auxiliary has a TAV program, I salute you, and urge you to give it all the support you can muster. Do not discourage the young people who become involved, or "Cry Foul", if for some reason you find them doing one of your tasks or assignments. If you do not have a Teenage Volunteer Program in your hospital, I want you to give serious thought and consideration to getting one started this year. AFHA can be of help to you in developing such a program and getting it off the ground and rolling. You will be amazed at the energy and spirit of our youth. They are not all to be written off as those who "do nothing". Enlist the help of those in your auxiliary who have an interest in, and love of young people, and are willing to work with teenagers.

The third emphasis I have for Partners in Service this coming year is the Advocacy Program. Do you know why I believe so strongly in getting involved as advocates for Health Care Reform? It's because there are more than 37 million Americans without health insurance and many of them are children. Let me pose some questions: Do you know someone who is uninsured? Do you believe that all Americans should have access to basic health care? Do you know a neighbor, a friend, or a family member who has had a catastrophic illness?

Did you answer "Yes" to any of those questions? If you did, you know why we need to be advocates for Health Care Reform. As responsible citizens; as avid consumers; and as health care volunteers; we have the duty to become well-informed of the facts and the issues concerning health care. And, when we do, we have the further responsibility to make our leaders in government aware of our concerns and objectives.

To the legislators, we are uniquely qualified as advocates. They know our involvement in the health care field is voluntary. The Florida Hospital Association invited members of our association to join them in Tallahassee for "Hospital Day in the Legislature" a few years ago. Each year the number of AFHA members attending has grown.

We have a "Hospital Day in the Legislature" scheduled for February 17, 1993. I hope to see you there.

Dream along with me about the year ahead. Join with me, and with the sixty-thousand plus auxilians all over the state of Florida, to be Partners in Service: to strengthen the Traveling Education Program; to increase the number of Teenage Volunteer groups; and to be advocates of reform in our Health Care System. Dreams do come true—even impossible ones.

In closing, let me thank my auxiliary family who have given me so much love and support. I am deeply moved by the presence of all our family members, except our mothers who were not able to come. You have also given me much love and support even when I had to miss a confirmation or first communion. And thanks to my husband, Frank, who is "The Wind Beneath My Wings".

My prayer for each one of you this night is that in the coming year you will find wisdom for each decision; strength in each responsibility; success in each endeavor; joy in each relationship; and love in everything!

AMERICAN FLAT GLASS INDUSTRY DESERVES FAIR TREATMENT UNDER THE NORTH AMERICAN FREE-TRADE AGREEMENT

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. ANDREWS of Texas. Mr. Speaker, as many of my colleagues know, I support the North American Free-Trade Agreement. I believe that the NAFTA, along with well-crafted side agreements on the environment and labor could represent a historic opportunity to enhance the relationship between the United States, Mexico, and Canada, generating more exports and creating more jobs in all three countries. For States such as mine, the NAFTA has the potential for tremendous economic and cultural enrichment.

As one of the early supporters of granting fast-track negotiating authority to President Bush, I worked hard to secure support, here in the House, to win that critical vote. However, like many others in the Congress who supported fast-track, I have lingering concerns regarding the content of the NAFTA and its impact upon various industries, the environment, and the American work force. Today, I would like to specifically address the NAFTA's proposed treatment of the flat glass industry.

The final NAFTA text allowed the Mexicans to keep their high, 20 percent tariff on all meaningful United States flat glass imports, to be phased out slowly over 8 to 10 years, while all United States tariffs on Mexican flat glass products, that are currently subject to the GSP exemption, would be eliminated immediately. Not surprisingly, the United States flat glass industry has concluded that they will be worse off if NAFTA is implemented in its current form, since at least, without NAFTA they could at least petition USTR to revoke the Mexican flat glass industry's tariff preference.

In Texas, this industry not only accounts for over 3,000 jobs in three large flat glass plants and many smaller fabrication facilities, but the primary U.S. glass manufacturers are among the most substantial buyers of Texas-produced natural glass. Regrettably, instead of leveling the playing field as intended, the proposed NAFTA perpetuates an extraordinary tariff advantage for the Mexican flat glass industry.

Already, Mexican-made flat glass is displacing Texas-made products at an alarming rate throughout the South and the West, while United States manufacturers have no way of defending their market share by exporting into Mexico. In fact, just yesterday, I learned that one of our plants in Texas has lost a major contract with General Motors to a subsidiary of the Mexican flat glass conglomerate called Vitro. While the exact outcome of this contract cancellation remains uncertain, what we do know is that this plant employs over 500 Texans and their jobs are now in jeopardy.

The United States industry estimates that thousands of American flat glass jobs will be needlessly lost as a result—not because United States manufacturers are uncompetitive, but because NAFTA in its current form would effectively bar them from competing in Mexico. By the time the tariffs are finally eliminated, thousands of flat glass workers in Texas and throughout the Southwest may be permanently displaced and the global competitiveness of United States manufacturers diminished. Even former United States Trade Representative Carla Hills told this committee in September of last year, that she was disappointed that United States negotiators did not achieve a better deal on flat glass.

The Mexican flat glass industry does not need protection. It currently boasts some of the world's largest and most modern glass-making facilities and purports to enjoy the highest profit margins of any flat glassmaking operation in the world. Moreover, it benefits from preferential production costs, including labor costs which are one-fiftieth those of U.S. manufacturers, and traditionally low energy costs from the Government supplier. This energy cost differential will become acute if the administration proposed BTU tax is implemented, since energy costs are the single largest production cost in flat glass manufacturing.

Under no circumstances am I advocating that we reopen the text of the NAFTA—this would be a serious mistake. What I am seeking, however, is fair treatment and tariff reciprocity for an industry that accounts for over 100,000 jobs in the United States.

There is a clause in the proposed NAFTA that provides for acceleration of tariff reduction rates, if both parties agree. Clearly, the Mexicans will have no incentive to accelerate the tariffs on flat glass, unless the President obtains their commitment to do so before the NAFTA is implemented. It is my understanding, that including this acceleration clause will not require any change to the existing NAFTA text and I hope that the negotiators seriously consider this option.

The NAFTA is an enormous opportunity for us to create jobs, generate economic growth and increase the standard of living in the United States, Canada, and Mexico. If we are innovative, we can work together to build upon the progress already made in the initial negotiations, and present an agreement that is good for our environment, good for our workers, and good for our economy.

INTRODUCTION OF LEGISLATION TO PROTECT FAIRNESS OF ARBITRATION SYSTEM

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. BRYANT. Mr. Speaker, today, I introduce legislation that will protect small business persons from being forced to involuntarily waive substantive legal rights to obtain or renew a franchise. Manufacturers are including clauses in nonnegotiated sales and service contracts which require that binding arbitration shall be the sole remedy in disputes between parties to the contract. These clauses deprive small businesses access to established State laws, procedures, and forums otherwise available under the law.

This situation is patently unfair. All States, except Alaska, have enacted laws to combat the many documented abuses that occur when manufacturers take advantage of their superior bargaining power and economic position over their franchisees. By representing the clause as merely an alternative dispute resolution feature, manufacturers are able to skirt State laws, procedures, and forums specifically enacted to provide basic rights and safeguard franchisees and family businesses—such as automobile dealerships.

The proposal I offer restores fundamental fairness to the arbitration process by guaranteeing that the agreement to arbitrate under a sales and service contract is voluntary. This bill amends the Federal Arbitration Act in the least obtrusive manner to provide that for sales and service contracts the important decision of waiving rights is made freely, without any coercion. This is achieved by assuring that both parties to the contract have the opportunity to determine whether or not to arbitrate after a controversy arises.

This legislation should not be construed in any way to discourage arbitration. The measure's purpose is to preclude a stronger party from imposing arbitration on a weaker and unwilling party. This is consistent with the legislative history of the Federal Arbitration Act which indicates Congress did not intend the act apply to take it or leave it contracts, such as the sales and service contract an automobile manufacturer offers to new and existing dealers. The manufacturer presents the nonnegotiated contract to the dealer on a take it or leave it basis. The measure is also in conformity with recent arbitration statutes recently passed by Congress which emphasize and protect the voluntariness of arbitration.

I urge my colleagues to join me as cosponsors of this measure to protect the fairness of the arbitration system. Should you have any questions, or would like to join me as a cosponsor, please call me or have your staff aide call Barbara Crapa at 5–2231.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This title may be cited as the Voluntary Arbitration Act of 1993.

ELECTION OF ARBITRATION

(a) SALES AND SERVICE CONTRACTS.—Chapter 1 of title 9 of the United States Code is amended by adding at the end thereof the following new section:

"§ 17. Sales and service contracts

"(a) Whenever a sales and service contract provides for the use of arbitration to resolve a controversy arising out of or relating to the contract, each party to the contract shall have the option, after the controversy arises and before both parties commence an arbitration proceeding, to reject arbitration as the means of settling the controversy. Any such rejection shall be in writing.

"(b) In making an award in any controversy arising out of or relating to a sales and service contract, the arbitrator shall provide the parties to the contract with a written explanation of the factual and legal basis for the award and any such award may be vacated by a court order as provided in section 10 or whenever the court referred to in section 10 finds that the arbitrator disregarded the law of the State or jurisdiction in which the retailer's facilities are located.

"(c) For purposes of this section—

"(1) the term 'sales and service contract' means a contract under which any person (including any manufacturer, importer, or distributor) sells any product to any other person for resale to an ultimate purchaser and authorizes such other person to repair and service such product, and

"(2) the term 'retailer' means any person authorized to resell any product to an ultimate purchaser and to repair and service such product under a sales and service contract.".

(b) TABLE OF CONTENTS.—The table of contents for chapter 1 of title 9, United States Code, is amended by adding at the end thereof the following new item:

"17. Sales and service contracts.".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply to contracts entered into, amended, altered, modified, renewed, or extended after the date of the enactment of this Act.

BILL TO TEMPORARILY SUSPEND THE DUTY ON RIFABUTIN

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. RICHARDSON. Mr. Speaker, today I am introducing a tariff bill to temporarily suspend the duty on rifabutin, a drug which has recently received approval by the Food and Drug Administration as a new drug application which can prevent or delay the onset of a life-threatening infection that often afflicts AIDS patients, Mycobacterium Avium Complex [MAC]. There is currently no known treatment for MAC.

Specifically, my legislation will temporarily suspend the duty on rifabutin in dosage form, classified in HTS 3004.20.00 with a duty of 3.7 percent. There is no domestic production of rifabutin and Italy is the only supplier of the product.

Rifabutin will ultimately be bottled, labeled, packaged, and distributed by Adria Laboratories, a leading manufacturer of oncological and immunology products with a major facility, Adria S.P. Inc., in Albuquerque, NM.

This duty suspension bill will enhance the availability and reduce the price of rifabutin for the treatment of MAC and will help preserve and protect jobs in New Mexico. I will seek to have this measure included in the miscellaneous tariff legislation now under consideration in the House.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.14	Rifabutin (dosage form) (CAS No 72559-06-9) (provided for in subheading 3004.20.00)	Free	No change	No change	On or before 12/31/94".

SEC. 4. EFFECTIVE DATE.

The amendment made by section 1 applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

IN SUPPORT OF H.R. 796, THE FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Ms. NORTON. Mr. Speaker, when I became an original cosponsor of the Freedom of Access to Clinic Entrances Act [FACE], I didn't have homicide in mind. I wanted to protect Americans, especially women, from human barricades who block access to medical facilities. I wanted to aid localities where police resources have been drained by the invasion of an American version of brownshirts. I wanted to fill the legal void when some localities refuse to protect access to clinics. And I wanted to assure civility and to deter civil disturbance.

Now, with the cold-blooded murder of Dr. David Gunn yesterday outside the clinic where he practiced in Pensacola, FL, another purpose must be added to the Freedom of Access to Clinic Entrances Act: to protect medical personnel against bodily harm and loss of life in the performance of their duties.

The fanaticism of the anti-choice zealots has finally played out the full logic of their tactics. Surely people of good will on both sides of the abortion debate will come together on the issue of violence and murder in the streets. Let us draw a line in the political sand here and now with the only decent response available. Support the quick passage of the Freedom of Access to Clinic Entrances Act.

THE HATCH ACT

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. CAMP. Mr. Speaker, the House of Representatives has voted to change the law regarding political activity of Government employees. However, I believe the Hatch Act serves the country well. It protects Government employees from being subjected to political coercion or being able to use their Government service for political intimidation.

I offer two specific reasons. If we repeal the Hatch Act, a Federal Election Commission employee could volunteer for a political candidate and then in his or her job audit the financial reports of the opponent's candidate. Employees of the Justice Department, CIA, FBI, and the Internal Revenue Service, who have access to sensitive information should be free of the possibility of being influenced to use that information for partisan political purposes.

We should consider the views of Government employees themselves. A 1989 study found that most Government workers like the Hatch Act because it gives them protection from the partisan agenda of their Government superiors.

Government employees can currently participate in the political process. They may vote, make contributions to political campaigns, and be members of political parties. However, repealing the Hatch Act means that Government employees, who are supposed to carry out their duties to all citizens in a nonpartisan manner, could politically threaten the very people they are supposed to serve.

FEDERAL RESEARCH PRODUCT COMMERCIALIZATION ACT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. WYDEN. Mr. Speaker, I rise today to introduce legislation which will ensure the taxpayers have someone in their corner when private commercial interests seek to profit from publicly funded biomedical research.

Earlier today, I chaired a hearing of the Subcommittee on Regulation, Business Opportunities and Technology, during which the subcommittee continued its 2-year-long inquiry into the pricing of drugs and other medical technology which result from cooperation between taxpayer-supported, nonprofit research labs, and commercial interests such as the pharmaceutical industry.

The potential importance of this public-private biomedical research collaboration to the Nation's health is indisputable. From these projects flow life-enhancing treatments for cancer, medications for cardiovascular disease and cures for diseases and conditions that formerly meant death or a lifetime of disability for millions of Americans.

But this collaboration has, over time, also cemented the economic foundation of a very large and very profitable industry. On a continuing basis, the pharmaceutical industry, to take one major example, mines a mother lode of valuable medical discoveries from a lab system that taxpayers support to the tune of some $10 billion a year. Three of every four of these billions of dollars goes to a private university or independent lab.

According to Business Week, a rapidly growing share of drugs are brought to the marketplace with the taxpayer having funded much of the research through the National Institutes of Health. Already, according to NIH's Dr. Bruce Chabner, up to half of the most valuable cancer and AIDS drugs are developed with substantial taxpayer research support.

At present, drug companies have their choice of two no-toll freeways to the market, both well-paved with tax dollars. The first is to establish a direct partnership with the NIH, by entering into a Cooperative Research and Development Agreement, or CRADA. A second lucrative route is for the manufacturer to partner with a university or private research institute that has received no-strings funding from the NIH. Let me briefly offer my colleagues an example of each type of relationship.

Taxol, a drug described by the National Cancer Institute as the most promising anticancer agent developed in the past 15 years is a revealing case study of CRADA partnerships in action. It is an important example to test the drug manufacturers' contention that high drug prices are necessary to finance all that R&D. With Taxol, NCI and the taxpayers did all the heavy lifting necessary to get this drug to market. According to a September 10, 1991, letter I received from Cancer Institute Director Dr. Broder, "Taxol was discovered and developed within the NCI's comprehensive anticancer drug development program".

Specifically, Dr. Broder stated, the NCI was responsible for:

> (1) The initial collection and recollection of [Pacific Yew tree] bark; (2) all biological screening in both cell culture and animal tumor systems; (3) chemical purification, isolation, and structure identification; (4) large-scale production, from collection of bark through preparation of material suitable for human use; (5) development and production of a suitable intravenous dosage formulation; (6) preclinical toxicology; (7) filing of an Investigational New Drug Application (INDA) with the FDA, along with all required documentation; and (8) sponsorship of all activities, including efforts directed toward total and partial synthesis of the drug, have been supported through NCI research grants and intramural programs.

Mr. Speaker, the Government did all this and produced Taxol at a cost of 60 to 90 cents per milligram. But the retail price worked out between NIH and the Government's commercial partner, Bristol-Myers Squibb, has the public paying $4.87 per milligram of Taxol.

This very high price is the result of two significant mistakes NIH made in negotiating the final price of Taxol. First, price was an afterthought in the negotiations. NIH settled on Bristol-Myers Squibb as their partner before they even discussed price. I think my colleagues will agree that the time to negotiate something this important is before closing the deal, not afterward, when the Government has lost its leverage.

The second crucial error made by NIH was their agreeing to a price set at the median of prices for existing cancer therapies. The median isn't necessarily a bad idea—because many new drugs are priced above all existing therapies. But the list of existing cancer therapies NIH used to find the median included an unrelated product, Human Growth Hormone. Not only is this not a cancer therapy, but consumer groups will stand in line for hours for a chance to tell Congress how grossly overpriced Human Growth Hormone is. If HGH had been left off the list, consumers—chiefly elderly women—would pay 40 percent less for Taxol.

Taxol shows the shortcomings of the CRADA process under existing law. But the evidence indicates that the taxpayers may be exploited far more aggressively through a second kind of biomedical partnership also lubricated by taxpayer dollars.

Mr. Speaker, I would like my colleagues to consider, as a case study of this second type of relationship, a major 10-year agreement entered into by the Sandoz Corporation of Basel, Switzerland, and the Scripps Research Institute of La Jolla, CA.

Scripps gets most of its operating funds, almost $100 million a year, from the Federal Treasury. It has signed an exclusive technology transfer arrangement with Sandoz, which will supercede an existing exclusive agreement between Scripps and Johnson and Johnson Corp. As a result of its agreement, Sandoz has in effect accomplished a leveraged buyout of 1 billion dollars' worth of federally supported research for just $300 million.

A billion dollars is obviously a lot of taxpayer money. But there is much more at stake than the money involved in the Scripps deal. In 1991, the top 25 independent and university-based labs received over $5 billion in Federal awards, mostly through grants from the National Institutes of Health. Despite this significant infusion of tax dollars, these private research institutes are free to sign exclusive technology transfer agreements that convert this tax money to the use of private drug and device companies.

One would hope that the Federal Government would scrutinize how this money was being spent. But in the Scripps case, the key Government agency, NIH, was neither informed nor involved in this deal. We have a situation where the labs and the drug companies romance one another, cut sweetheart deals, and then hand the taxpayer the tab.

Mr. Speaker, I want to be clear: Though I have raised the Scripps-Sandoz deal as a case study, there is little reason to believe this is an isolated problem. My review of the statutes and my conversations with NIH officials suggest strongly that the Federal administrators who fund and are ostensibly responsible for supervising this infusion of tax dollars into the biomedical research system appear to have little control over any aspect of any deals similar to the Scripps-Sandoz arrangement.

The problem with the absence of Federal oversight of this system is not the commercialization of important new drugs and devices, but rather the fact that these vital products are developed at taxpayer expense and then priced out-of-sight by those in industry. The question arises as to what does the taxpayer get in return for his or her investment? Should the public expect nothing more than they would receive if a drug company discovered and developed a new drug on its own, with no assistance from the taxpayer?

While taxpayers might wonder what they get out of it, the current arrangement could have been designed by the drug companies, it works so well for them. In the Scripps case it appears the Federal Government is using taxpayer moneys to bolster the bottom line of a major foreign corporation. Meanwhile, we do them the additional favor of freezing out domestic competition, decreasing market access to small companies and encouraging higher drug prices for American consumers—who already pay some of the highest drug prices in the world.

There are other troubling aspects to the Scripps-Sandoz deal. Agreements like this are often detrimental to small business, because they create monopolies dominated by very large, multinational pharmaceutical companies that block out any prospect of marketplace competition over the price of these products.

Now there's evidence that at least some federally supported research institutions believe they are under no legal obligation to show the Federal Government the agreements they have entered into with private drug companies—even after the agreement is a done deal.

In addition, in the Scripps-Sandoz case, the Federal Government may have turned a blind eye toward conflict-of-interest risks involving key administrators or researchers at these tax-exempt, federally subsidized institutions. Drug and device companies may reward these individuals with consulting contracts and equity ownership incentives. Clearly, these sweetheart deals can bias decisions made by these key lab personnel who are, in effect, directing the flow of the taxpayers' investment in biomedical research and development.

Yet, for years, the Department of Health and Human Services and the White House, responding to pharmaceutical industry pressure, squelched a package of conflict-of-interest regulations designed to discourage misuse of Federal grants. I regret to inform my colleagues that this has created an atmosphere of troubling entrepreneurship among insiders at these labs.

I am pleased to report that the NIH is, at my request, looking beyond the Scripps-Sandoz and Scripps-Johnson & Johnson deals. NIH is trying to define the extent of similar arrangements throughout its grantee community. More than 100 research institutions receiving NIH moneys are being surveyed by the NIH. Dr. Bernadine Healy, the NIH director, has cooperated fully in the subcommittee's inquiry.

Mr. Speaker, beyond the question of the pricing of products resulting from taxpayer funded research, this deal and others like it raise a number of important questions of critical concern to scientists, the Federal Government, and the taxpayer.

How will this deal impact normal interchange between scientists within and outside of Scripps, and how will that affect the development and diffusion of groundbreaking science? Will a Scripps scientist, whose bread is not only buttered, but paid for by Sandoz, be barred from speaking to a colleague at the University of Oregon, or at Georgetown, lest he give away company-owned secrets?

What kind of controls are in place to prevent an unscrupulous administrator from selling access to his laboratory for what amounts to a professional or financial gain?

Also, do U.S.-based drug companies have the same kind of access to publicly supported labs in foreign countries that foreign companies appear to have in ours?

I remain concerned that there are substantial questions as to whether the Scripps deal, and others like it, may violate the Bayh-Dole Act, which is the principal law governing the conduct of Federal technology transfer to private commercial entities.

The legislation I am introducing today will ensure that the taxpayers can afford the vital biomedical products created by their investment in biomedical research and development. Under my proposal, the Federal Government and its private grantees, including universities and research institutes like Scripps, would be obliged to negotiate a pricing formula before entering into an agreement. At present, prices are discussed only after a commercial partner has closed a deal to cash in on taxpayer funded research—but at that date the Government has lost all of its leverage to obtain fair price for our American consumers.

The bill would also alter the routine practice whereby NIH and its grantees enter into exclusive agreements with a single commercial partner. Instead, whenever possible, more than one company would be colicensed to develop and market a product, to ensure a greater level of price competition in the market.

Mr. Speaker, I strongly support President Clinton's technology transfer initiative, and in fact authored the Federal law establishing pilot projects to promote technology transfer between Federal labs and small businesses. It is especially important, however, that biomedical technology transfer meets high standards, because 35–40 percent of all drug and device sales are paid for at public expense through programs like Medicare and Medicaid. To tap the full potential of technology transfer, the law must require greater accountability from public entities who receive tax moneys, and a greater return on the taxpayer's investment from their commercial partners.

THE LOCAL EXCHANGE INFRASTRUCTURE SHARING ACT OF 1993

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. FIELDS of Texas. Mr. Speaker, today my colleague Congressman RICK BOUCHER and I are introducing the Local Exchange Infrastructure Sharing Act of 1993. The bill would permit local exchange carriers to share their respective technologies in providing local exchange service.

The Communications Act of 1934, the cornerstone of domestic telecommunications policy, considers the preservation of universal service as a bedrock principle. The legislation that Congressman BOUCHER and I are sponsoring takes this fundamental precept to the next generation of telecommunications technology to ensure that urban and rural Americans alike have the same access to reliable, affordable telephone service.

Our bill will enable those small, independent telephone companies that serve rural America to work with larger phone companies as the network modernization process moves forward. To avoid potential antitrust concerns, the bill specifically exempts the sharing scheme from antitrust laws.

The Local Exchange Infrastructure Sharing Act of 1993 is consistent with the market-oriented philosophy I have espoused during my tenure in Congress. That is, while Congress seeks to enhance the progress of network modernization, it should not prescribe a particular outcome. This legislation implicitly recognizes that the industry itself—and not the Federal bureaucracy—is the key that will unlock the doorway to the information revolution. The industry has both the financial wherewithal and the innovative spirit to bring the fruits of digital technology to every American home and business.

In my home State of Texas, we have 58 independent telephone companies, many of whom serve rural areas of the State. It is my sincere hope that these, and other similarly situated companies, will be the primary beneficiaries of this legislation. Working together, I believe all members of the local exchange industry will successfully deploy new technologies that enable the United States to maintain its position as the world's telecommunications leader.

A SALUTE TO CLEVELAND HEIGHTS HIGH SCHOOL STUDENTS WINNERS IN THE "WE THE PEOPLE" COMPETITION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. STOKES. Mr. Speaker, I am proud to rise today to salute students from the Cleveland Heights High School government class who were recent winners in the "We the People: The Citizen and the Constitution" competition. I also extend my congratulations to their instructor, Dr. Alan Wolf, and Cleveland Heights principal, Dr. Charles M. Shaddow.

Over the years, the "We the People" competition has proven to be one of the most successful educational programs in the country. The competition is designed to teach young people about the Constitution, the Bill Of Rights, and the principles and values they embody. Students examine the basic principles of constitutional democracy and the history of the Constitution. The competition is administered by the Center for Civic Education, funded by the U.S. Congress and cosponsored by the U.S. Department of Education.

Mr. Speaker, the Cleveland Heights government class, having won at the regional level, spent many months preparing for the statewide competition, Including a thorough review of constitutional issues and indepth analyses of the Bill of Rights. although the Cleveland Heights team failed to secure the State title, they did an outstanding job of representing their school and the 11st Congressional District in the competition.

I take pride in supporting the "We the People" competition in my Congressional District and I extend my congratulations to the outstanding students from Cleveland Heights High School. I wish each of them much continued success.

CLEVELAND HEIGHTS HIGH SCHOOL "WE THE PEOPLE" PARTICIPANTS

Mattew Alandt, Colleen Braham, Adam Brown, Rayna Fomby, Michael Henry, Paolo Innarelli, Edward J. Jackson, III, Kelly Jackson, Tawana Johnson, Scott Kitzmiller, Meridith Koch.

Willie Kyle, Jr., Lashaune Leach, John Merritt, Monique Primm, Jonathan See, Chalana Seward, David Shaw, Megan Sherman, Tomisha Snyder, Lisa Summer.

H.R. 1236, INVERTED TARIFF BILL

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. REGULA. Mr. Speaker, I was joined by six of my House colleagues on March 4, 1993 on the introduction of legislation which would resolve a tariff problem that the domestic pipe and tube industry has faced for a number of years. The inverted tariff bill, H.R. 1236, would amend the Harmonized Tariff Schedules of the United States to correct the tariff rate inversion on carbon and stainless steel pipe and tube products. A general policy behind the tariff schedules of the United States and those of our trading partners is to effect higher tariffs on higher value-added products. However, the Harmonized Tariff Schedule of the United States applies lower tariffs on higher value-added products, steel pipes and tubes, than it applies to the input products, steel sheets and plates.

Since 1985 my colleagues and I have sought a reasonable remedy for this unintended and unfair tariff inversion. Those Members who have worked with former Member Marty Russo and others in the House Steel Caucus and on the Ways and Means Committee are committed to finding resolution to this problem. Over the years, we have been successful in bringing the issue before the Congress and the administration. First, I would like to highlight the activities that took place with the Office of the U.S. Trade Representative. At hearings and in formal correspondence, we have effectively communicated our concerns about this issue to USTR. It was first suggested to the Trade Subcommittee on July 7, 1988 that USTR would seek to correct the tariff inversion between welded steel pipes and tubes and flat-rolled steel through the GATT tariff negotiations. The staff at the USTR acknowledged that this tariff inversion was harmful to U.S. producers of pipe and tube products. Going back to the late 1980's during the Yeutter term at USTR, we heard affirmative views that the tariff inversion was a problem for producers. Former USTR Clayton Yeutter indicated then that this tariff inversion was a high priority for the United States at the Uruguay round trade talks. On September 22, 1988, the Trade Subcommittee held a hearing to consider the bill to correct the tariff inversion in which former USTR general counsel Judith Bello assured members of the subcommittee that the United States would seek to correct the inversion through the GATT. Former U.S. Trade Representative Carla Hills reiterated the administration's intention to address this issue in the GATT multilateral negotiations in correspondence addressed to the House bill sponsors on May 4, 1989. Furthermore, on a trade policy level it is agreed that tariff inversions, in general, are contrary to national and international tariff policies. However, despite these admissions the USTR has opposed a legislative approach to remedy this situation. Instead the USTR favored an approach to resolve this problem through international negotiations in the GATT Uruguay round.

To address these concerns, there were proposed changes to the bill which would make it amendable for further consideration. As a result in 1991, the bill was amended in the Trade Subcommittee to provide leverage to the administration for continuing the tariff discussions in the GATT. This change to the bill was supported by the committee leadership and as a result was included in the 1992 Trade Expansion Act, H.R. 5100, and the 1992 miscellaneous tariff bill, H.R. 4318.

Today after 8 years of work on a bill and seven years into the GATT Uruguay round we are still without resolution to this problem. It is my goal along with others who joined me on this bill to move this issue during this Congress. We have established a strong history on the bill and have built a consensus behind the bill. As our negotiators work to resolve differences in the GATT, I am hopeful that this issue will be on the table for consideration under the elimination of global tariffs. Absent a global steel trade agreement, the only recourse for the domestic pipe and tube industry is the pursuit of a legislative remedy as proposed in this bill.

To provide some background on how this problem arose, prior to 1960, the duty on pipes and tubes was more than twice the duty on the input product, steel sheets. In 1960, however, the duty for sheet was changed to an ad valorem rate of 10 percent, or about $5 per ton at prevailing prices, while the duty on pipe remained at the specific rate of .3 cents a pound, or about $6 per ton. Rampant inflation in the 1970's caused steel prices to more than quadruple. By 1975, duties on sheet and plate were $20 per ton and those on pipe remained at $6 per ton. Through an oversight, this inversion caused by inflation was not corrected at the time that pipe and tube products were converted to the ad valorem system in the 1979 GATT round.

The legislation as introduced in H.R. 1236 would correct this undesirable inversion by increasing the tariffs on most welded carbon steel pipes and tubes from their present range of 0.5 percent to 1.9 percent to a range of 4.9 percent to 6.5 percent; stainless steel pipes and tubes would be increased from the present range of 4.9 percent to 5 percent up to 9.5 percent to 10.1 percent. This increase would equalize the duties between sheet and pipe in a way that should have occurred when the TSUS was coverted to the ad valorem system.

The U.S. pipe and tube producers have suffered from the grave circumstances of the tariff inversion. It has contributed to a higher U.S. trade deficit. Coupled with flat markets in the 1970's and 1980's and exacerbated by the surge in imports the inversion has encouraged foreign producers to shift export production from sheets to pipes to avoid the higher duty. This has led to the decline of the industry and over the course of the the last 20 years has accounted for the loss of as many as 15,000 jobs. As long as the tariff inversion exists the industry will continue to face an uphill battle to compete in fair trading environment. It is a serious obstacle for the industry and is an impediment to its future growth.

This bill has the full support of the carbon and stainless pipe and tube industries, as well as the American Iron and Steel Institute and the United Steelworkers Union.

This bill is completely consistent with our tariff policy and with our obligations under the GATT. The United States is required to compensate those trading partners who request compensation for the extra duties this bill would impose. This bill provides the administration with negotiating authority in the event that a claim for compensation is made. I believe that the U.S. Trade Representative will be able to negotiate any compensation claims in a way that will spread out the effects of such compensation over many products and industries so as to make its effect benign.

The existing tariff inversion between carbon and stainless pipe and tube products and the flat-rolled input products is placing an unfair burden on the United States pipe and tube industry. This inversion was not intended and is undesirable. It conflicts with our general tariff policy of having higher tariffs on higher valued products, a policy which our trading partners share. Now is the time to take action to correct this problem. I once again urge my colleagues to support our efforts to alleviate the harm caused by this tariff rate inversion by joining with me to enact this legislation in the 103d Congress.

GUINNESS WORLD RECORD FOR CONTINUOUS SWIMMING BROKEN

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. WALSH. Mr. Speaker, constituents of mine in Auburn, NY, have achieved greatness in a way many of them never would have dreamed. They have collectively broken the Guinness world record for continuous swimming after 24 hours and 2,301 laps.

In achieving this goal, the community supported swimmers by cheering and otherwise encouraging the dozens who took part from the city of Auburn, Cayuga County, and the YMCA. The enthusiasm of the swimmers, their families, and supporters is a picture of teamwork which I would like to honor today.

When our goals and aspirations are marked by physical achievement and teamwork, we know we are setting good example for the generation to follow. I salute these neighbors for all the good they do through various organizations including the YMCA all year long, and in particular for this terrific achievement.

TRIBUTE IN HONOR OF THE NATIONAL COUNCIL OF YOUNG ISRAEL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the National Council of Young Israel which will commemorate its 81st Anniversary on March 14, at the Sheraton Center Hotel, in New York City. For eight decades, the National Council of Young Israel has served as one of the pristine voice of Judaism. The Young Israel movement has illuminated and enhanced the presence of Orthodox Judaism across the entire Nation.

The National Council of Young Israel includes over 150 synagogues all across the United States, and sponsors youth activities, which combat juvenile delinquency through prevention. The Young Israel movement also reaches out to college students by sponsoring Kosher dining clubs and fraternity houses; it assists senior citizens by promoting senior citizen programs and supporting a benevolent association, and it advances the cause of political activism through political awareness. Community service, as well as inspirational leaders have enabled the National Council of Young Israel to perform the two great mitzvahs of "tikkun olam"—healing the world—and of being an "or l'goyim" a 'light' to all nations. These dual attributes have enhanced our country.

Mr. Speaker, I would like to bring to the attention of my colleagues the honor that will be bestowed upon my good friend, Malcolm Honlein. Malcolm is receiving the Young Israel's prestigious Jewish Leadership Award in recognition of his tireless service on behalf of "klal Yisroel". Many of us have had the pleasure of meeting with him over the years to discuss issues of mutual concern, including national and international affairs, relations between the United States and the State of Israel, as well as Jewish communal issues.

The National Council of Young Israel will be honoring many other distinguished individuals for their contributions to the council, their community and our country. Mr. Speaker, I would like to recognize a number of the honorees.

I would like to acknowledge my neighbor and key members of the Young Israel of Jamaica Estates, Dr. Joseph Frager, who will be honored with the Tzorchai Tzibbur Award for his exemplary contribution to Operation Torah Shield in 1991 and his tireless efforts to establish a much-needed medical center in Jerusalem.

Young Israel is also proud to honor Rabbi Mordechai Grunberg with its notable Youth Service Award for his outstanding success with the youth program of the Young Israel of Forest Hills. He has been an inspiration to the youth of the community and has enhanced the quality of life for the young Jewish people of Forest Hills. Rabbi Grunberg has also found the time to help protect the integrity of kashrut the entire Nation as the Senior Rabbinic Coordinator of the Kashrut division of the Orthodox Union.

Mr. Speaker, I would like to note my good friend, Assemblyman Brian M. McLaughlin, who will be honored with Young Israel's Civic Award. This award is being presented to Brian in appreciation for his splendid record in community service and as a leader of the International Brotherhood of Electrical Workers and the New York City Central Labor Council.

Finally, 1 of 13 Shofar Awards will be presented to Dr. and Mrs. Stewart Gottlieb for the dedication and involvement they provided to their Jewish community. Both Dr. and Mrs. Gottlieb have held high positions on many committees at the Young Israel of Plainview. They are model members of their synagogue who put their hearts and time into their neighborhood. Young Israel is honored and blessed to have such an active couple in their community.

Mr. Speaker, I also commend the hard work of the National Council of Young Israel under the leadership of: Chaim Kaminestsky, national president; Gerald L. Kaufman, chairman of the board and first vice president; Rabbi Herbert W. Bomzer, second vice president; Rabbi Ephraim H. Sturm, third vice president; Dr. Chanania Gang, financial secretary; Dr. Eugene Wilk, correspondence secretary; Mrs. Ruth Saperstein, recording secretary; Mr. David Schneck, treasurer; Mrs. Mollie Chideckel, president of the Women's League.

I call upon all my colleagues in the House of Representatives to join me in paying tribute to these dedicated individuals.

THE WORKPLACE LEAVE FAIRNESS ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. PETRI. Mr. Speaker, today I am pleased to join my colleague on the Education and Labor Committee, Mr. ANDREWS of New Jersey, in the introduction of the Workplace Leave Fairness Act. This bill would amend the Fair Labor Standards Act [FLSA] to eliminate the Department of Labor's so-called "pay docking" rule prohibiting employers from providing salaried employees with partial day unpaid leave.

When Congress enacted the Family and Medical Leave Act, the goal was to make sure that workers who need to care for family members will no longer be forced to choose between work and family. The law solved this problem by guaranteeing workers with a newly born or adopted child, or who have a seriously ill family member, up to 12 weeks of unpaid leave.

However, Congress failed to resolve the more common problem faced by many workers who must leave work for part of a day to tend to family needs. The Department of Labor has ruled, in effect, that employers may not allow salaried employees to take partial day unpaid leave, even if a family emergency arises. The employer must pay a full day's salary—even if the employee has exhausted his or her annual paid vacation and sick leave—dock the employee a full day's salary, or deny the request.

Under recent court decisions and the Department of Labor's regulations, if an employer has a flexible policy of providing salaried employees partial day unpaid leave, the existence of that policy eliminates the salaried employees' exemption from the Federal overtime requirements of the FLSA, even if no employee ever takes leave under the policy. The employer would then possibly owe every salaried employee 2 years' worth of back pay for any overtime hours worked, and at the overtime pay rates.

The Department believes that employers who grant such leave are really only attempting to treat their employees as hourly workers. But under this rationale, even six-figure income CEO's could be considered hourly employees, eligible for overtime pay. The Department knows this policy does not make sense. It has exempted its own employees and all other Federal workers from the rule. This ruling works against employers with flexible policies, who allow their employees to take an afternoon off to retrieve a sick child from school or day care, even if they have exhausted their paid leave.

For example, the Department told Helix Environmental, Inc., in Dayton, OH, that it must pay overtime back pay to each of its 14 employees. The penalty is owed for allowing them, most of whom are women with families, to leave for all or part of a day at any time they deem it necessary, regardless of how much work remains to be finished. Since the company is unable to afford unlimited paid leave, this leave has frequently been taken on an unpaid basis. Helix's employees were shocked to learn that their employer was actually being penalized by the Department of Labor for its flexibility. To comply with the Department's rule, the company now tells its employees they must take leave in full day increments.

The Family and Medical Leave Act acknowledges this problem by specifically exempting from the pay docking rule any leave taken under the act. While this avoids conflicts between the two laws, it fails to address most situations where employees need to take partial day unpaid absences, specifically: Employees of employers who are not covered by the Family and Medical leave Act, for example, employers with fewer than 50 employees; employees wishing to take time off to deal with a family situation that is not covered by the Family and Medical Leave Act, such as caring for a sick child who does not have a serious medical condition; employees who need family leave but have exhausted the 12 weeks provided under the law; and employees who want to take partial day leave on an unpaid basis in order to conserve their paid leave accruals.

The Family and Medical Leave Act also fails to address the enormous amount of existing liability that threatens employers who have had flexible leave policies but have been unaware of the pay docking rule. The Employment Policy Foundation estimates that the liability among private businesses with flexible leave policies could be as high as $39 billion. Such liability is equally worrisome in the public sector. Despite the fact that the Department of Labor eliminated the pay docking rule for the public sector as of September 18, 1992, it was unable to eliminate the back-pay liability that had accrued up to that point.

The Workplace Leave Fairness Act will eliminate the pay docking rule for both the private and public sectors, enabling employers to provide employees with partial day unpaid leave without triggering back pay liability under the FLSA. In addition, this bill will eliminate the retroactive liability and remove the litigation cloud that now hovers over employers who have provided flexible leave policies in the past.

I urge my colleagues to examine the current rules and recent court decisions interpreting the overtime provisions of the Fair Labor Standards Act. We should ensure that the law does not discourage employers from having flexible leave policies. The Workplace Leave Fairness Act will solve the problem.

THE LOCAL EXCHANGE INFRASTRUCTURE MODERNIZATION ACT

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. BOUCHER. Mr. Speaker, today I am pleased to join with the gentleman from Texas, Mr. FIELDS, in introducing the Local Exchange Infrastructure Modernization Act of 1993, legislation that is designed to ensure the broad availability of an advanced telephone network. I am pleased to be joined by many of my colleagues on the Energy and Commerce Committee, as well as other Members of the House, in introducing this legislation.

Senators EXON and GRASSLEY today have introduced a companion bill in the other body.

The divestiture of AT&T marked the beginning of a new era of telecommunications. Divestiture not only led to the creation of seven regional Bell operating companies, but also to the development of an increasingly competitive market for telecommunications services and products.

Divestiture, however, has created a new set of concerns. Prior to the break-up, AT&T served as the de facto telephone service manager setting all standards for the public switch network. Presently, there is no formal structure to ensure that our Nation's telephone network is fully interoperational. Nor is there any formal structure to ensure that all local telephone companies will be able to connect to that network both for the purposes of offering telephone services and providing access for their customers to new information services.

Our bill amends the Communications Act of 1934 to address these concerns. First, the bill provides a framework for the more than 1,300 local telephone companies to work together in planning and managing the public switched network under the supervision of the Federal Communications Commission.

Second, the bill permits small telephone companies to share facilities and services with larger companies in order to ensure that all Americans will have access to advanced network services. Some local telephone companies, particularly those serving rural markets, may not have the resources to bring these services to their customers without the ability to work together with a larger company.

Third, a narrow antitrust exemption is included to permit telephone companies to work together on network planning and infrastructure sharing.

Our bill has been endorsed by the National Rural Telecom Association, the National Telephone Cooperative Association, the Organization for the Protection and Advancement of Small Telephone Companies and the United States Telephone Association.

This bill represents the first part of a three-part legislative strategy that is designed to build a national telecommunications infrastructure policy. Soon I will be introducing two additional pieces of legislation. The first of these will create the economic incentives necessary to ensure the modernization of the telecommunications infrastructure by allowing telephone companies to provide cable TV service. Japan expects to have a nationwide fiber network serving every home and business by 2015. By providing this financial incentive, our legislation will ensure fiber deployment in the U.S. within approximately the same time frame.

In addition, I will be introducing legislation to develop applications of computing and networking technologies in areas with broad public benefits, such as medical imaging and the creation of digital libraries.

I hope my colleagues will join me in supporting these measures.

HIGHER EDUCATION FINANCE IMPROVEMENT ACT

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. BAKER of Louisiana. Mr. Speaker, I rise to introduce the Higher Education Finance Improvement Act that provides incentives for people to continue their education without the burden of economic constraints. This bill benefits both savers and borrowers in meeting the rising costs of higher education.

The first part of the bill restores the deductibility of interest paid on State and Federal student loans for college and graduate education. The Tax Reform Act of 1986 phased out the deductibility of student loan interest over a period of 5 years. Taxpayers who own their homes are currently permitted a deduction through the use of home equity loans to finance higher education. Restoring the deduction on interest paid on educational loans will put taxpayers who do not own homes on a level playing field with those who do.

The second part of the bill allows for the penalty-free withdrawal from qualified retirement plans like IRS and 401(k) plans to pay for higher education expenses. People who currently make withdrawals from such plans before reaching 59½ must pay an additional 10 percent tax penalty. The current policy serves only to punish those who have saved to pay for their children's, or their own, higher education.

In today's competitive job market, it has become more and more imperative to attain a college education. We need to recognize that the cost of higher education should not be prohibitive. This legislation is an attempt to relieve some of the economic burden placed on our society today.

Mr. Speaker and Members of the House, I look forward to working with you in order to proceed with this legislation and focus on the importance of an educated nation as a top priority on today's domestic agenda.

TRIBUTE TO SISTER MARILYN THERESE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Ms. HARMAN. Mr. Speaker, I ask my colleagues to join me in congratulating Sister Marilyn Therese for her outstanding, dedicated service to the Los Angeles community. In recognition of a broad range of civic activities, Sister Therese will receive the Annual Community Recognition Award from the West Los Angeles Lion's Club.

For many years, Sister Therese has served her community by lending her leadership and enthusiasm to local organizations in west Los Angeles. She has enriched the lives of many in her community by assisting those who are disadvantaged. It is all too often that we recognize the problems in our communities yet are not fully aware of such public servants, who through their motivation and deeds have contributed immeasurably to those around them. Mr. Speaker, I would like to make my colleagues aware of the extent of this woman's service to her community.

Sister Marilyn Therese is a native of California, born and raised in Fresno. She attended Fresno High School, Mount St. Mary's College, and attained her B.A. in political science at the University of California at Berkeley. She went on to obtain an M.A. in government at the University of Notre Dame and since has been a teacher at various high schools in the area.

In 1955, she became a sister of St. Joseph of Carondelet and has spent most of her life serving communities on the West Side of Los Angeles. Sister Therese focused her considerable talent on alleviating and promoting the notion of empowerment whereby those she served were helped to make decisions and changes for their own betterment. This idea culminated in the opening of the St. Joseph Center by Sister Therese and her colleagues.

This center has enabled Sister Therese to listen closely to the needs of the local community and develop resources to meet these needs. While working with women and senior citizens, she learned of their needs, from food and clothing, to literacy and parenting skills. She also helped the homeless, provided phones, job training, counseling, and overall concern for their situation.

Currently, she has even brought her message of empowerment to the Harbor Interfaith Shelter/Center in San Pedro. Through her efforts, many disadvantaged persons in my district have been given a fresh opportunity to better themselves, and in turn, better the community in which they live.

Mr. Speaker, I commend Sister Marilyn Therese's noble accomplishments and wish her continued success in her endeavors.

NATIONAL COOPERATIVE PRODUCTION AMENDMENTS OF 1993

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. BROOKS. Mr. Speaker, I am pleased to introduce the National Cooperative Production Amendments of 1993. This legislation will encourage U.S. firms to form joint ventures in order to produce new products and services without unwarranted fears of violating our Nation's antitrust laws. As such, this initiative is an essential component of revitalizing American competitiveness in a fast-moving international marketplace that waits for no nation.

This Nation's antitrust laws have always placed great emphasis on individual initiative, and rightly so—it is because of such initiative and entrepreneurial spirit that we have led the way to technological leadership in new ideas. But ideas need to be turned into commercially viable products and services; and in that arena, sadly, we have begun to fall behind other nations.

The alarm bells were sounding long ago, if we had only listened. In the 1960's, we lost market dominance in the steel and shipbuilding industries. In the 1970's, we lost our commanding position in many consumer electronic products. In the 1980's, machine tools took the hit from abroad. It is now the 1990's, and we can not afford to sit passively by as more American industries disappear, or become second-tier players in the new technological agenda: superconductors, high definition television, robotics, and computer-aided design.

In facing the competitive challenges ahead, let us recognize a number of realities: First, the cost of developing technologies and bringing them to the marketplace may, at times, exceed the resources of a single firm. Second, the economics of high-technology manufacturing have shifted to short product life cycles and the need for rapid response to consumer demands for variety and customization. Third, because the quick emergence of competing products may now give a technology innovator less than a year of exclusivity, American firms must develop production schedules on a more expedited basis than in the past.

Fourth, and perhaps most important, American-style competition can coexist with cooperative efforts to enhance innovation and serve as the spur to greater manufacturing success as in the past. The bill that I am introducing reflects my belief—following extensive hearings and deliberations over the past two Congresses—that there is no automatic contradiction between antitrust principles and properly structured cooperative joint ventures.

The legislation extends to production joint ventures; the coverage and requirements of the National Cooperative Research Act of 1984 [NCRA]—legislation that provided similar antitrust clarification for research and development joint ventures. Consistent with the NCRA, my legislation creates no exemption to the antitrust laws; it simply builds upon the disclosure system established in the 1984 act for voluntary prescreening of production joint ventures by the Federal antitrust agencies.

It should be noted that existing antitrust law and policy have already been very accommodating to production joint ventures. Even so, there appears to be a persistent perception among some in the U.S. business community that the antitrust laws discourage all collaborative activity. This is plainly wrong, but perceptions affect behavior; and we must start changing industrial behavior in this country if we are to be at our competitive best.

My production joint venture legislation comes at a timely juncture as we develop a blueprint for economic success for the 21st century. I urge all my colleagues to join in moving for swift passage of this important legislation.

GALLAUDET UNIVERSITY CELEBRATES FIFTH ANNIVERSARY OF THE DPN MOVEMENT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. GUNDERSON. Mr. Speaker, this week, Gallaudet University, the Nation's premier university for deaf students, is celebrating the fifth anniversary of the Deaf President Now [DPN] movement. The Deaf President Now movement resulted in the appointment of Dr. I. King Jordan as the first deaf president of Gallaudet University.

As one of three congressional members of the Gallaudet University board of trustees, it is with a sense of pride that I look back on that historic week in March 1988. It was a week in which Gallaudet students peacefully shut down their university in order to effect what history will remember as the civil rights movement for deaf people.

The week of March 6 to 13, 1988 focused worldwide attention on deafness. Gallaudet University filled our television screens and the front pages of our newspapers and became a household word. This protest and subsequent media attention led to the resignation of Gallaudet's seventh president and changed forever the criteria for leadership and governance of the university.

Now, 5 years later, as Gallaudet University nears its 130th anniversary of service to deaf people both across the United States and around the world, Gallaudet has thrived under the leadership of its first deaf president, I. King Jordan and the first deaf chairman of the board of trustees, Philip Bravin. Over the last 5 years, Gallaudet has grown in the number of students attending the institution and has substantially increased the number of staff and faculty positions held by deaf individuals. A deaf majority now also serves on the board of trustees.

Students not only at Gallaudet, but deaf people from all walks of life have been empowered by the events that transpired on the Gallaudet campus 5 years ago this week. Today, I join in saluting the extraordinary individuals who wrote this remarkable chapter in the history of deaf Americans.

INTRODUCTION OF LEGISLATION REGARDING MARKETING ORDERS FOR FRUITS AND VEGETABLES

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. THOMAS of California. Mr. Speaker, today I am introducing a bill to improve the administration of marketing orders for fruits and vegetables. This is the same proposal I introduced last year as H.R. 6043 and it still deserves attention. Marketing orders are used to regulate the quality of fresh produce sent to market, assuring that shoppers get a high quality product when they buy. The orders help ensure that consumers get good produce and they help protect farmers by preventing inferior product from undermining sales. The orders serve a useful purpose but their administration does need to be improved.

My bill would accelerate reviews of certain marketing order regulations to ensure that regulations are in place in time for marketing seasons to begin. Today, the U.S. Trade Representative has the power to veto proposed regulations. If USTR does not approve the regulations in 60 days, they cannot take effect.

In practice, the approval process often takes longer than 60 days. USTR reviews both proposed and final regulations, which adds time to the review process. Reviews also run beyond the 60 days deadline. Certainly we should look at whether proposed regulations comply with our trade tactics, but I do not think it should take as long as it has.

My bill will accelerate reviews by limiting USTR's examination to 10 days. If USTR has not expressed opposition to a rule within that 10-day period, the regulation will take effect. Further, USTR will only be required to review final, not proposed marketing order regulations.

The proposal is a reasonable one and there is enough time for us to pass it this year. I hope my colleagues will join me in passing the bill. If consideration must be deferred, I certainly encourage the Agriculture and Ways and Means Committees to consider the proposal as early as possible next year.

A TRIBUTE TO GUION S. BLUFORD, JR., AIR FORCE LIEUTENANT COLONEL AND NASA ASTRONAUT

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. BLACKWELL. Mr. Speaker, it is with great pride that I rise today to pay tribute to Air Force Lt. Col. Guion S. Bluford, Jr. This native Philadelphian has certainly made the world proud through his many accomplishments in the Air Force and as a NASA astronaut.

As a young man growing up in Philadelphia, Bluford exemplified his quest for knowledge as an outstanding student at Overbrook Senior High School. Mr. Speaker, at a very early age, many of his teachers and peers complimented Bluford on his dedication to excellence.

In 1964, he earned a bachelor of science degree in aerospace engineering from Pennsylvania State University. Moreover, while at Penn State, Bluford was recognized as a distinguished Air Force ROTC graduate.

He began a distinguished career in the U.S. Air Force and attended pilot training at Williams Air Force Base in Arizona. In January 1965, Bluford received his pilot wings. He then went to F–4C combat crew training in Arizona and Florida. During the Vietnam war he was assigned to the 557th Tactical Fighter Squadron, Cam Ranh Bay, Vietnam, where he flew 144 combat missions, 65 of which were flown over North Vietnam.

In July 1967, he returned to the United States to serve his country as an instructor pilot of the 3,630th Flying Training Wing at Sheppard Air Force Base in Texas. In addition to his duties as an instructor pilot, he served as a standardization evaluation officer and as an assistant flight commander. He later served as an executive support officer to the deputy commander of operations and as school secretary for the wing.

He remained there until August 1972, when he entered the Air Force Institute of Technology at Wright-Patterson Air Force Base in Ohio. At the Air Force Institute of Technology, with distinction, in 1974, he received a master of science degree in aerospace engineering. Upon graduating from the Air Force Institute of Technology in 1974, he was assigned to the Wright-Patterson Air Force Base as a staff development engineer. Moreover, in 1978, from the Air Force Institute of Technology he earned a doctor of philosophy degree in aerospace engineering with a minor in laser physics.

In August 1979, Bluford became a NASA astronaut. His technical assignments have included his working with the remote manipulator systems, spacelab systems and experiments, space shuttle systems, payload safety issues and the verification of flight software in the shuttle avionics integration laboratory, as well as in the flight systems laboratory.

Moreover, in August 1983, Bluford became the first African-American to fly in space. His first mission was STS–8 which launched from Kennedy Space Center in Florida. This particular mission was the third flight for the orbiter *Challenger* and the first mission with a night launch and a night landing. He flew as a mission specialist where his primary responsibility was the deployment from *Challenger*'s cargo bay. Since that time, he has flown on three additional space flights. With the completion of his latest flight on December 2, 1993, Bluford has logged more than 688 hours in space.

Bluford has received numerous awards and honors from individuals and organizations throughout the United States for his many accomplishments. In addition to his numerous educational achievements, in 1987, he earned a master's degree in business administration from the University of Houston, Clear Lake. Presently, Colonel Bluford continues his work with NASA at the Lyndon B. Johnson Space Center in Houston, TX.

Mr. Speaker, Colonel Bluford is an inspiration to all individuals. He has utilized his talents to benefit the entire world. I am so proud that such an intelligent and committed American resides in the congressional district that I represent. Mr. Speaker, throughout all of his travels and experiences, Guy Bluford never turned his back on the people of Philadelphia. He has continuously given back to his community and other communities throughout this country. I ask my colleagues to join me in commending this exceptional man of great integrity.

TRIBUTE TO MISSOURI'S MOTHER OF THE YEAR

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. VOLKMER. Mr. Speaker, I would like to take this opportunity to recognize one of my constituents, Mrs. Emma Jo Niemeyer, for her accomplishment as being selected as the 1993 Missouri Mother of the Year.

This honor bestowed upon Mrs. Niemeyer is a double tribute as she is also the Golden Anniversary recipient named by the Missouri Mothers Association.

C. Nestell Bovee accurately states our indebtedness to women and motherhood when she quoted, "next to God, we are indebted to women, first for life itself, and then for making it worth living." This quote underscores the service of the Missouri Mothers Association to strengthening the moral and spiritual foundations of the home, and their selection of Mrs. Niemeyer as not only this year's honoree, but also as their Golden Anniversary recipient.

The mother of eight children, Mrs. Niemeyer is a shining example to every American of the strength, values, and commitment to family that is necessary in raising a family today. Mrs. Niemeyer demonstrated her strength of character after losing her husband in 1991, she stood strong and has, with the help of her children, continued the operation of their family farm. In addition, Mrs. Niemeyer has continued to be actively involved in her church and community and has been praised as an outstanding example to the youth through the manner in which she conducts her own life and the values she instills in her children.

Mr. Speaker, the need for a strong family unit has never been more prevalent than today. I am honored that one of my constituents, Mrs. Emma Jo Niemeyer, has been recognized for her commitment to the family and service to her community. On April 17, Mrs. Niemeyer will be honored by her friends, family, and members of the Missouri Mothers Association for her labor of love. I want to add my name to the list of well-wishers and recognize Mrs. Niemeyer for her accomplishment.

A TRIBUTE TO MARY E. OAKLEY

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to Mary E. Oakley, a New Jersey resident who will be honored on March 14, 1993, by the Boys and Girls Club of Clifton for her years of selfless community service.

Ms. Oakley has a long tradition of giving to the community that she grew up in. She married M. Sgt. Lewis S. Oakley in 1952 and they raised their four children in Clifton. She is now the proud and very active grandmother of nine.

Ms. Oakley began her work for the Boys and Girls Club of Clifton as secretary to executive director of the Boys Club, Al Abruscato, in 1962. She continued her service after the merge of the clubs as secretary to Executive Director Dolores Colucci. She plans to continue her commitment to the club through volunteer service.

Ms. Oakley's other impressive civic involvement includes being a president of the PTA, a den mother, and a church school teacher.

Today, Ms. Oakley is president of an American Legion Auxiliary, a volunteer for the United Way and treasurer of the United Methodist Women. She is a member of the Passaic County Juvenile Conference, which she has been active in for more than 12 years. Additionally, she served as secretary of Clifton's 75th Anniversary Committee, chairwoman of the Kick-off Dinner and End of Year Dinner and member of the parade committee.

Mr. Speaker, I join the Boys and Girls Club of Clifton, NJ in recognizing her devoted work and countless hours of service for the enrichment of our community.

CONGRATULATIONS TO FOOTHILL AREA COMMUNITY SERVICES, INC.

HON. CARLOS J. MOORHEAD

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 11, 1993

Mr. MOORHEAD. Mr. Speaker, I am pleased to come before my colleagues in the U.S. House of Representatives today to recognize the Foothill Area Community Services, Inc. for its valuable and myriad contributions to many of our citizens in the San Gabriel Valley.

The major trust of this human service agency is to reach out to the less fortunate both young and old and in so doing ameliorate those socioeconomic conditions that contribute to poverty, barriers, and disadvantages.

Foothill Area Community Services, Inc. has performed its humanitarian tasks with diligence and efficiency on a client-by-client, day-by-day, crisis-by-crisis basis.

I would also like to recognize the volunteers who serve on the board of directors and who make this organization so valuable to our community. They are:

Mr. Howard Taylor, board chair.
Ms. Sally Mosher, Esq., vice chair.
Mr. Marcus Lewis, treasurer.
Ms. Mary Allen, secretary.
Mr. Charles Bradford.
Ms. Gladys Lewis.
Ms. Marguerite Lockett.
Ms. Eldora Polk.
Mr. James Wagner.
Dr. Nicholas Benson.
Mr. Nathaniel Oubre.
Mr. Glenn E. Keller.
Dr. Emmell J. Beech, chief executive officer.

And my special thanks to all those businesses and organizations which support the laudable endeavors of the Foothill Area Community Services, Inc.

Finally, Mr. Speaker, I want to extend my gratitude to Dr. Mel Beech and his organization for all their unselfish labors on behalf of others. They represent the best aspects of service to others.

SUPPORT THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 11, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to once again pledge my full support for the reconstitution of the Select Committee on Narcotics Abuse and Control.

Under the guidance of the distinguished gentleman from New York [Mr. RANGEL] informative hearings and testimony have been provided by those directly involved in fighting the difficult war on drugs. In addition, the select committee allows members of other committees to use the time not available in the standing committees to air their opinions on how best to deal with this serious crisis. The expertise provided by the members of the committee has led to several intriguing ideas on how to go about fighting the war on drugs.

As many of my colleagues from New York have noted, the March 8, 1993, USA Today contained an editorial written by Sterling Johnson, Jr., a U.S. district judge for the Eastern District of New York. Mr. Johnson's editorial provided us with a blunt view of the consequences of abolishing this committee. As part of this editorial, Mr. Johnson stated,

> Having devoted over 35 years to fighting the drug problem, I am astounded that Congress is contemplating the abolition of the narcotics committee. If the committee is dissolved, what do we tell those highly committed parents and professionals trying to fight drugs in every village and hamlet in the land? What do we say to the families of law-enforcement officers who have made the supreme sacrifice? How can we tell other nations to be more committed to the antidrug fight?

Mr. Speaker, the reconstitution of the Select Committee on Narcotics Abuse and Control will allow us to continue fighting this serious dilemma that plagues our country. I urge my colleagues to support the reauthorization of this important committee.

ARMY CORPS MUST REMAIN IN CHICAGO

HON. WILLIAM O. LIPINSKI

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 11, 1993

Mr. LIPINSKI. Mr. Speaker, I recognize and support the need for increased efficiency within the Army Corps of Engineers. Unfortunately, the corps' most recent reorganization plan will have a severe impact on Chicago and its suburbs. This is unacceptable to me and I hope the new Secretary of Defense feels the same way.

In 1991 the corps recommended closing both the Chicago Division and District offices. Fortunately for the people of Chicago, Congress passed legislation to prevent such a reckless reorganization plan from ever being implemented.

I could never understand why the Great Lakes region was singled out for such extreme consolidation measures. After all, it's home to nearly 25 percent of the Nation's population. Chicago is also strategically located between the Great Lakes and Mississippi waterways.

Now, 18 months later, the corps has presented us with another plan. But, instead of dealing with Congress this time, the corps tried to reorganize while Congress was in adjournment. It's almost as if the corps thought we wouldn't notice.

Well, we did notice. Along with other Members of this House, I spent 3 months letting the corps, the Department of Defense, and the administration, know just what I thought was wrong with the new reorganization proposal.

Apparently, Secretary of Defense Aspin had been listening to our concerns. Shortly after the inauguration, he put all elements of the reorganization on hold. The Secretary is presently reviewing the plan and will hopefully issue a report in the next few months.

I would just like to take the opportunity to remind Secretary Aspin of the need to keep the corps active in Chicago. I strongly encourage the Secretary to seriously consider the impact that closure or reduction of the Chicago offices will have on projects in the Great Lakes region.

The corps should not be allowed to relocate or eliminate hundreds of jobs in the Chicago metropolitan region. If this happens, important projects will not be monitored adequately or efficiently. In addition, the costs of resulting delays will have to be shifted to local project sponsors.

For example, the Chicago district has a $1.3 billion construction program planned over the next 10 years. Delays of even 6 months could increase the cost of this program by nearly $25 million. Why should local sponsors and local residents be forced to shoulder this corps-imposed financial burden?

Chicago serves as America's transportation hub and has some of the finest educational and medical facilities in the world. The city is home to some of the Nation's premier technical centers and universities. The corps has no problem recruiting from the large numbers of locally trained engineers and scientists.

In addition, Chicago serves as the home of the Environmental Protection Agency's region 5. It is well known, that in the future, EPA and the corps will be doing more work together. If the corps closes its Chicago offices local environmental projects will certainly be jeopardized.

I hope that Secretary Aspin will observe that over the past two decades, the corps and Chicago's Metropolitan Water Reclamation District have developed a very productive partnership. Together, they have produced effective solutions to our flood control and water quality problems. This partnership is now in danger of being destroyed.

The Chicago metropolitan area consists of the city and 51 nearby suburbs. There are over a half-a-million homes presently subject to flooding at any time. I think it is fair to say that the Federal Government, through the corps, has an obligation to protect my district from known flood dangers, It is also fair to say that this new reorganization plan could seriously threaten public health and safety.

Mr. Speaker, I also would like to add that I am deeply concerned about the corps' proposal to force personnel reductions in the Chicago division and district offices. The relocation of 287 positions out of Illinois will impair the corps' ability to address water resource problems in a timely fashion.

Again, I would just like to encourage Secretary Aspin to examine the impact of closing the Chicago offices. If the corps reorganization proposal is allowed to continue unchanged, the effect will be a total devastation of flood control programs in Chicago and its suburbs.

The corps reorganization needs to be developed by individuals outside of the Department of Defense. Members of Congress, corps employees and citizen representatives must be consulted throughout the process. Only then can we guarantee increased corps efficiency without ignoring local needs.

VIOLENCE IS NOT THE ANSWER

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. EMERSON. Mr. Speaker, it is no secret to any of my colleagues that I am strongly opposed to abortion. I believe in the sanctity of life. I am saddened by yesterday's events in Pensacola, FL, and I want to offer my sympathy to the family and friends of Dr. David Gunn, an abortion provider who was shot to death yesterday. I do not agree with or condone abortion, but I am distressed and angered by the use of violence. I will continue to work to change abortion laws in this country. Those who are opposed to abortion must use lawful and peaceful means to stop the killing of unborn children; violence is not the answer.

THE WORKPLACE LEAVE FAIRNESS ACT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1993

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise today to introduce the Workplace Leave Fairness Act to reverse a Department of Labor ruling which limits workplace flexibility. The current ruling prevents employers from granting unpaid leave to employees for less than a full day. Employees needing only a portion of a day off are left with two options: take the whole day off—unpaid—or work a full day.

The problem I am attempting to correct is what I believe to be an anomaly in the Fair Labor Standards Act [FLSA]. While Congress intended the Fair Labor Standards Act to protect the hourly employee, recent Labor Department interpretations have placed the salaried employee under the provisions of the FLSA. For example, if an employer grants unpaid leave to a salaried employee for less than a full day, the employee is then given the status of an hourly employee under the FLSA. The same conversion then takes place for the entire salaried work force.

I believe that this unintended consequence is harmful to the employer and the employee for two reasons. For the employer, an obligation is incurred to pay time-and-a-half wages for overtime worked by all hourly employees over the past 2 years. While I believe that the additional compensation is essential for hourly employees, Congress specifically intended for the creation of an exemption from the FLSA overtime rules for salaried employees. For the employee, the recent interpretations of the FLSA have hindered the ability of a workplace to be family friendly. If a salaried employee requests to take a partial day off—beyond his or her allotted leave time—for a family emergency, an employer must either pay the employee for a full day's work, dock pay for a full day, or deny the leave request. Therefore, the ability to achieve increased flexibility in workplace schedules is stifled.

The American workplace has undergone a demographic evolution in this century. Since 1900, the percentage of women in the labor force age 25–54, has increased from 19 percent to 74 percent today. This includes over half of the women who are also mothers, 56 percent of whom have children under the age of 6. With these demographic changes, flexibility is being forced on both employers and employees to adjust work schedules to meet family needs. The implementation of flexible working hours therefore becomes essential, particularly for parents preferring reduced schedules in their transition back to work after a period of maternity or parental leave. This flexibility is also important to parents of school-age children who need to adjust to afterschool care arrangements or to the need for occasional trips to the doctor.

When an employee's leave account is exhausted and a family crisis necessitates more leave in partial day increments over an extended period of time, the department's policy effectively prevents it. To avoid liability under the FLSA, the Department requires a full day of leave. I believe that we must craft a policy which better protects the interests of employees and their families.

The Workplace Leave Fairness Act will resolve this problem for employers and employees alike, in a way that preserves flexible leave polices in the workplace. It will eliminate the pay docking rule, enabling employers to provide employees with partial day unpaid leave without triggering back pay liability under the FLSA. In addition, the bill will eliminate the $39 billion of potential existing liability and remove the existing litigation cloud that now hovers over employers who have provided flexible leave policies in the past.

I am also aware of some additional problems created by the recent interpretations of the Fair Labor Standards Act. The professional services community has raised legitimate concerns over the application of the FLSA to architects, engineers, lawyers, and accountants who are clearly salaried employees. The tracking of hours worked for the purposes of billing clients for services rendered, or for the purposes of determining pay above and beyond the salaried level for the pay period, should not remove the individual's status as a salaried employee. While I have not addressed these related issues in this legislation, I do believe that Congress should include them as part of a debate over this legislation or over broader revisions to the FLSA.

I look forward to working with my colleagues on both sides of the aisle to correct an anomaly in the Fair Labor Standards Act in a common-sense way that I believe can benefit both employees and employers. I especially look forward to working with Congressman AUSTIN MURPHY, Congressman TOM PETRI, and Congressman BILL FORD, chairman of the House Education and Labor Committee. I am confident that under the leadership of Chairman FORD, along with the leadership of Secretary Bob Reich of the Labor Department, we will continue to met the needs of working families in America.

SENATE—*Monday, March 15, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 3 p.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land.—II Chronicles 7:14.

God of Abraham, Isaac, and Israel, the way of healing is the way of renewal of Your people. During the election campaign, someone said, "What is morally wrong cannot be politically right." As we watch our culture decline—with increasing divorce, violence, drugs, moral and ethical relativism—we long for renewal. Your Word declares that, "Judgment begins with the house of God." Therefore, renewal must begin with us who profess faith.

Gracious Father, restore us to the faith of our fathers. Give us ears to hear and wills to respond to the promise with which this prayer began, that our sins may be forgiven and our land healed.

We pray in Jesus' name who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 15, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, today the Senate will return to the consideration of the Voter Registration Act, which is intended to improve the processes by which Americans participate in the election process, to encourage larger numbers of Americans to vote.

Come this Wednesday, it will have been 2 weeks since I first moved to proceed to this bill, and it is my hope that we can complete action on this bill by then. I think all of my colleagues will agree that 2 weeks is a sufficient time for Senate consideration of any measure, and we hope that we will be able to complete action on this bill.

I repeat now what I have said on many occasions publicly prior to today; that is, that the Senate will have to complete action following disposition of the voter registration bill on the budget resolution, the President's economic stimulus and investment program, and the debt limit extension, prior to the Easter recess.

I expect that there will be a good bit of debate and discussion on each of these measures, and there appropriately should be. But Senators should be aware that we will complete action on those measures before leaving for the Easter recess.

I do not expect that it will be necessary to delay the recess, and I do not see any reason for that, because there is ample time to consider these measures. But if it is necessary, that is what we will do. The American people expect action; they expect us to deal with the serious problems facing the country and, if necessary, we will stay here for as long as it takes to have action on these measures. I thank my colleagues for their attention and cooperation.

I expect that the manager of the legislation, the distinguished senior Senator from Kentucky, will be here shortly to resume consideration of the voter registration bill, and to bring us up to date on the current status of that measure. But I merely want to repeat now, so all Senators can be aware in preparing their schedules for the next few weeks and for the recess, that we are going to complete action on these measures prior to the recess, and if we have not done so, then we will stay here until we do complete action on those measures.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I thank my colleagues, and I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, the leaders' time will be reserved.

Mr. MITCHELL. Mr. President, am I correct that the Journal of the proceedings has been approved to date?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3:30 p.m., with Senators permitted to speak therein for not to exceed 10 minutes each.

DEATH OF RICHARD P. BODINE

Mr. LIEBERMAN. Mr. President, I rise to offer my condolences to the family of Richard P. Bodine, who recently passed away. Richard Bodine was a native of Fairfield, CT, where he was a leading figure in the region's civic life and business community.

As president of the Bodine Corp., he and his brother Edward turned the small family business of making drilling and metal cutting machines into one of the world's foremost manufacturers of high-speed assembly and test systems.

Richard Bodine also gave his time and energy to serving the city of Bridgeport in financial advisory roles. He was a member of the Bridgeport Financial Review Board and chairman of the Bridgeport Management Advisory Committee. Richard Bodine also aided the city of Easton for 6 years as a member of the board of education and the zoning board of appeals.

We fondly remember Richard Bodine as a gracious person who continually gave of himself. He was a dedicated family man, a good friend, and a dedicated servant of his community. He will be sorely missed.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,211,256,672,140.37 as of the close of business on Thursday, March 11.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,395.21—thanks to the big spenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

CIRCLE BANKING ON THE ROSEBUD INDIAN RESERVATION

Mr. PRESSLER. Mr. President, as the ranking member on the Senate Small Business Committee, I wish to recognize the tremendous accomplishments of the Sicangu Enterprise Center and the promising entrepreneurs of the Rosebud Sioux Indian Tribe in my home State of South Dakota. With the assistance of Sinte Gleska University, the first Indian University in South Dakota, the Sicangu Enterprise Center has helped provide opportunity for members of the Rosebud Sioux Tribe who have the drive to create their own small businesses.

During my 12 years on the Senate Small Business Committee, I have supported strongly programs that promote economic independence and job growth through the creation of small businesses. South Dakota is a leader in entrepreneurship. More than 11 percent of my home State's work force is self-employed. There are thousands of talented individuals elsewhere in our Nation that have good business ideas, but lack the opportunity to turn their business dreams into reality. Other communities might learn from the Sicangu Enterprise Center experience how to give those dreams life.

The accomplishments of the Sicangu Enterprise Center are important, particularly because the center and the Rosebud Sioux Indian Reservation are located in Todd County, SD—the 10th poorest county in the United States. This program not only helps create jobs where job creation is difficult, but also provides social benefits that accompany long-term financial independence.

What is the secret of the Sicangu Enterprise Center's success? Its success is rooted in circle banking, a financing method built on the concepts of cooperation and sharing—basic components of the Sioux Indian tribal culture. Circle banking begins with the formation of business or circle groups, which receive loans together. Members of a circle group begin with loans of $500 and make regular payments together to pay off their initial loans and receive larger loans as needed to help their businesses grow. These tribal entrepreneurs also are given technical business advice to teach them the skills needed to run their particular operations. Not only does this process provide jobs, it also helps individuals establish a solid credit rating. This, in turn, develops a lasting economic foundation for both the business owners and their communities.

The circle banking program received widespread attention through an article in the fall 1992 edition of Tribal College, the journal of American Indian higher education. At the time the article was written, the Sicangu Enterprise Center had been operating for 2 years and had 19 entrepreneurs divided into 4 circle groups—a remarkable achievement that demonstrated rapid growth. I am proud to say that since last fall the program has developed even faster. Today there are 38 entrepreneurs in 7 circle groups. The businesses created through this program have hired almost 20 additional employees.

As with any successful small business, what really makes this program work well is the creativity and hard work of the individual entrepreneurs. These business owners develop their special skills or interests and market their particular talents in ways that benefit their community. The members of the Rosebud Sioux Tribe are inspirational examples that the entrepreneurial spirit is alive and well, and that any American can succeed when given an opportunity.

I also want to commend the assistance given by Sinte Gleska University in making this program work. Sinte Gleska is a remarkable institution. First as a community college, and then—as of last year—as a 4-year University, Sinte Gleska University has expanded the horizons of American Indian higher education. Through its work with the circle banking program, Sinte Gleska has demonstrated how the tribal college system can assist economic growth and development in Indian country.

The Sicangu Enterprise Center serves as a positive example of entrepreneurship at a time when our Nation needs to concentrate on small business and job creation. On the Senate Small Business Committee, we try to focus attention on programs that effectively promote economic empowerment through small business growth. As I continue my work on the committee, I look forward to more success stories from the Sicangu Enterprise Center.

Mr. President, I commend the Sicangu Enterprise Center, Sinte Gleska University, and all of the individual entrepreneurs involved in the circle banking program for their hard work and vision. I wish them all the best for an even more successful future.

I ask unanimous consent that the names of the program participants and the Tribal College article entitled, "Joining the Circle: Circle Banking on the Rosebud Reservation," be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROGRAM PARTICIPANTS

Phyllis Halligan, Dave Halmi, Leroy Swalley, Elsie Pacer, Bernie Waln, Rod Bordeaux, Marie Good Shield, Julie Peneaux, Wilma Bordeaux, Rosemae Lapointe, Rose Little Thunder, Tyrone White Lance, Leslie Chekpa, John Red Bird, Stanford Points At Him, Devona Marshall, Bill Emery, Pam Witt Giroux.

Velsworth Hawk, Richard Trimble, Dorothy Little Elk, Vine Good Shield, Marlene Whipple, Dolores Barron Waln, Vina Good Shield, Joe Sleeping Bear, April Good Shield, Austin Smith, Peter Neck, Emmerson Little Elk, Vera Leading Fighter, William Spotted Elk, Valarie Lamont, Rodney Barron, Benji Leading Fighter, Charles Forgets Nothing, Stanley Woodenknife, Darrel Douville.

JOINING THE CIRCLE

CIRCLE BANKING ON THE ROSEBUD RESERVATION

(By Eric Haase)

For almost three years, the Sicangu Enterprise Center has helped Rosebud Sioux tribal members get started in their own business. Organized and assisted by Sinte Gleska University, the program extends credit and education to help people help themselves.

"The program is working because it builds on the strengths that are already here," says Eileen Lunderman, the program director. "It is a program that came in and said, 'we want to build on what you already have.'"

The Enterprise Center accomplishes this empowerment by helping tribal members start small businesses within their communities and, frequently, out of their homes. Participants are trained in business management and then provided loans to get started.

The center differs from a conventional bank, because the amount of money loaned is very small and collateral is not required. Instead, each participant is required to join with a group of peers who wish to start, or expand, their own businesses. It is this group, not the individual, that applies for loans. As a result, all members have a stake in the success of each other's business plan because one person's default becomes the financial burden of the group.

Based on a Bangladesh rural banking model, the program reinforces tribal values of group sharing and cooperation. "There is a real pride in what the people are doing and the quality in their work," Lunderman says. "I see the concept of the peer group really working—the support they give one another. I've seen that over and over again. If one gets into difficulty as far as payment goes, they all get together and help one another."

Currently, nineteen people are involved in four peer circles, Lunderman says. Each circle begins with an orientation workshop in small business management pricing and marketing. Individuals borrow $500 each and make two monthly payments. If a member of the group cannot make a payment, the others help if needed. When all the loans are paid off, the circle can borrow $1,000 each. The cycle continues, each time opening an additional $500 in credit.

The program helps people establish a credit rating. "We're proving that people of low income are trustworthy and they do pay back their loans," she says. "Also, the program encourages people to research their ancestry, as it relates to the work they are doing. That is really exciting to me."

The following discussions are with three of the nineteen people involved in the program. Each person has created a business that is suited to their interests and talents. Each makes their business into what they want it to be. One supplements his income, another works in her retirement and the third works to fulfill a dream of doing what he loves doing for a full-time income.

Vine Good Shield works as a full-time janitor during the evenings at St. Francis Indian School. During the day he works on his self-started auto mechanic business. "I even purchased a business license from the tribe," he mentions with a chuckle.

Last June he joined a banking circle with four women, a hair stylist and three traditional artists. Each member borrowed $500, and twice monthly they make payments of about $45.

"I purchased a cutting torch with the money I borrowed," Good Shield says, leaning against one of five cars parked in his backyard. The cutting torch is an all-purpose tool for an auto mechanic, "especially good for cutting off old exhaust systems," he explains.

He stays busy overhauling engines as one of two mechanics in the Rosebud area. He also provides a towing service. He points to his rebuilt two-ton Chevy pickup with a hydraulic lift. "I bought that pickup for $600 and it already has made me a couple of thousand," he says.

"I've been working on cars since 1951, when I was about ten or eleven years old," he says. "My uncle got me started. My first vehicle was a 1940 Chevy."

"People ask me if I went to motor schools, and I say, 'No. I'm sort of self-taught.' Being uneducated, I try to learn everything I can pick-up. That's how I learned to do mechanic work. So I do a lot of reading. Reading is my hobby. I kind of taught myself a lot of things. If you can't read, you can't do anything."

He shows the top part of an engine in which he replaced the cylinder heads. "Those heads are rebuilt, and they're my heads," he says. "I try to charge as less as I can on labor, but parts are still high. A lot of these garages around here start at around $28 an hour."

Good Shield points at the trees in his backyard and he explains how he plans to remove them, haul in dirt, and build a large garage—perhaps with his next loan. "To me, if a person wants to do something for themselves, I think it's good," he says. "I like to do what I'm doing, working on cars. I think it's pretty good for whoever wants to work for themselves. But it's not for everybody I would say."

"I'm 51 years old now and I plan on retiring at 62. I want to keep working on cars till I die. A person needs to do something to keep going. If you stay active, you stay alive."

He looks comfortable in his coveralls, and he squints his eyes as he smiles after a friendly laugh.

At 67, Devona Marshall keeps busy working nearly 20 hours a week. Sewing at her kitchen table, she mends, alters and sews clothes. She is well known for the quality of her ribbon shirts and dresses.

When Marshall joined the program, she purchased her portable sewing machine with her first loan. She is currently paying off her third loan of $1,500 which she used to stock materials. She says she learned how to price and market her products through the program. Now she has a steady clientele.

"I learned how to sew from my mother who was a seamstress," she says and she remembers developing her skills in the 1950s while sewing clothes at the BIA school dorm for the students. After 28 years of work at the dorm, she retired and continued sewing for extra money.

"Sewing makes me feel good, because it gives me something to do," she explains. "My husband is an invalid, and we don't go anyplace anyway because he can't travel that well. I have to stay home, and it keeps me busy."

"My grandchildren ask me, 'Grandma do you ever get tired of sewing' and I say no because I like to sew." She says she has tried to teach her grandchildren, and there is at least one granddaughter who seems interested in it. "That grandchild is always trying to sew," she says.

She talks about the communal spirit of the program. "We can always rely on one another, and we always talk to each other to find out different things. I don't know—there is a closeness in our group. We were all friends before we got our circle together."

Just one time they had to help one of the circle members with a payment, she explains. "Each of us has put into a savings account, so when anyone has to make a payment, we go to the savings and take it out from there, so it doesn't come out of our pockets. Later, when the person can, they pay it back into the account."

"I would advise people to join," she says. "It's an easy program to go into. You can't just go to the bank and borrow money. In this program you can. They trust you."

In a basement apartment in Mission, South Dakota, Bill Emery, a 37-year-old man with a gentle voice and artistic eye uses his massive forearms to chip at a delicate alabaster sculpture.

Throughout the week, he works full-time as a media technician at Sinte Gleska University library. He talks about his dream of earning an income as a sculptor someday, and he talks about his love of the process.

"I've painted, but it is hard work for me," he explains. "This kind of work is fun. It doesn't seem like work. I'm never happy with paintings, but with sculpture, I can just look at something, start carving and things take shape—it's like communication. I can see things in the stone. I started out imposing myself on the stone, carving faces, but I changed. I prefer to not plan it out. Instead, it changes as I go, it comes from different directions."

"The communication with the stone is real. All of a sudden you'll see something that you didn't see before and you realize that it is coming from that stone. It's there already. It is hard to talk about. It's like—Yah! It's there!"

"It seems like when I try to impose something on stone, it breaks."

He draws on his Lakota heritage for his inspiration. "I do a lot of animals, and often the combining of man and animal—not like a cliché, but weaving the two together as one, almost abstractly suggesting our relationship."

He explains how he carves commercial sculpture in forms he knows people will want to buy and also has his personal work. "With my personal work I don't care if anyone else understands or likes it," he says. "It is the process. When you get it—nothing can beat that."

He says he bought clay to make pottery with his first loan. Next he plans to buy more tools and stone for his sculpture. "I'm planning on carving fifteen to twenty pieces by next year," he says, "so I can take some trips to different art shows in the area."

As he talks about his peer circle, he mentions the camaraderie the five men in his group share. "We were kind a close anyway," he says. "It is good to talk and bounce ideas off one another and hear what they're doing. You get ideas yourself, and you see what we can do to help each other."

He looks at his alabaster sculpture still in raw form. "I'm beginning to see the face of a man with long hair," he says running his finger along an impression carved away.

"Do you see him?" he asks.

RETIREMENT OF IRVING CARTER

Mr. MITCHELL. Mr. President, I would like to take this opportunity to observe the retirement from the Senate of Irving Carter after more than 33 years of service. For the last 18 of these years, Mr. Carter has been Legis validation clerk in the Senate Library, attending to his responsibilities with dedication and reliability. This position is one of those Senate jobs characterized both by its behind-the-scenes nature and by its utter indispensability.

The Senate Legis system provides vital and current information on legislation, treaties, and nominations. Its reputation for accuracy and timeliness is due to the labors of many committed employees, one of whom is Irving Carter.

His role of data validation, of critical review, and of meticulous attention to detail ensures the accuracy and completeness of the information in this data base and permits us to rely on it with confidence. Mr. Carter has performed this task since the inception of Senate Legis in 1975. The importance of his work was deservedly recognized in 1990 when he was awarded the Secretary's Certificate of Appreciation by Secretary of the Senate Joe Stewart.

A native of the District of Columbia, Irving Carter began his Senate career in 1959 after 4 years of service in the U.S. Air Force. His early years were spent in the Office of the Secretary of the Senate; in 1965 he was promoted to the position of assistant bill clerk where he worked for the next 10 years. The experience Mr. Carter gained in this capacity made him the ideal candidate for the newly established position of Legis validation clerk as the new system was coming into general use in the midseventies. Since then he has toiled steadfastly and quietly at his vital assignment until his recent decision to retire.

Mr. President, I wish to recognize his contributions to this institution and convey its appreciation and gratitude for the long service he has rendered. We wish Mr. Carter well in his new life and trust that he will enjoy himself as he has the leisure to devote to his gardening and other interests. I commend him for a job well done.

Mr. MITCHELL. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

NATIONAL VOTER REGISTRATION ACT OF 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 460, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 460) to establish national voter registration procedures for Federal elections, and for other purposes.

The Senate resumed consideration of the bill.

Mr. FORD. Madam President, I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM] is recognized.

Mr. METZENBAUM. Madam President, I ask unanimous consent that I may speak as in morning business for a period not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIOLENCE AT ABORTION CLINICS

Mr. METZENBAUM. Madam President, I rise today because I am outraged, outraged at the cold-blooded murder of Dr. David Gunn last we had in Pensacola, FL. Dr. Gunn was shot, without any reason, without any logic, three times in the back at the time he got out of his car at the Pensacola Medical Services Clinic, which he opened last month. He was killed during an antiabortion protest organized by Rescue America—a misnomer, if ever I have heard one.

Although I am gravely troubled by this incident, unfortunately, it comes as no surprise. Violence against reproductive health clinics that takes the form of vandalism, arson, bombing, attempted arson or bombing, invasion, assault and battery, death threats, and burglary has been steadily increasing.

In 1990, there were 58 incidents of violence against reproductive health clinics throughout the country. That number increased to 186 in 1992, and there have already been 27 incidents of violence in the first 2 months of this year.

Before his death, Dr. Gunn was a well-known target for harassment and intimidation because he performed abortions. Last summer, an old-fashioned wanted poster of Dr. Gunn was distributed in an Operation Rescue rally.

Imagine that, putting out a wanted poster about a doctor, distributing it at a rally. The poster included a picture of the doctor, his home telephone number, and other identifying information.

What kind of craziness is this? What kind of group is this that brings about the murder, cold-blooded murder, of a doctor performing that which he had a right to do, that which was legal? Americans cherish and want to protect the right to protest peacefully and lawfully. They expect Federal law enforcement agencies to stand at the side of lawful protesters. And I respect, in every way, the right of lawful protesters to exercise their rights under the Constitution of the United States.

But it is now clear beyond any doubt that fanatical antiabortion protesters will continue to take the law into their own hands. It is imperative that Federal law enforcement personnel restore order and provide protection to women and their physicians.

I realize that the issue of abortion evokes strong passions on both sides. But no matter what your feelings on this issue of legalized abortion, as members of a civilized society, we must strongly denounce any interjection of violence into this debate. Groups such as Rescue America that state that "while Gunn's death is unfortunate, it is also true that quite a number of babies' lives will be saved," should be shunned for that kind of response by all law-abiding citizens.

What hypocrisy, what absurdity, to say that "while Gunn's death is unfortunate * * *." Rescue America's statement suggests that the use of murder or violence is an acceptable way to settle our differences. Such a notion is repugnant and does a real disservice to all those involved in the abortion debate.

Both Dr. Gunn and the protesters outside his clinic had the right to their beliefs on the subject of abortion. But women have a constitutional right to choose to have an abortion, and no one has the right to take the law into his or her own hands in order to stop them from exercising that right.

Unless we remember that we are a nation of laws and not vigilante justice, we have no hope of ever resolving such divisive issues.

Madam President, I send my sincere condolences and sympathy to the family of Dr. Gunn. What a horrible tragedy; what an unnecessary tragedy.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL VOTER REGISTRATION ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. FORD. Madam President, today we resume consideration of S. 460, the National Voter Registration Act of 1993.

Last week, our colleagues on the other side of the aisle presented me with a package of nine amendments. At that time, under such short notice, I could not agree to accept them, but I was afforded an opportunity to review the amendments. And I sincerely thank my colleagues for that opportunity.

That night, and well into the next morning—1:30 to 2 a.m.—we went over all of the requests of our colleagues on the other side. Not only did they agree to allow me an opportunity to review the amendments, we agreed that together my colleague from Kentucky, and I, would meet to discuss the amendments and attempt to reach a mutually satisfactory solution.

Last Friday morning, Senator MCCONNELL and I, with our staffs, met to discuss these nine amendments. At our meeting, I stated that, after lengthy review well into the morning, I could accept one amendment outright. I also stated that I was willing to accept six of the nine amendments, with some minor modification. However, I was still unable to accept two of the amendments.

Let me say, Madam President, that my colleagues were also seeking assurances that their amendments, if accepted, would survive the House. Madam President, I have been here long enough—and I think my colleagues on the other side of the aisle have been here long enough—to know that no Member of this body can guarantee that any amendment here will survive in the House.

But I did say that, if we could reach a bipartisan agreement, in my opinion, that would give greater support to these amendments and I would do my level best to see that they were accepted in conference, and I would be in a better position, under those circumstances, to defend the amendments in conference, because those amendments would also be my amendments.

Today, I was informed that we had to accept the package as is. In effect, Madam President, despite our best efforts to reach a compromise, there apparently is no deal.

Madam President, I want to emphasize that I was very willing to accept a number of those amendments. I thought our meeting on Friday was conducted in a spirit of bipartisanship that perhaps we could reach a compromise that was agreeable to both sides.

I think, with some modification, a number of the amendments were good amendments. In fact, Madam President, as a demonstration of my sincerity in this good-faith compromise, I intend to offer an amendment which will incorporate the proposal which I made to my colleagues.

I have always argued that this bill deserves bipartisan support. I regret that, at this time, we find ourselves in disagreement, but I am hopeful that, in offering my amendment, we may achieve some bipartisan support of this measure and, Madam President, I truly hope that we can end the debate on this bill and move to final passage. We worked awfully hard.

As I have repeated here on this floor, Henry Clay said that to compromise was to negotiate hurt. And we negotiated until it almost hurt, based upon what we believed.

This was a grassroots effort that worked its way to this body and to the House, and we finally had an opportunity to listen to the grassroots and to follow through on their suggestion to us.

And so I was disappointed that we could not reach an agreement. But in this atmosphere—I never have been able to secure everything I have wanted. I may have felt my bill was superior or my amendment was superior, and others had the same feeling. Then, when we began to compromise and work things out, neither side would accomplish everything they wanted but we could get something that would be in the best interests of our constituents.

So I will at some point this afternoon—if not today, tomorrow—offer the package that I offered to my colleague on Friday that I was informed was not acceptable and that the amendments were to be taken as-is, and with the stipulation that it would also survive the House.

Madam President, I do not believe there is anyone here to debate this bill from the other side. I have been here, now, since 3:30, an hour and 10 minutes. I felt those who were watching the Senate should know at least someone was here, ready to debate the legislation before us and was willing to compromise, willing to offer compromise in an effort to secure the passage of this legislation which a lot of people feel is very important.

I know it is not important to some, but I think the overwhelming majority feels that this legislation is important. I readily admit it does not guarantee an increase in turnout. But is gives an opportunity for those who want to vote in the final hours, who have made up their minds, to go to the polls and vote. No one can tell me yet how many people were interested in going to vote this last Presidential election who were not registered, 90 percent of whom would have been registered under this bill. So there may have been a greater increase in turnout in November of 1992 had we had this bill in place.

So there is a lot of speculation, but I am hopeful that before the week is out we can pass this legislation. The agreement the two leaders arrived at last Thursday evening, I think, ought to be carried out here today in the form of cloture motion, if necessary. I hope it is not necessary. I hope we can arrive at a position that will be palatable to both sides.

Madam President, having no other colleague here to take the negative, as it relates to this bill, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

LAWRENCE WALSH'S "6-YEAR WAR" ON AMERICA'S TAXPAYERS

Mr. DOLE. Madam President, I look forward to the day when I will not have to come to the Senate floor to deliver yet another speech on the "6-year war" that Lawrence Walsh has waged on America's taxpayers.

That war, however, seems endless. And readers of today's Wall Street Journal will know that if hypocrisy were a weapon, then Mr. Walsh would be armed to the teeth.

Mr. Walsh and his squad of attorneys and investigators have devoted the last 6 years to looking under every rock, in an effort to ensure that every Government official who somehow came into contact with the Iran-Contra issue, never wavered from any law or regulation, no matter how obscure or minor the violation.

Last year, however, the GAO issued its first audit of Mr. Walsh's expenditures. Among the violations, the audit found that Mr. Walsh and his deputy had been reimbursed improperly by taxpayers for as much as $78,000 in food and lodging expenses.

Mr. Walsh's response was: "Do as I say and not as I do." He asked for a pardon for all overpayments and irregularities, not just for the past, but for the future as well.

Last month, the GAO—who took 5 years to realize that they were required by law to audit Mr. Walsh—gave him the pardon, not only waiving the Government's right to collect money for past violations, but also giving him blanket approval to continue billing the taxpayers for above and beyond what is allowed by law.

With the assurance that GAO—the supposed congressional watchdog—will sleep through any further violations, Mr. Walsh is free to dine and travel as he sees fit, knowing that when the bill comes, he can simply hand it over to the American taxpayer.

Madam President, I ask unanimous consent that the editorial from today's Wall Street Journal, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A PARDON FOR WALSH

Seems like only yesterday that Judge Lawrence Walsh was all over the networks denouncing George Bush's "outrageous" pardon of Caspar Weinberger, Well, it now turns out that the Government Accounting Office, also an arm of Congress, has just given Judge Walsh a pardon of his own for extensive violations of federal pay and procurement rules by his office. Better yet, the government will look the other way if some of the violations continue.

"Last year, it was discovered that because of an "oversight" at the GAO, popularly known as Congress's watchdog agency, there hadn't been an audit of Mr. Walsh's office as the law required since his probe began in 1987. So they scoured all the independent counsel, and discovered that Mr. Walsh's problems were the most severe. No wonder: His empire accounts for an astounding 90% of the $43 million directly spent by all independent counsel since 1978.

Among other things, the GAO audit found that Mr. Walsh and his top deputy, Craig Gillen, had been reimbursed improperly by taxpayers for as much as $78,000 in food and lodging. other violations of government rules included using a government-leased vehicle and flying first class. And Messrs. Walsh and Gillen failed to pay required Washington, D.C., income taxes, despite living in the city during most of this period. They've since paid the taxes and a penalty.

Mr. Walsh bitterly disputed the GAO's findings. Then, in an October 5, 1992, letter to the Comptroller General he asked for a "waiver" of all overpayments and irregularities "made in the past and similar future disbursements for the limited period prior to the completion of our remaining activities." In short, Judge Walsh wanted a pardon—both past and future.

He got it. Last month Deputy Comptroller General Milton Socolar sent letters to Judge Walsh and to the other independent counsel waiving the government's right to collect money for any violations. Mr. Socolar told us that the waiver "amounts to a forgiveness of legal obligations because there was no evidence of fraud or misrepresentation." He asked for and end to all unauthorized payments, but granted a waiver in the case of Judge Walsh's travel and lodging expenses and for future violations. The justification for this extraordinary dispension is that since Congress had not provided for the reimbursement of expenses for an independent counsel who worked away from home, the government should pay for them anyway.

Now, when a citizens group called Americans for a Balanced Budget filed a Freedom of Information Act request for the financial records of Mr. Walsh's office, they were turned down. A January 21 letter said this "would be an unwarranted administrative burden." But that reason isn't one of the exemptions allowed under FOIA and is ludicrous given that the financial records were recently handed over to GAO auditors. Judge Walsh was informed that he was clearly violating FOIA rules, and last week his lawyers agreed to surrender the documents.

Having fought for and won his pardon, Judge Walsh could still run afoul of other ethics laws. There are questions about his hiring of a firm to stage a mock trial before 36 Washington, D.C., residents to test his prosecutorial case against Mr. Weinberger. Such a trial could have cost as much as $50,000 and there are reports the contract was given to a San Francisco firm without taking any other bids. If so, that would be a clear violation of federal contract law. The prosecutor's office says it believes it has complied with federal regulations. The biannual GAO audit of Mr. Walsh's office is due out shortly.

So Judge Walsh's legion of crusading attorneys keeps ticking, running the taxpayers' meter while it prepares its "final"(promise?) report on the Iran-Contra affair. The law that authorizes independent counsel expired last December 15, and it has yet to be renewed. Justice Department officials say they have "no jurisdiction" over Judge Walsh. Congress's watchdogs have just given his operation a blanket pardon for noncompliance with government rules.

Gosh, isn't there anyone out there other than us interested in getting some accountability into this unsupervised, uncontrolled creature of the '80s? How about the Reno Justice Department? How about the White House's ethicists?

FREE CONGRESS FOUNDATION

Mr. DOLE. Madam President, earlier this month, my distinguished colleague from Arkansas, Senator PRYOR, came down pretty hard on the Free Congress Foundation, a 501(c)(3) nonprofit organization known for its advocacy of conservative causes.

Senator PRYOR claims that the Free Congress Foundation was remiss when it passed along information to the Judiciary Committee staff alleging that Attorney General Janet Reno was once pulled over for driving while intoxicated and used her political influence to avoid either an arrest or a record of the incident.

The Judiciary Committee has since investigated this allegation, and dismissed it as untrue.

My distinguished colleague from Arkansas then suggested that the Free Congress Foundation violated the conditions of its tax-exempt status by engaging in what he describes as lobbying activity. He has asked the Treasury Department to investigate.

Madam President, let me take a few moments now to set the record straight.

The Free Congress Foundation never claimed that the allegation against Ms. Reno was true. It never brought this allegation to the press, but followed proper channels and raised it with the Senate Judiciary Committee directly. In fact, the committee was already aware of the allegation and investigating it. The foundation never urged Senators to vote either for or against Ms. Reno's nomination. In fact, as the record shows, the vote was 98 to 0.

No press releases. No advocacy. Just passing along admittedly unsubstantiated information that the committee was already investigating. And obviously, this information, if true, would have put Ms. Reno's confirmation in jeopardy.

In my view, the Free Congress Foundation has acted honorably.

In addition, the foundation has elected to report any lobbying activity under section 501(h) of the Internal Revenue Code. This provision allows an organization to devote a portion of its budget to lobbying activity. Even so, none of the foundation's activities with respect to the Reno nomination amount to lobbying, regardless of its status under the code.

Earlier this month, my distinguished colleague from Arkansas asked:

> What is the Free Congress Foundation doing raising unsubstantiated allegations with the Senate Judiciary Committee concerning a Presidential nominee?

I do not recall my colleague asking that same question when other outside—and yes, liberal—organizations engaged in full-throttled smear campaigns against the nominations of Robert Bork or Clarence Thomas.

I do not recall his outrage when liberal groups were seeking Judge Bork's rental receipts from his local video store.

And where was my colleague when these groups were sifting through Justice Thomas' garbage, hoping to find a rumpled piece of paper that would somehow torpedo his confirmation?

The President of the Free Congress Foundation is Paul Weyrich. This is the same Paul Weyrich from whom Senators sought information about the late John Tower, President Bush's first nominee to be Secretary of Defense. My distinguished colleague from Arkansas was among those who welcomed such information, even though it involved very serious and personally embarrassing allegations against a Presidential nominee and a former Senator.

When Mr. Weyrich came forward with the damaging information, I heard no complaints from my good friend from Arkansas.

But, then again, John Tower happened to be a Republican. Perhaps that is the difference.

Madam President, Washington is a town full of double standards, so I am not surprised by this one.

But if my colleague from Arkansas feels that the Treasury Department ought to investigate the Free Congress Foundation, I am certain we could find other tax-exempt, and allegedly nonpartisan, organizations that may be worthy of Treasury Department scrutiny as well.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Without objection, it is so ordered.

NATIONAL VOTER REGISTRATION ACT OF 1993

The Senate continued with the consideration of the bill.

CLOTURE MOTION

Mr. FORD. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 460, the motor-voter bill:

Wendell Ford,
Tom Daschle,
Bob Kerrey,
Harlan Mathews,
Harris Wofford,
Pat Leahy,
Daniel K. Akaka,
Jeff Bingaman,
Dale Bumpers,
Russell D. Feingold,
Carol Moseley-Braun,
Bob Krueger,
Howard Metzenbaum,
John Glenn,
Joseph Lieberman
Don Riegle
Paul Wellstone,
George Mitchell.

Mr. FORD. Mr. President, the majority leader, Senator MITCHELL, has had discussions with the Republican leader, and pursuant to the unanimous-consent request that was granted on Friday last, I announce that a vote on the motion to invoke cloture on S. 460, the National Voter Registration bill, will occur on Tuesday, March 16, at 6 p.m.

I now ask unanimous consent that first-degree amendments may be filed at the desk until 12 noon Tuesday, March 16; that the Senate stand in recess for the two parties' luncheon conferences from 12:30 p.m. until 2:15 p.m.; that amendments may be reviewed at the desk during the time the Senate stands in recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. FORD. Mr. President, I send a second cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 460, the motor-voter bill:

Wendell Ford.
Tom Daschle.
Bob Kerrey.
Harlan Mathews.
Harris Wofford.
Pat Leahy.
Daniel K. Akaka.
Jeff Bingaman.
Dale Bumpers.
Russell D. Feingold.
Carol Moseley-Braun.
Bob Krueger.
Howard Metzenbaum.
John Glenn.
Joseph Lieberman.
Don Riegle.
Paul Wellstone.
George Mitchell.

Mr. FORD. Mr. President, I ask unanimous consent that the live quorum be waived relative to this cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1993

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1) entitled "An Act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Institutes of Health Revitalization Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

Sec. 101. Establishment of certain provisions regarding research conducted or supported by National Institutes of Health.

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

Sec. 111. Establishment of authorities.
Sec. 112. Purchase of human fetal tissue; solicitation or acceptance of tissue as directed donation for use in transplantation.
Sec. 113. Nullification of moratorium.
Sec. 114. Report by General Accounting Office on adequacy of requirements.

PART III—MISCELLANEOUS REPEALS

Sec. 121. Repeals.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

Sec. 131. Requirement of inclusion in research.
Sec. 132. Peer review.
Sec. 133. Applicability to current projects.

PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

Sec. 141. Establishment.

PART III—OFFICE OF RESEARCH ON MINORITY HEALTH

Sec. 151. Establishment.

Subtitle C—Research Integrity

Sec. 161. Establishment of Office of Research Integrity.
Sec. 162. Commission on Research Integrity.
Sec. 163. Protection of whistleblowers.
Sec. 164. Requirement of regulations regarding protection against financial conflicts of interest in certain projects of research.
Sec. 165. Effective dates.

TITLE II—NATIONAL INSTITUTES OF HEALTH IN GENERAL

Sec. 201. Health promotion research dissemination.
Sec. 202. Programs for increased support regarding certain States and researchers.
Sec. 203. Establishment of Office of Behavioral Research.
Sec. 204. Children's vaccine initiative.
Sec. 205. Plan for use of animals in research.
Sec. 206. Increased participation of women and disadvantaged individuals in fields of biomedical and behavioral research.
Sec. 207. Requirements regarding surveys of sexual behavior.
Sec. 208. Discretionary fund of Director of National Institutes of Health.
Sec. 209. Establishment of Office of Alternative Medicine.
Sec. 210. Miscellaneous provisions.

TITLE III—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

Sec. 301. Appointment and authority of Directors of national research institutes.
Sec. 302. Program of research on osteoporosis, Paget's disease, and related disorders.
Sec. 303. Establishment of interagency program for trauma research.

TITLE IV—NATIONAL CANCER INSTITUTE

Sec. 401. Expansion and intensification of activities regarding breast cancer.
Sec. 402. Expansion and intensification of activities regarding prostate cancer.
Sec. 403. Authorization of appropriations.
Sec. 404. Study of environmental and other risks contributing to incidence of breast cancer.

TITLE V—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

Sec. 501. Education and training.
Sec. 502. Centers for the study of pediatric cardiovascular diseases.
Sec. 503. National Center on Sleep Disorders.
Sec. 504. Authorization of appropriations.

TITLE VI—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

Sec. 601. Provisions regarding nutritional disorders.

TITLE VII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

Sec. 701. Juvenile arthritis.

TITLE VIII—NATIONAL INSTITUTE ON AGING

Sec. 801. Alzheimer's disease registry.
Sec. 802. Aging processes regarding women.
Sec. 803. Authorization of appropriations.
Sec. 804. Conforming amendment.

TITLE IX—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Sec. 901. Tropical diseases.
Sec. 902. Chronic fatigue syndrome.

TITLE X—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

Sec. 1001. Grants and contracts for research centers.
Sec. 1002. Loan repayment program for research with respect to contraception and infertility.

Subtitle B—Program Regarding Obstetrics and Gynecology

Sec. 1011. Establishment of program.

Subtitle C—Child Health Research Centers

Sec. 1021. Establishment of centers.

Subtitle D—Study Regarding Adolescent Health

Sec. 1031. Prospective longitudinal study.

TITLE XI—NATIONAL EYE INSTITUTE

Sec. 1101. Clinical research on diabetes eye care.

TITLE XII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

Sec. 1201. Research on multiple sclerosis.

TITLE XIII—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

Sec. 1301. Applied Toxicological Research and Testing Program.

TITLE XIV—NATIONAL LIBRARY OF MEDICINE

Subtitle A—General Provisions

Sec. 1401. Additional authorities.
Sec. 1402. Authorization of appropriations.

Subtitle B—Financial Assistance

Sec. 1411. Establishment of program of grants for development of education technologies.

Subtitle C—National Information Center on Health Services Research and Health Care Technology

Sec. 1421. Establishment of Center.
Sec. 1422. Conforming provisions.

TITLE XV—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

Subtitle A—Division of Research Resources

Sec. 1501. Redesignation of Division as National Center for Research Resources.
Sec. 1502. Biomedical and behavioral research facilities.
Sec. 1503. Construction program for national primate research center.

Subtitle B—National Center for Nursing Research

Sec. 1511. Redesignation of National Center for Nursing Research as National Institute of Nursing Research.
Sec. 1512. Study on adequacy of number of nurses.

Subtitle C—National Center for Human Genome Research

Sec. 1521. Purpose of Center.

TITLE XVI—AWARDS AND TRAINING

Subtitle A—National Research Service Awards

Sec. 1601. Requirement regarding women and individuals from disadvantaged backgrounds.

Subtitle B—Acquired Immune Deficiency Syndrome

Sec. 1611. Loan repayment program.

Subtitle C—Loan Repayment for Research Generally

Sec. 1621. Establishment of program.

Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by National Institutes of Health

Sec. 1631. Establishment of programs.
Sec. 1632. Funding.

Subtitle E—Funding for Awards and Training Generally

Sec. 1641. Authorization of appropriations.

TITLE XVII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

Sec. 1701. Date certain for appointment of Board members.
Sec. 1702. Miscellaneous provisions.

TITLE XVIII—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

Subtitle A—Office of AIDS Research

Sec. 1801. Establishment of Office.
Sec. 1802. Establishment of emergency discretionary fund.
Sec. 1803. General provisions.

Subtitle B—Certain Programs

Sec. 1811. Revision and extension of certain programs.

TITLE XIX—STUDIES

Sec. 1901. Acquired immune deficiency syndrome.
Sec. 1902. Malnutrition in the elderly.
Sec. 1903. Research activities on chronic fatigue syndrome.
Sec. 1904. Report on medical uses of biological agents in development of defenses against biological warfare.
Sec. 1905. Personnel study of recruitment, retention and turnover.
Sec. 1906. Procurement.
Sec. 1907. Chronic pain conditions.
Sec. 1908. Back injuries.

TITLE XX—MISCELLANEOUS PROVISIONS

Sec. 2001. Designation of Senior Biomedical Research Service in honor of Silvio O. Conte; limitation on number of members.
Sec. 2002. Master plan for physical infrastructure for research.
Sec. 2003. Certain authorization of appropriations.
Sec. 2004. Buy-American provisions.
Sec. 2005. Prohibition against further funding for Project Aries.

TITLE XXI—EFFECTIVE DATES

Sec. 2101. Effective dates.

TITLE I—GENERAL PROVISIONS REGARDING TITLE IV OF PUBLIC HEALTH SERVICE ACT

Subtitle A—Research Freedom

PART I—REVIEW OF PROPOSALS FOR BIOMEDICAL AND BEHAVIORAL RESEARCH

SEC. 101. ESTABLISHMENT OF CERTAIN PROVISIONS REGARDING RESEARCH CONDUCTED OR SUPPORTED BY NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 492 the following new section:

"CERTAIN PROVISIONS REGARDING REVIEW AND APPROVAL OF PROPOSALS FOR RESEARCH

"SEC. 492A. (a) REVIEW AS PRECONDITION TO RESEARCH.—

"(1) PROTECTION OF HUMAN RESEARCH SUBJECTS.—

"(A) In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to review under section 491(a) by an Institutional Review Board unless the application has undergone review in accordance with such section and has been recommended for approval by a majority of the members of the Board conducting such review.

"(B) In the case of research that is subject to review under procedures established by the Secretary for the protection of human subjects in clinical research conducted by the National Institutes of Health, the Secretary may not authorize the conduct of the research unless the research has, pursuant to such procedures, been recommended for approval.

"(2) PEER REVIEW.—In the case of any application submitted to the Secretary for financial assistance to conduct research, the Secretary may not approve or fund any application that is subject to technical and scientific peer review under section 492(a) unless the application has undergone peer review in accordance with such section and has been recommended for approval by a majority of the members of the entity conducting such review.

"(b) ETHICAL REVIEW OF RESEARCH.—

"(1) PROCEDURES REGARDING WITHHOLDING OF FUNDS.—If research has been recommended for approval for purposes of subsection (a), the Secretary may not withhold funding for the research on ethical grounds unless—

"(A) the Secretary convenes an advisory board in accordance with paragraph (4) to study the ethical implications of the research; and

"(B)(i) the majority of the advisory board recommends that, on ethical grounds, the Secretary withhold funds for the research; or

(ii) the majority of such board recommends that the Secretary not withhold funds for the research on ethical grounds, but the Secretary finds, on the basis of the report submitted under paragraph (4)(B)(ii), that the recommendation is arbitrary and capricious.

"(2) APPLICABILITY.—The limitation established in paragraph (1) regarding the authority to withhold funds on ethical grounds shall apply without regard to whether the withholding of funds on such grounds is characterized as a disapproval, a moratorium, a prohibition, or other description.

"(3) PRELIMINARY MATTERS REGARDING USE OF PROCEDURES.—

"(A) If the Secretary makes a determination that an advisory board should be convened for purposes of paragraph (1), the Secretary shall, through a statement published in the Federal Register, announce the intention of the Secretary to convene such a board.

"(B) A statement issued under subparagraph (A) shall include a request that interested individuals submit to the Secretary recommendations specifying the particular individuals who should be appointed to the advisory board involved. The Secretary shall consider such recommendations in making appointments to the board.

"(C) The Secretary may not make appointments to an advisory board under paragraph (1) until the expiration of the 30-day period beginning on the date on which the statement required in subparagraph (A) is made with respect to the board.

"(4) ETHICS ADVISORY BOARDS.—

"(A) Any advisory board convened for purposes of paragraph (1) shall be known as an ethics advisory board (hereafter in this paragraph referred to as an 'ethics board').

"(B)(i) An ethics board shall advise, consult with, and make recommendations to the Secretary regarding the ethics of the project of biomedical or behavioral research with respect to which the board has been convened.

"(ii) Not later than 180 days after the date on which the statement required in paragraph (3)(A) is made with respect to an ethics board, the board shall submit to the Secretary, and to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report describing the findings of the board regarding the project of research involved and making a recommendation under clause (i) of whether the Secretary should or should not withhold funds for the project. The report shall include the information considered in making the findings.

"(C) An ethics board shall be composed of no fewer than 14, and no more than 20, individuals who are not officers or employees of the United States. The Secretary shall make appointments to the board from among individuals with special qualifications and competence to provide advice and recommendations regarding ethical matters in biomedical and behavioral research. Of the members of the board—

"(i) no fewer than 1 shall be an attorney;

"(ii) no fewer than 1 shall be an ethicist;

"(iii) no fewer than 1 shall be a practicing physician;

"(iv) no fewer than 1 shall be a theologian; and

"(v) no fewer than one-third, and no more than one-half, shall be scientists with substantial accomplishments in biomedical or behavioral research.

"(D) The term of service as a member of an ethics board shall be for the life of the board. If such a member does not serve the full term of such service, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

"(E) A member of an ethics board shall be subject to removal from the board by the Sec-

retary for neglect of duty or malfeasance or for other good cause shown.

"(F) The Secretary shall designate an individual from among the members of an ethics board to serve as the chair of the board.

"(G) In carrying out subparagraph (B)(i) with respect to a project of research, an ethics board shall conduct inquiries and hold public hearings.

"(H) In carrying out subparagraph (B)(i) with respect to a project of research, an ethics board shall have access to all relevant information possessed by the Department of Health and Human Services, or available to the Secretary from other agencies.

"(I) Members of an ethics board shall receive compensation for each day engaged in carrying out the duties of the board, including time engaged in traveling for purposes of such duties. Such compensation may not be provided in an amount in excess of the maximum rate of basic pay payable for GS–18 of the General Schedule.

"(J) The Secretary, acting through the Director of the National Institutes of Health, shall provide to each ethics board reasonable staff and assistance to carry out the duties of the board.

"(K) An ethics board shall terminate 30 days after the date on which the report required in subparagraph (B)(ii) is submitted to the Secretary and the congressional committees specified in such subparagraph.".

PART II—RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

SEC. 111. ESTABLISHMENT OF AUTHORITIES.

Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498 the following new section:

"RESEARCH ON TRANSPLANTATION OF FETAL TISSUE

"SEC. 498A. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—The Secretary may conduct or support research on the transplantation of human fetal tissue for therapeutic purposes.

"(2) SOURCE OF TISSUE.—Human fetal tissue may be used in research carried out under paragraph (1) regardless of whether the tissue is obtained pursuant to a spontaneous or induced abortion or pursuant to a stillbirth.

"(b) INFORMED CONSENT OF DONOR.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the woman providing the tissue makes a statement, made in writing and signed by the woman, declaring that—

"(A) the woman donates the fetal tissue for use in research described in subsection (a);

"(B) the donation is made without any restriction regarding the identity of individuals who may be the recipients of transplantations of the tissue; and

"(C) the woman has not been informed of the identity of any such individuals.

"(2) ADDITIONAL STATEMENT.—In research carried out under subsection (a), human fetal tissue may be used only if the attending physician with respect to obtaining the tissue from the woman involved makes a statement, made in writing and signed by the physician, declaring that—

"(A) in the case of tissue obtained pursuant to an induced abortion—

"(i) the consent of the woman for the abortion was obtained prior to requesting or obtaining consent for a donation of the tissue for use in such research;

"(ii) no alteration of the timing, method, or procedures used to terminate the pregnancy was made solely for the purposes of obtaining the tissue; and

"(iii) the abortion was performed in accordance with applicable State law;

"(B) the tissue has been donated by the woman in accordance with paragraph (1); and

"(C) full disclosure has been provided to the woman with regard to—

"(i) such physician's interest, if any, in the research to be conducted with the tissue; and

"(ii) any known medical risks to the woman or risks to her privacy that might be associated with the donation of the tissue and that are in addition to risks of such type that are associated with the woman's medical care.

"(c) INFORMED CONSENT OF RESEARCHER AND DONEE.—In research carried out under subsection (a), human fetal tissue may be used only if the individual with the principal responsibility for conducting the research involved makes a statement, made in writing and signed by the individual, declaring that the individual—

"(1) is aware that—

"(A) the tissue is human fetal tissue;

"(B) the tissue may have been obtained pursuant to a spontaneous or induced abortion or pursuant to a stillbirth; and

"(C) the tissue was donated for research purposes;

"(2) has provided such information to other individuals with responsibilities regarding the research;

"(3) will require, prior to obtaining the consent of an individual to be a recipient of a transplantation of the tissue, written acknowledgment of receipt of such information by such recipient; and

"(4) has had no part in any decisions as to the timing, method, or procedures used to terminate the pregnancy made solely for the purposes of the research.

"(d) AVAILABILITY OF STATEMENTS FOR AUDIT.—

"(1) IN GENERAL.—In research carried out under subsection (a), human fetal tissue may be used only if the head of the agency or other entity conducting the research involved certifies to the Secretary that the statements required under subsections (b) (2) and (c) will be available for audit by the Secretary.

"(2) CONFIDENTIALITY OF AUDIT.—Any audit conducted by the Secretary pursuant to paragraph (1) shall be conducted in a confidential manner to protect the privacy rights of the individuals and entities involved in such research, including such individuals and entities involved in the donation, transfer, receipt, or transplantation of human fetal tissue. With respect to any material or information obtained pursuant to such audit, the Secretary shall—

"(A) use such material or information only for the purposes of verifying compliance with the requirements of this section;

"(B) not disclose or publish such material or information, except where required by Federal law, in which case such material or information shall be coded in a manner such that the identities of such individuals and entities are protected; and

"(C) not maintain such material or information after completion of such audit, except where necessary for the purposes of such audit.

"(e) APPLICABILITY OF STATE AND LOCAL LAW.—

"(1) RESEARCH CONDUCTED BY RECIPIENTS OF ASSISTANCE.—The Secretary may not provide support for research under subsection (a) unless the applicant for the financial assistance involved agrees to conduct the research in accordance with applicable State law.

"(2) RESEARCH CONDUCTED BY SECRETARY.—The Secretary may conduct research under subsection (a) only in accordance with applicable State and local law.

"(f) REPORT.—The Secretary shall annually submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding fiscal year, including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section.

"(g) DEFINITION.—For purposes of this section, the term 'human fetal tissue' means tissue or cells obtained from a dead human embryo or fetus after a spontaneous or induced abortion, or after a stillbirth.".

SEC. 112. PURCHASE OF HUMAN FETAL TISSUE; SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.

Part G of title IV of the Public Health Service Act, as amended by section 111 of this Act, is amended by inserting after section 498A the following new section:

"PROHIBITIONS REGARDING HUMAN FETAL TISSUE

"SEC. 498B. (a) PURCHASE OF TISSUE.—It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human fetal tissue for valuable consideration if the transfer affects interstate commerce.

"(b) SOLICITATION OR ACCEPTANCE OF TISSUE AS DIRECTED DONATION FOR USE IN TRANSPLANTATION.—It shall be unlawful for any person to solicit or knowingly acquire, receive, or accept a donation of human fetal tissue for the purpose of transplantation of such tissue into another person if the donation affects interstate commerce, the tissue will be or is obtained pursuant to an induced abortion, and—

"(1).the donation will be or is made pursuant to a promise to the donating individual that the donated tissue will be transplanted into a recipient specified by such individual;

"(2) the donated tissue will be transplanted into a relative of the donating individual; or

"(3) the person who solicits or knowingly acquires, receives, or accepts the donation has provided valuable consideration for the costs associated with such abortion.

"(c) CRIMINAL PENALTIES FOR VIOLATIONS.—

"(1) IN GENERAL.—Any person who violates subsection (a) or (b) shall be fined in accordance with title 18, United States Code, subject to paragraph (2), or imprisoned for not more than 10 years, or both.

"(2) PENALTIES APPLICABLE TO PERSONS RECEIVING CONSIDERATION.—With respect to the imposition of a fine under paragraph (1), if the person involved violates subsection (a) or (b)(3), a fine shall be imposed in an amount not less than twice the amount of the valuable consideration received.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'human fetal tissue' has the meaning given such term in section 498A(f).

"(2) The term 'interstate commerce' has the meaning given such term in section 201(b) of the Federal Food, Drug, and Cosmetic Act.

"(3) The term 'valuable consideration' does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.".

SEC. 113. NULLIFICATION OF MORATORIUM.

(a) IN GENERAL.—Except as provided in subsection (c), no official of the executive branch may impose a policy that the Department of Health and Human Services is prohibited from conducting or supporting any research on the transplantation of human fetal tissue for therapeutic purposes. Such research shall be carried out in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act), without regard to any such policy that may have been in effect prior to the date of the enactment of this Act.

(b) PROHIBITION AGAINST WITHHOLDING OF FUNDS IN CASES OF TECHNICAL AND SCIENTIFIC MERIT.—

(1) IN GENERAL.—In the case of any proposal for research on the transplantation of human

fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may not withhold funds for the research if—

(A) the research has been approved for purposes of section 492A(a) of the Public Health Service Act (as added by section 101 of this Act);

(B) the research will be carried out in accordance with section 498A of such Act (as added by section 111 of this Act); and

(C) there are reasonable assurances that the research will not utilize any human fetal tissue that has been obtained in violation of section 498B(a) of such Act (as added by section 112 of this Act).

(2) STANDING APPROVAL REGARDING ETHICAL STATUS.—In the case of any proposal for research on the transplantation of human fetal tissue for therapeutic purposes, the issuance in December 1988 of the Report of the Human Fetal Tissue Transplantation Research Panel shall be deemed to be a report—

(A) issued by an ethics advisory board pursuant to section 492A(b)(4)(B)(ii) of the Public Health Service Act (as added by section 101 of this Act); and

(B) finding, on a basis that is neither arbitrary nor capricious, that there are no ethical grounds for withholding funds for the research.

(c) AUTHORITY FOR WITHHOLDING FUNDS FROM RESEARCH.—In the case of any research on the transplantation of human fetal tissue for therapeutic purposes, the Secretary of Health and Human Services may withhold funds for the research if any of the conditions specified in any of subparagraphs (A) through (C) of subsection (b)(1) are not met with respect to the research.

(d) DEFINITION.—For purposes of this section, the term "human fetal tissue" has the meaning given such term in section 498A(f) of the Public Health Service Act (as added by section 111 of this Act).

SEC. 114. REPORT BY GENERAL ACCOUNTING OFFICE ON ADEQUACY OF REQUIREMENTS.

(a) IN GENERAL.—With respect to research on the transplantation of human fetal tissue for therapeutic purposes, the Comptroller General of the United States shall conduct an audit for the purpose of determining—

(1) whether and to what extent such research conducted or supported by the Secretary of Health and Human Services has been conducted in accordance with section 498A of the Public Health Service Act (as added by section 111 of this Act); and

(2) whether and to what extent there have been violations of section 498B of such Act (as added by section 112 of this Act).

(b) REPORT.—Not later than May 19, 1995, the Comptroller General of the United States shall complete the audit required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made pursuant to the audit.

PART III—MISCELLANEOUS REPEALS

SEC. 121. REPEALS.

(a) CERTAIN BIOMEDICAL ETHICS BOARD.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by striking part J.

(b) OTHER REPEALS.—Part G of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended—

(1) in section 498, by striking subsection (c); and

(2) by striking section 499; and

(3) by redesignating section 499A as section 499.

(c) NULLIFICATION OF CERTAIN PROVISIONS.—The provisions of Executive Order 12806 (57 Fed. Reg. 21589 (May 21, 1992)) shall not have any legal effect. The provisions of section 204(d) of part 46 of title 45 of the Code of Federal Regulations (45 CFR 46.204(d)) shall not have any legal effect.

Subtitle B—Clinical Research Equity Regarding Women and Minorities

PART I—WOMEN AND MINORITIES AS SUBJECTS IN CLINICAL RESEARCH

SEC. 131. REQUIREMENT OF INCLUSION IN RESEARCH.

Part G of title IV of the Public Health Service Act, as amended by section 101 of this Act, is amended by inserting after section 492A the following new section:

"INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH

"SEC. 492B. (a) REQUIREMENT OF INCLUSION.—

"(1) IN GENERAL.—In conducting or supporting clinical research for purposes of this title, the Director of NIH shall, subject to subsection (b), ensure that—

"(A) women are included as subjects in each project of such research; and

"(B) members of minority groups are included as subjects in such research.

"(2) OUTREACH REGARDING PARTICIPATION AS SUBJECTS.—The Director of NIH, in consultation with the Director of the Office of Research on Women's Health and the Director of the Office of Research on Minority Health, shall conduct or support outreach programs for the recruitment of women and members of minority groups as subjects in projects of clinical research.

"(b) INAPPLICABILITY OF REQUIREMENT.—The requirement established in subsection (a) regarding women and members of minority groups shall not apply to a project of clinical research if the inclusion, as subjects in the project, of women and members of minority groups, respectively—

"(1) is inappropriate with respect to the health of the subjects;

"(2) is inappropriate with respect to the purpose of the research; or

"(3) is inappropriate under such other circumstances as the Director of NIH may designate.

"(c) DESIGN OF CLINICAL TRIALS.—In the case of any clinical trial in which women or members of minority groups will under subsection (a) be included as subjects, the Director of NIH shall ensure that the trial is designed and carried out in a manner sufficient to provide for a valid analysis of whether the variables being studied in the trial affect women or members of minority groups, as the case may be, differently than other subjects in the trial.

"(d) GUIDELINES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Director of NIH, in consultation with the Director of the Office of Research on Women's Health and the Director of the Office of Research on Minority Health, shall establish guidelines regarding the requirements of this section. The guidelines shall include guidelines regarding—

"(A) the circumstances under which the inclusion of women and minorities as subjects in projects of clinical research is inappropriate for purposes of subsection (b);

"(B) the manner in which clinical trials are required to be designed and carried out for purposes of subsection (c); and

"(C) the operation of outreach programs under subsection (a).

"(2) CERTAIN PROVISIONS.—With respect to the circumstances under which the inclusion of women or members of minority groups (as the case may be) as subjects in a project of clinical research is inappropriate for purposes of subsection (b), the following applies to guidelines under paragraph (1):

"(A)(i) In the case of a clinical trial, the guidelines shall provide that the costs of such inclusion in the trial is not a permissible consideration in determining whether such inclusion is inappropriate.

"(ii) In the case of other projects of clinical research, the guidelines shall provide that the costs of such inclusion in the project is not a permissible consideration in determining whether such inclusion is inappropriate unless the data regarding women or members of minority groups, respectively, that would be obtained in such project (in the event that such inclusion were required) have been or will be obtained through other means that provide data of comparable quality.

"(B) In the case of a clinical trial, the guidelines may provide that such inclusion in the trial is not required if there is substantial scientific data demonstrating that there is no significant difference between—

"(i) the effects that the variables to be studied in the trial have on women or members of minority groups, respectively; and

"(ii) the effects that the variables have on the individuals who would serve as subjects in the trial in the event that such inclusion were not required.

"(e) DATE CERTAIN FOR GUIDELINES; APPLICABILITY.—

"(1) DATE CERTAIN.—The guidelines required in subsection (d) shall be established and published in the Federal Register not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(2) APPLICABILITY.—For fiscal year 1995 and subsequent fiscal years, the Director of NIH may not approve any proposal of clinical research to be conducted or supported by any agency of the National Institutes of Health unless the proposal specifies the manner in which the research will comply with this section.

"(f) REPORTS BY ADVISORY COUNCILS.—The advisory council of each national research institute shall annually submit to the Director of NIH and the Director of the institute involved a report describing the manner in which the agency has complied with this section.

"(g) DEFINITIONS.—For purposes of this section:

"(1) The term 'project of clinical research' includes a clinical trial.

"(2) The term 'minority group' includes subpopulations of minority groups. The Director of NIH shall, through the guidelines established under subsection (d), define the terms 'minority group' and 'subpopulation' for purposes of the preceding sentence.".

SEC. 132. PEER REVIEW.

Section 492 of the Public Health Service Act (42 U.S.C. 289a) is amended by adding at the end the following new subsection:

"(c)(1) In technical and scientific peer review under this section of proposals for clinical research, the consideration of any such proposal (including the initial consideration) shall, except as provided in paragraph (2), include an evaluation of the technical and scientific merit of the proposal regarding compliance with section 492B.

"(2) Paragraph (1) shall not apply to any proposal for clinical research that, pursuant to subsection (b) of section 492B, is not subject to the requirement of subsection (a) of such section regarding the inclusion of women and members of minority groups as subjects in clinical research.".

SEC. 133. APPLICABILITY TO CURRENT PROJECTS.

Section 492B of the Public Health Service Act, as added by section 131 of this Act, shall not apply with respect to projects of clinical research for which initial funding was provided prior to the date of the enactment of this Act. With respect to the inclusion of women and mi-

norities as subjects in clinical research conducted or supported by the National Institutes of Health, any policies of the Secretary of Health and Human Services regarding such inclusion that are in effect on the day before the date of the enactment of this Act shall continue to apply to the projects referred to in the preceding sentence.

PART II—OFFICE OF RESEARCH ON WOMEN'S HEALTH

SEC. 141. ESTABLISHMENT.

(a) IN GENERAL.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this title, is amended—

(1) by redesignating section 486 as section 485A;

(2) by redesignating parts F through H as parts G through I, respectively; and

(3) by inserting after part E the following new part:

"PART F—RESEARCH ON WOMEN'S HEALTH

"SEC. 486. OFFICE OF RESEARCH ON WOMEN'S HEALTH.

"(a) ESTABLISHMENT.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Women's Health (in this part referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) PURPOSE.—The Director of the Office shall—

"(1) identify projects of research on women's health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on women's health that should be so conducted or supported;

"(3) carry out paragraphs (1) and (2) with respect to the aging process in women, with priority given to menopause;

"(4) promote coordination and collaboration among entities conducting research identified under any of paragraphs (1) through (3);

"(5) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(6) recommend an agenda for conducting and supporting such research;

"(7) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research;

"(8) assist in the administration of section 492B with respect to the inclusion of women as subjects in clinical research; and

"(9) prepare the report required in section 486B.

"(c) COORDINATING COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish a committee to be known as the Coordinating Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Coordinating Committee').

"(2) The Coordinating Committee shall be composed of the Directors of the national research institutes (or the designees of the Directors).

"(3) The Director of the Office shall serve as the chair of the Coordinating Committee.

"(4) With respect to research on women's health, the Coordinating Committee shall assist the Director of the Office in—

"(A) identifying the need for such research, and making an estimate each fiscal year of the funds needed to adequately support the research;

"(B) identifying needs regarding the coordination of research activities, including intramural and extramural multidisciplinary activities;

"(C) supporting the development of methodologies to determine the circumstances in which obtaining data specific to women (including data relating to the age of women and the membership of women in ethnic or racial groups) is an appropriate function of clinical trials of treatments and therapies;

"(D) supporting the development and expansion of clinical trials of treatments and therapies for which obtaining such data has been determined to be an appropriate function; and

"(E) encouraging the national research institutes to conduct and support such research, including such clinical trials.

"(d) ADVISORY COMMITTEE.—

"(1) In carrying out subsection (b), the Director of the Office shall establish an advisory committee to be known as the Advisory Committee on Research on Women's Health (hereafter in this subsection referred to as the 'Advisory Committee').

"(2) The Advisory Committee shall be composed of no fewer than 12, and not more than 18 individuals, who are not officers or employees of the Federal Government. The Director of the Office shall make appointments to the Advisory Committee from among physicians, practitioners, scientists, and other health professionals, whose clinical practice, research specialization, or professional expertise includes a significant focus on research on women's health. A majority of the members of the Advisory Committee shall be women.

"(3) The Director of the Office shall serve as the chair of the Advisory Committee.

"(4) The Advisory Committee shall—

"(A) advise the Director of the Office on appropriate research activities to be undertaken by the national research institutes with respect to—

"(i) research on women's health;

"(ii) research on gender differences in clinical drug trials, including responses to pharmacological drugs;

"(iii) research on gender differences in disease etiology, course, and treatment;

"(iv) research on obstetrical and gynecological health conditions, diseases, and treatments; and

"(v) research on women's health conditions which require a multidisciplinary approach;

"(B) report to the Director of the Office on such research;

"(C) provide recommendations to such Director regarding activities of the Office (including recommendations on the development of the methodologies described in subsection (c)(4)(C) and recommendations on priorities in carrying out research described in subparagraph (A)); and

"(D) assist in monitoring compliance with section 492B regarding the inclusion of women in clinical research.

"(5)(A) The Advisory Committee shall prepare a biennial report describing the activities of the Committee, including findings made by the Committee regarding—

"(i) compliance with section 492B;

"(ii) the extent of expenditures made for research on women's health by the agencies of the National Institutes of Health; and

"(iii) the level of funding needed for such research.

"(B) The report required in subparagraph (A) shall be submitted to the Director of NIH for inclusion in the report required in section 403.

"(e) REPRESENTATION OF WOMEN AMONG RESEARCHERS.—The Secretary, acting through the Assistant Secretary for Personnel and in collaboration with the Director of the Office, shall determine the extent to which women are represented among senior physicians and scientists of the national research institutes and among physicians and scientists conducting research with funds provided by such institutes, and as appropriate, carry out activities to increase the extent of such representation.

"(f) DEFINITIONS.—For purposes of this part:

"(1) The term 'women's health conditions', with respect to women of all age, ethnic, and racial groups, means all diseases, disorders, and conditions (including with respect to mental health)—

"(A) unique to, more serious, or more prevalent in women;

"(B) for which the factors of medical risk or types of medical intervention are different for women, or for which it is unknown whether such factors or types are different for women; or

"(C) with respect to which there has been insufficient clinical research involving women as subjects or insufficient clinical data on women.

"(2) The term 'research on women's health' means research on women's health conditions, including research on preventing such conditions.

"SEC. 486A. NATIONAL DATA SYSTEM AND CLEARINGHOUSE ON RESEARCH ON WOMEN'S HEALTH.

"(a) DATA SYSTEM.—

"(1) The Director of NIH, in consultation with the Director of the Office and the Director of the National Library of Medicine, shall establish a data system for the collection, storage, analysis, retrieval, and dissemination of information regarding research on women's health that is conducted or supported by the national research institutes. Information from the data system shall be available through information systems available to health care professionals and providers, researchers, and members of the public.

"(2) The data system established under paragraph (1) shall include a registry of clinical trials of experimental treatments that have been developed for research on women's health. Such registry shall include information on subject eligibility criteria, sex, age, ethnicity or race, and the location of the trial site or sites. Principal investigators of such clinical trials shall provide this information to the registry within 30 days after it is available. Once a trial has been completed, the principal investigator shall provide the registry with information pertaining to the results, including potential toxicities or adverse effects associated with the experimental treatment or treatments evaluated.

"(b) CLEARINGHOUSE.—The Director of NIH, in consultation with the Director of the Office and with the National Library of Medicine, shall establish, maintain, and operate a program to provide information on research and prevention activities of the national research institutes that relate to research on women's health.

"SEC. 486B. BIENNIAL REPORT.

"(a) IN GENERAL.—With respect to research on women's health, the Director of the Office shall, not later than February 1, 1994, and biennially thereafter, prepare a report—

"(1) describing and evaluating the progress made during the preceding 2 fiscal years in research and treatment conducted or supported by the National Institutes of Health;

"(2) describing and analyzing the professional status of women physicians and scientists of such Institutes, including the identification of problems and barriers regarding advancements;

"(3) summarizing and analyzing expenditures made by the agencies of such Institutes (and by such Office) during the preceding 2 fiscal years; and

"(4) making such recommendations for legislative and administrative initiatives as the Director of the Office determines to be appropriate.

"(b) INCLUSION IN BIENNIAL REPORT OF DIRECTOR OF NIH.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH for inclusion in the report submitted to the President and the Congress under section 403.".

(b) Requirement of Sufficient Allocation of Resources of Institutes.—Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (10), by striking "and" after the semicolon at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (11) the following new paragraph:

"(12) after consultation with the Director of the Office of Research on Women's Health, shall ensure that resources of the National Institutes of Health are sufficiently allocated for projects of research on women's health that are identified under section 486(b).".

PART III—OFFICE OF RESEARCH ON MINORITY HEALTH

SEC. 151. ESTABLISHMENT.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following section:

"OFFICE OF RESEARCH ON MINORITY HEALTH

"Sec. 404. (a) Establishment.—There is established within the Office of the Director of NIH an office to be known as the Office of Research on Minority Health (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b) Purpose.—The Director of the Office shall—

"(1) identify projects of research on minority health that should be conducted or supported by the national research institutes;

"(2) identify multidisciplinary research relating to research on minority health that should be so conducted or supported;

"(3) promote coordination and collaboration among entities conducting research identified under paragraph (1) or (2);

"(4) encourage the conduct of such research by entities receiving funds from the national research institutes;

"(5) recommend an agenda for conducting and supporting such research;

"(6) promote the sufficient allocation of the resources of the national research institutes for conducting and supporting such research; and

"(7) assist in the administration of section 492B with respect to the inclusion of members of minority groups as subjects in clinical research.".

Subtitle C—Research Integrity

SEC. 161. ESTABLISHMENT OF OFFICE OF RESEARCH INTEGRITY.

(a) In General.—Section 493 of the Public Health Service Act (42 U.S.C. 289b) is amended to read as follows:

"OFFICE OF RESEARCH INTEGRITY

"Sec. 493. (a) Establishment.—

"(1) In general.—Not later than 90 days after the date of enactment of this section, the Secretary shall establish an office to be known as the Office of Research Integrity (hereafter referred to in this section as the 'Office'), which shall be established as an independent entity in the Department of Health and Human Services.

"(2) Director.—The Office shall be headed by a Director, who shall be appointed by the Secretary, be experienced and specially trained in the conduct of research, and have experience in the conduct of investigations of research misconduct. The Secretary shall carry out this section acting through the Director of the Office. The Director shall report to the Secretary.

"(b) Existence of Administrative Processes as Condition of Funding for Research.—The Secretary shall by regulation require that each entity that applies for a grant, contract, or cooperative agreement under this Act for any project or program that involves the conduct of biomedical or behavioral research submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that such entity—

"(1) has established (in accordance with regulations which the Secretary shall prescribe) an administrative process to review reports of research misconduct in connection with biomedical and behavioral research conducted at or sponsored by such entity; and

"(2) will report to the Director any investigation of alleged research misconduct in connection with projects for which funds have been made available under this Act that appears substantial.

"(c) Process for Response of Director.—The Secretary shall establish by regulation a process to be followed by the Director for the prompt and appropriate—

"(1) response to information provided to the Director respecting research misconduct in connection with projects for which funds have been made available under this Act;

"(2) receipt of reports by the Director of such information from recipients of funds under this Act;

"(3) conduct of investigations, when appropriate; and

"(4) taking of other actions, including appropriate remedies, with respect to such misconduct.

"(d) Monitoring by Director.—The Secretary shall by regulation establish procedures for the Director to monitor administrative processes and investigations that have been established or carried out under this section.

"(e) Effect on Present Investigations.—Nothing in this section shall affect investigations which have been or will be commenced prior to the promulgation of final regulations under this section.".

(b) Establishment of Definition of Research Misconduct.—Not later than 90 days after the date on which the report required under section 162(d) is submitted to the Secretary of Health and Human Services, such Secretary shall by regulation establish a definition for the term "research misconduct" for purposes of section 493 of the Public Health Service Act, as amended by subsection (a) of this section.

SEC. 162. COMMISSION ON RESEARCH INTEGRITY.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish a commission to be known as the Commission on Research Integrity (in this section referred to as the "Commission").

(b) Duties.—The Commission shall develop recommendations for the Secretary of Health and Human Services on the administration of section 493 of the Public Health Service Act (as amended and added by section 161 of this Act).

(c) Composition.—The Commission shall be composed of 12 members to be appointed by the Secretary of Health and Human Services. Not more than 3 members of the Commission may be officers or employees of the United States. Of the members of the Commission—

(1) three shall be scientists with substantial accomplishments in biomedical or behavioral research;

(2) three shall be individuals with experience in investigating allegations of misconduct with respect to research research;

(3) three shall be representatives of institutions of higher education at which biomedical or behavioral research is conducted; and

(4) three shall be individuals who are not described in paragraphs (1), (2), or (3), at least one of whom shall be an attorney and at least one of whom shall be an ethicist.

(d) Compensation.—Members of the Commission may not receive compensation for service on the Commission. Members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Commission.

(e) Report.—Not later than 120 days after the date on which the Commission is established under subsection (a), the Commission shall prepare and submit to the Secretary of Health and Human Services, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report containing the recommendations developed under subsection (b).

SEC. 163. PROTECTION OF WHISTLEBLOWERS.

Section 493 of the Public Health Service Act, as amended by section 161 of this Act, is amended by adding at the end the following new subsection:

"(f) Protection of Whistleblowers.—

"(1) In general.—In the case of any entity required to establish administrative processes under subsection (b), the Secretary shall by regulation establish standards for preventing, and for responding to the occurrence of retaliation by such entity, its officials or agents, against an employee in the terms and conditions of employment in response to the employee having in good faith—

"(A) made an allegation that the entity, its officials or agents, has engaged in or failed to adequately respond to an allegation of research misconduct; or

"(B) cooperated with an investigation of such an allegation.

"(2) Monitoring by secretary.—The Secretary shall by regulation establish procedures for the Director to monitor the implementation of the standards established by an entity under paragraph (1) for the purpose of determining whether the procedures have been established, and are being utilized, in accordance with the standards established under such paragraph.

"(3) Noncompliance.—The Secretary shall by regulation establish remedies for noncompliance by an entity, its officials or agents, which has engaged in retaliation in violation of the standards established under paragraph (1). Such remedies may include termination of funding provided by the Secretary for such project or recovery of funding being provided by the Secretary for such project, or other actions as appropriate.

"(4) Final rule for regulations.—The Secretary shall issue a final rule for the regulations required in paragraph (1) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(5) Required agreements.—For any fiscal year beginning after the date on which the regulations required in paragraph (1) are issued, the Secretary may not provide a grant, cooperative agreement, or contract under this Act for biomedical or behavioral research unless the entity seeking such financial assistance agrees that the entity—

"(A) will maintain the procedures described in the regulations; and

"(B) will otherwise be subject to the regulations.".

SEC. 164. REQUIREMENT OF REGULATIONS REGARDING PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH.

Part H of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 493 the following new section:

"PROTECTION AGAINST FINANCIAL CONFLICTS OF INTEREST IN CERTAIN PROJECTS OF RESEARCH

"Sec. 493A. (a) Issuance of Regulations.—

"(1) In general.—The Secretary shall define by regulation, the specific circumstances that constitute the existence of a financial interest in a project on the part of an entity or individual that will, or may be reasonably expected to, create a bias in favor of obtaining results in such project that are consistent with such financial interest. Such definition shall apply uniformly to each entity or individual conducting a research project under this Act. In the case of any entity or individual receiving assistance from the Secretary for a project of research described in paragraph (2), the Secretary shall by regulation establish standards for responding to, including managing, reducing, or eliminating, the existence of such a financial interest. The entity may adopt individualized procedures for implementing the standards.

"(2) RELEVANT PROJECTS.—A project of research referred to in paragraph (1) is a project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment and for which such entity is receiving assistance from the Secretary.

"(3) IDENTIFYING AND REPORTING TO THE DIRECTOR.—The Secretary shall ensure that the standards established under paragraph (1) specify that as a condition of receiving assistance from the Secretary for the project involved, an entity described in such subsection is required—

"(A) to have in effect at the time the entity applies for the assistance and throughout the period during which the assistance is received, a process for identifying such financial interests as defined in paragraph (1) that exist regarding the project; and

"(B) to report to the Director such financial interest as defined in paragraph (1) identified by the entity and how any such financial interest identified by the entity will be managed or eliminated such that the project in question will be protected from bias that may stem from such financial interest.

"(4) MONITORING OF PROCESS.—The Secretary shall monitor the establishment and conduct of the process established by an entity pursuant to paragraph (1).

"(5) RESPONSE.—In any case in which the Secretary determines that an entity has failed to comply with paragraph (3) regarding a project of research described in paragraph (1), the Secretary—

"(A) shall require that, as a condition of receiving assistance, the entity disclose the existence of a financial interest as defined in paragraph (1) in each public presentation of the results of such project; and

"(B) may take such other actions as the Secretary determines to be appropriate.

"(6) DEFINITION.—As used in this section:

"(A) The term 'financial interest' includes the receipt of consulting fees or honoraria and the ownership of stock or equity.

"(B) The term 'assistance', with respect to conducting a project of research, means a grant, contract, or cooperative agreement.

"(b) FINAL RULE FOR REGULATIONS.—The Secretary shall issue a final rule for the regulations required in subsection (a) not later than 180 days after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.".

SEC. 165. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by this subtitle shall become effective on the date that occurs 180 days after the date on which the final rule required under section 493(f)(4) of the Public Health Service Act, as amended by sections 161 and 163, is published in the Federal Register.

(b) AGREEMENTS AS A CONDITION OF FUNDING.—The requirements of subsection (f)(5) of section 493 of the Public Health Service Act, as amended by sections 161 and 163, with respect to agreements as a condition of funding shall not be effective in the case of projects of research for which initial funding under the Public Health Service Act was provided prior to the effective date described in subsection (a).

TITLE II—NATIONAL INSTITUTES OF HEALTH IN GENERAL

SEC. 201. HEALTH PROMOTION RESEARCH DISSEMINATION.

Section 402(f) of the Public Health Service Act (42 U.S.C. 282(f)) is amended by striking "other public and private entities." and all that follows through the end and inserting "other public and private entities, including elementary, secondary, and post-secondary schools. The Associate Director shall—

"(1) annually review the efficacy of existing policies and techniques used by the national research institutes to disseminate the results of disease prevention and behavioral research programs;

"(2) recommend, coordinate, and oversee the modification or reconstruction of such policies and techniques to ensure maximum dissemination, using advanced technologies to the maximum extent practicable, of research results to such entities; and

"(3) annually prepare and submit to the Director of NIH a report concerning the prevention and dissemination activities undertaken by the Associate Director, including—

"(A) a summary of the Associate Director's review of existing dissemination policies and techniques together with a detailed statement concerning any modification or restructuring, or recommendations for modification or restructuring, of such policies and techniques; and

"(B) a detailed statement of the expenditures made for the prevention and dissemination activities reported on and the personnel used in connection with such activities.".

SEC. 202. PROGRAMS FOR INCREASED SUPPORT REGARDING CERTAIN STATES AND RESEARCHERS.

Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by adding at the end the following new subsection:

"(g)(1)(A) In the case of entities described in subparagraph (B), the Director of NIH, acting through the Director of the National Center for Research Resources, shall establish a program to enhance the competitiveness of such entities in obtaining funds from the national research institutes for conducting biomedical and behavioral research.

"(B) The entities referred to in subparagraph (A) are entities that conduct biomedical and behavioral research and are located in a State in which the aggregate success rate for applications to the national research institutes for assistance for such research by the entities in the State has historically constituted a low success rate of obtaining such funds, relative to such aggregate rate for such entities in other States.

"(C) With respect to enhancing competitiveness for purposes of subparagraph (A), the Director of NIH, in carrying out the program established under such subparagraph, may—

"(i) provide technical assistance to the entities involved, including technical assistance in the preparation of applications for obtaining funds from the national research institutes;

"(ii) assist the entities in developing a plan for biomedical or behavioral research proposals; and

"(iii) assist the entities in implementing such plan.

"(2) The Director of NIH shall establish a program of supporting projects of biomedical or behavioral research whose principal researchers are individuals who have not previously served as the principal researchers of such projects supported by the Director.".

SEC. 203. ESTABLISHMENT OF OFFICE OF BEHAVIORAL RESEARCH.

Part A of title IV of the Public Health Service Act, as amended by section 151 of this Act, is amended by adding at the end the following new section:

"OFFICE OF BEHAVIORAL RESEARCH

"SEC. 404A. (a) There is established within the Office of the Director of NIH an office to be known as the Office of Behavioral Research (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of NIH.

"(b)(1) With respect to research on the relationship between human behavior and the development, treatment, and prevention of medical conditions, the Director of the Office shall coordinate research conducted or supported by the agencies of the National Institutes of Health.

"(2) Research authorized under paragraph (1) includes research on teen pregnancy, infant mortality, violent behavior, suicide, and homelessness.

"(3) The sole responsibility of the Director of the Office shall be carrying out paragraph (1).".

SEC. 204. CHILDREN'S VACCINE INITIATIVE.

Part A of title IV of the Public Health Service Act, as amended by section 203 of this Act, is amended by adding at the end the following new section:

"CHILDREN'S VACCINE INITIATIVE

"SEC. 404B. (a) DEVELOPMENT OF NEW VACCINES.—The Secretary, in consultation with the Director of the National Vaccine Program under title XXI and acting through the Directors of the National Institute for Allergy and Infectious Diseases, the National Institute for Child Health and Human Development, the National Institute for Aging, and other public and private programs, shall carry out activities, which shall be consistent with the global Children's Vaccine Initiative, to develop affordable new and improved vaccines to be used in the United States and in the developing world that will increase the efficacy and efficiency of the prevention of infectious diseases. In carrying out such activities, the Secretary shall, to the extent practicable, develop and make available vaccines that require fewer contacts to deliver, that can be given early in life, that provide long lasting protection, that obviate refrigeration, needles and syringes, and that protect against a larger number of diseases.

"(b) REPORT.—In the report required in section 2104, the Secretary, acting through the Director of the National Vaccine Program under title XXI, shall include information with respect to activities and the progress made in implementing the provisions of this section and achieving its goals.

"(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated for activities of the type described in this section, there are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 205. PLAN FOR USE OF ANIMALS IN RESEARCH.

(a) IN GENERAL.—Part A of title IV of the Public Health Service Act, as amended by section 204 of this Act, is amended by adding at the end the following new section:

"PLAN FOR USE OF ANIMALS IN RESEARCH

"SEC. 404C. (a) The Director of NIH, after consultation with the committee established under subsection (e), shall prepare a plan—

"(1) for the National Institutes of Health to conduct or support research into—

"(A) methods of biomedical research and experimentation that do not require the use of animals;

"(B) methods of such research and experimentation that reduce the number of animals used in such research;

"(C) methods of such research and experimentation that produce less pain and distress in such animals; and

"(D) methods of such research and experimentation that involve the use of marine life (other than marine mammals);

"(2) for establishing the validity and reliability of the methods described in paragraph (1);

"(3) for encouraging the acceptance by the scientific community of such methods that have been found to be valid and reliable; and

"(4) for training scientists in the use of such methods that have been found to be valid and reliable.

"(b) Not later than October 1, 1993, the Director of NIH shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, the plan required in subsection (a) and shall begin implementation of the plan.

"(c) The Director of NIH shall periodically review, and as appropriate, make revisions in the plan required under subsection (a). A description of any revision made in the plan shall be included in the first biennial report under section 403 that is submitted after the revision is made.

"(d) The Director of NIH shall take such actions as may be appropriate to convey to scientists and others who use animals in biomedical or behavioral research or experimentation information respecting the methods found to be valid and reliable under subsection (a)(2).

"(e)(1) The Director of NIH shall establish within the National Institutes of Health a committee to be known as the Interagency Coordinating Committee on the Use of Animals in Research (hereafter in this subsection referred to as the 'Committee').

"(2) The Committee shall provide advice to the Director of NIH on the preparation of the plan required in subsection (a).

"(3) The Committee shall be composed of—

"(A) the Directors of each of the national research institutes and the Director of the Center for Research Resources (or the designees of such Directors); and

"(B) representatives of the Environmental Protection Agency, the Food and Drug Administration, the Consumer Product Safety Commission, the National Science Foundation, and such additional agencies as the Director of NIH determines to be appropriate.".

(b) CONFORMING AMENDMENT.—Section 4 of the Health Research Extension Act of 1985 (Public Law 99–158; 99 Stat. 880) is repealed.

SEC. 206. INCREASED PARTICIPATION OF WOMEN AND DISADVANTAGED INDIVIDUALS IN FIELDS OF BIOMEDICAL AND BEHAVIORAL RESEARCH.

Section 402 of the Public Health Service Act, as amended by section 202 of this Act, is amended by adding at the end the following new subsection:

"(h) The Secretary, acting through the Director of NIH and the Directors of the agencies of the National Institutes of Health, may conduct and support programs for research, research training, recruitment, and other activities to provide for an increase in the number of women and individuals from disadvantaged backgrounds in the fields of biomedical and behavioral research.".

SEC. 207. REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR.

Part A of title IV of the Public Health Service Act, as amended by section 205 of this Act, is amended by adding at the end the following new section:

"REQUIREMENTS REGARDING SURVEYS OF SEXUAL BEHAVIOR

"SEC. 404D. With respect to any survey of human sexual behavior proposed to be conducted or supported through the National Institutes of Health, the survey may not be carried out unless—

"(1) the proposal has undergone review in accordance with any applicable requirements of sections 491 and 492; and

"(2) the Secretary, in accordance with section 492A, makes a determination that the information expected to be obtained through the survey will assist—

"(A) in reducing the incidence of sexually transmitted diseases, the incidence of infection with the human immunodeficiency virus, or the incidence of any other infectious disease; or

"(B) in improving reproductive health or other conditions of health.".

SEC. 208. DISCRETIONARY FUND OF DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.

Section 402 of the Public Health Service Act, as amended by section 206 of this Act, is amended by adding at the end the following new subsection:

"(i)(1) There is established a fund, consisting of amounts appropriated under paragraph (3) and made available for the fund, for use by the Director of NIH to carry out the activities authorized in this Act for the National Institutes of Health. The purposes for which such fund may be expended include—

"(A) providing for research on matters that have not received significant funding relative to other matters, responding to new issues and scientific emergencies, and acting on research opportunities of high priority;

"(B) supporting research that is not exclusively within the authority of any single agency of such Institutes; and

"(C) purchasing or renting equipment and quarters for activities of such Institutes.

"(2) Not later than February 10 of each fiscal year, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities undertaken and expenditures made under this section during the preceding fiscal year. The report may contain such comments of the Secretary regarding this section as the Secretary determines to be appropriate.

"(3) For the purpose of carrying out this subsection, there are authorized to be appropriated $25,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 209. ESTABLISHMENT OF OFFICE OF ALTERNATIVE MEDICINE.

Part A of title IV of the Public Health Service Act, as amended by section 207 of this Act, is amended by adding at the end the following section:

"OFFICE OF ALTERNATIVE MEDICINE

"SEC. 404E. (a) There is established within the Office of the Director of NIH an office to be known as the Office of Alternative Medicine (in this section referred to as the 'Office'), which shall be headed by a director appointed by the Director of NIH.

"(b) The purpose of the Office is to facilitate the evaluation of various alternative medicine treatment modalities, including acupuncture and Oriental medicine, homeopathic medicine, and physical manipulation therapies.

"(c) In carrying out subsection (b), the Director of the Office shall—

"(1) establish an information clearinghouse to exchange information with the public about alternative medicine;

"(2) support research training—

"(A) for which fellowship support is not provided under section 487; and

"(B) that is not residency training of physicians or other health professionals; and

"(3) submit an annual report on past and future activities of the Office, each of which reports shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

SEC. 210. MISCELLANEOUS PROVISIONS.

(a) TERM OF OFFICE FOR MEMBERS OF ADVISORY COUNCILS.—Section 406(c) of the Public Health Service Act (42 U.S.C. 284a(c)) is amended in the second sentence by striking "until a successor has taken office" and inserting the following: "for 180 days after the date of such expiration".

(b) LITERACY REQUIREMENTS.—Section 402(e) of the Public Health Service Act (42 U.S.C. 282(e)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period and inserting "; and"; and±

(3) by adding at the end thereof the following new paragraph:

"(5) ensure that, after January 1, 1994, at least one-half of all new or revised health education and promotion materials developed or funded by the National Institutes of Health is in a form that does not exceed a level of functional literacy, as defined in the National Literacy Act of 1991 (Public Law 102–73).".

(c) DAY CARE REGARDING CHILDREN OF EMPLOYEES.—Section 402 of the Public Health Service Act, as amended by section 208 of this Act, is amended by adding at the end the following new subsection:

"(j)(1) The Director of NIH may establish a program to provide day care services for the employees of the National Institutes of Health similar to those services provided by other Federal agencies (including the availability of day care service on a 24-hour-a-day basis).

"(2) Any day care provider at the National Institutes of Health shall establish a sliding scale of fees that takes into consideration the income and needs of the employee.

"(3) For purposes regarding the provision of day care services, the Director of NIH may enter into rental or lease purchase agreements.".

TITLE III—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

SEC. 301. APPOINTMENT AND AUTHORITY OF DIRECTORS OF NATIONAL RESEARCH INSTITUTES.

(a) ESTABLISHMENT OF GENERAL AUTHORITY REGARDING DIRECT FUNDING.—

(1) IN GENERAL.—Section 405(b)(2) of the Public Health Service Act (42 U.S.C. 284(b)(2)) is amended—

(A) in subparagraph (A), by striking "and" after the semicolon at the end;

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) shall receive from the President and the Office of Management and Budget directly all funds appropriated by the Congress for obligation and expenditure by the Institute.".

(2) CONFORMING AMENDMENT.—Section 413(b)(9) of the Public Health Service Act (42 U.S.C. 285a–2(b)(9)) is amended—

(A) by striking "(A)" after "(9)"; and

(B) by striking "advisory council;" and all that follows and inserting "advisory council.".

(b) APPOINTMENT AND DURATION OF TECHNICAL AND SCIENTIFIC PEER REVIEW GROUPS.—Section 405(c) of the Public Health Service Act (42 U.S.C. 284(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) may, in consultation with the advisory council for the Institute and with the approval of the Director of NIH—

"(A) establish technical and scientific peer review groups in addition to those appointed under section 402(b)(6); and

"(B) appoint the members of peer review groups established under subparagraph (A); and"; and

(2) by adding after and below paragraph (4) the following:

"The Federal Advisory Committee Act shall not apply to the duration of a peer review group appointed under paragraph (3).".

SEC. 302. PROGRAM OF RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 121(b) of Public Law 102–321 (106 Stat. 358), is amended by adding at the end the following new section:

"RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS

"SEC. 409A. (a) ESTABLISHMENT.—The Directors of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute on Aging, and the National Institute of Diabetes, Digestive and Kidney Diseases, shall expand and intensify the programs of such Institutes with respect to research and related activities concerning osteoporosis, Paget's disease, and related bone disorders.

"(b) COORDINATION.—The Directors referred to in subsection (a) shall jointly coordinate the programs referred to in such subsection and consult with the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and the Interagency Task Force on Aging Research.

"(c) INFORMATION CLEARINGHOUSE.—

"(1) IN GENERAL.—In order to assist in carrying out the purpose described in subsection (a), the Director of NIH shall provide for the establishment of an information clearinghouse on osteoporosis and related bone disorders to facilitate and enhance knowledge and understanding on the part of health professionals, patients, and the public through the effective dissemination of information.

"(2) ESTABLISHMENT THROUGH GRANT OR CONTRACT.—For the purpose of carrying out paragraph (1), the Director of NIH shall enter into a grant, cooperative agreement, or contract with a nonprofit private entity involved in activities regarding the prevention and control of osteoporosis and related bone disorders.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 303. ESTABLISHMENT OF INTERAGENCY PROGRAM FOR TRAUMA RESEARCH.

(a) IN GENERAL.—Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as amended by title VI of Public Law 102–321 (106 Stat. 433) and section 304 of Public Law 102–408 (106 Stat. 2084), is amended by adding at the end the following part:

"PART F—INTERAGENCY PROGRAM FOR TRAUMA RESEARCH

"SEC. 1261. ESTABLISHMENT OF PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Director of the National Institutes of Health (hereafter in this section referred to as the 'Director'), shall establish a comprehensive program of conducting basic and clinical research on trauma (hereafter in this section referred to as the 'Program'). The Program shall include research regarding the diagnosis, treatment, rehabilitation, and general management of trauma.

"(b) PLAN FOR PROGRAM.—

"(1) IN GENERAL.—The Director, in consultation with the Trauma Research Interagency Coordinating Committee established under subsection (g), shall establish and implement a plan for carrying out the activities of the Program, including the activities described in subsection (d). All such activities shall be carried out in accordance with the plan. The plan shall be periodically reviewed, and revised as appropriate.

"(2) SUBMISSION TO CONGRESS.—Not later than June 1, 1993, the Director shall submit the plan required in paragraph (1) to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, together with an estimate of the funds needed for each of the fiscal years 1994 through 1996 to implement the plan.

"(c) PARTICIPATING AGENCIES; COORDINATION AND COLLABORATION.—The Director—

"(1) shall provide for the conduct of activities under the Program by the Directors of the agencies of the National Institutes of Health involved in research with respect to trauma;

"(2) shall ensure that the activities of the Program are coordinated among such agencies; and

"(3) shall, as appropriate, provide for collaboration among such agencies in carrying out such activities.

"(d) CERTAIN ACTIVITIES OF PROGRAM.—The Program shall include—

"(1) studies with respect to all phases of trauma care, including prehospital, resuscitation, surgical intervention, critical care, infection control, wound healing, nutritional care and support, and medical rehabilitation care;

"(2) basic and clinical research regarding the response of the body to trauma and the acute treatment and medical rehabilitation of individuals who are the victims of trauma; and

"(3) basic and clinical research regarding trauma care for pediatric and geriatric patients.

"(e) MECHANISMS OF SUPPORT.—In carrying out the Program, the Director, acting through the Directors of the agencies referred to in subsection (c)(1), may make grants to public and nonprofit entities, including designated trauma centers.

"(f) RESOURCES.—The Director shall assure the availability of appropriate resources to carry out the Program, including the plan established under subsection (b) (including the activities described in subsection (d)).

"(g) COORDINATING COMMITTEE.—

"(1) IN GENERAL.—There shall be established a Trauma Research Interagency Coordinating Committee (hereafter in this section referred to as the 'Coordinating Committee').

"(2) DUTIES.—The Coordinating Committee shall make recommendations regarding—

"(A) the activities of the Program to be carried out by each of the agencies represented on the Committee and the amount of funds needed by each of the agencies for such activities; and

"(B) effective collaboration among the agencies in carrying out the activities.

"(3) COMPOSITION.—The Coordinating Committee shall be composed of the Directors of each of the agencies that, under subsection (c), have responsibilities under the Program, and any other individuals who are practitioners in the trauma field as designated by the Director of the National Institutes of Health.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'designated trauma center' has the meaning given such term in section 1231(1).

"(2) The term 'Director' means the Director of the National Institutes of Health.

"(3) The term 'trauma' means any serious injury that could result in loss of life or in significant disability and that would meet pre-hospital triage criteria for transport to a designated trauma center.".

(b) CONFORMING AMENDMENT.—Section 402 of the Public Health Service Act, as amended by section 210(c) of this Act, is amended by adding at the end the following new subsection:

"(k) The Director of NIH shall carry out the program established in part E of title XII (relating to interagency research on trauma).".

TITLE IV—NATIONAL CANCER INSTITUTE

SEC. 401. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING BREAST CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following new section:

"BREAST AND GYNECOLOGICAL CANCERS

"SEC. 417. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on breast cancer, ovarian cancer, and other cancers of the reproductive system of women.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to breast cancer and other cancers of the reproductive system of women.

"(c) PROGRAMS FOR BREAST CANCER.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, breast cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of breast cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of breast cancer;

"(C) control programs with respect to breast cancer in accordance with section 412, including community-based programs designed to assist women who are members of medically underserved populations, low-income populations, or minority groups;

"(D) information and education programs with respect to breast cancer in accordance with section 413; and

"(E) research and demonstration centers with respect to breast cancer in accordance with section 414, including the development and operation of centers for breast cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and treatment research and related activities on breast cancer.

Not less than six centers shall be operated under subparagraph (E). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than May 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(d) OTHER CANCERS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research on ovarian cancer and other cancers of the reproductive system of women. Activities under such subsection shall provide for the conduct and support of—

"(1) basic research concerning the etiology and causes of ovarian cancer and other cancers of the reproductive system of women;

"(2) clinical research and related activities into the causes, prevention, detection and treatment of ovarian cancer and other cancers of the reproductive system of women;

"(3) control programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 412;

"(4) information and education programs with respect to ovarian cancer and other cancers of the reproductive system of women in accordance with section 413; and

"(5) research and demonstration centers with respect to ovarian cancer and cancers of the reproductive system in accordance with section 414.

"(e) REPORT.—The Director of the Institute shall prepare, for inclusion in the biennial report submitted under section 407, a report that describes the activities of the National Cancer Institute under the research programs referred to in subsection (a), that shall include—

"(1) a description of the research plan with respect to breast cancer prepared under subsection (c);

"(2) an assessment of the development, revision, and implementation of such plan;

"(3) a description and evaluation of the progress made, during the period for which such report is prepared, in the research programs on breast cancer and cancers of the reproductive system of women;

"(4) a summary and analysis of expenditures made, during the period for which such report is made, for activities with respect to breast cancer and cancers of the reproductive system of women conducted and supported by the National Institutes of Health; and

"(5) such comments and recommendations as the Director considers appropriate.".

SEC. 402. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING PROSTATE CANCER.

Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 401 of this Act, is amended by adding at the end the following new section:

"PROSTATE CANCER

"SEC. 417A. (a) EXPANSION AND COORDINATION OF ACTIVITIES.—The Director of the Institute, in consultation with the National Cancer Advisory Board, shall expand, intensify, and coordinate the activities of the Institute with respect to research on prostate cancer.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to prostate cancer.

"(c) PROGRAMS.—

"(1) IN GENERAL.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the cause of, and to find a cure for, prostate cancer. Activities under such subsection shall provide for an expansion and intensification of the conduct and support of—

"(A) basic research concerning the etiology and causes of prostate cancer;

"(B) clinical research and related activities concerning the causes, prevention, detection and treatment of prostate cancer;

"(C) prevention and control and early detection programs with respect to prostate cancer in accordance with section 412, particularly as it relates to intensifying research on the role of prostate specific antigen for the screening and early detection of prostate cancer;

"(D) an Inter-Institute Task Force, under the direction of the Director of the Institute, to provide coordination between relevant National Institutes of Health components of research efforts on prostate cancer;

"(E) control programs with respect to prostate cancer in accordance with section 412;

"(F) information and education programs with respect to prostate cancer in accordance with section 413; and

"(G) research and demonstration centers with respect to prostate cancer in accordance with section 414, including the development and operation of centers for prostate cancer research to bring together basic and clinical, biomedical and behavioral scientists to conduct basic, clinical, epidemiological, psychosocial, prevention and control, treatment, research, and related activities on prostate cancer.

Not less than six centers shall be operated under subparagraph (G). Activities of such centers should include supporting new and innovative research and training programs for new researchers. Such centers shall give priority to expediting the transfer of research advances to clinical applications.

"(2) IMPLEMENTATION OF PLAN FOR PROGRAMS.—

"(A) The Director of the Institute shall ensure that the research programs described in paragraph (1) are implemented in accordance with a plan for the programs. Such plan shall include comments and recommendations that the Director of the Institute considers appropriate, with due consideration provided to the professional judgment needs of the Institute as expressed in the annual budget estimate prepared in accordance with section 413(9). The Director of the Institute, in consultation with the National Cancer Advisory Board, shall periodically review and revise such plan.

"(B) Not later than May 1, 1993, the Director of the Institute shall submit a copy of the plan to the President's Cancer Panel, the Secretary and the Director of NIH.

"(C) The Director of the Institute shall submit any revisions of the plan to the President's Cancer Panel, the Secretary, and the Director of NIH.

"(D) The Secretary shall provide a copy of the plan submitted under subparagraph (A), and any revisions submitted under subparagraph (C), to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.".

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subpart 1 of part C of title IV of the Public Health Service Act, as amended by section 402 of this Act, is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 417B. (a) ACTIVITIES GENERALLY.—For the purpose of carrying out this subpart, there are authorized to be appropriated $3,200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) BREAST CANCER AND GYNECOLOGICAL CANCERS.—

"(1) BREAST CANCER.—

"(A) For the purpose of carrying out subparagraph (A) of section 417(c)(1), there are authorized to be appropriated $225,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(B) For the purpose of carrying out subparagraphs (B) through (E) of section 417(c)(1), there are authorized to be appropriated $100,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(2) OTHER CANCERS.—For the purpose of carrying out subsection (d) of section 417, there are authorized to be appropriated $75,000,000 for fiscal year 1994, and such sums as are necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(c) PROSTATE CANCER.—For the purpose of carrying out section 417A, there are authorized to be appropriated $72,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996. Such authorizations of appropriations are in addition to the authorizations of appropriations established in subsection (a) with respect to such purpose.

"(d) ALLOCATION REGARDING CANCER CONTROL.—

"(1) IN GENERAL.—Of the amounts appropriated for the National Cancer Institute for a fiscal year, the Director of the Institute shall make available not less than the applicable percentage specified in paragraph (2) for carrying out the cancer control activities authorized in section 412 and for which budget estimates are made under section 413(b)(9) for the fiscal year.

"(2) APPLICABLE PERCENTAGE.—The percentage referred to in paragraph (1) is—

"(A) 7 percent, in the case of fiscal year 1994;

"(B) 9 percent, in the case of fiscal year 1995; and

"(C) 10 percent, in the case of fiscal year 1996 and each subsequent fiscal year.".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 408 of the Public Health Service Act (42 U.S.C. 284c) is amended—

(A) by striking subsection (a);

(B) by redesignating subsection (b) as subsection (a);

(C) by redesignating paragraph (5) of subsection (a) (as so redesignated) as subsection (b); and

(D) by amending the heading for the section to read as follows:

"CERTAIN USES OF FUNDS".

(2) CROSS-REFERENCE.—Section 464F of the Public Health Service Act (42 U.S.C. 285m–6) is amended by striking "section 408(b)(1)" and inserting "section 408(a)(1)".

SEC. 404. STUDY OF ENVIRONMENTAL AND OTHER RISKS CONTRIBUTING TO INCIDENCE OF BREAST CANCER.

(a) REQUIREMENT OF STUDY.—

(1) IN GENERAL.—The Director of the National Cancer Institute (in this section referred to as the "Director"), in collaboration with the Director of the National Institute of Environmental Health Sciences, shall conduct a case-controlled study to assess biological markers of environmental and other risk factors contributing to the incidence of breast cancer in—

(A) the Counties of Nassau and Suffolk, in the State of New York; and

(B) the 2 counties in the northeastern United States that, as identified in the report specified in paragraph (2), had the highest age-adjusted mortality rate of such cancer that reflected not less than 30 deaths during the 5-year period for which findings are made in the report.

(2) RELEVANT REPORT.—The report referred to in paragraph (1)(B) is the report of the findings made in the study entitled "Survival, Epidemiology, and End Results", relating to cases of cancer during the years 1983 through 1987.

(b) CERTAIN ELEMENTS OF STUDY.—Activities of the Director in carrying out the study under subsection (a) shall include the use of a geographic system to evaluate the current and past exposure of individuals, incuding direct monitoring and cumulative estimates of exposure, to—

(1) contaminated drinking water;

(2) sources of indoor and ambient air pollution, including emissions from aircraft;

(3) electromagnetic fields;

(4) pesticides and other toxic chemicals;

(5) hazardous and municipal waste; and

(6) such other factors as the Director determines to be appropriate.

(c) REPORT.—Not later than 30 months after the date of the enactment of this Act, the Director shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

(d) FUNDING.—Of the amounts appropriated for fiscal years 1994 and 1995 for the National Institute of Environmental Health Sciences and the National Cancer Institute, the Director of the National Institutes of Health shall make available amounts for carrying out the study required in subsection (a).

TITLE V—NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

SEC. 501. EDUCATION AND TRAINING.

Section 421(b) of the Public Health Service Act (42 U.S.C. 285b–3(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) shall, in consultation with the advisory council for the Institute, conduct appropriate intramural training and education programs, including continuing education and laboratory and clinical research training programs.".

SEC. 502. CENTERS FOR THE STUDY OF PEDIATRIC CARDIOVASCULAR DISEASES.

Section 422(a)(1) of the Public Health Service Act (42 U.S.C. 285b–4(a)(1)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end thereof the following new subparagraph:

"(D) three centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment (including genetic studies, intrauterine environment studies, postnatal studies, heart arrhythmias, and acquired heart disease and preventive cardiology) for cardiovascular diseases in children.".

SEC. 503. NATIONAL CENTER ON SLEEP DISORDERS.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by adding at the end the following new section:

"NATIONAL CENTER ON SLEEP DISORDERS

"SEC. 424. (a) Not later than 1 year after the date of the enactment of the National Institutes of Health Revitalization Act of 1993, the Director of the Institute shall establish the National Center on Sleep Disorders (in this section referred to as the 'Center'). The Center shall be headed by a director, who shall be appointed by the Director of the Institute.

"(b) The general purpose of the Center is the conduct and support of research, training, health information dissemination, and other activities with respect to sleep disorders.

"(c) The Director of the Center may coordinate the activities of the Center with similar activities of other agencies of the Federal Government, including the other agencies of the National Institutes of Health, and with similar activities of other public entities and of private entities.".

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

Subpart 2 of part C of title IV of the Public Health Service Act, as amended by section 503 of this Act, is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 425. For the purpose of carrying out this subpart, there are authorized to be appropriated $1,500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

TITLE VI—NATIONAL INSTITUTE ON DIABETES AND DIGESTIVE AND KIDNEY DISEASES

SEC. 601. PROVISIONS REGARDING NUTRITIONAL DISORDERS.

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by adding at the end the following new section:

"NUTRITIONAL DISORDERS PROGRAM

"SEC. 434. (a) The Director of the Institute, in consultation with the Director of NIH, shall establish a program of conducting and supporting research, training, health information dissemination, and other activities with respect to nutritional disorders, including obesity.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall conduct and support each of the activities described in such subsection.

"(c) In carrying out the program established under subsection (a), the Director of the Institute shall carry out activities to facilitate and enhance knowledge and understanding of nutritional disorders, including obesity, on the part of health professionals, patients, and the public through the effective dissemination of information.".

(b) DEVELOPMENT AND EXPANSION OF RESEARCH AND TRAINING CENTERS.—Section 431 of the Public Health Service Act (42 U.S.C. 285c–5) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) The Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the development or substantial expansion of centers for research and training regarding nutritional disorders, including obesity.

"(2) The Director of the Institute shall carry out paragraph (1) in collaboration with the Director of the National Cancer Institute and with the Directors of such other agencies of the National Institutes of Health as the Director of NIH determines to be appropriate.

"(3) Each center developed or expanded under paragraph (1) shall—

"(A) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Director;

"(B) conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control and treatment of nutritional disorders, including obesity and the impact of nutrition and diet on child development;

"(C) conduct training programs for physicians and allied health professionals in current methods of diagnosis and treatment of such diseases and complications, and in research in such disorders; and

"(D) conduct information programs for physicians and allied health professionals who provide primary care for patients with such disorders or complications.".

TITLE VII—NATIONAL INSTITUTE ON ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

SEC. 701. JUVENILE ARTHRITIS.

(a) PURPOSE.—Section 435 of the Public Health Service Act (42 U.S.C. 285d) is amended by striking "and other programs" and all that follows and inserting the following: "and other programs with respect to arthritis and musculoskeletal and skin diseases (including sports-related disorders), with particular attention to the effect of these diseases on children.".

(b) PROGRAMS.—Section 436 (42 U.S.C. 285d–1) is amended—

(1) in subsection (a), by inserting after the second sentence, the following: "The plan shall place particular emphasis upon expanding research into better understanding the causes and the development of effective treatments for arthritis affecting children."; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(5) research into the causes of arthritis affecting children and the development, trial, and evaluation of techniques, drugs and devices used in the diagnosis, treatment (including medical rehabilitation), and prevention of arthritis in children.".

(c) CENTERS.—Section 441 of the Public Health Service Act (42 U.S.C. 286d–6) is amended by adding at the end thereof the following new subsection:

"(f) Not later than October 1, 1994, the Director shall establish a multipurpose arthritis and musculoskeletal disease center for the purpose of expanding the level of research into the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

(d) ADVISORY BOARD.—

(1) TITLE.—Section 442(a) of the Public Health Service Act (42 U.S.C. 285d–7(a)) is amended by inserting after "Arthritis" the following: "and Musculoskeletal and Skin Diseases".

(2) COMPOSITION.—Section 442(b) of the Public Health Service Act (42 U.S.C. 285d–7(b)) is amended—

(A) in the matter preceding paragraph (1), by striking "eighteen" and inserting "twenty"; and

(B) in paragraph (1)(B)—

(i) by striking "six" and inserting "eight"; and

(ii) by striking "including" and all that follows and inserting the following: "including one member who is a person who has such a disease, one person who is the parent of an adult with such a disease, and two members who are parents of children with arthritis.".

(3) ANNUAL REPORT.—Section 442(j) of the Public Health Service Act (42 U.S.C. 285d–7(j)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(5) contains recommendations for expanding the Institute's funding of research directly applicable to the cause, diagnosis, early detection, prevention, control, and treatment of, and rehabilitation of children with arthritis and musculoskeletal diseases.".

TITLE VIII—NATIONAL INSTITUTE ON AGING

SEC. 801. ALZHEIMER'S DISEASE REGISTRY.

(a) In General.—Section 12 of Public Law 99–158 (99 Stat. 885) is—

(1) transferred to subpart 5 of part C of title IV of the Public Health Service Act (42 U.S.C. 285e et seq.);

(2) redesignated as section 445G; and

(3) inserted after section 445F of such Act.

(b) Technical and Conforming Amendments.—Section 445G of the Public Health Service Act, as transferred and inserted by subsection (a) of this section, is amended—

(1) by striking the section heading and all that follows through "may make a grant" in subsection (a) and inserting the following:

"ALZHEIMER'S DISEASE REGISTRY

"Sec. 445G. (a) In General.—The Director of the Institute may make a grant"; and

(2) by striking subsection (c).

SEC. 802. AGING PROCESSES REGARDING WOMEN.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 801 of this Act, is amended by adding at the end the following new section:

"AGING PROCESSES REGARDING WOMEN

"Sec. 445H. The Director of the Institute, in addition to other special functions specified in section 444 and in cooperation with the Directors of the other national research institutes and agencies of the National Institutes of Health, shall conduct research into the aging processes of women, with particular emphasis given to the effects of menopause and the physiological and behavioral changes occurring during the transition from pre- to post-menopause, and into the diagnosis, disorders, and complications related to aging and loss of ovarian hormones in women.".

SEC. 803. AUTHORIZATION OF APPROPRIATIONS.

Subpart 5 of part C of title IV of the Public Health Service Act, as amended by section 802 of this Act, is amended by adding at the end the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 445I. For the purpose of carrying out this subpart, there are authorized to be appropriated $500,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 804. CONFORMING AMENDMENT.

Section 445C of the Public Health Service Act (42 U.S.C. 285e–5), as amended by section 9 of Public Law 102–507 (106 Stat. 3287), is amended—

(1) in subsection (b)(1), in the first sentence, by inserting after "Council" the following: "on Alzheimer's Disease (hereafter in this section referred to as the 'Council')"; and

(2) by adding at the end the following new subsection:

"(e) For purposes of this section, the term 'Council on Alzheimer's Disease' means the council established in section 911(a) of Public Law 99–660.".

TITLE IX—NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

SEC. 901. TROPICAL DISEASES.

Section 446 of the Public Health Service Act (42 U.S.C. 285f) is amended by inserting before the period the following: ", including tropical diseases".

SEC. 902. CHRONIC FATIGUE SYNDROME.

(a) Research Centers.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f) is amended by adding at the end the following new section:

"RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME

"Sec. 447. (a) The Director of the Institute, after consultation with the advisory council for the Institute, may make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct basic and clinical research on chronic fatigue syndrome.

"(b) Each center assisted under this section shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.".

(b) Extramural Study Section.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall establish an extramural study section for chronic fatigue syndrome research.

(c) Representatives.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall ensure that appropriate individuals with expertise in chronic fatigue syndrome or neuromuscular diseases and representative of a variety of disciplines and fields within the research community are appointed to appropriate National Institutes of Health advisory committees and boards.

TITLE X—NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Subtitle A—Research Centers With Respect to Contraception and Research Centers With Respect to Infertility

SEC. 1001. GRANTS AND CONTRACTS FOR RESEARCH CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 3 of Public Law 101–613, is amended by adding at the end the following new section:

"RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"Sec. 452A. (a) The Director of the Institute, after consultation with the advisory council for the Institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct activities for the purpose of improving methods of contraception and centers to conduct activities for the purpose of improving methods of diagnosis and treatment of infertility.

"(b) In carrying out subsection (a), the Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the establishment of three centers with respect to contraception and for two centers with respect to infertility.

"(c)(1) Each center assisted under this section shall, in carrying out the purpose of the center involved—

"(A) conduct clinical and other applied research, including—

"(i) for centers with respect to contraception, clinical trials of new or improved drugs and devices for use by males and females (including barrier methods); and

"(ii) for centers with respect to infertility, clinical trials of new or improved drugs and devices for the diagnosis and treatment of infertility in males and females;

"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals;

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals and the public.

"(2) A center may use funds provided under subsection (a) to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (C) of paragraph (1), and to provide fees to individuals serving as subjects in clinical trials conducted under such paragraph.

"(d) The Director of the Institute shall, as appropriate, provide for the coordination of information among the centers assisted under this section.

"(e) Each center assisted under subsection (a) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(f) Support of a center under subsection (a) may be for a period not exceeding 5 years. Such period may be extended for one or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(g) For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 1002. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act, is amended by inserting after section 487A the following section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY

"Sec. 487B. (a) The Secretary, in consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program of entering into agreements with qualified health professionals (including graduate students) under which such health professionals agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(b) The provisions of sections 338B, 338C, and 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

"(c) Amounts appropriated for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

Subtitle B—Program Regarding Obstetrics and Gynecology

SEC. 1011. ESTABLISHMENT OF PROGRAM.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1001 of this Act, is amended by adding at the end the following new section:

"PROGRAM REGARDING OBSTETRICS AND GYNECOLOGY

"Sec. 452B. The Director of the Institute shall establish and maintain within the Institute an intramural laboratory and clinical research program in obstetrics and gynecology.".

Subtitle C—Child Health Research Centers

SEC. 1021. ESTABLISHMENT OF CENTERS.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1011 of this Act, is amended by adding at the end the following new section:

"CHILD HEALTH RESEARCH CENTERS

"SEC. 452C. The Director of the Institute shall develop and support centers for conducting research with respect to child health. Such centers shall give priority to the expeditious transfer of advances from basic science to clinical applications and improving the care of infants and children.".

Subtitle D—Study Regarding Adolescent Health

SEC. 1031. PROSPECTIVE LONGITUDINAL STUDY.

Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 1021 of this Act, is amended by adding at the end the following new section:

"PROSPECTIVE LONGITUDINAL STUDY ON ADOLESCENT HEALTH

"SEC. 452D. (a) IN GENERAL.—Not later than October 1, 1993, the Director of the Institute shall commence a study for the purpose of providing information on the general health and well-being of adolescents in the United States, including, with respect to such adolescents, information on—

"(1) the behaviors that promote health and the behaviors that are detrimental to health; and

"(2) the influence on health of factors particular to the communities in which the adolescents reside.

"(b) DESIGN OF STUDY.—

"(1) IN GENERAL.—The study required in subsection (a) shall be a longitudinal study in which a substantial number of adolescents participate as subjects. With respect to the purpose described in such subsection, the study shall monitor the subjects throughout the period of the study to determine the health status of the subjects and any change in such status over time.

"(2) POPULATION-SPECIFIC ANALYSES.—The study required in subsection (a) shall be conducted with respect to the population of adolescents who are female, the population of adolescents who are male, various socioeconomic populations of adolescents, and various racial and ethnic populations of adolescents. The study shall be designed and conducted in a manner sufficient to provide for a valid analysis of whether there are significant differences among such populations in health status and whether and to what extent any such differences are due to factors particular to the populations involved.

"(c) COORDINATION WITH WOMEN'S HEALTH INITIATIVE.—With respect to the national study of women being conducted by the Secretary and known as the Women's Health Initiative, the Secretary shall ensure that such study is coordinated with the component of the study required in subsection (a) that concerns adolescent females, including coordination in the design of the 2 studies.".

TITLE XI—NATIONAL EYE INSTITUTE

SEC. 1101. CLINICAL RESEARCH ON DIABETES EYE CARE.

(a) IN GENERAL.—Subpart 9 of part C of title IV of the Public Health Service Act (42 U.S.C. 285i) is amended by adding at the end the following new section:

"CLINICAL RESEARCH ON EYE CARE AND DIABETES

"SEC. 456. (a) PROGRAM OF GRANTS.—The Director of the Institute, in consultation with the advisory council for the Institute, may award not more than three grants for the establisnment and support of centers for clinical research on eye care for individuals with diabetes.

"(b) AUTHORIZED EXPENDITURES.—The purposes for which a grant under subsection (a) may be expended include equipment for the research described in such subsection and the construction and modernization of facilities for such research.".

(b) CONFORMING AMENDMENT.—Section 455 of the Public Health Service Act (42 U.S.C. 285i) is amended in the second sentence by striking "The Director" and inserting "Subject to section 456, the Director".

TITLE XII—NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

SEC. 1201. RESEARCH ON MULTIPLE SCLEROSIS.

Subpart 10 of part C of title IV of the Public Health Service Act (42 U.S.C. 285j et seq.) is amended by adding at the end the following new section:

"RESEARCH ON MULTIPLE SCLEROSIS

"SEC. 460. The Director of the Institute shall conduct and support research on multiple sclerosis, especially research on effects of genetics and hormonal changes on the progress of the disease.".

TITLE XIII—NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

SEC. 1301. APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM.

(a) IN GENERAL.—Subpart 12 of part C of title IV of the Public Health Service Act (42 U.S.C. 285l) is amended by adding at the end the following new section:

"APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM

"SEC. 463A. (a) There is established within the Institute a program for conducting applied research and testing regarding toxicology, which program shall be known as the Applied Toxicological Research and Testing Program.

"(b) In carrying out the program established under subsection (a), the Director of the Institute shall, with respect to toxicology, carry out activities—

"(1) to expand knowledge of the health effects of environmental agents;

"(2) to broaden the spectrum of toxicology information that is obtained on selected chemicals;

"(3) to develop and validate assays and protocols, including alternative methods that can reduce or eliminate the use of animals in acute or chronic safety testing;

"(4) to establish criteria for the validation and regulatory acceptance of alternative testing and to recommend a process through which scientifically validated alternative methods can be accepted for regulatory use;

"(5) to communicate the results of research to government agencies, to medical, scientific, and regulatory communities, and to the public; and

"(6) to integrate related activities of the Department of Health and Human Services.".

(b) TECHNICAL AMENDMENT.—Section 463 of the Public Health Service Act (42 U.S.C. 285l) is amended by inserting after "Sciences" the following: "(hereafter in this subpart referred to as the 'Institute')".

TITLE XIV—NATIONAL LIBRARY OF MEDICINE

Subtitle A—General Provisions

SEC. 1401. ADDITIONAL AUTHORITIES.

(a) IN GENERAL.—Section 465(b) of the Public Health Service Act (42 U.S.C. 286(b)) is amended—

(1) by striking "and" after the semicolon at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (8); and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) publicize the availability from the Library of the products and services described in any of paragraphs (1) through (5);

"(7) promote the use of computers and telecommunications by health professionals (including health professionals in rural areas) for the purpose of improving access to biomedical information for health care delivery and medical research; and".

(b) LIMITATION REGARDING GRANTS.—Section 474(b)(2) of the Public Health Service Act (42 U.S.C. 286b–S(b)(2)) is amended by striking "$750,000" and inserting "$1,000,000".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL OF CERTAIN AUTHORITY.—Section 215 of the Department of Health and Human Services Appropriations Act, 1988, as contained in section 101(h) of Public Law 100–202 (101 Stat. 1329–275), is repealed.

(2) APPLICABILITY OF CERTAIN NEW AUTHORITY.—With respect to the authority established for the National Library of Medicine in section 465(b)(6) of the Public Health Service Act, as added by subsection (a) of this section, such authority shall be effective as if the authority had been established on December 22, 1987.

SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

(a) ESTABLISHMENT OF SINGLE AUTHORIZATION.—Subpart 1 of part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 468. (a) For the purpose of carrying out this part, there are authorized to be appropriated $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) Amounts appropriated under subsection (a) and made available for grants or contracts under any of sections 472 through 476 shall remain available until the end of the fiscal year following the fiscal year for which the amounts were appropriated.".

(b) CONFORMING AMENDMENTS.—Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by striking section 469 and section 478(c).

Subtitle B—Financial Assistance

SEC. 1411. ESTABLISHMENT OF PROGRAM OF GRANTS FOR DEVELOPMENT OF EDUCATION TECHNOLOGIES.

Section 473 of the Public Health Service Act (42 U.S.C. 286b–4) is amended by adding at the end the following new subsection:

"(c)(1) The Secretary shall make grants to public or nonprofit private institutions for the purpose of carrying out projects of research on, and development and demonstration of, new education technologies.

"(2) The purposes for which a grant under paragraph (1) may be made include projects concerning—

"(A) computer-assisted teaching and testing of clinical competence at health professions and research institutions;

"(B) the effective transfer of new information from research laboratories to appropriate clinical applications;

"(C) the expansion of the laboratory and clinical uses of computer-stored research databases; and

"(D) the testing of new technologies for training health care professionals.

"(3) The Secretary may not make a grant under paragraph (1) unless the applicant for the grant agrees to make the projects available with respect to—

"(A) assisting in the training of health professions students; and

"(B) enhancing and improving the capabilities of health professionals regarding research and teaching.".

Subtitle C—National Information Center on Health Services Research and Health Care Technology

SEC. 1421. ESTABLISHMENT OF CENTER.

Part D of title IV of the Public Health Service Act (42 U.S.C. 286 et seq.) is amended by adding at the end the following new subpart:

"Subpart 4—National Information Center on Health Services Research and Health Care Technology

"NATIONAL INFORMATION CENTER

"SEC. 478A. (a) There is established within the Library an entity to be known as the National Information Center on Health Services Research and Health Care Technology (in this section referred to as the 'Center').

"(b) The purpose of the Center is the collection, storage, analysis, retrieval, and dissemination of information on health services research, clinical practice guidelines, and on health care technology, including the assessment of such technology. Such purpose includes developing and maintaining data bases and developing and implementing methods of carrying out such purpose.

"(c) The Director of the Center shall ensure that information under subsection (b) concerning clinical practice guidelines is collected and maintained electronically and in a convenient format. Such Director shall develop and publish criteria for the inclusion of practice guidelines and technology assessments in the information center database.

"(d) The Secretary, acting through the Center, shall coordinate the activities carried out under this section through the Center with related activities of the Administrator for Health Care Policy and Research.".

SEC. 1422. CONFORMING PROVISIONS.

(a) IN GENERAL.—Section 903 of the Public Health Service Act, as amended by section 3 of Public Law 102–410 (106 Stat. 2094), is amended by amending subsection (e) to read as follows:

"(e) REQUIRED INTERAGENCY AGREEMENT.—The Administrator and the Director of the National Library of Medicine shall enter into an agreement providing for the implementation of section 478A.".

(b) RULE OF CONSTRUCTION.—The amendments made by section 3 of Public Law 102–410 (106 Stat. 2094), by section 1421 of this Act, and by subsection (a) of this section may not be construed as terminating the information center on health care technologies and health care technology assessment established under section 904 of the Public Health Service Act, as in effect on the day before the date of the enactment of Public Law 102–410. Such center shall be considered to be the center established in section 478A of the Public Health Service Act, as added by section 1421 of this Act, and shall be subject to the provisions of such section 478A.

TITLE XV—OTHER AGENCIES OF NATIONAL INSTITUTES OF HEALTH

Subtitle A—Division of Research Resources

SEC. 1501. REDESIGNATION OF DIVISION AS NATIONAL CENTER FOR RESEARCH RESOURCES.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2)(B), by amending such subparagraph to read as follows:

"(B) The National Center for Research Resources."; and

(2) in part E—

(A) in the heading for subpart 1, by striking "Division of" and inserting "National Center for";

(B) in section 479, by striking "the Division of Research Resources" and inserting the following: "the National Center for Research Resources (hereafter in this subpart referred to as the 'Center')";

(C) in sections 480 and 481, by striking "the Division of Research Resources" each place such term appears and inserting "the Center"; and

(D) in sections 480 and 481, as amended by subparagraph (C), by striking "the Division" each place such term appears and inserting "the Center".

SEC. 1502. BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES.

Subpart 1 of part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"BIOMEDICAL AND BEHAVIORAL RESEARCH FACILITIES

"SEC. 481A. (a) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—

"(1) IN GENERAL.—The Director of NIH, acting through the Director of the Center, may make grants to public and nonprofit private entities to expand, remodel, renovate, or alter existing research facilities or construct new research facilities, subject to the provisions of this section.

"(2) CONSTRUCTION AND COST OF CONSTRUCTION.—For purposes of this section, the terms 'construction' and 'cost of construction' include the construction of new buildings and the expansion, renovation, remodeling, and alteration of existing buildings, including architects' fees, but do not include the cost of acquisition of land or off-site improvements.

"(b) SCIENTIFIC AND TECHNICAL REVIEW BOARDS FOR MERIT-BASED REVIEW OF PROPOSALS.—

"(1) IN GENERAL; APPROVAL AS PRECONDITION TO GRANTS.—

"(A) There is established within the Center a Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities (hereafter referred to in this section as the 'Board').

"(B) The Director of the Center may approve an application for a grant under subsection (a) only if the Board has under paragraph (2) recommended the application for approval.

"(2) DUTIES.—

"(A) The Board shall provide advice to the Director of the Center and the advisory council established under section 480 (hereafter in this section referred to as the 'Advisory Council') on carrying out this section.

"(B) In carrying out subparagraph (A), the Board shall make a determination of the merit of each application submitted for a grant under subsection (a), after consideration of the requirements established in subsection (c), and shall report the results of the determination to the Director of the Center and the Advisory Council. Such determinations shall be conducted in a manner consistent with procedures established under section 492.

"(C) In carrying out subparagraph (A), the Board shall, in the case of applications recommended for approval, make recommendations to the Director and the Advisory Council on the amount that should be provided in the grant.

"(D) In carrying out subparagraph (A), the Board shall prepare an annual report for the Director of the Center and the Advisory Council describing the activities of the Board in the fiscal year for which the report is made. Each such report shall be available to the public, and shall—

"(i) summarize and analyze expenditures made under this section;

"(ii) provide a summary of the types, numbers, and amounts of applications that were recommended for grants under subsection (a) but that were not approved by the Director of the Center; and

"(iii) contain the recommendations of the Board for any changes in the administration of this section.

"(3) MEMBERSHIP.—

"(A) Subject to subparagraph (B), the Board shall be composed of 9 appointed members, and such ex officio members as the Director of the Center determines to be appropriate.

"(B) Not more than 3 individuals who are officers or employees of the Federal Government may serve as members of the Board.

"(4) CERTAIN REQUIREMENTS REGARDING MEMBERSHIP.—In selecting individuals for membership on the Board, the Director of the Center shall ensure that the members are individuals who, by virtue of their training or experience, are eminently qualified to perform peer review functions. In selecting such individuals for such membership, the Director of the Center shall ensure that the members of the Board collectively—

"(A) are experienced in the planning, construction, financing, and administration of entities that conduct biomedical or behavioral research sciences;

"(B) are knowledgeable in making determinations of the need of entities for biomedical or behavioral research facilities, including such facilities for the dentistry, nursing, pharmacy, and allied health professions;

"(C) are knowledgeable in evaluating the relative priorities for applications for grants under subsection (a) in view of the overall research needs of the United States; and

"(D) are experienced with emerging centers of excellence, as described in subsection (c)(3).

"(5) CERTAIN AUTHORITIES.—

"(A) In carrying out paragraph (2), the Board may convene workshops and conferences, and collect data as the Board considers appropriate.

"(B) In carrying out paragraph (2), the Board may establish subcommittees within the Board. Such subcommittees may hold meetings as determined necessary to enable the subcommittee to carry out its duties.

"(6) TERMS.—

"(A) Except as provided in subparagraph (B), each appointed member of the Board shall hold office for a term of 4 years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of the term of the predecessor.

"(B) Of the initial members appointed to the Board (as specified by the Director of the Center when making the appointments)—

"(i) 3 shall hold office for a term of 3 years;

"(ii) 3 shall hold office for a term of 2 years; and

"(iii) 3 shall hold office for a term of 1 year.

"(C) No member is eligible for reappointment to the Board until 1 year has elapsed after the end of the most recent term of the member.

"(7) COMPENSATION.—Members of the Board who are not officers or employees of the United States shall receive for each day the members are engaged in the performance of the functions of the Board compensation at the same rate received by members of other national advisory councils established under this title.

"(c) REQUIREMENTS FOR GRANTS.—

"(1) IN GENERAL.—The Director of the Center may make a grant under subsection (a) only if the applicant for the grant meets the following conditions:

"(A) The applicant is determined by such Director to be competent to engage in the type of research for which the proposed facility is to be constructed.

"(B) The applicant provides assurances satisfactory to the Director that—

"(i) for not less than 20 years after completion of the construction, the facility will be used for the purposes of research for which it is to be constructed;

"(ii) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

"(iii) sufficient funds will be available, when construction is completed, for the effective use of the facility for the research for which it is being constructed; and

"(iv) the proposed construction will expand the applicant's capacity for research, or is necessary to improve or maintain the quality of the applicant's research.

"(C) The applicant meets reasonable qualifications established by the Director with respect to—

"(i) the relative scientific and technical merit of the applications, and the relative effectiveness of the proposed facilities, in expanding the capacity for biomedical or behavioral research and in improving the quality of such research;

"(ii) the quality of the research or training, or both, to be carried out in the facilities involved;

"(iii) the need of the applicant for such facilities in order to maintain or expand the applicant's research and training mission;

"(iv) the congruence of the research activities to be carried out within the facility with the research and investigator manpower needs of the United States; and

"(v) the age and condition of existing research facilities and equipment.

"(D) The applicant has demonstrated a commitment to enhancing and expanding the research productivity of the applicant.

"(2) CONSIDERATION OF CERTAIN FACTORS.—In making grants under subsection (a), the Director of the Center may, in addition to the requirements established in paragraph (1), consider the following factors:

"(A) To what extent the applicant has the capacity to broaden the scope of research and research training programs of the applicant by promoting—

"(i) interdisciplinary research;

"(ii) research on emerging technologies, including those involving novel analytical techniques or computational methods; or

"(iii) other novel research mechanisms or programs.

"(B) To what extent the applicant has broadened the scope of research and research training programs of qualified institutions by promoting genomic research with an emphasis on interdisciplinary research, including research related to pediatric investigations.

"(3) INSTITUTIONS OF EMERGING EXCELLENCE.—Of the amounts appropriated under subsection (h) for a fiscal year, the Director of the Center shall make available 25 percent for grants under subsection (a) to applicants that, in addition to meeting the requirements established in paragraph (1), have demonstrated emerging excellence in biomedical or behavioral research, as follows:

"(A) The applicant has a plan for research or training advancement and possesses the ability to carry out the plan.

"(B) The applicant carries out research and research training programs that have a special relevance to a problem, concern, or unmet health need of the United States.

"(C) The applicant has been productive in research or research development and training.

"(D) The applicant—

"(i) has been designated as a center of excellence under section 739;

"(ii) is located in a geographic area a significant percentage of whose population has a health-status deficit, and the applicant provides health services to such population; or

"(iii) is located in a geographic area in which a deficit in health care technology, services, or research resources may adversely affect health status of the population of the area in the future, and the applicant is carrying out activities with respect to protecting the health status of such population.

"(d) REQUIREMENT OF APPLICATION.—The Director of the Center may make a grant under subsection (a) only if an application for the grant is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(e) AMOUNT OF GRANT; PAYMENTS.—

"(1) AMOUNT.—The amount of any grant awarded under subsection (a) shall be determined by the Director of the Center, except that such amount shall not exceed—

"(A) 50 percent of the necessary cost of the construction of a proposed facility as determined by the Director; or

"(B) in the case of a multipurpose facility, 40 percent of that part of the necessary cost of construction that the Director determines to be proportionate to the contemplated use of the facility.

"(2) RESERVATION OF AMOUNTS.—On approval of any application for a grant under subsection (a), the Director of the Center shall reserve, from any appropriation available therefore, the amount of such grant, and shall pay such amount, in advance or by way of reimbursement, and in such installments consistent with the construction progress, as the Director may determine appropriate. The reservation of the Director of any amount by the Director under this paragraph may be amended by the Director, either on the approval of an amendment of the application or on the revision of the estimated cost of construction of the facility.

"(3) EXCLUSION OF CERTAIN COSTS.—In determining the amount of any grant under this subsection (a), there shall be excluded from the cost of construction an amount equal to the sum of—

"(A) the amount of any other Federal grant that the applicant has obtained, or is assured of obtaining, with respect to construction that is to be financed in part by a grant authorized under this section; and

"(B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(4) WAIVER OF LIMITATIONS.—The limitations imposed by paragraph (1) may be waived at the discretion of the Director for applicants meeting the conditions described in paragraphs (1) and (2) of subsection (c).

"(f) RECAPTURE OF PAYMENTS.—If, not later than 20 years after the completion of construction for which a grant has been awarded under subsection (a)—

"(1) the applicant or other owner of the facility shall cease to be a public or nonprofit private entity; or

"(2) the facility shall cease to be used for the research purposes for which it was constructed (unless the Director determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from obligation to do so);

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the current value (as determined by an agreement between the parties or by action brought in the United States District Court for the district in which such facility is situated) of the facility as the amount of the Federal participation bore to the cost of the construction of such facility.

"(g) GUIDELINES.—Not later than 6 months after the date of the enactment of this section, the Director of the Center, after consultation with the Advisory Council, shall issue guidelines with respect to grants under subsection (a).

"(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $150,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 1503. CONSTRUCTION PROGRAM FOR NATIONAL PRIMATE RESEARCH CENTER.

Subpart 1 of part E of title IV of the Public Health Service Act, as amended by section 1502 of this Act, is amended by adding at the end the following new section:

"CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES

"SEC. 481B. (a) With respect to activities carried out by the National Center for Research Resources to support regional centers for research on primates, the Director of NIH shall, for each of the fiscal years 1994 through 1996, reserve from the amounts appropriated under section 481A(i) $5,000,000 for the purpose of making awards of grants and contracts to public or nonprofit private entities to construct, renovate, or otherwise improve such regional centers. The reservation of such amounts for any fiscal year is subject to the availability of qualified applicants for such awards.

"(b) The Director of NIH may not make a grant or enter into a contract under subsection (a) unless the applicant for such assistance agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward such costs in an amount equal to not less than $1 for each $4 of Federal funds provided in such assistance.".

Subtitle B—National Center for Nursing Research

SEC. 1511. REDESIGNATION OF NATIONAL CENTER FOR NURSING RESEARCH AS NATIONAL INSTITUTE OF NURSING RESEARCH.

(a) IN GENERAL.—Subpart 3 of part E of title IV of the Public Health Service Act (42 U.S.C. 287c et seq.) is amended—

(1) in section 483—

(A) in the heading for the section, by striking "CENTER" and inserting "INSTITUTE"; and

(B) by striking "The general purpose" and all that follows through "is" and inserting the following: "The general purpose of the National Institute of Nursing Research (hereafter in this subpart referred to as the 'Institute') is";

(2) in section 484, by striking "Center" each place such term appears and inserting "Institute";

(3) in section 485—

(A) in subsection (a), in each of paragraphs (1) through (3), by striking "Center" each place such term appears and inserting "Institute";

(B) in subsection (b)—

(i) in paragraph (2)(A), by striking "Center" and inserting "Institute"; and

(ii) in paragraph (3)(A), in the first sentence, by striking "Center" and inserting "Institute"; and

(C) in subsections (d) through (g), by striking "Center" each place such term appears and inserting "Institute"; and

(4) in section 485A (as redesignated by section 141(a)(1) of this Act), by striking "Center" each place such term appears and inserting "Institute".

(b) CONFORMING AMENDMENTS.—

(1) ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.—Section 401(b) of the Public Health Service Act (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1), by adding at the end the following new subparagraph:

"(Q) The National Institute of Nursing Research."; and

(B) in paragraph (2), by striking subparagraph (D).

(2) TRANSFER OF STATUTORY PROVISIONS.—The Public Health Service Act, as amended by subsection (a) of this section and by section 124 of Public Law 102–321 (106 Stat. 364), is amended—

(A) by transferring sections 483 through 485A to part C of title IV;

(B) by redesignating such sections as sections 464V through 464Y of such part; and

(C) by adding such sections, in the appropriate sequence, at the end of such part.

(3) HEADING FOR NEW SUBPART.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended—

(A) in part C, by inserting before section 464V the following:

"Subpart 17—National Institute of Nursing Research";

and

(B) by striking the subpart designation and heading for subpart 3 of part E.

(4) CROSS-REFERENCES.—Title IV of the Public Health Service Act, as amended by the preceding provisions of this section, is amended in subpart 17 of part C—

(A) in section 464W, by striking "section 483" and inserting "section 464V";

(B) in section 464X(g), by striking "section 486" and inserting "section 464Y"; and

(C) in section 464Y, in the last sentence, by striking "section 485(g)" and inserting "section 464X(g)".

SEC. 1512. STUDY ON ADEQUACY OF NUMBER OF NURSES.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institute of Nursing Research, shall enter into a contract with a public or nonprofit private entity to conduct a study for the purpose of determining whether and to what extent there is a need for an increase in the number of nurses in hospitals and nursing homes in order to promote the quality of patient care and reduce the incidence among nurses of work-related injuries and stress.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Institute declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "nurse" means a registered nurse, a licensed practical nurse, a licensed vocational nurse, and a nurse assistant.

(2) The term "Secretary" means the Secretary of Health and Human Services.

(d) REPORT.—The Secretary shall ensure that, not later than October 1, 1994, the study required in subsection (a) is completed and a report describing the findings made as a result of the study is submitted to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate.

Subtitle C—National Center for Human Genome Research

SEC. 1521. PURPOSE OF CENTER.

Title IV of the Public Health Service Act, as amended by section 141(a)(1) of this Act and by paragraphs (1)(B) and (3)(B) of section 1511(b) of this Act, is amended—

(1) in section 401(b)(2), by adding at the end the following new subparagraph:

"(D) The National Center for Human Genome Research."; and

(2) in part E, by adding at the end the following new subpart:

"Subpart 3—National Center for Human Genome Research

"PURPOSE OF THE CENTER

"SEC. 485B. (a) The general purpose of the National Center for Human Genome Research (hereafter in this subpart referred to as the 'Center') is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—

"(1) planning and coordinating the research goal of the genome project;

"(2) reviewing and funding research proposals;

"(3) developing training programs;

"(4) coordinating international genome research;

"(5) communicating advances in genome science to the public; and

"(6) reviewing and funding proposals to address the ethical and legal issues associated with the genome project.

"(b) The Director of the Center may conduct and support research training—

"(1) for which fellowship support is not provided under section 487; and

"(2) that is not residency training of physicians or other health professionals.

"(c)(1) Except as provided in paragraph (2), of the amounts appropriated to carry out subsection (a) for a fiscal year, the Director of the Center shall make available not less than 5 percent for carrying out paragraph (6) of such subsection.

"(2) With respect to providing funds under subsection (a)(6) for proposals to address the ethical issues associated with the genome project, paragraph (1) shall not apply for a fiscal year if the Director of the Center certifies to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such proposals meet the applicable requirements of sections 491 and 492.".

TITLE XVI—AWARDS AND TRAINING

Subtitle A—National Research Service Awards

SEC. 1601. REQUIREMENT REGARDING WOMEN AND INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

Section 487(a) of the Public Health Service Act (42 U.S.C. 288(a)(4)) is amended by adding at the end the following paragraph:

"(4) The Secretary shall carry out paragraph (1) in a manner that will result in the recruitment of women, and individuals from disadvantaged backgrounds, into fields of biomedical or behavioral research and in the provision of research training to women and such individuals.".

Subtitle B—Acquired Immune Deficiency Syndrome

SEC. 1611. LOAN REPAYMENT PROGRAM.

Section 487A of the Public Health Service Act (42 U.S.C. 288–1) is amended to read as follows:

"LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

"SEC. 487A. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct, as employees of the National Institutes of Health, research with respect to acquired immune deficiency syndrome in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B) agrees to serve as an employee of the National Institutes of Health for purposes of paragraph (1) for a period of not less than 3 years.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.".

Subtitle C—Loan Repayment for Research Generally

SEC. 1621. ESTABLISHMENT OF PROGRAM.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1002 of this Act, is amended by inserting after section 487B the following new section:

"LOAN REPAYMENT PROGRAM FOR RESEARCH GENERALLY

"SEC. 487C. (a) IN GENERAL.—

"(1) AUTHORITY FOR PROGRAM.—Subject to paragraph (2), the Secretary shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct research, as employees of the National Institutes of Health, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such health professionals.

"(2) LIMITATION.—The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

"(A) has a substantial amount of educational loans relative to income; and

"(B) agrees to serve as an employee of the National Institutes of Health for purposes of paragraph (1) for a period of not less than 3 years.

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section other than with respect to acquired immune deficiency syndrome, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.".

Subtitle D—Scholarship and Loan Repayment Programs Regarding Professional Skills Needed by Certain Agencies

SEC. 1631. ESTABLISHMENT OF PROGRAMS FOR NATIONAL INSTITUTES OF HEALTH.

Part G of title IV of the Public Health Service Act, as redesignated by section 141(a)(2) of this Act and as amended by section 1621 of this Act, is amended by inserting after section 487C the following new sections:

"UNDERGRADUATE SCHOLARSHIP PROGRAM REGARDING PROFESSIONS NEEDED BY NATIONAL RESEARCH INSTITUTES

"SEC. 487D. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH, may carry out a program of entering into contracts with individuals described in paragraph (2) under which—

"(A) the Director of NIH agrees to provide to the individuals scholarships for pursuing, as undergraduates at accredited institutions of higher education, academic programs appropriate for careers in professions needed by the National Institutes of Health; and

"(B) the individuals agree to serve as employees of the National Institutes of Health, for the period described in subsection (c), in positions that are needed by the National Institutes of Health and for which the individuals are qualified.

"(2) INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—The individuals referred to in paragraph (1) are individuals who—

"(A) are enrolled or accepted for enrollment as full-time undergraduates at accredited institutions of higher education; and

"(B) are from disadvantaged backgrounds.

"(b) FACILITATION OF INTEREST OF STUDENTS IN CAREERS AT NATIONAL INSTITUTES OF HEALTH.—In providing employment to individuals pursuant to contracts under subsection (a)(1), the Director of NIH shall carry out activities to facilitate the interest of the individuals in pursuing careers as employees of the National Institutes of Health.

"(c) PERIOD OF OBLIGATED SERVICE.—

"(1) DURATION OF SERVICE.—For purposes of subparagraph (B) of subsection (a)(1), the period of service for which an individual is obligated to serve as an employee of the National Institutes of Health is, subject to paragraph (2)(A), 12 months for each academic year for which the scholarship under such subsection is provided.

"(2) SCHEDULE FOR SERVICE.—

"(A) Subject to subparagraph (B), the Director of NIH may not provide a scholarship under subsection (a) unless the individual applying for the scholarship agrees that—

"(i) the individual will serve as an employee of the National Institutes of Health full-time for not less than 10 consecutive weeks of each year during which the individual is attending the educational institution involved and receiving such a scholarship;

"(ii) the period of service as such an employee that the individual is obligated to provide under clause (i) is in addition to the period of service as such an employee that the individual is obligated to provide under subsection (a)(1)(B); and

"(iii) not later than 60 days after obtaining the educational degree involved, the individual will begin serving full-time as such an employee in satisfaction of the period of service that the individual is obligated to provide under subsection (a)(1)(B).

"(B) The Director of NIH may defer the obligation of an individual to provide a period of service under subsection (a)(1)(B), if the Director determines that such a deferral is appropriate.

"(3) APPLICABILITY OF CERTAIN PROVISIONS RELATING TO APPOINTMENT AND COMPENSATION.—For any period in which an individual provides service as an employee of the National Institutes of Health in satisfaction of the obligation of the individual under subsection (a)(1)(B) or paragraph (2)(A)(i), the individual may be appointed as such an employee without regard to the provisions of title 5, United States Code, relating to appointment and compensation.

"(d) PROVISIONS REGARDING SCHOLARSHIP.—

"(1) APPROVAL OF ACADEMIC PROGRAM.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless—

"(A) the individual applying for the scholarship has submitted to the Director a proposed academic program for the year and the Director has approved the program; and

"(B) the individual agrees that the program will not be altered without the approval of the Director.

"(2) ACADEMIC STANDING.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year unless the individual applying for the scholarship agrees to maintain an acceptable level of academic standing, as determined by the educational institution involved in accordance with regulations issued by the Secretary.

"(3) LIMITATION ON AMOUNT.—The Director of NIH may not provide a scholarship under subsection (a) for an academic year in an amount exceeding $20,000.

"(4) AUTHORIZED USES.—A scholarship provided under subsection (a) may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in attending the school involved.

"(5) CONTRACT REGARDING DIRECT PAYMENTS TO INSTITUTION.—In the case of an institution of higher education with respect to which a scholarship under subsection (a) is provided, the Director of NIH may enter into a contract with the institution under which the amounts provided in the scholarship for tuition and other educational expenses are paid directly to the institution.

"(e) PENALTIES FOR BREACH OF SCHOLARSHIP CONTRACT.—The provisions of section 338E shall apply to the program established in subsection (a) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(f) REQUIREMENT OF APPLICATION.—The Director of NIH may not provide a scholarship under subsection (a) unless an application for the scholarship is submitted to the Director and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out this section.

"(g) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for scholarships under this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.

"LOAN REPAYMENT PROGRAM REGARDING CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS

"SEC. 487E. (a) IMPLEMENTATION OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 487(a)(1)(C), the Secretary, acting through the Director of NIH may, subject to paragraph (2), carry out a program of entering into contracts with appropriately qualified health professionals who are from disadvantaged backgrounds under which such health professionals agree to conduct clinical research as employees of the National Institutes of Health in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of the health professionals.

"(2) LIMITATION.—The Director of NIH may not enter into a contract with a health professional pursuant to paragraph (1) unless such professional has a substantial amount of education loans relative to income.

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—Except to the extent inconsistent with this section, the provisions of sections 338C and 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in section 338B.

"(b) AVAILABILITY OF AUTHORIZATION OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for contracts under subsection (a) shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

SEC. 1632. FUNDING.

Section 487(a)(1) of the Public Health Service Act (42 U.S.C. 288(a)(1)) is amended—

(1) in subparagraph (A), by striking "and" after the semicolon at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) provide contracts for scholarships and loan repayments in accordance with sections 487D and 487E, subject to providing not more than an aggregate 50 such contracts during the fiscal years 1994 through 1996.".

Subtitle E—Funding

SEC. 1641. AUTHORIZATION OF APPROPRIATIONS.

Section 487(d) of the Public Health Service Act (42 U.S.C. 288(d)) is amended—

(1) in the first sentence, by amending the sentence to read as follows: "For the purpose of carrying out this section, there are authorized to be appropriated $400,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996."; and

(2) in paragraph (3)—

(A) by striking "one-half of one percent" each place such term appears and inserting "1 percent"; and

(B) by striking "780, 784, or 786," and inserting "747, 748, or 749,".

TITLE XVII—NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH

SEC. 1701. DATE CERTAIN FOR APPOINTMENT OF BOARD MEMBERS.

Section 499 of the Public Health Service Act, as redesignated by section 121(b)(3) of this Act, is amended in subsection (c)(1)(C) by inserting after and below clause (iii) the following:

"Not later than April 1, 1993, the Secretary shall convene a meeting of the ex officio members of the Board for the purpose of making the appointments required in this subparagraph.".

SEC. 1702. MISCELLANEOUS PROVISIONS.

Section 499 of the Public Health Service Act, as redesignated by section 121(b)(3) of this Act, is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting after "Secretary" the following: ", acting through the Director of NIH,"; and

(B) in the second sentence, by striking "the purposes of" and all that follows through "Transfer Act," and inserting the following: "the purposes of the Ethics in Government Act of 1978 and the Stevenson-Wydler Technology Innovation Act of 1980,";

(2) in subsection (b)(2), by striking "Ethics" and all that follows and inserting the following: "Ethics in Government Act of 1978, and the Stevenson-Wydler Technology Innovation Act of 1980.";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), in the second sentence, by inserting ", except the ex officio members," after "Foundation";

(ii) in subparagraph (B), in the matter preceding clause (i), by striking "Council" and inserting "Board"; and

(iii) in subparagraph (C), in the first sentence, by striking "Council" and inserting "Board"; and

(B) in paragraph (3)(A), by striking "paragraph (2)(C)" and inserting "paragraph (1)(C)";

(4) in subsection (g)(8), by striking "subtitle" and inserting "part"; and

(5) in subsection (i)(1), by striking "1995" and inserting "1996".

TITLE XVIII—RESEARCH WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

Subtitle A—Office of AIDS Research

SEC. 1801. ESTABLISHMENT OF OFFICE.

(a) IN GENERAL.—Part D of title XXIII of the Public Health Service Act (42 U.S.C. 300cc-41 et seq.) is amended—

(1) by striking the part designation and the heading for the part;

(2) by redesignating section 2351 as section 2354; and

(3) by inserting before section 2354 (as so redesignated) the following:

"PART D—OFFICE OF AIDS RESEARCH

"Subpart I—Interagency Coordination of Activities

"SEC. 2351. ESTABLISHMENT OF OFFICE.

"(a) IN GENERAL.—There is established within the National Institutes of Health an office to be known as the Office of AIDS Research. The Office shall be headed by a director, who shall be appointed by the Secretary.

"(b) DUTIES.—

"(1) INTERAGENCY COORDINATION OF AIDS ACTIVITIES.—With respect to acquired immune deficiency syndrome, the Director of the Office shall plan, coordinate, and evaluate research and other activities conducted or supported by the agencies of the National Institutes of Health.

"(2) CONSULTATIONS.—The Director of the Office shall carry out this subpart (including developing and revising the plan required in section 2353) in consultation with the heads of the agencies of the National Institutes of Health, with the advisory councils of the agencies, and with the advisory council established under section 2352.

"SEC. 2352. ADVISORY COUNCIL.

"(a) IN GENERAL.—The Secretary shall establish an advisory council for the purpose of providing advice to the Director of the Office on carrying out this part. (Such council is referred to in this section as the 'Advisory Council'.)

"(b) COMPOSITION, COMPENSATION, TERMS, CHAIR, ETC.—Subsections (b) through (g) of section 406 apply to the Advisory Council to the same extent and in the same manner as such subsections apply to advisory councils for the national research institutes, except that, in addition to the ex officio members specified in section 406(b)(2), there shall serve as ex officio members of the Advisory Council the chairs of the advisory councils for each of the National Cancer Institute, the National Institute on Allergy and Infectious Diseases, the National Institute on Drug Abuse, and the National Institute on Mental Health.

"SEC. 2353. COMPREHENSIVE PLAN FOR EXPENDITURE OF APPROPRIATIONS.

"(a) IN GENERAL.—Subject to the provisions of this section and other applicable law, the Director of the Office, in carrying out section 2351, shall—

"(1) establish a comprehensive plan for the conduct and support of all AIDS activities of the agencies of the National Institutes of Health (which plan shall be first established under this paragraph not later than 12 months after the date of the enactment of the National Institutes of Health Revitalization Act of 1993);

"(2) ensure that the Plan establishes priorities among the AIDS activities that such agencies are authorized to carry out;

"(3) ensure that the Plan establishes objectives regarding such activities, describes the means for achieving the objectives, and designates the date by which the objectives are expected to be achieved;

"(4) ensure that all amounts appropriated for such activities are expended in accordance with the Plan;

"(5) review the Plan not less than annually, and revise the Plan as appropriate; and

"(6) ensure that the Plan serves as a broad, binding statement of policies regarding AIDS activities of the agencies, but does not remove the responsibility of the heads of the agencies for the approval of specific programs or projects, or for other details of the daily administration of such activities, in accordance with the Plan.

"(b) CERTAIN COMPONENTS OF PLAN.—With respect to AIDS activities of the agencies of the National Institutes of Health, the Director of the Office shall ensure that the Plan—

"(1) provides for basic research;

"(2) provides for applied research;

"(3) provides for research that is conducted by the agencies;

"(4) provides for research that is supported by the agencies;

"(5) provides for proposals developed pursuant to solicitations by the agencies and for proposals developed independently of such solicitations; and

"(6) provides for behavioral research and social sciences research.

"(c) BUDGET ESTIMATES.—

"(1) FULL-FUNDING BUDGET.—

"(A) With respect to a fiscal year, the Director of the Office shall prepare and submit directly to the President, for review and transmittal to the Congress, a budget estimate for carrying out the Plan for the fiscal year, after reasonable opportunity for comment (but without change) by the Secretary, the Director of the National Institutes of Health, and the advisory council established under section 2352. The budget estimate shall include an estimate of the number and type of personnel needs for the Office.

"(B) The budget estimate submitted under subparagraph (A) shall estimate the amounts necessary for the agencies of the National Institutes of Health to carry out all AIDS activities determined by the Director of the Office to be appropriate, without regard to the probability that such amounts will be appropriated.

"(2) ALTERNATIVE BUDGETS.—

"(A) With respect to a fiscal year, the Director of the Office shall prepare and submit to the Secretary and the Director of the National Institutes of Health the budget estimates described in subparagraph (B) for carrying out the Plan for the fiscal year. The Secretary and such Director shall consider each of such estimates in making recommendations to the President regarding a budget for the Plan for such year.

"(B) With respect to the fiscal year involved, the budget estimates referred to in subparagraph (A) for the Plan are as follows:

"(i) The budget estimate submitted under paragraph (1).

"(ii) A budget estimate developed on the assumption that the amounts appropriated will be sufficient only for—

"(I) continuing the conduct by the agencies of the National Institutes of Health of existing AIDS activities (if approved for continuation), and continuing the support of such activities by the agencies in the case of projects or programs for which the agencies have made a commitment of continued support; and

"(II) carrying out, of activities that are in addition to activities specified in subclause (I), only such activities for which the Director determines there is the most substantial need.

"(iii) Such other budget estimates as the Director of the Office determines to be appropriate.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out AIDS activities under the Plan, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(2) DIRECT RECEIPT BY DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.—For the first fiscal year beginning after the date on which the Plan first established under section 2353(a)(1) has been in effect for 12 months, and for each subsequent fiscal year, the Director of the National Institutes of Health shall receive directly from the President and the Director of the Office of Management and Budget all funds available for AIDS activities of the National Institutes of Health.

"(3) DISBURSEMENT TO AGENCIES.—

"(A) With respect to the disbursement by the Director of the National Institutes of Health of amounts for carrying out AIDS activities specified in subsection (c)(2)(B)(ii)(I) for the fiscal year involved, the Director shall, to the extent practicable, disburse all of such amounts to the agencies of such Institutes not later than 30 days after the date on which the Director receives amounts under paragraph (2).

"(B) With respect to the disbursement by the Director of the National Institutes of Health of amounts for carrying out AIDS activities of the National Institutes of Health in addition to the activities specified in subparagraph (A) for the fiscal year, the Director shall, to the extent practicable, disburse all of such amounts to the agencies of the National Institutes of Health not later than 90 days after the date on which the Director receives amounts under paragraph (2).".

(b) CONFORMING AMENDMENTS.—Section 2354 of the Public Health Service Act, as redesignated by subsection (a)(2) of this section, is amended—

(1) in the heading for the section, by striking "**ESTABLISHMENT** of" and inserting "**ADDITIONAL**";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "In carrying out" and all that follows and inserting the following: "In carrying out AIDS research, the Director of the Office—";

(B) by striking paragraphs (1) and (2) and redesignating paragraphs (3) through (8) as paragraphs (1) through (6);

(C) in paragraph (3) (as so redesignated), by striking "may" and all that follows in the matter preceding subparagraph (A) and inserting the following: "may support—";

(D) in paragraph (5) (as so redesignated)—

(i) in subparagraph (A)

"(I) by striking "may" and all that follows through "acquire," and inserting "may acquire,"; and

"(II) by striking "Director" and all that follows through "determines" and inserting "Director of the Office determines";

(ii) in subparagraph (B), by striking "may" and all that follows through "make grants" and inserting "may make grants"; and

(iii) in subparagraph (C), by striking "may" and all that follows through "acquire," and inserting "may acquire,"; and

(E) in each of paragraphs (2), (3)(A), and (4) (as so redesignated), by striking "research relating to acquired immune deficiency syndrome" and inserting "AIDS research";

(3) in subsection (b), in the matter preceding paragraph (1), by striking "The Director" and all that follows through "shall" and inserting "The Director of the Office shall"; and

(4) in subsection (c), by striking "the Director" and all that follows through "shall" and inserting "the Director of the Office shall".

SEC. 1802. ESTABLISHMENT OF EMERGENCY DISCRETIONARY FUND.

Part D of title XXIII of the Public Health Service Act, as amended by section 1801 of this Act, is amended by adding at the end the following subpart:

"Subpart II—Emergency Discretionary Fund

"SEC. 2356. EMERGENCY DISCRETIONARY FUND.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—There is established a fund consisting of such amounts as may be appropriated under subsection (g). Subject to the *provisions of this section, the Director of the Office, after consultation with the advisory council established under section 2352, may expend amounts in the Fund for the purpose of conducting and supporting such projects of AIDS research and other AIDS activities as may be authorized in this Act for the National Institutes Health.*

"(2) PRECONDITIONS TO USE OF FUND.—Amounts in the Fund may be expended for an AIDS project only if—

"(A) the Director of the Office has made a determination that there is a significant need for the project; and

"(B) as of June 30 of the fiscal year preceding the fiscal year in which the determination is made, such need was not provided for in any appropriations Act passed by the House of Representatives to make appropriations for the Departments of Labor, Health and Human Services (including the National Institutes of Health), Education, and related agencies for the fiscal year in which the determination is made.

"(3) TWO-YEAR USE OF FUND FOR PROJECT INVOLVED.—In the case of an AIDS project, obligations of amounts in the Fund may not be made for the project after the expiration of the 2-year period beginning on the date on which the initial obligation of such amounts is made for the project.

"(b) PEER REVIEW.—With respect to an AIDS project carried out with amounts in the Fund, this section may not be construed as waiving applicable requirements for peer review.

"(c) LIMITATIONS ON USE OF FUND.—

"(1) CONSTRUCTION OF FACILITIES.—Amounts in the Fund may not be used for the construction, renovation, or relocation of facilities, or for the acquisition of land.

"(2) CONGRESSIONAL DISAPPROVAL OF PROJECTS.—

"(A) Amounts in the Fund may not be expended for the fiscal year involved for an AIDS project, or category of such projects, for which—

"(i)(I) amounts were made available in an appropriations Act for the preceding fiscal year; and

"(II) amounts are not made available in any appropriations Act for the fiscal year involved; or

"(ii) amounts are by law prohibited from being expended.

"(B) A determination under subparagraph (A)(i) of whether amounts have been made available in appropriations Acts for a fiscal year shall be made without regard to whether such Acts make available amounts for the Fund.

"(3) INVESTMENT OF FUND AMOUNTS.—Amounts in the Fund may not be invested.

"(d) APPLICABILITY OF LIMITATION REGARDING NUMBER OF EMPLOYEES.—The purposes for which amounts in the Fund may be expended include the employment of individuals necessary to carry out AIDS projects approved under subsection (a). Any individual employed under the preceding sentence may not be included in any determination of the number of full-time equivalent employees for the Department of Health and Human Services for the purpose of any limitation on the number of such employees established by law prior to, on, or after the date of the enactment of the National Institutes of Health Revitalization Act of 1993.

"(e) REPORT TO CONGRESS.—Not later than February 1 of each fiscal year, the Director of the Office shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report on the AIDS projects carried out during the preceding fiscal year with amounts in the Fund. The report shall provide a description of each such project and an explanation of the reasons underlying the use of the Fund for the project.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'AIDS project' means a project described in subsection (a).

"(2) The term 'Fund' means the fund established in subsection (a).

"(g) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of providing amounts for the Fund, there is authorized to be appropriated $100,000,000 for each of the fiscal years 1994 through 1996.

"(2) AVAILABILITY.—Amounts appropriated for the Fund are available until expended.".

SEC. 1803. GENERAL PROVISIONS.

Part D of title XXIII of the Public Health Service Act, as amended by section 1802 of this Act, is amended by adding at the end the following subpart:

"Subpart III—General Provisions

"SEC. 2359. GENERAL PROVISIONS REGARDING THE OFFICE.

"(a) ADMINISTRATIVE SUPPORT FOR OFFICE.—The Secretary, acting through the Director of the National Institutes of Health, shall provide administrative support and support services to the Director of the Office.

"(b) DEFINITIONS.—For purposes of this part:

"(1) The term 'AIDS activities' means AIDS research and other activities that relate to acquired immune deficiency syndrome.

"(2) The term 'AIDS research' means research with respect to acquired immune deficiency syndrome.

"(3) The term 'Office' means the Office of AIDS Research.

"(4) The term 'Plan' means the plan required in section 2353(a)(1).".

Subtitle B—Certain Programs

SEC. 1811. REVISION AND EXTENSION OF CERTAIN PROGRAMS.

Title XXIII of the Public Health Service Act (42 U.S.C. 300cc et seq.) is amended—

(1) in section 2304(c)(1)—

(A) in the matter preceding subparagraph (A), by inserting after "Director of such Institute" the following: "(and may provide advice to the Directors of other agencies of the National Institutes of Health, as appropriate)"; and

(B) in subparagraph (A), by inserting before the semicolon the following: ", including recommendations on the projects of research with respect to diagnosing immune deficiency and with respect to predicting, diagnosing, preventing, and treating opportunistic cancers and infectious diseases";

(2) in section 2311(a)(1), by inserting before the semicolon the following: ", including evaluations of methods of diagnosing immune deficiency and evaluations of methods of predicting, diagnosing, preventing, and treating opportunistic cancers and infectious diseases";

(3) in section 2315—

(A) in subsection (a)(2), by striking "international research" and all that follows and inserting "international research and training concerning the natural history and pathogenesis of the human immunodeficiency virus and the development and evaluation of vaccines and treatments for acquired immune deficiency syndrome and opportunistic infections."; and

(B) in subsection (f), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.";

(4) in section 2318—

(A) in subsection (a)(1)—

(i) by inserting after "The Secretary" the following: ", acting through the Director of the National Institutes of Health and after consultation with the Administrator for Health Care Policy and Research,"; and

(ii) by striking "syndrome" and inserting "syndrome, including treatment and prevention of HIV infection and related conditions among women"; and

(B) in subsection (e), by striking "1991." and inserting the following: "1991, and such sums as may be necessary for each of the fiscal years 1994 through 1996.";

(5) in section 2320(b)(1)(A), by striking "syndrome" and inserting "syndrome and the natural history of such infection";

(6) in section 2320(e)(1), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year.";

(7) in section 2341(d), by striking "there are authorized" and all that follows and inserting "there are authorized to be appropriated such sums as may be necessary for each fiscal year."; and

(8) in section 2361, by striking "For purposes" and all that follows and inserting the following:

"For purposes of this title:

"(1) The term 'infection', with respect to the etiologic agent for acquired immune deficiency syndrome, includes opportunistic cancers and infectious diseases and any other conditions arising from infection with such etiologic agent.

"(2) The term 'treatment', with respect to the etiologic agent for acquired immune deficiency syndrome, includes primary and secondary prophylaxis.".

TITLE XIX—STUDIES

SEC. 1901. ACQUIRED IMMUNE DEFICIENCY SYNDROME.

(a) THIRD-PARTY PAYMENTS REGARDING CERTAIN CLINICAL TRIALS.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of—

(1) determining the policies of third-party payors regarding the payment of the costs of appropriate health services that are provided incident to the participation of individuals as subjects in clinical trials conducted in the development of drugs with respect to acquired immune deficiency syndrome; and

(2) developing recommendations regarding such policies.

(b) ADVISORY COMMITTEES.—The Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study for the purpose of determining—

(1) whether the activities of the various advisory committees established in the National Institutes of Health regarding acquired immune deficiency syndrome are being coordinated sufficiently; and

(2) whether the functions of any of such advisory committees should be modified in order to achieve greater efficiency.

(c) VACCINES FOR HUMAN IMMUNODEFICIENCY VIRUS.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the National Institutes of Health, shall develop a plan for the appropriate inclusion of HIV-infected women, including pregnant women, HIV-infected infants, and HIV-infected children in studies conducted by or through the National Institutes of Health concerning the safety and efficacy of HIV vaccines for the treatment and prevention of HIV infection. Such plan shall ensure the full participation of other Federal agencies currently conducting HIV vaccine studies and require that such studies conform fully to the requirements of part 46 of title 45, Code of Federal Regulations.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report concerning the plan developed under paragraph (1).

(3) IMPLEMENTATION.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall implement the plan developed under paragraph (1), including measures for the full participation of other Federal agencies currently conducting HIV vaccine studies.

(4) For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

SEC. 1902. MALNUTRITION IN THE ELDERLY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the National Institute on Aging, coordinating with the Agency for Health Care Policy and Research and, to the degree possible, in consultation with the head of the National Nutrition Monitoring System established under section 1428 of the Food and Agriculture Act of 1977 (7 U.S.C. 3178), shall conduct a 3-year nutrition screening and intervention activities study of the elderly.

(2) EFFICACY AND COST-EFFECTIVENESS OF NUTRITION SCREENING AND INTERVENTION ACTIVITIES.—In conducting the study, the Secretary shall determine the efficacy and cost-effectiveness of nutrition screening and intervention activities conducted in the elderly health and long-term care continuum, and of a program that would institutionalize nutrition screening and intervention activities. In evaluating such a program, the Secretary shall determine—

(A) if health or quality of life is measurably improved for elderly individuals who receive routine nutritional screening and treatment;

(B) if federally subsidized home or institutional care is reduced because of increased independence of elderly individuals resulting from improved nutritional status;

(C) if a multidisciplinary approach to nutritional care is effective in addressing the nutritional needs of elderly individuals; and

(D) if reimbursement for nutrition screening and intervention activities is a cost-effective approach to improving the health status of elderly individuals.

(3) POPULATIONS.—The populations of elderly individuals in which the study will be conducted shall include populations of elderly individuals who are—

(A) living independently, including—

(i) individuals who receive home and community-based services or family support;

(ii) individuals who do not receive additional services and support;

(iii) individuals with low incomes; and

(iv) individuals who are minorities;

(B) hospitalized, including individuals admitted from home and from institutions; and

(C) institutionalized in residential facilities such as nursing homes and adult homes.

(b) MALNUTRITION STUDY.—The Secretary, acting through the National Institute on Aging, shall conduct a 3-year study to determine the extent of malnutrition in elderly individuals in hospitals and long-term care facilities and in elderly individuals who are living independently.

(c) REPORT.—The Secretary shall submit a report to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives containing the findings resulting from the studies described in subsections (a) and (b), including a determination regarding whether a program that would institutionalize nutrition screening and intervention activities should be adopted, and the rationale for the determination.

(d) ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary, acting through the Director of the National Institute on Aging, shall establish an advisory panel that shall oversee the design, implementation, and evaluation of the studies described in subsections (a) and (b).

(2) COMPOSITION.—The advisory panel shall include representatives appointed for the life of the panel by the Secretary from the Health Care Financing Administration, the Social Security Administration, the National Center for Health Statistics, the Administration on Aging, the National Council on the Aging, the American Dietetic Association, the American Academy of Family Physicians, and such other agencies or organizations as the Secretary determines to be appropriate.

(3) COMPENSATION AND EXPENSES.—

(A) COMPENSATION.—Each member of the advisory panel who is not an employee of the Federal Government shall receive compensation at the daily equivalent of the rate specified for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the member is engaged in the performance of duties for the advisory panel, including attendance at meetings and conferences of the panel, and travel to conduct the duties of the panel.

(B) TRAVEL EXPENSES.—Each member of the advisory panel shall receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(4) DETAIL OF FEDERAL EMPLOYEES.—On the request of the advisory panel, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the advisory panel to assist the advisory panel in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) TECHNICAL ASSISTANCE.—On the request of the advisory panel, the head of a Federal agency shall provide such technical assistance to the advisory panel as the advisory panel determines to be necessary to carry out its duties.

(6) TERMINATION.—Notwithstanding section 15 of the Federal Advisory Committee Act (5 U.S.C. App.), the advisory panel shall terminate 3 years after the date of enactment of this Act.

SEC. 1903. RESEARCH ACTIVITIES ON CHRONIC FATIGUE SYNDROME.

The Secretary of Health and Human Services shall, not later than May 1, 1993, and annually thereafter for the next 3 years, prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that summarizes the research activities conducted or supported by the National Institutes of Health concerning chronic fatigue syndrome. Such report should include information concerning grants made, cooperative agreements or contracts entered into, intramural activities, research priorities and needs, and a plan to address such priorities and needs.

SEC. 1904. REPORT ON MEDICAL USES OF BIOLOGICAL AGENTS IN DEVELOPMENT OF DEFENSES AGAINST BIOLOGICAL WARFARE.

The Secretary of Health and Human Services, in consultation with other appropriate executive agencies, shall report to the House Energy and Commerce Committee and the Senate Labor and Human Resources Committee on the appropriateness and impact of the National Institutes of Health assuming responsibility for the conduct of all Federal research, development, testing, and evaluation functions relating to medical countermeasures against biowarfare threat agents. In preparing the report, the Secretary shall identify the extent to which such activities are carried out by agencies other than the National Institutes of Health, and assess the impact (positive and negative) of the National Institutes of Health assuming responsibility for such activities, including the impact under the Budget Enforcement Act and the Omnibus Budget Reconciliation Act of 1990 on existing National Institutes of Health research programs as well as other programs within the category of domestic discretionary spending. The Secretary shall submit the report not later than 12 months after the date of the enactment of this Act.

SEC. 1905. PERSONNEL STUDY OF RECRUITMENT, RETENTION AND TURNOVER.

(a) STUDY OF PERSONNEL SYSTEM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall conduct a study to review the retention, recruitment, vacancy and turnover rates of support staff, including firefighters, law enforcement, procurement officers, technicians, nurses and clerical employees, to ensure that the National Institutes of Health is adequately supporting the conduct of efficient, effective and high quality research for the American public. The Director of NIH shall work in conjunction with appropriate employee organizations and representatives in developing such a study.

(b) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report containing the study conducted under subsection (a) together with the recommendations of the Secretary concerning the enactment of legislation to implement the results of such study.

SEC. 1906. PROCUREMENT.

(a) IN GENERAL.—The Director of the National Institutes of Health and the Administrator of the General Services Administration shall jointly conduct a study to develop a streamlined procurement system for the National Institutes of Health that complies with the requirements of Federal law.

(b) REPORT.—Not later than March 1, 1994, the officials specified in subsection (a) shall complete the study required in such subsection and shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

SEC. 1907. CHRONIC PAIN CONDITIONS.

(a) IN GENERAL.—The Director of the National Institutes of Health (in this section referred to as the 'Director'), acting through the Director of the National Institute of Dental Research and as appropriate through the heads of other agenices of such Institutes, shall conduct a study for the purpose of determining the incidence in the United States of cases of chronic pain and the effect of such cases on the costs of health care in the United States.

(b) CERTAIN ELEMENTS OF STUDY.—The cases of chronic pain with respect to which the study required in subsection (a) is conducted shall include reflex sympathetic dystrophy syndrome, temporomandibular joint disorder, post-herpetic neuropathy, painful diabetic neuropathy, phantom pain, and post-stroke pain.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Director shall complete the study required in subsection (a) and submit to the the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

SEC. 1908. BACK INJURIES.

(a) IN GENERAL.—The Director of the National Institutes of Health, acting through the appro-

priate national research institute, shall conduct a study of back injuries, with consideration of the following:

(1) Accurate diagnosis, and the appropriate form of treatment.

(2) Providing for return to employment as soon as is practicable.

(3) Minimizing the probability of recurrence.

(4) A comparison of conventional treatments and alternative treatments.

(5) Costs to the health care system.

(6) Costs to the economy generally.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director of the National Institute of Health shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

TITLE XX—MISCELLANEOUS PROVISIONS

SEC. 2001. DESIGNATION OF SENIOR BIOMEDICAL RESEARCH SERVICE IN HONOR OF SILVIO O. CONTE; LIMITATION ON NUMBER OF MEMBERS.

(a) IN GENERAL.—Section 228(a) of the Public Health Service Act (42 U.S.C. 237(a)), as added by section 304 of Public Law 101–509, is amended to read as follows:

"(a)(1) There shall be in the Public Health Service a Silvio O. Conte Senior Biomedical Research Service, not to exceed 750 members.

"(2) The authority established in paragraph (1) regarding the number of members in the Silvio O. Conte Senior Biomedical Research Service is in addition to any authority established regarding the number of members in the commissioned Regular Corps, in the Reserve Corps, and in the Senior Executive Service. Such paragraph may not be construed to require that the number of members in the commissioned Regular Corps, in the Reserve Corps, or in the Senior Executive Service be reduced to offset the number of members serving in the Silvio O. Conte Senior Biomedical Research Service (hereafter in this section referred to as the 'Service').".

(b) CONFORMING AMENDMENT.—Section 228 of the Public Health Service Act (42 U.S.C. 237), as added by section 304 of Public Law 101–509, is amended in the heading for the section by amending the heading to read as follows:

"SILVIO O. CONTE SENIOR BIOMEDICAL RESEARCH SERVICE".

SEC. 2002. MASTER PLAN FOR PHYSICAL INFRASTRUCTURE FOR RESEARCH.

Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall present to the Congress a master plan to provide for the replacement or refurbishment of less than adequate buildings, utility equipment and distribution systems (including the resources that provide electrical and other utilities, chilled water, air handling, and other services that the Secretary, acting through the Director, deems necessary), roads, walkways, parking areas, and grounds that underpin the laboratory and clinical facilities of the National Institutes of Health. Such plan may make recommendations for the undertaking of new projects that are consistent with the objectives of this section, such as encircling the National Institutes of Health Federal enclave with an adequate chilled water conduit.

SEC. 2003. CERTAIN AUTHORIZATION OF APPROPRIATIONS.

Section 399L(a) of the Public Health Service Act (42 U.S.C. 280e–4(a)), as added by Public Law 102–515 (106 Stat. 3376), is amended—

(1) in the first sentence, by striking "the Secretary" and all that follows and inserting the following: "there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996."; and

(2) in the second sentence, by striking "Out of any amounts used" and inserting "Of the amounts appropriated under the preceding sentence".

SEC. 2004. BUY-AMERICAN PROVISIONS.

No funds appropriated pursuant to this Act may be used to fund a grant or contract unless the recipient agrees that substantially all goods and services acquired with such grant or contract assistance will be produced in the United States.

SEC. 2005. PROHIBITION AGAINST FURTHER FUNDING FOR PROJECT ARIES.

For fiscal year 1994 and each subsequent fiscal year, the project administered by the University of Washington at Seattle and known as Project Aries may not receive any funding from any agency of the National Institutes of Health, other than payments under awards made for fiscal year 1993 or prior fiscal years.

TITLE XXI—EFFECTIVE DATES

SEC. 2101. EFFECTIVE DATES.

Subject to section 165, this Act and the amendments made by this Act take effect upon the date of the enactment of this Act.

Mr. FORD. Mr. President, I ask unanimous consent that the Senate disagree to the House amendment, agree to the request of the House for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair (Mr. ROCKEFELLER) appointed Mr. KENNEDY, Mr. SIMON, Mr. METZENBAUM, Mrs. KASSEBAUM, and Mr. JEFFORDS conferees on the part of the Senate.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of it's reading clerks, announced that the House has passed the following bill (S. 1) to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes; with an amendment; it insists upon its amendment, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Energy and Commerce, for consideration of the Senate bill, and the House amendment, and modifications committed to conference: Mr. DINGELL, Mr. WAXMAN, Mr. WYDEN, Mr. MOORHEAD, and Mr. BLILEY.

As additional conferees from the Committee on Education and Labor, for consideration of section 2013 of the Senate bill, and modifications committed to conference: Mr. FORD of Michigan, Mr. MARTINEZ, and Mr. GOODLING.

As additional conferees from the Committee on the Judiciary, for consideration of section 2011 of the Senate bill, and modifications committed to conference: Mr. BROOKS, Mr. MAZZOLI, and Mr. MCCOLLUM.

REPORTS OF COMMITTEE SUBMITTED DURING RECESS

Under the order of the Senate of March 11, 1993, the following report was submitted on March 12, 1993, during the recess of the Senate:

By Mr. SASSER, from the Committee on the Budget:

An original concurrent resolution setting forth the Congressional Budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998 (Rept. No. 103–19).

SPECIAL REPORT

The following report of the committee was submitted:

By Mr. DECONCINI, from the Select Committee on Intelligence:

Special report entitled "Activities of the Select Committee on Intelligence" (Report 103–20).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 581. A bill for the relief of Elizabeth Miller Owen and Brian Ross Owen; to the Committee on the Judiciary.

By Mr. DURENBERGER:

S. 582. A bill to extend until January 1, 1997, the temporary suspension of duty on cyclosporine; to the Committee on Finance.

S. 583. A bill to suspend temporarily the duty on photoreceptors and assemblies containing photoreceptors; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 581. A bill for the relief of Elizabeth Miller Owen and Brian Rose Owen; to the Committee on the Judiciary.

OWEN PRIVATE RELIEF ACT

Mr. GRASSLEY. Mr. President, today, I am introducing legislation to redress the unfair naturalization circumstances of Mrs. Elizabeth Miller Owen of Centerville, IA, and her husband, Brian Ross Owen.

Mrs. Owen was born in West Germany to German parents in 1965. Shortly thereafter she was adopted by Charles and Beatrice Miller. Mr. Miller was a United States Army officer at the time, while Mrs. Miller was operating a business in Britain. Elizabeth lived with her mother in London until September 1973, when the family relocated to the United States.

From 1973 to 1986, Mr. Miller was seriously ill with cancer, which required the amputation of both his legs and 11 surgical procedures, and also suffered consequent mental illness. He died in 1986. The family had relied on him to handle the childrens' naturalization, and Mrs. Miller presumed he had gotten Elizabeth naturalized just as he had the three other German children the Millers adopted. Throughout this period Elizabeth attended public schools, held a social security card, paid taxes, and generally lived under the assumption that she was a U.S. citizen.

This assumption was dispelled when, after graduation from Drake University in Des Moines, Elizabeth decided to travel to South Africa to be with her future husband, Brian Owen, who she had met in the United States. She discovered that the only passport she had was German, from her infancy, and that she had apparently never been naturalized by her adoptive parents.

Elizabeth consulted with the Immigration and Naturalization Service about getting naturalized before leaving on her overseas journey in 1988. They told her she was eligible for naturalization, but that she should go ahead with her travels and be naturalized when she returned. She also consulted an immigration lawyer in Des Moines. The lawyer told her she could leave without getting naturalized, and advised her of the need to get a reentry permit, but not of the naturalization consequence of staying abroad for more than 1 year.

The consequence is an interruption of the 5-year permanent residency requirement that is prerequisite to naturalization. In South Africa, Elizabeth married Brian Owen, and decided to stay with him beyond 1 year while he settled his affairs so they could relocate to the States. She was improperly advised by the United States Government representative in South Africa that there would be no adverse immigration/naturalization consequences if she stayed in South Africa longer than 1 year. Relying on this information, Elizabeth stayed in South Africa for 16 months.

In short, after 15 years continuous permanent residence in the United States and a lifetime as the child of U.S. citizens, Elizabeth stayed abroad 4 months too long, interrupting her residence for naturalization purposes. She must therefore reside here another 5 years to be eligible for citizenship.

This unfortunate circumstance would be tolerable if Elizabeth were unmarried and childless. Since she is married to a foreign national, and the mother of a newborn U.S. citizen child, the practical effect of her legal situation is to deny her the possibility of ever becoming a U.S. citizen. For, unless Brian can immigrate to the United States immediately, the Owens will be required to return to South Africa with their child. Elizabeth would then be unable to satisfy the residency requirement for naturalization. If she wants to stay here and satisfy the legal requirements of citizenship, she must wait 2 years before her husband will be allowed in the country as a permanent resident.

The application of the standard rules of law and immigration regulations in this case is entirely unreasonable. Elizabeth Miller Owen, as the adopted child of American citizens, who relied on her late father to process her naturalization papers, should not be penalized for his failure to do so as a consequence of the illness which killed him. She should be able to enjoy all the rights of citizenship, just as she has borne all the obligations of U.S. citizenship her entire life. She should not be denied the consortium and support of her foreign spouse because of her absurd legal situation.

The bill which I am introducing today will rectify the Owens' situation. It will require Elizabeth to be considered to have satisfied the residency requirements of the Immigration and Nationality Act, and allow Brian Ross Owen to be lawfully admitted to the United States as a permanent resident.

I ask that the full text of the bill be printed in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF PERIOD OF RESIDENCY REQUIREMENT FOR ELIZABETH MILLER OWEN.

(a) WAIVER.—Elizabeth Miller Owen shall be considered to have satisfied the requirements of section 316 of the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States and, notwithstanding section 310(d) of that Act, may be naturalized if she is otherwise eligible for naturalization under that Act.

(b) LIMITATION OF WAIVER.—Subsection (a) shall apply only if Elizabeth Miller Owen files an application for naturalization within two years after the date of the enactment of this Act.

SEC. 2. PERMANENT RESIDENCE FOR BRIAN ROSS OWEN.

(a) GRANTING OF STATUS.—In the administration of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Brian Ross Owen shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act upon payment of the required visa fee.

(b) REDUCTION OF NUMBER OF AVAILABLE VISAS.—Upon the granting of permanent residence to Brian Ross Owen as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by one number during the current fiscal year the total number of immigrant visas available to natives of the country of the alien's birth under subsection (a) or (b) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153).

By Mr. DURENBERGER:

S. 582. A bill to extend until January 1, 1997, the temporary suspension of duty on cyclosporine; to the Committee on Finance.

CYCLOSPORINE DUTY ACT OF 1993

• Mr. DURENBERGER. Mr. President, I rise today to introduce legislation that would extend until January 1, 1997, the duty suspension of the drug cyclosporine that is due to expire at the end of 1992.

Cyclosporine is an immunosuppressant drug that has proven to be very important in helping patients survive an organ transplant operation. Cyclosporine appears to suppress the body's natural immune system, and in so doing, helps the patient fight organ rejection. The drug is manufactured by a company in Switzerland and is not manufactured in the United States. In 1990, Congress adopted an amendment I introduced that suspended the duty of this drug until the end of 1992. The legislation I am offering today merely extends that duty suspension until January 1, 1997. I urge my colleagues to support this legislation.•

By Mr. DURENBERGER:

S. 583. A bill to suspend temporarily the duty on photoreceptors and assemblies containing photoreceptors; to the Committee on Finance.

PHOTORECEPTORS DUTY ACT OF 1993

• Mr. DURENBERGER. Mr. President, the legislation I am introducing today would suspend the duty on photoreceptors and assemblies containing photoreceptors of certain electrostatic copier machines. A photoreceptor or drum is the part of the plain paper copier, computer laser page printer or plain paper laser facsimile which receives the projected image of the original for copying.

This legislation would place photoreceptors logically and appropriately within the tariff suspension which Congress had previously granted to other parts of the electrostatic copier machines. Over the past several years, the highly sophisticated and technologically advanced photoreceptors which are increasingly used in today's machines have not been produced in significant quantities domestically. Domestic distributors of after-market photoreceptors have therefore been forced to import these photoreceptors from overseas. The passage of this legislation would reduce unnecessary administrative costs and would improve the competitive position of domestic distributors of after-market photoreceptors.●

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. LUGAR, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 88, a bill to amend the National School Lunch Act to remove the requirement that schools participating in the school lunch program offer students specific types of fluid milk, and for other purposes.

S. 176

At the request of Mr. PRESSLER, his name was added as a cosponsor of S. 176, a bill to amend title XVIII of the Social Security Act with respect to essential access community hospitals, the rural transition grant program, regional referral centers, Medicare-dependent small rural hospitals, interpretation of electrocardiograms, payment for new physicians and practitioners, prohibitions on carrier forum shopping, treatment of nebulizers and aspirators, and rural hospital demonstrations.

S. 186

At the request of Mr. REID, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 186, a bill to require reauthorizations of budget authority for Government programs at least every 10 years, to provide for review of Government programs at least every 10 years, and for other purposes.

S. 257

At the request of Mr. BUMPERS, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 257, a bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

S. 289

At the request of Mr. REID, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 427

At the request of Mr. MITCHELL, the names of the Senator from Indiana [Mr. LUGAR], the Senator from North Dakota [Mr. DORGAN], the Senator from Vermont [Mr. LEAHY], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 427, a bill to amend the Internal Revenue Code of 1986 to permit private foundations to use common investment funds.

S. 451

At the request of Mr. JOHNSTON, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 451, a bill to establish research, development, and dissemination programs to assist in collaborative efforts to prevent crime against senior citizens, and for other purposes.

S. 525

At the request of Mr. HATFIELD, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 525, a bill to establish the Educational Flexibility Act.

S. 528

At the request of Mr. BURNS, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 528, a bill to provide for the transfer of certain U.S. Forest Service lands located in Lincoln County, MT, to Lincoln County in the State of Montana.

S. 540

At the request of Mr. GRASSLEY, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

S. 557

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 557, a bill to combat telemarketing fraud.

S. 578

At the request of Mr. KENNEDY, the names of the Senator from Maryland [Mr. SARBANES], the Senator from California [Mrs. BOXER], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 578, a bill to protect the free exercise of religion.

SENATE JOINT RESOLUTION 42

At the request of Mr. BUMPERS, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 42, a joint resolution to designate the month of April 1993 as "Civil War History Month".

SENATE CONCURRENT RESOLUTION 17

At the request of Mr. PRESSLER, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Concurrent Resolution 17, a concurrent resolution expressing the sense of the Congress that ethanol and mass fuels other than ethanol not be subject to any new energy tax.

AMENDMENTS SUBMITTED

NATIONAL VOTER REGISTRATION LEGISLATION

GRAMM AMENDMENT NO. 82

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill (S. 460) to establish national voter registration procedures for Federal elections, and for other purposes, as follows:

Strike all on page 9, line 1 through line 3.

MCCAIN (AND GRAMM) AMENDMENT NO. 83

(Ordered to lie on the table.)

MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by them to the bill S. 460, supra, as follows:

At the appropriate place, insert the following:

SEC. . REGISTRATION AND VOTING BY MEMBERS OF THE ARMED FORCES.

(a) Each State and the Secretary of Defense shall jointly develop and implement procedures—

(1) in the case of persons who are inducted into the Armed Forces of the United States after the date such procedures have been developed and implemented, to register those persons to vote at the time and place of induction;

(2) in the case of persons who are members of the Armed Forces of the United States on that date, to register those persons to vote at their place of duty; and

(3) to permit members of the Armed Forces of the United States to vote on the day of an election for Federal office at their places of duty.

(b) ABSENTEE VOTING.—(1) Each State shall—

(A) accept Federal write-in absentee ballots from members of the Armed Forces of the United States and their spouses and voting age dependents for both special and general elections for Federal office;

(B) treat each request for an absentee ballot by a member of the Armed Forces of the United States or their spouses or voting age dependents as a request for an absentee ballot to vote in all special and general elections for Federal office held during the calendar year in which the request is made.

(2) A State shall not impose or enforce any requirement that a request for an absentee ballot by a member of the Armed Forces of the United States or their spouses or voting age dependents be made within a certain length of time prior to the date of a special or general election for Federal office.

SPECTER AMENDMENT NO. 84

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 460, supra, as follows:

On page 14, strike lines 7 through 9 and insert the following:

(2) require that—

(A) the appropriate State or local voting registration official shall send notice to each applicant of the disposition of the application, which notice—

(i)(I) if the State or local voting registration official determines that the applicant has properly completed the application and is legally qualified to register, shall indicate that the application has been accepted and indicate the effective date of the applicant's registration; and

(II) if the State or local voting registration official determines that the applicant has not properly completed the application or is not legally qualified to register, shall indicate that the application has been rejected and state the reason for the rejection; and

(ii) the United States Postal Service shall exercise due diligence and make all reasonable effort to deliver and, failing delivery, to return to the sender: *Provided*, That in no such instance shall the United States Postal Service charge the State or local voting registration official a rate higher than that stipulated by section 8(h) of this Act; and

(B) if a notice of acceptance of an application is returned undelivered, the State or local voting registration official shall reject the application;

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on the science concerning global climate change. The hearing will take place on Tuesday, March 30, 1993, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building, First and C Streets NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention: Patricia Temple.

For further information, please contact Leslie Black Cordes of the committee staff at 202-224-9607.

ADDITIONAL STATEMENTS

EIGHTH GRADE YOUNG ESSAY CONTEST WINNERS

• Mr. LUGAR. Mr. President, I rise today to congratulate a group of young Indiana students who have shown great educative achievement. I would like to introduce to my colleagues the winners of the eighth annual Eighth Grade Young Essay Contest which I sponsor in association with the Indiana Farm Bureau and Bank One of Indianapolis. These students have displayed strong writing abilities and have proven themselves to be outstanding young Hoosier scholars. I submit their names for the CONGRESSIONAL RECORD because they demonstrate the capabilities of today's students and are fine representatives of our Nation.

This year, Hoosier students wrote on the theme, "Hoosier Farmers Feed the World." Students were encouraged to consider and creatively express what effect Indiana agriculture has on their daily lives. I would like to submit for the RECORD the winning essays of John Tarr of Orange County and Sarah Villwock of Knox County. As State winners of the youth essay contest, these two outstanding students are to be recognized today during a visit to our Nation's Capital.

The essays follow:

HOOSIER FARMERS FEED THE WORLD

(By John Tarr, Orange County)

I'm only a small kernel of corn. As only one of 72,000 kernels in a bushel, I may seem insignificant, but let me tell you my importance in the world. The farmer who raises me in Orleans, Indiana, produces enough food to feed 94 people in the U.S. and 33 abroad. Indiana has only 65,000 farms. It ranks eleventh in cash farm receipts bringing in $4.5 billion to strengthen our economy. This includes over $1.5 billion in exports which are needed for a balance of trade. Over half of this comes from crops like me.

The desire for different types of quality food has spurred rapid gains in food trade markets. Indiana's strength lies in its variety of quality products. Again, my corn family shines by being first in the nation's popcorn production which has doubled in the last ten years. Indiana also ranks in the nation's top four producers of ducks, chickens, eggs, tomatoes, hogs, and specialty crops such as mint oil. My corn family comes in fifth followed by turkeys, beef, dairy products, sheep, fruits, vegetables, wheat, and aquaculture.

Indiana products are no longer sold for food alone making us more in demand. I can be used to make rayon, cosmetics, and pharmaceutical drugs. My ethanol fuel gives an alternative to natural fuels. Making me into degradable, compostable plastic has confronted the world's solid waste problems. Since these are only a few of my uses, you can see why I'm in such demand.

With world population growing at 88 million people annually and farm population declining to less than 2%, it will be a job to meet the demand. High tech farming and versatility of quality products will keep Indiana's agricultural products in demand. Even this small kernel of corn sees nothing corny about its impact on the world. I'm a golden treasure!

HOOSIER FARMERS FEED THE WORLD

(By Sarah Villwock, Knox County)

Who is the Hoosier Farmer? According to the latest statistics he is a family farmer. Only two tenths of a percent of Indiana farms are operated by non-family groups. The average farmer is fifty years old and farms 246 acres. Over eighty percent of the farm operators live on their farms. There are sixty-five thousand farms on the sixteen million acres of farmland in Indiana.

These farmers grow a great variety of products. These include grains such as wheat, corn, popcorn, and soybeans. They also produce fruits and vegetables that range from apples, and peaches to tomatoes and cucumbers. did you know that Indiana farmers also grow nuts, tobacco, and peppermint? They raise livestock including hogs, cattle, sheep, and poultry.

Because less than two percent of our population live on farms most Hoosiers know very little about the foods they eat. A recent Gallop Poll found that only fifty one percent identified white bread as a food made from wheat. Forty-eight percent thought oatmeal was a wheat-based food. The statistics are probably not much different in other countries. Obviously, Americans know very little about where their food comes from.

Not only do we take our nourishment for granted, we don't realize how farming affects our economy. Farming is Indiana's largest industry. One out of every five jobs is related to agriculture. Each U.S. farmer grows enough to feed ninety-six people. Twenty of those people live outside the United States. A great many of our crops are exported to other countries. From Indiana half of our corn and two-thirds of our wheat and soybeans are exported. This gives a tremendous boost to our trade balance. With the world population increasing yearly, there will continue to be a need for more food. Most people consider it a moral responsibility to help other nations who cannot feed themselves.

Our responsibility as Hoosiers in the years to come will include preserving the natural resources that allow us to continue to produce these crops. Indiana is blessed with fertile soil, good climate, sufficient amount of rainfall, and an adequate transportation system.

Our state's greatest resource is the ingenuity of the Hoosier farmer. They continually accept the challenge of changing weather and markets while adapting new technology to stay efficient. They do this in order to provide the world with a safe and abundant food supply.

1992–1993 DISTRICT WINNERS

District 1—Paul Idzik, Tammy Rock
District 2—Tim Stair, Kara Vonderau.
District 3—Kyle Dennell, Mary Glasser
District 4—Robbie McFarren, Kelly Bennett
District 5—Mark Wilson, Angela Rusk
District 6—Matt Hill, Renee Inabnit
District 7—Ben Chelf, Sarah Villwock
District 8—Jesse Kinder, Valerie Schuck
District 9—John Tarr, Tonya Smith
District 10—Nathan Zink, Julia Metz.

COUNTY WINNERS

Allen: Tim Stair, Kara Vonderau.
Bartholomew: Ross Allen, Kristine Breeden.
Blackford: Catie Garrett.
Boone: Joni Randel.
Cass: Kyle Kennell, Mary Glaser.
Dearborn: Ben Marple, Katie McLaughlin.
Decatur: Samuel Green, Hannah Larcomb.
Fayette: Jesse Kinder.
Floyd: Kristy Renee Morrison.
Franklin: Michael Wilhelm, Valerie Schuck.
Fulton: Greg Runkle, Tammy Rock.
Gibson: Ryan Roethemeir.
Greene: Dan Truitt.
Hancock: Matt Hill.
Harrison: Adam Ferree, Kelly Branham.
Jackson: Michale Kruse, Holly England.
Jasper: Matt Putnam, Nikki Virok.
Jay: Lance Paxson, Kelly Bennett.
Johnson: Michael O'Mara, Renii Inabnit.
Knox: Eric Laue, Sarah Villwock.
Kosciusko: Richie Brown, Sarah Calhoun.
Lawrence: John Dillman.
Morgan: Mark Wilson.
Newton: Nicholas Lee, Heather Bitler.
Orange: John Tarr.
Rush: Kevin Leising.
St. Joseph: Paul Idzik, Meaghan Klontz.
Tipton: William Kemper.
Vanderburgh: Colin Root, Kelly Conger.

Vigo: Ben Chelf, Shelley Madison.
Wabash: Kevin Brainard, Alicia Good.
Warren: Nathan Blacketer, Angela Rusk.
Warrick: Adam Rentz, Tonya Smith.
Washington: Nathan Zink, Julia Metz.
Wells: Robbie McFarren, Leah Habegger.●

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 102–343, announces the appointment of the Senator from Virginia [Mr. ROBB] as a delegate to the Thomas Jefferson Commemoration Commission.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:30 a.m., Tuesday, March 16; that following the prayer the Journal of proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes each, with the following Senators recognized for the time limit specified: Senators GRASSLEY and GRAMM of Texas for up to 10 minutes each, Senator ROBB for up to 15 minutes, and Senator LAUTENBERG for up to 20 minutes; that at 2:15 p.m., the Senate resume consideration of S. 460, the motor-voter bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11:30 A.M. TOMORROW

Mr. FORD. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:20 p.m., recessed until tomorrow, Tuesday, March 16, 1993, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 15, 1993:

DEPARTMENT OF STATE

Strobe Talbott, of Ohio, to be Ambassador at Large and Special Adviser to the Secretary of State on the New Independent States.

Harriet C. Babbitt, of Arizona, to be the Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

Stephen A. Oxman, of New Jersey, to be an Assistant Secretary of State, vice Thomas Michael Tolliver Niles, resigned.

IN THE ARMY

The U.S. Army National Guard officer named herein for appointment in the Reserve of the Army of the United States in the grade indicated below, under the provisions of Title 10, United States Code, sections 593(a) and 3371:

To be major general

Brig. Gen. John R. D'Araujo [redacted]

IN THE MARINE CORPS

The following-named colonels of the U.S. Marine Corps for promotion to the permanent grade of brigadier general, under the provisions of title 10, United States Code, section 624:

To be brigadier general

Col. Thomas A. Braate[redacted].
Col. Martin R. Steel[redacted].
Col. Frederick McCorkl[redacted].
Col. Michael D. Rya[redacted].
Col. Patrick G. Howar[redacted].
Col. Wayne E. Rolling[redacted].
Col. George M. Karamarkovic[redacted].
Col. Michael P. DeLon[redacted].
Col. Edwin C. Kelley, J[redacted].
Col. Richard F. Vercautere[redacted].
Col. Edward Hanlon, J[redacted].
Col. Geoffrey B. Higginbotha[redacted].
Col. Jack W. Klim[redacted].
Col. Ronald G. Richar[redacted].

IN THE NAVY

The following-named rear admirals (lower half) in the line of the Navy for promotion to the permanent grade of rear admiral, pursuant to Title 10, United States Code, section 624, subject to qualifications therefore as provided by law:

Unrestricted Line Officer

To be rear admiral

Rear Adm. (lh) Philip James Coady, Jr., [redacted] U.S. Navy.

Rear Adm. (lh) Philip Alphonse Dur[redacted] [redacted] U.S. Navy.

Rear Adm. (lh) Joseph Wilson Prueher, [redacted] U.S. Navy.

Rear Adm. (lh) Robert Johnson Spane[redacted] [redacted] U.S. Navy.

Rear Adm. (lh) Richard Alexander Wilson, [redacted] U.S. Navy.

The following-named rear admiral (lower half) in the competitive category of engineering duty officer of the Navy for promotion to the permanent grade of rear admiral, pursuant to Title 10, United States Code, section 624, subject to qualifications therefore as provided by law:

Engineering Duty Officer

To be rear admiral

Rear Adm. (lh) Edward Stillman McGinley, II, [redacted] U.S. Navy.

HOUSE OF REPRESENTATIVES—*Monday, March 15, 1993*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 11, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on Monday, March 15, 1993.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We remember in our prayer this day all those people who wish for healing in their lives and who desire a special measure of grace. O loving God, who has created all things and whose grace is abundant for all our needs, we pray that Your healing power will be with all those who have known sorrow or great loss, that they will be sustained by the power of Your mighty hand, that they will be comforted by Your eternal spirit and that they will sense Your peace, that peace that gives a joyful remembrance of days past, that gives strength for today and hope for tomorrow. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Oregon [Ms. FURSE] to lead the House in the Pledge of Allegiance.

Ms. FURSE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 750. An act to extend the Export Administration Act of 1979 and to authorize appropriations under that act for fiscal years 1993 and 1994.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 400. An act to amend the Employee Retirement Income Security Act of 1974 to provide for the treatment of settlement agreements reached with the Pension Benefit Guaranty Corporation;

S.J. Res. 22. Joint resolution designating March 25, 1993, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and

S.J. Res. 36. Joint resolution to proclaim March 20, 1993, as "National Agriculture Day."

The message also announced that pursuant to sections 276h–276k, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. GRAMM as vice chairman of the Senate delegation to the Mexico-United States Interparliamentary Group during the 103d Congress.

The message also announced that pursuant to sections 276d–276g, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. STEVENS as vice chairman of the Senate delegation to the Canada-United States Interparliamentary Group during the 103d Congress.

The message also announced that pursuant to section 276, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President appoints Mr. BURNS, as vice chairman of the Senate delegation to the Interparliamentary Union during the 103d Congress.

The message also announced that pursuant to section 276, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mrs. BOXER, as chairman of the Senate delegation to the Interparliamentary Union during the 103d Congress.

The message also announced that pursuant to section 9355(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Mr. BURNS from the Committee on Appropriations and Mr. LOTT at large, to the Board of Visitors of the U.S. Air Force Academy.

The message also announced that pursuant to section 4355(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Mr. D'AMATO from the Committee on Appropriations and Mr. PRESSLER, at large, to the Board of Visitors of the U.S. Military Academy.

The message also announced that pursuant to section 6968(a), of title 10, United States Code, the Chair, on behalf of the Vice President, appoints Mr. MCCAIN from the Committee on Armed Services, and Mr. HATFIELD from the Committee on Appropriations, to the Board of Visitors of the U.S. Naval Academy.

The message also announced that pursuant to Public Law 94–304, as amended by Public Law 99–7, the Chair, on behalf of the Vice President, appoints Mr. D'AMATO, Mr. GRASSLEY, Mr. SPECTER, and Mr. MACK, to the Commission on Security and Cooperation in Europe.

The message also announced that pursuant to Public Law 102–246, the Chair, on behalf of the majority leader, appoints John W. Kluge of New York and Arthur Ortenberg of New York, as members of the Library of Congress Trust Fund Board.

The message also announced that pursuant to sections 1928a–1928d, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. HEFLIN, as chairman of the Senate delegation to the North Atlantic Assembly during the 103d Congress.

REPORT ON H.R. 1335, SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR ENDING SEPTEMBER 30, 1993

Mr. NATCHER, from the Committee on Appropriations, submitted a privileged report (Rept. No. 103–30) on the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. MYERS of Indiana reserved all points of order on the bill.

PERMISSION FOR COMMITTEE ON BUDGET TO FILE PRIVILEGED REPORT ON CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1994

Mr. SABO. Mr. Speaker, I ask unanimous consent that the Committee on Budget have until midnight Monday, March 15, 1993, to file a privileged report on the concurrent resolution on the budget for fiscal year 1994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

BILL'S BUDGET CLEANSER

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, when President Clinton presented his tax-and-spend budget to the Nation, he issued a challenge to those who found it wanting.

If you want more cuts, he said, be specific.

Republicans in the House have responded. Early on in the process I told our budgeteers on the committee to do the very best they could, notwithstanding the fact that they probably would not have the official document in budget form from the President until after we had actually considered it in this House; but nonetheless, with their experience, to do the very best job they knew how.

Under the leadership of the gentleman from Ohio [Mr. KASICH], our ranking Republican on the Budget Committee, we Republicans have created a budget based on cutting spending, not raising taxes.

Even the editors of the New York Times, and more recently this morning the Washington Post, have said the Republican budget deserves careful attention, which it did not get from the Democrats in the committee.

The White House has engaged in a massive propaganda campaign, selling the President's budget as if it were a new product, Bill's budget cleanser, with lemon scent, maybe; but no matter how cleverly they package it, they cannot hide the fact that the Clinton budget increases taxes, does not cut spending enough, and savages national defense.

Later in the week, we Republicans are going to ignore the Madison Avenue packaging and show where the real lemons are in Bill's budget cleanser.

BODY SHOP

(Ms. FURSE asked and was given permission to address the House for 1 minute.)

Ms. FURSE. Mr. Speaker, last week I was presented with 2,000 postcards like this urging reduced military spending. These postcards were collected by a very successful business in my community, the Body Shop. The presentation was part of a national campaign coordinated by other successful businesses including Ben and Jerry's ice cream, Working Assets, Long Distance and Just Desserts. Over 30,000 cards were collected around the country.

The postcard reads: "Every warship launched, every rocket fired signifies a theft from those who are not fed, those who are not clothed." These are the words of the highest military ranking President, Dwight D. Eisenhower.

It is inspiring that businesses and individuals are reaching out to Congress to call for new economic priorities. The cold war is over and it is time to meet the civilian needs of this country. With new priorities, we can give businesses the opportunity to expand and develop new technologies, we can have vital communities and make Americans the best educated, and healthiest in the world.

FAIRNESS TO ALL TAXPAYERS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, we have heard a lot lately about change. I am for that. I believe we should have less government and less taxes.

We have heard a lot about sacrifice. I am for that. I think we could sacrifice a number of Government programs if we could encourage the private sector where wealth and jobs are created.

We have heard a lot about fair share, equity and fairness, and I am for that. Who is not?

Mr. Speaker, I am a bit concerned, however, about the House Democrat leadership and what they mean by fair share.

The Washington Times last Saturday has a headline, "Area Federal Workers May Get Pay Raise."

It says, "Pay raises for all Washington Federal workers may be rescued from President Clinton's proposed spending cuts," Mr. Royer said yesterday.

How fair is that? How fair is it that a rancher in Wyoming with family-size herd may pay more than $5,000 in new taxes?

How fair is it that a coal miner in Wyoming because of the Btu tax may not have a job, and if so, have something less than he makes now?

How fair is it for Federal workers in Wyoming not to have a raise, while those of the constituency of the Democrat leadership do?

Mr. Speaker, sharing fairly does not mean giving the House leadership's constituents an extra break.

□ 1210

THE 226TH ANNIVERSARY OF THE BIRTH OF ANDREW JACKSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. CLEMENT] is recognized for 60 minutes.

Mr. CLEMENT. Mr. Speaker, today marks the 226th anniversary of the birth of our seventh President, Andrew Jackson.

Andrew Jackson, as many of my colleagues know, was Tennessee's first Representative to the Congress. And, as the 37th individual to succeed to the district first represented by Jackson, I deem it an honor to join in today's celebration.

A forceful, at times violent personality, Jackson continues to provoke controversy among historians, who see in him reflections of both the best and the worst tendencies of the new Republic.

Jackson was a southwestern parvenu who combined a sense of rough-hewn egalitarianism with the gentlemanly honor typical of his class. Born in the Carolina backwoods to an immigrant farming family from Ireland, he fought in the Revolution and was captured and imprisoned by the British. By war's end, all but one member of his immediate family had died in connection with the conflict. A teenager alone and adrift, Jackson eventually decided to study law and then to head farther west. Although immensely ambitious, he would never lose touch with his plebeian roots.

Jackson's rise, helped along by some fortunate contacts, was mercurial. Starting out as a prosecuting attorney for the western district of North Carolina, what is now Tennessee, he went on to serve as a delegate to the Tennessee constitutional convention, Tennessee's first elected Congressman, and briefly U.S. Senator, before he returned to Nashville in 1798 and won a seat on the State supreme court. He also set himself up as a slaveholder on a modest estate he would build into a major cotton plantation, the Hermitage.

Jackson won national fame, however, in the military. During the War of 1812, he and his troops crushed the Creek Indians after a lengthy campaign in the Mississippi Territory. Rewarded with a U.S. Army commission, he led the American forces to victory at the Battle of New Orleans, emerging as the war's greatest hero. In 1818, he ruthlessly pursued the government's war with the Seminoles into Spanish Florida, and provoked controversy by summarily executing two British subjects suspected of aiding the Indians. In 1821, he was named military governor of the Florida Territory.

By now, Jackson had gained a huge popular following as an Indian fighter and foe of British tyranny—and at the urging of friends he returned to politics. He reclaimed his Senate seat in 1823 and then ran for the Presidency the following year in a four-man race, collecting a plurality of the popular tally but insufficient electoral votes to win. When the House of Representatives decided in favor of John Quincy Adams, Jackson thundered that he was the victim of a corrupt bargain between Adams and Henry Clay. But building a fresh coalition of Southern strict constructionists, Western expansionists, and antiadministration forces in the Mid-Atlantic States, he defeated Adams in 1828, believing he had vindicated his principle that the majority is to govern.

It soon became clear that Jackson's ascent marked a change in the Nation's political direction. Early on, he established the principle of rotation in office, on the premise that any plain and simple man could do the people's business. He checked the program of Federal internal improvements proffered by Adams and Clay, believing it a dangerous expansion of Federal power favorable to established wealth. On Indian affairs, he ran roughshod over his critics and proclaimed a policy of forced relocation of eastern tribes west of the Mississippi River, opening fresh lands for settlers. As antislavery agitation mounted—a danger, he thought, to national tranquillity and his own democratic political project—he condemned the abolitionists and backed efforts to curtail their activities. At the same time, he angrily defeated those emerging southern nationalists led by his former ally, John C. Calhoun who defied Federal authority in the name of States rights.

But it was Jackson's war on the Second Bank of the United States that consolidated his reputation as a champion of the common man. A hard-money advocate, suspicious of personal debt, Jackson viewed the bank as a monstrosity that gave power over the people's money to a few unelected private bankers. After vetoing the bank's recharter in 1832—a move that helped secure his reelection—he ordered the removal of U.S. funds, tried to put the Nation's economy on a hard-money footing, and revived populist, anticapitalist sentiments latent since Thomas Jefferson's Presidency.

By the close of his second term, Jackson and his supporters had transformed his following into an effective national party, fashioned more or less in his own image. After seeing his protégé Martin Van Buren elected as his successor, he returned to the Hermitage, where he lived out his final years as a country gentleman and elder statesman.

Jackson's career exemplified, and in many ways molded, the contradictory forces at work in the democratization of the early Republic. In his appeals to the common man, his attacks on privileged wealth, and his help in building a new sort of mass political party, he advanced the causes of equal rights and majoritarian democracy.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. THOMAS of Wyoming) to revise and extend their remarks and include extraneous material:)

Mr. KYL, for 60 minutes each day, on March 22, 23, 24, and 25.

Mr. KOLBE, for 60 minutes, on March 16.

Mr. KASICH, for 60 minutes, on March 16.

Mr. HOBSON, for 60 minutes, on March 16.

Mr. REGULA, for 60 minutes each day, on March 23, 24, and 25.

Mrs. BENTLEY, for 60 minutes each day, on April 27, 28, and 29.

Mrs. BENTLEY, for 60 minutes each day, on May 4, 5, 6, 11, 12, and 13.

Mr. BACHUS of Alabama, for 5 minutes, on March 16.

Mr. GINGRICH, for 60 minutes each day, on March 22, 23, 24, 25, 26, 29, 30, April 1, 2, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, and 30.

Mr. SOLOMON, for 60 minutes, on March 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. THOMAS of Wyoming) and to include extraneous matter:)

Mrs. MORELLA.

Ms. ROS-LEHTINEN.

Mr. DICKEY in two instances.

(The following Members (at the request of Ms. FURSE) and to include extraneous matter:)

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. TRAFICANT in two instances.

Mr. WAXMAN.

Mr. MANTON.

Mr. CARR in two instances.

SENATE BILLS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 22. Joint resolution designating March 25, 1993, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on Post Office and Civil Service.

S.J. Res. 36. Joint resolution to proclaim March 20, 1993, as "National Agriculture Day"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Ms. FURSE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 16, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

901. A letter from the Assistant Secretary of Defense (Production and Logistics), transmitting the force structure plan for the Armed Forces, pursuant to Public Law 101-510, section 2903(a) (104/1810); to the Committee on Armed Services.

902. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

903. A letter from the Director, Office of Management and Budget, transmitting OMB's cost estimate for Pay-As-You-Go calculations for the Emergency Unemployment Compensation Amendments of 1993 (P.L. 103-6), pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

904. A letter from the Director, Armed Forces Retirement Home, transmitting the United States Naval Home's first annual report for fiscal year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

905. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

906. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

907. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NATCHER: Committee on Appropriations. H.R. 1335. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes (Rept. 103-30). Referred to the Committee of the Whole House on the State of the Union.

Mr. SABO: Committee on the Budget. H. Con. Res. 64. Resolution setting forth the congressional budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998 (Rept. 103-31). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MONTGOMERY (by request):

H.R. 1336. A bill to amend title 38, United States Code, to revise eligibility for outpatient services provided by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. TORRICELLI:

H.R. 1337. A bill to provide demonstration grants to secondary schools for the purpose of extending the length of the academic year at such schools; to the Committee on Education and Labor.

By Mr. UPTON:

H.R. 1338. A bill to provide assistance to distressed communities; jointly, to the Committees on Ways and Means, Banking, Finance and Urban Affairs, Education and Labor, Energy and Commerce, the Judiciary, and Agriculture.

By Mr. GEPHARDT (for himself and Mr. GINGRICH):

H.J. Res. 150. Joint resolution designating April 2, 1993, as "Education and Sharing Day, U.S.A."; to the Committee on Post Office and Civil Service.

By Mr. KING:

H.J. Res. 151. Joint resolution designating April 18, 1993, as "Warsaw Ghetto Uprising

Remembrance Day"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

57. By the SPEAKER: Memorial of the General Assembly of the State of New Jersey, relative to State's property tax rebate; to the Committee on Banking, Finance and Urban Affairs.

58. By the SPEAKER: Memorial of the Legislature of the State of Washington, relative to a forest summit in the Pacific Northwest; jointly, to the Committees on Natural Resources, Agriculture, and Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 108: Mr. YOUNG of Florida and Mr. LIPINSKI.

H.R. 349: Mr. ROEMER.

H.R. 726: Mr. FISH.

H.R. 749: Mr. GOODLING, Mr. LINDER, and Mr. BAKER of Louisiana.

H.R. 786: Mr. GEJDENSON.

H.R. 852: Mr. FILNER, Mr. BERMAN, and Mr. GOODLATTE.

H.R. 882: Mrs. THURMAN.

H.R. 918: Mr. CLYBURN, Mr. CLAY, Mr. RANGEL, and Mr. REYNOLDS.

H.R. 1149: Mr. KINGSTON.

H.R. 1158: Mr. LEWIS of Florida.

H.J. Res. 10: Mrs. CLAYTON, Ms. VELÁZQUEZ, Mr. SOLOMON, and Mrs. UNSOELD.

H.J. Res. 77: Mr. MEEHAN, Mr. MANN, and Mr. INGLIS.

H.J. Res. 106: Mr. FALEOMAVAEGA, Mr. GEKAS, Mr. GONZALEZ, Mr. LANCASTER, Mr. LEWIS of Florida, Mr. MCKEON, and Mr. ROMERO-BARCELÓ.

H. Con. Res. 21: Ms. FURSE.

H. Con. Res. 36: Mrs. VUCANOVICH and Mr. GILMAN.

H. Res. 50: Ms. FOWLER and Mr. DELAY.

EXTENSION OF REMARKS

TRIBUTE TO THOMAS J. CARNEY AND ROSEMARY DURKIN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to two very active members of my district: Thomas J. Carney and Rosemary Durkin.

Mr. Speaker, on Wednesday, March 17, Mr. Carney and Ms. Durkin will be honored by the Ancient Order of Hibernians as the Irish Man and Woman of the Year. It is no surprise to me, however, these two prestigious individuals have demonstrated their unparalleled leadership and integrity throughout their respective careers. More importantly, their service to the community has been gracious and selfless.

Ms. Durkin is a political mainstay in Mahoning County. She was elected clerk of courts in 1975 and has since developed numerous political and professional relationships with officials on the Federal, State, and local levels. Most importantly, Ms. Durkin has redefined the role of the clerk, with the Supreme Court of Ohio consistently upholding her views on what the position should entail. She now prepares to serve her fourth term.

As mentioned, Mr. Speaker, Ms. Durkin is also deeply involved with the community. She is a member of St. Edward's Church, the Mahoning County Federation of Democratic Women, and the Ohio Association of Municipal Court Clerks. She has been chairman for the door-to-door canvas for the American Cancer Association and has been honored as both the John F. Kennedy Democratic Club and the Truman-Johnson Democratic Women's Club Woman of the Year.

Mr. Speaker, Mr. Carney was born and raised in Youngstown and is now a prominent fixture in the city. He is a graduate of the Air Defense School in Fort Bliss, TX, and served as a guided missile battery commander. He was discharged after 10 years in the 83d Ohio Reserve Infantry Division with a rank of captain.

Mr. Carney then worked his way from serving as a department manager at Sears, Roebuck & Co. to the president of Carney-McNicholas, Inc. Seeking public office, Mr. Carney was elected boardman township trustee, then moved on to be an Ohio State representative. He served in numerous committees and was eventually elected majority whip. He returned to Youngstown after 10 years and has served as the Mahoning County commissioner since 1982.

Mr. Carney is now a member of St. Charles Church and is actively involved in a variety of organizations, including the Youngstown Area Chamber of Commerce and the Mahoning Valley Economic Development Corp.

Mr. Speaker, it brings me great pleasure to rise in honor of these two outstanding individuals. Erin-go-bragh, Mr. Carney and Ms. Durkin.

ARMANDO M. LAGO CONTINUES TO FIGHT FOR HUMAN RIGHTS IN CUBA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1993

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to bring to the attention of the House and the American public the continuous struggle that Mr. Armando M. Lago has dedicated himself to in denouncing the terrible human rights violations under Castro's Cuba and particularly in focusing on the psychiatric abuse for political purposes.

After 2 years of research, Mr. Lago, along with his coauthor, Charles Brown, have compiled 31 cases of psychiatric abuse of Cuban political dissidents. Their book is titled "Politic of Psychiatry in Revolutionary Cuba" and it exemplifies an extremely higher rate of psychiatric abuses in comparison to other studies of a similar nature performed in the former Soviet Union.

Mr. Lago's study found that 11 dissidents were subjected to electroshock treatments, with some receiving as many as 24 electroshock sessions. Mr. Lago continues to point out that only 11 of the prisoners whom they studied were diagnosed as mentally ill. Three of these prisoners never received any psychiatric diagnosis, and four were found sane but unbelievedly, were sent back to the forensic wards.

Incredibly, one prisoner was diagnosed as apathetic to socialism, and another was diagnosed as suffering from delusions of being a defender of human rights. In his book, Mr. Lago sites numerous horrible testimonies of human rights abuses such as the use of electroconvulsive therapy which is appropriate for some mental illnesses. However, in Cuba it is routinely used as punishment for dissident acts.

The above mentioned are clearly human rights abuses carried out by an illegitimate government that tolerates and encourages such atrocities to its people. The international community, particularly the U.N. Commission on Human Rights, should be made aware of such outright abuses. They should demand a comprehensive and detailed explanation from the Cuban leaders who are ordering these inflections on innocent people.

It is my pleasure to bring to the public's attention Mr. Lago's effort to bring worldwide attention to this cruel and unjust system.

SCHUYLERVILLE TROOP 13 CELEBRATES 75TH YEAR OF SCOUTING

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1993

Mr. SOLOMON. Mr. Speaker, I've been involved in Scouting for most of my adult life, and few things have given me more satisfaction. Scouting has always been and continues to be an apprenticeship in life, a preparation for citizenship, and a source of our future leaders.

That's why I take pride in bringing to your attention the 75th anniversary of Schuylerville Troop 13, Boy Scouts of America.

Not very long after Scouting was established in America, a Boy Scout troop was established in Schuylerville. It was the first of its kind in the Saratoga District of New York State. In fact, the troop would still be known as Troop 1, had it not been for the fact that its first Scoutmaster was called to serve in World War I.

The troop was rechartered as Troop 13 in 1918. In the 1950's, Old Saratoga Post of the American Legion became Troop 13's sponsor, and continues in that function to this day.

Mr. Speaker, Troop 13 has maintained the highest standards of Scouting envisioned by Robert Baden Powell, the founder of Scouting. The troop is synonymous in the Schuylerville area for selfless service. I would add that those who worry about the direction of this country can take comfort in the continued popularity of Scouting, where the American tradition of community service and moral values survives with undiminished strength.

Mr. Speaker, I know that many other Members of this body are also products of Scouting, and share my high admiration. Therefore, I proudly ask everyone to join me in wishing Troop 13 of Schuylerville, NY, a happy 75th birthday.

THREE MONTGOMERY COUNTY, MD, STUDENTS AMONG TOP 10 IN WESTINGHOUSE SCIENCE CONTEST

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1993

Mrs. MORELLA. Mr. Speaker, it is a proud moment for me to pay tribute to Wei-hwa Huang, Steve Shaw-tang Chien, and Elizabeth Dexter Mann on finishing among the top 10 finalists of the prestigious Westinghouse Science Talent Search. The three students are seniors at Montgomery Blair High School in Silver Spring, MD. Wei-hwa Huang finished

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

sixth and won a $15,000 scholarship for a math project involving the puzzle game peg solitaire. Steve Shaw-tang Chien placed eighth and earned $10,000 for devising a winning strategy for a mathematical game. Elizabeth Mann placed ninth and also won $10,000 for a project in which the goal was to reduce the amount of time it takes a supercomputer to solve a problem.

Montgomery Blair is a math, science, and computer science magnet high school drawing students from every corner of Montgomery County. The science curriculum at Blair is nontraditional and reverses the usual sequence of subjects. Students take physics in their freshman year, and progress to biology and the Earth Sciences in their senior year. When Blair first became a magnet school in 1986, its reputation was declining. The development of an outstanding science and math magnet program at Blair has brought the school into the national spotlight.

As a former teacher, I applaud the principal and the faculty at Montgomery Blair High School for inspiring three of the top finalists in the Westinghouse contest. The fact that three winners attend the same high school is a testament to the commitment and dedication of the teachers at Montgomery Blair in providing a quality education to a diversity of students.

I congratulate the three finalists for achieving the national recognition they deserve, and I wish the winning combination of students and teachers at Montgomery Blair High School continued success in achieving excellence in math and science education.

CLINTON'S BROKEN PROMISES

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1993

Mr. COX. Mr. Speaker, recently, one of my constituents wrote a splendid letter about President Bill Clinton's broken campaign promises. Because it reflects so well the fact that the real cause of the Federal Government's budget problem is not insufficient taxation but, rather, unrestrained spending, I set it forth for the RECORD.

LAGUNA BEACH, CA,
February 2, 1993.

DEAR CONGRESSMAN COX: Normally, I don't take the initiative to write to anyone, but when I saw Bill Clinton on the news this morning, telling the Governors Conference that he likes stirring up controversy and is "having fun", after all the campaign promises he has already broken and the things he has done in his first two weeks as President, I decided that I should voice my opinion, in the hopes that something can be done for those 60% of us who did not vote for him.

As a member of a middle class family that has already been sacrificing, I resent the fact that this man is asking the middle class to sacrifice more. No one would mind paying more taxes if they would really go towards making our country a better place for all Americans, but clearly Clinton does not care about all Americans, he only cares about the Liberal Americans and how to make the U.S. a better place for them. His proposal on taxing the rich (those that make a combined income of $150,000) more, is absolutely frightening. Actually, all of his proposals so far are frightening. The "rich" as he calls them, are the middle class in most of the cities in the U.S., and we are already being taxed too much. Why should the people who have worked hard in order to achieve a better life for themselves and their families be punished in favor of those individuals who have chosen an easier way. Why doesn't he ask the millions of free-loaders who are on government entitlements to sacrifice a little. That might help the deficit a bit. I wonder, has the thought "Stop Government Spending" ever occurred to a Democrat!

I only hope that there are enough Republicans and responsible Democrats to put the reins on Bill and Hillary Rodham Clinton. Please tell me that there are. We need all the hope and encouragement we can get in the next four years.

Respectfully,
DIANE M. BRIDGES.

IN HONOR OF ANDY AND EDDIE TURNER

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1993

Mr. POSHARD. Mr. Speaker, I rise to pay tribute to a husband and wife from my district, Andy and Eddie Turner, who on March 17 will celebrate their 50th wedding anniversary. In this day and age, 50 years of wedded bliss is truly a landmark worthy of celebration, and the Turners are certainly deserving of this recognition.

I have just recently been given the honor of representing the fine people of Clark County, IL, and I have already heard many fine things about the Turner family. Andy and Eddie have been blessed with 6 children and 11 grandchildren, each of whom they have given love, care, and guidance as parents and grandparents. My colleagues in the House will be interested to know that the Turners share our commitment to public service. Andy was a pollwatcher at the tender age of 11, and his passion for and commitment to our political process and the American dream has long endured. Democrats in Clark County know that Andy served them well as their party chairman for 25 years and through 6 national conventions, always with Eddie by his side as they worked together to provide their friends and families good communities which they could call home.

Their commitment to those around them and to each other are shining examples of what is good and right about our Nation. I am honored to know the Turner family and wish them the greatest happiness on this very special day. May we all live such rich and distinguished lives.

COMPEER PROGRAM ANNIVERSARY 1993

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1993

Ms. SLAUGHTER. Mr. Speaker, this year America celebrates the anniversary of a service program that has added a new dimension to the timeless concept of friendship. The Compeer Program, which originated in my home district of Rochester, NY, is celebrating the 20th anniversary of its existence in Rochester and its 10th anniversary nationwide.

Begun as an Adopt-a-Patient program at the Rochester Psychiatric Center in 1973, Compeer matches caring, sensitive, and trained volunteers to those who are isolated, lonely, or who, because of mental illness, experience difficulty in coping. Compeer is based on the concept that, through the sharing of friendship with clients, volunteers can offset the sometimes systemized isolation and loneliness of the mentally ill, and relieve families of their continuous focus on care.

In the past, the mentally ill have been discharged into communities where, in theory, they would lead richer, more productive lives than they would in institutions. The reality proves otherwise. People who suffer from illness, who are living both in and out of hospitals, suffer from isolation and loneliness. The majority lack a support system of either friends or family.

Compeer has helped to change this. A unique partnership between volunteer, client, therapist, and Compeer staff has enabled hundreds to become fully integrated into society as mentally and emotionally healthy individuals. In an era of health care cost containment, decreased funding for mental illness, skyrocketing costs of psychiatric hospitalizations, and deteriorating traditional support systems, Compeer addresses a national problem by providing cost-effective utilization of volunteers as an adjunct to therapy. Compeer has made a tremendous difference in our country—fostering and nurturing new friendships, filling the gaps of loneliness, and building bridges of understanding and hope.

Over the past 20 years, the Rochester Compeer Program, which serves as a trainer and consultant to new programs, has grown from 12 volunteers to nearly 750 volunteers, serving 1,150 clients in 1992 in the Rochester community alone. Both new and existing programs make up a nationwide network, with 115 Compeer affiliates located in 33 States, and new programs established in The Netherlands and Canada. Last year over 3,500 volunteers nationwide donated 254,800 hours of service.

For their selfless and tireless efforts, Compeer executive director Bernice Skirboll and staff deserve our most sincere gratitude and whole-hearted praise. I ask my colleagues to join me on this anniversary of the Compeer program, in congratulating the volunteers, clients, therapists, and staff of Compeer for their splendid accomplishments.

TRIBUTE TO ARTHUR D. STROUD III

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to a young man who has demonstrated superhuman courage. I rise to the honor of 14-year-old Arthur D. Stroud III, a citizen of my district.

Mr. Speaker, Arthur was home with his 3-year-old sister Claire when a horrible fire struck his family home. Upon smelling smoke, he rushed to his sister asleep in her room. Clutching her in his arms, he fought flames screaming across ceilings and walls. Unabated, he kept low to the ground, choking on smoke and fighting back the fires that scalded his chest, back, face, arms, and shoulders. He escaped with first- and second-degree burns. Claire was uninjured.

Mr. Speaker, they say there are no more heroes. I take exception to this, as Arthur has demonstrated the courage and selflessness to merit unlimited praise and adulation.

Mr. Speaker, I thank him for his act of bravery. I am proud to call him a citizen of my district.

TRIBUTE TO CHARLES A. WILKINSON

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1993

Mr. CARR. Mr. Speaker, I rise today to pay tribute to Charlie A. Wilkinson, a very special man. I have the good fortune to be the representative for the city of Hartland. As such, it is my distinct honor to bring to your attention the achievements of my constituents.

Charlie has been an active firefighter with Hartland Township for over 50 years. He is 84 years old, yet still participates in the day-to-day affairs of the department. His length of service makes him the second longest active firefighter in the State of Michigan. It is rare these days for an individual to stay in the same profession for 50 years, let alone one as demanding as firefighting. Charlie's dedication should be both admired and emulated.

As well as contributing to the community through the fire department, Charlie is involved in a wide variety of community services. He has served on the Livingston County Salvation Army Board and is a charter member of the area Audubon Society. He has been involved in the Boy Scouts for over 30 years and is a recipient of the Silver Beaver Award, which is scouting's highest civilian honor. The accolades he has received from his community deserve a similar response from this Congress, who could take a valuable lesson from his wholehearted spirit of service.

TOWN OF HARTFORD, NEW YORK, CELEBRATES 200TH ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1993

Mr. SOLOMON. Mr. Speaker, you'll forgive me if I do a little bragging, but I am extraordinarily proud of the historical heritage of the 22d Congressional District of New York.

Tomorrow, one of the most delightful towns in our district, the Washington County town of Hartford, will celebrate its 200th anniversary.

Mr. Speaker, you and other Members can consider this a standing invitation to visit Hartford at any time to catch a glimpse of the quiet beauty of smalltown life in rural America. It's an area of small farms and dignified hamlets that reflect the values that made this country great.

I'm speaking of the spirit of helping one's neighbor, hard work, and thrift; the values that carved a great nation out of the wilderness of a new continent.

The people of Hartford tend to be moderately conservative, not in the ideological sense, but in the sense of preserving those values where they work, live, worship, and educate their children.

Mr. Speaker, the town of Hartford is one of the reasons I go home every weekend.

Please join me, then, in congratulating the people and town of Hartford, NY, for exemplifying the best of smalltown America for 200 years.

TRIBUTE TO ALBERT E. BRUCHAC

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1993

Mr. MANTON. Mr. Speaker, I rise to pay tribute tonight to Mr. Albert E. Bruchac, who is stepping down as the executive director of the Queens County Chamber of Commerce.

Al has lived and worked in Queens for more than 48 years. He and his wife of 50 years, Pat, have two children, Chip and Mary, and four grandchildren.

Al joined the staff of the Queens Chamber of Commerce in 1970 as director of membership services. He then served as the director of business development in 1973, and later as the secretary to building awards committee, borough planning, aviation, transit, and foreign trade. In 1979, he served as the assistant to the vice president of the chamber and was named to the post of executive vice president in 1981. Mr. Bruchac was self-employed in the private sector.

Mr. Bruchac gave the best of himself in other areas in the community as well. He was the president of the Queensborough Rotary Club and served for some time as the district area Aide of Rotary International. In addition, he was a member of the board of directors for the Long Island City YMCA for over 40 years. During this period he served as capital campaign chairman and raised $300,000 to give the Long Island City YMCA its very first home on 27th Street. He also served prominently as chairman of the board.

Al was the past national director and national president of the 9th Infantry Division Association. He honorably served in World War II as a major and battalion commander with campaigns in Africa, Sicily, France, and Germany. His war record was of commendable distinction.

Al Bruchac has long served all causes in Queens County. We salute him today and say thank you for the many services he has selflessly performed on behalf of others.

CONSUMER BILL OF RIGHTS DAY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1993

Mr. WAXMAN. Mr. Speaker, 31 years ago, on March 15, 1962, President John F. Kennedy submitted to Congress the first Presidential message ever to be devoted to consumer issues. In that significant document, he declared the consumer's basic rights to safety, to choice, to be informed, and to be heard. Out of that Presidential message came some of the greatest advances in consumer protection that this country had enjoyed since passage of the Food, Drug, and Cosmetic Act of 1935. Among the legislative proposals President Kennedy made, and which Congress adopted in the wake of his message, were:

The Kefauver-Harris Drug Safety Act of 1962;

The Truth in Packaging Act of 1964;

The Consumer Credit Protection Act (Truth in Lending) of 1968;

The Medical Devices Act; and

The Intrastate Meat Inspection Act.

Other consumer protections advanced by President Kennedy in that historic message were written into Government agency regulations, including a requirement that all television sets sold in the United States must provide for the reception of ultra-high frequency [UHF] channels as well as VHF channels 2 through 13. This change was a liberating breakthrough for public television stations, which had been relegated mostly to UHF channels requiring special, relatively expensive, supplemental receiving equipment.

Many nations throughout the world now observe March 15 as a national consumer day, dedicating their citizens and public officials to further efforts that will protect consumers and further the environment, in the spirit of the Kennedy message. However, the U.S. Government does not formally recognize this significant anniversary. As the beneficiaries of President Kennedy's forward-looking consumer message of 1962, we should certainly provide an annual, official American observance of an event which has had such a profound influence on the equality of American life. I hope that President Clinton will issue a proclamation designating each March 15 as National Consumer Bill of Rights Day.

TRIBUTE TO DONALD D. EPLEY

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1993

Mr. CARR. Mr. Speaker, I rise today to pay tribute to Donald Epley, a truly extraordinary man. I have the good fortune to be the Representative for the city of Hartland. As such, it is my distinct honor to bring to your attention the achievements of one of my constituents.

Donald is an active firefighter as well as an eager participant in a wide variety of community activities. The startling part is that he is 87 years old. Donald has been involved with the Hartland Fire Department since 1927 and his 65-plus years of service make him the longest active firefighter in the State of Michigan and, quite possibly, the entire country.

Donald's list of community achievements is as diverse as it is large. He has been president of the Hartland Area Community Council, president of the local school board, and a trustee of the McPherson Community Health Center. He has also worked with the Hartland Boy Scouts for over 40 years and was given the Silver Beaver Award, Scouting's highest civilian honor. But more significant than his list of official achievements is the spirit of community service that he represents. His legendary willingness to help individual community members and the area as a whole is what makes Donald deserving of our recognition. The spirit of service he actively portrays is something of which we see far too little in our day and age, and we would all do well to heed the shining example that Donald has given us.

TRIBUTE TO JAMES R. DUBY, SR.

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 15, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Mr. James R. Duby, Sr., the Mahoning Valley Gaelic Society's Senior Gael of the Year.

In his 62 years as a resident of Boardman, OH, Mr. Duby has established himself as both a consummate professional and an upstanding gentleman.

Mr. Duby received his B.E. in mechanical engineering from Youngstown State University and consistently has excelled in his field. After holding various engineering positions at Goodyear Aircraft, U.S. Steel, and RMI Titanium, he retired last year for RMI as the supervisor of mechanical design. He is currently a registered professional engineer with the State of Ohio.

Mr. Speaker, in addition to his professional accomplishments, Mr. Duby has been active in his community. He is a life member and former board member of the Mahoning Valley Management Association, a member of St. Dominic's Church and a long time member of the Gaelic Society. In the society, he served as trustee for several years and also as a motivator and consensus builder in numerous committees.

Mr. Speaker, I am proud of Mr. Duby and his accomplishments. His honor of Senior Gael of the Year is well deserved. I join the Gaelic Society in their praise of this fine individual.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 16, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 17

9:30 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the future years defense plan.
SH-216

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Transportation Safety Board.
SD-192

Banking, Housing, and Urban Affairs
To hold hearings to review the semi-annual report of the Resolution Trust Corporation's Thrift Depositor Protection Oversight Board.
SD-538

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 335, to require the Secretary of Commerce to make additional frequencies available for commercial assignment in order to promote the development and use of new telecommunications technologies.
SR-253

Foreign Relations
To hold hearings on the nominations of Lynn E. Davis, of Virginia, to be Under Secretary of State for International Security Affairs, and J. Brian Atwood, of the District of Columbia, to be Under Secretary of State for Management.
SD-562

Judiciary
To hold hearings on proposed legislation to make stalking a person a crime.
SD-226

3:00 p.m.
Foreign Relations
Closed briefing, on U.S. policy in Bosnia-Herzegovina.
S-116, Capitol

MARCH 18

9:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings to examine issues relating to telemarketing fraud.
SR-253

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 473, to promote the industrial competitiveness and economic growth of the U.S. by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the U.S.
SD-366

Environment and Public Works
Clean Air and Nuclear Regulation Subcommittee
To hold hearings on the adequacy of the Nuclear Regulatory Commission's rules and regulations to protect commercial nuclear power plants against terrorism and sabotage.
SD-406

Rules and Administration
Business meeting, to mark up proposed legislation relating to Congressional election campaign finance reform.
SR-301

10:00 a.m.
Foreign Relations
To hold hearings on the nomination of Timothy E. Wirth, of Colorado, to be Counselor of the Department of State.
SD-628

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold hearings on the annual report of the Postmaster General of the United States.
SD-342

Joint Organization of Congress
To resume hearings on congressional reform proposals.
S-5, Capitol

2:00 p.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold hearings on S. 558, to authorize financial assistance for the Northern Mariana Islands.
SD-366

4:30 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH-216

MARCH 19

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine the purposes of foreign aid in the post-cold war era.
SD-192

MARCH 22

9:30 a.m.
Environment and Public Works
Toxic Substances, Research and Development Subcommittee
To hold hearings to examine the environmental aspects of current hydrogen/renewable energy programs, and the interface between these programs and existing environmental regulation, and emerging environmental technologies.
SD-406

MARCH 23

9:30 a.m.
Energy and Natural Resources
To resume hearings on S. 473, to promote the industrial competitiveness and economic growth of the U.S. by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of

technologies critical to the economic, scientific and technological competitiveness of the U.S.

SD-366

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold oversight hearings on radio and television broadcast use fees on public lands, focusing on a report of the Radio and Television Broadcast Use Fee Advisory Committee.

SD-366

MARCH 24

9:30 a.m.

Energy and Natural Resources

To continue hearings on S. 473, to promote the industrial competitiveness and economic growth of the U.S. by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the U.S.

SD-366

MARCH 30

9:30 a.m.

Energy and Natural Resources

To hold hearings on the science of global climate change.

SD-366

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.

SD-G50

MARCH 31

9:30 a.m.

Veterans Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the Veterans of World War I, the Vietnam Veterans of America, the American Ex-Prisoners of War, and the Non-Commissioned Officers Association.

345 Cannon Building

APRIL 1

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Highway Administration, focusing on implementation of the Intermodal Surface Transportation Efficiency Act.

SD-116

APRIL 20

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on sustainable development goals and strategies.

SD-138

APRIL 21

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Transportation.

SD-192

APRIL 27

9:30 a.m.

Governmental Affairs

To hold hearings to examine environmental problems in the Federal Government.

SD-342

MAY 4

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine foreign assistance and U.S. international economic and commercial interests.

SD-138

MAY 6

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.

SD-138

MAY 11

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine foreign assistance and U.S. foreign policy and security interests.

SD-138

MAY 13

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.

SD-138

MAY 18

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine foreign assistance and transnational issues, focusing on population, environment, health, narcotics, and anti-terrorism issues.

SD-138

MAY 25

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on foreign assistance and the transition to democracy in the former Soviet Union and Eastern Europe.

SD-138

MAY 27

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.

SD-138

JUNE 8

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.

SD-138

POSTPONEMENTS

MARCH 16

10:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings to examine telecommunications infrastructure.

SR-253

MARCH 17

10:00 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings to examine corruption in the professional boxing industry.

SD-342

MARCH 24

10:00 a.m.

Foreign Relations

Closed briefing, on the Treaty on Open Skies, with 12 Annexes (Treaty Doc. 102-37).

S-116, Capitol

HOUSE OF REPRESENTATIVES—*Tuesday, March 16, 1993*

The House met at 12 noon.

The Reverend Douglas Tanner, executive director, Faith and Politics Institute, Washington, DC, offered the following prayer:

Let us pray:

Lord, we come into this Chamber today aware that a season we assumed to have passed remains very much with us. On Friday we saw daffodils in bloom; today they lie buried under a foot of snow. We've shoveled our driveways and dug our cars out from drifts to arrive here.

Blizzards have a way of focusing us on essential tasks, and on the real needs of others. We know a storm is beyond the control of any of us; it makes us more ready to lend each other a hand.

As we gather this morning, we also know, Lord, that the consequences of our national policies sometimes pile up like a heavy snow. We think the season has changed, and then find there's still a lot of shoveling to do. Too much for us to be preoccupied with finding the perfect shovel, and too much for any of us to do without help from each other.

May we face the season in which we find ourselves with grace equal to its tasks. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas [Mr. HUTCHINSON] come forward and lead the House in the Pledge of Allegiance.

Mr. HUTCHINSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate disagrees to the amendment of the House to the bill (S. 1) "An act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes," agrees to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. KENNEDY, Mr. SIMON, Mr. METZENBAUM, Mrs. KASSEBAUM, and Mr. JEFFORDS to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 102-343, the Chair, on behalf of the President pro tempore, announces the appointment of Mr. ROBB as a delegate to the Thomas Jefferson Commemoration Commission.

YOUNG AMERICAN WORKERS' BILL OF RIGHTS

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, thousands of our children are injured in the workplace and some lose their lives because irresponsible bosses fail to live up to the minimal protective provisions of existing child labor laws.

Some of our children are killed while driving illegally delivering pizzas; others are mangled in dough-mixing machines or paper balers, or at a carwash.

The tragedy of these broken lives prompted me to introduce the Young American Workers' Bill of Rights Act (H.R. 1106) to strengthen the legal protections of our children in the workplace.

We must stop the commercial exploitation of children and we must modernize the child labor provisions of the Fair Labor Standards Act of 1938 which have been seriously outdated over the last half century.

I am delighted that many of my distinguished colleagues have joined me in this effort and I call on all of my friends on both sides of the aisle to support these long overdue measures. Our children are not Republicans or Democrats. They are children and we share the responsibility for their physical protection.

TAX II OR THE EXPANSION OF GOVERNMENT

(Mr. HOEKSTRA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOEKSTRA. Mr. Speaker, as I listen to the proposals to raise more revenues for the Federal Government, I recall the words that our respected colleague from Michigan, PAUL HENRY, spoke to this body on September 27, 1989.

I quote:

> Tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax, tax.

Mr. Speaker, I hear, once again, like 1989, claims that by increasing taxes we will be able to shrink the deficit and fund new programs. But as history has shown us over and over, the only result of more taxes is more spending and bigger Government. Let us cut spending, not raise taxes.

TRIBUTE TO THE HONORABLE JOE MOAKLEY FOR CONTRIBUTIONS TO PEACE IN EL SALVADOR

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, yesterday's U.N. Commission Report provides a historic recognition of the tragic toll of 12 years of war in El Salvador.

It is a testament to the Salvadoran people, sick of war, and committed to peace.

It is an indictment of those in our own Government who sought to cloud the truth.

It is a tribute to those in Congress who stood behind the process of peace.

No one did more for that peace process than JOE MOAKLEY.

No one provided a steadier voice for an innocent people caught in a crossfire.

No one did more to expose the military leaders who ordered the killing of six Jesuit priests and thousands of others.

And when it looked like the peace process would fall apart, it was JOE MOAKLEY who passed the amendment in this House that kept both sides at the table.

We cannot bring back the victims of that brutal time. But we can make sure the truth survives.

JOE MOAKLEY did that. We owe him an enormous debt.

CUT THE FEDERAL BUDGET, NOT THE FAMILY BUDGET

(Mr. COLLINS of Georgia asked and was given permission to address the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, the voters of the Third District of Georgia as well as voters across this great country are sick and tired of business as usual. One hundred and ten freshmen were sent to Washington to reform Congress, to reform its spending habits and to get our fiscal house in order.

My fellow freshmen and I rise to urge our colleagues to cut the Federal budget, not the family budget.

Both sides of the aisle can agree that there is too much Government inefficiency and waste. President Clinton recognized this when he cut his staff at the White House by 25 percent. Mr. Speaker, we can answer the President's challenge for specific budget cuts this week. We should begin immediately to streamline our operation in these great Halls of Congress.

I ask each and every one of my colleagues to support the freshman initiative to cut committee staff by 25 percent.

This one act will save $13 million. While it will not solve the deficit problem in one fell swoop, it will show the American people that we are committed to cutting the Federal budget and not the family budget.

AMERICA SUPPORTS THE PRESIDENT'S PLAN

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, about 1 month ago, we saw President Clinton address the American people and lay out an economic plan to revitalize the economy and put people back to work. He was straight with us, courageously saying that the days of something for nothing were gone.

The American people overwhelmingly supported the President then and, today, they still stand with the President and his plan.

This weekend in the Wall Street Journal, a poll showed, 62 to 30 percent, the American public prefers President Clinton's plan to the Republican plan. By a 2-to-1 margin voters think the Democrats are doing a better job on the economy and the deficit than Republicans.

By 75 percent, the American people agree with the concept of taxing the wealthy and funding the Head Start Program.

□ 1210

Mr. Speaker, this week we will have a chance to back the President. The American public backs him; the Congress should back him, too.

BALANCED BUDGET AMENDMENT

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute.)

Mr. HUTCHINSON. Mr. Speaker, let us take some advice from history—we need a balanced-budget amendment. Just passing statutes has not worked.

In 1978, Congress passed a law requiring a balanced budget by 1981. Then in 1985, Congress passed a law requiring a balanced budget by 1991. In 1987, Congress passed a law requiring a balanced budget by 1994. Finally, in 1990, Congress passed a law requiring a balanced budget by 1995. If this body is ever going to face fiscal responsibility, balancing the budget must be a requirement made by the supreme law of the land. Laws control men, but only the Constitution can control Government.

Voting for the budget resolution is a vote to increase the debt ceiling. The administration wants Congress to increase the debt ceiling by a huge $325 billion. What we really need to do is pass a balanced-budget amendment.

It has been said that Governments sometimes do the right thing—but only after they have exhausted all the alternatives. Well, we've about exhausted the alternatives. It is time for a balanced-budget amendment.

GRIDLOCK GOES SNAP, CRACKLE, AND POP

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, since we have just had a very frigid weekend along the east coast and back home in Kentucky, I will use the analogy of the ice breaking in the river to indicate what will happen later in the week when this House passes the budget resolution and the President's package of economic stimulation measures, because the ice will break, the ice jam, the gridlock, will snap, crackle, and pop apart later this week. An end to the gridlock is something that the American people have desired for a long time indicating such last November during the course of the elections.

This week we will see both the passage of a budget resolution, which will reduce Federal spending by $510 billion over the next 5 years. This will reduce Federal spending leaving a total deficit at a manageable level in that outyear.

The economic stimulus has in it both human capital, Head Start, immunization programs, and physical capital, our infrastructure, bridges, and highways.

Mr. Speaker, once again the American people want gridlock to break. It breaks this week.

CUT COMMITTEE FUNDING

(Mr. CANADY asked and was given permission to address the House for 1 minute.)

Mr. CANADY. Mr. Speaker, I rise to join the call for a reduction in committee funding.

The people are demanding that we reduce the bureaucratic burden on American taxpayers.

And they are demanding we begin here in the House of Representatives.

Today, before the House Administration Committee's Subcommittee on Accounts, Ms. DUNN, my colleague from Washington, is offering an amendment to cut committee funding by 25 percent this year.

It is a good proposal.

It would be unconscionable for this body to demand more sacrifices from the American people while wasting the people's money on already bloated committee staffs.

Worse still, last month a number of requests were made for substantial increases in certain committee budgets.

Shame on this House if it agrees to make such unwarranted increases.

American businesses and families alike have had to make painful cuts in their budgets for years.

Why should Congress spend more when the people have less?

The people of my district in central Florida do not want larger committee staffs.

They want their Government to behave responsibly.

Let us answer that call.

Let us behave responsibly.

And let us cut committee funding.

GREAT PRESIDENTS WITH NO PRIOR MILITARY EXPERIENCE

(Mr. MARTINEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTINEZ. Mr. Speaker, I rise today because I have heard in the last couple of weeks comments about the President not having prior military experience as a requisite to being the Commander in Chief, but if my colleagues would look at the second edition of "The Complete Book of U.S. Presidents" by William A. DeGregorio, of the 41 Presidents to precede President William Jefferson Clinton, 12 of them had no military experience. That means that prior to becoming Commander in Chief of this great Nation nearly 30 percent of our Presidents were civilians their entire lives.

But who were these men? Were they some of our lesser known and historically notable Presidents? Hardly. The list begins with two of our most famous Founding Fathers; John Adams and Thomas Jefferson. It also includes John Quincy Adams, Woodrow Wilson, and even Franklin Delano Roosevelt. These men were all great Presidents, and great Americans, both in times of peace as well as war. Despite the fact that none of these men had any previous military experience, they all still managed to perform their duties as Commander in Chief with the utmost honor and distinction. Why? Because serving in the military is not a prerequisite for patriotism and leadership—and I say this as a marine.

In addition, Presidents with no previous political experience have been members of both political parties. In fact, of the seven Presidents with no prior military experience since the founding of our present two-party system, four of them have been Republicans.

The citizens of this United States of America, the greatest democracy in the history of the world, have elected Bill Clinton both President and Commander in Chief, and no one in this Chamber should be arrogant enough to second guess their wisdom.

The full list of Presidents with no military experience reads as follows in chronological order:

John Adams, Federalist.
Thomas Jefferson, Democratic-Republican.
John Quincy Adams, Democratic-Republican.
Martin Van Buren, Democratic.
Millard Filmore, Whig.
Grover Cleveland, Democrat.
William H. Taft, Republican.
Woodrow Wilson, Democrat.
Warren Harding, Republican.
Calvin Coolidge, Republican.
Herbert Hoover, Republican.
Franklin Delano Roosevelt, Democrat.
William Jefferson Clinton, Democrat.

A LIMERICK FOR THE PRESIDENT

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, since St. Patrick's Day is so near, here is a limerick for Bill Clinton regarding his economic package.

There once was a President named Bill
Who wished to spend more than his fill
He called it investment
Which caused much resentment
It proved him an old Democrat still.
The spending bill we will consider
T'will make the taxpayer bitter
Brandishing more tax
With no spending axe
It will cause the economy to quiver.
I send this message from the Hill
To our Dear Leader, Bill
His investment is spending,
His taxes are offending,
This package is too painful a pill.

NATIONAL INTEREST SERVED BY A VOTE FOR THE CLINTON ECONOMIC PACKAGE

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, former Speaker "Tip" O'Neill described the best and worst of our American government when he said, "All politics is local."

In the past, the American people have blamed individual Members of Congress for focusing only on the needs of their districts while ignoring our national interest.

This week, the Congress will have an opportunity to do what is right for the entire Nation. Our children's future literally is in the House's hands to win or lose.

The passage of the Clinton economic package will end the gridlock that has divided the legislative and executive branches for 12 years.

Less than 2 months ago, President Clinton called on all Americans to join him in forging a "government of our tomorrows, not our yesterdays."

The Congress must weave the President's words into the fabric of governance. The tattered rhetoric of yesterday will not reduce the deficit and create new jobs.

Mr. Speaker, the passage of Clinton economic plan will ensure that the national interest comes ahead of any special interest or pet program.

Vote for the Clinton economic package.

THE ENERGIZER BUNNY

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, let us cut Government spending, not raise taxes.

All the new spending in President Clinton's economic program is kind of like the Energizer bunny. It just keeps growing and growing and growing.

The American people are being led to believe that the Clinton economic plan actually cuts spending. Not true. This year Washington spends $1.5 trillion. After 4 years of Clintonomics the total is $1.7 trillion. It just keeps growing and growing and growing.

And then there's the national debt. Today it is $4 trillion; 4 years under Clintonomics and it'll be $5 trillion. Any plan that adds a trillion dollars to the national debt is not a good plan. Under Clintonomics, the debt keeps growing and growing and growing.

Americans do not want an Energizer bunny government. They want a government that works.

Let us cut Government spending, not raise taxes.

FRAUD IN OUR HOSPITALS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a Medicare investigation of 15 hospitals uncovered 24 million dollars' worth of downright stinking fraud. Here are some of the things the hospital got:

Thousands of dollars worth of Superbowl tickets, a Chinese silk antique pillow worth a thousand dollars, 4,000 dollars' worth of symphony tickets, no less, thousands and thousands of dollars worth of candy, golf clubs, $16,000 for limousines.

But do not worry, Members. The Government says of the $42 million in fraud the taxpayers will only have to pay about 4 million dollars' worth.

Mr. Speaker, I say, "The taxpayers shouldn't spend one dime. I recommend hospital administrators be handcuffed to a chain link fence and flogged before they go to jail."

□ 1220

HONG KONG'S EXPANSION IN DEMOCRACY FOSTERS NERVOUSNESS IN COMMUNIST CHINA

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the tyrants of Beijing have taken dead aim at Gov. Chris Patten of Hong Kong. His crime: attempting to expand democracy in Hong Kong prior to the scheduled mainland takeover in 1997.

At the equivalent of a Red China state-of-the-union address yesterday, China's Premier, Li Peng, criticized Patten for extending popular elections and other democratic reforms.

One can hardly blame the old men for worrying. Greater economic freedom is causing China to have growth rates in double digits and giving the lie to the good life promised but never delivered by the 1949 revolution. In Communist China, communism is becoming irrelevant.

And now, greater democracy on China's doorstep is causing even greater nervousness in Beijing: Someday the old men might have to face the judgment of the Chinese people.

I say hurrah for Chris Patten and Martin Lee and all the people of Hong Kong who believe in human freedom. They may not only free the 6 million people of Hong Kong, they may ultimately free all 1 billion of the Chinese people. Clearly, this is the real worry of the tyrants.

THE PRESIDENT'S CRUSADE TO REDUCE THE BUDGET DEFICIT

(Mr. SWETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWETT. Mr. Speaker, I rise today to congratulate our President on his historic efforts to reduce the budget deficit. His call to the American people and Congress to join in this crusade has not gone unheeded and has brought Americans together in a common cause.

Many of my New Hampshire constituents have answered the President's call and have contacted me with suggestions for further spending cuts. From their suggestions, and other sources, I have compiled a list of some $300 billion in additional spending cuts that could be made over the next 5 years. Making these cuts will not be easy. It will require sacrifice, but I am convinced that Members of Congress on both sides of the aisle, as well as the administration, are committed to bringing about the change we need. We know that future generations will thank us for rising to this challenge.

PRESIDENT CLINTON'S NO DETAILS, NO SPECIFICS ECONOMIC STIMULUS PACKAGE

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, we knew the details would eventually work to the level where we all could see what was really contained in the Clinton economic stimulus package, and now it is becoming more evident. We know that the only real cuts in this program are in defense, and they amount to approximately $127 billion over 5 years. But what will these cuts mean to us?

If we look at what the Congressional Budget Office and the Office of Technology Assessment are saying, between 1.5 million and 3 million Americans will lose their jobs. Out of a total defense work force of 5.5 million people, this could mean that 1 of every 2 defense workers will lose their jobs over the next 5 years.

Where will these cuts occur, Mr. Speaker? We have no idea because we have not been given any specifics. The Committee on Armed Services of the House as of today, March 16, has given no details and no specifics as to where these cuts will occur.

So, Mr. Speaker, for all Americans who have jobs today and who will lose their defense-related jobs, they should remember that they have been stimulated by the no-details, no-specifics Clinton economic stimulus package.

EQUAL TREATMENT IN HEALTH CARE SERVICES DENIED TO AMERICAN CITIZENS IN PUERTO RICO

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, let me ask this of my distinguished colleagues: Did you know that there are 3,600,000 American citizens that are not covered by our Nation's health care plan, better known as Medicaid?

Those 3,600,000 citizens are all my constituents. They live in Puerto Rico.

As the administration and this Congress begins to contemplate health care reform, I will, on their behalf, seek your help so that we may redress this injustice.

Mr. Speaker, aliens residing in the 50 States are covered by Medicaid, but American citizens who live in Puerto Rico are not. Is this fair? Is this happening in America?

Among my constituents there are many thousands of veterans and the widows and orphans of those who fell in the fields of battle defending our country. And they are not covered. Is this fair?

On their behalf, Mr. Speaker, today and in the days and weeks ahead I will not rest in seeking your support and my colleagues' support for equal treatment in health care services for those 3,600,000 deprived and disenfranchised American citizens.

IMMIGRATION LAWS IN DESPERATE NEED OF REPAIR: KEEP THE FOREIGN TERRORISTS OUT OF OUR COUNTRY

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, for anyone who watched last Sunday night's broadcast of "60 Minutes," there can be no doubt that U.S. immigration and political asylum law is in desperate need of repair. This is a problem this Member has been attempting to actively address for nearly a year. There are serious loopholes that tens of thousands of illegal aliens continue to exploit.

As incredible as it seems, any foreign national who reaches U.S. soil and asks for political asylum—regardless of the fact that requests are often transparently fraudulent—must be given a full asylum review. Consequently, our international airports are being inundated with would-be asylum claimants. They come to the United States with forged documents, or even without documents, and then ask for political asylum. Lacking facilities to hold the tens of thousands of individuals who come in this manner, the Immigration and Naturalization Service is compelled to release these individuals on their own recognizance until the date for their hearing. Not surprisingly, few ever return for their hearing. They can be and have been terrorists, they can be drug smugglers, they can be criminals, but they are released into American society.

The numbers are simply astonishing. Each and every month an estimated 1,800 inadmissible aliens are coming to New York's JFK airport alone. There are over 50,000 unadjudicated alien asylum petitions pending in New York City alone, and delay of 18 months or more are commonplace. By the time of the INS review, the vast majority fail to appear, simply disappearing into the fabric of American society.

Yesterday, at a hearing in the Foreign Affairs Committee, the head of the Consular Affairs Division of the State Department urged the Congress to pass legislation granting authority for summary exclusion of transparently fraudulent political asylum cases. Many of these ineligible asylum-seekers have been involved in terrorism attempts, narcotics trafficking and other criminal acts, are abusing our taxpayer-financed social safety-net programs. If we are to do our duty, this body must respond quickly and favorably.

Mr. Speaker, this Member has been coming to the well of this body to denounce this practice for over a year. Last year this Member joined with an initiative by the gentleman from Florida [Mr. MCCOLLUM] in an effort to close this noxious, dangerous, and expensive loophole. Today, we are once again introducing legislation that would provide summary exclusion for the tens of thousands of illegal aliens who continue to manipulate the law in this manner.

This Member would urge his colleagues to join in this effort to preserve the integrity of our U.S. borders.

OUR NATIONAL REFUGE SYSTEM: SEA LION ROCK

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, we have just celebrated the 90th birthday of this Nation's Wildlife Refuge System. As we rejoice in the foresightedness of those who came before us in establishing the system, we should also speak out about the problems on the horizon.

One of those problems is within the Copalis National Wildlife Refuge, off the coast of my State of Washington. At various times of the year, bald eagles, Stellar sea lions, gray whales, pelicans, falcons, and several other endangered or threatened species call this refuge home. Yet within these pristine borders, on an island known as Sea Lion Rock, the Navy is continuing the senseless practice of conducting bombing runs that jeopardize the very future of these endangered birds and marine mammals.

Mr. Speaker, this has to stop. There is no compelling need of the Navy to bomb this refuge and the marine life living there. It is time for the Navy to change.

A TRIBUTE TO FIVE MINNESOTA NATIONAL GUARD AVIATORS

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, all Minnesotans join me in extending our heartfelt sympathy and deepest respect to the families of the five members of the Minnesota Army National Guard, who perished in the crash of two helicopters this past weekend at Camp Ripley.

All five—CWO4c James Nichols, Sgt. Larry Roalstad, CWO2c Dale Schmidt, Sgt. James Teel, and CWO2c Mark Nelson—were dedicated and patriotic National Guardsmen who collectively had served as Army aviators for 53 years and had flown over 4,300 hours in training to serve our State and Nation.

Our thoughts and prayers also go out to the two seriously injured survivors of the crash—Lt. John Millen and Sgt. Roy Fhurong.

Mr. Speaker, let me ask the Members to please join me in a moment of silent tribute to honor these five deceased Minnesota National Guard aviators, for they were true American patriots who represented the best of our great Nation.

□ 1230

STRAIGHT SHOOTERS IN WASHINGTON

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, hope is breaking out all over America, and some of my Republican friends hate it. Why is hope breaking out? Well, for the first time they are seeing a President like we haven't seen in a long time, one that listens, one that is energetic, and one that is basing his plan on facts, not smoke and mirrors.

The American people understand that this may be a painful package dealing with the threat of the debt, but they also understand we had better deal with the threat of the debt. They understand there are some good parts in it, there are some investment parts in it, there is some tax stimulus in it, and they also look at his long-term plan for defense conversion. It is a message. We either adopt it or die in this global economy. That is a tough message, but it is the right message.

Mr. Speaker, I think this week we are going to see these people here in this Congress stand up for the President and continue to spread this hope, because it has been a long time since we have had such straight shooters come out of Washington.

CUT GOVERNMENT SPENDING, HEED CBO'S ADVICE ON ENERGY R&D

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, let us cut Government spending, not raise taxes. In the President's State of the Union Message, he proclaimed that the Congressional Budget Office is an impartial and fair source of information concerning the budget.

Well, here is what CBO said about the effectiveness of the Department of Energy:

> After two decades of spending, few successful energy technologies have emerged from these research and development programs. Given this lack of success, DOE could cut back on programs for near-term development.

But, Mr. Speaker, the President's budget does not reflect this advice. Why does the President ignore the advice of CBO to reduce needless spending?

We need to cut Government spending, not raise taxes.

TRUTH COMES OUT ABOUT EL SALVADOR

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, yesterday the United Nations Truth Commission issued its report. Through the smoke and horror of war, it allowed us to see events in El Salvador throughout the last decade, and it was a frightening sight. Seventy-five thousand deaths. Men, women, and children led to their senseless slaughter. An archbishop, labor leaders, political leaders, killed by death squads and the military.

Unwritten, but not unseen between the lines, was another victim—truth, credibility. For all during those years Ronald Reagan and his administration certified to this Congress that there was progress, human rights were being respected, our country was identifying with people of peace.

Mr. Speaker, I do not know what Ronald Reagan is thinking today, or where George Shultz might be, or Elliott Abrams or Dean Hinton. But I do know this: They cannot feel good about themselves or what they did to the credibility of this country. Our people, who believed in peace and wanted a settlement in El Salvador, Ronald Reagan, I do not know what you are thinking, but I do not know how you and those who served with you feel about yourselves today or how indeed you can live with this terrible truth.

NATIONAL SECURITY IS NO PLACE FOR WISHFUL THINKING

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, as the House prepares to consider President Clinton's budget resolution for fiscal year 1994, we should look carefully at his proposed defense budget cuts.

Last week, we watched news reports of President Boris Yeltsin fighting to maintain his authority in the face of increasing demands by the Communist-dominated Russian Parliament. I consider Boris Yeltsin a great man, but we can no longer ignore the possibility that he will be unable to remain in power in Russia.

I have supported reasonable reductions in defense spending in the past, but we should not cut too much or too deep. The return of a hostile, or even uncooperative, government in Moscow would contribute to instability throughout the world. This would radically increase the threat to our national security and overturn the assumption that President Clinton has made in his budget.

Most of the real spending cuts in President Clinton's budget were on national defense. I strongly urge my colleagues to look soberly at the instability throughout the world, and especially in the former Soviet Union, before supporting the administration's drastic cuts in defense.

PUT AMERICA FIRST

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, at long last America has a President who has guts. He has told the Japanese and he has told the Europeans that we are not going to take it anymore and we are mad as hell. He is saying to them to get your trade policies in line with fairness or we are going to do something about it.

They are cheating the United States, and they know it. They are stealing jobs from our Americans. American past Presidents and Congress have not had the backbone to do anything about it. Bill Clinton has said to the Japanese this year, he says don't come to the White House unless you got something to put on the table. He said to the Europeans, stop freezing out American products or we are going to retaliate.

Tomorrow they start negotiations on the North American Free-Trade Agreement. I am saying that you do not put the cart before the horse. I hope the President goes down there and negotiates first on the environment, health, safety, pay equity, and benefits. I think it is time to put America first.

THE PRESIDENT'S FOUR PROBLEMS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, CBS radio's Charles Osgood said something pretty clever this morning. Of course, that is not unusual. Charles Osgood is a pretty clever guy.

But what he said, if I may paraphrase, was this: President Clinton would have all America's problems solved if it were not for four small things. Just four small things stand between the President and history. Those four small things are: Addition, subtraction, multiplication, and division. His budget numbers do not add up. If they did, you would have to subtract more money from taxpayers than they can afford to pay. If you multiplied the number of taxpayers by the amount of tax Clintonomics asks them to pay, there are not enough people among which you can divide the burden.

Four small things. Addition, subtraction, multiplication, and division. Because the President in his budget has failed to master these four small things, these four small things will master him.

HOME HEALTH CARE

(Ms. DANNER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DANNER. Mr. Speaker, each weekday morning on a popular television show, one of the personalities recognizes individuals who have reached or passed their 100th birthday. Many of these honorees, though of an advanced age, have the option of staying in their own home through utilization of a most important program—home health care. This program permits them to maintain not only their dignity, but their independence, as well, while receiving necessary care.

Such assistance is important not only to those to whom care must be given, but also to the care givers themselves; the families. As our population ages and medical technology advances, more and more families face the responsibility of providing care for their loved ones.

Mr. Speaker, long-term care must be made a critical part of health care reform. I urge my colleagues to support the inclusion of home health care as a cornerstone of any basic benefits health package. Only with the enactment of such a program will we insure reliable access and competent delivery of this most-needed service.

THE TRUTH ABOUT THE BUDGET

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, Ross Perot said recently the devil is in the details. He could have added the devil you know is better than the devil that you don't know.

Last week Republicans here in the House offered up a package to cut the budget deficit by $430 billion over the next 5 years in a specific plan that does not raise taxes.

☐ 1240

This week, the President is asking us to consider a budget resolution that is just more generalizations, promises and no details. As a matter of fact, the details are not expected to get here until April 5, but yet we have to vote on this package this week.

One of the previous speakers said the President has guts. Well, if the President has guts, he ought to have the guts to give us the specifics about his plan.

The American people expect to know the details, the specifics. Frankly, the American people, in my opinion, deserve to know the truth about this budget.

THE BIG SNOW JOB

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, if you were anywhere along the east coast during the last few days, you were surely snowed under by several feet of snow. Luckily, the Sun is now shining, the snow is beginning to melt and people are starting to move and to get back to business again.

Well, if you were anywhere in America during the last 12 years, you were also snowed in. Unfortunately, the Reagan and Bush administration did a real snow job on the American people. Their borrow-and-spend mentality left us so snowed in that we could not even dig ourselves out. Those of us on this side of the aisle are glad that January 5 heralded in a new springtime in America, and all of us have a chance for a new beginning with President Clinton's economic plan, which encompasses a long-term vision that will reduce the Federal deficit, invest in our future, reinvigorate the economy, create jobs and cut spending.

As everyone knows, after a winter of the 12-year Reagan-Bush economic hibernation, fiscal reality has to set in, and it is now time to get on to the business of restoring our country to its former economic prominence.

My colleagues on this side of the aisle have been working hard to trim down the budget and have gone beyond the President's plan by cutting even more, $63 million more, in discretionary spending. That is the true angel, not the devil.

THE INSPECTOR GENERAL

(Mr. RIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIDGE. Mr. Speaker, we surely have short memories around these Halls. Last year, amidst the House bank and post office scandals, the cries for reform were unprecedented.

In a triumph of symbolism over substance, a mislabeled reform package was adopted, including a powerless inspector general. This inspector general was not independent of the House of Representatives, was not autonomous like those found in the executive branch, and was not designed to respond to individual Members or staff.

This inspector general was designed to serve as the lap dog of the Committee on House Administration. Hardly reassuring since it was the Committee on House Administration that was originally responsible for overseeing the House bank and the post office in the first place.

Mr. Speaker, since we did not get it right the first time, let us try it again. Today, I am introducing legislation that repeals this impotent and yet unfilled position with an IG that is true to its function as an independent watchdog.

It is about time we were answerable to the public rather than just ourselves. I would encourage all Members, particularly the new 110 freshmen who came here with an idea of reforming this institution, those interested in restoring its credibility, to consider cosponsorship.

AN AMERICAN NEIGHBORHOOD

(Ms. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McKINNEY. Mr. Speaker, over the weekend, I visited a neighborhood in my district that area industry has treated absolutely criminally. I would like to thank Dr. Frank Rumph, chairman of the Georgia Governor's Task Force, for conducting this tour.

The Hyde Park and Virginia subdivisions in the city of Augusta have been the targets of numerous studies conducted by the local, State, regional, and now national health and environment agencies to try to explain the suffering. I conducted my own study this weekend by using my five senses:

I looked at the ditches that used to flow from one of the suspected industries—a wood-processing plant. I saw the rainbow colors in the water that is the trademark of creosote.

My hands felt the skin lesions on the palms of Rev. Alvin Gilcrest, a longtime resident of the area.

I heard the testimonials of residents like Miles Roberts, whose mother's house was tested for arsenic levels, and the results showed that the level was 10 times that necessary for cleanup.

My nose was irritated by the stench of the same wood-processing plant whose machines stopped running over 6 years ago.

Oh, yes—finally taste. Well, let us just say that every time I think of the children who grow up in this area and attend Clara Jenkins Elementary School, I wonder if I will ever taste the meal I last ate.

If America truly is the land of the free, then these neighborhoods certainly are the home of the brave.

THE DIFFERENCE BETWEEN REPUBLICANS AND DEMOCRATS

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, ever since the President gave us the outline of his budget proposal, he and the Democrats in this House have been baiting Republicans to come forward with a budget plan that attacks the deficit. "Show us your specifics," they told us. "Tell us where you would make cuts."

Well, budget Republicans have done just that. We have a plan, and it is a better alternative. Why? Because it involves more deficit reduction and no tax increases for the American people.

There is no tinkering with the Social Security trust fund, as the Democrats would do. There are no spending increases for a bogus stimulus. There is no smoke and mirrors; nothing in our proposal is a tax increase but labeled a spending cut. And the Republican alternative would mean less Government.

It is real spending cuts, cuts that the Americans want before we have tax increases.

This alternative illustrates the fundamental difference between Republicans and Democrats. Republicans want less Government, no new taxes, and less spending. Democrats want more taxes and more spending.

We have a budget alternative, and it has the specifics. Our proposal deserves a good faith debate and consideration of this body.

Mr. President, where are your cuts? Is it now time you showed them to us?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The PRESIDENT pro tempore (Mr. MONTGOMERY). The Chair would remind the gentleman that the rules of the House require Members to address the Chair, not the President or other persons.

PROTECTING THE LONG BEACH NAVAL SHIPYARD

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, I rise today in support of a shipyard that is very near my district, and that is the Long Beach Naval Shipyard in California—Long Beach, CA.

This institution is a unique and very valuable asset, not only to that district but also to southern California and to California as a whole.

Mr. Speaker, I was very shocked to learn about the number of bases that were on the base closure list in California, particularly in northern California, and the impact, of course, in California could be tremendously devastating.

Of course, we know the State of California right now is experiencing an inordinately high unemployment level. However, I must say, I was very surprised and pleasantly surprised that the Long Beach Naval Shipyard was not on that base closure list.

However, I would like to encourage colleagues on both sides of the aisle to work with me and to work with our Senators to make sure that not only Long Beach Naval Shipyard but other shipyards and other bases in California stay off the list because of the economic downturn in California, with the aerospace industry downturning. We need the help of all parties concerned.

A BUDGET ALTERNATIVE

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Michigan. Mr. Speaker, we all have heard the expression, "Just do it."

If the Democrats and Republicans agree that overspending is not good, then let us stop overspending.

Today I am presenting a proposal to the Committee on Rules to ask for permission to substitute a budget resolution that calls for a balanced budget in 5 years.

It limits the growth in some programs, such as Social Security, to 6.5 percent. Others it limits to 1 percent a year. But it does resolve the problem of overspending in 5 years.

It seems to me that if we are watching somebody sink in the cold river out there and we decide to save them, then we just do it.

Well, we are starting to sink in this economy because we insist on overspending with a credit-card mentality. What it is doing is taking money that could be used in the private sector to help the economy, to borrow money for a new car, a new home, or to go to college.

I say, let us just do it. Let us decide that we are going to do it and make the cuts that are necessary.

THE 50TH ANNIVERSARY OF THE RESCUE OF DANISH JEWRY

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I am pleased to announce that tonight in 2105 Rayburn from 6 to 8 p.m., there will be a reception commemorating the 50th anniversary of the rescue of Danish Jewry. I invite and encourage my colleagues to attend.

The magnificent and courageous acts of the Danes, who collectively as a nation sheltered and rescued virtually its entire Jewish population during World War II are testament to what peoples are capable of doing.

The saving of its Jewish population, indeed not just the Jews of Denmark but those of any nation who were in Denmark at that time, was a gesture rare for the times in which it took place. In a world totally eclipsed by one of the darkest moments of human anguish, the people of Denmark offered light and hope to all who were destined to die by virtue of their religion or ethnicity.

It was on Danish soil, Mr. Speaker, that the Nazi action against Jews failed miserably.

It is often said of Denmark, Mr. Speaker, that it is a small nation. This is true, but it is enlarged by its greatness of spirit and commitment to humanity.

And so, while we mourn the loss of so many victims and are reminded of the malevolence of world history, we are also here to celebrate life and the courage and the beneficence of man.

□ 1250

AUTHORIZING SPECIAL ORDER TIME

Mr. DOOLITTLE. Mr. Speaker, tomorrow at the appropriate time, after the other special orders, I ask unanimous consent to address the House for 60 minutes.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from California?

Mr. HOYER. Mr. Speaker, reserving the right to object, I do so only to suggest that if we start asking for special orders, with all due respect to my colleague, during the course of 1-minutes as opposed to doing it in the list, I do not have any objection, obviously, to the gentleman's request, but I just am wondering if we get into that during 1 minute, we will all be, I think, perhaps more on guard than we need to be.

Mr. DOOLITTLE. Would the gentleman yield for a question, through the Chair?

Mr. HOYER. I yield to the gentleman from California.

Mr. DOOLITTLE. Mr. Speaker, I would ask the gentleman, is it his understanding, speaking for the leadership, that there is not going to be a problem with doing the special orders?

Mr. HOYER. Mr. Speaker, continuing to reserve the right to object, I have not talked to the leadership, but I cannot imagine, Mr. Speaker, that we will object to a special order on the gentleman's side of the aisle, any more than we would expect the gentleman to object to one on our side.

Mr. DOOLITTLE. Mr. Speaker, if the gentleman would continue to yield, I only raised the point because it has happened recently, last week.

Mr. HOYER. Mr. Speaker, a Member objected to a request for a special order?

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NO MORE BLARNEY: CUT SPENDING, DON'T RAISE TAXES

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, it is time to cut spending, not raise taxes. Tomorrow is St. Patrick's Day. It has become evident that President Clinton has kissed the Blarney Stone. He convinced the American people that his budget was specific, but compared to the Republican budget it was clear as the Irish mist.

He wants to make us believe that his economic stimulus package will help move the economy, but the economy is already moving in many parts of the country. Ever since the Druids were in Ireland we have known that raising taxes will stall an economy, not stimulate it.

He wants to convince us that his emergency spending program is a desperately important investment that will create jobs, but at $93,000 a job he must think we have all imbibed too much, if he wants us to believe this jobs bill is cost-effective.

Mr. Speaker, I must ask the President to stop the blarney. It is time to cut spending, not raise taxes.

PRESIDENT'S ECONOMIC PACKAGE BENEFITS SMALL BUSINESS

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, the President's economic package offers more targeted assistance to small business than we have seen from the White House for a long time. In the prior administration we saw unaddressed issues push this country into a painful and prolonged recession that literally closed the doors of millions of small businesses all across the country.

In contrast, the stimulus package before this body offers meaningful relief and real growth opportunities geared specifically for small business. The relief includes a capital gains tax cut tailormade to attract long-term investment in small business. This measure will make it easier to obtain the capital required to start and grow these small businesses.

The opportunity to grow is provided by an investment tax credit. This tax credit starts at 7 percent and becomes permanent at 5 percent after 2 years. These proposals have been welcome news to the small business men and women in my State. This is precisely the recession-buster many individual businesses are looking for.

Mr. Speaker, I commend the President for recognizing the crucial role of small business in getting our economy going again and giving them substantial assistance in our stimulus package.

ARKANSAS BILL WILLIES

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, gonna tell you a story 'bout President Bill who wrote a big budget and sent it to the Hill. Then the taxpayers started lookin' at the pages finding tax and spending that was just outrageous.

The sum of $300 billion in new taxes? So the people start writing letters to the President, "In all that new spending, you gotta make a dent." But for Congressmen, the spending is what they wanna see, an economic stimulus package yes-sir-ee!

Golf courses. White water rafting. Sooo-eeee!

These make-work jobs just create more debt. And our kids' kids' kids will have to pay us out of it. But to Hillary and Bill what's $16 billion or a trillion among friends? It seems the tax and tax and spending just never ends.

I got the Arkansas Bill Willies.

NORTHERN IRELAND

(Mr. ACKERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ACKERMAN. Mr. Speaker, violence and brutality are not solutions to the tragedy of Northern Ireland. For years, I have followed with a profound sense of sadness, the violence, and hate which festers there.

President Clinton's promise to commit the United States to playing a more proactive role in Northern Ireland and to end the human rights abuses in that beleaguered region should be applauded by all of us. Amnesty International, Helsinki Watch, and our own State Department have all documented cases of civil liberties abuse in Northern Ireland.

As some of our colleagues in the other body indicated in a letter to President Clinton:

> The discussion on human rights in Ulster must not be removed from the political dialogue. British human rights abuses may not be the sole cause of the violence in Northern Ireland. But reform of those abuses, in our view, must be an integral part of the solution.

Mr. Speaker, we in the United States must continue to promote bicommunal endeavors such as Project Children, which has long been supported by my good friends, TOM MANTON, BEN GILMAN, and JOE KENNEDY. By bringing Protestant and Catholic children together for a summer in the United States, the seeds of hate are slowly being replaced with the roots of friendship.

Let us all work for the furtherance of Human Rights in Northern Ireland. The children, all of our children, deserve no less.

URGING MEMBERS TO SUPPORT CUTS IN COMMITTEE STAFFS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Mr. Speaker, I rise in support of the proposal offered by the gentlewoman from Washington [Ms. DUNN] to cut committee staffs by 25 percent. The proposal is a good one, a solid, straightforward, no-nonsense way to save millions of dollars from our budget.

It is very simple. It is just like what we do in our households, our businesses, companies, or organizations; just a plain 25-percent reduction in staff, pure, and simple. Unfortunately, it has not gotten much publicity. The gentlewoman from Washington does not use Clintonesque words such as "investment" and "contribution" and other media buzz terms.

Nonetheless, the President asks for specifics, and the gentlewoman from Washington [Ms. DUNN] has given him one. The proposal has three advantages. No. 1, it saves money, over $10 million. No. 2, it cuts out the insulation of Representatives because of the many staff members that are surrounding them. Constituents will not have to go through staff if they want to talk to their Congressmen, they can go straight to their Representatives.

No. 3, it is simple, perhaps too simple for Washington. It does not need a conference committee, legislation, and it does not need a lot of support groups. All it takes is an act of Congress. Maybe that is the problem.

MERCHANT SEAMEN REEMPLOYMENT RIGHTS ACT OF 1993

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 1109, the Merchant Seamen Reemployment Rights Act of 1993.

This bill is designed to provide reemployment rights and other benefits for any member of a reserve component. These rights and benefits shall be equivalent to those that are provided by chapter 43 of title 38 under the United States Code, which allows seamen to be rehired at their civilian jobs after they have served in active duty.

During Operation Desert Shield there were seamen who were ready and willing to serve on Ready Reserve vessels, but could not because their jobs were not protected. This reemployment legislation is needed so that seamen's jobs will be guaranteed after war, a national emergency, activated training, or during alertness exercises.

This bill does not in any way, shape, or form, demand that a mariner volunteer for service. Nor will labor-management agreements be changed or affected. This reemployment right does not cost the Government anything and it allows them to utilize these dedicated individuals for military needs.

These dedicated mariners are there to protect the United States in time of national crisis. If these individuals are ready and willing to risk their lives and protect us, then we need to make sure their jobs are guaranteed and protected.

NEGOTIATIONS TOWARD A UNITED STATES-JAPAN FREE-TRADE AGREEMENT

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, listening to administration trade officials in recent weeks, I am reminded of the Gatorade commercial with Chicago Bulls star Michael Jordan. In the commercial, children sing "I want to be like Mike!" In the case of the Clinton administration's emerging trade policy, the refrain should be "I want to be like Japan."

In the name of strategic trade, the Clinton team wants to create a cadre of Government managers to identify, nurture, and subsidize certain sectors of the economy. This form of managed trade or industrial policy plays right into Japan's hands, and will most certainly lead to a trade war that we cannot win.

Instead, Mr. Speaker, we should play to the strengths of America's competitive advantage, and convince Japan to open up its markets and become more like the United States, where consumers, not Government bureaucrats and corporate interests, determine what is bought and sold, and at what price. How do we accomplish this objective? By negotiations leading to a United States-Japan free-trade agreement.

□ 1300

ENDING GRIDLOCK

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, I rise today to say that I believe that the worst that we could do for our economy and the deficit is to do nothing.

The budget and stimulus package we will consider later this week can begin to end gridlock here in the Nation's Capitol, and the combination of spending cuts and tax increases and investments contained in those two bills will reduce the deficit and start to put our country back to work again.

Taken together, the budget and stimulus package will provide jobs for America's workers, improve our Nation's infrastructure, and target critical resources to the education and training needs of our Nation's children, youth, and adults.

Mr. Speaker, former President Harry Truman said in his book "Where the Buck Stops," as he reflected on the Presidency, "There are not good or bad Presidents, there are just those who decide to do nothing." Our own President, Bill Clinton, has shown that he is willing to take the steps to do something. I think that Congress should take the lead and help him to lead us down the road.

A TRIBUTE TO CALIFORNIAN DREW BARRY, GEORGIA TECH'S FRESHMAN GUARD

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, in this U.S. Congress, I am a freshman from Danville, CA. Today, I want to talk about another freshman from Danville, CA.

Drew Barry, freshman guard for the Georgia Tech basketball team, led his teammates in an amazing weekend of upsets.

Seeded sixth in the Atlantic Coast Conference tournament, Drew and the Yellow Jackets had the tough task of facing Duke in the first round. Georgia Tech ignored the experts and upset the defending national champion Blue Devils.

After defeating Clemson in the second round, the Yellow Jackets were to face the No. 1-ranked team in the country—the North Carolina Tar Heels who were on an 11-game winning streak.

Against the odds, Tech went on to upset North Carolina to win the ACC championship in a nail-biter that went down to the wire.

What is more, Drew Barry was named to the all-ACC tournament team and broke the ACC tournament record for total assists with 27.

I am proud of Drew Barry, freshman from Danville, CA.

SERIOUS QUESTIONS ABOUT THE WAR IN EL SALVADOR

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, the truth about El Salvador's bloody civil war is finally starting to be confirmed. After 75,000 deaths and some of the worst human rights violations ever seen in this hemisphere, the U.N. Truth Commission has revealed that the lion's share of the war's atrocities were committed by the Salvadoran Government, a government that received over $6 billion in aid from the United States taxpayers in the 1980's, and whose military officers were trained in the United States.

The Commission should be commended for its work, and also identifying the atrocities committed by the leftwing forces. The Commission verifies facts that many of us have known for a long time, that Robert D'Aubuisson is behind the cold-blooded assassination of Archbishop Romeros in the 1980's, that high military commanders participated in the coverup of the murder of the American nuns in El Salvador, and that high ranking army officers plotted the murder of six Jesuit priests in 1989.

Sadly, the Reagan-Bush administrations sought to protect their allies from these facts and to mislead the American people and the Congress. This report raises serious questions, and we should ask for a full investigation of the State Department about its activities in El Salvador during the 1980's.

PRESIDENT CLINTON'S REVERSAL OF POSITION

(Mr. FRANKS of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. FRANKS of Connecticut. Mr. Speaker, it has not taken long for us to realize the contradictions, changes, and reversals of position made by our President.

On the domestic side, a middle-class tax cut has turned into a tax increase for many Americans.

An energy consumption tax, once off limits during the campaign, is now an integral part of the economic stimulus plan.

And, our senior citizens are now being asked to contribute more toward the years of rampant Government spending.

Yes, as President Bush said last October, elect Bill Clinton and hold on to your wallet. So true.

On foreign affairs, the Haiti immigration problem which outraged many in Congress when Mr. Bush introduced the policy—a policy that candidate Bill Clinton expressed his grave concern and objection—is now an immigration policy that President Clinton has also embraced.

I guess the positive aspect about taking both sides on an issue is that it is very difficult not to be right.

DEFERRAL OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-57)

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral of budget authority, totaling $46.1 million.

This deferral affects the Department of Agriculture. The details of this deferral are contained in the attached report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 16, 1993.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

CHILD SAFETY PROTECTION ACT

Mrs. COLLINS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 965) to provide for toy safety and for other purposes, as amended.

The Clerk read as follows:

H.R. 965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Safety Protection Act".

SEC. 2. REQUIREMENTS FOR LABELING AND BANNING.

(a) Toys or Games for Children Who Are at Least 3.—

(1) Requirement.—The packaging of any toy or game intended for use by children who are at least 3 years old but not older than 6 years or such other upper age limit as the Commission may determine which may not be less than 5 years old, any descriptive materials which accompany such toy or game, and the bin, container for retail display, or vending machine from which it is dispensed shall bear or contain the cautionary label described in paragraph (2) if the toy or game—

(A) is manufactured for sale, offered for sale, or distributed in commerce in the United States, and

(B) includes a small part, as defined by the Commission.

In the case of such a toy or game dispensed from a vending machine, the packaging of such toy or game shall not be required to bear the cautionary label described in paragraph (2).

(2) Label.—The cautionary label required paragraph (1) for a toy or game shall be as follows:

Insert folio 1A here.

(b) Balloons, Small Balls, and Marbles and Toys and Games.—

(1) Requirement.—In the case of any balloon, small ball intended for children 3 years of age or older, marble intended for children 3 years of age or older, or any toy or game which contains such a balloon, small ball, or marble, which is manufactured for sale, offered for sale, or distributed in commerce in the United States—

(A) the packaging of such balloon, small ball, or marble or toy or game,

(B) any descriptive materials which accompany such balloon, small ball, or marble or toy or game, and

(C) the bin or container for retail display of a balloon, small ball, or marble or toy or game or the vending machine from which the balloon, small ball, or marble or toy or game is dispensed, shall contain the cautionary label described in paragraph (2). In the case of such a balloon, small ball, or marble or toy or game dispensed from a vending machine, the packaging of such a balloon, small ball, or marble or toy or game shall not be required to bear the cautionary label described in paragraph (2).

(2) Label.—The cautionary label required under paragraph (1) for a balloon, small ball, marble, or toy or game shall be as follows:

(A) Balloons.—

Insert folio 2A here.

(B) Small Balls.—

Insert folio 3A here.

(C) Marbles, Toys, and Games.—

Insert folio 4A here.

(3) Definition.—For purposes of this subsection, a small ball is a ball with a diameter of 1.75 inches or less.

(c) General Labeling Requirements.—All labeling required under subsection (a) or (b) for a toy or game or balloon, small ball, or marble shall—

(1) be prominently and conspicuously displayed on the packaging of the toy or game or balloon, small ball, or marble, on any descriptive materials which accompany the toy or game or balloon, small ball, or marble, and on the bin or container for retail display of the toy or game or balloon, small ball, or marble or the vending machine from which the toy or game or balloon, small ball, or marble is dispensed, and

(2) be visible and noticeable.

(d) Enforcement.—The requirements of subsections (a), (b), and (c) shall be considered to be a regulation issued by the Consumer Product Safety Commission under section 3(b) of the Federal Hazardous Substances Act (15 U.S.C. 1262(b)).

(e) Other Small Balls.—A small ball—

(1) intended for children under the age of 3, and

(2) with a diameter of 1.75 inches or less,

shall be considered a banned hazardous substance under section 2(q) of the Federal Hazardous Substances Act.

SEC. 3. REGULATIONS AND EFFECTIVE DATE.

(a) Regulations.—The Consumer Product Safety Commission shall promulgate regulations, under section 553 of title 5, United States Code, for the implementation of section 2 by January 1, 1994. Subsections (f) through (i) of section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262) shall not apply with respect to the issuance of regulations under this subsection.

(b) Effective Date.—Section 2 shall take effect February 1, 1994, with respect to products entered into commerce on or after that date.

SEC. 4. BICYCLE HELMETS.

(a) Initial Standard.—Within 9 months of the date of the enactment of this Act, all bicycle helmets manufactured after the expiration of such 9 months shall conform to—

(1) the ANSI standard designated Z90.4-1984,

(2) the 1990 Snell Memorial Foundation Standard for Protective Headgear for Use in Bicycling, B-90, or

(3) such other standard as the Commission determines is appropriate,

until a standard under subsection (b) takes effect. A helmet which does not conform to a standard identified in paragraph (1), (2), or (3) shall, until the standard takes effect under subsection (b), be considered in violation of a consumer product safety standard issued under the Consumer Product Safety Act.

(b) PROCEEDING.—Within 60 days of the date of the enactment of this Act, the Consumer Product Safety Commission shall begin a proceeding under section 553 of title 5, United States Code, to—

(1) harmonize the requirements of the ANSI standard, the Snell standard, and other appropriate standards into a standard of the Commission,

(2) include in the standard of the Commission provisions to protect against helmets rolling off the heads of riders,

(3) include in the standard of the Commission standards which address risk of injury to children, and

(4) include additional provisions as appropriate.

The standard developed under paragraphs (1) through (4) shall be considered a consumer product safety standard issued under the Consumer Product Safety Act and shall take effect 1 year after the date it is issued. Sections 7, 9, and 30(d) of the Consumer Product Safety Act (15 U.S.C. 2056, 2058, 2079(d)) shall not apply to any proceeding under this subsection and section 11 of such Act (15 U.S.C. 2060) shall not apply with respect to any standard issued as a result of such proceeding.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 20 minutes and the gentleman from Florida [Mr. STEARNS] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, the House will consider, H.R. 965, the Child Safety Protection Act. This legislation requires warning labels for toys that pose a choking hazard to small children, the bill also establishes minimum size requirements for balls made for children under age 3, and requires the development of a mandatory safety standard for bicycle helmets.

This bill received bipartisan support in our committee and is deserving of the support of the entire House. On March 2, 1993, the Committee on Energy and Commerce favorably reported the bill by voice vote with support from both sides of the aisle. In the last Congress, essentially the same toy safety and bicycle helmet provisions were approved by the House when it passed H.R. 4706, the Child Safety Protection and Consumer Product Safety Commission Improvement Act, by voice vote with bipartisan support.

There is broad-based support for having national toy safety requirements and a mandatory bicycle helmet standard. Health and safety experts think toy labeling and minimum size requirements, as well as mandatory requirements, for bicycle helmets are a good idea. Consumer advocates think so. Even the toy manufacturers now think having a national toy labelling law is a good thing and they support minimum size requirements. The bicycle helmet manufacturers want a mandatory bicycle helmet standard.

As author of the bill, and chairwoman of the Subcommittee on Commerce, Consumer Protection, Competitiveness, which considered it, I would like to take this time to discuss the importance of the bill.

There are three important provisions in this bill. The first provision deals with labels for toys with small parts.

Every year, too many young children choke to death on small toys and small parts of toys. The CPSC has made us aware that between January 1980 and July 1991, 186 children choked to death on balloons, marbles, small balls, and other children's products. Countless more children are injured by such toys each year.

While the State of Connecticut recently enacted labeling legislation, there are no nationally required warning labels to alert parents to the choking hazards of small toys and balloons, marbles, and small balls.

Some toy companies voluntarily use labels, but since there is no nationally required language, the label can say virtually anything. Many of these labels do not warn of the choking hazards associated with the toys. They simply say "for ages 3 and up" or "Not recommended for children under 3." In these cases, a parent could easily think the age levels have to do with the intelligence of the child, instead of the hazards posed by the toy. H.R. 965 rectifies the labeling problem by requiring the cautionary labels on applicable toys to warn of the choking hazard.

As revealed at a hearing on the bill, some of these labels do warn of the choking hazards. However, some toy packages are so cluttered with design details that it is hard to see the warning language even if you are looking for it. H.R. 965 provides for the warning to be enclosed in a rectangular box and has other similar requirements to ensure that the label does not get lost in a sea of package clutter.

Mr. Speaker, the second important provision will prevent the marketing of small balls to children under 3. Children under the age of 3 routinely explore their world by putting objects in their mouths. Right now, it is legal to market small balls to children under the age of 3. H.R. 965 alleviates the small ball hazard by requiring minimum choke-proof-size requirements for balls intended for children under age 3. It does not require toy makers to stop making balls of certain sizes; it only tells them that they cannot market the small ones to children under age 3.

The third portion of the bill establishes a safety standard for bicycle helmets. According to the Consumer Product Safety Commission [CPSC], each year there are approximately 1,200 bicycle-related deaths. Head trauma is responsible for 70 percent of the deaths. In addition, each year, over half a million injuries related to bicycles are treated in hospital emergency rooms. Approximately 30 percent of these injuries involve the face or head. Children under age 15 represent about two-thirds of the bicycle-related injuries and one-third of the bicycle-related deaths. There are no legal requirements to ensure compliance with these standards.

For most kids, their bike is their most prized possession and bicycling has long been an American family pastime. These days, many parents are buying helmets for themselves and their children to protect against head injuries.

Helmets currently sold in the United States meet voluntary standards that conform to either the American National Standards Institute or the Snell Memorial Foundation. Neither standard addresses rolloff resistance, which is designed to determine whether or not a helmet will rolloff during a collision. Further, neither standard includes specific requirements for children's helmets.

This bill will make sure that all helmets are designed to protect kids and their families from bicycle-related head injuries. The CPSC must develop a new Federal standard based on the existing voluntary standards. The standards must protect against the risk of helmets rolling off of the heads of riders. While the CPSC is working on the new standard, the bill requires all helmets made after a certain date to meet at least one of the voluntary standards.

Since we have a Consumer Product Safety Commission, which was created by Congress over 20 years ago to "protect the public against unreasonable risks of injury associated with consumer products," one might wonder, why does Congress have to enact product safety legislation to protect consumers?

The answer is that the CPSC is not living up to its mission to protect American consumers from hazardous products.

The CPSC's work on the toy safety issue seems to make the case. For instance, the CPSC had been looking at labeling issues for a few years. Then in 1992, even after the CPSC's expert staff recommended that there be warning labels on toys and minimum size requirements for toy balls intended for children under 3, the Commission terminated the rulemaking.

Like my colleague and ranking member, the gentleman from Florida [Mr. STEARNS], I would prefer not to deal with product specific legislation. It is my hope that in the future, the CPSC can take the initiative on these matters, so that we in Congress will not be required to enact more product specific legislation.

But, until then, we can protect our children by passing the Child Safety Protection Act.

Before concluding, I would like to thank the gentleman from Florida [Mr. STEARNS], the ranking member of the subcommittee, and his staff for their work on this legislation.

I urge the support of my colleagues.

□ 1310

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, H.R. 965, the Child Safety Protection Act, is a bill which has the primary objective of saving the lives of children. It addresses the potential hazards posed by such commonplace items as toys with small parts, small balls, marbles, and balloons, as well as the lack of standards for bicycle helmets.

The distinguished Chairwoman has long been known for her efforts on behalf of young children. Her concern for this all too often underrepresented group is plainly evident in the objectives of this legislation. She should be commended for her dedication to the interests of young children.

While I support H.R. 965, I have reservations about the manner in which the bill tries to achieve its objectives. H.R. 965 consists of two product-specific provisions, one relating to toys, small balls, and balloons, and the other relating to mandatory standards for bicycle helmets.

In response to petitions by interested parties and proposals by the CPSC staff, the Consumer Product Safety Commission has already ruled on the need for substantially similar regulations. In both cases the CPSC found the burden of proof as required under the authorizing statutes insufficient to merit action. In the case of toys with small parts, they found that they were unable to make the necessary findings under the Federal Hazardous Substances Act to justify issuing the regulation codified in H.R. 965. In the case of bicycle helmets, the CPSC found it unnecessary to create a mandatory standard because there was not one, but two, voluntary standards which bicycle helmet manufacturers used.

This bill represents Congress' willingness to interfere in a rulemaking process which we designed. I strongly believe that if we do not like the outcome of an administrative procedure, it is incumbent on the Congress to change the process, and not try to address serious problems only on a product-by-product basis.

However, this bill does address serious dangers to children and substantially improves toy labeling. The labels required by the legislation clearly warn parents of the choking hazards posed by toys with small parts, small balls, marbles, and balloons. Too often parents may assume that age labeling refers to a child's innate ability. This bill makes that distinction clear. Also, there will be benefits associated with the improved standard for bicycle helmets developed under this legislation. This bill harmonizes the existing voluntary standards into a single, mandatory standard that must be met by both domestic producers and foreign suppliers. Because of the importance of these provisions to the safety of children, I will support passage of H.R. 965. In the future, however, I hope the Congress will choose not to interfere with rulemaking processes of its own design.

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, I rise today in support of H.R. 965, the Child Safety Protection Act. As a mother I am proud to support this important legislation.

H.R. 965 is a thoughtful and critical piece of legislation that will help protect our children from senseless injury and harm caused by the inappropriate use of toys. In addition to the valuable safety measures provided for by this worthwhile legislation, it will also save lives and may reduce health care costs by helping to avoid some common childhood accidents.

As good as this piece of legislation is, it cannot and will not replace the action of a responsible parent. No warning label, no matter how well drafted or visible, will save the life of a child if the purchaser does not read it, understand it, and act upon it.

Let us, therefore, pass this legislation not as an end unto itself, but as one step in the process of educating parents to our responsibilities in ensuring child safety protection.

I urge my colleagues to vote in favor of the Child Safety Protection Act.

Mr. FAZIO. Mr. Speaker, I rise in support of H.R. 965, the Child Safety Protection Act. H.R. 965 will help prevent small children from choking on small toys, and it will also help safeguard them from the often deadly head injuries that occur in bicycle accidents.

Healthy American children live at risk of unintentional, unexpected injury every day. According to Children Now, the California-based children's advocacy group, almost half of all childhood deaths are due to accidents that could have been prevented. The National Commission on Children confirms that accidents are one of the leading threats to our children's health, and the leading cause of death in all children over a year old. In 1989, accidents caused nearly 40 percent of the deaths among those aged 1 to 4, and 46 percent of the deaths among those aged 5 to 14. In most cases, children who live in rural areas are at a higher risk of accidental death than their counterparts who live in or near cities.

Since 1979, there has been a ban on the sale of certain toys that are intended for children under 3 if these toys present a choking, aspiration or ingestion hazard because of small parts. Yet, 14 years later, choking remains one of the most common causes of accidental deaths among babies under the age of 1. According to the Consumer Product Safety Commission [CPSC], from 1980 to 1991, 186 children choked to death on balloons, marbles, small balls, and other children's products. In addition, it is estimated that every year, over 3,000 children under 6 are treated in hospital emergency rooms because they swallowed or inhaled a small toy or part.

Choking continues to remain a threat for several reasons. For example, balloons were not included in the 1979 ban. Additionally, toddlers often accidentally gain access to toys that are bought for older children. Parents also sometimes intentionally allow children under 3 to play with toys that are intended for older children, even when the packaging bears a warning for toddlers. They mistakenly believe that the warning has to do with the child's developmental age and consequently do not realize that it has been placed on the package for the express purpose of preventing a small child from choking on the toy. Therefore, even though some dangerous toys cannot be sold for use by children under 3, there is no law that says that parents must be warned about the danger of choking on small toys, and their parts, that are intended for children over 3, even if these toys are unsafe.

In response, the Child Safety Protection Act requires that warning labels be placed on any toy if there is a possibility that a small child might choke on that toy, or on any of its parts. This warning must be in place even if the toy is not intended for a child under 3. The act gives buyers more guidance when it comes to selecting such toys. If this bill becomes law, purchasers will be better informed and alerted as to the possible choking hazards of balloons, marbles, small toys, and games—even if these purchases are intended for use by older children.

The act also establishes a uniform mandatory safety performance standard for bicycle helmets, including standards which specifically address the risk of injury to children. This is because head trauma accounts for 70 percent of the 1,200 bicycle-related deaths that occur each year, and injuries to the face or head are at the root of just under a third of the 500,000 annual injuries related to bicycles. Children are the victims of about two-thirds of the bicycle-related injuries and one-third of bicycle-related deaths.

I urge my colleagues on both sides of the aisle to support final passage of the Child Safety Protection Act. It is no secret that many American children suffer from abuse and neglect. Far too many live in unsafe homes, in unsafe neighborhoods and attend unsafe schools. As we attempt to tackle some of these greater problems, we cannot afford to ignore those that are so readily solvable, especially when the safety of our children is at stake. There is no reason to place any of our children at additional, needless risk, when the means to protect them is close at hand. Safe toys are a necessary, obvious investment that we can make, and we can make it now.

Mrs. MINK. Mr. Speaker, today I rise in strong support of H.R. 965, the Child Safety Protection Act.

The intent of H.R. 965 is brilliant in its simplicity, to require warning labels for toys that pose a choking hazard to small children and to develop standards for the manufacture of bicycle helmets.

It is astonishing to realize that there are no national mandatory warning labels to warn parents and nonparent toy purchasers about the choking hazards of small toys and toys with small parts, including marbles, small balls, and balloons. Requiring that warning labels be placed on products with small parts that pose a potential choking hazard and are marketed to children over three, but which still pose a hazard to younger children would help steer toy purchasers toward age appropriate toys.

The Committee on Energy and Commerce notes in its committee report that in the June 1991 issue of the Journal of the American Medical Association, a study entitled "The Impact of Specific Toy Warning Labels," found that, "the current voluntary labels used by manufacturers may not be sufficiently explicit to alert buyers of toys with small parts to the potential choking hazards to children under 3 years of age." The study further concluded that "an explicit label that warns of the hazards, might substantially reduce inappropriate toy purchases without imposing any substantial cost on the consumer, the government, or the manufacturer."

This bill seeks to arm consumers with information before a potentially fatal purchase is made. Between January 1980 and April 1989, the Consumer Product Safety Commission was informed of 146 choking-related deaths of children, under 10 years of age as the result of toys and other children's products. Toys as nonthreatening in appearance as balloons were implicated in 40 percent of those deaths. If a warning label could have prevented even one of those deaths, would it not have been worthwhile? To a grieving parent, there can be only one answer.

H.R. 965 also requires the Consumer Product Safety Commission to develop a mandatory performance standard for bicycle helmets. Currently, there are voluntary performance standards. Each year, 1,200 bicycle-related deaths occur and 70 percent of those deaths are attributable to head trauma. Although the committee report submitted by the Committee on Energy and Commerce does not specify the number of deaths that occurred in spite of helmet usage, those bicycle riders that do rely on helmets should be assured that the helmets they wear will protect them against severe head trauma. This is why we must require the Consumer Product Safety Commission to develop and ensure compliance with mandatory performance standards for bicycle helmets.

If there is an old adage that may be quoted to describe this bill it is "an ounce of prevention, is worth a pound of cure."

Mr. Speaker, let us do everything possible to prevent our children from dying wholly preventable deaths. I urge my colleagues to support H.R. 965 and to vote in favor of its passage.

Mr. MOORHEAD. Mr. Speaker, I support H.R. 965, the Child Safety Protection Act, because it seeks to increase parents' awareness of the choking hazards presented by some toys and to protect children from potentially hazardous products.

H.R. 965 seeks to remedy the dangers posed by toys with small parts, small balls, and balloons by mandating that specific labels appear on the packaging of those items. The warning labels mandated by this legislation are in plain English and are required to be visible and noticeable, a considerable improvement over the present situation. The portion of the bill requiring the development of a mandatory bicycle helmet standard is also useful because it will harmonize several existing voluntary standards into a single, improved mandatory standard.

However, I do have a reservation about this bill because of the message that it sends to the Consumer Product Safety Commission. About a year ago, the Commission rejected a staff proposal to label toys that closely tracks this bill because they did not think the proposal would solve the problem. The Commission also rejected a petition by the National Safe Kids Campaign to develop mandatory standards for bicycle helmets because they determined that they did not have the evidence that the voluntary standards were inadequate. The obvious intent of this bill is to overrule the commission's decisions in both cases.

In the long run, if we do not trust the rulemaking process, then we should change the process, and not intervene with piecemeal, product specific legislation.

However, because H.R. 965 will improve toy labels and bicycle helmets, I will vote for this legislation.

Ms. NORTON. Mr. Speaker, I rise in strong support of H.R. 965. I want to express my most sincere thanks to Committee Chairman JOHN DINGELL and my special thanks to Subcommittee Chairwoman CARDISS COLLINS. Undaunted when others counseled inaction, Mrs. COLLINS has moved aggressively to protect the Nation's children.

My children are well past the age when they could swallow small parts of toys or are likely to get on a bicycle without a helmet. But I can surely remember the times when my children played with small toys and I had bought them in ignorance of their potential dangers. Neither my education nor my experience informed me that I might be risking their lives. Nor, sad to say, did the U.S. Government.

Most tragically, there was no warning to the parents of the 186 children who choked to death on small toys and the more than 3,000 children who were treated or saved each year in hospital emergency rooms during the last decade. Many of these parents were just like me—educated but ignorant, careful but unwarned. Worse must be the anguish of the parents whose children died or were injured in bicycle accidents because the helmets they wore were deceptively ineffective.

For 17 years Americans for Democratic Action [ADA] in the District of Columbia took on the task the U.S. Government should have been undertaking to warn parents about unsafe toys. Indeed, consumers from other parts of the country depended on the thoroughly professional annual toy quality and safety reports of the ADA Consumer Affairs Commission. Ironically, even the Federal Consumer Product Safety Commission referred many complaints to this city's ADA.

In their last report in 1988 the ADA wrote:

> Some of the dangerous toys we found came from reading the Consumer Product Safety Commission's own statistics. And in those documents, trends can be discerned and danger anticipated. We don't need overwhelming injury data or grotesque body counts in order to act. The time for action is before a child is injured or dies.

The Consumer Product Safety Commission did not get the message. In the face of bone chilling evidence a year ago, the CPSC decided to go no further to prevent choking deaths for children under the age of 3 years old. Children under 15 continue to be at an exorbitant risk of heavy injury from ineffective bicycle helmets. The Congress has no choice but to move forward to protect children from these entirely preventable injuries.

Mr. STEARNS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. COLLINS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentlewoman from Illinois [Mrs. COLLINS] that the House suspend the rules and pass the bill, H.R. 965, as amended.

The question was taken.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mrs. COLLINS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 965.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

□ 1320

MERCHANT SEAMEN REEMPLOYMENT RIGHTS ACT OF 1993

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1109) to amend the Merchant Marine Act, 1936 to establish reemployment rights for certain merchant seamen.

The Clerk read as follows:

H.R. 1109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Merchant Seamen Reemployment Rights Act of 1993".

SEC. 2. REEMPLOYMENT RIGHTS FOR CERTAIN MERCHANT SEAMEN.

(a) IN GENERAL.—Title III of the Merchant Marine Act, 1936 (46 App. U.S.C. 1131) is amended by inserting after section 301 the following new section:

"SEC. 302. (a) An individual who is certified by the Secretary of Transportation under subsection (c) shall be entitled to reemployment rights and other benefits substantially equivalent to the rights and benefits provided for by chapter 43 of title 38, United States Code, for any member of a Reserve component of the Armed Forces of the United States who is ordered to active duty.

"(b) An individual may submit an application for certification under subsection (c) to the Secretary of Transportation not later than 45 days after the date the individual completes a period of employment described in subsection (c)(1)(A) with respect to which the application is submitted.

"(c) Not later than 20 days after the date the Secretary of Transportation receives from an individual an application for certification under this subsection, the Secretary shall—

"(1) determine whether or not the individual—

"(A) was employed in the activation or operation of a vessel—

"(i) in the National Defense Reserve Fleet maintained under section 11 of the Merchant Ship Sales Act of 1946, in a period in which that vessel was in use or being activated for use under subsection (b) of that section;

"(ii) that is requisitioned or purchased under section 902 of this Act; or

"(iii) that is owned, chartered, or controlled by the United States and used by the United States for a war, armed conflict, national emergency, or maritime mobilization need (including for training purposes or testing for readiness and suitability for mission performance); and

"(B) during the period of that employment, possessed a valid license, certificate of registry, or merchant mariner's document issued under chapter 71 or chapter 73 (as applicable) of title 46, United States Code; and

"(2) if the Secretary makes affirmative determinations under paragraph (1)(A) and (B), certify that individual under this subsection.

"(d) For purposes of reemployment rights and benefits provided by this section, a certification under subsection (c) shall be considered to be the equivalent of a certificate referred to in clause (1) of section 4301(a) of title 38, United States Code.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to employment described in section 302(c)(1)(A) of the Merchant Marine Act, 1936, as amended by subsection (a), occurring after August 2, 1990.

(c) EMPLOYMENT ENDING BEFORE ENACTMENT.—Notwithstanding subsection (b) of section 302 of the Merchant Marine Act, 1936, as amended by this Act, an individual who, in the period beginning August 2, 1990, and ending on the date of the enactment of this Act, completed a period of employment described in subsection (c)(1)(A) of that section may submit an application for certification under subsection (c) of that section with respect to that employment not later than 45 days after the date of the enactment of this Act.

(d) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations implementing this section.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. BATEMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when our Nation deploys its military forces overseas, we depend on sealift to deliver the vast majority of equipment, supplies, and fuel to our troops. During the Persian Gulf war, ships carried over 95 percent of these cargoes. Many of these ships were in the Ready Reserve Force, a Government standby fleet which had to be activated quickly and crewed from scratch—relying in large part on American merchant mariners who left their everyday activities to serve.

During the Persian Gulf war, we discovered a problem that bedevils a merchant mariner who is considering giving up regular employment to volunteer to serve on a sealift ship: there is no guarantee, statutory or otherwise, that the regular job will be waiting when the seafarer returns.

Last Congress, the Committee on Merchant Marine and Fisheries heard testimony that there were merchant mariners who hesitated to volunteer for the sealift effort during Operation Desert Shield/Desert Storm for fear of losing regular civilian jobs.

Citizens who are called from regular employment into active military service do not face the same dilemma. Congress protected them by enacting a statute creating reemployment rights; however, merchant mariners currently do not have similar statutory protection.

The Merchant Seamen Reemployment Rights Act of 1993 will address this problem. Under the bill, civilian merchant mariners who serve on sealift vessels in times of national emergency will receive reemployment rights that are substantially similar to rights now available to military reservists. To qualify, seafarers must serve on a Government-owned or controlled vessel in a war, armed conflict, national emergency, or maritime mobilization need. The Secretary of Transportation will certify eligible seafarers.

H.R. 1109 is virtually identical to section 3 of H.R. 4484 from the 102d Congress. That provision was approved by the House on September 9, 1992, with no controversy whatsoever. Unfortunately, the Senate did not act on that provision prior to adjournment.

The Subcommittee on Merchant Marine approved H.R. 1109 on March 4, 1993. Because of the prior approval of these provisions by this body just 6 months ago, we are presenting the bill directly to the House. Since no report has been prepared, I wish to further discuss the bill in some detail to establish a legislative history for it.

Testimony received at a sealift readiness hearing on April 23, 1991, by the Subcommittee on Merchant Marine confirmed the need to provide reemployment rights to merchant mariners. Air Force Gen. Hansford T. Johnson, then the commander in chief of the U.S. Transportation Command, specifically stated that, during Desert Shield/Desert Storm, trained mariners were ready to go to sea but, because they had no "rehire rights," they elected not to take a chance on losing their civilian jobs. Because of the lack of reemployment rights, the United States had to use, in some cases, volunteer pensioners who were in their sixties, seventies, and even eighties. While we do not denigrate the efforts of these older volunteers, our national policy should be such that we have available to us the most physically capable mariners. Civilian job protections would greatly enhance the ability of the Department of Defense and the Maritime Administration to crew the Ready Reserve Force and other Government-owned sealift vessels.

While H.R. 1109 seeks to provide reemployment rights which are substantially equivalent to those granted in chapter 43 of title 38, United States Code, for a member of a reserve component, it will be administered by the Secretary of Transportation. Procedurally, an individual who meets certain specific criteria simply applies to the Secretary of Transportation for a certification within 45 days after completion of service on a qualifying vessel. The Secretary has 20 days to make a determination that the merchant mariner was employed on a vessel during a period of activation.

Because activation of Ready Reserve Force and other Government-owned sealift vessels can occur at times other than an actual war or a national emergency, provision has been made to provide reemployment rights when vessels are activated for training or during readiness exercises. The inclusion of this provision is critical to the success of the Maritime Administration's increased emphasis on vessel readiness.

We recognize that the time constraints placed on the merchant mariner and the Secretary are compressed; however, it is contemplated that proof-of-service requirements which exist under current law make the determination by the Secretary largely a ministerial review.

The bill creates a free-standing statute to provide reemployment rights for merchant mariners; however, by use of the term "substantially equivalent," we intend to allow the retention of the large body of case law which has developed under title 38 of the United States Code since reemployment rights were first granted to returning service personnel over 50 years ago. Even though the Merchant Seamen Reemployment Rights Act of 1993 and the veterans' reemployment rights provisions of Federal law will be administered by different agencies, enforcement and the appropriate interpretations of the legislative text will be handled by the Attorney General and the Federal judiciary, respectively, thus ensuring consistent treatment for merchant mariners.

Throughout our history, America's merchant mariners have repeatedly demonstrated their patriotism by volunteering in time of national need. Our national policy is deficient because it provides no reemployment rights to this group of citizens. Let us correct this omission by passing H.R. 1109 today.

Mr. BATEMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, wish to express my strong support for passage of H.R. 1109. I thank Chairman LIPINSKI, the chairman of the Subcommittee on Merchant Marine, for his prompt movement of this bill. I will not repeat the fine explanation provided by Chairman STUDDS except to clarify some misperceptions concerning this legislation and its intended purpose.

First, H.R. 1109 does not create a costly Merchant Marine Reserve nor does it confer veteran's status on merchant mariners. As such, we have not, nor do we intend, to interfere in any way with the jurisdiction of the other committees of this Congress. Second, it does not set salary levels, it does not require that a mariner volunteer for service and it does not alter or affect labor/management relations.

Mr. Speaker, in simple terms, we are accomplishing just what needs to be accomplished—allowing a merchant mariner the opportunity to serve his country in time of mobilization and at the same time return to his civilian job when hostilities are over. H.R. 1109 solves the problems facing our war planners without the attendant cost of a large expensive and bureaucratic Merchant Marine Reserve.

This bill has the overwhelming support of the maritime industry because it is a measured and appropriate response to a problem that cropped up during the Desert Storm crisis. This amendment to the Merchant Marine Act will, in conjunction with the enhanced operating status on the Ready Reserve vessels, provide a significant increase in the sealift capacity of the United States.

As Chairman STUDDS indicated, it is the Secretary of Transportation that will administer the law. It was felt because the Coast Guard, an agency within DOT, licenses and documents these mariners and because the Maritime Administration, also within DOT, handles the mobilization and crewing of the reserve fleet, that the Secretary of Transportation could manage this program at no additional cost to the Treasury. In other words all the documentation needed to handle a mariner's reemployment request resides in one agency.

Finally, Mr. Speaker, H.R. 1109 is drafted in such a way that DOT and the judiciary will have the benefit of the various interpretations that have been rendered by the courts under the reemployment laws applicable to returning reservists. As a result, I would envision that decisions on technical points regarding promotions, status, and seniority rights will be relatively simple, largely ministerial in nature, and that any disputes should be quickly resolved.

Mr. STUDDS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. LIPINSKI], the new chairman of the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries.

Mr. LIPINSKI. Mr. Speaker, I believe the chairman of the Committee on Merchant Marine and Fisheries has clearly explained to this body why the men and women of the U.S. merchant marine should be legally guaranteed their previous jobs upon returning from war.

During the Persian Gulf war, U.S. merchant mariners crewed over 80 percent of the vessels that carried the supplies and equipment to the war zone. Many of these mariners left their regular jobs without any guarantee that their jobs would be secure after the war.

Armed Forces reservists who serve in a war have reemployment rights. My bill will grant to merchant seamen reemployment rights substantially equivalent to those granted to reservists.

The Committee on Merchant Marine and Fisheries unanimously supported reemployment rights for merchant seamen in 1991 and 1992. For reasons unrelated to reemployment rights, the bills which contained the reemployment language were not enacted into law in the 102d Congress. For this reason, I have introduced the Merchant Seamen Reemployment Rights Act of 1993 as a separate bill.

President Clinton supports H.R. 1109 and there is bipartisan support for the legislation. I urge passage of H.R. 1109 today.

Mr. Speaker, I would also like to state that I sincerely appreciate the outstanding cooperation of the ranking minority member of the Subcommittee on Merchant Marine, the gentleman from Virginia [Mr. BATEMAN]. I appreciate that very much and I am looking forward to more cooperation like that in the future.

Mr. ACKERMAN. Mr. Speaker, I rise today, first of all, to thank the chairman of the Merchant Marine Subcommittee, the distinguished gentleman from Illinois, for introducing this legislation. It is long overdue.

I am privileged to have the U.S. Merchant Marine Academy within my district, at Kings Point, NY. I well know the quality, patriotism, and professionalism of the young men and women who graduate from Kings Point, and from the other merchant marine academies in our country.

These dedicated sailors are only too ready to serve their country in time of national emergency, as they showed during Operation Desert Shield/Desert Storm. Ninety-seven vessels, manned by merchant mariners, carried 95 percent of the supplies for that action. Our victory in the Persian Gulf would not have been possible without the assistance of a viable U.S.-flag merchant fleet, sailing modern vessels and manned by professional American seamen.

For most of these dedicated sailors, it is no choice at all to choose to serve their country. The American merchant mariner has always stood ready to serve his country during time of war or emergency, even at risk to his own life. This is no less true today than it was when American seamen dodged U-boats in World War I, or faced the horrors of the Murmansk Run in World War II.

Added to whatever other risks may face the merchant seaman the next time he is called to duty should not also be the possibility of losing his or her job. The least we owe them is the guarantee that America will not thank them for their service with an unemployment check.

Twice before this legislation has been brought before Congress, and twice before it has died through no fault of its own. This is a good law which gives justice to a group of people who are vital to our national security and national prosperity. I urge my colleagues to vote in favor of H.R. 1109, the Merchant Seamen Reemployment Rights Act of 1993.

Mr. FIELDS of Texas. Mr. Speaker, as a cosponsor of H.R. 1109, I rise in strong support of the Merchant Seamen Reemployment Rights Act of 1993.

This legislation fills a gap in Federal law that has created a major problem in manning America's reserve sealift fleet.

When the United States found itself faced with the need to transport all of the military hardware necessary to function during Operation Desert Shield and Operation Desert Storm, a glaring defect was discovered in the laws providing job protection for American merchant seamen. Numerous merchant seamen indicated their willingness to temporarily leave their civilian employment in order to operate the Ready Reserve Force ships. However, most of the individuals who are currently employed discovered that if they volunteered for maritime service they would not have a job to come back to.

This situation applied not only to individuals currently employed on U.S. merchant ships, but also former engineering officers working in powerplants or other similar facilities. Several seamen were told by their employers that if they decided to man one of these reserve ships they would have to be back to sail their commercial ship when it was scheduled to depart or else they would be replaced.

H.R. 1109 would simply ensure that merchant mariners serving aboard Government-controlled ships during a military emergency would be guaranteed reemployment rights that are substantially equivalent to those currently granted to all other American citizens in military Reserve units that are called to active duty. Under other Federal law these military reservists are guaranteed that the jobs they leave—whether it be a doctor on a hospital staff or a plumber working for a housing contractor—will be available to them upon the conclusion of their active duty service. This legislation would do the same thing for individuals who go to sea serving their Government as merchant mariners.

As a result of the current lack of reemployment rights for merchant seamen, when the crews were being assembled for the Ready Reserve Force vessels during Operation Desert Shield, the Government had to rely on merchant marine pensioners who had gone into retirement and were in their sixties, seventies, and eighties.

This legislation is quite specific in describing who would be eligible for reemployment rights.

It also sets forth very specific procedures for the processing of applications. The bill not only covers times when the United States actually goes to war, but it also includes training purposes. This would assure the readiness of reserve vessels when it is necessary to break out ships to make sure that all of the systems are in working order.

Since this legislation does not create any type of Merchant Marine Reserve program or confer any kind of veterans status for these merchant mariners, there is no cost to our taxpayers. At a time when all of us are concerned about the Federal budget, this is a rare opportunity for Congress to do the right thing for a group of American citizens without costing any money.

Mr. Speaker, because this legislation is without controversy and will serve a critical national defense need, I urge all the Members of this body to join those of us from the Committee on Merchant Marine and Fisheries by voting to approve this legislation.

Mr. STUMP. Mr. Speaker, I rise as ranking minority member of the Veterans' Affairs Committee in order to clarify the rights and other benefits which H.R. 1109 would create for certain merchant seamen.

This bill was not referred to the Committee on Veterans' Affairs, though it contains references in it to chapter 43 of title 38 on veterans' reemployment rights. Subsection 302(a) of the bill would provide:

> An individual who is certified by the Secretary of Transportation under subsection (e) shall be entitled to reemployment rights and other benefits substantially equivalent to the rights and benefits provided for by chapter 43 of title 38, United States Code, for any member of a Reserve component of the Armed Forces of the United States who is ordered to active duty.

Thus, the only interpretation which could be given subsection (a) is that any substantially equivalent rights and other benefits it would create are entirely outside chapter 43 of title 38. For example, chapter 43 of title 38 contains the following requirement:

> The Secretary of Labor, through the Office of Veterans' Reemployment Rights shall render aid in the replacement in their former positions or reemployment of persons who have satisfactorily completed any period of active duty in the Armed Forces or the Public Health Service.

Those merchant seamen who would be entitled to reemployment rights under subsection 302(a) of H.R. 1109 clearly could not be persons who have satisfactorily completed any period of active duty in the Armed Forces or the Public Health Service. The Secretary of Transportation who, under subsection 302(d), would be required to issue implementing regulations, also could not administratively deem entitled merchant seamen to be persons covered by chapter 43 of title 38. But, in my view, the Secretary of Transportation would be impliedly authorized to establish at the Department of Transportation a similar office of reemployment rights for eligible merchant seamen, as well as any other offices at the Department of Transportation needed to carry out the purposes of this legislation.

Mr. Speaker, I would have preferred that H.R. 1109 be referred to the Veterans' Affairs Committee. Absent the referral, I trust that my statement will serve to clarify the references in this legislation to chapter 43 of title 38.

Mr. STUPAK. Mr. Speaker, I rise today to express my support for the passage of H.R. 1109, the Merchant Seamen Reemployment Rights Act of 1993.

This bill would correct an injustice confronted by many merchant seamen who served on Ready Reserve fleet vessels during Operation Desert Storm. These seamen who were ready, willing, and able to serve on Ready Reserve vessels found out to their dismay that their normal civilian jobs were not guaranteed after the war. This is simply not fair.

H.R. 1109 would address this matter by guaranteeing merchant seamen the same rights presently enjoyed by members of the U.S. Armed Forces Reserves. Such rights ensure that members of the U.S. Armed Forces Reserves who are called to active duty in times of war or national emergency are entitled to return to their civilian jobs once their active duty ends. The reemployment rights under this bill would apply retroactively to eligible maritime service beginning on August 2, 1990. Such retroactivity would grant merchant seamen who were active in the Persian Gulf conflict eligibility for such civilian job protections.

Mr. Speaker, over 90 percent of the supplies and heavy equipment used in Operation Desert Storm were moved by ship. By guaranteeing that merchant mariners are entitled to their civilian jobs upon return from exporting goods on U.S. merchant vessels in time of national crisis we would extend a basic right to American workers and ensure that we have the capability to act quickly and decisively in times of national emergency.

For these reasons, I urge support for the quick enactment of H.R. 1109.

Mr. BATEMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 1109.

The question was taken.

Mr. McINNIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXTENSION OF BANKRUPTCY PROVISIONS WITH REGARD TO FAMILY FARMS

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 416) to extend the period during which chapter 12 of title 11 of the United States Code remains in effect; and for other purposes, as amended.

The Clerk read as follows:

H.R. 416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF TIME PERIOD.

The first sentence of section 302(f) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554; 100 Stat. 3124) is amended by striking "1993" and inserting "1998".

SEC. 2. FILING OF PLAN.

Section 1221 of title 11, United States Code, is amended by striking "an extension is substantially justified" and inserting "the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable".

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENT MADE BY SECTION 2.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENT MADE BY SECTION 2.—The amendment made by section 2 shall not apply with respect to cases commenced under title 11 of the United States Code before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from New York [Mr. FISH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, H.R. 416 extends bankruptcy provisions with regard to family farms by extending chapter 12 of title 11 of the United States Code for an additional 5 years.

Chapter 12—the provision dealing with bankrupt family farms—is scheduled to sunset on October 1 of this year. This chapter allows farmers to reduce the amount of their secured debt to the present value of the collateral while continuing in control of their farms. In exchange, the farmers are required to commit all of their disposable income to repaying their creditors during a debt adjustment period while the farm remains in operation.

The gentleman from Oklahoma [Mr. SYNAR] has been the driving force to make sure this important chapter of the bankruptcy laws continues to function as it has in the past, fairly balancing the interests of the debtor farmer, the creditors, and the American people.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. SYNAR].

☐ 1330

Mr. SYNAR. Mr. Speaker, I rise today in strong support of H.R. 416. This bill extends chapter 12 of the Bankruptcy Code for 5 years thereby guaranteeing that farmers continue to receive chapter 12's protections for the foreseeable future. Since its inception in 1986, chapter 12's great success is that it has prevented us from callously throwing generations of family farmers off the land without first allowing them the opportunity to reorganize and reestablish themselves as viable components of our Nation's agricultural community.

When we originally enacted chapter 12, the country was in the midst of a great farm crisis. Family farms were being foreclosed at an alarming rate and farm values plummeted as properties flooded the market. Huge losses were incurred by agricultural lenders as they were forced to sell farm collateral in extraordinarily depressed markets. Worst of all, farmers could find no relief in the Bankruptcy Code. At the time, chapters 11 and 13 were the only possible havens, and both were unavailable to the farmer. Farmers could not meet the adequate protection requirements of chapter 11 and chapter 13's low debt limits were prohibitive. Fortunately, Congress recognized this problem and enacted chapter 12. The new chapter allowed family farmers to keep their farms, reorganize the affairs, and set up a reasonable payment plan for creditors out of future income.

Today, we consider legislation that extends chapter 12 and critics argue that there is no need for chapter 12 because the farm crisis has ended. I disagree. There will always be bad weather, crop disease, harmful pests, wavering prices, and rotten luck to cause farm bankruptcies.

In my home State of Oklahoma, Stanley and Delma Dunegan had their backs against the wall in early 1987 after 6 consecutive years of weather-related disasters. They were also faced with a 10-year low in cattle prices, a 50-percent decline in land values, and a creditor unwilling to renegotiate the terms of their $600,000 loan. These folks were in danger of losing everything including their 480 acres of land and their 300 cows. Filing for chapter 12 bankruptcy protection allowed this couple to keep their land, their cattle, and most of their equipment. More importantly, they were given a chance to work out a repayment schedule under much more tolerable terms.

The vagaries of farming and the peculiarities of chapters 11 and 13 of the Bankruptcy Code still exist. Consequently, it is critical that we act quickly to extend chapter 12. Without this section, there is no recourse in the code for farmers faced with losing their farm, their work, and their way of life. I urge my colleagues to quickly adopt this bill so we can get on with the business of good governing by saving family farms.

Mr. FISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to speak in support of this legislation to extend the sunset on chapter 12 of the Bankruptcy Code, the family farmer provisions.

In the 99th Congress, I had the opportunity to participate actively in the congressional effort to enact Bankruptcy Code relief for family farmers facing financial distress. The new chapter 12 was designed to provide a flexible mechanism for family farmers to keep their farms and contribute a portion of future income to the payment of obligations. By making bankruptcy law more responsive to the plight of family farmers, we hoped to help farm communities around the country.

With chapter 12 scheduled to sunset on September 30, we act appropriately by providing continued access for family farmers to Bankruptcy Code provisions tailored to their needs. Without chapter 12, many family farmers facing economic difficulties may be forced to liquidate their farms. Other Bankruptcy Code chapters lack the flexibility family farmers need: The chapter 11 reorganization process is expensive and cumbersome for family farmers, and the restrictive eligibility requirements of chapter 13—the adjustment of debt provisions—often exclude family farmers. Many creditors—as well as farm debtors—are likely to suffer if we fail to retain an effective alternative to liquidation under chapter 7.

The very existence of chapter 12 appears to encourage nonbankruptcy solutions to family farm debt problems. Bankruptcy Judge A. Thomas Small points out in testimony submitted last year to the Judiciary Committee's Subcommittee on Economic and Commercial Law:

> [O]ne of the virtues of chapter 12 has been its positive influence, together with State farm credit mediation laws, on resolving disputes outside of court.

Section 2 of H.R. 416 improves chapter 12 by discouraging debtor delay in filing payment plans. Bankruptcy Code section 1221 is amended to permit an extension of a debtor's 90-day period for filing a plan only if "the need for an extension is attributable to circumstances for which the debtor should not justly be held accountable." This tightening of the current requirement that an extension be substantially justified should prove helpful to creditors.

Our experience with chapter 12, in my view, justifies the 5-year extension incorporated in the pending bill. I urge my colleagues to vote in favor of passage.

Mr. BROOKS. Mr. Speaker, I reserve the balance of my time.

Mr. FISH. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Speaker, agriculture has experienced difficult financial times in the last few years. These desperate times have been caused by a combination of many factors such as; weather disasters, depressed commodity prices, and increased inputs and machinery costs. All of these factors have left many family farmers financially devastated. Farmers found themselves unable to repay these loans because the falling commodity prices did not offset climbing interest rates and soaring production costs. Their only recourse was to borrow more cash each year to repay the last operating loan; as well as to provide new operating capital. This cycle resulted in farmers becoming dependent upon debt financing. Farmers soon found themselves highly leveraged and confronting cash flow shortages. In 1986, Congress established the Family Farmer Bankruptcy Act under chapter 12 of the Federal Bankruptcy Code to specifically meet the need of the debt-burdened farmer. The chapter 12 provision has a sunset date of October 1, 1993.

The bill which Mr. SYNAR and I introduced, H.R. 416, will extend the sunset of the chapter 12 provision until 1998. This will allow time for improvement of the farm economy. It is not just the farmers who benefit from this statutory relief, but the whole farm economy as it establishes a plan for repayment of the farmers' debt to creditors who would otherwise not see any money at all if the farmer was forced to liquidate. The community would also loose a farm family which has been a stabilizing factor of the community.

Chapter 12 is very important to farmers as it provides them with a viable alternative to complete liquidation of the family farm. In many cases these farms are more than a parcel of land, a few buildings and machinery, but it is a way of life; family heritage. It is critical that Congress continue to provide farmers with an opportunity to financially reorganize to better enable the farmer to continue to operate the farm.

Farming is a unique business because it is seasonal and success is virtually dependent on the weather conditions. There is no orderly cash flow, no accounts receivable, and often no dependable income. The other bankruptcy provisions do not adequately address complex issues which arise in agriculture. Creditors should be more satisfied with chapter 12, as opposed to chapter 11, as the time periods for crucial steps such as filing the plan are shortened.

Chapter 12 is a rapid procedure to assist farmers to reorganize the financial condition of their farm enterprises. It is without question that in addition to the many farmers who have sought relief under chapter 12, there are also a large number which have reorganized outside of bankruptcy along the lines determined by the provisions of chapter 12. It is important that the chapter 12 provision continue to assist farmers to work out of these financially troubling times.

Mr. DE LA GARZA. Mr. Speaker, I rise today to add my support to H.R. 416, a bill to extend the effective date of chapter 12 of the Bankruptcy Code until October 1, 1998.

In 1985, I was an original cosponsor of H.R. 2211, the bill that led to the enactment of chapter 12. At that time, the U.S. agricultural economy was besieged by a number of problems, including shrinking export markets, high-interests rates, and tumbling land values. The combined effect of these problems forced many family farmers to the brink of bankruptcy.

In response to these problems, the Congress passed a number of bills. In March 1985, the Congress passed the Emergency Farm Credit Assistance Act of 1985. Unfortunately, President Reagan vetoed this bill. Subsequently, the Congress passed the Food Security Act of 1985, commonly known as the 1985 farm bill. The 1985 farm bill redirected Federal farm programs to a more market-oriented focus and beefed up programs to help U.S. farmers to compete in international markets. Next, the Agricultural Credit Act of 1987 offered sorely needed assistance to farmers and ranchers besieged by the economic conditions of the 1980's.

In addition, the Congress approved the bankruptcy judges, U.S. trustees, and Family Farmer Bankruptcy Act of 1986. The act amended the Bankruptcy Code to provide, for the first time, bankruptcy procedures specifically tailored to the needs of the Nation's family farmers.

All of these acts helped America's farmers and ranchers to bootstrap themselves out of the agricultural depression of the early 1980's. Chapter 12 of the Bankruptcy Code is no exception. Chapter 12 extended a helping hand to America's family farmers designed to allow farm families to work with their creditors to resolve financial difficulties fairly, and with compassion and dignity.

The bill before us today will extend chapter 12 for 5 years and make a clarifying amendment to the act to narrow the circumstances in which a court may extend the statutory 90-day period established in chapter 12 for a family farmer to file a debt adjustment plan. The bill represents a reasonable compromise that will allow family farmers to gain the protection of the bankruptcy law under a reasonable plan for debt adjustment.

Mr. Speaker, farmers, ranchers, and lenders who have worked to resolve farm bankruptcies since 1986 would probably agree that chapter 12 is not perfect.

However, it has been proven to be an effective method for resolving the many issues raised by family farmers facing severe financial difficulties. I am confident that the sponsors of the bill will continue to work with parties interested in this important issue toward reauthorizing an improving chapter 12 as the bill proceeds through the legislative process.

I ask my colleagues to support the bill.

Mr. FISH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I, too, have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 416, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AIRCRAFT EQUIPMENT SETTLEMENT LEASES ACT OF 1993

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1140) to provide for the treatment of certain aircraft equipment settlement leases.

The Clerk read as follows:

H.R. 1140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aircraft Equipment Settlement Leases Act of 1993".

SEC. 2. TREATMENT OF AIRCRAFT EQUIPMENT SETTLEMENT LEASES WITH THE PENSION BENEFIT GUARANTY CORPORATION.

In the case of any settlement of liability under title IV of the Employee Retirement Income Security Act of 1974 entered into by the Pension Benefit Guaranty Corporation and one or more other parties, if—

(1) such settlement was entered into before, on, or after the date of enactment of this Act,

(2) at least one party to such settlement was a debtor under title 11 of the United States Code, and

(3) an agreement that is entered into as part of such settlement provides that such agreement is to be treated as a lease,

then such agreement shall be treated as a lease for purposes of section 1110 of such title 11.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from New York [Mr. FISH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1140 clarifies the treatment of aircraft equipment in bankruptcy, and by so doing, enhances the competitive health of the airline industry. Bankruptcy laws have long provided aircraft equipment lessors special protection in the event of an airline bankruptcy. Thus, section 1110 of the Bankruptcy Code was intended to encourage aircraft financing activity by limiting the bankruptcy risk associated with these leases. Without such financing, Americans would be left with few viable competing airlines in a market already decimated by the effects of deregulation.

Unfortunately, because of several ambiguous court decisions, the coverage of section 1110 has become muddled. The resulting uncertainty now threatens to disrupt the reorganization of Continental Airlines and could affect other airlines that might be forced into bankruptcy.

H.R. 1140 responds to these problems by clarifying the application of section 1110 of the Bankruptcy Code. Under the simple modification proposed, leasing arrangements which the parties agree to treat as a lease will be treated as such for bankruptcy purposes. This change, which would apply to pending and future bankruptcies, will help struggling air carriers emerge from bankruptcy and thereby protect employees, retirees, and the Pension Benefit Guaranty Corporation from dislocation.

I should note that because of the time-sensitive nature of the legislation—in Continental Airlines' case, its petition for release from bankruptcy is being heard this very day—the Senate unanimously passed identical legislation last Friday. I am pleased that following a hearing by the Judiciary Subcommittee on Economic and Commercial Law last week, the subcommittee as well as the full committee have now both approved this legislation, clearing it for consideration by the House this afternoon. If the House adds its approval to this measure, we will be able to forward it to the President without delay. In doing so, we will help ensure that competition in the domestic airline industry will not be further diminished by the loss of another carrier.

I urge a favorable vote on H.R. 1140.

□ 1340

Mr. Speaker, I reserve the balance of my time.

Mr. FISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation addresses a potential bankruptcy-law-related problem that threatens the viability of the Continental Airlines reorganization. Whether the Nation's fifth largest airline continues to fly may depend on whether Congress provides assurances that Bankruptcy Code section 1110 protection will be available in connection with a specific transaction involving 15 planes. Congress can help the reorganization process to succeed—and facilitate a significant potential recovery for the Pension Benefit Guaranty Corporation—by clarifying the law applicable to this transaction.

Since strong public policy considerations support section 1110 reform—and this legislation effectuates section 1110 reform albeit in a very limited context—I endorse the pending bill. I am pleased that we can help with the Continental reorganization today but believe we need to address the systemic problems of sections 1110, on aircraft equipment and vessels and 1168, corresponding provisions on railroad equipment expeditiously.

In the Continental Airline bankruptcy, the Pension Benefit Guaranty Corporation is a major creditor with claims that include approximately $700 million relating to the termination of underfunded Eastern Airlines pension plans; Continental's potential liability is predicated on its control group relationship with Eastern. A settlement agreement between the PBGC and Continental provides for Continental to lease airplanes from a newly created trust. The PBGC, the beneficial owner of the trust, will receive lease payments discounted for amounts paid to lenders with secured interests in the planes. Continental is providing the PBGC a guarantee that the planes will have a certain residual value when the leases expire and the planes are sold.

The secured lenders are concerned that this residual value guarantee may prevent the transaction from being treated as a true lease for purposes of section 1110. Such an outcome is potentially troublesome because section 1110 carves an exception to the automatic stay for entities that lease or finance aircraft and accords them special rights to take possession of aircraft in a bankruptcy case. There is no sound policy justification for differentiating between transactions that include residual value guarantees and those that do not. For that reason, it is appropriate for Congress to clarify that a lease related agreement in a PBGC bankruptcy settlement does not lose section 1110 protection for extraneous reasons. The overriding purpose of section 1110—to facilitate leasing and financing transactions involving aircraft—is unrelated to whether a transaction includes a residual value guarantee. We express our clear intent that this legislative action seeking to facilitate the PBGC's settlement with Continental Airlines does not justify any negative inference about section 1110's application to transactions involving parties other than the PBGC.

During consideration of major bankruptcy legislation in the 102d Congress, I pointed to the fact that the financing and leasing of transportation equipment often is unnecessarily cumbersome as a result of Bankruptcy Code uncertainties. Members of the House and Senate, in an informal conference in October, agreed to include in a compromise bankruptcy reform bill language designed to clarify that the protections of code sections 1110 and 1168 apply to a variety of financing transactions and leasing arrangements. These provisions would have discouraged litigation and reduced risks for businesses engaged in such financing and leasing. The potential savings could have proven beneficial to the traveling public. We must not lose sight of the broader need for section 1110 and 1168 reform as we focus today on legislation designed to address a problem in a specific case.

Congress, in my view, also needs to give attention to the impact of the bankruptcy reorganization process on airlines that have not sought bankruptcy protection. Concerns have been expressed that the financial problems of the airline industry as a whole are exacerbated by the capacity of airlines in reorganization to force healthier carriers make choices that are not economically viable. We must seek to facilitate the successful rehabilitation of airlines in bankruptcy without compromising the stability of airlines that are not in bankruptcy.

Finally, substantial modifications in sections 1110 and 1168 are part of a much larger bankruptcy agenda that Congress needs to address. My hope is that this body will have the opportunity to consider major bankruptcy reform legislation in the months ahead.

I urge my colleagues to vote today to pass H.R. 1140.

Mrs. ROUKEMA. Mr. Speaker, the Senate-passed bill before us is noncontroversial, and I ask that this bill affecting the PBGC be enacted expeditiously.

The Pension Benefit Guaranty Corporation [PBGC] is a Federal agency dedicated to protecting the interests of hundreds of thousands of retirees whose pensions are endangered. The PBGC helps pensioners obtain the pensions they were promised after many years of service. When companies will not or cannot fulfill those promises, the PBGC steps in.

Recently, the PBGC settled a longstanding dispute over pension liabilities stemming from the demise of Eastern Airlines. Eastern Airlines, formerly a major air carrier, is now gone; with it went the sense of security which retired Eastern employees used to have in their pensions. The PBGC has now settled those claims, but the PBGC and others need assurance and protection for this and any other similar settlements.

As part of the settlement of the Eastern Airlines claims, the PBGC obtained interest in 15 airplanes. Continental Airlines will lease the planes from a trust in which the PBGC has a beneficial interest. The significant restructuring of the existing airplane leases in the PBGC's favor have created uncertainly about the extent to which the interests of the PBGC and others in the airplanes are protected.

The bill will provide the protections that are needed. This is a limited, noncontroversial, technical bill. There is no known opposition to the bill. I ask that the bill now be approved.

Mr. FISH. Mr. Speaker, I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 1140.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 400) to amend the Employee Retirement Income Security Act of 1974 to provide for the treatment of settlement agreements reached with the Pension Benefit Guaranty Corporation.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aircraft Equipment Settlement Leases Act of 1993".

SEC. 2. TREATMENT OF AIRCRAFT EQUIPMENT SETTLEMENT LEASES WITH THE PENSION BENEFIT GUARANTY CORPORATION.

In the case of any settlement of liability under title IV of the Employee Retirement Income Security Act of 1974 entered into by the Pension Benefit Guaranty Corporation and one or more other parties, if—

(1) such settlement was entered into before, on, or after the date of enactment of this Act,

(2) at least one party to such settlement was a debtor under title 11 of the United States Code, and

(3) an agreement that is entered into as part of such settlement provides that such agreement is to be treated as a lease,

then such agreement shall be treated as a lease for purposes of section 1110 of such title 11.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1140) was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bills just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 965, by the yeas and nays; and

H.R. 1109, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series of votes.

CHILD SAFETY PROTECTION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 965, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois [Mrs. COLLINS] that the House suspend the rules and pass the bill, H.R. 965, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 362, nays 38, not voting 30, as follows:

[Roll No. 71]

YEAS—362

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inslee
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Levin
Levy
Lewis (FL)
Lewis (GA)
Lipinski
Long
Lowey
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NAYS—38

Allard
Archer
Armey
Bachus (AL)
Ballenger
Boehner
Coble
Crane
Crapo
Cunningham
DeLay
Dooley
Doolittle
Duncan
Gekas
Hancock
Hansen
Hefley
Herger
Inglis
Inhofe
Istook
Lewis (CA)
Linder
Livingston
Mica
Packard
Penny
Rohrabacher
Royce
Schaefer
Smith (MI)
Stenholm
Stump
Talent
Walker
Zeliff
Zimmer

NOT VOTING—30

Barton
Bilirakis
Brown (FL)
Clay
Dingell
Dornan
Engel
Fields (TX)
Flake
Ford (TN)
Gutierrez
Henry
Hilliard
Houghton
Hunter
Jefferson
Kasich
Laughlin
Lehman
Lightfoot
Lloyd
Manton
Molinari
Payne (NJ)
Quillen
Roukema
Shuster
Slaughter
Taylor (NC)
Waters

□ 1405

Messrs. DOOLEY, DUNCAN, ROYCE, and SMITH of Michigan changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

MERCHANT SEAMEN REEMPLOYMENT RIGHTS ACT OF 1993

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1109.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 1109, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 27, as follows:

[Roll No. 72]

YEAS—403

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke

Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Livingston
Long
Lowey
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek

Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk

Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—27

Barton
Bilirakis
Brown (FL)
Dingell
Dornan
Engel
Fawell
Fields (TX)
Flake

Ford (TN)
Gutierrez
Henry
Hilliard
Hunter
Kasich
Klug
Lehman
Lightfoot

Lloyd
Manton
Molinari
Payne (NJ)
Quillen
Roukema
Shuster
Slaughter
Taylor (NC)

☐ 1432

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TAYLOR of North Carolina. Mr. Speaker, due to the recent storm and the local airport closing, I was unable to cast a vote on rollcall votes 71 and 72. Had I been present, I would have voted "nay" on rollcall vote 71, the Child Safety Protection Act, H.R. 965. I would have voted "yea" on rollcall vote 72, the Merchant Seaman Reemployment Rights Act of 1993, H.R. 1109.

PERSONAL EXPLANATION

Mr. FAWELL. Mr. Speaker, I was unavoidably detained during the House vote on H.R. 1109, the Merchant Seaman's Reemployment Rights Act of 1993. Had I been present, I would have voted in favor of the bill. I ask that this statement be inserted into the RECORD immediately following the vote.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes Nos. 71 and 72. Had I been present, I would have voted "yea" on both votes.

PERSONAL EXPLANATION

Ms. BROWN of Florida. Mr. Speaker, because of a flight delay in Charlotte, NC, I missed two recorded votes. Had I been here I would have voted "yea" on rollcall votes 71 and 72.

INTRODUCTION OF LEGISLATION TO PROVIDE UNEMPLOYMENT COMPENSATION TO INDIVIDUALS REQUIRED TO LEAVE THEIR JOBS BECAUSE OF MEDICAL OR FAMILY REASONS

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, today I am introducing legislation to require that individuals who must leave their jobs for family and/or medical reasons are allowed to receive unemployment compensation once they are ready to reenter the work force and cannot find a job.

Last month, the Family and Medical Leave Act was enacted into law providing workers with 12 weeks of unpaid leave for the birth or adoption of a child, to take care of a sick family member, or for one's own illness. This is a tremendous step forward in assisting workers balance the responsibilities at work and at home.

Unfortunately, in many situations 12 weeks is not enough time to resolve certain family situations. Serious illnesses often last longer than 12 weeks and many parents require more time to be at home with a newborn infant, because of medical reasons, or because mothers often want to stay home while breast feeding.

Workers in these situations are forced to make a decision to leave their jobs or neglect their family responsibilities. Many have no real choice and must leave their jobs.

Once they are ready to return to work and are unable to find a job, the unemployment law does not recognize that they were separated from their job for a good cause, and unemployment benefits are usually denied.

Mr. Speaker, I believe that it is the responsibility of the Federal Government to lead this Nation in setting policies that recognize the importance of caring for our families. And current unemployment law does not set forth this kind of policy. In fact, it penalizes those individuals who have been forced out of their jobs to care for a sick mother or father, to care for a newborn child, or because they cannot recover from their own illness in the requisite 12 weeks.

The bill I am introducing today would allow individuals who are required to leave their employment because of medical or family reasons to be eligible for unemployment compensation when they are ready to reenter the work force. It is a fair bill. It does not provide these individuals with any more benefits than those they would receive if they had lost their jobs for another legitimate reason.

But most importantly, Mr. Speaker, it establishes within the unemployment system a policy that acknowledges the importance of caring for our families. I ask my colleagues to join me in supporting this important legislation.

HOUR OF MEETING ON TOMORROW

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10:30 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 64, CONGRESSIONAL BUDGET RESOLUTION FOR THE U.S. GOVERNMENT FOR FISCAL YEARS 1994, 1995, 1996, 1997, AND 1998

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–35) on the resolution (H.

Res. 131) providing for the consideration of the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR H.R. 1335, STIMULUS AND INVESTMENT SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-34) on the resolution (H. Res. 130) providing for the consideration of the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY CHAIRMAN OF COMMITTEE ON RULES CONCERNING H.R. 670

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute.)

Mr. MOAKLEY. Mr. Speaker, I would like to notify Members regarding the Committee on Rules' plans for further action on H.R. 670, the Family Planning Amendments of 1993.

The Committee on Rules is planning to meet on H.R. 670 the week of March 22, 1993, to take testimony and to grant a second rule on the bill. In order to assure Members an additional opportunity to submit amendments to the bill, the Committee on Rules is reopening its request for amendments in advance of the hearing.

Members who filed amendments with the Committee on Rules at the time of the February hearing do not need to resubmit their amendments, but any Member who is contemplating an amendment which has not already been filed should submit 55 copies of the amendment and a brief explanation of the amendment to the Committee on Rules in H-312 of the Capitol no later than 12 noon, Monday, March 22, 1993.

Mr. Speaker, we appreciate the cooperation of all Members in this effort to be fair and orderly in granting a rule for H.R. 670.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I apologize. There were some conversations going on around, and we could not hear everything that the gentleman said. In other words, you are saying that on the family planning bill that we had previously issued a rule on, I guess the gentleman was saying that the Committee on Rules was going to meet again on the family planning bill?

Mr. MOAKLEY. The gentleman is correct.

Mr. SOLOMON. And that we were going to allow amendments to be—

Mr. MOAKLEY. Submitted; we are going to meet on the week of March 22, 1993.

Mr. SOLOMON. Which is what day? Is that a Monday?

Mr. MOAKLEY. That is a Monday.

Mr. SOLOMON. So we have to have amendments filed by—

Mr. MOAKLEY. Monday noon.

Mr. SOLOMON. Monday noon?

Mr. MOAKLEY. Right.

Mr. SOLOMON. Those amendments that had been previously filed with our committee?

Mr. MOAKLEY. They are still on record. Any Member who submitted an amendment in the previous hearing need not submit another one.

Mr. SOLOMON. Need not submit them again; we would still consider those that had been previously filed and any new ones that would be filed as of Monday noontime?

Mr. MOAKLEY. The gentleman is correct.

BUDGET RESOLUTION AND FISCAL YEAR 1993 STIMULUS AND INVESTMENT SUPPLEMENTAL APPROPRIATIONS

Mr. SOLOMON. Mr. Speaker, could I ask one additional question concerning tomorrow's schedule? We had previously issued a rule on both the budget resolution and the supplemental, the urgent supplemental, calling for general debate tomorrow on the budget resolution.

What will be the intent? Will we be able to vote on amendments to that resolution tomorrow, to be supplemental?

Mr. MOAKLEY. Does the gentleman mean in the Committee on Rules or on the floor?

Mr. SOLOMON. In the Committee on Rules.

Mr. MOAKLEY. In the Committee on Rules, yes.

Mr. SOLOMON. But there are Members on this side of the aisle who would like to have the general debate and then vote on the amendments on the same day. Does the gentleman have any idea of the intent of the schedule?

Mr. MOAKLEY. I do not see how that is possible, because we are going to hear the amendments tomorrow in the Committee on Rules, and they will be on the floor on the following day.

Mr. SOLOMON. So the gentleman is saying we are going to do general debate on both the budget and the supplemental tomorrow with no votes on either one?

Mr. MOAKLEY. Some of the general debate will occur on Thursday as well as Wednesday.

Mr. SOLOMON. Would the gentleman say that again?

Mr. MOAKLEY. Some of the general debate will occur on Thursday.

Mr. SOLOMON. On the supplemental?

Mr. MOAKLEY. Yes.

Mr. SOLOMON. That was the point I was trying to make, and that we would be finishing up general debate on the supplemental?

Mr. MOAKLEY. On Thursday.

Mr. SOLOMON. On Thursday. And then follow through with whatever amendments would be allowed?

Mr. MOAKLEY. The gentleman is correct.

Mr. SOLOMON. There would be general debate and votes on the supplemental on Thursday?

Mr. MOAKLEY. On Thursday.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, is there an anticipation that there will be some amendments permitted on the supplemental to give us some idea in terms of timing?

Mr. MOAKLEY. The Committee on Rules has not decided on that yet.

Mr. WALKER. Do we have any idea how much time is going to be left for debate on the supplemental on Thursday prior to the vote?

Mr. MOAKLEY. At least 30 minutes.

Mr. WALKER. So we would have at least 15 minutes on each side, of debate time for discussion of the supplemental just prior to the vote?

Mr. MOAKLEY. I think it is 30 minutes to the minority.

Mr. WALKER. Thirty minutes to the minority would be reserved for that day? And could we assume then that the majority will also have 30 minutes that day?

Mr. MOAKLEY. We are not sure. We have to consult with the chairman of the Committee on Appropriations.

Mr. WALKER. So we will have at least a half an hour on that day?

Mr. MOAKLEY. Yes; that is correct.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman. I will see him upstairs tomorrow.

Mr. WALKER. I thank the gentleman very much.

GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 22) designating March 25, 1993, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy," and ask for its immediate consideration.

□ 1440

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentlewoman from Virginia?

Mr. BOEHLERT. Mr. Speaker, reserving the right to object, the minority would like to inform the House that it has no objection to this legislation.

Mr. BILIRAKIS. Mr. Speaker, as the principal sponsor of the House companion measure to this bill, I would like to express my deep gratitude to Chairman CLAY and the full committee as well as to Chairman SAWYER of the Census and Population Subcommittee for bringing this measure to the floor in such an expeditious manner.

I would also like to thank TOM PETRI, ranking Republican on the Census Subcommittee, as well as JOHN MYERS, ranking member of the full Post Office and Civil Service Committee.

March 25 is a very special day to Greek-Americans and those who practice the Greek Orthodox faith—as well as freedom-loving people everywhere. This year, it marks both the 172d anniversary of the independence of Greece and its role as the wellspring of democracy.

Mr. Speaker, it is a magnificent thing to see so many people the world over turning to democratic movements in the wake of fallen or overthrown dictatorships and tyrannies. The practice of democratic government, first seen in Athens in 510 B.C., is being sought out and implemented around the world, expanding the frontier of freedom further and broader every day.

We should not forget that the democratic movements of today owe a great debt of gratitude to the ancient Greeks such as Aristotle and Polybius, who were democracy's pioneers. I am never more proud of my own Greek heritage—or of being an American—than on days such as this one.

As the ancient Greeks forged the very notion of democracy, placing the ultimate power to govern in the hands of the people themselves, the spirit of March 25, Greek Independence Day, lives on in its defense. Over the course of history, many of the free world's people have given their lives in the defense of freedom and I believe this commemorative legislation will serve to remind us of their brave sacrifice.

I thank all of my colleagues here today for their assistance in passing this legislation recognizing the democratic heritage that all of us share and which promotes a special bond between the United States and Greece.

Mr. GILMAN. Mr. Speaker, I rise in support of Senate Joint Resolution 22, legislation which commemorates more than 400 years of Greek independence. I also want to take this opportunity to express my staunch support for House measure, House Joint Resolution 10, sponsored by our colleague, the gentleman from Florida [Mr. BILIRAKIS], and add how pleased I am to be a cosponsor of this important measure each year.

Greek civilization has contributed to the world in many significant ways. Much of our modern English vocabulary is derived from the Greek language. Many of our architectural forms copy the beautiful Greek architecture that was created so many thousands of years ago, and which remain to this day as monuments to human creativity and innovation. Greek culture and heritage has shared so much with the world that we joyously celebrate Greek independence day with all Americans of Greek ancestry as well as with all those resident in Greece today.

March 25 commemorates this important event, and it is one we will continue to celebrate each year, as we also commemorate the bonds of friendship between our two nations and the unequalled and lasting contributions that Greece has made to worldwide civilization and culture over the centuries.

Mr. Speaker, I am proud to voice strong support for the adoption of this Greek independence day resolution.

Mr. ENGEL. Mr. Speaker, people of Greek ancestry all around the world are this week celebrating the 172d anniversary of Greek Independence Day. In my district, the Greek Orthodox community of Yonkers and Westchester is holding its annual flag-raising ceremony in honor of this special event at the Prophet Elias Greek Orthodox Church in Yonkers.

The Greek community has many accomplishments of which to be proud. From its place in history as the birthplace of western civilization to its current role as a leading force of democracy, the Greek culture has always been vital and forward thinking. All aspects of our lives—including the arts, science, and politics—have been shaped by the Greek people.

In my role as a Federal official, I am proud to stand by the people of Greece on important policy issues. I am encouraged that the recent controversy over the designation of the former Yugoslav Republic of Macedonia may soon be resolved, but I will only support an arrangement that is acceptable to the Greek government. I also believe that the Skopje government must denounce any present or future claims to the territory of surrounding nations. Opposing territorial claims in the region have sparked wars in the past, and we must do all we can to ensure that they do not do so again.

The relationship between the United States and Greece is rooted in our common love of democracy and human rights. If we keep these values at the heart of all our decisions, our friendship will continue to prosper for many years to come—just as the glory of Greek independence has prospered for 172 years.

Mr. BOEHLERT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The clerk read the Senate joint resolution, as follows:

S.J. RES. 22

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas these and other ideals have forged a close bond between our two nations and their peoples;

Whereas March 25, 1993, marks the one hundred and seventy-second anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations were born: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1993, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL AGRICULTURE DAY

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 36) to proclaim March 20, 1993, as "National Agriculture Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mr. BOEHLERT. Mr. Speaker, reserving the right to object, I would like to yield to the gentleman from Texas [Mr. DE LA GARZA], who is the chief sponsor of House Joint Resolution 84.

Mr. DE LA GARZA. I thank my colleague the distinguished gentleman from New York [Mr. BOEHLERT] for yielding to me.

Mr. Speaker, I am very pleased to rise in support of passage of Senate Joint Resolution 36, to designate March 20, 1993, as National Agriculture Day.

The nationwide observance of National Agriculture Day has been an annual rite for 20 years now. This day is set aside to promote a better understanding of agriculture's role in the American economy.

National Agriculture Day is more than just a day to honor our Nation's farmers and ranchers. It is really a day to honor the millions of Americans whose livelihood involves the production, processing, distribution, and sale of food and fiber products in our country.

Mr. Speaker, today it seems that many Americans have lost touch with the importance of agriculture in their lives. National Agriculture Day, at least in a small way, serves to remind us how important food and the people involved in the food and fiber sector are to our Nation.

I am pleased to support this resolution which allows our Nation to collectively say "thank you" to all the men and women involved in American agriculture. I appreciate the support and cooperation of the Committee on Post Office and Civil Service and Chairman CLAY in bringing up the Senate resolution today. And I want to thank all of my colleagues who agreed to be cosponsors of the House companion resolution which is identical to the resolution before us today. I urge adoption of Senate Joint Resolution 36.

Again, I thank the gentleman for yielding.

Mr. BOEHLERT. Mr. Speaker, I withdraw my reservation of objection.

Mr. EWING. Mr. Speaker, this is National Agriculture Week. It is an important time to remember the contributions of the men and women of this country who produce the food we eat, as well as those who supply farmers with the goods they need to produce our food, and those who make sure the food gets to our dinner table.

Recent hunger crises in Africa and Europe bring home with all-too-graphic clarity the importance a country's farmers are not only to its success, but to its very survival.

Because of our productive agricultural sector, we spend a lower percentage of our incomes on food than any other major industrialized country. We have the safest food supply in the world. We bring money into this country through our enormous surplus in agricultural trade. We are able to help countries in need of food, such as Somalia and Yugoslavia. In short, we are who we are because of the success of American agriculture.

This is a week to remember the American farmers and all those who work in agribusiness. Let us remember them as we sit down to dinner this evening.

Mr. BEREUTER. Mr. Speaker, this Member believes it is especially worthwhile to take a moment for National Agricultural Day—March 20, 1993—to recognize the continued importance of agriculture to our Nation's and the world's prosperity.

Farmers, food processors, and agribusinesses combine to create our Nation's most important industry. Together, these people feed our communities, our Nation, and the world. They grow the crops, make the food, and sell it throughout the world, so we can enjoy the most inexpensive and abundant food supply at home while prospering from our agricultural exports abroad.

Today, the U.S. food and fiber system accounts for more than 16 percent of our Nation's gross national product. Last year, the United States posted a dramatic surplus of $18.3 billion in agricultural exports. Together, agriculture and its related industries provide jobs for 21 million Americans, from producers to processors to scientists. Perhaps most importantly, this industry also provides much of the grain and food, which as humanitarian aid, meets the basic needs of the hundreds of thousands of starving and malnourished people throughout the world.

Mr. Speaker, on National Agriculture Day let us honor those individuals and families who make the U.S. agricultural industry the world's most competitive and prosperous. This Member thanks them for their hard work, investment, and vision and encourages them to further strive to meet the demands of a rapidly growing population.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 36

Whereas agriculture is the Nation's largest and most basic industry, and its associated production, processing, and marketing segments together provide more jobs than any other single industry;

Whereas the United States agricultural sector serves all Americans by providing food, fiber, and other basic necessities of life;

Whereas the performance of the agricultural economy is vital to maintaining the strength of our national economy, the standard of living of our citizens, and our presence in the world trade markets;

Whereas the Nation's heritage of family-owned, family-operated farms and ranches has been the core of the American Agricultural system and continues to be the best means for assuring the protection of our natural resources and the production of an adequate and affordable supply of food and fiber for future generations of Americans;

Whereas the American agricultural system provides American consumers with a stable supply of the highest quality food and fiber for the lowest cost per capita in the world;

Whereas American agriculture continually seeks to maintain and improve the high level of product quality and safety expected by the consumer;

Whereas the public should be aware of the contributions of all people—men and women—who are a part of American agriculture and its contributions to American life, health, and prosperity;

Whereas women play a vital role in maintaining the family farm system, both as sole operators and as working partners, and are also attaining important leadership roles throughout the American agricultural system;

Whereas farm workers are an indispensable part of the agricultural system as witnessed by their hard work and dedication;

Whereas scientists and researchers play an integral part in the agricultural system in their search for better and more efficient ways to produce and process safe and nutritious agricultural products;

Whereas farmers and food processors are responding to the desire of health-conscious American consumers by developing more health-oriented food products;

Whereas distributors play an important role in transporting agricultural products to retailers who in turn make the products available to the consumer;

Whereas our youth—the future of our Nation—have become involved through various organizations in increasing their understanding and our understanding of the importance of agriculture in today's society;

Whereas it is important that all Americans should understand the role that agriculture plays in their lives and well-being, whether they live in urban or rural areas;

Whereas since 1973, the first day of spring has been celebrated as National Agriculture day by farmers and ranchers, commodity and farm organizations, cooperatives, and agribusiness organizations, nonprofit and community organizations, other persons involved in the agricultural system, and Federal, State, and local governments; and

Whereas 1993 marks the twentieth celebration of National Agriculture Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 20, 1993, is proclaimed "National Agriculture Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities during the week of March 14, through March 20.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the two Senate joint resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

NCAA BASKETBALL TOURNAMENT—FOR MEN AND WOMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, for many sports fans, Thursday will be the beginning of March Madness, with the first round of the NCAA men's basketball tournament underway. But the real beginning of March Madness is tomorrow when the NCAA women's tournament begins.

Women's basketball has taken tremendous strides over the past several years. Exciting games like the triple overtime contest between Virginia and Maryland have brought added interest to the sport. Women's games are slowly making their way onto national television.

Unfortunately, that progress has not been good enough. Despite the passage of title IX 21 years ago, which promised to end sex discrimination in education, including sports, unequal treatment continues.

For example, a study by the General Accounting Office for the Energy and Commerce Subcommittee on Commerce, Consumer Protection, and Competitiveness found that the average compensation for a division I men's basketball head coach was $110,000, compared to only $45,000 for the women's basketball head coach.

The treatment of the two tournaments provides some other interesting examples of the different treatment for the men and the women. Look at the case of Iowa, seeded fourth in the women's tournament. They should be hosting a second round game.

They won't be, though, because the university scheduled a Guns 'N' Roses concert at the arena for the same date. As Iowa women's coach, Vivian Stringer was quoted, "You can bet your last dime this would not have happened if this was the men's team. If this were the men's team, they would have wiped out the whole gol-darned month of March."

Unfortunately, stories of women's sports taking a back seat not just to men's sports, but concerts and other events, are all too common on college campuses.

The current contract between the NCAA and CBS requires CBS to carry the finals of the women's tournament. That should help give some exposure to women's sports. But even that help comes with a dose of bad medicine. Although both the men's and women's semifinal games are played on a Saturday, only the men will get a day off after their game. The women will be required to play the following day, on Sunday, to accommodate television.

Some contend that the men's game and tournament elicit far more interest and attention, so should deserve the lion's share of the spending. However, interest in women's basketball will be hindered for many years, if the networks, local channels, and newspapers continue to provide just passing attention to women's sports.

During the coming days, I want to urge the Nation's media to help end discrimination in sports by devoting greater attention to the women's tournaments. Some papers, such as USA Today, have shown an enlightened approach toward full reporting of the women's game. But unfortunately, too often the networks and local stations either ignore women's sports, or show merely a handful of scores over a few seconds. Too many newspapers do little more than to show women's scores in small type on the back page, if at all.

I also want to urge the Nation's colleges and universities to do their part to promote women's sports. They too must be willing to spend the same kinds of money to promote the women's teams as the men's teams. Recently, with a vigorous promotional campaign, a game between the Brigham Young and Utah women's teams brought a sellout, compared to attendance in the hundreds in the absence of promotion.

Those of us in Congress can also play a role. I have introduced H.R. 921, the Equity in Athletics Disclosure Act. The bill requires colleges to disclose their spending on men's and women's programs, and to inform prospective students and the public. The bill will shed light on schools that are failing to comply with the gender equity provisions of title IX. I urge my colleagues to cosponsor this bill.

I'll have many reasons to be paying attention to the women's tournament, not the least of which is that it will give me a chance to follow my alma mater of Northwestern, as well as the women of Northern Illinois. And yes, I'll be watching the men's tournament, too, with Illinois and Southern Illinois represented.

As I have said on many occasions, equality for women doesn't mean a taking away from men. Both can prosper in an environment that builds women's sports.

□ 1450

THE BTU TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, I want to take a few minutes this afternoon to talk about one aspect of the President's economic plan; specifically, the Btu tax and its impact on the West and particularly, of course, my home State of Wyoming.

There are some absolute misconceptions about energy and Btu taxes. To implement an enormous tax on a specific industry due to these misconceptions is bad policy and may do irreparable damage to our economic base.

I would like to talk about a couple aspects of it. One, of course, is the whole question of taxes as to whether that leads to where we are going for more jobs, for more economy or whether we need less Government.

Second, of course, the question of whether energy is taxed enough currently.

Finally, the unanticipated consequences of the tax and how it impacts on us.

The question I think that we have to ask before we talk about any taxes is a philosophical one. You ought to ask it on your Main Street at home. Do you want more Government? Do you think we need more Government? Do you think we need more taxes? Do we need more revenues? Or the opposite, of course, do we better accomplish our goals with less Government and less taxes?

Obviously, we have to deal with solving the questions that we have and the problems that we have. What we want to do is have families that are employed. We want to be able to buy homes. We want to be able to send our kids to school, to save for our retirement We do that best, it seems to me, by encouraging the private sector. That is where wealth is created. That is where jobs are created, not by more taxes and more burdens on the private sector.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of Wyoming. Certainly, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I want to congratulate the gentleman for taking this special order and mentioning in particular the Btu tax. I do not know how many Members have had other groups come to see them in the last week, but I had the airline industry come to see me and they told me it was going to cost them 15 cents a gallon for each new gallon of jet fuel they buy, which would put them into a very precarious position. We have a lot of airlines, like USAir, that just had kind of a merger with British Air so they could keep their heads above water, and you are going to drown them with this kind of a Btu tax.

The trucking industry is going to have to pay about 10 to 15 cents more a gallon for gasoline and fuel. They are going to pass that on to consumers in the form of price increases for clothes, refrigerators, for everything else they transport.

Farmers in their driving and their energy costs are going to be put into real precarious territory.

I had some foundry people come in to see me, who said that we are in a very competitive situation with our foundry counterparts around the world, and they told me that this is the kind of thing that could break their backs and put many of them out of business.

So I would just like to add to my colleague's words here on the floor, my concerns about what this is going to do to the economy of this country.

The Btu tax, in my opinion, is called the big time unemployment tax and that is what we ought to start calling it around here.

Once again I congratulate my friend, the gentleman from Wyoming.

Mr. THOMAS of Wyoming. Mr. Speaker, I thank the gentleman for his comments.

Let me talk just for a minute about taxes and energy. I wonder how many people understand that Wyoming coal now, which is very inexpensive as a matter of fact, that the mayor of Gillette told me the other day that you can buy a ton of coal in the spot market for less than six-pack of beer, four bucks for a ton of low-sulfur bituminous coal in Wyoming. Fifty percent of that today is in taxes. With the Btu tax at 25 cents a million, Btu's on this tax would increase the tax by 4 bucks. In other words, you would have $8 a ton of coal, $6 of which is taxes.

Now, if that does not cause us some anguish in being competitive in the world, I do not know what would.

Certainly inflation, our ability to compete.

Maybe just as importantly you remember a few years ago we talked a great deal in this country about OPEC and how we were going to be energy responsible and energy independent and we turned to the largest reserve of energy in this country, which was coal.

Then we had a clean-air tax which was very expensive, by the way, but made coal useful as a clean fuel.

Now here is what we do. With low-sulfur coal in Wyoming in the West, which we should encourage because of the environment, we increase the price by 108 percent with the Btu tax.

Too many times we say, oh, it only means a few dollars to a family in New York City; but to farmers and ranchers in Wyoming, miners in Wyoming, it is very important.

So aside from the impact, it seems to me we have a regional problem.

Let me tell you what the American Petroleum Institute indicates. The average household in Wyoming will be hit by $1,167 a year because of the travel we have to do as compared to an average of $471. So it hits us very hard. It hits us very hard regionally.

Mr. Speaker, I think we ought to take a long look at our goals in this country before we raise taxes, because these taxes will not reduce the deficit. These taxes will simply increase Government.

The question is, do you want more Government? Do you want more taxes or do we have less Government and encourage the private sector?

POSTAL PRIVACY ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CONDIT] is recognized for 5 minutes.

Mr. CONDIT. Mr. Speaker, I am today introducing the Postal Privacy Act of 1993. Every year, 40 million people file change of address order cards with the Postal Service. Few of these people realize that the Postal Service makes their change of address information available to anyone who is willing to pay $3 for it. Most movers would be even more surprised to learn that as a consequence of filing the change of address card, thousands of direct marketers gain access to their name and address.

Under a program called National Change of Address [NCOA], the Postal Service sells change of address records in computer readable form to 25 licensees. NCOA licensees are some of the largest mailing list companies in the country. The licensees use the NCOA computer file to correct and update their own mailing lists and the mailing lists of their customers.

Some licensees also use NCOA data to create lists of people who have recently moved. Direct mailers use new mover lists to target potential customers for a variety of products and services, ranging from lawn furniture to banking. Because new movers have a high response rate, such lists are of great value to mail marketers. NCOA licensees advertise and sell the new mover lists to other direct marketers, some of whom resell the information. In this way, every mover's change of address information becomes available to thousands of direct mailers. The Postal Service affords people no opportunity to prevent the sale of this material. Once someone files a change of address order form with the Postal Service, the information on that form is quickly and invariably made public.

Last year, the subcommittee I now chair investigated the privacy implications of the NCOA program. It tracked the change of address information given to the Postal Service by an individual who had recently moved. Over the 22-month period following the move, the person's name and address were sold by NCOA licensees 9,900 times. There is no way to tell how many additional times the information was resold. One particularly unpleasant byproduct of NCOA is that a person who files a change of address form for a deceased relative often begins receiving advertising mail addressed to that relative. There is no effective method for turning off the flow of this mail.

For some people, public disclosure of change of address information is not just distressing; it is disastrous. In a report issued last November, the Government Operations Committee detailed how individuals who have fled abusive spouses, jurors in highly sensitive trials, and the elderly are especially vulnerable to harm resulting from the publication of their change of address information. Entitled "Give Consumers a Choice: Privacy Implications of U.S. Postal Service National Change of Address Program," H. Rept. 102–1067, the report also explained that the Postal Service's NCOA program violates two Federal statutes restricting the public dissemination of names and addresses by the Postal Service. Section 412 of the Postal Reorganization Act prohibits the Postal Service from making publicly available any mailing or other list of names or addresses of postal patrons or other persons. Subsection n of the Privacy Act of 1974 prevents agencies, including the Postal Service, from selling or renting an individual's name and address unless the agency has specific legal authority to do so. The purpose of both provisions is to protect the general public from unwarranted invasions of personal privacy.

NCOA does serve a worthwhile purpose. The Postal Service provides NCOA service to mailers primarily to promote efficient mail delivery. Correct addressing saves money for both mailers and the Postal Service by reducing the amount of mail that cannot be delivered as addressed. In its report, however, the Government Operations Committee concluded that the Postal Service has overestimated by several hundred percent its cost savings from NCOA.

Strict adherence to Federal law would require dismantling of the NCOA program; and the resulting savings, whatever the magnitude, would be lost. Rather than to eliminate NCOA, a preferable solution would be to strike a balance between the privacy needs of individuals, on the one hand, and the efficiency needs of the Postal Service and advertising mailers, on the other. The most effective way to achieve this balance is for the Postal Service to provide people with a chance to opt-out of the NCOA program. Each person filing a change of address card would have an opportunity to check off a box to prevent the Postal Service from disclosing his or her name and address information to any members of the public. The Government Operations Committee recommended this solution in its report.

In a January 1993 letter to Representative BOB WISE, the previous chairman of the subcommittee, the Postal Service briefly responded to the Government Operations Committee report. The Postal Service stated that it was planning to strengthen the notice on change of address order cards regarding NCOA and that it was continuing a dialog with the mailing industry to examine ways to address concerns raised during the subcommittee's hearing. The Postal Service did not respond, however, to committee findings that the NCOA program violates Federal law. The Postal Service was equally silent regarding the committee recommendations for an opt-out.

For these reasons, I am introducing the Postal Privacy Act of 1993. My bill would require the Postal Service to give customers explicit written notice that their change of address information will be disseminated and to whom. More importantly, the legislation would give all movers a choice about whether or not the Postal Service will give out their names and addresses. The act would require the Postal Service to put a checkoff box on change of address order cards that people could use to prevent public access to their records. In that way people could exercise greater control over their personal information, and the contents of their mailboxes.

THE WALSH GOLD MINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. McINNIS] is recognized for 5 minutes.

Mr. McINNIS. Mr. Speaker, it is hard to follow the gentleman from Wyoming [Mr. THOMAS]. He speaks well and I agree with him on those points, but I want to talk about another issue, an issue that I think would be of particular interest, especially to our guests, Mr. Speaker, who are watching the floor today.

The Wall Street Journal ran an editorial yesterday which they titled, "A Pardon for Walsh."

I think the Wall Street Journal should have extended its remarks to the extent to say, "A Pardon for Walsh's Gold Mine," or "A Pardon for the Walsh Holdup."

For those people of you who are spectators to this fine House and this fine country, I want you to know that you would face more prosecution for stealing a candy bar down at the local drugstore than Judge Lawrence Walsh will for his misbehavior as a special prosecutor.

Let me just go into a little more detail on what this editorial says. First of all, the General Accounting Office has decided that in spite of Judge Walsh's violations of Federal pay and procurement rules, that they will grant a pardon, not just a pardon for the past misbehavior, but for the first time in my legal career, I have seen a pardon for future behavior.

It was brought to the attention of the GAO that contrary to law, there has been an oversight on the audit of the expenditures of Mr. Walsh's department in his special prosecutions. So they did. The GAO ran an audit, and guess what they found. They discovered that Mr. Walsh's problems were the most severe, that in fact his empire account for an astounding 90 percent of the $43 million directly spent by all independent counsel since 1978.

Among other things, the GAO found that Mr. Walsh had not paid taxes to the District of Columbia, even though by these rules he was required to do so, and we are talking about millions of dollars and here we have seen hearings in the last couple months with Judge Wood or Zoe Baird where they had a Social Security problem with day care and they face a lot more harsh publicity and negative publicity in that situation than Mr. Walsh faces.

It is the future waiver that is particularly appalling to me and should be appalling to all the citizens of America. Mr. Walsh should be required to live up to the same standards that each and every citizen of this country has to live up to.

Now, this scenario even goes further. In fact, recently a group called Americans For a Balanced Budget filed a request under the Freedom of Information Act. When that was filed it was rejected. The reason it was rejected was because they said that on the Government it would be an unwarranted administrative burden; but that reason is not even one of the exemptions that is allowed under the law. They simply are defying the law in carrying Mr. Walsh's misbehavior even further.

It is interesting that the Department of Justice now, I hope, has an opportunity to look into this. My recommendation would be that the new Attorney General shortly after she dispenses with the Sessions situation over the Federal Bureau of Investigation, that she immediately take a close look at what Judge Walsh is doing with millions, tens of millions of dollars in taxpayers' money.

But do you know what? I do not think any of it is going to occur. So I am going to take this into my own hands, and I will tell you what I intend to do. I intend to write to Ross Perot. He has got a new program called "The Pork Barreler of the Month," and I am going to send this to Mr. Ross Perot, because he seems to be somebody who demands reform in Government, and I will bet you this is one of the projects he would like to take a look at, because it is not only a pork barreler of the month, it is the pork barreler of the decade.

INTRODUCTION OF THE EXCLUSION AND ASYLUM REFORM AMENDMENTS OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. McCOLLUM] is recognized for 5 minutes.

Mr. McCOLLUM. Mr. Speaker, I come today to address the House on a bill I have introduced today, a bill which is entitled "The Exclusion and Asylum Reform Amendments of 1993."

Some of you may have watched the television program "60 Minutes" last Sunday and were as aghast as I was at the ease with which we see aliens coming into this country, at our airports and other ports of entry, who have fraudulent documents or no documents at all, and how they can come in and, if this is the case, simply say, "I claim political asylum. I am in fear of persecution if I am returned to country X, Y, or Z." And immediately the Immigration officers release them into the public domain of the United States. They give them a work permit. They allow them to go get a Social Security card and a driver's license and 90 percent of them are never seen again, not before a hearing officer or anywhere else.

☐ 1500

Mr. Speaker, it is absolutely absurd how this can happen, and I am disappointed that we have not had hearings on this subject before. I introduced a similar bill to the one I am talking about this time in the last Congress, but we have not yet addressed the matter.

What is happening in this country is that we have got a system abroad of people who are smuggling folks into our country, taking advantage of a very big loophole in our law. If somebody comes to this country and he or she has no documents at all, we should not allow that to happen, that they can just walk away into the society and have a work permit and so forth.

The reason why, technically, this is being done is because we are very liberal on giving someone the right to claim asylum when they first set foot in our Nation, either on the sandy shores of the beach or in an airport. We say, "If you profess the right magic word and say that you're afraid that you're going to be persecuted back in your homeland because of some political beliefs or religious beliefs, then we're going to give you the opportunity to go before an immigration judge and have a full hearing on this matter."

Well, the problem is the immigration judges are not sitting at the airports of this Nation waiting to hear these cases. They have backlogs, a hundred thousand cases sitting there in the Nation today waiting to be heard. It takes literally years to hear these cases, and all of that time while people are waiting to be heard they are existing out in the countryside and oftentimes are not even showing up for these hearings.

When somebody goes to JFK, as the "60 Minutes" report showed that they did do on Sunday, and they make this political asylum claim, there is no room to hold them, even overnight, at JFK. They are full at the house, so to speak, at the little bit of detention center immigration services has. So, they are immediately paroled into the country and given this temporary work permit, and they are told they have a hearing in another couple of months. They are supposed to come to just a preliminary hearing. It does not resolve anything. And then there may be 3 or 4 years, or perhaps a few months, if they are lucky, for coming back for a full-fledged hearing, if they show up.

What my bill does is very simple. It says, "If you come in with a fraudulent document, or no document at all, any port of entry, whether it's an airport or a land port, you are going to be assigned to a specially trained asylum officer." There are already 150 of them in the Immigration Service today, and that specially trained asylum officer is going to ask a series of questions to determine if they have a credible fear of persecution if they return to their homeland. My bill says, "If you don't have a document at all, if you've not made a political asylum claim, or if you do not present a credible fear of persecution to this asylum officer, you'll be put on the very next return plane and shipped back to the country of origin. You are not going to have a day in court here and an immigration judge type court. You're not going to be given a temporary work permit. You're not going to be allowed to get a Social Security card or a driver's license. You're going to be shipped back where you came from." And I think that is very important.

Mr. Speaker, 35,000 came through our airports alone last year in this category, 15,000 of them at Kennedy in New York, and most of those, 90 percent of those, we will never see again before an immigration judge. They are here. As a practical matter, they are here permanently because we do not have a system to round them up.

As my colleagues heard the other night on "60 Minutes," one of those was the fellow who we believe was involved in the shooting at the CIA in Langley, VA, a few weeks ago. He came over here and was given this status because he did not have the right documents, but he claimed political asylum.

I would submit that the bill that I am introducing with a number of cosponsors today is the only practical way to grant relief to this Nation, to our people, and that we need to get on with the business of screening out those who do not have legitimate claims, and I would hope that we will have hearings shortly on this subject and that this type of legislation will be put in place so that we do not have people coming into this country, getting into our system, buying their way in in many cases. I understand they may pay as much as $30,000 for these fraudulent documents and for the advice that tells them the magic words to claim the political asylum. If my proposal were to be adopted, I believe that most of this would end and we could go back to a much more reasonable basis for operating.

Mr. Speaker, in the last 2 years alone there has been a 300-percent increase in the number of people coming in through this political asylum claim with fraudulent documents, or a lack of documents, at our airports, a 300-percent increase. It could only be because the people out there in the other world know that this is a way to beat the system, and I would submit to my colleagues that there may be many of those who come in who are not so innocent, who may be terrorists or potential terrorists. The threat to our security, as well as the threat to our orderly immigration system, is at risk.

Mr. Speaker, I would urge my colleagues to look at the Exclusion and Asylum Reform Amendments of 1993, and consider cosponsoring them, and urging hearings and a markup as expeditiously as possible to put in place a system that will stop this kind of nonsense once and for all.

I submit for the RECORD a section-by-section analysis of the Exclusion and Asylum Reform Amendments of 1993:

SECTION-BY-SECTION ANALYSIS—EXCLUSION AND ASYLUM REFORM AMENDMENTS OF 1993

Section 1. Short title: "Exclusion and Asluym Reform Amendments of 1993."

Section 2. Subsection (a) adds a new grounds of exclusion to section 212(a) of the Immigration and Nationality Act. Any alien who, in seeking entry to the U.S. or boarding a common carrier destined for the U.S., presents fraudulent documents, or who presents a document to board a common carrier and then fails to present the document to an INS inspector at a port of entry, is excludable.

Subsection (b) provides that an alien who is excludable under subsection (a) may not apply for or be granted asylum unless the excludable act was pursuant to a direct departure from a country in which (A) the alien has a credible fear of persecution, or (B) there is significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"Credible fear" means that it is more probable than not that the statements made by the alien in support of an asylum claim are true and that there is a significant possibility that the alien could establish eligibility as a refugee within the meaning of section 101(a)(42)(A). Relief under section 212(c) (relating to permanent resident aliens who have resided in the U.S. for 7 or more years) is denied to aliens excludable for admissions fraud under the new section 212(a)(6)(C)(iii).

Section 3. Rewrites section 235(b) relating to inspection and exclusion by immigration officers to add new provisions relating to the special exclusion of aliens who are excludable for admissions fraud.

An Immigration officer would inspect each alien who is seeking entry to the U.S.

If an alien is excludable for admissions fraud or lack of documentation, does not have a reasonable basis for legal entry into the U.S., and does not indicate an intention to apply for asylum, the alien will be excluded without a hearing. ("Reasonable basis for legal entry" is intended to cover situations where someone is in fact a permanent resident alien but has lost, misplaced, or packed his or her documentation but can produce an "A" number or otherwise provide information that an INS inspection can use to confirm his or her legal immigration status.)

If an alien indicates an intention to apply for asylum, the INS inspector will refer that alien to an asylum officer.

If the asylum officer determines that the alien is excludable for admissions fraud or lack of documentation and is not arriving from a country in which he or she has a credible fear of persecution or in which there is a significant danger that the alien would be returned to a country in which the alien would have such a credible fear, the alien will be excluded without further hearing.

Aliens found to have a credible fear of persecution will be allowed to apply for asylum before an immigration judge. They may be detained or paroled in, as is the current practice for all aliens who indicate they wish to apply for asylum. Because of limited detention space, current practice generally is to parole such aliens into the U.S. and give them temporary work authorization.

The Attorney General would establish procedures that ensure that aliens are not excluded pursuant to the new provision on admissions fraud without an inquiry into their reasons for seeking entry into the United States.

This section also specifies that an alien has not entered the U.S. for purposes of immigration law unless and until the alien has been inspected and admitted by an immigration officer as required above. However, an alien who has not been inspected and admitted but who has been living in the U.S. for a continuous period of one year will be considered to have entered the U.S. without inspection and is subject to deportation.

Section 4. Limits judicial review of determinations made with respect to aliens found excludable for admissions fraud and lack of documentation. Review may be only by petition for habeas corpus and such review is limited to the questions of whether the petitioner is an alien and whether the petitioner was ordered specially excluded under the procedures established by this bill for admissions fraud and attempted entry without documentation.

This section also bars judicial review or intervention with respect to the procedures established by the Attorney General for implementing the special exclusion provisions and provides that, except by the specified habeas corpus inquiry, no suit or claim may be heard attacking or seeking to delay the special exclusion of aliens. Judgments of exclusion, special exclusion, or deportation may not be collaterally reviewed in any action for the assessment of penalties for improper entry or re-entry of aliens.

Section 5. Includes two conforming amendments to the deportation procedures in section 237(a).

Section 6. Increases the maximum penalty for smuggling aliens from 5 years to 10. The sentencing commission will use this increase in the underlying penalty to increase penalties for related offenses.

Section 7. The effective date is the date of enactment.

THE IMPORTANCE OF A STRONG U.S. MERCHANT MARINE

The SPEAKER pro tempore (Mr. BAESLER). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, for the past 45 years, I have been a vocal advocate for a strong, viable active U.S. merchant marine. Despite the intent of Congress to preserve a merchant marine both for the benefits it brings to the national economy and the balance of trade, and, importantly, for the national defense of this great Nation of ours, the size of our domestic commercial merchant fleet continues to decline.

According to the latest statistics compiled by the Maritime Administration, the privately owned deep draft, oceangoing fleet of the U.S. merchant marine totaled 386 ships; and the number continues to go downward with each passing year. Cargoes keep merchant ships afloat because cargoes pay the cost. That was the reason, in 1954, that that Congress in its wisdom passed the Cargo Preference Act which requires that all U.S. Government-impelled or financed cargoes shall move on U.S.-flag ships—the percentage of which depending on the role of the Government in that transaction. Some call for 50 percent, others for 100 percent.

Recently, the Merchant Marine Subcommittee on the Merchant Marine and Fisheries Committee held a hearing to explore problems the industry continues to have with Federal agencies circumventing domestic cargo preference laws.

Mr. Speaker, I want to commend the subcommittee chairman, Mr. LIPINSKI, and Mr. BATEMAN, the ranking minority member, for their leadership in convening the cargo preference hearing, which was a continuation of an oversight hearing the subcommittee held at my request on September 30, 1992.

During the course of the September hearing, the committee heard testimony from several of the Federal agencies which allegedly were violating these laws. This time, the committee had the opportunity to hear from the Maritime Administration and the industry, and focus on the problems the industry is encountering with these same agencies.

Because the new administration has not named anyone to head up key offices in both the State and Defense Departments, no testimony was received from these two important agencies. However, Chairman LIPINSKI has assured everyone that he will hold additional hearings in the near future in order that he and his colleagues on the committee have benefit of their input.

The U.S. merchant marine has taken some hard hits lately. These have come from the various Federal agencies which have attempted to evade and circumvent compliance with the cargo preference statutes. I said earlier that the Cargo Preference Act was passed in

1954. It was. However, military cargoes were ordered on U.S.-flag ships at the turn of the century—by the Congress in effect in 1904.

Mr. Speaker, there is no question as to the importance of a viable merchant marine. History has taught all of us that victory by the Allied Forces during World War II—in both the European and Pacific theaters—was due in large part to the merchant marine, which opened a waterborne pipeline that delivered critical ordnance and supplies to the troops.

Mr. Speaker, we won that war because the United States was capable of building 6, oceangoing ships—Liberty, Victory, T-2 tankers, and some C-1 class in 4 short years from 1941 to 1945. That world-shattering record of production was possible because the 1936 Merchant Marine Act had us pointed in the right direction before 1940-41.

We don't have to strain our memories or research the history books for additional documentation. The more recent events in the Persian Gulf again demonstrated the absolute need for a merchant marine.

As I have stated on earlier occasions, the United States was very fortunate in its war against Saddam Hussein. We had the benefit of a coalition of other countries, which contributed to the overall campaign.

Part of those efforts was the availability of deep draft vessels, particularly the roll-on/roll-off type, which were in short supply in both the U.S. active and reserve fleets.

If the United States had to go it alone in the Persian Gulf war, not so much militarily, but with the existing logistical support and transportation systems, our troops would have had serious problems.

During the entire Persian Gulf campaign, including Operations Desert Shield and Desert Storm, a total of 405 ships was employed, including 91 Government-owned ships, 98 U.S. privately owned ships, and 216 foreign-flag vessels.

As in previous wars, in excess of 95 percent of all of the needed supplies, ordnance, and equipment was carried to the war zone by ships.

Mr. Speaker, clearly, the United States does not have a sufficient number of ships or the adequate types of ships to support our military. Yet, Mr. Speaker, it is our military and other Federal agencies which continually embark on creative interpretations to circumvent our cargo preference laws.

These laws are designed—in whole and in part—to ensure that we have an adequate active merchant marine in the event of a national emergency or war. And the agency that is supposed to follow through with that adequacy is the Maritime Administration—commonly referred to as MarAd.

Therefore, today, I want to begin by focusing on the Maritime Administration—the very agency that is responsible for promoting the industry and which the Congress empowered with the oversight responsibilities for cargo preference.

The reason is, Mr. Speaker, that during the fall of 1991, persistent complaints were coming to my office from the industry that MarAd was not exercising its cargo preference enforcement responsibilities properly.

I began corresponding with various Federal agencies—the Defense Security Assistance Agency [DSAA], the Military Sealift Command [MSC], the Agency for International Development [AID], and MarAd—about specific issues brought to my attention.

Through the exchange of correspondence with these agencies, I learned that, in the fall of 1991, MarAd, on its own and without a request from the sponsoring Federal agency, determined that a program, which previously had been determined by MarAd to be subject to cargo preference, now was said to be exempt from the law.

The program involved the southern region amendment transfers [SRA], which had generated millions of dollars in revenue of U.S.-flag operators. MarAd's new determination jeopardizes future U.S.-flag operators. MarAd's new determination jeopardizes future U.S.-flag revenues from this program.

Subsequently, it was learned that MarAd had issued an internal legal opinion which stated that since the law authorizing these donated cargoes contained the language "Notwithstanding any other provision of law," this military program was not subject to cargo preference.

To be frank, Mr. Speaker, this reversal was shocking. However, after reviewing the MarAd cargo preference report, I believe that the "notwithstanding" issue was a minor problem, even though MarAd would not explain to me why it unilaterally decided to render the questionable opinion.

Another cargo preference matter, involving the Agency for International Development, imposed a loading delay assessment penalty on cargo preference shipments. I requested MarAd to inform AID that the imposition of these penalties is not appropriate and to have the agency cease this activity.

The response from MarAd informed me that MarAd is powerless to require AID to remove these objectionable provisions from this program. MarAd claims the cargoes are not subject to cargo preference, as it contains the "notwithstanding" language. Again, I did not expect to receive such a response. However, it clearly exposes several other serious issues.

Since MarAd ruled that these shipments are not subject to cargo preference, under what authority does MarAd finance the incremental differential for this program?

The only authority for such financing is provided in the Merchant Marine Act of 1936. This authority only applies to programs which are subject to cargo preference. Therefore, MarAd—according to MarAd—appears to lack the authority to finance any freight differential for this program.

Yet it still has provided the financing. I will be extremely interested in MarAd's response on this issue because either MarAd's legal opinion is faulty, as I believe it is, and should be retracted, or MarAd officials have been guilty of misappropriation of funds—a very serious offense. MarAd cannot have it both ways.

Mr. Speaker, I am very disturbed by this situation. If we cannot rely on MarAd to provide the Congress with reliable information, how can we assist the industry?

At the close of the September 30, 1992, hearing, Mr. Pickett asked then-MarAd Administrator, Captain Leback, what in his opinion might best be done to improve the cargo preference laws so that they would have the policy impact of requiring the carriage on American bottoms the way the committee has intended. No mention was made by Captain Leback of the "notwithstanding" issue. Yet, according to MarAd, this language alone already has excluded approximately 1 million tons of cargo from cargo preference.

During the recent hearing, Edmund T. Sommer, Jr., acting chief counsel at MarAd, testified. He apologized to the committee for any confusion the agency may have created with its explanation of the "notwithstanding" language opinion and he sought to set the record straight.

Despite communications with me, in which MarAd unequivocally states that the "notwithstanding" language exempts the application of cargo preference laws, Mr. Sommer testified, "notwithstanding is not a blanket exemption of this statute or any other statute which contains the notwithstanding language from the application of appropriate laws."

Mr. Sommer continued:

> All it does, and in particular in connection with Title II, is provide the administrator of AID with the authority to waive cargo preference or any other statute if in his view it is necessary to do so to provide the timely relief cargoes that are called for under the statute.

Mr. Speaker, I would suggest that MarAd has not been totally honest with the committee in the past, and is not now. If the Administrator of that agency will not come forth when specifically asked about problems with cargo preference laws, then how can any of us or the industry expect compliance with the statute by the other Federal agencies?

Something doesn't add up at that agency. We must deal with this problem now, in addition to dealing with the violations of the other agencies of our cargo preference statutes.

Before I conclude, Mr. Speaker, I would like to take just one more moment to briefly address legislation which I introduced—H.R. 57, the Merchant Marine Utilization and Preference Act of 1993.

This legislation is intended to replace a 1954 interdepartmental memorandum of agreement known as the Wilson-Weeks agreement between the Secretary of Defense and the Secretary of Commerce.

My legislation would set limits on the number of Government-owned ships to be operated by DOD in peacetime and establishes an order of priority for obtaining additional merchant shipping when required.

In accordance with our national maritime policy, as set forth in the Merchant Marine Act of 1936, the emphasis is on maximum reliance on privately owned U.S.-flag shipping. Foreign-flag shipping would be allowed only when U.S.-flag ships are not available, and then only to the extent necessary to meet urgent military requirements.

Mr. Speaker, I believe strongly that modernizing the Wilson-Weeks agreement and codifying it into law will aid greatly the U.S. merchant. It will control the use of Government-owned ships and the employment of foreign-flag vessels as was witnessed during Operations Desert Shield and Desert Storm.

Mr. Speaker, our privately owned merchant marine must have cargoes if the stars and stripes is to continue to be seen in the commercial shipping world. Proper enforcement of the 1954 Cargoe Preference Act and controlling the use of Government ships will help.

I yield back the balance of my time.

□ 1520

Mr. Speaker, I want to commend my colleagues on the other side of the aisle, headed up by the gentlewoman from Hawaii [Mrs. MINK], who are going to salute Women's History Month this month.

THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KOLBE] is recognized for 60 minutes.

Mr. KOLBE. Mr. Speaker, I have taken this special order this evening to talk about the budget, the work of the Committee on the Budget, the Democratic plan that we will be considering tomorrow, and the Republican alternative that will also be considered tomorrow. I hope during the course of this hour that I will be joined by some of my other colleagues from the Committee on the Budget to discuss this.

Obviously, tomorrow we begin a long and important debate, a long debate because very rarely in the House, in the course of the year, do we have debates that have as much as 10 hours, as we will have tomorrow and Thursday, of general debate on the subject of the budget. But I think it is appropriate that we take that kind of time to have this discussion about the budget, about the various alternatives, because I believe that the budget, in a very real way, and also the stimulus package that we will debate the following day establishes the fundamental policy for this Congress and for this country as to where we are going to go.

I believe that the debate tomorrow and the next day will highlight some of the major differences that exist between the plan that the Republicans have put forward in the Committee on the Budget and that which President Clinton and the Democrats on the Committee on the Budget have put forward. But I thought it would be appropriate to spend a little bit of time this evening, as a preview to this date that we will have on the following day, because I think that this issue is of such importance, it is really important to get the fundamentals of this debate down, to understand what the real differences are.

Let me just, if I might, highlight for my colleagues what I think is the fundamental philosophical difference, and then I would like to yield to the gentleman from Colorado, a distinguished member of the Committee on the Budget, to discuss this.

But let me just very quickly highlight what I think are the differences.

Leaving aside the numbers, which, after all, the budget resolution is numbers, and tomorrow when our colleagues see this budget resolution, all they will see is a handful of numbers showing budget authority and outlay for fiscal year 1994 by function. But as I tried to point out yesterday or last week in the Committee on the Budget, it is policy which drives the numbers. You have to have some kind of fundamental underlying policy to get to the numbers that are in the budget resolution.

If one was to leave those numbers aside for a moment and talk about what is the policy which drives this budget resolution, and again, I want to say that I am including in this the economic stimulus package and the reconciliation package that we will have later in the year that deals with the tax part of the legislation, the tax increases proposed by the administration. The economic stimulus package, the spending part, the budget resolution, which sets out spending targets for the coming year, and the reconciliation bill, the added taxes are the heart of this, are the three parts that constitute the heart of this overall budget debate.

In one sentence, I think the Democratic plan is one that calls for more spending, that is very clear. The economic stimulus has $16 billion of spending in it. It calls for more taxes. That is very clear.

The President has more than $316 billion of taxes over the next 5 years in his proposal. That is the largest tax increase in American history by far. And it has spending cuts, but spending cuts that only come in the third and fourth year of the budget resolution.

In other words, the philosophy of the Democratic proposal, and the Democratic proposal consists of that budget which was offered by President Clinton or brought to the Congress by President Clinton and the changes that have been subsequently made by the Democrats in the Committee on the Budget to that to add another $62 billion of spending cuts to it. And we will come back to that in a little bit, perhaps in some of our dialog here.

But in that overall process, they have said, "We are going to do the spending part first. We are going to do the tax part second. And only later, trust us, we will get to the spending cuts, the real deficit reduction."

Mr. Speaker, I think all of us in this body know, certainly all of us that have been around here more than one session of Congress and, actually, even a freshman can know this from having observed the process here and having observed this body from afar in the past, that the Congress rarely, if ever, gets to the spending cuts, if they do not enact them up front.

□ 1530

So the philosophy of the Democrat plan is more spending, more taxes, and an ephemeral promise of spending cuts and deficit reduction in the future. That, Mr. Speaker, is a prescription for disaster.

The Republican plan, on the other hand, is labeled, I think, accurately. It is called cut spending first. Very simply, we believe that we ought to go after the spending part first. We ought to cut spending, have real spending cuts first, and then, and only then, if that is not sufficient to meet the kind of deficit reduction we need to have in order to have a balanced budget, then we would say to the President, Mr. President, come back to us. Come back to the American people and ask for more spending cuts, or then ask for a tax increase, but do not ask for the tax increase first and give us another one of those illusory promises that we are going to get spending cuts sometime down the road in the future.

If we weigh these two proposals in the balance, the Democrat proposal says "more spending, more government, and more taxes to pay for that." The Republican proposal is one that suggests that we should have less government, we should not have new taxes, and we should have real spending cuts in order to achieve the kind of deficit reduction we need.

In a very real sense I think this difference is one that has characterized the fundamental difference between the Democrat and the Republican parties for a number of years. There are those from the other side of the aisle, my good friends on the other side of the aisle, that believe, and I know they believe very sincerely, very genuinely, that Government is the answer to the problems. If we just had more Government spending, if we just had more Government intervention, if we just had more Government programs then we could solve the problems that exist in this country.

Many of us on our side of the aisle believe that Government should be reduced in size, that it should be reduced in its scope of regulation of its involvement in the private lives of people in the private sector of our economy. Then, and only then, can we have the kind of engine of growth that is needed in order to grow and to solve the problems of this country, of productivity, of our ability to compete in the world, to solve the economic growth that is needed in order to reduce the deficit and to ultimately reduce the national debt.

That, Mr. Speaker, characterizes the difference between the two proposals that are before us today. Let me just give one other quick figure to summarize the differences. Then I will yield to my good friend, the gentleman from Colorado [Mr. ALLARD].

Very quickly, on tax increases, the Clinton proposal is $316 billion of tax increases over the next 5 years. The Republican plan is no tax increases.

That is, the stimulus package and all the other investments called for by the President in everything from immunization to Head Start to demonstration highway and road projects and all kinds of investments and more Government programs is $186 billion over the next 5 years of new spending. The Republican plan is no new spending.

The defense cuts, the additional defense cuts, in addition to the 25 percent that we are already making now in defense, the President would cut another $112 billion from that. We have seen the problems of that in States like California, with the base closings that we are facing there now. We have seen the problems that that could pose for us when a country like North Korea pulls out of the nonproliferation pact on nuclear weapons and threatens to send this world into a very deep problem of nuclear proliferation there.

The Republican plan would call for an additional $60 billion, and we believe that is a responsible additional reduction in defense spending over the next 5 years. No part of the budget has come close to taking the kinds of reductions over the last several years in real reductions of real dollars that defense has taken.

In nondefense cuts President Clinton would cut another $156 billion over the next 5 years. We would cut $370 billion of spending cuts.

Deficit reduction would be, under the Clinton plan, $362 billion, and under our plan, $430 billion.

There it is. There it is. More deficit reduction under our plan, about the same when we add in the additional cuts that the Democrats are talking about; roughly the same in deficit reduction. However, they get theirs by a factor of 3 to 1 by more taxes on the American people, and the hope, the promise, of those spending cuts coming in outlying years.

Ours is making the spending cuts now, putting them in place now so that we have those spending cuts not only this year but guaranteed for each of the next several years, without raising taxes on the American people.

Let me yield to my good friend, the gentleman from Colorado [Mr. ALLARD], who, I might add, has been one of the really hard-working members of the Committee on the Budget. It has been really a pleasure to work with him.

Mr. ALLARD. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I appreciate working on the Committee on the Budget with the gentleman from Arizona. I would also like to recognize our ranking Republican, the gentleman from Ohio [Mr. KASICH], who has shown great leadership in putting together a Republican plan, and another individual on the committee who I worked closely with, the gentleman from North Carolina [Mr. MCMILLAN].

When we worked on health care costs and entitlements—which is a big part of what happened to the budget process—on the Committee on the Budget, we wrestled hard with what is the best way to assure prosperity for Americans.

We can certainly look at, are we going to increase Government spending, are we going to increase taxes, or on the other hand, are we going to leave the resources with the individuals by reducing or holding down the growth in taxes and holding down spending.

The Republican plan was basically very fundamental in its approach. That is that the individuals, the Americans of this country, are better off if they are allowed to keep their resources for themselves and spend as they see fit for their families and for their own security. So I think that the Republicans on the Committee on the Budget came up with a very responsible plan.

As the gentleman said in his comments, we are talking about cutting spending first. I do not think there are enough Americans out there who realize that we have this specific plan before the Congress that has come from the Republicans on the Committee on the Budget. It is a very responsible plan. It addresses the issue of accountability.

We have heard over and over again about how important it is that we have accountability, that we have a budget process that Americans understand, so that they can express their concerns. We have identified a very specific plan, after being challenged by the OMB Director, Mr. Panetta, as well as by the current President, President Clinton, about being specific in our cuts.

Time and time again we heard about "Republicans, if you don't like the plan we are going to put forward, be specific in what you are recommending." This plan is specific.

I could not help but muse in the last Budget Committee meeting we had before we reported it out, that after we put together our specific proposals, our Democrat colleagues on the Committee on the Budget came up with an additional $67 billion of cuts or thereabouts, where they would like to see some additional cuts. They were not specific, after challenging us time and time again to be specific.

I think this type of hypocrisy needs to be pointed out.

Mr. KOLBE. Mr. Speaker, will the gentleman yield back to me for a question?

Mr. ALLARD. I am happy to yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, I would say particularly on issue of the additional $62 billion of cuts that were proposed in the committee by the Democrats to add on, I think it is important to note that they keep talking about how we have come with more cuts. The reason they came up with more cuts is because the Congressional Budget Office said their scoring, the amount that they have said they were going to get earlier in their cuts and the amount of revenue from their taxes, turned out to be totally misleading by a factor of $55 billion.

To get back to the original proposal President Clinton had proposed, they had to come up with these additional cuts. I do not know how the gentleman felt, but I was really stunned and surprised in committee to find out that they were going to give no specifics to where these cuts were going to come from, after all these months or weeks that we had of having the President and Mr. Panetta stand up and say, "OK, Republicans, show us your cuts. If you have a better plan, show us where your cuts are going to be." Then we got to the committee, and they did not have a one of them.

Mr. ALLARD, I would say, Mr. Speaker, if the gentleman will continue to yield, that I share the gentleman's astonishment at what happened in the Committee on the Budget. Having served in the State of Colorado Senate, we were always very specific. In fact, the budget was put right out for everybody to see, and I might add at this point in time we are still waiting to see the President's budget, what he has to propose, having missed his deadline.

We have before us a good Republican plan, something that I am certainly proud of. I think by the time the American people see through this plan they will begin to understand what we are talking about, and how we are going to go ahead and allow them to keep more of their wealth.

□ 1540

Mr. KOLBE. If the gentleman will yield, I would just like to ask one further question. I see we have been joined by a couple of our colleagues who I would like to get involved in this discussion as well.

My colleague offered one really very important amendment to the Democratic plan, and I think we should point out the process that was followed. We have the Democratic plan which was on the table. Republicans offered their alternative. It was defeated on a party line vote. Then we proceeded to offer a series of amendments to their plan with some additional cuts to the Democratic budget and some specific ones that we had been working on. But the gentleman from Colorado offered one that was very, very important dealing with taxes, to eliminate the Btu or the energy tax.

I am wondering if the gentleman would share with us a little bit as to why that tax is such an inflationary tax, and really a bad kind of tax, and what the particular problems are with that tax.

Mr. ALLARD. I am glad to share some of my thoughts about that.

The Btu tax is a tax on energy consumption. When we look at that we should think about how that is going to impact our economy, and when I looked at it I became very, very concerned. With the background as a small business person I understand how when you put a tax like that in at the natural resource level it tends to multiply and add through the distribution process, because each time a good or service is sold or exchanges hands, then there is a sort of multiplier effect until it finally meets the consumer.

I think the Btu tax is very inflationary. I think that it is going to have a disproportionate impact on rural Americans. I think it is going to have a disproportionate impact on the elderly and a lot of people who are on fixed incomes.

So I looked at the amount of new spending that we had in the President's plan, and we had somewhere around $143 billion in new spending programs. If we eliminated the Btu tax, the energy tax, which was somewhere around $73 billion, that left us with $70 billion that we could go ahead and then put toward deficit reduction.

Mr. KOLBE. If the gentleman will yield again, I wonder if you would agree with the statement that one of the things that is so insidious about a Btu tax is that by and large it is a hidden tax, that most Americans will see only the few added dollars that they have on their electric bill or their gas bill, and a couple of extra cents or a few extra pennies at the pump. That is bad enough, but it adds at every single level of production. At the mine there is an energy cost so that the ore coming out of the mine is going to cost more. The steel mill has an energy cost, so the steel costs more. The trucker that takes the steel or the steel product to the warehouse has an added cost, and so there is a cost there, and so on down the line right through the retailer that has a larger electric and heating bill, and it gets added in there, so that, it is a compounded kind of tax increase at every single level of production, and is enormously inflationary. Would the gentleman agree with that statement?

Mr. ALLARD. If the gentleman will continue to yield, yes, and the gentleman makes a very good point about how it is a hidden tax. But I would make an additional point to that which is that in addition to that, it is going to have an impact on the way we compete—American goods and services compete in an international market, because it is going to raise the price of all of those goods and services.

Some who support the Btu tax will argue that we can absorb that tax because they have an energy tax in the European Community. It is my understanding that they have based that energy tax on a condition that their major trading partners will also pass an energy tax before theirs goes into effect, which is Japan and the United States. And it is further my understanding that they have provided exemptions for industry, so that those goods are either directly exempted or there is some sort of a tax credit that comes in at the end. And it does create a real disadvantage for American products, in my mind.

Mr. KOLBE. And the bottom line is we get this tax increase, and we do not get any real deficit reduction in it.

Mr. ALLARD. And trade problems, and lots of costs on goods and services. And it is going to create a real problem, I think, for our economy.

Mr. KOLBE. I thank the gentleman for his contribution and hope that we can continue this dialog.

I think what we have seen here is an illustration of what we have got. We have a plan that is going to tax, ask the American people to pay more taxes, and even by their own standards you do not get the real deficit reduction, because the deficit starts to rise again in the fourth year. So the American people are logically going to ask why I am paying these additional taxes when we are really not getting a reduction in the deficit. We need to have real deficit reduction.

Mr. INGLIS. Mr. Speaker, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from South Carolina [Mr. INGLIS], who is a new member of the Budget Committee and has made some really outstanding contributions to our work. I am happy to yield to the gentleman from South Carolina.

Mr. INGLIS. Mr. Speaker, I thank the gentleman for yielding, and I thank him for the excellent work that he has done as the head of our human empowerment group in our committee, and I appreciate very much his work and look forward to working with him in the future.

What I have here today is a chart, Mr. Speaker, that I think shows very clearly the choices available to the American people in this area. The President is constantly talking about a dramatic shift in priorities, and he is talking about a bold, persistent experimentation. He is right. He is talking about a dramatic shift in priorities, and he is also talking about bold, persistent experimentation.

Unfortunately, I think a lot of that bold, persistent experimentation is in places like our military readiness. But let me just describe what I am talking about in the major shift in priorities.

Mr. Speaker, here we have a chart showing the Clinton budget proposal. The Clinton budget proposal is dramatically different than what we have been under in the last 12 years, and certainly very different than the Republican alternative.

The Clinton budget proposal starts like this: It starts with 328 billion dollars' worth of tax increases. That is the largest tax increase in the history of this country. You start there, with a $328 billion increase in taxes.

Then he calls for additional spending which could add to the deficit, and that is why we show it below the line here. He adds 230 billion dollars' worth of new spending on new particularly social programs.

The President would then cut 376 billion dollars' worth of programs, and thereby reduce the deficit by $376 billion.

The net result of this tax increase, the largest tax increase in the history of the country, a tremendous spending increase, and then yes, some spending cuts, is a net reduction in the deficit over the 5-year period of $474 billion.

The Republican proposal is rather different, startlingly different, in fact. What we have is basically zero in tax increases. There are some minor user fee increases that we could show on this chart, but frankly they would be so barely above the line that they would barely show up. But there are very, very slight increases in taxation, mostly in the form of user fees. For example, in national parks and that sort of thing.

Then you have zero dollars' worth of additional spending increases. There are no spending increases in our plan.

Then you have spending cuts of $429 billion.

The new result of the Republican plan is a reduction in the deficit over 5 years of $429 billion.

The President is right when he says that he is talking about a dramatic shift in priorities. Let me describe one of those that affects my State very, very nearly and dearly, and that is a loss of all of the military installations in Charleston, SC.

The President is talking about a spending increase, for example, for the National Service Corps here, and that is part of the $230 billion. Then he is talking about a spending cut of $376 billion, and out of that what is represented there is an additional $60 billion in Defense Department cuts beyond what President Bush proposed.

As a result, you are talking about a shift in priorities, and he is right, it is a dramatic shift in priorities away from the military and toward this social spending in the form of this national service program.

I would point out to the President, Mr. Speaker, that we already have something of a national service program, and it is called the U.S. military.

□ 1550

In the military, we take people in, we teach them discipline, they learn a trade, and they might later go on and be part of the GI bill and get a college education. As a result, they get a tremendous amount of training.

In the meantime, the United States gets a national defense.

The President is right: He is talking a dramatic shift in priorities, shifting it away from defense readiness of this country and putting it into very different types of programs.

I ask the American people today, Mr. Speaker, which set of priorities we want to pursue. Do we want to go about disarming America, cutting defense an additional $60 billion, doubling the amount of cuts that President Bush proposed, reshuffling the spending so the result is a tremendous increase in spending but not on defense, on other things, at the expense of our military readiness? This is the program the President is about. It is a dramatic shift in priorities, and I think it is one that deserves real close attention by the American people, and I would ask whether we really want to go down that road.

It is a road we went down before starting in 1976 with a man named Jimmy Carter, and it is a road that Ronald Reagan, in 1980, had to fix. He had to fix it because we had lost the military readiness of this country.

That is what the President is talking about, a dramatic shift in priorities.

Mr. KOLBE. I appreciate the gentleman's comments. I think he has pointed out very well some of the dangers that we have when we make defense reductions too quickly.

None of us who are engaging in this dialog at this moment were in the Congress of the United States when we last went through this, as the gentleman pointed out, in the 1970's but we all remember. We have all been through that before, and we all remember the humiliation of when we could not get three helicopters to Teheran in order to rescue our hostages there.

So I think it is certainly events just in the last few months in Somalia, in the Balkan countries, events over the weekend in North Korea suggest that it is still a very dangerous world out there, and there is no other country except the United States that has the political, the military and economic strength to remain a superpower.

I also appreciate the gentleman's comments about the taxes. I think one of the things that was so striking to me about the tax parts of the President's provisions is that many of it is labeled spending cuts when they are actually revenue increases. I liken it to Orwell's "1984" and the newspeak when we label now tax increases as contributions and spending is labeled as investments. So we have these new language words that are being used, but the bottom line is we have real tax increases.

One of those taxes that I think is perhaps the most, or one of the worst examples of that was in the area of Social Security tax where the taxable amount of benefits that would be subject to taxation is going to be increased from 50 percent to 85 percent, and that would be labeled not a tax increase, not a revenue, for all the seniors, millions of senior citizens, that would be paying that additional tax, but it is labeled a spending cut, and that is just plain dishonest.

One of the Members that has served on the Committee on Ways and Means with such distinction and also on the Committee on the Budget offered an amendment that dealt in very important ways with some attempts by the Democrats to basically once again get into the Social Security trust fund, and I rally appreciate having the gentleman from Kentucky [Mr. BUNNING] here today, and I would yield to him, and perhaps he might like to make some comments.

Mr. BUNNING. Mr. Speaker, I thank the gentleman for yielding to me.

Not only do I, or would I like, to discuss the Social Security trust fund and the so-called raid on the trust fund by the Democratic proposal, but I know the gentleman has mentioned this before and others before him have spoken about it, but when President Clinton and his Cabinet, Mr. Speaker, went around and talked about a change in direction, they meant exactly what they said. They meant they were going to change the direction from the private sector and the stimulus to the private sector to stimulating the public sector and trying to create jobs through the public sector.

Now, I have got a bridge in Brooklyn that I will sell to anybody who thinks that more taxes and more Government spending are going to create more jobs. Historically, every economic model that I have ever seen, and I am sure the gentleman has seen plenty also, indicates that every time that the Government takes more in taxes and spends more for programs that the economy stalls, and we lose jobs.

I think it is very important that the American people understand the significance of the change from the private sector in the 1980's that created about 20 million new jobs to the emphasis on the public sector, the Government doing more things for more people.

One of the taxes, or one of the so-called spending cuts, that the gentleman talked about was in regard to Social Security, and those people who now make $25,000 in one way or another, and receive, or an individual who makes $25,000 and receives Social Security benefits is now taxed on 50 percent of that income from the Social Security Administration, and a couple that makes $32,000 is now taxed on 50 percent of that income.

What the Clinton Democrat proposal, the Committee on the Budget Democrat proposal says is that not only are we going to tax you on 50 percent of it, we are going to tax you on 85 percent of that money that you are receiving from the Social Security Administration, and for the first time in the history of the Social Security trust fund, we are not going to put that money into the Social Security trust fund; we are going to divert it; we are going to divert it to the health care trust fund.

I do not believe that the people of the United States, particularly our seniors right now, understand the significance of the transferring for the first time out of the Social Security trust fund into the health trust fund of any significant dollars.

Mr. KOLBE. To be quite honest, until you raised this issue in the committee last week, I do not think many of the Republicans on the Committee on the Budget were aware of this, because the gentleman, coming from the Committee on Ways and Means, that is exactly why he is there to bring that kind of expertise and knowledge to us, but I remember being absolutely stunned when he described this change to us.

This is the first time, is it not, that seniors will be paying the health part, the health insurance part? Traditionally that has been a tax.

Mr. BUNNING. Well, for someone to be paying a tax, that tax generally went directly into the Social Security trust fund. Now, for the first time, that is going to be diverted into the health care trust fund.

Somebody said, "Well, what difference does it make? It is all one big fund." Like the devil, it is. It is a separate trust fund. In fact, you are not taxed on the Social Security part of it, or you are not taxed on your own wages, only a certain percentage, and the health care trust fund takes you up to about $125,000 on your wages right now. So it is a completely different set of circumstances that we are talking about.

It is the first time that money is being diverted.

Mr. KOLBE. Then I would ask, would it not be very easy once you have done this to say, "Well, let us put not just the amount over 50 percent from 50 to 85 percent, but all of it into the health fund or all of it into the general revenue fund to pay for some of the other programs we have got here?"

Mr. BUNNING. If I were a senior collecting Social Security, I would be knocking on the door of every Member of this Congress trying to tell them, "Wait a minute, what are you doing? You are taking money out of our trust fund, diverting it to the health care trust fund. Please, do not do that, please."

Mr. KOLBE. If the gentleman will refresh my memory, did we not go through a debate like this just a few years ago, and the senior citizens said, when we borrowed one time in order to help pay the immediate crisis when we reached the debt limit, as I recall, and they borrowed from the Social Security trust fund?

Mr. BUNNING. We did it exactly that way.

Mr. KOLBE. And then we banned it, did we not? We said we could not do that again? Is that not correct?

Mr. BUNNING. This time we are trying to change the laws so that we can do just exactly that.

Mr. KOLBE. Do it on a permanent basis?

Mr. BUNNING. And do it on a permanent basis for the additional money that we are talking about. I am frightened to death that it will have a direct effect on the integrity of the Social Security trust fund.

Mr. KOLBE. As I recall, the last time it happened that it was a matter of days that we borrowed from the Social Security trust fund, and it was repaid with interest to the Social Security trust fund. But this change in the law is forever. There is no interest, and it never comes back.

Mr. BUNNING. If the gentleman will yield further, you realize, and I do, too, anytime we change and increase the taxes on any given fund or we divert a tax to a specific fund, it seems like it is permanent always, and for the first time we are now telling those good recipients of the Social Security trust fund, "You had better watch out, because we are going to divert your money with this Clinton Democratic budget plan from the Social Security trust fund to the health care trust fund."

I think it is a bad precedent. It is bad policy, and we ought to really alert our seniors to this effect.

Mr. KOLBE. I appreciate the gentleman's comments.

On the larger issue of the taxes in general, I certainly concur with him that every economic model that I am familiar with from my days in graduate school studying economics would suggest that a tax increase is only going to have a negative impact on the economy, a negative impact on job creation.

☐ 1600

And would it not be true, if the gentleman would respond to this, would it not be true that the converse is true; that we found in the capital gains cut in 1962, under President Kennedy, that we had a tremendous surge of job creation and, of course, the tax changes in 1981 resulted in the longest sustained period of economic growth in this country that we have had?

So, the converse is true, that if you cut taxes you actually stimulate the economy.

Mr. BUNNING. If the gentleman would yield further, not only that, but I think the 1990 budget agreement is a typical proof of the pudding that when, in fact, after a period of a long time of reducing taxes we then went back and increased taxes, it seemed like it pushed us into a recession, and the fact of the matter is now we want to, now as we are coming out, strongly coming out of recession, we want to again add a new tax burden to the American people.

Not only do we want to add a new tax burden, but we want to increase Government spending, add it to the increase in taxes.

I think we are dealing with fire, fire that we will all get burnt with down the road.

Mr. KOLBE. I agree with the gentleman. I think the tax increases proposed here, the largest in the history of this country, are going to have a negative impact on the economy. I notice the McGraw-Hill model suggests that it would have a loss of as many as 700,000 jobs as a result of this tax package.

If I might, I would like to yield to another distinguished member of the Committee on the Budget who has worked very, very hard, particularly in the area of health care legislation and reform and has worked on our task force in this area and has really been a leader on this issue.

I notice that we have been joined on the floor by our distinguished ranking member, the gentleman from Ohio [Mr. KASICH], the ranking member of the Committee on the Budget.

I will yield to him in just a moment, but at this time I would like to yield to the gentleman from North Carolina [Mr. MCMILLAN].

Mr. MCMILLAN. I thank the gentleman for yielding.

I wanted to comment, to pick up a little bit on the problems with the Budget Enforcement Act of 1990.

The public should be aware that those tax increases did not come up to a level of $30 billion a year when they were in full bloom. The tax increases proposed in this package, net tax increases, come up to a level of close to $87 billion a year when you get out into the fourth and fifth years, almost three times the rate of tax increases as in the summit agreement of 1990.

I think it is important to note that the name of the game here is to try to reduce the deficit. The reason we want to reduce the deficit is that roughly 60 percent of the savings in this country, the private savings, are consumed by Government borrowing. Those are savings that do not go into the private sector, do not go into buying plant and equipment, do not go into new job creation, decrease our competitiveness; and that is what we are all about.

The other weakness of the summit agreement of 1990 was that it did achieve caps on domestic discretionary spending and defense spending and those, by and large, worked, although the initial increases were a little bit too great. Where it really failed was to get control of existing entitlement programs. That brings us back to health care, which I want to talk about in a minute.

But let it be said, to try to clarify matters, that what we proposed in the Budget Committee, by Republicans, were no tax increases, and spending cuts over 5 years of $430 billion, the way I count it. What the Democrats have proposed are net new tax increases of $267 billion over 5 years and only 160 billion dollars worth of net spending cuts.

Now, that does not include what we are going to propose as a supplemental appropriation bill, as I understand it, that totals another $31 billion, which would increase the deficit, for the most part in 1994 but probably trickling over into 1995.

But I want to talk, if the gentleman would bear with me just a moment further, about health care costs. There is no component of the Federal budget or indeed of our economy that is increasing faster than health care costs.

On a national scale they are increasing at a rate of about 14- to 15-percent annually, close to four times the general rate of increase.

That is what really is pinching insurance companies, pinching families and pinching your Government.

Medicaid in the Federal budget last year increased over 20 percent; Medicare increased over 12 percent; and the prospects for the future if we do not come to grips with the things that are driving up health care costs are for them to increase at that rate, which is the principal factor for driving the Federal budget deficit.

It was the failure of the 1990 agreement not to get control of health care costs and entitlement spending that was out of control that has allowed the deficit to continue to grow, to sap savings and create the pressures of a $300 billion-plus annual deficit.

Let me speak to this a little bit further because I am going to get more specific.

Look out over the next 5 years, the baseline cost on Medicaid is expected to increase $66 billion if we do not do something. The baseline increase on Medicare is expected to increase $112 billion, between the two of them increasing at a rate of close to 15 percent per year.

The President said in his State of the Union message that as a part of health care reform he would hope to get health care costs in the Federal budget and generally down to the general cost of the cost of living plus the demographic factors affecting those programs.

That would be somewhere in the range of 4 to 5 percent per year. They are in fact increasing at three times that rate.

So, we have a heck of a challenge. We have in this Congress, we as Republicans have it, the Democrats have it, the President has it, and the American people have it. We make an attempt in our budget proposal to try to begin to come to grips with this. But I can assure you that before this year is out, when health care reform proposals are laid on the table, we are going to be in for a second round unless we really come to grips with true reform that gets control of those things that are driving up health care costs.

Mr. KOLBE. If the gentleman would respond: In his speech to the Nation right here is this body on February 17, the President said what he planned to do immediately on health care was to freeze payments to doctors and to hospitals. Now, why is that not a solution?

Mr. McMILLAN. Well, I think there is probably something to be said for holding the line on payments for 1 year, but you cannot freeze it forever. The only reason that would work is if you accompany it with something else, which we do in our Republican proposal.

We begin to try to deal with some of those factors that are driving up health care costs. This one is hotly debated, we looked into it thoroughly, it is very difficult to score in terms of legislation. We have malpractice reform legislation that has been proposed by the Republican conference last year. It is being reintroduced again this year.

It basically substitutes arbitration for litigation. The reason is not to relieve doctors of their responsibility nor to penalize trial lawyers. The purpose is to get control of defensive health care costs, which the AMA has estimated to constitute as much as 14 percent of physicians' fees. Many hospitals would tell you that defensive practices which are unnecessary may constitute as much as 20 percent of their health care costs. So, what we are talking about doing in our proposal that would address rates to compensation for physicians with everyone except the primary care physicians and for hospitals on a 1-year stabilization level, would be to get them to focus on those defensive health care costs which can be reduced if it is accompanied by malpractice reform.

Mr. KOLBE. Would the gentleman agree that if you do not get at the underlying costs, the underlying driver costs that the gentleman just referred to, a plan that simply freezes payments, which results in what we have seen before, which is cost shifting, shifting to the private sector and other groups?

Mr. McMILLAN. True health care reform has really got to address the underlying cost drivers.

We attempt to deal with it in another case, under Medicare. The gentleman is certainly familiar with this, being from Arizona. But Arizona has an exemplary managed care program plan, which it has been estimated and scored by the Congressional Budget Office that if the same managed care approach were undertaken in the other 49 States, we would save $10 billion over 5 years in Medicare/Medicaid.

□ 1610

So we include that in our reform proposal as a part of this budget process.

There is one other area I should mention, because it relates to what the gentleman from Kentucky was talking about briefly. We do believe that senior citizens with high incomes in excess of $100,000 a year should pay a fair share of the premiums of Medicare costs, so we do have adjustments for families of over $100,000 a year and another adjustment for families of over $200,000 a year. I can assure them that the premiums they would be paying in total would constitute one of the cheapest health care insurance policies that you could find in this country.

Mr. KOLBE. I think if I could ask just one other question before I yield to our distinguished ranking member. One of the other things that was a very significant proposal in the gentleman's area of Medicare was to get us to the idea that those who benefit from the system ought to have some stake in the cost of that through copayment.

Would the gentleman just tell us what we are talking about?

Mr. McMILLAN. Generally Medicare is operated with a 20-percent copayment system, but we realize there are some people at the lower end of the income scale who may have difficulty achieving that, but there are some segments of Medicare in which there are no copayments, so our budget proposal includes getting those copayments up to, in some cases, 10 percent in the case of home health care.

Incidentally, I was just talking with some home health care specialists from my district who think this is a good idea, if you are sensitive to those people at the lower income end of the scale who might not be able to pay that who are also paying high pharmaceutical costs, and so forth, and it is understandable that that probably needs to be means tested before it is finally put into effect.

But it is simply saying to people who are easily in a position to pay $1,400 or $1,500 a year if they make $100,000 a year unearned income, that they should share in that cost.

Mr. KOLBE. I appreciate the gentleman's contributions to this.

We do not have to wait for the President to come up with health care reform ideas. That debate has already begun and it has begun because of the work the gentleman and other members of the health care task force have done and that the gentleman particularly has done in the Budget Committee.

Mr. McMILLAN. Mr. Speaker, I thank the gentleman, and we will continue to try to exercise initiative in the area of health care reform, because we have a lot to contribute to the process.

Mr. KOLBE. It is an important part of the process. I appreciate the gentleman's contribution.

Mr. Speaker, I am delighted to have with us the ranking Republican member of the Budget Committee, the gentleman from Ohio [Mr. KASICH]. I would say there has been nobody who has worked harder and nobody who has been more of a leader in this body on this issue. He has really taken those of us who serve on the Budget Committee and helped to pull us together and come together with a proposal that I think all of us can stand here very proudly today to talk about, and I am pleased to yield to my colleague, the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Speaker, I appreciate the gentleman yielding to me.

I am glad we did not hear anything about "the distinguished gentleman", because sometimes you can confuse distinguished with extinguished. Maybe it would move from distinguished to extinguished.

I want to compliment the gentleman from North Carolina for doing a great job in terms of our health care proposals, because they move us in the direction of where we as a nation really want to go: more copayments, means testing, entitlements for the people who are the wealthiest in our country, and in addition, the concept of managed care in the area of Medicaid and copayments. All health care principles that have been talked about but no one ever had the guts to lay them down on the table. We have been able to do it in this proposal.

But what I wanted to say in a nutshell is that it is real simple. If you believe that the Federal Government is the answer to our problems in this country and if you think that spending more and taxing Americans more is an answer to the problems that we have in our Nation, then you have got to be for the Clinton plan because that is what it really does represent. These arguments about investments—investments are more spending.

I think that it is fine to have a debate as to whether the Federal Government ought to spend even more. I and the members of the Republican members of the Budget Committee do not think we ought to. We believe that the answer to our problems in this country is to get Government the heck out of the way and let people be in a position of where they can use whatever opportunity has been created in this economic system to better themselves—to not have the Government picking their pockets at every turn of the bend, and not only picking their pockets, but sending legions of bureaucrats to get in their hair no matter what it is they want to do.

I just say to the gentleman from Arizona, probably the most vivid example that I could draw would be to say to him, as my father who carried the mail on his back for 30 years said, is to stop and think about our experiences on Saturday mornings in the post offices around this country, standing in line trying to figure out how to be able to send something in the mail and the hassles that you go through trying to do that.

If you want to buy a home now, you have got inspectors coming in to try to figure out whether you have radon in your basement.

If you want to start a small business, the first thing you have got to do is hire an accountant and a lawyer to try to keep you out of trouble.

Those are not the way things ought to be operating in this country.

What the Clinton plan recognizes is that big taxes, big spending, big bureaucracy is the way in which the Federal Government ought to go, is the way that America ought to go.

Our plan represents less spending, less government, less taxes. We sure welcome that debate.

Some people would argue that these investments are critical. Well, as we are spiraling toward bankruptcy in this country, a fact that has been clearly established by Mr. Perot who said, "Put your specifics down on the table and let's get under the hood. Let's get busy and let's fix it." That is what this Republican alternative represents, getting under the hood, fixing the car, being innovative, being imaginative, being forward looking.

I think we have done one heck of a good job in terms of protecting the American taxpayer and creating a new direction for the Federal Government.

Reagan said, "Let's get government off our backs and out of our pockets." We begin that journey, precisely that journey in our proposal that is designed to trim the size of the Federal Government and not to continue to burden people with more taxes and more spending.

We are proud of what we have been able to do. I think it is a clear choice.

Let me say one other thing to the gentleman from Arizona. The President laid down his challenge. "If you don't like what I'm doing, give us your specifics."

We are still waiting to hear the President's specifics. I think it is an unfortunate situation for the administration that the major newspapers in this country have said that the Republican plan is by far the most specific proposal that sits before us today and that it is a shame that our proposal, put together with 12 staff people, counting interns and a handful of budget associates, is far more specific and detailed than what the President of the United States was able to send us.

Again I say to the President, if he is listening, when he came up to talk to the Republicans, he said, "If you want more cuts, send us your specifics." We in fact have done it and we want his specific response and we want him to accept part of our agenda so that together we can represent change.

Mr. KOLBE. Mr. Speaker, I thank the gentleman.

Again, I want to say that the leadership of the gentleman from Ohio on this committee has been absolutely outstanding and I appreciate that.

We have been joined on the floor by our distinguished leader, the gentleman from Illinois [Mr. MICHEL]. I welcome him to this discussion of the budget proposals, the Democratic proposals and the Republican alternative.

Mr. Speaker, I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for yielding to me.

I just want to take this opportunity to thank each and every one of those on the Republican side who served with such distinction on our Budget Committee. I gave the committee through the gentleman from Ohio [Mr. KASICH], a charge earlier in the year to conduct themselves as if we were in the majority in this House and that it was going to be our role and responsibility to do a credible job, to come up with what we thought was a good spending plan, and moreover to have a marked distinction between that of the President, meaning cut spending and defer any kind of tax increases as we see in the Clinton budget.

So in keeping with what the gentleman from Ohio [Mr. KASICH] has just said, the gauntlet was laid down. Well, you fellows are pretty good at criticizing. Where are your specifics?

I just have to be mighty proud of the fact that you have come up with the specifics that you have, not all sugar and cream out there by any stretch of the imagination, but to do the credible job today you have got to make some difficult choices. You have made them. I am embrace them wholeheartedly and I think it gives us a good mark of distinction between what we are going to have presented on the other side of the aisle, and incidentally, with really no specifics presented to us by the President himself.

The other body may very well get somewhat of an advantage dealing with the subject after we do, but on the strength of what little information you all have to go on, I just think you did an outstanding job.

I appreciate the gentleman having taken this special order to make the case to the American people.

□ 1620

Mr. KOLBE. Mr. Speaker, I appreciate the comments of the gentleman from Illinois [Mr. MICHEL].

The leader is absolutely correct. When the Democrats brought this additional $62 billion of spending cuts to us last week in the Committee on the Budget, not one dime was specified, and obviously a budget resolution consists of numbers, numbers in categories under outlays and authorizations. But there has to be a policy that gets either of those numbers. There has to be something that went into it. If they show a reduction of, an additional reduction of, $431 million, let us say, next year in one function, why is it $431 and not $430 or $432, and yet they were not willing to specify where any of the possible cuts that would make up these additional reductions came from.

And so in that sense the Republican alternative is the only alternative out there that specifies the kind of policy that we are talking about that would get us to the real deficit reduction.

I yield to the gentleman from Illinois.

Mr. MICHEL. If I might make one further comment—and I am sorry I did not hear the earlier discussion—but in the defense area, for example, I just have, after the leadership meeting with the President this morning, I just have a little bit of a hunch that he may very well be having some reservations on his own, particularly now seeing what is happening around the face of the globe, that we ought not to be savaging our defenses at a time when there is so much insecurity around.

Mr. Speaker, I think our approach is much more reasonable, follows the downsizing that we were given by the former President, President Bush, through Secretary Dick Cheney, and to go beyond that benchmark I think really puts this country's effort on the defense side in real jeopardy to cope with the kind of conditions we have got around the face of the globe today.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Illinois [Mr. MICHEL] for his comments, and for a final comment before our time is up I yield to the gentleman from North Carolina, and then I will summarize here.

Mr. MCMILLAN. Mr. Speaker, we are not supposed to be engaged in any sort of mutual admiration, but, as one who ran against the gentleman from Ohio [Mr. KASICH] to be the ranking member on this committee, and I lost by, I think, a few votes, and the gentleman from Ohio probably has a better count than I do, but I have been really delighted and proud to work with JOHN and support what he has done. He has just done an outstanding job in giving leadership to our side, not only in committee, but in the entire conference.

I even had one of our Democrat colleagues come up to me after our markup the other day and say, "You know, I've always thought JOHN was maybe a little bit too aggressive, but, you know, he really has done an impressive job," and I say to my colleagues, "In fact all of you have done an impressive job, and you come up with a lot of good ideas that I wish I had been able to vote for."

So, Mr. Speaker, I want to thank the gentleman from Ohio [Mr. KASICH] for his leadership.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from North Carolina [Mr. MCMILLAN] for his comments, and I know that every member, every Republican member, of the Committee on the Budget echoes that.

Let me just summarize again since our time is really up in this hour, and that is the differences between these two proposals. On the one hand we have a Democratic plan brought by President Clinton and amended by the Democrats in the Committee on the Budget that calls for a lot of additional spending; in fact, more than $186 billion of spending in the next 5 years. It calls for a lot of tax increases; in fact, $316 billion of additional taxes in the next 5 years. It crawls through those tax increases and some spending cuts, but spending cuts that will not come for at least 3 years—it calls for some deficit reduction.

The Republican alternative, on the other hand, gets the same deficit reduction with no additional spending, with no additional tax increases. It does it by cutting spending.

One is more taxes, more spending, more Government. The other is less taxes, less spending and less Government.

I think the alternatives are very clear, I think the choice for the American people the next time they have an opportunity to speak on this issue is very clear, and I appreciate the contribution of my colleagues to this discussion.

THE REPUBLICAN ALTERNATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 60 minutes.

Mr. KASICH. Mr. Speaker, let me just say off the bat that I want to say to the gentleman from North Carolina that we have got another little bit more of time if he can hang in and participate in this special order.

I want to pay the highest compliment to the gentleman from North Carolina [Mr. MCMILLAN] who has done an absolutely incredible job in our health care area and has been a great friend as we worked our way through difficult periods, as I know people are aware, in our own conference. He truly is a gentleman, and I have learned an awful lot from him personally.

I do want to say, however, that I would like to be able to say, "What a great thing that JOHN KASICH was able to do." This is not a John Kasich deal. This is a committee deal. This is what the Republicans of the House Committee on the Budget agreed to do, and I want to tell my colleagues that around here on Capitol Hill we do not have Members going to meetings, and participating and showing up in each other's office trying to give and take to actually write a document that is $1.5 trillion worth, but that is exactly what the Republicans on this committee did, and I just have one thing I want to say before I yield to the gentleman from Ohio, and that is:

"If you're looking for the real revolutionaries in the Republican Party, you don't have to go any farther than the staff down at Annex 2 and the Republican members of this Budget Committee. We had a very short period of time to put this proposal together. It isn't a perfect proposal. There's a lot of things in it all of us would probably massage differently. But, as a team, we've been united. We're forward-looking."

But I want to tell my colleagues something:

You ain't seen nothin' yet. If you think this is the end of the line, you're going to get sick of hearing from the Republican members of the House Budget Committee on this floor during authorization bills, during appropriation bills and with further reform operations that you're going to see out of us.

It is amazing because it is a very varied group. We have people that represent all kinds of points of view in all different parts of the country. We reconciled our disagreements in certain areas to be attained, and we are going to hang together, and I want to yield now to my dear friend from the State of Ohio, Mr. HOBSON.

Mr. HOBSON. Mr. Speaker, I, too, want to say that we have had an interesting session here so far in our group coming together because I think one of the things that we did is, by dividing up into teams to work on this budget, it gave everybody a feeling that they were involved in this process, and I know the freshmen that were there were pleased that they were included and can be involved in what was going on and learning about their specific area.

I know I enjoyed working with the gentleman from North Carolina [Mr. MCMILLAN] on health care. It was inspiring to do this because we had a number of different viewpoints that we came from, but we came together and said, "OK, this is how we're going to do this. We're going to make some real reform in here. We're going to do some new things. And we're going to have just a real solution and not just put something out for people to look at and then throw away."

I think the Republican plan really offers us a clear choice. It has no new taxes, less government, more jobs, more take-home pay. Deficits are reduced by controlling spending, not by increasing taxes and domestic spending. Our belief from our Budget Committee is that higher taxes now will stifle the economic recovery and actually increase the deficit, not lower it, and we looked around. We asked, "Is there any credibility to this? What are people around the country saying to us? What are the editorial writers saying? Are we credible in this?"

And when we started out, one of the things we all talked about, and JOHN and I talked about, was that we had to be intellectually credible in what we put out, and it had to be the truth, it had to be tough, and it had to be bold, and I think we have done that, and I think we won over some people who were probably our worst critics in times past, JOHN, and that, for example, the New York Times on March 11 says: "The Budget Committee Republicans' plan isn't flawless, but it calls Mr. Clinton's bluff, and deserves a serious airing."

Remember this is the New York Times speaking. "It involves no tax increases and, of course, deeper spending cuts than the Democrats propose."

And what do they say at the end? "But in their rush to act, the Democrats should not use the sheer force of their majority to mow down any dissenters. The Republicans have made a good-faith effort to enter the budget process this year. Their proposals deserve good-faith debate."

I say to the gentleman from Ohio, "I'm not sure we got all that, JOHN, but I'm hoping here tomorrow that we're going to be able to get that good-faith debate because we have some good proposals that should be. And even the New York Times on March 11, 1993, agrees with us on that."

And then, if my colleagues will look at the Washington Post on March 14, again it is not a group that one would normally say are going to be rubber stamping anything that we put out, and again their headline reads, "The Republicans Find a Budget."

> The committee Republicans, under the leadership of John Kasich, likewise distinguished themselves. For years Republicans have fled the field at budget time. Their goal has been to leave the names on no budget. This year Republican leaders have gone differently and put forward a plan to reduce the deficit as much as the Democrats would do, but without tax increases.

□ 1630

So we are finding allies in places that we did not think we would find. Even the Washington Post is saying hey, this deserves a look. It is not perfect. We know it is not perfect, but we are trying. We have given a better alternative.

Here is another one. David Broder says, again from the Washington Post on March 14, says, speaking of the budget, "The new ranking minority member of the House Budget Committee, John Kasich, and his GOP colleagues," that is us, guys, "deserve credit for assembling, with no great staff resources, an alternate budget that meets the test of being serious and substantive. The achievement is greater than its prospects for success."

That is why we are out here now. We want people to look at this and improve our success.

The article goes on to say,

> Kasich and his allies said that if Republicans are to make an effective case for being returned to power, they have to demonstrate their seriousness about such large public policy problems as the budget deficit. They did that, and down the road one hopes there will be a reward for meeting this obligation.

We think our reward is in making this country better. We think our reward is in getting our policies adopted. And we have already found out that the other side has figured out some of these things are pretty good.

So what are they doing? Why, they are starting to look at some of these and adopt them as if they are their own. The part that we put in, and the gentleman from Ohio [Mr. KASICH] may want to talk about them, I want to comment from one other article, from the Austin American-Statesman. I happen to know the publisher of this paper, because he used to live in my hometown and he worked for the Coxes, and this is obviously a Cox paper also, Roger Kinczel.

Their editorial says,

> GOP plan on spending cuts deserves a look. The House Republican members of the Budget Committee have a proposal that would cut the deficit by $429 billion over five years but would not have any tax increases. Whether the latter is possible or wise is problematic.
>
> But some of the specific cuts in the GOP plan are well worth looking into. Although the House leadership says it will accept only complete floor substitutes for the Budget Committee's Democratic-dominated plan, there is a possibility that some amendments could be offered and accepted, or added in the conference committee process.

I guess what I am saying is that there is an outcrying within the media here and certainly in our constituents. Our constituents are writing us saying, "Cut this spending. No new taxes. Give us some relief from this."

What the media seem to be saying here is, "Hey, other side, hey, majority, you can't have it all. Look at here. There are some good ideas here. Why not take some of these ideas? If you can't take it all, adopt some of them. These are worth looking at. This is real."

I think this is worth looking at, and I think these editorial writers, who obviously do not work for us, they are obviously people of good will, who said now is the time to make some real positive changes in this country. If we really want change, you have got an opportunity starting with this budget process to make change. Let us not just do things in the way of one sidedness. Where things are correct, where they are appropriate, let us adopt them.

Frankly, we ought to do this without any new taxes. If you want to go back home, that is what everybody is telling you: Cut spending, no new taxes.

Mr. INHOFE. If the gentleman would yield, I think as one who is not on the Committee on the Budget, and I am not, and the rest of you are, you are maybe being a little bit too modest. Because as I told the ranking member of the committee, the gentleman from Ohio [Mr. KASICH], you may disagree with the program that you have and that you are putting forth, but you are being honest in the way you are presenting it.

When I listened to you read some of the commentary from people who generally are not very friendly to Republicans, I think one of the main reasons they are doing that is we are at least being honest on where we are cutting and what we are doing with this.

When the President came out with his program, under the list of budget cuts he had such things as fee increases for veterans when they go in to get treatment. He had a fee increase for private aircraft from $5 to $250. He called these spending decreases.

I would like just to ask you, Are you being totally honest in putting forth everything in there exactly as it is? I think you are and I think that is where you are getting your editorial support.

Mr. HOBSON. Well, I think that is one of the reasons we are getting our editorial support, and I agree with you, is when we list something in there, we have some user fees in there, but we call them user fees and we explain what they are.

When we have cuts, we explain where the cuts are. And not all the cuts are real popular with every segment of society. And, frankly, we had some real arguments within the Committee on the Budget as to whether we were going to make some of these cuts in some of these areas. But we said if we are going to be true and intellectually responsible in this and true to our commitment to put forth a bold challenging budget, we are going to do it.

Mr. KASICH. Mr. Speaker, reclaiming my time, I want to underscore what the gentleman said. You see, we were bold enough to put our cuts on the table. What the majority party did, what the Democrat Party did in that committee was to come in with $63 billion worth of unspecified cuts. And do you know why they did it? Because they did not want to put their fingerprints on making hard choices. And that is one of the real tragedies and the real unstated point of this whole debate, is that we were willing to be intellectually honest and list our user fees as user fees and our cuts as cuts. And what they did is they are the ones that laid the test out. They are the ones that said take the test. We took the test. We got an A on the test, and they flunked it. They flunked their own test, the test that they designed based on specific cuts, they got an F. And that is the tragedy of this whole thing.

So when they run around trying to say that the Republicans reduced this program or that program, they are not in the position to say anything, because we do not even know what in the heck they are doing in this proposal, and they are the ones that laid the challenge out in the beginning about the specifics.

Mr. HOBSON. You do not hear anything in the media at this point or from the White House spin office about not coming back with these specifics, because we did. And I do not know whether they are slow readers or what, because they have not responded to us. You have not had any phone calls, as I understand it, Mr. Ranking Member, nor have any of the rest of us that they have even read what we have said. So I guess our challenge to them is if you are not slow readers and if you have been through it, call us up and let us discuss some of these real spending cuts. We would like to know where the $63 billion is going to go and where it is going to come from, and, frankly, we would like to know where in defense you are going to cut. Because one of the reasons we did not come forth with a more definitive plan, but we have it, in the defense area, is because in that area they did not come forth, once again, and be specific.

So we are a little upset about that. We have called. We laid our cards on the table. We have called the bluff. Come on down and let us get real about this thing, and let us work together on it to get it done. Because we are working for this country and we should have this dialog back and forth. And I see only silence now from the spin doctors.

Mr. KASICH. Let me just say we hear a lot of talk about working together and obstructionism or whatever. We offered about 35 amendments during our committee markup. The gentleman from Arizona [Mr. KOLBE] has a list of them, and we hope to cover them soon, and to show that the Republicans tried to make a good faith effort to amend the Clinton package and to improve it and put in more specific spending cuts, all of which were rejected, but a point that I think needs to be made.

I would like to yield to a gentleman that I have the greatest respect for from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding. I just want to add my voice to your salute of the gentleman from North Carolina [Mr. MCMILLAN], because I have seen a lot of contests for various leadership positions, and when that individual does not have the opportunity to be leader, he just walks away. I think that the committee has been strengthened so much by the active leadership participation of the gentleman from North Carolina [Mr. MCMILLAN].

Then I just want to say to you, I am so grateful for your leadership. I have been so hungry for the Committee on the Budget to step forward and attempt to do what needs to be done, and that is to help our country solve its deficit challenges.

I think the selection that took place last November was a message to Republicans and Democrats alike to be Americans first and Republicans and Democrats second. I think with all my heart and soul that we can lick this deficit problem if we work together.

When the President walked down the aisle right here and took the dais, I listened to what I thought was a very persuasive and moving speech. He said with no uncertain terms that the deficit was a dagger at our hearts, basically a noose around our country's neck, and we needed to address it.

☐ 1640

And I think the President deserves the highest marks in making sure that this country is focused on that issue.

Before that speech, I was asked about Zoe Baird. I was asked about Kimba Wood. I was asked about whether I hired illegal aliens and so on. Then I heard a speech, and I heard a lot about spending increases. And I heard a lot about tax increases. And I waited to hear about spending cuts to deal with the very problem the President has told us is such a danger to the future prosperity of our country.

As you know, Mr. KASICH, we serve on the Committee on the Budget. All the experts have come to us and said, get this deficit down. That is the most important thing you can do. And so it without destroying the economy.

And that is exactly what our committee has sought to do. When we had the Committee on the Budget the next day and we had the presentation of Mr. Panetta, I waited to hear where the spending cuts were. And they did not come. And then I heard what was a spending cut was the earned income tax credit, which really is a payment to people who do not have enough income to pay taxes.

Well, as you pointed out, and others, that is really not a spending cut. It is a spending increase. And then we heard about Social Security. And we were told that was going to be a spending cut. But really what that is is a tax on Social Security recipients.

And when we went through his budget, he and others who came forward were compelled to acknowledge that the proposal has $4 of tax increases, more, in fact, and $1 in spending cuts. So it is a 4 to 1 relationship.

Even when we were before the Committee on the Budget and we saw these $63 million of new additional spending cuts, unspecified, the ratio is just slightly under $4 of tax increase for every dollar of spending cut. It simply misses the mark that way. And it misses the mark another way.

The bottom line is, we have got to reduce this deficit. And it does not do it enough. And I just want to say to you that I am someone who has cut defense spending a great deal and advocated it, but in my judgment, the President's proposals, all unspecified, over $110 billion of spending cuts, not specified, is simply too severe. It is too severe, as we see what is happening around our country. We simply will not be able to provide an adequate defense, if we cut too much. And we will cause tremendous economic dislocation, if we cut too much.

And the budget presented by the Republicans in the Committee on the Budget, I think, does exactly what is required in terms of getting the emphasis on spending cuts, not on tax increases.

I might be inclined to support some tax increases above and beyond to reduce this deficit more, but if we are going to deal with the numbers that we see the President submit to us in terms of deficit reduction, those should be done by spending cuts, not the 4 to 1 tax increase to spending cut.

Mr. KASICH, I have a lot more to say, but I know that there are other Members that want to make comments. Mr. KOLBE and I have been working on some proposals that we might get in a dialog about, but it is just absolutely essential that we can show the American people that we can reach the deficit reduction figures of the President and do it through spending cuts.

And again, I just want to thank you for getting on our backs these last 2 months. I make a prediction to you. I am absolutely convinced that what you have done on the Committee on the Budget with Republicans has helped unleash a force that in the next year is going to take books like Martin Gross about the government racket and others, and we are going to go into some of these points that are made in these books and about bankruptcy in 1995. And we are going to come up with even more spending cuts that may cause some hardship but for the most part will get rid of the fat that we have got in government.

Even the Post Office is totally reorganized. And they are not firing and laying off those who are delivering the service. They went to management first, and they found that if they could reduce their management, that they are providing a better service at far less cost.

We are seeing it in the private sector. I know deep down inside, I know that this is going to be a tremendous effort on the part of the Republicans in the Committee on the Budget. I think we are going to succeed. I sincerely believe that the President, if he is listening, can gain a great deal listening in the next course of the year, and his people, to some of the proposals that we are going to bring forward.

Mr. KASICH. I yield to the gentleman from Florida, the very able distinguished gentleman from Florida [Mr. MILLER], a freshman member of the committee.

Mr. MILLER of Florida. Mr. Speaker, it is a privilege to be a Member of the House of Representatives first, but it is a special privilege to have been on the Committee on the Budget so far. I was real excited about the opportunity to serve on this committee, but now that I have been on it, I found it a very frustrating and maddening and disappointing experience.

And I understand why we are in the problem we are in even more, after having served on this for the past 2 months.

President Clinton is to be commended for making us focus more on the country on the deficit problem. Unfortunately, he has not seen the buttons around Washington so much which say, "It is spending, Stupid."

The budget cannot be brought under control until we address spending. We keep saying it over and over. And maybe someday we will learn it. It has to go after the spending side.

Well, what was disappointing and maddening about being on the Committee on the Budget is the Democratic members developed their program and presented it without the specifics. They challenged us to come up with specifics, and they just cast ours aside.

Luckily, we have had some good editorial comments around the country supporting our particular plan. However, the Democrats have not taken, given us much credit. And it is very disappointing, the attitude they have taken on our proposal.

As you said during the budget hearings last week, we presented numerous amendments. And they were very specific.

I thought I would mention two that I made amendments on, and I think Mr. KOLBE will be mentioning some others.

I made two amendments that were just cast aside. Let me tell you, one was a nonsensical bill called the Davis-Bacon Act; it goes back to 1931. It was put into effect to keep low-priced labor out of the South from coming up to New York. And it has what is called the prevailing wage.

It costs us over $1 billion a year extra. If we are going to build an office building in Sarasota, instead of paying a carpenter $12 an hour, we have to pay him $15 an hour under Federal regulations. It is absurd.

Why should we be wasting $1 billion. It has other restrictions, the number of helpers you can use and all the paperwork involved. And it costs more to build a Federal building. There is no excuse for that.

I proposed that amendment. That was the only amendment the Democrats accepted, but how they accepted it. They changed it. They said, "We will study Davis-Bacon."

Davis-Bacon gets studied every year, and it is their way to just put it aside and forget it, but it is an easy $1 billion a year savings. It makes no sense to pay more than necessary.

I will give you another illustration of an amendment that was proposed and they flat-out rejected again. It was porkbarrel spending. The porkbarrel project of this decade is the demonstration project of the highway bill that passed in 1991. It is just loaded with pork, over $4 billion of porkbarrel spending, including things like sidewalks in North Miami Beach, $800,000 for the sidewalks in North Miami Beach and North Miami, because the Congressman who is now retired from that area was chairman of the subcommittee that had control of that issue.

These were projects that were not appropriated during the normal process but put in by the Committee on Appropriations, both Republicans and Democrats. But it is pure pork.

I made the amendment to do away with it, and it was just flat-out voted down, straight along party lines.

There was issue after issue that we brought forward with the amendments, specifics to cut the budget, and the Democrats refused to even consider them.

That is the maddening and frustrating part of this system. And I think our particular proposal, which is loaded with cuts, we may have to raise taxes, but we do not want to even talk about taxes until we get rid of the spending. Until spending is under control, we will never get this deficit under control.

I look forward to being able to debate our bill again tomorrow, and I am not optimistic our particular bill will pass tomorrow, but we know our bill is honest and straightforward and the Democratic bill has no input from us, unfortunately, and it is strictly an issue of which one is the best for the deficit. And there is no question about it. It is our bill.

Mr. KASICH. Mr. Speaker, I yield to the gentleman from Arizona [Mr. KOLBE], who is going to go through a litany of the amendments that were offered to the bill, an effort by the Republicans to improve the Clinton program, to take some of the taxes out and provide specific spending cuts that the President requested, every single one of them rejected.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding to me.

In the last hour that was my time, I did not have an opportunity to discuss a couple of the specific things that the task force that I was in charge of on empowerment came up with. And I think those were some of the more dramatic and certainly some of the more difficult choices that got made in this budget proposal. And I would like to just share.

Mr. KASICH. I would just like to reemphasize one point. The point is, during a 10½ hour debate before the Committee on the Budget, so nobody can be confused, the Republicans took amendments, they were not phony amendments. They did not represent unspecified cuts.

□ 1650

They represented specific changes in the Clinton program that eliminated the social security taxes, eliminated the energy taxes. It was designed to fix, to improve, to be constructive with the Clinton program, and every single one of those amendments was rejected on party lines for a Democrat package that had absolutely zero, zip, no, none, nil Republican amendments in it that replaced tax increases with spending cuts.

The President had said to us, "If you do not like the new taxes, give us the specific cuts." We gave it to him and we gave it to them, and they rejected every single one of them.

Let us be perfectly clear on what we are talking about here about these amendments, the procedures, and the fact that the Republicans on that committee were trying to be constructive. The obstructionists were the people who decided, "You take our program or no program."

Mr. KOLBE. Mr. Speaker, will the gentleman yield?

Mr. KASICH. I am glad to yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, the gentleman is right. Those of us who sat through this process last week understood exactly what was happening. We did have constructive alternatives and constructive amendments and they were all rejected. Just to reiterate the process, we offered the Republican alternative as a package. That was defeated. Then we proceeded to offer a whole series of amendments dealing with specific cuts that we had included in our alternative, so we could deal with these one by one.

Granted that we could not put into a budget resolution the law that makes a specific change, to whether it is the Social Security Act or whatever it might be. As I said before, and as we discussed this issue earlier, it is policy that drives the numbers. If the Committee on the Budget refuses to deal with budget policy, if we refuse to get into a debate over these issues, then we are abdicating our responsibility.

Here are some of the amendments that were offered that came from our proposal that were rejected. Some of them we have already had some discussion about. The gentleman from Florida [Mr. MILLER], our colleagues, discussed the Davis-Bacon and the Highway Administration project amendments.

Earlier in my time I had a colloquy with the gentleman from Colorado [Mr. ALLARD] about his amendment to eliminate the Btu tax. That was an amendment that did get a couple, no much—it was the only one, in fact, that got any kind of Democrat support. However, there were a few Democrats that understood that this is an enormously inflationary tax increase, the Btu tax.

Eliminating the Btu tax, $730 billion of new taxes that the President has decided to put on the American middle class and poor people, as well as rich people, it hurts; in fact, it is a very regressive tax, because it will cut into those who are at the lower end of the income scale much more than those who are wealthy. That was defeated, taking those taxes out.

The gentleman from Kentucky [Mr. BUNNING] had one on the sense of Congress that we ought to keep the money in the Social Security trust fund and not rob the Social Security trust fund for other purposes. That was defeated on a straight party line vote.

The gentleman from California [Mr. HERGER] had an amendment to eliminate the proposed income taxes on Social Security benefits. We are going to tax billions of dollars from senior citizens by raising the tax rates on the taxable income of Social Security benefits. From the 50-percent level to the 85-percent level of Social Security benefits will be subject to taxation.

Mr. KASICH. Mr. Speaker, would the gentleman give us the total on that?

Mr. KOLBE. That goes down to people on the income level of about $25,000. The total amount there is $33 billion, $33 billion of taxes that senior citizens are going to have to pay, and not into the Social Security trust fund but into the health insurance fund. That amendment was defeated on a straight party line vote.

Mr. KASICH. If the gentleman will yield on that, I know the gentleman from Kentucky [Mr. BUNNING] was out here and he talked briefly about this.

Let me ask the gentleman, does this then mean that the tradition of having the Social Security taxes flow into the program, the annuity program called Social Security, is now being changed?

Mr. KOLBE. The gentleman is absolutely correct. For the first time ever, funds collected from taxation on Social Security benefits will not go to the Social Security trust fund, but will go to another use. Once we have broken that promise with the American people, with senior citizens, it is very easy to rob the Social Security trust fund for all kinds of other things.

I know my friend, the gentleman from Ohio, will remember the debate we had a few years ago when we had the crisis of the debt ceiling and they borrowed for a few days from the Social Security trust fund. It was all repaid with interest.

Guess what: This is never going to be repaid. This is a permanent stealing from senior citizens' taxes that is going to go not into the Social Security trust fund, but go for other uses.

Mr. KASICH. Mr. Speaker, I would say to the gentleman, I would make the argument that people are fully unaware that this is happening now, including members of our media; they are unaware of the fact that we are creating a precedent here when it comes to robbing the Social Security trust fund.

Would the gentleman agree with this? There is not knowledge that this in fact is being done?

Mr. KOLBE. They are completely unaware. I would tell the gentleman, when senior citizens learn that the Social Security trust fund is being robbed for these other purposes, there will be an explosion here. I absolutely agree.

If I might just run through a few of the others. The gentleman from North Carolina, my colleague, mentioned the Medicaid plan, the one to put people that are in Medicaid into a managed care program, as we have in Arizona, a program that works very well, I might say. My colleagues from Arizona know very well how the program has worked in that State.

What it does, basically, it is a capitated system that uses HMO's to provide good quality care for Medicaid patients. Now that we have had it in place on a statewide basis for 12 years, the studies have shown that we can save up to about 18 percent over delivering the same services under a fee-for-service plan.

Clearly the wave of the future is managed competition, and that is exactly what we are saying. We can start it right now with Medicaid recipients and start saving billions of dollars; $10 billion could have been saved over the next 5 years if we had gone to that kind of system.

Mr. KASICH. If the gentleman will yield on that point, does that mean that some Medicaid recipients will no longer get health care, putting them into managed care? Is that what that means?

Mr. KOLBE. Absolutely not. In fact, the system in Arizona, and we call it Access, has worked extremely well. It is the wave of the future. I think it is interesting that people all over the country are now talking about the Arizona system of health care as the direction we ought to go. But it means good health care and choices. People get to pick their own primary care doctor in the HMO, and it works extremely well. Members will find a lot of satisfied customers in Arizona with that plan.

The gentleman from South Carolina [Mr. INGLIS] offered an amendment to privatize the Tennessee Valley Authority. That was defeated on a straight party line vote.

The gentleman from Connecticut [Mr. SHAYS], my colleague, offered one on the space station. That was defeated, not on a party line vote, but it was defeated, not even considered.

The gentleman from California [Mr. COX] offered an amendment to reduce legislative branch funding by 25 percent, as we had in our proposal. That was defeated on a party line vote.

Mr. KASICH. If the gentleman will yield, could we spend just a second on the legislative branch proposal that was rejected? Are we talking about Congress here? Is that what we are talking about here cutting, the operations of Congress?

Mr. KOLBE. We are talking about the Congress of the United States. I think if we are going to be serious about deficit reduction we can start right here at home, absolutely.

Mr. COX. Mr. Speaker, will the gentleman yield on that point?

Mr. KOLBE. I certainly will yield to the gentleman from California. I did not see the gentleman on the side of me here.

Mr. COX. Mr. Speaker, I certainly appreciate the support that the gentleman offered in our deliberations in the Committee on the Budget, and that our distinguished ranking member offered for fulfillment of one of President Clinton's campaign promises: to cut congressional spending on itself by 25 percent.

Of course, we are spending over $3 billion a year in this enterprise. There is no reason in the world that 535 men and women cannot get by with something under 30,000 staffers, but that is in fact the kind of thing we are looking at. We even offered an amendment——

Mr. KASICH. Mr. Speaker, will the gentleman yield a second? I come from a city called Westerville, OH. Our population is about 30,000 people.

Is the gentleman telling me that there are more people, or about the same number of people, who work as staff people to the Congress of the United States as live in my hometown of 30,000 people?

Mr. COX. Unfortunately, I would say to the gentleman from Ohio that he is exactly right. So stark is the difference between what Congress spends on itself and what any other legislature in the world spends on its own staff, that no other major country in the world comes near to us by an order of magnitude.

The next closest is Canada, and Canadian legislators have a staff that is one-tenth the size of what we have here in the U.S. Congress.

Really, what this suggests is that there is nothing that Congress is willing to cut, nothing that the Clinton administration is serious about cutting, because, after all, where is the constituency for more congressional staff? It does not exist. It is only the Members themselves.

□ 1700

Mr. KASICH. Except the Social Security benefits of the senior citizens who are now going to be paying taxes on Social Security and have the funds transferred into an account that does not provide Social Security benefits; is that correct?

Mr. COX. I am just stunned by the disingenuousness of an administration that says we are spending cutters because we are going to increase the taxes on low-income senior citizens. They are going to nearly double the taxes on low-income seniors so that now a senior citizen making $16,000 a year, a couple with joint incomes of $32,000 a year are going to pay increased taxes.

We offered a Republican amendment to get rid of these increased taxes on low-income senior citizens. That amendment was going to be paid for, in a budget sense, by not enacting some of Bill Clinton's proposed spending increases. That was defeated.

As the gentleman from Arizona [Mr. KOLBE] was about to mention, I was happy to offer an amendment in the Budget Committee to simply repeal in advance all of Bill Clinton's proposed spending increases, which amount to $16.8 billion in the current fiscal year, $189 billion of brand new spending on top of that that President Clinton is proposing for fiscal years 1994 through 1998, and interest costs from this new deficit spending of $38 billion over that period, for a total of $244 billion of new, brand new spending. Now if you are in a hole, stop digging.

But what are we doing when we are looking at this enormous deficit? The President of the United States is saying I want $244 billion in brand new spending that we are not even interested in doing at the moment. This is absolutely absurd.

Now just to put this in perspective, do you remember the 14-year-old boy that sent $1,000 into the U.S. Treasury to help take care of the deficit? He was from North Dakota and he is in high school. And the President of the United States picked up the phone and talked to him. There was a camera on either end, one in Air Force One, and then on the other end with the boy. The President milked that for all of the PR that it was worth. And then the next day he said to United Press and to USA Today that he was thinking about asking for a similar $1,000 contribution from everybody. Now with 110 million taxpayers in America, roughly if everyone ended up giving that extra $1,000 like this 14-year-old did, and the interest went straight to the deficit reduction, we would be talking about a total of $110 billion. That falls precisely $132 billion short of the amount of new spending that Bill Clinton himself proposed in the State of the Union Message.

If we just stopped the new Clinton spending we would do more, one-quarter of a trillion dollars' worth of deficit reduction, than anything he is talking about in his own program.

Mr. KOLBE. If the gentleman will yield back for a minute, I think he has made a very important point. I want to discuss three other amendments that came in my area. But I think the gentleman made a very important point that ought not to be lost on people, and that is that the $16.8 billion that the President is talking about in this fiscal year, the economic stimulus, because it comes under a declared emergency, is not counted in any of the spending increases that we are talking about of the $186 billion of additional spending over the next 5 years that the President is talking about in his so-called investments. Is that not correct?

Mr. COX. That is precisely true. It is a ruse, and it is disingenuous. We are not operating under any emergency now except the emergency that is imposed by this enormous deficit.

Mr. KOLBE. And that amount will not do anything except increase the deficit by that amount.

Mr. COX. No. As a matter fact, the Republicans are now filing amendments where we hope to have an opportunity to strip this new spending when it comes to the floor, and yet, as our colleague, the gentleman from New York [Mr. SOLOMON], who is sitting here can tell us, we may not even have the opportunity to offer these specific spending cuts when new spending is coming to the floor under the guise of a dire emergency. There is no emergency here but the emergency posed by deficit spending itself.

Mr. KOLBE. I appreciate the gentleman's comments.

If I might just mention three other amendments that came in in the area that I had worked on?

Mr. KASICH. Let me just ask the gentleman because people are watching this show and they are trying to say to themselves, "This can't be so. There's no way that they could have been offering specific cuts to eliminate the Social Security taxes, the energy taxes; there's just simply no way this could be true. There must be something phony here; they are not telling us the whole deal."

Let me ask the gentleman why in fact would they have rejected our efforts to trim the new spending? Why is it they would have rejected the idea of eliminating the taxes with specific spending cuts? Is there a side of this story that we are not telling?

Mr. KOLBE. The gentleman has a good point. It is a good question, especially since the President and the chairman of the Budget Committee said that they welcomed us coming up with additional spending cut suggestions, and yet when we offered them we were turned down. So we offered specific suggestions on where we could make additional savings, and all of them were rejected, and they really were reasonable ones.

Let me tell Members if I might about one of those. One would have taken all of the food and nutrition programs and put them in a block grant. By doing that and reducing the administrative overhead, still allowing 5 percent of the total cost to be spent, but taking the WIC program, the commodity supplemental program, the T-FAT, the school lunch program, all of those programs and putting them together, and allowing the States to have one set of eligibility requirements, allowing the States to administer it as one program instead of six, seven or eight different programs, by targeting it to those who are 185 percent of poverty or under so that it goes to those who need it the most instead of having the wealthiest kid get the same school lunch subsidy as the poorest kid gets, we could have saved—we could have saved $2.2 billion over the next 5 years by doing that. We could have made that savings just in the administrative costs from that kind of reduction. So that was rejected on a straight party-line vote. After, of course, there were lots of comments about this is a wonderful idea. It ought to be looked at. But no, we do not agree with that.

Those are the kinds of things that I think do boggle the mind to try to understand as to why they are not going to consider these kinds of cuts. And of course, the only answer they had was, well, the budget resolution is really just dollar amounts, you understand, it does not have any specific policies in it.

Well, policy is what get us to the numbers. We have said it over and over again, and it is time that we did that.

If I might just mention two others that my colleague from Connecticut and I worked on, the tough ones. These are not the easy things to do, but I think it is kind of the tough decisions that Republicans were willing to make. We would have raised the retirement age for civilians in the Federal Government to 62. As it is now, a Federal Government worker can retire at age 55 with the requisite number of years of work. This would have gradually, not immediately, but 1 year every 2 years, so that it would have taken 14 years to phase it in completely and would have raised it to age 62. By doing that, in the first 5 years, even though we would have only raised the retirement age 2 years, we would have saved more than $14 billion in 5 years. Twenty years out, 30 years out, we are talking about hundreds of billions of dollars of savings.

Is that reasonable? Of course the rest of the world is moving to raising retirement ages. Private retirement is 65, and the earliest you can get Social Security is 62. Why does it not make sense to gradually raise that retirement age to 62?

Mr. KASICH. If the gentleman would just yield on that point, and if the gentleman from Connecticut could get to the microphone as well, they talk about this thing, you know, and we talk about cuts. I mean what we are talking about here is a reform that over a 14-year period of time would phase the retirement, civilian retirement age up to 62. Do you want to know what, folks? This is going to happen. This is going to happen. They may vote us down, and they may reject this over and over again, but this is going to happen. And the gentleman from Connecticut has a vivid example of what happened in Connecticut with the retirement program up there, and I wonder if he might enlighten us.

Mr. SHAYS. If the gentleman will yield, I think it is extraordinarily important to recognize that in the private sector people do not retire at age 50 and 55. They certainly do not get cost-of-living increases And I think the reason why I was so supportive and cosponsored the amendment dealing with the retirement age and the cost-of-living increases is that it makes no sense for the private sector to work to age 65 so that a public employee can retire at age 55. And it certainly makes no sense to provide a cost-of-living increase for someone age 40 where by the time they are 55 they will be making more in retirement than they made when they were actually working, and yet still have a second job. And that in no way is to disparage public employees. We are grateful for public employees and their service, but your amendment, that was adopted by the entire Republican Budget Committee, was an amendment that made such logical sense because it took 14 years to move the retirement age from 55 to 62. So someone near the retirement age right now, if they were 50, or 49, would be able to retire before the age of 62. And it allowed them to recognize the fact that they were close to retirement age, but in the long run you were just talking about the savings in the next 5 years.

□ 1710

What about the savings to our country in the next 10, 20, 30, and 40 years by increasing the retirement age?

Mr. KOLBE. As I suggested, and as the gentleman correctly points out, after you phased this in completely after 14 years, your savings are going to be not in the neighborhood of the $14 billion we are talking about but tens and scores of billions of dollars, so the savings would be simply enormous by doing that.

Mr. SHAYS. If the gentleman would yield further, just to point out, we faced this same issue in the State of Connecticut where State employees could retire at age 50 and 55. We recognized we needed to increase that retirement age and did. If it is right for the State employees that we retire at an age closer to what happens in the private sector, it is right for Federal employees as well, and this is an area where the public is not hurt at all.

I think the public employees are providing their useful service by continuing to work, and we can take advantage of their talents and not lose them at such an early age.

Mr. KASICH. I would say to the gentleman that I want to yield to the gentleman to explain the second amendment. You know, people say that this is a tough thing to do. This is the right thing to do. This is about doing the right thing, not the political thing, the right thing. But, you know, what is funny is the right thing is the political thing. The right policy is the best politics.

I yield to the gentleman to explain the second proposal.

Mr. KOLBE. I appreciate the gentleman's comments.

I think that is exactly right. The second one deals with military retirement. I yield to no one in my defense of veterans. I am a veteran myself, having served in Vietnam. I represent a lot of veterans, a lot of active-duty military people, and I think the time has come for us to take a good, hard look at our military retirement system.

We would not change it. We would not change the military retirement system that allows someone to retire after 20 years of service or 25 years or 30 years. All we would do is say that once they retire they do not draw the cost-of-living adjustment every single year until they reach age 62.

Mr. KASICH. What percentage of those people who are drawing COLA's and retirement right now have second jobs, by the way?

Mr. KOLBE. The gentleman anticipated my next comment. Ninety-five percent of people who retire from the military go on to get another job and have another income.

So what is the logic, what is the logic of saying, "Yes, you are out there working, earning an income, and you are also going to be drawing a retirement that is going to increase every single year because of the cost-of-living adjustment?" So what we would do is say, "You can retire the same as before, and you did before, and you will get that retirement at the age of whatever age you retire at." Let us say you went in at 22 as an officer and you retire in 20 years at 42; you are going to have another 23 working years. But we say that at age 62 then you readjust your base, and you start drawing your cost-of-living adjustment from that point on. You lose nothing in your retirement years, because you get the cost-of-living adjustments thereafter based on a recalculated retirement income.

So it is a logical proposal, one that, again, recognizes the reality of what is happening today with people out there working a second job after they retire from the military.

It also is a matter of parity, because it says that those who draw Social Security can first draw at age 62; now, with our civilian retirement, they would be gradually raised to 62, and the military has a reason to have an early retirement, but they do not get the added retirement income until age 62.

With that, we could save another $5.5 billion over 5 years, but the savings in outlying years, a generation away, and for gosh sakes, it is time we started thinking a little bit longer into the future and thinking about that next generation; in the next generation, again, you are talking about not $5 billion, not $10 billion, not even $50 billion, but hundreds of billions of dollars.

Mr. KASICH. I ask the gentleman, when Ross Perot gets up and says, "Let us get under the hood and fix it," is he not talking about the programs of making the civilian retirees go from 55 to 62 like they do in his company? Is that not getting under the hood and fixing it just like he is saying?

Mr. KOLBE. The Budget Republicans got under the hood, and they had things that fixed it. We put in new spark plugs, we changed the oil, and we would fix this engine of Government. We would make it work and make it work efficiently and make it work right, and in a way that is fair, fair most of all to the American taxpayer, fair to those who are recipients.

Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. KASICH. May I ask the gentleman, because he was so eloquent in committee in explaining the different approaches just in a nutshell, the different approaches to Government that these two plans represent?

Mr. KOLBE. There is a very clear, difference that is represented by these two plans.

It is very obvious when you look at it, the Democrat plan is based on more taxes, more spending, and larger Government with ephemeral promises of spending cuts somewhere down the road, 3 years, 4 years, 5 years away, and very clearly this is the philosophy the Democrats over the years have expressed over and over again, that Government can solve the problems, Government can fix things, Government can make the economy work.

Republicans do not believe that. Republicans believe we should allow the private sector to work; we should allow people to make decisions about their own lives, their economic lives, their private lives. So we believe, and it is reflected in our budget proposal, that there should be no additional spending, there should be no additional taxes, there should be deficit reduction that comes with spending cuts. Cut spending first. It is as simple as that.

That is the difference in the philosophy between Republicans and Democrats.

Mr. KASICH. Mr. Speaker, I yield very briefly to the gentleman from Michigan who has been waiting very patiently to join, another freshman Member.

As I spoke to the gentleman from New Jersey [Mr. FRANKS], he said he was thinking about the freshmen doing a column talking about how we faced up to the hard choices and the Democrats ran the other way, and I said, "Why don't you just entitle it 'Lead or Leave?' "

I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from Ohio [Mr. KASICH] for yielding.

As a freshman member of the Committee on the Budget, it seems to me the overall questions is: Do we believe it is good for Government to spend more than we take in? You know, we have got American families out there right now that are having difficult times. They are cutting off the music lessons, they are saying, "Cancel the orthodontist."

If we believe there is any significance in the economists who suggest that when Government sucks up half of the savings of the private savings of this country with this kind of overspending, that money is no longer available to borrow to go to college, it no longer is available to buy a new home, and most importantly, it is no longer available to business.

So if we really believe that Government should live within its means, stop the credit card mentality, then we have got to move ahead.

Some have suggested that the Kasich plan, the Republican Budget Committee plan, goes too far, it really cuts into spending, and that it is going to hurt somebody someplace; well, again, if we believe that it is important, then just do it. We have got to do it.

In fact, I have even written a proposal that balances the budget in 5 years.

I would just like to conclude by saying that it is easy to be somewhat cynical looking at a Congress that perpetually spends more and more every year and we go into debt deeper and deeper, but after my association with gentlemen like the gentleman from Connecticut [Mr. SHAYS] and the gentleman from California [Mr. COX], and certainly the gentleman from Ohio [Mr. KASICH], the gentleman from Arizona [Mr. KOLBE], it has given me renewed vigor to do the kinds of things that I think are important, and that is to let the private-sector industry develop and expand by stopping Government from reaching into the pot of available money and stop overspending.

Mr. COX. Mr. Speaker, if the gentleman will yield further on that point, I think he is exactly right, that there is a fundamental here, a question of whether we want to spend more money than we take in.

Someone asked just a moment ago, and I think it was my colleague, the gentleman from Arizona, why is it that this happens, why do grown-up men and women chronically spend more money than they take in. Why is it that when Ross Perot asked us to open up the hood and look underneath and fix the spark plugs and change the oil that we are not competent enough to do that? I think the answer is that we are using bad economics, wrong economics. We picked the wrong Mr. Goodwrench to go under the hood.

We can show exactly why that is true. Our economic forecasts, the models that we use to measure the results of the policy choices we make here are chronically wrong.

They keep predicting improperly what is going to happen when we change taxes or when we change spending.

Let me give you a quick example: In 1990 we had the famous budget summit agreement when leaders of Congress and the administration went out to Andrews Air Force Base, and by the way, in an extralegal procedure way outside our budget law, they came up with a very substantial tax increase, and the whole budget agreement that caused President Bush no end of heartache.

It was predicted, as a result of the allegedly tough choices that were made in that 1990 budget agreement by the Congressional Budget Office, that in 1994, next year, the deficit would be down to $56 billion, and the following year, 1995, it would be down to $29 billion. They thought that the 1990 budget agreement and those big tax increases were going to produce smaller deficits.

Very recently, Dr. Reischauer, who runs the CBO, came before our Budget Committee and said, "I am sorry, but our model was wrong again. We were wrong by 880 percent. We now estimate that the deficit for 1995 is not going to be $29 billion as a result of that 1990 budget agreement, it is going to be $284 billion."

Well, do you think that they learned after repeatedly predicting improperly what is going to happen? The evidence is they do not. In 1990 they predicted that the deficit for what same year was going to be 92 percent smaller than it really was. They predicted that the budget deficit for the next year was going to be 95 percent smaller than it really was. They were off by 115 percent about this year's deficit.

□ 1720

For 1993, the current fiscal year in which we are at this time, they were off by 140 percent.

Well, this is the kind of consistent error that leads you to consistent policy mistakes.

I am here to tell you that Bill Clinton's numbers are wrong. We have been dealing with that budget proposal of his as if the numbers are honest, but we know that when you are off by 92, 95, 115, 140, and 880 percent in your forecasts year after year after year, there is something wrong with the way you are predicting the results of the tax increases that you are proposing.

When we raise taxes on the American people the way the Clinton budget proposes, we are going to find that several of them do not work at the same job, at the same pace, with the same reported taxable income that they would have otherwise. We are going to find that there is not as much savings left over, there is not as much investment and there is not as much economic growth which affects the tax base and permits us to get out of this deficit mess that we are in.

We find that what Bill Clinton mistakenly calls spending cuts are not spending cuts at all. $1.3 billion in spending cuts, according to Bill Clinton, are coming from the fact that he is not going to give Federal workers a raise next year. Only in Washington does this kind of economics make sense. I submit that that is why year after year after year we continue going back to the well with higher and higher deficits, and the Republican approach is much more sensible because it comports with real-world economics.

Mr. SMITH of Michigan. The fact is that politicians like to spend more than they like to cut. The American people are going to have to start giving us the backbone we need.

I yield back to the gentleman from Ohio.

Mr. KASICH. We have about 2 minutes left, and I yield briefly to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. I thank the gentleman for yielding. I would like to observe, not as a member of your committee, but I appreciate your giving me a little bit of time here; as a voice from the wilderness of the Armed Services Committee, let me mention one thing. The only area in which President Clinton is trying to cut is in the area of our military. If we would just think back, think about history, 1980, we were so dangerously low we could not even get spare parts for our vehicles. That was a $250 billion defense budget. What he is proposing for 1996 would be a $221 billion defense budget. That is not even talking about 1980 dollars. In reality, using 1980 dollars, that would be a $125 billion defense budget, which is one-half of what was too low in 1980.

Mr. KASICH. I appreciate the gentleman's contribution.

We are down to our last 30 seconds. I want to thank all the members of the committee for participating in this special order and in the whole process. We are going to hear a lot more about this in the next couple of days.

Just remember that if you are for more taxes, more spending, more Government, you got to go with Clinton. If you are for less spending, no new taxes and really reshaping and changing the Federal Government, you got to go with the Republicans on the House Budget Committee.

I yield back the balance of my time.

WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 60 minutes.

Mrs. MINK. Mr. Speaker, I am privileged to join my colleagues today in this special order to celebrate Women's History Month and to recognize the significant achievements and contributions women have made throughout our history in all areas of our society and culture.

Today, I would like to take this opportunity to honor an extraordinary woman of great integrity, courage, and strength.

I speak of Queen Liliuokalani, the eighth and last ruling monarch of the kingdom of Hawaii. A composer, scholar, philanthropist, and ruler, Liliuokalani was an extraordinary woman who was called upon to lead her people in extraordinarily difficult times. The strength and wisdom she portrayed during Hawaii's most turbulent era continues to inspire modern day leaders in the native Hawaiian community.

Lydia Kamakaeha Kaolamalii Liliuokalani was born in Honolulu on September 2, 1838, into a family of Alii, or high chiefs. Her mother was related to Kamehameha I, the first king who united the Hawaiian islands under a single monarch.

As was the custom of the day, she was adopted at birth by the High Chief Paki, to solidify loyalty and good will among the families. Throughout her childhood she was known as Lydia Kamakaeha Paki and was closer to her foster sister Bernice than any of her natural brothers and sisters.

Well educated at the missionary sponsored Royal School, Lydia was an avid student, mastering the English language and excelling in music and poetry.

In later years she described her childhood as light-hearted, merry and happy—a sharp contrast to the more difficult times that lay ahead for Lydia and her people.

Living among the royal circle and sharing the life of the court of Kamehameha IV and Queen Emma, Lydia gained valuable experience dealing with politicians in Hawaii and from foreign governments.

She accompanied Queen Kapiolani, the wife of Kalakaua, on a state visit to the court of Queen Victoria in England, traveling across the American continent by train to Washington where the royal party was received by President Cleveland.

Though she lived among the privileged Lydia was very cognizant of what was happening to the Hawaiian people during her lifetime.

As business interests grew in the islands, non-Hawaiians were taking more and more land for sugar, pineapple, and other lucrative industries, and vying for more political power to control the monarchy and eventually move the kingdom toward annexation with the United States. The Hawaiian people were losing control of their land, their country, and their own lives.

In addition to the loss of much physical property, diseases previously unknown to the Hawaiian were introduced by the new arrivals to the islands. They took a great toll on the native population. When Captain James Cook arrived in the Hawaiian Island in 1778, the Hawaiian population was estimated to be about 300,000. However, a century later, during Liliuokalani's lifetime the number had sharply declined to only 40,000.

Lydia's ascension to the throne began when her brother, Kalakaua was chosen to rule the islands upon the death of Lunalilo, or Kamehameha the IV. With no heir, Kalakaua designated his sister, Lydia, as heir apparent. From that time on she was known by her royal name, Liliuokalani.

As the future leader of the Hawaiian people, Liliuokalani felt it was necessary to visit the many villages across the islands that made up this tiny kingdom. She later wrote that she felt it was "necessary to make a tour of the islands to meet the people, that all classes, rich and poor, planter or fisherman, might have the opportunity to become acquainted with the one who some day should be called to hold the highest executive office."

Perhaps it was during her encounters with the people of Hawaii that she truly realized the fate that had befallen her people.

Liliuokalani became Queen on January 29, 1891, upon the death of her older brother King Kalakaua. She was 52 years old.

By the time she became Queen, the Hawaiian monarchy had been reduced to nothing more than a ceremonial figurehead by the passage of the "Bayonet" Constitution in 1887.

It was during the reign of her older brother, Kalakaua that a group of 13 caucasian businessmen, known as the Committee of Safety, forced the King to sign a new constitution which diminished the power of the monarchy, ousted his appointees and established a ministry that was responsible to the legislature and not the King.

In addition a law was passed requiring voters to earn incomes of $600 a year or own $3,000 worth of property which barred many Hawaiians from voting and allowed newly arrived Americans and Europeans to vote, further reducing the influence of the Hawaiian people over their nation's political life.

Upon taking the throne, Liliuokalani was determined to restore power to the monarchy and to the Hawaiian people. She aligned herself with a group of about 3,000 Hawaiian politicians who had begun a campaign during the reign of Kalakaua for a constitution that would return the monarchy its sovereign powers.

Two years later, on January 13, 1893 the Hawaiian legislators were able to oust the cabinet, the first step necessary to restore power to monarchy. The Queen quickly appointed her own cabinet and drew up a new constitution which would restore power to the monarchy the only way to lessen the influence of the outside businessmen and give the native Hawaiian a voice in their government.

Just as quickly her opponents led by the 13-member Committee of Public Safety, which represented various American and European planters, missionaries, and business people organized to block the Queen's new constitution by making plans for the formation of a provisional government and ousting the monarchy altogether.

The Committee of Public Safety gained the support of the United States Minister, John L. Stevens. On January 16, 1893, Minister Stevens called upon American troops from the navy cruiser U.S.S. *Boston* to land in Honolulu and keep close watch over Iolani Palace.

On January 17, 1893, the Committee of Safety proclaimed the abrogation of the monarchy and the creation of a provisional government and the intention to apply for annexation to the United States.

Liliuokalani was faced with a grave decision—oppose the Committee of Safety and risk bloodshed among her people, or abrogate her throne.

Later that day, Liliuokalani under protest yielded her authority to the provisional government. She believed that once the U.S. Government realized the injustice that had been committed by the Committee on Safety and Minister Stevens, her country would be rightfully returned to the Hawaiian people.

Queen Lili'uokalani:

To President Harrison, after yielding her throne (Jan 19, 1893):

"It is with deep regret that I address you on this occasion. Some of my subjects, aided by aliens, have renounced their loyalty and revolted against the constitutional government of my Kingdom. They have attempted to depose me and to establish a Provisional Government in direct conflict with the organic law of this Kingdom. Upon receiving incontestable proofs that his excellency the minister plenipotentiary of the United States aided and abetted their unlawful movement and caused United States troops to be landed for that purpose. I submitted to force, believing that he would not have acted in that manner unless by authority of the government he represents.

"This action on my part was prompted by three reasons, the futility of a conflict with the United States, the desire to avoid violence and bloodshed and the destruction of life and property, and the certainty which I feel that you and your government will right whatever wrongs may have been inflicted upon us in the premises . . ."

Unfortunately, she was wrong. Liliuokalani was arrested and brought to trial by the provisional government. She was imprisoned in her home and finally she was forced to sign a formal abdication statement on January 24, 1895.

Liliuokalani was the most influential woman in Hawaiian history, and a woman of great importance in the history of the United States. Her legacy lives on today. As the last monarch of a lost kingdom, she has become a symbol of a revived movement in Hawaii for sovereignty and self-determination for the native Hawaiian people.

History books should include a chapter on our Queen Liliuokalani.

Mr. Speaker, I insert for the RECORD at this time a congressional resolution designating the month of March 1987 as Women's History Month.

WOMEN'S HISTORY MONTH

Whereas American women of every race, class and ethnic background helped found the Nation in countless recorded and unrecorded ways as servants, slaves, nurses, nuns, homemakers, industrial workers, teachers, reformers, soldiers and pioneers;

Whereas American women have played and continue to play a critical economic, cultural and social role in every sphere of our Nation's life by constituting a significant portion of the labor force working in and outside of the home;

Whereas American women have played a unique role throughout our history by providing the majority of the Nation's volunteer labor force and have been particularly important in the establishment of early charitable, philanthropic and cultural institutions in the country;

Whereas American women of every race, class and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor union movement and the modern civil rights movement; and

Whereas despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the body of American history:

Now, therefore, be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March, 1987, is designated as "Women's History Month", and the President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

Mr. Speaker, at this time I yield to the gentlewoman from Arizona [Ms. ENGLISH].

Ms. ENGLISH of Arizona. Mr. Speaker, I thank the gentlewoman for yielding, and I rise today in celebration of Women's History Month.

Mr. Speaker, in a time when we are recognizing the accomplishments of women, I would like to acknowledge a woman who made a significant contribution to the improvement of the health and welfare of the Navajo people.

Annie Dodge Wauneka, the legendary Mother of the Navajo Nation, is perhaps best known for her work to combat the effects of tuberculosis on the Navajo Nation. Also notable among her accomplishments was her election in 1951 to the Navajo Tribal Council, the governing body of the Navajo Nation. Ms. Wauneka was the first woman elected to such a position and remained the only woman throughout her 28-year tenure on the council.

Her political career was shaped at an early age as she traveled the reservation to attend political meetings with her father who was the chief of the Navajo Nation. Born in 1910, Ms. Wauneka was educated in boarding schools hundreds of miles from home. Upon her return to the reservation, she married and raised six children while assuming responsibility for her father's vast land and livestock holdings.

Upon her election in 1951 to the tribal council, Ms. Wauneka broke a centuries-old tradition that women stayed home and managed the family and home while men were charged with tribal governance. Rather than let this fact intimidate her, she approached her new position with zeal.

In 1953, tuberculosis was ravaging the Navajo Nation. Knowing little more about the disease than that it was killing her people, she worked tirelessly to convince those affected to seek treatment, even though to the Navajo, a visit to the hospital was thought to mean certain death. She transported doctors from home to home across the 25,000-square-mile reservation in a horse and buggy. Through her efforts, hundreds of deaths from TB were prevented.

As a result of her work on the reservation, Annie Dodge Wauneka was presented the Medal of Freedom by President John F. Kennedy in 1963. She was one of the first recipients of this award.

Internationally, Annie Dodge Wauneka is known for her integrity and her compassion. In some circles, she is known as the Mother Teresa of American Indians. Throughout her life she has been recognized for her achievements, including such honors as Arizona Woman of the Year in 1958 and she was bestowed in 1972 with a doctor of humanities, honoris causa, an honorary degree from the University of Albuquerque in New Mexico.

It is only fitting that today as we recognize the accomplishments of women throughout history, we include Annie Dodge Wauneka among those women who have made significant contributions to the lives of others.

□ 1740

Mr. Speaker, it is my great pleasure now to yield to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I want to thank the gentlewoman from Hawaii [Mrs. MINK] for this wonderful initiative, for the time she has taken to help us to think about what women have meant to other women who are struggling even now for their full place in our society, and, when the gentlewoman invited us to design our remarks around a role model, I did not have to think long. Immediately there came into my mind a woman who I regard as one of my mentors. Her name is Fannie Lou Hamer.

Fannie Lou Hamer had 6 years of education. I have a law degree and master's degree, and yet it is Fannie Lou Hamer who taught me and mentored me even though I do not believe that she understood or particularly believed that she was a mentor. It was not a word in Fannie Lou Hamer's vocabulary.

I met Fannie Lou Hamer as a law student when I was part of the Student Nonviolent Coordinating Committee in the Deep South.

Who is Fannie Lou Hamer? Why should she mean anything to women or to anyone in this Chamber?

Fannie Lou Hamer is dead now. She died of cancer in the 1980's. She was the youngest of 20 children born in the Mississippi Delta, loved it to her dying day, one of the great stories of the civil rights movement of any race, of any gender.

I say to my colleagues, if you were to remember her for her stated accomplishments, you would have to remember that she helped form the Delta ministry, the community development program in the Delta of Mississippi. But she would probably be most remembered for cofounding the Mississippi Freedom Democratic Party.

I ultimately became associated with that party that simply wanted to be a part of the Democratic Party. I helped write the brief, and Fannie Lou Hamer and others from Mississippi came to Atlantic City in 1964 to say to their party: "Open the party to everybody. We are Democrats. We want to be Democrats."

Ultimately a compromise was reached to allow two members of the delegation to sit. The challenge was to the Mississippi delegation itself. What was won, however, was a pledge from the National Democratic Party to seek delegations that included black delegates, and that, I might add, has become a bipartisan pledge because, as a result of the work of the Mississippi Freedom Democratic Party and Fannie Lou Hamer, no political party in the United States will ever exclude people based on race again. Indeed, Fannie Lou Hamer came as a delegate 4 years later, in 1968, to the Democratic National Convention in Chicago.

Fannie Lou Hamer was, in my estimation, the mother of all role models. The best role models are those who do not try to become, or pretend to be, or hold themselves out to be. I first met her in 1963 when I was sent to fetch her from a jail in Winona, MS, having just arrived fresh, bushy-tailed and wide-eyed from law school in the Delta at a time when, to say the least, it was one of the closed parts of American society. Fannie Lou Hamer had come home from a conference, gone into a bus station to use the facilities, and promptly had been arrested. They then proceeded to beat Mrs. Hamer, as was the custom in the Mississippi of the day. Lawrence Guyot, who now lives here in the District of Columbia and was then a SNCC member, went the 9 miles to get her, and they put him in jail and began to beat him, too.

Here comes ELEANOR HOLMES NORTON, then Eleanor Catherine Holmes from Washington, DC, sent down to try out a version of the Freedom Schools for which the summer of 1964 was to become known in history. This, of course, was 1963.

Law student that I was, I inquired before I went over of the nearby police chief of the matter and indicated to him that I had phoned everybody in the North. They knew I was going, and I did not intend to be jailed. I asked him to call over to Winona to tell him I was coming. The long and short of that was, unlike Fannie Lou Hamer, I was not beaten, and we got her out of jail.

□ 1750

She became a legend and is in the class of Harriet Tubman, Sojourner Truth, and of Mary McLeod Bethune. She is at one with Jane Adams, Margaret Sanger, and Eleanor Roosevelt. As an inspirational speaker, she was in a class with Martin Luther King, Jr., himself. She worked in the cotton fields for 18 years until SNCC came into Mississippi. She was old enough to be our mother, but she decided she wanted to go to vote too, particularly since the literacy test was the reason that blacks could not vote in the delta.

As a matter of fact, the plantation owner where Fannie Lou Hamer had begun working before she was 6 years old recognized by the time she was 6 that she could read, and she became a timekeeper on the plantation. So Fannie Lou Hamer knew she could read and went to register.

When she registered, the man who owned the plantation where she was a sharecropper said to her that she must either withdraw her registration or leave the plantation. That was no Hobson's choice for Fannie Lou Hamer. After 18 years, knowing how to do nothing but pick cotton, or so she thought, she left the plantation, she and her husband.

What they endured for the years following was nothing short of terrorism, on and off, sometimes in the day, sometimes in the night. This woman of little schooling was a lady of very great talent, analytical, oratorical talent, with the ability to somehow make us understand where we must go. She was a woman of great love, however; always profoundly black, always reaching out to the poor whites in her native Sunflower County.

Indeed, the ultimate vindication of Fannie Lou Hamer's life is the cooperative farm where she started to raise animals and vegetables for the poor blacks and poor whites in Sunflower County. Fannie Lou Hamer lived to see what I thought I would never see, and that is that her native town, Ruleville, MS, actually declared a Fannie Lou Hamer Day. Blacks and whites in the Mississippi Delta who had lived together and lived apart all of their days gathered round this extraordinary woman. That she lived to see it is what is most important.

She stood for strength and humor and love, and the most determined honesty. She is remembered for her extraordinary speech on the floor of the 1964 convention declaring that she was sick and tired of being sick and tired. So all over America today people are heard to say they are sick and tired of being sick and tired. Not all of them, however, come in the spirit of Fannie Lou Hamer who paraphrased the words of John F. Kennedy one day and said, "Ask not what your movement can do for you; ask what you can do for your movement."

So for those who did not have the great and enormous pleasure of seeing or knowing Fannie Lou Hamer, understand how she would have approached the predicament of women and of people of color today. Not in hatred, ever. She was a woman of profound love. Not with finger pointing. But with that extraordinary skill that somehow brings your adversary to you. Would that there were more Fannie Lou Hamers in the America divided by race, that seems to have lost that magic moment in the 1960's when we all believed it could be one people, one Nation. We have got to get back to that, even without Fannie Lou Hamer, with only her indomitable spirit and memory.

Fannie Lou Hamer will be remembered as long as the civil rights cataclysm of the 1960's is remembered. She will be remembered for running to sit in this House of Representatives as an active protest. She was not even allowed on the ballot. She will be remembered for sitting in that balcony when she challenged the delegation from the State of Mississippi. That delegation, now more than most in this country reflects, finally begins to reflect, what Fannie Lou Hamer stood for. The Mississippi Democratic Party that excluded her is now the most integrated Democratic Party in the United States of America. Mississippi has sent a black man here who served on the same committee with the dean of the delegation, Mr. WHITTEN.

I am sorry that Fannie Lou Hamer did not live to see that, for that indeed was her goal, even as she challenged the Mississippi delegation in this House.

So much that Mrs. Hamer stood for has indeed come to pass. When we are demoralized and believe that somehow the progress that we knew in the 1960's and 1970's cannot return, much less be improved, we ought to remember where we started, and particularly where women like Fannie Lou Hamer started—nowhere, with nothing.

Fannie Lou Hamer will be remembered always for a principled ideology that was never faddish, always encompassing all people, yet profoundly militant, rooted in the necessity of struggle.

I shall always remember her for the song she used to lead us in in the churches of the South where we would gather every night to sing, to pray, to plan. Near the end of every night meeting the time would be reserved for Mrs. Hamer, and she would rise to somehow sum it up and pull it all together. What a speech she could have made in this House of Representatives.

At the end of these extraordinary speeches, full of love, full of struggle, somehow with a perfect balance between the two, after she had finished what she had to say, after we had been brought to our feet with the inspiration that she had to give, she would break out into what became her theme song.

Fannie Lou Hamer we remember. Every time we sing it, anywhere the tune is heard in America, we shall remember you. "This little light of mine," she used to sing, "I am going to let it shine, let it shine, let it shine, let it shine."

Mrs. MINK. I thank the gentlewoman for her contribution. I certainly remember much of Fannie Lou Hamer's history, and I wish that all the children in the classrooms across America could have heard the gentlewoman present this magnificent history of this enormously important woman in the life of America, in our current life in America, and I thank the gentlewoman very much for those words.

I would like to yield to the gentlewoman from Washington [Mrs. UNSOELD], my distinguished colleague on the Committee on Education and Labor.

Mrs. UNSOELD. Mr. Speaker, I appreciate the gentlewoman yielding to me. I am particularly grateful she has given us the opportunity to acknowledge and pay tribute to Women's History Month.

Mr. Speaker, it is particularly fitting that we acknowledge the role that women have played in history in this year, as there is history being made with the number of women serving in the U.S. Congress and in the Senate.

□ 1800

Rather than bring attention to a particular woman, I would like to talk about some of the women who have gone before us and particularly in my own State of Washington, which has made some history of its own this year with the large number of women elected to public office. But it is those women who preceded us that have made it possible for us to play this role at this time in our Nation's history. But it was not always so. It was not until 1889, Mr. Speaker, in our State that the constitution of the State of Washington was amended to allow all people, men and women, to vote in a school election regardless of sex.

In 1896, an amendment to the constitution had said that all male persons of the age of 21 years or over possessing the following qualifications shall be entitled to vote at all elections. But 3 years later, women were only allowed to vote for school elections. And it was not until 1910 that all persons of the age of 21 years or older were given the vote.

During the first 30 or 40 years of Washington Legislatures, it was not only difficult for a woman to be elected, but impossible for her to take an effective part in the legislative process.

As we are all familiar with, the fate of most legislation is decided in committee. And until 1972, in the State of Washington, when committee proceedings were finally opened up to the public and to the press, all committee proceedings were held in secret. And in the early days, leadership saw to it that no woman member was appointed to a committee of any importance. If she were lucky, she might find herself assigned to the committee on public morals or the committee on drainage, dikes, and ditches, which was never known to have a meeting.

This dilemma was summed up by one of the most determined of the early women legislators, Maude Sweetman, who served four terms in the house of representatives from 1923 through 1929. She published her experience in a little book called "What Price Politics?". In it she described her efforts to win a significant committee assignment.

During her third term, there were only 11 members of the house who were senior to her. It had always been the custom in Washington State, as it still is today, to appoint members of the all powerful rules committee on the basis of seniority, and since the committee had 15 members, Mrs. Sweetman felt that she was entitled to a seat on it.

Now, at that time the house was controlled by two powerful veteran legislators. One was the head of a timber company, and the other, a fishpacker who had gotten his start shanghaiing crews aboard the sailing ships on Puget Sound.

When Mrs. Sweetman approached one of them, he told her, "You wouldn't like it on the rules committee. We put our feet on the table, and we smoke and we cuss and we call a spade a spade."

The press reported that "Many of the male representatives feel that Mrs. Sweetman should be happy to have a seat in the House at all, without hankering after the softer chairs of the Rules Committee."

When she remained firm in her demands, the house leadership cut the rules committee from its traditional 15 to 9 members. Soon after, she gave up the legislature in disgust.

About the same time, Rebecca Jan Hurn was the first woman ever to be elected to the State senate. Miss Hurn was a member of the Central Methodist Church in Spokane. Incidentally, she had a law practice in Spokane starting in 1913 and was elected to the senate in 1923 and served two 4-year terms.

A poll was taken in her district by her friend and campaign manager, Miss Fannie Ackley. The question was asked, "Would you vote for a woman?" Some of the answers that were given:

"I'll never vote for a woman. The Bible says we shouldn't."

"I don't think it is nice for women to sit in a hall where men smoke and drink and swear."

"Nope. God made women for the pleasure of man, not for politics or business."

Miss Ackley also asked whether a woman's brain or refining influence might not have a beneficial influence on politics. Here were some of the answers:

"Maybe they are smarter than men and the Lord knows they are more honest, but I'd never vote for a woman."

"I won't vote for a woman because women should stay at home. If women are not married, they should get married."

When informed that Miss Hurn's opponent was a bachelor, the man returned, "Well, if a man doesn't want to get married, that's his business. That should not be held against him."

Miss Hurn, in her statement of why she wanted to be a member of the State senate, said: "I am qualified for this position, have a right to run for it, and I am in the race. The fact that Washington has not as yet elected a woman to the State senate should not mean it never will."

A real pioneer in our history, and we owe so much to women like Senator Hurn.

In the 1930's, there were women like Belle Reeves, who subsequently served with distinction as secretary of state; Pearl Wanamaker, who was one of the State's outstanding superintendents of public instruction; and Julia Butler Hansen, who retired in the 1970's from her position as chairman of the transportation committee. She has to be the woman of achievement in Washington politics. She served with distinction for 22 years and lost a bid to become the first woman speaker of the house by a single vote. She went on to become one of the most powerful forces in the U.S. Congress and held the same seat that I now occupy some 20 years ago.

Hansen gained the respect of her fellow legislators through her expertise in a field that even to this day is considered by many to be a man's field: transportation. She did more to build Washington's highway system than anyone else.

Another woman who served in the house for 12 years, from 1949 to 1961, was Eva Anderson, representative from Wenatchee. Mrs. Andy, as she was affectionately called, encouraged women to take an active role in politics, campaigning, and to get out and be involved. She urged women to use their rights—to vote and serve on juries. She set up the first adult education program in the State. In her six terms in the legislature she emerged as a tall person in Olympia. She grew with the job and her enthusiasm spurred others to action.

With the coming of open meetings and public disclosure laws in our State, women really became a force in Olympia. It was through participation in good government proposals that many of today's women officeholders served their apprenticeships.

And today, Mr. Speaker, the State of Washington is first in the Nation for the percentage of women serving in the State legislature. We have 38 women out of 98 in the house of representatives and 17 out of 49 in the State senate.

Mr. Speaker, I want to thank, again, my colleague for celebrating women's history. And let us thank the women and men of this country who have helped, through their vote, to give us the opportunity to participate in history in the making.

Mrs. MINK. Mr. Speaker, I thank my colleague for her contributions and, like perhaps a few left in the House of Representatives, I personally have very strong, vivid memories of Julia Butler Hansen and her remarkable personality, which just permeated all the work that she did.

She was a tremendous leader. I came at a time when Julia was already here, and we made up a team of eight women Members.

Mrs. UNSOELD. I bet you were a powerful group.

Mrs. MINK. Those were the days.

That brings me to conclude this special order by noting that times have changed in the House. When I came, as I said, there were only eight Members, female Members. Today there are 48.

□ 1810

In going over the list of women Members of the House, I would like to point out that 27 States have at least 1 woman Member. That is a significant step forward, considering where we were just a few months ago.

California, of course, has the most Members with seven, and Florida and New York with five Members. We are making history, and I would hope that as the years go by, and as the country continues to celebrate March as Women's History Month, that many of the leaders that are beginning their tenures as new Members of Congress will be noted for their tremendous contributions to the policies and the direction that we hope this country will take, a much more humane, compassionate, caring country that devotes its energies to the human needs of our society.

I am confident that as more women join this institution, that those are the directions that women will lead us toward.

I noticed coming to the floor a Member who has been waiting here for hours previously and now has joined us. I yield to the gentlewoman from California [Ms. WOOLSEY], my colleague on the Committee on Education and Labor and the Committee on the Budget, who has already made a mark on both committees.

Ms. WOOLSEY. Mr. Speaker, I am proud that I was chair of the Sonoma County Commission on the Status of Women in Santa Rosa, CA, when Women's History Week was created. Our intention was to give both male and female students and their teachers a real appreciation for the contributions and accomplishments of American women in the building of this Nation.

Mr. Speaker, I would like to take a moment here to recognize the women who were part of the Sonoma County Commission on the Status of Women, and who were the real mothers of this idea: Molly Murphy MacGregor, Bette Morgan, Evelyn Truman, Beverly Homan Trynn, Mary Ruthsdotter, Nancy Belden, Paula Hammett, Bonnie Eisenberg, Roberta Hollowell, and Barbara Tomin.

The women's history project was a great success in Sonoma County and through these same women's efforts, was soon repeated in school districts throughout the country.

Later, in 1980, the National Women's History Project, a nonprofit business, was founded in my district, in Santa Rosa. Its goal is to promote women's history functions and provide women's history posters, books, videos, and curriculum materials to schools nationwide.

By 1987, the entire month of March was recognized by Congress as National Women's History Month, and special programs, supported by the National Women's History Project, have been organized by libraries, museums, Federal offices, military bases, schools, and community groups in small towns and large urban centers from coast to coast to celebrate the place of women in history.

Mr. Speaker, I am tremendously proud of my friends and colleagues from Sonoma County who have reclaimed women's history for our country.

Mrs. MINK. Mr. Speaker, I thank the gentlewoman from California for her contribution, and want to commend her for leading the country and initiating the first celebration of National Women's History Week. I had no idea she had such a prominent role, and it was really as a result of the success of her project there in Sonoma County that we now have a national celebration. I really want to commend the gentlewoman for her early pioneering efforts in this way.

Mr. Speaker, I would like to also thank my colleagues for their participation in this special order, and for their patience in waiting out the time for this to take place.

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, in honor of Women's History Month, I wish to share with the citizens of the United States the story of the Sewing Circle, a group of 10 women from Montgomery County whose dedication and generosity helped our soldiers during World War II and whose friendship remains today. As a reporter, I covered the Sewing Circle women and was impressed by the strength of both their commitment to the community and to each other. During World War II, they spent much of their time sewing for the Red Cross at Einstein Hospital in northeast Philadelphia. Their friendship stood the test of time, and they continue to meet every Tuesday.

Today, only four of the members of the Circle are still with us: Ruth Myers, Rose Ettelson, Dorothy Bennet, and Sajie Stein, all in their nineties. Sarah Blanckensee, another Sewing Circle member, recently passed away. This is a tribute to Sarah and to all of the members of the Circle; their love for one another and for our great Nation stands as a testament to the strength of women throughout the ages.

Mrs. LOWEY. Mr. Speaker, I rise today to join in this recognition of Women's History Month and to reflect on the accomplishments of Caroline Love Goodwin O'Day, the other Congresswoman from Rye, NY. She served in the House of Representatives with distinction from 1935 to 1943. Her portrait hangs in a place of honor in my office.

Caroline O'Day began her service to this country even prior to taking public office in 1935. As a member of the board of directors of Lillian Wald's Henry Street Settlement on the lower east side of Manhattan, O'Day worked on improving the lives of inner-city residents. As a supporter of organized labor, she was a member of a commission to create a minimum wage scale for laundry workers. She was also an active member of the Women's International League for Peace and Freedom, an organization which grew out of the National Women's Party.

While in Congress, Representative O'Day continued her support of the labor movement as a champion of President Roosevelt's New Deal programs and was an advocate of prolabor legislation, specifically legislation affecting the rights of children.

Unfortunately, many of the problems Representative O'Day struggled to overcome in the 1930's and 1940's continue to plague our Nation today. As we take this month to reflect on the accomplishments of American women, I look to Representative O'Day as an example of what one woman can achieve. Let us all resolve to continue her efforts to work toward the development of a nation and a world free of poverty and hatred, with real promise for equality and prosperity.

Finally, Mr. Speaker, let us not forget this month's unsung heroines. They are the women who inspire us and protect us—mothers, daughters, friends, mentors, and teachers—each with her own contribution to our history. With every lesson and through every encouragement, they have helped to inspire and shape this Nation.

Ms. VELÁZQUEZ. Mr. Speaker, I am honored today to be here in celebration of Women's History Month to highlight the achievements and contributions women have made throughout history. As I look at this Chamber, I am extremely proud to be a member of the freshman class that has ushered in so many women of various ethnic backgrounds. Although we are representing distinct communities across the Nation, we all want to come together to promote the rights of women. I therefore would like to take this time to celebrate Women's History Month by recognizing the significant change that has taken place in this country with the influx of new female Members of Congress.

As women we always have to prove ourselves in a skeptical male world. I am sure that many of my colleagues will relate to the experiences that I have had throughout my life, both personally and professionally. As we walk down the street to our places of employment we have to contend with the lewd stares from men who see us as nothing more than objects. Then we must walk into our jobs and face the prospect of not being taken seriously by our male colleagues or dismissed as just another group of women whining for what we want.

As women we have to prove that we can be effective leaders, that we can make difficult decisions and stand firm in those decisions, that we can be tough in negotiations, that we will not shrink in debate or allow ourselves to be shouted down, and that we will not wince at confrontation.

It is with this conviction that women across the country became determined to be heard and speak out against violence and injustice, and in favor of legislation that would change our lives for the better. It was the combination of those women who felt motivated to run for office and those who voted for them that helped to bring about a significant change in the Congress and the White House. The November election ushered in so many women from diverse backgrounds, and we are now larger in number and can effectively focus on the needs of women today.

We now have a President in the White House that has placed women's issues on the front burner. We have also been fortunate to be given a role model for our children, First Lady, Hillary Rodham Clinton, who time and time again proves that a woman can be successful and tough in business and be a caring mother and wife for her family. Hillary Clinton has been an advocate of children's rights and has withstood all criticism—from inane Washington Post Style section comments on her clothing to her unprecedented involvement with health care reform. Her ability to move forward in the face of adversity sends a positive message to women around the country.

Just as we have elected a President that has placed women's issues on the front burner, Congress has recognized the needs of women, particularly in the areas of health and in the workplace. We have passed and the President has signed into law the Family and Medical Leave Act, which provides up to 12 weeks of unpaid leave for the care of a newborn child or for a family illness. We have also passed the National Institutes of Health reauthorization bill, which includes funding for breast and ovarian cancer, and special provisions to include women and minorities in clinical research trials. And the President has lifted the restrictive gag rule that threatened access to family planning clinics for many low-income women across the Nation.

Despite these triumphs for women in Congress and the White House, despite our empowerment and the fact that we have overcome so many obstacles, we still are not safe on the streets of our cities. This is why we must continue to struggle, we must continue to fight for our fundamental right to be treated as equals in our society. We have come too far to have our needs shoved back into the closet and away from national attention.

Ms. PELOSI. Mr. Speaker, I rise today in honor of Women's History Month to celebrate the achievements and contributions women have made throughout history. I would also like to thank Congresswoman PATSY MINK for organizing this special recognition for women's contribution to the history of our country. It is very important that women's contributions of whatever proportion be recognized.

Today, I would like to pay a special tribute to an extraordinary woman in the history of our country, Jeanette Pickering Rankin, the first woman Member of Congress. I salute Jeanette Rankin not only as the first woman Member but also because she was a woman before her time. She worked to secure the right to vote for women and then served two separate terms in the U.S. Congress. She was a devoted advocate of the peace movement and was the only Member of Congress who voted against both World Wars. I admire her courage to follow her convictions and speak her mind. She was forward thinking and determined in the face of very daunting odds.

As a woman Member of the House of Representatives, serving with the largest delegation of women Members ever, I am proud and honored to follow in her footsteps and be a voice for other women. It is my hope that with the women Members working together, we can achieve goals and dreams that Jeanette Rankin never thought possible.

Ms. SCHENK. Mr. Speaker, I thank my friend and colleague, Mrs. MINK, for organizing this special order this afternoon to pay tribute to women in U.S. history who paved the way for many of us, and to whom we owe a great debt.

As a Congresswoman from southern California, I could not have come of age in politics without being aware of and in awe of a great lady of our not-so-distant past, Helen Gahagan Douglas. Helen Gahagan Douglas represented the 14th Congressional District of California from 1945 to 1951 but remained in the public eye until her death in 1980.

Helen Gahagan Douglas first became known to the world as a beautiful, glamorous, talented actress who could light up the stage with her presence. Later, as a Congresswoman and an ardent supporter of the New Deal, she became known as the woman who lost to Richard Nixon in one of the most celebrated and vitriolic U.S. Senate campaigns in American history. Today, when the name of Helen Gahagan Douglas is mentioned, the most common response is "Didn't she run against Richard Nixon for the Senate?" But there was so much more to this outstanding woman. There is so much that we can celebrate during this week of honoring important women in history.

Helen Mary Gahagan was born on November 25, 1900, in Boonton, NJ, raised in the Park Slope section of Brooklyn, and attended boarding school in Massachusetts and Barnard College in New York City. Against her family's wishes she pursued her interest in the theater and had a marvelous career on Broadway, where she met and married the actor Melvyn Douglas.

She became a believer in the policies of the New Deal when on a cross-country tour in 1932 she saw firsthand the desperation of the migrant workers of the late Depression era. This marked the advent of her political ideology.

Years later she became politically active after a concert tour of Central Europe in the late 1930's. That tour brought her face to face with the full force of European fascism and naziism. She came back to the United States determined to make a difference and involved herself slowly in grassroots circles of the Democratic party in California.

In 1944, Mrs. Douglas ran for the congressional seat in Los Angeles vacated by retiring Representative Thomas F. Ford. During the race she was quoted as saying:

> I am interested in politics because of deep convictions that government is just what you make it. If you are not interested, and do nothing about it, you have no right to complain about what your government does.

Mrs. Douglas ran a grassroots campaign, and won.

After her election to Congress in 1944, representing the 14th Congressional District, she earned a rare freshman appointment to serve on the House Foreign Affairs Committee where she was an ardent supporter of the United Nations, the Marshall plan, and the independence of the Philippines. She was appointed by President Truman as alternate delegate to the U.N. Assembly in 1946. In domestic affairs she sponsored legislation protecting the consumer, working people, women, children, and the home.

She continuously fought for minorities, for the disadvantaged and the disenfranchised, for the rights of the people and against the rights of the powerful. Her liberalism won her as many ardent supporters and fans as it did enemies.

She was too liberal for some Democrats of her time. To the wealthy she was a liberal traitor to her class, to the Communists she was a social Fascist in her vigorous support for the Marshall plan. The Jeffersonian Democrats fought against her, and the Daughters of the Confederacy hated her defense of black soldiers during World War II.

She was a strong opponent of the McCarthy era anti-Communist efforts. She was one of only 17 Members of Congress to vote against contempt citations for the Hollywood 10, writers and entertainers who refused to answer allegations about Communist Party activism.

In response to allegations that she was a Communist sympathizer, she delivered on the House floor a speech she entitled "My Democratic Credo," which asserted that communism was not a serious threat to American democratic institutions but demagoguery and false charges were. How prescient she was.

In 1950, Helen Douglas and Richard Nixon, both Members of the House of Representatives, ran for the U.S. Senate seat vacated by retiring U.S. Senator Sheridan Downey. It was a campaign in which the Nixon forces labeled Mrs. Douglas "The Pink Lady," and published her liberal voting record on a pink circular, deliberately misrepresenting her record as being far more left than the Democratic majority. It was a nasty, innuendo-filled campaign designed to win in those Red-baiting days, and it left a long-lasting impression on the Nation's consciousness. Helen Douglas lost the election, but Nixon earned a reputation that stayed with him throughout his political life.

The 1950 Senate race marked the end of Helen Gahagan Douglas' political career, but she remained active in politics supporting Democratic candidates and humanitarian causes. She returned to the theater occasionally and became a lecturer and an author.

Decades later she was still remembered for her failed Senate race in 1950. When the Watergate scandal erupted over the Nation, she was given renewed attention by the media. When asked to reflect on the Senate campaign, Mrs. Douglas consistently refused to criticize Nixon for the excesses of that 1950 race. However, in 1974 she did voice her support for the impeachment efforts. Still, more than two decades after the fateful race of 1950, bumper stickers were seen in California that read "Don't blame me—I voted for Helen Gahagan Douglas."

Upon her death from cancer on June 28, 1980, the Philadelphia Inquirer wrote of her,

> As a gifted actress, sensitive politician and indomitable, caring person, Mrs. Douglas was an inspiration to all who were fortunate to come in contact with her * * *. Cancer wasted [her] body, but could not weaken her spirit. She leaves us the example of her talented gracious life and the words she often uttered when refusing to criticize Mr. Nixon for the excesses of his 1950 campaign. "One must always look to the future," she would say, "not the past."

That was Helen Gahagan Douglas.

Ms. ROYBAL-ALLARD. Mr. Speaker, it is an honor to join my colleagues in celebrating Women's History Month.

Today, and throughout the month of March, we salute mothers, wives, and grandmothers, women from the business sector, health care providers, teachers, musicians, homemakers, laborers, child care providers, and sisters from all walks of life and all cultures and ethnic backgrounds who, with a common goal of a quality of life for all, have in their own way made a difference in their communities and toward the betterment of our country as a whole.

Throughout the United States, women are role models representing the very meaning of Women's History Month.

They represent the rich heritage of women's contributions, the courage that women have demonstrated throughout history, and the struggle that women have overcome. In my own district, Juana Guttierez, Aurora Castillo, Bernadette Nishimura, Mary Guerrero, Lily Okamoto, and Lula Meschack, are examples of the strength and courage of which I speak. They, as women everywhere, are living examples of womens' ability to balance their family, personal, professional, and community commitments. They do this voluntarily, unselfishly, and in an outstanding way. They are dedicated to a better quality of life for all in this society. Through their unique life experiences, women bring new perspectives and ideas to policies and decisions impacting all of our lives.

With 46 percent of the working population being female, we must all work together to ensure that women are represented proportionately in all professions—that women receive equal pay for equal work—that they have adequate child and health care—and that we continue to promote the status of all women.

If we allow inequalities to exist for any sector of our society, we subject us all—men and women—to cruel limitations of our quality of life and fulfillment of our own potential to contribute to this society.

I am very pleased that we as a legislative body have taken time to commemorate Women's History Month, because we as a representative body are drawing public attention to the significance of women in their role as history makers.

It is through this public reminder that women's struggles will be highlighted and women's equality in America will become a reality.

Ms. SNOWE. Mr. Speaker, while researching and documenting our Nation's history, historians have traditionally overlooked the accomplishments of women in society. I am proud to sponsor National Women's History Month, as a partial remedy for this omission.

Since 1987, National Women's History Month has been a means for government, schools, and other organizations to highlight and pay tribute to the historic accomplishments of women in the past. Furthermore, National Women's History Month provides us with an opportunity to recognize today's women, who are making history with their extraordinary contributions in fields as diverse as politics, art, business, theology, and education. But perhaps most importantly, commemorating women's history inspires our Nation's youth to dream about the things that they themselves might someday achieve.

Traditionally, women have made unsung but lasting contributions by raising strong and stable families, educating their children, organizing and managing local charities, and being spiritual leaders in our churches. Working within the social structures of the day, women used their intelligence, compassion, and sense of social justice for the betterment of society.

Yet there have always been women who bucked the system and made contributions by forging new paths. Anne Hutchinson and Mary Baker Eddy were influential theological rebels; one protested vociferously against religious intolerance and orthodoxy and the other founded a new church based on her unique spiritual benefits. Harriet Beecher Stowe, the author of the controversial and highly acclaimed book "Uncle Tom's Cabin," was addressed by President Lincoln as "the little lady who started the big war." We owe much to the activist Susan B. Anthony, who worked tirelessly to give women the right to vote. Authors such as Edith Wharton, Willa Cather, and Eudora Welty bequeathed as powerful and beautiful portrayals of life in the South and in the West. And we in Maine still glow with pride when we remember our Margaret Chase Smith, who delivered a scathing oratory against McCarthyism to her complacent colleagues in Congress.

Today, we have nationally recognized trailblazers like Supreme Court Justice Sandra Day O'Connor and Senator NANCY KASSEBAUM for future historians to ponder. Also deserving of recognition are the superwomen of recent decades who work fulltime while raising children.

Learning about the contributions women have made to our society encourages young girls and women to think about the things that they, too, might accomplish when they are older. Understanding that many women have had to break down barriers to achieve their goals will inspire youth not to be discouraged by barriers, but to be challenged by them and to persevere.

For these reasons, I am proud to cosponsor National Women's History Month, and I urge you to join me in cosponsoring House Joint Resolution 143 if you have not already done so.

THE SOLOMON CONSENSUS PLAN

The SPEAKER pro tempore (Mr. BAESLER). Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 60 minutes.

Mr. SOLOMON. Mr. Speaker, I might say that I have enjoyed this previous special order by the gentlewoman from Hawaii [Mrs. MINK]. It was very enlightening and very educational.

Mr. Speaker, I will try to be brief tonight. I know it is getting late, and the Speaker and everyone else would like to go home. I really do need to rise today, however, to talk about the budget alternative which has been named the Solomon consensus plan, that cuts spending by $485 billion and even more importantly, reduces the deficit by $637 billion.

Mr. Speaker, this consensus plan is offered by a true cross-section of Republicans from all over this country. Some of the major sponsors are the gentleman from Michigan [Mr. UPTON], the gentlewoman from Maine [Ms. SNOWE], the gentleman from Wisconsin [Mr. GUNDERSON], the gentlewoman from Connecticut [Mrs. JOHNSON], the gentleman from Louisiana [Mr. MCCRERY], the gentleman from New York [Mr. HOUGHTON], the gentleman from Maryland [Mr. GILCHREST], and the gentleman from Connecticut [Mr. SHAYS].

Mr. Speaker, President Clinton came to Washington nearly 2 months ago espousing his intention of reducing the Federal deficit. We all want to do that. Describing himself as a new Democrat, he promised to offer something else besides the failed tax-and-spend policies of past liberals, and in the wake of the State of the Union, President Clinton proposed new taxes and new spending as a way to grow the economy. He also held out the promise of spending cuts to achieve deficit reduction goals.

However, his plan ignores economic and, for that matter, political history. Since World War II Congress has been much more eager to increase taxes than to cut spending. In fact, for every dollar in new taxes which Congress has imposed in the last 50 years, Congress increased spending by almost twice that much, by $1.71.

Mr. Speaker, since the historic 1990 budget agreement in which then-President Bush grudgingly accepted a tax increase in the name of deficit reduction, since that time the Congress spent $2.37 for every $1 it raised in new taxes. Now it appears that President Clinton's plan, while still lacking specifics, would encourage Congress to spend, and listen to this, $4.81 for every dollar in new taxes. Do the Members hear that? I said $4.81 in new spending for every $1 in new taxes. This is absurd. What happened to reducing the deficit?

If the Members or I had our own personal budgets and were faced with a shortfall, what would we do? We would not spend beyond our means. If we could not afford something, we would either do without it, or we would give up something else.

Of course, I do not believe that President Clinton wants to increase the Federal deficit. I really do not. Like President Bush and President Reagan before him, I truly think he envisions that Congress will accept its promise to cut spending in the years ahead. But, my colleagues, if Congress went back on the very same assurance when it promised Ronald Reagan that it would cut spending following his tax cut, what makes us think that Congress will cut spending in conjunction with the Clinton tax hike? Who in their right mind would impose such a double hit on the American people?

Mr. Speaker, why should we object to these new taxes? The other night President Clinton called any objection to his plan as merely being status quo. Members of Congress, I do not think the American people are going to have much patience with that type of sophomoric behavior of pointing fingers at each other.

Mr. Speaker, let me explain something. The middle class will only be able to contribute to the budget deficit solution if they remain fiscally solvent. A financially healthy middle class remains the critical key to maintain economic stability and promoting growth throughout this entire economy.

☐ 1820

Mr. Speaker, we must recognize the tremendous inhibition to growth which middle-class tax increases will place on our ability to achieve Federal solvency.

In addition, the President's tax increases on the middle class are counterproductive and will make the middle class feel like it is running harder and faster just to stay in place, a situation which we need to relieve and not aggravate.

How would the present tax proposals on the middle class promote such frustration? As I have already mentioned, what Congress takes in new taxes it doles out in new spending and more. That is history. All the pain and all the sacrifice which comes from higher taxes will be squandered on everything except reducing the deficit.

The administration's Btu energy tax, for instance, will frustrate the middle class tremendously because they will end up shouldering most of that tax burden. Right now, the middle class is struggling to keep its head above water to pay for increased costs in necessities such as food, gasoline, electricity, home heating fuel, and all manufactured goods, all of which will be hit with a Btu tax, leading to price increases on all those products. The middle-class taxpayer will also pay substantially more in property taxes to finance the billions of dollars in added energy costs to State and local governments, all those local government buildings, all those local government trucks and equipment, all of the State government trucks, and equipment and buildings, all having to heat their buildings and to use energy to keep open.

That is a bit ridiculous, is it not? We are asking people to pay more in property taxes so that the State and local governments can afford to pay their own energy taxes. Mr. Speaker, how in the world can the middle class survive if they are paying the local and State governments' tax burdens in addition to their own?

The tax will also adversely affect the middle class because the Federal Government will have to foot the bill to pay, and listen to this, over $1 billion in new energy taxes for its own Federal buildings and agencies, such as the military, such as the post offices and all of their trucks, cars, and automobiles, and other Federal facilities who are going to have their energy costs skyrocket because we in this Congress are going to implement a Btu tax. We are going to give the Federal Government the money to pay those bills. Who is going to give it them? Well, you guessed it, the middle class in the form of higher Federal income taxes in the years to come, so they are going to get stuck with property taxes to pay the increased fuel costs for local and State government, and they are going to pay through the nose with income tax increases to pay for the Federal costs.

I mean, what are we doing? We are raising the costs of energy that we are all going to have to pay for. And Members, the Btu energy tax is not the only tax which adversely affects the middle class in this Clinton budget.

Now how about the Social Security tax increase? The administration's Social Security benefit tax proposal would place unmerited fiscal burdens on middle-class senior citizens.

Now most Social Security recipients do not possess multiple sources of income, though it is true that some of our Nation's seniors are considered well off, thanks to hard work and dedication when they were younger. They should not be penalized for their success.

I am going to tell you something. I am 62 years old, and my wife and I raised five children, and we now have two grandchildren, and I am going to tell you something. I was born back in 1930, right at the beginning of the Depression. And I can recall my mother, after my dad died when I was 2 years old, working for $5 a week and trying to support me. And then later on when I became of age and I got married, and we had five children, I can tell you that for every single week of my life, even when I was in the Marine Corps making $75 a month, I put away $1 a week. I am a Scotsman, and my parents and my grandparents inbred that into me, that you had to save for a rainy day. And my wife and I, at great sacrifice to even our kids, put away that $1 a week, and later on it was $2, then $5, and $10. But we saved some money.

As it stands now, President Clinton's proposal would increase the amount of Social Security benefits subject to taxation from 50 to 85 percent for recipients earning more than $25,000. The proposal attempts to raise $21 billion from the fixed income of senior citizens.

Now that means we are penalizing all those people who have worked and saved all of their life. And they may have a combined Social Security income now of $13,000. And they may have a retirement pension from General Electric Co. where the husband worked on an assembly line creating steam turbines, and now he has a pension of $10,000 to go along with his $13,000 of income. And his wife may have worked for IBM right next door, and she may have a $8,000 retirement income. This puts them up to $32,000. Now, they have worked and saved, and they have put away that dollar that GERRY SOLOMON put away every week for 40 or 50 years. And now they have a little money in the bank, and they are collecting income from CD's. That pushes their income up to $38,000. And President Clinton wants to tax their Social Security benefits because they saved money for those 50 years. That is wrong, Mr. Speaker.

We cannot expect the middle-class seniors to cover their increasing costs of living on a decreasing fixed income when we as their Government cannot even cover our own Federal living expenses on our bulging tax income that is coming into our coffers.

Mr. Speaker, in an effort to create a stimulus we cannot continue to restrain our stimulant, the stimulant being the middle class.

Mr. Speaker, another tax increase which will frustrate the middle class is the Clinton corporate tax increase. When we hear the term corporate tax, the first thing that comes to mind is big, fat CEO's of major corporations who abuse their perks and privileges for their own selfish ends. Increasing the corporate tax sounds good when the goal is penalizing corporate abuses, but the fact of the matter remains that this goal will be better accomplished by, for instance, limiting the amount of corporate tax deductions to $1 million in salary for any corporate officer, and not allowing them to writeoff the expense for any additional salary they may take out. That makes sense.

Mr. Speaker, under President Clinton's budget, the people affected by this corporate tax increase will be middle-class America, specifically middle-class businessmen who provide 75 percent of all of the new jobs created in America for your kids and mine, working people who will experience layoffs from their corporate employers, and older people who rely on dividend income to help meet their daily expenses.

Now additionally, economists agree that the corporate tax increase will compound the real problem. That is to say, by raising the operating cost of a business through an increased corporate tax, businesses will continue to rely on debt rather than on assets and savings. My friends, fiscal solvency depends on building up and using assets and savings, not accumulating debt and using deficit financing. That is why small businessmen are successful in America. But if you are going to raise their corporate taxes, you are going to take away that opportunity.

Now maybe the Federal Government has been lucky in getting away with this deficit financing all of these years.

□ 1830

But the corporate world faces the world of reality, and we should be encouraging them to save rather than surrender their savings to pay increased corporate taxes to give us here in Washington more money to spend.

After looking with aversion at these tax proposals, I submit to you that our best path to national fiscal solvency remains very, very clear. We must cut spending. We must nip this disease in the bud, this disease which may be more properly called spendicitis.

The only way to deal with this disease is not to tax the American middle class into oblivion. But, rather, to cut spending, my colleagues. The only way to cut spending is to actually do it.

Now, what should we do, not as Republicans or Democrats, but as Americans, what should we do?

If President Clinton wants to ramrod this tax-and-spend proposal through this Congress, maybe he will get his way, and maybe he will muster the necessary votes. After all, everybody knows the Democrats control this House, they control the other body and they certainly control the White House. However, now is the time not to point fingers. Now is the time to compromise.

Each side should be willing to bend a little in order to forge a workable compromise for the good of this Nation.

In all of the debate over the President's $178 billion stimulus package, it has been hard to differentiate about who stands where on which issues. Generally, Democrats favor raising taxes to deal with the deficit. Republicans oppose taxes on the middle class as a means of deficit reduction. In other words, both sides of the aisle agree on the goal of deficit reduction.

By focusing on this common bipartisan goal instead of partisan differences, perhaps we can actually accomplish something through compromise, and, Mr. Speaker, I call on President Clinton to listen to this offer, and I am asking him to listen to this Republican who at 6 o'clock in the morning back in 1982 told my hero, President Ronald Reagan, "no" when he asked me to vote for a tax increase; in 1990, when President Bush called me at 6:15 in the morning and asked me if I would vote for a tax increase, I had to tell him "no."

I am standing here today saying that I will compromise and go along with some tax increases if we can have real meaningful spending cuts that are guaranteed. Now, on behalf of this old right conservative and deficit hawks like myself and moderate Republicans as well whom I mentioned some of earlier in the debate, I propose to the United States that we could get the support of many, many Republicans in raising taxes on millionaires, that is to say, real millionaires, not people who suddenly are surprised to learn that the arcane administration income formulas have made them millionaires.

In order to achieve real deficit reduction and to achieve fairness in the U.S. Tax Code, we are willing to raise taxes on real millionaires. We are even willing to create a new tax bracket for Americans who earn more than $200,000 in adjusted gross income, and that means $230,000, $240,000, and we are more than willing to plug some abusive tax loopholes by reducing the writeoffs for corporate officials.

But we remain, Mr. Speaker, adamantly opposed to any new taxes which will affect the middle class and small business either through taxing energy, Social Security benefits, or corporate dividends. We cannot continue to impose unduly heavy tax burdens on the middle class, because they are the ones that pay the load. They are the ones that keep this economy going. You cannot expect them to come up with an additional $500 to $750 out of their pockets all across this Nation.

You are talking about people who are making $30,000 and $40,000 and $50,000, who have two or three kids to put through college. Do you know what taking $750 a year out of their pockets means to them? It means they do not buy the refrigerator, they do not put the downpayment on the new car, they do not buy whatever additional necessity is needed.

What do you think that does to the economy of this Nation? They are the ones that are being hit the worst by this proposed tax increase.

What do we ask in return, Mr. President? Well, first, we ask that he forgoes raising taxes on the middle class and set aside his efforts to push a fiscal stimulus through increased taxation as the Nation is undergoing economic recovery; in other words, no new spending.

Second, taxes on energy, Social Security, and, indirectly, dividends will harm the middle class and still not achieve meaningful deficit reduction. Therefore, they must be dropped, Mr. Speaker.

The President claims these middle-class taxes are necessary to reduce the deficit by $465 billion over 5 years. But at the end of the 5-year period, according to the President's budget, that still leaves an annual deficit of $232 billion. What kind of progress have we made there, Mr. Speaker?

These middle-class tax increases must be dropped from this budget proposal. Otherwise, the economy will suffer.

But you have to ask: If the tax increase on the middle class is taken out of the picture, we will need to make up the difference with almost $300 billion in additional spending cuts above and beyond what President Clinton has proposed. To make up that difference, my fellow deficit hawks and I have offered a tremendous list of spending cuts. They are all right here to choose from.

While just about all spending can be justified in some way, Mr. Speaker, we need to cut. I cannot say that enough. We have to cut spending, and we have to do it now.

Of course, the first place many of my colleagues here will look to is defense. But you can only bleed one part of the budget so much before you bleed it dry. We are close to doing that right now with the defense budget. But even this hawk, and I helped lead and carry the water from the Reagan administration all through the 1980's that built up our national defense, that gave us the ability to bring down communism all over this world, even I would propose that we do not cut defense more than $60 billion over 5 years, which is cautiously agreed to by my good friend, the gentleman from Ohio [Mr. KASICH], and Republican members of the Committee on the Budget, but we do support that $60 billion cut.

From that baseline, we have seriously examined the specific budget cuts offered by President Clinton and those offered by our other colleagues who have offered amendments to cut, namely, Democrats, the gentleman from Texas [Mr. STENHOLM], the gentleman from Tennessee [Mr. GORDON], the gentleman from Ohio [Mr. KASICH], the gentleman from Florida [Mr. GOSS], the gentleman from Illinois [Mr. FAWELL], also chairman of the Porkbusters' Coalition, and we have also looked at the other side of the Capitol at the plans put forth by Senator HANK BROWN of Colorado, Senator PETE DOMENICI of New Mexico, Senator PHIL GRAMM from Texas, and Senator TRENT LOTT from Mississippi, and we have included many of them in our consensus substitute.

Additionally, we have adopted some of the recommendations put forth by the Grace Commission nearly a decade ago that this Congress has completely ignored over the years.

Mr. Speaker, all of these spending cuts have been included in the Solomon consensus budget, making our budget in a sense the only bipartisan offering to this House. All of these cuts combined result in spending cuts of almost $500 billion over 5 years.

Let me tell you what else the plan includes. As I said before, we include many of the Clinton cuts, we include some of the conservative Democrat cuts, all of the Republican alternative cuts, plus deeper cuts including such things as the superconducting collider which every editorial across this country is telling us we should cut out. We spread out the space station making substantial cuts there, and we go on with a long, long list of other cuts.

In addition, this Solomon consensus that we have presented to the Committee on Rules today contains more deficit reduction than any other plan currently before the House, and that is what we are talking about, deficit reduction. All of the tax increases are dedicated to deficit reduction in our plan. That means that if there is $150 billion in new taxes, it goes to deficit reduction, not to more spending.

As a matter of fact, in our budget, we have no new spending, period. Everything is stopped dead in its tracks, and most importantly, Mr. Speaker, spending cuts come before tax increases.

Have any of you Members gone home lately and have you talked to the people out in the street? They want you to put spending cuts in effect right now before the tax increases, not after.

We also cut Clinton's tax increases by more than 50 percent. We cut spending by $270 billion more than Clinton. We reduce the deficit by over $150 billion more than Clinton, and we leave a 1998 deficit level of $18 billion lower than Clinton with less than half the tax increases.

That shows you that all of the tax increases that we are willing to concede and vote for are going to deficit reduction.

Mr. Speaker, lastly, our plan calls for a balanced budget amendment and a line-item veto to be put on this floor by May 1, 1993, for a legitimate up-or-down vote so each Member can be held accountable for the problems that have caused these huge deficits and problems that could be partly cured by a balanced-budget amendment put out to the people to ratify and a line-item-veto amendment so that whoever the President is he would have the right to line-item out these pork barrel projects that sometimes seem to get scattered all over these bills that we pass in this House.

□ 1840

Finally, our plan is the only plan that would be voted on this floor in the next 2 days which carries mandatory sequestration cuts. That means across-the-board cuts come into effect immediately if Congress exceeds the budget limits that we are going to pass here in the next few days.

Well, Mr. Speaker, and my colleagues, I apologize for taking up all of this time. This proposal has two priorities: They are—and this is what the

American people have been asking for—fairness in U.S. Tax Code, and meaningful deficit reduction that can be enforced.

I urge all Members to take a hard look at this consensus plan. It is the plan the American people want us to adopt. I would submit a detailed summary of that plan.

The plan referred to is as follows:

Solomon Consensus Plan Calls for Deeper Cuts

(Based on the latest available Congressional Budget Office and Joint Committee on Taxation estimates and Kasich #1 Policy Assumptions)

FEATURES

4:1 ratio spending cuts to new taxes, compared to 0.8:1 ratio in Clinton's plan.

Dedicates all of the tax increases to deficit reduction.

No new spending.

Cuts Clinton tax increases by more than half—with no tax increases on the Middle Class.

Contains some of Clinton's cuts.

Contains the Republican Alternative's cuts.

Includes much deeper cuts, including the Super Collider and more!

Spending cuts occur before tax increases.

Cuts spending $265 billion more than Clinton.

Reduces deficit by $171.5 billion more than Clinton.

Leaves a 1998 deficit level $18 billion lower than Clinton with less than half the tax increases.

Only plan with balanced budget amendment and line-item veto.

Only plan with mandatory sequestration cuts if actions by Congress exceed budget limits.

The Solomon consensus plan cuts Clinton tax increases by more than half by: eliminating Btu energy tax, eliminating Social Security tax, and removing tax increase on corporations, thereby removing the taxes which erode the buying power of Middle Class Americans and severely impact economic growth, and by activating a new tax bracket at $200,000 instead of $140,000.

The plan retains Clinton's proposals to: Place a surtax on quarter-millionaires and deny deductions on executive pay exceeding $1 million, but expands Clinton's tax to include athletes and entertainers. It retains Clinton's proposals to deny lobbying expense deductions and increase miscellaneous taxes to plug tax loopholes on business-expense abuses (club dues, food, entertainment, etc.).

To stimulate the economy, the plan provides vital tax incentives by: extending expiring business tax incentives, restoring real estate passive loss. Providing capital gains tax deductions for startup companies, and repealing luxury tax on boats.

TAX INCREASES: 5 YR TOTAL

[In billions of dollars]

	Clinton plan	Solomon (consensus)
Quarter-millionaire surtax	28.4	28.4
New tax bracket (over $140,000)	61.8	None
New tax bracket (over $200,000)	None	47.9
Miscellaneous tax increases, including user fees, tax on club dues, food, entertainment, et cetera	75.3	75.3
Deny deduction on executive pay over $1 million, including pro athletes and entertainers	1.0	1.0
Deny lobbying deductions	.9	.9
Btu energy tax	71.4	None
Social Security tax	29.1	None
Increase tax on corporations	30.2	None
Increase estate taxes and AMT	27.1	None
Other miscellaneous taxes	10.8	None
Total 5 yr tax increase	336.0	149.7

SPENDING CUTS

[In billions of dollars]

	1994	1995	1996	1997	1998	5 yr total
Clinton plan	6.0	10.8	35.2	71.9	95.8	219.7
GOP alternative (Kasich No. 2)	38.8	71.2	94.3	114.9	131.5	450.6
Solomon consensus plan (based on Kasich No. 1)	41.7	71.3	102.5	124.1	145.5	485.1

Note.—Based on Congressional Budget Office baseline.

DEFICIT REDUCTION

[In billions of dollars]

	1994	1995	1996	1997	1998	5 yr total
Clinton plan	33.0	47.4	86.1	138.1	161.3	465.8
GOP alternative (Kasich No. 2)	38.8	71.2	94.3	114.8	131.5	450.6
Solomon consensus plan (based on Kasich No. 1)	65.6	101.5	132.8	158.8	178.8	637.0

Note.—Based on Congressional Budget Office baseline.

DEFICIT LEVEL

[In billions of dollars]

	1994	1995	1996	1997	1998
Clinton plan (chairman's mark)	253.7	237.0	204.0	183.6	198.4
GOP alternative (Kasich No. 2)	247.9	213.2	195.7	206.8	228.2
Solomon consensus plan (based on Kasich No. 1)	221.1	183.1	157.2	162.9	180.9

Note.—Based on Congressional Budget Office baseline.

Appropriate committees are instructed to report to the House floor:

1. A true line-item veto statute.

2. A Constitutional amendment requiring a balanced budget.

3. Legislation establishing (Gramm-Rudman) procedures triggering mandatory sequestration cuts when actions by Congress cause deficits to exceed the limits established by this budget over the next 5 years.

Thank you so much for your patience, and I thank the staff.

Mr. Speaker, I yield back the balance of my time.

HUMAN RIGHTS IN NORTHERN IRELAND

The SPEAKER pro tempore (Mr. BAESLER). Under a previous order of the House, the gentleman from Massachusetts [Mr. KENNEDY] is recognized for 60 minutes.

Mr. KENNEDY. Mr. Speaker, on the eve of St. Patrick's Day I have taken out a special order to discuss human rights in Northern Ireland and the need for justice.

Too often in Northern Ireland justice is only as good as the last judge.

If there is one thing that both Catholics and Protestants need in Northern Ireland, it is a bill of rights providing for the protection of basic civil liberties for both communities.

It is just wrong that in Northern Ireland where human rights abuses have consistently been documented by Amnesty International and the International Helsinki Watch Committee that no bill of rights exists.

The British Government may seek to run from its record of human rights abuses in Northern Ireland but they can't hide.

Such fundamental rights associated with our own democracy as the right to trail by jury, the right to remain silent, freedom of the press, and the right to due process of law simply do not exist in Northern Ireland by act of the British Government.

Just last week, the British parliament reenacted so-called emergency legislation denying these same basic rights.

There is no room for violence in settling these political issues. The threat posed by the IRA and the Protestant paramilitaries like the UVF and the UDA in Northern Ireland must be condemned by all. The Provisional IRA's outrageous bombing campaign in Britain and Northern Ireland does nothing more than divide people further. The increase in sectarian attacks against Catholics by the UVF and UDA for no other reason than their religion is further evidence of these organizations' cruelty and cowardice.

At the same time, the killing of 130 unarmed members of the Catholic community by the British Security Forces and the RUC in the current conflict is also wrong. The very fact that one of the few British soldiers convicted of murdering a Catholic without provocation has been allowed to reenter the British Army only alienates the Catholic community further from British rule. And it underscores the need for a bill of rights.

Today, joined by my colleagues in the House, I am announcing that we have filed a House concurrent resolution calling on the British Government to meet its obligation to justice and equal protection under the law in Northern Ireland by making a bill of rights initiative possible.

The concept of a bill of rights has won the backing of all political parties in Northern Ireland.

Our resolution also asks the European parliament to send the British Government a similar message. As a signatory to the European Convention on Human Rights, Great Britain can no longer ignore its responsibility for maintaining civil order in a way that at the same time respects human rights in Northern Ireland.

Rather than continuing as protagonist of the conflict in Northern Ireland, Great Britain can instead become an agent of justice by serving as the driving force for a bill of rights.

In that way, some sense of justice may at long last be brought to the families and the memory of two Catholic teenage boys, Michael Joseph Tighe and Aiden Macanespie, shot dead without provocation by British Security Forces.

There are, of course, other issues that cry out for attention in Northern Ireland. The fact that Catholics are 2½ times more likely to be unemployed in Northern Ireland than protestants along with continuing unemployment discrimination on the basis of religion, also serves as a source of instability and alienation.

And, yet there are some instances of progress on the fair employment front. Shorts

Bros. Aircraft, a formerly British Government-owned firm, has made demonstrable improvements in hiring more Catholics at all levels of its work force. I am pleased that an amendment I offered to the Defense Authorization Act of 1988 served directly to drive those changes. I will in Congress be joined by my colleagues in looking at other constructive ways in which our Government can spur the cause of fair employment in Northern Ireland.

Finally in this season of St. Patrick, we also restate our support for the appointment of a special peace envoy. I am gratified that President Clinton stated his support for the appointment of an envoy last year.

I strongly believe that the United States, through the vehicle of a special envoy, would be in a unique position to encourage the peace process in Northern Ireland.

The time for the issuance of well-meaning platitudes on Northern Ireland by the United States Government has long since passed. Let us work to promote peace in Northern and an end to the senseless killing.

Mr. GILMAN. Mr. Speaker, at this time every year, the Irish and the Irish at heart join together to celebrate St. Patrick's Day. Unfortunately, for much of the rest of the year, the concerns of the Irish are largely forgotten. For this reason, I commend the gentleman from Massachusetts [Mr. KENNEDY] not only for organizing tonight's special order, but also for his dedication to this issue for the other 364 days each year.

As a member of the Ad Hoc Committee on Irish Affairs, I have continually worked to heighten the awareness of my colleagues regarding the problems in Northern Ireland. Therefore, I am pleased to be a cosponsor of Congressman KENNEDY's resolution (H. Con. Res. 61) calling for the establishment of a bill of rights for Northern Ireland.

Many do not realize that the people in Northern Ireland, while British citizens, do not enjoy the same judicial system as the British. Currently, many trials are subject to the diplock courts, courts without any trial by jury. While the British do have fears of jury intimidation, the result of the diplock courts is a system which creates a greater mistrust and leads to further suspicion between the two communities.

Additionally, deep-rooted religious discrimination continues to exist against the Catholic minority, discrimination that we would like to address through the MacBride principles.

Innocents on both sides constantly fear the loyalist and nationalist terrorist organizations.

For this reason, I urge my colleagues to support Congressman KENNEDY and to cosponsor this resolution calling for the adoption of a bill of rights for Northern Ireland.

For over 200 hundred years, the citizens of the United States have enjoyed basic freedoms that many people around the world can only dream of. This resolution calls for the adoption of a bill of rights for Northern Ireland, a concept endorsed by every political party in Northern Ireland.

Accordingly, let us take advantage of this St. Patrick's Day to reflect on the positive events that have taken place throughout the world during the past few years, and to resolve to strive to eliminate the troubles of Northern Ireland and to bring peace and justice to Ireland.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. QUILLEN (at the request of Mr. MICHEL), for today through March 26, on account of medical reasons.

Mr. HILLIARD (at the request of Mr. GEPHARDT), for Tuesday, March 16, and the balance of the week, on account of illness.

Mr. FORD of Tennessee (at the request of Mr. GEPHARDT), for Tuesday, March 16, and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KOLBE) to revise and extend their remarks and include extraneous material:)

Mr. THOMAS of Wyoming, for 5 minutes, today.

Mr. WOLF, for 5 minutes, on March 18 and 23.

Mr. MCINNIS, for 5 minutes, today.

Mr. COLLINS of Georgia, for 5 minutes, on March 17.

Mr. KIM, for 5 minutes, on March 18.

Mr. MCCOLLUM, for 5 minutes, today.

(The following Members (at the request of Mrs. MINK) to revise and extend their remarks and include extraneous material:)

Mr. CONDIT, for 5 minutes, today.

Mr. LAUGHLIN, for 60 minutes, today.

Mr. MCCLOSKEY, for 60 minutes, on March 18 and 23

Mr. STARK, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KOLBE) and to include extraneous matter:)

Mr. WALSH.

Mr. FIELDS of Texas.

Mr. DICKEY in two instances.

Mr. BURTON of Indiana.

Mr. CRANE in two instances.

Mr. GALLEGLY.

Mr. GILMAN.

Mr. FISH.

Mr. HYDE.

(The following Members (at the request of Mrs. MINK) and to include extraneous matter:)

Mr. SCHUMER.

Mr. SWETT.

Mr. MINETA.

Mr. HAMILTON.

Ms. HARMAN.

Mr. EDWARDS of California.

Mr. STUDDS.

Mr. RAHALL.

Mr. LIPINSKI in two instances.

Mr. WILLIAMS.

Mr. MANTON in two instances.

Mr. STOKES.

Mr. JOHNSON of South Dakota.

Mr. FILNER.

Mr. ANDREWS of Texas.

Mr. CLAY.

Mr. SKELTON in three instances.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 750. An act to extend the Export Administration Act of 1979 and to authorize appropriations under that Act for fiscal years 1993 and 1994.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 400. An act to amend the Employee Retirement Income Security Act of 1974 to provide for the treatment of settlement agreements reached with the Pension Benefit Guaranty Corporation.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 17, 1993, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

908. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation entitled "Thrift Depositor Protection Act of 1993"; to the Committee on Banking, Finance and Urban Affairs.

909. A letter from the Acting Administrator, Energy Information Administration, transmitting a copy of the Energy Information Administration's report "Annual Energy Outlook for 1993," pursuant to 15 U.S.C. 790d(a); to the Committee on Energy and Commerce.

910. A letter from the Administrator, Health Care Financing Administration, transmitting a copy of a report entitled "Rural Health Care Transition Grant Program," pursuant to 42 U.S.C. 1395ww note; to the Committee on Energy and Commerce.

911. A letter from the Acting Secretary, Federal Trade Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

912. A letter from the Acting Director, Office of Personnel Management, transmitting a report entitled "Annual Report to the President and the Congress on the Performance Management and Recognition System,"

pursuant to 5 U.S.C. 5408; to the Committee on Post Office and Civil Service.

913. A letter from the Interagency Coordinating Committee on Oil Pollution Research, transmitting notification that the Committee's biennial report will be submitted in the spring of 1993, pursuant to Public Law 101–380, section 7001(e) (104 Stat. 564); to the Committee on Science, Space, and Technology.

914. A letter from the Acting Administrator, Agency for International Development, transmitting a report on development assistance program allocations for fiscal year 1993, pursuant to 22 U.S.C. 2413(a); jointly, to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 416. A bill to extend the period during which chapter 12 of title 11 of the United States Code remains in effect, and for other purposes, with an amendment (Rept. 103–32). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 1140. A bill to provide for the treatment of certain aircraft equipment settlement leases (Rept. 103–33, Pt. 1). Ordered to be printed.

Mr. DERRICK: Committee on Rules. H. Res. 130. Resolution providing for the consideration of the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes (Rept. 103–34). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. H. Res. 131. A resolution providing for the consideration of the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998 (Rept. 103–35). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4, of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SWIFT (for himself, Mrs. Unsoeld, Mr. Kildee, and Mr. Neal of North Carolina):

H.R. 1339. A bill to amend title II of the Social Security Act to provide that the waiting period for disability benefits shall not be applicable in the case of a disabled individual suffering from a terminal illness; to the Committee on Ways and Means.

By Mr. GONZALEZ (for himself, Mr. Leach, Mr. Neal of North Carolina, Mrs. Roukema, Mr. Schumer, Mr. Kennedy, Mr. Flake, and Mr. Frank of Massachusetts) (all by request):

H.R. 1340. A bill to provide funding for the resolution of failed savings associations, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ARMEY:

H.R. 1341. A bill to amend the National Labor Relations Act to repeal exclusive representation, to remove any requirement that individual employees join or pay dues or fees to labor organizations, and for other purposes; to the Committee on Education and Labor.

By Ms. BYRNE:

H.R. 1342. A bill to provide financial institution regulators with whistleblower protection; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1343. A bill to amend the Internal Revenue Code of 1986 to permit penalty-free withdrawals from individual retirement accounts to purchase first homes or pay higher education expenses; to the Committee on Ways and Means.

By Mr. CONDIT:

H.R. 1344. A bill to amend title 39, United States Code, to prevent the U.S. Postal Service from disclosing the names or addresses of any postal patrons or other persons, except under certain conditions; to the Committee on Post Office and Civil Service.

By Mr. MINETA (for himself and Mr. Edwards of California):

H.R. 1345. A bill to designate the Federal building located at 280 South First Street in San Jose, CA, as the "Robert F. Peckham United States Courthouse and the Federal Building"; to the Committee on Public Works and Transportation.

By Mr. de LUGO:

H.R. 1346. A bill to redesignate the Federal building located on St. Croix, VI, as the "Almeric L. Christian Federal Building"; to the Committee on Public Works and Transportation.

By Mr. DICKEY:

H.R. 1347. A bill to modify the boundary of Hot Springs National Park; to the Committee on Natural Resources.

By Mr. GEJDENSON (for himself, Mrs. Kennelly, Ms. DeLauro, and Mrs. Johnson of Connecticut):

H.R. 1348. A bill to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes; to the Committee on Natural Resources.

By Mr. GREENWOOD (for himself, Mr. Oxley, Mr. Horn, Mr. Frank of Massachusetts, and Mr. Franks of New Jersey):

H.R. 1349. A bill to amend title 39, United States Code, to provide that the provisions of law preventing Members of Congress from sending mass mailing within the 60-day period immediately before an election be expanded so as to prevent Members from mailing any unsolicited franked mail within that period, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HASTERT (for himself, Mr. Ewing, Mr. Frost, Mr. Sangmeister, Mr. Williams, Mr. Upton, Mr. Schiff, Mr. Faleomavaega, Mr. Underwood, Mr. Bartlett, Mr. Klug, Mr. Blute, Mr. Emerson, Mr. Hastings, Mr. LaFalce, Mr. Doolittle, Mr. Evans, Mr. Levy, and Ms. E.B. Johnson of Texas):

H.R. 1350. A bill to grant a Federal charter to VietNow; to the Committee on the Judiciary.

By Mr. HAMILTON (for himself, Mr. Bereuter, and Mr. Williams):

H.R. 1351. A bill to establish the Mike Mansfield Fellowship Program for intensive training in the Japanese language, government, politics, and economy; to the Committee on Foreign Affairs.

By Mr. HUGHES:

H.R. 1352. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to extend eligibility to junior and community colleges for grants and fellowships for food and agricultural sciences education; to the Committee on Agriculture.

By Mr. SAM JOHNSON of Texas (for himself, Mr. Dornan, Mr. Fields of Texas, Mr. Barton of Texas, Mr. Doolittle, Mr. Zimmer, Mr. Bonilla, Mr. Emerson, Mr. Burton of Indiana, Mr. Solomon, Mr. Baker of Louisiana, Mr. Gallegly, and Mr. DeLay):

H.R. 1353. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion of dividends and interest received by individuals; to the Committee on Ways and Means.

By Ms. MALONEY:

H.R. 1354. A bill to amend part E of title IV of the Social Security Act to require States to have laws that would permit a parent who is chronically ill or near death to name a standby guardian for a minor child without surrendering parental rights; to the Committee on Ways and Means.

By Mr. McCOLLUM (for himself, Mr. Smith of Texas, Mr. Canady, Mr. Bereuter, Mr. Combest, Mr. Cunningham, Mr. Archer, Mr. Gallegly, and Mr. Ridge):

H.R. 1355. A bill to amend the Immigration and Nationality Act with respect to exclusion for admissions fraud, procedures for inspecting aliens seeking entry to the United States, and increasing penalties for certain alien smuggling; to the Committee on the Judiciary.

By Mr. McINNIS:

H.R. 1356. A bill to redesignate the Black Canyon of the Gunnison National Monument as a national park, to create the Black Canyon of the Gunnison National Conservation Area, to include the Gunnison River in the Nation's Wild and Scenic River System, and for other purposes; to the Committee on Natural Resources.

By Mr. McMILLAN:

H.R. 1357. A bill to authorize each State to control the movement of municipal waste generated within the State, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MINETA:

H.R. 1358. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 relating to the innocent land owner defense and municipal liability, and to amend that act and the Solid Waste Disposal Act relating to used oil; jointly, to the Committees on Energy and Commerce and Public Works and Transportation

By Mrs. MINK:

H.R. 1359. A bill to amend the Internal Revenue Code of 1986 to provide that individuals who are required to leave their employment because of certain medical or family reasons will not be denied unemployment compensation when they are ready to return to work; to the Committee on Ways and Means.

By Mr. MORAN:

H.R. 1360. A bill to regulate aboveground storage tanks used to store regulated substances, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MURTHA (for himself and Mr. Murphy):

H.R. 1361. A bill to expand the Fort Necessity National Battlefield, and for other purposes; to the Committee on Natural Resources.

By Mr. OBERSTAR:

H.R. 1362. A bill to amend the National Apprenticeship Act to require minimum funding for certain outreach recruitment and training programs, to restore a national information collection system, to require increases in force within the Bureau of Apprenticeship and Training of the Department of Labor and to limit decreases in such force, and for other purposes; to the Committee on Education and Labor.

By. Mr. ORTON:

H.R. 1363. A bill to rescind a portion of the funds available for HOPE grants, and to transfer an additional portion of the funds to the HOME investment partnerships program; to the Committee on Appropriations.

By Mr. OWENS:

H.R. 1364. A bill to amend the Age Discrimination in Employment Act of 1967 to protect elected judges against discrimination based on age; to the Committee on Education and Labor.

By Mr. RAHALL:

H.R. 1365. A bill to amend title 38, United States Code, to authorize accelerated payments for short-term, high-cost courses taken by veterans pursuing post secondary education, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REGULA (for himself, Mr. Borski, Mr. Visclosky, Ms. Kaptur, Mr. Lipinski, Mr. Ridge, Mr. Brown of Ohio, and Mr. Mineta):

H.R. 1366. A bill to correct the tariff rate inversion on certain iron and steel pipe and tube products; to the Committee on Ways and Means.

By Mr. RICHARDSON (for himself, Mr. Miller of California, Mr. McDermott, Ms. English of Arizona, Ms. Furse, Mr. Young of Alaska, and Mr. Thomas of Wyoming):

H.R. 1367. A bill to provide that a portion of the income derived from trust or restricted land held by an individual Indian shall not be considered as a resource or income in determining eligibility for assistance under any Federal or federally assisted program; jointly, to the Committees on Natural Resources and Ways and Means.

By Mr. RIDGE:

H.R. 1368. A bill to establish the Congressional Office of Inspector General; jointly, to the Committees on House Administration and Rules.

By Mr. SCHUMER:

H.R. 1369. A bill to reduce the duty on imported minivans if such minivans are administratively reclassified at a higher rate of duty and domestic automakers increase prices on domestic minivans at a rate greater than the rate of inflation; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H.R. 1370. A bill to amend the Harmonized Tariff Schedule of the United States to change the rate of duty for certain bicycles; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 1371. A bill to provide for additional extension periods, not exceeding 2 years in the aggregate, in the time allowed for reexportation of certain goods admitted temporarily free of duty under bond; to the Committee on Ways and Means.

H.R. 1372. A bill to reduce the duty on ceramic statues, statuettes, and handmade flowers until January 1, 1995; to the Committee on Ways and Means.

By Mr. STUDDS:

H.R. 1373. A bill to amend title 46, United States Code, to require merchant mariners' documents for certain seamen; to the Committee on Merchant Marine and Fisheries.

By Mr. TRAFICANT:

H.R. 1374. A bill to discourage domestic corporations from establishing foreign manufacturing subsidiaries in order to avoid Federal taxes by including in gross income of U.S. shareholders in foreign corporations the retained earnings of any such subsidiary which are attributable to manufacturing operations in runaway plants or tax havens; to the Committee on Ways and Means.

H.R. 1375. A bill to amend the Internal Revenue Code of 1986 to deny the foreign tax credit and deduction for taxes paid in lieu of income taxes; to the Committee on Ways and Means.

By Mr. WILLIAMS:

H.R. 1376. A bill to provide an educational experience in the United States to children from areas affected by civil strife in Ireland; to the Committee on Education and Labor.

By Mr. HOYER (for himself, Ms. Slaughter, Ms. DeLauro, and Mr. McCloskey):

H.R. 1377. A bill to authorize the provision of assistance for the victims of torture, including rape and other war crimes, in the former Yugoslavia, and for the families of such victims; to the Committee on Foreign Affairs.

By Mr. GILMAN (for himself, Mr. Michel, Mr. Gingrich, Mr. Armey, Mr. Hyde, Mr. Burton of Indiana, Mr. Solomon, Mr. Spence, Mr. Goodling, Mr. Bereuter, Mr. Gallegly, Mr. Rohrabacher, and Mr. Walsh):

H.J. Res. 152. Joint resolution authorizing the use of United States Armed Forces in Somalia; to the Committee on Foreign Affairs.

By Mr. BROWN of California (for himself and Mrs. Morella):

H.J. Res. 153. Joint resolution to designate the week of March 28, 1993, through April 3, 1993, as "Distance Learning Week"; to the Committee on Post Office and Civil Service.

By Mr. McCLOSKEY:

H.J. Res. 154. Joint resolution to designate the week of June 7, 1993, through June 14, 1993, as "National Flag Celebration Week"; to the Committee on Post Office and Civil Service.

By Mr. ENGEL (for himself, Ms. Molinari, and Mr. Bonior):

H. Con. Res. 65. Concurrent resolution expressing the sense of the Congress in support of Dr. Ibrahim Rugova, President of the Republic of Kosova; to the Committee on Foreign Affairs.

By Mr. STARK:

H. Con. Res. 66. Concurrent resolution condemning North Korea's decision to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Ms. Roybal-Allard, Mr. Watt, and Ms. McKinney.

H.R. 24: Mr. DeLay and Mr. Goodlatte.

H.R. 27: Mr. Towns, Mr. de Lugo, Mr. Watt, Mr. Barrett of Wisconsin, Mr. Blackwell, Ms. Meek, Mr. Frost, and Mr. Gene Green.

H.R. 109: Mr. Coleman, Mr. Gejdenson, Mr. Evans, Mr. Fish, and Mr. Klug.

H.R. 159: Ms. Pryce of Ohio.

H.R. 167: Mr. Berman.

H.R. 171: Mr. Moorhead.

H.R. 214: Mr. Thomas of Wyoming, Mr. Hancock, and Mr. Inglis of South Carolina.

H.R. 302: Mr. Gekas, Mr. Evans, Ms. Molinari, Mr. Tucker, Mr. Lancaster, and Mr. Payne of New Jersey.

H.R. 304: Mr. Smith of New Jersey, Mr. Armey, Ms. Molinari, and Mr. Evans.

H.R. 356: Mr. Towns.

H.R. 357: Mr. Towns.

H.R. 360: Mr. Hutto, Mr. Gunderson, Mr. Scott, Mr. Tanner, Mr. Clyburn, and Mr. Conyers.

H.R. 369: Mr. Franks of New Jersey.

H.R. 416: Mr. Pomeroy.

H.R. 417: Mr. Rush, Mr. Schaefer, Mr. Hastert, Mr. Upton, Mr. Pallone, and Mr. Towns.

H.R. 465: Mr. Bateman.

H.R. 494: Mrs. Lowey, Mr. Hinchey, Mr. Price of North Carolina, Mr. Dornan, and Mrs. Byrne.

H.R. 520: Mr. Lewis of Georgia, Mr. Traficant, Mr. Hochbrueckner, Mr. Richardson, Mr. English of Oklahoma, Ms. Slaughter, Mr. McHugh, Mrs. Schroeder, Mr. Barcia, Mr. Swift, Mr. LaFalce, Mr. Kopetski, Mr. Clinger, Mr. Skaggs, Mr. Hastings, Mr. Wynn, Mr. Weldon, Mr. Strickland, Mr. Natcher, Mrs. Mink, Mr. Sanders, Mr. Markey, Mrs. Kennelly, Mr. Frost, Mr. Shays, Mrs. Collins of Illinois, Mr. McDermott, Mr. DeFazio, Mr. Evans, Mr. Hayes of Louisiana, Mr. Rangel, Mr. Bereuter, Ms. Shepherd, Mr. Hinchey, Mr. Filner, Mr. Hilliard, Mr. Hobson, Mr. Mfume, Mrs. Byrne, Mr. Neal of North Carolina, Mr. Coppersmith, Mr. Matsui, Mr. Hall of Ohio, Mr. Penny, Mr. Coleman, Mr. Engel, Mr. Hughes, Mr. Fingerhut, Mr. Williams, Mr. Gejdenson, Miss Collins of Michigan, Mr. Martinez, Mr. Towns, and Mr. Olver.

H.R. 522: Mr. Payne of New Jersey, Mrs. Byrne, Mr. Jefferson, Mr. Towns, Ms. Snowe, Mr. Romero-Barceló, Mr. Matsui, Mrs. Mink, Mr. Manton, and Ms. Slaughter.

H.R. 526: Ms. Thurman.

H.R. 535: Mrs. Schroeder, Mr. Lewis of Georgia, Ms. Eddie Bernice Johnson, Mr. Linder, Ms. Lambert, Mr. Clyburn, Mr. Rush, Mr. Sam Johnson, Mr. Collins of Georgia, Mr. Johnson of South Dakota, Mr. Fingerhut, Mr. Deal, Ms. McKinney, Ms. Waters, Ms. Eshoo, Mr. Fields of Louisiana, Mr. Serrano, Mr. Wynn, Mr. Klink, Ms. Velazquez, Mr. Hilliard, Ms. Brown of Florida, Mrs. Clayton, Mr. Watt, Mr. Clay, Mr. Stokes, Mr. Rose, Mr. Scott, Mr. Dellums, Mr. Slattery, Ms. Margolies-Mezvinsky, Mrs. Unsoeld, Ms. Maloney, Mrs. Mink, Mr. Barcia, Mr. Natcher, Mr. Gonzalez, Mr. Schiff, Miss Collins of Michigan, Mr. Payne of New Jersey, Mr. Ackerman, Mr. Frank of Massachusetts, Mr. Jefferson, Mr. Towns, Mr. Skaggs, Mr. Washington, Mr. Andrews of New Jersey, Mr. Dreier, Ms. Slaughter, Mr. Sabo, Mr. Hayes of Louisiana, Mr. Payne of Virginia, Mr. Filner, Mr. Thornton, Mr. Olver, Mr. Andrews of Maine, Mr. McCloskey, Mr. Bonior, Mr. Durbin, Mr. Dooley, Mr. Synar, Mr. Valentine, Mr. Hutto, Mr. Pallone, Mr. Evans, Mr. Cooper, Mr. Price of North Carolina, Mr. Boehner, Mr. McNulty, Mr. Baesler, Mr. Lipinski, Mr. Mfume, Mr. Tejeda, Mr. Rangel, Mr. Tucker, Mr. Romero-Barceló, and Ms. Dunn.

H.R. 567: Mr. Crane, Mr. DeLay, and Mr. Manzullo.

H.R. 591: Mr. Levin.

H.R. 634: Mr. Lewis of Florida, Mr. Solomon, and Mr. Evans.

H.R. 649: Mrs. Morella.

H.R. 723: Mr. Kim and Mr. Blute.

H.R. 728: Mr. Stark, Mr. McDermott, Mrs. Morella, Mr. Frank of Massachusetts, Ms. Meek, Mr. Parker, Mr. Shays, and Mr. Towns.

H.R. 736: Mr. McCrery and Mr. Neal of North Carolina.

H.R. 737: Mr. Gutierrez, Mr. Rush, and Mr. Washington.

H.R. 741: Mr. WELDON, Mr. LEVY, Mr. MCCANDLESS, Mr. LIGHTFOOT, and Mr. BUNNING.

H.R. 749: Mr. GILLMOR, Mr. SENSENBRENNER, Mrs. MORELLA, Mrs. SCHROEDER, Mr. STUMP, Mr. INHOFE, and Mr. TAUZIN.

H.R. 773: Mr. ROSE.

H.R. 799: Mr. COX, Mr. LEWIS of California, Ms. PRYCE of Ohio, and Mr. FILNER.

H.R. 824: Mr. GALLO, Mr. GUNDERSON, Ms. MOLINARI, and Mr. HYDE.

H.R. 847: Mr. PAYNE of New Jersey and Mr. PAYNE of Virginia.

H.R. 886: Mr. GOODLING, Mr. MYERS of Indiana, Mr. FISH, and Mr. FAWELL.

H.R. 887: Ms. FOWLER and Mr. KINGSTON.

H.R. 894: Mr. HASTERT, Mr. LIVINGSTON, Mr. EWING, Mr. TALENT, and Mr. CLINGER.

H.R. 903: Mr. KANJORSKI, Mr. GENE GREEN, and Ms. BROWN of Florida.

H.R. 911: Ms. FOWLER, Mr. SHAW, Ms. THURMAN, and Ms. DUNN.

H.R. 941: Mr. BOEHNER.

H.R. 960: Mr. RICHARDSON and Mr. CHAPMAN.

H.R. 1029: Mr. SENSENBRENNER, Mr. STARK, Mr. PORTER, Mr. HYDE, Mr. BERMAN, and Mr. LEHMAN.

H.R. 1030: Mr. STARK, Mr. PORTER, Mr. HYDE, Mr. BERMAN, and Mr. LEHMAN.

H.R. 1031: Mr. SENSENBRENNER, Mr. STARK, Mr. PORTER, Mr. HYDE, and Mr. LEHMAN.

H.R. 1067. Mr. KIM.

H.R. 1106: Mr. MILLER of California.

H.R. 1140: Mr. FIELDS of Texas and Mr. SMITH of Texas.

H.R. 1141: Mr. HOAGLAND, Mr. ANDREWS of New Jersey, Mr. MATSUI, Mr. CAMP, Mr. BREWSTER, Mr. JEFFERSON, and Mr. OXLEY.

H.R. 1164: Mr. EVANS and Mr. SERRANO.

H.R. 1172: Mr. MILLER of California, Mr. VENTO, Mr. TRAFICANT, Mr. ROMERO-BARCELÓ, and Mr. SYNAR.

H.R. 1209: Mr. GENE GREEN, Mr. INSLEE, and Mr. LAUGHLIN.

H.R. 1230: Mr. FOGLIETTA.

H.R. 1243: Mr. SOLOMON.

H.R. 1295: Mr. HANCOCK, Mr. KLUG, Mr. MCHUGH, and Mr. THOMAS of California.

H.R. 1296: Mr. HALL of Texas and Ms. THURMAN.

H.J. Res. 10: Ms. DANNER and Mr. TUCKER.

H.J. Res. 22: Mr. MOORHEAD.

H.J. Res. 69: Mr. FORD of Michigan, Mr. NUSSLE, Mr. VALENTINE, Mr. HOEKSTRA, Mr. BLILEY, Ms. LAMBERT, Mr. ROBERTS, Mr. GUTIERREZ, Mr. KOPETSKI, Mr. HALL of Ohio, Mr. FRANK of Massachusetts, Mr. FALEOMAVAEGA, Mr. GREENWOOD, Mr. BATEMAN, Mrs. KENNELLY, Mr. MCCLOSKEY, Mr. HAMILTON, Mr. CRAMER, Mr. BREWSTER, Mr. JOHNSON of Georgia, Mr. MOAKLEY, Mr. ARCHER, Mrs. UNSOELD, Mr. HUGHES, Mr. GALLEGLY, Mr. DURBIN, Mr. BROWDER, Mr. MCDERMOTT, Mr. BEVILL, and Mr. WHITTEN.

H.J. Res. 84: Mr. HAMBURG, Mr. LAZIO, Mr. SMITH of Michigan, Ms. FURSE, Mr. HOCHBRUECKNER, Mr. SANGMEISTER, Mr. CAMP, Mr. HUTCHINSON, Mr. SABO, Mr. SPENCE, Mr. KENNEDY, Mr. NUSSLE, Mr. ROMERO-BARCELÓ, Mr. PRICE of North Carolina, Mr. JACOBS, Mr. OXLEY, Mr. MCDERMOTT, Mr. OBEY, Mr. COSTELLO, Mr. DE LUGO, Mr. FLAKE, Mr. EDWARDS of Texas, and Mr. BLILEY.

H.J. Res. 86: Mrs. BENTLEY, Mr. HEFNER, Mr. CLINGER, Mr. JACOBS, Mr. WALSH, Mr. ARCHER, Mr. SCHUMER, Mr. GONZALEZ, Mr. COYNE, Mr. WAXMAN, Mr. BALLENGER, Mr. LIPINSKI, Mr. SMITH of Iowa, Mr. MCDERMOTT, Mr. MONTGOMERY, Mr. BROWDER, Mr. TOWNS, Ms. DELAURO, Mr. WHITTEN, Mr. FALEOMAVAEGA, Mr. FROST, Mr. MURTHA, Ms. PELOSI, Mrs. ROUKEMA, Mr. KASICH, Mr. LEVIN, Mr. GEKAS, Mr. WELDON, Mr. DE LUGO, Mr. KANJORSKI, Mr. DE LA GARZA, Mr. PAYNE of New Jersey, Mr. HUGHES, Ms. SNOWE, Mr. LANCASTER, and Mr. RAHALL.

H.J. Res. 90: Mr. BATEMAN, Mr. FISH, and Miss COLLINS of Michigan.

H.J. Res. 94: Mr. DICKS, Mrs. MORELLA, Mr. SAXTON, Mr. SHAW, Mr. LEWIS of California, Mr. APPLEGATE, Mr. KANJORSKI, Mr. SHARP, Mr. ROTH, Mr. YOUNG of Florida, Mr. PACKARD, Ms. ESHOO, Mr. OLVER, Mr. GALLO, Mr. RICHARDSON, Mr. SERRANO, Mr. MCMILLAN, Mr. HOBSON, Mr. MURTHA, Ms. MARGOLIES-MEZVINSKY, Mr. JOHNSON of South Dakota, Mr. SUNDQUIST, Mr. PICKETT, Mr. GONZALEZ, Mr. HAMILTON, Mr. CLINGER, Mr. STUMP, Mr. ROSE, Mr. MONTGOMERY, Mr. EDWARDS of California, Mr. STUDDS, Mr. WISE, Mr. BONIOR, Mr. PICKLE, Mr. BROOKS, Mr. GORDON, Mr. SAWYER, Mr. FRANK of Massachusetts, Mr. STOKES, Mr. MFUME, Ms. DELAURO, Mrs. UNSOELD, Mr. WASHINGTON, Mr. SWETT, Mr. SYNAR, Mr. PETRI, Mr. DREIER, Mr. KIM, Mr. LEACH, Mr. BUNNING, Mr. DELAY, Mr. THOMAS of California, Mrs. VUCANOVICH, Mr. ROHRABACHER, Mr. GRANDY, Mr. VENTO, Mr. BROWN of California, Mr. DIXON, Mr. HANSEN, Mr. RIDGE, Mr. REGULA, Mr. PORTER, Mr. SHUSTER, Mrs. MEYERS of Kansas, Mr. GLICKMAN, Mr. GOODLING, Mr. DORNAN, and Mr. MCCOLLUM.

H.J. Res 117: Mr. SENSENBRENNER, Mr. STARK, Mr. PORTER, Mr. HYDE, Mr. HUFFINGTON, and Mr. LEHMAN.

H.J. Res 134: Ms. PELOSI, Mr. KASICH, Mr. RAMSTAD, Mr. OXLEY, Mr. DE LUGO, Mr. JEFFERSON, Mr. FROST, Mr. SERRANO, and Mr. MOORHEAD.

H.J. Res 135: Mr. APPLEGATE, Mr. BORSKI, Mr. TUCKER, Mr. KLECZKA, Mr. YOUNG of Florida, Mr. EDWARDS of California, Mr. TOWNS, Mr. NATCHER, Mr. KASICH, Mr. BILIRAKIS, Mr. RANGEL, Mr. ACKERMAN, Mr. DOOLITTLE, Mr. HOUGHTON, Mr. LIVINGSTON, Mr. MCCLOSKEY, Mr. SPRATT, Mr. ARCHER, Mr. WOLF, Mr. ANDREWS of New Jersey, Ms. BROWN of Florida, Mrs. MINK, Mr. DIXON, Mr. HALL of Texas, Mr. BEVILL, Mr. HOBSON, Mr. CALLAHAN, Mr. COBLE, Mr. FROST, Mr. COYNE, Mr. BONIOR, Mr. HUNTER, Mr. HEFNER, Mr. HUTTO, Mr. HYDE, Ms. EDDIE BERNICE JOHNSON, Mr. LANTOS, Mr. MCDERMOTT, Mr. LANCASTER, Mrs. ROUKEMA, and Mrs. MORELLA.

H.J. Res 143: Mr. HALL of Ohio, Mr. FISH, Mr. MCDADE, Mr. HUGHES, Mr. VALENTINE, Mr. PASTOR, Mr. RAVENEL, Mr. MONTGOMERY, Mrs. BENTLEY, Mr. KREIDLER, Mr. KENNEDY, Ms. VELAZQUEZ, Mr. SABO, Mr. SKEEN, Mr. SPENCE, Mr. TANNER, Ms. FURSE, Mr. BORSKI, Mr. TRAFICANT, Mr. SARPALIUS, Mr. SLATTERY, Mr. NATCHER, Mr. DEFAZIO, and Mr. MINETA.

H. Con. Res. 16: Mr. MARTINEZ, Ms. DUNN, Mr. GOODLATTE, Mr. KOPETSKI, Mr. HANCOCK, and Mr. MANZULLO.

H. Con. Res. 20: Ms. SNOWE, Mr. HAMILTON, Mrs. JOHNSON of Connecticut, and Mr. SERRANO.

H. Con. Res. 47: Mr. STARK, Mr. PORTER, Mr. HYDE, Mr. BERMAN, and Mr. LEHMAN.

H. Con. Res. 51: Mr. BLUTE, Mr. STUMP, Mr. MCHUGH, Mr. COLLINS of Georgia, Mr. FRANKS of New Jersey, Mr. INGLIS, Mr. DOOLITTLE, Mr. SOLOMON, Mr. BAKER of Louisiana, Mr. DORNAN, Mr. MILLER of Florida, and Mr. CRAPO.

H. Res. 38: Mr. PETERSON of Minnesota, Mr. WAXMAN, Mr. KOPETSKI, and Mrs. MORELLA.

H. Res. 54: Mr. MACHTLEY.

H. Res. 83: Mr. BLUTE.

H. Res. 86: Ms. BYRNE, Mr. COLEMAN, Mr. COX, Mr. DELLUMS, Mr. DORNAN, Mr. EVANS, Mr. FINGERHUT, Mr. HINCHEY, Mr. HOCHBRUECKNER, Mr. HUGHES, Mr. KOPETSKI, Mr. KNOLLENBERG, Mr. KYL, Mr. LIPINSKI, Mr. MCKEON, Ms. MALONEY, Mr. MARKEY, Mr. MEEHAN, Mrs. MORELLA, Ms. PELOSI, Mr. REYNOLDS, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. STARK, and Mr. ZIMMER.

PETITIONS, ETC.

Under clause 1 of rule XXII,

18. The SPEAKER presented a petition of the city council of Honolulu, HI, relative to the formation of an economic conversion task force; which was referred to the Committee on Armed Services.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1335

By Mr. BAKER of California:

—On page 26, strike lines 1 through 8.

By Mr. BOEHNER:

—On page 17, strike lines 1 through 5.

—On page 19, line 13 after section 1101, strike "and other related activities such as food services, school health services, arts education, and transportation, without regard to whether such activities are otherwise authorized under such section".

By Mr. COX:

—On page 25, strike lines 15 through line 20.

By Mr. GINGRICH:

—On page 13, strike line 10 through page 15, line 14.

By Mr. SAM JOHNSON:

—Strike the item relating to "FEDERAL RAILROAD ADMINISTRATION—GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION".

—Strike the item relating to "NATIONAL SCIENCE FOUNDATION—SALARIES AND EXPENSES".

—Strike the item relating to "FOREST SERVICE—CONSTRUCTION".

—Strike the item relating to "ENVIRONMENTAL PROTECTION AGENCY—ABATEMENT, CONTROL, AND COMPLIANCE".

—Strike the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT GRANTS".

—Strike the item relating to "INDEPENDENT AGENCY—GENERAL SERVICES ADMINISTRATION—PUBLIC BUILDINGS SERVICE—FEDERAL BUILDINGS FUND".

By Mr. McHugh:

—On page 11, line 24, strike "37,844,000" and insert in lieu thereof "$37,044,000".

By Mr. SOLOMON:

—At the end of the bill, add the following new title:

TITLE III

LEGISLATIVE LINE ITEM VETO ACT OF 1993

SECTION 301. SHORT TITLE.

This title may be cited as the "The Legislative Line Item Veto Act of 1993".

SEC. 302. LEGISLATIVE LINE ITEM VETO RECESSION AUTHORITY.

(a) IN GENERAL.—Notwithstanding the provisions of part B of title X of The Congressional Budget and Impoundment Control Act of 1974, and subject the provisions of this section, the President may rescind all or part of any discretionary budget authority for fiscal years 1994 and 1995 which is subject to the terms of this Act if the President—

(1) determines that—

(A) such recession would help balance the Federal budget, reduce the Federal budget deficit, or reduce the public debt;

(B) such rescission will not impair any essential Government functions;

(C) such rescission will not harm the national interest; and

(D) such rescission will directly contribute to the purpose of this Act of limiting discretionary spending in fiscal years 1994 or 1995, as the case may be; and

(2) notifies the Congress of such rescission by a special message not later than 20 calendar days (not including Saturdays, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriations act for fiscal year 1994 or 1995 or a joint resolution making continuing appropriations providing such budget authority for fiscal year 1994 or 1995, as the case may be.

The President shall submit a separate rescission message for each appropriations bill under this paragraph.

SEC. 303. RESCISSION EFFECTIVE UNLESS DISAPPROVED.

(a) Any amount of budget authority rescinded under this Act as set forth in a special message by the President shall be deemed canceled unless during the period described in subsection (b), a rescission disapproval bill making available all of the amount rescinded is enacted into law.

(b) The period referred to in subsection (a) is—

(1) a congressional review period of 20 calendar days of session during which Congress must complete action on the rescission disapproval bill and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional 10 days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission disapproval bill; and

(3) if the President vetoes the rescission disapproval bill during the period provided in paragraph (2), an additional 5 calendar days of session after the date of the veto.

(c) If a special message is transmitted by the President under this Act and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission shall not take effect. The message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such first day.

SEC. 304. DEFINITIONS.

For purposes of this Act—

(a) the term "rescission disapproval bill" means a bill or joint resolution which only disapproves a rescission of discretionary budget authority for fiscal year 1994 or 1995, in whole, rescinded in a special message transmitted by the President under this Act; and

(b) the term "calendar days of session" shall mean only those days on which both Houses of Congress are in session.

SEC. 305. CONGRESSIONAL CONSIDERATION OF LEGISLATIVE LINE ITEM VETO RESCISSIONS.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in this Act, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons and justifications for the determination to rescind budget authority pursuant to this Act;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission; and

(5) all actions, circumstances, and considerations relating to or bearing upon the rescission and the decision to effect the rescission, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGES TO HOUSE AND SENATE.—

(1) Each special message transmitted under this Act shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(2) Any special message transmitted under this Act shall be printed in the first issue of the Federal Register published after such transmittal.

(c) REFERRAL OF RESCISSION DISAPPROVAL BILLS.—Any rescission disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

(d) CONSIDERATION IN THE SENATE.—

(1) Any rescission disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this Act.

(2) Debate in the Senate on any rescission disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to 1 hour, to be equally divided between, and controlled by the mover and the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed 1, not counting any day on which the Senate is not in session) is not in order.

(e) POINTS OF ORDER.—

(1) It shall not be in order in the Senate or the House of Representatives to consider any rescission disapproval bill that relates to any matter other than the rescission budget authority transmitted by the President under this Act.

(2) It shall not be in order in the Senate or the House of Representatives to consider any amendment to a rescission disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

SENATE—*Tuesday, March 16, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Eternal God, Your Word declares, "Righteousness exalteth a nation: but sin is a reproach to any people." (Proverbs 14:34)

In the Bible, righteousness and justice are synonymous. There is no justice without righteousness, and no righteousness without justice. Grant to leadership the insight that the reason for ethical decay and moral rot is rooted in the spiritual. When transcendent truth is ignored, the social order collapses, and there is no legislation—not even the perfect law of God—powerful enough to correct cultural disintegration.

Gracious God, help us to take spiritual reality seriously. Renew us in the faith of our fathers which produced our great Nation, to the glory of God and for the sake of the moral order.

In Jesus' name. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each, and with certain special orders for Messrs. GRASSLEY, GRAMM, ROBB, and LAUTENBERG.

Under the order previously entered, the Senator from Iowa [Mr. GRASSLEY] is recognized to speak for up to 10 minutes.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 586 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY and Mr. DECONCINI pertaining to the introduction of S. 585 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. Mr. President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Washington is recognized for not to exceed 5 minutes.

WASHINGTON AGRICULTURE

Mr. GORTON. Mr. President, during this week dedicated to American agriculture I should like to honor the State of Washington's 37,000 farmers and ranchers and their families. I am proud to say that our farmers lead the Nation in the production of 11 commodities. They rank in the top 10 States in an additional 18 separate commodities. In 1991, these commodities were worth a record $4.8 billion at the farm gate and the value-added contribution to the State's economy was $20 billion.

As you travel our State it is impossible not to see our farmers in action. Trees laden with sweet cherries, pears, and apples are grown from Okanogan County to the Yakima Valley. Red raspberries range from Bellingham to Vancouver. Golden wheat fields stretch across eastern Washington. Orchards of vines laden with clusters of grapes are destined for our award-winning wineries. Dairy farms and cattle ranches, along with fields of hops, potatoes, asparagus, carrots, and green peas dot our landscape from border to border.

Washington State has long been known for its agricultural abundance and diversity of crops, not only nationwide, but worldwide. On average, 1 farmer or rancher provides food and fiber for 128 people—94 in the United States and 34 in other countries. About 25 percent of Washington State's crops are sold inside the State, approximately 50 percent of the crops are sold to consumers nationwide, and around 25 percent go into the international marketplace.

Mr. President, I commend these hardworking farmers and ranchers and their families for helping to feed people in the State, the Nation, and the world.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. A point of no quorum having been made, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROTH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Delaware [Mr. ROTH] is recognized for not to exceed 5 minutes.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 587 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Vermont [Mr. LEAHY] is recognized for not to exceed 5 minutes.

Mr. LEAHY. I thank the Chair.

THE TRUTH IN EL SALVADOR

Mr. LEAHY. Mr. President, over a dozen years have passed since Archbishop Oscar Romero was killed by an assassin's bullet as he was saying mass in a chapel in San Salvador. Since then, in a civil war of unspeakable brutality, an estimated 75,000 Salvadorans died, often after being terribly and horribly tortured. Over 40,000 were defenseless civilians.

Throughout this period, in pursuit of a policy eerily reminiscent of the Vietnam war, the United States poured over $6 billion in aid into that tiny country, including equipping and training the armed forces. With our support, the Salvadoran Army, National Guard, Treasury Police, and other units that together made up the security forces, grew from 12,000 to over 50,000 troops and became known as among the most ruthless in the hemisphere. They were a force unto themselves, virtually immune from accountability, led by an elitist officer corps that was possessed by a messianic anti-Communist zeal that justified everything from death squads to institutionalized corruption.

Over the years, I and others urged the Reagan and Bush administrations to hold the Salvadoran security forces accountable for these atrocities. At

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

first, we were told that the abuses did not happen. The 1981 El Mozote massacre, when the infamous U.S.-trained Atlacatl Battalion mercilously slaughtered hundreds of villagers, including children, never happened, according to the American Ambassador and Assistant Secretary Thomas Enders at the time.

But skeletons do not lie, and we now know the gruesome truth. There is even evidence that at the time our Ambassador was told by his own staff that something terrible had happened at El Mozote, but chose to ignore it. Why? Because if we admitted it happened it would complicate the task of winning support in Congress for more aid, more tax dollars to go down to support these killers, these thugs, these murderers. That choice, of the means justifying the ends, was replayed countless times over the next decade.

Ten years later, when six Jesuit priests, their housekeeper and her daughter, were murdered by the same Atlacatl Battalion, the Salvadoran High Command said, of course, it was not them. It was the FMLN. The Embassy, either still too blind or ignorant or malicious to accept it, ignored the truth. Now we find the Minister of Defense, gave the deadly orders and then conspired to cover it up.

Even then, when there were finally enough votes to cut the flow of military aid, the administration continued to argue that without our aid the Salvadoran military would do even worse things, forgetting, or ignoring, that it was the soldiers we trained who had committed these atrocities.

Can you imagine? Send more tax dollars to these murderers because if we do not, they will commit more murders than they commit with our tax dollars. What an Alice in Wonderland excuse for a foreign policy.

I have lost count of the number of letters I received over the years from various government officials, both American and Salvadoran, denying what so many people knew to be the truth.

The truth. That crucial element that was conspicuously lacking in our policy. Finally, we have it.

As part of the Salvadoran peace accords, signed by the Government and the FMLN under the auspices of the United Nations, the two sides agreed that a Truth Commission would be created to investigate unsolved human rights cases. The Salvadoran Government and the FMLN deserve praise for endorsing the principle of accountability for their violent past on which the Commission's investigation is based.

The Salvadoran people, especially the 2,000 brave witnesses who overcame their fear and came forward and gave testimony, deserve special recognition.

Several months ago, when it became clear that the Truth Commission's investigation was not going to be the whitewash some had assumed, the Cristiani government tried to stop publication of the names of those implicated in the report. When the U.N. Secretary General refused, the Government then urged that the names remain secret until after the 1994 elections. Again, the Secretary General insisted that the peace accords be honored.

Mr. President, the contribution of the United Nations in brokering and enforcing the Salvadoran peace accords cannot be overstated. Despite violations by both sides and countless other crises around the globe, the Secretary General and his representative worked tirelessly to keep the peace process on track.

Equally important, by ensuring that the names of those responsible for these crimes are known, the Secretary General has set in motion a process for putting this terrible chapter in El Salvador's history to rest. The people of that country can now decide who is entitled to the privilege of government service, who deserves the honor of military rank, and who should be accountable for their crimes.

The results of the Commission's investigation comes as no surprise to anyone who bothered to see and listen to what was happening in El Salvador. The Minister of Defense, Emilio Ponce, defiant to the end, saw the writing on the wall and resigned 3 days before the report became public. It is beyond a doubt that President Cristiani and the U.S. Embassy have known for months, if not years, of Ponce's involvement in the Jesuits' case and others, yet they continued to treat him with respect.

Other high ranking officers named in the report, who the Salvadoran people have feared for years, remain on the job today. They were named by the ad hoc Commission for removal, but President Cristiani, in open violation of the peace accords, still refuses to remove them. In early January, Senator DODD and I sent a letter to former Secretary of State Baker urging a suspension of all remaining military aid until the ad hoc Commission's recommendations are fully implemented. I am pleased that the Clinton administration has decided to do just that.

The FMLN commanders are also accused of pursuing a campaign of human rights violations, including hundreds of deaths and disappearances, and the assassinations of 11 civilian mayors and several U.S. servicemen.

The Commission also exposes the terrible toll carried out by military and rightwing death squads, paid for by the Salvadoran business elite, including some living in Miami during the early 1980's with little apparent attention from the United States Government.

President Cristiani has proposed an amnesty for those involved in atrocities, the majority of whom are from the Government's security forces. The Truth Commission calls for punishment, and recommends that certain FMLN and military personnel be barred from government service for at least 10 years. At the same time, it notes that the flawed Salvadoran justice system is incapable of carrying out punishment and suggests several important, and long overdue, reforms.

Mr. President, I want to congratulate the members of the Truth Commission, Belisario Bentancur, the former President of Colombia, Reinaldo Figueredo Planchard, the former Foreign Minister of Venezuela, and Thomas Buergenthal, professor of law at George Washington University. They have performed a service of enormous, and historic importance, which should be a model for other countries that are emerging from divisive civil conflicts. For countries like El Salvador that seek to put the trauma of war behind them, they must first go through the catharsis of facing the truth.

We should heed that same lesson. Year after year, we debated United States policy toward El Salvador on this floor. Year after year, I and others put into the RECORD the abundant evidence of atrocities by the Salvadoran military, and year after year we heard the denials and the long speeches about how they deserved our support. Rather than open their eyes, the proponents of aid attacked the integrity of the human rights groups that had gathered the evidence of abuses, often at great personal risk. The State Department lobbied hard for that aid, always citing the FMLN abuses, as they should have, but so often remaining tight-lipped about abuses linked to the military. Today, ignoring the 75,000 dead, it calls its policy a success.

No longer can they close their eyes. It was Roberto D'Aubuisson, founder of the ruling ARENA Party, who ordered the assassination of Archbishop Romero. It was the military that was responsible for the vast majority of the atrocities. And it was the officers who received our training who were among the worst offenders.

I give the State Department credit for pushing the Salvadoran Government toward a peace settlement in the final hours. But it was the Congress that showed the real courage 2 years ago by cutting the aid, and sending the message that we would no longer support any group of thugs who put on a uniform, call themselves the army, and go out and slaughter their own people.

I urge the Clinton administration to conduct a thorough review of the U.S. military training program so many of these officers received. Time and again, from Indonesia to Central America, defenders of the IMET Program have said it was needed to professionalize the armed forces of those countries. As chairman of the Foreign Operations Subcommittee I have begun to shift the focus of the IMET Program to courses in human rights and military justice, and to train civilians in defense management. This is a first step, but I believe the IMET Program is in need of a major overhaul.

I also want to mention the Special Investigative Unit. The SIU is the United States-funded criminal investigative unit in El Salvador, staffed by military officers, that the State Department created to investigate the most serious human rights cases. In what has to be among most egregious perversions of our aid program there, we now have evidence that two of the SIU's commanders, who were supposed to be gathering evidence of abuses, aided in the coverup of the Jesuit murders. Two years ago I held up funding for the SIU until the Salvadoran Government provided a plan to remove it from the control of the military. Despite repeated promises, that plan never arrived.

Finally, just as the Truth Commission urges accountability for the Salvadorans who committed abuses or conspired to hide the truth, so should our own administration review the conduct of its officials. Those who had credible information about abuses but chose to look the other way, or claimed not to know or to shift the blame, should be held to account.

Mr. President, if there ever was a policy that lacked a moral foundation, where the means, no matter how repugnant, were seen to justify the ends, this was it. I urge all Senators, and the administration, especially those who embraced this policy, to read the Commission's report. Ask yourselves, when over the past dozen years should we have acted differently, or spoken out, rather than remain silent? If we can answer that question perhaps we can prevent the repetition of so much senseless suffering.

Mr. President, I ask unanimous consent that a summary of the Truth Commission's report, and a copy of Senator DODD's and my letter, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY

INTRODUCTION

The Commission on the Truth (herein "Truth Commission") was so named because its very purpose and function have been to seek, find and make public the truth about the acts of violence committed by both sides in El Salvador during a civil war in which more than 75,000 Salvadorans were killed. This report attempts to set out, with detailed examples based on extensive testimony and investigation, responsibility for some of the worst and most widespread violations of human rights in El Salvador between 1980 and July 1991.

Peace is always made by those who have fought the war. With the support of the United Nations, the parties in conflict explicitly established this Commission and gave it its mandate under the peace accord. In so acting, the government of El Salvador and the guerrillas of the Farabundo Marti National Liberation Front (FMLN) abandoned fratricide and embraced the principle that the responsibility for acts of violence must be publicly recognized, that victims must be remembered and that the perpetrators must be identified.

This report is based also on the principle that individuals, even those caught up in the fury of civil war and the orders of superiors, are accountable for their actions. By committing themselves to remember the tragic violence of their recent past and by calling for accountability in their new national quest for peace, the Salvadoran people and their leaders have set a standard that offers hope in a world ravaged daily by newly terrible civil wars and gross abuses of human rights.

For their vision and their courage in embracing these ends, the government, the former guerrillas and the people of El Salvador deserve the praise and respect of the international community. The members of the Truth Commission believe that El Salvador's commitment to face the past will go far to strengthen the determination to find out the truth, to put an end to impunity and cover-up, and to encourage reconciliation by means of democratic processes instead of violence.

Bitter though the truth may prove to be in some cases, recognizing what happened in El Salvador is the first essential step to assuring that it will not happen again. For more than a decade a convulsion of violence seized El Salvador. The army, security forces and death squads linked to them committed massacres, sometimes of hundreds of people at a time. They also carried out targeted assassinations of many others, including the country's archbishop and six Jesuit priests.

The FMLN guerrillas also followed a logic of violence that led to grave human rights violations. They killed, kidnapped and disappeared civilians, dissidents within the rebel movement, public officials, mayors, judges and unarmed U.S. military personnel.

This outburst of violence has deep roots in a history of violence in El Salvador that permitted political opponents to be defined as enemies to be eliminated. A mentality of violence affected all sides in the war. It was reinforced by the lack of a credible judicial system. Such hatred, killing and acceptance of injustice must never again be allowed in El Salvador to destroy dialogue, tolerance, and reconciliation.

Truth alone, however, is not enough to attain the further goal of national reconciliation and reuniting the Salvadoran family. Forgiveness also is indispensable. The abuses and the pain inflicted on tens of thousands of people in El Salvador will not and should not be forgotten. It is the Commission's hope that the sense of justice that truth gives voice to, will in time help them to forgive.

By accepting the challenge of truth and of peace, the government and the former guerrillas in El Salvador have assumed a special responsibility. Salvadoran society—a society of sacrifice and hope—is watching them from the vantage point of history. The future of the nation summons them, a nation which is moving forward under the influence of one dominant idea: to lift itself out of the ruins in order to hold high, like a banner, the vision of its future. It is the Commission's hope that a more just El Salvador will arise from the ashes of a war in which all sides were unjust.

THE MANDATE AND METHODOLOGY OF THE TRUTH COMMISSION

The Commission was composed of three international notables selected by the Secretary General of the United Nations in consultation with the parties: Belisario Betancur, former president of Colombia; Reinaldo Figueredo Planchart, former foreign minister of Venezuela; and Thomas Buergenthal, Professor of Law, George Washington University.

The Commission was not established as a judicial body. Instead it was given six months under the terms of the Salvadoran peace accords to carry out four main tasks; to clarify the worst human rights abuses of the war by all sides; to study with special care the impunity with which the Salvadoran military and security forces committed abuses; to make legal, political or administrative recommendations to prevent a repeat of past abuses; and, finally, to stimulate national reconciliation. Both the guerrillas and the government committed themselves to carry out the Commission's recommendations.

In seeking, as mandated, the most thorough accounting possible of human rights abuses in the war, this report names the institutions and those individuals whom the Commission found responsible in the cases it studied.

The Commission received direct testimony from 2000 sources relating to 7000 victims and information from secondary sources relating to more than 18,000 victims. Given this amount of testimony, the Commission could only deal with a small portion of the thousands of abuses committed in the War. It chose to select a sample of cases that either reflected the most shocking events of the conflict or formed part of a broader, systematic pattern of abuse.

All witnesses who requested it, were guaranteed confidentiality to protect their lives and encourage frankness. Based on the number of corroborating accounts and other evidence in a particular case, the Commission used three levels of certainty in reaching its conclusion: overwhelming evidence, substantial evidence and sufficient evidence. Some cases could not be resolved. The testimony of a single witness or other single source, no matter who compelling, was deemed insufficient to make a judgment if not backed up by other evidence.

CASES STUDIES

Before addressing specific cases presented in the report, the Commission also provides a chronological overview of the history of violence from 1980 to 1991.

1. The killings of six Jesuit priests.
2. Extra-judicial killings:

San Francisco Guajoyo;
Six leaders of the Democratic Revolutionary Front;
Four American churchwomen;
El Junquillo;
Four Dutch journalists;
Attack on FMLN hospital and execution of a nurse;
Las Hojas;
San Sebastian;
Garcia Arandigoyen;
FENASTRAS and COMADRES;
Hector Oqueli.

3. Forced Disappearances:

Ventura and Mejia;
Rivas Hernandez;
Chan Chan and Massi.

4. Massacres of peasants by the army:

El Mozote;
Rio Sumpul;
El Calabozo.

5. Death Squad Killings:

Archbishop Oscar Arnulfo Romero;
Mario Zamora;
Tehuicho;

Killings of agrarian reform advisers at Sheraton Hotel.
6. Violence by the FMLN:
Murder of mayors;
Zona Rosa;
Herbert Ernesto Anaya Sanabria;
Napoleon Romero Garcia (Miguel Castellanos);
Francisco Peccorini Lettona;
Attorney General Jose Roberto Garcia Alvarado;
Jose Francisco Guerrero;
Two American survivors of a helicopter shot down by the FMLN;
Kidnapping of Ines Duarte and Villeda;
Murder of a judge in Carolina.

Summary of conclusions in some of the major cases studied:

1. JESUIT PRIESTS

The Commission found that in November 1989, several members of the Salvadoran Army high command ordered the murder of the Jesuits. Officers at the military academy organized the killings. Elements of the army Atlacatl battalion murdered the six priests, their housekeeper and her young daughter; then attempted to leave evidence falsely implicating the rebel FMLN.

For their part in ordering the killings, the Commission calls for the immediate dismissal and banning forever from military and security duties of Defense Minister, General Rene Emilio Ponce; Vice-Minister General Orlando Zepeda; former vice-minister of public security Col. Inocente Montano; Chief of Staff, General Gilberto Rubio Rubio; former Air Force commander, general Juan Rafael Bustillo; Col. Francisco Elena Fuentes, and Col. Guillermo Alfredo Benavides. For their part in covering-up the killings, the Commission cites Army chief of staff General Gilberto Rubio Rubio; the former commander of the Atlacatl battalion, Col. Oscar Alberto Leon Linares; and the legal adviser to the army high command, Rodolfo Antonio Parker Soto.

2. EL MOZOTE

The Commission finds that the army killed over 200 people in El Mozote, including women and children in 1980. It cites former Atlacatl battalion commander Col. Domingo Monterrosa Barrios; Col. Natividad de Jesus Caceres Cabrera, a major at the time of the massacre. The Commission also cites Supreme Court President Mauricio Gutierrez Castro for improper interference in the judicial proceedings concerning the investigation of the massacre.

3. ARCHBISHOP OSCAR ARNULFO ROMERO

The Commission finds that Major Roberto D'Aubuisson ordered the assassination of the Archbishop and that Army Capt. Eduardo Avila and former Capt. Alvaro Saravia, as well as Fernando Sagrera played an active role in the assassination. The Commission further finds that the Supreme Court of El Salvador played an active role in impeding the extradition from the United States of Capt. Saravia.

4. ASSASSINATIONS OF MAYORS BY THE FMLN

The Commission finds that the General Command of the FMLN approved the killing of civilian mayors and that the People's Revolutionary Army (ERP) of the FMLN was responsible for the killing of a least eleven mayors. The Commission cites ERF commandantes Joaquin Villalobos, Ana Guadelupe Martinez, Mercedes del Carmen Letona, Jorge Melendez, and Marisol Galindo for having responsibility for the executions.

RECOMMENDATIONS

The Truth Commission concluded its report with wide-ranging recommendations aimed at removing human rights violators from public offices, reforming the justice system and the Armed Forces, as well as to promote human rights, democracy, the rule of law and national reconciliation.

I. THOSE CITED FOR HUMAN RIGHTS ABUSES IN THE REPORT

The Commission recommends that those individuals it found to be responsible for serious abuses of human rights who today hold public or military office should be removed immediately. They should also not have access to public office, or a public role, in El Salvador for at least 10 years. They should also be prohibited from ever holding any military or security responsibility.

Based on its investigation, the Commission calls for the removal from the Salvadoran armed forces or from any other public office of more than 40 military personnel. They include Minister of Defense General Rene Emilio Ponce; Vice-Minister, General Orlando Zepeda; Chief of Staff Gen. Gilberto Rubio Rubio, former Air Force commander, General Juan Rafael Bustillo; former vice-minister for public security, Col. Inocente Montano; Col. Francisco Elena Fuentes and former commander of the Atlacatl battalion, Col. Oscar Alberto Leon Linares, among others. All of the above officers are cited for their role in either ordering or concealing the murder of six Jesuit priests, along with their housekeeper and her daughter. Former National Guard commander, General Eugenio Vides Casanova, is cited for playing a role in the cover-up of the murders of four American religious workers.

The Commission also recommends that former rebel FMLN leaders be barred from holding public office for a decade. They include the commandantes Joaquin Villalobos, Ana Guadalupe Martinez, and Jorge Melendez, among others. They are cited as the commanders responsible for the murders of more than 11 civilian mayors.

The Commission also lists Captain Alvaro Saravia and Captain Eduardo Avila for the murder of Archbishop Oscar Arnulfo Romero. Avila is also cited, along with Lt. Rodolfo Isidro Lopez Sibrian and Major Mario Denis Moran as being responsible for either ordering or concealing the killings of three agrarian reform advisers at the Sheraton hotel.

The Commission cites some former military officers who are now deceased, but who played a major role in the civil war. They include former Major Roberto D'Aubuisson, who is cited for organizing death squads and ordering the murder of Archbishop Romero. Also cited is deceased Col. Domingo Monterrosa Barrios, for being the commander in charge of the massacre at El Mozote.

The Commission cites civilian participants in human rights abuses. Among these is Fernando (El Negro) Sagrera, for helping plan the murder of Archbishop Romero and Hans Christ for assisting in the killing of three agrarian reform experts at the Sheraton hotel. Rodofo Antonio Parker Soto, former legal adviser to the Army high command, is cited for helping conceal the role of senior officers in the killing of the six Jesuit priests. Hector Antonio Regalado, the former head of security for Roberto D'Aubuisson, is cited for organizing and managing death squads.

The president of the Supreme Court, Dr. Mauricio Gutierrez Castro is cited for improper interference in the legal investigation of the massacre of El Mozote.

II. THE FMLN

In broad terms, the Commission finds the FMLN responsible for having committed "grave acts of violence" including assassinations, disappearances and kidnappings during the war that violated human rights and humanitarian law. The Commission received more than 800 denunciations of grave violations by the FMLN, including nearly 400 killings and over 300 disappearances.

The Commission calls on the FMLN to renounce forever all forms of violence in the pursuit of political ends.

III. THE ARMED FORCES

The vast majority of abuses studied by the Commission were committed by members of the armed forces or groups allied to them. In order to promote the urgent need in El Salvador to professionalize the military, bring it under civilian control and instill it with a respect for human rights, the Commission makes the following recommendations.

(1) Immediate removal from the military of all officers cited for human rights and other major violations.

(2) Steps to assure civilian control of military promotions, the military budget and all intelligence services.

(3) A new, legally backed, provision permitting military personnel to refuse to obey unlawful orders.

(4) Steps to cut all ties between the military and private armed groups or other paramilitary groups.

(5) The profound study of human rights at the military academy and in other officer training courses.

IV. DEATH SQUADS

The Commission finds that death squads, often operated by the military and supported by powerful businessmen, land-owners and some leading politicians, have long acted in El Salvador and remain a potential menace. The Commission received testimony on more than 800 victims of death squads.

This problem is so serious that the Commission calls for a special investigation of death squads in order to reveal and then put an end to such activity. The Commission is especially concerned by the close relation between the military, hired assassins and extremists within the Salvadoran business community and some affluent families, who resorted to killing to settle disputes. This practice must end.

The Commission also is concerned that Salvadoran exiles living in Miami helped administer death squad activities between 1980 and 1983, with apparently little attention from the U.S. government. Such use of American territory for acts of terrorism abroad should be investigated and never allowed to be repeated.

V. THE JUSTICE SYSTEM

The Commission finds that the system of justice in El Salvador is highly deficient. It makes several recommendations to address this profound problem that permitted the abuse of human rights in El Salvador.

(1) The report calls for the immediate implementation of constitutional reforms requiring the turnover of the present members of the Supreme Court. In particular, the president of the court, Dr. Mauricio Gutierrez Castro, is cited for unprofessional conduct.

(2) Bring about a true separation of powers between the executive, legislature and the judiciary in order to depoliticize the administration of justice and in particular the Supreme Court in El Salvador.

(3) The power of the head of the Supreme Court and its centralized power over the rest of the judiciary should be reduced.

(4) The report calls for the already created Independent Judicial Council to be made

truly independent, so that it can oversee the functioning of the judicial system. This group will review the professional capacity of all serving judges. This group should be given the power to appoint or remove judges, taking that power away from the Supreme Court.

(5) Judges should be provided adequate salaries.

(6) Extra-judicial confessions should be prohibited; the right to a lawyer should be strengthened; strict limits should be placed on pre-trial detention; those who can order detentions should be limited and defined; the right of habeas corpus and the presumption of innocence should be strengthened.

U.S. SENATE,
Washington DC, January 11, 1993.

Hon. LAWRENCE EAGLEBURGER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: As strong supporters of the UN-brokered peace accords between the Government of El Salvador and the FMLN which ended a dozen years of civil war, we are dismayed by President Cristiani's decision not to fully implement the recommendations of the Ad Hoc Commission by the December 31 UN deadline. We believe the implementation of the Commission's recommendations in a timely manner is crucial to El Salvador's future.

Ultimately, it is up to the United Nations Secretary General to determine that the peace accords, which every Salvadoran citizen has a stake in, are being complied with. However, until then, we urge you in the strongest terms to withhold obligation or delivery of any further military assistance for El Salvador. We believe the United States must take this step to make it clear to the Salvadoran armed forces that they cannot expect our support unless they fully comply with the peace accords.

Thank you for your consideration.

Sincerely,

PATRICK LEAHY,
Chairman,
Foreign Operations Subcommittee.
CHRIS DODD,
Chairman,
Western Hemisphere Subcommittee.

The PRESIDING OFFICER (Mr. BREAUX). Under the previous order, the Senator from Texas, [Mr. GRAMM] is now recognized to speak for up to 10 minutes.

THE CLINTON BUDGET

Mr. GRAMM. Mr. President, I want, today, to talk about the Clinton budget as adopted by the Senate Budget Committee. As my colleagues know and as the people of America know, we are moving toward floor consideration of this budget in the Senate, probably this week. What I am going to try to do beginning today and each morning until we bring the budget up is talk about the budget and talk about the choice we are making. There is a Biblical admonition we are all familiar with, that says "ye shall know the truth, and the truth shall make you free." If there is a problem with that Biblical admonition, it is that it does not tell you how you are going to know the truth.

This speech today, and the ones I will be giving each morning until we bring up the budget, represent my modest contribution toward helping people know the truth so it may make them free. What I tried to do is to reduce the Clinton budget as it will come to the floor of the Senate down to some very simple charts. I think these charts really tell the whole story. The first chart tries to reduce it down in a form that the American people can understand, in what I call the Dicky Flatt baseline.

In other words, what I want to do in taxes, in nondefense and in defense spending, is to start out with the world as we know it today and ask the simple question: Over 5 years, if everything that President Clinton claims his budget will do it will do, if every savings in that budget occurs, what will the world look like at the end of those 5 years? It seems to me that is about as fair a test as you can give a budget, assume everything it says will happen, in fact, happens. I think when you do that you get a pretty startling picture of the Clinton budget.

First of all, taxes over the next 5 years will rise $1,332 billion. Over the next 5 years we will collect $1,332 billion more in taxes from the American people than we collect today.

Second, nondefense spending on a myriad of programs will rise by $840 billion. That will be the largest 5-year increase in nondefense spending in the history of the United States and as you can see from looking at the line on the chart, it is virtually an explosion of nondefense spending, up $840 billion.

Defense will decline by $154 billion over the next 5 years. Stated in a form I think is easy to understand, starting from where we are today in taxes, nondefense spending, and defense spending, what the Clinton budget does is it basically cuts defense by $154 billion, raises nondefense spending by $840 billion, and taxes go up by $1,332 billion.

Let me talk about what this means in, I think, commonsense terms. What is the Clinton vision for America? I am fond of saying budgets are important, not because they have something to do with numbers but because they have something to do with vision—because they tell you what kind of America we want. What is the Clinton vision and what does it look like when you take all these numbers and reduce them to something you can understand?

Let me just give two definitions of the vision that to me make a point. At the peak of the Johnson Great Society programs, nondefense spending—social spending—as a percentage of gross national product, was 10 percent. At the peak of the Johnson Great Society we were spending 10 cents out of every dollar earned in America on social programs.

If fully implemented, the Clinton plan will mean that nondefense spending will rise to 19.3 percent of the GNP, or almost 20 cents out of every dollar earned by everybody in America will go to the Government to spend on social spending. The first point I want to make, which I think is pretty startling, as a percentage of the economy, social spending under the Clinton plan will be twice what it was at the peak of the LBJ Great Society program. We will be spending twice as much of the total resources of our economy on social programs under the Clinton plan as we spent when Lyndon Johnson was President at the peak of the Great Society programs.

Second, as compared to Jimmy Carter on defense, when our defenses were deemed to be insufficient and we embarked in the 1980's on a defense buildup that ended up winning the cold war, tearing down the Berlin Wall, liberating Eastern Europe, transforming the Soviet Union, but when defense was at its lowest during the Carter administration, we were spending 6.1 percent of GNP on defense. Under the Clinton vision, that will be cut to 3.2 percent.

So let me just state it in simple terms. We will be spending twice as much on social programs as a percentage of GNP under the Clinton vision as we did at the peak of the Johnson Great Society, and under the Clinton vision we will be spending half as much on defense as a percentage of GNP as we spent when President Carter was President.

What do we get for all this? What do we get for this massive tax increase, and for this dramatic reordering of priorities in terms of what the budget debate is supposed to be about, reducing the deficit? After all these taxes, after all this spending, after all these defense cuts, what actually happens is that if everything President Clinton promises comes true in his 4-year term as President, the Federal debt will go up $1.426 trillion.

The chart I do not have but my trusty staff is working to produce is what each of these Presidents promised on deficit reduction because what we are doing here is comparing their reality with the Clinton promise. What you would see if you had their promise superimposed is that the Reagan promise almost balanced the budget both times; Bush's promise was a fairly small deficit increase; this is the Clinton promise, and we do not know what the reality will be.

Mr. President, there are two other points I want to make and I will be finished. First of all, these are the promises. Let me give you a figure that frightens me. In the next 2 weeks, having adopted the extension of unemployment benefits and in probably adopting the economic stimulus program, we will send the Federal debt up by $21.5 billion. It is brandnew spending, and the President has designated it as an emergency, so it does not count as spending, it does not count as deficit but it counts as something we are going to have to borrow money to fund and everybody knows that is accounting gimmick.

All of the spending cuts that are supposed to be in this budget, if everything that President Clinton claims will happen under his budget really happens, it will not be until 1997 that we have achieved a 1-year reduction in spending that will equal the new spending that we will have approved in the next 2 weeks here in the U.S. Senate.

Let me tell you the problem with these promises. Almost all these promised spending reductions are off in the future. What the President is saying, something we have heard from Presidents in both parties, is let me spend money now and then in the sweet by and by, I am going to control spending. The truth is that almost all of these spending control measures in the President's budget are promises to control spending in the future.

I offered an amendment in the Budget Committee to take these promised spending control measures, make them caps on spending and to enforce them to be sure we actually do it. You will not be surprised to find that that amendment was defeated on a straight party-line vote. All the Democrats who were members of the Budget Committee did not want to enforce all these savings. If my colleagues are wondering why all these groups that are supposed to be suffering all these cuts are not knocking on our door, I suggest they go back and look at that vote because that vote suggests to me that nobody intends to actually make these cuts.

I am going to offer that amendment again on the floor of the Senate, and the amendment will simply say, take President Clinton's budget, take these savings by limiting the growth of spending that he promises and make it the law of the land that you have to do it. And then if Congress does not do it, restrain spending across the board to accomplish it. I hope my colleagues will adopt it.

Finally, let me say that the most startling thing about this whole proposal is how much of the taxes go to fund new spending. Over the next 5 years, taxes will go up by $1.334 trillion, but $840 billion of that will be spent. I offered an amendment in the Budget Committee, which I will offer again on the floor of the Senate, that does two things: It freezes discretionary spending, and it takes out all the President's new add-on spending and says that if any of these new programs are important, then cut some existing program to pay for it and add them, but do not add them without paying for them. By doing that, I save enough money to delete the taxes, the energy taxes and the Social Security taxes.

Let me say that again. By simply freezing discretionary spending and by not adding the new spending that the President proposes, you save more money than the President raises by raising taxes, energy taxes and Social Security taxes. Or stated in another way, every penny of personal taxes, every penny of energy taxes, every penny of Social Security taxes goes not to reduce the deficit but goes to increase nondefense spending. I do not think the American people understand that. I think those Americans who say they are willing to be taxed to reduce the deficit mean it. I do not think they are willing to be taxed to fund more Government spending. I wonder how many retirees earning $18,000 a year on their W-2 form, of course, the President says they are really earning about $25,000 because they own their own home and he counts as income the rent they would have to pay if they did not own it, I wonder how many of them want to raise their taxes to fund new Federal domestic spending.

I thank the Chair for his indulgence.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia, under the previous order, is recognized to speak for up to 15 minutes.

Mr. ROBB. I thank the Chair.

(The remarks of Mr. ROBB pertaining to the introduction of S. 588 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,211,672,714,399.73 as of the close of business on Friday, March 12.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $288,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,396.83—thanks to the big spenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

BROWN UNIVERSITY PROJECT ON SECURITY FOR EUROPE

Mr. PELL. Mr. President, I would like to bring to the attention of the Senate an important initial report based on the first year of a 2-year project on security for Europe. This project involves an unprecedented undertaking by 10 policy and public opinion research organizations in 5 countries in Central and Eastern Europe—Czechoslovakia, Germany, Hungary, Poland, and Russia—in collaboration with the Center for Foreign Policy Development of the Thomas J. Watson, Jr., Institute of International Studies at Brown University. In 1993, this project will be joined by additional policy and public opinion institutes in Ukraine and newly independent Slovakia, increasing the total number of countries participating to eight, including the United States.

We ignore at our peril the rapidly changing face of Central and Eastern Europe, and the reader will find that the report identifies important trends in both public attitudes and the policy debate in that critical region of the world. In particular, the report provides insights into growing ethnic problems, international border issues, military and nonmilitary security dilemmas, the breakup of post-Soviet Republics, and the current and future United States role in Europe. Among the key policy problems addressed in the report are the protection of national minorities, international action to contain and resolve conflicts, and the tension between unilateral and multilateral strategies for increasing security in Europe.

The results of this multinational research project are being disseminated widely among policymakers, experts and opinion leaders in each of the participating countries. In addition to its important input to the development of our future policies, I also believe that this project makes an equally significant contribution to democratic development in Central and Eastern Europe. Nongovernmental research institutions in that region are strengthening their capabilities in public opinion and policy research—key ingredients in developing a dynamic democratic debate on foreign policy and security issues. Political leaders are taking into account public attitudes and preferences as they formulate policies—a radical shift from the repression of free opinion and debate under Communist rule.

Mr. President, this initial report makes an important and stimulating contribution to the public and policy debate on European security issues. I wish the project well in its second year, and I look forward to the final report and final conferences that are planned at the end of 1993 in both Europe and the United States.

TRIBUTE TO EDDIE COLLINS

Mr. SASSER. Mr. President, I rise today to pay tribute to a good friend who has dedicated his life to working men and women of Tennessee and the Nation, Mr. Eddie Collins.

Eddie Collins was born near Jackson, TN, on July 4, 1932. He attended local schools and graduated from Malesus High School in 1950. After graduation, he worked as a union fireman for the L&N Railroad. After steam engines made firemen obsolete, Eddie became a member of the International Brotherhood of Electrical Workers [IBEW] and worked for the Jackson Electric Department and then as an electrician's helper on construction sites in Kentucky.

On January 2, 1954, he began work as a grocery clerk at the Kroger store in Jackson and soon joined the RCIA Local No. 1529 out of Memphis, TN. Eddie became a steward and helped organize the National Ten Stores in Jackson. His hard work in the organizing campaign impressed several union officials and in early 1956, he went to work for the union. The union sent him to Baton Rouge, LA, local where he served as chief executive officer for 6 months. He came back to Tennessee and served as a business agent for the Memphis local. Functioning as an RCIA international representative in 1958, Eddie served in Shreveport, LA, and Jacksonville, FL, and then in the fall of 1958, the RCIA sent him to Nashville as its deputy trustee.

The international had put local No. 1557 in Nashville under trusteeship and Eddie was to oversee the local until it got back on its feet. He and the members of the local union established a good relationship and on October 4, 1959, he was elected secretary-treasurer of the local by acclamation. He served as CEO of local No. 1557 until December 31, 1992. Eddie inherited a union with less than 1,000 members and built it into an organization with almost 8,000 members.

Under Collins' leadership, local No. 1557 touched the lives of its members in many areas. He helped negotiate wages and benefits that allowed the unions members to live the American dream. Local No. 1557 also conducted vigorous organizing campaigns and was active in community and political affairs. Finally, the local strove to bring more dignity to the work lives of its members.

Eddie Collins has served in many other important capacities. In October 1969, he was elected vice president of the Tennessee AFL–CIO Labor Council and as a member of that body's executive board. He eventually became the first vice president of the council and still serves as an officer and board member. During his career, Eddie served on Nashville's Private Industry Council and the Tennessee Employment and Training Council. He was selected as a member of Leadership Nashville and served as the chairman of UFCW 1557's health and welfare fund, and as a board member of the Tennessee Health Planning Council. Eddie has also found the time to raise a fine family of 4 daughters and 11 grandchildren with his wife, Frankie Mullins Collins.

Eddie has retired from his duties at local No. 1557. He will be missed greatly, but I am pleased he is leaving leadership of the local in the able hands of Rosemary Geddes.

I hope my colleagues in the Senate will join me in congratulating Eddie Collins on his outstanding career and his service to the community, the State of Tennessee, and the Nation.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is concluded.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. The Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. MITCHELL. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask that the distinguished Senators from Montana, Senator BAUCUS and BURNS, be recognized to address the Senate as in morning business for 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS and Mr. BURNS pertaining to the introduction of S. 587 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL VOTER REGISTRATION ACT OF 1993

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 460) to establish national motor voter registration procedures for Federal elections, and for other purposes.

The Senate resumed consideration of the bill.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that there be a 30-minute time limitation for debate, equally divided in the usual form on Senator FORD's amendment No. 123, to be offered upon the granting of this consent request; that no amendments be in order thereto or to the language that is stricken by the amendment; that at the conclusion or the yielding back of time, the Senate, without any intervening action or debate, vote on or in relation to Senator FORD's amendment No. 123; and that upon the disposition of the Ford amendment No. 123, Senator SIMPSON be recognized to offer three germane amendments in the first degree and those are amendments numbered 127, 128, and 129; and that upon the disposition of those amendments, Senator SIMPSON be recognized to offer amendment No. 126.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object, Mr. President. We just want to check with one Senator. I believe there will be no objection on this side.

Mr. MITCHELL. Mr. President, while we are waiting for our colleague to check, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues for their cooperation. I yield to the distinguished manager of the bill.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I thank the majority leader for his usual courtesy and appreciate his interest in passing this legislation and in cooperating with those who have amendments to the motor-voter bill.

Mr. President, I believe under the unanimous-consent agreement, I am authorized to call up amendment No. 123.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 123

(Purpose: Composite of amendments agreed to)

Mr. FORD. Mr. President, I call up that amendment at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD] proposes an amendment numbered 123.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of amendment No. 123 is printed in today's RECORD under "Amendments Submitted.")

Mr. FORD. Mr. President, let me be brief. We only have 15 minutes to a side. I want to briefly say what is in this amendment. Basically, the amendment which I have sent to the desk is the majority's response to the Republican amendments which were presented to me last week. We worked until 1:30 or 2 in the morning in order to try to work out an agreement that made a sincere and dedicated effort to be accommodating. Although we were unable to reach an agreement with respect to our negotiations, I believe that with some modification, a majority of the amendments were good amendments and should be adopted. To further evidence my good faith intentions, I have offered this amendment.

Mr. President, let me briefly describe what this amendment would do. It modifies the exemption for election day registration of S. 460 to exempt States which have enacted legislation to permit registration on election day at the polling place, in effect continuously on and after March 11, 1993, or have enacted such a law on or prior to March 11, 1993, and by its terms is to come into effect upon enactment of this bill. It further provides that this exemption would also apply to States which permit registration and voting for Federal offices in a Presidential election year.

Mr. President, it also modifies the motor-voter section of the bill by eliminating the present provisions on a written declaration to register. Under the terms of this amendment, every application for a driver's license shall serve as an application for registration, unless the applicant fails to sign the voter registration application. This ensures that motor-voter will continue to be a simultaneous transaction but clarifies that the decision on whether to register or not is the applicant's.

It includes a technical provision which relates to the transmittal of registration application by motor vehicle officials to the appropriate State election authority; a modification of the effective date for the States which have a State constitutional problem to conforming to the act; a provision relating to the notice of the disposition of the mail application for registration. If a notice is sent by forwardable mail and is returned to the registrar as undeliverable, the name of the voter will be removed by going through the purge provisions of the bill at section 8(d).

The amendment provides that each application must not only contain an attestation clause but also include a statement regarding the penalties for filing a false application.

Mr. President, with regard to agency-based registration, this amendment provides that each applicant should be offered assistance in completing the voter registration application unless the applicant refuses such assistance. It provides that voter registration shall be offered at military recruitment centers. This amendment limits the FEC regulatory to the development of the mail registration application and proscribing the data necessary for the FEC to fulfill its reporting obligations under the act.

Mr. President, we have made an honest effort I think to cooperate with my colleagues on the other side. They submitted to us nine amendments. I think maybe we have accepted basically eight. One we could not. I think that is a pretty good effort, Mr. President, to accommodate my colleagues on the other side.

So I have made that honest effort to cooperate and hopefully this has become a better bill.

Mr. President, I believe these amendments make S. 460 acceptable. At least, I hope it does. Because many of these ideas were suggested by my Republican colleagues, I hope that some of my colleagues on the other side of the aisle will rethink their position on this bill and support our efforts.

Mr. President, I yield the floor and reserve the remainder of my time.

Before I do, that, Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. I yield the floor. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. MCCONNELL].

Mr. MCCONNELL. Mr. President, we are making some progress. Unfortunately, the latest model of motor-voter is still a little bit of a lemon but it is getting better. If we can have a little more success later in the day, I think we will be there, at least for some of my colleagues. There are some of us who still wonder whether this is a solution in search of a problem, but we are making some progress.

Let us see for my colleagues who are interested in where we are after the adoption of the Ford amendment which presumably will be adopted. As a matter of fact, I had suggested we simply do it without a rollcall vote because it is going in the right direction. Unfortunately, even after the adoption of the Ford amendment, which will be considered shortly, it still discriminates against taxpayers and in favor of welfare recipients. It forces States to provide voter registration service at all public assistance agencies.

Mr. President, it is important to remember that a lot of public assistance is provided in America by State governments and by local governments. I recall having been a county official in a major county in my State and we offered public assistance. The employees who work in the public assistance portion of county government were not under any kind of merit system. They could well, had they been inclined, have coerced voters who were coming in for assistance into registering, or even worse, into registering with a particular party.

So it seems to this Senator that that kind of situation should not be mandated by Federal legislation. Essentially, what happens even after the Ford amendment, if States have any money left, the bill does not mandate but allows voter States to provide voter registration at tax offices and hunting license offices. In other words, we make the registration occur in effect unless the applicant says I do not want to be registered in the welfare offices. But we say States and localities may provide registration at places like tax offices and hunting licenses.

We allow public assistance applicants to refuse assistance in fulling out registration forms even after the Ford amendment but no such applicant is going to refuse the person who will decide whether they get public help. Instead no registration assistance should be offered unless the applicant asks for it up front. That is the way it is under motor-voter portions of this bill, it requires an affirmative act to register by motor-voter applicant. We think that the latest model of motor—voter simply does not also come with a buyer's warranty. One of the things my friend from Kentucky and I were discussing last Friday to provide some assurances to those of us on this side of the aisle was whether we could get through the majority some assurances on the part of the House Democrats who will be on the conference committee as to whether or not they will keep these provisions. It does not do us much good to adopt the core package if it is subsequently dropped in conference.

It is not unheard of around here to have some conversations in advance with people on the other side who will be involved in crafting the final package as to whether or not they might recede to the Senate's version of this core package.

I know that my colleague from Kentucky seems to feel that is difficult to provide. I would hope we might be able to get that assurance. Without that assurance, it seems to me this whole exercise of adopting the core package could end up being an exercise in futility.

With regard to another portion of the bill, the core package that we offered which was not accepted concerning the registrar and the registrant, the revised language also ties the States' hands with regard to voters who move within a jurisdiction without notifying the registrar. Under the revised language, the voter could choose to vote at another either the old or new polling place or a central location and all the voter has to do is say he is at the new address.

The only option even after the Ford amendment is adopted, the only option the State has to control the election process is to provide by law that the voter who has moved may show up and vote at the new location. In other words, this amendment denies States the right to designate the polling place it deems best to ensure the integrity of the election process.

The amendment tells the States there is only one way to handle the situation where a voter moves without modifying the registration of the change of address.

So, Mr. President, I think we are making some progress but we are not quite there yet. There would be no reason not to support the Ford amendment. As I said, I hope we can do it on a voice vote but we are still a long way from getting the kinds of assurances that our side would like that this is truly a bill that will not encourage election day shenanigans.

Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Kentucky controls 9 minutes 56 seconds.

Mr. FORD. I thank the Chair.

Mr. President, I have been asked almost the impossible here to guarantee that the House will accept this legislation. I am not sure whether we will have nongermane amendments on, and the House will be adamantly opposed and that we know that they have a germaneness rule there that is somewhat different from ours. We know that the House votes to instruct their conferees, something different than what we do here. We are left with the ability to be flexible in some ways. I did offer that if you would accept our proposal, and have it before the Senate now, if that is acceptable, I will go, and that is the end of it, I will then go to the House and ask them to accept this piece of legislation without conference. That is all I can do.

I cannot say what the other people will do. I cannot force the House into doing things. So I am being asked to do something here that is basically not humanly possible.

I can negotiate with the best of them. I can talk and try to work things out. I can go in advance and try to talk to the House leadership, and I believe Senator MITCHELL will join with me. But to guarantee that it be acceptable then, that is something that I cannot guarantee of my colleague and he cannot guarantee me. When I start guaranteeing him, he will vote differently. When he starts guaranteeing me, I will probably vote differently. But under the circumstances, we cannot guarantee each other.

So now to be asked to go to the House and guarantee that—we have gotten the bill to a point where there is very little argument—oh, there is a picky, picky place here or there. But we are trying to reconnect the citizen with Government again. We are trying to make it easy to register to vote so that people that want to vote can. We do not guarantee that this will increase the turnout, but it has the possibility of increasing the turnout. I wonder how many people wanted to vote in the Presidential election in 1992 that were not registered. Under this bill, it will not happen to them the next time. The last day before the day of the election, and they want to vote, they will have the opportunity because they will be registered.

There is no fraud. Every State that we have that says they put in some type of motor-voter, the fraud has not increased.

We do not want to trust under the debate we are hearing here; we do not want to trust people. They are going to coerce them, say things and do things that will make the applicant do some things they do not want to do. I have a greater trust in individuals than that. I believe that if they do not want to register, they say no, and the employee at the agency will say that is fine, that is your choice.

So, now, Mr. President, here we are, and we have worked hard, stayed up until 2 o'clock or 3 o'clock in the morning, and we have worked as best we can to put this package together. And I just do not believe that we are so far off that we are going to have fraud and misrepresentation and so forth. I believe we are at a point where we have to start trusting people, and we should not put a heavy weight on the citizen. We ought to make it easier for them.

Mr. President, I have always heard one thing, and I want to repeat it: Why is it that you people in Washington always get in a little room somewhere and conjure up another program to put down on States?

Well, this is something that started at the grassroots. It started at home. It started with our constituents, and it has worked its way up. We have a broad array of associations that are for this legislation, including the secretaries of state, election officials, organizations that are not politically oriented, one party or the other. They support this.

We have worked with States, and we have come to an agreement. So now I think we are at a point where, if this amendment is passed, we are very close to getting a motor-voter that would be acceptable to not only both sides of the aisle, but one that I believe will be acceptable to the people back home.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Kentucky [Mr. McCONNELL] is recognized.

Mr. McCONNELL. Mr. President, even though it is not a part of the core package, I remind my colleagues that we still have not paid for this bill. This is still an unfunded mandate.

Let me repeat what will still not be acceptable after the adoption of the Ford amendment, which we could have taken on a voice vote.

The bill will still discriminate against taxpayers in favor of welfare recipients. It will force States to provide voter registration services at all public assistance agencies. Many States and localities do not have civil service. Many States and localities have those kinds of offices manned by patronage workers. Then, if States have any money left over, the bill will allow States to provide voter registration at places like tax offices and hunting license offices.

Even after the adoption of the Ford amendment, there will be no exemption for States which have successful voter registration programs in place. For example, the Jeffords amendment would exempt States which register at least 90 percent of the eligible population. Vermont already has 90 percent of the population registered. Even after the adoption of the Ford amendment, the situation would exist that allows public assistance applicants to refuse assistance in filling out voter registration forms, but no such applicant is going to refuse the person who will decide whether they get public help.

I repeat, no such applicant for public assistance is going to refuse, when asked by the person handing out the public assistance to, A, register and, B, where they have party registration, suggest a particular party.

Instead, it is my view that no registration assistance should be offered, unless the applicant asks for it up front.

Even after the adoption of the Ford amendment, it would require an affirmative action to register by motor-voter. That would be necessary to prevent against unintentional or improper registration, but does not require a similar affirmative act to register through agency-based registration.

In other words, you have to make an affirmative action, or ask for assistance, if you are registering through the motor-voter provisions. But if you are receiving welfare assistance, you would have to ask not to be registered.

The latest model of motor-voter does not come, as I indicated, with a buyer's warranty. I know my colleague cannot absolutely guarantee what the House will do. But we could have had some discussions with them in the course of the last few days to get some indication back, before we pass this bill, as to whether or not this core package would be retained in conference.

One of the reasons that I hope we will continue the discussion of this bill beyond 6 o'clock tonight is so those contacts can be made by the majority here in the Senate, with the majority in the House, to get some indication, before we finally pass this legislation, as to whether or not these provisions of the Ford amendment, plus some other provisions we hope will be adopted in the course of this debate, will in fact be retained by the House. I do not think it is an impossible task to at least make the inquiry and get some feedback prior to the final passage of this bill.

Finally, even after the adoption of this amendment, States will be denied the right to designate the polling place it deems best to ensure the integrity of the election process. States will be denied, even after the adoption of this amendment, the right to designate the polling place that that particular State deems best to ensure the integrity of the election process.

Mr. President, I do not think these are unreasonable requests. All of these were in the core package that we offered on this side to the majority last Friday. I hope, if we are still discussing this bill after 6 o'clock, that we will be able to get these additional assurances.

I say to any members of our party, on this side of the aisle, who actually favor this legislation, that this legislation would be made significantly better by the adoption of the core package I offered last Friday. It would improve the bill. I, personally, would rather not see the bill pass. But there are some who feel this is an important thing that the Federal Government should do. So why not make it as good as we possibly can. I think the entire core package offered by this side last Friday would greatly improve this bill, particularly if we had some assurance that it would be in the final version adopted at the end of the process.

Mr. President, I reserve the remainder of my time.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I believe both of us now have 4 minutes remaining.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time equally run against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I ask the Chair how much time now remains.

The PRESIDING OFFICER. The senior Senator from Kentucky has 2 minutes remaining.

Mr. FORD. And the other Senator from Kentucky has 2 minutes?

The PRESIDING OFFICER. The junior Senator from Kentucky has 2 minutes.

Mr. FORD. Mr. President, we will vote in 4 minutes. I just want to reiterate that I guess beauty is in the eye of the beholder.

I think this is a pretty good bill. In the words of Henry Clay, I compromised as much as I could compromise and, as he said, compromise is negotiated hurt. I hurt when I gave a portion of this bill away. It was not easy to do. I honestly feel that we have come a long, long way to accommodate my colleagues on the other side.

It is not for me to question but to do or die, I guess. I cannot understand why this bill now is not acceptable to the body as a whole.

I could not commit that the House would accept this bill. I did commit to going to them once it is passed and try my level best to be sure that they accepted the bill as we sent it to them and pass it. That is about all I can do, and to encourage it. The majority leader had agreed that he would go and work with the leadership.

We do not have anything to offer them. We do not have a bill. Once we get a bill, then we have something to offer, not hypothetical. And you can bet every dime you have if there are some nongermane amendments on this bill it will not pass as is.

So, Mr. President, I hope that we can pass this bill today. I hope we can get an agreement without going through a cloture motion. I would like to do that. And we are getting on with amendments this afternoon and we can expect votes between now and 6 o'clock, the time for the vote on cloture.

So, Mr. President, whatever time I have I yield back and I am prepared to go to a vote.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I wish to make sure my friend from Kentucky knows what it is we are asking. Let me repeat it is not asking my colleagues in the majority to protect every portion of the bill, including nongermane amendments.

What we are asking for in advance is some assurance that the core package that was offered last Friday would be upheld in conference. Clearly, if we wait until after the bill is passed we have no clout at all. What we are asking in advance of passage is that only the core package, not some nongermane amendment or amendment that may be offered in the course of this debate and adopted. We do not expect the majority to protect that in conference. What we are asking for is a core package that was offered last Friday by the minority to the majority, which both sides are familiar with. That is what we are asking for, assurances in advance of passage, because if we have to wait until after it is passed, of course, we have no clout at all and no guarantees that would be upheld. I do not think that is an unreasonable request.

With regard to whether the counteroffer made by my friend from Kentucky is adequate, I would say it is not. I mean, he is going to get the whole bill. There are many people on this side of the aisle who do not think this bill ought to pass at all. What we ask for is a small core of perfecting amendments that will improve the legislation. We hope during the course of the debate that entire package will be accepted and we can get some assurances from the Democratic majority in the House with regard only to the core package being retained in conference.

Mr. President, I yield back the remainder of my time, if there is any remaining.

Mr. SIMPSON. Mr. President, on March 5, 1993, the Democratic Governor of Wyoming, Mike Sullivan, signed into law a bill providing for same-day voter registration on the day of a general election. The Wyoming statute provided that it would only become effective following the passage of the bill which we in the Senate are now considering.

The amendment before us provides that certain States that enacted such same-day registration laws prior to March 11, 1993, would be exempt from the provisions of the bill. I want to make it very clear that language which I drafted and incorporated in this amendment that refers to "a State * * * under a law * * * that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this act, so long as it remains in effect * * *." Specifically contemplates the statutory situation in Wyoming.

Mr. FORD. That is my understanding and intent.

Mr. JEFFORDS. Mr. President, I strongly support the National Voter Registration Act and hope that we will see its passage very soon. I greatly appreciate Chairman FORD including my amendment with his package of amendments, making it possible for my State of Vermont to comply with the law without violating the State's constitution.

That constitution is a remarkable document. It was originally adopted in 1777, when Vermont began its proud history as an independent republic. It outlawed slavery and adopted universal male suffrage. Fiercely jealous of its independence and subject to competing land claims from the Colonies and Canada, New York, and New Hampshire, Vermont included in its constitution the requirement that all voters take the Freemans Oath, which affirms a voter's loyalty to the republic, now State, of Vermont.

The constitutional requirements for the administration of the Freemans Oath unfortunately are in conflict with the requirements of the legislation before us. Moreover, our process for adopting constitutional amendments is deliberately and appropriately slow, making compliance with the proposed legislation and our constitution impossible in the time contemplated in the legislation as it now stands. According to the attorney general's office in Vermont:

> If the Senate bill is passed in its present form, the conflict could only be rectified, at least for the election of Federal officials, by an amendment of the Vermont constitution. As you know, the amendment process takes several years to complete. The current deadline of January 1, 1996, as stated in S13(1) of S. 460, would not provide enough time for the amendment process to be completed in Vermont.

My amendment will allow Vermont to come into compliance with the law as soon as it is constitutionally possible. I want to thank Chairman FORD and his staff for their understanding and assistance in working out this problem.

I would like to particularly thank Vermont State Senator Bill Doyle for his attention to and support for my efforts. Also, I thank Vermont Attorney General Jeffrey Amestoy and his most able deputy, Wallace Malley, for their expeditious attention to my request for assistance in working out a solution to the problem presented by this legislation as it is currently written. I have appreciated the advice from a number of other Vermonters such as Susan Auld, Commissioner of Employment and Training, Michael Griffes, commissioner of motor vehicles, and Steve Jeffries of the Vermont League of Cities and Towns, who have not supported the National Voter Registration Act but have been helpful in making suggestions that in a number of cases have been adopted to make this legislation better than it would have been otherwise.

I thank my colleagues for their support.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from Kentucky.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—99

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—0

NOT VOTING—1

Hatfield

So the amendment (No. 123) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized to offer an amendment.

AMENDMENT NO. 130

(Purpose: To make clear that the bill does not preclude a State from requiring documentary proof of citizenship)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Wyoming [Mr. SIMPSON], for himself, Mr. HELMS, and Mr. McCONNELL, proposes an amendment numbered 130.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate place, insert the following:
>
> **SEC. . RULE OF CONSTRUCTION.**
>
> Nothing in this Act shall be construed to preclude a State from requiring presentation of documentary evidence of the citizenship of an applicant for voter registration.

Mr. SIMPSON. Mr. President, this is a simple but, I think, important concept. It allows States to check documents to verify citizenship. Please understand it does not mandate that the States check documents; it simply makes clear that this bill must not be interpreted to stop any particular State from requiring documents. This includes States which currently by State law check documents, as well as those who may wish to check documents in the future.

Unfortunately, California, which has one of the most sophisticated tamper-resistant driver's licenses available today, does not by law require documents proving citizenship for voter registration. According to the Census Bureau, 14.9 percent of California's population are noncitizens. According to the 1991 INS statistical year book, the most current assessment by the INS of the foreign-born population in the United States, California has about 50 percent of the Nation's immigrants and about one-third of its refugees and asylees. Unfortunately, California also has large numbers of illegal aliens.

California has had several instances where voter registration materials were or may have been used to register noncitizens to vote. The most notable occurrence, I think this is striking, was in San Francisco where the U.S. attorney Russoniello conducted an investigation of bilingual ballot users on the information that many were noncitizens. Mr. Russoniello received information that persons were informing ineligible voters that they were in fact eligible to vote if they were married to a U.S. citizen—which only gets you a green card if you apply—or if they had lived in the United States a long time, which still does not get you citizenship. Also, the Spanish translation of the registration form erroneously stated a registrant "should be" rather than "must be" a citizen.

The investigation revealed that 27 percent of the persons examined proved to be noncitizens; 40 percent have no records so that citizenship could not be determined; and only 32 percent were, in fact, citizens. The investigation was apparently terminated without further resolution.

The San Francisco investigation and others demonstrate the reason why I think it is increasingly important for many States to require some form of proof of citizenship. I am extremely concerned about the problem of fraudulent documents. Fraudulent documents will greatly reduce the effect of employer sanctions, the law designed to take the job magnet out of illegal immigration.

While my amendment does not address the problem of fraudulent documents, I offer it in the expectation that some document verification process, instead of no documentation verification process, will discourage some noncitizens from registering to vote and committing the resulting felonies. I offer my amendment to try to ensure that States will continue to have the right, if they wish, to require documents verifying citizenship, but only, as I say, if they so desire.

I ask my colleagues to support this amendment.

The PRESIDING OFFICER. Is there any objection to considering amendment No. 130 in light of the fact it is the same text as amendment No. 127?

Mr. FORD. Mr. President, I reserve the right to object, and I do not think I will object. Is that the same amendment we were talking about with the distinguished Senator from New York earlier?

Mr. SIMPSON. Amendment No. 130 is not an amendment of mine, Mr. President. Yes, No. 130 is the third one in the series.

Mr. President, what was the suggestion of the Chair?

The PRESIDING OFFICER. The suggestion of the Chair was whether there was any objection to considering amendment No. 130, which has the same language as amendment No. 127.

Mr. SIMPSON. Mr. President, I will certainly agree to melding the two amendments. They are of similar nature.

Mr. FORD. I have no objection, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FORD. Mr. President, point of information. Are we now debating amendment No. 127?

Mr. SIMPSON. That is correct, Mr. President.

The PRESIDING OFFICER. That is correct.

Mr. FORD. Mr. President, if I may enter into a question or two with the distinguished Senator, I say there is nothing in the bill now that would preclude the State's requiring presentation of documentary evidence of citizenship. I think basically this is redundant, even though you probably put it in a section. But there is nothing in there now that would preclude it.

I see no objection to the amendment, and if the Senator wants to put his eloquence in the RECORD, I will be more than pleased to accept it and we can go from there unless there is some objection.

Mr. SIMPSON. Mr. President, I do appreciate the floor manager's remarks, and I will dispense with my eloquence then, at his request, and I appreciate that he will accept this amendment. I thank the cosponsors, and I thank the comanagers.

The PRESIDING OFFICER. Without objection, amendment No. 130 is withdrawn.

The amendment (No. 130) was withdrawn.

AMENDMENT NO. 127

The PRESIDING OFFICER. The pending amendment is amendment No. 127. The question is on agreeing to amendment 127.

The amendment (No. 127) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 128

(Purpose: To provide for the imposition of civil penalties for misrepresentation or fraud concerning citizenship)

Mr. SIMPSON. Mr. President, I send an amendment to the desk, amendment No. 128.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for himself, Mr. HELMS, and Mr. MCCONNELL, proposes an amendment numbered 128.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. CIVIL PENALTIES FOR MISREPRESENTATION OR FRAUD CONCERNING CITIZENSHIP.

(a) IN GENERAL.—A person who engages in conduct that constitutes a violation of section 911, 1015, 1426(a), or 1546 of title 18, United States Code, shall be liable for a civil penalty imposed in accordance with the procedures stated in subsection (b).

(b) PROCEDURES.—

(1) COMPLAINTS AND INVESTIGATIONS.—The Attorney General shall establish procedures—

(A) for persons to file written, signed complaints respecting potential violations of section 911, 1015, 1426(a), or 1546 of title 18, United States Code;

(B) for the investigation of those complaints which, on their face, have a substantial probability of validity;

(C) for the investigation of such other violations of section 911, 1015, 1426(a), or 1546 of title 18, United States Code, as the Attorney General determines to be appropriate; and

(D) for the designation in the Department of Justice of a unit to prosecute violations of section 911, 1015, 1426(a), or 1546 of title 18, United States Code.

(2) AUTHORITY IN INVESTIGATIONS.—In conducting investigations and hearings under this subsection—

(A) the Attorney General and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated; and

(B) administrative law judges, may, if necessary, compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing.

(3) ORDER REQUIRING COMPLIANCE.—In a case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the Attorney General, a district court of the United States may issue an order requiring compliance with the subpoena, and any failure to obey the order may be punished as a contempt of court.

(4) HEARING.—

(A) IN GENERAL.—Before imposing an order described in paragraph (5) against a person under this subsection for a violation of section 911, 1015, 1426(a), or 1546 of title 18, United States Code, the Attorney General shall provide the person with notice and, upon request made within a reasonable time (of not less than 30 days, as established by the Attorney General) of the date of the notice, a hearing respecting the violation.

(B) CONDUCT OF HEARING.—A hearing requested pursuant to subparagraph (A) shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. The hearing shall be held at the nearest practicable place to the place where the person resides or of the place where the alleged violation occurred. If no hearing is requested, the Attorney General's imposition of the order shall constitute a final and unappealable order.

(C) ISSUANCE OF ORDERS.—If an administrative law judge determines, upon the preponderance of the evidence received, that a person named in the complaint has violated section 911, 1015, 1426(a), or 1546 of title 18, United States Code, the administrative law judge shall state findings of fact and issue and cause to be served on the person an order described in paragraph (5).

(5) CEASE AND DESIST ORDER WITH CIVIL MONEY PENALTY.—With respect to a violation of section 911, 1015, 1426(a), or 1546 of title 18, United States Code, the order under this subsection shall require the person to—

(A) cease and desist such violations, and inform the appropriate State office that the person's name should be removed from the voter registration list; and

(B) pay a civil penalty of—

(i) in the case of a first violation, not less than $1,000 nor more than $4,000; and

(ii) in the case of a second or subsequent violation, not less than $4,000 nor more than $10,000 for each violation.

(6) ADMINISTRATIVE APPELLATE REVIEW.—The decision and order of an administrative law judge shall become the final agency decision and order of the Attorney General unless, within 30 days, the Attorney General modifies or vacates the decision and order, in which case the decision and order of the Attorney General shall become a final order under this subsection.

(7) JUDICIAL REVIEW.—A person adversely affected by a final order under this section may, within 45 days after the date the final order is issued, file a petition in the court of appeals for the appropriate circuit for review of the order.

(8) ENFORCEMENT OF ORDERS.—If a person fails to comply with a final order issued under this section, the Attorney General shall bring a civil action in United States district court to seek compliance with the order. In such an action, the validity and appropriateness of the final order shall not be subject to review.

Mr. SIMPSON. Mr. President, I feel this amendment provides us with an important supplement for criminal penalties for falsely claiming to be a U.S. citizen. This amendment creates civil penalties to supplement the existing criminal provisions which make it a felony to falsely represent or attest to citizenship and to use fraudulently obtained proof of citizenship to get work or public welfare assistance.

It also allows a civil administrative procedure to determine the assessment of such penalties. If a person is found to have violated the current criminal provisions of the law and those sections are defined, then under my amendment a prosecutor may decide to bring a civil rather than a criminal action. Civil penalties for first-time violators are $1,000 to $4,000; penalties for subsequent violations can range from $5,000 to $10,000. The administrative law judge's decision is a final order appealable only to the Federal Court of Appeals.

Mr. President, the benefit of civil penalties is that they provide a more expeditious means of addressing the fraud problem. With Federal court dockets backlogged and U.S. attorneys swamped with drug and violent crime cases, document fraud cases can be adjudicated without resorting to the backlogged Federal criminal court system.

You may be interested to know that a similar provision was included in the 1990 immigration law, which Senator KENNEDY and I cosponsored, where we addressed the use of fraudulent documents to obtain immigration benefits. The INS has been very pleased with the process and has successfully brought actions against individuals which otherwise might have been left at the very bottom of the case pile in the Federal criminal court system.

Civil penalties have the additional feature of providing a penalty for fraud which does not require the alien to become a convicted felon. While civil penalties may not be appropriate in some cases, they may be appropriate in other cases such as long-time residents with families or citizen family members, who are otherwise law-abiding members of society.

I think this amendment is reasonable and supplements the criminal penalties provisions for citizenship status fraud. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. FORD. Mr. President, this begins to weight this bill down. If you read the amendment, it is several pages of enforcement orders, judicial review, administrative appellate review, conduct of hearings, issuance of orders, cease and desist. We get into many, many different items. It becomes a very weighty position. It would probably create some problems that are not now anticipated.

We find that those penalties that are Federal penalties, because it is a Federal election, are sufficient. We have letters from the secretary of state of Texas. We have letters from many secretaries of state—Sacramento, CA; supervisor of elections in Tallahassee, FL; office of the county clerk in Chicago, IL, the Cook County clerk. All say there are sufficient penalties and sufficient provisions in this bill without going to such an elaborate document here.

So, Mr. President, I hope that my colleague will not pursue this. It just goes beyond what we hope that this legislation will do; that would be to, if it is a Federal election, have Federal penalties. We have gone into the fraud, abuse, and all that part of it. All the States indicate that we have done a pretty decent job of putting it together. The more we increase it, the heavier the bill gets. Then the more complaints we will have from local authorities as it relates to the bill. I hope that is not the Senator's intent here, to create more havoc.

I hope the distinguished Senator from Wyoming will not pursue this. But if he will, I will be forced to table his amendment.

I do not like to disagree with my friend too often.

Mr. SIMPSON. Mr. President, I appreciate the comments of my friend from Kentucky. We do our business with great vigor, the two of us. I do admire him and regard him highly as a friend and a very capable assistant leader on his side of the aisle.

But, respectfully, I do think that perhaps, one could read too much into my amendment. We are talking here of nothing more than allowing civil penalties to supplement existing criminal provisions. The reason for my amendment is, in dealing with issues which overwhelm law enforcement officials, that the criminal prosecutors, frankly, "don't like to mess with it."

We found this very clear in our work with immigration reform. That is why Senator KENNEDY and I put this provision in the Immigration Act of 1990. The INS has found it to be very helpful, because this is a sting you can perform. That is a civil fine. This amendment, for first-time violators, is $1,000 to $4,000, as I say, and subsequent violations range from $5,000 to $10,000. It leaves it to the prosecutor to decide whether to bring a civil action or a criminal action. Then, the decision of the ALJ, the administrative law judge, is the final order.

I do not think it adds layers to the process. Quite the opposite I think it gets to the point of what we are trying to do here. We are trying to prevent fraud and the use of falsely attested to and fraudulently obtained proof of citizenship. With this amendment we say: Allow us to use the civil justice system as well as the criminal justice system to accomplish this purpose.

My amendment is not intended to weigh down this bill. I feel that there will be more than several on our side of the aisle who will support this legislation if some of these things are done; not, perhaps, this one. I am not speaking for that. But it is not intended as a device to weigh it down.

Mr. McCONNELL. Mr. President, will the Senator yield for a question?

The Senator, as a member of the Judiciary Committee, has had a good deal of experience with crime packages that have come out of the committee and been dealt with on the floor. Is it not true that our prosecutors, at all levels of government, criminal prosecutors, are under a lot of pressure to deal with murder cases, to try to get drug convictions, and deal with other crimes that are considered by the general public to be of overwhelming significance, so that criminal offenses such as the ones outlined in this bill are often just simply not given priority?

I am curious if my friend does not believe a civil penalty might be much more effective and more likely to get the desired results.

Mr. SIMPSON. Mr. President, that is absolutely correct. I tell my friend from Kentucky—and I commend him for his fine work as floor manager of this measure—indeed it is true that these criminal items do not have top priority. They go directly to the bottom of the barrel. They remain there while the prosecutors are doing things that the public really wants. And by that, they mean just exactly what the Senator from Kentucky has said; drugs and violent crimes. These documented fraud cases just disappear into the vapors.

I think if we had a civil penalty provision, it would help us to reach what we are tying to; that is, discourage fraud. None of us wants that in this motor-voter legislation. We all agree to that.

Mr. FORD. Mr. President, will the distinguished Senator yield for a question?

Mr. SIMPSON. Indeed.

Mr. FORD. If every State has a requirement for citizenship and it is already in place, why should we get into this? Not being a lawyer, it makes it difficult for me to understand why we need this when most States have a requirement of being a citizen in order to register to vote, anyhow.

Would we not be duplicating State law, and the Federal law now would be loading up State law?

This will go into minute detail, as far as I am concerned, as to how the States should operate. If the States already have a requirement to be a citizen to register and to vote, I do not see why we need to add any more to that.

Mr. SIMPSON. Mr. President, I do serve as a member of the Judiciary Committee, where we process legislation, where we try to refer both criminal and civil jurisdiction, when we are trying to reach an issue that is, because of overwhelming workloads, not a top priority of the prosecutors.

But what we are trying to accomplish here is simply to provide the civil procedure, the administrative law judge measure. No States have criminal statutes relating to citizenship status fraud. Nor do any States which I know of have civil fines relating to citizenship status fraud.

There are about 14 or 16 States now that request documents when you register to vote. But that is another matter.

There are no States which individually provide any kind of fine or criminal penalty for citizenship fraud.

Mr. FORD. If States require you to be a citizen and they do not have any penalty, criminal or civil, it appears that there is no teeth in it. But according to the letters that I have been receiving from the States that endorse or support this legislation, and those who have instituted some type of motor-voter and maybe basically the same aspects of this bill, they have seen no increase in fraud, no increase in those trying to register that are noncitizens. In fact, they find it very palatable, because you have to give all this information to get a driver's license and, normally, then you attest that you are a citizen, and they take your picture.

It seems to me that that is quite a deterrent, rather than getting into general parts of this complaint, investigations, authority in investigations, and you go to the Attorney General, administrative law judges, an order requiring compliance, and then you have a hearing and then the conduct of how the hearing is held, the issuance of the orders, cease and desist orders with civil money penalties, administrative appellate review, judicial review, enforcement of orders; and you continue and continue to put all this weight on local officials, when they now have the ability, I say to my friend. And we just agreed to an amendment—I did—that allowed the States to ask for documents. I thought that would probably be sufficient.

But now we are getting into, I think, an overburdening of the States with these requirements, to tell them how to do it and how not to do it, and what procedure to follow. It is not a criminal penalty, just fining some money. They are very reluctant to sign and have their picture made and go through all that. There is very little fraud, according to the States that have the so-called motor-voter, or a registration form.

I believe the Senator has gone further than is necessary here in this particular amendment. I hope that we can work out something that would not be quite so burdensome on the States.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Wyoming [Mr. SIMPSON] is recognized.

Mr. SIMPSON. Mr. President, I want to work toward that, too. I represent a State that has a very able secretary of state, who is a Democrat, a woman named Kathy Carpin, who is a friend and a very able person. She has been resisting the whole concept of motor-voter. It is going to cost the State of Wyoming a great deal of money. It is going to cost our 23 counties a great deal of money, and I think that those who vote against this measure, after it has gone through the legislative amending process, those who will be voting against it are simply voting against a bill where we have dumped the cost on the States.

There are States that do not have motor-voter, and those are the States that have a lot of illegals. California never would have gone to motor-voter on its own or, perhaps, New York, because they know that they have a serious problem with illegals. Unless a State checks with the INS, there is no possible way of proving that someone is not a U.S. citizen.

And the reason you do not hear much about fraud at the voting place is that those are clerks, Democrat and Republican, election judges and clerks—are not responsible for the validity of the documents that are presented.

This is what is wrong in America today. There is so much fraudulent documentation and so much gimmicking of the system. You can buy, within 500 yards of this building, any document you want to get yourself further on in the structure of society, whether it is a fake green card, voter registration card, passports, or driver's license. That is what is wrong with the country right now with regard to illegal immigration. So, election judges are not going to ask that.

It is not this bill, or my amendment, that has imposed the criminal penalties that I have described. I am just adding a civil aspect to it. The criminal burdens for citizenship status fraud under this bill are rather tremendous, and all we are doing is saying you can prosecute civilly, too, instead of criminally.

We are just saying: Let us set up a procedure where you can do something with regard to civil fines. It is not intended to bring down a bill that the Senator from Kentucky has worked on and invested a tremendous amount of his life into, but I think it is worthy of giving them that option.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. FORD. Mr. President, I am not going to take too much time, and I will move to table. I really do not want to do it, because I would like to visit with my friend and see if we can work out something. The secretary of state in California endorses the legislation without the civil penalties. We have a letter from the board of elections of New York endorsing our piece of legislation.

It seems to me that with the mail—they also have mail registration—and they have not indicated any problems with fraud. I go back to when you look at Texas, Florida, New York, California, and others, and you get Mississippi, and you have a statement from the secretary of state there that they are content with this bill, and they think it will do what is in their best interest. And then we are telling a State to put on more—if I did not have a bill, sure, you would not have to put this on, I understand that; that does not take a brain surgeon to figure that out. But I think this goes too far. When you say California, New York, and talk about those States, we have documents from their people that say our bill is sufficient. The penalties are what they feel is necessary and does not go beyond that.

So I hope that the Senator will not force me to table his amendment, but I guess maybe I will have to do it, and we will have a vote here shortly.

Mr. SIMPSON. Mr. President, I was reflecting—we do not know whether or not California or New York or other States have thought of a civil penalty. I do not think those States would oppose the use of a civil penalty since, obviously, their criminal systems are tremendously burdened. But I do understand the feelings of the Senator from Kentucky. I do not know what more could be said.

I certainly understand the effort to make a motion to table, and that should certainly take place, and nothing could be done about that. But I do know—and I want the record to show—that this amendment is not intended to freight this bill with something unworkable. I think it would be something very workable for the States to consider, having the ability to consider assessing civil penalties rather than criminal.

Mr. President, as the sponsor of the amendment, I ask unanimous consent that we temporarily set aside the amendment at this moment, until further agreement with the managers of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, would it then be that we would bring up the third amendment from the Senator from Wyoming, that is, amendment No. 129?

The PRESIDING OFFICER. Amendment No. 129 offered by the Senator from Wyoming will be the next in order.

The Senator from Wyoming.

AMENDMENT NO. 129, AS MODIFIED

(Purpose: To provide for a study to determine whether, after enactment, as many as 3.0 percent of persons who are registered to vote are noncitizens, and if that is the case, to provide expedited procedures for sunsetting parts of the bill)

Mr. SIMPSON. Mr. President, while my colleague from Kentucky is here in the Chamber, I do present the amendment No. 129. I call that up and ask unanimous consent to modify it by changing the first word in line 13 on page 2 from "privacy" to "primary." It is a misprint. It says, "the number of noncitizens that vote in the privacy * * *."

Mr. FORD. I thought they vote in private.

Mr. SIMPSON. They do vote in private but they do not vote in privacy or whatever the other word is similar to that.

So it says, "* * * primary, runoff, and general elections * * *," and I thank my colleague, but I am going to present it to him.

Mr. FORD. That is all right. The Senator can modify it.

Mr. SIMPSON. We will accept that.

Mr. FORD. He has a right to modify his amendment.

The PRESIDING OFFICER. Without objection, the amendment is modified.

Mr. SIMPSON. Mr. President, let me go forward with the amendment. I ask that the amendment be read with the typographical correction to the word "primary."

The PRESIDING OFFICER. The clerk will read amendment No. 129, as modified.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for himself, Mr. HELMS, and Mr. MCCONNELL, proposes an amendment numbered 129, as modified.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . REGISTRATION OF NONCITIZENS.

(a) DEFINITION.—For the purposes of this section—

(1) the term "6 States that receive the largest number of immigrants" means the 6 States that, as reported in the Immigration and Naturalization Service Statistical Yearbook for fiscal year 1991, received the largest number of immigrants.

(b) STUDY.—The Attorney General shall conduct a study, in at least 3 States that are among the 6 States that received the largest number of immigrants to determine, as specifically as possible using the best available statistical and other methodologies with respect to the period beginning on the date of enactment of this Act and ending on the date of the general elections for Federal office in 1994—

(1) the number of noncitizens that apply for voter registration during that period;

(2) the number of noncitizens that are registered to vote in the primary, runoff, and general elections for Federal office in 1994;

(3) the number of noncitizens that vote in the primary, runoff, and general elections for Federal office in 1994;

(4) the number of noncitizens that, during that period, use voter registration material facilitated by this Act to violate immigration laws (including sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c)); and

(5) the number of noncitizens that, during that period, use voter registration material facilitated by this Act to apply for or obtain Federal public benefits.

(c) REPORT.—Not later than November 30, 1995, the Attorney General shall submit to Congress a report describing the results of the study. If it is determined in the study and report required by this section that more than 3.0 percent of all persons registered to vote in the primary, runoff, and general elections for Federal office in 1994 in the States that are the subject of the study are noncitizens, section 6, Mail Registration, and section 7, Voter Registration Agencies, shall terminate 15 days after the report is submitted to Congress.

Mr. SIMPSON. Mr. President, in all 50 States, only citizens can vote in Federal elections. Noncitizens who register to vote or otherwise represent themselves as citizens are committing one or more felonies.

My amendment requires—please understand—the Attorney General to study citizenship status-related fraud occurring through the 1994 election cycle. The study, due on November 30, 1995, would be of at least three of the six States receiving the most immigrants.

You wonder why I bring these issues before you. It is only because I have chaired the Immigration and Refugee Subcommittee. I have served as ranking member under Senator KENNEDY, and now that subcommittee consists of Senator KENNEDY, myself, and Senator SIMON. We are not doing this as a subcommittee response, but there are six States that receive the most immigrants in the United States, and they are California, Texas, New York, Florida, Illinois, and New Jersey, as reported in the INS 1991 statistical yearbook.

The survey of those impacted States, I think, is essential to any kind of thoughtful assessment of fraud by noncitizens. It is directed in this amendment that the study shall determine several types of fraud by noncitizens applying for voter registration, the number of noncitizens actually registered during 1994 Federal elections, the number of noncitizens voting in the 1994 Federal elections, the number of noncitizens that use voter registration materials to violate immigration laws, and the number of noncitizens who use voter registration materials to apply for or obtain federally funded public benefits.

Those who are on the other side of the issue argue that the motor-voter bill will not—I have heard this thoroughly throughout this debate and I have been listening—create or facilitate fraud.

I happen to disagree with that position. I believe it will. And I believe also that we should get the cold, hard facts as to whether that is the case.

If my colleagues on the other side of the issue are correct, then they should welcome, I think, this report. Not only would it not assail their position; it might actually support it. What do you have to lose, if there is no fruad?

On the other hand, if the bill does create or facilitate fraud, as I and others here in this body believe that it may, then this report will establish the level of fraud involving citizenship status. If the fraud is there, we will know about it.

If more than 3 percent of all persons registered to vote in the States studied are noncitizens, then only portions of this bill will be sunsetted—the mail-in registration section and the public assistance offices and other "voter registration agencies" section. That is a quote from the bill—"voter registration agencies". Those registration provisions only would sunset.

The motor-voter registration would continue but opportunities for fraud, it is my feeling, are greatest with the mail-in, public assistance, and like agencies.

A friend of mine 10 years ago was telling me recently that at a booth in the airport in one of the cities of California it said "voter registration." So, he registered. He said, "I answered the questions. It was under oath, and I answered the questions."

He is a Wyoming resident.

He said, "I just wanted to see what would happen."

He said for 10 years he received an absentee ballot in Wyoming from that exercise.

That is what is going to come in from mail-in registration. We all know that if human beings are involved, we will have these kinds of situations. Mail-in registration under this bill and registration in public assistance offices, and like agencies, frankly, gives us all a terrible bit of concern—more than bit—an awesome amount of concern.

None of us, Democrat or Republican, want fraud in the voting process. It is a very precious, precious right, one of the most important rights of citizenship.

My amendment is to try to find out the extent of citizenship-related fraud in up to six States that are most heavily impacted by immigration and, if the level is unacceptable, then let us go back to the drawing board. I think we would have nothing to fear from that investigation, and that is the purpose of the amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, I commend my colleague from Wyoming for offering this amendment. I join with him in support of this amendment. I think the provision for providing for sunset of that portion of the legislation that would be affected is reasonable, 3 percent of the total registration. In my State that would mean that you have to get close to a quarter of a million voters who are not citizens before this would be applicable.

We want to enfranchise people and encourage people to participate in the greatest democracy known to man in the selection of their public officials, but to permit the diminution of those who are citizens by allowing hundreds of thousands of people who are not citizens to vote is a disservice. It is a disservice to every citizen who casts his ballot.

I cannot understand for the life of me if we are really not talking about attempting to gain partisan advantage why it is that this provision would not be accepted.

My colleague did not pick some number that is minuscule. I say look around to find out how many elections at the local level, at the congressional level, and at the Senatorial level have been decided by less than 3 percent. I have to tell you that we are talking about significant numbers.

And there have been studies made in certain areas in which the Immigration and Naturalization Service, in reviewing a House election in 1989, a special election in Florida, that confirmed that fully 11 percent of all ballots of those people born out of the country were cast by noncitizens. The Immigration and Naturalization Service reported there was reason to believe that in this Federal election the incidence of illegal aliens voting, among all ballots examined, were as high as 24 percent.

Now, certainly, at some point, at some time, we have to say, enough is enough. We have enough problems with illegals pouring in here. And that is another subject that will be subject of another amendment that my colleague and I will be offering.

But if you are going to just simply now reward people and give them the indicia of citizenship, as is now being done, and now make them eligible for being on the voter list, which we will be doing, make no mistake about it; absolutely.

Mr. President, let me tell you that in my election that just took place this past November, they had well over 100,000 paper ballots that were thrown out. The largest percentage of them were people who were not eligible to even vote.

And so, let us understand: When people begin talking about the business of making it possible for citizens to vote, that is one thing. But to open the floodgates and doors to those who are not citizens of the United States to be determining who shall be elected and who will not, that is just wrong.

My colleague has put forth, I believe, a very logical manner to examine the impact of this legislation and to see to it that if there are the kinds of abuses that some of us fear, that at least we can curb some of it. We are not going to be able to curb all of it. We are not going to even be able to curb most of it. But we should at least not make it so easy to commit this kind of voter fraud. And that is exactly what I am concerned about.

I think my colleague from Wyoming should be commended, because voter fraud should be discouraged, absolutely. You dilute the votes of honest citizens, regardless of what their political party is. You diminish it every time someone votes who is not eligible to vote.

Three percent, again, in California would bring you well over a quarter of a million. Imagine, we would say we are not going to do anything unless we have a quarter of a million people on the voting roles who are noncitizens. Only at that point do we begin to cut back on this so-called enhanced ability to get people to vote. We should not be enhancing the ability to vote of people who are not citizens.

Now, look, that is my perspective. I guess a lot of the liberals will get up here to take me to task for that. But I do not think that is what we want to do; to allow people who have no business voting at all to do it with impunity and to not even conduct a study to see to it that we are not diminishing the voting power of our legitimate voters and citizens. And that is exactly what happens if we allow a situation like this, a law to pass like this, and have no ability to ascertain or to determine if you have 5 percent or 10 percent.

And let me tell you, there are those people who are unscrupulous and who will absolutely go and line them all up and have them all register, no matter who, so that they can determine the outcome of elections. If you want to have citizens voting that way, fine; people who are not qualified, that is just plain wrong.

So I commend my colleague. I hope, in a bipartisan spirit to say that we do not want to encourage voter fraud, that we would accept this thoughtful approach and this thoughtful amendment.

Mr. SIMPSON. I thank my colleague from New York. He comes from a State deeply impacted by this.

Let the record show, when people are asking about the impact of this amendment, how many people is 3 percent.

As reported to the Federal Election Commission by each State as of October 1992—and remember that the registration numbers in the 1992 election were higher, since these numbers are only as of October 1992—in California, with 14 million-plus registered voters, 3 percent of that is 423,000; Florida, with 6 million voters, 3 percent would be 182,000. The 3-percent requirement would mean that at least 1.37 million noncitizens to register, if all 6 States are studied. That is a huge figure.

We could have set it at a different figure, but I think anyone would agree that 3 percent, if 1.37 million people are voting in these States—and that is what it would take to trigger this, and then it would trigger it only as to the mail-in and public assistance office sections—that is an unacceptable level of fraud.

I can tell you, in my travels with immigration and refugee issues, we know that aliens fraudulently register to vote. A Federal grand jury investigating voter fraud in 1982 and 1986 reported:

> Many aliens register to vote so they can obtain documents identifying them as U.S. citizens; however, the number of aliens who actually voted is undocumented. We have learned that these aliens use their voters' cards to obtain a myriad of benefits, from Social Security to jobs with the Defense Department.

The U.S. attorney was not able to document the extent of it.

The INS then went on to describe one in Florida, another State affected here, saying that:

> In 1989, INS surveyed a special Florida election and found that in that election, 11 percent of all ballots of foreign born voters

sampled were cast by noncitizens. Furthermore, the INS reported that there is reason to believe that in this federal election, the incidence of illegal alien voting among all ballots examined was as high as 24 percent.

So we think citizenship status fraud is an issue—if we are all interested in assuring that fraud does not take place. I think that this amendment is something we should adopt.

Mr. President, I look forward to the arguments in opposition to my amendment. I wait with bated breath.

I thank the Chair.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Kentucky [Mr. FORD].

Mr. FORD. Mr. President, this amendment makes an emotional appeal. No one is better at that than the distinguished Senator from New York. He makes statements that sound good. But what this amendment does is that if three States are found to meet the criteria under this amendment, all 47 fall. You disenfranchise my State, and we may want it. But under this amendment all States fall. I think that is stretching it a little bit far.

My distinguished friend from New York said 100,000 ballots were not eligible, they were thrown out during the campaign. He did not say how many of them were by not illegal aliens, but were people who were not registered to vote who were American citizens who were allowed to vote by the clerks and the judges in the precincts. That is where part of your problem might be. But those ineligible to vote could have been—and overwhelmingly, probably were—American citizens that the clerks and the judges allowed to vote at the precinct.

So, when you say 100,000 of them, you paint with a broad brush they are all illegal aliens. But they probably are not. They are probably in the minority.

If we listen to my colleagues on the other side, they want to kill this bill. They do not want this bill. No way. All you have to do is get a few more on this side and you kill it.

Now you are trying to load the bill up so that we would have studies. This gives excessive authority to the executive. The FEC is already required to study the effectiveness of the bill. Another study? That is just a waste of funds. The purpose of the study is that—the minority gave us a package of amendments. That was not a concern in that core package. We accepted the core and now we are getting all kinds of other amendments. I am not sure, but I think that pattern is beginning to develop that once we agree and work our hearts out to find a core that would be acceptable, now we are being loaded on. I understand that, but I am not going to let that happen if I can prevent it.

So we already have a study authorized. If you allow 3 States to disenfranchise 47 others, you are getting to me. My State will be disenfranchised. If they want the motor-voter, they would not be eligible. The amendment of my distinguished friend from Wyoming is to report back to the legislature. Under this amendment the report is to the executive, which would veto portions of the bill.

Who has control of passing laws here? We are saying report it back to the executive, and the FEC reports back to the legislative branch.

Mr. President, this is just another attempt, maybe an honest attempt, to correct the bill. But when you begin to analyze it, it is loading the bill to a point where we cannot carry it much longer. Under the fraud protections of this bill is the written attestation clause on all applications that the applicant meets the eligibility requirements to vote. We also agree it would be the same size and the same color and everybody's would be uniform. It would be understood which requirements must be specified on the application, and that includes citizenship.

Maybe they do not care. But I have a little more faith, I guess, in people than other people do. I understand the Bible says, "Faith, if it have not works, is dead." But we have to have faith and we need to work at it, so I think we have.

The application must include the signature of the applicant and state that it is signed under penalty of perjury. That would make me stop and think. And I think the people who were illegal here would be very reluctant to sign that, subject to Federal law, Federal penalty. So I think under the penalty of perjury—I think they will understand that very well.

The State may require by law that a first-time voter who registers by mail make a personal appearance to vote. It is very simple. If you register by mail, make a personal appearance the first time you vote. And if you have a driver's license, they can look at it. You have your picture on it. So the State may require a first-time voter who registers by mail make a personal appearance to vote.

Now we get back to clerks and judges. He is eligible to vote, mailed his papers in and so forth. They let him vote. But if he is not eligible they should not let him vote.

So, apparently, we had 100,000 ballots that were thrown out. They were ineligible. But that does not mean that they were illegal aliens, of that 100,000. They were just people from New York State, New York City, who voted and were not eligible, so beyond the precinct they were thrown out.

I understand a little bit about voting and the laws of some States. This act requires each applicant be given notice of the disposition of his or her voter registration application. Many States use this notice provision as a means of detecting fraudulent registrations. It can be done. There is no problem with that.

Federal criminal penalties would apply to any person who knowingly and willfully engages in fraudulent conduct.

I think we have gone pretty strong. People think we have gone maybe too far in some cases. I like it. I think we have gone about right. There is too much to impose on the States sometimes.

The bill requires the States conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official list of eligible voters by reason of death or a change of address. To accomplish this goal, the act permits the States to use the national change-of-address program. It is used and it has worked well. By keeping the list current and up to date and free of so-called deadwood, the opportunity for voter fraud is reduced considerably.

We make every effort here. Now we are beginning to just lean, and lean, and lean on one item which requires a study. Pick out three States. If those three States meet 3 percent, then all the States are out. It seems we have gone just a little too far on States that would like to carry out this program, that were doing it well. People are registered and we are getting them to vote. They are participating in Government. We are reconnecting the citizens with their Government. They have the opportunity to vote.

I hope we would not continue to have amendments and amendments that just add problems and problems and costs and costs onto this piece of legislation, because it is getting awfully weighty as it is. And the amendment we all supported a few moments ago cleared up what I thought was basically the core that side wanted. I came as close as I could. Apparently those on the other side of the aisle voted for it. It was 99 to nothing. I thought now that you are used to voting "yes," we might keep the trend going. But I am not sure that is going to happen.

So, Mr. President, I will yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON].

Mr. SIMPSON. Mr. President, I want to get something very clear with my friend from Kentucky, because we do that very up front. I have no desire to destroy his bill through my amendments. I want that very clear. I am presenting these amendments as a conscientious, I hope, and very authentic action on my part to try to make this a better bill.

I do not like the bill. I voted for the core package because I saw the work that went into that package by the Senators from Kentucky—both of them. But I have legislated for 30 years, and if I were up to a pattern of destruction here you would know a lot more about it than is evident right now. I do not have that. In fact there is no time agreement. I hope we can get vote here. The Senator from Kentucky has been very charitable, allowing me to set aside the previous amendment. We will bring that up and maybe do them both at the same time. That would be perfectly appropriate for me.

But here is the important thing. We are talking about fraud. If you want to get emotional, let us talk about fraud. If you will tune in for 2 minutes, you will realize just what the voter registration card means to somebody who is a phony, and in this country illegally. It is the clarion call. People do not realize the voter registration card is a vitally important document for an alien to have who is in this country illegally. The voter registration card will get you a job, and let me tell you there is not anything more important to the illegal person in this country than the job. There is no other mantra to be worshipped or carried than the job, and you can get one if you have a voter registration card. It is one of the documents, by law, that may be presented to an employer to establish work eligibility. That is the law of the United States.

How many undocumented workers, illegal aliens, or whatever euphemistic term you want to use, are going to turn down the opportunity to receive the most precious voter registration card when he goes in to get a driver's license? Tens of thousands of illegal aliens apply for and receive driver's licenses every year.

Why would an illegal alien decline in writing to receive that card? That is what this bill says, to "decline in writing." We certainly should not be led astray in thinking that they will be deterred by the attestation on the application. Every time an illegal alien takes a job in this country, he signs under oath that he is eligible to work in the United States under penalty of perjury. He is not deterred by the penalties on the employment form in any way, and there is no reason to believe he would be deterred on the voter registration form, assuredly. Remember, again, every time an illegal alien takes a job, he or she signs something under penalty of perjury and they do it all the time.

Realistically, will the threat of perjury prosecution prevent anyone from lying without a check of documents verifying citizenship? Election officials are going to have to rely on people to tell the truth. Is this enough to ensure the integrity of the voting process? I think it is going to be terribly difficult to discover noncitizens illegally registering to vote without requiring citizenship documentation. If they are not discovered, they are not prosecuted.

Is this some really meaningful deterrent to illegally registering to vote? Even if we assume officials are able to detect most fraud, is it realistic to think crowded Federal court dockets can accommodate numerous perjury prosecutions?

Get this one. Here is the example of the day. You can get anything you want with this bill; we will get right to it. What about the situation where a noncitizen, maybe an illegal alien, unknowingly or unintentionally applies to register to vote? Let us say an illegal alien—like the driver of an Attorney General designate of fame a few weeks ago, or Mohammed Salameh, or the people thought to be involved with the World Trade Center bombing—need a driver's license. Under this bill, Mr. President, this alien is going to go into the department of motor vehicles in the State where he or she is seeking this document, which will also allow them to work, and he will get an application for a driver's license. This bill incorporates the voter registration application into a driver's license application, he fills out the application.

Not wanting to call attention to himself or herself, the alien does not decline in writing as required by the bill and signs the attestation instead. Maybe the alien does not really fully realize what it says. Many of them do not. Maybe he thinks that the perjury penalties are not pursued or less risky than exposing his illegal status. Whatever the justification, this alien, this person, this undocumented, this noncitizen has just illegally registered to vote. He has committed a felony under sections 911 and 1015 of the Criminal Code which say "Whoever falsely and willfully represents himself to be a citizen of the United States 'and' whoever knowingly makes any false statement under oath relating to citizenship." Will this illegal alien then vote? Maybe, maybe not, especially if the alien does not want to call attention to himself or herself.

But the voter registration card he now possesses is the ticket to a job. He can use it as a work authorization document under the present laws of the United States or present it to an employer in this country to satisfy the employer sanctions documentation requirements of the law. The card itself is a valuable proof of citizenship, even if the holder does not use it to vote.

That is where we are. It is not about the bill of the Senator from Kentucky. It is not about being hardnosed or trying to destroy the legislation. It is called real life in America today, and we are going to be dealing with an amendment either here on this bill or somewhere in the immediate future that has to do with dealing with people who misuse our laws.

That is where we are. I think we know better—I hope all realize—what the purpose of this amendment is. And that is if 1,370,000 noncitizens in these 6 States register to vote, parts of the bill sunset. We ought to do something about this bill and the mail-in provisions of it. That is the subject of my amendment.

I thank the Chair.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, some people got the impression that all 100,000 plus votes that were thrown off were all illegal aliens. That certainly was not my intent. My intent was to demonstrate to people we already have problems with massive numbers of people in elections who are not eligible to vote and seek to vote. I am certain that a significant number of those who were declared ineligible were not citizens. They may not have been illegal aliens, and I am certain that some of them were illegal aliens. I have no way of knowing whether it was 15 or 20 percent of that 100,000 plus who were not permitted to vote because they were found ineligible, but I will tell you this: It was a significant number.

When we refer to some of the limited studies that have been made in the Florida special election where it was demonstrated that clearly as many as 24 percent of those who voted were not eligible to vote because they were not citizens—you want to talk about loading the bill up? I want to tell you some things.

When you say that you have to have more than 3 percent to take corrective action, I think that is more than reasonable. That would be about a quarter of a million voters in New York, as my colleague pointed out, over 400,000 voters in California before you say, wait, let us look at the manner in which they would be doing this and those portions of it as it relates to the mail-in, et cetera, would not be permitted.

As it relates to disenfranchising all of the States and keeping them from participating in motor-voter, there are already a significant number of States that do that. So if the people of the State of Kentucky or any other States want to opt into motor voter, they have the right to do that. We are not telling them not to do it, but we are suggesting that where there are incidents of fraud, of theft—and that is theft. When people are voting who are not permitted to do so because they are not even citizens and, therefore, not eligible, it is not a matter they did not register, we are talking about people who are not eligible to vote pursuant to the Constitution of the United States. Why do we not change the Constitution and say anybody who comes to this country, we will let you vote; just walk on in and vote; anybody can vote, you do not even have to walk in, just mail. So we will just give it to the ward heelers and to and cast all their absentees.

There are enough abuses as it relates to that process, but now we open it up to more. I am not being emotional; I am being practical and real. The fact of the matter is, you have a tough enough time weeding out those people who are ineligible now, and now we are just going to open the door and we are going to say just anybody who wants, you come and vote. We do not care whether you live here or not.

In the real world, not make believe and not on the floor of this Senate because this floor of the Senate is not the real world, do you really believe that an illegal alien is worried about committing perjury if he or she even knows what they are signing? They go to the welfare counter. They are given a form. Do not forget they are not even supposed to be getting welfare in some of these situations and they are signing up and getting it. Do you really think they are worried about a form where on the bottom you find printed that you make this statement as it relates to citizenship under the threat of perjury? What would we do, lock up all the illegals who are coming on to vote? Where would you put them? I think we have to get into the real world.

Talk about the real world. The real world is not some form that says if some illegal alien signs this document and says he is really a citizen and eligible to vote, he is going to go to prison. That is nonsense. That is hokum. If any State wants to adopt motor-voter, then they can still do it.

By gosh, there ought to be some point in America when we see to it that the system is not abused. The people are not worried about the fact of loading up a bill that says there is a test. If you come to the point where we have hundreds of thousands of people who are participating in the democratic process who are not entitled to be voting and therefore disenfranchising voters, diluting the value of citizenship and casting one's vote, we have a right to see to it that that does not happen.

I have not offered any amendments to attempt to kill this bill, not one. I have my own considerations as to what I think may be abuses. I think that is perfectly and legitimately the role each and every one of us should play in considering legislation. It is not an attempt to kill, but it is an attempt to make it better and to give to the Justice Department the opportunity to review, to take a look at this and conduct a survey. And if it meets and falls beyond that, why then we should do something. If you have massive voter fraud, then we should be doing something.

I have to tell you something. For too long we have been too lax in the administration of all of these rules as it relates to those who come into our country and take advantage of the opportunities we provide. I am talking about the criminal aliens, the illegal aliens, and the fact that this administration and the previous administration have failed to move.

This is a new administration. I hope they have learned from some of the failures of the past administration to close some of the gaping, gaping holes in which hundreds of thousands of illegals are pouring into this country annually and will do something about it.

We talk about the medical costs. Well, let me tell you, go to any inner core city and see how many aliens are flooding the waiting rooms of the hospitals. Talk to the doctors and nurses to see the incredible burden placed on the health care system and the tens of millions of dollars in each and every one of these metropolitan areas that are being paid out because illegal aliens are taking advantage of the system. Ask any of the school administrators in your inner core cities and your metropolitan areas and find out how many tens of thousands of illegals are coming in and burdening the schools.

Now we are going to dilute the votes of citizens by permitting wholesale—wholesale—plundering of the voting rolls by those who are not entitled to vote. That is what it is. It is plundering of the voting rolls.

So, if you are afraid at 3 percent to say, no, we stop it and we are going to protect American citizens, then let us have it known.

On the one hand, you can say we want to kill the bill. No. We want to make the bill better. We want to make sure we are not having a wholesale plundering of the voting rolls. I think this amendment is a good-faith amendment. It is a good-faith effort to make a difference.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD].

Mr. FORD. Mr. President, the office of the secretary of state from Minnesota:

> You may be interested to know that Minnesota requires prospective drivers to present a birth certificate or surrender a valid license from another State prior to issuance of a Minnesota driver's license. Although noncitizens may obtain a driver's license, I do not have the impression that these individuals are attempting to register or to vote in our elections.

That is a pretty good indication.

> Again, the challenge process described may be used by the election judges at polling places to safeguard this type of action.

So they are a State that reports on this particular amendment.

And then we have New York:

> It is encouraging that Federal legislation to establish national standards for the electoral process will soon become a reality.

I hope he is right.

> Many of the provisions of this bill have been initiated by the board of elections in the State of New York and in particular mail registration would provide both the voter and the board the ability to process new voters and any change to the current registered voter records prior to statutory deadlines.

And they compliment and encourage that we pass the bill as is. And that is the executive director.

Now we have one from the Board of Elections Commission, Chicago, IL:

> The City of Chicago, as is generally known, has long experienced many difficulties with vote fraud. These difficulties have resulted in the establishment of a stringent registration and voter verification procedure in our city and State. As a result of our current system, our registration rolls are accurate and up to date. The fact that our current voter canvassing methods are uniform and nondiscriminatory throughout the city would suggest this condition prevails throughout the city.
>
> The National Voter Registration Act appears to strike a reasonable balance between the rights of a voter—

Remember now, the rights of a voter—

> to be able to readily register and vote and the compelling need to ensure integrity of the registration process in order to avoid the problems of government voting and other methods of voter fraud which have plagued our city for more than a century.

Now, there is Chicago. They admit they have had problems. They admit that they are beginning to clean it up. And they say:

> Whatever problems of compliance may be encountered in complying with the act can and will be handled by us in due course. The overriding benefit of the National Voter Registration Act is the degree of nationwide uniformity in registration.

So that is New York, that is Illinois, Chicago, and that is Minnesota.

Texas:

> It is my belief that adoption of S. 460 will reduce rather than increase the likelihood that noncitizens will be registered.

Mr. D'AMATO. Who said that?

Mr. FORD. Secretary of state of Texas.

Mr. D'AMATO. He could join in with Daley's machine.

Mr. FORD. I have the floor.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. D'AMATO. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Kentucky wish to yield for a question?

Mr. FORD. I will be glad to

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Is the Senator suggesting that voter theft over the years in Chicago would be the determining factor as to ascertaining that this legislation is going to reduce voter fraud? I wonder under what theory does he advance this? Do they purge the cemetery list of people who died against the voter registration list? Is that something new that they do?

Mr. FORD. The Senator was talking about illegal aliens registering to vote and voter fraud. Those people who I just quoted indicate that the motor-voter legislation would help to reduce illegal aliens registering to vote and voter fraud. Even the Senator's State has a letter saying that it would help.

Now, if you want to leave it as of today, you will have another 100,000 in the next election, I guess, who will be ineligible to vote. You throw those out.

(Ms. MIKULSKI assumed the chair.)

Mr. FORD. Under this provision, they will sign, and then they are subject to 5 years in Federal prison and a $200,000 fine. That is not local; that is Federal. So these penalties are imposed and written in this agreement, the same size, the same color, so those that would sign would understand.

So we have the secretary of state of Texas; we have Chicago; we have the secretary of state of Minnesota; the secretary of state of California. So we have these people that deal with it every day, and have the legal responsibility of carrying out the election in each of the States, that are complimenting us for doing what we are doing. They say it goes far enough.

Mr. D'AMATO. If I may make this observation.

Mr. FORD. I thought I would let myself be open for a question.

Mr. D'AMATO. If I could be permitted, without yielding the floor, to make an observation as to the point the Senator just made, and it is simply this. I recognize the work and the effort that the distinguished senior Senator from Kentucky has put in this bill. I really believe that this would cut down on the incidence of fraud. I am glad the Senator points out there is a point of view that indicates that. I want my colleague to know that I would be very supportive of this legislation because I have spoken to this one amendment that I believe that could help reduce the incidence of fraud. It is not to kill the bill. It is to attempt to deal with that.

I want my friend to know that, again, if I honestly felt that it would reduce the incidence, I am harking that there are some distinguished governmental officials at the local level who believe that it might.

So I just leave the Senator from Kentucky with that thought. I thank him for giving me the opportunity to make that observation.

Mr. FORD. Madam President, it is hard for me to say to the secretary of state of Texas, "You are wrong," when he writes a letter and signs his name to it, and says this bill will help us reduce the registration of illegal aliens, and fraud.

We are putting a Federal penalty of 5 years, or $200,000, or both.

That begins to make me think a little bit. My distinguished friend from Wyoming said if you are a fraud, you are a fraud. We already have them. They have already registered, most of them. But you do not have a Federal penalty that puts them in jail for 5 years, and a $200,000 fine.

So we are helping some here, at least in my own mind, not being a talented legal graduate or judge; but just sitting on the jury or sitting and listening to what you say, this appears to me to be a deterrent. But what we are doing now is trying to load up this bill with extra work, extra cost. I thought we were trying to reduce the cost and trying to put penalties that would be sufficient to support this position.

So, Madam President, I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, I ask for the yeas and nays with regard to my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMPSON. Thank you, Madam President. I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, thank you.

I rise today to support this legislation. I am always grateful when my colleagues allow me to point out how the citizens of Washington State are ahead of the Nation in many areas. I was able to do it earlier this year on family leave. Today, I can do it on motor-voter.

The State of Washington initiated a motor-voter program over a year ago, and it has proven to be an enormous success. More than 218,000 people registered to vote last year through the motor-voter program in my State. That works out to more than 4,200 citizens registering to vote each week.

The citizens of Washington recognize that the rest of the country is long overdue for positive change in voter registration. Today, we have the obligation not only to remove administrative barriers to voting, but also to encourage participation in our voting process.

Listen to the numbers in Washington. Nearly three-quarters of the eligible population is registered. Two-thirds of the eligible voters actually made it to the polls in the last election.

I have heard a number of arguments raised by the opponents of this bill over the last week. One is that motor-voter will lead to fraud. Washington State does have a significant population of non-U.S. citizens, and after processing 230,000 registrations, Washington State's secretary of state, a Republican, tells me that he sees absolutely no evidence of noncitizens registering to vote.

I am concerned that this argument really is just another scare tactic to keep legitimate voters away from our polls. I think we have to ask ourselves, are we afraid of voter fraud or voter participation?

Who are the people who are unable to get to the polls today? It is single parents who are working. It is people of color. It is people who live in our rural areas. These people need to be encouraged by us to get to the polls, and we need to pass legislation like this to make it possible for them to participate.

I hear the argument that this bill might cost us something. The Washington Board of Elections tells me that this program cost the State less than $1 per registration. Keep in mind that we have had this program in our State for over a year. Let us not forget the other costs: The cost of people not voting; the cost of people being disenfranchised.

My colleagues, I believe that this bill has been put on the blocks for too long. Let us put the wheels back on and get this vote going. Pass the motor-voter bill so people can register to vote and we can encourage participation in our Government once again.

Thank you.

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California may proceed.

Mrs. FEINSTEIN. Madam President, I was listening with some interest to the comments of the distinguished Senator from Wyoming when he expressed his fear that motor-voter might provide an opportunity for illegal aliens to vote. So I picked up the phone and called the secretary of state of the State of California, because California since 1976 has had mail registration. And what I have learned is that the State since then has done some random sampling three or four times, matching registration tapes against INS tapes, and they have come up with negative findings.

It is the belief of the office of the California secretary of state that through that DMV file they will be able to check resident aliens. Of course, they cannot check undocumented aliens, because the INS has no documents on them. But the secretary of state actually believes that motor-voter, as it is written, will help in the policing of the system. And I might say that when you register at motor-voter there will be a photograph and a fingerprint, and the feeling of the secretary of state is that someone who is here either with a green card or illegally would not be willing to submit to the photograph and the fingerprint which would provide a documentation on which this could be checked.

So, Madam President, I just wanted to point that out, because my State is a very large State with a large number of both green card holders as well as undocumented aliens. And I might say that the feeling of the secretary of state is that motor-voter will actually help in the cleansing of the system by providing additional records, of course under penalty of criminal action as discussed. And I might just say that this legislation has the wholehearted support of the secretary of state.

So I am hopeful they will be able to cast a vote on it. I identify with Senator MURRAY's comments to take the automobile off the block and put some wheels on it so that more people can, in fact, vote.

Thank you very much.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Madam President, I would like also to make some comments, if that is appropriate at this time.

Let me raise two issues with the Senate during this interim period on the bill that is before us.

NEW EVIDENCE SUPPORTS THE PRESIDENT'S ECONOMIC PLAN

Mr. RIEGLE. Madam President, I want to bring to my colleagues' attention an article that is in the news today reporting upon an independent economic analysis by three distinguished economists at the University of Michigan that strongly supports President Clinton's economic program.

The report, prepared from the Research Seminar in Quantitative Economics at the University of Michigan, provides very strong evidence that the President's economic proposal is the right one for this country. In fact, they have developed one of the most respected and important econometric models of how our national economy actually works.

I will not ask to put the news article in the RECORD, but I do have a copy of their summary that lays out why they think we are likely to get even more deficit reduction than either OMB or the CBO estimate and why they think this is good economic medicine.

The Research Seminar in Quantitative Economics strongly endorse front-loading a strong deficit reduction package with "a moderate dose of fiscal stimulus." The study warns that although the rate of unemployment has been dropping, the pace of job creation remains weak. The economists point out that there is little indication that businesses plan to speed up reemployment any time soon. Without significant improvement soon in the job picture they conclude, "the recent step-up in the pace of economic expansion simply won't continue."

The economists do not discount the need for long-term deficit reduction. Instead, they endorse an expansionary policy now to help the economy absorb meaningful deficit reduction in the long run. They support the President's long-term proposal to bring the deficit under control, calling it a "very serious deficit reduction plan." They estimate that under the President's plan, or one very similar to it, the deficit in fiscal year 1995 will drop to less than $175 billion, will below either CBO or OMB estimates.

Madam President, this study provides strong evidence that President Clinton has put forward a strong and sound economic proposal. We need to enact this package, including the stimulus measure, to help get our economy back on track.

I ask unanimous consent that the executive summary of the Research Seminar in Quantitative Economics report by printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Research Seminar in Quantitative Economics, the University of Michigan]

THE ECONOMIC OUTLOOK FOR 1993–94—EXECUTIVE SUMMARY

Economic expansion in a higher gear

It's now being estimated that real GDP grew at an annual rate in excess of 4 percent in the second half of 1992, and that's the best half-year rate of expansion the U.S. economy has managed to achieve since 1987.

What's more, we've finally strung together four straight months of decline in the rate of unemployment—albeit a meager decline from 7.4 percent last October to 7.0 percent this February. And there's absolutely no sign of any inflation problem in the economy in the near term.

The role of consumer demand

The consumer sector certainly did it's share—or more—to energize the economy in the second half of last year.

It's estimated that real consumer purchases rose by more than $69 billion (1987 $s) during the second half of last year. That's an average annualized rate of growth of real consumption amounting to 4¼ percent; and it accounted for 70 percent of the increase estimated for all of real GDP in the second half of 1992.

But sustaining anything like that kind of consumption behavior is going to require a steady growth of jobs to produce sustained increases in household purchasing power. And the jobs front is still presenting a mixed picture.

Jobs, jobs, jobs; are they showing up yet?

The number of jobs recorded in the payroll employment count in the middle of last year, and even as recently as this January, was fewer than in March '91 when the recession officially ended. It wasn't until last month that payroll employment finally edged above the March '91 level; but even then it remained more than a million jobs short of the number registered in the pre-recession peak month of July 1990.

And most of the payroll employment job gains still seem to be concentrated in the areas of health care and business services, with little if any growth in manufacturing.

At the household level, February was indeed a month with a substantial gain in employment—an increase of 380 thousand. But that followed a drop of 240 thousand in January, for a net gain of only 140 thousand in the past two months. And this February's household employment level is a mere 1¼ percent higher than that of last February.

Can households be expected to sustain anything like a 4 percent rate of growth of real consumption with reemployment proceeding so slowly? Not likely. Unless something intervenes to improve the status-quo, the recent step-up in the pace of economic expansion simply won't continue.

The President delivers on his promised fiscal policy

That's why we think President Clinton was right to front-load his multi-year deficit reduction package with at least a moderate dose of fiscal stimulus.

It's important to deliver the message that the government sees the problem that's out there and is actively supporting improvement—as candidate Clinton promised it would.

It's refreshing to see an Administration that isn't so spooked by the budget deficit as to be paralyzed by the prospect of making it a bit worse than might otherwise be the case, for just a little while.

But make no mistake about it; the President has delivered a very serious deficit reduction plan. The Congress is sure to modify it, but if something with a similar bottom line and similar timing should become law, we'll finally make a big dent in the deficit over the next few years.

Indeed, we estimate that with a Clinton-like fiscal policy—and cooperation from the Federal Reserve—the fiscal 1995 budget deficit will come in under $175 billion (on a NIPA basis). That's a good $50–$60 billion below where we estimate the deficit would be in fiscal '95 under a "baseline," or status-quo, fiscal policy; and is well below the $289 billion deficit registered in fiscal '92.

That won't finish the attack on the deficit—completion will require a fundamental change in health care policy. That, too, has been promised, and it's every bit as important that the President deliver on that promise as well.

The economic pace in 1993–94

With such a fiscal package, we expect the economy to grow by 3.2 percent for calendar '93—well above the 2.1 percent now estimated for calendar '92. This is expected to be accompanied by a decline in the unemployment rate to about 6⅔ percent by yearend 1993.

For calendar 1994, on the other hand, we expect a slowdown to 2.3 percent growth, and that presumes a substantial easing of monetary policy in '94 as the budget swings sharply to a restrictive stance.

The bad news is that the slower rate of expansion will be accompanied by a near-stall in the unemployment rate, which is expected to edge down very slowly during '94, and poke just under 6½ percent at yearend.

The news on the inflation front is expected to remain good. At the consumer level, prices are forecast to rise by 3.7 percent during '93 (4th quarter of '92 to 4th '93), and by 4.2 percent during '94 which includes a boost of about 2/10 of a point from the higher energy tax component of the President's fiscal policy.

	Actual		RSQE forecast	
	1991	1992	1993	1994
GDP (billions of current dollars	5,677.5	5,960.7	6,302.3	6,642.4

	Actual		RSQE forecast	
	1991	1992	1993	1994
Inflation (GDP deflator, percent change)	4.0	2.6	2.6	3.0
Real GDP (billions of 1987 dollars)	4,821.0	4,922.8	5,082.2	5,199.4
Percent change	−1.2	2.1	3.2	2.3
Civilian unemployment rate (percent)	6.7	7.4	6.8	6.6
Capacity utilization, manufacturing (percent)	78.2	77.8	79.9	81.0
Auto sales (millions)	8.4	8.4	8.9	9.4
Light truck sales (millions)	3.9	4.4	4.9	4.9
Private housing starts (thousands)	1,011	1,208	1,313	1,521
3-mo. Treasury bill rate (percent)	5.4	3.4	3.1	3.2
Aaa corporate rate (percent)	8.8	8.1	7.5	7.1
Real disposal income (billions of 1987 dollars)	3,509.0	3,585.3	3,645.6	3,673.9
Percent change	−.02	2.2	1.7	0.8
Corporate profits before tax (billions of current dollars)	334.7	375.6	434.1	467.1
Real net exports (billions of 1987 dollars)	−21.8	−41.5	−59.8	−50.8
Current account surplus (NIPA basis, bill current dollars)	9.0	−50.0	−94.2	−112.1
Federal deficit (fy, NIPA basis, bill of current dollars)	194.4	288.8	274.7	203.5

DISPOSABLE WORKERS

Mr. **RIEGLE.** Madam President, I also bring to the attention of my colleagues a front-page story in yesterday's New York Times. I have it here with me, and the headline on the story is "New Jobs Lack the Old Security in a Time Of 'Disposable Workers.'" It is written by Mr. Peter Kilborn. This story has a dateline of Toledo, OH.

I want to read just a few paragraphs that will give the thrust of the article and then make a comment or two about it. It reads as follows:

> Employment agencies calls them contingent workers, flexible workers or assignment workers. Some labor economists, by contrast, call them disposable and throwaway workers.
>
> Whatever they are called, their numbers are climbing. Federal figures are sketchy, but about half of the jobs people have been getting in the last year are part-time or temporary or involve other unconventional arrangements. That is up from less than a quarter of the new jobs a decade ago.
>
> Most of these new jobs pay less than regular jobs, and few come with good benefits. The standard American job, with a 40-hour workweek, medical benefits and a pension at age 65, is on the wane.
>
> "The entire system has fragmented," Labor Secretary Robert B. Reich said in an interview earlier this month.
>
> "A MARKET IN MOTION"
>
> Audrey Freedman, an economist for Manpower, the big temporary-help company, said: "The labor market today, if you look at it closely, provides almost no long-term secure jobs. It's a market in motion."
>
> As the Clinton Administration ponders changed in the nation's health and welfare systems, the shift in the job market takes on added importance, as it will have long-term implications for Government regulators and taxpayers.
>
> Labor market specialists say the shift accelerated in the recession as companies tried to hold down costs. But they say that much of the shift seems here to stay.
>
> Many companies have adopted a form of work-force management to compete in the world market. They keep a core of managers and valued workers whom they favor with good benefits and permanent jobs. They take on and shed other workers as business spurts and slumps.

It goes on in that vein. I want to cut over to the inside of the article and drop down and read just a few more paragraphs.

> State officials report a smattering of offers of very good jobs, requiring high skills and years of experience and paying $12 to $20 an hour, and a surge of offers for low-skill, low-paying jobs.
>
> The area's biggest new employer is the Maijer (pronounced MY-er) discount food and department store chain of Grand Rapids, Mich.

This is now, of course, in Ohio.

> It is hiring nearly 3,000 workers for four giant stores it is building here. Nearly all the jobs are part-time and the pay is $4.30 to $4.40 an hour—5 cents to 15 cents more than the Federal minimum wage.
>
> The second-biggest new employer is an air-cargo company, Burlington Air Express. Burlington will soon have more than 1,200 sorters working three-hour shifts five days a week.

Now, I repeat that: Three-hour shifts, 5 days a week. So they will have 15 hours of work over the normal work week period.

> The pay is $8 an hour to start, or $120 a week. Burlington's job advertisements say applicants must "be able to lift 70 pounds consistently."
>
> State officials say that companies have little choice but to pay wages as low as their competitors.

So this is obviously a job where they are lifting heavy parcels from one place to another.

> State officials say that companies have little choice but to pay wages as low as their competitors.

Then dropping down—and I will not read all of the article; I am going to put the entire article in the RECORD—there is another very powerful paragraph that comes from James O'Shea, who is the 50-year-old manager of a Toledo branch of the Ohio Bureau of Employment. He said:

> Opportunity—that's a thing that was here in abundance when I was 18.

He is now 50; he was looking back to when he was 18. Then he makes this point, and I quote:

> The whole middle of the job market is gone, the $8-an-hour to $13-an-hour jobs. Those middle, family-supportive jobs we've lost.

And it goes on in that vein.

The thrust of this article is that, despite the recent indications in the past month of new hirings in the country, an examination of that data shows more than half of those jobs were part-time jobs, very much of the kind talked about in this story.

In fact, last month in the State of Michigan, of the new jobs listed as coming into existence, 89 percent of those jobs were part-time jobs.

Now, the Bureau of Labor Statistics counts you as employed if you work as little as 1 hour a week. You work 1 hour a week or more and you are counted as working. Even if you want 40 hours and you have only 5 or 10 or 15 hours at work, you are still counted as employed.

We have a major problem in our job market. We are in the midst of what is called an economic recovery, but we are not getting a jobs recovery. And the kinds of jobs we are seeing, for the most part, are these low-end, low-paying, lower-skilled jobs. And it is a real problem, a real problem, for America, a real problem in terms of insufficient income for families in our country and for individuals who are struggling to find work that provides a living wage.

The fact that the New York Times gave this front-page treatment yesterday, I think, is an illustration of how serious this problem is.

It is absolutely essential that we pass the Clinton economic plan, because that plan is designed to begin the process of dealing with this permanent job shortage; to begin to invest in job-creating incentives for small business with the investment tax credit, the research and development tax credit, and certain other investment incentives to try to stimulate job growth in that part of the economy.

There is also infrastructure investment spending, to try to create more of a jobs surge in that area. And there is also, of course, a program for summer jobs, to give our young people, particularly in the high unemployment inner-city areas, some prospect of having a way in which they can build some job skills, earn some money to support themselves, and perhaps lay a foundation for going on for additional education.

I heard a noted social scientist say the other day that in our inner-city areas today, in our worst problem areas, where you have major poverty and you have a growing underclass of young people who cannot find work and cannot find a way into the economic system, that, that—taken together with the level of violence, the random crime, the shootings, the killing by rapid-fire guns in many of these areas—has created a situation where many of our young people today in the inner cities, in that relatively hopeless economic situation, do not expect to live to the age of 25. They do not expect to live to the age of 25. As a result, their outlook about their prospects, their life, society, the reciprocal relationships we have in our society, are fundamentally changed by that prospect.

We have to open up the door of economic opportunity for everyone in our society who has the capacity to work.

Today, we are loaded with people in our country, many with extensive job skills, some with 10, 20, 30 years of work experience. They have been thrown out of work, out of an automotive plant, out of a defense firm, out of a financial institution that is merging with another institution, or they have lost their jobs in some other area. And today, even after months of searching, they cannot find other jobs.

Fortune Magazine, the other day, had a cover story on the issue of how middle-income workers who have lost their jobs are not finding replacement work. No matter how qualified they are, how good their work record, how diligent they are in searching for additional work, there is not replacement work to be found.

So, when President Clinton lays out a plan to foster the creation of 8 million new private sector jobs over the next 4 years, it is the most important goal for our country to set and to achieve. Because if people have the opportunity to work and to provide for themselves and become self-supporting and taxpayers, we are going to see the economic strength of the country increase and we are going to find that people themselves have an opportunity to live more fulfilling lives and to be able to achieve the other objectives that we all want for ourselves and for our families.

So these are urgent matters. The fact that we are here today talking about another issue should not take our focus for long off the issue of the need to do those things that are necessary to enable job creation to take place on a much more rapid basis in our country, and to bring back the kinds of jobs that can support a middle-class income and standard of living that our country desperately needs.

Madam President, I ask unanimous consent that the full text of the New York Times article that I have referred to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

New Jobs Lack the Old Security In a Time of "Disposable Workers"

[From the New York Times, Mar. 15, 1993]

(By Peter T. Kilborn)

TOLEDO, OH, March 12.—Employment agencies call them contingent workers, flexible workers or assignment workers. Some labor economists, by contrast, call them disposable and throwaway workers.

Whatever they are called, their numbers are climbing. Federal figures are sketchy, but about half of the jobs people have been getting in the last year are part-time or temporary or involve other unconventional arrangements. That is up from less than a quarter of the new jobs a decade ago.

Most of these new jobs pay less than regular jobs, and few come with good benefits. The standard American job, with a 40-hour workweek, medical benefits and a pension at age 65, is on the wane.

"The entire system has fragmented," Labor Secretary Robert B. Reich said in an interview earlier this month.

A MARKET IN MOTION

Audrey Freedman, an economist for Manpower, the big temporary-help company, said: "The labor market today, if you look at it closely, provides almost no long-term secure jobs. It's a market in motion."

As the Clinton Administration ponders changes in the nation's health and welfare systems, the shift in the job market takes on added importance, as it will have long-term implications for Government regulators and taxpayers.

Labor market specialists say the shift accelerated in the recession as companies tried to hold down costs. But they say that much of the shift seems here to stay.

Many companies have adopted a form of work-force management to compete in the world market. They keep a core of managers and valued workers whom they favor with good benefits and permanent jobs. They take on and shed other workers as business spurts and slumps.

Toledo is home to glass and automobile companies which, while shrinking, are unionized and make little use of contingent workers. It is home, too, to expanding nonunion retail stores, service businesses and small manufacturers that do employ such workers.

State officials report a smattering of offers of very good jobs, requiring high skills and years of experience and paying $12 to $20 an hour, and a surge of offers for low-skill, low-paying jobs.

The area's biggest new employer is the Maijer (pronounced MY-er) discount food and department store chain of Grand Rapids, Mich. It is hiring nearly 3,000 workers for four giant stores it is building here. Nearly all the jobs are part-time and the pay is $4.30 to $4.40 an hour—5 cents to 15 cents more than the Federal minimum wage.

The second-biggest new employer is an air-cargo company, Burlington Air Express. Burlington will soon have more than 1,200 sorters working three-hour shifts five days a week. The pay is $8 an hour to start, or $120 a week. Burlington's job advertisements say applicants must "be able to lift 70 pounds consistently."

State officials say that companies have little choice but to pay wages as low as their competitors.

QUALITY PUT IN JEOPARDY

But industries that strive for quality production run a risk in managing workers this way. The employees have little incentive to give their all when the employer gives little.

"The people never stop looking for full-time employment," said Lin Avendano, an official of the Ohio Bureau of Employment Services. "And when they find it, they leave in an instant."

James J. O'Shea, the 50-year-old manager of a Toledo branch of the Ohio Bureau of Employment Services, put the problem in a personal perspective: "Opportunity—that's the thing that was here in abundance when I was 18.

"The whole middle of the job market is gone, the $8-an-hour to $13-an-hour jobs. Those middle, family-supportive jobs we've lost."

In Toledo, about 25 temporary-help agencies have displaced most of the permanent-placement agencies. One is Claus Temporaries Inc., whose owner, Pete Claus, finds welders, assemblers, electricians and other workers for small factories as well as clerical workers for offices. Mr. Claus arranges with client companies to pay employees' wages, unemployment insurance and their workers' compensation. But the workers receive no health or pension benefits because, he said, the market would not bear the cost.

"NEW AMERICAN SWEATSHOP"

Mr. Claus said some companies in Toledo were using services like his to provide their entire work force. "I call it the new American sweatshop," he said. "It's four people who are owners or managers in a shop that has 200 people. They might have 12 permanent employees who are making $6.50 an hour. All the others are paid $4.75. And they're all temporaries."

Robert E. Soncrant, who recruits businesses to do their hiring through Mr. O'Shea's state job service office, cited another development. "You find unscrupulous employers who bring people in for 29 days and then let them go," he said. "Why 29 days? Because the employer has an agreement with the union that says that at 30 days the people have to join the union."

Just how many Americans are landing contingent jobs is impossible to pin down. Mr. Reich said he thought about 30 percent of the work force was composed of contingent workers while current statistics suggest that far more of the new jobs are.

The Bureau of Labor Statistic's employment report for February, showing a decline in unemployment to 7 percent of the nation's labor force from 7.1 percent in January, said part-time jobs accounted for 90 percent of the 380,000 new jobs in February. So large a figure is almost certainly a fluke but it confirmed a less-pronounced, longer-term decline of conventional jobs.

Twenty-four percent of the 1.6 million new jobs since February 1992 were part-time. The University of Toledo reports that 30 percent of its graduates have to take contingent jobs, an uncommonly high proportion for college graduates. Three years ago, 10 percent of the graduates took contingent jobs.

Other numbers reflecting the growth of contingent workers are still murkier. The Bureau of Labor Statistics says another 24 percent of the 1.6 million new jobs represented growth in self-employment. An indeterminate part of the growth in self-employment includes consulting and independent contracting. The Internal Revenue Service offers one hint of what part of those might actually be contingent workers: Employers illegally classified 90,000 workers last year as self-employed contractors. For legitimate independent contractors, employers are not required to pay Social Security and unemployment and workers' compensation.

No one is keeping track of the temporary workers employed directly by companies, without intermediaries.

The bureau says its latest figures show that 1,456,000 people were working through temporary-help agencies in January, 206,000 more than in January 1992. The increase, said Thomas Nardone, a bureau economist, amounted to 30 percent of the jobs that employers reported filing during the year. "It's quite huge," he said.

No one knows how firm this trend is. As the economy improves and the pool of workers shrinks, employers might have to sweeten their terms. Nor is it clear how Government should deal with the trend. Some workers, especially high-paid consultants, welcome the independence. The jobs can be a boon to retirees, students and people with children at home.

Here in Toledo, though, the loss of old-fashioned jobs and the growth of contingent work is taking a cruel toll on many job seekers. Gordon Mills, 44, had a 40-hour-a-week, $6-an-hour job as the night auditor for a motel. But his back, injured in an earlier job, began bothering him and he took a two-month leave for therapy.

"I knew they had hired this girl to do the job," he said, "but I thought she was temporary. When I came back, they cut my hours to 16 and she was getting 24." He walked out and is now living on $343 a week in workers' compensation pay for his back injury. Mr. Mills has gone back to school to study accounting.

Toledo's new job market can even be rough on those who seem qualified for the better jobs. Nanette Keating, 40, separated and the mother of two children, 3 and 6, has a bachelor's degree in public administration from the University of Toledo. She worked many years in government jobs before she went to work for a private adoption agency. But as the economy declined, the agency lost its money, and she was laid off last April.

Eventually, Ms. Keating wants a good job, but for now she said she would settle for any kind of job. "I've applied at retail stores, food stores, outlet stores," she said. Despite the high turnover among such employers, she said they told her they knew she would quit for a better job, so they turned her away.

Norman J. Drzewiecki is 24, single, a graduate of Rogers High School here and living with his parents. Four years ago, with industrial jobs here fading, Mr. Drzewiecki joined the Air Force, where he was a laborer, delivery driver and shipping and receiving clerk.

Mr. Drzewiecki had planned to enroll in Air Force training to become a loadmaster handling air cargo. But with the Air Force shrinking, he was discharged in September.

He looked for work at Ohio Bell, where his father has worked for 39 years as a repairman. But he was turned away. He is collecting $195 a week in unemployment that Congress just voted to extend until October, so he says he can afford to keep looking for a career job.

WORRY OVER TEMPORARY OFFER

The few jobs he found were temporary or part-time or both. One work offer was for 60 days to 150 days. "After that you don't know," Mr. Drzewiecki said. "I'd hate to get into a job, give it my best effort and after 150 days, they say: 'Thanks a lot. Here's your last paycheck.'"

The President's economic plan offers new spending for education and continuous job training to enable people to move from one good job to another. But with industry relying on contingent workers, who might provide those better jobs is uncertain.

The job trend also lends some urgency to the Administration's promises to overhaul the nation's pension and health-care systems. By denying contingent workers health and pension benefits, employers are shifting more of the burden of supporting the lowest-paid workers to the welfare system.

Richard S. Belous, vice president of the National Planning Association in Washington and author of study of the phenomenon, said: "We've made our labor market more flexible. But we've done zilch about making the social welfare system flexible."

Mr. RIEGLE. Madam President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL VOTER REGISTRATION ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. CHAFEE. Mr. President, there are crucial decisions to be made regarding Federal spending, what to do about the horrible deficits, how should health care costs be reduced, what actions should the United States take concerning Bosnia, or should we provide more aid to the nation's that formed the former Soviet Union.

Do we discuss those issues on the Senate floor?

Not at all.

We are too busy telling States in minute detail how to register their citizens.

Mr. President, this is the Senate at its worst—micromanaging in an area where we are delighted to tell the States exactly what to do but not concerned enough to put up any money to accompany our explicit directions.

S. 460 requires all 50 States to adopt uniform, federally mandated voter registration practices. Included are three major provisions: the well known motor-voter provision, which requires the automatic registration of eligible individuals during routine transactions with State motor vehicle registries; a provision which would permit individuals to register by mail; and automatic agency registration, which would require individuals making applications at Federal agencies or applying for public assistance, to be registered and permits registration at other facilities, such as community centers.

Already, the majority of States have adopted some form of motor-voter registration. I am pleased that Rhode Island is among those States, having adopted it in 1990. All of the States are able to adopt motor-voter registration if they choose to do so. There is no reason for the Federal Government to impose these requirements on the States.

Further, there is no evidence that implementing a motor-voter program will result in greater voter turnout. In 1992 far more Rhode Islanders turned out to vote in the Presidential election than voted in the previous two Presidential elections, but that was true all across the Nation. And the percentage increase in Rhode Island, with its motor-voter registration instituted in 1990, was less than the percentage increase in the rest of the Nation.

The Congressional Budget Office estimates that the requirements of this legislation will cost the States $105 million from fiscal years 1994 through 1998. For some States, there will be additional costs not included in the CBO estimate, as many States are compelled to revamp their registration procedures in order to comply with the Federal mandates. In the case of Rhode Island, it seems ridiculous to me to require a State that is grappling with difficult decisions about cutting basic services and already has highly accessible voter registration procedures—an established motor-voter program and more than 1,000 registrars during election years—to spend scarce resources on implementing federally mandated registration procedures. There is an expression "if it's not broken, don't fix it."

I also have grave concerns that this legislation opens the door to the possibility of increased instances of fraud. Like Senator MCCAIN, I fear that requiring agencies that dispense public assistance to double as voter registration offices may lead to coercion of some potential voters. At the very least, this provision may lead to the appearance of misconduct by State workers required to dispense funds and register voters.

The mail registration provision also is of particular concern. Not only does it permit an individual to register without showing any proof of identity or residence, but the Board of Elections in Rhode Island wonders what they would be required to do if the mail registration form was filled out incorrectly. Would they be required to telephone each potential mail registrant? Would they throw the incorrect form away and leave the individual with the mistaken belief that he or she was registered?

Finally, I received a letter from the Rhode Island Secretary of State, Barbara Leonard, who expresses her concern about how to prevent registration by illegal aliens. S. 460 fails to require any verification of citizenship, thus opening the door to registration by illegal aliens.

I ask that the letter from the secretary of state be included in the RECORD at the conclusion of my remarks.

Mr. President, it is clear we are in the silly season when the world's greatest deliberative body spends 7 days on this petty legislation that should never come before the Senate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
Providence, RI, March 12, 1993.

Hon. JOHN H. CHAFEE,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR CHAFEE: As Secretary of State of Rhode Island, I am responsible for the administration of the Central Voter Registry and for the preparation of ballots for all registered voters in the state. I am profoundly interested in any method that can make voting easier and increase the number of qualified individuals who have the right to vote.

As of the 1990 Census, there were approximately 60 million eligible, unregistered voters in the United States. Pending legislation makes significant steps to increase the opportunities for these individuals to register in a quick and easy manner.

What it does not address is the United States Citizenship requirement which is so integral to our most fundamental right in a democracy—the vote. The lack of restraints and appropriate proof requirements open the door to fraud and the abuse of individual freedoms.

The estimated 3.3 million undocumented aliens currently residing in the United

States (with an estimated 200,000 more entering annually) are eligible to secure a drivers license. The current bill would allow these individuals to register to vote at the same time as they obtain a drivers license. Under this bill they could be the target of unscrupulous politicians. This would threaten our democratic voting process.

The use of fines and imprisonment to deter the abuse of this privilege is not realistic and would not serve as a deterrent to this population. They do not have money and we have overcrowded jails.

I believe that any legislation designed to increase the number of registered voters must include a requirement for proof of citizenship; either a birth certificate, passport, or naturalization papers. A federal law including this requirement would insure the uniform administration throughout the United States and make it easier for citizens to understand and comply with the law.

I applaud your efforts to increase opportunities for all who are eligible to vote and ask you to also insure the integrity of the right to vote and our ability to ensure fair and legal elections.

Sincerely yours,

BARBARA M. LEONARD,
Secretary of State.

Mr. MITCHELL. Madam President, I would like to just respond briefly to the comments of my friend and colleague. The Senator has joined in forcing the Senate to spend 7 days on this bill. He has participated in a series of obstructive actions, of delaying actions of causing the Senate to spend 7 days on a bill which we should have passed in 7 hours. Then having caused the delay, the Senator complains about the delay.

That is one of the ironies of life in the Senate. The rules permit delay, and the very people who cause the delay then complain about the delay. This is not petty legislation. This legislation is democracy by encouraging Americans to vote and by making it possible for more Americans to vote. If voting is petty, then this bill is petty. But if voting is significant, a fundamental right in a democratic society, then this bill is significant, going as it does to a fundamental right in a democratic society.

Two weeks ago tomorrow, I made a motion to proceed to the bill, not to act on the bill, not to consider amendments to the bill, just to begin consideration of it. And the Senator from Rhode Island voted against that, voted to require the Senate to have a delay of more than 2 days just to even begin considering the bill. Then after we started on the bill, we had delayed after delay after delay. Now we are going to vote in just a few minutes to try to end the delay, and the very people who caused the delay complain about the delay.

The American people ought to know where the obstruction is, where the delay is, where the problem is, and the problem is with those who do not want the Senate to act on legislation, who would prefer to continue the gridlock. The guardians of gridlock are alert and at work and want to cause the Senate not to be able to complete action on this or virtually any other legislation.

We are going to have the same delay in just a few days when we try to go to the next bill, then when we try to go to the bill after that the same delay and the bill after that the same delay. No one should be fooled, no one should be misled, no one should misunderstand the complaints that we are hearing about spending so long on this bill. I implore the Senator, if he wants the Senate to proceed expeditiously, then stop filibustering every bill that the Senate tries to consider.

I know the time is up, Mr. President, but I would like to ask unanimous consent that the Senator from Rhode Island be given 2 minutes to respond.

Mr. CHAFEE. I would make it three, Mr. President. May we make it three. Three minutes.

Mr. MITCHELL. I will ask unanimous consent that he be given 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Rhode Island is recognized.

Mr. CHAFEE. After that eloquence displayed by the distinguished majority leader it would take me more than 3 minutes to try to overcome the reasoning he presented.

As always, the majority leader is persuasive, and I am flattered that he listened to my remarks except he did not listen to the last part of them, which was I not only said we spent 7 days on this petty legislation, I said 7 days on this petty legislation that should never have come before the Senate. This is the ultimate of micromanaging. Big brother in Washington is going to tell every State exactly what to do. And we are so enthusiastic about telling them what to do that we will not send them any money to do it. It is typical. All that CBO, which is so admired by the majority leader, has said it is going to cost is $105 million. Not a penny is authorized, never mind appropriated.

The majority leader insists on bringing forward this legislation that is really totally unnecessary. Oh, yes, it is cloaked in the garment of good government and voting, as though nobody out in the States has ever voted before without big brother in Washington telling them exactly how to do it. We have motor-voter registration in our State. We do not need somebody in Washington telling us exactly how to do it. I think it is bad legislation and I hope it goes deservedly down the drain.

I thank the Chair and thank the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I ask unanimous consent for 1 minute to make a final response.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. It is a very simple issue here: whether Americans will be able to register and vote. And they are afraid to have more Americans registering and voting because they think they will not vote for them. What a lack of confidence in democracy; what a lack of confidence in their own message; what a lack of confidence in their own platform, their own principles. Fewer people registering, fewer people voting, that is the message that this opposition sends. Our message is democracy means everybody participates. Let us get every American registered. Let us get every American voting and then let the chips fall where they may.

Mr. President, I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 6 p.m. having arrived, under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 460, the motor-voter bill:

Wendell Ford, Tom Daschle, Bob Kerrey, Harlan Mathews, Harris Wofford, Pat Leahy, Daniel K. Akaka, Jeff Bingaman, Dale Bumpers, Russell D. Feingold, Carol Moseley-Braun, Bob Krueger, Howard Metzenbaum, John Glenn, Joseph Lieberman, Don Riegle, Paul Wellstone, George Mitchell.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 460, the National Voter Registration Act shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 59, nays 41, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—59

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle

Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—41

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

The PRESIDING OFFICER. On this vote, the yeas are 59; the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, there will be no further rollcall votes this evening. There will be another cloture vote tomorrow morning, and I will consult with the distinguished Republican leader before determining the time.

Senators should have their offices monitor the floor this evening, so that as soon as we can reach an agreement that accommodates the schedules of Senators, I will announce the time for the vote tomorrow. But it will be sometime, probably, in the late morning. We have to discuss a number of items before agreeing on that.

So there will be no further rollcall votes this evening. There will be another cloture vote tomorrow sometime, probably late morning. The precise time will be announced this evening.

Mr. DOMENICI. Mr. President, in the event we do not get cloture on this bill tomorrow, does the majority leader nonetheless intend to proceed with the budget resolution, or not, tomorrow?

Mr. MITCHELL. It is my intention to proceed tomorrow, at some point, to the budget resolution, if that is possible.

Mr. DOMENICI. I thank the Senator very much.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that the Senate now turn to morning business with Senators allowed to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROCLAMATION IN HONOR OF JUDGE A. LEON HIGGINBOTHAM

Mr. WOFFORD. Mr. President, I rise today to congratulate Judge A. Leon Higginbotham on receiving the inaugural award named in his honor. As expressed by the Barristers Association of Philadelphia, Judge Higginbotham is a "man, jurist, lawyer and scholar who has enriched all of us with his legacy."

A graduate of the Yale University School of Law, Judge Higginbotham has served in a variety of capacities, most notably as a civil rights attorney, law professor, U.S. district judge and finally on the U.S. Third Circuit Court of Appeals. He has earned countless honors, awards and honorary degrees throughout his distinguished career.

Judge A. Leon Higginbotham's unwavering commitment to justice, equality and the pursuit of excellence will continue to be an inspiration to us all. Again, I offer my congratulations and best wishes to Judge Higginbotham, his family and all those associated with the Barristers Association of Philadelphia.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON DEFERRAL OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 10

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, the Committee on the Budget, and the Committee on Agriculture, Nutrition and Forestry:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral of budget authority, totaling $46.1 million.

This deferral affects the Department of Agriculture. The details of this deferral are contained in the attached report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 16, 1993.*

MESSAGES FROM THE HOUSE

At 2:41 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 400. An act to amend the Employee Retirement Income Security Act of 1974 to provide for the treatment of settlement agreements reached with the Pension Benefit Guaranty Corporation.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 400. An act to amend the Employee Retirement Income Security Act of 1974 to provide for the treatment of settlement agreements reached with the Pension Benefit Guaranty Corporation.

H.R. 750. An act to extend the Export Administration Act of 1979 and to authorize appropriations under that act for fiscal years 1993 and 1994.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

At 4:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolutions; each without amendments:

S.J. Res. 22. A joint resolution designating March 25, 1993, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

S.J. Res. 36. A joint resolution to proclaim March 20, 1993, as "National Agriculture Day."

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States, the following enrolled bills and joint resolutions:

On January 8, 1993:

S.J. Res. 1. Joint resolution to ensure that the compensation and other emoluments attached to the office of Secretary of the Treasury are those which were in effect on January 1, 1989.

S.J. Res. 2. Joint resolution to authorize the U.S. Secret Service to continue to furnish protection to the former Vice President or his spouse.

On January 27, 1993:

S. 202. An act to designate the Federal Judiciary Building in Washington, DC, as the "Thurgood Marshall Federal Judiciary Building"

On March 16, 1993:

S. 400. An act to amend the Employee Retirement Income Security Act of 1974 to provide for the treatment of settlement agreements reached with the Pension Benefit Guaranty Corporation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-42. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Armed Services.

"RESOLUTION OF THE STATE OF MAINE

"We, your Memorialists, the Members of the one Hundred and Sixteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States as follows:

"Whereas, the Department of the Navy has maintained a shipyard at Kittery, Maine since June 12, 1800; and

"Whereas, the United States Naval Shipyard at Kittery has performed duties in an exemplary manner throughout its almost 2 centuries of history; and

"Whereas, the Kittery shipyard is one of the most up-to-date facilities available in the United States for the repair, overhauling and refueling of naval vessels; and

"Whereas, the communities in Maine, New Hampshire and Massachusetts located near the Kittery shipyard offer an abundance of highly trained, skilled and experienced workers who have an outstanding work ethic; and

"Whereas, the State of Maine is firmly committed to actively supporting the continuation of the United States Naval Shipyard at Kittery; now, therefore, be it

"Resolved: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to continue to operate, develop and diversify the United States Naval Shipyard at Kittery, Maine; and be it further

"Resolved: That we further urge the Congress of the United States to take all necessary action to ensure that the Kittery shipyard remains an integral component in a post-Cold War defense strategy; and be it further

"Resolved: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM-43. A resolution adopted by the Council of State Governments relative to district heating and cooling; to the Committee on Energy and Natural Resources.

POM-44. A resolution adopted by the Council of State Governments relative to supporting private investment in environmental infrastructure; to the Committee on Environment and Public Works.

POM-45. A resolution adopted by the Council of State Governments relative to integrated solid waste management; to the Committee on Environment and the Public Works.

POM-46. A resolution adopted by the Council of State Governments relative to Federal mandates; to the Committee on Governmental Affairs.

POM-47. A concurrent resolution adopted by the Legislature of the State of North Dakota; to the Committee on Governmental Affairs.

"SENATE CONCURRENT RESOLUTION NO. 4006

"Whereas, in North Dakota and other states the federal government has acquired millions of acres of land for migratory bird sanctuaries, the national park system, the national forest system, water resource development projects, and other uses; and

"Whereas, Congress has enacted legislation providing for payments in lieu of taxes on federal lands well below the taxes paid by neighboring landowners, and then the federal government has broken the promise of this legislation because Congress has not appropriated sufficient funds to make these payments; and

"Whereas, in states such as North Dakota with sparse population the removal of federal lands from the tax base shifts a substantial burden of the cost of local governmental services to neighboring landowners; and

"Whereas, to the growing consternation of North Dakotans, while the federal government lacks sufficient funds to pay its promised share of the tax burden, federal agencies have sufficient funds to acquire additional property upon which taxes will not be paid;

"Now, therefore, be it resolved by the Senate of North Dakota, the House of Representatives concurring therein:

"That the Fifty-third Legislative Assembly urges the Congress of the United States to take responsibility to assure that the federal government becomes a responsible landowner, a good neighbor, and a taxpaying citizen of each state in which it owns property by enacting legislation to do all of the following:

"1. Provide for repeal of laws authorizing acquisition by federal agencies of land for migratory bird refuges and waterfowl production areas or provide that states have an option to rescind previously granted approval for acquisition of such property;

"2. Provide that no federal agency or instrumentality may acquire any interest in property in a state unless all federal agencies owning any interest in property in that state have made full in lieu of tax payments equal to one hundred percent of the taxes that would be due against the property under local assessment and levies for the previous two taxable years;

"3. Provide that each federal agency or instrumentality owning any property in a state must give the state an annual accounting of acreage and valuation of its holdings in each county in the state;

"4. Provide that each federal agency or instrumentality owning any property in a state must give the state an annual report of how much property it intends to acquire within each county in the state;

"5. Provide that limitations on the acreage of federally owned property per county must be established and that federal acquisitions must be approved by an evaluation board in each state consisting of representatives of water, farm, and wildlife groups and representatives of all levels of local government;

"6. Provide that any federal agency or instrumentality that fails to make full in lieu of tax payments is permanently banned from acquiring any interest in property in that state until full payment is made;

"7. Provide that federal agencies and instrumentalities are subject to state laws regarding imposition of interest and penalties and forfeiture of property for nonpayment of taxes in the same manner as any other landowner; and

"8. Provide that federal duck stamp revenues and other funds used for acquisition of interests in property be made available for payments in lieu of taxes on property already acquired; and

"Be it further resolved, that the Secretary of State send copies of this resolution to the Secretary of the Senate of the United States, the clerk of the House of Representatives, the chairman of the Senate Appropriations Committee, the chairman of the House of Representatives Appropriations Committee, the chairman of the Senate Energy and Natural Resources Committee, the chairman of the House of Representatives Interior and Insular Affairs Committee, the Secretary of the Interior, the President of the United States, and each member of the North Dakota Congressional Delegation."

POM-48. A resolution adopted by the State of West Virginia to the Committee on the Judiciary.

"SENATE RESOLUTION NO. 10

"Whereas, There exist federal and state penal codes to protect the flag of the United States from desecration; and

"Whereas, The flag of the United States is a living symbol of all our freedoms, morally obligating all responsible citizens to preserve, protect and venerate the flag. Neither our founding fathers, members of Congress nor state legislators ever intended that anybody should be allowed to desecrate and mutilate the United States flag; and

"Whereas, Protection of the flag of the United States from desecration can only be assured by the enactment of a constitutional amendment; therefore, be it

"*Resolved by the Senate:* That the Congress is urged to propose and adopt an amendment to the Constitution of the United States protecting the flag of the United States from desecration; and, be it

"*Further resolved* That the Clerk is hereby directed to forward a copy of this resolution to each member of the United States Congress."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMPSON (for himself and Mr. KENNEDY):

S. 584. A bill to authorize the transfer of equipment, artifacts, and memorabilia held by the Immigration and Naturalization Service to the Border Patrol Museum and Memorial Library Foundation, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. DECONCINI):

S. 585. A bill to provide greater access to civil justice by reducing costs and delay, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. BRADLEY, Mr. BUMPERS, Mr. GORTON, Mr. DASCHLE, Mr. RIEGLE, Mr. HARKIN, and Mr. D'AMATO):

S. 586. A bill to raise the asset limit for AFDC recipients engaged in a microenterprise business, and for other purposes; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. ROCKEFELLER, Mr. BAUCUS, Mr. STEVENS, Mr. BINGAMAN, Mr. BURNS, Mr. SIMON, and Mr. THURMOND):

S. 587. A bill to establish the Mike Mansfield Fellowship Program for intensive training in the Japanese language, government, politics, and economy; to the Committee on Governmental Affairs.

By Mr. ROBB:

S. 588. A bill to regulate aboveground storage tanks used to store regulated substances, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 589. A bill to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor, and for other purposes; to the Committee on Energy and Natural Resources.

S. 590. A bill to clarify tax treatment of certain disability benefits received by former police officers or firefighters; to the Committee on Finance.

By Mr. D'AMATO (for himself, Mr. SHELBY, Mr. DOLE, Mr. MACK, Mr. THURMOND, and Mr. DOMENICI):

S. 591. A bill to authorize the President to suspend the application of laws and regulations that impede economic revitalization and growth; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOREN:

S. 592. A bill to amend the Wild and Scenic Rivers Act to protect State-designated rivers prior to their approval or disapproval by the Secretary of the Interior for inclusion in the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY:

S. 593. A bill to extend the temporary suspension of duty on fluazifop-p-butyl; to the Committee on Finance.

S. 594. A bill to suspend temporarily the duty on tefluthrin; to the Committee on Finance.

S. 595. A bill to suspend temporarily the duty on fomesafen; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. BOND, Mr. RIEGLE, Mr. BRADLEY, Mr. DECONCINI, Mr. DASCHLE, Mr. JEFFORDS, Mr. SIMON, Mr. KOHL, Mrs. FEINSTEIN, Mr. MITCHELL, Mr. KERRY, Mr. CAMPBELL, and Mr. CONRAD):

S. 596. A bill to amend title IV of the Social Security Act to provide improved child welfare services, and for other purposes; to the Committee on Finance.

By Mr. BOREN:

S.J. Res. 65. A joint resolution establishing a commission to study the creation of a standing international military force under the United Nations Charter; to the Committee on Foreign Relations.

By Mr. THURMOND (for himself and Mr. BAUCUS):

S.J. Res. 66. A joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week"; to the Committee on the Judiciary.

By Mr. SHELBY:

S.J. Res. 67. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SIMON:

S. Res. 80. A resolution to replace the membership of the Select Committee on Ethics with former Members selected by the Majority Leader and the Minority Leader; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMPSON (for himself and Mr. KENNEDY):

S. 584. A bill to authorize the transfer of equipment, artifacts, and memorabilia held by the Immigration and Naturalization Service, to the Border Patrol Museum and Memorial Library Foundation, and for other purposes; to the Committee on the Judiciary.

BORDER PATROL MUSEUM AND MEMORIAL LIBRARY FOUNDATION ACT OF 1993

Mr. SIMPSON. Mr. President, I rise today to introduce a bill to authorize the transfer of equipment, artifacts, and memorabilia now held by the Immigration and Naturalization Service to the Border Patrol Museum and Memorial Library Foundation.

The Border Patrol Museum and Memorial Library Foundation was organized to operate exclusively for charitable, educational, scientific, and literary purposes. The library contains a comprehensive collection of material relating to the Border Patrol and its accomplishments. The museum is governed by a board of trustees that sets the policies and oversees the museum's operations.

Funding of the museum comes from corporate and private foundations, bequests, sales from its gift shop, and other fundraising activities. The museum also receives donations from Immigration and Naturalization Service personnel, members of the Fraternal Order of Retired Border Patrol Officers, and the public. No appropriated funds are, or will be, used for the maintenance or operation of the museum and library.

The purpose of this legislation is to give the Immigration and Naturalization Service statutory authority to officially recognize the museum and to provide nonfinancial support.

Specifically, the bill will allow the Immigration and Naturalization Service to convey to this fine museum equipment, artifacts and memorabilia held by the Immigration and Naturalization Service which would be much better displayed and preserved in the existing museum, as well as to transfer any property that the Attorney General may determine is necessary to further the purposes of the museum and foundation.

The bill will also authorize the Attorney General to provide technical assistance to the Border Patrol Museum and Memorial Library Foundation for the purpose of displaying any items which may be transferred under the bill.

The Immigration and Naturalization Service supports the legislation. I invite my colleagues to join me in my effort to provide recognition and support of the Border Patrol Museum and Memorial Library Foundation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY.

Notwithstanding section 203 of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 484) or any other provision of law, the Attorney General is authorized to transfer and convey to the Border Patrol Museum and Memorial Library Foundation, incorporated in the State of Texas—

(1) such equipment, artifacts, and memorabilia held by the Immigration and Naturalization Service, and

(2) such real property of the United States, as the Attorney General may determine is necessary to further the purposes of the Museum and Foundation.

SEC. 2. TECHNICAL ASSISTANCE.

The Attorney General is authorized to provide technical assistance, through the detail of personnel of the Immigration and Naturalization Service, to the Border Patrol Museum and Memorial Library Foundation for the purpose of demonstrating the use of the items transferred under section 1.

By Mr. GRASSLEY (for himself and Mr. DECONCINI):

S. 585. A bill to provide greater access to civil justice by reducing costs and delay and for other purposes; to the Committee on the Judiciary.

CIVIL JUSTICE REFORM ACT OF 1993

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation with my colleague from Arizona, Mr. DECONCINI, to reform America's Federal civil justice system. The purpose of our bill, the Civil Justice Reform Act of 1993, is to improve deserving parties' access to the Federal courts by reducing the volume of frivolous cases, to reduce the costs of Federal civil litigation, and to encourage settlement of disputes.

By introducing this bill we propose some modest reforms that will reduce the economic and social costs American society has borne due to the litigation explosion. Our Nation spends billions of dollars every year on civil lawsuits. More than $1 billion goes just to pay for the Federal district courts, which handle hundreds of thousands of civil cases annually. As most Americans recognize, our system of dispute resolution through adversarial lawsuits has gotten out of hand, and needs reason restored to it. More litigation does not mean more justice.

Some of the elements of our bill are based on last year's Access to Justice Act. For example, the bill reintroduces a modified English rule on attorney's fees. That will award prevailing parties in Federal diversity cases reasonable attorney's fees. This is hardly the radical proposition some paint it to be. The English rule is really an "anywhere but America" rule that is followed by most industrialized countries—Austria, Belgium, Denmark, France, Switzerland, Germany, Italy, the Netherlands, Norway, Sweden, Canada, Australia, New Zealand, and Great Britain. It is worth trying it in the United States in a limited class of cases—diversity suits—in order to see if it is effective in encouraging meritorious lawsuits and discouraging frivolous suits.

By limiting the rule to diversity cases, we ensure that no one will be denied a forum for their dispute, since all diversity cases can be filed in a State court. If the defendant removes the case to Federal court, our loser-pays rule would not apply. Our limited English rule will expire in 5 years unless Congress chooses to continue it, after a fourth-year report by the Administrative Office of the Courts on the effectiveness of the rule.

We have also included a number of safeguards to avoid any unintended consequences. The amount the loser must pay is limited to the amount of her own fees. Moreover, the court is given broad discretion to limit the amount the loser pays if it finds such payment to be unjust in the circumstances.

The bill will require 30 days advance notice of intent to sue—something most responsible lawyers already do. We also require prisoners with civil rights cases—which currently constitute around 10 percent of the Federal docket—to first exhaust their administrative remedies before they file suite in Federal court.

To promote early settlement of cases and reduce litigation costs, we propose a statutory offer of judgment rule. It is similar to a recent proposal by Judge William Schwarzer, Director of the Federal Judicial Center. This rule will allow any party, plaintiff or defendant, to offer a settlement to another party at any point in the litigation. If the settlement is declined, and the party rejecting the offer ultimately gets a less favorable judgment, he is then responsible for the offeror's attorneys fees from the time of the offer. This will give parties a strong incentive to offer and accept reasonable settlements.

Another new provisions will begin to curtail some of the excesses of the expert witness battles that dominate too many Federal trials. Following the example of the State of Arizona, which last year adopted a comprehensive civil justice reform package, our bill will limit parties to one expert witness on a given issue.

The Civil Justice Reform Act of 1990 has made a mark on the Federal courts in reforming pretrial processes to reduce cost and delay. This bill takes the next step, by making some limited fee-shifting proposals and a few other modest proposals for reducing litigation costs. I look forward to discussing these proposals with my colleagues on the Judiciary Committee, and Hopefully the full Senate, at an early date.

I ask unanimous consent that the statement of Senator DECONCINI and the full text of the bill appear in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Justice Reform Act of 1993".

SEC. 2. DIVERSITY OF CITIZENSHIP JURISDICTION; AWARD OF ATTORNEYS' FEES TO PREVAILING PARTY.

(a) AWARD OF FEES.—Section 1332 of title 28, United States Code, is amended by inserting after subsection (e) the following new subsection:

"(f)(1) The prevailing party in an action under this section shall be entitled to attorneys' fees only to the extent that such party prevails on any position or claim advanced during the action. Attorneys' fees under this paragraph shall be paid by the nonprevailing party but shall not exceed the amount of the attorneys' fees of the nonprevailing party with regard to such position or claim. If the nonprevailing party receives services under a contingent fee agreement, the amount of attorneys' fees under this paragraph shall not exceed the reasonable value of those services.

"(2) In order to receive attorneys' fees under paragraph (1), counsel of record in any actions under this section shall maintain accurate, complete records of hours worked on the matter regardless of the fee arrangement with his or her client.

"(3) The court may, in its discretion, limit the fees recovered under paragraph (1) to the extent that the court finds special circumstances that make payment of such fees unjust.

"(4) This subsection shall not apply to any action removed from a State court under section 1441 of this title, or to any action in which the United States, any State, or any agency, officer, or employee of the United States or any State is a party.

"(5) As used in this subsection, the term 'prevailing party' means a party to an action who obtains a favorable final judgment (other than by settlement), exclusive of interest, on all or a portion of the claims asserted in the action.".

(b) STUDY AND REPORT.—(1) The Director of the Administrative Office of the United States Courts shall conduct a study regarding the effect of the requirements of subsection (f) of section 1332 of title 28, United States Code, as added by subsection (a) of this section, on the caseload of actions brought under such section, which study shall include—

(A) data on the number of actions, within each judicial district, in which the nonprevailing party was required to pay the attorneys' fees of the prevailing party; and

(B) an assessment of the deterrent effect of the requirements on frivolous or meritless actions.

(2) No later than 4 years after the date of enactment of this Act, the Director of the Administrative Office of the United States Courts shall submit a report to the appropriate committees of Congress containing—

(A) the results of the study described in paragraph (1); and

(B) recommendations regarding whether the requirements should be continued or applied with respect to additional actions.

(c) REPEAL.—No later than 5 years after the date of enactment of this Act, this section and the amendment made by this section shall be repealed.

SEC. 3. OFFER OF JUDGMENT.

(a) IN GENERAL.—Part V of title 28, United States Code, is amended by inserting after chapter 113 the following new chapter:

"CHAPTER 114—PRETRIAL PROVISIONS

"Sec.

"1721. Offer of judgment.

"§ 1721. Offer of judgment

"(a)(1) In any civil action filed in a district court, any party may serve upon any adverse party a written offer to allow judgment to be entered for the money or property specified in the offer.

"(2) If within 14 days after service of the offer, the adverse party serves written notice that the offer is accepted, either party may file the offer and notice of acceptance and the clerk shall enter judgment.

"(3) An offer not accepted within such 14-day period shall be deemed withdrawn and evidence thereof is not admissible, except in a proceeding to determine reasonable attorney fees.

"(4) If the final judgment obtained by the offeree is not more favorable than the offer made under paragraph (1) which was not accepted by the offeree, the offeree shall pay the offeror's reasonable attorney fees incurred after the expiration of the time for accepting the offer, to the extent necessary to make the offeror whole.

"(5) In no case shall an award of attorney fees under this section exceed the amount of the judgment obtained. The court may reduce the award of costs and attorney fees to avoid the imposition of undue hardship on a party.

"(6) The fact that an offer is made under this section shall not preclude a subsequent offer.

"(7)(A) Subject to the provisions of subparagraph (B), when the liability of 1 party has been determined by verdict, order, or judgment, but the amount or extent of the liability remains to be determined by further proceedings, any party may make an offer of judgment, which shall have the same effect as an offer made before trial.

"(B) The court may shorten the period of time an offeree may have to accept an offer under subparagraph (A), but in no case shall such period be less than 7 days.

"(b) A party making an offer shall not be deprived of the benefits of an offer it makes by an adverse party's subsequent offer, unless the subsequent offer is more favorable than the judgment obtained.

"(c) If the judgment obtained includes nonmonetary relief, a determination that it is more favorable to the offeree than was the offer shall be made only when the terms of the offer included all such nonmonetary relief.

"(d) This section shall not apply to class or derivative actions under rules 23, 23.1 and 23.2 of the Federal Rules of Civil Procedure.

"(e)(1) Except as provided under paragraph (2), the provisions of this section shall not be construed to prohibit an award or reduce the amount of an award a party may receive under a statute which provides for the payment of attorney's fees by another party.

"(2) The amount a party may receive under this section may be set off against the amount of an award made under a statute described in paragraph (1).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part IV of title 28, United States Code, is amended by inserting after the item relating to chapter 113 the following:

"114. Pretrial provisions .... 1721".

SEC. 4. PRIOR NOTICE AS A PREREQUISITE OF FILING A CIVIL ACTION IN THE UNITED STATES DISTRICT COURT.

(a) IN GENERAL.—Chapter 23 of title 28, United States Code, is amended by adding at the end the following:

"§ 483. Prior notice of civil action

"(a)(1) No less than 30 days before filing a civil action in a court of the United States the claimant intending to file such action shall transmit written notice to any intended defendant of the specific claims involved, including the amount of actual damages and expenses incurred and expected to be incurred. The claimant shall transmit such notice to any intended defendant at an address reasonably expected to provide actual notice.

"(2) For purposes of this section, the term 'transmit' means to mail by first class-mail, postage prepaid, or contract for delivery by any company which physically delivers correspondence as a commercial service to the public in its regular course of business.

"(3) The claimant shall at the time of filing a civil action, file in the court a certificate of service evidencing compliance with this subsection.

"(b) If the applicable statute of limitations for such action would expire during the period of notice required by subsection (a), the statute of limitations shall expire on the thirtieth day after the date on which written notice is transmitted to the intended defendant or defendants under subsection (a). The parties may by written agreement extend that 30-day period for an additional period of not to exceed 90 days.

"(c) The requirements of this section shall not apply—

"(1) in any action to seize or forfeit assets subject to forfeiture or in any bankruptcy, insolvency, receivership, conservatorship, or liquidation proceeding;

"(2) if the assets that are the subject of the action or would satisfy a judgment are subject to flight, dissipation, or destruction, or if the defendant is subject to flight;

"(3) if a written notice prior to filing an action is otherwise required by law, or the claimant has made a prior attempt in writing to settle the claim with the defendant;

"(4) in proceedings to enforce a civil investigative demand or an administrative summons;

"(5) in any action to foreclose a lien; or

"(6) in any action pertaining to a temporary restraining order, preliminary injunctive relief, or the fraudulent conveyance of property, or in any other type of action involving exigent circumstances that compel immediate resort to the courts.

"(d) If the district court finds that the requirements of subsection (a) have not been met by the claimant, and such defect is asserted by the defendant within 60 days after service of the summons or complaint upon such defendant, the claim shall be dismissed without prejudice and the costs of such action, including attorneys' fees, shall be imposed upon the claimant. Whenever an action is dismissed under this subsection, the claimant may refile such claim within 60 days after dismissal regardless of any statutory limitations period if—

"(1) during the 60 days after dismissal, notice is transmitted under subsection (a); and

"(2) the original action was timely filed in accordance with subsection (b).".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 28, United States Code, is amended by adding at the end the following:

"483. Prior notice of civil action.".

SEC. 5. CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(a) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—Section 7 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997e) is amended—

(1) by amending subsection (a) to read as follows:

"(a) In any action brought pursuant to section 1979 of the Revised Statutes of the United States, by any adult convicted of a crime confined in any jail, prison, or other correctional facility, the court shall continue such case for a period not to exceed 180 days in order to require exhaustion of such plain, speedy, and effective administrative remedies as are available."; and

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting immediately after "(b)" the following:

"(1) Upon the request of a State or local corrections agency, the Attorney General of the United States shall provide the agency with technical advice and assistance in establishing plain, speedy, and effective administrative remedies for inmate grievances.".

(b) PROCEEDINGS IN FORMA PAUPERIS.—Section 1915(d) of title 28, United States Code, is amended to read as follows:

"(d) The court may request an attorney to represent any such person unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action fails to state a claim upon which relief can be granted or is frivolous or malicious.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

SEC. 6. EXPERT WITNESSES.

(a) IN GENERAL.—Chapter 119 of title 28, United States Code, is amended by inserting after section 1828 the following new section:

"§ 1829. Multiple expert witnesses

"In any civil action filed in a district court, the court shall not permit opinion evidence on the same issue from more than 1 expert witness for each party, except upon a showing of good cause.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 119 of title 28, United States Code, is amended by inserting after the item relating to section 1828 the following new section:

"1829. Multiple expert witnesses.".

SEC. 7. SEVERABILITY.

If any provision of this Act or the amendments made by this Act or the application of any provision or amendment to any person or circumstance is held invalid, the remainder of this Act and such amendments and the application of such provision and amendments to any other person or circumstance shall not be affected by that invalidation.

SEC. 8. EFFECTIVE DATE.

Except as expressly provided otherwise, this Act and the amendments made by this Act shall become effective 90 days after the date of the enactment of this Act. This Act shall not apply to any action or proceeding commenced before such effective date.

Mr. DECONCINI. Mr. President, I am pleased to be joining with Senator GRASSLEY today to introduce legislation to reform our civil justice system. I believe there are a number of creative ideas contained in this bill and I hope those interested in seeing some relief from the continuing litigation crisis will take the opportunity to review the bill and provide me with their comments.

Last Congress, I introduced two measures dealing with litigation reform that I intend to reintroduce this Congress. The first was the Attorney Accountability Act. The second would create a national Commission on Civil Justice Reform. I believe it is important for the Congress to seek solutions to the problems facing our Federal courts.

The bill being introduced today provides for a 5-year demonstration program on allowing the award of attorney fees for prevailing parties in diversity cases. The administrative offices of the U.S. courts would report on the effects of this modified English rule. I am a strong supporter of the English rule and would like to see this put into practice even if only on a limited basis at this time.

Another provision of the bill requires 30 days prior notice as a prerequisite to bringing any suit in U.S. district court. The purpose of this provision is to allow defendants the opportunity to settle disputes before litigation is commenced.

Under this bill, prisoners who bring civil rights actions would be required to wait 180 days in order to exhaust any administrative remedies available. The courts are jammed with these types of cases, many of which could be resolved through other means.

Another provision of the bill is a modification of rule 68 of the Federal Rules of Civil Procedure. It requires a party to pay attorney fees for failure to accept an offer of settlement, if the judgment finally obtained is not more favorable to the offeree than the offer. I believe settlement should be encouraged and this would provide additional incentives for settling cases.

The bill limits to one the number of expert witnesses that a party can call. Of course, this rule can be waived by the court upon a showing of good cause. Similar language was recently made part of the Arizona Rules of Civil Procedure and is expected to significantly reduce the battle of the experts and therefore will reduce litigation costs in certain cases.

Mr. President, as you can see, these are not drastic changes we are talking about. What we are seeking here is to make the system fairer for all parties involved and reduce the amount of adversarial litigation in our Federal courts. I hope there will be an opportunity for hearings on this bill this Congress and I look forward to working with my colleagues on the Judiciary Committee to see if we can take some steps forward on the issue of litigation reform.

By Mr. GRASSLEY (for himself, Mr. BRADLEY, Mr. BUMPERS, Mr.

GORTON, Mr. DASCHLE, Mr. RIEGLE, Mr. HARKIN, and Mr. D'AMATO):

S. 586. A bill to raise the asset limit for AFDC recipients engaged in a microenterprise business, and for other purposes; to the Committee on Finance.

MICROENTERPRISE AND ASSET DEVELOPMENT ACT

Mr. GRASSLEY. Mr. President, last year, I introduced S. 1860, the Act for Microenterprise Development, because I believed it would provide low-income people the opportunity for achieving financial independence through self-employment. While it was included in the enterprise zone bill at the end of the session, it failed to become law when the President vetoed the enterprise zone bill.

Today, joined by my colleagues, Senators BRADLEY, BUMPERS, GORTON, DASCHLE, RIEGLE, HARKIN, and D'AMATO, I am introducing similar legislation to provide greater opportunities for achieving financial independence.

The bill we are introducing today has two major provisions. First, a family may disregard up to $10,000 in a qualified asset account used for an education or training program, the improvement of employability for a family member, the purchase of a family home, or a change in family residence.

This provision is important because it is through the accumulation and wise use of assets that people establish financial independence. It is something that many people take for granted, but those who have not had this chance to take it very seriously. This chance is the very foundation of our capitalist system.

The second major provision of the bill is to allow a family to disregard up to $10,000 in assets for a microenterprise, defined as an unincorporated trade or business which has five or fewer employees, of which one is the owner.

This type of employment is particularly attractive in rural areas where job opportunities are often scarce and self-employment may provide the only opportunity to being unemployed and dependent on Government assistance.

The Institute for Social and Economic Development [ISED] in Iowa City, IA, has done remarkable work for five years with low-income Iowans who want to become financially independent. ISED has a history of providing business training and technical assistance to these individuals. ISED enables them to obtain small loans to start or expand their businesses as an avenue to self-sufficiency. In 1988, Iowa was one of five States involved in a national demonstration program testing microenterprise development as a strategy for helping AFDC recipients become economically independent.

Since that time, ISED has expanded its services statewide to all 99 Iowa counties.

John Else, the head of ISED in Iowa, recently testified before the Senate Small Business Committee, and I quote:

> Unfortunately, AFDC recipients in most States are not able to participate in microenterprise programs. The moment they obtain business assets that, combined with their personal assets, have a value of over $1,000, they would become ineligible for AFDC, food stamps, and probably Medicaid. This would not be a responsible decision for their families' well-being.

Thus, too often, individuals on public assistance are left with the unenviable choice of being on public assistance and receiving health care benefits for their family, or taking a minimum wage job with no health care benefits.

Our goal in introducing this bill is to provide two more options for that individual on public assistance who desires a change for her family and is willing to take the challenge of pursuing this goal.

I urge my colleagues to join me in making a change in the asset limit for individuals who are willing to take the challenge of aggressively pursuing financial independence for themselves and their families.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Microenterprise and Asset Development Act".

SEC. 2. DISREGARD OF INCOME AND RESOURCES DESIGNATED FOR EDUCATION, TRAINING, AND EMPLOYABILITY.

(a) DISREGARD AS RESOURCE.—Section 402(a)(7)(B) of the Social Security Act (42 U.S.C. 602(a)(7)(B) is amended—

(1) by striking "or" before "(iv"; and

(2) by inserting ", or (v) in the case of a family receiving aid under the State plan (and a family not receiving such aid but which received such aid in at least 1 of the preceding 4 months or became ineligible for such aid during the preceding 12 months because of excessive earnings), any amount not to exceed $10,000 in a qualified asset account (as defined in section 406(i))) of such family, reduced by the amount (if any) excluded from the resources of the family pursuant to paragraph (46)(A)(i) of this subsection" before "; and

(b) DISREGARD AS INCOME.—

(1) IN GENERAL.—Section 402(a)(8)(A)) is amended)

(A) by striking "and" at the end of clause (vii); and

(B) by inserting after clause (viii) the following new clause:

"(ix) shall disregard interest or income earned on a qualified asset account (as defined in section 406(i)); and".

(2) NONRECURRING LUMP SUM EXEMPT FROM LUMP SUM RULE.—Section 402(a)(17) of such Act (42 U.S.C. 602(a)(17) is amended by adding at the end the following: "; and that this paragraph shall not apply to earned or unearned income received in a month on a nonrecurring basis to the extent that such income is placed in a qualified asset account (as defined in section 206(i)) the total amounts in which, after such placement, does not exceed $10,000;".

(3) TREATMENT AS INCOME.—Section 402(a)(7) of such Act (42 U.S.C. 602(a)(7) is amended—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the semicolon at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) shall treat as income any distributions from a qualified asset account (as defined in section 406(i)(1)) which do not meet the definition of a qualified distribution under section 406(i)(2);".

(c) QUALIFIED ASSET ACCOUNTS.—Section 406 of such Act (42 U.S.C. 606) is amended by adding at the end the following:

"(i)(1) The term 'qualified asset account' means a mechanism approved by the State (such as individual retirement accounts, escrow accounts, or savings bonds) that allows savings of a family receiving aid to families with dependent children to be used for qualified distributions.

"(2) The term 'qualified distributions' means distributions for expenses directly related to 1 or more of the following purposes:

"(A) The attendance of a member of the family at any education or training program.

"(B) The improvement of the employability (including self-employment) of a member of the family (such as through the purchase of an automobile).

"(C) The purchase of a home for the family.

"(D) A change of the family residence.".

(d) STUDY OF USE OF QUALIFIED ASSET ACCOUNTS; REPORT.—The Secretary of Health and Human Services shall conduct a study of the use of qualified asset accounts established pursuant to the amendments made by this section, and shall report on such study and any recommendations for modifications of such amendments to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than January 1, 1996.

(e) REPORT ON AFDC ASSET LIMIT ON AUTOMOBILES.—Within 3 months after the date of the enactment of this section, the Secretary of Health and Human Services shall submit to the Congress a report on—

(1) the need to revise the limitation, established in regulations pursuant to section 402(a)(7)(B)(i) of the Social Security Act, on the value of a family automobile required to be disregarded by a State in determining the eligibility of the family for aid to families with dependent children under the State plan approved under part A of title IV of such Act; and

(2) the extent to which such a revision would increase the employability of recipients of such aid.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

SEC. 3. DISREGARD OF INCOME AND RESOURCES RELATED TO SELF-EMPLOYMENT.

(a) STATE PLAN REQUIREMENTS.—Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended—

(1) by striking "and" at the end of paragraph (44);

(2) by striking the period at the end of paragraph (45) and inserting "; and"; and

(3) by inserting after paragraph (45) the following:

"(46) provide that the State agency—

"(A)(i) shall not include as a resource of the family of which a child referred to in paragraph (7)(A) is a member, for purposes of paragraph (7)(B), the first $10,000 of the net worth (assets reduced by liabilities with respect thereto) of all microenterprises (as defined in section 406(j)(1)) owned, in whole or in part, by the child or by a relative or other individual referred to in paragraph (7)(A), for a period not to exceed 2 years; and

"(ii) shall take into consideration as earned income of the family of which the child is a member, only the net profits (as defined in section 406(j)(2)) of such microenterprises, for a period not to exceed 2 years; and

"(B) shall ensure that caseworkers are able to properly advise recipients of aid under the State plan of the option of microenterprise as a legitimate route towards self-sufficiency, and that caseworkers encourage recipients of such aid who are interested in starting a microenterprise to participate in a program designed to assist them in such effort.".

(b) DEFINITIONS.—Section 406 of such Act (42 U.S.C. 606), as amended by section 2(c) of this Act, is amended by adding at the end the following:

"(j)(1) The term 'microenterprise' means a commercial enterprise which has 5 or fewer employees, 1 or more of whom owns the enterprise.

"(2) The term 'net profits' means, with respect to a microenterprise, the gross receipts of the business, minus—

"(A) payments of principal or interest on a loan to the microenterprise;

"(B) transportation expenses;

"(C) inventory costs;

"(D) expenditures to purchase capital equipment;

"(E) cash retained by the microenterprise for future use by the business;

"(F) taxes paid by reason of the business;

"(G) if the business is covered under a policy of insurance against loss—

"(i) the premiums paid for such insurance; and

"(ii) the losses incurred by the business that are not reimbursed by the insurer solely by reason of the existence of a deductible with respect to the insurance policy;

"(H) the reasonable costs of obtaining 1 motor vehicle necessary for the conduct of the business; and

"(I) the other expenses of the business.".

(c) INCLUSION OF MICROENTERPRISE TRAINING AND ACTIVITIES IN THE JOBS PROGRAM.—

(1) IN GENERAL.—Section 482(d)(1) of such Act (42 U.S.C. 682(d)(1)) is amended by adding at the end the following:

"(C) The services and activities referred to in subparagraph (A)—

"(i) in the case that at least 3 percent of the adult recipients of aid under the State plan approved under part A (as of the close of the immediately preceding fiscal year) elect to participate in microenterprise activities, shall include programs described in paragraph (4); or

"(ii) in the case that not more than 3 percent of the adult recipients of such aid elect to participate in microenterprise activities, may include programs described in paragraph (4).".

(2) MICROENTERPRISE PROGRAMS.—Section 482(d) of such Act (42 U.S.C. 682(d)) is amended by adding at the end the following:

"(4) The programs described in this paragraph are programs of public and private organizations, agencies, and other entities (including nonprofit and for-profit entities) to enable such entities to facilitate economic development by—

"(A) providing technical assistance, advice, and business support services (including assistance, advice, and support relating to business planning, financing, marketing, and other microenterprise development activities) to owners of microenterprises and persons developing microenterprises; and

"(B) providing general support (such as peer support and self-esteem programs) to owners of microenterprises and persons developing microenterprises.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments under part A of title IV of the Social Security Act for calendar quarters beginning on or after October 1, 1993.

Mr. BUMPERS. Mr. President, I rise to cosponsor the Microenterprise and Asset Development Act, introduced today by my colleague the senior Senator from the State of Iowa. This legislation is an important step toward the goal of reforming the welfare system, which no longer functions as the temporary emergency assistance system it was intended to be. Substantial reform of the welfare system has the support of President Clinton, the cosponsors of this bill, many others in Congress and, most importantly, the American people. I commend my colleague Senator GRASSLEY and his staff for their fine work and perseverance on this legislation, which was passed by the Congress last year, but vetoed by President Bush.

This bill will encourage self-employment and eventual self-sufficiency for certain welfare recipients. It will allow the limited and temporary accumulation of assets by any recipient of welfare or aid for families with dependent children [AFDC] who has established a microenterprise, that is, a business employing five or fewer individuals. This bill will permit such recipients to exclude from the calculation of their assets up to $10,000 of the net worth of the microenterprise.

The current rules regarding assets discourage savings by welfare or AFDC recipients and work to prevent any movement from public assistance toward financial independence. Any such recipient who has more than $1,000 of assets becomes entirely ineligible for welfare benefits, including AFDC food stamps and usually Medicaid. It is simply too risky for someone to try to establish a microenterprise if it means losing the food, shelter, and medical benefits of her family. The Microenterprise and Asset Development Act corrects this counterproductive policy.

About a year and a half ago, Congress enacted legislation which I introduced to establish a Microloan Program at the Small Business Administration. The Microloan Program provides loans and technical assistance grants to nonprofit intermediaries for the purpose of relending the money in amounts up to $25,000 to small businesses and individuals seeking self-employment. I am happy to report that the Microloan Program is off to a good start with 45 intermediaries up and running nationwide and 65 more to receive funding within the near future.

In places, such as Iowa, where waivers to the welfare asset limitations have been in place, microloans have been a successful tool for helping people off of public assistance and into self-employment. Unfortunately, with the current asset limitations for welfare and AFDC recipients, the Microloan Program has been unable to reach many would-be entrepreneurs. The effect of this bill would be to establish waivers for microenterprises nationwide. This change would complement the goals and policies the Microloan Program enacted last year.

Contrary to its intended design, the welfare system has become a way of life for too many people. Its complicated and restrictive rules have destroyed many recipients' will to make a better life for themselves and their families. It has undermined the confidence and self-esteem of many. This bill helps restore the work ethic for welfare and AFDC recipients. It removes barriers to self-sufficiency which should be the goal, not the antithesis, of the welfare system. I strongly support this measure and urge my colleagues to do the same.

By Mr. ROTH (for himself, Mr. ROCKEFELLER, Mr. BAUCUS, Mr. STEVENS, Mr. BINGAMAN, Mr. BURNS, Mr. SIMON, and Mr. THURMOND):

S. 587. A bill to establish the Mike Mansfield Fellowship Program for intensive training in the Japanese language, government, politics, and economy; to the Committee on Governmental Affairs.

MIKE MANSFIELD FELLOWSHIP ACT

Mr. ROTH. Mr. President, I rise today for myself, Mr. ROCKFELLER, and others to reintroduce a bill passed by the Senate last year that I believe will have a very significant impact on America's ability to meet the challenge posed by our keen competitor, Japan, and to better manage what Mike Mansfield has called our most important bilateral relationship.

This bill will create a unique opportunity for America's next generation of public sector leaders to help us improve our ability in dealing with Japan.

What this bill proposes is a 2-year fellowship that will allow them to acquire Japanese language abilities, enhance their understanding of Japan's political economy, and most important, actually work within the ministries and agencies of the Government of Japan to gain hands-on experience in how the Japanese system operates.

Candidates who enter this program—top caliber, experienced professionals from the Federal Government—will have to commit to returning to work for our Government for a minimum of 2 years after completing their fellowships.

The program, while quite modest in cost, holds great promise for filling one of the widest gaps in the policymaking capabilities of the United States Government—the severe shortage of personnel who understand the inner workings of the Japanese Government.

That gap is particularly noticeable when we look at the large numbers of Japanese Government officials from every ministry who have been educated or worked in the United States—in many cases, within United States Government offices.

Since 1966, Japan's national personnel authority has administered a 2-year fellowship program to place Government officials in graduate schools in the United States and other countries. And since 1974, the same agency has placed well more than 300 Japanese Government officials within United States Government agencies or other organizations for terms of about 5 months.

Mr. President, day in and day out, as we debate legislation in this Chamber, Japan emerges as a central point of discussion, whether as an object of blame over trade imbalances, as a way to gain perspective on United States policies, or increasingly, as a means of assessing how the United States is doing in terms of productivity, educational attainment, and competitiveness.

The reason we mention Japan so often has to do with that country's status as the world's second largest economy and with the many Japanese industries and firms that compete so fiercely with those from the United States.

Given the importance of Japan to this country, I believe it is time we had more personnel who understand how Japan works, and even better, personnel who have observed the Japanese political and governmental process from the inside.

I believe this program, within a few years, will vastly strengthen the Federal Government's ability to meet the Japanese challenge. Each year, a minimum of 10 applicants will be selected to receive fellowships.

After only a short period of time we will have significant numbers of talented officials with expertise on Japan placed throughout the Federal Government.

Though I would hope this program proves itself useful enough to merit ongoing funding, it is initially covered for only 4 years—enough to permit three classes of fellows to complete their 2-year programs.

I would hope that as the years pass, private funds will begin to supplement and, over time, significantly replace taxpayer dollars.

Although he is too modest to be interested in monuments and does not encourage those who seek to honor him, I believe it is fitting that this program be named in honor of a man who served his country with immense distinction, both in this body and as Ambassador to Japan—that man, of course, is Mike Mansfield. Today happens to be Mike's 90th birthday.

As all those who had the privilege to serve with him know, Mike Mansfield is a man dedicated to public service and deeply knowledgeable about United States-Japan relations.

Mike Mansfield stated long ago, and has repeated often since, that the United States-Japan relationship is the most important bilateral relationship in the world.

I urge this body to recognize Mike's contributions, and enhance U.S. capabilities in dealing with that bilateral relationship, by supporting the creation of the Mike Mansfield fellowship program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mike Mansfield Fellowship Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) because Senator Mike Mansfield served his country with distinction and has had a lasting impact on America's relationship with Japan during his tenure in the Senate and later as the United States Ambassador to Japan, it is a fitting tribute to establish in his name the following Fellowship for promising officials of the Federal Government;

(2) Japan is America's second largest trading partner, the second biggest investor in the United States, and America's most serious economic competitor;

(3) despite the challenge and importance of Japan to the United States, few Americans speak Japanese or understand how the country and its government work; and

(4) key agencies of the United States Government involved in United States-Japan relations often lack sufficient personnel versed in the functioning of the Japanese policymaking apparatus.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to enable the United States Government to respond more effectively to the Japanese challenge; and

(2) to provide officials from any branch of the United States Government with intensive Japanese language training and placement as a Fellow in the Government of Japan.

SEC. 4. DEFINITIONS.

For purposes of this Act—

(1) the term "agency of the United States Government" includes any agency of the legislative branch and any court of the judicial branch as well as any agency of the executive branch;

(2) the term "agency head" means—

(A) in the case of the executive branch of Government or an agency of the legislative branch other than the House of Representatives or the Senate, the head of the respective agency;

(B) in the case of the judicial branch of Government, the chief judge of the respective court;

(C) in the case of the Senate, the President pro tempore, in consultation with the Majority Leader and Minority Leader of the Senate; and

(D) in the case of the House of Representatives, the Speaker of the House, in consultation with the Majority Leader and Minority Leader of the House;

(3) the term "Board" means the Mike Mansfield Fellowship Review Board; and

(4) the term "Center" means the Mansfield Center for Pacific Affairs.

SEC. 5. ESTABLISHMENT OF FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—(1) There is hereby established the "Mike Mansfield Fellowship Program" pursuant to which the Director of the United States Information Agency will make grants to the Mansfield Center for Pacific Affairs to award fellowships to eligible United States citizens for periods of 2 years each (or, pursuant to section 7(5)(C), for such shorter period of time as the Center may determine based on a Fellow's level of proficiency in the Japanese language or knowledge of the political economy of Japan) as follows:

(A) During the first year each fellowship recipient will study the Japanese language as well as Japan's political economy.

(B) During the second year each fellowship recipient will serve as a Fellow in a parliamentary office, ministry, or other agency of the Government of Japan or, subject to the approval of the Center, a nongovernmental Japanese institution associated with the interests of the fellowship recipient, consistent with the purposes of this Act.

(2) Fellowships under this Act may be known as "Mansfield Fellowships", and individuals awarded such fellowships may be known as "Mansfield Fellows".

(b) ELIGIBILITY OF CENTER FOR GRANTS.—Grants may be made to the Center under this section only if the Center agrees to comply with the requirements of section 7.

(c) INTERNATIONAL AGREEMENT.—As the program established under this section can succeed only with the full and willing cooperation of the Government of Japan, the Director of the United States Information Agency should enter into negotiations for an agreement with the Government of Japan for the purpose of placing Fellows in the Government of Japan.

(d) USE OF FEDERAL FACILITIES.—The Foreign Service Institute is authorized and encouraged to assist, on a reimbursable basis, in carrying out Japanese language training by the Center through the provision of classroom space, teaching materials, and facilities, to the extent that such provision is not detrimental to the Institute's carrying out its other responsibilities under law.

SEC. 6. FUNDING.

(a) PRIVATE SOURCES.—The Center is authorized to accept, use, and dispose of gifts or donations of services or property in carrying out the fellowship program, subject to the review and approval of the Board described in section 9.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Information Agency—

(1) for fiscal year 1994, $1,213,000,

(2) for fiscal year 1995, $2,289,000,

(3) for fiscal year 1996, $2,403,000, and

(4) for fiscal year 1997, $1,553,000,

to fund three two-year classes of Fellows to carry out this Act.

SEC. 7. PROGRAM REQUIREMENTS.

The program established under this Act shall comply with the following requirements:

(1) United States citizens who are eligible for fellowships under this Act shall be employees of the Federal Government having at least two years experience in any branch of the Government, a strong career interest in United States-Japan relations, and a demonstrated commitment to further service in the Federal Government.

(2) Not less than 10 fellowships shall be awarded each year.

(3) Mansfield Fellows shall agree—

(A) to maintain satisfactory progress in language training and appropriate behavior in Japan, as determined by the Center, as a condition of continued receipt of Federal funds; and

(B) to return to the Federal Government for further employment for a period of at least 2 years following the end of their fellowships, unless, in the determination of the Center, the Fellow is unable (for reasons beyond the Fellow's control and after receiving assistance from the Center as provided in paragraph (8)) to find reemployment for such period.

(4) During the period of the fellowship, the Center shall provide each Mansfield Fellow—

(A) a stipend at a rate of pay equal to the rate of pay that individual was receiving when he or she entered the program, plus a cost-of-living adjustment calculated at the same rate of pay, and for the same period of time, for which such adjustments were made to the salaries of individuals occupying competitive positions in the civil service during the same period as the fellowship; and

(B) certain allowances and benefits as that individual would have been entitled to, but for his or her separation from Government service, as a United States Government civilian employee overseas under the Standardized Regulations (Government Civilians, Foreign Areas) of the Department of State, as follows: a living quarters allowance to cover the cost of housing in Japan, a post allowance to cover the significantly higher costs of living in Japan, a temporary quarters subsistence allowance for up to 7 days for Fellows unable to find housing immediately upon arrival in Japan, an education allowance to assist parents in providing their children with educational services ordinarily provided without charge by United States public schools, moving expenses of up to $3,000 for personal belongings of Fellows and their families in their move to Japan and up to $500 for Fellows residing outside the Washington, D.C. area in moving to the Washington, D.C. area, and one-round-trip economy-class airline ticket to Japan for each Fellow and the Fellow's immediate family.

(5)(A) For the first year of each fellowship, the Center shall provide Fellows with intensive Japanese language training in the Washington, D.C., area, as well as courses in the political economy of Japan.

(B) Such training shall be of the same quality as training provided to Foreign Service officers before they are assigned to Japan.

(C) The Center may waive any or all of the training required by subparagraph (A) to the extent that a Fellow has Japanese language skills or knowledge of Japan's political economy, and the 2 year fellowship period shall be shortened to the extent such training is less than one year.

(6) Any Mansfield Fellow not complying with the requirements of this section shall reimburse the United States Information Agency for the Federal funds expended for the Fellow's participation in the fellowship, together with interest on such funds (calculated at the prevailing rate), as follows:

(A) Full reimbursement for noncompliance with paragraph (3)(A) or (9); and

(B) Pro rata reimbursement for noncompliance with paragraph (3)(B) for any period the Fellow is reemployed by the Federal Government that is less than the period specified in paragraph (3)(B), at a rate equal to the amount the Fellow received during the final year of the fellowship for the same period of time, including any allowances and benefits provided under paragraph (4).

(7) The Center shall select Mansfield Fellows based solely on merit. The Center shall make positive efforts to recruit candidates reflecting the cultural, racial, and ethnic diversity of the United States.

(8) The Center shall assist any Mansfield Fellow in finding employment in the Federal Government if such Fellow was not able, at the end of the fellowship, to be reemployed in the agency from which he or she separated to become a Fellow.

(9) No Mansfield Fellow may engage in any intelligence or intelligence-related activity on behalf of the United States Government.

(10) The accounts of the Center shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the Center are normally kept. All books, accounts, financial records, files, and other papers, things, and property belonging to or in use by the Center and necessary to facilitate the audit shall be made available to the person or persons conducting the audit, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(11) The Center shall provide a report of the audit to the Board no later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the Center's assets and liabilities, surplus or deficit, with reasonable detail, including a statement of the Center's income and expenses during the year, including a schedule of all contracts and grants requiring payments in excess of $5,000 and any payments of compensation, salaries, or fees at a rate in excess of $5,000 per year. The report shall be produced in sufficient copies for the public.

SEC. 8. SEPARATION OF GOVERNMENT PERSONNEL DURING THE FELLOWSHIPS.

(a) SEPARATION.—Under such terms and conditions as the agency head may direct, any agency of the United States Government may separate from Government service for a specified period any officer or employee of that agency who accepts a fellowship under the program established by this Act.

(b) REEMPLOYMENT.—Any Mansfield Fellow, at the end of the fellowship, is entitled to be reemployed in the same manner as if covered by section 3582 of title 5, United States Code.

(c) RIGHTS AND BENEFITS.—Notwithstanding section 8347(o), 8713, or 8914 of title 5, United States Code, and in accordance with regulations of the Office of Personnel Management, an employee, while serving as a Mansfield Fellow, is entitled to the same rights and benefits as if covered by section 3582 of title 5, United States Code. The Center shall reimburse the employing agency for any costs incurred under section 3582 of title 5, United States Code.

(d) COMPLIANCE WITH BUDGET ACT.—Funds are available under this section to the extent and in the amounts provided in appropriation Acts.

SEC. 9. MANSFIELD FELLOWSHIP REVIEW BOARD.

(a) ESTABLISHMENT.—There is hereby established the Mansfield Fellowship Review Board.

(b) COMPOSITION.—The Board shall be composed of 11 individuals, as follows:

(1) The Secretary of State, or the Secretary's designee.

(2) The Secretary of Defense, or the Secretary's designee.

(3) The Secretary of the Treasury, or the Secretary's designee.

(4) The Secretary of Commerce, or the Secretary's designee.

(5) The United States Trade Representative, or the Trade Representative's designee.

(6) The Chief Justice of the United States, or the Chief Justice's designee.

(7) The Majority Leader of the Senate, or the Majority Leader's designee.

(8) The Minority Leader of the Senate, or the Minority Leader's designee.

(9) The Speaker of the House of Representatives, or the Speaker's designee.

(10) The Minority Leader of the House of Representatives, or the Minority Leader's designee.

(11) The Director of the United States Information Agency, who shall serve as the chairperson of the Board, or the Director's designee.

(c) FUNCTIONS.—(1) The Board shall review the administration of the program assisted under this Act.

(2)(A) Each year at the time of the submission of the President's budget request to the Congress, the Board shall submit to the President and the Congress a report completed by the Center with the approval of the Board on the conduct of the program during the preceding year.

(B) Each such report shall contain—

(i) an analysis of the assistance provided under the program for the previous fiscal year and the nature of the assistance provided;

(ii) an analysis of the performance of the individuals who received assistance under the program during the previous fiscal year, including the degree to which assistance was terminated under the program and the extent to which individual recipients failed to meet their obligations under the program; and

(iii) an analysis of the results of the program for the previous fiscal year, including, at a minimum, the cumulative percentage of individuals who received assistance under the program who subsequently became employees of the United States Government and, in the case of individuals who did not subsequently become employees of the United States Government, an analysis of the reasons why they did not become employees and an explanation as to what use, if any, was made of the assistance given to those recipients.

(d) COMPENSATION.—Members of the Board shall not be paid compensation for services performed on the Board.

(e) AVAILABILITY OF SUPPORT STAFF.—The Director of the United States Information Agency is authorized to provide for necessary secretarial and staff assistance for the Board.

(f) RELATIONSHIP TO FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall not apply to the Board to the extent that the provisions of this section are inconsistent therewith.

Mr. BAUCUS. Mr. President, today, it is my great pleasure to join with several of my colleagues as an original cosponsor of legislation introduced earlier today to establish the Mike Mansfield Fellowship Program.

The Mike Mansfield Fellowship Program will benefit our country's promising public servants interested in United States-Japan relations by providing intensive training in the Japanese language, Government, politics, and economy.

I cannot think of a more fitting tribute to Mike Mansfield on his 90th birthday.

First, I want to say a few words about the 2-year fellowship this bill creates, and why it is a crucial step forward.

Japan is the world's second largest economy. In addition to being America's most serious economic competitor, Japan is our second largest trading partner and the second biggest investor in the United States. Nonetheless, many Americans—including those in public service—are unfamiliar with the workings of the Japanese Government, Japanese lifestyles, or the Japanese language.

The Mike Mansfield Fellowship Program will provide a lasting educational opportunity for selected United States Government officials to broaden their understanding of Japan. Individuals from all branches of the Federal Government are eligible and will receive extensive training in the Japanese language and political economy. Furthermore, as Mansfield fellows they will be placed in various ministries and agencies of the Government of Japan which will give them a firsthand perspective at Japanese policymaking.

At the conclusion of the 2-year fellowship, participants will be required to return to work with the Federal Government in order that their expertise will be put to immediate use. Given the significance of our working relationship with Japan, I firmly believe that this program will afford the United States with an excellent opportunity to better understand Japanese culture, its Government and economy.

Our Nation trades goods and services with Japan at a rate unprecedented in the history of either of our countries—and there is no reason to think that we will see less trade in the future. Now is the time to face these challenges squarely, and the Mike Mansfield Fellowship Program will help us do just that.

I would now like to spend a few moments to speak about Mike Mansfield. Being a fellow Montanan, I am proud to have had the opportunity to know Mike. And, as I have already mentioned, today is Mike's 90th birthday. That is why it is particularly significant that this legislation should be introduced today.

Those of you who know Mike also know that, if he were here today, he would have very little to say about himself. Mike is that rare breed of political leader who knows it is often hard to improve upon silence. Yet, underneath that quiet demeanor, is one of the most interesting and engaging human beings to ever enter American politics.

I believe that the most noble human endeavor is service. And Mike Mansfield is the most noteworthy example of this that I can recall. He began his career teaching Asian studies at the University of Montana and then Mike rounded out his career in public service. He spent 10 years in the House of Representatives, and then spent 24 years in the U.S. Senate where he rapidly rose to the position of majority leader where he served 17 years.

Following his retirement from the Senate, Mike served in the executive branch. President Carter appointed Mike as Ambassador to Japan. Although Mike always has been and always will be a Democrat, President Reagan recognized his talents and asked him to stay on in Tokyo for another 8 years.

Today, Mike remains remarkably active. As a leading authority on Asian and Pacific affairs, his advice is widely sought by world leaders.

Mike's career is truly a profile in public service. And he remains an inspiration for us all. I am sure that those of us here today join in sending Mike our very heartfelt 90th birthday wishes.

Mike is without doubt one of America's most distinguished leaders and true statesmen. The Mike Mansfield Fellowship Act is a wonderful way to recognize his faithful service to his fellow countrymen, and the world.

Essentially, this is something Mike Mansfield would not only approve of but it is in the Mike Mansfield spirit. Mike used to always say if you are going to achieve results, if you are going to be effective, you have to put yourself in the shoes of the other person and walk around in them for a while so you understand the other person's point of view. Because sometimes the other person is right, believe it or not. You could learn something.

This is exactly what this program is about. I take great pleasure in supporting it. Mike's career is truly a profile of public service. It remains an inspiration for all of us. I am sure those of us here today join in sending Mike very heartfelt 90th birthday wishes. I would also like to add my best wishes to Maureen, Mike's wife, who celebrates her birthday this month as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana [Mr. BURNS].

Mr. BURNS. Mr. President, it gives me a great deal of joy to join my colleague from Montana in wishing Mike Mansfield a happy birthday today.

For most folks, the only special thing about today is that it is the day before our favorite Irish celebration, St. Patrick's Day. But March 16 is indeed a special day in its own right. It is the birthday of a well-loved and well-respected individual born to an Irish immigrant family in 1903; a man who is considered by those of us from the Big Sky Country of Montana to be the most distinguished political figure of our State's history.

It is the birthday of a man who has proven to be one of the most respected Members of the U.S. Senate, a man who served as majority leader from 1961 until 1977—the longest period of service in this post—who went on to serve as the Ambassador to Japan for 12 years, and who is today considered one of the Nation's foremost experts on Far Eastern affairs.

Mr. President, today is the birthday of Senator Mike Mansfield.

As you look back on the history of this great body, you realize that the Halls of Congress have seen many great men and women. Each one of my colleagues will leave a mark on this institution, as those who have come before us have in one way or another. But there are those whose fingerprints will never fade, like the fingerprints of Mike Mansfield.

In my home State of Montana, the name Mike Mansfield is an institution in and of itself. Raised in Butte, Mike went on to teach history at the University of Montana in Missoula. He dove into politics in the 1940's, and won a House seat for the western congressional district in 1942. Ten years later he won a Senate seat. In 1961, he ran for majority leader, a position he did not seek out but one that was pressed upon him by his colleagues.

As majority leader, Senator Mansfield was a team player, a consensus builder. He understood that the rules of American politics were changing. He reached across party lines, encouraged equality among Members and gave Senators the opportunity to express their voice on key issues of importance.

In his own right, Senator Mansfield became an expert in foreign affairs, particularly concerning Far Eastern affairs. His many awards include the Presidential Medal of Freedom, awarded by President Reagan, and the Grand Cordon of the Order of the Rising Sun presented by Japanese Prime Minister Takeshita.

Senator Mike Mansfield is a man who I admire and respect deeply.

I sought his counsel when I first came to this body some 4 years ago. I am honored to have known him and honored to have this opportunity to serve Montana in the best tradition as he did before me.

I also pass along my holiday greetings to his wife, Maureen.

Thank you, Mike Mansfield, for the service you gave this body and the Nation. And happy birthday.

By Mr. ROBB:

S. 588. A bill to regulate aboveground storage tanks used to store regulated substances, and for other purposes; to the Committee on Environment and Public Works.

SAFE ABOVEGROUND STORAGE TANK ACT OF 1993

Mr. ROBB. Mr. President, I rise today to introduce legislation to address what is one of the last remaining major gaps in Federal environmental law: The regulation of aboveground storage tanks.

For the past 2½ years, those of us who live in northern Virginia, have received an education about just how flawed the current Federal law is.

In September 1990, a petroleum sheen was discovered in a neighborhood creek in the Mantua-Stockbridge community in Fairfax County.

It was the beginning of a continuing nightmare for a number of local residents, who have had to live with the knowledge that more than 200,000 gallons of petroleum product—diesel oil, jet fuel and gasoline—has leaked from the nearby Pickett Road tank farm.

The exact size of the leak, and its precise sources, are still unknown. What is known to all is that there are no winners. Some residents have been evacuated, others have simply moved, and still others continue to live with a cloud over their heads.

To date, Star Enterprise, a Texaco affiliate, has had to expend an estimated $200 million in compensation: the sum of $50 million for medical and other damages and $150 million for decreased property values.

Across the Nation, there are hundreds of similar leaks from aboveground petroleum storage tanks.

Major releases have occurred in Anchorage, AK; Torrance, CA; Port Everglades, FL; Hartford, IL, Granger, IN; Cattlettsburg, KY; Sparks, NV; Paulsboro, NJ; Syracuse, NY; Greensboro, NC; Ponca City, OK; Philadelphia, PA; Spartanburg, SC; Austin, TX; and Tacoma, WA.

At least five involve releases larger than the *Exxon Valdez* oil tanker catastrophe.

Whereas the *Exxon Valdez* spilled some 11 million gallons of oil, "aboveground tanks in El Segunda, CA have released between 84 and 252 million gallons.

In Martinez, CA, 28 million gallons have been released.

A Tulsa, OK facility has released between 25 and 28 million gallons, and a Whiting, IN facility released 17 million gallons.

In Brooklyn, NY, residents are sitting on top of a 13 to 17 million gallon release.

According to the Environmental Defense Fund [EDF], between 20 percent and 25 percent of AST's nationwide and their associated piping and are likely to be leaking, and since most facilities contain more than one tank, EDF estimates that more than 50 percent of all aboveground storage facilities have leaks.

These leaks occur from the bases of tanks where contact with soil causes corrosion; from piping; and from overflows associated with the transfer of product.

Because petroleum contracts and expands as temperatures vary, it is often difficult to detect leaks. And because petroleum is relatively cheap, it is often less expensive to allow a known leak to continue than to interrupt operations and make a repair.

Because aboveground storage tank leaks are often slow and underground, they frequently do not receive the attention of the big oil tanker catastrophes.

But the release can present serious health, safety and environmental risks. Petroleum contains extremely toxic compounds, like benzene; and refined petroleum contains even more toxic components.

A plume of petroleum product can seep into basements and sewers, reaching toxic levels and causing explosions and threat of fire.

In addition, leaking aboveground tanks can permanently contaminate groundwater, a source of drinking water for more than half the Nation.

In many cases, groundwater contamination will inevitably lead to surface water contamination.

What is astounding is that where underground storage tanks are highly regulated, aboveground storage tanks, used to store some 100 billion gallons of oil nationwide, are only loosely regulated by a patchwork of weak regulations.

The GAO has concluded that current laws are inadequate.

At the most elementary level, current law does not even require comprehensive data collection to know how many aboveground storage tanks leak.

What regulations there are, on the books, are largely reactive; there are no credible requirements for prevention of spills like the one in Fairfax.

State authorities are beginning to take notice of the aboveground storage tank problem, but only 15 States have regulations on the books, and only 5 currently require genuine secondary containment, such as a double bottom or liner under a tank or piping.

This is an enormous problem today; and it will likely grow in the future as storage operators seek to exploit the loophole in current Federal law by moving new tanks aboveground.

Already, according to a survey conducted by the Steel Tank Institute, new tank purchases of aboveground tanks are running ahead of underground tanks by a 5:2 ratio.

This is troublesome from an environmental standpoint, and also from a fire safety perspective since aboveground tanks pose a much greater risk of fire hazard than underground tanks.

Last year, I cosponsored legislation offered by the distinguished Senator from South Dakota, Senator DASCHLE, to regulate the estimated 800,000 to 900,000 petroleum aboveground tanks, nationwide.

Residents in Senator DASCHLE's home State were victims in 1987 of a horrific 20,000-gallon leak in which an elementary school had to be evacuated and abandoned after vapors began filtering up into the building.

I am pleased to be an original cosponsor of Senator DASCHLE's legislation again this year, reintroduced, as S. 389.

The legislation I am introducing today in the Senate, and being introduced by Representative JIM MORAN in the House, is very similar to the Daschle bill.

Both bills would seek to regulate aboveground storage tanks which store either petroleum, or certain hazardous substances, regulated under Superfund, in a manner similar to the regulation of underground storage tanks.

The key to the bill is prevention.

The EPA Administrator is directed to issue regulations which would set performance standards for new and rebuilt tanks designed to prevent releases.

These design and construction standards would aim to prevent corrosion. Secondary containment systems, much like double hulls on oil tankers, would be required. Regular inspections and spill and overflow prevention would also be required.

To minimize the impact of leaks which do occur, tanks would be required to install release detection systems. Tank owners would also be required to develop corrective action plans and obtain insurance to ensure their financial responsibility.

Finally, to fill the vacuum in existing data, owners would be required to report information about their tanks, and to report any releases exceeding 42 gallons.

All of these requirements would affect both new tanks, and existing tanks, after a 10-year phasein period. Since half of all existing tanks are at least 20 years old, many of these old tanks would be retired anyway during the 10-year phasein.

Finally, should a release occur, the bill gives EPA the authority to shut down a facility, prohibiting further operation until the Administrator determines that the prohibition "is not necessary to protect human health and the environment."

That is to say, once a release occurs, the burden shifts to the tank owner to cease operations until it can prove there is no ongoing threat.

The citizens in Fairfax were outraged when told that EPA lacked such authority; this bill provides it.

As with many environmental laws, the act allows States to run the program if the State includes all requirements and standards of Federal law and provides adequate enforcement of compliance.

The law does not preempt States from setting more stringent standards. In taking a closer look at this legislation, Representative MORAN and I made three changes to the excellent bill Senator DASCHLE has drafted.

First, we provide an exemption for small fire-protected tanks to refocus the bill's firepower on the larger Fairfax-type facilities.

This exemption is meant to cover small fleet refueling stations, small industrial facilities, and certain gasoline service stations which have up to three 12,000 gallon tanks.

These tanks must be fire protected to qualify for the exemption for two reasons.

First, the increased reliance on aboveground tanks poses a real threat to firefighters, a threat which the uniform fire codes are increasingly recognizing and which Congress ought to codify.

Second, fire protected tanks employ secondary containment, and are therefore environmentally sound.

While small fire protected tanks are exempt from most of the bill's requirements—performance standards, release detection, inspection, and financial responsibility—these tanks would still have to comply with the notification requirements of the bill.

Second, the legislation being introduced today provides an exemption for production tanks, those tanks used to store oil near the wellhead.

As with small fire-protected tanks, the exemption for production tanks does not extend to the bill's notification requirements. Production tank owners would still be required to notify EPA of the existence of the tanks and of any releases.

Production tanks present much less of an environmental, safe, and health risk than other types of tanks—refining and marketing—for a variety of reasons. Production tanks are generally located in less populated areas. They hold crude oil, which is more viscous than refined product, and is less likely to seep quickly into groundwater. They are generally moved around from well to well, and can be examined on each occasion, so they are more likely to be in better repair than other types of tanks.

Production tanks are generally smaller—21,000 gallons on average—than marketing tanks—which are 230,000 gallons on average—or refining tanks—which are 1,323,000 gallons on average.

And, empirically, production tanks have not posed much of an environmental problem.

At the same time, exempting production tanks should drastically reduce the overall cost of the legislation to business and improve the chances of the bill's passage.

Third, this legislation is introduced as a free standing bill, not as an amendment to RCRA.

Although the bill could easily become a part of RCRA, we think the problem is of sufficient magnitude that the bill can move on its own.

It is our hope that the introduction of this legislation today will help move this issue forward.

We have tried to offer a leaner version of earlier legislation, which will impose less cost on business, and pose less political obstacles, but still go to the heart of the problem: The large marketing and refining facilities which hold the potential for environmental catastrophe.

The Environmental Defense Fund says that the new, leaner version of this bill would impose a cost on industry of between $8.4 and $9.7 billion.

Almost 70 percent of the costs would be paid by large aboveground tank facilities with capacities over 1 million gallons.

EDF estimates the benefits of the legislation, the savings to industry, and the general public, at $17.4 billion. The savings result from reduced leak cleanup costs; saved petroleum product; and reduced costs associated with compensating affected residents.

In closing, Mr. President, I think the time has come to write the Safe Aboveground Storage Tank Act of 1993 into law.

I have spoken briefly with EPA Administrator Carol Browner about this issue, and I look forward to working with her, with Senator DASCHLE, with Representative MORAN, and with the chairmen of the relevant congressional committees to make this legislation a reality.

I send the bill to the desk and ask that it be appropriately referred.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Safe Aboveground Storage Tank Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Notification.
Sec. 5. Release detection, prevention, and correction regulations and inspection requirement.
Sec. 6. State programs.
Sec. 7. Access to information.
Sec. 8. Federal enforcement.
Sec. 9. Federal facilities.
Sec. 10. Studies of aboveground storage tanks.
Sec. 11. Consolidation with underground tank program
Sec. 12. Authorization of appropriations.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) as a result of pressing environmental concerns about undetected leaking underground tanks, and increased regulation of such tanks, increasing amounts of petroleum products are being stored aboveground in tanks of all sizes;

(2) aboveground tanks, originally in disfavor because of fire protection concerns, are increasingly popular because of their ability to be easily monitored for leaks and spills;

(3) State and local fire authorities have consistently regulated small aboveground tanks and their current strict fire safety requirements have proven to provide excellent environmental protection as well; and

(4) to date no Federal legislation has existed that comprehensively regulates aboveground tanks of all sizes and their associated piping for environmental protection concerns.

(b) PURPOSES.—The purpose of this Act is to establish a comprehensive program for the regulation of aboveground storage tanks to promote environmental protection and protection against fires by ensuring that all aboveground storage tanks are managed in accordance with Federal environmental standards designed to prevent leaks and spills and to assure expeditious spill reporting and cleanup.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ABOVEGROUND STORAGE TANK.—

(A) IN GENERAL.—The term 'aboveground storage tank' means any one or combination of tanks located aboveground (including any pipe connected to the tank) that is used to contain an accumulation of regulated substances and that is located at least 90 percent above the surface of the ground (as measured by volume), including—

(i) a field-erected tank;

(ii) a rebuilt tank;

(iii) a shop-fabricated tank; and

(iv) a storage tank situated in an underground area (including a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated on or above the surface of the floor.

(B) EXCLUSIONS.—The term shall not include any of the following:

(i) A farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.

(ii) A tank of 1,100 gallons or less capacity used for storing heating oil for consumptive use on the premises where stored.

(iii) A stationary tank of 1,100 gallons or less capacity used for storing fuel to supply stationary fuel-fired equipment through a system of fixed valves and piping.

(iv) A storm water or waste water collection system.

(v) A flow-through process tank.

(vi) A liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.

(vii) Except as provided in section 4 and in subsections (i) and (j) of section 5, a fire-protected tank regulated by State or local fire regulatory authorities with a capacity of not more than 12,000 gallons located at a facility with a cumulative tank capacity of not more than 42,000 gallons.

(viii) Except as provided in section 4, a production tank.

(ix) A pipe connected to a tank, system, trap or line described in clauses (i) through (vi).

(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

(3) FACILITY.—The term 'facility' means, with respect to an owner or operator, all aboveground storage tanks and their associated piping used for the storage of regulated substances that are owned or operated by the owner or operator and located on a single parcel of property (or on contiguous or adjacent property).

(4) FIELD-ERECTED TANK.—The term 'field-erected tank' means an aboveground storage tank that is primarily assembled, erected, inspected, and tested for releases on the site where the tank is intended to be operated.

(5) FLOW-THROUGH PROCESS TANK.—

(A) IN GENERAL.—The term "flow-through process tank" means a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process.

(B) EXCLUSIONS.—The term does not include a tank used—

(i) for the storage of materials prior to introduction of the materials into the production process; or

(ii) for the storage of finished products or byproducts from the production process.

(6) NONOPERATIONAL STORAGE TANK.—The term 'nonoperational storage tank' means an aboveground storage tank in which regulated substances are not deposited, and from which regulated substances are not dispensed, after the date of enactment of this Act.

(7) OPERATOR.—The term 'operator' means a person who is in control of, or has responsibility for, the daily operation of an aboveground storage tank.

(8) OWNER.—

(A) The term 'owner' means—

(i) in the case of an aboveground storage tank in use on the date of enactment of this Act, or brought into use after that date, a person who owns an aboveground storage tank used for the storage, use, or dispensing of regulated substances; and

(ii) in the case of an aboveground storage tank in use before the date of enactment of this Act, but no longer in use after that date, a person who owned the tank immediately before the discontinuation of its use.

(B) EXCLUSION.—The term does not include a person who holds indicia of ownership primarily to protect his security interest in the tank, unless, through foreclosure or other related actions, the person takes possession of the tank.

(9) PERSON.—The term 'person' has the same meaning as provided in section 1004(15) of the Solid Waste Disposal Act (42 U.S.C. 6903(15)), except that the term also includes any consortium, joint venture, or commercial entity, and the United States Government.

(10) PETROLEUM.—The term 'petroleum' means petroleum, including crude oil or a fraction of crude oil, that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

(11) PRODUCTION TANK.—The term "production tank" means a tank used to contain fluids derived from, or associated with, oil or natural gas exploration or production.

(12) FIRE-PROTECTED TANK.—

(A) IN GENERAL.—The term 'fire-protected tank' means an inner tank that is surrounded by a barrier that provides not less than a 2-hour pool fire resistive rating, that is impact-resistant, that has integral or external secondary containment, that contains liquid with a flash point below 140 degrees Fahrenheit, whose exterior surface (including connecting piping) and the floor beneath the tank is monitored, and that is constructed and installed in accordance with the model fire code requirements described in subparagraph (B).

(B) MODEL FIRE CODE REQUIREMENTS.—(i) Subject to clause (ii), the requirements referred to in subparagraph (A) are the requirements of 1 or more of the following model fire codes: National Fire Protection Association (30) or (30-A), the National Fire Code of the Building Officials and Code Administrators International, Inc., the Uniform Fire Code of the International Fire Code Institute, and the Standard Fire Prevention Code of the Southern Building Code Congress International.

(ii) A model fire code listed in clause (i) may be used for purposes of subparagraph (A) only if the requirements of the code are as stringent as, or more stringent than, the requirements of the code as the code existed on the date of the enactment of this Act.

(C) NEW TECHNOLOGIES.—The term 'fire-protected tank' includes any tank with a capacity of not more than 12,000 gallons that uses technologies developed after the date of the enactment of this Act and that provides protection against fire, and protection of the environment, that is equivalent or superior (as determined by the Administrator) to the protection provided by a tank meeting the requirements of subparagraph (A).

(D) APPLICATION OF PROTECTION MATERIAL ON NEW TANKS.—In the case of a tank brought into use after the date of the enactment of this Act, the tank shall be considered a fire-protected tank only if the protection material required by industry and model fire codes is fully applied or installed on the inner storage tank at the manufacturing site prior to inspection and testing for release and shipment.

(E) FLASH POINT DEFINED.—As used in this paragraph, the term "flash point" shall have the meaning provided by the Administrator, determined in accordance with—

(i) testing methods under the regulations on management standards for hazardous waste under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.); and

(ii) the model fire code requirements described in subparagraph (B).

(13) REBUILT TANK.—The term "rebuilt tank" means an aboveground storage tank that was in use, was disassembled, and was subsequently erected elsewhere.

(14) REGULATED SUBSTANCE.—The term "regulated substance" means—

(A) a substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)) (but not including a substance regulated as a hazardous waste under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.)); and

(B) petroleum.

(15) RELEASE.—The term "release" means any spilling, leaking, pumping, pouring, emptying, dumping, emitting, discharging, escaping, leaching, or disposing from an aboveground storage tank into ground water, surface water, or soil.

(16) SECONDARY CONTAINMENT.—The term "secondary containment" means a system that is used for release prevention (including release prevention underneath the tank), including any of the following:

(A) A system capable of catching and holding 110 percent of the full capacity of the tank and the associated piping of the tank.

(B) A double-walled tank with appropriate venting and double-walled piping.

(C) An external liner.

(D) A fire-protected tank, the secondary containment portion of which is capable of retaining at least 100 percent of the contents of the inner tank and the associated piping of the inner tank.

(E) A system or structure constructed in such manner that any release would be collected by a drainage system or structure and routed to a waste water treatment system with an appropriate permit issued by the Administrator, plant recirculating process system, or alternate containment system approved by the Administrator.

SEC. 4. NOTIFICATION.

(a) ABOVEGROUND STORAGE TANKS.—

(1) IN GENERAL.—

(A) EXISTING TANKS.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, each owner of an aboveground storage tank shall notify the State or local department or agency designated pursuant to subsection (b) of the existence of the aboveground storage tank. The notification shall specify the age, size, type, location, and uses of the tank.

(B) TANKS NOT IN OPERATION.—

(i) IN GENERAL.—For each aboveground storage tank taken out of operation after January 1, 1977, the owner shall, not later than 1 year after the date of enactment of this Act, notify the State or local department or agency designated pursuant to subsection (b) of the existence of the tank.

(ii) CONTENTS OF NOTICE.—The notice required under clause (i) shall specify each of the following, to the extent known to the owner:

(I) The date the tank was taken out of operation.

(II) The age of the tank on the date it was taken out of operation.

(III) The size, type, and location of the tank.

(IV) The type and quantity of substances remaining in the tank on the date it was taken out of operation, or if the tank was cleaned and purged of residue after that date.

(V) The type and quantity of substances remaining in the tank on the date the notification is made.

(VI) The type of release detection system, if any, and the extent of any known soil or ground water contamination.

(VII) The materials out of which the tank was constructed.

(C) FUTURE TANKS.—An owner who brings into use an aboveground storage tank after the initial notification period specified under subparagraph (A) shall, not later than 30 days after the bringing of the tank into use, and every 2 years thereafter, notify the State or local department or agency designated pursuant to subsection (b) of the existence of the tank, specifying each of the following:

(i) The age of the tank.

(ii) The size, type, and location of the tank.

(iii) The uses of the tank.

(iv) The type of release detection system.

(v) The materials out of which the tank was constructed.

(2) Exception.—Paragraph (1) shall not apply to hazardous waste tanks for which notice was given pursuant to section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603(c)).

(3) Notification by depositors.—During the period beginning on the date that is 30 days after the Administrator prescribes the form of notice pursuant to subsection (c) and ending on the date that is 18 months after that date, a person who deposits regulated substances in an aboveground storage tank shall immediately notify the owner or operator of the notification requirements of the owner under this subsection.

(4) Notification by sellers.—Beginning 30 days after the Administrator issues new tank performance standards pursuant to section 5(e), a person who sells a tank intended to be used as an aboveground storage tank shall notify the purchaser of the tank of the notification requirements of the owner under this subsection.

(5) Notice of petroleum release or spill.—Each owner of an aboveground storage tank shall, immediately upon discovery, notify the Administrator (or the State department or agency designated under subsection (b) in the case of a State exercising primary enforcement responsibility) of any spill or other release of one barrel (42 gallons) or more of petroleum from such tank.

(b) Agency Designation.—Not later than 180 days after the date of enactment of this Act, the Governor of each State shall designate an appropriate department or agency of the State, or of a political subdivision of the State, to receive the notifications under paragraphs (1) and (5) of subsection (a).

(c) Regulations.—Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with State and local officials designated pursuant to subsection (b), and after notice and opportunity for public comment, shall issue regulations prescribing the form of the notice and the information to be included in the notifications required under subsection (a)(1). In prescribing the form of the notice, the Administrator shall take into account the effect of the requirements on small business concerns (as defined in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))), and on other owners and operators.

(d) State Inventories.—

(1) In general.—Each State shall prepare two separate inventories of all aboveground storage tanks in the State containing regulated substances, one inventory with respect to petroleum, and one with respect to other regulated substances. In preparing the inventories, the State shall utilize and aggregate the data in the notification forms submitted pursuant to subsection (a).

(2) Submission of data.—Each State shall submit the aggregated data described in paragraph (1) to the Administrator not later than 2 years after the date of enactment of this Act.

(e) Fees.—

(1) In general.—Each notice submitted under paragraph (1) of subsection (a) shall be accompanied by the payment of a fee payable to the department or agency designated under subsection (b). The amount of the fee shall be determined in accordance with the following schedule:

Total tank capacity	Total amount of fee
0 to 42,000 gallons	$50
42,001 to 100,000 gallons	100
100,001 to 1,000,000 gallons	200
1,000,001 to 10,000,000 gallons	500
10,000,001 or more gallons	1,000

(2) Use of fees.—The fees collected under this subsection shall be used for any or all of the following:

(A) To conduct training for inspection personnel on environmental and fire protection factors relating to tank safety.

(B) To fund the costs of the department or agency of administering notification and inspection requirements under this section.

(C) To fund research approved by the Administrator to determine methods for better assessing and remedying soil and water contamination from leaking aboveground storage tanks.

(D) To reimburse departments and agencies of States and departments and agencies of political subdivisions of States for the reasonable costs of responding to, and overseeing the cleanup or abatement of, any incident or disaster involving an aboveground storage tank spill or release.

(f) Applicability to Certain Fire-Protected Tanks.—Notwithstanding section 3(1)(B)(vii), the notification provisions of this section shall apply to fire-protected tanks under the jurisdiction of a fire regulatory authority of a State or of a political subdivision of a State.

(g) Applicability to Production Tanks.—Notwithstanding section 3(1)(B)(viii), the notification provisions of this section, other than subsection (e), shall apply to production tanks.

SEC. 5. RELEASE DETECTION, PREVENTION, AND CORRECTION REGULATIONS AND INSPECTION REQUIREMENT.

(a) Regulations.—Not later than 6 months before the applicable effective date specified in subsection (g), the Administrator, after providing notice and opportunity for public comment, including convening a public meeting, shall issue such release detection, prevention, and correction regulations applicable to all owners and operators as are necessary to protect human health and the environment.

(b) Distinctions in Regulations.—

(1) In general.—

(A) In general.—Subject to subparagraph (B), in issuing regulations under this section, the Administrator may distinguish aboveground storage tanks by type, class, or age.

(B) Petroleum tanks.—The regulations for aboveground storage tanks containing petroleum shall be no less stringent than the regulations for aboveground storage tanks containing other regulated substances.

(2) Factors.—In making the distinctions described in paragraph (1), the Administrator may take into consideration each of the following factors:

(A) Location of tanks.

(B) Soil and climate conditions.

(C) Uses of tanks.

(D) History of maintenance of tanks.

(E) Ages of tanks.

(F) Industry standards at the time of issuance of the regulations.

(G) National consensus codes.

(H) National fire protection codes.

(I) Hydrogeology.

(J) Water table.

(K) Sizes of tanks.

(L) Quantity of regulated substances periodically deposited in or dispensed from tanks.

(M) Technical capability of owners and operators.

(N) Compatibility of the regulated substance and the materials of which the tanks are fabricated.

(O) Other factors that the Administrator considers appropriate.

(c) Requirements.—The regulations issued pursuant to this section shall include each of the following, with respect to all aboveground storage tanks:

(1) Release detection system.—Requirements for maintaining a release detection system for the facility at which the tank is located or a comparable system or method designed to identify releases in a manner consistent with the protection of human health and the environment.

(2) Recordkeeping.—Requirements for maintaining records of any monitoring or release detection system or inventory control system (and tank testing) or comparable system.

(3) Prevention of releases.—Requirements for the prevention of releases, including—

(A) certified inspection of field-erected tanks, rebuilt tanks, and shop-fabricated tanks, for which the Administrator shall establish a timetable;

(B) maintaining records of regular visual inspection and of the certified inspection required pursuant to subparagraph (A);

(C) inspection procedures, including—

(i) periodic emptying of aboveground storage tanks; and

(ii)(I) internal inspection; or

(II) standards for tanks that cannot be entered;

(D) corrosion protection of tank bottoms in contact with the ground;

(E) labeling of tanks; and

(F) spill and overfill prevention devices and containment and recovery procedures.

(4) Reporting of releases.—Requirements for reporting of releases and corrective action taken in response to a release (including reporting to the national response center established pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.)), except for those releases required to be reported under any other provision of Federal law.

(5) Corrective action.—Requirements for taking corrective action in response to a release, including the recovery of petroleum for reuse, in any case in which the recovery is practicable.

(6) Tank closure.—Requirements for the closure of a tank from which a release has occurred in order to prevent another release from occurring.

(7) Upgrading certain tanks.—Requirements for the upgrading of existing tanks (in existence on the date of the enactment of this Act), including the upgrading of associated piping, to new tank performance standards promulgated pursuant to subsection (e) not later than 10 years after the date of enactment of this Act. The requirements shall include a requirement that any underground piping associated with a tank in existence on the date of promulgation of the regulations shall be moved above ground at the time the tank is upgraded unless moving the piping is infeasible because of road layouts or other similar obstacles.

(8) Financial responsibility.—Requirements for maintaining evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases, in accordance with subsection (d).

(9) Soil and ground water assessment.—In any case in which a fire-protected tank is

located at a facility with a cumulative tank capacity of more than 42,000 gallons, or in which any unprotected tank is located at a facility with a cumulative tank capacity of 42,000 gallons or less, requirements for the facility—

(A) to carry out an assessment of the soil and ground water; and

(B) to report any releases to the national response center established pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and to the department or agency of the State or department or agency of a political subdivision of the State designated pursuant to section 4(b).

(d) Financial Responsibility.—

(1) In general.—

(A) In general.—An owner or operator of an aboveground storage tank shall be required to demonstrate financial responsibility in accordance with regulations issued by the Administrator pursuant to subsection (c)(8).

(B) Methods.—Financial responsibility may be demonstrated by any one, or any combination, of the following: insurance, guarantee, surety bond, letter of credit, qualification as a self-insurer, or any other method satisfactory to the Administrator.

(C) Contractual terms.—In issuing regulations under this subsection, the Administrator may specify a term of an insurance policy or any other contractual term, condition, or defense as necessary for, or as unacceptable for, the establishment of evidence of financial responsibility in order to carry out this Act.

(2) Bankruptcy.—

(A) In general.—If the owner or operator is in bankruptcy, reorganization, or arrangement, pursuant to the Federal Bankruptcy Code (11 U.S.C. 1 et seq.), or if, with reasonable diligence, jurisdiction in a Federal court or State court cannot be obtained over an owner or operator likely to be solvent at the time of judgment, a claim arising from conduct for which evidence of financial responsibility is required to be provided under this subsection may be asserted directly against the guarantor providing the evidence of financial responsibility.

(B) Rights and defenses.—In an action pursuant to this paragraph, the guarantor shall be entitled to invoke all rights and defenses that would have been available to—

(i) the owner or operator, if an action had been brought against the owner or operator by the claimant; and

(ii) the guarantor, if an action had been brought against the guarantor by the owner or operator.

(3) Liability of guarantor.—

(A) Limitation of amount.—The total amount of liability of a guarantor shall be limited to the aggregate amount that the guarantor has provided as evidence of financial responsibility to the owner or operator under this subsection.

(B) Effect on other liability.—Nothing in this subsection is intended to limit any other Federal or State statutory, contractual, or common law liability of a guarantor to an owner or operator, including the liability of the guarantor for bad faith in negotiating or in failing to negotiate the settlement of a claim.

(C) Effect on liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.—Nothing in this subsection is intended to diminish the liability of a person under section 107 or 111 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607 or 9611), or other applicable law.

(4) Amount of coverage.—

(A) In general.—In issuing financial responsibility regulations under this section, the Administrator shall establish an amount of coverage for particular classes and categories of aboveground storage tanks that shall satisfy the regulations.

(B) Petroleum tanks.—

(i) In general.—The amount of coverage for an aboveground storage tank containing petroleum shall be an amount—

(I) greater than or equal to $1,000,000 and not to exceed $2,000,000 for each release; and

(II) not to exceed $2,000,000 for the aggregate of all releases occurring from the tank during a 1-year period.

(ii) Reduction.—The Administrator may set an amount lower than the amount required by clause (i) for aboveground storage tanks containing petroleum that—

(I) are located at facilities not engaged in petroleum production, refining, transportation, or marketing; and

(II) are not used to handle substantial quantities of petroleum.

(C) Factors.—In establishing a class or category of aboveground storage tanks for the purpose of this paragraph, the Administrator may consider—

(i) the size, type, location, storage, and handling capacity of aboveground storage tanks in the class or category and the volume stored by the tanks;

(ii) the likelihood of release and the potential extent of damage from a release from tanks in the class or category;

(iii) the economic impact of the amount of coverage required under this subsection on the owners and operators of aboveground storage tanks in the class or category, particularly on small business concerns (as defined in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))), in relation to the impact of a potential release on any affected community and affected natural resources;

(iv) the availability to owners and operators of aboveground storage tanks of methods of financial responsibility that provide for financial responsibility in amounts greater than the applicable amounts established by this paragraph; and

(v) such other factors as the Administrator considers appropriate.

(D) Suspension of enforcement.—

(i) In general.—The Administrator may suspend enforcement of the financial responsibility requirements for a particular class or category of aboveground storage tanks or in a particular State, if—

(I) the Administrator makes a determination that methods of financial responsibility satisfying the requirements of this subsection are not generally available for aboveground storage tanks in the class or category; and

(II) the State has taken measures to form a risk retention group for the class of tanks, or to establish a fund pursuant to section 6(c)(1) to be submitted as evidence of financial responsibility.

(ii) Length of suspension.—A suspension of enforcement by the Administrator pursuant to this paragraph shall be for a period not to exceed 180 days after the date on which the Administrator suspends enforcement.

(iii) Extension.—A determination to suspend enforcement may be made with respect to the same class or category or for the same State upon the termination of the period of suspension referred to in clause (ii), if—

(I) the State has made substantial progress in establishing a risk retention group; or

(II) the owners or operators in the class or category demonstrate, to the satisfaction of the Administrator, that the formation of such a group is not possible and that the State is unable or unwilling to establish a fund pursuant to clause (i)(II).

(5) Coordination with upgrading.—In promulgating the regulations under this subsection, the Administrator shall ensure that, in the case of an existing tank that is upgraded to meet new tank standards, pursuant to subsection (c)(7), the owner or operator shall not be required to demonstrate financial responsibility until the tank is upgraded.

(6) Definition.—As used in this subsection, the term "guarantor" means a person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator under this subsection.

(e) New Tank Performance Standards.—

(1) In general.—Not later than 3 months before the applicable effective date specified in subsection (g), the Administrator shall issue performance standards for aboveground storage tanks brought into use on or after the effective date.

(2) Contents.—The performance standards for new aboveground storage tanks and associated piping shall include design, construction, installation, maintenance, inspection, secondary containment, labeling, corrosion protection, integrity, and compatibility standards. The performance standards also shall include a requirement that any piping associated with new aboveground storage tanks shall be situated aboveground, except where infeasible because of road layouts or other similar obstacles.

(3) Place of assembly.—The Administrator shall consider the differences between shop-fabricated and field-erected tanks in issuing the standards.

(f) Rebuilt Tank Performance Standards.—

(1) In general.—Not later than 3 months before the applicable effective date specified in subsection (g), the Administrator shall issue performance and testing standards for rebuilt tanks reintroduced for use on or after the effective date.

(2) Contents.—The standards described in paragraph (1) shall include design, construction, installation, maintenance, inspection, secondary containment, labeling, corrosion protection, integrity, and compatibility standards.

(g) Effective Dates.—

(1) Petroleum tanks.—For aboveground storage tanks containing regulated substances defined in section 3(14)(B), regulations issued pursuant to subsections (c) and (d), and standards issued pursuant to subsections (e) and (f), shall take effect not later than 30 months after the date of enactment of this Act.

(2) Nonpetroleum tanks.—For aboveground storage tanks containing regulated substances defined in section 3(14)(A)—

(A) standards issued pursuant to subsections (e) and (f) shall take effect not later than 3 years after the date of enactment of this Act; and

(B) regulations issued pursuant to subsections (c) and (d) shall take effect not later than 4 years after the date of enactment of this Act.

(h) Interim Prohibition.—During the period beginning on the date that is 180 days after the date of enactment of this Act and ending on the day before the effective date of the standards issued by the Administrator under subsection (e), no person may install any aboveground storage tank (including a tank of single wall or double wall construction) for the purpose of storing regulated substances unless the tank—

(1) will prevent releases due to corrosion or structural failure for the operational life of the tank;

(2) is in compliance with applicable fire codes; and

(3) is made of a material, used in the construction or lining, that is compatible with the substance to be stored.

(i) Environmental Protection Agency Response Program.—

(1) Applicability.—This subsection shall apply to all regulated substances that are not subject to cleanup response requirements under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and that are released from an aboveground tank, including, notwithstanding section 3(1)(B)(vii), any fire-protected tank under the jurisdiction of State or local fire regulatory authorities.

(2) Undertaking corrective actions.—

(A) Before regulations.—

(i) In general.—Before the effective date of regulations issued pursuant to subsection (c), the Administrator (or a State or political subdivision pursuant to paragraph (7)) may—

(I) require the owner or operator to undertake corrective action with respect to a release when the Administrator (or the State or political subdivision pursuant to paragraph (7)) determines that the corrective action by the owner or operator will be done properly and will follow an expeditious timetable; or

(II) undertake corrective action with respect to a release if the action is necessary, in the judgment of the Administrator (or the State or political subdivision pursuant to paragraph (7)), to protect human health and the environment.

(ii) Extent of action.—The corrective action undertaken or required under this paragraph shall be such as is necessary to protect human health and the environment.

(iii) Priority.—Subject to the priority requirements of paragraph (3), the Administrator (or the State or political subdivision pursuant to paragraph (7)) shall give priority in undertaking the actions under clause (i)(II) to cases in which the Administrator (or the State or political subdivision pursuant to paragraph (7)) cannot identify an owner or operator who is—

(I) financially solvent (as determined by the Administrator); and

(II) capable of undertaking corrective action in a manner that is satisfactory to the Administrator (or the State or political subdivision pursuant to paragraph (7)).

(B) After regulations.—After the effective date of regulations issued pursuant to subsection (c) all actions or orders of the Administrator (or a State or political subdivision pursuant to paragraph (7)) described in subparagraph (A) shall conform to the regulations. After the effective date of such regulations the Administrator (or the State or political subdivision pursuant to paragraph (7)) may undertake corrective action with respect to a release only if the action is necessary, in the judgment of the Administrator (or the State or political subdivision pursuant to paragraph (7)), to protect human health and the environment, and if—

(i) within 90 days after the release (or within such shorter period after the release as is necessary to protect human health and the environment), the Administrator (or the State or political subdivision pursuant to paragraph (7)) cannot identify an owner or operator who is financially solvent (as determined by the Administrator), subject to the corrective action regulations, and capable of undertaking corrective action in a manner that is satisfactory to the Administrator (or the State or political subdivision pursuant to paragraph (7));

(ii) prompt action is required by the Administrator (or the State or political subdivision pursuant to paragraph (7)) under this paragraph to protect human health and the environment; or

(iii) the owner or operator has failed or refused to comply with an order of the Administrator under this subsection or section 8, or with the order of a State under this subsection, that requires compliance with the corrective action regulations issued pursuant to this section.

(3) Priority of corrective actions.—In undertaking corrective actions under this subsection, and in issuing orders requiring owners or operators to undertake corrective actions, the Administrator (or a State or political subdivision pursuant to paragraph (7)) shall give priority to releases that pose the greatest threat to human health and the environment.

(4) Corrective action orders.—

(A) Administrator.—The Administrator may issue an order to an owner or operator to carry out paragraph (2)(A)(i)(I) or to carry out a requirement of the regulations issued under subsection (c)(5).

(B) State or political subdivision.—A State or political subdivision acting pursuant to paragraph (7) may issue an order pursuant to paragraph (2)(A)(i)(I) only until such time as the Administrator approves the program of the State and the State is exercising primary enforcement responsibility pursuant to section 6.

(C) Issuance and enforcement.—Each order issued under this paragraph shall be issued and enforced in the same manner and subject to the same requirements as orders issued under section 8.

(5) Allowable corrective actions.—

(A) In general.—The corrective actions with respect to a release from an aboveground storage tank that may be undertaken by the Administrator (or by a State or political subdivision pursuant to paragraph (7)) under paragraph (2) shall include—

(i) measures to contain the release;

(ii) measures to prevent additional releases;

(iii) water and air quality monitoring;

(iv) the temporary or permanent relocation of residents;

(v) the provision of alternative household water supplies or treatment of supplies;

(vi) the recovery of the regulated substance that has been released;

(vii) the installation of any necessary venting; and

(viii) the control of the movement of contamination plumes.

(B) Exposure assessment.—

(i) In general.—In connection with the performance of any corrective action under paragraph (2), the Administrator may undertake an exposure assessment (as defined in paragraph (11)) or provide for such an assessment in a cooperative agreement with a State or political subdivision pursuant to paragraph (7).

(ii) Costs.—The costs of the exposure assessment may be treated as costs associated with corrective action for the purpose of paragraph (6).

(iii) Delay.—The assessment may not delay corrective action to abate immediate hazards or reduce exposure.

(6) Recovery of costs.—

(A) In general.—

(i) Liability for a cost.—Whenever a cost has been incurred by the Administrator (or by a State or political subdivision pursuant to paragraph (7)) for undertaking any corrective action or enforcement action with respect to a release, the owner or operator shall be liable to the Administrator or the State or political subdivision for the cost.

(ii) Standard of liability.—The standard of liability under this paragraph applicable to an owner or operator shall be equivalent to the standard of liability described in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321).

(B) Recovery.—In determining the equities for seeking the recovery of costs under subparagraph (A), the Administrator (or a State or political subdivision pursuant to paragraph (7)) may consider—

(i) the amount of financial responsibility required to be maintained under subsections (c)(7) and (d)(4); and

(ii) the factors considered in establishing the amount of financial responsibility under subsection (d)(4).

(C) Indemnification agreements.—

(i) Agreements not prohibited.—Nothing in this Act prohibits any agreement to ensure, hold harmless, or indemnify a party to such agreement for any liability under this Act.

(ii) Liability not transferred.—No indemnification, hold harmless, or similar agreement or conveyance shall be effective to transfer liability imposed under this Act from an owner or operator or from any person who may be liable for a release under this Act to any other person.

(iii) Relationship to other causes of action.—Nothing in this Act, including clause (ii), bars a cause of action that an owner or operator or any other person subject to liability under this Act, or a guarantor, has or would have, by reason of subrogation or otherwise, against any person.

(7) State and political subdivision authorities.—

(A) In general.—A State, and any political subdivision of a State, may exercise the authorities described in paragraph (2), subject to the terms and conditions of paragraphs (3), (5), (9), and (11), and including the authorities described in paragraphs (4), (6), and (8), if—

(i) the Administrator determines that the State or political subdivision has the personnel necessary to carry out, and is capable of carrying out, effective corrective actions and enforcement activities; and

(ii) the Administrator enters into a cooperative agreement with the State or political subdivision that establishes the actions to be undertaken by the State or political subdivision.

(B) Cost share.—

(i) In general.—After the effective date of regulations issued pursuant to subsection (c), and subject to clause (ii), the State or political subdivision shall pay 10 percent of the cost of each corrective action undertaken by the Administrator or by the State or political subdivision under a cooperative agreement described in subparagraph (A)(ii).

(ii) Exception for emergencies.—With respect to a corrective action, if the State or political subdivision of the State fails to pay the cost share amount specified in clause (i), the Administrator may take corrective action at a facility if the Administrator determines that immediate action is necessary to respond to an imminent and substantial endangerment to human health or the environment.

(8) Emergency procurement powers.—The Administrator may authorize such use of emergency procurement powers as the Ad-

ministrator considers necessary for purposes of carrying out this subsection.

(9) FACILITIES WITHOUT FINANCIAL RESPONSIBILITY.—

(A) AUTHORITIES OF ADMINISTRATOR.—At a facility with respect to which the owner or operator has failed to maintain evidence of financial responsibility in an amount at least equal to the amount established by subparagraph (A) or (B) of subsection (d)(4), the Administrator shall exercise the authorities provided in paragraph (2)(A)(i), paragraph (4), and section 8 to order corrective action to clean up any release at the facility.

(B) AUTHORITIES OF STATES AND POLITICAL SUBDIVISIONS.—A State or political subdivision acting pursuant to paragraph (7) shall exercise the authorities provided in paragraphs (2)(A)(i) and (4) to order corrective action to clean up any release.

(C) PROTECTION OF HEALTH.—Notwithstanding this subparagraphs (A) and (B), the Administrator—

(i) may take any corrective action authorized under paragraph (5) at a facility that is necessary to protect human health and the environment; and

(ii) shall seek full recovery of the costs of any corrective action conducted pursuant to paragraph (6)(A) and without consideration of the factors described in paragraph (6)(B).

(D) INSOLVENCY AND EMERGENCY.—Nothing in this paragraph is intended to prevent the Administrator (or a State or political subdivision pursuant to paragraph (7)) from taking corrective action at a facility if the Administrator (or State or political subdivision) determines that—

(i) no financially solvent owner or operator exists; or

(ii) immediate action is necessary to respond to an imminent and substantial endangerment of human health or the environment.

(10) PUBLIC PARTICIPATION.—Before undertaking a corrective action under this subsection or issuing an order requiring an owner or operator to undertake a corrective action, the Administrator (or a State pursuant to paragraph (7)) shall provide notice to the public and an opportunity for public comment on the proposed corrective action.

(11) DEFINITIONS.—As used in this subsection:

(A) OWNER.—The term "owner" does not include a person who, without participating in the management of an aboveground storage tank and otherwise not engaged in the production, refining, transportation, and marketing of a regulated substance, holds indicia of ownership primarily to protect the owner's security interest in the tank.

(B) EXPOSURE ASSESSMENT.—The term "exposure assessment" means an assessment to determine the extent of exposure of, or potential for exposure of, individuals to regulated substances from a release, based on such factors as—

(i) the nature and extent of contamination;

(ii) the existence of or potential for pathways of human exposure (including ground or surface water contamination, air emissions, and food chain contamination);

(iii) the size of the community within the likely pathways of exposure; and

(iv) the comparison of expected human exposure levels to the short-term and long-term health effects associated with identified contaminants and any available recommended exposure or tolerance limits for the contaminants.

(j) INSPECTIONS.—The Administrator (or the State in the case of a State exercising primary enforcement responsibility) shall inspect aboveground storage tanks and related facilities for the purposes of administering and enforcing the provisions of this Act. Such inspections shall be conducted in accordance with the following schedule commencing with the first calendar year after the date of the enactment of this Act:

Tank facility capacity	Inspection frequency
Over 1,000,000 gallons	Annually.
42,0001 to 1,000,000 gallons	Every 2 years.
0 to 42,000 gallons	At discretion of Administrator or State or local agency.

SEC. 6. STATE PROGRAMS.

(a) ELEMENTS.—

(1) IN GENERAL.—Beginning on the date that is 30 months after the date of enactment of this Act, a State may submit an aboveground storage tank release detection, prevention, and correction program for review and approval by the Administrator.

(2) COVERAGE.—The program may cover aboveground storage tanks used to store the regulated substances defined in subparagraph (A) or (B) of section 3(14), or both.

(3) COMPLIANCE WITH REQUIREMENTS.—

(A) IN GENERAL.—The Administrator may approve a program under this section only if the State demonstrates that the program—

(i) includes the requirements and standards listed in subparagraph (B) at a level no less stringent than the corresponding requirements and standards issued by the Administrator pursuant to section 5(a); and

(ii) provides for adequate enforcement of compliance with the requirements and standards.

(B) REQUIREMENTS.—The requirements and standards referred to in subparagraph (A) are—

(i) the requirements listed in section 5(c);

(ii) the standards required under subsections (e) and (f) of section 5; and

(iii) requirements—

(I) for notifying the appropriate department or agency designated according to section 4(b) of the existence of an operational or nonoperational storage tank; and

(II) for providing the information required on the form issued pursuant to section 4(c).

(b) INTERIM STANDARDS.—

(1) NO STATE LEGISLATIVE ACTION REQUIRED.—If State regulatory action, but no State legislative action, is required in order to adopt a State program that meets the requirements of subsection (a), the Administrator may approve the State program without regard to whether the implementation by the State of the requirements under paragraphs (1) through (4), and (6) of section 5(c) would be less stringent than the implementation of corresponding standards issued by the Administrator pursuant to section 5(a) for the 1-year period beginning on the date of issuance of the regulations under section 5(a).

(2) STATE LEGISLATIVE ACTION REQUIRED.—If State legislative action is required to adopt a State program that meets the requirements of subsection (a), the Administrator may approve a State program without regard to whether the implementation by the State of the requirements listed in paragraphs (1) through (4), and (6) of section 5(c) would be less stringent than the corresponding standards issued by the Administrator pursuant to section 5(a) for—

(A) the 2-year period beginning on the date of issuance of regulations under section 5(a); and

(B) an additional 1-year period beginning on the date of the legislative action by the State if regulations are required to be issued by the State pursuant to the legislative action.

(c) FINANCIAL RESPONSIBILITY.—Corrective action and compensation programs administered by State or local agencies or departments may be submitted for approval under subsection (a)(3) as evidence of financial responsibility. A State program shall comply with paragraphs (1) through (4) of section 5(d).

(d) TECHNICAL ASSISTANCE.—The Administrator shall provide technical assistance to States, local governments, and owners and operators, to assist in compliance with this section.

(e) REVIEW AND APPROVAL OF PROGRAM.—

(1) REVIEW.—Not later than 180 days after the date of receipt of a proposed State program, the Administrator shall, after notice and opportunity for public comment, determine whether the State program complies with this section and provides for adequate enforcement of compliance with the requirements and standards adopted pursuant to this section.

(2) APPROVAL.—If the Administrator determines that a State program complies with this section and provides for adequate enforcement of compliance with the requirements and standards adopted pursuant to this section—

(A) the Administrator shall approve the State program in lieu of the Federal program; and

(B) the State shall have primary enforcement responsibility with respect to the requirements of the program.

(f) WITHDRAWAL OF APPROVAL.—If, after holding a public hearing, the Administrator determines that a State is not administering and enforcing a program authorized under this Act in accordance with this section, the Administrator shall so notify the State. If appropriate action is not taken within a reasonable period of time, not to exceed 120 days after the notification, the Administrator shall withdraw approval of the program and reestablish the Federal program pursuant to this Act.

(g) STATE AUTHORITY.—Nothing in this Act shall preclude or deny a right of a State or political subdivision of a State—

(1) to adopt or enforce a regulation, requirement, or standard of performance respecting aboveground storage tanks that is more stringent than a regulation, requirement, or standard of performance in effect under this Act; or

(2) to impose any additional liability with respect to a release within the State or political subdivision.

SEC. 7. ACCESS TO INFORMATION.

(a) FURNISHING INFORMATION.—

(1) IN GENERAL.—Subject to paragraph (2), and for the purpose of developing or assisting in the development of a regulation, conducting a study, taking a corrective action, or enforcing this Act—

(A) an owner or operator of an aboveground storage tank (or a tank subject to study under section 10) shall, upon request of an officer, employee, or representative of the Environmental Protection Agency, duly designated by the Administrator, or upon request of a duly designated officer, employee, or representative of a State acting pursuant to section 5(i)(7) with a program approved under section 6—

(i) furnish information relating to the tank, associated equipment, and contents;

(ii) conduct monitoring or testing; and

(iii) permit the officer, employee, or representative at all reasonable times to—

(I) have access to, and to copy, all records relating to the tanks; and

(II) have access for corrective action; and

(B) an officer, employee, or representative may referred to in subparagraph (A)—

(i) enter at reasonable times an establishment or other place where an aboveground storage tank is located;

(ii) inspect and obtain samples from a person of a regulated substance contained in the tank;

(iii) conduct monitoring or testing of a tank, associated equipment, contents, or surrounding soils, air, surface water or ground water; and

(iv) take corrective action.

(2) PROMPT INSPECTIONS.—Each inspection required under paragraph (1)(B) shall be commenced and completed within a reasonable amount of time.

(b) CONFIDENTIALITY.—

(1) IN GENERAL.—

(A) AVAILABILITY TO PUBLIC.—Subject to subparagraph (B), any record, report, or information obtained from a person under this section shall be available to the public.

(B) EXCEPTION FOR CONFIDENTIAL INFORMATION.—

(i) IN GENERAL.—Subject to clause (ii), and upon a showing satisfactory to the Administrator or the State by a person that a record, report, or piece of information, or a particular portion of the record, report or piece of information, to which the Administrator or the State, or an officer, employee, or representative of the Administrator or State, has access under this section, would, if made public, contain information entitled to protection under section 1905 of title 18, United States Code, the record, report, or information shall be considered confidential in accordance with section 1905 of such title.

(ii) EXCEPTION.—The record, report, document, or information referred to in clause (i) may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, or when relevant in a proceeding under this Act.

(2) DESIGNATION OF PROTECTED INFORMATION.—

(A) IN GENERAL.—In submitting data under this Act, a person required to provide the data may—

(i) designate the data that the person believes is entitled to protection under this subsection; and

(ii) submit the designated data separately from other data submitted under this Act.

(B) METHOD OF DESIGNATION.—A designation under this paragraph shall be made in writing and in such manner as the Administrator may prescribe.

(3) PENALTY FOR DISCLOSURE.—A person not subject to section 1905 of title 18, United States Code, who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a fine of not more than $5,000 or to imprisonment not to exceed 1 year, or both.

(4) DISCLOSURE TO CONGRESSIONAL COMMITTEES.—Notwithstanding any limitation under this section or any other provision of law, any record, report, or other information obtained by the Administrator (or a representative of the Administrator) under this Act shall be made available to a duly authorized committee of Congress, upon written request.

SEC. 8. FEDERAL ENFORCEMENT.

(a) COMPLIANCE ORDERS.—

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in paragraph (2), whenever, on the basis of any information, the Administrator determines that a person is in violation of a requirement of this Act, the Administrator may—

(i) issue an order requiring compliance within a reasonable specified time period; or

(ii) commence a civil action in the United States district court in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

(B) ORDERS AFTER A RELEASE.—After a release, the Administrator may issue an order prohibiting the use or operation of all or any portion of a facility in which an aboveground storage tank is located until the Administrator (or the State if a State program has been approved pursuant to section 6) determines that—

(i) the prohibition is not necessary to protect human health and the environment; or

(ii) adequate corrective action has been taken.

(2) NOTICE TO STATE.—If a violation of a requirement of this Act occurs in a State with a program approved pursuant to section 6, the Administrator shall give notice to the State before issuing an order or commencing a civil action under this section.

(3) PENALTY.—If a violator fails to comply with an order under this subsection within the time specified in the order, the violator shall be liable for a civil penalty of not more than $25,000 for each day of continued noncompliance.

(b) PROCEDURE.—

(1) HEARING.—An order issued under this section shall become final unless, not later than 30 days after the order is served, the person named in the order requests a public hearing. Upon receipt of the request, the Administrator shall promptly conduct a public hearing.

(2) SUBPOENAS AND DISCOVERY.—In connection with a proceeding under this section the Administrator may—

(A) issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents; and

(B) issue rules for discovery procedures.

(c) CONTENTS OF ORDER.—An order issued under this section shall—

(1) state with reasonable specificity the nature of the violation;

(2) specify a reasonable time for compliance; and

(3) assess a penalty, if any, that the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with the applicable requirements.

(d) CIVIL PENALTIES.—

(1) FAILURE TO NOTIFY OR FALSE INFORMATION.—An owner who knowingly fails to notify or submits false information pursuant to section 4(a) shall be subject to a civil penalty not to exceed $10,000 for each tank with respect to which notification is not given or false information is submitted.

(2) FAILURE TO COMPLY.—An owner or operator shall be subject to a civil penalty in an amount not to exceed $10,000 for each tank for each day of violation if the owner or operator fails to comply with—

(A) a requirement or standard issued by the Administrator under section 5;

(B) a requirement or standard of a State program approved pursuant to section 6; or

(C) section 5(h).

SEC. 9. FEDERAL FACILITIES.

(a) APPLICABILITY OF STORAGE TANK REQUIREMENTS.—

(1) IN GENERAL.—

(A) APPLICABILITY.—Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government having jurisdiction over an aboveground storage tank shall be subject to and comply with all Federal, State, interstate, and local requirements, applicable to the tank, both substantive and procedural, in the same manner, and to the same extent, as any other person is subject to the requirements (including payment of reasonable service charges).

(B) REQUIREMENTS.—The Federal, State, interstate, and local substantive and procedural requirements referred to in this paragraph include, but are not limited to, all administrative orders and all civil and administrative penalties and fines, regardless of whether such penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations.

(C) WAIVER.—The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order, or civil or administrative penalty or fine referred to in subparagraph (B), or reasonable service charge). The reasonable service charges referred to in this paragraph include, but are not limited to, fees or charges assessed in connection with the review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local aboveground storage tank regulatory program.

(2) INJUNCTIVE RELIEF.—Neither the United States, nor an agent, employee, or officer of the United States, shall be immune or exempt from a process or sanction of any Federal or State court with respect to the enforcement of any injunctive relief.

(3) INDIVIDUAL LIABILITY.—

(A) IN GENERAL.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local aboveground storage tank law with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

(B) CRIMINAL PENALTIES.—An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State aboveground storage tank law, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction.

(b) ADMINISTRATIVE ENFORCEMENT ACTIONS.—

(1) IN GENERAL.—The Administrator may commence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government pursuant to the enforcement authorities contained in this Act. The Administrator shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as an action would be initiated against another person. Any voluntary resolution or settlement of such an action shall be set forth in a consent order.

(2) OPPORTUNITY TO CONFER.—No administrative order issued to such a department, agency, or instrumentality shall become final until such department, agency, or instrumentality has had the opportunity to confer with the Administrator.

(c) LIMITATION ON STATE USE OF FUNDS COLLECTED FROM FEDERAL GOVERNMENT.—

Unless a State law in effect on the date of the enactment of this Act or a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal Government from penalties and fines imposed for violation of any substantive or procedural requirement referred to in subsection (a) shall be used by the State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.

(d) PRESIDENTIAL EXEMPTION.—

(1) IN GENERAL.—The President may exempt an aboveground storage tank of a department, agency, or instrumentality in the executive branch from compliance with a requirement referred to in subsection (a) if the President determines the exemption to be in the paramount interest of the United States.

(2) LACK OF APPROPRIATION.—No exemption shall be granted because of lack of appropriation unless the President specifically requests the appropriation in the budget of the United States Government as submitted by the President and Congress fails to make available the requested appropriation.

(3) LENGTH OF EXEMPTION.—An exemption shall be for a period not in excess of 1 year, but additional exemptions may be granted for periods not to exceed 1 year upon a redetermination by the President.

(4) REPORT TO CONGRESS.—The President shall report each January to Congress all exemptions from the requirements of this section granted during the preceding calendar year, and the reason for granting each exemption.

SEC. 10. STUDIES OF ABOVEGROUND STORAGE TANKS.

(a) REGULATED SUBSTANCES TANKS.—

(1) IN GENERAL.—

(A) PETROLEUM TANKS.—Not later than 1 year after the date of enactment of this Act, and in accordance with paragraph (2), the Administrator shall complete a study of aboveground storage tanks used for the storage of petroleum.

(B) OTHER TANKS.—Not later than 3 years after the date of enactment of this Act, and in accordance with paragraph (2), the Administrator shall complete a study of aboveground storage tanks used for the storage of regulated substances other than petroleum.

(2) ELEMENTS OF STUDIES.—Each study under paragraph (1) shall include an assessment of—

(A) the ages, types (including methods of manufacture, coatings, protection systems, compatibility of the construction materials, and installation methods), and locations (including climate of the locations) of the tanks;

(B) the soil conditions, water tables, and hydrogeology of tank locations;

(C) the relationship between the factors listed in subparagraphs (A) and (B) and the likelihood of releases;

(D) the design and inspection of the tanks;

(E) the effectiveness and costs of inventory systems, tank testing, and release detection systems;

(F) the percentage of facilities undergoing corrective action and the quantity of recovered regulated substances; and

(G) such other factors as the Administrator considers appropriate.

(b) FARM AND HEATING OIL TANKS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Administrator shall conduct a study of the tanks described in clauses (i) and (ii) of section 3(1)(B).

(2) ELEMENTS OF STUDY.—The study shall include—

(A) estimates of the number and locations of the tanks; and

(B) an analysis of the extent to which there may be releases or threatened releases from the tanks.

(c) REPORTS.—Upon completion of the studies required under subsections (a) and (b), the Administrator shall submit reports to the President and to Congress containing—

(1) the results of the studies; and

(2) recommendations regarding whether the tanks studied should be subject to the requirements of this Act.

(d) GENERAL ACCOUNTING OFFICE STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General should conduct a study to assess whether transportation-related tanks and their associated piping are adequately regulated by the Department of Transportation to protect human health and the environment, and whether such tanks should be regulated by the Environmental Protection Agency for the purposes referred to in this sentence.

(2) REPORT.—Upon completion of the study required under paragraph (1), the Comptroller General shall submit to Congress a report on the results of the study, along with recommendations regarding which department or agency should regulate such tanks.

SEC. 11. CONSOLIDATION WITH UNDERGROUND TANK PROGRAM.

In order to provide more effective coordination in the regulation of both underground and aboveground storage tanks by the Administrator, the program established under this Act shall be administered by a Director of an office of underground and aboveground storage tanks and shall be consolidated with the administration of the underground tank program under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.).

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

For fiscal years 1994 through 1998, there are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 589. A bill to establish the Quinebaug and Shetucket Rivers Valley national heritage corridor, and for other purposes; to the Committee on Energy and Natural Resources.

QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR ACT

• Mr. DODD. Mr. President, I rise today to reintroduce legislation to establish the Quinebaug Shetucket Rivers Valley national heritage corridor. I am pleased to be joined once again in this effort by my colleague from Connecticut, Mr. LIEBERMAN. Congressman SAM GEJDENSON, from Connecticut's Second District, will be introducing companion legislation later today, so that we can move forward in both Houses to protect and preserve this beautiful and historic region of Connecticut.

I hope we can act quickly on this important legislation, which passed the House late last year but did not make it out of the Senate in the closing days of the 102d Congress.

This legislation acknowledges a side of Connecticut many overlook—its history and natural beauty.

The Quinebaug Shetucket Rivers Valley extends the length of southeastern Connecticut. It was first settled by Indians during precolonial times and then by European settlers during the colonial era. While few battles were fought in the valley, numerous Revolutionary and Civil War leaders and soldiers called the valley home. But what most affected the region was the industrial revolution; hundreds of mills were built along the banks of the Quinebaug and Shetucket Rivers, as this region became one of the leaders in the textile and other industries. Today, the mills stand quiet, most abandoned, and the valley is now known for its beautiful farms and small towns.

Looking at any one aspect of the valley—its beauty, its historic mills, or its archeological sites—one might conclude that other areas are more nationally significant. But when considering this region as a whole, the Quinebaug Shetucket Rivers Valley is unsurpassed in its potential and offers us a unique opportunity to preserve these important natural and cultural resources.

This region offers beautiful landscapes for hiking trails, rivers for canoeing and fishing, historic mills for exploration and learning, the birthplace of Revolutionary War hero Nathan Hale, and the Prudence Crandall School, established as the first teacher training school for African-American women in 1833. The valley is also the site of numerous native American and precolonial archeological sites and was the site of the famous battle between the Mohegan and the Naragansett Indians, commemorated in James Fenimore Cooper's book, "The Last of the Mohicans."

While not lacking in potential, this region is lacking in public spaces and parklands. The Northeast averages nearly 300 acres of public recreation land for each 1,000 residents. Connecticut has less than 100 acres per 1,000 residents. With one national park, Weir Farm—which totals 2 acres—my State ranks last in the Nation in Federal land set aside for national parks, forests, recreation, or wildlife areas.

And, clearly, there is demand for more open space and parklands. Last Congress, Congressman GEJDENSON held field hearings in Connecticut that focused on local concerns about preserving open spaces and unique resources. But beyond local needs, the Quinebaug Shetucket Rivers Valley falls within easy driving distance of some of the Northeast's largest cities—New York, Boston, Hartford, Bridgeport, Worcester, and Providence.

The Quinebaug Shetucket Rivers Valley has the potential to meet these needs. However, its natural and cultural resources lack a cohesive focus—the focus a national heritage corridor designation would give the valley.

The national heritage corridor designation, while unfamiliar to many, is not a new concept for the Park Service. There are currently national heritage corridors in Pennsylvania, along the Lehigh and Delaware Canal, in Michigan and Illinois, along their historic canal, and in the Blackstone River Valley. The corridor concept has been very successful in these areas, providing communities with the flexibility to tailor their needs to those of the corridor.

A heritage corridor provides communities and States with a management framework, which they work within to establish the corridor. It does not rely on the wholesale purchase of privately owned or State-held land. Instead, it establishes a Federal-State-local and private partnership to work cooperatively to protect the area's important resources. These groups come together to develop land management plans that preserve the unique resources of the region, enhance recreational potential, and promote appropriate development. This innovative and cost-effective program provides us with a new approach to preserving our important natural and cultural resources.

It is a concept of great appeal in the Northeast. My State and others in the region are densely populated. It would be difficult, perhaps impossible, to establish a traditional national park within the boundaries of my State. However, there is widespread support for the idea of the Quinebaug Shetucket Rivers Valley national heritage corridor.

Many in the community have joined together to form an advisory committee and have worked for 3 years exploring this idea. They have held corridor walks, talked to local, State, and Federal officials, and met with various members of their communities to request their input. Normally, one would expect that the enthusiasm for such a proposal would die down and perhaps there would be some opposition, but thus far the corridor idea has only become more popular. Within its flexible framework and with the assistance of the Department of the Interior, the towns and communities are confident that they could develop a plan to preserve and enhance the important natural and cultural resources of the Quinebaug Shetucket Rivers Valley and frame a plan for future development of their region.

Mr. President, a unique cross-section of the historical and cultural development of our Nation exists along the Quinebaug and Shetucket Rivers in Connecticut. This is not a history I am willing to see overrun by development or deteriorate through lack of care. This legislation will ensure that it is protected, that access to the rivers are preserved, and that our children and grandchildren will enjoy this special part of our Nation. I urge my colleagues to join me in support of this important legislation.•

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 590. A bill to clarify tax treatment of certain disability benefits received by former police officers or firefighters; to the Committee on Finance.

DISABILITY BENEFITS TAXATION ACT

• Mr. DODD. Mr. President, I rise today to introduce an important piece of legislation for more than 1,000 retired police officers, firefighters, and their families in my home State of Connecticut. I am pleased to be joined in this effort by Senator LIEBERMAN.

This bill clarifies the tax treatment of heart and hypertension benefits awarded to Connecticut's police officers and firefighters prior to 1992. The clarification is necessary because of an error made in the original version of Connecticut's heart and hypertension law. Under that law, Connecticut intended to treat heart and hypertension benefits as workmen's compensation for tax purposes. Unfortunately, because of the language used in the State statute, the heart and hypertension benefits became taxable under a ruling by the Internal Revenue Service [IRS] in 1991.

Since the IRS ruling, Connecticut has amended its law. But that change does not help those police officers, firefighters, and their families who received benefits prior to the amendment. These law-abiding citizens accepted the benefits with the understanding that they were not taxable. Now, as a result of the problem with the State law, and through no fault of their own, they are being charged with back taxes, interest, and penalties by the IRS.

Mr. President, this is no way to treat our dedicated public servants and their families. As we all know, our firefighters and police officers risk their lives every day protecting our homes and neighborhoods. The dangers and hazards they face make their jobs particularly stressful. They need the security provided by heart and hypertension benefits. They should not have to contend with back taxes and penalties that are being assessed due to an error in State law.

Under this legislation, which would exempt heart and hypertension benefits from taxable income for the years prior to the IRS ruling—1989, 1990, and 1991—we can treat these public servants and their families more fairly. This bill is narrowly drafted to accomplish that limited purpose and would not affect the tax treatment of heart and hypertension benefits awarded after January 1, 1992.

Mr. President, I introduced similar legislation last year. Working with Representatives BARBARA KENNELLY and ROSA DELAURO, who introduced the companion measure in the House of Representatives, we succeeded in making this legislation a part of the Revenue Act of 1992. Although the Revenue Act was passed by Congress last year, it was vetoed by President Bush 1 day after he lost the election. I am hopeful that we can pass this legislation quickly this year so that we can remove the threat of back taxes and penalties that hangs over Connecticut's police officers, firefighters, and their families.•

By Mr. D'AMATO (for himself, Mr. SHELBY, Mr. DOLE, Mr. MACK, Mr. THURMOND, and Mr. DOMENICI):

S. 591. A bill to authorize the President to suspend the application of laws and regulations that impede economic revitalization and growth; to the Committee on Banking, Housing, and Urban Affairs.

PRESIDENTIAL CREDIT AVAILABILITY AND ECONOMIC RECOVERY ACT

• Mr. D'AMATO. Mr. President, last Wednesday, the President announced the blueprint of a plan to ease the credit crunch. This regulatory package is an excellent first step in freeing up our banks and thrifts from unnecessary and costly regulations that deter them from making loans to small- and medium-size businesses.

The President should be congratulated for his excellent leadership in taking this initiative—but his authority to end the credit crunch is limited. A good deal of the regulatory burden stems from statutory provisions that cannot be changed by the administration. Unless Congress grants the administration more authority, the President cannot make all of the necessary regulatory changes to put our economic system to work.

Today, I, along with Senators SHELBY, DOLE, MACK, and THURMOND will introduce S. 591, the Presidential Credit Availability and Economic Recovery Act. This legislation will give the President the authority he needs to finish the job he started yesterday—to make the necessary changes in our banking system that must be made to relieve the credit crunch, provide for noninflationary economic growth, and increase employment.

The bill provides the President with the authority to suspend any law, regulation or guideline affecting insured depository institutions that the President determines meets one of the following tests: First, the provision is obsolete in that it has already accomplished its intended goal and is no longer needed; second, an available alternative exists to accomplish the purpose of the provision, and the alternative imposes less cost on our financial system or the economy; third, the cost of compliance with the provision outweighs the benefits sought to be accomplished by the law or regulation; or, fourth, the provision's impact on the availability of credit outweighs the benefits sought to be accomplished.

However, under the bill, the President cannot suspend any laws or regulation that: First, is necessary for the safe and sound operations of financial institutions; second, prohibit discrimination on the basis of race, sex, marital status, national origin, or age; third, relates to monetary policy; or fourth, deals with enforcement actions directed at particular parties.

This legislation will give the President ample authority to suspend laws and regulations that are exacerbating the credit crunch and draining our economy, and which he determines are not contributing to the public welfare. I hope that Congress will quickly act on this measure so that we can quickly put our banking system back to work making credit available to the small- and mid-sized businesses that are vital for economic recovery.•

By Mr. BOREN:

S. 592. A bill to amend the Wild and Scenic Rivers Act to protect State-designated rivers prior to their approval or disapproval by the Secretary of the Interior for inclusion in the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

STATE-DESIGNATED WILD AND SCENIC RIVERS PROTECTION ACT

• Mr. BOREN. Mr. President, I rise today to introduce legislation that would give greater protection to the Nation's outstanding river resources under the National Wild and Scenic Rivers Act.

My legislation would grant the same temporary protective status to State-proposed wild and scenic rivers as that which is currently given to congressionally proposed rivers. It simply states that once a State Governor has requested that the Secretary of the Interior include a State-recognized river or river segment in the National Wild and Scenic Rivers System under section 2(a)(ii), the river would be granted up to 3 years of protection while the State completes and implements a river management plan. My legislation also encompasses rivers which have already been proposed for inclusion in the system by the Governor of a State, such as the Illinois River in Oklahoma.

Just recently, the people of my State were rendered powerless when a chicken farmer dumped thousands of gallons of poultry waste into a small tributary of the Illinois River. They were forced to watch helplessly as over 21,000 fish were killed in their natural habitat. This most recent incident highlights the urgent need for this type of protection for State-designated wild and scenic rivers.

My home State has gone to great lengths to protect the natural beauty and inherent values of the Illinois River from pollution and degradation. We are currently trying to bring together all the affected interests involved in order to develop the best plan for the river possible. We are committed to preserving the long-term health of the Illinois River and other water resources throughout the Nation by ensuring the protection of State-designated wild and scenic rivers.

The National Wild and Scenic Rivers System currently provides two methods for adding a river to the national system. The first is by an act of Congress under section 1 of the bill. The second is through authority granted to the Secretary of the Interior, known as section 2(a)(ii). Inclusion in the national system is important because the elevated status of the river within the Federal system serves to protect the river from proposed Federal projects, permits, or licenses.

Under section 1 of the act, management of a proposed river is given to the Federal Government. A State whose Governor petitions the Secretary of the Interior for inclusion under section 2(a)(ii), however, is allowed to design and implement their own management plan. But while congressionally recognized rivers are given 3 years of temporary protection, section 2(a)(ii) contains no such provision. In other words, States which choose to manage their river resources themselves must forgo protection while they develop responsible management plans. This is clearly contrary to the objectives of the act which seek to preserve rivers for the use and enjoyment of present and future generations.

Mr. President, we owe it to ourselves and to future generations of Americans to help preserve our outstanding natural water resources. The National Wild and Scenic Rivers System has the potential to encompass a vast network of protected rivers managed by a wide array of potential Federal-State-Local-Private cooperative agreements. States and authorities who know the area best should have the ability to write their own management plans under the protective umbrella of the national system. My legislation would assure States that any initiatives they have undertaken will not be undermined by the Federal Government.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State-Designated Wild and Scenic Rivers Protection Act".

SEC. 2. PROTECTION OF STATE-DESIGNATED RIVERS.

(a) IN GENERAL.—Section 2(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1273(a)) is amended by inserting after the second sentence the following new sentence: "Beginning on the date of receipt of an application by the Secretary under clause (ii) and until the earlier of the date of the approval or disapproval by the Secretary of the application or the date that is 3 years after the date of receipt of the application, the river that is the subject of the application shall be protected as if the river were included in the system.".

(b) TRANSITION PROVISION.—A river for which an application under section 2(a)(ii) of the Wild and Scenic Rivers Act (16 U.S.C. 1273(a)(ii)) is pending with the Secretary of the Interior on the date of enactment of this Act shall be protected as described in the third sentence of section 2(a) of such Act (as added by subsection (a)), except that the protection shall begin on the date of receipt of the application and continue until the earlier of the date of the approval or disapproval by the Secretary of the Interior of the application or the date that is 3 years after the date of enactment of this Act.•

By Mr. ROCKEFELLER (for himself, Mr. BOND, Mr. RIEGLE, Mr. BRADLEY, Mr. DECONCINI, Mr. DASCHLE, Mr. JEFFORDS, Mr. SIMON, Mr. KOHL, Mrs. FEINSTEIN, Mr. MITCHELL, Mr. KERRY, Mr. CAMPBELL, and Mr. CONRAD):

S. 596. A bill to amend title IV of the Social Security Act to provide improved child welfare services, and for other purposes; to the Committee on Finance.

FAMILY PRESERVATION AND CHILD PROTECTION REFORM ACT

• Mr. ROCKEFELLER. Mr. President, I rise today to introduce an important and comprehensive bipartisan legislation—the Family Preservation and Child Protection Reform Act. This bill is designed to address our Nation's serious child abuse crisis. I am proud to be joined by Senator KIT BOND, and other distinguished cosponsors.

Reform of our child welfare system to meet the needs of vulnerable children and troubled families must be a priority. Last week at a conference of child advocates, President Clinton announced his commitment to develop a child welfare initiative. This is tremendous news, and I am eager to work with our President.

Significant progress has been made already on this issue. Thanks to the leadership of Senator Bentsen and Representative Downey, this proposal was passed last year as part of H.R. 11, the Revenue Act of 1992. Unfortunately, the entire bill was ultimately vetoed on November 4, 1992 after Congress had adjourned.

This year we have an unprecedented opportunity to build on this work and enact needed reform. The bill introduced today is a strong blueprint for necessary changes in our child welfare services. And I look forward to working with the President and Secretary Shalala to enact needed reform this year.

Our package is called CPR because it is urgent. Child protection reform is crucial. Child abuse and neglect constitute a national emergency of dangerous and costly proportions. Growing poverty, declining family income and unemployment together with social isolation, homeless, substance abuse, and its attendant violence, are ravaging communities, shattering families, and victimizing our children. In 1991, there were 2.7 million reports of child abuse or neglect. These grim statistics mean every 12 seconds there is a report of child abuse or neglect. And every day, nearly four children die from abuse or neglect—most before reaching their first birthday. Such statistics sound an alarm that demands serious action and intervention.

As chairman of the National Commission on Children, I learned firsthand of the plight of these children and their families. In West Virginia, we visited families in their rural homes and heard of their frustrations that have overwhelmed far too many families struggling to make ends meet. In Los Angeles, we spent a day in juvenile court, watching judges trying to cope with difficult cases and decisions with only a few minutes time. We visited with dedicated and compassionate social workers, court personnel, and judges who have been overcome by the skyrocketing numbers of seriously troubled children and their families.

We visited hospital neonatal units, and I have personally held 2- and 3-pound babies who are often the helpless victims of their mother's addiction to drugs. We learned of foster parents striving to care for abandoned and neglected children as their own.

Based on such experiences and further research, the Commission unanimously recommended detailed actions for improving the well-being of these vulnerable children and their families throughout the country in its report, "Beyond Rhetoric," issued in June 1991.

The Family Preservation and Child Protection Reform Act follows the Commission's guidelines. It represents a critical effort to move the Congress, the President, and our Nation beyond rhetoric, and would dedicate $2.2 billion over the next 5 years to positive and cost-effective investment in the lives and future of some of the most vulnerable children and troubled families in our Nation.

The legislation calls for fundamental change with new investments in prevention and family preservation. It seeks to strengthen foster care programs. Both are crucial to respond to the needs of vulnerable children.

The primary focus of our initiative is the innovative family preservation services. Such services have been found to be particularly effective in strengthening families, helping them overcome serious problems and crises, properly care for their children, and remain together or reunify after an initial separation. The Family Preservation and Child Protection Reform Act gives States much needed resources and broad flexibility to plan, develop, expand, or operate intensive, home-based prevention and intervention services designed to help children at risk of foster care placement remain with their families and children in foster care to return to their families, as well as the range of followup and family support services designed to strengthen the ability of parents to care for their children.

The need for such services grew dramatically throughout the 1980's as child abuse and neglect reports escalated rapidly. Yet the Federal funds for the title IV–B Child Welfare Services Program remained grossly inadequate—real Federal spending for title IV–B per child reported abused or neglected dropped precipitously between 1981 and 1991.

To reverse this trend, our legislation would allocate critical new funding to States on a matching basis under a new capped entitlement component of the Child Welfare Services Program to promote essential and cost-effective family support services.

Another key component to respond to today's crisis is to address the substance abuse epidemic devastating children and families in urban, suburban, and rural areas alike. The parental abuse of crack cocaine, alcohol, and other dangerous substances has become a major factor in the abuse and neglect of children, the placement of infants and children in foster care, and the general overload of our Nation's already floundering child welfare systems.

A recent Boston study indicated parental alcohol or drug abuse was a factor in 89 percent of child abuse and neglect reports involving children under 1 year of age. The number of children in foster care has increased by over 50 percent in the last 5 years, and a study of caseload growth in New York and Illinois concluded that "the available evidence suggests that substance abuse by pregnant women contributed significantly to the demand for foster care." The nearly 15 percent of infants estimated to have been born prenatally exposed to illegal drugs are also entering the foster care system in record numbers.

Comprehensive substance abuse prevention and treatment programs can help babies be born healthy, parents become substance-free, and keep families together, but the lack of such treatment for pregnant women and mothers is truly appalling. The National Institute of Drug Abuse reported that in fiscal year 1990, women accounted for less than 25 percent of all alcohol treatment admissions, and 36 percent of drug treatment admissions. Thus the second critical focus of the Family Preservation and Child Protection Reform Act is to provide funds for comprehensive substance abuse programs and nonmedical support services—child care, transportation, nutrition, followup services—designed to meet the needs of pregnant women and mothers. Such programs will be cost-effective investments that should reap benefits far in excess of its costs.

Nearly 430,000 abused, neglected, abandoned, or seriously troubled children were in foster care in 1991, and approximately 75,000 of them are waiting to be adopted. Just as the numbers of children in foster care has increased dramatically in recent years, infants and children are entering out-of-home care with more serious and complex problems than ever before. Many of these children have significant physical, mental health, and developmental problems associated with the abuse, neglect, and separation traumas they have experienced. Yet once again, Federal support and assistance has been limited. Only about half the children in foster care are eligible for Federal aid, many adolescents leave foster care only to join the ranks of the homeless, and far too many children wait years for a loving adoptive family. Further, foster and adoptive parents are not adequately supported, trained, or compensated.

The Family Preservation and Child Protection Reform Act would make numerous improvements in the Federal Foster Care and Adoption Assistance Program, title IV–E of the Social Security Act—to help assure stable and compassionate care for children who have been placed in out-of-home care. It would, for example, assure more children that adoption assistance that provides them a better chance to gain a permanent and nurturing home; provide foster care assistance to children whose original adoption was disrupted; and lend additional help to youth struggling to make the transition from foster care to independent living. A critical part of the legislation provides funds to support respite care for foster parents of children with special needs and problems, and takes steps to improve the training of foster and adoptive parents.

Child welfare systems across our country that are responsible for the care and protection of abused, neglected, and vulnerable children have been simply overwhelmed in recent years, and in too many States they remain unable to fulfill their basic obligations. This legislation would take numerous steps to shore up struggling child welfare agencies. It would greatly improve research, evaluations, and data collection efforts, as well as the overall coordination and delivery of child welfare services. It would support demonstation efforts designed to test promising innovative and cost-effective services for vulnerable children and troubled families. It would improve the training of child welfare staff as well as foster and adoptive parents. In all these areas, the legislation promotes flexibility at the State and community level while assuring overall accountability.

Enactment of child welfare reform would signal that we are serious about our commitment to vulnerable children and troubled families. It is time to move beyond rhetoric toward action. This legislation would be a major step toward enacting key recommendations of the Children's Commission for vulnerable children and families. I am deeply committed to following through and pushing to enact the Children Commission bold agenda into law.

I urge my colleagues to join us in an effort that is not only the right thing to do for these children and their families, but an investment in the future of our country.

Working together with President Clinton and other Members, I am confident that we can forge a bipartisan approach to child welfare reform based on these fundamental goals.

Mr. President, I ask unanimous consent that the full text of the bill and the legislative summary be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Family Preservation and Child Protection Reform Act".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings.
Sec. 3. Child welfare services designed to strengthen and preserve families, and substance abuse prevention and treatment.
Sec. 4. Grant program for State court systems to assess and improve procedures in child welfare cases.
Sec. 5. State directory of services.
Sec. 6. Required protections for foster children.
Sec. 7. States required to report on measures taken to comply with the Indian Child Welfare Act.
Sec. 8. Reports on child welfare services and expenditures.
Sec. 9. Involvement of private parties in the development of State plans.
Sec. 10. Comprehensive service projects.
Sec. 11. Dissolved adoptions.
Sec. 12. Extension of definition of children with special needs.
Sec. 13. Study of reasonable efforts requirement by advisory committee.
Sec. 14. Adoption expense deduction.
Sec. 15. Periodic reevaluation of foster care maintenance payments.
Sec. 16. Case review system requirements.
Sec. 17. Health care plans for foster children.
Sec. 18. Placement accountability.
Sec. 19. Independent living.
Sec. 20. Elimination of foster care ceilings and of authority to transfer unused foster care funds to child welfare services programs.
Sec. 21. Regulations for training of agency staff and of foster and adoptive parents.
Sec. 22. Foster and adoptive parent training.
Sec. 23. Child welfare traineeships.
Sec. 24. Publication of program data.
Sec. 25. Review of child welfare activities.
Sec. 26. Automated systems.
Sec. 27. Research and evaluations.
Sec. 28. Child welfare demonstration projects.
Sec. 29. Demonstration of independent living services for young adults.
Sec. 30. Home rebuilders demonstration project.
Sec. 31. Commission on childhood disability.
Sec. 32. Effect of failure to carry out State plan.

SEC. 2. FINDINGS.

The Congress finds that:

(1) Child abuse and neglect is a growing national crisis of dangerous and costly proportions, as an alarming number of America's children are becoming the innocent victims of families shattered by poverty, unemployment, homelessness, drugs, violence, isolation, and despair.

(2) More than 2,600,000 children, or 7,381 each day, were reportedly abused or neglected in 1991, an increase of more than 150 percent in a decade; and 1,383 children, or more than 3 each day, and most of them under one year of age, died from abuse or neglect in 1991.

(3) Parental substance abuse has become a major factor in child abuse and neglect; and as many as 15 percent of newborns have been exposed in utero to crack cocaine, marijuana, and other illegal drugs.

(4) More than 400,000 children who have been abused, neglected, abandoned, or troubled now live in out-of-home foster care, an increase of more than 50 percent over the last 5 years; and more than 30,000 vulnerable children are now awaiting adoption.

(5) Skyrocketing caseloads have overwhelmed the State child welfare systems responsible for the care and protection of abused, neglected, and vulnerable children and troubled families; and Federal support for comprehensive child welfare services have been severely limited.

(6) Comprehensive services to support families should be offered to help prevent abuse, neglect, and family disintegration.

(7) Substance abuse prevention and treatment must be provided for pregnant and parenting women in order to prevent the birth of drug-exposed babies, and reduce the incidence of child abuse, neglect, family separation, and violence.

(8) It is estimated that every $1 spent on alcohol and drug treatment saves $11.54 in health and criminal justice costs.

(9) Quality foster care, adoption assistance, and independent living services should be provided to ensure that abused, neglected, and troubled children and youth receive the help and support such children and youth need to become healthy and productive adults.

SEC. 3. CHILD WELFARE SERVICES DESIGNED TO STRENGTHEN AND PRESERVE FAMILIES, AND SUBSTANCE ABUSE PREVENTION AND TREATMENT.

(a) IN GENERAL.—Part B of title IV (42 U.S.C. 620–628) is amended—

(1) by striking the heading and inserting the following:

"PART B—CHILD WELFARE SERVICES

"Subpart 1—Child Welfare Services";

(2) in section 423(a) (42 U.S.C. 623(a)), by striking "this part" and inserting "this subpart";

(3) in section 428(b) (42 U.S.C. 628(b)), by inserting "or 432, as appropriate" after "421"; and

(4) by adding at the end the following:

"Subpart 2—Innovative Family Services

"SEC. 430. ENTITLEMENT.

"(a) IN GENERAL.—For payments to which States are entitled under this subpart, there shall be available to the Secretary an amount equal to the sum of—

"(1) the innovative services amount for the fiscal year;

"(2) the substance abuse amount for the fiscal year; and

"(3) the respite care amount for the fiscal year.

"(b) DEFINITIONS.—As used in subsection (a):

"(1) INNOVATIVE SERVICES AMOUNT.—The term 'innovative services amount' means—

"(A) for fiscal year 1994, $95,000,000;

"(B) for fiscal year 1995, $235,000,000;

"(C) for fiscal year 1996, $320,000,000;

"(D) for fiscal year 1997, $340,000,000;

"(E) for fiscal year 1998, $385,000,000; and

"(F) for fiscal year 1999 and each succeeding fiscal year, $365,000,000, increased by the percentage (if any) by which—

"(i) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on June 30 of the immediately preceding fiscal year; exceeds

"(ii) the average of the Consumer Price Index (as so defined) for the 12-month period ending on June 30, 1997.

"(2) SUBSTANCE ABUSE AMOUNT.—The term 'substance abuse amount' means—

"(A) for fiscal year 1994, $40,000,000;

"(B) for fiscal year 1995, $90,000,000;

"(C) for fiscal year 1996, $110,000,000;

"(D) for fiscal year 1997, $115,000,000;

"(E) for fiscal year 1998, $125,000,000; and

"(F) for fiscal year 1999 and each succeeding fiscal year, $125,000,000, increased by the percentage (if any) by which—

"(i) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on June 30 of the immediately preceding fiscal year; exceeds

"(ii) the average of the Consumer Price Index (as so defined) for the 12-month period ending on June 30, 1997.

"(3) RESPITE CARE AMOUNT.—The term 'respite care amount' means—

"(A) for fiscal year 1995, $30,000,000;

"(B) for fiscal year 1996, $55,000,000;

"(C) for fiscal year 1997, $65,000,000;

"(D) for fiscal year 1998, $85,000,000; and

"(E) for fiscal year 1999 and each succeeding fiscal year, $85,000,000, increased by the percentage (if any) by which—

"(i) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on June 30 of the immediately preceding fiscal year; exceeds

"(ii) the average of the Consumer Price Index (as so defined) for the 12-month period ending on June 30, 1997.

"SEC. 431. ELIGIBILITY FOR FUNDS.

"(a) INNOVATIVE SERVICES AMOUNT.—

"(1) SUBMISSION OF STATE PLAN AMENDMENTS.—To be eligible to receive funds from its allotment of the innovative services amount for any fiscal year, a State shall submit to the Secretary for approval, as an amendment to the State plan under this part, a detailed description of the services that the State intends to provide through the use of such funds during the fiscal year that includes—

"(A) a strategy for the fiscal year to improve the coordination of services to families in the State any child of which has been or is at risk of being placed outside the home, with other State programs and services;

"(B) an assurance that the State will not use any of such funds to supplant Federal, State, or local funds used for similar purposes;

"(C) an explanation of how such funds will be used, during the fiscal year, to expand services available to such families, including—

"(i) a description of the service programs to be provided through the use of such funds;

"(ii) the goals of the programs; and

"(iii) a description of the populations to which the programs will be targeted, with an assurance that the populations will consist of—

"(I)(aa) families any child of which is in foster care;

"(bb) families any child of which has been in foster care; or

"(cc) families any child of which is at risk of being placed in foster care; and

"(II) such other kinds of families as the State may select; and

"(D) such other information as the Secretary may require by regulation.

"(2) DEADLINE FOR SUBMISSION.—To be eligible to receive funds from its allotment of the innovative services amount for a fiscal year, a State shall comply with paragraph (1)—

"(A) for fiscal year 1994, not later than such date as the Secretary may require; and

"(B) for any succeeding fiscal year, not later than the July 1 of the immediately preceding fiscal year.

"(3) REPORT ON GOALS.—Not later than such date as the Secretary may require, each State which receives funds under this subpart shall submit to the Secretary a report containing a statement of goals that the State expects to achieve during the 5-year period beginning with fiscal year 1994 through the use of such funds.

"(b) SUBSTANCE ABUSE AMOUNT.—To be eligible to receive funds from the allotment to a State of the substance abuse amount for any fiscal year, the Governor of the State shall provide to the Secretary (in such form as the Secretary may prescribe) written assurances that—

"(1) the total amount of funds expended by the State (and any political subdivision thereof) from non-Federal sources to provide nonmedical substance abuse treatment support services for the fiscal year will not be less than the total amount so expended for the immediately preceding fiscal year; and

"(2) an individual who is referred by a State agency described in section 422(b)(1) to a program provided with funds from the allotment shall be given priority in admission to the program.

"SEC. 432. ALLOTMENTS TO STATES.

"The Secretary shall allot separately the innovative services amount, the substance abuse amount, and the respite care amount for any fiscal year, as follows:

"(1) ALLOTMENTS TO TERRITORIES.—The allotment for any fiscal year to each of the jurisdictions of Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, and American Samoa shall be determined in the same manner in which the allotment to the jurisdiction is determined under section 421.

"(2) OTHER ALLOTMENTS.—

"(A) IN GENERAL.—The allotment for any fiscal year to each other State shall—

"(i) in the case of the innovative services amount, equal—

"(I) the innovative services amount for the fiscal year that remains unallotted after the application of paragraph (1) of this section; multiplied by

"(II) the food stamp percentage of the State for the fiscal year;

"(ii) in the case of the substance abuse amount, equal—

"(I) the substance abuse amount for the fiscal year that remains unallotted after the application of paragraph (1) of this section; multiplied by

"(II) the food stamp percentage of the State for the fiscal year; and

"(iii) in the case of the respite care amount, equal—

"(I) the respite care amount for the fiscal year that remains unallotted after the application of paragraph (1) of this section; multiplied by

"(II) a ratio equal to—

"(aa) the average number of children in the State who received foster care maintenance payments under section 472 for the most recent 3-year period for which such information is available; divided by

"(bb) the average number of children in the United States who received foster care maintenance payments under section 472 for such 3-year period.

"(B) FOOD STAMP PERCENTAGE DEFINED.—As used in subparagraph (A), the term 'food stamp percentage' means, with respect to a State and a fiscal year, the average number of children receiving food stamp benefits in the State for the 4th, 3rd, and 2nd preceding fiscal years, as determined from sample surveys made under section 16(c) of the Food Stamp Act of 1977, expressed as a percentage of the average number of children receiving food stamp benefits in all of the States (to which this paragraph applies) for such preceding fiscal years, as so determined.

"SEC. 433. REALLOTMENTS.

"(a) IN GENERAL.—The amount of any allotment to a State under section 432 for any fiscal year which the State has not expended by the end of the immediately succeeding fiscal year shall be available for reallotment, from time to time, on such dates as the Secretary may fix, to other States which the Secretary determines—

"(1) in the case of the innovative services amount and the substance abuse amount, have complied with section 431 for the 2nd succeeding fiscal year;

"(2) need sums exceeding the sums allotted to such States under sections 421 and 432 for the 2nd succeeding fiscal year, to carry out their State plans under this part for the 2nd succeeding fiscal year; and

"(3) will be able to use such excess sums during the 2nd or 3rd succeeding fiscal year.

"(b) DISTRIBUTION FORMULA.—Any amount available for reallotment shall be reallotted among the other States referred to in subsection (a) on the same basis as allotments are made under section 432.

"(c) TREATMENT OF REALLOTMENTS.—Any amount reallotted to a State under this section is deemed to be part of the allotment of the State under section 432.

"SEC. 434. PAYMENTS TO STATES.

"(a) IN GENERAL.—

"(1) INNOVATIVE SERVICES AMOUNT.—From the sums made available pursuant to section 430(a) for any fiscal year, each State which has complied with section 431 for the fiscal year shall be entitled to receive from the Secretary from the allotment to the State under section 433 of the innovative services amount, and the Secretary shall from time to time pay to the State, an amount equal to 75 percent of the total amount expended by the State during the fiscal year under the plan (including administrative costs) in accordance with section 435.

"(2) SUBSTANCE ABUSE AMOUNT.—From the sums made available pursuant to section 430(a) for any fiscal year, the Governor of each State which has a plan developed in accordance with section 422 and has complied with section 431 for the fiscal year shall be entitled to receive from the Secretary from the allotment to the State under section 433 of the substance abuse amount, and the Secretary shall from time to time pay to the Governor of the State, an amount equal to 75 percent of the total amount expended by the State in accordance with section 436 during the fiscal year.

"(3) RESPITE CARE AMOUNT.—From the sums made available pursuant to section 430(a) for any fiscal year, each State which has a plan developed in accordance with section 422 and has complied with section 431 for the fiscal year shall be entitled to receive from the Secretary from the allotment to the State under section 433 of the respite care amount, and the Secretary shall from time to time pay to the State, an amount equal to 75 percent of the total amount expended by the State in accordance with section 437 during the fiscal year.

"(b) ADMINISTRATIVE PROVISIONS.—

"(1) ESTIMATES.—Before each calendar quarter, the Secretary shall estimate the amount to be paid with respect to each State under this section for the quarter.

"(2) PAYMENTS.—From that portion of each allotment of each State, the Secretary shall pay the amount estimated under paragraph (1), reduced or increased, as the case may be, by any sum (not previously adjusted under this subsection) by which the Secretary finds that any such estimate for a prior quarter was greater or less than the amount which should have been paid with respect to the State under this subsection for such prior quarter.

"(c) AVAILABILITY OF FUNDS.—The amount to which a State is entitled under this part for a fiscal year shall remain available to the State for the fiscal year and the immediately succeeding fiscal year.

"SEC. 435. INNOVATIVE SERVICES.

"(a) IN GENERAL.—Each State which receives funds paid to the State under section 434(a)(1) shall use the funds to plan, develop, expand, operate, or evaluate—

"(1) service programs designed to help children—

"(A) where appropriate, return to families (including adoptive families) from which they have been removed; or

"(B) be placed for adoption, with a legal guardian, or, if adoption or legal guardianship is determined not to be appropriate for a child, in some other planned, permanent living arrangement;

"(2) preplacement preventive services programs, such as intensive family preservation programs, that are designed to help children at risk of foster care placement remain with their families (including adoptive families);

"(3) service programs designed to provide follow-up care to families (including adoptive families) to whom a child has been returned after a foster care placement; or

"(4) family support services to strengthen the functioning of a family (including an adoptive or foster care family), such as—

"(A) services designed to improve parenting skills;

"(B) respite care; and

"(C) adult mentoring services by adult volunteers to low-income or at-risk children or young adults who are in need of additional, on-going contact with adult role models.

"(b) MAINTENANCE OF EFFORT.—Notwithstanding section 434, the amount that would otherwise be paid to a State under section 434(a)(1) shall be reduced by the sum of—

"(1) any amount paid to the State under section 434 which is used to supplant any Federal, State, or local funds used for purposes similar to those for which the innovative services amount is made available; and

"(2) the amount (if any) by which the total amount expended by the State and the political subdivisions thereof from State and local sources for the provision of child welfare services (excluding foster care maintenance payments and adoption assistance payments) during any fiscal year is less than the total amount so expended during fiscal year 1992.

"SEC. 436. COMPREHENSIVE SUBSTANCE ABUSE TREATMENT PROGRAMS FOR PREGNANT WOMEN AND CARETAKER PARENTS.

"(a) IN GENERAL.—Each State which receives funds paid to the State under section 434(a)(2) shall use the funds to plan, develop, expand, operate, or evaluate a qualified comprehensive substance abuse treatment program, and to provide nonmedical substance abuse treatment support services for qualified individuals under the program.

"(b) REPORTS.—The Secretary shall require each State with respect to which payments under section 434(a)(2) are received to report (in such manner and form and at such time as the Secretary determines to be appropriate) such information as may be necessary to permit the Secretary and the Congress to evaluate the operation and effectiveness of the program and services provided pursuant to this section, including—

"(1) the number of individuals participating in the program in the State;

"(2) any limits imposed by the State on the number of individuals who may enroll in the program; and

"(3) the number of individuals on any waiting list maintained by the State for participation in the program.

"(c) DEFINITIONS.—As used in this section:

"(1) NONMEDICAL SUBSTANCE ABUSE TREATMENT SUPPORT SERVICES.—The term 'nonmedical substance abuse treatment support services' means—

"(A) home visitation services, nutrition services, child care, and parenting education;

"(B) substance abuse prevention, treatment, and follow-up services (to the extent such services are not furnished under a State plan approved under title XIX); and

"(C) any other services (such as room and board at a residential substance abuse treatment facility for a qualified individual and, where appropriate, the individual's child) that are determined by the State (in accordance with regulations promulgated by the Secretary) to be necessary and appropriate to support the participation of a qualified individual in a qualified comprehensive substance abuse treatment program.

"(2) QUALIFIED INDIVIDUAL.—The term 'qualified individual' means an individual who is—

"(A) a pregnant woman or caretaker parent who is eligible for medical assistance under a State plan approved under title XIX;

"(B) at the option of the State, any other pregnant woman or caretaker parent whose income does not exceed an amount specified by the State; and

"(C) where appropriate, any child of an individual specified in subparagraph (A) or (B).

"(3) QUALIFIED COMPREHENSIVE SUBSTANCE ABUSE TREATMENT PROGRAM.—The term 'qualified comprehensive substance abuse treatment program' means a program, established by a State, that—

"(A) makes available to qualified individuals (either directly or through arrangements with others) at least the following services:

"(i) substance abuse prevention, treatment, and follow up services (on an outpatient basis and, at the option of the State, in a residential facility);

"(ii) prenatal, gynecological, and pediatric medical services;

"(iii) transportation; and

"(iv) nonmedical substance abuse treatment support services;

"(B) provides for appropriate coordination of substance abuse treatment-related medical services furnished to individuals under the program (under title V or XIX) and nonmedical substance abuse support services for which payment may be made under section 434(a)(2); and

"(C) is administered by an agency (or agencies) designated by the Governor of the State.

"(4) CARETAKER PARENT.—The term 'caretaker parent' means a parent who personally provides (or expects to provide) care for a child.

"SEC. 437. RESPITE CARE.

"(a) IN GENERAL.—Each State which receives funds paid to the State under section 434(a)(3) shall use the funds to provide respite care to any family which operates a foster family home for 1 or more foster children who the State determines have special needs, in accordance with all applicable State and local standards and guidelines and in the least restrictive setting consistent with the special needs of such child or children.

"(b) RESPITE CARE DEFINED.—As used in subsection (a), the term 'respite care' means, with respect to the family of a foster child, care authorized by a State, or provided by a public or private agency designated by a State, to provide temporary relief for the foster parent caregiver or caregivers of the child.

"SEC. 438. EVALUATIONS; REPORT.

"(a) EVALUATIONS.—(1)(A) The Secretary shall, directly or under contract with 1 or more independent research organizations, conduct evaluations of programs carried out pursuant to section 435 in accordance with criteria that the Secretary shall establish, and in accordance with requirements that the Secretary shall prescribe by regulation.

"(B) In developing the criteria referred to in paragraph (1), the Secretary shall consult with—

"(i) individuals who administer programs under this part and part E;

"(ii) private, nonprofit organizations with an interest in child welfare; and

"(iii) other individuals and organizations with recognized expertise in the evaluation of child welfare services programs or other related programs.

"(2) Program evaluations conducted pursuant to paragraph (1) shall—

"(A) use methodologies to measure outcomes with respect to children and families who participate in the programs referred to in paragraph (1) that enable comparison with similar outcome measurements of children and families who have not received the services offered by such programs; and

"(B) include an assessment of family functioning.

"(3) In carrying out the program evaluations described in paragraph (1), the Secretary shall ensure that, where appropriate and feasible, an appropriate portion of such evaluations shall use experimental and control groups (of a sample size determined in accordance with appropriate statistical practices).

"(4)(A) The Secretary shall develop procedures to facilitate the coordination of evaluations conducted by the Secretary and by the States.

"(B) Upon request by a State, the Secretary shall provide technical assistance to facilitate the planning and design of program evaluations under this subsection.

"(b) REPORT.—For fiscal year 1996, and annually thereafter until the programs authorized under this section are completed, the Secretary shall issue a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives that includes—

"(1) information concerning the status of evaluations conducted by the Secretary under subsection (a);

"(2) findings from the evaluations;

"(3) information concerning the status of the evaluations conducted by States under this section; and

"(4) a summary of the findings from the State evaluations referred to in paragraph (3).

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 1994, 1995, 1996, 1997, and 1998, the sum of $8,000,000 to carry out the purposes of this section.".

(b) REPORT.—The Secretary of Health and Human Services shall, upon completion of a review of the evaluations conducted under section 438(a) of the Social Security Act by the Secretary and by States (but not later than December 1, 1997), submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives that includes recommendations for legislation to—

(1) improve child and family services provided under title IV of such Act to strengthen families;

(2) reduce the number of cases in which it is necessary to remove a child from home and place the child in foster care;

(3) promote the reunification of families of children who have been placed in foster care; and

(4) promote planned, permanent living arrangements for children, including adoption, where appropriate.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1993, and shall apply to payments under part B of title IV of the Social Security Act for fiscal year 1994 and to such payments for any succeeding fiscal year.

SEC. 4. GRANT PROGRAM FOR STATE COURT SYSTEMS TO ASSESS AND IMPROVE PROCEDURES IN CHILD WELFARE CASES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall make grants in accordance with this section to the highest State courts to conduct assessments of the procedures and functions of the State courts in carrying out parts B and E of title IV of the Social Security Act, and to implement recommendations for improvements in such procedures and functions based on the assessments.

(b) ASSESSMENTS.—The assessment described in this subsection is designed to assess how the State courts are performing the activities required of them by or under State laws enacted pursuant to parts B and E of title IV of the Social Security Act, and to make recommendations on how to improve the implementation of such parts, which shall include the following:

(1) A list of the requirements imposed on the State courts by or under State laws enacted pursuant to such parts, and a list of the State laws, regulations, and policies that govern the implementation of such requirements.

(2) A description of the extent to which State law requires procedural safeguards for children and their parents with respect to each type of proceeding held by State courts pursuant to the State laws referred to in paragraph (1).

(3) A quantitative and qualitative evaluation of how each requirement of such parts is being carried out in the State, including the following:

(A) The circumstances under which, and the frequency with which, the procedural safeguards described pursuant to paragraph (2) are provided.

(B) Whether, during court proceedings, evidence is presented and arguments are made that address the findings and determinations required by the State laws referred to in paragraph (1), and, if so, the amount and sufficiency of time devoted to the presentation of such evidence and the making of such arguments.

(C) The extent to which the procedures and practices of the State courts are reasonably in accord with recommended standards of national organizations concerned with permanent placement for foster children.

(4) The effect of judicial caseloads and case assignments on the quality of court proceedings.

(5) Recommendations on how to better meet the requirements of such parts, and to improve the implementation by the State courts of the State laws enacted pursuant to such parts, including any changes in law, regulation, procedure, judicial manpower, judicial case assignments, judicial caseloads, judicial data collection, judicial education, and requirements for court-appointed legal representatives for parents and children.

(c) APPLICATIONS.—

(1) FISCAL YEAR 1995.—In order for a highest State court to become eligible for a grant under this section for fiscal year 1995, the court shall submit to the Secretary an application which, at a minimum, contains the following:

(A) A timetable for conducting and completing the assessment described in subsection (b) during fiscal year 1995.

(B) A budget for the assessment described in subsection (b), the method which is to be used to conduct the assessment, and a statement of how courts are to be selected for inclusion in the assessment.

(C) A certification that the head of the State agency responsible for children in State-supervised foster care, and, if applicable, the State foster care citizen review board or the State organization of citizen review boards, has had an opportunity to review and comment on a draft of the application before its submission. Such certification must include a copy of such comments.

(D) A description of how the court is to consult and cooperate with the head of the State agency responsible for children in State-supervised foster care, and, if applicable, the State foster care citizen review board or the State organization of citizen review boards, in developing and conducting the assessment described in subsection (b).

(E) Such other information as the Secretary may require by regulation.

(2) FISCAL YEAR 1996.—In order for a highest State court to become eligible for a grant under this section for fiscal year 1996, the court shall submit to the Secretary an application which contains the following:

(A) A copy of the assessment described in subsection (b) that was conducted and completed with funds provided under this section.

(B) A description of the steps that were taken during the conduct of the assessment described in subsection (b), and that will be taken in the fiscal year for which the application is submitted, to consult and cooperate with the State agency responsible for children in State-supervised foster care and, if applicable, the State foster care citizen review board or the State organization of citizen review boards.

(C) A specification of the steps that will be taken to implement the recommendations described in subsection (b)(5) made in the assessment described in subsection (b), and to make other improvements in the judicial handling of child welfare and foster care cases.

(D) Assurances that the applicant will—

(i) coordinate with the head of the State agency responsible for children in State-supervised foster care, and provide the agency with a report on the actions to be taken by the applicant to implement the recommendations of the assessment;

(ii) after completion of the assessment described in subsection (b), use funds received under this section to—

(I) implement the recommendations of the assessment; and

(II) establish new activities or programs, or strengthen existing activities or programs, to carry out such recommendations; and

(iii) not use funds received under this section to supplant State or local funds used for similar purposes.

(E) Such other information as the Secretary may require by regulation.

(3) FISCAL YEARS 1997 AND 1998.—In order for a highest State court to become eligible for a grant under this section for fiscal year 1997 or 1998, the court shall submit to the Secretary an application which contains the following:

(A) A description and evaluation of the activities of the State courts under the grant made with respect to an application submitted under paragraph (2) in improving their implementation of parts B and E of title IV of the Social Security Act.

(B) A description of the steps that were taken during the previous fiscal year, and that will be taken in the year for which the application is submitted, to consult and cooperate with the head of the State agency responsible for children in State-supervised foster care and, if applicable, the State foster care citizen review board or the State organization of citizen review boards, in implementing the recommendations made in the assessment described in subsection (b).

(C) A specification of the remaining steps that will be taken to implement the recommendations described in subsection (b)(5) made in the assessment described in subsection (b), and to make other related improvements in the judicial handling of child welfare and foster care cases.

(D) A reaffirmation of the assurances made pursuant to paragraph (2)(D).

(E) Such other information as the Secretary may require by regulation.

(d) GRANT AMOUNTS.—

(1) FISCAL YEAR 1995.—Of the amounts made available to carry out this section for fiscal year 1995, each highest State court that submits an application which meets the requirements of subsection (c)(1) shall be entitled to, and the Secretary shall pay such court, a grant in an amount equal to—

(A) $150,000; plus

(B) the amount which bears the same ratio to the remainder of such available amounts as the number of individuals in the State who have not attained the age of 21 years bears to the number of individuals who have not attained such age in the States the highest State courts of which have so submitted such applications.

(2) FISCAL YEARS 1996, 1997, AND 1998.—Of the amounts made available to carry out this section for each of fiscal years 1996, 1997, and 1998, each highest State court that submits an application which meets the requirements of paragraph (2) or (3) of subsection (c) shall be entitled to, and the Secretary shall pay such court, a grant in an amount equal to—

(A) $170,000; plus

(B) the amount which bears the same ratio to the remainder of the amounts available for the fiscal year as the number of individuals in the State who have not attained the age of 21 years bears to the number of individuals who have not attained such age in the States the highest State courts of which have so submitted such applications.

(3) NO STATE MATCH REQUIRED FOR FISCAL YEAR 1995; REDISTRIBUTION OF UNUSED FUNDS.—Grant amounts under this section shall be paid to, and redistributed among, highest State courts in the same manner in which funds made available pursuant to section 420(b) of the Social Security Act are paid to, and reallotted among, the States pursuant to sections 423 and 424 of such Act, except that—

(A) for fiscal year 1995, section 423(a) of such Act shall be applied by substituting "100 percentum" for "75 percentum"; and

(B) amounts shall be redistributed on the same basis as amounts are distributed under paragraph (1)(B) or (2)(B), and amounts so redistributed shall be treated as part of the amounts distributed under paragraph (1)(B) or (2)(B), whichever is applicable.

(e) USE OF GRANTS.—

(1) FISCAL YEAR 1995.—

(A) CONDUCT ASSESSMENT.—Except as provided in subparagraph (B), each highest State court which receives a grant applied for under subsection (c)(1) shall use such grant to conduct the assessment described in subsection (b).

(B) AUTHORITY TO USE EXCESS GRANT FUNDS TO IMPLEMENT RECOMMENDATIONS.—Any highest State court which has grant funds remaining after completing the assessment may use the remainder of the grant to implement the recommendations made as part of the assessment, in fiscal year 1995 or fiscal year 1996.

(2) FISCAL YEARS 1996, 1997, AND 1998.—Each highest State court which receives a grant applied for under paragraph (2) or (3) of subsection (c) for a fiscal year shall—

(A) use the grant to implement the recommendations made as part of the assessment described in subsection (b); and

(B) expend such grant in the fiscal year or in the immediately succeeding fiscal year.

(f) ADMINISTRATIVE PROVISIONS.—

(1) GUIDELINES FOR GRANT APPLICATIONS.—Within 180 days after the effective date of this section, the Secretary shall issue guidelines for grant applications under subsection (c)(1) and transmit such guidelines to each highest State court.

(2) PROMPT ACTION ON APPLICATIONS.—The Secretary shall take prompt action on each application for a grant under this section.

(g) DEFINITIONS.—As used in this section:

(1) HIGHEST STATE COURT.—The term "highest State court" means, with respect to a State, the State court with final appellate jurisdiction over civil matters in which State courts perform a function assigned by or under State laws enacted pursuant to part B or E of the Social Security Act.

(2) STATE.—The term "State" shall have the same meaning such term has for purposes of parts B and E of title IV of the Social Security Act.

(h) REPORTS TO THE CONGRESS.—The Secretary shall submit to the Congress a report not later than September 30, 1999, on—

(1) the information obtained from the assessments conducted with grants made under this section; and

(2) the impact of the grant program under this section on the procedures and functions of the State courts in carrying out parts B and E of title IV of the Social Security Act.

(i) GRANTS FUNDED THROUGH INNOVATIVE SERVICES ENTITLEMENT FUNDS FOR CERTAIN FISCAL YEARS.—

(1) FISCAL YEAR 1995.—Of the sums made available pursuant to section 430 of the Social Security Act for fiscal year 1995, $15,000,000 of the innovative services amount (as defined in section 430(b)(1) of such Act) shall be used solely to make grants to highest State courts under this section, before applying section 432 of such Act.

(2) FISCAL YEARS 1996, 1997, AND 1998.—Of the sums made available pursuant to section 430 of the Social Security Act for each of fiscal years 1996, 1997, and 1998, $20,000,000 of the innovative services amount (as defined in section 430(b)(1) of such Act) shall be used solely to make grants to highest State courts under this section, before applying section 432 of such Act.

(j) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 5. STATE DIRECTORY OF SERVICES.

(a) STATE PLAN REQUIREMENT.—Section 422(b) (42 U.S.C. 622(b)) is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by adding at the end the following:

"(9) require the agency administering or supervising the administration of the plan, not less frequently than every 2 years, to—

"(A) compile a detailed directory of those service programs made available by the agency or by local child welfare agencies to families served by such agencies that are—

"(i) preplacement preventive services programs that are designed to help children at risk of foster care placement remain with their families;

"(ii) service programs designed to help children—

"(I) where appropriate, return to families from which they have been removed; or

"(II) be placed for adoption, with a legal guardian, or in some other planned, permanent living arrangement; or

"(iii) service programs designed to provide follow-up care to families to whom a child has been returned after a foster care placement;

"(B) identify in such directory which of the programs referred to in subparagraph (A) provides specialized child welfare services to families in crisis due to substance abuse;

"(C) include in such directory such information as the Secretary may require by rule;

"(D) include in such directory, for each of such programs—

"(i) the name and address of the program and the agency or organization that administers the program;

"(ii) a description of the services offered by the program;

"(iii) the number of individuals the program is capable of serving at one time; and

"(iv) a description of the criteria for eligibility for services under the program, including any priorities with respect to who will receive such services;

"(E) arrange the information in the directory geographically; and

"(F) provide a copy of such directory to the Secretary and to all judges and other judicial administrators, and all State agencies, that are involved in child protection, foster care, and adoption cases.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1994, and shall apply to payments under part B of title IV of the Social Security Act for fiscal year 1995 and to such payments for any succeeding fiscal year.

SEC. 6. REQUIRED PROTECTIONS FOR FOSTER CHILDREN.

(a) ELIMINATION OF INCENTIVE FUNDING MECHANISMS.—

(1) IN GENERAL.—

(A) REPEAL.—Section 427 (42 U.S.C. 627) is hereby repealed.

(B) CONFORMING AMENDMENT.—Section 423(a) (42 U.S.C. 623(a)) is amended by striking "and in section 427".

(2) STATE PLAN REQUIRED TO PROVIDE FOR FOSTER CARE PROTECTIONS OF REPEALED SECTION 427.—Section 422(b) (42 U.S.C. 622(b)), as amended by section 5(a) of this Act, is amended—

(A) by striking "and" at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting "; and"; and

(C) by adding at the end the following:

"(10) provide that the State must—

"(A) conduct or have conducted an inventory of all children who have been in foster care under the responsibility of the State for a period of 6 months preceding the inventory, and determine or have determined—

"(i) the appropriateness of, and necessity for, the foster care placement;

"(ii) whether the child can or should be returned to the parents of the child or should be freed for adoption; and

"(iii) the services necessary to facilitate either the return of the child or the placement of the child for adoption or legal guardianship;

"(B) implement and operate, to the satisfaction of the Secretary—

"(i) a statewide information system from which the status, demographic characteristics, location, and goals for the placement of every child who is in foster care, or who has been in such care within the preceding 12 months, can be readily determined;

"(ii) a case review system (as defined in section 475(5)) for each child receiving foster care under the supervision of the State;

"(iii) a service program designed to help children—

"(I) where appropriate, return to families from which they have been removed; or

"(II) be placed for adoption, with a legal guardian, or in some other planned, permanent living arrangement; and

"(iv) a preplacement preventive services program designed to help children at risk of foster care placement remain with their families; and

"(C)(i) review or have reviewed State laws, State administrative and judicial procedures, and agency legal representation in effect for children abandoned at or shortly after birth; and

"(ii) develop and implement such laws and procedures as the State determines are necessary to enable lasting permanent decisions to be made expeditiously with respect to the placement of such children;".

(3) CONFORMING AMENDMENTS.—

(A) Section 472(d) (42 U.S.C. 672(d)) is amended by striking "427(b)" and inserting "422(b)(10)".

(B) Section 425(a)(2) (42 U.S.C. 625(a)(2)) is amended by inserting "to comply with section 422(b)(10) or" before "to comply".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1995, and shall apply to payments under parts B and E of title IV of the Social Security Act for fiscal year 1996 and to such payments for any succeeding fiscal year.

(d) CONSTRUCTION OF SECTION.—This section and the amendments made by this section shall not be construed to permit any State to interrupt the provision of the foster care protections described in section 427 of the Social Security Act, as in effect before fiscal year 1996.

SEC. 7. STATES REQUIRED TO REPORT ON MEASURES TAKEN TO COMPLY WITH THE INDIAN CHILD WELFARE ACT.

(a) STATE PLAN REQUIREMENT.—Section 422(b) (42 U.S.C. 622(b)), as amended by sections 5(a) and 6(a)(2) of this Act, is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following:

"(11) contain a description, developed after consultation with tribal organizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act) in the State, of the specific measures taken by the State to comply with the Indian Child Welfare Act.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1994, and shall apply to payments under part B of title IV of the Social Security Act for fiscal year 1995 and to such payments for any succeeding fiscal year.

SEC. 8. REPORTS ON CHILD WELFARE SERVICES AND EXPENDITURES.

(a) POST-EXPENDITURE REPORTS.—

(1) IN GENERAL.—Part B of title IV (42 U.S.C. 620–628) is amended by inserting after section 428 the following:

"SEC. 429. REPORT ON EXPENDITURES.

"(a) PREPARATION.—Each State shall prepare annual reports on the services provided with funds paid under this part (other than under section 434(a)(2)) during the most recently completed fiscal year, which shall be in such form and contain such information as the State finds necessary to—

"(1) provide an accurate description of such services;

"(2) secure a complete record of the purposes for which the funds were spent; and

"(3) enable a determination of the extent to which the funds were spent in a manner consistent with the information provided by the State pursuant to section 422(b)(5).

"(b) DISSEMINATION.—Not later than the date prescribed by the Secretary as the due date for each report required by subsection (a), each State shall—

"(1) transmit to the Secretary a copy of each such report;

"(2) make copies of each such report available for public inspection in the State; and

"(3) provide copies of each such report, upon request, to any interested public agency, which may provide to the Congress the views of such agency on any such report.

"(c) ESTABLISHMENT OF UNIFORM DEFINITIONS.—The Secretary shall, to the extent feasible, establish uniform definitions of services for use by the States in preparing the reports required by subsection (a) of this section, taking into consideration the uniform definitions established for the reports required by section 2006, and shall take such other steps as may be necessary or appropriate to ensure that compliance with this section will not be unduly burdensome on the States.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1994, and shall apply to expenditures under State plans under part B of title IV of the Social Security Act in or after fiscal year 1995.

(b) COMPARATIVE FINANCIAL CONTRIBUTION REPORTS.—

(1) IN GENERAL.—Section 422(b) (42 U.S.C. 622(b)), as amended by sections 5(a), 6(a)(2), and 7(a) of this Act, is amended—

(A) by striking "and" at the end of paragraph (10);

(B) by striking the period at the end of paragraph (11) and inserting "; and"; and

(C) by adding at the end the following:

"(12) include information for the second fiscal year preceding the fiscal year covered by the plan, in such form as the Secretary may prescribe by regulation, on—

"(A) the aggregate amount expended by the State and the political subdivisions thereof for the provision of child welfare services (other than foster care maintenance payments and adoption assistance payments), broken down in a manner that shows the extent to which such amount was expended from funds provided by each of Federal, State, or local sources; and

"(B) the aggregate amount expended by the State and the political subdivisions thereof for foster care maintenance payments and adoption assistance payments, broken down in a manner that shows the extent to which such amount was expended from funds provided by each of Federal, State, or local sources.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to State plans under part B of title IV of the Social Security Act for fiscal year 1995 and to such plans for any succeeding fiscal year.

(3) REPORTS TO THE CONGRESS.—Section 422 (42 U.S.C. 622) is amended by adding at the end the following:

"(c) The Secretary shall annually transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a summary of the information received from States pursuant to subsection (b)(12), and shall make available to the public copies of the summary at a charge equal to the cost of printing.".

SEC. 9. INVOLVEMENT OF PRIVATE PARTIES IN THE DEVELOPMENT OF STATE PLANS.

(a) IN GENERAL.—Section 422(b) (42 U.S.C. 622(b)), as amended by sections 5(a), 6(a)(2), 7(a), and 8(b)(1) of this Act, is amended—

(1) by striking "and" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting "; and"; and

(3) by adding at the end the following:

"(13) provide for the involvement and use of the expertise of nonprofit organizations, and relevant experts, involved in the delivery of services to children and families, and consumers, in the development of the plan.".

SEC. 10. COMPREHENSIVE SERVICE PROJECTS.

(a) COMPREHENSIVE SERVICE PROJECTS.—

(1) IN GENERAL.—Title IV (42 U.S.C. 601-687) is amended by inserting after part B the following:

"PART C—COMPREHENSIVE SERVICE PROJECTS

"SEC. 441. COMPREHENSIVE SERVICE PROJECTS.

"(a) IN GENERAL.—

"(1) PURPOSE.—The purpose of this section is to grant not more than 3 States the flexibility and resources necessary to develop comprehensive and coordinated services designed—

"(A) to preserve and strengthen families with children at risk of placement outside their home;

"(B) to reunite children with their families expeditiously if an out-of-home placement is found to be necessary; and

"(C) to place children in adoptive homes or other permanent arrangements in a timely fashion if reunification with their families is not appropriate.

"(2) METHOD.—The method of this section is to permit any State to apply to the Secretary for permission—

"(A) to conduct a comprehensive service project in accordance with this section in such area or areas of the State as the State may select; and

"(B) to suspend certain requirements of parts B and E with respect to the activities of the State in such area or areas during the project.

"(3) ENTITLEMENT.—For payments to which States authorized to conduct projects under this section are entitled under this part, there shall be available to the Secretary for each fiscal year an amount equal to 10 percent of the aggregate of the amounts that would have been paid to such States under section 423 for the fiscal year, and the amounts that would have been paid to such States under section 434 for the fiscal year, if the Secretary had approved the State plans of such States under part B for the fiscal year and had not authorized such States to conduct projects under this section for the fiscal year.

"(b) APPLICATIONS.—Not later than 3 months before the fiscal year in which a State desires to commence a comprehensive services project under this section, the State may submit to the Secretary an application to conduct the project which shall contain the following:

"(1) A plan and a timetable for assessing by the end of the fiscal year—

"(A) whether procedures and policies of the child welfare agency of the State, or of the area or areas of the State in which the project is to be conducted, provide for the coordinated delivery of services to children and their families, and the specific barriers that must be overcome to ensure such coordination;

"(B) the service needs of families in the area or areas of the State in which the project is to be conducted whose child or children are at imminent risk of placement outside their home or are in an out-of-home placement in the child welfare, juvenile justice, or mental health system;

"(C) specific service programs available in the area or areas of the State in which the project is to be conducted that address the service needs of such families; and

"(D) the extent to which common practices, policies, and procedures among the child welfare, juvenile justice, and mental health systems in the area or areas of the State in which the project is to be conducted govern the assessment of children and their families, the provision of case plans, the delivery of services to children and their families, and the periodic reviews of the services provided, particularly with regard to families whose child or children are at imminent risk of placement outside their home or are in an out-of-home placement;

"(2) a plan and a timetable for implementing, to the extent appropriate—

"(A) procedures and policies of the child welfare agency of the State, or of the area or areas of the State in which the project is to be conducted, that will result in the coordinated and efficient delivery of the range of child welfare services to families in the child welfare system;

"(B) a comprehensive services program designed to—

"(i) preserve and strengthen families with children at imminent risk of placement outside their home;

"(ii) reunite children with their families expeditiously if an out-of-home placement is found to be necessary;

"(iii) place children in adoptive homes or other permanent arrangements in a timely fashion if reunification with their families is not appropriate;

"(iv) meet the primary service needs of targeted families in the area or areas of the State in which the project is to be conducted who are in the child welfare, juvenile justice, or mental health system and whose child or children are at imminent risk of placement outside their home or are in an out-of-home placement; and

"(v) include, at a minimum, access to substance abuse treatment, parenting education, health, mental health, crisis management, and counseling services;

"(C) a common assessment tool for targeting which children and families who come to the attention of the child welfare, juvenile justice, and mental health systems will participate in the program described in subparagraph (B);

"(D) joint training of staff from the child welfare, mental health, and juvenile justice systems who will be involved in the program described in subparagraph (B);

"(E) a system for delivering services under the program described in subparagraph (B) to families targeted for the program which ensures a single point of entry and uses a unified case management approach, and thereby minimizes unnecessary and duplicative assessments and services;

"(F) an information system to track children and families across systems who participate in the program described in subparagraph (B), which provides data, not less frequently than annually, on the number of children and families served from each system and the nature of the services provided; and

"(G) a mechanism by which to ensure that relevant information on the service and treatment needs and outcomes of children and their families which is developed through their participation in the program described in subparagraph (B) is made available, as appropriate, to case managers and service providers in the relevant agencies who are charged with making service, placement, and other decisions with respect to the children and their families;

"(3) a statement of the specific outcomes the State expects by conducting the project, which shall include outcomes in at least the following areas—

"(A) an increase in the well-being of children;

"(B) a reduction in placements and expenditures for out-of-home care relative to what would have occurred otherwise;

"(C) an increase in the level and mix of preventive services available to families in the child welfare, juvenile justice, and mental health systems; and

"(D) an increase in coordination and cooperation among the child welfare, juvenile justice, and mental health agencies;

"(4) a specification of the area or areas of the State in which the project is to be conducted, in which must reside not fewer than 300,000 individuals in the aggregate at the time the application is submitted;

"(5) a certification that all cost savings resulting from the project will be used to provide child welfare services to families;

"(6) a certification that the State will provide the Secretary with such information about the project and the State programs carried out pursuant to parts B and E as the Secretary may request;

"(7) a certification that—

"(A) the State will not use any funds provided under this section to supplant any Federal, State, or local funds used for similar purposes;

"(B) the aggregate amount expended from State and local sources by the State and the political subdivisions thereof for the provision of child welfare services (excluding foster care maintenance payments and adoption assistance payments) during any fiscal year will be not less than the aggregate amount so expended during fiscal year 1993; and

"(C) the aggregate amount expended from State and local sources by the State and the political subdivisions thereof for the provision of child welfare services during any fiscal year will be not less than the aggregate amount so expended during fiscal year 1993;

"(8) a certification that the individual or agency referred to in section 422(b)(1)(A) shall have lead responsibility for the operation and administration of the project under this section;

"(9) a certification by the Governor of the State that project activities will be coordinated among the State child welfare, juvenile justice, and mental health agencies, and other appropriate State agencies; and

"(10) a list of those requirements of parts B and E which are to apply to the project, in addition to the requirements imposed by the provisions specified in subsection (c)(6)(A) of this section.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) NOTIFICATION TO STATES OF APPLICATION REQUIREMENTS.—Not later than 6 months after the date of the enactment of this section, the Secretary shall prepare and transmit to each State a detailed explanation of the requirements for conducting a project under this section.

"(2) CONSIDERATION OF APPLICATIONS.—The Secretary shall consider all applications (and amendments thereto) received from States desiring to conduct a project under this section.

"(3) AMENDMENT OF APPLICATIONS.—A State may, at any time and for any fiscal year, submit to the Secretary 1 or more amendments to any application submitted to the Secretary under this section.

"(4) APPROVAL OF APPLICATIONS.—

"(A) IN GENERAL.—The Secretary shall not approve any application of a State to conduct a project under this section, or any amendment thereto, that does not meet the requirements of this section to the satisfaction of the Secretary.

"(B) FREEDOM OF STATES TO SELECT AREAS IN WHICH TO CONDUCT THE PROJECT.—The Secretary may not, as a condition of approval of a State application to conduct a project under this section or of any amendment thereto, require the State to select any particular area or areas of the State in which to conduct the project.

"(C) FREEDOM OF STATES TO SELECT PROVISIONS OF PARTS B AND E TO APPLY TO THE PROJECT.—The Secretary may not, as a condition of approval of a State application to conduct a project under this section or of any amendment thereto, require the project to comply with any provision of part B or E not specified in paragraph (6)(A) of this subsection.

"(6) AUTHORITY TO CONDUCT PROJECT; GRANT AUTHORITY.—If the Secretary approves the application of a State to conduct a project under this section, then—

"(A) the Secretary shall authorize the State to conduct the project in accordance with the approved application therefor and any approved amendments thereto, and the requirements of section 427, the provision of section 471(a)(1) requiring the State plan to provide for adoption assistance in accordance with section 473, paragraphs (8), (9), (10), (12), (13), (15), and (16) of section 471(a), and sections 472(h), 473, and 479 shall apply to the project; and

"(B) in lieu of receiving the funds that would otherwise be provided to the State for any fiscal year pursuant to sections 423, 434, and 474 (other than with respect to adoption assistance) with respect to the activities of the State in the area or areas of the State in which the project is to be conducted, the State shall be entitled to receive a grant, in accordance with subsection (d) of this section, for each fiscal year, from the amount allotted to the State for the fiscal year under section 421, the total amount allotted to the State for the fiscal year under section 432, the amount to which the State is entitled for the fiscal year under part E, and the amount made available pursuant to subsection (a)(3) of this section.

"(d) ANNUAL GRANTS.—

"(1) AMOUNT OF GRANT.—

"(A) IN GENERAL.—The amount of the grant to be paid under this subsection to a State for a fiscal year shall be the amount determined by the Secretary to be—

"(i) the sum of—

"(I) 110 percent of the aggregate of the amount that would have been paid to the State under section 423 for the fiscal year, and the total amount that would have been paid to such States under section 434 for the fiscal year, if the Secretary had approved the State plan under part B for the fiscal year and had not authorized the State to conduct a project under this section for the fiscal year; and

"(II) the aggregate of the expenses for which the State would properly have submitted a claim for reimbursement under section 474 (other than with respect to adoption assistance) for the fiscal year if the Secretary had approved the State plan under part E for the fiscal year and had not authorized the State to conduct a project under this section for the fiscal year;

multiplied by

"(ii) the quotient equal to—

"(I) the number of children in the area or areas in which the project is to be conducted under this section with respect to whom the State would have made foster care maintenance payments under section 472 for the fiscal year if the Secretary had approved the State plan under part E for the fiscal year and had not authorized the State to conduct the project; divided by

"(II) the total number of children in the State with respect to whom the State would have so made such payments for the fiscal year.

"(B) CALCULATION OF GRANT AMOUNT.—The Secretary shall calculate the expenses for which a State would properly have submitted a claim for reimbursement under section 474 (other than with respect to adoption assistance) for a fiscal year by—

"(i) determining the amount paid to the State with respect to such expenses for the fiscal year immediately preceding the fiscal year in which the State commenced (or is to commence) the project under this section;

"(ii) adjusting such amount annually for inflation based on changes in the Consumer Price Index for all urban consumers for the most recent 12-month period for which data are available; and

"(iii) increasing such amount, to the extent the Secretary deems appropriate, by taking into account—

"(I) any estimate made by the State of the expenses for which the State would properly have submitted such a claim for reimbursement for the fiscal year;

"(II) the rate at which the number of children on whose behalf the Federal Government has reimbursed foster care maintenance payments made by States not participating in the project has recently increased (emphasizing those nonparticipating States which have similar child welfare programs and similar foster care caseload characteristics), as determined by the Secretary;

"(III) changes in State laws or procedures that have the effect of changing the rate at which children are placed in foster care or changing the costs of maintaining children in foster care;

"(IV) the amount (if any) by which—

"(aa) the national average number of children per State who, as of the end of the fiscal year immediately preceding the commencement of the project, have not attained the age of 18 years and were eligible for benefits under the respective State plan under part E (expressed as a percentage of the total population of children in the respective State who have not so attained such age); exceeds

"(bb) the number of such children in the State (expressed as a similar percentage); and

"(V) other factors deemed appropriate by the Secretary.

"(2) NOTIFICATION TO STATES OF AMOUNT OF GRANTS.—The Secretary shall notify each State of the amount of the grant to be made to the State for a fiscal year under this subsection, not later than—

"(A) in the case of the first grant with respect to an approved application, the later of—

"(i) 45 days after the Secretary receives the application therefor; or

"(ii) August 1 of the fiscal year immediately preceding the fiscal year for which the grant is to be made; and

"(B) in any other case, August 1 of such immediately preceding fiscal year.

"(3) GRANTS TO BE PAID IN EQUAL QUARTERLY INSTALLMENTS.—The Secretary shall pay each grant under this subsection in equal quarterly installments.

"(e) PRESERVATION OF CERTAIN BENEFITS.—During the period in which a State is conducting a project under this section—

"(1) the State may not carry out the project in a manner which impairs the entitlement of any child to—

"(A) the foster care benefits the child would have received under a State plan approved under part E if the Secretary had approved the State plan under part E for the fiscal year and had not authorized the State to conduct a project under this section for the fiscal year; or

"(B) any other benefit to which the child is entitled by law; and

"(2) the State shall, for purposes of section 402(a)(20), be deemed to have in effect a State plan approved under part E.

"(f) Report on Expenditures.—

"(1) In general.—Not later than April 1 of the fiscal year immediately following each fiscal year for which a State conducts a project under this section, the State shall prepare and submit to the Secretary a report on the funds expended under the project.

"(2) Form and content.—

"(A) In general.—The report required by paragraph (1) shall be in such form and contain such information as the State finds necessary to—

"(i) accurately describe how the grant made under this section for the fiscal year was used;

"(ii) provide a complete record of how the grant funds were expended; and

"(iii) enable a determination of the extent to which the funds were spent in a manner consistent with the application therefor.

"(B) Inclusion of information on comparative financial contributions.—The report required by paragraph (1) for any fiscal year after fiscal year 1994 shall include the information described in section 422(b)(12) for the 2nd preceding fiscal year.

"(g) Administrative Remedies for Unsuccessful Projects.—If the Secretary has determined that the State is not conducting the project in accordance with this section or is not making satisfactory progress toward the achievement of the plans of the State, the Secretary may—

"(1) provide technical assistance to the project;

"(2) require the State to take corrective action with respect to the project; or

"(3) after notice and opportunity for hearing, reduce the payments that would otherwise be due the State under this section by an amount which the Secretary determines is appropriate.

"(h) Termination of Projects.—

"(1) In general.—Any State authorized to conduct a project under this section shall discontinue the project at the end of a fiscal year—

"(A) if the State has notified the Secretary that the State intends to discontinue the project at the end of the fiscal year; or

"(B) if the Secretary has determined that the State is not conducting the project in accordance with this section or is not making satisfactory progress toward the achievement of the plans of the State, and the Secretary does not plan to take action under subsection (g) during the fiscal year with respect to the project.

"(2) Effect of project termination.—On the discontinuance of a project of a State under this section, parts B and E shall apply with respect to the population of, and the activities of the State in, the area or areas of the State in which the project was conducted.".

(2) Effective date.—The amendment made by paragraph (1) shall take effect on October 1, 1993.

(b) Demonstration Projects To Improve Coordination of Services.

(1) In general.—Part E of title IV (42 U.S.C. 670-679) is amended by inserting after section 474 the following:

"SEC. 474A. DEMONSTRATION PROJECTS FOR THE COORDINATION OF CHILD AND FAMILY SERVICES.

"(a) In order to improve the coordination of child and family services, the Secretary shall authorize not more than 3 States to conduct demonstration projects, to be carried out in accordance with this section.

"(b) An application to conduct a demonstration project under this section submitted by the Governor of a State shall include a description of the measures to be employed to improve the coordination of the services and benefits provided by child and family services programs carried out under the State plan under this part with programs which provide services to families and children including some or all of the following programs and services:

"(1) The program of aid and services for needy families with children carried out under the State plan pursuant to part A.

"(2) The child support and spousal support enforcement program carried out under the State plan pursuant to part D.

"(3) The job opportunities and basic skills training program carried out under section 402(a)(19) and part F.

"(4) The special supplemental food program for women, infants, and children (the WIC program) authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(5) The maternal and child health block grant program under title V.

"(6) Medical assistance furnished under the State plan approved under title XIX.

"(7) Drug treatment programs and other substance abuse programs.

"(8) Mental health services programs.

"(9) Juvenile justice programs.

"(10) Programs for developmentally disabled individuals.

"(11) Any additional services for children and families that the State determines necessary to meet the needs of all family members in order to carry out the purposes of this section that are approved by the Secretary.

"(c) A demonstration project conducted under this section may be conducted for a period of not more than 3 years.

"(d)(1) Each State that conducts a demonstration project authorized by the Secretary under this section shall, as a part of such demonstration project, conduct an evaluation of the effectiveness of the demonstration project in improving the coordination and the funding of child and family services.

"(2) Amounts expended by the State for the purposes of conducting an evaluation under this subsection shall be considered to be amounts expended for the proper and efficient administration of the State plan under this part.

"(e) Upon completion of a demonstration project under this section, each State shall submit a report to the Secretary concerning the results of the evaluation described in subsection (d).

"(f) Each State shall submit to the Secretary at such time as the Secretary may prescribe by regulation—

"(1) a description of administrative policies and laws of the Federal Government and the State or a political subdivision of the State, identified by the State as impediments to the coordination of the delivery of the child and family services described in subsection (b); and

"(2) a description of the measures that the State has taken or intends to take to eliminate or reduce impediments described in paragraph (1) that are attributable to administrative policies and laws of the State or a political subdivision of the State.

"(g) This section shall not be construed to authorize the Secretary or appropriate agency head to waive or modify any requirement of the programs described in subsection (b).".

(2) Payments to states for demonstration projects.—

(A) In general.—Section 474(a) (42 U.S.C. 674(a)) is amended—

(i) by striking the period at the end of paragraph (4)(B)(ii) and inserting "; plus"; and

(ii) by adding at the end the following:

"(5) if such State is authorized to conduct a demonstration project pursuant to section 474A, 50 percent of so much of such expenditures (not to exceed $750,000 for each quarter during the period of such demonstration project) to carry out the demonstration project.".

(B) Effective date.—The amendments made by subparagraph (A) shall apply to expenditures made after September 30, 1993.

(c) Review of Administrative Policies and Regulations.—(1) The Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Education, and the Attorney General of the United States shall review the administrative policies and regulations relating to the funding and delivery of services for families and children (as described in section 474A(b) of the Social Security Act, as added by subsection (a) of this section) of the Department of Health and Human Services, the Department of Agriculture, the Department of Education, and the Department of Justice, respectively, to determine whether changes in such administrative policies and regulations may be made without statutory changes to improve the funding and delivery of such services.

(2) In conducting a review pursuant to paragraph (1), the heads of departments described in paragraph (1) shall consult with appropriate representatives of the governments of States and political subdivisions of States.

(3) Not later than July 1, 1994, the heads of the departments described in paragraph (1) shall collectively (or separately after consultation with the others) issue a report to the Congress that includes—

(A) recommendations for statutory changes, as well as changes in regulations and administrative policies, to improve the coordination of the funding and delivery of child and family services;

(B) a description of the technical assistance that the heads of the departments will make available to the States to improve the coordination of the funding and delivery of child and family services; and

(C) an analysis of the impediments identified pursuant to section 474A(f)(1) of the Social Security Act, as added by subsection (a) of this section, as such impediments relate to Federal policies and laws.

SEC. 11. DISSOLVED ADOPTIONS.

(a) Eligibility for Foster Care Maintenance Payments.—Section 472 (42 U.S.C. 672) is amended—

(1) in subsection (b), by inserting "or (i)" after "subsection (a)"; and

(2) by adding at the end the following:

"(i) Any State with a plan approved under this part may make foster care maintenance payments under this part on behalf of a child—

"(1) with respect to whom such payments were previously made;

"(2) whose adoption has been set aside by a court;

"(3) who meets the requirements of paragraphs (1), (2), and (3) of subsection (a); and

"(4) who fails to meet the requirements of subsection (a)(4) but would meet such requirements if—

"(A) the child were treated as if the child were in the same financial and other circumstances the child was in the last time the child was determined eligible for such payments; and

"(B) the adoption were treated as having never occurred.".

(b) ELIGIBILITY FOR ADOPTION ASSISTANCE PAYMENTS.—Section 473(a) (42 U.S.C. 673(a)) is amended by adding at the end the following:

"(7) Any State with a plan approved under this part may enter into an adoption assistance agreement with the adoptive parents of any child with respect to whom the State may make foster care maintenance payments under section 472(i).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993, and shall apply to payments under part E of title IV of the Social Security Act in or after fiscal year 1994.

SEC. 12. EXTENSION OF DEFINITION OF CHILDREN WITH SPECIAL NEEDS.

(a) IN GENERAL.—Section 473(c) (42 U.S.C. 673(c)) is amended to read as follows:

"(c)(1) For purposes of this section, a child shall not be considered a child with special needs unless—

"(A) the State determines that—

"(i) the child cannot or should not be returned to the home or the legal custody of the parents of the child;

"(ii) there exists a specific factor or condition (such as his ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps), or information available and known about the child indicating a high risk of medical conditions or physical, mental, or emotional handicaps, which makes it reasonable to conclude that the child cannot be placed for adoption without providing adoption assistance under this section or medical assistance under title XIX; and

"(iii) except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in their care as a foster child or a relative, a reasonable but unsuccessful effort has been made to place the child with appropriate adoptive parents without providing adoption assistance or medical assistance under title XIX; or

"(B) the State determines that the child—

"(i) has been adopted;

"(ii) immediately before the adoption was under the care and responsibility of the State agency administering or supervising the administration of the State programs under this part or of a private nonprofit organization; and

"(iii) has a mental, physical, or emotional handicap that—

"(I) existed before the adoption but was not diagnosed until after the adoption; or

"(II) first manifests itself after the adoption but is congenital or was caused before the adoption.

"(2) Each State shall submit to the Secretary the factors and conditions used by the State to identify children with special needs for purposes of this section, and any modifications to such factors and conditions.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994, and shall apply with respect to children who are adopted after September 30, 1994, and who become eligible for adoption assistance payments under section 473 of the Social Security Act in or after fiscal year 1995.

SEC. 13. STUDY OF REASONABLE EFFORTS REQUIREMENT BY ADVISORY COMMITTEE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish an Advisory Committee on Foster Care Placement (in this section referred to as the "Advisory Committee") to study and make recommendations concerning the implementation of the requirements imposed under section 471(a)(15) of the Social Security Act.

(b) MEMBERSHIP.—The Advisory Committee shall consist of not fewer than 9 members. In appointing persons to the Advisory Committee, the Secretary shall include representatives of the following types of organizations and agencies:

(1) Private, nonprofit organizations with an interest in child welfare (including such organizations that provide child protective services, foster care services, adoption services, or family support services).

(2) Agencies of States and political subdivisions thereof responsible for child protective services, foster care services, or adoption services.

(3) Judicial bodies of States and political subdivisions thereof responsible for adjudicating issues of family law (as defined and determined by the Secretary).

(c) TRAVEL EXPENSES.—While away from their homes or regular places of business and on the business of the Advisory Committee, the members of the Advisory Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

(d) HIRING AUTHORITY.—The Advisory Committee may employ and fix the level of compensation for 1 individual.

(e) REPORT.—Not later than April 1, 1995, the Advisory Committee shall submit a report to the Secretary and to the Congress that includes legislative or other recommendations concerning the implementation of the requirements imposed under section 471(a)(15) of the Social Security Act.

SEC. 14. ADOPTION EXPENSE DEDUCTION.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 221 as section 222 and by inserting after section 221 the following new section:

"SEC. 221. SPECIAL NEEDS ADOPTION EXPENSES DEDUCTION.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction for the taxable year the amount of the qualified adoption expenses paid or incurred by the individual for such taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM DOLLAR AMOUNT.—The aggregate amount of adoption expenses which may be taken into account under subsection (a) with respect to the adoption of a child shall not exceed $3,000.

"(2) DENIAL OF DOUBLE BENEFIT.—

"(A) IN GENERAL.—No deduction shall be allowable under subsection (a) for any expense for which a deduction or credit is allowable under any other provision of this chapter.

"(B) REIMBURSEMENTS.—If a taxpayer is reimbursed for any qualified adoption expenses for which a deduction was allowed under subsection (a), the amount of such reimbursement shall be includable in the gross income of the taxpayer in the taxable year in which such reimbursement was received.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED ADOPTION EXPENSES.—The term 'qualified adoption expenses' means reasonable and necessary adoption fees, court costs, attorneys fees, and other expenses which—

"(A) are directly related to the legal adoption of a child with special needs by the taxpayer,

"(B) are not incurred in violation of State or Federal law, and

"(C) are of a type eligible for reimbursement under the adoption assistance program under part E of title IV of the Social Security Act.

"(2) CHILD WITH SPECIAL NEEDS.—The term 'child with special needs' means any child determined by the State to be a child described in subparagraph (A) or (B) of section 473(c)(1) of the Social Security Act.".

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES DEDUCTIONS.—Subsection (a) of section 62 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (13) the following new paragraph:

"(14) ADOPTION EXPENSES.—The deduction allowed by section 221 (relating to deduction for expenses of adopting a child with special needs).".

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 221 and by inserting the following new items:

"Sec. 221. Special needs adoption expenses deduction.

"Sec. 222. Cross reference.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to adoptions occurring in taxable years beginning after December 31, 1993.

SEC. 15. PERIODIC REEVALUATION OF FOSTER CARE MAINTENANCE PAYMENTS.

(a) IN GENERAL.—Section 471(a)(11) (42 U.S.C. 671(a)(11)) is amended to read as follows:

"(11)(A) provides for periodic review of the standards referred to in paragraph (10) to assure their continuing appropriateness; and

"(B) provides for the review, not less frequently than once every 3 years, of the amounts paid as foster care maintenance payments and adoption assistance to assure their continuing appropriateness, and a report to the Secretary and the public on the results of such review at such time and in such form and manner as the Secretary may by regulation require, which contains, at a minimum—

"(i) a statement of the manner in which the foster care maintenance payment level is determined, including information on the cost of foster care with respect to which such payments are made;

"(ii) information with respect to the basic foster care maintenance payment level, whether such payment level includes an amount to cover the cost of clothing, and whether such payment level varies by the type of care or the special needs or age of the child, and if so, the payment levels for each special need, care, or age category;

"(iii) if such payments are not made at a different rate for children with special needs who test positive for human immunodeficiency virus, have acquired immune deficiency syndrome, are addicted to drugs, or suffer from complications due to exposure to drugs or alcohol, the reasons therefor; and

"(iv) information on any limitations imposed by the State on adoption assistance payments levels;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on

October 1, 1993, and shall apply to payments under part E of title IV of the Social Security Act for fiscal year 1994 and to such payments for any succeeding fiscal year.

SEC. 16. CASE REVIEW SYSTEM REQUIREMENTS.

(a) Accelerated Dispositional Hearing.—Section 475(5)(C) (42 U.S.C. 675(5)(C)) is amended by striking "eighteen months" and inserting "15 months".

(b) Periodic Review of Children Free for Adoption.—Section 475(5)(B) (42 U.S.C. 675(5)(B)) is amended—

(1) by inserting "(i)" after "(B)";

(2) by inserting "and" after "legal guardianship"; and

(3) by adding at the end the following:

"(ii) if the entity conducting the review finds that the child should be placed for adoption, the entity shall determine and document the measures needed to enhance the likelihood of making the child legally eligible for adoption and of finding an adoptive home for the child, and if the child is legally eligible for adoption, determine and document (I) the specific measures which have been taken, and the specific measures which need to be taken, to make an adoptive placement, or (II) a finding that placement of the child in an adoptive family would be inappropriate,".

(c) Most Appropriate Setting.—Section 475(5)(A) (42 U.S.C. 675(5)(A)) is amended by inserting "and most appropriate" after "(most family like)".

(d) Citizen Volunteer Input.—Section 475(5) (42 U.S.C. 675(5)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by inserting at the end the following new subparagraph:

"(E) to the extent determined appropriate by the State, citizen volunteers may participate in making recommendations at either the court or administrative reviews described in subparagraph (B) or at the dispositional hearings described in subparagraph (C).".

(e) Effective Dates.—

(1) Accelerated dispositional hearing; periodic review of children free for adoption.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1995, and shall apply to payments under part E of title IV of the Social Security Act for fiscal year 1996 and to such payments for any succeeding fiscal year.

(2) Most appropriate setting.—The amendment made by subsection (c) shall take effect with respect to case reviews conducted on or after July 1, 1994.

(3) Citizen volunteer input.—The amendments made by subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 17. HEALTH CARE PLANS FOR FOSTER CHILDREN.

(a) In General.—Section 475(1)(C) (42 U.S.C. 675(1)(C)) is amended—

(1) in clause (i), by striking "and addresses" and inserting ", addresses, and telephone numbers";

(2) in clause (vii), by striking "and"; and

(3) by redesignating clause (viii) as clause (ix) and inserting after clause (vii) the following:

"(viii) a record indicating that the child's foster care provider was advised (where appropriate) of the child's eligibility for early and periodic screening, diagnostic, and treatment services under title XIX; and".

(b) Effective Date.—The amendments made by subsection (a) shall apply to case plans established or reviewed on or after January 1, 1994.

SEC. 18. PLACEMENT ACCOUNTABILITY.

(a) Case Plan Provisions Required for Children in Out-of-State Foster Care Placements.—Section 475(1) (42 U.S.C. 675(1)) is amended by inserting after subparagraph (C) the following:

"(D) In the case of a child receiving foster care maintenance payments under section 472 who is placed in a facility outside the State, a finding that—

"(i) efforts have been made to place the child in a facility in the State;

"(ii) the child needs services not available in the State;

"(iii) the placement is in the least restrictive (most family like) and most appropriate setting available, consistent with the best interests and the special needs of the child; and

"(iv) the placement has been approved by—

"(I) a court; or

"(II) a committee (such as a foster care review board), established by the State, that reviews placements outside the State and that, in addition to the appropriate State personnel, includes child advocates, parents, and other individuals the State deems appropriate.".

(b) Status of Children in Out-of-State Foster Care Placements To Be Judicially Reviewed Annually With the Child Present.—Section 475(5)(B) (42 U.S.C. 675(5)(B)), as amended by section 16(b) of this Act, is amended—

(1) by striking "and" at the end of clause (i);

(2) by adding "and" at the end of clause (ii); and

(3) by adding at the end the following:

"(iii) in the case of a child who is placed by a State in a foster care facility outside the State, the status of the child shall be reviewed by a court, not less frequently than annually, with the child present, unless the court determines that due to the age or condition of the child, or for some other good cause, the presence of the child would be detrimental to the child or would not accomplish a useful purpose,".

(c) State Plan Requirement.—Section 471(a) (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (16);

(2) by striking the period at the end of paragraph (17) and inserting "; and"; and

(3) by adding at the end the following:

"(18) provides that the State agency must ensure that any facility outside the State in which a child eligible for foster care maintenance payments under section 472 is placed has certified to the originating State that the facility meets the standards of the originating State which apply to child care facilities, or the standards recommended by national organizations concerned with standards for such facilities, including standards of the types described in paragraph (10).".

(d) Collection of Data on Numbers of Children in Out-of-State Foster Care Placements.—Section 479(c)(3)(C) (42 U.S.C. 679(c)(3)(C)) is amended—

(1) by striking "and" at the end of clause (i); and

(2) by adding at the end the following:

"(iii) children placed in foster care outside the State, and".

(e) Effective Dates.—

(1) Case plan, case review system, and state plan changes.—The amendments made by subsections (a), (b), and (c) shall take effect on October 1, 1994 and shall apply to payments under part E of title IV of the Social Security Act for expenditures made in fiscal years 1995, 1996, and 1997.

(2) Data collection.—The amendments made by subsection (d) shall take effect on October 1, 1995 and shall apply to payments under part E of title IV of the Social Security Act for expenditures made in or after fiscal year 1996.

(f) Study of Reasons for Making Out-of-State Foster Care Placements.—In order for a State to receive payments under section 474 of the Social Security Act for amounts expended after fiscal year 1995 for foster care maintenance payments under section 472 of such Act made with respect to children placed by the State in foster care outside the State, the State shall, by the end of such fiscal year, conduct and submit to the Secretary a study designed to identify—

(1) the number of such children and the characteristics (if any) common to such children; and

(2) the reasons why such children were not placed in foster care in the State.

SEC. 19. INDEPENDENT LIVING.

(a) Accumulation of Assets.—Section 477 (42 U.S.C. 677) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) inserting after subsection (h) the following new subsection:

"(i) Notwithstanding any other provision of this title or of title XIX, with respect to a child who is included in a program established under subsection (a), an amount of the assets of the child which would otherwise be regarded as resources for the purposes of determination of eligibility for programs under this title or title XIX may be disregarded for the purpose of allowing such child to establish a household. Such amount may not exceed an amount determined by the State agency responsible for the administration of the program as reasonable for the purpose of establishing a household.".

(b) Permanent Extension.—Section 477 (42 U.S.C. 677) is amended—

(1) in subsection (a)(1), by striking the 3rd sentence;

(2) in subsection (c), by striking "of the fiscal years 1988 through 1992" and inserting "succeeding fiscal year";

(3) in subsection (e)(1)(A), by striking "each of the fiscal years 1987 through 1992" and inserting "any fiscal year".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 1993, and shall apply to payments under part E of title IV of the Social Security Act for fiscal year 1994 and payments made under such part for any succeeding fiscal year.

SEC. 20. ELIMINATION OF FOSTER CARE CEILINGS AND OF AUTHORITY TO TRANSFER UNUSED FOSTER CARE FUNDS TO CHILD WELFARE SERVICES PROGRAMS.

(a) Repeal.—Subsections (b) and (c) of section 474 (42 U.S.C. 674 (b) and (c)) are hereby repealed.

(b) Conforming Amendments.—Section 474 (42 U.S.C. 674) is amended—

(1) in subsection (d)—

(A) by striking "subsections (a), (b), and (c)" and inserting "subsection (a)"; and

(B) by striking "the provisions of such subsections" and inserting "subsection (a)"; and

(2) by redesignating subsection (d) as subsection (b).

(c) Effective Date.—The amendments and repeal made by this section shall take effect on October 1, 1993, and shall apply to payments under part E of title IV of the Social Security Act for fiscal year 1994 and to such payments for any succeeding fiscal year.

SEC. 21. REGULATIONS FOR TRAINING OF AGENCY STAFF AND OF FOSTER AND ADOPTIVE PARENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish an advisory committee which shall include representatives of—

(1) nonprofit organizations with an interest in child welfare (including organizations that train professional social workers in the field of child welfare services); and

(2) organizations representing State and local governmental agencies with responsibility for foster care and adoption services.

(b) FINAL REGULATIONS.—Not later than 15 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall, after consultation with the advisory committee established under subsection (a), issue final regulations setting forth detailed guidelines to assist States in using Federal matching funds authorized to be provided under section 474(a)(3) of the Social Security Act for the purpose of training for—

(1) individuals who are employed, or preparing for employment, by the agencies with responsibility for administering the foster care and adoption assistance programs of the States under part E of title IV of such Act; and

(2) foster and adoptive parents.

(c) TRAINING FOR EMPLOYMENT IN CHILD WELFARE AGENCIES.—In order to improve the capacity of State and local child welfare agencies to administer the programs authorized under parts B and E of title IV of the Social Security Act and to provide services to families and children, the Secretary of Health and Human Services shall, not later than October 1, 1994, develop and publish a model staff recruitment, training, and staff retention program for use by such agencies.

SEC. 22. FOSTER AND ADOPTIVE PARENT TRAINING.

Section 8006(b) of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 674 note; 103 Stat. 2462) is amended by striking ", and before October 1, 1992".

SEC. 23. CHILD WELFARE TRAINEESHIPS.

(a) IN GENERAL.—Part B of title IV (42 U.S.C. 620-628), as amended by section 8(a), is amended by inserting after section 429 the following:

"SEC. 429A. CHILD WELFARE TRAINEESHIPS.

"(a) The Secretary shall approve an application for a grant to a public or nonprofit institution of higher learning to provide traineeships with stipends under section 426(a)(1)(C), only if the application—

"(1) provides assurances that each individual who receives a stipend with such traineeship (in this section referred to as a 'recipient') shall enter into an agreement with the institution of higher learning under which the recipient shall agree—

"(A) to participate in onsite training at a public or private child welfare agency on a regular basis (as determined by the Secretary) for the period of the traineeship;

"(B) to be employed for a period of years equivalent to the period of the traineeship in a public or private nonprofit child welfare agency in any State after completing the postsecondary education for which the traineeship was awarded (within such period of time as is determined by the Secretary by regulation);

"(C) to provide the institution of higher learning and the Secretary with evidence of compliance with subparagraphs (A) and (B); and

"(D) in the event that the conditions of subparagraph (A) or (B) are not complied with (except as provided in the exceptions to repayment provisions described in subsection (b)), to repay to the Secretary all or part of the amount of the stipend, plus interest, and if applicable, reasonable collection fees (in compliance with regulations that the Secretary shall promulgate);

"(2) provides that an agreement entered into with a recipient shall fully disclose the terms and conditions under which the traineeship with stipend is granted; and

"(3) provides assurances that the institution of higher learning shall—

"(A) provide appropriate support and supervision of recipients;

"(B) enter into agreements with child welfare agencies for the onsite training of recipients;

"(C) develop and implement a curriculum in the field of child welfare services that—

"(i) incorporates the most recent information concerning best practices for the delivery of child welfare services; and

"(ii) incorporates information relating to clause (i) supplied to the institution through consultation with child welfare agencies;

"(D) permit a student who is employed in the field of child welfare services (at the time such student applies for a traineeship) to apply for a traineeship with a stipend if such traineeship furthers the student's progress toward the completion of degree requirements; and

"(E) develop and implement a system that tracks for a period of 3 years, beginning on the date of completion of any student of a child welfare services program of study, the employment record of such student in the field of child welfare services (for the purpose of determining the percentage of students who secure employment in the field of child welfare services and remain employed in such field).

"(b) A recipient shall not be considered in violation of the agreement entered into pursuant to subsection (a)(1) during any period in which the recipient satisfies repayment exceptions that may be prescribed by the Secretary by regulation.".

(b) CONFORMING AMENDMENT.—Section 426(a)(1)(C) (42 U.S.C. 626(a)(1)(C)) is amended by inserting "described in section 429" after "including traineeships".

(c) APPLICABILITY.—The amendments made by this section shall apply to grants awarded on or after April 1, 1994.

SEC. 24. PUBLICATION OF PROGRAM DATA.

(a) IN GENERAL.—Section 479 (42 U.S.C. 679) is amended by adding at the end the following:

"(d) Not later than January 31 of each year, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, and shall make available to the public at a charge equal to the cost of printing, a report containing the following information, at least for the most recent fiscal year for which such information is available:

"(1) A detailed summary, and a breakdown by State, of—

"(A) the expenditures of each State for the program during the fiscal year for each of the programs funded under part B, part C, or this part, broken down in a manner that shows the extent to which such expenditures were made from funds provided by each of Federal or State sources; and

"(B) to the extent available, the number of children or families participating in each of such programs.

"(2) Information detailing the schedule and result of the reviews conducted under the regulatory review system established in accordance with section 491, including information on payments withheld, reduced, or sought, or intended by the Secretary to be withheld, reduced, or sought, from each State as a result of such reviews.

"(3) The information described in clauses (ii) and (iii) of section 471(a)(11)(B).

"(4) An analysis of the services provided with funds made available under part B.

"(5) A listing and summary of ongoing research, training, and demonstration projects funded under section 426 or 438 of this Act or under sections 27 through 30 of the Family Preservation and Child Protection Reform Act, and the expected date for the publication of any evaluations of, conclusions based on, or analyses of such projects.

"(6) Any other information the Secretary deems useful to monitor the operations of the program.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994.

SEC. 25. REVIEW OF CHILD WELFARE ACTIVITIES.

(a) NEW SYSTEM FOR REVIEWING CHILD WELFARE ACTIVITIES.—

(1) IN GENERAL.—Title IV (42 U.S.C. 601-687) is amended by adding at the end the following:

"PART G—CHILD WELFARE REVIEW SYSTEM

"SEC. 491. CHILD WELFARE REVIEW SYSTEM.

"(a) ESTABLISHMENT BY REGULATION.—

"(1) IN GENERAL.—The Secretary shall establish, by regulation, a system for—

"(A) the review of each child welfare program of each State for the purposes of—

"(i) assessing whether the program is being carried out as required by part B or E, whichever is applicable;

"(ii) identifying any area in which the program is not being carried out as so required, and the degree to which the program is not being so carried out; and

"(iii) identifying the circumstances under which financial penalties shall be imposed in cases of failure to comply with part B or E, whichever is applicable, and imposing financial penalties proportional to the degree of such failure to comply, unless action is taken to correct such failure; and

"(B) the provision of technical assistance to any such program.

"(2) STATE CHILD WELFARE PROGRAMS DEFINED.—As used in this section, the term 'child welfare programs' means, with respect to a State—

"(A) all activities engaged in by, or under contract with, the State for the purpose of carrying out the State plan for child welfare services under part B; and

"(B) all activities engaged in by, or under contract with, the State for the purpose of carrying out the State plan approved by the Secretary under part E.

"(b) CONTENT OF REGULATIONS.—The regulations required by subsection (a) shall—

"(1) require each State child welfare program to be reviewed on a fiscal year basis to determine—

"(A) whether and, where appropriate, the degree to which, the program complies with the requirements of the applicable State plan referred to in subsection (a)(2); and

"(B) the extent to which the amounts claimed to have been expended by the State for foster care maintenance payments under section 472 and for adoption assistance payments under section 473 are eligible for reimbursement under part E;

"(2) specify the criteria that are to be used to assess, with respect to each subparagraph of paragraph (1)—

"(A) whether each program has complied with the requirements that apply to the matters described in such subparagraph; and

"(B) the degree of such compliance;

"(3) require that the procedures used to determine whether, and, where appropriate, the degree to which a State child welfare program is carried out in compliance with the applicable requirements—

"(A) enable a timely review of all matters referred to in paragraph (1);

"(B) include the sampling of foster care maintenance payments made under section 472, adoption assistance payments made under section 473, and payments for such other activities under the State plan approved under part E as the Secretary deems appropriate;

"(C) be applied uniformly to each State child welfare program; and

"(D) be periodically reviewed and, if necessary, revised to take into account information from completed reviews under such regulations;

"(4) provide that a deficiency or error in a State child welfare program is not to be taken into account if the deficiency or error is—

"(A) due to the State's failure to properly implement changes in Federal statute within the 6-month period beginning with the date the statute takes effect or, if later, within the 6-month period beginning with the date the regulation is issued if the regulation is reasonably necessary to construe or apply the statute;

"(B) due to the State's reliance upon and correct use of erroneous information provided by the Secretary about matters or fact;

"(C) due to the State's reliance upon and correct use of written statements of Federal policy provided to the State by the Secretary; or

"(D) of a technical nature and does not materially affect the performance of the program or the protection of children who are in, or at risk of being placed in, foster care;

"(5) establish the method by which a financial penalty is to be calculated, with respect to each subparagraph of subsection (b)(1), if there is a failure by a State child welfare program to comply with the requirements that apply to the matters described in such subparagraph;

"(6) provide that the financial penalty to be imposed for a failure described in paragraph (5)—

"(A) reflect the degree of the failure; and

"(B) to the extent appropriate, be based on the formula used to determine the amount of a disallowance under section 408(f); and

"(7) be developed in consultation with representatives of State agencies administering the programs under parts B and E.

"(c) FREQUENCY OF REVIEWS.—Not less frequently than once every 3 years, the Secretary shall complete a review of each State child welfare program for the most recently completed fiscal year under the regulatory review system established in accordance with this section.

"(d) EFFECTS OF DETERMINATIONS OF NONCOMPLIANCE.—

"(1) NOTIFICATION.—The Secretary shall provide timely notification to any State of any determination under this section that a State child welfare program has failed, with respect to any subparagraph of subsection (b)(1), to comply with the requirements that apply to the matters described in such subparagraph, and shall include with such notice—

"(A) the basis for the determination; and

"(B) the amount of the financial penalty (if any) imposed on the State under the regulations issued under this section.

"(2) DETERMINATION OF PENALTIES.—The regulations setting forth the conditions under which penalties are to be imposed, and the amount of such penalties shall specify, where appropriate—

"(A) thresholds beyond which a State child welfare program will be determined to have failed to comply with Federal requirements, and thresholds beyond which a failure of such a program to comply with such requirements will be determined to be substantial; and

"(B) the circumstances under which a program under part B shall not be subject to penalty (or such penalty shall be withheld or reduced) if the State has developed and followed an approved corrective action plan.

"(e) ADMINISTRATIVE REVIEW.—

"(1) IN GENERAL.—Within a reasonable time after a State is notified of a determination under this section that there is a failure of a State child welfare program to comply with applicable requirements, and of the amount of the financial penalty imposed on the State under this section with respect to such failure, the State may appeal the determination and the imposition of the penalty (in whole or in part) to the Departmental Appeals Board established in the Department of Health and Human Services, by filing an appeal with the Board.

"(2) AUTHORITY OF BOARD TO ADJUST PENALTY.—The Board may adjust the amount of the financial penalty to be imposed under this section, taking into account—

"(A) the amount of the financial penalty imposed by the Secretary;

"(B) the proportionality of the penalty to the degree of the failure; and

"(C) where appropriate, whether the failure materially affected the protection of children who are in, or at risk of being placed in, foster care.

"(f) JUDICIAL REVIEW.—

"(1) IN GENERAL.—Within a reasonable time after a decision by the Departmental Appeals Board with respect to the imposition of a penalty under the regulatory review system established in accordance with this section, the State may obtain judicial review of the decision by filing an action in—

"(A) the district court of the United States for the judicial district in which the principal or headquarters office of the agency responsible for administering the State child welfare program which is the subject of the decision is located; or

"(B) the United States District Court for the District of Columbia.

"(2) PROCEDURAL RULES.—The district court shall review the decision of the Board on the record established in the proceedings before the Board, in accordance with the standards of review prescribed by subparagraphs (A) through (E) of section 706(2) of title 5, United States Code.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) FINAL REGULATIONS.—

(1) DEADLINE FOR ISSUANCE.—Not later than January 1, 1995, the Secretary of Health and Human Services shall issue, in final form, the regulations required by section 491 of the Social Security Act.

(2) APPLICABILITY.—Such regulations shall apply to conduct occurring on or after October 1, 1995.

(c) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Section 471(b) (42 U.S.C. 671(b)) is amended by striking all that follows the first sentence.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1995.

(d) ALL STATE CHILD WELFARE PROGRAMS TO BE REVIEWED BY THE END OF FISCAL YEAR 1999.—Not later than September 30, 1999, the Secretary of Health and Human Services shall complete at least one review of each State child welfare program (as defined in section 491(a)(2) of the Social Security Act, as added by subsection (a)(1)) under the regulatory review system established in accordance with such section.

(e) MORATORIUM ON COLLECTING DISALLOWANCES UNDER PART E.—The Secretary of Health and Human Services shall not, before October 1, 1994, reduce any payment to, withhold any payment from, or seek any repayment from, any State under part E of title IV of the Social Security Act by reason of a determination made in connection with any on-site Federal financial review, or any audit conducted by the Inspector General using similar methodologies.

(f) MORATORIUM ON COLLECTING DISALLOWANCES UNDER PART B.—Section 10406 of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 627 note; 103 Stat. 2490) is amended—

(1) by striking "1991" and inserting "1994";

(2) by striking "triennial";

(3) by striking "1992" and inserting "1995"; and

(4) by striking the section heading and inserting the following:

"SEC. 10406. TREATMENT OF REVIEWS OF STATE FOSTER CARE PROTECTIONS FOR FISCAL YEARS BEFORE OCTOBER 1, 1994."

(g) PAYMENT OF STATE CLAIMS FOR FOSTER CARE AND ADOPTION ASSISTANCE.—

(1) IN GENERAL.—Section 474 (42 U.S.C. 674), as amended by section 20 of this Act, is amended by adding at the end the following:

"(c) The Secretary shall pay any State claim for reimbursement for expenditures pursuant to subsection (a) within 90 days after the receipt of the claim unless the Secretary issues a deferral or a disallowance of the claim before the end of such 90-day period.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply to actions taken before, on, or after such date.

SEC. 26. AUTOMATED SYSTEMS.

(a) ENHANCED MATCH.—

(1) PAYMENTS TO STATES.—

(A) IN GENERAL.—Section 474(a)(3) (42 U.S.C. 674(a)(3)) is amended—

(i) by striking "and" at the end of subparagraph (B);

(ii) by redesignating subparagraph (C) as subparagraph (E); and

(iii) by inserting after subparagraph (B) the following:

"(C) 90 percent of so much of such expenditures as are for the planning, design, development, or installation of statewide mechanized data collection and information retrieval systems (including 90 percent of the full amount of expenditures for hardware components for such systems) but only to the extent that such systems—

"(i) meet the requirements imposed by regulations promulgated pursuant to section 479(b)(2);

"(ii) to the extent practicable, are capable of interfacing with the State data collection system that collects information relating to child abuse and neglect;

"(iii) to the extent practicable, have the capability of interfacing with, and retrieving information from, the State data collection system that collects information relating to the eligibility of individuals under part A (for the purposes of facilitating the verification of the eligibility of foster children); and

"(iv) are determined by the Secretary to be likely to provide more efficient, economical, and effective administration of the programs carried out under the State plan approved under part B or the State plan approved under this part; and

"(D) 50 percent of so much of such expenditures as are for the operation of the statewide mechanized data collection and information retrieval systems referred to in subparagraph (C); and".

(B) Treatment of state expenditures for data collection and information retrieval systems.—Section 474 (42 U.S.C. 674), as amended by sections 20 and 25(g)(1) of this Act, is amended by adding at the end the following:

"(d) The Secretary shall treat as necessary for the proper and efficient administration of the State plan approved under this part all expenditures of a State that are necessary in order for the State to plan, design, develop, install, and operate data collection and information retrieval systems described in subsection (a)(3)(C), without regard to whether the systems may be used with respect to foster or adoptive children other than those on behalf of whom foster care maintenance payments or adoption assistance payments may be made under this part.".

(C) Conforming amendment.—Section 473(a)(6)(B) (42 U.S.C. 673(a)(6)(B)), as amended by section 9102(b) of this Act, is amended by striking "474(a)(3)(B)" and inserting "474(a)(3)(E)".

(D) Effective date.—The amendments made by this paragraph shall apply to payments under part E of title IV of the Social Security Act for expenditures made during the 3-year period that begins 6 months after the date of the enactment of this Act.

(2) Termination of enhanced match.—

(A) In general.—Section 474(a)(3)(C) (42 U.S.C. 674(a)(3)(C)), as added by paragraph (1)(A)(iii) of this subsection, is amended by striking "90" each place such term appears and inserting "50".

(B) Effective date.—The amendment made by subparagraph (A) shall take effect on September 30, 1996.

(C) Construction.—The amendment made by subparagraph (A) of this paragraph shall not be construed to affect any right, entitlement, or duty granted or imposed by, or arising by reason of, the amendments made by paragraph (1).

(b) Establishment of Group To Advise the Secretary on the Planning and Implementation of Automated Systems.—

(1) In general.—Section 479 (42 U.S.C. 679), as amended by section 24(a) of this Act, is amended by adding at the end the following:

"(e) The Secretary shall establish a work group to advise the Secretary on the planning and implementation of the system to be used for the collection of data relating to adoption and foster care in the United States. Such group shall include representatives of—

"(1) organizations described in subsection (a)(4)(B)(ii); and

"(2) other appropriate groups.".

(2) Effective date.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 27. RESEARCH AND EVALUATIONS.

(a) Foster Care Evaluations; Longitudinal Child Welfare Data Bases; Studies of Child Welfare Population Dynamics.—Section 426(b) (42 U.S.C. 626(b)) is amended to read as follows:

"(b) Research and Evaluation Projects.—

"(1) Foster care evaluations.—In order to promote more appropriate and effective foster care for children in need of long-term foster care, the Secretary shall, directly or under contract with 1 or more independent research organizations, and in accordance with such criteria as the Secretary deems appropriate, evaluate the effects of alternative foster care arrangements and services on the well-being of children who—

"(A) have little prospect of being reunited with their families, or of being adopted; and

"(B) represent a challenging group of foster children who are in need of specialized services or care.

"(2) Longitudinal child welfare data bases; studies of child welfare population dynamics.—

"(A) Contract authority.—In order to develop more appropriate and effective intervention strategies with respect to children and their families who are referred or reported to the child welfare system, the Secretary shall, directly or under contract with 1 or more independent research organizations—

"(i) plan, design, develop, and implement not more than 4 child welfare data bases that provide detailed longitudinal information on children and their families to whom the local public child welfare system provides services, from the time such children are first referred or reported to such system; and

"(ii) using data from such data bases, conduct such studies on children and their families served by public child welfare systems, as the Secretary deems appropriate, including a study of the extent to which a lack of affordable housing is a factor in the placement of children in foster care, and (at the option of the Secretary) studies of—

"(I) the movements of subgroups of children and their families into, through, and out of the various parts of the child welfare system;

"(II) the characteristics of those children or families who stay in the system or various parts of the system for short time periods versus those who stay for long time periods;

"(III) the type and intensity of, and effectiveness of, services that families receive in the system;

"(IV) the frequency of contact between and among foster children, their parents, and caseworkers;

"(V) the factors associated with repeat occurrences of child abuse and neglect, and other outcomes; and

"(VI) the condition of children in the system in areas that may include educational performance, health, and personal and social adjustment.

"(B) Agreements with states.—

"(i) In general.—Not later than October 1, 1994, the Secretary shall enter into agreements with not more than 4 States or localities to—

"(I) participate in the planning, design, development, and operation of a longitudinal child welfare data base described in subparagraph (A) in the participating State or locality involved; and

"(II) reimburse such States or localities for expenditures incurred with respect to such activities.

"(ii) Payments to states.—Under each such agreement, the Secretary shall be obligated to pay the State or locality participating in the establishment of the data base—

"(I) from amounts available for payments under section 474(a)(3)(C), 70 percent of such expenditures as are incurred during the 3-year period beginning on October 1, 1994, for the planning, design, development, installation, or operation of the data base; and

"(II) from amounts available for payments under section 474(a)(3)(D), 50 percent of such expenditures as are incurred after the end of such 3-year period for the operation of the data base.

"(C) Data base requirements.—The Secretary shall ensure that each longitudinal data base established under this paragraph—

"(i) includes information on the receipt, by children and their families in the data base, of particular child welfare services, including—

"(I) child protective services;

"(II) services designed to strengthen and preserve families;

"(III) foster care and adoption services; and

"(IV) other services made available by the child welfare system;

"(ii) to the extent feasible, includes information on the receipt of services, or the placement of children, through the public mental health or juvenile justice agencies;

"(iii) includes only data that are reliable and developed using uniform definitions and methodologies that are consistent over time and, to the extent feasible, among jurisdictions; and

"(iv) to the extent appropriate, is implemented with the State data collection and information retrieval systems described in section 474(a)(3)(C).".

(b) Other Research and Evaluations.—

(1) Study of risks to foster care workers; national workload study; evaluation of foster parent recruitment, training, and education.—The Secretary may—

(A) conduct a study to assess the prevalence and nature of risks to the safety of employees of child welfare systems, under which empirical information shall be obtained on—

(i) the incidence of violence toward, or harassment of, such employees;

(ii) the types of such employees exposed to the greatest risk;

(iii) the types of harm threatened or inflicted;

(iv) the characteristics of perpetrators of such violence or threats;

(v) the most dangerous child welfare settings; and

(vi) the differences (if any) between urban and rural areas in the above respects;

(B)(i) enter into a contract with an organization or organizations with demonstrated experience in the field of workload measurement for human service agencies—

(I) under which the organization is to conduct a 3-year study to examine methodologies for measuring the workloads of providers of child welfare services and providers of community mental health services; and

(II) which, at a minimum, requires the organization to—

(aa) examine and document which methodologies are used to measure caseworker and supervisor workloads;

(bb) develop general standards for measurement and size of workloads;

(cc) apply and validate standards for measurement and size of workloads; and

(dd) develop software that enables agencies to use appropriate methodologies to measure workloads; and

(ii) consult with an advisory body selected by the Secretary, in planning and carrying out the study described in clause (i); and

(C) under contract with an independent research organization, conduct a study that—

(i) is designed to evaluate strategies for the recruitment and retention of foster parents, and the effects of foster parent training programs on the retention of foster parents; and

(ii) shall identify successful recruitment techniques and recommend steps which could be taken at the Federal, State, or local level to improve the recruitment, retention, and training of foster parents.

(2) CHILD SEPARATION GUIDELINES STUDY.—The Secretary shall conduct a study designed to answer the following questions:

(A) How do the criteria for removal of children from the home, and the tools for assessing the risk to the child if not removed from the home, vary from State to State? In considering this question, the Secretary should examine—

(i) the decisionmaking process at the caseworker level in at least 3 States, at least 1 of which has a significantly higher than average rate of removing children from the home, at least 1 of which has an approximately average rate of removing children from the home, and at least 1 of which has a significantly lower than average rate of removing children from the home; and

(ii) other factors that may affect placement rates such as State laws and policies, interpretations by the State child welfare agency of the reasonable efforts requirement of section 471(a)(15) of the Social Security Act, and the tendency to place or not place children as a result of economic incentives provided by various State and Federal funding sources.

(B) What guidelines should be used to assess such risk and determine the need for removal of children from the home, and what kind of training would ensure the consistent application of such guidelines? The Secretary should review and compile all current research relevant to this question.

(c) AVAILABILITY OF STUDY RESULTS.—The Secretary shall make the results and recommendations of each study described in subsection (b) available for dissemination.

(d) EFFECTIVE DATE.—This section and the amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 28. CHILD WELFARE DEMONSTRATION PROJECTS.

(a) GENERAL PROVISIONS.—

(1) MINIMUM NUMBER OF PROJECTS OF EACH TYPE.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall authorize at least 1 demonstration project to be conducted under each paragraph of subsection (b), and at least 1 demonstration project to be conducted under each clause of subsection (b)(2)(A), during the 4-year period beginning with fiscal year 1995.

(2) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—For demonstration projects approved by the Secretary under paragraph (1), there are authorized to be appropriated to the Secretary not to exceed $15,000,000 for each of fiscal years 1995, 1996, 1997, and 1998.

(b) SPECIFIC TYPES OF PROJECTS.—

(1) EXPEDITIOUS PERMANENT PLACEMENT OF CHILDREN.—

(A) IN GENERAL.—The Secretary may make no more than 3 grants to States or localities to conduct demonstration projects, throughout the State or in areas selected by the State as having the greatest need, designed to—

(i) review statutes, administrative and judicial procedures, and agency legal representation, in effect in the State or locality, that govern determinations of abandonment of children, termination of parental rights, and permanent placement of children, particularly with respect to children abandoned at or shortly after birth;

(ii) assess which of such procedures or laws cause delays in the permanent placement of such children or the consideration of termination of parental rights;

(iii) assess the extent, or lack, of training of judges and child protection service workers on the timelines for determinations involving termination of parental rights or permanent placement of such children;

(iv) assess the provision of (and the impact of providing) coordinated comprehensive social services, particularly in relation to reunification or maintenance of families;

(v) assess the impact of the designation of entities or individuals that have or could be granted standing to initiate placement or termination of parental rights proceedings with respect to children who have been placed under protective care or public supervision;

(vi) assess the extent of the current presence of individuals either employed by a social service agency or a private entity, who are specifically responsible for expediting consideration of the termination of parental rights and permanent placement, particularly with respect to children abandoned at or shortly after birth, and the impact of such individuals on the timelines for such considerations;

(vii) assess the success of programs which concurrently provide planning for, and services to, preadoptive and natural parents; and

(viii) implement new procedures or make other improvements (as determined by the assessments conducted pursuant to this paragraph) that ensure more timely hearing of, and final decisions on, cases involving termination of parental rights and the permanent placement of children, with the goal of substantially reducing the amount of time that elapses from the time the child is removed from a home setting and is permanently placed in a stable adoption placement, including, at the option of the State or locality, improvements that include activities that—

(I) provide additional personnel identified as necessary under any provision of this paragraph to pursue or process cases involving termination of parental rights or expeditious permanent placements;

(II) expand the standing of foster parents and others to bring actions involving the termination of parental rights and permanent placements; and

(III) require certain children to be placed in foster care in homes that are likely to become permanent adoptive homes of such children.

(B) APPLICATION.—Each State or locality desiring to conduct a demonstration project under this paragraph shall submit to the Secretary an application containing—

(i) an assurance that the State or locality will develop and carry out the project jointly with appropriate judicial administrators, and with appropriate agencies of the State or locality that provide services to children abandoned at or shortly after birth; and

(ii) such other information as the Secretary may require by regulation.

(C) APPROVAL OF CERTAIN APPLICATIONS.—

(i) IN GENERAL.—The Secretary shall approve not more than 3 applications to conduct projects which appear likely to contribute significantly to the achievement of the purpose of this paragraph, particularly as they relate to changes in the legislative, judicial, and administrative practices with respect to permanent placement and termination of parental rights.

(ii) DISTRIBUTION CRITERION.—In determining whether to approve applications under this paragraph, the Secretary shall ensure that grants under this paragraph are made to applicants whose positions on consideration of parental rights and the termination of such rights reflect the range of statutory and judicial positions taken by States on such matters.

(iii) GRANT PERIOD.—Subject to the availability of appropriations therefor, the Secretary shall make grants under this paragraph for a period of 4 years.

(D) EVALUATIONS; REPORT.—Each State and locality that conducts a demonstration project under this paragraph shall develop and carry out a plan for evaluating the effects of the project, and shall submit to the Secretary a report on such evaluation.

(E) DISSEMINATION OF REPORTS.—The Secretary shall make available to the Congress and the public the reports submitted pursuant to subparagraph (D).

(F) REVIEW AND EVALUATION BY THE SECRETARY.—The Secretary shall periodically review and evaluate the conduct of each demonstration project conducted under this paragraph.

(G) AUTHORITY TO SUSPEND OR TERMINATE PROJECTS.—Notwithstanding subparagraph (C)(iii), the Secretary may suspend for any period or terminate the authority to conduct a demonstration project under this paragraph, and may discontinue the provision of grants under this paragraph for the project, if the Secretary determines that the project has not been conducted in a satisfactory manner.

(2) CULTURALLY SENSITIVE AND SPECIAL NEEDS CHILD WELFARE WORKER TRAINING DEMONSTRATION.—

(A) IN GENERAL.—

(i) TRAINING TO DELIVER CHILD WELFARE SERVICES IN BORDER REGIONS.—The Secretary shall authorize not more than 3 eligible institutions to conduct demonstration projects to train eligible individuals to deliver culturally sensitive and bilingual child welfare services in areas of the United States that border on Mexico.

(ii) TRAINING TO DELIVER CHILD WELFARE SERVICES TO HISTORICALLY UNSERVED OR UNDERSERVED POPULATIONS IN CERTAIN URBAN CENTERS.—In addition, the Secretary may make no more than 3 grants to eligible institutions to conduct projects to train eligible individuals to deliver culturally sensitive and bilingual welfare services in urban centers which have a high proportion of historically unserved or underserved populations.

(B) APPLICATIONS.—

(i) APPLICATIONS UNDER SUBPARAGRAPH (A)(i).—The Secretary shall approve an application of an eligible institution to conduct a demonstration project under subparagraph (A)(i) for a fiscal year if the Secretary has approved not more than 4 other such applications for the fiscal year and the application meets the following requirements:

(I) HISTORY OF, OR PLAN FOR, TRAINING STUDENTS TO DELIVER CHILD WELFARE SERVICES IN BORDER AREAS.—The application demonstrates that the applicant has a history of, or a plan for, training students to deliver child welfare services in an area of the United States that borders on Mexico.

(II) TRAINING CURRICULUM REQUIREMENTS.—The application describes the curriculum of the training program. Such curriculum must be sensitive to the culture of the area that borders on Mexico and the State in which the applicant is located, and must include training for the identification of health problems of children and their families and of child abuse and neglect.

(III) SCOPE AND LENGTH OF TRAINING.—The application includes an assurance that the training program meets all requirements established under subparagraph (C) governing the scope and length of the training to be provided.

(IV) PLAN FOR PLACING INDIVIDUALS COMPLETING THE TRAINING IN BORDER AREA FAMILY ASSISTANCE AGENCIES.—The application contains a plan for placing each eligible individual who completes the training under the project in a family assistance agency that provides services directly to residents of the border county in which the agency is located.

(V) COMMITMENT TO CONSULT WITH STATE CHILD WELFARE AGENCY.—The application contains a commitment by the applicant to consult with the child welfare agency of the State in which the applicant is located to ensure that the project is designed to provide individuals with child welfare skills that are needed for work with disadvantaged individuals in the area of the State that borders on Mexico.

(ii) APPLICATIONS UNDER SUBPARAGRAPH (A)(ii).—The Secretary shall approve an application of an eligible institution to conduct a demonstration project under subparagraph (A)(ii) for a period of 4 fiscal years (subject to the availability of funds and satisfactory performance) if the Secretary has not approved more than 4 other applications for such projects and the application meets the following requirements:

(I) The applicant demonstrates that it has a history of, expertise in, and commitment to, providing training for individuals to deliver child welfare services to historically unserved or underserved populations in urban centers.

(II) The applicant describes how the application was developed in consultation with State and local child welfare agencies, community-based organizations serving the area to be affected, and the residents of the area, including public notice and opportunity to comment on the training program to be offered, and a plan for a continuing consultation process with these entities.

(III) The curriculum to be offered includes the broad range of Federal, State, and local programs available to provide services to historically unserved or underserved populations in urban centers, and the identification of health problems in children and their families which may lead to child abuse or neglect and the presence of such conditions.

(IV) The application includes an assurance that the training program meets all the requirements of subparagraph (C) governing the scope and length of the training to be provided.

(V) The application includes a plan for placing each eligible individual who completes the training under the project in a public or private nonprofit family assistance agency that provides services directly to unserved or underserved populations in urban centers with high concentrations of such populations.

(iii) GRANTS SUBJECT TO APPROPRIATIONS.—The Secretary shall make grants for projects authorized under subparagraph (A)(ii) subject to the availability of appropriations therefor.

(iv) REVIEW AND EVALUATION BY THE SECRETARY.—The Secretary shall periodically review and evaluate the conduct of each demonstration project authorized to be conducted under subparagraph (A)(ii).

(v) AUTHORITY TO SUSPEND OR TERMINATE PROJECTS.—The Secretary may suspend for any period or terminate the authority to conduct a demonstration project under subparagraph (A)(ii), and may discontinue the provision of grants under subparagraph (A)(ii) for the project, if the Secretary determines that the project has not been conducted in a satisfactory manner.

(C) TRAINING REQUIREMENTS.—The Secretary, in consultation with the State child welfare agencies of the eligible States, shall develop criteria regarding the scope and length of the training program to be provided under any demonstration project conducted under this paragraph to ensure that training under the program adequately prepares trainees for the work they will perform after completion of the training program. The Secretary shall treat participation in a program leading to a bachelor's or a master's degree in social work as providing such adequate preparation.

(D) GRANTS.—

(i) ALLOCATION AMONG STATES WITH APPROVED PROJECTS.—Each eligible State in which is located an eligible institution whose application to conduct a demonstration project under subparagraph (A)(i) for a fiscal year has been approved by the Secretary shall be allocated for the fiscal year that portion of the funds available to carry out subparagraph (A)(i) for the fiscal year that is represented by—

(I) the number of disadvantaged individuals who, as of the close of the second preceding fiscal year, resided in the border counties of the State; divided by

(II) the total number of disadvantaged individuals who, as of the close of the second preceding fiscal year, resided in the border counties of all such eligible States.

(ii) GRANT AUTHORITY.—The Secretary shall make a grant to each eligible institution that the Secretary authorizes to conduct a demonstration project under subparagraph (A)(i) for a fiscal year in an amount equal to—

(I) the amount allocated for the fiscal year under clause (i) to the State in which the institution is located; divided by

(II) the number of eligible institutions in the State that are so authorized.

(E) USE OF GRANTS.—Each eligible institution that receives a grant under this paragraph—

(i) shall use the grant to equip eligible individuals with the knowledge and skills necessary to perform the range of child welfare work, from case management to supervisory skills; and

(ii) may use the grant to pay the tuition, room and board, travel, and other living expenses of eligible individuals.

(F) DEFINITIONS.—As used in this paragraph:

(i) BORDER COUNTY.—The term "border county" means—

(I) in the State of Texas, the counties of Cameron, Brooks, Hidalgo, Kenedy, Willacy, Jim Hogg, Starr, Webb, Zapata, Duval, LaSalle, Maverick, Dimmit, Zavala, Uvalde, Kinney, Val Verde, Edwards, Crockett, Terrell, Pecos, Brewster, Presidio, Jeff Davis, Reeves, Culberson, Hudspeth, Bexar, and El Paso;

(II) in the State of New Mexico, the counties of Otero, Sierra, Dona Ana, Luna, Hidalgo, Grant, Lea, Roosevelt, Chaves, Eddy, and Lincoln;

(III) in the State of Arizona, the counties of Cochise, Graham, Greenlee, Maricopa, Pinal, Pima, Yuma, La Paz, and Santa Cruz; and

(IV) in the State of California, the counties of Imperial, San Diego, Riverside, and Orange.

(ii) CHILD WELFARE AGENCY.—The term "child welfare agency" means, with respect to a State, the individual or agency that administers or supervises the administration of the State plan for child welfare services under part B of title IV of the Social Security Act.

(iii) DISADVANTAGED INDIVIDUAL.—The term "disadvantaged individual" means an individual whose income does not exceed 130 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size of the individual's family.

(iv) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means any individual who—

(I) is, or intends to become, an employee of a family assistance agency in an eligible State; and

(II) enters into an agreement with an eligible institution in the State under which—

(aa) the institution agrees to train the individual to deliver culturally sensitive and bilingual child welfare services in the area of the United States that borders on Mexico; and

(bb) the individual agrees to so deliver such services at or from a site approved by the child welfare agency of the State for at least 1 year beginning within a reasonable time after the individual completes the training under a project conducted under subparagraph (A)(i), or for a period of 1 year for each year of assistance or training received beginning upon completion of the training under a project conducted under subparagraph (A)(ii).

(v) ELIGIBLE INSTITUTION.—The term "eligible institution" means any institution of higher education that is located in an eligible State.

(vi) ELIGIBLE STATE.—The term "eligible State" means Texas, New Mexico, Arizona, and California.

(vii) FAMILY ASSISTANCE AGENCY.—The term "family assistance agency" means a child welfare agency, family planning agency, hospital, clinic, community mental health facility, or drug and alcohol treatment program.

(viii) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" means—

(I) an institution of higher education (as defined in section 1201(a) or 481(a) of the Higher Education Act of 1965); and

(II) an area vocational education school (as defined in subparagraph (C) or (D) of section 521(3) of the Carl D. Perkins Vocational Education Act).

(ix) The term "urban centers" means an area in a metropolitan statistical area, as designated by the Director of the Office of Management and Budget, which has a high incidence of individuals in historically unserved or underserved populations who are in need of social services, as determined by the Secretary using the most recent and best available information. A list of such urban centers shall be published by the Secretary in the Federal Register no more than 180 days after the date of the enactment of this Act.

(x) The term "historically unserved or underserved populations" includes—

(I) minority populations;

(II) persons with limited English proficiency;

(III) populations residing in urban areas and exhibiting a high incidence of child abuse, neglect, or abandonment, as determined by the Secretary;

(IV) homeless persons (within the meaning of section 103 of the Stewart B. McKinney Homeless Assistance Act);

(V) persons who are, or are in danger of becoming, infected with the human immunodeficiency virus; and

(VI) persons who abuse alcohol or drugs.

(G) RECOVERY OF ASSISTANCE IN CERTAIN CASES.—Any individual participating in a project conducted under subparagraph (A) who breaches the agreement referred to in subparagraph (F)(iv)(II) shall repay to the Secretary an amount equal to the amount or value of assistance received by the individual under the project, ratably reduced, if applicable, by a proportion representing that portion of the year during which the individual complied with the agreement. The Secretary shall establish guidelines and repayment schedules to carry out this subparagraph.

(3) JOINT TRAINING DEMONSTRATION.—

(A) IN GENERAL.—The Secretary may make grants under this paragraph, on a competitive basis, to not more than 3 State or local government agencies to conduct demonstration projects designed to test the effect of joint training programs for the staff of child welfare, mental health, and juvenile justice agencies, and for judicial personnel and judges.

(B) ELIGIBILITY.—To be eligible for a grant under this paragraph, a State or local government agency shall designate a public agency which provides services to children in the State and demonstrate that at least 2 such agencies will participate in the project by contributing financial resources, staff resources, and trainees.

(C) APPROVAL OF CERTAIN APPLICATIONS.—The Secretary shall approve not more than 3 applications to conduct projects which appear likely to contribute significantly to the achievement of the purpose of this paragraph.

(D) USE OF GRANT.—Each State or local government agency that receives a grant under this paragraph shall use the grant to train staff (including supervisors) of public and private agencies who provide services to children or adolescents at risk of requiring foster care or to the families of such children or adolescents. Such training shall be designed to—

(i) educate staff about the special needs of, and service programs for, certain populations of children or adolescents, such as those who have been sexually abused, suffer from serious emotional disturbances, are substance abusers, have acquired immune deficiency syndrome, or are infected with a human immunodeficiency virus;

(ii) coordinate the interagency delivery of services (including family preservation services, family reunification services, independent living services, and supportive services) to children at risk of being placed in foster care; and

(iii) provide training for judges or other administrative personnel, who are authorized to make final determinations as to termination of parental rights or placement of children in either temporary or permanent situations, to determine and incorporate into their decisions factors relating to the physical, mental, and social interests of the child.

(E) EVALUATIONS; REPORT.—Each State or local government agency that conducts a demonstration project under this paragraph shall develop and carry out a plan for evaluating the effects of the training provided under the project, and shall submit to the Secretary a report on such evaluation.

(F) DISSEMINATION OF REPORTS.—The Secretary shall make available to the Congress and the public the reports submitted pursuant to subparagraph (E).

(c) FOSTER CARE AND ADOPTION ASSISTANCE DEMONSTRATION.—

(1) IN GENERAL.—The Secretary may authorize not more than 5 States to conduct demonstration projects designed to test, for not more than 6 years, the feasibility of eliminating the requirements in sections 472 and 473 of the Social Security Act that relate to the income and resources of the child or of the family from which a child originated, and allowing States to receive reimbursement for foster care maintenance payments and for adoption assistance payments made with respect to children without regard to such income and resources.

(2) APPLICATION.—Each State desiring to conduct a demonstration project under this subsection shall submit to the Secretary an application in such form and containing such information as the Secretary may require by regulation.

(3) AGREEMENT ON FEDERAL MATCHING PAYMENTS AND STRATEGY FOR EVALUATION.—

(A) IN GENERAL.—As a condition precedent to approving any application to conduct a demonstration project under this subsection, the Secretary and the State shall reach agreement on—

(i) the rates at which the various types of expenditures under the project shall be reimbursed, in lieu of the rates at which such expenditures would otherwise be reimbursed under section 474 of the Social Security Act; and

(ii) a strategy for evaluating the effects of the project.

(B) LIMITATION.—The Secretary may not agree to any set of reimbursement rates under subparagraph (A)(i) of this paragraph, unless the Secretary determines that the set of rates is likely to result in an amount of Federal payments to the State under section 474 of the Social Security Act that does not exceed the amount that would have been so paid to the State if the State were not conducting the demonstration project.

(4) APPROVAL OF CERTAIN APPLICATIONS.—

(A) IN GENERAL.—The Secretary shall approve not more than 5 applications to conduct projects which appear likely to contribute significantly to the achievement of the purpose of this subsection.

(B) PROJECT LIFETIME.—

(i) 3 YEARS.—Each agreement under paragraph (3) shall be for a term of 3 years.

(ii) AUTHORITY TO RENEW PROJECT FOR 3 YEARS.—Upon the request of the State, the Secretary shall extend for 3 additional years the term of any agreement under paragraph (3).

(5) EVALUATIONS; REPORT.—Each State that conducts a demonstration project under this subsection shall develop and carry out a plan for evaluating the effects of the project, and shall submit to the Secretary a report on such evaluation.

(6) DISSEMINATION OF REPORTS.—The Secretary shall make available to the Congress and the public the reports submitted pursuant to paragraph (5).

SEC. 29. DEMONSTRATION OF INDEPENDENT LIVING SERVICES FOR YOUNG ADULTS.

(a) IN GENERAL.—The Secretary of Health and Human Services may authorize 1 State to conduct a demonstration project for 3 years under which—

(1) community-based services are provided to former foster children who have attained the age of 21 years but have not attained the age of 25 years; and

(2) the State must arrange for an evaluation of the impact of the demonstration project on the well-being of the individuals who participate in the project.

(b) SERVICES.—The services referred to in subsection (a) may include self-help groups, counseling, treatment for survivors of abuse, mentoring, alumni groups, and coordination of, and referral to, community services by independent living agency staff.

SEC. 30. HOME REBUILDERS DEMONSTRATION PROJECT.

(a) IN GENERAL.—Upon written application of the State of New York (in this section referred to as the "State"), and after the Secretary of Health and Human Services approves the application as meeting the requirements set forth in subsection (b), the State may conduct a demonstration project for the purpose of testing how to enhance the practices and procedures that will expedite the discharge of children from foster care, including the appropriate reunification of children with their families, or the adoption of children by suitable adoptive parents.

(b) PROJECT REQUIREMENTS.—In an application submitted under subsection (a), the State shall provide that the following terms and conditions shall be in effect under the demonstration project:

(1) Services and assistance for reunification of children with their families or adoption may be provided to not more than 2,000 eligible children (exclusive of siblings).

(2) Services and assistance shall be provided to explore and test innovative means to facilitate expedited and appropriate discharge of children from foster care. Such services and assistance may include social services and other forms of assistance designed to ameliorate or remedy personal problems, behaviors, or home conditions.

(3) For the purpose of testing an alternative to the per diem method of provider reimbursement, payments to participating agencies for total costs associated with providing foster care maintenance, services, and assistance on behalf of children will be disbursed pursuant to an approved per capita reimbursement methodology. The per capita payment will be based on the total number of care days the eligible population of children can reasonably be expected to use during the demonstration period.

(4) Eligibility for the demonstration project shall be based on the age of the child, the length of time in foster care, the type of placement, and the permanency planning goal.

(5) If an eligible child has siblings in foster care, siblings may be regarded as eligible project participants for the purpose of estimating total reimbursements in a manner approved by the Secretary of Health and Human Services.

(6) The Federal Government shall pay to the State with respect to children eligible for the demonstration project who are receiving maintenance payments, services, and assistance under the demonstration project the same amounts as would have been payable with respect to such children under parts B and E of title IV of the Social Security Act as if the families were receiving benefits under the State plan in effect during the period of the demonstration and such amounts shall be in lieu of amounts otherwise payable under such parts. The State and the Secretary of Health and Human Services shall agree to a methodology for determin-

ing such amounts prior to the beginning of the demonstration project.

(c) WAIVERS.—The Secretary of Health and Human Services may waive compliance with requirements in part E of title IV of the Social Security Act (other than paragraphs (8), (12), (13), (15), and (16) of section 471(a)) which (if applied) would prevent the State from carrying out the demonstration project under this section or prevent the State from effectively achieving the purpose of such a project.

(d) DATE OF COMMENCEMENT.—The demonstration project under this section shall commence not later than December 31, 1994.

(e) DURATION OF DEMONSTRATION.—The demonstration project under this section shall be conducted for a period not to exceed 3 years after the date such project begins.

(f) EVALUATION OF REPORTS.—The State shall collect data and conduct an appropriate evaluation of the demonstration project so as to demonstrate the effectiveness of the project. The evaluation design shall be approved by the Secretary of Health and Human Services. The State shall provide an interim and final evaluation report to the Secretary of Health and Human Services at such times and in such manner as such Secretary determines appropriate.

(g) PROHIBITION AGAINST IMPAIRMENT OF ENTITLEMENT TO FOSTER CARE BENEFITS.—The State may not carry out the demonstration project under this section in a manner which impairs the entitlement of any qualified child to foster care benefits under a State plan approved under part E of title IV of the Social Security Act.

SEC. 31. COMMISSION ON CHILDHOOD DISABILITY.

(a) ESTABLISHMENT OF COMMISSION.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall appoint a Commission on the Evaluation of Disability in Children (in this section referred to as the "Commission").

(b) APPOINTMENT OF MEMBERS.—(1) The Secretary shall appoint 15 members to the Commission, including—

(A) recognized experts in the field of medicine, whose work involves—

(i) the evaluation and treatment of disability in children,

(ii) the study of congenital, genetic, or perinatal disorders in children, or

(iii) the measurement of developmental milestones and developmental deficits in children; and

(B) recognized experts in the fields of—

(i) psychology,

(ii) education and rehabilitation,

(iii) law, or

(iv) the administration of disability programs, and

(v) other fields of expertise that the Secretary determines to be appropriate.

(2) Members shall be appointed within 90 days after the date of the enactment of this Act, without regard to the provisions of title 5, United States Code, governing appointments to competitive service.

(3) Members appointed under this subsection shall serve for a term equivalent to the duration of the Commission.

(4) The Secretary shall designate a member of the Commission to serve as Chairman of the Commission for a term equivalent to the duration of the Commission.

(c) ADMINISTRATIVE PROVISIONS.—(1) Service as a member of the Commission by an individual who is not otherwise a Federal employee shall not be considered service in an appointive or elective position in the Federal Government for the purposes of any provision of title 5, United States Code.

(2) Each member of the Commission who is not a full-time Federal employee shall be paid compensation at a rate equal to the daily equivalent of the rate of basic pay in effect for Level IV of the Executive Schedule for each day (including travel time) the member attends meetings or otherwise performs the duties of the Commission.

(3) While away from their homes or regular places of business on the business of the Commission, each member who is not a full-time Federal employee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(d) ASSISTANCE TO COMMISSION.—The Commission may engage such technical assistance from individuals skilled in medical and other aspects of childhood disability as may be necessary to carry out the functions of the Commission. The Secretary shall make available to the Commission such secretarial, clerical, and other assistance as the Commission may require to carry out the functions of the Commission.

(e) STUDY BY THE COMMISSION.—(1) The Commission shall conduct a study, in consultation with the National Academy of Sciences, of the effects of the definition of "disability" under title XVI of the Social Security Act (42 U.S.C. 1382 et seq.) in effect on the date of enactment of this Act, as such definition applies to determining whether a child under the age of 18 is eligible to receive benefits under such title, the appropriateness of such definition, and the advantages and disadvantages of using any alternative definition of disability in determining whether a child under age 18 is eligible to receive benefits under such title.

(2) The study described in paragraph (1) shall include issues of—

(A) recommendations for revision of the Childhood Listing of Impairments under regulations promulgated under Part B of Appendix 1 to Subpart P, section 404 of title 20, Code of Federal Regulations;

(B) the validity of a presumption of disability for children under age 4 with a genetic, congenital, or perinatal disorder;

(C) whether the need by families for assistance in meeting high costs of medical care for children with serious physical or mental impairments, whether or not they are eligible for disability benefits under title XVI of the Social Security Act, might appropriately be met through expansion of Federal health assistance programs (including the program of medical assistance under title XIX of such Act); and

(D) such other issues that the Secretary determines to be appropriate.

(f) REPORT.—Not later than September 1, 1995, the Commission shall prepare a report and submit such report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate which shall summarize the results of the study described in subsection (e) and include any recommendations that the Commission determines to be appropriate.

(g) TERMINATION OF COMMISSION.—The Commission shall terminate on September 30, 1995.

SEC. 32. EFFECT OF FAILURE TO CARRY OUT STATE PLAN.

(a) IN GENERAL.—Part A of title XI (42 U.S.C. 1301–1320b–13) is amended by inserting after section 1122 the following:

"SEC. 1123. EFFECT OF FAILURE TO CARRY OUT STATE PLAN.

"In an action brought to enforce a provision of this Act, such provision is not to be deemed unenforceable because of its inclusion in a section of this Act requiring a State plan or specifying the required contents of a State plan. This section is not intended—

"(1) to limit or expand the grounds for determining the availability of private actions to enforce State plan requirements other than by overturning any such grounds applied in *Suter v. Artist M.*, 112 S. Ct. 1360 (1992), but not applied in prior Supreme Court decisions respecting such enforceability, or

"(2) to alter the holding in *Suter v. Artist M.* that section 471(a)(15) of this Act is not enforceable in a private right of action."

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to actions pending on the date of the enactment of this Act and to actions brought on or after such date of enactment.

COMPREHENSIVE FAMILY PRESERVATION AND CHILD PROTECTION REFORM

The most important and comprehensive legislation in over a decade to address the nation's grave child abuse crisis will be considered by the 103rd Congress. It targets substantial new investments in cost effective programs to help abused and neglected children and strengthen troubled families. Developed after careful review of the nature and extent of child abuse and neglect, it would:

Target investments to strengthen families and prevent child abuse.

Substantial new resources would be invested in the federal Child Welfare Services program (Title IV-B of the Social Security Act) for the in-home family support, family preservation, reunification and respite services that strengthen families and help them to overcome problems and care for their children. The new funds would be guaranteed to the states through a capped entitlement component to the IV-B program.

Target investments in substance abuse prevention and treatment services.

Growing parental substance abuse is increasingly contributing to family disintegration and to child abuse, neglect, and abandonment, yet virtually no substance abuse treatment services are available for pregnant women and mothers. Additional Title IV-B capped entitlement funds would be provided for comprehensive substance abuse prevention and treatment programs for pregnant women, mothers and their children. Funds would also support the child care, transportation, home visiting, nutrition, and counseling services essential for effective treatment.

Improve foster care and adoption services for abused and neglected children.

An increasing number of children who have been severely abused, neglected, abandoned or orphaned are in need of the support and treatment that family foster care, kinship care, group care, residential services, or adoption can provide. Yet while over 400,000 children now live in out-of-home care, only about half are eligible for federal support or assistance, and little help is provided to caregivers. The legislation would make numerous improvements in the Title IV-E Foster Care and Adoption Assistance (and Independent Living) program to assure additional support for children, and provide respite care and other assistance to foster and adoptive parents.

Improve child welfare training, coordination, data collection, and research efforts.

The child welfare system has been overwhelmed and seriously damaged by skyrocketing caseloads and meager federal support. The legislation would support efforts to strengthen child welfare training; demonstrate innovative services; improve research, evaluation, and data collection; and improve the overall coordination and delivery of child welfare services.

Promote state and local flexibility and public-private partnerships.

The legislation would provide states with broad flexibility in the use of increased federal support and assistance, while assuring overall accountability. In addition, the legislation fully supports a strong partnership between public agencies and private non-profit providers.●

● Mr. BOND. Mr. President, we are all familiar with the African proverb "It takes a village to raise a child." And certainly we are all a critical part of the larger community—the village—which is raising our children.

And, while the village is terribly important, I think each and every one of us would agree that the main responsibility for the cultivation of character and personality, and of bringing a child from infancy to maturity, rests with the parents of the child rather than the village.

I have fought hard for programs and policies which benefit families in need throughout my 20-year career in public service. While Governor of Missouri, I fought hard to expand access to prenatal care for low-income pregnant women, and for the WIC Program. I also pushed hard for the Parents as Teachers Program, which we finally got done in my last year. The program now provides guidance to over 100,000 Missouri parents of children from birth to 3. I also implement a special needs adoption campaign.

Since coming to the Senate, I have fought hard to provide Federal seed money to Parents as Teachers Programs throughout the country. I fought to be sure that the needs of latchkey children were taken into account during the child care debate. And most recently I teamed up with Senator DODD in providing a workable family and medical leave compromise.

And the reason that I have fought hard for programs and policies which strengthen the family unit is that I believe a great conservative case can be made for each of the above programs: strengthening and preserving families. Certainly many of the problems facing society today can be attributed to the weakening of the American family.

We are living in a society which glamorizes violence and promiscuous sex, in which children must go to schools which resemble war zones rather than places of learning, in which younger and younger teenagers become pregnant at an ever-increasing rate, and in which almost all children spend less time with their parents than ever before.

Some great thinkers have concluded that we are facing a spiritual deficit greater than any material deficit. And I believe this may be true. If it is true, it is something that Government can't fix.

But I am here today because there are plenty of things that Government can do to reinforce the natural bonds between parents and children, and to strengthen and preserve the family unit.

It is in the interest of all of us—of any political party or no political party—to keep families strong. We have a unique opportunity to forge a bipartisan consensus on children and family issues in this Congress. We have just enacted a family leave law—about 40 days ago. I plan to continue to build bipartisan momentum for family issues, much like we did for family leave. Today Senator ROCKEFELLER and I and several others are introducing the child protection reform bill [CPR].

This bill will provide additional funds for title IV—B of the Social Security Act, which funds innovative alternatives to foster care for children and families in crisis situations. We spend billions of dollars per year placing children outside their homes and families in foster care. In cases of extreme abuse and neglect, this is necessary. However, often the family is simply facing a crisis too big to handle on its own: loss of a job; illness; inadequate housing or homelessness, or a lack of parenting skills. In these cases it makes far more sense to do what Missouri is doing: family preservation services. The family in crisis is given 1 to 2 months of intensive counseling and assistance, and we in Missouri have found that in 85 percent of cases, this is enough to keep the family together.

We have a number of success stories in Missouri which show the value of the program. A single mother named Linda and her family were referred for family preservation services at a time when her children were at risk of being removed from the home due to unsafe living conditions. The roof over the kitchen was falling in. A pole was used to keep the major structural beams from collapsing. The condition on the home was also causing health problems for the children. Linda's ex-husband owned the house and refused to make any repairs. The family's income came from AFDC. Linda wasn't able to accumulate enough money to move into a different home.

The family preservation specialist was able to help Linda locate new housing through HUD. The specialist assisted Linda in negotiating a payment schedule for the rental deposit with her new landlord. Once Linda and her children were in their new home Linda felt more independent and in better control of her situation. Thus one family was able to avoid the emotional pain of being split up, and the State of Missouri saved a great deal in averted foster care costs.

Missouri now offers family preservation to about one-third of its families who are threatened with their children being taken away. My State has a goal of serving one-half of its families in this way.

The only way Missouri will be able to do this is if we pass this legislation providing additional funds for title IV–B.

This bill would also provide additional funding for desperately needed substance abuse prevention and treatment services for pregnant women and young mothers. You in the child welfare community know better than anyone that one of the main reasons for increased abuse and neglect over the last decade has been crack cocaine. This bill would provide funding for treatment, as well as for the child care, transportation, and home visiting services necessary for effective treatment.

Our hearts go out to all young children in need. But I believe we must pay more attention to young children who are in danger of losing what is to them even more precious than food, shelter or health care: their families.

I urge my colleagues' support of this measure.●

By Mr. BOREN:

S.J. Res. 65. Joint resolution establishing a commission to study the creation of a standing international military force under the United Nations Charter; to the Committee on Foreign Relations.

U.N. PEACEKEEPING FORCE COMMISSION ACT OF 1993

● Mr. BOREN. Mr. President, I am introducing today a joint resolution relating to the peacekeeping role of the United Nations. Last August, Senator BIDEN and I urged the President to initiate negotiations with the United Nations about the creation of a standing multinational peacekeeping force. Since that time, this proposal has gained wide currency, within the administration and among outside experts as well.

Mr. President, the bloody ethnic conflicts unleashed in Bosnia and Somalia since the end of the cold war have put enormous pressure on the United States to act, to intervene, to stop the senseless violence. America does have some responsibility to help. But we have neither the obligation nor the capacity to act alone.

The opportunity for the United Nations is clear. After 45 frustrating years, the United Nations has the chance to finally fulfill its original mission: to provide, in the absence of great power confrontation, a truly effective mechanism for collective security.

Under Article 43 of the U.N. Charter, Mr. President, the Secretary General has the authority to ask member nations to designate military units that can be deployed to "maintain international peace and security." It is time to make that authority a reality. It is time for the United States to push the United Nations to establish a multinational standing army.

Imagine such a force, Mr. President, the troops from around the world, training together, establishing lasting ties and sharing common experiences and purposes. As the New York Times has written, a blue-helmeted army is "the most promising way to contain chaos and combat death" in this new era of regional wars, ethnic conflicts, and the proliferation of weapons of mass destruction.

Critics may immediately complain about the inefficiency of the United Nations. They may fear that America will be yielding sovereignty. They may argue, in effect, for a new American isolationism. Let me address each of these arguments in turn.

First, it is true that the United Nations as an institution is in need of serious reform. No one will dispute that today, at the height of its global peacekeeping activity, the bloated U.N. bureaucracy is under great strains. But this argues not for disengagement, but for more effective involvement of the United States, using our influence to effect long-needed reforms at the United Nations.

The second argument, that America will yield sovereignty to the United Nations, is provocative but groundless. Let us not forget that the United States retains veto power at the U.N. Security Council. There is simply no circumstance under which American forces would be involved in a U.N. peacekeeping or peacemaking operation without American approval.

The third argument is perhaps the most pernicious. It is rarely stated in so many words, but the argument essentially is that America must withdraw, that we must retreat. No policy, Mr. President, could be more dangerous today, when our economic wellbeing and national security are so dependent upon developments outside our borders.

It is true—and I believe strongly—that our allies must share more of the burden of maintaining international peace and security. To borrow a well-worn phrase, we cannot be the world's policeman. That is good cause, however, to become more engaged in collective security efforts, to rely more on the United Nations, to make sure that American men and women are not the only ones to put their lives on the line for international peace. We cannot bury our heads in the sand and hope that ethnic conflicts, proliferation, terrorism, and other threats will just go away.

I would note that for this very reason, Mr. President, the Secretary of State, and the Ambassador to the United Nations have each expressed their support for the creation of a U.N. Rapid Deployment Force. What they are envisioning here, Mr. President, is not at all unlike the kind of international peacekeeping force authorized under Article 43.

At this point, however, we have been dealing only in generalities about possibilities for—and obstacles to—the establishment of such a force. The resolution I am introducing today would move us from rhetoric to real issues. It would create a short-term commission to evaluate and recommend the practical steps that would be necessary for the United States to participate in an Article 43 force. The commission will study such issues as cost, logistics, training, standardization of equipment, and intelligence sharing. In addition, it will study war powers issues raised by the creation of such a force.

The commission, Mr. President, will be comprised of 14 members: the Secretary of Defense, the Secretary of State, the Director of Central Intelligence, the National Security Adviser, the U.N. Ambassador, three outside experts appointed by the President, three Members of the House, and three Members of the Senate. The National Security Adviser will chair the commission. It will make its report 120 days after it first meets, and it will be dissolved within 10 days after it issues its report.

This is not a new and unnecessary layer of bureaucracy, Mr. President. It is a mechanism which will allow the administration to focus on the risks, realities, and technical issues raised by American participation in an article 43 peacekeeping force.

Implicit in my introduction of this joint resolution, Mr. President, is my strong continued support for the creation of such a military force. I believe that this proposal deserves a fair and informed hearing. And I expect that the commission we will create with this joint resolution will help us toward that end.

Mr. President, the headlines every day seem to tell us of a new conflict, a new challenge for U.N. peacekeepers, a new request for American military intervention. We have now an historic and fleeting opportunity to fulfill the promise of the United Nations. We in the Senate need not freeze ourselves between the false and unappealing choices of doing nothing or going in alone when regional crises flare up. We have another option: Let us help the United Nations help us in the long run, by carrying more of the load. Let us allow the United Nations to become a truly effective multinational alternative.

Of course, Mr. President, even in this new era of multilateral action, American leadership is still absolutely necessary. America must lead the United Nations into the 21st century. The reality is that an article 43 force will simply never come to pass unless the President of the United States initiates consulations and negotiations for that purpose. And the President will only do that if he is well-informed about all elements of such an initiative. This resolution, in its small way, will help our President. It will help the United Nations. And it will help all of us move one more step toward making the "new world order" more than just a slogan.●

By Mr. THURMOND (for himself and Mr. BAUCUS):

S.J. Res. 66. Joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week"; to the Committee on the Judiciary.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

Mr. THURMOND. I rise to introduce a joint resolution to designate the week beginning April 18, 1993, and the week beginning April 17, 1994, each as "National Organ and Tissue Donor Awareness Week."

Mr. President, by highlighting the importance of organ and tissue donations, this resolution could literally save the lives of many of our fellow citizens. Thousands of lives have been lost simply because those who may have donated organs and tissues were never aware that they could.

At any given time, there are 30,000 adults and children waiting for organ and tissue donations. Approximately, every 20 minutes a new patient is added to the national patient waiting list for an organ transplant. There is an adequate supply of transplantable organs. We simply need to make our citizens aware of the importance of organ and tissue donations.

We should encourage our citizens to decide now, whether, in the event of a future tragedy, they are willing to be a donor. This will inevitably lessen the burden on the family when asked by the medical profession if they may allow a particular organ or organs to be removed for transplantation. Although this decision is frightening to many people, these vital organs and tissues could be used to give the gift of life.

Mr. President, I urge my colleagues to join me in support of this worthy measure, and I ask unanimous consent that a copy of the resolution appear in the CONGRESSIONAL RECORD following my remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 66

Whereas a new patient is added to the national patient waiting list for an organ transplant every 20 minutes;

Whereas thousands of lives are saved or significantly improved annually by organ and tissue transplantation; and

Whereas increasing the number of transplantable organs and tissues would save American taxpayers millions of dollars: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weeks beginning

April 18, 1993, and April 17, 1994, are each designated "National Organ and Tissue Donor Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate programs, ceremonies, and activities.

By Mr. SHELBY:

S.J. Res. 67. Joint resolution proposing an amendment to the Constitution of the United States which requires—except during time of war and subject to suspension by the Congress—that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 percent of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

• Mr. SHELBY. Mr. President, I rise today to introduce a joint resolution that proposes an amendment to the Constitution of the United States to require a balanced budget.

I am reminded of a story I heard once about a little boy growing up on a farm. This little boy would watch with great anticipation as the hens on the farm would nest their eggs until they were ready to hatch. One day the boy went out to the hen's nest and saw that the eggs were hatching. The little chicks were struggling and pecking their way out of the shells. The boy's heart was moved and he thought he ought to help those little chicks out of the shells. But then a terrible thing happened: All of the chicks from the shells that the boy opened died. When the boy told his mother what happened, she warned him that the struggle to get out of the shell is what made the chicks strong enough to survive once they made their way out of the shells.

I believe that this story reflects the state of the Nation with respect to the budget deficit. We are shelled in by an enormous debt. There is serious long-term work to do to break through that shell, if we are going to be economically strong and sound enough to survive the future. The policies of the past—the short-term, easy way out solutions are making us economically weak.

The deficit continues to soar. The resulting high interest rates make us more and more reliant on foreign investment and widespread ownership of U.S. assets. As long as this trend continues, the deficit will continue to drain our economy and cheapen the value of the dollar and American goods and service. This being the case, I believe that the Nation's deficit problem must be our No. 1 domestic priority.

I join the administration in its call to the Nation to rally and sacrifice in order to bring down the huge debt Goliath confronting us and put our economy back on track. However, the President and I differ on the best way to realize that goal.

I am on the side of tackling the deficit first, making it our priority. We in Congress must demonstrate our commitment to fiscal responsibility and deficit reduction. What better way to do that than to amend the Constitution to require a balanced budget?

I first introduced a balanced budget amendment resolution as a Member of the House of Representatives in 1978. At that time, Mr. President, the Federal debt was less than $1 trillion. That was a great deal of money, but nothing compared to the current national debt. The Federal budget is currently in the red by $341 billion and the national debt is nearly $4.5 trillion.

The time for a constitutional balanced budget amendment is long overdue. The Executive Office has not submitted on balanced budget in the last 10 years; Congress never seems to be able to agree on where to cut spending; and increasing statutory restraints on the budget have been imposed by law, but deficit spending continues to spiral out of control.

If Congress is unable to control spending or to agree on how funds should be appropriated on its own, then a constitutional amendment is the best way to ensure that the budget will be balanced despite our differing opinions and needs.

The legislation that I am introducing provides that total Federal expenditures during any fiscal year will not exceed the amount of estimated revenues for that year and not exceed 20 percent of the gross national product during the previous calendar year. This would not apply in war time and is subject to suspension by the Congress.

Mr. President, we have heard a great deal over the last year and in recent weeks about investing—investing in America's future. Well, it is time for Congress to make a real investment for the future generations of Americans by passage of a joint resolution requiring a balanced budget. A balanced budget amendment is our most secure investment for the future.

I, along with the other Members of this distinguished body, will continue to support programs that are vital to the well being of the American people. But, unlike in the past, there will be constitutional requirements in place to force final cuts and keep spending within our means.

I urge my colleagues to support passage of this important resolution.•

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. ROTH, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 20, a bill to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.

S. 67

At the request of Mrs. KASSEBAUM, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 67, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

S. 70

At the request of Mr. COCHRAN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 97

At the request of Mr. HARKIN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 97, a bill to amend title XVIII of the Social Security Act and title III of the Public Health Service Act to protect and improve the availability and quality of health care in rural areas.

S. 177

At the request of Mr. DOLE, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 177, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 208

At the request of Mr. BUMPERS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 208, a bill to reform the concessions policies of the National Park Service, and for other purposes.

S. 216

At the request of Mr. D'AMATO, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

S. 277

At the request of Mr. SIMON, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 277, a bill to authorize the establishment of the National African American Museum within the Smithsonian Institution.

S. 295

At the request of Mr. DURENBERGER, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 295, a bill to amend title 23, United States Code, to remove the penalties for States that do not have in effect safety belt and motorcycle helmet traffic safety programs, and for other purposes.

S. 297

At the request of Mr. STEVENS, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arizona [Mr. DECONCINI], the Senator from Mississippi [Mr. LOTT], the Senator from New York [Mr. D'AMATO], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 297, a bill to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

S. 342

At the request of Mr. BOREN, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to encourage investment in real estate and for other purposes.

S. 356

At the request of Mr. PRYOR, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986 to replace the possession tax credit with a wage-based employment tax credit.

S. 366

At the request of Mr. EXON, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 366, a bill to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

S. 409

At the request of Mr. GLENN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 409, a bill to extend the terms of various patents, and for other purposes.

S. 411

At the request of Mr. D'AMATO, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 411, a bill to freeze domestic discretionary spending for fiscal years 1994 and 1995 at fiscal year 1993 levels.

S. 414

At the request of Mr. METZENBAUM, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 414, a bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

S. 416

At the request of Mr. DECONCINI, the names of the Senator from Washington [Mr. GORTON] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 416, a bill to authorize the provision of assistance to the victims of war in the former Yugoslavia, including the victims of torture, rape, and other war crimes and their families.

S. 418

At the request of Mr. DANFORTH, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 418, a bill to require the administering authority to initiate an investigation under title VII of the Tariff Act of 1930 with respect to Airbus Industrie.

S. 424

At the request of Mr. DODD, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 424, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 455

At the request of Mr. HATFIELD, the names of the Senator from Nebraska [Mr. EXON], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 458

At the request of Mr. SMITH, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 458, a bill to restore the Second Amendment Rights of all Americans.

S. 479

At the request of Mr. DODD, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 479, a bill to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act of 1940 and through business development companies.

S. 481

At the request of Mr. SIMON, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 481, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts the same rights given by section 8(f) of such Act to employers and employees in the construction industry, and for other purposes.

S. 527

At the request of Mr. D'AMATO, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 527, a bill to provide for, and to provide constitutional procedures for the imposition of, the death penalty for causing death through the use of a bomb or other destructive device.

S. 579

At the request of Mr. SMITH, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 579, a bill to require Congress to comply with the laws it imposes on others.

SENATE JOINT RESOLUTION 38

At the request of Mrs. KASSEBAUM, the names of the Senator from Georgia [Mr. NUNN], the Senator from Oklahoma [Mr. BOREN], the Senator from Hawaii [Mr. AKAKA], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 38, a joint resolution designating March 20, 1993, as "National Quilting Day."

SENATE JOINT RESOLUTION 39

At the request of Mr. D'AMATO, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 39, a joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as Emergency Medical Services Week.

SENATE JOINT RESOLUTION 42

At the request of Mr. BUMPERS, the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 42, a joint resolution to designate the month of April 1993 as "Civil War History Month."

SENATE JOINT RESOLUTION 50

At the request of Mr. SPECTER, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from West Virginia [Mr. BYRD], the Senator from Arkansas [Mr. BUMPERS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from New York [Mr. D'AMATO], the Senator from Alaska [Mr. STEVENS], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 56

At the request of Mr. BIDEN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Joint Resolution 56, a joint resolution to designate the week beginning April 12, 1993, as "National Public Safety Telecommunicators Week."

SENATE JOINT RESOLUTION 61

At the request of Mr. SIMON, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Alabama [Mr. SHELBY], the Senator from Ohio [Mr. METZENBAUM], the Senator from Delaware [Mr. BIDEN], the Senator from South Carolina [Mr. THURMOND], the Senator from Tennessee [Mr. SASSER], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 61, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 62

At the request of Mr. BIDEN, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 62, a joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Right Week."

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. THURMOND, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Arizona [Mr. DECONCINI], and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Concurrent Resolution 14, a concurrent resolution welcoming the XLVI Congress of the Interallied Confederation of Reserve Officers [CIOR], commending the Department of Defense and the Reserve Officers Association of the United States for hosting the XLVI Congress of the CIOR, and urging other departments and agencies of the Federal Government to cooperate with and assist the XLVI Congress of the CIOR to carry out its activities and programs.

SENATE RESOLUTION 68

At the request of Mr. D'AMATO, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Resolution 68, a resolution urging the President of the United States to seek an international oil embargo through the United Nations against Libya because of its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombing of Pan Am Flight 103.

SENATE RESOLUTION 70

At the request of Mr. BRADLEY, the names of the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Michigan [Mr. RIEGLE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from California [Mrs. FEINSTEIN], the Senator from Maryland [Mr. SARBANES], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

SENATE RESOLUTION 80—RELATIVE TO THE SELECT COMMITTEE ON ETHICS

Mr. SIMON submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 80

Resolved, That (a) subsection (a) of the first section of Senate Resolution 338, agreed to July 24, 1964, is amended to read as follows: "(a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the 'Select Committee') consisting of 6 former Members of the Senate, of whom 3 shall be selected by the Majority Leader and 3 shall be selected by the Minority Leader. The Select Committee shall select a chair and a vice chair from among its members. Members of the Select Committee shall be entitled to a per diem of $400 plus travel expenses while serving on the Select Committee.".

(b) Subsection (e) of the first section of Senate Resolution 338, agreed to July 24, 1964, is repealed.

(c) The amendments made by this resolution shall take effect on May 1, 1993.

Mr. SIMON. Mr. President, today I am introducing legislation that would eliminate the current Ethics Committee and, in its place, establish a committee of former Members of the Senate.

The Senate Ethics Committee was established in 1964, and while, since then, we have made changes in the Senate Code of Conduct, which the committee oversees, we have made no changes in the way the committee is formed. This, despite increasingly justified criticism of the inability of Members to sit in impartial judgment on their colleagues.

I believe it is time to look for an alternative to our present system, a system that is doing nobody any good—neither Member nor those with grievances against a Member. Under my legislation, the majority leader and the minority leader would each appoint three former Members of the Senate to sit on the Ethics Committee. These former Members would bring distance and the absence of conflicts of interest; at the same time, they will bring an understanding of both the role of a Senator and the legislative and electoral process.

We must address the valid concerns raised about our current Ethics Committee structure. This proposal offers one constructive alternative; there are others out there as well. I urge my colleagues to take at look at these proposals so we can begin the process of reform.

AMENDMENTS SUBMITTED

NATIONAL VOTER REGISTRATION ACT OF 1993

DOLE AMENDMENT NO. 85

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill (S. 460) to establish national voter registration procedures for Federal elections, and for other purposes; as follows:

Strike everything from page 13, line 1, to page 21, line 11, and insert the following:

SEC. 8. PROGRAMS FOR ASSURING ACCURATE AND CURRENT OFFICIAL VOTER REGISTRATION LISTS IN STATES THAT REQUIRE REGISTRATION.

(a) IN GENERAL.—Each covered State shall establish uniform and nondiscriminatory programs to assure that official voter registration lists are accurate and current.

(b) PROGRAM BASED ON OFFICIAL INFORMATION RELATING TO DEATH, ETC. OF A VOTER.—Each covered State shall establish a program under which the head of each State agency that, in the normal course of business, receives information indicating that (because of death, criminal conviction, or mental incapacity) the name of a voter should be removed from the official voter registration list under State law, shall transmit that information to the appropriate State election official.

(c) PROGRAM FOR SYSTEMATIC REVIEW OF RESIDENCE ADDRESSES ON OFFICIAL VOTER REGISTRATION LISTS BY MEANS OF NONFORWARDABLE AND FORWARDABLE FIRST CLASS MAILINGS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and in subsection (d), each covered State shall establish a program under which, at least once in each 4-year period, residence addresses on official voter registration lists are reviewed by sending verification notices to registered voters in accordance with this subsection.

(2) EXCEPTION FOR RECENT VOTERS.—A covered State may provide that a program established under paragraph (1) does not require any action with respect to a voter who voted in the last general election for Federal office held before the first verification notices for the 4-year period are mailed under the program.

(3) FIRST VERIFICATION NOTICE.—The first verification notice shall be sent to the voter, by nonforwardable first class mail, at the mailing address shown on the official voter registration list. If the first verification notice is not returned as nondeliverable by the Postal Service, no further action is required under this subsection.

(4) SECOND VERIFICATION NOTICE.—If a first verification notice under paragraph (3) is returned nondeliverable by the Postal Service, the appropriate State election official shall send a second verification notice to the voter. The second verification notice—

(A) shall be sent to the voter, by forwardable first class mail, at the mailing address shown on the official voter registration list;

(B) shall state that, if the voter does not provide a current residence address to the appropriate State election official, the name of the voter will be transferred from the official voter registration list; and

(C) shall include a postage paid return form for the voter to use to provide address correction.

(5) TRANSFER OF NAME FROM OFFICIAL VOTER REGISTRATION LIST AFTER FAILURE TO RESPOND TO SECOND VERIFICATION NOTICE.—If a voter does not provide a current residence address within 30 days after the second verification notice is mailed under paragraph (4), the appropriate State election official shall transfer the name of the voter from the official voter registration list.

(6) PUBLIC INFORMATION.—As part of the program under this subsection, each covered State shall furnish information to the public to promote a maximum awareness of the program among voters.

(d) ALTERNATIVE PROGRAM FOR AUTOMATIC UPDATING OF OFFICIAL VOTER REGISTRATION LISTS THROUGH USE OF CHANGE OF ADDRESS INFORMATION FROM THE POSTAL SERVICE.—

(1) IN GENERAL.—In lieu of a program provided for under subsection (c), a covered State may establish, within respect to any geographical voting unit, a program for automatic updating of official voter registration lists through use of change of address information supplied by the Postal Service. A program under this subsection—

(A) shall be conducted in accordance with State law and in cooperation with the Postal Service; and

(B) shall provide for updating of all official voter registration lists in the geographical voting unit at least once in each 2-year period.

(2) UPDATING OF OFFICIAL VOTER REGISTRATION LIST IN CASE OF LOCAL CHANGE OF ADDRESS; NOTICE TO VOTER.—If the change of address information from the Postal Service shows that the residence address of a voter—

(A) is different from the residence address shown on the official voter registration list; and

(B) is an address for a location within the same geographical voting unit as the residence address shown on the official voter registration list;

the appropriate State election official shall update the official voter registration list for the geographical voting unit in accordance with the information supplied by the Postal Service and shall so notify the voter. The notice under this paragraph shall be sent by forwardable first class mail and shall include a postage paid return form for the voter to use to provide address corrections.

(3) NOTICE TO VOTER OF POSSIBLE TRANSFER OF NAME FROM OFFICIAL VOTER REGISTRATION LIST IN CASE OF CHANGE OF RESIDENCE ADDRESS OUTSIDE THE GEOGRAPHICAL VOTING UNIT.—If the change of address information from the Postal Service shows that the residence address of a voter—

(A) is different from the residence address shown on the official voter registration list; and

(B) is an address for a location that is not in the same geographical voting unit as the residence address shown on the official voter registration list;

the appropriate State election official shall send a notice to the voter, stating that the name of the voter is subject to transfer from the official voter registration list for the geographical voting unit. The notice under this paragraph shall be sent by forwardable first class mail.

(4) TRANSFER OF NAME FROM OFFICIAL VOTER REGISTRATION LIST AFTER FAILURE TO RESPOND TO NOTICE.—If, within 30 days after the notice is mailed under paragraph (3), a voter does not provide information (by use of the postage paid form or as otherwise permitted by State law) to show that the residence address of the voter is within the same geographical voting unit as the residence address shown on the official voter registration list, the appropriate State election official shall transfer the name of the voter from the official voter registration list for the geographical voting unit.

(e) VOTING PROCEDURES FOR PERSONS WHOSE NAMES ARE TRANSFERRED FROM THE OFFICIAL VOTER REGISTRATION LIST.—

(1) IN GENERAL.—At each polling place for an election for Federal office, the appropriate State election official shall maintain a record of the names transferred from the official voter registration list for that polling place during the 4-year period before the election, together with a statement of the reason for each transfer. Any individual who asserts that the name of such individual was erroneously transferred under subsection (c) or (d) shall be permitted to vote under paragraph (2) or (3), as applicable.

(2) INDIVIDUAL WITH DOCUMENTARY PROOF.—An individual who is otherwise eligible to vote and who has documentary proof (as determined under State law applied uniformly throughout the State) that the name of such individual was erroneously transferred under subsection (c) or (d) shall be permitted to vote without restriction or condition.

(3) INDIVIDUAL WITHOUT DOCUMENTARY PROOF.—An individual who is otherwise eligible to vote and who does not have documentary proof (as determined under State law) that the name of such individual was erroneously transferred under subsection (c) or (d) shall be permitted to vote in accordance with a special procedure, to be provided for under State law and to be applied uniformly throughout the State. The procedure—

(A) shall preserve the secrecy and security of the ballot;

(B) may require the individual to submit information under penalty of perjury or other penalty under State law; and

(C) shall provide for counting of the ballot of the individual upon verification of the information submitted by the individual within 10 days after the election.

(f) NO CHANGES TO OFFICIAL VOTER REGISTRATION LISTS PERMITTED IMMEDIATELY BEFORE AN ELECTION.—No change to an official voter registration list may be made under a program established pursuant to this section during—

(1) the period beginning 60 days before a general election for Federal office and ending on the date of the election; or

(2) the period beginning 60 days before a primary election relating to a general election for Federal office and ending on the date of the primary election.

(g) RECORD OF NAMES TRANSFERRED.—The State election official who maintains an official voter registration list for a geographical voting unit shall keep a separate record of the names that are transferred from such list under any program established pursuant to this section, together with a statement of the reason for each transfer. The record of names transferred shall be made available for public inspection and for copying (at the expense of the person requesting the copy).

SEC. 9. SPECIAL PROCEDURE FOR VOTING IN STATES THAT REQUIRE REGISTRATION IF THE REGISTRATION OF AN INDIVIDUAL CANNOT BE VERIFIED ON ELECTION DAY.

If, in a covered State, on the day of an election for Federal office, the appropriate State election official cannot verify the registration of an individual who claims to be registered, the individual shall be permitted to vote in accordance with a special procedure, to be provided for by State law. The procedure—

(1) shall preserve the secrecy and security of the ballot;

(2) may require the individual to submit information under penalty of perjury or other penalty under State law; and

(3) shall provide for counting of the ballot of the individual upon verification of the information submitted by the individual within 10 days after the election.

SEC. 10. ADMINISTRATION OF VOTER REGISTRATION IN STATES THAT REQUIRE REGISTRATION.

In the administration of voter registration for elections for Federal office, each covered State—

(1) shall assure that any eligible applicant is registered to vote in the election, if, not later than 30 days before the date of the election (or such shorter period as may be provided for under State law)—

(A) in the case of registration by motor vehicle driver's license application, the voter registration application is submitted to the State motor vehicle authority;

(B) in the case of registration by mail, the voter registration application is postmarked;

(C) in the case of registration at a location designated under this Act, the voter registration application is accepted at the location; and

(D) in any other case, the voter registration application is received by the appropriate State election official;

(2) shall notify each individual who submits a voter registration application of the approval or other disposition of the application;

(3) may not remove the name of an individual who is otherwise eligible to vote from the official voter registration list for failure to vote or any other reason other than (A) the request of the voter, (B) the death of the voter, or (C) a State law requiring removal by reason of criminal conviction, mental incapacity, or change in residence of the voter; and

(4) shall inform applicants under this Act of (A) each eligibility requirement for voting, and (B) penalties provided by law or submission of a false voter registration application.

JEFFORDS AMENDMENT NO. 86

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill (S. 460), supra, as follows:

On page 29, strike line 19 and insert the following: "on the later of—

"(A) January 1, 1996; or

"(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit compliance with this Act without requiring a special election; and".

SMITH AMENDMENTS NOS. 87–89

(Ordered to lie on the table.)

Mr. SMITH submitted three amendments intended to be proposed by him to the bill (S. 460), supra, as follows:

AMENDMENT NO. 87

At the end of the bill, add the following:

"Notwithstanding anything in section 5, section 6, section 7, of section 8 to the contrary, nothing contained in this Act shall prohibit a State from imposing a requirement for the production of reasonable identification demonstrating that such person is qualified to vote in that precinct at the time—

"(1) such registrant applies for a driver's license and simultaneously registers to vote under section 5 of this Act;

"(2) such registrant submits a mail registration form under section 6 of this Act;

"(3) such registrant appears at a voter registration agency designated under the provisions of subsection (a) of section 7;

"(4) such registrant appears to vote under the first-time voting provisions of subsection (c) of section 6;

"(5) such registrant appears to vote under circumstances described in subsection (d) of section 8. "Notwithstanding the provisions of section 5(b)(2) of this Act, information relating to a declination to register may be used where necessary to:

"(1) the prosecution of a crime of violence, when it is otherwise admissible as evidence;

"(2) the investigation of the presence in the United States of a member of a terrorist organization;

"(3) any other purpose designed to protect the public from a significant danger of serious harm.

"Notwithstanding the provisions of section 7(a)(2) of this Act, no State shall be required to designate any of the following as a voter registration agency:

"(1) a private charitable organization within the State;

"(2) a grocery store or other retail establishment, solely on the basis of the fact that such establishment accepts food stamps or other forms of public assistance or provides related services;

"(3) a privately operated job provider, operating in conjunction with a State or Federal public assistance program;

"(4) a private corporation;

"(5) a privately operated counselling center, drug rehabilitation center, or other social services center;

"(6) a social services agency within a prison;

"(7) an agency designed to provide services for persons not citizens of the United States, including a social services provider within a detention camp for persons accused of being unlawfully within the United States; or

"(8) a nursing home which accepts Social Security checks as payment for services.

"Notwithstanding anything in section 7(a)(5)(C) to the contrary, no cause of action shall lie against any person conferred with the responsibility for distributing registration materials under the provisions of this Act on the basis of reasonable questions designed to determine whether such person is eligible to vote under the provisions of the laws of the State in which registration is sought.

"Notwithstanding anything in section 7(a)(6) to the contrary, no State may be required to distribute voting registration materials to persons under the provisions of this section:

"(1) if an application for assistance is made, on the average, more than once a day; or

"(2) if the Governor of such State certifies that the distribution of such materials would otherwise be redundant, wasteful, repetitive, or foolish.

"Notwithstanding the provisions of section 7(a)(7) of this Act, information relating to a declination to register may be used where necessary to:

"(1) the prosecution of a crime of violence, when it is otherwise admissable as evidence;

"(2) the investigation of the presence in the United States of a member of a terrorist organization;

"(3) any other purpose designed to protect the public from a significant danger of serious harm.

"Notwithstanding the provisions of section 8 of this Act, no State shall be barred from taking any action to remove from its voter rolls persons who are:

"(1) dead;

"(2) aliens illegally within the United States;

"(3) convicted felons, if such persons are disqualified from voting by virtue of such convictions; and

"(4) persons who are not residents of such State.

"Notwithstanding anything in section 8(a)(4) to the contrary, nothing in this Act shall be construed to prevent any State from conducting a general or specific program to remove he names of ineligible voters from the official lists of eligible voters by reason of—

"(1) the fact that a voter is an alien illegally within the United States; or

"(2) the fact that a voter is disqualified from voting under the law of such State by reason of a felony conviction.

"Notwithstanding anything in section 8(b)(1) to the contrary, nothing contained in this Act shall be construed to prevent a State from conducting an anti-fraud effort in any jurisdiction or part thereof where there is reason to believe there exists a high incidence of voter fraud.

"Notwithstanding anything in section 11 to the contrary, remedies under the cause of action shall be limited to those explicitly cited in the provisions of that section and shall not include monetary damages, punitive damages, or the suspension or nullification of an election.

"Notwithstanding anything in section 11 to the contrary, no action may be brought under the provisions of that section on the basis that an action is 'discriminatory' because it fails to achieve a quota, guideline, timetable, or other racially based numerical criterion.".

AMENDMENT NO. 88

At the appropriate place, add the following:

SECTION 1. REPEAL OF ASSAULT WEAPON MANUFACTURING STRICT LIABILITY ACT OF 1990.

The Assault Weapon Manufacturing Strict Liability Act of 1990 (D.C. Act 8-289, signed by the Mayor of the District of Columbia on December 17, 1990) is hereby repealed, and any provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

AMENDMENT NO. 89

At the appropriate place, add the following:

"(a) Not later than September 30, 1995, the Attorney General shall promulgate regulations requiring that the following policies be implemented by each State prior to October 1, 1998:

"(1) that, prior to the issuance, reissuance, or reinstatement of any driver's license, commercial driver's license, permit, or identification card issued by the appropriate agency for the regulation of driving privileges in each State, such agency conduct a criminal records check of the applicant to determine, from the records furnished to the agency, whether the applicant has previously been convicted of a felony under State or federal law;

"(2) that, in the case of any applicant who has previously been convicted of a felony under State or federal law, the driver's license of such individual be marked, in accordance with regulations prescribed by the Attorney General, to so indicate;

"(3) that the cost of implementing paragraphs (1) and (2) of this section be funded wholly through a surcharge imposed on license applications by persons previously convicted of felonies, in accordance with regulations promulgated by the Attorney General.".

McCONNELL AMENDMENTS NOS. 90–91

(Ordered to lie on the table.)

Mr. McCONNELL submitted two amendments intended to be proposed by him to the bill (S. 460), supra, as follows:

AMENDMENT NO. 90

In section 4(b), strike "described" and all that follows through the end of the subsection and insert "in which there is no voter registration requirement for any voter in the State with respect to an election for Federal office.".

AMENDMENT NO. 91

On page 8, strike line 23 and all that follows through page 24, line 21, and insert the following:

"(2) Each State shall designate as voter registration agencies all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

"(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

"(B) Voter registration agencies designated under subparagraph (A) may include—

"(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, offices that provide public assistance, unemployment compensation, or related services, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

"(ii) Federal and nongovernmental offices, with the agreement of such offices."

McCONNELL (AND SIMPSON) AMENDMENT NO. 92

(Ordered to lie on the table.)

Mr. McCONNELL (for himself and Mr. SIMPSON) submitted an amendment intended to be proposed by them to the bill (S. 460), supra, as follows:

On page 4, line 15 after "which" insert; "under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect."

On page 4, line 12, after "which", under law that is in effect continuously on and after March 11, 1993,".

On page 4, line 17, after "Federal" insert "officer, or in a Presidential election.".

McCONNELL AMENDMENTS NOS. 93–110

(Ordered to lie on the table.)

Mr. McCONNELL submitted 18 amendments intended to be proposed by him to the bill (S. 460), supra, as follows:

AMENDMENT NO. 93

On page 10, line 2, strike the period and insert ", if the applicant orally requests such assistance, and not if the applicant orally refuses such assistance.".

On page 12, line 2, strike the period and insert ", if the applicant orally requests assistance in completing the voter registration form, and not if the applicant orally refuses such assistance.".

AMENDMENT NO. 94

At the end of the bill add the following:

SEC. 14. SUNSET PROVISION.

After the date on which the chief election official of a State certifies to the Federal Election Commission that the percentage of persons who were eligible to vote in that State in the general election for Federal office in 1996 that voted in the 1996 election did not exceed by at least 1.0 percentage point the percentage of persons who were eligible to vote in that State in the general election for Federal office in 1992 who voted in the 1992 election, this Act shall not apply to that State.

AMENDMENT NO. 95

On page 6, line 18, strike "perjury; and" and insert "perjury;".

On page 6, line 19, strike "(E)" and insert "(F)".

On page 6, after line 18, insert:

"(E) shall include, in sufficiently large print to be easily readable, the information required in sections 8(a)(5)(A) and 8(a)(5)(B); and".

On page 26, line 10, strike "perjury; and" and insert "perjury;".

On page 26, line 11, strike "(3)" and insert "(4)".

On page 26, after line 10, insert:

"(3) shall include, in sufficiently large print to be easily readable, the information required in sections 8(a)(5)(A) and 8(a)(5)(B); and".

AMENDMENT NO. 96

On page 4, line 10, strike "either or both" and insert "one or more", and

On page 4, between lines 17 and 18 add the following:

"(3) A State that—

"(A) demonstrates to the Federal Election Commission that 90 percent or more of all eligible members of the voting age population in the State were registered to vote in the most recent Federal election at any time; and

"(B) has in place a program for the removal of names of ineligible voters from official lists of eligible voters that is substantially equivalent to that described in section 8."

AMENDMENT NO. 97

Page 19, line 20, strike "registrant" and insert the following: "registrar".

AMENDMENT NO. 98

In section 5(a)(1), strike "Except as provided in subsection (b), each" and insert "Each".

Strike the period and insert "if the applicant so requests in writing."

Strike section 5(b).

In section 5(c), strike "(c)" and insert "(b)".

In new section 5(b)(2)(B), insert after "may" the following "elect or".

In new section 5(b)(2)(B), strike "subsection (b)" and insert in lieu thereof "subsection (a)".

In section 5(d), strike "(d)" and insert "(c)".

On page 11, strike lines 15 and 16 and insert in lieu thereof "if an applicant, in writing, affirmatively requests to register to vote;".

On page 11, line 21, insert after "may" the following "elect or".

AMENDMENT NO. 99

On page 10, line 19, after "from" insert "or coerce the applicant into".

On page 28, line 11, strike "vote;" and insert "vote, or declining to register or vote;".

AMENDMENT NO. 100

On page 14, line 15, strike "incapacity; or" and insert "incapacity;".

On page 14, line 16, strike "(C)" and insert "(D)".

On page 14, after line 15 insert:

"(C) where such resident is ineligible to vote because of citizenship status or insufficient age; or".

AMENDMENT NO. 101

At the appropriate place, insert the following:

SEC. 17. SENSE OF THE SENATE REGARDING MEASURES THAT CONTAIN UNFUNDED FEDERAL MANDATES.

It is the Sense of the Senate that it shall not be in order for the Senate to consider a bill or resolution, or an amendment thereto or conference report thereon, that would impose a duty or requirement on State or local governments that in the judgment of the Director of the Congressional Budget Office would be likely to result in an annual cost to State and local governments of $50,000,000 or more in conducting the program, project, or activity with respect to which the duty or requirement would be imposed.

AMENDMENT NO. 102

Strike section 4(a)(2).
Strike section 6.
Strike section 9(a)(2).
Strike section 9(b).

AMENDMENT NO. 103

Strike section 7.
Strike Section 3(5).

AMENDMENT NO. 104

Page 15, line 21, strike "." and insert "unless that person has failed to vote during a period spanning at least 2 Presidential elections."

AMENDMENT NO. 105

Page 15, line 21, strike "." and insert "unless that person has failed to vote during a period spanning at least 5 Presidential elections."

AMENDMENT NO. 106

Page 15, line 21, strike "." and insert "unless that person has failed to vote during a period spanning at least 10 Presidential elections."

AMENDMENT NO. 107

Page 15, line 21, strike "." and insert "unless that person has failed to vote during a period spanning at least 15 Presidential elections."

AMENDMENT NO. 108

Strike "and" at the end of section 7(a)(2)(A).

Strike the period at the end of section 7(a)(2)(B) and insert "; and".

At the end of section 7(a)(2) add the following:

(C) all State-funded offices and, with their agreement, all offices of the Internal Revenue Service in the State, that provide assistance to taxpayers in complying with the requirements of revenue laws.

AMENDMENT NO. 109

Strike "and" at the end of section 7(a)(2)(A).

Strike the period at the end of section 7(a)(2)(B) and insert "; and".

At the end of section 7(a)(1)(2) add the following:

(C) all fishing and hunting license bureaus.

In section 7(a)(3)(B)(i) strike "fishing and hunting license bureaus,".

AMENDMENT NO. 110

Strike all after the enacting clause and insert the following:

SEC. . FORMS WITH INCOME TAX INFORMATION.

Each State which requires the filing of a State income tax return shall develop and implement procedures to permit voter registration by mail by either—

(1) including such mail voter registration application materials with the State income tax forms which are mailed or otherwise provided to each State taxpayer, or

(2) providing on such State income tax form a method for each taxpayer to request the State to provide such taxpayer with the mail registration materials.

HELMS (AND OTHERS) AMENDMENT NO. 111

(Ordered to lie on the table.)

Mr. HELMS (for himself, Mr. PRESSLER, Mr. SMITH, Mr. BROWN, Mr. FAIRCLOTH, and Mr. MCCONNELL) submitted an amendment intended to be proposed by them to the bill (S. 460), supra, as follows:

At the appropriate place in the bill, add the following:

"SEC. . Notwithstanding any other provision of this Act, a State shall be exempt from this Act, if its Governor determines and so certifies to the Attorney General of the United States that compliance with this Act would force it to expend additional public funds, making it necessary for the State to increase taxes on its citizens.".

MCCAIN (AND GRAMM) AMENDMENT NO. 112

(Ordered to lie on the table.)

Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by them to the bill (S. 460), supra, as follows:

At the appropriate place, insert the following:

SEC. . REGISTRATION AND VOTING BY MEMBERS OF THE ARMED FORCES.

(a) Each State and the Secretary of Defense shall jointly develop and implement procedures—

(1) in the case of persons who are inducted into the Armed Forces of the United States after the date that such procedures have been developed and implemented, to register those persons to vote at the time and place of induction;

(2) in the case of persons who are members of the Armed Forces of the United States on that date, to register those persons to vote at their place of duty; and

(3) that the Secretary of Defense annually forward to the States the names and places of duty of every individual registered to vote and serving in the Armed Services.

(4) that the States treat the list designated in (a)(3) if this Section as a request for an absentee ballot.

(b) ABSENTEE VOTING.—(1) Each State shall—

(A) accept Federal write-in absentee ballots from members of the Armed Forces of the United States and their spouses and dependents for both special and general elections for Federal office;

(B) treat each request for an absentee ballot by a member of the Armed Forces of the

United States or their spouses or dependents as a request for an absentee ballot to vote in all special and general elections for Federal office held during the calendar year in which the request is made.

(2) A State shall not impose or enforce any requirement that a request for an absentee ballot by a member of the Armed Forces of the United States or their spouses or dependents be made within a certain length of time prior to the date of a special or general election for Federal office.

FORD AMENDMENTS NOS. 113–123

(Ordered to lie on the table.)

Mr. FORD submitted eleven amendments intended to be proposed by him to the bill (S. 460), supra, as follows:

AMENDMENT NO. 113

On page 29, strike line 19 and insert the following: on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to * * *.

AMENDMENT NO. 114

On page 24, line 24, strike "the heads" and all that follows through page 25, line 3, and insert "shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);".

AMENDMENT NO. 115

On page 10, line 2, after "forms" insert ", unless the applicant refuses such assistance".

On page 12, line 2, after "forms" insert ", unless the applicant refuses such assistance".

AMENDMENT NO. 116

On page 8, between lines 18 and 19, insert he following:

(d) UNDELIVERED NOTICES.—If a notice described in section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the name of the applicant may be removed from the official list of eligible voters in accordance with section 8(d).

AMENDMENT NO. 117

On page 7, between lines 4 and 5, insert the following:

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

AMENDMENT NO. 118

On page 6, line 18, strike "perjury; and" and insert "perjury;".

On page 6, between lines 18 and 19, insert the following:

(D) shall include, in print that is identical to that used in the attestation position of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declared to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

On page 6, line 19, strike "(E)" and insert "(F)".

On page 26, line 10, strike "perjury; and" and insert "perjury;".

On page 26, between lines 10 and 11, insert the following:

(3) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declared to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application and will be used only for voter registration purposes; and

On page 26, line 11, strike "(3)" and insert "(4)".

AMENDMENT NO. 119

On page 12, after line 22 add the following:

(d) ARMED FORCES RECRUITMENT OFFICES.—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

AMENDMENT NO. 120

On page 4, lines 21 and 22, strike "Except as provided in subsection (b), each" and insert "Each".

On page 5, line 2, after "office" insert "unless the applicant fails to sign the voter registration application".

On page 5, strike line 6 through 12 and insert the following:

(b) LIMITATION ON USE OF INFORMATION.—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

On page 6, strike lines 1 through 3.

On page 6, line 4, strike "(C)" and insert "(B)".

On page 6, line 12, strike "(D)" and insert "(C)".

On page 16, line 19, "(E)" and insert "(D)".

AMENDMENT NO. 121

On page 4, line 12, after "which" insert ", under law that is in effect continuously on and after March 11, 1993,".

On page 4, strike lines 15 through 17 and insert the following:

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office in a year in which an election for the office of President is held.

AMENDMENT NO. 122

On page 4, strike line 12 and all that follows through the end of the bill and insert the following:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office in a year in which an election for the office of President is held.".

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) LIMITATION ON USE OF INFORMATION.—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 6. MAIL REGISTRATION.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) UNDELIVERED NOTICES.—If a notice described in section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the name of the applicant may be removed from the official list of eligible voters in accordance with section 8(d).

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) IN GENERAL.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) CONFIRMATION OF VOTER REGISTRATION.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) VOTER REMOVAL PROGRAMS.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.".

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)-(h) and (j)-(k) of this title," and inserting in lieu thereof "3626(a)-(h), 3626(j)-(k), and 3629 of this title".

(3) Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title," and inserting in lieu thereof "3626, or 3629 of this title".

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for voter registration purposes.".

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

AMENDMENT NO. 123

On page 4, strike line 12 and all that follows through the end of the bill and insert the following:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office in a year in which an election for the office of President is held.".

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) LIMITATION ON USE OF INFORMATION.—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 6. MAIL REGISTRATION.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) UNDELIVERED NOTICES.—If a notice described in section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the name of the applicant may be removed from the official list of eligible voters in accordance with section 8(d).

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(d) ARMED FORCES RECRUITMENT OFFICES.—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) IN GENERAL.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) CONFIRMATION OF VOTER REGISTRATION.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) VOTER REMOVAL PROGRAMS.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is over-

turned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.".

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)-(h) and (j)-(k) of this title," and inserting in lieu thereof "3626(a)-(h), 3626(j)-(k), and 3629 of this title".

(3) Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title," and inserting in lieu thereof "3626, or 3629 of this title".

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for voter registration purposes.".

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

GRAMM AMENDMENT NO. 124

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill (S. 460), supra, as follows:

Strike all after (A) on page 9, line 1 through (B) on page 9, line 4.

SIMPSON AMENDMENT NO. 125

(Ordered to lie on the table.)

Mr. SIMPSON submitted an amendment intended to be proposed by him to the bill (S. 460), supra, as follows:

At the appropriate place, add the following:

SEC. . FORMS WITH INCOME TAX INFORMATION.

Each State which requires the filing of a State income tax return shall develop and implement procedures to comply with the provisions of this Act, permitting voter registration by mail by either—

(1) including such mail voter registration application materials with the State income tax forms which are mailed or otherwise provided to each State taxpayer, or

(2) providing on such State income tax form a method for such taxpayer to request the State to provide such taxpayer with the mail registration materials.

SIMPSON (AND D'AMATO) AMENDMENT NO. 126

(Ordered to lie on the table.)

Mr. SIMPSON (for himself and Mr. D'AMATO) submitted an amendment intended to be proposed by him to the bill (S. 460), supra, as follows:

At the end of the bill, add the following:

TITLE —IMPROVED PROCEDURES FOR EXCLUSION OF ALIENS SEEKING TO ENTER THE UNITED STATES BY FRAUD

SEC. 01. SHORT TITLE.

This title may be cited as the "Port of Entry Inspections Improvement Act of 1993".

SEC. 02. ADMISSIONS FRAUD.

(a) EXCLUSION FOR FRAUDULENT DOCUMENTS OR FAILURE TO PRESENT DOCUMENTS.—Section 212(a)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)) is amended—

(1) by striking "(C) MISREPRESENTATION" and inserting in lieu thereof the following: "(C) FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS";

(2) by adding at the end the following new clause:

"(iii) FRAUDULENT DOCUMENTS AND FAILURE TO PRESENT DOCUMENTS.—

"(I) Any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer to whom the document is presented, is forged, counterfeit, altered, falsely made, stolen, or inapplicable to the alien presenting the document, or otherwise contains a misrepresentation of a material fact, is excludable.

"(II) Any alien who, in boarding a common carrier for the purpose of coming to the United States, presents a document which relates or purports to relate to the alien's eligibility to enter the United States, and fails to present such document to an immigration officer upon arrival at a port of entry into the United States, is excludable.".

(b) PROVISION FOR ASYLUM AND OTHER DISCRETIONARY RELIEF.—

(1) Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following new subsections:

"(e)(1) Notwithstanding subsection (a), any alien who, in seeking entry to the United States or boarding a common carrier pursuant to direct departure to the United States, presents any document which, in the determination of the immigration officer to whom the document is presented, is fraudulent, forged, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, may not apply for or be granted asylum, unless presentation of the document was pursuant to direct departure from—

"(A) a country in which the alien has a credible fear of persecution; or

"(B) a country in which there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(2) Notwithstanding subsection (a), an alien who, in boarding a common carrier pursuant to direct departure to the United States, presents any document which relates or purports to relate to the alien's eligibility to enter the United States, and who fails to present such document to an immigration official upon arrival at a port of entry into the United States, may not apply for or be granted asylum, unless presentation of such document was pursuant to direct departure from—

"(A) a country in which the alien has a credible fear of persecution; or

"(B) a country in which there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(3)(A) Whenever an immigration officer determines that an alien seeks entry to the United States as described in paragraph (1) or (2) and that the alien has indicated a desire to apply for asylum, the immigration officer shall refer the matter to an immigration officer specially trained to conduct interviews and to make determinations bearing on eligibility for asylum, who shall interview the alien to determine whether presentation of the document was pursuant to direct departure from—

"(i) a country in which the alien has a credible fear of persecution; or

"(ii) which there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(B) If the immigration officer determines that the alien does not have a credible fear of persecution in the country from which the alien was last present before attempting entry into the United States, and that there is no significant danger that the alien would be returned from such country to a country in which the alien would have a credible fear of persecution, the alien may be specially excluded and deported in accordance with section 235(e). The alien may not appeal such determination.

"(4) As used in this subsection, the term 'credible fear of persecution' means—

"(A) it is more probable than not that the statements made by the alien in support of his or her claim are true; and

"(B) there is a significant possibility, in light of such statements and of such other facts as are known to the officer about country conditions, that the alien could establish eligibility as a refugee within the meaning of section 101(a)(42)(A).".

(2) Section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended in the third sentence by inserting before the period "or to any alien who is excludable pursuant to section 212(a)(6)(C)(iii)".

(3) Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

"(d)(1) Subject to paragraph (2), any alien, who has not been admitted to the United States and who is excludable under section 212(a)(6)(C)(iii), is ineligible for withholding of deportation pursuant to section 243(h), and may not apply for withholding of deportation or for any other relief under this Act, except as provided in section 208(e) with respect to asylum.

"(2) An alien under paragraph (1) who has been found ineligible to apply for asylum under section 208(e) may be returned only—

"(A) to a country in which, in the judgment of an immigration officer specially trained to conduct interviews and to make determinations bearing on eligibility for asylum, the alien has no credible fear of persecution upon return; and

"(B) to a country from which, in the judgment of such officer, there is no significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.".

(4) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended—

(A) in the second sentence of paragraph (1) by striking out "Deportation" and inserting in lieu thereof "Subject to section 235(d)(2), deportation"; and

(B) in the first sentence of paragraph (2) by striking out "If" and inserting in lieu thereof "Subject to section 235(d)(2), if".

SEC. 03. SPECIAL PORT OF ENTRY EXCLUSION FOR ADMISSIONS FRAUD.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) (as amended by section 02(b)(3) of this title) is amended by adding after subsection (d) the following new subsection:

"(e)(1) Subject to paragraph (2), any alien (including an alien crewman) who may appear to examining immigration officer or to the special inquiry officer during the examination before either of such officers to be excludable under section 212(a)(6)(C)(iii) may be ordered specially excluded and deported by the Attorney General, either by a special inquiry officer or otherwise.

"(2)(A) An alien who has been found ineligible to apply for asylum under section 208(e) may be returned only—

"(i) to a country in which, in the judgment of an immigration officer specially trained to conduct interviews and to make determinations bearing on eligibility for asylum, the alien has no credible fear of persecution upon return; and

"(ii) to a country from which, in the judgment of such officer, there is no significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(B) Such special exclusion order is not subject to administrative appeal and shall have the same effect as if the alien has been ordered excluded and deported pursuant to section 236, except that judicial review of such an order shall not be available under section 106 or, except by habeas corpus as herein provided, under any other provision of law.

"(C) Nothing in this subsection may be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.".

SEC. 04. RESTRICTIONS ON JUDICIAL REVIEW.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) (as amended by section 03 of this title) is amended by adding after subsection (e) the following new subsections:

"(f) ALIENS EXCLUDABLE FOR ADMISSIONS FRAUD.—Notwithstanding any other provision of law, no court shall have jurisdiction to review, except by petition for habeas corpus, any determination made with respect to an alien found excludable for admissions fraud pursuant to section 212(a)(6)(C)(iii). In any such case, review by habeas corpus shall be limited to examination of whether the petitioner (1) is an alien, and (2) was ordered specially excluded from the United States pursuant to sections 212(a)(6)(C)(iii) and 235(e).

"(g) INTERVIEWS AND SPECIAL EXCLUSION.—(1) Notwithstanding any other provision of law, no court shall have jurisdiction—

"(A) to review the procedures established by the Attorney General for the determination of admissions fraud pursuant to section 212(a)(6)(C)(iii); or

"(B) to enter declaratory or injunctive relief with respect to the implementation of subsection (d) or (e).

"(2) Notwithstanding the nature of the suit or claim, no court shall have jurisdiction (except by habeas corpus petition as provided in subsection (f)) to consider the validity of any adjudication or determination of special exclusion or to provide declaratory or injunctive relief with respect to the special exclusion of any alien.

"(h) COLLATERAL ENFORCEMENT PROCEEDINGS.—In any action brought for the assessment of penalties for improper entry or reentry of an alien under sections 275 and 276, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion, special exclusion, or deportation entered under sections 235, 236, and 242.".

SEC. 05. ENHANCED PENALTIES FOR CERTAIN ALIEN SMUGGLING.

Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)) is amended—

(1) by striking "five years" and inserting "ten years"; and

(2) by inserting before the period at the end of paragraph (1) ", except that in any case in which a person causes serious bodily injury to, or places in jeopardy the life of, any alien involved in the offense, such person shall be fined in accordance with the provisions of title 18, United States Code, or imprisoned not more than 20 years for each alien with respect to whom any violation of this paragraph occurs, or both.".

SEC. 06. EFFECTIVE DATE.

Notwithstanding section 13 of this Act, this title and the amendments made by this title shall take effect on the date of enactment of this Act, and such amendments shall apply to aliens who arrive in or seek admission to the United States on or after the date of enactment of this Act.

SIMPSON (AND OTHERS) AMENDMENTS NOS. 127-129

(Ordered to lie on the table.)

Mr. SIMPSON (for himself, Mr. HELMS, and Mr. MCCONNELL) submitted three amendments intended to be proposed by them to the bill (S. 460), supra, as follows:

AMENDMENT NO. 127

At the appropriate place, insert the following:

SEC. . RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to preclude a State from requiring presentation of documentary evidence of the citizenship of an applicant for voter registration.

AMENDMENT NO. 128

At the appropriate place, insert the following:

SEC. . CIVIL PENALTIES FOR MISREPRESENTATION OR FRAUD CONCERNING CITIZENSHIP.

(a) IN GENERAL.—A person who engages in conduct that constitutes a violation of section 911, 1015, 1426(a), or 1546 of title 18, United States Code, shall be liable for a civil penalty imposed in accordance with the procedures stated in subsection (b).

(b) PROCEDURES.—

(1) COMPLAINTS AND INVESTIGATIONS.—The Attorney General shall establish procedures—

(A) for persons to file written, signed complaints respecting potential violations of section 911, 1015, 1426(a), or 1546 of title 18, United States Code;

(B) for the investigation of those complaints which, on their face, have a substantial probability of validity;

(C) for the investigation of such other violations of section 911, 1015, 1426(a), or 1546 of title 18, United States Code, as the Attorney General determines to be appropriate; and

(D) for the designation in the Department of Justice of a unit to prosecute violations of section 911, 1015, 1426(a), or 1546 of title 18, United States Code.

(2) AUTHORITY IN INVESTIGATIONS.—In conducting investigations and hearings under this subsection—

(A) the Attorney General and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated; and

(B) administrative law judges, may, if necessary, compel by subpoena the attendance of witnesses and the production of evidence at any designated place or hearing.

(3) ORDER REQUIRING COMPLIANCE.—In a case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the Attorney General, a district court of the United States may issue an order requiring compliance with the subpoena, and any failure to obey the order may be punished as a contempt of court.

(4) HEARING.—

(A) IN GENERAL.—Before imposing an order described in paragraph (5) against a person under this subsection for a violation of section 911, 1015, 1426(a), or 1546 of title 18, United States Code, the Attorney General shall provide the person with notice and, upon request made within a reasonable time (of not less than 30 days, as established by the Attorney General) of the date of the notice, a hearing respecting the violation.

(B) CONDUCT OF HEARING.—A hearing requested pursuant to subparagraph (A) shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. The hearing shall be held at the nearest practicable place to the place where the person resides or of the place where the alleged violation occurred. If no hearing is requested, the Attorney General's imposition of the order shall constitute a final and unappealable order.

(C) ISSUANCE OF ORDERS.—If an administrative law judge determines, upon the preponderance of the evidence received, that a person named in the complaint has violated section 911, 1015, 1426(a), or 1546 of title 18, United States Code, the administrative law judge shall state findings of fact and issue and cause to be served on the person an order described in paragraph (5).

(5) CEASE AND DESIST ORDER WITH CIVIL MONEY PENALTY.—With respect to a violation of section 911, 1015, 1426(a), or 1546 of title 18, United States Code, the order under this subsection shall require the person to—

(A) cease and desist such violations, and inform the appropriate State office that the person's name should be removed from the voter registration list; and

(B) pay a civil penalty of—

(i) in the case of a first violation, not less than $1,000 nor more than $4,000; and

(ii) in the case of a second or subsequent violation, not less than $4,000 nor more than $10,000 for each violation.

(6) ADMINISTATIVE APPELLATE REVIEW.—The decision and order of an administrative law judge shall become the final agency decision and order of the Attorney General unless, within 30 days, the Attorney General modifies or vacates the decision and order, in which case the decision and order of the Attorney General shall become a final order under this subsection.

(7) JUDICIAL REVIEW.—A person adversely affected by a final order under this section may, within 45 days after the date the final order is issued, file a petition in the court of appeals for the appropriate circuit for review of the order.

(8) ENFORCEMENT OF ORDERS.—If a person fails to comply with a final order issued under this section, the Attorney General shall bring a civil action in United States district court to seek compliance with the order. In such an action, the validity and appropriateness of the final order shall not be subject to review.

AMENDMENT NO. 129

At the appropriate place, insert the following:

SEC. . REGISTRATION OF NONCITIZENS.

(a) DEFINITION.—For the purposes of this section—

(1) the term "6 States that receive the largest number of immigrants' means the 6 States that, as reported in the Immigration and Naturalization Service Statistical Yearbook for fiscal year 1991, received the largest number of immigrants.

(b) STUDY.—The Attorney General shall conduct a study, in at least 3 States that are among the 6 States that received the largest number of immigrants, to determine, as specifically as possible using the best available statistical and other methodologies with respect to the period beginning on the date of enactment of this Act and ending on the date of the general elections for Federal office in 1994—

(1) the number of noncitizens that apply for voter registration during that period;

(2) the number of noncitizens that are registered to vote in the primary, runoff, and general elections for Federal office in 1994;

(3) the number of noncitizens that vote in the privacy, runoff, and general elections for Federal office in 1994;

(4) the number of noncitizens that, during that period, use voter registration material facilitated by this Act to violate immigration laws (including sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c)); and

(5) the number of noncitizens that, during that period, use voter registration material facilitated by this Act to apply for or obtain Federal public benefits.

(c) REPORT.—Not later than November 30, 1995, the Attorney General shall submit to Congress a report describing the results of the study. If it is determined in the study and report required by this section that more than 3.0 percent of all persons registered to vote in the primary, runoff, and general elections for Federal office in 1994 in the States that are the subject of the study are noncitizens, section 6, Mail Registration, and section 7, Voter Registration Agencies, shall terminate 15 days after the report is submitted to Congress.

SIMPSON (AND OTHERS) AMENDMENT NO. 130

Mr. SIMPSON (for himself, Mr. HELMS, and Mr. MCCONNELL) proposed an amendment to the bill (S. 460), supra, as follows:

At the appropriate place, insert the following:

SEC. . RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to preclude a State from requiring presentation of documentary evidence of the citizenship of an applicant for voter registration.

McCONNELL AMENDMENTS NOS. 131–151

(Ordered to lie on the table.)

Mr. MCCONNELL submitted 21 amendments intended to be proposed by him to the bill (S. 460), supra, as follows:

AMENDMENT NO. 131

In section 4(b), strike "described" and all that follows through the end of the subsection and insert "in which there is no voter registration requirement for any voter in the State with respect to an election for Federal office.".

AMENDMENT NO. 132

On page 4, line 15 after "which" insert; "under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect."

On page 4, line 12, after "which" insert ", under law that is in effect continuously on and after March 11, 1993,".

On page 4, line 17, after "Federal" insert "office, or in a Presidential election."

AMENDMENT NO. 133

On page 8, strike line 23 and all that follows through page 24, line 21, and insert the following:

"(2) Each State shall designate as voter registration agencies all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

"(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

"(B) Voter registration agencies designated under subparagraph (A) may include—

"(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, offices that provide public assistance, unemployment compensation, or related services, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

"(ii) Federal and nongovernmental offices, with the agreement of such offices."

AMENDMENT NO. 134

On page 10, line 2, strike the period and insert ", if the applicant orally requests such assistance, and not if the applicant orally refuses such assistance.".

On page 12, line 2, strike the period and insert ", if the applicant orally requests assistance in completing the voter registration form, and not if the applicant orally refuses such assistance.".

AMENDMENT NO. 135

At the end of the bill add the following:

SEC. 14. SUNSET PROVISIONS.

After the date on which the chief election official of a State certifies to the Federal Election Commission that the percentage of persons who were eligible to vote in that State in the general election for Federal office in 1996 that voted in the 1996 election did not exceed by at least 1.0 percentage point the percentage of persons who were eligible to vote in that State in the general election for Federal office in 1992 who voted in the 1992 election, this Act shall not apply in that State.

AMENDMENT NO. 136

On page 6, line 18, strike "perjury; and" and insert "perjury;".

On page 6, line 19, strike "(E)" and insert "(F)".

On page 6, after line 18, insert:

"(E) shall include, in sufficiently large print to be easily readable, the information required in sections 8(a)(5)(A) and 8(a)(5)(B); and".

On page 26, line 10, strike "perjury; and" and insert "perjury;".

On page 26, line 11, strike "(3)" and insert (4)".

On page 26, after line 10, insert:

"(3) shall include, in sufficiently large print to be easily readable, the information required in sections 8(a)(5)(A) and 8(a)(5)(B); and".

AMENDMENT NO. 137

On page 4, line 10, strike "either or both" and insert "one or more", and

On page 4, between lines 17 and 18 add the following:

"(3) A State that—

"(A) demonstrates to the Federal Election Commission that 90 percent or more of all eligible members of the voting age population in the State were registered to vote in the most recent Federal election at any time; and

"(B) has in place a program for the removal of names of ineligible voters from official lists of eligible voters that is substantially equivalent to that described in section 8."

AMENDMENT NO. 138

Page 19, line 20, strike "registrant" and insert the following: "registrar".

AMENDMENT NO. 139

In section 5(a)(1), strike "Except as provided in subsection (b), each" and insert "Each".

Strike the period and insert "if the applicant so requests in writing."

Strike section 5(b).

In section 5(c), strike "(c)" and insert "(b)".

In new section 5(b)(2)(B), insert after "may" the following "elect or"

In new section 5(b)(2)(B), strike "subsection (b)" and insert in lieu thereof "subsection (a)".

In section 5(d), strike "(d)" and insert "(c)".

On page 11, strike lines 15 and 16 and insert in lieu thereof "if an applicant, in writing, affirmatively requests to register to vote;".

On page 11, line 21, insert after "may" the following "elect or".

AMENDMENT NO. 140

On page 10, line 19, after "from" insert "or coerce the applicant into".

On page 28, line 11, strike "vote;" and insert "vote, or declining to register or vote;".

AMENDMENT NO. 141

On page 14, line 15, strike "incapacity; or" and insert "incapacity;".

On page 14, line 16, strike "(C)" and insert "(D)".

On page 14, after line 15 insert:

"(C) where such resident is ineligible to vote because of citizenship status or insufficient age; or".

AMENDMENT NO. 142

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING MEASURES THAT CONTAIN UNFUNDED FEDERAL MANDATES.

It is the Sense of the Senate that it shall not be in order for the Senate to consider a bill or resolution, or an amendment thereto or conference report thereon, that would impose a duty or requirement on State or local governments that in the judgment of the Director of the Congressional Budget Office would be likely to result in an annual cost to State and local governments of $50,000,000 or more in conducting the program, project, or activity with respect to which the duty or requirement would be imposed.

AMENDMENT NO. 143

Strike section 4(a)(2).

Strike section 6.

Strike section 9(a)(2).

Strike section 9(b).

AMENDMENT NO. 144

Strike section 7.

Strike section 3(5).

AMENDMENT NO. 145

Page 15, line 21, strike "." and insert "unless that person has failed to vote during a period spanning at least 2 Presidential elections."

AMENDMENT NO. 146

Page 15, line 21, strike "." and insert "unless that person has failed to vote during a period spanning at least 5 Presidential elections."

AMENDMENT NO. 147

Page 15, line 21 strike "." and insert "unless that person has failed to vote during a period spanning at least 10 Presidential elections."

AMENDMENT NO. 148

Page 15, line 21 strike "." and insert "unless that person has failed to vote during a period spanning at least 15 Presidential elections."

AMENDMENT NO. 149

Strike "and" at the end of section 7(a)(2)(A).

Strike the period at the end of section 7(a)(2)(B) and insert "; and".

At the end of section 7(a)(2) add the following:

(C) all State-funded offices and, with their agreement, all offices of the Internal Revenue Service in the State, that provide assistance to taxpayers in complying with the requirements of revenue laws.

AMENDMENT No. 150

Strike "and" at the end of section 7(a)(2)(A).

Strike the period at the end of section 7(a)(2)(B) and insert "; and".

At the end of section 7(a)(1)(2) add the following:

(C) all fishing and hunting license bureaus.

In section 7(a)(3)(B)(i) strike "fishing and hunting license bureaus,".

AMENDMENT No. 151

Strike all after the enacting clause and insert the following:

SEC. . FORMS WITH INCOME TAX INFORMATION.

Each State which requires the filing of a State income tax return shall develop and implement procedures to permit voter registration by mail by either—

(1) including such mail voter registration application materials with the State income tax forms which are mailed or otherwise provided to each State taxpayer, or

(2) providing on such State income tax form a method for each taxpayer to request the State to provide such taxpayer with the mail registration materials.

BROWN AMENDMENT NO. 152

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the bill (S. 460), supra, as follows:

Subsections (B) (i) and (ii) are deemed to read:

(B) (i) has failed to respond to a notice described in paragraph (2);

(ii) has not corrected the registrar's record of the registrant's address.

GRAMM AMENDMENT NO. 153

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to the bill (S. 460), supra, as follows:

At the end of the amendment, add the following:

Notwithstanding any other provision of this Act, section 7(a)(2)(A) shall have no force and effect.

KEMPTHORNE AMENDMENT NO. 154

(Ordered to lie on the table.)

Mr. KEMPTHORNE submitted an amendment intended to be proposed by him to amendment No. 126, submitted by Mr. SIMPSON, to the bill (S. 460), supra, as follows:

At the appropriate place, insert the following:

( ) This Act shall not apply to a State in which 80 percent or more of the voting age population was registered to vote in the most recent general election for Federal office held prior to the date of enactment of this Act.

GRAMM AMENDMENTS NOS. 155 AND 156

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill (S. 460), supra, as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, section 7(a)(2)(A) shall have no force and effect.

At the appropriate place, add the following:

Notwithstanding any other provision of this Act, section 7(a)(2)(A) shall have no force and effect.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Tuesday, March 16, 1993, at 10 a.m. to conduct a hearing on the Competitiveness Policy Council's second annual report being held jointly with the Joint Economic Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, March 16, beginning at 9 a.m., to conduct a hearing on environmental aspects of the North American Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., March 16, 1993, to receive testimony on S. 257, to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE PAYMENTS IN LIEU OF TAXES PROGRAM

• Mr. HATCH. Mr. President, I rise today to express my strong support for S. 455, the Payments In Lieu of Taxes [PILT] Act, introduced on February 25, 1993, by my colleague, Senator HATFIELD. Along with four other Western Senators, I am an original cosponsor of this important piece of legislation critical to public lands States like Utah.

To understand the critical nature of this legislation, one must understand the intent behind the PILT Program.

Originally established in 1976 by Congress, the PILT Program was designed to compensate States with certain Federal lands within their borders. These lands—which include those managed by the Forest Service, the National Park Service, the Bureau of Land Management [BLM], the Fish and Wildlife Service, those withdrawn for the Department of Defense, and Indian reservations—are exempt from property taxes, the primary revenue source for counties to provide services. Unable to assess property taxes on these lands, counties were literally taxing to death that portion of their land held privately to make up the shortfall caused by the presence of Federal lands. Fortunately, Congress recognized the financial burden management of these lands placed upon local governments and established a mechanism to pay counties a per acre amount to watch over the public's lands. This mechanism is the PILT Program.

We in Utah are concerned about the continued viability of PILT because the Federal Government is the majority owner of our acreage. According to the BLM, 70.2 percent of Utah's 52 million acres is owned and managed by the agencies I mentioned above. In most of Utah's rural counties, the Federal Government owns more than 70-, 80-, and even 90-percent of the entire county. This means that the land base in the large majority of Utah's counties, as far as tax support is concerned, consists of 30-, 20-, and yes—even 10-percent or less of the county's total acreage. From these dismally low percentages, a county must obtain the necessary funds to provide all county services to all county citizens, be they permanent residents or visitors.

The PILT Program forms the financial backbone for Utah's county budgets. The program provides funds to be used for emergency search and rescue, law enforcement, fire and emergency medical services, solid waste disposal, road maintenance, health and human services, and many more uses to support a local community's welfare.

These funds were used last year to help county volunteers search for four cross-country skiers caught in an avalanche in the Manti-LaSal Forest in southeastern Utah. The Forest Service did not provide any funds to undertake this rescue attempt, and San Juan County had to cover the entire cost, including an $8,500 bill for the use of a helicopter. These funds were also utilized to rescue a family of eight who, while hiking near Hite Marina on Lake Powell, became trapped after a flash flood forced them into a canyon. Twenty county individuals spent countless manhours, in addition to the necessary equipment, to retrieve this family visiting Lake Powell.

These funds are also expended by counties to purchase the appropriate equipment and receive the requisite training, mandated by the Environmental Protection Agency [EPA], to prepare a response to a hazardous waste release or spill. The EPA requires this upfront spending before a county receives EPA approval for its local emergency plan, without being reimbursed for these expenses. These are a few examples that vividly demonstrate how PILT funds are utilized in Utah. They are not misspent or used in some wasteful fashion that taxpayers would disapprove of or resent.

The PILT Program is not a handout to Utah's counties or any other county in the Nation. It is a constant reminder to the Federal Government that it owns millions of acres of land throughout the country for which it has direct responsibility to manage as any other honorable landowner. Congress cannot treat this program like other Federal programs; that is, it cannot pass the costs of managing or administering these lands on to local governments whose budgets are already constrained. There is no tax base to absorb these costs; the purpose of the PILT Program was to compensate for denying these affected counties an adequate tax base. That additional financial weight is too much for the counties to bear. And, frankly, if it is too much for the Federal Government to bear, then alternatives should be pursued to locate landowners who can and will shoulder this burden, whether this action occurs through disposals, exchanges, or outright purchases.

Prior to 1976, counties could depend on meeting local services by collecting a portion of the receipts the Government received from natural resource activities conducted on Federal lands in their respective counties. These activities included mining, timber harvesting, grazing, oil and gas exploration and development, and several other historical uses. In recent times, these activities have not proved as successful, or as rewarding, to counties, thus severely limiting county access to adequate funding sources. As I see it, this situation will only get worse as lawmakers continue adopting legislation that further restricts the multiple-use philosophy that has historically prevailed on public lands. This limited use can only result in limited direct funds to the counties.

Just a week ago, Utah's Garfield County Commissioner Louise Liston indicated to me the constraints being placed on county budgets as more and more pressure is placed on counties to provide services. Then she made an interesting statement. She said that in most Utah counties, the Federal agencies are the only industries left in those counties. This statement underscores the figures I have mentioned regarding Utah's land ownership situation. The main business in Utah's rural counties is the Federal Government, which means the counties are responsible for supporting the Federal Government and its respective agencies with the appropriate infrastructure and services.

As Mrs. Liston asked me, how long can this unbearable situation go on? How long can counties ignore the short- and long-term needs of their economic development and divert resources toward the needs of the local BLM manager or the local forest service ranger before the county declares bankruptcy or raises property taxes beyond belief? It is unfortunate that Federal land managers have more power and control over a county's destiny than the officials elected to run the county, but that is the way of life in rural Utah. My response to Mrs. Liston was that local officials must participate in, scrutinize thoroughly, and challenge legally, if necessary, every decision made by these individuals, especially those with an economic impact on the county.

Since 1976, the PILT Program has received approximately $105 million, or the maximum amount authorized under the original legislation. Unfortunately, as has been quoted many times in recent years but merits repeating here, the worth of this amount as measured in constant dollars is less than half of the authorized amount. The National Association of Counties [NACO] reports that since 1976, the consumer price index has increased over 120 percent, while PILT payments have remained constant. I have mentioned an increase in county services over the years, but let me provide several startling figures to support this statement. According to NACO, costs have increased for corrections facilities, up 143 percent; fire protection, 121 percent; health services, 106.1 percent; and police protection, 60.3 percent. Visitation to the national parks has increased by approximately 20 million people, while the forests have experienced an increase of over 25 million visitors, during the past decade. S. 455 is a recognition of these cost increases and brings the PILT Program up to date so it is reflective of the present, not the past.

Mr. President, I recognize and applaud Senator HATFIELD's leadership on this vital issue. I also commend the efforts of other Senators who have spearheaded past efforts before this body to increase the PILT Program. S. 455 would increase the amount of payments received under the PILT Program over a 5-year period, rather than providing the increase in a lump-sum adjustment. This method may be more amenable to members on the Interior Appropriations Subcommittee, who must deal with the many demands placed on their particular bill.

However, I would remind my colleagues that county commissioners have just as many, if not more, demands on their county budgets. These demands surface because of the tremendous financial hardship the presence of Federal acreage brings to county administrators. In addition, the bill would adjust the PILT Program for inflation, based on the CPI each year, after enactment to ensure that counties are not faced with this situation again once the current funding problem is alleviated.

The bill also contains an important provision written last session by our former colleague, Jake Garn, in collaboration with the Utah Association of Counties. Currently, the PILT Program does not recognize lands exchanged by the States to the Federal Government as eligible for PILT payments. States, therefore, are penalized and receive no compensation when the total percentage of Federal ownership increases within their boundaries, even though counties must provide services to those additional Federal acres. This provision would amend the PILT Program and allow lands conveyed to the United States in exchange for other lands to be eligible for PILT payments.

The remedy this bill provides is long overdue. If my colleagues are truly supportive of aiding local governments, if they truly believe the concept that "all politics are local," as Tip O'Neill used to say, then they will wholeheartedly support this measure and give a sizable boost to local governments through its adoption. Utah needs this legislation passed. I intend to work diligently toward that goal.•

LEARNING FROM MINNESOTA'S SCHOOLS

• Mr. DURENBERGER. Mr. President, it is commonplace about our Federal system of government that the States are expected to be laboratories of democracy. I would like to give my colleagues an example of one local experiment that is working—and that contains valuable lessons for our country.

Concerned parents and school officials in North Branch, MN, are challenging the educational orthodoxy of State-imposed mandates. They are reinventing education at the local level—and pointing the direction for national reform.

The charter public school legislation I have introduced in the Senate would increase the independence of schools nationwide—and liberate them to experiment with new educational approaches.

It is time for new thinking in education. And charter schools will give us a big boost in the right direction.

Mr. President, more details about the North Branch experiments are contained in an article that appeared in the Minneapolis Star-Tribune of March 7. I recommend this article to the attention of my colleagues—and I ask that it be included in the RECORD at the conclusion of my remarks.

The article follows:

MINNESOTA SCHOOLS BREAKING THE RULES

(By Mary Jane Smetanka)

In Minnesota, teachers need a license to teach math. Students have to take a certain number of social studies and science classes to receive a high school diploma. And only certain kinds of bumpers and windshield wipers are good enough for school buses.

The rules say so.

Parents, students, teachers and administrators in Minnesota public schools have complained about "the rules" for years, saying they hamstring creativity and impede change. Now, for the first time, hundreds of state mandates that dictate how schools operate face a serious challenge.

Under a bill in the state Senate, 85 percent of the rules that govern schools would be wiped off the books.

But one school district isn't waiting for legislative action. On Monday, school officials from North Branch will ask the State Board of Education to make it the first school district to be free of state rules.

Taken to its extreme, that freedom could yield change that nobody wants: class sizes of 50 students, a nine-hour school day, a graduation requirement that includes a yoga class.

Thoughtful creativity is more the hallmark in North Branch, a district of about 2,400 students about 40 miles north of the Twin Cities. The district is known for carefully monitored innovations such as a year-round high school and an elementary school run by a school council instead of a principal. State officials have approved those changes and watched them mature. That has created good will on the state board.

"I am very positive about this," said Kathleen Muellerleile, state board vice president, who is familiar with North Branch's proposal. "I'm not worried about setting a precedent. We have a special, unique relationship with them."

The state rules and statutes that govern Minnesota schools would fill a book several inches thick. The regulations have been characterized as complex, intimidating, and as a convenient excuse for reform-shy school boards. The desire to free teachers and parents from many of those rules was a prime force behind the Legislature's 1991 law allowing independent public schools known as charter schools.

When the charter school legislation passed, many public school officials complained that they, too, could create, wonderful and unusual schools if they had regulatory freedom. But state mandates in the form of laws and rules constrained them.

State laws, which are set by the Legislature, cover things such as funding, compulsory attendance, the length of the school year and require certain programs such as drug education.

State rules, which are set by the State Board of Education and have the effect of law, are more detailed and generally address areas such as curriculum, staffing, special education, desegregation and teacher licensing. Districts are supposed to ask the state board for permission to stray from those regulations.

In 1991 and 1992, the state board received 59 requests for waivers, according to Marsha Gronseth, board executive director. The board approved 25 waiver requests and rejected two. Five are pending, the rest were withdrawn or didn't need a waiver.

The Senate bill, which has bipartisan support, would repeal approximately 85 percent of the rules that affect schools. That's about 370 rules; approximately 20 state statutes are also listed in the bill for repeal.

It's unlikely that all of those mandates will disappear, said Sen. Larry Pogemiller, DFL-Minneapolis, who is cochairman of the Education Committee and one of the bill's sponsors.

Any regulation that a member of the Senate Education Committee wanted eliminated was listed for repeal in the proposed bill as a way to get discussion going, Pogemiller said. But he believes legislators will approve "a fairly dramatic bill" canceling a significant number of mandates.

"Over the last few years we keep hearing the concern that the state is asking schools to be more creative and innovative at the local level, and at the same time we keep telling everybody what to do," he said.

There is sure to be a fight over proposed repeal of rules such as the requirement that schools open after Labor Day. Special education groups are very concerned about possible changes in that area. Even the suggested repeal of specifications on bus parts has stirred objections.

"Clearly there are rules that need to be there," Pogemiller said. "Health and safety, discrimination, etc. But we don't need rules that tell school districts they have to have alternators in buses. If we can't delegate that to schools, what can we delegate?

"We need to make a philosophical leap and say, look, people can make decisions for their own children. I think they will make good decisions. Will there be bad decisions? You bet. But the current system is creating rigor mortis in our schools."

The proposed changes would gradually phase in through 1998. Current standards that require a certain number of credits for high school graduation, for example, would be repealed in 1996, when a new system requiring students to show what they've learned is supposed to take effect.

Teachers unions agree that some rules should be dropped, but officials urge caution. "Rules have been put into place for reasons, and a lot of times these are reasons we agree with," said Cheryl Furrer, director of legislative affairs for the Minnesota Education Association (MEA). "Some of these we worked long and hard for and we want maintained. As a former second-grade teacher, I remember what it was like before we had a duty-free lunch."

Minnesota Federation of Teachers' Sandy Peterson agreed. "Everything needs to get looked at before they are thrown out," she said. "Sometimes, unless you have some rules, things don't get done." Rules also protect districts from litigation, she said, and ensure that important school programs are protected from budget cuts.

In North Branch, the MEA local has expressed mild concern about the district's request to be free from state rules. In a statement sent to the state board, union representatives said teachers support the district's past innovations but have "some reservations" about how the new request would affect class size, teacher licensing and work hours. If the state board can assure teachers that the school board, staff and community will work together on each change, the statement says, the union supports the waiver.

Lyle Koski, North branch director of education, said the district wouldn't make immediate, sweeping changes. The point is to free people to think about making schools better instead of worrying about which state rule might be broken, he said, and to make changes less bureaucratic.

For example, he said, a few years ago one of North Branch's principals resigned just before school started. Instead of beginning an emergency search for a principal, the district set up a committee of teachers, parents and others to run the school. That fall, they asked the state board to waive the requirement that there be a principal in the building. Because of a backlog of requests, the waiver wasn't heard until spring, Koski said. It was approved, more than half a school year after the experiment started.

"When we fell something is right, we'd like the authority to try it," he said.

In the past, the state board and education department have been "wonderful," Koski said. But, he said, the constant back-and-forth to St. Paul sometimes makes him feel "we should have an office at the state department [of education]."

If their waiver is approved, North Branch officials have pledged to keep the state board up to date on changes, to abide by health and safety regulations, to closely consult with the education department and to do what's best for students.

They won't be making yoga a graduation requirement. But if the state board didn't care for the direction North Branch's experiments were taking, the board could reimpose state rules on the district.

Muellerleile isn't worried about that happening. What North Branch's application does, she said, is offer one district the chance to erase the defeatism that kills change before it starts. She called it "we can't do this, there's a rule."

"They want to change that mindset, and I see that as an advantage for the state board," she said. "This is a good test."•

COMMENDING THE SYNERGY CORP. SMALL BUSINESS INCUBATOR

• Mr. BOND. Mr. President, today I would like to take a few moments to recognize the Small Business Synergy Corp. On March 12, 1993, there will be a ribbon-cutting ceremony in their honor. The Synergy Corp. utilizes the incubator concept to assist small and emerging businesses who, in return, strengthen the economy of St. Charles County, MO.

During the 1980's St. Charles County experienced significant economic and population growth, ranking in the top three fastest growing counties in the United States. Although this is good news for my home State, this fast paced growth has left St. Charles County with an economic dependence on three key industries: Automotive, airline, and defense.

The area's economy has suffered profoundly from the recent series of McDonnell Douglas layoffs which began in July 1990. Projected declines in defense spending combined with possible cutbacks in the automotive and airline industries have caused some concern. The work forces in these industries are highly educated and well paid. If cutbacks occur, these skilled workers will have a difficult time finding comparable jobs and wages.

The Small Business Synergy Corp. will use the incubator concept to help stimulate and diversify the local economy by assisting small and emerging businesses. Small businesses are important to the economic growth of St. Charles County because they create jobs, provide new products and services, purchase goods and services, increase the tax base and enhance the overall quality of life.

The Synergy Center is a facility that offers new and emerging businesses affordable space, shared equipment and services, and a wide range of professional, technical, and financial assistance. The Synergy Center will also provide on-site business and MBA courses as well as continuing education opportunities for incubator tenants and St. Charles County businesses.

Mr. President, I would like to extend my sincere congratulations to the Small Business Synergy Corp. for their service and commitment to the community, and I am honored to have had the opportunity to recognize their accomplishments.•

THE CHILDREN'S TELEVISION ACT OF 1990

• Mr. SIMON. Mr. President, we may be adults, but we still have a lot to learn from Captain Kangaroo. Bob Keeshan, better known as Captain Kangaroo, has entertained and educated our Nation's children for over 30 years. Captain Kangaroo had its debut in 1955 on CBS and stayed there for three decades before moving to public television, where it is still aired by 170 stations. Over those decades, Captain Kangaroo has set a standard of excellence to which today's children programs still aspire.

Recently, Mr. Keeshan testified before a Senate committee on television violence. He explained that the increasingly important role television plays in most households and the limited availability of children's programming, make television violence a more serious problem today than ever.

Television has become the national babysitter. Mr. Keeshan observed that "The most commonly exchanged words between a parent and child are not, 'Honey, I love you,'" he said with a shake of his head, and a long loving look at his own daughter. "They are, 'Honey, I'm busy. Go watch television.'" This is not as good an idea as it used to be.

"Too much television is too violent, too commercial or too coarse" he complains. He blames this deterioration of broadcast programming on the deregulation of television in the 1980's. At that time, Mr. Keeshan maintains, the requirements that television stations demonstrate service to their communities were loosened to the point of being meaningless.

Mr. Keeshan remembers "the good old days of the 1950's, 1960's and 1970's," when his greatest friends were the affiliated stations. "They used to have to talk, in the FCC logs, about what they were doing for children and for others in the community. It was taken seriously—a station could lose its license." Then came the 1980's, the era of deregulation. The administration sent a message to broadcasters, "That doesn't matter anymore. We don't want to interfere with the business of television."

The 1990 Children's Television Act promises to bring back an era of quality programming for our young audiences. Congress has mandated that stations regularly provide programming specifically for children. Mr. Keeshan is quick to warn, however, that without proper enforcement, this legislation won't mean much.

Mr. President, the recent interpretations of the act have been comical: Stations claiming that "The Jetsons" is educational because it teaches youngsters about space technology, or that "Family Feud" helps develop problem-solving skills in a family setting. Both Mr. Keeshan and myself are hopeful that the Children's Television Act will be more potent under the Clinton administration.

Mr. Keeshan admits that there are quality programs available, especially those shown on PBS. He specifically mentioned "Mr. Rogers' Neighborhood." "Fred Rogers is a very good friend of mine," he said. "We have worked together for many years." Mr. Keeshan is also inspired by the choices brought by new technology. Cable has brought us the Disney channel, and the VCR enables parents to do their own programming. Unfortunately, he recognizes that cable TV and VCR's are not universally available. However, most households can receive a PBS station.

Mr. Keeshan concluded by reminding us we need more than a change in legislation, we need a change in attitude. Society often talks about how important our children are, but we rarely do anything about it. "If we had a change in attitude we would not have to say to broadcasters: This is a special audience, and you have to treat it in a special way. It is vulnerable. You can't sell children the way you sell a 30-year-old audience." "If we had different attitudes, you wouldn't have to tell them that. But, we don't" he conceded. "Now, the only protection a child watching television has is a thinking parent."•

A TRIBUTE TO STANFORD

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to Stanford in Lincoln County.

Stanford is a small county seat located in central Kentucky about 45 miles south of Lexington. Stanford's unique topography includes the gently rolling fields of the Bluegrass region, the hilly woodlands of the Knobs, and the plateaus and fertile valleys of the Pennyrile region.

In 1775, Col. Benjamin Logan built a fort west of present-day Stanton named St. Asaph. However, the settlement soon assumed the name Fort Logan to honor the founder. It was not until 1798 that the name Stanford was selected, presumably after the town of Stamford in Lincolnshire, England.

Today, Stanford is a progressive town with nearly 3,000 residents. Current projects to improve the town include a new reservoir, 27 new miles of water service outside the city limits, two new schools, and a proposed 700-acre recreation lake east of the town.

Although Stanford is moving toward growth and expansion, there is a strong feeling that the small-town charm will be preserved. Visitors at Coleman's Rexall Drugs can indulge in old-fashioned chocolate Cokes, shakes, and sundaes at a cherry and marble backbar which has hosted many generations. Residents strolling through downtown Stanton can enjoy the historic architecture thanks to zoning regulations which protect the buildings from demolition, and plans to build a walking trail on the old L&N depot railroad beds are being considered.

I commend the people of Stanford as they move into the future, yet still maintain close ties with the past. These efforts make Stanford one of Kentucky's finest towns.

Mr. President, I ask that an accompanying story from Louisville's Courier Journal be submitted in today's RECORD.

The article follows:

STANFORD

(By Byron Crawford)

Years ago there was a large sign on the outskirts of the Lincoln County seat that read: "Stanford—Kentucky's second oldest town—where tradition welcomes progress."

Welcome though it may be, progress has struggled to match tradition in the usually quiet, history-rich town of 2,700 that is balanced on the not-so-imaginary topographic line between Kentucky's Bluegrass region and the Knobs.

In 1775, when Col. Benjamin Logan built a fort west of the present-day town, the settlement was called St. Asaph. A Welshman in Logan's party is said to have suggested the name because the party arrived on May 1st, the feast day of the 6th century Welsh saint. A small creek that flows from Buffalo Springs near where the fort stood still bears the name St. Asaph, although the early settlement soon came to be known as Fort Logan.

During a siege of the fort in 1777 the fearless Logan left the small garrison of pioneers and set out alone on a 10-day journey to bring back desperately needed ammunition that enabled the beleaguered fort to stand against its Indian attackers.

Folklore holds that the name Stanford, chosen in 1798 for the post office, derived from "standing fort." However, Kentucky place name researcher Robert Rennick believes Stanford to be a namesake of the Lincolnshire, England, borough of Stanford. The obvious name association between Lincolnshire and Lincoln County may have prompted the selection.

Minor Cash, who spent much of her life teaching history at Stanford High School, remembers her classes taking walking field trips to the site of Fort Logan and to Buffalo Springs, which watered the fort and later the town of Stanford for years after Main Street—once a buffalo trial—had been paved.

"I used to say to my history class, 'Look out the window and see the Wilderness Road,'" Cash said. The western extension of the Wilderness Road passed the school and eventually become known as U.S. 150.

"Right this minute, I know I ought to be in a nursing home, but I don't want to leave Stanford. It's a very friendly town," she said. "Nobody would have the nerve that I have. I call Wal-Mart and say, 'Do you have so and so? How much is it? Will you bring it out to the car if I'll have exact change?' And they'll do that for me. . . . All the stores will do that for me, and I think it's wonderful."

Mayor Jack Withrow, a native of Ashland, commuted to his Lexington job from Stanford for 33 years before retiring. He made the trip because he wanted to raise his family in a small town.

"I believe most people think of us more as part of Central Kentucky than Southeastern. We're just about a border town," said Withrow.

"I'm not one to wish for Stanford to be a big town. We're never, in my opinion, going to be a big town. But I think we're going to grow in the next five years, quite a bit," Withrow said. "We need some industry . . . but I think a small town with a large industry is a dangerous situation. You can't have industry unless you have the water, sewer and utilities to take care of them, and I think we're getting ourselves in that position."

Withrow points to a new reservoir, 27 miles of new water service outside the city limits, major sewer renovation, upgrading of the fire department, 911 emergency telephone service and a new comprehensive plan for the city that will include zoning regulations to protect Stanford's historic architecture, as signs of quality growth. The city recently acquired the abandoned L & N depot from CSX Corp., and planners have considered building a walking trail on the old railroad bed through town.

There is still room for more plants in Stanford's industrial park, but one of the two industries there is expanding. A new middle school is being built on the south end of town, and land has been bought on the north end for a new elementary school, near a bank and supermarket that are already under construction. Nearby is the Sunset Motor Lodge, a 1950s-era motel with the best neon sign in town, and across the road is a stately residence, known in frontier days as Bright's Inn, where George Rogers Clark, Isaac Shelby, Henry Clay and other early Kentucky heroes often visited.

A new stretch of highway on the outskirts of town will eventually link U.S. 27 and U.S. 150 traffic with a proposed 700-acre recreation lake east of Stanford, near the historic William Whitley House. The home, reputed to be the first brick house built in Kentucky, overlooks the earthen remnants of what historians claim was Kentucky's first circular horse track.

A bypass has already become the center of commercial activity in Stanford. Along its corridor there is a small shopping center, numerous fast-food restaurants and convenience markets, and a hardware, tack and gift shop operated by Leroy Boone, who moved his store to the bypass from downtown several years ago.

Boone—whose family tree can be traced to Daniel Boone's brother, Squire—grew up helping his late father in the family's feed mill on a side street in downtown Stanford. But he started a hardware store and moved the business to Main Street after his father's death. A few years ago, he moved again, to his location on the bypass, just down the road from Wal-Mart.

"We just try to handle what they won't handle," Boone said. "It's good to have strong competition if you're both about the same price range, but when one can buy it and sell it at your cost, that's not competition. They'll buy probably 10 times as many lawn mowers as the people I buy from, so they just get them so much cheaper. They really don't put anything into the future of this county. Most of the money that goes to Wal-Mart is drawn out of the bank by the time it's deposited. . . but what little the family businesses here can get hold of has to stay here."

Only a few old family businesses survived the exodus from downtown. Saufley Implement Co., Severance's Store and Gaines Furniture, which is located in the old St. Asaph Hotel, are still operating on Main Street, along with Pat Sanders' and Earl Taylor's barbershops. At Coleman's Rexall Drug Store, a 1919 model cash register still rings up sales of fountain Cokes, chocolate Cokes, cherry smashes and old-fashioned shakes and sundaes, made at the ornate, mirrored, cherry and marble backbar that has been for generations a looking glass for customers.

Thomas Jefferson "T.J." Hill III, a local lawyer and former state legislator whose grandfather was born on July 4, 1853, and who has a son carrying the Thomas Jefferson name into its fourth generation, has been observing politics and local goings-on in Stanford since soon after he finished law school at Washington and Lee University.

Hill and many of the other townspeople who gather at Coleman's Drug Store for coffee and conversation each day believe that the most profound personality change in Stanford may have occurred when Lincoln County schools were consolidated into a central high school at Stanford in 1975. Consolidation, they say, has changed not only Stanford's identity, but that of all the other small towns in the county which, for generations, had a fierce cross-county competition with Stanford in sports, business and politics.

A downtown fire several years ago that destroyed nearly half a city block across from the Lincoln County courthouse has also changed the face of Stanford. Three historic buildings were destroyed and have not been replaced.

Yet there are numerous bright spots in the community.

One of them is Stanford Wood Products Inc., where a few skilled designers and craftsmen build exquisite interior furnishings of mahogany, prime native hardwoods and imported exotics for lavish boardrooms, bank lobbies and other upscale interiors from Manhattan to Hawaii. The company, whose work force varies from 25 to 45 employees, has designed and built everything from the interiors of multimillion-dollar yachts to the pedestal for college football's Heisman Trophy.

Company president Dick Faulkner knows the name Stanford Wood Products may not be elegant enough for some of his more sophisticated customers, but he doubts the name will ever be changed. Though he has never advertised, a national clientele still beats a path to his door.

Faulkner recalls a visiting German technician, who apparently thought that the company had to be located somewhere on the East Coast, asking, "Where is the ocean?"

Joe Grimes, a local historian and retired insurance agent, remembers that Ed Walton, one-time editor of The Interior Journal, often wrote in the town's oldest newspaper, "Stanford is the best town on the map."

"I grew up with that, and I've always believed it," said Grimes. "We have as good a people here in Lincoln County as there are in Fayette County. We just don't have as many of them."

Retired district judge and former state legislator Marvin Cornett, when asked about the quality of life in Stanford or projections about the town's future growth, looked up from this coffee at Coleman's Drug Store with a thoughtful answer that sparked approving laughter from the coffee crown.

"Well, it's a good place to live," he said, "and frankly, I think maybe it's grown all it needs to. Overpopulation is becoming a problem, and I don't want it to become one here."

Population (1990): Stanford, 3,686; Lincoln County, 20,045.

Per capita income (1990): $10,316 or $4,649 below the state average.

Jobs: State/local government, 709; wholesale/retail trade, 664; services, 484; manufacturing, 382; finance, insurance, real estate, 113; contract construction, 131.

Big employers: Caramichrome Inc. hobby craft paint, ceramic bodies and colors, 80 employees; Harry Krasne Manufacturing, automotive disk brakes, 69; E.D. Bullard Co., protective headgear, 61.

Transportation: U.S. 27 and U.S. 150, air service from Bluegrass Airport, Lexington, 42 miles from Stanford, Goodall Field, 8 miles Northwest of Stanford. Truck—20 common carriers serve Stanford.

Media: Newspapers—Interior Journal, Lincoln Ledger, both weeklies, Radio—WRSL–AM and FM (country and gospel). Lexington television stations serve the community.

Education: Lincoln County High School, enrollment 1,169; Stanford Elementary and Middle school, enrollment 740.

Topography: Lincoln County has three distinct topographic regions—the gently rolling Bluegrass, the Knobs, marked by hilly woodlands, and the Pennyroyal, with upland plateaus and fertile valleys.●

ORDER OF BUSINESS

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mrs. MURRAY). Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. FORD. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Wednesday, March 17; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 11:30 a.m., with Senators permitted to speak therein for up to 5 minutes each; with the following Senators recognized for the time limits specified: Senators THURMOND, GORTON, DURENBERGER for up to 10 minutes each; Senator BAUCUS for up to 20 minutes; Senator GRAMM for up to 15 minutes; Senators ROBB and WARNER for a total of up to 15 minutes and Senator GRASSLEY for up to 5 minutes; that at 11:30 a.m., the Senate resume consideration of S. 460 with the time, until 12 noon, equally divided and controlled between Senators FORD and MCCONNELL; that at 12 noon, the Senate, without intervening action or debate, vote on the motion to invoke cloture on the motor-voter bill, S. 460; further that relative to this cloture vote, Senators may file first-degree amendments until 10:15 a.m., on Wednesday; and Senators may file second-degree amendments until 11:30 a.m., Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. FORD. Madam President, I ask unanimous consent the Senate stand in recess based on the previous order.

There being no objection, the Senate, at 7:47 p.m., recessed until tomorrow, Wednesday, March 17, 1993, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 16, 1993:

FEDERAL EMERGENCY MANAGEMENT AGENCY

JAMES LEE WITT, OF ARKANSAS, TO BE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE WALLACE ELMER STICKNEY, RESIGNED.

DEPARTMENT OF STATE

JOAN E. SPERO, OF NEW YORK, TO BE UNDER SECRETARY OF STATE FOR ECONOMIC AND AGRICULTURAL AFFAIRS, VICE ROBERT B. ZOELLICK.

EXTENSION OF REMARKS

ADDRESS BY WALTER CRONKITE TO THE COMMITTEE ON WAYS AND MEANS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. ROSTENKOWSKI. Mr. Speaker, last weekend, the Committee on Ways and Means held its annual issues seminar in Austin, TX. The topic was future tax issues and our faculty was first rate. We assembled academics, legal experts, and economists, with a healthy sprinkling of what we call stakeholders, the corporate CEO's and experienced labor officials who can remind us how the real world operates.

Walter Cronkite had accepted my invitation to be our dinner speaker but the snow storm that paralyzed the east coast derailed him. Instead, his daughter Kathy Cronkite joined us and, in a manner that would have made her father proud, delivered his speech. It was one of the best I ever heard and, with Walter's permission, I am placing it in the RECORD today.

If you read nothing else this week, my colleagues, read what Walter Cronkite has to say to us. He is right.

ADDRESS BY WALTER CRONKITE

Thank you for asking me to address the committee today. It's a great honor. And being asked, I decided it was my civic duty to speak my mind.

I come before you tonight as a journalist, of course. I can't deny my profession, although sometimes I have wished for at least some protective coloration. Primarily though, I'm here as just another American citizen—and, despite deep concerns, I've never wanted to deny that.

I do think I qualify to speak out, if for no other reason than I have had the privilege of watching our government at work close up for almost half a century.

I go back a long way—oh, what a long way. I go back to the days when a couple of Texans ruled Capitol Hill—Lyndon Johnson over there in the Senate, and Sam Rayburn on your side of the building.

As one who grew up in Texas and cut his eye teeth covering the State Capitol here in Austin, I knew all those good old boys. I was scarcely old enough to drink when I first shared a bourbon and branch in Washington, back in the Speaker's hideaway. I enjoyed the rare privilege of occasionally being an observer at Speaker Rayburn's Board of Education.

Lyndon used to perch over on a radiator cover to one side of Sam's desk—that was before he was majority leader. And I had a sense he was absorbing a lot of knowledge at Sam's feet—literally at his feet which were up on the desk. Sam could get a dead aim on Lyndon through those feet and I had a feeling a lot of the time that he was talking primarily for Lyndon's benefit as he laid down a few of his home-spun maxims about how laws get passed.

His favorite, Lyndon adopted, and he used to lay it on the Senators when he was twisting arms, first as majority leader and then as President.

"You've got to go along, to get along" was a powerful adage, particularly when the President of the United States had a vice-like grip on your lapel and was lifting you off your feet, pulling you up to him for some nose-to-nose persuasion.

(And I want to tell you, when the President's nose and my nose were joined in a common profile, that was a major confrontation.)

It is a terrible confession for a newsman to make but I like politicians—most of them. I like covering politics, although an unfortunate aspect of television fame was that it got increasingly difficult to cover the big, presidential campaigns.

The phenomenon started as early as 1956, first noted on a broken down bus with which Estes Kefauver was stumping Florida. A few of us news people were riding with him on that primary road.

Kefauver would order the bus to stop if he spied two old codgers playing checkers in the shade of an elm. Not infrequently the potential voters showed more interest in my presence than Kefauver's, and, as we climbed back on the bus after one such episode, Kefauver exploded.

"Dammit," he said, "I'm the candidate. You stay on the bus!"

At a Reagan rally in New Hampshire I was standing in the back of the packed room, trying to get a feel for the crowd. In the very dim light back there a young lady shoved a piece of paper and a pencil at me and asked for my autograph. I could hardly see the paper in the gloom but I was doing my best to oblige when she screamed, loud enough to be heard through the whole hall. As people's heads turned, anticipating rape or at least a purse-snatching, she screamed:

"You've written over David Brinkley!"

Yes, I believe you all have chosen an honorable profession—you have chosen to take into your hands the very structure and substance of our system. And I know what long hours a conscientious office holder must devote to the job.

It is a strange fact that we Americans often contradict ourselves, mistrusting almost instinctively those to whom we give the power to serve us.

And your profession suffers from that contradiction. You are pulled in opposite directions by your obligation to represent your constituents and the sometimes conflicting obligation to provide informed leadership.

We journalists can sympathize. We suffer a similar tug-of-war between demands that we provide the audience with what it wants (the ratings game), and our obligation to provide the audience the information it needs, no matter how unpalatable.

Business leaders, also are pulled limb-from-limb between stockholders demands for ever-increasing dividends and their knowledge of the long-term needs for research and capital investment.

We all must make compromises. Unfortunately a number in all three professions choose poorly, favoring always the short-term and the trivial.

So I do not stand here to deliver a holier-than-thou sermon. But I do want to be candid.

(I particularly admire candor in my political friends. Back in '72 when he was Democratic National Chairman, I interviewed Bob Strauss about the future of the Democratic Party—which, following that year's election, the pundits were saying was doomed.

(As our crew was packing up after the interview was ended, I said:

("Bob, you know I pressed you as hard as I could and I still don't think I got straight answers on some of that."

(And he reached over and patted me on the knee and said;

("Why, Walter boy, I'd say that fully 85 percent of what I just told you is the God's truth.")

Candor, an admirable trait.

So let me be candid. Let me try to help interpret, even articulate, what I think those folks out there are thinking in these difficult days. Let me presume to be their surrogate and speak to you as I think they would if they had this exceptional opportunity.

I think they share my—and your—sense of crisis and urgency.

It is a crisis that is at once, fiscal, economic, political and moral. And, potentially, mortal—for all of us.

It is a crisis that has been exacerbated by government deadlock, of paralysis in the face of looming danger.

This is not a partisan crisis! It is a national crisis. I believe, I strongly believe—that every Representative and staff aide, Republican and Democrat, on this committee—especially on this committee, knows in his or her heart that Mondale was right on taxes; that Warren Rudman, Dennis Ekart, and Matt McHugh were right—not necessarily in what they DID, but in their stated reasons for doing it. You all know that Paul Tsongas was right, when he insisted on telling the people the truth—that there is no free lunch!

Is there anyone who really doubts that priority, above all other considerations, must be given to restoring the American economic machine, and with it the equality of opportunity for all Americans!

We must end the nightmare.

We must do no less than restore the American dream.

We all know that. We know that! There can't be a doubter in this house! But there are doubters abroad in the land.

We just had an election in which the people demanded change, demanded that something be done. A people fearful of today, and worse, of tomorrow. Fearful now, not of a rampaging foreign power, but of what we might do ourselves, or not do for ourselves.

Quaking in fear that the demanded changes will alter the status quo which so favors them, there are interests which are proclaiming now that things aren't nearly as bad as the people think they are.

Things are improving, they say. Indicators are good, they say. Don't rock the boat, they say.

What they mean is: Don't rock their boat.

Where in the devil are they looking? They must be below decks, looking into the bilge

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

where they see the water level lowering in their boat.

But out there where they don't dare look, out there in the broad ocean of our nation, the people are paddling for dear life and many are drowning.

Those news items reporting the edging up of economic indicators have a hollow ring when the stories alongside tell of another 1,000 15-hundred, 5-thousand laid off by industry, and along every street in America, day by day, more "For Rent" signs go up on empty shops.

And, as they have for years now, the figures that portray this nation's standard of living get worse. Infant mortality, illiteracy, housing, crime, public health care—our performance compared to the other industrial nations is a disgrace.

Compared to most of Europe our roads, our railroads, our public facilities are pitiful. Compared to even countries that our tourists once branded as "dirty," our cities are disgusting.

Our industrial machine in many areas has lost its competitive edge. Other nations build too many things better and cheaper than we can.

And with our increasing debt, the interest payments alone guarantee that there will be no funds with which to reverse our decline.

Those who cannot see this are blind or deliberately, for their own reasons, will not look, but surely they can smell the stink of decay and rot.

And please don't give me that stuff about this still being Mecca for the world's masses, still the land of opportunity on whose doors millions are knocking.

They are coming still, of course they are, by the hundreds of thousands. And the melting pot still works for a few—the better educated and motivated among them are contributing, disproportionately, actually, to our national being.

But the others, the undereducated, the severely deprived, are destined for disappointment here in the American market place of their dreams. And they are joining our home-grown disaffected, the underclass of dangerous embitterment.

Recovery is on the way, they say. The indicators are getting better, they say. Tell that, my friends, to the growing number of Americans, new and native-born, who are simply being locked out.

There are not enough jobs to go around, and they are not equipped with the skills to do the jobs that are available in today's high-tech economy. There is a likelihood, seldom faced, that a number, a rising number, never will have jobs again.

Under the growing weight of these problems, we see whole families of jobless or marginally employed people on welfare or living on the streets—nomads of our 90's society—an appalling, numbing picture.

This is America? This is an example to the rest of the world? This is the greatest system yet devised by man? This is something we are incapable of fixing?

The answer from all of us should be a resounding "Hell no." We can fix it. We must fix it. We will fix it.

We have no choice. The present situation cannot be allowed to continue if the American system is to survive. It cannot! The stresses and cracks we are witnessing now will widen. The ethnic and economic fragmentation of which we now see the beginnings will multiply.

Our paralysis surely will spread and we will slide beneath the waves of history like nations, empires and civilizations of the past.

I've spoken of the tug-of-war members of your profession must endure. At heart the political skill is the ability to find compromise, form consensus, and move ahead, maybe not as fast as some would like, perhaps too fast for others; maybe not precisely in the exact direction one or another group wants—but to move ahead with general assent. That is an honorable and critically necessary skill.

Representing your constituents is a duty, of course—both honorable and critical to the functioning of our democracy. But honorable only if balanced with another duty.

If your job were done simply by representing and legislating the short-term desires of your constituents, they could do without your help very nicely. They could hold national polls and govern by referenda, saving a good deal of money in the bargain—at least short-term.

You were not hired merely to represent the wishes of your constituents but also their enduring interests—their enduring interests, those of your constituents, and those of the nation.

You have not only the right but the duty to examine the proposals before you and make a judgment on whether they can help accomplish the goal. You must decide whether they are practical, and fair.

Clearly you all recognize that, as the work you have been chosen to do. And surely, I know, that you recognize that you, individually or collectively, fail that test every time you yield to pressures that do not contribute to the solutions but only add to the problems.

And you have got to tell your constituents the truth about their interests.

You know, we should for starters, perhaps—you and we of the press—should get rid of this shibboleth of "special interests."

We need to appreciate that we are all, to one degree or another, special interests. The owner of the convenience store at the edge of the airbase slated for closing is no less a special interest than is General Motors.

We should rename all of our special interests for what they really are—our selfish interests.

We need to disenthrall ourselves of these special interests, convince ourselves that our discomfort, even if it lasts our lifetime, is but a momentary inconvenience when measured against the grand march of history—when measured against nothing less than the survival of this great country as we have had the privilege of knowing it.

Special interests are not only those organizations with the most extensive and expensive lobbyists, although of these the public is the most aware. The public fears that you permit their power, yes, and their largess, to distort the legislative process to the disadvantage of those not so rich and powerful.

The special interests that are not so rich and powerful must be given a fair and equal hearing. But of them too you must be wary. You must be courageous enough not to let local or regional interests distort the good of the commonwealth in its totality.

Tough choices—the kind of choices you were elected to ponder, to worry over, to decide. The kind of choices that in all probability will determine your political future.

Are there risks involved in this leadership. You betcha! Do those risks include being voted out of office? You betcha. Can duty require the knowing sacrifice of your political career? It may.

Most of you on this committee—as in this Congress—were here when the decisions were made and endorsed to commit to Desert Shield and Desert Storm.

A majority of you assented. You have in the past—and indications are you may be asked in the near future—to send young people into combat, to serve the interests of their country and their civilization at substantial risk to their lives. Not their political careers, ladies and gentlemen. Their lives.

Some of you have been there and know, or once knew, the awful distinction between what we call duty, and what is required of young people with rifles. Duty for them requires exposure to terror, agony, death or a high risk of death at a young age, or mangling that may leave them crippled for the rest of their lives.

We require such duty from them for what the federal government deems to be the nation's security or geopolitical interests.

But you have no moral right to impose that duty or participate in such choices, if, when the very future of America is at issue before you, you cower in fear for your jobs or partisan concerns.

While I've acknowledged the severe pressures placed on you by the need to represent your constituents wishes, there is something newly apparent about the wishes of many of those constituents. They may want to protect the jobs in their area and save a threatened airbase. They may clamor for the usual servings from the porkbarrel.

But a lot of them increasingly want something more—a great deal more. They sense and are alarmed by the crisis that alarms you and me.

They sense that the crisis is moral in nature—caused by many things, but prolonged and intensified by a fundamental failure of leaderhip—and the widespread refusal to take the risks that responsible leadership demands. They sense that it is a failure that challenges our entire political system.

That was a significant thing that happened last year. Together the candidates demanding change made up a sizable majority of the largest voter turnout in 20 years!

The people have demanded leadership. They sense the peril facing us, not in the distant but in the near future If you don't act now, the consequences of your failure will become abundantly clear before the turn of the century.

And it must be as easy for you to predict as it is for me, that those those who fail the test of leadership now, who display a yellow streak of cowardice in the face of challenge—those cowards will not watch that dismal turn into the 21st century from positions of high office.

Radical proposals are coming your way to attack both the deficit and our industrial stagnation. The necessary but lethally dangerous issue of new revenues is at your hands.

You have your own obligations. You are called upon to lead, not to follow slavishly the folks in the big house at the other end of Pennsylvania Avenue.

It certainly is not only your right but your obligation to examine closely and pass intelligent and independent judgment on the proposals put before you. But at some point, those necessary and honorable skills of the professional politician must serve their purpose—to compromise, to form a creative consensus, to move the nation ahead—out of this potentially fatal rut.

Forgive me if I have sounded like a Dutch uncle or a Cassandra. I am a Dutch uncle—and we might remember, Cassandra was right.

God bless you as you face the mighty challenges ahead.

MODIFY THE BOUNDARY OF HOT SPRINGS NATIONAL PARK

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. DICKEY. Mr. Speaker, today I am introducing legislation to modify the boundary of Hot Springs National Park in Hot Springs, AR.

This legislation is noncontroversial and simply seeks to remove from the existing park boundary, about 300 acres of non-Federal developed lands which are not necessary for park operations and management or for protection of the recharge zones of the 47 thermal springs within the park. This deletion will also provide for better enforcement of Federal, State, and local regulations and laws, because the revised boundary will follow roads rather than traversing properties, and therefore will be easier to identify and manage.

The boundary modification will also add approximately 1.7 acres of land to the park, most of which is already owned by the National Park Service, to help protect important riparian resources that otherwise could be developed for incompatible purposes and have a deleterious affect on the integrity of the park.

This boundary adjustment has the support of the Hot Springs National Park superintendent, the National Park Service, local residents and local governments. The proposed boundary change follows from a 1983 boundary adjustment environmental assessment; the April, 1985 land acquisition plan for the park; and the July 25, 1985, general management plan environmental assessment for the park, all of which were subjected to public review and comments.

PRESIDENT CLINTON'S MISGUIDED ENERGY TAX PROPOSAL

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. CRANE. Mr. Speaker, in his State of the Union Address last month, President Clinton proposed the largest tax increase in our Nation's history. In my opinion, one of the most offensive revenue proposals is the President's desire to raise energy taxes. Without a doubt, energy taxes are particularly devastating to our economy because they increase the costs of production and distribution for every industry and subsequently hurt our ability to compete internationally. Higher costs in turn lead to higher price for consumers. In the end, energy taxes are regressive, placing a disproportionately heavy burden on low- and middle-income households. With this concern in mind, I submit to my colleagues' attention the following article by Terence L. Barnich, "Clinton Energy Tax—Worse Than It Seems," which describes the errors in the administration's rationale for levying higher energy taxes. I urge my colleagues to read and consider Mr. Barnich's conclusions:

[From the Wall Street Journal, Mar. 3, 1993]

CLINTON ENERGY TAX—WORSE THAN IT SEEMS

(By Terence L. Barnich)

President Clinton's energy tax proposal is fundamentally discriminatory and grants a massive artificial advantage for natural gas.

Mr. Clinton has proposed a BTU-based tax of nearly 60 cents for every million BTUs of energy content contained in oil and about 26 cents for the comparable energy content in other raw fuels. Putting aside the more than double BTU tax rate for oil, the tax imposes gross disproportionality in the tax burden on different energy sources used for electric generation. Because different fuels contain quite different energy content relative to their prices, the BTU tax amounts to about a 10% sales tax on natural gas, a 24% sales tax on coal and a 50% sales tax on uranium for nuclear power plants—thereby anointing natural gas as the government's fuel of choice. The president has even decided to impose the tax, on an imputed BTU basis, on water used for production of hydroelectric power, even though the cost of river water flowing through electric turbines is zero.

Mr. Clinton's BTU-based tax must have been consciously designed to push the market toward gas and away from coal, hydro and uranium. After all, his stated reasons for advancing the energy tax are so transparent and false.

The president first claims that energy in America is undertaxed relative to tax levels in other developed countries. But that simply is not true. While gasoline is more heavily taxed in Europe and Japan, the Europeans continue to provide massive tax subsidies to energy and utility fuels. The European industrial nations take full advantage of the European Community's rules permitting them to subsidize their energy sector by up to 20% of cost. In Britain, for instance, coal is the annual beneficiary of nearly $2 billion in explicit price supports, and the government applies its EC subsidy allocation to prop up the British nuclear industry. Most EC countries mandate coal purchases by utilities, an indirect fuel subsidy.

By contrast, in the U.S. hardly anything is more heavily taxed than energy utility service. In Chicago, for example, about 25% of the total monthly residential electric and gas bill is accounted for by a variety of federal taxes, state taxes and local utility taxes and franchise fees.

The supporters of the energy tax have also dragged out that tired old dog of American political debate—the threat of imported oil. But the tax will be the same on both imported and domestic oil and, therefore, will not make domestic sources any more economically attractive. Nor is the energy independence argument buttressed in the least by the claim that the energy tax will result in conservation. BTU-tax-induced conservation will have little effect on imported oil, since (as of 1991) imported oil represents only 17.5% of total raw energy sources used in the U.S.

That leaves environmental protection as the Clinton-Core trump card for justifying the tax. But if the greenhouse effect is the greatest challenge facing humanity, as Vice President Gore tells us in "Earth in the Balance," why is the heaviest proportional tax, relative to delivered fuel price, placed on the two fuels that produce no greenhouse gases—nuclear and hydro?

Perhaps there is a more street-wise, unstated, political explanation for the "tilt" toward gas. It is no secret natural gas is a favorite of the president. White House chief of staff Mack McClarty, of course, is only one month out of his job as CEO of one of the country's prominent natural gas pipeline and local utility companies.

So far, the Clinton administration has followed the old rule that the best way to make sure the hounds don't follow you is for another fox to cross your path. The Treasury Department has tried to focus the discussion solely on the direct effects of the tax, telling middle-class Americans that the BTU tax will cost roughly $2.25 a month on a $65 monthly household utility bill and 7.5 cents per gallon of gasoline, leaving the average American family only worse off by $17 a month. The promise is that much more value will magically flow back to American consumers in the form of a reduced deficit or the satisfaction for having "contributed," if nothing else.

In addition to the misrepresentation of the BTU tax as fair and evenhanded, the numbers being dribbled out by Treasury, explaining the effect on consumers, focus only on the direct costs to energy end-users. But household direct energy cost are but a small fraction of the impact of the energy tax. A new tax that increases underlying natural gas costs by 10%, coal by 24%, nuclear fuel by 50%, and hydro by heaven knows what amount will dramatically echo throughout the economy. If this is the president's idea of the courage to change, then call me "chicken."

TRIBUTE TO JACK PENCE PRITCHARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. SKELTON. Mr. Speaker, it is with sadness that I inform the Members of the House of the death of Jack Pence Pritchard of Kansas City, a former judge on the Missouri Court of Appeals.

Judge Pritchard was a native of western Missouri, and he was a Navy pilot in World War II. He graduated from the University of Missouri-Columbia Law School in 1949 and was a former president of the Missouri University law school alumni.

Judge Pritchard practiced law in his native Nevada, MO, before becoming a Missouri circuit judge in Nevada from 1959 to 1963. He then served as commissioner of the Missouri Supreme Court from 1963 to 1972. From 1972 until he reached retirement in 1988, Judge Pritchard served on the Western District of the Missouri Court of Appeals.

Mr. Speaker, Judge Jack Pritchard was a man who made a difference for the people of western Missouri. As a judge, he brought honesty, fairness, and integrity to our legal system.

CONNECTICUT/NEW YORK MARITIME WEEK 1993

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. MANTON. Mr. Speaker, I wish to bring to the attention of our colleagues a unique gathering of the maritime industry during the week of March 22 in New York City and Stamford, CT. Connecticut/New York Maritime Week 1993 coordinates the activities of the Connecticut Maritime Association's annual trade show and conference with the Institute for International Research's annual ship finance conference and will attract shippers, shipowners, charterers, and ship industry professionals from around the world for a week of discussions about developments in the shipping industry and numerous social gatherings.

The worldwide recession has dealt a serious blow to the shipping industry, so the importance of these week-long activities cannot be overstated. Indeed, the economic welfare of the United States is inextricably linked to ships and the shipping industry. Our international trading activity is substantially dependent upon this efficient and economical means of global transport.

Throughout the history of the United States, the New York metropolitan area has been home to one of the most important and active ports in the country. Through the port of New York/New Jersey flow all manner of U.S. products destined for all parts of the world. The New York metropolitan area is also one of a few centers in the world for the maritime finance and marine insurance industries. Given the importance of shipping to our economy, the shipping community in New York, New Jersey and Connecticut is a priceless resource to the country.

The conferences are chaired by two attorneys from the New York City law firm of Seward & Kissel, Marlene Daniels and Brad Berman. Ms. Daniels will chair the IIR Conference and Mr. Berman will chair the CMA's conference. Through their substantial efforts, the activities of these two important conferences have been coordinated.

I congratulate Ms. Daniels and Mr. Berman for their efforts and wish great success to Connecticut/New York Maritime Week 1993.

THE COMPREHENSIVE WETLANDS CONSERVATION AND MANAGEMENT ACT OF 1993

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. FIELDS of Texas. Mr. Speaker, I am pleased to join in the bipartisan effort to improve our Nation's Clean Water Act by introducing H.R. 1330, the Comprehensive Wetlands Conservation and Management Act of 1993.

In recent years, many Americans have become increasingly alarmed about the arbitrary implementation of the Clean Water Act. I, too, am deeply concerned that the wetlands law, which is having such a devastating effect on American landowners, is the result of overly broad judicial and bureaucratic interpretations of the law. Today, property owners are being denied their fundamental constitutional right to use their land, and to be compensated for the loss of that land. In many cases, that land is their only significant asset.

Let me share with my colleagues several horror stories concerning the current enforcement of our wetlands regulations.

A Pennsylvania family was prevented from selling their 127-acre ancestral farm, valued at $190,000, after it was labeled a wetland. The Federal Government offered the family no compensation.

A Texas rancher had a man-made earthen stock tank for his cattle. When he moved his headquarters to the other end of his ranch, he dug a new tank, filling in the old one. The U.S. Fish and Wildlife Service cited him for converting a wetland.

A Missouri farmer wanted to repair one of his farm's levees that was built in the 1930's. The land had been farmed for over 100 years. He was told that in order to repair the levee, he would have to get a permit from the Corps of Engineers and maintain 25 percent of his property, without compensation, as a permanent wetland.

And, a Minnesota rancher had two 1-acre glacial potholes on his farm. To make farming around them easier, he filled one and expanded the other to 2 acres. The Corps of Engineers objected to this action. The Federal Government fined him $5,000 and made him dig out the original pothole.

These are only a few examples of how honest hard-working Americans can run afoul of our wetlands law.

There is little doubt that wetlands are an important habitat for many species whose protection is supported by Congress and the public. Regrettably, current Federal wetlands laws simply do not work; they neither improve our environment nor do they help our local communities. In short, our wetlands protection system must be improved in a comprehensive manner.

Furthermore, since nearly 74 percent of all wetlands are privately owned, it is essential that we devise incentives to encourage individuals to develop wetlands management plans for their property.

For instance, in Harris County, TX, private property owners and corporations are willing to set aside thousands of acres to be used for migratory bird habitats. While this property is not classified as a wetland, by creating these habitats they would become jurisdictional wetlands, and unfortunately, landowners would be prohibited from ever restoring them to their original form. In my judgment, this is a misguided interpretation of the law—one that is having a serious, adverse effect on our Nation's migratory waterfowl population.

Mr. Speaker, the bill we are introducing today establishes a comprehensive wetlands program. It addresses most of the criticisms of the existing program. It protects the rights of ordinary citizens and local communities. It provides a concise system for the identification and delineation of wetlands. In short, it balances the need to protect these habitats with the constitutional rights of landowners.

H.R. 1330 establishes an up-front classification of wetlands into three types so that individuals have early notice of what activities are permitted on affected lands. Under our language, the most valuable class of wetlands would be more strictly regulated than under current law. At the same time, private property owners would receive greater protections. Most wetlands, however, would fall in the second category: they would be regulated much as under current law, with the addition of incentives for mitigation. Finally, those lands which possess de minimis wetlands value and function would no longer be regulated by the Army Corps of Engineers.

Mr. Speaker, H.R. 1330 also corrects other problems in current law by streamlining the decisionmaking process so that all decisions are made within a reasonable period of time. This bill would require the Corps of Engineers to establish standards for delineating wetlands and would require that compensation be provided to landowners when the Federal Government classifies their property as a wetland. Once a taking of their property has occurred, an individual would be eligible to be compensated at the fair market value, and title to the property could either be transferred to the Government, or could be retained by the individual as long he abides by the land use restrictions.

Mr. Speaker, H.R. 1330 is the product of many years of careful consideration. Reforming the Clean Water Act is one of the most important legislative issues facing Congress. We can protect our Nation's valuable wetlands, develop a meaningful classification system, provide timely responses to those citizens seeking to utilize their private property, and compensate those who are denied the right to use their land by enacting this legislation.

I urge my colleagues to join with me in cosponsoring H.R. 1330. Together, we can bring balance to the Clean Water Act, and we can protect our Nation's true wetlands without infringing on the constitutional rights of our people.

GUATEMALA: PROSPECTS FOR PEACE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. SMITH of New Jersey. Mr. Speaker, on March 3, the Subcommittee on Western Hemisphere Affairs conducted a hearing about the progress of the peace talks between the Guatemalan Government and the guerrillas, the URNG, which have hounded the country for the last 30 years. The witnesses included one of the negotiators, Mr. Ernesto Viteri, who had just completed a round of talks in Mexico City. In addition, the subcommittee heard from Prof. Allen Weinstein, president of the Center for Democracy, Helen Mack, the sister of anthropologist Myrna Mack Chang who was brutally murdered in September 1990, and Frank LaRue, of the Center for Human Rights Legal Action.

Guatemalan President Serrano has given us some reason to hope for a peace that is not only the absence of war, but also the creation of a set of conditions that enable men and women to live without worries or fear. I believe United States policy toward Guatemala must be crafted to contribute positively to the peace so desperately needed there. Clearly a settlement to the decades-long insurgency in Guatemala will provide a foundation for the several glimmers of hope which are on the horizon.

The talks of the Commission of National Reconciliation enjoy the commitment, at this moment, of both the government and the URNG, though tenuous. These talks and the ensuing agreements which could flow from those negotiations offer the best hope of reconciliation. Frankly, I see all other progress—on human rights, economic growth and favorable international cooperation—being largely dependent on those impending peace accords.

First and foremost, I remain deeply concerned about the fact noted in the "Country Reports on Human Rights Practices" that "[A]lthough there were some improvements in the human rights situation in 1992, serious human rights abuses occurred frequently. * * * While guerrilla groups are responsible for human rights abuses, human rights groups reported that the military, civil patrols, and police continue to commit a majority of the major violations, including extrajudicial killing and disappearances."

Yet, Mr. Speaker, the incremental progress on a number of highly visible human rights cases demonstrates at least some forward momentum. Certainly, the convictions in the cases of Myrna Mack and Michael Devine are encouraging though not complete. While I applaud the determination, convictions, and sentences, more can and must be done. I hope and believe that the Clinton administration will continue U.S. pressure on the Serrano government with respect to human rights. And, I would hope Mr. Serrano and the Guatemalan ombudsman for human rights will welcome our interest in the welfare and well-being of the Guatemalan people.

Mr. Speaker, after a decade of refugees fleeing into neighboring Mexico and Honduras, and in light of the negotiating position of the URNG, the October agreement on the return of the refugees establishes another historic marker. However, that milestone too is not without controversy and a legion of short- and long-term problems remain which might derail the resettlement process. It is clear that confidence in the safety of and resettlement of the refugees is crucial to the peace process.

Further, Mr. Speaker, I am eager that we identify the initiatives which could be taken by the United States that would advance these budding trends. The pace and depth of these positive developments in human rights and the peace negotiations must be strengthened, so that Guatemala's progress becomes the rule, not the exception. We must strive to determine, in what way, we can best help to nurture democratic institutions in Guatemala, and encourage the establishment of a sustainable civil society in that country.

UNITED STATES-CUBA RELATIONS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. RICHARDSON. Mr. Speaker, in the post-cold-war era it is important that we remain vigilante and informed about all our interests abroad. Cuba, one of the last vestiges of dogmatic socialism, is feeling the encroachment of an increasingly democratic global policy driven by market economics. It is important that we consider Cuba's future for a number of reasons, not the least of which is that socialism in Cuba is approaching collapse. This necessitates deliberation of a post-Socialist Cuba and United States policy options. The Cuban population in the United States waits for the opportunity to reinvigorate the society and economy of its native country. Therefore, it is important that we maintain a high level of public discourse on this matter.

I call to my colleagues' attention a thoughtful article on United States-Cuban relations, by Arturo Villar. Mr. Villar travels to Cuba often and is well informed of the changes, subtle or otherwise, taking place within the borders of our southern neighbors. Mr. Villar provides a fresh view of Cuba and provides insight into another dimension of current conditions.

[From the Wall Street Journal, Feb. 12, 1993]

THE TRIALS AND TRIBULATIONS OF CUBA'S MANAGERS

(By Arturo Villar)

Cuba is a country fighting an internal war. The battlefield is the economy. The struggle is on three fronts. And the combatants are foreign investors, bureaucrats and managers of state-operated enterprises.

Foreign investors have gone to socialist Cuba lured by unique capitalistic opportunities and the chance to position themselves ahead of U.S. companies, which are prohibited by a 32-year-old embargo from participating in the Cuban economy.

The Cuban government, through the application and sometimes loose interpretation of a 1982 law regulating joint ventures with foreign capital, has given investors the license to deal exclusively in hard currency, introduce modern management techniques (including incentives), fire workers at will, repatriate profits freely and avoid all but social security taxes.

According to official statements, 108 major joint venture companies have been set up in Cuba since 1989—up from the 76 announced last November by Carlos Lage, the new economic czar of the island. The same officials admit to some 200 minor ventures, mainly in tourism, such as sailboat concessions.

The bureaucrats are ambivalent toward this new capitalistic-oriented phenomenon. Some see it as the wave of the future and are trying to learn from the new experiences. Most, however, still don't know how to deal with it and constantly place stumbling blocks in the way of its development and progress.

Finally there are the managers of state-controlled enterprises. To most of them, the pockets of efficiency created by foreign investment are a welcome addition to the economic landscape. In my six trips to Cuba during the past 17 months, I have had the opportunity to talk to dozens of these managers. Not a single one has failed to praise the joint ventures and every single one has claimed a desire to join or at least emulate them.

On the other hand, foreign investors I have interviewed in Cuba complain of their difficulties with bureaucrats in cutting through unnecessary red tape for the resources and adequate personnel their operations require. They find it difficult to negotiate minefields of competition between ministries and other economic power brokers. "We go to ministries and offer them ideas. The bureaucrats seem receptive, but then they try to make them their own or suddenly offer resistance," said a Spanish investor in three different joint venture operations.

"The problem," he continued, "is that since 1991 there is no planning, no clear direction from the top. These bureaucrats are left to improvise, and they have never learned how to do this."

Midlevel managers also suffer the ambivalence of the bureaucracy, though some explain it differently. "For 30 years we have worked in a highly centralized economic system, and now we have been instructed to be creative in finding the resources we need," said the former manager of a marble factory who claims to have been removed because of his entrepreneurial spirit. "But the ministries don't have any resources to allocate, so the officials see their power erode and become jealous if you succeed without them."

To many of these managers the double challenge is unsurmountable. However, to those willing to take the risk, there are two models within Cuba they can emulate: the joint venture companies created by foreign investments or the military enterprises that since the early 1980s have introduced capitalist-modeled incentives. Two islands of efficiency in a system marked by waste and mismanagement.

Only three years ago when the government opened discussions among party members in preparation for the Fourth Communist Party Congress, participants reported a groundswell of opinions favoring the reform of the central planning system.

"Before the Congress discussions, the only model was the military," says a researcher at one of the many new centers for economic studies on the island. "They ran efficient industries, but we weren't sure they represented a true departure from the rigid patterns of the past."

Since then, however, the government has opened up most areas of the economy to foreign capital in joint ventures. These companies run from a theoretically maximum fifty-fifty split to any combination of participation that will guarantee hard-currency revenue.

And, according to both boosters and detractors, this is the model that has had the greatest impact on the midlevel management class in Cuba.

The demand to join the ranks of the joint ventures is such that the Cuban Communist Party has laid down a five-year limit for militants to work in these capitalistic enclaves, so that more can have a chance to enjoy their benefits.

Even in the tourist area, which provokes a certain type of resentment among Cuban citizens, the desire to participate has created a serious challenge to the retention of all kinds of professionals, including engineers and medical doctors, who would much rather work as waiters in foreign-run hotels and restaurants.

Among the managerial class, it seems only hard-line revolutionaries and incompetents are against foreign investment—the former on ideological grounds, the latter for self-protection.

But to most managers, foreign investors and their joint ventures are the only visible agents of change in Cuba today. They point to the contradictions posed by their modern management techniques and incentives, and the quality of the goods and services they offer.

To them this is the wave of the future. "Resurrection of capitalism in Cuba is inevitable," says an economist who works closely with state-owned enterprises exploring new survival methods. "We are simply looking for ways to do it while keeping the social cost down."

When questioned about the official hard-line discourse that continues to defend socialism as the only alternative for Cuba, the answer comes from a vice minister who is trying to join a joint venture manufacturing group: "That's Fidel's role. He is circling the wagons while we learn the tricks of the trade to face the Yankee invasion and the soldiers from Miami."

The soldiers, of course, are the hundreds of Cuban-American entrepreneurs who would come to Cuba in the event of an open economy and a more open society. And the invasion is the millions of dollars in goods, services and investments that U.S. corporations, large and small, would bring to Cuba.

No threat of a military landing for these managers. Much less today, when they are ready to believe a new administration in Washington will look at U.S.-Cuban relations with an open mind.

"We are fighting our own war here. But there is no bloodshed," a former vice minister who quit to run management training programs told me. "If the managers win with the help of the foreign investors, it may signal the peaceful transformation of our entire society."

TRIBUTE TO MARGARET McLEAN

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. OXLEY. Mr. Speaker, I would like to bring to the attention of my colleagues the upcoming retirement of one of my constituents, Ms. Margaret McLean of Mansfield, OH. Ms. McLean is retiring from the Kingwood Center in Mansfield.

Ms. McLean, who grew up in Scotland, first came to Mansfield in 1935 for an interview with Mr. Charles King for the position of head housekeeper at Kingwood Center. She was offered the position and stayed for 58 years, making sure the house was always in immaculate condition and preparing for the many parties and functions taking place there.

After Mr. King passed away in 1952, Ms. McLean stayed on at Kingwood making sure that the house was kept up for the many meetings and classes that were held there. On weekends when the house was open to visitors she would greet the numerous visitors and answer their questions concerning Mr. King and Kingwood Center.

I would like to commend Ms. McLean for her dedication to Kingwood Center and the Mansfield community. I wish her the best in all of her future endeavors.

ANTI-SEMITISM IN THE NEWLY INDEPENDENT STATES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. PORTER. Mr. Speaker, on March 10, the congressional human rights caucus held a forum to discuss the issue of anti-Semitism in the former Soviet Union. During the forum, we heard from experts on the subject of anti-Semitism who described this serious threat to the well-being of the Jewish community in Russia and the other new republics. Sadly, with the demise of the former Soviet Union, there has been a flourishing of displays of hatred and intolerance toward Jews and other minorities. We in the West must play an active role in combatting the disease of anti-Semitism not only in the former Soviet Union but throughout the world.

I would like to recognize and thank the following individuals for participating in our historic forum: The Honorable Vyacheslav Bakhmin, director of the department of human rights, Russian Ministry of Foreign Affairs; Prof. Aleksander Yanov, City University of New York and founding member of the Non-Governmental Interaction Council in Moscow; Prof. Sergei Lyosov, professor of religion, Russian State Humanities University; Dr. Semyon Gluzman, former political prisoner and director of Union of Councils' Kiev bureau on human rights and the rule of law, and Arkady Dubnov, journalist for Noyaya Vrema and director of Union of Councils' Moscow bureau on human rights and the rule of law.

In order to give my colleagues the opportunity to learn more about the problems of anti-Semitism in Russia, I would like to insert into the RECORD the following statement from Mr. Vyacheslav Bakhmin:

THE PROBLEMS OF ANTI-SEMITISM IN RUSSIA

(By Vyacheslav Bakhmin)

Anti-Semitism was an indispensable attribute of totalitarianism, which couldn't exist without permanently nourishing an image of the enemy—internal or external. In recent years, anti-Semitism settled in the centrally controlled mass-media under the slogan of fighting with Zionism, but on the every day level this slogan was interpreted very simply: Anti-Semitic attitudes of mind were supported by the hostile official policy toward Israel, by a broad propagandistic campaign which deformed public conscience.

Today, the political situation has changed. My government has restored diplomatic relations with Israel, repudiated state anti-Zionism, adopted the law about freedom of exiting the country, and we have put an end to official state anti-Semitism. But, the eradication of anti-Semitism from the conscience of some officials and from the conscience of ordinary citizens will require a lot of time. We will continue to have relapses of this phenomenon in Russian life for a long time, the more so, as there are certain forces in Russia who are interested in its resurrection.

Unfortunately, we see examples of this. The organizations with anti-Semitic leanings are active; newspapers and books with "black hundred" orientation are published; aggressive, nationalistic slogans of opposition are combined with anti-Semitic slurs and threats of pogroms.

The activities of these organizations are noisy and garish, but fortunately find little serious support from the broad public. But the danger shouldn't be underestimated.

The response of many grass roots organizations and mass-media to manifestations of anti-Semitism shows that the attitude of society to the threat of spreading anti-Semitism and aggressive xenophobia is very serious. Such organizations are created with the goal to oppose the propaganda of the aggressive nationalism and anti-Semitism. Hearings on anti-Semitism in Russia took place in the Supreme Soviet and they will be continued soon. Our society tries to analyze its diseases soberly.

Official response to the facts of anti-Semitism and aggressive nationalism is still rather hesitant and inconsequential, although there are examples of trials and the commencement of actions, sometimes according to President Boris Yeltsin's order, as was the case with provocation in the newspaper "Moskovsky Komsomolets." Such slowness of the judicial system is a result of secret sympathies from some officials toward nationalists and anti-Semites, and sometimes the legal collision between the necessity to provide guarantees of freedom of speech demonstrations, grass roots and Russian legislative responsibility for prosecuting acts of racial and national hatred, as well.

The problem of anti-Semitism, which Russia received as the heritage from its past, now is not so intense in modern Russia as it was 10 years ago. The public opinion surveys also support this conclusion. But it is not easy to eradicate the ulcer of anti-Semitism, and the generally difficult situation in the country does not favor its treatment. Mutual efforts of the democratic forces inside Russia and the international community are necessary. And all people must understand how dangerous the relapses of this disease can be especially in the absence of strong democratic institutions and the lack of a legal conscience in the society.

TRIBUTE TO LT. COL. JESSE BROWN

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an exemplary individual from the city of Chicago. Jesse Brown was recently promoted to the rank of lieutenant colonel in the U.S. Army Reserve.

Jesse Brown first came to the Chicagoland area in 1970 as a John and Mary R. Markel Fellow at the University of Chicago. Completing that fellowship, he went to Washington, DC, and served as special assistant to the President for the Joint Center for Political Studies developing leadership at both the national and local level. His leadership led to the development of an organization within the framework of the National League of Cities. Of note is the National Black Caucus of Local Elected Officials, and the National Black Caucus of Black State Legislators. During his years in public service, he has also held Federal appointed positions including service as Deputy Secretary of the Treasury.

In the past, Jesse has received the Army Commendation Medal. In addition, he has such notable memberships as Associates for Renewal in Education, the executive board of the North East Illinois Council of the Boy Scouts of America, and Jack and Jill, a national organization to promote youth leadership.

I am pleased to commend Jesse for his tremendous contributions to our community. His recent promotion is a fitting tribute to his patriotism and commitment to public service. I hope my colleagues will join me in saluting him and wishing him the best in the years to come.

CONGRATULATORY STATEMENT TO SAUL COHEN, EAGLE SCOUT

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. MANTON. Mr. Speaker, I rise today to congratulate 16-year-old Saul Cohen of Long Island City, NY, for achieving the highest honor of scouting, becoming an Eagle Scout.

To become an Eagle Scout, one must meet many requirements. These include attaining 21 merit badges and displaying leadership in school, scouting, and the community. Saul has demonstrated his leadership abilities at Queens Vocational and Technical High School, where he is studying to become an electrician. He was elected treasurer of the student body and a member of the Leadership Corps. In scouting, Saul served as den chief, patrol leader, assistant senior patrol leader, and assistant scoutmaster. He has achieved brotherhood in the Order of the Arrow. Additionally, Saul has worked for the past two summers in a leadership position at Ten-Mile River Scout Camp.

Further criteria for becoming an Eagle Scout includes an active involvement in community service. Each candidate must design a project to benefit others and submit the details in writing to the scouting board for approval. For Saul's Eagle Scout project, he initiated a clothing drive for the homeless and needy. The drive was an enormous success, collecting over 300 bags of donated clothing. The clothes were distributed by St. Vincent de Paul of New York City and Pentacostal Church of Brooklyn.

Upon completion of all his requirements, Saul was approved by the Greater and National Councils of Boy Scouting as an Eagle Scout.

Saul will be awarded his Eagle at a ceremony Saturday, March 27, 1993, at 6:00 p.m. at St. Teresa Church of Woodside, NY. I know my colleagues join me in congratulating Saul on becoming an Eagle Scout.

PERU: UNITED STATES PRIORITIES AND POLICY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. SMITH of New Jersey. Mr. Speaker, as ranking Republican on the Foreign Affairs Subcommittee on Western Hemisphere Affairs, I am pleased that the subcommittee is conducting a series of hearings on U.S. policy vis-a-vis various countries in our hemisphere. Many of these countries continue to have tarnished human rights records, and are facing insurgency groups within their borders.

On March 10, Peru was the subject of our hearing. That country is a nation which is ravaged and terrorized by armed insurgencies, the most noted being the Sendero Luminoso, the Shining Path. Additionally, the democratic birthright of Peruvian citizens was suspended by the auto-coup instigated last April by the democratically elected President Fujimori himself. Peru has had a history of abhorrent human rights practices, and yet Fujimori's disregard for constitutional government has exacerbated the human rights climate.

The suspension of the constitution, the dissolution of both Congress and the judiciary, and the establishment of rule by Presidential decree has marked the beginning of a new generation of human rights abuses by the police, the security forces, and the insurgency. The military continues to enjoy complete impunity and exceptional powers in the name of counterinsurgency, especially in the rural emergency zones. More than 80 extrajudicial killings by the police and military forces, and as many as 170 disappearances were reported to human rights officials. Of course, the terrorist activities by Sendero continue to be the major threat to most Peruvians. Through November of last year, more than 650 assassinations by Sendero had been reported to the Coordinadora—National Coordinating Committee for Human Rights. Mr. Speaker, the Sendero forces are striking at the soul of the nation—targeting teachers, community leaders, clergy, human rights leaders, and public servants.

These statistics—which only represent the known cases—are tragic. Mr. Speaker, they are appalling and sobering. What is the appropriate response for United States policy toward Peru?

Last year, I supported the suspension of military assistance—like many of my colleagues. While Fujimori did schedule and conduct elections for the constituent congress and municipalities, I remain concerned about the constitutional role he will allow the congress to have. The jury is still out as to whether President Fujimori will insist that the Constitution be changed so that he can stand again as candidate at the end of his term in 1995.

The freedom of the press has been severely curtailed in the wake of last April's auto-coup. In fact, one decree which has been issued holds journalists liable to criminal prosecution should they allegedly assist seditious forces in any way. Independent journalists are few in number and live with great fear of assassination. Throughout my years of working on behalf of human rights, the curtailing of the freedom of the press persistently arises as an issue where governments have something to hide from their people, and the world.

Though the autocoup, or Fujicoup as it is also called, was orchestrated in the name of rooting out corruption and battling the threats of Sendero, progress on protection of human rights has not been seen. The agreements which the United States Government has received from the Peruvian Government on certain human rights concerns must be carefully watched. We must insist that these basic agreements are adhered to and maintained.

Mr. Speaker, I think it is important that Mr. Fujimori be held accountable for his agreement that the ICRC have access to the prisons, that meetings at the ministerial level be held with the Coordinadora for human rights, as well as recognizing that human rights groups are essential for the strengthening of democracy, and not cynically viewed as sympathizers with the insurgency. Mr. Clinton has outlined his foreign policy with the understanding that human rights will be a high priority. I look forward to working with my colleagues, as well as the administration, in sending this strong message to foreign governments, such as Peru.

TRIBUTE TO REAR ADM. WILLIAM R. MORRIS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. SKELTON. Mr. Speaker, it has come to my attention that Rear Adm. William R. Morris, supply corps, U.S. Navy, is retiring on April 1, 1993, after 32 years of faithful service to the Navy and his country. I would like to take this opportunity to recognize and commend him. Culminating a distinguished naval career, Bill is currently serving as the fourth competition Advocate General of the Navy. Concurrently, he serves as the deputy for acquisition policy, integrity, and accountability to the Assistant Secretary of the Navy [Research, Development and Acquisition]. Mr. Speaker, I would like to outline some of his career accomplishments.

Hailing from Duryea, PA, Bill received his bachelor of science degree in education from Bloomsburg University and his master's degree in business administration from George Washington University.

After being commissioned an ensign in 1961, he served as a surface line officer at sea and later served as the planning officer at the Naval Communication Stations, Morocco and Nea Makia, Greece. Upon graduating from the Navy Supply Corps School, he was assigned as supply officer on board the U.S.S. *Manley* [DD–930]. Bill then served as a detailer in the Office of Supply Corps Personnel and subsequently transferred to the Naval Supply Center—Pearl Harbor. He later became the director of the aircraft and engines contracting division at the Naval Air Systems Command.

He served as the director of contracts and subsequently as director of the weapons systems support group at the Navy Ships Parts Control Center, where his responsibilities included provisioning, programming, and inventory management of all spares and support for the fleet. Following a tour on the staff of the Assistant Secretary of the Navy [Shipbuilding and Logistics], he returned to the Naval Air Systems Command. There he served as the assistant commander for contracts and was promoted to rear admiral.

In November 1991, Bill reported to his current assignment. By virtue of his inspiring leadership and through the Department of the Navy's competition program, the Navy completed over 60 percent of its $57 billion budget, despite tremendous challenges posed by budget reductions. His advocacy and success in maintaining competitive sources for Navy requirements has ensured that U.S. industries have become more competitive in the world marketplace, are better prepared to survive a military downsizing and, thus, remain available to the national defense. His achievements will have a lasting and positive effect on the country's industrial posture, well into the 21st century.

Under his exceptional guidance, the Navy Acquisition Ombudsman Program has succeeded in improving relations and resolving problems with industry, thus saving the Navy millions of dollars in litigation costs and averting lengthy delays to the acquisition process. His unparalleled leadership, acquisition expertise, and mediation abilities enabled him to settle longstanding and substantial organizational policy differences, while completely rewriting Navy policy for major systems acquisition. This new policy will help ensure that state-of-the-art aircraft, ships and space-based sensors are available to the fleet to satisfy national defense needs.

As the Assistant Secretary of the Navy's senior military adviser on acquisition matters, his technical mastery and foresight resolved countless complex issues and problems related to major weapons programs. His solutions saved millions of dollars, improved readiness and enhanced the Navy's capability to perform effectively in Operations Desert Shield, Desert Storm, and Restore Hope. Throughout these and other substantial achievements, Bill has added immeasurably to the posture, support, and readiness of our Nation.

His career decorations include the Distinguished Service Medal, the Legion of Merit with gold star, the Meritorious Service Medal with gold star, and the Navy Achievement Medal.

A man of Rear Adm. Bill Morris' talent and integrity is rare indeed. Although his honorable service will be genuinely missed, it gives me great pleasure today to recognize him before this body and to wish him "fair winds and following seas" as he brings to a close his long and distinguished career in the U.S. Naval service.

TRUST INCOME EXEMPTION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. RICHARDSON. Mr. Speaker, I rise today to introduce legislation which will provide that a portion of income derived from trust land held by an individual Indian not be considered as income for purposes of determining eligibility for Federal needs based programs. This legislation is overdue and badly needed in order to right a wrong which hurts the elderly and poor in Indian country.

Many American Indians own small parcels or shares of small parcels of land on reservations which are held in trust for them by the U.S. Government. These lands are leased out for a variety of purposes such as grazing, mining, logging, or farming. The owners of these parcels receive payments for the use of their land. These payments are generally quite small and come at various times during the year. Most of the recipients of income derived from these allotted lands are tribal elders who are usually poor and many are disabled. Oftentimes the income from these allotments and their supplemental security income [SSI] payments are all they have to live on.

The problem is that SSI administers its program by recording and calibrating check amounts on the basis of estimates and not actual income received. This causes nearly every record to be either adjusted due to an "overpayment" or "underpayment" when actual income is received. These tribal elders then receive notices that they owe the Government money, their checks are decreased or they are dropped from the program rolls altogether. When the latter occurs they must go in person in order to reapply. This imposes a immense hardship on the elderly who live great distances from the agency offices.

Congress previously passed legislation which exempts these same lands which are tribally owned from being considered income. The bill I am introducing today will simply bring individually owned trust land into the same status. I urge my colleagues to support this legislation.

CLINTON'S TAXES WILL SINK ECONOMY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. CRANE. Mr. Speaker, in the weeks since he announced his tax and budget proposals, President Clinton has been trying to sell his plan to the American people by claiming that it will create both tax fairness and economic growth. However, history proves that the tax increases which the President advocates will actually stifle economic expansion and the creation of jobs. Clearly, in today's economy, which has begun to grow at increased rates, this is not the time for the Government to deprive the private sector of vitally needed capital through tax increases. In this article, Clinton's Taxes Will Sink Economy, Paul Craig Roberts describes how President Clinton's tax proposals are the antithesis of economic growth. I submit Mr. Roberts' article to my colleagues' attention and urge them to heed its warning about the President's plan.

CLINTON'S TAXES WILL SINK ECONOMY

(By Paul Craig Roberts)

President Clinton sees himself as a progressive who is leading the country in new directions, but in economic policy he is modeling his administration on Herbert Hoover's. Like President Hoover, Clinton believes that higher taxes are the solution to debt.

President Clinton's approach will fail in the 1990s for the same reasons that it failed in the 1930s. Taxes always reduce company earnings, sales, employment, take-home pay, consumption, savings and investment.

The Btu tax on energy and the higher income tax rates on individuals and corporations will take a big bite out of the economy.

Consequently, economic activity will tumble, offsetting many of the projected avenues from the tax increases. The energy tax will enter directly into product prices, reducing both our domestic living standards and the competitiveness of our products in international trade. The new effect will be diminished economic opportunities.

Politically, Clinton's proposals fare even worse, because they are totally at odds with his rhetoric.

To soften the blow on the middle class of his forsaken tax promise, Clinton claims that 70% of the new taxes will come from the rich. This is an exaggeration on its face. Moreover, unlike the salaried middle class, most upperbracket earned income comes from professionals working long hours. Not even high-priced lawyers make their legal incomes by working 50 hours a week.

Affluent professionals work 60 or 70 hours a week, and, often so do their spouses. All that work produces income but not much of a life. Higher tax rates encourage these people to work less. They allocate more of their time to leisure and vacations.

Clinton's approach to the economy is naive and uninformed. All economics textbooks, whether written by liberals or conservatives, list tax increase as a prescription for cooling down an inflationary, booming economy, not for boosting a lagging one.

Similarly, Clinton continues to repeat as if it were a fact his assertion that the 1980s were a period when the middle class were excessively taxed while the rich got off. However, the U.S. Treasury Department and the Internal Revenue Service report exactly the opposite.

From 1981 to 1988—those awful Reagan years—the share of total individual income taxes paid by the top 5% rose from 35.4% to 45.6%. The share paid by the top 1% jumped from 17.9% to 27.6%—a 54% increase.

It takes an extremely distorted view to equate these results with "keeping taxes low on the wealthy."

Clinton would save himself and the rest of us a lot of pain if he would notice that President Bush tried the same approach, and it did not work. Bush raised taxes and increased government spending on infrastructure, and for the first time in a decade the share of total income tax revenues paid by the rich fell.

In addition, the tax raise slowed the economy and revenue growth, and the deficit increased dramatically. Between 1989 and 1993, spending grew 29% while tax revenues rose by 16%, causing the deficit to double.

In contrast, during the preceding four years (1985 to 1989—Ronald Reagan's second term), revenues were up 35%, while spending rose by 21%, and the deficit fell.

Clinton claims his program will help investment by reducing the deficit. However, even if by chance his plan were to cut the deficit, the income and energy taxes would still raise the cost of capital and hurt private investment Energy-intensive industries would be especially hard hit.

His tax plan is inconsistent with President Clinton's promise of more jobs and better pay, but it perfectly fits the agenda of his environmentalist advisers, including Vice President Albert Gore.

The radical environmentalists who surround Clinton see economic growth as a threat to nature. In their scheme to save the environment, our jobs are expendable.

MILITARY ACADEMY NOMINEES FROM THE 4TH CONGRESSIONAL DISTRICT OF ARKANSAS

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. DICKEY. Mr. Speaker, I recently selected five young men to be nominated for the entering class of 1993 at the U.S. Air Force, Military, and Naval Academies.

The nominations of Anthony Michael Belmont, Magnolia and Sterling Paul Magby, Camden have been submitted to the U.S. Military Academy. The nominations of Carrol Heath Harper, Sheridan and Lloyd Blake Langston, Pine Bluff have been submitted to the U.S. Naval Academy. The nomination of William H. Rogers, McGehee has been submitted to the U.S. Air Force Academy.

Citizens in the 4th Congressional District of Arkansas should be extremely proud of these fine young men. They all have extraordinary academic records and a long list of extracurricular activities and achievements. These men are the cream of the crop and if selected into the academies, will serve their country with distinction and honor.

BIRTH OF RICHARD STANLEY MATYAS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues the birth of a baby in the Chicago community. Richard Stanley Matyas is the son of Richard and Doreen Matyas, who reside in Oak Lawn, IL

Richard Stanley Matyas was born at 6:08 p.m. on March 15, 1993. On an occasion such as this, I join with the other members of the Matyas family in wishing the newborn all the best for the promising future ahead of him.

I am sure that my colleagues join me in congratulating the proud parents, Richard and Doreen, on this most joyous occasion. May their life together continue to be an adventure. This new addition to their lives will surely bring them much happiness in the years to come.

MISCELLANEOUS TRADE LEGISLATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to reintroduce two bills which I previously sponsored in the 102d Congress and which both were passed last year in the House of Representatives.

I introduced one bill to assist Lenox, Inc., by temporarily reducing the import duty on certain ceramic statues, statuettes and flowers which were made by professional sculptors. This legislation was H.R. 2364 in the 102d Congress. As my colleagues may know, Lenox, Inc., is an internationally renowned domestic producer and merchant of fine china whose headquarters is located in Lawrenceville, NJ.

Lenox noted that due to an unexpected change in trade policy, the tariff rate for handmade figurines was actually increased above the rate for the products not made by hand. The traditional rates always had a lower tariff for the hand-made products because it would encourage artistic work from sculptors.

I agreed to assist Lenox by sponsoring legislation which would temporarily reduce the duty for these items made by professional sculptors. Lenox, while a domestic maker of many ceramic products, markets the imported, hand-made statuettes by mail order. Under my bill—identical to the House-passed provision contained in the Miscellaneous Tariff Act of 1992—the duty for these figurines would be reduced from 3.1 percent to 2.6 percent. Passage of this provision would reduce the duties paid by Lenox and make it a stronger employer and more profitable enterprise.

Mr. Speaker, the other bill I am sponsoring will strengthen the international competitiveness of the U.S. commercial communication satellite industry. On April 16, 1991, I introduced H.R. 1835 which was identical to this new legislation. I was pleased that after consideration and markup by the Subcommittee on Trade, my bill—H.R. 1835—was embraced by Chairman ROSTENKOWSKI and included in both the House trade expansion package, H.R. 5100, and last year's miscellaneous trade bill, H.R. 4318. My satellite provisions were already passed in H.R. 5100 and H.R. 4318 but neither bill was considered in the other body. Therefore, I am reintroducing he identical bill today.

Under current law, entire communication satellites and most parts may be imported into the United States free of duty as long as the satellite is subsequently reexported or launched into orbit. However, certain components which are necessary for the domestic manufacture of communication satellites have different tariff classifications and are therefore subjected to high import duties. The importer may put up a bond in exchange for paying the duty and can have the bond and the tariff excused if the manufacturer launches or reexports the satellite within 3 years. This procedure is known as temporary importation under bond [TIB].

Unfortunately, Mr. Speaker, the shuttle *Challenger* disaster and other launch failures played havoc with communication satellite launch schedules. As my colleagues know, the schedules for launches are determined years in advance and the repercussions from these past failures are still being felt by the industry.

My bill would provide satellite manufacturers with an additional 2 years—for a total of 5 years—to launch their satellites without the builder sacrificing the bond or suffering the impact of liquidation damages as long as the delay was no fault of their own.

Mr. Speaker, if enacted, my reform of TIB will ease the burden on those manufacturers who face harsh penalties through no fault of their own.

I am grateful that General Electric's Astro-Space Division in East Windsor, NJ, brought this situation to my attention. While passage of my measure will provide substantial benefits to a local constituent, I see broad positive implications from this legislation and understand that other satellite manufacturers such as Loral Corp., support this measure.

Mr. Speaker, I was very pleased that language identical to my two new bills was passed by the House in the 102d Congress. Both of these amendments to the harmonized tariff schedule have already been carefully reviewed and approved by the International Trade Commission and the Commerce Department's International Trade Administration. Furthermore, both were endorsed by the Ways and Means Committee and, of course, the Subcommittee on Trade.

I look forward to their swift consideration by the House.

COMMERCE DEPARTMENT APPROVED EXPORTS OF HIGH TECH GOODS TO NORTH KOREA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. STARK. Mr. Speaker, last Friday, North Korea announced that it will withdraw from the Non-Proliferation Treaty rather than accept the required verification measures.

Today, I am introducing legislation condemning North Korea's decision and urging the United Nations to take action, such as sanctions, if the North doesn't reconsider.

North Korea has been stalling on its nonproliferation commitments for a long time. It acceded to the treaty in December 1985, but refused to accept the International Atomic Energy Agency inspections—required by the NPT—until last year.

When IAEA inspections finally occurred, significant discrepancies arose. Evidence indicated that the North Koreans have produced more plutonium than they had declared. This is a serious matter, since it only takes about 10 pounds of plutonium to make a bomb.

The IAEA sought access to two additional sites where it suspected North Korea was storing additional nuclear waste. Evidence of this waste would demonstrate that Pyongyang was still hiding part of its nuclear program. North Korea refused allow the IAEA to inspect these facilities, claiming they were military sites unrelated to its nuclear program.

The Nuclear Non-Proliferation Treaty is the cornerstone of international efforts to prevent nuclear proliferation. Under the NPT, non-nuclear weapon states are obligated to accept IAEA safeguards on all of their source or bomb-grade nuclear material. The IAEA has the right to inspect any facility—even if its not an officially declared nuclear facility—in order to verify that all of this material is in fact under safeguards.

In Iraq, the IAEA failed to rise to this challenge. The Agency failed to detect Saddam Hussein's elaborate clandestine nuclear weapons program. In North Korea the Agency—to its credit—was a little more aggressive in seeking access to these two undeclared sites. At the end of February, the IAEA Board of Governors gave North Korea a 1 month deadline to let the inspectors examine the two sites. Last Friday, North Korea announced it was withdrawing from the Non-Proliferation Treaty, effective after the required 3 months notice had elapsed.

This is a very disturbing event, since it strongly points in the direction of North Korea having an advanced nuclear weapons program. In the 23 years since the treaty went into force, none of the other 155 countries party to the treaty has ever made such a decision, not even Iraq. The international community must put strong pressure on North Korea to remain party to the treaty and to accept the treaty's obligations.

This is also an extremely important test case of the IAEA's effectiveness. If the IAEA backs down and fails to get access to all suspect sites in North Korea, it can hardly expect to have any better luck in other countries with questionable activities like Iran. If the IAEA can only go where the host country allows it, we'll have Iraqs all over again and very limited enforcement of the Non-Proliferation Treaty.

During the next 3 months, before any official withdrawal can take place, North Korea is still obligated to allow IAEA inspectors to examine suspect sites which may contain undeclared nuclear material. The United Nations Security Council must ensure that either North Korea reverses its position and remains party to the treaty-accepting all its obligations—or that it provides the IAEA with full access before it formally withdraws. One way or another, we must get to the bottom of North Korea's nuclear program. Pyongyang has made an international commitment to come clean on all its activities. The United Nations must make it carry out this promise, imposing economic sanctions if necessary.

My resolution urges the United Nations to take these steps. It also supports the IAEA's efforts to get to the bottom of the North Korea situation—a welcome change from its attitude towards Iraq before the gulf war. Finally, the resolution calls for the President and the international community to strengthen the international nonproliferation regime. This must be a major foreign policy priority for the United States over the next 2 years running up to the 1995 Review and Extension Conference for the Non-Proliferation Treaty.

One final point. You might wonder what sanctions can accomplish against a country as isolated as North Korea. In fiscal year 1991, the Department of Commerce licensed $1.2 billion worth of exports from the United States to North Korea—$1.2 billion.

These exports included such items as: zirconium metal (used in nuclear fuel rods), oscilloscopes, computing equipment, lasers, electronic measuring/calibrating/testing equipment, and chemicals.

The justification is that these high technology items are for medical or other humanitarian purposes. But by their very nature, dual-use items can be used for military activities as well, like building nuclear weapons or Scud-C missiles. What prevents North Korea from using these items for other, illicit purposes? This sounds like Iraq all over again.

The World Trade Center blast is nothing compared to what even a poorly constructed first generation nuclear weapon would do. We can't sit back and let terrorist states acquire the ultimate weapon. We must increase the international pressure.

H. CON. RES.

Whereas the Treaty on the Non-Proliferation of Nuclear Weapons, to which 156 states are party, is the cornerstone of the international nuclear nonproliferation regime;

Whereas nonnuclear weapon states that are party to the Treaty on the Non-Proliferation of Nuclear Weapons are obligated to accept International Atomic Energy Agency safeguards on all source or special fissionable material within their territory, under their jurisdiction, or carried out under their control anywhere;

Whereas the International Atomic Energy Agency is permitted to conduct inspections in a nonnuclear weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons of any site, whether or not declared by that state, to ensure that all source or special fissionable material in that country is under safeguards;

Whereas North Korea is a nonnuclear weapon state which acceded to the Treaty on the Non-Proliferation of Nuclear Weapons in December 1985;

Whereas North Korea, after acceding to the Treaty on the Non-Proliferation of Nuclear Weapons, refused until 1992 to accept International Atomic Energy Agency safeguards as required under the Treaty on the Non-Proliferation of Nuclear Weapons;

Whereas International Atomic Energy Agency inspections of North Korea's nuclear materials strongly suggest that North Korea has produced more bomb-grade material than it has declared;

Whereas North Korea has not given a scientifically satisfactory explanation of this discrepancy;

Whereas North Korea refused to provide International Atomic Energy Agency inspectors full access to 2 sites for the purposes of verifying its compliance with the Treaty on the Non-Proliferation of Nuclear Weapons;

Whereas, when called upon by the International Atomic Energy Agency to provide such full access as required by the Treaty on the Non-Proliferation of Nuclear Weapons, North Korea announced its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, effective after the required three months notice; and

Whereas such withdrawal is unprecedented in the history of the Treaty on the Non-Proliferation of Nuclear Weapons and undermines the strength of the international nuclear nonproliferation regime: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) strongly supports the International Atomic Energy Agency's right to conduct inspections of any site in a nonnuclear weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons;

(2) condemns North Korea's decision to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons;

(3) urges the United Nations Security Council to insist that North Korea provide the International Atomic Energy Agency with full access before its official withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons takes place;

(4) urges the United Nations Security Council to impose sanctions on North Korea, should it continue to refuse to provide this access; and

(5) calls on the President of the United States and the international community to take steps to strengthen the international nuclear nonproliferation regime.

PRESIDENT CLINTON'S PROPOSED ENERGY TAX

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. FIELDS. Mr. Speaker, I recently received a letter from the president of U.S. Companies, Inc., of Dallas in which David R. Latchford outlined how President Clinton's proposed energy tax would affect small, independent oil and gas producers in my home State of Texas and across the Nation.

I hope my colleagues will take a moment to review Mr. Latchford's comments about how his company was affected by the depression in the energy industry that occurred in the mid-1980's, and about how it will be affected if the energy tax that has been proposed by President Clinton is enacted.

The bottom line: Mr. Latchford's company, which once employed 250 persons, has been forced to reduce its work force to 25—and, if the Clinton energy tax is enacted, U.S. Companies, Inc., will probably have to close its doors, as will many other relatively small producers.

Does President Clinton truly believe that throwing more Americans out of work will solve our Nation's deficit problem? Does he truly believe that we need more Americans who now work in the energy industry, or in energy-related industries, standing behind the 400,000 to 600,000 one-time energy workers in the unemployment line?

I hope not—for our Nation's sake, and for the sake of hard-working independent oil and gas producers like David Latchford.

U.S. COMPANIES, INC.,
Dallas, TX, March 1, 1993.

Re proposed Btu tax.

Hon. WILLIAM JEFFERSON CLINTON,
President, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are a small independent oil and gas producing company. We produce approximately 2,000 barrels of oil and 15,000 Mcf of gas per day. We weren't always this small. Prior to 1986, we produced over 10,000 barrels of oil and 60,000 Mcf of gas per day; however, as a result of the drastic reduction in oil and gas prices that occurred in 1986, we had to sell most of our reserves, and curtail our development and exploration drilling operations just to stay in business. We have cut our staff from over 250 employees to 25, but we are still in business. Most independents at or near our size in 1986 are no longer in business. If the proposed Btu tax is enacted into law, we will probably have to close our doors as will many more relatively small producers.

We recognize our plight is of little importance in the grand scheme of things, but felt you should at least be aware of the consequences to our business of your proposed Btu tax. Although we feel certain you do not intend to place what may be an insurmountable burden on many small oil and gas producers, we believe your proposed Btu tax will do just that.

At the time of the drastic drop in oil and gas prices in 1986, most oil and gas producers were carrying some debt. The debt we had in December of 1985 could easily have been paid off within no more than 20 months of the profits we were making at that time; however, by March of 1986, we were not certain if we would ever be able to pay off our debt. In December of 1992, we again felt certain we would be able to pay off our debt and begin actively developing our current reserves and exploring for new reserves by the early part of 1994.

With oil prices determined by OPEC and gas prices determined to a large extent by imported Canadian gas, we do not believe it will be possible for independent producers to pass the proposed Btu tax on to the consumer. The large integrated oil and gas companies may be able to pass it on, but independent producers have no control over the price received for their production. Unless we are able to pass on 100% of the new oil and gas taxes and maintain at least the current, relatively low, price structure, we will probably not be able to pay off our debt, and certainly will be in no position to start an active exploration and development program. On the other hand, if the tax is applied and then passed on at the refinery level, the products refined from the crude would no longer be competitive with import products. This would probably cause a reduction in products refined in this country with an increase in the importation of such products.

We feel reasonably certain many other oil and gas producers will find themselves in this same position. Although we would like to do our share in helping reduce the deficit, we believe an industry that has been struggling for survival for the last six years should not be singled out to bear over one-fourth of the new tax burden.

We kicked in our share with the windfall profits tax, which was not passed on to the consumer, during the good times. It seems you should be able to find some other industry that is a little stronger to make the sacrifice this time. Our industry has already lost 500,000 jobs since 1986. We may not lose another 500,000 as a result of the proposed Btu tax, but only because there are not enough of us left.

On February 26, 1993, the April price for West Texas Intermediate Crude delivered at Cushing as quoted in the Wall Street Journal was $20.50. No producer receives the quoted price as no oil is producing at Cushing. On February 26, we received $19.00 per barrel for our oil. If the Btu tax is enacted, it would tax our oil at $3.47 per barrel, or 18%. This is a large tax increase by anyone's standards. In March of 1992, we received $17.41 per barrel for our oil. The Btu tax would be 20% of such amount. We have heard a lot of talk about how this tax will impact the consumers of oil and products derived from oil. We only hope the consumers will be the ones to pay the tax, however, if the same tax is not applied to imported oil, it cannot possibly be passed on. We received an average of $19.98 per barrel for our oil in 1991 and $19.16 per barrel in 1992. Our average for the first two months of 1993 is $18.00 per barrel of oil. These are break-even prices. We cannot survive $15.00 or $16.00 per barrel of oil for any sustained period.

On February 26, 1993, the Wall Street Journal quoted the gas price for April at $1.89 per MMBtu. Again, no one receives this price as gathering and transportation costs must be deducted. If the quoted price holds up, we should receive approximately $1.45 per MMBtu for our April gas. If the Btu tax is enacted, it would tax our gas at 26¢ per MMBtu of 18%. Again, this is an extremely large tax increase by anyone's standards. If the same tax does not apply to Canadian gas, it cannot be passed on to the consumer. Our average price for gas sold in 1991 was $1.11 per MMBtu and $1.30 per MMBtu in 1992. We were hoping to average $1.45 per MMBtu in 1993. In February 1992, we received 76¢ per MMBtu for our gas. The Btu tax would be 34% of such amount. This February, we will receive $1.18 per MMBtu. The Btu tax would be 22% of such amount. We were forced to sell a large amount of our reserves in 1992 to stay in business and barely broke even in 1992. We were looking forward to finally making a profit in 1993, but this will, of course, not happen if the Btu tax increase is enacted and is not fully passed on to the consumer since our gas price would average only $1.19 per MMBtu.

We are aware that whether or not our company survives is of no real importance to anyone except the owners and the few remaining employees and their families. We are not writing this letter as a special plea for our company, but believe if you understand the consequences of your proposed Btu tax on our company, you might also realize many other companies will be similarly affected.

Thank you for taking the time to read this letter.

Sincerely,

DAVID R. LATCHFORD,
President.

A TRIBUTE TO GEORGE PRADEL

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. FAWELL. Mr. Speaker, I rise today to pay tribute to police Lt. George Pradel.

In the city of Naperville, IL, George Pradel is retiring as police lieutenant in charge of the traffic and crime prevention units. Of his 26 years of service to the Naperville Police Department, 6 years have been dedicated to his function as "Officer Friendly," through which he has instructed literally thousands of small children on the basic safety rules that would protect them against serious or fatal injury as they walked to and from school or played in their residential neighborhoods. His high degree of success rises out of his genuine affection for those young citizens. As George himself has said it, "My real love has been working with the children and becoming their friend."

I call the attention of my colleagues in this House and ask them to join our community in this time of recognition and approbation, because George Pradel is a very remarkable person. As a young man, considering career options of becoming a minister or a policeman, he chose to be a policeman because he believed that this calling would offer more opportunity to help people. From this it followed that George would see his mission as something substantially more than a stern or unrelenting enforcer of the law. He has counseled young people who have been charged with violations of the law, and has won their confidence and has helped them choose a better path.

His friendly disposition has always extended beyond his official functions as a police officer. At the same time he and his wife, Pat, were raising their own three children, they took into their home and cared for three foster children. For many years, George and Pat Pradel spent Thanksgiving filling plates of food to give to the homeless who use to gather in a local park. More recently, George was honored with the Paul Harris Award by the Rotary Club of Naperville for his community service.

It is a true pleasure to recognize the inspiring accomplishments of Lt. George Pradel. We thank him and wish him well.

TRIBUTE TO MR. CHARLES E. "PETE" OMAN

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. OXLEY. Speaker, I would like to recognize a public official from my home, Hancock County, OH, who retired at the end of last year. Mr. Charles E. "Pete" Oman served the people of our county well and deserves our thanks, recognition, and best wishes for a happy and productive retirement.

Mr. Charles E. "Pete" Oman served as Hancock County Clerk of Courts for 44 years, among the longest records of service ever for a Hancock County employee. Still going strong at age 76, he was appointed as clerk of courts the same year Harry S. Truman was elected President and the Cleveland Indians won the World Series—1948.

Active in both the central and executive committees of the Hancock County Republican Party, Mr. Oman successfully kept politics out of the clerk's office. He remains a respected party leader and influential adviser.

A native of Mount Cory, OH, Mr. Oman will be remembered at the Hancock County Courthouse for his work supervising the modernization of the clerk's office. At the beginning of his tenure, clerks worked in longhand and on manual typewriters. Yet, he helped to plan and implement the first countywide computer network in 1979 and 1980.

I am sure Mr. Oman welcomes having more time to spend with his family—his wife Vivian, their son, Robert, of Findlay, and their daughter, Elaine Bauman, of Pandora. Along with all his friends at the courthouse and throughout Hancock County, I wish Pete Oman many years of happiness.

CONFRONTING SERB AGGRESSION IN BOSNIA

HON. FRANK McCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. MCCLOSKEY. Mr. Speaker, I am introducing into the RECORD today a strategy paper produced by the World Life Institute on defeating genocidal Serb aggression in Bosnia.

The strategy proposed would lift the arms embargo from the Bosnian Government and help that Government with a Western air campaign.

This paper demonstrates that there are options available to U.S. policymakers which do not require sending U.S. ground forces, and which hold far more promise than the so-called Vance-Owen peace process. I commend it to your attention.

[World Life Institute Strategy Paper, Feb. 1993]

ENDING SERBIAN AGGRESSION IN BOSNIA: MILITARY INTERVENTION IS NECESSARY AND FEASIBLE

(By Christopher Wilson)

EXECUTIVE SUMMARY

The renewed fighting in Croatia has underlined the futility of efforts to end the war in

Bosnia through negotiations and peacekeeping operations alone. As long as Serbia dominates the region militarily and continues its ethnic cleansing campaign, there will be no basis for a political settlement and no peace to keep in Bosnia. It is time the world community turned its attention to tough courses of action that are more likely to lead to a resolution of the conflict.

There are pressing humanitarian and strategic reasons for international military intervention in Bosnia:

The probable loss of hundreds of thousands of lives through military action, starvation or the cold if the Serbian siege and purge of non-Serbian areas continues.

The certain extension of Serbian aggression and ethnic cleansing to Kosovo, Macedonia, Sanjak and Vojvodina, in the absence of any real deterrence.

The threat to European peace and stability if the conflict escalates into a full-scale Balkan war that pits regional powers and NATO allies against each other.

The danger of an influx of millions of Balkan refugees into Central and Western Europe, if the rest of Bosnia and other areas in the region fall victim to Serbian ambitions, with the resulting huge costs and political destabilization.

The risk of a dangerous and embarrassing confrontation between the Western powers and Islamic states intent on aiding the beleaguered Muslims in Bosnia.

The long-term threat to international security if aggression and genocide in Bosnia go unchallenged.

Military intervention in Bosnia can succeed provided it has clear and achievable goals, including: Preventing further atrocities and ethnic cleansing, forcing the withdrawal of Serbian forces from occupied territory; deterring Serbia from expanding its aggression into Kosovo and other areas, and setting the stage for a real political settlement and the re-establishment of a multiethnic state, by redressing the current imbalance of military power and territorial control.

A strategy for intervention based on the deployment of ground forces is fraught with dangers, as many military leaders have argued. The greatest risk is that Serbian forces will revert to guerrilla warfare, taking advantage of the rugged terrain and good natural cover to negate the international forces' advantages in armor and air power. The result might well be the feared Vietnam-like "quagmire".

However, there are alternative strategies with good prospects for success. One viable strategy calls for a combined air/land/naval campaign against Serbian forces, with Bosnian government forces supported to fight the war on the ground, and international forces carrying the war to Serbia with air attacks and a militarily enforced economic quarantine. The elements of this campaign would be introduced in phases and include:

1. Using every military means to enforce strictly a total embargo on all trade, transportation, communications, and other interactions with Yugoslavia and Serbian-held areas—to ensure their isolation from all sources of supply and cripple their economies;

2. Lifting the arms embargo on areas of Bosnia not under Serbian control and providing arms and ammunition to the Bosnian government—to give its troops (which include Muslims, Croats and Serbs) the means to fight effectively against the well-armed Serbian nationalist forces;

3. Withdrawing all U.N. troops from contested or occupied areas of Bosnia and creating safe havens within the country for refugees—to reduce the possibilities for Serbian retaliation or hostage-taking;

4. Launching a full air campaign against military and strategic targets in Serbia and Serbian-held areas of Bosnia, to put direct military pressure on Serbia and reduce the Serbian forces' battlefield advantage in heavy armaments and munitions.

The loyalist forces fighting under the Bosnian government have no shortage of potential troops willing to fight for their freedom. They only lack the arms and munitions required to match Serbian forces. With Western military aid supporting their efforts on the ground, and an international air campaign eroding Serbia's war-making ability, Bosnian loyalist troops could well push Serbian forces out of occupied territories. The rollback of Serbian military gains would place Bosnian Muslims, Croats and Serbs on a more equal footing and pave the way for real negotiations towards a long-term political settlement.

But the time for effective intervention is quickly running out. If the international community waits until Serbian aggression surfaces in Kosovo, it will be too late. The genocide in Bosnia will be accomplished and a full Balkan war all but certain.

Faced with the paralysis of Europe in this crisis, the United States and its allies must take the lead and move quickly to military action.

THE FADING PROSPECTS FOR A NEGOTIATED SETTLEMENT

The new outbreak of fighting in Croatia has dealt a hard blow to the hopes for a negotiated settlement in the region. The ceasefire that ended last year's bitter war there has been fractured and will not be easily restored. In Bosnia-Hercegovina the fragile "agreement" between Serbs, Muslims and Croats arranged by U.N. mediator Cyrus Vance and the European Community's Lord Owen is in trouble. To date the agreement has not produced a ceasefire that holds, let alone the basis for a lasting political settlement. Whether the negotiations in Bosnia go forward or not, the world can be sure of one thing: they will not bring peace to the Balkans.

The simple truth is that no enduring political settlement is possible as long as Serbian military forces occupy or control access to 70% of Bosnia's territory and the West is not prepared to take action to stop their relentless campaign of "ethnic cleansing".

The Croatians launched their offensive to retake strategic areas of Krajina out of fears that the ceasefire lines were quickly becoming the de facto borders of a new "Greater Serbia". Despite the presence of 13,000 U.N. peacekeepers in the occupied areas of Croatia, no progress had been made towards fulfilling the conditions of the ceasefire agreement, namely, restoring the areas to Croatian control and allowing the safe return of 200,000 Croatian inhabitants. Instead, Serbian forces had continued to intimidate and expel non-Serb populations to cement their control of the territories. The timing of the Croatian offensive may have taken the world by surprise, but a campaign to regain their territory was inevitable given the Serbian failure to abide by the terms of the agreement.

In Bosnia, Radovan Karadzic and his Serb forces have reluctantly followed the lead of Serbian President Milosevic and given "provisional agreement" to the first phase of the complex Vance/Owen peace proposal. Experience to date with dozens of failed ceasefires and agreements strongly suggests that Serbia's leaders are simply trying to buy time and forestall international military intervention. They are counting on their demonstration of "good faith" to restrain the European Community and the U.N. from taking any stronger economic or military measures. Meanwhile they will carry on with ethnic cleansing and consolidate their control of occupied Bosnia.

Ther is no indication that Serbia's leaders have any intention of abandoning the broader goal of their attacks on Croatia and Bosnia, namely to forge a "Greater Serbia" out of the ashes of the former Yugoslav state. Serbia's greatest gain of the war has been the seizure of territory to create a land bridge between Serbia and the Serbian-held areas of Bosnia and Croatia. Milosevic and Karadzic are not about to give this up by truly accepting the proposed new multi-ethnic state in Bosnia and removing their forces from occupied areas. There is absolutely no incentive for them to do so, as long as the international community is hesitant to intervene militarily in the region.

For non-Serbian Bosnians acceptance of a ceasefire and a new constitution under present conditions would be equivalent to signing a national suicide note. Without meaningful guarantees that Serbian forces will withdraw from occupied territory, they have no assurance that the new federal state will ever be a reality or that millions of displaced people will be allowed to return in safety to their homes. The lesson of the Croatian ceasefire has not been lost on them.

The loyalist forces fighting under the Bosnian government know that Serb promises will mean nothing unless they are backed up by serious military pressure. Now that these government troops are beginning to make inroads against Serbian forces in eastern and northern Bosnia, there is little possibility that they will agree to a settlement with the Serbian gun still at their heads.

Bosnia's Muslims will be especially resistant to any political arrangement that rewards the Serbian aggression and enshrines the monumental injustices of the war by leaving the greater part of Bosnia effectively under Serbian control, including many areas that formerly had a Muslim majority. This the central, fatal weakness of the Vance/Owen proposals.

Current events in Croatia point to the inevitable failure of the negotiations over Bosnia and/or any subsequent "settlement" there, without a fundamental redressing of the military and territorial imbalance in the region. The international community is in fact at a critical juncture in the Balkans. Serbia's use of mass expulsion, murder and rape to accomplish its goal of "ethnic cleansing" in the region has become intolerable to most of the world's nations. There is a mounting danger that the conflict may soon spread to Kosovo and Macedonia, raising the prospect of a full-scale Balkan war. The situation calls out for intervention—and sooner rather than later. Yet the European powers remain divided on the issue and incapable of action.

Faced with the imminent prospect of an even wider, more devastating war, the United States and its allies must initiate decisive military action to curb Serbia's aggression.

THE URGENT NEED FOR INTERVENTION

The humanitarian and strategic reasons for international military intervention are more compelling than ever:

In the absence of military pressure Serbia will continue its campaign of terror unabated and hundreds of thousands of Bosnians will die from bullets, starvation or the cold—with or without a formal peace agreement in place. Over 850,000 people are at immediate risk in Sarajevo, Gorazde, Bihac, Tulza and other beseiged cities and towns. Only the decisive intercession of Western armed forces will deter Serbian forces from further atrocities.

If Bosnia falls, Serbian actions to seize and "cleanse" other neighboring areas is inevitable. The extreme nationalists' dream of a Greater Serbia will not be satisfied until all the regions with a significant Serbian population are joined together and purged of their non-Serbian peoples. Their recent election success will make them even bolder in the absence of significant international opposition. Agitation and political repression against non-Serbs is already intense in Vojvodina (against ethnic Hungarians), Sanjak (against Muslims) and Kosovo (against ethnic Albanians).

Aggressive Serbian moves in Kosovo and Macedonia are certain to draw Albania, Turkey, Greece, Bulgaria and other nations into the conflict—pitting neighboring states and NATO allies against each other. All of these countries have vital interests at stake in the region and have expressed their willingness to intervene militarily. A full-scale Balkan War will threaten the stability of all Europe and Central Asia.

Serbia's leaders will be clever enough not to provoke the West with a blatant invasion of Kosovo. The current campaign of intimidation and repression will be intensified gradually until the Albanians openly revolt and are forced to flee. By the time actual fighting starts, the neighboring nations will already be involved and it will be too late for any straight-forward intervention by the international community.

Simply put, the "line in the sand" must be drawn in Bosnia, not Kosovo, to prevent a disastrous escalation of the conflict.

A continuation and escalation of the war will result in a massive movement of refugees into the rest of Europe. Another million refugees will flee Bosnia if Serbia's military campaign there succeeds; several million more will follow if Kosovo and Macedonia are subjected to ethnic cleansing.

These exiles will have multiple psychological, medical and material needs. Caring for them will require extensive and costly international programs. Re-settlement of refugees in other countries will doubtless heighten the political tensions surrounding immigrants, giving fuel for right-wing extremists and further destabilizing many European nations.

If the Western nations fail to take action in Bosnia, they will find themselves in a destructive and embarrassing confrontation with the world's Islamic nations. The Organization of the Islamic Conference (OIC) set January 15th as the deadline for international action to help Bosnia's Muslims. Once it becomes clear that the negotiations or settlement are unravelling, the more determined Islamic states are likely to ignore the blockade and try to arm the Muslims themselves. NATO and WEU forces could end up trying to stop military aid aimed at helping Bosnian Muslims defend themselves against continued atrocities. This is probably not a picture that the Western governments want to send back either to their own peoples or to the new states with large Muslim populations that are emerging in Central Asia.

The broad security interests of the world community will be threatened if Serbia's aggression is allowed to proceed unchecked. With the end of the Cold War and the relative stability of the bi-polar world, there is a critical need for international mechanisms to ensure the security of small nations and prevent the escalation of local conflicts, through peace-making, if necessary.

A failure to protect the territorial integrity of Bosnia and the lives of its non-Serbian peoples will encourage the ambitions of other rogue states around the world. It will also set a disastrous precedent for the many simmering conflicts in the states of the former Soviet Union.

THE FAILURE OF INTERNATIONAL ACTION TO DATE

The international community's efforts to end the slaughter or reduce suffering in Bosnia by peaceful means have had little success.

The many fruitless attempts at negotiations and ceasefires have primarily served to mollify public opinion in the West, while Serbian forces continued their conquest. There is no reason to suppose that the talks on Bosnia will be any different; Milosevic and Karadzic will simply stretch them out until they have secured their gains in Bosnia.

The declared "no-fly zone" over Bosnia has never been enforced, despite hundreds of violations by Serbian military aircraft.

The economic sanctions against Yugoslavia remain weakly enforced and are not seriously hampering Serbia's war effort. Ironically, the arms embargo of the region has greatly reinforced Serbia's military dominance and encouraged its aggression. Serbian forces in Bosnia have been able to draw on the vast arms stockpiles "left behind" by the Yugoslav Army, as well as the continuing output of their own internal munitions industry. On the other hand, the embargo has prevented the poorly-armed Bosnian government forces from buying badly needed weapons and ammunition.

Humanitarian aid and peacekeepers have saved countless lives in the war, but have not turned the tide of ethnic cleansing. With Serbian forces in control of 70% of Bosnia, most of the aid cannot reach the people who really need it, as U.N. officials have recently acknowledged.

The presence of peacekeeping troops in occupied territories has not deterred Serbian forces from terrorizing and expelling non-Serb populations, since the U.N. forces have lacked both the mandate and the military capability to intervene. Recently the peacekeeping forces have actually become "hostages" in the war, with Bosnian Serb leader Karadzic brazenly threatening retaliation against U.N. troops if the West acts to enforce the "no-fly" zone.

The actions taken by the international community to date have not brought the war to an end because they have provided no real obstacle or deterrent to Serbian aggression. Now the world is faced with a simple choice: either back away and accept the countless deaths and destabilization that follow, or bite the bullet and take military action strong enough to stop and roll back Serbia's campaign of conquest.

APPROPRIATE GOALS FOR MILITARY INTERVENTION

Military intervention in Bosnia can succeed if the international community is clear and realistic about its objectives. Appropriate goals for a military campaign in the region would include: forcing Serbia and Bosnian Serbs to withdraw their forces from occupied areas of Bosnia; securing the release of civilian and military prisoners from concentration camps and ending the blockade of besieged towns and districts of Bosnia; preventing further atrocities and ethnic cleansing in Bosnia by demonstrating to Serbian leaders that continued aggression and human rights abuses will result in harsh military action against Serbia; deterring Serbia from expanding its campaign into Kosovo and other regions; and setting the stage for a real political settlement and the re-establishment of a multi-ethnic state in Bosnia-Hercegovina, by redressing the current power and territorial imbalance and making it clear that any settlement will be enforced militarily by the international community.

Clear and achievable objectives are the key to any successful military strategy. The lack of such goals lies behind the failure of international action to date in Bosnia.

THE MILITARY OPTIONS

International intervention must be based on a military strategy that effectively pits the strengths of the American and European militaries against the weaknesses of the Serbian forces and makes good use of the loyalist forces already opposing Serbian expansion.

Two very different strategic options present themselves.

Strategy A: Large-scale deployment of international ground forces in Bosnia.

Up to now most of the discussion on military intervention has focused on the least promising option, namely, using international ground forces to establish peace in Bosnia and Croatia. This strategy would see large numbers of heavily armed troops, supported by air power, used to separate the combatants, establish safe havens for refugees, create secure corridors to besieged areas, and prevent further atrocities—by force, if necessary.

Prominent Western politicians and military leaders, including Canada's Major-General MacKenzie, have argued convincingly against this kind of military intervention, on the grounds that any involvement of outside combat forces would lead to a quagmire similar to the American experience in Vietnam or the Soviets' in Afghanistan. To support their case they point to the success of Tito's partisan forces in pinning down superior German forces in Yugoslavia during World War II.

There are indeed serious problems with using Western ground forces in Bosnia:

A massive deployment of troops would be required to give the mission any chance of success. Estimates range as high as 600,000 to 700,000 soldiers. These forces would have to remain in Bosnia for months or even years, placing an enormous financial strain on the nations involved. There could be substantial loss of life among the international troops, which would undermine the political commitment by Western nations needed for protracted combat.

Serbian irregular forces would revert to guerrilla warfare against the Western forces, engaging in "hit and run" attacks where the technical superiority of Western armored units and air forces could not be effectively utilized. The guerrillas would benefit from rugged terrain that affords extensive cover and shelter and restricts the movement of armored vehicles. They would also have the support of local Serbian civilians, who would provide them with food and supplies.

The net effect would be to pit the weaknesses of Western conventional forces (long supply lines, restricted mobility, lack of knowledge of the countryside and language, vulnerability to surprise attack) against the strengths of an indigenous guerrilla army.

Military experts agree that committing ground troops is a strategy with high risks. However, there are other, much better options available.

Strategy B: A co-ordinated air/land campaign combining international and Bosnian government forces.

A more promising strategy would combine the efforts of Bosnian Loyalist ground forces and international air and naval forces in a co-ordinated campaign against Serbian forces in Bosnia and Serbia itself. The campaign would include the following components, introduced in phases:

1. Enforcement of a total economic and military quarantine of Serbia and Serbian-occupied areas by every available military means.

As a first step, the international community would replace the current "leaky embargo" with a complete blockade on all trade, communications and movement of goods and people from and to Yugoslavia and Serbian-held Bosnia.

NATO and WEU aircraft would be empowered to rigorously enforce the "no-fly" zone over their air space, with the discretion to take offensive action against air defense installations, air bases and aircraft support systems.

Intensive naval patrols in the Adriatic and on the Danube, combined with the deployment of ground troops at all potential border crossings in neighboring countries would eliminate ground or water traffic.

If necessary, air strikes on roads, bridges and railway lines would be authorized to ensure a complete quarantine.

These measures would effectively cut off Serbia and Sebian-occupied areas from all sources of supply. Serbia's ability to pursue the war would be severely compromised, as its industries and military forces would be denied oil and other vital materials.

Growing economic hardship would erode the enthusiasm of the Serbian public for the war effort. Despite the recent election gains by the ultra-nationalists, there is considerable internal opposition to the war in Serbia, in part based on the belief that it is bringing economic ruin to the country. The suffering brought on by an effective embargo would increase political tensions in Serbia and strengthen opposition to Milosevic's hard-line nationalist policies.

2. Termination of the embargo on non-Serbian Bosnia and provision of arms to the Bosnian loyalists.

The people best suited to fighting the ground war against Serbian forces are the Bosnian Muslims, Croats and the other loyalists who are already resisting the aggression. The Bosnian government has emphasized for some time that it does not expect or desire ground troops from the international community. What the Bosnian loyalists do need is arms and ammunition.

Serbian military dominance in Bosnia is largely based on its extensive arsenal of artillery and other heavy armaments and huge stockpiles of munitions. Bosnian government forces are critically short of every class of weapon and munitions, particularly heavy armaments. The forces defending Sarajevo, for instance, have only two tanks and six howitzers and little ammunition to face hundreds of Serbian tanks and heavy artillery pieces, with virtually unlimited supplies of shells.

To correct this imbalance, the United Nations would remove the blockade on areas not held by the Serbs and allow Bosnian government forces to obtain the arms they need to defend themselves.

Better still, the Western countries could provide them with military equipment and training. The United States and other Western nations have not hesitated to follow this course in other conflicts involving small nations resisting aggression.

Air drops of arms and ammunition would be used to supply isolated and besieged communities. Training camps could be established within the areas of Bosnia currently held by government or Croatian forces.

Naturally this strategy will lead to an intensification of the war in the short run. However, that prospect is certainly preferable to the slaughter or expulsion of hundreds of thousands of defenseless non-Serbs.

Well-armed Bosnian government forces would be a good match for the Serbian irregulars in ground fighting. Loyalist troops would enjoy all the same advantages of mobility, familiarity with the terrain and local support. They would also be motivated to sacrifice their freedom or lives in ground combat. There is certainly no shortage of young men and women prepared to take on the task. In Sarajevo there is a potential defending force of over 40,000, but only 14,000 currently have arms. Observers in Croatia have reported that thousands of Bosnian refugees sheltered there would gladly return to fight in Bosnia if they had weapons.

Already there are signs that the loyalist forces are becoming better organized and more effective against their Serbian counterparts. Muslim guerrillas have begun to push Serbian forces back across the Drina River in eastern Bosnia; other government forces in northern Bosnia are threatening to sever Serbia's precious supply line to the Serbian-occupied areas of western and northern Bosnia. An infusion of arms and new fighters would swing the momentum of the ground war towards the Bosnian loyalists.

One risk entailed in support for the Bosnian loyalists must be considered: the possibility of revenge actions by Muslim and Croatian units against Serbian civilians or prisoners. The international community could reduce this risk by:

Tying international military aid to guarantees of strict respect for human rights and adherence to the Geneva Convention and Protocols, along with assured access by international observers to all areas of combat and detention camps;

Initiating proceedings immediately to prosecute for war crimes the perpetrators of the atrocities committed to date, including Serbian paramilitary leaders.

There is good reason to think that these measures would be effective. All the major investigators of human rights abuses in the region agree that Serbian forces have been responsible for the vast majority of atrocities and that the Croatian and Muslim forces have been responsive to public pressure to end abuses by their troops.

In any case the risk of large-scale, systematic atrocities will be much greater if Serbian forces face no effective opposition on the ground to their ethnic cleansing campaign. This is a fact which Messrs. Vance and Owen seem to have forgotten when they argued against lifting the arms embargo on Bosnia.

3. Withdrawal of U.N. forces from areas of conflict and establishment of "safe havens" within Bosnia-Hercegovina for refugees.

To reduce the possibility of reprisal attacks against U.N. peacekeepers, all U.N. troops would be withdrawn from Serbian-occupied or contested areas of Bosnia. This would also prevent Serbian forces from using them as hostages.

For the protection of non-Serbian civilians and refugees, several safe havens would be established in defensible areas of Bosnia not occupied by Serbian forces. The havens would be defended by Bosnian government troops with heavy armaments supplied by the international community. If necessary, air drops would be used to supply protected areas on a temporary basis. Any Serbian retreat during the campaign would allow an expansion of the safe havens.

4. A full air campaign against Serbian military and strategic targets.

Air power is the key to effective international military action against Serbia. The final component of the campaign would consist of an escalating series of air attacks against a wide range of vital military and economic targets in Serbian-held areas and Serbia itself.

The course and pattern of these attacks would be determined by the Serbian response to a series of ultimatums demanding the immediate cessation of ethnic cleansing activities and the withdrawal of forces from occupied territories. Serbian refusal to comply with an initial ultimatum would trigger the beginning of the air campaign. Continued aggression, after a pause in the bombing to allow another opportunity for compliance, would result in escalation to increasingly punitive attacks.

The initial round of air strikes would focus on military, transportation, and war-related industrial targets, including air defense and artillery installations, fuel dumps, munitions stores, air and army bases, bridges, rail lines, and weapons industries. Command and control networks would be left intact at first to allow Serbian leaders to communicate with their forces in the field and instruct compliance with the terms of the first ultimatum issued.

If the Serbians still refused to comply, the next wave of attacks would target key military headquarters, commanders, and communications systems. The aim would be to destroy or paralyze Serbian command and control systems, and unnerve their political leaders, as they became objects of attack.

Throughout the campaign, Western aircraft would also provide general air support for loyalist Bosnians through attacks on Serbian forces and heavy weapons concentrations.

An air campaign of this kind would have important strategic advantages for the international forces:

The enormous superiority of Western military technology would be used to full effect. Serbian air defenses could be neutralized quickly through the use of cruise missiles and Stealth bombers, allowing Western forces to select and attack their targets with relative impunity. This would leave the Serbians vulnerable and on the defensive. The international forces would be able to retain the military initiative, varying the pattern and pace of attacks as they saw fit.

Casualties to Western forces would be minimal, permitting a sustained long-term effort, if required.

The war would be taken to Serbia itself, which has so far been largely insulted from its devastating effects. As the Gulf War demonstrated, the entire military and economic infrastructure of the country could be crippled in a few weeks. This would severely restrict Serbia's war-making ability and erode political support for continuing the war. Serbia's leaders would be made to understand that further aggression would bring harsh retaliation.

With much of its artillery and heavy weapons destroyed or unusable, Serbia's military advantage over the loyalist forces would be greatly reduced, allowing a reversal of Serbian gains.

Overall, Western forces would be using their strengths (advanced weapons systems, sophisticated command and control and surveillance systems, superior air power) against the weaknesses of the Serbian forces.

Even with today's precision weapons air power does have its limitations. It is highly effective as an instrument for applying pressure and degrading the fighting capability of an enemy. But without decisive action by ground forces, it is not likely to produce a full withdrawal or surrender. This was certainly true in the Gulf War, even with its devastating air assault on Iraq. The air campaign by the international forces would function best as a powerful complement to the efforts of Bosnian government troops on the ground. With the Serbian forces deprived of heavy weapons and supplies, and cut off from a besieged homeland, Bosnian loyalists would be able to force their retreat from occupied areas.

CONCLUSION

Clearly there are viable options for military intervention in Bosnia that do not entail the commitment of Western ground forces and the danger of a Vietnam-style "quagmire". The U.N. authorized actions in Iraq and Somalia have established a clear precedent for intervention to halt aggression and save lives. A coalition of international forces operating under a broad mandate from the U.N. Security Council, and working in conjunction with Bosnian government troops, could be successful in reversing Serbian expansion and preventing the genocide of the non-Serbian peoples of Bosnia.

The international community is beginning to see that there are strong strategic, as well as humanitarian, reasons for putting an end to this war. However, military action will have to come soon, before the conflict spreads further and jeopardizes the lives and security of millions more people. The United States and its NATO allies must show leadership in this crisis and move quickly to military intervention.

HUMAN RIGHTS IN UZBEKISTAN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. PORTER. Mr. Speaker, I rise today to recognize the work of Mr. Abdumannob Pulatov who is chair of the Human Rights Society of Uzbekistan. Last year, Mr. Pulatov, who has been a brave advocate for human rights in Uzbekistan, was abducted in Bishkek, Kyrgyzstan by members of the Uzbek security services following an international conference on human rights in the Central Asian countries. After being charged with infringement upon the honor and dignity of the president, Mr. Pulatov was tried and sentenced to 3 years in a labor camp, but was immediately amnestied by President Islam Karimov and released.

Recently, I had the opportunity to meet Mr. Pulatov while he was visiting Washington and I was very impressed with his commitment to securing basic human rights for citizens of his country. Because he needs and deserves our support when he returns to Moscow to continue his important work, I would like to share with my colleagues the following statement which he prepared:

HUMAN RIGHTS SOCIETY OF UZBEKISTAN,
March 9, 1993.

To the International Human Rights and Democratic Community.

To the Mass Media.

DEAR COLLEAGUES: On the 28th of January 1993, I was charged by the Supreme Court of Uzbekistan with insulting the President of Uzbekistan, and after being incarcerated for two months I was sentenced to deprivation of my freedom for three years. At the same time, I was immediately released according to an amnesty.

On the 26th of February, the Secretary of the opposition Birlik movement, Vasila Inoyatova, was sentenced with two years. She, as well as I, was charged with insulting the President of Uzbekistan and she, as well as I, was released from the sentence under amnesty. She is the mother of three young children.

I am well aware of the attention displayed by the international community to the violation of human rights in my country, including those committed during my whole affair. I would like to express deep gratitude to everyone who offered me support, without which there could be no discussion of my release.

I would especially like to recognize the Union of Councils for Soviet Jews, the United States Congress, and the United States Department.

Unfortunately, these victories are not complete ones and do not take away the problem. I am not guilty. Even if I were guilty, no proof of my guilt was presented at the trial. And even if I had committed the act with which I was charged, insulting the president, it would not be persecuted as a crime in a civilized society.

This however, is not the main issue, but rather that attacks on human rights and struggles against the unarmed opposition continue in Uzbekistan.

In the summer of 1992 in Andizhan, Pulat Achunov, one of the leaders of Birlik, and former member of the Soviet Parliament and its investigative Commission on the Coup (August 1991), was arrested and then convicted to a year and a half of deprivation of his freedom due to fabricated charges of hooliganism. He is in a very difficult situation at this moment. He has been charged with new crimes: possession of narcotics and an attempt to escape. It is clear that he is not guilty of the latest charges as well as of the first charges.

Not long ago, a former member of the Uzbekistan Parliament, Inamjhan Tursunov was sentenced to two years for hooliganism, a charge that was fabricated. He is a leader of the Fergana Region Organization of the Democratic Party, "Erk" (Freedom). In December of last year, he was deprived of his position as Deputy of Parliament.

The following people are in the exact same positions: Bobur Shokirov, chair of the organizing committee of the public organization "Milli Madjlis" (National Councils—a round table of national democratic political organizations) who has been held in custody since August of last year and spent ten years in the Brezhnev camps, charged with anti-Soviet agitation and slandering the Soviet regime. Otanazar Oripov, Professor and Secretary of the opposition democratic party "Erk" (Freedom) and opposition activist Chazratkul Chudaiberdee who were arrested in December of 1992. The organs of power contend that they have refused help from an independent lawyer.

Religious activist Abdulla Utaev was arrested in December.

Not one of those who were arrested committed violent acts. Nor did they encourage others to commit violence.

Co-chairperson of "Birlik," Shuchrat Ismatullaev; former Deputy of Uzbekistan Parliament Mukhammad Solih, (chair of the democratic party "Erk"); one of the leaders of the opposition movement "Birlik," Olim Karimov; Jhahan Gir Mumatov former member of Uzbek Parliament and one of the leaders of Democratic party "Erk"; and deputy chair and member of the Board of Directors of the Human Rights Society Madamin Narziqulov and Tolib Yakubov are all at the present moment being subjected to continuous persecution. They are given reason to believe that they may be candidates for the next arrests.

The persecution of all the aforementioned political prisoners, unfortunately, did not receive broad international publicity. This is why Pulat Akunov and Inamdjan Tursunov were not amnestied, and Babur Shokirov and the other accused people are still in prison.

I call upon all of my colleagues to address the President of Uzbekistan, Islam Karimov, with the request to bring a stop to the repression. I also request, as much as it is possible, to put pressure on the political circles in your countries [illegible] order to act in this direction.

With Respect and Gratitude,
ABDUMANNOB PULATOV,
Chair of the
Human Rights Society of Uzbekistan.

THE JURY ISSUE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. CLAY. Mr. Speaker, considerable attention has been directed toward the process of selecting jurors in a legal case involving our colleague, Representative HAROLD FORD. I was very impressed by Mr. Clarence Page's commentary on this subject and would like to take this opportunity to commend his recent column to my colleagues. "Colorblind Justice Hinges on Jury Pool," appeared in the St. Louis Post Dispatch on March 7, 1993.

COLORBLIND JUSTICE HINGES ON JURY POOL

WASHINGTON.—The question of race in the selection of juries just won't go away. It was raised anew in the retrial of U.S. Rep. Harold Ford, D-Tenn.

As far as the presiding judge in Ford's second bank-fraud trial, U.S. District Judge Jerome Turner, is concerned, race should have no role in jury selection. He issued a blistering rebuff to a request by acting Attorney General Stuart Gerson, a Bush administration holdover, that supported Ford's quest for a new jury in his retrial.

Ford's first trial, held in Memphis, ended in a hung jury. Four whites voted to convict and eight blacks voted to acquit Ford, who is black. U.S. District Judge Odell Horton, also black, ruled in favor of prosecutors who wanted a jury selected from outside Memphis. The result: A second jury composed of 11 whites and one black was selected from Jackson, Tenn. The Congressional Black

Caucus protested its composition to Gerson and to Webb Hubbell, Hillary Rodham Clinton's former law partner and now White House liaison to the Justice Department. Gerson then made his request, which Judge Turner angrily rejected.

"If we are truly to become one nation, to be integrated in a society where the laws are colorblind and all men are equal under the law, then we cannot allow the demands of racially fixed juries to invade our jury system of random selection," said the judge.

But there are two other principles Americans also hold dear that are relevant here: trial by a jury of one's peers and the presumption of innocence. For example, if the law is "colorblind," why are Ford's prosecutors so eager to select a jury from 85 miles away from Memphis?

Prosecutors argued that Memphis' atmosphere had been poisoned against them by pretrial publicity and local intimidation. Oh? If the possibility of intimidation required relocation of trials, maybe the trial of the four Los Angeles police officers should be moved to Harlem. There seems to be a presumption that, just because the eight black jurors voted in Ford's defense and the four white jurors voted against him, the blacks must be wrong. Why ignore the usual presumption of innocence so cavalierly in Ford's case? I, too, oppose the idea of racial quotas for jurors. But America has not progressed far enough for me to be entirely comfortable with the idea that a black representative can get a fair trial with a nearly all-white jury.

Whether we like the fixing of a jury pool or not, changes of venue have precisely that effect, although in a reasonably benign manner. It seems to me that our tradition of fair treatment for the defense should oblige us to err in favor of the individual defendant, not state power, as represented by the prosecution.

A good compromise would be to avoid strict quotas on juries but not without making all reasonable efforts to make jury selection from a racially representative pool. It's only fair. After all, that which helps a black member of Congress today might help a white police officer tomorrow.

TRIBUTE TO J.W. BROWN, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. SKELTON. Mr. Speaker, it is with great sadness that I announce that an outstanding Missouri journalist, J.W. Brown, Jr., of Harrisonville, MO, died recently. Mr. Brown was the publisher of the Cass County Democrat-Missourian for 30 years and he owned the Lee's Summit Journal for 20 years. He retired in 1985 and was 82 at the time of his death.

He was past president of both Missouri and Northwest Missouri Press Associations, and he served on the board of the Missourian at University of Missouri-Columbia for 16 years, being chairman of the board for 11. In 1992 he was inducted into the Missouri Journalism Hall of Fame.

He was a good friend through the years, a gentleman of the first order and a family man. His son-in-law, Bill James, wrote the most fitting editorial tribute in the Cass County Democrat-Missourian upon his passing, which is set forth herein:

J.W. BROWN, JR.—A COMMUNITY JOURNALIST

The death of former Democrat-Missourian publisher, J.W. Brown, Jr. this week at age 82 marks the passing of one of this community's civic leaders and of this writer's faithful adviser and teacher. He once told me that anytime you find an active thriving community you will probably find a good newspaper. He also said that if I wanted to be a good newspaper publisher I needed to be honest, fair, accurate and involved in my community. Brown believed that a newspaper was the heart of a community and should act accordingly.

Publisher of the Democrat-Missourian from April of 1955 until his retirement in May of 1985 with the sale of the newspaper, Brown's newspaper career spanned more than five decades. He owned several newspapers in the area as well as in south Missouri, but his passion was his newspaper in Harrisonville.

The son of a newspaperman, Brown often said he was impressed with early day publishers in his boyhood, but did not think he would make a publisher "because my mother would not let me smoke cigars, which appeared to be one of the requirements."

I never knew him to smoke a cigar but a pipe was usually present whenever he was around. He made the transition from boyhood through Missouri Journalism School to newspaper publisher. A pioneer in application of newspaper equipment technology, Brown was the first outstate Missouri weekly newspaper publisher to convert from letterpress to the offset method of printing, much of which is still in use in the Harrisonville plant today.

Brown received many accolades in his career including this, from U.S. Congressman Ike Skelton, which noted that Brown exemplified the qualities of a community journalist. Two awards he most valued were the University of Missouri School Of Journalism Honor Medal and his Missouri Press Association Hall of Fame induction.

Brown was active in numerous organizations, political campaigns and fund-raising activities. He and his wife Wanda have been in the forefront of many philanthropic areas within our community. His interest in Harrisonville Junior Baseball and youth in general was demonstrated by his donations for baseball fields, Youth Center remodeling and football stadium bleachers.

His fondness of Royals baseball, Missouri Tigers and his Lake of the Ozarks cabin was surpassed only by his love of daughters Jean and Mary and his four grandchildren, Alex, Doug, Kate and Ann. He will be remembered as a gentleman, a family man and as a community journalist. We will miss him and so will the community he loved.

Goodbye to an editor, publisher, mentor and friend.—W.E.J.

He leaves his wife Wanda, two daughters, Mary L. James and Jean B. Shidel, four grandchildren, and scores of friends. He will be truly missed.

DISTANCE LEARNING WEEK

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. BROWN of California. Mr. Speaker, today I am introducing a resolution designating the week of March 28, 1993, through April 3, 1993, as "Distance Learning Week." An identical resolution has been introducted in the Senate by my colleagues, Senator KENNEDY, Senator BURNS, and Senator COCHRAN.

The U.S. Distance Learning Association [USDLA] has played a leadership role in legislative and policy initiatives to expand the awareness and use of distance learning. The week of March 28, through April 3, 1993 has been chosen as a week of special recognition for the achievements, developments and applications of distance learning and to acknowledge the contributions of the USDLA in the applications of distance learning.

Distance learning is the delivery of education and corporate training through electronically-mediated instruction. Distance learning facilitates high performance education by encouraging new instructional techniques and by allowing electronic access to information from any location. Educational technology, in class or at a distance, is beginning to have a profound impact on the organization of schools, the way students are taught, and coursework they can access. It has opened new opportunities for pre-school, elementary, secondary and higher education and has stimulated the retraining of America's work force. Many successful corporations and schools have already reorganized with technology in mind to capitalize on its potential as a problem solving and information leveling device.

The USDLA is urging all regions and States to plan activities in conjunction with Distance Learning Week. All statewide and national events will lead up to and culminate in IDLCON, the Third Annual International Distance Learning Conference which will take place April 1 through April 3, 1993. I ask my colleagues to recognize not only the accomplishments but also the future benefits of distance learning, and cosponsor this resolution.

SALUTE TO GAYLE WARD

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. GALLEGLY. Mr. Speaker, I rise today to salute Gayle Ward as she steps down as president of the chamber of commerce of my hometown of Simi Valley, CA.

During her term in office, Gayle has worked hard during difficult economic times in California to promote business, improve the local economy and put people to work in the community, and she is to be commended for her hard work and dedication.

Among Gayle's many accomplishments were representing the chamber at State, county and local events, working with Simi Valley to establish a small business office at city hall to assist businesses with the regulatory process—a step other California communities would be well-advised to take in order to help stop the exodus of businesses to more receptive communities in other States; and participating in nationwide economic development summits.

She also worked closely with Simi Valley Mayor Greg Stratton to promote the Shop Simi Valley campaign, served on the city business economic panel, produced the first full-color publication to promote Simi Valley, initiated new networking opportunities for chamber members, and worked hard to open and broaden communication channels between the chamber, Government, education and the public.

Mr. Speaker, Gayle—the owner of Plant Keepers, a southern California plantscape firm—will be saluted for her achievements on March 26 at the chamber's annual dinner. I ask my colleagues to join me in honoring her for her many successes as chamber president.

LESSONS FROM HISTORY—THE INDEPENDENT COUNSEL STATUTE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. HYDE. Mr. Speaker, we will soon consider the wisdom of reauthorizing the independent counsel provisions contained in chapter 40 of title 28 of the United States Code.

The Judiciary Committee's Subcommittee on Administrative Law and Governmental Relations conducted a hearing on this matter on March 3. Three witnesses gave particularly valuable testimony, which I herewith include for the RECORD today, tomorrow, and Thursday. Richard Hibey, Terrence O'Donnell, and Tom Wilson were defense counsels for Clair George, Oliver North, and Joe Fernandez, respectively. They know firsthand what it is like to face the juggernaut of an independent counsel team with unlimited funding and almost unlimited jurisdiction. The recommendations of these three witnesses, offered to ensure that future subjects of such probes are spared the inequities their clients faced, bear careful reading.

Today, I offer the testimony of Richard Hibey:

TESTIMONY OF RICHARD HIBEY

I represented Clair George, who was twice-tried in a prosecution brought by Lawrence Walsh and his Office of Independent Counsel (OIC). The opinions expressed herein reflect in part the product of that experience.

The confluence of a flawed concept embodied in the now-expired independent counsel law and the prosecutor's philosophy of enforcement resulted in an abusive, amateurish, arrogant, costly and protracted process of investigation and criminal prosecution.

THE CONCEPT

It serves no purpose to regale the Committee with examples of real or perceived abuses during the prosecution of my client in the Iran-Contra affair, or, for that matter, in the investigation of conduct during the tenure of former HUD Secretary Samuel Pierce. Opposing sides would simply continue to disagree about the meaning of such episodes.

The real problem with the expired independent counsel law and its implementation lies in the failure to understand that its premise is political. That political predicate is lodged in being a criminal statute, contained no penal provisions. No one could be convicted in a court of law for violating the Boland Amendment. Violation of the Boland Amendment nevertheless became a cornerstone of the independent counsel's prosecution of Oliver North. The independent counsel's raison d'etre was both publicly and within his own ranks perceived to be the criminal prosecution of those who violated a law that was not a crime.

THE PHILOSOPHY

The disaster of this seven-year prosecution was assured by the philosophy of Lawrence Walsh himself. He believes that our constitutional system of checks and balances is enforceable by the criminal law. This is a stunning proposition, having no basis in law of which I am aware. It is powerful evidence of Walsh's predisposition to bring criminal prosecution against all those involved in the Iran-Contra affair. In part, it explains his obsession with his central but wholly unproven belief that there was a massive, orchestrated cover-up of Oliver North's role in the resupply of the Contras—a cover-up that reached into the Oval office. That is why Walsh has been in business for seven years. Yet during all of this time, he never alleged, except in his Christmas Eve press conference, and he has never proved the existence of that so-called conspiracy.

With such an enforcement philosophy, it became a simple theory to use the power of the subpoena to rummage through millions of documents of various government agencies. It easily followed that career government employees, who served the nation with great distinction but who were without personal financial reserves for their legal representation, would be hauled into Walsh's office, sometimes more than two dozen times, to be questioned. Nor did Walsh's staff ever pause to consider the propriety of their continued refusal to give the OIC's clearance to individuals seeking employment elsewhere in the government or timely promotion in the U.S. military simply because the individuals did not provide, in the OIC's view, sufficient useful information.

Thus, is it any wonder that Oliver North, John Poindexter, Clair George, Duane Clarridge and Casper Weinberger should be subjected to financially debilitating prosecutions? Is it any surprise that Walsh, with his unlimited budget, responded to the claims of ruin attendant to defending one's good name by saying that the putative defendants need only have plead guilty and be spared the expense?

In the case in which I was involved, there was no careful deliberation, no vetting through higher authority, leading to the decision to retry Clair George. Retrial of Mr. George was based on nothing more than a burning need to reverse the OIC's continuing embarrassment over a string of disappointments in court. Worse, it was fueled by the opinion that a black jury with a white foreman was easily persuaded to hang rather than decide the case. On retrial, the prosecution consequently systematically excluded whites on the prospective jury panel, thereby assuring that only blacks would sit in judgment of Mr. George. If the racial identities had been reversed, as in the recent case of Rep. Ford, the perception of unfairness resulting from the prosecutor's use of peremptory strikes to achieve a particular racial composition on the jury would have led to a public outcry. Yet, in Mr. George's case, there was no accountability either to the Attorney General or the White House for the OIC's engaging in such maneuvering in the name of the United States.

It may be that framers of the new independent counsel law will determine that the legislation should focus on assuring that specific cases of abuse be prevented in the future. I am aware, for example, of press accounts of Walsh and his office profligately incurring expenses without appropriate accounting controls. It has been reported also that neither he nor his deputy, Craig Gillen, complied with the District of Columbia's tax laws. And there is also the serious report that unnamed members of Walsh's office grossly violated national security laws concerning the safeguard of classified documents and then covered up those violations for several days. If these allegations are true, criminal prosecution or civil enforcement proceedings should proceed along traditional lines of law enforcement.

The reality is that safeguards against a repetition of those alleged irregularities presently under consideration by the Subcommittee directly prevents the next independent counsel from repeating the unacceptable experience of the Iran-Contra prosecution process. A law resurrecting the independent counsel must address the larger questions affecting prosecutions, such as accountability, duration, cost, and insulation from the use of the independent counsel to further the agenda of one political constituency against another.

PROPOSED SAFEGUARDS IN A NEW LAW

I would argue for the establishment of a permanent office of independent counsel under the aegis of the Public Integrity Section of the Criminal Division of the Department of Justice. Under this proposal, the initiative to determine whether to undertake a criminal investigation would be with the independent counsel. He would notify the Attorney General of his intention to investigate a certain matter and thereby assume jurisdiction over it. The Attorney General would then approve or disapprove this action. If disapproved, the independent counsel may apply to an appropriate division of a court with jurisdiction to accept or reject the application. The standard for acceptance would be probable cause with the court deciding the issue after having heard the Attorney General's position.

There would be no provision for Congress to request appointment of independent counsel. My preference furthermore is not to provide for a mechanism whereby independent counsel must formally respond to any Congressional request for an investigation by that office. This is a direct response to the unwholesome injection of frenzied partisan politics into the Iran-Contra cases, and even into the courtroom. Congressional witnesses in both of Mr. George's trials, with the exception of former Rep. McHugh, demonstrated an astonishing partisanship and disregard for the judicial process. Thus, I would affirmatively seek elimination of a congressional request mechanism *unless* the jurisdiction of the independent counsel is expanded to include the Congress itself.

Staffing of the office of independent counsel should be with professional prosecutors from the Public Integrity Section. Such prosecutors not only have experience on which to draw in making judgments whether conduct by an Executive Branch employee crosses the line dividing political hardball and criminality, they also are free of the temptations inherent in having only one case to investigate. The office should not be staffed with individuals who are prepared for whatever reason to leave their primary employment to assume a temporary position that clearly requires the highest degree of professional experience and judgment. By this I am not suggesting that each prosecutor on the Clair George team joined Walsh's staff for the wrong reasons. I still do not know what motivated them. What is clear to me, after more than 25 years of criminal law experience, is that these extraordinarily intelligent and very zealous young lawyers had no experience of the kind necessary to make the judgment *not* to prosecute. Certainly, they would not look to Walsh for such leadership; since not only was he without such tested experience, but his travel records apparently reflect that he spent only a portion of his work week in the District of Columbia.

There must be a limitation on costs. I have no specific proposal on this but the cost of more than $40 million spent for the results Walsh's office will claim obviously demand a more professional cost-sensitive approach to investigating cases within the independent counsel's jurisdiction. One of the great harms of such disproportionate spending is that the impetus to indict someone as a justification for the cost of investigation becomes overwhelming.

Apropos of the cost factor, Congress should consider a provision that allows *any* individual who is the subject or target of an independent counsel investigation to recover his legal fees if he is not indicted, or if indicted and acquitted, to recover his legal fees as well. Current decisions by the special division of the D.C. Circuit Court of Appeals that hears attorneys fees requests set an unreasonably high standard for the recovery of such fees. It might be that such a provision will have the same restraining effect as an offer of judgment has in civil practice. Indeed, something must be done to bring equity to what is otherwise certain financial calamity for most people and, certainly, all career federal employees.

Further on this matter of money, during the criminal trial itself, the playing field should be made level. In Mr. George's second trial, we had no money to pay for a trial transcript. The OIC did. Typically, all government employees prosecuted by the independent counsel will have no ability to match the prosecutor's resources. It seems only fair that such a defendant should have the same access to a transcript as his prosecutors. Accordingly, I recommend that provisions be written into the new law that grant to indicted employees certain financial accommodations regarding subpoena costs, expert fees, transcript costs and the like to minimize the burden on their defenses.

There must be time limits built into this process. Seven years for Iran-Contra, for what it achieved, is absurd. Even now, the HUD independent counsel investigation is stretching into its fourth year. Admittedly, investigations the independent counsel typically conduct take time. Instead of imposing a time limit on the cases, perhaps the tenure of the independent counsel himself should be limited to a certain term. At the expiration of that term, the investigation would be remanded to the Public Integrity Section for further administration.

More care should be taken in selecting an independent counsel. Retired federal judges are men of unquestioned integrity. I am not sure they make ideal independent counsel. From what I can tell of the present selection process, no emphasis, or, perhaps, not enough emphasis is placed on the need for lawyers with active prosecution or defense experience to be considered for these appointments. Retired judges have typically spent many years being neither prosecutors nor defense attorneys. Their perspective as judges is not necessarily suited to the work of investigation and prosecutorial determinations. Standards should be developed by which appointments are made. They need not be enacted into law. Of course, in a scenario calling for a permanent independent counsel, it may be that the appointment process can be taken away from the judiciary altogether in favor of an appointment, with advice and consent of the Senate, by the President.

ST. CROIX FEDERAL BUILDING IN HONOR OF CHIEF JUDGE ALMERIC L. CHRISTIAN

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. DE LUGO. Mr. Speaker, ours is a nation of laws, institutions, and people. The success of our Nation is largely predicated on a strong legal institution that is consistently and fairly administered by enlightened people.

Once in a great while there are people, though few in number, who achieve such stature that they come to personify our institutions.

In the Virgin Islands, one of those exceptional individuals is Almeric Leander Christian, the senior sitting judge of the territorial court and the former chief judge of the U.S. District Court of the Virgin Islands.

Today, Mr. Speaker, I am introducing legislation that is fully appropriate to the man, to the institution, and to the community he has served throughout a lifetime. My bill would redesignate the Federal building in St. Croix the Almeric L. Christian Federal Building.

Christiansted, just a few miles from where the new Federal building now stands, is the place where Almeric L. Christian was born on November 23, 1919 to Elena L. (Davis) Christian and Adam E. Christian. Almeric grew up in Christiansted, attending grammar, junior high, and high school there before continuing his education at the University of Puerto Rico at Rio Piedras and at Columbia College in New York City. He entered Columbia Law School, served in the U.S. Army in World War II, and then returned to Columbia Law to graduate.

After law school Almeric returned almost immediately to his native Virgin Islands where he entered private practice. In the next several years he was admitted to the New York State Bar and the Virgin Islands Bar, and was admitted to argue before the U.S. Third Circuit Court of Appeals and the U.S. Supreme Court.

Almeric Christian became closely involved with the fundamental legal document of the Virgin Islands, the Revised Organic Act of 1954, when President Eisenhower appointed him to a seven-member commission to determine the application of Federal laws to the territory.

In 1962, President Kennedy appointed Almeric to be the Virgin Islands U.S. attorney. The following year he married Shirley Frorup of Christiansted. They had two children, Adam Gregory, now an attorney, and Rebecca Therese, who lives and works in North Carolina. By a previous marriage Judge Christian has an older daughter, Donna Christian Green, who today is a physician and assistant commissioner of health in St. Croix.

In 1966 President Johnson reappointed Almeric Christian U.S. attorney, a position he held until 1969 when President Nixon appointed him judge of the District Court of the Virgin Islands, the first native born Federal judge in the Virgin Islands. In 1970, he was appointed chief judge.

As a jurist, Almeric Christian earned the enormous respect of both the legal community and the community as a whole. Greatly admired for his close study of each case that came before him, no lawyer dared enter his courtroom unprepared. In the courtroom Judge Christian was known for his astute and penetrating questions that cut to the quick of an argument. No one worked harder at the district court than Almeric Christian.

Failing eyesight forced him in 1986 to take senior status and he retired from the bench in 1988.

Judge Christian has been a member of the Federal Bar Association, the board of directors of Legal Services Corporation, the Virgin Islands Food Commission on St. Croix, the Virgin Islands Housing and Urban Renewal authority, the personnel board, the electoral board of St. Croix, and the Virgin Islands Board of Education.

He continues to contribute to his community through service on the Virgin Islands Montessori School board of trustees, the board of Episcopal charities, the Columbia University board of visitors, and the National Bar Association.

Without question Almeric Christian is the Virgin Islands' most experienced, most revered, and most celebrated jurist. He has devoted more than 45 years of his life to the legal profession and given more than 20 years to the bench. He has dedicated his entire professional career to the law and to ensuring that his community serves it and is served by it.

Mr. Speaker, it is with great pride that I introduce legislation today that would honor Judge Almeric Leander Christian by naming the Federal building in his birthplace, Christiansted, St. Croix after this great Virgin Islander and man of the law.

LIMITATIONS ON USE OF UNITED STATES ARMED FORCES IN SOMALIA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. GILMAN. Mr. Speaker, on December 4, 1992, President Bush announced that the United States would send United States troops to Somalia for a defined purpose—to establish a secure environment for humanitarian relief operations. The President's action followed the adoption of an authorizing resolution to that end by the U.N. Security Council.

At that time, President Bush emphasized that U.S. troops would be withdrawn and the security mission handed back to U.N. peacekeeping forces as soon as a secure environment for the delivery of relief supplies was established.

Since then, U.N. Secretary General Boutros Boutros-Ghali has proposed a much broader and more open-ended mission for U.N. forces, of which American troops would be a part, than had been first envisioned.

However, despite this major expansion of objectives, Congress has not been consulted by the administration on what has become a much expanded U.N. mission in Somalia, nor has Congress had the opportunity to debate and consider what the United States role should be in this humanitarian operation.

That is why I am introducing this joint resolution (H.J. Res. 152) today. By authorizing the deployment of United States military forces in Somalia for only 6 months from the date of its enactment, the resolution sets a timetable for withdrawing our forces from Somalia after the United Nations takes over. Congress could extend this authorization if it saw the need to do so.

This resolution also requires the Clinton administration to report periodically to Congress on the costs of the operation. The reports also would include a statement of United States policy objectives in Somalia and an assessment of the progress in achieving those objectives.

This resolution stems from my growing concern for the cost of the operation, the risk to our troops in the field, and the slow pace of the United Nations in organizing a new mission for Somalia.

By almost every yardstick, Operation Restore Hope has been a success. Humanitarian assistance is being distributed in many areas of the country. Mass starvation has been averted and the country can now hope for a better future.

I am a strong supporter of the United Nations, but we must set our own priorities. Our Armed Forces have done more than the lion's share in this international effort, and Congress has a responsibility to ensure that they do not get bogged down in an open-ended commitment.

Mr. Speaker, I insert the full text of my resolution, House Joint Resolution 152, at this point in the RECORD:

H.J. RES. 152

Whereas as estimated 300,000 Somalis reportedly have died of hunger or as casualties of widespread violence since the fall of Siad Barre in January, 1991;

Whereas international relief agencies were unable to deliver adequate assistance to those most in need due to increasingly difficult and dangerous security conditions, including pervasive banditry and looting;

Whereas the Congress expressed its support for a greater United Nations role in addressing the political and humanitarian situation in Somalia through Senate Concurrent Resolution 132 and House Concurrent Resolution 370 of the 102d Congress;

Whereas the United Nations Secretary General and United States officials concluded that intervention in Somalia would be necessary to avert further massive starvation;

Whereas the United Nations Security Council on December 3, 1992, adopted Resolution 794, authorizing the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia";

Whereas President Bush on December 8, 1992, began deploying United States Armed Forces in Somalia in response to United National Security Council Resolution 794;

Whereas on December 10, 1992, President Bush formally reported to the Congress on the deployment of United States Armed Forces in Somalia;

Whereas on January 15, 1993, the Department of Defense announced the beginning of the withdrawal of United States Armed Forces from Somalia;

Whereas as of mid-March 1993, more than 13,000 American servicemen and women remain in Somalia as part of the Unified Task Force (UNITAF) and have been joined by some 14,000 troops from many other nations;

Whereas President Bush emphasized that United States Armed Forces would be withdrawn from Somalia and that the security mission would be assumed by a new United Nations peacekeeping operation (UNOSOM II) as soon as a "secure environment" was created for the delivery of food and other humanitarian assistance;

Whereas the deployment of United States Armed Forces in Somalia, together with those from other countries, have led to a substantial increase in the delivery of humanitarian assistance and has opened up access to more remote areas of the country;

Whereas further starvation on a massive scale has been averted in Somalia, but there remains a need for continuing humanitarian efforts under UNOSOM II;

Whereas in a report dated March 3, 1993, the United Nations Secretary General proposed that the transfer of command from UNITAF to UNOSOM II take place on May 1, 1993;

Whereas as outlined in the Secretary General's report, it is expected that United States Armed Forces will play a key role in the UNOSOM II operation;

Whereas United States Armed Forces in UNOSOM II will be under the command of a United Nations official;

Whereas United States Armed Forces in UNOSOM II will be asked to fulfill a mission in Somalia that is much broader and more open-ended than the mission originally outlined by President Bush;

Whereas United States Armed Forces in Somalia are not now in a situation of hostilities or a situation in which imminent involvement in hostilities is clearly indicated by the circumstances within the meaning of the War Powers Resolution, nor is it contemplated that they will be in such a situation while participating in UNOSOM II; and

Whereas the Congress has not been adequately consulted on the new United Nations mission in Somalia and has not had an opportunity to debate and consider what United States policy should be in the context of a broadened United Nations mandate for that country: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of United States Armed Forces in Somalia Resolution".

SEC. 2. PARTICIPATION OF UNITED STATES ARMED FORCES IN UNOSOM II.

(a) AUTHORIZATION.—The President is authorized to deploy United States Armed Forces in Somalia in order to participate in UNOSOM II, subject to subsection (b).

(b) EXPIRATION.—The authorization provided in subsection (a) shall expire 6 months after the date of enactment of this joint resolution, unless Congress extends such authorization.

SEC. 3. CONGRESSIONAL POLICY STATEMENTS.

(a) TRANSITION TO UNOSOM II.—It is the sense of the Congress that the President, in close consultation with the Secretary General of the United Nations and the other members of the United Nations Security Council, should ensure that the transition from UNITAF to UNOSOM II occurs not later than May 1, 1993, as proposed by the Secretary General.

(b) RESTORATION OF SOMALI SELF-GOVERNMENT AND WITHDRAWAL OF FOREIGN MILITARY FORCES.—It is the sense of the Congress that—

(1) the restoration of self-government to Somalia and the withdrawal of all foreign military forces from Somalia at the earliest date consistent with the humanitarian situation in that country are fundamental objectives of the international community;

(2) to achieve these objectives, the United Nations should foster the establishment of competent local authorities in Somalia that will enable the Somalia people to reclaim control of their country; and

(3) the size and scope of UNOSOM II should be reduced as quickly as local institutions and the humanitarian situation will permit.

(c) WITHDRAWAL OF UNITED STATES ARMED FORCES.—It is the sense of the Congress that—

(1) United States Armed Forces have performed a humanitarian service in Somalia that the armed forces of very few other countries could have performed;

(2) increasingly, however, the security needs of Somalia can be handled by the armed forces of other countries; and

(3) the mission of UNOSOM II as set forth in the Secretary General's report of March 3, 1993, is considerably broader than the original United States objective of creating a secure environment for the delivery of humanitarian assistance.

For these reasons, and consistent with the objectives of promptly restoring Somali self-government and withdrawing foreign military forces from Somali, the Congress declares that all United States Armed Forces should be withdrawn from Somalia not later than 6 months after the date of enactment of this joint resolution and their functions assumed by UNOSOM II forces from other countries to the extent required after the date.

(d) REIMBURSEMENT OF COSTS INCURRED BY THE UNITED STATES IN SOMALIA.—It is the sense of the Congress that the President should seek to ensure that incremental costs incurred by the United States in connection with UNITAF and in connection with UNOSOM II are reimbursed to the maximum extent possible by the United Nations and other members of the international community.

SEC. 5. REPORTING REQUIREMENT.

Not later than 2 months after the date of enactment of this joint resolution and at least once every 2 months thereafter until 2 months after all United States Armed Forces have been withdrawn from Somalia, the President shall submit to the Congress a report on developments related to Somalia. Each such report shall include—

(1) a statement of United States policy objectives in Somalia and an assessment of the progress that has been made in achieving those objectives;

(2) an assessment of the progress that has been made in fostering the establishment of competent local authorities in Somalia;

(3) the projected date for withdrawal of all United States Armed Forces from Somalia and an assessment of the progress that has been made toward completing that withdrawal;

(4) a full accounting of all United States incremental costs in connection with UNITAF and UNOSOM II;

(5) a full accounting of the estimated incremental costs of other countries in connection with UNITAF and UNOSOM II;

(6) a full accounting of all contributions that have been made to the United Nations Somalia Trust Fund, and all disbursements from the Fund; and

(7) a statement of the steps that have been taken and assessment of the progress that has been achieved in obtaining reimbursement of the incremental costs incurred by the United States in connection with UNITAF and UNOSOM II.

SEC. 6. DEFINITIONS.

As used in this joint resolution—

(1) the term "UNITAF" means the Unified Task Force established pursuant to United Nations Security Council Resolution 794 (1992); and

(2) the term "UNOSOM II" means the international force, under a United Nations commander, established pursuant to a United Nations Security Council resolution implementing recommendations contained in the report of the United Nations Secretary General dated March 3, 1993.

SUPPORTING PRESIDENT CLINTON'S HEAD START PROPOSAL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. KILDEE. Mr. Speaker, I would like to take this opportunity to place in the RECORD a copy of a letter I recently received regarding President Clinton's proposal to fully fund Head Start.

During the last reauthorization of this highly successful program, I chaired the subcommittee with jurisdiction over the program. The most significant elements of the reauthorization bill that I drafted were the establishment of authorization levels designed to serve all eligible children, and a set-aside for quality improvement.

The attached letter, signed by scholars such as Dr. Edward Zigler, a Sterling professor of psychology at Yale University, and Dr. David Weikart, president of the High/Scope Educational Research Foundation, states that "[t]he proposed investments are urgently needed now, both to further strengthen Head Start's quality and to expand the program so that all eligible children can participate."

I am very pleased that the President has put forward a plan for Head Start that embodies the goals of the last reauthorization. I am entering the entire text of the letter for my colleagues' review:

MARCH 3, 1993.

Hon. DALE E. KILDEE,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE KILDEE: We the undersigned enthusiastically endorse President Clinton's proposal to strengthen and fully fund Head Start. We urge you to work to ensure that his proposal is approved by the Congress, sending a strong signal to the nation that our government recognizes the importance of investing in our children's development and potential.

Expanding Head Start is the best way to guarantee that all children enter school ready to learn. The program supports both young children and their families through a range of comprehensive services. Evidence from research clearly demonstrates that high quality comprehensive preschool programs yield substantial long-term benefits for low-income children, promoting their healthy development and future success.

We strongly support the Administration's commitment to make the resources available to strengthen the quality of Head Start, and are pleased to see their emphasis on this important issue. For too many years, Head Start programs have been pushed to expand enrollment without sufficient attention to improving quality.

Head Start has many excellent programs and some that need strengthening. The fact that some Head Start programs need improvement cannot and should not be used as an excuse for delaying, whittling down, or opposing the President's effort. The proposed investments are urgently needed now, both to further strengthen Head Start's quality and to expand the program so that all eligible children can participate.

Therefore, we urge you to support President Clinton's full funding request for Head Start. Fulfilling the promise of full funding is long overdue, and is a necessary step in helping America's disadvantaged children get the foundation they need to be tomorrow's leaders, taxpayers, and productive citizens.

Sincerely,

Dr. J. Lawrence Aber, Associate Professor of Clinical and Developmental Psychology, Columbia University; Dr. Ernest Boyer, President, The Carnegie Foundation for the Advancement of Teaching; Dr. T. Barry Brazelton, Professor of Pediatrics, Harvard Medical School; Dr. Urie Bronfenbrenner, Jacob Gould Schurman Professor of Human Development and Family Studies, Cornell University; Dr. Robert Cooke, Chairman, Scientific Advisory Board, Joseph P. Kennedy Foundation and Chairman, Head Start Planning Committee; Dr. Eugene Garcia, Dean of Social Sciences, University of California, Santa Cruz;

Dr. Edmund W. Gordon, John M. Musser Professor of Psychology Emeritus, Yale University; Dr. Sharon Lynn Kagan, Senior Associate, Bush Center, Yale University; Drs. Craig and Sharon Ramey, Directors, Civitan International Research Center and Professors, University of Alabama, Birmingham; Dr. Julius B. Richmond, Professor of Health Policy Emeritus, Department of Social Medicine, Harvard Medical School; Dr. Sandra Scarr, Commonwealth Professor of Psychology, University Of Virginia, Charlottesville; Ms. Lisbeth Schorr, Director, Harvard University Project on Effective Services; Dr. David Weikart, President, High/Scope Educational Research Foundation; Dr. Sheldon H. White, Professor of Psychology, Harvard University; Dr. Katherine Taaffe Young, Assistant Director, Task Force on Meeting the Needs of Young Children, Carnegie Corporation of New York (affiliation for identification purposes only); Dr. Edward Zigler, Sterling Professor of Psychology, Yale University.

IN RECOGNITION OF HOME CARE

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mrs. KENNELLY. Mr. Speaker, the crafting of a major health care reform bill requires us to take a close look a the many different ways our Nation provides care for our people. One important aspect of this care which deserves special attention is home care, which benefits people in many ways.

Most people who receive care at home depend on relatives to administer that care. This can put a great burden on patient and provider. Providing the resources that allow a professional to come into someone's home and care for them becomes not only a benefit to the patient, but to the family member that provides the bulk of care.

Establishing mechanisms to encourage home care can be cost effective. Home care can help keep the costs of health care down by taking people out of expensive hospitals and allowing them to recover at home. In addition, being at home can improve a patient's mental condition, which can speed his or her physical recovery.

The long-term care needs of Americans is an issue that must be addressed. I believe that some care services are an important way to provide quality support for people who need it. As we deliberate health care reform this year, the role home care plays in reducing cost and improving quality of care must be looked at very carefully. It can provide a remedy for many of the challenges we currently face.

CONGRATULATIONS TO THE CARL HAYDEN COMMUNITY HIGH SCHOOL BASKETBALL TEAM

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. PASTOR. Mr. Speaker, I would like to extend my congratulations to the Carl Hayden Community High School for winning Arizona's Metro Region 5 Basketball Conference championship. Coach Argie Rhymes, his staff and the 15-member team led the Falcons to a near perfect 29–1 season and swept the State championship playoffs.

Carl Hayden High School is located in the heart of west Phoenix. Over the years Carl Hayden has become a traditional basketball powerhouse in the State of Arizona. It pleases me that the tradition continues.

I would like to share with my colleagues the names of those who made the Falcons' season so successful and who brought victory to the students, faculty, administration and friends of Carl Hayden High:

Players: Keitrick Brown, Gerald Brown, Kevin Hall, Steve Washington, Antrone Gray, Charles Gosa, Roy Moody James Juniel, Ozell Copeland, Lonnie Alvarez, Gerald Ward, Albert Ortiz, Regie Hill, Michael Maxwell, Claudio Valasco.

Coaching staff: Argie Rhymes, head coach; assistant coaches Pete Tuccio, Mike Mitchell, and Clayton Hatfield.

Staff assistants: Ella Hatfield, scorekeeper; Clark Harris, Manager; and Jill Jones and Shane Kedekein, statistics.

SUBMITTING AN ARTICLE BY DANIEL O'NEAL FOR THE RECORD

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. SWIFT. Mr. Speaker, I would like to bring to the attention of the House a recent article from the December 28, 1992, Traffic World by Daniel O'Neal entitled "Unsolicited Suggestions." Dan O'Neal has worked on Capitol Hill, is a former chairman of the Interstate Commerce Commission, and is currently president of the Greenbrier Development Corp., so he speaks with the benefit of valuable experience on regulatory issues.

While I don't agree with everything that he says in this article, it is thoughtful, provocative, and certainly worthy of the Members' attention.

[From Traffic World, Dec. 28, 1992]

UNSOLICITED SUGGESTIONS

(By A. Daniel O'Neal)

The Clinton administration will arrive enjoying the goodwill of the American people. The new president will be able to use the honeymoon to carry out some of the programs he has advocated and which got him elected. We all know what the most prominent are: jobs and health care. Rebuilding the nation's infrastructure has been targeted by both Bush and Clinton for job creation.

An objective, not often stated, is to restore the faith of Americans in their government. There is a sense it is not working.

The first tenet of this administration ought to be: NO NEW LAWS! Or, at least, "few new laws." Granted, to carry out health-care revamping and for some of the jobs programs, some legislation is necessary. In transportation, the undercharge issue and the condition of the maritime industry probably will justify legislative attention.

But, generally, we need to stop equating success in governing with enactment of legislation. Too many agencies and members of Congress view the passage of bills as their singular measure of success. Unfortunately, that view is encouraged by the popular press, which generally has no inclination to examine or to explain the implementation of statutes.

We have laws on top of laws. We have a cacophony of laws. Our problem is not lack of laws. Look at the index to the U.S. Code. Some subjects, like economic development, are just overwhelmed with overlapping, conflicting and often confusing laws. Fortunately, the transportation world has less of a problem than some sectors. It has relatively cogent and finite statutes applying to it. Yet, even here much of our problem is understanding what we have and fairly and effectively administering to that. The transportation of hazardous materials is one example where overlapping statutes are making life out here in the trenches very confusing.

I would say to the new president, were I asked: Go forward with the big-ticket legislation you need to push in the first 100 days. But, outside of those very few items, focus attention and that of your appointees on making the laws we have work. One very important existing statute for advancing the Clinton administration programs for jobs and rebuilding the nation's infrastructure is the much discussed Intermodal Surface Transportation Efficiency Act.

I am currently serving on a Transportation Policy Advisory Board to a local Metropolitan Planning Organization, i.e., the Puget Sound Regional Council. The maze we must struggle through is incredible—not all caused by the feds. But, we are trying to implement ISTEA locally by guessing at federal interpretation. Every legislator, regulator and administrator should be required to spend a year at the grass roots trying to make programs work. The view from the bottom is a lot different than the view at the top.

An agency-by-agency review of how well things are working or are not working ought to be followed by the culling out of unnecessary and redundant laws and the implementation with enthusiasm and commitment of the ones that make sense. This process will require the involvement of all the people in the agencies and it will require the participation of the Congress. From what I observe and understand, Bill Clinton wants to make government work better and he is an inclusive leader. He has the right mind-set and the persuasive skills for this undertaking.

The standard question consultants tell us we should ask when contemplating change are: Where are you now? Where do you want to be? How are you going to get there?

One key to finding the answers to those kinds of questions is very simple—ask the people who know a lot of the answers. That is, ask the non-political types in the bowels of the agencies that year in and year out, administration after administration, struggle to make those places work as well as they can. And ask the people out in the real world who try to blend federal, state, county, regional and local programs into coherent sensible results.

The other key to knowing which questions to ask and getting some relevant answers is to remind oneself who the customer is. Who is paying the light bill? And who is supposed to be helped by this or that law? Don't be lulled into thinking that a pronouncement and a press release get anything more than cosmetic results.

This approach might be akin to what we now call Total Quality Management. (Isn't it curious that W. Edwards Deming, the guru for that concept, is a long-time resident of the Washington, D.C., area?) We have all seen how the Japanese have put that concept into effect with a vengeance. Out here in the hustings, we hear that "Reinventing Government" has become *de rigueur* reading material. The important question is not whether that book is read or whether the quality movement is recognized. Rather the question is whether these concepts will be brought to governance on a broad scale.

I have seen an improvised version of the concept work in government at the ICC. (Incidentally, Deming up until a few years ago was a frequent expert witness before the ICC. Unfortunately, the ICC did not give him any more recognition at the time than did the rest of the United States.)

I realize there are many other and probably better examples, but the ICC is the one I know most about. when the last Southern president appointed me chairman of the ICC, I had some notions about the direction the agency needed to go. Regulation was choking surface transportation's contribution to the economy. The ICC had been around for 90 years. It was getting creaky and a bit cranky. Something had to be done.

Frankly, I did not have much of a clue of how to get there or precisely what changes would work. The Interstate Commerce Act was broadly written and provided the agency with a lot more discretion that it was using at the time.

We stumbled into an approach that changed the course of transportation in the United States. I do not feel immodest in making that statement because the proposals for change, for the most part, came from the ICC employees and other commissioners rather than myself.

Desperate to get something going and knowing we had many intelligent and dedicated people working at the agency, I asked for their ideas. The day I was appointed I met with the other commissioners and with all the bureau and office heads. I asked that we examine our reason for existence and determine how our customers, the general citizenry of the United States, would be better served by us. Those meetings and the many months, days and hours that followed, during which we focused on what we were doing and whether it made any sense, produced astounding results.

The old moribund encrusted ICC actually became the agent of change. The commissioners in many decisions began dramatically changing regulation. They began opening up the process. The staff produced some of the most amazing proposals—much more dramatic and much more workable than anything that had been proposed by those outside the agency. We began to make changes that were truly revolutionary without any statutory amendments whatsoever. The changes were across the board—administration of the agency, ethics code, most aspects of economic regulation and consumer protection.

That does not mean that Congress was not engaged. I, personally, testified 40 times before a wide variety of congressional committees in one year. We were in virtually constant contact with the transportation committees and later the Senate Judiciary Committee. In all those sessions I never felt apologetic or concerned about what was happening. The members of Congress, once we explained what we were doing and why it seemed to make sense, generally supported the agency. And we freely incorporated workable ideas from the Hill. Change does create tension and many in the regulated industries, particularly some truckers, were not happy. But the taxpayers were getting their money's worth.

Finally, Congress decided it needed to either sanction or disapprove the actions taken by the agency. One direct result was the Motor Carrier Act of 1980. It takes a lot of cooperation and coordination to change concepts. Many people must be engaged. I maintain that the people who know regulation of surface transportation the best, the employees to the ICC, listening to the people affected by transportation under ICC jurisdiction, had more to do with nurturing the huge shift toward market-based surface transportation than any other group.

The point I am making is that a program that engages the employees and management of government agencies in an effort to make their agency responsive to taxpayers and consumers will produce incredible results. It can make government work at no additional cost. Indeed, it can do more with less as long as the jobs of individuals are not threatened.

In the last analysis, it is not the government employee or bureaucrat who has failed. It is management, the people at the top, who have failed. One reason people are so cynical and distrustful of government is that the big bold press release promises nirvana, but delivers only a trickle, a small fraction of what was promised. This is another facet of "trickle down" that people don't like. Congress and presidents try to correct old programs by enacting new ones on top of the old. Usually, it doesn't work, and the cycle repeats itself. If we will focus on working with what we have, we will not need a whole lot of new laws. We just need the old ones administered better. Go for it, Bill.

QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. GEJDENSON. Mr. Speaker, it is with great pleasure that I rise today to introduce legislation to create a national heritage corridor along the Quinebaug and Shetucket Rivers in Connecticut. I urge my colleagues to support this important, and long overdue, legislation.

National heritage corridor designation will establish a management framework that will assist local and State governments, Federal agencies, and private groups in preserving and protecting one of the most culturally, recreationally, and environmentally unique and significant areas in the United States.

Many of the resources that this legislation seeks to protect are under constant threat of degradation and destruction as a result of developmental pressures. As the suburbs surrounding cities like Hartford, New York, and Boston expand, some of the last remaining tracts of open space in Connecticut as well as valuable archaeological, historical, and recreational sites become vulnerable. I believe we have to take steps to safeguard these areas before they are lost forever.

Mr. Speaker, the area surrounding the Quinebaug and Shetucket Rivers is one of national significance. The mill structures and villages that can be found along the rivers chronicle the development of the textile industry in the United States. From the earliest and simplest mills to the grand structures of the late 19th and early 20th century, one can see the progression of an industry that was once one of this country's most important. The area also contains many discovered and undiscovered native American and colonial archaeological sites. These sites have provided us with valuable insight into the lives of the native peoples who populated the area before the arrival of the Pilgrims. We have also learned much about our colonial ancestors who were among the founders of this great Nation. The Quinebaug and Shetucket River Valley also represents one of the most important areas of American cultural evolution during the pre-Revolutionary War era, leading the transformation from Puritan to Yankee and playing an important role in the "Great Awakening" religious revival.

For many years, I have been working with State and local governments and private groups in an effort to preserve and protect this unique area. In 1988, as chairman of the Oversight and Investigation Subcommittee of the House Interior and Insular Affairs Committee, I conducted a field hearing to assess the need for additional parks, recreation areas, and open space in Connecticut. The hearing examined options for preservation, whether they be State efforts, private efforts, Federal efforts, or some combination.

In that hearing, we learned a great deal about the mood of the residents, the area's important resources, and what preservation options might work, and their limitations both financially and technically. The most important thing we learned was that the residents were very concerned about the lack of parks, open space, and recreation areas as well as the disappearance of cultural and historical resources that give Connecticut its unique qualities. All 23 witnesses drawn from the environmental, government, and business communities that appeared or submitted testimony, agreed that the potential loss of important cultural, natural, and historic resources had to be addressed.

We also learned that Connecticut lags far behind the rest of the northeast in the amount of land set aside for public recreation. The northeastern States have an average of about 300 acres of public recreation land per 1,000 residents. In Connecticut, we have about 100 acres per 1,000 residents. In addition, Connecticut ranks last among the 50 States in the amount of Federal lands such as national parks, forests, and wilderness areas within its borders. Until 1991, when the Weir Farm in Wilton and Ridgefield was established as a National Historic Site, Connecticut had no National Park units. Today, with the existence of the Weir Farm, the National Park Service manages 2 acres in the entire State of Connecticut.

At the hearing, we also learned much about the management framework that the residents of Connecticut would be comfortable with. It became quite clear that people wanted to maintain as much local control as possible. This is much the same sentiment that was expressed more than 20 years ago when Senator Abraham Ribicoff proposed creating a National Recreation Area at the mouth of the Connecticut River. Residents' concern about the Federal Government taking control of the land defeated the project. Such concerns are just as strong today, perhaps stronger, than they were 20-odd years ago.

However, Congress and the National Park Service have devised an innovative, cost effective, and cooperative approach to natural resource protection called the National Heritage Corridor. The Illinois and Michigan Canal National Heritage Corridor established in 1984, the Blackstone River Valley National Heritage Corridor established in 1986, and the Delaware and Lehigh Navigation Canal National Heritage Corridor established in 1988, provide excellent models for cooperative Federal, State, local, and private partnerships for protecting important cultural, historic, and natural resources.

This concept is even more appealing because it does not call for the National Park Service to take title to the land. In today's budgetary climate, the creation of new national parks may be difficult to justify. In addition, many residents are opposed to such acquisition. Under this concept, local residents retain control over the land and the National Park Service acts as a technical advisor to local governments and private groups.

Mr. Speaker, this approach has overwhelming local support. Officials in the towns that would be included in the corridor are enthusiastic about the plan. Each of the three regional planning agencies in the area have expressed their support for National Heritage Corridor designation. The public interest and support has been simply overwhelming. Over Columbus Day weekend, 1991, we held a series of walking tours along the rivers and of many of the historic sites, archeological digs, and other interpretative events. Mr. Speaker, almost 4,000 people turned out over the course of the weekend to participate in these events. While planning has been going on for over 3 years, interest of those directly involved and in the community has never waned.

During the course of investigating ways to protect the region's valuable assets, we looked at various local, State, and Federal preservation programs, but found them to be unacceptable or lacking important components. In particular, we considered the Wild and Scenic River Program, but found it to be inadequate and too restrictive for our needs. Due to the quarter-mile boundary requirements associated with it, the program would have precluded much of the economic development opportunities near the rivers that are an important component of the area's future. Moreover, it would have given significant control of eastern Connecticut's lands and waters to the Federal Government at the expense of the local community.

In pursuit of other options, I requested that the National Park Service conduct a study of the Quinebaug and Shetucket Rivers valley to determine whether the area was suitable for Heritage Corridor designation. Staff toured the area and determined that it had great potential for recreation and site interpretation due to the presence of historical mill structures, mill villages, and scenic landscapes, but that further study was required to adequately determine the area's potential for further designation. A draft study was completed by the North Atlantic Region office of the National Park Service in March 1991, and it was submitted to the Service's Washington office. Unfortunately, no further action has been taken.

Mr. Speaker, my legislation would establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor covering 600 square miles in 24 towns in eastern Connecticut. The bill would create a Quinebaug and Shetucket Rivers Valley National Heritage Corridor Commission. The commission would be made up of 19 people including the Director of the National Park Service, State and local government officials, and individuals from the general public representing conservation, business, tourism, and recreational interests. The commission would have 2 years to develop an cultural heritage and corridor management plan for the area that would coordinate existing federal, State, and local plans for preserving and protecting cultural, natural, and historic resources. The plan would include an inventory of the cultural, historic, and natural resources sites to be preserved and protected, and set standards for the construction, preservation, restoration, and use of the resources within the corridor. The plan would also provide an inventory of the existing and potential recreational sites along the rivers and detail ways in which Federal, State, and local programs could be coordinated. Throughout the planning process, the commission could draw on the technical expertise of the National Park Service or any other Federal agency.

The cultural heritage and corridor management plan must be approved by the Governor of Connecticut and the Secretary of Interior. Once approved, the commission will take steps to implement the plan. The commission can assist State and local governments and regional planning agencies in developing plans for appropriate use of land and structures. Visitor and interpretation centers will be established and recreational programs will be set up. Efforts will be undertaken to increase public awareness of the historical and archeological resources and sites in the corridor.

The commission will also encourage economic development consistent with the goals of the plan. We now realize that economic development and natural resource protection can go hand in hand. Also, in a time of defense cutbacks and lingering recession, we have been made painfully aware of the need for economic diversification. The recreational opportunities along the rivers, as well as the historic sites, could play an important role in boosting the growing tourism industry in Connecticut. New business could be attracted to the region due to the high quality of life afforded the area's residents as a result of National Heritage Corridor protection. By combining the expertise of the National Park Service and the regional knowledge of the local participants, I believe the commission could establish standards that balance environmental protection and economic development.

Mr. Speaker, some may contend that the area was not the first industrial area, that it is not the most important recreational area, and that it does not contain the most fascinating archeological sites. While it would be difficult to argue with that, I believe what makes the Quinebaug and Shetucket Rivers Valley so important is the unique combination of resources found there.

In addition, I would like to make a point that I believe many of my friends from the east, and the west, can appreciate. Because the eastern part of this country was developed first, most of its open space has been developed and population densities are among the highest in the Nation. We don't have hundreds of thousands of acres that can be set aside like the great national parks of the west. Moreover, as pointed out in a New York Times story in July 1992, many individuals and families on the east coast can not afford to travel to crown jewel parks like Yellowstone and Grand Canyon. Some of the few parks located near urban centers, such as Gateway located in part of New York City and New Jersey, have seen attendance skyrocket over the last few years as Americans have taken vacations closer to home. The Quinebaug and Shetucket Rivers Valley National Heritage Corridor, located 2 hours from New York, Boston, Providence, and Hartford, could provide another place of natural and historical significance for the people of the east coast to visit. The positive impacts of the designation extend well beyond the borders of Connecticut.

Mr. Speaker, designation of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor is an extremely important measure. Through this bill, we will be able to protect some of the last remaining open space in Connecticut as well as historic mill structures and other buildings that chronicle colonial and industrial history of the United States. This legislation will allow local communities the control they so strongly believe in and free the Federal Government from the burden of costly land acquisition. Furthermore, this legislation will promote economic development and diversification in conjunction with natural resource protection. Finally, it will establish a framework for local, State, and Federal partnerships that will become increasingly important as the resources of each becomes more limited. I urge my colleagues to support this important piece of legislation.

REINTRODUCTION OF SUPERFUND LEGISLATION

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. MINETA. Mr. Speaker, I am taking the extraordinary action today of reintroducing as one bill, four separate Comprehensive Environmental Responsive, Compensation, and Liability Act, Superfund, bills which have been introduced this Congress. These are H.R. 131, introduced January 5, 1993; H.R. 540 and 541, January 21, 1993; and H.R. 570, January 25, 1993. I am doing so solely because of the referral of those bills to the Committee on Energy and Commerce in spite of earlier and subsequent patterns of joint referral to that committee and the Committee on Public Works and Transportation. I am also doing so because it is my understanding that the comprehensive bill that I am introducing today will be jointly referred to the Committee on Energy and Commerce and the Committee on Public Works and Transportation, thereby reaffirming the principal that bills which directly amend the basic Superfund program affect matters under the jurisdiction of both committees and, therefore, will be jointly referred to the two committees. In order to fully understand this, it is necessary to trace the development of the bills which led to the enactment of Superfund and amendments thereto.

Revelations concerning pollution from hazardous substances at Love Canal, NY, and other locations throughout the United States prompted the 96th Congress to develop legislation addressing these crucially important environmental problems.

In early 1979 President Carter transmitted his legislative proposal to Congress which covered appropriate response mechanisms with respect to hazardous waste disposal sites, spills of hazardous substances, and oil spills. This bill was introduced by request by the chairmen of the Public Works and Transportation and Merchant Marine and Fisheries Committees, H.R. 4566 and the chairman of the then-Interstate and Foreign Commerce Committee, H.R. 4571. Both bills were jointly referred to all three committees on June 21, 1979.

In October 1979, H.R. 5749, a bill to amend the Solid Waste Disposal Act to provide authority to respond to releases of hazardous wastes and to establish a hazardous waste response fund, was introduced. That bill was referred jointly to the Committees on Interstate and Foreign Commerce and Public Works and Transportation. In November 1979 a virtually identical bill was introduced which included a statement that nothing in the bill or in any amendment made by the bill shall apply to oil or other pollution of navigable waters, which is under the jurisdiction of the House Public Works and Transportation Committee. H.R. 5790 was, nevertheless, also referred jointly to the Committees on Interstate and Foreign Commerce and Public Works and Transportation.

The legislative history of the Superfund Act of 1980, however, was primarily a product of two separate and subsequent bills developed in the House. One bill was H.R. 7020, relating to damages associated with hazardous waste disposal sites, which was reported out of the Committee on Interstate and Foreign Commerce in May 1980. The other bill was H.R. 85, which was reported by the Public Works Committee on the same date as the report on H.R. 7020. That bill provided for liability, payment of damages, and the establishment of a fund financed by fees on manufacturers of certain chemical products, for the purposes of cleanup and removal activities and compensation of damages associated with the discharge of oil or hazardous substances into navigable waters. These two bills were designed to complement each other—H.R. 85 dealt with oil and other pollution, including hazardous substances of navigable waters, and H.R. 7020 dealt with damages associated with hazardous waste disposal sites—and were acted upon together in the House and combined in the Senate, using the bill number H.R. 7020 but incorporating provisions from both bills and providing for a common funding mechanism. The House subsequently enacted the Senate's version of H.R. 7020 without amendment, clearing the measure for the President.

Pursuant to rule X, clause 1(p)(6) of the Standing Rules of the House of Representatives, the Public Works Committee has jurisdiction over oil and other pollution of navigable waters. The Superfund Act includes within its coverage the pollution of navigable waters. Specifically, it establishes a notice, response, liability, and funding system for the prevention and cleanup of releases of hazardous substances into the environment. Environment is defined in section 101(8) of the act to include navigable waters and any other surface water and ground water. Navigable waters is defined in section 101(15) to mean the waters of the United States, including the territorial seas, which is identical to the definition in section 502(7) of the Federal Water Pollution Control Act. Hazardous substance is defined in section 101(4) to include any substance designated pursuant to section 311(b)(2)(A) of the

Federal Water Pollution Control Act and any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act.

Pollution of surface and ground waters is an inextricable part of Superfund's provisions for regulation of, liability for, and cleanup of discharges of substances into the environment. It is most important to note that the Superfund law does not include separate provisions for discharges into air, water, and the ground—the program covers releases into the environment. Hence, every provision relating to the prevention and cleanup of and liability of releases into the environment applies to the discharge of pollutants into waters of the United States. This would include, for example, provisions on methods and standards of cleanup, cleanup contractor requirements, imposition of liability and penalties and, as reflected in the appointment of conferees in the 102d Congress on the so-called Federal Facilities bill, surety bonds for cleanup contractors. These are some of the very issues addressed in the comprehensive bill I am introducing today—municipal liability, the innocent landowner, and so forth. Any amendment to the Superfund Act, other than one relating solely to revenue raising measures, affects matters within the jurisdiction of the Public Works Committee.

The definition of environment in Superfund also includes ground water. Groundwater resources are inextricably related to water supply and water quality matters within the jurisdiction of the Public Works Committee, indeed, ground water aquifers and surface waters are now understood to all be part of a single water system. The Federal Water Pollution Control Act contains numerous provisions concerning ground water. The jurisdiction of the Public Works Committee over ground water was confirmed in the referral of H.R. 6307, to reauthorize the Resources Conservation and Recovery Act, in the 97th Congress for consideration of section 9 of that bill establishing a commission to study the contamination of ground water resources. This jurisdiction was further recognized in the joint referral of H.R. 3676 of the 100th Congress, a bill providing for the comprehensive study and protection of ground water resources. Since that time numerous referrals have reaffirmed the committee's jurisdictional claim over this matter.

The jurisdiction of the Public Works Committee over Superfund was also repeatedly recognized during efforts to reauthorize the program in the 98th and 99th Congresses. Comprehensive reauthorization bills in the 98th Congress (H.R. 2627, H.R. 4813, H.R. 4915, and H.R. 5640) were referred jointly to the Public Works Committee and the Energy and Commerce Committee and, for bills which also addressed the taxing mechanism, the Ways and Means Committee. Reauthorization bills introduced in the 99th Congress (H.R. 1342, H.R. 2022, H.R. 2255, H.R. 2560, H.R. 2780, H.R. 2817, H.R. 3245, H.R. 3383, and H.R. 3852) were all jointly referred to the Public Works Committee and the Energy and Commerce Committee and, where appropriate, to other committees. The principal House bill, H.R. 2817, was favorably reported by five committees, including the Public Works Committee (H. Rept. 99–253, part V). During the House floor debate prior to House passage of the bill, the text of H.R. 3852, which had been developed cooperatively by the Public Works Committee and the Energy and Commerce Committee and, to a lesser extent, other committees, and which was introduced by Speaker Wright, was adopted as an amendment in the nature of substitute. The Senate had passed an earlier bill using the number of an unrelated House revenue measure (H.R. 2005). Superfund conferees appointed from the House included an equal number of conferees from the Public Works Committee and the Energy and Commerce Committee for all matters relating to the entire Senate amendment and title I and II of the House bill, except one section related to an amendment to the Resource Conservation and Recovery Act. These provisions included not only provisions related to a reauthorization of the 1980 law but also a number of new provisions added to the act relating to de minimis settlements, liability of response action contractors, cleanup of Federal facilities, and cleanup schedules and standards.

Conferees from the Public Works Committee were also appointed for the consideration of title III of the House bill relating to the Community Right-to-Know Program. Title III of the House bill had been developed using bills on this issue which had been jointly referred to the Public Works Committee and the Energy and Commerce Committee (H.R. 2969 and H.R. 3300). Several of the comprehensive Superfund reauthorization bills jointly referred to our Committee, including H.R. 2817 as reported by our Committee, contained community right-to-know requirements ultimately incorporated into the conference report.

In 1990, the Superfund program was reauthorized as part of the Omnibus Budget Reconciliation Act. The provision was included in conference even though neither the House nor Senate reconciliation bills had contained language to extend the authorization of the program. However, the measure was inserted as a result of close cooperation between the Public Works and Transportation Committee and the Energy and Commerce Committee.

Superfund regulates and provides remedies and liability for, among other things, discharges of pollutants into navigable waters and ground waters. Significantly, EPA estimates that at least 70 percent of all national priority sites listed pursuant to the Superfund program include contamination of groundwater. In addition, several Superfund sites involve contamination of sites located under navigable waters where the principal threat to human health and the environment is through pollution of navigable waters. These, too, are matters which fall under jurisdiction of the Committee on Public Works and Transportation.

Last month, February, four Superfund bills were introduced—H.R. 768, February 3: H.R. 870, February 4: H.R. 1005, February 18; and H.R. 1125, February 24—and all four bills, as I would expect, were referred jointly to the Public Works Committee and the Energy and Commerce Committee. Introduction of this comprehensive bill today and joint referral of it is in keeping with that action, past practices, relevant precedents, and House rules.

CONGRATULATIONS AND WELCOME TO CHANCELLOR RAYMOND ORBACH

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. CALVERT. Mr. Speaker, this Friday, March 19, Dr. Raymond L. Orbach will be officially inaugurated as the chancellor of the University of California at Riverside—a position he has held in an acting capacity since April 1992.

As the Congressman whose district includes the UCR campus, it is my great pleasure to congratulate Chancellor Orbach, and to welcome him to our community.

Chancellor Orbach came to UCR from UCLA, where he was provost of the College of Letters and Science and professor of physics. His academic career—as a student, research scientist, teacher, and administrator—has been truly exceptional.

He received his bachelor of science degree in physics from the California Institute of Technology in 1956, graduating 3d in his class and 1st in physics. He received his Ph.D. in physics from the University of California, Berkeley in 1960, and was elected to Phi Beta Kappa. He was a National Science Foundation postdoctoral fellow at Oxford University the following year. He was then an assistant professor of physics at Harvard before returning to California as an associate professor of physics at UCLA in 1963. He has held two Alfred P. Sloan Foundation fellowships and one John Simon Guggenheim Memorial Foundation fellowship.

Chancellor Orbach's research in theoretical and experimental physics has been supported continuously by the National Science Foundation since 1966, and he has published more than 220 scientific articles. In addition, he was elected the faculty research lecturer at UCLA for the year 1989–90, and was the Andrew Lawson Memorial Lecturer at UCR for 1991–92.

But, to me, what makes Dr. Orbach such an asset to the University of California at Riverside is his strong commitment to teaching. After all, that is a university's primary role—to teach. Chancellor Orbach understands this, and has postdoctoral and graduate students working in his laboratory and is teaching a freshman physics class this winter.

Mr. Speaker, it is a great personal pleasure for me to welcome Chancellor Raymond Orbach and his wife, Eva, to Riverside, and to congratulate the students and faculty of UCR for their good fortune in finding a man of Dr. Orbach's unique abilities and experience.

THE PAUL LAWRENCE DUNBAR WILDCATS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. FROST. Mr. Speaker, it is my distinct pleasure to announce that the Dunbar Wildcats from Fort Worth are Texas High School Class 5A State Basketball Champions. The Dunbar Wildcats, led by Coach Bob Hughes, were an impressive 35–4 on their way to the school's first State championship.

After nine trips to the final four, the Dunbar Wildcats are champions. The entire community has been longing for a State championship for sometime and this year's championship has been cause for great celebration in both the school and the community. While many doubted whether Dunbar would ever win the big game, this year's Wildcats put criticism aside and set out to prove that they were the best basketball team in Texas for the 1992–93 school year and they did it. And in the process they not only quieted the critics, but they also put themselves in the record books and allowed their predecessors to share in their victory.

All of Fort Worth is proud of their accomplishment. I salute the members: coaches—Robert L. Hughes, Leondas Rambo; players—Kevin Dudley, Brian Meredith, Anthony Burks, Charles Smith, Swarn Lacy, Damion Gentry, Jerry Booker, Paul Williams, T.Q. Earl, Dameon Sipho, Odell Jones, Samuel Varner, Fred Davis, Anthony Davis, Kevin Blakely, Kevin Lawrence, Dan Briggs, and Kenneth Harris.

TRIBUTE TO THE SAN DIEGO MEDIATION CENTER

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. FILNER. Mr. Speaker, today I rise in recognition of the work of the San Diego Mediation Center and of the more than 300 other alternative dispute resolution programs in our country.

Since 1983, the San Diego Mediation Center has provided a voluntary and peaceful process to resolve disputes without going to court.

The work of the mediation center is well recognized and highly respected in the city and county of San Diego. With an agreement rate of 75 percent and a compliance rate of 85 percent, the agreements forged through the mediation process have resolved neighborhood and business disputes, promoted good will, reduced the load on the courts, and in some cases prevented violence.

The San Diego Mediation Center is financed both through private and corporate donations and with funding from the city and county of San Diego. More than 10,000 volunteer hours are donated to this service each year by the 200 volunteer mediators, who receive intensive mediation training from the center. Over 500 potential volunteers are on the current waiting list, hoping for the opportunity to receive training and to become mediators. Public trainings in dispute resolution are also given several times each year by the training staff of the mediation center. This month of March has been declared as Mediation Month by the city and county of San Diego and by the State of California, in recognition of the work of the San Diego Mediation Center. To celebrate, the Fifth Annual Peacemaker Award will be presented to a worthy San Diegan whose contribution to nonviolent and peaceful resolution of disputes is noted and recognized.

Mr. Speaker, these worthy efforts by the San Diego Mediation Center deserve the recognition and support of the House of Representatives, and I appreciate the opportunity to call attention to the exemplary work of the San Diego Mediation Center.

LEGISLATION TO AMEND THE AGRICULTURAL ACT OF 1977

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. HUGHES. Mr. Speaker, I am introducing legislation today which amends the Agricultural Act of 1977 to extend eligibility to junior and community colleges for grants and fellowships for food and agricultural sciences education.

The U.S. Department of Agriculture through the Office of Higher Education Programs of the Cooperative State Research Service awards competitive grants to U.S. colleges and universities to strengthen their teaching programs in the food and agricultural sciences. These higher education challenge grants are designed to stimulate and enable colleges and universities to provide the quality of education necessary to produce graduates capable of strengthening the Nation's food and agricultural scientific and professional work force.

Currently the eligibility for the Higher Education Challenge Grants Program is restricted to colleges and universities providing programs for which baccalaureate degrees are awarded. The purpose of my legislation is to allow junior and community colleges to compete with 4-year institutions for grant moneys under the Higher Education Challenge Grants Program.

Community colleges are playing an increasingly significant role in the education and training of our future work force. Millions of American students are choosing junior and community colleges because they represent a less expensive alternative to the traditional 4-year institutions. And often, graduates of 2-year programs go on to obtain bachelor's degrees from colleges and universities.

If our Nation hopes to remain economically competitive, we must help students pursue a variety of postsecondary education programs. Expanding access to special program opportunities at the community college level will empower more students to pursue these important career fields.

I believe community colleges represent appropriate vehicles for providing food and agricultural training programs. Community colleges are comprehensive institutions, committed to offering academic transfer programs, career or occupational programs, courses in personal growth and development, basic skills, community services, and counseling assistance. Many innovative education and research programs have been developed by our local community and junior colleges.

This legislation will in no way hamper the ability of 4-year institutions to receive funds under the Challenge Grants Program; it simply allows community colleges to compete for funding in the grant application process. Challenge grants will continue to be awarded on the merit of each program application.

I urge my colleagues to join me in expanding the opportunities for students to pursue careers in food and agricultural studies by passing this piece of legislation.

TRIBUTE TO GREEN THUMB INC. OF NEW ENGLAND

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. SWETT. Mr. Speaker, I rise today in recognition of "Employ the Older American Week" and Green Thumb, Inc. of New England. Green Thumb is a nonprofit organization which provides job training and employment programs for older Americans. Founded in 1965, Green Thumb was a program originally designed to enlist the aid of the older American in the area of maintenance and beautification of our Nation's parks and highways. Because of the success and subsequent expansion of the program, today Green Thumb has over 18,000 older Americans trained and working in a variety of different fields including local government and nonprofit organizations. Green Thumb is an organization which is part of the Senior Community Service Employment Program [SCSEP] and is authorized by title V of the Older Americans Act of 1965. There are many benefits to hiring older workers. They represent all racial, religious, and educational backgrounds. They often bring rich and varied employment history to their jobs, as well. Green Thumb helps these people—many of whom have recently changed careers and need to receive salaries and benefits—to learn new skills and to adapt to new or different types of jobs. Green Thumb also provides services that are helpful for retirees who are not yet receiving social security benefits and often need to rejoin the work force because they require the financial security that usually comes with either full or part-time employment. In addition, many older Americans are involved in the work force to pursue individual interests, develop new skills or to use their time in a productive way.

Green Thumb of New England is an extraordinary program which through its primary goals of improving the quality of life for older Americans and placing them in positions of employment and service, benefits not only their general well being, but provides a valuable resource to communities throughout New England. More specifically, Green Thumb has placed workers in organizations in my district including the Big Brothers/Big Sisters organization of Nashua and the Crotched Mountain Rehabilitation Center in Greenfield.

Mr. Speaker, I ask my colleagues to join me in the recognition of Green Thumb, Inc. of New England and "Employ the Older American Week" which ends on March 21. It is a week which celebrates the importance of older

Americans in the work force and the important role that they play as contributing members of our society.

MIKE MANSFIELD, 90 YEARS YOUNG

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. HAMILTON. Mr. Speaker, I wish to draw the attention of Members to the fact that today is the 90th birthday of a great American and a former colleague, Senator Mike Mansfield.

Mike Mansfield has had a enviable career of public service: as a member of the Armed Forces, as a mining engineer, as a university professor, as a Member of this body for 10 years, as a Member of the Senate for 24 years—16 as majority leader—and as Ambassador to Japan for 11 years. For more than seven decades, he has been a model of integrity and devotion to the public interest, a model to which each current Member of this body can aspire. As a paragon of modesty, Senator Mansfield would not agree with this description of him, but it happens to be the truth.

To honor the career of this great public servant, I am today introducing the Mansfield Fellowship Act, a bill that would create a Japan fellowship program for United States Government officials. Joining me as original cosponsors are my colleagues from Nebraska [Mr. BEREUTER] and Montana [Mr. WILLIAMS].

Senator and Ambassador Mansfield has often described the United States-Japan relationship as the most important bilateral relationship in the world—bar none. In a modest but important way, this bill tries to better equip our Government to meet the challenges of the United States-Japan relationship.

If enacted, the Mansfield Fellowship Act would enable United States Government officials to study Japanese language and politics intensively for 1 year, and then work in a Japanese Government agency the following year. Upon completion of the 2-year program, fellows would be required to return to U.S. Government service for at least 2 years, thereby ensuring that American taxpayers benefit from their investment in the program.

At least 10 fellows would participate in the program each year. They would be chosen through a competitive selection process. Employees from all three branches of our Government would be eligible. The program would be managed by the Mansfield Center for Pacific Affairs, a private, nonprofit, and nonpartisan institution based in Montana. A review board, comprised of senior officials from all three branches would oversee the program.

Mr. Speaker, I hope that Members will join me in supporting this legislation and the program it would create, as a fitting tribute to Mike Mansfield's fine example and wise counsel. I hope they will also join me in wishing him many happy returns of the day.

ENVIRONMENTAL CHALLENGES OF THE NORTH AMERICAN FREE TRADE AGREEMENT

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. ANDREWS of Texas. Mr. Speaker, I rise today to voice my strong support for the North American Free Trade Agreement. I can think of few topics which are as timely and important for the economy and the ecology on both sides of the Rio Grande than the prospects for United States-Mexican trade. It is our duty in Congress to assist the President in the important task of balancing protection of human health and the environment with the need for orderly economic growth and financial investment.

The North American Free Trade Agreement, or NAFTA, presents unique challenges. The NAFTA breaks with the experience of the United States-Canada accord in that the problems and concerns of a still-developing country must now be incorporated into a workable agreement. In the case of Mexico, lopsided United States and Mexican trade policies have encouraged the development of a maquiladora assembly industry along the border. In the last 25 years, these maquiladora plants have mushroomed and despite their economic success, these 2000 or so plants have done little to handle hazardous waste or provide for wastewater treatment. Even more tragic are the colonias—small, rural communities on either side of the border—that often have no running water or sewerage facilities.

However, with these challenges comes the opportunity for change and renewal. There is little doubt that a successful NAFTA will assist President Salinas in making permanent the historic economic reforms begun under his administration. Further, these economic reforms may help to alter the legal and business practices in Mexico which in the past have hampered the enforcement of the seemingly rigorous environmental laws already on the books in that country.

In the United States, the benefits of NAFTA have been more controversial. However, in my home State of Texas, the agreement is greeted with some anticipation. For example, United States drilling firms are already participating in eight contracts calling for the construction of 22 Mexican offshore wells—at a price tag of about $220 million. With the procurement provisions of the NAFTA fully in place by the end of the decade, American firms will have the opportunity to compete fairly on a range of government contracts that will help Mexico reach its goal of 5 percent increase in annual production levels.

We have found in the State of Texas that energy development, if undertaken responsibly, can actually benefit the environment directly. For example, one Texas company is joining counterparts in Mexico to construct an electric cogeneration facility using crude oil as a fuel source and then removing the metal and sulfur contaminants. This one facility alone, will reduce sulfur dioxide emissions in Mexico by 350 tons per day. As you can see, the environment can be the winner from closer United States-Mexican economic relations, but it takes careful planning and vigilance.

When the agreement on NAFTA was announced in August of last year, it became clear to many of us in the Congress that the timing and the conclusion of the NAFTA had far more to do with Presidential politics than good trade policy. Former EPA Administrator Bill Reilly called the agreement the most environmentally sensitive—and—greenest free trade agreement ever negotiated. With all due respect to the former Administrator, the administration failed to address many important details with regard to enforcement and funding for environmental cleanup. For example, measures must be adopted that keep border areas from becoming havens for polluting facilities. The NAFTA text, as it stands today, contains no provisions to compel a country to enforce its domestic environmental laws. In addition, we need to work out adequate arrangements for enforcing NAFTA environmental provisions without sacrificing principles of national sovereignty.

While the upcoming talks will test President Clinton's deftness at bilateral diplomacy, the Congress also has a vital role to play in working through these thorny environmental issues.

It is clear that President Clinton will not press for United States ratification unless and until new side agreements dealing with the environment and labor dislocations, are agreed upon. The potential content of a side agreement on the environment is currently uncertain, however, President Clinton has spoke of the need for side agreements to contain enforcement provisions. The timeframe for the conclusion of these side agreements essentially depends upon two factors: the extent of the measures brought to the table by United States negotiators and the extent of reluctance felt in Mexico. For example, some have supported the granting of broad enforcement powers under NAFTA. But Mexico has labeled as "inadmissible" any proposal which grants a supranational entity with the power to enforce domestic environmental law.

I, for one, will not accept a NAFTA in which important environmental considerations are unresolved. Many others in the House of Representatives, including House Majority Leader DICK GEPHARDT, have pointed out that they would vote against the proposal if it reached the floor without side agreements on the environment and labor firmly in place. It is probable that little if any progress will be made on the drafting of NAFTA implementing legislation until the side agreements are finalized.

The Congress will definitely have an important role to play in finding solutions to the environmental problems associated with the agreement. After all, under the Constitution, the Congress is charged with setting the Nation's trade policy and it cooperates with the President as the chief negotiator in order to carry out that policy. In the Canada-United States Free Trade Agreement, for example, USTR representatives met with members of my committee and the Senate Finance Committee to draft legislation. This way, congressional concerns are addressed before the legislation is submitted by the President. I expect that this procedure will again be followed with respect to the side agreements, before the implementing legislation for the NAFTA is submitted.

Despite the enthusiasm in Congress to make sure that NAFTA is sufficiently protective of the environment, we still have to remember that you have to pay to play. All proposals which call for greater enforcement, improved infrastructure, or actual cleanup have one thing in common—they cost money. In fact, some have advocated spending as much as $3 billion over 5 years on border infrastructure improvements. Unfortunately, the United States faces a budget deficit that greatly restricts our ability to fund new programs, even for very worthy causes. For instance, plans to spend approximately $300 million this year on environmental restoration along the United States-Mexican border may be in jeopardy. Administration budget cutters have even considered cutting the already strained figure in half—a move that could strengthen the hands of NAFTA foes.

Given the tight priorities of the U.S. budget, many Members of Congress have come to the conclusion that a necessary part of any NAFTA environmental agreement must be a commitment for independent sources of funding. Clearly, United States and Mexican taxpayers should not have to foot the entire bill for environmental cleanup. Congressman RICHARDSON has suggested that multinational corporations should take a strong and innovative leadership role to find solutions to these problems. Majority Leader GEPHARDT has advocated a cross-border levy of 2 percent, pointing out that current tariffs are 4 percent on Mexican goods imported into the United States whereas United States exports to Mexico currently face a 10-percent tariff.

Another proposal offered by Representatives RON WYDEN and BILL RICHARDSON, calls for the sale of bonds for long-term financing of projects with paybacks linked to user fees. Senator MAX BAUCUS the chairman of the International Trade Subcommittee of the Senate Finance Committee and chairman of the Senate Environment Committee, has advocated the use of a temporary border fee that would be capped at 1 percent.

In sum, there is no shortage of proposals for NAFTA environmental funding. The difficulty for the Congress will be in selecting a mechanism that raises sufficient capital but does not interfere with the free trade objective of the agreement.

The North American Free Trade Agreement is an enormous opportunity for us to create jobs, generate economic growth, and increase the standard of living in the United States, Mexico, and Canada. We, as a Nation, have always been aggressive in our pursuit of world markets, and as the world's largest exporter, we cannot simply watch from our seats as this historic trade agreement lies on the table.

If we are innovative, we can develop an agreement that is good for the North American economy, good for North American workers, and good for the North American environment.

IRISH CHILDRENS BILL

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. WILLIAMS. Mr. Speaker, today I am introducing a bill that would provide young children from areas in Ireland that are affected by civil strife with a chance to learn in a violence-free environment.

This bill provides funds to local school districts to be used to offer young Irish children a chance to attend American schools, to affiliate with American children, and to experience life without the daily traumas of violent civil strife that often marks their everyday existence in parts of Ireland.

My bill also involves public-private partnerships, since half of the funding of local projects will have to come from private donations.

Mr. Speaker, a peaceful future for Ireland rests in part with teaching young Irish children that they can live peacefully, without the ever-present fear of violence that currently affects their everyday life.

One of the great chapters of our Nation's history, and one of the great testaments to our democracy, has been the successful assimilation of the Irish into everyday American life and American society. The children living in Ireland today need to experience this first-hand.

For children living in Ireland today, fear of violence is so widespread that it is taken for granted. It is difficult, if not impossible, for many of us to imagine what it is like to never feel completely safe, to fear every stranger and ever new situation. But that is the daily reality for Irish children. It has a terrible impact on the lives of these children. It effects how they make friends, who they trust and how trustworthy they seem to others.

Americans want the children of Ireland to have a peaceful future, not only because it is in these children's best interest, but because a peaceful Ireland is in our best interest. Essential to this peaceful future is the opportunity to learn and live in a peaceful environment. We should demonstrate to these young Irish children that peace is possible by giving them the opportunity to spend part of their young lives in our country where safety, rather than fear, is the normal way of life.

Funds under my bill would be used to: First, transport Irish children ages 10 through 18 who live in areas affected by civil strife to the United States; second, pay for the education of such children in schools in participating school districts, and third, provide for books, supplies, clothing, and other living expenses for such children while they are in our country.

Mr. Speaker, this bill offers young Irish children living in areas of civil strife a ray of hope—the hope of living peacefully and learning peacefully in a violence-free environment. It's a good bill, and I am hopeful that my colleagues will look at it closely and give it their support.

INTRODUCTION OF H.R. 1258

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. KLECZKA. Mr. Speaker, the statement I submitted March 9 to accompany the introduction of the Trust Indenture Reform Act of 1993, H.R. 1258, should have stated that Diana Corp. stock closed at a price of $7.75 on March 3, 1993. This price has been confirmed by Stock Watch, a branch of the New York Stock Exchange [NYSE]. Furthermore, according to calculations by Robert W. Baird and Co., Inc., of Milwaukee that were reported March 6 in the Milwaukee Business Journal, the Diana Corp. stock posted a 173.9-percent gain between October 9, 1992, and March 1, 1993. Thank you.

ATROCITIES IN KASHMIR

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. BURTON of Indiana. Mr. Speaker, I rise today to bring my colleagues' attention to the horrors Indian security forces are inflicting on civilians in Indian-occupied Kashmir. In 1990, brutal fighting erupted after the Indian Government cracked down on separatist militants, the Kashmir State government resigned in protest, and New Delhi declared governor's rule in Kashmir. Indian security forces have brutally repressed civilians in their campaign against militants. The forces have detained, tortured and murdered thousands of innocent civilians for antigovernment activities that were never proven.

The roots of the current violence lie in the regional tension aroused by the partition of the subcontinent into India and Pakistan in 1947, the accession of Kashmir to India, and the Indian Government's refusal to hold a plebiscite on the accession. Sporadic fighting between the Indian security forces and Kashmiri militants has destabilized the situation in Kashmir since that difficult time.

Mr. President, the atrocities Indian security forces have committed and the appalling medical conditions in Kashmir are detailed in a report by the Physicians for Human Rights and Asia Watch. During a fact finding mission to Kashmir in October 1992, the two respected human rights organizations documented and verified abuses by interviewing numerous witnesses and examining medical evidence.

The statistics in their reports are shocking: 6,000 people have been killed in fighting since 1990, and 2,000 killed in 1992 alone; 2,276 gunshot victims were treated at just one hospital from May to October 1992; and 15,000 petitions filed since 1990 calling on the state authorities to reveal the locations, conditions and charges against detainees have been ignored by the authorities. The Indian Red Cross and the International Committee of the Red Cross are not allowed into or to provide aid to these detainees and other desperate innocent civilians in Kashmir.

Mr. President, the human rights' delegation heard testimony on acts of shocking brutality by the Indian security forces. They heard of attacks on ambulance drivers who were driving after the curfew; raids on hospitals and the forcible removal of patients from the operating table who were suspected but never proven to be militants; the malicious destruction in obstetric and pediatric hospitals by the forces in search of militants.

Mr. President, the delegation found that almost all detained by the security forces were viciously tortured, and denied access to their family, medical services, and legal counsel. The report states:

> Methods of torture include severe beatings, electric shock, suspension by the feet or hands, stretching the legs apart, burning with heated objects and sexual molestation. One common form of torture involves crushing the leg muscles with a heavy wooden roller.

These barbaric acts, according to the report, are not only commonly used in Kashmir but throughout India.

Mr. President, an advance issue of the report provided to the Government of India was rejected out of hand. The Government rejected the report—based on the two highly respected organizations' extensive interviews with witnesses of all political tendencies and ethnic origin as well as firsthand medical evidence—as biased. The Indian Government justified the methods used by the security forces as legitimate means of law enforcement. By not endeavoring to stop the practice of torture, the Government condones such brutal methods. The only case for which Indian forces were publicly prosecuted for excessive force was the rape of a Canadian woman.

It is time that the United States took a stand on this issue and pressed for negotiations on the status of Kashmir. Pakistan has repeatedly approached India on this issue, only to be rebuffed each time. For years, India claimed that negotiations could only be held on a bilateral basis with Pakistan and that the United Nations had no role in the conflict. I would point out to my colleagues that there are unfulfilled U.N. resolutions on Kashmir, which very clearly justify a U.N. role, but India has refused. However, now Pakistan is willing to talk with India on a bilateral basis, as proposed under the Simla Agreement and India still refuses. We should tell India that the situation cannot stand in Kashmir and they must halt the horrific and systematic human rights abuses there and immediately begin a dialog with Pakistan on the fate of this region.

Mr. President, I hope that my colleagues will read this report and share my deep concern about the tragedy in Kashmir. The systematic torture practiced by Indian security forces constitutes a terrible crime against humanity. This barbarism violates all moral standards and international laws, including the Geneva Convention to which the Government of India is a signatory. Our great Nation is founded on respect for human rights. Our allies and recipients of our aid must be held to similar standards of decency, morality, and humanity.

THE ROBERT F. PECKHAM UNITED STATES COURTHOUSE AND FEDERAL BUILDING

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. EDWARDS of California. Mr. Speaker, it is an honor to join with my colleague, the distinguished chairman of the Committee on Public Works and Transportation, in introducing legislation today to designate the Federal building in San Jose, CA as the "Robert F. Peckham United States Courthouse and Federal Building."

In introducing this measure we honor an extraordinary judge who served with distinction and honor as a Federal judge for 26 years and as chief judge of the U.S. District Court for the Northern District of California from 1976 to 1988.

Bob Peckham was a man of integrity, immense courtesy, and consideration. He treated all in his court with gentility and civility. He did not hesitate to take the unpopular stand to protect the rights and liberties of the least influential in our society.

It is fair to say that without Bob Peckham's dedication and persistence there would not exist a Federal building and courthouse in San Jose. Bob's dream for many years was to establish a full-service Federal district court in San Jose. Early on, Bob recognized the potential of the San Jose area.

San Jose is now the largest city in the San Francisco Bay Area, the 11th largest city in the country and the center of the technological economic explosion. We needed, then and now, to have a full service district court. Bob's vision and dedication provided it.

Judge Peckham was a judicial innovator. As chief judge he introduced various programs to improve the quality of practice before the court and to make the court more responsive to the needs of the bar. His innovations are now recognized and emulated in other courts across the country. Bob's passion for the law led him to visit countries around the world to lecture on the American legal system.

The naming of San Jose's Federal Building and Courthouse in Judge Peckham's honor is right and proper. The Santa Clara County Bar Association enthusiastically supports the bill. The San Jose City Council has unanimously endorsed the proposal.

It has been my pleasure to have known Bob Peckham as a friend for over 30 years. I regard the designation of the Federal building and courthouse in his honor as a natural outgrowth of the exemplary life lived by Robert Peckham, as a person and as a judge. I look forward to working with my colleagues in enacting into law the resolution being introduced today.

TRIBUTE TO PAUL O'SULLIVAN

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. FISH. Mr. Speaker, I rise today to honor Paul O'Sullivan, this year's recipient of the Emerald of the Year Award given by the Emerald Association of Putnam County. Each year this award goes to a member who by his or her dedication has contributed to the well being of the Emerald Association.

Paul, a true son of the Emerald Isle, hails from Feenagh, County Limerick. He emigrated to the United States in 1957 and resided in the Inwood section of Manhattan. In 1972, he and his family moved to Mahopac in Putnam County. Paul and his wife Margaret are the proud parents of four children, Paul, Timothy, Carmel, and Brenda.

Over the years Paul has worked energetically to promote Irish culture. He is chairman of the Westchester/Putnam St. Patrick's Day Parade, a position he has held for the past 13 years. In 1989, he led the parade as grand marshall, an honor he richly deserved. He is the former president of the Westchester/Putnam Gaels Football Club and the Emerald Association of Putnam County and continues to be an active member in both organizations.

In presenting Paul with the Emerald of the Year Award we acknowledge with thanks his contribution and untiring effort to promote Irish culture in the community. His continued dedication and devotion exemplify his true Irish spirit. So to Paul and his family, congratulations and best wishes for continued health and happiness.

CONCERNS ABOUT SKOPJE GOVERNMENT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. ENGEL. Mr. Speaker, recent reports indicate that the former Yugoslav republic of Macedonia will be admitted to the United Nations using a name that is acceptable to both the Greek Government and the government of Skopje. I support this arrangement if the Greek Government is willing to accept it. However, I am concerned about two outstanding issues. The Skopje Government must denounce any claim to surrounding nations' territory and its constitution must be crystal clear on this matter. The potential for conflict in this region is too great to leave any misunderstanding about Skopje's territorial claims, present or future.

The Greek Government is legitimately concerned about territorial claims the Skopje Government might have. Opposing territorial claims in the region have sparked wars in the past. We must do everything we can to ensure that they do not do so again in the future.

My second concern involves the large Albanian minority in the former Yugoslav republic of Macedonia. Reports, brought to light by Illyria and the Congressional Human Rights caucus, indicate that members of the ethnic Albanian community have been harassed and denied their political rights simply on the basis of their ethnicity. While the persecution of Albanians in Kosovo is well known, the international community must not forget about the situation in the former Yugoslav republic of Macedonia. No one's basic human rights should be taken away there either.

IMPROVING THE SAFETY OF INLAND TUGS AND BARGES

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. STUDDS. Mr. Speaker, today I am introducing a bill to improve the safety of inland tugs, towboats, and barges. This proposal is nearly identical to legislation which passed the House by voice vote on September 9, 1992. Unfortunately, the Senate failed to take action on this proposal before the end of the 102d Congress.

This bill is intended to close a loophole in U.S. maritime safety laws. Under current law, seamen employed on merchant vessels of at least 100 gross tons are required to hold merchant mariner documents, with one exception. That exception applies to tugs and barges operating on our navigable rivers and lakes.

Coast Guard estimates indicate that this is a very large loophole. According to the Coast Guard, there are approximately 30,000 undocumented seamen employed on the over 3,300 tugs and towboats that operate on the 25,000 miles of U.S. inland waters. These vessels handle everything from coal, to petroleum products, to chemicals. Given the large number of tugs and the types of cargoes involved, there is significant potential for a major environmental accident.

Requiring these 30,000 seamen to obtain merchant mariners' documents will improve maritime safety two ways. First, each seaman will have to meet certain minimum requirements in order to obtain a document. These include age and citizenship requirements, drug testing, and criminal background checks. This will enable the Coast Guard to keep individuals with drug and alcohol problems out of the industry. Second, requiring seamen to carry documentation allows the Coast Guard to revoke the documentation of individuals who commit acts of incompetence, misconduct, or negligence on the job. This will allow the Coast Guard to remove bad players from the industry.

In summary, my proposal will improve maritime safety on U.S. inland waters by preventing individuals with drug and alcohol problems from entering the industry and filtering out incompetent or negligent individuals. This bill is long overdue and I urge all Members to support it.

TRIBUTE TO REAR ADM. BILL VINCENT

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. WALSH. Mr. Speaker, I rise today to recognize and honor Rear Adm. Bill Vincent, U.S. Navy, as he retires upon completion of 31 years of service to the Navy and the Nation.

A native of Syracuse, NY, he graduated from the U.S. Naval Academy in 1962 and subsequently earned a master's degree in aeronautical engineering from the Naval Postgraduate School as well as graduating with distinction from the Naval War College and the Defense Systems Management College.

A distinguished professional, Admiral Vincent currently commands the Defense Systems Management College. He has brought a wealth of acquisition experience and excellence to the vital task of training the Defense Department's next generation of weapons system program managers, having previously served as the program executive officer for Air ASW, assault and special mission programs, program manager for the P-3 Aircraft, as well as other related positions at the Naval Air Systems Command, U.S. Mission, NATO, and the Office of the Chief of Naval Operations.

Operationally, Admiral Vincent has commanded Patrol Wing 2 at NAS, Barbers Point, VP-44 at NAS, Brunswick, and participated in five Southeast Asia deployments, flying market time operations.

Many of my colleagues may be familiar with Admiral Vincent's recent contributions in chairing the section 800 panel on streamlining acquisition laws. Should we succeed in reforming the Defense acquisition process, I am sure it will be in no small part due to Admiral Vincent's superb efforts.

A man of Admiral Vincent's talent and integrity is rare indeed, and while his honorable service will be genuinely missed it gives me great pleasure today to recognize him before my colleagues, and to wish him "Fair Winds and Following Seas" as he brings to a close a long and distinguished career in the U.S. naval service.

GI BILL ACCELERATED PAYMENTS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. RAHALL. Mr. Speaker, I rise today to introduce a measure that will allow accelerated payments of veterans educational benefits under the Montgomery GI bill. This is an important proposal which will go a long way to increasing the education opportunities available for this Nation's veterans.

I have introduced this legislation on behalf of my constituent William Chris Smith of Bluefield, WV. Last year, Mr. Smith confronted me with a dilemma. He wanted to take advantage of his GI bill benefits, but did not want to attend college. He wanted to be able to use his benefits to attend a truck driving school. Truck driving schools are generally high-cost, short-term courses.

As the program currently exists, benefits are paid out in monthly increments of several hundred dollars each. Such a payment scheme is to the disadvantage of veterans who want to attend high-cost, short-term courses. The course may only last 6 or 8 weeks, but cost several thousand dollars. The current payment scheme does not allow the veteran to collect enough benefits to cover the cost of the course. My legislation would allow the veteran to collect the benefits to which he is eligible up front, not to exceed the cost of the course, once he has enrolled.

This legislation will do much to assist currently unemployed veterans to be productive members of the work force. Many veterans want to work but just do not have the necessary skills to obtain good paying jobs, nor are they able to attend school full time. My bill will help veterans learn a trade and earn a paycheck.

Mr. Speaker, I encourage all my colleagues who are concerned about the veterans in their districts and who want to do something to supplement employment opportunities to join me as cosponsors of this bill.

Allowing accelerated payments of GI bill benefits will permit eligible veterans to use their benefits for high-cost, short-term courses that they would not ordinarily have access to.

TRIBUTE TO PAUL CONRAD

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Ms. HARMAN. Mr. Speaker, I ask my colleagues to join me in congratulating one of my constituents, Paul Conrad, who will be retiring March 31 after 29 years of dedicated service as a political cartoonist with the Los Angeles Times.

Paul Conrad has earned much acclaim for his prolific humor and witty commentary on the Nation's political countenance. Whether it be in the Los Angeles City Council, Sacramento, Capitol Hill, or the White House, the debate among politicians has been whether one would rather appear in the obituaries or in a Paul Conrad cartoon. His satirical material landed him on Nixon's Enemies List in 1973, yet ironically, he was vindicated by receiving the Richard M. Nixon chair at Whittier College 5 years later.

During his career with the Los Angeles Times, Paul has been awarded Pulitzer Prizes in 1971 and 1984 for his outstanding portrayals of the idiosyncrasies in the social and political arena. In 1988, the Society of Professional Journalists/Sigma Delta Chi [SDX] presented him with his sixth Distinguished Service Award for Editorial Cartooning. As of yet, he is the only journalst to be awarded this honor on six different occasions in any category. Furthermore, he has won two Overseas Press Club awards, and has also been acknowledged nationally by receiving the Robert F. Kennedy Journalism Award on three occasions. His publications include "Drawn and Quartered," "The Gang of Eight," "Pro and Conrad," and "The King and Us."

Fortunately for Paul's fans, myself among them, his work will continue to be enjoyed by the public. His cartoons will still be distributed by the Los Angeles Times Syndicate, and will appear biweekly in the Los Angeles Times. Moreover, Paul intends to keep active by working on a book of his finest works since he came to the Los Angeles Times in 1964.

Mr. Speaker, I ask my colleagues to join me in paying tribute to a friend, Paul Conrad, and for his enrichment of us all.

TRIBUTE TO CUSTER HIGH SCHOOL BASKETBALL TEAM

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. JOHNSON of South Dakota. Mr. Speaker, I would like to take just a moment of the House's time to acknowledge the enormous success of the Custer High School basketball team. The Custer, South Dakota Wildcats recently won the State A basketball title with a 65 to 58 victory over Lennox High School. Custer has now participated in each of the last six State basketball tournaments and has competed in a record five successive championship games. The Wildcats are led by head coach Larry Luitjens, who has compiled a remarkable record of success over his 27 years of coaching and his 20 years at Custer High School. Coach Luitjens was assisted by coach Neal Seiger and the entire program is supported by superintendent Tom Martin, principal Dean Keith, and athletic director Dave Versteeg. Team managers are Tanner White, Todd Molitor, John Stahl, Phil Preston, Jennifer Schleining, and Alisha Schleining.

Helping to sustain a high level of enthusiasm for this program at Custer has been the Custer High School cheerleaders. Their adviser is Cherry Luitjens, and the cheerleading was ably performed by Joelle Wisler, Amy Knudson, Wendy Prince, Laura Grablander, Angie Hazlett, and Comfort Kuper. The greatest credit, of course, goes to the young men on the Custer basketball team. Seniors Lane Ostenson, Derek Ballard, Jim Tullo, Paul Schaffer, Tom Carda, Jason Virtue, and Louie Bordeaux. Juniors are Rusty Woodward, Josh Noem, Will Gosch, Billy Dorton, and Mark Lyndoe.

The school officials and the young men and women involved in Custer High School's great success are representative of the finest talent and work ethic in our Nation, and their victory as well as the character that made the victory possible deserve our highest commendation.

THE BROOKLYN IRISH-AMERICAN PARADE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to recognize the Brooklyn Irish-American Parade, which is holding its 18th annual parade this year.

The theme of this year's parade is the Irish Contribution to Education, and is dedicated to Patrick Daly, the late principal of P.S. 15 in Brooklyn, who gave his life for his students.

In addition, it honors the memory of Richard Henry, a founding member of the Brooklyn Irish-American Parade Committee, a native Irishman who promoted Irish culture in New York City. The Reverend Monsignor O'Toole, pastor of St. Patrick's Church in Bay Ridge, Brooklyn, will be the Grand Marshal.

The parade takes place on the historic site of the Battle of Brooklyn, in which many Irish freedom fighters gave their lives during the American Revolution.

It is a celebration and appreciation of the Irish-American community in Brooklyn, whose cultural and historical accomplishments have contributed to New York City's diversity and richness. This influence is particularly evident in our education system, including institutions of higher learning.

I wish all the participants the best of luck.

ROBERT F. PECKHAM U.S. COURTHOUSE AND FEDERAL BUILDING

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 16, 1993

Mr. MINETA. Mr. Speaker, today I am joining my good friend, the gentleman from California, Representative DON EDWARDS, in introducing legislation to designate the U.S. courthouse in San Jose, CA as the "Robert F. Peckham United States Courthouse and Federal Building."

This action will honor one of the most outstanding members of our Federal judiciary; a man whose legacy of integrity, compassion, and justice have left an indelible mark on the Federal judiciary and on the Nation.

When U.S. District Court Judge Robert Peckham passed away last month, this Nation lost a jurist of unmatched dedication and skill. San Jose, CA lost an individual who was a vital part of our community for almost a half century. Both Mr. EDWARDS and I lost a treasured friend.

Bob Peckham was born in San Francisco on November 3, 1920, and was raised in Palo Alto. In many ways, law was the Peckham family business. Both his father and grandfather were lawyers, his grandfather having served as a county judge in Santa Cruz.

His uncle, J.B. Peckham, was an attorney and a legendary figure among Japanese-Americans in my hometown of San Jose. During World War II, when we were forced from our homes on the west coast and into internment camps along with 120,000 other Americans of Japanese ancestry, many lost the homes, farms, and businesses they had struggled to build.

Those of us in San Jose, however, truly had a guardian angel in J.B. Peckham. Immigrants from Asia were prohibited from owning property at the time, so they turned to Mr. Peckham. He held their businesses, farms, and homes in trust until their oldest native-born children reached the age of 21 and could assume ownership.

Legally, he could have sold the property—and many attorneys in California did so. But Mr. Peckham's careful stewardship ensured that, when we returned home, our community remained intact. He is given much of the credit for the fact that San Jose's Japantown remains a thriving neighborhood to this day.

That kind of dedication to the principles of fairness, equality, and justice run throughout the career of Bob Peckham, as well.

As a Federal district court judge in the northern district of California since 1971, and the district's chief judge from 1976 to 1988, Bob Peckham established himself as an implacable enemy of discrimination.

For 21 years, he presided over the desegregation of the San Jose Unified School District. For the past 20 years, he presided over the desegregation of the San Francisco Police Department.

In 1989, he ordered the State Department to issue a passport to an Irish woman who had been denied citizenship. Her mother was an American, but at the time she was born, only fathers could transmit their U.S. citizenship to their children.

Legislation I introduced in the last Congress, the Equity in Citizenship Act, was designed to codify that decision. It has been reintroduced in this Congress as H.R. 286, and I hope that it will soon become law.

In 1972, the Stanford Daily was the subject of a police raid in an effort to seize a reporter's notes. It was Bob Peckham's decision that declared such raids to be an unconstitutional violation of freedom of the press.

These and other landmark decisions clearly established him, in the words of William Ingram, his successor as chief judge of the northern California Federal district court, as "one of the giants of the Federal judiciary." The legal community knew him as a scrupulously fair and intellectually brilliant judge, reflected by "American Lawyer" magazine's decision to name him the best Federal trial judge in the 9th circuit.

Bob Peckham's daughters, Ann and Sara, have lost a devoted father. His wife, Carol, has lost a beloved husband. This Nation has lost a voice for justice and equality that cannot be replaced.

Mr. Speaker, it is frequently said that the United States is a Nation of laws rather than a Nation of men. One of the reasons we can proudly proclaim that principle is that people like Bob Peckham continue to dedicate their lives to preserving the integrity of our laws and the fabric of our democracy. I can think of no more fitting memorial to his life and work than naming the San Jose Federal courthouse in his memory.

In closing, Mr. Speaker, I would like to thank my good friend Representative EDWARDS for his efforts on this legislation. I hope that we can bring it quickly to the floor.

SENATE—*Wednesday, March 17, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 10 a.m., on the expiration of recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Leading the Senate in its prayer today to the Creator of life and life eternal will be the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Come unto me, all ye that labour and are heavy laden, and I will give you rest.—Matthew 11:28.

Gracious God, our Heavenly Father, the kind invitation of Jesus speaks to our condition. One of the burdens common to human nature is that of hiding something about ourselves from others. All of us have personal secrets—a desire, a fault, a failure, a habit, a sin. We do not want to be discovered in this secret and are haunted by the fear of its discovery. Often, the struggle is debilitating and futile. No matter how hard we try, the secret prevails.

Loving God, help us to realize we have no secrets from You. You know us infinitely better than we know ourselves, and we cannot hide from You. Help us heed Jesus' invitation to come to Him when we "labour and are heavy laden." Help us to count on His understanding, His love, His forgiveness, His renewal. Help us to stop hiding by coming to Him and finding His rest, His peace.

In His name we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, and Members of the Senate, this morning there will be a period for morning business until 11:30 a.m. Under the order, a number of Senators will be recognized to address the Senate for specific time periods.

At 11:30 a.m., the Senate will resume consideration of S. 460, the voter registration bill. There will be 30 minutes of debate between 11:30 a.m. and noon, equally divided and controlled between Senators FORD and MCCONNELL.

At noon, the Senate will vote on the motion to invoke cloture on the voter registration bill; that is, to end the filibuster on that bill.

With respect to the filing of amendments relative to the bill and prior to the cloture vote, first-degree amendments may be filed until 10:15 a.m.; second-degree amendments may be filed until 11:30 a.m.

Mr. President, I repeat that there will be another cloture vote to attempt to terminate the filibuster of the bill at noon today.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I reserve all of the time of the distinguished Republican leader.

The PRESIDENT pro tempore. The Chair apologizes. Leadership time is reserved based on an order entered yesterday.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the order entered yesterday, there will now be a period for the transaction of morning business.

Mr. THURMOND, the senior Senator from South Carolina, is recognized to speak for up to 10 minutes.

PRESIDENT CLINTON'S DEFENSE BUDGET PROPOSALS

Mr. THURMOND. Mr. President, I rise today to discuss President Clinton's defense budget proposal and its importance to our Nation, our allies, and our future.

On February 17, President Clinton released a broad overview of his economic stimulus proposals in a document called "A Vision of Change for America." Within this document the President outlined his agenda and his plan for the future. It is a welcome first step in his responsibility of informing the American people of his views on where we, as a nation, should be heading. I look forward to reviewing the details of the President's vision so that the Congress can begin the process of transforming concepts into reality. In no other area is this more important than in the future of our national security.

Within the President's vision, he states:

> This economic plan and the budget that will follow redirect and reinvigorate our national security priorities and institutions to meet new international challenges and take advantage of new opportunities.

Before the Congress can assess the ability of the budget to redirect and reinvigorate the national security priorities, the administration must articulate these priorities. The administration must express what the new threat is, and what changes in the national security infrastructure the President views necessary to address it. It is time to get to work in the tough business of governing the Nation. The Congress must have the specifics of the plan so we can get to work.

I agree that the international security situation has changed dramatically in the last few years, and that our national security infrastructure must adjust to these changes. However, as history has proven over and over again, there will always be despots who will attempt to force their will through violence on those too weak to stop them. This fact was the cause of great destruction in the first half of our century and was reinforced in our recent defense of Kuwait.

Despots do not reason; they do not share our values of sanctity of life and democratic traditions. They understand only the ability to forcibly oppose them. To maintain the peace, to create an environment where reason can prevail, our Nation must maintain a credible force.

While we cannot stop despots and hostile forces from acquiring weapons, we can, as we did in the cold war, prove the futility of investing in them. While we cannot force the values of a free-market democratic system on others, we can ensure that they will be defended against any who would attempt to destroy them.

In order to defend these values, we must have the ability to respond to crisis with a well trained and equipped military force. It is vitally important to realize that although the threat has changed, the nature and the root of that threat remains.

In "A Vision of Change for America", there is support for an "unquestioned American military power" as essential. However, real support comes from a budget that allows our Nation to transform words into reality. However, there has been a great deal of confusion on what baseline is being used and in what timeframe the reductions are to be made. This confusion serves no one, not the administration, not the Congress, and certainly not the American people. This confusion is obstructing

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the process of fulfilling our most important responsibility—ensuring the national security of the United States for the future.

In remarks before the American Defense Preparedness Association, Secretary Aspin said that there would be a $60 billion cut, matching the President's campaign promise. However the figures released showed that the $60 billion in reductions did not include the $7.5 billion that the Congress had already cut last year.

On February 17, Secretary Aspin changed the timeframe from 5 years to 4 years for the original reduction and called for an additional $18 billion in pay cuts to the military and DOD civilians, and another $10 billion cut to "offset projected underfunding in the Bush program." This suggests that the actual reduction is over $88 billion.

But, apparently even these figures do not tell the whole story. The administration has adjusted the baseline for the Bush defense budget using a very favorable inflation index. While I hope this very low estimate is correct, if it is not, it will mean according to the latest CBO figures, additional reductions of up to $24 billion, translating to a defense reduction of $112 billion over the 4-year period—almost double the $60 billion originally proposed.

To put budget reductions of this magnitude in perspective, it is important to remember that defense spending has been reduced by more than 27 percent since 1985. Without question the Department of Defense has taken the lion's share of spending reductions and is one of the only areas of the Federal Government where actual savings are being achieved.

President Clinton has stated that he wants to modernize the national security machinery. This must be done, and I am ready to work with him. However, the administration's defense spending proposals bring into question whether we will be able to modernize our force structure to counter new threats facing the United States.

I know from experience that it is easy to cut our forces and defense infrastructure but it is a long and difficult task to bring them back. Our Nation has had to relearn that lesson at places like Pearl Harbor, Kasserine Pass, the Pusan Perimeter, and at Desert One. It has always been a expensive lesson to relearn—and we have always had to pay for it in the same way—in the lives of American men and women.

Military preparedness does not justify a blank check for the Pentagon. The weapons, strategies, and formations that maintained the peace for the last four decades are unlikely to be appropriate for the 21st century. But the restructuring of our Nation's Armed Forces will cost more than envisioned by those who see America's defense budget only as a source of funding for other agendas. The defense budget buys an insurance policy against unnecessary war, and if war is imposed upon us, it ensures that it will be ended quickly, sparing as much as possible the blood and treasure of the people of the United States. That Mr. President, is an insurance policy that I feel is worth the cost.

In conclusion, I urge the Congress and the administration to proceed with the restructuring of our national security infrastructure with all the care and due diligence it demands. That is why I oppose voting on a budget resolution until we have an opportunity to review, in detail, the proposals for defense spending. Before we make a decision, we should face the facts.

The PRESIDENT pro tempore. The Senator from Virginia [Mr. ROBB], under the order is recognized, together with Senator WARNER, for a total of 15 minutes.

How does the Senator wish to budget this time?

Mr. ROBB. Mr. President, I would like to proceed. My distinguished senior colleague will be joining me very shortly and I will yield to him at the conclusion of my remarks. It may be appropriate to request a very brief extension, asking unanimous consent at that time.

The PRESIDENT pro tempore. Very well, the Senator from Virginia [Mr. ROBB] is recognized.

Mr. ROBB. I thank the Chair.

(The remarks of Mr. ROBB pertaining to the introduction of S. 597 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROBB. Mr. President, I request that the remainder of the time be reserved for my distinguished senior Senator from Virginia [Mr. WARNER] who will be joining us shortly, and I yield the floor.

The PRESIDENT pro tempore. Five minutes and 35 seconds will be reserved for the senior Senator from Virginia.

Under the order previously entered, Mr. DURENBERGER, the Senator from Minnesota, is recognized to speak for up to 10 minutes.

Mr. DURENBERGER. I thank the Chair.

(The remarks of Mr. DURENBERGER pertaining to the introduction of S. 598 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURENBERGER. I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 599 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas has 15 minutes under the previous order.

JOHN McCAIN

Mr. GRAMM. Madam President, I want today to speak on two subjects. One is a very happy subject, and that is I want to talk about one of our dear colleagues because today is a very special day in his life, and since he is very special to our lives and to the life of our Nation, he is special to us. Then I want to continue to talk about the budget debate and what we are deciding and what that decision is going to mean to our fellow citizens.

Twenty years ago today JOHN McCAIN was released from a prisoner-of-war camp in North Vietnam. I know that it is a day that he will never forget. It was a day that he came home after 5½ years as a POW.

Many people are not aware of the fact that when JOHN was taken prisoner and during his captivity for much of that time, his father was the chief of naval operations in the Pacific and was the commander of all American forces in the region. In fact, when JOHN's plane was hit by a antiaircraft missile he bailed out, broke both of his arms, and broke one of his legs.

When the North Vietnamese discovered who he was, they gave him medical treatment and fixed him up with the idea that they could ransom him. And when he refused, they rebroke his arms and his leg.

They then decided as a PR stunt that it would be beneficial to them to release JOHN McCAIN. But JOHN McCAIN refused to be released. When war protesters came to Hanoi, JOHN McCAIN refused to meet with them.

During that whole period JOHN McCAIN was a source of inspiration for those who were his fellow prisoners, and a very close bond has formed among those people. All of them to this day talk of JOHN McCAIN's great courage.

But I am not here, Madam President, to simply talk about JOHN McCAIN, war hero; JOHN McCAIN who showed as a prisoner of war the kind of courage that as children we all read about in history books, the kind of courage that as children we all wished that we could grow up to have. And very few of us ever measure up to it.

The great thing about JOHN McCAIN coming home is that he did not come home to wear his medals or to celebrate what he had achieved in terms of his own inner strength and the strength of his courage and his vision. He came home with the idea of continuing to serve his country.

He was elected to the House, he has been elected to the Senate.

I am fond of saying, Madam President, that of all the people I have known in my life, JOHN McCAIN is the toughest. Whenever I say that, people tend to say you are talking about what he did in the Hanoi Hilton. I say, no, I am not talking about what he did in the Hanoi Hilton. I was not there. I did not observe it. I read it about it. I heard about it from people who were there with JOHN. I am talking about what he does in the Senate. I am talking about his single-mindedness, I am talking about his willingness to stand up for the things he believes in. I am talking about how JOHN MCCAIN for 6 months stood up for retired Americans, or for people who are old enough to retire but who continue to work and who do not get the Social Security benefit that they are due because they do work. Because of JOHN MCCAIN, we are allowing those people to make more money now without losing their Social Security benefits, and I have no doubt that one day the good captain, JOHN MCCAIN, is going to lead the effort to repeal the unfair, so-called, earnings test on Social Security.

If you look back at the 1,800 or so people who have had the great privilege to serve in the U.S. Senate, it is always very humbling to recognize as you go down the names, most of them you do not remember. If you want to get an idea about the relative importance in the long view of what you do, open one of these Senate desk drawers and look at the names that are written or carved in them, and ask yourself how many do you recognize. For most of us the greatest thing we will be able to say about our service in the Senate is that we served with ROBERT BYRD, that we served with STROM THURMOND, that we served with BOB DOLE.

Very few people bring stature to the Senate with them when they come. Most of us simply hope that some rubs off on us, while we are here.

JOHN MCCAIN brought stature to the Senate with him. Those of us who serve here can take pride in the fact that we have an opportunity to serve with people like JOHN MCCAIN.

I am glad that he is here. He is a great man at a time when we need to be reminded that there are great people, that there are people who serve with great distinction. I am proud to call JOHN MCCAIN my friend. I am proud through this statement to commemorate the 20th anniversary of his release. I just want to say, Madam President, that we love JOHN MCCAIN and the Nation loves him, and the Nation is proud of him. He is a symbol of what America is capable of producing.

So I rejoice in this day as I am sure all of our colleagues do.

THE BUDGET

Mr. GRAMM. Madam President, I now want to talk about the budget.

Probably this afternoon, perhaps tomorrow, we will begin consideration of the President's budget as it has been reported out of the Budget Committee.

My colleagues will recall that back during the campaign, then candidate Governor Clinton said he wanted to cut spending $3 for every dollar in new taxes. Then when Leon Panetta, who is now Budget Director, and Lloyd Bentsen, who is now Secretary of the Treasury, testified before the Senate, they said that the President was going to cut $2 in spending for every dollar of taxes.

Then, in that great speech that President Clinton delivered to the joint session of Congress, the State of the Union Address, he said that his budget would cut $1 of spending for every dollar of new taxes.

Madam President, the numbers are in. And using the scorekeeper, the Congressional Budget Office, which the President deemed as the judge and jury of what is honest budgeting in America, when you measure what the President's budget does relative to what current law would do, you find that the President's budget calls on Congress to raise taxes $3.64 for every dollar of spending cuts.

One of the most consistent messages that I get from home, and I suspect all of our colleagues do because of what I hear people saying, is make the spending cuts first. In fact we have a little debate going on in the House, a little debate in the Senate, about exactly that subject; that is, the American people rightly are skeptical of Congress. Congress always promises the great spending cuts it is going to make if the people will simply give us more taxes. In the past, we promised $2 or $3 of spending cuts for every dollar of taxes. Congress gets the taxes, spends the money, never delivers on the spending cuts.

Certainly no one can say that the Clinton budget makes a false promise in terms of what it is going to do because by its very numbers it shows, to begin with, that if all the savings that are promised are delivered, there are still $3.64 of taxes for every dollar of spending cuts.

But, Madam President, what most people do not realize is not only how unbalanced this budget is in terms of taxes and spending, but the fact that so little spending reduction occurs early on in the budget. We will, after the budget is adopted here in the Senate—assuming that it is adopted—vote on an emergency spending program called an economic stimulus package. If you take the extension of unemployment benefits and you take the stimulus package together, before $1 of spending cuts are made anywhere, we will increase spending by $21.5 billion of brandnew spending.

When you look at the proposed spending cuts in the President's budget, most of which are in defense, not until 1997 do we cut as much spending as we will increase spending in the next 2 weeks. Let me repeat that figure. If you take all of the spending increases and all of the spending reductions, not until 1997, when you add them up, are there any net spending cuts in the President's budget.

We are talking about voting next week on increasing spending by $21.5 billion. We are talking about taking the first vote, perhaps this week, on raising taxes by $295 billion; and the promised spending cuts do not actually occur, if you just add them up year by year until 1997.

In 1997, the bulk of those spending cuts come from the fact that we are promising to spend less. I offered an amendment in the Budget Committee that said, since all this spending control is off in the future, and since it is all based on simply promises that are being made, and since Congress has not been very good in living up to its promises, why do we not pass a law that says you cannot spend more than those promised amounts, and let us have some mechanism to force Congress to live up to it?

I think it is important that the American people understand that that amendment was defeated on a straight party line vote.

In summary, Madam President, what we are looking at is a bigger gulf between the rhetoric and the reality of this budget than I have ever seen on any subject ever debated in the 14 years I have been in Congress. If you went out and asked the American people today: Is Congress going to cut spending before it raises taxes, or is it going to pass spending reductions before it adds new spending, most people would say, well, I hope so, and they would say that is what they think Congress is doing. How many people would realize that not until 1997, if you compare new spending with proposed spending cuts, will we actually end up on net, reducing any Government spending? I suspect very few people would realize that.

How many people understand that the final version of the President's budget that we are going to vote on here, perhaps starting today, raises taxes $3.64 for every dollar in spending cuts? I will offer an amendment, when we consider the budget, that simply does this: freezes discretionary spending, drops all the President's add-on new spending programs, and requires that if any of them are higher priority than what we are spending money on, dollar for dollar, we drop some old programs, as we add new programs. Doing that saves enough money from the President's budget to let us get rid of the income taxes on individuals, the energy taxes, and the Social Security taxes.

I hope my colleagues will vote for that amendment. But let me tell you what that amendment shows. That amendment demonstrates very clearly that the income taxes, the energy taxes, and the Social Security taxes are not being imposed on Americans to pay for deficit reduction. Every penny of individual income taxes, energy taxes, and Social Security taxes will go to fund new Government spending. And if we did not increase Government spending, we could have the same deficit reduction in the President's budget without imposing those taxes.

Well, I ask you to simply imagine, if we ask the American people, are you willing to raise income taxes, raise energy taxes, and tax Social Security recipients earning $18,000 a year on their W-2 form—the President says $25,000, but he is counting as income the value of the rent they would have to pay if they didn't own their home—if you ask that question, how many Americans would be willing to pay those taxes, so that we would increase spending? My guess is, Madam President, that not 1 out of 10 people in the land would say "yes."

Yet, by an incredible paradox, that is exactly what the President's budget does. The Bible, in its great admonition, "Ye shall know the truth and the truth will make you free," does not add the crucial piece of information that we need to know as we debate this budget, and that is: How are you going to know the truth?

One of the great frustrations of my political life has been getting people to look at the facts. People are mesmerized by the rhetoric, and there is a gulf between the rhetoric and the reality of this budget.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER] is recognized.

Under the previous order, the Senators from Virginia had 15 minutes. Senator ROBB used all but 5 minutes 35 seconds of that time.

Mr. WARNER. I thank the Chair.

(The remarks of Mr. WARNER pertaining to the introduction of S. 597 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WARNER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Margaret Goud Collins be allowed to accompany me on the Senate floor today, March 17, between the hours of 10:55 a.m. and 11:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized to speak for up to 20 minutes.

NAFTA AND THE ENVIRONMENT: BREAKING NEW GROUND

Mr. BAUCUS. Mr. President, in 1961, Mexican Nobel Laureate Octavio Paz wrote that, "New facts radically contrary to the predictions of theory, demand a new set of instruments, or at least a sharpening of those we already possess."

In our rapidly changing world, these words still apply. And they apply with particular force to the global environment. Every day, we learn more about the environmental costs that economic development can bring. And as we sharpen our tools for international trade, we must keep this new environmental fact in mind. That is why it is so important that the groundbreaking North American Free-Trade Agreement, the so-called NAFTA, contain strong provisions to protect the environment.

Negotiations begin today on the NAFTA supplemental agreements. Today Ambassador Mickey Kantor is meeting with his counterpart to negotiate the side agreements. In testimony before the Environment and Public Works Committee yesterday, U.S. Trade Representative Mickey Kantor pledged to negotiate an environmental agreement with real teeth to enforce environmental goals. I hope he succeeds. If he does, we will be taking a critical step toward the goal of global sustainable development.

THE NEW FACTS

Mr. President, NAFTA truly is revolutionary.

If agreed to, it will link the economies of two of the world's most advanced nations—that is, the United States and Canada—with the struggling economy of a developing country, Mexico.

It also will be the first free-trade agreement completed in the post-Rio era. The Earth summit exposed the fact that economic growth has environmental costs. Costs to local populations, who must breathe the air and drink the water near the factories. And global costs, because the flow of water and the flow of air carries pollutants beyond their source.

Trade rules are the only global controls on economic development. NAFTA gives us a chance to move toward a new era in international relations, an era in which trade relations reflect ecological realities. We can use NAFTA to protect and encourage sound environmental practices.

A NEW VISION

Let me begin by stating that I believe NAFTA is a good idea. In general, I support the text as it stands.

I also must point out that NAFTA cannot solve all of North America's environmental problems. But it can help solve some of them, and help us to solve many more.

Some environmental protections are included in the existing text: protection for health standards, a ban on reducing standards to attract investment, dispute resolution safeguards.

In the side negotiations, a North American Commission on the Environment, or NACE, was agreed on. It was seen as an environmental watchdog, but its duties were undefined. Since then, a number of proposals have suggested duties and responsibilities for NACE. I want to review and discuss those proposals briefly here.

The previous administration saw NACE as a consulting body. The Commission would meet at regular intervals. It would issue reports on environmental progress in North America. NACE could shed light on environmental concerns. It would create public pressure for solutions.

Now, I do not underestimate the power of the sunshine of public opinion. In many cases, publicity can drive real changes. In others, it can stimulate public debate on difficult choices. I certainly support this formal, report-writing side of the Commission.

Likewise, I agree that NACE should serve as a forum for consultation among the three Governments. NACE can head off environmental disputes and coordinate programs for sustainable development.

NACE WITH A BITE

But we have to go further.

And I must point out, Mr. President, at this point that sunshine alone will not have near the force and effect in Mexico that it does in our country, very simply because in the United States citizens have individual standing to sue. Once a report is issued, once it is made public, individual citizens can sue under American environmental statutes. Virtually every American environmental statute gives most American citizens standing to sue.

That is not the case in Mexico, a country where individuals do not have standing to sue. So the sunshine of a public report, even though it is publicly known in Mexico, does not have nearly the effect it would have in our country.

That is just one of the many examples of the differences between environmental enforcement in America versus environmental enforcement in Mexico.

That is why I think we have to go further.

We face concrete environmental problems that call for concrete solutions. Under NAFTA, American businesses will have direct competition from firms that have not borne the same environmental regulatory costs. Mexico's environmental regulators are playing catchup, and they are already overburdened. Some companies may gamble that noncompliance will pay off.

We have to change the stakes. How do we do it? By using NACE to assure that environmental laws are enforced. Clearly this is difficult. It involves complex issues of sovereignty and of procedure. But assuring enforcement is necessary. Otherwise, the American people will not have confidence that NAFTA will not undermine environmental protection and undermine their own jobs in America.

Mr. President, I have proposed a structure for NACE, designed to respect sovereignty and maintain flexibility—but also to ensure enforcement and, therefore, to ensure, in fact, a level playing field.

The United States has good, strong environmental laws. Mexico has good, strong environmental laws. So what is the difference? The difference is we Americans enforce our environmental laws. Mexico, in the main, does not enforce its environmental laws.

So if we are going to have a true level playing field, not only to protect the environment but also provide jobs, we have to be sure that not only are the standards equal but the enforcement is also equal.

In a nutshell, NACE will receive and investigate complaints of violations of environmental laws. It will offer technical and financial consulting to help violators cut pollution. And it will gauge progress on compliance, so that the complaining nation can decide whether or not penalties should be imposed.

Mr. President, I ask that a more detailed description of my proposal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROPOSED NACE COMPLAINT PROCESS

Mexico has made substantial progress in its handling of environmental problems. NAFTA and the economic development it promises will likely lead to further progress in the long term. However, Mexico cannot expand its technical community fast enough even to meet its present environmental needs, and industrial development encouraged by NAFTA will only worsen the situation. Industries may take advantage of this situation, and NAFTA might inadvertently lead to increased environmental degradation in Mexico, as well as providing a subsidy to industries that operate without the cost of environmental compliance. The plan proposed here will offer oversight and remedies for parties that might be injured by this noncompliance, as well as providing technical assistance to help firms meet environmental standards.

INITIATION OF COMPLAINT

The complaint process should take no more than 12 months. It begins when a complaint is lodged with NACE, providing evidence that a firm that produces goods traded under NAFTA is violating federal environmental regulations, or that a pattern of nonenforcement is underway. Standing to file a complaint and the laws that fall within NACE's jurisdiction are negotiable. We suggest that NGOs, business, or government of a different nationality from the offending business be eligible to file, and that the Mexican Environmental Act of 1988 and corresponding U.S. and Canadian laws be within the NACE jurisdiction.

NACE INVESTIGATION

The NACE tri-national panel of experts rules on the complaint's trade impact (i.e., is the firm engaging in trade under NAFTA?) and merit (i.e., does the evidence filed with the complaint warrant further investigation?). If not, the complaint dies there. Otherwise, NACE begins its investigation. If searches and subpoenas are necessary, then NACE will act through the national enforcement body (EPA or SEDESOL). Though the national body will obtain necessary court orders and carry out searches, with a NACE observer, it may not block NACE requests. The investigation process will parallel EPA procedures, including public hearings.

ENFORCEMENT AND/OR CONSULTING

If a pattern of non-compliance or non-enforcement is found, then NACE notifies both the national enforcement body and the NACE consulting arm of its findings. The enforcement body then acts on the findings, using its normal procedures. On a parallel track, the NACE consultants work with the industry to identify technologies and processes that would bring its production process into compliance with environmental regulations. In order to assure that the industries are open with the consultants, they must be confident that their disclosures are confidential. The investigative and consulting arms of NACE must, therefore, be entirely separate.

DISPUTE RESOLUTION PROCESS

After a grade period of 4 months, the investigative arm of NACE conducts another inquiry to establish what progress has been made. The results are reported to the government of the complaining party, which evaluates the results. If there has been insufficient change in procedures or plans, then the government may decide to enact a penalty. Penalties might include snap-back or punitive tariffs, or denial of a company's right to export. However, if the government becomes convinced that progress has been made toward correcting the problem, the government may decide not to act. If penalties are imposed, a NAFTA dispute panel may rule on their fairness and compliance with the terms of the side agreement.

CONCLUSION

Mr. BAUCUS. This complaint process offers both a carrot and a stick. The threat of penalties provides impetus to the stubborn polluter. But the offer of assistance is the offer of partnership, an alliance between our governments, our businesses, and our citizens to respond to the new reality we face.

Mr. President, I ask my colleagues to work with me, to work with the administration and the other body to assure that NAFTA becomes an agreement that we, and the American people truly cannot only support, but an agreement that we are proud of.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL VOTER REGISTRATION ACT OF 1993

The Senate resumed consideration of the bill.

Pending:

(1) Simpson Amendment No. 128, to provide for the imposition of civil penalties for misrepresentation or fraud concerning citizenship.

(2) Simpson Modified Amendment No. 129, to provide for a study to determine whether, after enactment, as many as 3.0 percent of persons who are registered to vote are noncitizens.

Mr. MITCHELL. Mr. President, under a previous agreement the Senate was scheduled to vote at 12 noon on a motion to invoke cloture on the voter registration bill. That motion is necessary to end debate on the bill and permit the Senate to proceed to complete action on the measure.

Since approximately this time yesterday I have had a series of discussions with the distinguished Republican leader, with the managers of the bill, and with other interested Senators. We are attempting to accommodate several concerns expressed by different Senators on the measure.

I have just discussed the matter with the distinguished Republican leader, and he has asked that the vote previously set for noon now be set for 2 p.m. I have agreed to do so, as is my custom with respect to requests of this type by the distinguished Republican leader. And I therefore now ask unanimous consent that the cloture vote previously scheduled for noon be rescheduled at 2 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. I certainly will.

Mr. DOLE. The majority leader correctly states we have had a number of discussions. I know the distinguished Senator from Kentucky [Mr. FORD], the manager of the bill, along with the junior Senator from Kentucky, [Mr. MCCONNELL], and others, have been trying to resolve a few of the differences that remain. It is my hope we can do that by 2 p.m. If not, when 2 p.m. comes we will not ask for any further extensions on the cloture vote. So I thank the majority leader.

Mr. MITCHELL. Mr. President, I appreciate the Senator's comments. For the information of Senators, it had been my intention following the cloture vote that if cloture were invoked to remain on the bill until we complete action on the bill. That still is my intention. If cloture is not invoked then it is my intention to proceed to the budget resolution shortly thereafter.

And I previously stated this publicly on many occasions, and of course I have discussed it with the Republican leader, so that intention remains. I hope we will get cloture and I hope we will finish the bill. But if we do not then we will proceed to the budget resolution which is of course a privileged matter and will deal with that at that time.

MORNING BUSINESS

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I now ask unanimous consent there be a period for morning business, during which Senators are permitted to speak, until 1:30 p.m. today. And that the time between 1:30 and 2 p.m. today be equally divided and controlled between Senators FORD and MCCONNELL, on the bill.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A FAIR CLINTON BUDGET

Mr. BURNS. Mr. President, I rise today and compliment my fellow western Senators on the other side of the aisle on what was apparently a successful meeting with President Clinton yesterday. The man in the chair today was a part of that meeting with the President.

Based on reports in western newspapers and reports from groups that met with the Democratic Senators yesterday after the meeting with the President, all indications are that President Clinton is willing to adjust his budget plan to make it more fair for Western and farm States.

I have been expressing my concerns about the negative impacts on my own State of Montana of the Clinton budget plan ever since it was unveiled, nearly a month ago. I was pleased to see my colleagues Senator BAUCUS, Senator CONRAD, Senator DORGAN, Senator CAMPBELL, Senator BINGAMAN, Senator DECONCINI, Senator BRYAN, and Senator REID all agreed with me when they wrote both to the OMB Director Panetta, and President Clinton and said:

> We are, however, convinced that several features of the present plan—particularly when taken together—would harm the economies of the farm belt and the American West. With its heavy cuts in the current farm programs and increased fees on extractive resource industries, we believe the plan in its current form would have a disproportionate negative impact on our home States.

These words are nearly identical to my comments about the budget proposal and its impact on my home State of Montana when it was unveiled.

Mr. President, I ask unanimous consent to have the letters from the western Democratic Senators to President Clinton and to OMB Director Panetta printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 9, 1993.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: In your address to Congress, you put forth a bold plan to create jobs, stimulate investment and bring down the deficit.

We respect your leadership and we are writing as friends who share your vision of America's future. We are eager to work with you to pass an economic plan that is both fair and achieves the goals you spoke of in your address.

Moreover, we appreciate your good faith attempts to spread the burdens of this proposal across the different regions of this country. We support many of the savings, investments, and job creation measures called for in your plan.

We are, however, convinced that several features of the present plan—particularly when taken together—would harm the economies of the farm belt and the American West. With its heavy cuts in the current farm program and increased fees on extractive resource industries, we believe the plan, in its current form, would have a disproportionate negative impact on our home states.

Along with the people we represent, we are ready to heed your call for sacrifice—so long as that sacrifice is fairly borne by all Americans. In its present form, we believe your plan falls short of meeting this fundamental goal. However, we also believe these problems can be solved with relatively minor modifications that also achieve a serious reduction in the federal deficit.

In closing, we ask for an opportunity to personally discuss these concerns with you in greater detail later this week. We believe this meeting is an essential first step toward building a solid Democratic consensus behind your plan when it comes before the Senate.

Sincerely,

MAX BAUCUS, BEN NIGHTHORSE CAMPBELL,
JEFF BINGAMAN, DENNIS DECONCINI,
HARRY REID, RICHARD H. BRYAN.

U.S. SENATE,
Washington, DC, March 2, 1993.

Hon. LEON E. PANETTA,
Director, Office of Management and Budget, Old Executive Office Building, Washington, DC.

DEAR DIRECTOR PANETTA: In his address to Congress, President Clinton put forth a bold plan to create jobs, stimulate investment and bring down the deficit.

Like the vast majority of the people we represent, we want the President's plan to succeed. For the sake of our future, we must work together to reach agreement on an economic plan that is both fair and achieves the goals outlined in the President's Address. Above all else, we would like to back the President and do what is best for this nation.

Moreover, we appreciate the Administration's good faith attempts to spread the burdens of this proposal across the different regions of this country. As westerners, we support many of the savings, investments, and job creation measures outlined in the President's plan.

We are, however, convinced that several features of the present plan—particularly when taken together—would cripple the economy of the American West. With its cuts in the current farm program and heavy fees on extractive resource industries, the President's plan would have a disproportionate negative impact on the West.

During his address, the President stated: "Our immediate priority must be to create jobs, create jobs now." We are concerned, however, that the economic plan as it now stands would cost jobs throughout the West. For instance, deep reductions in a number of programs threaten to eliminate thousands of jobs and drain income from resource dependent western communities. While the economic base in each of our states is unique, the programs of concern include: farm price supports, public lands grazing, hard rock mining, the Forest Service timber program, and rural electrification. In addition, while the details remain unclear, we are concerned that the proposed energy tax may disproportionately impact several key industries in the West.

We note that the New York Times of February 19 ran an article entitled "Clinton Tax Package is Seen as Net Gain For New York." In contrast, the New York Times of February 24 ran a front-page article outlining some of the sweeping impacts this proposal will have on the land and the people of the American West.

We do not mention this to single out New York or any other state. Rather, Americans in every region of this country must pull together and bear their fair share of the sacrifices called for by the President. We are willing to carry our fair share of the load. However, we are convinced that the West—particularly rural communities in the West—would be particularly hard hit by the current Administration plan.

We ask for an opportunity to personally discuss these concerns with you in greater detail. The relatively small costs of many of the programs we have mentioned—a total of approximately $1 billion over five years—do not reflect their critical importance to the economic stability of the West. Furthermore, we are open to other ways of achieving similar savings. Still, we remain firmly convinced that the present plan must be modified if it is to be truly fair to the people we represent.

In last year's election, President Clinton made significant gains throughout the West. For example, he became the first Democrat in over two decades to carry Montana, Nevada, New Mexico, and Colorado. Moreover, he enjoys significant support in each of our states today. With relatively slight modifications, we believe the President can build on this base of support and change the face of politics in the American West.

Thank you for your consideration. We look forward to meeting with you as soon as possible. We must begin to build a solid consensus behind the President and his economic policies.

Max Baucus, Richard Bryan, Dennis DeConcini, Harry Reid, Ben Nighthorse Campbell, Byron Dorgan, and Kent Conrad.

Mr. BURNS. It is gratifying to see the senior Senator from Montana agrees with me that these would hurt the State of Montana. I congratulate him on bringing his concerns to the President. I know he is under considerable pressure from the majority leader and of course President Clinton to simply support the party line and vote for the package. But our concerns are not based on whether you are a Democrat or Republican. They are based on what is fair and what is not fair.

The Clinton budget plan simply does not treat the residents of the West in a fair manner. Agriculture and natural resources, along with westerners who drive long distances, have long winters, are being asked to do more than other Americans.

While I am bothered that the plan relies too heavily on tax increases and too little on spending reductions, I am most concerned, like my western Democratic colleagues, about the energy taxes which hit large rural, energy-producing and agriculture-producing States like Montana. It hurts us very hard, and doubly if you are an energy producer and you are also an energy user.

Agriculture ranks fifth in the use of energy in its production of food and fiber for this Nation. Not only do Montanans have longer distances to drive, we have colder, longer winters than most, but the large part of our economy is based on energy production. The Clinton plan is weighted against western coal and its impact on the price of hydroelectric power which is put into the same category with Eastern States. Of course Eastern States do not rely on hydro for their electrical power.

Furthermore, agriculture, which is our State's No. 1 industry, will bear the largest part of the burden. Agriculture is energy-intensive. It ranks, as I said, fifth across the Nation. It will cost American farmers almost $500 million more each year to produce the food and fiber for this country.

While the Senate Budget Committee has slightly reduced the $8 billion of spending cuts being asked for from American farmers and ranchers that was in the Clinton package, I agree with my friends Senator CONRAD and Senator DORGAN from North Dakota, that it is unfair to our Nation's farmers and ranchers who feed this Nation. That is our primary and first goal. All this, coupled with increases in mining fees, increases in grazing fees, changes in below-cost timber sale policy and the like, adds up to trouble in the Western States and it is trouble for Montana's economy.

Every facet of our national resource based economy will be impacted. I for one want to work with Senator BAUCUS and my fellow Democratic Senators on making the budget more balanced for the West. It is imperative that we encourage the President to arrive at a more balanced approach when dealing with this deficit. I am pleased to see President Clinton's apparent willingness to consider such changes.

So I would like to see the details on what changes were discussed yesterday at the White House, and I stand ready to work in a bipartisan effort with my good friends in the Senate and with President Clinton to make those changes in that budget plan a reality.

I thought it was a very positive step yesterday. I congratulate my colleagues in the U.S. Senate.

Mr. President, I yield the floor.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,212,527,303,400.68 as of the close of business on Monday, March 15.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,400.15—thanks to the big spenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

USE OF CHLOROFLUOROCARBON PROPELLANTS

Mr. D'AMATO. Mr. President, many people will be reminded of green things on this March 17. But let me move beyond shamrocks and leprechauns and point out a special "green" theme we should all recognize on this date.

On March 17, 1978, the Environmental Protection Agency took an important step toward protecting our environment when it promulgated regulations prohibiting the further use of chlorofluorocarbon [CFC] propellants from almost all aerosol products manufactured and sold in the United States. At that time, the theory that CFC's may play a role in ozone depletion was relatively new. Responding to consumer concern, however, many U.S. manufacturers of aerosols had already, voluntarily, begun to introduce alternatives to CFC propellants.

In recent years, with growing public debate—indeed worldwide debate—about the impact of chlorofluorocarbons on the Earth's atmosphere, the importance of this step is clear. Under the international agreement we call the Montreal protocols, CFC's are due to be phased out of existence worldwide by the year 2005.

Changing the basic formula of a product is never easy. In the case of aerosol products, changing from one propellant system to another was indeed a complex undertaking. Hundreds of products had to be reformulated and retested in order to assure that new kinds of propellants would work as well as CFC propellants had. For some products this was an extremely difficult procedure and costly to undertake. But the U.S. aerosol industry complied fully with the 1978 regulation and, in fact, led the way for the rest of the world. CFC's have now also been banned from aerosol products in Canada, Britain, Mexico, and most European countries.

The sad thing is, though, that public perception has not caught up with reality. Public opinion polls, taken as recently as last year, indicate that 86 percent of the American people are not aware that aerosol products do not contain CFC's. And it's no wonder this is the case. Newspaper and television stories about CFC's often strengthen the myth by illustrating articles about CFC's with a picture of an aerosol can, totally misrepresenting the real situation.

Recently, children's television programs, books, and comic books have concentrated on environmental issues as part of a welcome trend to educate kids about our Earth. An investigation of these influential communications tools, however, will show that they too frequently contain information that is simply wrong. Many, for instance, point to aerosol products and tell their young readers that these products are bad because they contain CFC's, that using aerosol products helps to burn holes in the ozone layer. Some of these materials are provided to teachers to use with young students. We are building a generation of environmentally conscious children who have been taught a false set of facts.

On this 15th annivsary of the prohibition of CFC's in U.S. produced aerosols, I want to commend the industry which produces these important products for their efforts at environmental education. The industry is working directly with the media and with school systems to remind the American public that aerosols are not harmful to the ozone layer, that they are free of CFC's, and that children—and their parents—don't have to avoid aerosol products.

In addition to being CFC free, U.S. aerosols are also recyclable in many communities around the United States from Washington, DC, to Pittsburgh and Phoenix. Most aerosols are packaged in steel cans and the rest in aluminum, all of which can be recycled like other empty steel and aluminum cans. The steel used to make aerosol cans contains about 25 percent recycled steel.

The companies in the aerosol industry have worked hard to produce products which are efficacious and environmentally sound; in other words, they work and they don't hurt the ozone layer. The more than 100,000 Americans directly employed in the aerosol industry are proud of their companies and of their products and rightly so.

March 17 may be a day when we think green means Irish. But green on this date should also remind us that U.S.-produced aerosols have been CFC free since 1978.

UNCONVENTIONAL RIGHTS: CHILDREN AND THE UNITED NATIONS

Mr. HATCH. Mr. President, recently, the following monograph was written by Dr. James P. Lucier and published by the Family Research Council in Washington, DC. This paper is entitled "Unconventional Rights: Children and the United Nations." Jim Lucier served for 25 years on the staff of the U.S. Senate and is the former minority staff director for the Foreign Relations Committee. His knowledge of treaty law is outstanding, as a result of years of practical experience, and he demonstrates that knowledge in his remarkable analysis of the U.N. Convention on the Rights of the Child. While I do not agree with everything that is stated, I believe his ideas are worthwhile and important to consider.

U.N. CONVENTION ON THE RIGHTS OF THE CHILD

There has been much discussion lately about the rights of children. It is a discussion, I believe, which is not so much about whether children have rights as about which institutions in society should have first priority in protecting those rights. It is my belief, and I believe the belief of the vast majority of the American people, that the traditional family unit is best equipped for the nurture and upbringing of the next generation.

This is not to say that every family is successful. Nor is it to deny that there are occasions when society must intervene to protect children from abusive or incompetent parents. Nor is it just a question of where to draw the line. Rather, it is a presumption, as the U.S. Supreme Court has indicated many times, that the family is the first and best center for child development.

The danger in establishing the principle that the rights of the child are somehow separate and independent from the rights of the family is that it sets up a potentially divisive principle that will lead to the accelerated breakup of families, often through the intervention of the state or child welfare agencies.

Although there are always hard cases, when a child may be endangered by his or her parents and needs protection, the acceptance of a legal principle that all children, not just a few endangered children, have autonomous rights that may be asserted against the family it diminishes the authority of every parent, whether it is a single parent or a traditional family unit. It brings the dubious authority of the state, often in the guise of court decisions, to bear on every relationship between parent and child.

Since the child is in a state of rapid development, often exploring opportunities of asserting increasing independence, the intervention of the state in areas of moral decisionmaking on a secular, value-free basis cannot help but affect the child in a detrimental way. The debate should be framed not in terms of the rights of the child of the parent, but in terms of the rights of the family—including the rights of the child—against the authority of the state. The danger to children as a whole is much greater than state norms and state intervention than it is from the occasional failure of specific families to function.

These issues are still the object of lively debate in the United States, as we see in the media every day. Yet, if we are not alert these issues could well be imposed upon the United States without debate if this country were to sign and ratify the U.S. Convention of the Rights of the Child. Although the Convention was approved by the U.N. General Assembly on November 20, 1989, and entered into force on September 2, 1990, as soon as the first 20 nations had ratified it, the United States is not a signer and of course, does not intend to ratify it.

Former President Bush was wise in rejecting the U.N. Convention on the Rights of the Child, despite the pressure of a noisy group of so-called child's rights advocates. Indeed, many of the so-called rights which states-parties to the treaty are required to adopt are contrary to the national consensus on the rights of families; and others contrary to the U.S. Constitution. Moreover, it would require the U.S. Government to adopt measures which undermine the Federal principles of the republic, as well as U.S. national sovereignty, in determining domestic matters.

Indeed, the principles set forward in the Convention are contrary not only to the U.S. Constitution, but to the fundamental basis of our legal system, the common law. Most nations in the worlds, except for those first organized by British colonialism, follow an entirely different system of law, commonly called the civil law or the Romano-Germanic system. Although the goal of justice is presumably the same, the legal concepts underlying each one are quite different, if not incompatible. Our ideas of freedom, based on Magna Carta, are highly suspicious of the sovereign, whether it was King John in the old days, or the Federal Government today. The common law believes that freedom and justice are more apt to be brought about by an adversarial system. The Romano-Germanic system takes a much more sanguine view of the ability of judges, bureaucrats, and technocrats to bring about social justice. Yet the U.N. Convention on the Rights of the Child is rooted in the alien concepts of Romano-Germanic law.

SOUTH DAKOTA AUTO DEALERS EXCEL

Mr. PRESSLER. Mr. President, today, I congratulate two exceptional South Dakotans—James Lust of Aberdeen and Bill Willrodt of Chamberlain. These two businessmen serve as sterling examples to automobile dealers across America. They are accomplished entrepreneurs and service providers.

Recently, Jim Lust was elected president of the National Automobile Dealers Association [NADA]. He has worked with NADA for years, both at the State and national levels. Bill Willrodt recently received Time magazine's Quality Dealer Award [TMQDA]. Bill was 1 of only 67 dealers nationwide to be nominated for the magazine's award.

In the midst of tough economic times, these two South Dakota entrepreneurs continued to prosper. I applaud their sound business sense. Keeping all of South Dakota's small businesses healthy is a top priority of mine. As a fellow South Dakotan, I am proud of Bill's and Jim's accomplishments. I applaud their dedication to the auto industry. I am confident they will continue to represent their field with distinction.

Mr. President, I ask unanimous consent that an article in Automotive Executive featuring Jim Lust and an article in the South Dakota Automobile Dealers Association Report featuring Bill Willrodt be printed in the RECORD immediately following the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Automotive Executive, Feb. 1993]

JIM LUST'S NEW HORIZONS

(By Ted Orme)

The expression "as far as the eye can see" could have been invented in Aberdeen, S. Dak. Under a brilliant sun, without a trace of smog, the vast, flat prairie stretches uninterrupted to the horizon. It's land where the Sioux and the buffalo once roamed, now carved into perfect squares that produce endless acres of grain and tons of beef. The "hub" city of Aberdeen sprang from the prairie in the 1880s, when four railroad lines converged here. Today, it's a hospitable city of 28,000, where high school sports still make the front page. A visit here will tell you a lot about incoming NADA president Jim Lust.

"I know we're not at the center of the universe," says Lust, a Chevrolet/Buick/Geo dealer who was born and raised in Aberdeen. "But that's why we Dakotans tend to look outward. We believe in horizons."

The climate can change fast in the Dakotas and people are used to adjusting quickly. Lust says dealers are going to have to do the same thing in the 1990s. "We will have to continually shift our focus to meet current market conditions," he says. "We can do that because we are entrepreneurs. We can use market forces to our advantage and make adjustments quickly. [Dealers] succeed because we're fast on our feet."

THE MAN

Those who think of dealers in stereotypical terms will not like Jim Lust. A Dartmouth College graduate, Lust is often in his 1,500-book home library reading such works as the biography of Alexander the Great. When not listening to Chopin or Beethoven, he's playing them on his grand piano. He's also a hunter, golfer, and all-around sportsman.

But at 55, the athlete's curse—bad knees—has caught up to him, and he is forced to enjoy the more rigorous sports vicariously through his children. Despite a busy schedule, he never misses a chance to cheer his kids on.

That's no surprise. Family gets top priority. He and his wife, Dawn, had seven children before she died in 1979. (That was the same year his dad, Loel Lust, died and only a year after his brother, Jerry died in an auto accident.) Lust threw himself into single parenting with his usual energy and innovation. To help maintain discipline and order among his children, then ranging in age from 4 to 17, Lust devised the "bed monster," who could tear up your room if you didn't make your bed. To keep internecine squabbling over favoritism under control, there was the "FC [favorite child] list," which got a new ranking every week according to good or bad deeds. "To this day, even my grown children ask how they currently rank on the FC list," Lusts says.

But he could not give his children a mother's touch. That came in 1982, when Jim married Vicki, who had one child of her own. Today, only the two youngest sons, John and Jamie, remain at home. His son Steve works at the dealership; the other Lust kids have scattered around the country "to do their thing," as Lust puts it.

THE STORE

When he left for the Ivy League, Lust didn't expect to come back to Aberdeen, and certainly not to the dealership his father bought in 1937. At Dartmouth, he studied history and economics, not business, and he wanted to become a college professor. But his father suffered a heart attack and asked Jim to run the business.

"I made it clear this was only going to be temporary," says Lust. But it wasn't long before his latent entrepreneurial tendencies blossomed. Later, his brother Jerry helped run the business until 1962, when Jim, then 26 bought out his brother.

The store now has 50 employees, sells 1,400 new and used cars a year, and has annual total sales of $19 million. All departments of Lust Chevrolet/Buick/Geo are profitable and, during a year when the average dealership had a net profit on sales of only 1.3 percent, this store made 4 percent. The store also has a 96 CSI and low staff turnover.

In 1990, Lust and two members of his NADA 20 Group acquired a struggling Chevrolet/Oldsmobile dealership in Corvallis, Oreg. Lust became president, and under his new management team the store will make money this year. He did the same thing in the 1970s, when he bought a failing Pontiac/GMC store in Bismark, S. Dak., sent his general sales manager there to restore it to profitability, then sold it to the manager five years later.

What's Jim Lust's secret of success? Simple. It's a long history of focusing on the customer, commitment to the community, and having employees make their own decisions. A good example is the dealership's "We Care Committee," made up of 11 managers and representatives from all six departments, who meet once a month to explore ways to improve dealership operations, employee benefits, and, most of all, customer relations. Each department contributes $100 per month to a fund that allows managers to quickly make "goodwill" adjustments to keep customers satisfied.

Going that extra mile for their customers, Lust employees convert to "Code Blue" when temperatures in Aberdeen drop as low as minus 30 degrees. That's when salespeople and managers spend the whole day out helping customers start their cars or giving them rides.

Education and training are also key. All senior techs are ASE certified, as is the owner relations manager. The sales force recently completed NADA's Salesperson Certification program. And the store also encourages employees to contribute to the community and pays membership fees for them to belong to civic and charitable organizations. "We think if you do a good job in the community, you have an obligation to pay back," says Lust, a leader in Aberdeen's civic and business community.

THE PLAN

Lust has no illusions about changing the image of dealers overnight, but says a better image and improved profits are linked to a commitment to customers, community, and ethical practices. "It's not Pollyanna-ish," he says. "It's good business."

He wants dealers to use their entrepreneurial skills to take advantage of an expanding market, but warns, "We don't want to forget the hard-learned lessons of this recession—namely, we've got to stay lean and mean even in good times, and profitability is more important than market share, for both dealers and [makers]."

In addition to boundless optimism and energy, Lust also brings to the NADA presidency his down-home Dakota style. "I want to keep the vision simple," he says.

[From the South Dakota Automobile Dealers Association Report, February 1993]

WILLRODT HONORED BY TIME

Time Magazine has named Bill Willrodt, President, Willrodt Motor Company, Inc., Chamberlain, South Dakota, as a recipient of the 1993 Time Magazine Quality Dealer Award (TMQDA). The announcement was made February 6 by Edward R. McCarrick, Associate Publisher of Time Magazine, during the National Automobile Dealers Association Convention in New Orleans. Mr. Willrodt and other award winners were honored at the opening business meeting of this year's NADA Convention.

Mr. Willrodt is one of only 67 dealers nationwide to be nominated for the magazine's award, sponsored in cooperation with NADA since 1970.

A Chamberlain native, Bill began his automotive career in 1952 when he and his father, Harold, purchased Nelson Motor Company. Today, Willrodt Motor Company markets the Chrysler, Plymouth, Dodge and GMC automotive lines. Under Mr. Willrodt's leadership, his dealership has been presented with many Chrysler sales and service awards over the years.

Mr. Willrodt is active in his local community, as a member of the Chamber of Commerce and the Lake Francis Case Development Corporation. In 1979, Bill provided the land and service access needed to build a new hospital in Chamberlain. Built in 1981, the hospital has expanded twice since then.

Bill and his wife Mary are the parents of six children. Two of their sons, Peter and Paul, are active in the day-to-day operations of Willrodt Motors.

On behalf of the entire membership of SDADA, we extend our congratulations to Bill and Mary Willrodt, their family, and the personnel at Willrodt Motor Co.

A CHRISTIAN AMERICA

Mr. HELMS. Mr. President, we live in an era when it is fashionable to pretend that our Founding Fathers were neither religious nor Christians, nor anything else having to do with a belief that God played a major role in the creation of America. The atheists and agnostics have managed to dominate the major media of America—and a great many textbooks used in our schools. They have, in my judgment, done great harm.

But I was overjoyed to see an op-ed piece in this morning's Charlotte (NC) Observer written by a Baptist minister who obviously felt obliged to speak out—and speak out he did, eloquently, forcefully and without equivocation. The minister is Rev. M. Doyle Holder, pastor of Bethel Baptist Church in Bethel, NC.

The Charlotte Observer headed the Reverend Mr. Holder's remarks, "A Christian America" and immediately below was a subheading reading, "From the words of our Founding Fathers to those of the High Court, our roots in religion are indisputable."

Mr. President, immediately upon reading the Reverend Mr. Holder's piece, I called him to express my deep appreciation for his having been willing to stand up to be counted and I commend the Charlotte Observer for its willingness to provide space for this fine minister's remarks.

Mr. President, I ask unanimous consent that the text of the Reverend Mr. Holder's article be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A CHRISTIAN AMERICA: FROM THE WORDS OF OUR FOUNDING FATHERS TO THOSE OF THE HIGH COURT, OUR ROOTS IN RELIGION ARE INDISPUTABLE

(By M. Doyle Holder)

America is witnessing a concerted effort to rewrite history and redefine how our Constitution's framers envisioned their new nation. We are being led to believe that Americans practiced Christianity openly for some 175 years against the Founding Fathers' wishes and intentions.

The Supreme Court continues to adjudicate cautiously while ignoring history and compromising rights that have long been taken for granted. As history is rewritten, these protected freedoms vanish.

The Christian compassion of our Founding Fathers is evident in their writing; they believed in the personal God of the Scriptures even if they denied the deity of Christ.

FROM FRANKLIN . . .

Witness a plea for public prayer made by Benjamin Franklin on June 28, 1787, at the Constitutional Convention. Dissension had developed in the convention, and Franklin offered a solution:

"We have not hitherto once thought of humbly applying to the Father of lights to illuminate our understanding. In the beginning of the contest with Great Britain, when we were sensitive to danger, we had daily prayers in this room for divine protection.

"Our prayers, sir, were heard, and they were graciously answered . . . Do we imagine that we no longer need His assistance? I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs the affairs of men.

"And if a sparrow cannot fall to the ground without His notice, is it probable an empire can rise without His aid?"

Franklin then asked that prayers be held each morning before Congress proceeded with its business, and the practice continues to this day. It continued in our public schools until 1962. And it continued at many sporting events and school graduations until the high court realized that this practice was, apparently, not the intent of our Founding Fathers.

Thomas Jefferson shared Franklin's view:

"Can the liberties of a nation be sure when we remove their only firm basis, a conviction in the minds of the people, that these liberties are the gift of God? That they are not to be violated but with His wrath? Indeed, I tremble for my country when I reflect that God is just; that His justice cannot sleep forever, that revolution of the wheel of fortune, a change of situation, is among possible events; that it may become probable by supernatural influence! The Almighty has no attribute which can take side with us in that event."

God is not seen by these men as a mere absentee clockmaker (as true, deism suggests), leaving the world to founder. He is seen as someone worthy of their appeal and fear.

. . . TO DOUGLAS

The historical case for Christian America continues.

In 1892 the U.S. Supreme Court studied the connection between Christianity and government. After reviewing hundreds of volumes of historical documents, the court asserted, "These references . . . add a volume of unofficial declarations to the mass of organic utterances that this is a religious people . . . a Christian nation."

In 1931, Supreme Court Justice George Sutherland reviewed the 1892 decision in the course of another case and said again that Americans are a "Christian people." And in 1952, Justice William Douglas affirmed that "we are a religious people and our institutions presuppose a Supreme Being."

The Christian religion was the faith of early America. In 1835, French historian Alexis de Tocqueville, while visiting the United States, reported, "Upon my arrival in the United States the religious aspect of the country was the first thing that struck my attention." And in 1848 he eloquently remarked:

"America is still the place where the Christian religion has kept the greatest real power over men's souls; and nothing better demonstrates how useful and natural it is to man, since the country where it now has the widest sway is both the most enlightened and the freest. . . . They (the clergy) are at pains to keep out of the affairs and not mix in the . . . parties. One cannot therefore say that in the United States religion influences the laws or political opinions in detail, but it does direct mores, and by regulating domestic life it helps to regulate the state."

Until the drafting of the Constitution and beyond, state laws forbade anyone from holding office unless he was a Christian.

In most states there were religious requirements for citizenship and voting; laws prohibiting blasphemy; laws requiring a trinitarian faith, or a firm belief in the infallibility of Scripture; and laws barring non-Christians as witnesses in court. Many states also called for the imprisonment of anyone who was an atheist.

HISTORY AS IT HAPPENED

History proves, without doubt, the Christian roots of America.

The Supreme Court, state officials and school boards would do well to study history as it happened before suppressing or removing rights that have been practiced and guaranteed by our Founding Fathers.

FRIENDS OF IRELAND—ST. PATRICK'S DAY STATEMENT, 1993

Mr. KENNEDY. Mr. President, the Friends of Ireland in Congress join annually in a St. Patrick's Day statement to bring attention to issues relating to Ireland and to the problems which continue to plague Northern Ireland.

The Friends of Ireland is a bipartisan group of Senators and Representatives dedicated to strengthening the relationship between the United States and all of Ireland. More than 44 million American citizens trace their ancestry to Ireland and are proud of their Irish heritage.

We are also deeply concerned about the violence and terrorism which continues in Northern Ireland and which has claimed the lives of more than 3,000 people in the past quarter century. More than ever, it is essential to achieve a peaceful, negotiated solution to the conflict, and all of us hope that the United States will play an effective role in encouraging the parties to achieve it.

This year's Friends of Ireland statement covers many aspects of these important issues. I believe it will be of interest to all Members of the Senate, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE FRIENDS OF IRELAND, ST. PATRICK'S DAY, 1993

On this St. Patrick's Day, the Friends of Ireland in the United States Congress join with all Irish Americans, and indeed Irish people everywhere, in celebrating Irish heritage and in calling for renewed efforts to achieve peace, reconciliation, and justice in Northern Ireland. We welcome the Prime Minister of Ireland, An Taoiseach Albert Reynolds, to Washington and look forward to working closely with him, with the Deputy Prime Minister, Tanaiste Dick Spring, and with their British counterparts, in seeking ways to achieve these ends over the coming years.

We also take special note of the recent gains made by the women of Ireland. The historic election of President Mary Robinson in 1990, the victories of twenty women in the recent parliamentary elections, and the appointment of the first woman to the board of directors of the International Fund for Ireland are all developments which will enhance the important role of women in the political life of Ireland.

Our concern for a peaceful and just solution in Northern Ireland springs not only from our personal commitment to Ireland but also from our awareness of the exceptional contributions that generations of Irish men and women have made to the building of this nation. The recent census records 44 million Americans who claim Ireland as the home of their forebears. It reminds us how significant an impact that small island has had on our nation and how disproportionate it has been to its size. It is a source of great sadness, therefore, that this celebration of our common Irish heritage is overshadowed by the continuing tragedy of violence in Northern Ireland.

On this day of Irish affection and friendship, the Friends of Ireland warmly welcome and endorse last year's round-table talks between the Irish and British governments and the constitutional parties in Northern Ireland. We reiterate our full support for the earliest possible renewal of such talks, and their ambitious objective of bringing about a new beginning for relationships within Northern Ireland, within Ireland, and between Ireland and the United Kingdom. The people of Northern Ireland today are crying out for an end to the bitterness and hatred of the past. They demand a political agreement that can bring and end to the violence. They know there can be no real political progress without genuine dialogue between those of all traditions who seek a constitutional way forward towards solving the problems of Ireland.

We unreservedly condemn the violence of the IRA and Loyalist paramilitary groups. Violence begets only more violence and, with it, a cycle of reprisal and revenge. We abhor the violence perpetrated by terrorists through their indiscriminate bombing and shooting campaigns and the misery they bring to ordinary people's lives. Such violence fosters division, bitterness, and distrust. It seeks to destroy the bridges between the two communities which are an essential avenue to a peaceful political compact by Irish men and women of all political persuasions or allegiances. We are convinced that terrorism will never bring justice and peace and so urge all terrorists to lay aside their arms if they truly wish to achieve their goals.

While recognizing that the primary responsibility for resolving the problems of Northern Ireland lies with the Irish and British governments as well as the constitutional parties in Northern Ireland, the Friends believe that the United States can play a constructive role in advancing the political process. We enthusiastically welcome the interest that President Clinton has shown in Irish affairs, and we join with him in offering our support as the people of Ireland search together to find a way forward. We share the view of the Taoiseach that the constructive interest and support of the President and Congress of the United States has the potential to be uniquely helpful. There should be thorough consultation to ensure that this concern is structured in the most effective and helpful manner possible.

The Friends of Ireland attach great importance to the continued and active implementation of the Anglo-Irish Agreement by the two governments. The Agreement, and in particular the role in Northern Ireland assigned to the Irish Government under it, has introduced a new dynamic into the situation through its effort to give formal recognition to the legitimacy and status of the political, economic, and social aspirations of the nationalist community. The Agreement should remain in force until transcended by new arrangements acceptable to the two governments and the constitutional parties in Northern Ireland.

We also continue to have serious concerns involving human rights, most particularly the murder of Irish men, women, and children from terrorist attacks. In addition, Amnesty International and Helsinki Watch have documented incidents involving the use of lethal force by the security forces, collusion between these forces and loyalists paramilitary groups, harassment of young nationalists by the British Army, and the denial of basic civil liberties. Such abuses must end, specific cases of abuse must be independently investigated, and those responsible must be punished.

Confidence in the forces of law and order, and in the impartial administration of justice, is fundamental to the construction of a just and peaceful society in Northern Ireland. We strongly urge the British Government, acting pursuant to consultations in the Anglo-Irish Conference, to put in place a series of measures to respond to the lack of confidence which so clearly exists in the nationalist community. A first step in this direction would be to ensure that all military patrols which come into contact with the public are accompanied by experienced and trained police officers, as agreed in the 1985 arrangements between the two governments.

The British Government should also work to address the recommendations made in reports by Amnesty International, Helsinki Watch, and most recently, by the Lawyers Committee for Human Rights, and the Committee on the Administration of Justice, which is based in Northern Ireland.

In addition, an end to discrimination in employment would help greatly to establish hope and confidence among the nationalist community, especially the young people. We are encouraged by the terms of the 1989 Fair Employment Act and support its implementation with all necessary powers to redress decades of discrimination.

The Friends are convinced that new investment from overseas can also be a positive catalyst for change. We are very pleased that Congressional support for the International Fund for Ireland has enabled it to play a constructive role in economic development, especially in the disadvantaged areas of both Northern Ireland and the border counties of the Republic. In fostering economic and social progress, and building a record of success through cooperation and incentive, the Fund is providing a measure of real hope for those who have suffered the most from the conflict in Northern Ireland. It has, most importantly, become a concrete force for reconciliation and healing through the creation of thousands of permanent jobs and with them, a constructive alternative for those who otherwise might have chosen the path of violence.

We believe the International Fund for Ireland with its independent Board jointly appointed by both governments can be a model for other efforts of cooperation and confidence-building between the two great traditions and the two political communities of Ireland. We welcome such initiatives that offer the prospect of reinforcing reconciliation among the Irish people.

We are hopeful that the process of healing and reconciliation can be advanced in Ireland over the next twelve months. It is now critical that both communities reach out to, and further reassure, one another. The Irish and British governments have the central responsibility to encourage and develop this process. In doing so, they will have our full and enthusiastic support. As Friends of Ireland, it is our dearest wish to see all of Ireland at peace, reconciled, and newly energized, free from the dissensions of the past, playing its full, distinctive, and dynamic part on the European and world stage.

On this St. Patrick's Day, the Friends of Ireland in the United States Congress join friends of Ireland everywhere in urging all parties to make special efforts this year to bring about peace and reconciliation in Northern Ireland.

RECESS UNTIL 1:30 P.M.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from North Dakota, asks unanimous consent that the Senate stand in recess until 1:30 p.m., and that is the order of the Senate.

Thereupon, at 12:55 p.m. the Senate recessed until 1:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mrs. FEINSTEIN].

NATIONAL VOTER REGISTRATION ACT OF 1993

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Kentucky.

Mr. FORD. Madam President, what is the pending business?

The PRESIDING OFFICER. S. 460 is the pending business.

Mr. FORD. Madam President, we have attempted, since this time yesterday, to work out something with our colleagues on the other side. We were very close. This is one that neither side is very happy with.

So we are hoping that we can arrive at a conclusion prior to 2 o'clock, when we will have our cloture vote.

Madam President, I ask unanimous consent that the time under the quorum call be equally charged against both sides.

The PRESIDING OFFICER. There being no objection, it is ordered.

Mr. MCCONNELL. Madam President, let me just second the observation of my friend from Kentucky. We are continuing to work in the hope that we can reach an agreement here by the time to vote at 2 o'clock. Stay tuned.

Mr. FORD. I suggest the absence of a quorum, Madam President.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I ask unanimous consent to speak as if in morning business for 5 minutes, with the time evenly divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

RAPES IN BOSNIA AND HERZEGOVINA

Mrs. BOXER. Madam President, I rise today to express my grave concern about the systematic rapes that are being committed in Bosnia and Herzegovina and to commend those that have taken the necessary first steps to stop this horror and help its victims.

Madam President, as you and I work as hard as we can to focus on the critical issues that face California today, it is very tempting to turn away from these horrors that we see around the world. But, I want to tell my distinguished colleagues that it was a group of leaders in Los Angeles, by some very direct action, that brought me to the floor of the U.S. Senate today.

I want to thank the Women's Coalition Against Ethnic Cleansing for their critical work. Comprised of 19 Los Angeles community, health, and religious groups, this groundbreaking coalition has members that are Christian, Moslem, and Jewish.

I believe that this unity, Madam President, is a model for all of us.

Today, six of their fine leaders will travel from Los Angeles to Croatia to meet with rape victims and counselors in the refugee camps, provide them with counseling and medical information, and conduct a study to ascertain our best method of helping them.

I was deeply touched by the news of their journey and the letter that they sent me.

Madam President, I ask unanimous consent that the text of this letter be printed in the RECORD.

There being no objection, the text of the letter was ordered to be printed in the RECORD, as follows:

WOMEN'S COALITION
AGAINST ETHNIC CLEANSING,
Los Angeles, CA, March 4, 1993.

Senator BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: We are writing to you as members of the Women's Coalition Against Ethnic Cleansing, to urge you to speak out and take action against the atrocities that have been inflicted upon the women of the former Yugoslavia over the last ten months. Bosnian women and girls are victims of organized rape, torture, and forced impregnation by the Serbian paramilitary troops. Rape has always been a horror of war, but this time it is being used as a deliberate strategy to "ethnically cleanse" the Balkans.

The Women's Coalition Against Ethnic Cleansing was called together by the Muslim Women's League, American Jewish Congress, and the Religious Sisters of Charity of the L.A. Catholic Archdiocese specifically to address these outrages. We are comprised of nineteen Los Angeles community organizations and dozens of active citizens. We have come together because we are horrified by the stories we are hearing about our sisters in the Balkans. One of the many, many stories goes as follows:

"Z.N., age 40

"As soon as we entered a camp, "marticevic" [followers of Milan Martic, a Serbian leader] came in with guns and selected younger women and girls. They put them in the hall and told the Chetniks [Serbs] to do with the women what they pleased.

"There was silence. Then the crazy, dirty, stinking Chetniks jumped at the women like animals; they tore off their clothes, pulled their hair, cut their breasts with their knives. They'd cut the belly of the women who wore the traditional Muslim baggy trousers. Those who screamed would be killed on the spot.

"New York Times, December 13, 1992."

As a woman, and as a compassionate human being, we know that you can not be unmoved by the above testimony. The numbers of victims are vast—20,000 to 50,000 women and girls as young as seven years old have been raped and gang raped in this conflict. The statistics are so varied because many of the victims have been killed and many are too ashamed to tell others of the atrocities inflicted upon them.

The mission statement of the Coalition Against Ethnic Cleansing is attached. We are proud to be a part of such a diverse coalition, and hope you will support our work.

Can we count on you to use your influence in the Senate, on behalf of your constituents in California, and on behalf of the voiceless women of Bosnia-Herzegovina, to help put an end to these atrocities? We would very much appreciate a response to this appeal.

Thank you very much,

Dr. LENA AL-SARRAF.
Rabbi LAURA GELLER.
Sister ANN GIBLIN.

WOMEN'S COALITION AGAINST ETHNIC CLEANSING—STATEMENT OF PURPOSE

This coalition was formed to speak out and take action against the atrocities taking place in Bosnia-Hercegovina, with a specific focus on acts of violence against women. By working with the appropriate individuals and organizations in the U.S. government, the U.N. and the former Yugoslavia we hope to achieve the following goals:

1. To publicize that rape is a war crime, breaching the fourth Geneva Convention, which provides that women shall be protected against rape, enforced prostitution, or any form of indecent assault.
2. To officially document the sexual violence against women and children so the crimes can be prosecuted.
3. To acknowledge the devastating impact of rape and the urgent need to provide treatment services for the survivors.
4. To close all concentration camps with particular attention to liberating sequestered women.
5. To heighten public awareness of the plight of the Bosnian people who are the victims of "ethnic cleansing" and are currently receiving little or no foreign assistance.
6. To insist that the United States government use its influence in the United Nations to put an end to the human rights violations and foster negotiations for a peaceful and just settlement.

Mrs. BOXER. Members of this coalition know that even when this war ends—and we all pray that it ends soon—it will still wage on for the victims of rape and forced pregnancy who must live with these consequences. As you know well, Madam President—because we are working together to stop the violence against women in this country and around the world—for victims of rape there is no end.

From girls as young as 6 to women in their eighties, it is estimated that as many as 50,000 women have had their lives and dignity swept away. Madam President, these women are much more than simple casualties of war.

In a place where rapes are carried out as military orders and rape victims are either killed or shamed into silence, it is difficult for us to know how many tens of thousands of women have been sentenced to live with this physical and psychological pain.

We have all heard the horror stories: Rapes of young girls in front of their fathers, mothers, siblings, and children; gang rapes so brutal that the victims die; Moslem women raped by soldiers in prison camps and forced to bear their children.

In a New York Times article, one rape victim recounted her story, saying:

> [They] jumped at the women like animals; they tore off their clothes, pulled their hair, cut their breasts with their knives. They'd cut the belly of the women who wore the traditional Muslim baggy trousers. Those who screamed would be killed on the spot.

As the world watched Bosnia's first war crimes trial unfold last weekend, the Serbian defendant described how, under orders, he gang-raped and murdered nine Moslem women. Madam President, this is incomprehensible brutality.

So, although we need to look at the problems facing California and our Nation, we must also open our eyes to this brutality.

I was gratified by the U.N. Security Council vote in February to set up an international tribunal to prosecute people accused of war crimes, including rape, in the former Yugoslavia.

Make no mistake about it. Under International Law, these atrocities are "crimes against humanity." They are a horrific extension of the Serbian military policy of ethnic cleaning, a campaign designed to humiliate, degrade and destroy the lives, and cultural identity of people living in the former Yugoslavia.

We in this distinguished body must work with the Clinton administration and with key community groups like the Coalition Against Ethnic Cleansing to offer long-term assistance to these victims.

I am proud to join my distinguished colleagues, Senator LAUTENBERG, Senator DANFORTH, and Senator DECONCINI in their efforts to secure recognition of these atrocities, punishments for its perpetrators and assistance to its victims.

Madam President, I do not relish the thought of talking about these crimes here on the U.S. Senate floor. But I know we must continue to call attention to them until they end.

I yield the remainder of my time.

NATIONAL VOTER REGISTRATION ACT OF 1993

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Madam President, I suggest the absence of a quorum and ask unanimous consent the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I now ask unanimous consent that the cloture vote scheduled for 2 p.m. today be vitiated.

I further ask unanimous consent that the bill be considered under the following agreement: The Senate vote back to back on or in relation to each of the two pending Simpson amendments numbered 128 and 129 without intervening action or debate; that following the disposition of the Simpson amendments, Senator MCCAIN be recognized to offer his amendment No. 112, relative to military registration and voting, on which there will be 10 minutes for debate to be equally divided in the usual form; that following the disposition of the McCain amendment, Senator HELMS be recognized to offer his amendment No. 111 on which there will be 15 minutes of debate equally divided in the usual form; that following the disposition of the Helms amendment, the managers offer the balance of the core package on which there will be no time for debate, and following the offering of the core package, the amendment be deemed to have been agreed to and the motion to consider be laid upon the table; that following the adoption of the core package, the bill be advanced to third reading and the Rules Committee be discharged from further consideration of H.R. 2 and the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 460, as amended, be inserted and H.R. 2 be advanced to third reading and final passage occur immediately, all without any intervening action or debate.

I further ask unanimous consent that upon the completion of that vote, the Senate, without any intervening action or debate, insist on its amendment, request a conference with the House and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Mr. WALLOP. Reserving the right to object, and I do not intend to. This does not preclude a recorded vote on the final passage?

Mr. MITCHELL. No, it does not, and it is my intention that there will be a recorded vote on final passage.

Mr. WALLOP. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The distinguished minority leader.

Mr. DOLE. Mr. President, first I thank the majority leader and the two managers of the bill, the two Senators from Kentucky, and others who have been wrestling with this bill for some time. I have visited with the majority leader, and I think I know the answer to the question but for the record I would like to propound the question: It will be the intent of the Senate conferees to insist on the Senate provisions? I think that is one of the critical areas. I know the majority leader will not be a conferee; this Senator will not be a conferee. But it is important that we try to prevail in conference. And I appreciate the majority leader's response.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Although, as the Republican leader has correctly noted, I will not be a conferee, I do commit to making a good faith effort to see that the Senate position is maintained in conference.

Mr. DOLE. Would it be fair for me to ask the same question of the distinguished Senator from Kentucky?

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I have pledged for some time now to make a good faith effort in the conference. I suspect I will be a conferee. And under those circumstances, I pledge to my colleagues—and I have done that for some time; it is now on the record—that I will make a good faith effort to see that the Senate's position is maintained.

Mr. DOLE. I appreciate that response from both the majority leader and the distinguished Senator from Kentucky [Mr. FORD]. We are prepared to proceed. I think we can complete action on this bill in the next couple of hours and then move on, as the majority leader would like, to the budget resolution.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Kentucky [Mr. McCONNELL].

Mr. McCONNELL Mr. President, let me say to my colleagues on this side of the aisle that we have now gained concurrence to the core package that was offered by this Senator to the manager on the other side last Friday. I appreciate the cooperation of the majority leader, the Republican leader, and my colleague from Kentucky in reaching this point. I also want to express my gratitude to Senator MITCHELL and Senator FORD for their willingness to stand firm in support of the Senate version of this measure once it reaches conference.

Mr. President, I yield the floor.

AMENDMENT NO. 128

Mr. FORD. I now move to table amendment No. 128 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] and the Senator from South Dakota [Mr. PRESSLER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—58

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—40

Bennett
Bond
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Chafee
Pressler

So the motion to table the amendment (No. 128) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to

AMENDMENT NO. 129

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD].

Mr. FORD. Mr. President, I move to table amendment No. 129 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. METZENBAUM] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from South Dakota [Mr. PRESSLER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—58

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray

Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—40

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Metzenbaum
Pressler

So the motion to table the amendment (No. 129) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Arizona [Mr. McCAIN] for the purpose of offering an amendment.

AMENDMENT NO. 112

(Purpose: To require procedures to be developed and implemented to register voters upon their being inducted into the Armed Forces and to allow members of the Armed Forces to vote by absentee ballot)

Mr. McCAIN. Mr. President, I call up amendment No. 112.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself, Mr. GRAMM, and Mr. THURMOND, numbered 112.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . REGISTRATION AND VOTING BY MEMBERS OF THE ARMED FORCES.

(a) Each State and the Secretary of Defense shall jointly develop and implement procedures—

(1) in the case of persons who are inducted into the Armed Forces of the United States after the date that such procedures have been developed and implemented, to register those persons to vote at the time and place of induction;

(2) in the case of persons who are members of the Armed Forces of the United States on that date, to register those persons to vote at their place of duty; and

(3) that the Secretary of Defense annually forward to the States the names and places of duty of every individual registered to vote and serving in the Armed Services;

(4) that the States treat the list designated in (a)(3) of this Section as a request for an absentee ballot.

(b) Absentee Voting.—(1) Each State shall—

(A) accept Federal write-in absentee ballots from members of the Armed Forces of the United States and their spouses and dependents for both special and general elections for Federal office;

(B) treat each request for an absentee ballot by a member of the Armed Forces of the United States or their spouses or dependents as a request for an absentee ballot to vote in all special and general elections for Federal office held during the calendar year in which the request is made.

(2) A State shall not impose or enforce any requirement that a request for an absentee ballot by a member of the Armed Forces of the United States or their spouses or dependents be made within a certain length of time prior to the date of a special or general election for Federal office.

The PRESIDING OFFICER. Under the previous order, debate is limited to 10 minutes, with the time equally divided.

Who yields time?

Mr. McCAIN. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized accordingly.

Mr. McCAIN. Mr. President, this amendment mandates that all individuals inducted into the military be automatically registered to vote at the time they are inducted; that all men and women currently serving in the military be registered to vote at their place of duty; that the Secretary of Defense annually send to the States a list of all individuals serving in the military who are registered to vote; and that the States treat this list as an official request for an absentee ballot.

Mr. President, there are further provisions to the amendment, but that is basically the thrust of it.

The fact is that there are as many as 200,000 men and women in the military who sought to vote in the 1988 election and were unable to do so, for a variety of reasons—printing of the ballots, late delivery of ballots, confusion over the dates of primaries, and other reasons.

We are depriving the men and women in the military of one of the most precious rights solely because of the fact that they happen to serve in the military.

There is no reason, in my view, to vote against this amendment. To do so would be to go against the words of the distinguished majority leader. The majority leader yesterday said:

> It is a very simple issue here: whether Americans will be able to register and vote. And they are afraid to have more Americans registering and voting because they think they will not vote for them. What a lack of confidence in democracy; what a lack of confidence in their own message; * * * Fewer people registering, fewer people voting, that is the message that this opposition sends.

Mr. President, any opposition to this amendment contradicts directly the majority leader's words of yesterday. The men and women who serve in the military should be given every opportunity to register to vote and to vote. The same opportunities that any nonserving citizen of this country will possess under this legislation.

The fact is that men and women in the military are forced to live under very inconvenient circumstances. Normally, these men and women do not reside in the States or districts in which they would be voting. I believe it is our job, in our efforts to make this legislation inclusive, to include the men and women who are in the military.

Mr. President, if this amendment is voted down, then the intent of this law is to exclude the men and women in the military. Because the fact is a "no" vote on this amendment will make it more difficult for them to register to vote and to vote than any other segment of our society.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time is reserved.

Who yields time?

Mr. FORD. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for up to 3 minutes.

Mr. FORD. Mr. President, the distinguished Senator indicated that if you vote against this you are voting against heaven, home, motherhood, and apple pie.

We accepted his original amendment—it is now in the bill—to register at the required military recruitment offices. That is included in the mandatory base registration program. We accepted that. We had no problem with that. So now he wants to expand it. It is always something different.

This would mandate—mandate—that a service man or women be registered at induction centers.

Well, if they do not want to register, they do not have to under our bill. But, under this one, it mandates it.

This goes beyond the bill because it makes an individual a registered voter at their place of duty. It takes away from individuals their choice on whether to register or not. It takes away the responsibility of registrars to register citizens. It mandates that the Secretary of Defense forward the list of registered voters at military bases to the States. This list will serve as a request for an absentee ballot. The individual has no choice under this legislation.

And it would override State law—override State law on absentee ballots. When they want something over there we hear so much about States' rights. Now they want to override State law. This amendment goes beyond registering people to vote.

S. 460 deals with voter registration, not voting. And that is what is being mandated in this amendment. This amendment would seriously override—and I underscore again seriously override—State law. There is already a current law, and the Senator knows that, for assisting military personnel to register a vote. On every military base and on every ship there is a designated officer whose responsibility it is to assist actively—and I underscore the word actively—uniform personnel to register and to vote.

One other item: If they go into the service and they have a driver's license, they are already registered. So this one mandates that you register again. The registrar has to send this duplicate registration. He has to send that in. So we are just overloading registrars. We are overriding State law. And people, I believe, have a right to decline to vote; decline to register. That is their right. This mandates it, whether you like it or not.

He does that by waving the flag. I hope I am as patriotic and supportive of the military as I can possibly be. But under these circumstances the Federal Voting Assistance Program—I ask for 1 more minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. FORD. This program that we now have works directly out of the Office of the Secretary of Defense. This office has developed a universal registration form. It is a program that works well in the military. In fact during the gulf war this office worked to provide that registration requests and absentee ballots were even faxed. So they have worked well. The House is already considering amendments to the Uniformed and Overseas Citizens Absentee Voting Act. If the Senator believes the program is not working well in the military, he should offer his amendment to that bill.

I am not trying to say it should not be changed. But this is mandating it. They have to register whether they want to or not. They have to apply for an absentee ballot whether they want it or not. And if they are already registered, they register a second time. This is redundant in my opinion. I hope the appropriate vehicle is the Uniformed and Overseas Citizens Absentee Voting Act.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's remaining time is reserved. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself whatever time I have remaining.

The PRESIDING OFFICER. The Senator has 2 minutes 16 seconds remaining.

Mr. McCAIN. I will go ahead and use it.

Mr. President, obviously no one questions the patriotism or love of country of the distinguished senior Senator from Kentucky. He has proved that many times. But I do question his knowledge of the facts.

When he says a designated officer is there in a unit to assist in voting, he should know, as I know the distinguished President does, that the voting assistance duty is 1 of about 15 collateral duties that the most junior officer in the unit must undertake. The facts are the facts. Over 200,000 men and women who wanted to vote in the 1988 election did not. They were not given that privilege, according to the Department of Defense. And the reasons were delays in printing and mailing absentee ballots. This amendment is trying to cure that.

I have not the foggiest notion what the distinguished Senator from Kentucky is talking about. Put it on another bill? This bill is about registering and voting. The distinguished majority leader yesterday said this legislation is about voting. I am trying to allow these men and women in the military—not the ones who are taking from this country, not those on the welfare rolls, but those who are giving to this country, many times at the risk of their very lives—I am trying to give them the opportunity to vote. That is what this amendment is all about.

If the Senator from Kentucky feels they should not have that right to vote and he disagrees with the fact that over 200,000 of them were not allowed to vote in the 1988 election, that is fine. But the facts are the facts. And the facts are 200,000 men and women in uniform should have been able to exercise their right to vote. They were unable to do so because of their service, their giving to our country at the risk of their lives. I believe this amendment clearly is appropriate and should be passed. I yield the remainder of my time.

The PRESIDING OFFICER. The time of the Senator is yielded back. Who yields time?

The Senator from Kentucky, Senator FORD, has 52 seconds remaining.

Mr. FORD. Mr. President, I understand where the Senator is coming from. I understand his language very well.

I am not trying to prevent anyone from voting. I am trying as best I can—the prevention of voting has been in that arena and not over here. We have been trying to expand it. I am just trying to point out the duplication that he is bringing about, and the mandatory way in which he is saying they will register, they will apply for an absentee ballot whether they want one or not. I am not trying to prevent them from voting.

I have seen the company commanders assign it to the platoon leaders and assign it to the squad leaders to make sure everybody in that company is registered. Then they have to bring the slip back. When they bring the slip back they have to prove they have voted, also. So there is a real military effort. I have seen that happen.

The PRESIDING OFFICER. The time has expired.

Mr. FORD. Mr. President, I move to lay the amendment on the table.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Arizona. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from South Dakota [Mr. PRESSLER] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. BENNETT] would vote "nay."

The PRESIDING OFFICER (Mr. REID). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—58

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—40

Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Jeffords
Kassebaum
Kempthorne
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Bennett
Pressler

So the motion to lay on the table the amendment (No. 112) was agreed to.

Mr. FORD. I move to reconsider the vote by which the motion was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina [Mr. HELMS] is recognized.

AMENDMENT NO. 111

(Purpose: To exempt from the Motor Voter Act, any State which would have to raise taxes to comply with the mandates of this Act)

Mr. HELMS. Mr. President, I thank the Chair. I have an amendment at the desk. I ask that it be called up and stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. PRESSLER, Mr. SMITH, Mr. BROWN, Mr. COATS, Mr. COCHRAN, Mr. COVERDELL, Mr. D'AMATO, Mr. DOLE, Mr. FAIRCLOTH, Mr. GRAMM of Texas, Mr. GREGG, Mr. HATCH, Mr. LOTT, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. SIMPSON, Mr. STEVENS, Mr. THURMOND, and Mr. WALLOP, proposes an amendment numbered 111:

At the appropriate place in the bill, add the following:

"SEC. . Notwithstanding any other provision of this Act, a State shall be exempt from this Act, if its Governor determines and so certifies to the Attorney General of the United States that compliance with this Act would force it to expend additional public funds, making it necessary for the State to increase taxes on its citizens.".

Mr. HELMS. Mr. President, as I understand it, the UC calls for me to have 7½ minutes. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I respectfully ask the Chair to notify me when I have used 4 minutes of that 7½.

The PRESIDING OFFICER. The Chair will so do.

Mr. HELMS. I thank the Chair.

During the past couple months, President Clinton has made clear his plans to sock it to the American people with a Federal tax increase of $360 billion or more.

Now comes this so-called motor-voter bill before us which could very well force the States to increase their taxes as well.

Now, Mr. President, this pending bill requires the States to register voters by mail, in driver's license offices, welfare offices, so forth and so on, ad infinitum. It mandates the States to comply with a host of requirements that will cost the States millions of dollars.

Mr. President, Congress finds pure delight in passing mandating legislation and forcing the States to pick up the tab. Congress passes the bill and Congress passes the buck. The pending amendment forbids this buck-passing under this unwise piece of legislation. It tells the States that if they do not have the funds to meet the mandates in the so-called motor-voter bill, and if one or more Governors certify that their States will have to raise taxes to comply, then the deal is off—kaput, kaput. These States will not be forced to comply.

Mr. President, the mandates in this bill will cost the States a lot of money, as I have indicated.

The CBO estimates it will cost the American taxpayers at least $20 to $25 million a year. That certainly does understate it. The States will have to pay for the mailings, for printing materials, and a plethora of other burdensome costs.

For example, North Carolina election officials have already requested from the North Carolina Legislature $3.1 million just to buy a computer system so that they will have a chance to fight election fraud made possible by this legislation. These officials tell me that it will cost $0.5 million a year to maintain and operate the computer system. This may be chicken feed to the big spenders in Washington, DC, and in the U.S. Senate, but it is a chunk of money to the folks back home in North Carolina.

Mr. President, CBO admits that it has not included in its estimate the cost of computer systems. Computers will be imperative because the bill allows a person who has moved to vote in his or her current or former polling place.

Several States have attempted to estimate the cost of implementing this bill. California, for example, estimates that this bill will cost the taxpayers of California $26 million; Illinois projects a cost of $30.4 million; New Jersey estimates $20.3 million; Virginia, $5 million; and so on.

I have counted far more than $87 million in additional costs to the taxpayers form this one bill—far more than that little old $20 million that had been bandied about by the proponents of this legislation.

Mr. President, the Congress should not push States into a corner and leave the States with no alternative to raising taxes. That is the purpose of this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. FORD. Mr. President, my distinguished friend from North Carolina mentioned all of the costs in California. I have a letter from the comptroller general of the State of California. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONTROLLER OF THE
STATE OF CALIFORNIA,
Sacramento, CA, March 4, 1993.

Hon. WENDELL H. FORD,
Chair, Senate Committee on Rules and Administration, Russell Senate Office Building, Washington, DC.

DEAR SENATOR FORD: I wish to lend my support to S. 460, the National Registration Act of 1993.

Opponents of the legislation have raised the issue of cost as a reason to block this important initiative. As California's chief fiscal officer, I believe their concerns are overstated and should not overshadow the clear benefits of this bill.

Exact costs will only be calculated once a specific implementation plan is determined. Furthermore, many of the costs will be one-time start-up costs, not on-going program expenditures. In any case, the cost would be but a fraction of the overall expense of holding an election.

Much of the additional expense is associated with having more people on the voter roles—an estimated 2.2 million new registrants. I believe we should not put a price tag on citizen participation, so long as those costs are within reason—which in this case they clearly are.

In the case of S. 460, the costs of registering more voters is very modest, especially compared to the overall administrative costs of holding an election.

I strongly urge passage of this legislation to expand participation in the electoral process.

Sincerely,

GRAY DAVIS,
Controller, State of California.

Mr. FORD. But the exact cost, Mr. President, according to this letter, will only be calculated once the specific implementation plan is determined. Further, many of the costs will be one-time startup costs, not ongoing program expenditures. In any case, the cost will be but a fraction of the overall expense of holding an election.

So here is a letter from the comptroller of the State of California. I think that speaks volumes for California, and they are not putting it into the tens of millions of dollars that we talk about here.

I think the distinguished Senator from Illinois has made some right good, valid points this afternoon on the mandates. The CBO estimates that this will cost approximately $20 million. CBO also estimates that the States will save $10 million. That is half of it. Then we give them credit as it relates to mailing, and et cetera. That brings it almost back to a balance. So in essence, we are not imposing this on the States, and the cost is minimal.

Texas, for instance, implemented motor-voter, and it did not add a dime to the appropriations bill in Texas. And already this year, they have added almost 50,000 new voters to the rolls, at no cost to the State of Texas.

As it relates to computers, this bill does not require computers. This bill does not say anything about computers. If States want to have computers, most States do. Poor little old Kentucky has computers. All of our voter rolls are on computers today. They have been on the rolls by computer for 20 years. So I do not think we would have any expansion of computers as it relates to the cost.

I do not think we can put a price tag, however, on democracy. All we are doing here is encouraging people to register, and we are increasing the number of people to vote. Many of the States say that the cost is minimal, if anything. So I think Texas is a good criteria here. It is a large State, with no increase in appropriations.

So I hope that this bill seeks only to expand opportunities for citizens to register. Voting is the essential right to participate in democracy.

It is hard for me to understand why people want to oppose this bill and deny the individual citizen the right to reconnect to the Government.

I hope that we can defeat this amendment, Mr. President.

I reserve the remainder of my time.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. I yield 2 minutes to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I want to commend my friend and colleague from North Carolina for this most important amendment. There is not any question this is an unfunded mandate, and it is going to cost a lot of money. Even the secretaries of state—I say to my friend from North Carolina—who support the bill, have a letter here dated January 25, 1993, to Congressman AL SWIFT from the president of the National Association of Secretaries of State endorsing the bill. But in the final paragraph, the president of this organization says:

> There is no one caveat, however, in our support of H.R. 2. As an organization of State officials, we are understandably concerned about the fiscal impact of any unfunded Federal mandate, no matter how laudable the intent. Therefore, as you will note in the resolution, our support as an association for motor voter is conditioned on the appropriation of funds to implement its requirements.

There is no question, I say to my friend from North Carolina, that this is going to bring about tax increases in some States. This ridiculous argument that it is not going to cost anything is just simply not supported by the facts. Senator McCAIN pointed out that in Maricopa County, AZ, alone, they estimate $900,000.

My friend from North Carolina referred to California, with an estimate of $26 million. We have here a letter from the county clerk in one county in California that estimates a one-time implementation cost of $182,000, and annual costs of over $300,000. There is not any question there are going to be higher taxes mandated as a result of this.

Finally, let me say, Mr. President, since there will be no debate, apparently, on final passage, there is just one other point I want to make. We received just today a communication from a county clerk in Illinois with regard to the bill. The communication indicates as follows: It has come to our attention that there may be some limiting language placed in an amendment to the motor-voter bill. In essence, this would allow grandfathering those States with election day registration.

Let me just paraphrase what this county clerk from Illinois, in a communication to us today, said.

He is disappointed that in the core amendment, which we will adopt shortly, the possibility of opting out of motor-voter and going to same-day registration or no registration will apparently be removed.

You know why he is disappointed? He is letting us know that is what they are going to do in Illinois. They have already introduced legislation in Illinois indicating they are going to same-day registration, or will simply allow voters to come up and swear out an affidavit and vote.

So I say to my friend from North Carolina, the core package which we are about to adopt is essential to prevent same-day registration, or no registration at all, all across America in the coming years.

Mr. HELMS. How much time do I have remaining?

The PRESIDING OFFICER. One minute.

Mr. HELMS. I yield to my distinguished colleague from North Carolina.

Mr. FAIRCLOTH. Mr. President, in last year's campaign, one of the issues in the campaign was replacing welfare with workfare.

The taxpayers of this country do not mind helping someone who is unable to work. But the taxpayers are equally firm in their conviction in believing that anyone who can work should work in exchange for welfare benefits.

The bill before us, the so-called motor-voter bill, deals with welfare, but instead of registering welfare recipients for work, this bill uses tax dollars that the counties must put up to register welfare recipients to vote. I do not think any Senator is against anybody registering or exercising their right to vote. Nobody is against that. But this bill discriminates against the taxpayer in favor of the welfare recipient. If you go to the welfare office to apply for welfare, under this bill, you will be automatically registered to vote—contrast that with the treatment of the taxpayer who goes to the tax office. Under this bill, a taxpayer will not automatically be registered to vote if he or she goes to the tax office to pay taxes. Welfare recipients are in effect automatically registered to vote so they can vote for politicians who promise a bigger benefit. But the taxpayers who have to pay for the benefits are treated as second-class citizens under motor-voter.

Mr. FORD. Mr. President, let me say, since all time has expired—and I will be very quick—the core amendment eliminates the Senator's argument. We have an amendment here right now that eliminates agency-based. So your argument as it relates to this bill now is eliminated, I say to my friend.

Mr. FAIRCLOTH. I ask unanimous consent for 2 minutes to finish the speech.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, I am reluctant to not object to it, and I probably will not, but we have made agreements to do this and many of the Senators are going to meetings and to hearings.

The PRESIDING OFFICER. The Senator from Kentucky has 3½ minutes remaining.

Mr. FORD. I yield a minute of my time to the Senator.

Mr. FAIRCLOTH. Mr. President, in answer to the distinguished Senator from Kentucky, it may be true that this bill no longer requires the designation of welfare offices to register recipients to vote, but it still allows the States to require welfare offices to register persons to vote. Welfare recipients, in effect, automatically are registered to vote. So they can vote for politicians who promise a bigger benefit, but the taxpayers who pay the taxes are treated as second-class citizens and are not automatically registered to vote.

We have far too many mandated programs. By your most conservative estimate, this is going to cost $25 million. We know it will cost much more than $25 million, and every county and city in the State is going to have to come up with the ad valorem taxes to pay for it.

There is no room in the budget of State and local governments to pay for this. The State and local officials are going to have to raise property taxes or sales taxes or some kind of tax to get the money to pay for this. Maybe it should be called the motor-voter tax because of the likelihood that property taxes will almost certainly be raised to pay for this. At the very least, this bill should be amended so that any Governor who certifies it will force a tax increase in his State will not be forced to carry it out.

I think it is time we get on with what we came up here to do; that is, to work on the economy, cut the budget, and quit working on motor-voter. The people back home tell me to cut spending, cut taxes, and reduce the deficit. They want workfare, not welfare. I am going to listen to the people.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Kentucky has all of the remaining time.

Mr. HELMS. I ask unanimous consent that Senator KEMPTHORNE be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. I reiterate that my friend's argument is now removed, because in the unanimous-consent agreement that we arrived at earlier, only the States may have agency based. So his argument, basically, is moot. If your State does not want it, under the unanimous-consent agreement we have, they do not have to use the welfare agencies, unemployment agencies, and things of that nature. I wanted him to know that. In this agreement, that is out of the piece of legislation.

Mr. President, it is awful hard. I talked to our two new Senators from California. They basically want this everywhere. A few disgruntled States, or county clerks, and some others, do not want to do it. But the State controller talks about the very minimal costs. We have the secretary of state that will handle this, who is very much in favor of it. I was a little bit amused at the letter from the president of the National Secretaries of State group when they were disappointed in the amendment that you all wanted to put on, and that was to eliminate the same-day registration. So he would prefer that we go to that. We have acceded to your side to accept that amendment, and that clerk is a little bit unhappy with you now, that they wanted to go the other route. I am glad that we took that and look forward to working on this piece of legislation in conference, as we agreed to earlier.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky has yielded back the remaining time.

Mr. FORD. Mr. President, I move to table the amendment of Senator HELMS and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from South Dakota [Mr. PRESSLER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—59

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—39

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Inouye
Pressler

So the motion to table the amendment (No. 111) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order. There are a number of Senators seeking recognition.

The manager of the bill is recognized.

AMENDMENTS NOS. 176 AND 177

Mr. FORD. Mr. President, I quote from the unanimous-consent agreement:

> Following the disposition of the Helms amendment, the manager will jointly offer the balance of the core package, on which there be no time for debate, and following the offering of the core package, the amendment be deemed to have been agreed to and the motion to reconsider be laid upon the table.

So, in accordance with the unanimous-consent agreement, I send those two amendments to the desk on behalf of the managers of the bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Kentucky [Mr. FORD] proposes amendments numbered 176 and 177.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendments are as follows:

AMENDMENT NO. 176

In section 7(a)(2), strike the word "shall" and insert the word "may".

AMENDMENT NO. 177

At the appropriate place insert the following:

Any provision of this Act to the contrary notwithstanding, if State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address, at the polling place described in section 8(e)(2)(A)(i), or at a central location as described in section 8(e)(2)(A)(ii)(I), or at a polling place described in section 8(e)(2)(A)(ii)(II), voting at the other locations described in section 8(e)(2)(A) need not be provided as options.

The PRESIDING OFFICER. Without objection, the amendments are deemed agreed to.

So the amendments (Nos. 176 and 177) were deemed agreed to.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Thank you, Mr. President, and I thank the Senator from Kentucky.

I just want to make it clear that if we had a recorded vote—Mr. President, could I have order in the Chamber?

The PRESIDING OFFICER. Will Senators cease their conversations in the Chamber?

Mr. WELLSTONE. I will just wait, Mr. President.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President, I thank my colleagues for their courtesy.

I want to make it clear that my vote would have been "no," if we had a recorded vote. I want to make it clear that I think we have made a mistake. I am disappointed, that, in order to pass this bill, we had to essentially change the language when it comes to agency-based registration.

I want to make it crystal clear that I know this is a step in the right direction. I thank Senator FORD, from Kentucky, for all of his work.

But above and beyond motor-voter are citizens in our country who do not have enough money to own an automobile, who would not be able to be registered that way.

The agency-based registration was an attempt to reach out to try and register low-income people, as well. It was the right thing to do, for anyone who wants to expand democracy. It dealt with an economic bias. We should have done it.

I would have voted "no." I hope we can work hard in some way, shape, or form to make sure this becomes ultimately a part of the voter registration bill passed by the U.S. Congress.

I thank the Senator from Kentucky.

Mr. KENNEDY. Mr. President, I urge my colleagues to support the National Voter Registration Act.

The right to vote is the cornerstone of our democracy. Without it, all our other rights are in danger. We are proud of our democracy, and our history has been marked by continuing progress in the effort to extend the franchise to all Americans.

In the past two centuries, a number of key amendments to the Constitution have enlarged the right to vote:

The 15th amendment in 1870 prohibited voting discrimination because of race.

The 19th amendment in 1920 prohibited voting discrimination because of sex.

The 23d amendment in 1961 granted citizens of the District of Columbia the right to vote in Presidential elections.

The 24th amendment in 1964 prohibited the use of poll taxes to restrict the right to vote.

And the 26th amendment in 1971 lowered the voting age to 18.

But while the ideal of broad-based voter participation was being incorporated into the Constitution, registration procedures were adopted in many States that had the effect—and often the intent—of denying the right to vote to many groups, especially racial, religious, and ethnic minorities.

The turn-of-the-century registration laws that swept the country had the good-government purpose of preventing ballot fraud. But those laws also served the ulterior motive of reducing access to the ballot box to the waves of new immigrants reaching our shores.

Under these laws, voters were frequently required to register many months before election day, and registration was often further restricted by limiting the number and the hours of registration sites.

In 1959, the first report on voting rights by the U.S. Commission on Civil Rights revealed a disturbing gap between democratic principles and actual practice with respect to voter registration.

In March 1963, President Kennedy created the President's Commission on Registration and Voting Participation to study the reasons for low voter turnout and recommend solutions. One of the Commission's principal findings was that, "Restrictive legal and administrative procedures in registration and voting are disenfranchising millions."

The words of the Constitution are not always self-enforcing, and in many cases it has been left to Congress to enact statutes to carry out the intent of the Constitution. In 1965, Congress took a giant step in that direction, when it passed the Voting Rights Act to prohibit practices that limit the right to vote on account of race or color.

While we have written the right to vote into our national laws, we have not done enough to ensure that it can be exercised in practice. For millions of Americans, particularly in minority communities, cumbersome and inefficient registration procedures have posed insurmountable barriers to the exercise of this fundamental right. Nearly a quarter century after passage of the Voting Rights Act, the Citizens' Commission on Civil Rights, in its 1988 report, "Barriers to Registration and Voting: An Agenda for Reform," found that, "Substantial barriers to registration and voting continue to exist in many areas of the country.* * * it appears that discriminatory practices inhibit the participation of citizens in the electoral process on account of race, sex, age, income level, and physical disability."

The legacy of these antiquated voter registration laws continues to plague us. In the 1992 Presidential election, only 54 percent of the voting age population actually voted.

At least partly because of excessive registration requirements, the United States has one of the lowest voter turnout rates among all the major democracies of the world—24th out of 25, according to one study. For all Americans who are justly proud of our role as the world's leading democracy, these low turnout rates are an embarrassment and a disgrace. And there is little doubt that restrictive registration procedures account for much of the lower turnout in the United States.

When we compare the voting rates of registered voters, however, the United States fares better among the other major democracies, ranking 11th out of 24. Thus, although registration reform will not raise voter turnout to the levels in countries where voting is mandatory, it is likely to increase voter participation; one study estimates that easing registration requirements would permit as many as 13 million additional persons to vote.

The National Voter Registration Act is a thoughtful, balanced measure to simplify voter registration procedures and make the ballot box more accessible to millions of Americans. At the heart of the bill is the requirement that States adopt so-called motor-voter, mail, and agency-based registration.

Automatic motor-voter registration can register up to 90 percent of eligible voters. Today, 27 States and the District of Columbia currently permit some form of motor-voter registration.

Motor-voter will have a substantial impact on voter registration. But it cannot do the job alone, since many eligible voters do not drive. For that reason, the bill also encourages States to permit registration at Government agencies that provide public assistance or unemployment compensation, and at other agencies that serve the general public. The bill also requires States to permit registration by mail, a practice now used by 27 States and the District of Columbia.

In addition, the bill bars States from purging persons from the registration rolls for failing to vote. At the same time, the bill permits States to engage in uniform, nondiscriminatory procedures to verify that voters continue to reside in the jurisdiction, if those procedures assure that voters who have changed their residence are still given the opportunity to vote if they have not moved outside the jurisdiction.

The contention that the bill will encourage voter fraud or voting by noncitizens is simply wrong. The bill requires everyone who applies to register to vote to attest that they are U.S. citizens and are eligible to vote. Those who lie can be prosecuted for perjury. The bill also contains tough new Federal criminal penalties for voter fraud. Those who commit such fraud face up to 5 years in jail.

The experience of registration officials in States across the country that use motor-voter registration confirms that the procedure will not lead to voting by noncitizens or other forms of voter fraud. Instead, it will increase registration and voting by millions of American citizens.

For the 70 million eligible citizens who did not vote in the 1992 election, burdensome and unfair registration procedures are among the biggest obstacles to wider voter participation. This legislation is one of the most effective steps we can take to strengthen our democracy. It is gratifying that the logjam delaying this legislation is finally broken, and I urge the Senate to pass this long-overdue good-Government reform.

Ms. MOSELEY-BRAUN. Mr. President, in a democracy like ours, participation by Americans in our electoral process should be—indeed, must be—encouraged. That is what I tried to do in the State of Illinois when I authored legislation expanding simplifying the registration process. That is what S. 460 attempts to do nationwide now, and that is why I so strongly support it.

Statistics indicate that about 90 percent of Americans who are registered to vote cast their ballots, but than only about 60 percent of the voting age population is registered. S. 460, by making the registration process more accessible, will increase the number of registered voters, and therefore also likely increase the number of Americans who cast their votes on election day.

S. 460 is thus fundamentally a pro-people, pro-democracy bill, and as such, it merits the support of every Member of this body.

S. 460 is not a radical bill. It simply makes the voting registration process easier by requiring States to permit voter registration in three basic ways:

When applying for a driver's license;

By mail; and

In person.

I do not know which candidates and which political party would benefit if more Americans come to the polls. That, however, is not the issue, and must never be the issue on which this bill is judged. Instead, the Senate must keep its focus on what is really important—ensuring that every American has the opportunity to cast his or her ballot.

I am confident that making registration easier and more straightforward will bring more Americans to the polls. Some may dispute that, but what is beyond dispute is that unregistered Americans cannot vote. Public policy, therefore, must be designed to register the largest number of people possible. To do otherwise is to suggest that ballot access only belongs to some Americans, and not all voting-age Americans.

I am encouraged, Mr. President, that the Congressional Budget Office has found that the annual direct cost of the bill is less than $20 million nationwide. I also understand that CBO estimates that S. 460 will enable local election officials to save between $7 and $10 million in part-time employees costs that are now incurred to handle preelection registration rushes. I also think it is important to note that the bill provides approximately $4 million in annual savings by providing reduced postal rates for mailings required by the bill.

I know some Senators have expressed concern about the possibility of fraud, Mr. President. However, I do not think that fraud is a real problem, and I think the weight of evidence demonstrates that fact fairly conclusively. The Congressional Research Service has studied States that have mail registration programs. CRS, I am pleased to say, found little or no evidence of fraud, and several States reported that fraud was no more prevalent with mail registration than with in-person registration.

It is important to note that the figures on likely costs and the studies on fraud are not merely academic creations; they are based on substantial real-world experience. Twenty-seven States and the District of Columbia now have some form of motor-voter registration in place. In addition, 27 States and the District of Columbia have a process allowing registration by mail. This State experience is one of the foundation stones of S. 460, and it ensures that the structure that S. 460 proposes is both solid and sensible.

Frankly, Mr. President, based on the evidence, I do not understand why some Senators seek to filibuster this bill. I think the evidence of the merits of S. 460, is not just adequate; it is overwhelming and compelling.

I want to conclude, Mr. President, by restating what I said at the outset. It is critically important to our democratic system to provide every voting-age American with the opportunity to cast a ballot. Voting is part of being an American. It is critically important both to individual voters and to our country at large.

This is not a country where we tell people that they have to vote. We do not have the kind of phony 99 percent plebiscites here that we have seen in some other countries. But providing the opportunity to vote is what America is all about. The history of our country is a history of expansion of the voting franchise. Our country is built on giving people the opportunity to vote. That is what S. 460 is all about, and that is why this simple, low-cost, prudently designed bill deserves prompt enactment by the Senate.

Mr. SIMPSON. Mr. President, I rise to express my opposition to S. 460, the National Voter Registration Act. There are several significant problems with this bill.

This legislation, also called the motor-votor bill, is based on a faulty premise—that low voter turnout is the result of perceived barriers to voter registration. I am fully convinced that when citizens feel that their vote will have an impact, they will indeed, register and cast their ballots. I believe that the greatest reason for low registration is subjective, not objective: It's called voter apathy. The folks outside the beltway hear about the PAC money and the sewer money pouring in, and in some States, they just stay away from polls—in droves.

Instead of targeting the root cause of voter apathy, this bill would create a Federal mandate calling for all sorts of things that sound good in Washington, but would simply be an administrative nightmare back there at home.

As reported by the Senate Rules Committee, this bill calls for motor-voter registration, mail registration, and registration in other Federal and State offices which provide services or benefits. This bill, would create tremendous opportunity for fraud, is once again an important leg of the National Democratic Party troika: A campaign finance bill to protect their incumbent advantage through taxpayer financing of elections, a so-called Hatch Act reform bill which would allow Federal employees greater opportunities to solicit Democratic PAC contributions, and this dazzling bill which would allow those same Government employees who belong to organizations which since 1985 have contributed over 90 percent of their PAC money to Democrat candidates, the opportunity to provide the additional service of now being voter registrars. Come on. The American people can see through this stuff. It's the brainchild of inside the beltway Democratic Party planners. However, it is strongly opposed by many Democrats and Republicans at the State and local level who will have to pick up the tab for this ill conceived measure.

In Wyoming, all 23 county clerks and our secretary of state, who is a loyal and concerned Democrat, have throughout this bill's legislative history expressed to me their deep objections with regard to this legislation. Let me share with you some of the thoughts of Wyoming's Secretary of State, Kathy Karpan, regarding this bill:

> I am wary of any law where a person who is helping dispense or deny public service or assistance is the very same person who is registering voters. Clearly, the public official will encourage the applicant to register. May that same official not make some suggestion, subtle or not, about which party to join? The temptation may be remote, but why create it at all?

How true.

Overlooked by the advocates of this bill are the costs of training all of the additional registrars. Under this bill, not one Federal dime is authorized for these training costs. I anticipate significant additional costs will be incurred in order to maintain an ongoing training program for new hires, for additional State personnel to supervise compliance with the law, and to increase the salaries of those employees who didn't bargain for Uncle Sam tossing additional registration responsibilities in their lap.

S. 460 is a bill in the truest sense of the word. The State and local governments will be forced to pick up the tab for this one. This is another embrace by the long and intrusive arms of the Federal Government—one arm meddling in an issue best handled locally and the other arm picking their pockets. And for what purpose? To increase voter registration in a State like Wyoming where nearly 73 percent of voting age citizens are already registered to vote, and where 87 percent of those registered actually voted in the 1992 general elections. And that was done without the help of any Federal directive.

If there is anything wrong with our voter registration system, it is best left to our States to fix and fine tune, using their expertise to improve the system. That is exactly what the legislature of Wyoming has done. The Federal bill exempts from its requirements States in which all voters may register at the polling place at the time of voting in a general election for Federal office. In this session of the Wyoming legislature, a law was enacted to allow for such registration. It had the unanimous support of the county clerks and the secretary of state. At least with that alternative, trained registrars, and not others who lack the training and experience, will be registering Wyoming voters. The motor-voter mandates were considered too costly in my State. New motor vehicle laws would have had to be enacted. There would be substantial coordination and training costs. As well, the bill was signed into law on March 5, 1993. Of interest: The Wyoming law contains an automatic repealer if our motor-voter bill by some quirk of fate happens not to be enacted by this Congress. I think that says a great deal about the level of affection that the voter registration experts in my State have for the bill we are considering.

Mr. President, in my opinion campaign finance reform legislation which was authored by our fine Republican leader, and which I was pleased to cosponsor, would go much further toward reducing voter apathy in this country than this ill-conceived bill. Our bill would ban special interest PAC's. It would ban unreported contributions to campaigns in the form of labor union phone banks which is called soft money, but is more commonly known as sewer money. It would reduce the amount of money a candidate could accept from those individuals who do not live in that candidate's State. In short, it would severely limit the financial clout of special interests in Federal elections which tends to make the average in-State voter feel insignificant, apathetic and, therefore, remain unregistered.

The motor-voter bill is an unnecessary, obtrusive, mandate to State and local governments. It would impose significant costs on these governments, and would greatly increase the potential for vote fraud. I urge my colleagues to oppose this bill.

Mr. GRAHAM. Mr. President, I rise in support of the National Voter Registration Act. This is a timely and important issue. Voter registration reform is long overdue.

In 1992, only 55 percent of all eligible voters participated in the election process. The percentage of registered voters who participated in the 1992 election, however, was 85 percent. Passage of this legislation could dramatically increase voter participation by ensuring that every citizen has the opportunity to register and vote.

Nearly 70 million adult Americans are unregistered. This number constitutes approximately 40 percent of those eligible to vote, and most of us would agree that number is too high. This bill would make it easier for citizens to register by providing more options for potential voters.

Part of the current discontent with Government is that it alienates its citizens with its complex, difficult forms and programs. While business is going to great lengths to accommodate consumers, Government is not taking the steps to facilitate participation in the political process. By passing this legislation, we have a chance to make Government more accessible to our citizens.

The unique nature of the 1992 election brought many disaffected voters back into the process. Motor-voter will help to attract many other new voters, particularly young and mobile voters. The rock the vote campaign encouraged and registered many young first-time voters. We should continue to encourage their participation.

In addition, the bill establishes a uniform and convenient registration procedure. This is important; we live in an increasingly mobile society. Nearly one-third of all adult Americans will move within a 2-year period.

Furthermore, too many eligible voters became interested in the 1992 election only to find that they were too late—they had missed the registration deadline. It is time for reform.

Voluntary compliance with the law and the performance of civic duty are the foundations of our democratic system. We all benefit when everyone participates. We know that civic duty leads people to register, but registration itself also leads to higher commitments to civic duty. We need to increase registration. We will all benefit if we do.

Mr. President, I ask unanimous consent that two letters on the subject be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SUPERVISOR OF ELECTIONS,
HILLSBOROUGH COUNTY,
Tampa, FL, March 2, 1993.

Senator BOB GRAHAM,
U.S. Senate, 241 Dirksen Building, Washington, DC.

DEAR SENATOR GRAHAM: I welcome an opportunity to express my support for H.R. 2, the "National Voter Registration Act of 1993." As you and your colleagues deliberate on this legislation, you may want to be aware of how its passage would benefit the residents of Hillsborough County, Florida.

Current registration in Hillsborough County is 378,087, which is 59% of the voting age population. These numbers were achieved after an intensive registration effort for the 1992 Presidential election, when 82,000 new registrants were added to the rolls and our country had a record 85% voter turn-out. Despite these efforts however, it is clear that 41% of the voting age population, or 259,000 individuals are not registered to vote.

In Hillsborough County, it is estimated that 95% of the voting age population holds a driver's license. Thus, the "Motor-Voter" provision of the bill would enable us to capture a potential of 222,000 additional registrations. If then, the Hillsborough County experience tracks that of the District of Columbia, where 49.1% of those registered under the "Motor-Voter" program actually voted in the 1992 Presidential election, our county could then expect at least an additional 109,000 voters participating in future elections.

Two other provisions in the bill regarding mail-in registration and agency-based registration would also be helpful tools for our office in reaching out to all parts of this county. Our current outreach program of providing voter registration in libraries and bank buildings would be greatly enhanced by providing forms in commonly traveled destinations such as malls, grocery stores, or health clinics. Having mail-in registration forms and agency-based registration would greatly reduce our reliance on the current deputy registrar program, and allow us to focus instead on special outreach projects such as Spanish language groups, high school seniors, or new United States citizens, to name just a few.

I have heard criticism of this bill, the most common being the potential for fraud and increased costs. Regarding fraud, I see no greater potential under this bill than what currently exists, in that, today, we take at face-value the information that a new registrant gives us. As long as the penalties for registering to vote when one is not qualified to do so are made abundantly clear, then I believe that actual cases of fraud will track what currently exists.

As for costs, there will certainly be more registered voters and more voters at the polls, and that will undoubtedly increase costs. But one would think that would be a cost gladly borne in order to see more people interested and involved in our election process.

Thank you for this opportunity to express my view on this important piece of legislation.

Sincerely,

PAM IORIO,
Supervisor of Elections.

SUPERVISOR OF ELECTIONS,
Tallahassee, FL, March 2, 1993.

Hon. BOB GRAHAM,
U.S. Senator, 241 Dirksen Senate Office Building, Washington, DC.

As Leon County's elected Supervisor of Elections, it is my job to administer the voting rolls and ensure our citizen's participation in the electoral process. That's why I'm supporting passage of S. 460, the "National Voter Registration Act of 1993."

Voter registration at driver license bureaus, other agencies and mail registration are all procedures currently used in many jurisdictions around the country.

Unfortunately, Florida is not one of these jurisdictions and my analysis of S. 460 leads me to conclude hundreds of thousands of new voters could be added to our voter registration rolls with the implementation of this Act.

As a Floridian, I am particularly concerned about the issue of non-citizen registration; I am pleased that Section 9(b)(2) allows Florida's elections officials to continue our efforts to make sure registration lists are properly maintained in Florida; the bill does not alter our state's current procedure to ensure the appropriateness of our voters' status.

I support this measure. It will only add to our efforts to reconnect our citizens with our government. If I can be of any further assistance to you regarding this legislation, please feel free to contact me.

Sincerely,

ION V. SANCHO,
Supervisor of Elections.

Mr. ROCKEFELLER. Mr. President, today I rise to support one of our most treasured rights as U.S. citizens: the right to vote. Every American over the age of 18, no matter whether they are male or female, black or white, has a voice in our democracy. The right to vote is not a privilege for the select few, rather, it is a fundamental right guaranteed by the Constitution to all citizens.

While all Americans have that protected right, almost 70 million voters could not cast their vote in the last Presidential election simply because they had not been registered to vote. In fact, only 55 percent of the voting age population voted. Granted that figure reflects an encouraging 5-percent increase from the 1988 election, but having only a little over half of our population showing up at the voting booth does not adequately represent the collective voice of the American people.

In West Virginia, we have been fortunate that individuals like Becky Cain, the current president of the National League of Women Voters, have spoken out about the need for increased voter registration so that more citizens can participate in government. Thanks to leadership from Becky Cain, the League, and many others, our State has already adopted its own version of the motor-voter concept. Through such tremendous efforts, voter turnout increased in West Virginia by 4 percent from the last Presidential election.

However, we need a national effort to promote greater participation so West Virginians and all Americans will have their fair opportunity to have their voices heard by our Government.

Declining voter participation jeopardizes the very roots of our democratic system. Confusing registration forms, lack of convenient access to registration offices, and demanding registration requirements have led to the ineffectiveness of our current registration system. Something must be done now to get our country to the voting booths so that we can hear all Americans' voices. And I think the National Voter Registration Act does just that.

I am proud to be a cosponsor of the National Voter Registration Act and believe that it will encourage voter participation by making it simpler for all eligible Americans to register to vote. As a former secretary of state in West Virginia, I have personally experienced the difficulty involved in the administration of Federal election law. I am very pleased, however, that Senators FORD and HATFIELD have carefully drafted this bill to guard against voter fraud and eliminate some of the costs and procedural difficulties encountered by local election authorities.

In a day and age when we have a renewed commitment to a government "for the people and by the people," we cannot underestimate the importance of the American voter. The National Voter Registration Act cannot guarantee that all Americans will vote. It does ensure, however, that all Americans who are eligible to vote can now have an easier opportunity to do so. I strongly support the National Voter Registration Act and believe it will be an important step in encouraging all Americans to vote and exercise their most fundamental rights to play an essential role in our democratic system.

Mr. MCCONNELL. When President Clinton visited Los Angeles in the wake of the riots last year, he suggested a few solutions to deal with the violence that had exploded in the inner city, a solution to the looting, a solution to the entrenched poverty that was evident everywhere. And among the solutions he offered was: motor-voter legislation.

Well, I am glad that President Clinton thinks that motor-voter legislation will address these problems, because I cannot think of another good reason to be wasting time on this bill.

The Rules Committee, in marking up this bill, tossed to the Senate yet another legislative softball. Doesn't cost Congress anything. Our political and financial capital will not be expended because the bill is a mandate—on States. We are just going to dump the cost on States.

Motor-voter? Mail registration? No problem. States like California can just issue a few more IOU's to pay for it.

Meanwhile, congressional leaders and the President can point to motor-voter as an accomplishment. We did it! Look how effective we are. Hallelujah, gridlock is over.

Yet at a time when Americans are ringing our phones off the hook beseeching us to step up to the plate and deal with the real problems facing this nation, Congress is looking for the easy victory. Easy for Congress. Hard on States. Hard on taxpayers.

Motor-voter is not a priority for anyone outside of Washington, DC. And it is a very untimely burden for States.

As David Broder wrote in the Washington Post Sunday, February 14, it is the kind of: "underfunded, overhyped legislation that gives Congress and Washington a bad name."

Mr. Chairman, CBS News has a segment called Reality Check that examines various Government programs and contrasts their cost with what that money could buy in terms of school lunches, vaccinations, USDA meat inspectors and other worthy endeavors.

We need a reality check in Congress. The costs we can so easily dismiss through mandates is not an inconsiderable problem for States who must—by law—balance their budgets.

Granted, to those in Congress who have become accustomed to treating millions of dollars as mere decimal points, cost is rarely a big concern.

But the fact is that this bill imposes millions of dollars in new costs on the States, yet it does not ante up a penny to offset the tax increases, or the cuts that States will have to make in programs or services.

Proponents say the cost is not a problem—that it's a cheap bill. In that case, then finding a way to pay for it should not be a problem. The Federal Government could pony up and sacrifice only a little.

If it is not so cheap, as Republicans contend, then Congress should feel a moral obligation to pay for it, because this could be the straw that breaks their state's financial back.

It is faintly amusing that we hear all these passionate calls for reform. Reform voter registration, reform campaign finance. Then, when reform is at hand, the reformers do not want to pay for it.

There is an old saying that goes: If it's worth having, it is worth working for. We should adopt a version of that credo around here: "if it's a reform worth Congress enacting or mandating, it's a reform worth Congress paying for."

But, no. We have seen reform proponents jump through all kinds of hoops to avoid paying for their bills. Witness campaign finance reform, where efforts to avoid paying for the bill were extraordinarily imaginative.

In 1992, rather than pay for the Democrats' taxpayer-funded campaign finance bill, a budget neutrality provision was added, putting off how it would be paid for.

The bill also included a sense-of-the-Senate provision, which promised that:

> Subsequent legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal program, or increase the Federal budget deficit.

Maybe they were just planning to print some extra money to pay for the bill. But the states can't just print money to pay for this bill.

I believe it is the sense of the States that they do not need any more congressional mandates—including motor-voter—which will increase their taxes, reduce their expenditures for existing programs, and increase their budget deficits.

So reason No. 1 to oppose this bill is the costs it will impose on our States.

A question must also be asked: Why this bill? As I have said on many occasions to the dismay of professional reformers, this bill is a solution in search of a problem.

There is nothing stopping states from adopting these provisions—today. States are at liberty to provide motor-voter, mail registration, and agency-based registration. They do not need us, or this bill, to do so.

Many States already have in place some combination of these registration procedures, tailored to their own needs and desires.

Now, some have criticized these various registration procedures as a hodgepodge. Mr. President, the structure of this Nation dictates that we are a hodgepodge in many regards: A hodgepodge of 50 States with 50 different sets of laws on a lot of issues.

We could get into a lengthy debate on federalism and why we have States, but I will leave that for another time. Suffice to say that the hodgepodge critique is not a credible argument for mandating voter registration procedures. It is an argument against States as an entity.

Unquestionably, the motor-voter bill would make registering easier. Let us not, however, confuse easier with better.

It is not particularly hard, at present, to register. Three or four weeks out, less in some States, one has to have a fleeting thought about the upcoming election and perhaps go down to the courthouse or the library to register.

Not too hard. Yet, registration procedures such as going to a centralized location prior to a certain date serve an essential purpose—to protect the integrity of the electoral process.

The motor-voter bill was drafted under the presumption that registering in that manner is too hard and therefore is the reason why voter turnout has been dropping.

But, Mr. Chairman, while turnout has been dropping—over the last 30 years—registration has been getting easier.

The bipartisan Committee for the Study of the American Electorate studied voter registration and turnout. Conclusion: "Declining voter registration cannot be attributed to problems in registration and voting law, since it has occurred during a time when registration and voting law generally has been altered to make registration and voting easier."

The Congressional Research Service studied States with motor-voter registration. Conclusion: there is no evidence that motor-voter increases turnout.

The General Accounting Office studies voter registration and turnout in Europe and Latin America. Conclusion: coercion and bribery are the only sure means of increasing turnout.

So, reason No. 2 to oppose this bill is that it will not be effective in increasing voter turnout. It may increase registration; it will not increase turnout.

Even if this bill would increase turnout among just Republicans, I would oppose it. I do not believe that low voter turnout constitutes a crisis. I certainly do not believe it justifies a new unfunded mandate on the States.

There are a few courageous people out there who have openly stated that relatively low voter turnout is a sign of a content democracy. Low voter turnout is not necessarily indicative of a nation in decline or a democracy on the rocks.

Charles Krauthammer expressed this view eloquently in an editorial for Time magazine:

> When almost every pundit wrings his hands in despair at low voter turnout—some even feel obliged to propose creative schemes to induce people to vote—I am left totally unmoved.
>
> Low voter turnout means that people see politics as quite marginal to their lives, as neither salvation nor ruin. That is healthy. For a country founded on the notion that that government is best that governs least, it seems entirely proper that Americans should register a preference against politics by staying home on Election Day.

Mr. Krauthammer went on to say the following:

> A few weeks ago, a producer from public television came to ask my advice about planning coverage for the 1992 elections. Toward the end, she raised a special problem: how to get young adults interested in political coverage.
>
> I offered the opinion that 19-year-olds who sit in front of a television watching politics could use professional help. At that age they should be playing ball and looking for a date. They'll have time enough at my age to worry about the mortgage and choosing a candidate on the basis of his views on monetary policy.
>
> To say that, of course, is to violate current League of Women Voters standards of good citizenship. Let others struggle valiantly to raise the political awareness of all citizens. They will fail, and when they do, relax. Remember that indifference to politics leaves all the more room for the things that really count: science, art, religion, family and play.

Respected political analyst George Will observed in a Washington Post column on September 5, 1991, the following:

> Low turnouts often are signs of social health. Low political energy can be a consequence of consensus about basics. When society is not riven by deep fissures about fundamental questions, nonvoting may be passive consent, reflecting contentment.
>
> Many potential voters abstain because electoral outcomes do not determine the shape of their lives. Which is the way it should be: In a good society, politics is peripheral to happiness.

Like these observers, I do not advocate low turnout, I just recognize it for what it is. And what it is not. It is not the most pressing issue of our time. It is not even in the top ten.

There is considerable irony in the horror which my Democratic colleagues profess over low political participation. Their campaign finance bill would block citizens from participating in the process through limited and disclosed contributions to the candidates of their choice. To completely force individual citizens out of campaigns, 39 Democrats voted in 1991 for full taxpayer funding of general election campaigns.

Actually, by killing the Democrats' campaign finance bill last year, Republicans did more to preserve voter participation and turnout than this motor-voter bill could hope to create.

Their campaign finance bill would virtually shut down the political parties' ability to conduct grassroots political activities like voter registration and get-out-the-vote drives—so-called soft money activities.

Curiously, the Democrats' bill did nothing about labor union soft money—the real sewer money in the system. And Democrats ask what Republicans are afraid of?

I ask my colleagues across the aisle—what are Democrats afraid of? A fair fight?

If there is a sincere desire on the part of Democrats in increasing political participation by all Americans—not just among the members and political activists in labor unions—then they would join Republicans in passing a campaign finance reform bill that increases competition and public interest in politics.

They would join Republicans in strengthening the political parties' ability to register voters and turn them out on election day. They would join Republicans in freeing up the political parties so that they can run advertisements letting voters know there is a clear choice and a reason to vote on election day.

Samuel Popkin, a professor of political science at the University of California in San Diego, published an op-ed to this effect in the Washington Post. Mr. Popkin wrote:

> * * * critics are once again calling for reforms that would curb campaign advertising and spending to protect gullible Americans from the spiritual pollution of political snake-oil merchants.
>
> The fact is, our campaigns aren't broken, and don't need that kind of fixing.
>
> If we really want to increase voter interest and participation—as well as the capacity of government to tackle our problems—the best strategy may well be to increase our spending on campaign activities that stimulate voter involvement.
>
> As for the argument that America already spends too much on elections, the fact is that American elections are not costly by comparison with those in other countries.

But I digress.

The most disturbing aspect of the motor-voter bill its potential to foster election fraud and thus debase the entire political process in this country.

Several provisions of this bill have caused alarm among State and Federal officials who are charged with ensuring the integrity of our electoral process. That is why the motor-voter bill has acquired the nickname auto-fraudo.

The election-day registration escape clause, motor-voter registration, mail registration, and agency-based registration would not make just voting easier. They also would make fraud easier.

Politics is a high-stakes game. Lowering the threshold of effort required for voter registration makes fraud a more viable means of influencing elections.

Mr. President, my home State of Kentucky has many traditions. Among the more infamous is election fraud. It is a persistent problem and one which certainly is not confined to Kentucky. This is one critical reason many States oppose this bill.

One of the most dangerous provisions is the escape clause for States that cannot afford to comply with the bill. The bill allows States which adopt election day registration to opt out of the more financially burdensome requirements contained in the bill.

Those who served in the Senate in the late 1970's will recall that there was an extended debate in both Chambers over whether to mandate election day registration—a proposal advanced by President Jimmy Carter. This mandate was defeated short of a floor vote out of concern over election fraud.

President Carter's proposal had one thing over the motor-voter bill—it provided funding to the States to offset the cost of changing over to election day registration. Under Carter's proposal, any complying State would receive 35 cents per voter in the 1976 Presidential election.

The bill before us today, on the other hand, is simply a back-door means of mandating election day registration, without costing Uncle Sam anything.

This bill's mandates regarding motor-voter, agency-based, and mail registration will just not be worth the trouble to some States, prohibitively expensive to others. The alternative: election day registration.

Let me read the escape hatch provision which is found on page 4, section 4(b), "Nonapplicability to Certain States":

> This Act does not apply to a State described in either or both of the following paragraphs:
>
> (1) A State in which there is no voter registration requirement for any voter in the State with respect to an election for Federal office.
>
> (2) A State in which all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

Mr. President, politicians faced with the enormous budget pressures so common in States today will conclude that election day registration is the only politically and financially viable means of complying with this bill.

Election officials on the front lines, who actually carry out the election laws, oppose election day registration because of the potential for long lines, election fraud, and general chaos.

Senators from election day States may defend their systems, but the fact remains that demographics and cultural differences account for much of the current variety in State registration procedures—with good reason.

The Justice Department testified in 1991 that the election day escape clause: "would greatly impair the ability of the Department and the States to combat voting and election fraud * * * [and] would totally preclude meaningful verification of voter eligibility, and thus allow easy corruption of the election process by the unscrupulous."

The Department delineated the dangers of forced election day registration in a letter to the Chairman of the Rules Committee in 1991:

> Of all the registration reforms which Congress has considered over recent years, from a law enforcement perspective this idea is by far the most troubling. Our objections to election-day registration rest on the following considerations:
>
> (1) Registering voters at the polls on election day totally eliminates the ability of election registrars to confirm a voter's identity, place of residence, citizenship status, felon status, and other material factors bearing on entitlement to the franchise.
>
> (2) Requiring voters to provide some form of identification does not respond to the fraud problem. Most commonly used identification can be used by the same voter to cast ballots under assumed names at numerous polling locations.
>
> (3) Merging into one simultaneous act both the registration process and the voting process dramatically increases the risk of voter-bribery, since corrupt political operatives will no longer be confined to the preexisting names on registration lists. This problem is exacerbated by the fact, as we have observed in prosecuting and supervising hundreds of vote-buying cases, that individuals who accept payment for their votes do not have a strong interest in candidates and issues, nor do they tend to see the act of voting as a civic duty. Thus, for a few dollars, they are easily manipulated into giving up their franchise.
>
> (4) The ballots of election day registrants are liable to be tabulated before an irregularity can be ascertained. There is thus the realistic danger of irreversible damage to the integrity of the election, even in those instances where illegal registration and voting are later discovered.
>
> (5) Although election day registration may work reasonably well in rural and sparsely populated States, it is extremely doubtful that it would be at all successful in many States with mobile and urbanized populations which have experienced significant levels of local and State governmental corruption.

As the Department of Justice concluded:

> Voter registration laws are one of the principal protections against election fraud, and any changes to registration requirements must take into account the potential for increased fraud resulting from the changes.

Many State officials have expressed concern over election fraud under this bill. Governor Wilder of Virginia stated in a letter to Senator WARNER that this bill would "open the door to fraudulent voting."

Even the executive director of the D.C. Board of elections, which already has motor-voter registration, pointed out that this bill would open up the possibility of "inadvertently and routinely bringing on underaged drivers, noncitizens, nonresidents, felons, and other persons not qualified to vote."

This bill also piles more responsibilities on the FEC. Mr. President, it took 4 years to audit campaigns from the 1988 Presidential election. To do a credible job of carrying out the provisions of this bill and regulate 535 congressional races under the taxpayer-funded spending limits proposed by Democrats, the FEC would have to hire an army of auditors, accountants, and lawyers. In downsizing the military and building up the FEC, we may as well have them switch buildings—give the Pentagon to the FEC.

A March 25, 1993 Roll Call headline illustrated the FEC's plight: "FEC Claims It's 'Overwhelmed,' Asks 10 percent Hike for Motor Voter, Campaign Reform."

All this, Mr. President—costs in the millions of dollars and increased fraud potential—for what? A bill that we have established will probably not increase turnout. It will increase registration. It will not increase turnout.

George Will recently noted that:

> In 1963 President Kennedy appointed a commission to suggest reforms to increase voter turnout. Seventeen of its eighteen recommendations to make voting easier were fully or partially adopted. Since then, turnout has declined steadily.
>
> Now in another exercise in missing the point, reformers are trying to pass the motor-voter bill, to require States to ease, still further, voter registration. States would be required to register anyone applying for or renewing a driver's license. And to mail registration forms requiring neither notarization nor other formal witness. And to have registration available at all offices that provide public assistance, unemployment compensation, programs for the disabled, and other agencies, which may include libraries, schools, fishing, hunting and marriage license bureaus, revenue offices and some private sector locations.

"Well, now," George Will writes. He goes on to say the following:

> Most States are running deficits and raising taxes. Another unfunded mandate from Washington will require still more cuts in education, health, and other programs.
>
> In 27 States it is possible to register through driver's license offices. In 7 of the 10 States that have made that possible since 1972, voter turnout has declined. What has increased is voter fraud.

Proponents of this bill say they just want to make it easier to vote. This bill certainly makes it easier to register. How easy should it be? Should voting be effortless?

Some think it should be. They will be thrilled if States opt out of this bill by opting for election day registration. It does not get much easier than that.

Last year, I hypothesized that a Home Voters Network on television, or a 900 telephone service, could facilitate those whose goal is to make voting as easy as possible.

To further stimulate turnout, voters could automatically be eligible for a national lottery. We could just pay people to vote. That's what they have done in parts of Kentucky.

Last year, I suggested these were extreme examples. Looking at the bill before us, I am not so sure.

Mr. President, voting is already pretty easy in this country. It doesn't require an advanced degree or a great effort.

What has been missing is motivation. Candidates, political parties, the media, and community organizations are the means by which we can motivate more people to vote.

I asked earlier: "What are the Democrats afraid of?" Why do they continue to block campaign finance reform that would increase competition? Why do they propose gutting the political parties' ability to motivate people to vote?

Increased electoral competition requires increased campaign spending. Noisy campaigns. Angry voters. Those factors will do far more than this bill will ever do to increase voter turnout. Witness 1992.

Turnout in the 1992 election increased more than 5 percent over 1988. Millions more voters turned out in 1992. Why? Because they were motivated by anger, frustration, contested races, charismatic candidates like Ross Perot, and a desire for change.

The strong feelings expressed by the voters in 1992 demand strong action. We need to improve our economy, create jobs, cut the deficit, and ensure our long-term competitive strength in the world economy. Motor-voter has nothing to do with any of those serious objectives.

No one should be deluded into thinking that voting for this bill will take the heat off of Congress in terms of public opinion.

Congress is held in low esteem because it has created and perpetuated wasteful, unproductive Government programs; taxpayers see 40 percent of their paychecks going to taxes: the $4 trillion Federal debt continues to rise; and yet Congress persists in passing meaningless, expensive proposals like the motor-voter bill.

Voters and perhaps most especially nonvoters, do not trust Congress. This bill will do nothing to change that.

MOTOR-VOTER OUT OF GAS

Mr. DOLE. Mr. President, this morning in a session with reporters, the distinguished majority leader summed up the motor-voter debate by saying that Democrats want more people to vote, and the Republicans want less.

With all due respect to my friend from Maine, that's not what this debate has been about at all.

This debate is about who wants more Government, and who wants less.

It's about who wants more heavy-handed Washington mandates, and who wants less.

It's about who trusts Government more and trusts the people less.

Let's face it, our Governors, our State legislatures, our county officials, our city mayors, and our town supervisors have plenty of problems of their own without being forced to implement another multi-million-dollar mandate from Washington politicians who think they always know what is best for the people back home, especially when they don't want to pay for it.

In fact, I probably would have voted for the bill if Congress had come up with the cash to pay for it.

Last week, Senator NICKLES and I offered an amendment to do just that, but the amendment was defeated on an almost straight party-line vote.

You know, I've heard a great deal this week about how this bill has come up from the grassroots.

This bill is not from the grassroots. It's from the crassroots: crassroots politics.

Forget about fraud, forget about citizenship—let's throw the bodies onto the motor-voter wagon and stick it to the States—no matter what the cost.

And, Mr. President, how else would one explain why the Senate rejected, along straight party-line votes, the commonsense amendments that were offered today.

Even the amendment offered by my colleague from Arizona, Senator McCAIN, which would have made registration easier for members of the Armed Forces, met defeat at the hands of party-line politics.

Mr. President, I want to commend my distinguished colleague from Kentucky, Senator McCONNELL, for all his work on holding the line, and indeed, improving this bill with the core package of amendments.

This bill is substantially better because of the good work of the junior Senator from Kentucky.

I am also pleased that the distinguished majority leader and the senior Senator from Kentucky have both agreed to do their very best to ensure that the core package is preserved in the conference report.

If this commitment is kept—and I have no doubt it will be kept—the conference report will be a significantly better product than the original House and Senate versions of the bill.

Mr. President, no doubt about it, the right to vote is among the most precious rights of American citizenship. But overlooked in all the motor-voter exhaust has been an important fact: Along with that right comes a certain level of personal responsibility. No matter how hard the Government tries—or no matter how hard some proponents of this bill hope—it can't make anyone vote. People have to take it upon themselves to fulfill their obligations of citizenship.

The motor-voter bill may not be out of gas—yet—but the American people have no interest in refueling it.

Mr. McCAIN. Mr. President, I ask unanimous consent that a letter from Ms. Helen Purcell, the Maricopa County Arizona Recorder appear in the RECORD before the vote on final passage on S. 460, the motor-voter bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE
MARICOPA COUNTY RECORDER,
Phoenix, AZ, March 17, 1993.

Hon. Senator JOHN McCAIN,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR McCAIN: Once again Arizona is on the brink of being penalized for meeting federal standards ahead of time.

S-460, a piece of federal legislation on voter registration, is about to be slam dunked through Congress and appears to have gained favor of the President.

The basic theory of this "new legislation" has been around for years. Provide a positive atmosphere for voter registration; registration while applying for your driver's license; registration forms available at all agencies of state and local government; registration by mail through self-registration. Arizona already meets each of these qualifications.

You can register to vote while applying for your driver's license; pick up a voter registration form at any motor vehicle location, as well as most state or local agencies. There are more than 1,000 locations (including all post offices) in Maricopa County where forms are available. Grocery stores, banks, libraries and town halls are also a part of the growing list. Arizonans already have the right to self-registration by mail.

The new version of S-460 throws the current system right out the door and mandates that each person applying for a driver's license be automatically registered to vote. Applicants must formally decline in order to not be registered. While this sounds like a panacea for registration, this bill specifically prohibits government from asking the applicant to fill out a voter registration form. All information must be contained in the driver's license document. This means, at best, that the entire driver's license forms and procedures must be reworked and re-automated.

Currently a voter registers and the original copy of the form is filed in the County Recorder's/Election Office. Under the new provisions of S-460, the Election Department would receive a second or third generation carbon copy of the driver's license/voter registration form. It will prove interesting trying to satisfy the U.S. Justice Department mandate of bi-lingual translation of all voter related information, especially the drivers license form.

Currently each voter registration form in both Maricopa County and Pima County is scanned onto a computer disk. In this high-tech world it makes sense that we can accomplish this exchange of data electronically to update the computer files. However, because of this legislation, we will be re-recording data that is already placed in the system. This duplication of efforts will be cost prohibitive to both the Driver's License Division of State Government, the Recorder's Offices for each of Arizona's Counties and ultimately, you the taxpayer.

The basis for voter participation in Arizona has always been registration and voting in the precinct where the voter resides. It seems inherently unfair for voters to return to their "old" voting place and cast their ballot for candidates that do not represent them at their current location. S-460 allows this to happen on a continuing basis.

In a time when government is making an honest effort to react to a need to a mandate from the public for more fiscally responsible management, it is unfortunate that we are being led down the primrose path in the name of "easier accessibility". The cost for Maricopa County's participation in the program is estimated to exceed $900,000 in additional tax payer dollars annually. This cost will no doubt continue and escalate every year. This does not include State Motor Vehicle Department costs.

Arizona, and any other state that already provides for easy access to voter registration, deserves exemption to this legislation.

Don't be fooled by quick fix solutions. In order to protect our precious right to vote, election laws must continue to provide security in order to insure the absence of fraud. This "convenient, ease at all costs" approach is not the answer.

Arizona law already meets any reasonable standards for registration.

Sincerely,

HELEN PURCELL,
Maricopa County Recorder.
JIM SHUMWAY,
Elections Director, Maricopa County.

Mr. LEVIN. Mr. President, I am pleased to be a cosponsor of S. 2, the National Voter Registration Act of 1993, which was the foundation for S. 460, the original bill reported by the Rules Committee. I think it will significantly expand voter participation, which is vital to our democracy.

I do have one practical question that I would like the chairman to comment upon. Section 7 of the bill lists the possible "voter registration agencies," including unemployment offices. Subsection (a)(6) indicates that a voter registration agency that provides services in addition to voter registration shall distribute a voter registration application "with each application for such service or assistance, and with each recertification or renewal."

The committee report accompanying S. 2 provides further clarification regarding how this requirement applies to unemployment offices. The committee report states:

> For example, in the case of a program such as unemployment compensation, where eligibility must be recertified on a frequent (i.e., weekly or biweekly) basis, the committee intends that the agency be required to provide voter registration materials and assistance at the time of initial application, upon any change in the address or eligibility status of the applicant, and upon an extension in the eligibility for benefits.

My question for the chairman is whether even with this clarification the requirements on unemployment offices are somewhat excessive. I think it certainly makes sense to require that voter registration information be provided at the time the initial application and upon any change of address. However, is it really necessary for the unemployment offices to also provide this voter registration information at the time there is an extension of benefits in which there has been little if any break in time between the original benefits and the extension of benefits. For example, it is possible that a worker who has exhausted 26 weeks of State unemployment benefits will receive additional unemployment benefits under a program of emergency benefits, such as the one that is now in place, without experiencing an interruption of more than a couple of weeks of benefits. When there is such an extension of benefits with little or no time lag, I think it is unnecessary to require unemployment offices to send out additional voter registration material. I do not think that the unemployment worker's situation is likely to have changed during such a small timeframe so much so as to justify putting this additional burden on unemployment offices.

Would it be possible for unemployment offices to meet the requirements of the law by providing voter registration information at the time of the initial application for benefits or at the time of a change of address or when there has been a substantial period of time between the original application for unemployment benefits and a subsequent application for an extension of benefits.

Mr. FORD. I understand the concern of the Senator from Michigan. My view is that in the case of unemployment offices, it should be adequate to comply with this law if the offices provide voter registration information at the time of initial application for benefits, and at the time of a change of address, and when there has been a substantial period of time between the original application for the unemployment benefits and a subsequent application for an extension of benefits.

Mr. LEVIN. I thank the Senator for this clarification.

Mr. AKAKA. Mr. President, as a cosponsor of S. 460, the National Voter Registration Act of 1993, I urge my colleagues to bring our debate to a close and vote in favor of this bill. The need to implement uniformed voting procedures is not a new issue for this Chamber. Last May, we adopted S. 250, a bill championed by our distinguished colleagues, Senator WENDELL FORD and Senator MARK HATFIELD. The House followed suit and passed a companion bill in June. Only 2 days shy of the Fourth of July, President Bush vetoed the measure. Unfortunately, we were unable to override the President's veto.

In the 103d Congress, the House has already acted on a companion bill and is waiting for the Senate to complete action on our measure. No one in the Senate disputes the power of the ballot. In fact, the 1992 elections proved that Americans are determined to be personally involved in the political process at all levels of government.

Although voter turnout in 1992 was about 5 percent higher than previous elections, 45 percent of eligible citizens chose not to vote. We know that when people are registered, they vote. But when approximately 40 percent of all eligible voters are not registered, overall turnout will remain low. An estimated 38 percent of those eligible to vote in the past Presidential election were not registered.

In order to register to vote, individuals now must contend with a variety of local registration laws and procedures that may inhibit voter participation. Enacting uniform national registration procedures would, I believe, be the most practical way to register eligible voters. By making voter registration more accessible, we would increase the number of registered voters and expand the most fundamental right of all Americans.

Critics of this measure contend that the provisions of S. 460 would increase the risk of voter fraud and place an unfair financial burden on the States. I disagree with these assumptions. The Congressional Budget Office [CBO] estimates that the total direct cost of S. 460 to all 50 States would be $20 million. However, CBO has concluded that States could save $10 million in a Presidential election year and $7 million in a non-Presidential election year. Added to this $7–$10 million savings is an approximate $4 million annually saved in postage costs because S. 460 would reduce the postal rate for all mailings required by the bill. Further savings could be realized by using the Postal Service's National Change of Address Program and other computerized savings. I wish to point out that this measure neither requires nor necessitates the computerization of the voter registration process. In fact, the District of Columbia quite successfully operates a motor-voter registration program without computerization.

Opponents also argue that the measure would increase the possibility of voter fraud. States with mail registration programs have found little or no fraud, according to a congressional research survey study. Moreover, S. 460 contains provisions to prevent and reduce fraud and gives the States the option to guard against fraud by requiring mail registrants to vote in person the first time.

Mr. President, last year I was pleased to cosponsor S. 2236, which extended provisions of the Voting Rights Act to ensure language assistance to citizens who would otherwise be prevented from voting by their limited proficiency in English. That measure, which became Public Law 102–344 on August 26, 1992, reconfirmed Congress' commitment to enfranchising all eligible Americans.

I strongly believe that any barrier which prevents American citizens from exercising their right to vote must be eliminated. The National Voter Registration Act of 1993 would be another step toward improving voter registration processes and increasing effective registration mechanisms. S. 460 would make voter registration more accessible, less burdensome and more uniform throughout the Nation. We should support every effort to assist our citizens in participating in Government. I urge all Members to support S. 460.

Mr. SIMON. Mr. President, I wish to commend my friend the assistant majority leader WENDELL FORD for his leadership and diligence on this important legislation.

Passage of the motor-voter bill has taken several Congresses. In the 101st Congress, as chairman of the Constitution Subcommittee, I held a hearing on and cosponsored the Equal Access to Voting Act of 1989. The reforms embodied in the motor-voter bill that we will pass today directly address the barriers to voter registration and participation that significantly hamper our ability to carry out our democratic principles.

When we advance the right to vote, we advance our Nation. As Justice Black wrote in one of the celebrated voting rights cases:

> No right is more precious in a free country than that of having a voice in the election of those who make the laws; other rights, even the most basic, are illusory if the right to vote is undermined.

Most recently, in the heated November 1992 election only 55 percent of America's voting age population voted for President. This low rate of voter participation clearly indicates that the American people are discouraged with the political process. We need to do whatever we can to restore faith in our Government. Removing barriers to voter participation is one way to do so.

Mr. President, I am pleased that in my home State of Illinois there is strong support for the motor-voter legislation. Obviously, nothing that comes before us gets universal support or opposition. A number of the vigorous and active county clerks in Illinois support the changes in S. 460.

As David Orr, Cook county clerk has stated, "More than ninety percent of eligible voters would be reached by the National Voter Registration Act. Now, approximately 178 million Americans are eligible to vote yet 70 million people are not registered to vote." In his recent testimony, Mr. Orr stated, "I know of no other single measure or strategy that will allow me to extend the opportunity to vote to so many of the eligible citizens of Cook County at such minimal costs."

The motor-voter bill also commands the support of more than 100 organizations including: the U.S. Conference of Mayors, the American Association of Retired Persons, the League of Women Voters of the United States, the American Bar Association, the NAACP, the Mexican American Legal Defense Fund, Disabled American Veterans, and People for the American Way.

Some have suggested that this bill is costly. In fact, the opposite is true. It is estimated that deputy registrars cost anywhere from $1 to $15 per voter registered. Motor-voter programs average between 3 cents and 33 cents cost per voter registered. And, Mr. President, we cannot afford the costs to our society when people do not participate in the civic process.

Another concern which has been raised is that the bill increases the possibility of voter fraud. The bill provides numerous provisions, including tough penalties, against voter fraud. In addition, motor-voter has been working successfully in 12 States and the District of Columbia, without any increase in fraud.

Much discussion has been waged about the prospects of noncitizens voting as a result of the reforms contained in this legislation. We studied this issue in the context of the extension of the Voting Rights Act of 1965 last year and concluded that the issue of noncitizens voting is an exaggerated one.

Clearly, any illegal voting by an ineligible individual hurts the political process. Nonetheless, the reforms contained in this bill in no way encourage noncitizen voting. In fact, many local officials have reported that the motor-voter system, since it involves the photographing and fingerprinting of prospective drivers, makes it unlikely that someone who is illegally in this country to come forward to register and vote. It is equally unlikely that a permanent resident would jeopardize his or her chances for citizenship simply to cast a vote at an election.

This bill safeguards against the potential problem and the provision permitting States to require documentary evidence of citizenship at registration time is at best unnecessary and at worst may be implemented in a discriminatory fashion that may violate the Voting Rights Act. Accordingly, it is my hope the conferees look at this provision closely and seriously reconsider it.

Enlarging the electorate is not and should not be a partisan issue. Our goal, as Democrats and Republicans, as citizens, should be to make sure that as many people as possible are brought into the political process. A vote for the motor-voter bill is nothing less than a vote for democracy.

Mr. DURENBERGER. Mr. President, in my home State of Minnesota we have been ahead of the game on voter registration. We have voter registration at drivers' license stations, agency-based voter registration by mail and, in fact, Minnesotans can register to vote on election day, a fact that exempts our State from coverage under the motor-voter bill.

As a result, at least until this election, we were leading the Nation in voter participation, having lost that honor to the home State of our majority leader, Senator MITCHELL, the State of Maine.

I also recognize, particularly during the course of this debate, that not every State is Minnesota. What works in one State may be a disaster in another. What seem to be needless restrictions in one State may be important measures to prevent that the chief author and the chief opponent of S. 460 are from the same State, the State of Kentucky, which bears a fair weight in indicating that political experience and expertise may lead people to differing conclusions about voter participation.

Last week my Republican colleagues and I presented eight improvements to the Democratic leadership that they wanted on this bill. None of these provisions, in my opinion, would have weakened motor-voter. I would not have supported it. These amendments were designed to accomplish three important objectives.

First, the amendments were designed to ensure that in encouraging and expediting voter registration we do not open the door to increased voter fraud. Nothing will threaten this country more than the loss of confidence in the integrity of the electoral process.

Second, the amendments were designed to ensure that in enabling people to register to vote we do not open them up to coercion, pressure, or invasion of their privacy, in the offices where they have gone basically for help.

Finally, since we voted, against my wishes and that of others, to impose the costs of this program on the States, these amendments ensure that States are given maximum flexibility in how they accomplish their goals. After all it is the goal of universal registration that is important here, not how we get there. If not for the presumption of unlimited debate in the Senate, none of the Republican provisions would have seriously been considered.

When our system of government was carefully crafted by its founders, the Senate became the body where the rights of the minority would be protected. I have seen evidence of that today because the Democrats have agreed to accept the Republican improvements to the bill. Some of my Republican colleagues are concerned that some or all these provisions will be dropped in conference committee. I would say to my colleagues on the other side of the aisle in the other body, please do not. I am afraid this would have a chilling effect on the future cooperation that is going to be necessary to get even thornier issues than this through the Congress.

If Republicans see their constructive help—and I cannot speak for all of them when I say constructive help—undone in committee, it becomes less justifiable. I cast my vote today on motor-voter, mindful that there has been a meaningful dialog between Democrats and Republicans. The Senate is a place where a bare legislative majority cannot run roughshod over the rights of the minority, and I think we now have a better motor-voter bill because the minority was heard.

I must say, on behalf of the majority leader, he has been most generous with his time—particularly generous with all Republicans—and with his patience on this bill. It has been here many times before, and it probably did not need all of the time it took this time. But it was worth it, in my opinion.

Senator FORD has been particularly patient with me and with my colleagues. And it is not always easy, particularly considering the thousands of hours he has given to this particular project in the years before this.

My colleague from Minnesota has been a constant champion of S. 460 from the day he arrived in this body. It is his work that I know has impressed many people on both sides of the aisle, with the effectiveness not only of his commitment but with the way in which he has articulated the special interests of certain populations in this country. The fact that we have differed in our conclusions in a couple of these areas I do not think reflects the difference in the approach each of us take to a commitment to motor-voter.

So the bill, Mr. President, is a great step forward for voter participation in this country. For the first time, voters across the country can register at driver's license offices. For the first time, registration by mail will be available coast to coast. The bill gives the States the ability to achieve universal registration through a variety of strategies which they can fit to the needs of their States. This is enough reason for everybody to support this legislation. I hope we can now move forward on motor-voter and remove barriers nationwide to voter registration and to participation in the political process.

I yield the floor.

Mr. WELLSTONE. Mr. President, I wonder whether the Senator from Missouri would give me 2 or 3 minutes of final words.

Mr. DANFORTH. Yes. I yield 2 minutes to Senator WELLSTONE.

Mr. WELLSTONE. I thank the Senator.

Let me thank my colleague from Minnesota for his gracious remarks. But so much of this debate and discussion, in a way, was around Minnesota, and I am very proud of my State. We have been a leader in voter registration. I want to point out one more time before the Senate that I think there was a great deal of gridlock and obstructionism, and I think what that led to was that one very important part of this legislation had to be dropped.

I remind my colleague from Minnesota that we have agency-based registration, and we have it for a reason, which is we want to make sure there is a standard of fairness to those people without the means, who do not necessarily own a car, or who would not necessarily benefit from motor-voter, that they would have the opportunity to register and vote, and never has there been an example of coercion. There is a form, and in an unemployment office, or any public agency that has these forms, you fill it out, and at the end there is one final question: Would you like to be registered to vote?

You do not have to say "yes." It is up to you. If you want to be registered to vote, then right there as a part of what we do by way of public responsibility, we reach out in the State of Minnesota and make sure that people have the opportunity to register and vote, regardless of the economics of their lives, regardless of whether they are rich, poor, or you name it.

So I just have to say one more time that I do not think that the gridlock and obstructionism and the delay has led to the best of conclusions. Clearly, we have made some steps forward. It is not the Minnesota model. I certainly was hoping it would be. I think the agency-based registration makes the politics of our State one based upon fairness and no discrimination by the economic circumstances of an individual or his or her family, and it was the right thing to do.

I am saddened that we did not do the right thing to do. Finally, let me point out, of course, those low-income people, people really hard pressed, do not have a lot of clout in the U.S. Senate. They were not out in the corridors doing the lobbying. So at least for the moment they have not succeeded. But we will go to conference committee, and I am still hoping things can be worked out.

I thank the Chair.

Mr. FORD. Mr. President, our objective with this legislation have been to expand the voter registration system to make it a simple, convenient, and cost-effective, reaching out to a broader range of citizens.

To that end, this bill establishes a balanced approach to voter registration through the motor-voter system, universal mail registration, and agency-based registration.

Mr. President, we have now spent the better part of 10 days on this bill. We have adopted several amendments. And, in the final analysis, our objective has been achieved.

Compromise is not easy, Mr. President. I have often repeated the words of Henry Clay, that "compromise is negotiated hurt." I've swallowed so hard, that my throat hurts. I know that there are some compromises that the cosponsors of this bill would not have chosen. However, legislation is a series of compromises. Throughout our meetings and discussions on these compromises, I have always been mindful of our final objective.

Mr. President, I believe that we have reached our final objective. And it is a good bill on which we can go to conference. I thank my colleagues for their support.

The PRESIDING OFFICER. Pursuant to the previous order entered, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. Under the previous order, the Rules Committee is discharged from further consideration of H.R. 2, and the Senate shall proceed to its immediate consideration.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2) to establish national voter registration procedures for Federal elections, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken and the text of S. 460, as amended, is inserted in lieu thereof.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The question is on final passage of the bill, as amended.

The yeas and nays have not been ordered.

Mr. FORD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from South Dakota [Mr. PRESSLER] is necessarily absent.

The PRESIDING OFFICER (Mr. WELLSTONE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 37, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—62

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Wellstone
Wofford

NAYS—37

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roth
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Pressler

So the bill (H.R. 2), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2) entitled "An Act to establish national voter registration procedures for Federal elections, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the right of citizens of the United States to vote is a fundamental right;

(2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and

(3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a

manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) In General.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) Nonapplicability to Certain States.—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office in a year in which an election for the office of President is held.".

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) In General.—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) Limitation on Use of Information.—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) Forms and Procedures.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5)(A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) Change of Address.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) Transmittal Deadline.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 6. MAIL REGISTRATION.

(a) Form.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) Availability of Forms.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) First-Time Voters.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) Undelivered Notices.—If a notice described in section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the name of the applicant may be removed from the official list of eligible voters in accordance with section 8(d).

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) Designation.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State may designate as voter registration agencies—

(A) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(d) ARMED FORCES RECRUITMENT OFFICES.—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) IN GENERAL.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) CONFIRMATION OF VOTER REGISTRATION.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) VOTER REMOVAL PROGRAMS.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current

address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.".

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)–(h) and (j)–(k) of this title," and inserting in lieu thereof "3626(a)–(h), 3626(j)–(k), and 3629 of this title".

(3) Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title," and inserting in lieu thereof "3626, or 3629 of this title".

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for voter registration purposes.".

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

(k) CHANGE OF ADDRESS OF REGISTRANT.—Any provision of this Act to the contrary notwithstanding, if State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address, at the polling place described in section 8(e)(2)(A)(i), or at a central location as described in section 8(e)(2)(A)(ii)(I), or at a polling place described in section 8(e)(2)(A)(ii)(II), voting at the other locations described in section 8(e)(2)(A) need not be provided as options.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5)(A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the

residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SEC. 13. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to preclude a State from requiring presentation of documentary evidence of the citizenship of an applicant for voter registration.

SEC. 14. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I ask unanimous consent that S. 460 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes, and the Chair is authorized to appoint conferees on the part of the Senate.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate Commerce Committee be discharged from further consideration of S. 366, a bill relating to a national commission to assure a strong competitive airline industry, and that the Senate now proceed to its immediate consideration, and that the bill be considered under the following conditions and limitations:

That there be 20 minutes for debate on the bill with the time equally divided and controlled between Senators HOLLINGS and DANFORTH or their designees; that the only amendments in order be the following, with no second-degree amendments in order thereto, with no motion to recommit in order, with all time equally divided and controlled in the usual form: A Danforth-Exon-Dole amendment relating to the number of ex-officio members, on which there be 5 minutes for debate; a Danforth amendment relating to the commission's reporting requirement, on which there be 1 hour for debate; that when all time is used or yielded back, the bill be read a third time and the Senate then proceed to Calendar No. 22, H.R. 904, the House companion; that all after the enacting clause be stricken and the text of S. 366, as amended, be inserted in lieu thereof; that the bill be advanced to third reading and passed; further, that upon disposition of H.R. 904, the Senate measure, S. 366, be indefinitely postponed with all of the above occurring without intervening action or debate.

I further ask unanimous consent that immediately following the disposition of Calendar No. 22, H.R. 904, the airline commission bill, the Senate proceed to the immediate consideration of Calendar No. 34, a Senate concurrent resolution, the concurrent budget resolution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, in light of these agreements, there will be no further rollcall votes this evening. The Senate will proceed to S. 366, the bill relating to the national commission on a strong competitive airline industry. Following that, the Senate will proceed to consideration of the concurrent budget resolution.

Mr. President, I now wish to use a portion of my leader time to make a brief statement on the bill that has just been passed.

The PRESIDING OFFICER. The majority leader is recognized for up to 10 minutes.

MOTOR-VOTER REGISTRATION ACT OF 1993

Mr. MITCHELL. Mr. President, with this vote, the Senate has given its approval to legislation to make it easier for Americans to register and vote.

We now can be confident that legislation will eventually be enacted into law that will make voter registration virtually universal for people who are eligible to vote.

All Americans will now be given an opportunity to register to vote when they apply for a driver's license. That will cover about 90 percent of all registered voters, and it represents a tremendous improvement from the current situation. In order to pass this bill, we have comprised with our Republican colleagues. We had to modify a provision which was designed to ensure that the remaining portion of the population has an opportunity to register and vote. The legislation was modified so that public assistance and unemployment compensation offices do not have to provide voter registration forms to those citizens they serve. Under the bill as modified, they may provide voter registration, but they are not required to do so. This provision was originally in the bill because a certain small portion of the population do not apply for driver's licenses. Many of them would have the opportunity to register at public assistance and unemployment insurance offices.

I regret that we had to make this change, but it was necessary. It is especially unfortunate because the change prevents the most vulnerable, the most economically disadvantaged portion of our people from having easier access to voter registration. I think it is sad that many took that position.

Nevertheless, notwithstanding this change, the important point is that we passed this important legislation to expand the right to vote. When this bill is signed into law and fully implemented across the Nation, we will have made tremendous progress in increasing voter registration and in extending a fundamental right of democratic Government to a much larger portion of the American people.

As a result of this necessary agreement with our Republican colleagues, we did not get the best possible bill. This legislation is not perfect. But we accomplished most of our objective with what I believe to be very good legislation.

For that, the credit should go to the senior Senator from Kentucky, WENDELL FORD. Senator FORD was the author, manager, and really the father of this bill. He persevered. He demonstrated great skill in steering this bill through the committee and through the Senate. We have now spent 2 weeks on this bill, that time necessitated because of delays and obstructions created by those who opposed the bill. Senator FORD stuck with it, and he did a great job. To him should go the thanks of all Americans.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. DANFORTH. Mr. President, before proceeding to S. 366, I ask unanimous consent that Senator SPECTER be recognized for——

Mr. SPECTER. A period up to 7 minutes. I expect to do it in less.

Mr. DANFORTH. For 7 minutes and Senator DURENBERGER for 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

CLOTURE VOTES ON NATIONAL VOTER REGISTRATION ACT OF 1993

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Missouri for yielding me this time.

I have sought recognition in order to make a brief statement and have a brief colloquy with the distinguished Senator from Kentucky [Mr. McCONNELL]. I could not make this statement earlier because of the unanimous-consent agreement but wish to comment about the cloture votes and my reason for voting against cutting off of debate in order to secure certain modifications to the bill.

There is a widespread misunderstanding as to some of the nuances of our Senate procedure. For example, there have been two cloture votes on this bill, one on the motion to proceed, and then a second and separate cloture issue on the bill itself.

One of the major national newspapers today expressed surprise that there were some Senators who had changed their votes on cloture on the motion to proceed distinguished from opposing cloture on the main bill. In fact, I was one of those Senators. I did so because the motion to proceed simply authorizes the Senate to take up the bill. In the absence of a successful motion to proceed, the Senate is forclosed from even taking up the bill.

But the second cloture motion, to cut off debate or discussion on the bill itself, has much more significant import in that it limits the debate and further amendments on the bill itself.

We face an unusual time in the history of the Nation, or at least a unique time in the 12 years plus that I have been in the Senate because we now have both Houses of Congress controlled by the Democratic Party and we have a President who is a Democrat. So this year, when we enact legislation that comes out of the Senate and goes through Congress, unlike last year when on motor-voter it was known that then President Bush would veto it, we have legislation which is virtually certain to be signed by President Clinton. Therefore, it is a different matter. Given the fact that there are only 43 Republican Senators, the only point where that number may be effective is on the issue of cutting off debate where there must be at least 60 Senators to secure cloture.

I supported the move to oppose cloture so that there could be changes in the bill. The distinguished Presiding Officer, the Senator from Minnesota [Mr. WELLSTONE] made a comment earlier about some of his regrets on the bill. The distinguished majority leader made a comment a few moments ago on some of his regrets on the bill. There are genuine differences of opinion. I believe that, as a result of these proceedings, this is an improved bill.

I have always been for expanding opportunities to vote. My record has been established for more than three decades on the issue of voter registration. I have been in the Senate for 12 years plus and a district attorney in Philadelphia, where I had an extensive record on this subject. But there are a number of provisions of this bill which have concerned me. Most of them were corrected. I voted in favor of this bill as I voted in favor of the motor-voter bill last year. Last year it was a closer call, but I thought the bill was better than not having a bill.

I have asked my distinguished colleague from Kentucky, Senator McCONNELL, to stay on the floor because I want to be sure that I correctly articulate the changes that were made to the bill.

One change was an amendment I offered which provided for mail confirmation under certain circumstances, where a letter would be sent to the registrant to be sure that that registrant was at the address. Last year, I pressed this amendment. It was proposed by the distinguished senior Senator from Kentucky and was defeated. This year, after some discussion, it has been incorporated.

I am not saying that it is an enormous change, but I think it is significant. The experience that I have had, for example, with voter fraud during my days as district attorney makes me very concerned about the fraud issue.

There was a second very significant change where the original terms of the bill had a provision that if a State declined to participate in motor-voter then they would have no registration at all or same-day registration. I would just like my colleague from Kentucky, Senator McCONNELL, to confirm being the manager of the bill, that that is a factual representation.

Mr. McCONNELL. I say to my friend he is exactly correct. In the absence of his assistance, the question of the filibuster on the mail bill, we would not have been able to adopt these improvements, and the Senator from Pennsylvania is correct. The original version of the bill provided a State with only one option. Should it choose not to adopt motor-voter for whatever reason—too expensive, they did not like it, whatever—two options; the same-day registration or no registration at all.

Interestingly enough, I say to my friend, we received communication just today from Illinois indicating that a bill was introduced providing that they would opt out of motor-voter if it passed; go to a procedure under which any citizen would simply show up at the polls, swear he was a citizen, and vote. A lot of States would accept that alternative.

Mr. SPECTER. There a second provision which provides that with respect to certain registration of those receiving public assistance, that the mandatory provision shall was changed from may, which gives the initiative to the registrant who can register if he or she chooses. The Senator might explain this provision in more detail.

Mr. McCONNELL. I think what it essentially does is eliminate the possibility of coercion. If some one goes into, for example, a public assistance agency and wants to be registered, and that person providing the service immediately connects with the act of providing assistance, the act of registration, and then suggests a party, for example, that provided a great potential for coercion. That has been changed in the core package that was adopted.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. SPECTER. I ask unanimous consent that I might proceed for up to an additional 2 minutes to complete this colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair. I thank my colleague.

There are two other matters; one relating to information on eligibility requirements and penalties, and a second relating to clarification on agency-based registration assistance which, as I understand it, if my distinguished colleague from Kentucky could confirm, was also changed as a result of the vote tonight on cloture.

Mr. McCONNELL. Precisely. But for the ability to deny cloture, those two provisions as well which, in the judgment of this Senator, greatly improves the bill, would not have been adopted.

Mr. SPECTER. Mr. President, I have taken these 9 minutes to make this rather brief statement and to have this colloquy because there is a great deal of misunderstanding as to what the cloture vote means on the motion to proceed or what the cloture vote means generally.

There are obviously in this body genuine differences of opinion as to how to proceed and what is a good bill. Most of my colleagues on this side of the aisle voted against the bill and, I repeat, I voted to favor it.

I take second place to no one in terms of intensity of interest in expanding registration, expanding voter opportunities in the United States. I think we are at a unique period. This is the first time since I have been in the Senate this precise matter has happened.

Given the facts that lie about the House being in control of the Democrats, the Republicans having 43 votes here, this is the sort of a procedure which I think is important and, in my view, I think we have a better bill. Accordingly, I was pleased to vote for it.

I thank my colleagues for their indulgence. I thank the Chair. I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I will proceed as under leader time.

Mr. President, I am a former Federal judge; I know that when laws that are passed by the Congress are challenged in the courts, the Federal courts review the record of debate to see if they can determine legislative intent.

In the event that ever happens in this case, I just want the RECORD to be clear that the statements made by the two Senators just now represent the individual views on the significance of the amendment and the meanings of the amendment, and should not be construed as any more than that, as a statement of any other Senators in that way.

The conclusion of the Senator, who opposed the bill vigorously, that a change improves the bill, is entitled to no more weight than that. And certainly I think that everyone here ought to understand that this is a continuation of debate and is not entitled to any greater weight in terms of interpreting the legislation than are any other statements made during the 2 weeks this bill has been under debate.

I wanted to make the RECORD clear in that regard. I respect the views of the Senators, but they are individual views, as are many other contrasting views that have been sated throughout the course of this legislation.

Mr. SPECTER. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I would not disagree with any of the statements the majority leader has made. Everything I have said is as an individual Senator, which is all I can do. I do not manage the bill. There is a little more weight if you are the manager of the bill. Senator MCCONNELL is comanager, whatever weight that has. When I make the statement, "The bill has been improved," that is only my opinion. I thank the Chair. I yield the floor.

THE NATIONAL COMMISSION FOR A COMPETITIVE AIRLINE INDUSTRY ACT

The PRESIDING OFFICER (Mr. WELLSTONE). Under the previous order, the clerk will report S. 366.

The legislative clerk read as follows:

A bill (S. 366) to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

The Senate proceeded to consider the bill.

Mr. EXON. Madam President, I am delighted to rise in support of the legislation to expand the national Commission to Ensure a Strong Competitive Airline Industry. I thank the chairman of the Commerce Committee and the chairman of the Aviation Subcommittee for working very hard to move this legislation out of the committee and onto the floor for consideration.

I also thank my friend and colleague from Missouri who will be offering at least one amendment, for his help and support and understanding all the way through the process of trying to move this along as quickly as possible at the behest of the Secretary of Transportation.

This legislation is the result of a bipartisan effort to work with the new administration to find the solution to the problems which plague the aviation industry.

In 1991, I introduced legislation to create a blue ribbon Commission to make recommendations to ensure a strong and competitive airline and aircraft manufacturing industries. That legislation became law as a part of the Federal Aviation Administration Reauthorization Act, approved in the 102d Congress.

Since enactment of this legislation, a new President was elected, and the condition of America's aviation industries has worsened. Since President Clinton's election, I have worked very closely with Secretary Peña to make this Commission the primary forum for the discussion of new strategies to restore the economic health to our Nation's airline and aircraft industries.

On February 16, I was pleased to join the Secretary and the House leadership to announce the introduction of this bipartisan legislation to expand the Commission and focus its attention on three immediate priorities; namely, financial stability, manufacturing, and future international competitiveness of the Nation's aviation industry.

The changes embodied in this legislation implement the desire of the new Congress and the new administration to move aggressively to find solutions to our Nation's aviation problems.

America's aviation industries have long been the symbols of our Nation's economic and technological strength. Our Nation has a strong national security interest in America's aviation industry. We cannot continue down the same path. It is time for a change. The status quo means lost jobs and lost competitiveness.

The new Commission will be the forum for the new agenda. It will meet an ambitious and difficult schedule to consider any array of options and make recommendations to the President and to the Congress.

The President and the Nation are looking to the Congress to advance this process. Today, we move one step closer to a solution. There is no time to waste.

I urge my colleagues to vote in favor of expanding and expediting the work of the National Commission To Ensure a Strong Competitive Airline Industry.

Mr. President, I thank you, and I yield the floor.

Mrs. MURRAY. Mr. President, I rise in strong support of the establishment of a National Commission To Ensure a Strong Competitive Airline Industry.

Normally, I am a skeptic of such commissions. But this bill forces a deadline. The Commission must recommend a strategy to the President within 90 days that will keep our airline and aerospace industry the most competitive in the world. The significance of these sectors to the U.S. economy—and the thousands of workers and their families who depend heavily on the aerospace industry—make this Commission imperative.

For the last several years, we in Washington State have heard how European subsidies of Airbus have cost the Boeing Co. global market-share. Since the Europeans began the Airbus subsidy program three decades ago, Airbus has taken more than 28 percent of the international aircraft market. Boeing is the Nation's largest exporter. Lost sales of Boeing overseas mean lost jobs for Boeing workers here at home.

Airbus subsidies help the Europeans cut into our market as well. In 1980, Airbus had no orders in the U.S. market. Today, Airbus has captured 44 percent of all U.S. commercial jet orders.

I know that our industries' problems cannot be blamed completely on foreign trade barriers and unfair practices abroad. The loss of foreign sales has been compounded by the problems in the domestic airline industry. That is why this Commission is vitally important. It goes to the heart of the airline industry's problems, and its recommendations will have an impact on other critical American industries.

I know this Commission will recognize that no industry exists in isolation in today's interdependent economy. Aerospace depends on industries like machine tools, automobiles, semiconductors, computers, energy, shipping, financial services, and airlines, to name but a few. This Commission will deal with issues like bankruptcy reform, international trade, and regulations on the carriers. And with the possible expansion of SeaTac, discussing airport noise pollution will be important to the people of Washington.

In Washington State we know the painful effects of the problems in the aerospace and airline industries. Boeing recently announced that it will lay off more than 20,000 workers. The impact of these layoffs goes far beyond the workers and their families. Each Boeing job supports an additional 2.8 jobs in my State. I meet with constituents every day—homebuilders, auto workers, small business owners—who mention the Boeing layoffs to me. They know that if their neighbors are not working, they cannot buy homes, or cars, or other consumer products. Tens of thousands of Washingtonians will be hurt by this news.

That is why I believe the work of this Commission is critical. We need to have a plan, a strategy for getting our domestic airline industry back on its feet, and that is what this bill does. I urge my colleagues to support this legislation.

Thank you.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 178

(Purpose: To revise the composition of the Commission)

Mr. DANFORTH. Mr. President, on behalf of myself, Senator EXON, Senator DOLE, Senator MCCAIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH], for himself, Mr. EXON, Mr. DOLE, and Mr. MCCAIN, proposes an amendment numbered 178.

Mr. DANFORTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike subsection (a) of section 1 and insert the following:

(a) APPOINTMENT OF MEMBERS.—Paragraph (1) of subsection (e) of section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (49 U.S.C. App. 1371 note) is amended to read as follows:

"(1) APPOINTMENT.—The Commission shall be composed of 15 voting members and 11 nonvoting members as follows:

"(A) 5 voting members and 1 nonvoting member appointed by the President.

"(B) 3 voting members and 3 nonvoting members appointed by the Speaker of the House of Representatives.

"(C) 2 voting members and 2 nonvoting members appointed by the minority leader of the House of Representatives.

"(D) 3 voting members and 3 nonvoting members appointed by the majority leader of the Senate.

"(E) 2 voting members and 2 nonvoting members appointed by the minority leader of the Senate.".

Mr. DANFORTH. Mr. President, this is the amendment on which there is a 5-minute time agreement and it is very simple. It simply allows the minority leader of the Senate to appoint one more ex officio member of the Commission and it also allows the minority leader of the House to appoint one additional ex officio member of the Commission so that both of them would be allowed to appoint two members to the Commission.

The PRESIDING OFFICER. Is there debate on the amendment?

The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I thank the Senator from Missouri for offering this amendment. I think it is a good amendment. As we worked through a whole group of people very much interested in that, there were many suggestions brought forth. We came to an agreement that this would be one that everyone could agree to.

I am a cosponsor of the amendment that has just been offered by the Senator from Missouri, and we have no objections on this side.

The PRESIDING OFFICER. If there is no objection, all time is yielded back and the question is on agreeing to the amendment.

The amendment (No. 178) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 179

(Purpose: To revise the deadline for transmission of the Commission's report)

Mr. DANFORTH. Mr. President, on behalf of myself and Senator MCCAIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH], for himself, and Mr. MCCAIN, proposes an amendment numbered 179.

Strike subsection (g) of section 1 and insert the following:

(g) REPORT.—Subsection (*l*) of such section (as redesignated by subsection (e)(2) of this section) is amended by striking "6 months" and inserting "30 days".

Mr. DANFORTH. Mr. President, the original bill was 6 months. The present version as I understand it is 90 days. The effect of this amendment is to reduce the period of the Commission's study time from 90 days to 30 days.

Mr. President, in view of the very generous and kind comments of the Senator from Nebraska about myself, I hesitate to say what I am about to say and I say it in great friendship and esteem for a very good friend of mine in the Senate.

But, Mr. President, the bill that is before us is at best, the best that can be said about it is that it is totally unnecessary. The worst thing that could be said is that it is not only unnecessary, it leads to 90 days of delay of doing absolutely nothing on a subject that has already been studied to death.

Mr. President, in the last four Congresses the Senate has held 14 hearings and the House has held 15 hearings on the state of the airline industry.

The House has also held four hearings on the economic condition of the domestic aerospace industry and the Senate has conducted several hearings on the same topic. One of the problems in trying to comb through the various hearings that we have had on the airline industry and the aerospace industry is that it is a little bit difficult to find out just how many hearings have been held and how many reports have been made.

But in addition to the ones that I have already mentioned the General Accounting Office has released 12 reports on competition in the airline industry and 10 other significant commercial passenger airline studies have been made by the Federal Government at one level or another since 1986. The Department of Transportation has released two studies since 1990 on the state of the airline industry since deregulation.

Fourteen studies on the economic condition of the aerospace industry have been conducted by both independent and government agencies since 1986. I have brought to the floor of the Senate those studies that we have found by various departments together with the congressional hearings on the subject of the airline industry and the aerospace industry since 1986 and the ones that we have been able to find are now on my desk.

These are simply what that would be after 7 years of studies and now we are told that what the airline industry needs and what the aerospace industry needs is a study and that it will take 90 days to have the study.

Mr. President, I would simply point out that in this legislation the beginning of the ticking of the 90-day clock starts when the members of the Commission are appointed. There is no timetable on the appointment of the Commission. So at some future time the 90-day clock will start ticking and then, of course, after the report is issued nobody knows exactly what will happen to that report. It will probably be what has happened to all of these reports.

They will be stashed away some place. Maybe somewhere in the Department of Transportation there will then be an analysis of the study, and then maybe a report to the President on the study, and then maybe there will be proposed legislation and then Congress will have to study the study, and there will be hearings, of course, on what we do next.

So, the amendment that I have offered is a very simple one. It says, instead of 90 days, let us just do 30 days of study this time. I mean, let us at least take 60 days off of this study that we are doing.

I would say, Mr. President, that I do not think we need a study at all. We have had so many reports on the problems of the airline industry and the aerospace industry that ideas are now coming out of our ears. That is all we have is ideas, and we never seem to do anything about those ideas.

In the airline industry, it is really as plain as the nose on your face what the issues are. One issue is the need for capital infusion. This has been studied. There is no study that is going to add anything to it.

It has been estimated that airlines will need $130 billion between now and the end of this century to replace their fleets with quieter aircraft that have already been mandated by the Government; $130 billion for new acquisition of aircraft. The airline industry is distressed. It is not going to be able to produce the capital internally. Even the strongest airlines have had their bonds downgraded in the financial markets. They are junk bonds today.

So it is absolutely clear—it does not take a study to tell us this—that capital infusion from abroad is going to be absolutely necessary to the health of the U.S. airline industry. And Secretary Peña went a long way toward recognizing this with his approval of the British Airways investment in USAir.

Another issue is the war issue. Last year, the airlines lost $4 billion, largely because of fare wars. Fare wars constitute, in the minds of, I think, most people who have looked into this, predatory pricing practices. And yet, if the standard remedies of the antitrust laws were pursued, maybe 5 years hence litigation would work its way through the courts.

So what we need is some sort of summary procedure for dealing with the problem of fare wars. It does not take a lengthy delay to come to that conclusion.

The new proposed Btu tax and the effect on jet fuel is another subject that does not require a great deal of study. The estimated cost of the tax on the airline industry would be between $1.4 billion and $2.1 billion a year. In the most profitable year in history for the airline industry, they only made, between them, $1.7 billion.

So these matters are not hidden. They are not secret. They do not require more studies.

And with respect to the aerospace industry, Mr. President, there has already been legislation that has been introduced dealing with two of the key questions relating to the airline industry. One is the totally unfair subsidy system that the European governments have for Airbus. Airbus has never made money. It should not even be in existence. Airbus has now captured more than 40 percent of the market in the United States and it should not even exist.

The Secretary of Commerce tomorrow could begin a countervailing duty case against the European governments and Airbus to impose countervailing duties on Airbuses being shipped into this country, and should do it. We have introduced legislation mandating it.

It does not require another study to say, "Well, wait a second. We are being wrecked, our industry is being ruined by Airbus and the unfair subsidies of Airbus."

Another bill that was introduced, which has received favorable comment, at least by the Deputy Secretary of Defense, Mr. Perry, is what we call the Aerotech bill, which attempts to practice for the aircraft manufacturing business what Sematech did for the semiconductor business. These are ideas and we are ready for hearings. The legislation has been introduced. We do not need further delay.

Mr. President, I would draw the analogy of this legislation to the question of the situation that would exist if somebody's house was on fire and the person called the fire department and said: "Our House is on fire. We are about to lose everything." And the person in the fire department answered the phone and said: "Well, we are watching a movie now on television. After we finish watching the movie, then we will take care of your fire."

The airline industry is in distress. The aerospace industry is in distress. What we do not need is another box full of paper that is going to be shipped to us at some future date by the people who are conducting the most recent study of the airline industry and the aerospace industry.

There is a word which describes the inability of Government to act. There is a word which describes the inability of Government to get on with it in the face of obvious problems. The word is "gridlock." Gridlock. Gridlock is the word that is used to describe governmental paralysis; Government being just clogged up, unable to move.

This pile of paper on the desk in front of me is a monument to gridlock. A 90-day study, followed by analysis and review and maybe hearings, is a further monument to gridlock.

Therefore, this amendment simply says: Instead of 90 days of gridlock, let us shorten it by a couple of months.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Nebraska [Mr. EXON] is recognized.

Mr. EXON. Mr. President, I yield myself such time as I might need. I believe there may be one or two other Senators that would like to speak. I will be glad to yield to them at the appropriate time.

The Senator from Nebraska has a half-hour, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. EXON. I have listened with great interest to my friend and colleague from the State of Missouri. I am looking at his rather impressive display of studies that have been done over a period of time.

The Senator from Missouri has offered an amendment that we must oppose, because we believe that the Commission—an action Commission, if you will, Mr. President, that has been suggested by the brandnew Secretary of Transportation under the direction of a brandnew President—wants to get something done.

The new administration, it seems to me, is entitled to a little bit of consideration. Because the new administration—under the leadership of President Clinton and Secretary Peña—is going to do something about the problem that is very vividly and adamantly demonstrated by the pile of papers and books stacked on the desk of the Senator from Missouri.

If we want to talk about gridlock and paralysis and a monument to failure, Mr. President—there it is. That is gridlock. That is a monument to failure. That is paralysis that we have had for a long, long time.

But to keep this as much bipartisan as I can, I simply remind the Senate that all of that gridlock and all of that paralysis and all of that monument to failure was not created under the administration of the present President of the United States. The facts of the matter are the new President of the United States and new Secretary of Transportation have recognized foursquare the tremendously difficult problem that we have. Using the analogy that has been used by my friend from Missouri about the house burning down and the firemen somewhere sidetracked watching a movie is more of a description of what has happened in the past rather than what is going to happen in the future.

Certainly I do not feel that it is proper to saddle the new administration with that. It is an action administration that wants to get something done as demonstrated by their up-front announcement early that the No. 1 problem they had was to get a handle on what we know has been an ailing aircraft industry for a long, long time.

All the books, all the charts, all the papers in the world have not solved it. I think it is unreasonable to assume that the new administration, with all those charts and studies and hearing records, could be expected, even if we gave them 30 days, to read all that and digest it in that period of time.

What has the new administration done? They have suggested to us that we do something about this rather than just make studies. This is a commission that will be created by this law that is not just a study. This is a mechanism for change, a mechanism to build something, to create, if you will, a consensus for action and not further gridlock or past paralysis or past monuments to failure.

I wish I could agree with my colleague from Missouri. The new Commission that is being created, which is going to have excellent people on it who know firsthand the problem and will have the ability to recommend action and not further studies—I do not think they can do that, realistically, in 30 days. The original legislation I had introduced in this regard was 6 months. The Clinton administration said we have to do it faster than that. We think 90 days is as quickly as we can expeditiously proceed.

Then the Senator from Missouri came up with the concept of: We can do it all in 30 days. I have to go along with the study of the problem and recommendation that has been made by the Secretary of Transportation. He believes that even the 90-day timeframe is of such a short duration, given the magnitude of the problem and the gridlock and the paralysis and monument to failure. It is going to take them more than 30 days to do an action program and recommend it to us to get on with eliminating gridlock and paralysis and monuments to failure.

Therefore, I must oppose the amendment offered by the Senator from Missouri. I hope he will recognize and realize the new administration is entitled to more than 30 days, but not more than 90 days, to bring something before us for action.

I reserve the remainder of my time.

Mr. DANFORTH. Mr. President, will the Senator yield?

Mr. EXON. I am happy to yield.

Mr. DANFORTH. Mr. President, I am not going to push this any further than I have. I am, in fact, not even going to ask for a vote on the subject. I simply want to make the point that—I wonder if the Senator from Nebraska would agree—maybe one of the skills that members of the Commission should bring to their work is speed reading in order to get through these things.

I have to say some of this is my handiwork. I am one who has requested a number of studies. I do not minimize the desirability of studies. I do not minimize them. I think it is very good to try to understand what we are doing before we do it. It is not always the case, but it is a good thing when we can. But there has to be some limit on how often and how much studying we do before we get on with the business of acting.

My point is very simply that we have a distressed airline industry. We have a distressed aerospace industry. Twenty-five percent of the employees of the aerospace industry of 1989 have now been laid off. There are, of course, related problems. The aerospace industry suffers with the airline industry.

But my question to the Senator of Nebraska is, would speed reading not be a desirable skill to bring to the work of this Commission?

Mr. EXON. The distinguished Senator from Missouri and I are old and very dear friends, and when we agree, we generally agree completely. I completely agree with the worthy suggestion made by my friend from Missouri that those who come on the committee would be better prepared to serve if they were speed readers. I am not sure that will be a requirement of those appointed, but maybe it should be.

Mr. DANFORTH. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

So the amendment (No. 179) was withdrawn.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I thank my friend and colleague from Missouri. I must say, one of the real joys I have had in the U.S. Senate over the years is working with my good and talented friend from Missouri. We have a great deal in common. I have always found him very forthright in his opinions.

I agree, basically, with the thrust of what he is trying to do. This Senator; Senator FORD, chairman of the Aviation Subcommittee; Chairman HOLLINGS of our committee; and many members of the Commerce Committee on both sides of the aisle are very disturbed about the problem. Certainly I want to congratulate my friend from Missouri for very articulately, once again, outlining the extreme difficulties of the airlines industry.

Once again, I simply say this administration has already moved on one part, small as it is. They have made a decision in the last day or so with regard to allowing the British Airways to buy into USAir. That is something that has been pending for months and months and months. I am glad the decision has been made. Certainly I recognize there is probably no one in this body who better understands the serious situation that confronts all segments of our airline industry than my distinguished colleague from Missouri. I only cite, in his State, we have one of the largest and one of the best aircraft and aerospace companies in the whole world. We also have a very topline airline that is headquartered in his State, one of the real former stars of the industry that has fallen upon hard times, like many others of the passenger-carrying airlines. That is why the Secretary of Transportation feels that an action study group for 90 days is absolutely essential.

Therefore, I once again thank my friend from Missouri for his input and counsel on this. I am sorry I could not agree to cutting the time from 90 to 30 days.

Mr. GRAHAM. Mr. President, I am pleased that we are considering this bill today, and I am proud to be a cosponsor of the Senate bill, S. 366.

The airline industry in America is struggling. Perhaps no State feels the effects of this struggle more than my own State of Florida, and perhaps no city more than Miami.

The failures of Eastern and Pan American Airlines have devastated countless families whose livelihood once depended on these airlines. I am hopeful, therefore, that the Commission To Ensure a Strong Competitive Airline Industry will provide recommendations which will safeguard the rest of America's airline employees by revitalizing this troubled industry.

With the interest in protecting American jobs close in mind, I would like to engage the distinguished sponsor of the Senate bill in a colloquy regarding an issue of particular importance to many former employees of now-defunct airlines.

Some background may be helpful. While domestic commercial aviation has been largely deregulated, international air routes continue to be highly regulated. When one carrier desires to take over from another the authority to fly an international route, that carrier must receive the approval of all countries involved in that route.

In the United States, the responsibility for approving such transfers is placed with the Secretary of Transportation, who must evaluate the proposal by making a number of determinations which equate to measuring the effect of the transfer on the public interest.

One factor included in this analysis is the effect on the employees of the airline which is transferring its routes. While this factor is included in the overall determination, it is not, in my judgment, being properly measured.

Let me give you an example of how route transfers that inadequately consider the effect on employees are detrimental to the public interest and to the jobs of American workers.

When Pan American Airlines went bankrupt in December 1991, thousands of American employees of that airline were left jobless. Most of them remain jobless today.

I make the distinction of American employees because foreign employees were able to keep their jobs when new carriers took over Pan American's international routes. But Americans were terminated wholesale.

There is a simple reason for this, Mr. President. Most European and Latin American nations provide job protection for their nationals in the case of an international route transfer, while the United States has no such legal protections.

For instance, in a hypothetical route between the United States and Argentina, the transfer of which requires the approval of both the Argentine Government and the United States Government, the Argentine Government says: "As a condition of approving this transfer, we are going to require that the airline which acquires the route continue to employ the same number of Argentine nationals that had been employed by the predecessor airline serving that route." The U.S. Government requires no such condition; as a result, hard-working Americans lose their jobs.

Last year, during consideration of the fiscal year 1993 Department of Transportation appropriations measure, Senator DANFORTH and I crafted an amendment which would provide some job security for American workers affected by international airline route transfers. At the heart of this amendment was the belief that the Federal

Government has a fundamental responsibility to help save American jobs.

This amendment, approved by the Senate and supported by a majority of conferees from both the Senate and the House, was removed from the final bill because President Bush threatened to veto the entire appropriations package over that issue.

President Clinton announced that he wanted to expedite the work of the Commission to Ensure a Strong Competitive Airline Industry while he was in the State of Washington, where layoffs at Boeing are crippling the economy. Mr. Clinton's actions were based on his concern about American jobs. I, too, am concerned about American jobs, and that is why I am bringing this issue to the attention of my colleagues today.

I am reading from the statute which created the Commission last year. It is Public Law 102-581, and I am referring to section 204(c)(2), entitled "Policy recommendations." It says, "the Commission shall recommend to the President and Congress those policies which need to be adopted to— * * * (D) provide a stable work environment for airline industry employees * * *."

Now I would like to inquire of the Senator from Nebraska [Mr. EXON] whether he would agree that it was the intent of Congress that the term "airline industry employees" should include those American airline workers who service international routes?

Mr. EXON. That definition certainly is consistent with the legislation.

Mr. GRAHAM. Delving a bit deeper into this issue, would the Senator agree that the Commission, in completing its duties, should address the issue of safeguarding those American workers affected by international route transfers and whether Federal policy in this area should be altered to expand such protections.

Mr. EXON. I agree that a thorough analysis of the industry will include the pressing concern the Senator from Florida has raised.

Mr. GRAHAM. Mr. President, I would like to thank the Senator from Nebraska [Mr. EXON] for helping define congressional intent in this area and for his leadership on issues affecting the airline industry. The Aviation Subcommittee held a hearing on legislation I introduced in the last Congress on this matter, and I want the RECORD to show my appreciation for the help of the subcommittee members last year.

Mr. HOLLINGS. Mr. President, today the Senate is considering important legislation for the future of the U.S. aviation sector. The bill before us, S. 366, is intended to bring us closer to addressing the financial and competitive problems that face the Nation's airline and aircraft manufacturing industries.

Last year the Commerce Committee included, as part of the reauthorization of the programs of the Federal Aviation Administration, provisions that established a national commission to ensure a strong competitive airline industry. On February 16, Senator EXON introduced, and I cosponsored, S. 366, which amends last year's legislation by expanding the number of members to be appointed, ensuring that it is a bipartisan commission, and requiring that the commission expedite the submission of its recommendations to the President and Congress. I am pleased that the legislation is not before the full Senate.

The need for this commission is clear. The airline industry has lost more than $10 billion over the last 3 years, and more than 100,000 people has been laid off. The number of major airlines has decreased, and several airlines have gone into bankruptcy. This tide must be stemmed, and all issues must be reviewed to this end. We have debated ever since 1978 whether deregulation of the airline industry was an appropriate action, and whether it has resulted overall in a less competitive, less cost-effective, and less efficient airline transportation system. This commission will have an opportunity to explore this issue, among others, and make recommendations for further action.

The aircraft manufacturing sector also has experienced serious financial problems. These problems are exacerbated by the financial crisis in the airline industry, and by the continuing foreign subsidies to Airbus Industrie, the European-backed consortium, today the world's No. 2 aircraft manufacturer. The commission also will be examining these complex problems facing the aircraft manufacturing industry.

The commission's task is daunting, but it is intended that the individuals to be appointed to the commission will be equipped to meet the challenge. They are to come from a variety of backgrounds and will bring different viewpoints to the table. In this regard, the Department of Transportation has indicated that individuals such as airport proprietors would make a valuable contribution to reviewing the problems and that, under the legislation passed today, an airport proprietor certainly would meet the qualifications established under S. 366. The legislation also provides that representatives from the airlines are eligible to serve on the commission, and thus DOT will consider those individuals as well. DOT is committed to working to ensure that a quality commission is selected, and I welcome the advice that the commission will provide.

There has been concern raised that the time provided for the commission to provide its analysis to the President and Congress is too long, and will result in unnecessary delay in addressing the serious problems facing aviation. First of all, I remind my colleagues that, under the existing law that S. 366 seeks to amend, the commission would have 6 months to provide its recommendations. In the interest of expediting the review, S. 366 provides for the report to be submitted within 90 days. In addition, all parties are committed to ensuring that the commission is in place and ready to work shortly after the legislation is enacted. Furthermore, it is clear that this administration is committed to addressing the problems facing the airline and aircraft manufacturing industries—the President himself publicly endorsed this commission during a visit to Seattle and expressed his interest in resolving these problems.

All agree that it is time to find solutions to the complex problems facing the U.S. aviation sector. This legislation is a concrete step toward this goal, and I urge my colleagues to support its passage.

Mr. LIEBERMAN. Mr. President, I rise today as a cosponsor of Senator EXON's bill to establish a national commission to ensure a strong competitive airline industry. This bill, along with Senator DANFORTH's Aeronautical Technology Consortium Act, demonstrates the commitment of the Federal Government to one of the Nation's largest and most important industries. This commitment will ensure that the United States maintain its status as the world aerospace leader.

We are entering a critical period for American manufacturers. Increased global competition, reductions in defense spending, and a sluggish recovery from a long and arduous recession have battered the whole industrial base. Few industries have suffered as much hardship as has the aerospace industry. Commercial airlines have lost billions, and top aerospace firms such as Boeing and Pratt & Whitney have laid off thousands of highly skilled workers. With additional layoffs and additional losses coming, clearly something must be done. The Government must take an active role as a catalyst to the technological and economic growth that is key to this Nation's future.

I applaud the sponsors of this bill, and wholeheartedly support its goals. I want to indicate that the intent is to take a broad perspective to encompass the aerospace industry as a whole, not just the airline industry. Along with commercial aviation issues, the commission should cover the full range of aerospace issues, to include:

(1) IMPROVING THE U.S. POSITION IN WORLD AEROSPACE COMPETITION

Approaches include creating new government and industry cooperation and programs to promote U.S. aerospace products abroad; developing a new policy framework for U.S. aerospace exports reflecting new world realities; assuring export financing for commercial and defense aerospace sales abroad consistent with that new policy, and breaking down trade barriers to U.S. aerospace sales.

(2) PRESERVING OUR AEROSPACE INDUSTRIAL BASE

Approaches include merging of the now separate commercial and defense technology bases into a single coordinated base to allow efficiencies and share progress in both sectors, through more coordinated new dual-use technology development as well as simplification and reform of military acquisition procedures; an orderly and careful transition to lower defense spending oriented to preservation of the industrial base; improved tax treatment of job-creating plant and equipment investment; removal of barriers that block coproduction of military and commercial products in the same facilities, and greater use of military purchasing of appropriate commercial products under commercial terms.

(3) PRESERVATION OF THE SUBCONTRACTOR BASE

Approaches include bringing advanced manufacturing approaches to the huge aerospace subcontractor base through expansion of manufacturing extension programs, new technology transfer programs and model factory programs, and careful attention to preservation of the subcontractor portion of the industrial base in defense downsizing strategies.

This is, of course, only a partial list of strategies that must be explored, and I anticipate that it will have to be added to. However, I believe that the above issue framework illustrates the fundamental problems that need to be addressed. The importance of the aerospace industry and its commercial aviation component to our economy and world export position cannot be underestimated, and this industry now faces serious problems. Considering the historic Government-industry partnership that built this industry, and the continuing central Government role in the industry, we believe that both sectors must together scrutinize promptly and carefully the industry's long-term and short-term problems.

Mr. President, a healthy aerospace industry is critical to the Nation's economic security. Clearly, significant changes must be made to ensure America's preeminence in all areas of the industry, both civilian and military. The establishment of this commission is a significant step in the difficult but necessary process of assuring a strong future for this critical industry.

Mr. DODD. Mr. President, I rise today in strong support of this legislation. I want to commend the Senator from Nebraska [Mr. EXON] and the distinguished chairman of the Commerce Committee, Mr. HOLLINGS, for taking the initiative on this measure. I also want to recognize the Senator from Missouri [Mr. DANFORTH] for his consistent overall leadership on the aerospace issue.

Mr. President, it has quickly become clear that the aerospace industry in America is confronted with a serious challenge. The recent decline in airline travel and the resulting difficulties in the airline industry have sharply reduced the demand for new airplanes and parts. The European Airbus consortium has taken a steadily increasing percentage of the market. And the drop in defense spending has struck a double blow for many American aerospace firms.

These conditions—combined with the ever-advancing pace of technological development—have meant a steady loss of jobs for the working men and women of America. In 1989, there were 1,331,000 people working in the aerospace industry. By the end of 1993, it is estimated, that number will have fallen to 991,000.

In Connecticut we have lost roughly 13,000 aviation-related jobs in the past 4 years alone, at longstanding companies such as Pratt & Whitney and Hamilton Standard. In Connecticut as in many States across the Nation, the fear among many is that these high-paying, high-skilled, high-value jobs may be gone for good. And when quality jobs disappear the impact is magnified in all sectors of life. The loss of health care. The increased dependence on social services. The inevitable disruption to the family.

Mr. President, the decline in the aerospace industry cannot be attributed to one factor alone. But one thing is clear: If we want a healthy aerospace industry in this country, we must have a healthy airline industry as well. That is the purpose of the legislation before us today. This legislation establishes a federal commission to examine the state of the airline industry and provide us with critical recommendations for strengthening that industry in the future.

Mr. President, I believe the establishment of a commission should not prevent us from moving forward today on considering other solutions to the aerospace problem. For example, I have cosponsored legislation that would establish an aerospace consortium modeled after the Sematech consortium, so that aerospace firms can work together to develop the latest technologies. We also need to develop a comprehensive approach to the continuing subsidies by the European Community, one that will establish a level playing field without starting a trade war in the process.

In addition, Mr. President, I hope this commission will make an effort to look beyond simply the needs of industry and address the challenges to working men and women. We need competitive industries here in the United States—of that there can be no doubt. But we have also learned by experience in this country that what is good for the shareholder is not always best for the pipefitter. If our nation is to be truly competitive in the aerospace industry we must have a highly educated and highly skilled work force. There is simply no long-term alternative.

Mr. President, I know there are those who will argue that the challenges to our aerospace competitiveness go beyond what can be addressed by a Government commission. And to a degree they are right. No one should believe that this airline commission will be a panacea for the extended challenges ahead.

But if we are to address those challenges, as a legislative body and as a nation, we must have an accurate and undistilled picture of the state of the aviation industry today. And that is the value of the Commission proposed in the legislation before us today. This Commission will provide us with a clear picture of the state of the airline industry in America today, so that we may better address where the American aerospace industry will be tomorrow.

Mr. President, I urge the passage of this legislation.

Mr. MITCHELL. Mr. President, I am pleased to join Senator FORD, Senator EXON, and Senator HOLLINGS and others today as the Senate passes legislation to establish a national commission to ensure a competitive airline industry.

Today's aviation industry crisis includes airlines and manufacturers, and all the communities, workers, and passengers affected by them.

It is a bipartisan crisis. It is a challenge which requires a cooperative look at difficult, structural issues which are important to America's role in a competitive global economy.

By the end of 1992, U.S. airlines lost between $4 and $5 billion. Losses in recent years now exceed the total profits earned in the industry's history. Some carriers are in bankruptcy. Others have disappeared entirely.

Combined with shifts in our national defense needs, airline industry losses inevitably affect America's manufacturing and technological base. By the end of this year, the number of aerospace industry jobs is expected to decline by almost 40 percent since 1989. Aircraft manufacturers have announced layoffs of tens of thousands of workers.

We are losing the kind of high-paying, high-technology jobs on which America's future depends. We are at risk of losing America's competitive edge.

U.S. airlines and aerospace technology are essential not only to our economic future. They also are of immediate importance to the lives of workers and communities across our land. The aviation industry affects not only California, Seattle, or St. Louis, but also rural communities like those in Maine.

From Portland or Presque Isle, scheduled air service is affected by competitive choices offered among airlines. Whether flying through Boston's Logan Airport or direct to other cities, such service is an economic lifeline for our State, which in its geographic area, is as large as the rest of New England. General aviation also plays an important role in meeting Maine's transportation needs.

Furthermore, from a geographic perspective, Maine occupies a strategically important position relative to the Arctic Great circle routes. Loring Air Force Base, which is scheduled for closure in 1994, is nonetheless the closest Air Force facility in the continental United States to Europe or the Middle East. Loring AFB's redevelopment—whether as a center for education or commerce, for scientific research and development, for aviation-related enterprises, or for any other feasible activity—is an important challenge to the future of northern Maine.

Bangor International Airport, also in northern Maine, already serves as an important refueling stop for transatlantic air charter traffic. Whether for lobsters or blueberries, the Bangor Airport helps to link Maine to highly competitive international markets. Maine's future depends in part on development of international trade, and that will depend in part on the structure of international airline competition and access to foreign markets.

Southern Maine's economy also plays an important role in the aviation industry. Pratt & Whitney's North Berwick plant manufactures turbine blades for jet aircraft engines. The skill, productivity, and work ethic of Pratt & Whitney workers make all of Maine proud.

Without a healthy airline industry, manufacturing orders for commercial aircraft decline. The number of jet engines that are made declines. And that decline means less jobs in Maine, as well as in other regions of our Nation.

Late last year, Congress passed a proposal for a national aviation commission as part of the FAA reauthorization bill. That original proposal was enacted because of the leadership of Senator EXON and Senator FORD especially.

Recent events and the growing industry crisis have made clear the need to expand the focus and membership of the commission. And that is what today's legislation will do. I greatly appreciate the commitment and effort of the Secretary of Transportation in helping to make the initiative happen. His role has been essential.

The focus of the commission should be on addressing core structural issues on which our Nation's future depends. Its efforts must be intensive. Its recommendations I hope will temper vision, pragmatism, and be marked by a commitment to the broader public interest, rather than any one industry sector or particular enterprise.

I look forward to continuing to work with the Secretary of Transportation and the President to ensure that the commission is organized in a timely fashion. I also look forward to reviewing whatever recommendations the commission may make in the months ahead. There will be no easy solutions. But this legislation is an important step in moving to meet the bipartisan challenges of our Nation's future.

Mr. FORD. Mr. President, there is no doubt that the airline industry is in a crisis. Everyday newspaper articles follow the grim news of cancelled aircraft orders, airlines contemplate filing for bankruptcy, three airlines struggling to come out of bankruptcy, airlines employees being laid off, and huge losses throughout the industry. Soon the news will be that airlines are pulling out of markets entirely or cities will lose jet service.

Everyone agrees there is a crisis but there is no consensus of opinion of how the industry got to this state and what to do to return the airlines to financial security.

I believe we are at a crossroads in the aviation industry. The time for action is now and we need a review of industry and government practices to help the Congress make the critical decisions on the future direction of this important industry.

I support S. 366 which amends the Airport and Airway Safety, Capacity, Noise Improvement and Intermodal Transportation Act of 1992 to expand the membership on the Aviation Commission and to shorten the reporting time. This commission, with the assistance of the Department of Transportation will identify the problems and it is hoped provide guidance for solutions. I strongly believe that government must act to stem the tide of huge losses in the industry. A panel of aviation experts can assist the Congress in determining the role of the Government during this crisis.

Mr. President, there are two other issues I would like to address concerning the focus of this commission. Since so many of the issues affecting aviation are global in nature and are related to our trade policies, I would like to suggest that the commission will consult with the U.S. Trade Representative to bring a broader perspective to the table. I am also under the impression that this commission will be concerned with the airline passenger industry and will not review the air cargo industry.

Mr. President, I ask unanimous consent to print in the CONGRESSIONAL RECORD a recent speech by Robert L. Crandall, chairman and president of American Airlines, Inc. to the International Aviation Club. Mr. Crandall shares my views that we are at a crossroads. I am sure my colleagues will find his views on international aviation to be informative.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

INTERNATIONAL AVIATION: TIME FOR A CHANGE

(Remarks By Robert L. Crandall)

Thank you, Dean, and good afternoon, ladies and gentlemen. It's a pleasure to be here and as always, I am pleased to have an opportunity to talk with you about the exciting business of international aviation.

That's especially true today, because it seems to me that we are at one of those "seize the moment" crossroads which comes along only occasionally. A number of events have coalesced to create an evironment conducive to making important changes in U.S. international-aviation agreements—changes that could range from fine-tuning to outright renunciation—depending on the circumstances.

The pivotal element of the new coalescence is a new U.S. administration eager to reinvigorate the U.S. economy—and aware that revised international trade policies generally—and a new international aviation trade policy specifically—can facilitate its progress.

Among other things, the Clinton administration seems to have focused on the fact that to create the resurgent economy it seeks, the U.S. must insist on fully equitable trade arrangements—and adopt a trade attitude more akin to the mercantilist attitudes of our trading partners. Those sentiments are particularly welcome in aviation, since the U.S. air-transportation market dwarfs all others and international aviation is an industry in which U.S. producers—honed by the trials of deregulation—can compete effectively with all comers.

Unfortunately, although several U.S. carriers have substantial international networks, the U.S. has not used its negotiating leverage as effectively as it could have and U.S. carriers have fewer international opportunities than they should.

While I don't want to take time today to recount the litany of our bilateral o—missions and co—missions, I hope those of you who are interested will pick up—as you leave—a paper we recently prepared that sets out the details. We hope that creating new opportunities for U.S. carriers will be one of the basic objectives of the Clinton administration's thrust to accelerate U.S. economic growth.

The second element of the new coalescence is the financial crisis not roiling U.S. aviation. No one here is unfamiliar with the size and importance of our industry—nor of its well-publicized financial travial—but I think too few of us reflect as often as we should on how important it really is.

First—and most important—aviation is this country's principal mode of intercity transport. In addition, U.S. airlines employ about 500,000 people—who collectively earn wages of $20 billion a year and provide lots of consumer purchasing power. Our various vendors and suppliers provide an additional 8 million jobs.

Aviation also underpins U.S. pre-eminence in aircraft and parts manufacturing—which is, not at all incidentally, our largest export.

As big and important as aviation is in its own right, it is also the core component of the travel and tourism business, which is—at $3 trillion annually—the largest industry in the world. At nearly $700 billion, travel and tourism is the largest industry in the U.S. as well—by far—and has a $9.4 billion favorable impact on our balance of trade. It meets an annual payroll of $200 billion, pays nearly 5% of the country's taxes and accounts for nearly 7% of all capital investment. Travel & tourism employs 9 million people, thus providing nearly 8% of the nation's jobs—more than three times the number in agriculture, electronics or textiles and more than 10 times the number employed in either autos or steel.

As everyone here knows, the aviation component of this complex is in truly terrible trouble. Thus far in the 1930's, the airlines have lost upward of $10 billion—an economic tailspin which has resulted in the disappearance of two one-time trunk carriers, Myriad pay cuts, numerous service cutbacks, the layoff of 70,000 airline workers, and the cancellation or long-term deferral of about $12 billion worth of aircraft orders.

The carnage of the last three years simply cannot continue—and widespread concern about that fact has been recently evidenced by announcement of a soon-to-be-appointed special commission to study the industry, a rash of congressional committee hearings, the President's trip to Boeing early this week and numerous expressions of concern from people in the administration, the Congress, and media and the industry.

Unfortunately, while there is universal concern, there is far from universal agreement as to what should be done—a circumstance likely to engender a vigorous debate about the most appropriate remedial policies. Whatever else is done, it is clear that enhancing competitive opportunities for U.S. carriers in international markets should be high on the agenda.

The third element of the coalescence is the vigor with which foreign carriers are seeking opportunities to participate in the enormous U.S. market.

Now no one has ever accused our foreign friends of being unable to do their sums—as my British colleagues would put it—and there should be no illusions about why international competitors want to invest in financially troubled U.S. airlines. Very simply, they seek the ability to link their protected international route systems with the world's largest—and only de-regulated—airline market, and to use the resulting synergy to earn profits unavailable to their U.S. competitors.

In our view, that result will be contrary to U.S. interests, and neither investments in * * * nor shared-service linkages with * * * U.S. carriers should be permitted until U.S. carriers are assured of fully equivalent opportunities abroad.

Achieving that will require real and substantial changes, since in the world as it is today, equivalent opportunities simply are not available to U.S. airlines. Only the United States has a fully deregulated industry that includes multiple substantial carriers which can be effectively mated with foreign airlines to create global route networks. No U.S. airlines can buy a European carrier with which to mirro B.A.—USAir—or KLM Northwest—becuase there are no substantial European carriers to buy. Few privately owned airlines exist—and none has had the resources with which to establish an effective presence at any international hub.

Moreover, in the real world of day-to-day competition, U.S. carrier efforts to participate in the foreign markets they do serve are severely handicapped by a tightly woven web of restrictive practices.

U.S. aviation bilaterals and the International Air Transportation Fair Competitive Practices Act contain language ensuring U.S. carriers of "fair and equal opportunities to compete" wherever they fly. Unfortunately, U.S. carriers are often unable to get the benefits those words promise. In far too many circumstances, we are unable to secure facilities equal to those of national-flag carriers—are forbidden to serve our customers with our own employees—are not allowed to offer our frequent flyer programs—are unable to use our proprietary customer-service computer systems—and are denied landing slots for flights theoretically "approved" by the relevant authorities.

The process of negotiating for new route authorities and subsequently denying slots with which to use those authorities is disingenuous at best—and is entirely inconsistent with U.S. Government practices in the United States. At JFK and O'Hare—the only slot-controlled U.S. international gateways—foreign-flag carriers get whatever slots they desire. Worse yet, at O'Hare, the FAA secures the slots they need by withdrawing them from U.S. carriers—thus compounding the effect of anticompetitive practices abroad by providing extra-favorable treatment for foreign-flag carriers here.

The advantages which accrue to our foreign rival as a result of our Government's desire to maximize competition at U.S. gateways is exacerbated by the natural competitive tendencies of the many U.S. airlines which compete feverishly for every passenger. Whether a foreign flag seeks an interline deal—or ground handling, or leased space—it will benefit from intense competition among U.S. carriers to provide the requested service. Moreover, when U.S. carriers become involved in commercial disputes with foreign airlines, it is often difficult for the U.S. Government to weigh in on their behalf because when a U.S. carrier complains about an injustice, it is frequently opposed by one or more of its U.S. competitors seeking not to strengthen themselves—but to disadvantage their complaining rival.

The enthusiastic efforts of our foreign friends to exploit these unique characteristics of our deregulated marketplace—together with the other elements of the present coalescence—a new administration dedicated to strengthening U.S. trade policies, a plethora of opportunities for improving U.S. participation in international aviation, and an airline industry in acute financial distress—seem to me a clear invitation for the U.S. Government to reframe its international aviation policies.

In a sense, it is inaccurate to talk about re-framing U.S. international aviation policy—because the United States has no clearly stated, widely understood international aviation policy. Instead, we have cobbled together a patchwork set of guidelines based on ad hoc decisions.

For example, decisions regarding the sale of international route authorities are clearly more heavily influenced by the financial status of the selling carrier than by long-term policy considerations. Can anybody deny that Pan Am's vocal insistence on its need for the proceeds of its European route sale to United was instrumental in the U.S. Government's 1991 rush to accept incremental limitations on U.S. carrier rights at Heathrow? Despite the view of many observers that Pan Am was beyond saving, U.S. negotiators accepted conditions clearly inconsistent with both precedence and common sense.

Here's another example: Despite the shortage of route authorities to and from Japan, two of the six authorities secured by the U.S. in the 1989 Memorandum of Understanding have been resold since the awards were made—both to Northwest, a carrier which already had a huge Asian network. That result is completely contrary to the Department's stated intent to use the 1990 U.S.-Japan gateways case to improve the competitive ability in Asia of carriers other than United and Northwest.

Yet another example is the completely incomprehensible agreement struck last year with the Netherlands, which gives KLM unrestricted operating authority in the U.S. in exchange for "open skies" to and beyond the Netherlands. That transaction, whose impact has been exacerbated by a broad-brush grant of antitrust immunity enabling the two companies to operate as a single entity, is often cited as a precedent for the approval of B.A.-USAir—despite the fact that Northwest and KLM are already using their linkage to the clear disadvantage of other U.S. carriers. Those who cite it favorably apparently believe that one bad deal deserves another.

I think—and hope—that whatever your views regarding those or other specific transactions, you would agree that our industry should be governed by the provisions of a cohesive policy consistent with U.S. trade and economic objectives. Thus, I'd like to take this opportunity to suggest what we think the three basic tenets of that policy should be.

First, the U.S. Government should confirm its commitment to free trade—in international aviation and as a general proposition. Economic development is a prime concern of governments the world over, our own included, and encouraging the growth of international aviation—and of the vital travel and tourism business—will bring enormous benefits to people and economies everywhere.

In international aviation, free trade means "open skies"—that is, the right of airlines, whatever their nationality, to fly where and when they choose, to have truly equal opportunities wherever they compete, and to charge whatever prices they deem appropriate. Unfortunately, today's international-aviation regulatory scheme is neither open nor free.

To correct that deficiency—and to confirm its commitment to free trade—the U.S. should urge other nations to join it in convening a multilateral conference on civil aviation to craft a new framework for the world's international aviation system. Today's regulatory apparatus was created in Chicago in 1944—at which time the U.S. sought open skies. It is time to call again for a liberalized international aviation regime.

While stating its commitment to open skies in unambiguous terms, the United States should also recognize that the size and competitive characteristics of its aviation market create unique opportunities for foreign flag carriers. Thus, the second tenet of U.S. aviation policy should be to assure that no foreign airline enjoys net advantages relative to U.S. carriers.

To assure this result, the U.S. must assess the tools at its disposal and to that end, the DOT should launch a comprehensive review of every existing bilateral agreement. In some cases, ensuring equal opportunity for U.S. airlines may be only a question of more vigorously applying existing terms. In others, I think the U.S. will find our current agreements so skewed in favor of others that renegotiation—and, where necessary, renunciation—will clearly be in order.

For those who may think renunciation extreme, let me hasten to point out that our trading partners have had little compunction about using the renunciation tool—and I see no reason for the U.S. to be any more reticent.

As the analysis proceeds, the U.S. must take care not to define equivalent opportunities purely in terms of route authorities. It is essential that our Government recognize how profoundly issues like system synergies, marketing initiatives, and costs affect the economics of both domestic and international aviation. Thus, in assessing the degree of access to offer others—either multilaterally or bilaterally—the U.S. should take all the steps necessary to ensure that those factors operate as favorably for U.S. carriers as they do for our competitors. It is time—and far past time—for our Government to stop sacrificing its own airlines on the altar of ideology and to recognize that if particular procedures or constraints are to be imposed on some airlines, they must be imposed on all.

A good example are the extraordinary international security regulations which our government has long imposed on U.S.—but not foreign—carriers flying to and from the United States. These rules, about which we have protested for years, have driven up U.S.-flag carrier costs vis-a-vis those of our competitors and have simultaneously sent our customers a signal that the U.S. Government thinks U.S. citizens are safer traveling on foreign-flag carriers than our own. Perhaps worst of all, these intrusive and expensive regulations have irritated many international frequent flyers so profoundly that they now choose foreign-flag rather than U.S. carriers—despite the widely recognized, award-winning quality of U.S. carrier services.

The U.S. must also find a way, in the course of its analysis, to reconcile the often diverse interests or our many airlines. In one way or another, the DOT must learn to differentiate between those U.S. carrier views which are genuinely related to international policy—and those which are merely competitive attempts to undermine the posture of whichever U.S. carrier may be involved in a particular international disagreement.

All this brings us to the recurring saga of B.A.-USAir—which clearly falls in the "related to international policy" category.

The current B.A.-USAir proposal is nothing more than a repackaged version of the original transaction, which the U.S. Government found objectionable barely two months ago.

In my judgment, B.A.-USAir should not be approved until U.S. carriers have obtained: First, unrestricted access to markets within the United Kingdom, second, unrestricted access to all the markets served by British carriers beyond the United Kingdom, and finally, pari passu access to Heathrow slots and facilities.

Even if this utopian transaction could be accomplished—something highly unlikely because of British Airways' expressed disinterest in any such deal * * * as well as a number of practical obstacles—the U.S. would still be granting British carriers access to larger new market opportunities than U.S. carriers could hope to gain. Nonetheless, such a transaction would be fully consistent with the idea of a multilateral open-skies environment.

Anything short of such a transaction, however, would impose large revenue losses on an industry already struggling with an inadequate revenue base—and would be completely incompatible with the new administration's objective of strengthening the U.S. economy and preserving U.S. jobs.

The third and final tenet of a restructured U.S. international aviation policy ought to be holding our trading partners fully responsible for delivering what they promise.

It is time the United States made it clear to all that the right to fly means the right to land, the right to use proprietary computer systems, the right to hire personnel, the right to have slots at whatever times are required, the right to fully competitive facilities, the right to use whatever sales incentives a carrier deems appropriate—and everything else consistent with the term "free trade."

Without suggesting that that's all there is to it, I think those three policy points, if adopted by the United States Government and subsequently incorporated into a worldwide, multilateral, open-skies framework, would go a long way toward encouraging the growth of both international aviation and travel and tourism. To restate those tenets very simply:

First, we should express our willingness to remove all limitations on foreign investments and flight operations—coincident with the adoption of a truly open international-aviation regime.

Second, until such time as a more open regime comes into existence, the United States should seek to be certain that U.S. carriers have opportunities genuinely equal to those foreign-flag carriers have today and seek for tomorrow. Where necessary, the United States should be prepared to right today's imbalances by vigorous renegotiation including, where necessary, renunciation.

And finally, the U.S. should make it clear to foreign carriers and governments alike that the U.S. expects them to live by the letter of their bilateral aviation agreements—and is prepared to impose whatever sanctions are required to assure compliance.

Ladies and gentlemen, we have a new administration because the American people want change. They are tired of platitudes and promises. they want openness—and opportunity—and results.

In aviation—as in many other sectors—it is time to give them the change they want—and to take the actions needed to be sure that U.S. carriers do not become also-rans in the increasingly global aviation marketplace.

The Clinton administration seems to recognize the enormous importance of international aviation. Each of us here today has an obligation to help our new President understand fully just how important this industry is—and how his administration can secure maximum opportunities for U.S. carriers on the world stage.

Mr. GORTON. Mr. President, I am pleased that the Senate is considering a bill today to establish a blue ribbon Commission designed to study and make recommendations to the administration and to the Congress on ways that we could help the airlines and aerospace industry. This will not be an easy task, but it is a vital one.

Over the course of the last 3 years, the airlines have lost a total of $8 billion—more than the total profit generated in its first 50 years. This has resulted in lost jobs not only in that industry, but in the overall aerospace industry. The families in Washington State know only too well what the effect of reduced and delayed orders of airplanes means. Boeing has announced huge layoffs which will affect so many in our community where each Boeing job supports three other jobs. Twenty-one percent of all jobs are tied to Boeing.

I know my friend Senator DANFORTH believes that there is no need to establish a Commission—that these are issues which have been studied many times before. While I respect his opinion, I feel that Government does have a responsibility, and I feel a personal responsibility, to try to find ways to address and improve the health of the industry, not only for today but for tomorrow. I do not feel obliged to stop our congressional process as we wait for the Commission to complete its work. In fact, I have joined with Senator DANFORTH in calling for hearings on the Aerotech bill which he introduced and which I have cosponsored. As a member of the Aviation Subcommittee, of the Commerce, Science and Transportation Committee, I will also work on other measures during the next 3 months and hopefully, those are measures that the Commission will also consider.

Mr. President, I have the greatest hope for this Commission. Its task is of the utmost importance to the citizens of this country.

Mr. EXON. Mr. President, I will say I have no further statements to make, and I ask if the Senator from Missouri has anything further. If not, I urge passage of the bill.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, I know of no one who wants to speak on the bill on our side. Therefore, I am about to yield back the remainder of my time.

I would simply like to say that two bills have been introduced in the Senate with respect to the aerospace industry. One is to mandate countervailing duty action by the Secretary of Commerce against Airbus, and the second is to create what we call Aerotech which is an effort to replicate the Sematech concept for the aerospace industry. It is my hope that we in the Senate do not delay for 90 days or longer than 90 days while we are waiting for the study. I hope we can get on with it in the Senate.

Second, with respect to the airline industry, we are working on legislation relating to remedies for fare wars and also working on legislation relating to foreign investment, to expand the possibility of foreign investment.

Also, I am sure when the economic program comes to the Senate in the form of tax legislation, there will be a lot of debate and efforts to try to improve on or change or abolish the idea of a Btu tax or, at the very least, to exempt the airline industry from the effect of that tax. I do not understand how we can expect a distressed industry to carry an additional $1.4 billion to $2.1 billion of taxes.

So these are areas where work in Congress is in progress. I simply say that to the Senate because we obviously welcome the input of any Senator and the administration on these various issues. The study is, I think, a delay and a waste of time, but let us not in the Senate delay our efforts in these very important areas.

Mr. President, with that, I yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Missouri yields back the remainder of his time.

Mr. EXON. Mr. President, I yield back the remainder of the time on this side of the aisle. I urge the passage of the bill.

The PRESIDING OFFICER. All time has been yielded back. Under the previous order, the clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to Calendar No. 22, H.R. 904. All after the enacting clause is stricken and the text of S. 366, as amended, is inserted in lieu thereof. The House bill is considered read a third time and passed. The Senate bill 366 is indefinitely postponed.

So the bill (H.R. 904), as amended, was deemed read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 904) entitled "An Act to to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. NATIONAL COMMISSION TO ENSURE A STRONG COMPETITIVE AIRLINE INDUSTRY.

(a) Appointment of Members.—Paragraph (1) of subsection (e) of section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (49 U.S.C. App. 1371 note) is amended to read as follows:

"(1) Appointment.—The Commission shall be composed of 15 voting members and 11 nonvoting members as follows:

"(A) 5 voting members and 1 nonvoting member appointed by the President.

"(B) 3 voting members and 3 nonvoting members appointed by the Speaker of the House of Representatives.

"(C) 2 voting members and 2 nonvoting members appointed by the minority leader of the House of Representatives.

"(D) 3 voting members and 3 nonvoting members appointed by the majority leader of the Senate.

"(E) 2 voting members and 2 nonvoting members appointed by the minority leader of the Senate.".

(b) Qualifications of Members.—Paragraph (2) of subsection (e) of such section is amended to read as follows:

"(2) Qualifications.—Voting members appointed pursuant to paragraph (1) shall be appointed from among individuals who are experts in aviation economics, finance, international trade, and related disciplines and who can represent airlines, passengers, shippers, airline employees, aircraft manufacturers, general aviation, and the financial community.".

(c) Travel Expenses.—Paragraph (5) of subsection (e) of such section is amended by striking "sections 5702 and 5703" and inserting "subchapter I of chapter 57".

(d) Chairman.—Paragraph (6) of subsection (e) of such section is amended to read as follows:

"(6) Chairman.—The President, in consultation with the Speaker of the House of Representatives and the majority leader of the Senate, shall designate the Chairman of the Commission from among its voting members.".

(e) Commission Panels.—

(1) In general.—Such section is further amended by inserting after subsection (e) the following new subsection:

"(f) Commission Panels.—The Chairman shall establish such panels consisting of voting members of the Commission as the Chairman determines appropriate to carry out the functions of the Commission.".

(2) Conforming amendment.—Subsections (f), (g), (h), (i), (j), and (k) of such section are redesignated as subsections (g), (h), (i), (k), (l), and (m), respectively.

(f) Staff and Other Support.—Such section is further amended by inserting after subsection (i) (as redesignated by subsection (e)(2) of this section) the following new subsection:

"(j) Staff and Other Support.—Upon the request of the Commission or a panel of the Commission, the Secretary of Transportation shall provide the Commission or panel with staff and other support to assist the Commission or panel in carrying out its responsibilities.".

(g) Report.—Subsection (l) of such section (as redesignated by subsection (e)(2) of this section) is amended by striking "6 months" and inserting "90 days".

(h) Termination.—Subsection (m) of such section (as redesignated by subsection (e)(2) of this section) is amended)—

(1) by striking "180th day" and inserting "30th day"; and

(2) by striking "subsection (j)" and inserting "subsection (l)".

(i) Commission Expenditures.—Such section is further amended by adding at the end the following new subsection:

"(n) Commission Expenditures.—Amounts expended to carry out this section shall not be considered expenses of advisory committees for purposes of section 312 of the Department of Transportation and Related Agencies Appropriations Act, 1993.".

(j) Previously Appointed Members.—Such section is further amended by adding at the end the following new subsection:

"(o) Previously Appointed Members.—Any appointment made to the Commission before the date of the enactment of this subsection shall not be effective after such date of enactment.".

Mr. EXON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DANFORTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994

The PRESIDING OFFICER. Under the previous order, the clerk will report Senate Concurrent Resolution 18.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 18) setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997 and 1998.

The Senate proceeded to consider the concurrent resolution.

Mr. DANFORTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for not to exceed 3 minutes for the purpose of introducing a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. I thank the Chair.

(The remarks of Mr. Exon pertaining to the introduction of S. 608 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I want to engage the chairman in a colloquy regarding this evening and what we are going to do or not do.

Parliamentary inquiry, Mr. President. Is the Senate's business at this point the 5-year budget resolution?

The PRESIDING OFFICER. The pending business before the Senate is consideration of Senate Concurrent Resolution 18, the budget resolution.

Mr. DOMENICI. And is there anything in the law that specifies what we are supposed to do for the first 4 hours of debate? I understand there is something in the statute that either recommends or mandates that we speak to a specific context for the first 2 hours on each side.

The PRESIDING OFFICER. Following the statements of the managers, there will be 4 hours of debate on economic goals and policies under section 305(b)(3) of the Congressional Budget Act.

Mr. DOMENICI. Mr. President, might I talk with the Senator from Tennessee for a moment?

Mr. President, I want to state for the Record right up front and for the majority leadership that the Republican Senators on the Budget Committee and many who do not truly believe—this is off my time, obviously, on my opening remarks, Mr. President—that there is a very, very important event that is going to occur: the debate, and an amendment, and final passage of a budget resolution this year. To that end, my general instructions, since I am managing this in a sense under the statute for the Republican leader, he is the one that gives me the time under the statute, I am instructed and I concur in these instructions, that we want to actually utilize the time that is allowed. We do not want to stack votes, and we do not want to agree by unanimous consent to take time off our side. We truly believe we need the time, and we intend, so nobody will be under any false pretense, to really use it. We intend to have our Senators here to offer their amendments and be here to vote.

I do not think that is anything out of order, although I say from time to time we have used less than the time allotted. So there is no misunderstanding some in this room know we used all the time a couple of times and did not even have enough for all the amendments and then even ended up voting on them without any debate.

But in all events, whatever time I use tonight, I am going to use in a way that saves as much time as possible. So I understand that I do not have to make an opening statement. So I am not going to make an opening statement.

My first remarks tonight are going to be addressed to the economic situation, if that is a mandate, and I will look that up myself on the 2 hours that we have to talk economics. But whatever we do on this side tonight will be applied against that 2 hours, against the 2 hours on economics. I do not think anybody can really preclude me from doing that. I would like my chairman to know that. I ask him. A number of Senators on my side want to speak tonight, under the general notion of the economics of this budget resolution. I wonder if he might share with me what he intends to do so I might share with them what they might do tonight.

Mr. SASSER. Mr. President, I thank the distinguished ranking member. It was my intention this evening to begin with opening statements. My thought was that they would consume between an hour to an hour and a half each; the managers of the bill each consume 2½ hours for opening statements. I have a fairly extensive opening statement myself which could consume close to 1½ hours.

We would like to use as much time off the bill on opening statements as we could this evening.

Mr. DOMENICI. We will obviously use as much time as the Senator uses tonight. We will just choose to use it off the 2 hours, and we will waive opening remarks and use it off the 2 hours that are prescribed for economic discussion.

But I would just like to know whether he might accommodate me, the Senator from New Mexico, just slightly. I know the Senator has 1½ hours. I do not have 1½ hours. Mine will be 20 or 30 minutes at the most. Would it be possible that he might break his remarks into 20 or 30 minutes and let the Senator from New Mexico have some time before it goes back to him for the remainder of his remarks?

Mr. SASSER. Yes. We could certainly do that.

Mr. DOMENICI. That will give our side a little bit of an understanding. Does he want to take the entire remainder of the 1½ hours himself tonight or do others take part of it?

Mr. SASSER. That is unclear at this juncture. We may have other Senators who may wish to take part of the time that I was planning for my opening statement.

Mr. DOMENICI. Mr. President, with that, I am at the chairman's convenience. If he could yield to me 15 or 20 minutes for a few remarks, I would appreciate it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee, the manager of the bill.

Mr. SASSER. Mr. President, the Senate today begins consideration of Senate Concurrent Resolution 18, the concurrent resolution on the budget for fiscal year 1994.

This budget concurrent resolution represents the fundamental blueprint for President Clinton's economic plan that he addressed the Congress and the American people about some weeks ago.

In fact, it was almost a month ago that President Clinton laid out in detail a bold strategy for a long-term deficit reduction, for economic growth and for prosperity for this country and its citizens.

The plan that President Clinton presented is a thoroughly consistent economic proposal which is crafted to meet the country's immediate needs but meets the long-term needs of the country as well.

It aims at specific deficit reductions, reducing this deficit, in a specific amount. This deficit reduction is timed to occur when the economy can best sustain that contraction.

We all know that this economy is just now emerging from the longest recession that has gripped this country since the Second World War. Certainly, it has not been the deepest recession. The recession or some say depression of 1983 was worse, sharper, deeper. But this recession that we have been in, and are just emerging from, is the longest and perhaps the most debilitating economic downturn that the country has had since World War II.

The Clinton plan that has been presented reflects political and economic changes. It reflects the political and economic changes that are resonating throughout the world. The proposal that was presented by President Clinton makes substantial but prudent reductions in military spending and rechannels those savings for military spending among the most pressing of our domestic needs: the domestic needs which have been neglected during the 1980's, needs for infrastructure rehabilitation, such as roads and bridges in this country. Airports are congested and overcrowded; criminality is rampant in the cities; the education system is in need of drastic overhaul and a whole host of matters. These domestic needs will be readdressed using funds saved from the military portion of the budget.

In that most important sense, this budget that we are presenting, which carries forth President Clinton's economic proposal, is America's first post-cold war budget, the first budget that reflects this country's changed priorities following the end and the successful conclusion of the cold war.

The plan also attempts to mete out some tax equity by making the wealthiest among us pay more of a fair share than they have in the past 12 years.

As we have said about large-scale deficit reduction packages in the past, this budget proposal has something in it to offend everyone. And it would be very easy to pick out the most negative elements—and I expect that to occur on this floor—and it would be very easy to take it apart and put it back together in various unattractive shapes. But what is hard to do is come up with any alternative to this proposal before us today that is as politically courageous, as intellectually consistent, and as policy-specific as the Clinton plan presented here today, as modified by the Senate Budget Committee.

Upon observing this new President and his presentation to the country in the realm of economic proposals, I think that this President takes to heart Harry Truman's maxim that "the buck stops here."

Faced with a growing and dangerous structural deficit that is a spear pointed at the very heart of this country, this President went to the American people. He has acknowledged that the plan he has proposed will cause some inconvenience; it will cause some pain. He has proposed shared sacrifice in the name of a better future, and the American people have responded, I think at long last, with gratitude to a true leader, who will exert leadership, and they have responded to his honest presentation of the problems of the country, and honest proposals that will deal with these problems in the short-term and in the long-term.

I was not surprised to see a recent poll by the Wall Street Journal and NBC News, which shows by an overwhelming 62 to 30 percent—over 2 to 1—the public prefers President Clinton's economic plan to a proposal that was offered by the minority that would not raise taxes. In addition, 60 percent of the public thinks that this new President is a different kind of Democrat, not the tax and spend caricature that his critics have been peddling. Even the National Conference of Republican Mayors and Municipal Elected Officials have vigorously endorsed the President's economic plan.

One of the leading mayors in this country, the Republican mayor of Knoxville, TN, is one of those who has endorsed this plan offered by President Clinton. And he has good company among Republican mayors and municipal elected officials all over the country and among mayors of all partisan stripes all over the country.

I think we in the Senate owe this President and this package a chance to succeed. The American people are telling us: we want to give this new President a chance to see if he can change things for the better.

The simple fact is that, through candor and with honest numbers, President Clinton has pushed the deficit reduction debate to a higher moral plain. He has done that, and it is our turn now in the Senate to turn and face the tiger ourselves. I hope that we measure up to the standard that was set by the President a month ago when he appeared in the House Chamber and presented a body and daring plan for economic renewal to the American people.

Mr. President, I would like to look at the specifics of the plan. The first major portion of his plan is deficit reduction. We all know the numbers that make deficit reduction such a compelling thing for us to be addressing at the present time. The United States is now $3 trillion in public debt. This $3 trillion in public debt is a staggering sum. It has gone up some $2.3 trillion since the end of the Carter administration in January 1981.

The CBS evening news gives regular tallies of the deficit's growth, much like you would list the casualties in an ongoing war. And most troubling, perhaps, is that net interest on the debt has nearly quadrupled since 1980, to the point that we are now paying $200 billion a year just in interest on that debt. That is $200 billion a year that cannot be spent to improve the education system in this country; $200 billion a year that cannot be spent to improve roads, airports, the infrastructure, clean water treatment plants, a whole host of things that the country needs; $200 billion a year that cannot be spent on improving the education system of the United States; $200 billion a year that cannot be spent in dealing with the frightening explosion in criminality here in this country; $200 billion that cannot be spent to train our citizens so that they may be more productive, to attract new industries, to encourage new investment.

Yes, the service of this debt is the fastest growing item in the Federal budget. Nearly 14 cents out of every dollar is spent to pay interest on the national debt. If the deficit and the interest burden continue unabated, the public debt, held by the public, by the year 2003, will equal 78 percent of the gross domestic product of this country. That means that almost three quarters of the gross domestic product of this country, in 1 year, would have to be taken to pay off the national debt.

So the consequences are obvious. Every dollar that we spend on interest means $1 less for roads, schools, and health care. And it means that the Treasury of the United States is competing for investment capital that could go for new enterprises, new jobs, a better standard of living for all of our people.

No question about it, President Clinton's plan, as modified, does provide very serious deficit reduction indeed. We have $502 billion in net deficit reduction over 5 years, and using Congressional Budget Office scoring and also scoring from the Joint Tax Committee, that is nearly $30 billion more than was contained in the original package.

Let me emphasize that, unlike previous Presidential budgets we have seen over the past 12 years, this proposal that was presented to us by President Clinton does not rely on rosy scenarios, on unrealistic economic assumptions that wither in the cold light of day.

(Mrs. BOXER assumed the chair.)

Mr. SASSER. This budget does not resort to that time-honored tradition of blue smoke and mirrors that produces a lot of confusion but not real savings.

The President's plan, as modified, makes some 150 specific budget cuts that reduce spending by $332 billion from 1994 through 1998. About 60 percent of these reductions are earmarked for deficit reduction. There are no unspecified caps. It makes 150 specific cuts that reduce spending by $332 billion over the next 4 years.

Now, I have indicated that 60 percent of these spending cuts and spending reductions are earmarked for deficit reduction. The remaining cuts, however, are reinvested in the economy of this country as part of the President's plan to develop the human resources of the United States and our capital resources.

Reduction in the military budget contribute about 30 percent of the gross spending cuts. Entitlement reforms make up about 30 percent. Other domestic cuts and debt service make up the balance of the savings.

Comprehensive health care reform is essential to deficit reduction. I think all unbiased, knowledgeable observers would agree to that. If we do not enact comprehensive health care reform, we will never lower the deficit nor provide all Americans with the health care system that truly delivers.

We are waiting for the findings of the Task Force on Health Care Reform which we hope will be presented in May. But until then, the administration has made a serious downpayment on systematic reform through Medicare and Medicaid reductions. They have substantial cuts here, many of them previously rejected by the Congress. But in this sensitive area the President did not flinch, and he sent them back to the Congress for us to meet our responsibilities in dealing with them.

The President proposes again to see if we in the Congress will do our part, and I am confident that we will.

Now, much has been said about the revenue side of the President's proposal. I simply observe that a substantial body of respected opinion holds that the 1981 tax cut turned what had been a fiscal problem into a fiscal crisis, indeed almost a fiscal nightmare, and it did so while unduly rewarding the top 1 percent of the taxpayers in this country. Those whose incomes were in the top 1 percent are those who benefited considerably from the tax cuts introduced by the Reagan administration in 1981.

The President proposes to reverse that mistake. The Clinton economic plan asks the most of those who benefited the most in the past 12 years. Over the past 4 years we have witnessed a huge recession that has now given way to a vague recovery. The experts tell us that we have all the ingredients for a recovery except one, jobs, and, as the President said, "There is no recovery worth its salt that does not put the American people back to work," and I certainly agree with that statement.

We have here a chart that I call my colleagues' attention to. This chart demonstrates that in a normal recovery from an economic recession, as calculated in all recoveries since World War II, a recovery at the stage we are in now in times past, would have produced the average of over 4 million new jobs. When we look at where we are now, though, we find that this recovery has only produced 1 million new jobs. In other words, this recovery has only produced one job instead of the four jobs that it should have produced at this time in the recovery scenario. Only 25 percent of the jobs have been produced by this recovery that at this stage of economic recovery were produced by all of the other economic recoveries on average since World War II.

I must tell my colleagues that the news coming from corporate America is bleak. Our preeminent companies, such as IBM, are laying off tens of thousands of workers.

I see my friend, the distinguished Senator from Washington, on the floor here this afternoon. He knows as well what has happened at Boeing in Seattle and at Boeing in Kansas; they have been laying off workers.

Just this evening, I was looking at the business news on television, and I saw where Siemens, a large Germany firm with large manufacturing facilities in this country, has announced the layoff of 1,800 people this year and an additional 1,800 next year.

Wherever you look, you find the large corporations in this country laying off people, whether it is Sears Roebuck, Boeing, McDonnell Douglas, General Motors, or IBM, the great names in American industry. They are laying off people by the tens of thousands. The hemorrhaging of good jobs is unremitting. Pick up a newspaper. Turn on the evening news. And what do you hear? More and more and more people are being laid off by the so-called blue chip companies here in the United States.

In fact, Mr. President, the American Management Association reports that one in four large American companies are planning layoffs in mid-1993. And the thing that is so frightening about this whole problem is that, unlike in past recessions, the grim fact is that many of those who have lost their jobs in this recession are never going to be rehired by their former employers. That is clear. They have been told that in many instances.

And the Secretary of Labor, Dr. Robert Reich, told the House Ways and Means Committee just the other day that only 14 percent of unemployed workers were expected to be recalled back by their previous employers, a shocking figure. Only 14 percent of those who have been laid off can expect to be recalled by their previous employers.

And the data from the Bureau of Labor Statistics is not encouraging at all. It is true that unemployment fell to 7 percent, but this 7 percent number is higher than it was at the supposed trough of the recession in 1991.

And since the enactment of the Emergency Unemployment Compensation Program, the unemployment rate has exceeded 7 percent for 14 consecutive months. Some analysts believe it could be much higher, approaching 10 percent unemployment, because the Department of Labor figures simply do not include those who have given up hope of finding work. When they give up hope of finding work and stop looking, then they fall off the unemployment numbers, they fall out of the statistics.

And, of course, these numbers do not include the millions of part-time workers who are working part time because they simply cannot find full-time work. They want to work full time but they cannot find full-time work, so they are forced to work part time, and they number in the millions.

And, of course, it does not include those who are actually employed, who have lost good, well-paying industrial jobs and have been forced into lower paying service industry jobs.

And one last somber note. The New York Times reported that the number of food stamp recipients surged in 1992. As I stand here on the floor of the U.S. Senate this evening, Madam President, 1 in 10 of our fellow citizens are now on food stamps. Ten percent of the population of this country is drawing food stamps, making it the largest percentage of Americans to use this program since it began in 1964.

And those who administer the program tell us that they see people in these food stamp lines that they have never seen before. A different type of person is now appearing in the food stamp lines; people who might have been middle management people in a company, who never thought that they would be unemployed and never in their wildest imagination, in their worst nightmare, thought they would be drawing food stamps. But there they are, because they have lost their jobs, well-paying jobs, with companies that we thought were the backbone of American economic and industrial might. They have lost their jobs, never to be recalled. They cannot find another and they are standing in line for food stamps; 1 in 10 of all Americans utilizing the Food Stamp Program.

So, given this scenario, the right medicine, it seems to me, is the President's very modest short-term economic stimulus, followed by his long-term targeted investment strategy. Because something is wrong. The American people know something is wrong. They knew something was wrong in November and that is the reason they voted for a change.

And this President has said

> We are going to give you change. We are going to give you an economic program that will rebuild this economy. We are going to give you a budget that will reduce this budget deficit and put us on a path to bring these deficits down to manageable proportions. And we are going to reinvest and redirect our funds away from military spending—the cold war is over—and direct some funds into investing at long last in the American people, investing in our own country for a change.

That is what this President is telling us and that is what this budget is all about.

Madam President, I am going to go on at some considerable length here in a few moments, but I had agreed with my distinguished friend from New Mexico that I would relinquish to him for 20 or 30 minutes and then I would like to take back up after that.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, let me thank my good friend, the Chairman, the senior Senator from Tennessee, for his willingness to let me speak now for a few moments.

But might I just state for Members on this side, I have agreed with the Chairman on one very basic proposition for tonight and no more than that; and that is that we are going to use 3 hours off the time allowed on this resolution, equally divided tonight.

I do not intend to yield back time during the debate on this budget resolution, because I think every moment should be used on our side for Senators to express their views. There is so much to be said, and so many Senators on our side that want to say it, that we do not want to yield time.

So tonight, I am going to speak now for 20 minutes, let us say 20, 25 minutes. I will engage part of that time in a colloquy with Senator GORTON, who is here.

But if there are other Republican Senators who want to speak, we are going to have time this evening. It is not going to be soon, because the Chairman has a right to take the floor back, and he says he wants to speak at length. I hope there might be a break in the remaining time for somebody to speak, but, if not, his right is to take the floor from me and use it for the remainder of his hour and a half.

Nonetheless, in due course, before 8:30 or 9 o'clock or so, there will be time for Republicans to speak—I hope, 10 or 15 minutes would be enough time—to express their views with reference to the economic situation in our country and what they think we ought to be doing.

Having said that, Madam President, whatever time I have used thus far, I would call as an opening statement.

I now yield myself time off of the 2 hours prescribed in the budget law, under section 305, for a discussion on the economic condition and fiscal policy of the Nation.

The PRESIDING OFFICER. The Senator is recognized for up to 2 hours on that basis.

Mr. DOMENICI. Madam President, I thank you and I thank the Senate for giving me this time.

Let me start by suggesting to everyone here, and to those who might, one way or another, hear the remarks of the Senator from New Mexico, if you are a small business man or woman in the United States, do not believe for a minute that the Clinton budget proposals and economic plan have been adopted by the U.S. Congress.

If you are an airline industry employee, a manager or on the board of directors or a CEO, do not believe for a minute that the Clinton budget plan and economic proposals have been adopted.

If you are part of America's chemical industry or a great exporter and you are worried about the fact that your exports are going to be dramatically reduced, do not sit back and assume, because somebody has told you, that the Clinton economic plan is done.

Now, why do I make these remarks right up front? Because I have been hearing from small groups and from groups of CEO's from around the country—energy CEO's, refinery CEO's airline CEO's—and they have said: "Why fight it? We have been told it is a done deal. We have been told, join the train or the train will run you over."

I am here to tell you, I sense what is going on in this place. Adoption of this plan in its entirety is a long way, a long way, from a touchdown. In fact, I believe it is stalled at midfield and it is stalled at midfield because it is not a good economic plan. We are going to have a lot more to say about that.

But I suggest that because the President of the United States—whom I have great respect for because he is our President—because Chairman JIM SASSER of Tennessee comes to the floor of the Senate and the President, in a joint session and across this land, says, "We are jobless, and I have a job plan. We have not produced enough jobs in the last 4 years. Let us produce jobs."

Those are great statements, I say to Senators, but the reality of it is, let us ask ourselves if this plan, in any logic and rationale, is going to create new jobs in the United States of America.

First of all, the President has not suggested for a minute that the new jobs are going to come as needed by America from public expenditures. He has chosen to call some of those expenditures a short-term stimulus. Before we are finished we will talk about that. Some of that, when you look at it in its stark reality is absolutely incredible, that those are really going to be delivered to the American people as stimulus.

You have heard some of them out of the Appropriations Committee. I will not bore you with them tonight. But they will make the American people—if they listen to us it will make them chuckle. An economic stimulus package, that has the kind of things in it that the appropriators in the U.S. House of Representatives are going to approve, has nothing whatsoever to do with stimulus. An atlas, an atlas on certain kinds of fish within the Fish and Wildlife Administration for $3.2 million. I only give you one because, frankly, there are loads of them.

If you take that out, what is not intended to produce jobs for America, what is there in this plan that ought to lead you to believe that? From the rhetoric "we want to create jobs" to actually producing them, let us ask what is there in this proposal that might do that? What is there?

Let me start and tick them off. Defense has to be cut. We all know that. The President wants to cut it $112 billion more than George Bush. The reason he has to cut so much, I say to my friend from Washington, is because there are no other cuts in the budget.

I know people say that cannot be true, Senator DOMENICI. The President told us about all these cuts. But, my friends, he did not tell you about all the add-ons in the budget. You see, your money can be saved by cutting domestic spending, and your money can be spent by adding domestic spending, I say to my friend. Is that not right? It just happens, friends, that on the domestic side—and this cannot be refuted—the President intends to spend as much as he cuts. I will show you that in detail as we debate certain amendments.

So, if getting the domestic part of this budget under control was going to have a salutary effect on America over the long run—there are no cuts. I mean, I will tell you the honest truth, even using all the budgetese and baselines, there is $7 billion in domestic reductions—cuts, excuse me—over 5 years, including entitlements and all the other litany of things the President has spoken about and that our chairman has spoken about. That is No. 1. That means the budget is going to start going back up again because the entitlements are not under control, the mandatories are not under control, there is no reform there yet. So that is it on that side.

Let me just talk about jobs. Is the $112 billion cut in defense going to produce jobs? I am now addressing jobs because my good friend from Tennessee talked about America needing jobs. My best guess is that the defense cuts, as big as the President has them, are going to cost America 1.8 to 2 million jobs. It happens that the Presiding Officer comes from a State that is going to get whacked. You can spend all the Federal money you want in the State of California and it will not make up for the jobs lost by the defense cuts in your State, in the State of California. Across this land, it will be many, many more than anybody can produce with a little tiny economic stimulus, as I just described it awhile ago, or by investments in America by the Government.

Having said that, where will the jobs come from? Do you know what is left in the budget? My friend sitting over here knows exactly what is left in this budget. Let me see if I can pull it up here and show you what is left in this budget. It is an amazing thing. Here is what is left in this budget. This tax proposal, if adopted as recommended in this budget: $359 billion in new taxes. And $64 billion of it is given back to the taxpayer in various ways—investment tax credit, earned income tax credit—because many of the tax proposals are so regressive you have to give the working poor back money. So the net is what is missing from the budget to produce jobs, because that is what we are talking about, $295 billion in new taxes.

Believe you me, I understand that very good Americans have responded to our President and have said we want to contribute. And some of them have been saying we want to pay these taxes. But you know what, they have no understanding whatsoever that no net domestic cuts are going to occur in this budget. And they are paying for the deficit reduction only through paying new taxes. And, to be honest, you will add, and defense cuts. But the reason I believe Americans are misunderstanding this plan, and I will tell the Senate, I will confess to the Senate—everybody says Senator DOMENICI knows a lot about budgets. It was very hard for me to understand what was in this budget. In fact, it is still difficult because it is vague. We do not have any precise programs. We have not yet seen a plan to cut the defense of America, have we, I say to my friend? We just got some big numbers.

Frankly, if it has been hard for me and so it was hard for me to explain, how could the American people understand that this budget is a tax budget—$295 in net new taxes. Look at this one. And the net domestic spending cut, the entire net domestic spending cut is $7 billion; $7 billion. Do you think of that 55, 60 percent of Americans who are saying we want the President's plan—do you think they understand that? Do you think they understand that there are no net cuts in the domestic budget of the United States?

I will tell you, I would venture that if we went out to the streets of America, honestly, with no bias, presented by a neutral person, and said: Mr. American, rich, middle income, super rich—last week you said you were willing to contribute and pay a tax to help with this onerous deficit, this burden on American young people and generations to come. But did you know that in saying you wanted to vote for new taxes, more taxes, that there are essentially no permanent cuts in the domestic budget of your country? I will say right now if it is not 75 to 1 saying, "Why, I am not for that; cut the budget before you tax me"—that is what we are here about. And we are going to have 3 or 4 or 5 days in a bona fide, very fair, as fair as we can be, discussion with the American people. It is going to be about what this budget is all about, what this so-called economic growth plan for America is all about. And, when we are finished, if we have not changed that plan here on the Senate floor, then, obviously the President and his party can proceed to put it in place.

And for those who will quickly say Republicans do not want to tax the rich, the truth of the matter is, we do not want to tax anybody until we see cuts, real cuts in the domestic budget of this country. And we will offer many amendments to tell you how to cut it.

I will close by giving two numbers. All of the domestic cuts of the President of the United States that he has told us about, that we tell him for the most part: Amen, we are with you Mr. President—amount to $124—$113 billion. But the add-ons, the new expenditures over and above the programs of our country growing at the rate of inflation, over and above that amount to $124 billion. The net effect of that is essentially no reduction in the domestic programs.

And my last observation, so nobody misunderstands, when I use domestic programs, I mean all of them. I mean all of the mandatories, all of the entitlements. I mean Medicare, Medicaid, I mean student aid, I mean just right on down through, and all of the appropriated accounts. That is the domestic budget. It is two-thirds of our budget; two-thirds. And it is growing. Defense is coming down. It is one thing to say we have been jobless, in terms of this recovery. We produced a million new jobs or 1.5 million—but not enough—and then to say we have a plan to do it without clearly laying before the American people what the plan is. I will close with one last remark.

It has been said not to worry about this $124 billion in new spending because it is an investment. Fellow Americans, it is spending your money and it has been said by a number of politicians, if you call spending an investment, the American people will buy it. Call spending an investment and they will say, "Spend our money for the investment." But the truth of the matter is, when we are finished, we will read off this long litany of investments which are going to spend the taxpayers' money, and then the Republican director of the budget just put up a closing chart and I hope my friend from Washington might address this.

We will talk about this a number of times. This is about the best we can do. Do you see the red, fellow Senators and those who are wondering what we are getting into in this plan, this economic blueprint? Net new taxes $295 billion; 75 percent of this plan is net new taxes. Do you see that one that is a little bit less red? That is taxes, too. It is called user fees. That is 4 percent. Add the two and what do you have? In round numbers, 80 percent of this budget is taxes. Even with defense cuts, it is 4 to 1; $4 in new taxes for $1 in defense cuts and the rest is there, $7 billion in nondefense cuts, $74 billion net in defense.

I ask, does anyone really think the American Government is smart enough to create new jobs by investing some additional money, spending your money and calling it an investment? For that is all that is left with this notion.

Mr. GORTON. Will the Senator from New Mexico yield for one or two questions?

Mr. DOMENICI. I will be pleased to.

Mr. GORTON. Madam President, earlier this week, this Senator received, from a friend in Seattle, a very worried letter about the budget deficit. Enclosed with it was an analysis for their customers from the chief economist of the Dean Witter company attempting to advise his clients on investments. I want to read one set of lines which is in bold print in that analysis and ask the Senator from New Mexico whether he agrees with it. This economist who wrote in the form of an open letter to President Clinton said:

> The numbers that underlie your budget proposal don't stack up. If enacted, the result is likely to be less growth, higher taxes, more Government spending and a higher budget deficit than would otherwise occur.

Does the Senator from New Mexico, as I think he does from what he said, agree with that proposition as a fair description of this budget proposal?

Mr. DOMENICI. Great question. Madam President, the President's budget itself, with all the optimism he can muster, says that in the fifth year of this budget plan the deficit starts going up again, not down. In the sixth year, it is up even more. In the seventh year, it is up even more, and 5 years after the first 5-year plan, it is higher than when we began, and that is conservative. My guess is it will be substantially higher because many of the savings that are projected in this budget are not going to occur. They are not fixed. As of yet, we have no enforcement mechanism.

So you can say to your constituent, you are much more astute than many of us were 2 weeks ago, for it was cumbersome and difficult, but we have now agreed with you, and that is exactly why there is no entitlement savings whatsoever to speak of that are permanent in this package.

Mr. GORTON. If the Senator will further yield, and I will refer to the chart which he now has posted. The, oh, roughly one-fifth of that circle which is colored in black and represents defense reductions, does the Senator from New Mexico, with all his expertise on the budget, have any idea what is encompassed in those defense reductions? Do we, as we debate here as Senators, know what this means from the point of view of the number of men and women in uniform, the kind of defense contracts we will have? Is there any detail, any understanding at all as to where that money is going to come from?

Mr. DOMENICI. Madam President, we kind of knew what the $74 billion that were prescribed by President Bush were. I guess we could dig that up and, in all honesty, say we knew that. But when you add to that, not just a doubling of that, but a doubling of that plus $50 billion more and no details, it is pretty difficult to tell the American people, the military, those who are worried about the breaking news that is occurring now about the Soviet Union, about all the problems in the world, with Ukraine with many, many nuclear weapons and they do not know if they are going to join up with the nonproliferation countries, North Korea behaving like they are, they are on all out alert, there is no way to tell those people who are interested or the magnificent men and women who are in uniform, what is really going to happen. The only thing we have heard of late are base closures. Americans will know that is not a big part of that. Ten percent of this whole amount would be base closures.

Mr. GORTON. It seems to me it is unlikely to be that large amount.

One final question and then I think the Senator owes the floor back to the Senator from Tennessee. This Senator will await his turn and hope he can speak next. One last question.

The distinguished and learned Senator from Tennessee, the chairman of the Senate Budget Committee, referred to this Senator in his opening statement and to the fact this Senator's State includes the Boeing Co. which has just announced reductions in its work force of some 28,000 people, affecting 28,000 families primarily in the States of Washington and Kansas.

As the Senator from New Mexico knows, the President of the United States visited the Boeing plant in Everett, WA just a relatively few weeks ago with a message of hope and of optimism and of support.

I wonder, however, if the Senator from New Mexico has been able to puzzle out a problem which this Senator has not been able to puzzle out. The President's budget plan offers to the Boeing Co. higher corporate taxes on its earnings, therefore removing capital which would otherwise be used to develop a new generation of aircraft. It offers to the customers of the Boeing Co. huge increases in their fuel taxes. This increase in taxes represents $1 billion of additional costs to an industry which is already losing huge amounts of money. And, of course, because of these defense cuts, I suppose this budget plan offers to the Boeing Co. a reduction of close to 50 percent in its defense contracts.

Is the Senator from New Mexico any better able than this Senator is to figure how that triple whammy will restore the jobs of those 28,000 Boeing workers who are about to be laid off?

Mr. DOMENICI. Madam President, I really thank the Senator from the State of Washington for that question and with the answer to it, I will wrap up and yield the floor back to my friend.

Frankly, let me tell you what I think about defense conversion because, if anything, the President has, and I am sure he believes this, has suggested we are going to ease the burden and create jobs for those who might be losing jobs through more high technology, targeted high technology by the Government and defense conversion-type activities that use the dual-purpose capabilities of our defense research to create civilian jobs.

Madam President, the Senator from New Mexico is an activist in many ways. I love to think the Government can do things. I came here as a mayor and, boy, I just thought the U.S. Government could do almost anything. The truth of the matter is the only way to take care of people who are going to be hurt by the defense problems in this country or by the airline-type problems of this country, the only way to help them is a sustained economic recovery with low inflation. You have to have a recovery to put those people to work. You have to have a sustained solid growth to put those people who are worried in your State back to work. And that is not going to happen with a deficit reduction plan that is essentially cutting defense and taxing the American people, including middle-income Americans, modest-earning Americans in a huge way and businesses in ways we yet do not understand.

The President contends that the lowering of the long-term interest rates will help Boeing and put their people back to work. I assume that was the answer he gave. I was not there, but I assume that.

Mr. GORTON. The Senator is correct.

Mr. DOMENICI. Frankly, let me tell the American people, that is a wonderful event occurring in our economic history and I would hope that before we finish, people will talk about how good it is that long-term interest rates are down. Frankly, it is absolutely inconceivable to me that they are down because of what we are talking about on the floor of the Senate. It just seems to me they are down because there is a huge liquidity among American savers. They want to get their money out of very low-interest-type things into higher yielding things, and there are huge amounts of money being put on the table to buy up long-term bonds which are yielding more interest. And the demand from the world whose economies are diminishing instead of growing is almost nil, which causes the long-term bonds to come down also.

But for Boeing, whose balance sheet I look at every now and then, they do not borrow money. As I gather, they do not borrow money. They cannot take the risk of borrowing money because of the way their business goes. So finally, I do not see how it is going to do anything for them or people like them across this land.

I close once again saying to American people, who are now worried because they understand this Btu tax, this energy tax, and what it will do, because they might understand and believe we are not cutting domestic spending but only asking that we be taxed more and American people pay more, if you believe that you sat back and did not write to us, did not complain about it, did not put your employees on notice, did not talk to those in your associations because the train was gone, I submit to you that you ought to be heard. You ought to be heard now because it can be changed on the floor of the Senate, and we are going to do everything we can to change it to a better package, not this one.

I yield the floor and thank the chairman for time.

Mr. SASSER. Madam President, I thank the distinguished minority manager.

I listened carefully to the discussion and statements made by my friend from New Mexico and the distinguished Senator from Washington. I came away a little confused. First, there were complaints that there were not enough cuts in the President's budget, and then there were complaints that there were too many cuts in military spending, and this was going to create job losses.

Now, undoubtedly, there will be some job loss as a result of cuts in military spending. But what is the alternative? Are we to keep on spending into perpetuity for military purposes? Are we going to continue to raise the deficit, continue to borrow money to build fighter planes and tanks and aircraft carriers that produce nothing in themselves? Are we going to continue to pay vast sums of money to employ large military formations that simply are not needed?

It appears to me that is the ultimate in waste. And whether you are borrowing money to build a school or whether you are borrowing money to buy an Abrams M-1A1 tank, you are still raising the deficit.

The difference is that that school will produce citizens who are educated and who will be productive and will produce additional wealth and economic growth for the country.

That is the difference between an investment and simply an expenditure. Any reading of modern American history would reinforce that point.

Let me give you an example. Immediately following World War II, this country had a debt in proportion to gross domestic product much higher than it is today, and rightfully so; we had just fought and waged and won the greatest war in the history of the world—not just the history of the modern world, the history of the world.

What did we do? We turned around first and made some investments abroad in Europe to try to build and rebuild a world trade system. But more importantly, we made investments in our own people through something called the GI bill of rights. And for the first time, the Government stated as a principle that those men and women who answered the call to duty during this great war shall be entitled to Government subsidies in the pursuit of higher education, in the pursuit of a college education.

Young men and young women following World War II, utilizing that GI bill of rights, obtained a college education. And in most cases they were the first members of their families ever in this country to secure a college education. Because of the education of these young veterans as engineers, as business managers, as physicians, as accountants, as lawyers—a whole host of professionals—the United States embarked on a period of unprecedented economic growth in the years of the late forties, fifties, and sixties. And many observers say that this growth was built on the expertise and productivity of the original investment, or the original investment had enhanced in these college graduates as they moved out into the economy.

That is the difference between an investment and an expenditure. I submit that it does not make sense really to continue to be spending vast sums of money for the military when we should be turning around and investing some of those sums first in our own people and some of the other savings in deficit reduction. That is exactly what the Clinton economic proposal does.

Now, the Congressional Budget Office has had something to say about the question of cuts in the military spending program. And it says:

> In the long run, if cuts in defense spending are used to either reduce the Federal deficit or fund certain carefully chosen Federal investments, these cuts could lead to permanently higher levels of income than would otherwise occur.

You really do not have to be a rocket scientist to understand that when you buy a tank, it is a wasted expenditure. Within a few years, that thing will be obsolete. It requires constant maintenance, and it produces nothing by way of growth, economic produce. It is perhaps an insurance policy, but that is all. An investment in a school or an investment in a machine that produces capital goods, or an investment in a factory, all of those things produce things for long-term growth.

Let us see what the Chairman of the Federal Reserve Board had to say, Dr. Alan Greenspan. In testimony before the Senate Budget Committee, Dr. Greenspan said:

> By their very nature, military expenditures are like insurance. It is an endeavor on our part to protect the country from foreign foes.

Dr. Greenspan continued:

> It does not, however, create real capital assets, real productive assets which produce goods and services, which can be consumed directly by the civilian population or the population as a whole.

So, Dr. Greenspan concluded, and these are his words:

> If we are able to reduce defense expenditures and employ the resources in the production of capital goods which create increased productivity, increased domestic technologies, standards of living as perceived by the average American will rise.

Dr. Greenspan continued:

> It's obvious it would be far better were we to employ our resources for the production of civilian goods rather than military goods.

Now, I do not agree with Dr. Alan Greenspan on everything. Dr. Greenspan was appointed Chairman of the Federal Reserve Board by President Reagan and reappointed by President Bush. But he is right as rain about that. And I think any economist worth his salt will agree.

So I do not see how we can possibly criticize President Clinton for reducing military expenditures, and we ought to praise him for reducing these military expenditures and utilizing part of it for deficit reduction and part of these expenditures for investment in our own people.

I said earlier that we do have a serious economic problem. The President's modest short-term economic stimulus is followed by a long-term targeted investment strategy. And the purpose of our domestic investments is to push the economy to a growth level that is sufficiently robust to sustain the contractionary force of a long-term deficit-reduction package.

What am I saying? What I am saying is that what we are presenting here in the Clinton economic budget proposal is the largest deficit-reduction package in the history of this country.

Economists will tell us that as we reduce the deficit by this large of an amount over the next 4 or 5 years there is a danger that economic contraction or another recession will set in.

The Clinton economic plan wisely recognizes this. This economy now is struggling to get up to speed, to start producing the jobs that other recoveries have produced in times past. As I said earlier, other recoveries by this time at this stage would have produced 4 million jobs. This recovery at this stage has produced less than 1 million new jobs.

So it is struggling. It is not there. We run a danger of this deficit-reduction package, as large as it is, having a very chilling impact on this recovery.

So what does the President propose? He proposes a short-term economic stimulus to put a tailwind behind this recovery, to get it off the ground, to energize it so it can get to an altitude and develop a velocity so that it will not be sunk and crash down again because of the contractionary impact of this large deficit-reduction package.

The Clinton economic program recognizes that for years we have invested neither wisely nor well. For too long this Nation has subordinated its long-term goals to short-term interests. What growth we showed in the 1980's was borrowed against the future. The growth of the 1980's was paid for with staggering levels of borrowing from both the private and the public sector.

I want to direct the attention of my colleagues to two charts that I have here. The first shows the gross public investment as a percentage of gross domestic product in 1989. Really, this is economist jargon for saying how much of our Government expenditures were invested in things that would improve our economy as a percentage of the overall economy compared to other countries.

We find that our friends, the Japanese, were investing 5 percent of their expenditures in investments in the economy that would increase their productivity or their ability to compete, enhance the range of their products, the whole host of things that you need to do to compete in a modern world and elevate the standard of living of the people.

Italy invested at 3.5 percent; France, 3.2 percent; Canada, 2.4 percent, et cetera.

Look at the United States. The last in line. We were actually investing only 1.6 percent of our GDP in investments that would improve our ability to compete and that would produce jobs, the lowest of all of the so-called highly developed, industrialized G-7 countries.

We have another chart. This indicates the public and private investment in employment and training programs for our people. This is a means by which you train your population, your work force, so that they can fill the demanding jobs of a high-technology, highly competitive industrialized economy.

Let us look at the Germans. They were devoting 2.4 percent of their public and private investment in employment and training programs as a percent of the gross domestic product. Look at the United States—only six-tenths of 1 percent; about one-fourth of what the Germans were investing.

No wonder we have such high unemployment in this country; no wonder we have so many people who want to work, but they simply do not have the skills to meet the needs of the work force or the workplace in these highly developed economies that we are competing with.

In spite of these startling figures, the investment proposal is a central target of those who oppose the President's package. Some of my friends on the other side of the aisle even challenged the notion that a Government expenditure can produce positive economic consequences unless, of course, the expenditure happens to be in their home State or unless it is for military hardware or military spending in some way. Otherwise, they say, Government expenditures just cannot produce any positive economic consequences.

Tell that to the older citizens now who got their college education through the GI bill of rights following the Second World War. Ask them if a Government expenditure can lead to positive economic consequences, and I think they would tell you it certainly made a profound difference in their ability to produce economically.

All posturing aside, there is really far less dispute in practice than there is in theory about investment. Just take a look back at the budgets we got from President Bush. The additions that he proposed for discretionary spending are surprisingly familiar. He proposed additions in Head Start. President Bush proposed additions in the Women's, Infants and Children's Feeding Program. He proposed additions in highway spending. He proposed additions in the home program. These are additions that were proposed by President George Bush. He proposed additions in AIDS prevention. He asked for increased spending for the National Science Foundation.

He asked for increased appropriations for childhood immunizations. He wanted more money for crime prevention.

Well, what about the so-called tax relief investments that are in the Clinton package—many of the same ones that George Bush was asking for, such as enterprise zones, community development banks, investment tax credits, targeted jobs tax credit, earned income tax credit, research and exploration tax credits.

(Mr. LEVIN assumed the chair.)

Mr. SASSER. So if you just looked at the list of the programs that President Bush wanted funded and the ones that President Clinton wants funded, if you looked at the tax proposals or investment incentives that President Bush wanted funded, and the ones that President Clinton wants funded, they are almost identical. You cannot tell one party from another by the set of priorities.

The difference, my friends, is in the magnitude. The plan that President Clinton has proposed is more than just a token plan. He wants more than just token amounts. He wants to take some of these military savings and put them seriously into these initiatives that will restore this economy of ours.

More important, President Clinton pays for these investments by cutting, as I said earlier, unnecessary military spending. Military spending has simply been untouchable around here for years. I have heard my colleagues on the other side of the aisle, and some on our side, talk as if money spent for military hardware or money spent in the military budget did not count in the deficit calculations. That was just money that suddenly appeared as if by magic from somewhere. No, you could not reduce that one cent anywhere, even though we embarked, in 1981, on the largest military buildup in the history of this country since the Korean war, a larger military buildup than we pursued when we were fighting a war in Vietnam. But, no, even though the cold war is over, my friends on the other side say we cannot touch any of that spending.

President Clinton does not buy that. What this President said is spending is spending. Borrowing money for spending is borrowing money for spending.

He does not say he is going to do more spending. What President Clinton says is he is going to spend for different things. You may want to spend for a tank, but he wants to spend for a schoolhouse. You may want to spend for an aircraft carrier. Well, he wants to spend to support a hospital. You may want to spend for a fighter airplane. Well, he wants to spend for Head Start, to try to educate young children and give them a chance.

This President has finally shaken this Congress and this country out of the cold war mindset, and he has taken these military dollars and is putting them into domestic priorities. It is not interesting that most of these domestic priorities have been validated by bipartisan support—supported by President Bush and many of my friends on the other side of the aisle. It is just that President Clinton supports them with enough funding to really make them effective, to really make them make a difference.

Of course, I cannot touch on every program in the President's plan, but I honestly believe that, taken as a whole, it is a hands-down winner.

I am not alone. In testimony before the Senate Banking Committee, the Fed Chairman Alan Greenspan said:

> It is a serious proposal. Its baseline economic assumptions are plausible, and it is a detailed program by program set of recommendations as distinct from general goals.

Is that not interesting coming from Dr. Alan Greenspan, a Reagan administration appointee? He has validated this Clinton economic plan. He says it is a serious proposal. He says it is a plan whose economic assumptions are plausible. It is a detailed program by program set of recommendations as distinct from general goals.

Mr. President, it is no wonder that following the speech that President Clinton delivered to the joint session of Congress—it was seen by tens of millions of our fellow citizens on television—that the bond market rallied and the yield on 30-year bonds fell below 6.9 percent—the lowest yield on 30-year bonds since being issued in 1977. That is confidence. That is confidence on the part of hard-eyed bond traders, who are putting their money where their intellect tells them it ought to go. They do not trade on emotion. They do not trade on promises. They trade on what they perceive to be the reality of a situation.

That is confidence, and it translates directly into investment, and it translates directly into jobs.

For years now, American Secretaries of the Treasury have been going abroad to various meetings with the finance ministers of other countries. And they have been asked to do something about what our allies abroad perceive to be a fiscal crisis here in the United States—a crisis brought on by lack of discipline, lack of political courage, lack of a failure to face the reality of the day.

We all remember the humiliation of an American President being lectured in Japan about the need for us to do something about our budget deficit and to get our fiscal house in order. The humiliation of it. And we have seen the United States become the largest debtor nation in the world. We have gone, in 10 years, from being the largest creditor nation to the largest debtor nation on the face of the Earth.

What about our international allies whose economic destiny and future is tied so closely to the economy of the United States? What do they say about the Clinton plan?

The Japanese and the Germans are applauding it. They are saying only good things about it. They are encouraged. They are heartened.

The business community in this country—and I have talked to a lot of business people in my State, many of whom did not vote for President Clinton; in fact I venture to say maybe the majority of them did not—but they seem very inclined to give this proposal a fair chance.

They say at least he is trying to do something, and it appears to us that he is asking it fairly of everybody. And those at the very top, the very top—and we all know some of them, the top 1 percent, they say, "Look, you know, I do not want to pay any additional taxes, but I will. I will do it, if it will help us get our house in order in this country. We simply cannot continue down the road we have been on for the last 10 years or longer."

And even some of the hardest constituency groups here who you would expect to oppose it are ready to give up a little bit on their particular interest. They are ready to give up something, because they think that this proposal of the President as embodied in this budget we bring to the floor here this evening is in pursuit of the general welfare of our Nation and all of our citizens.

So, this President, President Clinton, has presented the Congress and the American people with a credible economic plan that contains all of the ingredients for deficit reduction. It will reduce the deficit by over $500 billion over 5 years and it is a budget that provides for long-term economic growth and for a short-term stimulus to really energize this economy and get us into a robust recovery.

Mr. President, I am pleased and proud to report that last Thursday night the Senate Budget Committee stood foursquare behind the President. The Clinton budget plan reported by the Senate Budget Committee as the 1994 budget resolution is the most decisive assault launched by a President against America's deficit since the fiscal crisis began in the 1980's.

It answers the American people's call for an end to gridlock and for the beginning of constructive change.

As you can see in this chart here, the 5-year savings in this budget resolution amount to $502 billion. Now that is compared to $473 billion in savings in the President's original plan and $406 billion in the reestimate of his plan made by the Congressional Budget Office and the Joint Tax Committee.

Deficit reduction in 1997 is approximately $140 billion. And the President's proposal will bring the deficit down from $308 billion in 1993 to $187 billion in 1997.

As a percentage of gross domestic product, and that is the figure most used by economists, deficits between 1993 and 1997 are cut in half, from 5 percent of gross domestic product in 1993 to 2½ percent by 1997. Spending reductions total $332 billion over 5 years, including cuts in military spending of $105 billion off the budget proposed by President Bush, $85 billion in nondefense discretionary cuts, $91 billion in entitlement and mandatory saving and a reduction of $55 billion in debt service.

So, any way you slice it in this form this budget proposal is the largest deficit reduction package proposed by a President with revenues changes totaling $295 billion over 5 years.

Now, the 1994 budget resolution, as reported, presents the President's economic plan modified to conform with the terms of the Budget Enforcement Act of 1990, and specifically what I am talking about is the resolution meets the discretionary spending caps that were put into law by the Budget Enforcement Act in 1994 and 1995.

In addition, the resolution recoups savings lost in recent reestimates of the President's proposal by the Congressional Budget Office and the Joint Committee on Taxation.

The 1994 budget resolution contains enforcement measures to ensure as much as a budget resolution can that Congress lives up to the deficit reduction that is embodied in it. The resolution will contain reconciliation instructions which will force committees to come up with changes in law to achieve $367 billion in deficit reduction over 5 years. In addition, the resolution contains provisions extending the system of discretionary limits as they apply to budget resolutions for fiscal years 1996 through 1998.

Now, none of the initiatives for priorities in President's Clinton plan have been eliminated. Within the discretionary spending totals set forth in this budget resolution, we support the goals laid out in the President's investment proposals in the category entitled "Rebuilding America," in the category entitled "Lifelong Learning," in the category entitled "Rewarding Work," in the category entitled "Health Care," and in the category entitled "Private

Sector Incentives." The budget resolution simply stretches out the growth profiles of these investment initiatives and allows Congress to comply with the budget enforcement spending caps.

The Clinton plan provided a total of $473 billion in deficit reduction, as I said earlier, over 5 years. The intervening CBO scoring of the package showed a loss of $67 billion primarily due to various technical differences between the Congressional Budget Office and the Office of Management and Budget and because the two scoring authorities used different tax models. On the whole, however, the Congressional Budget Office reestimates of the President's economic plan add only $23 billion to the 5-year deficit totals, one of the smallest increases ever recorded. This is largely due to the fact that CBO projected baseline deficits are actually $44 billion lower than the Office of Management and Budget's over the 5 years and $29 billion lower in 1998. In other words, the Congressional Budget Office is projecting lower deficits in 1998 than OMB is, and over the 5-year period they are projecting deficits that are $44 billion lower. So, OMB's deficit projections are actually more conservative than those of the Congressional Budget Office that are generally conceded to be the more conservative of the two agencies.

In the budget resolution, the $67 billion in lost savings is offset, bringing the unified budget down to $187 billion in fiscal year 1997, and reaching the $140 billion deficit reduction target set by President Clinton for that year.

Under the resolution, deficits, as a percent of gross domestic product, will be cut in half, from 5 percent in 1993, as I said, to 2.5 percent in 1997.

As my colleagues can see, this is the largest deficit reduction package ever proposed. Let me just call my colleagues' attention to this chart, entitled "Deficit Reduction in Presidential Budgets, 1984 through 1994."

In 1984, President Reagan had a deficit reduction plan for $332 billion, $115 billion the next year and $368 billion the next year, et cetera, et cetera.

The Clinton package, at $502 billion, as modified, is the largest deficit reduction package that has been proposed.

I might say, with regard to these other plans, they were not adopted by the Congress. Many of these plans, also I might say, for the most part, contain unrealistic economic assumptions.

The cuts in entitlement programs are also bold, providing a substantial downpayment on comprehensive health care reform.

The committee recommends revenue levels of $1,250.5 billion in 1994 and $1,554.7 billion in 1998. The recommendations assume revenue increases of $36.1 billion in 1994 and $295 billion over the 5-year period.

As is the case with all reconciliation instructions, the tax-writing committees are not bound to adopt any particular set of policy options to achieve the additional revenues specified in this budget resolution. In fact, the tax-writing committees may incorporate whatever statutory changes they desire, so long as the total changes meet the reconciliation instruction set forth in the resolution. The assumptions which underlie the revenue instructions could accommodate the proposals contained in the President's plan.

Under these assumptions, the majority of new taxes would fall on upper income taxpayers. More than 98 percent of America's families will have no increase in their income tax rates. Only 1.2 percent at the very top are going to have any increase in their income tax rates.

I want to draw my colleagues' attention to another chart here, which indicates the distribution of the President's revenue package.

You will note that 64.2 percent of the increased taxes will be borne by those who make more than $200,000 a year. More than 73 percent of the revenue increases will be borne by those families with adjusted incomes in excess of $100,000 per year. People at the top 1 percent—and for a family of four, that is an income of more than $333,000 a year—would pay more than 60 percent of all the new taxes.

As I previously mentioned, the Finance Committee could employ any number of other options to meet this particular instruction.

For example, it could take large portions of the revenue options listed in the resolution and replace them with a value added tax, if they wished to, or a consumption-based tax.

What the Budget Committee sends to the Finance Committee is simply a number. The Finance Committee will work their will on that number and may fill that revenue number in any way the Finance Committee and its distinguished chairman, Senator MOYNIHAN of New York, see fit to fill it.

The same is true of the deficit reduction reconciled in the other authorizing committees. These are broad binding aggregates. They do not dictate specific policy alternatives. Though the totals conform with the President's plan, they permit the committees of jurisdiction to find the savings dictated by the resolution's totals in whatever way they choose.

Finally, the form of the budget resolution provides maximum enforcement of the savings dictated by the resolution's totals, and it ensures honesty.

Senators who spent the most time reviewing budget resolution form in the past will be pleased to note that it continues to include many of the improvements for which they have fought over the years. For one, only on-budget numbers appear in the resolution. The Social Security trust fund is not used to mask the size of the deficit. It has two provisions similar to those in last year's resolution to ensure enforcement. Counting asset sales as deficit reduction is prohibited. And using the same language as enacted the Social Security firewall, I say to my friend from New Mexico, is reinforced.

I know he has been very interested and concerned about that.

The resolution calls on Congress to enact, during this session, the enforcement procedures for those purposes that only statute may constitutionally include.

The resolution contains sense-of-the-Senate language calling for the Congress to limit debt increases to those contemplated in the budget resolution. The language draws heavily on the proposal of the senior Senator from Nebraska [Mr. EXON], embodied in S. 225.

Taken together, these provisions make the most enforceable budget resolution in the history of the Budget Act.

Mr. President, we have presented a budget plan, a budget proposal. President Clinton came before the Congress and presented his proposal in a joint session to the Congress and to the American people. The polls indicate that the American people, by over a 2 to 1 margin, want to give the Clinton proposal a chance. They have high hopes for it. They know that it represents change. They know it calls for shared sacrifice. But they know things have to change.

They know we cannot continue as we have been going. We cannot continue to follow the borrow-and-spend policies of the past 12 years. We cannot continue to stand aside and watch as our jobs leave this country and go abroad. We cannot stand aside and watch as our cities deteriorate, and as block after block after block in many of the major urban areas is abandoned, literally, to criminal elements.

They know we have a problem in the education of our young people. Their education is not measuring up to the education that our trading partners and trading adversaries are giving their children in other countries in this world. The American people know there is something wrong when people who want to work cannot find a job. And they know there is something wrong when people have worked for decades for a blue chip company and come in one morning to find that they are greeted with a pink slip and the new they are laid off and they have no probability of being called back to work.

So they know we need change. The American people voted for a change in November. They are aware that this budget proposal calls for sacrifice. But it does mean constructive change. It calls for long-term investment in the future of this country.

For those who disapprove of this program and this budget proposal and budget plan—and that is their prerogative—I simply call upon them to say: Where is your plan? What are your proposals? Do you wish to continue down the same path that we have been going down for the past 12 years? If you want to criticize this President's plan, you can do it. If you want to tear it apart, that is your prerogative. But if you are going to do it, you have a responsibility to tell the American people what is the alternative. What is your proposal?

Many years ago, a distinguished old Speaker of the House, Sam Rayburn, was quoted as having said—and I do not know if he said it or not, but it is generally believed he did—"Any darn fool can tear down a barn. But it takes a skilled craftsman to build one."

This young President of ours has built a budget. He has built an economic plan. He is calling for adoption of this plan that will change this country for the better. And the people have said that they want change.

Now it is time for us in this body to stop picking it apart, piece by piece. Yes, we can criticize it, and that is healthy. We ought to be critical of it. But if you want to criticize it piece by piece, then we ought to have a proposal to replace it piece by piece, also.

The resolution, Mr. President, prohibits the consideration of direct spending or receipt legislation that would decrease the pay-as-you-go surplus that the reconciliation bill would create.

Mr. DOMENICI. Might I make an inquiry of the Chairman?

Mr. SASSER. Of course, I would be pleased to answer any inquiry.

Mr. DOMENICI. Mr. President, I do not know how much time the chairman has used of his 1½ hours tonight, but I have Senator GORTON and one other Senator who have been waiting. I wonder if the Senator might give them, through me, some indication of when their time might come up here on the floor?

Mr. SASSER. I will be pleased to do so. I will yield the floor for that purpose in another 2 or 3 minutes.

And, may I ask my friend from New Mexico, how long he and his colleagues are wishing to go on this evening on their side?

Mr. DOMENICI. Parliamentary inquiry. How much time has the Senator from New Mexico used?

The PRESIDING OFFICER. The Senator from New Mexico has used 33 minutes.

Mr. DOMENICI. And how much time has the Chairman used?

The PRESIDING OFFICER. Eighty-five minutes.

Mr. DOMENICI. We are not distinguishing there what we used it from. It is just that is an amount of time we have each used.

The PRESIDING OFFICER. That is the total amount of time each side has used, and does not distinguish the source.

Mr. DOMENICI. I believe Senator SASSER said his side wanted to use an hour and a half tonight.

Mr. SASSER. Approximately.

Mr. DOMENICI. And we would try to use an hour and a half, and that would be 3 full hours off of the resolution.

How close is the Senator to an hour and a half?

Mr. SASSER. We have used 85 minutes. That means we have 5 minutes.

Mr. DOMENICI. I think Senator GORTON would use 15 and Senator BENNETT 15 and Senator BOND. We probably can get by tonight with 40 minutes added to the 33; something less than an hour and a half.

I do not want to ask consent for that yet or yield back, but that is what we will shoot for.

I thank the Chairman.

Mr. SASSER. I have taken up more than my share of the time this evening. I yield to the distinguished majority leader, who I see is seeking recognition.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I thank my colleague.

I have just spoken with Senator DOMENICI, following my having just been advised that earlier this evening, during debate on the floor, Senator DOMENICI indicated—speaking on behalf of himself and several of his Republican colleagues—that there would be no agreement to yield back time on the budget resolution, and no agreement to stack votes. That is, of course, entirely within the right of the manager and other colleagues.

But in light of that, I felt it essential to notify Senators at the earliest possible time—and this is the earliest possible time for me, having just learned of this—that the previous Senate schedule for this legislative period which I distributed some weeks ago, which indicated that there would be no votes after 3 p.m., on Friday, and no votes on next Monday, was based upon the customary practice which we have followed in the Senate in the 5 years that I have been majority leader of attempting to work out scheduling and the stacking of votes in a way that accommodates as many Senators as possible.

It will be readily obvious to every Senator that if we are not able to engage in that practice for whatever reason—and as I stated earlier, that may be an entirely valid reason—that the schedule which I set forth cannot be maintained. Since the premise upon which the schedule was based no longer exists, the schedule itself cannot be maintained.

Therefore, Senators should be aware, and be prepared for votes on this Friday after 3 p.m., if necessary, and into the evening; and for a full session, with votes, if necessary, on Monday.

The budget resolution is very important business. And on that point, Senator DOMENICI and I are in complete agreement.

Again, I recognize that the announcement that he has made in behalf of himself and other Republican Senators is entirely appropriate within the rules and within his rights. But if that is to be the case, then everyone must understand the consequences of that practice will be that we will simply have to be in session for full days, 5 days a week. And Senators will have to adjust their schedules accordingly.

Mr. President, I have indicated, prior to my making this statement on the floor, to Senator DOMENICI, that I would make this statement. And I now take occasion to yield, to invite any comment. If I have in any way inadvertently misstated his prior remarks, I request that he correct me and make any comment he wishes to make at this time.

Mr. DOMENICI. Mr. President, let met just qualify it this way. I do not recall being in a situation where we have a time limitation like we do on this bill. In other words, if it was equally divided, for all Republican efforts, we would not have more than 25 hours if that turned out to be equally divided. And if we really held to the schedule that the majority leader had announced a long time ago, none of us could have guessed that a budget resolution would come up tonight, with a Friday only until 3 suggestion; that that be the voting deadline. And then nothing on Monday, but be in session. None of us could have guessed that would be the situation.

There is a very, very dedicated group of Senators on our side—not one, not two, but many—who have worked very, very hard to understand this budget resolution, and they want to be heard. I think my good friend from Maine has great respect for that. That is the institution. We are not going to be able to filibuster. For anybody wondering whether this is gridlock, it is not gridlock. This is a very time-constrained operation from the beginning.

I will nonetheless say to the Senators who are listening to our distinguished leader, we are not in stone on this situation. We have a conference tomorrow at 10:30 of all the Republican Senators. It will not be called for just this issue, but we will raise it and we will do our very best.

This Senator has been here long enough to know I want to be accommodating. There are two accommodations here: One is to Senators who made some plans and relying on our distinguished leader's good letter, trying to give us suggestions for time availability for work at home.

The other conflict is I am going to try to accommodate to the Republican Senators, and I gather Senator SASSER has some Democratic Senators who want to offer amendments. It could well be they do not have the same problem on stacking. We might ask that later on; I am not suggesting tonight.

Mr. SASSER. We do have Democratic Senators who wish to offer amendments. I do not know what their views would be on stacking. I am confident they would follow the wishes of the majority leader in that matter, however.

Mr. DOMENICI. All I am saying is we are not concluding that the distinguished majority leader—we are not on our side—that his suggestion regarding voting is over and done with and we are on another schedule. But tomorrow, as early as possible, we will get back together, if that is satisfactory, I say to my friend from Maine.

Mr. MITCHELL. Mr. President, that is entirely satisfactory. The Senator from New Mexico is quite right, of course. No one of us could have known when we were going to begin this budget resolution. That depended on when we completed action on the previous measure and, as all Senators know, it is probably still a mystery to the American people that we know when we can begin a bill in the Senate but we can never know when we are going to end it because of the peculiar rules of the Senate. There was no way any of us—Senator DOMENICI, Senator SASSER, myself or anyone else—could have known when we were going to finish the bill this afternoon; indeed, that did not become clear until we reached an agreement on it just a short time before it was, in fact, completed.

I merely wanted to give Senators as much notice as possible because, if we are going to have a full schedule of votes on Friday and on Monday, it will undoubtedly cause Senators to have to change their schedules, and they have to begin now at this moment to think about that and how that can be accomplished, if possible.

I welcome the further discussions which the Senator from New Mexico has indicated will occur tomorrow and, as usual, I will discuss the matter with Senator DOLE. Just so Senator DOMENICI can be aware, as is my practice with respect to all scheduling matters, I notified Senator DOLE by telephone before I came to the floor to make a statement that I was going to do so and the reasons for it, that is, the circumstances which led to it. He is aware of this, and I am sure we will be meeting again tomorrow to work on it. I suspect there will be many amendments on both sides and a lot of votes, and we will try to do it in a way that accommodates the legitimate interests of those Senators who want to be heard on an important matter.

This is, of course, the usual practice with the budget resolution. Under our rules, it is limited to 50 hours. That has been the case for at least the 13 years I have been in the Senate. So we have been through this before on many occasions, and everyone has to try to accommodate to that circumstance.

We will do the best we can. But now Senators are on notice and should be aware that the previously announced schedule with respect to votes on Friday of this week and Monday of next week may have to be changed to accommodate the needs of this legislation, and we may have to be here all day Friday and all day Monday and voting should that become necessary. But I look forward to further discussions with the Senator tomorrow.

Mr. President, I yield the floor, and I thank my colleagues for their cooperation.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I might say to my friend from Maine, Senator DOLE told me prior to my colloquy with you that he heard from you. He then talked with me a little bit about what this meant. We agreed we would be talking tomorrow in the party conference. We will get back to you as soon as we can.

Could I ask, Mr. President—I did not intend to keep the Senate beyond a maximum hour and a half on the majority side and an hour and a half on our side—where are we? How much time has the majority used?

The PRESIDING OFFICER. The majority has used 1 hour and 42 minutes.

Mr. DOMENICI. We are not going to use even our 1 hour and a half, I do not think, Senator GORTON wanted to go next. Will the Senator allow me to make two points and then I will yield to the Senator?

Mr. President, my good friend, Senator SASSER, has indicated that this is the largest deficit-reduction package to come before the Senate that has been suggested by a President. I just want to say that is technically correct, but I think, as a practical matter, it is not correct because, believe it or not, the deficit-reduction package offered by the economic summit that we had between bipartisan Members of Congress and members of President Bush's staff was larger than 502. It was about 510.

But the interesting thing about it, so that everybody will understand, is this proposal has the largest tax increase to get to the deficit reduction that we have ever had. That package was criticized immensely by having too much by way of cigarette taxes and other things. It was $160 billion in taxes. It pales in terms of this one. So I just wanted to make the point that it does not do as much on the cut side, cutting the growing Government, but it sure does a lot more on the tax side.

Having made that point, I ask my friend from Washington, how much time he would like to use.

Mr. GORTON. Roughly 15 minutes.

Mr. DOMENICI. I yield 15 minutes off my time on the economic evaluation side of the mandates to our friend from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, the 1992 election campaign was hotly and vigorously contested among not two but three candidates for the Presidency. Each of them dealt in his own way with the concerns of the American people about economic opportunity and economic growth. Each offered a formula which he stated would return this Nation to a path of economic growth and opportunity. Each of them promised an approach which would deal with crushing budget deficits which are penalizing not only the present generation but our children and our grandchildren.

Bill Clinton, the Governor of Arkansas, won that election, not with a majority of the votes of the people of the United States, but nevertheless decisively in a three-candidate race. And within a very short period of time after the election was over, he carried the hopes and the aspirations of almost all of the people of the United States of America.

We tend in a very gratifying fashion to unite behind a new President after that new President's election and to invest in him our hopes and our aspirations. We did so with Bill Clinton. He thus became the beneficiary of an opportunity which happens only rarely in American history. It happens only when we have a newly elected President who represents a change in party and a change in direction. The people of the United States certainly asked for that change in direction. That opportunity, it seems to this Senator, is relatively rare and is equally fragile. President Clinton had the opportunity to provide a decisive and affirmative change were he to present a budget for a single year and for a 5-year period which would reach two goals: One, sharp reductions looking toward the elimination by the end of the century of a budget deficit which has so plagued the people of the United States and, second, a budget which would encourage the creation of jobs and renewal of the private sector of our society.

That is not likely to be an opportunity available to President Clinton in the second, or third, or fourth year as President of the United States. He has the opportunity now because he is perceived to be the agent of change and because he has significant majorities of members of his own party in both Houses of the Congress of the United States. That support for the President for his budget was quite evident in the long, impassioned, and eloquent defense of this budget by the distinguished senior Senator from Tennessee, who is the chairman of the Budget Committee.

This Senator spoke during the entire transition of the opportunities which

President Clinton had to reach these twin goals of greatly reduced budget deficits and of economic opportunity.

This Senator felt, and said publicly that he felt, the President had only 2 or 3 months in which to set out a budget and to make the very difficult choices to reach that goal.

This Senator hoped that he would be able to support an approach which would reach those two goals. Early on the budget as outlined by the President elect and his budget director designee called for $2 or $3 of tax costs for every dollar in increased taxes, a goal which the American people felt perfectly appropriate and, I think, perfectly attainable.

This Senator, therefore, deeply regrets having to speak this evening in such firm opposition to a budget resolution which falls so far from that goal. So far from that goal that at best, at the very best, no matter how one counts it, this budget calls for $3 in new taxes for every dollar in reduced spending, and probably, honestly stated, an even greater disparity in favor of new taxes.

This is the great difficulty with this budget. If one accepts all of the economic assumptions of this budget, Mr. President, it will not permanently or significantly reduce the budget deficit of the United States.

This chart, which was prepared for the distinguished senior Senator from New Mexico, shows the budget deficit if this budget is passed in its entirety by the projections of our own Congressional Budget Office over the course of the next decade. It does dip; it never gets really below $200 billion a year, and then it soars back up to a point at which it is much higher than it is today, in spite of all of the new taxes in this budget and in spite of all of the reductions in spending on national defense.

Why is that true, Mr. President? It is true for reasons which the Senator from New Mexico has already outlined. This chart shows $295 billion in the course of the next 5 years in net new tax increases. The gross increases are much higher than that but are reduced somewhat by special tax privileges for certain privileged communities in the United States.

But with respect to domestic spending, the only portion of our budget which has been growing over the course of the last several years, the total 5-year reduction is a tiny $7 billion. And then the very programs put in motion by this President, or uncontrolled by this President, will cause that figure to zoom upward once again.

Now, this is what is going to take place, Mr. President, if every assumption in this budget is absolutely correct, if it includes no smoke and mirrors whatsoever. We have not really debated the assumptions of the budget to a considerable degree. But it seems highly doubtful to this Senator, and to the senior Senator from New Mexico, and I think to most people outside of this Chamber, that these assumptions are in fact correct. These assumptions call for the lowest sustained interest rates literally in a generation over an extended period of time in spite of higher taxes and in spite of higher spending.

These assumptions include billions and billions of dollars in improved tax collections and management efficiencies which were hooted at, with some validity, but the senior Senator from Tennessee when similar figures appeared in budgets proposed by Presidents Reagan and Bush.

This budget assumes that no one will change his or her habits in spite of huge changes in our tax laws. They assume that every person who presently is in, roughly, a 30-percent tax bracket will work just as hard, will earn just as much money, and will not seek any more tax shelters when their income taxes are increased by as much as 25 percent over what they are at the present time.

Economists outside of this body like Martin Feldstein, for example, have estimated that personal habits will change so profoundly among that 1 or 2 percent of the population whose taxes are going to be greatly increased that these great increases in taxes will not result in as much as 25 percent of the revenues assumed in this budget.

The same argument assumes somehow or another that all of these taxes will simply come out of consumption. But, in fact the great bulk of those who will be subjected to these greatly increased taxes are private entrepreneurs, owners of relatively small- or medium-sized businesses organized as sole proprietorships or partnerships or subchapter S corporations. These new taxes will come directly out of the money which the owners of these businesses do not spend on personal consumption but reinvest in those businesses in making them more efficient and in providing the very job opportunities which we sought during the course of the campaign in 1992 and seek at the present time.

It is for precisely that reason the outside newsletter from a major brokerage firm, which I shared with the Senator from New Mexico earlier, said this, and I repeat it once again.

> The numbers that underlie this budget proposal don't stack up. If enacted, the result is likely to be less growth, higher taxes, more Government spending, and a higher budget deficit than would otherwise occur.

Yet, Mr. President, this budget is presented as something new and brilliantly different in one breath, and in another breath by the Senator from Tennessee more of the same. The Senator from Tennessee was at great pains to say that the domestic programs which are proposed for very significant increases here were the subject of increases in the Bush administration—the same programs.

Yes, this budget is, I agree with the Senator from Tennessee, more of the same. It is precisely more of the same of what we got in 1990 when we were given a budget agreement, which increased taxes, though far more modestly than does this budget, promised spending cuts in the by and by, but increased many of the same programs which will be increased by this budget.

Now, what was the result of that 1990 agreement? Certainly it was the destruction of the Bush Presidency; the fact that his campaign promises had been so violated. What also followed the budget agreement was succeeded by a recession, not an increase in growth and in economic opportunity in this country.

And why, when less than 3 years ago increased taxes and promises of spending cuts resulted in a recession should the American people expect economic growth from a program which increases taxes to a far greater degree, increases the same domestic spending programs which were increased before in 1990, and promises that in the fourth or fifth year there will be some reductions in domestic spending. Why should the American public expect exactly the opposite effect that it had in 1990 is, I may say, Mr. President, to understate it, not satisfactorily explained by the proponents of this budget.

In fact, to get to the budget deficit number they have reached, they have had to credit themselves with almost one-tenth of that $500 billion which was a part of the 1990 agreement and is the law of the land right now. That, Mr. President, is not honestly in budgeting.

We have a President who is a brilliant communicator and speaker and has gained widespread trust from the American people.

He is an activist leader. He is the repository of the hopes and aspirations of the American people. He is a student of Government policies and a firm believer in the ability of the Government of the United States to make better economic choices for the people of the United States than the private sector and individuals in this country.

That is a touching faith. It is reflected in some of the comments of the distinguished Senator from Tennessee who compared us unfavorably to, among other economies of, Italy, France, the United Kingdom, and Canada, each of which has in common with President Clinton a government which believes that it knows better than its own private sector. Each of these countries has higher unemployment than does the United States and a lower growth rate than does the United States. That faith in Government is particularly touching in the light of the experience of those countries with highly activist governments, not to mention the collapsed economies of Eastern Europe itself.

No, Mr. President, this budget is a budget for higher taxes, less defense spending, and what amounts to a greater degree of spending on the domestic purposes of the Government of the United States. It is not what the people of the United States thought they were getting in November. It is not what they believed that they were told as recently as February. The people of the United States want lower spending, and they specifically want lower spending not only in defense, but in many of the domestic purposes of Government, and they are not getting it.

In these remarks, Mr. President, I have not been able to go into the terribly negative impact of several of the specifics of this budget, the injustice of the tax on Social Security recipients, the destructive nature of the waterway user fees, and to a far greater extent energy taxes on the very productive capacities of America itself.

We will go into these during the course of our amendments. There will be a clear alternative presented by the Senator from New Mexico and others on this side. We will call for lower taxes, lower domestic spending, and more trust in the private sector of this economy, because it is that private sector which will be the engine of prosperity, not the budget which is presented to us here tonight.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, before I yield 15 minutes to my good friend, Senator BENNETT from Utah, let me just make a point again for my friend from Washington. But first, let me tell him how much sense and reasonableness was in his 15 to 16 minutes tonight. I really hope that the people of our country get a chance to hear our side of this, and it was made in as eloquent a manner and as forthright as one could make it. I just want to spread those remarks on our RECORD because I truly believe that.

Frankly, I would say to my friend what he could have said about the 5-year agreement, even if one does not know what caused it, what taxes caused the slowdown or the like. I think it is fair to say that when you put that whole package together and claim $512 billion in deficit reduction, the truth of the matter is that the American people clearly understand that it did not work. And there is at least that problem about probability that this plan will not work. And the problem with it is that we will not have the domestic spending under control. But guess what? We will have put on the American people $295 billion in new taxes, and those will be there. They may not work either. But if you think we are going to change those in 2 or 3 years, we set a new level of Government spending up against that one, I assure you, and maybe it will not work and we will not even understand why.

Having said that, I make one other observation. I know the Senator knows this. But let me suggest it as we look here at each other.

We are now hearing people say do not put the taxes on until—and the until is until we get all the budget cuts. Right? So do not spend the stimulus package until we get the cuts.

You know, I am really asking, what cuts? Does anybody doubt we are going to get the defense cuts? We cannot get those in 1 year. They will be spread out over 5. So you are not going to spend any new money for 5 years. Those are appropriated every year. There is nothing around that anybody has offered that says they are for real over 5 years. But we can expect those.

What about the other cuts? There are no cuts in the domestic side when you go plus to minus. You add the pluses and take the minuses out, we just told you it is a whopping total of seven. You are going to spend more in the stimulus package than you are in that $7 billion cut, are not you? If you give the President his stimulus package, it is somewhere between $16 to $18 billion. Look. That is almost 3 times the amount that we planned to cut, is it not? That is my rationale.

So for those who do not want a stimulus until we cut, my guess is they are going to wait around for 5 years because that is what the American people are going to do under this plan. The taxes are going to be on them. If they are waiting for real cuts in the domestic side, there are none. If they are waiting for the defense cuts, which I think they are going to get, technically you are not going to get them until the fifth year.

So I have been intrigued. I hear some Senators saying—I have great respect for them—it is now being said there is a bipartisan groundswell not to pass the stimulus until. Right? Until we make the cuts. Frankly, I think the case can be made that you are never going to make the cuts that they expect because they are not around to be made. Unless you are saying make the cuts the President suggests, and forget about the effect of the add-ons which are equal to or in excess of, which makes the cuts essentially from the standpoint of policy a nullity. I think my friend from Washington would agree with that as he analyzes that.

Mr. GORTON. I do.

Mr. DOMENICI. I again thank him for his remarks.

I yield 10 minutes to Senator BENNETT.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah for 10 minutes.

Mr. BENNETT. Mr. President, I listened to all of this discussion by those who are familiar with the budget process, and find myself somewhat at sea. I understand the people whom the Senator from Wyoming [Mr. SIMPSON] referred to in one of our luncheons when he said the people back home in Wyoming do not know from baseline or discretionary spending caps or any of the other terminology that we use in this budget debate. As I try to find out about those things I will do my best. But in the meantime, I would like to share with the Senate a viewpoint that I think perhaps adds some value in this debate because we are really not talking about baselines, and budget caps, and projections, and fancy charts with pretty colors.

We are talking about real people in real jobs in real businesses, who are the source of the income.

> I was talking to one politician. He says, "The trouble with people in politics is they think money comes from the budget. They have to learn that money comes from the economy. It comes from the work of real people in real circumstances."

So let me describe what I think is reality out beyond the beltway. We do know this point in reality—that most of the jobs in this country are created by small business. We are not talking about General Motors, which is laying people off; we are not talking about IBM, which is laying people off; we are not talking about Sears Roebuck, which is canceling catalog operations and laying people off; we are talking about the small businesses that never make any lists, such as the Fortune 500, Forbes 400, et cetera.

Small businesses create most of the new jobs, because they grow from small businesses to medium-sized businesses, and hopefully to large businesses.

If I may be personal for just a moment, without being considered immodest, I have a bit of a track record here, because the business that I headed prior to coming to the Senate had four full-time employees when I became its president. Frankly, I thought this is a job I could do on my lunch hour. I accepted it as a part-time consulting assignment. There were only 4 employees doing about $250,000 a year. It was no big deal. Today it is listed on New York Stock Exchange. It has 1,200 employees, and it is doing $165 million a year. Having lived through the experience, presiding over that business during that process, I think I learned a few things that I would like to share with the Senate tonight.

The primary challenge of a small business that grows is the challenge of financing its growth. How do you finance the increased inventory that you need? How do you finance the increased facilities that you need as you grow? Where does the money come from to do all of these things? Well, you can sell stock. For a small business, that is almost impossible, unless you have a rich uncle who is willing to buy some shares. You can go to the bank and borrow some money. I have done that, and that is not always a pleasant experience or always a successful experience. The best way, of course, is to generate your own growth capital by the success of the business. There is one problem with that, and that is: The tax man cometh.

You see, we compute taxes on the basis of accounting profits, but you are managing your business on the basis of cash flow, and the two seldom match each other. But you cannot pay your employees with accounting profits. You pay your employees with cash flow. You cannot buy equipment, and you cannot buy supplies with accounting profits. You buy it with cash flow. So now you are running a small business, and it is growing from 4 employees to 10 employees to 40 employees; and in the process of that growth, you have to come up with the cash, and if you are showing a profit, the government shows up and says: We want 40 percent of your accounting profits, and we want it now. We want it off the top. We will throw you in jail if you do not give it to us. Very friendly folks.

OK. In order to avoid some of the problems connected with a standard corporate organization, called in the law, the C corp, most small businessmen adopt an election called an S corp election, or what has been referred to as "subchapter S." Legally, now it is an S corp. They got rid of the other part. It says that if you are a business with less than 35 shareholders, and all of your shareholders agree, the profits of the business, for tax purposes, will all flow to your tax return. I happen to own shares in some S corp's, and I understand very vividly how this works.

If I own 10 percent of an S corp that earns half a million dollars, I show 10 percent of that, or $50,000, on my tax return as personal income. The only problem with that is that the corporation cannot give me any of that money. It needs it to finance its own growth. So the normal pattern is that the corporation will pay out a dividend equivalent to just enough to pay my tax bill; and under the current tax laws, the corporate rate is higher than the personal rate, which means that I get to save some of that cash flow to finance my business if I am an S corp, and that is why people adopt the S corp election.

With the proposals that we have before us by President Clinton, the marginal rate is going to 40 percent. I know there are some who will say it is 36, with a surtax for millionaires. I like the statement that was in the Washington Post that said: The real reason it is called a surtax for millionaires is that the Clinton administration does not want to admit that it has a tax program with a marginal rate of 40 percent, so they call it a surtax for millionaires to hide the fact that the effective marginal rate is 40 percent—39.6, and it rounds up to 40 very easily.

What is the effect then? I own 10 percent of this mythical small business that is earning $500,000 a year. Is $500,000 a year, pretax, an enormous profit for a small business, for a small farm, for a trucking firm, something like that? Absolutely not. It is at the lower end of the profits. Nonetheless, because that flows through to my personal tax return, I am now considered a millionaire and have to pay the 40-percent rate.

It gets worse. The Government now comes and says to me: We are going to give you the following mandates of things you have to do. Mandates, Mr. President, are costs. Costs dictated by the Federal Government are my definition of taxes. The real tax burden of the Federal Government upon a small businessman, who is operating on a chapter S basis, is very high. He or she—more and more businesses are run by women—cannot hang onto a sufficient amount of capital being earned by the business itself to finance the business' growth.

Therefore, what is it that most consultants say to small businessmen whose companies seem to be a little shaky? I have said it myself as a consultant to small businesses that have come to me: Slow down; deliberately, slow down. Stop the growth pattern that is so rapid that you are going to grow yourself into bankruptcy.

Well, on an accounting basis, I can handle the growth perfectly well, but on a cash flow basis, I cannot; because as I say, the Government is taking 40 percent of my capital right off the top in taxes, and they will throw me in jail if I am late.

So what is my alternative? Well, for many small businesses, the alternative is, as I say, either slow the growth, which means fewer jobs, which means less money for the budgeteers to carve up when they think the budget creates money. Or I go to my friendly bank, and I say: All right; I cannot finance this growth out of internally generated funds, because the tax burden is taking too much off the top. So I have to finance the growth by borrowing. And I borrow money.

Right now, I am being told: Why, we are taking care of you small business men magnificently well, because we are holding interest rates down to such a low, efficient level that borrowing money is lots of fun.

Well, I remember a colleague who said to me once, when I said: Why do not we borrow some money to finance this business? I said: Why do not we borrow some money to finance this? And he said, "Bob, borrowing money is easy. Almost anybody can do it. It is paying it back that is hard."

That was a very wise thing to do, and we did not borrow. We slowed our growth. We did not create as many jobs as we would otherwise have created in order to finance the growth out of internally generated funds after we had paid all of our taxes.

The point of all of this, Mr. President, I think should be fairly clear. It is certainly clear to me. And that is to increase the tax burden and thereby cut down the cash flow opportunities of that portion of the economy that generates 70 to 80 percent of our new jobs at a time when we have had a President elected who said to the American people his first priority was jobs, jobs, and jobs, is a demonstration I think of terrible shortsightedness. It is a demonstration of a budget being put together by people who understand the budget process, who understand words like baseline and discretionary caps, and all the rest of that, but who, I submit, do not understand what is really going on out where people really earn their living.

That is why I intend to vote against this budget package, out of that experience and that background.

Now one last comment, if I may, on a personal basis. If you are going to be an entrepreneur, the one skill you have to possess above any other—indeed, if you possess this, you do not need any other—is the ability to predict the future, the ability to forecast accurately. If you can do that, you can launch a business and forecast accurately what is going to happen and survive.

If I may say so again, I did pretty well at that. The businesses that I have founded, the businesses I have presided over, have thrived because I was able to forecast the future pretty well. I have been able to devise particular formulas that would allow me—they used to think I was a wizard—after the first 60 days of a fiscal year to say with pretty good accuracy what the total year was going to be.

The one thing that I know as I look at all of these charts, that I am willing to bet my life and my wife and my first-born child on, is that the forecasts are wrong. I guarantee you that the numbers will not come wherever the pretty charts say they are going to be.

If I had difficulty forecasting a business whose total revenues were less than $10 million, how can we say we are going to forecast with accuracy 5 years from now an economy that is running at $6 trillion, and with confidence say we need to put these tax burdens on these people, regardless of all of the past history, because we can confidently promise you that 5 years from now, we are going to have this kind of result? Anybody who wants to take me up on the bet, I will put the bet down absolutely, banking my history as a business forecaster, to say that I am sure that none of these numbers will come to pass.

Mr. President, I think we need to look at reality. I think we need to be a little more humble about our forecasts, and I think we need to rethink this whole process, which is why I intend to vote against this budget resolution.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time have the Republicans used now? Have we used an hour and a half, I would like to ask?

The PRESIDING OFFICER. The Republicans have used 62 minutes of the hour and a half allotted.

Mr. DOMENICI. We are not going to use the hour and half, then.

Mr. President, I yield as much time as I use.

Might I just say to Senator BENNETT in all sincerity that we are very, very grateful to the people of Utah for electing him and sending him here.

I am absolutely convinced it is not going to take the Senator from Utah very long to be a major contributor to this institution.

If I might tell the Senator, that was a very, very good explanation for the Senators who are interested and for the people who might be listening.

It is good that we have some people who have lived in the real world of trying to hire people and create jobs, which is what businesses do in the real sense, not Government. The Bennett Enterprises created jobs by growing, earning money, making a profit, sharing it with its workers, and carrying insurance for them and all those things.

For the Senator to understand as he has tonight that this tax, this so-called marginal rate increase, which everyone is now out there saying will not affect me, because obviously it is for that elite group of people that make so much they ought to now contribute substantially to this deficit problem, is ignoring the fact that our primary mission was to increase the number of jobs in the marketplace of opportunity, the streets and byways of cities, whether it is the Senator's cities that he worked in or mine in New Mexico or in New York.

And for Senator BENNETT to have an analysis that says if you raise the marginal rates on small business men and women 25 percent—and there are some estimates it might even be higher, depending on what the States in turn do, and even higher yet depending on how the Btu tax works—if it is taxed in a certain way, it is retaxed by State sales tax and the like, and State income taxes. But the Senator is here to tell us that it is going to be a real, real drag on small business, the cornerstone of job creation, because you are taking the lifeblood out of them by way of taxes on the individual, and they are not going to have the wherewithal for their projected growth that the Senator has so stated here today.

The one thing he missed—and we will discuss it before we are finished; I am not sure the American people know this either. And I thought, when the Senator was going to talk about projects, he was going to mention that most of these taxes are not taxes on next year. Remember that. They are taxes on this year—right—because they are retroactive?

Mr. BENNETT. That is correct.

Mr. DOMENICI. So what we are going to do is sometime in July or August, when we get this big package legislated—we are not doing that now; that is done by the committees—we are going to say those income taxes are retroactive to January on all those small businesses. Is that not marvelous in terms of their projecting the year?

Maybe Senator BENNETT could share with me the consternation and job loss that that is going to cause.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. BENNETT. Mr. President, we are back to the question of managing by cash flow. It is almost impossible—it is not almost—it is impossible for a small business man to say: Well, in order to be prudent, I am going to put some cash aside to pay those extra taxes in case Congress really does this to me.

He looks at his cash flow and says: I am going to spend this for inventory, or pay down my payables, or finance my receivables, or whatever it is. And if they do it to me, I will find the money somewhere.

So that retroactive tax hit on a businessman running a business on the cash flow basis, as every small business man has to do, is going to be devastating. Where is he going to get the money to come up with that retroactive tax? He is not going to put it away in a cigar box, saying: Well, just hold this.

So it is back to the bank for more borrowing. Or if once again the bank will not come through, it is: Well, guys we have to slow our growth down. We have to preserve our cash flow and grow only as rapidly as our cash will finance it with internally generated funds, and that means fewer jobs.

So one way or the other, you are going to see increased debt in the private sector, or slower growth. There are no other alternatives.

Mr. DOMENICI. Mr. President, I am going to ask the Senator a couple more questions and, to the extent he answers them, I either yield the time to him or you can count it as my time, whichever the Chair desires.

The PRESIDING OFFICER. The Chair corrects his earlier statement. Actually, the Republicans used 10 more minutes than we stated.

Mr. DOMENICI. Let me ask the Senator another question. Because I tried to cover a few things in my opening remarks and there are so many things we ought to talk about, I missed this one.

It seems to me that what is being said in this proposal, this blueprint for America's economic future, as encapsulated in this budget resolution—which amplifies and changes in the President's plan that he ran on, so it is the President's plan for all intents and purposes—the thing that concerns me about it is that the opposition continues to say we had an economy for the last couple of years that grew, but it did not produce any jobs, any substantial number of jobs, compared to comparable growth at different times.

Obviously, if one wants to take a real positive part of our history, they can take it immediately after the Second World War and assume that it is something we could do today, when obviously everything was different about it. We did not have any competition in the world market. Japan was not selling anything in the world; neither was Germany. And we had a starved marketplace on the domestic side.

Mr. BENNETT. That is correct.

Mr. DOMENICI. Anyhow, it seems to me what is happening to the lack of jobs in this economy is not going to be cured by this plan. We do not have jobs because the small business people of this country cannot afford to hire new people because of the uncertainty to health care cost increases, the uncertainty of Government mandates and, in some States like California, the overwhelming cost of workmen's compensation.

Now, based on the Senator's experience, will this be solved by Government spending?

Mr. BENNETT. Of course not.

The most serious act you can commit in a business, particularly a small business, is to hire somebody. Once you hire somebody, you are making a very serious commitment for the future, because you have to carry not only their wages but their benefits, health care, pension, unemployment compensation, and all the other things that go with it.

That means that if you are concerned about your cash-flow problems, you will make every effort to meet your manpower needs with temporary help—temporary help that, if things go a little bit slack, you can lay off without having to pay all of the benefits, all of the circumstances.

Frankly, emotionally, it is easier to bring people in on a temporary basis and say, "Now, I am telling you right up front, I cannot guarantee you will be here if we have a bad summer," or whatever it is.

It is easier to lay them off than it is to fire a permanent person.

So, in a time of uncertainty, clearly the thing a business manager does, as far as manpower is concerned, is get by with overtime or temporary help as much as possible.

Now, the things that the Senator has described begin to mount as challenges. Even large businesses begin to say: "Wait a minute. If this strategy works for a small businessman who is hiring temporary help and not having to pay all these benefits, let us structure things so that we do not have full-time people. Let us structure 4-hour work schedules instead of 8. Let us fill up with a lot of students. We can pay them less money. We do not have any benefits. Let us do cottage industry kinds of things."

In a company that I managed, we brought on some people and, because of this very circumstance that I have described, we said to them: "We will pay you so much per piece. Instead of putting you on salary with all the benefits, we will pay you so much per for peace as an independent contractor. You can work out of your home. And since you decide the time that you work and you just have a certain quota to bring into us at such and such a time, you meet all the requirements of an independent contractor.

And we were saying to ourselves, "Look at all the extra that we are saving."

And, as employers begin to discover those kinds of strategies—the Senator is absolutely correct—they do not want to make the commitment to bring the people on long term, with all that that implies, until they are absolutely sure that the economy is going to be robust in the future. And more and more of the business people that I talk to have grave concerns about how robust the thing is going to be in the future. They do not want to get caught with swollen overhead and swollen head counts the way they have been caught in the past.

Mr. DOMENICI. I thank the Senator very much.

Mr. President, I do not want to add any more to this. I think it has been a good discussion, as well.

I am very hopeful that before the 50 hours run out, I say to Senator BENNETT, we will have an opportunity—because certain of our amendments will concentrate on some of the issues he has discussed tonight in a constructive way—and we will be able to engage in a colloquy where he can once again enlighten us on the subject that he knows so well.

From our standpoint, so long as we are charged with only the time that we used tonight—and if that is satisfactory with the chairman—I would say that I have nothing further tonight.

I reserve the remainder of my time in behalf of the Republicans.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

AMENDMENT NO. 180

(Purpose: To make a technical correction in the resolution)

Mr. SASSER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER] proposes an amendment numbered 180.

Mr. SASSER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 19, strike the amount and insert $90,200,000,000.

On page 3, line 20, strike the amount and insert $98,800,000,000.

On page 3, line 21, strike the amount and insert $104,200,000,000.

On page 3, line 22, strike the amount and insert $109,100,000,000.

On page 3, line 23, strike the amount and insert $114,000,000,000.

Mr. SASSER. Mr. President, this is a technical amendment that corrects some numbers that were incorrectly inserted in the resolution. The amendment will merely conform the budget resolution to what the committee actually reported.

This amendment has been cleared with the distinguished Republican manager. I urge its adoption.

Mr. DOMENICI. Mr. President, we have no objection. We concur in the necessity of the amendment and concur in its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 180) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Let me note for the record that there was a printing error in the budget resolution. The number that appears on page 50, line 14, of the resolution should have three more zeros following it. It is my understanding that the clerks of the Senate are already aware of this misprint and will add and subtract to amendments using the correct number.

The PRESIDING OFFICER. The Senator is correct.

Mr. SASSER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, the distinguished Republican manager called my attention to the fact that the time in this quorum call should not have been charged against our bill. I ask unanimous consent that it not be charged against our bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

HAPPY BIRTHDAY, LEW WASSERMAN

Mrs. FEINSTEIN. Mr. President, I would like to join the many friends of Lew Wasserman in celebrating his birth 80 years ago. In my opinion, he is one of this Nation's most clever and innovative business leaders. Lew's nearly five decades of service and unprecedented commitment to the film industry has led him to accomplish feats which would take many of us several lifetimes to achieve. A pioneer of the film industry we know today, Lew embodies strength, ingenuity, drive and motivation—he is a role model for us all to follow.

Hollywood's power and prestige would not have reached the heights it has today without Lew Wasserman's stalwart dedication. Fifty-seven years ago, Lew became an agent for MCA Studios in Chicago. Ten years later to the day, he was named president of this ever-growing conglomerate. Under his extraordinary leadership, MCA has grown into one of the most prominent studios in Hollywood, and the world.

Happy 80th birthday, Lew. I hope I can do as much good at 80 years of age as you do. I wish you tremendous happiness and continued success. God bless you, Lew.

I ask unanimous consent that the full text of the Daily Variety article of March 15, 1993, celebrating Lew Wasserman's many contributions to the modern film industry be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Daily Variety, Mar. 15, 1993]

LEW WASSERMAN AT 80: A FIRM HAND AT THE HELM

(By Richard Natale)

The term "eminence grise" is tossed about too lightly these days, bestowed upon anyone who's been on the scene long enough to sprout a few sprigs of grey around the temples. But the expression seems to have been coined specifically for Lew Wasserman, the tall, angular and still surprisingly nimble chairman of MCA/Matsushita, who today enters the ranks of octagenarians.

In a town where false praise and hyperbole are liberally sprinkled on a daily basis like confetti in a Fifth Avenue victory parade, even a rote assessment of Wasserman's workaday achievements over the past 50-plus years in the entertainment industry sounds dangerously overblown.

However, it's not puffery to label him Hollywood's elder statesman. How many other entertainment executives—past or current—have been offered cabinet positions by not one, but two, Presidents? And who else can lay claim to having transacted the largest acquisition of an American company by an off-shore corporation?

Early photos reveal that Wasserman wasn't always silver haired. And there was a time when he did not sport those signature oversized spectacles. But in point of fact that was before any of the current crop of youngster moguls, the Gubers, the Eisners, the Jaffes—most of whom are merely flirting with the half-century mark—were toiling in the executive corridors.

Time has slowed Wasserman's once all-consuming involvement in the day-to-day affairs of the MCA entertainment conglomerate over which he still officiates. And it has curtailed his once equally energetic political and charitable endeavors.

But even at a somewhat slower speed, he likely outruns the currently touted indefatigables like Jeffrey Katzenberg and Michael Ovitz. And while his name may no longer be at the very top of the annual musical chairs power lists to which periodicals such as Premiere and Entertainment Weekly are so devoted, he has accrued so much power over the past half century, that even the afterglow packs more wattage than this year's brightest light.

As a speaker at an executive-studded industry dinner some years ago remarked, "Never has so much power been gathered in one room since Lew Wasserman had lunch by himself in the Universal commissary."

And if this still sounds like so much bluster, explore the track record of The Last Action Mogul, the man who is credited with bringing big business to Hollywood. With its peaks and valleys intact, Wasserman's career bridges the old and new Hollywood, providing the all-important link between the era of Louis B. Mayer and Jack Warner to that of Barry Diller and Terry Semel and Bob Daly.

Lew Wasserman was born in Cleveland on March 15, 1913, the son of Orthodox Jews. He began his ascent into the entertainment industry from the very bottom, as a theater usher. In his early 20s he was handling promotion for a Cleveland nightclub called the Mayfair Casino, which sometimes booked bands from Jules Stein's Music Corporation of America, a Chicago-based talent agency. The former eye doctor Stein was sufficiently impressed by the young Wasserman's acumen to professionally court him.

On Dec. 12, 1936, Wasserman became an MCA agent in Chicago.

A year later Stein opened a branch office in Hollywood under the direction of Taft B. Schreiber. In 1938 he packed Wasserman off to Los Angeles, where his perspicacity over the next several years led him to be named president of MCA 10 years to the day after he was hired, by which time MCA's roster included such prominent names as Bette Davis, Betty Grable, John Garfield and Jane Wyman.

The reward was due to some of Wasserman's better business ideas. Instead of merely booking talent that MCA represented on existing radio programs, the company created programming featuring a cluster of its clients. The concept came to be known as packaging.

In 1950, Wasserman walked into Universal and made the studio a tantalizing offer. "How would you like James Stewart for free?" he posited.

MCA negotiated a deal for its client to star in a western called "Winchester 73," for which the actor waived his $250,000 salary for a percentage of the film's profits.

The "free" ride cost Universal millions rather than $250,000—10% of which came back to MCA. Moreover, it signalled a burst in the dam for talent. Another longtime resident of the MCA stable, Alfred Hitchcock, a close friend of Wasserman's, would later come to outright own the negatives to several of his films.

Now any Sammy Glick can work himself up the agency ladder with a few canny moves, but what distinguished Wasserman was that he was examining the rungs. And at least one of them was faulty.

An agency, he reasoned, is in a position of weakness. Its assets can walk out the door at any given moment.

During the 1950s, Wasserman endeavored to acquire fixed assets for MCA.

The first step was to further refine the company's position as a seller and a buyer. Every major studio in town turned up its nose at television, reasoning that if major stars appeared on TV, no one would go out to the movies. Wasserman stepped into the breach.

Like many powerful men, Wasserman has accrued more than his share of apocrypha. Sample: He reportedly owned one of the first two television sets ever sold in Southern California.

Failing to interest any of the studios in TV production, MCA decided to become a producer, setting up Revue Prods. In 1952 Wasserman obtained a blanket waiver from the Screen Actor's Guild, freeing MCA from the union's prohibition against agents acting simultaneously as producers.

Oft mentioned in this oft-told tale is the fact that the president of SAG at the time was Ronald Reagan, perhaps not so coincidentally an MCA client, who after a modest screen career would become a household name via the "GE Theater," an anthology series he hosted. And which was produced by Revue.

Wasserman convinced Hitchcock to bring his talents to TV through Revue. "Alfred Hitchcock Presents" ran from 1955 to 1962 on two networks, CBS and NBC, first as a half hour and after 1959, as an hour program.

Throughout the decade MCA became a dominant force in TV production. Between them, MCA and the William Morris Agency controlled 80% of TV talent by the end of the decade, stirring the first of many subsequent cries of antitrust leveled against MCA.

Another bold move, then seen as a little batty, was the acquisition of Paramount's pre-1948 library. In 1958, MCA paid $10 million for the ownership of what were then considered miles of useless old celluloid. At the time, Paramount crowed that it produced a greater profit for its shareholders with that one sale than in several years of film production.

Among the 700 titles Paramount lost were Best Picture Oscar winners such as "The Lost Weekend" and "Going My Way," all of Marlene Dietrich's films for Joseph Von Sternberg, many classic Ernst Lubitsch and Bill Wilder films, such as "Trouble in Paradise" and "Double Indemnity."

MCA didn't wait long for its last laugh. A week of the sale, commitments for broadcast rights to these old films from TV stations around the U.S. totalled $30 million.

In the mid 1980s it cost Ted Turner $1.5 billion to buy the MGM library. Wasserman's investment had been churning out revenues for MCA for more than a quarter of a century by then.

A year later, MCA, cramped in its facilities on the Old Republic Studios lot in the Valley, bought Universal Pictures' studio operations in 1958 for $11.25 million. Another $10 million was spent on capital improvements.

That was the same year MCA went public, making Wasserman, Schreiber and other key exex millionaires from the 53% of the company that had been distributed to them by Stein in 1954.

In 1962, MCA made its next leap forward, purchasing Universal's parent company, Decca Records, and officially becoming a studio.

Universal, founded by Carl Laemmle in 1915 on the site of a former chicken farm, had never been one of Hollywood's prominent film factories like MCM or Warner Bros. or 20th Century Fox, although it was the longest-lived. It is probably best remembered for its steady flow of horror films and the comedies of Abbott & Costello. Laemmle followed trends, he never made them.

Prior to its sale to MCA, Universal's biggest grossing film had been the Blake Edwards comedy "Operation Petticoat," which brought in rentals of $9.3 million.

Then came a stunning reversal for Wasserman. MCA's purchase of a studio would entail the spinning off of the talent agency to its employees. But the Justice Department regarded such a move as de facto ownership and forced MCA to dissolve the agency business. With assets of $80 million and retained earnings of more than $33 million, MCA withstood the blow.

And Wasserman took the lesson to heart. In the long run it may have forced him to be even more financially creative than he had ever been before. One thing was certain, he would never own assets that could walk out the door again.

Ronald Brownstein, author of "The Power and the Glitter," which traces the historical connection between Hollywood and Washington, D.C., claims that the anti-trust action was a stunning blow to Wasserman, who until that time had been head-in-the-sand apolitical. After 1962, Wasserman pursued influence on the banks of the Potomac with as much fervor as he had in California.

His friendships with both Lyndon Johnson and Jimmy Carter led to offers of cabinet positions, which Wasserman turned down. Although a "moderate Democrat," he was also a pragmatist and forged a bond with former client Reagan after he ascended to the presidency.

In Hollywood his presence as a mediator came into focus when he helped settle a writers' strike against TV producers in 1960—and again in 1981. From 1966 to 1975 he was the chairman of the Association of Motion Picture & Television Producers Inc., the industry's official arbitration representative.

In 1964 came the opening of the Black Tower, a dark glass fist, which ominously dominated the Universal City skyline and was seen as emblamatic of Wasserman's management style. Executives for MCA were required to wear dark suits, preferably black, white shirts and black ties. A navy blue blazer was about as outre as was permitted.

Business inside the foreboding walls was conducted in an efficient and conservative manner. Nonetheless, Wasserman's temper was said to reverberate throughout the tower. Since his public persona was as calm as a meadow after a snowfall and just as cool, only the victims of his wrath can certifiably attest to the severity of these hot outbursts, which were said to produce the same physical effect on grown men as Napalm.

On June 5, 1973, when Stein stepped aside and named Wasserman chairman, the company was valued at $160 million. By 1985, Forbes estimated the net worth of MCA Inc. at $3.6 billion.

The duchy was growing into an empire: 420 acres in Los Angeles; two hotels; office buildings; a 6,000-seat open-air (now enclosed) Amphitheater; half interest in the Cineplex Odeon theater chain; the Universal studio tour, which after the Disney amusement parks ranks as the country's third largest tourist attraction; and more recently, a

Florida tour on MCA's 435 acres near Orlando (and Disney World), which after a shaky start, seems to have settled in for a run.

The studio tour, which began in 1964, was considered a risky enterprise, but one which topped the 5 million attendance mark in 1989 and is one of Southern California's must-see attractions.

The MCA library contains more than 12,000 episodes of TV series and 3,000 feature films. In 1984 MCA purchased Walter Lantz Prods., which included 400 Woody Woodpecker cartoons.

During the 1980s MCA was one of the biggest suppliers of one-hour programming to the networks. The trove included "Leave it to Beaver," "Hitchcock," "Dragnet," "The Virginian," "Wagon Train," "The Rockford Files," "Kojak," "Columbo," "McMillan and Wife," "The Six Million Dollar Man," "McCloud," "Simon & Simon," "Miami Vice," "Murder She Wrote," and "Magnum PI."

Longform television movies, in which the studio was at the forefront, allowed Universal to spread its overhead over a full year and keep a slate of writers, directors and producers under contract. Of the 116 "World Premiere" one-shots 31 became series, including "Rockford" and "Columbo."

And by the mid-'70's the film side began to percolate. Although criticized for making middlebrow, middleclass slick entertainments like "Airport" and "Earthquake," the studio's menu was more varied than is apparent at first glance. Universal won a Best Picture Oscar in 1973 for George Roy Hill's jazzy "The Sting," a feat which it had not accomplished since 1948 when it distributed the Arthur Rank production of "Hamlet." Universal was low on the rung of major studios for Best Picture Oscars, having only actually produced one, "All Quiet on the Western Front," in 1929–30.

Another Best Picture went to the more controversial "The Deer Hunter" later in the decade and a third, for "Out of Africa," in 1985.

Also in 1973, "American Grafiti" became the studio's first youth-oriented blockbuster ("National Lampool's Animal House" followed a few years later). The profit high-water mark came in 1975, when Universal produced "Jaws," directed by Stephen Spielberg, a protege of Wasserman and heir apparent Sidney Sheinberg. "Jaws" became the largest grossing film ever made until that time with $130 million in rentals.

"Jaws" was soon beat out by "Star Wars." But Universal reclaimed the title in 1982, when Spielberg topped himself—and everyone else—by directing "E.T. The Extra Terrestrial," bringing in U.S. rentals of $228.6 million, a record as yet unbroken.

And in recent years, MCA's purportedly conservative slant has been upended by such risky productions as Martin Scorsese's "The Last Temptation of Christ"—which brought vociferous protests right to Wasserman's Foothill Drive door, and Spike Lee's "Do the Right Thing."

Wasserman's strong suit was that, while he continued to diversify MCA, it was always within the parameters of the core entertainment business. But MCA has also had its share of business setbacks, either due to anti-trust regulations or temporarily clouded vision.

Anti-trust cries scuttled a planned MCA merger with Westinghouse in 1968 and cable ventures with other studios and Getty Oil (to create an HBO rival) as well as a plan to buy an interest in Showtime/The Movie Channel.

For a man who had been so visionary in the TV business, it is ironic that MCA (with Disney) had brought suit against Betamax to demand royalties for revenues the studios might lose to videocassette home recording. The studio lost that suit and went on to earn hundreds of millions just on the release of "E.T." on video several years later. (Disney's bottom line was heftily fattened by the video sales of many of its hit movies, and even moreso its animated titles like "Fantasia" and "Beauty and the Beast").

One misstep that may someday seem prescient—if not for MCA—was the simultaneous theatrical and pay-per-view release of "The Pirates of Penzance." It was perhaps the wrong project at the wrong time. But recently, other studios have been looking closely at the possibility of repeating that experiment.

Plans to separate MCA's real-estate holdings and entertainment operations were abandoned. "Alogistical nightmare," is how one executive characterized the aborted scheme. A personal regret of Wasserman's is that he missed out on the opportunity to buy Sea World.

On the upside Wasserman scored several victories. Instead of building theaters, he bought into an existing chain, Cineplex Odeon. He got into the cable business by investing in the USA Network. And he bought a TV super-station, WWOR (which after the Matsushita merger was spun off).

He is also credited with saving the fatted calf from plunder by several raiders. He personally controlled only 7.3% of MCA's stock but as a trustee of several other blocks had influence over another 15%. It was a soft-gloved control, say insiders, but inside the soft glove was an iron fist.

In 1983 he fended off Stephen Wynn, chairman of Golden Nugget's 1983 hostile takeover plans. In 1988 he beat back a potential raid by Donald Trump.

Though MCA was officially never for sale, Wasserman hinted that it could be had for the right price. But in 1985, discussions with RCA to merge with MCA fell away when the conglomerate would not cough up Wasserman's asking price and would not ensure Wasserman and Sheinberg's continued control over the company. Discussions with Disney and Sony Corp. also reached dead-ends.

But in 1990, Wasserman scored his biggest and most lucrative coup, the sale of MCA Inc. to the Japanese electronics giant Matsushita.

A number of factors may have contributed—if not in equal measure—to the final decision to sell. A colon operation in 1987 led to respiratory difficulties. And while Wasserman quickly sprang back, it was a reminder of mortality.

But more significantly. Wasserman realized that the high ticket price for entertainment companies like Disney. Columbia/TriStar and Warner Communications would not continue forever. Nor would the lax Justice Department policies towards mergers, especially with-off-shore partners.

With his finger always in the political wind, he negotiated the $6.6 billion sale to Matsushita—roughly twice what the company had been valued at five years before.

The sale was also a personal triumph. Wasserman exchanged his 4.95 million shares of common stock for 330 million preferred shares carrying a face value of $327 million. He would collect dividends of $28.6 million annually at a rate of 8.75%. In addition, he would remain as chairman for five years at $3 million a year.

Not a month goes by without rumors of Wasserman's retirement, so frequent they sound like an empty threat. He has been scaling back his day-to-day activities in MCA and the industry in general for the past decade. But Wasserman appears to be a lifer, in his career as well as his personal endeavors.

On July 5, 1936, he married the former Edith T. Beckerman, a union that is in its 57th year and produced a daughter, Lynne.

In addition to being lifelong friends and companions. Lew and Edie also share philanthropic passions. In 1991, they donated $5 million to their favorite cause, the Motion Picture & Television Fund, with which they have been involved since 1979, and have donated in excess of $11.6 million over the years. To put it mildly, not a life without incident.

VOTER REGISTRATION

Mr. RIEGLE. Mr. President, I rise today to express my support of the motor-voter bill. For 7 years, I have worked with my colleagues to pass legislation that would increase voter registration only to have those efforts frustrated by delay and obstruction. This year, with an administration primed to change the course of voter participation and attitudes toward Government, we will finally enact legislation that will strengthen the voter registration process in this country, and encourage more people to exercise their right to vote.

The passage of motor-voter legislation marks a significant change in the way this country registers its citizens to vote. By allowing people to register to vote when applying for a driver's license, at designated agencies, or by mail, the motor-voter bill is expected to increase voter registration nationwide. Increased registration is the first step in bringing more people out to the polls on election day and getting a greater number of Americans involved in the democratic process.

A number of States have already implemented motor-voter systems. In fact, the first one was first established in my home State in 1976. Today in Michigan, more than 95 percent of voter registration is conducted through motor-voter methods. And, we are taking the registration process one step further by fully computerizing our system by 1994. Computerization of the voting rolls will help prevent voter fraud and further expedite the registration process.

The 5-percent increase in voter turnout in the 1992 Presidential election dispels the notion that the American electorate is simply apathetic to the political process. In this election, we witnessed a popular outpouring from people across the United States. New political forums such as town hall meetings and television call-in shows encouraged individuals to add their voice to the political debate. The American people were energized by this direct discourse with the candidates and displayed a revitalized interest in the democratic process.

It is heartening that more Americans chose to participate in the 1992 election, but we must work to keep up this trend. If you take a look at other democracies around the world—places where people are willing to wait in line for hours in order to vote, places where people risk their personal safety for the privilege to vote—you see that these electorates view voting as a right as well as an obligation. In a study of voter turnout in 28 democracies around the globe, the United States consistently had one of the lowest turnout rates. There is much room for improvement in increasing America's voter turnout rates—getting more people registered is an important start.

Mr. President, participation in the political process, including exercising the right to vote, is at the heart of our democratic system of government. There are many sociological explanations why Americans don't vote. But voters have shown that, if they believe they can make a difference, they will get involved. This legislation will encourage the hope and belief that citizens involvement is important for the future of our democracy.

THE CALENDAR

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order Numbers 23, 24, 25, 26, 27, 28, 29, 30, and 31, en bloc; that the committee substitute amendment, where appropriate, be agreed to; that the several bills each be deemed read a third time and passed; that the motion to reconsider the passage of these items be laid upon the table, en bloc; that the consideration of each bill be included separately in the RECORD; and that statements with respect to the passage of each bill be included in the RECORD where appropriate.

Mr. DOMENICI. Mr. President, I have no objection.

I might state that two of those items, I am most pleased to say, are bills that Senator BINGAMAN and I introduced which have come out of committee and are being reported. That is Calendar Order Number 31 on the Rio Grande River in New Mexico, a scenic river; and one additional one directing the Secretary of Agriculture to convey land to the town of Taos.

I am pleased to be on the floor recommending their adoption.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIG THICKET NATIONAL PRESERVE ADDITION ACT OF 1993

The bill (S. 80) to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek corridor unit, the Big Sandy corridor unit, and the Canyonlands unit was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed; as follows:

S. 80

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Big Thicket National Preserve Addition Act of 1993".

SEC. 2. ADDITIONS TO THE BIG THICKET NATIONAL PRESERVE.

(a) ADDITIONS.—Subsection (b) of the first section of the Act entitled "An Act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes", approved October 11, 1974 (16 U.S.C. 698), hereafter referred to as the "Act", is amended as follows:

(1) Strike out "map entitled 'Big Thicket National Preserve'" and all that follows through "Secretary of the Interior (hereafter referred to as the 'Secretary')" and insert in lieu thereof "map entitled 'Big Thicket National Preserve', dated October 1992, and numbered 175-80008, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and the offices of the Superintendent of the preserve. After advising the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, in writing, the Secretary of the Interior (hereafter referred to as the 'Secretary') may make minor revisions of the boundaries of the preserve when necessary by publication of a revised drawing or other boundary description in the Federal Register. The Secretary".

(2) Strike out "and" at the end of the penultimate undesignated paragraph relating to Little Pine Island-Pine Island Bayou corridor unit.

(3) Strike out the period in the ultimate undesignated paragraph relating to Lance Rosier unit and insert in lieu thereof ";".

(4) Add at the end thereof the following:

"Village Creek Corridor unit, Hardin County, Texas, comprising approximately four thousand seven hundred and ninety-three acres;

"Big Sandy Corridor unit, Hardin, Polk, and Tyler Counties, Texas, comprising approximately four thousand four hundred and ninety-seven acres; and

"Canyonlands unit, Tyler County, Texas, comprising approximately one thousand four hundred and seventy-six acres."

(b) ACQUISITION.—(1) Subsection (c) of the first section of such Act is amended by striking out the first sentence and inserting in lieu thereof the following: "The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve: *Provided*, That privately owned lands located within the Village Creek Corridor, Big Sandy Corridor, and Canyonlands units may be acquired only with the consent of the owner: *Provided further*, That the Secretary may acquire lands owned by commercial timber companies only by donation or exchange: *Provided further*, That any lands owned by the State of Texas, or any political subdivisions thereof may be acquired by donation only."

(2) Add at the end of the first section of such Act the following new subsections:

"(d) Within sixty days after the date of enactment of this subsection, the Secretary and the Secretary of Agriculture shall identify lands within their jurisdiction located within the vicinity of the preserve which may be suitable for exchange for commercial timber lands within the preserve. In so doing, the Secretary of Agriculture shall seek to identify for exchange National Forest lands that are near or adjacent to private lands that are already owned by the commercial timber companies. Such National Forest lands shall be located in the Sabine National Forest in Sabine County, Texas, in the Davy Crockett National Forest south of Texas State Highway 7, or in other sites deemed mutually agreeable, and within reasonable distance of the timber companies' existing mills. In exercising this exchange authority, the Secretary and the Secretary of Agriculture may utilize any authorities or procedures otherwise available to them in connection with land exchanges, and which are not inconsistent with the purposes of this Act. Land exchanges authorized pursuant to this subsection shall be of equal value and shall be completed as soon as possible, but no later than two years after date of enactment of this subsection.

"(e) With respect to the thirty-seven-acres owned by the Louisiana-Pacific Corporation or its subsidiary, Kirby Forest Industries, Inc., on Big Sandy Creek in Hardin County, Texas, and now utilized as part of the Indian Springs Youth Camp (H.G. King Abstract 822), the Secretary shall not acquire such area without the consent of the owner so long as the area is used exclusively as a youth camp.".

(c) PUBLICATION OF BOUNDARY DESCRIPTION.—Not later than six months after the date of enactment of this subsection, the Secretary shall publish in the Federal Register a detailed description of the boundary of the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit of the Big Thicket National Preserve.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of such Act is amended by adding at the end thereof the following new sentence: "Effective upon date of enactment of this sentence, there is authorized to be appropriated such sums as may be necessary to carry out the purposes of subsections (c) and (d) of the first section.".

Mr. KRUEGER. Mr. President, I greatly appreciate the Senate's consideration of S. 80 early during the 1st session of the 103d Congress. I am cosponsoring this bill which will achieve a long-time goal to expand the Big Thicket National Preserve in Texas—a bill approved by the Senate in the closing days of the 102d Congress.

My bill would add three units to the preserve: Village Creek Corridor, Big Sandy Corridor, and the Canyonlands. Currently, the Big Thicket National Preserve encompasses 86,000 acres. With my bill, more than 10,000 acres will be added to this ecologically unique preserve located in east Texas, north of the coastal cities of Beaumont and Port Arthur. The thicket includes four major types of forest, 85 species of trees and shrubs, more than 1,000 flowering plants, and over 300 kinds of birds. There are plants representing the Appalachian mountains, the tropics and even the desert.

The areas proposed for inclusion in this unique preserve will add to that rich diversity and help to protect the biological integrity of the existing units. The Village Creek Corridor and Big Sandy Corridor units not only add to scenic beauty and ecological diversity of the preserve, but they will also connect three major preserve units. These corridor units will provide an important migration pathway for plant and animal species, thereby helping to maintain the many species of the area. The Canyonlands unit contains beautiful scenic areas of steep walls, spring-fed creeks, and rare plants.

Preservation of the Big Thicket has been a bipartisan effort on the part of many Texans over the years, and I hope that it will continue to be so. I am glad to play a role in preserving an extraordinary resource of my State and country.

Mr. President, the American people have a resource to experience, to explore and to study in the Big Thicket Preserve. I thank Senators for their consideration and ask the Senate to support and approve this bill.

Mr. GRAMM. Mr. President, I rise to support S. 80, the Big Thicket National Preserve Addition Act of 1993. S. 80, which I introduced on January 21, 1993, passed the Senate Committee on Energy and Natural Resources unanimously on March 3, 1993. S. 80 is identical to Big Thicket legislation which was agreed upon by myself and Senator Bentsen in the 102d Congress. In the 102d Congress, the legislation passed the Senate by unanimous consent on October 7, 1992, and was sent to the House of Representatives. Unfortunately, the House of Representatives failed to act on the bill before the 102d Congress adjourned.

Mr. President, I am pleased to report that S. 80, as reported by the Senate Energy and Natural Resources Committee, proposes a logical conclusion to the longstanding debate on how to expand the Big Thicket National Preserve in southeast Texas. Because I believe that property ownership is a sacred right, one of my primary goals in this debate has been to ensure the protection of individuals' private property rights. In the past, other proposals to expand the Big Thicket National Preserve could have taken private property and threatened resident landowners with condemnation. It is important to note that no provision in S. 80 may be used to take privately owned property through condemnation procedures.

Mr. President, this legislation proposes to protect the Village Creek Corridor, Big Sandy Corridor, and the Canyonlands Unit by exchanging U.S. Forest Service lands for 10,766 acres of land in these three units. These areas would be added to the existing Big Thicket National Preserve in Texas. The Big Thicket area is often referred to as a biological crossroads due to the unique ecosystem which exists in the preserve. Addition of these three units will enhance the diversity of the preserve and future recreation opportunities.

Mr. President, I urge adoption of this measure.

SIOUX RANGER DISTRICT BOUNDARY ADJUSTMENT ACT

The bill (S. 164) to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes, was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

S. 164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SIOUX RANGER DISTRICT BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—In accordance with the Act entitled "An Act to consolidate national forest lands", approved March 20, 1922 (16 U.S.C. 485 et seq.), and in exchange for national forest lands in Custer National Forest, the Secretary of Agriculture may accept title to any lands located within 5 miles of the exterior boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest that are not owned by the United States and that are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes.

(b) INCORPORATION INTO CUSTER NATIONAL FOREST.—Upon acceptance of title by the Secretary of Agriculture, lands conveyed to the United States in accordance with subsection (a) shall become part of Custer National Forest.

WORLD WAR II MEMORIAL ACT OF 1993

The bill (S. 214) to authorize construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The American Battle Monuments Commission (hereafter in this Act referred to as the "Commission") is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" approved November 14, 1986 (40 U.S.C. 1001 et seq.).

(c) HANDICAPPED ACCESS.—The plan, design, construction, and operation of the memorial pursuant to this section shall provide for accessibility by, and accommodations for, the physically handicapped.

SEC. 2. ADVISORY BOARD.

(a) ESTABLISHMENT OF BOARD.—There is established a World War II Memorial Advisory Board (hereafter in this Act referred to as the "Board"), consisting of 12 members, who shall be appointed by the President from among veterans of World War II, historians of World War II, and representatives of veterans organizations, historical associations, and groups knowledgeable about World War II.

(b) APPOINTMENTS.—Members of the Board shall be appointed not later than 3 months after the date of enactment of this Act and shall serve for the life of the Board. The President shall make appointments to fill such vacancies as may occur on the Board.

(c) RESPONSIBILITIES OF BOARD.—The Board shall—

(1) in the manner specified by the Commission, promote establishment of the memorial and encourage donation of private contributions for the memorial; and

(2) upon the request of the Commission, advise the Commission on the site and design for the memorial.

(d) TERMINATION.—The Board shall cease to exist on the last day of the third month after the month in which the memorial is completed or the month of the expiration of the authority for the memorial under section 10(b) of the Act referred to in section 1(b), whichever first occurs.

SEC. 3. PRIVATE CONTRIBUTIONS.

The Commission shall solicit and accept private contributions for the memorial.

SEC. 4. FUND IN THE TREASURY FOR THE MEMORIAL.

(a) IN GENERAL.—There is created in the Treasury a fund which shall be available to the American Battle Monuments Commission for the expenses of establishing the memorial. The fund shall consist of—

(1) amounts deposited, and interest and proceeds credited under subsection (b);

(2) obligations obtained under subsection (c); and

(3) the amount of surcharges paid to the Commission for the memorial under the World War II 50th Anniversary Commemorative Coins Act.

(b) DEPOSITS AND CREDITS.—The Chairman of the Commission shall deposit in the fund the amounts accepted as contributions under subsection (a). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

(c) OBLIGATIONS.—The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the fund.

(d) ABOLITION.—Upon the final settlement of the accounts of the fund, the Secretary of the Treasury shall submit to the Congress draft legislation (including technical and conforming provisions) for the abolition of the fund.

SEC. 5. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance in the fund created by section 4, the Chairman of the Commission shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for the section 8(b)(1) of that Act.

Mr. THURMOND. Mr. President, as a veteran of World War II, I am pleased that we are considering S. 214, a bill I introduced that would authorize the construction of a memorial honoring World War II veterans.

On December 7, 1991 we observed the 50th anniversary of the bombing of Pearl Harbor. It is now time to honor those who faithfully served our country in the aftermath of that historic day.

This monument pays tribute to the men and women who have given of themselves to make our lives, and the lives of all Americans, better today. It is fitting that there be a memorial in Washington to which they can bring their children and their grandchildren to see how we honor those who served. This memorial is long overdue.

Mr. President, I wish to thank the members of the Senate Committee on Energy and Natural Resources, who voted unanimously to report this bill out of committee. I wish especially to thank Senator BUMPERS, chairman of the Subcommittee on Public Lands, National Parks and Forests, for his support of this worthy measure.

I urge my colleagues to pass this legislation which honors those who have so ably served our country.

IDAHO LAND EXCHANGE ACT OF 1993

The bill (S. 252) to provide for certain land exchanges in the State of Idaho, and for other purposes, was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

S. 252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Land Exchange Act of 1993".

SEC. 2. TARGHEE NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Targhee National Forest are adjusted as generally depicted on the map entitled "Targhee National Forest Proposed Boundary Changes" and dated March 1, 1991.

(b) MAP AND LEGAL DESCRIPTION.—

(1) PUBLIC ACCESS.—The map described in subsection (a) and legal description of the lands depicted on the map shall be on file and available for public inspection in the Regional Office of the Intermountain Region of the Forest Service.

(2) TECHNICAL CORRECTIONS.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture (referred to in this Act as the "Secretary") may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-9), the boundaries of the Targhee National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

SEC. 3. CLARK FORK LAND EXCHANGE.

(a) FINDINGS.—Congress finds that, over the 12 years prior to the date of enactment of this Act—

(1) the University of Idaho has utilized the Clark Fork Ranger Station within the Kaniksu National Forest as the Clerk Fork Field Campus, under a Granger-Thye permit; and

(2) the University of Idaho has made substantial improvements in order to maintain and utilize the buildings as a campus facility.

(d) DEFINITIONS.—As used in this section:

(1) PARCEL A.—The term "Parcel A" means the approximately 35.27 acres comprising the Clark Fork Ranger Station within the Kaniksu National Forest, as depicted on the map entitled "Clark Fork Land Exchange—Parcel A" and dated July 1, 1991.

(2) PARCEL B.—The term "Parcel B" means the approximately 40 acres depicted on the map entitled "Clark Fork Land Exchange—Parcel B" and dated July 1, 1991.

(c) LAND EXCHANGE.—

(1) CONVEYANCE BY THE SECRETARY.—In exchange for the conveyance described in paragraph (2) and subject to easements that are considered necessary by the Secretary for public and administrative access and to valid existing rights, the Secretary shall convey to the State of Idaho, acting through the Regents of the University of Idaho, all right, title, and interest of the United States to Parcel A.

(2) CONVEYANCE BY THE STATE OF IDAHO.—In exchange for the conveyance described in paragraph (1) and subject to valid existing rights of record acceptable to the Secretary, the State of Idaho shall convey to the Secretary, by general warranty deed in accordance with Department of Justice title standards, all right, title, and interest to Parcel B.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) PUBLIC ACCESS.—The maps described in subsection (b) and the legal descriptions of the lands depicted on the maps shall be on file and available for public inspection in the Regional Office of the Northern Region of the Forest Service.

(B) TECHNICAL CORRECTIONS.—The maps and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors.

(d) LAND VALUATION.—

(1) IN GENERAL.—Subject to paragraph (2), if the lands exchanged between the United States and the State of Idaho, as authorized by subsection (c), are not of equal value, the values shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) EXCEPTION.—The value of the improvements made by the University of Idaho on Parcel A under the Granger-Type permit shall be excluded from consideration in a valuation conducted pursuant to paragraph (1).

(e) NATIONAL FOREST BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—Upon acquisition of Parcel B by the United States, the boundaries of the Kaniksu National Forest shall be adjusted to include Parcel B.

(2) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-9), the boundaries of the Kaniksu National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

TAOS CONVEYANCE ACT OF 1993

The bill (S. 275) to direct the Secretary of Agriculture to convey certain lands to the town of Taos, NM, and for other purposes was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

S. 275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAOS RANGER DISTRICT.

(a) CONVEYANCE OF PROPERTY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act and subject to the terms and conditions described in subsection (b), the Secretary of Agriculture shall convey by quitclaim deed to the town of Taos, New Mexico, all right, title, and interest of the United States in and to the lands and improvements on the lands described in paragraph (2).

(2) PROPERTY.—The property referred to in paragraph (1)—

(A) is locally referred to as the "Old Taos Ranger District Office and Warehouse";

(B) is located in the town of Taos, Taos County, New Mexico;

(C) contains approximately 0.633 acres; and

(D) is specifically described in the warranty deed dated January 22, 1937, by William R. and Mary E. Hinde, husband and wife, to the United States, as recorded on January 23, 1937, in book A-34, page 415, of the Record of Deeds of Taos County, New Mexico.

(b) TERMS AND CONDITIONS.—

(1) CONSIDERATION.—

(A) IN GENERAL.—The conveyance described in subsection (a) shall be in consideration of $360,000, payable (subject to the approval of the Secretary of Agriculture)—

(i) in full not later than the end of the 180-day period referred to in subsection (a)(1); or

(ii) at the option of the town of Taos, in 20 annual payments of $18,000 each, with each payment due January 1.

(B) DEPOSIT OF FUNDS.—

(i) IN GENERAL.—Sums received pursuant to subparagraph (A) shall be deposited in a special fund in the treasury and shall remain available until expended.

(ii) EXPENDITURE.—Upon request by the Secretary of Agriculture, the Secretary of the Treasury shall transfer from the special fund to the Secretary of Agriculture such sums as the Secretary of Agriculture determines are necessary for the purpose of acquiring lands and administrative facilities on National Forest System lands within the State of New Mexico.

(C) INTEREST.—The town of Taos shall not be charged interest on sums owed the United States for the conveyance described in subsection (a).

(2) RELEASE.—Upon transfer of the property described in subsection (a), the town of Taos shall release the United States from any liability for claims relating to the property.

(3) REVERSION.—The conveyance described in subsection (a) shall be a conveyance of fee simple title to the property, subject to reversion to the United States if the property is

used for other than public purposes or if payment is not made in accordance with paragraph (1).

REVISING THE BOUNDARIES OF THE GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT

The bill (S. 326) to revise the boundaries of the George Washington Birthplace National Monument, and for other purposes was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

S. 326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO NATIONAL MONUMENT.

The boundaries of the George Washington Birthplace National Monument (hereinafter referred to as the "National Monument") are hereby modified to include the area comprising approximately 12 acres, as generally depicted on the map entitled "George Washington Birthplace National Monument Boundary Map", numbered 332/80,011A and dated September 1992, which shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

SEC. 2. ACQUISITION OF LANDS.

Within the boundaries of the National Monument, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands, or interests therein, by donation, purchase with donated or appropriated funds, or exchange.

SEC. 3. ADMINISTRATION OF NATIONAL MONUMENT.

In administering the National Monument, the Secretary shall take such action as is necessary to preserve and interpret the history and resources associated with George Washington, the generations of the Washington family who lived in the vicinity, and their contemporaries, as well as 18th century plantation life and society.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SANDY HOOK HISTORIC STRUCTURES REHABILITATION ACT

The bill (S. 328) to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

S. 328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARINE ACADEMY AGREEMENT.

(a) IN GENERAL.—In order to further the revitalization, rehabilitation, and utilization of Fort Hancock within the Sandy Hook Unit of Gateway National Recreation Area, the Secretary of the Interior may enter into an agreement with the Monmouth County Vocational School District or a successor (referred to in this Act as the "District"), to permit the use by the District of properties situated along Gunnison Road and Magruder Road for the purpose of developing and operating, without cost to the National Park Service, a secondary school program to be known as the Marine Academy of Science and Technology.

(b) DESIGN OF FACILITIES.—The design of new facilities and landscape improvements, and the rehabilitation of existing facilities for school and administrative use, shall be subject to the approval of the Director of the National Park Service. In determining whether to approve the design and rehabilitation, the Director shall use standards for rehabilitation and National Park Service guidelines and policies that are approved by the Secretary of the Interior.

SEC. 2. REVERSION.

If the properties, facilities, and improvements referred to in section 1 are not used by the District for a secondary school program, the agreement authorized by section 1 shall be terminated and all use of the properties, facilities, and improvements shall revert, without consideration, to the National Park Service.

SEC. 3. REIMBURSEMENT.

(a) REHABILITATION.—As a condition of entering into the agreement authorized by section 1, the Secretary of the Interior may—

(1) accept reimbursement expenses, of not more than $500,000, to cover the cost of rehabilitating other property within the Sandy Hook Unit of Gateway National Recreation Area for park uses that are displaced from facilities used by the District under the agreement authorized by section 1; or

(2) require the District to rehabilitate other property for the park uses—

(A) under the direction of the National Park Service; and

(B) at a cost of not more than $500,000.

(b) FEES FOR SERVICES.—The Director of the National Park Service may collect and retain reasonable fees for services provided to the District by the National Park Service, including alarm monitoring, permit compliance, fire and police protection, and snow removal.

Mr. BRADLEY. Mr. President, I rise today in support of Monmouth County, NJ, School District's efforts to maintain the right to continue to revitalize, rehabilitate, and utilize Fort Hancock within the Sandy Hook Unit of Gateway National Recreation Area. I urge the Senate to approve this bill, which is urgently needed.

Mr. President, for more than a decade the school district and Sandy Hook have cultivated a mutually beneficial relationship. The park has allowed the school district to use several of its buildings to administer its Marine Academy of Science and Technology, and in return, the school has rejuvenated many of the park's historic but debilitated buildings. To date, Monmouth County has completed more than 2 million dollars' worth of renovations. Clearly, this has been a rewarding arrangement for both sides.

Last year, the school and the park managers were informed that legislation is required in order for them to maintain their relationship. The legislation before the Senate allows the Secretary of the Interior to enter into an agreement with the school thereby permitting the school to use certain park facilities for the purpose of development and operations, without cost to the National Park Service.

Mr. President, I am in full support of this legislation for several reasons. Over the past 10 years the Marine Academy has grown from a part-time institution into a demanding 4-year diploma-granting program for boys and girls in grades 9–12. The academy is truly unique. By emphasizing marine science technology and marine trades, the school has successfully prepared hundreds of its students for work or study in the important field of marine environmental science. And the renovations that have been made to several park buildings cannot be overstated. For years, scores of historical buildings at Sandy Hook have been decaying as a result of neglect caused by budgetary limitations. Monmouth County has remedied this problem by instilling life into many buildings that were on the verge of condemnation.

Mr. President, the Sandy Hook-Monmouth County partnership has benefited many people: The students who attend the Marine Academy, the tourists who visit the park, and of course the State and Federal Governments responsible for the maintenance and operation of the facility. We must ensure that this relationship will continue to prosper. I urge my colleagues to join me in support of this legislation and vote its approval.

FOX-WISCONSIN RIVER NATIONAL HERITAGE CORRIDOR STUDY ACT OF 1993

The bill (S. 344) to direct the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Fox and Lower Wisconsin River corridors in the State of Wisconsin as a national heritage corridor, and for other purposes was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

S. 344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fox-Wisconsin River National Heritage Corridor Study Act of 1993."

SEC. 2. FINDINGS.

Congress finds that—

(1) the Fox-Wisconsin waterway is famous as the discovery route of Marquette and Joliet;

(2) as the connecting route between the Great Lakes and the Mississippi River, the waterway was critical to the opening of the Northwest Territory, and served as a major artery in bringing commerce to the interior of the United States and providing a vital communication link for early explorers, missionaries, and fur traders;

(3) within the Fox and Lower Wisconsin River corridors are an abundance of historic

and archaeological sites and structures representing early Native Americans, European exploration, and 19th-century transportation and settlement; and

(4) the unique aspects of the waterway, from the heavily developed portions of the Fox River to the pristine expanses of the Lower Wisconsin River, should be studied to determine the waterway's suitability and feasibility for designation as a National Heritage Corridor.

SEC. 3. STUDY OF FOX-WISCONSIN RIVER CORRIDORS.

(a) IN GENERAL.—Not later than 2 years after the date funds are made available to carry out this Act, the Secretary of the Interior (referred to in this Act as the "Secretary") shall prepare a study on the suitability and feasibility of designating the Fox and Lower Wisconsin River corridors in the State of Wisconsin as a National Heritage Corridor.

(b) REPORT TO CONGRESS.—On completion of the study referred to in subsection (a)—, the Secretary shall submit a report describing the results of the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

SEC. 4. FOX-WISCONSIN RIVER STUDY ADVISORY COMMISSION.

(a) IN GENERAL.—There is established the Fox-Wisconsin River Study Advisory Commission (referred to in this Act as the "Commission") to advise the Secretary with respect to the preparation of the study required under section 3(a).

(b) MEMBERSHIP.—The Commission shall consist of 16 members, appointed by the Secretary, of whom—

(1) 4 members shall be made from recommendations submitted by the Governor of the State of Wisconsin, to represent affected State agencies;

(2) 4 members shall represent local governments from affected communities along the Fox and Lower Wisconsin River corridors; and

(3) 8 members shall be made from the general public, who shall have knowledge and experience in appropriate fields of interest relating to the preservation, use, and interpretation of the Fox and Lower Wisconsin River corridors, of whom—

(A) 4 members shall be residents of the Fox River region; and

(B) 4 members shall be residents of the Lower Wisconsin River region.

(c) CHAIRPERSON.—The members of the Commission shall elect a Chairperson from among the members of the Commission.

(d) VACANCIES.—Vacancies on the Commission shall be filled in the same manner in which the original appointment was made.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) COMPENSATION.—Members of the Commission shall receive no compensation as a result of their service on the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United State Code.

(g) FEDERAL ADVISORY COMMITTEE ACT.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Commission.

(h) ANNUAL REPORTS.—The Commission shall publish and submit to the Secretary and the Governor of the State of Wisconsin an annual report concerning the activities of the Commission.

(i) TERMINATION.—The Commission shall terminate on the completion of the study required under section 3(a).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. KOHL. Mr. President, I am pleased that the Senate is prepared to act on legislation which my colleague, Senator FEINGOLD, and I introduced earlier this year: the Fox-Wisconsin River National Heritage Corridor Study Act of 1993. The Senate approved identical legislation last year but the House did not act on it prior to the conclusion of the 102d Congress. I hope that the Senate's prompt consideration of the legislation will encourage the House to act on it in the near future.

The purpose of this legislation is to establish a process for determining the suitability and feasibility of designating the Fox and Lower Wisconsin River corridors as a national heritage corridor. The national heritage corridor designation could provide for the revitalization of this historic transport artery, and link together the significant tourist attractions of this region.

I will not detail the many distinctions of the Fox-Wisconsin River corridor. Suffice it to say that it is rich with history, replete with significant structures and sites, rewarding in its beauty. And that is not just my opinion.

The East-Central Wisconsin Regional Planning Commission produced an in depth survey of historical landmarks along the Fox River. The Lower Wisconsin State Riverway Board, an office of the State government, has catalogued historical attributes of the Wisconsin River. In 1979, under the Wild and Scenic Rivers Act, the National Park Service produced a report on the lower Wisconsin River, advocating that this natural resource be protected. Finally, the State historical society and the Department of Natural Resources have compiled extensive scientific, cultural, and historical data on both the Fox and Wisconsin Rivers.

While I believe that the designation of the corridor as a national heritage corridor would be beneficial to the people and the resources of the region, this legislation does not seek to make that designation at this time. Instead, this legislation would establish a 2-year study, to solicit strong input from local residents, to help in making a determination as to whether or not such a designation would be suitable. Local involvement at the planning stages of this effort will be critical if the Fox-Wisconsin River National Heritage Corridor is to be successfully established in the future.

Mr. President, I wish to express my appreciation to Senator BUMPERS, chair of the Subcommittee on Public Lands, National Parks and Forests, for his cooperation in expediting consideration of this legislation. I also wish to thank the literally hundreds of people in the Fox-Wisconsin region who have shared their ideas and their hopes with my office. I hope that this legislation is responsive to their ideas and contributes to the realization of their dreams.

Mr. FEINGOLD. Mr. President, I am pleased at the swiftness with which S. 344, the Fox-Wisconsin River National Heritage Corridor Act, has come to consideration before the 103d Congress, and I commend my colleague, Senator KOHL, for his ongoing commitment to this issue.

This bill directs the Secretary of the Interior to conduct a study of the suitability and feasibility of designating the Fox and Lower Wisconsin River corridors in Wisconsin as a national heritage corridor. Identical legislation was passed by this body last year but did not pass the House of Representatives before the conclusion of the 102d Congress. I am encouraged by its rapid progress now.

This issue has strong support of many citizens' and preservation groups within the State, as well as the support of the Wisconsin State Legislature. In fact, as a State senator in November, 1991, I had the opportunity to vote for a resolution supporting establishment of the national heritage corridor in Wisconsin, and I continue my strong support of such action today.

The Fox-Wisconsin corridor continues to testify through existing structures and archaeological sites to its former role in the exploration of North America and to settlements founded on the rivers' banks. These rivers were part of the route traveled by Marquette and Joliet during their exploration of the area that became known as the Northwest Territory.

The Fox-Wisconsin corridor was also a major artery for travel and trade during the settlement of this area. In fact, the world's first hydroelectric plant and the oldest continually operated manual lock system in the United States are found on the Fox River.

Not only was the route appreciated for its utility, but also for its innate value and beauty. Conservationists John Muir and Aldo Leopold lived along the banks of the Fox and Wisconsin Rivers, and architect Frank Lloyd Wright established Taliesin, his architectural school, along that route.

As I mentioned, this bill merely calls for a study of the suitability of the area for a national heritage corridor. However, I am confident this study will substantiate what residents along the shores have told me time and time again—that the historical value of the area should be preserved so that others may come to enjoy and appreciate their heritage.

I am happy to have the opportunity today to continue in my support of the establishment of the Fox-Wisconsin National Heritage Corridor.

RIO GRANDE DESIGNATION ACT OF 1993

The bill (S. 375) to amend the Wild and Scenic Rivers Act by designating a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers system, and for other purposes, was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rio Grande Designation Act of 1993".

SEC. 2. DESIGNATION OF SCENIC RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"( ) Rio Grande, New Mexico.—The main stem from the southern boundary of the segment of the Rio Grande designated pursuant to paragraph (4), downstream approximately 12 miles to the west section line of Section 15, Township 23 North, Range 10 East, to be administered by the Secretary of the Interior as a scenic river.".

SEC. 3. DESIGNATION OF STUDY RIVER.

(A) Study.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following new paragraph:

"( ) Rio Grande, New Mexico.—The segment from the west section line of Section 15, Township 23 North, Range 10 East, downstream approximately 8 miles to the southern line of the northwest quarter of Section 34, Township 23 North, Range 9 East.".

(b) Study Requirements.—Section 5(b) of such Act (16 U.S.C. 1276(b)) is amended by adding at the end the following new paragraph:

"( ) The study of the Rio Grande in New Mexico shall be completed and the report submitted not later than 3 years after the date of enactment of this paragraph.".

SEC. 4. RIO GRANDE CITIZENS ADVISORY BOARD.

(a) Establishment.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior (referred to in this Act as the "Secretary") shall establish the Rio Grande Citizens Oversight Review Board (referred to in this Act as the "Board") to advise the Secretary on matters pertaining to—

(1) the development and implementation of a management plan for the segment of the Rio Grande designated as a component of the National Wild and Scenic Rivers System pursuant to the amendment made by section 2; and

(2) the preparation of the study pursuant to the amendments made by section 3.

(b) Composition.—The Board shall consist of 11 members, appointed by the Secretary, of whom—

(1) 10 members shall be property owners along the segments of the Rio Grande designated and studied pursuant to the amendments made by this Act; and

(2) 1 member shall be a representative of the village of Pilar.

SEC. 5. WITHDRAWAL OF ORILLA VERDE RECREATION AREA.

(a) In General.—Subject to valid existing rights, the lands described in subsection (b) are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing.

(b) Lands.—

(1) Description.—The lands referred to in subsection (a) comprise an area known as the "Orilla Verde Recreation Area", totaling approximately 1,349 acres, which were conveyed by the State of New Mexico to the United States on July 23, 1980, April 20, 1990, and July 17, 1990, as generally depicted on the map entitled "Proposed Recreation Addition to Rio Grande Wild and Scenic River" and dated September 1992.

(2) Public access.—The map referred to in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 6. COMPLETION OF PREHISTORIC TRACKWAYS STUDY.

The Secretary is authorized to contract with the Smithsonian Institution for the completion of the prehistoric trackways study required under section 303 of the Act entitled "An Act to conduct certain studies in the State of New Mexico", approved November 15, 1990 (Public Law 101-578).

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the Senator from Ohio [Mr. Metzenbaum] as Chairman of the Senate Delegation to the Canada-United States Interparliamentary Group during the 103d Congress.

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, pursuant to Public Law 102-240, announces on behalf of the majority leader his appointment of Dana Connors, of Maine, as a member of the National Council on Surface Transportation Research.

The Chair, pursuant to section 403(a)(2) of Public Law 100-533, as amended, announces on behalf of the majority leader his reappointment of Mary Ann Campbell, of Arkansas, and his appointment of Barbara Aiello, of Maine, as members of the National Women's Business Council.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 336. A bill to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes (Rept. No. 103-21).

SPECIAL REPORT

The following report of the committee was submitted:

By Mr. NUNN, from the Committee on Armed Services:

Special Report entitled "Report On the Activities of the Committee on Armed Services, United States Senate, 102d Congress, First and Second Sessions" (Rept. No. 103-22).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROBB (for himself and Mr. Warner):

S. 597. A bill to designate the United States courthouse located at 10th and Main Streets in Richmond, Virginia, as the "Lewis F. Powell, Jr. United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. DURENBERGER:

S. 598. A bill to amend the National Labor Relations Act to provide for expedited adjudication of unfair labor practice charges, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY (for himself, Mr. Durenberger, Mr. Simon, and Mr. Conrad):

S. 599. A bill to amend the Internal Revenue Code of 1986 to provide a permanent extension for the issuance of first-time farmer bonds; to the Committee on Finance.

By Mr. BOREN (for himself, Mr. Packwood, Mr. Baucus, Mr. Danforth, Mr. Pryor, Mr. Grassley, Mr. Riegle, Mr. Daschle, Mr. Conrad, Mr. Sarbanes, Mr. Simon, Mr. Thurmond, Mr. Inouye, Mr. Lieberman, Mr. Reid, Mr. Bingaman, Mr. Levin, Mr. Hollings, Mr. Burns, Mr. Stevens, Mr. D'Amato, Mr. Helms, Mr. Jeffords, Mr. Sasser, Ms. Mikulski, Mr. Krueger, Mr. Heflin, Mr. Lugar, Mr. Simpson, Mr. Campbell, Mr. Dodd, and Mr. Wellstone):

S. 600. A bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit; to the Committee on Finance.

By Mr. INOUYE:

S. 601. A bill to require that imported fresh papayas meet all the requirements imposed on domestic fresh papayas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BREAUX:

S. 602. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the medicare program for individuals with diabetes; to the Committee on Finance.

By Mr. D'AMATO:

S. 603. A bill to provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland; to the Committee on Finance.

By Mr. DOMENICI:

S. 604. A bill to provide for programs for the prosecution of driving while intoxicated charges to be included in the Edward Byrne Memorial State and Local Enforcement Assistance Program; to the Committee on the Judiciary.

S. 605. A bill to amend title 23, United States Code, to require the Secretary of Transportation to withhold certain funds from States that fail to deem a person driving with a blood alcohol concentration of 0.08 percent or greater to be driving while intoxicated, and for other purposes; to the Committee on Environment and Public Works.

S. 606. A bill to amend title 10, United States Code, to correct an inequity in the provisions relating to the payment of benefits under court orders in the case of dependents who are victims of abuse by members of the Armed Forces losing right to retired pay; to the Committee on Armed Services.

By Mr. HELMS:

S. 607. A bill to amend the Harmonized Schedule of the United States with respect to the tariff treatment of pharmaceutical grade phospholipids and soybean oil; to the Committee on Finance.

By Mr. EXON:

S. 608. A bill entitled the "Armored Car Industry Reciprocity Act of 1993"; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. BRADLEY, and Mr. BINGAMAN):

S. 609. A bill to amend the Internal Revenue Code of 1986 to limit deductions for advertising and promotional expenses for tobacco products, and to use the resulting revenues for advertising expenditures to persuade individuals not to use tobacco products and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBB (for himself and Mr. WARNER):

S. 597. A bill to designate the U.S. courthouse located at 10th and Main Streets in Richmond, VA, as the Lewis F. Powell, Jr., United States Courthouse; to the Committee on Environment and Public Works.

LEWIS F. POWELL, JR., COURTHOUSE DESIGNATION ACT

Mr. ROBB. Mr. President, it is with enormous home state pride that I rise today to introduce legislation, along with my distinguished senior colleague from Virginia to rename the U.S. courthouse building in Richmond, VA, for retired Associate Supreme Court Justice Lewis F. Powell, Jr.

Justice Powell is a great source of pride for all Americans, but for Virginians in particular.

During his tenure on the Supreme Court from 1971 to 1987, he was known as a moderate voice, a centrist, and a consensus builder in the best Virginia tradition.

Throughout his life, Justice Powell has also been an unfailingly kind and gracious individual, the consummate Virginia gentleman.

Justice Powell was born in 1907 in Suffolk, VA, and attended Washington & Lee University in Lexington.

He received both his undergraduate and law degrees there, in just 6 years, and finished first in his law school class.

The Justice decided to pursue law, he told historian Anne Hobson Freeman, because "It was clear to me from reading history that the people who made history were military people and lawyers."

At his father's insistence, Justice Powell went on to Harvard for a masters in law.

Turning down an invitation from former Solicitor General John W. Davis to interview with the New York firm of Davis, Polk, Justice Powell chose, instead, to return to Richmond, where he worked with a small litigation firm.

Before long, however, he joined the firm of Hunton, Williams, Anderson, Gay & Moore—what is today called Hunton & Williams—beginning a more than three-decade long association with that firm.

In her book on Hunton & Williams, entitled "The Style of a Law Firm," Anne Hobson Freeman describes Mr. Powell, as one of the eight gentlemen from Virginia who built the firm.

At the outset of American involvement in World War II, Lewis Powell volunteered for the Army, even though he was old enough to avoid duty.

During the war, he was part of the Allied invasion of North Africa, part of the British effort to use information from recently broken top-level German codes, and, finally, a lieutenant colonel, and chief of the Operational Intelligence Division, at the U.S. Strategic Air Force's headquarters.

Lewis Powell ended the war as a full colonel and was decorated for his efforts, earning the Legion of Merit, the Bronze Star, and France's Croix de Guerre, with Palm.

Following the war, Freeman says, Powell's adjustment back to relatively dull work in private practice was difficult.

He challenged himself by launching into a number of outside activities.

He chaired the Special Charter Commission, which established Richmond's city-manager form of government.

He served as president of the Richmond Bar Association and of the chamber of commerce, and later, as chairman of the Richmond City School Board.

Within Hunton & Williams, Powell's stature grew, and in 1954, he became a name partner of Hunton, Williams, Gay, Moore & Powell.

In the late 1950's, on the great issue of "public school desegregation," Powell, then chairman of the Richmond School Board, broke, with Senator Harry Byrd, Sr., and others who argued for massive resistance to Federal court rulings, based on the doctrine of interposition.

While public school authorities in Norfolk, Prince Edward County, and elsewhere, chose to close the schools rather than integrate, the Richmond City schools, stayed open, due in no small part to Powell's commitment to the rule of law.

In the 1960's, Powell made his mark on the national scene, rising to the position of president of the American Bar Association in the mid-1960's.

In 1966, President Lyndon Johnson, appointed Powell, to serve on two boards, the Commission on Law Enforcement and Administration, and the National Advisory Committee on Legal Services for the Poor.

Powell continued to be active on the State level, serving on the Virginia State Board of Education, and on Gov. Mills Godwin's, Constitutional Commission, seeking to revise, the Virginia Constitution.

In 1971, President Nixon, asked Powell to serve on the U.S. Supreme Court.

Powell agonized over the offer, for he preferred being a lawyer to a judge.

He had previously turned down offers to serve on the fourth circuit and the Virginia Supreme Court.

Reluctantly, he accepted the nomination, and was rebuffed when he called President Nixon's Attorney General back, to say he'd changed his mind.

Powell was easily confirmed by this body, which had previously rejected two successive Nixon nominees to the Court from the South.

At the age of 64, Lewis Powell, began a second career as a distinguished jurist.

His tenure was marked by his objective approach and his pivotal role as the Court's centrist.

On the bench, Justice Powell was a model of judicial restraint.

His lawyerly approach, which put aside personal biases, bespoke a guiding commitment to the Constitution, rather than to any particular ideology.

Though personally opposed to the death penalty, for example, he refused to strike it down as unconstitutional.

Though a Nixon appointee, he refused to side with the President's argument that the Watergate tapes were protected by executive privilege.

On case after case, Justice Powell found himself in the center, with the key swing vote in 5-to-4 Court decisions.

The most famous of these is probably the Bakke case, where Justice Powell wrote the Court's opinion which split the difference on the divisive question of racial preferences in higher education.

While four Justices argued that admissions must be colorblind, and four justices argued that the quotas were permissible, Justice Powell forged a middle-ground position which many

Americans have come to accept: Affirmative action, yes, but quotas no.

When Justice Powell retired, his moderation on the Court was praised by Republicans and Democrats alike.

President Reagan's nomination of Robert Bork was rejected in very large part because judge Bork was seen as not fitting into the moderate mold of Justice Lewis Powell.

Since retiring from the Court in 1987, Justice Powell has stayed active in public affairs.

He has continued to sit periodically on the Fourth Circuit Court of Appeals in Richmond, and he chaired an influential commission on the reform of habeas corpus procedures.

The Powell Commission's recommendations have been so well regarded that when crime legislation has been debated in this body, both sides of the habeas issue have claimed to be the more faithful to the Powell Commission's recommendations.

Everyone who knows Lewis Powell, Jr., also comments on his gentlemanly demeanor.

One former clerk remembers that as she began her clerkship for Justice Powell, she was told by an outgoing clerk for another Justice: "You're one of the luckiest," to have the chance not only to clerk for a Supreme Court Justice, but for such a decent individual as well.

Naming the Richmond Courthouse in his honor is not something Justice Powell sought; indeed, the introduction of this legislation today should be a surprise to him.

I think all Senators will agree that it is entirely fitting to name the Richmond Courthouse after Justice Powell. It is a personal pleasure and an honor for me to introduce this legislation for two additional reasons.

First, the Justice and I share a mutual affection for, and affiliation with Hunton & Williams: Between my service as Governor and my election to the Senate in 1988, I served briefly with the firm, which Justice Powell helped build.

Second, I have a special tie with the building which is to be named after Justice Powell, through my great-great-grandfather, who's office was in the courthouse building when he served as Secretary of the Treasury, during the Confederacy, and I later had my office there, when I clerked for Judge John Butzner on the Fourth Circuit Court of Appeals.

In closing, Mr. President, I think it highly appropriate to name the Federal Courthouse in Richmond, the Lewis F. Powell, Jr., United States Courthouse.

I cannot think of an individual more deserving of that honor.

I am pleased to introduce this legislation, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF LEWIS F. POWELL, JR. UNITED STATES COURTHOUSE.

The United States courthouse located at 10th and Main Streets in Richmond, Virginia, is designated as the "Lewis F. Powell, Jr. United States Courthouse".

SEC. 2. LEGAL REFERENCES.

Any references in any law, regulation, document, record, map, or other paper of the United States to the courthouse referred to in section 1 is deemed to be a reference to the "Lewis F. Powell, Jr. United States Courthouse".

Mr. WARNER. Madam President, I join my distinguished colleague, Senator ROBB, this morning to introduce legislation to name the Federal courthouse in Richmond in honor of former U.S. Supreme Court Justice Lewis F. Powell, Jr.

Justice Powell has touched the lives of so many Virginians, and I am privileged to say that I am one. In so many ways, this seems, not only to the two Senators, but indeed to the vast majority of Virginians, a most appropriate step.

I am also pleased to share with my colleagues that in a conversation today with former Senator Harry F. Byrd, Jr., he enthusiastically joins in support of this legislation.

Justice Powell literally has given a lifetime of public service, culminating in more than 15 years on the U.S. Supreme Court. His contributions have not been limited to his chosen profession. He has donated his time and talent extensively for the betterment of Richmond, his native community, which he loved so dearly.

He is a decorated veteran of World War II. He was in the Army Air Corps at that time. I studied that chapter of his history. Justice Powell served his Nation bravely in war as well as in peace. It is certainly appropriate for the Federal courthouse in his hometown to everlastingly bear his name.

A lifelong resident of Richmond, Justice Powell is a graduate of Washington and Lee University, the university that I was privileged to attend, as well as my father. He graduated in 1903 from Washington and Lee. He attended Harvard Law School and entered the bar in 1931. Three years later, he joined the very venerable and highly respected law firm Hunton, Williams, Gay, Powell, and Gibson of Richmond, VA. It is recognized to be South's largest law firm.

In 1941 at the age of 34, Justice Powell heeded his Nation's call to arms, enlisting in the U.S. Army Air Corps. He served as an intelligence officer in the European and North African theaters, rising from the rank of lieutenant to colonel and earning the Legion of Merit, the Bronze Star, and the French Croix de Guerre with Palm.

Returning to the practice of law. he dedicated himself to improving the administration of the legal profession. Over the years he assumed a series of leadership positions in the organized bar, including presidencies of the American Bar Association from 1964 to 1965; the American Bar Foundation from 1969 to 1971; and the American College of Trial Lawyers from 1969 to 1971.

When he was his nominated to the High Court by then-President Nixon in 1971, Justice Powell was described by his friends and colleagues as the "quintesessential Southern gentleman"—kind, courteous, humble, respectful, persuasive, yet at all times polite. In a fitting tribute to the Justice's character and integrity those same words were chosen to honor his service when he retired from the Court in 1986. Fellow Justice O'Connor said that, "the humanizing influence of Justice Powell's courtesy and kindness is not an easy thing to measure, but for those of us who felt it, it will be impossible to forget."

Justice Powell brought more than a record of legal accomplishment in the field of corporate and securities law. His devotion to his civic endeavors provided him with the experiences which were frequently reflected in his Supreme Court career. Those experiences, along with his sincere concern for those seeking relief from hardship and injury before the Court, provide insight into Justice Powell's perception of the Court's role as an institution.

Justice Powell's reverence for the U.S. Constitution and respect for the decisions of the Supreme Court were demonstrated early in his career, during his tenure as chairman of the Richmond City School Board from 1952 to 1961. He was a voice of reason during turbulent times, working tirelessly to forge a consensus in the community which allowed for the peaceful integration of Richmond's public schools. His unfailing commitment to quality public school education and to ensuring a child's access to such education continued with his appointment as chairman of the Virginia Board of Education, as well as his 1968 appointment to the Commission on Constitution Revision. That commission was charged with modifying the Virginia Constitution for the first time since 1928.

His imprint on this undertaking was evident in the adoption of his amendment to the Virginia Constitution which stipulates that:

> Free government rests, as does all progress, upon the broadest possible diffusion of knowledge, and that the Commonwealth should avail itself of those talents which nature has shown so liberally among its people by assuring the opportunity for their fullest development by an effective system of education throughout the Commonwealth.

As President Johnson's appointee to the National Advisory Committee on Legal Services for the Poor, and also as president of the American Bar Association during the 1964–65 term, Justice Powell devoted the full force of his position and considerable reputation to remind the legal community of its duty in a democratic society: To work with the Government to provide free, accessible, quality, legal assistance to the indigent.

His commitment in this arena bore fruit in the Legal Services Program of the Office of Economic Opportunity, formalizing a partnership between the legal profession and the Federal Government. Justice Powell skillfully avoided politicizing the program and was successful in achieving the highest professional standards—the hallmark of the program today.

Reflecting back on his beliefs, Justice Powell maintained that:

> Our system depends on the rule of law, and lawyers are officers of the court. And the courts preserve only with the aid and assistance of lawyers the liberties and freedoms of our people.

Justice Powell is remembered as a centrist member of the Court, often providing the swing vote. These popular views, however, fail to recognize the depth of his commitment to his work. He brought vigor and energy to that work, spending 70 to 80 hours each week on cases before the Court and writing over 260 opinions plus an equal number of concurring and dissenting opinions—the third highest number written. In each opinion, he sought to develop a consensus, balancing the views of each side so that each side believed some success had been achieved in appearing before the Court.

If I may offer my own observations of Justice Powell's actions on the Court, he seemed deeply committed to developing opinions founded on the specific facts of each case, rather than seeking to establish some overarching ideological goal as policy. Further, he was not isolated from the impact his decisions would have on the parties involved in the cases before him. As former Clerk Richard H. Fallon, Jr., noted,

> When deeply entrenched principles war with each other, a Justice who seeks to preserve both, however precariously, perhaps bears the mark of a conservative. But if Justice Powell is a conservative, he is the wisest kind of conservative, in whom the intellectual and moral virtues are not disjoined from human understanding and compassion.

In perhaps his most publicized opinion, *Regents of University of California* v. *Bakke (1978)*, Justice Powell affirmed the validity of affirmative action programs while invalidating the narrow question before the Court of a medical school's admission policy based solely on race. This limited ruling served to support the principle of affirmative action as a means of addressing past practices of discrimination.

In several subsequent cases, the Court has affirmed the basic tenets of Bakke where Justice Powell wrote the following:

> If the petitioner's purpose is to assure within its student body some specified percentage of a particular group merely because of its race or ethnic origin, such a preferential purpose must be rejected not as insubstantial but as facially invalid. Preferring members of any one group for no reason other than race or ethnic origin is discrimination for its own sake. This the Constitution forbids.
>
> The fourth goal asserted by petitioner is the attainment of a diverse student body. This clearly is a constitutionally permissible goal for an institution of higher education. Academic freedom, though not a specifically enumerated constitutional right, long has been viewed as a special concern of the First Amendment. The freedom of a university to make its own judgments as to education includes the selection of its student body.
>
> The fatal flaw in petitioner's preferential program is its disregard of individual rights as guaranteed by the 14th Amendment. Such rights are not absolute. But when a state's distribution of benefits or imposition of burdens hinges on the color of a person's skin or ancestry, that individual is entitled to a demonstration that the challenged classification is necessary to promote a substantial state interest.

Madam President, perhaps the most succinct assessment of Justice Powell's character, integrity and persona was offered by Judge J. Harvie Wilkinson, Jr., who said,

> For those who seek a comprehensive vision of constitutional law, Justice Powell will not have provided it. For those who seek a perspective grounded in realism and leavened by decency, conscientious in detail and magnanimous in spirit, solicitous of personal dignity and protective of the public trust, there will never be a better Justice.

In naming the Federal courthouse after Justice Powell, we do more than simply recognize his keen intellect, his considerable powers of reason, and his contributions to American society. We also pay tribute to a great humanitarian who gave freely of his talents with endless compassion to improve the quality of life for all Americans.

We commemorate a man who took dreams of a better America and made them a reality.

Madam President, I join with many, many Virginians and my distinguished colleague, Mr. ROBB, in recommending to the Senate and eventually to the Congress of the United States, the courthouse in our State's capital be so named.

By Mr. DURENBERGER:

S. 598. A bill to amend the National Labor Relations Act to provide for expedited adjudication of unfair labor practice charges, and for other purposes; to the Committee on Labor and Human Resources.

JUSTICE FOR PERMANENTLY DISPLACED STRIKING WORKERS ACT OF 1993

Mr. DURENBERGER. Mr. President, I rise today to introduce a bill, the Justice for Permanently Displaced Striking Workers Act of 1993, that will expedite the adjudication of unfair labor practice charges at the National Labor Relations Board [NLRB or Board].

Mr. President, the current system that we have created for processing unfair labor practice claims is protracted, burdensome, untimely, and therefore fails to provide meaningful relief to parties involved in a labor dispute. The bill that I offer today addresses that problem and, in my view, goes a long way toward vindicating the rights of striking workers. This bill is similar to one that I introduced last year that we did not have time to consider before Congress adjourned. I am introducing this bill today because I believe that its passage is absolutely critical to the working men and women of this country.

THE RIGHT TO ENGAGE IN COLLECTIVE BARGAINING

I would like to take a moment to review with my colleagues some background on labor law and the manner in which unfair labor practice charges are processed by the NLRB.

Under the National Labor Relations Act [NLRA or act], employees have the right to join together for mutual aid and protection, which includes the right to engage in collective bargaining with their employer. The NLRA provides specific protections which allow employees to engage in collective bargaining, and also imposes upon employers a corresponding mutual obligation to bargain with their employees. Under section 8(a)(5) of the NLRA, it is an unfair labor practice for an employer to fail to bargain in good faith with the certified representative of its employees.

When employees go out on strike because of a dispute with their employer involving wages, hours, or terms and conditions of employment, the strike is termed an economic strike. In that case, employers have the right to remain open for business, utilizing permanent replacements if necessary. That has been the law since 1938.

However, employers are not allowed to permanently replace employees who strike in protest over an employer's unfair labor practice. Rather, upon receipt of an unconditional offer to return to work, employers must reinstate striking workers, or backpay liability begins to accrue from that point forward. Thus, Mr. President, current law protects union members from employers that intend to provoke a strike in order to bust a union. Employers can permanently replace economic strikers, but they cannot permanently replace unfair labor practice strikers.

The problem is that when union members file a charge with the NLRB claiming that an employer has committed an unfair labor practice, the Board takes much too long to vindicate their rights. What happens in real life is that employers replace workers, workers claim that they are engaged in an unfair labor practice strike, and then litigation begins before the

NLRB. Litigation can drag on for months, if not years. All that time, union members, working men and women, are left out on the streets. If the workers prevail, they are reinstated with backpay. But that victory is extremely hollow when it comes 2, 3, or even 4 years after the workers went out on strike.

I should note that the longer these cases drag on, the more expensive a potential backpay award becomes for employers. Too often, companies find themselves faced with the costly dilemma of continuing to do business with replacements, or hiring back striking workers.

It is often said that justice delayed is justice denied. That certainly holds true for those who face unreasonable delays before the NLRB. In order to fully understand the extent of the problem, we need to examine the process of adjudication before the Board.

NLRB PROCEDURE

Mr. President, the process begins when an employee files an unfair labor practice charge with one of 33 regional NLRB offices. That regional office investigates the charge and, if meritorious, issues a complaint.

[Charts not reproducible in the RECORD.]

As the chart indicates, the case either settles at this point, or the regional office litigates the case before an administrative law judge [ALJ]. The good news is that the vast majority of these cases settle without litigation and according to a recent report by the General Accounting Office [GAO], one-half of these cases were resolved without litigation in 50 days or less. See "National Labor Relations Board: Action Needed to Improve Case-Processing Time at Headquarters," GAO/HRD-91-29, January 1991, hereinafter "GAO Report."

But there is also bad news. The cases that do not settle at this point may drag on for a substantial period of time. For those unfair labor practice charges that are not settled, but instead are litigated before an ALJ, the median time to obtain a decision is nearly 1 year. "GAO Report," at 16. This is much too long for workers to wait when they are on strike and going without pay.

Unfortunately, the litigation process does not end here. Instead, it has just begun. Either party may appeal the ALJ's decision to the full National Labor Relations Board sitting in Washington, DC. And I think the American people know how efficient we are in Washington.

There are five NLRB members who usually sit in three-judge panels to decide cases. Each party files its brief for the panel to read, and the Board members review the briefs and issue their opinion. While this does not sound like a complicated process, too often it is a lengthy one.

The parties can appeal the Board's decision to the U.S. circuit court of appeals, as happened with about 13 percent of the cases in 1989, and then, if they so desire, they can appeal to the Supreme Court.

Although the courts have backlogs, that is a matter for another day. I have attempted to reduce our Federal court backlog by increasing the opportunity for alternative dispute resolution. For instance, during the floor debate on the family leave bill, I offered an amendment with my colleague from Iowa, Senator GRASSLEY, to encourage arbitration in order to enforce the rights created under that bill. I lost that battle, but I will continue to try to reduce the delays in our court system.

Mr. President, as I indicated, that is a matter for another day. Today I would like to focus this body's attention on the delays associated with the National Labor Relations Board.

Mr. President, the NLRB takes much too long to adjudicate unfair labor practice charges. Consider the following statistics compiled by the GAO:

In 1988, 30 percent of the ULP cases decided had been at the Board more than 2 years, and 15 percent had been at the Board for over 4 years.

In 1989, 21 percent of the ULP cases decided had been before the Board more than 2 years, and 10 percent had been there for over 4 years.

Mr. President, imagine if you were a striking union member whose case was pending at the NLRB. Having spent nearly 1 year litigating your case at the local level before an administrative law judge, you must wait another year, or 2, or even 4 years before you are reinstated to the job that is rightfully yours.

How can we expect the working men and women of America to wait that long without an answer? How can we expect union members to wait 4 years for the NLRB to vindicate their federally protected right to engage in collective bargaining and to strike? The answer is that we simply cannot make union workers wait that long for justice.

The statistics during the last decade are astonishing. I ask my colleagues to note that from 1984 to 1989:

The NLRB in Washington took more than 2 years to decide 20 percent of the cases appealed to it; and

The Board took anywhere from 3 to 7 years to decide 11 percent of those cases.

I think that anyone who sees the length of time that it takes for working men and women to receive justice from our system would recognize that our system needs to be changed. The NLRB needs to be more responsive to cases where unfair labor practice charges are filed and where permanent replacements have been hired. Otherwise, both workers and management will lose faith in the system.

According to the GAO, between 1984 and 1989, 26 percent of these cases took between 1 and 3 years to decide. That figure represents nearly 1,000 cases. One thousand cases. Hundreds of thousands of workers. Another 200 cases, or 5 percent of the cases, took the Board between 3 and 4 years to resolve. I believe that the American people and the working men and women of this country deserve better from their Government.

ACTION IS REQUIRED

Mr. President, after examining these timeframes, I think it is obvious that we cannot expect working men and women to file unfair labor practice charges, to be permanently replaced by the owners of their company, and then to wait sometimes 4 years for the NLRB to vindicate their rights. In my view, that does not seem reasonable at all.

To remedy this situation, I propose an expedited review procedure for the adjudication of unfair labor practice charges. This new process would provide an opportunity for administrative law judges and the NLRB in Washington, DC to engage in a meaningful review of each case, while at the same time ensuring that the system vindicates the rights of striking workers.

Under the Durenberger proposal, the expedited adjudication process would apply in cases where a collective bargaining agreement has expired, any party to a labor contract alleges that the other party has failed to engage in good faith bargaining as required by the National Labor Relations Act, and an employer has hired permanent replacements.

In this situation, the ALJ would be required to hold a hearing within 60 days after the Board's regional office files a complaint. After the hearing has been held and the parties have filed their briefs, the ALJ would have no more than 60 days to issue his or her opinion.

As we noted before, however, delay is not caused solely by the administrative law judges. In fact, most of the problem is at the Board level here in Washington. Accordingly, my proposal also would place time constraints on the NLRB.

After the ALJ has issued a decision, a party would have 30 days to file an appeal with the NLRB and the other party would have 15 days to file its brief in opposition to the appeal. Thereafter, the Board would have to issue a decision in the case within 90 days. That period could be extended 30 days if oral arguments were required.

I should also mention that under the provisions of this bill, the parties themselves may agree to extend these timetables.

If either an ALJ or the Board fails to comply with these requirements, the bill requires them to submit the reasons for the delay to the Senate Labor and Human Resources Committee and to publish such reasons in the Federal Register.

Mr. President, I do not like to place strict time requirements on Federal administrative agencies. In my view, Congress should not attempt to micromanage executive and independent agencies.

At the same time, however, I believe strongly that the American people have a right to demand that their Government be responsive to their needs. When union members go on strike, they should not be expected to wait 3 or 4 or 5 years for the Board to determine whether their employer has committed an unfair labor practice.

Mr. President, the system has let our people down. We must restore meaningful redress to our organized work force. I ask my colleagues to support my proposal for expedited review of unfair labor practices where a labor contract has expired and permanent replacements have been hired.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice for Permanently Displaced Striking Workers Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) when employers fail to bargain in good faith and hire permanent replacements, the National Labor Relations Board and its administrative law judges take too long to vindicate the rights of striking workers guaranteed under the National Labor Relations Act;

(2) undue delay in the adjudication of unfair labor practice charges during labor disputes where permanent replacements have been hired also unfairly prejudices employers by forcing them to pay striking workers unnecessarily large backpay awards if the National Labor Relations Board or an administrative law judge ultimately sustains an unfair labor practice charge and issues a reinstatement order; and

(3) the lack of timely adjudication of unfair labor practice charges in connection with labor disputes where permanent replacements have been utilized poses an obstacle to continued stable labor relations in the United States.

(b) PURPOSES.—It is the purpose of this Act—

(1) to provide for the expedited adjudication of unfair labor practice charges when permanent replacements have been hired; and

(2) to restore justice for striking workers exercising their legal rights secured under the National Labor Relations Act.

SEC. 3. FACILITATE ADJUDICATION OF UNFAIR LABOR PRACTICE CHARGES.

(a) PRIORITY OF CASES.—Section 10(m) of the National Labor Relations Act (29 U.S.C. 160(m)) is amended—

(1) by striking out "(a)(3) or (b)(2)" and inserting in lieu thereof "(a)(3), (a)(5), (b)(2), or (b)(3)"; and

(2) by adding at the end thereof the following new sentence: "In cases where a collective bargaining agreement has expired and a person alleges that a party to a collective bargaining agreement has failed to negotiate in good faith as required by the Act, and where permanent replacements have been hired, an expedited investigation and adjudication procedure shall be available as described in subsection (n).

(b) TIMETABLE FOR ADJUDICATION.—Section 10 of such Act (29 U.S.C. 160) is amended by adding at the end thereof the following new subsection:

"(n)(1) In cases described in the last sentence of subsection (m), administrative law judges shall have 60 days in which to hold a hearing after a complaint has been filed under this section. After such hearing has occurred and the parties have filed their briefs with respect to such, the administrative law judge involved shall have not more than 60 days to issue a decision with respect to such case.

"(2) A party in a case described in paragraph (1) shall have 30 days in which to file a brief with the Board containing exceptions to the decision of an administrative law judge under such paragraph. Other parties shall have 15 days in which to file their briefs in response to such exceptions.

"(3) The Board shall have 90 days after the date on which a brief has been filed under paragraph (1), to issue a decision in the case. Such period may be extended for an additional 30 days if an oral argument is scheduled.

"(4) By mutual agreement of the parties, the timetables contained in paragraphs (1) through (3) may be extended as agreed upon.

"(5) If the administrative law judge fails to meet any deadline contained in this subsection, the administrative law judge shall notify the parties, the National Labor Relations Board, and the Committee on Labor and Human Resources of the Senate and explain the reasons for the delay. The notification and reasons for the delay shall be submitted by the administrative law judge for publication in the Federal Register.

"(6) If the National Labor Relations Board fails to meet any deadline in this subsection, the Chairman of the National Labor Relations Board shall notify the Committee on Labor and Human Resources of the Senate and explain the reasons for the delay. The notification and reasons for the delay shall be submitted by the National Labor Relations Board for publication in the Federal Register.".

SEC. 4. EFFECTIVE DATE.

This Act shall become effective upon the date of enactment of this Act.

By Mr. GRASSLEY (for himself, Mr. DURENBERGER, Mr. SIMON, and Mr. CONRAD):

S. 599. A bill to amend the Internal Revenue Code of 1986 to provide a permanent extension for the issuance of first-time farmer bonds; to the Committee on Finance.

FIRST-TIME FARMER BONDS EXTENSION ACT

Mr. GRASSLEY. Mr. President, I rise today to reintroduce legislation to extend permanently the Federal tax exemption for agricultural private activity bonds. These Aggie bonds are part of a larger package of tax-exempt bonds that expired at the end of last June. Joining me in this effort are Senators DURENBERGER, SIMON, and CONRAD.

Aggie bonds are used to finance low-interest farm loans targeted to beginning farmers. The borrower must secure a participating private lender, who assumes all of the loan risk. Federal law limits use of the bonds for loans to first-time farm purchases and restricts them to a maximum of $250,000 per family per lifetime. State law may impose additional restrictions, such as net worth and residency requirements.

Unfortunately, State programs have been languishing since the tax-exempt status was lost, because the tax-exempt status is precisely what enabled the finance programs to issue low-interest loans to first-time farmers.

As we all know Mr. President, there has been a steady flow of people and income from rural to urban and suburban America, which has had a detrimental effect on the rural economy. Continuation of the Aggie Bond Program could be a real boon for rural development. The program addresses the one problem, stressed by the task force, on agricultural finance—that of accessible and affordable credit to beginning farmers.

To date, over 4,000 loans worth nearly $500 million have been processed through the Aggie Bond Program nationwide. In my State of Iowa, aggie bonds were first issued in 1981. Under Iowa's beginning farmer program, nearly 1,400 loans worth over $120 million have been approved and closed. Since the program expired, 159 new loans, worth nearly $19 million have been approved, but cannot be closed until the program is extended.

It is important to note that there is absolutely no financial risk to the Federal Government in this program and the cost is minimal.

I am very encouraged to see that the Clinton administration has expressed strong support for the program by including it as a small part of the new budget plan. It is one of the few bright spots in an otherwise dismal document.

I, therefore, urge my colleagues to join me and the cosponsors of this bill by supporting this effort to help America's beginning farmers.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FIRST-TIME FARMER BONDS EXTENDED PERMANENTLY.

(a) IN GENERAL.—Section 144(a)(12) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subparagraph:

"(D) FIRST-TIME FARMER BONDS.—Subparagraph (A) shall not apply to any bond issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide any land or property in accordance with section 147(c)(2).''

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 144(a)(12) of such Code is amended to read as follows:

''(B) BONDS ISSUED TO FINANCE MANUFACTURING FACILITIES.—In the case of any bond issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide any manufacturing facility, subparagraph (A) shall be applied by substituting 'June 30, 1992' for 'December 31, 1986'.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after June 30, 1992.

Mr. DURENBERGER. Mr. President, I rise today in support of Senator GRASSLEY's bill which would permanently extend the Federal tax exemption for agricultural private activity bonds—also known as aggie bonds.

Aggie bonds are essential if farm loans are to be made for the next generation of farmers. As America sees record numbers of farmers leaving the land and younger generations moving to the cities, the need for tax exempt aggie bonds is clear. Federal law constricts the use of the bonds for loans to first-time farm purchases and restricts them to a maximum of $250,000 per family per lifetime.

Since 1980, $450 million in aggie bonds have been used by more than 3,500 beginning farmers to purchase farmland, construct agricultural facilities, and acquire needed machinery. Without aggie bonds, many of these farmers would not have been able to enter farming or modernize their facilities. In a survey conducted by the National Council of State Agricultural Finance Programs in August of 1990, 77 percent of the recipients of aggie bond financing used the loans to make their first land purchase; and, 66 percent of the recipients said they could not have made the purchases in question if not for these loans.

Local lenders are the primary purchasers of aggie bonds and it is the local community that benefits from the beginning farmers that are funded by them. As farmers are established by this financing, the benefits of this program ripples out to the implement dealers, seed suppliers, and other services in rural economy. Tax exemption for aggie bonds is good public policy.

Mr. President, the transfer of our Nation's farms to a new generation is at a critical junction. In 1991, the average age of an American farmer was 53. Fewer young farmers want to stay on the farm and cost is the most glaring problem. Commodity prices simply have not kept pace with the increase in expenses.

Assistance is therefore needed to help these new farmers to stay on the farm. The Aggie Bond Program does this by reducing the interest expense to young farmers. This helps their bottom line and gives them incentive to remain on the farm.

The Aggie Bond Program works. I am proud to join Senator GRASSLEY in cosponsoring this bill and hope that the Senate will approve this exemption.

By Mr. BOREN (for himself, Mr. PACKWOOD, Mr. BAUCUS, Mr. DANFORTH, Mr. PRYOR, Mr. GRASSLEY, Mr. RIEGLE, Mr. DASCHLE, Mr. CONRAD, Mr. SARBANES, Mr. SIMON, Mr. THURMOND, Mr. INOUYE, Mr. LIEBERMAN, Mr. REID, Mr. BINGAMAN, Mr. LEVIN, Mr. HOLLINGS, Mr. BURNS, Mr. STEVENS, Mr. D'AMATO, Mr. HELMS, Mr. JEFFORDS, Mr. SASSER, Ms. MIKULSKI, Mr. KRUEGER, Mr. HEFLIN, Mr. LUGAR, Mr. SIMPSON, Mr. CAMPBELL, Mr. DODD, and Mr. WELLSTONE):

S. 600. A bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit; to the Committee on Finance.

TARGETED JOBS TAX CREDIT EXTENSION ACT

• Mr. BOREN. Mr. President, I am pleased to introduce with my colleague, Senator PACKWOOD, and 30 original cosponsors, legislation permanently extending the targeted jobs tax credit [TJTC]. Since its enactment 14 years ago, the TJTC has served America well. The credit encourages employers to hire structurally unemployed individuals who otherwise have few opportunities to join the work force because they lack job skills, work experience, or sufficient education. Each year the TJTC is responsible for turning approximately 500,000 individuals away from poverty and public assistance and toward productive self reliance.

The success of the TJTC stems from its design. The tax credit which employers receive against wages paid to eligible employees helps compensate for the additional training needed by these workers. Among those who benefit are welfare and general assistance recipients, economically disadvantaged youth, veterans, the disabled, certain ex-felons, and cooperative education students.

Employers are hesitant to hire these workers because they usually require training before they become fully productive. Perhaps due in part to this hesitancy, joblessness among the target groups is generally three to four times higher than among the general population. In times of high unemployment, the TJTC may represent the only hope for structurally unemployed. Event as the economy is beginning to rebound, unemployment rates remain unacceptably high.

The success of the TJTC in combating unemployment is clear. Since it was adopted, the tax credit has resulted in jobs for over 4 million structurally unemployed Americans. In 1991—the last full year the TJTC was in effect—there were 427,000 TJTC placements; nearly 5,500 of those jobs were located in my State of Oklahoma. I was not surprised, therefore, that President Clinton included a permanent extension of the TJTC in his plan to increase government and private investment to ensure real economic growth.

This bill expands the coverage of the TJTC in two ways. First, economically disadvantaged veterans are considered eligible workers. This change in the credit is particularly important as we downsize the defense sector of the economy; it helps ease the transition for some veterans as they transfer their skills to the private sector. Second, the bill extends the eligibility to 23- and 24-year-old economically disadvantaged youths. Even though these youths are often the heads of households, no other jobs program, such as JTPA or Job Corps, specifically targets this age group. Extending coverage to them would help their families escape the cycle of poverty and dependency.

This bill, like President Clinton's proposal and last year's comprehensive tax bill, would extend the TJTC permanently. Permanent extension is crucial to allow employers and organizations that place these workers to make long-range plans and to coordinate more effectively with other State and Federal job programs. Our current stop-and-start tax policy causes too much uncertainty for effective use of this important tax incentive. We must send a strong signal of our commitment to this important employment program.

This uncertainty is justified. The veto last year of the comprehensive tax bill allowed the TJTC and several other tax provisions to expire on June 30, 1992. Because several of us have indicated our strong support for retroactive extension of the credit, employers have continued to place eligible employees and to pursue outreach programs. Retroactive extension will cause few, if any, tax administration problems. Unlike individuals, most corporations do not file their tax returns until September 15. Those corporations that file before we pass legislation extending the credit can easily amend their forms. Finally, it is my understanding that States that use TJTC as a placement tool have continued to meet Federal processing requirements, and that the Department of Labor has been appropriated money to process documents so that a backlog can be avoided.

Mr. President, this legislation is vitally important to our commitment to foster sustained growth. I urge my colleagues to join with us in ensuring quick passage of this permanent extension of the targeted jobs tax credit. I also ask unanimous consent that a copy of the bill and a statement by Mr. PACKWOOD appear in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION AND MODIFICATION OF TARGETED JOB CREDIT.

(a) EXTENSION.—Paragraph (4) of section 51(c) of the Internal Revenue Code of 1986 (relating to termination) is hereby repealed.

(b) RESTORATION OF ECONOMICALLY DISADVANTAGED YOUTH STATUS TO INDIVIDUALS WHO HAVE NOT ATTAINED AGE 25.—

(1) IN GENERAL.—Subparagraph (B) of section 51(d)(3) of such Code is amended by striking "age 23" and inserting "age 25".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to individuals who begin work for the employer after June 30, 1992.

SEC. 2. CREDIT ELIGIBILITY FOR CERTAIN VETERANS.

(a) VETERANS DESIGNATED.—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 (relating to members of targeted groups) is amended by striking "or" at the end of subparagraph (I), by striking the period at the end of subparagraph (J) and inserting ", or", and by adding at the end thereof the following new subparagraph:

"(K) an economically disadvantaged veteran."

(b) ECONOMICALLY DISADVANTAGED VETERAN DEFINED.—Section 51(d) of such Code is amended by adding at the end thereof the following new paragraph:

"(17) VETERAN WHO IS A MEMBER OF AN ECONOMICALLY DISADVANTAGED FAMILY.—The term 'veteran who is a member of an economically disadvantaged family' means any individual who is certified by the designated local agency as—

"(A) having served in the active military, naval, or air services (other than active duty for training) of the United States,

"(B) having been discharged or released from such service under conditions other than dishonorable, and

"(C) being a member of an economically disadvantaged family (determined under paragraph (11))."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after June 30, 1993.•

• Mr. PACKWOOD. Mr. President, I am pleased to join my distinguished colleague from Oklahoma, Senator BOREN, in introducing a bill to make the targeted jobs tax credit a permanent provision in the Internal Revenue Code and to add economically disadvantaged military veterans and 23-24 year-old economically disadvantaged youths to the categories of employees eligible for the targeted jobs tax credit program.

The targeted jobs tax credit is the single most important program offering economically disadvantaged Americans who have little or no job history and/or a limited education an opportunity to learn new skills and take the first steps toward becoming productive citizens.

I know in my own State of Oregon this program has been successful. In 1990, nearly 6,000 individuals were employed because of the targeted jobs tax credit program, including 2,000 economically disadvantaged youths and more than 1,000 handicapped persons.

I am, however, concerned about the future of the targeted jobs tax credit program. During the past few years budget constraints have forced Congress to extend this program for only 1 year at a time. Last year, the program expired on June 30, 1992, without being renewed. Senator BOREN and I wrote the Secretary of Labor asking that Federal funds appropriated for States to use to administer the targeted jobs tax credit program continue to be used by the States to process eligible individuals in anticipation of the program being retroactively back to July 1, 1992. Just recently, I mentioned this matter again to Secretary Reich and am hopeful of a favorable outcome.

I urge all my colleagues to cosponsor this important piece of legislation. I believe that the targeted jobs tax credit program can achieve even greater success if the tax credit is made a permanent provision of the Internal Revenue Code. I hope my friends in Congress will make this a reality at the first possible opportunity.•

By Mr. INOUYE:

S. 601. A bill to require that imported fresh papayas meet all the requirements imposed on domestic fresh papayas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

IMPORTED PAPAYA REQUIREMENTS

Mr. INOUYE. Mr. President, I rise to introduce a bill to amend section 8e of the Agricultural Adjustment Act, hereafter referred to as the "Act," as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, to require that imports of Solo-type papaya meet all requirements imposed on domestic fresh Solo-type papaya.

Under section 8e, whenever any marketing order issued by the Secretary of Agriculture:

> * * * contains any terms of conditions regulating the grade, size, quality, or maturity of tomatoes, raisings, olives (other than Spanish-style green olives), prunes, avocados, mangoes, limes, grapefruit, green peppers, Irish potatoes, cucumbers, oranges, onions, walnuts, dates, filberts, or eggplants produced in the United States the importation into the United States of any such commodity * * * shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of such order or comparable restrictions promulgated hereunder

This bill would add Solo-type papayas to this list of imported commodities that must meet minimum quality standards of domestically produced fruits, vegetables, and specialty crops.

Solo-type papayas are currently marketed under the provisions of marketing order, 7 CFR part 928, as amended, regulating among other things grade, size, quality, and maturity. The purpose of this marketing order, as with other similar orders, is to protect the interests of our domestic consumers and provide them with high-quality commodities, whether the product is foreign or domestic. Oftentimes, however, the efforts of the domestic industries to market high-quality products are undercut by imports of a like commodity that is of inferior quality.

Since 1972, U.S. papaya growers have been fighting to get the equal treatment they deserve, but have been continually turned back by Congress under the pretext that such a measure would in effect be posing as a trade barrier against papaya exporting countries like the Dominican Republic and Mexico. Mr. President, all my bill does is guarantee equal treatment to both domestic and international producers.

Given the very remote possibility that my bill would pose a trade barrier, I note that the Congress has allowed for such an occurrence in the 1990 farm bill. I refer specifically to Public Law 101-624, section 1308 (7 U.S.C. 608e-1 (c) and (d)). This provision allows the Secretary of Agriculture to proceed with import quality regulations if in receipt of the U.S. Trade Representative's concurrence that the regulations are not inconsistent with U.S. obligations under any trade agreement.

In closing, Mr. President, I believe that the inclusion of Hawaii Solo-type papayas under section 8e of the act would result in higher quality produce for our Nation's consumers. The question here is not one of competition or protectionism, but rather of quality and taste. The bill I am introducing today would ensure that Solo-type papayas produced in foreign countries and marketed in the United States meet the same minimum quality standards of Solo-type papayas produced and marketed domestically.

I urge my colleagues to support this measure.

By Mr. BREAUX:

S. 602. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the Medicare Program for individuals with diabetes; to the Committee on Finance.

MEDICARE DIABETES OUTPATIENT SELF-MANAGEMENT TRAINING ACT OF 1993

• Mr. BREAUX. Mr. President, diabetes is the third leading cause of death from disease in the United States. Deaths accountable to diabetes or resulting complications number about 250,000 per year. Diabetes also results in about 12,000 new cases of blindness each year and greatly increases an individual's chance of heart disease or stroke.

The terrible irony, Mr. President, is that diabetes is largely a treatable condition. While there is no known cure, individuals who have diabetes can lead completely normal, active lives so long as they take proper care of themselves—inject themselves with insulin, stick to a proper diet, and get the proper exercise.

In order to take proper care of themselves, diabetics need to take self-maintenance educational programs—at least once when they are diagnosed with the disease and then periodically after that to keep up with the latest treatments and any changes in their own condition.

Appropriate preventive education services for diabetics have the potential to save a great deal of money that would otherwise go for hospitalizations and other acute care costs—not to mention a great deal of unnecessary pain and suffering. Studies by the American Diabetes Association and others have shown that the Medicare Program could save $2 to $3 for every $1 spent on diabetes education.

Medicare currently covers diabetes self-maintenance education services in inpatient or hospital-based settings and in limited outpatient settings—specifically hospital outpatient departments or rural health clinics. Medicare does not cover education services if they are given in any other outpatient setting, such as a doctor's office. Even the limited coverage of outpatient settings that is currently permitted under Medicare is subject to State-by-State variation according to fiscal intermediaries' interpretation.

Today I am reintroducing a bill that I introduced in the 102d Congress, the Medicare Outpatient Diabetes Self-Management Education Act. This legislation would provide Medicare coverage for outpatient education on a consistent basis throughout the country. The bill would extend Medicare coverage of outpatient programs beyond hospital-based programs and rural health clinics and direct the Secretary of Health and Human Services to do two things: First, to develop and implement payment amounts for outpatient diabetes education programs; and second, to adopt quality standards for outpatient education programs. Only qualified programs would be eligible to receive Medicare reimbursement.

This preventive measure is a sensible one that will show savings for the Medicare Program in the long run. I encourage my colleagues to join me in supporting its passage in this Congress. I ask unanimous consent that a copy of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Diabetes Outpatient Self-Management Training Act of 1993".

SEC. 2. MEDICARE COVERAGE OF DIABETES OUTPATIENT SELF-MANAGEMENT TRAINING SERVICES.

(a) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) by striking "and" at the end of subparagraph (O);

(2) by adding "and" at the end of subparagraph (P); and

(3) by adding at the end the following new subparagraph:

"(Q) diabetes outpatient self-management training services (as defined in subsection (ll)).".

(b) DEFINITION.—Section 1861 (42 U.S.C. 1395x) is amended—

(1) by redesignating the subsection (jj) added by section 4163(a)(2) of the Omnibus Budget Reconciliation Act of 1990 as subsection (kk); and

(2) by inserting after such subsection the following new subsection:

"Diabetes Outpatient Self-Management Training Services

"(ll)(1) The term 'diabetes outpatient self-management training services' means educational and training services furnished to an individual with diabetes by or under arrangements with a certified provider (as described in paragraph (2)(A)) if—

"(A) the services are furnished in an outpatient setting by an individual or entity meeting the quality standards described in paragraph (2)(B); and

"(B) the physician who is managing the individual's diabetic condition certifies that the services are needed under a comprehensive plan of care related to the individual's diabetic condition to provide the individual with necessary skills and knowledge (including skills related to the self-administration of injectable drugs) to participate in the management of the individual's condition.

"(2) In paragraph (1)—

"(A) a 'certified provider' is an individual or entity that, in addition to furnishing diabetes outpatient self-management training services, provides other items or services for which payment may be made under this title; and

"(B) an individual or entity meets the quality standards described in this paragraph if the individual or entity meets quality standards established by the Secretary, except that the individual or entity shall be deemed to have met such standards if the individual or entity meets applicable standards established by the National Diabetes Advisory Board or is certified by the American Diabetes Association as qualified to furnish the services.".

(c) CONSULTATION WITH ORGANIZATIONS IN ESTABLISHING PAYMENT AMOUNTS FOR SERVICES PROVIDED BY PHYSICIANS.—In establishing payment amounts under section 1848(a) of the Social Security Act for physicians' services consisting of diabetes outpatient self-management training services, the Secretary of Health and Human Services shall consult with appropriate organizations, including the American Diabetes Association, in determining the relative value for such services under section 1848(c)(2) of such Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 1994.•

By Mr. D'AMATO:

S. 603. A bill to provide for adherence with the MacBride Principles by U.S. persons doing business in Northern Ireland; to the Committee on Finance.

NORTHERN IRELAND FAIR EMPLOYMENT PRACTICES ACT

• Mr. D'AMATO. Mr. President, I rise today to offer the Northern Ireland Fair Employment Practices Act. This legislation seeks to deter efforts to use the workplace as an arena of discrimination in Northern Ireland.

The Northern Ireland Fair Employment Practices Act incorporates the MacBride Principles, which are modeled after the famous Sullivan Principles, one of the initial efforts to apply U.S. pressure to change the system of apartheid in South Africa. The MacBride Principles are named in honor of the late Sean MacBride, winner of the Nobel Peace Prize and cofounder of Amnesty International.

This amendment will enlist the cooperation of United States companies active in Northern Ireland in the campaign to force the end of discrimination in the workplace by:

First, eliminating religious discrimination in managerial, supervisory, administrative, clerical, and technical jobs and significantly increasing the representation in such jobs of individuals from underrepresented religious groups;

Second, providing adequate security for the protection of minority employees at the workplace;

Third, banning provocative sectarian and political emblems from the workplace;

Fourth, publicly advertising all job openings and undertaking special recruitment efforts to attract applicants from underrepresented religious groups, and establishing procedures to identify and recruit minority individuals with potential for further advancement, including managerial programs;

Fifth, establishing layoff, recall, and termination procedures which do not favor particular religious groupings;

Sixth, abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religious or ethnic origin;

Seventh, developing and expanding upon existing training and educational programs that will prepare substantial numbers of minority employees for managerial, supervisory, administrative, clerical, and technical jobs; and

Eighth, appointing a senior management staff member to oversee the U.S. company's compliance with the principles described above.

It is at the workplace in Northern Ireland, which can be used to either foster or eliminate discrimination, where improving the employment opportunities for the underprivileged will help factor out the economic causes of the current strife in Northern Ireland and, hopefully, begin the process toward a peaceful resolution of the so-called troubles.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Ireland Fair Employment Practices Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Overall unemployment in Northern Ireland exceeds 14 percent.

(2) Unemployment in some neighborhoods of Northern Ireland comprised of religious minorities has exceeded 70 percent.

(3) The British Government Fair Employment Commission (F.E.C.), formerly the Fair Employment Agency (F.E.A.), has consistently reported that a member of the minority community is two and one-half times more likely to be unemployed than a member of the majority community.

(4) The Industrial Development Organization for Northern Ireland lists twenty-five firms in Northern Ireland which are controlled by United States persons.

(5) The Investor Responsibility Research Center (IRRC), Washington, District of Columbia, lists forty-nine publicly held and nine privately held United States companies doing business in Northern Ireland.

(6) The religious minority population of Northern Ireland is frequently subject to discriminatory hiring practices by United States businesses which have resulted in a disproportionate number of minority individuals holding menial and low-paying jobs.

(7) The MacBride Principles are a nine point set of guidelines for fair employment in Northern Ireland which establishes a corporate code of conduct to promote equal access to regional employment but does not require disinvestment, quotas, or reverse discrimination.

SEC. 3. RESTRICTION ON IMPORTS.

An article from Northern Ireland may not be entered, or withdrawn from warehouse for consumption, in the customs territory of the United States unless there is presented at the time of entry to the customs officer concerned documentation indicating that the enterprise which manufactured or assembled such article was in compliance at the time of manufacture with the principles described in section 5.

SEC. 4. COMPLIANCE WITH FAIR EMPLOYMENT PRINCIPLES.

(a) COMPLIANCE.—Any United States person who—

(1) has a branch or office in Northern Ireland, or

(2) controls a corporation, partnership, or other enterprise in Northern Ireland,

in which more than twenty people are employed shall take the necessary steps to insure that, in operating such branch, office, corporation, partnership, or enterprise, those principles relating to employment practices set forth in section 5 are implemented and this Act is complied with.

(b) REPORT.—Each United States person referred to in subsection (a) shall submit to the Secretary—

(1) a detailed and fully documented annual report, signed under oath, on showing compliance with the provisions of this Act; and

(2) such other information as the Secretary determines is necessary.

SEC. 5. MACBRIDE PRINCIPLES.

The principles referred to in section 4, which are based on the MacBride Principles, are as follows:

(1) Eliminating religious discrimination in managerial, supervisory, administrative, clerical, and technical jobs and significantly increasing the representation in such jobs of individuals from underrepresented religious groups.

(2) Providing adequate security for the protection of minority employees at the workplace.

(3) Banning provocative sectarian and political emblems from the workplace.

(4) Advertising publicly all job openings and undertaking special recruitment efforts to attract applicants from underrepresented religious groups.

(5) Establishing layoff, recall, and termination procedures which do not favor particular religious groupings.

(6) Providing equal employment for all employees, including implementing equal and nondiscriminatory terms and conditions of employment for all employees, and abolishing job reservations, apprenticeship restrictions, and differential employment criteria, which discriminate on the basis of religion or ethnic origin.

(7) Developing training programs that will prepare substantial numbers of minority employees for managerial, supervisory, administrative, clerical, and technical jobs, including—

(A) expanding existing programs and forming new programs to train, upgrade, and improve the skills of all categories of minority employees;

(B) creating on-the-job training programs and facilities to assist minority employees to advance to higher paying jobs requiring greater skills; and

(C) establishing and expanding programs to enable minority employees to further their education and skills at recognized education facilities.

(8) Establishing procedures to assess, identify, and actively recruit minority individuals with potential for further advancement, and identifying those minority individuals who have high management potential and enrolling them in accelerated management programs.

(9) Appointing a senior management staff member to oversee the United States person's compliance with the principles described in this section.

SEC. 6. WAIVER OF PROVISIONS.

(a) WAIVER OF PROVISIONS.—In any case in which the President determines that compliance by a United States person with the provisions of this Act would harm the national security of the United States, the President may waive those provisions with respect to that United States person. The President shall publish in the Federal Register each waiver granted under this section and shall submit to the Congress a justification for granting each such waiver. Any such waiver shall become effective at the end of ninety days after the date on which the justification is submitted to the Congress unless the Congress, within that ninety-day period, adopts a joint resolution disapproving the waiver. In the computation of such ninety-day period, there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain or because of an adjournment of the Congress sine die.

(b) CONSIDERATION OF RESOLUTIONS.—

(1) Any resolution described in subsection (a) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(2) For the purpose of expediting the consideration and adoption of a resolution under subsection (a) in the House of Representatives, a motion to proceed to the consideration of such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

SEC. 7. DEFINITIONS AND PRESUMPTIONS.

(a) DEFINITIONS.—For the purpose of this Act—

(1) the term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern);

(2) the term "Secretary" means the Secretary of Commerce; and

(3) the term "Northern Ireland" includes the counties of Antrim, Armagh, Londonderry, Down, Tyrone, and Fermanagh.

(b) PRESUMPTION.—A United States person shall be presumed to control a corporation, partnership, or other enterprise in Northern Ireland if—

(1) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the corporation, partnership, or enterprise;

(2) the United States person beneficially owns or controls (whether directly or indirectly) 25 percent or more of the voting securities of the corporation, partnership, or enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(3) the corporation, partnership, or enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(4) a majority of the members of the board of directors of the corporation, partnership, or enterprise are also members of the comparable governing body of the United States person;

(5) the United States person has authority to appoint the majority of the members of the board of directors of the corporation, partnership, or enterprise; or

(6) the United States person has authority to appoint the chief operating officer of the corporation, partnership, or enterprise.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect six months after the date of enactment of this Act.●

By Mr. DOMENICI:

S. 604. A bill to provide for programs for the prosecution of driving while intoxicated charges to be included in the Edward Byrne Memorial State and Local Enforcement Assistance Program; to the Committee on the Judiciary.

S. 605. A bill to amend title 23, United States Code, to require the Secretary of Transportation to withhold certain funds from States that fail to deem a person driving with a blood alcohol concentration of 0.08 percent or greater to be driving while intoxicated, and for other purposes; to the Committee on Environment and Public Works.

LEGISLATION TO COMBAT DRUNK DRIVING

Mr. DOMENICI. Mr. President, I am pleased to introduce today legislation that will help our country address the continuing problem of suffering and financial losses due to accidents caused by drivers operating motor vehicles while under the influence of alcohol.

All of us are painfully aware of the psychological and physical costs and the fiscal implications which result from the carnage which we as a nation inflict upon ourselves each year on America's highways. Approximately 5 million of our constituents yearly are motor vehicle crash victims, costing employers 15 million days of lost time and $48.5 billion annually, according to some estimates. Drunk drivers are a major part of the problem. As a result, I am now introducing two bills which will make significant contributions to the attack on drunk driving throughout our country.

The first initiative amends the 1968 Omnibus Crime Control and Safe Streets Act by adding a 22d category of initiatives toward which States may apply formula grant money. The amendment will allow States to fund programs for the prosecution of driving-under-the-influence charges and for the enforcement of laws relating to alcohol use and the operation of motor vehicles.

The second bill will encourage States that have not yet done so to establish a .08 blood alcohol content level as the legal standard for intoxication. Five percent of formula highway funds would be withheld in the first year from States failing to adopt the standard; 10 percent in subsequent years. States adopting the .08 standard would immediately receive, without limitation on their uses, any funds then currently being withheld under this provision of law. For any State which continues to fail to pass the required standard, funds would be returned after being withheld for 3 years. In such cases, however, funds would be designated exclusively for drunk driving programs as approved by the Secretary of Transportation for uses including prevention, education, enforcement, and prosecution.

I hope that the Senate will consider this measure on an expeditious basis.

I ask unanimous consent that copies of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DRIVING WHILE INTOXICATED PROSECUTION PROGRAM.

Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(1) in paragraph (20) by striking out "and" at the end thereof;

(2) in paragraph (21) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(22) programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles.".

S. 605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drunk Driving Prevention Act of 1993".

SEC. 2. WITHHOLDING OF FUNDS FOR CERTAIN BLOOD ALCOHOL CONCENTRATIONS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 161. Withholding of funds for certain blood alcohol concentrations

"(a) WITHHOLDING OF FUNDS FOR NONCOMPLIANCE; STANDARD.—The Secretary shall withhold an amount (determined under subsection (b)) required to be apportioned to any State under each of paragraphs (1), (3), and (5) of section 104(b) that fails to provide that a person with a blood alcohol concentration of 0.08 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.

"(b) FORMULA FOR WITHHOLDING.—

"(1) FIRST YEAR.—The Secretary shall withhold 5 percent of the amounts to be apportioned to a State, as described in subsection (a), on the first day of the first fiscal year or on the first day of the first fiscal year after the expiration of the next regular session of the State legislature, whichever is later, in which the State is not in compliance with the standard described in subsection (a).

"(2) AFTER THE FIRST YEAR.—The Secretary shall withhold 10 percent of the amounts to be apportioned to a State, as described in subsection (a), on the first day of each fiscal year after the first fiscal year described in paragraph (1) in which the State is not in compliance with the standard described in subsection (a).

"(c) RELEASE OF AMOUNTS WITHHELD.—

"(1) STATES NOT ADOPTING STANDARD.—

"(A) IN GENERAL.—Subject to subparagraph (B), if the Secretary withholds funds from apportionment to a State under this section for a period in excess of 3 fiscal years, the Secretary shall release to the State the funds withheld from apportionment for the period exceeding 3 fiscal years.

"(B) USE OF CERTAIN RELEASED FUNDS.—Funds released to a State under subparagraph (A) may be used by the State only to carry out programs approved by the Administrator of the National Highway Traffic Safety Administration that prevent driving while intoxicated, including—

"(i) enforcement of laws designed to prevent or punish driving while intoxicated; and

"(ii) establishment of systems to maintain records of repeat offenders of laws designed to prevent or punish driving while intoxicated.

"(2) STATES ADOPTING STANDARD.—If the Secretary withholds funds from apportionment to a State under this section and the State subsequently provides that a person with a blood alcohol concentration of 0.08 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated, the Secretary shall release to the State the funds withheld from apportionment and not previously released under paragraph (1).

"(3) AVAILABILITY OF RELEASED FUNDS.—Funds released to a State under this subsection shall remain available until the end of the third fiscal year succeeding the fiscal year in which the funds are released. If funds are not expended by the end of the third fiscal year, the authority of the State to expend the funds shall expire.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"161. National standard for drunk driving prevention.".

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on October 1, 1994.

By Mr. HELMS:

S. 607. A bill to amend the Harmonized Schedule of the United States with respect to the tariff treatment of pharmaceutical grade phospholipids and soybean oil; to the Committee on Finance.

AMENDING THE TARIFF TREATMENT OF PHOSPHOLIPIDS AND SOYBEAN OIL

Mr. HELMS. Mr. President, I am today introducing legislation to restore the prior tariff duty rate for pharmaceutical-grade egg yolk phospholipid. Pharmaceutical-grade, FDA-approved egg yolk phospholipid is one of the main components of Intralipid, a unique intravenous fat product used as life support for sick or injured hospital patients who cannot assimilate food through their digestive tracts.

Mr. President, Intralipid is the main product of Kabi Pharmacia, a company located in Clayton, NC. More than 30 million units of Intralipid have been manufactured by Kabi in Clayton since 1979.

Kabi imports egg yolk phospholipid and pharmaceutical-grade soybean oil from its parent in Sweden to make Intralipid. It would not be economical for these products to be produced in the United States because of the unique manufacturing process needed to produce these high grade components.

In 1989 the U.S. Customs Service created a new classification category for all phospholipids. This new category unintentionally tripled the duty on this unique phospholipid used by Kabi to manufacture Intralipid.

The bill I am introducing today will restore this duty to its pre-HTS rate. It creates a subcategory for this type of phospholipid because of its uniqueness as a component of a product with therapeutic value.

Additionally, this legislation is intended to change the tariff treatment for pharmaceutical-grade soybean oil if the President reduces the rate of duty for pharmaceutical-grade products in the Uruguay round of GATT negotiations.

Mr. President, this reclassification is very important to the people of Clayton and my State. Kabi today employs 175 people in Clayton and does about $35 million in annual business, generating about $90 million in annual economic activity for the region.

By Mr. EXON:

S. 608. A bill entitled the "Armored Car Industry Reciprocity Act of 1993"; to the Committee on Commerce, Science, and Transportation.

ARMORED CAR INDUSTRY RECIPROCITY ACT

Mr. EXON. Mr. President, last year I was contacted by Joe Shea, the president of Rochester Armored Car Co. in Omaha, NE, about a serious problem which is facing America's armored car industry.

I am pleased to rise to introduce the Armored Car Industry Reciprocity Act to address this problem and help protect the security of goods, currency, and securities moving in interstate commerce. Virtually identical legislation unanimously passed the Senate Commerce Committee and the full Senate last year and Congresswoman CARDISS COLLINS is the sponsor of companion legislation in the House of Representatives.

America transports billions of dollars of cash, securities, food stamps, bullion, and other valuables by armored car. Without armored car transportation, interstate commerce would come to a grinding halt. This mode of transportation which is used extensively by Federal and State governments is absolutely vital to our Nation's economy.

The legislation I introduce today would address a problem which threatens to impede the efficient movement of valuables in interstate commerce. That problem occurs when States and localities have various rules relating to the licensing of weapons which are used by crews working on armored cars.

In recent years there have been several instances where armored cars moving in interstate commerce have been stopped and armed guards have been arrested or had their weapons confiscated by local authorities. These individuals were licensed to carry their weapons in their home States. Unfortunately, those permits were not honored in the arresting States.

The legislation I introduce today would grant reciprocity to qualified weapons licenses for armed guards working on armored cars. The legislation establishes minimum State standards for armored car crew weapons licenses. These standards will require criminal background checks, and annual classroom and range training. The legislation will not require States to adopt these minimum standards but will provide reciprocity for the licenses of those States which do so. Most States already meet these standards.

As chairman of the Senate Surface Transportation Subcommittee, I am pleased to introduce this legislation which will facilitate the safe and efficient transport of currency and valuables, improve law enforcement and gun safety. It is a commonsense proposal which has the support of Federal agencies and has not sparked any known opposition. I encourage my colleagues to review and support this important legislation.

I ask unanimous consent that the text of the Armored Car Industry Reciprocity Act be printed in full in the RECORD at the end of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Armored Car Industry Reciprocity Act of 1993."

SEC. 2. FINDINGS.

Congress finds that—

(1) the distributions of goods and services to consumers in the United States requires the free flow of currency, bullion, securities, food stamps, and other items of unusual value in interstate commerce;

(2) the armored car industry transports and protects such items in interstate commerce, including daily transportation of currency and food stamps valued at more than $1,000,000,000;

(3) armored car crew members are often subject to armed attack by individuals attempting to steal such items;

(4) to protect themselves and the items they transport, such crew members are armed with weapons;

(5) various States require both weapons' training and a criminal record background check before licensing a crew member to carry a weapon; and

(6) there is a need for each State to reciprocally accept weapons' licenses of other States for armored car crew members to assure the free and safe transport of valuable items in interstate commerce.

SEC. 3. STATE RECIPROCITY OF WEAPONS' LICENSES ISSUED TO ARMORED CAR COMPANY CREW MEMBERS.

(a) IN GENERAL.—If an armored car crew member employed by an armored car company has in effect a license issued by the appropriate State agency (in the State in which such member is primarily employed by such company) to carry a weapon while acting in the services of such company in that State, and such State agency meets the minimum State requirements under subsection (b), then such crew member shall be entitled to lawfully carry any weapon to which such license relates in any State while such crew member is acting in the service of such company.

(b) MINIMUM STATE REQUIREMENTS.—A State agency meets the minimum State requirements of this subsection if in issuing a weapon's license to an armored car crew member described in subsection (a), the agency requires the crew member to provide information on an annual basis to the satisfaction of the agency that the crew member—

(1) has received classroom and range training in weapon's safety and marksmanship during the current year by a qualified instructor for each weapon that the crew member is licensed to carry; and

(2) the receipt or possession of a weapon by the crew member would not violate Federal law, determined on the basis of a criminal record background check conducted during the current year.

SEC. 4. RELATION TO OTHER LAWS.

This Act shall supersede any provision of State law (or any subdivision thereof) that is inconsistent with this Act.

SEC. 5. DEFINITIONS.

As used in this Act:

(1) The term "armored car crew member" means an individual who provides protection for goods transported by an armored car company.

(2) The term "armored car company" means a company—

(A) subject to regulation under subchapter II of chapter 105 of title 49, United State Code; and

(B) holding the appropriated certificate, permit, or license issued under subchapter II of chapter 109 of such title, in order to engage in the business of transporting and protecting currency, bullion, securities, precious metals, food stamps, and other articles of unusual value in interstate commerce.

By Mr. HARKIN (for himself, Mr. BRADLEY, and Mr. BINGAMAN):

S. 609. A bill to amend the Internal Revenue Code of 1986 to limit deductions for advertising and promotional expenses for tobacco products, and to use the resulting revenues for advertising expenditures to persuade individuals not to use tobacco products and for other purposes; to the Committee on Finance.

TOBACCO ADVERTISING LEGISLATION

• Mr. HARKIN. Mr. President, I rise today to introduce an important piece of legislation that addresses a very serious problem in a moderate commonsense way. I am very pleased to be joined today in introducing this legislation by my colleagues, Senator BILL BRADLEY and Senator JEFF BINGAMAN. I am also very pleased that our legislation enjoys the support of a broad coalition of groups representing children, public health, medicine, nursing, consumers, Hispanic Americans, and the religious community.

Mr. President, as you might remember, last fall the cosponsors of this legislation joined me in offering an amendment to the tax bill to lower the tax deductibility of tobacco advertising from 100 to 80 percent. It didn't pass—we got 38 votes. Because it didn't pass, the American taxpayer is still coughing up about $1 billion a year as a silent partner in subsidies to promote smoking.

The legislation we are introducing today is similar to the amendment we offered last year. It would cut in half the taxpayer subsidy of tobacco promotion and will use 40 percent of the resulting revenues to finance a program of counter/advertising aimed at lowering the incidence of smoking, especially among children, women and minorities. According to preliminary estimates from the Joint Tax Committee our bill would raise $1.9 billion in revenue over the next 5 years. Of that, $764 million would go to counteradvertising; $1.2 billion would be dedicated to reducing the Federal budget deficit.

So, in essence what our legislation is about is smarter spending. It takes taxpayer money that is now directed at increasing hazardous and costly activities and directs it to decreasing hazardous and costly activities and improving health. Our amendment would save lives, increase productivity and lower health care costs, without spending a nickel more of the taxpayers' money.

Mr. President, the case for our legislation couldn't be clearer. The U.S. tobacco industry spent roughly $4 billion in 1990 promoting its products. This taxpayer-subsidized multi-billion dollar effort includes ads in magazines and newspapers, billboards and other outside advertising, advertising at supermarkets and convenience stores, use of noncigarette specialty item gifts, and sponsorship of promotional events. And it is designed to convince people that smoking is necessary for social acceptance, that it makes one attractive to the opposite sex, and that it enhances self-image. It is designed to keep people smoking, but more importantly, to attract a new generation of smokers.

Mr. President, while smoking is particularly harmful to America's children and youth, it takes a tremendous toll on our Nation as a whole. This one single activity drains over $72 billion a year from our economy in health care costs and lost productivity—$72 billion a year. In terms of increased Government health care costs alone, 1990 estimates were that smoking added $4.2 billion to Medicare and Medicaid, $210 million in medical costs to the Defense Department and $400 million in medical costs to the Veterans' Administration. The costs today are undoubtedly higher.

Smoking's human toll is even greater. It is the single largest preventable cause of death and disease in America. As former Surgeon General C. Everett Koop said, "Smoking is associated with more death and illness than drugs, alcohol, automobile accidents and AIDS combined."

The latest figures from the U.S. Public Health Service tell us that 434,000 Americans will die from cigarette smoking this year. That is more than the number of Americans who died in all of World War II. Over 1,000 Americans will die today from smoking. That is more than the equivalent of two fully loaded jumbo jets crashing with no survivors—every day.

The medical data on the health effects from smoking are well established. Since 1964, when the first Surgeon General's Report on Smoking and Health was first issued, some 50,000 scientific studies on the relationship between smoking and disease have been conducted. Smoking has been shown to be a major cause of heart disease; chronic bronchitis and emphysema; cancers of the lung, larynx, mouth, esophagus, pancreas, and bladder; and pneumonia and stomach ulcers.

As this chart indicates, smoking is responsible for 87 percent of all lung cancer deaths, 82 percent of all chronic lung disease deaths, 40 percent of all heart disease deaths before age 65, 33 percent of all cancer deaths, 21 percent of total heart disease deaths, 18 percent of deaths caused by strokes, and 10 percent of all infant deaths.

Mr. President, at a time when we are working to improve our Nation's efforts in the area of women's health—after decades of serious neglect—it is appropriate to take at least a quick look at the impact smoking and the taxpayer subsidized promotion of smoking has on women's health. In 1986, lung cancer surpassed breast cancer as the leading cancer killer among women. This year, over 50,000 women will die from lung cancer, 75 percent as a result of smoking. And the rates of lung cancer among women continue to grow.

In addition, a number of recent studies have made other disturbing findings. A recent article in the New England Journal of Medicine showed that women who smoke are more than 3 times more likely to have a heart attack than those who have never smoked. Several studies have shown connections between smoking and uterine and cervical cancer. We also know that smoking promotes osteoporosis in older women.

Smoking by women also directly impacts children. More than 900,000 American babies—nearly ¼—will be born this year to mothers who smoke. And the results are dramatic. Cigarette smoking during pregnancy accounts for 20–30 percent of low-birth weight babies, 14 percent of preterm deliveries, and about 10 percent of all infant deaths. And the EPA now estimates that children's exposure to environmental tobacco smoke—much of it from mothers and fathers who smoke—results in up to 300,000 lower respiratory infections a year, up to 15,000 hospitalizations for these infections a year, and up to 1 million attacks of asthma and 26,000 new cases of asthma a year.

Another group of Americans especially hard hit by tobacco use and its promotion are African-Americans and other minorities. Mr. President, smoking rates are much higher among African-Americans than whites, especially African-American men. And, again, the results are dramatic. African-Americans are 20 percent more likely than whites to die of diseases attributable to smoking. Compared with white men, African-American men are 45 percent more likely to die of respiratory system cancers, 25 percent more likely to die of heart disease, and 90 percent more likely to die of stroke.

Mr. President, today Senator BRADLEY and I held a press conference to announce the reintroduction of our bill, but we also wanted to shine a public spotlight on the latest, and I believe, most egregious tobacco marketing scheme the American taxpayers are subsidizing. Since we offered our amendment last fall, the tobacco companies and their slick promoters have come up with a new gimmick that is sure to entice more of our children to smoke. They have started what I call merchandising clubs in which you can get cash to buy all sorts of gifts simply by buying cigarettes. Let me show you what your tax dollars are paying for.

First, let's say hello again to our friend Old Joe Camel. You may recognize him—if not, just ask any 6-year-old. According to a recent study published in the Journal of the American Medical Association, more 6-year-olds can identify Old Joe Camels than adults. In fact, just as many can identify Old Joe Camel as they can Mickey Mouse. And his name recognition has really paid off—in the 3 years since the introduction of Old Joe sales of Camel cigarettes to children under 18 went from $6 million to $476 million a year. Well now he has the Camel Cash Catalog. I got a copy of the catalog in Rolling Stone magazine. But if you missed it there, you could have picked it up at nearly any store. In fact, there were plenty available right here at the Senate shop.

The catalog says if you're smooth enough, and you have 175 C–notes from smoking 3,500 Camel cigarettes, you can get this nice Joe's Fish and Game Club camouflage thermos. At around $1.90 a pack, that's $332.50. It is a nice thermos and it does look strikingly familiar to G.I. Joe. For those with a little less Camel Cash, you can get this cigarette lighter. For that you only have to smoke 400 cigarettes.

And for those young women who can't afford the higher end of trendy youth fashion, you can now get them courtesy of Virginia Slims. They just came out with a "fashion collection with a streetwise attitude." For 225 UCP's you can get a top of the line leather backpack. It looks like the kind kids carry their high school books in. All you have to do is smoke 4,500 Virginia Slims cigarettes and send in your proof of purchase seals to get it. At $1.90 a pack, that's $427.50 worth of cigarettes.

And not to be outdone, Marlboro is launching the Marlboro Adventure Team. Some reports indicate that Philip Morris plans on spending $200 million on this campaign. When you join the Adventure Team, you get 5 miles for every pack of Marlboros you smoke. If you go the distance, you can get the miles and the gear made for adventure. For just 400 miles, or 1,600 cigarettes, you can get this Marlboro team bag and water bottle.

Mr. President, these campaigns are outrageous. And while they deny it, they are obviously geared toward children and youths. Most of these items that you can get are clearly things that would most interest young people. I believe these campaigns also violate the industry's own cigarette advertising code. Their own code says that "cigarette advertising shall not represent that cigarette smoking is essential to social prominence, distinction, success or sexual attraction." It also says that "cigarette advertising shall not depict as a smoker any person participating in, or obviously having just participated in, physical activity requiring stamina or athletic conditioning, beyond that of normal recreation." How does that square with the Marlboro Adventure Team? We are here today to say to the tobacco companies, live by your own inadequate code and withdraw these campaigns now.

Mr. President, these merchandising clubs make a great case for our legislation. They are all part of the over $10 million a day, $4 billion a year that tobacco companies put into pushing their product. And you and I are helping to foot the bill because it's all tax deductible. At a time when the Government is spending $114 million a year to stop smoking, American taxpayers are providing a $1 billion subsidy to promote smoking.

So, Mr. President, I urge my colleagues to support our modest proposal. I will be seeking to get action on this proposal at the earliest possible opportunity. It makes sense. It will improve health, save health care costs, and reduce the Federal deficit. Every day we fail to act, another 3,000 of our children start smoking. Every day we fail to act another 1,200 people die of smoking-related illness. And every day we fail to act over $200 million in decreased productivity and increased health care costs is lost to our economy due to smoking.

Mr. President, I want to take this time to give special thanks to groups that are providing strong support for this legislation and have provided me help in putting this all together. The Coalition on Smoking or Health, which is headed by the American Cancer Society, the American Heart Association, and the American Lung Association, includes a broad coalition of organizations concerned about smoking. They have been of great help. Also, DOC [Doctors Ought To Care] provided me with excellent material and information and provides critical advice and assistance. In addition, the National PTA, the American Nurses Association, Action on Smoking and Health, the American Academy of Pediatrics, the American Medical Association, and COSSMHO, the National Coalition of Hispanic Health and Human Services Organizations, all have been very helpful to our effort and attended our press conference today.

I ask unanimous consent that a copy of the legislation appear at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADVERTISING AND PROMOTIONAL EXPENSES RELATING TO TOBACCO PRODUCT USE.

(a) LIMITATION ON DEDUCTION.—

(1) IN GENERAL.—Part IX of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1986 (relating to items not deductible) is amended by adding at the end thereof the following new section:

"SEC. 280I. LIMITATION ON DEDUCTION FOR TOBACCO ADVERTISING AND PROMOTIONAL EXPENSES.

The amount allowable as a deduction under this chapter for expenses relating to advertising or promoting cigars, cigarettes, smokeless tobacco, pipe tobacco, or any similar tobacco product shall not exceed 50 percent of the amount of such expenses which would (but for this section) be allowable as a deduction under this chapter. For purposes of this section, any term used in this section which is also used in section 5702 shall have the same meaning given such term by section 5702."

(2) CONFORMING AMENDMENT.—The table of sections for such part IX is amended by adding after the item relating to section 280H the following new item:

"Sec. 280I. Limitation on deduction for tobacco advertising and promotion expenses."

(b) ESTABLISHMENT OF TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9512. TRUST FUND TO REDUCE TOBACCO USE.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Trust Fund to Reduce Tobacco Use' (hereafter referred to in this section as the 'Trust Fund'),; consisting of such amounts as may be appropriated or transferred to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—The Secretary shall transfer to the Trust Fund an amount equivalent to 40 percent of the net increase in revenues received in the Treasury attributable to section 280I, as estimated by the Secretary.

"(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—

"(1) IN GENERAL.—The amounts in the Trust Fund shall be available in each fiscal year, as provided by appropriation Acts, to the Secretary to distribute to each State based upon such State's population in relation to the population of all the States, as determined by using the most recent decennial census data.

"(2) USE OF DISTRIBUTIONS.—Each State, through its agency responsible for public health, may use its distribution to fund advertising programs designed to persuade individuals (especially children, pregnant women, and minorities) not to use cigars, cigarettes, smokeless tobacco, pipe tobacco, or any similar tobacco product. For purposes of this paragraph, any term used in this paragraph which is also used in section 5702 shall have the same meaning given such term by section 5702.

"(3) LIMITATION ON ADMINISTRATIVE COSTS.—Each State may use not more than 3 percent of the amount described in paragraph (2) for administrative expenses."

(2) CONFORMING AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end thereof the following new item:

"Sec. 9512. Trust Fund to Reduce Tobacco Use."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1993.●

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. HOLLINGS, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 4, a bill to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes.

S. 70

At the request of Mr. COCHRAN, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 207

At the request of Mr. LOTT, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 207, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 342

At the request of Mr. BOREN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to encourage investment in real estate and for other purposes.

S. 368

At the request of Mr. BUMPERS, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 368, a bill to amend the Internal Revenue Code of 1986 to provide a capital gains tax differential for individual and corporate taxpayers who make high-risk, long-term, growth-oriented venture and seed capital investments in startup and other small enterprises.

At the request of Mr. BUMPERS, the name of the Senator from Montana [Mr. BURNS] was withdrawn as a cosponsor of S. 368, supra.

S. 468

At the request of Mr. THURMOND, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 468, a bill to amend provisions of title 18, United States Code, relating to terms of imprisonment and supervised release following revocation of a term of probation or supervised release.

S. 470

At the request of Mrs. BOXER, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 470, a bill to amend chapter 41 of title 18, United States Code, to punish stalking.

S. 477

At the request of Mr. FEINGOLD, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 477, a bill to eliminate the price support program for wool and mohair, and for other purposes.

S. 503

At the request of Mr. D'AMATO, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 503, a bill to amend the Immigration and Nationality Act to provide that members of Hamas—commonly known as the Islamic Resistance Movement—be considered to be engaged in a terrorist activity and ineligible to receive visas and excluded from admission into the United States.

SENATE JOINT RESOLUTION 53

At the request of Mr. HATCH, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 53, a joint resolution designating March 1993 and March 1994 both as "Women's History Month."

SENATE RESOLUTION 13

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of Senate Resolution 13, a resolution to amend the rules of the Senate to improve legislative efficiency, and for other purposes.

SENATE RESOLUTION 35

At the request of Mr. LAUTENBERG, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of Senate Resolution 35, a resolution expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia.

SENATE RESOLUTION 64

At the request of Mr. LUGAR, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Resolution 64, a resolution expressing the sense of the Senate that increasing the effective rate of taxation by lowering the estate tax exemption would devastate homeowners, farmers, and small business owners, further hindering the creation of jobs and economic growth.

SENATE RESOLUTION 68

At the request of Mr. D'AMATO, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Resolution 68, a resolution urging the President of the United States to seek an international oil embargo through the United Nations against Libya because of its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombing of Pan Am Flight 103.

AMENDMENT NO. 111

At the request of Mr. HELMS the names of the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Georgia [Mr. COVERDELL], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Texas [Mr. GRAMM], the Senator from New Hampshire [Mr. GREGG], the Senator from Utah [Mr. HATCH], the Senator from Mississippi [Mr. LOTT], the Senator from Florida [Mr. MACK], the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. WALLOP], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of amendment No. 111 proposed to S. 460, an original bill to establish national voter registration procedures for Federal elections, and for other purposes.

AMENDMENT NO. 112

At the request of Mr. THURMOND his name was added as a cosponsor of amendment No. 112 proposed to S. 460, an original bill to establish national voter registration procedures for Federal elections, and for other purposes.

AMENDMENT NO. 126

At the request of Mr. SIMPSON the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Virginia [Mr. WARNER], the Senator from North Carolina [Mr. HELMS], the Senator from New Hampshire [Mr. SMITH], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of amendment No. 126 intended to be proposed to S. 460, an original bill to establish national voter registration procedures for Federal elections, and for other purposes.

AMENDMENT NO. 127

At the request of Mr. SIMPSON the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from New York [Mr. D'AMATO], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of amendment No. 127 proposed to S. 460, an original bill to establish national voter registration procedures for Federal elections, and for other purposes.

AMENDMENT NO. 128

At the request of Mr. SIMPSON the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from New York [Mr. D'AMATO], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of amendment No. 128 proposed to S. 460, an original bill to establish national voter registration procedures for Federal elections, and for other purposes.

AMENDMENT NO. 129

At the request of Mr. SIMPSON the names of the Senator from New York [Mr. D'AMATO], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of amendment No. 129 proposed to S. 460, an original bill to establish national voter registration procedures for Federal elections, and for other purposes.

AMENDMENTS SUBMITTED

NATIONAL VOTER REGISTRATION ACT

BROWN AMENDMENT NOS. 157 THROUGH 161

(Ordered to lie on the table.)

Mr. BROWN submitted five amendments intended to be proposed by him to the bill (S. 460), to establish national voter registration procedures for Federal elections, and for other purposes, as follows:

AMENDMENT NO. 157

On page 2, strike line 23 and all that follows through the end of the bill and insert the following:

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) NONAPPLICABILITY TO CERTAIN STATES.—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office in a year in which an election for the office of President is held.".

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) LIMITATION ON USE OF INFORMATION.—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 6. MAIL REGISTRATION.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) UNDELIVERED NOTICES.—If a notice described in section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the name of the applicant may be removed from the official list of eligible voters in accordance with section 8(d).

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with

an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) Federal Government and Private Sector Cooperation.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) Transmittal Deadline.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(d) Armed Forces Recruitment Offices.—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) In General.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) Confirmation of Voter Registration.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) Voter Removal Programs.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) Removal of Names From Voting Rolls.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless—

(A) the registrant confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered;

(B) the registrant—

(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice; or

(C) the address given by the registrant at the time of registration is affirmatively determined on the basis of credible evidence, after affording the registrant an opportunity to rebut the evidence, not to be his or her place of residence.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) Procedure for Voting Following Failure To Return Card.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon the registrant's making a sworn written statement of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon making a sworn written statement of the new address witnessed by an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon the registrant's making a sworn written statement, witnessed by an election official, of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon the registrant's making a sworn written statement of the new address witnessed by an election official.

(B) If State law permits the registrant to vote in the current election upon the registrant's making a sworn written statement of the new address, witnessed by an election official, at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon the registrant's making a sworn written statement, witnessed by an election official at that polling place, that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.".

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)–(h) and (j)–(k) of this title," and inserting in lieu thereof "3626(a)–(h), 3626(j)–(k), and 3629 of this title".

(3) Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title," and inserting in lieu thereof "3626, or 3629 of this title".

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for voter registration purposes.".

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

AMENDMENT NO. 158

At the appropriate place insert the following:

SEC. . REMOVAL OF NAMES FROM VOTER LISTS.

Setion (8)(d)(1)(B) shall be deemed to read as follows:

(B)(i) has failed to respond to a notice described in paragraph (2); or

(ii) is shown to have given an address at the time of registration that is affirmatively determined on the basis of credible evidence, after affording the registrant an opportunity to rebut the evidence, not to be his or her place of residence.

AMENDMENT NO. 159

Strike section (8)(d)(1)(B) and insert the following:

SEC. . REMOVAL OF NAMES FROM VOTERS LISTS.

(B)(i) has failed to respond to a notice described in paragraph (2); or

(ii) is shown to have given an address at the time of registration that is affirmatively determined on the basis of credible evidence, after affording the registrant an opportunity to rebut the evidence, not to be his or her place of residence.

AMENDMENT NO. 160

Strike section 8(e) and insert the following:

SEC. . REQUIREMENT OF SWORN STATEMENTS VERIFYING RESIDENCE IN THE PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN A NOTICE UNDER SECTION 8(d).

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon the registrant's making a sworn written statement of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon making a sworn written statement of the new address witnessed by an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon the registrant's making a sworn written statement, witnessed by an election official, of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon the registrant's making a sworn written statement of the new address witnessed by an election official.

(B) If State law permits the registrant to vote in the current election upon the registrant's making a sworn written statement of the new address, witnessed by an election official, at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon the registrant's making a sworn written statement, witnessed by an election official at that polling place, that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

AMENDMENT NO. 161

At the appropriate place, insert the following:

SEC. . REQUIREMENT OF SWORN STATEMENTS VERIFYING RESIDENCE IN THE PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN A NOTICE UNDER SECTION 8(d).

Section 8(e) shall be deemed to read as follows:

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon the registrant's making a sworn written statement of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon making a sworn written statement of the new address witnessed by an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon the registrant's making a sworn written statement, witnessed by an election official, of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon the registrant's making a sworn written statement of the new address witnessed by an election official.

(B) If State law permits the registrant to vote in the current election upon the registrant's making a sworn written statement of the new address, witnessed by an election official, at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon the registrant's making a sworn written statement, witnessed by an election official at that polling place, that the registrant continues to reside at the address previously make known to the registrar, be permitted to vote at that polling place.

FORD AMENDMENT NOS. 162 AND 163

(Ordered to lie on the table.)

Mr. FORD submitted two amendments intended to be proposed by him to the bill (S. 460), supra, as follows:

AMENDMENT NO. 162

At the appropriate place insert the following:

Any provision of this Act to the contrary notwithstanding, if State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address, at the polling place described in section 8(e)(2)(A)(i), or at a central location as described in section 8(e)(2)(A)(ii)(I), or at a polling place described in section 8(e)(2)(A)(ii)(II), voting at the other locations described in section 8(e)(2)(A) need not be provided as options.

AMENDMENT NO. 163

On page 2, strike all after line 11 and insert the following:

(4) It is the duty of Federal, State, and local government to facilitate the opportunity for citizens to register to vote to the greatest extent practicable.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who

register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) NONAPPLICABILITY TO CERTAIN STATES.—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office in a year in which an election for the office of President is held.".

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) LIMITATION ON USE OF INFORMATION.—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 6. MAIL REGISTRATION.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) UNDELIVERED NOTICES.—If a notice described in section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the name of the applicant may be removed from the official list of eligible voters in accordance with section 8(d).

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State may designate agencies for the registration of voters in elections for Federal office.

(2) Each State may designate as voter registration agencies—

(A) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) Federal Government and Private Sector Cooperation.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) Transmittal Deadline.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(d) Armed Forces Recruitment Offices.—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) In General.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) Confirmation of Voter Registration.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) Voter Removal Programs.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) Removal of Names From Voting Rolls.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of

residence information obtained in conformance with this subsection.

(e) Procedure for Voting Following Failure To Return Card.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) Change of Voting Address Within a Jurisdiction.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) Conviction in Federal Court.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) Reduced Postal Rates.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.".

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)–(h) and (j)–(k) of this title," and inserting in lieu thereof "3626(a)–(h), 3626(j)–(k), and 3629 of this title".

(3) Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title," and inserting in lieu thereof "3626, or 3629 of this title".

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for voter registration purposes.".

(i) Public Disclosure of Voter Registration Activities.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) Definition.—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) In General.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) Contents of Mail Voter Registration Form.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) Attorney General.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) Private Right of Action.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) Attorney's Fees.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) Relation to Other Laws.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

McCONNELL AMENDMENTS NOS. 164 THROUGH 172

(Ordered to lie on the table.)

Mr. McConnell submitted nine amendments intended to be proposed by him to the bill (S. 460), supra, as follows:

Amendment No. 164

Strike all that follows after the enacting clause through the end of the bill and insert the following:

This Act may be cited as the "National Voter Registration Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) the right of citizens of the United States to vote is a fundamental right;

(2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and

(3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) Purposes.—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) In General.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal Office—

(1) by application made simultaneously with and application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) Nonapplicability to Certain States.—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office in a year in which an election for the office of President is held.

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) In General.—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) Limitation on Use of Information.—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) Forms and Procedures.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 6. MAIL REGISTRATION.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) UNDELIVERED NOTICES.—If a notice described in section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the name of the applicant may be removed from the official list of eligible voters in accordance with section 8(d).

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities;

(ii) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(iii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(d) REGISTRATION AT ARMED FORCES RECRUITMENT OFFICES.—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures to register persons to vote at recruitment offices of the Armed Forces of the United States. (2) Such offices shall be subject to same requirements as agencies designed in part (a)(2).

SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) IN GENERAL.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of

ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) CONFIRMATION OF VOTER REGISTRATION.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) VOTER REMOVAL PROGRAMS.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.".

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)–(h) and (j)–(k) of this title," and inserting in lieu thereof "3626(a)–(h), 3626(j)–(k), and 3629 of this title".

(3) Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title," and inserting in lieu thereof "3626, or 3629 of this title".

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by

inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for voter registration purposes.".

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

AMENDMENT NO. 165

At the end thereof add the following new section : "Notwithstanding any other provision of this Act, a State shall be permitted to remove from the official list of eligible voters the name of any registrant who has failed to vote during a period spanning at least 3 Presidential elections."

AMENDMENT NO. 166

At the end thereof add the following new section : "Notwithstanding any other provision of this Act, a State shall be permitted to remove from the official list of eligible voters the name of any registrant who has failed to vote during a period spanning at least 4 Presidential elections."

AMENDMENT NO. 167

At the end thereof add the following new section : "Notwithstanding any other provision of this Act, a State shall be permitted to remove from the official list of eligible voters the name of any registrant who has failed to vote during a period spanning at least 5 Presidential elections."

AMENDMENT NO. 168

At the end thereof add the following new section : "Notwithstanding any other provision of this Act, a State shall be permitted to remove from the official list of eligible voters the name of any registrant who has failed to vote during a period spanning at least 2 Presidential elections."

AMENDMENT NO. 169

At the end of the bill add the following:

SEC. . Notwithstanding any other provision of this Act, a State shall be permitted to remove the name of a registrant from the official list of eligible voters if such registrant is ineligible to vote, either because the registrant is not a citizen of the United States, or because the registrant is of insufficient age.

AMENDMENT No. 170

At the end of the bill add the following:

SEC. . A person, including an election official or anyone who provides voter registration services pursuant to section 5 or section 7 of this Act, who knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person to register to vote, or vote; or for refusing or declining to register to vote or refusing or declining to vote, shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts, pursuant to section 3302 of title 31, United States Code, notwithstanding any other law), or imprisoned not more than 5 years, or both.

AMENDMENT No. 171

At the end of the bill add the following:

SEC. . Notwithstanding any other provision of this Act, no assistance shall be provided to an applicant in completing a voter registration form, pursuant to section 7(a)(4)(A)(ii) of this Act, unless the applicant affirmatively requests such assistance.

AMENDMENT No. 172

At the end of the bill add the following:

SEC. . Notwithstanding any other provision of this Act, if State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address, as the polling place described in section 8(e)(2)(A)(i) of this Act, or at a central location as described in section (8)(e)(2)(A)(ii)(I), or at a polling place described in section 8(e)(2)(A)(ii)(II), voting at the other locations described in paragraph 2(A) of that section need not be provided as options.

FORD AMENDMENT NO. 173

(Ordered to lie on the table.)

Mr. FORD submitted an amendment intended to be proposed by him to the bill (S. 460), supra, as follows:

On page 2, strike all after line 11 and insert the following:

(4) It is the duty of Federal, State, and local government to facilitate the opportunity for citizens to register to vote to the greatest extent practicable.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) NONAPPLICABILITY TO CERTAIN STATES.—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office in a year in which an election for the office of President is held.".

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) LIMITATION ON USE OF INFORMATION.—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 6. MAIL REGISTRATION.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) UNDELIVERED NOTICES.—If a notice described in section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the name of the applicant may be removed from the official list of eligible voters in accordance with section 8(d).

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State may designate as voter registration agencies—

(A) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(d) ARMED FORCES RECRUITMENT OFFICES.—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) IN GENERAL.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) CONFIRMATION OF VOTER REGISTRATION.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) VOTER REMOVAL PROGRAMS.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.".

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)-(h) and (j)-(k) of this title," and inserting in lieu thereof "3626(a)-(h), 3626(j)-(k), and 3629 of this title".

(3) Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title," and inserting in lieu thereof "3626, or 3629 of this title".

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for voter registration purposes.".

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail

voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) Contents of Mail Voter Registration Form.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) Attorney General.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) Private Right of Action.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) Attorney's Fees.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) Relation to Other Laws.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

Any provision to the contrary notwithstanding, if State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address, at the polling place described in section 8(e)(2)(A)(i), or at a central location as described in section 8(e)(2)(A)(ii)(I), or at a polling place described in section 8(e)(2)(A)(ii)(II), voting at the other locations described in section 8(e)(2)(A) need not be provided as options.

SIMPSON (AND D'AMATO) AMENDMENT NO. 174

(Ordered to lie on the table.)

Mr. SIMPSON (for himself and Mr. D'AMATO) submitted two amendments intended to be proposed by him to the bill (S. 460), supra, as follows:

Amendment No. 174

At the end of the bill, add the following:

TITLE ___—IMPROVED PROCEDURES FOR EXCLUSION OF ALIENS SEEKING TO ENTER THE UNITED STATES BY FRAUD

SEC. ___01. SHORT TITLE.

This title may be cited as the "Port of Entry Inspections Improvement Act of 1993".

SEC. ___02. ADMISSIONS FRAUD.

(a) Exclusion for Fraudulent Documents or Failure To Present Documents.—Section 212(a)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)) is amended—

(1) by striking "(C) Misrepresentation" and inserting in lieu thereof the following:

"(C) Fraud, misrepresentation, and failure to present documents";

(2) by adding at the end the following new clause:

"(iii) Fraudulent documents and failure to present documents.—

"(I) Any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer to whom the document is presented, is forged, counterfeit, altered, falsely made, stolen, or inapplicable to the alien presenting the document, or otherwise contains a misrepresentation of a material fact, is excludable.

"(II) Any alien who, in boarding a common carrier for the purpose of coming to the United States, presents a document which relates or purports to relate to the alien's eligibility to enter the United States, and fails to present such document to an immigration officer upon arrival at a port of entry into the United States, is excludable.".

(b) Provision for Asylum and Other Discretionary Relief.—

(1) Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following new subsections:

"(e)(1) Notwithstanding subsection (a), any alien who, in seeking entry to the United States or boarding a common carrier pursuant to direct departure to the United States, presents any document which, in the determination of the immigration officer to whom the document is presented, is fraudulent, forged, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, may not apply for or be granted asylum, unless presentation of the document was pursuant to direct departure from—

"(A) a country in which the alien has a credible fear of persecution; or

"(B) a country in which there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(2) Notwithstanding subsection (a), an alien who, in boarding a common carrier pursuant to direct departure to the United States, presents any document which relates or purports to relate to the alien's eligibility to enter the United States, and who fails to present such document to an immigration official upon arrival at a port of entry into the United States, may not apply for or be granted asylum, unless presentation of such document was pursuant to direct departure from—

"(A) a country in which the alien has a credible fear of persecution; or

"(B) a country in which there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(3)(A) Whenever an immigration officer determines that an alien seeks entry to the United States as described in paragraph (1) or (2) and that the alien has indicated a desire to apply for asylum, the immigration officer shall refer the matter to an immigration officer specially trained to conduct interviews and to make determinations bearing on eligibility for asylum, who shall interview the alien to determine whether presentation of the document was pursuant to direct departure from—

"(i) a country in which the alien has a credible fear of persecution; or

"(ii) which there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(B) If the immigration officer determines that the alien does not have a credible fear of persecution in the country from which the alien was last present before attempting entry into the United States, and that there is no significant danger that the alien would be returned from such country to a country in which the alien would have a credible fear of persecution, the alien may be specially excluded and deported in accordance with section 235(e). The alien may not appeal such determination.

"(4) As used in this subsection, the term 'credible fear of persecution' means—

"(A) it is more probable than not that the statements made by the alien in support of his or her claim are true; and

"(B) there is a significant possibility, in light of such statements and of such other facts as are known to the officer about country conditions, that the alien could establish eligibility as a refugee within the meaning of section 101(a)(42)(A).".

(2) Section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended in the third sentence by inserting before the period "or to any alien who is excludable pursuant to section 212(a)(6)(C)(iii)".

(3) Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

"(d)(1) Subject to paragraph (2), any alien, who has not been admitted to the United States and who is excludable under section 212(a)(6)(C)(iii), is ineligible for withholding of deportation pursuant to section 243(h), and may not apply for withholding of deportation or for any other relief under this Act, except as provided in section 208(e) with respect to asylum.

"(2) An alien under paragraph (1) who has been found ineligible to apply for asylum under section 208(e) may be returned only—

"(A) to a country in which, in the judgment of an immigration officer specially trained to conduct interviews and to make determinations bearing on eligibility for asylum, the alien has no credible fear of persecution upon return; and

"(B) to a country from which, in the judgment of such officer, there is no significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.".

(4) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended—

(A) in the second sentence of paragraph (1) by striking out "Deportation" and inserting in lieu thereof "Subject to section 235(d)(2), deportation"; and

(B) in the first sentence of paragraph (2) by striking out "If" and inserting in lieu thereof "Subject to section 235(d)(2), if".

SEC. ___03. SPECIAL PORT OF ENTRY EXCLUSION FOR ADMISSIONS FRAUD.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) (as amended by section ___02(b)(3) of this title) is amended by adding after subsection (d) the following new subsection:

"(e)(1) Subject to paragraph (2), any alien (including an alien crewman) who may appear to the examining immigration officer or to the special inquiry officer during the examination before either of such officers to be excludable under section 212(a)(6)(C)(iii) may be ordered specially excluded and deported by the Attorney General, either by a special inquiry officer or otherwise.

"(2)(A) An alien who has been found ineligible to apply for asylum under section 208(e) may be returned only—

"(i) to a country in which, in the judgment of an immigration officer specially trained to conduct interviews and to make determinations bearing on eligibility for asylum, the alien has no credible fear of persecution upon return; and

"(ii) to a country from which, in the judgment of such officer, there is no significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(B) Such special exclusion order is not subject to administrative appeal and shall have the same effect as if the alien has been ordered excluded and deported pursuant to section 236, except that judicial review of such an order shall not be available under section 106 or, except by habeas corpus as herein provided, under any other provision of law.

"(C) Nothing in this subsection may be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.".

SEC. ___04. RESTRICTIONS ON JUDICIAL REVIEW.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) (as amended by section ___03 of this title) is amended by adding after subsection (e) the following new subsections:

"(f) Aliens Excludable for Admissions Fraud.—Notwithstanding any other provision of law, no court shall have jurisdiction to review, except by petition for habeas corpus, any determination made with respect to an alien found excludable for admissions fraud pursuant to section 212(a)(6)(C)(iii). In any such case, review by habeas corpus shall be limited to examination of whether the petitioner (1) is an alien, and (2) was ordered specially excluded from the United States pursuant to sections 212(a)(6)(C)(iii) and 235(e).

"(g) Interviews and Special Exclusion.—(1) Notwithstanding any other provision of law, no court shall have jurisdiction—

"(A) to review the procedures established by the Attorney General for the determination of admissions fraud pursuant to section 212(a)(6)(C)(iii); or

"(B) to enter declaratory or injunctive relief with respect to the implementation of subsection (d) or (e).

"(2) Notwithstanding the nature of the suit or claim, no court shall have jurisdiction (except by habeas corpus petition as provided in subsection (f)) to consider the validity of any adjudication or determination of special exclusion or to provide declaratory or injunctive relief with respect to the special exclusion of any alien.

"(h) Collateral Enforcement Proceedings.—In any action brought for the assessment of penalties for improper entry or reentry of an alien under sections 275 and 276, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion, special exclusion, or deportation entered under sections 235, 236, and 242.".

SEC. ___05. ENHANCED PENALTIES FOR CERTAIN ALIEN SMUGGLING.

Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)) is amended—

(1) by striking "five years" and inserting "ten years"; and

(2) by inserting before the period at the end of paragraph (1) ", except that in any case in which a person causes serious bodily injury to, or places in jeopardy the life of, any alien involved in the offense, such person shall be fined in accordance with the provisions of title 18, United States Code, or imprisoned not more than 20 years for each alien with respect to whom any violation of this paragraph occurs, or both.".

SEC. ___06. EFFECTIVE DATE.

Notwithstanding section 13 of this Act, this title and the amendments made by this title shall take effect on the date of enactment of this Act, and such amendments shall apply to aliens who arrive in or seek admission to the United States on or after the date of enactment of this Act.

SIMPSON AMENDMENT NO. 175

(Ordered to lie on the table.)

Mr. SIMPSON submitted an amendment intended to be proposed by him to the bill (S. 460), supra, as follows:

At the appropriate place, add the following:

SEC. . FORMS WITH INCOME TAX INFORMATION.

Each State which requires the filing of a State income tax return shall develop and implement procedures to comply with the provisions of this Act, permitting voter registration by mail by either—

(1) including such mail voter registration application materials with the State income tax forms which are mailed or otherwise provided to each State taxpayer, or

(2) providing on such State income tax form a method for such taxpayer to request the State to provide such taxpayer with the mail registration materials.

FORD AMENDMENTS NOS. 176 AND 177

Mr. FORD proposed two amendments to the bill (S. 460), supra, as follows:

AMENDMENT No. 176

In section 7(a)(2), strike the word "shall" and insert the word "may".

AMENDMENT No. 177

At the appropriate place insert the following:

Any provision of this Act to the contrary notwithstanding, if State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address, at the polling place described in section 8(e)(2)(A)(i), or at a central location as described in section 8(e)(2)(A)(ii)(I), or at a polling place described in section 8(e)(2)(A)(ii)(II), voting at the other locations described in section 8(e)(2)(A) need not be provided as options.

NATIONAL COMMISSION TO ENSURE A STRONG COMPETITIVE AIRLINE INDUSTRY

DANFORTH AMENDMENT NO. 178

Mr. DANFORTH (for himself, Mr. EXON, Mr. DOLE, and Mr. MCCAIN) proposed an amendment to the bill (S. 366), to amend the Airport and Airway Safety, Capacity, Noise Improvement and Intermodal Surface Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong and Competitive Airline Industry, as follows:

Strike subsection (a) of section 1 and insert the following:

(a) APPOINTMENT OF MEMBERS.—Paragraph (1) of subsection (e) of section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (49 U.S.C. App. 1371 note) is amended to read as follows:

"(1) APPOINTMENT.—The Commission shall be composed of 15 voting members and 11 nonvoting members as follows:

"(A) 5 voting members and 1 nonvoting member appointed by the President.

"(B) 3 voting members and 3 nonvoting members appointed by the Speaker of the House of Representatives.

"(C) 2 voting members and 2 nonvoting members appointed by the minority leader of the House of Representatives.

"(D) 3 voting members and 3 nonvoting members appointed by the majority leader of the Senate.

"(E) 2 voting members and 2 nonvoting members appointed by the minority leader of the Senate.".

DANFORTH AMENDMENT NO. 179

Mr. DANFORTH (for himself and Mr. MCCAIN) proposed an amendment to the bill (S. 366), supra, as follows:

Strike subsection (g) of section 1 and insert the following:

(g) REPORT.—Subsection (l) of such section (as redesignated by subsection (e)(2) of this section) is amended by striking "6 months" and inserting "30 days".

OMNIBUS CONGRESSIONAL BUDGET RESOLUTION

SASSER AMENDMENT NO. 180

Mr. SASSER proposed an amendment to the concurrent resolution (S. Con. Res. 18), setting forth the congressional budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997 and 1998, as follows:

On page 3, line 19, strike the amount and insert $90,200,000,000.

On page 3, line 20, strike the amount and insert $98,800,000,000.

On page 3, line 21, strike the amount and insert $104,200,000,000.

On page 3, line 22, strike the amount and insert $109,100,000,000.

On page 3, line 23, strike the amount and insert $114,000,000,000.

NOTICES OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Subcommittee on Renewable Energy, Energy Efficiency and Competitiveness of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on opportunities and barriers to commercialization of renewable energy and energy efficiency technologies.

The hearing will take place on Thursday, April 1, 1993, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510, Attention: Patricia Temple.

For further information, please contact Leslie Black Cordes of the subcommittee staff at 202/224-9607.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 447, legislation to facilitate the development of Federal policies with respect to those territories under the jurisdiction of the Secretary of the Interior.

The hearing will take place on Tuesday, March 30, 1993, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510, Attention: Patricia Temple.

For further information, please contact Allen Stayman of the committee staff at (202) 224-7865.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON COMMUNICATIONS

Mr. SASSER. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on march 17, 1993, at 10 a.m. on S. 335—Emerging Telecommunications Technologies Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 17, 1993, at 10 a.m. to hold a hearing on "antistalking proposals."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Wednesday, March 17, 1993, at 10 a.m. to conduct a hearing on the Resolution Trust Corporation Thrift Depositor Protection Oversight Board's semiannual report to Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 17 at 3 p.m. to receive a closed briefing on United States policy in Bosnia-Hercesovina.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SENATE RESOLUTION 35—RAPE OF WOMEN IN BOSNIA

• Mr. LAUTENBERG. Mr. President, on January 22, 1992, I, along with Senator DOLE and 14 Members of the Senate introduced a resolution condemning the systematic rape of women in Bosnia and calling for perpetrators of rape to be prosecuted in an international war crimes tribunal.

This resolution (S. Res. 35) currently has 40 cosponsors and has been referred to the Senate Foreign Relations Committee. It has also been endorsed by a wide range of religious, womens, and human rights organizations. I ask that copies of letters endorsing this resolution and the organizations which they represent be inserted in the RECORD.

Mr. President, the systematic rape of women in Bosnia is a war crime and a crime against humanity. The perpetrators of these crimes should be prosecuted in an international war crimes tribunal. I hope that the Senate Foreign Relations Committee will take action on this measure without delay.

The U.S. Senate should be squarely on record against these heinous crimes.

The letters follow:

February 22, 1993.

Hon. FRANK LAUTENBERG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: We write to convey our strong support for S. 35, expressing the sense of the Senate concerning systematic rape in the conflict in Bosnia-Herzegovina.

The undersigned organizations represent diverse constituencies. But we are united in our horror at the reports of systematic rape and forced impregnation of women and girls in the former Yugoslavia, and we call in a single voice for immediate action to prosecute those responsible for these crimes against humanity.

S. Res. 35 addresses the horrible reality of rape in the former Yugoslavia and the consequences it forces upon its victims. The resolution provides guidance for U.S. policy to respond to this crime against humanity. In addition, it reinforces positive policy statements on this issue by the European powers and provides a model for international action against those responsible for these atrocities.

We commend you for your leadership on this issue, and stand ready to assist you in whatever way we can.

Sincerely,

Henry Siegman, Executive Director, American Jewish Congress; Robert K. Lifton, President, American Jewish Congress; Ann F. Lewis, Chair, Commission on Women's Equality, American Jewish Congress.

On behalf of:

American Jewish Committee.
American Muslim Council.
American Public Health Association.
American Refugee Committee.
American Task Force on Bosnia.
Anti-Defamation League of B'nai Brith.
Amercian Assembly of America.
B'nai B'rith Women.
Catholics for a Free Choice.
Central Conference of American Rabbis.
Coalition on Abuse and Neglect of Latino Children.
Ethiopian Development Community Council.
Federation of Reconstructionist Congregations and Havurot.
Fund for a Feminist Majority.
Hadassah, the Women's Zionist Organization of America.
Internationl League for Human Rights.
International Rescue Committee.
Jewish Labor Committee.
Lutheran Immigration and Refugee Service.
Lutheran Office for Governmental Affairs.
Mary House.
Na'amat USA.
National Coalition Against Domestic Violence.
National Council of Churches, Washington Office.
National Council of Jewish Women.
National Federation of Business and Professional Women's Clubs/USA.
NETWORK: A National Catholic Social Justice Lobby.
The Rabbinical Assembly.
Rabbinical Council of America.
Reconstructionist Rabbinical Association.
Synagogue Council of America.
Tolstoy Foundation, Inc.
Union of American Hebrew Congregations.
Union of Orthodox Jewish Congregations of America.
Unitarian Universalist Service Committee.
United Church of Christ—Office for Church in Society.
United Church of Christ—Board for World Ministries.
United Synagogue of Conservative Judaism.
Women of Reform Judaism, National Federation of Temple Sisterhoods.
Women's American ORT.
Women's Commission for Refugee Women and Children.
Women's League for Conservation Judaism.
World Relief.

AD HOC WOMEN'S COALITION AGAINST WAR CRIMES IN THE FORMER YUGOSLAVIA,
February 17, 1993.

Hon. FRANK LAUTENBERG,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: We are members of a rapidly growing coalition formed in response to reports of war crimes against women in the former Yugoslavia. We are writing to commend you for introducing Senate Resolution 35.

The Resolution recognizes that rape and forced pregnancy are both "crimes against humanity" and "war crimes" regardless of the ethnicity of religion of the perpetrator or victim. In so doing, the Resolution emphatically and eloquently expresses the view of the United States Senate that abuse of women's bodies as a tactic of war—whether for purposes of traumatization, sexual gratification, or forced incubation of a selected ethnicity—is a grievous violation of international law and should promptly be prosecuted and redressed in an appropriate tribunal.

As such, we strongly support the Resolution and urge that hearings be held by the Senate Foreign Relations Committee on rape and forced pregnancies as war crimes in the former Yugoslavia at the earliest juncture.

Sincerely,

Members of the Ad Hoc Women's Coalition Against War Crimes in the Former Yugoslavia:

Rachael Pine, the Center for Reproductive Law & Policy, 120 Wall Street, New York, NY 10005.

Charlotte Bunch, the Center for Women's Global Leadership, 27 Clifton Avenue, New Brunswick, NJ 08903.

Rhonda Copelon, Cuny Law School, International Women's Human Rights Clinic, 65–21 Main Street, Flushing, NY 11367.

Marie Wilson, Ms. Foundation for Women, 141 Fifth Avenue, 6–S, New York, NY 10010.

Meredith Tax, International Pen Women Writer's Committee, 532 W 11th Street, #75, New York, NY 10025.

Laura Flanders, Fairness and Accuracy in Reporting, 130 W 25th Street, New York, NY 10001.

Felice Gaer, International League for Human Rights, 485 Fifth Avenue, New York, NY 10017.

Clelia Steele, The Women's Commission on Women Refugees, International Rescue Committee, 360 Park Avenue South, New York, NY 10016.

Jennifer Green, Human Rights Program, Harvard Law School, Cambridge, MA 02138.

Phyllis Krieger, New Directions for Women, 108 W Palisade Ave, Englewood, NJ 07631.

Vivian Stromberg, MADRE, 121 W 27th Street, New York, NY 10001.

Ali Miller, International Human Rights Law Group, 1601 Connecticut Ave, NW, Suite 700, Washington, DC 20009.

Kathryn Turnipseed, Women's Action Coalition, 206 Bloomfield Street, Hoboken, NJ 07030.

Jessica Neuwirth, Equality Now, 226 West 58th Street, #4, New York, NY 10019.

Beth Stephens, Center for Constitutional Rights, 666 Broadway, New York, NY 10012.

Nanette Funk, The Network of East-West Women, 100 West 12th Street, New York, NY 10011.

Kristine Jenkins, Sane/Freeze International, 777 UN Plaza, New York, 10017.

Berta Esperanza Hernandez, St. John's University School of Law, Jamaica, NY 11439.

Shulamith Koenig, Organizing Committee of the Decade of Human Rights Education, 526 W 111th Street, Ste 3B, New York, NY 10025.

Marie Edesess, St. Vincent's Hospital Rape Crisis Program, c/o Brooklyn Legal Services, 105 Court Street, Brooklyn, NY 11201.

Lorna Scott Porter, Princeton Friends School, 142 W 26th Street, New York, NY 10001.

Mary Haney, Women in Development, 4353 Verplanck Place, NW, Washington, DC 20016.

Vicky Hansen, GATHER (Global Action to End Rape), Philadelphia, PA, (215) 241–7170.

Dorie Wilsnack, War Resister's League, 339 Lafayette Street, New York, NY 10012

Vondora Wilson-Corzen, The Lesbian and Gay People of Color Steering Committee, c/o Colorlife Magazine, 2840 Broadway, Box 387, New York, 10025.

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE USA,
New York, NY, February 3, 1993.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, 446 Dirksen Building, Washington, DC.

DEAR SENATOR PELL: The National Council of the Churches of Christ in the U.S.A. endorses the efforts of the Senate Committee on Foreign Relations to address the use of massive rape of women, children and men in the war in the former Yugoslavia. We urge the Committee to pass the Senate Resolution introduced by Senator Lautenberg on January 26, and seek early passage by the Senate.

Many members of the thirty-two Orthodox and Protestant communions of the National Council have direct ties to the innocent victims of human rights abuses, including rape, in the conflict. We support the action of the Senate to condemn rape as a crime against humanity and the call for the United Nations to create an international tribunal to prosecute crimes committed during the war there. We urge the Committee to approve the Resolution regardless of any other action by the Congress or the Administration.

I am attaching a statement of the National Council on the grave public policy issues confronting the church and our nation arising from the conflict in the former Yugoslavia. We encourage churches to strengthen ministries of care for all victims of rape and other human rights violations. We urge the U.S. Government to avoid any unilateral action but rather to support the U.N. operations and press all parties to seek an immediate cease fire and work for a negotiated settlement. I would be very glad to receive any reactions you might have to our statement.

Let us all work and pray for peace with justice in that troubled region. We are grateful for the efforts of the United States Congress to stop the horrible events occurring in Bosnia and Herzegovina.

Respectfully,

(The Rev. Dr.) JOAN B. CAMPBELL,
General Secretary.●

A TRIBUTE TO GLENDALE

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the town of Glendale, a small community located 7 miles south of Elizabethtown in the rolling hills of Hardin County in western Kentucky.

Twenty years ago, Glendale was a disappearing village, lost in the shuffle of prosperity and growth. Stores were closing and people were moving to the nearby city. The only regular traffic in Glendale was the trains which frequently passed through the center of town.

This changed in 1975, when a Glendale resident with a little ingenuity and love for cooking decided to transform a portion of her husband's hardware store into a restaurant. The opening of the restaurant, which is known as The Whistle Stop because it is only yards from the railroad tracks, began Glendale's transformation to a thriving community.

Today, patrons of The Whistle Stop must wait up to 2 hours for a table. However, most guests don't mind. Visitors are invited to stroll down Glendale's refurbished Main Street and enjoy the big shade trees and frame houses with wrap-around porches. They can also stop and admire the numerous antique and craft shops, or pay a visit to the general store, which sells bologna and onion sandwiches and keeps monthly accounts for Glendale residents.

I honor the people of Glendale for their perseverance. Glendale has withstood a strong test and has emerged as a residential and commercial hub.

I ask that an accompanying story from Louisville's Courier-Journal be submitted for today's RECORD.

The article follows:

[From the Louisville Courier-Journal, Feb. 22, 1993]

GLENDALE

(By Beverly Bartlett)

Twenty years ago, Glendale was just one of those dying towns, a tiny out-of-the way place disappearing in this convenient world of economies of scale.

Its stores were closing. Its people were driving the seven miles to Elizabethtown to work and shop. It was like a dying old woman, pulling her covers up around her head and saying goodbye to an era.

But Glendale's flirtation with death—which started with a 1923 bank closing—ended in the spring of 1975, not because of a new industry or a new highway and not because of some Chamber of Commerce plan or a mineral discovery. The fortunes of Glendale turned on the simple idea of Idell Sego, a woman who loved to cook and who thought maybe a small section of her husband's hardware store could be turned into a restaurant.

The transformation of Glendale had begun, though no one realized it at the time. Sego thought the noisy trains that sweep through the town would be a detriment to the restaurant she decided to call The Whistle Stop.

And Mike Bell, the pastor at Glendale Christian Church, remembers hearing the endeavor denounced with a single sentence from one man:

"Nobody in this town will eat in a restaurant."

Marvin Swartz, who grew up near Glendale, says he was a little more generous, thinking maybe she could sell bean soup to farmers who came into town at noon.

But now, Swartz operates a family-owned antiques store that caters partially to people who are waiting to be seated at the restaurant, which seats 160 and has overtaken the hardware store. He calls the opening of The Whistle Stop "the greatest thing that ever happened to this town."

It is an almost incomprehensible success story. Through the years, the restaurant has done almost no advertising. It is a relatively inconvenient 2½ miles from Interstate 65 and there is no sign to point the way to travelers. But it's mostly travelers who keep the place going, people who have driven from Louisville or Fort Knox or Bowling Green and who want to watch trains go by and eat some "home cooking."

Its effects on the community have been historic. Craft shops and antiques stores have sprung up all over town as customers whiled away two-hour waits for weekend dinner tables. With competition, the weekend waits are shorter, but the shops seem prepared to stay. Vacant commercial structures are so scarce that the crunch has prompted an emotional zoning war. Parking and traffic have become a problem as the tree-lined Main Street becomes carlined. Residents have taken a renewed pride in their yards and their homes. "When The Whistle Stop opened up, that changed things," said Sonny Hattield, who owns a competing restaurant and plans to open a toy museum. "Suddenly we were important then."

Glendale's importance lies, somehow, in its unimportance. There is a sense about the place that there is nothing urgent to be done, nothing worth worrying about or getting in a hurry over. The general store still sells "Dukes of Hazzard" jigsaw puzzles, as well as onion and bologna sandwiches and bib overalls.

"They say, You know, this even smells like a country store,'" said Houston Hardy, whose family has owned the store since 1952.

And it is not some tourist put-on. Local farm families still tell Hardy to put their purchases on their account.

John Howlett, a farmer who raised nine children, is among them. His monthly bill has sometimes averaged $500, he says. And every time he pays it off, as he did two weeks ago while purchasing some pinto beans and saltine crackers, he helps himself to a free bottle of Coke.

Couldn't be cheaper, Hardy points out, unless Howlett started taking them two at a time.

There have, of course, been drawbacks, not the least of which being that the restaurant, a gathering place for out-of-towners, replaced the hardware store, a gathering place for locals.

"We need a place to loaf in Glendale again," said Leon Howlett, who works at the general store, the remaining hot spot for gossip now that the hardware store has gone.

Hardy says he considered opening up a vacant room as a place for locals to gather and drink coffee. But maybe he won't. He routinely gets inquiries from people interested in renting that room and opening a shop.

That crunch for commercial space has sparked the most divisive issue in recent Glendale history as the community has split over commercial enterprises opening in what were once residential houses. The issue has been hotly debated in Hardin County Planning and Development Commission meetings and has created a factionalism that is new to Glendale.

It came to a head two years ago, when Main Street resident Pat Puckett tried to get approval to open a gift shop in her garage. The request failed, but the issue has come up often enough that the county's planning administrator, Tim Asher, says that a revamping of the county's planning laws will seek a way to address the specific problems of Glendale—flattering attention for a tiny community in the midst of one of the largest and fastest growing counties in the state.

Meanwhile, residents are generally, genuinely giddy about their town.

"I can't explain why you love a place," said Hatfield. "It's hard to put in words. It's kind of a romance, I guess."

And in the romance of Glendale, visitors flirt back. Listen to the note left in one of the rooms of the Petticoat Junction Bed and Breakfast.

"No place has the right to be this nice. Why can't you be mean to us like everyone else."

Glendale's streets are lined with shady trees and frame houses that boast wrap-around porches. The streets are lighted by 28 lamps, a project of the Glendale Lions Club—the closest thing to a city government that the unincorporated community has. The club collects a voluntary $15 annual fee from residents.

Life is slow and easy. When the air is crisp and daylight lingers, the wait for dinner seems reasonable. And once started, dinner can be interrupted at the sound of a train whistle. Children in the restaurant clap with glee at the sound. And even grownups "get up and run to the doors and windows whenever the train comes by," said Sego, sounding still a little amazed after all these years.

In this age of airplanes and interstates, Glendale is reminded of the romantic attraction of trains.

"Trains are what we've got," said Hatfield. "This is a train lovers' paradise."

And Hatfield considers himself among them. "I always loved trains. You know people are bird watchers. I'm a train watcher."

Trains come by at an irregular, but frequent rate. The whistle blares and the train whizzes by, briefly separating The Whistle Stop from its two-year-old competitor across the tracks, Depot Restaurant.

Trains first came to Glendale in 1859 and it was a train engineer, legend has it, who named the community. It had previously been known as Walker's Station, after a man who established a store there. But the engineer said the community reminded him of his hometown in Ohio.

Glendale became a bustling place. The train stopped twice a day, and a church had to build a fence around its cemetery to thwart wandering pigs being driven to the depot. At various points, the town has boasted a movie theater, a pool hall and several competing general stores and hardware stores.

But Glendale's heyday ended in 1923 when the bank president embezzled the bank's money. It was as though the Great Depression came early to Glendale. Bell, the unofficial local historian, says the closing devastated the town beyond the money lost by residents and businesses. It shattered their confidence and their pride in the town. The community didn't recover until the opening of The Whistle Stop, he said.

Of course, The Whistle Stop and the visitors can't really bring back a lost era. It is hard to imagine that Glendale could ever again support a shoe repair service or a full-fledged grocery store. (Hardy give up trying to carry fresh meat and has remade the store himself into more of a convenience store, although some people still buy shoes and overalls there.) Supermarkets and discount stores and a mall are in Elizabethtown, just a 10-minute drive away for these people.

But the spirit of small-town America reigns. Just ask Bell, who was honored as the grand marshal of the annual October "Crossing Festival" one year and was overwhelmed by the signs that greeted him as he rode the parade. "We Love Mike Bell," they read.

He was happy and honored and humbled by the parade—until he got to the end. A fellow Lions Club member hurried up to him and said:

"Hey, we're out of toilet paper. Can you put some toilet paper in the portapotties?"

Population: Glendale is unincorporated so its size depends largely on where you want to draw the boundaries. More than 500 homes or businesses have Glendale addresses with the U.S. Postal Service.

Per capita income: (1990) Hardin County: $13,459, or $1,506 below the state average.

Jobs (Hardin County, 1989): Manufacturing, 4,761; wholesale/retail, 7,423; services, 4,115; state/local government, 4,130; contract construction, 1,283.

Big employers: The Whistle Stop, 60; The Depot, 35; East Hardin Middle School, 78; Glendale Auto/Truck Plaza, 50, Glen Dale Inc., children's home, 35.

Transportation: Glendale lies between the Western Kentucky Parkway and Interstate 65. The heart of town lies near Ky. 222's intersection with the CSX railroad tracks. There is a Glendale exit off I-65, complete with a truck stop and motel.

Media: Glendale has no local news outlets, but The (Elizabethtown) News-Enterprise is widely circulated there and the news staff covers Glendale, which is just seven miles from Elizabethtown. It also gets all the Elizabethtown radio stations.

Education: Glendale youngsters are served by Hardin County Public Schools, one of which is located near the heart of Glendale. About 881 students attend grades six-nine at East Hardin Middle School.

Topography: Glendale is surrounded by a gently rolling landscape that locals say is prime farmland.

FAMOUS FACTS AND FIGURES

Idell Sego, who sparked Glendale's rebirth by opening The Whistle Stop restaurant, said that if she had truly foreseen the restaurant's future—the friends and the famous that she would cook for—"it would have scared me to death." Ultimately, Sego and the rest of Glendale took all the change in stride, Col. Harland Sanders, who made a fortune through Kentucky Fried Chicken, became comfortable enough to poke around in the kitchen and stir the corn bread mixture. Once, he asked Sego what made the corn bread so good.

"I just said some secret herbs and species," she says. "So he didn't ask anymore." Across the street at Hardy's general store, Houston Hardy regrets not saving the credit card slip that Sanders signed while buying gas. Several years ago, while fliming the movie "Stripes" at Fort Knox, Bill Murray ate at The Whistle Stop, much to the delight of the restaurant staff who initially thought he was suspect because he paid with a hundred-dollar bill.

The Glendale Crossing Festival, which became an annual event in 1978 to help the Lions Club pay for an eight-acre community park, started so small that the club had to pay some craftspeople to open booths. Last year, about 170 booths lined Main Street, each having paid the Lions Club $25. Traffic was, for a while, backed up all the way to the interstate. And local estimates put the crowd at 10,000 or more.

Glen Dale Inc., a children's home on 588 acres surrounded on three sides by the Nolin River, has been in operation outside of Glendale since 1915. It is affiliated with Kentucky Baptist Homes for Children and is home to 85 children. The director, Buckley Carlin, came to the home himself in 1949 as a 13-year-old. He says he was a delinquent then, but Glen Dale turned his life around.●

IN HONOR OF SYLVIA WATANABE, NOMINEE FOR THE 1993 PEN/FAULKNER AWARD

● Mr. AKAKA. Mr. President, I am delighted to announce that former Hawaii resident, Sylvia Watanabe, the daughter of Walter Watanabe of Honolulu and the late Betty Muranaka Watanabe, is among the five American authors who has been nominated for the prestigious 1993 PEN/Faulkner Award for Fiction.

Although born on the island of Maui, Ms. Watanabe grew up in Kailua, a community on the windward side of Oahu. After graduating from Kailua High School, she attended Reed College in Oregon for a year and then returned to Honolulu where she earned her bachelor of arts from the University of Hawaii. Ms. Watanabe subsequently received a masters in creative writing from the State University in Binghampton, NY and now lives in Grand Rapids, MI with her husband, William Osborn.

One reviewer hails Ms. Watanabe's nominated book, "Talking to the Dead," as "a beautiful, spare evocation of an island hamlet caught in the swirl of its Polynesian heritage and modern America." The book, a series of 10 interrelated stories set in a small village on Maui, is a reflection of Ms. Watanabe's multicultural view. In addition to being nominated for the 1993 PEN/Faulkner Award, the book's title story won a 1991 O Henry Literary Award. Ms. Watanabe is also the recipient of a PEN/Oakland Josephine Miller Fiction Award and a JACL Literary Award.

I am proud of Ms. Watanabe and her contribution to Hawaii's rich literary heritage. Although she no longer resides in the 50th State, her father, Walter does. Most importantly, she writes of Hawaii and the Island of Maui, where her father grew up and where she was born.

Mr. President, as a former school teacher, I have had an opportunity to be actively involved with the joy of learning. In these changing times, we cannot forget that one of the most challenging means of communications is the written word. Only through writing can the wide range of human emotions be fully explored.

I commend our Nation's writers, and today, obviously focus on those who write fiction. One way Congress can assist all future writers is to support S. 70, the reauthorization of the national writing project [NWP], the only Federal program to improve student writing skills. The five Americans who were nominated today for the 1993 PEN/Faulkner Award will serve as an inspiration to students who benefit from the NWP.

I would also like to commend the other nominees: Robert Olen Butler, from Louisiana; Francisco Goldman, a New Yorker; Maureen Howard, another resident of New York; and E. Annie Proulx of Vermont.

The PEN/Faulkner Award for Fiction was established in 1980 by writers to honor their peers. Supported by grants, contributions, special events and benefit readings, its foundation sponsors the Writers in Schools Projects, in which authors participating in the reading series teach their work in Washington, DC, public high schools. The winner will be announced in late April and all five writers will be honored at a ceremony at the Folger Shakespeare Library, where the award is located.●

S. 15—REINVESTING GOVERNMENT ACT

● Mr. COHEN. Mr. President, I am proud to join Senator ROTH in cosponsoring S. 15, the Reinventing Government Act. I would like to commend Senator ROTH for his hard work and leadership on this issue, and I look forward to working with him on passing this worthy legislation.

Mr. President, last November, the American people voted for change. They voted to change the national leadership and many of their representatives. The desire for change also extended to the structure of Government as well. Voters throughout the Nation rejected business as usual and elected candidates who cited the need to reinvent Government.

The call for reform is directed at both the legislative and executive branches of Government. Last year, I volunteered to serve on the bipartisan House and Senate task force which is currently considering recommendations to reorganize the legislative branch. The desire of the people is clear and the effort to reform the legislative branch is underway. Now is also the time to improve the economy and efficiency of the executive branch.

The Federal Government has experienced enormous growth over the past decades. However, much of this growth has been unplanned and created on an ad hoc basis, designed to address the crisis of the day with little thought of national priorities and less regard for coordination with other agencies or long-term consequences. A prime example of the problems with the Federal bureaucracy come to light when we see the Army Corps of Engineers planning a huge farm irrigation project, while the Department of Agriculture is paying farmers not to produce. Unfortunately, examples such as these are too common thanks to Congress' willingness to add programs and its reluctance to end them. We can no longer afford to be redundant, inefficient, or wasteful. Now is the time to curb the bureaucracy before its insatiable appetite devours the prosperity of future generations.

Clearly, a comprehensive streamlining and reorganization effort is needed to modernize the Federal bureaucracy as we prepare to enter the 21st century. It is important to focus this reform effort on the entire Government rather than attempt to make changes to departments or programs on an individual basis. Reform proposals should be viewed in the context of national needs and priorities, with less regard for small but vocal interest groups that have kept the inefficiencies alive far too long. We must redefine the structure and sense of purpose of the Federal bureaucracy as a first step in promoting streamlining and efficiency.

Sometimes it seems that the Federal bureaucracy has the speed and agility of a garden slug. It plods along without seeming to know where it's going or when it will get there, leaving a trail of slime in its wake. As the ranking Republican on the Subcommittee on Oversight of Government Management, I have heard testimony from scores of Federal employees who struggle to manage departments and agencies whose fundamental organizational mission and structure was created anywhere from the 1930's to the 1960's. We all know that industry must adjust to changing demands, markets, and advances in technology. Failure to adjust results in inefficient and ineffective organizations which, for private sector firms, often results in bankruptcy. Surely Ford Motor Co. and AT&T would not be in existence today had they not adjusted to the changes that have occurred over the last 30 to 50 years.

Because Federal departments are not threatened with termination or bankruptcy, they are not forced to respond to the changing environment. A consequence of this inaction is inefficient and costly operations. It is time that a stagnant executive branch adjusts to the changes of the past decades and becomes a lean, modern, and efficient organization. But how do we achieve this goal?

Looking for model agencies or departments in the current framework of Government is not an option. The Government has no model of operational efficiency or management that other agencies can emulate. In a hearing before the Governmental Affairs Committee earlier this year, the U.S. Comptroller General said that he could not think of one example of a Federal department or agency that is run well.

Clearly, we must make major changes to increase the efficiency of the executive branch. Everyone that I have spoken to on this issue wants major change and agrees that a reorganization of the executive branch is long overdue, although getting agreement on specific proposals is difficult. The problem is simple to understand but exactly how to respond is another question. Congress is loathe to take action that will cause pain. Yet we are all aware that any responsible reform effort will in some manner affect constituents and interest groups, and will certainly diminish the power of some agencies and Federal officials.

As we in this body know all too well, every Federal program and agency has supporters and a constituency that help keep it alive, in some cases long after it has outlived its usefulness. Each Federal program has employees who run it, individuals and businesses that benefit from it, and congressional committees that have jurisdiction over it. All have an interest in perpetuating it.

Given the constituencies built around each Federal program, achieving meaningful reform on an agency by agency basis would be too difficult and doomed to failure. For example, I would foresee that once changes are proposed on an individual program, its constituencies will erupt and plead that terminating or scaling back the program will bring about gloom and despair of biblical proportions. The success of meaningful reform is dependent upon addressing the entire bureaucracy where constituency groups may object to a specific proposal but will see that a number of programs and constituencies are affected. Additionally, it is my hope that the constituencies and the American people will see that the overall proposals are in the best interest of the taxpayer.

This bill creates a mechanism to assist the President and Congress accomplish the goal of reorganizing the executive branch in a swift and responsible manner. Specifically, this legislation will grant the President authority to appoint a nine-member, bipartisan commission charged with recommending structural and procedural reforms of executive departments, independent agencies and Government corporations. The recommendations must promote the consolidation and streamlining of executive departments and agencies, shrink the size and cost of Government, increase accountability, require performance measurement, and promote advances in technology.

The Commission on Project Government Reform will have until June 1994 to submit reorganizational and operational recommendations to the President for his approval. If approved, the President will forward the recommendations to Congress. The recommendations will go into effect at the end of the 103d Congress unless both Houses vote to reject the recommendations submitted by the President. If Congress does not reject the recommendations, they must be initiated within 2 years and completed within 6 years.

Mr. President, the establishment of the Commission is only a first step and does not commit the President or Congress to support the recommendations. If the President or Congress finds that the medicine for reform is too bitter, then either one can simply refuse to swallow the pill. But we should at least write the prescription.

The Commission, as outlined in this legislation, ensures such a comprehensive examination and has the potential to recommend the tough choices that Congress and the President, to date, have been unwilling to make. While I understand that the success of the Commission will require general agreement on a number of controversial proposals, I believe a commission approach offers the best chance of success for accomplishing meaningful reform.

Mr. President, if we fail to act now, we may miss an opportunity to make the reforms necessary to increase efficiency and reduce the cost of Government to the taxpayer. I am proud to cosponsor this bill, and I urge my colleagues to support this legislation.•

THE 32d ANNIVERSARY OF PEACE CORPS

• Mr. McCONNELL. Mr. President, I rise today to commemorate the 32d anniversary of the Peace Corps of the United States. Since its establishment in 1961, the Peace Corps called upon 135,000 volunteers to lend aid in more than 100 countries throughout the world.

While over two-thirds of current volunteers serve traditional missions in Africa and South and Central America, I am excited about innovative ways the corps is meeting challenges in the post-cold-war world. Since 1990, the Peace Corps has expanded into 27 new nations, including 13 in Eastern Europe and the former Soviet Union. During the Reagan and Bush administrations, the Peace Corps expanded the scope of their activities and looked for ways to foster privatization, democracy, and economic growth.

There are three programs in particular worth taking note of that I think reflect the innovative new approach of today's Peace Corps. Let me first mention I am especially proud of the accomplishments of a recent Peace Corps Director, my wife, Elaine Chao. She recognized that economic changes in the former Soviet Union urgently needed a rapid response. Relying on her extensive business experience, she developed plans to place over 500 volunteers in the former Soviet Union by year's end.

What makes this program unique is that half the volunteers have MBA degrees and most bring years of experience in business and management. This is a clear sign of major changes in the Peace Corps' thinking and demonstrates they will provide unprecedented, capable help in building free markets.

The Peace Corps is also taking important new strides here at home. Under the very able leadership of our colleague, Senator COVERDELL, the World Wise Schools was established to match volunteers abroad with students in U.S. elementary and secondary schools. Through exchanges of letters, books, and videotapes, this association serves the dual purpose of teaching children about foreign countries while also giving them exposure to a service opportunity. In only 3 years, World Wise partnerships have been established in 17 States across the country.

Complementing this effort is the new Fellows/USA Program. This unique association provides volunteers the chance to attend graduate school at selected urban or rural universities at low costs. In exchange, participants help the community by working in fields such as small business development, teaching, and nursing. Since its inception in 1985, Fellows/USA has been established at 18 schools—and the number of participating volunteers will almost double in the next year alone.

Each year, the Peace Corps sends 6,000 men and women abroad to answer needs in foreign nations. And each year, 6,000 skilled workers return to the United States, enriched by valuable experience from their service. I congratulate all corps volunteers on 32 years of service and applaud recent initiatives to strengthen the mission of the Peace Corps.●

ACT FOR MICROENTERPRISE DEVELOPMENT

● Mr. GORTON. Mr. President, I join today in introducing the Act for Microenterprise Development. To use President Clinton's words:

> We will scrap the current welfare system and make welfare a second chance, not a way of life. We will empower people on welfare with the education [and] training * * * they need * * * so they can break the cycle of dependency.

This act is the first step in bringing these words to life. It creates an innovative program that will not only help people become financially independent, but will improve their self-esteem. It provides low-income individuals with the financial ability and the skills they need to start their own microenterprise—a business consisting of five or fewer employees, one of whom is the owner.

Self-employment programs provide those who once had no hope with the chance to take part in the American dream—to put their ambition, talent, and skills to work so that providing a good home for their families is not an unreachable dream, but a tangible reality. Importantly, the Act for Microenterprise Development provides welfare recipients with the real tools they need to get out of the welfare cycle.

The Act for Microenterprise Development will provide welfare recipients with the ability to fulfill their dreams. By including this new program under the current JOBS Program, it will give participants access to job training and education. Further, the centers participating in this innovative program will counsel participants with necessary business knowledge including: technical assistance; advice and business support services, such as business planning, financing, and marketing; as well as peer support and self-esteem programs.

The concept of microenterprises as a ladder out of the pit of poverty is a proven success. Since 1986, the Corporation for Enterprise Development [CFED] has been engaged in an extensive demonstration program called the self-employment investment demonstration [SEID]. This multi-State project provides the support services for welfare recipients to become self-employed in order to become self-sufficient. In the fall of 1991, it issued an interim report describing its findings, three important, yet simple, findings.

First, people can do it. Welfare recipients do have the ability to reach down deep within themselves and overcome significant personal and societal barriers to become successful through self-employment. CFED's evaluation reports that, as of January 1990, 212 businesses were started by SEID participants. At least 35 individuals were already off of welfare at that point and the plans of 154 businesses projected a level of income that would lead to self-sufficiency by the end of one business year. Even those who did not complete the program achieved success in some measure. At least 53 percent of the participants had what the researchers indicated as positive outcomes, such as alternative employment or further training or education which will increase their marketable skills.

The second finding was that local programs can do it. Organizations can develop the strategies to assist motivated individuals to overcome the barriers necessary to succeed and become independent. It is not easy to do. The program needs entrepreneurial leaders committed to the self-employment effort and staff skilled in business management and strategies. But, in this new era of talk about service to one's country, we should easily be able to find business leaders willing to share their knowledge with the entrepreneurs in the microenterprise program.

The third finding was that microenterprises are an exciting new approach to welfare reform and antipoverty strategies. This is an intensive approach that requires people to invest their entire being into lifting themselves out of poverty. They succeed or fail based on their own initiative. That is empowerment. This program helps welfare recipients not only to believe in the power of their ideas, but helps them believe in themselves. Moreover, self-employment provides individuals with the ability to acquire and develop assets. According to the evaluators of this program, "Owning assets allows people to weather reversals like the loss of a job, vehicle damage or theft, or prolonged illnesses; and owning assets permits or eases investment and borrowing."

Microenterprises provide the means for all people to escape from the grips of welfare: black or white; male or famale; urban or rural. In fact, the average program participant was a female in her mid-thirties, who was divorced with more than one child, and had been on welfare longer than 2 years—not the characteristics that most people would consider the best prospect for success.

The program evaluators also reported:

> The ethnic/racial representation of SEID participants is proportionate to their representation in the AFDC population in their local areas. [Thus], self-employment might provide an equally effective route to self-sufficiency for blacks as well as whites.

The study further concluded that microenterprise programs can be operated in rural as well as urban areas, because of the flexibility inherent in a program of this type. Each participant develops their business to respond to the market needs of their local economy.

Through the microenterprise program, the American dream lives for all people.

In order to help the participants attain their goal of self-sufficiency without being smote down for success, the act changes the AFDC asset limitation law. Under the current law, if a person has assets over $1,000 he or she will be dropped from the AFDC Program. That means if an aspiring entrepreneur buys a personal computer he or she will be dropped from their only means of security before he or she is yet capable of self-sufficiency. This act increases the asset exclusion limit from $1,000 to a more reasonable $10,000. This money must be used to either build up the business or to help family members further their education, attend a training program, improve their employability, purchase a family home, or change the family residence.

To help you understand better the importance of this provision, I would like to share with you an article that appeared in the New York Times. It begins,

> Working part time at a community center, Sandra Rosado saved $4,900 to go to college and to escape the web of welfare that is all her family has known since they moved here [New Haven, Connecticut] 12 years ago.
>
> But, her thrift and industry have led to a bureaucratic nightmare for Miss Rosado and her family. First state officials, who discovered her savings account, told her to spend the money so the family could remain eligible for the Aid to Families with Dependent Children program [which of course she did]. Then federal authorities ordered the mother, Cecilia Mercado, to repay $9,342 in benefits she received while her daughter's money was in the bank.

This story more than illustrates the great injustices that the current welfare system and its rules impose upon even the most industrious of America's youth. This young girl should be praised for her industriousness and frugality. Near the end of the article Miss Rosado shared her feelings about the current rules, "I worked a lot of hours for that money * * * I have friends who used to get money and spend it on other things. It was tempting. But I knew I had a dream I wanted to fulfill." She went on to say the current rules are unfair. Again quoting, "They should let students save up money, if they have dreams to go to college."

But our so-called welfare system does not allow people to dream. The heavy injustices of the system nearly crushed Miss Rosado's dream. Instead of praise, she received punishment. Instead of having that $4,900 for college, she was coerced into frivolously spending the money and her family was fined over $9,000.

Despite these injustices, and no thanks to the Government, this tale does have a happy ending. Because Miss Rosado had also worked hard at school, she qualified for an academic scholarship at a local community college and became the first member of her family to go to college.

The Act for Microenterprise Development is not the final solution to our welfare problems. At most we can expect only about 1 to 10 percent of the eligible welfare recipients to participate in the Microenterprise Program. But, that still may mean hundreds of thousands of people nationwide could benefit from this valuable program. It provides welfare recipients with one more opportunity to climb out of the mire of dependency.

Also, for each participant that succeeds, we are not creating just one job. As these businesses grow they will employ family members, friends, and neighbors who also need jobs. They will pay taxes and become an active and productive part of the economy. The potential benefits to local communities and the national economy are as limitless as are the people's dreams who create these businesses.

President Clinton has said:

> I have found all over America that people know they need independence, not dependence. They want a hand up, not a handout. They want empowerment, not entitlement. But somebody's got to get about the business of doing it and quit talking about it.

The Act for Microenterprise Development is the embodiment of those lofty words. Mr. President, it is time to stop the entrenchment of the status quo and time to start providing people with the tools of empowerment they need to succeed. I am proud to be a cosponsor of this legislation and it is my sincere hope that the Senate will act quickly to implement the provisions it contains.•

PHARMACEUTICAL INDUSTRY ANTITRUST EXEMPTION

• Mr. COHEN. Mr. President, I rise to comment on recent reports that major drug manufacturers will ask the Department of Justice for an exemption from antitrust laws. While the goal to voluntarily bring down the cost of prescription drugs is commendable, this recent maneuver sends up several red flags in my mind, and I would caution removing their restriction to discuss price restraints.

As a result of recent pressures to lower prescription drug costs, the drug industry announced its intention to request a business review letter from the Justice Department that would free firms from the antitrust limitation to set prices. Current statutes bar drug companies from collaborating on price-fixing arrangements.

The manufacturers claim that freeing them of this restriction will allow them to work together to electively bring down the price of prescription drugs. There are reasons to be skeptical of this assertion.

Last year several drug manufacturers did voluntarily keep their increases at the rate of inflation, but the result was not lower drug prices for the consumer. In fact, a recent staff report released by the Senate Special Committee on Aging, on which I serve as ranking Republican member, shows that 8 of the top 31 drug manufacturers increased their prices at more than three times the rate of inflation last year. Nineteen of these companies increased their prices at more than double the general rate of inflation.

Moreover, historical lessons on price-fixing agreements have taught us that setting maximum prices often leads to established minimum prices. These minimum prices can often be higher than prices set under normal competitive circumstances. I fear that while drug companies may stabilize their prices in the short term using the tactic, removing the restriction will not do enough to slow the rise in prescription drug costs in the future.

Drug prices continue to soar out of the reach of consumers, especially older Americans living on fixed incomes. The drugs most commonly used by the elderly have jumped in price 8 to 10 times over the past 6 years. Most cases indicate that there was little or no difference in the drug itself—just huge price increases for the same product.

These huge jumps in drug prices have real life consequences for millions of Americans. Over 60 percent of the elderly's prescription drug costs are paid out-of-pocket, which make high drug prices difficult for older Americans living on fixed incomes. The result is the senior citizens often face the decision between life-saving medications and critical daily needs such as food and energy to heat their homes.

I am pleased that the drug companies have paid attention to our plea to bring costs under control, but the end result of any action taken by the industry must be lower prices to the average consumer. Pharmaceutical prices have risen too fast, too often and too arbitrarily. Certain antitrust waivers can facilitate price reductions, but I have reservations that this will be one of them. It is time that individual drug companies take responsibility to curb price increases on prescription drugs that are critical to millions of Americans. It is time to ease the out-of-pocket burden prescription drugs place on ordinary citizens.

As a participant in the Senate Judiciary Committee confirmation hearing last week, I heard Janet Reno demonstrate clarity and common sense—qualities she ought to apply to this request. I have forwarded a letter to our new Attorney General alerting her of my concerns regarding this issue. Drug companies can control their own prices now by behaving responsibly. I do not believe that granting this antitrust exemption will instill a sense of compassion for consumers' pocketbooks which has been so sadly lacking by major drug manufacturers.•

A TRIBUTE TO LEWIS ADAMS HUDSON

• Mr. DURENBERGER. Mr. President, I would like to take a moment to reflect back on the career of one of the Midwest's outstanding leaders, Lewis A. Hudson, who, after 43 years, is ending his career in journalism.

Beginning in 1948, Lew shared news events through the airwaves of KCBC in Des Moines, IA, and then moved to stations in Waterloo and Ottumwa. Fortunately for Minnesotans, Lew moved north in 1957 and shared his talents at KWOA Radio in Worthington, MN. In 1961, he began to share news events with the stroke of the pen at the Worthington Daily Globe. Then after 25 years, destiny took Lew from southwestern Minnesota to the

Brainerd Daily Dispatch for 6½ more years of newspaper journalism.

It is obvious that Lew's love for reporting and for people was returned to him through the good times and the variety of experiences that he has had in life. After Lew left Worthington, the town asked him back by popular demand to be grand marshal of the Turkey Days Parade. In Brainerd, Lew's work helped the Dispatch win the Founder's Cup, the highest public service award given to newspaper and broadcast properties of Stauffer Communications, Inc. Even his colleagues appreciate his humor and dedication. Dispatch Reporter Paul Windels wrote "that he's probably written more news stories than Minnesota has lakes."

Lew's last few columns in the Dispatch provided a unique and entertaining look back at his career. I particularly enjoyed reading in his memoirs that, former Minnesota Gov. Elmer L. Andersen "doesn't know unless he reads this that the reason why the 15-minute taped radio interview I did with him was never aired was that I forgot to punch the record button," or that "a year before he died, I saw Hubert H. Humphrey throw away his prepared speech and launch in the most beautiful, impromptu 'I love America' speech I ever heard. To me, it was his epitaph."

Of course, the greatest source of joy to Lew is his family, who have played a role in his work. His wife, Irma, has an active role in his writing. She is better known as Mrs. H by Lew's faithful readers, and he is known as Mr. H. The couple have been quite notorious in the communities that they lived. When Lew was forced to recuperate from a heart attack a few years ago, I understand that his children, Cindy, Fred, LuAnn, and Becky contributed and helped write the columns. His columns certainly could be called a family labor of love.

Mr. President, on behalf of his loyal readers and the many communities he has served, I would like to thank my friend Lew Hudson for his years of hard work. He is one of the most fair and objective persons I have ever met, and I am going to miss the comfort of knowing he is reporting somewhere in Minnesota. I am sure, though, that I will see him at Brainerd events as he pursues his many civic interests. Maybe I'll even be able to share a fishing story or two with him on Gull Lake. He has done a great service for the citizens of rural Minnesota, and he has done a great service for the United States. We are going to miss one of Minnesota's most cherished reporters.

To end this tribute to an American story, I would like to close with Lew's words of wisdom from one of his last columns.

> It was then and is today an imperfect world and journalism an imperfect craft.
>
> That it is sometimes flawed should be no surprise.
>
> That it is as good as it is is fortunate.
>
> That I have been privileged to practice the craft for so long has been an honor beyond measure.
>
> That younger journalists will adequately carry on the tradition is a certainty.
>
> That I will enjoy reading their work is a foregone conclusion.
>
> That I will miss both it and my readers goes without saying.•

GOVERNMENT PERFORMANCE AND RESULTS ACT

• Mr. COHEN. Mr. President, I want to express my continued support for S. 20, the Government Performance and Results Act, which I cosponsored with Senator ROTH during the last Congress and again during this Congress. I wish to commend Senator ROTH for his leadership on this important piece of legislation which is designed to promote good management and accountability in the executive branch.

Taxpayers are under the impression, rightly or wrongly, that all Federal agencies waste money with little regard to what is funded, or if the programs are successful. The $600 toilet seats, the HUD scandal, and paying contractors $280 a day to copy files are all examples which suggest that the focus of Federal management must change.

Too often, Federal managers focus on process rather than results. In other words, managers are more concerned about filling out the correct forms and obtaining the right approvals than making sure the programs they are managing have the intended results. As ranking Republican and former chairman of the Governmental Affairs Committee's Subcommittee on Oversight of Government Management, I continue to be frustrated by agency managers who come back to the subcommittee, year after year, telling about the success of the agency, only to have the agency's inspector general or the General Accounting Office testify that the agency cannot know if it is successful because it did not collect the needed information to determine if the program in question served its intended beneficiaries or if it was having the desired effect. Without clear objectives and progress reports, there can be no accountability.

The traditional notion of accountability in the Federal Government must change. Currently, it seems that programs are deemed successful as long as the money is spent and the proverbial I's are dotted and the T's are crossed. It is disturbing to see management rewarded for mastering a process which, for example, yields government warehouses filled with billions of dollars of unneeded goods, or has one agency spending millions of dollars to irrigate farmland while a sister agency simultaneously pays the farmers not to produce. In many cases, the managers responsible for creating these problems are promoted or otherwise rewarded. Federal managers should be rewarded for producing results and not rewarded for creating waste.

S. 20 is designed to promote a simple commonsense approach to management which requires Federal managers to clearly state objectives, establish baselines and justify budgets on the basis of measurable progress against objectives. Specifically, the measure will authorize the Office of Management and Budget to designate a number of Federal agencies to develop strategic plans, and measure and report on the progress of Federal programs toward their goals. Embracing this approach, rather than continuing to spend on the enlargement and perpetuation of the bureaucracy, could save billions.

Not only must managers in the Federal Government begin to focus on the desired outcomes of programs, but we need to develop the means of achieving those results, just as managers do outside of government. Private sector managers, as a general practice, invest money and personnel to create and maintain information, and develop processes which are critical to achieving desired results. For example, in a private sector delivery operation, the objective is to provide fast, accurate delivery to customers at the least cost. Since this is important to both the company and customers, the company invests in the processes and equipment that allow it to tell where a package is, if it was delivered and who signed for it. This information also allows management to measure the performance of its operation. It knows deliveries took place and when, where and how long it took to get there. Clearly, these investments made by the private sector are critical to ensure that they have the detailed information to determine progress toward organizational goals and, if necessary, adjust operations and processes to become more efficient. S. 20 will encourage Federal managers to make similar investments.

This bill will require participating agencies to develop long term strategic plans to be used as baselines for measuring progress against objectives. Agency management will be held accountable for achieving these goals. In exchange, the bill will also grant managers increased management flexibility and exemptions from a number of OMB required reporting requirements such as minor reprogramming requests and reducing the detail required in budget reports. It is my hope that increased flexibility will translate into innovative approaches and improved results.

If implemented properly, such reform will promote the accountability and performance of Federal managers and employees. I look forward to monitoring the implementation of this test project closely and intend to carefully review the annual reports that the test agencies will be required to submit outlining progress against objectives.

Mr. President, the Government Performance and Results Act is an essential first step on the road to improving the future management of Federal agencies. The Office of Management and Budget, the General Accounting Office, and the National Academy of Public Administration have repeatedly endorsed the types of measures included in this bill. S. 20 was favorably reported by the Governmental Affairs Committee and passed the Senate with no opposition during the last Congress. Regrettably, the House of Representatives did not act on this bill before Congress adjourned. I am proud to again cosponsor this legislation and I urge my colleagues to join me in supporting its swift enactment.•

TRIBUTE TO WAYNE KOSTROSKI

• Mr. DURENBERGER. Mr. President, my State is blessed with good food and individuals with generous spirits. One of the joys of representing Minnesotans is being able to see the impact people like Wayne Kostroski have on the world. Wayne is responsible for providing the Minnesota Taste of the Nation benefit with a taste of success. This annual fundraiser involves the Twin Cities area chefs and the national charitable organization, Share Our Strength [SOS]. The Taste of the Nation helps people who are hungry and homeless and raises public awareness of these issues.

March 20 marks the beginning of this year's event as well as the sixth anniversary of the Taste of the Nation. Since its inception, the Minnesota Taste of the Nation has raised over $300,000. It is the leader among the 100 cities who participate. Minneapolis and St. Paul raised the most funds in both 1989 and 1990 and was second to New York in 1991.

Wayne took the project into a bigger arena last year when he created the Super Bowl Taste of the NFL. This event combined food and sport by teaming up the top chef and alumni player from 28 NFL cities. All proceeds, about $90,000, went to hunger relief efforts in Minnesota, across the Nation and world. This event was such a success that it has become a Super Bowl tradition. Wayne was instrumental in making the Taste of the NFL a reality at Super Bowl XXVII in Los Angeles last January, and will make it a reality again at the 1994 Super Bowl in Atlanta.

Wayne has served Minnesota and his community with distinction. When Minnesota hosted the Special Olympics, Super Bowl, and the NCAA Final Four games, his energy and enthusiasm ensured that Minnesota's international and national guests were welcome and well fed. Wayne received the Marketer of the Year award from Hospitality Management, a publication for the restaurant, resort, and hotel industries of the upper Midwest. To attest to the industry's appreciation for Wayne, Hospitality Management said:

> Combine his much-regarded persuasive abilities with his unswerving commitment and it's easy to understand why Taste of the Nation and other groups have benefited from Kostroski. "I can sell Taste of the Nation in my sleep, because I know what the issue is and how simple it is to begin to make a difference," Wayne says.

Wayne Kostroski is president of the Minnesota Restaurant Association and a managing partner in Goodfellow's and Tejas Restaurants in Minneapolis. He is married to Eda, and they live in Edina with their children, Lya, Judith, and Peter.

Mr. President, thank you for this opportunity to salute Wayne Kostroski for his generous offerings of time and talent.•

ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH

• Mr. SIMON. Mr. President, today I would like to recognize the continuing efforts of the Anti-Defamation League of B'nai B'rith [ADL]. For the past 14 years, the ADL has compiled data about anti-Jewish attacks, including harassment, property damage, and assault, in their annual "Audit of Anti-Semitic Incidents." ADL's efforts in collecting this information and developing educational programs have been instrumental in drawing public attention to this problem and in working toward constructive solutions. I commend their work to expose and combat hate crimes and would like to share with you some of their recent findings.

I was pleased to learn that the number of hate crimes in 1992 against Jews and Jewish institutions decreased as compared to last year's figures, from 1,879 to 1,730. The overall number of incidents is still, however highest in the 14-year history of the collection of data.

Another disturbing trend evident in the 1992 figures is that there were more attacks against Jewish individuals than against property for the second year in a row. In 1992, there were 874 reported incidents of harassment, threat, or assault, as compared with 856 reports of vandalism.

Sadly, acts of hatred against Jews on college campuses increased in 1992 by 12 percent. Since 1988, the number of anti-Semitic incidents on college campuses has doubled. At Brown University in Providence, RI, there was a series of anti-Semitic graffiti incidents on campus. This rash of anti-Semitic defacement included the scrawling of swastikas in library books and the writing of the words "No Jews" and "Jews Go Home" on clothing in the laundry room.

In 1990, Congress passed the Hate Crimes Statistic Act, legislation I sponsored along with Senator HATCH. By requiring the Department of Justice to collect data on crimes motivated by hatred based on race, religion, ethnicity, or sexual orientation, the act helps to give us a broader picture of hate crimes in our society. The FBI has recently released their first statistics.

The data compiled by the FBI reveals that 4,558 hate crime incidents were reported across the country in 1991—and that was with only approximately 2,800 of the nation's 16,000 police departments reporting.

These first statistics produced by the FBI on hate crimes are an important step toward improving the national response to violence motivated by hate. As more law enforcement agencies participate in statistics collection, and the training, and outreach continue, we will learn more about the perpetrators of these tragic crimes—and how to prevent them.

In closing, I again want to commend the ADL for its outstanding and important work, in providing such an invaluable service to the community. By focusing on data collection, education, and working directly with communities, the ADL has created a comprehensive and exemplary network for combatting hate crimes. For example, in my home State of Illinois, the ADL's World of Difference Program has trained over 16,000 teachers, students, and community members in prejudice-reduction workshops. Programs like this may be partly responsible for the recent decrease in hate incidents against the Jewish community, and I am hopeful that the ADL's continued efforts will turn this year's decrease in anti-Semitic violence into a trend for the future.

I urge my colleagues to examine the 1992 Anti-Defamation League report.•

NAFTA AND THE ENVIRONMENT

• Mr. DURENBERGER. Mr. President, today the three parties to the North American Free-Trade Agreement are beginning discussions on an environmental compact to accompany NAFTA. At the heart of this compact will be a North American commission on the environment to assist in the implementation of NAFTA and to protect environmental quality in all three nations.

Yesterday morning, the Senate Committee on Environment and Public Works held a hearing on the environmental implications of NAFTA. The committee took testimony from Ambassador Kantor and other witnesses knowledgeable on Trade and environmental issues.

It is clear to me that from an environmental perspective NAFTA is the best trade agreement ever brought to the Senate. Very real concerns have been expressed about the harmonization provisions in the so-called Dunkel text that was circulated as part of negotiations on GATT. But those problems do not exist in NAFTA. The environmental standards of each of the parties, and the standards of the States and provinces that operate in these Federal systems, are protected in the NAFTA text.

The distinguished ranking Republican on the Environment and Public Works Committee, Senator CHAFEE, who is known to all of his colleagues here in the Senate as a staunch environmentalist gave NAFTA his highest plaudits. I would ask that Senator CHAFEE's statement made at the NAFTA hearing be printed in the RECORD at this point.●

ORDERS FOR TOMORROW

Mr. SASSER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Thursday, March 18; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that immediately following the Chair's announcement, the Senate resume consideration of Calendar No. 34, Senate Concurrent Resolution 18, the concurrent budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. SASSER. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate now stand in recess as previously ordered.

There being no objection, the Senate, at 8:40 p.m., recessed until tomorrow, Thursday, March 18, 1993, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 17, 1993:

ENVIRONMENTAL PROTECTION AGENCY

ROBERT M. SUSSMAN, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE FRANK HENRY HABICHT II, RESIGNED.

DEPARTMENT OF STATE

THOMAS E. DONILON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE MARGARET DEBARDELEBEN TUTWILER, RESIGNED.

HOUSE OF REPRESENTATIVES—*Wednesday, March 17, 1993*

The House met at 10:30 a.m.

The Reverend Bernard Coughlin, president, Gonzaga University, Spokane, WA, offered the following prayer:

Lord of all nations and all peoples, we celebrate today your servant Patrick, bishop of Ireland. We wear the green of spring and life, the color of new vegetation, proclaiming renewal to those of us weary of winter's snow and ice.

We ask Your blessing on our Nation and its leaders. In this Chamber decisions are made that influence the lives and fortunes of the American people and people everywhere. Let our public servants serve wisely and decide justly. Give them the wisdom to know that all authority derives from Your divine authority, and that in some way they are instruments of Your work on this Earth.

This, Lord, we pray, in Your holy name—who lives and reigns forever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCHALE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MCHALE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 249, nays 140, not voting 41, as follows:

[Roll No. 73]

YEAS—249

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Bateman
Beilenson
Berman
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCollum
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—140

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Huffington
Hutchinson
Hyde
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Manzullo
McCandless
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Packard
Paxon
Petri
Porter
Pryce (OH)
Quinn
Ramstad
Regula
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Walker
Walsh
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—41

Barcia
Becerra
Bereuter
Bevill
Brown (CA)
de la Garza
Dellums
Doolittle
Dornan
Fields (TX)
Flake
Ford (MI)
Ford (TN)
Gilman
Grandy
Henry
Hinchey
Hoke
Hunter
Inhofe
King
Kingston
Livingston
Lloyd
Machtley
Manton
McCloskey
McCrery
Quillen
Rogers
Santorum
Saxton
Slattery
Swift
Tucker
Vucanovich
Washington
Whitten
Williams
Wilson
Young (FL)

☐ 1055

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MONTGOMERY). Will the gentleman from Massachusetts [Mr. NEAL] please come forward and lead the House in the Pledge of Allegiance.

Mr. NEAL of Massachusetts led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair wishes to inform the Members that there will be 15 1-minutes allowed on each side.

The Chair recognizes the gentleman from Massachusetts [Mr. MOAKLEY].

SUPPORT VOICED FOR THE NORTHERN IRELAND BILL OF RIGHTS RESOLUTION

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, I rise to join with my Massachusetts colleague, Representative JOE KENNEDY, to endorse the Northern Ireland bill of rights resolution, House Concurrent Resolution 61, on this St. Patrick's Day. What could be more noble, enriching, and farsighted than for this body to stand in recognition of basic human rights and civil liberties in Northern Ireland? For well over 200 years, Americans have enjoyed freedom of speech, assembly, freedom of the press, the right to trial by jury and due process of law. Sadly, the same does not hold true for our brothers and sisters in Northern Ireland.

Since the British partition of Ireland in 1920, Northern Ireland has denied basic civil liberties to its residents based on the yearly renewal and reinforcement of emergency legislation. This cannot be permitted to continue and it is high time that the United States Congress conveys the strength of its conviction to the British Government on this enduring human issue.

Last night I was pleased to stand on the same stage with President Clinton at the annual Ireland fund dinner and heard him pledge to do his best to reaffirm traditional American values so clearly lacking in Northern Ireland today. We all agree that peace, reconciliation, and unification are goals we should clearly be moving toward, and I share Congressman KENNEDY's belief that the Northern Ireland bill of rights legislation will clearly give that movement impetus.

THE PRESIDENT'S FISH ATLASES

(Mr. EVERETT asked and was given permission to address the House for 1 minute.)

Mr. EVERETT. Mr. Speaker, President Clinton's emergency economic plan includes research that will eventually yield, of all things, two fish atlases.

Why is President Clinton including this in his emergency supplemental? Are the fish lost? Do they need a map to find out where they are going? Do these fish want to take a vacation, and do they require government money for a road map? Or are two schools of fish suddenly without an atlas and President Clinton thinks it is an emergency situation?

Seriously, Mr. Speaker, we need to know what emergency warrants research into a fish atlas. This research will cost the American people about $3.2 million. How many millions more are being wasted on emergency situations of this sort?

Mr. Speaker, in my mind, the only atlas we need is one that includes a road map to greater spending cuts. Let the fish find their own way.

□ 1100

BILL OF RIGHTS FOR IRELAND

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, on this day, when we are all Irish, when we like to drink green beer and sing a happy tune, let us not forget that Ireland is not only a place of fun, but it is a place of terrible suffering. Catholics in the north of Ireland are denied basic human rights that we in this country take for granted, rights such as the right to remain silent, the right to trial by jury, the right to a free press, and the right to due process of law.

Clearly, the British presence in Northern Ireland is not without blame. It is responsible for many injustices. That is a conclusion of Amnesty International, the Helsinki Watch, and other human rights monitors.

Northern Ireland needs what we in America take for granted: a bill of rights. Yesterday several of my colleagues joined me in filing a resolution calling on the British Government to provide a bill of rights to all Irish—Protestant and Catholic alike.

In addition, I urge President Clinton to appoint a special envoy to Northern Ireland.

If we take these steps, then I truly believe that we can bring peace at long last to Northern Ireland and have a truly happy St. Patrick's Day on into the future.

EMERGENCY SUPPLEMENTAL NO EMERGENCY

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, either today or tomorrow this body is going to take up what has been termed the emergency supplemental appropriation. I don't think that the folks at 911 would take kindly to our definition of an emergency. In fact, I do not even think they would bother to respond.

Three years ago we entered into an agreement with the other side of the aisle to cut the deficit. And part of that agreement was to adhere to strict caps on 1993 discretionary spending unless an emergency was declared.

Well, I don't know about you, but $3.25 million to renovate a pool, $4.5 million to replace a gym and $5 million to build a beach parking garage is not exactly what I would call emergency spending. I mean there are enough cats and dogs in this bill to fill a kennel.

An emergency is an urgent need for assistance or relief. The only relief this bill offers is to the special interests.

Mr. Speaker, let us relieve the American people of this bill and put an end to this farce.

IRISH BILL OF RIGHTS

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, I rise in support of legislation filed yesterday by the gentleman from Massachusetts [Mr. KENNEDY] and I that would call for the establishment of a bill of rights for Northern Ireland, where, indeed, the longest standing political dispute in the Western world is acknowledged today.

I could say without hesitation that in a period of time where we have witnessed the fall of the Berlin Wall, the end of the yoke of Marxism around the necks of the people of Eastern Europe, and the demise of the Soviet Union, that today in Northern Ireland human rights are still violated, and much of the world looks the other way.

Today there are 40 million Americans who at least in some part call themselves Irish. On the feast of St. Patrick, we acknowledge the gross inequities that occur every day in the human rights violations that occur almost hourly in that tiny province, the size of the State of Connecticut, comprised of 1.5 million people, where rights that we take in America for granted are routinely violated there.

Mr. Speaker, I ask today that my colleagues join in support of a bill of rights for that tiny nation that has given so much of its fortune to this Nation, and I ask the American people to join with me in support of a bill of rights for Northern Ireland.

O' WILLIE BOY

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SHAW. Mr. Speaker, today in honor of this great St. Patrick's Day and also our common Irish heritage, I would like to read an additional verse to O' Danny Boy that has been prepared in honor of this day.

O' Willie Boy, the taxes, the taxes keep rising,

From Class to Class, and Down the Income Line
The Winter's not gone, but all your spending is coming
Our debt is high, and your plans must go
O' Come ye back
When your spending is in the shadow
And when your taxes are fair and reasonably low,
Yes, we'll be here
In sunshine or in shadow,
O' Willie boy, O' Willie Boy
Your plans must go.

ENDING THE CONSPIRACY OF SILENCE

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, as an American of Cuban descent, I have long fought to promote freedom, democracy, and respect for human rights in Cuba. I rise today on behalf of those same issues, so long overlooked by this Government, in Northern Ireland.

Mr. Speaker, in my opinion, the United States has been guilty of a conspiracy of silence in continuing to ignore the issue of human rights in Northern Ireland. That is why I am proud to be a cosponsor of both H.R. 712, requiring compliance in Northern Ireland with the MacBride Principles, and Congressman KENNEDY's House Concurrent Resolution 61, calling for the adoption of a bill of rights for Northern Ireland.

Mr. Speaker, as a member of the Foreign Affairs Committee, I believe these efforts are an important step in rationalizing American foreign policy, and facing up to the reality of the unfortunate and unconscionable situation in Northern Ireland. It ought to be the policy of the United States to recognize and condemn human rights violations wherever they occur, whether perpetrated by friend or foe. The denial of basic and inalienable human rights to the residents of Northern Ireland by the British Government is intolerable. The United States must demand an end to the cycle of violence that continues to wrack both communities in Northern Ireland. Peace—real peace—can begin only when the last boot of the last British soldier is lifted from Irish soil.

WHAT ARE THE PRESIDENT'S PRIORITIES?

(Mr. MCKEON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCKEON. Mr. Speaker, as you examine the President's stimulus package, you have to wonder how he defines an emergency.

I think he has included $23 million for EPA Green programs because today is St. Patrick's Day.

I guess he wants $148 million for the IRS, so he can improve the Government's ability to take money from the middle class. This is an emergency, with April 15 less than a month away.

I assume that our Olympic whitewater canoeing team is in pretty bad shape. That is why we need $800,000 to start preparing for the 1996 Olympics.

With summer coming up, I guess the President felt the need to spend $3.5 million for pool renovation.

The question I have is: Do these things really constitute an emergency? Will they really create any jobs?

In my mind, our top priority should be to cut spending. I wish the President felt the same way.

END CIVIL RIGHTS VIOLATIONS IN NORTHERN IRELAND

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, since 1920, the people of Northern Ireland have awaited a constitution and bill of rights. For 73 years, the absence of formal protection for basic civil liberties has deepened the underlying antagonism many residents of Northern Ireland feel toward the British Government, exacerbating an already difficult set of political problems.

The people of Northern Ireland want a legal framework to support their civil rights. They want the right to a trial by a jury of their peers. They want freedom of speech and the press without government censorship. They want due process of law. In short, they want the fundamental rights that are the hallmark of a free society.

That's why I'm joining my colleague from Massachusetts in cosponsoring House Resolution 61, which urges the President to help initiate momentum in the constitutional process in Northern Ireland while enlisting the support of the European Community to end civil rights violations by the British Government. I urge the President to provide leadership on this issue.

BILL CLINTON AND THE IRS

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, I would like to alert the American people about one aspect of President Clinton's emergency supplemental spending plan.

He wants to give $148 million to the IRS to improve its tax collection system.

The old joke about the Democrats is they have got what it takes to take what you've got.

Well, Mr. Speaker, it appears President Clinton wants to improve that ability to take what you've got.

The Declaration of Independence reminds us of an earlier "emergency," "He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out our substance."

With April 15 less than a month away, it is apparent that the President feels it is an emergency to help the IRS.

But, Mr. Speaker, in my mind, the real emergency is our pressing deficit.

I urge the President to spend less time worrying about raising taxes, and more time worrying about cutting spending. That is our Nation's real emergency.

□ 1110

BILL OF RIGHTS FOR NORTHERN IRELAND

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, I am proud to join many of my colleagues on this St. Patrick's Day to express my strong support for House Concurrent Resolution 61, which calls for the adoption of a bill of rights for Northern Ireland.

The freedom we take for granted in the United States is unknown to Northern Ireland. The people of Northern Ireland have endured human rights violations for far too long. They need and deserve the protection which a bill of rights provides.

Protecting human rights and working to end discrimination in Northern Ireland are legitimate concerns for our Government.

That is why I have cosponsored this resolution and why I also support the MacBride Principles and the appointment of a special United States envoy to Northern Ireland.

Our Government must act now to give new urgency to the search for peace among the Irish and British Governments.

It is time to impose the full weight of United States diplomacy and economic sanctions on the injustices that continue to take place in Northern Ireland.

A REAL SNOW JOB

(Mr. MICA asked and was given permission to address the House for 1 minute).

Mr. MICA. Mr. Speaker, as Washington digs out of the so-called storm of the century, I would like to alert my colleagues of another storm that is brewing this week.

President Bill Clinton, in the name of investment, is pushing for a blizzard of new spending.

But the emergency supplemental, unlike the real crisis we had this weekend, is no emergency.

It is just another excuse for more spending.

The President has given the American people a real snow job.

Spending to help the whitewater canoeing team prepare for the 1996 Olympics is not an emergency. Nor is $3.2 million for fish atlases. Nor is $28 million for District of Columbia debt relief.

In this winter wonderland atmosphere, President Clinton must seem like Santa Claus to his special interest friends. I urge the American people to plow through the fiction as we consider the emergency supplemental bill this week. We don't need a Clinton spending snow job.

IN SUPPORT OF RIGHTS FOR NORTHERN IRELAND

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, I rise today to join my esteemed colleague Congressman KENNEDY to say it is time to allow the people of Northern Ireland the same rights, the same freedoms, the same justice that we have come to expect—that we were born to respect in the United States.

On this day of special significance to all Irish people, it is only fair that the people of the United States not turn our back on the nation that has sent so many people, who have accomplished so much, to these shores.

As an Hispanic, I understand what it means to come from distant shores looking for a new life in America. People have come from all over the world to make up the mosaic that is America.

People have come from all over the world to make up the mosaic that is the Fourth Congressional District of Illinois.

And while many people think of immigrants from Mexico, and from Central America, and Cuba when they think of my particular district, I also think of our thousands of neighbors of Irish heritage.

And just as I encourage our Government not to allow unfairness and oppression in the governments of our neighbors in Managua or Havana, I believe it is essential that we fight to allow our neighbors in Belfast the same freedoms.

I am proud to join Congressman KENNEDY in that effort today.

MISLEADING THE AMERICAN PEOPLE

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, it is difficult to take someone seriously who uses words so carelessly in politics. We have learned that a tax is now a contribution. Spending is called investment. And today's stimulus is nothing but pure pork.

It is important that we put money forth and work on problems such as AIDS and the homeless and extending unemployment benefits. But to put it in a program and call it stimulus and job creation simply is not telling the truth, Mr. Speaker.

We have misled the American people to long.

CHICAGO'S TRAGIC FIRE

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, yesterday a tragic fire swept through the Paxton Hotel in my district in the northside of Chicago. Sadly, the residents of this single-room-occupancy hotel were largely very low income and mostly elderly people living off small Social Security checks who were terribly vulnerable to the rapid pace of this powerful fire.

Thankfully, the Chicago Fire Department responded swiftly and with outstanding bravery to prevent an even greater tragedy from occurring. With exceptional courage, the firefighters helped dozens of the hotel's occupants safely escape from the burning building. I wish to commend Fire Commissioner Ray Orozco and all of the Chicago firefighters who acted heroically throughout the chaos and terror of this raging fire.

In the days and weeks ahead, officials in Chicago will be working to determine the exact cause of the blaze. I hope that we learn something about this fire that will help up take measures to prevent a similar tragedy from happening again.

At this time, Mr. Speaker, I would like my colleagues to join me in taking a moment of silent prayer for the victims of the fire, their friends and family who are mourning today.

KEEP THE PACKAGE INTACT

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, first off, I wish a happy St. Patrick's Day to all my colleagues. With a name like Mazzoli, it is hard to believe I am Irish, but I did go to the University of Notre Dame, the home of the Fighting Irish, so indirectly I am Irish.

Mr. Speaker, the message today is keep the economic package together. The budget resolution, which has in it $63 billion of additional cuts in Federal spending, a total of $500 billion over the 5 years and the economic stimulus program. They were put together, crafted together, as a package. They are harmonious.

Losing any element would cause harm to the other elements, so let us keep the package together. The package is paid for. The package is needed.

We have what some would say is an oxymoronic situation of a jobless recovery. The economic stimulus will help put people back to work.

The program is targeted at both human investment and capital investment. We have in it the human programs for Head Start, for WIC and for child immunization, as well as the Community Development Block Grants to get the concrete poured and the bricks laid on capital projects.

So let us keep the package together and let us get America back on the trail to economic health.

□ 1120

SUPPORT URGED FOR EFFORTS TO CONVENE WAR CRIMES COURT IN BOSNIA

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, I rise today to express my support for House Concurrent Resolution 16. As a cosponsor of this legislation, I believe that Congress must call upon President Clinton to convene a war crimes court to bring those who have caused the ethnic cleansing concentration camps, mass rapes, and murders in Bosnia to justice.

The world community can no longer turn its back on the senseless violence that has plagued Bosnia for over a year. While I do not advocate the use of American troops to intervene in a civil war rooted in age old divisions, the United States must act diplomatically and politically in coalition with our European allies to isolate Serbia even further.

Here we are at the dawn of the 21st century and once again the world is confronted with yet another case of ethnically motivated crimes. The memory of war crimes victims from 40 years ago in another conflict demands action. I urge my colleagues to vote for this resolution.

THE BUDGET RESOLUTION AND STIMULUS PACKAGE

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to speak about new beginnings. For much too long, political gridlock has hindered the will of the American people. When our Nation elected President Clinton last November, the American people sent a message that it was time to end gridlock.

I firmly believe that we have the opportunity to deal gridlock a deadly blow by passing the budget resolution and the investment package this week. We have a President who wants to turn this Nation around in a new and better direction. We, as a Congress have the responsibility of helping chart this new course for our Nation. We must let it work. We must give it a chance.

Mr. Speaker, I urge my colleagues to pass the investment package. It is a fair and a just plan. The people in my district have spoken and they say put aside partisan politics and act quickly.

Mr. Speaker, I remind my colleagues that the American people want us to govern. The campaign is over. It is time to govern. Let us pass the investment package.

CONGRESS SHOULD SET EXAMPLE BY CUTTING COMMITTEE STAFF

(Mrs. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FOWLER. Mr. Speaker, I am joining many of my freshmen Republican colleagues in support of an effort to reduce committee staff levels here in the House by 25 percent.

I was disappointed to learn that the accounts subcommittee yesterday rejected our proposed cut and instead opted for just a freeze.

Throughout today and tomorrow, Members will take to this well to debate the budget resolution. I can guarantee you there will be a lot of talk about sacrifice, cutting back, and fairness.

Mr. Speaker, let us back up that talk with some action right here in our own House. Let us show the American people that we are willing to make the first sacrifices.

As someone who began her career as a legislative assistant here in the House, I have a great appreciation for the work done here on the Hill. While no one doubts the contribution made by these dedicated people, the current budget crisis requires we do more with less; that means less staff.

I would urge my colleagues, particularly those on the House Administration Committee, to let us set the example that we are already asking the rest of the Nation to follow.

FREEDOM OF THE PRESS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, New York Post writers are battling an evil force. This new force is bigger, they say, than King Kong. It is the most vicious, two-headed beast ever to stalk the streets of New York. It is their owner, Abe "The Axe" Hirschfeld.

That is right, Mr. Speaker, it is so bad in New York that Post reporters are terrorizing the board room. There is one good thing about all this. They are very consistent, these New York Post writers. They treat everybody alike; like dogs, but alike.

Three cheers for freedom of the press, and right on to the Post reporters.

URGING SUPPORT FOR PEACE IN NORTHERN IRELAND

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, all over America people will be saying "happy St. Paddy's Day." But for some in Ireland it will be another bleak day in a continuing history of oppression, bigotry, judicial persecution, and poverty. In Northern Ireland, the forces of evil on both sides continue to thrive, spawning hatred and revenge as a legacy for the children. We in the United States who are of Irish descent remind ourselves often enough of this tragedy. And I would ask my colleagues to consider that on this day they would be part of a prouder nation if we in the United States were to take some positive action in settling this ages-old political dispute.

The horror of the history of Northern Ireland tells us eloquently why one side hates the other. In an island nation where the haves and the have nots have been identified by their religion, a minority in Northern Ireland suffers injustice under the Protestants who are the land owners and factory owners over the whole island.

But the blame for the trouble is also to be shared by militant Catholics. The IRA, the Ulster constabulary, the British-administered courts are all at odds not only with themselves but with peace and humanity. They all must take responsibility. But they will not. They operate from self-interest and righteousness. They are not capable of compromise. They are not equipped to forgive, or to lead.

There is a role for America. Congress must pass the Northern Ireland Fair Employment Practices Act. American business must get the message that our Nation will not take part in an economy that finds strength in religious discrimination. Although I am a second-generation American, I am an Irish-American as are my children and my wife. We are proud of our heritage but saddened by the continuing life and death struggle being waged for freedom of heart and body. This is a drama which we can affect. I ask my colleagues, who come from all corners of all continents, to lend their support in finding a way to peace in Northern Ireland.

TIME FOR CONGRESS TO RESPECT THE WILL OF THE VOTERS

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, the President who now occupies the White House was elected because the voters appreciated the fact that he was a man of vision; he is a man of vision. The budget and investment program before us in the next 2 days is a budget and investment program of this President with vision. This Congress must demonstrate that it is worthy of a President with vision. Without any further sabotage, this Congress must support the vision initiative of a new administration.

For the sake of a Nation, every Member of this House should put aside his own conventional wisdom and try to break free of his obsolete thinking. Vote to cut Star Wars and vote to cut the CIA, but vote to invest in Head Start, vote to invest in libraries, vote to invest in highways.

It is now time for Congress to catch up with the President. It is time for the Congress to respect the will of the voters and to exercise the will of the voters.

THE $30 BILLION FIG LEAF

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, tomorrow we vote on the first half of Mr. Clinton's $30 billion fig leaf.

The administration would like to use their stimulus plan to hide the fact that the economy is doing just fine on its own and then claim credit for recovery later.

Of course, like any fig leaf, it reveals more than it covers. What this one reveals is the fact that the Government cannot create real jobs, only the private sector does that.

What the Government can do is tax and borrow and spend and spend—practices the new administration has quickly mastered.

In this case, the Clinton administration would have us use a sum that could create 750,000 private sector jobs in order to pay for just 209,000 Government-created jobs—a cost of $93,000 per job.

The good news is that it shouldn't be hard to find takers for $93,000 jobs. The bad news is that the bill's whole cost goes straight onto the deficit.

A $30 billion fig leaf is too high a price even for an administration so in need of cover for its rhetoric.

BUDGET RESOLUTION OUTLINES SIGNIFICANT DEFICIT REDUCTION

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, we begin one of the great debates of this session today and tomorrow as we start consideration of the Clinton economic package. We have an opportunity today and tomorrow to enact a budget resolution outlining the most significant deficit reduction we have had since the fall of 1990.

Deficit reduction is the most important thing we can do to bring renewed prosperity for working families in America. I am particularly please by the additional budget cuts added by our Budget Committee under the farsighted leadership of the chairman, the gentleman from Minnesota [Mr. SABO], that total over $70 billion and help significantly to reduce the deficit.

□ 1130

Now the Clinton plan, since it was first brought out by the White House, has already helped to bring long-term interest rates down over eight-tenths of 1 percent. That means a decrease in the mortgage interest payments of the average family in America by $30, $40, or $50 a month.

The best thing we can do for America, Mr. Speaker, is to realize this deficit reduction and continue the long effort to get the economy back on the right track.

H.R. 796 IS WRONG SOLUTION FOR ABORTION CLINIC VIOLENCE

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, the violent death at the Pensacola abortion clinic reminds us that no cause is well served by a turn to unjustifiable violence. During the civil rights movement, Dr. Martin Luther King courageously and heroically urged the civil rights movement to appeal to the better nature of their adversaries and abjure violence.

Dr. King's example is emulated by the overwhelming majority of activities in the pro-life movement. We cannot right a wrong by committing a wrong. And that message should resonate with us in this Chamber as we consider legislation in the wake of the Pensacola tragedy.

Killing is wrong. But the clinic access bill would make Federal felons out of persons who engage in nonviolent civil disobedience—but on only one issue. H.R. 796 thus does violence to the Constitution.

These are the penalties under this law: Up to 3 years in Federal prison; fines of up to $250,000 per offense; and awards of unlimited civil damages for emotional distress, which would be automatically tripled, to clinic clients, owners, or staff.

Clearly, this bill would have a severe impact on those who seek to peacefully protest. And that is the true agenda behind H.R. 796. Picket a coal mine—go right ahead. Rally outside a college administration building—it's your right. Hold AIDS funding signs outside the Department of Health and Human Services—that's what freedom is all about. But dare to protest the taking of unborn life—go straight to jail.

SUPPORT FOR HOUSE CONCURRENT RESOLUTION 61, RESTORING BASIC HUMAN RIGHTS TO CITIZENS OF NORTHERN IRELAND

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, I would like to speak on behalf of House Concurrent Resolution 61 that would simply give the English Government an opportunity to gain credibility in their foreign policy and end their hypocrisy by granting their Irish brethren in Northern Ireland the same rights that are guaranteed to every English citizen. These basic human rights are taken for granted in the United States, but their pursuit of these rights has cost the lives and the dreams of thousands of our Irish brothers and sisters. If we are serious about peace in Ireland we should be working for justice in Ireland.

St. Patrick's Day is a good day to talk about peace in Northern Ireland. Let us spend the other days of the year working to achieve it.

NO POT OF GOLD

(Mr. QUINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUINN. Mr. Speaker, today is St. Patrick's Day, which reminds me of that old Irish tale about leprechauns, rainbows, and pots of gold.

As you know, legend has it that leprechauns hide their gold at the end of the rainbow.

Well, apparently, President Clinton thinks the rainbow ends here on Capitol Hill.

Looking at his investment package, which includes such important items as research grants fish atlases, D.C. debt relief, funding for the 1996 whitewater canoe team, and expanded arts education, I guess he thinks we have just found a huge pot of gold.

Unfortunately, Mr. Speaker, there is no pot of gold here in Congress, just some Members who seem to be willing to continue to expand the deficit.

I hope President Clinton realizes on this St. Patrick's Day, that we cannot afford to keep spending. We have to cut spending before we even think about raising taxes.

SOUTH DADE'S DOUBLE WHAMMY

(Mrs. MEEK asked and was given permission to address the House for 1 minute.)

Mrs. MEEK. Mr. Speaker, I rise today to call this Congress' attention and that of the Nation to the double whammy my community has suffered in recent months.

A little more than 6 months ago Hurricane Andrew and its 200 mile-per-hour winds swept through south Dade taking with it much of everything in its path: Uprooting homes, businesses, and some 86,000 jobs.

As the rebuilding effort began to pick up speed, and many basic and essential services were being reestablished and families had began putting their lives back together again and some degree of normalcy had begun to return my community, then like a thief in the night, yet another blow was delt to south Dade as the March monster, the storm of the century roared its ugly wind through south Dade destroying tent cities and trailers used to house those left homeless by Hurricane Andrew.

I am concerned about the physical and mental health of south Dade residents. The people of this community need help to cope with the problems that have loomed large in the last 6 months and those that still lie ahead.

Domestic violence and the incidence of suicide have increased threefold. Housing continues to be the single largest need in south Dade. Thousands are homeless. Many more are living in tents, trailers, with friends and relatives, and other temporary quarters. They are under particular distress today because of Hurricane Andrew and the storm of the century.

And, Mr. Speaker, as if my community has not suffered enough, word Friday of the proposed shutdown of Homestead Air Force Base did to south Dade's psyche what Andrew did to the base itself 6 months ago. The proposed shutdown of Homestead Air Force Base will take with it 8,700 jobs, and an annual payroll of $152 million with an economic impact on the local ecoromy of $430 million.

We need help from the Congress in assisting this community in restoration. Initiatives such as housing, economic development and health care are direly needed. I appeal to the Congress—please help.

CONTROLLING GOVERNMENT SPENDING

(Mr. CRAPO asked and was given permission to address the House for 1 minute.)

Mr. CRAPO. Mr. Speaker, to paraphrase the president of the Institute for Research on the Economics of Taxation:

> The last things the American economy needs now are tax hikes and new Federal

spending programs. No matter its form or the taxpayers on whom it is imposed, any tax increase will impede the burgeoning economic recovery and slow the growth in jobs, production, and income. New Federal spending programs, no matter how small they are to begin with, will quickly grow and become additional drags on the Nation's economic growth and vitality. To revitalize the economy, we need real, substantial, and sustained cuts in Government spending. If we really want to remove the road blocks to economic progress, we must make fundamental changes in existing spending programs to curb their expansion, not raise taxes.

Mr. Speaker, the problem is not that we have too little of the taxpayer's money to spend in Washington. The problem is we cannot control our voracious spending appetite.

IN SUPPORT OF PRESIDENT CLINTON'S ECONOMIC STIMULUS PLAN

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, I rise today in support of the budget resolution for fiscal year 1994 and the President's economic plan.

Mr. Speaker, what we have heard today from many of our Republican colleagues is that the economy is recovering and that we do not need an economic stimulus. I invite my Republican colleagues to come to where I live, in the real America, not necessarily inside of the beltway here, but in places like Compton, and Carson, and South Central Los Angeles, and they will find out that the economy has not recovered.

In fact, Mr. Speaker, the President's plan provides for increased funding in the important areas of job programs, training, defense conversion, R&D, education, and lifelong learning programs, mass transit and highway programs.

Mr. Speaker, we debated this and we will debate this today and tomorrow, and I hope that during this debate the Members on the other side of the aisle will come to find out what investment really means: putting and utilizing something today for future advantage and future benefit tomorrow. We have to invest today in child immunization, Head Start, the WIC Program, the Ryan White AIDS Program, and the Mickey Leland Hunger Program, and after we have done all of that, Mr. Speaker, we can still say at the end of 5 years that we will have saved $510 billion in Federal budget deficit reduction.

AN IRISH PRAYER

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, I will be cosponsoring with your kind consent, and the unanimous consent of my colleagues on H.R. 61. Since all of my great-grandparents and two of my grandparents come from Ulster, the beautiful County of Donegal, free Donegal I will be proud to consponsor H.R. 61, the Northern Ireland Bill of Rights.

Mr. Speaker, 47 years ago Sister Josepha, my grade school principal and eighth grade teacher at Good Shepherd School in Beverly Hills took me out in the hall for a chat because my Viking-Irish hair had once again overcome my judgment. I was rambunctious and energetic to a fault and the good sister said, "I believe you only have two career choices in life, Mr. DORNAN, the cloth or politics."

□ 1140

And then she gave me a wee bit of constructive memory work. I was not laden down with holy cards for being a quiet and pliable lad. Just the contrary, but I was the lucky one who was guided to memorize all those beautiful psalms.

Therefore, in humble gratitude to Sister Josepha, a fellow redhead, who teaches to this very day, I would like to offer that prayer in addition to the lovely prayer with which we began our session today. I think an extra prayer now and then is fitting because of all the pain in the world. From Bombay to Beirut to Bosnia to Bogota, every little prayer surely helps a wee bit, and this one, Mr. Speaker, is most appropriate today. It is traditionally called "The Breastplate of St. Patrick" or "The Armorplate of St. Patrick," and it appeals for the total protection of the Prince of Peace, the Son of God, Jesus Christ who redeemed us all with His precious blood.

"The Armorplate of St. Patrick": Jesus before me, Jesus protecting my back, Jesus to the right of me, Jesus to the left of me, Jesus supporting me, Jesus above me, Jesus in all I see, Jesus in all I hear, Jesus in my touch as I reach out to others, Jesus in my every utterance, Jesus Christ in my every thought.

St. Patrick, you lovely man, bless us one and all on this your great feast day.

Mr. Speaker, I dedicate that recitation of that unique prayerful plea to my Sallie, our five grown and very wonderful children, and to our eight grandchildren, Rick, Tara, Anna, Kevin, Colin, Erin, Haley, and Robby III. And also to soul No. 9, our youngest Kathleen's first, probably a Liam or Declan but in God's wisdom maybe a beautiful little colleen.

NEW TAXES DEPRESS THE ECONOMY

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, in my close consultations with the people back home during the last several weeks, the topic of discussion has, of course, been the President's economic proposal.

I must say to you that although there is a divergence of views on the necessity of some parts of that package, there is a unanimous opinion among all those with whom I have spoken that there should be no consideration of new taxes which themselves can depress an economy, nor talk of new taxes of any type until spending cuts have been put in place.

What is wrong with what is about to happen in the Chamber with us here in the Congress is that the President's proposal puts the package together, new taxes, massive new taxes, new spending, massive new spending, and spending cuts of an unspecified variety that may or may not take place. The history of our economy and our process in this House shows that taxes overcome the rest of the package each and every time.

TIME TO BE RESPONSIBLE

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, it is said you can fool some of the people some of the time and all of the people some of the time, but you cannot fool them all, all of the time. Let me say this: I think the Republicans keep trying.

I hear Republican Member after Member after Member get up here to the floor and offer a balanced budget about cutting everything with no new taxes, no new revenues, no new anything, like this is going to happen.

And that is a pretty good trick since they got us here with the increased spending and the big tax cuts to the fat people of this country. Now they want to protect the fat cats again and cut those good programs to a lot of the people who need the programs in this country, those who need to house, clothe, and feed their families and they cannot do it, cut them out.

And then the middle income is going to get stuck with the bill again.

I think that they know that if they had a majority in this House and they had a President in the White House, none of them would be up here talking about these ridiculous programs that they are talking about, and I say that it is time to be responsible.

PROVIDING FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 64, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1994

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 131 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 131

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the United States Government for the fiscal years 1994, 1995, 1996, 1997, and 1998. The first reading of the concurrent resolution shall be dispensed with. All points of order against the concurrent resolution and against its consideration are waived. General debate shall be confined to the congressional budget and shall not exceed ten hours, with seven hours (including four hours on the subject of economic goals and policies) equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, two hours controlled by Representative Mfume of Maryland, and one hour controlled by Representative Solomon of New York. After general debate the Committee of the Whole shall rise without motion. No further consideration of the concurrent resolution shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, I yield the customary one-half hour of debate time to the gentleman from Florida [Mr. GOSS] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 131 is the rule providing for the consideration of House Concurrent Resolution 64, the concurrent resolution on the congressional budget for the U.S. Government for fiscal years 1994 through 1998.

This rule governs only the time for general debate on the budget resolution and provides for a total of 10 hours of general debate time.

Seven hours will be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, with 4 of those 7 hours being yielded, by tradition, to the chairman and ranking minority member of the Joint Economic Committee for purposes of debate on economic goals and policies.

Two hours of general debate will be controlled by the gentleman from Maryland [Mr. MFUME] representing the Congressional Black Caucus, and 1 hour will be controlled by the gentleman from New York [Mr. SOLOMON].

The rule waives all points of order against the bill and its consideration and provides for the committee to rise without motion after all general debate is completed. Finally, the rule prohibits any further consideration of the bill except by a subsequent rule.

Mr. Speaker, I wish to take this opportunity to commend the chairman of the Budget Committee, the gentleman from Minnesota [Mr. SABO] for developing a budget resolution which not only meets the President's goals for making much needed investments in the Nation's children, infrastructure, and economy, but also responds to the calls of the overwhelming majority of Americans for deeper cuts in existing Federal programs.

The budget resolution does cut an additional $63 billion from the President's budget plan over the 5-year period from fiscal year 1994 through fiscal year 1998. In all, it will reduce the Federal deficit by $42 billion in fiscal year 1994 and by $510 billion over the next 5 years.

The savings that are achieved by this budget resolution represent real, substantive cuts in existing Federal programs. Under this plan, we will be spending less in actual dollars on discretionary programs in every year from 1994 through 1998 than we spent in 1993—thus, discretionary spending will be frozen, with no increase for inflation, for the next 5 years.

The resolution achieves the remainder of the $510 billion in deficit reduction through reconciliation instructions to 13 authorizing committees. These savings will thus be enacted this year in a single, omnibus reconciliation bill through permanent changes in law.

The Budget Resolution is an ambitious package which follows the President's lead in calling for much needed long-term investment in our economy, and in addressing the single biggest obstacle to our Nation's long-term economic health: the Federal deficit.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my distinguished colleague, my friend, the gentleman from California [Mr. BEILENSON].

Mr. Speaker, there is a saying that "you should kill no snake on St. Patrick's Day"—and so I suppose we are fortunate that today, for the first time this year, we have a rule that is more benign than the usual serpents we have seen come slithering forth from the Rules Committee of late. A bit of the luck of the Irish? Perhaps. But in the interest of comity and in recognition of the importance of today's debate on the budget resolution, I know all Members are eager to proceed with the substantive discussion about budget priorities and the future economic health of our Nation. Clearly, there are many different perspectives and important additions that can be made to this debate; and, to the extent that this rule is designed to provide time for an airing of those views, I am pleased to support it. Thus 10 hours should afford numerous Members opportunity to express numerous thoughts. Of course, I continue to object to the manner in which important, complicated, and controversial legislation, such as this budget resolution, is brought forth to this House on a forced march, to the point where rules are being granted before bills and reports have even been printed.

In this case, it is hard to pick this up let alone look at it in 1 day, and we are being asked to waive the layover requirement to rush the budget resolution to the floor. Once again, Members are asked to consider an enormous piece of legislation that many have likely fully never seen, and for those who have not, here it is.

Mr. Speaker, today we formally launch into our No. 1 job as Members of Congress: managing the Federal budget. So far, and certainly in the time that this Member has served here, our collective job performance on this task has been dismal. If we were working in the private sector, even the most tolerant boss would have fired us by now.

In fact, our approval rating with our bosses, the American voters, hovers around 20 percent.

The Federal budget deficit is still soaring despite Gramm-Rudman, despite the October 1990 budget deficit reduction act, despite promises to cut wasteful spending, promises still unmet to the degree of hundreds of billions of needless bloat per year.

□ 1150

The fact is we all know it. The numbers are so huge that it takes a dozen zeros to enumerate the entries on our charts. Under this budget resolution, we are staring at a Federal budget of $1¾ trillion in 1998. We could be applauding if this were a balanced prosperity budget, but in my view the President has given us a program that is nowhere close to balanced and one that may well be a blueprint for national bankruptcy.

Even after we implement the biggest tax bite ever, we are still looking at a climbing annual budget deficit in 1998—5 years from now—of $200 billion or more to add to the national debt which will exceed $5 trillion by then under this resolution.

President Clinton asks for $280 billion in new taxes and $127 billion in new spending as a starter course—with the promise of budget cuts sometime later—as in much later or maybe never. And we have not even seen what sort of taxes may be coming with the administration's health care reform plan due out sometime in May.

The fact is, our national track record in these kinds of buy-now, pay-later budgets demonstrates that higher taxes and new spending stick while spending cuts manage to slip away, as the snow is slipping away in Washington today. It is worth nothing that conservative estimates are that the President's program will actually result in $3 of spending for each new dollar of taxes raised.

It is true, debate and commentary in recent weeks have focused more on where to cut spending. This is good news for most Americans. Many of my colleagues on this side of the aisle particularly have accepted the President's challenge and proposed specific ways to cut waste and redundancy and to reprioritize our Federal spending—reducing the deficit without raising taxes on the American people.

I repeat, reducing the deficit without raising taxes on the American people is the goal of this side of the aisle. As the distinguished ranking member of the Budget Committee, the gentleman from Ohio [Mr. KASICH], said, we have set a new standard for budget cutting specifics this year.

In this Member's book that is good. That is a change for the better—as long as we live up to the demands our constituents are making to cut wasteful spending first. First, before we raise taxes. First, before we set out on new spending adventures. There are many of us in this House—and especially among the 110 new Members—who believe a line-item veto and a balanced budget amendment are crucial to holding Congress to its pledge to cut the deficit.

As I speak, the Rules Committee is meeting to determine the structure for tomorrow's debate on specific amendments to this budget resolution, and it is my sincere hope that we will see a process that is open and fair and allows for ample opportunity to consider all legitimate amendments. After all, it is the collective wisdom of this body that should work its will on the biggest challenge of this session. If we shortchange that, I daresay that we inevitably diminish our chances of fullest success.

I understand the majority is requesting something less. In fact, the majority wants only entire substitutes made in order, noting that to do so has generally been our practice in the House for many years.

Well, Mr. Speaker, dare I say that the people of our country want change. I keep hearing about it, change—and yet the majority seems to be using business-as-usual practices to justify muzzling those who would add valuable amendments to the debate—which may well be the mother of all debates this year.

Certainly the American people are expecting that.

People are willing to sacrifice for the good of our country, that is clear—and that is wonderful. We cannot keep abusing that generosity by wasting tax dollars on frivolous projects, redundant programs, bureaucratic bloat, special interest rewards, and the like. We must redefine our national priorities and shape our funding fairly and prudently. Now is that time. Tax dollars are not endless and they are not forever.

Our Rules Committee has an important job to do in ensuring that this debate we begin today does not diminish the American people's right to have the whole Congress carefully consider all the legitimate options to produce the most responsible budget blueprint. Those of us in the minority of the Rules Committee are ready to debate this crucial subject for as long as it takes—but the simple math of nine majority votes to our four means that it is up to the majority of the Rules Committee to make those responsible choices. I encourage them to rise to the challenge.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, we are here now in chapter 11.

Members of Congress are official trustees presiding over the greatest reorganization of any bankrupt entity in world history, the U.S. Government.

We are setting forth hopefully a blueprint for our future. There are some who say it is a coroner's report that will lead to our demise.

I am going to support the rule. I am not sure yet if I will support this budget. I want to hear an awful lot more, not being a member of the committee, and I am not going to vote for things I do not understand or do not like, but let there be no mistake. After 12 years of Ronald Reagan and George Bush, we are standing here.

Let me say this to the minority party. Every program that Ronald Reagan wanted in 1981, he got. Reagan got it. There was a Republican Senate majority and there were 70 Democrats in this House that might as well have been Republicans, and we have the program.

The major assumption was very simple. We are going to cut taxes, put money in the pockets of the American people, and when they spend this money our gross national product is going to rise so great that even though we reduced your tax liability on a percentile basis, we will balance the budget, quoting Ronald Reagan, in 1982. It is going to take the fall of our Congress, I think, for that to happen.

Mr. Speaker, let us give this new administration a chance. Democrats gave Ronald Reagan a chance.

But let me give one word of caution here today. America already has race wars, let us be honest about it. We already have gender wars, let us be honest about it. We already have age wars, let us be honest about it.

One thing this Congress had better not get involved in and get trapped into is a class war on money. In America, if you can not earn all that you can, there is something wrong and there is no more a spirit of free enterprise.

I want to say this to the Members. We may talk about taxing the rich, but the rich people have already taken their companies and their jobs out of America. Be careful that the rich people do not take their money out of America, because the government already raises our kids, defends our families, educates our kids, feeds our kids, houses our kids, and the government is doing a very poor job of it. I think mom and dad would be better utilized there once again.

So I am going to listen to the debate. I do not know if I will vote for this budget.

Finally, I do not know if the budget makes one damn bit of difference, because we waive it all the time and I do not think we have ever followed it. I think we have an excellent chairman who worked hard. If we are going to have budget, we should follow it. If not, we once again as Members waste both our time and the people's time.

Let me say this just in closing. Today is not the mother of all debates and the mother of all decisions. When that tax package comes, you will have the mother of all votes on the floor.

Let me say this, I am not for voting any more taxes on the backs of the American people, because I believe the tax of 1990 put on right here today, and I am very concerned about the tax package being discussed in this Congress.

I am one Democrat who believes we should stimulate the private sector. We already have more government jobs than factory jobs, and I think that is an indictment of our Congress.

One basic tenet to this Constitution is life, liberty, and the pursuit of happiness, and there can be no life, liberty, or pursuit of happiness in America without jobs.

I would like to see the mother of all debates center around the jobs bill.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia [Mr. GINGRICH], the distinguished minority whip.

Mr. GINGRICH. Mr. Speaker, I appreciate the opportunity to speak, and I appreciate my friend, the gentleman from Florida, yielding me this time.

Let me say first of all, the American people apparently today and tomorrow are going to see a very, very sad spectacle of the Democratic leadership attempting to pass two rules that are as restrictive, as narrow, as tight and deprive Members on both sides of any opportunity to offer legitimate amendments. I think that is sad. I think it is the opposite of what Ross Perot ran on. It is the opposite of openness. It is the opposite of allowing every citizen to see what is going on. I think that as a procedure is sad.

□ 1200

Second, people are going to see a choice between a $31 billion, unpaid for deficit increase for pork barrel with things like $4½ million for a municipal garage, and $3½ million to take care of some politician's theater that needs to be renovated, and another $5 million to take care of swimming pools for another politician that needs to have a good press conference and, apparently, will be no opportunity for any Member in either party to offer to cut spending, which I think people will find fairly amazing.

And then, finally, they will be offered a choice between the budget which raises taxes on virtually every American except the homeless. It says, "If you use electricity, have a light bulb, use air conditioning, use heating oil, if you warm your house, cool your house, drive a car, or buy any product carried by a truck anywhere in America, you're, in fact, going to pay higher taxes under the Democratic budget," and I think that is a mistake.

We have a budget that the gentleman from Ohio [Mr. KASICH] and the Republicans of the Committee on the Budget have developed which both the New York Times and Washington Post have praised as intellectually more honest than the Democrat budget, a budget which gets $25 billion higher in deficit reduction without a penny in new taxes, does not have an energy tax, does not tax senior citizens, does not tax people getting Social Security, does not tax small business, does not tax agriculture. It is a much better budget than the Democratic budget.

But that is not why I got up to speak. We are able to talk about dramatic changes in the cost of Government because on the Republican side, frankly, we are trying to learn what General Motors, what Ford, what Chrysler, what Xerox, what IBM, and what Sears Roebuck are learning, and that is that we have to have a fundamental transformation of the way we do business. There is dramatic downsizing going on in private business. We are trying to become more competitive. We are recognizing the need for real change.

Mr. Speaker, this morning we had the privilege of having Dr. Edwards Demming visit with the House Republican conference and then have a meeting with a number of Members. Dr. Demming is the man who, over 40 years ago, taught the Japanese the concept of quality and of profound knowledge. He is the man who helped revolutionize productivity in the modern world. He is today, at 93, as an American citizen born in Cody, WY, passionately committed to renewing his own country. He spent several hours with us here today, and I would urge every Member, Democrat and Republican, to come to a series of seminars that we hope to set up with Dr. Demming to look at the techniques of changing, not just cutting, not just increasing, but changing the whole process of Government.

Mr. Speaker, there is no reason we in the Congress cannot be as smart, as aggressive and as effective as the best of American management. There is no reason we cannot study profound knowledge under Dr. Demming and apply the ideas to the government that have been so powerful in Japan and have been so powerful at some American companies.

Let me say that requires rethinking how we spend money, not raising taxes on the American people. We got $1 trillion 75 billion in revenues this last hear. We will have about a $55 billion increase in revenues because of economic growth.

Now it may be a sign that I am a radical, but I believe with $1 trillion 128 billion, under Dr. Demming's concept of profound knowledge, we should be able, in fact, to control the government and not raise taxes.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, the American people elected Bill Clinton. Now it is our imperative to give the Clinton budget plan a chance. It is put up or shut up week in the House of Representatives.

After over a decade of sitting idly while our deficit roared out of control—after over a decade in which Congress and the President have graphically defined gridlock by rarely choosing to make the difficult choice—decision time has arrived.

This week we will be voting on a budget resolution that is far better, far gutsier, far more specific than anyone in this House could have imagined 6 months ago.

The budget bill cuts $150 billion from the deficit over 5 years. Under the resolution, not a single penny of tax increases or mandatory savings will be used for new spending. All discretionary increases above baseline are offset by discretionary cuts.

It is a very good budget blueprint.

The American people voted for Bill Clinton and they support his budget plan. They may not agree with every single item of the Clinton plan, but they all agree that the deficit must be cut and that gridlock must end—right here, right now.

And this week we can end the gridlock.

No more partisan bickering for the sake of partisan bickering. No more finding political excuses not to solve real problems. No more choosing delay over than action; argument over solution.

This week Members have a choice. They can smugly play the role of naysayer, continue business as usual, aspire to the least common denominator, grasp for gridlock.

Or they can support the most far reaching budget package that the Congress has ever considered.

The President did his job, and the Budget Committee made the package even better. The American people overwhelmingly want Congress to give the President's plan a chance.

So, now it is our turn. It is put up or shut up time for Congress.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to my senior Member, the gentleman from Claremont, California, [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my Rules Committee colleague, the gentleman from Florida [Mr. GOSS], for yielding this time to me.

Mr. Speaker, it is fascinating to see where we have come in this process. We had this great speech given to us by President Clinton in his address to the joint session of Congress in which he charged us with being specific when it comes to the question of cuts, and yet the proposals which he has brought forward and the proposals that have been brought forward from my good friends on the other side of the aisle lack all specifics. In fact, his proposal has spending cuts without specifics, but there are $112 billion simply labeled "from defense." We have proposed spending cuts from Democrats on the Committee on the Budget: $63 billion, but where are the specifics?

Mr. Speaker, what we have heard from President Clinton time and time again is: "No more hot air. If you don't like my plan, show me where."

Mr. Speaker, Republicans on the Committee on the Budget have come up with several packages. Every single one of the proposals that have come from minority members of the Committee on the Budget and other non-Budget Committee members of the minority side have been specific.

It is not easy to be specific, and we had a debate on that. Did we want to alienate certain constituencies by proposing specific cuts? Well, those of us on our side of the aisle decided, yes, we would step forward and make those hard choices. Tragically the President and Members of the majority have failed to do that.

Now this rule under which we are considering this measure as we proceed with general debate is a very bad precedent. It is not unprecedented. What it is is a two-part rule. What we are doing is we are simply allowing for general debate, but, Mr. Speaker, as general debate proceeds, Members will not know what amendments are going to be considered when we get to the process of actually debating those individual proposals. So, this is a very bad pattern.

Also, Mr. Speaker, once again we are waiving this 3-day layover. We have proceeded in the last 20 years with larger pieces of legislation for Members to read, and yet we have given them less time to consider it because we have consistently waived this 3-day layover provision.

So, I think this is a very bad procedure under which we are considering this, and I think it remains to be seen as to whether or not we are going to have very firm opportunities to propose these minority options. But I hope very much that we will vote down this rule so that we cannot continue with waiving the 3-day layover provisions and tragically proceeding with these two-part rules.

□ 1210

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague for yielding this time to me, and I rise in strong support of the House budget resolution for fiscal year 1994.

Last year, the American voters sent a powerful message to the White House and to the White House and to the Congress. They called for an end to politics as usual, challenging us to take bold actions to reduce the Federal deficit that threatens our economic security, and challenging us to invest in America again.

Mr. Speaker, this budget resolution we are considering today answers those challenges.

By adopting this resolution, the Members of the House will take a critical step along the path of long-term deficit reduction.

There is no question that we must get the Federal deficit under control. Left unaddressed, the deficit will climb to more than $600 billion over the next 10 years.

We know that inaction will continue to sap our wealth, drain our national savings, intensify our dependence on foreign capital, and severely limit any productivity-enhancing investments by the private sector.

Because our economic security and prospects for continued economic growth are inextricably tied to the reduction of the Federal deficit, we must take action now.

As a member of the Budget Committee, I can assure the Members that this plan is bold, fair, and real.

The plan is bold. The Budget Committee included $63 billion more in spending cuts than the President called for. In all, the Federal deficit will be reduced by $510 billion over the next 5 years.

The resolution meets the spending caps established in the 1990 Budget Enforcement Act for fiscal years 1994 and 1995.

In addition, this resolution freezes discretionary spending for the next 5 years by capping outlays at the level enacted last year for 1993.

The plan is fair. The sacrifices called for in the resolution do not fall disproportionately on any one group. And this resoluton restores progressiveity in our Tax Code, which was eroded during the past decade, by requiring a fair share from those most able to pay.

The plan is real. The CBO has certified that this resolution meets the President's objective and, furthermore, the reconciliation process included in the resolution will ensure that the pay-as-you-go requirement and spending caps are extended and strengthened.

At the same time we are reducing the deficit, the resolution enables us to invest in America again.

It supports President Clinton's new strategic investment agenda that puts people first. It creates new jobs and develops human capital. The resolution includes these initiatives to stimulate small business expansion, to rebuild our transportation infrastructure, to expand educational opportunities for our children, and to rebuild our cities.

The implementation of the resolution will require the House to make difficult choices this year and in future years.

But, it demands that our Federal spending priorities reflect post-cold-war realities by shifting our resources from weapons of destruction to new investment for long-term economic growth.

Every dollar we allocate must be invested wisely. We cannot afford to continue to spend for weapons that do not shoot or for planes that will not fly, and certainly we have to look at science projects that have enormous cost overruns. This budget resolution provides the discipline we need to get Federal spending under control and our country on a sound economic course. I urge its adoption.

Mr. Speaker, I would like to close with just one paragraph that appeared in my paper this morning. A citizen who wrote in to the paper said this, and I quote:

> Let your elected officials know that if President Clinton's plan is tried and fails, we will blame him, but if the plan gets hacked to pieces and never gets a chance, we will blame them. Let's take responsibility for this mess like adults and keep after our children in Washington so they know it's OK for them to grow up too.

It is time for that, Mr. Speaker.

Mr. GOSS. Mr. Speaker, may I inquire as to how much time remains on each side for debate?

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Florida [Mr. GOSS] has 16 minutes remaining, and the gentleman from California [Mr. BEILENSON] has 16 minutes remaining.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, let me say to the Members that everywhere I go in my district the subject is the same: the President's economic package. Almost unanimously, the people are horrified by the massive new taxes that will be imposed thereby.

They are equally horrified when they learn that when the new taxes are imposed, the first thing that will be done with these moneys is to engage in new spending. Then when they get over that horror, then we start to talk about spending cuts.

Some people even venture to say to me, "I would be willing to pay new taxes and more taxes if only I could be assured that spending cuts, an end to waste in Government, and a slowdown in the excesses of Government will take place, and if all these spending cuts were put in place, then I would be willing to consider new taxes. It is cut now and tax later, if you must tax at all."

But the rule of debate that is being fashioned here and forced upon us will not permit us to propose reasonable plans for doing exactly that, to demonstrate to our citizens that we are willing to cut down to the barest bone, and then, if we have a shortfall in our targets for reducing the deficit, then and only then should we engage in the exercise of imposing new taxes.

This is a simple message, and it is heartfelt by the masses of people back home. We owe it to them to at least allow debate on the floor on the various proposals for this type of an approach—cut now and tax only later, if you must. If you cannot even permit reasonable, promising types of proposals of that nature to form part of the debate, then the debate rounds out to one thing—all or nothing at all, the President's proposal or the Democrats' proposal, all or nothing.

Mr. Speaker, I cannot subscribe to that.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may wish to consume to the gentleman from Minnesota [Mr. SABO], the very distinguished chairman of the Committee on the Budget, who has done an excellent job under difficult circumstances.

Mr. SABO. Mr. Speaker, I thank my good friend, the gentleman from California [Mr. BEILENSON], who also serves on our Committee on the Budget.

I simply want to say to him and to the members of the Committee on Rules that they have produced a rule that is fair for general debate. We will debate the substance of our resolution later today.

I think we have a budget resolution that clearly moves this country forward. This rule is fair. It gives ample opportunity for debate.

Mr. GOSS. Mr. Speaker, I have no further speakers on the floor at this time, and unless it develops that other Members require time, I will close by yielding myself such time as I may consume.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized.

Mr. GOSS. Mr. Speaker, I think it is clear that we have a rule for this part of the debate on this very critical subject of our budget and our country's economic future that is reasonable. As I said previously, I am going to support that, and indeed I am supporting it.

But I also think it is true that the budget resolution is an integral part of President Clinton's economic program for our Nation's future, and I think we have to view what is in that total package. From my perspective, though I wish the President well, because I wish our Nation well, as we all do on this subject, I do not believe that this budget resolution is going to lead to the hopeful conclusions that the advocates of its advertise. I believe it is going to add the biggest tax bite ever that this country has had. The facts would indicate that in terms of the figures.

It does not balance the budget. It does not balance the budget in the next 5 years. In fact, 5 years from now, we will still have a budget deficit close to $200 billion by conservative estimates, and climbing. And that is the sad part of it.

It does not necessarily produce jobs efficiently at all. We are talking about somewhere around 220,000 jobs in this period at a cost of $90,000 per job. We can do better without Government manipulation at that level in the job market.

□ 1220

I am not sure it really invests in our economy as much as this program extends welfare and waste in a great number of projects. We have heard some of those projects enumerated in the debate today so far. I read that there is going to be a $28 million bailout of the D.C. government, at the same day that I read that there is more trouble in the D.C. government and they are letting top government managers go from the D.C. government.

Then, of course, hidden in this is the question of extending the debt ceiling. Whether or not we will have a vote on that remains to be seen. There is an automatic process which means we might not have a vote in the House on that.

If this is economic stimulation, I suggest the patient may never wake up, and that concerns me very much. Of course, we will have the debate on the merits of this budget resolution. The important part of what I have said is there are so many things that are serious that are of concern to conscientious Members about this, that I hope we have as open a rule as possible and that we do not stick to this measure of having to have a whole substitute; that we can talk about things like the line-item veto, that we can talk about things like balanced budget amendments. I think these are critical factors.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1335, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1993

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 130 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 130

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI or clause 7 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 130 will allow the House to begin consideration of H.R. 1335, making emergency supplemental appropriations for 1993. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule waives clause 2(L)(6) of rule XI requiring a 3-day layover of the bill. In addition, the bill waives clause 7 of rule XXI which requires that the relevant printed hearings and report be available 3 days prior to consideration of a general appropriation bill.

These waivers are necessary because the committee could not obtain unanimous consent to file the bill and report last Friday. However, both the bill and report were made available to all Members last Friday by the committee.

Finally, the rule prohibits further consideration except by a subsequent order of the House.

Mr. Speaker, H.R. 1335 is the President's economic stimulus package. The bill provides $16.3 billion in appropriations for fiscal year 1993 as the first part of the President's economic investment plan. The bill invests in the improvement of our Nation's infrastructure by providing over $3.2 billion for road construction, repair, and airport improvements.

The bill also invests in people through education and job training and includes $2.6 billion for the Pell grant and the chapter 1 compensatory programs. The bill further includes $500 million for a new Head Start summer program.

The bill appropriates $4 billion to fund the extended unemployment benefits enacted earlier this month and includes $1 billion to create 675,000 additional summer jobs and $32 million to fund additional community service jobs for older Americans.

Mr. Speaker, recent economic reports show that significant risks to recovery still exist. Many large firms expect to layoff more workers in 1993. For example, Sears, Roebuck & Co. will eliminate some 50,000 jobs and Boeing will cut up to 20,000 jobs. Private business construction is still in a slump, falling 1.6 percent in January, and dropping 26.5 percent since the recession began. Many office buildings and shopping malls remain half-occupied. Factory orders for big-ticket items still lag behind the rate seen in past recoveries.

Moreover, there are still more unemployed people today, after 23 months of recovery, than at the worst point of every other post-war recession but one. Nearly 9 million people are still unemployed. Another 6.5 million people are working only part time because they cannot find full-time jobs. These underemployed people do not show up in the official unemployment rate.

Mr. Speaker, the economic stimulus package is quite simply an insurance policy. Although the recession technically ended 2 years ago, we are still producing jobs at a pitifully slow pace. We have already seen the recovery stumble; we cannot afford to fall back into recession again. The President's modest stimulus, coupled with the effects of already lower interest rates, will kickstart the economy, help businesses produce jobs, and make a down payment on the investments we need to prosper in the future.

Mr. Speaker, House Resolution 130 will expedite consideration of this important package that will boost a weak economy, create jobs, and begin to invest in the future. I urge my colleagues to support the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, the gentleman from California [Mr. DREIER] has been detained and will be here momentarily. In the meantime, I yield 4 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise with some concerns about this rule, although I believe it is probably part II of the rule that will be of greatest concern to this Member and I really am not concerned about moving this particular rule through and proceeding on with the debate.

I am concerned, however, with some of the things that are going to be debated as a part of this rule's procedure. There is no doubt that the American people in the latest election gave this Congress and this Government a mandate for change. We Republicans were on the wrong end of that particular mandate and President Clinton was elected, and there is no doubt the American people want change.

However, if you look at the bill that is being brought to the floor under this particular rule, you will find that this ain't change; it is more of the same. And the reason why I say that there is no part of this supplemental appropriation or stimulus that is a change is because when you look at the details, you will find that this is the same old spending game that Congress has gone through for years and years and years and years and it is the reason why we today have massive deficits and have massive debt.

Mr. Speaker, let me give a few examples that are down in this supplemental appropriation bill. For example, there is a large amount of spending that comes under the jurisdiction of the Committee on Science, Space, and Technology that is in this bill that is unauthorized.

We have a problem in this Congress when we begin to spend money that has not been properly authorized under law, when in fact what we do is spend money that is being spent over and above the obligations of law.

We have had several discussions in the Joint Committee on Reorganization of the Congress on which I serve where authorizing chairmen and the distinguished chairman of the Committee on Appropriations, the gentleman from Kentucky [Mr. NATCHER], who is here on the floor today, have come before our Committee on Reorganization and stated flatly that we ought not have any more unauthorized money being passed in appropriations bills, that it is time to reform this process, that the Congress and the country are being badly abused by what is going on.

□ 1230

And yet, in the package that will be brought to the floor and debated this afternoon, I find the following items:

There is $103 million for ADP, that is under the American Technology Preeminence Act, which is $70 million over the $100 million of fiscal year 1993 statutory authorization that was in Public Law 102–245.

There is also $47 million in energy conservation, all in excess of the $358.2 million of statutory authorization in Public Law 102–486, the Energy Policy Act.

There is also $81 million for the National Oceanographic and Atmospheric Administration, which is over and above, that is, $81 million over and above Public Law 102–567.

There is a new Commerce Department information highway that is a brandnew program that has not been authorized by anybody that is at $64 million.

In addition, it is my understanding that there is a $94 million add on for EDA, which is unauthorized, and $188 million for Amtrak, which is also unauthorized.

Now, just the items that I have talked about here is $500 million, over $500 million of money that has not been properly allocated by law. If the American people and middle-class American workers wonder why the debt is piling up, it is because Congress goes on spending money that has not been properly authorized under law.

We are doing so in the bill that we have brought to the floor today. It is wrong. It is the reason for deficits. It is the reason for debt, and it should be stopped.

Mr. DERRICK. Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, these next 2 days could well be 2 of the most important days in the economic history of our country.

Unfortunately, beginning back in the 1940's, particularly right after the Second World War, we have had very few times when the budget of our country has been in balance. Through the Democratic administrations, the Republican administrations, through times when the Democrats were in charge of the Congress, through times when the Republicans were in charge of the Congress, we have seen deficits pile on and multiply every year. And every year as it grows, we have seen the interest on our national debt become a larger and larger part of our annual budget.

The interest is money that could be used for many worthwhile purposes, such as Head Start, national defense, a varied array of services for our people. However, that money is no longer available to us because of the need to service debts that have been accumulated.

Unfortunately, these are not debts that were largely accumulated during hard times, during times of depression or times of recession. The largest part of our deficit, some three-fourths of our total indebtedness in this country, was accumulated during seemingly prosperous times, the 1980's.

The fact of the matter is over the last 45 years, by not paying attention as we should have in this country, on the part of both political parties, we find ourselves in a fix. We are looking at $300 billion annual deficits and over $4 trillion of debt.

For the first time in the post-war history of this country, we have a President who has come forth with a serious plan to slow the growth of that budget deficit and begin to put our economic house in order, including budget cuts, economic stimulus, and even additional taxes largely borne by those who got off easy during the 1980's and are thus best able to pay them today.

We can pick the cuts apart. We can pick the stimulus apart. We can pick the taxes apart. But the fact of the matter is, this is the only plan that we have before us by a President, the only chance.

And although I do not want to overstate the situation, I believe in my heart that it is the only opportunity that we will have, the last opportunity that we will have to take a clear shot and make a significant impact on the economic health and well-being of this country.

I suggest today that we give serious consideration to voting for the budget, voting for the rule for the budget, which will be fair, and voting for the rule for the stimulus package, which we believe will be fair. All of them will be in the best interest of our country.

Mr. Speaker, for the purposes of debate only, I yield 6 minutes to the gentleman from New Mexico

Mr. RICHARDSON. Mr. Speaker, I thank the gentleman from South Carolina for yielding time to me and acknowledge his effort in convincing this body and the Congress to support the President's package. I hope we will today.

Mr. Speaker, I rise in support of the rule and encourage all Members to support the investment supplemental. As we begin debate on the President's plan to jump start the economy and get America back to work, we must all remember that the President's plan has two parts: extensive budget cuts and a package of short- and long-term investment.

For the economic plan to work, we have to pass both parts of the package. One without the other dooms us to certain failure.

The President has forcefully made the case for just and fair burden sharing and new investment in the future.

This investment package seeks to reinvigorate the economy, spur job creation, rebuild crumbling infrastructure and raise hope for those whose dreams of a job or a better life for their children have all but deserted them.

This plan is a commonsense plan, and common sense tells us that President Clinton was elected just 4 months ago in order to focus on the economy. He has done that, drawing up a solid two-part plan.

Now we must stand with the President and pass his package. The American people voted for change in November. President Clinton has a package for change.

By a 2-to-1 margin, the American people support his plan.

□ 1240

It is our responsibility to pass it. The American people have made their position clear. In town meetings and national polls, as I have cited, we see that the vast majority of Americans support his package. In fact, in the Wall Street Journal, a recent poll shows that by a margin of 62 to 30 percent the public prefers the Clinton plan to a Republican alternative.

It is time for us as Members of this body to stand and deliver. We know the overall plan makes sense. We know the plan moves us in the right direction. We know if we miss the opportunity it will be a long, long time before we can deal with this responsibly and powerfully again.

I urge my colleagues to support this package. This is a package that contains a lot of positive elements in the domestic agenda.

For instance, through the able leadership of the gentleman from Kentucky [Mr. NATCHER], the stimulus package contains a lot of important domestic stimulus spending:

Three billion dollars for highways from the highway trust fund. This creates jobs, restores our crumbling infrastructure, and makes sure that urban and rural America have a piece of the action;

Mass transit for our cities, discretionary grants to proceed with very needed mass transit, surely an investment for the future;

Summer jobs. This was our legacy after Los Angeles. We promised to create summer jobs for the millions of unemployed youth in our ghettos. These are not make-work jobs, these are jobs that hopefully will lead to future jobs in the days ahead;

Emergency unemployment benefits for those who have been left behind;

Community development grants. These are funds that our counties and cities can use to repair our crumbling infrastructure, for important grants that our cities and counties have been aching for over the last 12 years;

Wastewater treatment construction;

Small business loans;

Pell grant shortfall funds for education;

Full funding for Head Start, compensatory education;

Investment tax credit for small businesses, R&D tax credits for high tech and computers, for industries in the future.

Mr. Speaker, the time has come that we, as a Congress, are going to be judged. Are we going to stay in gridlock? Are we going to stay in constant bickering with the executive branch, or can we as Americans, not Republicans and Democrats, come together and support a President that we have duly elected, and a President who stands very high in public opinion polls. Our constituents have sent us a simple message: "Give the President a chance."

President Clinton is the only game in town. He has presented a tough plan, one that has caused pain, but also one that calls for common sacrifice. It is a plan that is needed for this country in the area of deficit reduction and job creation.

The question before us, today and tomorrow: Is the Congress going to continue the 12 years of gridlock, of fighting, or are we going to go ahead with a new beginning where we give this President a chance, a chance that the American people want us to give him?

Mr. Speaker, I would once again ask all my colleagues in a bipartisan way to get behind President Clinton's plan, his budget resolution and the investment package so that America can start its economic recovery.

Mr. DREIER. Mr. Speaker, I yield 6 minutes to the gentleman from Indianapolis, IN [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, if all of our colleagues here in their offices are paying attention, they would believe that this package is the best answer, the best solution to all of our economic ills. However, I would like for my colleagues to take a little closer look and examine this a little more thoroughly.

President Clinton's package contains $325.5 billion in new taxes. It contains another $74 billion in hidden taxes and fees, for a grand total of $399.5 billion. That is money we are going to take out of the collective pockets of America, almost $400 billion.

The last huge tax increase we had was about $182 billion. That put us into a recession. This is more than double, more than double the largest tax increase in U.S. history. It does not include Hilary Rodham Clinton's proposal for health care reform, which is going to be another $90 billion.

We are looking at $400 billion in new taxes. When we take $400 billion out of our collective pockets, America, that is money we cannot spend. We do not buy $400 billion worth of products, so they do not sell $400 billion worth of products, so they do not make $400 billion worth of products, so the people who make those products are out of work.

The Btu tax alone they are talking about, which we call the "big time unemployment tax," the Btu tax is going to cost farmers their livelihood. A lot of farmers are going to go out of business, a lot of foundries are going to go out of business.

The airline industries are going to pay 15 cents more a gallon for jet fuel. U.S. Air just recently had a deal with British Airways to keep themselves solvent, to keep themselves above water. A lot of these airlines are teetering. That is a very important part of commerce in this country. They are going to load 15 cents a gallon onto their jet fuel. That is going to put a lot of them out of business.

Then if we talk about the trucking industry, 15 cents a gallon or 10 cents a gallon more for gas or diesel fuel, that is all added to the cost of the clothes we wear, the food we eat, the cars we drive, the refrigerators we buy. The taxes they are talking about, more than double the largest increase in history, are going to cause more unemployment, another recession, and major economic problems.

President Clinton stood right there just a couple of weeks ago, a few weeks ago, and he said, "It is not what is good for me, it is what is good for us," meaning all Americans. It rang very similar to what John F. Kennedy said when he said, "Ask not what your country can do for you, but ask what you can do for your country." It is the same basic thing, a little different approach.

The American people said, Yes, we have a big deficit. We have a huge national debt that has gone from $1 trillion 10 years ago to $4 trillion now. It took us 200 years to get to $1 trillion, and in 10 years we have quadrupled it. We are on our way to astronomical deficits, and we have to do something about it, because we do not want our kids to have to live a less successful life than we have. We want them to have the same opportunities we have.

The American people said, Yes, we are willing to share. We are willing to go along with whatever it takes to get this deficit under control. But this is not going to solve the problem, America, because every time we raise taxes we spend more than we take in.

Since 1948, for every $1 in new taxes we have spent $1.58. Since 1990, for every $1 in new taxes which was supposed to control the deficit, we have spent $2.70. So if we raised $400 billion, all the spending and all the taxes are on the front end, the cuts are 5 years out, and there will be three Congresses elected before we get to that. We know that is going to change.

How do we deal with the problem? We have a solution. It is called the freeze plus 2 percent, freeze plus 2 percent. We freeze all spending at last year's spending levels plus no more than a growth rate of 2 percent. If we did that, we can balance the budget by the year 1999 at the current growth rate of tax revenues of 2 percent a year. If we have an increase in the growth rate of tax revenues because GDP increases to 3 percent, where it has been before, we could have a surplus of $38 billion by the year 1999.

We have to bite the bullet some way. I say we should bite the bullet in the area of spending cuts. When I talk to my constituents and people across this country, they say, Government is too big. It is out of control. You have to do something about spending.

What is the answer? The first thing we should be talking about around this place is not $400 billion more in new taxes, more than double the largest tax increase in history. The first thing we ought to be talking about is taking a meat cleaver to Government spending that is running away, running away with itself.

It took us 200 years to get to $1 trillion in debt, and in 10 years we are $4 trillion in debt. Let me just say, a lot of people say, You don't have enough taxes coming in. Ten years ago we brought in $500 billion a year in tax revenues. Do the Members know that today it is $1.2 trillion? We have almost tripled the amount of tax revenues coming in, yet we are still running $350 to $400 billion in the red every year.

It is not because we do not have enough taxes, America. It is because we are spending too much. The President comes up with his proposal and says, Burden sharing for all of us. I am for burden sharing, because that is the only way we are going to solve this problem, but the way to solve it is to cut spending, have a 2-percent growth rate, no more than 2 percent above actual spending over the last few years, and we can get to a balanced budget.

□ 1250

There will be pinching of toes, but it will not cause massive unemployment, companies leaving America and jobs right along with them.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the distinguished gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Speaker, there are many who believe that in our system of government it is no longer possible to forge answers to great national problems, that the bickering, the divisiveness has so overwhelmed our system of government that consensus can no longer be reached, no matter how great the public demand, no matter how large the problem. Those who have come to believe this of our system of government will be coming forth here today because we are witnessing again that even in the very shadow of a national judgment on new leadership some refuse to follow those who the people chose to lead, for this is opposition for opposition's sake only. The Republican Members will come to the floor outraged at the idea of national debt, while for 12 years they presided over a national debt that did not simply increase but was quadrupled, offended at the idea of Federal spending to meet national needs, while for 12 years they came to the floor with budgets that more than doubled Federal spending. And of course, today, outraged at the very idea that we would raise Federal taxes to deal with these problems, while twice in those 12 years they brought to this Congress, under Republican Presidents, the largest tax increases in American history.

This is no outrage of principle, no stand on high issues of moral ground. This is division for division's sake. They are against it because a Democratic President is for it.

But they are so, my friends, at their own peril, because this Congress is as different from the last, the governing consensus of this country as sharply divided from last year as if separated by generations, not years. The American people have come to judgment after years of postponing dealing with great national problems, accumulated debt, postponed answers to great social dilemmas. They have decided that it is time to begin dealing with these problems, and in this endeavor they have chosen Bill Clinton as their leader.

What faces us today is his plan. In truth, it is not the only plan. Others could have been written and will be suggested by other Members. There are other answers, other Members will raise them, and some will have great merit. But this is the plan of the man who the American people chose to be their President. It deserves not only to be heard, it deserves to be tried, and that is what we ask.

Maybe it is the time indeed when we could come together as a country, Democrats and Republicans together. Maybe it is not all that it used to be, but certainly in these opening months of a new administration we can give this man, who received the mandate of our people, this attempt.

Division for division's sake, oppose our plan because it is a Democratic President, you can do so if you want, but I do not think that is what the American people expect of you, or of this institution or of this country. That is not America anymore.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, this resolution is the first of two rules for considering the emergency supplemental appropriation stimulus program. While the economy has clearly shown strong signs in recent months, unemployment remains a major problem in many parts of the country. For example, in my Los Angeles County we tragically are still saddled with a 10.4-percent unemployment rate that is well, well above the national average. That is why I continue to believe that legislation which encourages real job creation has got to be our highest priority.

This two-part rule separates much of the debate on the President's stimulus proposal from the amendment process. And, Mr. Speaker, we are right now upstairs in the Rules Committee, and I hope very much that our committee makes amendments in order so that Members will have the opportunity to modify and change this stimulus program so that the will of the House can be put through. Therefore, it detracts from the presentation of these very important issues by having a two-part rule.

Two-part rules are very bad for procedures, as I said when the gentleman from Florida [Mr. GOSS] was handling the last rule, and in this case I have very deep reservations about the type of rule that our committee upstairs is preparing for this measure.

Mr. Speaker, there is no Member of this House, and I am happy to see that he is here on the floor, whom I hold in higher esteem than the very distinguished chairman of the Appropriations Committee. I have had the honor on many occasions to praise the gentleman from Kentucky [Mr. NATCHER] here on the House floor, and he and I have had many conversations about procedure as it exists. And I respect the fact that he is one of the Members on the other side of the aisle who consistently tries to recognize the rules of this House.

Last week I was very proud to hear his testimony before our Joint Committee on the Organization of Congress which supported appropriations that respect the rights of all Members of the House.

I am very saddened to say this, and I have told the gentleman from Kentucky [Mr. NATCHER] that I was deeply concerned when I read a letter that he had submitted to us in the Rules Committee for basically a closed rule which, unfortunately, prohibits any Member, Democrat or Republican, and remember, we have 110 new Members of this House, prevents them from having the opportunity to offer amendments to this measure. Tragically, the letter implies that the amendments would have to be submitted to us by way of the Clinton administration. Maybe we should submit the amendments out through the Rayburn Room, where a lunch is taking place right now, and then possibly those could be made in order.

The need to make such an uncharacteristic request illustrates just how much this spending bill is in need of improvement, and the Rules Committee would be wise to respectfully deny the request to offer, and in fact offer Members the right to amend this measure.

Many of my colleagues on this side of the aisle, Mr. Speaker, very sincerely support President Clinton's stated goal of encouraging job creation and economic growth. However, it is our responsibility then to do more than just approve the President's plan. With the separation of powers, we have the obligation to improve the President's plan.

In this particular case, there is bipartisan consensus. But additional deficit spending is not the way to go, and it is not what the American people have asked for.

Mr. Speaker, this so-called emergency stimulus package is proof that the English language has been twisted by Washington spin doctors well beyond recognition. Words like "emergency," "stimulus," "jobs," and "investment" have lost all meaning. We know that the "Saturday Night Live's" Subliminal Man would get to the point by saying that all four of those words mean nothing more than "spend." Polls and focus groups have become so important to politicians trying to find popular labels that it no longer matters whether the labels bear any relationship to the plan whatsoever. It has gotten to where the American taxpayers need a special decoder ring to decipher the right meaning of what is actually going on.

□ 1300

The Committee on Appropriations has reported out a bill that is really quite simple. It is a $19.6 billion spending increase that funds 75 different programs by simply adding to the deficit.

Of course, who wants to advertise their plan as a $19.6 billion add-to-the-deficit plan which will give people more government? Emergency stimulus jobs and investment are nothing but rhetoric and labels used to sell this bill.

Yes, this measure is designed to fund unemployment compensation, but it also includes millions for emergency stimulus jobs investment like historical preservation, compiling fish atlases, studying ultrasonic texture, buying new computers for the Internal Revenue Service—and most of my constituents consider that a very important emergency item—developing alternative fuel vehicles, and forgiving the District of Columbia's debt. It adds $2.5 billion in additional community development block-grant funding when there is already $4 billion in unspent funds in the pipeline. It even provides, Mr. Speaker, $845 million for the Environmental Protection Agency's wastewater treatment, which just happens to be one of the programs that the Clinton budget includes under, and I quote, "programs that don't work and are no longer needed."

If you do not consider the $4 billion for unemployment compensation, a full 80 percent of the funding in this bill does not even occur in 1993. Really, if you look for short-term emergency stimulus in the bill, it reminds you of what that great author, Gertrude Stein, said about Oakland, "There is no there there." The fact that must of this $19.5 billion in deficit spending is being sold under false pretenses does not even begin to address the fact that make-work spending bills have historically been miserable failures.

The Clinton Office of Management and Budget now estimates that the bill will create 209,000 jobs, well below the promise of 500,000 jobs, and the original estimate of just under 315,000 jobs. That comes to a total cost of $93,000 per job. Now, that is based on the OMB's estimate.

When we passed a similar emergency jobs bill in 1983, $8 billion in Federal spending created just 35,000 jobs at a remarkable $257,143 per job. At that rate, this bill can be expected to create 75,833 jobs. The private sector, on the other hand, creates jobs at a cost of around $40,000 per job.

Mr. Speaker, now, the economy is finally creating jobs, 345,000 alone in February. Even if the Office of Management and Budget is correct and this bill does create 209,000 make-work jobs, the private economy will make as many permanent jobs in just 17 days without adding a dime to our staggering Federal deficit.

The reality is that this spending bill will not create jobs. It will destroy jobs, 487,000 according to some economic estimates.

Mr. Speaker, killing two private-sector jobs for every new government-funded job is a bad deal no matter how you cut it. This job-killing bill may actually create another economic emergency.

Mr. Speaker, tomorrow I look forward to coming to the floor to support an open rule for amendments to this measure. A number of Members, both Democrats and Republicans, want to improve this bill and, Mr. Speaker, constitutionally, we have an obligation to protect their rights.

I hope very much that the wisdom of our Committee on Rules will come forward and will do just that.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DREIER. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois [Mr. DURBIN].

The SPEAKER pro tempore. The gentleman from Illinois [Mr. DURBIN] is recognized for 4½ minutes.

Mr. DURBIN. Mr. Speaker, I certainly hope that my friends and Republican colleagues will understand that it is very difficult for many of us to listen to you giving us economic counseling as to what this economy needs. Most of America still recalls that in the last 4 years we had less economic growth than we had at any time in the last 50 years. Most Americans know from personal experience that in the 4 years of the last Republican administration we had slower job growth than at any time since World War II.

America's business men and women know that there were more business failures last year in the United States of America than in any year since 1927.

What I have just told you is the cold, hard facts and the record of the last Republican administration.

Now, for my Republican colleagues to take the floor and say they have got a great idea on how to turn this economy around, I have to tell them this: The American voters made their choice in November. They said they wanted a change. They wanted new leadership. They wanted to try new ideas. They want to invest in the people of America, creating good-paying jobs for this country and people living here.

Mr. DREIER. Mr. Speaker, will the gentleman yield on that point?

Mr. DURBIN. When I am finished.

They do not want to turn their backs on struggling working families who need health care and a helping hand to pay the college expenses of their kids.

We tried trickle-down economics for 12 years.

Mr. DREIER. Mr. Speaker, will the gentleman yield on that point?

Mr. DURBIN. I will not yield at this moment.

We tried trickle-down economics for 12 years, and it failed.

President William Jefferson Clinton has asked for his day in court and his opportunity to get this economy moving forward again.

Mr. DREIER. Mr. Speaker, will the gentleman yield on that point?

Mr. DURBIN. What the President has said is that we have got to get America back to work. We have got to get people in good-paying jobs, and if the Government can help move it forward to get people off the unemployment rolls and back to work, it is good for America.

When I hear the specious arguments from the other side suggesting how much money per job it takes to create them, give me a break. Let me give you an example: We are talking about building infrastructure.

Mr. DREIER. Mr. Speaker, will the gentleman yield on that point?

Mr. DURBIN. No. I will not. And I ask the Chair for regular order.

The SPEAKER pro tempore (Mr. MONTGOMERY). There will be regular order.

Mr. DURBIN. Mr. Speaker, I did not interrupt the gentleman during his speech. I have said that I will yield when I am finished, and I hope that he will not continue to interrupt me. Thank you.

What the President has said is that investment in infrastructure in this country, building rural housing where I come from, making certain that people have the roads and bridges and highways to rebuild their communities and attract business, making certain that we have investment in water and sewer facilities so smaller communities can provide the kind of infrastructure that families need and attract businesses, those are investments in America.

Now, the Republicans would take the entire cost of the highway, the number of people who build it, and divide it and say, "Oh, for goodness sakes, that is $127,000 of investment per job." What they forget to tell you is that after the job is finished you have permanent infrastructure in place to help America grow.

Mr. Speaker, I want to give my colleague from California an opportunity to ask his question, so I will close by saying this: I hope that this economy is in recovery. I hope this recession is over. I hope that this economic stimulus investment package is unnecessary.

But if the other side of the aisle is wrong today as they have been for the last 4 years about the state of the American economy, I say let us stand behind the President. Let us make this investment in America. Let us try his approach to reducing the deficit and getting the economy back on track. The American people asked for it in November. We should give it to them in this House of Representatives.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from Illinois, for yielding.

Mr. Speaker, the reason I was so insistent on trying to gain time a few minutes ago was that my friend referred to the fact that there was an election last November. We all know that. Bill Clinton was elected President. He is sitting in the next room. We all know that.

President Clinton has, in fact, reneged on major campaign promises that were made to the American people. Now, would my friend, the gentleman from Illinois, care to tell our colleagues what the promise was that the President made as it related to the middle-income tax cut?

Mr. DURBIN. I will tell what the President said clearly in this campaign was that he was sick and tired of trickle-down economics.

Mr. DREIER. Did he have anything to say at all about middle-income taxes?

Mr. DURBIN. And ignoring the working families, and when he came on after the election and found the deficit was $50 billion more than President Bush had said during the course of the campaign—

Mr. DREIER. And Leon Panetta was not aware of that?

Mr. DURBIN. He was forced to suspend his own effort to put in a middle-class tax cut. I might add that your side of the aisle knocked that middle-class tax cut every chance you got.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend from East Petersburg, PA, the gentleman from Pennsylvania [Mr. WALKER].

☐ 1310

Mr. WALKER. It has been an interesting debate, it has been very fascinating to hear a couple of gentleman, the gentleman from New Jersey and the gentleman from Illinois, come up here and bash Republicans for what we are doing. I think we ought to understand exactly what is going on here. We are having an extended debate here in hopes of being able to go through without interfering too much with the St. Patrick's Day luncheon that is taking place in the Capitol Building.

Why is that an important factor? Because the Democrats are hoping at some point to get a vote on this rule. Why did they want to vote on this rule? Is it because of something that is happening on the Republican side of the aisle to divide them? No, they want to go to the rule so their whips can come to the floor and whip the Democratic Members of the House who are recalcitrant on the suspension bill that is about to come to the floor—or, I should say, on the supplemental bill that is about to come to the floor.

The problem that the Democrats have, the thing that they are blaming the Republicans for, is the fact that there is division in the Democratic ranks and they do not have the votes to pass President Clinton's package on their side of the aisle. It has nothing to do with the Republicans. Republicans have said from the outset we think middle-class America is going to get hammered by these tax increases. Their problem is they cannot get the votes among the Democrats to do this, and we are about, maybe, to put the House into recess in order to get them the time they need to roundup the votes on the spending bill that they themselves cannot get through at the present time.

Now, I love all the speeches, it has been a lot of fun to hear all this partisan rhetoric on this floor. But the fact is the Democrats are in a muddle. They cannot get enough votes among the Democrats to support their own President. Now they are coming to the floor with a lot of loud speeches, blaming us.

Just watch what happens in the next few minutes, see whether or not we have an extended debate to try to get this rule passed, see whether or not they do not call a vote on the rule themselves in order to allow their whips more time. Or if they do not have any more extended debate, if they run out of time, see if they do not call a recess. It is all because they are in a muddle. It has nothing to do with the Republicans.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the previous speaker, the distinguished gentleman from Pennsylvania [Mr. WALKER] is absolutely incorrect about the Democrats not having enough votes. I am chairman of the task force to get the Clinton economic package through the House. I have been whipping for the last 2 or 3 weeks, and I will assure the gentleman we have the votes. The Democrats are solidified, unified behind the President and the President's economic program.

So what the gentleman from Pennsylvania said is—unfortunately for him—incorrect.

Mr. Speaker, I recall in 1981 we were told that the Reagan economic package would increase the personal savings rate, stimulate the economy and that we could spend our way in that direction.

I did not think we could do that at the time, but quite frankly I voted for that package. I took the position that the American people had elected President Reagan and a lot of his platform was based on his economic ideas. And I could not say absolutely that it would not work.

I did not think it would work. If I had to do it again I would not vote for it, because it has not worked.

Well, President Reagan's plan passed the Congress with the support of many Democrats. The Democrats, at least in the House, held the majority. The plan did not work, and it has not worked. And what we have seen over the last 12 years is our national debt increased from just under $1 trillion to over $4 trillion.

Now it took the United States a little over 200 years, through the First World War, through the Depression, through the Second World War, through all the catastrophes, economic and otherwise, that this country has experienced, to accumulate a national debt of $1 trillion.

Over the last 12 years, that debt has increased to $4 trillion. Yet now, the same group who rained this economic catastrophe upon our country is asking us to go along with their idea of what is best for our country economically.

Mr. Speaker, I have no additional speakers, and I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I am extraordinarily honored to yield 1½ minutes to my very good friend, the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. I thank the gentleman from Claremont for having yielded to me.

I want to mention a little bit about what has brought us to where we are. Now, I realize the majority controls, and I have no problem with that; if you have more numbers, you are going to prevail. But something that I think is sometimes overlooked is the staffer input that gets us where we are now.

We are staffer-plentiful on this Hill, most of whom I will readily admit are adept and able. But the manner by which these staffs are assigned—that is, through the Democrats vis-a-vis the Republicans—is inequitable at best. I do not want this to be overlooked during this debate.

The Democrats are blessed with far more staffers per capita than are we, which means, of course, when we Republicans go to the board and hammer out our alternatives, we must oftentimes do it without the benefit of 50 staffers at our beck and call. In this town, if 50 staffers are amenable and adequate, you will end up with 125. That is not right. But neither is it right that we have to suffer in this regard in preparing to come to where we are today.

We have done our homework, in no small part without the benefit of staff. We have crossed every T and dotted every I. It seems to me that common sense would dictate that the plan that we have ready to go, that is, less tax increase, more spending cuts, is the course, Mr. Speaker, that we should pursue.

I thank my friend from Claremont.

Mr. DREIER. I thank my friend from Greensboro for an excellent statement.

Mr. Speaker, I yield myself such time as I may consume, to underscore the gentleman's statement, if I might, Mr. Speaker, by saying on this side of the aisle with an extraordinarily limited number of staff members we have been able to come up with specific proposals, and yet my friends on the other side of the aisle, with hundreds and hundreds and thousands of staff members, and those down at the executive branch on Pennsylvania Avenue, with even more thousands of staff members, have yet to come up with specific proposals.

Mr. Speaker, I am happy to yield 1 minute to my very good friend, the hard-working gentleman from Atlanta, GA, [Mr. LINDER], who is a new Member of the House.

Mr. LINDER. I thank the gentleman for yielding. I was listening to some of this debate in my office. I heard it said that the Republicans have just got to realize that the Democrats won. The people voted for this.

Well, I paid some attention to the campaign in the last election, and I did not hear candidate Clinton say he wanted to raise the Social Security tax on Social Security recipients. I did not hear candidate Clinton say he wanted to increase the gas tax. In fact, he said exactly the opposite and ridiculed Ross Perot for saying that. I did not hear candidate Clinton say he wanted to increase taxes on everyone making $30,000 a year or more; he in fact ridiculed that when President Bush said he might.

I did not hear candidate Clinton say he was going to cut the military $127 billion, that he was going to keep it strong. I did not hear candidate Clinton say that he was going to increase the debt in his first term by $916 billion, even providing that he creates the jobs he hopes to create.

□ 1320

No, he made fun of the Reagan deficits and yet the Clinton debt in his first term will be $183 billion more than the Reagan debt in its first term.

The Clinton deficit in his first term will be $238 billion more than the Reagan deficit in its first term.

Mr. Speaker, I respectfully suggest that this is not what the people voted for. They voted for a campaign that said exactly the opposite.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Pennsylvania [Mr. BLACKWELL].

Mr. BLACKWELL. Mr. Speaker, I have been sitting in the back. I am amused at the Republican Party. This is a party that shifts all American jobs to foreign countries and now suddenly that want to create jobs for Americans. That is why we had the change.

We had veterans sleeping in the streets, veterans who fought the Vietnam war sleeping in the streets. We have little old ladies who cannot pay their gas bills, their electric bills, but yet the Republicans now want to save America.

We elected one President. President Clinton is now the President. He has the right to set the tone for what happens in this country and we ought to cooperate.

How anyone can stand here after destroying this country for the last 12 years, giving tax breaks to the rich and the super rich, to the detriment of middle-class people and poor people, how you can say now that you are the saviour of America?

America is tired of your policies. They want change. They have change and you can stand here all day long with your hypocritical statements. It is not going to work. America is tired, too much gloom and doom. They want to be happy again. They want to work again. They want America back for the American people and not for the 2 percent that you gave it to, and we intend to give it back.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the very hard-working ranking Republican on the Budget Committee, the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Speaker, I appreciate the gentleman yielding me this time.

Let me say that we are talking about change here today. It is not a change in Congress, unfortunately, that we are compiling fish atlases, studying ultrasonic texture, buying new computers for the IRS, forgiving the D.C. debt.

I mean, this is unbelievable. This is not change. This is more of the same that we have been getting in this House now since the day I came in here 10 or 11 years ago.

But the thing that is really the most amazing to me is that when the President came up to Capitol Hill he said that he wanted to be for change, and I believe the President is for change.

The President said the reason we cannot have any change is because, frankly, the traffic will not bear the cuts, referring to the Democrat Party. The traffic will not bear the cuts.

I said, "Mr. President, you are for change. We are for change. Let us pull the agenda our way."

He said, "Well, I'll tell you what. Send me your specifics."

Well, we laid them down, 84 pages worth of specifics. And what has happened?

Unbelievably so, they sent us $63 billion worth of unspecified cuts to try to get under the caps that is required in the Senator NUNN 1990 budget deal.

The bottom line is we got all the specifics. You have none. You bring a stimulus package. You call it change and it is nothing like that.

What is unbelievable is if the people across this country understood that we were forgiving the debt of the District of Columbia in a stimulus package and compiling fish atlases, I will tell you right now, well, they want term limits and the reason they want term limits is they are fed up because they aren't seeing any change.

What we are trying to say over on our side of the aisle is that we will give you the change, and the change that we are giving you is specifics. We have met the test.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and urge a no vote on the resolution.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 130 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1335.

The Chair designates the gentleman from Idaho [Mr. LAROCCO] as Chairman of the Committee of the Whole and requests the gentleman from Pennsylvania [Mr. BLACKWELL] to assume the chair temporarily.

□ 1325

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the consideration of the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, with Mr. BLACKWELL, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we bring to the House floor the emergency supplemental appropriations bill dealing with the economic stimulus and investment initiative of the President.

This bill contains $16,257,453,547. This is $5,541,000 less than the amount requested by the President.

We added no new programs, no new projects. We bring it back, Mr. Chairman, exactly as it was requested, with only a few minor corrections that bring the bill total down to the $5,541,000 below the President that I just pointed out to the committee.

This bill, as we know, is just one piece of the President's overall economic program. After we received the President's request, the 10 affected subcommittees of our Committee on Appropriations began holding hearings. Witnesses were called. We requested from these witnesses their viewpoints as to the entire bill and the separate parts we received testimony from many witnesses who expressed, very frankly, the need for the programs in this bill.

Mr. Chairman, the bill we present at this time provides, $4 billion for unemployment assistance.

The highway and airport obligation ceilings are increased to enable $3.2 billion of additional investment.

For community development block grants, we have $2.5 billion.

In education assistance, we have Pell grants, Mr. Chairman, of $1.86 million.

For summer youth employment, $1 billion.

For infrastructure improvements, $1.3 billion.

For compensatory education, $735 million.

For summer head start, an additional $500 million.

For the child immunization program and the Ryan White AIDS Program, $500 million.

For the WIC Program and the Children's Nutrition Program, $131 million.

The amounts contained in this bill are in 71 different accounts, and they are for hundreds of projects in the every state.

All the funds in this bill are designated as emergency requirements under the provisions of the 1990 Budget Enforcement Act.

This bill is under the 1993 overall spending limit as set forth in the 1990 Enforcement Act.

□ 1330

We are informed that the gross domestic product has increased 4.8 percent in the last quarter, and I would like to say to the members of the committee, when they return to their districts and talk to their people about this increase of 4.8 percent, their people will ask them, "Where is it? We don't see it."

Mr. Chairman, today we have a jobless recovery in the economy. We have over 9 million people unemployed.

Our new President, as has been pointed out on several occasions today, has only served 57 days, Mr. Chairman. He has only been in office for 57 days. He has made every effort, every day, every hour, to turn the economy in this country around, to do the best he can, and he is working hard at it.

Mr. Chairman, I say to my colleagues today that our new President should receive the help of this Congress from both sides of the aisle. Since I have been a Member of Congress, I have had the pleasure of serving with nine Presidents. I started out with President Eisenhower. I recall distinctly, Mr. Chairman, when President Eisenhower wanted to start the interstate highway system. He wanted to establish a new Department of Health, Education, and Welfare. And then President Eisenhower said, "I want to reform the Internal Revenue Code," a matter that every President for 40 years had walked around, Mr. Chairman. He said, "I want those reforms to take place." We joined with him in those days. We joined with him to help him, a new President, our President, our country, and that is the way it ought to be.

As my colleagues know, we do not have elections in Washington. They are back in our districts. Our districts are our country and it needs help today, and it needs it bad, and I say to my colleagues quite frankly, our new President should have the help and the assistance of every member of this committee.

I remember when John Kennedy was elected. John Kennedy wanted legislation for elementary and secondary education, higher education, and the environment. He did not live long enough to put them through. Lyndon Johnson, his successor, put those through, and we helped him.

Mr. Chairman, Ronald Reagan was elected President. During the campaign of 1980 he said to the people in this country, "I want tax reduction." We helped him with it. I sat in the same chair, Mr. Chairman, that you are sitting in for several days at that time presiding while that bill was considered. For several days we had the Tax Reduction Act of 1981. It reduced taxes $750 billion.

We had President Carter. When he came in as a new President, Mr. Chairman, he wanted a Department of Education. We helped him.

Mr. Chairman, all down through the years when a new President has presented programs to this Congress we tried to help him, and I say to my colleagues today that every member of this committee on both sides of the aisle ought to be for this emergency supplemental appropriations bill. It is a good bill. It is a clean bill. And, Mr. Chairman, we present it to the committee at this time and ask for its approval.

Mr. MCDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to begin on a personal note by announcing that, as Members might know, the President of the United States is being hosted by the Speaker, and with him is the taoiseach of Ireland. As we celebrate St. Patrick's Day, Mr. Chairman, to all of us I hope everybody has a good St. Patrick's Day.

Having said that in an amicable mode, I must now depart that kind of a mode and rise, Mr. Chairman, may I say, in strong opposition to this appropriation bill.

Mr. Chairman, an appropriations bill is a lot like buying a car. Some of the salesmen would tell us what a fine-tuned, good-looking, affordable machine it is, but I say to my colleagues, before you put your cash on the barrelhead, you better pick up the hood and have a look around yourself.

Let me say that 650,000 taxpayers in our districts will be watching to see if they think, and my colleagues and I think, that this hot number is worth putting another, $19.5 billion on a credit card that already has a balance due of $4.1 trillion and is mounting by the second.

Mr. Chairman, we have heard the sales pitch: jobs, economic stimulation, investment, insurance on the recovery. Wow. Easy financing. Spend now; pay later. Have we ever got a deal.

Well, it is time to lift the hood, my colleagues, and it is time to kick a few tires. Let us go down a checklist and see what this bill is all about, and let me assure my colleagues it is not a pretty picture.

Let us take jobs first because I think Members on both sides of the aisle have that as our No. 1 priority. Using administration figures, sent to us by the Office of Management and Budget, this so-called emergency supplemental will create 219,000 jobs at a cost of $19.5 billion. Even if my colleagues believe those figures on the jobs, the cost, my colleagues, is $90,000 a job. That is $90,000 per job.

My colleagues, take note of this: 219,000 jobs is the number of jobs that the economy created in 17 days in the month of February, on its own, without any help from Uncle Sam or the taxpayers, and, if we look at the full month of February, there were 365,000 new jobs created with no assistance from the taxpayers. There are 13 different programs in this bill, like $28 million to reduce the deficit for the District of Columbia, that are not going to create any new jobs at all.

Economic stimulus? If the economy needs stimulus, my colleagues should know, unemployment insurance aside, the Congressional Budget Office, whose numbers the administration officially subscribes to—we heard the President of the United States say we accept CBO numbers—estimates that only 19 percent of the funds in this bill will be spent in this fiscal year. One-third, fully one-third, will be spent in 1995 and beyond, whether or not the economy needs stimulus at that point.

And, my colleagues, I need to say this: many of the programs in this bill have nothing to do with stimulus. For instance, there is funding in here for 28 drawings of historical structures.

Investment? Take a look at this one: There is $148 million in this bill for the Internal Revenue Service to modernize a program that, listen to this now, our own watchdog agency, the General Accounting Office, has criticized as wasteful and has said it is obsolete now even before the Internal Revenue Service attempts to spend another $148 billion of tax dollars. Some investment. Some job stimulus.

Insurance on continuation of the recovery? Well, this may be an odd troika, but Alan Greenspan, Ross Perot, and the Village Voice all agree on one thing: $19 billion in a $6 trillion economy is not big enough to have any impact at all.

Easy financing? Oh, yeah, the interest costs on borrowing the money to pay for this package amount to more than $1 billion a year from here to eternity.

My colleagues, there are no shortages of dubious spending in this bill. We cannot change it. They are, in the bill, going to create fish atlases, going to study large river populations of sicklefin chub. We are even making fiscal year 1994 and 1995 payments on a computer to free up money for other things.

□ 1340

There is money in here from arts education, to Olympic whitewater canoeing. And, listen to this one. There is a green program in here where we are going to use tax dollars to give to the Environmental Protection Agency. And guess what they are going to do? They are going to go out to the Fortune 500 companies—the last time I looked, their balance sheets looked pretty good—and EPA is going to tell them how to be energy efficient, how to improve energy efficiency. EPA bureaucrats, those experts in efficiency, are going to tell the Fortune 500 companies how to do it right.

Every one of these programs is declared an emergency in this bill. The only way this bill could be considered is by declaring it an emergency, because it takes us over our supposedly inviolable 1993 domestic discretionary spending cap.

We are driving a truck through a loophole used in the past for hurricanes and natural disasters, and we are ending up with that truck funding parking garages.

Even the major programs in this bill are problematic. For the most basic infrastructure program in here, the $4 billion for highways and transit, the committee report states that the program in this bill is neither the right choice as an efficient job program nor a qualitatively sound infrastructure stimulus.

The Head Start Program is already trying to absorb a $600 million increase for this year that was President Bush's largest domestic initiative. With the $500 million in this bill, that would amount to a 300-percent increase in the program in the past 4 years, at a time when the founder of the program says that only 30 percent of the Head Start programs are able to use their funds effectively. In a good program, Mr. Chairman, we are throwing so much money at it so fast that I hope, with all my heart, we are not looking at a scandal waiting to happen.

The $2.5 billion for community development block grants would add to an unobligated balance in the program that is estimated to be between $4 and $7 billion. You do not need to spend $2.5 billion. You have unobligated funds of $4 to $7 billion, and a total backlog in the HUD pipeline, according to the Secretary's testimony in front of the committee, that amounts to $16 billion in unobligated funds.

This CDBG program will distribute funds by formula to cities that may not need it, be it Beverly Hills or Grosse Pointe.

According to the mayors themselves, projects it will be used for, include golf courses and beach parking.

We provided an additional $500 million to summer youth jobs last summer, and $250 million went unused, and now we are asked to appropriate $1 billion.

When you step back and look at the package as a whole, remember this.

Past efforts by the Federal Government to stimulate the economy have not worked. The General Accounting Office, Congress' watchdog agency, analyzed the 1983 jobs bill and found it to be ineffective and untimely. Funds were spent slowly, few jobs were added to the economy, and the jobs did not go to the unemployed.

Not a single one of the GAO recommendations to improve future packages has been followed in this bill, even though they are all of record.

Finally, as with any major purchase, you have to ask the question, do we need it? Is it necessary now? Just about every economic sign is pointing up, from economic growth and industrial production trending upward robustly, to unemployment trending downward.

The most cautionary new signal is some sign that inflation is reawakening, with a 0.8-percent increase over the past 2 months. And of course, deficit spending only increases pressure on inflation. The need for this bill now, is at best weak.

Mr. Chairman, when you lift the hood on this bill, it becomes clear the vehicle is not worth the price tag. The American people don't want more questionable spending. They want less spending, not more. They want deficit reduction. They want Congress to act as a responsible body, not as a rubber stamp to anybody.

Mr. Chairman, I urge my colleagues in the strongest possible terms not to listen to that sales pitch, however tempting it may be, but to make their own judgment about what is under the hood of this particular bill. If they do so, it is clear that it is not a hotrod, but rather a lemon. And it is clear what we all need to do. I hope my colleagues on both sides of the aisle will vote down this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. SMITH], the chairman of the Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies.

Mr. SMITH of Iowa. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the part of the bill that we are privileged to handle in the Commerce, Justice, State and Judiciary Subcommittee, that I have the privilege to chair, totals, $507,555,000 in new budget obligation authority. However, that figure does not really indicate the importance of this supplemental at this time.

For example, $140.9 million of that amount is budget authority for the Small Business Administration for the section 7(a) loan guarantee program. That drives $2.6 billion in loans that banks will make. That $140.9 million is net subsidy cost estimate of that program. SBA is going to exhaust their funds by May, and they need this $2.6 billion in the economy for small businesses at this time.

In addition to that, there is money in here, $93.922 million, for the Economic Development Administration. We have had a number of disasters as late as last week, and some of this money is for offsetting the impact of sudden and severe economic disasters that are affecting several areas of the country. A vote against this bill would deny the funding that is needed to handle these disasters. There is also money in this bill for EDA for economic development planning purposes. That needs to be done now if we are to have an expansion in the economy.

Another thing I want to point out is the money in the bill, $103.3 million, for the industrial technology services program of the National Institute for Science and Technology in the Department of Commerce. We need to do the supplemental now to get started on these additional efforts that we are going to make in advanced technology if we are going to be competitive in the world.

Mr. Chairman, so it is not just the number of dollars, it is a relatively small number of dollars involved here, but it is important that these funds be made available now so as to drive and open up the economy for jobs that we hope to get this fall.

Mr. Chairman at this point, I would like to insert additional material into the RECORD, which will provide Members with the detailed information about the funding in the bill for the programs in the jurisdiction of our subcommittee:

COMMERCE-JUSTICE-STATE SUBCOMMITTEE ECONOMIC STIMULUS AND INVESTMENT SUPPLEMENTAL

I. DEPARTMENT OF COMMERCE

Total: $358 million.

A. Economic Development Administration: $93.9 million.

The supplemental includes $93,922,000, as requested, for economic development assistance programs for fiscal year 1993. The funds provided are for economic development assistance and infrastructure investment. Of the amount provided, $45,000,000 is for grants under the Title IX program for sudden and severe economic disasters, including additional funds for areas impacted by natural disasters, such as Hurricanes Andrew and Iniki, areas impacted by the outbreak of violence following last year's incidents in Los Angeles, and areas affected by the closure of military bases or the cutbacks in the defense industry. The remaining funds are for grants under the Title I, Public Works Program and for economic development planning purposes.

B. Minority Business Development Agency: $1.9 million.

The supplemental includes $1,878,000, as requested, to supplement the $37,889,000 previously appropriated for the Minority Business Development Agency for fiscal year 1993. These supplemental funds are specifically provided for program management. The funds will alleviate a nationwide administrative shortfall so that the agency can more adequately continue to provide quality technical assistance and market-driven business services to minority-owned businesses.

C. National Oceanic and Atmospheric Administration: $80.8 million.

The supplemental includes $80,773,000 for the National Oceanic and Atmospheric Administration, as follows:

1. Weather Service Modernization: $21 million.

The funds provided will allow the National Weather Service to expedite the staffing of NEXRAD Weather offices as well as make necessary timely office relocations into new facilities. Funds for these purposes would stimulate the economy through essential employee and office relocations into planned, modern facilities. This proposal will result in 118 positions being filled and an additional 17 stations being commissioned, as follows: St. Louis, MO; Dodge City, KS; Houston, TX; Goodland, KS; Kansas City, KS; Amarillo, TX; Little Rock, AR; Phoenix, AZ; Miami, FL; Jackson, MS; Tulsa, OK; Topeka, KS; Detroit, MI; Hastings, NE; Chicago, IL; Cleveland, OH; and Pittsburgh, PA.

2. NOAA Data System Modernization: $15 million.

The current state of the Data System Management within NOAA is not capable of meeting the internal and external demands upon it. Planning efforts have been underway on updating NOAA's data systems to meet not only the current demands of NOAA, but also the future demands placed upon NOAA. Projects to be funded include computer hardware, workstations, system prototypes and archival architecture. Below is a listing of the proposed equipment and procurement source:

[In millions]

Item	*Amount*
Listed on GSA schedule:	
Satellite and information workstations	$1.7
NOAA inter-LO information access system proto-type (OAR)	3.0
Data access hardware	3.1
Coastal data system modernization	.3
8–A procurement: Pulsar Corporation (8–A) ocean data system modification workstations	1.1
Sole source procurement:	
Hughes/STX—and Federal data systems org.—satellite active data archive	2.7
NASA scientific workstations	1.9

3. National Marine Fisheries Service IT–95 Computer System (NMFS): $9 million.

NMFS is beginning implementation of a modern, distributed processing system which includes mainframes and scientific workstations linked by a wide-area network. This funding would permit the purchase of nine mainframes and approximately half of the required scientific workstations along with the initial development and conversion of essential software and telecommunications capabilities that are critical to support the management, conservation and protection of U.S. living marine resources and, thereby, to maximize fisheries productivity. The procurement process for the "IT–95 Computer Upgrade" is scheduled for completion by the end of March; revised cost proposals currently are due. Existing options can be exercised to provide for complete system delivery by May.

4. High Performance Computing and Communications (HPCC): $11 million.

The funds will be used to upgrade the multi-parallel processing system to be installed at the Forecast Systems Laboratory in late spring and the purchase of advanced work stations for selected NOAA locations. This project will result in long-term improvements in NOAA's technical infrastructure, allowing for more accurate weather and climate forecasting. The HPCC will result in a stimulus to the U.S. computer industry which is currently facing recessionary conditions. Fast outlay of funds is possible by piggy-backing existing contracts or grants as follows:

Grant to University of Colorado to support front range consortium research project, $5,000,000.

8-A contract for procurement of high performance workstations, $6,000,000.

5. Enhancing NOAA's Research and Prediction Capabilities: $17 million.

A total of $17.0 million is requested: (1) to purchase instrumentation required to better measure the state of the atmosphere and oceans to provide a scientific basis for balancing environmental policies and economic growth; and (2) to support the purchase of a next generation of tools for continuous improvement in the technological base for NOAA services, which will lead to more credible environmental forecasts.

Expeditious outlay of funds is available through existing contract modification and off-the-shelf purchases of hardware and software. This project will stimulate high-technology industries and reduce the inventory of goods, thereby encouraging reorder and new production. A list of the equipment and procurement source is included below:

[In thousands]

	Cost
Environmental instrumentation and systems:	
Instrumentation for environmental measurements (From GSA schedule and limited competition procurements)	$4,500
a. Trace gas measurement systems.	(1,200)
b. Ozonesondes equipment	(995)
c. Atmospheric Lidar system and atmospheric radiometric system)	(965)
d. Air quality and particle instrumentation (air quality field instrumentation, atmospheric particle analysis equip.)	(815)
e. Ocean/atmosphere flux measurement	(525)
Ocean observing system (three-way competition off the shelf) low-cost remotely operated vehicles	1,500
Compuer networking and system upgrades (GSA schedule)	3,000
a. High-end lab workstations and networking (9 labs)	(2,340)
b. High-speed LAN and computing for CMDL observatories	(420)
c. WPL computer equipment upgrades	(240)
Atmospheric research and prediction:	
SELDADS upgrade (GSA schedule	1,700
PROFs systems upgrades (GSA schedule)	2,450
Profiler system enhancement (some GSA schedule, sole source, existing contract)	2,850
Aircraft measurement and processing equipment (some GSA schedule, some sole source)	1,000

6. Geophysical/Fluid Dynamics Laboratory Computer Acceleration (GFDL): $8 million.

These funds will be used to make the FY 1994 and FY 1995 payments to buy-out the Class VI Computer at the NOAA Geophysical Fluid Dynamics Laboratory (GFDL). This will enable GFDL to stabilize its current computing environment and to move forward its planned purchase of a follow-on, next generation supercomputer by removing these payments from its base requirements for FY 1994 and FY 1995 and by reducing its interest payments by $600,000. This next-generation system will enable GFDL to accelerate its world-leading "coupled model research" in order to improve regionally specific inter-annual climate forecasts (such as El Nino) and begin to make regional predictions of global warming effects. This is a modification of an existing contract.

D. National Institute of Standards and Technology (NIST);

1. Scientific and Technical Research and Services: $14.1 million.

This program is part of the multi-agency High Performance Computing and Communications program. One objective of the NIST part of this program is to accelerate the development and deployment of high performance computing and networking technologies required for the national information infrastructure that will be the broad foundation for many new applications in education, libraries, manufacturing, and health care. A second objective is to apply and test these technologies in a manufacturing environment. NIST will establish a test facility to enable the accelerated application of information technologies to manufacturing to accomplish this objective.

These supplemental funds will accelerate the commercialization of new information technologies by enabling NIST to: (1) expand its research and development program in areas related to high-performance computing and high-speed networking for manufacturing applications, and (2) expedite associated standards development.

To implement this program an Advanced Manufacturing Systems and Networking Testbed (AMSANT) will be established at NIST to enable research and development into advanced manufacturing computer systems and networking.

Collectively, the results of this program will assist U.S. industry in the application of information technologies by establishing performance-based test techniques to encourage rapid improvement of the technology, to permit interoperability of hardware and software from various vendors, and to stimulate the export of U.S. products.

2. Industrial Technology Services: $103.3 million.

These funds are provided for the NIST Advanced Technology Program (ATP). This supplemental is the first phase of an aggressive plan to broaden the scope and depth of technology areas and industrial sectors participating in the ATP. Approval of the supplemental will enable NIST to initiate approximately 80 additional projects before the end of FY 1993 for a total of approximately 100 projects started during the year.

The fourth ATP competition since the program was started has been announced, and proposals were submitted on February 24, 1992. NIST will us a portion of the supplemental funds to increase the number of awards made as a result of the fourth competition. Assuming that 220 proposals are submitted (the average number submitted in the three previous competitions), it is likely that 60–80 proposals would be of sufficiently high quality to merit funding. Without the supplemental, NIST would have funds available to make only 20 to 30 new awards in the fourth competition. If the supplemental is approved, a total of approximately 60 new awards could be made.

Second, a portion of the supplemental funds will be used to support a fifth competition that would be announced as soon as appropriations are approved. Assuming approval of the supplemental in March 1993, proposals would be due in June 1993 with funding decisions made towards the end of this fiscal year. Approximately 40 additional projects could be funded in the fifth competition.

Third, a special ATP competition in the area of Advanced Manufacturing Technology Development will be announced approximately one month after supplemental appropriations are approved. This competition would focus on the creation of multi-year joint ventures to develop, refine, test, and transfer design and manufacturing technologies and associated applications, including advanced computer integration and electronic networks for manufacturing information exchange. ATP is currently funding four projects in this area and the supplemental would enable to support of 3–5 additional projects. The ATP extramural Advanced Manufacturing Development projects will be coordinated with NIST intramural activities to be supported in part by the Scientific and Technical Research and Services component of this supplemental.

E. National Telecommunications and Information Administration: $63.9 million.

The supplemental includes $63,867,000 for the Public Telecommunications Facilities, Planning, and Construction (PTFP) program under the National Telecommunications and Information Administration (NTIA) of the Department of Commerce. The funds are provided, as requested, for grants to promote the development of a telecommunications and information infrastructure linking the Nation's schools, libraries, governments and other public information producers. The funds provided in this bill would be awarded to States, local governments, universities, school systems, and other non-profit groups, to connect public facilities in interactive networks, or to develop plans for statewide, or potentially nationwide, interactive systems.

NTIA has received over $77 million of telecommunications project proposals under the Public Telecommunications Facilities program in recent years. These proposals have gone largely unfunded. NTIA anticipates that only approximately $4–5 million would, in the normal course, be available to fund the type of infrastructure projects that this initiative recommends. These additional funds would be devoted solely to projects promoting the development of the telecommunications infrastructure proposed in this initiative. Some of these additional funds would be used for pending proposals. In addition, NTIA would solicit: (1) planning proposals from states and other non-commercial entities (e.g. universities); and (2) new key infrastructure construction projects which would aid states and other non-commercial entities in meeting unmet education needs.

II. RELATED AGENCIES

A. Equal Employment Opportunity Commission: $8.8 million.

The supplemental includes $8,829,000 for the Equal Employment Opportunity Commission for fiscal year 1993. This amount will fund 156 additional Full Time Equivalents (FTE) to allow the Commission to handle the increased workload resulting from enactment of the Civil Rights Act (CRA) of 1991, the Americans with Disabilities Act (ADA), and the new federal EEO complaint processing procedures under 29 C.F.R. Part 1614.

B. Small Business Administration: $140.0 million.

The supplemental includes a subsidy appropriation of $140,883,000 to support an increase of $2.575 billion in the fiscal year 1993 general business loan gross program level (commonly known as the 7(a) program) from $3.6 billion to $6.2 billion. In fiscal year 1992, demand for general business guarantee funds totaled $5.6 billion, a level 37 percent higher than that of fiscal year 1991. This increased demand has continued into fiscal year 1993 and at the end of the first quarter, SBA was forced to defer approved general business guarantee loan applications until second quarter apportioned funds become available. In addition, OMB recently approved a reapportionment request that transferred third and fourth quarter program level authority to the second quarter. Given the continuing high demand in fiscal year 1993, the agency expects that without these supplemental funds, the current appropriation for the program will be exhausted by May, forcing a shutdown until fiscal year 1994.

Through the business loans program, SBA provides financial assistance to small business, guaranteeing to pay part of any loss sustained on loans made to small businesses. The loans guaranteed by SBA may be used to construct, expand, or convert facilities and obtain working capital required to expand a business. The job creation potential of this program is particularly important at this time in assisting economic recovery in the many areas of the country which suffered during the recent downturn.

The bill also includes language allowing up to $2,000,000 to be used for administrative expenses related to the additional business loans guarantee authority. Any funds used for administrative costs would reduce slightly the amount of additional loan guarantee authority.

Mr. MCDADE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, the title of this bill is "Making Emergency Supplemental Appropriations for the Fiscal Year 1993." Emergency is a word with certain meaning, when an emergency occurs in the community, bells ring, the sirens wail, the lights flash.

In the economy, most of us would think of an emergency as jobs being lost, unemployment soaring, personal income plummeting.

Mr. Chairman, none of those things are happening. So where is the emergency and why is this appropriation bill brought to us as an emergency, rather than under a straight supplemental appropriation?

The answer, of course, is simple: by declaring an emergency, we do not have to pay for it. Instead, we just do it with a credit card.

Now, this is from an administration that has said deficit reduction is a priority, a No. 1 priority. Yet we are doing this kind of economic stimulus package on a credit card.

It has been said, and correctly so, that this appropriation really is not going to have much impact on the economy, not $16 billion of spending in a $6 trillion economy. That is true, but it does have an impact on the deficit. When measured as a percent of the 1993 deficit, it is big—very big.

In terms of its long-term impact and its psychological impact on the markets, it is much greater.

Look at what we are doing here, what we are going to get with this emergency. We are talking about subsidizing a shortfall in the District of Columbia budget with $28 million. That is economic stimulus? That creates jobs?

We are talking about WIC, a good program, $75 million. What jobs do we get with this spending?

Immunization, a terrific program, $300 million. What is the economic stimulus we get from that?

When you get to the bottom line, we are talking about $16 billion of added deficit spending. That translates to $89,000 per job created with this package. $89,000 per job created, and only for part of 1 year.

□ 1350

That is not economic stimulus. That is not responsible budgeting. That is not responsible appropriations.

Mr. NATCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. YATES], the chairman of the Subcommittee on Interior and Related Agencies of the Committee on Appropriations.

Mr. YATES. Mr. Chairman, I thank the chairman of our committee for yielding time to me.

I want to suggest to the gentleman from Pennsylvania [Mr. MCDADE], my good friend and the distinguished ranking member of the full Committee on Appropriations, that he ought to look under the hood again, if he has looked under the hood.

Of all the programs in our portion of the bill, the Subcommittee on Interior, and he should know the Subcommittee on Interior and he does know what we have worked on for years, the program he picked out to criticize was the sickle fin chub and fish atlases, a $100,000 appropriation in a $749 million portion of this appropriations bill. If that is critical, I would suggest that he take another look under the hood.

I point out to my distinguished friend that the appropriation is for a fish atlas, for taking an inventory of freshwater fish, the kind of an inventory that was taken preliminary to cleaning up the Connecticut River. And the gentleman knows how instrumental our good friend Silvio Conte was in that in coming to our committee and the important part that inventory played in helping the Fish and Wildlife Service perform the necessary kind of appraisal that was necessary to make that river usable again for anadromous fish.

My good friend, and he is my good friend, knows how disappointed we have been from year to year, as we marked up the Interior programs, of our inability to place adequate appropriations in our bill to take care of the needs of the public resources of the Nation.

In our portion of the bill, I would point out to the gentleman, funds are going to take care of the long-needed maintenance in the National Park Service, necessary construction of trails and bridges and highways in the forest system, and protection of the lands of the Bureau of Land Management.

My good friend knows that we have been placing in our appropriations bills for years funds for summer employment under the Youth Conservation Corps, which provides summer employment for the young people of our country in order to permit them to find jobs in the National Forests and in the Parks and spend their summers in very healthful surroundings.

We have a good bill here, Mr. Chairman, and I commend our portion of the bill to the House.

Mr. MCDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just wanted to say to my dear friend, and he is my dear friend, and I know of his long interest in the programs in Interior. And I think I share those interests. I do not believe any one of those programs that the gentleman has mentioned, which are basically research programs, belong in this emergency stimulation program. That is fundamentally what is wrong under the hood.

They ought to be in the regular bill. That is the only place they ought to be. They should not be in this emergency stimulation bill.

If they were in the regular bill, may I say to my friend, I would join in supporting them. I do not believe that what we ought to do is put this burden on the back of the taxpayers under the guise of emergency.

Although $100,000, my friend says, is not a lot of money, in terms of the total bill he is right about that, but I do want to say that is the entire tax bill for 20 American families. And I do not believe any of these research projects, which are not related to jobs creation or economic stimulation in any sense, belong in this particular bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER], the distinguished ranking member of the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Committee on Appropriations.

Mr. PORTER. Mr. Chairman, I thank the distinguished gentleman for yielding time to me.

This stimulus is not necessary. Unemployment is down. Employment is up by 380,000, the biggest monthly gain in 4 years. GDP is way up in the fourth quarter, 4.8 percent. Factory orders are up. Factory hours and overtime are at an all-time high in this country.

We have job gains in construction, in services, and retail. The stimulus simply is not necessary.

It will also be ineffective, Mr. Chairman. We have a $6 trillion economy, a $1.5 trillion Federal budget. We are already stimulating this economy this year to the extent of $330 billion in deficit spending.

Will $16 billion of spending grow the economy faster than it is already growing? Of course not, Mr. Chairman.

Many programs in the stimulus do not create jobs. Those that do, the chapter 1 summer program, the Head Start summer program, the Summer Youth Employment Program, create only temporary, low-wage jobs. Much of this money cannot even be spent by the summer grantees.

The Packard amendment, which I hope will be made in order under the rule, recognizes that the real emergency should be funded by providing extended benefits for those who still cannot find jobs, as does the Stenholm package, but it also acknowledges that the remainder of the programs are not emergencies.

They will add billions of dollars to the deficit and frustrate our goal of deficit reduction, Mr. Chairman. They ought to be considered in the broader context of the President's economic recovery plan and the statutory budget process.

Are these programs emergencies? Amending chapter 1 to provide arts education. Is that an emergency? The $9 million for new computers at NIH. Is that an emergency? Social Security Administration, building new restrooms. Is that an emergency? computer paper and disk purchases, new computer terminals at the Social Security Administration, new staff, are these emergencies? Postage equipment. I list these only as examples, Mr. Chairman, but there are many, many more. All of them should be considered in the regular budget process.

If these are the new administration's priorities, then my colleagues on the other side of the aisle ought to tell us what we should cut in order to fund them.

Mr. Chairman, many of these programs do not even meet the President's own criteria of creating jobs this summer: The $2 billion for Pell grants creates no jobs; worker profiling, that duplicates an existing automation grant program, creates no jobs; Ryan White, creates no jobs; NIH computers, no jobs; SSA infrastructure, no jobs.

Mr. Chairman, no one disputes the merit of these programs. We ought to pay the Pell shortfall. We ought to improve the Social Security Administration's facilities. We ought to create advanced computer initiatives. We ought to support summer employment and education activities. But we ought to do these things within the context of the existing budget law and without adding to the deficit.

The gentlemen on the other side of the aisle simply do not get it. The problem is not with the merit of the programs. It is with adding them to the deficit.

Mr. Chairman, over $9 billion or 60 percent of the funding in this bill remains available beyond this year or until expended. How can that be economic stimulus? What it is is a long-term increase in the deficit and our debt.

Unfortunately, adding to the deficit is what this bill is all about. And it undermines the President's message and his attempt to bring down the deficit.

I think that this package is indefensible, Mr. Chairman. We ought to enact the Packard amendment and fund the unemployment benefits, yes, if it is made in order. But we ought to fund the remainder of the priorities within the context of the budget law and not add $16 billion more to the deficit.

Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. BEVILL], chairman of the Subcommittee on Energy and Water Development of the Committee on Appropriations.

Mr. BEVILL. Mr. Chairman, I rise to speak in support of chapter 5 of H.R. 1335, the Emergency Supplemental Appropriations Act of 1993, which provides funds for programs under the jurisdiction of the Energy and Water Development Subcommittee.

Mr. Chairman, the bill being debated today includes a total of $93,922,000 for Corps of Engineers programs, the same as the amount requested by the President, broken down as follows: There is $3,900,000 for construction, general; $13,525,000 for flood control, Mississippi River and tributaries; and $76,497,000 for operation and maintenance, general.

These funds will enable the Corps of Engineers to expedite construction of ongoing high priority water resources projects and will provide funds for needed maintenance of existing projects. The funds provided will create approximately 3,480 new jobs and represent a sound investment in the Nation's infrastructure that will return benefits for years to come.

The projects that will receive funding upon enactment of this legislation will provide flood damage reduction, inland waterway and harbor transportation, hydropower, and environmental restoration benefits to the Nation. This investment will ensure continued high levels of service and protection for our citizens and businesses.

The committee recommendation also includes the administration's request of $47,900,000 for energy supply, research and development activities of the Department of Energy. The recommendation includes $46,961,000 for cooperative research and development agreements and $939,000 for Department of Energy in-house energy management.

The proposed $46,961,000 for cooperative research and development agreements will be used to support nondefense multilaboratory collaborations to enhance U.S. competitiveness and contribute to the creation and retention of jobs for U.S. workers. This program will allow nondefense national laboratory scientists and technicians to work with industry, including small business partners and industry consortia, and will bring the resources of the Department's laboratories to bear on the technology problems of American industries.

The proposed $939,000 for the in-house Energy Management Program will provide for survey audits in preparation for bringing more energy efficient technologies into Department of Energy buildings.

Mr. Chairman, the work to be performed using these funds is ready to go. Therefore, I urge all the Members to support the committee's recommendation, so we can begin to put people back to work.

□ 1400

Mr. MCDADE. Mr. Chairman, I am delighted to yield 4 minutes to the gentleman from Ohio [Mr. REGULA], my dear friend, the ranking member of the Subcommittee on Interior and Related Agencies of the Committee on Appropriations.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is a classic example of spend now, pay later. This will require that the U.S. Government borrow $100 for every citizen of these United States to fund a bill that is not well thought out, a bill that the Congress, the legislative body, had absolutely no input in creating. Yet we are going to saddle every man, woman, and child with a $100 obligation. It will not be paid, as the gentleman from Pennsylvania [Mr. MCDADE] said. We will be paying interest on this money forever, and generations to come will continue to pay interest so we can spend it today.

Mr. Chairman, I think there is something that should be pointed out here. Writing in the "Federalist Papers," James Madison, one of the great thinkers of our time, said "Each department should have a will of its own." He talked about the separation of powers and checks and balances and how important it is that each branch, executive, legislative, and judicial, do its share of the governing.

Yet in this bill the legislative branch has abdicated its responsibility. In our hearings we had no opportunity to hear from witnesses other than the administration's. The legislative branch, by rubberstamping the administrators bill, in effect had no input into the crafting of this legislation. It is totally a creation of the executive branch. I think it violates the doctrine of separation of powers. It certainly violates the spirit of what James Madison was talking about.

As Madison said: "This power over the purse may in fact be regarded as the most complete and effectual weapon with which any Constitution can arm the immediate representatives of the people"; that is ourselves. We are the representatives of the people. However, this bill is not our creation. We have abdicated our responsibility. We have laid down our arms.

In my years on the Committee on Appropriations, 18 plus, this is the first time that I can remember that we had a bill in which no changes were made.

Third, I think we should recognize that in the fiscal year 1993 appropriations process on which we had hearings, where the Members of this body exercised their collective judgment, we have presently in unobligated balances $20 billion in programs proposed for additional funding in this stimulus package. That is more than is provided in this bill.

It seems to me that the right management approach would be to use the $20 billion that has been thought out as being good government, as being constructive projects for the management of our Government. Let us do those programs. Let us get these funds obligated, and not go out and borrow an additional $16 billion.

The last point I would like to make is this, that we are taking this money out of the private sector. There is only so much capital in the reserves of this Nation. Government does not create any wealth. It does not produce anything of value.

Therefore, if we borrow the $16 billion to fund this bill and exercise the judgment of the executive branch only, because they created the bill, what we are in effect saying is that the people in the private sector that could otherwise borrow the $16 billion do not know as well as we do how they should use this Nation's resources. That is $16 billion we are going to suck out of the capital pool that could finance a new home for a young couple, could finance a new business that would create permanent jobs, not temporary jobs; could finance an education for a student that needs an opportunity, but it will not be there because we have taken it.

We have heard a lot about the shortage of capital, about the fact that our financial institutions have not been able to provide resources for the start-up businesses, for the homes that people want to buy. Yet we are exacerbating the problem by simply taking, again, an additional $16 billion out of this capital pool.

I think it would be far better if we leave it there, let the people who produce this wealth use it, and create jobs that are permanent, jobs that add to the economic growth of this Nation, jobs that will make us more competitive in the global marketplace and certainly serve the needs of this Nation far better than this Band-Aid.

Mr. NATCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. CARR], chairman of the

Subcommittee on Transportation of the Committee on Appropriations.

Mr. CARR. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the Transportation and Related Agencies chapter includes approximately 25 percent of the total funding and spending authority recommended in the bill. I will briefly summarize the funding we are providing for transportation investment.

The majority of the funding is for the Federal-aid highway program. We recommend an increase of $2,976,250,000 in the obligation limitation for the program, increasing the level to $18,303,000,000 for the year. This is the amount that fully funds the fiscal year 1993 authorized level in the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA]. This amount will be distributed to the States under the existing apportionment categories contained in ISTEA.

For the Federal Transit Administration, the bill includes $482,340,000 for formula grants. This will be distributed as follows: $17,423,000 under section 16, specialized service formula capital; $26,420,000 under section 18, nonurbanized area formula capital; and $438,497,000, including $15,850,000 derived from the highway trust fund, under section 9, urbanized area formula capital.

Additionally, the bill includes $270,000,000 for discretionary transit grants. In line with the administration's request, these funds will be available only for bus purchases and bus-related facility construction.

The committee bill also includes the requested obligation limitation increase of $250,000,000 for grants-in-aid for airports. This amount will be provided from the airport and airway trust fund. These funds will be distributed at the discretion of the Secretary of Transportation.

The committee also agreed to provide the request of $187,844,000 for capital grants for Amtrak.

Let me make it emphatically clear that the transportation portion of the supplemental is not a jobs bill. But that does not mean that the transportation portion of the bill is not necessary or worthwhile. In fact, it is. The immediate jobs created by this bill will, in the larger scheme of things, be few. In addition, they are not targeted to areas of unemployment, like my own State of Michigan. The critics of the bill point this out. They are right, but they miss the point.

The point is that President Clinton won the election, in part because he made a commitment to the American people to increase investment in transportation infrastructure. It's not too soon to make good on that commitment. The people of this country paid lots of money into the transportation trust funds. The money is there. They want the investments made. They want action, not delay. So let's pass this bill and get started on the job of investing in high economic output transportation projects for our future.

In this regard, I had a strong concern. As originally proposed, the bill would have put a premium on spending quick rather than spending well. The administration requested that all the highway and transit formula funds would have to be obligated within 60 days or be redistributed to other States. Since these funds are only available until the end of the fiscal year in any event, I would have preferred no such use-it-or-lose-it requirement. But, in the spirit of compromise, we were able to work with the administration and agree to extend the 60 days to 90 days. Especially at the time that many States will be conducting their major bid lettings for the summer construction season, I believe the extra 30 days will help ensure a better chance that projects with high economic value will receive funding.

In conclusion, Mr. Chairman, I urge the Members to support this bill. Like many Members, I would have preferred to see some changes, including some rescissions to offset the cost of the bill. But, if we made all our changes and the Senate did the same, we might be in conference until the Fourth of July. If that happened, the summer youth program would suffer. The unemployment trust fund would run out of money. The summer construction season, especially for the northern tier of States, would be lost for the highway and other infrastructure programs. We cannot allow that to happen. We should pass this legislation and continue our investment in America.

Mr. TORRES. Mr. Chairman, will the gentleman yield?

Mr. CARR. I yield to the gentleman from California.

Mr. TORRES. Mr. Chairman, I would ask the gentleman from Michigan to engage with me in a brief colloquy.

Mr. Chairman, I note that the committee in its report recognized the need to provide additional support for cleaner buses. As you are no doubt aware, much of my State, California, has a serious air quality problem. The problem is significantly reduced by the use of zero emissions vehicles in our transit system.

California is currently the Nation's leader in the manufacture and use of zero emissions buses. Mr. Chairman, is it your understanding that the committee intended to encourage funding for zero emissions buses and related facilities, such as charging infrastructure, from the supplemental appropriations provided to the Department of Transportation?

Mr. CARR. Mr. Chairman, I would say to the gentleman, yes, that is my understanding. The committee is aware of these efforts underway in California and encourages their support.

□ 1410

Mr. McDADE. Mr. Chairman, may I inquire as to the amount of time remaining on both sides of the aisle?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. McDADE] has 8½ minutes remaining, and the gentleman from Kentucky [Mr. NATCHER] has 15 minutes remaining.

Mr. NATCHER. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER], chairman of the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of this supplemental appropriation. It has been said that this is not an emergency and that the items in this bill are not an emergency. It was said a couple of years ago by former White House Chief of Staff Sununu that if Congress went home and did nothing, everything would be fine. That was the Bush administration's action plan.

It was said by former Treasury Secretary Brady that the recovery was just around the corner. The months came and the months went, and unemployment rose. And we urged President Bush to sign an Unemployment Compensation Extension bill, and the President did not. He did not do it the first time. He said things were going to get better. Some months later, he did not do it the second time. Things were going to get better.

The third time, he signed the bill because things had not gotten better. The American public on November 3 said, Mr. President, there is an emergency. I do not have a job. My children do not have job opportunities. My neighbor is out of work. My wife cannot find employment. My husband is laid off. They said there was an economic emergency in this country.

And furthermore, what did they say to us in Congress? Act, do not talk. Do not point the finger of blame. Take responsibility. Act.

President Clinton came here on February 17 and he said the time for assessing blame is over. The time for taking responsibility is here. This bill is about taking responsibility. The Budget bill is about taking responsibility, making hard decisions.

Dr. Tyson, the Chairman of the Council on Economic Advisers, testified today before my subcommittee that she believes that there will be approximately 500,000 new jobs created both directly and indirectly as a result of this program. And she said private sector analysis also has agreed with this figure.

Now I would say to my very close, good friend for whom I have unmitigated respect, the gentleman from Pennsylvania [Mr. McDADE] and others who have said $90,000 per job, that is not a fair analysis. When you build roads as we do in this stimulus package, you create jobs with the roads, and those roads are of value for the next 10, 20, 30 years. That is economic growth long term.

Mr. MCDADE. Mr. Chairman, will my friend yield for one-half a second? I respect him greatly and do not want to take a lot of time.

Mr. HOYER. I yield to my good friend, the gentleman from Pennsylvania.

Mr. MCDADE. Mr. Chairman, I simply use that figure because that $90,000 is more than double what it costs for job creation in the private sector, which is roughly $40,000. So it is not an item that we ought to dispense with, but we ought to be aware of it as we decide on the bill.

Mr. HOYER. I appreciate what my friend has said. My point is in the private sector, to create that job you say it costs x number of dollars, salary, other expenses, but it produces a product, that product is bought, and then there is a leverage effect on creation of other jobs.

When you create these jobs they are doing something, building roads, for example, and not counting the value of the roads you receive in addition to the job you create I think is not an accurate portrayal of how much that job costs and the economic growth as a result.

Mr. MCDADE. I am not sure you and I are not talking apples and apples. But maybe we should give all this money to the private sector and let them create twice as many jobs at half the price.

Mr. HOYER. Mr. Chairman, as it relates to the Treasury Postal Subcommittee which I have the privilege of chairing, let me say, as it relates to the $148 million for the tax modernization system, we had testimony on February 3 that because of our equipment we were not able to act as efficiently in the collection of revenues that are due and owing as we otherwise would be.

Let me say to my friend from Pennsylvania who said that the GAO said this was not a good expenditure in the area, and I quote from Jenny Stathis who is Director of Tax Policy Administration in her testimony to our committee:

> In the area of TSM (Tax System Modernization) we believe that this is very critical to IRS and critical to tax administration of the future. The systems that we have are very old. They are very inefficient and have to be replaced.

There was no equivocation in this statement.

Mr. MCDADE. Can my friend yield to me again?

Mr. HOYER. I am running out of time, and I have to apologize. But this is a good bill and ought to be passed.

Mr. Chairman, I rise in strong support of this economic investment package for two simple and straightforward reasons. First, our anemic recovery needs help right now creating jobs. This bill does that, while making a down payment on long-neglected public investments for long-term economic dividends.

Today, more than 16 million Americans are looking for, and not finding, jobs. Our economy is creating only half the number of jobs needed to sustain recovery. And last month, half a million Americans dropped off the statistical radar screen all together. They'd become too discouraged to find work.

This job-poor recovery urgently needs the shot in the arm this bill provides. For example, we create nearly 60,000 jobs nationally with the Community Development Block Grant Program; 9,000 in mass transit construction; 58,000 in highway construction over the next year and a half; 675,000 summer jobs for disadvantaged youth—with a new academic enrichment program included.

This summer program—combining learning and employment—is an example of the kind of innovation the Clinton administration is bringing to Government. As we've seen from the extensive cuts the President has proposed, this administration is committed to spending less money and spending it smarter and more effectively.

As someone who favors the balanced budget constitutional amendment, I know that we at the Federal level have to meet both of those challenges. H.R. 1335 does just that.

The Treasury, Postal Service, and General Government Subcommittee portion of this supplemental will not only provide a $153 million investment in America, it will also increase the efficiency of the Government. Both the Internal Revenue Service and the General Services Administration have testified that all of the funds can be obligated by the end of this fiscal year.

The $148 million investment in the IRS will expedite implementation in the IRS will expedite implementation of certain tax systems modernization projects and will replace equipment that in many cases is 10 years old, with up-to-date compatible technology. This investment will increase the efficiency of collecting revenue and will get funds into the Treasury at an accelerated pace. Additionally, this investment will enable IRS to improve service to the taxpayers by quickly providing them with more current information.

The investment of $5 million in the Federal buildings fund for energy efficiency programs, will create jobs by funding alteration projects which will install or modify energy systems to increase energy efficiency in Federal buildings. Projects such as replacing old and inefficient heating and air-conditioning systems, will be funded with this $5 million investment. Furthermore, by increasing energy efficiency, we will be helping Federal agencies lower their utility costs and save money.

In conclusion, this is an important bill which provides jobs and investment for American companies as well as improving the efficiency of the Government. I strongly urge my colleagues to vote in favor of this bill.

Mr. MCDADE. Mr. Chairman, I am delighted to yield 2 minutes to the distinguished gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman today we debate a so-called emergency supplemental bill and stimulus package. The purpose of this bill is supposedly to bolster a weak and uncertain economy.

However, I question the need for this type of stimulus at a time when our economy is showing growth and real recovery. The total of $47 million in this bill, including such vague things as nondestructive evaluation instrumentation, ultrasonic characterization of texture, whatever that is. The unemployment rate has fallen from 7.7 to 7 last month.

The point is that although recovery may have been somewhat slow at the beginning, it is now growing at a much stronger rate.

I believe that our biggest problem is deficit reduction. If we want to stimulate the economy, we would do better to reduce the deficit. By reducing the deficit, we will be creating jobs, permanent jobs, not temporary jobs. The jobs created by this bill are almost all temporary.

All of the spending in this package is to be declared emergency spending. This will only increase our bloated Federal budget deficit.

It is clear from the facts that the economy is recovering. This is not an emergency package. It is a pork roast, and we all know what the effects of pork are if it is not thoroughly cooked.

I urge my colleagues to vote "no" on this legislation.

Mr. NATCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN], chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations.

Mr. DURBIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I acknowledge my Republican friends tell us that the recovery is here. We are hopeful that they are right.

There is some need of skepticism when one considers what we have been through in the last 4 years, the slowest economic growth in half a century, the slowest job creation since World War II, and last year more business failures than any year since 1927.

President Clinton wants to invest in this economy to put people back to work and to help those who need a helping hand.

□ 1420

In the Agriculture Subcommittee, there are several specific areas where I think he is right on target. In the first instance he wants to provide under the WIC Program, the Women, Infants, and Children supplemental feeding program, money for an additional 300,000 participants. These are pregnant women and small children and their mothers who are going to get help in providing food in their households and nutritional information so that they can start off with a healthy life. That is a good investment in America.

Second, we have an additional $4 million for Food Safety Inspection Service. What do we do with this? We will try to make up for the shortfall in meat and poultry inspectors that came about during the Reagan-Bush era. We lost some 500 inspectors during that period of time. We now know how critically important it is to food safety to have those inspectors on the job. The Jack in the Box scandal in the State of Washington which took the lives of some small children should be guarded against and will be if we have the professionals working through the Food Safety and Inspection Service.

Under the Farmers Home Administration, we are taking an innovative loan program to build rural housing. A $4 million investment by the Federal Government is going to result in $234 million in construction. That is a good leverage of our money to help build homes in rural areas.

Finally, in the rural areas and communities I represent, there is a need to upgrade water and sewer systems. Some $2 billion has been requested of the Federal Government, a backlog of loans and grants, and the administration is seeking to put some $730 million into that backlog. That is a good investment in our future.

Mr. McDADE. Mr. Chairman, I yield 2 minutes to my good friend, the distinguished gentleman from Indiana [Mr. MYERS]. I want to publicly thank him for the job he did in carrying water for me during my absence from the House. I am very grateful to him.

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to thank the gentleman from Pennsylvania for his words. It was not a very good job. The bill is on the floor today in the disaster state that it is in. So I thank the gentleman for the accolade.

Mr. Chairman, I rise in opposition of this particular piece of legislation.

Parts of it are very good, but I reminded my chairman, the gentleman from Kentucky, that we have had the honor of serving with for a number of years, and he has told the story about supporting nine Presidents, both Democrat and Republican. I agree with you 100 percent.

But I remember a story about another Kentuckian born in Hardin County, KY, not too far from the gentleman's home; he came to Washington during the War Between the States, and he was asked by a reporter one time about the dilemma of being the first Republican President, about the pattern, about the conditions, how he would change the country and try to bring it back together; faced with the situation of doing what is best for his country or what is best for his party, without any question, he said, "What is good for my country will be good for my party." I completely agree.

I am not going to support a Democrat or Republican President when they are wrong, and I think President Clinton and each of you are wrong when you support this bill today.

Are you not listening to the American people today? I want to speak to the 110 new Members of the House of Representatives, 63 Democrats, 47 Republicans, most of whom, if not all, were elected on the promise of reform: "We are going there to Washington and clean house. We are going to change things"; $16 plus billion, $16.5 billion plus the other $3.2 billion coming out of trust funds, $16.5 billion we do not have that are going to have to be borrowed. Is that changing things like the American people are really asking, telling you?

Every poll I have seen, the American people are telling us, "Cut down spending."

Now, there are some good programs here. Without a question we will have to appropriate maybe not $4 billion for unemployment. I did not vote for it last week because I thought it was not properly fashioned, but we will have to appropriate something.

The Summer Youth Program: Does anyone here think we really could spend $1 billion between now and next September on Summer Youth Programs and spend it wisely? It is a good program, but it should not be that much money. We should come back and cut it down.

Immunization: My friend from Illinois talked about immunization. We questioned this morning the Food and Safety Administration, and we questioned yesterday about employing immunization people. Who is going to do the immunizations? Are you going to take somebody out of the unemployment line to give shots to our children? This is an ongoing program. Needed, yes, but can we spend $1 billion in immunizations when there is $300 million adding to this plus what we added last year? These things are unreasonable.

The gentlewoman from Florida [Mrs. MEEK] last week in the committee asked us, "Who is going to be hired here? How many of the hard-core unemployed, the untrained?" Good question. She did not get a good answer, because we know most of these jobs are going to take highly skilled people, not taking people out of the unemployment line. We are not going to reduce unemployment benefits. We are not going to reduce any of these things.

If we really want to save money and create jobs, we had better keep the defense dollars. That is where people are already working.

This is the wrong bill at the wrong time and $16 billion we do not have. The right vote is to vote "no." We will come back next week with a good bill with the essentials which are emergencies.

Mr. NATCHER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, chapter X provides $4,336,617,000 for six agencies under the jurisdiction of the VA, HUD, and Independent Agencies Subcommittee. This is the exact amount requested by the administration for these agencies. The total represents a little more than 25 percent of the total amount included in the bill.

The major funding is provided for HUD, VA, EPA, and the National Science Foundation.

The largest amount is for the Community Development Block Grant Program. The bill includes $2.5 billion requested for this program.

It is estimated these funds will create nearly 60,000 new jobs to help stimulate the economy—and create them quickly. During the hearings with HUD, Secretary Cisneros said:

> I would predict that the vast majority of these funds, and indeed, I have made this commitment to the President, would result in dirt flying and people at work by this summer. So I fully expect it to be done in the time frames involved.

One other point, the language in the bill requires that the CDBG funds—and the supportive housing homeless funds—be obligated and disbursed by December 31, 1994. Funds that are not disbursed by that date will be deobligated and expire.

Mr. Chairman, I want to respond to statements made about CDBG projects that are alleged to be in the bill. It has been said that we are funding several specific projects that some Members don't agree with.

Let me assure the Members that the bill does not contain funds for any specific CDBG projects. That just isn't how this program works.

The bill does contain $2.5 billion for CDBG. Under current law the use of these funds will be up to the local and State governments—in the same manner as the regular CDBG Program that we fund in our annual appropriations bill.

I believe the projects referred to come from a ready to go report compiled by the U.S. Conference of Mayors. That approximately 1,700-page report which was a bipartisan survey overseen by a Republican mayor, identifies over $7.2 billion of community development and transportation projects that are capable of immediate start up.

Statements have been made by some Members that the bill contains funding for these specific projects—and that is not true. The report contains examples of projects ready for immediate start up. They could just have easily used other examples from that report such as $750,000 for a homeless shelter in Vancouver, WA; $1,806,000 for acquisition and renovation of 88 units of locally owned public housing in Huntsville, AL; $100,000 for installation of sewers in Central Falls, RI, where raw sewage is being dumped in the river; or $2,300,000 for homeless housing for pregnant women. This bill doesn't contain enough money to fund even half of them. I wanted to set the record clear on that point.

The bill also includes the $423,000,000 requested for the Supportive Housing Homeless Program. These funds will both increase economic activity by creating over 11,000 new jobs and have a visible impact on one of the Nation's most daunting social problems.

A total of $235.5 million is requested by the Department of Veterans Affairs for approximately 1,100 small construction projects at most of the VA's 171 hospitals and six national cemeteries. The bill includes the amounts requested.

These funds will quickly create an estimated 4,700 new jobs. During the hearings with the VA, Secretary Brown said, and I quote, "* * * I think the vast majority of them [the construction projects] we can actually start in 60 days * * *."

Under EPA the bill includes the $845,300,000 requested for construction of wastewater treatment facilities and the $46,961,000 requested for the watershed resource restoration grants program. These additional funds will also spur economic growth through the creation of 5,200 jobs. I would point out that these funds have to be obligated by the end of fiscal year 1993.

The bill also includes the $197 million requested for the National Science Foundation's research and related activities account. These funds will contribute to the Nation's productivity by generating new scientific and engineering knowledge, and the development of the next generation of scientists and engineers.

Mr. Chairman, that covers the major funding recommendations for the VA-HUD Subcommittee.

Mr. McDADE. Mr. Chairman, I yield 2 minutes to my dear friend, the gentleman from New Jersey [Mr. GALLO].

Mr. GALLO. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Chairman, I rise in opposition to this $16 billion supplemental spending package.

As a New Jersey resident who knows what happens when you raise taxes and increase spending, I can tell you that this bill is a bad bargain for the taxpayers of America.

It spends money today with the promise of cuts tomorrow.

This bill gives Congress another blank check to spend an additional $16 billion today, with cuts promised for tomorrow.

But we have learned from past experience that, in Washington, tomorrow never comes.

If this bill becomes law, New Jersey taxpayers will pay $2.5 billion in new taxes and will get $342 million return on that "investment."

New Jersey is 41st among the 50 States in terms of the overall Clinton plan.

American taxpayers want change and the biggest single element of that change must be accountability.

Rather than creating permanent private sector jobs, this so-called emergency bill will create only very expensive, temporary public sector jobs—and at a very high cost per job.

The total package is supposed to create 219,000 jobs at an average of more than $90,000 per job.

Some accountability is definitely in order especially for those footing the bill—the American taxpayers.

I offered an amendment to provide that accountability and I was told that it was not germane.

Mr. Chairman. There is nothing more germane, in talking about the budget, than the total absence of accountability in this spending bill.

This is irresponsible spending and it should be defeated.

□ 1430

Mr. NATCHER. Mr. Chairman, may I inquire as to the time remaining on this side?

The CHAIRMAN. The gentleman from Kentucky [Mr. NATCHER] has 3 minutes remaining; the gentleman from Pennsylvania [Mr. McDADE] also has 3 minutes remaining.

Mr. NATCHER. Mr. Chairman, I yield 1 minute to the gentleman from California, [Mr. FAZIO], chairman of the Subcommittee on Legislative of the Committee on Appropriations.

Mr. FAZIO. I thank the gentleman from Kentucky for yielding this time to me.

Mr. Chairman, I am really troubled by an assertion I continue to hear on the floor that the recession is over and that things are good again in America. I can tell you, in California our unemployment rate went up to 9.8 percent: it jumped three-tenths of 1 percent in the last round of data collection. That happened despite the fact that of the 300,000 jobs created, 100,000 of them were in California. The fact is we have so many people who had given up seeking employment that it has only been recently, with the hope engendered by this economic plan, that they have come back to seek work again, thereby overwhelming in the applications for assistance any benefit that these new jobs created for our State's economy.

We are in deep trouble. Well over 300,000 jobs are going to be affected by base closure. I think it is important that the Members realize that all across this country people are still hurting; jobs are still not there. Only 30 percent of all the jobs that were lost in the recession have been restored in this modest recovery.

We need to enact this package for growth investment and stimulus, or we will never get our deficits down in the long run. If people aren't employed earnings and profits don't occur and our deficit grows instead of retracts.

Mr. Chairman, H.R. 1335, the Stimulus and Investment Supplemental Appropriations Act for Fiscal Year 1993 is a key component of the president's economic plan. It is an insurance policy for continued economic growth in those areas of the country that have already begun to see the fruits of recovery and it is the fuel needed to spur a recovery in California, which is still deep in recession.

This package promises to create at least 1 million jobs, 325,000 of which will be permanent, full-time jobs.

In California alone, the package will create 80,000 permanent jobs, and California needs each of these jobs if it is to join the ranks of those States now in recovery.

The recession in California has been the longest and deepest since World War II.

California has been particularly hard hit by the downsizing of major manufacturing industries such as aerospace and defense. Over 300,000 jobs alone will be lost in the State due to the closure of military bases in the State. But there are other problems as well. Construction and real estate have been hard hit during this recession. Over 30 percent of the construction jobs that existed in the State 2 years ago are gone.

The State all by itself, accounted for 38 percent of total U.S. job losses between June 1990 and December 1992. The five counties of the Los Angeles metropolitan area accounted for 27 percent of all job losses nationwide.

And, despite the recovery in other parts of the Nation, in California the job shrinkage is continuing.

Last month, California's unemployment rate rose while the national rate dipped. Total unemployment in the United States increased by 365,000 jobs, but California employment fell by 4,600 jobs.

And, finally, business failures in California grew 33 percent in 1992, nearly quadruple the average of all other States.

So, Mr. Chairman, this economic stimulus package is a critical, essential component of the President's economic recovery plan. It is not expendable. It is not something that can be haphazardly reduced simply to maintain some irrelevant perception of parity with agreements negotiated on the long-term budget plans. It must be preserved, that will lay the foundation for long-term shifts in Federal investments in transportation, in clean water, in our inner cities, and I strongly urge my colleagues to support its passage.

Mr. MCDADE. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from California [Mr. PACKARD].

Mr. PACKARD. I thank the gentleman for yielding this time to me.

Mr. Chairman, at a time when President Clinton and the American people are asking for this Congress to reduce deficits, it is the worst time for us to add $16 billion to the deficit and at the same time add another $5 billion to $15 billion of new taxes. I have an amendment that I presented to the Committee on Rules. I am not sure that they will give me the privilege of introducing it on the floor of the House, but I hope they will. And if so, I hope you will support it. It is an amendment that would simply require the Congress to accept this stimulus package on the basis of the budget agreement of 1990, where we have to have offsets if we are going to increase spending. That is all it would do. It would even exclude the unemployment bill that we passed a couple of weeks ago, and that is all it would do, to require this Congress to meet the requirements of the bipartisan agreement of 1990 that we simply offset those new spendings with other revenues.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. PACKARD. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding to me.

Mr. Chairman, I would like to point out to my colleagues that this says "emergency supplemental appropriation." Emergency? Mr. Chairman, if I were speaking to America, here is what I would say: America, here are some of the emergencies that got stuck in this thing: $5 million for a beach parking garage. Now, there is a real emergency for you. Historic preservation of a movie theater, $3.5 million. Gym replacements. Gym? Gym replacement? $4.5 million.

A swimming pool renovation for $3.25 million.

I mean, are these really priorities? Are these really emergencies? This is more pork, more pork.

The Ococe River Olympic venue for whitewater canoeing. Whitewater canoeing, that is an emergency? $1.8 million.

This is pork laden, this is business as usual around here. It is wrong. The people of this country want spending cuts, not more tax increases.

Mr. PACKARD. Reclaiming my time, there is no question that this bill, the only reason it is an emergency is to allow us to spend more money and vary from the budget agreement of 1990.

Mr. MCDADE. Mr. Chairman, I am delighted to yield 1 minute to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. I thank the gentleman for yielding this time to me.

Mr. Chairman, while I admire President Clinton's willingness to address the economic problems of this Nation, the supplemental appropriations bill is not the solution to these problems and I urge my colleagues to defeat this measure.

I believe that if Members of Congress are to spend a total of nearly $23 billion of taxpayer's money—which will be added to the $300 billion deficit for this year—they have a responsibility to consider the return on this investment. This expenditure will produce a poor return on our investment.

H.R. 1335 is intended to provide the funds for President Clinton's plan to stimulate the economy and create new jobs as soon as possible. However, the revised estimate for the number of new jobs it will create is now down to about 200,000 jobs. That works out to an average cost of about $90,000 per job.

Last month, American businesses created 365,000 new jobs, without any Government intervention or deficit spending. We should allow our businesses to continue to create jobs—without burdening the economy by continuing to borrow money to finance deficit spending by the Federal Government.

Mr. Chairman, I have discussed the President's economic plan with many of my constituents in Delaware. They have told me that the most important part of the plan is to reduce the deficit. They are willing to forgo a limited-short-term spending program in return for policies that will create long-term growth in our economy.

The supplemental appropriations bill is not the right policy:

First, the economy is growing. Our gross domestic product grew 4.8 percent in the last quarter of 1992—the largest increase since 1987. Unemployment declined again in February and the economy has created over 1.5 million new jobs in the past 12 months.

Second, Government spending cannot create large numbers of good jobs that will last. The $9 billion spent on the Emergency Jobs Act of 1983 produced only 35,000 jobs at its peak and most of those jobs were temporary.

Third, this is essentially more spending on a variety of existing Government programs. Thirteen of these programs will not create and new jobs. Other programs already have large backlogs of funds which have not been spent. The Community Development Block Grant Pogram has $4 billion in funding for 1993. This bill would add another $2.5 billion to that $4 billion. Block grant funds cannot be spent quickly or efficiently enough to have a positive impact on the economy. But the billions in this legislation will certainly have a negative impact on the deficit.

Mr. Chairman, $23 billion in additional spending in the face of a $300 billion deficit is not responsible Government action. A better course would be for the President and Congress to review all fiscal year 1993 programs and to freeze and rescind unnecessary spending this year. Such an action would send an immediate signal to the American people that our Government is serious about reducing the deficit.

I want to join President Clinton in reinventing American Government to make it work for the people of this country. Let's begin that process today. Defeat the supplemental appropriations bill and pass legislation to reduce the deficit and reform our Government.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. MCDADE] has expired.

Mr. NATCHER. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON.

Ms. NORTON. Mr. Chairman, I appreciate the generosity of the chairman in yielding this time to me.

Mr. Chairman, I come to the floor in order to correct false statements that have been inserted into the RECORD to the effect that $28 million has been allocated in the President's stimulus package for dificit reduction for the District of Columbia.

The Congress appropriated $30 million last session for the District of Columbia's part of its Federal payment package. That money fell out of the budget only because President Bush threatened to veto it. It would now be creating jobs in the District had it been included.

The President included $28 million because there was a 6-percent reduction in all stimulus items on the condition that it be used for stimulus.

Mr. Chairman, I ask for permission to insert in the RECORD the letter from the mayor and the chairman of the city council of the District of Columbia, indicating the uses to which this money would be put.

Let me give you some examples: 100 civilian jobs in the police department to enable 200 police to go back on the beat; 300 social workers in order to address caseload requirements mandated by a variety of consent decrees; personnel for a program aimed at youths aged 10 to 14, keeping these kids in school and out of the juveniel justice system.

The characterizations that have been made on the floor as to the $28 million are false.

THE DISTRICT OF COLUMBIA,
Washington, DC, February 26, 1993.

Hon. JULIAN C. DIXON,
Chairman, Subcommittee on District of Columbia Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to expand upon our testimony and respond to your request for additional information concerning the economic stimulus benefits which would accrue if President Clinton's proposal of $28.2 million for the Government of the District of Columbia is approved by the Congress.

The majority of the funds will be utilized to support efforts to provide for essential public safety, create job opportunities, stimulate business and economic development, expand health services and aid families and children at risk. A portion of the $28 million included in the President's request will be utilized to employ 300 social workers in the Commission on Social Services. This additional staff will enable the Commission to begin to address the case load requirements mandated by a variety of consent decrees imposed upon the District. More importantly, the social workers will concentrate their efforts on family and children services to begin to identify issues and problems in the early stages when preventive techniques may be applied successfully.

The funds will also allow for the expansion of the "Turning Points" program, an intensive prevention/intervention program aimed at youth ranging in age from 10–14. Turning Points is designed to provide comprehensive services and targeted to keeping kids in school and out of the juvenile justice system. Developed by the Carnegie Foundation, the program consists of the most successful aspects of youth crime prevention programs that have been tried across the country. Turning Points, a collaborative effort with the Department of Recreation, the Courts, the Public Schools, and the Department of Human Services, is currently operating in four schools and these funds will enable us to expand to four additional schools. Already, we are seeing results of providing health screening and other health services, after school programs, and productive recreation opportunities to program participants.

Consistent with our commitment to youth and the President's economic stimulus initiative, the funds will support our Summer Youth Employment Program and will support 5,000 jobs for District youth who otherwise would not be eligible for the summer jobs program. In addition, we anticipate hiring 200 college students as recreation counselors and playground supervisors.

In the area of public safety, funds will be utilized to create approximately 100 civilian jobs in the Police Department. We have identified job functions currently performed by police officers which could be performed by civilians. Creating these civilian positions will have the further benefit of returning approximately 200 police officers to walking the beat and other neighborhood patrol duties. These funds will enable the District to double the number of police officers assigned to a successful crime prevention pilot program in D.C. public housing. We also plan to establish a new police resident training program to strengthen skills for the police department's younger recruits.

In the area of health, additional resources will enable the District to expand health services and hours at targeted neighborhood centers and support special efforts to immunize every 2 year old in the District of Columbia.

Lastly, we want to point out that should these funds not be made available, we will be forced to impose additional reductions in government services. Any further cuts will serve as a major disincentive for job creation and business development. Since 1991, we have made a series of structural and program reforms and reduced in excess of 4,000 positions. The number of persons on the payroll has been reduced by approximately 1,400 in the two year period January 1991 to December 1992. The fiscal year 1994 budget currently before the Council of the District of Columbia has identified approximately 2,300 positions which will be abolished. We must begin to address the issues of families and to redirect our spending to prevention and programs which provide improved and expanded educational, recreational and employment opportunities for our youth who are our hope and our future.

We were pleased that the Subcommittee approved $28 million during Wednesday's deliberations and it is our hope that these essential funds will be forthcoming.

Sincerely,

SHARON PRATT KELLY,
Mayor.

JOHN A. WILSON,
Chairman,
Council of the District of Columbia.

Mr. FORD of Michigan. Mr. Chairman, I rise to support H.R. 1335, the fiscal 1993 stimulus and investment supplemental appropriations bill. The bill provides needed funding for a variety of programs long neglected by past administrations and immediately begins the process of setting progressive priorities for the coming years.

Of interest to the Committee on Education and Labor, which I chair, the supplemental would fund a $1 billion summer youth employment initiative, which will finance 700,000 summer jobs for disadvantaged youth. Together with carryover amounts from the last fiscal year and 1993 appropriations, 1.3 million young people will have summer jobs this year.

The initiative includes $500 million for a chapter 1 summer school programs to employ up to 63,000 teachers and aides serving up to 700,000 students. The program would help prevent students from backsliding over the summer.

It also includes $235 million for chapter 1 to partially offset the loss of funds in communities caused by census changes. This will prevent the loss of up to 8,000 teaching positions and services to 250,000 students.

The bill would provide nearly $1.9 billion for Pell Grant, almost enough to prevent the reduction in grants this spring and for the year starting in the fall. Unfortunately, the supplemental would reduce President Clinton's original request of $2.023 billion by $160 million. The original request would have closed the shortfall.

Head Start would receive an additional $500 million for its summer program, providing for enrollment of up to 350,000 children and employment of up to 50,000 staff.

The Special Supplemental Food Program for Women, Infants, and Children, known as WIC, would receive $75 million, which would permit another 300,000 participants to the program.

The bill would provide an additional $33 million for the Community Service for Older Americans Program, financing more than 5,000 jobs in 1993.

The Community Development Block Grant Program would receive $2.5 billion for basic street and bridge work, painting and resurfacing, building rehabilitation, and public service. The supplemental would create 60,000 jobs.

Finally, the bill adds $2.9 billion in Federal aid for highway resurfacing, rehabilitation, and restoration.

Mr. Chairman, these are existing, proven programs that will create jobs. All of us are encouraged by some of the economic indicators we have seen in recent weeks. But it is clear that growth in new jobs is not a part of the surge in economic activity. The dollars expended in this bill will multiply quickly in the communities that receive them. Unlike tax giveaways to the rich—the kind of stimulus proposed by Republicans—these funds are unlikely to end up in Swiss bank accounts.

Mr. KYL. Mr. Chairman, I rise in opposition to the so-called stimulus package.

The additional $19.5 billion in spending and $3.3 billion in loans that would be provided for fiscal year 1993 as a result of this bill amount to less than five one-hundredths of 1 percent of our $5 trillion economy. If the intent is to stimulate the economy, this bill represents a most anemic response at best.

The Federal Government is already pumping 300 billion dollars' worth of money it doesn't have into the economy this year. It's called deficit spending. If $300 billion is not enough stimulus, another $19.5 billion certainly won't do the job.

Moreover, much of the spending in this bill isn't for stimulus programs at all. The $28 million to balance the District of Columbia's books won't stimulate economic recovery. Neither will another $148 million for IRS tax systems modernization.

If those expenditures are justifiable, let's be honest enough to say so, and not try to sell them to the American people as "economic stimulus." And, if they are justifiable, the associated costs ought to be offset by cuts in other parts of the budget. This bill simply adds to the deficit.

Mr. Chairman, let's be honest, too, about the cost of the jobs that might be created as a result of this bill. Even if it generates the 219,000 jobs that the Office of Management and Budget claims, those jobs will come at a cost to taxpayers of $89,041 each. That compares to the 365,000 jobs created by the economy in February alone, at no cost to the taxpayers.

Furthermore, what this bill might create in the way of new jobs will be more than offset by the 600,000 jobs that the National Association of Manufacturers estimates will be lost by President Clinton's proposed Btu/energy tax alone.

This kind of stimulus proposal has been tried in the past, and has proven a failure. A $9 billion emergency jobs bill passed in 1983 produced 35,000 jobs at most, and many of those lasted no more than 4 weeks.

The answer to the Nation's economic problems is not more Government spending as proposed in this bill. And, it is not substantially higher taxes as the President proposes in his budget. We need less spending, smarter spending, and a tax policy that encourages private sector investment and jobs creation.

Remember, it was the President who said in his State of the Union Address that "the first real engine of economic growth in this country is the private sector."

I urge my colleagues to oppose this bill and help the private sector create real lasting jobs for the American people.

Mr. SENSENBRENNER. Mr. Chairman, improving the economy and eradicating the deficit are laudable goals and I give the President credit for initiating a serious debate on these subjects. It is about time the deficit receives the attention it deserves from the Congress and the administration. However, I strongly oppose the road the Clinton administration and the congressional majority have embarked upon. Increased spending and higher taxes do not constitute an economic recovery plan. The opposite is in fact the case and recent history proves this. Given the disastrous consequences of the 1990 budget fiasco, I find it incredible this Congress is giving the President the green light to take us further down the road to permanent debt and jeopardizing the ability of industrious Americans to achieve financial independence. The Clinton budget resolution before us today is certainly not a blueprint for "Putting People First," it is putting taxes first and then paying lip service to a variety of unspecified spending cuts. The President's proposal contains $316 billion in tax increases over 5 years, compiled with $186 billion in new spending. The Republican plan contains no new taxes and no new spending. Fundamental to the Republican proposal is the fact that Americans prosper most when they control the fruits of their labor.

The President's dubious interpretation of taxable income is as contrived as calling a tax a contribution. By adding to taxable income employer-provided health and life insurance and imputed rent the President exaggerates taxpayers' income in order to increase the tax burden on families at lower income levels. The administration's highly touted claim that 70 percent of the tax burden would fall on people making over $100,000 is accomplished by placing families making $60,000 in the higher category.

The energy tax hits the middle class, the poor, and the elderly the hardest. The increased cost for a gallon of gas will result in lost jobs and higher costs to the consumer. It also punishes rural Americans without access to public transport and those living in colder climates, like Wisconsin. Energy is 7 percent of the consumer price index and this means higher inflation.

The budget resolution also assumes revenues from the proposed tax increase on Social Security benefits, this tax increase is dubiously labeled a spending cut. so much for the President's contention his plan uses real numbers. This proposal means-tests Social Security through the back door, turns the Social Security Trust Fund away from providing social insurance and into a traditional Government welfare program. It is also double-taxation. The idea of placing a lopsided burden on the Nation's senior citizens is a major theme of the Clinton plan.

By all accounts, the Republicans on the House Budget Committee have put together the most detailed and sound budget proposal. The cuts are tough and specific and the tax hikes and pork programs are nonexistent. The deficit reduction is real and accomplished without sticking it to over-taxed middle class Americans.

Mr. Chairman, lower tax rates and spending restraint will make the current recovery a real one. The President's plan is nothing new—slash the Nations' defense, increase spending, and tax the heck out of the middle class to make up the difference. I reject this approach.

Mrs. FOWLER. Mr. Chairman, someone once said "just because everything is different doesn't mean anything has changed."

That's surely the case here in Washington where we have a new administration, but an old congressional leadership who are up to their old tricks.

The trick today is the so-called Clinton stimulus package.

It's a trick on the American people who have been told this is a jobs bill.

The administration says this bill will create 219,000 jobs this year while adding $19.5 billion to the deficit. That's more than $89,000 of deficit spending for each job this bill creates.

In just 17 days last month, the private sector created that same number of jobs, and it didn't cost the American taxpayer one dime.

So if we're not really creating jobs with the stimulus package, what are we doing?

What are we doing giving the District of Columbia $28 million to pay off their debt?

What are we doing spending $845 million on a wastewater program that even President Clinton has said is not needed?

What we're doing, Mr. Chairman, is doling out pork. I urge my colleagues to reject this business as usual and reject the supplemental appropriation.

Mr. NATCHER. Mr. Chairman, I move that the committee do now rise.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman from Pennsylvania will state his point of order.

Mr. WALKER. Mr. Chairman, a point of order: If general debate has been completed on the bill, and it appears that it has, the rule, House Resolution 130, under which the rule is being debated, would not permit this motion.

The CHAIRMAN. The gentleman from Kentucky [Mr. NATCHER] still has 1 remaining minute on his side.

The motion is in order at this time.

The question is on the motion to rise offered by the gentleman from Kentucky [Mr. NATCHER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. NATCHER. Mr. Chairman, I demand a recorded vote.

□ 1440

A recorded vote was refused.

So the motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. BONIOR] having assumed the chair, Mr. LAROCCO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes; had come to no resolution thereon.

CALL OF THE HOUSE

Mr. NATCHER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 74]

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
Engel
English (AZ)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha

Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1510

The SPEAKER pro tempore (Mr. LAROCCO). On this rollcall, 407 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I regret that my being delayed in New York City today prevented me from voting on rollcall No. 73, approving the Journal, and rollcall No. 74, a quorum call. Had I been present to vote, I would have voted "Yea" on rollcall No. 73.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1994

The SPEAKER pro tempore. Pursuant to House Resolution 131 and rule XXIII, the Chair declares the House in the Committee on the Whole House on the State of the Union for the consideration of the concurrent resolution, H. Con. Res. 64.

□ 1512

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998, with Mr. SERRANO in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. Pursuant to the rule, the concurrent resolution is considered as read the first time.

Debate shall be confined to the congressional budget and shall not exceed 10 hours, with 7 hours, including 4 hours on the subject of economic goals and policies, being equally divided and controlled by the gentleman from Minnesota [Mr. SABO] and the gentleman from Ohio [Mr. KASICH]; 2 hours being controlled by the gentleman from Maryland [Mr. MFUME]; and 1 hour being controlled by the gentleman from New York [Mr. SOLOMON].

At this time the Chair will recognize the gentleman from Minnesota [Mr. SABO] for 3½ hours and the gentleman from Ohio [Mr. KASICH] for 3½ hours.

The Chair recognizes the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of House Concurrent Resolution 64, the concurrent resolution on the budget for 1994. Exactly 4 weeks ago today, President Clinton presented his exciting new program for economic growth and revitalization in our country. Today, I am asking my colleagues to vote for this resolution in an important first step to realize the vision in the President's program.

The resolution put before you by the House Budget Committee contains the essence of the President's economic package as he laid it out in "A Vision of Change for America." It reflects the changes in priorities of the Clinton administration's economic program, and builds on them in a way which will promote more domestic saving and investment and will set us on the road to long-term economic strength. With some modifications it proposes that President's package of investments, tax increases, and spending cuts. It achieves his goal of $140 billion deficit reduction in 1997 and it contains $510 billion of deficit reduction over the 5-year period from 1994 to 1998.

The committee's budget contains three basic elements. It provides significant deficit reduction over the next 5 years, timed to fit the trends in the economy so that our deficit reduction enhances long-term growth and does not create serious disruptions in the economy when it is still fragile. It provides for a dramatic change in the direction of Federal spending, switching from an emphasis on consumption to a strong emphasis on investment. Included in the investment piece of the proposal are significant increases in the programs that are most important to people, particularly children and vulnerable adults. And it contains reconciliation directives which reflect the President's proposals to bring about a significant improvement in the fairness of our overall tax structure. The President's package dramatically increases the progressivity of the Federal tax structure, significantly reversing the destructive tax policies of the Reagan-Bush era.

There is a probably no one in America who doesn't agree that the Federal Government has to get its economic house in order. In 1980 the Federal budget deficit was $74 billion. by 1992 that figure had risen to $290 billion. One of the most damaging legacies of this type of budgeting is a major obligation in interest payments which takes money away from programs that directly benefit people. This budget, through its serious attack on the deficit, will help reverse the destructive economic policies of the 1980's.

The resolution before you achieves deficit reduction in two ways. But first let me digress a minute to tell my colleagues that we have arrived at our savings targets using Congressional Budget Office [CBO] numbers and our deficit reduction totals reflect their views on all legislative items which they have been able to score. There are a few miscellaneous areas where CBO had insufficient information to score a proposal such as debt management, but they acknowledge that savings can be realized in that area so we used the administration's number in these instances. The CBO is the office responsible for scoring all spending legislation and ultimately our success or failure in meeting our targets will be measured by them.

DEFICIT REDUCTION

Deficit reduction is realized in the package in three ways. First, in the realm of discretionary programs, the resolution meets the budget authority and outlay caps established in the Budget Enforcement Act of 1990 for both 1994 and 1995. It reduces outlays in the President's proposals by $3.5 billion in 1994 and $10.6 billion in 1995. Further, it limits discretionary outlays in each of the 5 years of the budget period to a level below that which occurred in 1993. This produces deficit reduction of $55 billion beyond the President's proposal and a total deficit reduction of $109 billion in outlays for discretionary programs.

Second, the resolution assumes the President's proposal on revenues and reconciles the Ways and Means Committee to the President's tax policies. This provides for an increase of $246 billion over the next 5 years. More than 70 percent of this tax increase will be borne by households with incomes over $100,000 a year.

Third, the resolution also includes reconciliation directives to reduce the level of mandatory spending by $98 billion in the next 5 years. While it might be possible to realize more savings in the health care area, the committee understands that the administration will be presenting a comprehensive health reform package later in the year and we did not alter the President's package significantly in this area.

It is clear that the committee has presented a package that achieves serious deficit reduction in a reasoned manner through a combination of spending cuts and revenue increases. When debt service savings and debt management savings are included, the committee's resolution reduces spending by $264 billion; it includes $246 billion in tax increases.

INVESTMENT

Not only does this budget free up funds for private investment through its significant deficit reduction component, but it also accommodates President Clinton's investment program. The package is designed to shift the priorities of society away from consumption toward investment. The investment component is accomplished in two ways; first through investment in our human resources with a particular emphasis on the next generation through programs which help children, and second through investment in the public infrastructure. It includes significant for defense conversion, research and experimentation and the development of new technology.

The budget is a key document in determining the amount of saving and investment that will be made by the economy as a whole. This budget makes more resources available for investment in our future and that of our children and grandchildren than any budget in recent times. The President's program takes giant steps toward providing the health care, nutrition, and education that all—particularly our children—must have if they are to become productive members of society. This budget assumes full funding for Head Start by 1999 and an increase of $7 billion in food stamps to fulfill the promise of the Mickey Leland Hunger Relief Act. It assumes full funding for the Special Nutrition program for Women, Infants, and Children [WIC] by 1996 and full funding for the President's comprehensive immunization initiative to assure that all American children are immunized against preventable diseases.

Further, the budget increases our investment in the Nation's physical infrastructure. It provides new funding for transportation including mass transit, highways, high-speed rail, and other alternative transportation programs. The committee assumes full funding for ISTEA for highways in fiscal 1994 and outyears as the administration has proposed and it supports dedicating any extension of the 2.5 cents gas tax to the highway trust fund. It improves funding for community and regional development programs including the community development block grant [CDBG].

In addition to investments in people and public infrastructure, the budget before you contains significant resources for research and experimentation. It contains increases in funding for science and technology within limits that will require rigorous analyses of all new and existing proposals.

It also includes several tax measures designed to spur productive investment and job creation. It assumes enactment of a temporary investment tax credit. It also assumes enactment of an equipment investment tax credit and a capital gains tax cut for small business. It provides for permanent extensions of the research and experimentation tax credit, the targeted jobs tax credit, the low-income housing tax credit and the tax exemption for mortgage revenue bonds. It also assumes creation of enterprise zones to promote entrepreneurship and create jobs. I think these initiatives should contribute significantly to the well-being of our economy and they have been accommodated in this budget.

The President's budget also makes significant provisions for energy conservation, environmental cleanup, and enhancement of environmental technologies for the protection and restoration of our Nation's natural resources. These provisions can be accommodated in the committee's proposal.

TAX FAIRNESS

The final critical component of this resolution is the set of assumptions underlying the reconciliation directives on tax increases. The committee budget reflects the administration's financing package for two reasons. First, it is crucial to deficit reduction and therefore, improved productivity and ultimately higher incomes; and second because it is equitable.

The President has proposed a bold new program which goes a long way toward restoring equity and remedying the negative aspects that characterize our tax structure at the present time. His proposal relies heavily on taxes affecting only higher income taxpayers. In fact, according to the CBO, 73 percent of the tax increases assumed in the resolution are borne by households with incomes over $100,000. This is because the package relies heavily on income taxes at the upper end of the income scale, corporate income tax increases which are borne by affluent stockholders in a higher proportion than middle-income taxpayers, and an extension of the Medicare payroll tax for earners with salaries over $135,000.

The one revenue raiser in the proposal which may affect middle- and low-income taxpayers is the energy conservation tax. Although this proposal is very modest by international standards, it will affect people unless they conserve. Its effects on the middle class can be mitigated by some relatively modest conservation measures and its effects on low-income taxpayers are offset through the proposed expansions of the earned income tax credit, food stamps and the Low-Income Home Energy Assistance Program.

In addition to these measures, the resolution assumes the President's significant expansion of the work-oriented earned income tax credit. This credit increases incentives to work and helps low-income workers rise out of poverty. It is one of the most important proposals before us this year and I believe it could do more for rural America and many poor inner-city neighborhoods than any other single thing we do.

The resolution also assumes the proposals for small business tax incentives, research and development tax credits, and the low-income housing tax credit contained in the President's budget.

ENFORCEMENT

The resolution provides for meaningful and effective enforcement mechanisms to ensure that the deficit reduction measures it recommends are actually enacted into law.

Two principal means enforcement mechanism will be used: reconciliation, and maximum limits on appropriations and other new discretionary spending actions.

Reconciliation will be used to achieve roughly two-thirds of the 5-year deficit reduction mandated by the resolution—$344 billion out of total deficit reductions of $510 billion. The process will work as follows: The resolution contains directives from the House to 13 of its committees instructing them to submit legislation changing programs under their jurisdiction so as to reduce outlays—and/or increase revenues—by specified amounts. Under the resolution, the legislation is to be submitted no later than May 13. The Budget Committee will then assemble the legislation into one omnibus deficit reduction package to be brought to the House floor.

The reconciliation directives in the resolution set targets for the full 5-year period from fiscal year 1984 through fiscal year 1988. Thus, the reconciliation bill will produce sustained multiyear reductions in the deficit.

Reconciliation is primarily used to achieve deficit reductions that require changes in tax, entitlement, and other direct spending laws. This year, however, the reconciliation provisions also direct certain committees to report cost-saving changes in authorizations for programs funded through discretionary appropriations. The intent is to lower the cost—instead of the programmatic level—of certain appropriated programs. These savings will be in addition to the $344 billion in deficit reduction to be achieved through reconciliation of direct spending and revenues.

The second principal means of enforcing the resolution's deficit reduction plan applies to appropriations and other new discretionary spending. As required by the Budget Act, the report on the resolution allocates new discretionary spending among the various committees. Once a conference report has been adopted, these allocations will become final and binding, enforceable through points of order. The Appropriations Committee is required to subdivide its allocation among the 13 regular appropriations bills. Any appropriations bill that exceeded the applicable allocation would be subject to a point of order.

The resolution is also fully consistent with the ongoing budget enforcement mechanisms enacted into law in the Budget Enforcement Act of 1990. It fully complies with the caps on discretionary spending set by the 1990 Act, caps which apply to fiscal years 1994 and 1995. It also fully complies with the Budget Enforcement Act's pay-as-you-go requirement. Indeed, it not only complies with that requirement but goes far beyond it by mandating the new $510 billion 5-year deficit reduction plan I have been describing.

THE REPUBLICAN PLAN

Mr. Chairman, this budget presents us with the opportunity to see the difference between our two political parties. I compliment my colleague, Mr. KASICH, for presenting us with an alternative that is credible. He has worked very hard on his budget, unfortunately he has come to the wrong conclusions.

The Kasich alternative shows a fundamentally different view of our country. His proposal says that the affluent shouldn't be asked to make additional contributions to this country. He eliminates all the President's investments and continues the status quo. And his proposal still has less deficit reduction than the committee proposal over the next 5 years. And the worst part of the plan is that its deficit reduction gets weaker as time goes on creating serious problems for our future.

The Republicans have said that the committee plan includes $3.50 in taxes for each dollar of spending cuts. That is simply untrue. They have used some very fancy mathematics to arrive at this ratio including counting spending that is not in our package and denying savings in the resolution that they are counting themselves in their alternative. The truth of the matter is, that the house bill contains more than $1 of savings for every dollar of new taxes.

The Republicans have accused us of not being specific, but the House Budget Committee resolution is very specific. In fact, over the next 4 years we show only $25 billion of unallocated savings and none of our savings are unallocated in 1994. Mr. KASICH on the other hand, has $145 billion of unallocated savings in his budget for the next 5 years including $25 billion in allowances in 1994.

CONCLUSION

Mr. Chairman, today we have a unique opportunity to move forward with a new program for a new President. It is time to end gridlock. I think this budget is fair. I think it is progressive. I think it will help move our country forward into a healthy and prosperous future. And I hope all my colleagues will join me in voting for the resolution.

□ 1530

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. SABO. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I want to commend the gentleman. He has an extraordinarily difficult job as the new chairman of the Budget Committee, and I commend him for his work. I think that this budget and the proposals we have before us are a clean break with the past. I think, frankly, through the 1980's, often our budgets and proposals reflected more instant gratification than long-term solutions to the type of problems that we were facing.

Today, I know on this floor, both with the stimulus investment package and with the budget proposal that are embraced by this resolution, there is going to be a criticism that it is not appropriate. But I believe for one that this document, this Budget Committee document, reflects the necessity of investment, the necessity for continued work in terms of trying to address the structural economic changes that we face. This package offers, I think, a typical, a more typical American value in terms of sacrifice today to try and get ahead tomorrow in terms of our investment, and I think that has been lacking during the 1980's—the past 12 years. It does have a commonality of numbers and eliminates the smoke and mirrors games that have existed between the Office of Management and Budget and the Congressional Budget Office, the CBO, and I hope that we can come together and take the strongest parts of this budget as the Budget Committee has attempted to do and work it through this year, and come up with a good final budget resolution, and a good economic plan for our country. And I commend the gentleman, Chairman SABO, for his leadership. I know a lot is expected of him this year, and he is doing an admirable job, and I concur in his comments and with his work leading the Budget Committee.

Mr. SABO. I thank the gentleman for his comments.

Mr. WASHINGTON. Mr. Chairman, will the gentleman yield?

Mr. SABO. I am happy to yield to the gentleman from Texas.

Mr. WASHINGTON. Mr. Chairman, I thank the gentleman for yielding. I would like to associate myself with the remarks made by our friend, the erudite gentleman from Minnesota.

I would like to call your attention, Mr. Chairman, to the fact that there is a group of young people in the east gallery up here who are from the 18th Congressional District of Texas. I have been out front explaining to them in great detail, in my own way, which was of course not nearly as well as you have done, the intricacies of the budget. And they are very concerned about this. And I wanted you to know, Mr. Chairman. I know we are not to make reference to people in the gallery, but I wanted you to know that there were some young people from the middle school in the 18th Congressional District of Texas who are very interested in that, because they know that affects their future, and the future lives that they will be able to lead, and education that they will be able to obtain for themselves, and which affects the neighborhoods in which they will be able to live.

I thank the gentleman for all of the work he is doing.

Mr. SABO. I thank the gentleman.

Before I conclude, let me first compliment my friend, the gentleman from Ohio [Mr. KASICH]. He has worked very hard in presenting an alternative budget, and I commend him for it.

I know he has gone through extensive discussions with Members of his caucus in arriving at an alternative, and I commend him for his effort and his willingness to take on the responsibility of providing an alternative budget. There is only one problem with that budget, my friend. It is wrong, and it comes to some wrong conclusions.

But it does present, I think, accurately, a fundamentally different view of where this country is headed and what we should do.

□ 1540

We say the affluent should be asked to pay more to pay for the services and for the debt reduction in this country. The minority says no. The very substantial tax increases for those people with incomes over $100,000 who benefited the most by tax policies in the 1980's, who had the greatest income growth in the 1980's, those proposals are gone.

We have a new President who believes we should make major investments in both the public and private sector, and as we move to become competitive for the next century, all of those proposals are gone from the minority proposal. It still produces less long-term deficit reduction than the majority proposal. It exceeds us in the first couple of years, and then it gets to be less. In 1997 and 1998 it provides for $25 to $30 billion less in deficit reduction than the majority plan does.

Let me deal also with a couple of the assertions I expect the minority to make. One, they make several assertions as it relates to the relationship of revenue increases to spending cuts in the majority plan, and most of those assertions simply are not factual; they simply are not factual. The reality is if one does a measurement of spending cuts versus revenue increases, the spending cuts exceed revenue increases in the majority plan. Those are the simple facts.

The minority will also make much over how they are specific and, in many ways, they are specific. But also in many ways they are not. We have an item we call allowances in the budget where you have unallocated cuts. In 1994, the majority budget allocates all spending cuts into all functions within the budget. Over 1995 through 1998, we have $25 billion of unallocated cuts in the allowance section. The minority has $144 billion of unallocated cuts in the allowance section. Which functions those end up in we do not know.

I read one interesting analysis which actually had the minority projecting less defense spending in 1994 than the majority. I do not necessarily object to that personally, but I have also heard the consistent Republican criticism that we are cutting defense too much. But we will have at it.

Your proposal is a real proposal. It is serious, and I commend you for that. But it does represent, in my judgment, the continuation of the basic theory of the Bush administration, that simply for Government to do less is the total answer, that there are not things that Government needs to do in a very positive fashion in our society to get ready for the 21st century, that there are not problems that we have to deal with.

I believe fundamentally we do have to deal with the training of our people in a very affirmative action, we need to deal with the problems of young kids struggling to get established and to get a start on life, that we need to deal with the problems of how we make both public and private investment in this country so that we can become competitive for the 21st century.

I believe today we have a very unique opportunity to move forward with a new program for a new President. Fundamentally it is time for us to end gridlock.

Mr. Chairman, I believe that this budget is fair. It is progressive. I think it will move our country forward to a healthy and prosperous future, and I hope when tomorrow we come to a final vote, I hope all of my colleagues will join me in voting for that resolution.

Mr. Chairman, I yield 2 hours to the gentleman from Wisconsin [Mr. OBEY] for purposes of the debate allocated to the Joint Economic Committee on the majority side, and I ask unanimous consent that the gentleman from Wisconsin [Mr. OBEY] have control of those 2 hours.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 2 hours.

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, initially I want to take a second to compliment the chairman of the Committee on the Budget, who has been as fair as any Member I have had a chance to work with in the 11 years that I have been here in the House of Representatives. He has done an outstanding job of being able to moderate and monitor a 10½-hour debate within the House Budget Committee, and throughout the long hearings that we have had up here, has given us a full opportunity to participate. The man really is a stalwart for his party and absolutely deserves to be commended by both sides of the aisle for doing a yeoman's job in trying to put a package together in a very short period of time. So I would like to pay tribute to the very distinguished gentleman from Minnesota [Mr. SABO], the coach of the Democratic baseball team.

Mr. Chairman, I would also like to take a second to thank the members of the Committee on the Budget on my side who have worked so awfully hard as a team, and let me say that that is what this represents in a nutshell.

We were given a challenge, a challenge that we had to meet within about a 2-month period of time, to put together a $1.5 trillion budget, and we were told to be specific. We were told to be specific by the President. We were told to be specific by the Budget Director. We were told to be specific by Mrs. Rivlin. We were told to be specific by our Democratic colleagues, with some of them even coming to the floor and singing songs about us being specific.

Of course, every major newspaper in America has said that the Republican budget proposal is, in fact, the most specific proposal that we have on Capitol Hill, and we have matched the President line for line and are far more specific even to getting to the point that when we refer to our allowances or overhead spending, we even go down into object class 20, and it is interesting to note today that we are winning the battle. Many members in the press say, "Well, what are you doing? What is the purpose of it? Is futile? Is it just an effort or is it just a kamikaze mission?"

Well, if it was, let me say that Mr. Panetta is now asking for a review of $103 billion in Government contracts. Now, that review is being brought to us courtesy of the gentleman from Texas [Mr. SMITH], the Federal Government expert in overhead spending, and for the first time in any documents we have yet to see on Capitol Hill, the administration, to their credit, is now starting to talk about object class 20 and object class 30, which is the overhead spending involving printing and supplies and transportation, something we believe ought to be cut before the American people are taxed.

We are going to find out that the gentleman from Texas [Mr. SMITH], in his work in the area of overhead spending and allowances, is going to be heard of and recognized for everything that he has done for the many years he has labored in the field of overhead spending.

But let me say that the Republicans have met the challenge. We have laid our plan on the table. It is specific, and it is a stark difference with the democratic plan.

Let me just say this to you: Bill Clinton ran for President, and he said he had a plan. His plan was to tax millionaires in this country and give a tax cut to the middle-income people and provide all of these programs funded out of the tax on millionaires. You talk about voodoo economics; we had a Member earlier today who said, well, it was because he found the deficit was $50 billion. First of all, it is not $50 billion. It was about $400 billion more than what they thought, and in addition to that, the chairman of the Committee on the Budget is now the Director of Office of Management and Budget, and they knew exactly what the numbers were in the middle of the campaign.

But, you know what, they had a plan. The plan did not hold water, but they had a plan, and anytime anybody questioned their plan, the candidate for President stood up and questioned the intellectual honesty of George Bush, because George Bush said you were going to have to tax little people in America, George Bush said that plan would never work, that it, in fact, was voodoo economics.

And so what do we have today? We do not just have a tax on millionaires in America. There are only two sets of people being taxed in America under this plan: millionaires and anybody who drives a car or breathes a drop of air, just those two groups of the people. Because what we have done is we have come to realize that what Bill Clinton is presenting to us today is not the campaign we heard, the campaign plan we heard about, that is not what we are getting today. We are not getting a tax cut for the middle-income people. What we are getting are big taxes, taxes on people at the income level of $100,000, taxes on Social Security recipients starting as low as $32,000, and they are not only going to be paying taxes, but the tax revenue will not go into the general revenue fund of Social Security, but for the first time, but for the first time will break the threshold and transfer Social Security taxes from our senior citizens into the HI program of Medicare, never before done. We are also going to have an energy tax. You talk about an insidious tax, everything that moves, swims, crawls, or flies is going to be taxed under this program.

What are we going to do with all of these taxes? What we are going to do with these taxes is we are going to have more spending, big spending, big government. You see, it really is a stark difference.

What the majority is saying is it is about time the Federal Government has once again assumed the role of the provider of economic growth and planning for the United States of America.

□ 1550

That, in Washington, DC, we know better; big Government can solve people's problems, and if we have to tax people more, if we have to spend more, if we have to regulate more, if we have to control more, so be it. We think the answer is a large Federal Government.

Republicans, we don't share that, folks. We believe there ought to be less taxes, in fact no new taxes, in our program, and we have demonstrated that you do not need the revenues in order to reduce the deficit and change the face of Government, that we believe in smaller Government, less Federal control, less Federal involvement, less Federal regulations. That is what the Republicans believe in.

We do not think the answers lie in Washington. We do not think the answers lie with the Federal Government.

I will say to you, if you ever go to a post office on a Saturday morning and try to mail a letter or to put a box in the mail to your family, you can stand in the line in the Federal post office and talk about how great the Federal Government is treating you, and not only do they not give you what you want but now they want to tax you and create even more Government to try to help you.

If you want to buy a house, you got to have a radon inspector; if you want to start a business, you have to hire an accountant and a lawyer. Ross Perot was right, we ought to get under the hood and we ought to fix it by reducing the size of Government, the involvement of Government in our lives. What we ought to do is to shrink the Government and change it. And Bill Clinton says he wants to be the President of change. So far, he has got us on the course of change. But he wants to change things toward big Government and big taxes and more involvement. He says he really does not want to do it, but he cannot get his own party to go along with him on the change agenda that gives us less Government.

We said to the President the other day, "Mr. President, we will help you to realize change in America, we will put cuts on the table, we will show you how to revolutionize Government."

Do you know what he said to us? He said, "If you will do that, we will work with you."

So we laid our budget proposal down and then we laid down about 35 amendments in the Budget Committee to help fix the Clinton plan. We wanted to cooperate with them, we wanted to work with them, we wanted to reduce the taxes and put more spending cuts in. Guess what we got? Over a period of 10½ hours we got zippo.

Talk about gridlock; the Republicans marched in good faith, amendment after amendment, hour after hour, to reduce the burden of taxes on the American people, substituting it with specific spending cuts as requested by the President. And his party said, "No, no, a thousand times no. We like the taxes, we like the spending, we like the investment, we like the Federal control," and the Republicans say, "That ain't change, ladies and gentlemen, that ain't change. We want real change. We want a smaller Government, a more effective Government, a smaller Government and less role in our lives." That is what the Republican plan represents.

They say that the people support the Clinton plan. Well, they may support it in theory, but when the senior citizens start paying those taxes and realize it is not going into the Social Security trust fund, and when the American people pull into the filling station and pay higher gas taxes, and when they find out, on top of it all, it is not being used to reduce Federal spending at all, it is being used to build a bigger Washington, DC, that is when you are going to find out about the outrage, ladies and gentlemen. And we will be able to say, the Republican Party will be able to say we had a program, we had a plan, we had a direction, no smoke and mirrors, and we will keep our promises.

Mr. Chairman, at this time I yield such time as he may consume to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. First, Mr. Chairman, I want to at the very outset pay my utmost respect not only to the gentleman from Ohio [Mr. KASICH], but all our Members who serve with such distinction as minority members on the Committee on the Budget.

Earlier in the session when we knew we were going to be up against President Clinton's budget, I charged each and every one of those members with the role and responsibility to act as though we were a majority party, to put together the kind of budget, on our own, that we thought would sell with most of our Members. Obviously, we had no President to lead us; so it was up to us—it had to be done by us to produce an alternative budget.

I just want to pay my utmost compliments and respects to each and every one of the gentlemen and gentlewomen who served so well on that committee and came up with our Republican plan.

Mr. Chairman, it is said that the politically correct thing to do today is to avoid criticizing the Clinton budget. Polls show that President Clinton is very popular. Opposition to his budget is seen by many Americans as opposition to needed change. But I do not believe it is our duty to keep quiet, get in line, fall in line and roll over in front of the latest political steamroller, no matter how charming or popular its operator might be, if the evidence shows his policies are bad for the country. And that is what the evidence shows for the Clinton budget.

There is no question it has been well packaged and sold to the public in a slick, expensive telemarketing campaign as if it were a new and improved product, "Clinton's all-purpose budget cleanser with lemon scent."

As our colleague, JOHN KASICH, our ranking Republican member of the Committee on the Budget, has shown, there is a realistic, specific, honest alternative to the Democratic Party's Madison Avenue product—one which offers positive change instead of mere retrogression.

The budget plan put together by our side would reduce the deficit by $38 billion in fiscal year 1994 and by $450 billion over 5 years.

It does so solely by reducing existing Government spending and with a very limited number of user fees. The important point is our plan does not raise taxes on the American people. I wholeheartedly support our substitute because it is the only plan that makes a real down payment on the deficit.

The President has dared us to come up with specifics. As the gentleman from Ohio just pointed out, we are specific. The Republican Budget Committee plan is detailed in an 84-page document that has over 150 specific spending reduction proposals. But our Democratic colleagues on the Budget Committee ignored those Republican specifics. The Budget Committee markup was such a blatantly partisan act that even the editors of the New York Times—hardly a Republican cheering section—criticized the Democrats for that kind of action.

The Democratic Party's hard sell has convinced a majority of Americans that President Clinton's plan has merit. So let us take a look at the promises, and the premises, the telemarketing hucksters are trying to peddle: First, President Clinton and the Democratic majority want to raise taxes on the American people by a grand total of $337 billion over the next

5 years. This turns out to be the largest proposed tax increase in history. The Democrats quibble, saying it is only one of the largest increases. So I gladly leave it to the Democrats to explain to the American people whether the Democratic budget is the biggest tax rise ever or just a plain humongous one.

Does anyone recall the President's campaign promise that he would only raise taxes on the rich, those making more than $200,000 per year? With his budget, almost every American will be asked to make what the administration, in Orwellian newspeak, calls a "contribution."

You all remember the old saying, "Only two things are certain: death and contributions."

One contribution will be through a broad-based energy tax that will affect everyone. Some Americans will receive an offset through the earned income tax credit or through the low-income energy assistance program. But there will be many individuals making just over $20,000 who will be hit by the energy tax and who will not qualify for any offsets.

Furthermore, single retirees making over $25,000 per year and married retirees making over $32,000 will have their Social Security taxes increased, on top of the energy tax.

In the Clinton administration the term "golden years" has taken on a new meaning: Senior citizens get the years and the Clinton administration gets their gold.

I just want to remind you that the President's health care overhaul is not accounted for in this budget resolution. That proposal and the taxes to pay for it are still coming.

Second, the Democrats promised to increase spending by $160 billion over the next 4 years. Again, we have that manipulation of language that has become a hallmark of the administration. All this Government spending is now called an investment by the Democrats. And included in this investment is $69 million for undefined green programs, $246 million for additional tree-planting over and above the 1 billion tree-planting goal of the former administration. And then another $170 million for forests for the future. Also included is $345 million for smart cars and smart highways and another $275 million for information highways.

□ 1600

Third, and more serious, there is a savage, dangerous, and irresponsible $113 billion reduction in the Clinton defense budget over the next 5 years. The Clinton budget resolution promises defense reductions that double the Bush figures and ours. This alone should be enough to vote against the budget resolution of the majority. These brutal cuts in our ability to defend ourselves and our values are totally unspecified.

Remember, only weeks ago our former colleague, Leon Panetta, now Director of the Office of Management and Budget, challenged Republicans to be specific when it comes to spending cuts.

Fourth, the Democrats' budget promises spending cuts and deficit reduction. But let us separate out tax increases that were mislabeled as spending cuts and other gimmicks, such as refinancing long-term debt into short-term debt.

What do we have then? Well, we have a very short list of spending cuts and many user fees.

The Democratic members of the Budget Committee did add $62 billion of additional deficit reduction to the President's plan after it fell short when reestimated by the Congressional Budget Office. But these additional cuts are totally unspecified, and again, this lack of specificity comes from Democrats as administration spokesmen openly challenge Republicans to be specific.

At this point some might say, "All right, the Clinton budget isn't perfect. It's riddled with contradiction. It doesn't add up, except in taxes. But at least it's going to really reduce the deficit, right?"

Wrong. When you tally up all the pluses and the minuses, the Democrats' promise to significantly cut the deficit never materializes.

By their own calculations, the deficit comes down from the high of $300 billion this year, but continues to hover around the $200 billion mark every year for as far as the eye can see.

And so the Clinton budget is a failure. It fails as long-term deficit reduction. It fails as a job creator. It fails in cutting spending. It fails in specificity. It fails to keep campaign promises. It fails to protect our Nation against its enemies, and it fails as a new vision of change.

I will vote for a different set of promises and premises tomorrow. Those are the promises as set forth in our Republican Budget Committee plan, and I will continue to speak out against the biggest political propaganda campaign in my lifetime. If that makes me unpopular in some quarters, well, so be it.

I would certainly urge our colleagues not to accept the failed liberal dogmas the administration is peddling as a new direction, no matter how slick the packaging.

If that be political incorrectness, I say we ought to make the most of it.

I thank the distinguished gentleman for yielding me this time and look forward to the balance of his remarks.

Mr. OBEY. Mr. Chairman, I yield myself 23 minutes.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, I thank the gentleman for yielding to me. I rise in support of the budget resolution.

Mr. Chairman, I rise to support House Concurrent Resolution 64, the budget resolution for fiscal 1994. This directive begins the process of mending the tears in our social fabric of the past dozen years of Republican Presidents, a period in which our Government lent a helping hand to those who needed it least and ignored those who needed it most.

The neglect of these past administrations is most evident in initiatives centered on our future—that is, our children. Education, job training and social services bore the brunt of budget cuts during the Presidencies of Ronald Reagan and George Bush. These programs include Head Start, child nutrition, elementary and secondary education, student aid to higher education, job training and retraining. In short, these were the programs that helped put our young people on the road to becoming educated, independent, contributing members of society.

In some cases, public outcry forced the Reagan-Bush administrations to back down in their attempt to destroy programs passed by Congress and signed by earlier Presidents. For example, the Reagan administration attempted to have catsup classified as a vegetable to save Federal expenditures in the school lunch program.

In other cases, the Reagan administration was all too successful. Since then, under President Bush, we generally managed to stave off further attacks on these programs, but we were able to make little progress in halting the decline in the welfare of millions of Americans afflicted by recession, job losses, inadequate retraining efforts, and lagging educational performance.

It would be one thing if those budget cuts had been made in order to fund other worthy investments, but that was not the case. Instead, they were part of a conscious effort to undermine Government, a design that allowed a mushrooming of Government debt, further weakening our ability to address urgent problems.

Programs authorized by the Committee on Education and Labor, which I have the honor to chair, have paid a very high price for this fiscal and social neglect. But with the election of President Clinton, in the agenda he outlined in his address to Congress, and now in this budget resolution, we are at last on the path to addressing both our fiscal and our social deficit.

The budget resolution directs significant increases in funding for innovative jobs, training and education programs that comprise President Clinton's lifelong learning initiative.

Over the past several weeks, Education Secretary Riley and Labor Secretary Reich have proposed bold ideas to implement the President's agenda. We look forward to the administration's education reform bill and to a school-to-work transition proposal that will address the needs of the 75 percent of our young people who do not graduate from college. We eagerly anticipate the Labor Department's consolidation of the job training, retraining, and readjustment programs that are spread throughout the Government. We expect these energetic proposals will help build a more competitive work force in the coming years.

President Clinton proposed to fund what the budget resolution terms Function 500—covering appropriations for education, training, employment and social services programs—at $40.725 billion over the CBO baseline for fiscal years 1994 to 1998. The budget resolution, in making further cuts in the budget deficit, would assume $38.35 billion above the baseline, some $2.57 billion less than the President proposed for the 5-year period.

In fiscal 1994, the resolution assumes an increase in budget authority of $3.189 billion and $1.027 billion in outlays. These amounts are $774 million in budget authority and $418 million in outlays below the President's request. These reductions are intended to keep the overall budget in line with discretionary appropriation caps for 1994 and coming years.

I regret these cuts in the President's recommendations. Of course, it is the appropriations process that will determine specific funding levels for the programs covered under the resolution. I am hopeful that the Appropriations Committee will see fit to fund the programs authorized by the Committee on Education and Labor at no less the levels the President requested.

I also wish to note my concern with some of the administration's proposals.

Chapter 1, the basic Federal education program that targets schools in economically distressed areas, would be allowed to grow only at the rate of inflation, or 2.7 percent. Unfortunately, many more school districts need aid than are receiving it.

The administration proposes to phase out impact aid payments for category b students and to reduce campus-based aid covered by supplemental educational opportunity grants, Perkins loans, and work study. If these cuts were implemented, the poorest students in college could face a substantial cut in Pell grants and the other programs for which they are eligible. It is unclear that the new national service program would compensate for these reductions.

The Department of Education also would cut $300 million from the baseline in unspecified programs. These reductions would be tough to absorb, considering the low staff levels at the department.

On the mandatory side of the budget, the resolution assumes savings in student financial assistance by accelerating a direct student loan program and creating a coorigination for States to help offset the costs of loan defaults in the States.

While the committee on Education and Labor will receive no budgetary credit for the savings we will make in the student loan program, we expect that these savings will directly benefit students qualifying for loans. I quote from the Budget Committee's report on the resolution:

> The Committee expects that savings from student financial assistance programs assumed in the resolution will not result in a reduction in federal student aid for individuals seeking post-secondary education. Rather it is assumed that these savings will be redirected toward efforts which will make student financial assistance more readily available to students.

The resolution also assumes change in the Employee Retirement and Income Security Act [ERISA]. The changes would enable proper identification of third party payer liability in health insurance, thereby saving the Federal Government more than $1.2 billion in inappropriate payments through Federal health benefit programs, including Medicare and Medicaid.

Mr. Chairman, the resolution deserves our support. We look forward to redirecting Federal resources in the manner it outlines.

Mr. OBEY. Mr. Chairman, it is my job as chairman of the Joint Economic Committee to try to place this budget debate in context. What I would like to do is simply explain what is happening in the economy that brings us to this point, what has been happening in this economy for the last 20 years, really, which has caused President Clinton to make the recommendations that he has made.

In my view, we are here because the economy truly has been in trouble since 1973. I think that changes which were made under President Reagan in 1981 made that situation a whole lot worse.

The budget which we have here today represents the first step in doing a number of things. It represents the first step in trying to get a handle on projected Federal deficits.

The previous speaker noted, for instance, that this package only reduces the deficit by somewhere over $100 billion annually and says that after the first 4 or 5 years the deficit is stuck there at about $200 billion.

The fact is without this package that deficit would go to above $600 billion by the end of this decade. The budget before us attempts to do something about that and it also, I think, recognizes that we will not get to a full ability to stop increases in the deficit until we go on to the next stage and deal effectively with health care costs.

So it comes here both with the deficit reduction package and a short-term and a long-term investment package to try to get the economy to grow. The reason it does that is because the President is trying to attack four deficits simultaneously. There is an awful lot of talk on this floor about one of those deficits, the Federal budget deficit, but in fact we have to understand that we will not make economic progress that will be felt by the average American family in terms of increased economic opportunity and better job opportunity unless we attack four deficits simultaneously, and I want to show you what I mean.

This chart demonstrates the history of Federal deficits from 1945 through today. As you can see, up until 1980 is represented by this green line here, up until 1980 we never had a Federal deficit that exceeded $74 billion.

I remember being in Senator BYRD's office just about this time of year in 1980 when we had been told by Paul Volker, who then ran the Federal Reserve, that if we did not cut $16 billion out of President Carter's budget that the deficit would go off the graph and it would wind up being over $50 billion.

So we went around the table for 3 weeks and we cut $16 billion in spending out of that budget. And guess what? The deficit did not go down in spite of those cuts, because the economy moved. The economy sagged and that wiped out all the efforts at deficit reduction that we had tried to make in 1980.

The same thing happened in 1981 after President Reagan came in. He proposed a budget which he said would take us to zero deficit in 4 years. I know, I was here and I remember getting run over.

These green bars demonstrate what was supposed to happen to the Federal deficit if we passed President Reagan's budget. It was supposed to decline from the $55 billion that was projected by President Reagan on down to zero by 1984.

The red bars demonstrate what in fact happened to that Federal deficit after the Congress passed the Reagan Republican budget. Instead of declining from $55 billion to zero, that deficit went up to $208 billion and in 1984 it was $184 billion.

So that produced the long series of huge exploding deficits which we have had under the wondrous world of supply side economics.

There is another way to look at it. Between 1945 and 1973, each year whether Republicans or Democrats were running the White House, our debt as a percentage of total national income declined from over 100 percent of our total annual income, total gross national product. It declined to about 23 percent of our total national income in 1973. So we were making bipartisan progress on getting the debt down.

But then something happened in our economy after the first energy crisis and the oil boycott and we stalled out from 1973 to 1980. We just did not make any more progress in reducing that debt; but from 1980 until today, as you can see, the numbers turned around. The line is turned the wrong way, and since 1980 under the Reagan-Bush budgets we have steadily increased our debt as a percentage of our national income until the point it is about double from the level it was in 1981.

That is not just true of Government debt. If you take all debt in this society, if you take business debt, Government debt, family debt, you name it, put it all together, you can see that on an annual basis from 1950 through about 1980 we were running debt in this economy that was about 150 percent of our total national income each year.

□ 1610

But, after 1981, off the graph. As my colleagues can see, it just exploded, and at the same time we went from having the rest of the world owe us money, represented by the green line above the baseline here—we went from being the largest creditor nation in the world, until 1986 or 1987 when we fell off the cliff, and since that time have become the largest creditor nation in the world, owing the rest of the world billions of dollars.

Mr. Chairman, that is what has happened to the national debt, both public and private in the 1980's. That is what happened to the Federal deficit in the 1980's. But we have also had another deficit which the Clinton budget is trying to correct, and that is what I refer to as the investment deficit.

Now these two pie charts demonstrate the way our budget dollars were divided, 1980 versus today, and, as my colleagues can see, in 1980, 36 cents out of every dollar went to the elderly and the disabled. Today it is 41 cents out of every dollar.

My colleagues can see general government represented by this small orange piece. Just to keep government offices open, that cost us three cents out of every dollar in 1980. Today that has been cut in about half. We are now spending 2 cents out of every dollar, so we have made some progress there.

And, as my colleagues know, defense went from 24 cents on the dollar up to about almost 30 cents on the dollar. It has now declined to the point where it is slightly smaller as a percentage of our Federal budget than it was in 1980.

But the two pieces that have really changed are represented, first of all, by the green piece, which represents interest, and that has gone from about 9 cents out of every dollar in 1980 to, today, about 14 cents out of every dollar. That has exploded.

At the same time that the investment portion of the budget has been cut by a huge amount, this large red wedge represented the 16 cents out of every dollar that we invested to make the economy grow in 1980. By today that has been cut by 40 percent as a share of our Federal budget so that today it represents 9 cents out of every dollar rather than 16 cents out of every dollar.

When I say "investment" I do not mean consumption, I mean what we invest in kids by way of education; I mean what we invest in health, not health delivery, but health research. I mean what we invest in science so we can stay on the cutting edge of technology and what we invest in community infrastructure: roads and bridges, things that make our communities and our economy more efficient. We have had that portion of the budget decimated over the last 12 years, and the President is trying to do something about that. And again that investment deficit has not just been on the government side. It has been on the private side as well.

This gray line represents that average of our total investment, public and private, from 1945 through 1980, as my colleagues can see, the average during that time was not quite 7 cents out of every dollar in the economy, not quite 7 percent of our total net national product. But really since 1984 that investment has again dropped off the graph to less than 2 percent. And so my colleagues can see that whether we are talking about public investment or private investment, it has shrunk by an amazing amount over the past 10 years.

This chart demonstrates what has happened in nondefense research and development from 1971 through today. The United States is represented by the red line. West Germany is represented by the green line. Japan is represented by the dark blue line. As my colleagues can see, in 1970, we were expending considerably less than our two major competitors, and by today that gap has grown hugely. They are killing us in terms of their willingness to invest in nondefense research and development in comparison to our willingness to invest.

So, Mr. Chairman, that is the second deficit which the President's budget is trying to attack.

The third deficit which it is trying to attack is the economic growth deficit.

In this chart I have arranged real economic growth during each President's 4-year terms, arranged in descending order of growth. What you can see is that since World War II the 4-year period that produced the most economic growth was Truman's only full term which came at the end of World War II. It was an aberration because we had a large build-up of pent-up demand. But the second fastest economic growth came under Kennedy's term. The economy grew about 20 percent of those 4 years. The next most rapid economic growth came under Lyndon Johnson's second term, then Reagan's second term, on down. The previous low was Eisenhower, his second term where the economy grew a little over 7 percent over those 4 years. Under Bush we hit a new low, less than 5 percent growth over a 4-year period, only a little over 1 percent growth a year, and I would remind my colleagues that the economy has to grow at over 2 percent a year or unemployment goes up.

That economic growth deficit has translated into a job growth deficit. Again this chart arranges the President's 4-year terms in descending order of growth by each of their 4-year terms. As my colleagues can see in terms of jobs, this economy grew the fastest under Lyndon Johnson, the second fastest under Carter, the third under Truman, and so on down the line. The previous record holder for low job growth was Eisenhower's second term: One percent. And now George Bush's 4-year term has beaten that in terms of lost job growth.

This chart demonstrates that a different way. The green line represents the average job recovery over the previous seven recessionary recovery period. The red line represents how much we have experienced by way of job recovery in this recession and the gap between what we have recovered in this recession versus the average of seven previous recessions. It is over 3½ million jobs. That is how many jobs we are short because this economy has not recovered nearly as quickly at the end of this recession as it did in the previous seven.

So, that demonstrates the economic growth deficit with the President's package is trying to attack.

The last deficit which the President's package is trying to attack is the family income deficit. This chart demonstrates that, if we go back to 1958, again up until around 1978, workers in this economy experienced fairly regular increases in their hourly compensation. But about 1978 that stalled out. We hit a ceiling, and, as my colleagues can see, since that time we have made virtually no progress in increasing wages.

□ 1620

This chart includes fringe benefits. But if you take fringe benefits out and take a look just at wage compensation for nonmanager workers in the economy, you see that since 1986, again we have declined precipitously by over 40 cents an hour in terms of real wage declines, and the burden of that squeeze has not fallen evenly.

This chart demonstrates who got what in the 1980's. This chart demonstrates, in fact, going all the way back to 1977, that if you were in the bottom 20 percent of income in this country, you on average lost 10 percent of real income during that 13-year period. If you were in the middle 20 percent of income in this country, you, in fact, lost 4 percent in terms of real income over that period. But if you were in the top 1 percent, you more than doubled your income over that period.

In fact, if you just take a look at the 1980's, you see that the wealthiest 1 percent increased their take by more than 120 percent, and their income averages over $600,000 today.

This chart demonstrates who had the party in the 1980's and who paid the bill, and it is backward in terms of what it ought to be. That is why the President's budget recommends that we increase revenues substantially by raising taxes on those who make more than $140,000 a year.

Now, we can cry crocodile tears all we want about the truly needy millionaires in this country, but the fact is that if you take a look at the historical record, you see that that top rate has been much, much higher in past years than it has been today. Right now it is riding down here at almost historic lows. The President's recommendations take it up to an effective rate of about 39.5 percent, still far below the 50 percent that it was in the

1980's and far below the 70 percent that it was before 1977.

So I suggest that these charts demonstrate that what the President is trying to do is not just simply mindlessly attack one deficit, the Federal budget deficit. He is trying to attack all the deficits. Because he understands that if we do not increase what we are investing in this economy, if we do not invest in our kids, if we do not invest in our workers, if we do not enable business to make the capital investments they need, he recognizes that no matter how much we promise, that the Federal deficit is not going to come down because the economy will not grow enough to let it go down.

The purpose of economic policy is not to talk about numbers. The purpose of economic policy is to try to have a beneficial effect on people. If you take a look at the President's package and compare it to what has happened in the 1980's, I think there can be no doubt that in terms of equity and in terms of economic growth, it represents what must be done if we are to give especially young workers in this country an opportunity to succeed.

Mr. Chairman, I would remind those who say that there is no need for an investment package because the economy is growing, that this economy is still growing at less than half the rate that it grows during normal recoveries. I would remind you also that of the 375,000 new jobs which were created last month, over 80 percent of them were part time. I would remind you also that we have replaced only 1 out of 20 manufacturing jobs that we have lost in this country since 1990.

So I would suggest that those who believe we do not need an investment package do not understand what has happened to this country in the 1980's. In fact, you do not understand what has happened in this country over the past 20 years, and you do not understand what is needed if we are to give our country and give our families an opportunity for decent economic growth in the future.

Mr. Chairman, I reserve the balance of my time.

Mr. KASICH. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from North Carolina [Mr. MCMILLAN].

Mr. MCMILLAN. Mr. Chairman, I thank the gentleman for yielding and commend him for the tremendous leadership he has given our side in this budget debate. I would also like to commend the gentleman from Minnesota [Mr. SABO] for the very fair work he has done in giving leadership to the committee. Like him, I think the only problem with that is that he does not agree with us, and we have not had quite the bipartisan approach to this that I would have hoped we would have had.

Mr. Chairman, I am not going to try to deliver an economic response to the very detailed presentation of the gentleman from Wisconsin [Mr. OBEY]. I would like to point out, however, that it is significant that Mr. Truman was President during the period of the highest growth due to circumstances over which he had no control, which I would suggest is probably the history lesson for all of the Presidents: That by and large growth in this country occurs by what occurs in the private sector, and not by what Government does or does not do.

However, I think there is also another lesson in what the gentleman from Wisconsin [Mr. OBEY] was illustrating, and that has to do with deficits. You can talk about four different kinds of deficits, but there has been almost no economist who has testified before the Committee on the Budget who has not said that the biggest problem facing this country is prolonged and increasing federal deficits. These are the things that have really sapped the economic growth of this country, that have made us less competitive, and that have reduced job creation.

It is estimated that 80 percent of the private savings stream in this country is eaten up by Federal borrowing. This does not go into jobs, this goes into money that we borrow and then spend on consumption in other segments of the economy. It on balance drives up interest rates, and over this past deficit period we have experienced the highest rates of interest that this country has ever seen. Fortunately, they have abated here in the short run.

It adversely affects our trade balance due to its impact on exchange rates. It reduces job creation and productivity gains. It runs interest costs up, as the gentleman from Wisconsin [Mr. OBEY] illustrated, in the Federal budget, with interest costs now approaching close to 20 percent of our total Federal budget.

Mr. Chairman, my bottom line conclusion is that the weakness in our economy is a direct result of the massive Federal deficit that we have run over the past two decades in this country, and it is time that we come to grips with it on both sides of the aisle.

But I would submit that the proposal that we are being asked to consider here today saps money out of the economy in two ways: Not only does it continue a deficit at essentially the same level that we have operated under for the past 4 or 5 years out into the next 5 years, but it also adds on to that a massive tax increase that saps additional money out of the savings stream in this country.

The gentleman from Wisconsin [Mr. OBEY] pointed out the risk of using ratios. But the Congressional Budget Office has scored the Democrat proposal as yielding over 5 years $267 million in net new taxes if you take away the incentives from the increases. It has also scored $95 billion of net spending reduction over 5 years in the President's proposal. That is CBO-scored.

Then the committee added $63 billion in unspecified cuts that have not been scored, but we will give them credit for that. That is a total deficit reduction of $425 billion. But there is $1.70 in new taxes for every $1 in spending cuts. That amounts to $27 billion in new taxes next year, 1994, and only $6 billion in spending reductions.

What they do not talk about is something we were discussing previously, and which the public needs to understand. We are being asked to approve a supplemental appropriations bill with additional spending in it of some $16 billion, which will be accompanied by another revenue bill that is not a part of this debate that will bring that total up to $31 billion.

□ 1630

None of that money is included in these budget projections, yet it is being argued that that $16 billion in supplemental spending is absolutely essential for economic growth in this country. Nothing could be more absurd.

They do not even plan to spend the money now. And if we look at this chart, put out by the committee, in terms of how that money will be spent, it will be spent, close to $7 billion this year out of that $16 billion, $6 billion a year from now and $3 billion 2 years from now. If that is an emergency, I do not know what one is.

I think that we need to take that into account. If we adopt that supplemental spending bill added to this, that is another $31 billion shortfall in what we are talking about.

On the other hand, what Republicans have done in response to the President's challenge, in response to the challenge by Mr. Panetta, is to come up with specific alternatives. He said that he would be glad to look at those. We came up with them.

They represent $450 billion in spending reductions over 5 years that does not raise taxes, that does not sap additional earnings out of the earnings stream and reduces the deficit by an amount in excess of what the President proposes by some $25 billion, $38 billion of that next year.

I could go on and discuss many other aspects of this budget proposal. I am going to reserve probably the most important part for tomorrow, because what we are doing here is being asked to approve a deficit that eats up all of our taxing capability, does not reduce the deficit. And we know that round 2 is coming up in health care reform. That is the key to finally reducing the deficit down to zero.

We will talk more about that tomorrow.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise, of course, in support of the economic package submitted by the President and improved by the House Committee on the Budget under the leadership of the gentleman from Minnesota [Mr. SABO].

This year's budget is a noticeable departure, a break from such political history, a discredited history of the 1980's, which emphasized instant gratification, unfunded tax breaks and spending proposals based on growth or unorthodox economic theories.

I think, Mr. Chairman, it we had an opportunity, I think we would be successful with a malpractice suit here against such economic practice.

This riverboat gamble that was pursued in the 1980's has proven a loser, and the fourfold increase in the national fiscal deficit and the twin fiscal and human deficit is the cost borne by almost all Americans, but not all Americans equally have borne that particular burden.

The budget submitted by the President today, President Clinton, is a comprehensive document that effectively addresses the twin deficits left by the Bush administration, the budget and human deficit.

Under the previous administrations of the past decade, budget resolutions came to be viewed solely as political documents through which lip service could be given to empty Presidential pledges. The budget was submitted. The President came up with bumper sticker slogans such as "Read my lips." And Democrats and Republicans alike declared the President's budgets dead on arrival at the House Chamber.

This shallow rhetoric of the last budgets was demonstrated by the legislative track record.

For fiscal year 1991, the Bush budget was not considered by the House, even though it was specifically made in order under the rules of this House. No one sought to put it before the body.

During the 1992 debate the Bush budget garnered a whole 89 votes out of 435 Members of this House, and 335 votes against it. Last year, President Bush's budget was offered. Forty-two Members braved to vote for that. Many and, of course, hundreds voted against it.

Mr. Chairman, the reason that we have new hope today is that the Clinton budget is a real effort in budget discipline, not an empty promise. It is a demonstration of leadership, not political avoidance. Rather than the smoke and mirrors of cooked Office of Management and Budget numbers and scorekeeping, the Clinton administration budget has agreed to use the same common numbers in scoring of the Congress and the Congressional Budget Office. The Clinton budget is improved by the House Committee on the Budget and makes a significant commitment to reduce the deficit.

While further cuts, in my view, are appropriate in programs such as the space station and super collider, the budget that is before the House is a balanced approach that asks for sacrifice from everyone.

The Clinton budget moves beyond the short-term, advocating commitments today and, in the years ahead, for a vision and investment in America's tomorrow.

The budget package offered by the President takes our National Government off the sidelines and puts it back in the playing field, working on behalf of the American people.

The Clinton budget recognizes our Nation's tragic human deficit, the homeless, the hungry among us, the lack of affordable health care, those that need education and training and the shortfall that exists there, the lack of jobs. And this Clinton budget establishes national policy to meet these challenges and others.

I support the President's program because it invests in the American people.

Mr. Chairman, many will say today that our legacy to our children and our children's children cannot be a national debt. I agree. But I want to add that we can also not leave them with a crumbling infrastructure, with a health care system that serves only the wealthiest and the affluent, and despoiled national resources.

Mr. Chairman, we need to address this problem. This budget does it. I urge my colleagues to support it.

Mr. KASICH. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Ohio for yielding time to me. Mr. Chairman, if we had a dollar in the Treasury for each broken promise and for each inconsistency from the Clinton administration on the budget, we probably would be further along with deficit reduction than the Clinton plan will take us.

At first, President Clinton was going to cut the deficit in half, then he was simply going to cut $145 billion from the deficit. At first, the Clinton administration claimed to have produced $473 billion in total deficit reduction over 5 years, then we discovered the actual total to be only $362 billion—with a health care bill still pending.

At first, the Clinton administration wanted to have a spending-cut-to-tax increase ratio of 2 to 1, but when we actually see the plan's ratio we find it is 3 to 1 taxes to cuts. Finally, Mr. Clinton excoriated President Bush for claiming that people earning $36,000 would feel the bite of Mr. Clinton's tax increases. Of course, now we find that the only problem with Mr. Bush's figure was that it was too high—actually those making as little as $30,000 will be hit.

Why all these changes? Because not since a Connecticut Yankee walked King Arthur's court in Mark Twain's tale, has someone so unashamedly tried to claim credit for something beyond his control as did Mr. Clinton during the 1992 Presidential campaign. As you may recall, Mark Twain's character claimed credit for a solar eclipse; Mr. Clinton intended to make use of expected economic growth. When Mr. Clinton began his odyssey from Hope, CBO was projecting a deficit of only $178 billion in 1996.

Mr. Clinton felt any promises he made about reducing the deficit would be kept for him by a rebounding economy. For Mr. Clinton this fortuitous event presented itself, just as Twain wrote concerning his Connecticut Yankee's good fortune:

> But all of a sudden I stumbled on the very thing, just by luck * * * I now shoved this whole problem clear out of my mind till its appointed day and hour should come, in order that I might turn all my attention to the circumstances of the present moment, and be alert and ready to make the most out of them that could be made.

Without the automatic narrowing of the deficit they expected, we have had to watch the Clinton administration scramble to catch up to their rhetoric. Unfortunately we have also seen that for all Mr. Clinton's vaunted promises of an economic plan, all he really had to offer the American people was a tax increase—which in his plan now amounts to $338 billion, the largest in this Nation's history.

So large is the gap between the Clinton plan's promise and reality, that my Democratic colleagues on the Budget Committee were forced to try and cover it with $60 billion in unspecified spending cuts.

The problem with all this back-pedaling is that it won't work. The administration's tax-you-now, we'll-cut-later budget will go the way of the 1990 budget deal. When that deal was made, the deficit was supposed to be $236 billion this year and $102 billion next year. Of course that did not happen. Instead, we are back here again as the Congressional Budget Office estimates this year's deficit to be $352 billion and next year's to be $343 billion.

Why didn't the 1990 deal work? Because it was a Cheshire cat budget deal. The spending-cut body of the deal disappeared, leaving behind only the toothy grin of the tax increases. It is no wonder why the deficit did not go down: Congress spends all it gets its hands on and then some; if this were not the case, we would not be in the mess we are in the first place.

It is no wonder why the economy did go down instead of the deficit: When you tax something you discourage the activity, when you tax it a lot, as was done in 1990, you discourage the activity a lot.

What is a wonder is, that we are again supposed to believe that the deficit, and not the economy, will be reduced this time by a massive tax increase and massive new spending.

Regrettably, Mr. Clinton has joined Mark Twain as a master of English fiction. His budget will not reduce the deficit and it will not produce economic growth. It will instead do just the opposite. A vote for the Clinton plan is a guarantee that we come back to this issue, probably even more quickly than the 2½ years since 1990. Perhaps then we will support a plan that does more than just raise taxes, and cuts more than just defense.

□ 1640

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, in 1981 the American people voted for change and elected President Reagan. After the election, Congress gave President Reagan his economic plan. Twelve years later the American people voted for change and elected President Clinton. Tomorrow we should give him his economic plan.

Many of my colleagues have talked about numbers and budgets and whether these numbers match these projections. I want to talk about themes and choices.

Mr. Chairman, as we prepare to vote on the budget resolution and the President's investment package, we have a choice. It is a choice between positive, responsible change or more of the same. The President understands it, the American people understand it, and now we must prove that we understand it by passing the President's package of deficit reduction and investment in the future.

The President has challenged us and the American people. He has presented a comprehensive plan that combines serious deficit reduction with a much needed stimulus package. That plan, combined with additional spending cuts that we have offered, will result in jobs, economic growth, and increased opportunity for all Americans. However, the American people will benefit only if we pass the President's package in its entirety. it has been formulated as a unified plan—if one part of the plan passes and the other falters, the plan will fail.

We must show the American people that gridlock is dead and that we can move from the status quo. We must pass this plan. Polls show that the American people overwhelming support the President and understand that every American must pull their fair share.

Mr. Chairman, this plan offers the best shot we have at creating jobs and moving the economy in the right direction. We must stand together and pass it now. If we do not succeed, we will suffer the results for years to come.

Mr. Chairman, the 1994 budget resolution passed by the House Budget Committee helps lay the foundation for long-term economic growth by redirecting our Nation's spending priorities from consumption to investment, reducing the Federal budget deficit, and rebuilding the Federal Government's revenue base through increasing taxes on the most affluent members of our society.

The resolution moves President Clinton's bold new agenda forward and targets the most critical needs of the American people. It will help build and revitalize America through a series of public and private investments in health, education, infrastructure improvements, research and development, and technology.

While it includes modifications to the President's proposal, it is an overwhelming endorsement of his overall package.

BASE ELEMENTS OF THE PACKAGE

It reduces the Federal deficit by $510 billion over the next 5 years.

It meets the spending caps for discretionary spending contained in the 1990 Budget Enforcement Act for 1994 and 1995.

Using CBO calculations it meets the President's objective of $140 billion of deficit reduction in 1997.

It limits discretionary spending to the level enacted for 1993 in each of the next 5 years and reconciles a 5-year total of $344 billion in entitlement savings and new revenues.

It increases funding for food stamps by $7 billion over the next 5 years.

It assumes full funding of Head Start, WIC, child immunization, the Ryan White AIDS Program, and the Mickey Leland Hunger Program.

It assumes increased funding for jobs programs and job training, innovative education and lifelong learning programs, mass transit, highway construction, research and development, defense conversion and a variety of other investment programs.

It assumes the President's tax package which restores fairness to our tax system by placing the heaviest tax burden on the most affluent members of our society.

It contains funds for expansion of the earned income tax credit which rewards low income people for working.

MODIFICATIONS OF THE PRESIDENT'S PROPOSAL CONTAINED IN THE PACKAGE

It contains $3.5 billion in additional discretionary spending cuts for 1994 to get within the budget caps required by the 1990 law; $870 million of that $3.5 billion was in the defense function.

It contains $10.5 billion in additional discretionary spending cuts for 1995 to get within the budget caps required by the 1990 law.

It caps Federal retiree COLA's at $400 in 1994 and modifies them in 1995, 1996, and 1997 to parallel the treatment of Federal workers in the President's budget.

It includes $63 billion more in spending cuts than the President's proposal.

Mr. KASICH. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, the American people are demanding real action to reduce the Federal budget deficit, and they have every right to expect us to meet this challenge.

In the last election, the primary message from the voters was a demand for change in the way our Federal budget is managed. They wanted us to move away from the $320 billion and growing Federal budget deficits. They wanted their Government to begin living within its means.

This budget resolution before us today is the first serious opportunity for the administration and Congress to respond to the voters' demand.

What are they getting from the democrats' budget resolution? Rather than capping the growth of Federal spending, the budget proposal increases spending an additional $186 billion over the next 5 years.

In addition to increasing spending, the resolution contains the largest tax increase in American history, totaling $316 billion. That's twice as large as our Nation's previous highest tax increase. This would force a typical family of four earning $34,000 in after-tax income to pay almost $500 a year more in Federal taxes.

Throughout the budget drafting process this year, my Republican Budget Committee colleagues and I have repeatedly pointed out that we can move toward balancing our Federal budget by eliminating wasteful spending and limiting the growth of Government, and we can achieve real deficit reduction without tax increases. We have argued that we can reduce the deficit by at least as much as the President has proposed without once again sticking our hands into the pocketbooks of the American taxpayers.

However, whenever we raised this point, our Democratic colleagues told us we should outline how we could do it, and they told us to be specific.

When members of President Clinton's Cabinet came before our committee, they repeatedly told us that we should be specific about how to achieve greater deficit cutting without raising taxes.

Some of my Republican colleagues and I had the opportunity to meet personally with President Clinton to urge further spending cuts. He asked us again to present him with specific proposals.

Mr. Chairman, we Republicans on the Budget Committee took this challenge seriously. We came up with an 84-page plan that contains 160 detailed proposals to reduce the Federal deficit by $430 billion over 5 years. I might add that this plan contained no new taxes.

We offered this plan in committee, along with a number of the individual proposals as separate amendments. How many of our specific proposals were accepted by the Democrats? Not a single one.

We now have a choice to make on which direction our Federal budget should be headed. The Republican alternative contains specific recommendations to reduce the deficit without raising taxes by forcing Government to tighten its belt.

The Democrats' budget contains the largest tax increase in American history, and furthermore, it fails to be specific about how it will reduce the deficit.

The choice is yours. Who do you believe should sacrifice most, the American people or their bloated, out-of-control government? I urge support of the Republican Budget Committee's alternative.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, today, as the House considers the budget resolution and the President's economic stimulus package, I want to emphasize to all my colleagues the importance of both the long-term investments contained in the budget resolution, and the economic stimulus package.

I was proud to serve when I heard our President lay out the challenge—an extraordinary challenge—of investment and stimulus, spending cuts, tax increases with the burden broadly shared, and for the first time in a long time deficit reduction. It was a bold departure—and the people in my district said, give him a chance.

It is important that we pass both of these measures. We need a balanced economic program. I ask my colleagues, no matter how well your individual district may be faring, to stick together. Those of us in the States hit hardest by the recession are willing to say OK to the cuts contained in the budget. We know what has to be done, and we're willing to do it.

But those of you who want to keep cutting, and are talking about eliminating parts of the investment program, should know that this talk is deadly. Don't drive that knife so deep that you hack off the parts that give us balance and growth.

I cannot go to my district, ask people to pay higher taxes, see their programs cut and then tell them that we have turned our back on helping the economy and creating jobs. My State has lost almost 200,000 jobs in 4 years. It is reeling from cuts in the defense industry. Tens of thousands of manufacturing jobs are gone for good. In Connecticut, in California, and many other regions of this country the recession is not over. Far from it.

We need the investment package. We need the jobs. If you think the recession is over, think again. Jobless claims were up last month by 26,000. Housing sales have fallen, factory orders are down and consumer debt is up. Those are not rosy figures, and they are a clear signal that it's way too early to abandon our investment package.

To those who want to gut the investment package, I say, again, many of us have stuck with you on the additional cuts in the budget resolution. I ask you to stand with us on the investment package. The budget resolution before us today has an additional $63 billion in cuts beyond the President's proposal, with a 5-year discretionary spending freeze. And the Senate is talking about similar additional cuts. I support these goals, if that is what it takes to meet the deficit reduction targets and satisfy the estimates of the Congressional Budget Office.

But I want everyone here in this Chamber to remember that we are coming off of 12 years in which this country has failed to invest in infrastructure, in education, in our cities and in our children. We have people without jobs and without hope—and this investment package symbolizes both of these things to them.

The stimulus package will put 500,000 people to work by the end of next year. It will enable small businesses to get $2.5 billion in loans. It will provide new summer jobs for more than 600,000 disadvantaged youths. If we pass this bill, 350,000 children will be able to participate in a new Head Start Summer Program, and $300 million will be provided for childhood immunization.

I ask my colleagues, do you believe we can afford not to make these investments? Can we afford to continue ignoring those who are without jobs, without homes, without adequate education, or without access to prenatal health care?

Without cuts and investment, this plan will not move forward. And more gridlock is not something I want to explain to my people any more than I want to tell them I failed to help them get back to work.

□ 1650

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Chairman, today I had an opportunity to testify before the Rules Committee to offer two amendments to the budget resolution. I hope they are made in order.

The first amendment will eliminate the Btu tax as outlined in the President's economic plan. The second amendment will eliminate funding for wasteful projects which bypass established congressional budget procedures.

Although both of these amendments are likely to be defeated by the committee my vigilance to oppose the Democrat budget resolution has not. Every weekend when I return home to my district I meet with constituents who share their heartfelt concerns for the Government's penchant for increasing taxes and spending. Honestly, each plane ride back to Washington I think of ways that I can let their message be heard; then I land and am immediately greeted and sadly reminded of the partisan ways of Congress.

At this time I would like to share with my colleagues, and most importantly my constituents, my thoughts on the proposed budget. The budget resolution before us today relies heavily on tax increases, partisanship, and acceptance of the status quo.

Not only has the plea for change been ringing through the air waves across America but it has been welcomed with open arms by all Americans. Unfortunately, the call for change has not permeated the sacred Halls of Capitol Hill. In fact, what many Members are saying is a change from the status quo is in reality a return to way things used to be during the Carter administration.

I would like to share a few facts and figures on what the adoption of the Democrats budget resolution really means to America. It has been claimed by my colleagues on the other side of the aisle that 7 percent of the proposed tax increases will be paid by people with over $100,000 of income. It has also been said that the tax increases will not affect anyone making less than $30,000. What the Democrats have not said is that the measure of income used in making those statements is not a standard of measure.

While the administration uses the normal measures, taxable income and adjusted gross income, for imposing the actual tax increases, it is using a concept called family economic income [FEI] for the sole purpose of making burden distribution arguments. FEI is much broader than the normal measures of income and will greatly exaggerate any particular taxpayer's apparent income.

To arrive at FEI, the administration essentially starts with taxable income and adds the following: First, the taxpayer's standard deduction or itemized deductions—medical expenses, mortgage interest, States income tax, property tax, charitable tax, etc.; second, personal exemptions for the taxpayer, spouse and dependents; third, unreported and under reported income; fourth, IRA and Keogh deductions; fifth, nontaxable transfer payments such as AFDC and Social Security; sixth employer provided fringe benefits—health insurance, pensions contributions, parking, life insurance, et cetera; seventh, increase in the value of earnings—"inside build-up"—in the taxpayer's life insurance, pension fund, IRA and Keogh; eighth, interest on tax-exempt bonds; ninth imputed rent on owner-occupied housing—as if the taxpayer received the net fair rental value of the house he owns and occupies; tenth, capital gains that have not yet been realized—because the taxpayer has not yet sold the capital asset; eleventh, inflationary loss on amounts borrowed by the taxpayer—apparently on the theory that the real value of the fixed amount that a taxpayer must repay declines as inflation occurs—the opposite adjustment is made for lenders; and twelfth, all such income amounts received or deemed received by all members of the taxpayer's family.

According to the administration's own figures, President Clinton's definition of income places 11.2 million American families in the over $100,000 category—that's 10 percent of all families, including those who don't pay any taxes at all. Interestingly, the Census Bureau, which uses a common sense measure of income, places just 4.8 million families in that category. Following is just one example of how this ludicrous tax will affect Americans, specifically senior citizens.

RETIRED COUPLE, NO TAXABLE INCOME SUBJECT TO CLINTON TAX INCREASE—HYPOTHETICAL 1993 TAX YEAR

The Brown family is a retired couple. During 1993, they received a monthly pension of $1,025 from Mr. Brown's former employer. They received $900 per month ($10,800 per year) in social security benefits (which is less than average for a retired worker and his spouse). They own their home outright. The home could be rented for $1,000 per month. They have no savings; their home and its furnishings are their sole assets.

The Browns have no taxable income, as shown below:

Adjusted Gross Income (from pension)	$12,300
Standard Deduction (includes additional standard deduction for elderly)	(7,600)
Personal Exemptions	(4,700)
Taxable Income	0

However, under President Clinton's definition of "Family Economic Income," they have income of $35,100, calculated as follows:

Pension	$12,300
Social Security Benefits	10,800
Imputed Rental Value of Home ($12,000 in rental value minus $2,000 in economic depreciation and maintenance costs)	10,000
Appreciation in value of home (after inflation)	2,000
Total	35,100

Thus, under President Clinton's analysis, this retired couple is one of those families "earning over $30,000" who deserve to be taxed. According to the Clinton Administration's distribution table, people in the same Family Economic Income class as this couple will bear 7.3% of the proposed tax increases.

Another example of how the adoption of the Democrat budget resolution would impact my constituents. The people of the Fourth District of Colorado are screaming "foul" over the very thought of Congress adopting the proposed Btu tax. My district is predominantly rural, consisting of family businesses, and farms that have been passed down from one generation to the next. The inflationary and regressive nature of the Btu tax could severely limit the ability for these family businesses to grow.

Moreover, the proposed energy tax is highly regressive because its burden would be born disproportionately by poorer families who pay a larger fraction of their income in energy consumption than families with higher incomes. A Btu tax would also fall heavily on those from the West who must drive long distances to work.

The Btu tax hits farmers in my district, as well as farmers across the United States, particularly hard since they are dependent on energy intensive farm machinery. Indeed, the very same rural areas are expected to bear the brunt of the energy tax and will be hit with more than $4.4 billion in agricultural cuts over 5 years.

What about the administration's creative use of semantics. I never knew that paying for an increase in taxes for the use of more spending on new programs while further increasing the deficit was a contribution and part of my patriotic duty to this country. Good heavens, we all know it takes far more responsibility to save and limit spending of money than it does to spend it freely. The Democrats plan calls for $127 billion of new spending over 4 years.

The hard choices have to be made, the Democratic budget resolution makes no difficult choices. It is commonly understood that the Democrat proposal does not even meet the President's promise to half the deficit within 5 years. This proposal increases taxes, and increases Government spending. Sadly, it is done in the name of deficit reduction. It's a sham, a disgrace and it's politics at its worst.

This proposal increases taxes by $33 billion for fiscal year 1994. Including the tax on Social Security and including the increase in user fees it raises taxes by $37 billion in its first year alone. In sum, the plan raises $37 in taxes for every $1 in spending cuts.

The new and bold approach this plan takes is finding new ways to assess a tax increase on the American population. Contributions to Social Security are no longer sacred instead they have become a new target for the Democrats to raise more revenue for Government spending. Sadly, middle-class families are now classified as rich. What's next?

Another aspect of the Democrat's plan that I disagree with is that it calls for spending first, tax increases second, and finally months down the road, if at all, spending reductions. This proposal takes the approach that deficit reduction will occur only when taxes are increased and Government spending is permitted to grow.

The economy is once again growing and it is my hope that we pass legislation that expands the economy and brings recovery to those areas in the Nation that are still mired by slow growth. I believe deficit reduction without the use of tax increases is necessary for this to occur. Further increasing the deficit and increasing the tax burden will only impede the goal.

I believe that it's time to remind the American people that Republicans do have a budget plan, a plan that will bring down the deficit, promote economic growth, leave Social Security untouched—and do it all without raising taxes. The Republican members of the Budget Committee have done yeoman's work drafting a realistic, specific, non-gimmicky Republican alternative budget plan.

I have examined the plan very closely, and it is not only good policy, but I fully support it and it will be good politics. President Clinton's plan claims to reduce the deficit by $362 billion over 5 years. The Republican Budget Committee alternative reduces it by $430 billion—$68 billion more than the Clinton plan.

President Clinton's plan raises taxes by $320 billion over 5 years—the largest tax increase in American history, twice as large as the previous largest tax increase. The Republican Budget Committee alternative includes no new taxes of any kind.

Many of President Clinton's spending cuts are actually tax increases—for example, raising taxation of Social Security benefits. The Republican Budget Committee alternative are real cuts, without touching Social Security.

President Clinton's plan relies almost entirely on defense cuts. The Republican Budget Committee alternative makes real cuts in domestic spending, actually eliminates outmoded programs, and imposes long overdue reforms on others.

If Republicans are going to be taken seriously, I respectfully submit that they must stand behind a plan that is a true alternative to tax-and-spend. We can't compromise on taxes. We must rally around a plan that does all and more than the President's plan claims to do to balance the budget, and does it without new taxes.

The Republican Budget Committee members have crafted such a plan. I urge your support of the plan. In closing I want to bring to your attention an editorial that appeared in today's Washington Times in support of the Republican Budget Committee proposal cutting spending first.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Chairman, I would like to thank the gentleman from Wisconsin for yielding this time to me.

Mr. Chairman, would any of us hire an investment counselor who told us to hide our money under a mattress until we could afford to pay all the bills? No, of course not, that advice is nonsense, but that is what opponents of this budget are saying Americans should do. They give us cuts, cuts, cuts, without regard for the capital building incentives, infrastructure repairs, and education programs called for in the President's plan. We have to cut, but we have to do more than cut. We have to make our scarce money resources work for us.

The Democratic budget does this. In addition to its incentives for industry to invest in new products and new people, the budget prepares our next generation to take its place in the work force. It funds Head Start to better educate our youth and keep them from becoming the next welfare generation. It creates apprenticeship programs to teach young people skills that are needed in business. It rebuilds our critical rail, highway, and air transportation infrastructure to ensure that materials and goods can travel cheaply and efficiently from their source, to the manufacturer, to the consumer. These are steps that will build our economy and by doing that reduce the deficit.

Opponents of this budget want to take a hatchet to Federal spending. I too would like to take a hatchet to some of those bureaucracies. But we also need inducements to build a stronger economy, like the investment tax credit proposed by the President, tax exempt mortgage revenue bonds to help young people buy homes, the targeted jobs tax credit for helping business train new workers, and a capital gains tax cut to give investors a return on the money they risk. The alternative plan assumes we will not renew job tax credits, foregoes a targeted capital gains tax reduction, and does not provide investment tax credits to small businesses.

I am worried by the continuing deficits. Yes, I want to see deeper cuts than have been made in the budget we are considering today. Our Republican colleagues have made some valid suggestions that need to be considered and I will support responsible cuts along the lines of what they have offered when we take up this year's authorization and appropriation bills. But I support the Democratic budget, recognizing that it sets ceilings on spending and sets them wisely.

But while we are prioritizing our spending, moving away from the consumption spending of the 1980's and into spending that will produce dividends, are we neglecting the deficit? No. Look at the package. It reduces the deficit by $510 billion over 5 years.

It cuts $63 billion deeper than the President requested and keeps discretionary spending below its current level for the next 5 years—a freeze in the area where Congress exercises the greatest control over spending. These are real cuts, balanced against their economic consequences so that we do not unintentionally increase the deficit by destroying the ability of our economy to create new jobs and new products.

I have been getting cards, letters and phone calls from people in my district saying "cut first." Everybody understands that when money's tight, you cut back. But you don't just whack away at everything. You pay the rent and make the car payments because you have to, and you try to find ways to save that don't end up costing you more in big repair bills or lost income. You reinvest your money because if you just cut out spending without considering the consequences, you're probably going to end up worse off than you are now. That is the option that's before us. Cut without consideration, cut education, cut business investment, cut home buyers, cut working families, cut, cut, cut. Or, doing what we were elected to do by making decisions on a course for this country that cuts spending and renews prosperity—that closes the deficit with careful budgeting.

Mr. Chairman, responsible budgeting is more than a process of saying where to cut. It is also a process of deciding where to spend. We have made those decisions. Let's pass the budget and get to work on making the country better.

□ 1700

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I rise in support of the resolution.

Mr. Chairman, I commend the President and the Congress for so directly and squarely confronting the No. 1 public policy problem facing the Government, namely, the Federal budget deficit. It has sapped our strength. It has made us, as a nation, timid in our commitment to solving the social problems facing our youth, the sick, and the poor. Our problems are too great for the faint hearted. The President's plan and this budget resolution are the first time in 12 years that we have confronted the deficit issue headon. If we succeed here, we will be in a better position to do great things, as a country and as a Congress.

To their credit, President Clinton and the House Budget Committee boldly propose to reduce Government spending by over $20 billion next year. And to their credit, Federal employees are dedicated workers and patriotic citizens and understand their obligation to sacrifice for the greater good.

But this budget resolution for fiscal year 1994 inflicts real pain on Federal employees. A disproportionate share of the sacrifices Americans are being asked to make will be borne by Federal employees.

In the House Budget Committee's budget resolution, Federal Government employees will shoulder $4.1 billion out of a total of $22 billion in spending reductions for fiscal year 1994. That is a remarkable 18.3 percent. Whereas the $22 billion in cuts will be spread among the entire population, $4.1 billion in cuts will be felt directly by 3 million Americans who happen to work for the Federal Government. The Post Office and Civil Service Committee alone will be responsible for achieving $3.1 billion in savings in budget reconciliation this year. Only one other committee has to cut more.

Over the next 5 fiscal years, some $53.5 billion will be assumed by Federal employees. These cuts are on top of the higher energy and income taxes that every citizen will pay. These cuts are also on top of the cutbacks in administrative expenses which could potentially impair their ability to perform their jobs.

FEDERAL EMPLOYEE PAY REDUCTIONS

Clearly the proposals that inflict the most pain are the pay proposals. Both the budget resolution and the President's plan propose to eliminate the 2.2-percent adjustment for Federal employees scheduled to take effect in January 1994, and postpone until 1995 the locality pay increases for Federal employees. In calendar years 1995 through 1998, national pay increases would be 1 percent less than are required under existing law. Under existing law, the national pay increase is based on the Employment Cost Index [ECI] minus 0.5 percent. Thus, under the proposal, the pay adjustment would be based on the ECI minus 1.5 percent in calendar years 1995–98. Additionally, locality pay would be implemented beginning in 1995 under a revised system. Exactly how the locality pay system will be implemented in 1995 is not specifically addressed in the President's proposal.

The estimated savings from this proposal for civilian employees are $2.9 billion in 1994 and $28.72 billion over the 5-year period 1994–98.

In late 1990, the Federal Employees Pay Comparability Act [FEPCA] was enacted into law. Its primary purpose was to establish a system that would achieve pay comparability with the private sector and to restore order and regularity to the pay-setting process. Currently, the average pay gap between public and private sector salaries is somewhere between 20 and 30 percent. The goal of locality-based adjustments is to close any existing pay gap for Federal employees to within 95 percent of local private sector salaries.

Taken together or separately, these proposals will frustrate the goal of achieving pay comparability and will in fact widen that gap. Federal employees have always been among the first to recognize the seriousness of the Nation's economic crisis. In answering the President's call for shared sacrifice, Federal employees will no doubt support a program that equally distributes that burden. The Post Office and Civil Service Committee, however, has serious concerns that Federal employees are now being asked to bear a disproportionate share of that burden. Again, not only are Federal employees subject to a pay freeze and possible increases in health benefits costs, but as taxpayers they also will be subjected to the President's proposed tax increases which apply to all Americans.

FEDERAL RETIREE COLA REDUCTIONS

The House Budget Committee included in its resolution a proposal dramatically changing cost-of-living adjustments for Federal retirees. First, for retirees under the age of 62, it provides that these retirees receive one-half of the COLA adjustment which would otherwise be due until they reach the age of 62 at which time they will receive a full catchup. In addition, these retirees' COLA's will be capped at $400 in 1994 only.

For retirees over the age of 62, it proposes that the retirement COLA in 1994 be capped at $400.

In addition, in fiscal years 1995 through 1997 the COLA for retirees over age 62 will be based on the Consumer Price Index minus 1 percent. In 1998 these retirees' COLA's would be restored to the full CPI.

Saving $4.043 billion over 5 years, this proposal represents a reneging by the Federal Government of its commitment to its retirees. Several years ago retirees chose to stay in the CSRS rather than switch to the newly established Federal Employee Retirement System on the basis of the benefits then established. Changing them now is unfair and represents a breach of trust between the Government and Federal employees and retirees.

FEDERAL WORK FORCE

The budget resolution, like the President's plan, includes a reduction of 100,000 civilian positions by the end of 1995. The President's plan proposes a decrease of 41,200 positions in fiscal year 1994, including 22,600 positions in the Department of Defense.

If carried out properly, personnel cutbacks of this magnitude could be accomplished without diminishing overall effectiveness and jeopardizing important services. The Defense Department has been discussing and planning downsizing for several years. Since that time the Post Office and Civil Service Committee has monitored this process and through both oversight and legislation has attempted to provide as much notice, training, and financial assistance as possible to ease the burden on Federal employees targeted for displacement. Currently, the committee is cautiously pleased with the Defense Department's implementation of the voluntary separation incentive program and trusts that continued sound efforts will provide the necessary safety net.

LUMP-SUM BENEFITS

The budget resolution and the President's plan proposes to eliminate the lump-sum retirement benefit for all employees retiring on or after October 1, 1995. In 1990, the lump-sum retirement option was suspended for 5 years. The estimated savings from this proposal are $8.61 billion over the period 1996–98.

FEDERAL EMPLOYEE CHILD-SURVIVOR BENEFITS

The budget resolution, like the President's plan, proposes to limit receipt of child-survivor benefits under the Federal employee retirement programs to children under age 19, unless the beneficiary is a full-time student in a primary or secondary school, in which case benefits would be paid until age 19. Under current law benefits are paid until age 22 while a full-time student and up to age 18 otherwise. This proposal would not affect those receiving benefits prior to October 1, 1994. The estimated savings from this proposal are $5 million in 1994 and $75 million over the period 1994–98.

There are relatively few child survivors in the 19–22 age group. The annuities paid to these individuals average less than $300 per month. For many of these individuals, the loss of these benefits will mean the end of their dreams of a college education. I am concerned over the hardships that may result from the implementation of this proposal and my committee will need to examine the full impact of the proposal on this very narrow class of beneficiaries.

SURVIVOR ANNUITY REDUCTION

The President and the budget resolution propose to alter the method by which survivor annuities are determined under the Federal employee retirement systems. Under both retirement systems—CSRS and FERS—retirees may elect survivor benefits in exchange for a reduced annuity. Generally, the survivor annuity is equal to 55 percent, CSRS, or 50 percent, FERS, of the retiree's unreduced annuity. Under the proposal, the survivor annuity would be calculated on the basis of the retiree's reduced annuity.

The effect of the proposal, if implemented, would be to reduce survivor annuities by approximately 10 percent. The average survivor annuity under the Civil Service Retirement System amounts to slightly more than $700 per month. In many cases these survivor annuities constitute the sole source of income for these individuals. To date, no rationale for this proposal has been provided to the Committee. We are deeply concerned over the impact of this proposal and intend to examine this matter very closely.

MEDICARE FEE LIMITS

The President and the budget resolution propose to change the Federal Employee Health Benefits Program [FEHBP] by applying the Medicare Part B limiting charges to retirees 65 years of age and older who do not participate in Medicare. This proposal would prohibit doctors from charging non-Medicare retirees, numbering about 220,000 more than they charge Medicare patients. It is estimated to save about $11 million in the first year and $91 million over the period 1994–98.

I believe that any changes in the FEHBP short of total reform of the program will not satisfactorily address the program's severe structural problems, especially as they relate to treatment of annuitants. Yet, this proposal, by prohibiting doctors from charging non-Medicare patients more than they charge Medicare patients, could reduce the out-of-pocket costs for non-Medicare retirees. However, I am concerned that annuitants may be left unprotected from charges which exceed the Medicare fees.

REDUCTION OF REVENUE FORGONE APPROPRIATIONS

The budget resolution proposes to reduce the revenue foregone appropriation to $92 million. This is $520 million below the $612 million requested by the Postal Service specifically for fiscal year 1994.

The revenue forgone appropriation reimburses the Postal Service for lost revenue due to charging certain mailers less than the full postage rate. In-county newspapers, classroom publications, church bulletins, veterans' publications, and nonprofit group fundraising solicitations all benefit from this reduced postage. If the appropriation is reduced, the Postal Service has the authority to increase preferred rates to compensate for the appropriation reduction. Thus, the mailing organizations, not the Postal Service, would pick up any revenue forgone reduction.

The effect of the $520 million reduction in the revenue forgone appropriation will fall in most cases on nonprofit organizations. If the proposal is adopted, preferred rate mailers, such as rural newspapers, college, veteran, church classroom, and labor publications, and fund raising letters for religious causes, hospitals, cancer societies, Red Cross, Salvation Army and other charitable groups, would face postage rate increases of 35 percent to 40 percent.

In light of the heavy impact of this proposal upon nonprofit organizations, whose mission is to assist the American public, and the need for all Americans to sacrifice in view of the Nation's burgeoning deficit, the Post Office and Civil Service Committee will actively pursue a permanent legislative solution to the revenue forgone problem to spread the impact of this budgetary shortfall.

REQUIRE PAYMENT BY POSTAL SERVICE OF OUTSTANDING RETIREMENT AND HEALTH CARE COSTS

The President's budget and this budget resolution propose to require the Postal Service to pay over 3 fiscal years beginning in 1995 a total of $1.041 billion to the Employees Health Benefits Fund and the Civil Service Retirement and Disability Fund for the costs of Postal annuitants. In each of fiscal years 1995, 1996, and 1997, the Service would make payments of $347 million.

This new liability is similar to that proposed by President Bush last year. The new liability consists of an additional payment for annuitants' COLA's and health benefits based upon further calculations and the past interest due on that amount. As a result of the budget summit agreement for 1990, the Postal Service was required to pay $2.14 billion for COLA and health benefits for annuitants who retired on or after July 1, 1971, the official date of postal reorganization. This payment was designed to fully satisfy the past liabilities of the Postal Service for its annuitants and their survivors.

The Post Office and Civil Service Committee believes that the 1990 Omnibus Budget Reconciliation Act represented the last step in eliminating the hidden personnel subsidies allegedly received by the Postal Service. Starting with the Omnibus Budget Reconciliation Act of 1985, the Postal Service will have paid by fiscal year 1995 almost $8 billion to reimburse the Treasury for hidden personnel subsidies. The Postal Service has paid its debt. The additional $1 billion payment will be reflected as an accrued cost of the Postal Service in 1994. This additional cost may hasten a request for new, higher postage rates. The committee will review the basis for this proposal and its relationship to both the 1990 budget agreement and the current budgetary problems facing the Nation.

In closing, every Member of Congress and citizen of this country should be fully aware of the pain and sacrifice that Federal employees and retirees will bear under this resolution. I do not know of any other group in this country that is being asked to bear a greater reduction in their standard of living. The savings sought from Federal employees and retirees, borne by them for the greater good, will nonetheless be achieved at considerable and disproportionate pain.

The Committee on Post Office and Civil Service will continue to examine the budget resolution, the Budget Committee's report and the President's budget plan. According to our reconciliation instructions, the committee must achieve savings of $3.1 billion in fiscal year 1994 and $43 billion over the next 5 fiscal years. To the extent we can, the committee will explore every possible alternative source of savings available to us within our jurisdiction if doing so will achieve a fairer and more responsible result.

Mr. KASICH. Mr. Chairman, I yield such time as he may consume to one of my boyhood heroes, the distinguished gentleman from Kentucky [Mr. BUNNING], who was the only guy to have two no-hitters in both leagues and is now a most distinguished Congressman from Kentucky.

Mr. BUNNING. Mr. Chairman, I realize the skids are greased. I realize that what we say today does not make much difference. But there are some things that still need to be said.

First and foremost—somebody has to be honest with the American people. The President's plan is not honest. It promises deficit reduction that is not there.

It promises economic growth which is not there. It promises budget cuts that definitely are not there. It is a sham.

The simple truth is that you cannot create prosperity with tax increases.

I have never seen a single economic model which comes close to suggesting that you can create private sector jobs or private sector growth by raising taxes $267 billion.

It cannot be done. The only thing that will grow with tax increases like that is the Federal Government. And if history is any guide, the Federal deficit will grow with it.

You cannot tax your way to prosperity. You cannot tax your way to a balanced budget.

It is not going to work.

Just yesterday, the Director of the Congressional Budget Office testified before the Ways and Means Committee.

And he said that this budget package does not reduce the deficit to satisfactory levels and that Congress is going to have to come back in 3 or 4 years and pass another package just as big or even twice as big—before fiscal year 1998.

Think about that when you vote for these tax increases—they are just the first installment on a new tax-and-spend spiral.

The other point that I want to make is that the cornerstones for the President's budget—and the Democrat budget we are considering here today—are basically unfair.

I am speaking of the Btu energy tax and the tax on Social Security benefits.

The Btu energy tax is inflationary. It is a tax on low- and middle-income tax payers. It is a tax on U.S. business and industry which will reduce competitiveness. It is a killer tax on jobs and on heavy industry and American farmers and American coal.

The Btu energy tax is just bad policy.

The other cornerstone of the President's tax proposal is even worse. The Social Security tax increases proposed by the President and the Democrat budget are grossly unfair.

They clearly penalize any senior citizen who managed to scrimp and save and put enough money away for his or her retirement years to have a modest income. It is a retirement planning penalty.

And not only does it penalize savings and investment, it also breaks a sacred promise to Social Security recipients.

When the tax on Social Security benefits was enacted in 1983, the revenues were directed to the Social Security trust fund to ensure its future solvency. That was the purpose of the tax—to keep the Social Security trust fund strong.

The administration's proposal doesn't do that. The President's proposal would divert the additional revenues to Medicare. We are talking about an outright raid on the Social Security trust fund.

The President's proposal to increase taxes on Social Security benefits is an outrageous breach of faith to Social Security.

That is what we are talking about today—an economic program that does not live up to truth in labeling laws.

A program built on the cornerstones of unfairness and broken promises. A program built on the faulty belief that you can tax your way to prosperity.

It is a bad budget, it is bad policy, and it just will not work.

We can and should reduce the deficit. But for God's sake, let us do it the old fashioned, honest way, by cutting spending, which is exactly what the Republican substitute does.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in support of the stimulus package and the budget resolution.

My colleagues, this is a new day, no smoke, no mirrors, no rosy scenarios. This is the real thing, hard choices, real cuts, investments for economic growth rather than consumption, and the rich are being asked to contribute.

This resolution, if the economy performs as expected, will reduce the deficit by $510 billion over the next 5 years. This is the largest deficit-reduction package in the history of the United States. And, listen: This budget puts the American people first. It cuts foreign aid.

In the stimulus package, we are taking the first step toward full funding of Head Start. In the stimulus package we are taking the first step toward full funding of Women, Infants, and Children's programs. It provides $1,900,000,000 for this year's summer youth program. That is a total of 1,300,000 young Americans who are going to be put to work this summer. It provides major increases for retraining of displaced workers, and it provides an expansion of the earned income tax credit.

For my State of Montana, the stimulus package will provide $5,800,000 and 4,000 summer youth employment jobs right away, just as soon as school is out. For this summer's Head Start Program, my State of Montana will receive $1,500,000, and that will serve 1,000 young children. Montana's Women, Infants, and Children's Program will be increased by $5 million, and that will enable an additional 8,000 Montana women, infants, and children to receive WIC services. These efforts mean immediate jobs and assistance to Montana.

The resolution provides for significant new investment for physical infrastructure, environmental protection, research and development. Small businesses will be helped by this package because of a targeted capital gains tax cut and a permanent equipment investment tax credit.

So here we go, my friends. It will be uphill. But America is beginning to roll again.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, you know, the Democrats came up with a good phrase during the Reagan administration, and they called it trickle-down economics. It was a good way to divert attention.

This proposal by the President is not a trickle-down proposal. It is a direct siphoning from the pockets of the American people, the American taxpayers.

The question is: How much should we increase taxes to reduce deficit spending?

My calculations indicate that we are now increasing taxes about $1.75 for every $1 of reduction in deficit. At that rate, if we were to get rid of the deficit by increasing taxes, we would have to more than double our income tax in the United States.

You know, the American people are willing to sacrifice. They are willing to sacrifice to reduce the debt.

I think sometimes it is easy to forget that we have American families out there that are in tough shape. They are buying bulk foods to save 80 cents a week. They are taking their kids out of music lessons. They are not able to send them to the orthodontist because they do not have the money.

□ 1710

So, to the extent that we all agree that deficit spending is not a fair way to treat future generations, to the extent that we agree that deficit spending is not good for the economy and jobs, then let us stop deficit spending, let us be willing to be brave enough to put ourselves on the line to support actual reductions that the Kasich plan entails.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. I thank my friend for yielding this time to me.

Mr. Chairman, I am here also to support the President's budget proposal and particularly the investment package that has been proposed by the President and reported by the Committee on the Budget of this House. There are some people who are saying that this investment package is too large and they want to see it scaled back. The fact of the matter is, ladies and gentlemen and Mr. Chairman, that this package is not too large, in fact it really should be larger.

There is probably room for investment of twice the size of the one that has been presented to us. That is the size of a need that exists out there in our communities.

In the community that I represent, the 26th District in New York, and communities in all the districts all across this country, they are suffering as a result of our failure to invest. We have a budget deficit, that is clear. This package is going to begin to address the problems that are occasioned by that budget deficit. But we have also another very serious deficit, and that is a deficit in the investment. We have failed to invest adequately in our physical structures across this country, and we have failed to invest in our people as well.

This budget and the investment package particularly begins to address that specific deficit and does it, I think, in a very constructive way. We have roads and bridges across this country that are falling apart. We have a communications system that is not adequate to our needs. If we are going to compete effectively in the last decade of this century and on into the 21st century with our competitors abroad, we need to improve our national infrastructure, particularly our transportation systems, our communication systems. We need to deal effectively with the failure of our education system and invest there as well. This investment package addresses itself to the needs of our educational system and to Head Start. People across this country are suffering as a result of our failure to invest intelligently and adequately over the last 10 to 15 years. More than 26 million people in our Nation are now on food stamps. That represents more than 10 percent of the population who have recourse to food stamps to feed themselves and their families.

The Milton Eisenhower Institute just last month produced a study that indicated that it would require at least $30 billion per year for the next 10 years just to address the needs of our cities, the inadequacies that exist in the Nation's cities, the infrastructure in those cities.

So, we need investment. We need the investment that is contained in this investment package, and we are, in the future, going to have to increase that investment beyond that which is called for here.

There are many ways in which this budget which we are going to be voting on is constrictive, contractionary in that it increases taxes and cuts back on spending.

We need to deal with the investments that will be occasioned by that contraction; we need to invest in our future, invest in our people and provide jobs which will provide economic opportunities for all the people we represent across the country.

Mr. Chairman, I support this investment package. I believe a majority of the Members of this House will support it because they too will see the clear need to invest in our people and invest in our future.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to speak during my few minutes really about the language that we are hearing in the debate, and the extreme debasement of language, the Orewellian use of words in a way that I never have been exposed to in my own business background. I come not from a legislative background as I speak to you today; I come from the same kind of background that many people in America find themselves today, and that is in business.

Many of them have to meet a payroll, they have to balance their budgets, they know what makes things tick day in and day out.

Frankly, I find it disturbing that we continue to talk about investment. We are not talking about investment here; we are talking about Government spending. That is what the Congress does. It raises revenues through taxation and spends it through authorization and appropriation of those funds that have been raised. You cannot fool the American people by calling something that is simply spending, investments; you cannot call taxation a contribution and fool the American people into thinking that they are contributing. This is not their church, this is not their temple, this is not their house, their hospital; this is the Federal Government.

There is no question about whether or not you have to make that payment to the Federal Government if the taxman says, "Pay it." It is not a contribution. Contributions are voluntary. It is not an investment; investments are made by private institutions in capital formation for the purpose of economic development.

That is not what is going on here. So let us call a spade a spade.

I point out that Leon Panetta, when he first talked about this budget, said that he was going to have $2 of spending cuts for every single dollar of new taxes. In fact, what we have got in the first year—and remember, we are only voting on a budget not for fiscal '97 or '96 or '95, we are voting on a budget for fiscal year '94. That is what we do here, we vote one year at a time. But when you look at this budget, all of the savings, all of the deficit reduction—and I will get to that in a moment—is in the out years. In the first year we have $18 of new taxes for every single dollar of new spending cuts. It is $18 to $1 instead of $2 of cuts for every dollar of new taxes. It is 36 to 1 the other way.

Finally, I would like to talk about what we used to hear called baseline budget, which is really a dark alchemy which exists only within the Beltway, that ultimate Orwellian use of language to call something that is in fact a deficit expansion program of $916 billion—and I am using the administration's numbers—$916 billion of deficit expansion is being touted as $325 billion deficit reduction.

The fact is that at the end of fiscal 1997, if we use the administration's figures, we will have a national debt of over $5 trillion, about $5.1 trillion.

So, when you see in the newspapers that it says we have got a deficit reduction package of $325 billion, remember that it is only inside the Beltway of the Capital of our country that what is in fact a deficit spending package of $916 billion we can call it a reduction of $325 billion.

Mr. OBEY. Mr. Chairman, I yield myself 20 seconds.

I would just like to observe, in light of the gentleman's remarks, that the deficit reduction in the Democratic package is in fact $20 billion larger than the Republican package which the other side of the aisle is defending.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the chairman of the Committee on the Budget.

Mr. SABO. I thank the gentleman for yielding.

Mr. Chairman, I also indicate for the long-term trends, as to what happens in 1997, 1998, as you go into the out years it is substantially larger than the Republican substitute.

☐ 1720

Mr. OBEY. Mr. Chairman, I thank the gentleman.

I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, we have an opportunity to join with the President to try to address what is probably the most severe economic recovery from the perspective that it has produced the least amount of jobs, the least amount of new industrial manufacturing production of any recovery in recent history.

In my State and all across this Nation to California, while some economic indicators would leave you to believe that there is a recovery, when you look at what impacts the average family, the opportunity to get a job that pays a living wage, that enables them to pay their bills and buy their health care, it simply is not being produced.

In Connecticut we have already lost 50,000 jobs. It is estimated that we will lose another 150,000.

The good news is that we have a President who understands that we need to invest. There is no society on the face of this planet that has moved forward industrially in its manufacturing capacity or in improving the wealth and standard of living of its people without investing in basic infrastructure, education and the basic needs of a society. If we do not invest in our young people, helping them to get an education, as the President speaks of in his national service proposal or in the direct loan program that Congressman MILLER and I have worked on, we are not going to have the technicians and the minds to build a future America.

If we do not invest in rail and highways and water transportation systems, we will not be able to move our goods to market and we will not be able to compete even if we can make the kinds of products that are competitive in this world.

If you live in the northeast and you try to get to Logan Airport in Boston, you cannot get there because traffic ties up for hours at a time.

We need to make sure that America invests in the kinds of technology and education that will make us a competitive Nation for the future. We have not had that in the past.

We have a President who is ready to join with the Congress and invest in the future of this country.

We have known for almost 6 years now that with the end of the Soviet Union there would be a downturn in defense spending and defense needs. We had the ironic situation several years ago of President Bush supporting half a billion dollars in diversification funds for the Soviet Union and opposing $200 billion in diversification funds for this country.

The good news is again that we have a President who is committed to helping defense workers, those who have provided the bulk of the technology and industry that made this Nation strong and protected, with opportunities to get good commercial jobs, to make products that have viable opportunities in exports. Increasing exports will strengthen this country. It increases the wealth of the Nation, and with this President and this investment package we have an opportunity to have a recovery that produces jobs and brings the deficit down.

Mr. KASICH. Mr. Chairman, I yield myself 30 seconds.

Let me just be perfectly clear. I do not know where they are coming up with these numbers that their deficits are somehow over 5 years $20 billion less than ours. That is just simply not true, right along with the claims that they are one for one in spending, or whatever these other silly numbers are, the simple fact of the matter is that we have bigger deficit reduction over 5 years than the Clinton plan does.

Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. FRANKS].

Mr. FRANKS of New Jersey. Mr. Chairman, there is an old adage we all learned as children: "Experience is the best teacher."

I am here today to speak from experience.

Just 3 years ago, my home State of New Jersey embarked down the same road this Democrat budget resolution would take our Nation.

The New Jersey tax hikes, which were the largest in our State's history, were driven by the same belief embodied in this budget resolution that tax increases would lead to fiscal stability and economic growth. And it, too, was promoted as an investment in the future. The sacrifices we made today, we were told, would pay off in a brighter future tomorrow.

But let me tell you Mr. Chairman, in New Jersey a brighter economic tomorrow appears to be a long, long way away.

Three years later, New Jersey has yet to recover from a series of disastrous tax hikes and misguided spending increases. The budget deficits never disappeared, they only became larger. Our State's prized AAA credit rating was lost. Business failures reached a record high. And New Jersey continues to have one of the highest unemployment rates of any industrialized State in the Nation.

Today, while other States are seeing signs of economic growth, New Jersey's economy remains deeply troubled. New job creation is at a virtual standstill and businesses continue to issue lay off notices to workers.

New Jersey made a huge mistake by enacting recordbreaking tax hikes in the name of economic recovery. This House needs to learn from that mistake—not repeat it.

This budget resolution with its massive tax increases will at best forestall our economic recovery, and at worst, will send our fragile economy into a tailspin. And you do not have to be an economist to understand why.

Raising costs for American businesses through $250 billion in higher taxes will force businesses to cut back on production and shelve plans to expand and create new job opportunities for American workers. It will make American business less competitive in the ever-expanding global marketplace.

Taking more money out of the pockets of American families will leave consumers with less money to spend on goods and services.

Higher taxes do not promote growth, they stifle it.

As I traveled around my congressional district the past few weeks meeting with constituents, I heard the same comments over and over again. We like President Clinton as a person. We wish him well. We want him to succeed, to build a stronger and more secure nation.

But at the same time, these people told me of the personal sacrifices they have been forced to make in recent years, just to make ends meet. They believe it is unfair that they be asked to make more sacrifices, when their Government seems unwilling or unable to reduce its nonessential spending.

This Democrat budget resolution follows the tired old tradition of bigger and more expensive Government. It calls on the American people to pay $3 in higher taxes for every $1 in spending cuts. It just does not add up to the good-faith, bona-fide effort to cut waste and inefficiency out of government that our constituents deserve.

We should not ask the taxpayers of this Nation to continue digging deeper into their pockets to subsidize a Federal Government whose spending is out of control.

As minority members of the House Budget Committee, we were given a challenge. Stop talking about cutting spending and show us how it can be done. And we did that. Under the remarkable leadership of JOHN KASICH, we took a scalpel to the Federal budget.

We found a way to reduce the Federal deficit by $429 billion over 5 years without tax increases. We made this significant dent in the deficit without hindering economic growth and without burdening American families with higher taxes.

The time has come to face reality. Our Nation is in serious trouble, not because families and businesses pay too little in taxes, but because the Federal Government spends too much money.

The Democrats' budget resolution will continue business as usual on Capitol Hill by failing to offer a cure for the real problem that is dragging down the Nation, runaway Federal spending.

Mr. Chairman, I urge my colleagues to vote "no" on the Democrats' budget resolution and "yes" on the Republican substitute.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Ms. CANTWELL].

Ms. CANTWELL. Mr. Chairman, I rise today to urge my colleagues on both sides of the aisle to put aside partisan politics and personal agendas, and to heed the will of the American people. Last November, voters sent an unmistakable message to President Clinton and to every Member of Congress: "It's time for real change."

President Clinton has responded to that message with a budget proposal that delivers the change this country so desperately needs: real deficit reduction; real cuts in government spending; and real investment in America's future.

The President deserves our support. He deserves the chance to put his plan into action.

For too long, the Federal Government has promised hope but delivered only heartache, promised a shortcut to prosperity but delivered only a detour to despair.

The House budget resolution will reduce the Federal deficit by $510 billion over the next 5 years. That is a real, bottomline result. That is real change.

We have a clear choice before us now. We can go back to the 1980's, back to the era of legislative smoke and mirrors and runaway deficits. Or we can follow President Clinton's plan and move forward into a new era of fiscal responsibility.

It is time for real change.

The American people want results, not rhetoric. They have demonstrated their willingness to make sacrifices. They want representatives who are willing to stand firm and make tough decisions.

It is time to reduce the deficit and put this country back on its feet again.

It is time for Congress to put aside personal and political differences and approve President Clinton's budget proposal.

It is time for real change.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Chairman, I thank the gentleman from Wisconsin for yielding this time to me.

I was not intending to be part of this debate today, but as I was sitting in my office I could not help but come down and ask for some time to share just two thoughts.

The first is that I regret how much of this debate has centered on the motivations of those people who have brought this plan forward today. I have taken a back seat to no one in being critical of this body when we have failed to live up to the expectations that the public places in us; but I have had only occasion to be proud of the President and the leaders of this body who have brought forward a budget package that is open and honest with the American people and that if everybody in this country could have participated in the deliberations they would have seen the care and concern that was placed in us.

□ 1730

The second point that I came here to make today is this:

The gentleman from Ohio [Mr. KASICH], whom I am proud to serve with, has helped us lay the choices before the American people, and those choices are really very plain. We can continue to protect those who have been protected over the last 12 years; we cannot ask them to sacrifice or to contribute to the future of our country. Or we can say that we are all one country and that we are all in this together.

We cannot think of ourselves as Representatives of our districts today. We must think of ourselves as the Congress of the United States of America, and I believe that the budget package that the President and our leaders have put before us does exactly that.

There are people in this country who are in need of our help today. There are people who are out of work today. And, yes, there is a government fiscal crisis that must be solved today.

Mr. Chairman, we have to deal with all of these issues at one time, and I am proud to support a budget package that takes its cue from the entire American people.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in support of this bold budget resolution and the stimulus package.

This Nation and this Congress are finally confronting the hard choices that we have put off far too long. We have a budget deficit that is out of control, an economy that is not building the high-skill, high-wage jobs that we value, and a mandate from the people to act. Failure to act will have dire consequences for us and our children, and it will constitute an abdication of the leadership we were elected to provide.

I believe the combination of the budget resolution and the stimulus package best fulfills our dual obligation to cut the deficit substantially and create good jobs. Balance is the key, and while I respect the credible bills my Republican colleagues have put forward, we need the job creation tools provided in the President's plan.

This legislation does two vital things:

It provides real deficit reduction and spending cuts before any revenue increases. Many feared that the Congress would not find the courage to make the spending reductions that President Clinton proposed. This is a proud day for the Congress because not only do we meet the President's goals, we exceed them by $63 billion.

And, we provide real job creation. This is not a plan to create make-work Government jobs. It is designed primarily to stimulate the private sector to provide the manufacturing and high-technology jobs our future prosperity depends upon. Private-sector job creation is integral to economic recovery, and it is totally absent from the Republican proposals.

While this budget resolution is not perfect, I doubt that a perfect plan exists. I support this plan because it best addresses the concerns I heard from my constituents, and because it fairly balances the benefits and the burdens for all of us.

I am also hopeful that, at a later stage of the legislative process, we will create a trust fund so that revenues from this plan are used solely for deficit reduction and not for new spending.

I submit for the RECORD some comments from my constituents who met with me in a number of public forums. You can see that budget issues are no longer arcane, inside-the-beltway topics. People in California's 36th Congressional District have volunteered some excellent ideas, and I am pleased to share with you some of their insights.

Many of my constituents were very supportive of the President's program:

Evelyn Milkonian of Hawthorne said:

"People will have to give Clinton a chance to work out his plan. The last twelve years have been hell!"

Carol Smetana of Torrance said:

"I don't mind the increase in taxes if spending cuts are made.

"Overall, I think President Clinton is trying hard—I also think he should have a line item veto so good bills don't get stuck or canceled by bad add-ons."

Tyler Thayer of Torrance said:

"He is the first President I'm excited about. I'm thirty-seven. Please stick to the long-range goals—we are in deep trouble if we continue to look no further than our noses."

Peter and Katherine Stabler of Manhattan Beach said:

"Don't let the package be picked apart! Needs to stay intact to have any chance of passing soon. Cutting the deficit is absolutely the best thing we could do for the economy and is essential to avoid fiscal catastrophe this decade."

Ruth McGrew of Palos Verdes Estates said:

"You were elected on a pro-change platform. Now is the time to be a leader. Don't try to follow the polls. Many people will find fault with heaven so you can't try to please them. Just do what you've pledged to do and vote for new ideas and to give Bill Clinton a chance."

Many constituents had some specific programs that they thought should be cut, including some of the big ticket science programs:

Jon Hokanson of Palos Verdes Estates said:

"The Space Station is now a luxury, we can't afford it. I favor stopping all funding on it until we have two consecutive years of the balanced budget. The supercollider is also in the same category and should be cut. Unless the national laboratories can redefine their roles to be committed in a meaningful way, to increasing economic competitiveness, their budgets should be drastically reduced. I favor increased funding to catch tax fraud. I favor increased taxation of foreign companies' business activities in the U.S. Also, strict term limits for all federal elected officials—similar to California's term limits."

Mary Hakanson of Palos Verdes Estates said:

"Cancel Supercollider. Stop tobacco subsidies. Enforce repayment of student loans. Enforce child support payments nationally. Cut all congressional perks—lobster dinners for $4.25, cheap haircuts, drugs, limousines, and travel. I support term limits and would like to see all honoraria ended. Also, lobbyists should be registered; names and amounts of payments to representatives should be published monthly."

Gordon and Marjorie Hoffman of Torrance said:

"If we have a space station, or if we find out we can raise strawberries on Pluto or Mars or Saturn, they will be spoiled by the time they got them back here anyway."

Gundrun Kimmel of Torrance said:

"A value-added tax would be more equitable than energy taxes. Specifically on non-food, non-drink items. You need energy to live, so in my opinion it is a punishing tax. Cut supercollider completely. Space Station program needs to be reduced * * * do we need space station?"

Dr. Patricia Fishburne of Manhattan Beach said:

"I would like to cut: Farm subsidies, esp. for tobacco. Water subsidies: it is ridiculous to support the growing of water intensive crops such as monsoon rice and cotton. Cut the high energy acceleration in Texas, reduce Space Station even more. Reduce Medicaid."

Susan Miraula of Torrance said:

"Why not buy out the elevator operators and the parking attendants that are unnecessary in the House parking lot like a business does to labor costs? It's a small savings, but it is one of a multitude of savings that can add up."

Jacqueline Marks of Hermosa Beach said:

"It is always difficult to 'bite' the bullet but pork has got to go. More money should go directly to programs and less to 'nose picking studies.'"

Many of my constituents thought that Government had to be more creative in the way that we solve our problems:

Margueritte Rompage of Redondo Beach said:

"Some of the hardships in California could be eased by immediate vigorous attention to the conversion of skills in the aerospace industry to peacetime uses."

Jane Freidkin of El Segundo said:

"Change the way agencies receiving taxpayer's dollars are funded each year, i.e., in 1974 a local state funded child care center had to spend $7000 before the end of the year in order to be refunded the following year. So, the Center bussed their pre-schoolers and elementary students to Sea World and Disneyland. That same year I had worked all year 12–13 hours per day, 5 days a week and my net profit for working all year was $7000. The director told me if the money wasn't spent, they would not be refunded! This, unfortunately, is a ridiculous fact of life that must be changed."

Dallas Yost of Hermosa Beach said:

"Give interest deduction on America made car. Tax Wall Street shares .02% sold or bought."

Faith Flicker of Rancho Palace Verdes said:

"Make S&L criminals pay or do public service to contribute to disgraceful raping of taxpayers. Have people like Milken advise govt. on economic matters to make a positive contribution. He certainly was responsible for a downfall of our economy!"

Pat Wallen of Redondo Beach said:

"We need legislation to limit damage awards for injury and medical claims."

Ken and Carol Hamamura of Torrance said:

"We earn too much to qualify for decent financial aid for our college bound child, but not enough to provide our child with a private college education. She would like to attend a good private university, such as one of the Claremont Colleges, Stanford, etc., but we'll have to tell her we can't afford it."

Joseph DiMonoa of Hermosa Beach said:

"Create a 6 year undergraduate medical degree program for family doctors—more MDs, more competition—less costs."

Paul Eric Gold, Esq. of Redondo Beach said:

"VAT on a national level—a less regressive tax—should institute when economy rebounds in two years."

Barbara Bryant of Manhattan Beach said:

"There are many Americans in the U.S. and abroad who have vast experience in the cultures and economic systems in place in other countries. I suggest that these 'experts' and other Americans who have this level of experience also be tapped for input in our trade and foreign policy. As an example, I'm employed by the Hong Kong govt. and have worked with Asian companies and countries for over 20 years."

Howard Barnett of Hermosa Beach said:

"A police officer probably cost $40,000 salary and $20,000 benefits & $15K equipment, facility and overhead (these are my guesses) but does maybe a 1% reduction in any given time period to juvenile crime. An after school program of any kind would probably not cost as much as one officer or special services juvenile detective—but probably still reduce juvenile and adult crime between 2% and 95% (depending upon the population of kids being helped)."

Richard and Carol Nash of Manhattan Beach said:

"What about a flat tax on income with a rate that would be favorable to all—with limited deductions and exemptions?"

Arlene Spector of Palos Verdes Estates said:

"Using U.S. military as a vehicle, recruit inner city youth to enlist for 4 yrs. training in discipline, literacy, building trades and other careers. Convert closed military bases into towns, build homes and businesses. Those who build town to receive downpayment on homes there when enlistments over plus permanent employment in new career—other cadre to be recruited from senior citizens, retired teachers, others. As towns grow, transportation companies would need to expand into these new markets, new services would be needed; markets, dry-cleaners, department stores, etc. It has been demonstrated that inner city youth respond very well to strict military discipline—if this were combined to break the welfare chain we could alleviate much of the inner city's problems, create a new infrastructure and give poor people a real stake in their own community."

Edward McFarlane of Manhattan Beach said:

"I suggest income tax indexing where the rates which define wealthy are set proportionally to the cost of living in the area of the country, i.e. perhaps 36% rate in Arkansas could kick in at $100,000 income and here in South Bay at $300,000 income."

Timothy Woodward of Redondo said:

"If we are to be taxed, use a national pay index to equalize pay scales. $100,000 made in Little Rock is a very large figure compared to the same amount made in L.A. Nor is a $300,000 house anywhere close to equal in size or quality in the geographic location. Many major companies who have employees in multiple states have sampler of National Pay Index to help with salary control and to allow for adjustment when transfers are requested. These same indexes should be applied to the gross income to adjust incomes to take into account the cost of living for the different geographic and metropolitan areas."

William Woodall of Manhattan Beach said:

"I am not in favor of any tax increase until Congress gives the President the line item veto. Congress must have controls put on it or it will spend as usual."

Hugo Francis of Los Angeles said:

"Work with Common Cause to remove the high impact of money and politics * * * such as PACs and methods of raising money. Support meaningful campaign finance reform."

Some of my constituents had some concerns about the President's plan:

Marion Golding of Los Angeles said:

"President Clinton asks all of us to sacrifice for our country. My husband and I were raised during the Depression, I was raised by a single parent. My husband served during WWII, we saved for a downpayment on a home, bought articles only when we could pay for them on a 30 day charge. Raised two children, with only one bread winner. Don't you think that this is sacrifice? Does President Clinton know what it is to sacrifice?"

James and Denise Grant of Manhattan Beach said:

"Every tax raise in our nation's history has generated $1.69 in government spending and caused a recession. The federal government gets enough money now, it's up to you to use it efficiently. A line item veto would help!"

Richard Gossett of Palace Verdes Estate said:

"If this is just the first shot out of the box, more over * * * programs and nice taxes with everyone's favorite phrase 'smoke and mirrors' to justify them. I will work my butt off to see that Bill has as many terms as George did—and I'm a Democrat.

Catherine Strauss of Manhattan Beach said:

"My husband is a small business owner. He is CPA and staffs 1 employee besides himself. Clinton's plan only hurts him further as it reduces the amount of business expenses he can deduct. He pays his secretary well and provides insurance for her. He is loosing clients left and right due to bankruptcies, people closing business, or moving out of state. His business costs keeps increasing. Don't you think Clinton's plan should help people like him? I know other attorneys and CPAs with similar practices who are also suffering. Who is addressing this problem? All of a sudden, $30,000 a year is considered low income. Why do we pay our teachers a low income salary? Let's teach civics in school. My definition of civics is 'being responsible, having values, etc.'"

Victoria Woodward of Redondo Beach said:

"People that make over $200,000 and below are not rich. These are people that have worked hard to get to this point. They have paid their fair share all along. Asking them to pay more because they succeeded in the American Dream is wrong."

Nicky Wislocky of El Segundo said:

"Energy tax is unfair burden on seniors on fixed income. Tax will be added to food costs by farmers, truckers, grocers, and will cause inflation. Seniors require more heat and will pay more. Resulting inflation will steal our savings."

Bill Weintraub of Manhattan Beach said:

"Additional taxes will reduce private spending and ultimately result in the destruction of good jobs. I fail to see how govt. collection of additional revenue can better stimulate the economy than private spending."

And finally.

J. Nadeau of Hawthorne said:

"Thanks for being interested in what the 'common man' has to say."

Mr. KASICH. Mr. Chairman, I yield 4 minutes to the gentlewoman from Maine [Ms. SNOWE], a member of the Committee on the Budget.

Ms. SNOWE. Mr. Chairman, there is an old Maine story about a fellow who lived near a fork in the road just as you enter Maine across the bridge from New Hampshire. The fork is where Route 1 and Interstate 95 separate. Well, there is a sign at that fork, that reads Portland left, and Portland right. It confused tourists. One stopped and asked the man standing on the corner: "Does it matter which road I take to Portland?" Well, the man looked at him and replied "not to me it don't."

I tell you that story because it seems to me that is the same view as the one expressed by President Clinton in his budget and by the resolution reported out by the Budget Committee, that it doesn't make any difference if we reduce the deficit. I strongly disagree. It does make a difference how we reduce the deficit.

Of the various plans before us, only the Republican alternatives achieve believable deficit reduction. Both the Kasich and Solomon budgets do this by first attacking the cause of growing deficits, increases in unnecessary Government spending.

The resolution reported by the Budget Committee contains few specifics. This is a change from previous years when the accompanying budget report contained detailed recommendations for increases and/or decreases in dozens of programs and an assumption that other programs would be frozen at or below current levels. Earlier this year, the President lectured Republicans that past practice was not enough: Critics of his plan now were supposed to come up with specific lists of all programs being cut or added to. Broad brush strokes such as freezes were no longer fair or acceptable. Assuming a certain amount of savings without specifying how they would be achieved were definitely taboo.

In response to this challenge the Republicans prepared a detailed budget under the leadership of the ranking Republican, the gentleman from Ohio, Mr. KASICH, who has done an outstanding job in developing a sensible, honest, and credible approach to the deficit, one of the most pressing issues facing this Nation. It is a privilege to work with him.

Imagine our surprise then when we find that the bill offered by the Democrats has no specifics; either in the resolution itself or in the report. In many cases it is impossible to tell where it agrees with or disagrees with the President's own recommendations. It is just numbers: $112 billion in defense with no explanation; $63 billion in spending cuts in domestic and international programs with no explanation; even when the committee accepts the President's numbers, as it does in agriculture, it often makes it clear that it does not necessarily accept the policy behind them.

In spite of the vagueness, it is clear that the Democratic plan repeats the mistakes of past budget reduction exercises: It raises taxes now and promises to reduce spending later. Let's look at this plan:

It contains the largest tax increase in history—$246 billion over 5 years. The two next largest tax increases were both part of similar budget reduction exercises. In each case, Congress claimed higher taxes were needed to eliminate the deficit and would be accompanied by spending cuts later. Neither promise came true.

Rather than cutting spending, past experience shows that for every dollar of new taxes raised, Congress actually increased spending by $1.59. We cannot afford to repeat these mistakes.

The Democratic package claims to reduce the deficit by $510 billion over 5 years; $175 billion of these cuts are unspecified in the President's package. This will leave the deficit at roughly $200 billion in 1998 and it rises in each and every year after that. This figure of $200 billion is only possible with the help of $30 billion in unspecified cuts in 1998 added at the last minute. Were it not for this late change, the Democratic budget would be at the levels proposed by Representative KASICH.

The logical question, then, that would be asked is why would any of us support a plan containing $246 billion in new taxes and another $18 billion in user fees only to lower the deficit to $200 billion, essentially the same structural deficit in 1998 as we had last year, in spite of a plan under which over half of all deficit reduction comes from taking more money out of people's pockets? We shouldn't.

The plan is no more credible on the spending side. Defense is the only area which suffers real cuts and even those cuts are not spelled out in a believable way. The public may wonder why, in spite of all of these cuts, total Government spending continues to increase in each and every year of this plan. How many of our citizens are sure that they will have more money to spend in each of the next 5 years than they have now?

In fact, actual spending will rise each and every year under the majority's plan. The cuts are merely promises to reduce the rate at which Government spending increases. When most Americans think of cuts in Government spending, they think of real cuts, not reduced levels of increases.

The plan introduced by the President failed to include any guarantee that increased revenues will be used to reduce the deficit and not to fund additional spending programs. Under the provisions of the Budget Act, these tax increases generate PAYGO savings. Any committee of Congress can propose legislation spending these savings without causing a sequester. I am pleased the committee accepted my amendment expressing the sense of Congress that the deficit reduction contained in any reconciliation bill should not be included in the PAYGO scorecard. This prevents the savings from being used to pay for increased spending in later years.

It is even more enlightening to look at what happens during the next 2 years; the only two during which this agreement is certain to be in effect considering the average life of past budget agreements.

When combined with the stimulus package which will immediately follow passage of this bill, the President's plan actually increases the deficit by $7 billion this year.

The plan claims to reduce the deficit by $42 billion next year, minus $6 billion in additional spending from the stimulus package. However, $28 billion is new taxes and user fees. This makes a mockery of the OMB Director's promise at his confirmation hearings to achieve a 2-to-1 ratio between spending cuts and tax increases. Instead, we have a plan that achieves a 1-to-1 ratio over 5 years. In 1994, however, it contains over $1.76 for every dollar in tax increases.

Only 21 percent of the claimed deficit reduction is achieved during these 2 years. The rest is safely deferred until later years, when we know it almost certainly will not occur. The delay is even more pronounced when it comes to spending programs. Only 6 percent of all spending cuts occurs in the first year.

My colleagues, many of us have called for shared sacrifices in this budget process. But, the Democratic proposal would not only impose higher taxes upon the American people, it would use these revenues to fund a budget which would actually increase overall Government spending. That is not what the American people expect to sacrifice for. Nor is it sufficient to explain the Democratic proposals not as increased spending at a time of record Government outlays, but rather a timely action to fill a gaping investment deficit in Government spending.

The claim is that the higher taxes and increased spending contained in the Democratic package are supposed to be balanced by cuts in other Government programs. But with the exception of national defense, almost all of the purported cuts merely reduce the rate of growth in Government spending rather than actually cutting it. At a time when many Americans worry that their incomes might decrease over the next years, the assumption that Government spending is entitled to automatic increases can only be described as out of touch.

The American public rightfully expects Congress to include true spending cuts of the type contained in the Republican alternative before we can justify the need for more tax increases, and they do. A recent public opinion survey found that 57 percent of the public thinks the President raised the taxes of the average American too much; 75 percent think that more spending cuts should be added to the package; 65 percent of the American people thought that he was too quick in resorting to tax increases: a record number according to a Democratic pollster.

And it is not just the public:

In a letter to the President, 33 conservative Democrats urged the President to focus on deficit reduction in his economic proposal. Some have even suggested a 3-to-1 ratio between spending cuts and taxes.

The National Governors Association recently issued a report recommending that every dollar in new taxes be matched by $2.75 in reduced spending.

As I said earlier, the President's own Budget Director, in his confirmation hearings, promised to achieve a 2-to-1 ratio between spending cuts and tax increases.

Yet, both the President's budget and the committee's bill fail to make a serious attempt to specify net cuts in Government spending.

I have concluded that the President's new taxes will lower the standard of living of citizens in Maine. The average person in my district earned less than $14,800 in 1989. The new energy tax, which unfairly penalizes oil, will cost each household almost $1,500 in additional taxes over the next 5 years.

Mr. Chairman, the President's plan is not right for the citizens of Maine or America. Under his plan the deficit is only reduced to $200 billion by 1998 and continues rising after that. As sure as I am standing here today, if we adopt the majority's plan we will be right back here in 2 or 3 years repeating this process all over again. Deficits will be higher than projected, Democrats will call for more taxes, Republicans will wonder what happened to the spending cuts, and in the meantime, the Clinton administration will have added almost $1 trillion to the national debt.

The American people expect us to deal seriously with this issue. The claim of the Democratic majority that the current budget, totaling nearly $1.5 trillion, has to be increased this year and can only be cut $6 billion next year, is simply not credible. The American people know there is waste in Government. They know we spend money in areas where there is no public interest. The committee's bill ignores that reality.

On the other hand, the additional spending cuts included in both the Kasich and Solomon budgets should lay to rest the claim that Government, which spends over 23 cents of every dollar we earn, cannot be cut.

My constituents, and those of every member here today, have sent a clear message—cut spending and reduce the deficit. As a member of the Budget Committee, I worked hard with Representative KASICH to do just that. The Kasich plan achieves savings equivalent to the President's original plan by cutting spending first and avoiding reliance on unspecified savings.

The Kasich plan is detailed. Measured alongside the President's the Kasich plan is much more likely to result in the amount of deficit reduction it claims to achieve. We all know what will happen if the Clinton plan is passed, we will get the additional taxes but, not the spending reductions.

The alternative introduced by Representative KASICH approximates the deficit reduction reached by the President's proposal without relying on unspecified cuts in domestic spending. It shows the American people the amount of deficit reduction that can be achieved from spending cuts. Because it does this by cutting spending first, it is fairer to hard-pressed taxpayers and is much more likely to result in true deficit reduction. The Republican alternative represents the better first step in this much needed attempt to balance the budget, and I urge all of my colleagues to support it. However, I think we can achieve even greater deficit reduction by adopting the Solomon plan which merges the two approaches.

Representative KASICH was constrained by the fact that many Republicans will not accept any tax increases. However, I believe Americans are telling us that they are willing to risk new taxes if two important prerequisites are met: We cut spending first and make a dramatic dent in the deficit. The Solomon plan does both, and the taxes contained in it are moderate and targeted at those most able to afford them. It has the essential element of fairness.

The Kasich budget plan correctly focuses on the dramatic and specific cuts in spending needed to begin any deficit reduction budget. The Solomon plan builds on this strength and accepts moderate tax increases to achieve truly strong deficit reduction. It meets head-on the President's challenge to provide specifics and make tough choices. It is stronger than the Democratic alternative for many reasons.

It does not contain any unspecified cuts. Even the defense numbers, which do not appear in our handouts, are backed by specifics which we will put forward when we see the President's budget. In contrast, the Democratic plan contains $112 billion in unspecified defense savings and an additional $63 billion in unspecified domestic savings.

The plan limits tax increases to those with taxable incomes over $200,000. This is the plan the President promised us in his campaign. It eliminates the tax increases on middle-class and lower income citizens. It eliminates the energy tax. It eliminates the tax on Social Security. It repeals the excise tax on boat sales that has decimated the boat builders of my State.

The plan cuts spending by $265 billion more than the Democratic alternative, all of it backed up by specifics. It contains $172 billion more in deficit reduction over 5 years. And it achieves a final deficit in 1998 of $180.9 billion, $18 billion lower than the majority's plan. Thus it fulfills another of the President's campaign promises, to cut the deficit in half over 4 years.

I truly believe that the Solomon plan comes closest to what the American public wants and I am pleased I was part of an effort to develop it. It contains the best of both plans and eliminates the taxes that harm middle America the most. If Congress really worked the way the people want us to, in a bipartisan manner, taking the best ideas from both parties, this plan would have a chance on the floor. I hope my colleagues on both sides of the aisle will look at it carefully and give it the attention it deserves. If we concentrate on finding the best budget rather than fighting about which party gets the credit, reaching agreement will be far less difficult than we expect.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding this time to me and rise today in strong support for the budget resolution for fiscal year 1994.

Mr. Chairman, this budget resolution puts in place the philosophy of putting people first. It lays the foundation for long-term economic growth by redirecting our Nation's spending priorities from consumption to investment. It cuts spending, reduces the deficit, and it restores fairness to the Tax Code.

In short, it does what President Clinton said he would do. In his State of the Union Address, Mr. Chairman, President Clinton outlined a vision for America. This budget resolution and the economic stimulus package together help implement this vision.

□ 1700

The administration must be commended for exceptional leadership and understanding of where we as a nation must go from here. This package is a well-balanced initiative which will put people back to work, will invest in people, will stimulate the economy, and will reduce the deficit.

There are some, Mr. Chairman, who say that we do not need the investment of the Clinton program, especially the short-term stimulus program. There are signs of an economic recovery, they say. But as the President argues, this recovery is not producing the jobs of a traditional recovery. In fact, it is a jobless recovery.

For cities, and that is the perspective I want to bring to this debate, Mr. Chairman, as a representative of a city in Congress, I want to call to the attention of our colleagues what this package does for cities.

Our colleagues, the gentleman from Wisconsin [Mr. OBEY], the gentleman from Minnesota [Mr. SABO], the gentleman from Kentucky [Mr. NATCHER], all chairmen of their respective committees, have talked about what it does for our country, for rural areas, and for cities. My focus will be on cities.

For the cities, the recession was and is very deep. Cities need to jump-start of the President's economic stimulus package, short and long term. Highlights of the program that aid cities I think that are important are that the Clinton program will mean $102.8 billion in increased aid in programs that assist cities and their residents—424,000 urban jobs will be created between 1993 and 1997—185,000 thousand full-year jobs and programs that benefit the cities. The long-term investments will add an additional over 238,000 workers for the cities; 2.7 million minimum wage jobs for youth would be created through 1997 by increases in the summer jobs program; $2.5 billion for a short-term boost in the Community Development Block Grant funds; $2.4 billion for a real enterprise zone program to create business in distressed areas; $15 billion for transportation infrastructure; $382 million to create a network of community development banks to provide credit to businesses in inner cities; $15 billion for social service initiatives, including full funding for Head Start, funding for WIC, child immunization, and $1.4 billion, full funding, for the Ryan White AIDS Act to help fight to prevent the spread of HIV; and $2.8 billion for crime initiatives.

Of course, it is obvious that the investment in infrastructure, such as highways, airports, and mass transit, benefit cities because of the spending. But the investment in people that is contained in this package is very important as well. With Head Start, summer school, summer jobs, plus education programs, we will be not only investing in our young people, but we will be putting people to work.

What is important about these kinds of jobs, Mr. Chairman, is that it will be putting women to work, many minority women, many minority women heads of household, to work, and it will be done immediately. It will be a jump-start for them in their economies.

The American people want our new President to succeed, and we should too. Let us give President Clinton a chance to put his ideas to work. The American people voted for change. Change is not only about innovation, it is not only about new technology, it is about how we prepare people to meet the challenges of that innovation and technology. It is how we prepare them to work in those technologies, to make our country more competitive.

I urge my colleagues to support this resolution as well as the President's stimulus package.

Mr. KASICH. Mr. Chairman, I yield 5 minutes to the very distinguished gentleman from the great State of Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to at the outset pay special tribute to my colleague, the gentleman from Ohio [Mr. KASICH], for the outstanding leadership that he has given to the Republicans on the Committee on the Budget. I think that because of that leadership today we are engaging in what I believe to be one of the most important debates that we will have during the course of this whole year.

Mr. Chairman, that debate began during the campaign last year. It began when now-President Clinton outlined what he said was the change that he wanted to bring to the United States, to our country. He said that what he wanted was a new investment in the future. He wanted a reduction in the deficit. He wanted to reduce taxes on the middle class.

The budget is the place where we can see that policy put into play. What did we get? Mr. Chairman, what we have instead is something that is different, cruelly different, a hoax on the American people, because it is not spending reduction. It is not about middle-class tax relief. It is not really about deficit reduction in the long term. It is about more government, more taxes, and more spending.

In that sense I think this debate today draws a very clear distinction between the approaches that the two parties take to this budget resolution and to the economic future of this country. Because on the one hand, we have a party that has brought a budget to this floor that says that we will have more taxes by a ratio of more than 3 to 1, tax increases over any kind of spending cuts; that we will have a lot of new spending increases, not investments, but spending on such things to make up a shortfall, a shortfall in the District of Columbia budget, for programs like WIC and Head Start; good programs, but not investments, not investments in jobs that create wealth for the future.

On the other hand, we have a Republican proposal that says no new taxes, that says we will not have additional spending, and says that we will get deficit reduction through real budget cuts.

Compare the numbers. We would reduce spending by $38 billion in the first year. The Democratic proposal would reduce spending by 3.7 billion in the first year. We would increase taxes by zero in the first year. They would increase taxes by $27.6 billion in the first year.

The basic question that this debate is about is how do we get to deficit reduction, which all of us agree we should have. How do we get to that deficit reduction? Do we do it by adding more taxes to the American people and hoping that the economy will not be hurt in the process and that we then can have some deficit reduction down the road? Or do we do it by cutting spending?

I believe the American people have spoken very clearly on that subject. They have said cut spending first.

Let us bring an honest budget to this body, a budget that calls revenues revenues; that does not call tax increases spending cuts or contributions, but labels them honestly as what they are. Let us bring a resolution that relies on making spending cuts first to reduce the deficit. Then, Mr. Chairman, if we cannot get the kind of deficit reduction that we need, come back to the American people, come back to this body, and ask for more spending cuts, or then ask for increased taxes. But do not start with the taxes on the American people.

We hear a lot in this debate, and we are going to hear more about it, about fairness in taxes. Yes, these tax increases are fair all right; they hit everybody. The Btu tax will hit the poorest person as well as the wealthiest person. We have big taxes on retired people. We have taxes on retired persons through the Social Security taxes.

Yes, then there are taxes in there that go to the wealthy. These are taxes on everybody. They are not the kind of thing that will bring long-term deficit reduction.

So today we have two proposals before us, or tomorrow we will have a vote on a least two proposals: one that calls for more taxes, more spending now, and the hope of reduced spending in the future, but not at least until the third and fourth year; and we have on this side a proposal that calls for no new taxes, for real spending cuts that are spelled out very specifically where we would get those spending savings, and reducing the deficit that way.

Those are the two alternatives that we have. I hope this body will consider those very carefully.

Mr. OBEY, Mr. Chairman, I yield 4 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, when I first ran for Congress 7 years ago, my first concern was getting our national priorities straight—giving force to the fundamental proposition that real strength for the Nation starts with investments in our people and our economy. It's the kind of strength that comes from a reliable and modern infrastructure, a healthy environment, good-paying jobs, and companies that can successfully compete. On that foundation we can build and project the strength internationally that will enable us to meet America's special responsibilities in the world.

This is an important week because it marks the first real opportunity I've had to begin voting for a comprehensive program to change our priorities for the better.

President Clinton understands the great challenge we face. He's proposed an economic plan that will plant the seeds for prosperity and real national strength. It is a bold, responsible plan, one that is based on solid deficit reduction and sound investment for our future.

An investment is money we spend now with the expectation of reaping a larger reward later. Businesses have always differentiated between what they spend for normal operating expenses and what they spend to keep themselves competitive. Why is it so difficult for the President's opponents to believe we can—and should—do the same thing in government?

Let us look at a few examples in two key areas of the budget and investment package—environment and technology—where the President proposes to make investments.

The Energy Department will have almost $47 million for additional grants to weatherize homes for low-income families. That's an investment with several benefits. It improves the quality of the housing stock. It reduces fuel bills. It reduces fuel consumption. It helps the environment by reducing the energy needed to heat those homes. And it provides entry-level construction jobs in areas where they're needed most.

For National Park Service, there will be $111.5 million to cut into an awful backlog of maintenance that has been put off for years due to lack of funds. Our parks are national treasures; they're irreplaceable; they mean a lot to the quality of life of millions of American families. But for years, park facilities—the visitor centers, the trails, the roads, the housing for park workers—have been allowed to deteriorate.

In both these cases, it's the old saw, about "pay me now, or pay me later." Fortunately, this President realizes that in both cases, it's better to invest now to save a lot more down the road. And in the process, we are providing thousands of jobs in areas that need them. That's a good investment.

The President's investment plan also has $80.8 million for the National Oceanic and Atmospheric Administration. Why is money spent on speeding up the modernization of our weather service an investment? Ask the airlines and the farmers who depend on weather information for their livelihoods. Ask the emergency agencies in State and local governments who rely on the National Weather Service's predictions to avoid loss of life and property.

Mr. Chairman, the examples go on and on for pages. And they demonstrate over and over the point that the President and those of us who support him have been trying to make. We have to take a new approach, to change, to build a better country.

It is not an easy thing to change, to make these choices. Until you consider the alternative—more of the same. More of the drift that's led to flat or declining income for most Americans, while the national debt quadrupled. Then it's clear—clear that we must move forward and affirm with President Clinton a positive vision of progress for the country. Realization of that vision begins tomorrow with votes to approve a responsible budget and a sound investment strategy.

□ 1750

Mr. KASICH. Mr. Chairman, I yield 60 minutes to the distinguished gentleman from Texas [Mr. ARMEY], head of our Republican conference, and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ARMEY. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to say from the outset I admire many things about President Clinton, and I truly want him to succeed. And frankly, I want to be part of helping him succeed.

I am willing to vote for an economic plan I do not love or even like, as long as it is a good faith attempt to be fair to all ages, economic groups and all parts of the country, and as long as it does the job to get the deficit down and move our economy forward. That is what we have got to do.

I listened to President Clinton's speech, when he addressed us a few weeks ago, as we all did. I was impressed. I was truly impressed with the man and his speech. He was articulate. He was intelligent. He was energetic, and he had a sense of direction. He knew what he wanted to achieve.

And most refreshing of all was, he was willing to take responsibility. It was the one time we all stood up that I was very happy to stand up. How refreshing it was to hear an elected official say, "Hold me accountable. I am willing to take responsibility." And then he spoke about the deficit as being the enemy that we had to lick, and I stood up again, like all of my colleagues.

He basically expressed the deficit as a dagger at our heart, a yoke around our necks, something that had to be addressed and addressed immediately.

And then I listened to how he would attempt to do that. I heard a lot about tax increases, and that is one way to reduce the deficit. I heard a lot about spending increases, and I was not quite sure how that related to reducing the deficit. I heard very little about spending cuts.

The next day our Committee on the Budget met with Mr. Panetta, the Budget Director, and we learned what was in this package.

It was not $493 billion of gross deficit reduction in 4 years. Gross deficit reduction does not really mean anything. The net deficit reduction was $325 billion, we were told. But even with that, we learned that the earned income tax credit, which is really a payment to the poor, was really an expenditure, not a reduction in spending. Or the Social Security tax was really a tax, not a reduction in spending.

The bottom line is, we learned that the President was proposing reducing the deficit with $4 of tax increases and $1 of spending cuts, 4 to 1.

When we finally saw the package that came out of the committee, it had been reduced under 4 to 1, but it was much higher. It was close to 4 to 1 still, but even if we say 3 to 1, very unacceptable.

We simply have got to reduce Government spending to get this deficit down and maybe have some tax increases, but not 4 to 1 or 3 to 1.

The Republican Committee on the Budget members surpassed the President's deficit reduction figures. We surpassed it by coming up with specific spending cuts.

We met the target. We were specific, and we showed it could be done.

Spending cuts are far more preferable than tax and spend proposals of our President. As Senator Tsongas said, when talking about jobs, he said, "How can we be pro-jobs and anti-business and how can we continue to tax business, which creates jobs?"

There is no answer, except we cannot be pro-jobs and anti-business.

I really believe our first task is to reduce the Federal budget deficit by spending cuts first. We did it, and I urge my colleague on this side of the aisle to look at those spending cuts. Maybe then we will have to have some tax increases. I do not rule out some tax increases. But is should be more $4 of spending cuts to $1 of tax increase.

The bottom line is, we are willing to be a part of this process. We did not just say across-the-board cuts. We came in with specific spending cuts, and I believe that if we choose to, we can work together.

In the beginning, I said I am willing to vote for a package that will do the job. I sincerely believe in my heart of hearts that the package presented by the President will not do the job. It will not reduce the deficit enough. It will be like the 1990 agreement, which I voted for, but did not do the job.

And when I have my community meetings, when I meet with my constituents in the next 2 weekends, they are going to come up to me and say, "I'm willing to pay more taxes; I'm willing to see some programs cut; I'm willing to pay more taxes, but look me in the eye, Congressman, and tell me those taxes are going for deficit reduction."

Under the President's proposal, under the Congress' proposal now out of the Committee on the Budget, I could not look them in the eye and say, "Your taxes are going to reduce the deficit." They are going for increased spending.

□ 1800

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I rise in support of the President's budget.

After a decade of deceit and duplicity, we finally have before the Congress a budget that recognizes the dual imperatives of real deficit reduction and the need to make up for a decade of lost investment in America's physical infrastructure and human resources.

The Bush administration, with a wink and a nod from an all-too-compliant Congress, swept the problems of mounting debt, an unfair tax structure, underinvestment in our youth, a failing educational system, and the Nation's crumbling infrastructure under the rug. The new administration decided to do a little housecleaning and found a real mess under that rug. They, together with the Congress, face a chore more like the cleaning of the Augean Stables.

There is no easy and painless way to put things right in America. The President has taken an honest first cut at the problems confronting us. You do not have to agree with every detail of his plan to vote for this budget and this investment package. As we move through the authorizing and appropriations process, we will have ample opportunity to make modest changes or substitutions.

We will see a number of alternatives before us today that choose to make political points while ignoring the really tough issues.

One alternative, the Kasich budget, will return to the magic asterisk of the Reagan, Bush budgets. For years, President Reagan and President Bush submitted budgets wildly out of balance, but promised to bring things in balance with unspecified cuts denoted by an asterisk. These cuts were never proposed or made. The Kasich budget has renamed the asterisk and takes $144 billion in unspecified "allowance" cuts.

The most profitable corporations and the wealthiest of the wealthy wouldn't be asked to pay a penny more under the Kasich proposal. The author calls it "no new taxes"—a tired Bushism; I call it avoiding the need for real deficit reduction and giving another break to those who saw their taxes slashed in the 1980's, the decade of greed.

We will also see attacks on the President's investment stimulus package. We will be told it is too expensive and that we are already on the road to recovery. Tell that to the 10 million officially unemployed Americans and to the millions more who have exhausted all benefits. In my opinion, and the opinion of many others on this side of the aisle, the investment package is long overdue, and only a modest downpayment on the long neglected post cold war needs of our Nation.

We must invest in America's greatest resource—our children—their health, their education, their opportunity to own their own home.

We must invest in our crumbling roads and bridges, our public water supply, and our ports and airports if our country is to be competitive in the struggle for world leadership in the next century.

This is the time to put up or shut up. Do we want $510 billion in real deficit reduction, tax fairness and a modest downpayment on our long delayed peace dividend, or yet another tired retread of failed trickle down economics. The President's budget and investment package will get America back on track to fiscal responsibility and economic vitality.

Mr. OBEY. Mr. Chairman, I yield one and a half minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I rise in support of the budget resolution as reported by the Committee on the Budget.

I am especially proud today to be a Democrat in this House, because this budget resolution is the product of a serious debate on the proper course for our Nation. It reflects a willingness of members of the Democratic party to take a sound and disciplined proposal from our President and improve it by agreeing among ourselves that we have the political will to cut Federal spending an additional $63 billion over the next 5 years.

One of the things we learned during the campaign of 1992 is that the American people want no more excuses, no more finger-pointing on the part of their elected officials. The response of the Democratic party in the House in formulating this budget has been to be open to suggestions for change and to show a willingness to hear and act upon the clear desire of the American people for something better than business as usual in our National Government.

Mr. Chairman, each of us might have written this budget differently. But the heartening reality is we have a President who is eager to work with us rather than against us. With that example and support, the House has demonstrated an ability to get on with the people's business, to respect their voices, and to work with each other as we seek to find common ground.

As we continue to work on budget and economic issues with the other body and with the administration, it is my hope that we will continue on this path of cooperation within this institution so that we will be able truly to represent the will of the people.

Mr. ARMEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in opposition to the majority bill.

Mr. Chairman, I rise in opposition to a plan by the majority in this body who want to pass a bunch of shotgun taxes aimed at the American people. You cannot pass off more pork barrel spending and tax hikes as change.

And it is getting so that the House of Representatives is less of a democratic body when the majority will not deliberate or consider alternatives.

Meanwhile, I am not convinced the feds are bearing the lion's share of deficit reduction. But the majority's motto seems to be, 'ask not what you can cut from the budget, but what you can pass off to the middle class.' I oppose that adamantly. Congress has to cut the budget first. Cut spending first, and decide if you need more taxes and more government, or if you are like me and want less government.

Mr. ARMEY. Mr. Chairman, I yield myself 25 minutes.

Mr. Chairman, for the next hour or so in this debate it is our intention on our side of the aisle to demonstrate the real difference between the Republican Party and the Democrat Party, and how they would approach the problems facing this country, problems brought on very, very largely by the intractability of the deficit in the United States Federal Government's budget.

Let me say that we want to make it perfectly clear that there is a difference in understanding between the Democrat Party and the Republican Party with respect to the structure and performance of the political economy of the United States.

The Republican Party believes that we will solve our problems best by growing the private sector of the economy and repressing the growth of the public sector. That, in turn, can best be done by the Government, especially the Federal Government, essentially getting out of the way of the private sector's growth, as has happened in the past.

The Democrat Party believes in a bigger Government, and that solutions are found in growth of the Government. They have brought forward a Democrat Party budget proposal initiated by the House.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I will yield briefly one time, and then I will not suffer further interruptions.

Mr. OBEY. Mr. Chairman, I do not think that the gentleman's name is Amy, it is ARMEY. We would appreciate it if he would call us by our right name, which is the Democratic Party.

Mr. ARMEY. Mr. Chairman, I appreciate that response from the Democrats, who have so much altered the English language in so many respects that they would like to be known as democratic without any demonstration of democratic behavior. It is hard for me to accept the usage the gentleman requests.

That being the case, let me say that we intend, then, to demonstrate that the only way the Democrat Party is able to convince the American people that the American people ought to subscribe to their view of bigger Government, rather than more freedom and more growth in the free enterprise life of the American citizens, is to distort the history of the American people.

I should say I personally take this as a very, very serious matter, because that history is not an abstraction. That history is not a nonentity. That is the very real property of the American people. It is not correct to distort the public's understanding of their own experience by a conscious and willful massaging of the data of that experience.

That is to say, what the Democrats have done in order to recreate a world that fulfills their fantasies of good Government is to take selected data points and make Federal cases of them; to torture the data until it confesses to whatever it is they like, and then to present to the American people a story of their own experience which is completely hostile to the American people's own understanding.

Only if they can get away with convincing you and me that what we experienced in our real adult life was not the case will they be able to convince us that we ought to accept their policy prescriptions of more power over our lives exercised by them.

Let me take a point. In particular, the Democrat Party of the United States is devastated by the enormous performance of the American people in their own economy, in their own lives, throughout the 1950's. When, under the Reagan economic policies in the early years of the 1980's the American people were allowed only the most modest surcease from the rigors of the oppression of the Federal Government, given the most nominal relief from the oppression of excessive Government afforded in the early Reagan years, the American people took their freedom and made their economy soar.

This, of course, drives the Democrats nuts. They cannot give us any credit for happiness, prosperity, or success in our lives. No; they must try and somehow convince us that whatever good fortune we have is due either to our dumb luck or their generosity, so we will, therefore, then give them more of our money in taxes, more of our prerogatives through Government regulation, which increases their dominion over our lives.

That is what this debate is all about. Let us make a point. According to the Democrats, during the 1980's under Reagan the rich got richer and the poor got poorer. The poor were devastated.

In order to prove that, the first thing they have to do is to give Ronald Reagan credit for Jimmy Carter. I do not blame the Democrats for not wanting to accept credit for Jimmy Carter. I would not want to take credit for him, either.

What is the story? Jimmy Carter, much like the current President, came into office at the birth of an economic recovery. During that recovery the poorest among us, the lowest fifth of income distribution, were beginning to do well, as they do under a recovery period. However, Carter stopped that recovery.

In 1979, directly as a consequence of the Carter policies, we began a plummet, as we can see, beginning from a real average income of the bottom fifth of the income recipients in this country at that time, stated in constant 1989 dollars, that is, adjusted for inflation, from $9,800, which is really, frankly, quite well by comparison with the rest of the graph. Then we had a plummet of the well-being of the lowest incomes of the lowest among us.

Remembering, if we will, that during this terrible decline, especially from 1979 to 1980, we had the essential race for the Presidency between President Carter and Ronald Reagan, we had here the worst devastation in this income category's well-being. Ronald Reagan, as we will recall, was elected to the Presidency in November of 1980.

During all this period of time our lives and the lives of our children were being governed by the policies of the Democrats, with them totally in control of our Government, and things were going from bad to worse.

□ 1810

Ronald Reagan was sworn in in January of 1981. Things continued to worsen. He began to formulate his policies and to enact his policies. His policies could not take effect until the beginning of the fiscal year 1982 in October of 1981. But as soon as his policies were implemented we found that this downslide ceased and we began the process first of stabilizing and then dramatically turning upward.

Now if you realize that this is the position at which the President found himself when he was elected, look how quickly he got back to that position after he was able to implement his policies. And then grow back out until the end of his Presidency.

Now what did the Democrats do? Totally disregard their Presidency. They pick a beginning date of 1979 and an end date of 1989, and they connect these two dates with one line, a fictional party line. And the Democrat Party is, without telling anything about what really happened in the real world by simply connecting these two dates, telling the story that under Reagan we had this dramatic decline in the average family income of the lowest one-fifth so that the poor were devastated under Reagan, not recognizing that in 8 years of the longest uninterrupted peacetime growth and prosperity in the history of this country, without inflation, it was impossible for us through our economic miracle of the 1980's to recover from 2 devastating years of Jimmy Carter in the White House and the Democrats in control of the House and the Senate. In 2 years they did so much damage to the lowest income people in this country that by all of the forces of the American people working as productively as ever before in the history of this country, we could not fully recover from those 2 devastating years in 8 years. In fact, if you just simply take the Democrat Party Line's end point and beginning point and you look at the difference between where we began before Carter put us in the toilet and where Ronald Reagan and his policies had gotten us to after 8 years, and you see the meager difference between those 2 points, 140 percent of that difference can be accounted for in the slide of 1 year alone, 1980, the last full year of the Carter Presidency. One hundred forty percent of the damage done over a 10-year period was done in 1 year alone.

Still, nevertheless, the Democrats continue to argue that Ronald Reagan, whose policy made us free enough so that by the inspired efforts of our own families, and our own jobs, and our own shops, our own creative ability, growing ourselves out of this morass of the Carter years ends up being translated by the Democrats as a failure of Reagan economic policy. They argue the Reagan era was devastating.

Now keep this is mind. What Ronald Reagan did was a very simple thing. He cut taxes and cut the interference of the Federal Government in the lives of real American citizens, not by much, but just by a little bit. And what you saw in that great, miraculous period of expansion was what we American citizens will do with just a little tiny increase in our freedom.

Ronald Reagan did not create all of those jobs. Ronald Reagan did not give us that expansion. He gave us that modicum of freedom that allowed us to do for ourselves what a Government cannot do for us, and we did it. And the Democrats, by massaging the data, by cooking the books, and by putting together beginning point and end point numbers and totally disregarding our 10 years of history are trying to take our understanding of our own experience away from us. And I say that is not right, and we as American people should not be lied to about our own experience. I happen to remember that.

Now, they say there was this terrible tax on fairness, that Republicans during the years gave all of the tax advantage to the rich and none went to the poor.

What we see happening here in this top set of graphs is the total amount of money spent, paid in constant dollars, in taxes to the Federal Treasury by the top 1 percent of wage earners of America. The richest of the rich during all of the 1980's, during the time Ronald Reagan's tax policies were in effect, the richest of the rich continually increased their contribution to the Treasury of this Government. We paid more in taxes. The Democrats will say that is because more people got more rich. That is exactly what prosperity is all about. I still have difficulty understanding why the Democrats complain about an era in American history when more people got more rich. Why is that a bad thing?

I have to tell you when I was a boy growing up, entertaining my hopes and my dreams for my life as I matured, I found out that as a little boy I used to wish I was rich, and that did not work. When I got a little older I used to dream about being rich, and that did not work. And then I came face to face with this terrible, horrible truth about adulthood. If you want to be rich you have got to work your way rich.

That is the way we Americans do that. And when we work hard, when we sacrifice, when we save, when we take risks, when we make real investments, and we do achieve some success, the Democrats say this is a disaster, this is not fair. It is only fair, therefore, when, according to them, that those of you who did make yourself rich by your own hard work should have what you have earned taken away from you and your children. For what purpose? So that they can redistribute it in a manner they think is fair.

Now what about a comparison with the taxes that are paid by the rich and the not-so-rich during the 1980's. Let us take a period of time from 1981 to 1988. If you take a look at what we call the fairness ratio, let me tell you what that is. The fairness ratio is the average tax payments of the top 1 percent of income recipients to all of the people in the bottom 50 percent of income recipients. This jumped from $120 paid by the rich for every $1 paid by people in the bottom half of the income distribution in 1981 to $241 of taxes paid by the richest 1 percent for every dollar's worth of taxes paid by the people in the bottom half. The relative share of the taxes paid by the rich during the period of time from 1981 to 1988, under the policies of Ronald Reagan, to the taxes paid by the poorest half of the citizens of this country doubled, 100 percent more paid in taxes by the rich relative to the not-so-rich lower half.

That does not sound to me like this was unfair, that it was at the advantage of the wealthy. If you take a look at these numbers here in 1981, the top 1 percent paid $120.54 for every $1 paid by people in the bottom half of the income distribution. That does not sound to me like an unfair tax policy favoring the rich. To me it does not sound like a period of time when the rich did not pay their fair share, that the rich paid a declining share from what the poor paid.

□ 1820

As a matter of fact, let us take a look at that very quickly. A middle-class family would pay about $2,000 more today each year in taxes if it were not for the Republican tax cuts of the 1980's. The share of the income tax burden borne by the top 1 percent of the American citizens jumped from 18 percent in 1981 to 28 percent in 1988. Between 1981 and 1988, the real income tax payments of the middle class declined 18 percent, while that of the bottom 50 percent fell 26 percent. As a result, their share of the burden of income tax declined.

So the fact of the matter is that during the 1980's the rich got richer, more people got richer, and the poor got richer, and as the rich got richer, they paid more in taxes, and as the poor got richer and the middle class got richer, they paid less in taxes as a share of the total.

Now, let me just talk for a moment about income mobility. The Democrats have decided to pit American against American. They have decided that we live in a caste society rather than a society of income mobility, forgetting their own personal life's history. They live with a notion that if you are born or at any time live in the bottom fifth of income distribution, you are stuck there forever, if at any time in your life you are in the top fifth, you will reside there forever, and anyplace in between.

They do not know their own life's history. Let me take one of my typical Democrat friends, a tenured professor at a university. This tenured professor, Mr. Chairman, was a young man with a wife and a child. In his early years as an instructor or assistant professor, he is in the bottom fifth of the income distribution and does not make much money. In a few years, this professor will achieve the rank of assistant professor and will move up to another higher distribution. In a few more years, he will be associate professor with a book or two published and move up a little further.

This is not unlike you getting a promotion in your job at the plant, not unlike you getting your small business off the ground and seeing it grow.

Eventually this tenured professor will be a full professor, and he will be in yet another higher level of income distribution, and then eventually this professor will retire, and as the professor retires, the professor will go from a relatively high distribution of income to a low distribution of income.

Over your life's cycle, you will go up, and you will come down, and that is the way it is.

Let me give you a quick fact: If in the year 1979 you had found yourself in the bottom one-fifth of the distribution of income, of the lowest income category, by 1988, 10 years later, you would have had statistically a better chance of being in the top fifth of income distribution than you would have had of remaining in the bottom fifth. In fact, in that time, in a study that was done by the Treasury Department, in that period of time from 1979 to 1988, 85.8 percent, 86 percent, of the people that started in the bottom fifth went up one or more income categories. Sixty percent of those in the second fifth went up, 29 went down. Very few stayed where they were, and so on it goes.

The fact is we are a mobile society. You are not stuck in America where some Government statistician finds you someday and says, "Therefore, then, we assume, professor, that you are there forever." That is not America. America is a nation where we strive, we achieve, we are rewarded by income increases, we share these with our families, we provide opportunities, and if the Government will stay out of our way, we will build for ourselves and our children a free and prosperous nation. That is the America we had in the 1980's, because the Government cut its tax burden on you and me, cut its regulatory burden on us, and left us free and, given that modicum of increase in our personal freedoms, we proved during the 1980's that freedom works better in the lives of real people than big Government.

And that is what galls the Democrat Party.

Now, they have their man in the White House. They have their majority in the House and their majority in the Senate. If you are dumb enough to buy it and if you are naive enough to take their statistical testimony, they are going to sell you a package of Government policy beginning here and now that says to you, "Trust us, we are from the Government. Don't trust your own lying ambitions. We define those as greed. And you ought not even aspire to do more for yourself when you have the opportunity to let us take from those who have done and give to you instead." That is the bill of goods you are being sold by the Democrat Party today.

The crime of it all is that they would give you a completely false understanding of your own life's experience in order to get you to buy into their dominion over the lives of your children. I, for one, am not buying, and I do not believe the American people are buying, either.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 16 minutes.

Mr. Chairman, I had not intended to speak again in this portion of the debate, but given the quaint interpretation of recent economic history that I just heard, I feel compelled to respond.

Mr. Chairman, I do not see much point frankly in debating past history, and what I have tried to indicate in my preliminary remarks is that I think our economic problems have really been with us for 20 years, since 1973, which, so far as I know, is a good bipartisan number, because it takes in a wide variety of administrations, both Republican and Democratic.

But I must challenge the assumption that the country experienced unparalleled bliss because President Reagan supposedly made the economy soar in the 1980's. Anybody can make the economy soar if they want to do it on borrowed money, and I would suggest that before we get too gleeful about the nature of economic growth in the 1980's, we again recognize what most dispassionate observers have said about the 1980's.

There is no question that the economy grew in the 1980's, but as most economists would readily indicate, it grew largely because that growth was financed by very large tax cuts, most of which went to the very wealthiest people in this society, and by a doubling of the military budget on borrowed money. That is why the deficit, which up to that point had never exceeded about $75 billion, why the deficit exploded over the past decade. That is why we are here on a massive repair job and a massive salvage job.

I want to read something to you. It reads as follows:

> The Reagan Revolution's abortive efforts to rectify the economy of 1980 cannot simply be exonerated as a good try that failed. The magnitude of the fiscal wreckage and the severity of economic danger that resulted are too great to permit such an easy verdict. In the larger scheme of democratic fact and economic reality, there lies a harsher judgment. In fact, it was the basic assumptions and fiscal architecture of the Reagan Revolution itself which first introduced the folly that now envelops our economic governance.

Do you know who said that?-

□ 1830

You know who said that? Not DAVE OBEY; the architect of the Reagan program in 1981 said that, David Stockman. He is the Leon Panetta of 1981, the Director of the OMB. That is who said it. The guy who put the numbers together.

And I want to read you what he said in his famous revelation, in his famous public confessional in the Atlantic Monthly article that he wrote. He said that for 6 months he had been explaining to the "west wing guys that their numbers just didn't add." He said that they got the deficit down "to $31 billion by hook or by crook, mostly the latter."

He said, "We didn't add up the numbers. We should have designed the pieces to be more compatible, but the pieces were moving on independent tracks. It didn't quite mesh. That is what happened. But for about 1½ months we got away with it because of the novelty of it all." That is what the architect of the Reagan package said about it. In fact, when he described the tax cuts that were passed, he said, "The hogs were really feeding; the greed level, the level of opportunism just got out of control."

Now, that is not DAVE OBEY saying that, that is Dave Stockman; the other side of the aisle, architect of the Republican program.

Now let me quote from someone else who may be considered to be suspect but he was good enough to be the principal Republican strategist of the 1968 Republican campaign, run by Richard Nixon, Kevin Phillips.

Kevin Phillips said this about what happened with the richest 1 percent. He said:

> Republicans have been indignant over earlier congressional budget calculations derived from Federal income tax returns that the wealthiest 1 percent had received roughly 60 percent of the after-tax income gains realized by all U.S. families from 1987 to 1989.

But Kevin Phillips goes on to say:

> But the Federal Reserve Board studies provided nonpartisan, but similar, documentation for the 1983 to 1989 period, which coincided with the Reagan boom years. Between 1962 and 1983, the share of total private net worth held by the top 1 percent had barely budged. From 1983 to 1989, it surged from 31 percent to 37 percent.

That represents billions of dollars, in up-the-income scale, upward shift of income.

Now, contrary to what the gentleman from Texas said, I have absolutely nothing against the rich. I want everybody to be rich. But I also have the quaint notion that when they get there, they ought to pay their fair share, and nobody can claim—nobody except, perhaps, the gentleman from Texas—nobody can claim credibly that the rich paid their fair share of taxes in the 1980's. And the public knows it, the politicians know it, even some of the authors of some of the Republican substitutes that were offered in the Committee on Rules know it because some of them did not even have the gall to strip out the tax increases in this package on the very wealthiest people in this society, because they recognized that they have been on a gravy train over the 1980's.

Now, having said that, I simply want to get back to the reasons why it is necessary to support the package before us.

If you were the CEO of any corporation and you were running into trouble, you would do two things: First of all, you would try to cut back spending wherever you can in order to save precious resources. And the second thing you would do is to look for opportunities for crucial investments that you simply have to make in order to hold market share.

Now, the Government does not have to hold market share, but the Government still has to help create the conditions under which the private sector of this economy can grow. And that is what the Clinton budget does.

This package relies on the assumption that if we cut the deficit enough and if we provide the right kind of investment, that we will have cooperation from the Federal Reserve, that we will see a decline in long-term interest rates that will, in turn, make it cheaper for the private sector to borrow and invest and that that is what will drive economic recovery, not a few Government jobs, but the atmosphere in which we make it easier for the private sector to make a profit and put people on the payroll.

Now, the problem with his package, frankly, is that it is somewhat contractionary. We estimate that at about eight-tenths of 1 percent.

The economy is expected to grow next year at 2.9 or 3 percent. You have to have 2 percent economic growth in order to prevent unemployment from going up. So that means there is not much margin for error. And that is why you have got to have an insurance policy, and that is what the investments in this package represent.

I guarantee you the problem 2 years from now, when all of us are running for reelection, will not be too much economic growth, it will not be too many jobs created; the risk is still on the down side, and that is why we need to pass this budget resolution and pass the investment package that is coming right behind it out of the Committee on Appropriations. To pass only the budget resolution, to do only the deficit reduction without also making the critical investments that are necessary, would be reckless, it would be shortsighted. You can do that if you want, but if you do that, we will be in the same piddling game of chasing our tail that we were in during Gramm-Rudman I and Gramm-Rudman II.

You remember what happened when we had the Reagan budget package; we were told if we just swallowed the magic elixir in 1981, that those deficits, the Reagan projections would go down from $55 billion to zero deficit by 1984. In contrast; those deficits exploded.

So, 4 years out, our friends, the minority side, recognized, "Hey, baby, we've got a problem; promises are not keeping up with reality." So they said, "Well, we will give you another magic fix that is aimed only at deficit reduction." So, what did they do? They passed Gramm-Rudman I, a magic deficit-fixer. They said it was going to take the deficit down in nice, neat little $36 billion increments every year for 5 years until 1990, zero, goose-egg deficit.

The red bars, again, show what actually happened under Gramm-Rudman.

We would up in the year when the deficit was supposed to be zero with a deficit of $220 billion. They said, "Well, let's pass another magic fix-up, and again let's chase the deficit to the exclusion of all other considerations."

So, what did they do? Passed Gramm-Rudman II.

I called it a public lie because I said it would never get to the deficit levels predicted by our friends on the minority side. The green bars, again, show what was supposed to happen theoretically to those deficits, down to zero by 1992. Guess what, folks, this is where we are instead, $290 billion, smackeroos. I suggest, with all due respect, we have done it your way, we have done it your way for 12 years. I remember standing here in 1981, in 1982, in 1985, 1987, when we passed the Reagan package, when we passed the next followup budget and when we passed both Gramm-Rudman fix-ups, trying to suggest that we needed a broader approach. We did not get it, but the country has gotten it now.

□ 1840

What they have gotten is that you do not have the answers. What they have gotten is that you have had it your way for 12 years and now President Clinton is entitled to have people get out of his way and try something different.

I want to say one other thing about the so-called huge burden of taxes which President Clinton allegedly has in his package. The CBO estimates that with the passage of the Clinton program that we will see a cumulative growth in the GNP of $5.6 trillion over the next 6 years. They estimate that the added taxes requested by the President, 70 percent of which will be on the richest 1 percent of the people in this country, they estimate that that added tax burden will take about 6 percent of that additional GNP growth over that 6-year period. That means that 94 percent is going to be left in the private sector. It is going to be left in the treasuries of businesses. It is going to be left in the pockets of individual families.

What the President is trying to do is to recognize that you need to have a balance between deficit reduction and investments so that we can attack both the Federal deficit and the investment deficit which has been killing this country's ability to grow.

The fact is if we do not invest in education, if we do not invest in health research, if we do not invest in science research, if we do not invest in physical infrastructure, we will be trying the same old phony medicine that we have had for 12 years.

I used to have a dear friend in the legislature who died of cancer a few years ago by the name of Harvey Dueholm. Harvey said, "You know, the problem with this country is that under Republican administrations the poor and the rich get the same amount of ice, but the poor get theirs in the wintertime." I think that is what the eighties delivered.

Just one other point. My good friend, the gentleman from Texas, goes to great lengths to demonstrate that the richest 1 percent really have not had it really as well as we Democrats claim, because after all they are paying a larger share of Federal taxes. You bet they are.

This red graph shows how the share of total Federal taxes paid by the richest 1 percent has grown from 1977 to 1989. As you can see, it has increased slightly. Why? Because their income has exploded. Their pretax income has gone from an average $315,000 in 1977 to $560,000 today. Of course, they are paying more taxes because they are earning a hell of lot more money. They ought to be paying more taxes.

I make no apology for the fact that for the first time in 12 years we have got somebody in the White House who does recognize that equity is not an ornament in politics. It is a basic core ingredient, and if you do not have equity on taxes, people are not going to be willing to pay them and they shouldn't.

Mr. ARMEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

(By unanimous consent, Mr. GILMAN was allowed to speak out of order.)

THE PASSING OF MISS HELEN HAYES

Mr. GILMAN. Mr. Chairman, it is with great sadness and deep regret that I rise to inform our colleagues of the passing of my most beloved constituent.

Miss Helen Hayes, born in Washington, DC, on October 10, 1900, has been known as the "First Lady of the American Theater" since before most of us were born. Since her stage debut as a child in 1905, she set the standard by which all other actresses were measured. A star at age 20 and literally an institution at age 55, Helen Hayes received every conceivable major award which show business has to offer—the Emmy, the Tony, the Grammy, and two Oscars. In fact, the theater awards here in our Nation's Capital are named in her honor.

It is a rare privilege to name a Broadway theater in New York after an actress; Helen Hayes is the only individual ever to have two theaters named after her.

For her neighbors in the mid-Hudson Valley of New York, Helen Hayes, resident of Nyack, NY, was an outstanding humanitarian. The Helen Hayes Hospital, the Nyack Hospital, and many other institutions owe a great deal to her generosity.

Having lost her daughter Mary at age 19 to polio, Helen was a major catalyst in the successful effort to conquer that deadly disease.

Helen Hayes died today at the age of 92, but she will live on forever in the hearts of the people of our Nation and of the world.

Mr. ARMEY. Mr. Chairman, I yield myself such time as I may consume.

Before I yield to my good friend, the gentleman from New Jersey, let me just make a couple of quick observations.

One, the American people did their share. The American people's contribution to the U.S. Government Treasury went from $517 billion in 1980 to $1 trillion 31 billion in 1990. Unhappily, the gluttonous Federal Government increased spending from $591 billion in 1980 to $1 trillion 435 billion in 1990.

We grew the private sector, but we did not contain the public sector. The public sector grew by $1.59 for every increased dollar we sent to Washington. It is time to halt that growth.

Furthermore, let me say that the gentleman from Wisconsin [Mr. OBEY] has made some interesting arguments based largely on CBO data which CBO itself admits is deceptive and has discontinued using. Kevin Phillips' work, of course, is based on that data, and if the CBO cannot get within a hundred percent of projecting earnings from current capital gains, they certainly should not be relied on to project the kinds of growth that the gentleman from Wisconsin cites. In fact, even the President himself has recently expressed his reservations on the accuracy of the CBO.

Mr. Chairman, I yield 10 minutes to the distinguished gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let me begin by saying that I listened very intently to many of the speakers here this afternoon and this evening from both sides of the aisle.

I would like to say to my friends on the Democrat side of the aisle, we share with you some of your basic goals. We share your desire to promote economic growth. We may have a different way of getting there than you, but we share that goal.

We also share your goal and our President's goal of lower deficits. Lord knows that speaker after speaker has pointed out that over the years since 1980 and before that deficits have grown out of control. We may have a different feeling and a different way to deal with those problems than you, but we share that goal.

Your third goal is perhaps where we have the most difficulty on our side of the aisle, because we do not share your goal of raising taxes. We cannot find a reason to do that, particularly in light of wanting to solve the first two goals which we share with you.

Today in my office I was visited, as I have been for each of the last 9 years, by a group of letter carriers from back home. I get along very well with the letter carriers. My dad was a letter carrier many years ago. He became a postmaster. My mother was a postal clerk, so the letter carriers that visit me every year and I understand each other.

They surprised me somewhat today because they did not spend the entire half hour or 45 minutes talking about issues that had just to do with postal workers. They wanted to talk about the economy. They wanted to talk about the people who they deliver mail to who have small businesses. They wanted to talk about some of the stores and shops that are empty that used to have small businesses in them. We talked about that for quite some time, and knowing that I was going to have this time today I brought with me a chart which reflects much of what the letter carriers and I talked about today.

Why is it that small business is having such a difficult time being successful and continuing to hire people?

Did you know that in the last 10 years 51 percent of the jobs that were created, 12 million jobs that were created, were created by small businesses, businesses that had 20 or fewer employees?

□ 1850

It is the heart and soul of our economy, and today small businesses are having a more difficult time than ever before, or at least in the last several decades.

This chart shows one of the problems that small businesses are having today. It is a government burden which is placed on a typical small business firm on a per-worker basis. Back in 1982, Mr. Chairman, it cost on the average, per worker, a small business person, $4,400 per year, per worker, and through the decade of the 1980's that my friend, the gentleman from Wisconsin [Mr. OBEY], likes to put negative light on, the business, small business, community found itself in a position with less burden per worker each year measured in dollars to the point where we got to 1989 and the burden per worker was all the way down from $4,400 a year, in 1982, down to somewhere around $3,900 in 1989.

Then look at what happens to the red line. It moves skyward, not slowly, but very rapidly, and that coincides exactly, exactly, with the economic downturn that started about that time as a result, I believe, of bad tax policy that came about in the late 1980's and 1990.

And so what we need to do is to recognize two things:

This budget proposal that is before us tonight increases the burden on small business. There is no question about that. I do not think it is even a debatable subject. And so in terms of economic growth and tax policy this tool that we have to work with, which I think we are using backwards; that is, the tax code in this budget proposal, will not help economic growth in my view, but do the contrary and hurt it.

Mr. ARMEY. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, what the gentleman is saying is, if in fact we are having a recovery, and we have so many nice, encouraging signs and so many indicators, but no growth in jobs, it is because of this enormous increase in government regulation and taxation of the past 4 years, inspired by the Democrat Congress. It has resulted in a repression of the job creation of the small business sector of the American economy.

Is that what the gentleman is saying?

Mr. SAXTON. Mr. Chairman, the gentleman from Texas [Mr. ARMEY] is exactly correct, and in my view the budget proposal which is before us tonight does more of the same bad stuff.

Mr. ARMEY. Except perhaps to ignore this component. That would be the best we would hope.

The gentleman would notice I was just noticing the U.S. Government regulatory agency just issued an order yesterday I read about in the paper that, if the firms in an industry did not answer their phone within 30 seconds, they would be subjected to fines. This hardly comes under the category of getting the Government off the backs of the American people.

Mr. SAXTON. Nor does putting labels on marble bags like we passed here a day or so ago.

Let me reclaim my time to move on to another point rather quickly which has been discussed here at some length, and that is what happened during the decade of the 1980's due to tax policy that we believe was tax policy that promoted growth.

One of the problems that was pointed out by the members from the Democrat side of the aisle is certainly an evident problem, and that is we entered the decade of the 1980's with a bigger deficit than we did by far then we did when we started the 1980's, and somehow the connotation continues to be made and pervade that somehow Reagan policy promoted and created that problem by creating, perhaps, less revenue when in fact, as was pointed out by my colleague from Texas just a few minutes ago, we started the decade of the 1980's with Federal revenues amounting to just over $500 billion, and we ended the decade of the 1980's with just over $1 trillion. In other words, we do not have less revenue today because of the tax cuts of the early 1980's. Today we have twice as much revenue.

In 1990 our revenue had doubled as compared with the revenue that we had in 1980, so our problem was not revenue. Our problem was outlays, and so what we are saying in this budget deal, this budget proposal that they all are making, we are saying that this is the problem that we need to attack first. We do not need to raise taxes. We need to attack the outlay problem, and that problem we can get behind us if we can work together.

Finally, Mr. Chairman, let me show my colleagues one final chart—folks on this side of the aisle—which demonstrates what happened when we compare revenues that we had to spend during the 1980's with the actual spending that we did. It appears that it is quite evident that our problem was not that the economy did not grow, but it was that we in this House grew the public sector faster than we were able to grow the private sector.

Finally let me turn to one final chart because I think there is something inherent in the budget proposal that we are looking at today that is a basic flaw to what we are trying to do together as Republicans and Democrats. That is that the Tax Code that we use to raise revenues has a very important second effect that we need to recognize.

John Kennedy said it from that podium in 1963. John Kennedy said, and I know that the gentleman from Massachusetts [Mr. KENNEDY] is here in the Chamber somewhere, and, if I do not have these words exactly correct, please forgive me. He said, "We can't for long expect to lead the cause of peace and freedom around the world if we fail to set the economic pace at home," and he outlined in that speech a series of tax reductions that he said would spur the economy, and beginning shortly after his death, unfortunately, this House went to work and put that plan in place, and in 1964, in 1965, 1966, and 1967 the economy responded, and the economy grew nicely. And, standing at the same podium in 1980, Ronald Reagan made a speech, and he said that the problem with our economy is simple: Taxes are too high, and we have not recognized there is something that we can do to make the economy grow, and that is to reduce the burden that taxes and regulations have put on small businesses. When he made that speech, and when Members of this House enacted that policy, we can see here at the beginning of the 1980's our growth, and our jobs, and our growth in GNP was relatively static, and it was not until 1982, halfway through 1982, that those policies started to catch hold, and here is what we see in terms of job growth, and here is what we see in terms of economic growth right through the end of the decade, until the fateful day in 1990 when we reversed all that, and raised taxes again, and put our economy on the skids downward to where we are today.

So, Mr. Chairman, I ask my colleagues to consider these points. We share their goals. We do not share their enthusiasm for taxes, not just because we do not want Americans to pay higher taxes, but because we know it is a tool that we can use correctly or, in this case incorrectly.

Mr. BONIOR. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. MINETA], the distinguished chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Chairman, some have talked about the economy here today as though the condition of the economy is an argument against proceeding with the stimulus package, and with the investment portions of the budget resolution. Unfortunately, nothing could be further from the truth.

The fact is that this remains the weakest and most fragile recovery this Nation has experienced in modern times. The recovery is now 2 years old, and yet we still have only as many jobs in the economy as we had in the last month of the recession, February 1991.

The fact is that this recovery will remain weak and fragile until consumers have a substantially higher degree of confidence in the jobs market and therefore in their own job security.

The latest estimates of 1992 fourth quarter growth, which were an improvement over the earlier anemic growth rates of this recovery, nevertheless remain weaker than those of previous recoveries. Economists agree that the fourth quarter growth rate will not be equalled in the subsequent quarters. The consumer confidence which rose in November and December, and was key to creating higher growth in the fourth quarter, has more recently begun to waver. Even Fed Chairman Alan Greenspan recently testified to Congress that the economy has slowed in the early months of 1993 as compared to the final months of 1992.

Not only consumers and economists have relatively little confidence in this recovery, so do employers. Even when companies do receive increased orders, as many did in late 1992, they are not hiring new employees. Employers have so little confidence that this recovery will continue that they meet these additional production requirements by adding to the work hours of existing employees—and overtime is now at record levels—or by adding part-time or temporary employees, not by hiring new full-time employees.

Unfortunately with consumers, economists, and employers showing relatively little confidence in the continued strength of this recovery, we have a real risk of a self-fulfilling prophecy here. The current pattern of jobless recovery simply is not generating among our people the sense of economic security so fundamental to generating the consumer demand that drives the economy.

This sense of unease is compounded by the announcement of large reductions in the work forces of IBM, Boeing, Sears, and other major established employers.

There is no question that this stimulus spending is too little to lift singlehandedly our economy to a rate of growth more typical for a recovery. But what it can do and should do is provide a boost to the weak forces of recovery already operating in our economy. In short, the stimulus package will provide badly needed insurance against the risk that our weak recovery might slip back into the doldrums or even into renewed recession.

It is also important to note that while any dollar spent creates a dollar's worth of stimulus, a dollar spent on sound investment in needed facilities creates not only a dollar's worth of stimulus, but also generates long-term benefits to the economy in the form of increased productivity and competitiveness for our private companies.

A well-designed, well-constructed, and well-maintained system of public infrastructure allows us to move goods and people more efficiently. In fact, public infrastructure is a key part of private productivity and competitiveness.

Those who have argued here that economic growth must ultimately be provided by the private sector are absolutely correct. But what they have failed to note is that private sector growth cannot occur without investment in the public infrastructure necessary for that growth to occur.

Public capital investment helps the private sector produce more goods and services, accelerates private sector job growth, and stimulates private sector investment. Thus, when we choose to make our stimulus spending infrastructure investment spending, we get a profound leveraging effect on private sector employment, growth, and investment.

Our competitors in the worldwide marketplace are well aware of the value of these public investments to their private companies, and they have invested heavily in their public infrastructure. We, unfortunately, have taken the opposite course, cutting our level of infrastructure investment as a percent of GDP in half in the course of the 1980's. To maintain our competitive edge in the global marketplace, we have to at least match, if not surpass, the investment levels of our competitors.

The stimulus package contains several key elements of investment in public infrastructure, including $3 billion for the highway portion of ISTEA, $752 million for the transit portion of ISTEA, $845 million in municipal wastewater treatment funding, and $250 million in additional airport grants. These are all programs which invest in public facilities which are necessary for the productivity and growth of the private sector of our economy.

Some have noted here that these types of capital investment programs have a relatively high cost per direct job created. Let's be very clear about this: If you spend money to create a capital asset which will be useful to the private sector for years to come, you will spend more per direct job created than if you simply pay people to rake leaves. But in the latter case you will be obtaining absolutely nothing of lasting value to the economy or to private sector vitality.

It is simply not true, some have suggested here today, that the public sector does not create wealth. When we make sound investment in public facilities needed by the private sector, we create wealth in the private sector and we create a stronger economy and a higher standard of living for all Americans.

Furthermore, some seem to argue that the expenditures we are talking about here are some bold new policy departure. For many of the items in this stimulus package, and I note in particular the proposals for highways, transit, and airports, all the stimulus proposal would do is spend the funds Congress already agreed to spend when we passed the authorization legislation, when we imposed the user taxes to support this level of spending, and when we told State and local governments to expect this level of funding. This is nothing radical, unless you consider living up to our promises to be radical. And I would note that in the transit area, we are not even living up to our promises, because even the spending proposed in the stimulus package and in the budget resolution is less than what Congress already decided to spend in the authorization legislation.

Finally, Mr. Chairman, the issue has been raised that even the relatively modest additional spending proposed in the stimulus package would raise the deficit, and that that poses a risk of increasing interest rates and the crowding-out of private capital.

First of all I find it ironic that my friends on the Republican side, after 12 years of hiding behind Laffer curves and supply-side rhetoric claiming that deficits don't matter, have rediscovered that deficits do matter. Unfortunately, during those 12 years they quadrupled the national debt, and they have left it to a Democratic President to make the hard choices necessary to clean up their fiscal mess.

The President has now made those proposals, and none of us would deny that the combination of spending cuts and tax increases necessary to begin reducing these mammoth deficits is strong medicine, medicine which requires a strong patient. This economy is not yet a strong patient. We need to give it a selective and well-targeted boost, and to whatever extent we can first strengthen economic growth, our deficit reduction task will thereafter be that much easier.

And the private markets recognize the validity of that approach. There is sufficient slack in the economy now to accommodate a much larger stimulus package than the one before us. The stimulus package poses no threat of igniting a new round of inflation. Neither does it undermine the credibility of the President's overall plan to reduce the deficit.

And the financial markets fully agree with that assessment. With both the President's fiscal year 1993 stimulus proposal and his fiscal year 1994 budget plan on the table, the financial markets have reacted by reducing long-term interest rates, which had previously remained stubbornly high compared to short-term rates. The 30-year Treasury bond rate is now at its lowest level since the 1970's. The markets clearly do not see this proposal as igniting inflation or crowding out private capital. Furthermore, inflation rates at both the consumer and the producer levels continue to be low and to show no signs of significant increase.

Mr. Chairman, the condition of our economy clearly calls not only for long-term deficit reduction, but also for selected investments which will make our economy stronger, more productive, and more competitive. That is the direction the President is trying to move us with the stimulus proposal and with the budget resolution. I urge support for both.

□ 1900

Mr. ARMEY. Mr. Chairman, I yield 6 minutes to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Chairman, I think economist Erich Heinemann put it best when he wrote recently that anyone attempting to rely on President Clinton's long-range budget forecasts should remember George Bernard Shaw's famous quip about second marriages: the triumph of hope over experience.

While I heartily applaud the President's emphasis on deficit reduction, like the famous Irish writer, I urge my colleagues to focus on experience.

The problem is the underlying principles of the Clinton plan, that tax increases will reduce the deficit, flies in the face of precedent.

Recent history shows higher taxes lead to more Federal spending, lower economic growth, fewer jobs, and ultimately larger deficits.

We saw budget agreements, and this chart reflects those budget agreements, that resulted in massive tax increases in 1983, 1985, 1988, and 1990. In each case you can see from the charts more spending and larger deficits resulted from those tax increases.

Chairman OBEY'S own chart showed us that it was only in the years when Congress was forced to restrain spending under the Gramm-Rudman Act did we see any slowdown in this pace of runaway Federal spending, and that is reflected in Chairman OBEY'S own chart that he has presented us.

Under Gramm-Rudman, total domestic spending grew at an annual rate of 1.1 percent. Under the 1990 budget agreement, with its supposedly stricter than Gramm-Rudman spending controls, total domestic spending grew at an annual rate of 8.4 percent.

The proof is in the pudding. As you can see from this chart here, the Gramm-Rudman record clearly shows that seriously restraining Congress' ability to spend is the only real way to achieve progress on the deficit.

In addition, I think it is important to point out actual tax revenues since the 1990 budget deal have fallen by more than $3.25 for every dollar the deal is supposed to raise, and the deficit increased from 3.1 percent of GNP in 1990 to 5 percent in 1992.

Every economic study you look at shows that every dollar in new taxes raised since 1947 has led to $1.59 in new Government spending. A recent study by Citizens Against Government Waste showed that the 1990 budget agreement produced $2.37 in new spending for every dollar raised in new taxes. That is hardly a formula for real deficit reduction.

Mr. Chairman, experience shows that excessive Government spending, not a lack of tax revenues, causes massive deficits. Revenues to the Federal Government have remained steady at an average of 18.6 percent of gross domestic product between 1965 and 1992, never falling below 17.5 percent. At the same time, Government spending has risen from 17.6 percent of GNP to 23.5 percent in 1992. Even more telling, tax revenues have grown annually at an 8 percent rate over the past decade, but spending has increased at an annual rate of 11 percent during the same time.

The Clinton plan is more of the same, with deficits the administration projected to average $250 billion a year, and their analysis does not even reflect the blow to the economy of taking $328 billion out of the private sector, out of the revenue stream, in new taxes, $328 billion.

These new taxes will stifle economic growth, destroy jobs, reduce revenues, and increase the deficit. Economists across the ideological spectrum are convinced that the Clinton tax increases will lead to widespread job loss. Let us look at a few of their comments.

David Resler, of Nomura Securities, puts the cost at 400,000 lost jobs by the end of 1994 from these new tax increases.

□ 1910

DRI-McGraw Hill says 700,000 jobs will be lost in 1997 and 1998. Larry Kudlow, the chief economist at Bear Stearns, estimates job losses at 3.2 million by 1996 and a reduction in real economic output of $450 billion. We are going to have, unfortunately, I think, the votes are there for the huge tax increases, and we are going to see the prophecies of these economists realized.

Constricting the economy with higher taxes not only means additional job losses, less revenues from taxes, higher expenditures for unemployment claims, but ultimately larger deficits.

We all remember the infamous boat tax hike in the 1990 budget agreement. That ill-conceived and shortsighted proposal not only failed to reduce the deficit, despite the claims from many that it would do just that, but it actually lost revenue.

The boat tax actually lost revenue because it threw thousands of workers out of their jobs, as we now know.

The government lost the income tax revenues from these workers and increased spending on their unemployment claims.

Mr. Chairman, the experiences of economies across the globe show that higher taxes and more government lead to long-term economic sluggishness. We simply cannot grow the government without seriously stifling the private sector. At the same time that the government gets bigger, these tax increases stifle the productive private sector and destroy jobs. We will not balance the budget or even make a dent in the deficit unless we allow the private sector to operate as the engine of economic growth.

I hope we can learn something from these economic lessons learned throughout our history, economic lessons learned in countries from Mexico to Poland but, unfortunately, lost on many of the politicians in this body. When will they learn that free markets, less government spending and low taxes are the only solid foundation for real economic growth?

I urge my colleagues to support real deficit reduction through spending cuts, not tax increases.

Mr. BONIOR. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Mr. Chairman, I thank the gentleman for yielding time to me.

We are hearing a lot of rhetoric and fancy economic theory from our minority colleagues. But the bottom line is this—we have a chance to vote for real deficit reduction, and an economic package that creates real jobs and real opportunity.

The Federal Government has been awash in red ink for far too long. The philosophy of borrow and spend, borrow and spend must be replaced by a new philosophy grounded in responsibility and accountability.

I am pleased that the President's economic package contains over 150 individual spending cuts. And I am even more pleased that the Budget Committee of the House has gone further in proposing an additional $63 billion in cuts over the next 5 years.

I urge my colleagues not to squander this opportunity to work with our new President in passing a sensible economic plan that creates jobs and that reduces the Federal deficit. Let's pass this investment package and budget resolution, and let the American people know that we are serious about breaking the gridlock in Washington and serious about the course of this Nation's future.

This Congress has an obligation—to make the tough choices, to cut projects, to eliminate wasteful subsidies, and to streamline government. This budget resolution meets that obligation.

Mr. Chairman, I go home every week. I have talked to the people in my district in San Diego. They are willing to sacrifice to get this country back on track. They are willing to accept taxes and painful spending cuts now, in return for genuine economic prosperity in the long run.

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. COX], a member of the Joint Economic Committee.

Mr. COX. Mr. Chairman, I thank the distinguished gentleman from Texas for yielding time to me.

I agree with the gentlewoman from California that it is time to stop borrowing and spending. I am disappointed that that is what the Clinton budget is all about. I am disappointed that that is exactly what is going on here.

What we know for certain from the President's proposal is that he is going to increase spending in fiscal year 1993. I am not kidding, as Dave Barry would say, he is going to increase spending by over $16 billion of brandnew programmatic spending from 1994 through 1998, $189 billion of brandnew spending.

The interest costs, CBO estimates, are going to be $38 billion for this extra spending for a total of $244 billion in extra Clinton Democrat spending under this alleged tough choice budget.

It is, to put it another way, about one-quarter of a trillion dollars of new spending.

My colleagues, when one is in a hole, the first thing they do is stop digging. We are in a deficit hole. We ought to stop digging. And certainly, we ought not to have a quarter of a trillion dollars of new spending, which is what is proposed under this Clinton budget, under the dishonest rubric of cuts and tax increases.

Let me spend a moment talking about the tax increases.

My colleagues will remember the 14-year-old boy that said he was going to send $1,000 in to the President. In fact, he did so. There were cameras aboard Air Force One and a camera at the other end to interview him. The President was so taken with this gift of the 14-year-old boy from North Dakota of $1,000 to reduce the deficit that he told USA-Today and the Associated Press the following day that maybe every American should be asked to make this kind of sacrifice.

Well, there are about 110 million taxpayers in America. If each of them anted up an additional $1,000, that would amount to $110 billion, or $144 billion short of just the new spending that Bill Clinton is proposing here.

There is no question that this budget is going to be, as my California colleague just said, more borrowing and more spending. It contains no spending cuts in the next fiscal year. It contains real tax increases that are going to constrict job creation and economic growth. It gives us much more government. It is going to give us fewer jobs.

Frankly, I wish that we could see it, but the President has not even sent it up here. This is the first Presidential budget that has not arrived on Capitol Hill before we adopt our budget resolution. So we are dealing with these broad strokes.

But frankly, there is no question about it, it is more government, more borrowing, more spending, the same old stuff that will not work.

Mr. BONIOR. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK. Mr. Chairman, I rise in support of House Concurrent Resolution 64, the budget resolution for fiscal year 1994. This is a momentous occasion for the new Members like myself who must cast their first votes on setting the new direction our country will take under the Clinton administration. Again and again we have heard that there will no longer be business as usual, dodging the hard decisions that we are called to make by the voters who sent us here. Mr. Chairman, I know there will be budget cuts, and I am prepared to vote for spending reductions that are chosen wisely.

I commend the leadership and the Budget Committee for bringing us a resolution that emphasizes not just deficit reduction, but investment in programs that set us on the right path to the future. This resolution assumes full funding of many programs close to my heart. Head Start, WIC, child immunization, the Ryan White AIDS Program, and the Mickey Leland Hunger Program will at long last have the resources they have needed for so long. Many people whose needs have gone unmet up to now will receive help. We will invest in jobs programs, innovative education programs, and defense conversion programs. These expenditures will pay off in the future as we become a healthier, better educated and more competitive society.

The President's tax proposals seek to place the greatest burdens on those who can afford it. This is the direction we must take. There may be changes in the details as Congress works its will, but the issue of fairness must remain paramount. I strongly support the expansion of the earned income tax credit which rewards low-income people for working and trying to stay off welfare. There are many people in my congressional district who will directly benefit from this.

The budget resolution sets the tone for this Congress as we begin working with our new President to put people first and create a future filled with hope. I urge my colleagues to support the resolution.

□ 1920

Mr. ARMEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I thank my colleague, the gentleman from Texas, for yielding time to me.

Mr. Chairman, the President's budget plan which is incorporated into this budget resolution imposes higher taxes and more deficit spending. We have been told that that kind of a budget package will have an impact on the economy. Certainly I agree. However, it will be the kind of impact that this country can't absorb. It will slow economic growth, contribute to the massive Federal deficit, and increase Government spending.

There is no reason to believe that the President's tax hike, which is nearly twice as large as the much maligned budget agreement of 1990, will not be just as much of a disaster as the one of 1990.

Keep in mind that 40 percent of a typical American family's median income already goes to Federal, State, and local taxes.

Tax Freedom Day in 1992 was May 5. This means that the average American works from January 1 to May 5 for the tax collector, and it will be longer on this plan.

I cannot support a plan that taxes Social Security, the middle class and then spends it on more and bigger Government.

The problem is not that the Government is starved for revenue or that it can't find enough money to operate. The problem is that every time you attempt to satisfy this Government's appetite with more money it simply spends it. In fact, already we are hearing about $3 of spending for every $1 in cuts in this program.

There is one other thing I want to bring to the Members' attention. There is in this resolution a self-actuating rule upon adoption of the conference report on the budget resolution, such that the House automatically supports the extension of the debt ceiling as specified in the conference report.

What this means is here in the House it avoids an up-and-down vote on the

House floor on increasing the debt ceiling.

We have to tackle the spending side of the problem. The gentleman from Indiana [Mr. BURTON], my colleague, has an idea of a freeze on Government spending with a small percent increase. It excludes Social Security and Government retirement. It is a good idea. We should look at it.

It identifies a problem with this Government: It spends too much, and the freeze would force Government to spend prudently until the budget is balanced.

I wish this resolution would include a line-item veto, enterprise zones, and a capital gains tax cut. These initiatives would do more to restore some fiscal responsibility and some effective incentives than any tax increase or Government mandate.

Mr. BONIOR. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I appreciate my friend, the gentleman from Michigan, the majority whip, yielding me this time.

Mr. Chairman, I stand here strongly supportive of the work of the Committee on the Budget chaired by our good and able friend, the gentleman from Minnesota [Mr. SABO], and in opposition to the resolution which has been cobbled together by my friend, the gentleman from Ohio [Mr. KASICH].

Mr. Chairman, I rise in support of House Concurrent Resolution 64—the fiscal year 1994 budget resolution that will launch President Clinton's 5-year plan for economic stimulation, investment, and recovery.

Immediate economic stimulation was considered earlier today, when we debated the stimulus and investment appropriations bill that supports this important first phase of the President's financial plan. The other two, longer term ingredients of the plan—targeted deficit reduction and investments and tax incentives—are activated in this budget resolution, however.

The resolution determines overall goals for our spending priorities during the upcoming fiscal year. It sets the pace for us, as we begin to change our spending habits—as we abandon the practice of depleting our valuable resources with nothing to show for it, and begin to embrace a new strategy of long-term investment that nets a return on our money, as we move toward economic growth.

The budget resolution begins by reducing the deficit by $42.6 billion in fiscal year 1994, and by a total of $510 billion over the next 5 years. It also cuts $63 billion more in 1994 spending than the President originally proposed in his budget. Over 5 years, the resolution cuts $1.28 for every $1 of revenues raised.

In support of the President's investment strategy, the resolution focuses on increased stakes in educational and retraining initiatives, health programs, science and technology initiatives, and community and regional development. It assumes full funding of key programs critical to the economic and physical health of our people—programs such as Head Start, WIC, childhood immunization, jobs creation and training, mass transit, highway construction, and defense conversion.

Lastly, like the President's tax proposals, the resolution targets large corporations and the wealthy for the bulk of any tax revenues needed to finance the plan. It supports the President's belief that our Government cannot continue to perpetuate this tax system that has become so disproportionately favorable to the rich over the past 12 years. Fairness demands that we no longer shelter our wealthiest individuals from the responsibility that we must all share.

Our spending practices over the past 12 years have gotten us into this bind, where incomes are not rising and job creation is stalled. Now is the time for us to make the necessary, critical, long-term investments in our country's infrastructure, in jobs, and in the health, safety, and welfare of all Americans. We have got to meet this challenge and turn our economy around. We must tackle this economic crisis, but we cannot do it if we continue to perpetuate our failure to invest in what's best for this country. Wise investment, coupled with deficit reduction, can only yield prolonged economic benefits for all Americans.

The President has risen to the occasion. He has accepted this responsibility and presented our Nation with a bold blueprint for healing and rejuvenating our ailing economy. He has created the opportunity—for those of us who want it—to do the right thing. He has given us the vehicle that can mark the beginning of the end of the partisan gridlock that has paralyzed us for far too long.

Chairman SABO and the members and staff of the House Budget Committee are to be commended for their outstanding efforts in putting this strategy together. It proves that we can support our President, and do what is necessary to get on with the business of turning this country around. Mr. Chairman, I am confident that we are up to the test. I urge my colleagues—on both sides of the aisle—to support passage of this budget resolution.

Mr. ARMEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to make an observation before I yield back my time to the distinguished gentleman, the ranking Republican on the Committee on the Budget.

The first time that I learned that I could grow the private sector of the economy and raise revenue for the Federal Government by cutting taxes was in 1962, when I learned that lesson from President Kennedy as a young economics student.

The next time I saw that lesson was in 1982, when I was in the top quintile income distribution as a tenured professor, and learned the same lesson from President Reagan. The lesson was the same whether I was in the poorest fifth of income distribution or the highest fifth of income distribution. The lesson that we cut taxes, grow the economy, generate revenue for the Government was the same in both cases, whether coming from a Republican or a Democrat.

□ 1930

Mr. Chairman, I paid more than my fair share in taxes to the Federal Government in both cases, and I will believe that until the day I die.

Mr. Chairman, I yield the balance of my time back to the distinguished gentleman from Ohio [Mr. KASICH], the ranking Republican on the Budget Committee.

The CHAIRMAN. The gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, you can disagree with DICK ARMEY, but you cannot question his brilliance.

Mr. Chairman, let me just say one thing about the stimulus package, as we go through the list here, as hard as it is to believe that this economic stimulus package and the community development block grants are going to be passed out to the mayors, there is $500,000 for a golf course, $5 million for a beach parking lot, $1 million for a cemetery, $5 million for preservation of a theater, $4.5 million for a gym replacement, $4.3 million for a pool renovation, $28 million for the District of Columbia, and believe it or not, $800,000 so that we can have a white water canoeing team for the 1996 Olympics. The only thing missing here is money for a luge course, and we all would luges under that plan.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Chairman, I appreciate the gentleman yielding me the time.

Mr. Chairman, I find it very interesting that many of the people who are here debating this issue have been here long enough to have personally observed and know these charts by heart because they have been a part of that history. While I have not been a part of that history from this end, I have been in the private sector, the private sector actually creating jobs, struggling to survive in small business. I have not been a part of this deficit mess. I have been a victim of it, just like millions and millions of Americans across this country are victims of it.

For 30 years I have been in small business struggling with the cash flow of business, and when that cash flow got low or times got tough, I had to adjust to meet that cash flow. I find this establishment completely different. When things get tough here, cash flow gets tight, what do we do? We assess more or we tell the people you must contribute more, you must sacrifice.

Those people are sacrificing today. Raising taxes is not the answer. Raising taxes will not work. It is wrong. And I do not care how you try to describe it or disguise it, it is a tax increase. You can call it a fee increase, you can call it an energy tax, you can call it whatever you want to, and you can assess it on whomever you want to, but the bottom line is that the wage earners, the people that get up and go to work every morning trying to provide for their families are the one who are going to pay that tax bill, no matter how you shell it, and that is not right. I urge you and I beg you humbly not to raise taxes on the backs of the American people any longer. Cut spending first. That is the message that has come from the people of the Third District of Georgia time and time again, day after day after day. The message is cut the Federal budget, do not cut my home budget any more. I need every nickel of it to provide for my family.

Ladies and gentleman, if we raise, and I say we because we are all a part of this body, even though I am not going to vote for the raise, but if we raise taxes on the backs of the American people again, we are doing them an injustice.

Mr. BONIOR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, for 12 years we have seen the rich getting richer, the rest getting less while paying more taxes, 12 years of propaganda that we could cut taxes, increase spending, and we would all be rolling in clover. Nonsense. There is no such thing as a free lunch. We ate it, and now we have to pay for it.

Last November, the American public said enough to this malarkey. They said they wanted leadership. They said they wanted honesty. They said they wanted change.

In the last weeks we have heard a lot of whining from across the aisle because they want to return to gridlock. We hear a lot of crying because now we have in the White House a President who has traded the vetoes of the past for leadership, a President who is willing to change priorities from consumption to investment.

The President asked the American people all to share in getting us back on track. Are the President's budget and investment packages perfect? Of course not. Parts of it make me gasp, but for 12 years there were some who attempted to hoodwink the public through repetition to believe deficit spending would make us prosper. The public saw through that nonsense and they will see through the current whining.

I proudly support the work of our committees and the President's package.

Mr. KASICH. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Pennsylvania [Mr. GOODLING] the ranking member of the Committee on Education and Labor.

Mr. GOODLING. Mr. Chairman, I had great hopes several weeks ago because I heard from people on high that this was the end of any smoke and mirrors when it comes to budgeting. Serving on the Budget Committee for 6 years, I kept saying to my colleagues, let us stop the smoke and mirrors business, it is just getting us in deeper and deeper and deeper.

Well, unfortunately, it was more smoke and mirrors, because now we are talking about a program that is called the national service trust fund. It is not that program that I am talking about, but it is the underpinning of that program where all of the smoke and mirrors exist, and truly large billions of dollars entity.

First of all they tell us that if we go the direct loan route rather than have the Federal-private sector relationship, we are going to save money. Two weeks ago they said we were going to save $3.2 billion. This week they say we are going to save $6 billion. Next week it will be $9 billion, the next week $12 billion, and who knows how high it might go.

The truth is we do not save any money; we lose money. And that is a tragedy, and that is smoke and mirrors, and we positively should not do it.

What they do not tell us is that the very first thing that we have to do in a direct loan program is borrow $20 billion up front every year, $20 billion, and at the end of 5 years they talk about $110 billion that we have borrowed, and they talk about $22.8 billion interest on that loan. That is more than you could possibly save.

But that is nothing compared to the fact that now we have to come up with the bureaucracy to carry it out. When have you ever heard that the Government of the United States does a better job than the private-public sector partnership?

Now they are going to tell you well, we are going to get some of that money back, we are going to start collecting on those loans 10 years down the pike after we have spent all this money. While they are also then telling us that somehow or other we are going to do a better job of collecting than the private sector did. That is not what the OMB said last year. That is not what the Department of Education said.

As a matter of fact, they said just the opposite. And just 2 weeks ago the congressional research arm of the Congress of the United States said you do not save a penny. As a matter of fact, you lose money.

Now, it is amazing that we would do that at this particular time when everybody out there is complaining about the manner in which the Federal Government does its direct loans. In fact, in one of the "new beginnings" or whatever it was called that the majority put out, they said in that that direct loans are handled very poorly by this Federal Government.

□ 1940

Then they went on to attack HUD, et cetera.

What makes us think that somehow or other after we complain about the way we handle other direct loans that somehow or other this direct loan will be different? Well, it will not be different. It positively will not be different.

And so instead of now, where for every dollar it only costs us 28 cents subsidy on the Federal level, from this point on, if we go the direct-loan route, for every dollar loaned, we will have $1.18 Federal subsidy. That is a tragedy.

Let us forget this business and start all over again and really mean what we say when we say we are going to wipe out this whole business of using smoke and mirrors when we put together a budget. I guess you would say, "Mirror, mirror, on the wall, is this the phoniest budget of them all?" And then we would respond by saying. "You have got to believe it. They even took my mirror; the majority took it in order to cover the folly."

Mr. OBEY. Mr. Chairman, I yield 6 minutes to the distinguished majority whip, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, I thank the gentleman for yielding me this time. I congratulate him and the gentleman from Minnesota [Mr. SABO] and all the other people and participants in this debate and those who have followed and put together the budget that we will be voting on tomorrow.

Mr. Chairman, if the entire population of New York or Los Angeles were suddenly thrown out of work, I dare say we would think it was a disaster. And we would do something about it. So why do we tolerate a situation when 16 million people cannot find full-time work? That is five times as much as the work force in New York.

It is larger than the population of 48 States.

For 4 years we have heard that we should not worry about this problem.

I remember that Boston Globe headline from a year ago: "Do nothing on economy, Bush advises." And I remember the administration's comments throughout the year. "No recession." "Mild recession." "The recession has ended." "It's no big deal."

Well, finally we have a President who thinks it is a big deal. Finally we have a President who is not so preoccupied by events around the world that he is neglecting problems just around the corner.

The President's plan does many things. But it does one thing above all. It creates jobs. Let me repeat that. It creates jobs; 500,000 right away; 8 million over 4 years.

It does that not simply because of the programs that take place this year. It does so because it represents an investment in future years, an investment in roads and bridges, an investment in education, an investment in training, an investment in health, an investment in affordable housing, an investment in small business.

All that will create jobs and growth for America not just this year but into the next century.

Because of that combination of things that I have just mentioned, just yesterday, in the Wall Street Journal by three distinguished University of Michigan economists said basically that the President's package, the budget and the investment package that we will be voting on tomorrow is on the right track, and that both are needed, both are needed.

They predict that if we just stick to the President's plan we will have an even greater decrease in the deficit than the administration predicts. They are predicting, as I recall, that the deficit numbers will be an additional $50 billion more than what the administration is predicting, and even more growth.

They joined the chorus of approval that has greeted this plan since the President announced it here in this Chamber last month, and because there has been so much broad support from bipartisan, nonpartisan sources, Republicans as well as Democrats across this country, I am frankly amazed at those who want to chop away at this program slice by slice, bit by bit, and they want to continue the label of guardians of gridlock.

We, as the distinguished vice chairman of our caucus said just a few minutes ago, need to move beyond that, and we are moving beyond that.

There are those on the other side and in the private sector who say that we are already in a recovery.

Do you think it sounds like a recovery, Mr. Chairman, to the people of Northwest Airlines last month when they announced that they were going to lay off an additional 1,000 people, or do you think it sounds like a recovery to the folks at McDonnell Douglas when they were told they were going to lose 8,700 jobs there, or how about Sears when they were told 50,000 jobs, or Boeing, 30,000 jobs, or Eastman Kodak or General Motors where they announced 87,000 jobs, layoffs, or the 80 other large firms who announced big cuts since January? Some recovery.

The personnel experts, you know, have great names for this: downsizing, restructuring, rationalizing. What we are talking, in English, plain-speaking English that the American people understand, is a pink slip, and we all know what pink slips do to families in this country. They devastate families.

In the 23 months of this so-called recovery, job growth has been about one-fifth of the usual recovery.

There are still 3 million more Americans out of work than there were before the recession began; 3 million. Let us start putting these people back to work.

Finally, let me say this to my colleagues. Bill Clinton was elected President for a simple reason—change—people were tired of the status quo; tired of a President who did nothing. They wanted a President who would act; who had a plan.

This is his plan. Give him the chance to make it work.

Listen to the voices all around this country, from labor, from business, from private sector and public sector, from farmers and teachers, from assembly line workers and white collar workers, from people in the suites and people on the streets.

They are voices for change, they want action.

And so I ask my colleagues, let us pass this bill tomorrow. Let us get it out of here and onto the President's desk. Let us give him a chance to do what the voters want him to do. Let us give the millions who need work the courage to keep looking and let them see we are doing our job to help them find theirs.

Mr. KASICH. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I think it is true that this economic stimulus package, so-called, will, as the gentleman from Michigan states, create some jobs on a gross basis at about $90,000 per job.

But on a net basis, let us see what some people, analysts who get paid to make analyses of economic forecasts, what they have to say about it, about the plan. DRI/McGraw Hill predicts that in 1997, 1998, more than 700,000 jobs will be lost as a result of the fiscal drag due to the tax increases. Goldman Sachs Economic Research Team believes that the tax increases in the President's plan will discourage investment, private-sector savings, and job creation. The National Association of Manufacturers analyzed the Clinton plan, and they have projected that over 6 years the plan will actually reduce job creation by 1.2 million jobs, and Nomura Securities forecasts a 400,000-job loss by the end of 1994 if the Clinton plan is to be adopted. Those are net job losses, not make-work, $90,000-per-job increases that will be paid for by the American taxpayers.

There is no question that we have, in fact, increased the deficit over the past 20 years, and I think we do have Ross Perot to thank for one thing, and that is that we now have chart wars. We have chart wars on both sides of the aisle competing with each other.

But the way that I think of it is that our own generation used up its credit line during the Johnson, Nixon, and Carter years; we used up our children's credit line during the Reagan and Bush years; and now the Clinton administration is going to be distinguished for using up our grandchildren's credit line, because this supposed deficit-reduction package is not that at all. The fact is it increases the national debt by $1 trillion over the next 4 years so that we will have about a $5.2 trillion debt if everything happens.

But what is going to happen? First of all, the spending package, the stimulus package of $19 billion, is going to be gleefully passed by this Congress.

Second of all, the tax cuts are going to be not so gleefully passed, and the tax increases will not, in fact, happen. Some of them will happen. They will not generate the money that our Democrat friends would have us believe.

Finally, the spending cuts will simply not happen at all, so that we will not have $1 trillion in additional debt in 4 years; we will have more like $1.2 trillion or $1.3 trillion, or who knows what.

□ 1950

In any event, the good news is that we finally have a clear distinction, we finally have a clear difference. That is that candidate Clinton promised the voters many, many things during the campaign; among other things, he was going to give us a middle-class tax cut, going to halve the deficit in 4 years; that he wanted, he was demanding a line-item veto, the same line-item veto that he had in the State of Arkansas.

Well, now we know that what candidate Clinton talked about and promised many things to many people, President Clinton has clarified and what President Clinton wants is big Government.

There truly is a choice, there truly is a distinction, and you can be sure finally that the American people, although they will suffer through it, will be given a clear, clear choice to distinguish between, in the next 2 years, in the next 4 years, and will have something from which to judge the programs that are going to be thrown upon them.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. I thank the gentleman very much for yielding this time to me.

Mr. Chairman, I had an opportunity over the course of the last year to travel across the country on behalf of Bill Clinton, from Texas to California, Ohio to Pennsylvania, West Virginia, and a lot of States in between, and I heard one unifying theme from the American people. First and foremost, the ordinary American citizen is worried about their job. But they have more fundamental concern that comes deep from the pit of their gut, that somehow America is not being able to pick up the economic mantle that this Nation needs to be able to grow into the future; that somehow deep in the pit of their stomachs they know that good jobs, high-paying jobs, the high-technology jobs, are moving offshore, going to the Japanese and the Germans and countries overseas.

We hear Americans leaders saying we will compete internationally. What that means to the ordinary American citizen is that we are going to go out and compete with the Mexicans and the Third World in terms of international competition.

If we are serious about getting this country moving again, it seems to me first and foremost we have to analyze what happened in the past. What happened over the course of the last 10 years is we have seen the taxes on the wealthiest Americans reduced from 70 percent to 28 percent, corporate taxes reduced 46 percent to 30 percent. At the same time, we doubled military spending. Everybody walks around wondering why we have a budget deficit. The true facts are that if we want to deal with it, the Democratic-controlled Congress actually appropriated less money than the Republican Presidents throughout the 1980's.

So, it is not a question of the Democratic Congress outspending the Republicans that wanted to cut. Oh, the Republicans wanted to cut, all right, and they were successful; they cut the poor; they cut the working people's budget; they cut back on education; they cut back on housing.

What we have, as a result, is homeless Americans; what we have, as a result, is undereducated Americans; what we have, as a result, is the strife in the inner cities.

If we are serious about getting America moving, it is not going to be just in terms of making the budget balance. We have to make the investments in order for America to be able to grow into the future, to go out and get the good jobs.

Eight out of the top 10 jobs created in this country, and internationally the good jobs that were created required a minimum of 2 years of college education. Yet our kids graduate from most of our public high schools, and they cannot read and they cannot write at the eighth or ninth grade levels, reading levels.

We cannot sit back and cut them off, cut off the working families, and have an America that is just a wealthy few, the wealthy and powerful few, the ones that go to the wealthy schools, the private schools. And we end up with the same kind of country that many of our forefathers left to go start a new kind of land, that was in fact the great hope of America. That is a challenge we need to take on this land, and that is the challenge I believe Bill Clinton will lead us successfully to if we in fact endorse his program.

Mr. KASICH. Mr. Chairman, I yield 4 minutes to one of the most outstanding new Members of the Congress, the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. I thank the gentleman for yielding.

Mr. Chairman, when I campaigned last year for Congress as a new person entering politics, my major goal was the deficit. I kept saying time and again that we have to get this deficit under control. And my constituents, of course, supported me and voted me into office.

When I got here, I felt very pleased to be appointed to the Committee on the Budget and worked on the major goal that I set out to work on here.

I felt very pleased that some other people focused on the same goal. President Clinton brought up the issue of the deficit, and it is really a pleasure to talk about the deficit rather than so many other issues that we were focusing on, the gays, gays in the military, and we really got down to the most important issue that I think we face right now, and I think that is the deficit.

I found many Democrats now agree with the same thing, that we have to get the deficit under control. A lot of people have talked tonight about who is responsible for the deficit. The problem with the deficit is Congress. The Congress in the past, when the President would send the budget up, it was called "dead on arrival." Congress is the one that appropriates money, Congress is the one that taxes, Congress is the one responsible for this deficit.

So, we are the ones responsible.

Now, I am a freshman, and I am going to continue to work for the next 2 years on this deficit.

President Clinton sent us a budget, lots of taxes, lots of new spendings. The problem with this budget is it does not focus on the real problem with the deficit, which is spending. If you were aware of the buttons around here for a long time, they said, "It's the Spending, Stupid." We have got to go after the spending.

Now, I am not one who says "taxes never," but we do need to, until we get spending under control, I am not going to support any tax increase. We have got to get spending under control first.

President Clinton asked us to come up with specifics. Mr. PANETTA, Mr. BENTSEN asked us for specifics. And I am very proud of the fact that our Budget Committee came back with 80-some pages of specifics. We had a very specific budget.

The Democrats in the Budget Committee just cast ours aside with very limited comment on their side. They presented their budget, $63 billion of new cuts in addition to what the President, President Clinton, presented. So they wanted to cut more, which is great. Unfortunately, no specifics, zero specifics; just $63 billion.

After PANETTA, after BENTSEN, after the President said, "We want specifics," the Democrats on the Budget Committee refused to give any specifics.

So, we started going through the process of reviewing their budget, and we offered 30-some amendments to the Democratic budget. Every one was rejected.

The American people want to get spending under control first, they want to get wasteful spending under control first. I offered an amendment to get rid of the demonstration projects in the highway bill, pork-barrel spending. That was just flat out voted down.

We continued with other specifics, whether it was the Davis-Bacon Act, which is nonsensical spending, waste, $6.2 billion wasted. And they all just get rejected. At least they are going to study Davis-Bacon.

What we need is a plan, that we propose, which is cutting the spending first and then we can talk about taxes.

Taxes are a last resort. Spending, we have to talk about first.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Chairman, the gentleman makes a beautiful point about the Republicans being constructive, trying to improve that package, take a lot of those taxes out with specific spending cuts. How many of those 35 amendments that were meaningful, that cut taxes and replaced them with spending cuts, were accepted?

Mr. MILLER of Florida. Zippo, zero.

Mr. KASICH. Zilch.

Mr. MILLER of Florida. Zilch, none.

Mr. KASICH. A tragedy. So, in our effort to try to restore some spending cuts, which the President wanted, we made a good-faith effort to amend that package constructively, getting rid of the energy tax, getting rid of the tax on our senior citizens. And what was their response to our suggestions?

Mr. MILLER of Florida. Absolutely no response. They wanted their budget, and that is it.

Mr. KASICH. So, where did the gridlock come from in the Budget Committee? Who was causing the gridlock, the Republicans or the Democrats?

Mr. MILLER of Florida. They do not want improvement.

Mr. KASICH. What mystifies me is the President comes up here and he says, "If you want to improve my package, if you want to reduce my taxes," he said, "I didn't want to tax as much, I wanted more cuts." The President said, "Just give us your specifics."

Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, we gave him 10½ hours of specifics, and what they responded to us, when we laid our specifics down to improve their package, was, "We don't care what you Republicans think. We are not interested in reducing the tax burden, we are just interested in more taxes, in more Government."

□ 2000

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support today for President Clinton's package, the expenditure cuts in this budget resolution, the investment-stimulus package and the deficit reduction. This legislation breaks with the discredited past. For 12 years the debt and the deficit have mushroomed, while the Federal Government systematically disinvested in our people; making deep cuts in things like Head Start, education and child nutrition, and child immunization. That approach to budgetmaking wrecked our economy and mortgaged our future. Today with this package, we start down a new path.

Today we have before us a plan for long-term economic growth that changes our spending priorities, cuts the deficit in half over 5 years, restores tax fairness and strategically invests in people to create jobs.

This plan cuts the deficit by $510 billion, and it makes real cuts, not gimmick cuts. It even makes $63 billion more in cuts than the President's original proposals.

This plan restores some tax fairness to our system, placing the heaviest burden on the richest members of our society, that 2 percent of the population who had the blowout party in the 1980's. This plan rewards fulltime, but low-income workers, by expanding the earned income tax credit.

And most importantly, this plan puts people back to work. We are not really in a recovery until people are back to work.

Our Republican friends say we are in a recovery. Well, of course, they have been saying that for a year-and-a-half, but real jobs are not being created in this recovery. Last month 80 percent of the jobs created were part-time jobs, while the majority of the jobs lost in the same month last month were full-time jobs. Is that the best economic future that Congress can offer this country? I do not think so.

This package puts people back to work today and keeps them working tomorrow while putting our fiscal House in order. We must end borrow and spend budgetmaking that steals from tomorrow. We must invest in our people.

Mr. KASICH. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. COX].

Mr. COX. Mr. Chairman, I thank the gentleman from Ohio for yielding me this time.

I have been pleased to serve as a Republican member of the Budget Committee these recent months as we considered what information was provided to us by the Clinton administration concerning this proposed budget. I will give my colleagues on the other side of the aisle an A-plus for defining the problem. We do have a deficit spending problem. It is very serious. It is out of control. We have deficits on an annual basis adding to our $4 trillion national debt in excess of $200 billion year after year as far as the eye can see, and interest on the national debt is now approaching the size of the entire defense budget. Certainly with President Clinton's proposed meat-ax approach to our national defense, it will soon be higher, but I have to give President Clinton and my Democratic colleagues a failing grade on prescribing a solution. The solution to the deficit spending problem that we are being offered here today is the same that has been offered in this Congress over the last 40 years of uninterrupted Democrat control, new and higher taxes and more and more spending. The number of new taxes that will be imposed under this Clinton plan as listed on page 139 of "A Vision for Change for America," this book that we have been provided, is 25; 25 new ways to raise taxes on the American people.

We have an energy tax. We have a new personal income tax, higher corporate income tax. We are going to further eliminate individual American tax deductions. We are going to start increasing our taxes on pensions. We are going to start further taxing securities. We are going to have an increased gas tax, and on and on.

These new and higher taxes barely cover the new and increased spending in this program. There are no net cuts in this program, $244 billion of brand new spending.

As a matter of fact, this quarter-of-a-trillion dollars of new Clinton spending was proposed to be cut in the Budget Committee. Republicans offered a very simple amendment.

If you are in a hole, stop digging. If you have a deficit spending program, let us not add on new spending programs, certainly not to the tune of a quarter-of-a-trillion dollars, and this $244 billion of new spending escaped unscathed. It is in this budget.

Let me just go over it for you. It is $16.8 billion in fiscal year 1993. It is $189 billion of new spending from 1994 to 1998.

The interest on this brand new spending is estimated by the CBO at $37.7 billion, for a grand total of $244 billion in new spending.

There are no cuts of any consequence outside of defense net are offered in this program.

As a matter of fact, not even Bill Clinton's promised 25-percent cut in Congress itself, the over $3 billion that we spend on over 50,000 staffers on Capitol Hill. A 25-percent cut, that was what was proposed by Bill Clinton, we offered it, the Republicans in the Budget Committee, and it was turned down on a party line vote.

This Congress is so unwilling to cut spending anywhere, it will not even cut spending on its own staff.

We are missing some details from this proposed Clinton budget.

As a matter of fact, this "Vision for Change for America" which is essentially all we have to work with, falls far short of what the law requires. The 1974 Budget Act requires that President Bill Clinton send up to Capitol Hill by February 1 of this year a very detailed budget that goes all the way to the level of project programs and activity.

Now, every President ever since we passed this law has complied with that mandate, except Bill Clinton. This is the first time that the Congress of the United States is going to pass a budget without having seen the President's detailed proposal first. We are doing it blindly in the dark, accepting on faith so much of the smoke and mirrors that Bill Clinton is offering us.

As Congressman KASICH pointed out, this is in stark contrast to what Republicans offered, frankly a far more detailed budget than the party in power and the party that controls the White House and OMB and CBO and all the other staff apparatus up here on Capitol Hill; but those details that have been provided give us enough information to know that these numbers are absolutely fictitious. They are faulty. They are unreliable. They are grossly inaccurate, and frankly, they are dishonest. That is what this budget is all about.

Let me give you an example. This budget and President Clinton claim $1.3 billion in cuts because they are not going to give everybody a raise next year. Only in Washington, DC, does not giving someone a raise next year constitute a cut.

The CHAIRMAN. The time of the gentleman from California [Mr. COX] has expired.

Mr. KASICH. Mr. Chairman, I could never deny this artist an additional minute. I yield the gentleman from California 1 additional minute.

Mr. COX. Mr. Chairman, I thank the gentleman from Ohio for yielding me this additional time.

Let us take another one of these cuts. Allegedly it is a spending cut to nearly double the income taxes on low-income senior citizens, but that is what we are doing. We are going to increase taxes from 50 percent of Social Security benefits to 85 percent of Social Security benefits, so people making $16,000 a year if they happen to be married and have a joint income of $32,000, we have been hearing a lot about the rich, but let me tell you, if you are a senior citizen with a joint income of $32,000, I do not consider that rich and I certainly do not consider a tax increase on couples like that to be a spending cut. There is a heck of a difference.

Frankly, the problem here overall is that we are relying on the same failed models that we relied upon for so long that show whenever you increase taxes, people do not change their behavior. You get more blood out of a stone.

These taxes, these new higher taxes will not grow the economy. They will not produce the hoped-for revenues. These spending increases will not stem the deficit spending crisis.

My colleagues, I beg you, stop this increased taxing and increased spending that has put us in the hole, stop it once and for all.

□ 2010

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY], and I commend him and the committee for their diligent and expeditious work.

Mr. Chairman, today I rise in support of House concurrent resolution. The Budget Committee had a difficult task and it has reported a responsible budget package that includes the President's economic program as well as an additional $63 billion in spending cuts. The committee has crafted a bill that attacks three of our four national deficits: The infrastructure deficit, the social deficit, and most importantly, the budget deficit. It left unconquered, these three deficits, along with our health care deficit, will act as a cancer on our society. This budget package takes some significant steps in the direction of curing these deficit problems and ridding our economy of this cancer.

However, Mr. Chairman, I want to voice my strong opposition to several of the assumptions contained in this budget package. First, the plan's taxation of senior citizens and second, the plan's requirement that Medicare beneficiaries pay higher premiums.

The plan calls for an increase in the amount of taxable Social Security benefits from 50 percent to 85 percent, while keeping income thresholds at the current levels of $25,000 for individuals and $32,000 for couples. There are several fundamental problems with this proposal.

First, I disagree with the policy of trying to balance the Federal budget on the backs of our senior citizens. The Social Security System did not create the deficit, and taxing the benefits is not the answer to the deficit. Rather, the Social Security System is the only program which produces a surplus.

Deficit reduction must be an important part of any budget proposal, but we must address the question of fairness. Senior citizens should not be asked to carry more than their fair share of the burden. Seniors are already facing the same tax increases, such as the energy tax, which will affect every American.

Second, the income thresholds are not indexed to inflation. Because of this, increasing numbers of senior citizens will experience losses in real purchasing power as a result of this proposal. In 1983, only 8 percent of Social Security beneficiaries were taxed under the current Social Security tax. Today, that number is 23 percent. Social Security recipients are not more wealthy today than they were in 1983, but because the thresholds are not indexed for inflation, more and more senior citizens with lower and lower real incomes are paying taxes on their benefits. A Social Security tax hike will worsen this trend of declining purchasing power by taking a larger share of senior's incomes.

The President's plan also proposes increasing the premiums on Medicare, hitting senior citizens with an additional expense out of fixed incomes. There is a proposal being floated to raise the Medicare eligibility age to 67 to reduce the Medicare Program's expenditure. Why not propose raising the eligibility age to 99—it would reduce the cost of the Medicare Program even more. We cannot and will not solve the health care crisis on the backs of the working men and women of America.

Mr. Chairman, this budget resolution provides a framework for deficit reduction and economic growth. This framework merits our support. Once this resolution is adopted, then we as a Congress can get to work on the details. During the ensuing reconciliation process, I look forward to working with the House leaders, the members of the Ways and Means Committee, and the President to meet the targets adopted by this budget resolution without unfairly taxing our Nation's senior citizens.

Mr. KASICH. Mr. Chairman, I yield 4 minutes to the gentleman from Kentucky [Mr. ROGERS], the only Republican Member of Congress from Kentucky who has not thrown a no-hitter.

Mr. ROGERS. Mr. Chairman, I thank the gentleman from Ohio [Mr. KASICH] for yielding this time to me, but I want to remind the gentlemen I am still pitching.

Now, Mr. Chairman, while I commend the President for putting deficit reduction at the top of his priority list, I disagree very much on his emphasis on raising taxes to accomplish that. Before we vote to ask Americans to pay more taxes, Mr. Chairman, should we not be sure that we have cut every wasteful dollar out of the budget that can be found? I am not convinced that the President's budget had done enough to cut every dollar we can in wasteful spending.

However, Mr. Chairman, more even than the proposed tax increase on Social Security recipients in this bill, my top concern with this package rests primarily with the tax on energy, the so-called Btu tax. This tax will hurt families, especially middle-class families.

We should oppose the energy tax for three reasons: First, it is unfair to the energy producing regions of the country; second, it will cost jobs; and, third, it will significantly increase taxes on middle-class families.

For energy producing States, such as Kentucky, the energy tax is especially unfair. We produce coal in Kentucky, lots of it. In fact, many of my colleagues' homes in their districts back home are heated and lighted because of coal mined by the people of Kentucky. The energy tax puts their jobs at risk, Mr. Chairman, and these are good jobs, the kind of good-paying, family-wage jobs that we want to create throughout America.

The Clinton energy tax will raise the cost of coal by 26 percent, putting over 2,000 coal contracts in jeopardy and putting at risk the jobs of 15,000 of my resident coal miners in eastern Kentucky because the proposal before us favors natural gas over coal. Nationally the job loss estimate runs to about 600,000 jobs. But job loss is only half of the story.

Mr. Chairman, this energy tax also means higher prices on all goods and services produced in the United States, hurting not only our own customers here at home, but crippling our ability to compete in the world markets. If someone is a farmer, the new energy tax means it is going to cost them an extra $500 next year to put seed in the ground, harvest their crop, and get it to the market, and that means higher prices for all us for milk, and for groceries, and for everything we buy.

But it is not just higher food prices that will shock American families. That will come when they receive their monthly utility bills. Those utility bills will increase next year by about $70 a month for a family of four.

So, after the food bill gets higher, they have turned down the thermostat to pay for their higher electric bill, the energy tax has one more punch for families in rural communities, and that is higher gasoline prices. Most people who live in my district have to drive long distances to get to and from work, school, and store, the doctor, and so on. All those trips are essential to daily living in this country. It will cost more next year. Gas is going up by about 8 cents per gallon.

Mr. Chairman, the energy tax is simply too much for the middle class, especially those who live and work in rural America, and so I urge my colleagues to stand up for the middle class, stand up for the rural families, stand up and vote against the Clinton economic package and the very unfair energy tax in it.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. COYNE].

Mr. COYNE. Mr. Chairman, I rise to strongly support passage of the House Budget Resolution for fiscal 1994.

The House of Representatives has a rare opportunity this week to pass a meaningful deficit reduction package. American voters will not forget or forgive, if we fail to seize this opportunity.

The House is right to move quickly to deal with the challenge of passing economic growth and deficit reduction legislation. The American people want these issues dealt with directly—without smoke and mirrors—and without finger-pointing. Voters do not want to see elected officials play the blame game. Americans simply want us to do our jobs, pay the Government's bills, cut spending, stop the red ink, and get the country moving again.

President Clinton has responded to the American public's demand for change and has challenged the Congress to do the same. The President's State of the Union Address made clear that every American would be asked to play a role in rebuilding our economy, investing in the future and cutting the deficit. The payoff for this national effort will be even lower long-term interest rates, more affordable homes, better job opportunities, and a more secure future.

The legislative vehicle for enacting the President's program is budget reconciliation. The House Budget Committee has established a clear blueprint for effective deficit reduction. This budget resolution will steer all efforts to reduce the deficit and to set a new investment-oriented direction for Federal spending.

The House Budget Resolution will reduce the Federal deficit by $510 billion over the next 5 years. This historic achievement will help to ensure that long-term interest rates continue to drop. The Budget Committee has also approved $63 billion in additional spending cuts to ensure that President Clinton's deficit reduction goals are met and even exceeded. In addition, the committee assumes enactment of the administration's tax package which restores fairness to the Tax Code by placing the heaviest burden on the most affluent members of our society.

The committee's budget reconciliation package balances spending cuts and revenue increases. Over the next 4 years, there are $1.17 in spending cuts for each dollar of tax increases. Over 5 years, this ration grows to $1.28 in cuts for each dollar of taxes.

The House Budget Committee has accepted President Clinton's demand that Congress change our spending priorities from consumption to investment. The committee's recommended budget resolution promotes public and private investment in the Nation's productive resources. Most importantly, this budget provides increased investment in America's human resources—the skills and education of men, women, and children.

This budget resolution provides an economic strategy that will put the average American first once again. Increased investment is intended to put an end to the stagnation in the real incomes of the average American family. This resolution also seeks to reverse the trend of increased poverty rates and greater inequality of income and wealth which rose during the 1980's as the result of national policies favoring the most affluent in our society.

The House Budget Committee has endorsed President Clinton's plan to invest more in America's future. The committee's package recognizes the fact that investing additional Federal dollars in childhood vaccines is both a morally and a fiscally sound policy. The committee has agreed that investing in basic education and adult training through lifelong learning helps individuals realize their full potential as productive citizens. The committee has also acted to fund fully the Women, Infants, and Children's Program [WIC] to guarantee that our children grow up healthy, not hungry.

Enactment of this budget reconciliation legislation will send a signal to Wall Street and Main Street that Congress is serious about stemming the flow of the red ink. This fact will help businesses find investment capital more easily available to create new jobs, build new plants, or invest in new technologies. American families will find it easier to buy a new home, pay for a child's college education, or start a small business.

I know that some opponents of President Clinton's vision for building a stronger economy also find fault in the efforts of the House Budget Committee. It is noted that budget reconciliation is only a plan for deficit reduction and does not provide line after line of itemized budget cuts. These critics ignore, however, the fact that budget reconciliation is the controlling legislation for every spending bill and tax measure to be considered this year. They also conveniently forget that President Reagan used the same budget reconciliation process in 1981 to implement his legislative program.

The fact remains that President Clinton has presented Congress with a realistic plan for promoting long-term economic success. This plan provides incentives for private investment in new commercial enterprises. It also provides much-needed resources for investment in America's children, U.S. cities, and the Nation's highways, bridges, and mass transit systems. Finally, the administration's plan provides for a transition to a post-cold war economy that will place the United States in its strongest competitive position against our foreign trading partners.

There is a lot of work to be done which requires every American's participation, but I hope that we will agree that the effort must be made. The time has come to change our borrow-and-spend habits. The time is now to invest in the future.

I urge my colleagues to support the House budget resolution as reported by the House Budget Committee.

□ 2020

Mr. KASICH. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Indiana [Mr. BURTON], who also has a program he would like to bring before the House.

Mr. BURTON of Indiana. Mr. Chairman, I cannot believe that my Democrat friends are going to go home in the next election and ask for their constituents' votes after raising their taxes by $402 billion—$402 billion—$328 billion in new taxes, and $74 billion in hidden taxes that they are not owning up to, $402 billion.

Their net spending cuts over 5 years are $3 billion, and that includes $112 billion in defense cuts. So if you take the defense cuts out, that were going to take place anyhow, you are actually increasing domestic spending by $109 billion.

You tell the American people you are going to get control of spending, you are going to cut this deficit, and you are increasing domestic spending $109 billion and increasing their tax $402 billion, more than double the largest tax increase in U.S. history, and if that ain't recessionary, folks, I do not know what is.

Mr. Chairman, let me just give some information here that my Democrat colleagues may not be aware of. The Nashville Center for Policy Analysis says that this plan will lower capital formation in the United States by $1.8 trillion. That is money that we need to have invested for plant and industry expansion that will create more jobs.

But, no, and because of this slower growth that you are going to create, they estimate 1.4 million fewer jobs over the next 5 years. But that is not all. This economic loss is equal to more than $1,000 for every man, woman, and child in the country, or more than $2,600 for the average household.

By 1998 the Clinton plan will cause wage income in the United States to be $160 billion lower than it would have been. That means that about every full-time employee is going to take a $1,600 pay cut, and on average workers will lose $8 in after-tax income for every dollar lost by investors.

This is the program you are going to present to the American people? I cannot imagine that. We created 21 million new jobs in the 1980's. We had economic growth. And here you are, you are going to put 1.4 million people out of work with these huge tax increases? Not to mention the companies you are going to drive overseas with the Btu tax increase.

Truckers, the airline industry, farmers, foundries, every industry is going to be adversely impacted by the 15-cent-a-gallon gasoline tax and fuel tax that is going to be loaded on the back of arilines. Yet you are going to go right ahead with it.

Mr. Chairman, I hope you know what you are doing. It certainly does not appear as though you do right now.

Let me just give a constructive alternative that we have proposed and I hope the Committee on Rules will allow us to bring to the floor tomorrow, and that is a freeze plus 2 percent.

I wish my good friend, the gentleman from Minnesota [Mr. SABO], would listen to this part of my talk. A freeze plus 2 percent. If we froze at last year's spending levels plus a 2-percent growth over the next 5 years, we could reach a balanced budget by 1998 using CBO's figures as far as income is concerned.

If we go back to a 3-percent growth in tax revenues, as we have had traditionally, we would actually have a surplus by the year 1998 without a tax increase.

I hope all my friends across this country that may be paying attention to this debate will listen. The Republicans have the Kasich plan, which is far superior to the Democrat plan in that it does not increase taxes and it gets to a lower deficit figure in 5 years.

Second, we have a plan that is a 2-percent above freeze that gets us to a balanced budget without a tax increase.

So if you do not want your taxes raised, America, if you want to cut the fat and waste out of Government spending, if you want to take a meat cleaver to government, then vote for the Republicans, because they are the ones that are trying to do something about it.

They will tell you we do not have a plan. We have two plans, the Kasich plan and the 2-percent plus freeze, and both of them do it without massive tax increases.

Mr. Chairman, they tell you we need more money. They tell you we need $400 billion more in taxes. Ten years ago we were bringing in $500 billion in tax revenue, and today we are bringing in $1.2 trillion. We have almost tripled the amount of taxes coming into this country in 10 years, and yet they want $400 billion more.

Is that not amazing? We have almost tripled the tax revenues coming in in 10 years, and they still want $400 billion more, and they are still not going to reach a balanced budget in 5 years.

Our plan, a 2-percent plus freeze, will get us to a balanced budget without any tax increases, and that is what I think America wants—cut spending. Cut spending, not raising taxes and causing economic problems.

Mr. OBEY. Mr. Chairman, I yield myself 8½ minutes.

Ms. LAMBERT. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from Arkansas.

Ms. LAMBERT. Mr. Chairman, I rise in support of the tremendous effort of both our President and the Committee on the Budget.

We should be proud of the hard work over the past 2 months by both the President and Congress to begin the process of bringing the Federal budget under control.

I am especially pleased by components of the stimulus package and budget resolution that will help rural America through community development grants, rural water projects, and small business loans..

The proposed $2.5 billion in community development grants is expected to create nearly 60,000 jobs while building streets and bridges.

Another $800 million in loans and grants will enable rural communities to build, enlarge or improve water and waste disposal systems.

And an additional $2.6 billion for small business loans will encourage small businesses to build and expand.

During my frequent visits with the people of the First District of Arkansas, I have been overwhelmed by the number of people who have said, "Blanche, I'll do my part as long as you and Congress make the necessary cuts."

President Clinton's proposed cuts, combined with the additional $63 billion Congress has offered, certainly meets that request.

In the months ahead, we will continue to work together to fine tune a budget package that will be fair to all.

As we debate sections of the budget resolution, I will stand firm in reminding my colleagues that farmers and the agriculture business have absorbed a tremendous amount of the burden in recent years.

While agriculture comprises only 1 percent of the total budget, farming reductions make up 7 percent of the cuts proposed by President Clinton.

An energy tax places a direct and heavy burden on American agriculture. Because the agriculture sector represents 20 percent of the gross national product, it is estimated that the Btu tax on agriculture would be roughly 20 percent of the $72 billion Btu tax. That comes to $3 billion a year—$15 billion over 5 years.

A Btu tax hits farmers who produce our food and fiber twice. Farmers would have to pay the Btu tax on the energy used on the farm for grain drying, irrigation pumps, confinement facilities, vehicles, and so forth. And then they would have to pay the Btu tax on energy used to create tools of their trade—like fertilizer and crop protection chemicals.

In conclusion, I congratulate the President, the Budget Committee and the leadership for their efforts to reign in our spiraling deficit and still offer necessary services. I believe they have made a tremendous first step toward regaining Americans' confidence in the Government's fiscal responsibility.

Mr. OBEY. Mr. Chairman, reclaiming my time, I simply would like to say, because I think that the JEC portion of debate ought to be closed out, that what we have before us is a very simple choice. We have heard a lot of Republican talk today about the need to cut the deficit, almost as though they have not read the package that is before us. Because in fact the Democratic budget proposed by the gentleman from Minnesota [Mr. SABO] cuts the deficit short term by $20 billion more than does the Republican Kasich alternative.

In the process, it also provides something which the minority package does not provide. It provides some badly needed investments in our future.

The investment portion of the budget, as I explained earlier today, has been cut over the 1980's by 40 percent as a percentage of our Federal budget. If anybody thinks that we can make the economy grow when we are continuing to cut back those kinds of investments, they have to have Daffy Duck as their principal economic adviser, because the fact is the economy is not going to grow that way.

The very simple nonpartisan fact is that if this economy had grown as fast and if productivity in this economy had grown as fast from 1973 to the present as it did from World War II until 1973, the average family in this country today would be making $12,000 annually more than they are making.

□ 2030

That is what the argument is about. It is not about who can score the most political points. It is not about the question of who can pontificate the loudest about the 1980's and the 1970's and the 1960's.

The debate is about how we expand this economy over time so that we do not have the job lag, we do not have the economic growth lag, and we do not have the family income lag which we have experienced over the past really 20 years.

This chart, given the comments of the gentleman from Indiana, which I just have to respond to, because I am frankly tired of hearing advice from this side of the aisle about how to achieve economic growth. The fact is that if, as I said earlier, if we take economic growth in this economy by every President's four-year term, going back to the end of World War II, the most economic growth was produced under Lyndon Johnson, 16 percent economic growth during his term as President, his full term as President.

Next was Carter, 12 percent during his term. Next was Truman.

The previous low record holders were Eisenhower, in both of Eisenhower's terms, his first term and his second term. They held the previous record for no economic growth until George Bush came along. Then we set a new record. Over a 4-year period, the economy grew about 1.3 percent.

Now, I would suggest that that is not a very healthy way to proceed with the economy for the next few years.

I happen to think that part of what happened to George Bush is that George Bush got caught in the consequences of Ronald Reagan's economics. And I do not think he had the imagination to get out of it, so he suffered the consequences.

I think the most important thing to understand, since we have got a lot of talk about the explosion in Federal spending, we need to look at the Federal budget to figure out where that spending is coming from. It is coming from only two places: Medicare and Medicaid. From 1980, represented by this green line, to today, Medicare and Medicaid has grown almost 50 percent as a share of GNP. And net interest, this red piece right below the green piece for Medicare, since 1980, that has also grown by about 50 percent has a percentage of GNP.

Social Security has remained the same, taking 5.9 percent of GNP in 1980, still taking 5.9 percent of GNP. All other spending, all other nondefense spending in the budget has declined from 7.3 percent of GNP in 1980 to 5.9 percent today. That is a decline of over 20 percent.

What it demonstrates is that we can chase our tails until the cow comes home in terms of trying to get a handle on deficits by cutting everything across-the-board, as we are advised to do on this side of the aisle, but the fact is that that is not going to do the job because that is not where the spending pressure has been coming from. It has been coming from Medicare and Medicaid, the uncapped entitlements, because of the explosion in health care costs in this country. And it has been coming from net interest, because in the early 1980's, we swallowed mindlessly, mindlessly the Reagan budgets which doubled military spending, gave away the farm to wealthy people in terms of tax cuts and exploded the deficits.

So what we have got to do is to get rid of the weak growth that we saw throughout the 1970's, compounded by the disastrous fiscal policies in the 1980's, and try to find a way to make this economy grow.

What we are trying to do is to say that when we parcel out the costs for that growth, they ought to go to those who make more than $200,000 a year. This chart demonstrates that by far the lion's share of the contributions which we are asking from all Americans in order to get this economic house in order is going to come from people who make over $200,000 a year. That is the constituency the Republican Party has defended at all costs for years. It is one of the reasons why they lost the last election. I think they ought to quit the partisan pontificating and get on with passing this package.

The CHAIRMAN. The Chair will note that the gentleman from Ohio [Mr. KASICH] has 63½ minutes remaining, and the gentleman from Minnesota [Mr. SABO] has 62 minutes remaining.

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, just so the Members understand, we will be going another 15 minutes or so and then speeches from both sides. Then we will reserve our time. The gentleman from New York [Mr. SOLOMON] will have approximately half an hour to present his alternative, reserve the balance of his time, and the Black Caucus will be recognized for 2 hours.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, I just heard a discussion here about the division of time. I am looking at the rule.

When the gentleman from New York [Mr. SOLOMON] takes his time in a few minutes, as has just been announced, will his time be equally divided between himself and the opposition? And will that also be true of the Black Caucus?

The CHAIRMAN. The rule clearly states that the gentleman from New York [Mr. SOLOMON] will control 1 hour, and the gentleman from Maryland [Mr. MFUME] will control 2 hours.

Mr. WALKER. Can the gentleman from New York [Mr. SOLOMON] yield a half an hour of his time to the opposition?

The CHAIRMAN. That is up to the gentleman from Maryland [Mr. MFUME] and the gentleman from New York [Mr. SOLOMON] how they control their time.

Mr. WALKER. But it would be possible for them to do so; is that correct?

The CHAIRMAN. It is possible for them to do whatever they wish with their time.

Mr. WALKER. Mr. Chairman, if I read correctly the rule, as was passed, that the gentleman has just described to me, the Democrats, under this rule, get 5½ hours of debate time, and Republicans have been assigned 4½ hours of the time; is that correct?

The CHAIRMAN. That is one way to interpret it, yes.

Mr. WALKER. So in other words, in the ultimate fairness of this body, the minority has been shortchanged by an hour of time in the course of this debate to allow the Democrats evidently more time to bring forth their various proposals.

I am wondering if there is some opportunity here to at least even up the score a bit. If we have no assurance that anybody is going to yield time to their opposition, can I, by unanimous consent, request that the gentleman from Ohio be given an additional hour of time to even up between the majority and the minority?

The CHAIRMAN. The gentleman cannot add additional time in the Committee of the Whole. We have 2 hours given to the gentleman from Maryland [Mr. MFUME] and 1 hour controlled by the gentleman from New York [Mr. SOLOMON]. How they work that time out is their decision, but that is what the rule clearly states.

Mr. WALKER. So if I understand correctly, we have now locked in place a situation where the Democrats have allocated to themselves, out of the 10 hours of time for debate, more than half the time for the majority side and less than half the time for the minority side; is that correct?

The CHAIRMAN. We have a rule that states that the gentleman from Maryland [Mr. MFUME] will have 2 hours and the gentleman from New York [Mr. SOLOMON] will have 1 hour.

Mr. WALKER. Mr. Chairman, if I may make a further parliamentary inquiry, am I not correct that generally, when such rules are passed and when we have such items before us in matters of general debate, the opposition is yielded half the time? I think our understanding, when this rule was passed earlier today, was that in these particular cases the opposition would be yielded half the time.

I have only now come to understand that the opposition is not going to get half the time, that, in fact, the Democrats have put a scenario into place that is going to give them more time than the minority to debate this very important issue.

And if I understand the Chair correctly, there is no assurance whatsoever that we are going to get half the time under the Black Caucus budget. There is no assurance that the Democrats would get half the time under the time of the gentleman from New York [Mr. SOLOMON]. Is that correct?

The CHAIRMAN. The Chair has stated that the rule reads as the rule states. However, we can hope that the gentleman will work out an agreement on the time.

□ 2040

As the Chair has stated, 2 hours go to the gentleman from Maryland [Mr. MFUME] and 1 hour to the gentleman from New York [Mr. SOLOMON] to control as they wish.

Mr. WALKER. Mr. Chairman, I would ask, they do not have to yield time?

The CHAIRMAN. They control the time. They each could speak for that period of time.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS of Texas. Mr. Chairman, I could not support the Clinton package whatsoever because of the taxes, but tonight I want to focus attention on what I consider to be the cruelest and most insidious aspect of this particular package, and that is the broad-based energy tax contained within the package.

I want to ask the gentleman from Ohio [Mr. KASICH], who is an expert on this budget, whether or not my understanding is correct. If I could, I want to use my grandmother, who is 87 years old, in Houston, TX, as a model. This is a person that has little income flexibility, a person who is similar to senior citizens across this country.

I would ask the gentleman from Ohio, I understand due to this broad-based energy tax utility bills will go up.

Is my understanding correct?

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. FIELDS of Texas. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I would say to the gentleman, of course, utility bills are going to go way up.

Mr. FIELDS of Texas. Also, as I understand under this broad-based energy tax, there will be an increased cost for gasoline.

Mr. KASICH. If the gentleman will continue to yield, there will, definitely. We do not know what all the details of the energy tax are, but we do know they are going to have an impact on gasoline and anything else that contains a Btu. It is not spelled out.

Mr. FIELDS of Texas. Mr. Chairman, I would ask further, as I understand it, it could be as much as 7½ cents to 15 cents per gallon. Of course, that impacts dramatically the cost of operation for farmers and ranchers, the people who produce the meat and the product that is in our grocery stores.

It seems to me that it logically follows that every item in the grocery store is going to go up.

Mr. KASICH. If the gentleman would continue to yield, that would be correct.

Mr. FIELDS of Texas. In other words, Mr. Chairman, my grandmother, 87 years old, with little income flexibility, her primary source of income being her Social Security check, is going to pay higher utility bills, is going to pay a higher price at the gasoline pump, and when she goes to the grocery store, every item she purchases will have some increased cost because of this broad-based energy tax.

Mr. KASICH. If the gentleman will continue to yield, that is correct.

Mr. SABO. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. KREIDLER].

Mr. KREIDLER. Mr. Chairman, I rise in support of House Concurrent Resolution 64, and to commend my colleagues and President Clinton on this legislation.

With this action, we are showing the American people that legislative gridlock can and will come to an end, because it must.

None of this could have happened without the leadership of the President and our leaders in the House.

Like many of my freshman colleagues, I was sent here to help clean up the mess of the last 12 years.

These two bills—the budget resolution and the investment package—are the first two steps toward that goal.

We cannot claim total victory over gridlock but at least we are gaining ground today.

We are also taking the first steps to break the back of this deficit which has crippled our economy for more than a decade.

We are cutting Federal spending—at the White House and on Capitol Hill—and in more than 150 programs.

We are making long overdue investments in our own people—in Head Start and schools, in WIC and preventive health, in housing and jobs. And yes, we are raising new revenues to bring the deficit down because we must.

But passing this budget, and this investment package, is just the beginning.

We will have to make tough decisions this year about taxing and spending and we must be ready to make those decisions.

Business as usual is not an option. But we must keep working together, as we have done to bring these bills to the floor, through the appropriations process and the reconciliation bill that will implement this budget. When differences arise, as they surely will, let us keep working together to resolve them.

There is no choice but to change the way we do business here.

There are some tough choices in these bills and more tough choices to come this year and in the future. But they are nothing compared to the disaster we will face if we do not act now.

For a dozen years this Government has borrowed and spent, quadrupling the national debt.

If we do not change our course now our children and grandchildren will never forgive us.

I urge my colleagues to support this budget—because we must.

Mr. SABO. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I rise in support of House Concurrent Resolution 64.

Mr. Chairman, I rise in strong support of House Concurrent Resolution 64, the budget resolution for fiscal years 1994, 1995, 1996, 1997, and 1998. I want to thank the Committee on the Budget for its exhaustive work in producing this document.

The time has come to pay our bills and make Government live on a pay-as-you-go basis. This spending blueprint is an important step forward in that process. Its major asset is $510 billion in deficit reduction over the course of the 5-year plan. I am also heartened by the $63 billion in additional spending cuts which were included beyond President Clinton's recommendation. The committee is to be praised for pressing forward to find those additional savings, and the President must also be recognized for his willingness to accept them. I believe these additional cuts make an already acceptable package even more responsible.

I want to give my colleagues just a sense of what I am hearing from my constituents in the 19th District of Illinois. My district stretches from Decatur and Macon County in the north to Metropolis and Massac County in the south. It covers 27 counties across the heartland of America, including industrial centers, farmland, coal mines, and river communities. I would suggest it is perhaps as typically American as any district you might find. Like all of you, I have been out in the towns and villages listening to what people are saying about this budget crisis. And the message is unmistakable. People recognize that we can no longer run up $300 billion deficits and live with a $4 trillion debt. They know it is a real threat to our long-term economic security, and have grown tired of obligating nearly 20 cents of every tax dollar to interest on the debt. Almost universally, the people of the 19th District recognize there are no easy answers. There will be pain in the budget cuts and sacrifice in the revenue increases, and they are willing to accept that challenge. But their willingness is grounded in an unshakable resolve to see that whatever action we take truly results in progress on this budget crisis.

In this instance, actions will truly speak louder than words, which is why I have advocated the creation of a deficit reduction trust fund, which would provide a specific mechanism for demonstrating the savings which should result from this budget plan. I note on pages 4 and 5 of the committee report the mention that such a plan deserves further attention. I would strongly suggest that we not miss the opportunity to produce a detailed accounting statement for any savings resulting from the adoption of this resolution subsequent reconciliation legislation.

Mr. Chairman, we are truly at a crossroads in this Nation, facing a unique opportunity to responsibly deal with our most serious domestic problem—deficit spending. This is the first of many bold steps we must take and I urge adoption of the resolution.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, on February 17 Congress received a letter from the White House, a letter from our new President, William Jefferson Clinton. He said to us:

> My plan has three key elements for our budget: economic stimulus to create new jobs, long-term public investment to increase the productivity of the American people, and also to address the fact that we have to have deficit reduction.

Mr. Chairman, this is what is in front of us tonight, those key principles from the President of the United States, Mr. William Clinton.

Mr. Chairman, I rise in support of this budget resolution that brings about what our new President wanted. The budget before us tonight will reduce the deficit. It is the first step to getting our house, our economic house, in order.

The American people want deficit reduction. This is real deficit reduction. The plan meets the President's goal of $140 billion in deficit reduction in 1997, using Congressional Budget Office numbers. In addition, discretionary spending is measured from outlays that are frozen. That means that spending will be below or at the level of 1993 current dollar terms through 1998.

It also assumes that we will have caps and pay-as-you-go provisions of the Budget Enforcement Act will be extended.

On the entitlement side, Mr. Chairman, we have just begun $24.59 billion of entitlement reduction. We have more places to go, we know, particularly in health care reform, and that will bring about deficit reduction.

No challenge facing this President, facing this body, is more important or more difficult than restoring America's economic strength. We couple this budget resolution tonight with something else that the President has promised to do and will do, and we will do tomorrow, is stimulus, because some of us come from areas that are not out of the recession. Some of us understand that we cannot just invest in bricks and mortar, we invest in our children, we invest in immunization, we invest in Head Start.

Any economic proposal must succeed in doing these two things: Deficit reduction and investing in the people of the United States. Therefore, we are here tonight coming together on a budget resolution that will have deficit reduction, and tomorrow we will have investment in the American people.

In this time of great economic uncertainty, I believe, as does the President, that the cost of doing nothing is far higher than the cost of action. I think tomorrow we will take that action with this budget resolution and address the matters that face this country.

Mr. KASICH. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. COX].

Mr. COX. Mr. Chairman, I thank the gentleman from Ohio for yielding time to me.

Mr. Chairman, listening to this debate, it has occurred to me that the American people might wonder who is telling the truth here. One side says, "We are raising taxes but we are cutting spending." The other side says, "You are not cutting spending, you are raising spending and raising taxes, and it is the same old tax-and-spend."

I am going to put my money where my mouth is. I will write out a check from my own personal funds payable to Bill Clinton and the Democratic National Committee, $100,000, if spending next year is less than this year. I will resign my seat in Congress and I will write out 100 times, "I apologize to the Democrats, they were telling the truth. They really did cut spending."

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to the Democratic budget resolution. Make no mistake about it, I say to my fellow Americans—the Democratic plan will do three things—first, it will impose the largest tax increase in American history on our economy. Second, it will increase spending from over $1.4 trillion in 1993 to over $1.7 trillion in 1998. Third, it will increase the deficit.

I cannot understand why the Congress would want to approve this tax and spend plan when there is a credible and specific Republican alternative which provides over $400 billion in real deficit reduction and does so by cutting spending, not raising taxes.

The Republicans have met the President's challenge, over $400 billion in real cuts in a detailed 84 page document. Yet the Democrats are forging ahead with a tax increase package that will destroy jobs, weaken this Nation's economy, and once again hand the middle class the bill for a government that is out of control.

My constituents in Michigan are telling me overwhelmingly that they are sick of higher taxes and bigger government!

The Democrat plan will fail for two reasons—tax hikes that will destroy small business growth and job creation, and spending cuts that will never materialize because there are no enforcement mechanisms.

Mr. Chairman, I will insert in the RECORD two items at the close of my remarks. The first is an excellent op-ed by Martin Felstein, former Chairman of the President's Council of Economic Advisers, explaining why the Clinton and Democratic plans will actually increase the deficit by depressing economic growth.

I also commend to my colleagues an excellent analysis by the National Federation of Independent Business reiterating the job destruction that will result from higher energy taxes and dramatically higher taxes on small business owners and entrepreneurs. In fact, unincorporated small business entrepreneurs will see their marginal tax rates increase an alarming 37 percent.

I will vote in favor of the Republican plan to cut the deficit with spending cuts and no tax increase. I will also be joining in the effort to identify specific spending cuts by introducing legislation in the coming days to cut billions in unnecessary spending over the next 5 years.

Mr. Chairman, I include at this point the two documents referred to earlier:

[From the Wall Street Journal, Feb. 23, 1993]

CLINTON'S PATH TO WIDER DEFICITS

(By Martin Feldstein)

As someone who has been urging deficit reduction for more than a decade, I was initially pleased by President Clinton's seeming emphasis on cutting the deficit and his call for tough medicine to achieve that goal. Unfortunately, careful analysis of his plan shows that it would not shrink the deficit's share of national income. The projected increases in spending on social programs would far outweigh the proposed changes that reduce spending or raise revenue, leaving the nation with a wider deficit four years from now.

Even under the optimistic calculations of the Clinton team, there is virtually no reduction of the relative deficit over the next four years. If every tax and spending change called for in the plan occurs and the economy returns to "full employment" in 1997, the Clinton calculations place in budget deficit at 2.7% of gross domestic product. Back in 1990, when the economy was last at full employment, the deficit (net of deposit insurance outlays) was 2.9% of GDP.

With a deficit of 2.7% of GDP, the government would be borrowing about half of the net savings generated by households, businesses, and state and local governments. The remaining savings would be too low to finance enough investment to keep up with the growth of the labor force. And the ratio of the national debt to GDP, now more than 50%, would still be rising.

FAR TOO OPTIMISTIC

Those gloomy figures are actually far too optimistic, because there is no possibility that the Clinton plan will produce the deficit reduction that it projects.

Consider first the tax increase that is the centerpiece of the deficit reduction plan. For 1994, the plan projects deficit reduction of $39 billion, $31 billion of which is supposed to come from raising the personal income tax rates on individuals with taxable incomes exceeding $140,000 and from adding a 2.9% Medicare payroll tax to all incomes exceeding $135,000.

The Clinton revenue estimates are based on the fallacious assumption that taxpayers will not change their behavior in response to a 37% jump in their marginal tax rates (from 31% today to the 42.5% that results from the new 36% rate plus the 10% surcharge and the 2.9% Medicare tax). In reality, taxpayers will find ways of converting taxable income into nontaxable income. Tax shelters and deferred compensation will become more attractive. And some individuals, especially in two-earner households, will opt to work less.

If the higher marginal tax rate causes these taxpayers to reduce their taxable incomes by 10%, virtually all of the president's projected revenue gain would disappear. For a taxpayer with $400,000 of taxable income, the rate hike would produce $26,085 of additional revenue if there were no behavioral response. But if taxable income is reduced to $360,000, the additional revenue would be only $7,935.

The effects on Treasury revenue are even more startling for those with slightly lower incomes. At $180,000 of taxable income, the marginal tax rate would rise by 25%. Even a very small 5% reduction in taxable income (to $171,000) for such individuals would mean a net reduction in total taxes paid: Although the Treasury would collect $2,594 of additional taxes on the income up to $171,000, it would lose $2,790 by not taxing the remaining $9,000 at the current 31% rate. The net effect would be a revenue loss of $196 instead of the projected revenue gain of $3,305. With a 10% reduction in taxable income (to $162,000), the higher rates would actually cost the Treasury $3,697 for a couple with $180,000 of current taxable income.

According to the Clinton plan document, half of all taxpayers with incomes over $140,000 have incomes under $180,000. Thus even a 5% reduction in taxable incomes in response to the 25% marginal tax rate increase would reduce the taxes paid by the majority of those who faced higher rates. It's all pain for them with no revenue gain to the Treasury and therefore no deficit reduction.

The second implausible feature of the plan is the assumption that Congress will cut real defense outlays by a massive 25% over the next four years. Defense outlays in the current fiscal year will be $294 billion, or 4.8% of GDP—down sharply from the 5.9% of GDP in 1989 before the fall of the Berlin Wall and the collapse of the Soviet Union. Maintaining the present real level would require $328 billion of defense outlays in 1997 even if inflation averages the very modest 2.8% a year projected by the Congressional Budget Office.

The Clinton plan's projected $249 billion in 1997 defense outlays is thus 25% below the amount needed to maintain today's real spending level and 33% below the amount needed to maintain our current 4.8% of GDP spending on defense. Mr. Clinton would reduce defense spending to 3.3% of GDP, lower than in any year since 1940 and less than a third of its share in 1959, when John F. Kennedy warned that we were spending too little on defense. key to success in housing and community development centers around a comprehensive effort that focuses attention on the myriad of related problems in a single community—addressing in a comprehensive manner the needs of individual neighborhoods and communities. For example, combining supportive services, including job training and child care, and housing is one obvious linkage that is necessary to address the broad needs of neighborhoods and communities. However, a lack of funding both at the federal and local levels has inhibited such linkages even though they have been required under such programs as Family Self-Sufficiency.

HUD's ability to coordinate community development efforts was recently enhanced by enactment of the 1992 Housing Act, which expanded the affordable housing activities of the Federal National Mortgage Association (FNMA or Fannie Mae) and the Federal Home Loan Mortgage Corporation (FHLMC or Freddie Mac). In fact, HUD has the singular capacity to harness the tremendous resources of these and other housing enterprises in service of a new community development agenda.

Management: Addressing systemic failure.

The lack of a clear mission has both resulted from and contributed to widespread and systemic management failure at the Department. HUD's Inspector General has identified pervasive critical management problems which, the IG estimates, drain hundreds of millions of dollars from HUD coffers and involve over $1 trillion worth of programs. These critical management failures occur throughout HUD and undercut the Department's ability to implement and execute many of its most fundamental programs.

The ruinous impact of these problems has in turn been exacerbated by the sharp reduction in HUD's staffing level over the past 10 years, a reduction of over 20% (from 17,000 to under 13,000 people) which was not accompanied by a corresponding decrease in program levels or activities. In fact, if anything, the responsibilities have increased with the enactment of NAHA and the 1992 Housing Act. There are also questions about the capacity of the staff that exists and the staffing patterns—whether limited staff is properly trained and assigned. These problems include:

Lack of data systems. The Inspector General has reported that "HUD does not have efficient, effective, and integrated financial management systems that can be relied upon to provide relevant, timely, accurate, and complete information as a basis for sound program oversight." The same can be said for making sound budget estimates. For example, the Inspector General has reported that "HUD does not have an adequate system for tracking and controlling billions of

The Clinton team's extensive search for programs that "don't work or are no longer needed" came up with less than $3 billion out of the $1.427 trillion in nondefense outlays in 1997—0.25%. Much of the remaining $28 billion of projected "spending cuts" are the kinds of wishful-thinking numbers that traditionally help budgeteers project narrower deficits but don't actually produce any savings. In the language of the Clinton plan, there are 1997 savings of $3.3 billion from unspecified "administrative efficiencies," and more than a billion dollars from better management of particular programs.

ADVICE IGNORED

It is unfortunate that President Clinton did not take the advice of his own budget officials, Leon Panetta and Alice Rivlin, when they called for a much broader framework for deficit reduction. The president's decision to avoid real cuts in nondefense spending and to adopt a counter-productive structure of higher tax rates leaves us with no credible reduction in the deficit. His plans to increase nondefense spending labeled "investments and incentives" by $160 billion over the next four years and by $55 billion in 1997 alone virtually ensures that the Clinton plan would produce a sizable increase in the share of national income absorbed by the budget deficit. What makes this particularly disturbing is that the president either does not understand this or is not leveling with the American people.

IMPACT OF PRESIDENT CLINTON'S ECONOMIC PLAN ON SMALL BUSINESS

As our nation recovers from a recession, job creation is the biggest challenge facing us today. If job creation is the problem, small business is the solution. According to the Small Business Administration, small businesses created 4.1 million net new jobs from 1988 to 1990. During this same period, businesses employing more than 500 employees had a net loss of 500,000 jobs. The most effective way to create new jobs is to create an environment in which small businesses grow and increase their hiring.

It is important to look at the impact of the Clinton Administration's economic plan on small business owners in this context. The good and the bad in the proposal are listed below, and a more detailed analysis of the impact of these provisions on small business follows.

THE GOOD

Deficit Reduction/Spending Cuts;
Temporary Extension of Deduction for Self-Employed Health Insurance Costs;
New Investment Tax Credit;
Capital Gains Tax Cut.

THE BAD

Not Enough Deficit Reduction/Too Much New Spending;
Too Many Tax Increases/Too Few Spending Cuts;
Marginal Tax Increase of 25% for Unincorporated Business Owners;[1]
2.9% Increase in HI for the Self-Employed;
New BTU Tax;
Reduction of the Business Meal Deduction;
New Information Reporting Rules;
Extension of the Corporate Estimated Tax Rules;
Increased Estate Tax Rates;
An Extension of the Gas Tax.

SMALL BUSINESS INCENTIVES

The Clinton package does contain two important tax reductions for small business owners. The investment tax credit will encourage small business owners to increase their purchases of equipment and will help them increase the productivity of their businesses. The reduction in capital gains will encourage increased investment in small businesses and will reward those who patiently build up a successful business over a number of years.

SHOULDERING THE DEFICIT BURDEN

Small business owners believe that the deficit is a result of too much spending, not too little taxation. This belief is verified by the numbers. Since 1977, the government received a relatively steady 19% of GNP in revenues. During the same period, government spending increased from 21% to 24%. Small business owners believe strongly that government should cut spending before it asks the American people to pay more in taxes.

In a 1991 survey, 87% of NFIB members said that Congress should primarily focus its attention on deficit reduction. Only 8% of NFIB's membership, believe that the deficit should be reduced through tax increases.

Although small business owners are strongly adverse to tax increases, they are willing to pay their fair share to reduce the deficit. However, they are skeptical that any additional taxes they pay will be used for deficit reduction. Their skepticism is well-founded. The Clinton Administration's economic plan contains approximately $275 billion in net new taxes but only $37 billion in *net* spending cuts (see table below).

	In billions
Total spending cuts	$375
Total spending increases	161
Spending cuts already required by law	80
Tax increases counted as spending cuts	29
New user fees counted as spending cuts	6

---

[1] Self-employed business owners earning more than $140,000 will have their marginal tax rate increased from 31% to 38.9% (a 25% increase).

	In billions
Savings from interest and changes in debt	62
Total net spending cuts	37

HITTING THE SELF-EMPLOYED

Eighty percent of businesses in America are unincorporated and pay taxes as individuals. Increasing taxes on these individuals takes money out of their businesses that could be used to expand and hire more employees.

Self-employed business owners may have to pay tax on much more income than they take home as salary. These business owners must pay tax on what the business earns after deductions, not just their salary. For example, if a successful dress shop earns $500,000 and decides to expand inventory by purchasing $450,000 in additional clothing, the shop owner will pay tax on much more than just her take home profit of $50,000. Since she is only able to deduct the cost of the clothing when it is sold, she could end up paying tax on most of her $450,000 worth of inventory. As a result, the additional taxes listed above will seriously hamper her ability to expand the business even though she takes home a modest income.

President Clinton's "Vision of Change" increases taxes on the self-employed in five ways:

1. Income tax rates are increased from 31% to 36% for those earning over $140,000 and filing a joint return; $115,000 if filing as an individual or $127,500 if filing as a head of household.

In the example above, if the dress shop owner carried $200,000 of inventory from one year to the next, she would have to pay tax on $250,000 (since inventory is not deductible until sold, she will have to pay tax on her $50,000 salary plus the $200,000 in unsold inventory). If she was filing a joint return, the higher tax rate would apply to $110,000 (increasing her taxes by $5,500), even though she has already spent that money trying to make her business more successful.

2. The wage cap on the Hospital Insurance portion of FICA is eliminated, effectively raising the tax rate of self-employed business owners earning above $140,000 by 2.9%.

This is just another layer of taxation on a self-employed business owner. This change will require business owners to pay yet another 2.9% on any amounts they have to report as income that exceed $140,000.

3. Self-employed business owners earning more than $250,000 are subject to an additional 10% surtax.

In the example above, if the dress shop owner had to carry over $300,000 in inventory from one year to the next, she would end up paying an extra $500 in tax. She would be subject to this tax even if she only took home $50,000 in salary.

4. The individual alternative minimum tax (AMT) is increased.

Increasing the alternative minimum tax hurts small business owners in two ways. First, it will increase the tax liability of those paying the AMT. Second, narrowing the gap between the AMT tax rate and the regular tax rate will force an additional number of business owners to calculate the tax even if they do not ultimately have to pay it. The AMT rate is increased from 24% to 26% for those earning less than $175,000 and to 28% for those earning more.

5. The limitations on itemized deductions and the personal exemption (known as PEP and Pease) are extended, effectively raising the tax rate of those earning more than $160,000 by another 2%.

As shown in the examples above, the taxable income of a self-employed business owner can exceed $160,000 even if the amount of salary taken out of the business is relatively minor. This change in the law could require a business owner to pay an extra 2% tax on money that has already been spent to improve the business.

6. Finally, self-employed business owners will not escape the BTU tax. Business owners consume more energy than the general public and will pay a large share of this tax.

Successful business owners trying to expand their businesses are hit hardest by these changes in the tax code. However, these very same businesses are the ones that we will have to rely on to provide most of the new jobs in the coming years.

OTHER TAX INCREASES

Although successful business owners who pay individual income taxes are hit the hardest, other business owners are not immune. The following taxes will also have an impact on small businesses:

Extending the 2.5 cent gas tax;

Eliminating the business meal deduction;

Increasing the top estate tax rate;

Extending the corporate estimated tax rules.

INCREASED PAPERWORK AND PENALTIES

The President's proposal also requires small business owners to complete additional forms (IRS form 1099) reporting payments to other corporations. This will dramatically increase the amount of paperwork small businesses have to complete.

THE NET EFFECT

Small businesses stand or fall on the condition of the economy in general. Small business incentives included in a larger package that will slow economic growth will not be helpful to the vast majority of small businesses.

The tax incentives in the Administration's proposal are heavily outweighed by the tax increases. The proposal's heavy emphasis on tax increases, especially in the first year, threatens the country's economic recovery. Taxing small employers will restrict their ability to increase the size of their workforces.

The spending cuts in the proposal are far too modest. Government growth remains unchecked. The continued growth of government means more programs, more regulations, more paperwork and more taxes.

The solution to the federal deficit is not to tax those who are creating new jobs but to streamline government so that it can accomplish its mission at the least cost to the taxpayers.

□ 2050

Mr. SABO. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas [Mr. DE LA GARZA], chairman of the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Chairman, I thank my colleague for the time and I will be very brief.

Mr. Chairman, agriculture is willing to take its fair share of the cuts that we need in order to get this country back on the road again. And all that we ask is a mix of spending cuts and tax increases that are fair and equitable. We will support this budget resolution because overall it points our country in the right direction.

What bothers me is the perception around the country, courtesy in part to a news media more eager to tell a slanted story than telling both sides of the story, that there is this big cash cow called agriculture spending. My friends, especially my friends on this side, we in agriculture have reduced expenditures by $57 billion in the last 12 years, $57 billion. If every other committee in the House had done as we did, we would not be worried about having a deficit budget. We have done our part. Our programs are decreasing when everyone else is increasing.

We were the first ones to use a chart around here. Now it seems that every speaker has a chart. We will go back to our original one. This big sacred cow called agriculture that people think they can get all of the money from, here is what it looks like when you have the functions of Government, defense, Social Security, interest on the debt, and you are almost off the chart when you get to agriculture.

Now here is the more important one. What is it that agriculture gives us? It gives us almost 20 percent of GNP. But this red is the Federal budget, and the line you do not see is the impact that agriculture has on our budget. One-half of 1 percent is what agriculture's part of the Federal budget is.

Our farm programs will be looked at. I hopefully will put things in perspective. I say to my colleagues in the House let there be no misunderstanding. Agriculture spending and rural programs will have to take their fair share of the budget cuts. We will look at all options. We will look within our jurisdiction. I only ask you that all of us be sensitive to the very substantial and painful budget reductions already made in the agriculture programs. I ask that you be sensitive to the economic needs of the farm and rural economy which produces the basic food and fiber that all of us consume. It is the only one bringing money back from abroad.

But I am here proudly to speak in behalf of agriculture. We will take our cuts. All we ask is that they be fair, that they be equitable.

Mr. SABO. Mr. Chairman, I reserve the balance of my time.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Chairman, I rise in opposition to House Concurrent Resolution 64.

First, I am dismayed that we are voting on a budget resolution when the Clinton administration has yet to even submit a budget. President Clinton and the Democratic majority in the House have endorsed broad tax and spend concepts, but provided few details. How can Congress responsibly lay out funding limits and define total revenues without knowing what specific programs the administration intends to fund and taxes it intends to impose?

We are being asked to blindly endorse President Clinton's broad economic plans and give his administration a signed, blank check. This is wrong. On these grounds alone, I cannot support this dangerous spending plan.

Secondly, I am strongly opposed to the massive tax increases in this resolution. They represent the largest tax increases in American history. They target working Americans who are already overtaxed and will be the No. 1 obstacle to economic recovery. No nation has ever taxed itself into prosperity, only into bankruptcy.

I strongly oppose the regressive energy tax, being called a Btu tax to confuse everyone, it is a hidden gasoline tax.

The Btu tax will severely impact high energy use States like California. Coupled with the negative effects of the administration's deep defense cuts and the State's already high unemployment rate, the cost of this energy tax could more than offset the positive elements of the Clinton stimulus package through prolonging the recession in California and other States. The bottom line is it will cost jobs and revenues.

I am dismayed this resolution endorses tax hikes that discriminate against families and homeowners. For example, under this plan, a low income single mother with two children will receive a tax credit of $600, and a single low income father with one child can receive a $200 credit. But, if these two were married and filed a joint return with three children, they would face a tax penalty. Yes, a penalty of over $4,000. That's outrageous.

Let me give you another example: Let us say you have a modest income of $20,000 a year and you own a home that is worth $50,000. Under current tax laws, only your actual income is considered taxable income. However, under the Clinton plan, a rental value is placed on your home, the same home in which you live. The rental value of your $50,000 home would be computed at $10,000. Now, that $10,000 becomes new taxable income. So, instead of paying taxes on $20,000, under the Clinton plan, you now pay taxes on $30,000 even though you did not receive one more dime of real income. That's outrageous.

As much as the American people want to believe that this plan is the answer to our prayers, it could just be our worst nightmare waiting to happen.

Third, I oppose this resolution because it does not adequately cut Government spending. Additional spending cuts—not tax increases—are the answer to our budget problems. Until I came to Congress 3 months ago, I ran my own business that I built from scratch. As hard as it was to do, when times got tough, I did not raise prices, I cut expenses. That is exactly what the Federal Government needs to do today—cut expenses.

We can still reduce and eliminate billions in spending. Many Republicans in Congress have submitted responsible alternate budget plans doing just this. The American public ought to be just as angry as I am that the Democratic leadership that controls Congress dismissed these plans without any real consideration in order to railroad through this flawed resolution.

For example, I believe significant savings can be realized in further cutting and eliminating wasteful farm subsidies. Only in America do we pay our farmers millions of dollars not to grow.

We can eliminate spending on the helium reserve. We have not needed blimps for national security since before World War II. Today we use gas-fueled jets.

I know we can do a much better job. The Republican Budget Committee plan and others I support offer a clear choice: No new taxes, less Government, more jobs, and more take-home pay. But, these responsible alternatives have been barred from receiving fair consideration.

The American people are asking for change, real change. During the campaign, President Clinton said it was time to put the people first. But, House Concurrent Resolution 64 puts taxes first, ahead of the American family. The American people deserve better than this. The Clinton administration and the democratic leadership must come clean with the American people. It is time to tell them the truth. I know we can do a much better job. The Republican Budget Committee plan and others I support offer a clear change. No new taxes, less Government, more jobs and more take-home pay. But, these responsible alternatives have not been given fair consideration.

Haste makes waste. The haste of Congress to pass a flawed budget resolution before we even have a detailed budget from the President will result in the tremendous waste of hard-earned, American taxpayer dollars. That is no way to stimulate the economy and restore public confidence in Government.

I urge my colleagues to join me in opposing House Concurrent Resolution 64 and support genuine budget reform through cutting spending, not raising taxes.

Mr. SABO. Mr. Chairman, how much time is remaining on each side?

The CHAIRMAN. The gentleman from Minnesota [Mr. SABO] has 56 minutes remaining and the gentleman from Ohio [Mr. KASICH] has 56 minutes remaining.

Mr. SABO. Mr. Chairman, I reserve the balance of my time.

Mr. KASICH. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. SOLOMON] for 1 hour.

Mr. SOLOMON. If I might, Mr. Chairman, by previous agreement with the majority and the minority Budget ranking member, we have agreed to use only 30 minutes of our time, at which time we would relinquish the floor to the Black Caucus. I would also like to point out that for fairness I would be willing to yield our other 30 minutes to the opposition should they want it, and I think that would be fair if all of us do this.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, do I understand the gentleman to say that he would be willing to yield 30 minutes to somebody in opposition if that was requested?

Mr. SOLOMON. That is true, for this hour during the general debate time, and also during the hour that we will be allocated on the substitute itself tomorrow.

Mr. WALKER. I thank the gentleman, because I think he is being fair. I wonder whether or not the Democrats who have allocated so much time to themselves are going to be just as fair.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, I do not intend to request the time, to be fair, because we did work out this time, and it was the gentleman's desire to have a half an hour to present his plan at this point, and we tried to accommodate him.

Mr. SOLOMON. I understand, and we will only use that 30 minutes now by previous agreement.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from New York [Mr. SOLOMON] yield for a parliamentary inquiry?

Mr. SOLOMON. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I would just like to ask this question: If the opposition—the Democrats—do not want this extra 30 minutes, would it be proper that it be allowed to be yielded to the gentleman from Ohio [Mr. KASICH]?

The CHAIRMAN. The gentlemen who control the hours can yield in any way they see fit.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to address the two Republican budget plans which have been introduced as viable and specific alternatives to President Clinton's budget.

During last year's Presidential campaign, Governor Clinton went out of his way to promise the American middle class that he would relieve their tax burdens and reduce the deficit.

Since moving into the White House almost 2 months ago, President Clinton proposed a budget plan which will not relieve the tax burdens of the middle class.

However, the Clinton plan will hit the middle class hard, not once, but twice and possibly more times.

First, the Clinton plan will hit the middle class through new taxes, namely the new Btu tax, increased Social Security taxes and increased estate taxes.

And second, the Clinton plan will hit the middle class again through spending cuts.

□ 2100

Mr. Speaker, President Clinton—in a now famous offer—told us Republicans that if we were not satisfied, we should come up with an alternative plan, but to be specific and to subject the plan to intense scrutiny and scoring by the Congressional Budget Office.

Well, as you have already heard, the House Republicans on the Budget Committee, under the brilliant stewardship of JOHN KASICH, released an alternative which practically matches the President's level of deficit reduction over 5 years.

The Kasich plan eliminates all of the Clinton tax increases and offsets the lost revenue with additional spending cuts—which are specific and have been verified by the Congressional Budget Office.

Let me say that I praise JOHN KASICH and his Republican colleagues on the Budget Committee for their tremendous efforts.

I fully intend to vote for the Kasich plan because I believe that we do not need new taxes, we need more spending cuts.

JOHN KASICH accomplishes this objective. However, as the next best proposal, I have worked with several of my colleagues from throughout the Nation and coming from various points on the political spectrum.

Together, we are offering what I would call a consensus budget which takes the cuts in the Clinton plan, the cuts in the Republican plan, and adds more spending cut proposals which cut deeper into the Federal budget deficit.

Beyond that, it cuts the Clinton tax increases by more than half.

It accomplishes this by eliminating the Btu energy tax, the Social Security tax and the tax increase on corporations which reduces the dividends paid to middle-class stockholders and seriously impedes economic growth in this country.

Yes; the Solomon plan removes all the onerous Clinton taxes on the middle class.

Let me repeat that. This Solomon consensus plan achieves greater deficit reduction than Clinton with no onerous taxes on the middle class.

This way the middle class is not forced to pay more than its fair share in reducing the deficit.

Our primary objective is to reduce the Federal budget deficit so that the American Government does not mortgage the future of our children and grandchildren.

In compiling our plan, our two guiding principles remain the achievement of fairness in the Tax Code and the accomplishment of real, meaningful deficit reduction.

We believe that the Clinton plan imposes unfair and disproportionate burdens on the middle class.

While our plan asks sacrifices of most everyone through deeper spending cuts, it refrains from imposing any of the heavy tax burdens which the Clinton plan requires.

Let me just look at this chart with my good friend, the gentleman from Wisconsin [Mr. GUNDERSON]. What this plan does is combine the Clinton budget with the Kasich budget. It then cuts Clinton's tax increases by more than half again, by eliminating the Btu energy tax, the elimination of the Social Security tax, and removing the tax increase on corporations, thereby removing those taxes which erode the buying power of middle-class America. It activates a new tax bracket of $200,000 instead of the $140,000. That is tax relief for those people.

But it also adds a stimulant to the economy by providing vital tax incentives, as we see down here by the four bullets, by extending the expiring business tax incentives, restoring real estate passive loss, providing capital gains tax deductions for startup companies, and repealing the luxury tax on boats.

Mr. Chairman, let me just sum up fast, because we have two other speakers here. First of all, for every dollar of new taxes our plan cuts $4 in spending. Ross Perot told me this afternoon he was satisfied if we would cut $2 in spending for $1 in taxes. We cut $4 in spending for every $1 in taxes, and we dedicate all of the tax increases to deficit reduction. It contains no new spending. That is what the American people want.

It cuts Clinton's tax increases by more than half with no taxes on the middle class.

Our plan contains some of the Clinton cuts. It contains all of the Republican cuts, and it includes much deeper cuts including the super collider and a number of others which many of you have been talking about doing. The spending cuts, and this is terribly important, occur before tax increases, $41 billion in spending cuts this year alone under this plan. It cuts spending, listen to this, by over $485 billion, and that is more than double than what Clinton does. It reduces the deficit, and listen to this, and Mr. Perot was shocked when he heard how much this cuts off the deficit reduction, $637 billion, and that is $171 billion more than Clinton, and it leaves a 1998 deficit level of $18 billion lower than President Clinton with less than half the tax increases.

Mr. Chairman, finally, it is the only plan with mandatory sequestration that is built in. If the actions by this Congress exceed this budget limit, you are going to have across-the-board cuts. That guarantees that these funds are going for tax reductions.

Mr. Chairman, I am just going to point out one thing which is terribly important, and it is terribly important to you Democrats: The spending cuts that the President is asking for in 1994 are just $6 billion, $6 billion, and in 1995, he is asking to cut spending by just $10 billion, and then he loads out in the last 3 years with heavy spending cuts.

Why do you think it is done that way? I can tell you: because we still have sequestration in the law for the next 2 years, 1994 and 1995. If Congress does not meet the spending caps, it does not mean anything, because there is no spending cut anyway.

Our bill carries those spending cuts with sequestration through the whole 5 years. That is what is so terribly important about this bill, and why every Member of this body ought to be supporting him.

Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. GUNDERSON], who has helped so much in putting this consensus plan together.

Mr. GUNDERSON. Mr. Chairman, last year during the Presidential campaign, we heard a lot about Federal budget deficits and about economic growth and about gridlock in Washington. We heard from President Clinton, and we heard from Ross Perot, and we heard from the American people. They were all correct—Bill Clinton was right, and Ross Perot was right, and the American people were right—when they said that deficits do matter, that deficits are sapping the vitality from our national economy, and that today's deficits are tomorrow's bills come due.

Well, Mr. Chairman, if deficits do matter, and if the American people want an end to gridlock and a beginning to bipartisan solutions to the problems which matter to them, the Solomon budget is the place to begin. And I am proud to rise in support of that budget and ask my colleagues from both sides of the aisle to give it their support.

Republican Members of the House have worked together over the past several days to put together a budget resolution for fiscal year 1994 which we believe truly reflects the priorities and the desire for change among the American people. We believe that it is a budget which both Republicans and Democrats can support.

In assembling the Solomon substitute, Mr. Chairman, we identified three objectives: Substantial deficit reduction by means of real restraint and actual cuts in Federal Government spending; a fair and realistic package of proposals to increase Federal revenues by asking the wealthiest Americans—and only the wealthiest Americans—to pay more in taxes, and; an overall budget plan that would not threaten or undermine the prospects for a continuing economic recovery. I believe that we achieved each of those objectives and that they are reflected in our budget resolution.

First, let us look at deficit reduction and how we achieved it. The Solomon substitute achieves substantially more deficit reduction next year and over the next 5 years than either of the budget plans that came out of the House Budget Committee. Our budget reduces the deficit by $620 billion over 5 years. That's about $160 billion more in deficit reduction than the Democrat budget achieves despite the fact that it calls for over a quarter of a billion dollars in net new taxes over the next 5 years.

Our budget achieves deficit reduction primarily by controlling the rate of spending growth in most Federal program spending, land by making actual cuts in other nonessential Federal programs. Those of us who assembled this substitute share with all of our Republicans colleagues the view that America suffers under the weight of this monstrous deficit not because the vast majority of her people are taxed too little, but because the Federal Government spends too much—much too much. Our budget reflects that belief.

Because the Solomon substitute takes the Republican budget committee proposal as its base, it adopts what is in effect a baseline freeze on all nondefense Federal discretionary spending. What this means, in terms that normal people can understand, is that spending for more than 90 percent of all Federal discretionary programs will grow over the next 5 years by an amount equal to the inflation rate over the next 5 years. Critical programs like Pell Grants and Head Start will not see their funding cut.

Our proposal does, however, call for and specify actual reductions in funding for other programs. For example, we eliminate funding for the superconducting super collider, cut funding for special interest Federal highway projects, cut agricultural subsidies to individuals with nonfarm incomes of over $100,000, and cut funding for support of the already oversized but still growing Government bureaucracies. As a result of our determination to hold the line on spending, spending cuts account for more than 80 percent of the deficit reduction in the Solomon substitute. Unspecified spending reduction accounts for barely half of the deficit reduction in the Democrat package.

Mr. Chairman, I think that JOHN KASICH and my Republican colleagues on the Budget Committee did a remarkable, and a remarkably honest job in their budget on the savings side. They showed that we can make a substantial dent in the deficit without resorting to unspecified promises of spending restraint and without resorting to the massive tax increases that the administration and the majority leadership are calling for. All of my Republican colleagues involved in drafting this alternative budget share that view.

The American people, however, have made clear that they expect us to produce a budget package that makes more dramatic reductions in the Federal deficit than can be achieved by spending cuts alone. It is for this reason that many of my colleagues and I believe that we need to go significantly further than our Republican colleagues on the Budget Committee. And the only way to do that is by asking the wealthiest Americans to make a contribution in higher taxes. Our alternative budget does that. We raise nearly $140 billion in new taxes over 5 years by incorporating already proposed tax increases on the wealthy, while at the same time stripping all of those new taxes proposed by President Clinton and the Democrats—such as the Btu tax and higher taxes on Social Security recipients—which hit lower and middle income Americans hard. Contrary to the rhetoric, these taxes will hit middle income American families and retired Americans hard.

President Clinton made a promise to shield middle income Americans from the impact of new taxes. The President and his party are breaking that promise. We have a budget which gives them the opportunity to keep it.

Moreover, Mr. Chairman, the new taxes that we include in our proposal do not get implemented until after the spending restraint and the spending cuts we have proposed begin to be implemented. We are not asking any American to again pay for promises which they know have been made and broken many times before. We do indeed cut spending first.

Finally, Mr. Chairman, we sought to bring a budget resolution to the floor which would be progrowth.

The economy is finally showing signs of life, though no one can take comfort from the extent of the recovery thus far. Job growth statistics, in particular, remain disappointing. Nonetheless, the economy is showing increased strength and the last thing we want to do is sap that strength. We want to support the recovery and keep as many Americans as possible on the job. The Solomon substitute contains a substantial package of tax incentives for business investment which will contribute to productivity growth and the creation of new jobs.

Moreover, though our proposal calls for very substantial reductions in defense spending, it takes into consideration the fact that defense dollars provide more than just guns and jet fighters. Defense dollars provide jobs—millions of jobs for American workers. We have just had a very bitter reminder, Mr. Chairman, of the human pain which defense downsizing entails. And no doubt, there will be more of it. The question, however, is how much more and how fast. Our budget calls for nonadministratively related cuts of $60 billion in defense over 5 years. This is in addition—and it is very important to point this out because many of my Democrat colleagues conveniently fail to do so—to almost $75 billion in cuts that President Bush proposed before leaving office earlier this year. The Democrat budget calls for cuts that are twice as large, will be twice as painful, and will cost twice as many Americans—military and nonmilitary—their jobs.

Mr. Chairman, I want to urge my colleagues from both sides of the aisle to take a careful look at the Solomon plan. We have put together a budget alternative which is closer to what the American people have told us they want than any other budget resolution which has been offered.

Our budget delivers a third more in deficit reduction with less than half the new taxes—and none of the new taxes on middle-income Americans—than the Democrat resolution proposes.

Our spending restraints and cuts are specified, not promised, and we start reducing spending before, not after, we start collecting new taxes. We are not asking taxpayers to buy any more pigs in the poke.

Finally, our budget gives the American people the kind of economic program they want without asking an already overtaxed middle class to send even more of its income to Washington.

Mr. SOLOMON. Mr. Chairman, I yield such time as she may consume to a very, very valuable member of the Committee on Ways and Means, the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in strong support of the Solomon amendment. You know, Ross Perot did the people of America an enormous favor. He gave them the gift of finally understanding the dimensions of the Federal budget and the threat that it poses to our economy. Never will this Nation enjoy a pace of economic growth that will more than barely, minimally meet our needs if we do not reduce the deficit, and Ross Perot finally helped people understand that.

The second thing Ross Perot did for us was to help everyone to understand that it was time to cut the BS. The President's package is a brave step forward, but it will not create jobs for our kids and it will not employ our friends who are unemployed. It will not break the anguish in American households.

If every assumption in the President's package proves true—something that has never happened—if every assumption proves true, the deficit in 5 years will be exactly what it is now. That is not good enough.

My friends, there is one amongst us who had the courage to lead a large number of Members through the tough process of line-by-line cutting spending, and that is my honored colleague, the gentleman from Ohio [Mr. KASICH]. He led our side through that painful process line by line, cutting spending, reaching a level that would accomplish the President's deficit reduction goals, with no new taxes and only with spending cuts. I am proud of his work. Those on the other side have not been specific. They have the majority in the House, the majority in the Senate, they own the White House now; they have the total power to turn the economy of America around, and they used budget plugs.

They would not go line by line; they would not tell you how this budget is going to affect their families, the households in America, the businesses that create jobs. And because they would not tell you that and because they used budget plugs—I need to remind you that smoke-and-mirrors is what budget plugs are—that we are here with this big deficit because Congress year after year preferred smoke-and-mirrors to reality.

So, I honor my colleague, JOHN KASICH, for his courage in laying aside the budget plugs, the smoke-and-mirrors, and getting tough on spending. But reducing the deficit to where we are now in 5 years is not enough.

So, I rise with my colleague, the gentleman from New York [Mr. SOLOMON], and others associated with this effort to urge you to support a proposal that is the most powerful, direct, and comprehensive attack on the deficit that this body will have a chance to vote on.

It links aggressive spending cuts with targeted tax increases; it makes good on the President's promise to turn the economy around, to create sustained growth, and not increase taxes on the middle class.

I am proud that we reject the new energy tax. Look what it does to families.

First of all, it is not fair. Families in my district who heat with home heating oil will pay double the energy tax of people in other neighborhoods who have access to gas.

Fairness? Not on your life. It will increase the cost of every household, but it will increase the cost of everything they buy also. Fact, it will increase the cost of producing an acre of corn $35. Every foodstuff, every item we produce, every item we ship abroad, everything we try to compete with will be disadvantaged by this energy tax.

So, not only will it hurt families, but it will burden our exporters and, in my State, defense and exporting create the jobs. You know what we are doing to defense this year in Congress.

Now you know, through the tax plan, what we are doing to exporting, because that razor-thin margin that global companies compete on will now shrink because they will be burdened with four new taxes. Competitiveness matters. You cannot have companies competitive if you increase their taxes, you increase their energy costs, and, yes, our friends on the other side are fond of saying Europe has higher taxes on energy. Yes, my friends, but that is only on gasoline. They do not tax industrial feedstocks. Their manufacturers do not pay taxes on the energy they use.

Our guys will not pay new taxes, but double new taxes if they manufacture with oil. They cannot compete under those circumstances. And when you cannot compete and you lose market share, you lay people off, and that is what this package does.

If you look at the headlines in the newspapers, "Proposed Tax Incentives for Businesses Will Have Little Impact," in fact, businesses will be overwhelmed by the large increases in taxes and unable to use the tax incentives.

This package is a disaster for those businesses that compete in the global market and an equal disaster for small business. So, we lay aside those new burdens for the small businesses that drive job creation. We lay aside those burdens on our global competitors who are working hard to retain market share. And instead of that, we combine the tough line-by-line cuts that our friend, JOHN KASICH, developed with some additional cuts into parts of the budget that we know are controversial but where real cuts can be made. And we link those cuts with tax increases on those most able to bear them.

We raise the upper bracket so, in fact, we really are only taxing millionaires, and we do something the other side does not dare to do, we extend the limit on compensation that they put on executives to ballplayers and movie stars as well. Is that not fair? Is that not right? And so we use the resources of our most affluent Americans, we couple them with the serious budget cutting of our Republican colleagues, and through this kind of a package we reduce the deficit, we drive that deficit down not only now but in the out years in a way that will truly turn America's economy around.

My colleagues, I am very proud to stand here in support of the Solomon proposal that drops the job-killing burdens on small business, that drops the burdens on the middle class, that preserves only the extenders, the important tax incentives that encourage research and development and education and training and low-income housing, those kinds of things.

□ 2120

I am proud to stand here in support of a package that by pairing tax revenues with serious spending cuts, we attack the deficit with the breadth well beyond the President's package and the Democrats' package, and we do it exactly in the way the American people want, by cutting spending first, by resisting new spending, by taxing those who are most able to pay. Economic growth, fairness, honesty, all backed up by the line-item veto, the balanced budget amendment, and enforcement provisions.

Join us, my colleagues. The time is now. It has been long in coming. We either do it for America now or we fail the American people in the same way we have failed them year after year.

Mr. SOLOMON. Mr. Chairman, I thank the gentlewoman for a statement which certainly sets out this consensus substitute.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland [Mr. GILCHREST], one of the major cosponsors of this legislation.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we in this body if we share the goals of deficit reduction, if we share the goals of stimulating the economy, if we share the goals of fairness in taxes, if we share those goals, then the Solomon proposal bears and cries out for us to look at it. It bears our scrutiny. It lowers the deficit.

Let us take a look at some of the things it does. It lowers the deficit more than any budget before us tonight, $637 billion over 5 years; investment incentives to stimulate our economy we can all agree on; investment tax credits; capital gains tax cuts; restoring real estate passive loss; repealing luxury taxes on boats.

No. 3, if we all want to share the burden of reducing taxes on the middle class and senior citizens, this is the proposal. It bears looking at. Do it tonight before we vote tomorrow.

To achieve deficit reduction, we also need spending cuts, and the first 2 years of spending cuts are always the most important.

Let us take a look. The Clinton budget has $16 billion of nonspecific spending cuts. The Solomon proposal is $112 billion in specific spending cuts.

The American people are challenging us.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for his statement.

Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. UPTON], one of the major sponsors of this legislation who has worked diligently for days on this.

Mr. UPTON. Mr. Chairman, I rise tonight in strong support of this Solomon substitute. There have been a number of us who have worked many days on this project. From my background, having served once at the Office of Management and Budget, I know what it takes to put an alternative budget together. I have worked on many of them, whether it be the Kasich-Pursell budget from a couple years ago, the 1992 group budget, there are a number of us here in this body tonight who know the work that it takes to really get this deficit down.

As I take a moment here and reflect on my background and why I ran to do this job that we do here tonight, it is to try to reduce the deficit, try to come up with real savings that will help our kids and our grandkids and Americans across this great land.

So many times I have used this quotation back in my home in Michigan. Here in the Congress we have too many Republicans, too many Democrats and not enough U.S. Congressmen and women willing to make the tough choices that have to be made on spending cuts and reducing the deficit.

I am tired of gridlock. All of us are. We cannot afford 4 more years like the last 2 that we had.

When the President was here last month and addressed the joint session of Congress, he gave us a challenge. From that rostrum he asked us to come up with specifics. Well, we have.

What the Solomon budget does here tonight is to accept the Kasich budget, and I have to say that the gentleman from Ohio, Mr. JOHN KASICH and his staff did a terrific job in coming up and identifying spending cuts that make sense.

What the Solomon package has done is to look at the taxing side, what the President has now proposed on taxes. From our perspective, all of us who will be voting on this tomorrow, we know that the middle class cannot afford to have their taxes raised.

I look at our district in Michigan, that Btu tax is a killer. In fact, we call it "Big Time Unemployment."

The cost of doing business in Michigan and States in the Northeast and Midwest is higher than other areas in the country. That is why we lost Willow Run, a great GM plant in Michigan, to Texas. That is one of the reasons why, and if you have this Btu tax that kicks in we know that it will only widen the disparity of doing business in our part of the State and it is going to cost us jobs.

It does not make any sense to raise taxes on business, and that is what the Clinton proposal does, raises the corporate tax from 34 to 36 percent. How many jobs is that going to create? None. It is going to lose them.

Think about all our seniors, particularly those maybe with a spouse that is deceased, thinking about the taxes that are going to be raised on them. Let us get rid of that, too. Our package in fact jettisons that part of the agreement.

In the last number of weeks all of us in this Chamber have been going back to our districts talking to a whole variety of groups. I have spoken to a number of school groups. I know that their priorities are the same as many of us here tonight. They care about our future. They care about the environment, what type of jobs they are going to have for their families when they graduate from school. They care about health care.

Well, guess what? If we do not do something about this deficit, if we do not come up with real reductions in the deficit, their future is very clouded because if we just sit on our hands and continue to do what we have done the last number of years, that deficit will exceed $600 billion. We cannot afford that.

Those students, those young Americans are crying for action in this body tonight.

The tough vote on the Solomon package is yes, because we are telling no to the special interests. The tough vote is yes, because we can in fact come up with a deficit reduction package.

As the President said the other night here in this well, "Match my savings." Well, we have and we have done better by $150 to $170 billion more in deficit reduction over the 5 years. What is wrong with that?

I say it is a sound program and I urge all my colleagues here tonight to endorse and support the Solomon package which will continue in debate tonight and be voted on tomorrow.

Mr. SOLOMON. Mr. Chairman, let me thank the gentleman for an excellent statement.

Mr. Chairman, seriously, President Clinton's budget that is before us right now would supposedly cut spending over the next 5 years by $219 billion. That is an average of $40 billion a year, and yet during that same year period when he would cut spending by $219 billion, he raises taxes by $336 billion, 80 percent of it on middle-class Americans, and he ends up with a deficit, an annual deficit at the end of the fifth year of over $200 billion.

What have we gained? We have taken $336 billion out of the pockets of the American people, most of them middle class, and yet we have not made any kind of significant reduction in the deficit.

This plan before you is a plan that is guaranteed, because we demand a balanced budget amendment on this floor with a vote on it by May 1, 1993. We demand that a line-item veto be enacted in the legislation which will cover for the next 5 years, and most of all, we extend the sequestration provision from not just the next 2 years, but for the entire 5 years, and we cut the deficit by $637 billion.

Mr. Chairman, that is what is needed if we are ever going to get out of the sea of red ink which is breaking the backs of all Americans, particularly the middle class Americans we are talking about today, but even more so those who are living on a fixed income.

My friend, the gentleman from Michigan [Mr. UPTON] talked about the Btu energy tax. That is a tax that will break the backs of Americans of all stripes.

Mr. UPTON. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to my friend, the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, I just would like to relate a little story. I am a young Republican, that is for sure. I can remember going down to see President Bush back in the 1990 agreement. We talked about spending and taxes.

I told the President then, I said, "You know, Mr. President, I can accept higher taxes on some folks, not the middle class, if it is combined with real spending reductions."

The reason that I could not support the 1990 budget agreement was that it raised taxes and it raised spending.

This package is perfect. It is perfect because we have accepted the Kasich spending reductions, and in fact spending will go down and our budget proposal is stronger than any other and I would urge again that my colleagues support it.

□ 2130

Mr. SOLOMON. Mr. Chairman, we made our point, and let me say I offered to yield half of my time, the 30 minutes, to my opposition. There were no takers.

I thank the gentleman from Maryland [Mr. MFUME] for allowing us to go with the 30 minutes prior to the Black Caucus to our extended debate, and I would say to my good friend, the gentleman from Pennsylvania [Mr. WALKER], since there were no takers on the opposition side, if he would like my 30 minutes that is remaining, I would be glad to offer it to him when the Black Caucus is through, if he so desired. But we have offered to yield half of our time to the opposition.

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] reserves the balance of his time.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, is the process now that we are going to the discussion of another budget, the Black Caucus budget?

The CHAIRMAN. The process is that the gentleman from Maryland [Mr. MFUME] is going to be recognized for 2 hours.

Mr. WALKER. And that would be pursuant to the rule, House Resolution 131; is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. WALKER. And this is the 2 hours of time controlled by the gentleman from Maryland [Mr. MFUME] under that rule; is that correct?

The CHAIRMAN. Those 2 hours have not changed.

Mr. WALKER. And he is permitted under that rule to yield time to the opposition if he so wishes; is that correct?

The CHAIRMAN. The gentleman from Maryland [Mr. MFUME] controls the 2 hours as he wishes.

Mr. WALKER. So, in a similar manner that the gentleman from New York [Mr. SOLOMON] offered to yield half of his time to the opposition, the Black Caucus could, in fact, yield half of their time to the opposition as well; is that correct?

The CHAIRMAN. The Chair clarifies that the gentleman from Maryland [Mr. MFUME] controls the 2 hours.

Mr. WALKER. But it is permissible for him to yield that time to the opposition if he so wishes?

The CHAIRMAN. The gentleman can do with his 2 hours whatever he wishes.

Mr. WALKER. I thank the Chair for that, and, if in fact he were to do that, that would, in fact, even up the time between the majority and minority where right now there is a disparity of about an hour of time between the majority and minority as a result of the way the rule was structured, thereby leaving the minority short of its time to present its case.

So, it would have that impact; is that correct?

The CHAIRMAN. The gentleman is drawing a conclusion, and that is not part of an inquiry.

The gentleman from Maryland [Mr. MFUME] will be recognized for 2 hours.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman from Maryland [Mr. MFUME] for yielding to me.

Mr. Chairman, I am wondering if the gentleman would be willing to yield half of the time to the opponents of his resolution as is a tradition in the House of Representatives. Generally when time is allocated the opposition does get half the time, and, the way that the rule is now structured, the minority is not only in a position of maybe not getting time to discuss this budget, but in fact has been shorted an hour of time in the overall 10 hours of debate for the budget.

I am wondering, Mr. Chairman, if the gentleman from Maryland [Mr. MFUME] would be willing to give the minority an hour of time so that we, too, can enter into the discussion.

Mr. MFUME. Mr. Chairman, I would like to at least draw the gentleman's attention to the comments of the distinguished gentleman from New York [Mr. SOLOMON] who serves on the Committee on Rules as the ranking minority member and to call his attention to the fact that part of the reason why we are so late in this debate, instead of going much earlier in the day, was because we recognized the desire of the minority at that time to be able to start its presentation earlier, and, as such, we agreed with the gentleman from New York [Mr. SOLOMON] that we would go, in fact, much later this evening. He was kind enough to yield some of his time, but, as we are structured right now, and with the number of people who base their comments around that previous agreement, we far exceed the 1 hour that we would have if we yielded 1 hour.

So, Mr. Chairman, I would say to the gentleman from Pennsylvania [Mr. WALKER] that, if there is time remaining, I would be more than happy to yield that.

The hour is late, and at this particular point in time I do not know how many Members are going to be here to consume the time that they have asked for and have been granted by me essentially, and I do not know if the gentleman would participate or hang around for the entire length of the debate. But we would be more than happy to yield any remaining time.

Mr. WALKER. Mr. Chairman, I thank the gentleman from Maryland [Mr. MFUME].

I will plan to be here, I assure the gentleman, until 2 or 3 in the morning, when we are going to finish up, but it certainly would seem to me to be fair to have discussion on both sides of these issues.

If I understand the gentleman correctly, he has already lined up his time for people who are only going to speak in favor of his proposal, which means that the opposition will get absolutely no time to speak against the proposals, which seems to me to be terribly unfair in the process of the debate in the House.

Mr. MFUME. Mr. Chairman, I would ask the gentleman from New York [Mr. SOLOMON], the distinguished ranking member of the Committee on Rules, to sort of explain, perhaps, to the gentleman from Pennsylvania how we arrived at the agreement that we have essentially whereby we have been allotted this 2 hours to present our points in the debate.

Mr. WALKER. Mr. Chairman, I would say to the gentleman that the gentleman from New York [Mr. SOLOMON] agreed to give up a half hour of his time to the opposition. A half hour of his hour he agreed to give up to the opposition, and that is what I am asking here.

Mr. MFUME. That was his prerogative, and, based on the agreement that we were operating under today, I have speakers that run in excess of 1 hour, and so I think it would be a little in bad judgment and poor taste for me to suggest to the gentleman from Pennsylvania that I would give up 1 hour of the time allotted.

Mr. Chairman, again I would be more than happy to yield any remaining time above and beyond that once we see how many Members do, in fact, arrive here on the floor to participate.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I would just point out a problem that may exist tomorrow also, and I think we are going to have to have some cooperation on it, but, as my colleagues know, we are operating under a king of the hill procedure tomorrow in which case we will take up the Kasich Republican budget substitute first with 2 hours of debate. We will then have a vote. We will then go to the Solomon substitute with 1 hour of debate. And then a vote, and then this is where the problem lies:

The Black Caucus again will come in with their resolution with 1 hour of debate and a vote, and then the Committee on the Budget then has 2 hours of debate and vote on theirs. Now that means that the Democrats on their side of the aisle will end up with the last 3 hours of debate time and no time allocated to the Republican side of the aisle.

So, Mr. Chairman, I think there has got to be some kind of accommodation made tomorrow. That would be my suggestion.

Mr. MFUME. Mr. Chairman, we would be more than happy to have our time evenly divided and allotted to a Member opposed. That was the understanding that I thought we had today.

Mr. SOLOMON. Well, this is what I hoped we could have, and I am certainly willing to do that with our hour and yield against a half hour to the opposition, and I see the gentleman here, and if the gentleman from Maryland would yield to the gentleman from Arizona [Mr. KOLBE], he might want to enlighten us.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Arizona.

Mr. KOLBE. That certainly would be our intention on the discussion of the first proposal that is up, which is the budget Republican proposal, Mr. KASICH's, to yield half of our time to the opposition, and I have not had a chance to have that discussion with the gentleman from Minnesota [Mr. SABO], but I hope the Chairman would follow that same procedure with regard to the time that we get at the end on the resolution of the Committee on the Budget.

Mr. SOLOMON. According to precedent, that is what we have done in the past.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Chairman, my understanding is that under the rule for substitutes tomorrow the proponents have half the time and the opponents have half the time in substitutes, whichever ones are offered.

Mr. KOLBE. I appreciate that comment, and I have just been advised that the rule does specify that each of the times will be divided.

Mr. SOLOMON. So, we just split it up.

PARLIAMENTARY INQUIRY

Mr. MFUME. Mr. Chairman, reclaiming my time, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MFUME. I would like to ask the Chair whether or not the time for the colloquy has counted against the time allotted.

The CHAIRMAN. Yes. That colloquy consumed 6 minutes.

Mr. SOLOMON. Mr. Chairman, that is really not in order. I mean this was a colloquy. We were not propounding parliamentary procedures, but we were speaking out of order.

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] did ask the gentleman from Maryland [Mr. MFUME] to yield, and he yielded three times to three different Members.

Mr. SOLOMON. Mr. Chairman, I do not think that is fair. I understand why it is being done, but I ask unanimous consent that the gentleman from Maryland [Mr. MFUME] be given an extra 6 minutes to restore his 2 hours. That is only fair in this body.

The CHAIRMAN. Without objection, so ordered.

There was no objection.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, why was that unanimous consent accepted when I a few minutes ago asked whether or not I could ask for an hour of time for the gentleman from Ohio [Mr. KASICH] to even up the time between the two parties and was told that such a unanimous-consent request could not be countenanced in the House? How is it we have now changed the rules over what I was just told a few minutes ago?

The CHAIRMAN. The Committee of the Whole was not extending the time. The time stayed as 2 hours. We are just subtracting the time that had been used in a situation where a Member of your side did state that they never intended to use the gentleman's time, but just to get some information.

□ 2140

Mr. WALKER. Mr. Chairman, the Chair has just extended the time of the gentleman from Maryland [Mr. MFUME] 6 minutes. What I was asking for was a similar kind of thing, to extend the time for 1 hour to even up the debate between the two sides. I was told that that particular unanimous consent request could not even be offered in the House. Now the Chair has just accepted a unanimous-consent request of the same type.

The CHAIRMAN. The gentleman was asking for an extension of time allotted in a rule.

Mr. WALKER. Mr. Chairman, the 6 minutes just added, where did that come out of the 10 hours?

The CHAIRMAN. We are just not going to count them, because the gentleman from New York [Mr. SOLOMON] stated it was never his intent to take time away from the gentleman from Maryland [Mr. MFUME].

Mr. WALKER. Mr. Chairman, a further parliamentary inquiry: The gentleman from Maryland [Mr. MFUME] has 2 hours allocated to him. As I understand it, the gentleman from New York [Mr. SOLOMON] just asked that his time not include the time that was just used that was yielded. That extends the time beyond the 2 hours.

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] asked that the time used by the gentleman from New York and the other gentlemen not be taken away from the gentleman from Maryland [Mr. MFUME] because that was not the intent.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman will yield under his parliamentary inquiry, can I just make one further parliamentary inquiry? That is that a while ago the Parliamentarian said the rule had been passed by the Committee on Rules, and therefore it could not be altered.

This rule was passed by the Committee on Rules as well. The gentleman used 6 minutes. The Chairman is saying that you can now reinstate that 6 minutes.

Mr. Chairman, this was passed by the Committee on Rules as well, so it seems to me that there is a variation in how the rules are applied. I would just like to ask the Chair, should there not be consistency in how the rules are applied?

The CHAIRMAN. The Chair did not understand that to be an extension of time, but rather a clarification on a procedural point which was confusing to some Members, including the gentleman from New York [Mr. SOLOMON], who felt, as the gentleman stated, that it was unfair to take time that he, the gentleman at the microphone now, and the other gentlemen have taken, from the 2 hours that the gentleman from Maryland [Mr. MFUME] controls.

Mr. MFUME. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me if I might begin my remarks by offering my thanks to the chairman of the Budget Committee, the gentleman from Minnesota [Mr. SABO], for doing a yeoman's job one working through a very difficult process and taking many things into consideration with respect to the process that we are all engaged in this evening. Both the gentleman and the ranking minority member on that committee are to be commended.

Mr. Chairman, those of us who stand here as members of the Black Caucus and the House progressive caucus sincerely wish to convey our thanks to these gentleman for their sensitivity in this matter and their understanding of our need and desire on the basis of principle to come forward with what we consider to be our alternative budget.

Mr. Chairman, we come before you today with a sense of great urgency and opportunity—a sense of opportunity because we stand on the threshold of a new era of partnership between the executive and legislative branches—a sense of urgency because the people whom we serve are desperately in need of our compassion and immediate action to alleviate the conditions which so imperil their lives.

Since 1981, the Congressional Black Caucus has developed 10 alternative budgets. The impetus for those earlier budgets was a challenge issued by President Reagan for those who criticize his call for increased military spending, tax breaks to the wealthy, and the slashing of vital social services.

The impetus for the budget you now hold is to respond to the complete failure of the previous budget priorities of the previous administration and to create a new approach to national fiscal policy which responds to dramatically changed world conditions. This budget grows out of the moral imperative which we as members of the Congressional Black Caucus and our colleagues in the House progressive caucus believe must be addressed. The alternative is motivated by the pain of those who suffer homelessness, illness without access to medical care, frustrated educational opportunities, the scourge of drug abuse, the violence rampant in our communities, the stagnation of our economy that has plunged millions into unemployment, despair, and permanent economic marginality.

We have worked diligently, within an abbreviated time frame, to develop this document which seeks to find progressive solutions to advance the cause of human dignity and social progress. We do not posture ourselves as an opposition coalition to the President's recommendations or that of the House Budget Committee. Rather, we have set out what we view as a set of aggressive "alternative"; options for the Nation.

Americans of all races and from all walks of life have suffered especially during the current economic decline. The resurgence in acts of racism and sexism and class have forced themselves upon the front pages of the Nation's press. Our education system fails to prepare our children for their role as citizens and workers. Our infrastructure is collapsing. Millions are unserved or underserved by our health care systems. Indeed, we even live in an era in which parents do not believe that their children will lead a better life than they do. These children of desperation find their recourse in drugs and death and a world of violence.

It is for them and for their parents and for the hard-working and honest people of our Nation that we advance this alternative—to give our view of how we make their world a safer and more supportive environment in which to live.

In summary our fiscal year 1994 budget: Allocates $1.343 trillion in Budget Authority, spends $1.509 trillion in outlays, raises $1.256 trillion in revenues, and reduces the deficit to $252.9 billion in 1994.

HISTORY

For the past 12 years, the Congressional Black Caucus has developed 10 alternative budgets. These earlier budgets were in response to a challenge issued by President Ronald Reagan for those who criticized his call for increased military spending and the slashing of vital social service and human resources development programs.

The alternative budget today attempts to address the failures of the past two administrations and responds to the demands of dramatically volatile world conditions.

To be sure, the Congressional Black Caucus understands that there continues to be a great deal of pain and suffering. The alternative budget reaches out to the homeless and the uninsured.

The alternative budget seeks to create new educational opportunities and replace the scourge of drugs with a sense of hope and compassion to human needs.

The alternative budget is driven by our desire to revive our stagnant economy and put millions of Americans back to work—to offer a hand up, instead of a handout.

We want America to maintain its predominant place in the world arena. To this end, issues such as economic conversion, infrastructure development, worker retraining and deficit reduction are all incorporated within our fiscal year 1994 budget alternative.

Additionally, Mr. Chairman, I am honored to announce for the second consecutive year the House progressive caucus is cosponsoring the alternative budget with the Black Caucus.

The members and staff of the progressive caucus have worked very diligently to shape this document within an abbreviated time frame.

The participation of the progressive caucus underscores the fact that we can put people first, attack the deficit and respond to our international commitments.

Mr. Chairman, when it is all said and done, the budget process and our alternative budget has less to do with politics, that it does with the interest of the people who are affected by what we do.

The alternative budget is fair and does not pit one segment of our society against another. We are simply concerned that the people's interests are protected.

The only way I know to accomplish this task is by being fair. No one likes to waste time and money, especially when it is donated by the taxpayers we serve.

This alternative is not about taxing and spending. The alternative budget is about investing and receiving dividends. We can either pay now or pay later.

I don't believe our current economic problems are the result of government spending. Our problems are because we have not been honest with the American public about who has benefited from government over the past 12 years and who has suffered.

Not all the bills we passed in this house went to welfare and social services. Many went to support the bail out of private industries and to assist the private sector compete with Japan and Germany.

Ladies and gentlemen, let the truth be told about how we got here. Let us not label the poor and disadvantaged as the cause of our economic woes.

If the poor reaped so many Federal benefits, then why are there so many people that are without shelter, food, clothing and other necessities.

The alternative budget is a straightforward proposal that demonstrates new and creative thinking to old tired problems.

The Congressional Black Caucus and the House progressive caucus take the budget exercise very seriously. To be sure, we care so much about this process that we endeavor every year to fashion a document that reaches every sector of our society.

□ 2150

The Congressional Black Caucus and the House progressive caucus take the Budget exercise very seriously. To be sure, we care so much about this process that we endeavor every year to fashion a document that reaches every sector of our society.

We want to be sure in the simplest way that there are enough resources to provide for the homeless, the indigent, the hungry, the dispossessed, the middle class working men of this Nation, to provide for families and so many others.

Our alternative budget addresses America's concern that children are adequately educated and that they receive job skills later in life for training and future employment that then will enable them to be able to raise families. Mr. Chairman, it does not matter tonight whether we are Republican or Democrat. We must concede the fact that members of this body cringe at the sight of once productive industries losing contracts and then losing jobs to firms overseas because labor and other regulatory costs are cheaper. Americans want to work, but Americans also want their government to work for them. The alternative budget achieves this end, and we balance the budget by 1993. Let me repeat that. We balance the budget by 1998 under this alternative approach. We achieve deficit reduction and we represent the farmer and the stock broker, the doctor, the engineer, the teacher, the carpenter, the merchant seaman, the textile worker and the average Joes and Janes of this Nation.

Mr. Chairman, in presenting this budget for consideration to this body tonight, let me thank members of the Congressional Black Caucus and the House progressive caucus and other Members who are not affiliated with either who will come forward tomorrow and vote in the affirmative for this approach because they believe, as we believe, that we must, in fact, stand up and do what we have to do to add a sense of humanity and to bring some sensitivities to this process, a process that ultimately, in the end, always affects people.

We are the custodians of this process in many respects, and what we do will be measured for a long, long time to come.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, this is what I would like to do, if it is all right. Since we did not use the remaining 30 minutes of our debate time, I ask unanimous consent that that 30 minutes be added to the Republican budget time of 53 minutes. And certainly, I do not think there would be any objection to our doing that.

Mr. MFUME. Mr. Chairman, on a point of clarification, what 53 minutes is the gentleman referring to?

Mr. SOLOMON. Mr. Chairman, if the gentleman will continue to yield, the gentleman from Ohio [Mr. KASICH] has remaining 53 minutes. I would like to yield my 30 minutes that we did not use to be added to their time.

Mr. MFUME. Mr. Chairman, I do not have any objection to that.

The CHAIRMAN. The Chair will note that the gentleman has 56 minutes, and the gentleman is adding 30 minutes.

Mr. SOLOMON. Mr. Chairman, we are adding 30 minutes to the 56 and giving it to the gentleman from Ohio [Mr. KASICH].

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MFUME. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Vermont [Mr. SANDERS], who also is cochair of the House progressive caucus.

Mr. SANDERS. Mr. Chairman, I thank the gentleman from Maryland for yielding time to me.

I want to congratulate the gentleman from Maryland [Mr. MFUME] and the Black Caucus in general for many, many years being the conscience of the U.S. Congress.

Year after year they have given us the serious budgets, the humane budgets. And the American people owe them a debt of gratitude, and I am very delighted, as a member of the progressive caucus, to be joining with them today to discuss a sensible alternative.

Mr. Chairman, the truth is that the President of the United States has presented the American people with a good budget. But frankly, in my view, it is a budget which does not go far enough.

Our Nation is a great Nation, and I believe that if the truth is laid out on the table, if we have the courage to look at our problems honestly and straightforwardly, as serious as these problems are, we, in fact, can solve them and, once again, restore the preeminence of the United States of America on the world scene.

And to the President's credit, unlike his predecessors, he has the courage to put the chips out on the table and tell the American people really what is going on.

Let us touch upon a little bit about what is going on. The gentleman from Maryland [Mr. MFUME] has already raised some of those issues.

Mr. Chairman, 20 years ago, the United States of America led the world in terms of the wages and benefits we provided our workers. We were No. 1. Today, after some Democratic rule, after 12 years of Reaganomics, our working people today are in 12th place in terms of the wages and benefits that we receive.

The good news is the German companies like BMW are coming to America to build automobile plants. That is the good news. The bad news is that they are coming here now because we are becoming a source of cheap labor for Germany. Their manufacturing workers earn 25 percent more per hour than our workers earn.

Mr. Chairman, as the gentleman from Maryland [Mr. MFUME] has already suggested, we have 16 million workers in this country who are unemployed or underemployed. We have millions more who are earning a totally inadequate minimum wage.

The Congressional Black Caucus and progressive caucus budget understands that we must invest in America. We must rebuild this country. And in the process, in the process, create hundreds of thousands of decent-paying jobs for American workers.

We think it makes sense to rebuild our highways, our mass transportation systems, our sewer systems, all of the needs that have been neglected for decades. We think it is a smart investment, because we improve our society and put people to work at decent wages.

Mr. Chairman, 2 million Americans are sleeping out on the street and many millions more are living in wholly inadequate housing. Five million American children go hungry every day and the United States has, by far, the highest rate of childhood poverty in the industrialized world, 20 percent of our kids live in poverty.

Mr. Chairman, the Congressional Black Caucus and progressive caucus budget says that in the United States of America the children of our country must not go hungry. That may seem to be a radical idea to some of our friends over there. Some of us think that it is not a radical idea. It is an American idea, that our children must not be without adequate health care. Half the kids do not get their basic immunization shots, and that all of our kids must have an adequate education to go into the 21st century. Radical? I do not think so.

I think that is what this country is supposed to be about, and I am very proud that our budget understands the greatness of a nation, the moral strength of a nation is judged by how well we treat our children, the children who are the weakest and the most vulnerable members of our society.

That is why I am very proud that our budget, more than any other budget, provides adequate funding so that we can effectively deal with the crises facing our children.

Mr. Chairman, clearly the priorities of our Government are out of whack, and this chart in front of me says basically all that has to be said about the priorities of the 1980's. Here it is.

Housing, down 77 percent. My colleagues wonder why people are sleeping out on the street? Here it is. Health care, they wonder why kids do not get immunizations, health care down 49 percent.

Employment and training, down 48 percent. Mass transit, down 33 percent. Farmers Home Administration, down 25 percent. Child nutrition, down 19 percent. Education, down 70 percent. Not everything is down, however. Military spending, up 46 percent. And those are the kinds of priorities that our budget is trying to reverse.

No one denies that our world is a dangerous place. No one is suggesting that we disarm America. But we are asking, for example, whether we have to spend $130 billion a year defending Western Europe and Japan, countries that are now wealthier than we are. Let them defend themselves. We have got to take care of our kids, our people.

Mr. Chairman, those of us who are supporting this budget are outraged by the waste of human life and human potential in this country. That is what this budget is about. It is for the elderly. It is for the kids. It is for working people, and it is for the poor.

□ 2200

Mr. Chairman, very briefly let me touch upon another issue. It is an issue that I think we do not discuss very much in this House. The media does not deal with it too much, but it is an issue of concern to me.

As the Members know, we, Americans, are great sports fans. We always want to know the score: Who won and who lost the game. Let me briefly talk about the most important game being played in our Nation. It is not football, it is not the NCAA basketball, it is not baseball. It is the game of who wins and who loses the economic struggle, who wins and who loses the economic struggle.

Let me make reference now to a recent study authored by Arthur Kennickel, senior economist at the Federal Reserve Bank, and R. Louise Woodburn, mathematical statistician for the IRS.

What their results show is that the richest 1 percent of the population own 37 percent of the wealth of America, while the bottom 90 percent now own 31 percent of the wealth. The richest 1 percent own more wealth than the 90 percent of the people who are in the bottom.

What has happened in the last dozen years is the gap between the rich and the poor has grown wider. Their side, and we have to concede this point, they won. Congratulations. Their friends have become wealthier while many of the people that we represent, working people, poor people, senior citizens, they have lost. That is what the score is about.

Mr. Chairman, let me conclude by mentioning another study by Prof. Edward Wolff of New York University. Some of our friends, they talk about raising taxes, what a terrible thing. I think it is important when you talk about taxes to ask who is going to pay, who should pay taxes.

Let me conclude by quoting a statement from Prof. Edward Wolff of New York University. He writes, "Of the $2.6 trillion increase in family wealth between 1983 and 1989, $2.6 trillion" and we are talking about a lot of money, "55 percent accrued to the top half of 1 percent of the families."

So all those gains of the Reagan years, that is where they went, to the richest one-half of 1 percent. Most importantly, the lower, middle, and bottom wealth classes collectively lost $256 billion of wealth. That is what happened.

Mr. Chairman, let me conclude by congratulating the Congressional Black Caucus for their outstanding work. As a member of the progressive caucus, I am delighted to join with them. Let us go together to change the priorities in this country and make sure that America works for all the people and not just the very wealthy.

Mr. MFUME. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York [Ms. VELÁZQUEZ], a distinguished member of the Committee on Banking, Finance and Urban Affairs.

Ms. VELÁZQUEZ. Mr. Chairman, I rise today in strong support of the alternative budget offered by the Congressional Black Caucus in coalition with the congressional progressive caucus. I also want to commend Congressman MFUME, chairman of the Black Caucus, and his staff for the superb work they have produced under very strict time constraints.

Mr. Chairman, Frederick Douglass taught us that "if there is no struggle, there is no progress." This esteemed African-American is quoted as saying, "Those who profess to favor freedom, and yet deprecate agitation, want crops without plowing up the ground, they want rain without thunder and lightning. They want the ocean without the awful roar of its many waters."

Well, Mr. Chairman, today the Congressional Black Caucus and the Progressive Caucus bring thunder and lightning to the floor of the House. We are here to roar on behalf of communities, like the 12th Congressional District of New York which I represent, that are economically distressed and politically disaffected.

Let me explain the conditions which my constituents confront every day. Housing is scarce but expensive, the few schools are overcrowded and unsafe, local emergency rooms substitute for doctors' offices, jobs are elusive and require ever increasing levels of training, there is an absence of basic financial services, and the capital that is so vital to local economic development is nowhere to be found. I know this is the case in many areas across the country, but believe me, the situation is so much more drastic, so much more desperate in communities of color.

Already this year, there have been two murders inside schools in New York City, both have occurred in my district. In addition, one of the finest educators, administrators, and mentors of our school system, Patrick Daly, was fatally shot in a drug related cross-fire as he searched for a student who had earlier that day left the school in tears due to a dispute with another student. Similar incidents of wanton violence are repeated daily in our communities and threaten to destroy the spirit and the soul of the people.

But our constituents do not want handouts, and they certainly do not deserve the hand across the face they received from the Reagan and Bush administrations throughout the 1980's. They want a hand up.

They want opportunity, the opportunity to acquire the tools that will allow them to help themselves. They seek economic self-sufficiency which will create jobs, rebuild neighborhoods, renew hope, and restore reason to these communities.

This alternative budget speaks to them. This alternative budget is their voice in Congress by making social investment in our people the first consideration.

Let me focus on some of the specifics in this alternative budget. In the area of housing and community development, we include $200 billion in low and moderate income housing and rehabilitation grants and significant increases in section 8 housing certificates to shelter our constituents. The alternative budget also adds $600 million to renovate and secure our public housing. These funds will allow our citizens in public housing to live in safety and dignity. The budget alternative builds on President Clinton's fine proposal to increase funding for the Community Development Block Grant Program by adding $144 million over 4 years to his request.

The budget adds $12 million to create a distinct entity in the Department of Commerce focused on minority business development, and authorizes an additional $350 million in small and minority business assistance. These funds plant the seeds for the growth of minority entrepreneurs throughout the country.

The alternative budget invests in our future by increasing Pell grant maximum awards by adding $2 billion to the program. The proposal also increases Chapter 1 funds to serve an additional 2 million children and provides $75 million for educational research and development to establish research institutes and a network of research education for some of the poorest regions of the country.

And these are only some of the areas in which this budget makes a significant difference. There are also increases to worker training, youth initiatives, environmental controls, transportation, and health care. The alternative budget addresses these pressing needs while seriously attacking the Federal deficit that chokes our investments and threatens to burden our children.

Mr. Chairman, this alternative budget is the peoples budget. It represents a responsible social investment package that responds to the needs of those communities that historically have been denied social justice and economic equity. It renews faith in this country to many who feel left out. In closing, I wish to quote a Langston Hughes poem that recalls the yet unfulfilled promise that this budget responds to—

Oh, let America be America again
the land that never has been yet—
And yet must be—the land where every man is free
The land that's mine—the poor man's, Indian's Negro's ME—
Whose sweat and blood, whose faith and pain—
Must bring back our mighty dream again.
Oh yes, I'll say it plain,
America never was America to me.
And yet, I swear this oath—
America will be!

Mr. Chairman, I ask my colleagues to support the alternative budget offered by the Congressional Black Caucus and the congressional progressive caucus.

Mr. MFUME. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. RANGEL], Chair of the Select Committee on Narcotics Abuse and Control and a distinguished member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Chairman, it is a great honor to be a Member of Congress and to come before this body to talk about the progressive caucus and the Congressional Black Caucus alternative this evening. Having worked with the Congressional Black Caucus in the decades that we had an alternative, it even makes us prouder as Americans, as legislators, to see that in the 1986 reform bill that over 90 percent of the reforms that were in that bill actually were introduced by the Congressional Black Caucus, long before we were able to change the tax code.

Since the 1980's, of course, there was a big party going on in America, and poor people just were not invited to attend. A lot of people that did come there became wealthy. The tax rates were dramatically reduced for corporate structures as well as the wealthy, and we found America going deeper and deeper into debt.

It is a strange thing, but for those of us who know what paying interest on debt is, we find ourselves in the Congress denying homes to the homeless, jobs to the unemployed, lacking medical services, and so at last we have a President who has had the courage to say we have to turn it around. As has been said before, it just did not go far enough.

We in the Congressional Black Caucus have analyzed some of the provisions there. We said that we do not need a Btu tax, we do not need an energy tax. Yes, we have the earned income tax credit to give a little cushion, but still there are a lot of people who are not working that would have to pay this tax, and so we eliminate it.

We eliminate the increase of the Social Security base from 50 to 85 percent of taxable income. We believe, as other administrations do not believe, that we have to raise the funds if we intend to do this, so we increase the corporate tax from 36 percent to 38 percent, we put a 5-percent surcharge on the highest of the income tax of the corporate tax. This, combined, raises $12.2 billion.

We increase the capital gains tax from 28 percent to 31 percent. This gives us an additional $3.5 billion. Also, we put a cap on the interest of mortgages where the principal has been $300,000, from the cap that we have now of $1 million, raise it $900 million and eliminate the deduction for the second home, which raises in addition $200 million.

What we have done is kept the best of the Clinton plan. We have not touched the earned income tax credit, which we believe is long overdue, not as a cushion but as an encouragement and as a support to make certain that our working Americans are not working and still poor.

We leave and make permanent the low-income housing credit, the targeted jobs credit, the investment tax credit for small businesses, and as our distinguished chairman has pointed out, we increase and we raise $23.7 billion over the Clinton budget and reduce the national deficit by some $15.1 billion below the Clinton deficit.

What we are saying is that if we are going to invest in America, if we are going to invest in human beings, if we are going to put America back to work, we are going to have to pay for it. The best people to pay are those that went to the party, enjoyed the party, and left us with a hangover.

Mr. Chairman, it is a great honor to see that with the courage that we have with President Clinton, there is no question in my mind that if we cannot get over the top with this budget today they will come back and they will be adopting our budget today, as they have adopted our budget in the past.

Mr. MFUME. Mr. Chairman, I yield 3 minutes to the other gentleman from New York [Mr. NADLER], who is here today also to speak on behalf of this particular budget we are offering.

Mr. NADLER. Mr. Chairman, I rise in support of this amendment and urge my colleagues to support it.

For the first time in a dozen years, we have a President who is trying to deal honestly with the economy and the budget. The President's package is the product of a commitment to deal forthrightly with the economic wreckage brought on by more than a decade of mismanagement and borrow-and-spend policies.

Most importantly, the President is asking that we rebuild our crumbling infrastructure, convert our industry to that of a peacetime economy, promote energy efficiency and sound environmental policies, and provide funding to restore our urban communities and fight the ravages of deadly diseases like AIDS, breast cancer, and TB.

I support the President's efforts.

I am supporting this alternative because I believe that we can build on the President's historic initiative—we can make substantially deeper cuts in the defense budget to realign our military posture to reflect realistically the much-reduced threats we face in the world today, and to redirect our resources to invest more in the future of our people and our communities.

We have heard a great deal about the budget deficit. But the deficit is not our only economic problem. We need to remember that our economy will not flourish, our standard of living will not increase, unless we deal with our other economic problems as well.

We will not successfully compete with other industrialized countries;

While American students score consistently below their foreign counterparts;

When net fixed private investment is less than 3 percent and our productivity increases at one sixth the Japanese rate.

And we will never satisfy our people's aspirations if we have another decade in which the income of the wealthiest fifth of the population grows by 17 percent, while that of the poorest fifth drops by 5 percent.

The time has come to pass a budget that addresses all of these economic problems.

The American people have spoken. They have responded to the President's message of honesty, deficit reduction, and investment in the future of this Nation. The proposal being advanced by the Congressional Black Caucus and the House progressive caucus is faithful to that vision and builds on the President's proposal. I join with the other Members of the House progressive caucus in urging my colleagues to support this amendment and provide a greater investment in our future and in our people.

□ 2010

Mr. MFUME. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise today to support the alternative budget presented by the Congressional Black Caucus and progressive caucus.

I also want to say how much I appreciate the work of the Budget Committee in bringing us a budget that seeks to address the needs of America, and I appreciate President Clinton's budget, with its blend of investments, deficit reduction, and new revenues.

But it is in the alternative budget that I find the purest expression of my own values. For many years I watched in admiration as the Black Congressional Caucus brought forward their budget. This budget was a ray of hope during those awful years when the Reagan and Bush budgets promoted all that was wrong in values. The Congressional Black Caucus budgets all those many years emphasized human values, environmental values, American values. When there was so little recognition of real needs, the Congressional Black Caucus budget stood for my values.

Therefore, it is the most profound honor for me today to be a Member of Congress and support the Congressional Black Caucus budget and the progressive caucus budget. This budget reduces defense spending by $11 billion while increasing the funds available for defense conversion. It urges the establishment of long-term care programs to meet the needs of the elderly, the disabled, the chronically ill. This is central to any health care reform. And this alternative budget adds another $5 billion for education and employment services.

It is in this budget that I see the priorities that I campaigned for, priorities of children, priorities of education, priorities for the environment, civilian priorities that recognize that the cold war is indeed over and that our greatest threat is not from some foreign enemy, but rather from the enemies of poverty, despair, and malnutrition.

I urge my colleagues to support the values that are recognized in this alternative budget.

Mr. MFUME. Mr. Chairman, I yield 3 minutes to the gentlewoman from Georgia [Ms. McKINNEY], a distinguished member of the Committee on Foreign Affairs.

Ms. McKINNEY. Mr. Chairman, I rise this evening to place in perspective why consideration of the Black Caucus and progressive caucus alternative budget is important.

As you know, many of us who seek elective office can talk the talk. The question is, can we walk the walk?

The people of the United States spoke for change: They want a recognizable shift in American priorities and they want deficit reduction.

In short, we each came to Congress because the people want action. We applaud the President who has taken bold steps in the right direction. We present an alternative, however, that should dispel the notion that he has approached the outer limits as to what could, and for that matter, should be done.

I would like to speak specifically about life in our smaller cities and towns and in rural America that this budget also addresses.

Of course, small problems are not confined to small towns. We have big problems, too.

In my district, Georgia's 11th Congressional District, I represent people who have no running water in their homes; people in communities who must survive weather like we just experienced, but without paved roads; infant mortality reaches proportions akin to those in Third World countries; and illiteracy among adults runs at just under half the population.

There is much to be done. The Congressional Black Caucus budget includes rural America and small town America in a way that affirmatively addresses our urgent needs while we at the same time address the critical human needs of our urban areas.

For we now understand that rural America's problems today will belong to urban America tomorrow. We can stem the despair in our rural and smaller cities and towns, and the Congressional Black Caucus and progressive caucus alternative budget does that: From economic infrastructure development programs to funding of the sustainable agriculture research and education program; from community development banks in smaller cities and towns to additional funding for institutions like Paine College in Augusta and Savannah State College.

And most importantly, in addition to an investment in rural development, we fund a special rural health initiative.

We do all this, without an isolationist posture toward the rest of the world, and we do it with a balanced budget in 1998.

The Congressional Black Caucus and progressive caucus budget allows us to talk the talk, and to walk the walk of the people's agenda for America.

Mr. MFUME. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. BLACKWELL], a distinguished member of the Committee on the Budget.

Mr. BLACKWELL. Mr. Chairman, the budget of the United States makes a statement about where we stand. Our spending and our cuts reflect our principles.

For 12 years, we increased military spending, gave tax cuts to the wealthy and caused a dramatic shift in resources from the hands of many to the hands of a few.

During this 12 year period, the deficit has gone up, while investment in human needs has gone down. It is now time for investment to go up and for the deficit to go down. President Clinton is committed to that goal.

Our colleagues on the other side of the aisle would have us continue the failed polices of the past. They would have us continue to protect the rich at the expense of poor and middle-class Americans. And so, our colleagues offer a substitute budget. They offer a budget with no real change in policies. Under their budget, the wealthy would not pay their fair share. There would be no taxes on them. Human needs would suffer.

Mr. Chairman, in addition to a record deficit, the past 12 years have produced record unemployment levels. Nine million people are unemployed. Another 6 million are underemployed.

Yet, while sparing the wealthy and further cutting human needs programs, our colleagues would have us do nothing about the stagnant unemployment that has hovered around 7 percent for nearly two years.

President Clinton, on the other hand, has proposed a comprehensive economic recovery package, designed to provide a higher standard of living for all Americans.

Under the President's plan, millions of new jobs will be created; incomes for working Americans will be increased; there will be investment in America's infrastructure, in technology and in people; and, the deficit will be reduced.

The budget offered by the budget committee more closely tracks President Clinton's economic recovery package. Chairman Sabo is to be commended for the skill and leadership he has demonstrated in bringing this budget to the floor.

Unlike the substitute budget offered by our colleagues from the other side of the aisle, however, the Congressional Black Caucus offers a substitute which also closely tracks President Clinton's proposal.

The CBC substitute goes further than the budget committee in insuring that the burden of reversing the failures of the past are more evenly shared. The CBC rejects the energy tax as well as the proposed increase in Social Security taxation.

The CBC substitute adopts unemployment levels as set out in the Humphrey-Hawkins targets under the Full Employment and Balanced Growth Act of 1978. The CBC recognizes that decreasing unemployment results in a decreased deficit.

The CBC also offers more cuts in the defense function and less cuts in the functions which affect human needs. While realizing that the budget is advisory, we want to make sure that certain programs are not at risk.

In offering the substitute, the CBC does not intend to belittle the work of the House Budget Committee. There are many programs for people embodied in the Budget Committee's resolution.

Full funding for Head Start and for the WIC program; expansion of the Food Stamp Program to meet the Mickey Leland Hunger Relief Act; increased summer jobs for youth; increases in community development block grants; expansion of the earned income tax credit assistance for low income people; funding for education reform; full funding for the Ryan White AIDS program; and increases for childhood immunizations, among other items.

In sum, I find far more to agree with in the House Budget Committee resolution than I do with the substitute offered by our colleagues from the other side of the aisle. But the best budget, in my view, is the CBC substitute.

Mr. Chairman, at the close of this debate, we will vote. Under the rule, one of these budgets will be sent forward for consideration and comparison with the work of the Senate. I urge my colleagues to support the CBC substitute.

The CBC substitute reflects fairness; equal treatment; a balancing of past problems and present promise. It reflects what America should stand for—change so that all Americans might have a chance.

□ 2220

Mr. Chairman, I believe that we have to look at what the Republicans have done for the last 12 years in destroying this country.

We have people living in subways, we have people sleeping in abandoned cars, sleeping in abandoned homes, unable to eat, while we send our jobs overseas.

So now it is time to change that. We elected President Clinton. We did not elect the Republican Party. We should follow his policies. More than that we must go another step forward and adopt the CBC progressive bill. It goes a step further, and it will restore this country back to Americans where it belongs.

We have been taking care of 2 percent of this country for far too long. Now it is time to put Americans back to work, give America back to all Americans, and not the 2 percent.

Mr. MFUME. Mr. Chairman, I yield 4½ minutes to the gentleman from North Carolina [Mr. WATT], a distinguished member of the Committee on Banking, Finance and Urban Affairs.

Mr. WATT. Mr. Chairman, I rise in support of the Alternative Budget put forth by the Congressional Black Caucus and the House progressive caucus.

Mr. Chairman, I am not here to attack the President's budget. But, as President Clinton told us last fall, "we can do better". The CBC and Progressive Caucus have created a budget that is better than that of both the President and the House Budget Committee because it is more socially responsible and more humane. At the same time it is more responsive to the public's demand and the obvious need for deficit reduction.

This budget focuses more intensely on building up our communities and creating jobs. It adds $144 million for CDBG funding and $2 billion for Pell Grants. It would serve an additional 2 million children in the Chapter 1 education program. Mr. Chairman, these are investments in our communities and in our people which will pay handsome dividends and returns and result in great savings in our national budget in the future.

And this alternative budget would eliminate the Federal budget deficit by fiscal year 1998 without raising taxes on the poor or the middle class or attacking their government services.

Let me put this in perspective for you. Twelve years ago Ronald Reagan sold America on a tax plan which he said was fair to all Americans. He said let's make all Americans pay income taxes at the same rate, 33 percent. Fair enough! What we failed to understand and raise our voices in opposition about was that 33 percent of a $10,000 income left that household $6,700 in money to spend while 33 percent of a $100,000 income left that household $67,000 in money to spend and 33 percent of $1 million in income left that household $670,000 in money to spend. Twelve years later we came to some startling realizations:

In that 10 to 12 year period the number of millionaires in America increased by over 1,200 percent.

During that same period, the percentage of wealth controlled by the top 1 percent of the people in this Country increased from 31.1 percent to 37.1 percent while the amount of wealth controlled by the bottom 90 percent of the people in this country decreased from 33.3 percent to 31.8 percent.

Mr. Chairman, we have a moral responsibility to invest in our Nation's children, elderly and poor. This alternative budget resolution allows us to do that, and I ask my colleagues to join with me in voting for it.

Mr. MFUME. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida [Ms. BROWN] a distinguished member of the Committee on Public Works and Transportation.

Ms. BROWN of Florida. Mr. Chairman, I rise in strong support of the Congressional Black Caucus' budget. For the first time in many years, we have an opportunity with this budget to confront our problems squarely and point this country in the right direction.

The Black Caucus' budget to rebuild America puts people first. This caring budget is based on the principles of the Democratic Party, and makes me proud to be a Democrat.

The budget addresses the unmet human needs of those Americans who were ignored during the 12 years of Reagan and Bush borrow and spend economics.

Let me say to my colleagues that there is no reason to support a compromise budget that only reflects the needs of some Americans. The Black Caucus budget does not discriminate—it reaches out to address the needs of everybody. Remember, each of us was elected to represent all Americans—and that includes the children, the elderly, the homeless, the veterans, the uninsured, and the unemployed and underemployed. This is the budget of the people. The caring budget.

Let us all reach out and vote for a budget that will really rebuild America. Join me in support of the Black Caucus budget.

Mr. MFUME. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. WYNN], a distinguished member of the Committee on Banking, Finance and Urban Affairs.

□ 2230

Mr. WYNN. I thank the gentleman for yielding this time to me.

First let me express my strong support for the Clinton administration budget as reported out by the Committee on the Budget. It addresses our domestic ills via Head Start improvements, immunization program expansion, and the WIC Program.

My compliments in that regard to Chairman SABO and the members of the committee.

But I am here at this point to express my further and fervent support for the Congressional Black Caucus and progressive caucus budget because it even goes further in addressing the concerns that all of us in America have, that being the economy.

I want to look at a particular aspect of the Congressional Black Caucus and progressive caucus budget, functions 370, dealing with commerce and housing.

You know, we go through this budget exercise, and some people may think it is an academic exercise, an abstract accounting exercise, and that is not the case. People in America know this is about the economy, about jobs. People on the other side of the aisle want to say that we have a recovery, but it is a recovery without job growth and that will be, ultimately, the standard by which we shall be judged.

Further, we found that small business is the backbone of our economy, the basis for private sector growth and development. But, unfortunately, as a result of the credit crunch, we have not seen that kind of growth and development.

All the banks have made record profits, $33.2 billion this year; small-business lending has declined. So, as we look at this budget, we focus on the area of commerce and housing, and we find that while the Clinton administration devotes $354 million to community development banks, the CBC and progressive caucus budgets $650 million for this purpose, some $300 million more.

Why is this important? Because the engine for job growth in our country and in our communities is the small businessman, the minority businessman. But if he cannot borrow money, we cannot have job growth.

Now, where do community development banks come into this process? Well, in view of the credit crunch, in view of the increasing concentration in the banking industry, it is very evident we need a vehicle to insure small-business lending. As I indicated, it is down 4 percent, yet profits are at a record level, high level. How do we address this? Community development banks. Well, it did not take very long for everybody to jump on the bandwagon, "Yes, community development banks," but no one talked about how they are going to be financed.

Mr. Chairman, I agree with you and members of the progressive caucus, if we do not put real money into the community development banks, they are going to be victims of a cruel hoax and empty hopes for the people of this country. But the CBC and progressive caucus budget, by putting real dollars into a community development bank system, will enable our communities to prosper and grow, enable our businessmen to create jobs, and, after all, it is about jobs.

I thank the gentleman again for yielding to me, and I urge adoption of the CBC and progressive caucus budget.

Mr. MFUME. Mr. Chairman, I yield 8 minutes to the gentleman from New York [Mr. OWENS], a distinguished member of the Committee on Education and Labor.

Mr. OWENS. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, the largest increases in the alternative budget of the Congressional Black Caucus and progressive caucus budget, the amounts that are above what is provided in the committee's budget and the amounts provided in the President's budget, are in the area of education and job training.

Again, the CBC and progressive budget continues its tradition of filling a deficit in the wisdom of the other budgets that are produced by the budget decisionmakers here in the Capitol. The gravest threat to our national security today cannot be found in a missile silo in the Ukraine or in a uniform in Iraq; it can be found in elementary and secondary school classrooms in Brooklyn, in Des Moines, in Phoenix, and throughout our Nation, where children struggle to learn without adequate support and resources.

Mr. Chairman, there is a broad consensus among economists, businessmen, labor officials, and educators that this Nation can only remain economically competitive in today's world if we substantially upgrade the education and skills of both Americans already in the work force and the children who will become the workers of tomorrow.

Mr. Chairman, the challenge we face is vast. The adult illiteracy rate in Japan is 1 percent; here it approaches 20 percent. Children in Japan, Germany, and other nations with which we compete consistently score at the top of national exams in math and science; our children, on the other hand, consistently score at the bottom. In fact, the average U.S. student today scores below the lowest scoring students in Japan, Germany, and other nations.

This grave crisis in American education has been precipitated by 12 years of gross neglect and underinvestment:

Over the last 12 years, the Federal share of elementary and secondary education spending has been cut drastically.

Twelve years ago it was about 9 percent of the total education budget, today it is down to 6 percent of the total education budget, most of it spent by State and local Governments. That means that over the last 12 years the decisionmakers here in Washington have consistently trivialized the Federal role in the national education effort.

Among the advanced industrial nations, we rank 11th in public school spending.

Mr. Chairman, the United States ranks 14th in the world in the percentage of its gross domestic product that it spends on elementary and secondary education—behind nations like Canada, Japan, West Germany, France, Italy, and Great Britain.

The United States ranks 19th in the world in the number of school-age children per teacher.

States and localities have tried to compensate for the declining Federal investment in education, but they have not succeeded. Hit hard by the recession, nearly two-thirds of the States have slashed their education expenditures over the last 2 years.

We cannot meet the economic challenges of today and tomorrow unless we mount an overwhelming campaign to improve our schools. Educational improvement must now receive the same kind of systematic, intense, well-funded support that our national defense system received in the 1980's.

The CBC and progressive budget substitute is the only budget alternative being considered today which makes an adequate investment in the education of America's children.

The Budget Committee bill does not meaningfully address this grave crisis in our educational system; it guts the well-thought out investments in education and training that President Bill Clinton had put forward.

The Chapter 1 compensatory education program for educationally disadvantaged children is one of our most effective Federal programs. Every dollar invested in this program saves an estimated $6.67 in costs associated with dropping out and retention in grade. Yet this program is significantly underfunded. Just half the eligible children are now receiving Chapter 1 assistance—4 million youngsters go unserved.

The Budget Committee substitute would maintain this inexcusable status quo. Chapter 1 would be level-funded.

The CBC and progressive budget, on the other hand, provides for a $2 billion increase for the chapter 1 program. With these funds, we would be able to serve an additional 2 million children, reaching 75 percent of those eligible children.

It should be clearly understood by the taxpayers of America that we do not do this by raising taxes. We have in the CBC budget cut as much or more than any other of the budgets being offered. We have cut the sacred cow. We have cut where the taxpayers have been swindled for the last 12 years.

We propose to cut the CIA budget. We propose to cut the NATO budget. We propose to cut the overseas bases. We propose to cut out the real waste where Americans have been swindled over these many years, not local bases but overseas bases. Why is it that Germany and Japan cannot pay for their own bases? We propose to cut star wars. Star wars is a great swindle. Everybody knows it is a swindle. The scientists, in the very beginning, said it would not work. Yet, we are going to continue to spend in this budget this year another $3 billion and over the next 5 years, $17 billion for star wars. Mr. Taxpayer, we are not backing away from the need to cut Federal expenditures; we are cutting where the cuts ought to be.

Other important Federal elementary and secondary education programs are also severely underfunded in the other budgets and are funded in this budget.

When the Individuals With Disabilities Education Act was first enacted in 1975, the Congress and the President made a commitment to pay for 40 percent of the extra costs associated with educating children with disabilities. Today, the Federal contribution amounts to only 8 percent of the cost. We propose to right that wrong.

Under the Budget Committee substitute, all of these funds will be level funded or cut. In fact, there are reports that some 60 programs in the Department of Education will be cut by one-third next year if we follow the recommendations of the Budget Committee. In the CBC and progressive caucus budget, these and other vital educational programs would receive an increase of more than $1.5 billion, an important down payment in the overwhelming campaign to improve education that must be waged over the next decade.

The Pell Grant Program is essential to maintaining access by low-income students to higher education. Over the last decade, Federal support for Pell grants has failed to keep pace with the rising costs of postsecondary education. When the program was first established, the program provided aid equal to 46 percent of the costs of tuition; today, the aid it provides equals just 23 percent of the average tuition cost.

□ 2240

Low-income students have been forced to take on enormous debts and work long hours in order to finance their schooling. Others have found it impossible to afford postsecondary education at all.

Last year the Pell Program not only did not keep pace with inflation, but it was also cut. The maximum award for the poorest students was reduced by $100. Under the Budget Committee substitute, that erosion would continue. The maximum award would have to be cut another $100 to $200 next year.

Our budget, the CBC and progressive caucus budget, on the other hand, provides for a $2 billion increase for Pell grants which would increase the maximum award for the poorest students by an additional $700.

The CBC and progressive caucus budget also makes important additional investments in other assistance and support services for disadvantaged college students. Funding for the TRIO programs, which provide academic and other services low-income students need to succeed in college would be increased by 25 percent.

Finally, Mr. Speaker, I want to stress very much that the trivialization of the Federal role in education by the major decisionmakers in Washington has already caused very serious damage to the vitally needed national education improvement effort. Until we end this trivialization of education, we will remain a Nation at risk. This CBC and progressive budget makes a maximum commitment to the education investment effort. To save the Nation's economy, I urge all Members to vote for this budget. Let us go on and bite the bullet. Let us show some courage. Let us cut the sacred cows and let us reallocate the money to the starving babies. Let us allocate the money. Let us invest the money. Let us invest the taxpayers' money where it gets the greatest return. Let us invest in education.

Mr. MFUME. Mr. Chairman, I yield 8 minutes to the gentlewoman from California [Ms. WATERS], a distinguished member of the Committee on Banking, Finance and Urban Affairs.

Ms. WATERS. Mr. Chairman, I thank the gentleman very much for yielding me this time.

It is with great pride that I rise to support the Congressional Black Caucus and progressive caucus alternative budget proposal. I would like to thank Chairman MFUME of the Congressional Black Caucus as well as my colleagues in the progressive caucus for developing this honest, responsible, and fair program.

This day has been a long time coming. From 1980 to 1991, the Federal Government disinvested in our people to the tune of $261 billion. This Government systematically retreated from its responsibility to America's cities.

We cut $80 billion from job training programs over the decade; $18 billion in housing; $33 billion in infrastructure and $10 billion in education. So no matter how good the President's plan might be, we have a long way to go just to catch up to where we were 12 years ago.

We have before us the one budget alternative that truly reflects the new world order. This budget alternative would reorder our budget priorities as they should be. While we are pleased to have a President who understands the needs of our most vulnerable citizens, and while his budget proposal is a vast improvement over past administrations, we still believe our Nation must do better.

This budget proves that common sense makes good fiscal sense. We assume the same basic revenues as the Clinton budget. We then raise an additional $10 billion by eliminating environmentally destructive tax breaks and budget incentives.

We cut unnecessary military spending to reflect new world realities, always keeping in mind the need to protect those workers and soldiers who have dedicated themselves to ensure our national security.

By doing these things, and by reinvesting additional resources in America, this budget doubles our Nation's investment in human potential and reduces the deficit beyond the Democratic alternative. This is an important principle. We can begin to deal with our underlying social problems, as well as reduce the budget deficit, as long as we prioritize our budget for the real needs of America.

I would like to highlight a few portions of this budget proposal.

First, this budget not only recognizes the crisis of the poor in this country, it does something about it. The Democratic budget alternative does make a substantial investment in solving our social problems. However, the CBC budget doubles that investment. We have included the "Youth Empowerment Initiative." This program targets inner city and rural poor, young people. These are the people America has left behind.

Our plan begins a stipend-based job training program. It is not enough to give 6 week jobs to school kids. We must address the problems for people who may have been out of school for years—who may be in their twenties and never worked a day. They are young, but not adolescent, and they are unskilled. We have a population waiting for action.

A small, life supporting stipend is a prerequisite for successful job training in the inner city. Moreover, we need strong case management for individuals who may not be use to the structure of a regular job. This budget recognizes these realities and begins such a job training program.

We also fund at $800 million a gang prevention program of alternative recreation targeted to the same population. The best way to reduce gang activity is to give our kids something else to do. This program would establish recreation centers and programs around the country to give people another way to occupy their free time.

We have a community development gap in America, especially in the cities. This budget includes funding for broad range community development institutions. We must enact a needs based community development program, not one limited to a small number of institutions. This budget funds such a program. In addition, the CBC alternative funds programs to increase technical assistance to traditional lending institutions to encourage greater inner city and minority lending, as well as to better enforce the Community Reinvestment Act.

We talk a lot about small business around here. We must eliminate the obstacles that prevent creative entrepreneurs from accessing credit. This budget does that.

On the issue of military spending reductions, some argue that we go too fast. I disagree. It is a moral imperative that in a time of deficits, we not waste a dime in the Federal budget. There is no longer a need for $300 billion military budgets.

It is not fiscally or economically responsible to keep defense spending artificially high when it is no longer affordable. However, we must not ignore the costs involved with defense downsizing. This budget is sensitive to the lives of defense workers and soldiers. Our challenge is to redirect the economy in ways that will wean our dependence on military spending and revitalize the civilian industries that will lead this country to a prosperous economic future. This is the path to full employment, long-term growth, and economic stability.

Thus, nearly all of the savings in troop reductions will go directly into a package of severance pay, pension benefits, and job training for the thousands of men and women who have chosen the military as their career.

Another $3.25 billion will go toward veterans services, with $2 billion for improvements in the veterans care system and $1.25 billion for veterans' housing, job training, and education.

This budget's peace dividend is directed to military workers and families. For who, more than they, deserves to share in our cold war victory?

In conclusion, Mr. Chairman, I would like to make one additional point. Some question why we need an alternative budget this year. With a Democratic President, why not just support his budget?

We do support the President. But that does not mean this caucus should not continue to lead. For the past 10 years, the Congressional Black Caucus has offered a visionary document, one that presents a picture of what America ought to be. It should be noted, in those years, our budget alternative was to the Budget Committee recommendations, just as it is this year.

In fact, last year ours was an alternative to Chairman Panetta's budget. It could be argued that this year's alternative is to Director Panetta's budget. Same budget, different job.

So, to my colleagues who have supported us in the past, I say, it is OK to support this alternative. We need to continue to point the budgetmaking process in the direction of sanity, fiscal responsibility, and compassion. I urge my colleagues to stand with us and support this budget alternative.

□ 2250

Mr. MFUME. Mr. Chairman, I yield 9 minutes to the gentleman from New Jersey [Mr. PAYNE], a distinguished member of the Committee on Foreign Affairs.

Mr. PAYNE of New Jersey. Mr. Chairman, for the first time since the end of the cold war our country will be allowed to make significant reductions in our national defense budget. We will be able to finally benefit from the peace dividend. There is a national consensus that we have an obligation to place some of our savings in taking better care of our domestic needs, as we have heard here, and to use a significant portion of the savings to reduce our national debt.

But, at the same time the Congressional Black Caucus takes the strong position that we also have an obligation to right the wrongs this same cold war created in Africa.

Somalia is a perfect example of where an African country was used as a pawn by both the United States and former Soviet Union in the cold war.

Let us refresh our memory on why the starvation and terrible clan war happened in Somalia.

I remember back in 1989 during my first term in Congress when the headlines in our newspapers read, "Somali Army Said To Kill 5,000 Unarmed Civilians." This was 10 years after the United States had shifted its support from the Marxist Government of Ethiopia to the Barre government of Somalia. At that time the Soviets decided to shift their alliance from Somalia to Ethiopia. So, the superpowers simply swapped sides, simply took different teams just as a basketball school would do as it changed coaches, bringing misery to thousands of people.

For 10 years we provided weapons to the Somalians for our strategic interests so as to deny the Soviets access to the Arabian Sea, thereby protecting our interests in the gulf, and the Indian Ocean and the Red Sea. Why? To insure the flow of Persian Gulf oil. Then, when the cold war threat reduced, Congress pressed the administration on the human rights abuses of the Barre Somalia Government, and the United States quit supporting that immoral government.

We should remember that the arms shipped by the United States to Somalia during this period were the guns put in the hands of roving bands of young people who were killing their own people but we did not care because that was in our best interests. These same guns we supplied them are now the guns that they are using on their own people because they make no guns in Somalia.

Now we have engaged in a great crusade to right these wrongs, and I support very strongly Operation Restore Hope, but Operation Restore Hope costs money, and a job of peace making and peacekeeping still must be accomplished in that country of Somalia.

There are other crisis management problems resulting from our cold war with the former Soviet Union, such as Angola where we supported Jonas Savimbi and the UNITA government, where we gave covert CIA funds to that government for decades. We had the problem in Zaire where we have a corrupt government, where Mr. Mobutu, who has stolen up to $5 or $6 billion where our Government has not yet fully denounced that government, all because of the cold war. We have seen Angola, as I mentioned, where they have more amputees per thousand than any country in the world because of mines supplied during that brutal civil war, so we have a moral obligation, as American people who have always stood for fairness and humanitarian values, to do the right thing now.

Then we are still faced with the tragedy in Liberia, a nation founded by freed slaves, a country still divided after more than 3 years of war and violence, and yet one-half of the population is still refugees, but we do not hear about them, but less than that number in Iraq where we had 800,000 refugees there. The world heard about them.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. PAYNE of New Jersey. I yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, the distinguished gentleman from New Jersey [Mr. PAYNE] is one of the most knowledgeable people in the House on foreign affairs and the various threats that we face around the world, and he has enunciated some of them. Would the gentleman say that those threats are very different from the kind of threats we faced in the past in terms of the amount of money needed? In this CBC progressive budget we did not spell out in great detail where the cuts were coming from, but in the process of making the cuts they made certain assumptions about the fact that we could cut the CIA and intelligence budget. Would the gentleman say that we need a CIA budget which is above $30 billion still, given the way the world is now? The budget, we do not know exactly where it is, but we know from calculations that it is at least $30 billion or more. Would the gentleman say we could cut that budget drastically?

Mr. PAYNE of New Jersey. The budget could easily be halved, and we would still be safe and secure.

Mr. OWENS. We would cut at least half, which means we would realize more than $7 billion a year.

Mr. PAYNE of New Jersey. Absolutely.

Mr. OWENS. Really $14 billion a year.

Following that same logic, do we need a whole set of new weapons like the C–17 aircraft, and the Minute Man No. 3, and the D–5 missile? Would you say we would not be at risk? Would you say that we would not be at risk at all if all of these new proposed weapon systems and some obsolete systems were put aside and totally eliminated?

Mr. PAYNE of New Jersey. Absolutely, we would be as safe as we are today.

Mr. OWENS. I thank the gentleman from New Jersey [Mr. PAYNE] because I just want to point this out to the constituents who are listening, that the budget of CBC is not in as much detail as it was previously. It does not spell out where the cuts are coming from, but they may rest assured that most of the cuts are coming out of the military budget and other kinds of absolutely obsolete activities that we have carried on in the past, and in the gentleman's judgment America is not put at risk at all. We do not need it to fight the various crises that arise in the world, the anticipated kinds of problems that are going to go wrong. We do not need any kind of massive military machine that we maintain so far. We certainly do not need a CIA which at the peak of its funding could not predict the collapse of the Soviet Union's economy.

Mr. PAYNE of New Jersey. Absolutely the remarks of the gentleman from New York are certainly well taken. The F–22, the B–2, at $900 million each, the *Sea Wolf* at $2 billion each; that is the cost, and a submarine, an aircraft carrier, $4.9 billion per aircraft carrier with the cost of $1 billion annually to run it. We are still building it, and we are supposed to have a peace dividend, and so I certainly say that the gentleman from New York is right on target.

As I conclude, Mr. Chairman, let me say that there is still a civil war in the Sudan. There is still starvation, starvation equal to that of Somalia. Recent disturbances in Togo and Rwanda must also be dealt with. All of this will take a reauthorization of the $100 million flexible fund for African relief, rehabilitation, and recovery added to last year's regular budget.

Also in conclusion, the U.N. Peace Keeping and Peace Making Force; and U.N. specialized agencies like UNICEF, UNHCR, and UNDP will also require additional support.

□ 2300

The Congressional Black Caucus has gone on record, for several years, that the United States should pay its back dues to the United Nations, and that the schedule for the payment should be accelerated. We have no right to expect an increased role of the United Nations when we are not paying our dues. That simply is not fair.

Several years ago the CBC was instrumental in creating the Africa Development Fund. This fund, which enabled those countries that are moving from relief and rehabilitation into development, represents one of the very positive approaches to sustaining the growth and quality of life in each African country we assist. These programs consist of teaching better agricultural methods, stimulating free-market economies, and encouraging democracy and human rights.

Last year we spent $800 million on this program, an increase from $585 million when it was first designed. We then say that we should move this fund to $1 billion.

As I conclude, although it is in the Western Hemisphere, we also feel that Haiti should have its duly elected President, President Aristide, restored to democracy, and that we should immediately create a $1 billion fund to immediately start a recovery for Haiti. That also will be a part of our budget.

Mr. MFUME. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. SCOTT], a distinguished member of the Committee on Education and Labor.

Mr. SCOTT. Mr. Chairman, a lot has already been said. We know what the problems are.

We have an economy that is growing but not creating jobs and we have a Government that spends more than it can afford.

Most of us here today can agree on the problems. The real question is how to solve these problems.

Both the President's and the Congressional Black Caucus' budgets are good budgets.

Both budgets make clear that investment at home is needed. This is shown by the proposals to ensure that all children are properly immunized, proposals to fully fund Head Start, to increase the educational grants to the States, and to give more support to job skills training. And both budgets invest strongly in our infrastructure, a key to our future prosperity.

The CBC's budget, however, even goes further than the President's budget in several critical areas. First, the CBC budget eliminates the energy tax, a regressive tax. It designates more for economic conversion needed due to the military build-down. The budget would increase funding for college scholarships and for training and employment programs for long-term jobs. The CBC would provide more for substance abuse prevention and treatment, and for major gang prevention initiatives for at-risk youth, and other crime prevention initiatives.

Mr. Chairman, I, therefore, urge you to support the CBC budget.

Mr. MFUME. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. FIELDS], a distinguished member of the Committee on Banking, Finance and Urban Affairs.

Mr. FIELDS of Louisiana. Mr. Chairman, let me first commend the chairman of the Congressional Black Caucus and the chairman of the progressive caucus for their outstanding work on this alternative budget.

Mr. Chairman, in considering the President's alternative budget, the questions we must continue to ask ourselves are: How much do we value our children? Do we want them to have opportunities, now and in the future. If so, are we willing to invest in early childhood programs like Head Start, Pell grants to enable them to attend college, a summer jobs program so that they work and not be idle for 3 months. Do we want them to ride on safe roads and highways? Do we want them to have the opportunity to become entrepreneurs, live in communities that are rebuilding, rather than crumbling?

Do we want them to have the opportunity for economic growth?

The question that we must ask about this budget, and that is the question that is already addressed, is addressing crucial issues. It addresses the issues about economic growth. How can we pass up the opportunity to help some of the 10 million unemployed people go back to work, to work on projects that range from teaching our children, to upgrading our infrastructure.

What better way to stimulate our economy than to help small business grow? We keep hearing that the economy is growing and is about to come back. Some even say it has already recovered. But let me tell you what we are really talking about. We are talking about consumers who are really optimistic, optimistic about this new administration.

I am one of the new Members of this Congress who was sent to Washington for change, and the practices and policies of the last 12 years must change in order to move this country forward.

Yes, it is going to be tough. It is going to require sacrifice on everyone's behalf. It is going to be about having a good vision for our future and for our children. It is about having courage. It is about taking crucial steps to make everybody feel good, not necessarily right now, but feel good for our future.

This plan is a short-term bridge to immediate recovery and a long-term road to future stability, the most important part of this package, and that is the next generation.

So we must make the decision today, do we care about the next election, or do we care about the next generation. So in considering this plan, do not ask yourself can we afford to do it now. The big question that we must ask is can we afford not to do it now.

Mr. Chairman, this plan has a real war on drugs. We talk about needing a war on drugs. Well, let me tell you, the war on drugs does not mean just saying no to drugs. Just saying no to drugs is the moron's answer to the drug problem. This package adds $2.4 billion over a 4-year period for substance abuse and drug prevention in State and local governments. It also adds $100 million to develop and implement alternative incarceration programs.

This package is a package of the future because it provides some $650 million to community development banks. It also requires those financial institutions to expand to low-income neighborhoods, that is, let us reinvest in America.

It provides for sanctions to lending institutions who fail to loan to those communities and have redlining policies within their institutions.

It adds some $12 million in funding for minority businesses and development agencies. It earmarks joint training and partnership programs to train and develop skills among the public housing tenants. More importantly, it also deals with the issue of education. It adds some $2 billion for Pell grants. It raises the award from $2,300 to $3,000. Why? Because many college tuitions all across the country are rising every day.

It increases by some $3 million the amount for the Mississippi Delta. I can talk about the Mississippi Delta because, Mr. Chairman, I represent one of the poorest parishes or counties in this country. I represent the third poorest county in the United States of America in the Mississippi Delta.

So I suggest this is the alternative for the present, this is the alternative for the future, but, most important, this is the alternative for the next generation.

Mr. STOKES. I rise today in strong support of the Congressional Black Caucus [CBC] fiscal year 1994 alternative budget, "A Budget To Rebuild America." I would like to commend the chairman of the Congressional Black Caucus, the Gentleman from Maryland, Mr. MFUME, for bringing the CBC budget to the floor this evening. This budget is a well constructed and comprehensive package based primarily on the domestic needs of the American people.

Unlike the inflated Pentagon budgetary items which dictated the budget policy of the past two administrations, the CBC budget to rebuild America redirects savings from the downsizing of our Nation's military infrastructure to domestic issues such as employment, health care, housing, and education. More importantly, this budget is met by an administration who understands that "we must put people first."

The CBC alternative budget provides for realistic programmatic funding levels in our Nation's domestic discretionary programs. It is the opinion of my colleagues and I in the Congressional Black Caucus that, while the President's budget clearly sets the course for substantial consideration for domestic priorities, more can be done. We need to go above and beyond what has been proposed by the administration and in the resolution proposed by the House Budget Committee to improve the quality of life for all Americans.

Mr. Chairman, specifically, the CBC budget provides an additional $1 billion for economic conversion planning associated with the military build-down. We also provide a $3 billion increase for employment and training programs, including JTPA and Job Corps. In the area of housing and community development, our budget supports President Clinton's proposals to increase funding for the Community Development Block Grant Program and the Local Partnership Act.

In order for us to remain competitive in the global economy, we must strive to make our educational system the best in the world. The CBC alternative budget adds $2 billion for Pell grant funding, increases Chapter 1 funding by $2 billion to serve an additional 2 million children, and adds $1.5 billion in funding increases for other priority education programs. These programs include the Individuals with Disabilities Act, Urban Schools of America Act and adult education. In addition, the CBC alternative budget endorses President Clinton's commitment to full funding for Head Start by increasing funding to $2.1 billion beginning in fiscal year 1994.

I am especially pleased, Mr. Chairman, to support the CBC budget recommendations for health care, particularly since our country lacks a comprehensive national health care policy. Reform of our Nation's health care delivery system has great significance to African-Americans and other minorities who, despite the tremendous medical advances in this country, have not benefited fully or equitably from these gains. This crisis in health for African-Americans has been documented and reported in some detail in recent years. That is why we support in this budget national health care reform to improve the health status of African-Americans and other minorities.

In order to address these urgent needs, the Congressional Black Caucus proposes to provide for a major expansion of Federal efforts to:

Support the expansion of primary and preventive care including child immunization; increased training of minority health care providers; and increased research on health problems affecting minorities.

Moreover, to address the devastating impact of such concerns as substance abuse, HIV/AIDS, and violence in our community, the CBC budget increases the Federal commitment to the prevention, treatment, and elimination of these health problems.

Mr. Chairman, the Congressional Black Caucus alternative budget has been designed to meet the true needs of the American people. It is a working blueprint toward the success of the goals of this administration, and for this reason I urge my colleagues to join me in support of this measure.

Mr. MFUME. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have run well into the evening on the debate on this matter of the budget and the alternative proposals that have been put forth. The men and women who have gone to the well tonight have done so with a sense of urgency and with a sense of commitment, not for form or fashion or to play games or posture in any regard, but to put forth a real and meaningful alternative to business as usual.

It is not something that yields for one a great deal of public attention or acclaim or notoriety. In fact, in many respects members of this House who dare to defy the status quo often receive scorn.

But we put forth these alternatives because we recognize we have come here with a specific goal in mind, and that is to attempt in the finite amount of time that we have to shape alternatives and to shape new directions and to challenge ourselves and to challenge this Nation.

We also come to challenge this House to confront the problems of our Nation, to set and make them right again. You can only do that by dealing straightforward with issues, by having the proper forum for debate, by making the points we think are cogent, and then by either, as someone said earlier, putting up or shutting up.

So these budget alternatives that have come before the House today and tonight and will be before us for deliberation tomorrow come in that vein. In particular, the budget offered by the Congressional Black Caucus and the House progressive caucus underlines and underscores in the greatest sense of the word the kind of commitment that we feel can do the things we believe are right.

□ 2310

People have come and talked about various aspects of this budget, what is right and perhaps what is wrong, what can be embellished and what should be withdrawn and taken back, what should be changed in terms of priorities.

We come tonight to ask the American people who have watched this process and who continue to view it tonight and will look at our actions tomorrow and then measure us by our votes late in the evening tomorrow to ask themselves if, in fact, they are prepared for the kind of meaningful change that the Congressional Black Caucus has put forth in this budget in cooperation with the progressive caucus of this House, not for form or fashion. We do not like deficits either. We know that we did not get deficits by divine intervention. We got them through misguided priorities that occurred year after year after year, the turning away, in many respects, by responsible Members who knew better and who allowed then the momentum of the moment to capture them and carry them away. That is how we got deficits, misguided priorities.

We believe in a strong defense, but we make the case that we can only have so many Star Wars and that we can only build so many B-1 bombers and that while we are so rapidly moving in the direction of building smart bombs, countries that compete against us are in the process of building smart minds in young people who will compete in this world, this global economy that we hope to shape, and ultimately compete against us one day.

So perhaps that is our challenge also, to find ways to build those smart minds. We are against street crime as much as anybody else. It ravages many of our communities, even more so, and disproportionately too often, but we recognize that street crime just does not happen overnight. It is born out of hopelessness and despair. And while we breed hate in this society too often, too little do we breed hope, the sort of hope that keeps alive people and communities and families. And we do that in this instance by putting hope into this budget process and by offering a real alternative.

We believe in small business development and minority development and business development. We want that sort of activity to continue in our society. We recognize that there is an economic cycle of give and take. We know that they are still the generator of the most jobs that we produce in our society, that while major corporations continue to downsize and to lay off, it is these small businesses that reach down into the very heart of communities and try, with very little resources, to provide hope and to provide help.

We understand, as most Members of this body do, the need to have adequate housing and shelter in our society, that this shame of homelessness that has overtaken this society in the last 20 years can be defeated.

We recognize that the movements and the efforts by the gentleman from the other side of the aisle, Stewart McKinney, who some of us had the distinction of serving with before his death, are efforts that hate to be replicated and duplicated over and over again, that they go beyond simply naming a bill in his name but moving toward the things that he and others believed were necessary to provide shelter in our society and to provide adequate housing for those persons who are at the very bottom of the totem pole.

We know that for people with middle incomes and particularly for young families just getting started, that they need opportunities to be able to buy that first house and to be able to start themselves on the course that so many of their parents and grandparents headed on too.

We know that housing for middle-income people and for people in rural communities and urban communities is crucial, that it will not happen by itself. It happens by selecting budget priorities that move us in that direction.

So when all is said and done, the budget process in our alternative budget has less to do with politics than it does with the interests of people who are affected by what we do.

The alternative budget is fair. It does not pit one segment of our society against another. We are simply concerned that people's interests are protected.

The only way that we can accomplish that, Mr. Chairman, is to be fair and honest and open in our efforts.

No one likes to waste time or money, especially when it is the time and the money of other people. The alternative budget is not about taxing and spending and cliches that are often thrown and dropped around the well of this House, as if they were free and had no thought of consequence to them. It is not about taxing and spending. It is about investing and receiving dividends.

We can either pay now, as I said earlier, or we can pay later. We have been paying later and later over and over again.

At some point in time, it catches up with us. At some point in time, people just get to the point where they cannot take any more. And so we usher forth this budget out of that kind of a backdrop, urging Members of this House, regardless of their political persuasion, to look at the merits of it, to judge it by the case that we make, and then to honestly vote either yea or nay to bring about real and meaningful change.

I do not believe our current economic problems are just the result of Government spending. Our problems are because we have not, in many respects, been honest with the American people about just who has benefited from Government over the last 12 years and who, in fact, has suffered.

Not all the bills that we passed in this House went to welfare or social services. Many went to bail out private industries and to assist the private sector in its weak-kneed effort to compete against other foreign countries. The alternative budget, then, is a straightforward proposal that demonstrates new and creative thinking to old and tired problems.

The Congressional Black Caucus and the House progressive caucus take the budget process very seriously. To be sure, we care so much about this process that we endeavor every year, every year, not just when it becomes fashionable because there might be a new occupant in the White House, but every year to attempt to fashion a document that reaches every sector of our society.

We want to ensure, quite frankly, that there are resources to provide for the homeless, the indigent, the hungry, the dispossessed, middle-class working men and women, for farmers of this Nation, people in urban communities and rural communities, our alternative budget addresses America's concern that children must be adequately educated and that they must receive job training for the future that will allow them one day to develop as adults and to be able to raise families.

So it really does not matter, Mr. Chairman, when all is said and done, whether we have an "R" or a "D" after our name, if we call ourselves to the right of center or to the left of center. What really matters is whether or not we are prepared to be bold enough and daring enough and caring enough and, yes, visionary enough to move forward with change and to break away from the status quo.

The alternative budget achieves this end, and we balance the budget. We balance the budget with this proposal by the year 1998.

Yes, Americans want to work. Americans also want their Government to work for them. We achieve deficit reduction. We represent the farmer and the stockbroker and the doctor and the engineer and the teacher and the carpenter, the merchant seaman and the textile worker and the average people who go to work every day and the average people who wake up wishing they could go to work. It is an American document. It just happens to be that the Congressional Black Caucus and the House progressive caucus have helped to fashion it and to give it birth and to let it find its genesis among our Members, but it is in all respects an American document.

So when the history of this era is written, long after many of us have left this House, let it not be said, Mr. Chairman, that for some strange reason and in some strange way we failed to seize the time, that we shrunk and turned away from opportunities, that we were not daring enough to put the first step forward and the second step after that, that we, in our bliss and our own way to argue points and to make partisan arguments, did not grasp a special and golden opportunity to once and for all break free.

Few will remember, Mr. Chairman, what we say tonight. But all will remember what we do. I and members of the Congressional Black Caucus have not given up on the American idea or on the American possibility, and we urge other Members of this body not to give up also.

□ 2320

We believe that this House and the other body really represent the last expression of a possibility of men devising a social order where justice is a supreme ruler and law is but its instrument, where freedom is the dominant creed and order becomes but its principle, where equity is the common practice and fraternity the common human condition.

We achieve that by reaching out, by laying out the debate, by making the case, by receiving the criticism, and by moving forward on the Democratic rule.

I urge Members of this body tomorrow when the roll is called to stand up and to be counted for the people of this Nation who sit and watch all that we do; when the roll is called to stand up and to vote in the affirmative for this budget proposal as offered, and to seize this opportunity and to grasp this great moment to break the status quo, to end this notion of gridlock, to move forward in a daring and bold way, and to be wise enough and caring enough to understand that what we do affects millions all over this country.

Mr. Chairman, I will conclude my remarks at this point, and I would inquire of the Chair as to how much time I would have remaining.

The CHAIRMAN. The gentleman has 22 minutes remaining.

Mr. MFUME. Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. RANGEL) having assumed the chair, Mr. SERRANO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1335, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-36) on the resolution (H. Res. 132) providing for the further consideration of the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H. CON. RES. 64, CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-37) on the resolution (H. Res. 133) providing for the further consideration of the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998, which was referred to the House Calendar and ordered to be printed.

INQUIRY REGARDING FILING OF PRIVILEGED REPORTS ON RESOLUTIONS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, there are a number of us on this side of the aisle who have several problems with the rules that are being filed, but the one thing in particular that worries us at the moment is that in the supplemental there was an amendment made in order that we do not find anywhere on the filings of the committee, that were submitted to the committee in a timely manner for inclusion in the rule. It is listed, as I understand it, on the sheet as the Natcher amendment.

Could the gentleman from Massachusetts [Mr. MOAKLEY] at least inform us what the subject matter of that amendment is?

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. After the bills were submitted to the Committee on Rules for their approval, the Committee on Appropriations found that there were some spending cuts that they did not make. This is an amendment so that the chairman of the Committee on Appropriations could make some reductions in the appropriations bill.

Mr. WALKER. Mr. Speaker, there were a number of Members on our side that also submitted amendments to make spending cuts, I would say to the gentleman. None of those amendments were made in order. As I understand it, all of those amendments were filed in a timely manner, and yet not one of them was made in order.

In fact, the minority's ability to strike, or for that matter, any Member's ability to strike in the legislation, was taken away from us in the rule.

Now it is my understanding that we have given the Committee on Appropriations unspecified authority. Do we have a copy of what those spending cuts are going to be that will be included in the amendment?

Mr. MOAKLEY. If the gentleman will yield further, we do not have a copy, but there are some technical changes that were found to have to be made to make the bill conform to the committee's decision to report it out. They are cuts, they are reductions, they are of a technical nature.

Mr. WALKER. Mr. Speaker, I thank the gentleman, but as I say, one of the problems that we have is that as we do these rules and tighten down on the processes of the House, we more and more find ourselves in the dilemma of having to do an end run around those processes in order to accommodate things that could easily be done under an open rule process.

There is absolutely no reason why the Committee on Appropriations could not have, under an open rule, come to the floor and done exactly what the gentleman is specifying. Yet, because the Committee on Rules has decided to close that rule to the point that it shuts Members out, now they have to do an end run around what the members were assured was the process in order to give the Committee on Appropriations a chance to come in with their amendment.

I will say to the gentleman, Mr. Speaker, that in view of what to many of us is just unfair, that if the Committee on Appropriations had this they should have filed it in a timely manner, and they should have been put on the same status as everybody else coming before the committee.

Mr. MOAKLEY. If the gentleman will continue to yield, the gentleman makes a point. I agree that there were some problems with this bill that is not an ordinary problem that comes up. I agree, the gentleman makes a good point.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman.

Mr. BURTON of Indiana. Mr. Speaker, one of the things that really concerns those of us in the minority, particularly those of use who have been deeply involved in this budget process for maybe the first or second time, is that we have had staff working for 3 weeks to comply with the rules request and the request of the Committee on the Budget and the 1974 Budget Act in order to bring our substitute to the floor.

It really chagrins us to find that something that was filed late, was not specific, is made in order when our work product, which has taken 3 weeks, is not made in order.

I would just like to say to the chairman of the Committee on Rules that since we are not treated in a way that we think is fair, that I and I think some of my other colleagues are going to call so many votes and going to take so much time that it would have been much more in line and easy for the Committee on Rules to give us half an hour, which would have been our time to debate our issue and have the vote, which would have taken 15 minutes. That would have taken a total of 45 minutes. We would have had our day in court.

We worked 3 weeks day and night to produce this to give to the Members. Since that will not be the case, we are going to spend probably 2 or 3 hours more on votes tomorrow, and in the future there will be a lot more votes, simply because of that fact.

I have not done that in the past, Mr. Chairman, but I want the chairman to know that I am going to call votes on every single thing I possibly can until we get some modicum of fairness around here.

Mr. MOAKLEY. Mr. Speaker, if the gentleman from Pennsylvania will continue to yield, I want the gentleman from Indiana to know that the gentleman's substitute was not summarily dismissed. It was the subject of much conversation in the Democratic caucus.

Mr. BURTON of Indiana. I thank the gentleman.

CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1994

The SPEAKER pro tempore (Mr. RANGEL). Pursuant to House Resolution 131 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 64).

□ 2229

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998, with Mr. SERRANO in the chair.

The Clerk read the title of the bill.

□ 2330

The CHAIRMAN. When the Committee of the Whole House rose earlier today, the gentleman from Maryland [Mr. MFUME] had 22 minutes remaining in debate.

The Chair recognizes the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I would like to yield to the gentleman from Pennsylvania [Mr. WALKER]. I will still control the time, but I indicated to the gentleman, based on his inquiry at the beginning of the 2 hours of debate, that if there was time remaining I would certainly recognize him. I am told we still have another Member who is trying to get here to participate in this debate, so that is the reason why I cannot yield the time, but I will certainly yield to the gentleman so that he might proceed, and I will do that in 5-minute allotments, if I might.

Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding this time. I think that is in the best traditions of the House, and I thank the gentleman for allowing the opposition to have some say in this matter.

I have listened carefully throughout the debate to the presentation made by the Black Caucus and by the progressive caucus, and it was a serious effort on their behalf. And I think that the House should take it in that manner. They are obviously sincere in the measures that they have brought forward and in their version of what the national priorities should be.

I think some of us, though, have some concerns about the national policies as outlined in that particular budget submission. For example, it relies extremely heavily on taxes.

There is an opportunity here to say that what we are going to do is tax the rich. The fact is that that philosophy has consistently ended up being a philosophy that has undermined the economy as a whole.

I happen to be one of those unfortunate people who had a business in his district that got caught in the last major attempt to tax the rich, and that was the luxury tax. The luxury tax was this wonderful idea that we were going to make rich people pay for the luxury goods that they bought, and one of the things we were going to tax was the yacht industry. And surely no one would have any objections to big taxes being put on yachts, because absolutely only rich people could buy yachts.

The problem was that you had businesses like the Trojan Yacht Co. in Lancaster, PA, that built these yachts and employed a lot of blue collar workers. In fact, at one point that particular business employed over 400 people in Lancaster, PA. As a result of the luxury tax, this tax on rich people, 400 people, most of them blue collar workers, no longer have a job. In fact, the company no longer exists. The company has gone out of business, forced out by some kind of stupid policy developed in Washington that was supposedly aimed at taxing the rich.

That is the problem that we see time and time again when we are told on the floor that we can have all of these good things and all of these big programs and bring them in by simply taxing the rich. And I find an awful lot of that philosophy both in the debate that took place here this evening and this particular philosophy in the budget.

The other thing that I found that was a very interesting portion of the budget was the down-sizing of defense that takes place in the budget as presented. I think it goes from a figure of, if I saw correctly on the chart, it went from a figure of around $285 billion now down to $175 billion in the 5-year period, almost a $100 billion cut during that period of time. It was a considerable decrease down to $175 billion.

Now I understand that there is a desire on the part of the Black and Progressive Caucuses to attempt to downsize the defense establishment. The problem that I see with the presentation that they brought forward is what is the methodology for doing that. There was a lot of talk in the debate about restructuring defense. The fact is that over the last couple of days we have seen some of that restructuring taking place, and the bases actually being closed pursuant to downsizing that is already taking place. And the screams have been long and loud from some of the very Members who on this floor for a number of years yelled the loudest about the downsizing of defense. One of our colleagues who is now in the U.S. Senate came to the floor on a consistent basis and talked about the fact that we could cut defense budgets up to 50 percent and there would be no harm come.

That particular colleague is today screaming about the fact that in California bases are actually being closed.

You cannot do this without there being considerable pain and in fact a loss of jobs. I understand that there is a study that will soon be out that demonstrates that the cuts already proposed by President Clinton in defense matters could in fact result in 2.8 million people losing their jobs in defense industries alone. Where are those jobs going to be made up? I heard nothing that indicated that any of the proposals coming out of this budget or the one that the Democrats had brought to the floor comes anywhere close to creating 2.8 million jobs.

You may decide you want to restruct defense and downsize it, but the fact is that there are human costs in that particular equation that do not get satisfied in the situation that is then created.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, the comments the gentleman from Pennsylvania just made about taxes reminds me that this is I think an element of this debate that sometimes we forget. Sometimes it is so easy to get into this debate and talk about numbers, and pretty soon your eyes glaze over and all of these policies kind of run into one another. And yet we are talking about real things here and real people and real jobs that are going to be created or not going to be created.

The gentleman's comments reminded me that earlier today I participated in a talk show, a call-in show I should say on National Public Radio. And a gentleman from the State of Washington called in who had a small business. I believe it was an engineering firm. And he said, "You know, after looking at this tax package," he said, "I just cannot see any way that I can hire that extra engineer that I was planning to hire, and so I have just decided to go ahead and postpone that decision to hire." And this weekend when I was home in my district I was talking to a small law firm, a lawyer who is a single practitioner, or his business is solely owned and he has five or six lawyers with him, and he said, "I've been planning to hire one lawyer and one paralegal this year, but my accountant, after looking at the proposed taxes, said you are not going to be able to do it. So," he said, "I have made that decision already to postpone hiring these people."

So just on the basis of the proposals that have been made, I can cite two examples where people said I am not going to make this hiring decision based on that.

So this is real, this is reality, and this is what we are talking about with this kind of impact on jobs.

Mr. WALKER. I thank the gentleman. And that is precisely the concern that middle-class America has out there, is that too often we do not think through the consequences of the actions we take, and that they end up bearing the brunt of what we do. Either the taxes on the rich end up impacting on them and they find out that instead of just millionaires being taxed it is $30,000 a year people being taxed, and they think to themselves something has gone drastically wrong here, or they are the people who lose their jobs.

I am certain when the luxury tax was passed in the Congress there were no workers, blue collars workers at Trojan Yacht in my district who thought that had anything to do with them until it hit, until all of a sudden they realized that that meant that people were not going to buy the boats that they built, and they all of a sudden had this major problem that they thought Congress at least had thought through. The fact is we did not think it through. I do not remember anybody on the floor when we passed the luxury tax suggesting that this was going to be something that was going to cost hundreds of blue collar workers across this country their jobs. Nobody suggested that. It was all that we were doing to get those rich people.

Well I think that we have a duty from time to time to talk about the consequences of the actions we take.

I listened to the presentation of the budget here a few minutes ago and I heard a lot about investments. And it turned out that those investments that were being talked about was more government spending. Herein lies the problem. Government spending is not a true investment because there is no risk involved. Nobody in the Government when they put money out is taking any kind of a risk with that money because it is not their money to begin with. It is money that belongs to other people who earned it that we coerced away from. And the problem with that kind of investment is it often is spent on wrong things.

If we take a look at the supplemental bill that is about to come up here, there were a whole bunch of crazy things in that, money being spent in that in the name of investment. We are making an investment in the sickle-finned club fish, or something like that. I mean, that is one of the investments. Now my guess is that most people who had to actually put their money at risk would not regard that as a good investment for the future.

☐ 2340

I wonder whether or not people with real money that had to take real risks with the money they earned for themselves would really put money into some of the other items that are in that supplemental bill; for example, a beach parking garage and a number of things like that. Those are investments only because it is money that is not being risked by anyone, and no one knows the consequences of spending money where there is no risk. That is not true investment, and so it is simply a term, and I heard the term used over and over again as we heard the budget discussed here a few minutes ago as though it was a term of reality. It is not reality when you term Government spending investment. Instead, what you get is simply more Government spending that drags down the productive sector of the economy in favor of the unproductive sector of the economy.

That is a consequence of major moment.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, just to followup on what the gentleman just said, the stimulant package that they are talking about and we are going to be voting on tomorrow is laden with pork. The gentleman and I and others have been working for years trying to cut the pork out of these spending bills, and they say that they want to get control of this deficit, and that is just laden with pork, pork, pork.

I would just like to address one thing that the gentleman touched on.

Mr. WALKER. But they are not called investments. It has now become investment.

Mr. BURTON of Indiana. Nevertheless, it is pork.

Let me just say that the gentleman talked about the Black Caucus' defense cuts. While I admire the Black Caucus for the work they put into the budget, those cuts are draconian. They are even worse than what the President has proposed, his $112 billion in defense cuts.

With the uncertainty that is taking place in the former Yugoslavia, with the uncertainty that we see in Russia, I mean, there could be a dramatic change over there at a moment's notice; with the problems we have in Somalia and other parts of the world, it seems to me imprudent for us to cut into the muscle and the bone of defense.

Secretary Dick Cheney, former Secretary Cheney, was on "Crossfire," I think, last night, and Secretary Cheney indicated that the cuts that President Clinton has been proposing are so draconian that it is going to cut our military preparedness to such a degree we will not be able to respond around the world in times of emergency, and he as the former Secretary of Defense, was very, very concerned about that.

These other proposals we are hearing about cut even further.

So if we really care about the No. 1 objective of Government, and that is to protect our citizens and provide for the national defense, we had better take a real hard look at these defense cuts. We can cut, and we can make some economies, but we should not cut into the muscle and bone.

Mr. WALKER. The gentleman makes an excellent point. There is no doubt that many of us believe that there are cuts in the military that can take place, and a restructured military is necessary to meet the needs of a restructured world.

But the fact is that that restructured world is also a very dangerous world. I think this administration is more and more coming to the conclusion, as they meet with world leaders, and President Clinton has an opportunity to get in touch with some of the world leaders, he is finding out that there is great danger out there in this world.

The question then becomes: If you believe it is a dangerous world, do you think that it is cheaper to maintain a strong defense, or to rebuild a strong defense at the moment that you need it? My guess is that it is vastly more expensive to do what we had to do during the 1980's, and that is to rebuild a defense that had been allowed to become hollow, and all of those defense expenditures that were pointed out in the course of the debate a few minutes ago were an attempt to rebuild a Defense Establishment that had been allowed to atrophy to the point of being incapable of meeting our world events.

Now, we are talking about cutting back in some cases so drastically that we would be forced to come back and do an expensive rebuild all over again.

It seems to me it would be far more rational and, in the end, more inexpensive to maintain the strong defense that we have now built; restructured, yes; less costly, yes; but not allow it to be destroyed by a budget-cutting scheme here that, in fact, will take us to a defense amount less in terms of gross national product, less than what we were spending just prior to Pearl Harbor.

Mr. BURTON of Indiana. If the gentleman will yield further for a brief moment more, I think that all of us in the Congress who are controlling the purse strings of this country need to talk to the experts at the CIA, the experts at the Defense Department, the Joint Chiefs of Staff, and find out their view of the world situation before we start making draconian cuts.

Many of those in those agencies I just talked about have told me that the world is even more uncertain in certain areas today than it was during the cold war. We had one major adversary during the cold war. Now we have wars breaking out all over the place as more and more countries start deteriorating, Azerbaijan, Yugoslavia, and so forth.

With that uncertainty, it is extremely important that we have this military preparedness. The world is even more unstable than it was and more uncertain than it was during the cold war.

Mr. WALKER. The gentleman is absolutely correct, and now we hear that North Korea may be developing nuclear weapons. We know that they have the capacity to launch those nuclear weapons aboard missiles.

Now, you know, one of the places where the Black Caucus budget wants to cut out almost altogether is our ability to do the strategic defense initiative, the SDI, because they say, well, that is no longer needed in this world. My guess is that if the North Koreans develop the capacity of being able to launch a missile into a west coast city that maybe we might appreciate the ability to defend an American city against that kind of an attack, perhaps by a terrorist government, and at that point it will have been far cheaper to develop an SDI capability than it will to lose a city the size of Los Angeles.

Mr. BURTON of Indiana. If the gentleman will yield for just a moment on that point, many of my colleagues do not know this, because they have not studied the defense issues, but if a missile is launched at New York City, Chicago, Los Angeles, or one of the major cities in this country right now, you can kiss off 6 or 8 million people, because they are gone, because we do not have any way to shoot down an incoming ICBM at 17,000 miles an hour. You may say that that may not be a real prospect, but the fact of the matter is these weapons are being sold around the world on the black market, and they are going to have a delivery system, and we need to be prepared for it.

Mr. WALKER. Mr. Chairman, I thank the gentleman from Maryland. He has been courteous and generous with his time, and I thank him very much.

Mr. MFUME. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for the first time in more than a decade we stand on the threshold of an opportunity to bring the executive and legislative branches into a partnership, as we see it, to address for the first time in a meaningful way the economic and social ills that have beset our country.

The Congressional Black Caucus, in coalition with the House progressive caucus, has developed a comprehensive alternative budget for fiscal year 1994 which provides projections over 5 years of spending by the Federal Government.

This budget proposal attempts in many ways to respond to the dramatically changed world conditions and to the urgent national crises that face this country. The alternative budget that we have fashioned views the establishment of these fiscal priorities from the perspective this time of those who have suffered most at the hands of previous administrations and their agendas.

So this alternative then is presented to this House for deliberation as part of the debate on the fiscal year 1994 House budget resolution, and it is offered as an amendment in the nature of a substitute to the House Budget Committee resolution. Our proposal grows out of the moral imperative which we, as legislators, believe must be addressed. It is motivated by the pain of those who suffer homelessness, illness without access to medical care, frustrated educational opportunity, rampant drug abuse, violence in our communities, the stagnation of our economy in many respects, the stagnation that continues to pull many Americans across this Nation further into unemployment, despair, and permanent hopelessness.

The Congressional Black Caucus and those who have worked to find progressive solutions to the problems of this Nation and to the world seek to advance the cause of human dignity and to set the course, the right course, for our Nation to travel. Our alternative accepts the economic forecast and projections offered by the Congressional Budget Office, but it also does something else. It looks at realities. It recognizes also that the world has changed dramatically, and the challenge to us in this House has changed accordingly.

There has been discussion and speculation as to whether or not this is a new world order or an old world order. Let me point out something, if I might, with respect to the world order that we really have. Yes, it is true, we need to maintain some semblance of strong defense to be able to respond adequately if and when the threat arises.

But it also is true to say that other things have happened as well. NATO is strong in 1993 as we stand to debate this, and its defense capabilities remain strong. The Warsaw Pact no longer exists. The Soviet Union no longer exists. The Berlin Wall has been reduced to a speed bump. There has been a reordering, if you will, of defense priorities in many respects, because the new world order that we have oftentimes been told that we are dealing with now says to us that we must adjust accordingly and prepare ourselves to redefine defense and defense readiness in such a way that we take into consideration all of those aspects as well as the considerations that were raised by my colleagues on the other side of the aisle.

The bottom line, though, Mr. Chairman, is that when all is said and done, this alternative budget reduces the budget deficit over 5 years, and by 1998 eliminates it and leaves us with a surplus of over $800 million in the Treasury.

☐ 2350

It leaves us with a surplus of over $800 million in the Treasury. That is the bottom line. The question is whether or not we are prepared to move toward that or do we just keep saying to the people that we represent, over and over again, "I didn't cause it, and therefore I can't fix it," while another generation moves hopelessly toward the legacy we are leaving.

I think we can do more than that. I think we can accept the daring proposal that eliminates our budget deficit by 1998, that leaves us with a surplus and also leaves us with the feeling of having done something good and right for the people of this country, for black, white, brown, yellow, for the north, the northeast, the south and the west, who want to believe, as all of us must believe, that we can do better if we believe that we can and if we are prepared to reach out and to embrace change.

It is change that this budget represents. It ushers in a different and a new era, but it is change we believe that many people around this country are waiting for and will embrace.

So, Mr. Chairman, with that I say on behalf of the Congressional Black Caucus and the Hispanic caucus and the House progressive caucus and women and all the other groups who have oftentimes rallied behind the causes that we try to hold before this group, that we appreciate the work and the sensitivity of the chairman of the Committee on the Budget, the ranking minority member of that committee, and the chairman of the Committee on Rules and the ranking minority member on the Committee on Rules, all of whom recognize we are different people from different places and motivated by different things, but who recognize also that in order for democracy and a democratic form of government to be operational and to have some sense and semblance of respect, that we have to have an opportunity to hear all of our different perspectives and to debate all of our different issues.

We will be back on this floor tomorrow to make the case once again for passage of this budget. I would strongly urge Members who have been a part of this debate and who are viewing it to step forward tomorrow when the roll is called and to vote in the affirmative. We would hope also in the time intervening between now and then that those people who still have some hesitancy about whether or not we ought to be daring enough to change, will step forward and accept change, and do it in the name of the American people, that we might be able to bring a sense of fairness to this process that we call the budget.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair will note that the gentleman from Arizona [Mr. KOLBE] has 1 hour and 26 minutes left and the gentleman from Minnesota [Mr. SABO] has 56 minutes left.

Mr. KOLBE. I thank the Chairman. Before I yield to the gentleman from Indiana, I would just like to say that I appreciate very much the comments that the gentleman from Maryland made. I think that the debate that we have had here tonight on the budget that is offered by the Black Caucus is one that is good. It is a real budget proposal. It is one that has different priorities than I would put and I think most of us on this side would have. But it is a real proposal.

My only regret tonight is that we did not have a dialogue on it, we did not have an opportunity to have that. I would hope that tomorrow we would have the opportunity during the hour debate that we will on that budget proposal do that.

But I do appreciate the fact that the time, as we have put time into our budget proposal over here, a great deal of time and thought has been put into that budget proposal. I think the gentleman ought to be commended, the gentleman from Maryland, and the members of his caucus and their staff, for this daring budget proposal this evening. I look forward to continuing this debate.

Mr. Chairman, I yield 11 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, it is almost midnight, and I know everybody is tired and wants to go home. Unfortunately, our budget proposal was not made in order. So, the only way we are going to be able to discuss it is discuss it in the wee hours of the evening or in the early morning.

I have heard time and again from my Democrat colleagues on all their proposals that we must be bold enough to accept change. I think we ought to change. I think everybody in this place thinks that we ought to change.

The problem is how do we change? And where do we change? What do we change?

You know, I would like to go back just a little bit to some discussions that we have had in the past in this Chamber. You know, 10 years ago we had our first $1 trillion national debt. It took us 200 years to get there. Here we are 10 years later, and we are over $4 trillion in debt. The interest on the debt is one of the largest expenditures in our budget.

And the projections are, if we keep on the same trend line we are on right now, that we could have at least an $8 trillion debt by the turn of the century, and some people think it will be more like $13 to $13.5 trillion in debt.

That will eat up the largest part of all of our spending in interest, in plain old interest. That means that Social Security, veterans, military, and infrastructure of this country, all of those things will go wanting because we will be spending our money for interest because we did not take care of our expenditures on a current basis; we kept borrowing against the future, borrowing against our kids and grandkids, against future generations.

So, when people say here on the floor do we care about our children, of course we care about our children. We care about our children and our posterity so much, many of us, that we are willing to make the hard choices necessary to get spending under control now; not to raise more taxes, not to spend more, not to dig us into a bigger and bigger hole, but to make the hard choices and set the priorities for spending today that will get us to a balanced budget.

Many of my colleagues say we need $400 billion more in taxes. President Clinton is advocating raising taxes on the backs of the American people by $402 billion, when you include not only his tax increases but his hidden fees and his hidden taxes that he is calling spending cuts; $402 billion, the largest tax increase in history. In fact, it is more than double the largest tax increase in U.S. history. So, that is not going to be the answer, because you take that kind of money out of the buying power of the country, you are going to put us into a major economic downturn. Many economists are predicting that we are going to lose as many as 1.4 million jobs in the next 5 years because of President Clinton's proposal and it is going to take a lot of money out of people's pockets.

So, the answer is not more taxes.

Ten years ago we brought in $500 billion in tax revenues, today it is $1.2 trillion, almost triple 10 years ago.

So, we are bringing in more money, but the problem is we are spending way too much. The budget proposals we have heard here tonight do not cut into the spending as they should, they continue to talk about more tax increases and more spending to get us to a balanced budget, and that just simply is not going to work. It has not worked in the past, and it will not work in the future.

So, we do want change, we do need change. But what should the change be? I submit to you that the budget proposal that I sponsored along with some of my colleagues and worked on by the Republican study committee for a long time, that budget proposal was taken to the Rules Committee. It took us 3 weeks to work that thing up. We complied with every one of their requests. They would not make it in order.

That budget proposal would have frozen all Government spending at last year's level plus no more than a 2-percent growth over the next 5 years. It would have pinched a lot of toes, it would have caused some pain, but it would not have hurt the country economically and put us into a major recession and cost millions of jobs.

Now, what does this 2-percent proposal do? I wanted to answer questions from my colleagues tonight. I know many of them are in bed by now. They are not paying attention. But I would like to place it into the CONGRESSIONAL RECORD for those who are still awake. I would like for them to hear the defense of this 2-percent budget.

Why do we want a 2-percent budget? Because if we had a 2-percent cap on spending over the next 5 years, we could reach a balanced budget before the turn of the century without a tax increase and without a major economic downturn because of these huge tax increases that they have been talking about.

Will a 2-percent freeze, 2-percent growth above the freeze, will that hurt Social Security or Federal retirees or military retirees? The answer to that is a resounding "no," because under the 2-percent cap you can cancel some programs, shift funds around underneath to make sure you fill those gaps. There are programs that will have to be cut, like the Honey Program that President Clinton wants to do away with. Obviously, you do not want to continue that program.

But within that cap, under that cap you can move these funds around and get to the balanced budget without cutting the senior citizens of this country who have worked so long and hard for their retirement.

□ 2400

Now, some of my colleagues have said tonight that their programs reduce the deficit more than any other proposal that has been made. That simply is not true. Our proposal, a 2-percent freeze over a 5-year period, would cut the spending into the baseline by $848.1 billion.

Now, many of my colleagues say, well, how in the world are you going to come up with $848.1 billion?

Well, the way you do it is you take the Kasich budget cuts that he has proposed, you take the Heritage Foundation budget cuts that they have proposed and you come up with $1.1 trillion in spending cuts.

We are cutting $848 billion. So you take those funds, that $1.1 trillion in proposed spending cuts and you intermix those with the $848 billion and you still have $300 billion left over.

So we have $1.1 trillion in spending cuts that we have proposed, Heritage has and the Kasich plan has. We can reach that $848 billion deficit reduction target we are talking about without cutting into Social Security, Medicare, Medicaid, or any of these other programs.

Now, some of my colleagues have said, will this not require cuts in Medicare and Medicaid? We obviously will have to prioritize our spending and prioritize the cuts, but we can get there without cutting into Medicare and Medicaid.

But I might add that Hillary Rodham Clinton is working on a new proposal for health care in this country and the entire Medicare, Medicaid, and health care problem that we face in this Nation I understand is going to be solved by her. All of us on the Republican side are watching the President's wife, Hillary Rodham Clinton, to see what she comes up with, because she has been telling us that they are going to get the problem solved, and we are hoping that she succeeds.

Unfortunately, in addition to the $402 billion in new taxes that President Clinton is talking about imposing on the American people, more than double the largest tax increase in history, we also understand that Hillary Rodham Clinton is going to advocate about $90 billion more for a new health care proposal and it is going to involve a lot more tax increases that the American people probably will not want or be able to live with because it is going to hurt their job status and hurt the economy dramatically.

Let me just end up by saying that tomorrow we will be bringing to the floor a series of charts that show how we get to this balanced budget with the 2-percent freeze and what it will mean to all Americans.

We have to decide in this place what course we are going to follow, the Democrat course of $400 billion in new taxes that is going to put us into a recession, cost millions of jobs, and will not solve the deficit problem, or are we going to decide on a course of action that will help get us to making the hard cuts, the hard decisions that have to be made.

I have said for years around here that when attacking pork barrel projects that we have to prioritize spending. We never want to do that around here. Every Congressman wants his bridge projects. Every Congressman wants a new basketball center or library for his district, and maybe these are important projects, but the local communities ought to accept the responsibility for most of these things, but we keep loading on pork barrel project after pork barrel project.

In fact, that supplemental, that stimulus package that we are talking about tomorrow, $16 billion, actually $19 billion when you take into consideration everything, $19 billion, most of it is pork. Probably 75 percent of it is pork. More special projects for more special Congressmen. That is not the way to get to a balanced budget.

So in closing, Mr. Chairman, let me just say that the way to solve our economic problems, the way to solve our deficit problems is to prioritize spending and take a meat cleaver to the Federal spending that is going on in this place.

We have plenty of tax dollars coming in and the American people know it. They do not want more loaded on to their backs.

So we should take a meat cleaver to spending, and then after we do that if we cannot reach our targets of a balanced budget in a 4- or 5-year period, then talk about taxes, but not taxes first. Let us have spending cuts before tax increases.

Ask any one of your constituents what they think about a 2-percent freeze and spending cuts before you talk about tax increases. I will bet you that 90 percent of the people in this country will opt for cutting spending and pinching their toes rather than opting for more taxes. All you have to do is ask them.

If we do that, then I am confident we will be reevaluating our position, not passing a $400 billion tax increase, followed by another $90 billion when Hillary Rodham Clinton comes up with her health care proposal, and we will be cutting spending and getting on with getting this country on the right track.

Mr. ORTON. Mr. Chairman, I yield 8 minutes to the gentlewoman from California [Ms. WOOLSEY].

The CHAIRMAN. The Chair will note that the gentleman from Utah [Mr. ORTON] is recognized to control the 56 minutes remaining on his side.

Ms. WOOLSEY. Mr. Chairman, I rise today in strong support of the budget resolution. I commend my colleagues on the Budget Committee for their hard work in putting together this budget resolution—and in particular, I compliment Chairman SABO.

Although I am the Budget Committee's newest member, I am proud to have played an important role in crafting a budget resolution which fundamentally reorders our national priorities. With the end of the cold war, we have an unprecedented opportunity to change our Nation's spending patterns to ensure a sustainable future for our children and grandchildren. The budget before us is the most significant piece of legislation that will come before the 103d Congress. It will set the agenda for our Nation for the next 5 years.

A few years ago, as the cold war came to an end, I joined concerned citizens in the district I represent, Sonoma and Marin Counties in California, to call on our Government to shift spending away from defense to programs that address the real concerns of Americans—jobs, health care, education, and deficit reduction. We call it the common agenda. Last year, the county governments of Marin and Sonoma endorsed the common agenda's call to reprioritize our Federal budget. They sent a message to Washington to cut defense spending and invest in our people again, but Washington did not respond.

Just 1 year later, I brought those concerns to the table as a member of the Budget Committee and I am satisfied that they were heeded. That's exactly what I came to Washington to do and I declare today with confidence and pride that this budget resolution reflects our Nation's common agenda.

This budget resolution recognizes that we can invest in our Nation's future by using defense savings to jump-start the economy, promote long-term economic growth, and invest in the people of America.

This resolution cuts discretionary defense spending by $17.4 billion in fiscal year 1994. In fact, the committee cut an additional $3.4 billion beyond President Clinton's defense cuts over the next 5 years. as defense is reduced in this budget, funding is increased for key investment in Americans and national infrastructure programs—programs such as education, community development, health, research and development, and transportation programs, programs that have been ignored for the past 12 years.

For close to 25 years, I have been involved in the business of people as a human resources manager for a large high-technology manufacturer, and as the owner of a human resources consulting firm. I know firsthand the benefits of investing in people. Simply speaking, this budget assumes President Clinton's pledge to put people first, and recognizes that investing in our children and families not only improves our nation's standard of living, but clearly saves us money down the road. That is why this resolution assumes full funding for Head Start; for the Women, Infants, and Children [WIC] Program; for childhood immunizations; and for summer jobs for economically disadvantaged youth.

This resolution provides for those who have been hurt the most by the recession by assuming increased funding for the Food Stamp Program; rental housing assistance; community development block grants [CDBG]; and by expanding the earned income tax credit [EITC] for working families.

This budget also addresses the health concerns of Americans who have been disenfranchised. It assumes increases for women's health research; the Ryan White AIDS Program; cardiovascular disease research; and family planning programs. Increased funding for these programs is essential, since these areas have been severely underfunded in recent administrations. Now is the time to correct these inequities.

I am pleased that this budget provides substantial increases for education funding. A central part of the President's plan is to revitalize our education system—this is my No. 1 priority. Under this budget proposal, education, training, and social service expenditures will rise with each succeeding year—with a $1.2 billion boost in fiscal year 1994 alone. Discretionary education outlays rise from $37.2 billion in fiscal year 1993 to $53.7 billion in fiscal year 1998. These increases embody President Clinton's bold proposal for change, by investing in our infrastructure—our people.

I have just outlined the broad budget picture—without addressing one very key issue: deficit reduction. President Clinton proposed $140 billion of deficit reduction in fiscal year 1997.

When the Congressional Budget Office [CBO] scored his proposed cuts, however, CBO determined that the cuts would not achieve the same results as the President had expected. The Budget Committee, and Congress, were then charged with making up the difference by reducing spending.

I am pleased to say that this budget plan will reduce the deficit by $510 billion over the next 5 years. With the spending increases being offset by substantial decreases in the defense budget, overall discretionary spending will not increase over the next 5 years under this budget agreement.

As you know, this budget also calls on Americans to make some sacrifices. I agree that these sacrifices must begin at the top. Here in Washington. I commend the President for cutting the White House staff by 25 percent and Congress' willingness to cut its budget as well. But this is only a start. There is no doubt that the spending cuts will require some rethinking on how the Federal Government spends its money. It is important that Federal agencies and departments use this opportunity to evaluate the effectiveness and efficiency of their programs and look for ways to improve and streamline their efforts.

For the last 13 years, the wealthiest of Americans became richer, while most Americans got poorer. During this time, the tax burden fell substantially on the middle class. The Clinton administration wants to ensure that everyone pays their fair share through a truly progressive tax plan.

Although I represent one of the more affluent areas of the Nation, the people in my district continue to tell me that they are willing to pay their share, as long as those taxes are fair and as long as they are coupled with meaningful spending cuts. That is exactly what this budget is about.

Some of my colleagues say that we did not cut enough. Others say that we cut too much. There is no doubt, however, that we crafted a budget that successfully reorders our national priorities in the context of reducing our budget deficit. Frankly, we were faced with tough choices, and we made difficult, but responsible, decisions.

This budget proposal is balanced, fair, economically responsible and it strikes a common, middle ground that will work for all Americans. It is a common agenda in which we will all contribute and from which we will all benefit.

We finally have an administration that understands the importance of investing in our infrastructure and in our Nation's most valuable resource—our people. It is not only a plan that makes sense—it is necessary for our Nation to remain economically competitive.

Mr. Chairman, I strongly encourage my colleagues to support the budget resolution.

☐ 0010

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume, and I will yield to the gentleman from Indiana [Mr. BURTON] for 30 seconds in just a moment here, but I could not help but, in listening to the comments of the gentlewoman from California [Ms. WOOLSEY] and her waxing so enthusiastic about the additional defense cuts that are being talked about, the $113 billion of additional defense cuts in the Democratic budget, wondering whether she has made any estimate of the base closings that will be required in order to meet that additional $113 billion of defense cuts.

Now it may be the right thing to do. It may be good national defense policy to cut another $113 billion. Some of us may disagree with that. But I dare say that there has been, and I certainly heard, a lot of consternation expressed by Members from the California delegation about the recent base closings that were announced to meet the current reductions in defense spending, and I wonder if the gentlewoman from California [Ms. WOOLSEY] is enthusiastically looking forward to more base closings in California in order to meet this additional defense cut.

Mr. Chairman, I yield 30 seconds to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman from Arizona [Mr. KOLBE] for yielding this time to me.

Mr. Chairman, let me just say to the gentlewoman from California [Ms. WOOLSEY] that she indicated that President Clinton has a $140-some billion in spending cuts in 1997, and that is two elections away. We have got two congressional elections between now and 1997, and, if my colleague would look back through history, and I know she is new here, but, if she looks back through history the last 10 to 20 years, she will find that every year, 2 years at the outside, we change everything around here, and, if she thinks those spending cuts are going to materialize in the fifth year, 1997, then she simply is not aware of the facts because President Clinton has all of his tax increases and all of his spending increases on the front end, and the cuts are at the back, and those cuts will never materialize.

Mr. KOLBE. Mr. Chairman, I thank the gentleman from Indiana [Mr. BURTON] for his contribution.

Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Arizona [Mr. KOLBE] for yielding this time to me and for the opportunity to be the first speaker on our side on the second day of the debate on the budget resolution.

Mr. Chairman, I am concerned that the President and some Members of this body support a $360 billion tax increase, the largest in U.S. history.

I recently received a letter from a couple in my hometown of Roanoke, VA, which said, "In the last 30 years, never have so many sacrificed so much for so few and had so little to show for it. Middle-class folks like us are working to death and taxed to death and these politicians who stand there with their hands out are always wanting more and more." A blue collar worker in my district wrote saying, "President Clinton said in his campaign that he felt our pain, but evidently he does not feel the taxpayers' pain." These good people put it more succinctly than I ever could.

The real issue today is budget cutting. But the question is whose budget will be cut? President Clinton is cutting the already tight budgets of millions of American families by increasing their taxes. Instead, we should be cutting the budget of this bloated Federal bureaucracy.

The solution to our Nation's debt will not be found in placing even higher taxes on struggling families and businesses. In my opinion, Mr. Chairman, President Clinton and Congress should be embarrassed to ask Americans, in the name of patriotism, to sacrifice more of their hard earned tax dollars. The problem is not that Americans are undertaxed. The problem is government spends too much.

Despite increasing revenue, spending is rising even faster. For every dollar in new taxes, Congress historically spends $1.59. We have an ever-growing deficit because the Federal Government refuses to rein in unnecessary and out-of-control spending.

Unfortunately, President Clinton does not understand this simple fact. That's why he wants over $163 billion in brandnew spending programs. At a time when we have a $300 billion plus budget deficit and a national debt of over $4 trillion, our President wants to dole out $163 billion more.

We cannot continue this reckless fiscal policy. Let's cut out these new spending projects. Let's vote against these new tax increases. And let's get serious about getting spending under control. Thank you.

□ 0020

Mr. ORTON. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, tonight I rise in support of the budget resolution. This is a somewhat historic occasion for me. I have been here now for 2 years and this is the first budget resolution that I will be able to vote for. In the past 2 years I have voted against the budget resolutions, both the congressional and the Presidential budget resolutions, because I believed they included too much in political posturing, that in fact they did not include a real plan to sufficiently address the deficit crisis which faces this Nation.

I can support this budget because I do finally see a commitment to reduce the deficit. I would like to commend Chairman SABO and my Democratic colleagues on the committee who over many hours have worked together, have caucused, have argued, have debated. We have not thrown things at one another, but we have come close. And we have found compromise among ourselves.

Because of that compromise, everyone here can find something in this budget to hate. In fact, if we are looking for a reason to vote no, there is plenty of reason here to vote no.

There are things in this budget that I do not particularly care for. If mine were the only vote, would I cut defense spending as much as this budget resolution cuts? No, I would not. If mine were the only vote, would I increase some of the domestic spending programs as much as this resolution increases them? No, I would not.

As we work on a compromise, we find that there are areas where we can agree and areas where we disagree. I would like to personally commend the gentleman from Ohio [Mr. KASICH] and the other Republican members of the committee whom I think have put forth a very honest and very sincere effort to identify budget cuts. I find that I agree with many of the proposals that my colleagues have submitted. I certainly hope that as we continue going through this process, and this only being the first step in the process, we will have appropriation bills coming before this House, we will have reconciliation coming before this House, we will have the opportunity to look back and make statutory reform in areas in front of us. We will have opportunities, and I hope we can revisit many of the good ideas and good recommendations that my colleagues have made.

In fact, I find that I am in agreement with much of what the gentleman from New York [Mr. SOLOMON] and the gentleman from Wisconsin [Mr. GUNDERSON] said here a couple of hours ago on the floor of the House. I think they have come up with also reasonable compromise.

The reality of the situation is that the people have spoken, and the people have said they want government to work. They want government to find a solution. They want us to stop just saying no. They want us to find ways that we can compromise together, that we can work together, that we can find real solutions that will reduce the deficit, that will eliminate unneeded spending, that will help us to spend our resources smarter, that will help us to get our economy rolling again, that will help us to increase jobs.

So as I look at this budget, yes, I can find that there is something in here for everyone to hate, but I can also find that there is something in here for everyone to like.

Mr. Chairman, I would submit if you are looking for a reason to vote yes on this budget, you can find a reason to vote yes as well, many reasons. I submit that one of those reasons, and a very significant reason, is real deficit reduction.

The deficit reductions in this budget are in fact real. There is a 5-year hard freeze on discretionary spending. That is not increased by inflation. In fact, we are spending in 1993 $547 billion on discretionary programs. In each of years 1994, 1995, 1996, 1997, and 1998, we will spend less than $547 billion on discretionary programs.

I think that is real movement. I think we have done something real. Is it enough? No. Will it alone resolve the deficit crisis? No, it is only the first step. You cannot resolve the deficit crisis with discretionary spending alone. In fact, none of us would suggest that we could eliminate defense spending. If in fact we do not cut defense spending, we could eliminate 100 percent of the rest of discretionary spending and not balance the budget.

Is it enough? No, this is only the first step.

The gentleman from Wisconsin [Mr. OBEY], who spoke with us earlier this evening, was correct. We must look to the other area of spending, which area is entitlements. But spending limits, caps, or limits, such as a 2-percent solution or a 2-percent cap, a 2-percent increase on entitlements, simply will not work.

Entitlements are programs where beneficiaries are eligible to receive a government benefit based upon a statutory requirement. If you meet the statutory requirement, you receive the benefit.

To simply place a spending limit or a cap or a percentage increase limitation on those types of spending programs simply does not resolve the problem, because you must spend under the statute the money, you must provide the benefits, and at the end of the fiscal year if all you have done is placed a cap on it, you find that in July, August, early in September, you have run out of money under the cap. You find that at that point you have two alternatives: one is waive the budget cap and continue to spend more, or two is simply go to the beneficiaries and say I am sorry, but you will not receive your payment this month, or I am sorry that you have to leave the hospital because we have run out of money for the entitlement.

So clearly in order to resolve the problem we have to look to statutory reform of those entitlements. That is the way we must resolve those problems. We have got to resolve the health care crisis by reforming Medicare and reforming Medicaid. We have got to do it statutorily, and we cannot do that in a budget resolution. In a budget resolution you cannot legislate. It is a resolution, not a legislative bill. Therefore, to attempt to place spending caps or limits on entitlements simply does not work.

□ 0030

I suggest that we must look to the President's recommendations on health care. It will not pass as submitted. We need to work on both sides of the aisle to find real solutions to the health care crisis.

The President has suggested he wants to reform welfare as we know it. We need to reform welfare as we know it. In order to do that, we cannot do it just as the Democratic Party. We are going to have to have cooperation between the two parties in order to resolve the welfare crisis.

In order to resolve statutory spending programs, we have to look to the statute. We also, I would suggest, that we must have real enforcement of this budget resolution. If, in fact, we are going to see the savings in the outyears if we are going to see the $500 billion reduction in spending over the 5 years, we are going to have to have real enforcement of this budget.

I believe that in order to do that, we need process reform. Since this is not a legislative bill, I cannot submit the amendments that I would like to submit in order to amend the process. But I commend former Chairman Panetta. Last year he submitted a budget reform proposal with real sequestration. He submitted a bill with real sequestration.

I have submitted a budget process reform bill which would create a line-item veto, which would mandate a balanced budget, which would bring the President and the Congress together in the budget process to find solutions, which would create a 2-year biennial budget, which would create sunset provisions, which would create performance standards by which we can judge the effectiveness of our spending programs, which would have mandatory sequestration, if we do not balance the budgets.

I strongly believe that we must have process reform in order to enforce the budget limitations in this budget resolution. We must put our fiscal house in order. This is only the first step. We will have additional steps. We will have budget reconcilation coming before us. We will have appropriation bills coming before us.

We will have the opportunity to look to statutory reform. But those are steps 2, 3, 4, 5 down the road. In order to get to those steps, we have to take the first step.

The first step is a budget resolution. And although, if I were the only vote, we would have a much different budget resolution, I think this resolution does make serious progress. It is a compromise which can be passed, and it is better to pass a resolution that will start us down that road than to pass no resolution, to have gridlock, to continue to do nothing. That is the worst case scenario.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. ORTON. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, the Republican Study Committee did a very extensive study of President Clinton's budget proposals, and gentleman indicated that there was a domestic spending cut over the 5-year period.

Mr. ORTON. Mr. Chairman, I did not say a domestic spending, a discretionary spending. There is a freeze on discretionary outlays.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman will continue to yield, in any event, we did not see a cut. We saw a $94 billion increase in spending over the period, $94 billion increase in spending.

Mr. ORTON. I do not know where the gentleman is getting his figures.

Mr. BURTON of Indiana. I will give the gentleman a copy.

Mr. ORTON. The gentleman should look at the way CBO has scored the budget.

Mr. BURTON of Indiana. Mr. Chairman, I will give the gentleman a copy of it.

The other thing I would like to comment, the gentleman said that the 2-percent freeze will not work because we cannot possibly take care of entitlements under a 2-percent freeze.

We can, if we transfer funds from programs that are not absolutely essential into Medicare, Medicaid, Social Security and other retirement plans. That is what we anticipated, that we would have to make hard choices under a hard 2-percent freeze to get there. That is what we think ought to be done instead of having $400 billion in tax increases.

Mr. ORTON. Mr. Chairman, if I might inquire of the gentleman, would these hard choices and transferring funding be between entitlement programs?

Mr. BURTON of Indiana. Mr. Chairman, no.

Mr. ORTON. Mr. Chairman, the gentleman is suggesting that limiting total growth in the budget to 2 percent, when we know that entitlements are increasing at 4 or 5 times that figure, the gentleman is suggesting that we can achieve all of the cuts he has submitted in the budget, that the gentleman from Ohio [Mr. KASICH], that the gentleman from New York [Mr. SOLOMON] has submitted, and additionally fund entitlements with additional cuts, unspecified cuts?

Mr. BURTON of Indiana. They are not unspecified.

Tomorrow I will have $1.1 trillion in cuts, and I will hold them up for all to see tomorrow.

Mr. ORTON. But those cuts, I think, the gentleman should indeed make them public.

I might simply say to the gentleman from Arizona and the other gentlemen on the Committee on the Budget, the Republicans have been forthcoming in saying specifically where they would cut. I commend them for doing that. And I agree, as I said, with many of those areas that they would cut.

I am hoping that we will be able to find some of those cuts, as we go through the appropriations process. But I would suggest that in order to maintain a simple 2 percent solution, if we are applying it to entitlements, and that was my point, it does not work. If we are looking to entitlements, which are increasing more rapidly than 2 percent, placing caps on entitlements does not work. We have to make draconian cuts from discretionary spending programs, even deeper cuts than have been suggested in any of the budgets presented.

I have not seen the gentleman's with the additional cuts that he would make, but these, in my opinion, would be draconian cuts on discretionary spending in order to fund the entitlements because, in fact, entitlements do continue to grow. And we are not freezing the growth of entitlements at 2 percent. They are still going to grow by 8, 10, 12 percent.

But what the gentleman is saying is, he would take even more cuts out of discretionary to continue funding entitlements at the higher level.

I would submit that we are better off making statutory change in entitlement programs so we do not have 8-, 10-, 12-percent increases.

Mr. BURTON of Indiana. Mr. Chairman, I assume that Hillary Rodham Clinton is going to come up with statutory changes in Medicare and Medicaid to deal with it.

Mr. ORTON. Mr. Chairman, I hope so, and I look forward to it.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield 6 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I rise in, I guess, this morning, to express my appreciation and support for the work that the Republicans on the Committee on the Budget have done.

As I have gone around the district and have had town meetings, I believe it is the only proposal that will be in order on the floor tomorrow that meets the ultimate test of the American voters. And that is, cut first.

As we have gone and talked to the voters and have heard them express what is important to them, fixing the deficit is of ultimate importance. But also recognizing that only 19 percent of the American public believes that Congress can be trusted. The message was loud and clear. A package proposed by the President, which has spending cuts that are backloaded in the plan in years 3, 4, and 5, with spending cuts versus tax increases, which start day one, and new spending which starts day one is unacceptable.

What we need to do is we need to cut, cut, cut.

□ 0040

That is what the Kasich proposal does. That is where we need to start. It meets the test of the American people.

The second thing that the Kasich proposal also meets is, it is the only real way to stimulate the economy. I find it very ironic that we in this Chamber identify new Government spending as the way to get the economy moving. As I understand it, coming from the business community, the only thing that new Government spending does, and that assumes that we tax the American people to get the money, is that new Government spending says, "We here in Washington are better able to identify where and how your money should be spent."

Once again, I think the President's proposal fails the test. I think it is time that we left the money in the people, especially in the middle-class.

Mr. KOLBE. Mr. Chairman, will the gentleman yield on that point?

Mr. HOEKSTRA. I am happy to yield to the gentleman from Arizona.

Mr. KOLBE. I think the gentleman has made a very good point, and that is that the best economic stimulus that we can possibly get is by cutting spending, because if we do not cut spending, if we increase spending as the Clinton program would do, we have to get that money someplace. We either have to tax people, which means we are taking it out of the productive sector, or we are going to borrow, which means we are going to be reducing the savings stock in another area.

Or if we are going to do it, if we are going to increase some spending and have some spending reductions over here, there is some rationale that says, "We have identified something that is a more sensible form of spending," but we do not see any of that there. We just say this is going to be increased spending. We are going to tax people to pay for it, and in the third and fourth year maybe we will get some spending reductions.

I think the gentleman has put his finger on what is the key to this, and that is that if we really want economic stimulus we ought to reduce spending and do it now, and get that money back into the productive sector of society. I thank the gentleman for his point.

Mr. HOEKSTRA. Mr. Chairman, I would just like to build off of that point.

Having been here all of 10 weeks now, Mr. Chairman, I look somewhat skeptically at the claim that says, "We are going to spend, so naturally we have to get the taxes first so that we can pay for the new spending."

I believe the pattern that I have seen and that the American people have seen is that as we spend, we always have the habit of spending more than what we take in in new taxes. That is what is the problem here in Washington. That is why I feel so strongly about the program and the proposal that has been developed which says, "No new spending, no new taxes, and what we are going to do is, we are going to shrink or at least slow the growth of government."

I think that is important. I think it is frightening when I read the statistics that say, "We now have more people working in government than we have people working in manufacturing." Just think about it. We have more people working in government than we have people making things in this country. I think the numbers are out of whack. We need fewer people in government and we need to drive more emphasis into manufacturing.

We have got to slow, if not stop, the growth of government. I think that is what the Kasich proposal does, and that is why tomorrow on this floor I will stand up hopefully again and endorse that program, but most importantly, vote for its passage.

Mr. ORTON. Mr. Chairman, we have no additional requests for time. I would inquire of the gentleman from Arizona how many additional speakers he would have.

Mr KOLBE. I would say to the gentleman, we have two or three.

Mr. Chairman, I yield 11 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, I realize the hour is late. We would like to end this debate so we can come back again in 10 hours and start this process all over again, but sitting back in my office, as I have been for the last several hours, and on the House floor, I could not help but come over and respond to some of what I heard here on the House floor from the other side.

I have taken great pride in my 6 years in Congress in working with coalitions on a number of issues with my Democratic colleagues. I have helped to form and currently cochair five or six very active coalitions with Democrats in the areas of recycling, energy assistance for the former Soviet Republics, technology, emergency response, and empowerment, and find a great deal of satisfaction in working on these issues in a bipartisan way, in a bipartisan spirit. As a matter of fact, I was invited to the White House on the first major bill that we acted on in this session, to come down by President Clinton to the bill-signing ceremony, because of my help with that effort. However, the debate here tonight has bothered me greatly, and there were some things that were said that I have to respond to.

We heard the President just a few short weeks ago in the podium right next to us here say that the time for blame has ended. Mr. Chairman, anyone listening to this debate tonight, and I counted it along with my staff, heard 46 Members of this body from the other side blame Ronald Reagan and George Bush for the deficit, 46 Members all of the Democratic persuasion. That is absolutely amazing.

Mr. Chairman, we saw one Member get down here with charts and graphs and talk about how all of this was the doing of 12 years of Ronald Reagan and George Bush.

I am a teacher by profession, and I can recall back in my days of teaching the way the budget process works, and thinking of what Ronald Reagan said when he came into office 12 years ago, he said two basic things: We need to cut tax rates, and that was an easy decision for Congress to make, to cut tax rates, because they could run back to their districts and say, "We are great. We in fact have done something great for our constituents."

The second thing Ronald Reagan said, which no one talked about with their charts and graphs, was that we had to cut spending, because that is something the Democratic Congress did not want to talk about and did not want to do. There was no success on the part of the Reagan administration in getting this body and the other body to agree to spending cuts. In fact, that is why the deficit started to grow as dramatically as it did.

We might think that Congress has been out to lunch for the past 12 years and that all of these things happened, this deficit grew, simply because the Congress was not a player, and that it was all the fault of Ronald Reagan and George Bush.

I want to say to my colleagues, and in saying to my colleagues, to the American people, there are some questions they need to answer. What about the appropriations process?

When I taught school and taught my kids civics, we always understood there were 12 appropriation bills that we were supposed to pass each year that appropriate the spending levels for the Federal Government. During 7 of the 8 years that Ronald Reagan was the President, the Congress did not pass the appropriation bills. Why? Because Congress did not want to give Ronald Reagan 13 chances to veto their spending levels.

Congress wanted to have their way, so they would lump all the spending in the CR and force the President to veto or approve Congress' spending levels with no chance to go through and wipe out the pork and the abuse. We did not hear anything about that today.

What about targeted tax relief? Every tax bill that has come through this body has been loaded down with pork, rifle shot targeted tax relief provisions benefiting individual corporations and individual citizens. That the Philadelphia Inquirer on the 1986 Tax Reform Act estimated cost us $30 billion in revenue, all stuck in anonymously by Members of this body and the Senate Finance Committee.

Why didn't we hear about that today? That is not anything that Ronald Reagan and George Bush had something to do with, because they had no choice but to accept all of those rifle shot provisions buried in those tax bills.

Every tax bill that originated in this body had the same type of targeted tax relief, yet that was not discussed as a reason why the deficit grew.

What about unauthorized appropriations? I sit on the Committee on Armed Services. I can recall very well in my first term a meeting that we had with SAM NUNN and Les Aspin up in the Intelligence Room, where we talked about an average of $5 billion to $7 billion a year of unauthorized appropriations in the area of defense alone, most of them never having seen the light of day, many of them having nothing to do with defense.

Yet each year this body would stick in, the Senate would stick in unauthorized appropriations that happened to be in somebody's district or some pet project that never in fact saw the light of day, and we never gave the President the time, whether it was Ronald Reagan or George Bush, a chance to knock them out. We did not hear anything about unauthorized appropriations today.

What about all of the spending bills over the past 12 years? What about all the spending bills that always have that first clause that waives the Budget Act that said, "We are going to waive the Budget Act in this instance because we want to spend X amount of dollars"? We heard nothing about these gross abuses on the part of Congress.

Mr. Chairman, what bothers me the most is all the rhetoric we heard from those 46 Democratic Members blaming Ronald Reagan and George Bush, that they have to accept responsibility for what occurred over the past 12 years, and even before that.

□ 0050

The Clinton plan does not address any of the issues that I have just discussed. It is not real. It is full of contradictions.

The economy is in recovery, yet Clinton proposes to stimulate it. Our government is too big, yet the President wants to make it even larger. And Americans are already burdened by taxes, and he wants to have them pay more, $328 billion of additional taxes.

The only real cuts in this plan are in defense, and yet we have no details. As a member of the Armed Services Committee, I am outraged that we have not been given any specifics as to where these cuts will occur. As a matter of fact, my reading of the Clinton plan is that in the first year we will only achieve a net savings of $2 billion. And talk about smoke and mirrors, $1 billion of that $2 billion is achieved by shifting the date of reimbursement for hospitals from a fiscal to a calendar year basis. That surely is not a real cut.

Economic stimulus. Economic stimulus, sure, we have economic stimulus in this plan for all of those 5.5 million defense-related workers in this country, and what you can be assured of is that over the next 5 years one out of every two of you will lose your job. And in fact, the Office of Technology Assessment and the Congressional Budget Office have both come out with statements that the Clinton plan over the next 5 years will cost the American economy between 1.8 and 2.8 million jobs.

We do not have places to put these people into in terms of equal pay and equal technology capabilities. We are not ready to make that transition yet.

One of my Democratic colleagues who will remain anonymous said to me last week, and I would never reveal his name because I am sure he would be torn apart by his leadership, that when you look at the outyear of the 5 years of the Clinton economic plan, welfare programs in total spending will become No. 3 in the Federal budget process. They will in fact surpass defense spending. That is something that has not been talked about yet, something that tomorrow perhaps we can focus on, that welfare will surpass defense as the third largest item of spending by the Federal Government.

We in fact will have two alternatives tomorrow, and I will vote for the first one being offered by the Budget Committee, and by the gentleman from Ohio [Mr. KASICH], which contains 84 pages of specific cuts and not broad generalizations. The second is a refinement by the gentleman from New York [Mr. SOLOMON] that adds the process reform that begins to deal with some of those issues that we have talked about.

I am sorry the gentleman from Indiana [Mr. BURTON] will not be able to offer his package, because we would have had three that were better than the Democrats' plan.

Mr. Chairman, as a Russian citizen said in criticizing the Soviet system following the death of Chernenko, and I quote, "There are three kinds of lies: a small lie, a big lie, and politics."

My fear is that tomorrow in this body on this vote, politics will prevail and the American people will be the losers.

Again I thank the gentleman for yielding me the time.

Mr. KOLBE. Mr. Chairman, I yield 15 minutes to another distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding the time.

What occurs to me in this debate is the fact that we learned in the last election that the people want change. What they are getting here is more of the same, because I listened carefully to the gentleman from Utah as he spoke about the Clinton program that he is going to vote for. And he mentioned the fact that what we need is better enforcement of these budget provisions.

The problem is the enforcement never works. We have the Budget Act now that supposedly is the enforcement mechanism. As the gentleman from Pennsylvania who spoke before me, my colleague pointed out, we waive the Budget Act all of the time, and what good is enforcement if we waive it? And the fact is the Democratic Party votes over and over again for rules that waive the Budget Act, so there is no enforcement.

Take the supplemental. I do not know if my colleague from Utah is going to vote for the supplemental tomorrow or not, but one of the things we have in the rules of this House to try to prevent us from spending money that we do not have is an authorization process that is supposed to go before the appropriation process. And yet, in the supplemental appropriation that is going to come out here as a part of the Clinton program tomorrow, that enforcement is going to be done away with, because there are all kinds of unauthorized appropriations that are going to be in that supplemental tomorrow. Where is the enforcement? Where is the attempt to do something to really maintain a real presence? It does not exist and the Clinton program is a phony. It simply is not going to do the job because it refuses to face up to the realities of what has gone wrong in the past.

My colleague from Utah also mentioned the fact that there is a freeze on discretionary spending in the Clinton budget. There is no such thing. If you do not look at the realities of it, the reality is that the only spending cuts they have are in defense. And even there they have refused to face up to the obvious. When the supplemental appropriation comes to the floor tomorrow I understand, and my colleague from Pennsylvania who serves on the Armed Services Committee may be able to confirm this, there is no money in the supplemental tomorrow to take care of the expenses that we are incurring in Somalia.

Mr. WELDON. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to my colleague from Pennsylvania.

Mr. WELDON. Mr. Chairman, the gentleman has raised an excellent point that we were going to raise today but did not have time, and that is the fact that the President did in fact, President Bush requested a specific amount of money to pay for Somalia. Yet, the Clinton administration has yet to request that. We have put funding in for swimming pools and historic renovation of movie theaters in, but we have yet to pay for the services of our military over in Somalia which now are approaching $700 million.

Mr. WALKER. Let me get this right. In their budget what they are proposing is $112 billion in additional cuts in defense, but when it comes to paying for the defenses already being incurred in Somalia, in the supplemental, emergency supplemental coming up tomorrow there is no money in there? Where are we going to get the money while they are cutting $112 billion out of defense, where are we going to get money to pay the expenses already incurred by our troops in Somalia? The fact is we are not. The program is a phony, and they have no money to pay for that which is going on. And yet they give us a whole bunch of unspecified cuts that they cannot justify.

If you ask them where is the money going to cut, where are we going to find $112 billion in cuts, they cannot tell you.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, the gentleman made a very good point just a moment ago about the enforcement mechanisms, and I think that the gentleman from Pennsylvania knows better than perhaps any Member of this body, having sat on the floor here and fought the good fight against the waivers in the Rules Committee over and over again, that what we have in this, basically what we have in this Democratic budget proposal is a proposal to give us additional spending immediately, more taxes, and a promise of cuts somewhere down the line. But as we know, we never get the spending cuts, because when it comes time for that we will see each of the Appropriations subcommittees march in, and I serve on the Appropriations Committee, march in with waivers to the Budget Act. I dare say that everything in the appropriations bill we had last year came with waivers to the Budget Act, and it will be one waiver after the other.

The gentleman from Pennsylvania and I have cosponsored a bill which would try to change that to get some discipline to require a super majority in this body to waive points of order under the Budget Act. The Senate has done that. They did that back in 1985, and it restored some discipline to the process over on that side in the appropriations process.

But unless we get some kind of reform over here to do that we will never get that kind of discipline on the spending side of things. So all of this is just a game we are playing. We are going to have the taxes, we are going to have the additional spending, and we will have the promise of the spending cuts, but we will never, never see them. And I think the gentleman makes a good point on that.

Mr. WALKER. I thank the gentleman, and he is absolutely right. And there is absolutely no enthusiasm for the idea that we use super majorities here for those kinds of things, because the fact is they are going to go on spending. And to call the Clinton proposal real, and to say that somehow this is a different budget from anything we have seen before, and that we have broken the gridlock, and somehow we are going to do something real here is nonsense. There is nothing real in that budget proposal. It is the same old stuff.

Now I would like to discuss one thing that we were attempting to bring about, a reform that would be a real enforcement mechanism, but were denied the opportunity to do so by the Rules Committee. And that was that I had an amendment to try to implement the 10-percent taxpayer buy down check off on taxes that was taken before the Rules Committee, was absolutely germane and was a process reform that would have ensured true enforcement of spenddown.

□ 0100

The way it works is this, the American people would be given an opportunity on their tax form every April 15 to checkoff up to 10 percent of the money they were paying in taxes to go for one purpose and one purpose alone, to buydown the national debt, and for every dollar designated for debt buydown, $1 would have to be subtracted from spending.

Now, either this money was subtracted from spending by Congress, that made the necessary cuts across the board, or there was an automatic sequestration that took place, in other words, an automatic spending cut that took place to equal that amount of money, so that the American people would get real spending cuts, they would get deficit reduction and debt reduction at the same time.

We had the CBO run the numbers on this, and we found that this particular plan, if worked optimally, within a 5-year period balances the budget, and within a 15-year period, and I think this is important, because it is the one hope the American people wish to have handed out to them, within a 15-year period this plan, if worked optimally, absolutely eliminates all of the national debt; every penny of national debt is gone. That is the kind of hope that the American people would like to have that what they are doing is meaningful.

I read reports about bake sales taking place across the country that are aimed at helping us get rid of the national debt, and I think that the hope behind those is very positive. It is the American people trying to do something about a real problem.

Rush Limbaugh has estimated that if those bake sales managed to raise $1.5 million a year, and that would be an awful lot of cookies being baked, if they managed to raise $1.5 million a year, it would take 2.8 million years to pay off the national debt.

Mr. KOLBE. If the gentleman will yield, the gentleman makes a very good point.

I noticed that somebody had pointed out, and I am not sure, but it might have been Rush Limbaugh who made this point, or somebody pointed out that the President made quite a to-do, of course, about the call that he made to the young man from North Dakota who sent him a check for $1,000, and if every American taxpayer made a similar contribution of $1,000, we would reduce the Federal deficit by about half, the Federal deficit by about half, and we would not even balance the budget.

So while the President is going to take this $1,000 from this young man, we are going to increase the Federal deficit immediately with the $16 billion of additional stimulus package, and then we are going to have all of the other investments that will add more than $140 billion in additional spending over the next 3 or 4 years.

Where are we going to pay? How many times is that young man going to have to write out that $1,000 check?

Mr. WALKER. That is exactly right. The fact is that what happened to his $1,000 was it got spent away, just like all the new taxes that are going to be raised are going to be spent away, and the difference between that and what happens with the taxpayer debt buydown that I hoped to offer on this approach, the difference between that is that in the taxpayer debt buydown, because you get a dollar spending cut for every dollar of debt reduction, you get a real change in the habits, and the important factor is this, we would no longer have to depend upon a group of politicians to enforce this.

The enforcement mechanism would be, for the first time, the American people, and that is the important ingredient in all of this.

I do not think that any deal cut among politicians in this town is ever going to work, because I think when you get to the point that you have to culminate the deal and really cut spending, the politicians are going to walk away from it.

I looked carefully at the charts of the gentleman from Wisconsin [Mr. OBEY] out here earlier today, and in the charts of the gentleman from Wisconsin [Mr. OBEY] they showed how Gramm-Rudman II actually did for a period of time level off the amount of deficit and debt we were accumulating. And guess what, we got to 1990. And what happened? His chart all of a sudden showed the deficits shooting up. Why? Because in the 1990 budget deal we canceled Gramm-Rudman because it began to pinch. It got too hot to handle.

Spending was actually being reduced, and we had to get rid of it, and so the politicians got together and cut a deal to get rid of Gramm-Rudman.

Guess what, the deficit shot through the ceiling. The reason why that could happen is because the people were not involved. But in the debt buydown, you will have had millions of Americans who will have designated money to go for debt and deficit reduction who all of a sudden are going to say to the politicians who do not do what they asked them to do, "Hey, fella, you are not doing what we demanded you to do. You are gone."

The politicians say to the American people, if they say "In your face, we are not going to make the cuts," they have got this big problem, because you have got people out there who have demanded the cuts be made, and that is going to be an issue in the next election. So all of a sudden you have put an enforcement mechanism that gets outside the Halls of Congress and takes it to the American people, both the obligation in the first place to designate money for debt reduction, and then the ability later on to discipline politicians who do not follow through. And that is what makes it work.

That is why getting the American people involved in the process, having, if you will, a referendum every April 15 on debt and deficit reduction really begins to change the dynamic of what happens in Washington.

I look to offer that kind of an approach on the floor. I look for an opportunity to offer as a process reform to the budget, and it is included in the Republican substitute budget. It is part of the budget presentation offered by the gentleman from Ohio [Mr. KASICH], and that is one reason I will enthusiastically vote for that budget presentation, because the debt buydown concept is included in it. I wanted to offer it on the floor. I was turned down by the Committee on Rules despite the fact that this was an absolutely germane amendment available to them, and I am disappointed by that.

The majority leader, in the course of the evening tonight, has told me that we will have hearings in the Committee on Ways and Means on the idea, and that I am grateful for, but it would have been nice to be able to debate it as part of the budget. Nevertheless, it will be on the floor as part of the Kasich amendment.

I will hope that at that point many people will see this as the populist way to go about doing something about the budget.

Let us not have as many bake sales in the future. Let us give the American people a real chance on April 15 to stop debt and deficit by designating a portion of the taxes they are paying to go for that purpose and that purpose alone.

We have an opportunity to begin that new wave with the adoption of the budget drafted by the Republicans on the committee, a much better budget, a much better budget than the Clinton budget that the Democrats have so enthusiastically brought to the floor today.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think we are about at the end of our long ordeal or our long debate. Before we finish, I would just like to take a moment to summarize.

Mr. Chairman, it was just a week ago that the Committee on the Budget met to consider the budget proposal, the Clinton proposal, the revised proposal coming from the Democrats, and the Republican alternative. I went into that committee meeting with a lot of enthusiasm and hope that we were going to have a serious debate about some differences and some alternatives. I especially went into that hopeful because, as a member of the Committee on the Budget, I had found myself under attack from the President and the Director of the Office of Management and Budget because Republicans had not been sufficiently forthcoming in coming up with their specifics about where they would cut.

Many of us were critical after the President stood in this body just a month ago and made his presentation and outlined what he was going to do with regard to budget proposals and new spending proposals. Many of us were critical of that.

We were told, "If you have got a better idea, show us. Show us where the spending cuts would be."

And so, as one member of the Republican Committee on the Budget, we worked very hard on coming up with an alternative. We had task forces, and we met, and we met, and we met. We repeatedly discussed these things. We thrashed out ideas, and we came up with very specific cuts, cuts that will take $38 billion out of the spending this year and a total of more than $400 billion over the next 5 years, real spending cuts, specifics, as to where we would get those spending cuts, and then to come in to the Committee on the Budget and find that in order to meet the scoring or the revised scoring of the Congressional Budget Office, the Democrats have come back with $62 billion of additional cuts, and not one dime of them specified was, well, to say the least something of a shocker.

I could not believe that after having been beaten around the head for 4 weeks that we were confronted.

Mr. ORTON. Mr. Chairman, will the gentleman yield on that?

Mr. KOLBE. I am happy to yield to the gentleman from Utah.

Mr. ORTON. Mr. Chairman, I think it is slightly inaccurate to suggest that not one dime was specified. In fact, in the budget resolution from the committee, less than $20 billion is in unspecified reductions in the out years, which is a common practice and has been a common practice to allow some flexibility in the out years to determine where additional cuts can be made.

But the bulk of those are specified within the spending categories, and as the gentleman knows, on a budget resolution we cannot bind either an authorizing committee or an appropriation committee to a specific cut. There are within the report numerous recommendations to the Committee on Appropriations as to where these funding cuts can be obtained in specific programs.

□ 0110

And so to suggest that not one dime is specified is simply inaccurate.

Mr. KOLBE. I thank the gentleman for his comment. I would point out two things. One, I would repeat my statement: Of the $62 billion of additional cuts brought in, not one dime is specified as to where it would come from. And of the largest part of the cut in the defense budget, nothing, nowhere, zero. If you know where some of those cuts are going to come from and how we are going to achieve that, which is the heart of the cuts that the President proposes, we would be happy to see them.

Mr. Chairman, I would yield to the gentleman, and perhaps we are going to finally get enlightened here at 1 in the morning.

Mr. ORTON. As the gentleman I submit already knows and understands, the budget resolution cannot and does not bind the Committee on Appropriations to a specific appropriation or rescission on any specific program. What we do is set the spending caps or the spending limits within each function. We designate within the function the amounts that can be spent. That is, as the gentleman knows, the purpose of a budget resolution. Within those functions we have in fact identified what the amounts are that would be cut from those specific functions.

As I pointed out, there are, in 1994, there are no unspecified cuts. They are allocated among the functions. Within those functions the committee report specifies areas where it is recommended to the Committee on Appropriations the specific areas to look that we have identified and suggested, areas that could be considered for cuts, to find these specific cuts within those functions.

But as the gentleman knows, we could put in the resolution that the

Committee on Appropriations must eliminate XYZ programs or cut X amount from a specific program for spending to build a new bomber or something like that, but the gentleman knows that that has no binding effect on the Appropriations Committee.

Mr. KOLBE. Reclaiming my time, if I might, the gentleman has of course precisely made my point for me: And that is that, no, the budget resolution has dollar amounts in it but you have policy that drives you to get to those amounts. What the heck were we holding all these hearings for? Where we were listening to the Secretary of the Treasury, listening to the OMB Director, listening to Secretary Shalala, listening to Secretary Reilly, where we were talking about policy, if all we were going to do was plug a number in there and have no idea of what it meant and how we got it? We saw some additional cuts that were brought, and they were very specific in number, function X, let us say, $341 million of less spending next year. I asked the chairman why is it $341 million and not $340 million or $342 million? And, of course, there was no answer. That is what I mean when I said unspecified.

The Republicans came up with specific ideas of how we would get to the spending cuts.

If I might, I would like to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding because I listened to the hearing that was held when the Republicans put forward their specific cuts. If I recall correctly, there were a number of Democrats who were willing to specifically criticize the specific cuts. Now, if this was all macroeconomic policy, why did they feel it was necessary to even debate the specifics that the Republicans put forward? Or why was it that the President, for weeks going around the country telling people, "If you don't like my budget, come up with specifics," and when we got into the Budget Committee meetings, the only people who put forward specifics were the Republicans and the Democrats wanted to deal with macroeconomic numbers?

I would also ask the gentleman if this report exists that has all these details, where is the report?

Mr. KOLBE. The gentleman is right; we have not seen that report, because there are not any details, there are no details for this. The President did say, "Give us some specifics." We gave specifics. We have gotten none from the other side. The reason is obvious, they do not want to put Members on record prior to voting for the economic stimulus package and the budget resolution which, as the gentleman from Utah has correctly pointed out, is nonbinding and means nothing and will mean even less when we have waivers from the Appropriations Committee.

Mr. ORTON. If the gentleman would yield, it is binding in the numbers, in the caps, in the amounts that can be spent within function. You cannot bind them to eliminate a particular program.

Mr. KOLBE. Unless we waive the numbers, which we do with great frequency around here.

Mr. ORTON. Perhaps too much frequency.

Mr. KOLBE. If I may reclaim my time, the reason that is so, we said they do not want to have people go on record as being specific and having to vote for specific things, specific cuts that might be required, some that would be very painful, making some specific choices. It is easier to vote for the extra spending that we are going to get tomorrow; it is easier to vote for the ephemeral cuts that might come down in the out years and never have to make the tough decisions, and we will avoid them again this year.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman. But I understand the gentleman to say that the report to which the gentleman from Utah refers does not exist?

Mr. KOLBE. None with anything that has the specifics that he was referring to that I know of.

Mr. WALKER. Could the gentleman from Utah tell us where this report is?

Mr. KOLBE. I yield to the gentleman.

Mr. ORTON. I believe you will find the committee report out on the bench.

Mr. WALKER. So there is a committee report that has all of these things listed specifically.

Mr. KOLBE. The committee report has just the numbers, that is all we have; no policy direction as to how we arrive at these numbers. So we do not have any idea, the Budget Committee gives no direction.

What we heard last week, to answer, perhaps, the gentleman from Pennsylvania's question; what we heard last week in the committee was, after all this talk about how important this was, the Budget Committee is saying,

> Oh, we have nothing to do with this. All we have the responsibility for is the 1 page with 15 to 16 functions on it, and we report those numbers out there, and that is all we have to do. We don't set policy, we have nothing to do with determining how much we are going to spend around here, determining the budget. That is not our responsibility; others will make those determinations. We just plug these numbers in here, we pull them out of hats someplace and plug them in, and then we hope that everybody will abide by those.

Mr. WALKER. The gentleman from Utah just told us there is a report that exists that has all of these specifics in it, how they got to those specifics, that that report exists. Does that report exist, or does it not exist?

Mr. KOLBE. To my knowledge, I have seen no such report. The only one that shows anything is the Republican budget alternative, which is very specific in outlining how we would get to those spending limits that we have in our budget resolution.

Mr. WALKER. So the gentleman was absolutely right in his statement that no specifics exist in the Democratic budget?

Mr. KOLBE. Reclaiming my time, there are some specifics in President Clinton's earlier proposal to the Congress, but none in the area of defense and none for the additional $62 billion. As we know, the ones President Clinton originally proposed got scored differently so that they were $55 billion short.

Mr. WALKER. Have the Democrats endorsed all the ones that President Clinton came up with?

Mr. KOLBE. Good question. I do not know.

Mr. WALKER. Because they do not have specifics in the recommended budget to tell us whether or not they endorsed everything the President sent up.

Mr. KOLBE. Because they cannot tell whether they have endorsed those.

Mr. WELDON. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Pennsylvania.

Mr. WELDON. I thank the gentleman for yielding.

On the issue of defense cuts, this is very critical because we have been told time and time again the American people have bought President Clinton's plan. But he has been very careful in not discussing what any of those defense cuts would be. So, therefore, the American people have heard there is going to be this huge savings and all of it is in defense but none of us knows the details of whose programs are going to be cut, which jobs will be lost.

Therefore, he has been able to have all these people think that these cuts are not going to be in their area and are not going to hurt our national security, and that is precisely the point that we need to make. The plan is full of nonspecifics. The President and the Democrats have not identified any of the areas where we are going to have to cut the military. That is going to cause tremendous pain. As I said, over the next 5 years, one of every two defense-related jobs in this country are going to go. And those are the people that should be asking the question today: Is this what I really want to see America do over the next 5 years?

Mr. KOLBE. I thank the gentleman for his contribution. The gentleman is absolutely correct about the defense cuts.

But if I may just finish up very quickly, and I appreciate the dialog we have gotten into; it is important to have this kind of discussion.

□ 0120

One of the things that is most distressing I think to many people, and I certainly find to a lot of Americans that I have talked to about this, is the now Orwellian language, what I would call the "new speak" that is being used to describe elements of this budget. What we used to call spending is now investments. It does not matter what kind of spending it is, it is an investment.

Presumably in the supplemental appropriation we will see tomorrow one of the investments is to make up a shortfall in the District of Columbia budget of $28 million. The American people know that is not an investment, that that is phony. That is simply being dishonest with the American people.

We no longer call increases in the amount of money people pay out of their paychecks tax increases. That is what I always used to call it. No, no. We call those contributions now, and some of them are spending cuts.

The most unbelievable of all is that the money that senior citizens are going to pay in additional Social Security taxes as the result of having that part of their Social Security benefits that are taxable raised from 50 to 85 percent, that is not a tax increase. It is a spending cut.

Try telling that to the senior citizen who is suddenly going to find his income tax bill going up by $200, $300, or $500 next year. We need to be more honest with the American people.

Then if that was not enough, we redefined the whole definition of income so that the President can say that 70 percent of these taxes are being paid by the wealthy. So we suddenly wave the magic wand over income and say we are going to change the definition of income to include an imputed value on the rent of a home. Even though you have owned it for 40 years and you have paid it off, now you are going to have a rent attached to that and that is part of your income.

Oh, and guess what, that just puts you into the category of being rich. Voila, you are going to pay the tax. That is dishonest. That is simply not being straightforward with the American people.

We offered an alternative that I think offers a very clear choice to the American people. I believe that tomorrow in this final part of the debate we will be able to focus very clearly in understanding the differences between the Republican budget alternative and that which is offered by the Democrats.

The Republicans offer an alternative that means less government, that means less spending, that means more jobs, that means more take-home pay, and it means no new taxes.

The Democrats, on the other hand, offer a very different vision of the future. They offer a very different vision of where government should go. It is an honest difference. It is one that they have always adhered to and it was expressed very clearly right in this room a few weeks ago by the President of the United States when he talked about making government work again, that government can be the answer to the problems that we have in this country. We know that is not the case, but they believe that more government and more taxes and more spending is the solution. If that had been the solution, we would have solved these problems long ago.

We have been taxing and we have been spending and we have been spending more and more, driving ourselves deeper into deficit, taking more money out of people's pockets.

Pretty soon we will have what some people want to achieve, and that is taxing people so much that they will be very grateful to government for whatever they can get in the way of services from government because they cannot afford to buy those services themselves.

Make no mistake about it, there are those in this country for whom that is the goal, to make the American middle class totally dependent on government to provide those services, to tax them enough so that they will not be able to buy those services themselves.

So the philosophical differences between these two budgets are very clear. Tomorrow we need to make not only a choice, but we need to have an intelligent debate as we talk about the specifics of that.

I look forward to that opportunity to go in and talk about some of these decisions that we came up with in our budget proposal, tough decisions, such as raising the retirement age for Federal employees, such as reducing or eliminating the COLA's for military retirees. Those are some of the tough choices that we have made in our budget proposal that we will be able to discuss tomorrow, or later today I should say, as we get into this debate.

Mr. Chairman, I think we are at a historic crossroads in this country. I think that this debate over the budget is perhaps the most important debate in which I have participated, certainly with regard to the economy of this country, in the last 8 years that I have had the privilege of serving in the House of Representatives.

Every Member of the Congress needs to participate in this debate if we are going to make decisions that will assure the future of our country.

Mr. GALLO. Mr. Chairman, more than 50 years ago, Winston Churchill described Russia as a "riddle wrapped in a mystery inside an enigma." I can only imagine what he would say today if he were asked to comment on the budget resolution our Democratic friends have presented to us today. Its details are as much a mystery to its advocates as to its skeptics.

I find it extraordinary that we are debating a budget resolution fully 2 weeks before the President has even submitted his budget.

Back during the days of gridlock, the Democratic leadership declared Republican Presidents' budgets "dead on arrival." Now, the majority leadership expects us to pass this President's budget even before it arrives. Khrushchev could have blushed at such a procedure. Yet we stand accused of perpetuating gridlock because we want to see for ourselves what the President has in mind before we vote on it.

But, Mr. Chairman, while the details remain enigmatic, there are certainly things about this budget that are no mystery to me.

One thing that those of us from New Jersey know all too well is that raising taxes neither creates jobs nor stimulates economic recovery—especially in an economy that is still trying to regain strength. Governor Florio tried that in New Jersey and New Jersey has yet to recover.

I had a sense we were in trouble when, 2 weeks before he presented his economic plan to the Congress, I heard the President tell the New Jersey Chamber of Commerce that he wanted to do for the Nation what Governor Florio had done for New Jersey. Thanks, Mr. President, but no thanks.

But, I must concede that what this budget proposal lacks in substance its supporters more than make up for in rhetoric. For example, the President and many of our colleagues claim that it's time that those who benefited from the economic growth of the eighties pay their fair share in the nineties. I don't know anyone who is against fairness. But since when is it fair, or, for that matter productive, to punish success?

Frankly, Mr. Chairman, the continuing effort to incite class warfare in this country does not stand up to the facts. The facts reveal that the arguments of the class warriors are nothing more than a convenient cloak for those who want to continue to tax and spend under the guise of contribution and investment.

The indisputable fact is that everyone's net tax burden went down during the eighties with one exception—the top 20 percent of Americans, who saw their tax burden go up. Everyone else saw a decrease. It is worth noting that those most in need saw their effective tax rate fall the most—an astounding 264 percent. Yet one would never know that from listening to the rhetoric of the class warriors.

If we are going to create jobs in this country and reinvigorate our economic engine, we have got to stop talking and acting in ways that punish success and reward failure. Government should be the friend of those who create jobs—not their enemy. Why this simple truth remains such a riddle to those who carry the class warfare banner is a mystery to me.

Furthermore, Mr. Chairman, before this Member would even consider asking any American to pay another penny in taxes, he would want to show the American people that Congress could get its spending habits under control. New Jersey, and 48 other States, have a mechanism to keep State spending within limits. We in the Congress should put the same restraints on Federal spending.

This Congress has within its power to send to the States an amendment to the Constitution that would require a balanced budget. We could do it tomorrow. Does anyone doubt that such an amendment would be ratified by the States in record time?

In fact, the States themselves are on the verge of convening a constitutional convention for that very purpose. Why not show the taxpayers that we can pay more than lip service to their call for change? Let's embrace this effort to advance real change.

We could also, tomorrow, give the President line-item veto authority. President Clinton supported the line-item veto during his campaign—although he has been strangely silent about it since November 3. I say, let's give him this authority and let's do it right away. That would be real change.

Mr. Chairman, we all know that the American people want change. But unless we change course, the only change they will see is the change left in their pockets. But it doesn't have to be that way. We should start by rejecting the $16.3 billion in new spending that we will be asked to approve tomorrow, less than 24 hours after we hear all this talk about how the majority's budget resolution heralds the dawn of a new day of deficit reduction.

Well it won't even last a day. Passage of this so-called stimulus package will immediately increase the deficit by $16.3 billion. Maybe that's why it's being called an emergency.

Mr. Chairman, I would say to my newly elected colleagues who were elected as catalysts for change: you have an extraordinary opportunity to lead this institution through the courage of your example.

Stand up to the power of the status quo. Stand up to those who would have you go back home having to explain why you failed to advance change. I know it's not easy to forge a new direction in an institution as hidebound by tradition as this. But trailblazing never is easy.

And to my new colleagues on the other side of the aisle: join those of us who are swimming against the relentless tide of business as usual. Help us reject this riddle wrapped in a mystery inside an enigma.

The public has invested their trust in us—but trust is a fragile thing.

If we do not at least insist on unwrapping the unknown mysteries hiding in this budget resolution, we will have fallen short of the mark and will have only ourselves to blame.

If we do not at least insist on showing we can cut spending before we ask for any more new taxes, we will have fallen short of the mark and will have only ourselves to blame.

And if we do not insist on living up to our responsibilities as a coequal branch of the Government, we will have lost the trust of our constituents, and will have only ourselves to blame.

Mr. CASTLE. Mr. Chairman, I want to express my strong opposition to House Concurrent Resolution 64, as presented by the Budget Committee. I urge my colleagues to support the Republican budget alternative.

First, let me say that I believe President Clinton and the Budget Committee have made a good faith effort to present a plan which addresses the economic problems of this country. Nevertheless, the priorities of the plan are wrong. The committee resolution puts the cart before the horse; it relies far too much on tax increases and contains far too few spending cuts. Approval of this resolution is equivalent to endorsing a tax-and-spend budget.

This is not the policy the American people want. Our constituents want Congress and the President to take a hard look at every Federal program and reduce spending as much as possible before any tax increases are considered. This resolution does not accomplish this task. The committee resolution projects deficit reduction of $460 billion over 5 years. However, it calls for $267 billion in new taxes to achieve the goal. This includes an energy tax which will cost an average family of four in Delaware an additional $500 a year; as well as a tax on the Social Security benefits of moderate-income senior citizens.

While the committee plan does include spending cuts, it does not specify where these cuts will come from. The lack of specific proposals leaves us vulnerable to blue smoke and mirror tricks later in the budget process. The resolution assumes cuts in defense of $122 billion over 5 years with no specifics on how these savings will be achieved. In addition, it proposes $63 billion in additional domestic spending cuts, but gives no indication on how these savings will be made.

In comparison, the Republican budget alternative would reduce the deficit by $38 billion in fiscal year 1994 and $430 billion over 5 years, without increasing taxes or touching Social Security benefits. The Republican alternative would cut the Federal bureaucracy further; reduce funding for Congress and the franking privilege; revises Medicare and treats senior citizens more equitably than the Democratic plan. The Republican plan makes a much stronger effort to achieve the type of spending reform the American people are demanding.

I agree with President Clinton that an economic call to arms is needed in this country. However, Congress' charge must be to make the tough decisions on where to cut Government spending and streamline Government operations. We should not resort to the easier, but ultimately more costly, alternative of increasing the taxes of the American people and spending money this country does not have. I urge the defeat of the committee resolution and adoption of the Republican alternative.

Mr. GONZALEZ. Mr. Chairman, I rise in support of the fiscal year 1994 House budget resolution which reflects much of President Clinton's underlying assumptions for housing and community development programs as outlined in President Clinton's "A Vision of Change For America." I offer for the RECORD the Subcommittee on Housing and Community Development's views and estimates which were given to the House Budget Committee regarding programs under the subcommittee's jurisdiction and a brief outline of the assumptions for housing and community development programs within the fiscal year 1994 concurrent budget resolution.

I am pleased that the administration has recently changed its policy direction regarding one issue—the consolidation of the three housing development programs into the HOME Investment Partnership Program. These three programs, namely the Public Housing Development Program, the Section 202 Supportive Housing for the Elderly Program, and the Section 811 Supportive Housing for the Disabled Program, provide vitally needed new units to the existing federally subsidized housing stock. The subcommittee looks forward to working cooperatively with the new administration in all policy and funding areas in the future.

I am also pleased that the economic stimulus portion of President Clinton's plan includes a much needed $2.5 billion for the Community Development Block Grant [CDBG] Program, $423 million for the Supportive Housing Program for the homeless, $235 million for the Section 502 Guaranteed Single Family Homeownership loans, and $6 million in grants and $3 million in loans under the Farmers Home Administration's Section 504 Low Income Repair Program.

ASSUMPTIONS FOR HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS WITHIN THE FISCAL YEAR 1994 CONCURRENT BUDGET RESOLUTION

FY 1993 Economic Stimulus: The FY 1993 Supplemental Appropriations bill contains the economic stimulus portion of President Clinton's economic plan and provides approximately $16 billion in spending for domestic discretionary spending in FY 1993, including $2.5 billion for the CDBG program, $423 million for the Supportive Housing program for the homeless, $6 million in grants and $3 million in loans under the Farmers Home Administration's Sec. 504 Low Income Home Repair program, and $235 million for the FmHA Sec. 502 Guaranteed Homeownership Loan program.

FY 1994 Concurrent Budget Resolution Underlying Assumptions: The FY 1994 Resolution contains aggregate spending assumptions which are binding for five fiscal years, FYs 1994–1998, for both domestic non-defense discretionary programs and defense programs. Essentially, the FY 1994 Budget Resolution follows the Clinton Administration's funding assumptions for all programs. Since the Resolution contains aggregate levels by budget function, there are no funding details available for each housing and community development program under the Subcommittee's jurisdiction. The Administration is expected to send its FY 1994 Budget Request to Congress that contains specific program funding levels in early April 1993.

Clinton Budget Assumptions within FY 1994 Concurrent Budget Resolution: Generally, the Budget Resolution contains as underlying assumptions the increases in spending and priorities that were included in the investment portion of the Clinton budget package to Congress released on February 17, 1993. These include: 1) an increase from 40,000 to 100,000 units of Section 8 rental assistance over 5 years, FYs 1994–1998; 2) a $690 million increase above the current services level for the CDBG program over a 5 year period; 3) an increase of $241 million over 4 years above the current services level for the Supportive Housing program for the homeless; 4) an increase of $206 million over a 4 year period for public housing operating subsidies; 5) an increase of $1.3 billion over a 5 year period over the current services level to address the HUD-held multifamily property disposition issue; 6) an increase of $2.4 billion over a 5-year period above current services to preserve federally-subsidized housing units which are threatened with the possibility of prepayment by project owners; 7) an increase of $312 million above the current services level for a new Urban Partnership Against Crime initiative to address the increase in gang and drug related crime activity in and around public housing; 8) an increase of $241 million over the next 4 years to restore dilapidated public housing; 9) an increase of $368 million over 5 years for the Youthbuild program to assist disadvantaged youths with jobs; 10) an increase of $300 million in additional funding over current services for the Farmers Home Administration (FmHA) rural housing direct and guaranteed Section 502 homeownership program; and 11) an increase in rental assistance of $75 million for existing FmHA's Section 515 Rural Multifamily Rental developments.

Reconciliation Instructions under FY 1994 Concurrent Budget Resolution: 3 of the 4 reconciliation requirements included in the FY 1994 Concurrent Budget Resolution to the House Banking Committee are under the Housing Subcommittee's jurisdiction. These are savings projected by the House Budget Committee over a 5-year period, FYs 1994–1998, as follows: 1) a total of $336 million for FHA changes through savings derived from changes in acquisition and disposition; 2) a total of $1.649 billion for HUD/IRS income verification requirements from savings derived by collecting amounts due because of tenant underreporting of income; and 3) a total of $730 million from savings derived through requiring the Government National Mortgage Association (GNMA) to issue Real Estate Mortgage Investment Conduits (REMICs).

COMMITTEE RECOMMENDATIONS TO THE BUDGET COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS

The Banking Committee looks forward to a good and cooperative working relationship with the new Administration in determining both the funding levels and policy direction in the areas of housing and community development. The Committee has jurisdiction over the Department of Housing and Urban Development (HUD) housing and community development programs, rural housing programs administered by the Department of Agriculture's Farmers Home Administration, and the Emergency Food and Shelter Program for the homeless administered by the Federal Emergency Management Agency.

To date, the Banking Committee's Subcommittee on Housing and Community Development has held 3 hearings with Cabinet representatives from the new Administration, HUD Secretary Henry Cisneros and Agriculture Secretary Mike Espy. Their appearances before the Subcommittee symbolize a change of new vision and hope in the areas of housing and community development for low-income Americans in both urban and rural areas across the United States.

The Committee understands that the Budget Committee will soon be considering the Fiscal Year 1994 Concurrent Budget Resolution which may contain possible budget reconciliation requirements. The Committee strongly requests and urges the Budget Committee to specifically exempt the housing and community development programs under the authorizing jurisdiction of the Banking Committee from any budget reconciliation instructions as they may pertain to required savings expected. These housing and community development programs predominately serve low-income Americans and as such should be exempt from any reconciliation instructions.

Further, the Banking Committee requests that the underlying assumptions to the FY 1994 Concurrent Budget Resolution assume full funding of housing and community development programs authorized in the Housing and Community Development Act of 1992 (Public Law 102–550) (the Housing Act of 1992), with some exceptions noted below, and any funding increases assumed by President Clinton for particular programs. The 1992 Housing Act authorized housing and community development programs through FY 1994 and the Committee urges the Budget Committee's favorable consideration of this request.

President Clinton announced generally to Congress on Wednesday, February 17, 1993, his plans for housing and community development programs in three areas: economic stimulus; investment; and deficit reduction. However, there is very little detail known at this time, particularly about the deficit reduction and investment proposals. In fact, the Committee understands that based on discussions with Secretary Cisneros at the Housing Subcommittee's recent hearing, there have been further changes to the budget documents generated by the Office of Management and Budget. The Committee also understands that the Administration will deliver to Congress its amended budget documents detailing each program account by late-March or early April, 1993.

The Committee, in developing its views and estimates, has relied on excerpts from two documents which were released from the Office of Management and Budget. These documents are "A Vision of Change for America" and the "Highlights of the President's Economic Program". There are various funding and policy issues raised in these documents which the Committee has highlighted below.

Finally, the Committee believes that any funding recommendations for HUD's housing programs must be viewed taking into account the legacy of the previous Administrations. After 12 years of purposeful and benign neglect, nearly every program at HUD should receive scrutiny and monitoring to ensure full compliance with the spirit and letter of the law as well as to ensure sound and basic program operations. The Committee believes that there are three priority areas which deserve particular attention by the new Administration and should help define the budget process. These include mission, management and money. For the most part, the money or funding issue is referenced throughout the text below; however, the mission and management issues are highlighted in the attached "The Legacy of the Last 23 Years."

ECONOMIC STIMULUS PROPOSAL

The Committee applauds the new Administration for proposing a much needed economic stimulus plan to Congress. The Committee is pleased that the Administration has clearly recognized the dire situation facing our nation's communities and has proposed an approximate $30 billion economic stimulus package, which is similar to the level proposed by Committee Chairman Henry B. Gonzalez and several Committee Members in legislation introduced in both the 102nd and 103rd Congresses, H.R. 4073, and H.R. 7, respectively. This legislation would provide much needed assistance to communities and states through a streamlined Community Development Block Grant (CDBG) program and rural housing programs. The Committee is pleased that President Clinton has adopted this approach in his economic package. The Committee is also encouraged that the Budget Committee in the FY 1993 Concurrent Budget Resolution included this economic stimulus approach in the accompanying Committee Report.

The urgent need for financial assistance was particularly highlighted during a series of Committee field hearings held on Chairman Henry B. Gonzalez's economic stimulus proposal. In a series of hearings held in the 102nd Congress, the Committee visited many different cities, including Los Angeles, Cleveland, Baltimore, Bridgeport, Milwaukee, and Spartanburg, South Carolina. In all of these cities and areas, the problem was similar: the failure in recent years of the federal government to support state and local governments has contributed to the decline of our communities in terms of infrastructure, housing, and services. In addition, the recession and its attendant loss of jobs has exacerbated the problems of homelessness and poverty and increased the demand for the already strained resources of our communities.

The approximate $30 billion for the Clinton economic stimulus package for FY 1993 includes the following through a FY 1993 Supplemental Appropriations Request: 1) $2.536 billion for the HUD CDBG program; 2) $423 million for the HUD Supportive Housing program for the homeless; 3) $6 million in grants and $3 million in loans through the Agriculture Department's Farmers Home Administration's (FmHA) Sec. 504 Rural Low-Income Repair program; and 4) $235 million for the FmHA's Sec. 502 Rural Single-Family Guaranteed Loan program.

The Committee is very encouraged by the inclusion of these programs in the stimulus portion of the Clinton economic plan. The Committee is also pleased that the Administration has additionally proposed the quick expenditure of already appropriated funds in certain HUD programs. The comments that follow address specific portions of the Administration's economic program.

HUD Community Development Block Grant (CDBG) Program: The Administration proposal provides $2.536 billion for the CDBG program to be expended by December 31, 1994. Like the regular CDBG program, Indian tribes and Insular areas would receive a part of the appropriation. The proposed Supplemental Appropriations provision provides the HUD Secretary with general waiver authority for all program requirements except for fair housing, environmental reviews and labor standards (i.e. Davis-Bacon wage requirements).

The Committee is concerned that the general waiver authority raises a number of concerns and questions. The Committee is pleased that HUD Secretary Cisneros indicated in his February 24, 1993, appearance before the Housing Subcommittee that he intends to consult with the Committee leadership when waivers are necessary. However, for the reasons listed below, explicit rather than broad waiver authority for the stimulus proposal may best serve the interest of Congress and the Administration.

First, the Committee is concerned about ensuring proper accountability in the expenditure of program funds. Without knowing which program requirements will be waived, Congress loses its ability to hold HUD accountable for efficient and proper expenditures and procedures. If audits conducted afterwards find what Congress views as inappropriate expenditures, there is little recourse.

Second, the Committee believes that there are a number of program requirements that it may not want to be waived. These include, but are not limited to, the provision long advocated by the Committee on residential anti-displacement and relocation assistance as well as the limitation of funds spend on public services activities to 15%.

Third, the Committee is concerned about how these waivers will be implemented. For instance, if HUD intends to provide broad across-the-board waivers, such waivers should be identified and specified in statute. If HUD intends to provide waivers on a case-by-case basis, there are concerns about what criteria will be used in each case to ensure consistency and about whether adequate staff to review each such waiver request exists at HUD.

HUD Supportive Housing Program for the Homeless: The Committee applauds the Administration for requesting $423 million in FY 1993 for the Supportive Housing program for the homeless. The Committee believes that this program provides an array of housing and services to meet the needs of the millions of homeless persons in the United States. The program also provides flexibility to nonprofit and governmental entities to provide these drastically-needed transitional housing units and services to the homeless.

The Administration proposal would appropriate $423 million in FY 1993 to remain available until December 31, 1994. This amount is estimated to create 10,000 new jobs during 1993-1995. HUD is required to fund approvable applications in the order submitted to HUD (i.e. "first-come-first-serve-basis"). HUD is given the discretion to waive any program requirement except fair housing and nondiscrimination requirements. Site control is required and no one applicant may receive more than $10 million. Funding is deobligated and expires if the program grantee has not drawn down funds from its letter of credit by December 31, 1994. HUD is required to publish these program requirements by a notice published in the Federal Register.

The proposed $423 million level of funding should be viewed as a good beginning for the new Administration in providing much needed homeless assistance. However, there are greater needs which must be addressed by fully funding all of the homeless programs in FY 1994 and the following four fiscal years, including HUD Emergency Shelter Grants, Section 8 Assistance for Single Room Occupancy (SRO) Dwellings, and the FEMA Emergency Food and Shelter program.

The Committee also notes that the Administration should develop a comprehensive strategy to provide funding to attack the rudimentary causes of homelessness, namely the lack of shelter and the need to provide permanent housing for the homeless. The various McKinney homeless programs essentially address the emergency housing and transitional housing needs of the homeless, but with the exception of the HUD SRO program, do not provide permanent housing to the homeless. The Committee believes that providing funding for the array of McKinney homeless programs does not obviate the need to address permanent housing to assist the homeless and those near homelessness.

The Committee believes that there are also a number of questions about the provisions relating to the proposed $423 million in Supportive Housing program funds for FY 1993. A major concern about this language is that approvable applications will be funded on a first-come, first-serve basis. HUD has apparently made the determination that this method will be the quickest for getting the funds expended by the December 31, 1994, deadline. However, the concern is that in the haste of funding applications, those funded may either lack merit or may normally in a regular ranking of projects not get funded.

Second, the proposal does not address the question as to whether existing McKinney projects will be allowed to participate and whether all of the funds will be committed to these projects (i.e. since 1987, projects have been funded under the McKinney Act, with only 5 years of assistance; these projects are now up for renewal and must compete for funding).

FmHA Rural Housing Programs: The Committee supports the Administration's request to include supplemental funds for the Section 504 Rural Low-income Housing Repair Loan and Grant program and the Section 502 Rural Guaranteed Loan program. The Administration proposes $3 million in loan authority and $6 million in grants for the Section 504 program and $235 million for the Sec. 502 Guaranteed Loan program.

The Committee assumes that these programs were selected for two reasons—the loan programs represent a budget outlay expenditure at only a fraction of the loan levels authorized and funds can be spent down relatively quickly. In addition, Section 504 Low-Income Repair program is a valuable tool for rural homeowners who lack the necessary funds to do home repairs and helps alleviate substandard living conditions for rural Americans.

The Committee is also pleased that the new Administration has included funds for the Section 502 Rural Guaranteed Homeownership program, particularly given the general lack of mortgage credit in rural areas. The Committee notes that this program is designed as a moderate income program (115% of area median income or below), as compared to the Section 502 Rural Low-Income Direct Loan program which has an interest subsidy and consequently is targeted at 80% of area median income. The Committee believes that the guaranteed portion of the Section 502 homeownership program should clearly be viewed as providing a more moderate income approach, and should not be viewed by the Administration in future budget decision making as a substitute for the direct loan approach which targets lower income persons.

Acceleration of HUD Existing Program Funds

The Committee also commends the Administration for including within its' economic stimulus package proposals to accelerate the expenditure of funds already appropriated for two HUD programs: public housing modernization and the HOME Investment Partnership program. The Administration proposes to speed the disbursement of $2.5 billion in previously released HOME funds and accelerate the obligation and expenditure of two pools of public housing modernization funds: $3.1 billion which was appropriated for this FY 1993 and $6 billion of unspent appropriations from previous fiscal years.

The Committee is encouraged that the new Administration is eager to get these existing funds out quickly to entities in order to provide badly needed funding to local communities and states and to produce jobs. The Administration estimates that accelerating the spendout of public housing modernization funds will create over 10,000 jobs during 1993-1998 and will result in the repair and restoration of approximately 2,500 more public housing units in 1993, and 31,800 more public housing units over a 5 year period.

The Committee remains concerned that only 4% of the HOME program funds have been committed to participating jurisdictions, and only 2% have actually been expended. The Committee is encouraged that the new Administration has indicated that it intends to propose regulatory and statutory changes soon to the HOME program in order to accelerate program spending and simplify the program. The Committee looks forward to working with the Administration to solve program design problems and is prepared to act quickly on any statutory provisions necessary toward this purpose.

The Committee believes that it is important to provide funding as quickly as possible to modernize the existing public housing stock in order to house low-income persons, particularly given the fact that there is an estimated $27 billion in backlogged modernization needs. The Committee is particularly pleased that the Administration is working with Public Housing Authorities (PHAs) to identify ways to accelerate public housing modernization. The Committee also encourages HUD to examine ways to similarly accelerate the use of public housing development funds by PHAs. The Committee understands that many PHAs find that HUD has delayed development projects by imposing difficult and bureaucratic reviews and refusing to provide timely approvals for acquisitions and rehabilitations. The Committee also believes that the new Administration should work with PHAs in order to develop realistic per unit cost limits in order to modernize public housing units.

INVESTMENT PROPOSAL

The Committee believes that the new Administration proposes much needed investment in housing and community development programs to assist low-income persons throughout the United States in its "Investing in the Future: Increasing Public Investment" portion of "A Vision of Change for America". This investment portion establishes concepts for specific programs under the Committee's authorizing jurisdiction. The Committee believes that the initial funding proposals included in the Administration's investment proposals are a good starting point in order to fund vitally-needed housing and community development programs. The budget highlights which are known to the Committee at this time are listed below.

The Committee understands that the Administration is still refining and modifying these concepts into specific proposed levels of budget authority and outlays which will form the basis of the Administration's FY 1994 Budget Request to Congress which is expected to be submitted in late March or early April, 1993, which should contain specific proposed funding levels for each of the programs under the Committee's jurisdiction.

HUD Funding Level Assumptions: The Committee assumes, generally, that the proposed FY 1994 budget authority and outlay levels will be based on the current services levels as prepared by the Office of Management and Budget (OMB). The Committee understands that the FY 1994 current services levels will reflect the FY 1993 appropriations levels increased by an inflation factor of 3 percent.

The Committee also understands through a review of the two OMB documents given to Congress and some staff discussions with HUD that there are some HUD programs which will be proposed for FY 1994 at the FY 1993 appropriations level and a few that will be proposed for reductions from the FY 1993 levels. Again, the Committee does not currently have the specific budget authority levels for each program under its jurisdiction but is commenting on those programs where there are some preliminary funding indications by the Administration.

The Committee generally is disappointed that the Administration most likely will not provide higher funding levels for housing and community development programs for FY 1994 given the need to reduce the deficit. However, the Committee encourages the Administration to consider higher funding levels for these programs in the out years (i.e. FYs 1995–1998) because funding of housing and community development programs represents long-term investment for the future.

The Committee understands that the Administration is currently "reinventing" the Department of Housing and Urban Development and will be addressing the problems of a demoralized staff, a lack of adequate management and monitoring systems, and the need to set new priorities and reshape the Department's mission.

The Committee encourages the Administration in this effort to revitalize HUD so that the Department can return to its mission of ensuring that all residents, and especially low-income and homeless persons, are adequately housed in viable communities. The Committee shares this common goal with the Clinton Administration and looks forward to working in a cooperative partnership to enact statutory provisions and to provide the necessary leadership and consultation in order to realize this goal. Certainly as the Administration looks beyond FY 1994, the Committee urges that housing and community development programs play a larger role in an investment scenario given the potential of these programs to produce jobs.

Community Development Block Grant (CDBG) Program: The Committee is encouraged that the new Administration has proposed $690 million above the current services level for the CDBG program between FYs 1994–1998 as an "investment" to provide an important source of jobs and economic development in communities. The Administration estimates that this increased funding will directly create 60,000 jobs over the next five years, with even more jobs created indirectly in the local economy. This investment, along with the $2.5 billion proposed by the Administration in its economic stimulus plan referenced above, will begin to help local governments and states fund the backlog of "ready to go" projects for much needed infrastructure improvements including work on streets and drainage, building rehabilitation, and public service projects. The CDBG program is funded at $4 billion in FY 1993 and is authorized at $4.168 billion for FY 1994.

Rental Assistance: The Committee is pleased that the Administration has provided as an "investment", an increase in Section 8 rental assistance from 40,000 units in FY 1993 or 100,000 units by FY 1998, an investment over four years of $716 million above current levels. The Committee notes that the need for federal rental assistance is great. There are more than 1 million low-income Americans on waiting lists for public housing, more than 800,000 on the Section 8 waiting lists, and more than over 2 million homeless persons in the United States.

The Committee notes that funding for rental housing was drastically cut throughout the 1980s and the cuts continued into the early 1990s. HUD assisted housing generally was at $26.7 billion in FY 1980 and was reduced to a $8.4 billion level by FY 1992. The Committee estimates, based on information from the Congressional Budget Office (CBO), that it would have taken $46.6 billion in FY 1992 to replicate the 1980 funding level, which represents an approximate 82% reduction for the assisted housing programs between 1980 and 1992 in FY 1992 dollar terms.

The initial OMB budget documents generally refer to the term "vouchers" which the Committee believes is simply a reference to Section 8 tenant-based rental assistance. Vouchers are authorized under Section 8(o) of the United States Housing Act of 1937. The 1937 Housing Act also authorizes Section 8 certificates which have been the primary HUD rental assistance program since the Section 8 program was created in the Housing and Community Development Act of 1974. The voucher program was first authorized as a demonstration program in the Housing Urban-Rural Recovery Act of 1983 and made permanent in the Department of Housing and Urban Development Reform Act of 1989. In recent years, funding has generally been equally divided in the Appropriations Acts between vouchers and certificates. In FY 1993, Section 8 Certificates were funded at $695.8 million and vouchers were funded at $543.5 million. The Committee recommends that the total amount for rental assistance be allotted to Section 8 existing certificates primarily because a tenant's contribution to rent is capped at 30% of adjusted income and GAO has in the past indicated that the voucher program costs the federal government more than the Section 8 certificate program.

While the initial OMB documents do not refer to the funding of the renewal of expiring Section 8 contracts, the Committee again urges that the Concurrent Budget Resolution assume the full funding for the renewal of expiring Section 8 contracts. This renewal is necessary because each year some of Section 8 certificates and vouchers come due for contract renewal and without continued funding of these contracts currently assisted tenants may lose their assistance or become homeless. The Committee also encourages the Administration to improve its system for identifying the number of Section 8 units and the amount needed to renew these units. The previous two Administrations did not provide Congress with reliable estimates because of the general lack of available information and an adequate computer system to coordinate this data.

The Committee also encourages the Administration to evaluate its reliance on tenant-based assistance as the principal form of HUD rental assistance as compared to project-based assistance. While in budgeting terms, tenant-based Section 8 assistance, may have a five-year term, and appear to be more cost-effective in terms of budget authority than a longer term project-based program, such as the conventional public housing development program, it appears that there is very little difference monetarily between these two approaches when estimating them on a 15-year basis (as long as the policy to renew all expiring contracts continues, Section 8 assistance should be viewed as having a longer than 5-year life). For instance, in nominal dollars, if you provide Section 8 tenant-based assistance for 15 years, the cost is $102,180 (i.e. using a $6,812 per unit cost for 15 years) where as under the public housing program there is a total cot of $102,209 (i.e. $75,209 for± a new construction grant and $1,800 operating subsidy per unit for 15 years).

Supportive Housing Program: The Committee commends the Administration for providing an estimated $241 million over four years above the current services level for the Supportive Housing program for the homeless. The program is funded at $150 million in FY 1993 and authorized at $212.6 million for FY 1994. The Committee believes that this additional funding will be a true investment to eradicate homelessness by providing transitional housing, permanent housing for the handicapped homeless, supportive services and funding for innovative homeless projects.

Public Housing Operating Subsidies: The Committee supports the Administration's request for an additional $206 million above the current services level over a 4-year period for public housing operating subsidies. Public housing operating subsidies provide funding to PHAs for the difference between tenant rent payments and day-to-day operating expenses. The Committee believes that this additional assistance will help enable PHAs to provide and maintain safe, sanitary and decent living conditions in public housing. Public housing operating subsidies are funded at $2.282 billion in FY 1993 and are authorized at $2.378 billion in FY 1994.

Multifamily Property Disposition: The Committee compliments the Administration for proposing an additional $1.3 billion over a 5-year period, FYs 1994–1995, over the current services level to address the HUD-held property disposition issue at HUD. Property disposition is currently funded at $93 million through a set-aside of 15-year Section 8 Certificates in FY 1993 and is authorized at $96.9 million for FY 1994.

The Committee is concerned that the size of the HUD-held multifamily inventory is growing at an alarming rate. HUD owned 170 multifamily projects at the beginning of FY 1992, up from 48 in FY 1989. In addition, a total of 260 projects were in foreclosure at the beginning of FY 1992. These projects, taken together, contain some 48,000 units. The growth of the inventory is largely due to three factors: (1) the restrictive nature of the law governing property disposition which currently requires that units be sold with 15-year Section 8 Certificates; (2) the failure of the previous Administration to seek appropriations for and implement this law; and (3) the absence of any coherent strategy or suitable capacity at HUD in the past to prevent defaults.

The Committee looks forward to working cooperatively on any proposed statutory changes necessary in order to address this HUD-held multifamily stock and to prevent the HUD-held stock from growing larger. The Committee believes that this stock offers an opportunity to house homeless persons and low-income persons currently on the public housing and Section 8 waiting lists. The Committee encourages the Administration to look at ways to provide this stock to public agencies, homeless service providers, nonprofits and public housing authorities so that persons currently in need of housing are assisted.

Preservation and Prepayment: The Committee also understands that an additional $2.4 billion over a 5-year period is being proposed above the current services level to provide assistance for the preservation programs which were established in the 1987 Housing Act and the 1990 Cranston-Gonzalez National Affordable Housing Act. The Committee notes that the cost of the preservation efforts will begin to rise substantially in FY 1994 with the bulk of the preservation inventory becoming eligible for incentives during the mid-1990s. HUD estimates that the funding range for FY 1993 for preservation is between $459 million to $555 million. Apparently, the funding range for FY 1994 is between $658 million and $754 million. The Committee continues firmly to believe that federally subsidized housing units must be preserved with use restrictions for occupancy by low income families. The preservation program is funded at $600 million in FY 1993 and is authorized at $665 million for FY 1994. The Committee further understands that in order to achieve cost savings the new Administration has proposed reducing the federal cost limits from 120% of the fair market rents to 100% of the fair market rents. While there may be savings, this may have the effect in high cost areas like Boston, Los Angeles, San Francisco, Chicago, and New York of permitting prepayments and a loss of the affordable housing stock in direct contrast to stated Congressional intent. The Committee would encourage the Administration to reconsider changing these federal costs limits.

Crime in Public Housing: The Committee is pleased that the new Administration has specifically targeted for investment a new Urban Partnership Against Crime initiative to address the increase in gang and drug related crime activity in and around public housing developments. The Committee assumes that this initiative includes a total of $312 million over 4 years above the amounts provided for the Public Housing Drug Elimination Grant Program which is currently funded at $175 million in FY 1993. The Committee looks forward to working with the new Administration to develop and consider authorizing legislation to focus resources to combat crime in areas with the greatest need.

Restore Dilapidated Public Housing: The Committee is pleased that the new Administration has devoted as an investment an additional $241 million over the next 4 years above the current services level to rehabilitate and restore severely dilapidated public housing projects. The 1992 Housing Act established the Revitalization of Severely Distressed Public Housing program which enable PHAs to revitalize distressed public housing units through competitive HUD planning and implementation grants. A version of this program was funded at $300 million through the FY 1993 VA-HUD Appropriations Act, known as the Urban Revitalization Demonstration Program. The Committee expects the program that was authorized in the 1992 Housing Act to be the primary program to address severely distressed public housing.

The Committee strongly believes that there is a great need to reduce the approximate 80,000–100,000 public housing vacancies. This investment will assist PHAs in making public housing units viable so that they can provide decent, safe and affordable housing for low-income renters. While there is a great need to rehabilitate existing units, the Committee also believes that new units of public housing must also be provided through acquisition and new construction through the public housing development program.

The Committee also is encouraged that the Public Housing Vacancy Reduction Program is being implemented by the Administration and will provide much needed funding to troubled PHAs to have an assessment of their stock and a plan to reduce their vacancies. This program was initially created in the 1990 Cranston-Gonzalez National Affordable Housing Act, however, the previous Administration never implemented this valuable program. The program was amended by the 1992 Housing Act and currently is funded through a 4% set-aside of public housing modernization funds. In FY 1993, this will amount to approximately $120 million under the program.

Youthbuild Program: The Committee also understands that the new Administration provides an investment of $368 million over 5 years for the Youthbuild program which is funded in FY 1993 at $40 million out of the HOPE program. The 1992 Housing Act created this innovative program which provides economically disadvantaged youths with jobs in programs that expand the supply of affordable housing for homeless individuals and members of low and very low income families. The program is intended to provide individuals with an opportunity to work, and to obtain skills and education necessary to become self-sufficient.

Farmers Home Administration Rural Housing Programs: The Committee is pleased that both the direct and guaranteed section 502 programs are slated to receive $300 million in additional funding over that appropriated in FY 1993. The Committee always has advocated the direct loan program as the most effective means of providing financing to low income families in rural America; so the Committee commends the Administration for continuing to rely upon the direct loan program. The Committee also commends the Administration for providing additional authority for the guaranteed loan program, not, however, at the expense of the direct loan program. The Committee believes the guaranteed loan program is an effective means of providing affordable financing for moderate income families—families who are falling through the cracks—who can not be served by either the direct loan program or conventional lenders without the federal guarantee.

The Committee is aware that the President's plan also includes $75 million in funding for the newly authorized voucher program which is limited by law to 5000 units in any one fiscal year as well as increasing rental assistance payments by $75 million. Such a request would in all likelihood fund only half of the authorized number of units in the voucher program. The vouchers are to be used in areas where there are vacancies in section 515 developments, where there are "soft" housing markets and where there is an affordability gap between a family's income and the rents in the market.

As to the increase in rental assistance of $75 million for existing section 515 developments, there continues to be a need for additional servicing rental assistance particularly for the families who are paying in excess of 30%, and some in excess of 50%, of their income to meet the basic rent. The Committee understands that only 60% of the section 515 units are covered by rental assistance. The Committee continues to be concerned that the voucher program not replace the section 515 development program or the rural rental assistance program.

The Committee is also aware that the Administration may propose a blurring of the line between servicing rental assistance and that which is necessary for new units. The Administration also may propose having the flexibility to shift funds between the section 515 development program and rental assistance. The Committee is concerned that such flexibility would reduce the funds that are available for expanding the supply of rental units even as the demand for such units has increased.

Transfer of Housing Programs to Rural Development Administration (RDA): The Committee also understands that there may be a proposal forthcoming to transfer the FmHA housing programs to the Rural Development Administration (RDA). The Committee is concerned that such a transfer will impede the quality and level of service that FmHA already has in place. RDA as established now, has seven regional offices and in some states already has robbed personnel from FmHA District Offices. The Committee is aware that the FmHA housing programs are administered through the network of nearly 1700 county offices (single family programs), district offices (multifamily programs) and the state offices. The Committee believes, therefore, that in order to provide similar service if there were such a transfer, there will have to be major restructuring of the RDA because seven regional offices cannot provide the same effective delivery system. In the Housing and Community Development Act of 1992, the Congress expressly prohibits such a transfer.

DEFICIT REDUCTION PROPOSAL

Consolidation of Programs Proposal

The Committee understands that as part of deficit reduction, the Administration's initial economic plan proposed to consolidate public housing development into the HOME Investment Partnership program, along with the supportive housing programs for the elderly and persons with disabilities. The Fiscal Year 1993 VA-HUD Appropriations Act funded the public housing development program at $400 million and the supportive housing programs for the elderly and disabled at $1.3 billion. These programs are authorized for FY 1994 at $597.7 million and $1.365 billion, respectively.

The Committee now understands that the Administration has modified its initial plan and will separately fund each program and not merge them into the HOME program. The Committee strongly supports this modification given that each of these programs are longstanding, proven programs which build new housing to meet the ever growing housing needs of low-income Americans. In the event that the deficit reduction argument prevails, the Committee continues to believe in the need to retain these programs particularly given the need to develop and construct new units to assist an ever growing number of persons on public housing and Section 8 waiting lists. The Committee has reservations about this consolidation from a number of perspectives, particularly with regard to public housing.

Subsidy level

The Committee is concerned that the HOME program simply can not provide the deep subsidies that are required to serve the average public housing families with incomes between $6900 and $7200 yearly, unless it is radically changed. HOME, if it were used effectively, should be a shallow, gap financing mechanism in order to provide assistance to as many affordable housing units as possible. The public housing development program provides a 100 percent capital grant and requires on-going operating assistance to cover the gap between the residents' rents based on their low incomes and operating expenses. (The current HOME regulations prohibit any kind of project based rental assistance or operating assistance.)

Number of eligible jurisdictions

Another problem is that there are only 435 participating jurisdictions in the HOME program while there are more than 3100 public housing authorities. Merging public housing development with HOME leaves more than 2500 communities unable to provide deeply subsidized housing for their citizens. It also relegates most housing authorities to no more than management agents of existing public housing.

Replacement housing

Still another problem concerns one for one replacement, demolition and disposition, requirements, etc. in public housing. Right now development money is used for replacement housing or to meet the requirements under the demolition and disposition requirements established in Section 18 of the 1937 Housing Act. The 1992 Housing Act retains the one-for-one replacement requirements but makes it easier for PHAs to replace any public housing units lost through demolition or disposition. There is a prohibition in law against using HOME funds for such activities. Consolidating the programs places PHAs in a catch 22 situation.

Mixed populations

Finally, last year the Congress enacted provisions to address the mixed populations problems (i.e. mixing of elderly and disabled in housing developments) in public housing. Part of the solution relies upon a set aside of development monies and a new section 811 tenant based assistance program. The Committee is particularly concerned that consolidating the programs kills the provisions before they get implemented.

Supportive housing

As to the sections 202 and 811 programs, which were funded at approximately $1.4 billion in Fiscal Year 1993, they, too, involve capital grants and long term operating assistance so the HOME program does not lend itself well to these programs. Second, the eligible non profit sponsors do not fit the definition of Community Housing Development Organization (CHDO) in many instances.

Long term concerns

The Committee is concerned that the consolidation, particularly for public housing, may in the long run do more harm than good because the expansion of the affordable housing stock will be seriously limited and cost more, serving fewer of those in need at a higher cost. In short such a consolidation may be "penny wise and pound foolish," sacrificing the long term investment strategy for the short term budget reduction. If a criticism of the public housing development program is that it takes too long to construct and expend funds under the program, then the Committee believes that the Administration and Congress must work together to remove any impediments that cause delay and get funding out quicker so that low-income Americans can benefit from this vitally-needed housing development program.

The Committee is also concerned that there is a long-term emphasis on block granting programs in the housing area. The Committee believes that to simply block grant programs does not deal necessarily with increasing housing opportunities to low-income Americans. Also, the Committee is mindful of other block grant approaches such as the General Revenue Sharing program that were eliminated over time because of budget pressures, and is concerned that a new block granting approach will yield the same result.

The Committee also believes that the HOME program which was intended in the initial OMB proposal to incorporate the public housing and supportive housing programs is new and untried, and may not necessarily produce adequate levels of multifamily rental housing to meet housing needs. The Committee is also mindful that under a block grant scenario, local communities are free to determine what their priorities are which may not result in rental housing. For instance, preliminary data from HUD reveals that as of February 24, 1993, with the commitment of $79 million out of the $1.46 billion of FY 1992 funds, 45% or $36.8 million will go for homeownership opportunities (i.e. $10 million for first-time homebuyers and $26.8 million are committed to rehabilitate the homes of existing homeowners) and 55% or $44.2 million of the HOME funds are committed to rental housing.

Also, the Committee understands that spending under the HOME program may be slow. For instance, HUD estimates that $300 million out of the $1.5 billion appropriated for FY 1992 will be expended by the end of FY 1993, which leaves about 80% of the HOME funds to be actually spent in the outyears. The Committee also understands that the complicated program regulations contribute to the slow spending and that the Department is reviewing the existing regulations for appropriate revisions to speed up spending. Several revisions have already been announced along with regulations to implement provisions of the 1992 Housing Act which should also facilitate implementation of the HOME program.

HOPE programs

The Committee understands that the Administration will propose funding the HOPE I and HOPE II programs at $100 million in FY 1994 for those projects that have received planning grants and may wish to actually implement the HOPE programs. The Committee has supported the HOPE programs on a limited, demonstration basis; therefore providing limited funding for projects which can be implemented is appropriate, if only to meet the expectations of the community and tenant groups that have received planning grants. However, if there is such an appropriation, the Committee would recommend that it be reprogrammed within a reasonable period time, if there is insufficient demand for the funds. In Fiscal Year 1993, HOPE I received $161 million and HOPE II received $95 million.

The Committee also understands that the Administration will recommend termination of the HOPE III program, the single family program. Of all the HOPE programs, this is the one the Committee has supported in the past. It is also the HOPE program which has experienced the greatest implementation demand. The Committee understands that similar activities can be undertaken under the HOME program; however the Committee would support continuation of the program, even if funding were minimal. The Committee would recommend that unused HOPE I and II funds be reprogrammed to support the HOPE III program. HOPE III funding in Fiscal Year 1993 was $95 million.

Possible Reductions in HUD Staff: The Committee understands that the underlying assumptions by OMB for HUD may include a reduction of $491 million in budget authority and $486 million in outlays which includes a $102 million cut in full time employees (FTE) at the Department. The Committee is very concerned that if there are to be staff reductions they occur at the HUD Central Office and not in the HUD field or regional offices. However, before any reductions are made, the Committee believes it is critical that HUD undertake a thorough review of HUD staff capabilities and placements at all levels. The Committee obviously would prefer that no reductions be made at this time. A fuller discussion of HUD staffing is included below in the management section of the "Legacy of the Past 12 Years."

Real Estate Mortgage Investment Conduits (REMICs): The Committee understands that the Administration proposes to have the Government National Mortgage Association guarantee prompt payment to all investors in secondary mortgage market securities known as REMICs. The Administration estimates that $584 million will be saved through this proposal over a 4-year period. The Committee notes that HUD currently has the necessary discretion to provide such a proposal for REMICs. However, the Committee cautions that such an expansion of business may necessitate an appropriate increase in HUD staffing to ensure effective implementation.

FHA Insurance Reforms: The Committee understands that an underlying assumption within the OMB documents include a savings of approximately $336 million between FYs 1994 and 1998. In general, the Committee is concerned that this savings not be accomplished on the backs of low and moderate income FHA-insured borrowers. The Committee believes that administrative changes and improvements could obtain this savings rather than statutory changes. The Committee recommends that such savings not be included under any reconciliation instructions because it is unclear how much and whether the Department can actually achieve such estimated savings through such regulatory actions.

The Committee is quite concerned that any savings in the FHA area not include an imposition of a 57% cap on the amount of closing costs that can be financed through the FHA mortgage program. The Committee notes that the FY 1993 VA-HUD Appropriations Act specifically included such a prohibition on the Department on implementing such a 57% cap. Previous to this prohibition in law, the prior Administration implemented a 57% limit on the amount of financeable closing costs, raising the up-front costs of homeownership to low and moderate income homebuyers. Instead of helping the MMI fund continue to reach actuarial soundness, the implementation of HUD regulations effective July 1, 1991, may actually have had the opposite effect of reducing business and driving good risk mortgages into the private mortgage insurance market.

THE LEGACY OF THE PAST 12 YEARS

The last twelve years have produced a Department of Housing and Urban Development that has neither a mission or purpose nor program management capacity. The lack of both will have substantial impact on the future budget needs of the Department.

The Department, as it exists today, does not have a defined mission that will promote the Federal government as a partner in housing and community development programs for low- and moderate-income residents of our nation's communities. This lack of mission has been exacerbated by the revelations, first, of the most public HUD "scandals" and second, of a long term pattern of systemic mismanagement. Even the most basic program and financial information is lacking and monitoring is left undone at HUD, leaving the Department and its programs unmanageable and unaccountable.

Mission and Management

As noted, HUD can use its resources and programs to fulfill the housing and community development needs of this nation. However, these efforts cannot begin until two simultaneous and interrelated challenges at the Department are addressed. These challenges are:

(1) To redefine and reinvigorate HUD's mission to meet the current demands and challenges of the 1990s; and

(2) To correct the serious lack of administrative control and information management at HUD.

The lack of mission affects every one of HUD's programs and prevents an efficient and targeted use of HUD's limited resources. The lack of administrative controls and management systems means that current housing needs cannot be assessed and that the Department is open to fraud and theft. Addressing these problems will require the commitment of considerable resources—both staff and money—and will be hampered by the burdens of recession and the soaring deficit. However, while redefining and carrying out HUD's mission and correcting the management problems may be expensive now, such actions will provide the necessary investment for the future. Thus, the most critical issues facing HUD can be discussed under three broad categories: mission, management, and money. (Specific money considerations provide the basis for the primary memo to which this memo is appended.)

Mission

One of the overriding issues with regard to the Department is to restore its context, its focus, and its administrative capacity in implementing housing and community development programs. This has had and will have budgetary impacts. HUD has evolved into a myriad of poorly managed and unrelated divisions, programs and initiatives which has diminished the federal government's commitment to these programs. In order to redefine HUD's mission, priorities need to be established, programs consolidated and developed, and policies and required procedures implemented as they were originally intended.

In developing this mission, HUD's ability to successfully coordinate its housing and development missions to spearhead efforts for investment in America should be considered. HUD administers numerous programs which can play a central role in targeting economic stimulus and development to deserving communities. For example:

Needed public housing modernization can provide significant economic stimulus while simultaneously investing in future housing stock (it is estimated that 22,000 jobs can be produced per billion dollars spent on modernization and rehabilitation of such stock and HUD currently has a backlog of approximately $6 billion in modernization funding which could be spent quickly);

The CDBG program targets substantial funds to states and localities for community development and infrastructure-related activities.

However, simply continuing programs as usual will not answer the needs of our communities; issues of consolidation within HUD and coordination among HUD and other agencies need to be considered. Among these issues are:

How to coordinate and combine HUD's rural and urban development policies and programs.

How to identify the most effective use of HUD's resources: Should certain programs be consolidated? Should others be replaced with more comprehensive initiatives? How could existing programs be strengthened or expanded?

How best to formulate a proactive policy to enhance affordable housing through coordination of HUD's activities with those of the private and secondary markets financing activities.

Further, because one aspect of both HUD's mandate and the Committee's jurisdiction is "community development" a critical issue in defining the mission of the Department will be how to provide for the development of viable, livable communities. The key to success in housing and community development centers around a comprehensive effort that focuses attention on the myriad of related problems in a single community—addressing in a comprehensive manner the needs of individual neighborhoods and communities. For example, combining supportive services, including job training and child care, and housing is one obvious linkage that is necessary to address the broad needs of neighborhoods and communities. However, a lack of funding both at the federal and local levels has inhibited such linkages even though they have been required under such programs as Family Self-Sufficiency.

HUD's ability to coordinate community development efforts was recently enhanced by enactment of the 1992 Housing Act, which expanded the affordable housing activities of the Federal National Mortgage Association (FNMA or Fannie Mae) and the Federal Home Loan Mortgage Corporation (FHLMC or Freddie Mac). In fact, HUD has the singular capacity to harness the tremendous resources of these and other housing enterprises in service of a new community development agenda.

Management: Addressing systemic failure.

The lack of a clear mission has both resulted from and contributed to widespread and systemic management failure at the Department. HUD's Inspector General has identified pervasive critical management problems which, the IG estimates, drain hundreds of millions of dollars from HUD coffers and involve over $1 trillion worth of programs. These critical management failures occur throughout HUD and undercut the Department's ability to implement and execute many of its most fundamental programs.

The ruinous impact of these problems has in turn been exacerbated by the sharp reduction in HUD's staffing level over the past 10 years, a reduction of over 20% (from 17,000 to under 13,000 people) which was not accompanied by a corresponding decrease in program levels or activities. In fact, if anything, the responsibilities have increased with the enactment of NAHA and the 1992 Housing Act. There are also questions about the capacity of the staff that exists and the staffing patterns—whether limited staff is properly trained and assigned. These problems include:

Lack of data systems. The Inspector General has reported that "HUD does not have efficient, effective, and integrated financial management systems that can be relied upon to provide relevant, timely, accurate, and complete information as a basis for sound program oversight." The same can be said for making sound budget estimates. For example, the Inspector General has reported that "HUD does not have an adequate system for tracking and controlling billions of dollars of long-term Section 8 subsidy commitments, resulting in millions of dollars of incorrect or misdirected subsidy payments and difficulty in establishing program funding needs."

Poor servicing of insured multifamily housing projects. Since inception, FHA's Multifamily Programs have assisted the creation of 3.5 million affordable rental units. However, according to the Inspector General, the failure to adequately service these FHA-insured multifamily housing projects "allows project owners and management agents to continue to violate their HUD Regulatory Agreements by misusing or diverting project assets and income from project operations." Such drains on the projects, whether deliberate or inadvertent, can only end up costing the Federal Government and denying decent, affordable housing to millions of low and moderate income families in the long run.

Inadequate asset management. The Inspector General has reported that "Management controls over HUD's multi-billion dollar Single Family and Multifamily property management and disposition activities are not adequate to preserve HUD's housing inventory and protect the financial interests of the government." In addition, the Inspector General has reported that GNMA's insufficient staff and reliance on outside parties to manage its assets "lessens assurance that critical program functions are properly performed and that subservicer claims for services and costs are reasonable or valid." GAO is currently studying this issue for the Subcommittee.

Insufficient controls. Audits by the Inspector General of CDBG grantees "have consistently found that CDBG activities do not provide benefits to low- and moderate-income residents as required. . . . HUD does not provide sufficient oversight of CDBG grantees through the provision of effective guidance and monitoring. Thus, HUD cannot assure that CDBG monies are used as they were intended." In all likelihood CDBG is not the only HUD program that suffers from insufficient controls or monitoring.

Financial and management problems of Public Housing Agencies. The Inspector General has found that "PHAs are providing ineffective management in administering the Public Housing Program. Millions of dollars are being spent, but most units do not meet HUD's prescribed Housing Quality Standards, and unit inspections are inadequate." While relatively few (23) of the 3128 PHAs around the nation are classified by HUD as troubled, they represent 18% of all public housing units and receive close to one-third of all public housing operating subsidies. Typically these PHAs are the large, old, urban authorities with the highest visibility.

Findings of systemic failure, as outlined above, are not unique to the Inspector General. They were confirmed in a 1992 report by the General Accounting Office which stated that:

These department wide deficiencies—inadequate information and financial management systems, including computerized systems; weak internal controls; inappropriate organizational structure; and insufficient staffing—leave the Department open to fraud, waste, abuse, and mismanagement.

They have been buttressed by audits conducted by the independent firm of Price Waterhouse. In fact, a recent internal HUD memo noted that:

These problems have been identified in numerable reports by independent observers of the Department, including the General Accounting Office (GAO), HUD's Inspector General, Congressional committees, and accounting firms retained to audit HUD's financial statements.

These problems raise two primary and immediate issues:

Addressing HUD's current lack of systems, staff or policies to administer the broad responsibilities of HUD. A primary example is how to prevent defaults of HUD's insured multifamily housing portfolio, to mitigate losses once defaults occur, and to manage and dispose of property. The combination of weaknesses in these areas could lead to hundreds of millions or even billions of dollars in financial losses, reductions in the stock of affordable housing, and the need for increased appropriations. If not quickly addressed, the problems and needs in this area could crowd out the Department's ability to further other aspects of its mission.

Overseeing any changes in the organization of the Department and its programs and the required staffing changes that may be necessary. Such changes may include reorganizing the regional and field office structure and consolidating and streamlining programs, as well as deciding how programs and functions should be distributed across the Department, e.g. whether programs such as those dealing with supportive services including family self-sufficiency, drug elimination grants, and homeless programs should be centralized within the Department.

Mr. McCLOSKEY. Mr. Chairman, I rise today in support of House Concurrent Resolution 64, the budget resolution for fiscal years 1994–98. Overall, it is a sound realistic and courageous program that comes at a time when the American people are thirsting for real leadership and economic recovery.

I commend the hard work of the House Budget Committee in drafting a resolution which contains the outlines of the Clinton proposal, while providing an additional $63 billion of spending cuts. I believe my constituents will support the package if they are convinced that the spending cuts are real, and that the tax increases will go to reduce the deficit. The budget resolution is an admirably balanced program, with needed investments in infrastructure and a more productive work force, makes real progress on the deficit, and commits more funds to education, job training, research and development, and such vital programs as Head Start and the Women, Infants, and Children [WIC] Program.

Unemployment is as high as it was during the lowest point of the recession, wages are stagnant, the national debt is too big, and we have neglected the types of investment that will ensure a productive work force in the future. The President's stimulus package which we are also debating this week is intended to infuse life into the economy immediately, and includes $16.3 billion of spending and tax incentives designed to create new jobs. The stimulus plan includes accelerated investment in infrastructure which includes Indiana's highways, a summer jobs program, vaccinations for children, technology, housing, rural development, energy, and the environment.

These investments will provide a short-term economic boost without risking higher inflation or scaring financial markets. The stimulus package also contains a temporary 2-year investment tax credit to stimulate purchases of equipment and machinery, a permanent tax credit for small business, and increased loans to small businesses which provide nearly 80 percent of the job growth in our economy.

It is essential that we examine Federal spending with an eye toward emphasizing programs that make the economy more competitive. Therefore, the investment portion of the plan funds programs that we all know are successful, like Head Start, natural resource and energy conservation, and research and development of civilian technology with commercial applications, and cuts programs that do not work or are no longer needed.

Furthermore, the investment portion of the plan responds to the demands of an international economy that forces American workers to compete with low-wage economies. To meet this challenge we need lifelong learning programs such as apprenticeships for high school graduates, retraining for existing workers, measures to protect America's workers, such as removing tax incentives to move jobs overseas, and a national service program that could help to provide every American the opportunity to obtain a college education.

While doing all this, we also must act to reduce the deficit. Without any changes in spending and tax policy, the Congressional Budget Office now projects a Federal deficit of about $653 billion in 10 years. Lower deficits will encourage private savings and reduce long-term interest rates, and allow the Government to better respond to the needs of the country.

The budget resolution provides for deficit reduction totaling $42.6 billion in fiscal year 1994, and $510 billion over the next 5 years. The savings would be achieved by essentially freezing discretionary spending at current levels for the next 5 years. The spending cuts come from all areas of the budget including foreign aid, defense, domestic discretionary spending, and mandatory entitlement spending.

The most painful part of the resolution is the tax increases. However, the resolution follows the Clinton proposal by requiring those who can most afford it to pay more. No one likes taxes, but if there are taxes it is important that they be fair.

The budget resolution is an honest plan that serves as a framework for a reconciliation bill addressing the economy and the budget deficit. In addition, passage of the budget resolution will send a clear signal that the spending cuts be made before any tax increases or additional spending is approved.

I have heard from thousands of constituents in recent weeks during town meetings, and through the mail and phone calls I receive. People want credible action on the economy, and they want real spending cuts, deficit reduction, and tax fairness. In my view, this budget resolution meets this test, while also providing vital long-term investment that will bear real benefits to the economy in the future.

Mrs. VUCANOVICH. Mr. Chairman, today we are considering the budget resolution for fiscal year 1994. Ironically, President Clinton has not even submitted his full budget to Congress.

However, the resolution generally assumes all of the various pieces of the President's economic program. This translates into the largest tax increase in history—$300 billion over 5 years—which includes increasing taxes on Social Security benefits, imposing a new energy tax, and extending the gas tax. Mr. Chairman, what about the tax cuts for the middle class that were promised during the campaign.

The resolution also contains $180 billion in new spending initiatives and an additional $63 billion in unspecified, miscellaneous spending cuts. In addition it assumes cuts in national defense of $122 billion over 5 years with no specifics as to where the cuts will be made. To me this package is nothing but fog.

Mr. Chairman, I reject any tax increase to reduce the deficit. The best approach is to either freeze or cut spending—with the exception of Social Security—without raising taxes. My own State of Nevada is currently experiencing economic problems. Our State has called for strict spending and efficiency in Government. Last year we made $173 million in cuts and we will make significant cuts again this year. I believe the Federal Government should also be able to take the same kind of hard measures to get its fiscal house in order without raising taxes.

Increasing taxes will severely harm my State. Let me just point out a few of the sacrifices Nevada will have to make. The proposed 12.5-percent gross royalty on mineral production in effect could cost more than half of Nevada's 13,500 miners to lose their jobs because it would make mining uneconomic.

We also see a proposed energy tax. The American Agriculture Movement just released a study showing rural consumers bear a 52-percent greater burden in gasoline excise taxes than urban consumers. Nevadans and westerners in general will be hit hard.

Eighty-seven percent of Nevada is owned by the Federal Government. Yet this proposal plans to target public land use. That means the ranchers, the miners, and the sheep herders will all be hit.

Mr. Chairman, Nevadans are willing to help out but only if there is true deficit reduction. This can be achieved only by bringing spending under control. So let's do it. Let's freeze and cut spending without raising people's taxes.

Mr. MONTGOMERY. Mr. Chairman, I would like to comment on that portion of the budget resolution which affects veterans programs. The resolution assumes funding for veterans programs in fiscal year 1994 of $34.7 billion. There is no increase assumed for discretionary programs above the 1993 level, and very modest growth—2.2 percent—for veterans compensation, pension, education, and housing programs—mandatory programs.

This is a very tight budget, but I also want to caution my colleagues that the President has yet to announce all of his budget priorities. The administration's economic plan assumes a number of Governmentwide initiatives to keep discretionary spending relatively constant. Within the overall freeze on discretionary spending, there is some leeway to increase funding for high-priority programs. I believe that the President will provide additional funds for veterans medical programs and to alleviate the huge backlog in processing claims for veterans benefits. However, the budget for these administrative accounts, which are primarily intended to pay salary costs, will not grow as much as it has in the past several years.

The President's economic plan assumes savings from a 1-year freeze on Federal salaries, a policy that will save almost $300 million in veteran programs. There are other administrative savings and savings from streamlining Government that can reduce the increase that would otherwise be needed to keep service levels for veterans programs at acceptable levels. Since the details of the effect of these policies are not yet spelled out, the House Budget Committee assumes that they will be spread equally across all Government agencies.

In addition to these cuts in amounts available to provide services to veterans, the budget resolution includes reconciliation instructions to the Veterans' Committee. We have been instructed to report legislation revising programs in our jurisdiction to save $266 million in fiscal year 1994 and $2.6 billion over 5 years. Coming on top of the cuts proposed in discretionary programs, there is little doubt that veterans will feel the pain from this deficit-reduction effort. But some veterans organizations have already indicated that the President's plan is a good one, and this resolution would not require any savings beyond those which his economic plan proposes. Our committee will meet and deliberate on the best means of meeting these reconciliation instructions, and we will choose those legislative changes which will have the least impact on the essential benefits on which veterans rely.

There follows our analysis of the effects of the budget resolution on the Department of Veterans Affairs:

EXPLANATION OF PROPOSED BUDGET COMMITTEE ACTION IN FUNCTION 700 VETERANS BENEFITS AND SERVICES

The total budget for VA assumed in the budget resolution is $34.7 billion. There is no increase assumed for discretionary spending and very modest growth (2.2 percent) for compensation, pension and education programs.

The Clinton Economic Plan "A Vision of Change for America" proposes overall government-wide savings from such initiatives as:

A "freeze" on federal salaries (no national or locality-based pay increases in 1994) ($1.36 billion in savings in 1994);

"Streamlining" government and administrative cost cutting ($604 million government-wide savings in 1992); and

"Other administrative savings" ($676 million in 1994). The House Budget Committee has taken the savings identified with these proposals and applied them "pro rata" to each Federal agency in proportion to the number of persons employed by that agency as reflected in total salary costs.

The Clinton economic program did not identify the effect of most of these savings on individual agencies, so that Function 920, "Allowances", simply showed a savings of $3.3 billion. The Senate Budget Committee followed the Clinton budget in not allocating these "allowances" to the individual functions.

According to the House Budget Committee, the combined effect of allocating these "reforms" and other management reforms specifically targeted at VA is as follows:

FISCAL YEAR 1994 DISCRETIONARY CUTS—VA SHARE

[In millions]

Item	Budget authority	Outlays
VA—Reform major construction	−$146	−$7
VA—Improve management of VA hospitals	−100	−86
No Federal pay raise—VA share	−328	−299
Other administrative savings	−131	−94
Streamlining government [1]	−82	−50
Cut 100,000 FTEE	−180	−166
FTS 2000	−16	−15
Total	−983	−717

[1] Although the Clinton plan assumed no savings from streamlining government would be assessed against VA in 1994, the House Budget Committee estimated VA's pro rata share as shown in this table.

The $983 million which the House Budget Committee assumes will be saved in discretionary VA functions is partially offset by the Clinton proposal to "invest" $282 million in VA Medical Care for staff. The net effect on discretionary spending for VA is a reduction from the CBO baseline for 1994 of approximately $701 million.

In addition to these cuts in discretionary amounts assumed for VA, the Budget Resolution will include reconciliation instructions to the Veterans Committee for $266 million in savings in 1994 and $2.6 billion over 5 years. The CBO estimate of the outlay savings associated with the President's specific proposals are as follows:

CBO ESTIMATED OUTLAY SAVINGS [1]

[In millions]

Item	Fiscal year— 1994	1995	1996	1997	1998	Total
Home loan fees	−143	−118	−122	−126	−124	−633
Pensions-Medicaid—Nursing homes					−531	−531
Pension income verification					−136	−136
Montgomery GI bill	−78	−88	−88	−95	−95	−444
Medical care reimbursement	−11	−130	−143	−154	−168	−606
Prescription copayment					−79	−79
Multiple use, guaranty	−27	−22	−23	−24	−23	−119
Resale losses	−7	−6	−6	−6	−7	−32
Insurance administrative costs						
Total	−266	−364	−382	−405	−1,163	−2,580

[1] Note: Neither the Budget Resolution nor the accompanying report of the House Budget Committee include specific programmatic assumptions underlying the reconciliation instructions. Although the proposals shown above were included in the President's Economic Plan, the Veterans Committee may choose to substitute proposals which save an equivalent amount in mandatory programs under its jurisdiction.

Mr. DINGELL. Mr. Chairman, I rise today in support of House Concurrent Resolution 64, the fiscal year 1994 budget resolution. This budget will reduce the Federal deficit by $510 billion over the next 5 years. It will redirect Federal spending priorities away from consumption to investment. It will streamline existing Federal programs and restore fairness to the Tax Code. And, it will, in combination with the additional $63 billion in spending cuts added by this body, demand sacrifice from every American.

In January, President Clinton confronted a budget deficit for fiscal year 1993 of $330 billion. He has prepared a bold budget and economic plan that honestly and fairly addresses the critical problems facing our Nation. Coupled with responsible health care reform, it will end the gridlock and move our country forward.

If something is not done the national debt will grow by at least $1 trillion every 3 years, and the interest on the debt will go up proportionately.

The budget resolution will cut spending substantially. But, spending cuts alone cannot reduce the deficit, or the debt.

This year, the Federal Government will spend $1.52 trillion. Of that total, $214 billion will pay interest on the national debt, $290 billion will go toward defense spending, and $766 billion will go to entitlement programs, principal among them are Social Security and Medicare.

The remaining 16 percent of the budget—or $250 billion—will be spent on everything else: veterans benefits, Federal law enforcement, education, medical research, meat inspection, child nutrition, scientific research and development, environmental cleanup, community development, transportation improvements, disaster relief, energy and housing programs, and all international assistance.

If we were to entirely eliminate these programs we could not balance the budget. We would be $80 billion short.

This resolution, which embraces the President's proposal, involves three parts. First, a short-term stimulus to strengthen our recovery and create additional jobs. Second, long-term investments in infrastructure improvements, education, health care, and private sector growth. Last, and most important, a mix of spending cuts and tax increases to produce $510 billion in deficit reduction in 5 years.

More than half of the President's plan will be financed by spending cuts. Among many reductions, the proposal will cut defense spending by $110 billion, trim Federal employee benefits, and reduce the size of the Federal work force. Other savings will be achieved through overhead reductions on university research, Agriculture Department program reforms, overseas broadcasting consolidations, and much more.

The United States quadrupled the national debt over the last decade. At the same time, Presidents Reagan and Bush both argued that a line-item veto and a balanced budget amendment were essential. Neither, however, were honest enough to submit a balanced budget. Both left it to the Congress to cut their budget requests. In fact, the Congress appropriated $28.8 billion less than both Presidents requested.

For 12 years, Mr. Reagan and Mr. Bush submitted budget proposals with rosy economic scenarios, inaccurate assumptions, and asterisks in the place of specified spending cuts. Last year, the President's own Secretary of Housing and Urban Development, Jack Kemp, commented that the President's budget was full of accounting gimmicks.

Today's budget package is serious, honest, and responsible. It will reduce our deficit, strengthen our recovery, create jobs, and invest in our future. It will restore hope and opportunity to our people. And, it will bolster and strengthen our Nation's leadership in the world.

I would have done some things differently, but I believe this is the best package which this country can adopt to get our economy moving again. I urge my colleagues to support this bill.

Mr. CARDIN. Mr. Chairman, I rise in support of the budget resolution for fiscal year 1994. The resolution provides a broad outline of President Bill Clinton's 5-year package for strengthening the economy, creating jobs, and reducing the Federal deficit.

Our country and, I believe, this House are united in their determination to strengthen the economy. We all recognize the need to bring the deficit under control and to end a decade of gridlock and fiscal irresponsibility.

In evaluating President Clinton's package, I believe there are two questions that should be asked. First, does the package do the job? And second, is it fair?

I believe President Clinton has come forward with a bold, innovative package that will reverse the tide of red ink in Washington and strengthen our economy through the creation of goods and jobs. The comprehensive package includes spending reductions in domestic, defense, and international programs; entitlement reforms; and tax increases.

The changes enumerated by the President are real and will cause pain for millions of Americans. For example, the President has proposed an elimination of the cost-of-living adjustment [COLA] for all Federal workers for fiscal year 1994 and a 1-percent reduction in anticipated COLA's in fiscal year 1995, fiscal year 1996, and fiscal year 1997. I am concerned about the size of the contribution Federal workers are being asked to make. The COLA cut will have a significant impact on the more than 2 million Federal workers.

Cuts in the Defense budget, which will total $127.6 billion over the next 5 years, will have a significant economic impact on communities facing base closings and on firms that depend on defense contracts. The President's defense conversion proposals and job-training initiatives will be essential as we try to convert our military-industrial complex to civilian applications. Until this conversion takes hold, however, defense cuts will spell real pain in many regions of the country.

Many of the entitlement cuts, particularly the $48.3 billion cut in Medicare payments to providers, have been proposed in the past. The difference this time is that they are part of a comprehensive economic package.

The inclusion of $63 billion in deeper spending cuts clearly shows the commitment of this institution to cut Government spending. The President's budget includes 150 specific budget cuts. As we work through the appropriations and reconciliation processes, we must make sure we make real, specific spending cuts to meet the targets established in the budget resolution. It is important to remember that the budget resolution is only a blueprint. The decisions that need to be made in the appropriations and reconciliation processes will be extremely difficult, but we can no longer afford to avoid action on this crisis.

The budget committee resolution, modeled on the President's package, holds discretionary outlays below the current level in each of the next 5 years. It does so by cutting or eliminating low-priority items and adding spending in areas of the budget that will help promote job creation and economic growth.

Deficit reduction is essential. But let's be clear on why we need to reduce the deficit. We do not need to reduce the deficit simply for the sake of reducing it. Instead, we need to reduce the deficit in order to put our economy on a path toward growth and the creation of good jobs.

The underlying objective of President Clinton's package is to make the Federal Government work better. We must identify the programs that work and distinguish them from those that do not work. This is the essence of sensible, constructive budgeting.

One final point. As the President so clearly stated 1 month ago today in his speech in this chamber, in the final analysis, all of our efforts will be in vain if we do not control the skyrocketing costs of health care in this Nation. The economy cannot sustain double-digit growth in health care spending. The Medicare cuts proposed by the President are significant cuts that will be felt by Medicare providers, but they are only a downpayment. Systemic reform of the health care system is needed to ensure long-term deficit reduction and economic growth.

Mr. Chairman, our Nation's long-term economic strength and international competitiveness depend on our ability to reduce the deficit and realign the Federal Government's priorities. I urge my colleagues to support President Clinton's economic package as outlined in the House Budget Committee's resolution. It is a fair and credible package for reducing the Federal deficit, strengthening the economy, and creating good jobs.

Mr. SENSENBRENNER. Mr. Chairman, how serious can the President be about deficit reduction when on the heels of his budget resolution, the first major spending bill we address is $20 billion worth of pork designated as emergency spending? There is $28 million to reduce the District of Columbia's budget deficit, $450 million in research projects, $23 million in historic preservation, and the list goes on. We get all of this and more simply by piling on the deficit. I don't find this stimulating in the least, nor do the taxpayers in my district who have given me one resounding message over the past few weeks—cut spending. As the President and Democrat Members of Congress clamor for sound bites over what they can cut from the budget, they bring $20 billion in deficit spending to the floor, much of it the same type of waste we have heard so much about recently. This is high hypocrisy. Even if this bill were to create the 219,000 jobs it claims, which is doubtful, they would be mainly short term and would cost the Government nearly $90,000 per job. The private sector created that many jobs in a month at no cost to taxpayers.

For the first time in American history, government jobs outnumber those in manufacturing. The Clinton administration, in cahoots with congressional Democrats would like to see this trend continue. Using former East Germany as an economic model is not the type of policy I want to see the United States pursue.

Candidate Clinton's promised middle-class tax cut is now going to feed the pork barrel. Far from a stimulus, this is an unnecessary, irresponsible impediment to the economic recovery already underway.

Mr. PACKARD. Mr. Chairman, President Clinton has proposed the largest tax increase in American history, as part of his so-called $493 billion deficit reduction package. Stripped of all its political rhetoric, this package is neither balanced nor does it generate the level of savings as his Presidential campaign promised.

Instead, it reveals many falsely packaged gimmicks such as hidden tax increases that are sold to the American public as spending cuts. These gimmicks are going to drive the American public into debt further as our economy strives toward revitalization.

Historically, it has been proven time and time again that increasing taxes does not reduce the deficit. Higher taxes means increased spending. A recent report found that for every dollar raised in new taxes in the 1990 Budget agreement, $2.37 occurred as a product of increased spending. What's more traumatic than this startling figure, is the absence of any safety mechanism that prevents Congress from increasing spending. Clinton's budget is a blank check that he personally endorses to the U.S. Congress.

I ask you, my colleagues, how these tax increases can be justified with the knowledge that no spending mechanisms exist in this budget. Consider the cries from your constituents that will be heard through these Halls when their taxes and the Federal deficit increase simultaneously as President Clinton unveils all of the crucial points of his budget.

Last November, the American people voted for change. They sent a strong signal to the White House and Congress that they wanted a budget fueled by positive ramifications for one and all. If enacted, Clinton's tax increase will fuel more than Federal spending. It will reduce economic growth, destroy jobs, minimize our competitiveness, and increase the budget deficit. These consequences I doubt, are the type of positive ramifications that sent President Clinton to the White House last November.

Mr. HOKE. Mr. Chairman, many times in recent months, I've been asked whether I would support President Clinton's new domestic agenda and vote for the concurrent resolution on the budget. I have consistently deferred answering while waiting to learn the details of the Democrats' plan and whether the President would stand by his campaign commitments to work toward a balanced budget, enact a line-item veto, and reduce taxes on the middle class.

Like many Americans, I was hopeful as the President unveiled his proposal before Congress. But as I listened with my colleagues in the House Chamber, it became disappointingly apparent to me that President Clinton has quickly forgotten all three of his pledges. That disappointment was heightened as the Budget Committee began its hearings on the budget resolution, and various administration officials further outlined the President's package. His plan does not begin to balance the budget, does not even mention the line-item veto, and raises—not lowers—taxes on the middle class. The House will vote this week on the budget, and it is not likely to garner much bipartisan support.

In his Economic Address, the President outlined what he claimed is a $493 billion deficit reduction package over 4 years. The day after releasing the written outline of his plan, the White House acknowledged it instead to be a $325 billion reduction package. During the Budget Committee hearings, some administration representatives placed that figure even lower. The Orwellian and frankly frightening reality is that this is not a deficit reduction plan at all. It is actually a $916 billion deficit expansion package. Only in the surreal world of Washington, DC, can increases in spending be called reductions, through the dark alchemy of baseline budgeting.

Most Americans who heard the President's speech or read reports about it are under the false impression that this plan will reduce the current $4.2 trillion national debt by $325 billion. In reality, if the President gets his entire program, there will be a substantial deficit every year for the next 4 years, and by the end of fiscal year 1997, the national debt will have increased by more than 20 percent to over $5 trillion. This plan does not stop the runaway Federal deficit. It barely slows it down.

What makes the administration's plan more worrisome is that I do not believe the President will get all of his program. He will only get parts of it—the parts that are easiest for Congress to pass: an immediate $16 billion program of new spending, and then the biggest tax increase in the history of the Republic—by a factor of 2. What the President will not get is spending cuts.

The same Congress that will gleefully divvy up the new spending and not quite as gleefully dish out the new taxes will quietly dig in the heels of its tasseled alligator loafers before cutting one penny of spending. History proves that for every new dollar in taxes raised, Congress spends $1.59.

Therein lies the great flaw of Clinton's program and why it cannot succeed. The President fails to understand that from a practical standpoint, it is nearly impossible for even the best-intentioned Members of Congress to vote for spending cuts, because while taxpayers may genuinely want fiscal responsibility, in the parochial sense they do not. Taxpayers quite naturally want Federal funding for their own districts and deficit reduction for the rest of the country.

We believe that cuts need to be made, but not in our own backyards. And all too often, voters measure the effectiveness of their elected representatives by the pork they barrel for consumption back home.

Even for those Members of Congress philosophically committed to cutting spending or convinced that our current fiscal irresponsibility is creating an incipient national crisis, it is politically damaging to vote for cuts.

If President Clinton seriously wanted to grapple with this country's most pressing problem, he should have called for spending reductions only. He should have explained that tax increases and new spending programs would be addressed only after exhausting the possibilities for reductions. He should have repeated his campaign commitment to a Presidential line-item veto and supported in the strongest language the need to pass a balanced budget amendment to the Constitution.

This last item is the most important, because without such an amendment and the implicit political cover it provides, it forces Congress to pass painful spending cuts, we will never get out from under the growing mountain of debt now posing such a real threat to our future. Those who believe otherwise should consider the words spoken last September by the President's own Director of the Office of Management and Budget, Leon Panetta. "If we fail to change our ways," he warned, "the damage will be enormous. The current prospects are for deficits so large, and economic growth so slow, that the deficits will feed on themselves, leading to an ever worsening upward spiraling of debt and interest payments * * * and ultimately a real danger of losing control of our money supply and inflation."

Why did President Clinton offer a plan that in a best-case scenario adds $916 billion to the national debt? Why did the Democrat majority on the Budget Committee accept his proposal with only minor modification? And why didn't they include the fundamental structural changes that must take place before the problem can be solved?

In calling for change and challenging us to contribute, the President and his allies in Congress have sidestepped the real solutions to our national crisis. Our country would be better served had they invested their political future, and our economic future, not in tax increases and spending programs, but in structural reforms engraved on the rock of law.

It is not cynical to insist that the new administration and Congress reduce spending before raising taxes. It is a practical necessity based on a 30-year observation of Congress' inability to balance the national checkbook.

Can we stop the administration's plan, complete with new taxes and budget deficits? Yes. But the burden falls squarely on the voters' shoulders. Independents, Republicans, and Democrats must keep the phones ringing. Concerned citizens must let Congress and the President know that they are watching and they care. If we redefine political statesmanship as the courage to make the tough choices in order to live within our means and preserve the American Dream for our children, then we truly do have a chance.

Mr. FRANKS of Connecticut. Mr. Chairman, President Clinton denies that his budget proposal is the largest tax increase in history. This is because the Clinton administration has falsely classified the increase in Social Security taxes as a spending cut. Under the Clinton plan, a senior citizen earning $25,000 a year is rewarded by having more Social Security benefits subject to taxation.

I've heard from many senior citizens in Connecticut about the injustice of this tax increase. They can recognize that our budget problems are most appropriately solved through spending cuts. The Clinton administration should listen to the wisdom of those who have successfully overcome depression and world war to maintain our country's status as the envy of the world.

Let's not add another financial burden to senior citizens who have contributed so much to make this century the American century. Rather than taking the money of older Americans and diverting it to already bloated Government programs, let's solve our deficit problem by cutting back on the wasteful spending that caused it.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

Mr. ORTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SCOTT) having assumed the chair, Mr. SERRANO, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998, had come to no resolution thereon.

GENERAL LEAVE

Mr. ORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the debate just concluded on House Concurrent Resolution 64.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

ST. PATRICK'S DAY MESSAGE OF PEACE AND JUSTICE

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. FISH. Mr. Speaker, I rise today to submit for the RECORD the 1993 St. Patrick's Day message of peace and justice, circulated by the Ad Hoc Committee for Irish Affairs and cosigned by 35 of our colleagues.

Each year, this St. Patrick's Day message serves to remind Congress, the Administration and all Americans of the ongoing violence and discrimination in the six counties of Northern Ireland. This year, the message recognizes the promises which President Clinton made to the Irish American community during his campaign and urges him to maintain a strong commitment to carrying them out during his Presidency.

These promises include first, making the ongoing human rights abuses in Northern Ireland a top priority in the United States relations with Great Britain; second, the appointment of a special envoy to Northern Ireland; third, implementation of an equitable visa policy which does not deny protection to Irish political refugees; and fourth, support for passage of MacBride Principles legislation at both the State and Federal levels.

There is a positive role for the United States to play in reaching a solution to the strife which plagues Ireland, but it will require new thinking in this country as well as in Great Britain and Ireland. I urge President Clinton to exhibit the leadership that is necessary, and I urge my colleagues to read our St. Patrick's Day message and take an active rule in finding a solution to this problem.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 17, 1993.

1993 ST. PATRICK'S DAY MESSAGE OF PEACE AND JUSTICE

On this St. Patrick's Day, we the undersigned Members of Congress renew our commitment to bringing about peace, justice and an end to all violence and discrimination in Northern Ireland. We note with regret that while peace and democracy have replaced heavily armed borders and security checkpoints in Eastern Europe, under British rule, the people of the six counties of Northern Ireland continue to live in a war zone.

The political history of Northern Ireland is certainly one of the most tragic of any nation. Well-documented human rights violations continue to be caused by the violence and terrorism perpetrated by all the parties to the conflict there, including not only the IRA and loyalist paramilitary groups, but also the Royal Ulster Constabulary and the British-run criminal judicial system. Continued suppression of individual legal, human and civil rights only fosters heightened violence and deeper disregard for authority.

There is a positive role for the United States to play in reaching a solution acceptable to all sides, but new thinking is required in this country as well as in Great Britain and Ireland. We are heartened by the attention President Clinton paid to this issue during his campaign, and urge him to make the goal of ending the strife in Northern Ireland a top priority in our relations with the United Kingdom.

We support President Clinton's pledge to appoint a Special Envoy to Northern Ireland to facilitate the peace process. We believe the United States, because of our strong ties with both the people of Ireland and the United Kingdom, is poised to play an important role in bringing about a lasting solution to the bloody conflict which divides that nation. We also support his promise to implement an equitable visa policy which does not deny protection to political refugees, particularly those from Ireland.

We are especially encouraged by the President's stated support for passage of MacBride Principles legislation at both the state and federal levels. Peace will not come to people who have been left disenfranchised, chronically unemployed and impoverished by generations of deep-rooted economic discrimination. We remain steadfast in our belief that this Congress cannot allow U.S. business to continue to be party to this type of religious discrimination, and call for the prompt passage of the Northern Ireland Fair Employment Practices Act.

We realize that a solution that has eluded men not just for decades, but for centuries, will not be easy. But peace and justice in Northern Ireland are achievable if sound leadership is provided, if policies are formulated to end the severe economic injustices there, and if all violence is ended.

As we recommit ourselves to working toward these goals, we are reminded that in the time since the Berlin Wall was toppled, thirteen new walls have been erected throughout Belfast, Northern Ireland—symbols of the war and hatred which still rages there. It is our great hope that by St. Patrick's Day next year, these walls, too, will have fallen and will have been replaced with true peace and justice for all Irish people.

Benjamin A. Gilman, Constance A. Morella, Rick Lazio, George Hochbrueckner, Donald M. Payne, David E. Bonior, Gary L. Ackerman, David A. Levy, James T. Walsh, Jack Quinn, Andrew Jacobs, Jr., Jerrold Nadler.

Thomas P. Manton, Eliot L. Engel, Leslie L. Byrne, Jerry F. Costello, Carolyn B. Maloney, William J. Hughes, Pat Danner, Gerald B. Solomon, Peter G. Torkildsen, William O. Lipinski, Nita Lowey, Richard E. Neal.

Hamilton Fish, Jr., Peter T. King, Peter Blute, Jim McDermott, Charles E. Schumer, Michael R. McNulty, Robert A. Borski, E.B. Johnson, Susan Molinari, Louise M. Slaughter, William J. Coyne.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KOLBE) to revise and extend their remarks and include extraneous material:)

Mr. YOUNG of Alaska, for 5 minutes, on March 18.

Mr. FRANKS of New Jersey, for 5 minutes, on March 17.

(The following Members (at the request of Mr. ORTON) to revise and extend their remarks and include extraneous material:)

Mr. RICHARDSON, for 5 minutes, on March 23.

Mr. MCCLOSKEY, for 1 hour, on March 23.

Mr. GUTIERREZ, for 1 hour, on March 24.

Ms. WATERS, for 1 hour each day, on April 7, 14, 21, and 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KOLBE) and to include extraneous matter:)

Mr. SUNDQUIST.
Mr. CRANE.
Mrs. VUCANOVICH.
Mr. TAYLOR of North Carolina.
Mr. GINGRICH, in four instances.
Mr. SCHIFF, in two instances.
Mr. HYDE.
Mr. LIVINGSTON.
Mr. GOODLING.
Mr. ALLARD.
Mr. OXLEY.
Mr. SOLOMON.
Ms. MOLINARI.
Mr. GILMAN, in three instances.
Mr. SKEEN.
Mr. GALLO.
Mr. MYERS of Indiana.
Mr. DORNAN.

(The following Members (at the request of Mr. ORTON) and to include extraneous matter:)

Mr. GORDON.
Mr. WAXMAN.
Mr. BERMAN.
Mr. ACKERMAN.
Mr. MANN.
Mr. HAMILTON.
Mr. TORRES.
Mr. SWETT.
Mr. SARPALIUS.
Mr. FAZIO.
Mr. CONYERS, in two instances.
Mr. FOLEY.
Mr. FOGLIETTA, in two instances.
Mr. EDWARDS of California.
Mr. MARKEY.
Mr. RICHARDSON.
Mr. LEHMAN.
Mrs. MEEK, in two instances.
Mr. CLAY.
Mrs. MALONEY.

ADJOURNMENT

Mr. ORTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 29 minutes a.m.) the House adjourned until today, Thursday, March 18, 1993, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

915. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of original report of political contributions of Strobe Talbott, of Ohio, to be Ambassador-at-Large and Special Adviser to the New Independent States; and of Harriet C. Babbitt, of Arizona, to be Ambassador to the Permanent Representative of the United States to the Organization of American States, and their families, pursuant to 22 U.S.C. 3944(b)(2).

916. A letter from the Director, Legislative Affairs, Federal Deposit Insurance Corporation, transmitting a list of property that is covered by the Corporation as of September 30, 1992, pursuant to Public Law 101-591, section 10(a)(1) (104 Stat. 2939); to the Committee on Banking, Finance and Urban Affairs.

917. A letter from the Acting Comptroller of the Currency, transmitting their annual report of consumer complaints filed against national banks and the disposition of those complaints; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 132. Resolution providing for the further consideration of the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes (Rept. 103-36). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 133. Resolution providing for the further consideration of the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998 (Rept. 103-37). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SISISKY (for himself and Mr. HANSEN):

H.R. 1378. A bill to amend title 10, United States Code, with respect to applicability of qualification requirements for certain acquisition positions in the Department of Defense; to the Committee on Armed Services.

By Mr. BERMAN:

H.R. 1379. A bill to provide statutory authority and standards for the conduct of U.S. Government international broadcasting activities, to provide the President with flexibility in using international broadcasting resources to meet the foreign policy needs of the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CONYERS:

H.R. 1380. A bill to amend the U.S. Housing Act of 1937 to require the Secretary of Housing and Urban Development to administer a program of construction and revitalization of public housing, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. EVANS (for himself, Mr. ANDREWS of Maine, Mr. WILLIAMS, Mr. PACKARD, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Mr. PETERSON of Minnesota, Mr. WAXMAN, Mr. HOCHBRUECKNER, Mr. ENGEL, Mr. GUTIERREZ, Mr. LIPINSKI, Mr. NEAL of North Carolina, Mr. LEVY, Mr. BONIOR, Mr. SANDERS, Mr. PENNY, Mr. STUDDS, Mr. GRAMS, and Mr. SCHAEFER):

H.R. 1381. A bill to amend title 5, United States Code, to provide that civilian employees of the National Guard may not be required to wear military uniforms while performing civilian service; jointly, to the Committees on Armed Services and Post Office and Civil Service.

By Mr. PETERSON of Minnesota (for himself, Mr. RICHARDSON, and Mr. KOPETSKI):

H.R. 1382. A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State of local units of government or as nonprofit organizations; to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 1383. A bill to provide for a 2-year Federal budget cycle, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Ms. ROS-LEHTINEN (for herself and Mr. SHAW):

H.R. 1384. A bill to authorize a junior reserve officers training pilot program by the Coast Guard; to the Committee on Merchant Marine and Fisheries.

By Mr. SCHIFF:

H.R. 1385. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow formula grants to be used to prosecute persons driving while intoxicated; to the Committee on the Judiciary.

H.R. 1386. A bill to amend title 23, United States Code, to require the Secretary of Transportation to withhold certain funds from States that fail to deem a person driving with a blood alcohol concentration of 0.08 percent or greater to be driving while intoxicated, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. SENSENBRENNER:

H.R. 1387. A bill to correct the classification of timing apparatus with opto-electronic display only; to the Committee on Ways and Means.

By Mr. SMITH of Oregon:

H.R. 1388. A bill to compensate owners for the diminution in value of their property as a result of Federal actions under certain laws, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Natural Resources.

By Mr. STARK (for himself, Mr. EVANS, Mr. JEFFERSON, Mrs. MEEK, Mr. MILLER of California, Mr. MINETA, and Mr. TOWNS):

H.R. 1389. A bill to amend title XVI of the Social Security Act to make a State ineligible for Medicaid reimbursement payments under title XIX of such act, unless the State maintains the level at which the State supplements Federal supplemental security income benefits or passes along increases in such benefits; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. WAXMAN (for himself and Mrs. COLLINS of Illinois):

H.R. 1390. A bill to award a congressional gold medal to Lou Rawls; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DEFAZIO:

H.R. 1391. A bill to provide certain protections for wildlife on public lands from airborne hunting, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FAWELL (for himself, Mr. PENNY, Mr. SHAYS, Mr. HANCOCK, Mr. WALKER, Mr. STENHOLM, Mr. INHOFE, Mr. SMITH of Texas, Mr. PETRI, Mr. BALLENGER, Mr. ALLARD, Mr. BURTON of Indiana, Mr. DORNAN, Mr. BOEHNER, Mr. MANZULLO, Mr. ORTON, Mr. SUNDQUIST, Mr. KLUG, Mr. SOLOMON, Mr. STUMP, and Mr. KNOLLENBERG):

H.R. 1392. A bill to rescind unauthorized appropriations for fiscal year 1993; to the Committee on Appropriations.

By Mr. RICHARDSON (for himself, Mr. SCHIFF, Mr. FRANK of Massachusetts, Mr. FRANKS of Connecticut, Mr. OBERSTAR, Mr. RAMSTAD, Mr. MCDERMOTT, Ms. ROYBAL-ALLARD, Mr. BATEMAN, Mr. BACCHUS of Florida, Mr. NEAL of North Carolina, Mr. TOWNS, Mr. REYNOLDS, Mr. ANDREWS of New Jersey, Mr. SANDERS, Mr. DEUTSCH, Mr. KREIDLER, Mr. COLEMAN, Mr. LEVIN, Mr. LAFALCE, Mr. INGLIS, Mr. GENE GREEN, Mr. DORNAN, and Mr. PETRI):

H.R. 1393. A bill to amend the Internal Revenue Code of 1986 to provide that the luxury excise tax shall not apply to certain equipment installed on a passenger vehicle for the use of disabled individuals; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 1394. A bill to improve coordination of National Oceanic and Atmospheric Administration Great Lakes activities; to the Committee on Merchant Marine and Fisheries.

By Mr. HAMILTON:

H.J. Res. 155. Joint resolution designating October 6, 1993, and October 6, 1994, each as "German-American Day"; to the Committee on Post Office and Civil Service.

By Mr. YATES:

H.J. Res. 156. Joint resolution concerning the dedication of the U.S. Holocaust Memorial Museum; jointly, to the Committees on House Administration and Natural Resources.

By Mr. GILMAN (for himself, Mr. MANTON, Mr. ACKERMAN, Mr. BLUTE, Mr. DORNAN, Mr. FALEOMAVAEGA, Mr. KENNEDY, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, and Mr. TOWNS):

H.J. Res. 157. Joint resolution to designate September 13, 1993, as "Commodore John Barry Day"; to the Committee on Post Office and Civil Service.

By. Mr. DORNAN (for himself, Mr. HANCOCK, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. HYDE, and Mrs. VUCANOVICH):

H.J. Res. 158. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 36: Mr. FISH.

H.R. 39: Mr. SCHUMER, Mr. MORAN, Mr. COOPER, Ms. ENGLISH of Arizona, Mr. NEAL of North Carolina, Mr. FRANK of Massachusetts, Mr. MCHALE, Mr. STARK, Mr. KOPETSKI, Mr. ANDREWS of Maine, Ms. NORTON, Mr. EDWARDS of California, Mr. PAYNE of New Jersey, Mr. RAHALL, and Mr. BORSKI.

H.R. 55: Mr. BROWN of California.

H.R. 93: Mr. BURTON of Indiana, Mr. LIGHTFOOT, Mrs. BENTLEY, Mr. BREWSTER, Mr. CALVERT, Mr. COMBEST, Mr. MANZULLO, Mr. MYERS of Indiana, Mr. REGULA, Mr. SCHAEFER, Mr. SHAW, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. SPENCE, Mr. THOMAS of California, Mr. KIM, and Mr. HEFLEY.

H.R. 100: Mr. FRANKS of New Jersey.

H.R. 113: Mr. HAYES.

H.R. 146: Mr. ARMEY.

H.R. 147: Mr. ARMEY.

H.R. 214: Mr. PAYNE of Virginia.

H.R. 300: Mrs. LLOYD and Mrs. THURMAN.

H.R. 306: Mr. TALENT.

H.R. 326: Mr. MANTON, Mr. MCDERMOTT, Mr. STUPAK, Mr. ANDREWS of New Jersey, Mr. EVANS, Ms. MALONEY, Mr. KLINK, and Mr. OBERSTAR.

H.R. 340: Mr. HEFLEY, Mr. SAWYER, Mr. GRAMS, Mr. BILBRAY, and Ms. WOOLSEY.

H.R. 349: Mr. BOEHNER.

H.R. 410: Mr. DELAY, Mr. LINDER, and Mr. CLINGER.

H.R. 412: Ms. FOWLER and Mr. KINGSTON.

H.R. 419: Mr. YATES, Mrs. MORELLA, and Mr. TUCKER.

H.R. 429: Mr. PAXON, Mr. HANSEN, and Mr. BAKER of Louisiana.

H.R. 437: Ms. WOOLSEY.

H.R. 438: Ms. SLAUGHTER.

H.R. 493: Mr. MOORHEAD.

H.R. 518: Mr. SMITH of New Jersey, Mr. MORAN, Mr. PORTER, Mr. RICHARDSON, Ms. ROYBAL-ALLARD, and Mr. BORSKI.

H.R. 546: Mr. CRAMER, Mr. STRICKLAND, and Mr. HINCHEY.

H.R. 549: Mr. KLUG, Mr. ALLARD, Mr. GOODLATTE, Mr. MCMILLAN, and Mr. HEFLEY.

H.R. 551: Mr. HENRY, Mr. TOWNS, Mr. SUNDQUIST, Mr. GUNDERSON, Mr. PAXON, Mr. STENHOLM, Mr. HANCOCK, Mr. DREIER, Ms. LOWEY, and Mr. BORSKI.

H.R. 556: Mrs. ROUKEMA.

H.R. 557: Mrs. ROUKEMA.

H.R. 576: Mr. BISHOP.

H.R. 635: Mr. Schiff and Mr. Baker of Louisiana.

H.R. 667: Mr. McMillan, Mr. Hyde, Mr. Paxon, Mr. Walker, and Mr. Bevill.

H.R. 682: Ms. DeLauro, Mr. Paxon, Mr. Kopetski, and Mr. Andrews of Maine.

H.R. 723: Ms. Shepherd, Mr. Taylor of Mississippi, Mr. Dornan, Mr. Zimmer, and Mr. McKeon.

H.R. 790: Mr. Conyers and Mr. Santorum.

H.R. 822: Mr. Blackwell, Mr. Hinchey, and Mr. Underwood.

H.R. 823: Mr. Stark, Mr. Frank of Massachussetts, Mr. Peterson of Minnesota, Mr. Strickland, and Mr. Hyde.

H.R. 863: Mr. McInnis, Mr. Baker of Louisiana, Mr. Lightfoot, Mr. Gallegly, and Mr. Allard.

H.R. 875: Mr. Kingston.

H.R. 885: Mr. Baker of Louisiana, Mr. Jacobs, Mr. Oxley, Mr. Baker of California, Mr. Allard, Mr. Goodlatte, Mr. Bateman, Mr. Hancock, Mr. Schiff, Mr. Weldon, Mr. Bereuter, Mr. Goss, Mr. Klink, Mr. Livingston, Mr. McHugh and Mr. Armey.

H.R. 915: Mr. Lehman, Mrs. Meek, and Mrs. Lloyd.

H.R. 921: Mr. Becerra, Mrs. Schroeder, Mr. Barrett of Wisconsin, and Mrs. Meek.

H.R. 959: Mr. Ford of Michigan, Ms. Furse, Mr. Fish, Mr. Berman, Mr. Romero-Barceló, and Mr. Hinchey.

H.R. 986: Mr. Blackwell.

H.R. 996: Mrs. Mink.

H.R. 1002: Mr. Scott.

H.R. 1036: Mr. Waxman, Mr. Dellums, and Mr. Roemer.

H.R. 1067: Mr. Hilliard, Mr. Huffington, and Mrs. Meyers of Kansas.

H.R. 1076: Mr. Rahall, Mr. Sundquist, Mr. Weldon, Ms. Byrne, Mr. Duncan, and Mr. Blackwell.

H.R. 1114: Mr. Fish, Ms. Thurman, and Mr. Romero-Barcelo.

H.R. 1161: Mr. Natcher.

H.R. 1164: Ms. Byrne and Mr. Neal of Massachusetts.

H.R. 1188: Mr. Reynolds.

H.R. 1254: Mr. Washington, Mr. Lewis of Georgia, and Mr. Jefferson.

H.R. 1313: Mr. Moorhead.

H.R. 1322: Mr. Taylor of Mississippi, Mr. Coppersmith, Mr. Price of North Carolina, and Mr. Rowland.

H.J. Res. 4: Mr. Blute, Ms. Dunn, Mr. Armey, Mr. Herger, Mr. Franks of New Jersey, Mr. Inhofe, Mr. Fields of Texas, Ms. Pryce of Ohio, and Mr. Goodlatte.

H.J. Res. 61: Mr. Clinger, Mr. DeLay, Mr. Doolittle, and Mr. Sam Johnson of Texas.

H.J. Res. 79: Mr. Bevill, Mr. Lipinski, Mr. McCloskey, Mr. Pickett, Mr. Towns, and Mr. Wolf.

H.J. Res. 80: Mr. Ackerman, Mr. Bevill, Mr. Blute, Mr. Jacobs, Mr. King, Mr. Lipinski, Mr. McCloskey, Mr. Pickett, Mr. Romero-Barcelo, Mr. Towns, and Mr. Wolf.

H.J. Res. 94: Mr. Franks of Connecticut, Mr. Hilliard, and Mr. Shays.

H.J. Res. 118: Mr. Levin, Mr. Borski, Mr. DeFazio, Mr. Faleomavaega, Mr. Filner, Ms. Eddie Bernice Johnson, Mr. Lancaster, Mr. Martinez, Mr. McDermott, Ms. Norton, Mr. Payne of New Jersey, Mr. Rangel, and Mr. Camp.

H.J. Res. 119: Mr. Stupak, Mr. Filner, Mr. Frost, Mr. Hughes, Mr. Lancaster, Mr. Lehman, Mr. McNulty, Mr. Rangel, Mr. Serrano, Mr. Towns, Mr. Sanders, Mr. Regula, Mr. Solomon, and Mr. Walsh.

H.J. Res. 120: Mr. Slattery, Mr. Regula, Mr. Hansen, Mr. Hutchinson, Mr. Tauzin, Mr. Cardin, Mr. Barlow, Mr. Inhofe, Mr. Goodling, Mr. Volkmer, Mr. Martinez, Ms. Furse, Mr. Natcher, and Mr. Hefner.

H.J. Res. 142: Mr. Pickett.

H.J. Res. 148: Mrs. Vucanovich, Mr. Reynolds, Mr. Towns, Ms. Meek, Mr. Pallone, Ms. Furse, Mrs. Lloyd, Mr. Tucker, Mr. Lantos, Mr. Swett, and Mr. Hutchinson.

H. Con. Res. 5: Mr. Ackerman.

H. Con. Res. 14: Mr. Payne of New Jersey, Mr. Sangmeister, Mr. Andrews of New Jersey, Mr. Hall of Ohio, Mr. Walsh, Mr. Bryant, Mr. Kasich, Mr. Murtha, Mr. Lazio, Mr. Gillmor, Mr. Miller of California, Mr. Spence, Mrs. Morella, Mr. Brooks, Mr. Lipinski, Mr. Evans, Mr. Valentine, Mr. Fields of Texas, Mr. Hochbrueckner, Mr. Sanders, Mr. Jefferson, Mr. Borski, and Mrs. Thurman.

H. Con. Res. 15: Mr. Ackerman and Mr. Washington.

H. Con. Res. 52: Mr. Sanders, Ms. Norton, Mrs. Roukema, Mr. Reed, Mr. Coleman, Mr. Kreidler, Mr. Abercrombie, Mr. Andrews of Maine, Mr. Fazio, Mr. Kennedy, Mr. Miller of California, Mr. Mineta, Mr. Peterson of Florida, Mr. Swett, and Mr. Wheat.

H. Con. Res. 61: Mr. Neal of Massachusetts, Mr. Dellums, Mr. Engel, Mr. Ackerman, Mr. Wynn, Mr. Murphy, Mr. Menendez, Mr. Clyburn, Mr. Underwood, Mr. Slattery, Mr. Torkildsen, Mr. Gutierrez, and Mr. Meehan.

H. Res. 13: Mr. Saxton and Mr. Lipinski.

H. Res. 40: Mr. Reynolds, Mr. Washington, Mr. Conyers, and Mr. Yates.

H. Res. 47: Mr. Hyde, Mr. Smith of Oregon, Mr. Crapo, Mr. Pombo, Mrs. Johnson of Connecticut, Mr. Petri, Mr. Thomas of Wyoming, Mr. Oxley, Mr. McHugh, Mr. Hunter, Mr. Weldon, Mr. McKeon, Mr. Lewis of Florida, Mr. Barrett of Nebraska, Mr. Greenwood, and Mr. Armey.

EXTENSIONS OF REMARKS

FATHER BERNARD COUGHLIN

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. FOLEY. Mr. Speaker, today I have the honor to note the designation as House Chaplain on this St. Patrick's Day 1993, of Father Bernard Coughlin, S.J., president of Gonzaga University in Spokane, WA.

Gonzaga is a Jesuit university named after an early Jesuit saint, Aloysius Gonzaga.

The Jesuits are both a missionary and a teaching order, and in Father Coughlin they have produced a gentle, humane, and powerful voice for intellectual advancement.

Under his leadership, Gonzaga has greatly expanded its reach—physically, in the more than twofold addition to its library and research facilities; in many areas of outreach to the community in which it is located, but most importantly in the quality of its students and academic standards against which they have steadily and impressively advanced.

Emphasis on faith and social justice are the hallmarks of Jesuit teaching throughout the world.

Father Coughlin's fellow Jesuits have often had to die in pursuit of these goals.

This acceptance of moral challenge, and a willingness to employ all one's vitality and intellectual vigor in the cause of social justice, are qualities needed today in many parts of the world, but particularly in Ireland.

Today, as Irish-Americans celebrate their Irish heritage, I believe it fitting that we recognize the enduring strength of the message Father Coughlin has spent his life advancing, which is that our mission on Earth is to reconcile ourselves to God by striving to improve the world in which God has placed us.

That message, that life's journey, has inspired countless students at Gonzaga.

Let us pray today that it will inspire all those of either of the great traditions of the Irish people to move toward social justice, reconciliation, and, most importantly, a lasting peace in that land.

LESSONS FROM HISTORY II

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. HYDE. Mr. Speaker, today I am placing in the RECORD testimony of Terrence O'Donnell, defense counsel to Oliver North in Judge Walsh's Iran/Contra prosecutions. Mr. O'Donnell gave his testimony on March 3 during a hearing held by the Judiciary Committee's Subcommittee on Administrative Law and Governmental Relations. I think we can all learn from it as we contemplate reauthorizing the independent counsel statute:

TESTIMONY OF TERRENCE O'DONNELL

Thank you for inviting me to testify on H.R. 811. While I am well aware of the significant legislative momentum supporting reenactment, I respectfully urge the Congress to refrain. Simply put, the statute is unnecessary. It undermines and confuses the traditional constitutional roles of co-equal branches of government. Despite laudable efforts to legislate reforms, the bill still permits the creation of an institution which is by its very nature unaccountable and uncontrollable—an institution that is subject to great abuse and that is uniquely alien to our constitutional system of checks and balances. Over time, it will do more harm than good.

I say the statute is unnecessary because in 99% of the cases, the professionals at the Department of Justice are fully capable of investigating and prosecuting high level officials. To say they are not is to question their integrity, judgment and professionalism where there is no proven basis to do so. In those rare instances when someone of Justice is needed, the Attorney General has ample authority to name a special counsel who will operate within the Executive Branch. Lawyers at the Department of Justice are trained to avoid conflicts of interest and can be expected to act accordingly. We must assume that our Attorney General and our professional prosecutors are honorable and capable of exercising good judgment. The checks and balances to oversee their integrity and judgment include the Congress, with its vast investigative powers, the press and, ultimately, the electorate. That is enough.

Let me take you to the battlefield trenches for a moment to share with you some of the abuses perpetrated by the Independent Counsel during the Iran-Contra investigation and our representation of Col. North. It is there that one may see enormous power run amuck.

Point One—ready, fire, aim. The Independent Counsel is staffed with volunteer prosecutors who join the hunt for a crime after the target is identified. This is not unlike the vigilante practices of the old west. It distorts the prosecutorial function to the great detriment of the target.

Point Two—cost is no limit. The Iran-Contra Independent Counsel is the largest prosecutorial force ever assembled in our nation's history. No cost is too great—no lead to expensive to follow. The IC admits to spending about $35 million, but most of the costs are hidden. If the hidden costs are considered, such as the cost of the legions of government officials at DoD, CIA, NSA and State to respond to the independent counsel's insatiable appetite for documents, $100 million is closer to the mark. Since there is no incentive to finish, the bureaucratic tendencies to prolong and dig in are given full flower. The IC takes on the trappings of a permanent agency. The average cost per criminal defendant in U.S. Attorney's Offices is about $10,000—the Walsh team was averaging about $2.5 million per defendant!

Point Three—the army assemblies. By our count 70 lawyers have served in the Walsh office since he began six long years ago. In the North case alone, 40 IC lawyers appeared on the pleadings. More than 50 FBI, IRS and Customs agents were dispatched around the globe to gather evidence. While the average assistant U.S. Attorney (one lawyer) handles more than 100 cases per year, the entire Walsh staff produced 14 pleas or indictments in six years. And when the Walsh army was deemed inadequate, they brought in the reserves—former federal judges and law professor consultants from Harvard, Vriginia and Columbia. These numbers give one the sense of the enormous and disproportionate fire power focused on a handful of individuals.

Point Four—birds of a feather. I'll be very blunt about it; the makeup of the IC team is highly suspect. The volunteer lawyers tended to be predominately liberal and quite hostile to the Reagan Administration and its policies. Many viewed their service as a crusade. This is unprofessional and plainly wrong. There is no room for that sort of rank bias in the prosecutorial function.

Point Five—salaries galore. Youngsters just one or two years out of law school were paid at or near the top of the government scales, while career government lawyers labor for many years to reach these heights. This is a blatant and unjustified distortion of the government compensation standards.

Point Six—don't forget the press. At the high water point the IC had three full time press aides. They helped to shape the story and engaged in "spin control" in the court house halls during trial as if it were some sort of political contest. Why are the taxpayers paying for prosecutorial press aides? And why were press aides sitting in during closed hearings where the court considered questions relating to the use of classified information?

Point Seven—the microscopic exam. With no limit on funds or personnel, no detail was to trivial to escape the x-ray examination of the IC. Like a CAT SCAN of the human body every word and every document was scrutinized. Col. North's wife was called to the grand jury. Her sister was interrogated about how much it cost to feed their daughter's horse. The North's babysitter and the teenager who mowed the lawn were questioned about how much they were paid. Col. North's minister was asked how much the North family contributed on Sunday. The veterinarian's records were examined to ascertain how the family dog "Chewy" died. They even subpoenaed Col. North's lead attorney, Brendan Sullivan, to appear before the grand jury.

Point Eight—find a crime to fit the target. The results of all this are inevitable; there are going to be indictments even if the theories are novel. For example, most people think Col. North was indicted for lying in sworn testimony before Congress—not so. He was charged with lying at a meeting when he was not under oath and where there was no transcript. If their theory of prosecution spreads, we won't be able to build enough jails in this city to hold would-be offenders. Two individuals pled guilty on tax law theory that the Assistant Attorney General found highly dubious, if not inappropriate. And what about the IC's insistence on trying

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to prosecute Col. North and others after they were compelled to tell their story to Congress before the world's television audience. We told the IC five years ago that this would not pass constitutional muster, but he insisted on going forward, wasting millions along the way, only to find that he was wrong. No professional prosecutor would have engaged in such folly.

Point Nine—unjustified targeting. A prosecutorial force of this size loses all perspective. Having recruited the army (for the most part untrained) the need for results begins to override good judgment. Unlike a U.S. Attorney who must spread precious resources over a wide range of criminal activity and exercise prosecutorial discretion to carefully identify worthy cases, the IC has no other cases that need attention. The inevitable result: bad judgment or no judgment at all and abject disregard for the rights of the targets along the way.

Point Ten—further abuse. Throughout the investigation, the IC showed a callous destain for properly classified national security data which he referred to as "fictional secrets." Finally, the IC intends to issue a report to do what he could not do in court. It will be a "final shot"—a mammouth document assessing blame across government. But who can fight back—who can amass the funds to rebut such a report? What about reputations and notions of fairness? And what about the congressionally mandated grand jury secrecy rules? Why should grand jury material be included in such a report?

If Congress should decide to reauthorize the independent counsel statute, what can be done to reduce the chance that these abuses will recur? Remember, you are providing all the authority and power of the Attorney General to a single, unaccountable individual. There are several provisions that will help.

Require the IC have substantial experience in criminal litigation as either a prosecutor or defense counsel.

Require the IC to adhere to DoJ fiscal personnel, travel, administrative and security policies.

Require the IC to adhere to the maximum extent possible to the DoJ prosecutorial manual and guidelines.

Require full accounting for all expenditures associated with the IC, including the cost of agent services and DoJ support services, to ensure accurate cost records.

Set standards for periodic reappointment of the IC. The court should be required to consider the cost, the benefits to the public, the gravity of the crimes being investigated, and the effects on the targets of the investigation.

And, if there is to be an Act, make it fully applicable to members of the House and Senate.

A BUDGET THAT WILL WORK

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. GINGRICH. Mr. Speaker, I hope that all of my colleagues had an opportunity to read the following article that was in the Washington Post. I certainly do agree that Representative KASICH and the Republican Budget Committee did an outstanding job working together to come up with a budget plan. The plan cut spending and did not raise taxes. The Kasich plan put forth many positive and realistic ways to reduce the deficit.

THE REPUBLICANS FIND A BUDGET

In Congress, some of the energy that used to be spent to create fake budget cuts each year is now being used to come up with real ones. Not all the proposals are good ideas—not all spending cuts are virtuous—but the new competition is healthier than the old. The debate is no less political, but this fiscal year it threatens to be substantive as well.

Both parties put on good performances when the House Budget Committee marked up the president's economic plan last week. To hold on to their own conservatives, whose votes they need to pass a budget, the Democrats had to add $63 billion in spending cuts over the next five years to what the president proposed. Most of these were to be achieved by freezing the part of the budget subject to the annual appropriations process. A freeze would crowd out a lot of spending dear to Democratic hearts. To spread the pain, the Democrats wanted to achieve some savings in the entitlements not subject to appropriations as well—but where? They found a target in the cost-of-living adjustments given each year to federal retirees.

Federal employees are eligible to retire in their fifties, and many do. Their indexed pensions then rise each year with inflation. The committee would suspend the indexation until the retirees reach age 62, in part on the theory that younger retirees who need extra money before then can be expected to work. At age 62, a retiree's pension would be raised to the level it would have reached if it had been indexed throughout; there would be no loss of old-age protection. The proposed repair of fiscal policy would produce an improvement in pension policy as well.

The committee Republicans under the leadership of Rep. John Kasich likewise distinguished themselves. For years House Republicans have fled the field at budget time; their goal has been to leave their names on no budgets, not even their own presidents'. This year Republican leaders have tried to have it both ways in both houses, chiding the president for not proposing enough spending cuts but carefully refraining from proposing a list of their own. Mr. Kasich did what for too long his party has only talked of doing and put forward a plan to reduce the deficit as much as the Democrats would do, but without tax increases; he proposed spending cuts only, and mostly real ones—no entitlement cap to allow the members to oppose spending in the abstract without specifying which spending.

His proposal, which the Democrats rejected, included raising the federal retirement age to 62; raising the patient share of Medicare costs, particularly for the better-off; making it easier for states to require Medicaid patients to enroll in managed care; and spending cuts in any number of areas where the president seeks increases instead, including college student aid, urban aid in the form of community development block grants, various subsidized housing programs and federal subsidies for mass transit He would also abolish the Legal Services Corp. and, ultimately, the Commerce Department.

A lot of these are bad ideas, but not all—and Mr. Kasich performed a useful service in compiling them. The Republicans need to do more than chant tax-and-spend to be credible; if not the Democrats' plan, they need to propose one of their own. The congressman offered a strong first draft, a sketch of government as the Republicans would have it. In the process he may have legitimized and made part of the debate some policy changes that otherwise wouldn't even be discussed, much less occur. That's just what the Democrats have done in acknowledging the tax increases that their vision of government requires. This debate is real.

ST. PATRICK'S DAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. CONYERS. Mr. Speaker, I rise today to join my colleagues in celebrating St. Patrick's Day, to call for peace and preservation of human rights in Northern Ireland, and to salute Irish-Americans who have contributed to our Nation.

On this day, Mr. Speaker, we are reminded of the joys of being an American of Irish descent, and also of the larger issues of human rights, freedom of speech, freedom of religion, and justice—all of which have been under assault in Northern Ireland for centuries. As I speak, our fellow human beings of Irish heritage suffer abuses of the most basic human rights.

A recent report by Amnesty International raises a number of serious allegations about the behavior and conduct of British security forces in Ulster. These allegations include politically motivated killings, the existence of a shoot-to-kill policy among security forces, ill treatment of suspects, and the sharing of intelligence data with loyalist armed groups. Violent Irish groups are responding in kind, and average Irish citizens are suffering the terror of violent confrontation on their doorsteps.

I support President Clinton in his call for peace and the preservation of human rights around the world. The United States has taken an active leadership role to resolve conflicts in El Salvador, in the Middle East, and in other theaters where human rights abuses were a hallmark. The Clinton administration can assume a similar leadership role in Northern Ireland. I would urge President Clinton to appoint a special envoy to be personally and actively involved in bringing about a solution to the present conflict. It is time that peace in Northern Ireland be etched into our Nation's foreign policy agenda.

Over 44 million Americans of Irish-American descent have contributed to growth and progress of this Nation. Irish-born James Hoban designed the White House and later assisted in the building of the United States Capitol. Over 130 years ago Irish-born troops fought valiantly at Antietam. Irish immigrants and their descendants have contributed greatly to the enrichment of all aspects of life in the United States, including military and Government service, industry and business, science, education, art, agriculture, and athletics.

Mr. Speaker, President Clinton meets today with the friends of Ireland. I would urge the President to speak against the escalating terrorism and human rights abuses currently being suffered in Northern Ireland, and to acknowledge the contributions of Irish-Americans to our Nation. On this St. Patrick's Day, let us join together in calling for a solution to the crisis in Northern Ireland, and to salute those Americans of Irish descent.

A SALUTE TO PHILADELPHIA COLLEGE OF OPTOMETRY'S "SAVE YOUR VISION MONTH"

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise on this occasion to salute the Pennsylvania College of Optometry as it celebrates Save Your Vision Month, March 1993. This year, the Save Your Vision Month Campaign is dedicated to Focus on Older Adults, emphasizing the importance of vision to maintain productive, independent lives.

Throughout the month of March, the community eye care service of the college will be joining with the Philadelphia Corporation for Aging, the Police Athletic League, and the mayor's office of community services to provide free vision screening throughout the city. Too often, proper care and regular check-ups are ignored. By raising public awareness of the importance of proper vision care, the college is working to improve the long-term well-being and quality of life of our citizens.

It is conscientious, public interest oriented programs such as this that make the Philadelphia College of Optometry a backbone of our community, and I salute their ongoing efforts to focus attention on the importance of proper vision care.

THE DEPARTMENT OF JUSTICE AND INSLAW

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. SCHIFF. Mr. Speaker, on behalf of former Representative Tom Campbell of California, I am inserting into the CONGRESSIONAL RECORD his statement regarding the Department of Justice and Inslaw. Currently this matter is under study by the House Committee on the Judiciary. The following is Mr. Campbell's statement:

STATEMENT OF TOM CAMPBELL, FORMER MEMBER OF CONGRESS

I wish to place on the public record details about a matter that has been under study by the Judiciary Committee regarding the Department of Justice and Inslaw. I joined the Judiciary Committee in 1990. Soon thereafter, I was contacted by Elliott Richardson, counsel for one of the parties engaged in litigation with the Department of Justice over the Inslaw matter. Mr. Richardson asked me to be sure to attend a Judiciary Committee hearing regarding Inslaw. I had met Mr. Richardson, briefly, only once before; but I agreed to his request largely out of respect for him and his distinguished career. I attended the hearing and asked several questions. Nothing at that hearing, or in Mr. Richardson's request that I attend, reminded me of any involvement that I might have earlier had with the Department of Justice in this matter.

In the summer of 1992, the majority staff of the Judiciary Committee prepared a report on the Inslaw matter. Once again, I received a call from Mr. Richardson. He requested that I obtain a copy of the report to see if I could agree with it. I requested a copy and received it a few days before the hearing. On reading the report, I recognized several names of individuals who had been at the Department of Justice when I had. Accordingly, at the start of the mark-up on accepting that report, I put on the record that I had worked at the Department of Justice from January to October, 1981, that several of the individuals named in the report were known to me from my time at the Department of Justice, but that I had no involvement in the matters described in the report. It has now come to my attention that I may have had some involvement in these matters, however slight, while I was at the Department of Justice; and I thus make this correction to my public statements on the issue.

Last autumn, I was contacted by a reporter. She told me that the plaintiffs in the Inslaw matter, following my statement on the record on having been at the Department of Justice from January to October, 1981, began to search the documents they had obtained in the litigation to locate any on which my name might appear. Evidently, out of many thousands of documents, they came across four that bore my name.

An August 1, 1981, memorandum that did not mention Inslaw, but suggested that a committee be constituted to recommend decisions on management information systems to the Deputy Attorney General.

A September 1, 1981, letter from me to Mr. William Hamilton, thanking him for the demonstration of his PROMIS software provided the day before.

A September 15, 1981, memo to Assistant Attorney General Kevin Rooney, responding to a memo of his that had informed me of a meeting to be held on September 25, to discuss PROMIS. I requested that the meeting also consider whether the PROMIS debt collection module be included in the discussion.

A September 18, 1981, memo to Deputy Attorney General Ed Schmults, reporting a telephone call I had received from an OMB official who was trying to reach Mr. Schmults. The OMB official asked me to relay to Mr. Schmults his preference for implementing the PROMIS software on a sole-source basis. I also recounted in that memo earlier phone calls received from OMB Debt Collection officials making similar points.

At the time of the 1992 Judiciary Committee hearings, I did not remember any of these four documents. Nor did I remember any dealings with Inslaw during the time I was at the Department of Justice. Nor do I now.

What I do recall is that, sometime in the summer of 1981, I was asked by the Deputy Attorney General to oversee the Debt Collection activities of the Department of Justice. In that capacity, I would from time to time be in communication with OMB officials charged with increasing our collection of debts owed to the United States. I visited several U.S. Attorneys' offices to inspect their debt collection procedures. I recall that the better offices had computerized debt collection. I recall recommending that all U.S. Attorneys' offices seek to computerize this process. From that, I assume that I was informed of meetings at the Department of Justice concerning case management data systems, or demonstrations of computer software for case management, and that it was in that capacity that the four documents discussed above were generated.

I never had any responsibility for selecting the case management system to be used by the Department of Justice, which is the subject of this litigation. I left the Department of Justice in October of 1981 and heard nothing of this again until the call from Mr. Richardson.

I did not and do not recall the slight involvement that I apparently did have during the months of August and September, eleven years ago. Had I recalled that involvement, I would have also made it a matter of record at the Judiciary Committee hearings last year. However, these documents were brought to my attention after the last Congress had adjourned. As I am no longer a Member of Congress, I have asked a former colleague to place this statement in the record on my behalf soon after the convening of the new Congress.

On the merits of the Inslaw report, I remain of the opinion I expressed at the time of the Judiciary Committee hearings. The case should proceed through litigation, and any award of damages should be made there. In my view, it is not appropriate for the Judiciary Committee to recommend that the Congress award damages in a case still in litigation.

WATER IN OUR FUTURE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. TORRES. Mr. Speaker, I rise today to enter into the RECORD an editorial that appeared Monday, March 15, 1993, in the Los Angeles Times.

The three projects to which the editorial refers are innovate attempts on the part of southern Californians to conserve and protect their critical but limited water resources.

The area of southern California which I represent includes the San Gabriel Valley. The San Gabriel Groundwater Basin is the most heavily contaminated ground water basin in the United States. The contamination comes primary from volatile organic compounds [VOC's]. The chemical pollutants were probably generated over a period of 30 years by hundreds and possibly thousands of facilities scattered throughout the valley.

Yet, in spite of the contamination, the ground water basin remains the primary drinking water supply of over 1 million people in southern California. It is imperative that this water supply not be lost.

Because of the opportunity to increase their water storage capacity, the Metropolitan Water District of southern California is willing to fund 25 percent of the construction costs of a water treatment and extraction system in the most contaminated portion of the basin. This project will improve the water supply in southern California and will significantly contribute to the ultimate cleanup of the basin.

I think that this is the kind of project that we in Congress should support and encourage.

WATER IN OUR FUTURE: THREE WORTHY PROJECTS

With the just-ended six-year drought still a fresh and painful memory in this region, there can't be serious discussion of how to improve the local infrastructure without talking about improving water systems.

Urban water systems have historically been built and maintained through local government bonds and general revenues. Southern California has a tradition of ambitious water projects, the massive Owens Valley Aqueduct notable among them. In 1913 the first water from that aqueduct arrived in Los Angeles. As the sluice gates opened, water engineer William Mullholland announced, "There it is—take it!"

But an ours-for-the-taking attitude has become an anachronism as the demand for water has increased across the state and government funds have dwindled. The trick now is to better manage the water we have and to encourage conservation and reclamation. Three priority areas are aquifers, storm drains and the often-dry Los Angeles River.

1. The Metropolitan Water District and officials in the San Gabriel Valley have been studying the possibility of cleaning up a major, polluted aquifer in order to bank more water during wet years. This groundwater basin, about 15 miles from downtown, is one of the most polluted aquifers in the nation and long a Superfund cleanup site. But little cleanup has yet occurred. MWD and San Gabriel officials propose to use the basin as a natural water storage facility, "importing" water into the basin during wet periods and "exporting" it during dry periods when other sources run low. The water that the MWD would pump into the basin would mix with contaminated water; contaminants would be removed when the water was extracted. The project could use available Superfund money along with MWD and other funds.

2. The Santa Monica-based Heal the Bay is beginning a multi-year campaign with a very simple—and very sensible—message: Don't use the streets or gutters as trash cans. During storms, rainwater floods these gutters and washes mountains of trash onto the beaches; when drains clog with the debris, extensive street flooding can result, as it did this winter. Funded through federal, state and local agencies, the so-called "gutter patrol" will stencil "This drains to ocean" messages on some of the county's 250,000 catch basins and distribute other public service messages. The "patrol" has money for the first year; later funding is uncertain. The need is relatively small, $115,000 to $250,000 per year, but the payoff could be big—cleaner oceans and beaches, better flood prevention, reduced street cleaning costs and increased water reclamation.

3. The Los Angeles River is a regional water reclamation opportunity too long ignored. The 50-mile-long concrete flood control channel, stretching from the San Gabriel Mountains to Long Beach Harbor, was first paved in the 1930's.

Each rainy season, the channel dumps valuable water into the sea. Rather than building up the banks to prevent flooding in a worst-case scenario, as Congress and Los Angeles County propose, why not instead explore ways to capture more runoff? Federal and state funds could help plan for river-area redevelopment to conserve water, replenish ground water and expand recreational facilities.

TWO WRONGS DO NOT MAKE A RIGHT

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mrs. VUCANOVICH. Mr. Speaker, I am sickened by the fatal shooting of Dr. David Gunn in Pensacola, FL, last Wednesday. Such action in protest of abortion—no matter how wrong one may feel the act of abortion is—is absolutely reprehensible. A wide range of prolife groups have condemned this act of violence—an act perpetrated by a single very troubled individual who was described as "* * * a ticking time bomb waiting to explode." Obviously, Michael Griffin is not an example of the vast majority of pro-lifers. He is indeed a troubled individual who unjustly took out his frustrations by tragically ending another's life.

Two wrongs do not make a right. By committing a murder, Michael Griffin did what prolifers abhor: He took a human life. Whether it is the life of the unborn or the life of the born, each life has the same value. The pro-life position advocates the strong belief that the right to live is extended to all. Our Constitution allows for individuals to express discontent or opposition to certain actions, such as abortion, which are fully within the realm of freedom of expression, but which do not involve the taking of a human life.

Mr. Speaker, my heart goes out to the family and friends of Dr. David Gunn. The inhumane action last week of Michael Griffin in the name of the pro-life position was repulsive and should in no way be condoned as justified or as an appropriate method of protest.

THE INDIANA ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 17, into the CONGRESSIONAL RECORD:

THE INDIANA ECONOMY

The Indiana economy is now emerging from recession. Fortunately, Indiana was not hit as hard as many other states in the recent downturn. Indiana's economic growth rate and employment levels outpaced the national average in 1992, and many analysts predict that this trend will continue in 1993. Even so, the Hoosier economy still struggles to recover jobs lost in the last three years. The challenge will be to make this recovery sustainable and more widespread.

Employment Situation: Employment in Indiana is rebounding from the recent recession. State employment grew by 2.4% during 1992. This is a sluggish rate of growth by historical standards, but it exceeded the national increase of 1.3% and ranked second to Illinois among midwestern states. There are now 60,100 more persons employed in the state than a year ago (although overall employment is still below pre-recession levels in 1989). Employment gains were made in 71 of the state's 92 counties.

Four of the five leading employing industries in the state experienced job growth over the last year. Health services now employ 194,900 people; restaurants and other food services, 171,300; business services, 90,200; and transportation equipment, 82,000. The state's fifth leading industry—manufacturing of major consumer goods like cars and applicances—suffered a slight decrease to 78,200 employees. The state unemployment rate of 6.1% was significantly below the national average of 7.3%.

Employment growth in the Ninth Congressional District has been uneven. Scott, Jackson and Perry Counties had the most robust growth in the district in the last year. Counties in the greater Louisville area also experienced job growth in spite of the major layoffs at the ammunition plant in Charlestown. Other counties in the district have fared less well. Unemployment rates in four counties—Fayette, Switzerland, Union as well as Perry—have not fallen below 7% for two years or more.

Personal Income: For 1992, Indiana achieved a 2.2% increase in personal income, well ahead of the national growth rate of 1.7%. Indiana ranks 25th among the 50 states in personal income. However, difficulties in the farm sector have slowed income gains for Indiana and the nation.

After adjusting for inflation, farm income in Indiana was down 70% from 1990 levels, and down 23% for the country. The global recession is mainly responsible for these declines as farm exports and international commodity prices have fallen.

Of particular concern has been the decline in average weekly earnings for Hoosier workers in key industries. Workers in Indiana's construction industry saw average weekly earnings decline in 1992 by more than $23 per week, after adjusting for inflation. Mining, which is important to several rural counties, including Dubois, Perry and Spencer, saw a major decline of $145 per week. On the upside, service industry and manufacturing workers realized a small increase.

Economic Outlook for 1993: As many as 100,000 new jobs could be created by the end of the year if the Indiana economy performs as some are predicting. There are several reasons for this optimism. First, the housing sector is expected to strengthen. Interest rates are low, the number of new mortgages is up, and new construction activity is expected to remain high in 1993. Second, the banking sector in the Midwest is among the strongest in the nation. Banks in Indiana have relatively healthy balance sheets—meaning they can make new loans to individuals and businesses. In addition, lower rates on mortgages and credit cards are allowing consumers to pay down debt and free up money for new purchases. Third, the manufacturing sector is expected to rebound as businesses invest in plants and equipment and as auto sales and housing construction increase. Fourth, President Clinton's proposal to invest in roads, bridges, and water systems should help create more construction jobs in Indiana in the near term and boost productivity in the long term. Indiana now ranks 46th among the states in infrastructure spending. Fifth, total farm income in Indiana is projected to rise to $700–800 million in 1993, up from $500 million in 1992, as farmers reap the benefits of last year's bumper crop in corn and soybeans.

Long-Term Challenges: The Indiana economy has a number of things going for it in the long term like our hard-working labor force, highly regarded universities, abundant natural resources, relatively low tax burden, proximity to major markets, and its reputation as a good place to live. However, other factors might act to weaken the recovery and undermine long-term sustainable growth in the state. Some of these are limited to certain regions of the state or certain industries; others will affect all Hoosiers. First, the integrated steel mills of northwest Indiana, which now employ about 32,000, may continue to be edged out of much of the commercial steel market by lower cost melting mills in other states and abroad. Second, state and local governments are facing fiscal difficulties as they try to meet critical investment needs in education and infrastructure while seeking to control growing Medicaid budgets. For instance, Hoosier high school students' achievement ranks 47th out of the 50 states. Third, market pressures are likely to continue the consolidation of farming into fewer and larger farms. This trend will place more financial stress on smaller family farms and reduce the number of Hoosiers in agriculture. Fourth, rural communities confront a shrinking economic base. 70 of Indiana's 92 counties consist mainly of rural communities and small towns, which account for over one-third of the state's economic activity and manufacturing growth. However, many of these communities are witnessing a migration of talented, young residents to large cities.

Conclusion: Indiana's economy appears to be improving and the economic outlook for 1993 is encouraging. Many of the counties in the 9th District would share in the benefits of a strong national recovery. The President and the Congress have to take steps to sustain the recovery in the short run while also improving long-term growth prospects. President Clinton's economic plan marks an important step in reducing the deficit, generating more and better jobs, investing in infrastructure, education and technology development, and improving living standards. In a future newsletter, I will detail specific steps for improving the long-term outlook for the Indiana economy.

JESSIE GRAY HOUSING BILL WOULD FILL URGENT NEED FOR ADDITIONAL PUBLIC HOUSING ASSISTANCE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. CONYERS. Mr. Speaker, today I am introducing the Jessie Gray Housing Act of 1993, which would authorize such Federal funds as are necessary for the emergency construction and renovation of urgently needed public housing units.

There is currently a waiting list of over 1 million people for public housing. Virtually no new low-rent public housing was constructed during the Reagan/Bush years and much of the existing stock has severely deteriorated.

I am introducing this bill at this time because I believe there is a need for a continuing increase in the supply of low-income housing in this country. At the same time, I am aware that the administration has proposed a consolidation of low-income housing programs. I intend to amend the bill once the outline of the future of public housing under the Clinton administration becomes clear, and to work closely with the administration to be sure that this important weapon in the war against poverty and despair is fortified.

A TRIBUTE TO DAVID CHASEN

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to congratulate Mr. David Ellis Chasen for the Gold Congressional Award he has received. David earned this award through his achievements in volunteer public service and personal development.

Though studying diligently to be a physician at Thomas Jefferson University Medical College in Philadelphia, David still made time to serve his community. He helped his community through the American Medical Student Association and as an active member of the Emergency Medical Society of Jefferson Medical College. He volunteered his time at Red Cross blood drives, and worked with spinal cord injury patients in an urban hospital.

David has developed personally through travel and exploration. He spent time in France, living with a native family, learning about the French language and culture.

For all of David's service to the community and his effort in personal development, I stand with his family and friends in congratulating him on his reception of a Gold Congressional Award. I wish him all the best for the future.

LEGISLATION TO ENSURE SAFETY STANDARDS FOR ABOVEGROUND STORAGE TANKS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. MORAN. Mr. Speaker, yesterday I introduced legislation to close one of the final loopholes in Federal environmental law. A loophole that allows owners of aboveground tanks, unlike owners of underground tanks, to escape regulations which would prevent and deter leaks from these tanks. As a result, we face a nationwide epidemic of leaks and spills from aboveground tanks that, in many cases, eclipse the *Exxon Valdez* incident.

I urge my colleagues to consider the impact of a leak that has occurred in our backyard, just 20 miles south of the Capitol. In Fairfax, VA, residents of a once beautiful, serene community have seen their neighborhood turn into an environmental nightmare overnight because of leaking oil tanks. A tank farm, located nearly 1,000 acres across the woods from the community, may have been leaking for as long as 20 years. Recent estimates indicate that 200,000 gallons of oil have spread through underground water systems, contaminating the water, endangering public health, and causing the property values of nearby communities to plummet.

Unfortunately, the leak in Fairfax is only one example of a nationwide problem of leaking tanks. Similar leaks have occurred in Reno, NV; Sioux Falls, SD; Brooklyn, NY; El Segundo, CA, and virtually every other State across the country. All of these leaks, if unabated, pose similar risks, including contamination of groundwater, destruction of wildlife, and threats to human health and safety.

That is why I am introducing legislation, along with my colleague Senator ROBB, to fill one of the only remaining gaps in Federal environmental legislation: a bill to regulate aboveground storage tanks. The most important provisions of this legislation include requirements for secondary containment underneath tanks, leak detection systems, requirements to report releases to Federal and State authorities when they occur and closure of tanks from which there have been significant releases.

I am submitting for the RECORD a copy of the bill summary and an article on the nationwide problem of leaking aboveground tanks that appeared in the Washington Post on March 1, 1993. I urge each of my colleagues to investigate this nationwide epidemic, cosponsor the Safe Aboveground Storage Tank Act of 1993, and close the last loophole in Federal environmental legislation by working to pass this important legislation.

SUMMARY OF THE SAFE ABOVEGROUND STORAGE TANK ACT OF 1993

This legislation addresses the need for greater environmental and fire safety protection of aboveground storage tanks. According to the Environmental Defense Fund (EDF), between 160,000 and 225,000 tanks are currently leaking, posing the risk of fire and contaminating the environment. This bill will establish a comprehensive program for the regulation of aboveground storage tanks to promote environmental and fire protection.

Important provisions of the Safe Aboveground Storage Tank Act include:

NOTIFICATION

Requires the reporting of existing tanks, those taken out of operation, and future tanks. Tank owners are required to pay a nominal fee to a Federal or designated State agency based on the size of the tank. This fee will be used to cover the agency's costs of administering notification and inspection programs.

RELEASE DETECTION

Requires a release detection system for facilities at which tanks are located.

PREVENTION OF RELEASES

Requires certified inspection of tanks, maintaining records of visual inspection, corrosion protection of tank bottoms and piping in contact with the ground, labeling of tanks, and spills and overfill prevention devices.

REPORTING

Requires reporting of releases of 1 barrel (42 gallons) of petroleum and corrective action taken in response to a release.

PERFORMANCE STANDARDS

Requires standards for new and existing tanks, including design, construction, installation, maintenance, inspection, secondary containment, labeling, corrosion protection, integrity, and compatibility standards.

STATE PROGRAMS

States will be allowed to conduct programs if the State program includes requirements and standards of the Federal law and provides adequate enforcement of compliance.

STUDIES OF ABOVEGROUND STORAGE TANKS

EPA is directed to conduct studies to determine the number and location of tanks and to provide analyses of potential releases.

TANK TECHNOLOGY

Encourages use of small fire protected tanks through different requirements that take into account their built-in safeguards, and provides for EPA approval of new technologies.

FOR UNEQUAL JUSTICE UNDER THE LAW

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. LIVINGSTON. Mr. Speaker, as a supplement to my 1 minute speech delivered before the House of Representatives on March 10 which can be found on page H 1143 of the CONGRESSONAL RECORD under the title "Investigation Asked in Conduct of Member's Trial in Tennessee," I would like to submit the following article entitled, "For Unequal Justice Under the Law."

FOR UNEQUAL JUSTICE UNDER THE LAW?

(By Paul Greenberg)

Imagine what the media-ocracy would have done if it had caught the Bush administration trying to change the racial composition of a jury for a friend. The story would still be on the front page of the New York Times, and might have knocked whatever remains of Mozart clear off National Public Radio. Instead, the mediacrats had to settle for the October Surprise. (Whatever happened to the October Surprise anyway? It was one of my favorite recurring non-stories, like the Great Pygmy War in Africa.)

With the White House under new management, there's no need to imagine. This administration has just been caught attempting to change the racial composition of a jury in the second trial of black Rep. Harold Ford, who is accused of accepting up to $1.2 million in payoffs disguised as loans from the Butcher brothers' banks in Tennessee. (Both brothers now have been sentenced to 20 years in prison for defrauding depositors of some $20 million.)

In the congressman's first trial, the jury split along racial lines. The result was a mistrial. The reason? "Juror misconduct permeated the trial of this case," ruled the black judge who had presided over it. He recommended a venue outside Memphis. It took eight days to select the jurors in this new trial—11 white and one black—at Jackson, Tenn. The congressman, who is being tried along with three other defendants, is charged with 19 counts of bank, wire and mail fraud.

But after congressional colleagues in the Black Caucus came to his aid and appealed to the White House, the newly Clintonized Justice Department changed its longheld position that the jurors should be selected from outside Memphis. It seems that Webb Hubbell, the president's man of Justice, had arranged a meeting between the acting attorney general—Stuart M. Gerson—and the black legislators.

Mack McLarty, the president's chief of staff, had referred an inquiry from Jesse Jackson about the Ford case to the White House general counsel, as he routinely does legal matters. Pity that no alarm bells went off in his mind; he might have warned the president how this would be perceived. That is, all too accurately.

Or had Rep. Ford himself already taken the matter up with the president when the two spoke last month?

In any event, the political manipulation was so transparent that the U.S. Attorney at Memphis, Ed Bryant, resigned. So did two prosecutors. (Who says there is no honor left in the law?) Then a new judge, responding to the government's nervy motion, revealed his opinion of the Justice Department's brand of "justice." To quote only a few highlights from the ruling of His Honor Jerome Turner:

"If we are truly to become one nation, to be integrated in a society where the laws are colorblind and all men are equal under the law, then we cannot allow the demands of racially fixed juries to invade our jury system of random selection.

"A white man, as three of the defendants are in this case, is not entitled to a white jury, or to a given number of white jurors. Likewise, a black man, as one of the defendants is, is not entitled to a given number of black jurors. . . .

"It is a sad day, in my view, when the acting attorney general and a representative of the White House give in to a demand that a jury of the United States must be selected by race. . . .

"It is unlawful to exclude jurors because of their race, and that is what this court is being asked to do regardless of the gloss being placed on this request. This, the court will not do.

"Perhaps just as disturbing is the appearance that the Department of Justice has created by this motion that justice in the courts of the United States can be handled differently if one is a member of the United States Congress. . . ."

The judge ordered the trial to proceed, whereupon the congressional defendant complained of "chest pains" and went to the hospital, adding another fillip to the case that has been one long tragic-comedy, complete with picketing, threats, wild accusations, and what Judge Turner described as "scurrilous and defamatory rhetoric" against those prosecuting it. The clumsy interference of the Clinton administration now has added to the spectacle.

Bill Clinton always was free and easy about the law, and not just when he was a young man playing games with the ROTC. The pattern is lifelong. Back in Arkansas, he appointed a special quasijudicial panel to investigate his opponent during the gubernatorial campaign of 1990—Sheffield Nelson. How many politicians get to appoint the judges in their opponent's case? That's even better than a defendant's getting to dictate the prosecution's position on jury selection.

These (very) special commissioners are found nothing culpable about Mr. Nelson's dealings at Arkla Gas, but it was months before they handed down their decision. By then the campaign was over, and they had served their purpose. Well, there was nothing quasi about this little misadventure with the law. Bill Clinton just goes from strength to strength, effrontery to effrontery.

When the president's latest pick as attorney general, Janet Reno, comes up for confirmation, one of the first questions she should be asked is whether the government's role in this affair represents the kind of equal justice under law that she would pursue. Miss Reno doesn't really seem to fit in, towering as she does above the ethical pygmies in this new but already maculate administration.

Conclusion: It is one thing for a tricky president to play games with the tax tables and have a good laugh on the middle class. It is another to pervert justice. Remember what happened to Richard Nixon.

Unfortunately, the political reflexes kick in and such a request gets treated as if it were just another piece of political patronage—one more chance to stroke a group of congressmen. Much of this stuff is done in a vast absence of mind. If this administration cannot help politicizing the law, it might at least pause before doing so. Then it might have some chance of understanding the enormity of what it had done.

STRIKING BACK

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. GINGRICH. Mr. Speaker, I would like to bring to the attention of all of my colleagues the following editorial that was in the New York Times. I believe that it is an excellent analysis of President Clinton's budget and the lack of specifics that he includes. The Republican plan does not allow for any tax increases and cuts a great deal more spending. It is quite evident that the Republican plan is far better and if it passes our country would have a chance to make a decrease in our overwhelming deficit.

THE REPUBLICANS STRIKE BACK

Republican critics of President Clinton's budget have taken a polemical pasting in the past few weeks for not offering a specific alternative. But when the House Budget Committee's Republican members laid out 80 pages of detail for the committee yesterday, they were brushed aside with barely a nod. Their effort deserved better.

The President's challenge to the Republicans, to offer their own "specifics" if they didn't like his, was smart politics and smart budget strategy. Politically, it put the Republicans—the party of budget cutters—on the defensive, mocked for criticizing a Democratic President who proposed real deficit reduction. And strategically, by demanding that they be specific, the President was bidding the Republicans to take specific risks, as he had done in proposing unpopular spending cuts and tax increases.

The Budget Committee Republican's plan isn't flawless, but it calls Mr. Clinton's bluff, and deserves a serious airing. Led by Representative John Kasich of Ohio, their ranking member on the committee, the Republicans have devised a plan that is far more specific than the Democrats are contemplating or than the eventual budget resolution needs to be.

It involves no tax increases and, of course, deeper spending cuts than the Democrats propose. And the Republicans claim that their bottom line is a bigger dent in the deficit. That may or may not be true, depending on whose numbers are right. More to the point, the Republican plan offers some sensible suggestions, and others that are unacceptable, unwise or just unthinkable.

Sensibly, they propose to cut retirement benefits for Federal employees, civilian and military. Mischievously, they suggest that Congressional salaries be subject to the same cost-of-living freeze as Federal agency employees. Unwisely, they would cut back foreign aid to the neediest countries. And, adopting a hopelessly unpopular Reagan-Bush standby, they still want to kill off the Legal Services Administration.

Yesterday's activity in the House and Senate budget committees is just the beginning of the budget process, but the fact that both are beginning so much earlier than usual is commendable in itself, testimony to the power of a President's leadership to get things moving and the eagerness of the Democrats to demonstrate that they can make government work.

At this stage, there is a multibillion-dollar gap between the two committees, but that will be closed when House and Senate conferees work out the differences in their two resolutions later this month. It is now assumed that the final resolution will outline bigger spending cuts than President Clinton proposed in February, and he has already indicated his approval.

It's that kind of year. Mr. Clinton got the ball rolling with his own big cuts and tax increases. Conservative House Democrats from the South and Midwest pressed for more, their clout enhanced by the fact that the party lost 10 seats in the elections last November.

Their push found further support among 65 new Democratic members who were elected on promises to wrestle the deficit down. And the public's positive reaction to President Clinton's proposals has eased the nervousness of politicians who fear the consequences of acting too forcefully.

But in their rush to act, the Democrats should not use the sheer force of their majority to mow down any dissenters. The Republicans have made a good-faith effort to enter the budget process this year. Their proposals deserve good-faith debate.

A TRIBUTE TO BROOKLYN EDUCATOR LEO EDWARD CASEY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. OWENS. Mr. Speaker, I would like to take this opportunity to recognize and congratulate an outstanding educator—a dedicated social studies teacher from Brooklyn who is one of just 36 American teachers to have been honored recently by the Walt Disney Co.'s Disney Channel for his outstanding commitment to teaching and to his students. That teacher is Dr. Leo Casey of Clara Barton High School for the Health Professions in Brooklyn, NY.

But not only is Dr. Leo Casey one of this year's recipients of the Disney Channel's American Teacher Awards for his teaching, his labors have paid off doubly this year as his students at Clara Barton have, for the first time ever, brought home to Brooklyn the first place award in New York State's "We the People" student competition on the U.S. Constitution and the Bill of Rights, surpassing the performance of teams from many more affluent school districts. It was an act of Congress that created the "We the People" Program in 1985, to help students develop a studied commitment to the principles and values of our democracy and our Constitution, and to civic participation.

If, in this age of tepid commitment to the work of teaching, we have forgotten what makes a great teacher, let me take a moment to remind all of us through the example of one Leo Casey.

Here is a teacher who requires that his political science students get involved in electoral politics; here is a teacher who developed an advanced placement course in political science for his students; this is an instructor who developed a course in ethical issues in medicine. This course has been replicated in other New York City high schools. Dr. Casey is equally committed to his peers. He serves as a mentor and resource by team teaching with less experienced teachers, and for the past 8 years, he has been picked by his colleagues to serve as chapter chairman of the United Federation of Teachers.

At a time in our Nation when teaching has precious few tangible rewards, Leo Casey says he credits his students with giving him the inspiration and strength to accept the challenge of being a teacher. Most of his students happen to be disadvantaged, inner-city young people who are students of color. In his commitment to his students, Dr. Casey actively takes into account what he calls the daily struggle of his pupils to create meaningful and productive lives for themselves.

In May, Dr. Casey will bring these award-winning students to Washington to compete for national "We the People" honors. Surely there must be some wisdom we can glean from a successful teacher like Dr. Casey. In his own words, Casey says:

> The problem of parental involvement in inner-city education lies not in a failure of will, but in severely diminished resources to carry out their will.

Dr. Casey maintains that the challenge to inner-city educators is to develop what he calls new modes for parental involvement, modes that take into account the particular circumstances of differing family environments. Dr. Casey says:

> Classroom instruction must itself embody the notion of knowledge as power. I organize my classroom to challenge the social despair and powerlessness which is so prevalent outside the school. Important social values which are denied and demeaned in the streets—self-respect, respect for others, for life, for knowledge, and for hard work and effect—are the foundation of interaction in my classroom and the necessary basis for the free debate of ideas.

I am proud to commend this American and this shaper of young minds: Dr. Leo Edward Casey.

CONSIDER YOURSELF A PERSON

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. FRANK of Massachusetts. Mr. Speaker, I insert an article from the Aniston Star, written by the Star's political correspondent about our new Attorney General, Janet Reno. The article is an eloquent description of the new Attorney General, and at a time when people sometimes lose sight of the positive side of public officials, I think it is very relevant to have this article about Janet Reno published here. And in a spirit of full disclosure, I should note that the author of the article, Pat Lewis, is my niece, and I can testify firsthand to much of what she says.

[From the Aniston Star, Feb. 16, 1993]

"CONSIDER YOURSELF A PERSON"

(By Pat Lewis)

The first thing I did when I heard that Janet Reno was about to be nominated U.S. attorney general was call my parents. Then I sat down at the dining room table to dig through my shoe boxes of old photographs.

I finally found what I was looking for: pictures taken years ago at Janet's Miami house. The pictures and conversations with my family triggered a flood of childhood memories that fill me with pleasure that the rest of the country now has the chance to get to know this woman.

Janet, my father's first law partner, was also the first grown-up I remember knowing outside my relatives. The attorney general designate taught me how to dig for fishing worms when I was 9 years old, and how to iron my clothes when I was 11.

The ability to fearlessly handle worms is, as everyone knows, a valuable skill. Unfortunately, I guess I never saw ironing in quite the same light; and this able woman's domestic lesson didn't take, but that wasn't her fault.

Janet also taught my youngest sister, Susan, to swim. Janet's mother, Jane, taught sewing to me and my sister Beth. Comparing notes the other night, we discovered we still make an unusual knot in the thread, probably the only method young hands could handle.

Ours was one of a handful of families that made regular trips to the Reno home in the 1960s. Back then it was miles from developed Dade County. There were peacocks in the backyard, plenty of trees to climb and woods to explore. We spent countless hours, adults and children alike, playing capture-the-flag games behind the rambling wood house that Jane had built by hand.

Before and after the games, there were always free-wheeling discussions around a long table on a screened-in porch that served as living room, dining room and play room. With the talk came plenty of food, and always, time for the children.

We kids were treated well, but we were far from spoiled. We knew enough to listen to the grown-ups. There was an almost unspoken arrangement: We were treated like people as long as we acted right. We could listen to the talk and even take part, as long as we followed the rules.

One reason I have such fond memories, I'm convinced, is that those rules were not always the same as the rules outside. No one ever told me or my sisters we couldn't do something because we were girls. Janet didn't teach me to iron because of my gender, but because she saw it as a simple survival skill like fishing, chopping wood and cooking.

In this atmosphere, girls were people. Many years later, that is still too often a luxury.

During the news conference when President Clinton announced Janet's nomination, a reporter asked whether she were a feminist. This was her answer: "My mother told me to do my best, to think my best, to do right and to consider myself a person."

The messages went beyond self-respect. The talk in that house wasn't just an opportunity for like-minded adults to bash politicians, complaining about the wrongs of the world. For one thing, there was plenty of disagreement.

And the debates didn't stop at identifying the problems. They were debates about solutions. Central to those talks, which were the background music for my childhood, was the belief that what you do makes a difference and that doing your best to change things is part of life.

Trying to put my finger on those times, the strongest feeling I recall—behind the fun and constant goings-ons—is security. And Janet Reno can take much of the credit for that.

As much as any other adult I knew then, she was someone to count on. You could trust her to be consistent in a world that was anything but. She could be tough, but she was always fair. You couldn't help but feel safe around her.

What more could anyone ask for from an attorney general?

CUTTING SPENDING, CUTTING TAXES

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. ALLARD. Mr. Speaker, to offset the revenue loss of the proposed Btu tax, I propose eliminating an amount of new spending called for in the Clinton proposal. The budget resolution presumably includes the President's proposal to impose a broad-based energy tax. Although a detailed description of the proposal has not been released, the proposal would impose an excise tax on coal, oil, natural gas, ethanol, and methanol. The tax would be imposed on nuclear- and hydro-generated electricity. It would also extend to certain imported taxable products. The tax would be imposed on the producer except for imported products which would be taxed at the importation point. Joint tax estimates reported that the tax would generate almost $73 billion over 5 years.

WASTEFUL PROJECTS

The second amendment that I am offering if adopted will eliminate funding for wasteful projects which bypass established congressional budget procedures. All savings generated by this proposal will be dedicated to deficit reduction.

The Clinton administration has asked Americans to sacrifice in order to decrease the deficit, yet at the same time the Government continues to spend on frivolous and wasteful projects. The mood of the citizenry is ripe to eliminate pork barrel spending and bring about real accountability in Congress. This amendment shows we are serious about cutting the deficit and serious about controlling the spiraling cost of pork barrel projects.

This amendment reduces funding in areas which have historically had substantial funding for programs or projects that violate governmental budget constraints. These largely one-time projects may be clustered in different functional areas than in previous years. Consequently, the Appropriations Committee will be able to make the reductions in funding as it deems appropriate when it suballocates the lump sum provided by the Budget Committee to each of its 13 subcommittees.

In order to be classified as pork or Government waste, projects receiving Federal funding had to violate at least three of the following criteria: Never subject of a committee or subcommittee hearing; lacks specific authorization; added in conference in last minute; no meaningful relationship to authorizing statute; awarded noncompetitively; earmarked; purely of local interest without national or regional importance.

THE DEMISE OF WELL-PAYING JOBS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Ms. KAPTUR. Mr. Speaker, last week the New York Times featured my community in a front-page article detailing the demise of decent, well paying jobs to jobs that are part-time, without benefits.

The job erosion that has faced families in our community for many years is a direct result of multinational corporations leaving the United States and attempting to compete internationally on the basis of lower wages, not higher investment, or more skilled work forces here at home.

People have been told to bear the brunt of our companies' competitive fights with foreign firms. Our Nation must hold these firms accountable in our marketplace lest we lose the middle class and the standard of living we have built together in this century. The article aptly describes what is happening to thousands of families across our Nation.

NEW JOBS LACK THE OLD SECURITY IN A TIME OF DISPOSABLE WORKERS

(By Peter T. Kilborn)

TOLEDO, March 12.—Employment agencies call them contingent workers, flexible workers or assignment workers. Some labor economists, by contrast, call them disposable and throwaway workers.

Whatever they are called, their numbers are climbing. Federal figures are sketchy, but about half of the jobs people have been getting in the last year are part-time or temporary or involve other unconventional arrangements. That is up from less than a quarter of the new jobs a decade ago.

Most of these new jobs pay less than regular jobs, and few come with good benefits. The standard American job, with a 40-hour workweek, medical benefits and a pension at age 65, is on the wane.

"The entire system has fragmented," Labor Secretary Robert B. Reich said in an interview earlier this month.

A MARKET IN MOTION

Audrey Freedman, an economist for Manpower, the big temporary-help company, said: "The labor market today, if you look at it closely, provides almost no long-term secure jobs. It's a market in motion."

As the Clinton Administration ponders changes in the nation's health and welfare systems, the shift in the job market takes on added importance, as it will have long-term implications for Government regulators and taxpayers.

Labor market specialists say the shift accelerated in the recession as companies tried to hold down costs. But they say that much of the shift seems here to stay.

Many companies have adopted a form of work-force management to compete in the world market. They keep a core of managers and valued workers whom they favor with good benefits and permanent jobs. They take on and shed other workers as business spurts and slumps.

Toledo is home to glass and automobile companies which, while shrinking, are unionized and make little use of contingent workers. It is home too, to expanding non-union retail stores, service businesses and small manufacturers that do employ such workers.

State officials report a smattering of offers of very good jobs, requiring high skills and years of experience and paying $12 to $20 an hour, and a surge of offers for low-skill, low-paying jobs.

The area's biggest new employer is the Maijer (pronounced MY-er) discount food and department store chain of Grand Rapids, Mich. It is hiring nearly 3,000 workers for four giant stores it is building here. Nearly all the jobs are part-time and the pay is $4.30 to $4.40 an hour—5 cents to 15 cents more than the Federal minimum wage.

The second-biggest new employer is an air-cargo company, Burlington Air Express. Burlington will soon have more than 1,200 sorters working three-hour shifts five days a week. The pay is $8 and hour to start, or $120 a week. Burlington's job advertisements say applicants must "be able to lift 70 pounds consistently."

State officials say that companies have little choice but to pay wages as low as their competitors.

QUALITY PUT IN JEOPARDY

But industries that strive for quality production run a risk in managing workers this way. The employees have little incentive to give their all when the employer gives little.

"The people never stop looking for full-time employment," said Lin Avendano, an official of the Ohio Bureau of Employment Services. "And when they find it, they leave in an instant."

James J. O'Shea, the 50-year-old manager of a Toledo branch of the Ohio Bureau of Employment Services, put the problem in a personal perspective: "Opportunity—that's the thing that was here in abundance when I was 18.

"The whole middle of the job market is gone, the $8-an-hour to $13-an-hour jobs. Those middle, family-supportive jobs we've lost."

In Toledo, about 25 temporary-help agencies have displaced most of the permanent-placement agencies. One is Claus Temporaries Inc., whose owner, Pete Claus, finds welders, assemblers, electricians and other workers for small factories as well as clerical workers for offices. Mr. Claus arranges with client companies to pay employees' wages, unemployment insurance and their workers' compensation. But the workers receive no health or pension benefits because, he said, the market would not bear the cost.

'NEW AMERICAN SWEATSHOP'

Mr. Claus said some companies in Toledo were using services like his to provide their entire work force. "I call it the new American sweatshop," he said. "It's four people who are owners or managers in a shop that has 200 people. They might have 12 permanent employees who are making $6.50 an hour. All the others are paid $4.75. And they're all temporaries."

Robert E. Soncrant, who recruits businesses to do their hiring through Mr. O'Shea's state job service office, cited another development. "You find unscrupulous employers who bring people in for 29 days and then let them go," he said. "Why 29 days? Because the employer has an agreement with the union that says that at 30 days the people have to join the union."

Just how many Americans are landing contingent jobs is impossible to pin down. Mr.

Reich said he thought about 30 percent of the work force was composed of contingent workers while current statistics suggest that far more of the new jobs are.

The Bureau of Labor Statistics's employment report for February, showing a decline in unemployment to 7 percent of the nation's labor force from 7.1 percent in January, said part-time jobs accounted for 90 percent of the 380,000 new jobs in February. So large a figure is almost certainly a fluke, but it confirmed a less-pronounced, longer-term decline of conventional jobs.

Twenty-four percent of the 1.6 million new jobs since February 1992 were part-time. The University of Toledo reports that 30 percent of its graduates have to take contingent jobs, an uncommonly high proportion for college graduates. Three years ago, 10 percent of the graduates took contingent jobs.

Other numbers reflecting the growth of contingent workers are still murkier. The Bureau of Labor Statistics says another 24 percent of the 1.6 million new jobs represented growth in self-employment. An indeterminate part of the growth in self-employment includes consulting and independent contracting. The Internal Revenue Service offers one hint of what part of those might actually be contingent workers: Employers illegally classified 90,000 workers last year as self-employed contractors. For legitimate independent contractors, employers are not required to pay Social Security and unemployment and workers' compensation.

No one is keeping track of the temporary workers employed directly by companies, without intermediaries.

The bureau says its latest figures show that 1,456,000 people were working through temporary-help agencies in January, 206,000 more than in January 1992. The increase, said Thomas Nardone, a bureau economist, amounted to 30 percent of the jobs that employers reported filling during the year. "It's quite huge," he said.

No one knows how firm this trend is. As the economy improves and the pool of workers shrinks, employers might have to sweeten their terms. Nor is it clear how Government should deal with the trend. Some workers, especially high-paid consultants, welcome the independence. The jobs can be a boon to retirees, students and people with children at home.

Here in Toledo, though, the loss of old-fashioned jobs and the growth of contingent work is taking a cruel toll on many job seekers. Gordon Mills, 44, had a 40-hour-a-week, $6-an-hour job as the night auditor for a motel. But his back, injured in an earlier job, began bothering him and he took a two-month leave for therapy.

"I knew they had hired this girl to do the job," he said, "but I thought she was temporary. When I came back, they cut my hours to 16 and she was getting 24." He walked out and is now living on $343 a week in workers' compensation pay for his back injury. Mr. Mills has gone back to school to study accounting.

Toledo's new job market can even be rough on those who seem qualified for the better jobs. Nannette Keating, 40, separated and the mother of two children, 3 and 6, has a bachelor's degree in public administration from the University of Toledo. She worked many years in government jobs before she went to work for a private adoption agency. But as the economy declined, the agency lost its money, and she was laid off last April.

Eventually, Ms. Keating wants a good job, but for now she said she would settle for any kind of job. "I've applied at retail stores, food stores, outlet stores," she said. Despite the high turnover among such employers, she said they told her they knew she would quit for a better job, so they turned her away.

Norman J. Drzewiecki is 24, single, a graduate of Rogers High School here and living with his parents. Four years ago, with industrial jobs here fading, Mr. Drzewiecki joined the Air Force, where he was a laborer, delivery driver and shipping and receiving clerk.

Mr. Drzewiecki had planned to enroll in Air Force training to become a load-master handling air cargo. But with the Air Force shrinking, he was discharged in September.

He looked for work at Ohio Bell, where his father has worked for 39 years as a repairman. But he was turned away. He is collecting $195 a week in unemployment that Congress just voted to extend until October, so he says he can afford to keep looking for a career job.

WORRY OVER TEMPORARY OFFER

The few jobs he found were temporary or part-time or both. One work offer was for 60 days to 150 days. "After that you don't know," Mr. Drzewiecki said. "I'd hate to get into a job, give it my best effort and after 150 days, they say: 'Thanks a lot. Here's your last paycheck.'"

The President's economic plan offers new spending for education and continuous job training to enable people to move from one good job to another. But with industry relying on contingent workers, who might provide those better jobs is uncertain.

The job trend also lends some urgency to the Administration's promises to overhaul the nation's pension and health-care systems. By denying contingent workers health and pension benefits, employers are shifting more of the burden of supporting the lowest-paid workers to the welfare system.

Richard S. Belous, vice president of the National Planning Association in Washington and author of a study of the phenomenon, said: "We've made our labor market more flexible. But we've done zilch about making the social welfare system flexible."

DICK WANNEMACHER, GREAT AMERICAN AND TRUE FRIEND OF VETERANS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1993

Mr. SOLOMON. Mr. Speaker, our Nation's veterans have always had a special place in my heart, and I'd like to give you one of the reasons why.

His name is Richard A. Wannemacher, Jr., a resident of Clifton Park, NY. He is a national service officer and commander of the Department of New York, Disabled Veterans of America [DAV]. All veterans in New York owe him a debt of gratitude.

Dick Wannemacher enlisted in the U.S. Navy in 1967. On July 10, 1969, he was severely wounded by a satchel charge in Saigon, Republic of South Vietnam. His wounds required disability retirement on December 1 of that year.

Back in civilian life, Dick joined DAV and enrolled in the VA's Vocational Rehabilitation Program in Buffalo. He earned an associate's degree in business administration at Erie Community College, a bachelor's degree in environmental conservation studies at Buffalo State College, and 17 credits toward an M.B.A. at Canisius College.

Even while in college, Dick was active in veterans affairs. He held every office in the Cheektowaga, NY DAV, and became the first Vietnam veteran to serve as commander in the Western New York Council of DAV. He joined that group's national service office in Buffalo in 1978.

In 1980, he was transferred to the Albany Service Office as a supervisor. The next year, he was appointed special projects director for the Department of New York, and in 1982, legislative chairman.

Dick's reputation as a tireless advocate for veterans resulted in his being appointed to the Governor's Advisory on Veterans Affairs, advocate for the disabled and accessibility to polling places. Dick has been instrumental in directing scholarship, service training, and employment problems for veterans. He also oversees the DAV's emergency and disaster relief programs in the Capital District. He is a longtime member of the New York State Joint Council of Veterans Organizations and serves on the boards of directors of the DAV National Service Foundation, as well as Vet Care, a local non-profit organization. Other memberships include the American Legion, Veterans of Foreign Wars, and the Military Order of Purple Heart. Dick has still found time to accumulate more than 1,750 volunteer hours at the Samuel S. Stratton VA Medical Center, where he serves on the dean's committee.

His civilian awards included a New York State Conspicuous Service Medal, 1978 Outstanding New York Veteran of the Year, and a 1978 Presidential award for Outstanding Achievement of Vietnam Veterans. His military awards include the Purple Heart, Vietnam Campaign Medal with Bronze Star, and Vietnam Service Medal.

Dick is married to the former Cindy Bickel. Their two children, Jeffrey, 21, and Laura, 19, are both students at Buffalo State College.

So you can see, Mr. Speaker, what an asset Dick has been to the veterans community in the State of New York. He will be honored at a special ceremony March 20. I would ask all members to join me today in paying our own tribute to Richard A. Wannemacher, Jr., a great American who has served his country well as a veteran and on behalf of veterans.

EVADING THE QUESTION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. GINGRICH. Mr. Speaker, I hope that all of my colleagues read the following article in the Washington Times from March 14, 1993. It dealt with the fact that President Clinton has presented a budget plan that is misleading, vague and in some instances quite deceptive. By redefining tax increases as spending cuts and middle-class taxpayers as the wealthy, President Clinton has reached new levels of sophistry.

UNPARDONABLE

(By Martin Anderson)

When George Bush casually broke his presidential campaign pledge of "read my lips, no new taxes," he committed a deadly political sin for which he was never forgiven.

Yet some politicians never seem to learn.

Even today it's not clear that former President Bush understands the seriousness of a broken campaign pledge. Nor, it seems, does our new president, William Jefferson Clinton.

The American voter can be quite tolerant and forgiving of what we might call "defensive" lying. When candidate Clinton was accused of having an affair with Gennifer Flowers, smoking cannibis sativa and dodging the draft, few people were upset when he did just what they probably would have done—evaded, dissembled and told a few fibs.

But "offensive" lying—when a candidate for high political office volunteers a lie in order to help him or her get elected—is a different matter. When the candidate initiates a lie and later is caught, the voters can be stonily unforgiving. They have no sense of humor about being fooled.

Recently, one of the country's most distinguished reporters, David Broder, savaged our new president in a surprising attack using words such as misled, dubious, artifices, sugarcoat and dangerously wrong to describe the selling of Mr. Clinton's economic program. Mr. Broder's critique is telling because he is generally sympathetic to Democratic administrations.

The reason for Mr. Broder's, and others', growing concern is the "offensive" lying that permeates the economic program Mr. Clinton proposed. At the height of the 1992 campaign, Bill Clinton not only promised not to increase taxes on the middle-class, but to reduce them, raising taxes only on those families earning "over $200,000 a year."

Just a few months later that solemn pledge was broken as he set forth a plan to raise taxes on every family earning more than $30,000. Actually that was a lie, too; only by concocting a new definition of family income that includes all sorts of so-called noncash income did he get to $30,000.

For example, if you own a home that could be rented for $1,000 a month, your "income" would be increased by $12,000 a year. They also guess how much income you fail to report on your tax return and add that amount to your family "income."

The purpose of this dishonest exercise is to hide the fact that the actual threshold for Mr. Clinton's proposed tax increase is close to $20,000, implying at least a minimal tax increase for about 80 percent of all American families.

The offensive lying really gets cooking in the budget numbers of his proposed economic program. Mr. Clinton's budget director, Leon Panetta, originally pledged $2 of spending cuts for every dollar of tax increase. Later he said there would be $1 dollar of spending cuts for every dollar of tax increase. Both times he lied or misled us.

The Clinton administration has called fee increases "spending cuts," labeled a tax increase on Social Security benefits a "spending cut" and identified a $27 billion increase in the earned income tax credit as a "tax incentive," when in fact approximately 60 percent of it is paid out in federal welfare checks to low-income workers.

If you rearrange Mr. Clinton's budget numbers truthfully, calling a tax increase a tax increase and a spending cut a spending cut, a very different picture emerges. During the first three years of Clinton's economic program, 1993-95, spending increases exceed spending cuts. There are no net spending cuts whatsoever. None. Zero.

In fact, for the four years through 1996, there are only $2 billion in net spending cuts. During that same four years, 1993-1996, Mr. Clinton's plan calls for $160 billion in net tax increases.

If we ignore what is claimed for 1997-98—on the grounds that any numbers projected that far out are fanciful, perhaps occurring during someone else's term of office—and concentrate on what President Clinton has promised to do in the next four years, we see he intends to increase taxes $80 for every dollar of net spending cuts. Perhaps we should try to catch him before he lies again. For if we don't, in a couple of years William Clinton's slide in the public opinion polls will make George Bush's slide look gentle and kind.

ASPIN'S DANGEROUS PENTAGON CHOICE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. CRANE. Mr. Speaker, throughout his campaign, President Clinton portrayed himself as a New Democrat. He claimed that he was leading a new generation of Democrats who had abandoned the tax-and-spend economics and dovish military policies of their predecessors, and who were ready to defend American interests around the world and pave the way for a sustained economic expansion.

While this new breed may yet emerge, it is important that the American people know that Clinton has yet to change his stripes. Instead of new blood to bring fresh ideas to his administration, Clinton has appointed a huge number of Washington insiders and Carter-era retreads.

An appointment that causes me great concern is that of Morton Halperin as a top assistant to Secretary of Defense Les Aspin. Were Halperin only a Carter retread, his nomination would not be nearly so disturbing. Unfortunately, it appears that he has devoted his life to activities which are unacceptable for an official of the Department of Defense.

I urge the Senate to take a close hard look at Halperin's career before taking action on his nomination. I believe it is likely that they will not like what they see. I have submitted for the RECORD an article from the February 13, 1993, edition of Human Events, which provides a brief synopsis of his exploits, including efforts to end all U.S. intelligence gathering activities, congressional testimony on behalf of radical leftwing groups, and involvement in a case where a U.S. agent was assassinated shortly after being exposed by Halperin's magazine.

Halperin's nomination raises serious questions, and should be reviewed very carefully. Either Halperin has become a new man, or President Clinton's new Democrat looks an awful lot like the old one.

[From Human Events, Feb. 13, 1993]

ASPIN'S DANGEROUS PENTAGON CHOICE—HALPERIN CHAMPIONED AGEE AND ELLSBERG

Defense Secretary Les Aspin, in his effort to reshape the Pentagon's policymaking machinery, has picked the curious figure of Morton Halperin to be one of his top assistants. Halperin, however, is no "New Democrat," but a far-left civil libertarian who made his mark during the Cold War attempting to undermine America's key national security agencies, including the CIA, the FBI and the Pentagon.

Until recently the director of the ACLU's Washington office, Halperin has championed the activities of Philip Agee, the pro-Communist CIA renegade, testified on behalf of "Pentagon Papers" leaker Daniel Ellsberg and generally waged an unholy war against America's intelligence community.

"If confirmed by the Senate for the job of assistant secretary dealing with democracy and human rights," reported the Washington Post, "Halperin would handle questions such as how and when the Administration should employ force specifically to promote democracy or humanitarian aims."

But judging from the folks he's been running around with, Halperin could very well be pushing policies to "employ force" against what he considers to be "right-wing" governments, even though friendly to the United States, or on behalf of left-wing groups such as Nelson Mandela's African National Congress.

Moreover, many in the national security field are outraged that Halperin—who was backed the most brazen and damaging intelligence leaks and leakers—will now have access to our most super-sensitive Pentagon secrets.

Halperin's embrace of Agee, who teamed up with the Communists to "expose" the CIA and its agents, is a case in point. As Francis J. McNamara noted in our Dec. 29, 1984, issue, Halperin favorably reviewed Agee's virulently anti-CIA book, Inside the Company: A CIA Diary, without even revealing that Agee thanked the Cuban Communist party for the assistance it had given him in preparing his book.

Nor did he reveal that the book—as part of Agee's effort to "out" CIA agents everywhere and thus render them both ineffective and vulnerable to foreign pressures—contained the names and identities of over 700 people in all parts of the world who Agee insisted were CIA officers, agents and cooperators.

Halperin has called for dissolving the CIA covert career service, tagged the CIA as "the subverter of everybody else's freedom" and declared it "an open question" whether the CIA and other U.S. intelligence services would turn to assassinating American citizens.

In testimony before the House Intelligence Committee in 1978, Halperin assailed the CIA for its handling of the news about the December 1975 murder of Athens station chief Richard Welch, committed shortly after the magazine CounterSpy had identified Welch as a CIA intelligence officer.

Halperin claimed the CIA had waged a "disinformation" campaign against both Agee and CounterSpy, then Agee's principal weapon to expose covert U.S. intelligence personnel in foreign lands. He not only denied CounterSpy played any role in Welch's assassination, but said "it is difficult to condemn people" who expose our agents.

Agee, McNamara wrote, "was in hot water after the assassination of * * * Welch. He was afraid to return to the U.S. and he was being expelled from one European country after another because of his continuing contacts with Communist-bloc intelligence agents."

Nevertheless, McNamara went on, "Halperin traveled to London early in 1977 in an unsuccessful attempt to prevent Agee's deportation from England. While there, he said he hoped to arrange a U.S. speaking tour for Agee if he returned to this country.

"Agee's second book, Dirty Work: The CIA in Western Europe, reprinted an anti-CIA pro-CounterSpy article, 'CIA News Management,' Halperin had written for the Washington Post. Halperin has testified against all bills that would criminalize Agee's activities in exposing the identities of U.S. intelligence personnel, including the one finally enacted in 1982."

But Halperin has done more to damage U.S. intelligence gathering. The following passage from McNamara's 1984 article suggests just how much damage he did—or was willing to do:

"In 1970, the ACLU decided to undertake a nationwide drive against U.S. intelligence agencies and operations. That same year, it created the Committee for Public Justice (CPJ) to spearhead the drive against the FBI and Department of Justice. The CPJ was headed by playwright Lillian Hellman, the unrepentant 'ex'-Communist and whitewasher of the CP who, when she died, left part of her $4-million estate for the establishment of a fund for Communist writers. Halperin has served on the CPJ's executive council, newsletter committee and written for its newsletter.

"Early in 1974, the ACLU Foundation and the Fund for Peace jointly set up in Washington the Center for National Security Studies (CNSS) as the research, information and documentation center for its national anti-intelligence campaign. Its first director was Robert Borosage of the pro-Marxist think tank, the Institute for Policy Studies (IPS). He soon returned to the IPS, however, and Halperin succeeded him as director of the CNSS, a post he has held ever since.

"The ACLU next created a Project on National Security and Civil Liberties as the litigating arm of its anti-intelligence campaign. Halperin became * * * the director of that project.

"In 1975, still another instrument was created, a monthly, First Principles, to serve as a news, propaganda and agitation weapon for the campaign. Halperin became its chief editorial writer. Technically, it is published by the CNSS, which Halperin directs.

"Something more was needed to round out the ACLU anti-security operation—a nationwide coalition or 'united front' of anti-intelligence groups to exert political pressure on both the local and national levels.

"Borosage, supported by the IPS, ACLU, CNSS and the Communist National Lawyers Guild, set about organizing one in 1976. It emerged in 1977 as the Campaign to Stop Government Spying, with almost 50 member and cooperating groups. Halperin emerged as its chairperson and it soon began publishing a monthly, Organizing Notes, very similar in format and style to Halperin's First Principles.

"In late 1978, the 'Stop Government Spying' group changed its name to the more palatable 'Campaign for Political Rights' (CPR). CPR member groups included a number of officially cited Communist fronts, as well as CounterSpy and its successor, Covert Action Information Bulletin, in addition to many radical and revolutionary groups (and some church-affiliated organizations).

"Halperin, as CNSS director, has filed numerous FOIA (Freedom of Information Act) requests in efforts to pry secrets out of the files of the CIA, NSA, DIA, FBI, National Security Council and other U.S. intelligence-security agencies. He has followed many of them up with lawsuits, and has encouraged others to do the same. He has followed the same course in the field of constitutional torts, suing for huge sums for alleged constitutional violations on the part of intelligence agencies and officials in the course of carrying out their information-gathering duties and has sought bans on their intelligence operations.

"Representing the CNSS and ACLU, Halperin has testified against virtually every bill introduced in the last decade to improve or strengthen American intelligence and for every bill that would have the opposite effect. It is doubtful that anyone in the nation—including the highest intelligence officials—have testified before Congress as frequently as he has on such national security issues. * * *

"Halperin would strip the intelligence agencies of the weapon which the courts, Congress and the executive have found to be essential to the achievement of their mission—secrecy. He would make public their budgets, ties with academics and other sources, control of proprietaries, etc. He would go so far as to compel disclosure not only of diplomatic negotiations, but all research on new weapons systems (such as the supersecret Manhattan Project which developed the A-bomb during World War II, saving untold numbers of American lives) and would even oppose CIA covert action taken to prevent Libyan director Muammar Qaddafi from sneaking nuclear weapons into New York harbor. All covert action by the CIA and other agencies would be brought to a halt.

"The FBI, if Halperin had his way, would not be allowed to investigate anything but crime. All domestic intelligence collection would cease—by law. All wiretapping, too, would be brought to a halt, even that used to catch spies and learn the intentions, plans and plots of nations hostile to this country."

Halperin left his ACLU position and the Center for National Security Studies at the end of October 1992 to accept a post as senior associate at the Carnegie Endowment for International Peace and a professorship at George Washington University. He remained as chairman of the CNSS Advisory Committee, though he will, presumably, leave that post now that he's been tapped by the Clinton Administration.

The question is, however, should such a person—who did so much in conjunction with the far left to cripple our national security—now be entitled to help implement it?

A BILL TO IMPROVE THE COORDINATION OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION GREAT LAKES ACTIVITIES

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. STUPAK. Mr. Speaker, I rise today to introduce a bill to improve the coordination of the National Oceanic and Atmospheric Administration Great Lakes activities. This bill would create a Washington, DC, based NOAA Great Lakes office to coordinate and promote Great Lakes activities by the agency. Given the lack of focus at NOAA on Great Lakes issues, I believe the creation of such an office is long overdue.

The Great Lakes region faces a number of important challenges which require direct attention. These problems include toxic pollution of the water, contamination sediments, fish and wildlife abnormalities, fluctuating water levels, and the infestation of exotic species such as the sea lamprey and the zebra mussel. The President's fiscal year 1993 budget grants no moneys to deal with these issues. In addition, shore mapping in this area has been zeroed out.

A Great Lakes research office has been authorized under the Clean Water Act. Nevertheless, no office has been established to date. I believe the creation of a Washington based Great Lakes office, as set forward by this bill, would certainly improve NOAA's credibility with the Great Lakes scientific and resource management communities, and provide a much needed focus on the unique environmental problems present in the Great Lakes.

While the Environmental Protection Agency Great Lakes office already enjoys financial support, it is my belief that NOAA has a substantial interest in the Great Lakes and that this critical water system would be well served by the additional focus that a Great Lakes office would provide.

Mr. Speaker, the moneys associated with this proposal are minimal, yet the benefits that would result from enactment of this bill would be substantial. It is time that the Great Lakes system gets the scientific attention it deserves.

TRIBUTE TO POLICE OFFICER LUIS LOPEZ

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Ms. MOLINARI. Mr. Speaker, on Wednesday, March 10, 1993, New York lost a hero. Police officer Luis Lopez, a much-honored undercover narcotics officer from Staten Island, was killed during a buy-and-bust operation that went bad.

Luis Lopez always wanted to be a cop, and he became one of the best. During almost 8 years of service, he earned countless police department commendations. He became a police officer in 1985, and fulfilled assignments with the Staten Island Neighborhood Stabilization Unit, and the 120 Precinct's Conditions Unit. In 1989, he was appointed to the Organized Crime Control Bureau in Manhattan.

Along the streets and apartment corridors of New York City, where drug dealers constantly threaten stability and safety, Detective Luis Lopez made people feel safer. His presence, played a vital role. And, with his smile, his street smarts, and his concern, he earned affection, respect, and trust from the community he protected.

He also earned respect and affection from his comrades on the police force. Detective Lopez was always prepared to do whatever the job called for—bringing his strength, courage, and laughter along with him.

But drug dealers, handed Luis Lopez a tragic distinction. On Wednesday, March 10, 1993, he became the first New York City police officer killed in the line of duty. Luis Lopez's life was taken as he tried to improve others lives, by ridding city streets of the drugs that plague them.

Lesser men would not have answered the call to duty like Luis Lopez did. He pretended to be part of the underworld, working with drug dealers so he could rid our streets and our communities of criminal activity. He wanted everyone to have the opportunity to live in a better, safer world.

Luis Lopez not only left behind the memory of an honorable and courageous police officer, but he left behind those who must continue on without him, his wife Nellie and his children Louie, Jr. and Tina. Although nothing can compare to the pain they are feeling, all of us in New York share in their grief.

Mr. Speaker, Luis Lopez's death reminds all of us just how much police officers are willing to risk in order to protect us. Detective Lopez risked the ultimate, his life. The Lopez family and New York have suffered a great loss. Luis Lopez was a man of integrity and bravery. Although we are overwhelmed with sadness, we must be thankful that a man like Luis Lopez graced us, if only for too short a time.

TRIBUTE TO DR. ALBERT SABIN

HON. LESLIE L. BYRNE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mrs. BYRNE. Mr. Speaker, for the edification of my colleagues I submit this article from the March 4, 1993, New York Times. Dr. Albert Sabin was one of the best researchers on viruses and viral diseases. He developed the vaccine for polio, a disease that has crippled too many children. His vaccine was easier for children to take and thus increased the number of children vaccinated. We all know the kind of savings that includes, in lives as well as dollars. I ask my colleagues to join me in my sorrow for the death of such a wonderful researcher, Dr. Albert Sabin.

ALBERT SABIN, POLIO RESEARCHER, 86, DIES

(By Harold M. Schmeck, Jr.)

Dr. Albert B. Sabin, the pioneering researcher on viruses and viral diseases who developed the vaccine that is the main defense against polio in the United States and much of the rest of the world, died yesterday at Georgetown University Medical Center in Washington. He was 86 years old.

The cause of death was congestive heart failure, the hospital said.

He was best known for developing the live-virus polio vaccine, taken by mouth. It became generally preferred over the alternative killed-virus vaccine developed by Dr. Jonas Salk after a sometimes intense clash between the rival camps and their principals.

Although the Salk polio vaccine, which is injected, proved to be effective in sharply reducing the number of poliomyelitis cases in the United States, after it went on the market in 1955, Dr. Sabin persisted in his efforts to develop a vaccine based on a living virus, which he believed would be superior.

Dr. Sabin's vaccine, which contained the harmless, or attenuated, polio viruses, was developed by him and his co-workers at the University of Cincinnati. Before coming into wide use in this country, the vaccine was tested in millions of people in 1958 and 1959 in the Soviet Union, where it proved widely successful. In the United States the vaccine was tested earlier on prisoners who volunteered for the experiments and before that on Dr. Sabin himself and members of his family.

Its virtues, including delivery in syrup or a sugar cube instead of by injection, became accepted in the United States after the testing abroad. It was licensed in 1961 and eventually became the vaccine of choice in most parts of the world, although a few countries still use the Salk-type vaccines.

The Sabin vaccine received a temporary setback when public health officials reported that a few children, about one in a million inoculated, were developing polio because of the virus. Dr. Sabin, however, never admitted that his vaccine was responsible.

"He was so strong willed he thought he could will it away," Dr. Joseph L. Melnick of the Baylor College of Medicine at Houston said yesterday from Geneva. Dr. Melnick described Dr. Sabin as "one of the world's greatest virologists."

The development of the Sabin polio vaccine was the culmination of 20 years of research on the nature, transmission and epidemiology of the three closely related virus types that cause poliomyelitis, which was more frequently called infantile paralysis when Dr. Sabin was a young scientist. The disease was a dreaded cause of paralysis and death, especially in young people.

AFTER POLAND, A QUICK TRANSITION

Albert Bruce Sabin was born Aug. 26, 1906, in Bialystok, Poland, then a part of Imperial Russia. He and his family immigrated to the United States in 1921, at least partly to escape the persecution of Jews. He attended high school in Paterson, N.J., after taking a six-week cram course in English from two cousins.

After graduation from high school he first planned a career in dentistry because an uncle, a dentist, offered to finance his college education if he would enter that profession. Dr. Sabin said years afterward that he studied dentistry for three years, and then "couldn't stand it any longer" because he had become captivated by the possibilities of medical research.

He graduated from New York University in 1928. With the aid of scholarships, fellowships and odd jobs, he attended the university's medical school and, while there, found time to do research on pneumococcus bacterial infections. He was awarded an M.D. degree in 1931. That summer, a polio epidemic in New York influenced his choice of a research career on polio and other infectious diseases of the human nervous system.

Before entering full-time research in that field, however, he trained in pathology, surgery and internal medicine at Bellevue Hospital, through 1933. He spent the next year in research at the Lister Institute of Preventive Medicine in London. In 1935 he returned to New York to join the research staff of the Rockefeller Institute for Medical Research, now Rockefeller University.

In 1939 Dr. Sabin moved to the University of Cincinnati and its Children's Hospital Research Foundation to conduct research on viruses.

WIDE RESEARCH AS ARMY OFFICER

After the United States entered World War II, Dr. Sabin became a consultant to the Army on viral diseases. Later, as a lieutenant colonel in the Medical Corps, he studied diseases affecting American troops throughout the world.

He isolated the virus that caused sandfly fever, a nonfatal epidemic disease that was causing illness among troops in Africa. Later he showed that an ordinary mosquito repellent would provide protection against the infection by warding off the insects that carried the disease.

He helped develop a vaccine against dengue fever, a debilitating but usually nonfatal disease that was striking many troops in the South Pacific. He also studied the parasites that cause toxoplasmosis, as well as the viruses that cause encepthalitis, Inflammations of brain tissue.

Late in World War II, a vaccine he had developed against Japanese encephalitis virus was given to about 70,000 American troops preparing for the invasion of Japan. A decade after the war, Dr. Sabin was the first to identify a virus called echo 9 as a cause of human intestinal illness.

At the end of the war, Dr. Sabin returned to the University of Cincinnati to continue work on polio. He developed a live-virus vaccine that was first tested in 1954. By that time, however, the killed—virus polio vaccine developed by Dr. Salk had already been developed, tested, and was being put into use.

Public health experts in the United States decided the Sabin vaccine should be given its first major trials abroad, so that people already protected by the Salk vaccine could not be accidentally included in the studies and thus confuse the results.

In this country, the Sabin vaccine was first used on a large scale in 1960 in Cincinnati, where it was given to 180,000 schoolchildren. Two years later all three constituents of the vaccine, one against each of the three major polio virus types, were licensed by the United States Public Health Service.

Whereas the Salk vaccine had to be given by injection and required later booster shots to insure long-term immunity, the Sabin live-virus vaccine could be taken by mouth and provided lifetime protection against polio. Moreover, the harmless virus of the vaccine seemed to be "catching": It spread beyond the recipients to protect even some people who had not received the vaccine at all.

FOR GOVERNMENTS, A STRAIGHT-TALKER

Dr. Sabin also was an adviser to the governments of the United States and other nations on important health issues.

A scholarly looking man whose hair turned white in middle age, he continued a full working and traveling schedule into his 70's.

Scientists who knew him well said Dr. Sabin was eloquent and extremely difficult to defeat in a scientific argument. These talents apparently persisted all his life, as did a tendency to speak the truth as he saw it without diplomatic considerations.

In the swine flu episode of 1976, when the Federal Government feared an epidemic, he first supported but later denounced the Federal policy of vaccinating all adults against the flu virus, which bore a strong chemical resemblance to the virus that had caused the disastrous pandemic of 1918–1919.

Dr. Sabin made Federal officials unhappy by saying he doubted there was as much danger from the swine flu as the public was being led to believe. He argued that the vaccination campaign should await evidence that the virus was indeed reappearing in the population. As it turned out, the feared epidemic never did materialize and vaccination was followed by serious illness in several hundred people.

In 1980, at the age of 74, Dr. Sabin went to Brazil to help that country cope with polio outbreaks but soon found government doors closed to him because of his outspokenness.

In particular, he said the Brazilian Government had falsified data in the early 1970's to give the World Health Organization, a United Nations agency, a falsely optimistic picture of polio eradication in that country. He estimated that in 1980 there was 10 times as much polio in Brazil as was being reported and that efficient vaccination efforts were being blocked by bureaucratic interference. Soon thereafter he was told by the Brazilian Government that his advice was no longer needed.

In the early years of his research on the polio virus, Dr. Sabin was credited with the first demonstration that it could grow in human nerve tissue outside the human body. Through research on monkeys he developed a method for determining how the polio virus entered the human body.

It had been widely thought that the polio virus entered the victims through the nose to the respiratory system. But Dr. Sabin proved that the virus first invaded the digestive tract and later attacked nerve tissue. He was also among the scientists who identified the three types of polio virus.

FROM BITTER RIVAL, A WORD OF PRAISE

Although the Salk vaccine continued to have adherents, the Sabin vaccine replaced it as the prime defense against polio in this country. A sharp rivalry between Dr. Salk and Dr. Sabin persisted thereafter.

Asked about the Salk vaccine at the age of 84, Dr. Sabin declared the killed-virus preparation to be "pure kitchen chemistry."

"Salk didn't discover anything," he said.

Dr. Salk, for his part, attributed such comments to professional jealousy. "Albert Sabin was out for me from the very beginning," he said. "I remember in Copenhagen in 1960, he said to me just like that, that he was out to kill the killed vaccine."

But Dr. Salk issued a statement yesterday praising Dr. Sabin's enduring contributions to the control of polio.

In 1970 Dr. Sabin became president of the Weizmann Institute of Science in Israel but stepped down in November, 1972 because of a heart condition for which he had open heart surgery.

In the latter part of his career, Dr. Sabin's interest in viruses led him into research on the relationships between human cancer and viruses. Although he thought at one time that he and co-workers had discovered a virus that caused several types of human cancer, he later concluded that the virus in question was not a factor in human malignant disease.

Dr. Sabin was elected to the National Academy of Sciences in 1951 and received numerous other honors, including the Bruce Memorial Award of the American College of Physicians in 1961, the Feltinelli Prize of the Accademia dei Lincei of Rome in 1964, the Lasker Clinical Science Award in 1965 and the United States National Medal of Science in 1971.

Throughout his long career he was noted for diligence, hard work and long hours as well as brilliance in research.

"A scientist who is also a human being cannot rest while knowledge which might be used to reduce suffering rests on the shelf," he once said.

Dr. Sabin was married to Sylvia Tregillus in 1935; she died in 1966. He married Jane Warner, but the marriage ended in divorce. In 1972, he married Heloisa Dunshee de Abranches. In addition to his wife, he is survived by two daughters from his first marriage, Deborah Sabin of Yakima, Wash., and Amy Horn of Palo Alto, Calif., and three grandchildren.

ANDREW'S LEGACY: KIDS ATTEMPT SUICIDE

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mrs. MEEK. Mr. Speaker, a frightening article appeared last week in the Miami Herald. It described how young children are committing suicide and otherwise suffering from the tremendous stress they feel as a result of Hurricane Andrew. The hurricane struck south Florida 6 months ago, and yet we have so far to go in our recovery effort. Some of the children may never recover. We need help, and I am inserting this newspaper article into the RECORD in order that my colleagues may better understand not only the physical but the psychological devastation we face.

The article follows:

Andrew's Legacy: Kids Attempt Suicide

(By John Donnelly)

A shocking, new revelation from Hurricane Andrew: children attempting suicide.

In the past two months, more than a dozen Dade elementary schoolchildren have tried to kill themselves, school officials say.

One second-grader, an 8-year-old boy, lay down in front of a school bus. A 7-year-old boy jumped from a second-floor school balcony. And another second-grader tied an extension cord around his neck.

Several girls swallowed dozens of pills. One boy burned his hair and slit his wrists.

The talk of death among those so young has prompted a recent countywide alert to principals and teachers to be aware of the danger. An additional 88 hurricane intervention counselors are in the schools, but no one—teachers, administrators, parents—feels there are enough.

The alert also extends to less serious kinds of post-hurricane stress. Some children are watching the Weather Channel constantly. Some dream that a new hurricane will kill their whole family. Some dream that the hurricane is inside them.

Young children attempting suicide is very rare—even in the aftermath of hurricanes, earthquakes or floods, said Nathan Fox, a University of Maryland professor who recently wrote a paper on how natural disasters affect children.

"I don't know what is going on down there," Fox said. "That should ring all sorts of alarm bells above and beyond whatever mental health prevention is planned. You hear about middle-school kids freaking out, but you very seldom hear about second-graders. They are 8 years old, only 8 years old. Their ability to understand reality versus fantasy is still very immature."

AMAZINGLY DISCONCERTING

Octavio Visiedo, Dade schools superintendent, said he is shocked about the death wishes: "It is amazingly disconcerting and alarming. Before, we had one or two suicide attempts among elementary school children a year. Now we are seeing one or two a week.

"The stress level," the superintendent said, "is intensifying with each passing day."

Overworked counselors in all parts of the county reported in the past two months that 50 to 60 grade-schoolers talked in school about killing themselves—and, in some cases, had devised specific plans. Exact numbers were not available.

School counselors in South Dade say they are forced to juggle multiple crises each day. They say that student after student walks into their offices in tears about a nightmare, or an abusive situation at home, or a worry that their parents are in some danger.

And if a storm approaches, many children become agitated. At Naranja Elementary School on Wednesday, wind gusts rattled the roof and an entire third-grade class of 27 students scurried to a corner far from the windows.

"They kept saying, 'Miss Gaiter, Miss Gaiter, is another hurricane coming?'" teacher Gloria Gaiter recalled. "Fear was in their eyes."

DEEPEST FEARS

In a Naranja first-grade class last week, children spoke of their deepest fears.

Shannon Klamert, 6: "I dreamed last night that I lost my family."

Lacrasha Crawley, 7: "My auntie got a hurricane tape and we watch it at home all the time. I don't like to watch it anymore."

As for older students? Schools have fewer reports of those in middle school and high school attempting suicide, but three middle school and one senior high student have killed themselves this school year, according to Randy Alfred and Viviana Bermudez of Dade Schools' Department of Crisis Intervention.

So far, school officials know off no elementary school suicides.

"We need to get the message out on these suicide threats so at least parents are more aware and take it seriously," Alfred said.

Psychologists point to multiple reasons for despair among the youngest students: tensions rising in families; the lack of progress in rebuilding; the sometimes month-to-month moving from one home and one school to another; the loss of friends scattered by the storm; the loss of playgrounds; the loss of movie theaters, bowling alleys, skating rinks; the resulting loneliness and boredom; the approaching start of the new hurricane season, June 1.

Such trauma, experts say, can last for 18 months or longer.

MOST REPORTS FROM SOUTH DADE

The reports on suicide attempts are mostly from South Dade, but several have come from other parts of the county. Just Thursday, for instance, a child in an Opa-locka school put a plastic bag over his head and said he wanted to die. Bermudez, a school psychologist, said it was unclear what impact the hurricane had on the youngster.

"The hurricane affected everybody," she said.

Counselors say the attempts are not solely based on the hurricane. They point to other underlying troubles and see the hurricane as the trigger.

The increased number of reports may be the result of good work in the school system. Counselors, teachers and administrators, many of whom have had their lives blown apart by the storm, are quicker to identify signs of trouble in children—and get psychological help for them, school officials say.

"We are being able to recognize the signs—before students kill themselves," Bermudez said.

In schools throughout Dade, teachers and counselors report an inundation of children's worries.

MORE FIGHTING, MORE ARGUING

From Richmond Heights Elementary: "We see acting up much more with kids than what you'd expect. More fighting. More arguing. Kids are quicker to say something to someone who steps on their foot. And a lot of kids are concerned about another hurricane. They ask, 'Could it be tomorrow?'" said Cliff Hosler, one of the county's hurricane intervention specialists.

And from Naranja Elementary School: "We are very much on the lookout for thoughts about suicide," said counselor Yolanda Wohl, who has had no such reports yet. "What I have seen just today broke my heart. I had two cases of alcoholism in families. One boy's father is drinking more and more. The boy says he sometimes shoves the mother and is nasty to them. The father says, 'As soon as this House is finished, I'm going to leave you guys.' The mom cries and tells him, 'Don't worry about it. I'll leave you first.'"

Early studies in South Dade reported high stress levels. In October and November, University of Miami researchers found that in two South Dade schools—Redondo and Greynolds Park Elementary—70 percent of the children said thoughts about the hurricane interfere with school work, and 78 percent replay the hurricane in their minds.

Judy Simkin's fifth-graders in Naranja last week gave similar responses. Of her 21 students, 13 had moved. Fourteen said they tired more easily. Fourteen often had sad thoughts. Nine lost pets in the storm.

DREAMING OF THE HURRICANE

They wanted to talk about their experiences in the storm—and about their experiences now.

"I dreamed that the hurricane was coming into my face," said Olinamyr Davalos, 10. "I locked my door and I never do that. I felt like the hurricane was coming into me."

"When I have a bad dream, I go jump into my mother's bed," said Susan Anguiano, 11. "Or my grandmother's bed. Or anyone's bed."

"When the newspaper said we would be having three hurricanes this upcoming season, I had a flashback of what Andrew did to my house," said Marc Shwani.

Told that it was only a prediction and that hurricanes could hit anywhere along the East Coast Marc persisted: "Next time, I want to leave the state."

Susan Anguiano started to speak, then couldn't. She covered her face and cried. Minutes later, she explained, "I was just thinking about talking to my brother the other night. I said if we had stayed in one room, we'd probably be all dead right now.

After the class, counselor Wohl returned to her office, which is full of 100 pairs of sneakers, four boxes of books, thousands of pencils and piles of clothes of every child size. In one box are new pairs of underwear for children who wet their pants during the day. On a shelf is a box of sanitary napkins. More fifth-grade girls have been getting their menstrual periods this year than any in her 13 years of school experience.

Willie Brown, 8, walked in. He wore sneakers without socks, pants and a torn mesh T-shirt. Wohl fished out a New York Mets T-shirt and Ninja Turtles socks. Willie beamed. He lives with his brother, seven cousins and two aunts in a four-room concrete block house.

"I cry when I go to bed," Willie said. "Then I dream about it. I dream that he's here already."

After school, his aunt, Helen Jackson, said Willie and her kids weren't frightened. Willie's mother, Gloria Brown of Atlanta, sat outside with her 15-month-old twins, listening.

"My mama never taught me to be scared," Jackson said. "My kids are doing fine."

After school, in another home, though, a father clearly was worried about his daughter's dreams. He is Fernando Davalos; daughter Olinamyr is the one who dreamed a hurricane was inside her.

Olinamyr said she jumped into her parents' bed after that nightmare. "The hurricane seemed like a real thing, a spirit," she said. "My dad was the wind. And my mom was the other wind. It just got worse."

"Because we live in a trailer," Davalos said, "we all worry about another one coming. I try to protect her and my other children, but it's hard."

FEAR FOR MOTHER

Sue Pratt knows. On Wednesday, the Homestead mother of four dropped her children off at school. Kaylee, 7, who had never before exhibited anxiety related to the hurricane, resisted. She feared her mother would die if they separated.

"I took her home with me," Pratt said. On Friday, she brought Kaylee back to school.

"Leaving her there was the hardest thing I have ever done in life," Pratt said. "She was hanging on, screaming and crying for me. I walked down the hall crying just as hard as she was.

"We still need psychological help down here. It's been six months now and some are saying, 'Come on people, shape up.' Well, we just don't have control over that. Our children are our future, and they really need some help."

HONORING CHARLES G. CHAVEZ

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. RICHARDSON. Mr. Speaker, it is with great respect and admiration that I ask my colleagues to join me in congratulating Charles G. Chavez of Santa Fe who is retiring after 42 years of service at the Los Alamos National Laboratory.

Charlie began working for the Zia Co. in August of 1951 where he was an auditor for 5 years. During the next 10 years, he worked in the engineering section as a detailer until 1966. At that time, he moved into the Safety Department as a safety engineer. He is now an industrial hygienist at the time of his retirement.

The safety area is where Charlie's expertise has been of value in the development of programs for what is now the Health, Safety, and Environmental Department. He introduced the Industrial Hygienists Program to Zia in 1967 and later joined their rank. The next year Charlie became a familiar face to employees as he assisted in fire inspections of Zia facilities, began the programs in lock and tag out of energized systems, control of ladders, air sampling and analysis for carbon dioxide in the cooling towers, Hoisting and Rigging Inspection Program, and lead sampling surveillance, conducted safety meetings, and collected information needed for new statistical reports.

In 1970, Charlie competed the major task of researching, compiling, and coordinating the first comprehensive Zia Co. safety manual. This standard of policies and procedures for all employees became the grandfather of multitudinous procedures and regulations that now cover the company health and safety program.

Charlie's attention and dedication to the individual employee's health and safety have been the moving force for prompting and developing many current programs in hearing conservation, respirator fitting and physicals, radiation protection, female radiation protection, personnel protective equipment, asbestos abatement, and confined space entry. These programs have grown throughout the years and additional personnel now handle them. Long-time employees still insist that the only person who can handle their safety concerns in Charlie.

The last of the breed of the safety employee who had a hand in all phases of the safety program is retiring from the field. With the growth of Government codes and regulations, the newcomers must be specialists and experts in the expanding safety areas. Charlie, in his hard hat, safety glasses and hard-toe shoes, laid the safety foundations by knowing and caring about every employee and the jobs they were doing. He translated that into procedures and programs to assure that his employees were as safe on the job as they could be.

I urge my colleagues to join me publicly thanking Charlie Chavez for setting the high safety standards that those who follow will work to improve even more.

REFORMING WELFARE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. GINGRICH. Mr. Speaker, I hope that all of my colleagues read the following article from the Washington Times. I certainly do agree that in order to fix our present welfare system we need to start with the core problem which is the mending of the family. If proper values are not instilled in the children of our Nation, than reform in welfare is a hopeless goal.

TO MAKE WELFARE SAFE FOR FAMILIES

(By Alan Keyes)

Given President Clinton's cynical disregard for most of his major campaign positions, no one will be surprised if his expressed interest in reforming the welfare system evaporates in the face of expected opposition from the usual ultra-liberal opponents of welfare reform.

However, on this issue he has a very good chance to forge a coalition of Republicans and sensible Democrats who know that most taxpayers, whatever their backgrounds, are sick to death of a costly system that encourages and perpetuates poverty. Both the House Republicans and the Clinton administration support an approach that would limit welfare without work to two years while expanding help for the working poor, including opportunities to develop savings. The aim is finally to correct the perverse incentive structure of the existing system, which seems to enforce idleness and penalize people who work hard and try to save a little of what they earn.

It has taken too long to get some people, particularly on the Democratic side, to accept the fact that common-sense reforms are urgently needed. It's not clear even now that the Democratic leadership in Congress will give welfare reform top priority, despite the lip-service being paid to the need for budgetary restraint.

So it may not be a good time to point out that current proposals for reform don't go far enough. They entirely neglect the damaging impact that the rules and administration of the system have had on family structure. The system discourages the marriage partnership. It promotes single-parent, female-headed households. Much evidence indicates that, like a person standing on one leg, such households are inherently more unstable, economically and socially, than two-parent homes. That's at least one reason we all have such admiration for the strength and courage of working poor mothers who manage to sustain a wholesome family environment against the odds.

Current proposals could exacerbate this discrimination against the traditional family structure. They will force poor mothers out of the home and into the work force, despite evidence that children benefit from a stay-at-home parent, especially in the early years. They will do nothing to encourage a responsible male presence in poor families, despite much evidence that the absence of decent male role models contributes greatly to violent and self-destructive behavior, especially among teen-age males.

The core of the welfare system is a program called Aid to Families with Dependent Children. In fact, it should be called Aid to (mostly female) Individuals with Dependent Children. Yet unless we do something to make welfare safe for two-parent families, we will end up once again doing more harm than good. Though it's not politically correct to say so, we need a welfare system that encourages men and women to get married and stay married. It's ominously ironic that the only hint of this in current proposals is an effort to improve collection of child support payments. This approach assumes that the family unit is broken and can't be fixed.

After decades of discriminating against the marriage partnership, we need a welfare system that discriminates in its favor. Instead of paying what amounts to a baby bonus to unwed mothers, we should find ways to provide a marriage bonus to men and women who are willing to take on the tough but vital responsibilities of married life.

Unfortunately, present proposals merely add a work requirement to the baby bonus policy, and that's not good enough. Poor children need stable homes and intimate role models for the development of their characters and human relationships, particularly relations between the sexes. They won't get this from reforms that at best will result in more working mothers and a greater demand for state-controlled day care.

It's right and necessary to encourage work rather than idleness. But for real welfare reform, we need to do more than fix the economic illogic of the welfare system, we need to work at mending the family structure it has helped to undermine.

TRIBUTE TO VICKI REYNOLDS

HON. HOWARD L. BERMAN
OF CALIFORNIA

HON. HENRY A. WAXMAN
OF CALIFORNIA

HON. ANTHONY C. BEILENSON
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. BERMAN. Mr. Speaker, we are honored to pay tribute to our friend of many years, Vicki Reynolds. We know Vicki to be a kind and generous colleague always willing to help humanity. The public knows her as an elected official and civic leader with tremendous energy and ability, as well as a profound commitment to the arts, education, and effective governance.

Vicki has worked tirelessly over the last 15 years to make the Beverly Hills Unified School District one of the finest in southern California. During her 8-year tenure as a member of the board of education, she initiated the first joint powers agreement between a city and school district for a reliable source of school funding. That level of support today stands at $5.2 million. During the current crisis in funding for public education, this money has been invaluable in helping to maintain the level of excellence of Beverly Hills's schools.

Vicki's career in city government has been equally productive. In only 5 years as a member of the Beverly Hills City Council—including a term as mayor in 1991—Vicki has responded to the needs of the community in a myriad of ways, among them the establishment of the Beverly Hills committee on culture and the arts, the public transportation and transit committee and the women in city government committee.

Her policy initiatives include the implementation of a citywide recycling program, the launching of a regional symposium on water issues and the attraction to Beverly Hills of new business—even during a period of economic decline in southern California.

Vicki has also been active with her alma mater of UCLA, has been a member of several community health organizations and is an associate founder of the music center.

Vicki's active interest in and concern for public education makes her an ideal choice as recipient of the 1993 Excellence in Education Award presented by the Beverly Hills Education Foundation. We are extremely proud of her many accomplishments and ask our colleagues to join us today in paying tribute to Vicki Reynolds, an outstanding citizen and public servant.

TRIBUTE TO MR. ROBERT MORRISON

HON. MICHAEL G. OXLEY
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. OXLEY. Mr. Speaker, I would like to recognize the recent retirement of a public official from my home, Hancock County, OH. Mr. Robert Morrison had a long and distinguished career in our county, and he deserves our thanks and gratitude for a job well done.

Mr. Morrison was the Hancock County engineer for 41 years. Keeping our county's transportation infrastructure in good repair and initiating new projects like the County Road 96 outerbelt around Findlay is a difficult job. While it may not occur to us as we drive our county's roads, Mr. Morrison's work has contributed to the safety and convenience of all Hancock County residents. He has also been involved in the flood reduction plan for the Blanchard River.

He is a former president of the National Association of County Engineers. I understand he intends to do some writing in this profession during his retirement, as well as extensive traveling in the United States.

Mary Morrison is completing her career as director of user services at the Findlay-Hancock County Public Library. I know I join many friends in Hancock County wishing all the best to Bob and Mary as they begin their retirement years.

IN RECOGNITION OF JACK STONE ON HIS RETIREMENT FROM THE WESTLANDS WATER DISTRICT BOARD

HON. RICHARD H. LEHMAN
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. LEHMAN. Mr. Speaker, I rise before my colleagues today to pay a special tribute to Jack Stone, a Kings County rancher who is retiring from the Westlands Water District Board after 21 years, most of them as president.

For those who may not know, Westlands is the largest irrigation district in the world, or about the size of the State of Rhode Island. And I'm proud to say that it lies in the agricultural heartland of California's great San Joaquin Valley.

Those of us who have been fortunate to know Jack know him to be down-to-earth, blunt and not a person who minces words. He is a plain-spoken man whose sense of humor has been described as having a Will Rogers quality.

Anyone who makes decisions on anything having to do with water can appreciate the fact that Jack's tenure has not been without its difficulties. he has presided over Westlands during some of its most controversial times.

He has been there during numerous battles in Congress over reclamation law, fights that we remember all too well, and the continuing attempts to shift water resources allocations from agricultural to other uses.

No matter the issue, Jack conducted the business of water in a straight-away, business-like fashion.

But Jack says the time has come to move on. In his words, "Like the old story goes, it's time for the young fellas to take over."

Not one to sit back, Jack says he is going to tell agriculture's story everywhere he can and to anyone who will listen. He says farmers have lost many battles over water and environmental issues because they have not been well organized, and Jack wants to do something about that.

Jack is uniquely qualified to carry out the difficult task. His experience and vision are invaluable, and I'm certain that he will be successful.

I am going to miss Jack in his familiar role and I look forward to working with him on the new challenges ahead.

HELP HOMESTEAD, FL

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mrs. MEEK. Mr. Speaker, the people of south Dade County, FL are to be commended and to be supported in their heroic efforts to repair their lives and their communities and to forge ahead. They are doing their part and have been forced to rely on themselves. We in the Federal Government must do our part, however. After suffering through a devastating hurricane last year, people are still living in makeshift shelters. Six months after Hurricane Andrew, the residents who lost so much were again hit by rains and tornados this past week. To make this situation worse, Homestead Air Force Base, the linchpin of the south Florida community for military personnel and retirees, jobs and businesses, has been recommended for closure.

I am hopeful that the Base Closure and Realignment Commission will, in its wisdom, decide to retain an Air Force Reserve mission at Homestead. I am also hopeful that the Federal Government will deliver on the numerous promises made to help the local community. So far, we have seen very little. We need more housing, economic development programs, agriculture assistance, mental health interventions for families, and funds for defense conversion.

The Washington Post article of March 17 gives some attention to these concerns, and I would like to bring it to my colleagues attention. The article follows:

IN HOMESTEAD, NO ONE HAS TO IMAGINE THE WORST

(By William Booth)

HOMESTEAD, FLA., March 16.—To say that this little town of farmers, retirees and builders has had a run of bad luck is like saying last weekend was a little bit wet.

No, in the last six months, Homestead and the surrounding communities of south Dade County—like the Sad Sacks of Suburban America—have been leveled by a hurricane, overrun by price-gougers, drenched by torrential rains, attacked by clouds of mosquitoes, robbed by unscrupulous contractors and mobbed by an army of bureaucrats, journalists and politicians.

When it seemed like things could not get much worse, the Cleveland Indians decided not to come to spring training here. Then the Pentagon suggested it was a good idea to close Homestead Air Force Base, which pumps $430 million a year into the local economy.

And finally, as a kind of coda of total disaster, a freak winter cyclone born of the blizzard of '93 blew through town on Saturday, threatening the agricultural base of the community and, for good measure, knocking down the tents that hundreds of people are still living in six months after Hurricane Andrew.

"We're not whiners down here," said Homestead Mayor Tad DeMilly. "But this is no way to treat a community."

To quote Yogi Berra, last weekend was deja vu all over again in south Dade County.

The weekend storm did not rival Hurricane Andrew in its destructiveness. No houses were destroyed, though a trailer provided by the Federal Emergency Management Agency (FEMA) blew over and killed an occupant.

While homes remained upright, roofing tiles blew off residences still being repaired, and greenhouses and tool sheds, fences and tents flew away in the high winds.

The near-freezing temperatures do not appear to have damaged South Florida's bountiful winter fruits and vegetables. But the high winds did.

"This was really a kick in the pants after Andrew," said Tom Kirby, acting executive director of Dade County Farm Bureau. "It felt like things were finally getting back to normal, but this is tragic."

Kirby said it was too early to know the full extent of the crop damage around Homestead and Florida City. Sometimes it takes a week or more to know whether the wind killed plants.

But at least part of the current tomato crop and some tropical fruits appear to have suffered in the winds. Also, the nursery stock that provides plants and palms for homes and offices was greatly damaged.

"I don't know what could happen next. I guess the ground could open up and swallow us," said Manuel Diaz, owner of Diaz Farms, one of the largest business operations here.

About 500,000 of Diaz's palm trees were tilted over or damaged during Andrew. He and his crews spent months propping them back up and were awaiting a calm, warm spring that would enable the trees to take root and grow. But the weekend storm knocked many of them back over again.

"We depend on nature, on God; but God doesn't seem to be with us," Diaz said.

"There's no way to understand the fragility of emotions down here," said Homestead Mayor DeMilly, who fears the federal government and President Clinton may welsh on promises made to help south Dade County recover.

"Just when you think, ah, things are starting to finally begin to get back to something that looks like normal, there's a 70 mph wind blowing outside, and it's here we go again!" said Dan Billings, a retired military man in nearby Naranja, where a tent city operated by a church was blown down, forcing its residents to seek shelter in nearby schools.

"Tough times make tough people, but it is very hard on the spirit to take this over and over," said Mark Wilson of Greendale Nursery Inc. in Homestead, which suffered some damage, including the loss of shade houses.

Many of the nurserymen and farmers complained about the slowness of the federal response, especially the long delays for financial assistance.

Mayor DeMilly said he hopes Congress and the Clinton administration work to keep Homestead Air Force Base alive in some capacity, for use for commercial flights as well as reserve forces, U.S. Customs and drug enforcement.

DeMilly also mentioned something else. So did Mark Wilson and Manuel Diaz and Dan Billings.

Hurricane season starts June 1. The National Weather Service is predicting gale-force winds Wednesday afternoon.

LEGISLATION TO REPEAL LUXURY TAX ON HANDICAPPED SPECIALIZED VEHICLES

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. RICHARDSON. Mr. Speaker, today I am introducing a bill to correct an inequity facing the disabled. I am referring to the 10-percent luxury tax imposed on all vehicles costing over $30,000.

In 1991, I was contacted by a constituent who was very concerned that the luxury tax on automobiles would inadvertently penalize the disabled. According to Independent Mobility Systems, Inc. of Farmington, NM, a company specializing in the conversion of minivans for use by the disabled, it often takes expensive modifications and thousands of man-hours to meet the special needs of disabled drivers.

The cost of adding wheelchair lifts, specialized steering units and mirrors, lowering floors, and modifying doors can easily raise the cost of a vehicle over the $30,000 luxury tax threshold.

I am sure my colleagues will agree that these vehicles are necessities to the hundreds of thousands of disabled Americans who use them to get to work, go to the doctor, and to travel freely. They are not luxuries and should not be taxed as such

At the present time, exemptions are provided for vehicles used for business purposes, but no exemption exists for handicapped specialized vehicles. The 102d Congress came close to passing legislation to provide an exemption for these vehicles. Unfortunately, that measure did not become public law.

My legislation is identical to the measure that was included in last year's tax bill. This year's bill, which I introduce today with Congressman STEVEN SCHIFF of New Mexico, will provide an exemption from the luxury tax for modifications, parts, and accessories installed on a vehicle to enable or assist the disabled to operate the vehicle, or compensate for the effects of their disability. I strongly urge my colleagues to join me in this effort to repeal this unjust tax.

BUILDING A NEW VISION FOR CALIFORNIA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. EDWARDS of California. Mr. Speaker, our distinguished colleague from California, Hon. MAXINE WATERS, has made some timely remarks in a recent edition of the Los Angeles Times. As Congresswoman WATERS so ably points out, we are having to play catchup because of the reluctance of the previous administrations to prepare for military downsizing.

I'm sure our colleagues will find much food for thought in this commentary, which I am pleased to enter into the RECORD.

The article follows:

[From the Los Angeles Times, Mar. 14, 1993]

BUILDING A NEW VISION FOR CALIFORNIA

(By Maxine Waters)

The Good news is that the Cold War is over. Billions of dollars we've spent on weapons no longer needed can now be spent building better lives and futures for our people here at home.

The bad news is that beating these swords into plowshares won't be painless. Not by a long shot.

Since 1989, more than 440,000 defense industry workers have lost their jobs. Seventy-five thousand of those were lost in California, and Los Angeles County lost 40,000 high tech, defense-related jobs. The Los Angeles Aerospace Task Force estimates that job losses in the Los Angeles area alone could total 115,000 by 1995 if the current disastrous trends continue.

It isn't just the Northrops and the Rockwells that are hurting. Small-business people also are taking a heavy hit, along with the neighborhoods and communities that depend on their employment and wages.

And there's more to come. President Clinton's economic plan calls for a downsizing in the military budget by $88 billion by 1997, or by $127 billion by 1998. In 1994, the proposed budget calls for $263.7 billion for defense, a reduction of $11.8 billion.

Now is the time to act if we are to preserve the kinds of high-skill, high-wage jobs that can assume America a place in the 21st-Century global marketplace.

The irony here, of course, is that many of us who have opposed excessive military spending over the past dozen years are saying, yes, let's not forget the defense workers. Meanwhile, some others, who voted for any and all weapons systems—need and effectiveness be damned—have been reluctant to plan for the inevitable.

Because of the reluctance of past Administrations to plan for military downsizing, we were not ready when the time came and defense firms began laying off workers and started scrambling to compete in civilian markets. Now we are having to play catch-up while thousands of defense workers and their firms pay the price for our lack of vision and vigor.

Last year, Congress appropriated $550 million in the Defense Department budget for economic conversion that went unspent by the Bush Administration.

And, truth be told, some defense contractors are having difficulty understanding the reality of the end of the Cold War and the illogic of continuing a bloated defense budget. They talk about a renewal of hostilities with Saddam Hussein or a nasty nationalist Russia with nukes or our need for peacekeeping around the globe to make the case for continued high defense.

I say it's long past time to wake up and smell the coffee. We should have done the planning necessary to convert from a wartime economy to civilian production. Since we didn't, the jobs of millions of defense workers are threatened.

There are a number of pieces in the economic conversion puzzle, Dislocation assistance and training must be available for displaced defense workers. The federal government must be serious about helping communities dependent on defense contracts for local revenues And companies knee-deep in defense work must be given further incentives to shift production into the civilian market with all possible dispatch.

I have introduced a bill, the Economic Conversion and Diversification Income-Tax Credit Act (HR 1027), that would allow companies with at least 10% of their business in defense work to use a tax credit equal to 15% of their net non-military increase in investment. This means that a company increasing its non-defense investment by $1 million over current spending levels would be eligible for a $150,000 tax credit.

This tax credit is specifically targeted to companies in the defense sector. Unlike the President's proposed permanent tax credit for small businesses—which I support—this credit would be available to larger firms, many of them employers in the Los Angeles area. It would neatly complement the President's proposal to increase dislocated workers' job-training funding by $4.6 billion over the next five years. Most important, it would encourage civilian product expansion for firms traditionally highly dependent on defense contracts.

I want to see companies that formerly churned out tanks competing to produce the light rail cars of the future, I want to see firms that once did research on chemical weapons apply their genius to cleaning up toxic waste dumps.

Before the end of the Cold War, this was a vision shared by too few of us. Now, for America and especially for California, it is an economic and moral necessity.

BILL OF RIGHTS FOR NORTHERN IRELAND

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. MARKEY. Mr. Speaker, today, on St. Patrick's Day, I join my colleagues in the House in support of Congressman JOE KENNEDY's House Concurrent Resolution 61 that calls on the British Government to initiate a bill of rights for Northern Ireland. As St. Patrick is heralded for ridding Ireland of its snakes, it is my sincerest hope that this legislation will begin the process of reform so that Northern Ireland shall be rid of human rights inequalities as well.

This resolution seeks the British Government's support for a fundamental bill of rights for all the citizens of Northern Ireland. This will be the surest and most effective means of ensuring that all citizens, both Catholics and Protestants, can depend on the tenets inscribed in the European Community's Convention on Human Rights. The absence of such a measure will ensure the continuation of the historical human rights disparities that the citizens of Northern Ireland have endured.

For the United States and the United Kingdom, as nations that hold sacred the rule of law, it would be hypocritical not to suggest equality for all those who live within our countries. The onus is on the British Government to create a bill of rights that would establish a trial by jury, the right to remain silent, and the right to assembly for all the citizens of Northern Ireland. These provisions have been in suspension under the current "emergency" rule established by the British Government.

The bill of rights proposal has the backing of every major constituent party in Northern Ireland. I urge the British Government to act quickly in its establishment. With that, I urge my colleagues to join me in supporting House Concurrent Resolution 61. It is time that the British Government take the protagonist role in reform rather than the antagonist role in protecting the status quo.

A BILL OF RIGHTS FOR NORTHERN IRELAND

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mrs. MALONEY. Mr. Speaker, on this Saint Patrick's Day I rise in support of House Concurrent Resolution 61, which calls for the adoption of a bill of rights for Northern Ireland.

Mr. Speaker, the freedom we take for granted in the United States is unknown to Northern Ireland. The people of Northern Ireland have endured human rights violations for far too long. They need and deserve the protection which a Bill of Rights provides.

Under this resolution, our Government would petition the British Government to guarantee the citizens of Northern Ireland their fundamental rights such as trial by jury, the right to remain silent and the right to freedom of assembly.

Passage of this resolution will demonstrate the strong support which Americans have for the basic human rights of all people in Northern Ireland.

Protecting human rights and working to end anti-Catholic discrimination in Northern Ireland are legitimate concerns for our Government.

That is why I have co-sponsored this resolution introduced by Congressman KENNEDY and that is why I also support the MacBride principles and the appointment of a special United States envoy to Northern Ireland.

By passing the McBride principles, Congress would go a long way to help end discriminatory practices by United States companies against Catholic workers in Northern Ireland. As outlined in H.R. 672, adoption of the MacBride principles would prevent United States companies in Northern Ireland from exporting products into the United States unless they are in compliance with fair employment practices.

By appointing a special envoy, President Clinton would give new urgency to the search for peace among the Irish and British Governments and all the major parties in Northern Ireland.

Mr. Speaker, it is time to impose the full weight of United States diplomacy and economic sanctions on the injustices that continue to take place in Northern Ireland.

A SALUTE TO JUDGE DONNELLON

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. MANN. Mr. Speaker, I rise today to ask my colleagues in the House of Representatives to join with me in recognizing the service of Judge Edward J. Donnellon as he prepares to retire from the bench.

Judge Donnellon has faithfully served the Hamilton County, OH community for more than 30 years including service as a solicitor and law director for the communities of Deer Park, Golf Manor, and Elmwood Place, as a referee in the Hamilton County Court of Common Pleas, as an assistant to the Ohio Attorney General, and most recently as a judge in the Hamilton County Municipal Court.

After serving for the past 10 years as a judge in the Hamilton County Court, Judge Donnellon has elected to retire from the bench bringing to a close his exemplary career of public service.

During his tenure on the bench, Judge Donnellon has been recognized for his outstanding service and he has shown a keen ability to bring reason and common sense to the often difficult and emotional court system.

Judge Donnellon will be missed for his wit and sense of humor by the many members of the bench and bar who have been touched by his service.

Mr. Speaker, please join me in expressing congratulations and gratitude to Judge Edward J. Donnellon and to wish him the best of luck in his retirement.

TRIBUTE TO THE LATE SINGLETON PALMER

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. CLAY. Mr. Speaker, in the 100th Congress, our colleagues honored legendary jazz artists by designating jazz "a rare and valuable national American treasure." Today I would like to pay homage to a St. Louis jazz great who was part of that inspiration—Mr. Singleton Palmer. I commend the following article about Mr. Palmer's numerous contributions to jazz to my colleagues. It appeared in the March 10 edition of the St. Louis Post Dispatch.

SINGLETON PALMER, 80, DIES; JAZZMAN LED DIXIELAND SIX

(By Harper Barnes)

Singleton Palmer, a former member of the Count Basie band and one of St. Louis' best-known jazz musicians, died Monday (March 8, 1993) at Barnes Hospital after a long fight with bone cancer. He was 80 and a lifelong resident of St. Louis.

Despite his illness, Mr. Palmer continued to play the tuba and lead his Dixieland Six until a few months ago. His deeply mournful tuba version of the old spiritual "Asleep in the Deep" was a memorable moment at memorial services for several generations of St. Louis jazz musicians.

He was born here on Nov. 13, 1912, and began playing the trumpet when he was 11.

"By the time he was 13, and going to Summer High School, I was playing second trumpet in Mose Wiley's group working weekends at clubs and hotels," he recalled in a recent interview with the Post-Dispatch. "Then Mose said he didn't need two trumpet players, but he could keep me on if I learned to play bass."

In those days, "bass" to a jazz musician meant bass horn—the tuba. He learned quickly, and by the time he was 15, he was playing regularly on the riverboats that plied the Mississippi and provided early employment for Louis Armstrong and many other well-known jazz musicians.

In the 1930s, with the advent of the swing era and its four-four rhythm provided by the upright bass viol, Mr. Palmer became a master of that instrument as well. He played upright bass with George Hudson and several other "territorial" bandleaders who used St. Louis as a base for tours of the Midwest and Southwest, with occasional forays to the East Coast.

"In 1947," he recalled in a recent interview, "the phone rang and it was my old friend from St. Louis, Clark Terry. He asked me how I would like to play with Basie's band.

"Clark's always joking around, you know, and I said, "Stop kidding me." but he was serious. He said, 'Grab your fiddle and come on out to New York.'"

Mr. Palmer toured with Basie for three years but found he missed his family. He moved back to St. Louis during the Christmas holidays of 1949. He formed the Singleton Palmer Dixieland Sextet, a group that continued to play until this winter, with only a couple of changes in personnel when a member died.

He had returned to the bass horn, which he felt was more appropriate to the traditional jazz the group played.

From 1957 until 1968, Mr. Palmer's group held forth at the Opera House in Gaslight Square. In that period, he was probably the best-known jazz musician living and working in St. Louis.

In 1963, Singleton Palmer and his Dixieland Six recorded an album titled "Dixie by Gaslight." Terry, who was becoming well-known for his trumpet playing and singing with the Tonight Show orchestra, wrote about the album for a national jazz publication.

Referring to Mr. Palmer by the nickname that came from an eye that tended to wander, Terry said:

"Cocky, the leader of this wonderful group, used to inspire me nightly on many of the various types of 'gigs' we used to play. . . . I learned from Cocky how to build a solo so as not to be anticlimactic.

"If you're using stars to rate this record, bring me some more of them—you haven't enough."

After the decline of Gaslight Square as a nightclub district, Mr. Palmer took his group into other venues, including the Robert E. Lee and Goldenrod showboats along the Mississippi riverfront. But, given the difficulty of making a decent living as a local musician, even when the band was working regularly, Mr. Palmer also continued to work as a maintenance man for the Chromalloy American Corp. He retired in 1979 after 25 years.

"I'd lay down my horn at 1 or 1:30 in the morning, get down there to Chromalloy by 2 a.m., grab the mop and bucket and work until 8 or 9," he said. "Then I'd come home, get some sleep and start all over again."

Chromalloy presented him with a bronze bust of himself, and two St. Louis mayors—Alfonso Cervantes in the 1960s and Vicent C. Schoemehl Jr. in the 1980s—presented him with medals in ceremonies at City Hall.

In recent years, he continued to play at parties and special engagements. Weakened by his illness, he needed help carrying his tuba, which weighs about 35 pounds. But his tone remained strong and clear, and he continued to play his unwieldy instrument with the speed and facility of a much younger man playing the trumpet.

One of his last appearances was at a tribute to him, held in October at the Midtown Arts Center. Several dozen musicians in the area joined him in a rousing concert of traditional jazz.

Laverta Palmer, his wife of many years, died last summer. He found it difficult to speak of her without tears coming to his eyes.

Among the survivors are a daughter, Gloria Vincent of Columbia, Md.; Williamette Frazier of Ogden, Utah; a brother, William Martin of St. Louis; four grandchildren; and three great-grandchildren.

IN HONOR OF THE ORLAND VOLUNTEER FIRE DEPARTMENT

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to the Orland Volunteer Fire Department which, since 1911, has provided dedicated protection to the community it serves.

It has become tradition that the fire department is served by volunteers who give tirelessly of themselves to a job that is difficult and dangerous. And, it is upon this tradition of pride and giving that the city of Orland is defined.

The Orland Volunteer Fire Department was formed following a fire that destroyed most of the community's downtown business district. It began with 22 members who, under the leadership of Chief Phil Noerager, functioned as a bucket brigade. Today, the department's volunteer membership totals nearly 60 people.

In 1912, the first pieces of equipment arrived in the form of a hose cart and a hook-and-ladder cart. That same year, the first Fireman's Ball was held and grossed a $14 profit. The dance has become an annual March event that now attracts as many as 1,000 people. It had a St. Patrick's Day theme then and it still does today.

It was in 1921 that the department received its first motor-driven truck, which was involved in the memorable September 11, 1923 blaze that destroyed the plumbing shop of Frank McGrogan, the tailoring shop of J.B. Helland, and an ancient wooden business building. For years after, Walker Street where the businesses stood remained vacant. There was also the fire of August 20, 1925, which claimed the Kandy Korner, a favorite soft drink spot of locals. Its presence is still missed.

But with the losses also came some very important gains. In 1927, the widow of former department chief A.B. Sanford gave the Orland Volunteer Fire Department a donation to begin a fund for the construction of a permanent home for the department. Her action began a tradition of donation that even now serves as the financial foundation for the department. Also, it led to the completion in 1954 of the department's first permanent firehouse.

In 1955, the Orland Volunteer Fire Department staged a spaghetti feed to raise money for the March of Dimes. It too has become an annual event. Over the years, proceeds from the spaghetti feed have been donated to various charities and nonprofit groups that serve the Orland area.

I join my colleagues today in honoring the Orland Volunteer Fire Department for its unwavering service to the community. Its members, past and present, deserve recognition for the invaluable contribution they have provided and, undoubtedly will continue to provide.

INTERNATIONAL BROADCASTING ACT OF 1993

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. BERMAN. Mr. Speaker, I rise today to announce the introduction of the International Broadcasting Act of 1993. The intent of this legislation is to provide a broad and flexible outline for our broadcast services as we work to restructure their mission and organization in the light of newly evolving global political and technological developments and our own budget realities.

Many ideas have been presented for reorganizing our international broadcasting activities. These include consolidating Radio Free Europe/Radio Liberty together with all operations within USIA; establishing a new, independent, broadcast agency under which all services would operate; restructuring the domestic Corporation for Public Broadcasting to include international broadcasting; or retention of the status quo. There are also questions about whether we need distinctive surrogate or targeted broadcasting. The issue has also been raised as to the need for particular broadcast services to be independent of direct policy guidance.

This legislation does not prejudge the outcome of these discussions and specifically allows for independent broadcasting to Cuba, Asia, and the countries of the former Warsaw Pact. It lays out substantive criteria for our broadcasts, however organized. The bill also provides a comprehensive framework within which to address the entirety of our international broadcast operations. Effectiveness and efficiency require that we stop supporting distinct broadcast missions in isolation from one another.

It is my intent to address and clarify all these questions in the course of consideration of the foreign relations authorization for fiscal years 1994 and 1995.

At a time when many question the effectiveness and value of many Government programs, it is worth noting the enormous impact and success our radio broadcasts have had since their inception some 50 years ago. From World War II until the collapse of communism, Voice of America, and later Radio Free Europe and Radio Liberty have provided accurate news and information to millions of people around the world.

However, in broadcasting, as any experienced TV producer can attest, past success, however impressive, is not necessarily indicative of future performance. Successful broadcasting, above most other endeavors, requires a creativity and flexibility that is acutely responsive to changing realities. A series of developments have combined to make a review of our broadcast operations long overdue.

First, the political upheavals associated with the collapse of the former Soviet Union have had, and continue to have, a profound impact at least as significant as those that led to the creation of the mission and structures of our current international broadcast operations. As is clearly evident, the results of these changes have not been smooth or inevitable transitions to democracy. Rather, the nature and direction of current developments are confusing and unclear in a region of tremendous importance to the United States. Our broadcast services, that were designed, in part, to undermine the legitimacy of seemingly stable totalitarian regimes, now have to address how to remain relevant, flexible and useful at a time of enormous and unpredictable political, economic, and social volatility.

Second, the international technological and communications revolutions are in the process of fundamentally altering the dynamics of the broadcast marketplace. Television is increasingly a major competitor for the radio audience. Growing numbers of both international and indigenous broadcasters, public and private, are entering the market. Satellite receiving technology is becoming widely available allowing millions of people to access an international smorgasbord of broadcast products without regard to borders or Government censorship.

Finally, budget constraints and calls for a new service to Asia are intensifying the need to establish some kind of prioritization among U.S. Government broadcast operations. We must also eliminate duplication and ensure effective and competent broadcasts that will attract the audiences with which we wish to communicate. Given limited resources, Congress will want to ensure that taxpayer funds are used to maximize the reach and impact of our services.

Mr. Speaker, in the weeks and months ahead, at a historic juncture, we have a unique opportunity to help ensure that our broadcast services are organized and structured in order to meet the challenges and utilize the opportunities of this new era. I am looking forward to working with my colleagues and the administration to accomplish this goal.

MARSHALL LIGGETT EXEMPLIFIES PUBLIC SERVICE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. GORDON. Mr. Speaker, for almost 45 years, Franklin, TN, has benefited from the guidance and leadership of Marshall Liggett. On June 30, Mr. Liggett will retire as the Franklin City Administrator, bringing an end to a career that personifies public service.

Mr. Liggett's outstanding career began in 1948 when he was unanimously elected to serve as Franklin City recorder. He later accepted the added responsibilities of city judge before taking over the job of city administrator in April 1987.

His service to the city has spanned six mayors and he has been instrumental in coordinating the highly successful restoration of Franklin's historic downtown square, combining the charm of yesteryear with the economic vitality of tomorrow. His insight and forward thinking along with the ability to bring out the best in those around him, have helped the city handle enormous growth that transformed a small town into a progressive city in the last two decades.

The son of Addie Waddell and Robert Miller Liggett, he was born in Franklin and graduated from Franklin High School in 1939. His heart has always been with his hometown. Now, as he prepares for retirement, Mr. Liggett can take comfort in knowing that he has helped build a foundation that balances continued growth and prosperity with an outstanding quality of life for current and future generations of Franklin residents.

Mr. Speaker, we all aspire to make a difference in the communities in which we live. Marshall Liggett has done just that.

ARTS ADVOCACY DAY

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. SWETT. Mr. Speaker, today is "Arts Advocacy Day," a day designated to recognize the importance of art and cultural issues to our lives and to our Nation. I am particularly pleased that with the new administration, we have a new opportunity for a positive and exciting atmosphere for the arts. Whether it be through direct events, such as the appointment of a new director of the National Endowment for the Arts, or less closely correlated programs such as the funding of culturally related economic development projects, it is the beginning of a new time.

I agree with the sentiments expressed by President John F. Kennedy, a great and eloquent advocate of the arts: "To further the appreciation of culture among all the people, to increase respect for the creative individual, to widen participation by all the processes and fulfillments of art—this is one of the fascinating challenges of these days."

Mr. Speaker, I ask my colleagues to join me in recognition of "Arts Advocacy Day," and I urge them to accept the challenge, articulated by President Kennedy years ago, which has never been more relevant or important than it is today.

HONORING OTIS C. POLK

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. SARPALIUS. Mr. Speaker, today I wish to honor a man who devoted his life to educating the children of Wichita Falls, TX. Otis Polk has been an educator for the past 40 years, freely giving of his life and energies to the children of Wichita Falls. On Tuesday March 16, 1993, Wichita Falls honored one of its own as it officially renames Collard Street "Otis C. Polk Drive."

Otis Polk was born in Electra, TX. After attending school in Oklahoma, he returned to Wichita Falls and attended Booker T. Washington School where he played on the 1945 championship team. Knowing the importance of education, he received his bachelor of science degree at Mary Allen College in Crockett, TX, and received his master's degree from Prairie View A&M.

Otis has always believed in giving back to his community and upon his graduation returned to Wichita Falls to teach at Washington High School along with his wife, Evelyn, Otis' successful teaching career launched him to administrative positions within the school system as he later became vice principal of several schools and principal of Hirschi High School and Kirby Junior High before retiring in 1987. His outstanding devotion to children and education has made Otis an asset not only to Wichita Falls, but also to the great State of Texas as Gov. Ann Richards appointed him to serve as the first black regent of Midwestern State University in 1992.

His leadership and spirit have touched many people in this his 65th year. Not only known for his sternness and discipline, Otis is also known to his many students for his live and compassion. He was not only devoted to the classroom but to the students, faculty and parents he worked with during his long career. "Showing children love is No. 1" was not only his motto that he loved to say but words he has always lived by.

Mr. Speaker, today as Wichita Falls honors this outstanding educator, I ask my fellow Members to join me in thanking this outstanding Texan for his dedication and love for children as they are the future of this great Nation.

TRIBUTE TO KEVIN N. MCGUIRE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to my constituent, Kevin N. McGuire, who has been recognized as one of the top 100 educators in North America, in acknowledgment of his excellent leadership and outstanding professional achievement.

His distinguished career has been marked by many innovative programs which he developed and implemented to enhance and improve educational programs and administrative practices. Mr. McGuire's invaluable expertise has helped enrich the quality of the educational environment in which he serves.

Kevin McGuire's efforts to form alliances with local industries to discuss job and personnel skills, as well as to develop and implement business partnerships have served as a model for the student body. Mr. McGuire has stressed to the students the significance of learning and communication skills, and has encouraged students to take advantage of the resources available at their respective schools.

Mr. McGuire has spent a significant portion of his life educating and preparing young students to become the future leaders and citizens of this Nation. His passionate devotion to his profession has helped nurture these young students and furnish them with the necessary knowledge to reach great heights later in their lives.

Kevin McGuire's accomplishments, commitment, and dedication have earned him the respect of his peers, school staff members, parents, students, and the community which he serves. Mr. McGuire's praiseworthy contributions have benefited a broad spectrum of people, who all appreciate his allegiance to his position as superintendent of the Half Hollow Hills School District.

The tremendous value derived from an individual like Kevin N. McGuire is reflected in the respect he has earned from the Half Hollow Hills School District and the honor that has been bestowed upon him. Mr. Speaker, I ask my colleagues to salute the leadership and tenacity of Kevin McGuire in educating the educators and pioneers of tomorrow.

A BILL TO AWARD LOU RAWLS A CONGRESSIONAL GOLD MEDAL

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. WAXMAN. Mr. Speaker, today I am pleased to join my colleague, Mrs. COLLINS of Illinois, in the introduction of a bill to award Mr. Lou Rawls with a Congressional Gold Medal.

Mr. Rawls is not only a stellar entertainer, but he is also a committed and productive humanitarian. Through his dedication to the United Negro College Fund, Mr. Rawls has perhaps done more than any other person to advance the cause of education opportunities for African-Americans. During a period of soaring high school dropout rates, Lou Rawls has worked tirelessly to provide college opportunities for those who do complete high school. His fundraising efforts have benefited over 50,000 students now attending historically black colleges affiliated with the United Negro College Fund.

Each year, Lou Rawls organizes and hosts the "Lou Rawls Parade of States" telethon for the United Negro College Fund. Last year, the telethon raised over $10 million, accounting for approximately 20 percent of the fund's annual revenues. By conferring this medal on Mr. Rawls, we will not only be honoring him, but we will also be advancing the indispensable work of the United Negro College Fund.

DISTINGUISHED TEACHER RECOGNIZED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. SUNDQUIST. Mr. Speaker, I ask my colleagues to join me in recognizing and congratulating Debbie Wiles, a constituent of mine who recently was named "Distinguished Classroom Teacher" in Maury County for 1992–93.

She teaches third graders at Riverside Elementary School, and has been a teacher in Maury County for 13 years. At a time when all of us are looking for ways to improve the quality of education, I think we can all agree that few things are more important than the day-to-day efforts of dedicated teachers.

I join the Maury County Education Association in saluting Debbie Wiles and in thanking her for making a difference.

PREVENT STATES FROM CUTTING SSI

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. STARK. Mr. Speaker, today I am joined by Congresspersons EVANS, JEFFERSON, MEEK, MILLER of California, MINETA, and TOWNS in introducing legislation to make it more difficult for States to cut their supplemental funding to the Federal Supplemental Security Income [SSI] Program.

States in budget trouble have targeted the poorest Americans in order to balance their budgets. These people are already on the razor's edge and now are faced with choosing food or rent, shoes, or medicine.

In 1993, disabled and/or elderly individuals with limited incomes and resources are receiving up to $434 per month from the Federal Government through the Supplemental Security Income [SSI] Program. A couple can receive up to $652.

The poverty level for this year was announced recently. It is $6,970 for an individual, and $9,430 for a couple. It is obvious that the Federal SSI Program has not kept up with keeping people above the poverty level.

Many States supplement the Federal SSI Program. Some of them, such as California, have been generous in the past. However, as States have experienced their own difficulties in balancing their budgets, a few of them have begun to cut back on their SSI supplement. California has done this twice in the last 3 years.

States often choose to supplement eligible SSI recipients differently; many States use people's living situations to determine the amount of supplementation.

In order to be eligible for Medicaid reimbursement, States must continue to provide State supplements using one of two methods, the total expenditures method or the payment levels method.

Under present law, a State is in compliance with the total expenditures method if they spend the same amount of money for supplementary payments from one calendar year to the next. As the number of eligible SSI recipients has risen from year to year, a State that uses the total expenditures method may continue to be in compliance because it is expending the same amount of money, but the people are receiving less because the total amount is being divided among more people.

A State that uses the payment levels method is in compliance as long as the amount they supplement each individual or couple is more than what they were supplementing in

1983. California has gone from a State supplementation of $244 in 1990 to a supplement of $186 in 1993, leaving its supplement only $23 above the amount supplemented in January 1984.

Our bill will prevent these State supplements from being cut further.

States using the total expenditures method would have to increase their total supplementary payments by the percentage of increases the Federal Government gives in a calendar year. States using the payment levels method could not reduce their supplementary payments to individuals or couples from 1 calendar year to the next.

In California last year the poorest disabled and elderly people were deprived of $271.4 million so the State could balance its budget. Our bill would prevent this from happening again.

TRIBUTE TO DENMARK'S HEROISM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. SCHUMER. Mr. Speaker, I rise today to call attention to the magnificent occasion of the 50th anniversary of an international feat of heroism—the rescue of Danish Jewry in the fall of 1943. As Nazism and fascism were sweeping across the globe, the Danish nation saved nearly its entire Jewish population from annihilation by the German Nazi regime. Astonishingly, and sadly, Denmark was the only democratic nation in all of Europe to do so.

The remarkable people of Denmark, led by its monarchy and elected government, protected its Jewish population from the looming threat of persecution by guiding 99 percent of that community to safety in Sweden. This year, the 50th anniversary of the rescue of Danish Jewry, I invite my colleagues to join me in focusing attention and praise on this unprecedented act of bravery.

This anniversary could not be more timely. As age-old ethnic and religious violence and warfare continue to plague many regions of the globe, we are reminded of man's ability to maintain his humanity amidst inhumane conditions.

To commemorate this act of Scandinavian defiance and civic responsibility, Bent Melchior, the chief rabbi of Denmark, Frode Jakobsen, the leader of the Danish resistance movement, and Ambassador Richard B. Stone, U.S. Ambassador to Denmark, have come to the United States to participate in a series of commemorative events. Last night in Congress we had the opportunity to honor the great courage of the Danish nation.

I am confident that my colleagues in the House of Representatives will join me in seizing this opportunity to remember and celebrate Denmark's heroic act.

CLINTON'S PLAN WILL SLOW OUR ECONOMY

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. SKEEN. Mr. Speaker, tomorrow the House will vote on the so-called stimulus and infrastructure investment package submitted to the Congress by the Clinton administration. I say so-called, because this package neither stimulates the economy, nor does it invest primarily in infrastructure. Tomorrow, I will vote against this legislation, and I want to tell you why.

First, this package fails to meet any of the goals the administration set for it. Originally, Clinton claimed that his $29 billion stimulus program would create 500,000 jobs. Now, that figure is down to around 200,000. Assuming for a moment, and I think it's a poor assumption, that 200,000 jobs will actually be created from this spending, each job will cost more than $90,000 to create. The private sector can create a new job at around $40,000. In short, if we would just leave small business alone, rather than saddling it with more regulations and taxes, it could create more than two new jobs for every one that is created by Clinton's plan.

Second, Clinton's infrastructure investment package does not invest in infrastructure, so much as it doles out more funds for special interest groups. Only 25 percent of his proposed spending goes toward investments in core infrastructure. The remaining 75 percent goes to a variety of special interest groups, such as AIDS prevention programs, national weather service equipment purchases, meat and poultry inspector funding, and so on. To cite other examples, Clinton's plan calls for $28 million to help the city of the District of Columbia balance its budget, $235 million to help bureaucrats at the Department of Veterans Affairs reduce their backlog of maintenance projects, and $28 million for the purchase of alternative fuel vehicles in the Federal fleet. Why should New Mexico taxpayers have to bail out the District of Columbia city government?

Third, Clinton's package is fiscally irresponsible. His plan will actually increase the budget deficit during the next year by $16 billion. During the last decade, tax increases have not reduced the deficit; the extra revenue almost always goes toward increasing spending. This is exactly what the Clinton plan proposes to do. The spending he wants to increase is all financed by taxpayers: For every $1 of spending cuts, he raises your taxes by $4.80. In short, everyone who makes more than $30,000 per year, and many who make less, will have their taxes raised to pay for things like weather equipment, tree-plantings overseas, and poultry inspection equipment, while negligible savings are made in a budget deficit.

Finally, several economists believe that Clinton's plan will actually slow our economy. McGraw Hill predicts that by 1998, more than 700,000 jobs will be lost as a result of tax increases. The National Association of Manufacturers predicts the Clinton plan will reduce job creation by 1.2 million over 6 years.

Mr. Speaker, I will not vote for a stimulus plan that does not stimulate, but spends, adds to the deficit, classifies pork barrel projects as emergency spending, further bleeds taxpayers, and may actually stunt economic growth in the years to come. I hope my colleagues will not, either.

COMMODORE JOHN BARRY DAY, HOUSE JOINT RESOLUTION 157

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to draw the attention of my colleagues to a resolution I have introduced today, House Joint Resolution 157, which designates September 13, 1993 as Commodore John Barry Day.

Commodore John Barry, one of the great heroes of the American Revolutionary War and one of many immigrants who defended our Nation, was a native of the County Wexford in Ireland. My resolution recognizes Commodore Barry's contributions to our Nation, both in fighting for our independence and assuring our fledgling Nation's survival.

As a Catholic and nationalist in English-ruled Ireland during the days of the penal laws, young John Barry faced a bleak future. Accordingly, he and his family emigrated to America, settling in Philadelphia.

John Barry loved the sea and first shipped out as a cabin boy. However, by adulthood, John Barry was the captain of his own ship in the American merchant marine. After the commencement of hostilities between the British and the American forces, then Capt. John Barry offered his services to General Washington and the Congress for the cause of liberty.

John Barry gave the revolutionary forces their first victory in the war at sea with the capture of the Royal Navy sloop *Edward.* On one occasion, John Barry sailed into Philadelphia with a prize ship loaded with overcoats, a desperate commodity needed in General Washington's army in order to survive the cold winter. Another mission safely delivered the gold from France which paid the French and American armies in the Yorktown campaign.

Furthermore, John Barry was principally responsible for organizing the Marblehead sailors and boats to effect Washington's famous crossing of the Delaware, which led to General Washington's victory at Trenton during the Christmas of 1776.

After the conclusion of the War for Independence, the Congress recognized Capt. John Barry as the premier naval hero of that conflict.

Following the war, when the Pennsylvania Assembly could not achieve a quorum for the essential adoption vote, John Barry organized the Compellers, so-called because they sought out and compelled the attendance of sufficient numbers of delegates to assure the calling of the convention and ratification of the Constitution of the United States.

When, under the new Constitution, Congress authorized President Washington to create and operate a U.S. Navy, President Washington turned to John Barry and conferred "Commission No. 1," dated June 14, 1794 upon him. Commodore John Barry then built and commanded the U.S. Navy including his flagship, the U.S.S. *United States* and the U.S.S. *Constitution*, popularly known as "Old Ironsides." John Barry then served as the head of the U.S. Navy under three Presidents, Washington, Adams, and Jefferson.

A resolution proclaiming September 13, 1992, as Commodore John Barry Day would be a fitting tribute to the sacrifices and contributions of this great American hero and would honor our Navy veterans and Irish Americans who have sacrificed so much for our country. John Barry's life exemplified the patriotic virtues that we in this Nation hold dear.

Additionally, both the Ancient Order of Hibernians and the Naval Reserve Association have expressed their support for this measure. Furthermore, during last year's celebration of Commodore John Barry Day, I was particularly pleased to note that President Bush issued a Presidential proclamation recognizing Commodore John Barry and his many accomplishments.

Mr. Speaker, I insert the full text of House Joint Resolution 157 at this point in the CONGRESSIONAL RECORD, and I invite my colleagues to cosponsor this resolution:

H.J. RES. 157

Whereas the United States of America is a nation of immigrants and the contributions of Irish immigrants and their descendants to the defense of the public liberty has been a hallmark of Irish Americans;

Whereas during the War for Independence Captain John Barry, a native of County Wexford Ireland, achieved the first victory for the Continental Navy while in command of the ship "Lexington" by capturing the British ship "Edward", organizing General George Washington's crossing of the Delaware River which led to the victory at Trenton in 1776, transported gold from France to America while in command of the ship "Alliance", and achieve the last victory of the war for the Continental Navy while in command of "Alliance" by defeating the British ship HMS Sybille;

Whereas during the War for Independence Captain John Barry rejected British General Lord Howe's offer to desert the Continental Navy and join the British Navy, stating: "Not the value and command of the whole British fleet can lure me from the cause of my country.";

Whereas after the War for Independence the United States Congress recognized John Barry as the premier American naval hero of that war;

Whereas in 1787 Captain John Barry organized the compulsory attendance of members of the Pennsylvania Assembly in Philadelphia, thus ensuring the quorum necessary to call a Convention and recommend the ratification of the Constitution.

Whereas on June 14, 1794, pursuant to "Commission No. 1", President Washington commissioned John Barry as commodore in the new United States Navy;

Whereas Commodore John Barry helped to build and lead the new United States Navy which included his command of the U.S.S. United States and the U.S.S. Constitution ("Old Ironsides");

Whereas Commodore John Barry is recognized along with General Stephen Moylan in the Statute of Liberty Museum as 1 of 6 foreign-born great leaders of the War for Independence;

Whereas in 1991 and 1992 President George Bush proclaimed September 13th as """Commodore John Barry Day"; and

Whereas designating a day to commemorate Commodore John Barry would be important to United States Navy Veterans; Irish Americans, and to all the people of the United States; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 13, 1993 is designated as "Commodore John Barry Day", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 18, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 19

9:00 a.m.
Environment and Public Works
Clean Air and Nuclear Regulation Subcommittee
To hold hearings on the adequacy of the Nuclear Regulatory Commission's rules and regulations to protect commercial nuclear power plants against terrorism and sabotage.
SD–406

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine the purposes of foreign aid in the post-cold war era.
SD–192

MARCH 22

9:30 a.m.
Environment and Public Works
Toxic Substances, Research and Development Subcommittee
To hold hearings to examine the environmental aspects of current hydrogen/renewable energy programs, and the interface between these programs and existing environmental regulation, and emerging environmental technologies.
SD–406

MARCH 23

9:30 a.m.
Energy and Natural Resources
To resume hearings on S. 473, to promote the industrial competitiveness and economic growth of the U.S. by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the U.S.
SD–366

Judiciary
Antitrust, Monopolies and Business Rights Subcommittee
To hold hearings to examine the health industry's requests for special antitrust protection.
SD–226

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Judiciary.
S–146, Capitol

2:30 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold oversight hearings on radio and television broadcast use fees on public lands, focusing on a report of the Radio and Television Broadcast Use Fee Advisory Committee.
SD–366

MARCH 24

9:00 a.m.
Labor and Human Resources
Business meeting, to mark up S. 25, to protect the reproductive rights of women.
SD–430

9:30 a.m.
Energy and Natural Resources
To continue hearings on S. 473, to promote the industrial competitiveness and economic growth of the U.S. by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the U.S.
SD–366

10:00 a.m.
Environment and Public Works
To hold hearings on assessing environmental threats.
SD–406

10:30 a.m.
Veterans' Affairs
To hold hearings on proposed legislation relating to veterans compensation cost of living adjustments, and to examine the processing, adjudication, timeliness, and staffing of veterans claims.
SR–418

MARCH 25

10:15 a.m.
Foreign Relations
To hold hearings on the nomination of Timothy E. Wirth, of Colorado, to be Counselor of the Department of State.
SD–419

MARCH 30

9:30 a.m.

Energy and Natural Resources

To hold hearings on the science of global climate change.

SD-366

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.

SD-G50

MARCH 31

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the Veterans of World War I, the Vietnam Veterans of America, the American Ex-Prisoners of War, the Non-Commissioned Officers Association, and the National Association of Uniformed Services.

345 Cannon Building

1:30 p.m.

Veterans' Affairs

To hold oversight hearings on the cost and other factors affecting the health care choices of veterans.

SR-418

APRIL 1

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Highway Administration, focusing on implementation of the Intermodal Surface Transportation Efficiency Act.

SD-116

APRIL 20

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on sustainable development goals and strategies.

SD-138

APRIL 21

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Transportation.

SD-192

APRIL 27

9:30 a.m.

Governmental Affairs

To hold hearings to examine environmental problems in the Federal Government.

SD-342

MAY 4

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine foreign assistance and U.S. international economic and commercial interests.

SD-138

MAY 6

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.

SD-138

MAY 11

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine foreign assistance and U.S. foreign policy and security interests.

SD-138

MAY 13

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.

SD-138

MAY 18

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine foreign assistance and transnational issues, focusing on population, environment, health, narcotics, and anti-terrorism issues.

SD-138

MAY 25

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on foreign assistance and the transition to democracy in the former Soviet Union and eastern Europe.

SD-138

MAY 27

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.

SD-138

JUNE 8

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.

SD-138

POSTPONEMENTS

MARCH 18

9:30 a.m.

Armed Services

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the future years defense plan.

SD-106

MARCH 24

10:00 a.m.

Foreign Relations

Closed briefing, on the Treaty on Open Skies, with 12 Annexes (Treaty Doc. 102-37).

S-116, Capitol

SENATE—*Thursday, March 18, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *ye fathers, provoke not your children to wrath: but bring them up in the nurture and admonition of the Lord.*—Ephesians 6:4.

God our Father, we pray for children—not only our own, but the children of the world. We think of the thousands of children who are starving to death. We think of the thousands of youth wandering our streets, hostage to every form of evil. We pray for these children and, though we cannot respond to their situation, help us to take seriously our responsibility to our own. Save them from being sacrificed for our work. Remind us that "children are a heritage of the Lord * * *." (Psalm 127:3), and that they are our greatest resource for the future. Give us grace to fulfill our responsibility as parents and as neighbors and as leaders. God save our children.

We pray in His name who said:

* * * *Suffer the little children to come unto me; and forbid them not, for of such is the Kingdom of Heaven.*—Matthew 19:14.

Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 18, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD.
President pro tempore.

Mr. DORGAN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report the pending business.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 18) setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

The Senate resumed consideration of the concurrent resolution.

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Mr. President, we are on the budget resolution; correct?

The ACTING PRESIDENT pro tempore. That is the pending business. The Senator is correct.

Mr. GRASSLEY. Mr. President, could I ask the Senator from Nebraska, does he want to speak as in morning business or is he going to speak on the budget resolution?

Mr. KERREY. I was going to ask to speak as in morning business for 10 minutes.

Mr. GRASSLEY. For how long?

Mr. KERREY. Ten minutes.

Mr. GRASSLEY. Mr. President, I will yield the floor to the Senator from Nebraska to speak as in morning business for no more than 10 minutes if I will be recognized immediately afterward and if the time of the Senator from Nebraska not be charged to either side on the budget resolution.

The ACTING PRESIDENT pro tempore. Is there objection? Hearing none, it is so ordered. The Chair recognizes the Senator from Nebraska for 10 minutes.

Mr. KERREY. I thank the Chair.

(The remarks of Mr. KERREY pertaining to the introduction of S. 610 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might use. And for the benefit of people who are waiting to take the floor, I would suggest that I probably would not be much more than 25 or 30 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, first of all, for people who maybe were not able to follow the Senate yesterday, late yesterday we started on our annual process of adopting the first budget resolution, and we are in the process by which in a macroeconomic sense we decide in broad categories where the $1.6 trillion of money that we spend annually will be going. So we are speaking probably generally about the budget situation and not to real specific programs as we might do on the specific appropriations bills that come up later in the year.

Mr. President, the Clinton budget and the modified budget voted for unanimously by the Budget Committee majority just last Thursday represents, in my opinion, a complete reversal of what was promised to the American people by candidate Clinton throughout the 1992 campaign. I think the budget is replete with broken promises, false advertising, and what I consider fiscal insanity. The American people were promised by their candidate bold change. This budget is certainly bold. But it is not bold change. It is boldfaced. I have spoken on this floor in the recent past specifically where this budget departs from the President's promises and where it departs from how it was advertised and was projected to be in the last campaign.

I have spoken about how it makes little economic sense, and I think that is what ought to worry us most, is whether or not this is good economic policy for the Federal Government regardless of whether it brings change as the President promises and whether it is something he advertised differently, the point being that if it is not good for the economy of the United States, it is not good for any reason.

Now, I want to go beyond what I previously said, Mr. President, in past speeches on the floor on the budget. This budget does not learn from the lessons or mistakes of past administrations. And for all of my colleagues here who think that maybe I would just be critical of the Clinton administration, I think I have a reputation for having been critical of the deficits of Reagan and Bush alike.

And so I stand here not to be a stumbling block to this new administration. I want this President to succeed because if he does not succeed, America will not succeed, and if America will not succeed, this will not be a very good country for Republicans to take over in 1996. We want it to be preserved. We want to do well.

And so it does not learn from the mistakes of past administrations. In fact, it takes what was done and done

---

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

wrong in the Reagan-Bush years and stands it on its head, because what was underfunded in the Reagan-Bush budgets is fully funded in this budget. What was fully funded in the Reagan-Bush budget is underfunded in this budget. What was undertaxed in Reagan-Bush is fully taxed in this budget. And what was fully taxed in Reagan-Bush is undertaxed in this budget.

This is a mirror image approach to budgeting, and it is analogous to taking all the chairs that were on one side of the *Titanic* and moving them over to the other side of the *Titanic*. And, yes, the ship might be leaning more to port side than previously, but it is still headed for an iceberg.

This budget does not reflect the lessons learned from throwing too much money at the defense industry during the 1980's. And I was highly critical of Reagan doing that. Instead of more defense, under Reagan we got less and more expensive defense.

Now, in the 1990's, under this new administration and with this new budget, we run the risk of doing to domestic programs what we did to defense programs in the 1980's. In this budget we are throwing money at domestic programs. We are not reinventing Government first and then funding a more effective, more efficient Government with fewer dollars.

This budget also does not learn from the high-tax, high-spend policies of the Carter administration. We are raising taxes by $300 billion in this budget. That is the biggest tax increase in the history of the country. That is an enormous burden on any economy let alone one that is just emerging from a recession, with many of our largest corporations themselves in the process of going under major restructuring.

In this budget plan, deficit reductions occur by raising $3.50 in taxes for every $1 in spending reductions. This is very clearly a tax-and-spend budget. Seventy percent of the taxes increased will be spent by Congress under this budget. There is no change here.

Now, if the Reagan-Bush economics were called voodoo, then this is surely "deja voodoo." You heard it, this is surely "deja voodoo." Avoiding the iceberg would also require much more deficit reduction, both in the short term and the long term. In the short term, the problem is what we are adding to the debt itself.

President Clinton rightly deplores the record amounts of debt racked up during the Reagan administration and in the Bush administration, and I will say "right on."

The charts that I have here, Mr. President, show that the Clinton administration, however, will be much worse. Not that that is the intent. I do not attribute any bad or ill-intent to the President's budget.

This first chart shows that Clinton's proposed debt increase is just as bad as the actual debt increases under Reagan-Bush. What makes it so bad is that the actuals are always so much worse than what is proposed. So if history merely repeats itself, this budget resolution is a ticking time bomb of red ink.

Specifically, this chart shows the accumulation of debt since the first days of the Republic. That is this column. Then for the 12 years, 8 years of Reagan and 4 years of Bush, the top line, the red line—that is the sharply rising line—shows the trend in the national debt. You will see that that trend is soaring. The beginning, of course, is $1 trillion that was accumulated during our first 200 years of history. Then it went up to $1.8 trillion under the first Reagan term. Then, in the second Reagan term, it went up to $2.9 trillion; then to $4.4 trillion at the end of Bush's term in office.

Those are exactly the same figures that you will hear from Candidate Clinton in the last campaign. We do not and we cannot dispute those. And I do not say that that is good public policy. It is very bad public policy.

Up to where the green starts on the chart, that is all history. That takes us up to where the yellow meets the green.

The yellow represents history; the green is what Clinton proposes. We know that what ends up at the end of a term is always worse—much worse—than what each one of these Presidents proposed.

So I have reason to believe that even what is being proposed here at the end of Clinton's 5-year time span of $6.2 trillion will even be worse. I think we have every right, based upon the history of the past, to fear that it will be worse.

This 5-year budget proposes to increase the national debt from $4.4 trillion now to $6.2 trillion in fiscal year 1998. That is after 5 years. It is all right here in the chart.

Mr. President, I think it cannot be reiterated too much that that is a shocking figure.

The national debt will rise to $6.2 trillion, 5 years from now, in fiscal year 1998.

It is right here also in our committee report. On XI, on line 12, it says that in fiscal year 1998, we are going to have $6,161,400,000,000 in total debt.

Mr. SASSER. Mr. President, will the distinguished Senator yield for a question?

Mr. GRASSLEY. I will yield.

Mr. SASSER. I ask my good friend from Iowa—just agreeing for a moment, for the purpose of argument, that the chart is correct—if his figure of $6.2 trillion at the end of 1998 is correct, without the Clinton proposal, which reduces it $502 billion, then that number would be $6.7 trillion as opposed to the $6.2 trillion.

Mr. GRASSLEY. The Senator is right.

Mr. SASSER. I thank the Senator for his candid answer. Further, looking at his chart, it would appear that in the first 8 years of the Reagan term that we doubled the national debt that had taken us 200 years to build.

Is that not a fair assessment?

Mr. GRASSLEY. I have already made that point. So, obviously, I agree with the Senator.

Mr. SASSER. One final question, Mr. President. Let me ask my good friend from Iowa, whom I have the greatest respect for, as he knows, in the Bush 4-year term, we have in essence doubled the national debt that we had incurred during the 8 years of the Reagan term. Is that a fair statement?

Mr. GRASSLEY. Yes.

Mr. SASSER. I guess my point to my good friend from Iowa is, even though the debt does go up under the Clinton proposal, if it were not for the Clinton proposal, it would go up to $6.7 trillion.

And what would my friend suggest we do, other than adopt this Clinton proposal?

Mr. GRASSLEY. Of course, Mr. President, both Republicans and Democrats, I think, will have a lot of recommendations for changing this proposal that is before us, and hopefully making it better, not only on the bottom line of what the debt is, but also in ways that we can do it without the big tax increase.

But, Mr. President, I think that obviously the Senator, the distinguished chairman of the Budget Committee, the Senator from Tennessee, does not in any way say anything that I dispute. He has repeated what I have said.

But we are here, and my point of discussion during this debate is to point out that we ought to be learning, including those of us in this 100-Member body right now, that what happened during this historical time is not good, and that what we are actually doing is increasing the debt yet. So it is business as usual. This is the proposed deficit of the Clinton budget, and we always do worse than what is proposed.

So this lesson on history, for the benefit of the Senator from Tennessee, is that we always do worse than what we plan on doing. I want us to avoid making that mistake this time.

It is very important for the American people to know, and for my colleagues to know, that there is only one measurement in this entire budget resolution that tells it all. There is only one measurement that cuts through all the smoke and mirrors, and that is the increase in the debt. Because, ultimately, that is what we owe—each of us owes and each of our constituents owes.

Out there at the grassroots of my constituency in the State of Iowa—and I will bet you it is the same in all the other 49 States—there is not a constituent we have that is going to belie the argument just made by the distinguished chairman that because this is

$6.2 trillion now, without the Clinton proposals, this could be $6.7 trillion; that somehow we are saving $.5 trillion of national debt.

What the public is going to look at, when they measure whether or not we are doing any good through the process of budgeting and cutting down on debt and cutting down on expenditures, is how much are we increasing next year over this year's level of expenditure. They do not buy the argument that some department expects to get $100 billion and we only give them $90 billion, that they are getting cut, that we are cutting the budget $10 billion. If that department got $85 billion last year and we give them $90 billion this year, the taxpaying public knows in a commonsense fashion that we are giving a $5 billion increase, not a $10 billion reduction.

I want to point out a very interesting and important discrepancy. This budget resolution that I just read from states that the deficits over the next 4 years will total $871 billion. But the debt grows from $4.4 trillion this year to $5.8 trillion 4 years from now. So that is a $1.4 trillion increase over the next 4 years—not just $871 billion more of debt. That means that the actual debt is expected to be 61 percent higher than we are led to believe, if we look only at the stream of optimistic deficits.

Mr. President, according to national polls, Mr. Clinton's budget plan was well received in the country, and maybe still is well received in the country. To those of you who support the Clinton budget, just let me say this: If we adopt the Clinton budget, the national debt will soar from $4.4 trillion to $6.2 trillion. How can that be called change, the change that was the theme of last fall's campaign and what has been talked about since the new administration started? Change is what the President promised.

This change simply does not comport with change that we were promised, nor with the change that we were led to believe we were getting with this budget. That is an average yearly debt increase of $350 billion, Mr. President. That is the real deficit; that is the real measure of what the public owes—$1.4 trillion over the next 4 years.

Let me just drive home the point, Mr. President, with a second chart that I will put up here. This chart, I think, makes the whole point a little more lucid, why the Clinton administration is starting off on the wrong foot. It shows how the President has squarely put himself behind the eight ball with a budget that fails to cut spending.

This second chart shows the difference between proposed deficits and actual deficits by previous Presidents. It shows how President Clinton's proposed deficits match up against those of the other Presidents. The most obvious fact in this chart is that reality is always worse. As you can see, Reagan thought he would only have $62 billion in accumulated deficit and ended up having $733 billion of accumulated deficit. The green bars in the chart show what was proposed. It does it for Reagan, his first term, his second term, Bush's only term, and then Clinton's term.

Next to the green bars, the red bars show us what actually happened, the actual accumulation of deficits during each President's term. Notice the very large gap there is for each Presidential term between what is projected—that is the green bar—and what is actual, the red bar. This shows that reality is always worse than projected.

The other obvious point in this chart is that, given this budget resolution that we have before us, we are in for a very big debt explosion. Clinton's proposed starting point is just as bad as the actual records. In other words, where Clinton proposes to take us is just as bad as the actual records of Reagan and Bush, whose records, I might add, Mr. Clinton constantly and rightfully deplores.

If this is where Mr. Clinton begins, he is surely going to end up off the chart someplace.

Mr. President, this is the best illustration that this budget does not represent change, and I accept change as defined by Mr. Clinton during his campaign. This is business as usual. We had this problem before this new President came to town. We had this problem during the decade of gridlock. This is not new. This is old, very old. This is not a new kind of Democrat budget. This is kind of a previous President's program. This could be Jimmy Carter. This is adding to the problem, not correcting it.

This budget is nothing more than a hangover from the decade of gridlock. All that has changed, as I said earlier, is that the chairs were switched from starboard to port on the deck of the *Titanic*, but the *Titanic* still is on course to the iceberg. If you look at the bottom line, Mr. President, the tide of red ink continues to rise at a pace equal to that of past administrations, and we have done nothing to alter the course toward the iceberg.

If there is any doubt that this budget is indeed a hangover from the decade of gridlock, let me try another persuasive argument. Last month, President Clinton met with my colleagues and me on this side of the aisle up here in the Capitol during our Tuesday caucus luncheon. There were news stories the next day quoting several of my colleagues, who said that President Clinton did not have more spending cuts in his budget because he could not get them through Congress. The White House denied these reports. Yet, we are still seeing reports saying the same thing. For example, on March 3, in the Washington Post, on page A4, there is an article entitled "Clinton Finds Hill Republicans Bearing Gifts: Proposed Budget Cuts." I would like to quote from that article. It says: "Administration officials said Clinton refrained from proposing cuts that he knew would be unacceptable on the Hill."

Now, Mr. President, if that is not business as usual, if this budget is not business as usual, I do not know what is.

Ross Perot are you listening?

I will tell you what else is business as usual, Mr. President. My offering a freeze is business as usual. That is proof positive that we are doing things the same way now that we have since 1982 when I first offered a budget freeze.

I would have expected, based on what the President promised, that he would have offered a freeze as a point of departure, and I would have offered a 10-percent across-the-board cut together with initiatives to reinvent Government.

But a freeze is all that is doable in a climate where Congress continues to protect the status quo and all the spending habits that go with it, and even then it is not clear if this amendment can carry the day.

This is a great disappointment, Mr. President, and I do hope that the American people and all of those out there who supported Ross Perot are taking note of what is going on in their capital. It is a hangover from the decade of gridlock. It was going on for 12 years before November and it is still going on.

Mr. President, I mentioned earlier that to avoid the iceberg in our immediate path we had to address both the short- and the long-term horizons so I would switch to the long term. The long-term deficit problem is best understood by viewing the stream of deficits from 1998 to 2003. The CBO baseline issued in January shows the deficit will rise to $653 billion by the year 2003. This budget will probably lower that figure but by not enough to stem the rising tide of red ink. The bottom line is a business-as-usual budget which will do little to protect against the ongoing bow wave of massive deficits.

For these reasons I offered in committee an amendment to freeze nondefense discretionary spending for 5 years. I intend to offer that amendment again here on the floor together with the help of Senator NICKLES and Senator BOND.

It is my great hope, Mr. President, that my colleagues will find the necessary courage to do what is right, to do something that we should have done years ago, to freeze spending, to help prevent a fiscal crisis of mounting debt in the years immediately ahead.

So, my message to my colleagues, Mr. President, and in a sense asking President Clinton to help as well, is to have guts, make cuts.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa yields the floor.

The Chair recognizes the Senator from Tennessee.

Mr. SASSER. Mr. President, I yield such time to the distinguished Senator from South Carolina as he may consume.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I voted in the past with the distinguished Senator from Iowa on budget freezes, and this particular Senator has been offering freeze amendments for 10 years. But the potential for a realistic freeze, Mr. President, had largely evaporated by 1989 and 1990. Now we are beyond the point where a freeze alone will solve the deficit problem. However, yes, we ought to freeze some spending.

But the freeze the distinguished Senator from Iowa proposed in the Budget Committee would freeze health care spending for 5 years. I do not think that is going to happen. That is unrealistic.

The 5-year freeze of the distinguished Senator would freeze the FBI and Federal prisons for 5 years. That is totally unrealistic, given the growing problems that we have in law enforcement.

The distinguished Senator from Iowa would have frozen education for 5 years, yet we are trying to restart education. I well remember introducing the new Secretary of Education, Dick Riley, at his confirmation hearing. I said that America's long national nightmare in education was finally over, that we are finally going to move forward.

This crowd came to town 12 years ago and said do away with education, just get rid of the Department; let the private sector operate. And they still insist on it with respect to these tuition grants, vouchers and denigrating of public schools. They want to finance private education, not public education. They are totally twisted in their minds as to our duty.

The duty of a public servant is to provide for public education. The duty of the public servant with respect to the private schools is to leave them alone. If we are going to start funding those, then next we are going to start imposing rules and regulations.

Go down the list of 5-year freezes, and there is a freeze on transportation, environmental protection, agriculture, and so much more. So I could not support the freeze of the distinguished Senator from Iowa in the Budget Committee even though I voted for his freeze in previous years, because we were both trying to arrest and stop this rising tide of red ink.

So it is disingenuous for this crowd on the other side of the aisle to come now and say they just now discovered the red ink. Come on. After 12 years of drift and deficits, they dare to call the Clinton plan business as usual.

The truth is otherwise. We have, finally, a program from a President who says freeze, cut, abolish this, delete COLA's for Federal employees, streamline Government, increase taxes, provide investment stimulus. It is a bold plan. And all the opposition can do is produce these 12-year charts. But it is they who caused the red ink on those charts. They had been at bat for 12 years.

President Clinton didn't get elected on his economic promises. They do not understand yet how they lost. Clinton was not elected President on account of his promises. He was elected on account of the promise that George Bush made—one singular promise that he was not going to do anything about this economy.

President Clinton is doing something, and that is why we are moving along with a thoughtful, coherent program that even Fed Chairman Alan Greenspan says is good. I was up in New York, and I can tell you Wall Street thinks it is good. As to the economy, yes, people are investing, interest rates are going down. Yes, the recovery is going on, on account of the Clinton election. It was not because George Bush put anything in force. George Bush was leading us straight to a $500 billion deficit.

Look at the President's figure right today. The Congressional Budget Office figure is $361 billion for fiscal year 1993. That is without the Social Security trust fund, but with the trust funds for highways, airports, Medicare, Federal finance, all these others. If you exclude all the trust funds, you have a deficit in excess of $400 billion deficit right this minute.

So the gentleman only got to town here on January 20. Heavens above. He comes to town as the new President and in a few weeks they, all of sudden, want to marry him to the disaster that this Congress, you and I, and Reagan-Bush caused. That is who really caused it.

Come on. But, as to this rising tide of red ink, it is as though they just discovered it, and now Clinton is trying to do something about it. If he had not acted, we would have been on a deficit course of $500 billion. I do not think we have done enough on the deficits and I will make some comments on that, because I am afraid that the problem, the disaster, has not been described sufficiently or understood. We are being eaten alive by interest costs and, yes, 4 years from now we could end up with a deficit as big as the one that we inherited here from George Bush.

First, Mr. President, let me commend our distinguished chairman of the Budget Committee. I have been that chairman, and to get together with the prima donnas that we have, including me, on that committee with the different ideas and the different interests—one Senator has an interest with respect to the super collider, another wants to get rid of the space station; another one wants to do some more for agriculture; some want to do some more to reduce the deficit. There are hundreds of disparate interests and ideas that must be reconciled.

But the distinguished chairman of our Budget Committee is able to look with a broader vision as to what has really occurred. He sees that, yes, there has been a change. We do have a President and he is leading, and he has a program. So the chairman of the Budget Committee said: You have a program, put it out there where we can get the votes for it.

I had certain alternative ideas. But I could not get a program that I could rally a majority for on that Budget Committee. Others had amendments, but once those amendments were adopted, then you could not get a majority out of that Budget Committee. But under Senator SASSER'S leadership we got a very good, consummate, comprehensive, realistic budget, which CBO has validated. Now compare this to 12 years of Stockman and that manipulator, Darman.

For 12 years, all we have had is tricksters.

So, without smoke, without mirrors, and with the Congressional Budget Office figures, the chairman of the Budget Committee cut the Clinton budget an additional $38 billion. Look at the charts. Look at the reports that are given to Senators. He said, "I thought we could do better." So he sat down and studied it and worked it out with the budget staff and then sold each of us on even further cuts.

So I think that is real leadership and we ought to understand and acknowledge it. We now have a real and credible document out here.

But what gets me is the fact that the opposition acts as if this thing all of the sudden occurred. And the media have feigned surprise, too. I see the press gallery is empty. In fact, that pretty well reflects their stories. They are empty.

If you want to get some term limitations on politicians, we need some term limitations on reporters. I am tired of reading how those people are constantly reporting misfacts.

I have tremendous respect and affection for Tim Russert. But I listened to him on the weekend. And he said, "Well, there is a Congressman from Ohio and he has got a budget that really gets rid of the deficit without any new taxes."

I said, come on. I have said I would consider going along with Congressman KASICH—I have gone along with Republicans, Gramm-Rudman. I do not mind. If he can get rid of the deficit and the debt without taxes, he has performed a miracle.

But KASICH, by his own admission, has $50 billion less deficit reduction than the President, so he is $50 billion under the President, yet still complaining the President has not done anything about the deficit.

So we start with that missing $50 billion. Next, Mr. KASICH said he is sending his budget line by line to the Congressional Budget Office for them to review. That is a Gary Hart dare. Go ahead and send it over there and have it scored and they will knock out another $50 billion of it.

We know that just from working with budgets in the past. So he missed $100 billion right off the bat.

And we are not going to do away with health care as he proposes. We are trying to broaden health care to 35 million more people. Yes, we are going to have cost containment, but we are going to broaden health care coverage. And you are not going to do away with another $100 billion in KASICH's proposed cuts. So KASICH is more than $200 billion below the Clinton plan, below the budget before you today.

And we rightly claim we have only just begun the assault on the deficit. I have that particular complaint. I acknowledge that, because I am impressed to see this sincere, dedicated sense of purpose and hardworking until 1 or 2 o'clock in the morning on the part of President Clinton. He is the first President who has really understood anything about Government in years, sitting there with his staff until 1 or 2 in the morning wanting to know about this line and that line.

President Reagan never understood or even cared about the budget. He left it up to Stockman. The distinguished President Reagan always told us delightful stories. He was very interesting and amusing. President Bush, similarly, he loved to travel but, as was said by one of the wags downtown: The deficit was not caused on his watch; he was not in town at the time. Come on. He left it to Darman.

And so that is what we had to contend with. It was not leadership. It was nonleadership of chaos and trickery, and just finessing.

So now we get a President who comes to town and works around the clock and brings out a document, and the opposition dares to say there is no change. At the same time, the President is out trying to sell the major portion of this document to come later—health care reform.

Now if you can put the first lady to work, brilliant as she is and dedicated as she is, and have a track record of accomplishment as she has, they can stop all the little jabs and whining about input. We have had 12 years of input. We have the Rockefeller study; we have the Kennedy approach; we have this bill and that bill.

Last year, I think there would have been 30-some bills in both Houses proposing to deal with health care.

But now they are complaining, "We do not have any input." We have given them input. She is going all over the country, and there is no secret about it. She has to put out something realistically attainable by this U.S. Senate and U.S. House of Representatives.

So they can stop all the whining about secret meetings and the appeals before courts and everything else to again dissemble and confuse. They know better. They know we are going to get some kind of health care reform, because we have to do it.

So the President put his own name and the First Lady's name on the line—that is leadership—and said, "We are going to work at it."

Of the 400 task forces—incidentally, 100 in medicine. There are 60-some doctors and 40-some nurses, all of them working, everybody is continually being briefed. It is hard work.

In this context, it is absurd to have Tim Russert assert, "We have a man with a budget that can really solve the whole problem—get rid of the deficit and the debt without any taxes." Absolutely false.

Ask this group over here on the other side of the aisle to put in the Kasich budget and call the role and see how many will vote to decimate Amtrak, child nutrition, Medicare, Medicaid, and more. You can just go right down the lot of the things that are in there, because those make nice, little 20-second sound bites. And they have—we have—the 20-second biteitis, all of us. That is how we got here, not on our track record. By gosh, I tried to run on my record and could not find it with my opposition. So we had to put out 20-second bites.

But tell them to put out their alternative budgets and see how many votes they get to do away with health care and what they are talking about with our taxes. Let us get a rollcall vote.

It is the same on spending cuts. We made this challenge before in 1986 when the Republicans controlled this U.S. Senate, and none other than the distinguished former chairman of the Budget Committee, the Senator from New Mexico, said, "I'm tired of the talk. We are putting it up for a vote."

He put up all the Reagan cuts. And you are not going to get a better cutter than Ronald Wilson Reagan. He wanted to get rid of the Government, period; get rid of the bureaucracy on the Potomac, the Department of Energy, deregulate everything.

And so, as a result, Senator DOMENICI put the spending cuts to a vote. There were 43 cuts that amounted to about $4 billion. That is all. But they were all the Grace Commission cuts, all the cuts. They got only 14 votes. They got only 14 votes.

So let us start writing and talking and acting in the world of reality and not the lies.

I think of Vaclav Havel at the time he took over as President of Czechoslovakia.

(Mr. FEINGOLD assumed the chair.)

Mr. HOLLINGS. Havel, in his inaugural address, turned to his people and said, "We have been lying to each other for 40 years, saying one thing and believing another. Czechoslovakia has many problems, and only we can solve them."

In a similar vein, Mr. President, this morning we could as well say we in America have been lying to each other for 12 years, saying one thing and believing another.

Our United States has many problems and only we can solve them.

Lying? Good gosh, you could go immediately to deregulation. Yesterday we appointed an airline study commission because the airlines are now all going broke. We can study it for 90 days, we can study it for 90 months. There is one word to the report: Deregulation. It wrecked the airlines, it wrecked the savings and loans, and everything else. So you can go down that list.

Another lie of the last 12 years was free trade. Half of our problem is that sing-song of "free trade, free trade." There is no such thing. There never has been and never will be. We have to get a competitive trade policy. Instead, what we have been doing is subsidizing foreign protectionism. When we knock Americans out of their jobs, we have to vote unemployment compensation. So with United States tax money, we subsidize the protectionism of Japan and the other trade competitors. We protect their protectionism with a free-trade sing-song of unrealistic nature. As Red Poling, chairman of the board at Ford Motors said the week before last in my office, "We export free trade. They export automobiles."

And there is another lie that has been prominent over the last 12 years with regard to Social Security. Senator MOYNIHAN and I have been trying to make Social Security truly a protected trust fund. I put in a little amendment in 1990, requiring that you not count the Social Security trust funds to reduce the deficit. But along came Senator MOYNIHAN even with a better approach, saying we did not need to raise taxes on Social Security in January 1991. That was just one of the tax increases that President Bush sponsored. They opposed the Moynihan amendment on the grounds that we in the Congress should not mess with Social Security.

We got voted down on the spurious call, do not mess with Social Security. Yet, that is exactly what we now are doing on a massive scale. We are going to spend another $62 billion of Social Security trust fund money in this budget to obscure the deficit. And, by 1999, in 6 short years, we will owe Social Security $1 trillion. That is why they cannot understand that when you cut Social Security COLA's, you do not help your actual deficit and your debt, you simply increase the trust fund, which is then robbed blind to hide the deficit.

Admittedly, I am trying to rebuild that fund. So I will go along with it. But it does not help the deficit and the debt. We have to bring in focus the reality of the problem on the one hand and the mammoth effort that must be made in order to really begin to tackle this problem. But the lie was, "Do not mess with Social Security" so we could continue to mess with it and use the trust fund as a slush fund to obscure the deficit, to show what good boys and girls we were, read my lips, no new taxes, and it can be done strictly by cutting spending. That argument was the big lie of the last 12 years.

Of course, the lie was we are going to grow out of the deficits. I still read this line of argument in the Washington Times. You would think we did not have an election in November of last year. They continue to write the same rubbish, these same old writers. Let us please have term limitations on these journalists and writers. Because I am tired of hearing them. They do not know what is going on. They say we will grow out of deficits—growth, growth, growth. They say, growth, growth, growth.

You cannot get elected on sloganeering anymore and symbols. You have to get real. The American people said that. Ross Perot did not discover it. He does not understand that we have a government in here that is getting real on the deficits, and Perot is still running as if we did not have an election last year.

But a talk was made here last week by the distinguished senior Senator from Texas. He said: "Reagan, he made his promises and that is what he was elected on, where President Clinton made his promises, but he is not carrying them through."

Then he went down the Reagan promises to cut the size of Government, but he did not do that, and to do this and do that. I agree. He made those promises. But he made an even bigger one. He promised to balance the budget. Instead, he tripled the debt.

I was here when we got a balanced budget under President Lyndon Johnson; 12 years later, in 1980, I went to President Carter on Friday after he was defeated and said, "Mr. President, you are going to leave the biggest deficit in the history of the United States Government and we Democrats are never going to get elected to anything."

He said, "How much?"

I said, "I have the Congressional Budget Office figure of a $75 billion deficit."

He says, "Heavens, what are we going to do? What did I get from President Ford?"

I said, "Well, President Ford's deficit was $66 billion. What we are going to have to do is a fancy word—I have been arguing with my House colleagues and we tried it a couple of times but I think we can do it—'reconciliation.' That is a fancy word for 'cut.'"

I came to the distinguished Senator from Washington, Senator Magnuson, and the distinguished Senator from Idaho, Frank Church, Senator Culver of Iowa, Senator McGovern of South Dakota, Senator Birch Bayh of Indiana, Senator Gaylord Nelson of Wisconsin. I called them affectionately "my spending friends." And I said, "Look here, you have to give me a vote. We are going to leave the worst deficit record you have ever seen. We are going to leave a $75 billion deficit and we will never get elected to anything."

We did it; the first reconciliation spending-cut bill. I have the pen from the signing ceremony. President Carter signed it and brought the deficit down. But I can tell you this. I remember well the promise President Reagan made. He said he was going to balance the budget in 1 year. That is what he ran on; balance it in 1 year. After taking his oath of office, he said, "Oops, this is worse than I ever thought. It is news to me. It is going to take me 2 years, until 1983 to balance this budget."

So he extended himself and was going to balance the budget. But he said he would balance it by means of growth—growth. He said we are going to cut all the revenues and we are going to grow out of the deficit.

Ask any mayor to cut his revenues 25 percent; ask any Governor in America to cut the State's revenues 25 percent. They would lose the bond rating, the mayor would have to get rid of the policemen and firemen. And the voters would get rid of him. They would ride that mayor out of town on a rail. I can tell you that right now. That is total economic baloney. But that is what Congress adopted.

President Reagan gave us the first $100 billion deficit, the first $200 billion deficit. President Bush gave us the first $300 billion and the first $400 billion deficit. Add it up, and go right this minute to the Congressional Budget Office. This fiscal year baseline is $361 billion and add the other $50 billion trust funds and you are up to over $400 billion. You are running at $400 billion, heading to $500 billion when we come to town. But that is the lie we told each other—read our lips—Democrats as well. I can tell you right now, if President Clinton had not said the word "taxes," you would not have gotten a word out of this crowd. I tried. I offered a VAT in 1987 to try to avoid the recession. I found out they were beginning to finesse Gramm-Rudman-Hollings. Gramm-Rudman-Hollings was a sword to prompt fiscal responsibility, not a shield for us to lie about the deficit.

So it was clear we were going to need revenues at that time, and we got eight votes out of the Budget Committee. We got two of our Republican colleagues. We could work in a bipartisan fashion at that time.

Now President Clinton comes and gives a dynamic plan, including much of what Republicans have been talking about, but they are giving us charts and business as usual. They act innocent like they just came to town, like we are just walking out of Independence Hall and Government has just started. Come on.

They have wrecked the economy. When we talk about jobs, that age group 18 to 24 in America today cannot find a job or they cannot find a job that lifts them out of poverty. You and I go around making graduation talks in May and June, "What a wonderful future you have. The future belongs to you." Heck, they walk out on the sidewalk and say, "There are no jobs. I am going back to graduate school and get a higher degree." All this retraining, retraining skills—we have skills coming out of our ears. We do not need retraining; we need jobs, we need opportunity.

They wrecked the economy and the Federal budget. You know the litany. The United States has gone from the largest creditor to the largest debtor nation. We have gone to quadrupling the debt from $903 billion back in 1981, less than $1 trillion. Now it is over $4 trillion, $4.2 trillion. The interest costs are eating us alive. Let me get to that point because I cannot make it strong enough, when you read the best of writers, Mort Zuckerman, week before last in U.S. News & World Report. He said the policy of borrow and spend in the 1980's was a deferred tax on future generations. Wrong, that is a tax on us here and now it has us into a deep hole. The debt and the interest costs on that debt are growing faster than the economy.

When George Bush came to town, he had a $5 trillion economy and as he left in January, he had a $6 trillion economy. But the debt was $2.5 trillion when he came to town and now it is over $4 trillion. So we have the economy growing by only $1 trillion, but you have the deficit, the debt growing by over $1.5 trillion. You are in a downward spiral headed to a $5 trillion debt as you come to town now. But the penalty of interest costs is not on the future alone, it is on us right this minute.

In that span of 12 years when they were going to balance the budget, as I pointed out, what did they do? They spent $1.7 trillion in net interest costs on interest and $2.4 trillion in gross interest costs. That is the Grace Commission group. Do you remember, they were going to do away with waste, with waste, with waste? They have created the biggest waste ever in the history of man, where you go on a 12-year binge and talk about the jobs you created and then you look at 53 percent of the 18 million jobs paying wages at poverty and below the poverty line. So over half the jobs they created are below that $12,000 poverty line. We have been on a binge. We have divided our society. We have crowds who think they can shoot people on account of their beliefs, and this is the crowd that gave them that belief.

I can tell you that right now, they have wrecked the economy. Americans cannot get jobs. That crowd wrecked this budget and they want to worsen the wreck.

Why, just yesterday the distinguished former chairman of the Budget Committee, the Senator from New Mexico, started off his talk and he said, "I got a call from the airline industry; I got a call from the chemical industry." Does he not know at least from Ross Perot we have to get rid of the special interests? I got a call from all of these industries, too, but he starts off his talk like we did not have an election. He says, whoopee for the special interests.

Everybody is going to be affected. All taxes are regressive. I can give you any chart. You give me the tax, I will tell you how many jobs you lose. But they do not tell you how many jobs you lose when your interest costs are growing faster than your spending cuts. In spite of the mammoth job that has been done here, which is more than the Presidents of the last 12 years, our spending cuts for 1994 are $18 billion; look over on the other ledger, the interest costs are $23 billion. They want to stop the increase in spending as they continue the increase in spending. That is their approach on this deficit.

So there we are. We are into the soup. If your interest costs are growing faster than you can agree on spending cuts, you are going backward.

Let us get right to doing away with the domestic side of Government.

I want everyone to please pay attention to just this. For sake of argument and illustration, let us not talk about cuts, let us talk about eliminating huge chunks of Government in their entirety.

Go down the list. Imagine eliminating function 250, space and science.

Let us eliminate all the spending, the outlays for function 270 for energy.

Let us eliminate all of the function 300, the park, natural resources, the Army Corps, EPA and the whole thing right there.

Let us go to function 350. Just eliminate agriculture. Just eliminate function 350.

Eliminate function 370, commerce and housing.

Eliminate—do not cut it—eliminate transportation.

Eliminate 450, regional development, community action block grants.

Eliminate 500, just do not cut education.

Eliminate health because the trust funds are there for Medicare but to administer Medicare in this program, just eliminate that.

Eliminate 600, income security, WIC, Head Start. Do not cut it, eliminate it.

Eliminate 700, Justice Department, eliminate the FBI, the border patrol, the immigration service, the judges, the justices, the courts, the Supreme Court.

Eliminate the President's staff, eliminate the Congress, general Government, the IRS—we will all vote for that—eliminate the IRS.

Just eliminate it all and then add it up and see where you are. You have eliminated domestic discretionary spending—they are talking so big—right this minute it is $229 billion.

I just gave you the figures. You are headed to a $500 billion deficit this minute. Subtract the $229 billion and you still have at least a $200 billion deficit—and that is after totally eliminating most of the Government other than defense.

So, heavens above, quit running home to the Rotary Club talking about how spending cuts alone will solve the problem. Clinton has a solid program there, but I think we ought to cut spending more. But we can only go so far. Eliminate the entire blooming thing—all of domestic discretionary spending—and you still have $200 billion in deficits.

Then they go and talk about defense. And we have closure of bases and a drastic situation in my own backyard. But do you know what they try to do? Politics as usual. They try to blame the closure of the bases on President Clinton.

Now, let me educate you about that. We got together in 1988—I remember well in 1972 the U.S. Army tried to close Fort Dix, and for 20 years they could not get it closed. We said this is ridiculous; we have to get together and have some kind of plan that politically sort of spreads the responsibility but gets the job done.

And so President Bush and the Congress agreed on a procedure, and with that particular procedure we had a wave of closings in 1988; we had a wave of closings in 1991. They closed my Myrtle Beach Air Base. The other side did not holler politics then. And now they are closing the Charleston Navy Yard and the economy of my own hometown. The Republicans are saying we are weakening defense. Well, I yield to no one in my zeal for a strong defense.

But look at the facts. Add up the first term of Ronald Wilson Reagan, the total outlays in defense—$877 billion. Add up the first term—and I emphasize, gentlemen, the first term—of President Bill Clinton—$1 trillion in defense outlays. We are going to spend $1 trillion even with the cuts that they say are devastating defense. The outlays right this minute are $294 billion on defense and over 4 years we go down to $250 billion. Nonetheless, President Clinton will spend more on defense than Reagan in their first terms.

So you can throw these figures around and terrorize these writers up here, but they do not bring it into focus. We are going to spend way more even without communism in Russia because, heavens, we do not need a standing army with Russia now. Yes, we are worried about nuclear. We are worried about their missiles. But we are no longer worried about the army coming against Germany and France right now.

Yet even without the threat of the Soviets, we are going to spend way more, with the cuts, under President Clinton for defense than what we spent under the first 4 years of President Reagan, who is, in my opinion, given a large credit for the fall of the wall, because I was for increasing defense along with President Reagan. I supported him in the deployment of the Pershing intermediate-range missiles in Europe. It was a sort of put up or shut up, and we were putting up. And, yes, we were, as a result of that, spending the Soviet economy into defeat.

So I commend President Reagan for that. We were in lockstep.

But let us not say, now that we have spending cuts, base closures, and everything else of that kind, that we are decimating defense. Certainly, the latest wave of base closures is the third wave to occur under the Bush defense budget.

Now, let me agree in a breath that the Clinton cuts will be more than the Bush cuts. But let us pass it in September–October this year, and then let us look at 1995 and say this is what Clinton did. But, heavens above, this is what Bush did, and you do not think President Clinton, as good a politician as he is, came to town and said, "I want to run over to the Pentagon and start closing bases."

When I asked him way after we had had a hearing over there in the Pentagon, he said he had not seen the list. I do not blame him.

The process is similar to how we now hire postmasters. We have it now, Mr. President, that if I recommend you for postmaster in Madison, WI, it is a felony. It is a crime. We were so assiduous to make sure that Congressmen and Senators could not recommend anyone for postmaster, we made it a felony. And that is exactly the attitude of a President coming to town with all the budget and Cabinet and all the problems he has, Bosnia, Somalia, Haiti, everything else. I do not see how he does it. The poor man did not even know where the Pentagon was. He sent one fellow over there and it gave him heart trouble. We do not even have a Secretary of the Navy for me to appeal to. Heavens above.

But that is the other side's whole political strategy of politics as usual. They are the guardians of gridlock. That is the way they want to posture themselves. They will not put up a plan at all.

So what we have here at best is the big change. Let me get to that because I am going to have time later, the distinguished chairman will give me time on a VAT amendment. I want to put in a value-added tax. The reason I want to put that in—and I have talked to Leon Panetta, I have talked to the Vice President, I have talked to the President, I have talked to Mr. Rubin, and I have talked to all the people I can find, Alice Rivlin and others—I have shown them how 4 years from now we end up almost with as big a deficit even after enacting the Clinton plan.

Look at the particular deficit without Social Security in your budget report, and it is not $187 billion in 1997; it is $272 billion. And then you will get slippage. This is just the first go round on the floor of the Congress here in March. I can tell you by the end of the year these figures slip; you are back up to over $300 billion. And come election year in 1996, I do not want my President being accused of ending up with a deficit as big as he inherited from President Bush.

The reason that occurs under this splendid document—and I support it like it is and I will vote for it like it is, but I want to do more. The reason for that is no one has told the truth that we are headed at the particular moment for a $400 to a $500 billion deficit in 1997. We have the interest costs eating us alive. And we cannot even get on top of the economy with jobs and all the things to be done with the stimulus package.

But we do get a President who tries. Now, that is a big change. Because I had to talk to a group at home and they would say, "Well, tell me about President Clinton." I studied him. I was not in the loop. I was not BC—before Clinton—or FOB—friend of Bill. I would like to be one. But I had to survive, and in my State Bush is overwhelmingly popular. In fact, if you had a vote there today, I would hate to see the outcome. That same crowd that is hollering "politics," they better not holler politics on base closures because I am a gone gosling. Maine and New Hampshire voted for President Clinton. My State voted for Bush.

So I was doing my best to help the cause of the Democratic Party and help President Clinton get elected. But you could not call me a Clinton stalwart, and I have been studying him. And the big change is, one, the gentleman likes Government. Now, you have to like Government, Mr. Chairman, to stay down there in Arkansas for 10 years and make $35,000 a year.

I mean any fellow with a Yale law degree, who is a Rhodes scholar, can come to this town, and he starts at $200,000 at age 25. Then read the financial statements of all of these folks who have been at it for a few years, after retiring from the Cabinet. He would be up there at the million dollar mark like all the rest of them.

So he is totally unselfish. He goes down to his little State—and I come from a little State. I made $15,000 as Governor. I do not want you to say that I was overpaid. I made $15,000 a year for 4 years.

This gentleman made $35,000 annually for the last decade as Governor. But he works on the problems at the local level, on education, on the environment, on law enforcement, and all those particular problems, with a total familiarity over a 10-year period. He likes it. He comes to Washington not thinking that he ought to be the President.

We have a hundred of us here, and we all think we ought to be the President. I know. I know all of us. And I tried. We all thought we ought to be President, and Lord knows the last two thought that they were the crown.

I mean President Reagan tried for 4 years, and he finally arrived. He knew he ought to be there. Once he arrived, he turned the hard work over to his staff.

Bush was Vice President and had been in Government. He was accustomed. His whole life in a particular role was in Government. And he finally arrived there. He thought he ought to be the President. There was not any way for him to lose in 1992. That is why he ran a sorry campaign. There was not any way for him to lose to this little Governor from little Arkansas—because he thought he ought to be the President.

President Clinton does not think he has a divine right to be the President, and he is trying his case. I dreamed of taking the job. And, if I took it in the next 10 minutes, I would need help because I know I ought not to be the President. I would need the best and the brightest, as Kennedy had around him.

Now we have the best and the brightest coming in at every level. You name secretary for secretary, and I will compare them. This is a far superior, more outstanding Cabinet than what we have been seen with for the last 12 years.

Many of the Reagan-Bush Cabinet headed off in disrepute. The President himself had to pardon his Secretary of Defense because the Secretary was about to implicate him in what we knew he knew, and then had to make a sweetheart deal with the White House Archivist. He learned something from Rosemary Woods—get rid of the record. Leave town under a cloud. Come on.

So we come to town with a President who likes Government, who wants to work on the problem, who, by gosh, knows who he ought to be, and knows he is on trial himself; working around the clock with a staff and everybody else involved, and willing to lead. That is the change.

The distinguished Senator from Iowa offers no change. We have a President who says, here I am, and I am going to freeze everything. You are not going to get any Government increases. Man, I can tell you, there would have been a howl if it had been anybody else. He quieted me down. He said, we can do it. We finally have a fellow who is going to cut the White House 25 percent.

He has me cutting my Commerce Committee 10 percent, and my staff. Clinton said, do not, by gosh, disassemble Government—by gosh, streamline it, trim it down. He went down through the departments in this budget; the streamlining and the cuts. He had the Vice President working on further cuts. What more does the other side want? What more do they want?

So he has been working on all of those things. He last confronted the biggest headache of all in domestic government—health care, with the First Lady.

What more can you ask than that? He is working around the clock.

Let me say a word about the stimulus package. The stimulus package is probably best considered in the context of investment. Last year, over a year ago, in fact the year before last, I thought we ought not to have just spending cuts and freezes. But we ought to have investment in the public and the private sector, the investment tax credit, capital gains going down on the private side; and then on the public side, women's, infants', and children's feeding, Head Start; go right on down in transportation, to get jobs done because you have a very tenuous situation.

I will never forget President Clinton telling us that John Major, the Prime Minister, was coming over. Major said, look, for the next year or so there is going to be zero growth in Europe, Japan economically is in bad shape, and you, the United States, are going to have to be the economic engine for the recovery of the global economy. We run up almost a $500 billion deficit and we have to, all of a sudden, be the engine for world growth.

So on that particular score, the President has come up with the chassis for that engine. And with the investments he put in there, with respect to the private side, we do have the capital gains cut, we put in unemployment compensation, the investment tax credit. And on the public side, he boosts investment in WIC, child care block grants, Head Start, summer jobs, vaccinations, roads, highways, airports, community development block grants, weather services, small business. I favor all of them. In fact, you have economists like Robert Kuttner and others who say we ought to have a $60 billion stimulus package.

But I think the President has come down pretty good on the stimulus. Highways, that is not uncalled-for stimulus. That is finally spending highway trust fund money on the highways. The highway users paid the $19 billion in tax, and we have been siphoning $12 billion of the $19 billion to hide the deficit. We have been using $12 billion on the highways and only $7 billion on the deficit.

With respect to the airport and the airways, we have not built any except out in Denver. So we come around and we use $7 billion or $8 billion of the airport and airways trust fund, but not on airports and airways; we spent it on the deficit.

They call that increased spending. Any time they can get increased spending, they do not want to talk about the increase in spending with respect to the interest costs that are going out through the roof.

On that basis, I want to get that deficit really down. And the only way to do it is the way we proposed the year before last: a 5-percent value-added tax with revenues going into a trust fund for the deficit, the debt, and health care. Look at my talk on the floor the year before last, over 2 years ago now. I said that is what we ought to do. Put the revenue into a trust fund for the deficit, the debt, and health care costs. A 5-percent value-added tax.

Our competition in Europe has an average of 16 percent. Out in the Pacific, Korea has 13 percent. It is not ruining their economies, it is propeling their economies forward.

It is time we paid the bill in America. But in order to pay the bill we have to understand the terrible dilemma economically that we find ourselves in. We are not running a $300 billion deficit, we are not running $400 billion, we are headed this minute to a $500 billion deficit. To bring it down to $272 billion is a feat in and of itself. I support it. I support it very strongly. There is no credible alternative out here on the floor in this Congress to be considered. None of these plans, the Senator from Colorado's, the Congressman from Ohio's, or anything else they had up, the Congressional Budget Office, [CBO]—all of those things. You will find you have bigger deficits.

I have tried. I offered a package last year with the Senator from Missouri, the Senator from New York, two Republican colleagues, the Senator from Nebraska, the Senator from Alabama, Democratic colleagues, and others. We put out a package of not increasing the deficit and the debt, without increasing taxes, and bringing in a budget. We supported it strongly. But we could not get anywhere.

Now having had that experience over the years, working on freezes, working on Gramm-Rudman-Hollings, working on taxes, that studied viewpoint, I can look at this and say I agree with Alan Greenspan. And I agree with the chairman of our Budget Committee. This is a heck of an accomplishment at this particular time. I want to do more. I hope we can get to do more. I think they really are holding back. This is my own suspicion for the health care cost. But I would rather pay for that future health care reform costs in this budget now. Not the health care programs, obviously, but as it affects the budget. Put the cost for health care, whether it is $10 billion, $20 billion, $30 billion, into this budget. The rest of it goes in that trust fund for the deficit and the debt over at Treasury.

I thank the distinguished chairman.

Mr. SASSER. Mr. President, I want to express my appreciation to the distinguished Senator from South Carolina for his statement of support of the Clinton budget as modified by the Senate Budget Committee this morning. I want to particularly express my appreciation and thanks to my friend for the kind words that he said about the chairman of the Budget Committee. The great work that the Budget Committee did in the past week would not have been possible without the cooperation and encouragement and constructive advice of the Senator from South Carolina who, in times past, has served as the chairman of the Budget Committee. He has been a source of support and sound advice to me over the past few weeks.

Mr. President, I see the distinguished ranking member wants to speak.

I yield the floor.

Mr. DOMENICI. Mr. President, maybe the chairman can remain for a moment and just exchange some views with me. It is my understanding—if we read this Budget Act, it says that 4 hours shall be used, equally divided, to discuss the broad economic issues, which I assume means that he is hoping that we would use that up before we have any amendments?

Mr. SASSER. Yes; it would be my hope that it would. We have other Senators on our side who want to address the economic issues.

Mr. DOMENICI. Let me suggest that we have not always—in fact, more times than not we have not used the rule that you do not offer amendments during that time. It is up to either side if they want to use it all. But I will agree with the Senator that we are going to try to add up some time on our side for people who want to be heard. I think we have 43 minutes left. If we used all of my time last night, which I said was going to be on economics, and what has been said by Senator GRASSLEY, we have 43 minutes left.

The PRESIDING OFFICER. The minority has used 1 hour 53 minutes.

Mr. DOMENICI. How much has my friend used?

The PRESIDING OFFICER. Two hours 40 minutes by the majority.

Mr. DOMENICI. Before I make a proposal, let me just ask the distinguished chairman, as the Senator knows, on our side, based on what occurred in our committee and what other Senators that are not members have talked about amending, we have many, many amendments. We will try to get together, once we have decided how we are going to go about this process, and sort of itemize ours in terms of which ones we are going to take up in some kind of order. We cannot do them all. We cannot get this list for everything. We can get it for 5 or 6 so we will know where we are going, and maybe we can get 5 or 6 on your side.

I am hopeful that we can do that, and we will assume that we have 43 minutes left on our side, because that kind of fits with some arithmetic that I have done. We will not use any more than that in these opening remarks, and we will be ready for amendments after that. Can the Senator tell me how much time he might want to use before we get to an amendment?

Mr. SASSER. I say that we will want to use at least an hour. We have the distinguished Senator from New Jersey, who wishes to speak. I see the distinguished Senator from Maryland, who has arrived on the floor. I would say approximately an hour on our side, maybe a little more. The distinguished Senator from Maryland is asking for a little more. I suspect I can yield some time off of the bill to my friend from Maryland. Perhaps we could set a time for beginning amendments at 2:30.

Mr. DOMENICI. Well, let me just say there is no intention on my part at all to keep Senators from speaking. The problem is, we are under a 50-hour timeframe overall, and we have a lot of amendments. Your side apparently has some.

Mr. SASSER. We do.

Mr. DOMENICI. To the extent that we do not get on the amendments, either your side is going to get shortchanged on amendments, or we are; so I urge that we get on amendments as quick as possible.

Mr. SASSER. I suggest this to my friend. Why do we not begin here and see how we get along? Maybe we are going to move faster than we would anticipate here in the beginning.

Mr. DOMENICI. Then, do I understand that—in the past we have had a rotation. If you go first on an amendment—and I assume you will—you tell us what that might be, and we will tell you what ours is, and we will go back and forth.

Mr. SASSER. That is fair.

Mr. DOMENICI. He will have the first amendment on his side.

Mr. SASSER. We would take the first amendment and yield to the minority to offer their amendment and back and forth.

Mr. DOMENICI. What I want to do for the purposes of managing our side—we ought to talk later on with the leadership about second-degree amendments one way or another. We are willing to have none on our side, if you have none, and have everybody's amendments taken up. Otherwise, I am very fearful that on the first amendment there will be second-degree amendments. I think maybe the Senator does not want that, and I do not want that.

Mr. SASSER. I think we should take that up with the leadership before we get into amendments.

Mr. DOMENICI. Mr. President, I believe that I am going to turn over management of the time to the Senator from Missouri, Senator BOND. He will speak, and he will invite some Republicans who feel they ought to speak early on, and he will manage our side; and we will be very cooperative in trying to use up as little as possible and be on the floor at all times.

So I ask the Chair to recognize Senator BOND as the manager on this side for the allocation of time, not for introduction of amendments. He knows that.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mr. BOND. Mr. President, I thank the ranking member and the chairman of the committee. This is a very serious matter that faces us, because the deficits, the annual shortfall between revenues and expenditures, and the 4 trillion dollars' worth of debt which comes along as a result of it, are the major economic problems facing our Nation today.

The deficit and the debt are drags on our savings, drags on our productivity; and they threaten the economic prosperity and the future of our children. This is something that I believe is well understood throughout America. People in the real world know they have to live within a budget. Businesses have to live within a budget, as State and local governments have to, and they are very concerned that the Federal Government cannot.

I came to this body with a serious commitment to reduce the deficit, and I have fought for all kinds of proposals, such as entitlement cuts, defense cuts, program terminations, freezes, caps, line-item veto, balanced budget amendment. I even voted for the 1990 budget agreement, its caps and yes, its taxes.

Last year, I was one of only 28 who voted for the Nunn-Domenici proposal to cut defense, freeze other spending, and limit the growth of entitlements, which would have eliminated the deficit before the end of this decade. I still think we are going to have to come to something like that, because what is so clear to me today is that the only way really to cut the deficit is to cut spending.

Four times over the past 10 years, taxes have been raised, and what happened? The deficit is twice as big today as it was when tax raising began, and the economy is weaker, and our future is bleaker. That is because Congress has shown no ability to use the new revenues to reduce the deficit. Instead, spending is allowed to grow even faster.

Yesterday, an interesting article appeared in the Washington Post on the death of C. Northcote Parkinson. He created Parkinson's law, which said that work expands to fill the available time. His second law was the expenditure rises to meet income. The corollary was that, with Government, expenditures rise more than income. Governments, he said, would spend whatever they had and perhaps a bit more; thus, if Congress were to raise taxes, they would raise spending.

Well, it turns out that that is exactly what has been going on. The Joint Economic Committee has studies that show for every $1 in new taxes in recent years, Congress has gone ahead and spent $1.59 cents; that does not reduce the deficit. That is Beltway math. Out in the real world, you know you cannot reduce the deficit on that kind of formula, even if you do it in volume, which is unfortunately what we do.

I was very much impressed by my good friend and former gubernatorial colleague, President Bill Clinton, when he came before the joint session and he spoke admirably and strongly about his view for the future and his view of the economic program. He sold the sizzle, and he sold it very well. He is a compelling speaker and a dedicated person. But if you look back through the campaign, during the campaign, he said he would cut $2 of spending for every $1 of new taxes. After the campaign, his Budget Director reiterated that pledge. But then in his State of the Union, he said he was going to have a $1 spending cut for $1 in tax increase. It was going to be equally divided, he told us. Now we see that it is $1 of cuts for almost $4 of spending.

Mr. President, that reminds me of a problem that happened in a small restaurant back in my State. A friend of mine went in to order rabbit stew, and this place was supposed to have good rabbit stew. He started eating the stew, and he said, "This tastes funny."

He called the chef over and said, "This does not taste like rabbit. As a matter of fact, this tastes like horse meat."

And the chef said, "Well, yeah, I did have to stretch it a little, so I put in a little horse meat."

My friend said, "How much?"

He said, "It was equally divided."

I said, "Explain to me what you mean by 'equally divided.'"

My friend said: "Well, I put in one horse and one rabbit."

That is the problem that we have with this Clinton budget plan. He has 313 billion dollars' worth of taxes and user fee horse meat and only 81 billion dollars' worth of bunny rabbit spending cuts. But he keeps selling it as rabbit stew. And then, when you look at it real closely, the rabbit is actually 74 billion dollars' worth of defense cuts. We should have a dead eagle down there and maybe a little bitty mouse. A little mouse got in the stew. That was $7 billion in domestic spending cuts.

Mr. President, that is not going to sell. That rabbit stew did not sell back home and this economic plan is not going to sell back home either. We have to get more rabbit in this stew. We have to get some spending cuts.

I believe very sincerely that the massive tax increases in this package will accomplish only two things. First, they will choke off the recovery and cost us jobs. Second, they will be used to pay for new programs not to reduce the deficit. As you look at the long-term projections, under the Clinton plan, you see the budget deficit coming down in the first years as we implement the defense cuts. But because we have not dealt with entitlement programs and have not cut spending, the deficit starts going back up in fiscal year 1997, and gets to $400 billion annually by the year 2003.

These tax increases will cost jobs, I think millions of jobs. I met on Monday of this week with people who are in the barge business, who use the inland waterways. The five-hundredfold tax increase on user fees on inland waterways would raise more money than the entire domestic barge industry earned last year. The American Farm Bureau said those taxes would raise 7 to 8 cents a bushel for corn and soybeans being shipped out of the Midwest for export to New Orleans. Farmland industries in my home State said it would be 10 to 12 cents. The real answer is it will put the barge industry out of business, meaning 50 percent of the transportation capacity from our part of the country. And the Btu energy tax will cost, I believe, a million jobs. For anyone who wants the study on which that was based I can provide the DRI model for them. The energy tax will devastate not only the energy industry but also the transportation industry, the aluminum industry, and it will hurt agriculture and rural America.

I talked with a representative of TWA. This Btu tax when fully implemented will cost TWA $50 million a year in 1995 and 1996. That would wipe out their profits that they project for 1995 and 1996, and threatens the future of the industry.

The average Midwest farmer under this Btu tax will have to pay $500 to $700 a year on a small farm, according to studies by the Farm Bureau, but some individual farmers who kept good records say it will cost them a lot more than $500 to $700—more in the range of $1,500 to $2,000 on many family farms that are engaged in commercial production.

Mr. President, back in 1990 there were some on the other side of the aisle who thought a luxury tax on boats was a good idea. They said soak-the-rich. Let us put a 10-percent tax on luxury boats. Boy, we are going to sock it to them. Do you know something? Taxes change behavior. The rich people stopped buying boats or they bought boats from overseas. They did not pay the taxes, and the men and women who worked in the boatbuilding industry lost their jobs. We lost revenue, their salaries. We lost the taxes on the profits of their employers.

Mr. President, I am afraid this is the sort of thing that is going to destroy our economy if we keep taxing jobs. What we need is a package which makes real and meaningful cuts in spending. It should encourage family savings and long-term investment, and it should lock in cuts before anyone starts looking for new taxes. We need a real rabbit stew, not a horse and rabbit stew.

I answered President Clinton's call for additional spending cuts. I sent him my proposals. They provide an additional $220 billion in cuts to reduce the deficit by terminating programs, reforming entitlements, trimming pork, cutting the Congress and White House.

I will be happy to share any of these with any of my colleagues who want them. I cut out the superconducting super collider. The Clinton administration extends it, and actually adds $2 billion more to it. I cut out the mission to Mars. I cut out the EPA green lights program. It is only a $60 million a year program to convince Fortune 500 companies to incorporate energy efficiency modernization. Hey, if they are going to save money let them do it themselves, rather than making the taxpayer pay for it. I privatize crop insurance. I made Medicare reimbursement rates apply to Federal employees and to Members of Congress as they do to senior citizens. I would put Medicaid under managed care. We tried that in our State and it works. It would save $20 billion over 5 years. I would reform the CDBG grants by eliminating the entitlements for wealthy communities, and I would cut President Clinton's proposed new spending increases by 80 percent.

In the Clinton plan that has been presented to us, in order to offset the significant increases in the nondefense area they have listed cuts of supposedly $70.9 billion. But let's take a look at some of his cuts. Other administrative reforms, $11.3 billion; streamlining Government, $12.1 billion; reducing personnel 100,000, $10.5 billion.

These are awfully dubious. Take a look at today's Federal page in the Washington Post, because they are beginning to point out where the smoke and mirrors are. Eliminating authorized positions is a great way to achieve paper savings, but unless you actually put people out on the street, you aren't cutting the size of Government.

A couple of weeks ago an article said after all the much highly vaunted cuts in the White House staff the members of the press found more people at more desks. Where did they come from? I suggested smoke and mirrors.

Just like the President, I was a Governor once and we talked about streamlining government and making savings, and that was very important. But I am from the show-me State. I want to see where those real savings are coming from. I tell you it requires a good sense of humor to claim specific savings in advance in a budget document where you do not even lock in the numbers and, as an aside, I would point out that in the Budget Committee when my colleague from Texas, Senator GRAMM, offered an amendment to lock in the savings it was defeated. But worse than the sense of humor it requires to propose to claim those savings in advance, it requires an unreasonable suspension of prudent skepticism to accept these on the cuff.

I have to address one other saving; $16 billion is claimed for moving from long-term to short-term interest rates in the financing of our Federal debt. They claim to lock this in the budget; that is where the savings is going to come from. Yesterday we had the opportunity to hear from the Secretary of the Treasury and the Chairman of the Federal Reserve. So I asked him. I said, "How can we claim in the budget that we are going to save $16 billion by going to short-term interest rates rather than long term?" And they both said, and I agree that it is something that is a reasonable management tool that must be considered, but the Chairman of the Federal Reserve warned that we could not promise it or lock it in or specify it legislatively, because it is a very, very critical skill to be able to manage the maturities of the debt instruments, the Federal Government issues.

There is a marketplace reason why the long-term interest rates are higher and we would be betting our judgment against the marketplace if we said we could finance all of that debt short term.

Mr. President, you know the last time someone made a bet like that on a big scale, went for the short term interest rates at the expense of long term, borrow short and lent long, was the savings and loan industry in the seventies and eighties. They made a bad bet. We as taxpayers are having to bail them out by $150 billion. We ought not to be claiming in the budget document that we can lock in savings by mandating how the Treasury is going to manage their maturities of their debt instruments. Certainly, it requires all the skill that the Treasury has, and with the leadership of our former colleague I am sure they will do a good job, but they may find that the savings aren't there. You cannot claim the budget is going to save $16 billion, because we are going to switch everything to short term maturities tomorrow and not be risking the same tragedy that befell the savings and loans—and then the American taxpayer.

Mr. President, in the Budget Committee I offered four simple, easy to understand amendments. One was for specific savings in entitlements, to go to managed care in Medicaid. One was to cut pork by enacting a line-item veto to get the $9.8 billion that the President claimed would be spent were he not able to exercise the line-item veto.

I also offered an amendment to cut new spending by 50 percent. And the last is a classic case of if at first you do not succeed, try, try again. I even offered to reduce his new spending by 10 percent.

All of these amendments, I feel, were good amendments and should have been supported. I think the American people, if they had their way, would support them. But, in lockstep fashion, they were all rejected on a party-line vote.

Our economy needs real spending cuts, not real tax increases.

This budget resolution is a jobs killer. And, as more and more people see and understand what is in it, more and more are expressing their concerns.

Taxes do not create jobs. And many of the taxes in the President's plan will go even further and cost us jobs.

Unfortunately, this is the plan we have before us. It is not shared sacrifice. It is shared foolhardiness.

I oppose this plan. I ask and plead with my colleagues, especially those on the other side of the aisle, to resist the President's call for blind adherence to his budget of job loss and deficit increase, to think of what is best for the people in their States, and to help us take the horse meat out of this rabbit stew.

Mr. President, I reserve the remainder of my time.

I yield the floor.

The PRESIDENT pro tempore. Who yields time?

Mr. SASSER. Mr. President, may I inquire of the Senator from New Jersey how much time he will require.

Mr. BRADLEY. Thirty minutes.

Mr. SASSER. Mr. President, I yield 30 minutes to the Senator from New Jersey.

The PRESIDENT pro tempore. The Senator from New Jersey [Mr. BRADLEY] is recognized for 30 minutes.

Mr. BRADLEY. I thank the distinguished chairman for yielding.

URBAN COMMUNITY-BUILDING INITIATIVE: A SUMMARY OF SPECIFIC LEGISLATIVE PROPOSALS

Mr. BRADLEY. Mr. President, it was less than a year ago that we watched Los Angeles explode in riots across our television screens, followed by the parade of people saying it was time to do something about our cities. And of course, nothing was done.

There are no cities burning today—no shopkeepers protecting their stores with guns right now—no mass looting or mass angle being played out on neighborhood streets at the moment. But that does not mean the problems are gone.

I do not believe we can wait until the next urban crisis to start doing something about the problems facing our cities.

Last year I spoke on this floor to paint a picture of America's cities. I described places that were poorer, sicker, less educated, and more violent than ever in my lifetime. I described places where plummeting incomes, skyrocketing unemployment, deteriorating physical conditions, and an absence of meaning in people's lives come together at the barrel of a gun, places where fear covers the streets like a sheet of ice. I talked about the cost of neglect to our economy and our humanity if we do nothing.

Today I want to show a new picture of the same places. It is a more hopeful picture, though there has been no great change. But life in cities is always full of more complexity and more hope than either the media or the politicians want to admit. Today I want to talk about converting despair to hope, about the cities in which it is already happening, and about how human beings in the midst of the turmoil can become islands of courage and dedication, about how we can build bridges to connect islands and bring us all together.

Dedicated individuals in every city have built communities for themselves by inventing new tools. With little help and less encouragement from government, they have had to recombine and reinvent government programs intended for completely different objectives in order to make them do some good. Today I am announcing my urban community-building initiative, a package of bills that will take the tools invented at the community level, and use the power of Government constructively to make those tools available to every community where there is the will and imagination to make them work. These are tools for creative communities to achieve self-improvement.

Life loses its meaning where there is no community. Community today means the chance to build a better future with savings and capital for economic growth, safe streets and comfortable public spaces, education and skills, and strong families. People who share goals and a common effort are people with a purpose in life. But where young people languish without work skills and public spaces crumble, while no one makes the connection between work to be done and people to do work, there is no community. Where there are 10 check-cashing shops for every bank or credit union that lets people borrow and save for tomorrow, there is no community. Where police respond only to crimes that have already taken place, arriving too late to help people who are strangers to them, there is no community. Where children are born to teenage mothers who do not know the effects of drugs on a fetus or a child, or why a child cries, there is little chance of a community for the next generation. Where the Government's only effort to help people escape poverty is a futile flow of income for spending, while Government penalizes savings and investment, there is no community. Where cities are nestled in prosperous metropolitan areas that generate thousands of entry-level jobs a year, but those jobs are only in suburbs, accessible to poor people only by a bus trip of several hours and transfers, there is no community.

Last year I painted three possible futures for urban America.

One was abandonment meaning recognizing that with the billions of investment in the national highway system which led to suburbia, corporate parks, and the malling of America, and with communications technology advancing so fast that the economic advantages of urban proximity are being replaced by computer screens, in those circumstances, the city has outlived its usefulness. Like the small town whose industry leaves, the city will wither and disappear.

The second possible future, encirclement, means that people in cities will live in enclaves. Politics will amount to splitting up a shrinking economic pie into ever smaller ethnic, racial, and religious slices. It will be a kind of clockwork orange society in which the rich will pay for their security, the middle class of all races will continue to flee as they confront violence, and the poor will be preyed upon at will, or will join the army of violent predators. What will be lost for everyone will be freedom, civility, and the chance to build a common future.

Conversion, on the other hand, means winning over all segments of urban life to a new politics of change, empowerment, and common effort. Conversion is as different from the politics of dependency as it is from the politics of greed. Its optimism relates to the belief that every person can realize his or her potential in an atmosphere of nurturing liberty. Its morality is grounded in the conviction that each of us has an obligation to another human being, simply because that person is a human being.

There will not be a charismatic leader here but many leaders of awareness who champion integrity and humility over self-promotion and command performances. Answers will not come from an elite who has determined in advance what the new society will look like. Instead, the future will be shaped by the voices from inside the turmoil of urban America, as well as by those who claim to see a higher picture.

Conversion requires listening to the disaffected as well as the powerful. Empowerment requires seizing the moment. The core of conversion begins with a recognition that all of us will advance together, or each of us will be diminished; that American diversity is not our weakness but our strength, and that we will never be able to lead the world by the power of our example until we have come to terms with each other and overcome the blight of racial division on our history.

The Government in Washington cannot create community where there is none, or generate a commitment to the politics of conversion. But we can provide tools to those who are committed to building it for themselves. That is the idea behind the urban community-building initiative which a group of Republican and Democratic Senators will introduce next week. These eight bills offer innovative, cost-effective solutions to each of the obstacles to community that I have described. The total cost of the package is only $1.45 billion a year, but taken together, it represents a massive investment of innovation and new thinking. These ideas will seem untested only in Washington, where this is a very new approach, but in the streets and community-based organizations where these ideas were born, they are hardly outlandish.

The first proposal is the Neighborhood Reconstruction Corps. I have spoken here and in the past about the deterioration of public spaces and the vast number of young people, with a high-school diploma or even a long work history, who need skills and work. But today I want to speak about people who are gaining skills and public spaces that are being improved. In East Harlem, for example, Dorothy Stoneman started YouthBuild in 1978 to give young people both basic education and marketable vocational skills. While getting their high school equivalency diplomas, they have rehabilitated hundreds of abandoned buildings to create affordable housing. Other programs, such as developer James Rouse's Enterprise Foundation, have shown in Baltimore, Detroit, Miami, and other cities that local companies are willing to participate in rebuilding the cities in which they prosper.

To combine the idea of improving job skills with the idea of asking private companies to help build an economically healthy community, I have developed the Neighborhood Reconstruction Corps. This demonstration would provide Federal funds to match private investments in light infrastructure projects for public entities. For example, if a local company was willing to put up money to help repaint an inner-city school, or to refurbish a neighborhood center, some money would be available but only if an important condition was met: The project must employ a Neighborhood Reconstruction Corps, a corps of disadvantaged workers who would be organized and trained for light construction by a community-based organization. The first idea might come from a company that realizes its own profit depends on clean, modern roads and good schools and housing. Or the initiative might come from the community-based organization that first assembles a Neighborhood Reconstruction Corps and then seeks out companies that want to undertake projects. Everyone must work together—the private business that will put up at least half the money, the local government or school system, and the community-based nonprofit—and if they do, the Government will be there to help.

The second proposal is community schools, which Senator DANFORTH has given a great deal of thought to. One of the great outrages of our cities is that the one public building that is part of every neighborhood and every family's life—the school—bolts its doors tight every afternoon at 3:30 or 4 and every Friday for 48 hours. During that time, kids whose parents are not home often have no safe place to go and no one to help them with homework, sports, or the basic questions about growing up. The dedicated people of the community, who want to be a part of raising the community's children, have no place to come together and help. But if we look at what a few dedicated people have done, we can find an answer. In Newark, it's the Boy's and Girl's Club of Newark. In East Orange, NJ, a local YMCA is transforming itself into a "safe haven" for young people after school. And in Washington, DC, a former executive named Kent Amos gave up his career to give his full attention to the 50 or more kids who come to his home every afternoon for help with homework and other activities.

Meanwhile the school buildings, with their gyms and libraries, their nurses offices and auditoriums, are shuttered. Later this year, I expect to join Senator DANFORTH in introducing a bill called Community Schools. It will provide basic funds to open the schools after hours for purposes the community chooses. It might be a safe place for homework or an athletic program or a parenting program for young mothers. Kids need two things during their free time: a place and a mentor. This bill will give them both, in communities where there is the kind of commitment that Kent Amos and others have demonstrated. But now a caring community can affect hundreds of thousands of kids, not just 50.

I also want to use Community Schools as an example of how the programs in this package are interconnected. For example, if the community wanted to use a school for some new purpose, such as a drama program, but they needed repairs and new facilities, a neighborhood reconstruction corps could do the work. If the community wanted to use the school for an entrepreneurship training program for high-school students, maybe even to start a small business based in the school building, they could combine community schools with the entrepreneurship training component of this package. Communities that can address more than one of the leverage points of conversion at a time will see the impact multiply as expectations and results build on one another in a positive direction.

The third piece of this initiative is the Community Capital Partnership Act. Most of us take basic financial institutions for granted. We have savings and checking accounts, our bank lends our money to businesses in our communities, and we borrow ourselves when it comes time to buy a home or we have an inspiration to start a business. But in most American cities, the only financial institution they know is the check-cashing cubicle, which charges up to 5 percent just to cash a Government check, and takes the money back out of the community. People who want to save have nowhere to go and businesses have no access to capital. Within the 165 square miles that make up the areas most affected by the Los Angeles riots, there are 19 bank branches, as compared to 135 check cashing establishments.

Over the last 20 years, Shorebank of Chicago has shown the world that a financial institution that is committed to community development can lead a community back from the brink of economic and social decline. Since 1973, it has made $340 million in development financing, mainly for the purchase or rehabilitation of housing units in Chicago's South Shore neighborhood.

Shorebank is more than just a bank. Through its various subsidiaries and affiliates, it has been an active force in the revitalization of the South Shore. Shorebank has used a subsidiary, City Lands, Corp., to make high-risk loans for housing development. It has used a nonprofit affiliate, the Neighborhood Institute, to help disadvantaged residents achieve their GED's, start up small businesses, and train for jobs available in the community. It has used its depository institution, South Shore Bank, to make loans to people seeking to renovate apartment buildings and establish small businesses that generate jobs in the community.

The bank now boasts over $211 million in deposits, almost half of which come from residents of the South Shore community.

Another home-grown project dedicated to the benefits of capital and savings is New Community Corp. in Newark, NJ. New Community Corp. was formed in the wake of the Newark riots of 1967. Over the last 25 years, it and its subsidiaries have developed over 2,500 housing units, 25,000 square feet of office space, and an $11 million extended care facility. New Community has also built a $15 million shopping center, which contains central Newark's only major grocery store built since 1967.

New Community's founder, Msgr. William Linder, testified recently before Congress, "I have seen bank branch after bank branch close because the bank did not find serving our community profitable. There was always the same trend. Managers were frequently changed, service became poor, the facility was always dirty. Frankly, no one in authority cared about our community."

But instead of giving up hope, Monsignor Linder and others started a credit union. He now presides over a credit union with about $1.7 million in assets that provides basic banking services to community residents. Last year, New Community's credit union made 165 loans, mainly to poor residents of Newark's Central Ward. Basic banking services like check cashing, consumer loans, and savings accounts are taken for granted by a lot of people, but in places like the Central Ward of Newark they have become scarce and prized resources. Like Shorebank, New Community, in its own way, has recreated opportunities for its community.

The bill I introduce today commits the Federal Government to efforts like these all across this country. It increases the amount of funds authorized in various Government programs for the benefit of community development financial institutions, and expands the number of institutions that are eligible for the funds. It creates a new program specifically designed to help institutions like New Community—community development financial institutions—grow into community development banks like Shorebank, and it helps institutions like Shorebank expand their services.

The fourth bill provides training and help for entrepreneurs. When we confront our fears about the city, we have to start with our assumptions about the people who live there, particularly young black men. But here is another view of the young people of the inner city: "They confront risk daily, they are resilient, intuitive, creative, and observant, and they have learned to take great initiative within a stifling environment, just to survive." To Steve Mariotti, a former Detroit auto executive, these were the characteristics of a successful entrepreneur. With help from private foundations, he started the National Foundation for Teaching Entrepreneurship. Where others looked at these same kids and saw only their deficits and their problems, Steve saw their strengths. And he was right. By working in schools and settlement houses with kids as young as 6 and up to the age of 24, he taught people about the value of money, and about how to use their instincts and skills to grow in the long run, not just to survive in the short run. In 1990, the foundation graduated 225 young entrepreneurs, who started 152 businesses, including retail clothing firms, food and catering businesses.

The Foundation for Teaching Entrepreneurship is just one program that might benefit from my entrepreneurship training program for urban residents young or old. The bill authorizes $85 million in grants to community colleges and community development corporations in economically distressed central cities to develop an entrepreneurship curriculum and train urban residents for self-employment. It also provides $150 million in guarantees of loans made by community development corporations, community development loan funds, community development credit unions, and community development banks to finance small business startups by graduates of such self-employment training programs.

Fifth, I will introduce the Community Policing Assistance Act. Business can hardly survive, much less grow, if there is no safety. Three weeks ago in Newark I met a man who owned a small store, an immigrant, who was terrified of frequent robberies. His store was in the shadow of city hall, just blocks away, but when he called the police, he said it took 3 hours for a squad car to respond. He concluded that government would do nothing to ensure his safety, and now he carries a gun.

Government's response to the epidemic of violent urban crime has been to toughen and toughen again the penalties in the letter of the law. I have supported this effort—because the penalties should fit the magnitude of crimes involving both drugs and violence—but there is a larger point. A police culture that isolates officers in squad cars, responding to crimes only after the fact, will never prevent crime and will rarely catch the criminal.

While Government was speaking louder about crime, but carrying what looked like a smaller and smaller stick, a few communities were inventing for themselves a new way to ensure safety. In East Orange, NJ, police officers recently took the roughest 12-block zone of the city and made it a miniprecinct, with an accessible office and distinct neighborhood beats for every officer. A similar program that started in 1990 in Columbia, SC, brought an immediate 30 percent reduction in crime. An elderly woman living in a housing project, who had slept on her floor for 5 years because she feared bullets coming through her window, was finally able to get back into bed. Now police officers worry less about what crimes have occurred, and spend more time talking to people, finding out where trouble is brewing, and intervening before it happens. Police know the mothers who are worried about their sons and daughters; they know the shopkeepers who are worried about neighborhood thugs, and they know the thugs the shopkeepers worry about. With knowledge comes trust and trust is the foundation for security.

This new model, known as community policing, can build a base of trust and knowledge in every community. But it requires an investment, at least at the beginning. When police officers spend more time on the streets, preventing crime, a city needs more police officers to provide the same basic level of security and the same response time when crime does occur. My community policing bill, the third component of this initiative, authorizes $200 million in matching funds to local law enforcement and community groups to support community policing activities in economically distressed central cities. Police departments can use these funds for local police substations, or to staff regular police neighborhood beats.

As essential as investment, capital, and infrastructure are, they are not family. They are not children. And nothing is more vulnerable than children to the pressures of the city. Raising children is a 24-7-365-20 proposition: 24 hours a day, 7 days a week, 365 days a year, for 20 years. Young mothers often do not realize this, and with the pressures of the city—the economic pressures, drugs as a commonplace of life, crime and guns—it is more difficult for them to provide that steady hand then for most other parents.

Yet a few people have stepped in to build communities that set children on a sound course through life by caring for them in the most important 15 months of life: the last trimester of pregnancy and the first year after birth. In Los Angeles, Bea Stolzer and an organization called New Economics for Women put together everything they could find, including low-income tax credits, local housing development credits, CRA credits, and welfare system funds to build Casa Loma, a residence for 110 single parent families and senior citizens, with child care space, family services, and vocational programs. In New York, the Bronx Parent Association has developed a 12 to 18 month residential program—La Casita—to serve pregnant women and women with young children. It provides initial evaluation of enrollees for psychosocial needs and substance abuse problems, counseling, onsite medical services, job training, parenting classes, onsite day care, and a 1-year followup.

From these home-grown initiatives, I have come up with the idea of 15-month Houses, and later this year I will introduce a bill authorizing $250 million to establish residential programs for low-income and young mothers during the third trimester of the mother's pregnancy and the first year of life. The program must provide the mother with health and substance abuse screening or treatment, and education in parenting. For the children, the program must include cognitive stimulation as well as immunizations and other care. The Robert Wood Johnson Foundation recently completed a study showing that if children are provided not just healthy care during the first year of life, but also systematic cognitive stimulation, behavior problems will be reduced later, they will progress more quickly in education later, and the burden on the school to remedy problems from early in life will be correspondingly reduced. Fifteen-month houses will be intended to provide that safe and stimulating year to the most vulnerable children.

Another reality of city life that we have to face up to is Government's failure to lift people out of poverty. The average income in Newark, NJ, is only $9,424 a year. The average income for New Jersey overall is $24,881. While cities have gotten poorer, Government has been engaged in an endless debate about whether traditional welfare programs give people too much income, discouraging work, or too little. While this debate is important, it misses a key point: traditional welfare programs that support income and spending can never, by themselves, lift people out of poverty. You can no more spend your way out of poverty than you can borrow your way out of debt. To become economically self-sufficient requires at least some assets—a house, a savings account in case of an emergency, even an education counts as an asset. Poor people are much poorer in assets than in income. For example, black families with monthly incomes below $900 have an average net worth of only $88. That includes everything—furniture, a car, savings, the value of a pension. The average net worth for white families earning only two to three times as much is more than $50,000.

For middle-class people, the Government encourages and heavily subsidizes the development of assets. Interest paid on home mortgages is tax-deductible, at a cost of more than $40 billion. Pensions are tax-deferred, and individual retirement accounts allow people with $2,000 to spare to save for the future. Meanwhile, poor people live in neighborhoods where there are no banks; without a pension or a downpayment on a home, they cannot take advantage of the many ways our Government helps people develop assets. If they are on welfare, they cannot even save $2,000 or so to buy a car and get to a job without a penalty. Indeed, in Milwaukee, WI, 2 years ago, a young single mother named Grace Capitello managed to save $3,000, by making clothes and toys for her daughter instead of buying them, and by scrimping at the grocery store. For her efforts, she was charged with fraud by the county and ordered to turn over all her savings. Fortunately a judge understood. Throwing out the case, he complained, "I don't know how much more powerfully we could say it to the poor in our society: Don't try to save."

From the creativity of Grace Capitello comes the idea for the Assets for Independence Act. This bill would not only allow poor people to save without penalty, it would encourage it. It would allow anyone with income up to twice the poverty line—or about $22,000 for a family of four—to establish an individual development account and contribute up to $2,000 a year, the same as in an individual retirement account. This account could be used for only four purposes: to buy a first home, to pay for college education, for retirement, or to start a small business. To reward savings, the program would provide funds to community-based nonprofits to match the savings in an IDA, up to a total of $2,000. This bill would authorize $200 million to establish a broad demonstration of this revolutionary concept.

The most striking characteristic of American central cities today is their isolation. Once the hub of their regions, the center of commerce, jobs and culture, innercity residents are now isolated socially, culturally, and economically. Outsiders look in, through movies like "Boyz in the Hood," at a world with its own values, its own language, and its own icons of popular culture. But all the talk in Washington about the culture of poverty diverts our attention from the very simple fact of isolation from jobs. It is not news that a central city like Newark lost 80,000 jobs between 1970 and 1988. But these cities are nestled in metropolitan areas that were creating far more jobs than were lost, including many entry-level jobs with modest skill requirements.

Unfortunately, those jobs were in the suburbs. To say that an urban resident can't get an entry-level job until the city revives in total is to say that a generation will be wasted as politicians of all races give excuses and bureaucrats twiddle their thumbs and push paper. In 20 large metropolitan areas of America, more than 75 percent of the jobs created in the 1980's were outside of the central city. And in six areas, including Chicago, Cleveland, and Detroit, every single new job created—100 percent of the net job growth—was in the suburbs. Government has tried various costly strategies to address this enormous disparity. Urban development has cost hundreds of billions, gentrified a few small downtown areas, but still left poor people in the cities living increasingly in areas where almost everyone else is also poor. The latest effort at urban development, enterprise zones, might turn out to be more successful, but the cost is high and the change only marginal. Dispersal strategies, efforts to help inner-city residents move to the suburbs, have been very successful when ordered by a court, as in the Gautreaux project near Chicago, but encounter intense political resistance. With the failure of these two strategies, the only alternative has been abandonment, leaving the cities, with their vast human capital behind, while businesses in the suburbs struggle to fill $5-an-hour entry-level jobs from a limited labor pool.

There is an alternative, possibly a much less expensive one: mobility. In southeast Chicago, residents of the Le Clair Court housing project concluded that the barrier between Le Clair residents and jobs was simply transportation. Most Le Clair residents don't own cars, and bus transportation to a suburban job means getting up 3 hours before work and returning home well after dark. With the help of a creative young manager named Theresa Prim, they scraped together $250,000 from foundations to buy five 20-person vans, and began to talk to suburban businesses about their desperate need for entry-level workers. They concluded that if people had good jobs, they would pay $6 a day for transportation to those jobs. Now fares paid by workers or employers cover almost half the cost of the Accel Transportation project. The vans are full. And many Le Clair residents soon buy a car to get to their new jobs, opening a spot in the van for someone new. Besides transportation, the program includes job counseling and conflict resolution for workers who are not used to suburban jobs and employers who are not accustomed to hiring inner-city residents and often must overcome their own ingrained impulses on issues of race.

I have not given up hope that we can draw more jobs to the cities, but we can no longer put all our hopes in that strategy. We know where the jobs are, and we know that in good economic times, companies have a hard time filling those jobs. In 1987 and 1988, companies in northern New Jersey were desperate for workers and began to run their own vans into Newark. But when the economy turned down, companies quickly cut this cost, and urban workers were cut off before they developed a permanent attachment to the work force.

My mobility for work initiative is intended to build a lasting connection between urban workers and suburban jobs by helping projects like Accel Transportation get going. At only $15 million, it is the least expensive component of this urban initiative, but one with the most possibilities. Everything is interconnected. For example, when city dwellers return to their communities in the evening with real earnings from jobs, banks, and retail businesses will emerge to serve them, creating more jobs in the community and starting a cycle of prosperity. Some urban residents might move out to the suburbs, closer to the jobs, or some businesses might be drawn back to the city, once they overcome their prejudices about inner-city minority workers. This is a demonstration program, with a rigorous evaluation at the end to determine the effects of this new strategy.

These eight programs form a coherent strategy to build communities by restoring their public spaces, by fully utilizing schools, by making capital available, by bringing law enforcement into the community, by helping people save for the future, by strengthening families, and by connecting people with jobs. All eight are demonstration programs, to give these new ideas a serious test before we implement them nationally.

Most of the eight programs also include a peer review panel to look at the initial applications for demonstration grants and design the evaluations. All eight programs have a strong accountability provision with rigorous standards and frequent review and assessment. The money provided under this initiative will not be distributed by bureaucrats in Washington, but by people with experience in making these programs work at the local level. In many cases, it will be the people who invented them. They will know whether the groups that apply for grants really have the ability and commitment to make them work, or they just know how to write grant applications.

These programs are also concentrated where the need is greatest. Too often when we design programs for cities, the political process spreads the distribution so widely that cities get very little and well-off suburbs get assistance they don't need. Some of these programs are linked to a definition of economically distressed central cities. Currently 297 cities quality under this definition, which is based on a modification of the formula for community development block grants. Other programs are specifically targeted, like the mobility for work grants, which can go only to programs in the 20 metropolitan areas where more than 75 percent of the job growth has occurred in the suburbs.

From 1981 to 1992, Federal aid to cities was cut by 60 percent, in constant dollars. We have failed our cities by denying them investment, attention, and imagination. A lack of money can be remedied quickly, even given our budgetary constraints, as President Clinton has shown by proposing to spend, in 1997, $3.7 billion for Head Start, almost $1 billion for the Women, Infants and Children nutrition supplement, $3.1 billion for community development block grants and related programs, $247 million for the Job Corps, and $1 billion for summer jobs this summer. These are longstanding, well-tested programs that work and never should be abandoned.

But fully funding old programs that work is not enough. We must remedy not just the failure of spending, but the failure of imagination and 25 years ago, the Kerner Commission, appointed to study the riots in Newark and Detroit, called for a constant stream of innovative programs to get at the real problems underlying violence. If we are only talking about fully funding the few programs from that era that have survived and work, we must acknowledge that we are denying the decades-old call to constantly think anew about our cities.

This initiative gives these local programs a national test, so we can see what works and what does not. The cost of the program is $1.44 billion per year—slightly more than the cost of insurance claims of 4 days of rioting in south central Los Angeles last April. The question is not whether we can afford to spend this money in our cities, but whether we can afford not to. Earlier this week the administration said we had no choice but to spend $45 billion more to clean up the S&L's; do we have any less choice in our cities, for $43.5 billion fewer?

At its core, this proposal deals in an interrelated manner with the steps that it takes to become a fully contributing adult in our society. To address the first years of life, these are 15-month houses; to help with education, there are community schools; to provide safety, there is community policing; to create jobs and job training there are neighborhood reconstruction corps, community capital partnerships, and entrepreneurship training; to connect jobs and job-seekers there is mobility for work; and finally, to promote savings and investment, there are assets for independence. Rural, suburban, or urban, these are goals we all share.

That is the purpose of my package. In the absence of funding or imagination from the Federal Government, for 12 years urban heroes have had to figure out how to make the most of what they have. This initiative takes the creativity that has flourished at the local level, and translates it into national programs that can in turn be used as tools for a new wave of creativity. With this initiative, I hope we can begin a new era in which we do not deny the existence of a crisis of race and isolation in our cities, we do not deny resources to cities, and, above all, we no longer deny cities our natural optimism and creativity as a Nation in finding solutions to problems that seem hopeless only because we have not given them our best effort, our fullest resources, or our most creative imagination. Now is the time to seize the moment.

I ask unanimous consent that a summary of the urban community-building initiative be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

NEIGHBORHOOD RECONSTRUCTION CORPS ACT SUMMARY

The Neighborhood Reconstruction Corps combines two successful ideas: using community organizations to give disadvantaged workers marketable job skills and real work, and enlisting private enterprise as partners in rebuilding public spaces and public buildings. Program funds will be used to train disadvantaged workers for light infrastructure repair work, and to match private investment in public projects.

Federal grants will be available for nonprofit community development corporations or private business entities at up to a one-to-one match of private funds. Project cannot cost more than $1,000,000 and the Federal match cannot exceed $500,000. Qualifying projects would include enhancing public parks, bringing public buildings into compliance with the requirements of the American With Disabilities Act, graffiti removal, repairing bus shelters, replacement of sidewalks, painting schools, and similar light public projects.

The Department of Commerce will administer the program, but grant applications will be reviewed by a separate peer review panel made up of community leaders with successful experience in similar programs. To avoid the diffusion that has weakened comparable grant programs, only cities designated Economically Distressed Central Cities, under a formula in the bill, can qualify for grants. The formula is based on a modified CDBG formula, and currently 297 cities of 35,000 or more population would qualify.

The Neighborhood Reconstruction Corps has a three pronged effect on urban development: it provides training, work experience, and jobs to economically disadvantaged workers while it encourages private enterprises to invest more in urban communities and improves much needed infrastructure clean up and light construction in historically unnurtured and blighted urban areas by individuals living in those areas. This program combines ideas from several successful community-based, including the East Harlem Action Program and the urban reconstruction programs of the Enterprise Foundation.

This bill authorizes $500 million a year.

COMMUNITY CAPITAL PARTNERSHIP ACT OF 1993 SUMMARY

I. COMMUNITY INVESTMENT CORPORATION DEMONSTRATION IMPROVEMENTS

Expands the types of institutions that qualify for assistance under the Community Investment Corporation Demonstration, section 853 of the Housing and Community Development Act of 1992, from community development banks to the larger number of community development financial institutions, including community development banks, community development loan funds, and community development credit unions.

Increases the amount of capital assistance authorized for 1994 from $26,000,000 to $50,000,000. Increases the amount of development services and technical assistance funds authorized for 1994 from $15,600,000 to $25,000,000. Increases the amount of money authorized for the training program in 1994 from $2,100,000 to $5,000,000.

II. ASSISTANCE TO COMMUNITY DEVELOPMENT CREDIT UNIONS

Increases the NCUA's Community Development Credit Union Revolving Loan Fund from $6 million to $25 million.

Allows the NCUA to invest idle Revolving Loan Fund money to fund technical assistance to community development credit unions.

III. COMMUNITY DEVELOPMENT BANKING TRANSITION ASSISTANCE PROGRAM

Authorizes $400,000,000 over four years to assist community development banks expand their activities and help community development loan funds, community development credit unions, and community development corporations that want to become community development banks develop into community development banks.

Gives the Secretary of HUD authority to provide capital and operating assistance to eligible institutions, provided the institutions agree to negotiate certain performance criteria relating to lending volume, portfolio performance, and service to targeted groups with the Secretary. If an institution fails to meet the performance criteria, the Secretary can stop funding of the institution.

IV. ASSISTANCE TO COMMUNITY DEVELOPMENT LOAN AND INVESTMENT FUNDS

Provides $20 million in federal matching grant support to community development loan and equity funds which makes loans and investments of $25,000–250,000.

ENTREPRENEURSHIP AND SELF-EMPLOYMENT TRAINING ACT OF 1993 SUMMARY

I. DEVELOP COMMUNITY ENTREPRENEUR TRAINING

Requires the Secretary of Labor to award competitive grants to five community colleges in economically-distressed central cities to develop specialized training curricula for entrepreneurship and self-employment training of disadvantaged, inner-city residents.

Authorizes $10,000,000 for the training curriculum grants.

II. TRAINING GRANTS

Provides $85,000,000 a year for four years to fund 6 to 12 week courses based on the training curricula developed under the program which are taught by the community colleges and community development corporations that serve residents of economically-distressed central cities.

III. LOAN GUARANTEE PROGRAM

Requires the Administrator of the Small Business Administration to guarantee loans up to $25,000 made by community development corporations, community development loan funds, community development banks, and community development credit unions to individuals who have graduated from a training course provided for under the program and intend to start a business.

MOBILITY FOR WORK ACT SUMMARY

This legislation is intended to support efforts to provide transportation to work for inner-city residents in areas where new entry-level jobs are found primarily in the suburbs. The bill authorizes $15 million for local transit agencies, community-based organizations and governments to explore the potential of mobility strategies to build a permanent attachment between urban residents and the workplace.

Programs funded under this bill must utilize one of the following models:

Expansion of existing job training or job search programs to include transportation.

Improving public transit systems to create links between urban residential areas and outlying areas of high job growth.

Establish regional coalitions to improve central city access to jobs.

The program will be administered by the Secretary of Labor in consultation with the Secretaries of Transportation and Housing and Urban Development. It is intended to encourage similar cooperation among local job training and placement programs, transit agencies, and economic development authorities.

To limit the assistance to the areas of greatest need, eligibility will be limited to metropolitan areas in which 75% or more of the job growth over the previous ten years was outside of the central city. Based on current figures, this includes 20 metropolitan areas, among them Chicago, Los Angeles, Cleveland, Detroit, Washington, DC, Philadelphia and Milwaukee.

ASSETS FOR INDEPENDENCE ACT SUMMARY

Establishes a wide demonstration of Individual Development Accounts (IDAs). These accounts would allow people with incomes up to 200% of poverty to save up to $2,000 a year in accounts specifically designated for (1) higher education, (2) purchase of a first home, (3) retirement, or (4) to start a very small business.

Low-income people who managed put aside savings in an Individual Development Account would receive a dollar-for-dollar match in the account. Community-based organizations, community credit unions or community banks could apply for a federal demonstration grant under this act. The organization would then use the grant funds to match Individual Development Account savings for all low-income participants in the community served.

Participants could withdraw funds at any time for any of the four qualified purposes, without penalty. If IDA savings are withdrawn for any other purpose, there is a penalty comparable to the penalty for early withdrawal from an Individual Retirement Account and all funds and interest attributable to the federal match would be returned to the Treasury.

Individual Development Accounts are intended to remedy the lack of savings and security in poor neighborhoods, to develop a long-term habit of spending, and to match the government's subsidy for asset-development by the middle-class with a comparable, though modest, subsidy for the working poor.

The legislation would authorize $200 million for this demo, or sufficient funds to establish about 200,000 Individual Development Accounts.

15-MONTH HOUSE PROPOSAL SUMMARY

This legislation, to be developed in full and introduced later in the spring of 1993, will fund residential programs that provide refuge and a solid start in life for children who need help during the most vulnerable 15 months of life—the last trimester of pregnancy and the first year of life.

Fifteen-month houses would provide very young or low-income mothers with health care; parenting education; social, psychological or substance abuse counseling and treatment; and educational or vocational training. They would provide the infant with pediatric care, nutrition, immunizations, and extensive cognitive stimulation. There will also be follow-up with both the mother and the child, and efforts to involve absent fathers in the lives of their children at all stages.

Fifteen-month houses are based on several successful programs developed by hospitals, parent associations, and other community groups, such as La Casita, a 12–18-month program for young mothers in the South Bronx. It is also based on a study by the Robert Wood Johnson Foundation that compared children who received solid health care and nutrition during the first year of life with children who received all that plus systematic cognitive stimulation. That study found that children who were cognitively stimulated—through exercises with shapes, sounds and colors—in the first year of life were better prepared for school and had many fewer behavior and learning problems later in childhood.

The legislation will authorize $250 million for 15-month houses.

COMMUNITY SCHOOLS PROPOSAL SUMMARY

Community Schools will be the name of legislation that Senator Bradley and Senator Danforth have been working on and intend to introduce later in the spring of 1993. The legislation will provide funds for community groups to keep schools open after hours for purposes the community develops for itself.

Community Schools is based on successful programs in Boys and Girls Clubs, YMCAs, and even in private homes that community leaders have opened up as a safe haven for children after school hours. It is intended to build on those programs by using the most accessible and useful public space in every neighborhood: the school. Community groups could apply for grants to use the school's gymnasium, cafeteria, auditorium, classrooms, or other facilities after hours. Potential uses of funds include mentoring programs in which adults from the community would help young people with homework, athletic programs, drama, or any other use the community developed for the young people of the community.

The legislation will likely authorize $15 million for community schools. Funds might be used to develop the community program or to offset the incidental costs of keeping schools open.

COMMUNITY POLICING ASSISTANCE ACT OF 1993 SUMMARY

Authorizes $200 million in grants for local governments and community groups in economically distressed central cities to establish or expand community policing programs. The goal of the bill is to increase police presence in the community by fostering and strengthening the ties between the community and the police.

Funds can be used for any of the following approaches to community policing, all of which have proven successful in improving safety:

Decentralized police substations in the community.

Expanded foot patrols for police officers and reduced emphasis on squad car surveillance.

Community/police partnerships to target crime, such as citizens patrols and crime detection networks.

Community/police training programs in areas such as cultural diversity, crime prevention, and gang prevention.

Development of model projects to help communities identify drug or gang houses and use civil remedies, such as public nuisance violations, to eradicate such houses, and use mediation techniques to resolve gang problems.

Of the $200 million authorized, 75% is targeted for use by local governments, the balance by community groups.

The PRESIDENT pro tempore. Who yields time?

Mr. BOND addressed the Chair.

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I yield 15 minutes to the Senator from New Hampshire.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. GREGG] is recognized for 15 minutes.

Mr. GREGG. I thank the Chair.

While we have all gathered here to discuss this budget, and I guess we are going to be discussing it for a few more days before we get to vote on it, having served on the Budget Committee, I had a chance to participate in the marking up of this budget, and I must say that I was impressed by the sincerity and the desire of all the members of the Budget Committee to accomplish deficit reduction and economic growth. But there are also obviously within the committee basically along party lines very deep philosophical differences as to how these goals should be accomplished. When you look at the budget which is being proposed by the majority party, which is a modification of the President's budget, you certainly see that there is a clear ideological tilt to it.

In this budget that has been proposed, there are large increases in taxes. In the budget that has been proposed by President Clinton and presented here by the majority party, there are large cuts in defense spending.

In the budget that is proposed by the Democratic leadership and President Clinton, there are on net very few reductions in actual domestic spending.

If you were to summarize the budget in three lines, it would be a budget that dramatically increases taxes, that dramatically cuts defense, and that maintains spending at present levels for the 5-year period.

It does not, in my opinion, accomplish its basic goal, which is to reduce the deficit significantly and generate economic growth.

It does not accomplish this because it puts such a significant new burden on the marketplace with the new taxes and because it passes up the opportunity to make very significant reductions in spending at the Federal level.

The program has in it new spending initiatives which amount to about $124 billion. It has spending cuts on the domestic side which amount to around

$131 billion, for a $7 billion net reduction over 5 years in domestic nondefense spending at the Federal level.

My goodness, just in a bill that was voted through here last week we spent $5.5 billion, which basically is not funded and, therefore, reduces that $7 billion, so actually the cut in this budget is $2 billion—$2 billion—over 5 years in domestic nondefense spending. What a paltry sum that is when you consider the rate of growth of the deficit over this period, because the deficit over this period is going to grow by $1.08 trillion—$1.08 trillion—over this same period of time. And that is debt which is added to our already outrageous national debt, which debt must be paid for by the next generation.

It is cost which we are incurring today but which we are not willing to pay for today, giving the bills to the next generation.

There was, as I said, a sincere effort I believe to try to address the deficit, but it was pulled down by this philosophical belief that you must have new taxes and you must have a lot of new spending, which seems to drive both this Presidency and the Democratic Party in this body. If you look at this budget, a lot more could have been done and done in a positive way, but, unfortunately, sitting on the shoulders of the people who wrote this budget was that little elf who kept whispering in the ears of the budgeteers: Spend, spend, tax, tax. And as a result what we got was a budget that taxes and taxes and, unfortunately, spends a great deal of money.

The chart which has been referred to a number of times already reflects just how much this budget is made up of taxes. The red part of the pie is the new taxes. The orange part of the pie is the new user fees. Fully 79 percent—79 percent—what is represented to be $458 billion of deficit reduction over the next 5 years is accomplished through new taxes or user fees—79 percent.

And what is in this tax package that is so good for America, that is going to help the other side of the equation which we wish to address, not only deficit reduction as a goal but also economic activity? Well, in this new tax package there is something called a Btu tax. Now, this is a unique tax, probably one of the more regressive taxes that this body will ever consider, certainly a regressive tax for New England where I come from, New Hampshire, because this is a tax that is on all energy sources but for some reason it is not on all energy sources equally.

First off, by being on all energy sources is regressive by definition because that means no matter what your income bracket is, no matter who you are, you are going to pay the tax at the same rate, whether you are Donald Trump or Martha Jones who happens to run a small restaurant in Epping, NH. You are going to pay the same rate of tax on the energy you purchase as the wealthy person, middle-income person or the low-income person. All pay the same rate of tax, except that in New England we are not only going to pay the flat rate of tax, we are going to get a little extra kicker under this bill. Somebody decided in the White House—and I hope it was not the President, because certainly he has been to New Hampshire and understands how cold our winters can be, but somebody down there decided well, we ought to double hit home heating oil. And under this Btu tax, which is regressive on its face, it gets doubly regressive for people from New England where 80 percent of our homes are heated by oil—80 percent—because the tax is more than twice as much on home heating oil as compared with natural gas or electricity.

What a terrible thing to do to the people of the Northeast. What a terrible thing to do to the people of this country, to stick them with a regressive tax to begin with, but why pick out New England or the Northeast and say: Hey, we are going to sock it to you and give you a little extra in tax burden. It is estimated it is going to increase the average heating bill in New Hampshire by 8 percent. I think that is conservative, but it is expensive. The theory I am told is that somebody down there in their intellectual genius has decided that oil is not a very good commodity to use as an energy source, especially heating homes, and we should limit the amount of oil used in this country and the way to do it is tax it out of use. For environmental reasons we are told this.

Well, I hope those folks will come to New England, and remember that people have to make a living and survive in New England and that they maybe cannot absorb this little exercise in industrial and environmental policy and that it may have significant downsides because I tell you that the average citizen in New England is going to have to go back, at least in New Hampshire anyway, to using wood, and that has a significant environmental threat also.

There are other taxes in this package. There is a Social Security tax. Now, we are told again that we are not going to have any taxes on low- and moderate-income people in this country, that this package is just going to sock it to the rich. Well, we already know the Btu tax hits everybody, hits people especially regressively in New England. But the Social Security tax, that is a good one. Social Security recipients with more than $25,000 of income will find that their taxes go up on their Social Security benefit.

A Social Security recipient who receives a $43,000 income will find that his or her taxes go up by about $9,000. The effect of this is regressive. It is totally regressive and inappropriate. These taxes and these fees, as I mentioned, total 79 percent of the entire package.

Then we have what is alleged to be spending cuts in the package. We heard a lot in the State of the Union and a lot since about how this is going to cut spending. Yes, it is going to cut defense spending. Everybody agrees defense spending is going to take a $74 billion additional hit over what President Bush represented he would cut defense. He had already planned to cut it by $78 billion over 5 years, but we will add $74 billion on top of that. So be it.

But on the domestic spending items, there is, as I mentioned, no net reduction in spending. There is $124 billion of new spending. It is called investment. Investment in what? To a large extent it is investment in jobs programs, make-work programs, and the paying off of certain political interest groups who happen to have the leverage to come to this body and seek support. There is very little real what you would call infrastructure investment in this $124 billion of new spending, which we cannot afford to begin with anyway.

On the spending cut side, they represent they are going to make spending cuts of $131 billion over the 5-year period. But look at the numbers. Look behind what is stated here because it is illusory. Of that $130 billion of cuts that they claim are going to be made, $48 billion of that, about 20 percent, a little more than 320 percent actually, is going to be made in the year 1998, under their estimates. We do not even appropriate for the year 1998, I do not think, in this year.

Those budget cuts have all smoke as their substance. Will they be made? No one knows. They are a guess, they are a plug number, is what they amount to.

Then, if you look at the rest of the cuts, they are equally backended. Spending is not backended. No, sir. We are going to be spending on all these new programs right up front. We will be out there spending our tax dollars and money we borrow from our kids, aggressively right off fast right out of the chute. But the spending cuts which are alleged to be in this package are not going to occur until the end. In fact, 22 percent of them are not going to occur until the year 1998, and one doubts that they will occur at all in that year.

So, really, this budget has a huge net increase in spending in the short term and a very doubtful reduction in spending and a light one at that, $7 billion—of which, I have said, we have already spent $5.5 billion—over the long run.

What is the practical effect of all of this? According to CBO—this is not my calculation—there are $3.86 of new taxes for every $1 of spending cuts in this package. Over the period of 5 years the deficit will grow by $1.8 trillion.

That really is not going to get to the issues which we need to get to, which involve reducing the deficit and getting the economy going.

The regressive tax package clearly is going to have an extraordinarily negative effect on regions like New England. The Social Security tax is going to have a negative effect on senior citizens, and these are middle-income individuals. And the defense cuts—I agree we have to make further defense cuts—are going to have a negative impact on the economy, too.

But, most importantly, the fact that you have a budget which dramatically increases spending at a time when you are trying to reduce the deficit, I think, is going to have the longest lasting negative impact on the economy, as we will get the spending increases whereas we will not get the cuts.

The problem we have here has to be restated. The problem we have is not that we as a Federal Government are not spending enough money. The problem is that we have been taxing our people too much and we have allowed spending to get out of control.

The deficits which we have today and the debt which we have today were not generated by the fact that we cut taxes in the eighties under the Reagan plan; it was generated by the fact that we have increased spending.

This chart shows that rather clearly. This chart has two lines on it. The red line is spending and the blue line is taxes. It takes those two numbers as a percentage of gross domestic product. If you look at this chart, you will see that taxes since 1960 have pretty much remained constant, even during the Reagan years when we heard so much about how taxes were cut and this is what created the deficit. The taxes that we were taking out of the American population were essentially the same, around 18 percent of gross domestic product.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. GREGG. I ask unanimous consent for an additional 5 minutes.

Mr. BOND. Mr. President, I ask to yield another 5 minutes to the Senator from New Hampshire. I would also ask that this side's responsibility for allocating time be transferred to the Senator from New Hampshire when he concludes his remarks.

The PRESIDENT pro tempore. Without objection it is so ordered.

Mr. GREGG. Mr. President, as I was mentioning, the basic tax burden on the American people arising from Federal activity has been maintained at about 18 percent since 1960. But the rate of growth of Federal spending has increased from 18 percent to almost 24 percent since 1960. When you are talking about this 3-percent gap, that is what creates the deficit. It is 3.5 percent, 4 percent based on a $6 trillion economy, and obviously represents large numbers.

But what this chart also shows is that it is not that we cut taxes in the eighties that created the deficit, it is that we increased spending. As a practical matter, if we wish to address the deficit today, the structural deficit problem, what we need to begin with is the control of spending. How do you do that? Clearly, President Clinton and the Democratic Party have put forth their plan. As I mentioned, it is a plan with three components: raise taxes dramatically, cut defense dramatically, and have basically no change in domestic spending.

I happen to believe the way to get there—and I think the majority of Republicans believe—is by addressing the spending side of the ledger first. You do not backload the spending cuts. Rather, you accelerate the spending cuts to the front of the budget process. You do not add $124 billion of new spending, as President Clinton's plan calls for, as adjusted and presented here, because you cannot afford all of that new spending. And the spending that you are presently doing at the Federal level you address and you start to reduce. For example, you could freeze domestic spending and you could put in place a control mechanism using CPI and population for mandatory spending.

If you followed those steps, you would be able to take another $300 billion out of the deficit over the next 5 years beyond what was proposed in the President's and the Democratic plan without the new taxes which the President's plan calls for and the Democratic plan calls for. You would end up with a budget that would dramatically impact the deficit over the next 5 years and would not have a Btu tax and would not have a Social Security tax and would allow the marketplace to grow rather than to contract as a result of the excess taxation. This should be our goal.

As I mentioned when I began, there have been sincere efforts on both sides to try to address the issue of the deficit and to get economic recovery going, but there are also very deep philosophical differences about how this should be accomplished. It is very clear, if you look at the President's plan as presented to us, that they intend to accomplish this with taxes. Seventy-nine percent of their deficit reduction is done with taxes and fees. This is the wrong way. It is also very clear, if you look at the President's plan, that you end up with a lot of new spending that we cannot afford.

Let us go about this the way we do in your own home, the way American citizens do in their own homes.

The basic goal should be to reduce the deficit not by adding new taxes and new spending but by controlling spending and not overburdening the American population with additional taxes. That is our goal on this side of the aisle, and that is what we will be offering amendments to accomplish over the next few days.

I reserve the remainder of my time.

The PRESIDENT pro tempore. Who yields time?

Mr. SASSER. Mr. President, I yield 30 minutes to the distinguished Senator from Maryland [Mr. SARBANES].

The PRESIDENT pro tempore. The Senator from Maryland is recognized for not to exceed 30 minutes.

Mr. SARBANES. I thank the Senator for the time.

Mr. President, I want to talk about the economy in somewhat broader terms. It is an issue which—as the chairman of the Joint Economic Committee in the last Congress, and the vice chairman of that committee in this Congress—has been the focus of our attention. It is very important as we consider the budget resolution, to see it in the context of the broader trends and developments that have been talking place in the American economy.

First of all, it is very clear that we have had poor economic performance in recent years. In fact, the last 4 years were among the worst on record in terms of the growth of output and incomes in the country. Over the last 4 years, per capita income has risen by less than 1 percent in this country. In other words, people's per capita income has literally been flat.

Since statistics on this question were first kept in 1947, no other 4-year period has had such a meager improvement in per capita income. In fact, I think it is safe to say that during the last 4 years, we have had a fairly average recession, by post-World War II standards. What was unusual was not the recession but the very slow growth in the economy that preceded and followed the recession. Before the recession, growth in the economy averaged 1½ percent. This is compared to about a 3-percent growth rate that had been typical prior to past recessions.

Since March of 1991, which is the date that has been set as when the recession supposedly came to an end, growth of the economy has averaged only 2.3 percent. This compares to growth averaging 5.7 percent for the seven quarters following previous post-World War II recoveries.

Mr. President, this chart contrasts the growth of real GDP, real gross domestic product, following postwar recessions. These lines show the economy as it goes into recessions. As you can see, this green line is the average of the seven previous recoveries in the postwar period. The red line is this recession recovery. Both lines roughly paralleled one another as they went into recession and reached the trough of the recession.

In the previous recoveries, we grew out of the recession at an average growth rate of 5.7 percent. In this recession recovery, we are coming out at a 2.3-percent growth rate. So there is a very large gap between the growth rate of our GDP coming out of this recession, compared with previous postwar recessions.

The impact of this is dramatized when you look at the lack of recovery of jobs in this recovery from the recession. In the previous recession recovery cycles, we lost jobs, payroll employment, and then we recovered them coming out of the recession. So that by the first 23 months after earlier recessions ended, on average we gained about 2½ times the jobs that had been lost going into the recession. In every instance, we gained well over what had been lost. In the weakest of those recoveries, 160 percent of the jobs lost were gained back. The best was about 400 percent. The average is about 2½ times.

By contrast, in this recovery, we have barely recovered any jobs. We have not yet gotten back all of the jobs that have been lost in this recession. In fact, we have not even gotten half of them back. We have this enormous disparity in the recovery of jobs taking place during this period of trying to come out of the recession, compared with previous postwar recoveries.

Mr. SASSER. If the Senator will yield on that point, I think he makes an excellent point here. In conversations with the President—which I think the Senator was privy to—the President indicated, as has been stated on the floor of this Chamber, that no less a personage than the Prime Minister of Great Britain, the United Kingdom, indicated that there were some concerns about the magnitude of the deficit reduction package that the administration is proposing in this budget, in that this deficit reduction package was so large, reducing the deficit by $502 billion over 5 years—the largest deficit reduction initiative in the history of the country—that according to the President, the Prime Minister of the United Kingdom expressed some concern that this would have a chilling effect on our recovery here in the United States; that this would have a contractionary effect on our economic recovery. And the Senator, I think, makes an excellent point that we are simply not producing the jobs in this recovery that we have in previous recoveries. So I say to my colleagues that it is a fine line we are walking here.

The Senator from Maryland, I think, points it out. We are reducing the deficit by a large amount. There is no question about it. But I think we have gone about as far as we can prudently go in doing that without killing this recovery in the cradle, I say to my friend from Maryland.

(Mr. MATHEWS assumed the Chair.)

Mr. SARBANES. I think the chairman's remarks are right on point.

The President I think has done a very perceptive and careful analysis of our economic situation. The President recognizes that we are not only confronted simply with one deficit, namely the Federal budget deficit as pressing as that problem is, but we also face an investment deficit in this country. We are not making the investment in both the public and private sector that is essential to the future strength of the economy, and the President has an investment strategy, an investment program, to try to deal with that problem. That has provoked a lot of complaints, but our competitors internationally are doing exactly that. They are making investments in their physical plant and equipment, in the education and training of their work force, in the Nation's public infrastructure, in research and development. These are all of the things that President Clinton has targeted for investment purposes in the coming years, and they are designed to strengthen our economy.

So we have to deal with the budget deficit on the one hand and bring it down, and on the other hand we have to address the investment deficit. We must undertake the investment of those resources to strengthen our economy for the future and to prepare it for the international competition in which we find ourselves. On top of that we are confronted in the short run with a significant jobs deficit since we are not getting restoration of jobs in the economy.

What the President is trying to do with the stimulus package is give the economy a boost. The stimulus package is not technically a part of this budget resolution, but I will simply touch on its importance. The Prime Minister of Great Britain addressed this subject in his discussions with the President.

The President is trying to give the economy some impetus to keep growing. It is a little bit like an airplane trying to take off and having to clear the trees at the end of the runway.

What the President is projecting is major deficit reduction which in effect will have a contractionary impact on the economy. The President with a stimulus package is trying to give some additional impetus to the economy to get it moving up so that when the deficit reduction attaches itself to it, that extra weight that the economy has to carry will not precipitate an economic downturn.

I say to my colleagues who are concerned about the deficit, a concern which I share, that if you seek to overdo deficit reduction to the point of contracting the economy and precipitating an economic downturn, the consequences of that will be loss of jobs, loss of production, and an increase in the deficit.

If you try to contract the economy too much too quickly, and precipitate it into an economic downturn, the consequence of the economic downturn, amongst other things, will be an increase in the deficit. Every 1 percent added to the unemployment rate is roughly $50 billion added to the deficit.

So the President is trying to develop a very careful balance here. He wants to get the economy moving forward. He wants to restore economic growth, increase job restoration, and have sufficient strength in the momentum of the economy that it can carry the very significant deficit reduction which the President is proposing and which the committee under the very able leadership of the distinguished Senator from Tennessee has incorporated into the budget resolution that is now before us.

Mr. SASSER. Mr. President, if the Senator will just yield, and I thank the Senator for his compliment and his comments, the Senator I think makes an excellent point here. We are never going to dig ourselves out of this deficit hole if this economy falls off into a recession once again and if we lose revenues.

The Senator indicated that for every 1 percent the unemployment rate goes up it raises the deficit by about $50 billion. That is probably a conservative figure.

I would call my colleague's attention to the budget agreement of 1990, and to give President Bush his due and to give Richard Darman his due—and there have been some things said that were not entirely complimentary about Mr. Darman here on the floor—this was a negotiation that was entered into in good faith, and we adopted a budget enforcement act that would have significantly reduced the deficit over the next 2 or 3 years.

What occurred—and I say this by way of illustrating the point of the distinguished Senator from Maryland—is almost precisely with the timing of that agreement to reduce the deficit the economy fell off into a recession and the result of that was primarily and almost exclusively because of loss revenues. The deficits in fiscal years 1992 and 1993, instead of coming down, as they had been predicted to do, simply exploded. Because of poor economic performance, people were out of work, there were no revenues flowing into the Federal Treasury, and on the other side you had outlays going for various unemployment programs, Medicaid going up, because people were not working and then they were coming in to avail themselves of Medicaid or food stamps, and a whole host of things.

So I say this by way of saying that the distinguished Senator from Maryland, who is perhaps one of the, if not the most, knowledgeable Member of this body on economic affairs, and who has so ably chaired the Joint Economic Committee during the last Congress, the distinguished Senator from Maryland raises a very salient point. We cannot get these deficits under control if we fall off into recession again and if the unemployment rates start going up.

Mr. SARBANES. Mr. President, I could not agree with the chairman more. It is imperative to understand that if you try to do too much on the deficit reduction front that you contract the economy and cause it to go into a downward nosedive the consequence of that will be larger deficits, not smaller deficits, and at the same time, of course, the consequence will be lost jobs and lost production.

I just want to quote one paragraph from testimony delivered by Lawrence Chimarine, who is the senior economic counselor of DRI, McGraw Hill, a distinguished private sector economist who said on the question of the stimulus, and I am now quoting him.

> My own view thus remains that a modest cost effective stimulus package is still desirable, because, as mentioned earlier, it is unlikely that the economy will strengthen considerably on its own. Furthermore, in view of how sharply the economies of Germany and Japan are weakening, the risk of a global recession is increasing. Some insurance against that risk seems appropriate. In addition, as mentioned earlier the job market remains very weak and it appears that some fiscal stimulus might be helpful in producing new jobs. Finally the weakness in the job market is causing significant hardship and pain for many individuals and families requiring some short term actions to ease those hardships.

The extension of the unemployment insurance bill, which this body voted only a couple weeks ago, is a dramatic example of that.

You have people who are about to lose any income support, who have lost their homes and their cars, and found themselves unable to support their families.

Mr. President, I want to turn now from this jobs deficit, and this economic growth deficit that we are experiencing to talk for a moment or two about the investment deficit.

The President has made as a major part of his economic package—and this is incorporated in the budget resolution—significant investments in certain programs that will contribute to the future strength and vitality and competitiveness of the American economy. I first want to point out how we are lagging in a number of important respects.

I literally defy anyone in this body to counter the assertion that we are not doing what needs to be done with respect to investment in this country, in both the public and the private sector. Of course, the President is trying to address both sectors.

This chart shows your real net investment as a percent of your real net national product. In other words, it is a relative comparison to take into account a growing economy. The economy gets larger, by definition, almost, as the population grows.

I am really struck by those who assert that there are more jobs today than there were in 1980. Of course, there are more jobs today. There are more people today. Consistently, as the population grows, the number of jobs grows. The relevant measure is, what is the unemployment rate; what percentage of your work force is unemployed? And, of course, today it is at 7 percent. It was at 5.3 percent at the beginning of the recent recession.

This chart shows real net investment. Real net investment has fluctuated since World War II, but it has really decreased significantly over the last 4 years.

Someone may say: That this chart shows what has happened in this country. But the United States has always been ahead of everybody else. And even if we do not have such a good performance in recent years—actually a very poor performance compared, historically, with what we have done in this country—we are still way ahead of everybody else.

This statement would be incorrect. This chart shows fixed investment as a share of GDP in the 10 largest economies. The United States has the lowest amount of fixed investment compared to these other countries. Japan, Spain, Australia, Germany, all invest more than the United States.

Obviously, there is an investment deficiency. These other economies are doing things that we are not doing, which enhance their competitive position.

Shortly I am going to show the trade charts which illustrate the bitter fruits of this discrepancy in investment.

But before I do that, let me just make this point a little further.

This chart shows nondefense research and development as a percent of GNP, compared to the United States, Japan, and West Germany. In 1971, there was something of a gap, but not terribly significant.

Then West Germany and Japan increased their funding for research and development while the United States failed to keep pace creating a large gap. An essential part of the Clinton program is to try to do something about this gap. That is part of the investment strategy.

Mr. President, what happens if we do not do these investments?

It has been happening to us. We have not been doing them. One consequence of failing to do them is that we lose our economic competitiveness.

We are not doing the things that contribute to the future strength and vitality of the economy. We are not educating and training our work force. We are not making the same kinds of investment in modern plant and equipment. We are falling short in terms of being at the very cutting edge of new technologies. Our Nation's infrastructure is deteriorating so that our transportation systems and our communications systems are no longer the best there is.

All of that has an impact on our ability to compete in the world environment and, therefore, an impact on our trade deficit and our net international asset position. In addition to the budget deficit and the investment deficit, there is another deficit, the trade deficit, that we have been experiencing.

As we can see in this chart, we have been running large current account deficits.

These large deficits led to a deterioration in our net international asset position. Ever since World War I, the United States has been a creditor nation. In other words, we held more claims on people overseas than they held on us.

As we started running these large trade deficits, that position began to deteriorate. And in the mid-1980's, our position worsened and we went from being a creditor nation to a debtor nation.

I submit to you, very simply put: The President's investment program is designed, in part, to help reverse this trend, to make us more effective competitors. That is why he has talked about research and development; that is why he has talked about infrastructure; that is why he has talked about education and training; that is why he has talked about measures in the private sector to encourage investment in new plant and equipment, all of which are needed to strengthen our economy and make it work for the future.

Mr. President, I have talked about the jobs deficit, the economic growth deficit, the investment deficit and its relationship to the trade deficit.

Now let me talk just briefly about the budget deficit.

The United States came out of World War II with a very heavy debt load, larger in relative terms than we are experiencing now.

We then were able to work it down. The absolute figure of the debt did not come down, but the economy was growing at a pretty good rate so the debt as a burden on the economy was diminishing.

People always tend to look at the debt and say what is the absolute number of it? But to put it in individual terms, would you rather be someone with 5,000 dollars' worth of income and 1,000 dollars' worth of debt or 50,000 dollars' worth of income and 2,000 dollars' worth of debt? I think most people, if they stop and think about that, even though the latter person has more debt, he has $2,000 rather than $1,000, he has 10 times as much income, $50,000 rather than $5,000. So I think most people would say No, I would rather have 50,000 dollars' worth of income and 2,000 dollars worth of debt rather than 5,000 dollars' worth of income and 1,000 dollars of debt.

Our economy was strengthening and growing and we were bringing the debt down as a percent of the gross domestic product. But beginning in the early eighties, this started going back up again.

Of course the President is committed to bringing this line down. That is what this deficit reduction program is about. A lot of objective observers have called this the most credible deficit reduction program that has been presented to the public and to the Congress in the last two decades.

Will the chairman yield me an additional 8 minutes?

Mr. SASSER. I would be pleased to yield to the distinguished Senator from Maryland an additional 8 minutes.

The PRESIDING OFFICER. The Senator is so recognized.

Mr. SARBANES. The consequence of this increase in debt is that the interest charge on the Federal debt, the net interest charge, has risen markedly over this last decade. That is partly because interest rates went up. They are now coming down which should ease that burden. But it is also because the debt went up by such significant numbers over the last 10 years. The national debt in 1980 was less than $1 trillion. The national debt when President Bush left office was over $4 trillion. So it grew from $1 trillion to $4 trillion, over a 12-year period.

Mr. President, the effort by President Clinton to bring this deficit under control is very important. And the President has put out a strategy, a balanced strategy of spending cuts and revenue increases in order to accomplish his deficit reduction objectives. In other words, we have a program here that is trying to do deficit reduction. It has room in it to address the investment deficit, thereby strengthening our economy for the future so we are better able to compete internationally. It has a short-term stimulus designed to get the economy moving sufficiently that it can continue to grow as we undertake this very serious and substantial deficit reduction which is part of the President's economic program.

I want to address just one other point and that is the complaint from those who say we like a lot of this but we do not think the President ought to try to raise additional revenues. Some say in order to avoid increasing revenue let us not have any investment. Let us drop the investment dimension of this economic package.

I say to them, if we fail to make these investments, if we do not educate and train our work force, if we do not upgrade our physical infrastructure, if we fail to do research and development to put us on the cutting edge of technology, and if we fail to encourage new plant and equipment to make us more efficient producers—how are we going to be able to compete in the new world economic environment? We have to do those things for the sake of our own economic survival in the world competition in which we find ourselves.

Let us look for just a moment at the major place where the President wants to go to get his revenues. Actually, the President's revenue increases will fall most heavily on high-income people. The 2 percent of families in this country who make more than $200,000 will pay about 60 percent of the additional taxes. Actually in excess of that.

Let us just look for a moment at what happened at the top end of the income scale over the last 15 years or so.

People say we do not want you to talk about that because that is class warfare. It is not class warfare. It is really a question of whether people are going to carry a fair share of the burden. What happens, of course, is people reap major rewards and then they want to freeze the situation that way. The pretax income for the top has increased 85 percent, and their after-tax income has increased 105 percent since 1977.

Now, their taxes went up 50 percent. Because people are always asserting that the very wealthy are paying more taxes. Yes, they are paying more taxes because they have more income—much, much, much more income. In fact their income grew at a significantly higher rate than their taxes.

Look what has happened to the change in share of incomes by income groups during this period. Everyone has lost in share of income until you get to the top 10 percent of the population and they have gained. And the top 1 percent gained 60 percent, in terms of income share.

I do not think it is unreasonable in order to try to work the Nation out of this economic situation in which we find ourself to ask those who have benefited so enormously over the last decade—who have had these tremendous increases in income and in after-tax income—has asked, to share in trying to meet the situation in which we find ourselves in order to address these deficits: The investment deficit, the budget deficit, the trade deficit which has made us a debtor rather than a creditor. How can we be a world leader and be a debtor nation?

The President has put a package together to meet those problems. The chairman of the committee has reported out a budget resolution to implement the President's program. I very strongly support it.

Again, in closing, I commend the chairman of the committee for the extraordinary leadership he has provided on this critical issue.

This is an opportunity to move this Nation forward, to put the economy on a basis upon which we can build for the future. I strongly urge the support of this budget resolution.

I yield the floor.

Mr. SASSER. Mr. President, I thank the distinguished Senator from Maryland for his comments and for his very eloquent and persuasive discourse here this afternoon on our economy, how we got where we are, and how we propose to extricate ourselves from this problem.

I yield to my friend from Washington.

Mr. GORTON. Mr. President, I yield 15 minutes to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

A CLOSER LOOK

Mr. McCAIN. Mr. President, as we begin debate on the budget resolution, it is important that the American people clearly understand what the debate is about. Let me say at the outset, that contrary to their expectations, contrary to their hopes and dreams, that the plan put forward by President Clinton is not about reducing the deficit, it is not about putting our Nation on a path to prosperity.

No, the President's plan is about Government—big Government. It is about increasing the role of the Federal Government in our everyday lives, about increasing America's dependence on Federal largesse.

And it should be well understood that the course on which we are headed will be increasingly difficult to alter. By substantially broadening the base of Federal programs, by significantly increasing the number of American's who will come to rely on Federal handouts, by increasing the number of constituencies and special interest groups with vested interests in Federal programs, it will become more difficult with each passing year to actually eliminate the budget deficit.

When the President introduced his economic plan some weeks ago, announcing an economic call to arms, he clearly tapped into a vein of deep frustration and discontent among the American people. The taxpaying public are almost desperate for some sense of direction from Washington, some demonstrated commitment to fiscal sanity and reducing the deficit.

Unfortunately, however, the plan put forth by the President cannot, will not, meet the American people's raised expectations. While the President's proposals are still quite sketchy—I commend my colleagues attention to a Washington Post article this morning discussing the mysteries of the President's proposals—the information which has come to light during the past 4 weeks indicates quite compellingly that the President's plan is not a serious attempt at cutting Government spending and reducing the deficit, but rather a sweeping shifting of national priorities to bigger Government and more Federal spending on an astonishing array of social programs.

Mr. President, while rhetoric and political posturing have dominated the debate thus far, it is possible, indeed vital, to apply objective criteria to consideration of the President's proposals. Any credible and serious plan to eliminate a budget deficit and begin to reduce the national debt, while laying the framework for future economic growth and an improved standard of living for our children, must meet six basic criteria:

First, Government spending must be significantly reduced. Not at the margins. Not just reductions in the growth of spending. Unneeded or unaffordable Federal programs must be significantly reduced or eliminated.

Second, the plan must provide for long-term deficit reduction, moving toward a balanced Federal budget and creation of surpluses to reduce the national debt.

Third, the plan must contain budget enforcement mechanisms to ensure that deficit targets are met and promised spending cuts in out years actually materialize. No longer can we promise and fail to deliver.

Fourth, the plan must promote savings and investment and thereby provide the framework for long-term structural, economic, and job growth.

Fifth, the plan must be fair. It must not unduly burden any one segment of the taxpaying public, especially those who are least able to shoulder additional financial hardship.

Sixth, the plan must be honest. It must be bereft of accounting gimmickry and the smoke and mirrors ploys which have for too long been part of Federal fiscal gamesmanship.

I think any Member of this body, and, more importantly, any taxpayer, would agree that these are the essential elements of a credible, long-term deficit reduction and economic growth plan. Every one of these criteria must be met; none can be sacrificed.

A closer look at the President's plan, however, reveals that not a single one of these criteria are met—not one. It simply does not cut Government spending, it does not reduce the budget deficit over the long run, it does not contain any budget enforcement mechanisms, it will inhibit economic and job growth, it unduly burdens certain segments of our society, and it relies on accounting gimmicks and budget legerdemain. The conclusion is inescapable that the American people are once again being sold a bill of damaged goods.

Mr. President, since some have accused myself and my Republican colleagues of nitpicking and partisan sniping, I will demonstrate in some detail exactly how the President's plan so completely fails to meet its stated goals.

DOES THE PRESIDENT'S PLAN CUT GOVERNMENT SPENDING?

The answer, quite simply, is "No," it does not. Despite some claims to the contrary, under President Clinton's plan, government spending will actually increase substantially during the next 6 years over current levels.

The simple fact of the matter is that, even using the numbers provided by President Clinton, Government outlays will rise from $1.475 trillion in 1993 to $1.767 trillion in 1998, for a total of $758 billion in new Government spending over the next 6 years, above 1993 spending levels. Stated another way, the Clinton plan will increase Government spending by $758 billion more than if we froze Government spending at 1993 levels.

All the talk about cuts in spending is just that—talk. The only thing that is being cut is defense. At best, there will be modest reductions in the expected growth of Federal spending. While some programs may be scaled back modestly, these cuts are more than offset by new spending increases.

However, before jumping into the intricacies of the Federal budgetary process, I think it is appropriate at the outset to emphasize that the Federal deficit is the result of too much Government spending, not a lack of tax revenues. President Clinton is proposing the largest tax increase in history, $360 billion, when he should be proposing the largest cut in Government spending in history.

Since 1974, Federal revenues, that is tax receipts, have remained relatively static in relation to our national output—approximately 18 to 19 percent of gross domestic product. During that same period, however, Federal outlays have steadily increased to approximately 24 percent of GDP. Cutting Government spending is the answer to the budget deficit, not raising taxes.

Mr. President, as you will recall, we were originally promised that there would be $2 in spending cuts for every $1 of tax increase. That promise was quickly jettisoned. When the President's plan was unveiled, the administration was insistent that there were $1 in spending cuts for every $1 of tax increase.

Now we find out, thanks to CBO figures released recently, that there are $4.85 in tax increases for every $1 of spending cuts. When is President Clinton going to play straight with the American people?

A closer look at the so-called spending cuts in the Clinton plan also demonstrates that they are largely illusory. For example, the administration's proposal is to save $8 billion by streamlining Government—without specifying how Government will be streamlined, what programs will be affected, and how the savings will be achieved. Similarly, the administration hopes to save $35 billion over 4 years by managing Government for cost effectiveness.

These laudable goals have been attempted, and claimed as budgetary savings, by virtually every Presidential administration. But unless the President has some new magic elixir that he hasn't told us about to squeeze fraud, abuse, waste, and mismanagement out of the Federal Government, it is extremely doubtful that savings of this magnitude will ever be achieved. And if they are not, I can assure you that they won't be substituted with new cuts—the deficit will simply increase further.

Even if these savings could be realized, they still don't represent real cuts in Government programs, as promised by President Clinton during his campaign. In fact, the President promised that 150 programs would be eliminated. However, the President's plan dealing with programs that don't work or are no longer needed lists only a handful of programs which are reduced in scope, and only one, the State Justice Institute, which is actually eliminated, for a total savings of $6.5 billion over 4 years.

Mr. President, these are hardly the serious cuts in Government spending that the American people are expecting.

Moreover, most of the cuts come on the back end of the Clinton plan, while the tax increases and spending increases come on the front end. For example, the Clinton plan contains $36 billion in tax increases for 1994 with only $2 billion in spending cuts—a 13-to-1 ratio. Past experience tells us that back-ended spending cuts never materialize.

DOES THE PRESIDENT'S PLAN REDUCE THE DEFICIT IN THE LONG RUN?

The answer is "No." Again, accepting for a minute the validity of the President's own budgetary numbers, the deficit will fall to over $200 billion in 1998, and then immediately begin rising. By 2003, the annual budget deficit would be over $400 billion annually. The economic plan offered by the President will actually increase the level of the national debt by nearly $1 trillion during the next 4 years.

As economist Paul Craig Roberts has noted, that's $183 billion more than the cumulative deficit of President Reagan's first term and $238 billion more than his second term.

It is imperative that we craft an economic plan which will not just reduce the size of the deficit in the short run, but which will also eliminate the deficit in the longer run and enable us to begin reducing the national debt. The interest on the national debt now exceeds $200 billion annually. By reducing the national debt, we can actually free up scarce Federal resources that could be spent on those most in need.

DOES THE PRESIDENT'S PLAN CONTAIN ENFORCEMENT MECHANISMS TO ENSURE THE DEFICIT TARGETS ARE MET AND SPENDING IS ACTUALLY CUT?

The answer is "No," the President's plan does not contain any mechanisms to ensure that what we promise, we will deliver. Time and again we have committed to the American people that we will increase their taxes and cut spending in order to reduce the deficit. And time and again we have failed on that commitment.

When push comes to shove, we pass the tax increases, we pass new spending increases, the tax cuts never materialize and the deficit goes up. And Congress slinks away into the night mumbling that there was an emergency or that circumstances had changed. It's the same old song and dance.

One of the individuals who continues to speak out on these issues, of course, is Mr. Ross Perot, who was able to get 19 percent of the vote nationwide, 20-some percent of the vote in my State. Mr. Ross Perot said the other day, and he continues to repeat it, that if you do not have a balanced budget amendment and you do not give the line-item veto to the President of the United States, it is like giving a friend who has a drinking problem a liquor store; Congress will find more ways to spend the money.

Mr. President, the last time I was on this floor, I had some charts that showed the results of the budget summit agreements. Each time there was a commitment, as there is today on this budget we are considering, there was a commitment to cut taxes, for $1 or $2 or $3 or $4 for every increase in spending and to cut the deficit. The result of each one of these over the last 12 years has been the opposite. The spending has gone up, the taxes have gone up, and the deficit has gone up.

Our problem in America, Mr. President, is not the fact that we have not spent enough money; the fact is we have spent too much money, and we are continuing to do that under the President's plan, which has been well described by my colleague from New Mexico, Senator DOMENICI, and others.

Only in this body perhaps, Mr. President, is there a majority of Americans who oppose a balanced budget amendment to the Constitution. There may not be. I hope there is not. I think we are going to find out, at least I hope we find out as soon as possible as to whether this body, like about 75 percent of the American people, supports a balanced budget amendment to the Constitution.

Why has this support, and I see my friend from Illinois who has been a leader in that effort on the floor, why is it this support for a balanced budget amendment has gone up so dramatically over recent years? The answer is simple, Mr. President: The American people do not have any faith or confidence, nor should they, that the Congress of the United States can effectively control spending.

We spent a lot of time and heard from our friends from Maryland and Tennessee about the previous Presidents did this, the previous Presidents did that, these Presidents did that. Let us not ignore the basic fundamental fact of the Constitution of the United States, and that is, there is only one body who can spend money and that is the Congress of the United States. The American people want, demand, and deserve a balanced budget amendment.

Unfortunately, Mr. President, I predict to you now that the results of this budget agreement will be no different without a balanced budget amendment and a line-item veto than any other budget agreement in the last 10 or 12 years.

I would certainly prefer that Congress make the tough decisions when necessary to bring the deficit under control. However, I am convinced that the necessary institutional discipline is lacking and without a balanced budget amendment, Congress will continue to spend away our children's standard of living. Similarly, I believe we must give the President the line-item veto. Congress simply lacks the institutional willingness to stop spending billions of taxpayer dollars on wasteful, pork-barrel projects.

DOES THE PRESIDENT'S PLAN PROMOTE ECONOMIC GROWTH AND JOB CREATION?

The answer is "No." The evidence is overwhelming that tax increases, especially of the magnitude being proposed, will seriously impair prospects for continued economic growth. In addition, while President Clinton has said that jobs are his No. 1 priority, his plan is likely to result in slower job growth than might otherwise be expected.

Americans are already struggling under the heaviest tax burden in their history. Combined Federal, State, and local taxes now account for more than 35 percent of our total national economic output, compared to just over 30 percent in 1970. Yet this 20-year trend of rising taxes has also seen the greatest surge in Federal debt and a general decline in the growth rate of the economy.

While the Bush recovery is now well underway, with growth in GDP up to 4.8 percent, significantly increased productivity rates, and the unemployment rate steadily, albeit slowly, declining, the Clinton administration's tax and spend policies could imperil the prospects on long-term economic recovery.

President Clinton would like to call himself the "jobs President." He says he plans to create 8 million new jobs during the next 4 years—put aside for the moment that fact that 19 million new jobs were created during the Reagan and Bush Presidencies. He says that he wants to create 500,000 new jobs this year—put aside the fact that 345,000 new jobs were created during the month of February alone.

What is of real concern is that economists believe that the Clinton plan will result in a net loss of jobs. We already know that the President's proposed defense cutbacks will result in as many as 400,000 military job losses, and hundreds of thousands of additional defense related civilian job losses.

In addition, businesses faced with higher tax rates will have less capital to be able to invest in new plant and equipment and worker hires. The significantly higher personal income tax rates will directly reduce the cash flow of the many small-business owners who file as individuals, and who were the biggest job creators during the past decade.

A recent economic analysis of the President's proposals by the National Association of Manufacturers predicts that it will cause a net loss of 1.2 million jobs, more than half accounted for by the Btu and energy-related taxes. These have a sharp contractionary effect on the economy because of their simultaneous impact on the price level and the production function.

Moreover, most of the jobs which would be created by the Clinton proposals are either short-term, or make-work Government jobs. For example, the President proposes to pump more than $1 billion into summer jobs programs to bolster his new job creation numbers, although as the Washington Post reported recently, the plan "has drawn critical reviews from many labor economists, who say it will provide little more than fire insurance for the Nation's cities, rather than long-term job creation."

Similarly, much of the President's anticipated job growth comes from Federal make-work projects, such as highway construction. Again, these are short-term jobs, which will quickly be eliminated after the Federal funding of these projects runs dry.

IS THE PRESIDENT'S PLAN FAIR?

The answer is "No." While the President has called for sacrifice—code for more taxes—on the part of all Americans, he is, in fact, proposing that certain segments of our society make a disproportionately larger sacrifice.

During his campaign, President Clinton assured the American people that he would only tax those who made more than $200,000 per year. When President Bush pointed out that his proposals could raise the tax burden on families making as little as $36,000 per year, candidate Clinton called President Bush shameless.

Many senior citizens were thus understandably astounded to wake up the morning after the President announced his plan to find out that those elderly in our society that make as little as $25,000 and elderly couples making as little as $32,000 would not be classified as rich because they will have an increase in their taxes. I do not think that is fair. I think it is very important for us to recognize that the seniors in this country are getting a triple whammy. With the Btu tax, seniors and elderly citizens in my State are very much dependent in the summertime on air-conditioning and other essential utility bills. The fact is that they are going to have a tax increase, and, Mr. President, I do not believe that we are treating them fairly.

I want to again state that when I first came to the Congress of the United States, we made a deal with the senior citizens of this country, and we did it for the purpose of saving the Social Security system from financial disaster. We made a deal, and we increased their taxes, in return for which the senior citizens of this country were assured that they would receive the benefits from the Social Security system, a contract that they entered into with the Federal Government. Now we are going back, and we are going to tell them we are going to tax them more and the taxes that were taken from them are not going into the Social Security trust fund. They are going into general revenues so Congress can find another way to spend them.

Mr. President, when the senior citizens of this country find out what is being done to them, I think they are going to understandably be disturbed, to say the least.

There are many other unfair elements to the President's plan. The inland waterways tax has the potential to put barge carriers out of business. The mining and grazing fees will disproportionately affect certain industries and Western States. The Btu tax will hit especially hard on energy-intensive industries, such as the airline industry, which can ill-afford additional financial setbacks.

I think one of the most unfair, and disturbing, elements of the President's proposal is the burden that would be placed on married couples, as contrasted with couples who may be living together but are not married. A recent Wall Street Journal headline is illuminating, "Living in Sin to Cut Tax Bill Would Look Even Better to Some Under Clinton Plan."

As the accompanying article notes, "some low income taxpayers who marry can find that their new combined tax liability, including Social Security taxes, leaps to more than 45 percent of their taxable income. And couples with two high earners can pay tens of thousands of dollars more than they would owe if they were single." Exactly what kind of message is the President attempting to convey?

IS THE PRESIDENT'S PLAN FREE OF SMOKE AND MIRRORS?

The answer, once again, is "No." Although President Clinton promised to adhere to "truth in budgeting," his proposals are chock full of accounting gimmicks, sham program cuts, and other budget legerdemain.

In fact, the smoke and mirrors were apparent on the first day the President's plan was unveiled, when the administration was forced to acknowledge the following day that the planned deficit reduction needed to be reduced by $178 billion to account for new spending. More recently, the Congressional Budget Office determined that the plan would fall another $60 billion short of its targets.

What can one expect, however, from a budget in which higher taxes on Social Security income, user fees, and price controls on doctors and hospitals are all counted as spending cuts? What can one expect when the planned for revenues from the various tax increases assume that there will be no change in taxpayer behavior? It's simply not realistic.

Most telling are the conclusions and comments contained in an article appearing in this morning's Washington Post entitled "At Agencies, Clinton Budget Cuts Still Mysterious to Many." As noted in the article, "A month after President Clinton announced his economic plan, many Federal bureaucrats are still scratching their heads over proposed spending cuts that some described as ill-defined, sometimes arbitrary, occasionally misleading and, in many cases, incomprehensible."

The article continues, "Some officials complained that they do not understand the administration's calculations. Other said some of the cuts were not cuts at all, but simply new ways of calculating spending. Still others expressed confusion about the administration's vague instructions to cut something without advancing any clues about how to do it."

Mr. President. It is absurd, and unconscionable, that we are being asked to consider a budget resolution which remains a mystery to Members and those who must implement its provisions.

CONCLUSION

In the final analysis, the budget debate boils down to what is best for the country. The Clinton plan, with $360 billion in tax increases and $180 billion of increased Federal spending on a wide array of social programs, will not only not reduce the deficit in the long run, it will discourage savings and investment, and likely impair economic performance and structural job growth. This will be especially true, if as I fear, Congress enacts the spending increases and tax cuts now, while putting off the bulk of the spending cuts until 1996 and 1997.

This is not the path to prosperity. This is simply a continuation of the fiscal insanity which has for too long plagued Washington. In this case, the proposed cure will only worsen the disease.

Mr. President, President Clinton tells us that the only way to reduce the deficit is to raise taxes. He has apparently succeeded in convincing a significant percentage of the American populace of this. The fact is that Republicans have offered detailed, specific alternatives which provide more overall deficit reduction than the Clinton plan, without raising taxes. These plans focus on cutting Government spending, not increasing it. While it may ultimately be necessary to consider tax increases in order to completely eliminate the budget deficit, tax increases should be a last resort—not a first resort.

Rather than debating how best we can grow Government, and involve Government ever more deeply in Americans' lives, we must first determine what the role of Government should be, what can it afford to do. Ultimately, the only way we can control the budget deficit is to reduce the level of Government spending. It's that simple. Otherwise, we will be in a never-ending spiral of new tax increases to pay for ever expanding Government programs.

This is not a path to prosperity. It is a course that will ensure that our children's future standard of living will be worse than ours.

An additional 2 minutes, Mr. President.

Mr. GRASSLEY. I grant an additional 2 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Finally, Mr. President—I appreciate the indulgence of my colleague from Iowa—I ask unanimous consent that this article from the Washington Post be made a part of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 18, 1993]

AT AGENCIES, CLINTON BUDGET CUTS STILL MYSTERIOUS TO MANY

(By Guy Gugliotta)

A month after President Clinton announced his economic plan, many federal bureaucrats are still scratching their heads over proposed spending cuts that some described as ill-defined, sometimes arbitrary, occasionally misleading and, in many cases, incomprehensible.

During the past two weeks, Washington Post reporters discussed Clinton's plan to cut about $250 billion in spending over four years with officials from 11 government agencies. Most had a general idea of what was going to happen to them, and some showed detailed understanding of the package.

But with less than three weeks remaining before the formal budget is to be presented, officials from several agencies expressed mystification about large chunks of money they are supposed to cut from their budgets.

Some officials also complained that they do not understand the administration's calculations. Others said some of the cuts were not cuts at all but simply new ways of calculating spending. Still others expressed confusion about the administration's vague instructions to cut something without advancing any clue about how to do it.

Take, for example, "streamlining," a catchall that very few people understand, but which is supposed to save $7.9 billion between fiscal 1994–1997.

MAGIC BUDGET-CUTTING BULLETS

Streamlining is the greatest magic bullet in the spending cuts. One Department of Housing and Urban Development (HUD) official said "we will take seriously" $1.4 billion in streamlining, and suggested freezing some unspecified programs and reducing rents paid to some owners of subsidized housing.

But many other departments appear to have no idea what streamlining means or what it entails.

The Department of Health and Human Services is supposed to shed $2.7 billion over five years, but the number was the only thing HHS officials knew about; no other details were available.

The other magic bullet—also expected to save $7.9 billion by the end of 1995—is the federal government-wide elimination of 100,000 jobs. Everybody is supposed to contribute a "fair share."

The Department of Veterans Affairs has found that its fair share is 9,000 jobs, a tough hit for VA hospitals. "That's obviously something we're negotiating," a VA budget officer said. It would be especially problematic because VA Secretary Jesse Brown is proposing that the system handle a large increase in the number of patients.

At the Office of Management and Budget, the number of employees is supposed to decline by 1 percent, or about five of the roughly 500 positions. "If that includes people who die at their desks," said one overworked OMB official, "I'm sure we'll make it."

At HHS, where the fair share is supposed to be 4,000 to 5,000 positions, nobody there knew whether that meant cutting the roster of current employees or cutting the authorized positions. If it is the latter, outside analysts contend, the savings are theoretical, not only in HHS but in every other agency.

This problem—trying to find the starting point or baseline—was causing bureaucrats throughout the government to throw up their hands.

Another headache arises when budget analysts try to figure out whose estimates of savings are accurate. Democrats regularly ripped into Bush administration budget director Richard G. Darman for sunny predictions that never came true. Clinton is supposed to be more conservative.

The new puritanism can be confusing. In one proposed Medicaid program change, the Clinton plan relied on Bush administration figures that forecast savings of $1.9 billion in 1995. The Congressional Budget Office, however, pegged the figure at $850 million. What's $1 billion between friends?

Not to worry, said HHS Deputy Assistant Secretary Ken Thorpe. Next month's detailed budget proposal for fiscal 1994 will rely on new estimates putting savings close to CBO, or even lower.

Once into baselines and estimates, it's only a short step to deficit-cutting's favorite ploys: spend now, but count it next year; cut a program in one place, but pick it up elsewhere.

The Energy Department, for instance, intends to spend less each year on the Superconducting Super Collider than planned by the Bush administration, but doing it Clinton's way adds $2 billion to the projected total cost, with completion in 2003 instead of 1999.

And at first blush, the Clinton plan also suggests a $4.1 billion savings over five years at the Environmental Protection Agency through the expiration of a federal revolving fund used by local governments to help finance waste water treatment projects.

But a closer look shows that the savings will be more than offset by Congress's expected approval of a new revolving fund, plus a new safe drinking water revolving fund—adding about $4.8 billion over five years. "The bottom line is you've added it right back," said a Senate Budget Committee aide. "So you can't really call it savings."

A TOUCH OF WISHFUL THINKING

The Clinton plan also relies heavily on wishful thinking, always number one on the budgetary hit parade. This gambit can take several forms, and one of the most popular is simply to declare that something must be cut, period, spare me the details.

The Small Business Administration is supposed to eliminate "certain programs" to save $315 million over four years. But, with one exception, SBA has no idea what certain programs Clinton has in mind: "We are as much in the dark as to what these numbers mean as you are," said SBA acting Administrator Dayton Watson.

So is the Justice Department, which is supposed to trim the Bureau of Prisons' new construction budget by $331 million between 1994 and 1998—this for an agency that expects the federal prison population to jump from 82,000 today to more than 104,000 by 1997.

Justice Department spokesman Frank Shults said, "My understanding is that they have said, 'You have this money. How you spend it is going to be up to you.'"

Another subject of wishful thinking is to make extraordinary claims on behalf of a particular deficit cut: Thus, the Treasury Department hopes to pick up $3.8 billion in revenue from a "compliance initiative" to ensure that the prices of oil imports are reported accurately—billions through better bookkeeping.

And the new "farmer friendly" Agriculture Department plans to save $739 million over four years by consolidating the department's three biggest subsidy and assistance programs into one new Farm Service Organization. This is 3½ times as much savings as any previous structural reform estimate, but the administration insists it can be done.

Details, however, to come later.

Perhaps the administration's biggest leap of faith comes in its apparent certainty that Congress will cooperate, either because the Democrats control everything for the first time in 12 years, or because the Clinton administration is pure of heart.

Most of the suggested Medicare and Medicaid changes at HHS (designed to save $62.6 billion over five years by slowing program growth) were proposed by Republican administration but rejected by Congress. So were nearly $1.9 billion in cuts to the Agriculture Department's farm programs.

A PINCH OF DEMOCRATIC UNITY

Clinton is hoping Congress will like his cuts because he's a Democrat, but Congress doesn't seem particularly anxious to cooperate in all cases. The House Agriculture Committee chairman and ranking minority member have already registered bipartisan objections to a number of big ticket items.

Grumbling is also rife at the U.S. Postal Service, where the Clinton plan hopes to save roughly $1.2 billion by cutting the government subsidy for nonprofit mail and cutting payments for retirees' health insurance.

Both strategies were proposed by the Bush administration and rejected by Congress. Arthur B. Sackler, managing director of The Mailers Council, a group composed of large mailers, predicted that passage of the measures—which the Mailers call a "stamp tax"—would make a postal rate increase inevitable.

Meanwhile, at HUD, the administration intends to cut $565 million by eliminating "Special Purpose Grants," used to finance special projects written into HUD's annual appropriation by Congress.

Clinton is thinking bigger at the Transportation Department, which is supposed to cut $1.3 billion in "low-priority transportation programs and projects," including all "demonstration projects" tacked onto highway bills by Congress's appropriations committees.

Anyone who has been around Washington for 10 minutes or so knows that items labeled "special purpose" or "demonstration" give off a pungent odor of pork. Presidents have been trying for two centuries to keep Senators and Representatives away from the public trough. Clinton may succeed where others have failed. But maybe not.

Mr. McCAIN. Finally, Mr. President, I certainly was interested in the analysis of my distinguished colleague from Maryland of the budget and its situation. He also mentioned that the President's analysis was thorough and in depth. I would appreciate it if the Senator from Maryland would read this morning's Washington Post article, with the headline, "At Agencies, Clinton Budget Cuts Still Mysterious to Many." I hope he will be able to clear up some of the mysteries that apparently exist throughout the agencies as to what we are talking about, especially where it says "streamlining" is "supposed to save $7.9 billion between fiscal 1994–1997."

This article goes on to say:

> The other magic bullet—also expected to save $7.9 billion by the end of 1995—is the Federal Government-wide elimination of 100,000 jobs. Everybody is supposed to contribute a "fair share."
>
> The Department of Veterans Affairs has found that its fair share is 9,000 jobs. * * * It would be especially problematic because VA Secretary Jesse Brown is proposing that the system handle a large increase in the number of patients.
>
> At HHS, where the fair share is supposed to be 4,000 to 5,000 positions, nobody there knew whether that meant cutting the roster of current employees or cutting the authorized positions. * * *
>
> The Small Business Administration is supposed to eliminate "certain programs" to save $315 million. * * * But, with one exception, SBA has no idea what certain programs Clinton has in mind.

I am quoting from the Washington Post, Mr. President.

> "We are as much in the dark as to what these numbers mean as you are," says SBA acting Administrator Dayton Watson. * * *
>
> Another subject of wishful thinking is to make extraordinary claims on behalf of a particular deficit cut: Thus, the Treasury Department hopes to pick up $3.8 billion in revenue from a "compliance initiative" to ensure that the prices of oil imports are reported accurately—billions through better bookkeeping.

I am very, very interested in hearing how we are going to save $3.8 billion through better bookkeeping. In fact, I think the National Association of Accountants would be very interested in that information.

> Clinton is thinking bigger at the Transportation Department, which is supposed to cut $1.3 billion in "low-priority transportation programs and projects," including all "demonstration projects" tacked onto highway bills by Congress' appropriations committees.

I am quoting from the Washington Post. These are not my own thoughts here.

> Anyone who has been around Washington for 10 minutes or so knows that items la-

beled "special purpose" or "demonstration" give off a pungent odor of pork. Presidents have been trying for two centuries to keep Senators and Representatives away from the public trough. Clinton may succeed where others have failed. But maybe not.

Mr. President, I am looking forward to explanations to this and other questions that have been raised, and I am also very interested in hearing the specifics of the proposed defense cuts, which are the most draconian and far-reaching than any time since the end of World War II. As to exactly what those specifics are, I am very interested.

I have one specific concern in the defense area, Mr. President, and I will have an amendment later on concerning it, and that is President Clinton's proposal to freeze all military pay. I noticed that many of my colleagues were very upset about base closings and the dislocation of military personnel and civilian workers at the bases. However, I have not heard any complaints about freezing the military pay.

Mr. President, many men and women who serve in the military are eligible for welfare and are eligible for food stamps—how can the administration justify freezing their pay for 5 years? Mr. President, if that is indeed the priority of the administration and the majority of the Members of this body, then we are doing a great disservice to those men and women who serve in the military, and we are going to put the national security of this Nation in danger, because we are not going to be able to attract and keep the kind of quality men and women who have made this All-Volunteer Force the finest and most efficient fighting machine that this world has ever seen. The basis and backbone and fiber of that All-Volunteer Force is adequately compensated men and women. So what are we going to do? We are going to freeze their pay for 5 years. Outrageous, Mr. President. Outrageous.

I think that if I had to pick tree planting, which is in the President's stimulus package, the ballyhooed stimulus package my friend from Maryland was just talking about, that is, $260 million for tree planting versus freezing the pay of the members of the military, I think most Americans would choose to abandon tree planting and give the pay raise to the men and women who serve in the military.

I think many of these proposals need to be ventilated and, frankly, a lot closer attention paid.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mrs. BOXER. Mr. President, on behalf of the chairman of the Budget Committee, he has asked me to yield 15 minutes to the Senator from Illinois. Before I do, he has also asked that I respond to the Senator from Arizona, and I would ask that I have the time to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I would like to say to the Senator before he leaves that his statement about military pay is completely wrong. Nothing like that has ever been said by this President. And when you look at the documentation which I am putting into the RECORD, I would say to my friend, you will see that in essence there is, in fact, a 1-year pay freeze asked for by this President for all Federal employees.

Now, it is true that this President is treating the military and civilian employees alike. And I say to my friend that both of these categories have received 9 percent pay increases in the last 3 years. So as we look to bring down this deficit, this President is saying for the first year, for the first year let us have a sacrifice in behalf of Federal employees. And I would add that this President's call for sacrifice has been responded to by most people. To stand here and assert that President Clinton has called for a pay freeze for our military men and women for 5 years when this is not the case is quite astounding to me.

So I ask unanimous consent I enter into the RECORD the CBO assumptions that are based on the President's policies and as a matter of fact the Budget Committee's work.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PAY ASSUMPTIONS

[Total 1994–98=$26.3 billion]

	1994	1995	1996	1997	1998
Bush, January 1992	4.7	4.7	4.5	3.5	3.5
Bush, January 1993	2.2	3.0	2.7	2.6	2.3
Clinton	0	2.0	1.7	1.6	2.3

Mrs. BOXER. At this time I would like to yield 15 minutes to my good friend, the Senator from Illinois, the senior Senator from Illinois.

Mr. SIMON. I thank my colleague from California and am pleased to have a chance to speak about this budget resolution.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. I thank the Chair.

I would like to commend the chairman of the Budget Committee, Senator SASSER, who really has worked hard, together with his staff, in producing this budget.

Second, I want to applaud the President of the United States for being honest with us and presenting a budget that is really a solid budget. For example, he has said we will use CBO numbers and assumptions, so that we are all working off one set of numbers. Historically, CBO estimates in terms of growth of our economy have been more conservative than OMB's—and much more accurate. This is a conservative budget in terms of what it projects.

I have heard many say that there is too much spending in this budget. But the great spending item increase is interest on skyrocketing national debt. In fiscal year 1980, the gross interest expenditure—that is the figure we ought to use, this net interest figure that we use occasionally is a fraud—the gross interest expenditure was $74 billion. The estimate for fiscal year 1994 is $307 billion. That is one of the fastest growing items in the budget, not the other things that are talked about.

There is only one way to ever get interest on the debt under control; that is, to get hold of the deficit. I agree with my colleague from Arizona, who just spoke, that we need a balanced budget amendment. I think it is clear we simply do not have the discipline. If we could be assured that year after year we are going to have a Bill Clinton for President of the United States and that Congress would have the courage to follow through, we would not need a balanced budget amendment in the Constitution. Unfortunately, we have illustrated over and over again that we need it.

In terms of what the financial markets think about the Clinton budget proposal, it is very clear, from the drop in interest rates in the bond market and what the stock market has done, that the financial markets applaud what the President has done. My guess is this is purely hypothetical because no one can know—but my guess is that the increased taxes requested will not be as much money as the drop in interest rates that we have already achieved in terms of what it is going to cost the American public. If we can follow through—that is going to be the tough part in the years to come—by passing the taxes and cutting spending in certain areas, if we follow through in future years and get that deficit down, you will see interest rates come down.

I hold a seat that was once held by Senator Paul Douglas. And the Presiding Officer, if he will forgive me, is old enough, along with me, to remember Paul Douglas well. Paul Douglas was not only a great U.S. Senator, he was a great economist. Some of his economic theories are cited today by economists. He was president of the American Economic Association. In 1949, he made a speech saying we have to watch that Federal deficit; it is climbing up. At that point—that was fiscal year 1950—the federal deficit was $3.1 billion. Do you know what the prime rate was then? Believe it or not, it was 2 percent. We can get back to those kind of numbers if we face the problem. That is what the Clinton budget does.

I wish—and I hear talk that we should not have tax increases. Believe me, as a politician I wish we did not have to have tax increases. But let us just take a look at the budget that we have. If you eliminate interest—we cannot eliminate that—if you were to eliminate any cuts in defense, if you were to eliminate mandatory spending—that is primarily Social Security, Medicare, and Medicaid—and eliminate foreign aid—that is 1 percent of the budget—if you were to eliminate all of these things, everything else that is left in the budget totals $243 billion. So, if you were to eliminate the agricultural programs, eliminate education, eliminate the FBI, the air controllers, eliminate Congress, and everything else, we would still be about $65 billion shy of balancing the budget. The reality is we have to have additional revenues.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. SIMON. I wish that were not the case. But if we are going to serve the future of this National well, we are going to have to reduce the Federal budget deficit so that these pages have a decent future and so my 3-year-old granddaughter that the new Presiding Officer saw the other day has a future. We have to do that, and we can get started with the Clinton budget.

CBO's economic outlook, released in January, indicates that if we do not pass this budget, if we continue on the present course, by the year 2003, 9 years down the road, fiscal year 2003, the deficit will be $650 billion. The Clinton budget will get us started on a deficit-reduction path. If we can stop the skyrocketing increases in health care spending, which we hope the President's health care proposal will address, that will provide a great deal of additional deficit reduction down the road.

This suggests that even with this program, the deficit is so great that more deficit-reduction will be needed in the future. The President has launched us in the direction that we need to go, but we have to do more.

In terms of savings, the budget that has been presented by the Budget Committee and by Senator SASSER has substantially increased savings over the President's proposal.

There are other savings I would like to make. I would vote—and if there is an amendment offered, I will vote—to get rid of the space station. I do not think we need it. I think the evidence is overwhelming.

My friend from Arizona called the defense cuts draconian. I do not happen to believe that at all. The reality is our defense needs have changed dramatically. The Clinton budget makes some much-needed cuts in defense. I believe we can cut even more. Finally, there are so many positive things in the budget. In the field of education, for example, we are finally getting Head Start. We need that. We have been talking about it. Everybody says we ought to have Head Start for everybody. We finally have a budget that does it.

Pell grants. Pell grants are $2,300, and unless we vote this $2 billion that makes up for shortfalls in previous years, Pell grants are going to go down. I am old enough to remember the GI bill after World War II. If you take that and put the inflation index on it, a grant to veterans, regardless of income, today would be $8,100 per student. Today, we have the Pell grant where, if you are impoverished enough, you get $2,300. We are not doing what we should. But the Clinton budget says let us at least keep up with this. And then he moves into the direct lending program, which will provide appreciably more assistance for these pages and for future students.

The budget, Madam President, is a solid step in the right direction. I am pleased to support it. I think President Clinton is to be commended. I hope we do the responsible thing by passing it and then following through and doing the tough things that need to be done to get this deficit down gradually for the future.

Madam President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. Senator GRASSLEY.

Mr. GRASSLEY. I yield myself 2 minutes, and then I understand the Senator from Texas wants the floor.

Madam President, I have had an opportunity to listen to three or four speakers from the other side of the aisle just today. I hear a lot of talk about history and the past, but I do not hear much about the essential element and the bottom line of this budget; that is, that the debt over a 5-year period of time is going to increase from $4.4 trillion to $6.2 trillion—over the course of the Clinton Presidency. I want to hear somebody on the other side of the aisle defend that increase in that debt.

I know you can talk about what it might have been—if. But I am saying and what I did say in my remarks is that what this administration is proposing to be a debt of $6.2 trillion is just a start because that is what is proposed. In reality, we always end up at a higher figure.

The last 16 years, I think, have been horrible. That includes one Democrat and two Republican Presidents. We have to do something different than we have in the past. We cannot just be talking about the history. I would like to hear how anybody can defend adding to the debt $2 trillion. I agree with my colleagues that we added too much debt over the last 12 years, but we are about to increase that debt by 39 percent.

Would anyone care to defend that? The debt will increase 39 percent over the terms of this budget. That translates into—the current debt per person is $17,600. At the end of the Clinton administration, that debt is going to go up to $24,400.

The current debt per family of four is $70,400. When the Clinton debt is all done, family debt for a family of four is going to go up to $97,600. That is an increase of 39 percent in debt, an increase in the national debt at the rate of 8 percent a year when we are only having inflation in this country during that period of time estimated at 3.8 percent a year.

I hope we can hear some defense on the other side. I think we ought to remind them that we had a Democratic Congress during that entire 16 years.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, my distinguished friend from Iowa expressed a wish that he would hear a defense of the Clinton proposal here, and I am going to try to fulfill his wish.

The number he cites of an increase in the deficit over the next 4 years of $1.2 trillion, were it not for the Clinton proposal, that number would be $1.7 trillion. So the budget that is proposed by President Clinton, over the next 5 years, will reduce the deficit by $502 billion from what it would otherwise be.

The question is asked: Well, why do you not do more? Interestingly enough, those who are asking that question have no proposal themselves. They have no solution. They are the cohorts of the past three administrations, which have driven this country to the edge of fiscal bankruptcy. As my friend from Iowa, for whom I have the greatest respect, indicated earlier today, when Ronald Reagan took office, the national debt stood at about $900 billion. It took this country 200 years, Madam President, to build up a national debt of slightly over $900 billion.

Most of that came in the 20th century, as we fought wars because, make no mistake about it, wars are very expensive propositions. But even though we fought four major wars in the 20th century, World War I, World War II, Korea, Vietnam, the national debt still stood at $900 billion; and as a percent of gross domestic product, as my friend from Maryland pointed out here, which is really the most accurate measure of that indebtedness, it was continuing to come down as a percent of GDP.

Let us see what happens when President Reagan is elected to office and when he is succeeded by President Bush. You see this line of debt held by the public as a percent of gross domestic product coming down. It stops coming down and it reverses itself and goes back up.

That is the mess that President Clinton has inherited. He did not create this problem. He has only been President and in this town for about—frankly, less than 2 months.

So he has come up with a proposal, a balanced proposal to reduce this debt by $502 billion over the next 5 years. As the distinguished Senator from Maryland so ably and persuasively pointed out here earlier, if he tries to reduce this debt any faster, if he puts the brakes on any faster, if there is any more fiscal contraction in this economy that President Clinton is proposing, or any more fiscal contractions with regard to the Federal Government than President Clinton is proposing, we run the very grave risk of killing this recovery in the cradle.

As has been stated earlier on this floor, this is a matter of concern to our allies, such as our great friends in the United Kingdom. The Prime Minister of Great Britain expressed concerns directly to the President that we might be putting the brakes on too fast here. Europe is in recession; Japan is in economic trouble, and our trading partners and trading adversaries are looking to the United States to provide the economic engine to ignite a worldwide economic recovery. They are afraid we are cutting too much.

What do our friends on the other side have to say about that? You are not doing enough. You are letting this deficit go up higher. You are letting the national debt go up even more. But when you ask them what is their solution, they have none.

The Senator from Arizona stood on the floor and criticized the President of the United States for freezing military pay for 5 years. Well, of course, that is not accurate. The distinguished Senator from California quickly corrected him and said that military pay, just like the pay of all Federal employees, will be frozen for 1 year. They will make their contribution to reducing the national debt just like all other Government employees will do, including the President and including Senators.

After that, military pay will rise just as the pay of other Government employees will, at the Consumer Price Index minus 1 percent. So they will continue to make their contribution and their sacrifice to reducing this national debt just like everybody else. But complaints, complaints, Madam President, that we are freezing military pay for 5 years. Where are the solutions? What are their solutions? I think the American people have a right to ask that question. What would they do about it?

There has been a lot of criticism here of the President's proposal. We have seen many multicolored charts. I see some more over here. You would think this was a Cecil B. DeMille production, the amount of money being spent on charts around here. But let us just look at a couple basic facts. The net spending cuts in the President's budget is $220 billion. There is not a dime of spending in this package that is not fully and completely offset by spending cuts. No question about it.

With regard to taxes, much is being made of taxes here. There are $295 billion in net revenues and every dime, every dime goes to deficit reduction. Every dollar of revenue goes toward a better standard of living for our children by reducing this debt.

Why are we in this mess? We all know why we are in it, because of something called the 1981 Kemp-Roth tax cut adopted by President Reagan that made the rich in this country richer by giving them an enormous tax cut and left the rest of us to pay the bill. And that is what we are out here trying to do today, trying to find a way to pay the bill for 12 years of abuse.

What do we hear from these people on the other side? What do we hear from our colleagues over there?

Well you cut military pay. Well, you are freezing military pay. Well, you are not cutting enough here. Well, you are raising some revenues here.

Yes, we are, because we have cried in this body for 12 years for leadership. The American people want leadership and they have got a leader. A young man has come into this city and said "enough."

We are going to tell the American people it is time to do something about what is happening here. We are going to change it. And he told them last summer and last fall he was going to change it, and they believed him. So he has brought to this body a budget of change. A budget that does something about this deficit, a budget that brings to us the largest deficit reduction package in the history of this country.

Yes, I say to my good friend from Iowa, for whom I have the greatest respect and affection, and he knows that, yes, the national debt does go up. I regret that. I regret that. But it is coming down. It will come down as a percentage of gross domestic product, and if we adopt this Clinton proposal, which uses the most honest numbers of any Presidential budget I have seen in the past 12 years, it starts out with CBO assumptions, if we adopt this Clinton budget we are going to see the deficit as a percent of gross domestic product cut in half, cut from 5 percent of gross domestic product in 1993, to 2½ percent of GDP in 1998.

So that is where we are, I say to my friends. I would hope that my colleagues on the other side of the aisle, yes, we welcome your constructive criticism; yes, if you have some specific suggestions to make that would improve this package, we want to hear them. But simply to come out and criticize, and carp and continue to point the finger of alarm here, that just will not get the job done.

That will put us right back in the soup of gridlock and that, Madam President, is what we have to do. We need action and not gridlock.

I yield to my friend from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, let me engage in a little very brief colloquy with the chairman.

Madam President, I say to Chairman SASSER, I want to yield right soon here. I think we have an opportunity after the Senator's discussion to speak, and I am going to yield 20 minutes to my friend from Texas. Could I ask a question about process?

Mr. SASSER. I will be pleased to answer my friend's question.

Mr. DOMENICI. I mean this very frankly. The Senator has challenged us as to what we proposed. Let me tell him, we have five amendments that we know of and many more that will tell the American people what we propose. We have to offer them in order for anybody to know. We are not getting a chance, and I am not critical yet, but pretty soon it seems to me if the Senator has an amendment, that is an opportunity to discuss anything one wants, but at least the time runs on the amendment. I wonder if we might stipulate here a time and maybe agree on it that the Senator could take up his first amendment by—is 3 o'clock satisfactory?

Mr. SASSER. I think we have two Senators over here that still wish to speak. And how many on your side still wish to speak?

Mr. DOMENICI. We would be ready to go to amendments right after Senator GRAMM talks. There are many Senators who want to speak. I told them not to come to the floor. We do not want to use all the time speaking and no time on amendments.

Mr. SASSER. Right.

Mr. GRAMM. If the Senator will yield, if I could offer the amendment now I would simply speak on the amendment.

Mr. DOMENICI. We all know that.

Mr. GRAMM. I am eager for the Senator to know what we propose.

Mr. SASSER. Here is what I would suggest. I earlier suggested to my friend from New Mexico that perhaps we could set a time of 2:30 for moving to amendments. I think now we can undo that, because we have too many Senators on the floor wishing to speak—but I would suggest that—may I inquire of the Senator from North Dakota how long he might wish to speak?

Mr. CONRAD. Fifteen minutes would be satisfactory.

Mr. SASSER. The Senator from California has been on the floor waiting to speak for some time. May I inquire how long she might wish to speak?

Mrs. BOXER. About 15 minutes.

Mr. SASSER. So I would suggest to my friend from New Mexico that we would be in a position then just given a little latitude we would be in a position then, just given a little latitude, to go to amendments say by no later than 3:30.

Mr. DOMENICI. That is better than not knowing. Let me ask a question.

Mr. SASSER. I say that in order to give the Senator's time on his side.

Mr. DOMENICI. Is the Senator ready to go with the so-called Harkin amendment so we would know?

Mr. SASSER. At the appropriate time we would be ready to go, and I assume it would be the Harkin amendment.

Mr. DOMENICI. Then I would suggest, unless there is no agreement on secondary amendments or second-degree amendments which we propose, that you get your amendments and we get out amendments. Like Senator HARKIN, he will get his amendment with no second-degree amendment. If that could be adopted, then our first amendment would be a Nickles-Shelby amendment on the Btu tax.

Madam President, I assume I have the floor, and I am going to yield it right quick to the Senator.

Mr. SASSER. Would the distinguished ranking member let me counsel for just a moment?

Mr. DOMENICI. Yes.

Mr. SASSER. I am advised—and we were not agreeing—I am advised I am not in a position to agree on any second-degree amendment until I can take this up with the majority leader. It was my understanding earlier we were going to discuss this with the leadership on both sides.

Mr. DOMENICI. Sure.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if out of Senator GRAMM's 20 minutes he could give me 3 minutes and he will have 17, if that is agreeable.

Mr. GRAMM. I say to the Senator no time limit is set. Since we have twice as much time as we would have if everybody on the floor spoke, may I suggest the Senator yield to me 23 minutes and I will yield the Senator back 3.

Mr. DOMENICI. I will yield 23 minutes to Senator GRAMM at this point, and I am glad to do that.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I yield 3 minutes to the Senator from New Mexico.

Mr. DOMENICI. Madam President, I am very fearful some listening this afternoon, listening to my friend, the chairman, Chairman SASSER, would really buy the argument that we should not be talking about the shortcomings of the President's plan, because we have not offered our plan or our amendments. We are being precluded from offering amendments, because we are talking. But let me assure the American people and Senators that before we have a chance to win a plan that we have, whatever it is, the truth has to be known about the Clinton plan, and frankly the truth is not known about the Clinton plan by the American people.

Let me just suggest that there is probably not 10 percent of the American people who would believe that the way to prosperity is to tax the American people more. I will bet if we ask anybody do you think we are going to create jobs and have a vibrant America by putting on more taxes, I think some of them would think you are so whacky; they would probably kick you in the shins.

This plan does this. Americans are going to pay $295 billion dollars in new taxes and hold on to your wallets, because part of them are retroactive to January 1 this year. And you know what you are getting for it, I say to Americans? You are getting the net tremendous total of $7 billion in cuts, in domestic programs of all types.

Who would believe in supporting this plan? And they are saying we want a plan. But who would believe that the American people are supporting a plan for $295 billion, including more Government and more taxes, for the total of $7 billion in cuts in domestic programs over 5 years? If that is a plan for growth, a plan to get us out of whatever we are in, then I have never seen a plan.

That is an invitation to continued recession and slow growth, because business cannot create jobs with this kind of new burden.

I thank my friend from Texas for yielding.

Mr. GRAMM. I thank my dear colleague from New Mexico.

Madam President, our dear colleague from Tennessee said, "Where are the Republican proposals?"

Well, in committee, we offered 34 different amendments. We debated each one of them. They dealt with a myriad of issues—from health care to Social Security taxes—where we were trying to sheer off some of the add-on spending in the President's program and not tax Social Security recipients, where we were trying to reform health care.

But in 34 amendments on a myriad of subjects, how many Democrats in committee do you think cast a single vote for any one of these ideas? Not one. That is how interested our colleagues on the left are in Republican ideas. That is how interested the President is in our input.

Madam President, the Bible says, "You shall know the truth and the truth will make you free." The problem is, it does not tell you how you find out about the truth.

And I must say to my colleagues and to the American people who are watching—and my guess is, with the NCAA on television, most people are watching basketball—but let me say this: In my 14 years in Congress, I have engaged in many debates and a lot of debates about budgets. But I have never, ever seen a debate where there was such a gulf between the rhetoric of the debate and the reality of the proposal.

I remember vividly, when the President gave the State of the Union Address, I stood and applauded 14 times. I led the applause on several occasions. It was a great speech. I could have given 90 percent of the speech.

The problem is, there was as much of a gulf between the rhetoric of that speech and the reality of the budget that we are actually debating here as there is between the President's promise to cut middle-class taxes and his proposal now to raise those taxes.

What the President has basically done—and I have taken this from Newsweek magazine—is basically given us a plan that is mostly taxes. The second largest element in it is spending; and a tiny little element of it has something the American people are adamant about and that is cuts in spending.

Let me start by defining the program in, I think, the fairest possible way to do it. What happens if everything the President says works? What happens if we adopt the program exactly as it is written? What happens if every cut is made? What happens if the economy responds exactly as the President says, and not by anybody else's estimate but by estimates of the Congressional Budget Office, which the President has set up as judge and jury?

Madam President, let me first start by going over what the Clinton plan actually does. It is a 5-year plan. And I want to use what I call the Dicky Flatt baseline, which is what happens relative to what would happen if we did nothing.

In other words, starting right here at ground level zero, what happens relative to today?

Well, what happens, I think, is pretty revealing about where we are going. Relative to today, over the next 5 years, if everything in the Clinton budget is adopted and the whole world works out perfectly as he says it will, revenues, taxes—money taken out of the pockets of the working men and women of America—go up $1.332 trillion.

Second, nondefense spending, spending on everything but defense, goes up by $840 billion; and defense goes down by $154 billion.

In other words, if we do everything the President asks us to do, if everything works out exactly as he promises, what do we get? More taxes, $1.3 trillion; more Government, $840 billion; less defense, $154 billion.

Now, what do we get in terms of the priorities of the Nation?

I want to talk about something that I call the Clinton vision. I am not talking about the vision when we hear those beautiful words in those great speeches. I am talking about the vision of the numbers. I am talking about the vision embodied in the budget. Because a budget is a plan about a future, in this case the future is that of America.

It defines the kind of relationship we are going to have between our Government and our people.

If all of Bill Clinton's budget is adopted, let me compare it with two things I think people will understand. First of all, I want to talk about nondefense spending, social spending, as compared to when Lyndon Johnson was President. At the peak of the Great Society, when Lyndon Johnson was President, social spending, as a share of the overall economy, was 10 percent. At the peak of the Great Society, Government spending on nondefense social programs took 10 cents out of every dollar earned by every American.

If President Clinton's plan is adopted and implemented and everything goes exactly as he says it will, exactly as he wants it to, social spending, nondefense spending, will take 19.3 cents out of every dollar of income earned by every American. In other words, the Clinton vision in social spending, nondefense spending, is twice what it was at the peak of the Johnson Great Society Program.

Let me talk about defense. In Jimmy Carter's last defense budget, defense, as a percentage of the economy, was 6.1 percent. Defense was taking 6 cents out of every dollar of income generated by the American economy.

If the Clinton budget is adopted, defense will be taking 3.2 percent out of every dollar of income of the American public. In short, the Clinton vision is twice as much social spending as a percentage of the national economy as we had at the peak of the Great Society and half as much defense spending as we had when Jimmy Carter was President.

Madam President, what do we get for all that? What do we have when we get through?

Well, in the way we normally keep the numbers, what the Clinton budget does is it raises taxes by $295 billion relative to all the taxes that are already growing. It has user fees of $18 billion. So, in terms of this overall Clinton plan, how much of it is taxes?

Well, when we were listening in the campaign, then-Governor Clinton said, "$3 in spending cuts for every dollar of taxes. That is what I will deliver."

Then, when Congressman Panetta was before the Senate for confirmation and Senator Bentsen was before the Senate, they said $2 in spending cuts for every dollar of taxes. That is what they promised.

Then when President Clinton delivered the State of the Union Address, he said $1 in spending cuts for every dollar of taxes.

Now, when you look at what would be spent and what would be taxes if we adopt President Clinton's plan, what did the final number turn out to be? It turns out that 79 percent of the deficit reduction in the Clinton plan comes from taxes and fees, 19 percent of it comes from defense cuts, and 2 percent of it comes from reducing nondefense spending.

In other words, we went in the campaign from $3 in spending cuts for every dollar of taxes, in the confirmation, $2, in the State of the Union, $1.

We now have $3.86 of taxes and fees for every dollar of spending cuts. And those spending cuts are basically all in defense.

That is the CBO assessment of the Clinton plan.

What do we get for all that? Other than double LBJ's social spending and half of President Carter's defense spending, what does it produce in deficit reduction? And this is where the most startling result of all occurs.

When President Reagan was in office in his first term, this yellow part on my chart shows us what his plan promised in deficit reduction. And then the yellow plus the red shows us the actual. As you can see in dealing with politicians, Democrats or Republicans, after all is said and done, more is said than done. Reagan's second term, promised and actual. President Bush's term, promised and actual.

The Clinton plan, if adopted, if enforced, and if everything works exactly as President Clinton proposes, promises a larger deficit in 4 years than any other President in American history has ever produced, including the President that President Clinton defeated, running against him for having the biggest deficits in American history, and this is just the promise. What is the reality going to be?

Let me talk very briefly about the reality. If the American people agree on anything it is cut spending first, before you raise taxes. Or cut spending before you increase any new spending.

On the floor of the Senate in the next 2 weeks, we are going to raise the deficit by $21.5 billion. We are going to pass an emergency spending bill called a stimulus package, and our colleagues and President Clinton have created a new double speak. They call this spending investment. We also are going to spend $5.5 billion on unemployment compensation extension. So we are going to increase brand new spending, $21.5 billion in the next 2 weeks.

Madam President, how long do you think it will be—if we adopt the Clinton plan, and if everything happens the President says will happen—how long do you think it will be before we cut spending by that much? It will not be until the end of 1997 that, in spending cuts on a cumulative basis, we make up for the new spending we are going to approve in the next 2 weeks. It will be the end of 1997 before cumulatively we have cut defense enough to make up for the new social spending that we are going to undertake in the next 2 weeks. And the story gets worse.

Over 80 percent of all the savings in this budget are promises of spending control we are going to employ in the sweet by-and-by. Almost all of the spending control measures in the Clinton plan are in 1995, 1996, 1997, and 1998, where we say we are going to control the growth of spending.

Never has Congress lived up to those commitments except when we had binding constraints that set specific figures as spending caps.

Madam President, our dear colleague from Tennessee forgot, when he said we had no plan to offer, that in committee I proposed having it the law of the land that these spending levels in his budget be established as spending ceilings so we could not spend more money than that, and we would have to live up to the savings commitment. Our dear colleague from Tennessee opposed that, and every Democrat on the Budget Committee voted against it, which suggests to me they do not intend to live up to those promised savings. They intend to get the $295 billion in net taxes; they intend to cut defense dramatically. But my guess is, come 1996 and 1997, when all these special-interest groups are looking over our left shoulder, sending letters back home telling people whether we care about the old, the poor, the sick, the tired, the bicycle rider—the list goes on and on—my guess is those promises are going to be forgotten and we are going to spend that money.

Let me tell you why I am disturbed about this budget. First of all, I am disturbed because it is not going to work. We are going to end up with a great big deficit. In fact, I would like to predict right here that in the midst of the 1996 campaign, the deficit will be bigger than it is today. I want to make that prediction right here on the floor of the Senate.

Second, this program is not going to work. There is no way you can raise taxes by $295 billion and cut nondefense by $7 billion—you are promising to do that 4 years from now, and you have the figure that small because you are promising to lay off all these Government employees—do all these things that have been promised before and never done before. But basically, the problem is, even if we do everything the President says, we are going to have a recession. You cannot raise marginal tax rates to 41 percent; you cannot tax every small business and family farm at that rate; you cannot seize all of this income from all these working people and have jobs created.

The Clinton economic plan assumes that nobody responds to these taxes. It assumes that the 1.4 million small businesses that will have their marginal tax rate go up from 31 to 39 percent are not going to respond to it at all. They are going to invest exactly the same amount; they are going to hire exactly the same number of people. Who really believes that? The American people are going to respond to these higher taxes. That is clear.

The second thing that worries me about this is nobody ever voted for this plan. What candidate for President, running in 1992, said: If you elect me, I will raise taxes by $295 billion and I will cut nondefense spending by $7 billion? Nobody said that.

Who, running for President in 1992, said: If you elect me, I will tax up to 85 percent of the Social Security benefits of individuals who have W-2 form income of $18,000 a year? Who said that? Nobody.

Who campaigned for President saying: I will tax every working family, and I will fund the largest spending increase in American history? Who said that? Nobody. Who voted for that? Nobody.

When Bill Clinton was asked in the first debate about taxes, he was asked the following question. Ann Compton said:

> Governor Clinton, can you lock in a level tonight where middle-income families can be guaranteed a tax cut; or, at the very least, at what income level they can be guaranteed no tax increase?

Governor Clinton:

> My plan triggers in at gross income, family income of $200,000 a year and more. And we want to give modest middle-class tax relief to restore some fairness, especially to middle-class people with families with incomes of under $60,000 a year.

Madam President, if the President that night, in that first debate, had said: Well, I am going to tax every family in America on an energy tax that by my figures will be $320 a year, and most outside groups are going to estimate $500 a year, and I am going to tax every Social Security recipient with an income of $18,000 or more if they own their own home, because I am going to count what they would have to pay in rent as income, he would not have been elected President.

Let me give you the second one. When the Bush campaign ran an ad saying that the Clinton plan would require that people be taxed at least at income levels of $36,600, let me tell you what Candidate Clinton said. He said:

> It is blatantly false. It is a disgrace to the American people that the President of the United States would make a claim that is so baseless, that is so without foundation, so shameless in its attempt to get votes under false pretenses.

And yet here, today, we are debating taxes on Social Security recipients who earn $18,000 a year. We are debating energy taxes on every family in America. We are debating raising taxes on family businesses and family farms by over 30 percent in terms of the marginal tax rate.

Who voted for that program? Nobody voted for it. I am sure some of our colleagues, after Ronald Reagan was elected and we adopted his programs, felt bad about it. They did not think it was a good idea. They were against it. They were against spending cuts; they were against building up defense; they were against tax cuts. But at least Ronald Reagan ran for office on that platform. Everybody alive in 1980 who was not hiding under a rock somewhere heard Ronald Reagan say: Elect me and I will cut domestic spending, raise defense, and cut taxes.

So our colleagues on the left may not have liked it, but they were not surprised by it. What is so frustrating to me—

Mr. CONRAD. Will the Senator yield?

Mr. GRAMM. I will not yield because I have a limited amount of time.

Mr. CONRAD. Will the Senator yield on my time?

Mr. GRAMM. What is so frustrating to me is that no one was elected on the platform of this program, nor could they have been elected on this platform. No one who told the American people that this is what they had in mind could have been elected. So there is no mandate to do this. No one ever voted for it. No one ever ran for office on the basis of it. So we are implementing a plan that nobody voted for and nobody thought was a good idea.

What are the alternatives? First of all, we are going to offer an amendment, and the first Republican amendment will say drop this Btu tax and drop a corresponding amount of new spending add-ons in the Clinton budget; do not spend on new programs and do not impose this tax.

The second amendment will be: Drop the Social Security tax and drop the corresponding increases in domestic spending. Then we will have an amendment that shows that by not adding any of the new programs that President Clinton wants to fund unless there is a dollar for dollar offset in other spending programs, that you can delete new taxes—the Social Security taxes, the energy taxes, and the income taxes—because every one of those new taxes is going to fund more spending. That is what the debate is about, and I thank the Chair for her indulgence.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, I yield 15 minutes to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I thank my distinguished budget chairman. I certainly commend the chairman of the Budget Committee for his patience, for his intelligence, for his grasp of the issues, for his very clear explanation of where this Clinton economic plan is going to take this country, and, Madam President, it is going to take this country in the correct direction, in a good direction, in the right direction.

It is certainly my pleasure to be a member of the Senate Budget Committee, having served in the House of Representatives in that capacity, and to be able to speak for the first time in my career in strong support of the President's budget. This one was made even better by the Senate Budget Committee. The deficit reduction is even greater. Madam President, there is more deficit reduction in this package than ever before under any other President, $502 billion over 5 years, the biggest cuts in history. So let us set the record straight on that.

Let us set the record straight on a couple of other things. When the Republicans took over the Presidency in 1980, the national debt was $900 billion, and when they handed over the reins of Government to President Bill Clinton, that national debt was more than $4 trillion. Yet we see in this very Chamber today, on the most beautiful charts, figures that would lead you to believe that this budget will do nothing but make matters worse.

Madam President, it was Alan Greenspan who said it; that this budget is credible when it comes to deficit reduction, and Alan Greenspan, the head of the Federal Reserve, was not appointed by a Democrat but was appointed by Ronald Reagan and reappointed by George Bush. We see what is happening with interest rates in this Nation. We have seen them go down a point already, putting more money into the pockets of the American people because of this plan, no matter how much it is derided by those on the other side of the aisle.

When the Republicans took over the Presidency, I will never forget this as long as I live, Madam President, when Ronald Reagan looked at Jimmy Carter and said, "You have a $50 billion deficit. You ought to be ashamed of yourself," and the Republicans said, "We will balance the budget in 1 year," and then it was 2 years and then it was 3 years, and when they handed over the reins of Government to Bill Clinton, this budget deficit was about $300 billion, from $50 billion to $300 billion; from $900 billion to $4 trillion on the national debt. And my colleagues and my friends on the other side of the aisle stand up and deride the first plan that would really address this deficit without the smoke and mirrors that we have seen before and the rosy scenarios and everything else.

Madam President, last night I was fortunate enough to be sitting where you are when this budget debate opened up. The best that we Democrats had to offer, our chairman from Tennessee, presented this budget plan, and the best that the Republicans had to offer, the very articulate and able and intelligent Senator from New Mexico [Mr. DOMENICI] had a very good debate on this budget.

I listened very carefully. I watched my chairman lay out the economic strategy that our President has put forward to this Nation. Then I watched and heard the leaders from the Republican side tear down this budget, tear down its deficit numbers, tear down its tax numbers, tear down its investment strategy, tear down its deficit reduction, and we have seen Senator GRAMM, of Texas, today continue to do that.

It is easy to tear things down. It is easy to do that. I want to know where is the Republican budget? We have not seen it. In the committee, all we saw were a series of amendments that were so transparent, it was obvious that they were making us look at some very tough votes; that, if these amendments had been adopted, it would have torn apart the entire strategy, because what our President has done for the first time is to put together a very carefully crafted plan that gives you just enough deficit reduction, just enough investment. It is very carefully done.

Yes, there are taxes. There are taxes on the wealthiest among us, the top 1 percent who saw their incomes go up 115 percent since 1977. I do not cry bitter tears for our fellow Americans who have been so successful, and I will tell you that they are willing to pay their fair share. Yet when you listen to my colleagues on the other side, they want more spending on defense, even after the cold war; they want no taxes on the rich, even though we have seen these incomes go up to astronomical levels. They want to only cut, Madam President, the things that our people need, education, health care, cleaning up this environment, transportation, science and technology funding, all the things on the domestic side of the budget. That would destroy America, because we will not be able to compete if our budget does not reflect the needs of a country like America in a global marketplace.

So I say to my fellow Republicans: Where is your budget? Show it to us. I want to see it. Do not give me amendments that do something here and there, because that is not constructive. That is going to lead us back to gridlock.

President Clinton's budget will give us a healthier and more secure and competitive America, one that has a leaner, meaner defense. That is right. We always have to be the strongest military in the world, and under Bill Clinton's leadership we will be. And we will have an America in which children receive their immunizations. Do you know that a baby born in Cuba has a better chance of surviving than a baby born in Washington, DC? That is an outrage. It is a shame upon us, and President Clinton understands that. Those kids are our hope. It is not just the right thing to do, it is the smart thing to do because when they get those immunizations, when they get the Head Start, when they get a quality education, when they are able to go to college through that wonderful new program our President has presented us with, then they will be productive. We as a nation will be productive. We will win this new war we are in, which is called the economic war. We won the cold war. Now we must win the economic war.

We will have an America in which child care is widely available so parents can go to work without fear, a family-friendly Government, if you will; an America in which there are more police officers on the beat, community policing so our neighbors can feel safe; an America that retrains our workers because, as President Clinton has told us many times, the average American will change jobs seven and eight times.

It is a new economic world out there and we have to get our people ready for it, Madam President. We will have research and development on the civilian side of the budget so we can keep up with our competitors, and budget deficits that are no longer raging out of control.

It really is amazing to me again, Madam President, how our Republican friends, who are no longer in the Senate Chamber at this moment, can talk about the need for greater deficit reduction and greater deficit reduction when they had their chance. They brought this country almost to its knees. President Clinton is trying to rescue this country from economic ruin, and his plan deserves our support. He understands how it all fits together. He has given us a plan that looks at the short-range stimulus so we make sure we do not have a triple dip recession, Madam President, but that we in fact are jump-started out of this recession.

I come from a State that is falling behind—California. We have been thrown into a morass. We have lost many jobs. We are in an economic transition. This plan is crucial to the State of California, and I want to make a point to my colleagues: California's recovery is crucial to the sustained recovery of this American economy. We need these investments. And, yes, I am tired of hearing my Republican colleagues deride the word "investment."

In a former life, I was a stockbroker, Madam President. Let me tell you what a good investment is. It is one which yields dividends. You put your money into something and it pays dividends. You give a child a $1.14 vaccination and it pays dividends when he or she does not get the measles, so you avoid having to spend almost $1 million to rescue that child's life later. You put $1 into Head Start and, Madam President, you save $3 because that child is off and running and becomes productive.

We know we need an economic conversion plan. This President has it in his budget. It is crucial for us. I am one who happens to believe we are going to be more prosperous than ever when we make this conversion, because when you produce military weapons, thank goodness, we do not use them. But when you invest in things we need, in housing, in schools, in health care, you create many more jobs, Madam President. Your work force is trained and prepared and healthy, and your children are prepared and trained.

So we need this stimulus. We need this budget. I am pleased that the President has released the conversion funds on which we voted last year. It all fits into the puzzle.

I say again no package is perfect. If the Senator from Illinois, who is presiding now, was the President and wrote the package, it might look a little different. If the Budget Committee chairman started this project from start, the budget might look a little different. If this Senator or my colleague from California, the senior Senator from the State, wrote the budget, it might look a little different.

But there is one President, Madam President. He ran on a very clear platform. He said to the American people, I am worried about jobs. I want to create jobs. I want a short-term economic recovery and a long-term deficit-reduction strategy. He said yes, I am going to tax the wealthiest among us. He laid it out there and the American people stand by him. I think it is important that we stand by him and give this a chance.

Madam President, in closing let me say this. The National Conference of Republican Mayors endorsed this plan in its entirety. Let me repeat. The National Conference of Republican Mayors endorsed this plan in its entirety.

Let us get beyond the partisan bickering. Let us not see a party-line vote on this budget. Let us look at the American people, Republicans and Democrats alike, men and women alike, and let us say to this Nation we in the Senate are ready to join with our colleagues in the House of Representatives to move this very important package along and give the President a chance to have his plan acted on, and then we will all be held accountable.

Madam President, I look forward to voting on this budget.

I yield back the remainder of my time to the Senator from Tennessee.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Madam President, may I inquire of the Senator from North Dakota how much time he wishes?

Mr. CONRAD. I had indicated that I could use 15 minutes. I could use more than that if the chairman has it.

Mr. SASSER. I was hoping the Senator might be able to use less than that because we have Senator MURRAY on the floor, and also the distinguished Senator from South Carolina. Why not yield 10 minutes to my friend from North Dakota and see how we get along. He is known for his conciseness and ability to say much in a few words.

Mr. CONRAD. I thank the Senator from North Dakota.

Mr. DOMENICI. Will the Senator yield so I might make an inquiry, without losing his right to the floor.

Mr. CONRAD. I am happy to yield.

Mr. DOMENICI. Madam President, I am very concerned again here that there are a lot of amendments on both sides, and I would very much like to get an agreement that an amendment is going to be called up at a time certain on that side and then maybe we would say it would be followed by one on our side at a time certain. Can the Senator discuss that with me a bit?

Mr. SASSER. I can. Let me say to my friend from New Mexico, a moment ago or some time ago I said we were shooting for 3:30 to begin calling up amendments. I am still shooting for that time. If the Senator will give me a little flexibility, 5 or 10 minutes on each side, it would be helpful. But I am still shooting for 3:30, and I think we will make it.

Mr. DOMENICI. Mr. President, could we have an understanding maybe that would permit us to talk off the floor and see if we could get a unanimous consent later. We would like to offer the Nickles Btu tax amendment following disposition of the Harkin amendment. We very much would like to do that as soon as possible, but obviously we understand that the Senator from Tennessee has the right to go first. Can we be looking at that with our leadership in terms of perhaps agreeing?

Mr. SASSER. We can, I say to my friend from New Mexico. We can discuss that with the leadership, and I am hopeful we can work out that accommodation.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from North Dakota.

Mr. CONRAD. I thank the Chair. I thank the chairman as well.

Madam President, I rise as a member of the Senate Budget Committee in support of the budget resolution.

For the first time in the 7 years that I have been a Member of the Senate we have before us a plan to reduce the Federal budget deficit based on honest numbers—not phony projections of the future, not a wish list, not some idea that is cooked up in some back room and brought before us and we are told that it will reduce the deficit by some magical formula. No, Madam President, we have been presented with a plan to reduce the Federal budget deficit $500 billion over the next 5 years based on honest projections, honest numbers, honest assumptions. That is a remarkable breakthrough.

Madam President, just moments ago we were treated to generous portions of Texas hokum. We heard from the Senator from Texas really a remarkable rewrite of American fiscal history. Madam President, we heard that Ronald Reagan ran on a program that no one could be confused about. We were told that Ronald Reagan ran on a program to cut taxes, to increase defense, that no living American could possibly not have known what Ronald Reagan intended to do.

What the Senator from Texas left out was that Ronald Reagan never told the American people he intended to increase the Federal deficit fourfold. Ronald Reagan ran on a program of cutting taxes, of increasing defense, but what the Senator from Texas left out was that Ronald Reagan also told the American people he would eliminate the Federal deficit. That was the full story.

The Senator from Texas left out that last element, left it out for very good reason. Because when the Senator from Texas talks about a program that might fail and predicts that this program will fail he comes to us as an expert on programs that failed. The Senator from Texas was the author of a program that failed. The Senator from Texas was the author of a program that failed, and failed completely, and for him to stand on the floor as an expert on deficit reduction is so farcical that it must be answered.

Madam President, the Senator from Texas authored a plan that said we are going to eliminate the deficit in 5 years. We have a plan. We have a magic formula. And if only you pass it, we will reduce the Federal budget deficit in 5 years.

That plan was passed in 1985, Madam President. Do you know what happened? The deficit was not reduced. The deficit was certainly not eliminated. In fact, the Federal budget deficit exploded. When the Senator from Texas comes before us and says that somehow he has a better plan, Madam President, I am a little bit suspicious.

Here is the record. Here is the record of what happened when that crowd was in control. This is the Federal debt growth that has happened from 1980 through 1997. Madam President, we will recall that in 1980 Ronald Reagan took over; the national debt was $900 billion. Today, the national debt is $4 trillion. And we are headed for a national debt of $5.5 trillion in the next 5 years, unless we change course.

Madam President, just to review the record, the Senator from Texas was the author of a plan back right here, 1985, that said you pass that plan, the deficit is going to be eliminated in 5 years. Instead, the deficits and the debt skyrocketed.

So for the Senator from Texas to come to this floor and say to the American people that he is some expert on plans that might work, I suggest he is rewriting history. Some of us recall very well the plan of the Senator from Texas was a disastrous failure in terms of deficit reduction.

Madam President, we have to act. Bill Clinton was elected President on a program of change. Bill Clinton was elected President with a promise that he would move this country in a different direction.

Madam President, he has presented us with a budget blueprint to do precisely that. This is the debt growth. We talked about that. What are the other things that tell us we have to change?

This chart looks at the growth of the debt in a little different way. It is not in dollar terms. It is a percentage of our gross domestic product. This chart looks at the last 50 years. What one sees is that after World War II, we had a level of debt in comparison to our gross domestic product of 113 percent. In every year, for 40 years, the debt in relationship to the size of our economy was reduced, from Democratic administrations, to Republican administrations, back to Democratic administrations. This country reduced its indebtedness in comparison to the size of our economy.

Then we had the election of Ronald Reagan. The debt as a percentage of our gross domestic product started growing. Now it has exploded.

That is the reason, Madam President, we must act. Not only have we taken on enormous debt in terms of our national debt but this country has also become an international debtor.

This chart shows the past history, from 1977 through 1991. Our position in the world.

Madam President, we have gone from being the world's largest creditor nation; more countries owed us more money than any other country on the face of the Earth. That line was crossed in 1986, and today we are the largest debtor nation in the world. America owes more money than any other country in the world; an incredible turnabout as a result of a failed economic policy, and a failed economic plan.

For the architects of that plan to stand on this floor and tell the American people that somehow this President who tells us we have to change direction is moving in a way that makes no sense, that ought to be measured against the test of history. What did they do when they were in charge? What did they do when they were in a position to set a course for the economic future of this country?

The result of these failed policies was that economic growth collapsed in this country. We show growth in the fifties, growth in the sixties, growth in the seventies, growth in the eighties. Look what happened in the 1990's. Economic growth collapsed in this country. As a result, average annual job growth also collapsed in this country. In the fifties we had modest job growth, healthy job growth in the sixties, seventies, and eighties; the 1990's, job growth absolutely evaporated in this economy.

This perhaps is the most important chart of all, because we have heard much from the other side that we are spending too much, and we have heard over and over in debate that the United States is spending about 24 percent of its gross domestic product, and historically we have spent about 20 percent of our gross domestic product. The other side says there is the proof that this is tax and spend. There is the proof that this country is spending too much. There is the proof that what we have is a spending problem, not a revenue problem.

Madam President, I think it is important to analyze precisely where the spending increases have occurred. As this chart shows, if we look at the last 30 years of economic history, it is absolutely true that spending has gone up from 19.2 percent of our gross domestic product, to 23.5 percent of our gross domestic product in 1992. Spending has clearly gone up as a percentage of our gross domestic product.

Here is what has happened on the other side of the ledger. Revenue. Revenue 30 years ago was 18 percent of our gross domestic product. Today it is 18.6 percent. We can see the substantial gap that exists here between revenue and spending.

But let us look where the increases in spending have occurred because I think this is very instructive. Thirty years ago Medicaid did not even show up on the chart. Medicaid was a brand new program. There was virtually no spending. Thirty years later, that is 1.3 percent of gross domestic product. Medicare, 30 years ago was zero. There was not a Medicare Program 30 years ago. Today that is over 2 percent of gross domestic product.

Thirty years ago, Social Security was about 2½ percent of gross domestic product. Today it is 4.9 percent of gross domestic product. Perhaps the most interesting is interest on the debt because it is skyrocketing, from just over 1 percent of gross domestic product to 3.4 percent of gross domestic product today. All other Federal spending has actually declined in comparison to the size of our economy, declined from 15 percent of gross domestic product to 12 percent of gross domestic product.

So when we hear people say, well, it is clearly spending, it is absolutely correct that spending has gone up. But it has gone up in just four areas: Medicaid, Medicare, Social Security, and interest on the debt.

Madam President, that is the reason the budget before us has put us in a position in which we simply must cut spending and raise taxes in order to make progress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CONRAD. I ask the chairman for 1 additional minute.

Mr. SASSER. I yield the distinguished Senator from North Dakota an additional minute.

Mr. CONRAD. Madam President, let me just conclude by saying that the budget before us does reduce the Federal budget deficit $500 billion over the next 5 years.

This chart, I think, tells a story that we must pay careful attention to. This chart shows the cost of inaction.

Madam President, if we fail to act on this budget resolution, we will face these gridlock deficits that grow and grow and grow. We see no end in sight. If, instead, we enact the Clinton plan, we will see a sharp reduction in those gridlock deficits.

No, it does not bring us to a balanced budget but, Madam President, it makes progress. Unless we see a plan on the other side that actually does a better job, then we ought to enact the Clinton plan, because the Clinton plan reduces those budget deficits, devotes every penny of tax increase to deficit reduction.

Madam President, it also changes the priorities of the country. It says, yes, we must cut spending, but there are certain areas that deserve more money, such as educating our children, training our workers, investing in America, rebuilding our infrastructure, and research for the future.

Madam President, those are not only the priorities of President Clinton, they are the priorities of the people of this country. That is the reason I am proud to stand in support of this budget resolution.

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware [Mr. ROTH] is recognized.

Mr. ROTH. Madam President, the No. 1 challenge facing our Nation——

Mr. SASSER. Madam President, may I inquire of the distinguished Senator from Delaware how long he wishes to speak?

Mr. ROTH. I yield myself 15 minutes.

Mr. SASSER. I thank the Senator.

Mr. DOMENICI. Madam President, let me say I welcome the request, and I yield 15 minutes to Senator ROTH.

Mr. MURKOWSKI. Madam President, if I may make an inquiry. Are we on a time schedule anticipating amendments to come before the body?

Mr. SASSER. I say to the distinguished Senator from Alaska that we have plenty of time, in one sense. We probably have about, at this juncture, 42 hours left on this bill. But we have not heard a single amendment. An amendment has not been introduced yet.

The Senator from New Mexico is pushing, as he should, to get amendments up. We continue to have Senators coming to the floor wanting to speak on this budget resolution. That is as it should be. It is a very important piece of legislation. But if we are going to get to amendments, we are going to have to try to cut this off at some juncture. The Senator from New Mexico and I had hoped to be able to begin amendments by 3:30 or certainly 3:45. But why do I not counsel with my friend from New Mexico and see where we are?

Mr. DOMENICI. Madam President, let me say to the Senator from Alaska [Mr. MURKOWSKI] we are trying hard to move ahead with an amendment that is very dear to the Senator's heart and try to get it disposed of today. To the extent that we cannot make such an arrangement, I will be back to the Senator, or he can wait here a few minutes, and we will decide whether we are going to go on indefinitely and not get the Btu amendment up today. Then the Senator can speak about it.

Mr. MURKOWSKI. It is my intention to speak briefly at a later time, following the sequence that the Chair would order, pending the introduction of the amendment. I have been here for some time. I want to make sure that I have an opportunity to speak before the amendment. I am generally assured of that.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Madam President, the No. 1 challenge facing our Nation is the creation of good secure jobs for the American people. Soon after the President Clinton announced his budget package, I expressed my concern that the large tax increases in his plan could hurt the economy rather than help it. I expressed my concern that the President's package failed to reduce Federal spending. I also stated my intention to return to the Senate with an alternative plan which would meet the President's challenge to reduce the deficit.

The American people are demanding that the Federal Government cut spending first. Unfortunately, the President's plan fails to cut spending until 1996. That's why I have brought forth this alternative. According to the Congressional Budget Office, which the President stated he would use in estimating the impact of his budget plan, the President's package would increase spending in 1993, 1994, and 1995. The first real spending cuts do not take place until 1996.

As CBO numbers make clear, the President would raise almost $5 in new taxes for every dollar in spending reduction over the next 5 years. This is vastly different from the $2 in spending cuts for every dollar in tax increase promoted by Budget Director Panetta during his confirmation hearing.

As we begin consideration of the budget resolution, I would like to inform my colleagues of this proposal, which reduces the Federal deficit by $558 billion without asking the American taxpayer to pay higher taxes. I know President Clinton is sincere in his desire to cut the Federal deficit, but I am convinced raising taxes will only lead to higher spending. Unfortunately, the increased taxes and spending that President Clinton suggests does not promote long-term U.S. competitiveness and jobs.

Madam President, my plan meets the challenge posed by President Clinton to drastically reduce the Federal budget deficit with specific spending cuts. This plan demonstrates that it is possible to achieve real, long-term deficit reduction without the tremendous tax increases contained in the President's plan. I am deeply concerned that the $266 billion in tax increases will lead to the loss of millions of jobs, just as the tax increases in the 1990 budget agreement did. I voted against the 1990 budget agreement advocated by President Bush because of my concern that increased taxes would deepen the recession and lead to more Government spending. Unfortunately, this turned out to be true.

Raising taxes on the American people now, just as we are seeing some signs of improvement in the economy is, at best, economically risky and at worst, economically disastrous.

This proposal has more than $263 billion in cuts beyond those proposed by the President. These cuts, when added to the President's, would reduce the Federal deficit by $558 billion. In addition, it is important to point out that this plan would not affect Social Security. It is also important to point out that many of the reductions included in the President's budget are cuts that I called for in 1991.

For example, the President's proposed Medicare secondary payor reform and his reductions in national defense and in the Federal work force are similar to proposals that I first recommended in 1991.

This budget, is comprised of nine components:

First, it would reduce the President's stimulus package by $12 billion. It is far from clear that more Federal spending is going to create the types of permanent, secure jobs that the American people are seeking and deserve.

Instead, a great portion of the President's stimulus package will not lead to new jobs, but simply the enlargement of Government. The President's package provides increases for programs which already received full funding in the regular appropriations process. While my alternative would provide funding for unemployment compensation and other high priority items, it would reduce the overall stimulus package by $12 billion.

Second, this budget reduces the additional spending in the President's investment package. While I agree with the President that certain high priority programs such as Head Start and worker retraining provide tremendous benefits to our Nation's well being, I must also ask whether we can really afford more than $145 billion in new spending above the increases already provided for inflation for such Federal projects as highway construction, rural development, and energy research.

For example, instead of increasing Federal research and development spending by more than $13 billion, as the President proposes, we should focus on making better use of the $75 billion we spend annually. This is three times what all other countries combined spend on research and development.

Third, this budget provides almost $60 billion in additional cuts in domestic discretionary programs beyond the President's budget.

Some of the extra cuts in my proposal include: additional reductions in executive and legislative branch personnel; canceling the superconducting super collider; eliminating highway demonstration projects; eliminating Federal mass transit subsidies; eliminating the Interstate Commerce Commission, and the Appalachian Regional Commission. Madam President, I am calling for a 20-percent cut in the Federal work force. These reductions, which would come from both the executive and legislative branches, would be achieved not by firing Federal workers, but through the process of attrition and limiting rehires over the next 5 years.

Fourth, this plan adopts many of the President's changes in domestic discretionary spending. This includes reductions in many projects and grants specifically earmarked by Congress which have failed to go through the competitive bidding process. In addition, I agree with the President that Federal agencies can be streamlined and significant administrative efficiencies can be achieved.

Fifth, this budget provides more than $70 billion in additional entitlement changes beyond the President's budget, without changes to Social Security, Federal, or military retiree pension benefits. This includes terminating certain agriculture subsidies for wool and mohair, as well as terminating export enhancement programs for our agricultural products. In addition, it calls for accelerating the elimination of State donation schemes in Medicaid, and the elimination of disproportionate Federal payments in the Medicare Program.

Sixth, the plan incorporates many of the President's reductions in mandatory spending, including difficult choices that the administration made with regard to health care and the civil service.

For instance, I support the proposal put forth by the administration to eliminate the lump sum retirement option for Federal employees.

Seventh, I would reduce foreign aid by $1.5 billion a year, for a savings of $7.5 billion over the next 5 years. Clearly, foreign aid should be directed to those areas which involve the security interests of the United States. By refocusing aid to those areas where direct interests are concerned, foreign aid can be reduced.

Eighth, this budget will reduce defense spending by $100 billion over the next 5 years. I have long maintained that the Defense Department must be right-sized for the post-cold-war era in order to maintain an effective military while achieving such savings. The savings of the level that I suggest are achievable if true reform is brought to the Pentagon, including such steps as cutting out inefficient management hierarchies, streamlining procurement practices, getting rid of the widespread duplication of equipment and organizations, and killing cold war weapons programs.

Ninth, I would adopt some of the increased user fees outlined in the President's budget.

Madam President, taken together, these changes will produce more than $558 billion in deficit reduction over the next 5 years without the tremendous tax increases proposed by President Clinton. The budget reductions outlined in this plan are far from easy—difficult choices were made. But if we are going to be serious about reducing the deficit, difficult decisions must be made.

This package represents the starting point for demonstrating that we can significantly reduce the deficit without large new tax increases which will stifle job growth.

Madam President, as we begin consideration of the budget resolution, I am anxious to work with my colleagues in the Senate to present a budget alternative that produces meaningful reductions in spending without the economically damaging tax increases that are included in the President's plan. I look forward to working with my colleagues to present a constructive alternative to the President's budget, which I believe will hurt, not help the economy.

Madam President, I yield back the remainder of my time.

Mr. SASSER. Madam President, might I inquire of the Senator from Washington how much time she will require?

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, if I could request 10 minutes.

Mr. SASSER. I am pleased to yield 10 minutes to the distinguished Senator from Washington.

The PRESIDING OFFICER. The distinguished Senator from Washington is recognized.

Mrs. MURRAY. Madam President, today I stand here on the floor of the U.S. Senate to be part of the debate of one of the most important budgets of our time. The passage of this budget will mark a turning point for our Nation.

Not so long ago, I sat in the gallery as a part of the audience, or at home in front of my television set 2,300 miles away from here watching legislators debate budget resolutions. I know that the citizens of this country are listening intensely, the way I listened, to here how the decisions of legislators could affect my family's well-being.

Madam President, I vowed that if the people of the State of Washington would allow me to represent them in the U.S. Senate, I would not forget how it felt to be part of the audience, and I would always try to speak with simple common sense. I promised them I would not talk to them with the jargon of Washington, DC, but to my colleagues with the common logic of Washington State.

I stand here, Madam President, as a mother, who is raising two children, caring for disabled parents, going to work every day, and balancing my own checkbook. It is with that perspective that I approach the budget resolution.

We can disagree on the floor on this budget. That is how our system works. My family works in much the same way. First, we pay our bills. We meet our financial obligations. We pay our rent; we buy food and clothing. And we save something in case of emergency. Then, if we have any left over, we have to decide how to spend it. My children do not always agree with my husband and me on how our family income should be spent.

Like most American parents, we tend to think in the long term, and we spend accordingly. Otherwise, my house would have termites and a leaky roof, and would be full of toys and video games, ripped jeans, and music tapes. Frankly, that is the way our economy looks today: The infrastructure is badly in need of repair. We have misallocated. And our spending priorities are out of whack.

So, we can disagree in this Chamber, but certain principles should guide us in this important task. We should not obstruct. I would not tolerate that behavior from my children and the American people will not put up with it from us.

We have to reduce the deficit. We have to cut out wasteful programs that are no longer useful. Our spending must be oriented toward investments in our future. Above all, we must be honest with the American people.

The President's budget fulfills all these criteria. We are investing in programs that national commissions have recognized as exemplary for a decade. During the Reagan administration when these deficits were growing, I was teaching preschool and serving on our local school board. I know how important Head Start is. And, I know how important the Immunization Program is. We can immunize children today, or we can watch juvenile diseases run rampant throughout society tomorrow.

We must fully fund effective programs such as WIC. WIC provides food and nutrition education to low-income pregnant women, new mothers, and children under age 5. We can invest $1 on women in this program today or we can spend $2 to $4 in Medicaid on them tomorrow.

We must fully fund the Ryan White CARE Act. We can help bring about an end to the AIDS epidemic and ease the suffering of those with HIV disease today, or we can continue to watch large segments of population die away tomorrow.

We must invest in infrastructure, transportation, and high technology. Too many programs have been neglected or ignored for too long. Our roads and bridges are in serious disrepair. We can repair them and use them today, or we can stay the course, watch them collapse, and leave them for our children to rebuild tomorrow.

I know that this budget has some elements that will be tough on the people of the State of Washington. In the agricultural arena, there are things that will require Washington farmers to change the way things have been done in the past. The President has proposed eliminating specific directives for agricultural research. This is troubling because our aggressive research program has enabled our farmers to become the most productive and competitive in the world.

Likewise, for years, Northwest families have enjoyed consumer-friendly energy rates because of our proximity to the world's finest hydroelectric power system. The new energy taxes will translate into more pressure on family budgets and our vital industries throughout the Pacific Northwest.

We need to manage the inland waterways, salmon protection, agricultural programs, and energy conservation in a way that protects business and consumers, and preserves the quality of life in the Pacific Northwest.

I know my friends and neighbors understand the country is in trouble, and they know—because they have common sense—that we all must contribute to set this country on the right path. It is not just the President's job, it is not just Congress' job, it is not a Democrat or a Republican job, it is everyone's job. We have got to pull together—that is our mandate from the American people in the last election. The President campaigned on cutting the deficit, on investing in people, on making those who got rich during the Reagan years contribute something back to the country. People across this country, people in my State, heard and understood that message.

I believe this is a budget which straightens out our priorities and can get our Nation moving again. During the 1980's, I saw my neighbors and friends grow cynical and disappointed. We watched our legislators bogged down by gridlock and inertia. We watched as Congress failed to deal with issues facing real people, and speak a language real people do not understand. For 12 years, this country has been overspending, living way beyond our means, and not investing in people, in infrastructure, in our future.

Madam President, I am very patient on the Budget Committee. I have listened to the testimony of all the witnesses and the questions and concerns of my colleagues. I have heard wisdom from both sides of the aisle.

Now is the time for action. We must reduce the deficit. We must invest in our future. We must be honest. The American people will tolerate nothing less, because everyone in this country knows what has gone on in the past. Let us not fool ourselves. American families cannot survive if they overextend their credit or make false promises about their household budgets the way the Government has done with ours. The American people know that. And I know the people of Washington believe I will listen to them during this budget process, and that is why they moved me from the gallery to the floor of the U.S. Senate.

Thank you.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, I will yield to the distinguished Senator from New Mexico.

Let me just note that we want to get to the amendments as quickly as possible. But the distinguished Senator from South Carolina has been waiting on the floor here for a couple of hours, just to get a few moments to speak. I would like to accommodate him, if at all possible.

Mr. DOMENICI. Madam President, just so the two Senators who are on the floor—and both have been patient and I am very willing to be accommodating—will know, what the chairman is going to do right now is ask unanimous consent that we proceed at 3:45 with the Harkin amendment, 2 hours on that, 1 hour equally divided, and that it be disposed of; and then we would take up the Nickles amendment, 2 hours, an hour on a side, and dispose of that.

So we would have two amendments disposed of tonight, including the Btu tax.

I am willing, if the two Senators are, to divide the 10 minutes that he remain equally, 5 minutes each, and we will still stay right on the time schedule, if that is agreeable.

Mr. SASSER. Is that agreeable to my friend from South Carolina?

Mr. HOLLINGS. I would agree.

Mr. MURKOWSKI. I would agree.

Mr. SASSER. Madam President, I ask unanimous consent that the Senator from Iowa [Mr. HARKIN] be recognized to offer an amendment regarding the barge tax, and that he be recognized at 3:45; that upon disposition of the Harkin amendment, the Senator from Oklahoma [Mr. NICKLES] be recognized to offer an amendment regarding the Btu tax; that no second-degree amendments be in order to either of these amendments; and that the Senate vote on or in relation to both amendments before adjourning today.

Mr. DOMENICI. We have no objection, Madam President.

Mr. HOLLINGS. How about 3:46?

Mr. DOMENICI. Let me make sure the chairman and I understand. The Harkin amendment, it is still a sense-of-the-Senate resolution, is it not?

Mr. SASSER. That is my understanding, and the Senator from Iowa indicates that that is correct.

Mr. DOMENICI. I have no objection to the request.

I would ask the chairman to add 2 minutes to the time before it comes up.

Mr. SASSER. Madam President, I would amend this unanimous consent to insert the time of 3:48.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. May I assume that the distinguished Senator from South Carolina and I each have 5 minutes?

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, much has been said about the issue of fairness, the issue of equity, and the application of meaningful deficit reduction. This is something that all Americans believe that this body should address with dispatch.

The obligation that we have, Madam President, is to know what we have when we are through with the process: Have we created a significant reduction in the deficit?

Well, you have heard our side of the aisle express its collective opinion that by the time we are through with this exercise, we will have brought about the largest increase in taxation on the American people in the history of America.

We support the concept of cutting the deficit. The people in my State of Alaska are urging me to support a meaningful deficit reduction program. But they want equity, Madam President.

I only have a few moments here, but let me give you some idea of what is not equity, and that is the Btu tax.

Madam President, the administration is looking at the energy industry of this country, which contributes almost 10 percent of the gross national product, for 22 percent of the new tax revenues. Is that equity?

They are looking at the gas, the coal, the nuclear, the hydro, and the oil industry to contribute a tax of about 25.7 cents per million Btu, which sounds equitable on the surface. But then they come back and they say that oil is going to bear a surtax, a surtax of an additional 34.6 per million Btu. Is that equitable?

Why has oil become a sin tax? Is is like liquor and tobacco?

What happens if you have no other alternative but oil? You have to pay a penalty.

Now, there is some theory out there that suggests that we are going to save oil as a consequence of putting this surtax tax on.

Well, to get to my State of Alaska, I am going to have to fly back up there. There is no practical alternative. I am not going to save any oil, but the airlines, which are under a tremendous burden now, obviously are going to have to absorb this Btu tax or pass it on to the consumer.

Another difficulty with this whole package is there is no consideration given for the inflation factor. We are adding a stimulus to the inflation of this country at a figure that nobody can guess. How the potential of unemployment in our energy industry, as a reality of this Btu tax, will affect our economy, nobody knows. It is not equitable. It is not well thought out.

But, yet, we are expected to support this kind of a sacrifice.

Let me talk in the minutes I have about the mineral industry, a 12.5-percent royalty on gross—not net, but gross production. The mineral industry in this country competes with lead, zinc and so forth, production from Australia, Africa—we either are competitive in that marketplace or not. But our industry is being asked to share this burden so we can generate more revenues. The White House is telling industry look, we do not care where you get it as a user tax, just make sure you get it.

They are going to drive them out of business.

How many job losses are we talking about under the Clinton proposals? That is 27,500 lost jobs, if our mining industry moves out of the country as a consequence of this kind of a tax on royalties—not on net, Madam President, but gross.

What have we accomplished by the time we have made the complete circle? We have not accomplished anything. We have simply driven the industry overseas.

That is not what we want to happen, obviously, but that is what industry simply tells us is the harsh reality associated with this. And we are supposed to, somehow, rely on the Finance Committee or somebody else to make these cures. This should be debated within this body relative to the impact it is going to have on jobs, the tax base associated with the contribution.

As a consequence, Madam President, I simply point out, in conclusion because I think my time is up, that as we go through this, the conviction of deficit reduction is real. But let us make sure that we examine the ramifications associated with what this means. It means $124 million in new spending over 5 years. The budget only cuts $80 billion. In 1998 the deficit would be $228 billion per year. Yet the President promised $140 billion in deficit reduction.

His budget simply does not deliver and we have to recognize that.

Madam President, I believe my time is up. I thank the Chair and thank the floor managers for allowing me 5 minutes.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SASSER. I yield to the distinguished Senator from South Carolina 5 minutes.

Mr. HOLLINGS. Madam President, very quickly, and I will try to encapsulate it, I was listening to the distinguished senior Senator from Texas. There is one thing we can agree on that he commented upon, his projection that we could have as big a deficit in 1996, when the President is running again for reelection, as what we have right now. There is no doubt about that. The President understands it. He hopes to lower it further with health cost containment. There is no doubt about that. And maybe we will need some additional revenues for that health plan. That is why I talked earlier this morning about a VAT.

Otherwise, let me talk about the duplicity of the Senator from Texas. He comes and starts with a chart, says here are the promises and here are the actual, what they did. Here is what they promised—Reagan, Bush—and actually what they did.

But then when he gets to the Clinton one he gives him the entire yellow line and he blames President Clinton for promises made by the Republican Presidents that were not kept. That is our dilemma.

I mean that is not promises not kept by the distinguished President of the United States today. The fact is we have $1.3 trillion in revenues, actually in these figures here that he used—President Clinton can only be responsible for $295 billion of those new revenues. Not the $1.3 trillion the distinguished Senator from Texas claims. To blame Clinton for all $1.3 trillion in new revenues, you would have to blame him for passage of the income tax back in 1913. In other words, most of the new revenue will be generated by taxes already on the books.

Look at the baseline and look at what taxes we already had. He has not passed a tax yet. Look at what we have and he adds all that together and puts it on the back of the distinguished President.

He says more spending than LBJ. I was there. The budget, of outlays in 1968–69, was $178 billion.

Do you know what the interest cost is now? The interest cost, net is $198 billion. The gross interest cost is $295 billion. That crowd has given us bigger interest costs due to the quadrupling of the debt than the budget for the Great Society and the Vietnam war combined. That is what President Clinton inherits.

The promises and actual—well, there is very little actual, he says here. Well the promises made, they never vetoed a single spending bill, Presidents Reagan and Bush. And Bush had 37 vetoes. I voted against much of the spending. He had a right, title and interest—but he did not veto spending. He vetoed appropriations spending bills with the doctor's counseling with respect to family planning, but not the actual spending. He always signed the spending and so did President Reagan, except for one little supplemental bill.

So Reagan and Bush have been leading the charge, getting exactly what they wanted, increases in defense, increases in domestic, we gave them separate budgets and they signed them all.

Finally the Senator from Texas says you cannot get the job done except by binding constraints. When he recommended the binding constraints in committee, the chairman of the Budget Committee and all Democrats opposed it. He says the promises, by 1996 are going to be forgotten.

That is what cuts keenly this particular sponsor of Gramm-Rudman-Hollings. At 12:41 a.m., October 19, 1990, we had Gramm-Rudman-Hollings, truth is budgeting. And I made the point of order to let us maintain it, let us maintain the spending targets and the spending restraints. And the distinguished Senator from Texas voted against, on the point of order. He voted for doing away with Gramm-Rudman-Hollings and spending constraints.

So do not come now, after he has offloaded all of this on President Clinton in his address here today. We know what his intent is. The distinguished Senator's intent was quoted in the Wall Street Journal on October 5. "We are going to make it hard for them to stick with Clinton," said Senator PHIL GRAMM.

There is no genuine attempt on the other side of the aisle to get a budget. It is just political applesauce.

I yield to the distinguished chairman.

Mr. SASSER. I thank the distinguished Senator from South Carolina. How much time is remaining? Is any time remaining?

The PRESIDING OFFICER. There is 20 seconds before the Senator from Iowa is due to be recognized.

Mr. HOLLINGS. In the 20 seconds I have, let me just say: Be wary of economists. I have been listening to them up here for 26 years and you can see where we are. Watch out for the economists.

The PRESIDING OFFICER. The Senator from New Mexico?

Mr. DOMENICI. Is there 10 seconds left so I would not be using anybody's time?

Mr. HOLLINGS. I yield it back. I yield it to you.

Mr. DOMENICI. You yield it to me? Thank you.

The PRESIDING OFFICER. The time is actually gone.

Mr. DOMENICI. Would he yield 15 seconds? Senator HARKIN is not quite ready. Can we do that?

Mr. SASSER. I yield 15 seconds off the time.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 15 seconds.

Mr. DOMENICI. Speaking of quoting people as to what they might be doing, might I quote this one? I think it is of interest.

Mr. HOLLINGS. Yes.

Mr. DOMENICI. 1988, Bill Clinton, Newsweek. "There is a lot of evidence that you can sell people on tax increases if they think it's an investment."

Mr. HOLLINGS. Right. And that is exactly where our Republican colleagues and I voted in 1987 for a value added tax. We did that in the Budget Committee that you were on there. In the particular vote which was sold us as an investment.

Madam President, I ask unanimous consent that the views and estimates from the Committee on Commerce, Science, and Transportation on the President's budget proposal for fiscal year 1994 and beyond be printed in the RECORD as part of the Senate debate on Senate Concurrent Resolution 18, setting forth the congressional budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC, March 12, 1993.

Hon. JAMES SASSER,
Chairman,
Hon. PETE V. DOMENICI,
Ranking Republican, U.S. Senate Committee on the Budget, Washington, DC.

DEAR JIM AND PETE: This letter comprises the views and estimates report of the Committee on Commerce, Science and Transportation on the President's Fiscal Year (FY) 1994 budget proposal and economic package.

The Committee will address several areas of concern during the 103rd Congress. The budget for FY 1994 and beyond for agencies handling these issues will be scrutinized carefully to ensure adequate resources for implementing Committee initiatives and policies. The following is a discussion of major issues of interest, which are reviewed in the context of what the Committee understands to be the President's budget for FY 1994 and beyond.

AVIATION

The Committee is committed to ensuring that the programs of the Federal Aviation Administration (FAA) within the Department of Transportation (DOT) are funded at levels to ensure as safe and efficient an air transportation system as possible. The Committee notes that all the funding for the programs of the FAA, with the exception of a portion of its operations budget, comes from amounts collected from the travelling public and deposited in the Airport and Airway Trust Fund (Trust Fund), and that those amounts are to be used to maintain and modernize the air transportation system.

Aviation is critical to the economic prosperity of the Nation, and thus modernization of its airports and the air traffic control system must continue. The Committee is aware that many of the modernization projects being developed for the air traffic control system are seriously delayed and over-budget. This is troublesome to the Committee, particularly in an era of reduced resources, and such projects thus must be carefully monitored.

The President's FY 1994 request of approximately $4.7 billion for the Operations and Maintenance account is virtually the current services level. This amount is needed to enable the FAA to operate the air traffic control system and consolidate where necessary. The Committee in the past has expressed its concerns over the need for additional controllers. The Committee notes in this regard that the President's budget indicates that the air traffic control system has been rebuilt, which the Committee will monitor carefully. The Committee also wants to ensure that the requested level will provide sufficient funding for other critical support areas, such as air carrier safety inspector training and support for the technical workforce.

With respect to FAA Facilities and Equipment, the President's FY 1994 request represents inflationary increases over the FY 1993 appropriated levels, plus an additional $120 million in budget authority for air traffic control modernization. The total of approximately $2.5 billion is less than the $2.9 billion which Congress authorized in the FAA reauthorization legislation passed last Congress (P.L. 102-581) and is needed to fund the necessary equipment procurement and installation of that equipment for the modernization of the air traffic control system. FY 1994 funds are needed to continue the multi-year Capital Investment Plan, formerly called the National Airspace System Plan, and other projects critical to the FAA's effort to handle safely projected increases in air traffic. Examples of projects to be funded in FY 1994 include the Advanced Automation System, which will upgrade the air traffic control system's computer technology; the Voice Switching and Control System, designed to modernize the system's communications network; and the Terminal Doppler Weather Radar, which will improve hazardous weather detection in terminal areas. Installation of airport surface detection radar also continues to be a critical effort.

Regarding budget authority for the Airport Improvement Program (AIP), and also the use of passenger facility charges (PFCs), the Committee is interested in ensuring that all funds spent for the development of airports are needed to respond to the increased capacity needs of the air transportation system. AIP funds are clearly critical to continued improvement in the air transportation system, and the Committee will be reauthorizing the AIP program this year.

The President's budget request calls for inflationary increases above the FY 1993 appropriated levels for the Research, Engineering and Development account of roughly $237 million, which is within the amount of $297 million for FY 1994 authorized by Congress in the FAA reauthorization bill passed last year. Research is a critical aspect of the mission of the FAA. The United States must continue in its efforts to be a world leader in developing and testing new technology to make the air transportation system safer and more efficient, such as in the areas of aircraft safety technology, human factors, aviation medicine, and new transportation technologies.

The Committee is committed to appropriate funding for aviation capital development programs from the Trust Fund. However, because of the increase in the ticket and other taxes paid into the Trust Fund, and because appropriations for these programs generally have fallen far below authorized levels, the Trust Fund continues to have a significant surplus. The surplus at the end of FY 1993 is projected to be more than $4.3 billion. The Committee continues to believe that this surplus must be spent and for the purposes for which it was intended: aviation safety and capital development programs.

COMMUNICATIONS

The Committee will continue its oversight of the various sectors of the communications industry, the Federal Communications Commission (FCC), the Corporation for Public Broadcasting (CPB), and the National Telecommunications and Information Administration (NTIA), and will be considering reauthorizations of these programs. In this regard, the President has submitted proposals to increase certain portions of the NTIA budget and raise funds through spectrum auctions.

With respect to spectrum auctions, the President has proposed that radio spectrum now used by the Federal Government will be reallocated and assigned by the FCC to private users. The budget assumes that auctions will be used to raise revenues of $374 million in FY 1995, $1.623 million in FY 1996, $2.083 million in FY 1997 and $340 million in FY 1998. Members of the Committee are currently considering an alternative auction proposal.

The President's budget includes an investment proposal for "information highways" which allocates: $6 million for FY 1994, $42 million for FY 1995, $98 million for FY 1996, $129 million for FY 1997 and $150 million for FY 1998 for a total of $275 million for FY 1994 through FY 1997. The Committee understands that this funding will be added to the Public Telecommunications Facilities Program (PTFP) and is intended for trial projects to enhance the communications capabilities of schools, hospitals, libraries, and other similar groups. The Committee will be considering PTFP reauthorization this session. S. 1504, the Public Telecommunications Act of 1991, which was enacted last Congress, authorizes appropriations of $42 million per year for the PTFP for FY 1992, 1993 and 1994. The Committee understands that the President's investment proposal would be in addition to the funding authorized in S. 1504, ensuring the continuation and improvement of the Nation's public broadcasting stations and other educational and non-profit telecommunications services.

The Committee is not certain whether the President's budget includes funding for the Pan-Pacific Educational and Cultural Experiments by Satellite (PEACESAT) program; for the creation of and studies by the advisory panel on rural health and telecommunications needs; or for the National Endowment of Children's Educational Television, all three of which are administered by the NTIA. The Committee will consider authorizing funding for these programs in FY 1994 and future years.

COAST GUARD

During the past several years, the Coast Guard has demonstrated the capability to undertake a number of diverse and important missions across the United States. Adequate funding will be necessary if it is to continue to fulfill these national responsibilities. The Committee will be considering reauthorization of the Coast Guard this year and estimates that the Coast Guard will require $3,738 million in spending authority for FY 1994 to maintain current services and implement Administration proposals.

With respect to the Coast Guard's Operating Expenses (OE) account, $2,558 million in spending authority was appropriated in FY 1993. This OE budget emphasized funding for the Coast Guard's marine environmental protection and drug law enforcement efforts, while maintaining the Coast Guard's strong commitment to maritime safety, fishery law enforcement, and search and rescue. Such activities must be continued in FY 1994, requiring increased spending authority of $90 million after adjustment for inflation and Government-wide administrative and personnel reductions. Of the total funding level for operating expenses, $33 million can be transferred from the Boat Safety account, and $26 million can be transferred from the Oil Spill Liability Trust Fund to the OE account. Thus, new budget authority of $2,648 million for the Coast Guard's OE account in FY 1994 would be required.

The Coast Guard's Acquisition, Construction, and Improvements (AC&I) account, also will require a small, but significant, increase in funding from the FY 1993 level. Under the AC&I account, $389 million for capital improvement of the Coast Guard's vessel, aircraft, shore facilities, information management resources, and aids-to-navigation is recommended. The CBO baseline is $349 million for FY 1994. The baseline includes $36 million to be transferred from the Oil Spill Liability Trust Fund. In addition, an increase of $40 million will be needed to fund two important safety and environmental-protection projects proposed by the Administration. The first project is a new vessel traffic system to be implemented in busy ports and harbors to reduce maritime accidents and the threat of hazardous materials and oil spills. The second project is the replacement of seagoing and coastal buoy tenders, many of which are over fifty years old.

In other Coast Guard accounts, the Committee supports adequate funding to continue existing programs at current levels, including: $76 million for reserve training, of which $52 million may be transferred from the Department of Defense; $29 million for environmental compliance and restoration, of which $6 million may be transferred from the Oil Spill Liability Trust Fund; and $550 million for retired pay. The Committee anticipates that such funding levels would be consistent with CBO baselines and with the President's budget request.

OCEANS AND ATMOSPHERE

The Committee remains committed to the advancement of the atmospheric, oceanic, and fisheries programs of the National Oceanic and Atmospheric Administration's (NOAA). In addition, the Committee has focused on three priorities for strengthening the agency's infrastructure: (1) implementation of modern weather observation systems and technology, while maintaining current public weather forecasting and warning capabilities; (2) continuity of weather satellite coverage; and (3) modernization of the NOAA oceanographic fleet.

The Committee will be considering the reauthorization of various NOAA programs and in general supports continuation of NOAA's current activities, which CBO estimates will require spending authority of $1,850 million to cover base operations, construction, and ongoing procurements at FY 1993 service levels. In addition, an increase of $366 million may be required to address infrastructure priorities. The increase is composed of the following: $147 million in equipment and training for weather service modernization in line with Administration investment proposals; $150 million for NOAA geostationary and polar-orbiting weather satellite systems; and $69 million for the oceanographic fleet consistent with the 1992 NOAA authorization bill. In total, new budget authority of $2,151 million for NOAA in FY 1994 will be needed.

MERCHANT MARINE

This year the Committee will continue its examination of the state of the maritime industry and in this regard will continue its oversight of the activities of the Maritime Administration (MarAd) within DOT. MarAd's activities are essential to the maintenance of a strong U.S. Merchant Marine and the national defense of the United States.

In this regard, the President's FY 1994 budget does not appear to propose major reductions in MarAd's programs. Therefore, it appears that MarAd would continue to be funded at current levels. The Maritime Administration's FY 1993 appropriation included: $71.7 million for operations and training (including funding for the merchant marine academies); $440.5 million for the Ready Reserve Force; $52 million for Title XI loan guarantees (of which $4 million is for the administrative costs for the new loan guarantees); and $225 million for operating differential subsidy (ODS) obligations (ODS is a permanent, indefinite appropriation). The total appropriation for MarAd for FY 1993 was $789.2 million.

It is not clear whether the President's FY 1994 budget proposal includes funding for any possible maritime reform legislation. Last year maritime reform legislation was proposed by the Bush Administration, but was not enacted due to concerns about unavailable funds and other issues. The Bush Administration proposal would have required funding of $1.1 billion, and a recent industry proposal would cost $4.7 billion. The Committee will continue its review of this issue.

The Committee also understands that the FY 1994 budget proposal has no funding identified for Title XI loan guarantees. The Credit Reform Act of 1990 requires that the cost of any new loan guarantees under this program be appropriated. Without an appropriation, no new loan guarantee applications can be approved in FY 1994.

SPACE, SCIENCE, AND TECHNOLOGY COMPETITIVENESS

The Committee continues to focus on issues relating to technological competitiveness, as America's industry faces the challenges of a global marketplace.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)

The President is expected to request an increase in funding for NASA above the current funding level of $14.3 billion, perhaps even more than the current services budget.

The Committee will be developing an authorization bill for FY 1994 for NASA.

Funding for NASA is needed to support a variety of space and aeronautical research and development programs, the construction and maintenance of critical aerospace facilities, and a civil service workforce. Of particular interest this year will be NASA's efforts to redesign the space station program. The President has announced his intent to continue development of a space station, one that is more affordable in the outyears. It may be necessary in FY 1994, however, to increase slightly spending on the space station program in the short term, in order to gain control of this program in the long term.

The Committee supports many of the programs funded by NASA, although it will be reviewing carefully funding allocations for individual programs in its authorization bill. In establishing funding priorities for NASA for FY 1994, it is important to highlight funding initiatives proposed by the President for enhancing NASA's civil aviation research and development program, including research into High Speed Civil Transport aircraft, advanced subsonic aircraft, and short-haul aircraft. In addition, funding of NASA's Mission to Planet Earth is important, as it is a major component of the U.S. Global Change Research Program.

TECHNOLOGY ADMINISTRATION AND NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (NIST)

The Technology Administration at the Department of Commerce (DOC) contains four key technology agencies—the Office of the Under Secretary for Technology, the Office of Technology Policy, the National Technical Information Service (NTIS), and NIST.

NIST is the largest of these four agencies. The Technology Competitiveness Act (sections 5101–5164 of the Omnibus Trade and Competitiveness Act of 1988, P.L. 100–418) upgraded DOC's National Bureau of Standards into NIST and gave the agency new authorities to help U.S. industry speed the commercialization of new products and improve manufacturing. Under the 1988 Act, NIST assists industry in three ways: (1) continued in-house research and technical services, which provide industry with precise measurements, quality assurance techniques, and new process technologies; (2) technology extension activities, including Manufacturing Technology Centers and the State Technology Extension Program; and (3) the Advanced Technology Program (ATP) which provides seed money, on a matching basis, to industrial consortia and individual companies to help develop new precompetitive, generic technologies.

In an era when U.S. leadership in commercial technology is eroding, and when major trading partners spend a far higher percentage of their gross national products on commercially-related research, the Committee believes that targeted expansions of NIST programs are important to the future prosperity and security of the Nation. In this regard, on January 21, Senators Hollings and Mitchell, with Senators Rockefeller, Robb, Kerry, Bryan, Breaux, and Burns as cosponsors from the Commerce Committee, introduced S. 4, the National Competitiveness Act, a bill to upgrade NIST programs and provide FY 1994 and FY 1995 authorizations. The President's budget proposal also includes substantial expansion in FY 1994 and beyond. The document entitled "A Vision of Change for America," which accompanied the President's proposal, states: "the Federal Government has an important role to play in promoting economic growth, in part by supporting research and development. This proposal provides aggressive growth for NIST. NIST is the only Federal laboratory with the principal mission of supporting U.S. industry and has provided a steady stream of technology support to U.S. firms for over 90 years." The President proposes during FY 1994 to increase NIST by $138 million above the $384 million FY 1993 level. The Committee supports expansion of these DOC programs and is expected to act expeditiously on S. 4.

HIGH-PERFORMANCE COMPUTING INITIATIVE

In November 1991, Congress passed the High-Performance Computing Act (P.L. 102–194), which creates and authorizes a major new multi-agency computing initiative. The law creates a program, which is to be implemented by the White House Office of Science and Technology Policy (OSTP). The Administration strongly supports the program and proposes funding increases for high-performance computing for FY 1994 and outyears.

The Committee has strongly supported the high-performance computing initiative and will give the President's proposals very careful consideration. At a time when computers are more important than ever to scientific research, national security, and industrial competitiveness, it is essential that the United States maintain its leading-edge computer technology. By spurring the development and use of more powerful supercomputers and creating a national high-speed computer network, this law can ensure that American scientists, engineers, and students have access to the best computer hardware and software available.

NATIONAL SCIENCE FOUNDATION (NSF)

This year, Congress will consider a new authorization bill for NSF as well as the President's budget proposals to expand funding for NSF programs. The President's budget proposal would add $2.3 billion to NSF during the four fiscal years from 1994 through 1997. The plan states: "Studies show that investments in research and development (R&D) tend to be the strongest and most consistent positive influence on productivity growth. Most of NSF's investments are in university-based R&D programs which . . . contribute to the Nation's productivity by generating new scientific and engineering knowledge and contribute to the training of the next generation of scientists and engineers."

The Committee shares jurisdiction with the Committee on Labor and Human Resources over six of NSF's seven budget accounts—research and related activities, the U.S. Antarctic Program, academic research facilities and instrumentation, salaries and expenses, the Critical Technologies Institute, and the Office of the Inspector General. The agency's seventh account, education and human resources, remains under the sole jurisdiction of the Labor Committee. Therefore, the views and estimates regarding NSF that are submitted by the Committee address all of the agency's accounts except education and human resources.

SURFACE TRANSPORTATION AND HIGHWAY SAFETY

The Committee will monitor surface transportation spending under the FY 1994 budget in light of the various authorization measures enacted last Congress, including reauthorization of the pipeline safety programs, the rail safety program, the Local Rail Freight Assistance program, funding for the National Railroad Passenger Corporation (Amtrak), and the motor carrier safety programs and other surface-related programs funded in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). In addition, during FY 1994, the Committee will consider reauthorization of the hazardous materials transportation safety program.

With regard to the President's FY 1994 budget request, the Committee notes with particular interest funding proposals for high-speed rail and magnetic levitation transportation (maglev). According to "A Vision of Change for America," released February 17, 1993, $27 million is proposed to be spent in FY 1994 on high-speed rail and maglev, with a total of $646 million to be spent in the period FY 1994 to FY 1997. The United States must continue to focus on technology competitiveness and advanced transportation systems, and efforts to promote U.S. high-speed rail and maglev technologies are critical to this end.

With respect to highway safety, the Committee will continue its oversight of related programs. The highway safety programs administered by the National Highway Traffic Safety Administration (NHTSA) were last authorized in ISTEA. The Committee continues to be committed to ensuring adequately funded programs with particular respect to vehicular safety and impaired drivers. In this regard, the Committee notes with interest the President's proposal to add budget authority of $67 million in FY 1994 and $100 million per year in the outyears through FY 1997 for improved highway safety.

In conclusion, this Committee remains committed to responsible deficit reduction while maintaining adequate funding for those priority programs under its jurisdiction.

With warm regards, I am

Sincerely,

ERNEST F. HOLLINGS,
Chairman.

Mr. DOMENICI. I yield back my time. We are ready.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, pursuant to the unanimous-consent agreement, I think the Senator from Iowa is due for recognition.

The PRESIDING OFFICER. The Senator from Iowa is recognized to offer an amendment.

Mr. HARKIN. And I believe, if I am not mistaken, Madam President, there are 2 hours now, an hour on each side on this amendment?

The PRESIDING OFFICER. Yes, that is true.

Mr. DOMENICI. There are 2 hours equally divided; 1 hour on each side.

Mr. HARKIN. Exactly.

The PRESIDING OFFICER. There are 2 hours evenly divided. The Senator from Iowa, please proceed.

AMENDMENT NO. 181

(Purpose: To express the sense of the Senate regarding the barge tax)

Mr. HARKIN. Madam President, at the conclusion of my remarks I will be sending to the desk my amendment that provides that it is the sense of the Senate that the inland barge fuel taxes should not be increased beyond those increases already scheduled in current law and nothing in this resolution should be considered to assume such a tax or fee.

First of all, Madam President, I would like to thank Senator SASSER for his help and for his leadership in working with me on getting this amendment drafted and offering it today.

Madam President, there is a proposal that was offered by the White House to increase the inland waterways fuel tax, properly known in rural America as the barge tax, by 525 percent.

The PRESIDING OFFICER. I am informed that technically you have no time under the Domenici amendment. The amendment is offered. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mrs. MURRAY, Mr. JOHNSTON, Mr. WELLSTONE, and Ms. MOSELEY-BRAUN, proposes an amendment numbered 181.

At the end of the resolution add the following new section:

SEC. . SENSE OF THE SENATE REGARDING THE BARGE TAX.

It is the sense of the Senate that the revenue figures set forth in this resolution does not assume an increase in inland barge fuel taxes beyond those increases already scheduled in current law and nothing in this resolution should be considered to assume such a tax or fee.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, again I offer this amendment on behalf of myself, Mrs. MURRAY, Mr. JOHNSTON, Mr. WELLSTONE, Ms. MOSELEY-BRAUN, and there may be others.

Mr. NICKLES. Will the Senator be kind enough to add me as a cosponsor? I ask unanimous consent to be added as a cosponsor.

Mr. HARKIN. And Senator NICKLES also as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, this sense of the Senate says the inland barge fuel tax should not be increased beyond those increases already scheduled in current law; that nothing in this resolution should be considered to assume such a tax or a fee.

Madam President, again I say there was a proposal to increase the inland waterways fuel tax, which is obviously known as the barge tax, by 525 percent. Under current law, the tax is scheduled to increase by 19 cents a gallon in 1994. This new proposal would add one whole dollar per gallon on top of that totaling $1.19 per gallon by 1997. I do not imagine too many people outside rural America are too concerned about barge taxes. It is not exactly a household word and I am sure not discussed over the dinner table very often. In fact in the Midwest, the success or the failure of hundreds of thousands of households could hinge on the outcome of this decision. Again, I think it is worth a few minutes of our time to reconsider the impact of this proposed tax.

In America today, barges transport 15 percent of the Nation's freight, including more than half of U.S. grain bound for export, a fourth of coal deliveries and about a third of petroleum shipments bound for export. So if the case is such that the barge industry will be put in peril by this new tax, then just think what would happen to the transportation of these goods on our highways. If you think there are a lot of trucks on our highways now, you have not seen anything until we do away with the barge industry in this country.

In 1989, over 1.28 billion bushels of corn were shipped by barge. That is equal to the entire corn production of Kansas, Ohio, Michigan, and Indiana all combined. Wheat is about half that amount. The farmers and shippers rely on these barges because the relatively low cost of shipping by barge helps them stay competitive in the global market. But with a 525-percent increase in the barge tax, that competitive edge would end. Just to cite a few examples, by 1997, the per-ton fuel cost of grain shipped to gulf ports from Pekin, IL, would rise from the current $1.71 per ton to $3.99 per ton. From Dubuque, IA, it would go from $2.35 a ton to $5.47 a ton and from St. Paul, MN, it would go from $3.13 a ton to $7.33 a ton.

Fuel costs of a typical barge movement on the Mississippi River would increase by $70,000. This is hardly the path to economic competitiveness. Again, this is barge traffic that goes to our ports of exit so that our products can be transported overseas and sold in foreign markets.

Here is how the so-called barge tax would shake out. First of all, the price of grain is set in the world marketplace based on supply and demand, which means that not much of the increased costs of the inland waterways fuel tax can be passed on to foreign buyers. So faced with this increased cost, it will be passed on to the barge companies who operate the barges. They cannot pay it. And I will ask unanimous consent, Madam President, to print an article in the RECORD recently in the Washington Post dated March 12 in which the chairman of the head of one barge company said that the increase in the taxes would be more than their pretax profits. So how can you tax someone more than what they even make? That means if you do that they might have to shut their doors. Most of these barge lines would have to shut their doors simply because the pretax profits of the industry would be less than the taxes they have to pay and they would have difficulty passing the tax on to their customers. You talk about a confiscatory tax, this is a confiscatory tax. I know that no one intended to do that. But that really is the result of it. I tend to think that those who may have proposed this tax did not fully look at the barge industry and what this tax would mean.

So since the barge companies cannot pay this tax, what do they do with it? They cannot pass it on to the foreign buyers because we compete on supply and demand in the marketplace, so what would happen is they would try to pass it on to the grain elevators that deliver the grain to the barges. A fraction of a cent either way for them could mean success or failure in the market. The grain elevators would try to pass it right back to you know who, the farmer. A 1985 study by the Department of Agriculture found that 70 percent of such costs, in terms of shipping, would indeed be passed on to the farmer. The National Grain and Feed Association estimates that the administration's current proposal would reduce the price farmers receive for grain by about 7 cents a bushel for grain that is shipped from my State of Iowa to the gulf for export. Other States would be more, some less of course depending on how close they are to the ports.

For many farmers in my State, that 7 cents would be the difference between making a profit or taking a loss, between keeping a farm or losing a farm.

Madam President, right now grain prices are about as low as they have ever been, not only in corn but also in wheat. All told the $1 tax would cost farmers about $431 million a year which would be devastating. The prices would go down and at the same time, costs for inputs like fertilizer would go up. In the end part of the bill would be picked up by the taxpayers in the form of higher deficiency payments to farmers. And, the farmers' grain would simply no longer be shipped by barge in many cases. Volume shipped by barge would go down.

So, Madam President, a 525-percent increase in a barge tax is confiscatory. It is strongly opposed by a wide array of agricultural groups, including the National Grain and Feed Association, the National Corn Growers Association, the American Soybean Association, the National Association of Wheat Growers, the Agricultural Retailers Association, the American Corn Millers Federation, the American Feed Industry Association, the National Agricultural Chemicals Association, and many more that I will not read but I will put them in the RECORD. Not to mention the many coal and barge organizations. I am just listing the agricultural ones.

They oppose it because they know the devastating impact this would have on rural America.

The Joint Tax Committee estimates that this proposal would raise $329 million in revenues in 1998, but those assumptions I believe, do not fully reflect the reality that many shippers will be priced out of the market, barge traffic will fall and revenues will fall far short of the projections.

For example, if the barge owner to whom I just referred who was in the Washington Post article, if his taxes are indeed more than his pretax profits, there is no way he can operate; he is out of business. So the assumptions used to say there will be more revenues from that shipper are totally fallacious because there will not be any revenues because he will be out of business. That is what a 525-percent increase in the barge tax will get us.

The direct result will be an underutilization of barge transport which is our most energy-efficient form of transportation. There are those who say maybe we do not get all the user fees and things out of the barges. But again I remind Senators that we have developed this system of locks and dams on our major waterways not only for the purpose of barge use but for the purpose of flood control, for the purpose of recreation, and for other purposes.

Madam President, I can tell you in my own State and all the States up and down the Mississippi River, those locks and dams have saved million, I would say billions of dollars in property damage, avoided property damage because of the flood control aspects of those locks and dams.

Now, if you can get another use out of those, which is the barge traffic, all the better. And so to those who talk about this, I say you have to look at the other aspects of the locks and dams. We have the dams there anyway because we have to control the floods, we have to have some release point for the water. We have a shared use for flood control, recreation, and for barge traffic also.

So once you assume that we are going to have to control floods—which we have done and which I think, as I said, has saved us literally billions of dollars—then why not use the facility that you have for the most energy-efficient form of transportation, which is to float those barges down river and get them to ports of exit so that we can ship those goods overseas and be competitive in the foreign marketplace.

So again this tax would cause an underutilization of an already existing transportation network that we have developed and built up in this country over the last 200 years.

Madam President, Iowans and I am sure people in Oklahoma or Washington State or Illinois or Minnesota or anywhere else, Tennessee, do not mind paying their fair share to make America a better and stronger country. We are willing to sacrifice. We have sacrificed many times before. The 1990 farm bill cut the commodity programs by 25 percent. The President's program cuts another 11 percent. On top of that, we have the new Btu tax being proposed that adds about 8 cents a gallon for diesel fuel. And then finally you add a $1 per gallon barge tax scheduled increase on top of the 19 cents to be charged in 1994—what we have is a confiscatory tax.

We are willing to pay our fair share, but a 525-percent increase to the barge tax on top of all the other sacrifices that rural America is making is not fair and it does not make sense.

I urge the administration to reconsider this proposal. This is a sense-of-the-Senate resolution that basically says the figures in the budget resolution do not in fact assume that there is a barge tax, an inland water tax increase of a dollar, and that there would be no increase assumed over and above the amounts that are already in law which is 19 cents a gallon by 1994.

Madam President, I yield such time as she may require to the Senator from Washington [Mrs. MURRAY].

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Washington [Mrs. MURRAY].

Mrs. MURRAY. I thank the Chair. I thank my colleague from Iowa for offering this very important amendment.

I rise in support of the amendment on the inland waterway user fee. I know that the inland waterways are some of the most heavily subsidized forms of transportation in our country. The taxpayers have paid to construct and maintain them and the people who operate on them should pay to use them. However, I have strong reservations about the way this user fee is levied at this time.

My primary concern is that it is poor policy for the environment and for energy conservation. A major emphasis in the overall budget is for environmental cleanup and energy conservation. To clean up our air and conserve energy, it is important that we support clean modes of transportation such as barges.

On the contrary, the proposed tax in this budget would increase energy consumption by forcing our farmers to ship their wheat on trucks. Another concern I have is that the budget cuts be fair and equitable. The proposed fuel tax on inland waterway users does not meet that test.

As my colleague from Iowa stated, it would impose an increase of 525 percent on the current inland waterway fuel tax. This would hurt Washington's farmers. It would hurt our barge operators. Some 85 percent of Washington's soft white wheat is exported, and our farmers depend on the Columbia River to ship their wheat, peas, lentils, and other crops overseas. Combined with the proposed Btu tax and cutbacks in agriculture generally, we would be asking people in eastern Washington to make an unfair sacrifice in this budget-cutting effort.

Mr. President, I did not support cutting the user fees in the Budget Committee because the amendment offered there was not equitable. It would have sought offsets in the account in which the Public Law 480 program and the Export-Import Bank are funded. This would hurt our farmers as well as our aerospace workers who are facing a time when more than 20,000 Boeing employees will be laid off. I do not think we should be cutting one account in order to help someone else. But the amendment in front of us today is a good amendment.

I thank my colleague from Iowa for offering it, and I urge my colleagues to vote yes on this amendment today.

I thank the Chair.

Mr. SASSER. Will the Senator from Iowa yield me about 5 minutes?

Mr. HARKIN. I yield whatever time the distinguished chairman of the Budget Committee requires.

Mr. SASSER. I thank my friend from Iowa.

Mr. President, frankly, I want to express my sense of support for the sense-of-the-Senate amendment offered by my friend from Iowa and ably cosponsored by the distinguished Senator from Washington [Mrs. MURRAY], on the proposed inland waterways fee. It just makes sense.

Let me say at the outset that I share the concerns of my friend from Iowa regarding the undesirable impact that this proposal would have on the inland waterway industry and the agricultural sector which relies so heavily on our waterways for delivery of its products.

The truth is that the proposed increase in the tax to be levied against inland waterway operators does, I think, impose an unfair burden on one industry.

This proposal recommends increasing the tax on fuel used by these operators by a whopping 525 percent over 5 years, as has been alluded to here earlier. Now, to increase the tax that sharply I think would be unwise both from an economic and equity standpoint. Frankly, I've been told that perhaps this thing went further than some in the White House really fully realized at the outset.

It seems quite clear to me that such a dramatic rise in the tax level would unfairly punish one of our most efficient transportation modes. It could lead, I fear, to the eventual financial failure of many members of the waterway industry.

As my colleague from Iowa has so clearly pointed out, this proposal would have a most undesirable impact on the agricultural sector as well as on the coal industry—two sectors of our economy which have a history of export success in the world markets. Of course, we do not want to do anything that will diminish our competitiveness in world markets at this particular time when we have such an unfavorable balance of trade. It is estimated that such a steep rise in the tax would increase the cost of export coal and grain by as much as $3 a ton.

Now, I need to be candid with my colleagues. Industry in my own State of Tennessee relies heavily on inland waterways. Major companies that use the waterways in my State have indicated to me that they are willing to support the President's budget. They are willing to support the President's proposal. But they think this goes too far. They say they are willing to do their fair share. Some of the owners of these companies have called me saying they want to do their fair share in getting the country's economic house in order. They say as barge operators they are willing to support the Btu tax, for example. But they quite properly draw the line on this new tax that we have before us because no single industry should have to absorb so dramatic a rise in its costs as the one that would occur if the proposed inland waterway user fee were put into effect.

So I conclude that the sense-of-the-Senate—that is what it is—resolution offered by my colleague from Iowa first makes it clear that the Senate will neither limit nor change the revenue number of the budget resolution reconciled with the Finance Committee. In other words, this will not reduce the overall deficit thrust of the President's package.

What the amendment does is, it clearly puts the Senate on record in opposition to this increased tax, which would have such a disproportionately adverse impact on one of the most important transportation sectors used by a wide variety of industries all across the Nation.

This is a sense-of-the-Senate resolution which says the Senate wishes and desires that the Finance Committee look elsewhere to raise these revenues other than by an increased waterways tax.

It in no way diminishes the overall deficit reduction thrust of this budget resolution before us. And the Finance Committee, if it follows the dictates of the Senate and if this amendment passes—I hope and I believe in good conscience—will look elsewhere for these additional revenues other than by levying an inland waterways tax, at least to the extent that it is assumed here in this budget resolution.

I thank the Senator from Iowa for yielding.

Mr. HARKIN. Mr. President, again I want to thank Senator SASSER, the distinguished chairman of the Budget Committee, for his kind remarks, for his support for this amendment, and for his help and leadership in assuring that we were able to draft the proposed amendment that would put us on record here in the Senate as saying that we want the Finance Committee to basically not impose this kind of a barge tax on us.

I think the Senate is going to speak with a very strong voice on this, Mr. President, because this would be a devastating tax.

The Senator from Washington State, I think, said it best when she talked about how it would impact her people in Washington State, and what it means in terms of the impact on our ability to sell our goods and products overseas in a competitive market.

The Senator from Washington has been most helpful. I appreciate her help and her support in pulling this amendment together and getting support for it.

Again, I thank the distinguished chairman of the Budget Committee for all of his help and for his support on this amendment.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, I yield myself such time as I may use.

Mr. President, I would like to inquire of the Senator from Iowa whether he proposes to ask for a rollcall on this issue. If he does, I defer to him on that account.

If not, I will do so myself.

Mr. HARKIN. The Senator, I know, is also a strong supporter, and I know he is about to speak on this, because he has worked on this issue himself. Again, I want to thank him for his support and for his interest in this amendment.

I would defer to the Senator. If the distinguished chairman wants a rollcall vote, we could discuss it.

Mr. SASSER. It appears we will have a rollcall anyway, because if my friend from Iowa does not ask for the yeas and nays, then it is obvious the Senator from Washington will.

Mr. GORTON. I simply wanted to defer to the sponsor of the amendment.

Mr. HARKIN. I appreciate the Senator's kindness. Yes; I ask for the yeas and nays.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HARKIN. I thank the Senator for his kindness.

Mr. GORTON. Mr. President, I am delighted to agree wholeheartedly—on my own behalf, for the Republican members of the Budget Committee, and I believe for every Senator on this side of the aisle—with the distinguished Senator from Iowa, and to express our support for his proposal.

It is a very good one. It is one which ought to be adopted. I will say toward the end of these remarks that we will have a better one later on the same subject, but that in no way lessens our agreement with the views which have been expressed by the Senator from Iowa.

In fact, of course, the campaign to get rid of perhaps the single most iniquitous tax, certainly the most iniquitous relatively small tax in this bill, started with the Members from this side of the Chamber in the debate in the Senate Budget Committee just last Thursday.

We felt at that time that this proposal was on its deathbed. It is breathing very shallowly now. Even though this may be a deathbed conversion on the part of the Members on the other side who voted unanimously against taking this tax out of the proposal last Thursday, they are nonetheless welcome to this cause.

The whole issue, Mr. President, gives a magnificent illustration of the lack of attention paid by certain elements in the administration to the way in which this budget was put together. It was a gratifying surprise, on the morning after a proposal like this, though more enforceable, was turned down on a party-line vote last Thursday, that the Washington Post had a principal article in its Business section on this subject bitterly criticizing the proposal, and discovering that it was a proposal that had no parentage. No one in the administration, in the Office of Management and Budget, no one up to the level of the President of the United States himself, would claim to be the author or to have thought up the idea that we should increase by 525 percent the fuel tax on the use of our inland waterways.

The President himself was quoted as saying, and I am reading his quote:

> I am not sure that, the way the structure, the plan, was originally designed, that it was supposed to go up that much. I think that should be reexamined.

That is a direct quote from the President of the United States.

The group of Senators on the other side of the aisle now see it the way in which the President did, the way in which we saw it on the day on which this budget proposal was made in the first place.

It is a particularly important illustration because this is not a major portion of the budget. If this tax were imposed, and if it had absolutely no impact on the use of our inland waterways—which, of course, would not be true—it would be devastating to the companies in this field, and greatly decrease the use of waterways. But if it got the full amount that it was supposed to get, shown in the budget resolution, it would amount to $800 million; that is to say, less than $1 billion out of the $295 billion in net new tax increases included in this budget.

Yet, the proponents of this sense-of-the-Senate resolution now recognize how devastating it would be. As modest as it is with respect to the numbers we bandied around in this Chamber, it is far more than the total profit of all of the inland waterways companies in the United States—far more than that entire profit.

The Post article last Saturday quotes one of the eastern barge lines as saying that this is some 3.5 times as great as its annual profit. One of the organizations in my own State, the largest barge line on the Columbia River, reported to me very early, within 48 hours after the proposal, that the cost to it would be far greater than its annual profit; and, of course, it would make it uncompetitive with respect to many of the commodities which it carried.

Its impact on the agricultural community is almost as serious, particularly on that portion of the agricultural community which uses waterways for transportation to ports for export overseas. Most of the agricultural produce which would be affected by this charge is produce which is designed to be sold at export overseas, in competition with wheat and other commodities from other States.

This would add, of course, to the cost of selling that wheat. It would make us less competitive when we already compete with heavy foreign subsidies, from Canada and the European Community. It would reduce sales of wheat overseas. It would, as the distinguished Senator from Iowa has said, add to the cost of agricultural supports for unsold and otherwise lower priced wheat, corn, and many other supported commodities.

It is, in other words, a very mistaken notion that you can take an industry which pays now an average of 60 cents a gallon for the fuel which it uses and add well over $1 to the already existing tax on that fuel and not have a devastating effect on that form of transportation, not have a devastating effect on the customers of that form of transportation. It was simply an idea that should never have appeared in the budget in the first place, and it is a delight to see that it is now going to be abandoned. That is most gratifying, and we certainly agree.

In fact, this form of transportation is perhaps the most environmentally benign form of transportation by which we move commodities from one place to another. This is a very efficient form. It uses fewer gallons of fuel per-ton-mile moved than perhaps any other form of transportation. It does it in a way that produces relatively little pollution and, obviously, no traffic jams on our highways or with respect to our railroads.

So there is now unanimity on the floor of the Senate, as far as this Senator can determine, that this tax should not be imposed.

That leads us to the final question and the only quarrel or caveat that I have with the way in which this proposal is set up. Unlike the amendment which was rejected in the Senate Budget Committee, this proposal is a pure sense-of-the-Senate resolution. It has no real impact on the guts, the substance of the budget resolution, no impact, of course, on the House of Representatives, which I understand has not taken this tax out of its budget proposal. It is a mere statement of sentiment on the part of the Members of this body, as far as we can tell at this point.

Moreover, even though it is less than 1 billion dollars' worth of this budget over a 5-year period, the implication is that it will be paid for by taxing someone else $800 million more. Even with total gross taxes of close to $360 billion, even with net taxes of $295 billion, the sponsors of this amendment could not find it in their hearts to lower spending by less than $1 billion, thereby making this a true amendment to the budget resolution, changing figures, cutting spending to this amount, cutting taxes to this amount. But the clear implication—as a matter of fact, the necessity—if we do nothing more than to pass this amendment is that some other poor group in the United States of America is going to have to come up with the $800 million that will not be levied against the users of our waterways.

The proposal which we made and which was rejected in the Budget Committee said merely, let us take it out of one of the three departments which the President did not subject to administrative cuts—to the State Department. What was the answer of the other side? It will not come out of the State Department. If you take it out of that function, it will come out of aid to Israel, or it will come out of the Export-Import Bank, or it will come out of some absolutely vital function of Government. What an abysmal failure of faith in President Clinton that argument represents.

To think that the Democrats would say that this President would not cut any of the bureaucracy out of the State Department at all, but would take this right out of programs vital to the United States of America. That is certainly not a lack of faith which this side would have shown in a Republican President had we gotten the same kind of proposition.

In order, however, to remove any concern that this might come out of such programs as that, later on in the course of this debate, we will offer a formal amendment to this budget resolution lowering both the tax side and the spending side by the amount of money of this user fee, taking it out of the general increases, the hundreds of billions of dollars of increases in domestic spending and giving an instruction that this tax is not to be a part of the ultimate budget.

So people on this vote are getting to vote their sentiment. And we fully agree with the sentiment expressed by the Senator from Iowa. But we do need to put the Senate on notice that it will get an opportunity, really, to get rid of this tax later by getting rid of a modest $800 million of spending rather than simply adding another $800 million of taxes on the backs of the American people.

Mr. DOMENICI. Will the Senator yield me 3 minutes?

Mr. GORTON. Yes.

Mr. DOMENICI. I thank Senator GORTON for managing this part of the bill and for his superb work on the Budget Committee. He has been of invaluable help. The Budget Committee on our side worked as hard as we ever have, and that is a testament to each one of the Republican Senators. I find them freely expressing themselves on the floor, because I think they truly have participated and understand precisely what is going on.

Having said that, this particular amendment, although it is a sense of the Senate and really carries no real effect, points up one thing: If you put your heart to it and put your soul to it and put your thinking cap to it, you can find a direct relationship between taxes and loss of jobs. We keep getting asked: What are you talking about, Republicans? You say $295 billion in new taxes is going to cost jobs. This is a great example. This one, we can pinpoint, to go from 19 cents a gallon to $1.19 a gallon, clearly proves the case that you can tax a business enough so they either go out of business, or they do not produce jobs.

So I rise to tell those who are listening that is exactly what is happening to American business in this whole budget, in this entire economic recovery plan. By the time we are finished putting on the energy tax, the marginal rate tax increases on small businesses, an increase in corporate taxes, how in the world can business respond with more jobs? It is impossible. It is sort of like this: You are starting to say you cannot make enough money, so maybe you do not hire anybody. That is what worries me when I say I cannot support the President's plan, as much as I would like to support the President, because I think when we are finished, we have more Government and more taxes, and I fail to understand how that is a plan for economic prosperity or recovery.

Some think we ought to tax and spend because the Government will create all of these good things so America will have jobs. Frankly, I do not believe that. I do not believe it has anything significant to do with whether the American economy grows that we spend $124 billion more in new programs in the name of restraining the deficit.

Having said that, let me suggest that I know a little bit about the barge tax. They very first bill I ever passed, Mr. President, on the floor of the Senate was the first inland barge user fee. Obviously, I am from New Mexico, and we do not have many barges or inland waterways, but it was a great cause. It took me forever to get it done against all kinds of odds, but it was right. It was a little tiny tax. And even then we were worried about the impact on the business community that uses the inland system and its dikes and dams for commerce.

I think it was less than 10 cents and implemented over time.

So I compliment my friend and the other Senators who are going to take to the floor and do it not by way of a sense-of-the-Senate resolution. We will all vote for that. But then we are going to offer one to take that $1 billion tax right out of this and may provide for that cost by cutting some Government spending someplace. That will be a test of whether we want a barge industry or not.

I will limit whatever time so we can move on to the next one.

I appreciate the Senator's comments.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, I yield 5 minutes to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the Senator from Washington and thank him for leadership on this issue. I am proud to have been a cosponsor of the amendment offered in the Budget Committee to take out this tax. I also thank my friend from Iowa, because he and I come from a part of the country where we really do understand the importance of a healthy barge industry.

I want to express my appreciation to the Senator from New Mexico as well. We can tell him what barge traffic means. I also would agree with him very strongly on the broader point that I tried to make earlier today on the Senate floor.

Imposing taxes on business activities has an impact. I cited this morning the impact of the so-called luxury tax on boats. As we all regrettably know, that tax did not raise revenues. It stopped people from buying the boats. The wealthy people who could have bought the boats either did not buy or bought abroad. As a result, we did not get the revenues we expected from the tax on luxury boats, but what we got was significant and deeply troubling unemployment among those who had built the finest boats in the world.

This inland waterways fee is another example of what can happen if we impose unthinking burdens of taxation on economic activities.

I spent Monday morning in Kansas City, MO, meeting with representatives of the terminals, the barge industry, and agriculture. The people from agriculture were telling me about the burden that this would impose on the farmers. Some say 7 to 8 cents, others say as high as 10 to 12 cents per bushel more for transportation to take a bushel of corn or a bushel of soybeans down the river to New Orleans for export.

Let me tell you something about the market for agricultural crops. A farmer cannot go to the buyer in the export market and say: Excuse me. They just increased my fuel tax, or inland waterway user fee, by 525 percent. So if you will just give me that extra dime on the bushel of corn or bushel of soybeans I can break even. Obviously, this does not happen. Farmers do not control the market. Thus, this tax comes right out of the farmers' pocket.

The Mississippi River system which is comprised of the Missouri, Ohio, Arkansas, and Illinois Rivers is the core of about 25,000 miles of inland and intercoastal waterways, and they annually transport almost 1 billion tons of raw materials involved.

I am advised that under the original proposal, the 525-percent increase, the dollar increase in tax, the fuel cost per ton for grain shipments from St. Paul, MN; Quincy and Pekin, IL; Dubuque, IA, to the gulf would increase by 130 percent, 126 percent, and 125 percent. Over half of all grain destined for the overseas markets is shipped by barge. Overall, agricultural products comprise nearly 35 percent of all products moving on inland waterways.

The cost of this tax, if the barge companies stayed in operation and if they could continue to operate, would be very severe on agriculture. It would hit the farmer in the pocketbook. The family farmer trying to earn a living for his and her family would pay. But let us not make any mistake about it. They would not be in business.

My colleague from Washington has already pointed out that this would put the barge companies out of business with all those jobs lost, and no revenue from the waterway fees. That is why I think it is vitally important that we not only support this resolution, but I look forward to joining with my colleague from Washington to put specifics in this resolution that will take that fee out, because we cannot afford it. We cannot afford to impose mindless taxes which are going to take away jobs we badly need.

I appreciate our Budget Committee leader's admonition that we need to get on about the business, as I could say many more things.

I only say thanks to my colleague from Iowa and my colleague from Washington for their leadership on this issue.

I urge the strongest support from the Members of this side of the aisle and the other side of the aisle on this resolution, and then again ask please help us when Senator GORTON and I move specifically to take out this tax and related spending items in a later amendment which we will offer.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, I yield 5 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oregon.

Mr. PACKWOOD. Mr. President, I thank the Senator from Washington.

Mr. President, I join with Senator HARKIN and others in supporting this amendment. I hope that when we come to a real vote on real tax cuts we have more than just a sense-of-the-Senate resolution.

As to this particular fivefold increase in taxes, you picture yourselves in any business and you are paying a dime, suddenly you are going to pay 50 cents; or you're paying 19 cents and suddenly you are going to pay $1.19 for the use of one factor, oil, or diesel, for transportation, and you realize what it does to your costs.

Mr. President, you used to be able to barge on the Columbia River in Portland, OR, no farther than the Dalles River, about 180 miles upriver, and then there was a large falls and that was the end of navigation. Today, you can barge to Lewiston, ID, about 400 miles. There are ports along the Oregon and Washington side of the Columbia River. Lewiston, ID, is a port.

We export out of Oregon and Washington 90 percent of all the wheat that we grow. It is a very soft, white wheat, very desirable in the world, and we are very fortunate that we have been very successful in competing in world markets. A great deal of credit goes to the wheat growers. Forty years ago they levied a charge on themselves to open up offices overseas to attempt to sell their wheat and they were successful.

If we pass this inland waterway tax, and that is what it is, you will drive Oregon and Washington wheat out of international markets. You are not going to collect the money you hope to raise on this fee. You are simply going to draw people off the rivers and drive us out of world markets.

I have talked to the Pacific Northwest Water Association, Port of Portland, and the wheat growers. There is not a man or woman depending on that river who supports this.

I am not experienced with the Midwest waterway system. I doubt you can find anybody in Oklahoma who supports this. They can barge all the way from Tulsa, almost 800 miles, to the mouth of the Mississippi south. There is no one, from the mouth of the Mississippi to Minnesota, that supports this.

If you want to cripple an industry, if you want to cause layoffs and unemployment, if you want to drive us out of world markets, go ahead and vote to increase this tax from roughly 20 cents to $1.20, and you will succeed in hurting our balance of payments, in causing unemployment, in causing all of the misfortune that we claim we do not want to cause.

For all those reasons, and many more, I support the Senator from Iowa and I ask unanimous consent that a letter to Senator PACKWOOD from the director of the Port of Portland be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PORT OF PORTLAND,
Portland, OR, March 5, 1993.
Hon. ROBERT PACKWOOD,
U.S. Senate, Washington, DC.

DEAR BOB: I want to call your attention to the important issue of how the Administration's proposed $1 per gallon waterway fuel tax increase would hurt the Pacific Northwest. The Port of Portland believes we have a public responsibility to address policy issues affecting the communities and customers we serve. While the proposal is yet to be spelled out completely, this much is known: the added $1 per gallon charge, to be phased in over four years on top of the current 17 cent charge, would mean a more than five-fold increase in this fuel tax. For each gallon of diesel fuel used on the inland water transportation system, the net effect would be a 108 percent jump.

Our Columbia/Snake River water transportation system is central to the success Oregon exporters have enjoyed in world markets. Yet, the five-fold increase in fuel costs proposed by the Administration would undoubtedly mean lost export markets. This is so because our customers compete against producers in other nations. These competitors will not be facing a similar tax. The result: foreign buyers will turn to producers outside the U.S. if domestic operators try to pass this price increase along. To remain competitive, domestic producers will be forced to absorb this cost internally or pass it along to their U.S. customers. Because our waterways move such large volumes of farm products, raw materials, and other commodities, this huge increase in taxes would reverberate through the economy of the region as well as the nation.

Estimates of revenue to be raised by this tax hike are $820 million over four years. That expectation is unrealistic. The real impact will be to force commerce off the river. As that happens, fewer gallons of diesel will be consumed. Thus, the anticipated tax benefits will not materialize.

The Port of Portland urges you to consider seriously the adverse impact such a tax proposal would have on our regional economy. First, the customers of the Port who use the waterways to compete effectively in competitive international markets would feel the cost escalation immediately. Their ability to compete, and help keep the U.S. trade deficit from deeping, would be diminished. The second impact would be higher prices passed along to Pacific Northwest consumers buying gasoline, electricity, building materials, food, and the like that move on the water transportation system. This proposed fuel tax would come on top of the existing tax and the proposed BTU tax, which would add another 8.5 cents to the cost of a gallon of fuel. All this amounts to a double shot at the water transportation industry. Already, according to industry analysts, fuel costs amount to 25 percent of the operating expenses of the barge industry. By comparison, fuel represents about 20 percent of operating expenses for trucks and only 6.7 percent of expenses for rail.

Finally, in justifying this higher tax, the Office of Management and Budget is claiming that waterways were built for "commercial navigation beneficiaries" so they should pay all operating and maintenance costs. Not so. Most rivers, particularly those in the Pacific Northwest, were improved for a variety of public interests, including flood protection, water supply and hydropower, as well as navigation. Even then, the federal government provides only in-channel improvements, while other entities such as ports and private interests provide docks, terminals, and elevators essential to the transportation system.

We all must do our share in helping to solve the nation's economic problems, but this plan would create substantial new economic difficulties. A better than five-fold increase in the fuel tax on the Columbia/Snake River system would erect a new trade barrier, leaving many of our customers unable to compete in their world markets. From the standpoint of world trade, this plan would endanger U.S. exports at a time when we most need them. From the standpoint of fostering economic growth, this plan would be counterproductive.

Again, we stand ready to discuss how to fund the operation and maintenance of our river system. I hope this information is useful to you and your staff. Let me know if I can supply additional information on this proposal.

Yours very truly,

MIKE THORNE,
Executive Director.

Mr. MOYNIHAN. Mr. President, I hope that the distinguished chairman of the Finance Committee will have a moment to hear what I have to say.

I rise simply as the chairman of the Committee on Finance and to note that the concurrent resolution before us, in a terse five lines, asks the Committee on Finance to raise taxes by $294 billion over the next 5 years.

We will be making history if that happens, Mr. President. It will be the largest tax increase in the history of public finance in the United States or anywhere else in the world.

This is the President's program, and I for one am committed to it. But I do observe that the first measure we have on the floor with the concurrent budget resolution is to say "but not this tax," and you cannot have been 17 years in the Finance Committee, as I have been, or many more, as my distinguished friend from Oregon who has just spoken has, sometimes as chairman. I refer to him as the once—and—future chairman, because if we do not get the President's program through he will be the chairman next.

Mr. PACKWOOD. I hope if we do get it through.

Mr. MOYNIHAN. I see he says "I hope we get it through." I agree with him. Everybody is for the tax revenues in general but not my tax.

Mr. PACKWOOD. Mr. President, if my friend will yield for a moment, I do not want as he paraphrased my quote to appear in the RECORD. I did not say that. I said if we do get it through I will be the chairman of the Finance Committee again.

Mr. MOYNIHAN. I confess to have been somewhat surprised. We are all for increasing revenues but not this tax.

Mr. President, this tax is specifically provided for in an appendix page 139 of "A Vision of Change for America."

I do know that when in New Orleans the President was questioned about this—I would have to assume it was March 11; it was reported in the Washington Post on the 12th—and when asked about it President Clinton in the Post story says:

> Clinton himself has suggested that the proposed tax was not supposed to have been that stiff.
>
> "I'm not sure that the way that the structure, the plan, was originally designed, that it was supposed to go up that much," Clinton told an interviewer with WWL-TV in New Orleans. "I think that should be reexamined," he added.

Well, yes, that is possible.

It is clear, of course, that in the budget resolution, no taxes of any kind are specified. There is no "this tax" or "that tax."

I thank the Budget Committee for having avoided any obiter dicta, as lawyers say, saying, "Well, maybe, just in case nothing comes to mind, you can think about this tax or that tax."

We have the largest tax increase in history. The first time the President was presented with a specific, in a context where it was relevant locally, he said, "Well, I am not sure about that tax."

And the first resolution we raise on this floor is to say, "Not that tax."

Well, if that is the way it goes, that is the end of the program. That will be the end of the program.

I regret to say that, but this is a pattern of unraveling that just begins. It does not take much to start unraveling. And here we are, without even having gone to conference, already saying, "Not this tax." Not my tax; not your tax.

As that wonderful Finance chairman Russell Long used to say: "Don't tax you, don't tax me, tax that fellow behind the tree."

If this is the beginning, then also, Mr. President, it marks the end.

I do not want to object, because it is a very sharp rise. I do not know why it is suggested that the idea came from the Congressional Budget Office. It never comes from the sponsoring agency. Maybe it was a typographical error, although the numbers did add up.

I put the Senate on record: We are going to have to make history by the largest set of tax increases—we will call them revenue enhancers, or what you will, but taxes—and we better be ready for it.

I can well understand the Senators from Washington, who spoke so well on this subject; and the reference of the Senator from Oregon to wheat exports is no doubt correct.

I ask for 1 more minute.

Mr. HARKIN. I yield 1 more minute to the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I would say to my friend from Missouri, who mentioned earlier the 25,000 mile inland waterway system of the Ohio, Missouri, and Mississippi systems, that is the greatest river transportation system in the world. Longest and perhaps not as dramatic as the Columbia River, but of equal importance to both of us.

Every penny of those waterways was paid for and built by tax money. That is not the way the Lord made the Northern United States, the Columbia River Valley, the Ohio River Valley, the Missouri and the Mississippi. That is the price of Government. We are learning it in these days.

Mr. President, I do not wish to cause anxiety, but I want to say that if we cannot face up to revenues—and I understand that this may have been a mistake or, in any event, has been disavowed. Fine. I would like to make clear that nothing that happens on this floor binds the Finance Committee, in any way. I want to make clear I would be perfectly sympathetic to any specifics about why this should be adjusted or that should be adjusted, and we have a long list of those taxes.

But I want to say, if we are going to get to $294 billion, we will not do it at this rate.

I do not wish to speak any longer. I thank my able and learned friend from Iowa. Nothing is more important than the inland water traffic. In the Subcommittee on Water Resources, of which I happen to be chairman, I am specifically responsible for it.

We have had a water bill every 2 years now since 1986, after a 15-year interruption. The whole history of civilization is the history of the development of river valleys and their use for transportation.

But, keep this up and the President's program is in jeopardy. Once may be a necessary exercise; twice begins the unraveling of a great and necessary plan.

I thank the Chair. I thank my friend from Iowa.

Mr. SASSER. Will the distinguished Senator yield to me?

Mr. HARKIN. I yield to the chairman.

Mr. SASSER. Mr. President, the distinguished chairman of the Finance Committee, I think, raises a very valid point today, as he always does.

At some point, the Finance Committee is going to have this burden thrust upon it. It is going to be the problem of the distinguished chairman and ranking member and the members of that Finance Committee to follow the admonitions in this budget resolution. And I certainly do not wish to make his formidable task any more daunting than it already is.

I certainly agree with him that what is said on the floor of this Senate by way of a sense-of-the-Senate resolution or what is said in this budget resolution about options with regard to raising revenues are not in any way binding on the Finance Committee.

The distinguished chairman and the members of his committee are free to work their will on the revenue measures as they emerge from the committee. Of that, there can be no doubt.

I am hopeful that once we have corrected what we perceive to be an error, an oversight, here and expressed our views on it, then from here on out we will move the President's package in its entirety.

The statement of the distinguished chairman of the Finance Committee about waterways and how they are paid for is not lost on a Senator from Tennessee.

I well remember when I first came to the U.S. Senate, the distinguished chairman of the Finance Committee—at that time the junior Senator from New York—said, good humoredly to me one day: "You know, there would not be a Tennessee Valley Authority if we in New York had not paid for it."

And there was a large element of truth in that. Because back in the 1930's, the mid-1930's, when those in my area of the country lived in dread—with the floods that came and washed over their land and swept away their homes and killed their livestock; when they lived there in darkness or by the flickering light of a candle or a kerosene lantern—the capital or the resources were not present in the Tennessee Valley in those days to build a Tennessee Valley Authority, with its great hydroelectric dams, or to construct the waterways and tame the wild rivers of that area.

But the capital of the affluent States, such as New York, so ably represented by my distinguished friend here today, was utilized by a man of great vision. And President Franklin Roosevelt and his administration, working in tandem with a Congress, decided to make some investments in the Tennessee Valley area and in countless other areas all across this country. And I daresay Iowa was lighted by the Rural Electrification Administration. It was largely paid for with dollars coming out of affluent States like New York.

So I just want to say to my great friend from New York, I hear what he is saying today. And, once again, we have a President, I think, who is willing to make investments in the future of our country just as President Franklin Delano Roosevelt made those investments in the 1930's. We looked to New York and her sister States to help pay for it in those days.

Mr. President, we will be looking to the distinguished senior Senator from New York to help raise the revenues for it this time. I look forward to assisting him in any way I can.

Mr. MOYNIHAN. I thank the distinguished chairman.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. HARKIN. If I might also respond to the comments by the distinguished chairman of the Finance Committee, I understand what he is talking about when he talks about unraveling the President's package. Certainly, we do not want to do that.

However, I believe it was perhaps the distinguished Senator from Washington who earlier had a quote from President Clinton when he was in New Orleans. I would repeat that quote as it was printed in the Commercial Appeal on Monday morning, March 8. During a television interview in New Orleans last week, President Clinton gave tugboat operators hope that the huge increase is being reconsidered.

> "I think that should be reexamined," Clinton said. "I am not sure that the way the plan was originally designed that it was supposed to go up that much. I don't think there was a deliberate attempt to quintuple it."

So, obviously there perhaps was some—perhaps a mix up between OMB and the White House in terms of what kind of revenue enhancements they were going to use to put together their package. I daresay they did not sufficiently examine the impact it would have on the barge industry and I think now they are going to see that.

So I think the President himself has indicated a willingness to reexamine it.

So I do not think this in any way unravels the package because the President himself has said he would be willing to reexamine this.

I would just again ask my distinguished chairman of the Finance Committee. This is a sense-of-the-Senate resolution. As pointed out by the Senator from Washington, my good friend, and others, this is not binding on the Finance Committee. I understand that. But I believe it does give a clear sense to the Finance Committee of what kind of revenues we want and what we do not want here in the Senate. I think that is certainly within our purview, as Senators, to be able to express that to the Finance Committee.

I ask the distinguished chairman this question, though. Comments were made by a couple of the speakers that maybe there should be another amendment offered that would lower the total revenue side of the package and indicate to the Finance Committee that this should be taken out of the proposed levies on the inland barge fuel.

It is my understanding that if this happens, that lowers the total revenue number but still does not bind the Finance Committee in any way to take it out of inland fuels.

Mr. MOYNIHAN. May I respond?

Mr. HARKIN. I yield to the distinguished Senator.

Mr. MOYNIHAN. That would be the case. And I think the administration may wish to address the fact that it is now $800 million short in its revenue plan—or some, whatever. If that increase was more than intended, there is something missing here. But I would just feel—and I believe this is a question that should be addressed to our learned and able friend from Tennessee—but I certainly hope that does not happen. If you start that, the administration is over before it has begun.

Mr. HARKIN. Again, my point is since this is a sense-of-the-Senate resolution that goes to the Finance Committee, we say we should not levy this because we believe it is a confiscatory tax and I have ample proof to show it would be absolutely devastating to the barge owners. But it does not in any way increase the total amounts and put a heavier burden on the chairman of the Finance Committee. It leaves the figures at the total of, I believe, $294 billion—$254 billion.

Mr. MOYNIHAN. I can tell you—$294 billion.

Mr. HARKIN. So, again, to adopt an amendment that would lower that figure I think would perhaps cause a lot of problems to the Finance Committee in terms of putting the package together. At least this sense-of-the-Senate resolution—

Mr. MOYNIHAN. May I say, I think the problem would be with the Budget Committee's overall plan. It would be out of balance.

Mr. HARKIN. That is right. But again I would point out to change the numbers would be the same as what the sense-of-the-Senate resolution is. It simply would not bind the Finance Committee to do anything. Is that correct, I ask the distinguished chairman of the Budget Committee?

Mr. SASSER. Yes, that is correct. The budget resolution simply sends to the Finance Committee, as the able chairman of the Finance Committee knows as well as I, a number. And then the chairman and his committee fills that revenue number any way that they see fit.

You can make a case that, if a sense-of-the-Senate resolution passes and the Senate goes on record as saying we do not want to raise $750 million over 5 years in inland waterway taxes, then I assume that the chairman and others on the Finance Committee would take that into consideration as they would other things in arriving at the revenue number. And logically you would think the Finance Committee would say: Well, let us look in another direction if we can. Because if we bring our revenue package out with that in it, we are probably going to face a debate on the floor of the Senate over that particular item, and the better part of valor might be to find another way to fill that particular revenue requirement.

But none of this is binding on the distinguished chairman or the Finance Committee. They can do what they wish. And if you did lower the revenue number by $750 million, or whatever this inland waterway tax is supposed to raise—according to my recollection, after CBO got through reestimating it was down to something like $380 million, if I am not mistaken—but if you lowered that number, still that is not binding on the Finance Committee. They can still levy the tax or not levy it. But I would think with a sense-of-the-Senate resolution, if it does pass here, I would expect the distinguished chairman and his committee would take that, along with other factors, into consideration as they arrive at their final package.

Mr. MOYNIHAN. Will the Senator yield for one statement?

Mr. HARKIN. Gladly.

Mr. MOYNIHAN. I think we may have been talking about two different numbers. I think the very able Senator from Iowa was talking about lowering the number, the amount of moneys to be raised by this particular tax. I was talking about the global amount of revenue the Finance Committee is required to raise.

Inadvertently, you and I did lower it already in our exchange. We must make this correction quickly.

You said the number we have is for $254 billion. In a moment of wishful thinking I agreed. It is $294 billion. It is only $50 billion. If that were agreeable to you, I think there would be many persons who would support the measure but I do not think they would include the distinguished members of the Committee on the Budget.

In any event, I see my colleague's point and he has had his answer from the able Senator.

Mr. HARKIN. The numbers of 294 and 254.

Mr. MOYNIHAN. 294—254. We will make history.

Mr. HARKIN. I thank the Senator and thank him for his contributions.

AMENDMENT NO. 181, AS MODIFIED

Mr. HARKIN. Madam President, I ask unanimous consent to add Senator WOFFORD as a cosponsor to the amendment.

Madam President, I ask unanimous consent that in the fourth line of the amendment, the word "does" be changed to "do."

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

Mr. HARKIN. There was an error in the English language. The amendment, as modified, is as follows:

At the end of the resolution add the following new section:

SEC. . SENSE OF THE SENATE REGARDING THE BARGE TAX.

It is the sense of the Senate that the revenue figures set forth in this resolution do not assume an increase in inland barge fuel taxes beyond those increases already scheduled in current law and nothing in this resolution should be considered to assume such a tax or fee.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, the Senator from New York, without exception when he comes to the floor, exercises our imaginations. I greatly appreciate his contribution to the debate on this issue. This Senator may say, if possible, with respect to one comment, perhaps made inadvertently by the Senator from Iowa, that only in the rarefied atmosphere of the U.S. Senate would lowering the amount of revenues required of the Finance Committee be considered adding to the difficulty of the task of that committee. If, in fact, that statement is true, we on this side of the aisle will attempt to make the task of the Senator from New York absolutely impossible by striking all references.

Nevertheless, there is one difference between the sense-of-the-Senate resolution which will now be adopted and the one which will be offered later. Ours will deal with it by lowering the amount of taxes necessary to be raised. This simply requires other taxes to be substituted for it, the ones which are here.

The Senator from New York was also quite eloquent when he talked about the various subterfuges and names we call taxes. I just wanted to share with him, because I do not believe he was here an hour or so ago when the Senator from New Mexico first used this quote from then Governor Clinton of some 4½ years ago in Newsweek:

> There is a lot of evidence you can sell people on tax increases if they think it's an investment.

The Senator from Iowa has proven beyond any doubt that this particular tax increase cannot be sold as an investment.

Mr. HARKIN. Madam President, I will check the record. If I did say that I did misspeak. What I meant to point out is it is not binding on it in any way regarding a specific item. If, in fact, the number is lower, it does not bind them in any way to lower the taxes on the fuel.

Mr. MOYNIHAN. Will the Senator yield for one comment?

Mr. HARKIN. I will be delighted to yield.

Mr. MOYNIHAN. I wanted to make a point to my good friend from Washington that it is elementally clear to me that if a tax increase is an investment, it follows it must be a saving.

Mr. GORTON. Madam President, I think on this amendment, at least, we have completed our debate. The Senator from Iowa has. We will be willing to yield back the remainder of our time on this amendment, not of course on the resolution as a whole.

Mr. HARKIN. Madam President, I have an indication that there are a couple other Senators coming to the floor to speak. I have other comments I would like to make.

Mr. GORTON. I withdraw that observation.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, again I want to repeat for the RECORD that this sense-of-the-Senate resolution, I believe, is the strongest signal that we can send to the Finance Committee. If there is a strong vote on this, and the yeas and nays have been requested and there is a sufficient second, then I believe it sends a clear signal to the Finance Committee in coming up with the revenue numbers that if, in fact, they do levy this type of confiscatory tax on the barge industry that there will be a vote on the Senate floor to remove that during voting on the reconciliation bill. So that is why I believe this sense-of-the-Senate resolution is the proper way to go, and I hope we do have a strong vote on it.

To then say, however, we need an amendment after that that would lower the total revenue numbers has no bearing whatsoever on the issue at hand; and that is whether or not we are going to levy this heavy tax burden on the barges. It has no effect on it whatsoever. What it does have an effect on is simply lowering the revenue numbers. That is all.

So I hope people do not misunderstand that. That is a separate issue, separate and aside from whether or not we are going to have a sense-of-the-Senate resolution on the tax itself.

Madam President, I ask unanimous consent that an article appearing in the Commercial Appeal of Memphis, TN, Monday, March 8; an article from the St. Louis Post Dispatch of February 21; an article from the Houston Chronicle of Friday, February 26, an article from the Washington Post of Friday, March 12 be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Memphis (TN) Commercial
Appeal, Mar. 8, 1993]

BARGE OWNERS SAY FUEL TAX STINKS

(By Kevin McKenzie and Michael McMullan)

William Sory, owner of Memphis Barge Line Inc., used short, pointed sentences to describe his opinion of a Clinton administration proposal that eventually would raise the fuel tax he pays by 600 percent.

"It stinks," was Sory's initial reaction. "It could put me out, that kind of increase."

His final word: "That's a pretty tough pill to swallow."

Raising the diesel fuel tax paid by inland waterway users from 17 cents a gallon now to $1.19 in four years is part of the economic plan announced by President Clinton Feb. 17.

However, during a television interview in New Orleans last week President Clinton gave towboat operators hope that the huge increase is being reconsidered.

"I think that should be re-examined," Clinton said. "I'm not sure that the way the plan was originally designed, that it was supposed to go up that much. . . . I don't think there was a deliberate attempt to quintuple it."

The proposed fee increase shocked the industry. Those who run companies that tow barges on the Mississippi and other inland rivers say it was the worst news they've heard from the White House since the last time a Democrat was president.

President Jimmy Carter's 15-month embargo on grain sales to the Soviet Union after that nation's invasion of Afghanistan translated into lost business that the barge and towing industry hasn't forgotten. President Ronald Reagan lifted the embargo in April 1981.

"This is kind of like deja vu with the last Democratic president," said Bill Stegbauer, vice president of operations for Memphis-based Southern Towing Co.

The fee increases would be in addition to the Clinton plan to levy a broad-based energy tax, based on the energy content of fuel measured by British Thermal Units (Btus). That energy tax alone would add an additional 8–10 cents a gallon for diesel fuel used by towboats, said Jeffrey Smith, vice president of the The American Waterways Operators, an Arlington, Va.-based trade group representing the industry.

The current 17-cent-a-gallon tax collects only enough to cover half the $430 million spent in 1993 by the Army Corps of Engineers for construction and major rehabilitation of waterways, the Clinton plan said. The fee will rise to 19 cents when the new federal fiscal year begins in October under a previously scheduled increase.

Under the Clinton proposal, the tax hike would collect $820 million in four years. The fee increases would be phased in, beginning with an additional 10 cents this year. Next year, 15 cents would be added, followed by another 20 cents in fiscal 1996. An additional 55 cents, for a total of $1.19, would be added in fiscal 1997, the industry trade group said.

The administration views the increased fees as a replacement for other tax dollars supporting the Corps of Engineers. And, to justify the increase in user fees, the Clinton plan calls the towing and barge industry the nation's most heavily subsidized form of commercial freight transportation.

However, those in the industry contend that others who benefit from waterways don't pay the tax, including farmers who profit from flood control projects and those who use rivers for sport and recreation.

"I wouldn't mind paying my fair share, but the Corps of Engineers maintains the waterways and the locks and dams for three interests—people who use it for commercial interests, flood control and recreation," Stegbauer said.

"Now if we want to put a tax on everybody that goes water skiing in Pickwick Lake, and everybody that goes fishing in the Mississippi River and all the farmers that get flood control protection, then OK," he said.

"If they want us to pay for all of it, then let me have the waterway system. Let my industry take it private and run it and charge all those people," Stegbauer said.

A diesel fuel tax of $1.19 a gallon will put some companies in the industry out of business, owners and industry representatives said. That will accelerate a trend that has seen a loss of small firms and a growing dominance of larger corporations.

The increased cost of shipping by river also would shift traffic to other modes of transportation, particularly railroads. Currently, 15 percent of the nation's freight—including more than half of grain exports, a quarter of the coal and nearly a third of the petroleum products—is transported on inland waterways, the industry's trade group said.

"This is an astronomical tax. Right now the leaders of this industry are getting together to try to see how we can fight for our survival," Smith said. "This makes us an endangered species, no doubt about it."

Sory said his towboat, the Sebring, uses 30,000 to 40,000 gallons of fuel a month pushing barges loaded with petroleum products on the lower Mississippi, Ohio and Cumberland rivers.

He said that with a $1 increase in the user fee, he would be forced to raise his prices to keep his 10-employee company afloat. However, he said he couldn't be sure how much of the cost he could pass along.

"I may try it all, but I don't know how far I'd get," Sory said.

For Southern Towing's fleet of 22 boats, Stegbauer said the company paid $160,000 to $190,000 a quarter for the user fee when it was 15 cents a gallon. The company, which has 280 employees aboard boats and another 20 in Memphis, can't afford to pay several times that amount, he said.

"We don't have that kind of money," Stegbauer said.

"If we can bump half of it to our customers, that will be a major battle," he said.

"The other half will mean that we don't look forward to profits anymore. It's going to wipe us out because, without profits, no one is going to lend you any money. Without money to replace and upgrade equipment, you're not going to continue in business."

TOWBOATS, BARGES WAIT FOR CUTS

President Clinton's economic plan, A Vision of Change for America, views the nation's towboat and barge companies as recipients of government giveaways.

Increasing fees for companies that use inland waterways is one of 41 actions called for in Clinton's plan to eliminate subsidies and charge fees for government services.

"The nation can no longer afford subsidies and giveaways to those who don't need them, and we must assure that the taxpayer is fairly compensated for services or resources provided by the government," the report said.

Here is the text of the paragraph, on page 76, affecting use of the nation's rivers:

"Phase-in increased Inland Waterway user fees. The nation's inland waterways are the most heavily subsidized form of commercial freight transportation. Since the system was constructed for commercial navigation beneficiaries, they should pay for all operation and maintenance costs.

"Existing inland waterway fuel taxes collected on applicable segments of the system only offset half of the Corps of Engineers' cost of construction and major rehabilitation (estimated at $430 million in 1993).

"This proposal would increase the 1994 Federal inland waterway fuel tax from 19 cents to $1.19 per gallon in a series of increasing steps . . . Estimated savings are . . . $820 million over four years."

[From the St. Louis Post-Dispatch, Feb. 21,
1993]

BARGE FIRMS SAY NEW TAX WILL SINK THEM

(By William Flannery)

George P. Foster has one word to describe the Clinton administration's plans for his industry: "Devastating."

"This tax could cost me $1 million a year and I can't pass that along," said Foster, president of Jefferson Barracks Marine Service Inc. and president of the St. Louis Harbor Association.

Among President Bill Clinton's deficit-cutting proposals is one to raise the diesel fuel tax for river barge operators to $1.19 a gallon from the current 18 cents a gallon.

"This is astronomical," said Jeffrey Smith, vice president of the American Waterways Operators trade group in Washington. The increase amounts to more than 500 percent, he noted.

Nor does it stop there.

"The Clinton BTU energy tax will add another 25 cents" a gallon, said Joseph A. Farrell, the group's president. "So, that makes $1.44 in taxes alone; that's more than [twice] the price of the fuel itself."

Foster worries that if the higher fuel costs are passed along many barge operators, grain companies and end customers will simply refuse to pay the higher prices and stop doing business.

"More that 110 million-tons of goods pass through the port of St. Louis each year—including most of the grain exported by the United States," Foster said. "President Clinton wants Americans to be more competitive. How can this help with our grain exports?"

"Barges are the most cost-effective and energy-efficient transport there is," Foster said. "One barge can move what it takes 15 rail cars to do."

Smith added that sinking the barge industry would have a wide-ranging economic impact.

"We transport 15 percent of the nation's goods, including more than half the export grain, a quarter of the coal and—people don't know this—but 30 percent of the petroleum and petroleum products in the nation," Smith said.

Smith said more than 700 towing companies nationwide operate 7,000 towboats and more than 30,000 barges. Most are on the Mississippi, Missouri and Ohio rivers, but some operate along the Atlantic and Gulf coasts.

Currently, Smith said, diesel fuel is about 45 to 50 percent of a barge company's costs.

"Any small- to medium-sized business that is asked to double its operating cost is going to be hurt," Smith said. "The math speaks for itself."

The morning after President Clinton's Wednesday night address to Congress, the White House released a 145-page report, "A Vision of Change."

The report outlined the administration's plans for spending cuts and tax increases designed to reduced the federal deficit.

"The Nation's inland waterways are the most heavily subsidized form of commercial freight transportation," the report states. Commercial users of the rivers "should pay for all operations and maintenance costs," it adds.

The White House report said that existing fuel taxes offset only half of the $430 million a year that the Army Corps of Engineers spends for construction and operations on the nation's navigable riverways.

The report said the new tax could bring $820 million into the federal treasury between 1994 and 1997.

Larry Daily knows where a good part of that money will come from.

"It will cost us about $12 million more a year, since we buy around 12 million gallons of diesel fuel," said Daily, who is with Canal Barge Co. in New Orleans, one of the nation's top 10 barge companies. Canal operates 25 towboats and 600 barges.

Daily said a towboat's fuel consumption "is based on the rough rule of thumb of one gallon per horsepower per day."

Smith said the average towboat on the upper Mississippi River has 4,800-horsepower diesel engines. Below St. Louis, where tows are larger, the average is 10,000 horsepower.

"If you take a 5,000 horsepower boat that burns 5,000 gallons then that's $5,000 added cost a day" due to the higher tax, Daily said.

"If you start with a new 15 barge tow in Minneapolis moving grain to New Orleans, that's a 14-day tow," Smith said. "The new tax could add $70,000 to the trip. That means they are not going to make the trip."

Nor is the proposed federal hike the only fuel tax barge operators must worry about.

"Across the river from you in Illinois, the state has a 6 cents a gallon state fuel tax," Daily said. "So that's in addition to the new tax."

Farrell and Smith said barge operators began complaining to members of Congress about the proposed tax increase. But the fight could be hard, Smith conceded.

"Except for St. Louis, we are a low-profile industry. But you'd think we would be a higher-profile industry in Arkansas," Smith said with a laugh.

[From the Houston Chronicle, Feb. 26, 1993]

BARGE FEE HIKE PROPOSED; CLINTON SEEKING HUGE INCREASE

(By Bill Mintz)

WASHINGTON.—Tucked away inside President Clinton's budget cutting program is a sixfold increase in the fees paid by barge operators carrying everything from gasoline to grain on inland waterways.

One large Houston-based barge operator said the increased levy on diesel fuel would have wiped out the company's profit from barge operations in 1992.

Complaining that the waterways "are the most heavily subsidized form of commercial freight transportation," the administration proposed increasing the user fee from 19 cents per gallon to $1.19 over the next four years.

The money—$460 million per year by 1997—would be used to pay for all of the U.S. Army Corps of Engineers' costs to maintain and operate the waterways.

Because the increased assessment is a "user fee' and not a tax, the Office of Management and Budget scores the money as a savings, so it wasn't listed among the administration's $240 million in tax increases.

The fact that the administration doesn't call the barge operators' fee a tax doesn't reduce the impact on the industry.

The fee, which would more than double the current cost of fuel used to move barges, would raise the cost of transporting many of the nation's important exports—coal, grain and refined petroleum products—and make U.S. goods more expensive than those of foreign competitors, said Mark R. Buese, vice president of Houston-based Kirby Corp., one of the five largest barge companies in the nation and the largest tank barge operator.

Some of the large barge-towing vessels used on the upper Mississippi River use 10,000 gallons of diesel fuel per day said Jeffrey A. Smith, vice president for public affairs for the American Waterways Operators, a trade group.

He said fuel costs represent about 30 percent of some barge operators' costs, and the proposed fee would double those costs.

Buese said fuel is about 15 percent of the costs for Kirby's fleet of inland barges.

He said the tax would cost Kirby about $18 million per year, compared with 1992 pretax operating profits from barge operations of about $17 million.

The increased fee was proposed by both the Reagan and Bush administration as an element to reduce the federal budget deficit. But, like many user fee proposals, it was not adopted by Congress.

Sen. Bennett Johnston, D-La., said at a Wednesday committee hearing that the proposed fee would drive most shippers to use trucks rather than barges, which would require the country to use more fuel.

Because the administration doesn't consider the barge operators fee to be a tax, it wasn't mentioned in the 71-page explanation of Clinton's tax plan released by the Treasury Department Thursday.

The long-awaited Treasury publication didn't clear up one question worrying natural gas producers and pipeline companies: Where will the government try to collect the proposed energy tax?

Treasury said the energy tax will be collected at the pipeline, but it didn't say whether that means the producers' end of the pipeline or the consumers' end. The gas industry wants the tax collected as close to the consumer as possible to make sure the industry doesn't have to absorb the cost.

[From the Washington Post, Mar. 12, 1993]

PUTTING THE BITE ON THE BARGE BUSINESS

(By Don Phillips)

While many industries are counting the effect of President Clinton's planned energy tax in pennies per gallon, the nation's barge companies have been blindsided by the proposal for a fuel tax increase of $1 per gallon—a more than fivefold boost.

Even if the tax rises by less than $1, as now seems likely, the levy would dramatically raise costs for one of the most important parts of the nation's freight transportation network.

As proposed, it would add $420 million in taxes for operators on the inland waterway—more than their current pretax profits.

"It doesn't give you the warm fuzzies that anybody could survive that kind of impact," said Michael Hagen, president of American Commercial Barge Line Co. of Jeffersonville, Ind.

Whatever becomes of the tax, its origins have provided the industry with a glimpse of the curious way that Washington sometimes works.

The 1,800 companies that run barge lines or service them are mystified by the manner in which the tax was proposed, and they are not the only ones.

A consensus is growing that the idea was almost an accident—perhaps brought about by the newly easy flow of ideas between a Democratic White House and a Democratic Congress.

Among the ideas Clinton considered were those brought up by the Congressional Budget Office, among them the May 1992 CBO study, "Paying for Highways, Airways and Waterways: How Can Users Be Charged?"

The CBO study noted that current barge fuel taxes—17 cents per gallon and soon to go to 19 cents—pay less than 10 percent of the government's cost of maintaining navigation on the rivers and canals that form a web through the central and eastern United States.

"The substantial imbalance between costs and user taxes . . . suggests that it is desirable to explore ways of placing a larger share of the burden on the users," said the report.

"I have a feeling they just took it out of the CBO book," said Dawn Erlandson, a lobbyist for the environmental group Friends of the Earth.

Barry Toiv, a spokesman for the White House Office of Management and Budget, which put together the administration's proposed budget package, said he didn't know the genesis of the barge tax, but it is possible that the idea came from a CBO document.

"That would have been enough to gain consideration," he said.

Clinton himself has suggested that the proposed tax was not supposed to have been that stiff.

"I'm not sure that the way that the structure, the plan, was originally designed, that it was supposed to go up that much," Clinton told an interviewer with WWL-TV in New Orleans. "I think that should be reexamined," he added.

The proposal shocked the barge industry.

It was as if a battle that raged more than a decade ago over fuel taxes and government waterway construction—which the industry thought it had won—had flared again when it turned its back.

The prime natural suspects as the instigators where the waterway industry's main competitors—the railroads—or perhaps environmentalists.

They were allies in a major battle over expansion of Locks & Dam 26 at Alton, Ill., on the Mississippi River in the 1970s and 1980s, and over earlier proposals for higher taxes or user fees on barge lines.

But it appears that economics, like politics, can make strange bedfellows.

While railroads once were certain to support any proposal that would raise the barge industry's costs, they have now fallen silent over the tax proposal, which, if enacted, would be a great and unexpected triumph.

Railroad companies seem almost embarrassed at the barge companies' bad fortune and seem confused as to what position to take.

"I really think that when our people saw the numbers, they knew something had gone wrong here," said Thomas Hoppin, a spokesman for CSX Corp. in Richmond, whose main business is railroading. "I don't believe there was any celebration in the railroad industry."

Part of the reason for Hoppin's lack of joy is that CSX owns American Commercial Barge Line Co.

But it goes deeper than that.

In the days since the great Locks & Dam 26 battle, railroads and barges have begun cooperating in a major way. This is the era of what government and industry are calling "intermodalism."

Fully 50 percent of the coal shipped in barges arrives at the dock by train, and sometimes even goes back to rail cars before completing its journey.

Coal from Wyoming's Powder River Basin might go by rail to Superior, Wis., across the Great Lakes by lake boat, back to a train to the Ohio River and then to a barge to the customer.

"The two industries, like the railroads and the trucking industry, have found a lot of common ground," Hoppin said.

If it wasn't the railroads, was it the environmentalists? Apparently not.

Erlandson, of Friends of the Earth, who has been active in trying to shape the Clinton program, said she has no idea who is lobbying for the tax proposal. "I don't know anyone in the environmental community who's pushing it," she said.

A spokesman for the White House Office of Environmental Policy said the office had no idea why the OMB included the tax.

"We assume it's just one of those good government user-fee things," the spokesman said.

Wherever it came from, the tax debate has loosed a genie that barge companies may find hard to control.

Joseph A. Farrell, president of the American Waterways Operators, said a $1 tax increase would be "catastrophic."

He said the industry is already operating at slim margins, and such a tax quickly would dry up some U.S. exports such as grain, because the extra cost of transportation would make them uncompetitive.

Hagen of American Commercial Barge Lines estimated his tax bill would rise by at least $70 million, about $20 million more than his yearly pretax earnings.

Mr. HARKIN. Madam President, I also ask unanimous consent that a letter transmitted to this Senator from the Agricultural Retailers Association, the American Corn Millers Association, the American Feed Industry Association, the American Soybean Association, the National Agricultural Chemicals Association, the National Association of Wheat Growers, the National Barley Growers Association, the National Corn Growers Association, the National Farmers Organization, the National Grain and Feed Association, the National Oil Seed Processors Association, the Terminal Elevator Grain Merchants Association and the Fertilizer Institute be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. TOM HARKIN,
U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: We, the undersigned agricultural and agribusiness organizations, respectfully urge you to reject the proposed 525% increase in the Inland Waterways Fuel Tax contained in the Administration's economic proposal. We believe this tax increase is neither fair nor well-reasoned. It will mean lost jobs, lost exports, and lost farm income at a time when we can ill afford any such losses.

Agriculture relies heavily on barge transportation. Agricultural products comprise nearly 35% of all products moved on inland waterways, and over half of all export grain moves by barge. A conservative estimate is that the cost of barging grain would increase about $.10/bushel, in addition to the $.10/gallon BTU tax that has been proposed. Fuel costs of a typical barge movement on the Mississippi River would increase by $70,000! Our comprehensive inland waterways system provides U.S. agriculture with a great competitive advantage over other countries, but this tax would put our export competitiveness at risk.

Some say that commercial users of the inland waterways system should pay all construction and maintenance costs. The fact is that the river system has been improved for many other reasons, including flood control, water supply, and hydropower. Many communities up and down America's rivers benefit from such public investment.

This proposal also works at cross-purposes with the Administration's environmental objectives. Barge transportation uses less fuel per ton-mile, creates less air and noise pollution, uses less steel and other materials per unit of cargo-carrying capacity, and claims a superior safety record in petroleum and hazardous material movements.

Perhaps worst of all, increased transportation costs brought on by this tax would be passed directly to U.S. farmers. A 1985 study by the Department of Agriculture projected that 70% of such costs are borne by producers. Our projections show potential farm income losses of up to $431 million annually, just in states bordering inland waterways. The economic ripple effects would surely be felt by all of agriculture in disruptions of transportation patterns and higher costs for other shipping modes. Consequently, farmers' prices would be driven down, and their costs for inputs like fertilizer would be driven up. Federal budget outlays would also increase through larger deficiency payments brought on by lower market prices, a cost not accounted for in the Administration's revenue projections.

We believe that a 525% increase in the inland waterways fuel tax, on top of other sacrifices U.S. agriculture has been asked to make, goes well beyond a fair contribution, and we urge your opposition to the increase.

If you have any questions or need additional information, please contact Todd Kemp or David Barrett at the National Grain and Feed Association at (202) 289-0873.

Agricultural Retailers Association.
American Corn Millers Federation.
American Feed Industry Association.
American Soybean Association.
National Agricultural Chemicals Association.
National Association of Wheat Growers.
National Barley Growers Association.
National Corn Growers Association.
National Farmers Organization.
National Grain and Feed Association.
National Oilseed Processors Association.
Terminal Elevator Grain Merchants Association.
The Fertilizer Institute.

Mr. HARKIN. Madam President, I just want to quote from the Commercial Appeal of March 8:

William Sory, owner of Memphis Barge Line, Inc., used short, pointed sentences to describe his opinion of a Clinton administration proposal that eventually would raise the fuel tax he pays by 600 percent.

Actually, it is slightly less than that, 525 percent, but still enormous.

He said:

"It stinks," was Sory's initial reaction. "It could put me out, that kind of increase."

It went on to say:

However, during a television interview in New Orleans last week, President Clinton gave towboat operators hope that the huge increase is being reconsidered.

"I think that should be re-examined," Clinton said. "I'm not sure that the way the plan was originally designed, that it was supposed to go up that much. * * * I don't think there was a deliberate attempt to quintuple it."

I already mentioned that on the floor, but I wanted to repeat that because I believe our actions with this sense-of-the-Senate resolution really not only is in the best interest of the country but I think is something that the administration will, after full consideration, I think be supportive of in terms of ensuring we do not levy this kind of confiscatory tax on the barge industry of America.

Mr. SASSER. Will the Senator yield?

Mr. HARKIN. I yield to the distinguished chairman.

Mr. SASSER. I thank the Senator from Iowa for yielding.

Madam President, I want to make it crystal clear what I was saying a moment ago in the exchange between myself and the Senator from New York and the Senator from Iowa.

The adoption of the sense-of-the-Senate resolution of the Senator from Iowa, of course, is not binding on the Finance Committee. It would be made no more binding on the Finance Committee if we changed the number and simply deleted the amount that an inland waterway fee would raise.

A budget resolution simply sends to the committees of competent jurisdiction large numbers in which the committees of competent jurisdiction will conform policy or bills in their committees to conform with the budget resolution.

The thrust of the sense-of-the-Senate resolution of the Senator from Iowa, should it be adopted, I think, would be this: It would send a signal to the Finance Committee that the Senate as a whole does not look favorably on raising the inland waterway tax pursuant to the assumption in the Clinton budget plan as modified by the Senate.

It would send a signal to the Finance Committee that should they raise the inland waterway fees to the level to fulfill the number to conform to the assumption in the Clinton budget as modified, any bill bringing that to the floor would be subject to debate on the floor and probably an amendment to delete that tax would carry on the Senate floor.

Now, that in essence is the sense-of-the-Senate resolution. It simply sends a signal to the Finance Committee that you ought to look in another direction to raise the revenues, if at all possible, so as to avoid a possible amendment on the floor that would amend your bill and delete this particular portion. It is simply a yellow light, so to speak, to the Finance Committee, or a yellow light to any other committee of competent jurisdiction. So I wanted to make that very clear, that there is some substance.

The sense-of-the-Senate resolution here does carry a substantial amount of substance behind it—I wanted to make that clear—even though it is not totally binding.

Mr. HARKIN. If the distinguished chairman will yield, again, there is really nothing we can do here that absolutely binds anybody.

Mr. SASSER. The Senator is correct.

Mr. HARKIN. We cannot bind anybody. All we can do is speak, and we can take a vote, and we can indicate to the Finance Committee or anybody else what we would like to do.

Again, I think this sense-of-the-Senate resolution would send a strong signal to the Finance Committee that, if they proceeded with some such, there would probably be another vote on reconciliation on that very issue to take it out. So we cannot bind anybody regardless of what anyone wants to do, but I think, as the Senator says, it is substantive and sends a very strong signal to the Finance Committee of what this body wants done in the revenue measures that they send down. That would probably be in reconciliation, I assume.

Mr. DOMENICI. Does the Senator want to yield back time so we can vote?

Mr. HARKIN. If the Senator would not mind if I put in a quorum call for 5 minutes to see if these people are coming over or not, I would appreciate it.

Mr. DOMENICI. Madam President, we have how much time on our side?

The PRESIDING OFFICER. The minority side has 32 minutes.

Mr. HARKIN. How much time do we have, Madam President?

The PRESIDING OFFICER. The majority side has 6 minutes and 54 seconds.

Mr. DOMENICI. What would the Senator like to do? We are prepared to yield our 32 minutes back and get on with a vote.

Mr. HARKIN. If the Senator will hold just 1 minute on this.

Mr. DOMENICI. OK. I will speak for a couple minutes, and we will wait for the Senator. We would very much like to move to a vote, but the Senator has his rights, and I understand and recognize that.

Madam President, I am not sure that very many people, even the best of Americans, are interested in this argument that has been taking place the last half-hour. But it does point up a couple of things. When the majority side does not like something in the plan, they just say it is the sense of the Senate that we ought not do that, but they leave the plan otherwise alone, including all the taxes that plan brings, and they leave the impression that you can really pick and choose anything you want in this budget and be for or against it and still have a plan.

To the extent they have said, "Where is your plan?"—and we are going to offer our plan in five or six pieces—it is rather interesting because there either is or is not a plan and it is or is not built around a series of policy changes. The President has advocated them and said if anybody can do better, why do they not try.

So I tell you what would be more effective than the resolution, which we are all going to vote for on this side, what would be much more binding would be to take out the taxes dollar for dollar that represent this barge tax and cut spending $780 million. That would not be much. We are actually increasing it $124 billion, so take out a little bit of that increase and say there is no revenue left in this bill for the barge tax. Then the other side could say, well, that is not binding. But I will tell you, it sends a very nice signal to the Finance Committee, and it is no yellow light. It is a red light. It says we did not even give you the revenues for that barge tax. They are not even in there. How in the world could they use it then even though we did not ask them and we did not give them the money?

Ms. MOSELEY-BRAUN. Madam President, one of the main principles that underlies the President's economic proposals is equity. I believe that it is this same commitment to equitable economic policies that has led the President to reconsider the proposal for a new fuel tax for inland waterway users.

As it now stands, it is possible that waterway user fees could increase sixfold from $0.19 to $1.19. Yet, this increase could occur even though this fee is already scheduled to increase from 16 to 19 cents.

After meeting with President Clinton, I believe that he fully understands the adverse affects that this new tax can have on the inland waterway industry.

At this point, Madam President, I would like to highlight some of the reasons why I am cosponsoring this amendment with Senator HARKIN. Most importantly, I believe that this new tax would be unfair to the inland waterway industry since it could capture up to 20 percent of their revenues. Although this proposal would raise diesel fuel taxes incrementally over the next 4 years, this proposal would still create $820 million in new taxes for tow boat operators over that period.

Madam President, I would also like to highlight the fact that this increase in fuel taxes for barges will be on top of the 8- to 10-cent-per-gallon tax increase that will result from the imposition of the Btu tax. Futhermore, since more than 50 percent of grain exports are transported on inland waterways, much of the cost of an increase in this tax would be transferred to farmers and coal producers—perhaps by 9 cents a bushel or even more. In fact, this new tax could increase the cost of a typical 14-day trip carrying grain, corn, or soybeans from Minneapolis to New Orleans by as much as $70,000.

Finally, Madam President I would like to point out that this issue is very important to the people of my State. Illinois makes extensive use of both the Illinois and Mississippi Rivers and no State makes more use of our inland waterway system than my State does. That is why I believe that these cost increases are so severe that, if they were to be imposed, they could destroy the inland waterway system.

I would like to thank the distinguised Democratic manager of the resolution, Senator SASSER, for agreeing to support the amendment. I am pleased to be a cosponsor of this amendment offered by my warm friend from Iowa, Senator HARKIN. I strongly urge all of my colleagues to support this important amendment.

Mr. CRAIG. Mr. President, I strongly support the amendment offered by Senator HARKIN. We can not afford to shut down the inland water commerce of this Nation by leveling an additional tax on inland waterway commerce that would drastically increase the cost of transporting the vital commodities that move by ship and barge across this great Nation.

I encourage my colleagues to vote "yes" on this important amendment.

Mr. DOMENICI. Madam President, I am ready to vote if the Senator is ready. Is the Senator ready?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Yes, we are ready to yield back all of our time.

Mr. DOMENICI. We yield back all our time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 88, nays 12, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—88

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kohl
Krueger
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Riegle
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—12

Bradley
Chafee
DeConcini
Feingold
Graham
Kerry
Lautenberg
Moynihan
Reid
Robb
Rockefeller
Roth

So the amendment (No. 181), as modified, was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 182

(Purpose: To eliminate the energy tax and offset lost revenues by reducing spending increases)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. SHELBY, Mr. DOMENICI, Mr. WALLOP, Mr. PACKWOOD, Mr. MURKOWSKI, Mr. LOTT, Mr. BOND, Mr. BROWN, Mr. SMITH, Mr. GREGG, Mr. BURNS, Mr. MCCONNELL, Mr. FAIRCLOTH, Mr. PRESSLER, Mr. HELMS, Mr. KEMPTHORNE, Mr. BENNETT, Mr. HATCH, Mr. THURMOND, Mr. GRAMM, Mr. LUGAR, Mr. CRAIG, Mr. COATS, Mr. COVERDELL, Mr. D'AMATO, Mr. MCCAIN, Mr. STEVENS, Mr. ROTH, Mr. SIMPSON, Mr. DOLE, Mr. HATFIELD, and Mr. GRASSLEY, proposes an amendment numbered 182.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 18, decrease the amount by $952,000,000.

On page 2, line 19, decrease the amount by $9,438,000,000.

On page 3, line 2, decrease the amount by $17,007,000,000.

On page 3, line 4, decrease the amount by $22,127,000,000.

On page 3, line 6, decrease the amount by $23,458,000,000.

On page 3, line 10, decrease the amount by $952,000,000.

On page 3, line 11, decrease the amount by $9,438,000,000.

On page 3, line 12, decrease the amount by $17,007,000,000.

On page 3, line 13, decrease the amount by $22,127,000,000.

On page 3, line 14, decrease the amount by $23,458,000,000.

On page 4, line 6, decrease the amount by $952,000,000.

On page 4, line 7, decrease the amount by $9,438,000,000.

On page 4, line 8, decrease the amount by $17,007,000,000.

On page 4, line 9, decrease the amount by $22,127,000,000.

On page 4, line 11, decrease the amount by $23,458,000,000.

On page 4, line 15, decrease the amount by $952,000,000.

On page 4, line 16, decrease the amount by $9,438,000,000.

On page 4, line 17, decrease the amount by $17,007,000,000.

On page 4, line 18, decrease the amount by $22,127,000,000.

On page 4, line 19, decrease the amount by $23,458,000,000.

On page 5, line 1, decrease the amount by $952,000,000.

On page 5, line 2, decrease the amount by $9,438,000,000.

On page 5, line 3, decrease the amount by $17,007,000,000.

On page 5, line 4, decrease the amount by $22,127,000,000.

On page 5, line 5, decrease the amount by $23,458,000,000.

On page 5, line 11, decrease the amount by $952,000,000.

On page 5, line 12, decrease the amount by $9,438,000,000.

On page 5, line 13, decrease the amount by $17,007,000,000.

On page 5, line 14, decrease the amount by $22,127,000,000.

On page 5, line 15, decrease the amount by $23,458,000,000.

On page 5, line 22, decrease the amount by $952,000,000.

On page 5, line 23, decrease the amount by $9,438,000,000.

On page 5, line 24, decrease the amount by $17,007,000,000.

On page 5, line 25, decrease the amount by $22,127,000,000.

On page 6, line 1, decrease the amount by $23,458,000,000.

On page 6, line 7, decrease the amount by $952,000,000.

On page 6, line 8, decrease the amount by $9,438,000,000.

On page 6, line 9, decrease the amount by $17,007,000,000.

On page 6, line 10, decrease the amount by $22,127,000,000.

On page 6, line 11, decrease the amount by $23,458,000,000.

On page 41, line 17, decrease the amount by $952,000,000.

On page 41, line 18, decrease the amount by $952,000,000.

On page 41, line 24, decrease the amount by $9,438,000,000.

On page 41, line 25, decrease the amount by $9,438,000,000.

On page 42, line 6, decrease the amount by $17,007,000,000.

On page 42, line 7, decrease the amount by $17,007,000,000.

On page 42, line 13, decrease the amount by $22,127,000,000.

On page 42, line 14, decrease the amount by $22,127,000,000.

On page 42, line 20, decrease the amount by $23,458,000,000.

On page 42, line 21, decrease the amount by $23,458,000,000.

On page 50, line 9, decrease the amount by $952,000,000.

On page 50, line 10, decrease the amount by $72,982,000,000.

On page 57, line 18, decrease the amount by $952,000,000.

On page 57, line 19, decrease the amount by $72,982,000,000.

Mr. NICKLES. Madam President, the amendment that I send to the desk today is on behalf of myself, Senator SHELBY, Senator DOMENICI, Senator WALLOP, Senator PACKWOOD, Senator MURKOWSKI, Senator LOTT, Senator BOND, Senator BROWN, Senator SMITH, Senator GREGG, Senator BURNS, Senator MCCONNELL, Senator FAIRCLOTH, Senator PRESSLER, Senator HELMS, Senator KEMPTHORNE, Senator BENNETT, Senator HATCH, Senator THURMOND, and Senator GRAMM of Texas, who has been a leader in this effort, along with Senator DOMENICI in the Budget Committee. I add Senator GRASSLEY, as well, on the Budget Committee, who helped us. I also thank the other cosponsors, Senator LUGAR, Senator CRAIG, Senator COATS, Senator COVERDELL, Senator D'AMATO, Senator MCCAIN, Senator STEVENS, Senator ROTH, Senator SIMPSON, Senator DOLE, and Senator HATFIELD.

I thank my colleagues for cosponsoring this amendment. This amendment is very simple.

This amendment will eliminate the so-called energy tax or Btu tax. That is $73 billion in new taxes in this resolution. This amendment also will eliminate $73 billion in new spending.

What we will be saying by adopting this amendment is we do not want to be increasing taxes on everybody in America, because everybody in America uses energy. We do not want to be increasing everybody's energy taxes in order to pay for $73 billion of new spending. That is the amendment. That is it. That is plain. That is simple.

This amendment is what is referred to as "deficit neutral." It cuts taxes and it cuts spending by an equal amount. I think it will save the economy, because this tax that we are now proposing, President Clinton's so-called Btu tax, would have a large negative impact on the economy. It would cost jobs. We might call the Btu tax the unemployment tax because the net result of this tax would be to put a lot of people out of work, hundreds of thousands of people out of work.

Madam President, first, I think it is important that we hold elected officials accountable and also hold them accountable for what they say as candidates. I would just read to you a quote from candidate Clinton. Candidate Clinton said, "I will not raise taxes on the middle class to pay for these programs." That is what he said as a candidate, he will not raise taxes to pay for these programs. The facts are he is raising taxes on all Americans to pay for these programs.

I also mentioned that as a candidate, Mr. Clinton said that he would oppose excise taxes, especially gasoline taxes. He mentioned that in his book. He mentioned it on the campaign trail many times "I am opposed to a gasoline tax increase." But the facts are his Btu tax increases gasoline taxes by 8 cents or more per gallon, it increases diesel tax by more than 8 cents, and it increases aviation fuel by probably well more than 8 cents.

So again I think we need to hold President Clinton accountable for what candidate Clinton said.

During the State of the Union speech, President Clinton said that this energy tax would cost a family of four $204 per year. That is not correct. His Energy Secretary now says that is over $320 per year. And other sources say, well, even that is an underestimate. The full costs will be well over $400 per year for a family of four. We are talking about middle-income families who are going to see their taxes go up collectively by hundreds of millions of dollars.

Madam President, we can solve that. We can eliminate that problem. We can hold President Clinton accountable to candidate Clinton and not increase this tax, and in the process we can save many, many jobs.

The National Association of Manufacturers estimates that the Btu tax would cost over 600,000 jobs. I think it is important we have talked about the economy—and I have seen my friends hold up charts talking about what we need to do to stimulate the economy.

What we do not need to do is pass a tax increase that will put hundreds of thousands of people out of work, and that is exactly what this tax will do. So we need to eliminate this tax.

You might say where does it cost the jobs? I can give you any number of examples. But just in today's Wall Street Journal, there was a report that American Airlines is grounding 25 DC-10's and cutting capacity by 3 percent this year.

Madam President, I will mention American Airlines is a big employer in my State, and I know it is a big employer in the State of Texas. Last year, American Airlines lost $975 million. This Btu tax will cost American Airlines anywhere from $160 million a year to $300 million per year, and they cannot pass it on. I will tell the Senator from Alabama they are already losing money.

So it is not a question of passing on this new tax. If they could pass it on, they would not have lost as much money that they lost last year. So the Btu tax will cost more jobs.

I can go through industry by industry. Agriculture is another example. I will touch on another example. I note the Presiding Officer is from the State of California. In California, a farmer who has a 1,200-acre farm, 600 in tomatoes, the estimated increase cost of this tax is $3,486. I say to the Senator from Kansas, close to my State, a farmer with 2,100 acres of corn, soybeans, millet, and wheat with no livestock would be $1,500 and with 3,000 acres, one-third irrigated corn, oats, alfalfa, the cost would end up to be $2,816. That is direct, out-of-pocket expense. That does not include the cost of fertilizer and everything else that would go up as a direct result of the higher cost of energy.

I could give countless examples. But I would just tell the Presiding Officer and my colleagues that this tax is very punitive. It will hit a lot of industries. It will hit the aviation industry particularly hard. The aviation industry estimates the Btu tax will cost between $1.2 billion to over $2 billion per year. The aviation industry in the last 3 years lost $10 billion. There are a lot of other industries that also cannot pass this tax on. There are a lot of industries that will lose jobs as a direct result of this tax.

Finally, Madam President, I want to mention how distorted this tax really is. The Treasury estimates that this tax would raise $95 billion. They have to raise $95 billion to net the so-called $71.4 billion. I might mention our amendment says $73 billion, because that is the way the Congressional Budget Office scored it at, $73 billion. But when you consider the dynamic impact on the economy, in other words, how many people will lose their jobs, how much lower taxable profits will be, how much inflation will increase Federal COLA's, how much more it is going to cost the military and so on, the net result is the Federal Government is only going to end up with about $38 billion even though they raise gross revenue of about $95 billion. You say, "Well, that is $38 billion, we are going to reduce deficit by $38 billion." That is not correct, because under this proposal, under the President's proposal, to help cushion the blow of this big energy tax, the President proposed increasing low-income energy assistance $2.9 billion. He proposed increasing food stamps $12 billion and he proposed increasing the earned income tax credit $26.8 billion. That is a total of $42 billion in new spending tied to this Btu tax proposal.

So the net result of the President's proposal is that it will raise $38 billion but it will cost $42 billion.

This tax is a loser. It is not going to raise net money to the Government because we are going to more than spend that, but the real facts are it is going to put hundreds of thousands of people out of work.

I do not think we can afford to do that. I do not think we should be increasing gasoline tax by 8 cents or more. I do not think we should be raising all the utility bills in this country by 4 or 5 percent. I do not think we should be telling major industries you are going to try to compete internationally, but we are sorry, this may stop your ability to be able to sell your exports. I do not think we should mislead ourselves about this tax's ability to decrease the deficit. I do not think we should suffocate the economy. That is exactly what this tax will do.

I urge my colleagues to support this amendment. This amendment will eliminate the Btu tax and eliminate the comparable amount of spending, that is, $73 billion. We reduced the taxes $73 billion and we reduce spending by $73 billion, and I certainly hope my colleague will agree. I note my colleague, Senator SHELBY, is on the floor and I appreciate his cosponsorship of this amendment.

I yield the floor.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield time to the Senator?

Mr. NICKLES. I yield the Senator from Alabama 10 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 10 minutes.

Mr. SHELBY. Madam President, I rise today in support of the Nickles-Shelby amendment that the distinguished Senator from Oklahoma has been talking about that will basically eliminate President Clinton's energy tax.

Madam President, I, along with many of my colleagues, have expressed general concerns about the weight given to tax increases over spending cuts in the President's budget proposal. Tax increases outnumber cuts by a ratio of at least 3 to 1. Along with other tax increases, I continue to have a deep reservation about the impact of the Btu tax on both my State's and the country's economy.

I believe that all of us are committed to deficit reduction and, yes, we have some very tough choices to make, as we are reminded day by day. The American public has been asked to make some sacrifices, and I believe that a great many, the overwhelming number of our citizens, are willing to do that.

However, a broad-based, permanent energy tax I believe is not the path that we should take to deficit reduction, particularly in light of the fact that the projected revenues from a Btu tax would be totally consumed in what the administration calls new "investment and stimulus programs." In other words, new spending programs. Deletion of that spending makes $124 billion in taxes irrelevant to the President's plan.

The administration has asserted that the energy tax will ultimately improve our nation's competitiveness through increased energy efficiency. In addition, reduced national consumption of fossil fuels is a stated objective for the tax. The question that we must confront as we debate this tax is at what cost will we approach these goals. I believe that the establishment of an indexed Btu tax will have a major economic and competitive impact on this nation making the cost far too high.

A Btu tax will result in increased energy costs for manufactured goods. These increased costs will negatively impact our competitiveness with foreign manufactured goods, in both domestic and foreign markets. Many U.S. manufacturers will be forced to shift production to other countries with more affordable energy. And the chain reaction begins.

For example, consumers purchase fewer domestically produced goods, but purchase more goods produced abroad because they will be cheaper.

Foreign production and jobs increase, at the expense of domestic production and jobs.

Some of our most competitive energy intensive industries, such as lumber, agriculture, and petrochemicals, which account for a significant portion of U.S. exports to other countries, would be at a disadvantage.

A study done by the National Association of Manufacturers found that a Btu tax would cause a loss of nearly 600,000 jobs. It has also been estimated that a 10 cent increase in the taxes on gasoline could reduce GNP by three- to four-tenths of a percent over the period of the increase. Quite a lot of money.

The United States enjoys the privilege of being the world's leading exporter. However, a Btu tax could seriously jeopardize that status.

Our citizens are being asked to contribute their fair share toward deficit reduction. The Btu tax is anything but fair.

This energy tax is regressive and will hurt low- and middle-income Americans the most. These individuals, many of them elderly, already spend more of their budgets to pay for necessary service than does the average American family. Because so much of their income is spent on home energy, these households would be severely impacted by an increase brought on by an energy tax. This is particularly true in States with energy intensive industries.

Some regions and States will be paying far more than others. My home State of Alabama is among them.

Sixty-eight percent of Alabama's electricity generation is from coal. A Btu tax will have a serious impact on the coal industry in Alabama and elsewhere. We are looking at a 26-percent rise in the price of Alabama coal at full implementation of the Btu tax. This cost is ultimately passed on to the consumer and reduces coal's attractiveness as an energy source.

This does not bode well for the 6,200 employees in the Alabama coal industry who produce over a billion dollars worth of coal per year. This 26-percent rise in the price of coal will result in an 18-percent increase for electric bills in Alabama.

In Alabama alone, the proposed Btu tax will cost about $140 per person, or $584 million per year. This number does not even include fertilizer costs to our State's agricultural industry.

Also, Alabama exports about 25 percent of its coal. Consequently, I am concerned about the effects of the Btu tax with regard to GATT regulations. The mechanisms to offset the cost to exporters would potentially open them up to GATT sanctions.

Alabama is just one State in the Southeastern region that will be bearing a disproportionate tax burden.

The average cost of the Btu tax per year for a household of four in the Southeast is $507.

In the Southwest, that same family will pay as much as $652.

Families in the Mid-Atlantic will pay around $390; Rocky Mountain States $409; Plains States, $466; far Western States, $439; the Great Lakes, $446; and New England $405.

States like Alaska would average as much as $1,521 a year for a four-person household; Wyoming, $1,167; Louisiana, $1,090, and Texas, $738.

This is not the only area where inequities are created by the Btu tax. This Btu tax would tax oil at more than double the rate for coal or natural gas. The cost of gasoline, which is already on the rise, would increase by 10 cents or more. Home heating fuels and all other petroleum products will increase in price.

While I am supportive of efforts to curtail our Nation's dangerous dependence on foreign oil, it is important to recognize that the oil industry continues to play a vital role in the stability of the U.S. economy.

Oil meets 97 percent of the Nation's transportation fuel needs and supplies 41 percent of the Nation's energy needs. Oil remains a low-cost and flexible energy source. Singling out the oil industry to bear the heaviest tax burden will certainly have an adverse impact on the economy.

Madam President, many States are already suffering from depressed energy and agricultural prices. The proposed Btu tax increases the prices on a number of fertilizers that are the basic food-producing tools employed by farmers by as much as $9 per acre.

That may not sound like much on the surface, but look at the end result: A typical corn farmer would see his expenses increased by $5,519 per year; wheat farmer's expenses will be increased by $4,515; cotton farmers expenses will increase by as much as $30,310; rice farmers expenses will increase by as much as $6,816; and potato farmers expenses will increase by as much as $15,416.

Farmers are already paying taxes on the energy used on the farm for activities such as grain drying, irrigation pumps, storage facilities, and vehicles. Congress has always recognized the critical relationship between the agricultural sector and its enormous and invaluable contribution to our Nation's economic well-being. We must continue to recognize this relationship and not place a direct and heavy burden on the American farmer, as would this proposed energy tax.

Madam President, in light of our Nation's massive Federal deficit, we know that we must come up with creative solutions for an economically secure future and I am willing to work with the administration and my other colleagues to that end.

However, we all know that much like a spending program, once we create a tax, we have a difficult time controlling its growth and its effects. I do not want us to walk blindly into a tax that could have severe repercussions for our energy industries, our consumers and our economy.

I believe that deficit reduction should be our number one priority. The bottom line is that we have to close this gap between incoming Federal revenue and outgoing Federal spending.

Federal spending continues to rise more than twice the rate of revenue. We must reduce spending. That is where our investment should be—in reduced spending. This amendment is 73 billion steps in the right direction.

The Btu tax is rendered absolutely unnecessary if we do not engage in new spending. I hope that my colleagues will join me in voting for this important amendment.

The PRESIDING OFFICER (Mr. AKAKA). Who yields time?

Mr. NICKLES. Mr. President, I hope that we would have those in opposition also speak in opposition, so we could enter into a little debate on this amendment.

I yield the floor.

Mr. SASSER. Mr. President, I see the distinguished Senator from Louisiana, who wishes to speak in opposition to the amendment, on the floor. I yield 10 minutes to the distinguished Senator.

Mr. NICKLES. Will the Senator yield?

Mr. BREAUX. Yes.

Mr. NICKLES. Mr. President, I ask unanimous consent to add Senator ROTH and Senator HATFIELD as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Mr. President, I would like to state up front I do not like any taxes. I do not like any taxes in the President's budget. I do not like any taxes in the Budget Committee's proposal. But that is not the real question, what we like. Because we are long past being able to do what we like in this body if we are going to be serious about solving this Nation's deficit and long-term debt problem.

When I was in the House, the other body, when President Reagan was reelected, it was really fun, it was easy, it was great. President Reagan essentially asked us to do two things. He said cut taxes and spend more money. That was fun and that was easy to do. There were very few Members who objected to cutting taxes.

We cut taxes dramatically. The top rate went from 70 percent to 28 percent. That was easy, and it certainly was a lot of fun to do a release, to tell our people we had cut their taxes by that huge amount.

The other thing he asked us to do was spend more money, and, boy, was that easy. Most Members thought that was the best thing we could possibly do. The President had asked us to spend more money. We greatly increased the amount of money we spent on the Defense Department, and a lot of Members sent a lot of letters and a lot of news releases out on what we were spending money for. So the 1980's were really a lot of fun, and they were very easy.

But as we stand on this floor in the 1990's we are looking at a $4 trillion long-term national debt. We are looking at a $350 billion-plus deficit this year.

I suggest to all of our colleagues that the fun is over and that the good times are over. And there is not a proposal that is a serious proposal that this body will be able to consider that really addresses the problem that is going to be easy to do. None of it is going to be fun. No taxes are easy to pass. No one is going to embrace any tax with any degree of enthusiasm and report back to our States that, by golly, I just passed a new tax. No one is going to want to do that, and no one is going to want to introduce or issue a news release about what programs we cut, because that is not going to be easy. So the easy and the fun days are over.

But I suggest the day of reckoning for this Congress' ability to be able to solve the problems this country is facing is at hand. I heard people say, "I do not like the Btu tax." I do not like the Btu tax either.

I have also heard some say it is unfair, it is regressive, it hits middle-income and working people more than it hurts wealthy people. I do not hear a lot of people making suggestions for raising revenues, and I do not hear anybody specifically spelling out what programs they want to have reduced, other than talking in generic terms.

Let me suggest that when you talk about it being regressive, you are only looking at part of the President's package. There is another part that not many people, I think, are focusing on. When the President spoke in the other body, in the joint session, he talked about the other part of the story, the rest of the story. Part of the rest of the story is his proposal to increase the earned income tax credit. The earned income tax credit rewards work in this country. It is not a welfare program because it only is helpful to those people who actually are employed.

The President's proposal is to increase the earning limitation for the earned income tax credit to people making up to $30,000 a year. When you look at what the earned income tax credit will give to people who work in this country, who are in the middle- and lower-middle-income brackets, it more than offsets the adverse effects of a Btu tax, it more than offsets the adverse impacts of a Btu tax because people under the earned income tax credit are eligible to get up to $2,400 a year in a tax credit to encourage them to continue to work.

If you look at the estimates on what a Btu tax would probably cost a family of four, one estimate is $17 a month, a little over $200 a year. That is substantially less of a tax increase than they would be able to get from the earned income tax credit that they will be given when the whole package is adopted and passed.

I looked at my income tax returns for the State of Louisiana. I will bet most of my colleagues on this floor are in pretty much the same situation. In Louisiana, for the last taxable year, the IRS tax returns show that 72 percent of the people in my State reported incomes of $30,000 a year or less. That tells me almost three-fourths of the people in my State would be eligible for an earned income tax credit that will do more than offset the adverse impact of a Btu tax.

So I think in these discussions—and we are going to have a lot more; those of us on the Finance Committee are going to have to spend a great deal of time trying to reconcile and report out the exact terms and conditions of this package and this program, including the earned income tax credit—but it is unfair to just single out one portion and say it is bad because I do not like taxes.

Nobody likes taxes. I suggest when you look at the Btu tax, you should also look at the earned income tax credit, which is designed to help middle-income and working families in this country, which I think offsets the adverse impacts of the Btu tax.

Our job is to make it fair, to make it work, to make it be imposed at the proper stage and not to be haphazardly thrown out there without a detailed and complete discussion. This budget resolution is going to allow that to happen, and I think we should go forward with it until someone comes up with a better idea, which I have not yet heard.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, this amendment before us today, I think, indicates why the American people and the press are not taking seriously the efforts on the part of our colleagues on the other side of the aisle with regard to this budget debate.

There is a lot of rhetoric here on the other side about opposing the Btu tax, opposing it because it will work irreparable harm on poor people, on working people, on middle-class people. I agree with the Senator from Louisiana, nobody likes a tax. I wish we could run this Government without any taxes whatsoever. We started down that road in 1981, I will remind my colleagues. We thought we would just keep on cutting taxes until perhaps we would produce such prosperity we would just keep on cutting them into perpetuity.

What occurred in the final analysis was a disaster. That is the reason we find ourselves in the hole that we are in today.

With regard to those among us who are poor, this Btu tax would offset any adverse effect on the working poor by the earned income tax credits. In other words, if you are working and you make below a certain amount and you are adversely impacted by the Btu tax, then, of course, you are made whole by the earned income tax credit.

There are other safety net programs to offset the minimal adverse side effects that this tax may have on the poorest among us. Food stamps, low-income home energy assistance program—all of these things help offset the admitted but slight regressivity of the Btu tax.

The truth is that in the President's tax program, 64 percent of the new revenues proposed by President Clinton will be paid for by families earning $200,000 or more a year. That is what our colleagues on the other side of the aisle object to. These crocodile tears over the middle class, or the poor, over this Btu tax—that is not convincing, I say, Mr. President, to this Senator.

Why should this amendment not be taken seriously? First off, what is proposed is to offset the Btu tax with what are essentially unspecified cuts in function 950. What is function 950 of the budget? It really is simply just a plug. It is a holding place where you put a few things in the budget that you do not have any other place to put.

For example, function 950 includes anticipated additional budget authority and outlays that might be needed to finance pay raises for all agencies except DOD and the military.

It includes contingencies for specific requirements. It includes contingencies for relatively uncontrollable programs, if you have a mandatory program that happens to rollover. Contingencies for other requirements, that is what it says; it is that general. Undistributed offsetting receipts; employer share; employee retirement; interest received by trust funds; rents and royalties on the Outer Continental Shelf. That is what function 950 is.

Look at what has occurred just in the Senate Budget Committee, a whole host of amendments offered by our colleagues from the other side, paying for every one of them, they said, out of this tiny little function 950 which is undistributed offsetting receipts. They offered a total, Mr. President, of $764 billion over 5 years in cuts they were going to pay for out of function 950; $764 billion that they were going to pay for out of unspecified cuts in this tiny function of the budget.

Now they are coming in and saying we are going to pay for the Btu tax out of this tiny little function 950 of offsetting receipts and unspecified cuts. They are going to pay for $85 billion in revenue losses out of this function 950. An impossibility; an impossibility.

If they want to do away with the Btu tax, come in and tell us; how are you going to pay for it. Or then just confess what is the truth: We do not want to deal responsibly with the deficit. We know there is a deficit out there, but we do not want to have our fingerprints on any unpopular effort to deal with it.

That is what it is all about, Mr. President. That is what this function is all about. They are actually taking it out of function 920, allowances. But the principle is really the same. There is just nothing there.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. SASSER. Yes; I will yield for a question.

Mr. DOMENICI. If I understand you correctly, when the President's budget was submitted to the Budget Committee under function 920, this little bitty function you are speaking of did not have anything in it. Then the chairman put $39 billion in it with a minus sign in front of it. I think you were saying—that was when you had to provide some more budget cuts—Senator PACKWOOD, remember CBO told them they were off?

Mr. PACKWOOD. $40 billion.

Mr. SASSER. Is the Senator addressing the question to Senator PACKWOOD or me?

Mr. DOMENICI. To you, but I saw him listening so I wanted to make sure he knew.

Let me ask, did you not put $40 billion in unspecified cuts in the same function to meet the CBO's objection to the President's budget? And why do they belong in there any more than anything else?

Mr. SASSER. As the Senator knows, and he knows the budget as well as anyone in this body, he knows that is a traditional use of function 920.

Mr. DOMENICI. Just as this is.

Mr. SASSER. The point I am making here is that our colleagues on the other side of the aisle had 764 billion dollars' worth of cuts in amendments over 5 years that they sought to offset with function 920. No wonder these proposals coming from the other side of the aisle are not taken seriously by editorial writers across this country, by the press, or by disinterested observers. There are no serious proposals that we have seen so far coming from our colleagues on the other side of the aisle to deal with this deficit.

I really wish that there were. I think if some of our friends on the other side had their way, there would be serious proposals coming from some of them, because I happen to know some of them on the other side of the aisle are concerned about this deficit and they want to make responsible proposals. I well remember back in the early eighties, when at that time there was much concern on the other side of the aisle when Senator DOMENICI was chairman of the Senate Budget Committee, much concern about the escalating deficit then.

The then-chairman of the Finance Committee, Senator DOLE, had the courage to come forward and say, yes, we have to do something about this deficit. At that time, the distinguished chairman of the Finance Committee, now the very able minority leader, called for a broad-based energy tax. In the summer of 1982, as chairman of the Finance Committee, Senator DOLE told the Reagan administration if they did not want to end up with an even bigger deficit, then they needed to do something about it, and he suggested an energy tax. I want to commend him for it. The distinguished Senator from Kansas has stood on this floor, I think, on many occasions and taken some unpopular positions in an effort to fulfill his responsibility, first as chairman of the Finance Committee, and later as minority leader in dealing with this deficit.

But I say to my friends that we simply cannot drop this vital element of the President's budget and his economic program without having some way to pay for these revenues which are going to total some $85 billion over 5 years. If we just want to say, OK, we are not going to reduce this deficit $502 billion over 5 years, we are going to reduce it by some $417 billion over 5 years, then I say to my colleagues, let us just say it; let us be honest about it and say that we do not have any means of replacing lost revenues from this Btu tax and we are just going to borrow another $85 billion over the next 5 years. That is what we have done for the last 12.

But the difference is that the American people have said they want a change. They are tired of these borrow-and-spending policies. They say that they are ready to make a shared contribution to try to deal with the problems of the deficit, and they say that because they are concerned about their country, they are concerned about the future of their children.

I call to the attention of my friends on the other side of the aisle the Wall Street Journal-NBC poll that appeared just a few days ago, that showed the American people preferring the President's economic plan 2 to 1 over their proposal that did not raise taxes.

So the American people are way ahead of them on this. They are saying the thing that troubles us most is irresponsibility in dealing with this Government's fiscal affairs, and we are willing to make a contribution, a shared sacrifice, if this will alleviate the problems of the Federal budget.

If this proposal should pass, if the Btu tax were to be thrown overboard, and I do not like any taxes myself; I do not like a Btu tax, but I will say this: There are some favorable effects flowing from it. We are all concerned about the environment, at least we all say we are concerned about the environment. This Btu tax will encourage conservation. Some have calculated that this Btu tax will go a long way to moving this country back in carbon monoxide emissions to the 1990 levels from the year 2000 as we agreed to do at the Rio meeting just last year.

Mr. President, another salutary spinoff from this Btu tax will be to discourage energy consumption and particularly oil consumption. We in the United States on a per capita basis use much more oil than any other country in the world. It is calculated that this Btu tax will go a long way to reducing our oil consumption.

Mr. President, I am losing my voice here. Let me yield the floor momentarily.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I yield the Senator from Wyoming 5 minutes.

Mr. WALLOP. Mr. President, I thank both Senators.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I think it is amusing, to say the least, to be lectured by the chairman of the Budget

Committee about specifics, he having just voted for the amendment of the Senator from Iowa which contained no specifics but just a vague instruction not to charge money for barges.

I would like to just take this quick opportunity to criticize another statement that he made which talks about the admitted but slight effects. I do not think it is a slight effect if you work for Boeing and have lost your job because this tax is a subsidy for Airbus.

How is it a subsidy for Airbus? They do not have to pay the tax. And by putting $1 billion onto the airlines we have made their new purchases of airplanes another half a decade further away. Airbus is a cheaper airplane now because it does not have that tax to pay.

So we are subsidizing foreigners. We are subsidizing foreign oil with this tax. How? Because since the President and his able people want to hide this tax from the American people, they will not put it out for the consumer to know he is paying it, and therefore, it cannot be assessed on refined products. Having not been assessed on the refined product, the refined product comes in here and does another thing. Its slight effect, I would say to the Senator from Tennessee, is to put people in the American refining business out of business.

He also gives us a long song and dance about how this is environmentally sound. How, may I ask, will Vice President AL GORE's Rio demands be met by making high sulfur coal a cheaper fuel than the clean renewable water of the Pacific Northwest? How does it do it by eliminating the viability of nuclear power?

The purpose of the tax, Mr. President, is not to raise money but to satisfy a Rio demand of the Vice President. Because if the purpose of the tax is satisfied, two great new things happen. A whole new class of dependent Americans becomes ours to witness. Why? Because food stamps have to be issued to take care of people newly eligible for the stamps by virtue of having had to pay the Btu tax. Why? Because the earned income tax credit makes more people eligible for dependency on the Federal Government. These are hardworking Americans who are now not dependent on the Federal Government. The political science of this is great; this new Government dependency goes right around and these hardworking Americans must vote for the people who will now shell out money to keep them from having to pay the Btu tax.

It also fails on Rio because the tax makes the Pacific Northwest less blessed by clean, renewable hydropower. The tax fails on revenue because of the income transfers that are required. And it does one thing that the President promised when he said he was going to rework welfare as we knew it. How? By putting more Americans under income umbrellas.

Mr. President, this Btu tax is pernicious; it is dishonest because it is hidden from the people who will pay it. It puts people and Americans out of work. This amendment has the specificity required to remove new spending. If the purpose of the tax is solely to provide for new levels of Government, it succeeds brilliantly. If its purpose is to provide revenue, as the Senator from Louisiana and the Senator from Tennessee have said, it fails on every count because the new American is made dependent, the new American is eligible for food stamps, the new American who requires earned income transfers are now wards of the Government, under President Bill Clinton. It also fails environmentally.

And let me just say to my friend from Tennessee that its admittedly slight effects are not so slight when it is to the tune of $300 for a person in Wyoming. Maybe they do not live far from work in Tennessee but they live far from work in Wyoming. To my ranchers, my farmers, my miners, my county governments, my school districts who have to bus some kids 70 miles one way in a day, these are not slight effects, I would say. These are the effects of a Democratic Party seeking to embrace new dependent constituents.

I thank the Senator from Oklahoma.

The PRESIDING OFFICER. The time has expired. Who yields time?

Mr. NICKLES. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator controls 35 minutes.

Mr. NICKLES. How much on the other side?

The PRESIDING OFFICER. Thirty-nine minutes.

Mr. NICKLES. I thank the Chair. I yield to the Senator from Texas 5 minutes.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank our dear colleague for his leadership, and I want to thank Senator SHELBY from Alabama for his leadership, for his courage, and for putting his constituents first. I think he has been a good lesson for us here today, and I simply wanted to make mention of it.

Mr. President, when the President gave the State of the Union Address, he said this energy tax is a throwaway, $10 a month, $120 a year. What he did not tell us was that was the direct cost, the increase in the cost of gasoline, the increase in the utility bills. But even his plan shows another $200 cost per family in the cost of everything going up because energy goes up in cost, everything from groceries to an airline ticket.

So in the President's budget, the cost of the energy tax is not $120 as he said in the State of the Union Address but $320. But now as outside groups are doing estimates, groups like the group headed by former Secretary James Schlesinger, who was Energy Secretary under President Carter, this tax is going to cost $500 a year per family on average in amount—more if you live west of the Mississippi, and more if you live in a rural area.

Our dear colleague from Louisiana said this is no problem because all of my people are going to get the earned income tax credit. Let me remind our colleagues, senior citizens do not get earned income tax credit. A lot of working Americans do not get earned income tax credit. A lot of people are not going to be protected.

What does the amendment do? The amendment before us cuts spending by $73 billion and eliminates this tax.

The budget now before us increases spending on new programs by $136 billion. What this amendment does is it takes $73 billion of the add ons away and eliminates this energy tax.

Our colleague from Tennessee says we do not have an alternative plan. Our alternative plan is as simple and direct as a plan can be: Do not increase spending by another $73 billion over the level we are spending now and do not impose this oppressive tax on the American people. That is what this amendment is about. It is a very simple plan. Every penny of the Btu tax is spent. None of it goes to deficit reduction.

Our colleagues talk about we have to stand up and raise taxes to lower the deficit. Not one penny of this Btu tax goes to deficit reduction. Every penny of it and more is spent on new programs under the Clinton budget.

So what we have done is simply said this: Out of the $136 billion of new add-on spending programs in the President's budget, take $73 billion of them away and do not impose the Btu tax. The Btu tax will raise energy costs on every American family. The Btu tax will make every American exporter less competitive. The Btu tax is going to affect the country, affect our growth capacity, affect job creation. It is a very poorly designed tax, and it is a tax that is going to cost us in terms of economic growth.

Does anybody here believe that the benefits of the 73 billion dollars' worth of new spending programs will really be worth the Btu tax to pay for it? Will it be worth the jobs? Will it be worth the cost imposed on the people who do the work, pay the taxes, and pull the wagon? The Senator from Oklahoma says "No." The Senator from Alabama says "No." I am proud to have my name on the list of those who say do not impose an energy tax. Do not impose a burden on working families. Do not destroy American jobs to increase spending.

It would be one thing if this money was going to deficit reduction, but every penny of it and more is going to pay for 136 billion dollars' worth of add ons. Take the new spending away. Take the Btu tax away.

I urge my colleagues to vote for this amendment.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. NICKLES. Mr. President, I yield the Senator from Oregon 4 minutes.

Mr. PACKWOOD. I thank my good friend from Oklahoma.

Mr. President, there has been much debate here about specific taxes. Earlier we were talking about the Btu tax and the chairman of the Finance Committee, Senator MOYNIHAN, made a good point. You are not ordering a Btu tax. You are saying to the Finance Committee here is the amount of money to raise. We recommend this but come up with it as you want. Likewise, on the spending cuts, this may be a generic outline but you are not ordering the committees to come up with these cuts. You are saying here are the goals we want to reach.

We are involved in a philosophical debate here, and it is a genuine philosophical difference between the political parties. The Republicans want to tax less and spend less. The Democrats want to tax more and spend more. Those are honest differences of opinion. Harry Hopkins, Roosevelt's chief aide, 60 years ago said it very clearly. "Our philosophy is tax and tax, spend and spend, elect and elect." And the Democratic Party has not changed in 60 years.

I will make this prediction. I want to be on the record now. If President Clinton's budget is adopted exactly as we have it, dot every "i," cross every "t," 5 years from now, we will be spending more of our gross national product by the Government, we will be taxing more, percentagewise, of our gross national product, our unemployment rate will be higher, and the deficit will be bigger than it is today.

Critics will say, oh, no, because this goes to deficit reduction.

I will tell you what will happen if we pass this budget exactly as it is with permanent taxes in it. They will never come off. What will happen is the next Congress and the Congress after that will have a demand to spend, and we will. Let me make that prediction. A higher percent of our gross national product will go for taxes, higher percent will go for spending, the deficit will be bigger, and unemployment will be bigger.

But all this amendment does is to take this generic outline—this is not a blueprint, this is an outline—and the Republicans are saying, let us cut $74 billion in taxes, and we will say to the Finance Committee, you have to raise $74 billion less, and let us cut spending $74 billion. And we are saying to the relevant committee, you cut the spending $74 billion. That is all. It is a philosophical decision, and this body can make whatever choice it wants. I personally am for smaller government and less taxes and less spending. I think the Democrats are for bigger Government and more taxes and more spending.

I thank my good friend from Oklahoma.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I thank the Senator from Oregon. I yield to the Sentor from Alaska 4 minutes.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair. Mr. President, we are told not to take seriously the amendment that we have proposed. Let me tell you, Alaskans take the amendment seriously. We are looking at a potential cost, as a consequence of the Btu tax, of approximately $1,500 per household.

I ask that this statement put out by the American Petroleum Institute today entitled "Proposed Energy Tax Will Hit Alaska Hard" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the American Petroleum Institute]

PROPOSED ENERGY TAX WILL HIT ALASKA HARD

OVERVIEW

The Clinton Administration's proposed BTU energy tax would hit Alaska's citizens especially hard—much harder, in fact, than it would most Americans. According to the U.S. Department of Energy, Alaska consumed about 550 trillion BTUs in 1990.[1] This means Alaska residents would have paid $216 million—equivalent to $1,521 per family of four—in additional energy taxes, had the Clinton Administration tax proposal been fully implemented.[2] A tax burden this large would slow the state's economy, cost jobs and make goods and services produced in Alaska less competitive in world markets.

ENERGY TAX IMPACT ON ALASKA

[In millions of dollars]

	Cost	Percent share
Residential	$16.8	7.7
Transportation	102.4	47.2
Commercial	18.5	8.5
Industrial	79.1	36.5
Total	216.7	100.0

Everyone depends on energy every day, so a tax on energy, as a tool to reduce the deficit, would hit Americans hard—and Alaska's citizens in particular. Gasoline and diesel fuel are used to carry people to and from work, haul goods to market, and deliver services to your front door. Jet fuel is used to transport people to business meetings and vacations; LPG (liquified petroleum gas) helps produce petrochemicals; and distillate fuels fire industrial and commercial boilers. Electricity—generated by coal, oil, natural gas, hydropower and nuclear fuels—lights our front porches and cools our offices, factories and living rooms. Coal, too, powers many utilities and manufacturing processes. And natural gas cooks food, heats homes, powers forklifts and performs countless other commercial and industrial tasks. Many of our major industries—petrochemicals, glass, and aluminum are just a few—use tremendous amounts of energy in the production process.

A fairer way to raise money to reduce the budget deficit, after all practical spending cuts have been made, would be to levy a relatively small tax on all consumer goods. Under a value added tax (VAT), energy would be taxed along with other goods and services. However, a VAT would not unduly penalize particular businesses or regions of the country, as would a BTU tax. And a VAT can be designed to exempt essentials such as food and medicine so the poor would not be unfairly burdened. Even with such exemptions, a one percent VAT would raise $27 billion or more.

WHY THE BTU TAX HITS ALASKA HARD

The Clinton Administration has proposed taxing the heat content of fuels, measured in British Thermal Units (BTU's). The proposed tax, in addition to being one of the worst ways to raise government revenue, is also discriminatory. A tax rate of 25.7 cents per million BTUs applies to virtually all energy sources except oil, which is taxed at 59.9 cents per million BTUs (about two-and-a-third times as high as other forms of energy). Alaska gets its energy from a variety of sources, including a large percentage from heavily-taxed oil.

The BTU tax would apply to all sources of energy except solar, wind and geothermal power (which together comprise less than 1 percent of the U.S. energy supply). There would be an exemption for non-fuel uses of energy, such as the raw materials used in the production of fertilizer. Even with these exemptions, the residents of Alaska would be hit hard by a BTU tax. A BTU tax this large would affect every household, worker and business in the state.

ENERGY USE AT HOME

According to the U.S. Energy Information Administration, households in Alaska consumed more than 48 trillion BTUs in 1990. Electricity—for lighting and for heating in particular—accounted for nearly 43 percent of this total. Natural gas and petroleum accounted for much of the remainder. Had the Clinton Administration's BTU tax been in effect in 1990, Alaska households would have had to pay $16.8 million in additional taxes.

ENERGY USE ON THE ROAD

A BTU tax on transportation would hit Alaska residents hard. In 1990, some 570,000 people living in Alaska consumed 172 trillion BTUs to transport goods, services and people. In 1991, the 318,000 drivers in Alaska operated nearly 470,000 registered vehicles and drove 4 billion miles on more than 243 million gallons of motor fuel. Had this fuel—along with jet fuel and other fuels used in transporting people, goods and services—been taxed according to the Clinton Administration's proposed BTU formula, Alaska would have paid $102.4 million in additional energy transportation taxes in 1990. As motor fuel consumption rises—as it is likely to do by 1997 when the proposed tax would be fully phased-in—Alaska residents would likely pay even more in transportation taxes. And few Alaska citizens have access to mass transit as a way to reduce their exposure to a BTU tax on motor fuels.

---

[1] This end-use energy consumption figure excludes non-fuel uses of fossil fuels. For example, the natural gas used as a raw material in the manufacturing of fertilizer would not be taxed.

[2] The details of the proposed Clinton Administration BTU tax are not yet available. However, its broad outlines are known and, in this paper, the impact of the tax is assumed to occur in the same state where the end-user energy consumption occurs. The figures therefore reflect on-site consumption and not the fact that industrial firms and some commercial firms eventually pass through to their customers some—or all—of the tax. To the extent that firms can do so to out of state customers, impacts among states will vary from those shown here.

ENERGY USE ON THE JOB

Energy powers in the state's economic growth—and its job growth. In 1990, the commercial and industrial users of energy in Alaska consumed more than 330 trillion BTUs. Had this energy use been subject to the proposed BTU tax, Alaska businesses—and ultimately, consumers—would have paid more than $98 million in additional energy taxes for their goods and services in 1990. Energy-intensive industries that are important to the Alaska economy include lumber, paper and pulp, and mining.

Lumber and logging are heavy energy users. Energy is needed to cut, stack and haul trees to sawmills and planing mills. Moreover, trucks and trains that deliver hardwood flooring, plywood and other forest products to their end-users consume energy that would be subject to the proposed BTU tax.

The construction industry is a big energy user. Cement companies in particular consume large quantities of energy in order to produce and transport concrete to sites to build bridges, office buildings, the foundations of new homes, and new shopping centers. Energy also is consumed producing fabricated structural metal, concrete block and brick, glass and ceramic wall and floor tile.

Every manufacturing process consumes energy. Coal, oil, natural gas and the electricity produced from a variety of energy sources power factories. Trains, trucks and planes consume energy when they deliver raw materials, such as steel, aluminum or plastics to the factory door. And energy is consumed when the finished product is transported to regional distribution centers and retail outlets. In fact, according to the National Association of Manufacturers, "one-third (and possibly more) of the total BTU tax would fall directly on industrial production processes."

In short, a BTU tax would raise household, transportation and business costs. Higher costs would have a ripple effect. Some of Alaska's citizens would lose their jobs because consumer buying power would be reduced as a result of sending more tax dollars to Washington and the higher cost of goods and services. And the things Alaska's residents produce for export would also become less competitive in world markets. This, too, could result in lost jobs.

VALUE ADDED TAX IS A MORE EQUITABLE ALTERNATIVE

A BTU tax is not the only option for dealing with the federal budget deficit. If after making all reasonable and realistic spending cuts policymakers decide additional government revenues are needed, a tax on consumption, such as a credit-invoice value added tax, or VAT, would be fairer than a tax levied solely on energy. Unlike an energy tax, a VAT's regressivity can be reduced by excluding critical goods and services such as food and medical care.

The VAT, already in use in virtually every industrial country in the world except the United States, would apply to energy, but also to other consumption. Its burden would be spread uniformly across the U.S. economy and would not unduly penalize particular businesses or regions of the country. The BTU tax, however, would have a far greater impact on the residents of Alaska than on others.

Regional inequities of the BTU tax on a four-person household

Region:	*Annual Tax*
Southwest	$652
Southeast	507
Rocky Mountain	489
Plains	466
Great Lakes	446
Far West	439
New England	405
Mid-Atlantic	390

NOTE.—People living in rural regions (where driving distances are long) and regions with more energy-intensive industries will be particularly hard-hit by the energy tax.

Mr. MURKOWSKI. It says the tax burden of this magnitude will slow our State's economy, cost jobs, and makes goods and services produced in Alaska less competitive in the world marketplaces.

Mr. President, as we address the issue of equity, this Btu tax is grossly unfair. It proposes to treat gas, coal, and hydro at a rate of 25.7, but it takes oil and adds 34 cents per million Btu and calls it a special surtax.

Mr. President, it is not a surtax. It is a sin tax. It puts us into the category of tobacco and liquor. The logic of this absolutely escapes me. In the bush communities in Alaska, up to 25 percent of the income goes for energy. We are big, we are cold. We are not going to save anything from the standpoint of saving oil because it takes so much kerosene to get there in the jet, just as it does my friend in the chair from Hawaii. We are large, we are big, we are cold. The national average of household income spent on energy is about 7 percent, compared with 25 percent in the State of Alaska.

Mr. President, we are looking at the energy industry of this country, which constitutes about 9.8 percent of the gross national product, to come up with 22 percent of the new taxes proposed by the President. It is hurting the fishermen, the farmers, the miners, our international competitiveness, and costing jobs. And what we are also looking at is a proposed tax on energy to produce energy, like LNG, like the fertilizer urea. This is going to affect our international competitiveness. There is no consideration in here for the inflation factor. One airline in my State of Alaska, Alaska Airlines, is looking at a $19 million increase as a consequence of this Btu tax, no offsetting entries. It is simply not fair.

I think we ought to address the question of why some of the oil companies are for it. Most of the oil industry is against it. It is not good for Americans. But some majors are for it. The question is why. They have different sources of crude oil and refined products. Some of them depend on imports. Those imports will undoubtedly increase. The beneficiaries will be the Saudis and Mideast countries, not necessarily the United States, the U.S. consumer, or the taxpayer.

The oil companies are going to go down, Mr. President, and talk to the Treasury and hope that they can work something out. Right now nobody knows how it is going to work out. It is an individual negotiation. Members of this body and myself are going to watch those negotiations. We are going to watch those special interest groups to ensure that there are no loopholes granted in any proposal of a nature such as this.

Mr. President, this tax is simply not well thought out. It hurts the U.S. consumer, and it hurts those that are dependent on oil and have absolutely no other alternative. In my home in Alaska, I only have oil. My neighbors only have oil. Yet we are being asked to make a fair contribution which is not fair because of the special 34-cent surtax. And the equity of that escapes me.

I urge my colleagues to support the pending amendment, which is, in good conscience, what is best for America.

I will support the amendment of my colleague from Oklahoma.

I thank the Chair.

Mr. NICKLES. Mr. President, I yield to the Senator from New Mexico 4 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank my friend and I thank all the Republican Senators who, I think, have presented an air-tight case for getting rid of the energy tax.

When I was a young lawyer, there was an adage around. It said, when you have bad facts, you bring a lot of law books along. When you have good facts, you do not need any law books.

What has happened here is there is no defense for this energy tax. It is not needed. It is not good for anyone. It is going to destroy American business. It is going to harm senior citizens. No earned income tax helps senior citizens in retirement. The poor in America do not get any earned income tax credit unless they are working and unless they have families. There are millions without families. They are not going to get anything out of this attempt to counteract progressivity by expanding the earned income tax credit.

Frankly, it is about as regressive as you can get. It is going to cost jobs, and it is not going to improve the environment. It is not going to do anything to cause us to consume less. Lo and behold, it is going to cause us to produce less oil.

Then, when you have all of those facts against you, you bring out the law. And the law is budgetese. The law is putting up a chart, talking about all of the Republican amendments. Keep in mind, if one of them had passed, we would not have offered the other ones. We are giving examples of how one major amendment will be funded. That is what we are doing. And we are assuming, if it passes, we do not take the other one up. So everybody should dispel any notion that we do not have a plan. This is the first installment of a Republican plan, and it is very simple—$72 billion less in taxes, and $72 billion less in new Government expenditures.

There is nothing more difficult than that, nothing erroneous about that, nothing wrong with that under the budget system. Clearly, that is how you do it. Function 920 is more budgetese. The chairman, a marvelous Senator, who knows the budget, and when it works to his purpose, he does not talk about it. He put $40 billion in unspecified cuts in it to make his budget work, and then he would have the American people say that the Republicans do not have a budget. That is why they are up here doing this. This budget is clear. The appropriators in the U.S. Congress will have $72 billion less to spend if the Nickles amendment is adopted.

The President asked for $124 billion in new programs and add-ons. We are saying spend $72 billion less of that. Very simple and forthright and very true. And on the tax side, why do we want to tax energy? This is no environmental tax. It may have started out as a great environmental bonanza to America, but the administration negotiated it out in such a way that it does not help the environment. You pay twice as much for crude oil as you do for natural gas, the cleanest of all fuels. Hydroelectric and natural gas, they get a big whopping Btu tax, and they do not have anything to do with the environmental problems of the country. So on all scores it does not work. There are no facts to support a Btu tax. You have to come with some legalese, and the legalese is to make excuses and talk about Republicans and talk about no plans.

I close by saying for those who wonder about our plan, this is the first installment tonight, $72 billion less in taxes, $72 billion less in expenditures. I think the American people expected that. Thank you.

Mr. SIMPSON. Mr. President, I rise in support of the amendment offered by Senator NICKLES, Senator WALLOP, and others, to eliminate the Btu tax from the pending budget resolution.

Mr. President, we have heard so much about sacrifice in the debate over the budget deficit. And sacrifice will surely be needed if deficit-reduction is to be achieved.

The amendment before us has nothing to do with backing off of any necessary tough medicine. It does not undercut the deficit reduction in the pending resolution—it leaves all of the deficit reduction intact, and indeed, I will argue that the pending amendment would improve the resolution's prospects for lasting deficit reduction.

What this amendment does is simply to lower the amount of new taxes and new spending in the bill. Thus, it shifts the sacrifice from the working Americans who would have to pay the costs of the Btu tax and asks for more sacrifice from Members of Congress who are anxious to spend public money. That is all that it does. It eliminates an amount of new spending—not existing spending, but new spending, above and beyond projected increases—and uses that savings to save working Americans from the presently unseen—or apparently understood—effects of the proposed Btu tax.

If sacrifices are indeed necessary to reduce the deficit, they ought to start here in Congress with some spending restraint. Recently we reduced legislative branch appropriations and committee staff funding, an appropriate bit of belt-tightening. However, I don't believe that this entitles us to a new spending spree of $124 billion over 5 years—which I repeat again, is over and above projected increases.

So let us be very clear about what is in this budget resolution. New taxes—nearly $300 billion in net new taxes. Spending cuts? On the domestic side—only $7 billion in net domestic spending cuts. While we are only cutting domestic spending by $7 billion, we are hitting the American public with a whopping tax bill—including $78 billion in energy taxes.

We hear a lot of rhetoric in this Chamber about how some are unwilling to bite the bullet to reduce the deficit because they are protecting some special interest. I would suggest that those who oppose this amendment are protecting the special interest of congressional spending at the expense of the working Americans who will pay this tax. This budget resolution asks those Americans to pay $78 billion in new taxes so that we can have the luxury of embarking on popular new spending initiatives that will get everybody reelected. Surely the American people can figure that out.

The Btu tax is undeniably regressive. The administration has admitted as much by proposing a low-income energy assistance program to ameliorate the effects of the tax. But if we simply scale back some of the proposed new spending spree, we can eliminate the need for this tax altogether.

I would make one final point before I close. This amendment is scored as being revenue-neutral. I believe it is better than that—it will improve the long-term deficit-reduction potential of this resolution.

This is because all of the new spending in the resolution will permanently work its way into budget baselines in years to come. A dollar spent this year will mean an inflation-adjusted dollar spent next year, and again every year after that. All new spending plans will be figured in relation to the accelerated levels of spending created by these new spending initiatives.

On the other hand, there is no reason to believe that the revenue from this tax would increase to keep pace with the proposed new spending. In fact, the opposite is true. The extent to which new taxes burden our economy and diminish projections of Federal revenue is never properly accounted for. We will be fortunate indeed if the Btu tax produces its projected revenue.

Passage of this amendment would mean eliminating a dubious revenue projection, while at the same time eliminating assuredly increasing new spending. That is a trade which would be beneficial for us to make. We would also be placing back upon this Congress some of the burden which this resolution currently seeks to shift onto working Americans. I hope my colleagues will support this amendment and I yield the floor.

Mr. SASSER. Mr. President, I intend to yield almost immediately to the distinguished President pro tempore of the Senate, but let me just say: This is a plan to reduce the deficit, to get this economy moving again? This is a plan that comes up with $764 billion in unspecified cuts over 5 years? This is a plan, which to pay for it you would have to reduce domestic discretionary spending by 60 percent over 5 years.

What kind of plan is this, Mr. President? Look here. Eliminate Social Security tax. How do you pay for that? Unspecified spending cuts. What are they? Eliminate the energy tax. How do you pay for it? That is $73 billion, with unspecified spending cuts. Restore defense spending. That was one of the amendments. That is $56 billion. How do you pay for that $56 billion in increased spending? Unspecified spending cuts. Protect small business and family farms. Sounds great—$56 billion. How do you pay for it? Unspecified spending cuts. Reduced discretionary programs, 50 percent. How do you pay for it? It is $46 billion in unspecified cuts. It goes on and on.

So the point is, Mr. President, that is just the kind of plan that got us in the hole we are in now, and if we adopted all of these proposals that make up some kind of plan, the distinguished chairman of the Appropriations Committee would have to reduce his appropriations for domestic discretionary spending by 60 percent over 5 years. Why, that is ridiculous. You would have to shut down almost all of the operations of the U.S. Government.

Well, the distinguished chairman of the Appropriations Committee and President pro tempore is on the floor. I am sure that he will address this matter in his usual eloquent and exhaustive fashion. I look forward to hearing from him.

I yield to my friend from West Virginia such time as he may consume.

Mr. BYRD. Mr. President, I thank my friend.

Twelve years ago, this Nation embarked on a grand new fiscal experiment. It was an experiment based upon the theory and all too attractive promises of supply-side economics. We were told at the time that if we would cut domestic spending, we could also reduce taxes—3 years in one fell swoop in cutting taxes; 5 percent, 10 percent, and 10 percent—increase military spending, and still balance the overall Federal budget.

I will say it again. We were told—I heard it, I was here, and I listened—that if we would cut domestic spending, we could also reduce taxes, increase military spending, and still balance the overall budget—I mean, just in a matter of 2 or 3 years—"In FY 1983, if not in FY 1982," I believe were the exact words, all at the same time. Talk about pulling a rabbit out of the hat. We were told that it could be done. And the people said, give the new President a chance.

What did we do? I voted to give the new President a chance. We slashed real, domestic discretionary spending, and far more substantially than most might realize. We also cut taxes, again far more substantially than most might realize, and we massively increased military spending. Yet, we did not balance the budget—not by a long shot. Instead, we incurred an unbroken string of triple-digit billion dollar deficits.

Let us go back just a little way over the path of time. Here is a chart. Look at the first year of the Ford administration budget. It ran a $70 billion deficit. The second year, a $50 billion deficit. The first year of the Carter administration, a $55 billion deficit. The second year of the Carter administration, we ran a $38 billion deficit. The third year, a $73 billion deficit, and the fourth year, a $74 billion deficit. In other words, double digit deficits in the billions.

Then, for the first year for which the Reagan administration was responsible, the man who said that if we would follow his will-o'-the-wisp supply-side economics theory, cut taxes, cut spending, and raise military spending we would balance the budget, what happened? In the first year for which his administration was responsible, the chart show a $120 billion deficit for the first time, a triple digit deficit in the billions, $120 billion. The next year it was $208 billion, then $186 billion the next year, and the next year $222 billion.

So the first 4 years of the first Reagan administration we see what we got. We did not get balanced budgets. Then the first year of his second administration, $238 billion, the second year $169 billion, then $194 billion, and then $205 billion.

No balanced budgets in sight. Look anywhere you please.

Then we came to the first year of the Bush administration. A $205 billion deficit. The second year a $278 billion deficit, the third year a $322 billion deficit, and last year $340 billion in the red.

No balanced budget anywhere in sight. Look where you may—east, west, north, and south, it is not there.

Well, the theory was that slashing the tax rates would generate such a tremendous surge in new economic activity that the tax cuts would just pay for themselves. What a marvelous potion of brew for one to imbibe. And that we could then finance the largest peacetime military buildup in history and still balance our budget.

The theory failed miserably. The promise of fiscal conservatism was overrun by the fiscal radicalism of borrow and spend.

I heard a little while ago one of the great orators on the other side of the aisle talk about how the Democrats believed in taxing and spending; the philosophy of the Democratic Party is to tax and spend, the Senator said.

Mr. President, we saw what the philosophy of our Republican friends was under the Reagan administration and under the Bush administration. The philosophy was borrow and spend. Don't pay for it today. Good morning in America. Use your credit card. So we went on a national credit card binge. We used the credit card. We borrowed money. Have a good time today. There is, indeed, a free lunch. You do not have to pay for it today. Eat, drink, and be merry today. Let our children pay the bills tomorrow.

At that time in the early Reagan years, Senator Howard Baker described the radical new approach that we were undertaking as "a riverboat gamble." Regrettably, it was a gamble that we lost.

As a result of the fiscal folly of the past 12 years, we are left today with budget deficits and a national debt that is skyrocketing out of control.

Let us take a look at our national debt on the chart beside us. Our national debt stands today at over $4 trillion, $4.114 trillion. That is a lot of money. How long does it take to count $1 trillion at the rate of $1 a second? it would take 32,000 years.

On January 20, 1981, when the Great Communicator was sworn in on the west front—and by the way I had more to do with that swearing in on the west front than anyone else had—it was I who insisted that we change from the east front to the west front of the Capitol for the inauguration, and that was a good move. So we had our first swearing in there on the west front. It was a marvelous view. On January 20, 1981, when the Great Communicator was sworn into office, this country had a national debt of $932 billion, $932 billion. Not quite a trillion dollars. After 192 years and 39 administrations, this country had a debt of $932 billion, $932 billion. It had gone through all the administrations: George Washington, John Adams, Jefferson, Madison, Monroe, John Quincy Adams, Jackson, Van Buren, Harrison, Tyler, Polk, Taylor, Fillmore, Pierce, Buchanan, Lincoln, and the first Johnson, Andrew Johnson, and then Grant, Hayes, Garfield, Arthur, Cleveland, Benjamin Harrison, and Cleveland again.

Then McKinley, Teddy Roosevelt, Taft, Wilson, Harding, Coolidge, Hoover, Franklin Delano Roosevelt, Truman, Eisenhower, Kennedy, Lyndon B. Johnson, Nixon, Ford, and Carter.

Our country endured through all of the panics; the panic of 1837, the panic of 1857, the panic of 1873, the panic of 1893, the Great Depression of the 1930's. Our forefathers paid off the Revolutionary war debts, they paid the costs of the War of 1812, the war with Mexico in 1846–1848, the Civil War, the Spanish-American war in 1898, World War I, World War II, the war in Korea, in Vietnam, all of these, mind you, yet the country had run up a national debt of $932 billion—less than $1 trillion.

But as President Reagan once said, "You ain't seen nothing yet." Well, we had not seen anything yet.

In the 12 years of the Reagan and Bush administrations, and the Bush and Quayle administration, that debt more than tripled—more than tripled—in the end, we had a quadrupling of the national debt, $4.114 trillion. That is how we got there.

Well, I voted for the tax cut Mr. Reagan had promised with all these magic incantations. I listened to him and I voted for them, and I voted for the massive buildup in defense spending. I voted for everything that came along in defense. You name it, I supported it here on the floor.

What is the result of a national debt of this proportion? This debt continues to rise with supersonic speed. When I was in high school we read a book, "Around the World in 80 Days," by Jules Verne, 80 days around the world. Today, men travel around the Earth in 80 minutes. And we are going upward at supersonic speed, with this national debt.

Well, the interest on the debt was $69 billion in 1980. And for this year it is going to be $199.6 billion.

Now we hear all this ripping and roaring and gnashing of teeth and shedding of tears about taxes. And I have had my handkerchief out, also, shedding a few tears myself.

But what about this hidden tax, this interest payment on the national debt? That is a hidden tax. And you pay it and you pay it and you pay it and I pay it and they pay it and she pays it. We all pay the hidden tax on the national debt.

(Mr. KERRY assumed the chair.)

Mr. DOMENICI. I do, too.

Mr. BYRD. The Senator from New Mexico does not want to be left out in this. He pays it, too.

He pays it, too, that noble Roman. This is a hidden tax and it buys not one textbook for the schoolchildren of the Nation.

Well, within the next few weeks, we, in the Congress, will be asked once again to raise the statutory limit on the Federal debt, and we will be forced to do so. No doubt, there will be much wrangling; we will hear a great deal of lofty rhetoric that will make the rafters ring; many fine speeches will be made. But, in the end, after the dust has settled and the smoke from the vocal guns has floated away, we will have to raise the debt limit. We will do so in order to avert shutting down the Federal Government and to avoid wreaking havoc in the lives of millions of Americans. For the 27th time in 12 years, we will raise the debt limit so that Social Security checks can be mailed out, so that veterans can continue receiving medical care, so that the FBI and the DEA can continue to fight crime and drugs in America, so that disaster assistance can continue to flow to those battered by blizzards, tornadoes, hurricanes, and other acts of Nature, and the list goes on.

Again, we will raise the debt limit, and many may view our doing so as a sign that, despite all the talk of change, business as usual continues in Washington. Yet, before we take up the issue of raising the debt ceiling, we have an opportunity to show the American people that business as usual is not the order of the day. We have an opportunity to show the American people that we intend not only to talk about change, but also to enact change, and that opportunity is before us today in the form of the fiscal year 1994 budget resolution reported by the Senate Budget Committee.

The resolution before us represents a complete turnaround from the failed fiscal policies of the past. It provides for deficit reduction of $500 billion over the next 5 years, and it does so through a balanced mix of both spending cuts and revenue increases. Moreover, it signals an equally important change in our fiscal priorities by providing for enactment of a package of investment initiatives that will allow us to address infrastructure needs too long neglected, and thus help lay the foundation for strong and steady economic growth in the years to come. Even with these investment initiatives, the resolution reported by the Budget Committee will produce $500 billion in deficit reduction over the next 5 years.

Now, there are those who suggest that the resolution before us is inadequate, that it does not go far enough or fast enough in terms of reducing our budget deficit. Others criticize it for its mix of spending cuts and revenue increases. To both, I would respond by urging them to take a second look. These are the most difficult of times. We face the conflicting pressures of wanting to gain control of a budget that is unquestionably out of control; yet, of having to do so in the midst of an economic recovery of uncertain strength and fortitude. We find ourselves walking a fiscal tightrope—trying to bring down the deficit in an orderly fashion without either going too slow, so as to raise concerns about the legitimacy of our endeavor, or too fast so as to slow our economy and risk throwing it into recession.

To those who suggest that $500 billion of net deficit reduction is not enough, I urge them to consider the consequences of pushing too hard and throwing our economy back into recession. As we struggle to bring down the deficit, nothing would be more counterproductive than to set too high a target and cut short the current economic recovery. To those who argue for greater spending cuts and fewer revenue increases, I likewise urge them to recognize that reducing spending can create a drag on the economy, and therefore, poses risks of its own. Although one might question or debate the relative productivity of certain types of Government spending, one cannot deny that Government spending generates real economic activity. When the Government spends money, that money does not simply vanish into thin air. To the contrary, it goes toward buying goods and services, toward paying salaries, toward increasing disposable incomes—to repeat it, it generates economic activity. Cutting spending can have real, adverse economic consequences. To blindly call for further massive reductions in domestic spending, seemingly without any regard for the negative impact such cuts could have on our economy, is foolhardy.

Finally, to the critics of the budget resolution reported by the committee, I would draw their attention to the extraordinarily positive reaction of the financial markets to the President's economic proposals. While not identical to the plan unveiled by President Clinton last month, the budget resolution before us conforms to the basic outlines of that plan in that it seeks to both reduce the deficit and increase public investment. Again, I believe the undeniably positive reaction of the financial markets to the President's plan confirms the appropriateness, both as to its timing and its balance between spending and taxes, of the deficit reduction plan contained in the resolution of the Senate Budget Committee.

In addition, I believe it appropriate that we all ask ourselves, what is our reason for wanting to gain control of our budget and stop the runaway increase in our national debt? What motivates us in this endeavor? Clearly, it is that we wish not to burden our children and our children's children with an unmanageable debt that will stifle economic growth in the years ahead and keep them from enjoying an ever-rising standard of living as we have enjoyed—a rising standard of living. The folly of the past 12 years is not simply the enormous debt that was accumulated. It is more the fact that an unprecedented amount of debt was taken on without any corresponding buildup in investment. Simply put, the tragic legacy of the 1980's is that, from a mountain of debt, we made but a molehill of investment. We took on more than $3 trillion of debt in only 12 years; yet, we invested little, little—we invested little in our Nation's infrastructure, in our workers and our children, or in civilian research and development—public investments that help maximize the return on private investment and enhance productivity growth. Now, we face runaway budget deficits, we spend $200 billion a year on interest on the national debt—that $200 billion is a hidden tax—and our economy is mired in the most anemic economic recovery on record.

Sadly, the policies of the past are demanding their due. The chickens have come home to roost.

Fiscal policy should be directed at laying a foundation that will encourage and promote economic growth. Government itself may not be the engine of economic growth, but it certainly can help lay the tracks and maintain the rail bed. The focus of our efforts should be to establish policies that promote investment and thus lay a foundation for sustained long-term economic growth. Investment is the key to long-term economic growth. The proper role of Government, therefore, should be to promote investment, not impede it.

It is in this regard, however, that our national debt and the projections that are made of future budget deficits are so troubling. When the Federal Government, year after year, incurs one record-breaking deficit after another, we impede private investment by the very fact that private investors are then forced to compete with the Government for the limited pool of available investment capital. At the same time, the cost of carrying our debt—the interest the Federal Government must pay to finance its debt—also impedes our ability to finance important public investment projects.

The cost of carrying our debt: $200 billion, a hidden tax with no return to the taxpayer. It does not buy one lead pencil.

Our massive debt not only forces us to forego the important direct benefits that public investment can provide, but also causes us to lose the stimulative effect that public investment can have on private investment. In my view, the evidence is clear: public investment not only benefits our economy directly; it also encourages greater private investment.

In the eighties, we had a Johnny-one-note policy based on the magic and popularity of low taxes. In the 1990's, we woke up to the sour notes of a long recession, massive unemployment, rising deficits, and a slipping standard of living. In reality, the cut-spending crowd really only cut the heart out of domestic spending. Somehow they did not count Pentagon spending as spending. They were fond of saying, you can't just throw money at a problem. But, look at the money they threw at the Pentagon. Everybody remembers the $600 toilet seats and the $14 light bulbs. That was the folly of the 1980's.

We pumped up the Pentagon with every spare dollar we could get our hands on. But we could spare only pennies for our infrastructure needs.

We slashed domestic spending but the administration forced cuts in domestic discretionary spending. They called it all pork barrel and waste—pork barrel. Pork barrel: Bridges, highways, water, sewer facilities, airport construction—not large airports, except one, but still airport construction. That is pork, they say. We spent $9 billion in Federal funds on the metro system here and I have been fully supportive of it. Is that pork? No. That is in the District of Columbia and environs. All of this infrastructure is investment in our country.

Meanwhile, billions were wasted in a defense spending orgy. We did not fuel our domestic engine of growth, the private sector sagged, and the only thing that flourished was the deficit. We became so enamored of cutting taxes that we undercut our ability to provide basic services to our own people. It was easy. It was popular.

Yes, I was able to go back to West Virginia and say, well, I listened to what you said. You said give this man a chance. And he wanted to cut taxes and I cut them. I voted to cut taxes for the wealthy. That is easy; easy. Easy, as they say, as falling off a log—back in the sticks from where I came. Easy as falling off a log: Cut taxes, raise the standard high—I am for cutting taxes. And so we cut taxes.

Who wants to vote to increase taxes? I do not. Who gets any pleasure out of that? I do not.

Who gets any pleasure out of paying taxes? I do not. But you cannot get something for nothing.

So it was popular, but it was disastrous for the very taxpayers that we were trying so hard to placate.

So what do we hear now from the other side of the aisle?

The PRESIDING OFFICER. The time of the Senator and the time of the Senator from Tennessee has expired.

Mr. SASSER. Mr. President, I yield to the distinguished chairman of the Appropriations Committee such time as he might consume off the bill.

The PRESIDING OFFICER. The Senator has that right.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Tennessee.

Cicero was asked which of Demosthenes' orations he liked best? His answer: The longest.

This is not my longest oration. I am not going to keep the Senate waiting unduly.

In addition to vociferously opposing efforts to scale back our military budget, we hear nothing but disparaging remarks about the President's efforts to boost public investment in America.

If he were living back in the late 1800's, he might also expect to see the flash of a gun from the pocket of a Senator from Mississippi threatening the Senator from Missouri. But we try to keep our tempers in check. Yet, passions are inflamed.

We are told over and over that Government is too big, and that we cannot afford to increase spending by even a dime. Yet, Mr. President, I must protest. For too long, those who would seem to prefer that Government do nothing but "raise and support armies" have been allowed, unchallenged, to portray the Federal Government as an unruly behemoth that overtaxes and overspends, and I fear that much of our citizenry has been taken in by such arguments.

However, the facts, surprising as they may be to many Americans, and perhaps shocking as they may be to many of my colleagues on the other side of the aisle, are that Federal taxation is no higher today than it has been, on average, over the entire postwar period.

Let me explain that. That sounds like a rather outlandish statement.

On the chart to my left, we begin with the Eisenhower administration—that is when I came to Washington. I was sworn in while President Truman was still President. I will always be proud of that. I served under President Truman for 17 days, from January 3 to January 20, 1953; a long time ago. Only one man over on the other side—in the House—has seniority over me on this Hill. So there I was, when Dwight Eisenhower came into office.

This chart shows total Federal outlays and revenues as a percent of the gross domestic product, GDP. And taking, for example, during the administrations of President Eisenhower, total outlays were 18.3 percent of the gross domestic product during his administration.

The next bar represents the Kennedy-Johnson years. The next bar represents the Ford-Nixon years. The next bar represents the Carter years. The next bar represents the Reagan years, and the last bar represents the Bush years. And the same can be said for the bars on the far end of the chart, which are the revenue bars.

So if the viewers will pay close attention, they will see that during this period, going back to the Eisenhower years, total Federal outlays have increased, as a percentage of the GDP, from 18.3 percent during the Eisenhower years to 23.3 percent during the Bush years; in other words, 5 percent increase in outlays as a percent of the GDP.

Revenues, meanwhile, have remained fairly level, going back to the Eisenhower years and proceeding on down through the years under Mr. Bush. We will note that revenues as a percentage of the gross domestic product remained fairly level. That may sound like an astounding statement, but it really is not. It is a fact. Keeping in mind that the gross domestic product, when I first came to Washington at the beginning of the Eisenhower administration, was $223 billion, going back to 1947, the first year, may I say to the Senator from Tennessee, that I served in the West Virginia House of Delegates.

Mr. SASSER. Will the Senator yield for a question?

Mr. BYRD. Yes. Could I just make one other statement? The gross domestic product back in 1947, which is a little farther back here—we just did not have room to extend this chart—but the trend was the same. In 1947, the gross domestic product of this country was $223 billion; $223 billion, not much more than the interest on the national debt that we pay today, which is about $200 billion. But in 1992, the gross domestic product was $5.9 trillion; in other words, it was 24 times as much as it was back in 1947 when Harry Truman was President and I was a greenhorn down in the West Virginia Legislature.

But as a percentage of the gross domestic product, the revenues have not grown very much. Let us go to the next chart.

Mr. SASSER. If the Senator will withhold for just one moment.

Mr. BYRD. I will yield, yes, I am sorry.

Mr. SASSER. Looking at this chart and looking at the years 1982 through 1989 in outlays, we see a growth there of from 21.8 percent of GDP to 23.2 percent of GDP in outlays.

Mr. BYRD. Yes.

Mr. SASSER. While at the same time, on the revenue side, we see a decline in revenues of 19.3 percent of GDP to 18.7 percent of GDP.

Mr. BYRD. Yes, precisely.

Mr. SASSER. And if I recall the Senator's previous charts, those are precisely the years in which we had the explosion of the deficits in the Reagan years.

Mr. BYRD. That is right.

Mr. SASSER. So what the Senator is demonstrating here by his charts is that outlays going up in 1990's—when they said they were cutting spending, Government spending, the outlays were really going up as a percent of GDP faster than any other period shown on the chart and revenues were coming down.

Mr. BYRD. Yes. Exactly.

Mr. SASSER. So that would explain the explosion in the deficits that occurred during the decade of the 1980's. Is that right?

Mr. BYRD. That would certainly help to explain the explosion.

Mr. SASSER. I thank the Senator.

Mr. BYRD. Let me show the Senator something that will be even more of an eye opener.

Let us think about Social Security outlays and revenues, off budget now, Social Security outlays and revenues.

Going back to the Eisenhower administration, as a percentage of the gross domestic product, Social Security outlays were 1.5 percent of the GDP during the Eisenhower administration. And the viewers will note that as the years went by, the percentage of GDP represented by Social Security outlays increased to 4.2 percent of the GDP during the Bush years—remembering, the GDP had increased 24 times over what it was in 1947. So as the GDP was going up, these were going up also. But they were rising more as a percentage of the total GDP over those years.

Now look at the revenues in Social Security. Keep your eyes on the chart. The revenues from Social Security went up from 1.7 percent of the GDP during the Eisenhower administration to 5.2 percent of GDP during the Bush administration. In other words, three times as much—three times as much—percentagewise of the GDP over those years.

Now, as we go to the next chart, remember this chart and the earlier chart. Remember, in the earlier chart we said that revenues over this long period remained pretty much on a level keel as a percentage of GDP. Now, here is Social Security; it did not remain level. It went up, a steep climb, as a percentage of GDP.

All right. That is Social Security revenue. Now, what this chart would show is that, when we take out Social Security revenues over that period—take them off budget—they call it on budget. You take Social Security off budget and you say it is on budget. It is a little confusing, is it not?

George Romney said:

> I didn't say that I didn't say it. I said that I didn't say that I said it. Now, I want to make that very clear.

So it is a little confusing, is it not? On budget or off budget? Anyhow, when we do not count Social Security revenue—remember that revenues with Social Security included were level—when we take Social Security taxes out, what happens to the remaining non-Social Security revenues? They went down, went down from 16.2 percent of GDP during the Eisenhower years to 13.6 percent of GDP in the Bush years. Mind you now, that 13.6 percent of the gross domestic product for revenues, non-Social Security revenues, is the lowest in 50 years—lowest in 50 years.

So if we do not include Social Security taxes, the American people are being taxed less as a percentage of the gross domestic product today than they were 50 years ago. Meanwhile, the non-Social Security outlays have not increased very much as a percentage of GDP—16.7 percent during the Eisenhower period; 19.1 percent during the Bush period. In other words, non-Social Security outlays, increased only 2.4 percent from the Eisenhower years through the Bush years. Right? And the reason these outlays are up, the big reason, is the great increase in Medicare, Medicaid, and interest payments.

Now, let us talk just briefly about the amendment. What does this amendment do? It cuts $73 billion out of investment. It purports to reduce taxes by $73 billion. So it says no Btu tax, $73 billion. And how do we pay for it? Cut discretionary spending $73 billion. Where would the domestic discretionary spending be cut? Nobody says. But remember this, may I say to my friends on the other side of the aisle:

The Finance Committee is not being told to bring in a Btu tax. The Finance Committee can bring in whatever it wants or any combination of revenues to make up the $73 billion. So that is a reconciliation instruction to the Finance Committee. "You go out into the hedges and the byroads and come back with some revenues. We are not telling you to bring back a Btu tax. You do not have to come back with that particular tax; just go out and get $73 billion in revenues."

So the Finance Committee will abide by the reconciliation instructions, and, after careful hearings and discussions, that Committee will come in, if this budget resolution is adopted, with that amount of revenues or even less. But, may I say to my distinguished friend from Oklahoma—and he is my friend; he works closely with me on the Appropriations Committee—the Appropriations Committee is not given reconciliation instructions by the Budget Committee. The Appropriations Committee is not given reconciliation instructions by the Budget Committee. But if this amendment is adopted, the Senate will have voted to cut discretionary spending $73 billion. The budget resolution sets the allocation for the Appropriations Committee, and we live within our allocation. Every year that I have been chairman of the Appropriations Committee we have lived within our allocations, we have not gone over the caps. As a matter of fact, we have come a little under.

You pass this amendment, that is it. That is it for domestic discretionary spending. Discretionary spending is cut, and we do not know where. The Nickles amendment does not say where. That is it.

This budget resolution, let me point out, already cuts discretionary appropriations by $16.3 billion in 1994. We have a BEA cap of $513 billion for fiscal year 1994. The Budget Committee reported a discretionary figure of $496 billion. In other words, this resolution says that domestic discretionary appropriations are going to be cut by $16.3 billion in budget authority for fiscal year 1994 and $17.3 billion for fiscal year 1995, below the discretionary caps in the Budget Enforcement Act; in other words, below the summit agreement that I and many others in this Senate worked for. We are already getting the cut in this budget resolution. Now we are going to take another cut of $73 billion if the Nickles amendment is agreed to.

Mr. President, the budget resolution represents a turn in the road. It is honest. It is not based on phony projections of growth. It asks that all of us contribute to the economic welfare of our Nation and our people, as we all should. In the 1980's we were told a rising tide will lift all the boats, but the tide did not come in as far as we thought. Many of the boats stayed beached.

Mr. President, let me just refer to a remark that was made by a Senator on the other side of the aisle. Undoubtedly, Senators will be within their rights if they refer to my remarks. But we were told that we should hold President Clinton accountable for what candidate Clinton said. But I fear that what is going on here is an effort to hold President Clinton accountable for what President Reagan did. Ronald Reagan and George Bush put us in the hole, put us in this hole, this hole we are in right now. They led us down this destructive path.

President Clinton is doing what he can do to get us out of this hole. I do not particularly like a Btu tax. I come from a coal-producing State. I do not like it. My coal operators do not like it. My coal miners will not like it. Is there another man in the Senate who is the son of a coal miner? You are looking at one.

There is a song about the coal miner's daughter. I married one, a coal miner's daughter. We do not like this tax in West Virginia. We do not like any tax in West Virginia. I do not like this Btu tax. But the Finance Committee can adopt any sort of tax or any combination of taxes that they deem advisable. There is no Btu tax in this budget resolution. This is only a revenue number which must be raised in some way by the Finance Committee. Eliminate $73 billion in infrastructure spending. The Senator from Oklahoma would have us do that. The Senator is worried about the impact of taxes on the economy. But the offerers of the amendment are apparently totally unconcerned about the elimination of the infrastructure spending which helps to shore up the economy.

Mr. President, I have lived a long time. I was a boy about ready to graduate from high school during the Great Depression. We were promised two chickens in every pot and two cars in every garage. And I heard it ring, "Prosperity is just around the corner," just around the corner. And I saw the faces of coal miners thrown out of work. I saw the little children of coal miners in raggedy clothes. I saw coal miners in the snow. I saw coal miners in the snow wearing hemp sacks around their feet. I saw coal miners who did not know where the next day's rations would come from. I saw the lines drawn in their faces, their weather beaten hands and gnarled fingers, wondering where the next meal was coming from. Soup lines were all over this country. Apples were sold on the street corners by the veterans. Millions of people were out of work, walking the roads in the country, saying, "Mister, can you let me have a dime?" And then Franklin D. Roosevelt was elected—he was a crippled man—and he and a Democratic Congress lifted this country from its prostrate position, flat on its back, lifted it to its feet and gave the American people hope. The farmer was able to go out and put a new coat of paint on the barn, a new roof on the house, send his children to school. And we saw the marshes dredged and the rivers bridged and highways built that gleamed in the autumn Sun, as they moved across the mountains, the Alleghenies, the Ozarks, and the mighty Rockies, to the western ocean.

How did that President do this? He had faith in the future, and a Democratic Congress invested in the country's future by appropriating moneys for infrastructure. Later, President Eisenhower came in. He was President when we authorized the interstate highway system across this great Nation. He was the President who oversaw its beginning. Today we have thousands of miles of navigable rivers, hundreds of thousands of bridges, over 500,000 bridges, in this country. Thousands of miles of highways—all of these were investments in the country.

I say we can do it again. I say that the country is on its knees, and the people are looking for a leader; and at last we have one who is not running away from the problem. He is not trying to bash the Congress and blame everything on the Congress. He is not afraid to lead. He is trying to lead. And the American people want to give him a chance to lead.

This amendment would destroy and gut his program. Our friends across the aisle want to immobilize this President right at the beginning of his administration. They want to gut his program of investing in America.

Mr. President, this amendment tries to eliminate a Btu tax that is not there and make cuts that are not specified. Mr. President, it takes the heart and the hands of all of us, working for the good of the Nation together. The policies of the past have failed. There was no free lunch. And morning in America quickly became the day after a tough night at the bar. Maybe those who want to continue that misguided course have not sobered up yet.

But the American people have. They know the economy is in trouble. They know that we cannot continue on the same tired track, pronouncing the same old platitudes of cutting domestic spending. Cut domestic spending, cut education, cut research and development, cut moneys for immunization against diseases among children, cut law enforcement, pull back on the war on drugs, rip the money out of our national parks, gouge the money out of our national forests, forget the rivers and harbors of the country; let them go to Sheol.

Let us worship at the altar of cutting spending. Do not say where you are going to cut, though. Where are you going to cut? Where are you going to cut? What do you propose to cut? Take it out of parks? Take it out of fish and wildlife, take it out of schools? Take it out of Indian Health Services?

Mr. D'AMATO. Will the Senator yield?

Mr. BYRD. Take it out of food stamps? Take it out of unemployment compensation? Take it out of veterans pensions, out of veterans compensation, out of the Commodity Credit Corporation, out of community development block grants? Take it out of training for unemployed workers, take it out of environmental cleanup? Where are you going to cut? Tell us. Be specific. We have been cutting domestic discretionary spending for years, and cutting to the bone.

The same old platitudes: cutting and spending. What spending? Military spending? That is Government spending. Medicaid, Medicare? Oh, they say, "We will not cut Social Security." That is off the table. So we know they will not cut that. What then, will they cut?

Mr. President, the old platitudes of spending cuts are portrayed as the bogeyman, and low taxes are a panacea for all this Nation's ills. That is pap and is bunk, and the American people know it. It is time to move on, and those who simply mean to obstruct and tear down should move their demolition derby elsewhere.

It is time to build. We have gone through 12 years of the slashing and burning and cutting, and what has it gotten us? We are at the point now where we are going to have to invest in our country, and it is going to cost us more to catch up. We are going to have to do something about the deficit, and it is going to cost us.

And for years we have stood on this floor and said to the White House, give us leadership. Give us leadership. If we have a leader, we will follow him. We do not need someone whose daily exercise is to slap the Congress around. That was the daily scenario, the daily ration, beat the Congress over the head, batter the Congress, and there are people in this Chamber who piled on the Congress.

But now we have a leader in the White House. He is trying to do something to clean up the mess. It hurts. There is pain in it. I have long said there would be.

The American people know that the time for a free lunch has ended, and they are interested in doing something about the fiscal deficit and doing something about this country's investment deficit as well.

When I was at the summit, I said we do not just have a Federal fiscal deficit; we do not just have a trade deficit; we also have an investment deficit. We have disinvested in this country so long that it is falling apart.

The time has come now to face up to the problem and do something about it, even if it hurts. Let us think of our children and our grandchildren.

Webster in his speech upon the occasion of laying of the cornerstone of the Bunker Hill Monument in 1825 said:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered.

Mr. President, let us, in our time, do something worthy to be remembered.

Mr. President, I urge the Senate to vote down this amendment, and to take a stand for what is best for our country, for our children, and for our children's future.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Oklahoma.

Mr. NICKLES. Madam President, I have a couple very brief comments.

How much time remains on the amendment?

The PRESIDING OFFICER. Eighteen minutes.

Mr. SASSER. Madam President, will the distinguished Senator yield a moment?

Mr. NICKLES. I am happy to.

Mr. SASSER. Many colleagues on this side ask when are we going to vote. I expect they are doing the same on the Republican side.

Does the Senator expect to go beyond the 18 minutes allocated to him?

Mr. NICKLES. I do. To respond to my friend and colleague from Tennessee, I do for probably only 20 minutes. We have an additional 10 Senators asking to speak and I think they have all agreed to limit their remarks to 4 minutes.

Mr. SASSER. So the Senator thinks he will consume 33 minutes?

Mr. NICKLES. In addition—40 minutes.

Mr. SASSER. About 40 minutes on his side.

And then I know Senator EXON wishes to speak for 5 minutes on our side. Anyone else? And Senator KERREY of Nebraska wishes 2 minutes.

Are there any other Senators on our side wishing to speak this evening?

So that gives us some idea. In other words, if the Senator consumes 40 minutes on his side, and we have another roughly additional 10 minutes on our side, then we are looking at a vote some time in the neighborhood of 8:50 p.m.

Mr. NICKLES. The Senator is correct.

Mr. SASSER. I thank the Senator.

Mr. NICKLES. Madam President, first I wish to make a couple general comments, and I appreciate the history lesson given by our friend and colleague, the President pro tempore [Mr. BYRD].

Even if this amendment passes, I would like for my colleagues to know that revenues will still have $339 billion additional spending over the next 5 years.

I would also like my colleagues to know that even in outlays, outlay growth will still have additional $322 billion more than we are spending in 1993. Spending continues to go up and revenues continue to go up. But this amendment cuts both spending and taxes by $73 billion.

In other words, we do not want to raise taxes on farmers, on coal producers, on oil and gas producers, on the airline industry, on the steel industry, on the aluminum industry. That is going to cost hundreds of thousands of jobs. We are trying to save the economy, not cripple it. That is the reason.

Mr. DOMENICI. Madam President, will the Senator from Oklahoma yield?

Mr. NICKLES. I am happy to yield.

Mr. DOMENICI. I am asked the question, when will we get a time certain for this vote. Senators were pretty close to a time certain. The chairman tells me the Senator has an understanding which might lend itself to a unanimous-consent agreement at 8:45 p.m.

Mr. NICKLES. I think it would be 9 o'clock. We have 11 Senators requesting 4 minutes each.

Mr. SASSER. So that is 44 minutes, and we will take 10 minutes on our side. I think we could move to go ahead and vote at 9 o'clock.

Mr. DOMENICI. Does the Senator have me in for some kind of wrap-up of 2 or 3 minutes?

Mr. NICKLES. The Senator makes 12.

Mr. DOMENICI. The Senator wants 9:10 p.m.; is that the time he wants?

Mr. SASSER. I am just advised another Senator on our side wishes to speak. Will someone ascertain who wishes to speak?

Why do not we yield back to Senator NICKLES and the Senator and I try to work it out and at the conclusion of his speech here then perhaps we can enter into a unanimous-consent agreement?

Mr. DOMENICI. I ask that the time I use not be charged to his but be charged off the bill, not be charged to Senator NICKLES.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I yield to the Senator from New Hampshire 4 minutes.

Mr. GREGG. Madam President, I thank the Senator from Oklahoma for yielding.

I, like many Members, especially new Members, was most impressed and found most valuable the perspective on history of the Senator from West Virginia. I found it fascinating. The fact he proposed an application, I found that most fascinating. Give us some on this side so we will be able to pass this amendment.

This amendment has a major impact on New England. We have heard a lot of western Senators. We heard a lot oil-producing States and coal-producing States and other energy-producing States. Let us talk a little bit about consuming States in New England. In New Hampshire 80 percent of the households heat with home heating oil. This amendment targets every one of those homes for a confiscatory tax. It essentially is a tax across the board—low income, middle income, high income. You pay this tax. You pay this tax. In New England you pay extra tax, twice as much as you do if you happen to heat with natural gas or electricity or hydro.

Why us, I ask, Madam President? I ask the other side of the aisle. Why did you pick on the States which depend so heavily on home heating oil for extra bonus of a tax? It does not make any sense to begin with, because it is regressive and attacks the middle class and attacks low-income individuals, but it specifically attacks with a tax at the very core of what makes New England function, which is our capacity to have energies which we can then convert to products and to jobs and to have available energy for our homes.

Someone said this was done in order to try to reduce the amount of oil that is being consumed in this country. Some thinker down at the White House decided that this was a way to protect the environment. We have to tell you in New England what is going to happen when you put a regressive tax like this on our people? They are going to change to other forms of energy. The other forms of energy probably will be wood and that is an extremely environmentally sensitive type producer of waste, smoke waste.

So it is a mistake environmentally. It is a mistake from the standpoint of cost. And it is certainly not fair to the middle-class taxpayer and middle-class income and low-wage earner in New England. It is Btu. Btu—that must stand for bad times for us, because that is exactly what is going to happen in New England if this tax passes.

I reserve the remainder of my time and yield it back to the Senator from Oklahoma.

Mr. NICKLES. Madam President, I yield to the Senator from Montana 4 minutes.

Mr. BURNS. I thank the Senator from Oklahoma.

Madam President, I will not take my 4 minutes. I just want to remind our colleagues here tonight. We talk about deficit and erasing the deficit. We are not. If the President's plan went in right now, without any change we are still spending deficits. We deficit spend. We accumulate debt.

Now, take this. If you think your children are going to have anything to pay for after 4 years of the President's budget, you are wrong, because we still accumulate, by his figures, $1 trillion more debt on top of the $4 trillion that we have now. That is $5 trillion.

Now my dad always told me. "If you want good, sound advice about fiscal matters, go ask a man that signs checks on both sides, and usually you will get pretty good advice."

I listened to the Senator from Utah last night. Those of you who did not hear that and probably did not read it in the RECORD today, you missed a great speech.

I want to remind you that we accumulate debt. We deficit spend. There is a difference. We still, at the end of the 4 years or 5 years—I do not care; you pick a year—we still accumulate $1 trillion of new debt.

And if you think that is good for America, then you light up and vote yes on this Btu tax. I am not going to say anything about the fairness, but I want America to realize why we think it is pretty serious and why maybe somebody has a hard time understanding.

Just remember what I said: We deficit spend, but we accumulate debt.

To borrow words from Benjamin Franklin, nothing is certain except death and taxes.

Most folks do not mind paying their fair share of taxes. Yes, we grumble and complain as we send our tax dollars off to Washington, but we recognize that it is the price for the Government we are getting. The situation changes, however, when the tax system isn't fair, and this is the problem farmers and ranchers face with the President's proposed energy tax.

I strongly believe that President Clinton deserves a great deal of credit for bringing the issue of deficit reduction to the forefront and for putting an economic program on the table. His objectives are right on target. I am concerned, however, that his program, which relies more heavily on tax increases than on spending reductions, won't hit the established target of deficit reduction but will hit America's farmers and ranchers, who already operate on a slim profit margin, particularly hard.

Agriculture is an energy-intensive business, ranking fifth among all user categories in the consumption of energy. Farmers rely on some form of energy for putting in the crop, taking out the crop, and moving the crop to market. Ranchers, too, depend on energy to maintain and move their stock.

The President's energy tax will increase fuels prices an estimated 8.3 cents per gallon. This means fuel costs for American farmers will increase an estimated $500 million per year. Farmers used 1.4 billion gallons of gasoline in off-road uses in 1991 and they used 2.8 billion gallons of diesel fuel. In addition to these direct fuel costs, prices for petro-based fertilizers and chemicals will also rise significantly. This will add an additional $500 million per year to the farmer's operating bill, making the total energy tax burden for America's farmer $1 billion.

Furthermore, under the Clinton package, America's farmers will also see $8 billion in Federal spending cuts and additional user fees over the next 4 years.

Farmers and ranchers, just like other Americans, are willing to tighten their belts and do their part in the deficit reduction battle, but it's clear that agricultural folks are being asked to do more than their fair share. Since 1981, Congress has reduced agricultural spending by more than $57 billion. In 1990, farm price supports were cut by 20 percent, more than any other program.

The simple fact is that spending on farm programs has decreased while Government spending on other entitlement programs, and the Federal deficit, has increased. Of today's entitlement programs, agriculture ranks No. 12, and of the top 12 programs, only farm program spending has declined since 1985 and only farm program spending is projected to continue to decline.

Now, I recognize just how difficult it is to come up with a balanced proposal where all are asked to make equitable sacrifices. If Moses himself brought down the Ten Commandments for long-term economic stability, I doubt that many in Congress would embrace him warmly.

However, the fact of the matter is that the President's economic package asks too much from agriculture. More than that, it asks too much from large, Western, rural States like Montana.

Not only are we going to take a hit because agriculture is our No. 1 industry, but we also have longer distances to drive and colder, longer winters than most. On top of that, we are also an energy producer. Coal, gas, hydroelectric—they will all feel the economic impact of increased energy taxes.

Instead of implementing energy taxes, I would like to see more legitimate reductions in Federal spending. The problem is not that the Government taxes too little. It is that the Government spends too much.

It is imperative that we work with the President in arriving at a more balanced approach for dealing with the deficit. My comments about the President's economic package are intended to be constructive. If the President is successful, then the country will be successful. If he country is successful, then Montana will be successful. If Montana is successful, then the job for our farmers and ranchers will be that much easier.

Mr. LOTT. Mr. President, I rise today to support the Nickles amendment which would strike the Btu tax. I would like to take this opportunity to vividly illustrate why I strongly oppose the Btu tax.

Toward that end, I ask the Senate to listen as I walk through the town of Yazoo City, MS.

A small town which has produced many of our State's most famous citizens, it is the home of Jerry Clower, the great country comedian. Willie Morris, the well-known southern writer. The new Secretary of Agriculture Mike Epsy—and the new chairman of the Republican National Committee, Haley Barbour.

The town is nestled in the hills which mark the beginning of the Mississippi Delta.

The county is roughly the same size as Rhode Island. The city population is 12,500, the total county population is approximately 25,000.

The per capita income for Yazoo City is $7,399, or only 45 percent of the national average.

It's economy is dependent upon agriculture, the production of agrichemicals and fertilizers, small manufacturers, and forest products. Every single aspect of the Yazoo City and county economy is energy intensive.

The question this Senator must ask is, What is the impact of the Btu tax in Yazoo City, MS, and all the other communities just like it across this land?

To start, let's look at Mississippi Chemical. Its the largest employer in Yazoo City—employing approximately 570.

It produces, on an annual basis, 720,000 tons of ammonium nitrate, 522,000 tons of nitrogen solutions and 500,000 tons of anhydrous ammonia. Mississippi Chemical estimates that the Btu tax will increase the cost of each ton by $6 to $9.

Mississippi Chemical's total cost of production will increase by between $10.4 million and $15.7 million. Will that mean lost jobs, lost markets? Yes.

Mississippi Chemical will be forced to pass what cost it can on to the farmer in Yazoo County. The farmer's cost of production will increase. That farmer, who is already paying higher fuel costs as a result of the Btu gets a double hit.

What happens next? The farmer may or may not be able to pass the tax any further. If he can, it goes in the food chain. Result—higher food costs for the consumer.

What happens to the rates the citizens of Yazoo City and County must pay? Yazoo Valley Electric and the Public Service Commission which serves the town and region will be forced to increase the rates an average of 5 percent or for a total of approximately $1 million to accommodate the Btu tax.

What will this tax do to the American taxpayer? A new Federal correctional facility will be constructed in Yazoo County and will be operational in 1996 just in time for the Btu tax to be fully implemented.

Using power requirements for the Yazoo Federal prison as provided by the Bureau of Prisons, the Btu will increase the cost of providing energy to the prison by an annual amount of $113,200. The bill will be paid by the American taxpayer.

The facility will House 3,800 prisoners. The Btu will increase the cost to the taxpayer of each prisoner by $30 a year.

Is this tax regressive in Yazoo City? Again the per capita income in Yazoo City is $7,399. For Mississippi, the average per capita income is $9,648. Yazoo City is substantially below the Mississippi average, both are significantly below the national average.

It is this type of tax that hits the poor, rural and agricultural communities the hardest.

The President says he will expand the LIHIP Program to address the regressivity. But let's examine that.

In Yazoo City, if LIHIP is fully funded as the President requests, it will only cover 10 percent of the households eligible. Or in other words, 90 percent of those eligible will not receive any assistance to make up for the harm of the Btu tax.

I have a list of companies in and around Yazoo City, each one will be adversely affected, jobs will be lost, costs will increase and inflation will rise. As you walk through this town, I want everyone to know what will happen in Yazoo City and the towns just like it around this country if a Btu tax is passed.

It will harm the economy of Yazoo City just as it will harm the Nation's economy. It will not reach any of the objectives put forth. The deficit will not be reduced—it will only pay for new spending. It will not reduce U.S. dependence on imported oil—dependence will increase, domestic production will continue to decline. The economy will contract not expand. Jobs will be lost not created. Competitiveness will suffer and inflation will rise.

For Yazoo City and for the Nation, I urge my colleagues to support the Nickles-Shelby amendment and to oppose the Btu tax.

I ask unanimous consent that the list of companies be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Existing Manufacturers List, Yazoo County, MS
Standard Industrial Classification

AMCO Manufacturing, Inc.
Industrial Park
Post Office Box 1107
Yazoo City, MS 39194
(601) 746–4464
Lecil Lee, Plant Superintendent
Employees: M:20 F:2 T:22
Disk harrows 3523
Bedding equipment & power ditchers 3523
Terrace construction equipment 3523
Metal fabrication, custom 3599
Anderson-River Oak
Industrial Park
Post Office Box 1105
Yazoo City, MS 39194
(601) 746–2066/746–4054
FAX: (601) 746–3313/746–8730
Donald R. Bohannon, President
C. Pat Ramsay, Vice President & General Manager
Larry Kitchens, Vice President & General Manager
Employees: M:95 F:5 T:100
Drum debarker, Chips 3553
Kiln-dried foreign & domestic woods 2421
Apac, MS
Post Office Box 24508
Jackson, MS 39205–4508
(601) 922–8000
B.A. Atkins, President
David Barton, President Southern Division
Employees: M: F: T:
Asphalt..........
Paving Contractors..........
Architectural Millworks Ind., Inc.
Route 6, Box 268
Yazoo City, MS 39194
(601) 746–3876
Melanie Kitchens
Dewey Hood
Employees: M: F: T: 2431
Custom cabinets, molding, trim 2434
Barry Barnes Lumber Co., Inc.
Old Highway 3 South
Post Office Box 930
Yazoo City, MS 39194
(601) 746–9298
Barry Barnes, President
Employees: M:52 F:3 T:55
Hardwood lumber (red & white oak, ash, hackberry, etc.) 2426
Hardwood lumber (cypress, poplar, maple, cherry, etc.) 2426
Lumber, hardwood & softwood (rough, sawed & planed) 2411
Rough & semifinished timber & ties 2421
Kiln drying of lumber 2421
Hardwood flooring 2426
Hardwood paneling 2435
C–G Industries dba Marting Manufacturing
Industrial Park
Post Office Box 629
Yazoo City, MS 39194
(601) 746–1332
Cecil Cartwright, President
Employees: M:9 F:2 T:11
Aluminum fishing, commercial & chemical boats 3732
Hog & cattle feeders 3523
Hog & cattle scales 3576
Farrowing crates & handling equipment 3523
Hog & cattle waterers 3523
Carroll Gin Co.
Post Office Box 205
Holly Bluff, MS 39088
(601) 828–3462
Joe S. Stoner, Sr., President
Employees: M: F: T:
Cotton gins..........

Carson Printing & Office Supplies, Inc.
217 South Main Street
Yazoo City, MS 39194
(601) 746–1597
R.B. Carson, Sr., Owner
Employees: M:1 F:2 T:3
Commercial printing-offset (stationery, cards & forms) 2752
Commercial printing-letterpress (newsletters, posters, etc.) 2751
C'est Bon Millworks
816 W. Second Street
P.O. Box 1431
Yazoo City, MS 39194
(601) 746–1323
Billy Brewer, Shop Foreman
Employees: M:3 F:0 T:3 2431
Custom cabinets, molding, trim 2434
Crabtree Manufacturing
Highway 3 Bypass
Rte. 4, Box 99
Yazoo City, MS 39194
(601) 746–6591
Jimmy Crabtree, Owner
Employees: M:18 F:1 T:19
Machine shop & welding repair ....
Environmental Solutions, Inc.
625 East 12th Street
Post Office Box 1064
Yazoo City, MS 39194
(601) 746–7470
Alan Ramsay, President
Employees: M:9 F:4 T:13
Equipment—Extract silver from X-Rays & Photographic Solutions ....
Helena Chemical, Inc.
Industrial Park
Route 4, Box 102
Yazoo City, MS 39194
(601) 746–1515
Charles Johnson, Branch Manager
John E. Book, Fertilizer Manager
Employees: M:8 F:1 T:9
Fluid suspension fertilizer 2875
W.S. "Red" Hancock, Inc.
Old Highway 49
Post Office Box 207
Bentonia, MS 39040
(601) 755–2253
Raiford Hancock, President
Employees: M: F: T:
Construction—Oil Field Equipment..........
Greg Harkins Chairs
O'Possum Bend Road
Route 1, Box 27
Vaughan, MS 39179
(601) 362–4233
Greg Harkins, Owner
Employees: M:1 F:0 T:1
Rocking chairs, hand-made (oak & walnut) 2511
Rocking chairs, large-size (double, nannie & children's) 2511
Straight chairs, stools & benches ... 2511
Holly Bluff Gin Co.
Post Office Box 187
Holly Bluff, MS 39088
(601) 828–3757
John Phillips
F.H. Coghlan
Cotton Gins ....
Jim King Welding
58 Anderson Road
Route 1, Box 22
Yazoo City, MS 39194
(601) 746–3885
Jim King, President
Employees: M:1 F:0 T:1
Welding ....
Linwood Gin Co., Inc.
Ivy Dixon Road
Rte 1, Box 270
Vaughan, MS 39179
(601) 673–2229
Harrison Moore, President
Bill Parker, Manager
Employees: M:7 F:1 T:8
Employees: M:26 F:6 T:32
Cotton Gins ....

Memphis Hardwood Flooring Co.
Post Office Box 307
Bentonia, MS 39040
(601) 755–2962
Gene Gouch, Plant Manager
Employees: M:58 F:0 T:58
Hardwood lumber 2426
Midway Gin of Yazoo County
Rte 2 Box 49
Benton, MS 39039
(601) 673–9801
Harris Swayze, President
Employees: M:6 F:1 T:7
Employees: M:25 F:25 T:50
Cotton Gins ....
Mijo Lithographing Co., Inc.
304 South Main Street
Post Office Box 307
Yazoo City, MS 39194
(601) 746–4693
Burke Jones, President
Employees: M:2 F:4 T:6
Business Forms 2752
Commercial Printing ....
Mississippi Chemical Corp.
Highway 49E
Post Office Box 388
Yazoo City, MS 39194
(601) 746–4131
FAX: (601) 746–9158
Tom Parry, President
Employees: M: F: T:570
Ammonium nitrate 2873
Urea, nitrogen solutions & anhydrous ammonia 2873
Liquid carbon dioxide 2813
Nitrous Oxide Corp.
Rialto Road
Post Office Box 1085
Yazoo City, MS 39194
(601) 746–7607
Wardell Walton, Superintendent
Employees: M:5 F: T:5
Nitrous oxide 2813
The Printing Shop
Railroad Avenue
Post Office Box 338
Bentonia, MS 39040
(601) 755–2974
Stanley Simpson, President
Richard Sanders, Manager
Employees: M:1 F:1 T:2
Commercial Printing..........
Satartia Gin Co., Inc.
Post Office Box 125
Satartia, MS 39162
(601) 746–7033
James Cresswell, General Manager
Employees: M: F: T:
Cotton Gin..........
Simmons Farm-Raised Catfish
Route 4, Box 224
Yazoo City, MS 39194
(601) 746–5687
FAX: (601) 746–8625
Harry Simmons, Jr., President
Hardy White, Jr., Plant Manager
Employees: M: F: T:90
Fresh & frozen catfish (fillets, whole, nuggets & steaks) 2092
Southern Bag Corp.
Industrial Park
Post Office Box 389
Yazoo City, MS 39194
(601) 746–3631
FAX: (601) 746–3673
Rick Markell, President
Employees: M:125 F:75 T:200
Multiwall paper bags 2643
Stepped-end paper bags 2643
Spencer Ready Mix
HWY 3
Post Office Box 173
Yazoo City, MS 39194
(601) 746–6080
Jack Spencer, President
Employees: M:10 F:1 T:11
Concrete.......... ....

Strickland Pallet Co.
Highway 3, Industrial Park
Post Office Box 1156
Yazoo City, MS 39194
(601) 746-4499
Sam Strickland & Mable Strickland, Owners
Employees: M:4 F:1 T:5
Pallets, wood 2448

Warren Pallet Co.
Old Highway 3
Post Office Box 797
Yazoo City, MS 39194
(601) 746-6245
C.L. (Pee) Warren, Owner
Esther H. Warren, Owner
Employees: M:6 F:1 T:7
Pallets, wood 2448

The Yazoo Herald
1035 Grand Avenue
Post Office Box 720
Yazoo City, MS 39194
(601) 746-4911
Roy Thomas, General Manager
Employees: M:5 F:5 T:10
Newspaper 2711

Yazoo Industries, Inc.
2003 Gordon Avenue
Yazoo City, MS 39194
(601) 746-3245
FAX: (601) 969-7058
Larry Loughman, President
Joey Ledlow, Plant Manager
Employees: M: F: T:350
Wire harnesses for automobiles 3714

Mr. NICKLES. Madam President, I ask unanimous consent that Senator DURENBERGER, Senator D'AMATO, and Senator GORTON be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I yield 4 minutes to the Senator from New York.

Mr. SASSER. Before yielding to the distinguished Senator from New York, the distinguished ranking member of the Budget Committee and I have been comparing notes here.

We are going to need an additional 20 minutes on our side and how much on your side?

Mr. DOMENICI. Forty-eight minutes.

Mr. SASSER. I thought some of that might have already been consumed.

Mr. DOMENICI. We can do it with 4 minutes less.

Mr. SASSER. Madam President, I will propound a unanimous-consent request.

I ask unanimous consent that a vote on the Nickles amendment occur no later than 9:15 this evening, and that the opponents of the amendment be allocated 20 minutes and the proponents be allocated 40 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. With the 40 minutes being under the control of the distinguished Senator from Oklahoma.

We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. I thank the Chair and I thank the Senator from Oklahoma.

Mr. NICKLES. Madam President, I yield to the Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Madam President, I rise to support the Nickles amendment.

Let me just get to some plain, ordinary common sense. I just read this little book called the Committee on the Budget, U.S. Senate. It only came out last week on the 12th of March, 6 days ago. It is interesting. I wonder how many of my colleagues, who were not on the Budget Committee, have had the opportunity to really read this. It is frightening.

I have to tell you that this tax proposal is a lesson in idiocy. Who the heck ever heard of raising taxes, not $73 billion like you are talking about—and, you know, the group we have in the gallery there, those sleeping mimmies. I am wondering where they are for the media.

They are going to raise taxes $95 billion—that is what they are going to collect—$95 billion in order to get, well, they say $73 billion, but Treasury says when you raise the $95 billion—and, by the way, these figures come from Treasury—we are going to raise $95 billion and you are going to wind up with $71.4 billion.

But you do not wind up with $71.4 billion. Guess what? Surprise. You wind up with $38 billion.

Now you have to be a pretty doggone stupid business person to say, "I am going to raise taxes $95 billion to come out with $38 billion." How would you run a business that way? And why should we run a country that way? And we are the board of directors. I cannot believe it.

You want to raise $38 billion net, so you raise $95 billion? You have to find a better way. This is ridiculous.

Because when you read page 31 of this little budget book, do you know what it says? In order that this $95 billion will not be so bad, we are going to help them. We are going to give additional low-income energy assistance, $2.9 billion. So we have to subtract that $2.9 billion from the net revenue.

Do not forget, we started with $95 billion.

We have to subtract the food stamps, because, after all, poor people are not going to have expendable income, not $12 billion, so we are going to subtract that. And we have an earned income tax credit to the poorest of the poor, because we do not want to hurt them, $26.8 billion. And so we subtract that.

We are down here. When you take the figures that come from this book, this budget book, $35 billion, because we said we are going to raise $95 billion, we get down to $71.4 billion when we raise $95 billion.

And let me tell you why. Because Treasury says businesses, the cost of the businesses, they deduct that from their income tax. So you see, even though you raise $95 billion, when the businesses of the country write off, and the individuals, what it cost them for this tax, you only collect $71.4 billion. And then when you take the $35 billion from that, you come out with $38 billion net.

Now, that is stupid. Do you want to vote for this energy tax and Btu tax? What member of the board of directors of the great Nation of the United States we are.

There was a little pin that it was taxing and spending, stupid. Well, that is right. That is it.

That is why this Senator, Senator NICKLES, says, "Junk this and you do not have to spend all of this and you do not hurt the economy."

Let me tell you what it does to my State. They are going to pay $1.2 billion for gasoline taxes; 10 cents a gallon more.

Let me tell you what it does to farmers in upstate New York. A minimum of $1,000 each; probably about $2,000 for every dairy farmer in New York. And they barely make it now.

Long Island, a basket case in the recession now, another almost $300 million for homeowners in Long Island. Those who have a gross income of $35,000 to $40,000 will pay between $400 to $600 a year more for their energy cost. Great. Great. Great.

The PRESIDING OFFICER. The Senator from New York has used his 4 minutes.

Mr. D'AMATO. I ask unanimous consent that I might be given another minute.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. I yield the Senator an additional minute.

Mr. D'AMATO. This is great.

And we have been criticized for saying that you have a canard. Ninety-five billion dollars more, and you are only going to wind up with $38 billion.

And we say to people that if you really want to take advantage, you can apply for food stamps, then we are going to put you on a heating assistance program, and we are going to give you earned income tax credits.

Is that not great? We make a bigger class of more people on poverty.

Let me tell you something. If the rest of this budget is built on this kind of flimflam, we are kidding ourselves and those bunch of turkeys in the media besides. What a let-down. What a job they are giving to the American people. We should know better. They should know better, but we certainly should.

That is why we should support this amendment.

Mr. NICKLES. Madam President, I thank my friend and my colleague from New York for his statement. I yield to the Senator from Utah [Mr. HATCH] for 4 minutes.

Mr. HATCH. Madam President, I rise today in support of the amendment of the Senator from Oklahoma [Mr. NICKLES].

The decisions we are called upon to make in regard to the budget resolution before the Senate today are some of the most important and far reaching decisions that we are likely to make this year. At stake is the economic future of our Nation—both in the short-term and in the long-term.

During the debate on this resolution, the Senate is going to have to choose between two basic approaches to deficit reduction. The President's plan, as embodied in the resolution before us, represents an approach that will not achieve its intended result. On the contrary, the tax and spending increases in the budget resolution are directly opposite of where this Nation needs to go in cutting the deficit.

The alternative approach to deficit reduction is, of course, to strike all of the tax increases in the resolution and replace them with spending cuts. We will be debating just such an amendment later in this resolution's consideration on the floor.

There is much that I could say on the overall effectiveness of these two approaches, but I want to focus my remarks right now on the pending amendment, which would strike the most onerous of the taxes included in the budget resolution—the Btu tax.

The proposed Btu tax will have a very negative effect on the Nation's economy. What is worse, though, is that the tax will hit industries and regions unevenly. My home State of Utah will suffer a triple hit, which could lead to disastrous economic consequences for many Utahns.

First, Utahns, like other Americans, will pay much higher taxes directly as a result of this Btu tax. The administration indicates that the impact of this tax will only be about $17 per month for the average household. I suppose this $204 per year represents a minimal sacrifice that the administration feels that the average American family should gladly contribute for the sake of deficit reduction. I wish that were the extent of it. Unfortunately, this number does not even begin to tell the story of the Btu tax's effect on Utah.

The average Utah family is going to pay a lot more than $204 per year in higher costs as a result of this tax. Some estimates put the number at over $400 per year. Unlike the taxes most Americans are used to paying, though, the Btu tax will be disguised as higher prices. These higher prices will be on a variety of products and services that all of us purchase everyday. Utility bills, of course, will go up. But so will the cost of food, of a new car, of a can of paint, or of a pair of shoes for the kids.

Think about it. The burden of the Btu tax cannot be reduced to an innocent sounding $17 per month. Indeed, consider that every business's operating expenses will go up because of this tax—some more than others. Manufacturers will have to pass the additional costs on to their customers, or if they cannot, lay off workers. Farmers will have to charge more for food, or get out of farming. A service business will have to charge more for their services, or again, go out of business or lay off workers.

The second way that Utah families would be hit by this tax is through these job losses or business closings. This is a factor that seems to have been ignored by the Clinton administration. The fact is, though, that this Btu tax will lead to lost jobs. Estimates place the number of lost jobs at between 500,000 and 700,000.

It is easy to see the possibility of lost jobs in Utah. The economies of two Utah counties are based almost exclusively on the coal industry. This industry will be particularly hard hit by this tax. In fact, the National Coal Association estimates that the price of Utah coal will go up by a whopping 45 percent by the Btu tax, one of the highest percentage increases in the Nation. Much of Utah coal is sold on long-term contracts. When coal companies cannot pass these increased costs through to buyers, layoffs may be the only solution.

As a matter of fact, I spoke to a representative of a Utah coal company this afternoon. He told me frankly that the increased production costs to them, as a result of the Btu tax, would prevent them from opening a new mine they are considering. This proposed mine would provide 300 direct new jobs, and another 100 indirect new jobs to the local economy. For small rural areas, jobs like these would be highly sought and form the mainstay of a small Utah community's vitality.

It is one thing for a family to contribute $17 per month toward the deficit. But what do I tell a laid off Utah coal miner's family who has lost a job because of this Btu tax? That this is their contribution for the good of the Nation? What do I tell a community whose economic base has been dramatically reduced because its main industry is no longer cost effective? That this is tax fairness?

Agriculture is another vital sector of Utah's economy that will also be hard hit by the Btu tax.

According to the American Farm Bureau, the Btu tax will generally stifle economic output, increase production costs on farmers, cause farm prices to decline and jeopardize our ability to compete in world markets.

Rural Americans, by definition, live in relatively remote and less intensely populated areas. The cost of driving more miles to work, shop, send children to school, and to conduct a variety of other normal activities will be immediately felt. Rural Utahns tend to have lower than average incomes.

Agricultural production is highly energy-dependent. Farmers rely on gasoline, diesel, propane and other fuels for operating equipment such as tractors, combines, and trucks. They also heat barns for livestock, greenhouses for horticultural crops, have cooling tanks and storage facilities that require energy to operate. Farmers rely on electricity, gas and petroleum fuels for energy operated irrigation systems. These direct uses of energy will increase farmers' costs by an estimated $500 million per year when the proposed energy tax is fully implemented.

The costs of fertilizers and pesticides will increase because the main ingredients of these two items are natural gas and petroleum. As the Btu tax is assessed on these main ingredients in an analysis by the AFB will force farmers to pay $500 million per year to purchase these inputs.

This means, according to the AFB, the direct and indirect production costs increases will be an estimated $1 billion per year, nationally. In Utah, the picture is even more dramatic. I have three examples of Utah farmers who will see an increase in direct energy costs to their operations.

Rulon Gammon operates an 80-cow dairy with 180 acres of irrigated cropland in Vineyard, UT. He uses 5,650 gallons of diesel fuel and 2,000 gallons of gasoline annually. Using the projected tax rate increase of 7.5 cents per gallon on gasoline and 8.3 cents per gallon on diesel fuel, Mr. Gammon will spend an additional amount of $468.95 for diesel fuel and $150 for gasoline, for a total increase amounting to $618.95

Alan White operates a 700-cow-and-calf beef operation in Upalco, UT, which is located in eastern Utah's Duchesne County. Mr. White owns 700 acres of cropland, uses 5,500 acres of private range, and grazes his cattle on 30,000 acres of public lands. He uses 14,400 gallons of diesel fuel and 6,200 gallons of gasoline. With the projected increase per gallon from the Clinton energy tax plan, Mr. White's direct energy costs will increase $1,195.20 for diesel fuel and $465 for gasoline, or a total increase of $1,660.20.

Finally, Alan Kenison operates a 1,500-acre alfalfa hay farm, 80 percent irrigated, with a 1,300 head background feedlot. His operation is in Levan, UT. Mr. Kenison uses 22,750 gallons of diesel fuel and 7,950 gallons of gasoline. The new energy tax will increase his costs by $1,888.25 for diesel fuel and $596.48 for gasoline. The total direct cost for this operation will total $2,484.73.

These direct-cost increases may not mean much to many people who live in Washington, DC or within the Capital Beltway, but in rural America and the small farming communities of Utah, this is a big deal—an important matter in the livelihood of Utah's farmers.

The important bottom line to all of these figures is the reduction in net farm income. Nationally, the American Farm Bureau estimates the impact will be a reduction of 2 percent in net farm income when the estimated $1 billion increased costs for agricultural production and agricultural inputs are combined. In the examples I just stated, Mr. Kenison will see a 3.1-percent reduction in his net farm income, and Mr. White will experience a 6.9-percent drop in his net farm income. And that is if all other costs associated with each operation remain the same, which we know they will not.

The Intermountain Farmers Association of Utah confirms that the Btu tax will cause the price of nitrogen fertilizers to increase by 5 percent for Utah farmers.

I hope it is obvious to everyone that farmers cannot absorb additional costs unless they can obtain more for their produce in the market place. I mentioned Mr. Alan White of Upalco, UT. He indicated this very fact to me today. He stated that since 1988, his property taxes have increased 70 percent, while the price per pound for one of his steers has remained below the 1979 price of 95 cents per pound. He was able to gain 90 cents per pound for the same product last year, so prices are coming back.

But this body needs to understand the impact this energy tax proposal will have on the farmer's pocketbook in Utah. Utah, as most of the West, has been suffering through a severe drought for the past 8 years. This, combined with the cost of using private pasture, the proposed increase in grazing fees, and other related expenses, will literally shove our rural people off the land which they love and which they covet. They know that the land is their livelihood, and bad management of this land will severely negate their livelihood as much, if not more, than the Clinton energy tax proposal.

I have received some preliminary information of what the proposed Btu tax will mean to an energy-producing, energy-consuming State like Utah. Imposition of the Btu tax would translate into a $184 million transfer of resources from Utah consumers and businesses to the Federal Government. In the near term, households will be faced with higher energy prices. This will require a larger share of the household budget and reduce disposable income. Accordingly, households could be expected to reduce their expenditures on other goods and services.

Overall, the impact of the tax on the Nation, and particularly on States like Utah, will be exactly opposite from what was intended. Jobs will be lost, Federal revenue will be lower, lives will be changed, and we will not achieve deficit reduction.

We must do better, Madam President.

Madam President, I have received some preliminary information that details the specific impact the Btu tax will have on Utah fossil fuel prices and Utah's five energy-end sectors. I ask unanimous consent this information be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ISSUE DEFINITION

A principal feature of President Clinton's February 17th Economic Stimulus and Investment Package is the broad-based Btu tax on energy. In his State of the Union address, President Clinton cited reasons for choosing the broad-based Btu tax over other energy tax options the administration considered:

"Unlike a carbon tax, it's not too hard on the coal states, unlike a gasoline tax it's not too tough on people who drive a long way to work, and unlike an ad valorem tax it doesn't increase when the price of an energy source goes up."

Implementation of the tax would also help to meet other administration policy objectives to increase the energy efficiency of the economy, reduce oil imports, improve the environment through reduced growth in fossil fuel consumption, and help the economy by lowering the federal deficit. Furthermore, the broad base of the tax would keep the tax rate low and spread it evenly across regions, industries, and consumer segments throughout the United States.

The Clinton Btu tax plan should not only be viewed in terms of what it will do to achieve these important national policy objectives, but also in terms of its effects on economic activity in Utah. The following is an analysis of the features of the Clinton administration's proposed energy tax and an assessment of the direct impact on energy expenditures in the residential, commercial, industrial, agriculture, and transportation sectors of Utah's economy.

BACKGROUND AND ANALYSIS

The administration's proposed Btu energy tax is indexed to a fuel's Btu content. When implemented the levy will apply to coal, crude oil, natural gas, and nuclear fuel. Electricity generated by hydropower would be taxed on the average fossil fuel Btu input required to generate the equivalent amount of electricity. No tax would be levied on solar, geothermal, wind, biomass and other alternative energy forms. Fossil fuels produced for export and those used for nonfuels purposes such as chemical feedstocks would also be exempt. The basic tax for coal, crude oil, natural gas and nuclear fuel is 25.7 cents/million Btu. However, a supplemental "national security" tax of 34.2 cents/million Btu is proposed for crude oil, resulting in a total tax on that energy source of 59.9 cents/million Btu.

The tax would be phased in over three years with ⅓ of the tax effective July 1, 1994, two thirds by July 1, 1995 and the full tax imposed by July 1, 1996. When fully implemented in fiscal year 1997, the tax is estimated to garner $22.3 billion in revenues. Over the first five years it is designed to raise between $71 and $76 billion in revenues and is considered a crucial component of the administration's deficit-reduction plan.

The Clinton administration currently proposes the collection points for the Btu tax be at the point of first purchase: the minemouth for coal, at the refinery for crude oil, the port of entry for imported oil and petroleum products, the pipeline for natural gas, and the utility for hydro generated electricity.

Based on 1991 prices, the effects of the Btu tax on Utah fossil fuel prices will be significant:

Coal—Utah's underground mined coal will be taxed at a rate of 25.7 cents per million Btu which adds an additional $5.91 to the costs per ton. As a result the minemouth price will increase by 27 percent from $21.81 to $27.72.

Crude Oil—The 59.9 cents per million Btu tax on crude oil will be levied at the refinery and will translate into an additional $3.47 per barrel of oil purchased. Utah refineries acquisition costs will increase by 17 percent to $23.46 per barrel of crude oil purchased.

Natural Gas—The Btu tax levied on natural gas is the same as coal, 25.7 cents per million Btu. Under the Clinton proposal the price of Utah-produced natural gas sold for delivery to pipelines will increase from $1.56 per mcf to $1.80 per mcf, an increase of 15 percent.

How price increases at the point of first purchase ultimately translate into changes in energy prices paid by end-users will depend on the competitiveness of Utah's energy markets and the availability of alternative energy sources to end-use sectors. Moreover, the impact of the Btu tax on end-use prices will vary among consumers, regions of the state and sectors of the economy.

The analysis of impacts in this briefing is for the very near term. We assume complete pass-through of the Btu tax onto end-use prices and that no fuel substitution or consumption changes takes place.

ENERGY END-USE PRICES AND EXPENDITURES

Energy use has changed considerably in the last 20 years in response to energy supply shocks and economic adjustments to changes in the costs and availability of energy. Over this period Utahns have adjusted their consumption patterns to use energy more efficiently. At the same time the economy as a whole has shifted from more energy intensive industries such as mining and manufacturing towards less energy intensive activities producing goods and services. In 1991 Utah's five energy end-use sectors: (1) residential; (2) commercial; (3) industrial; (4) transportation; and (5) agriculture, spent approximately $3 billion consuming an estimated 571 trillion Btu.

Residential Sector—The residential sector accounts for approximately 20 percent of the primary energy consumed annually in Utah, including energy used to generate and deliver electricity to this sector. In 1991 as estimated 117.3 trillion Btu was consumed by households, with space heating and water heating accounting for over 50 percent of the total. If motor fuel consumed in vehicles owned by households is taken into account, total energy use by this sector is 185 trillion Btu, 32 percent of total energy consumed in Utah during 1991.

Based on 1991 energy prices it is estimated the implementation of the Btu energy tax will increase the average price paid per million Btu by the residential sector 5.6 percent. The tax would raise the average price for unleaded gasoline by 7.8 cents per gallon, natural gas prices by 25.7 cents per decatherm, and electricity prices by $.002/Kwh. Home heating oil prices would experience the largest increase, rising about 9 cents per gallon.

Historically, this sector has paid higher prices for energy than the other four sectors. In 1991 household expenditures on energy totaled $1.3 billion and averaged $2.535 per household. Motor gasoline represented the single largest energy expenditure for households at $1,322, followed by electricity, $619, and natural gas, $526. Fuel oil, coal and LP gas accounted for less than 5 percent of the total expenditures for space heating, lighting and operating appliances. Under the Clinton proposal annual average expenditures for all energy consumed by each household would increase by $136, a little more than $11 per month.

Commercial Sector—Energy consumption by the commercial sector includes space heating and lighting for nonresidential, government-owned, and nonprofit institutional buildings, street lighting and certain other supporting services—including vehicles and trucks used in the delivery of goods and services by this sector. Over the past two decades economic growth and transition to a service-oriented economy have greatly expanded the commercial sector in Utah. As a result, consumption of primary energy for this end-use sector has increased faster than any other sector. In 1991 energy consumed by the commercial sector totaled 104 trillion Btu, or about 18 percent of Utah's total. Ninety-three percent of energy use for this sector involved space heating and cooling, water heating, and lighting.

In 1991, energy expenditures for the commercial sector are estimated to be $557 million. Electricity was the largest energy expenditure for this sector totalling $350 million, followed by natural gas, $134 million, and petroleum products used for space heating and transportation, $87 million.

On average, prices paid for energy by the commercial sector tend to be lower than those for the residential sector—especially for natural gas and electricity. Based on 1991 prices, the Btu energy tax is expected to increase total annual commercial energy expenditures by 5 percent to an estimated $27.4 million dollars. The average commercial firm's electricity bill will increase 4 percent, or $225 per year while the average commercial natural gas customer can expect their annual expenditures on natural gas to increase $224. In terms of increased costs of doing business, the tax is estimated to add about $1.45 to the commercial sectors' energy costs of $33.90 per $1,000 of gross state product.

Industrial—What is commonly referred to as the industrial sector includes not only manufacturing and processing, but also the activities of mining, agriculture and construction. However, for purposes of this analysis agriculture is treated as a separate sector of the economy.

The industrial sector is the single largest consuming sector accounting for 37 percent of all primary energy consumption in Utah during 1991. More so than in other sectors, the industrial sector consumes a wide variety of fuels in such diverse end-uses as heat, power, and feedstocks. Industrial energy users are also more flexible than the other end-use sectors in adjusting their energy consumption—switching fuels and processes as market conditions dictate. The most energy-intensive manufacturing industries in Utah are primary metals, petroleum refining, stone and clay products, and chemicals.

In 1991 natural gas accounted for nearly a quarter of all primary energy consumed by the industrial sector. Consumption of coal and petroleum products totaled 92 trillion Btu and were consumed in near equal portions. Electricity consumed by this sector was 22 trillion Btu.

Prices paid for energy by the industrial sector are typically lower than those paid by customers in other sectors. For example, in the case of natural gas, the rate industrial customer pay per Mcf averaged $3.69 in 1991 compared to $5.44 per Mcf paid by residential customers. In 1991 estimated industrial energy expenditures totaled $619 million.

The Btu energy tax will increase industrial energy expenditures an estimated 7 percent, or $45.4 million per year. An industrial firm's average annual electricity bill will increase $1,515. The average annual bill of a Utah natural gas utility industrial customer is estimated to increase $6,486. The estimated costs of petroleum products to industrial users will increase an average of 8 percent, raising total petroleum expenditures in this sector to $136 million form $127 million. In terms of increased energy costs per $1,000 of the industrial sectors gross state product, the Btu tax is estimated to add about $6.65 to the energy costs of $90.67.

Transportation—The transportation sector in Utah is almost entirely dependent on petroleum products for energy. In 1991, over 99 percent of the energy used in the transportation sector was petroleum-derived. In this analysis, the principal sources of transportation energy are diesel fuel and motor gasoline for freight trucks, kerosene-type jet fuel for airlines, and diesel and fuel oil used by the railroads. Motor gasoline for light duty vehicles (automobiles and light trucks) has been apportioned to other sectors. In addition, natural gas used to operate pipeline pumps should technically be included, but for purposes of this study has been assigned to the industrial sector.

As defined, this sector accounted for 59.1 trillion Btu or 10 percent of the energy consumed in Utah in 1991. Freight trucks consumed largest portion (46 percent) all in the from of motor gasoline and diesel. Airline and air freight companies consumed an estimated 25 trillion Btu of kerosene-type jet fuel and aviation gasoline. Railroads were responsible for the remainder of energy consumed, using 36.7 million gallons of diesel and fuel oil.

Since oil will be taxed at more than double the rate of other fuels under the Clinton proposal, this sector will be hit particularly hard by the Btu energy tax. Fuel costs represent between 6–8 percent of operating expenses of the trucking industry. The Btu tax would increase 1991 expenditures on motor fuel for Utah's freight companies $18 million from $234 million to $252. The airline industry would see jet fuel prices increase by 7 cents per gallon, adding $13 million in additional fuel costs when the tax is fully implemented. Railroads would experience the largest percentage increase in cost of fuels. Diesel fuel that sold for 72.5 cents per gallon before the tax would increase 9 cents per gallon, adding $3.4 million to the cost of fuel. Accordingly, the Btu tax is estimated to increase the transportation sectors energy costs per $1,000 of gross state product by $26.40 to $363.

Agriculture—At 5.3 trillion Btu consumed, farms represent the smallest energy consuming sector analyzed in this briefing. On a percentage basis agriculture accounts for less than one percent of total estimated consumption in 1991. For purposes of this analysis only energy consumption and costs associated with rising crops and livestock are included in analyzing the impacts of the Clinton Btu tax plan. Energy costs and impacts to farm residences is calculated separately and assumed to be the same as that of the average Utah household.

According to the Bureau of the Census, direct expenditures for petroleum products and electricity on Utah's farms represent 8.9 percent of total production expenses. In 1991, estimated energy expenditures on Utah's farms totaled $46 million. Of the total, $31.2 million was spent on motor gasoline and diesel fuel to operate light duty vehicles and machinery, $1.3 million for natural gas used in water heating and process drying. The remaining $13.3 million in energy expenditures was accounted for by purchases of electricity for lighting, cooling, heating and pumped irrigation.

The Btu tax is expected to increase total direct energy expenditures for Utah farmers by 7.3 percent, or about $3.4 million. The increase in energy expenditures when averaged over farm acreage implies that the energy expenditures per farm-acre will increase from $4.06 to $4.35. For a 1,000 acre farm of livestock operation this translates into an additional $290 in direct energy costs on the basis of 1991 energy expenditures. Adding $136 of increased energy costs of the average Utah residence to account for increases in costs to farm residences, results in an estimated total energy cost increase to a Utah farmer of $698.

In terms of increased energy costs per $1,000 output of gross state product, the Btu tax is estimated to add about $6.97 to a farmers' energy costs of $95.67 per $1,000 of gross state product.

CONCLUSIONS

Imposition of the Btu tax promises to have two types of effects on Utah's energy markets and economy: a direct effect on consumers' consumption and expenditures for energy because of an increase in energy prices, and an indirect effect on the macroeconomy of the state because of the fact that energy is a key intermediate input in the production of goods and services in the economy. The magnitude of the direct effects on Utah's economy will depend on patterns of energy use in each economic sector as determined by prices, supply, climate, demographics, intensity of energy use, and types and age of building stocks.

Based on this preliminary analysis and 1991 energy expenditure estimates, imposition of the Btu energy tax would translate into a $184 million transfer of resources from Utah consumers and businesses to the federal government. This figure represents less than one percent of Utah's gross state product.

Imposing the Btu tax for purposes of reducing the federal deficit would increase the costs of energy for nearly all end-users, reduce households disposable income, and possibly consumer spending, and increase business costs of providing goods and services. From the point of view of the residential consumer two impacts will prevail. In the near term households will be faced with higher energy prices. This will require a larger share of the household budget and reduce disposable income. Accordingly, households could be expected to reduce their expenditures on other goods and services.

The tax is also likely to increase the costs of doing business. Energy represents a key intermediate input in the production of goods and services. An increase in the costs of energy due to the Btu tax will raise production costs per unit of output for firms. This would place upward pressure on the price of intermediate goods and final goods and services in the Utah economy.

A complete analysis of the economic impacts of the Btu tax should include both the direct effects and the complex indirect interactions between changes in energy prices and consumption and how this translates into changes in economic activity in the overall economy. Due to limitations of time and the analytical tools currently at our disposal, only the direct effects are considered for this issue briefing.

Mr. NICKLES. Madam President, I thank the Senator from Utah for his excellent statement and I yield the Senator from Minnesota [Mr. DURENBERGER] 4 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Madam President, I rise in support of the amendment before us.

When I evaluate a proposed tax, I ask several questions:

First, is the tax needed?

Second, is the tax a fair and efficient way to raise needed revenues, and does it have any effect on the Nation's economy that need to be taken into account?

I want to be clear, at the outset, that despite the lesson of fiscal history from our colleague from West Virginia, I do not think this is the time to raise taxes on the American people, unless those taxes go for deficit reduction, as opposed to additional spending. One of the real pluses of this amendment is that it reduces spending to go along with the reduction in taxes that we would establish here. While the Btu tax is harmful, responding to political pressure by transforming it into some other kind of tax, to be determined later, is clearly not the way to go.

Second, the Btu tax is not a fair or efficient way to raise revenues which might, in theory, be needed.

Imposing taxes on energy at an early stage in production allows the tax to be collected at only a few points, but it introduces all kinds of distortions into the economy. Managing the various exemptions that are proposed by the administration would result in a nightmare of paperwork reminiscent of the bad old days of energy price controls. Our foreign trade position would be undermined, because the tax would probably not be able to be rebated on exports under international trade rules.

But, perhaps what troubles me the most and has troubled many of my colleagues, particularly on this side of the aisle, is that the tax has an adverse—almost a disastrous effect on the American farmer.

The American farmer is the cornerstone of the American economy. American farmers are price takers in a world economy. Imposing the cost of a Btu tax on them will further push them behind in their efforts to pay their bills.

The cost of many of the inputs in the farm economy, such as fertilizer and pesticides, will be raised sharply by this tax. The cost of drying crops will go through the roof.

All in all, the Btu tax will raise the direct cost of farming in Minnesota by thousands of dollars for a typical farm—perhaps $2,000 to $4,000 for the typical wheat farmer, $5,000 for the typical corn farmer, and as much as $15,000 for a typical potato farmer.

There will be indirect costs, as well. Farmers drive long distances in the ordinary course of their business and personal lives. They must depend on oil to fuel the transportation system that brings their crops to market.

I should note that farmers are hard hit by a variety of taxes in the President's proposal. The inland waterway tax, for example, will raise the cost of shipping a bushel of corn from the Midwest to New Orleans by 7 cents. The estate tax rate increase will hurt, and so will the personal income tax rate hikes. All in all, another shift of revenues from rural to urban—from heartland to coasts.

Farmers are not the only ones affected by the Btu tax. Gasoline would go up by 7.5 cents per gallon. Home heating oil would go up by 8 percent, electricity bills by at least 3 percent, and natural gas heating by 4 percent. Some energy producers might well reap windfalls by raising the price of their products, since oil is taxed at a special, higher rate.

All in all, Mr. President, the Btu tax—which of course will drive up everyone's cost of living, city or country, rich or poor—is simply a bad idea. I urge my colleagues to support the pending amendment and strike this tax's revenue from the budget resolution.

I ask unanimous consent that a portion of the recent remarks of Gerald Lacey, vice president of National Barley Growers, before a House subcommittee meeting on this issue be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REMARKS OF GERALD LACEY

One of the most disturbing proposals for grain producers (including barley) is the combination of energy taxes and user fees which would severely impact grain marketing costs. BTU taxes are not fair in that they just do not hit us all equally. Farmers with our high energy inputs, such as fertilizers, chemicals and fuel for getting our tillage and harvesting done, get hit just too hard to survive. The proposed user fees or bare fuel taxes are going to add 15 to 20 cents a bushel to our grain that is already having trouble competing with world market grains that have lesser or no fees. Many farmers consider this ever increasing regulatory cost escalation as a greater threat to their success than the weather.

A decrease in payment acres would seem to be an untimely strategy which could further complicate the already discouraging GATT negotiations. The U.S. has had the past experience of unilaterally making production adjustments which have cost export market share and have disadvantaged us in our long competition with the European Community.

There have even been suggestions to reduce or even eliminate the Export Enhancement Program. That would seem to be the ultimate folly if we have any hope of maintaining a competitive stance in the world market. We would be rapidly shouldered aside by the predatory pricing practices of the E.C.'s restitution program and the single-desk marketing arms of our other grain exporting competitors. The same is true for proposed cuts in the important GSM credit programs which have been equally vital to the U.S. commodity exports.

Those are the specific budget proposals that we would single out as particularly threatening. We would also mention a cost scored against the USDA budget which we have never been comfortable with. I refer to the considerable freight differential costs that accrue to Agriculture when required to use U.S. flag while shipping under the terms of the Cargo Preference rules. Since those charges are, in essence, a subsidy to the merchant marine, we do not feel that it is fair that in this period of intense fiscal austerity, the USDA budget should be burdened with those outlays. At the very least, the line item should be subjected to the same vigorous attention that is being given to the commodity features.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I thank my colleague, Senator DURENBERGER, for his statement and I yield to Senator GRASSLEY for 4 minutes.

Mr. GRASSLEY. Madam President, I think this Btu tax is the most antifarmer, antirural portion of this budget.

Madam President, I am alarmed at what I read recently in a publication here, just out this week, called "Agricultural Commodities News and Views."

This quotes:

> Vice President Al Gore is said to be "strenuously working against efforts to exempt ethanol from President Clinton's proposed Btu tax," says one source.
>
> A source very familiar with meetings on this issue says Gore is "dead-set against any exemption for ethanol."

Madam President, as a Senator, Mr. GORE used to help us promote ethanol. You have to wonder what happened.

Certainly, such a tax would assure that MTBE monopolizes our reformulated fuels program, pushing ethanol and farmers out.

That, of course, would make big oil very happy, particularly Arco, which is the largest manufacturer and importer of MTBE—the largest importer in the world.

My colleagues may have noted the recent articles detailing the sudden fondness and support of Arco that they directed at the Clinton energy tax proposal. I think it is all starting to become very clear. But, Madam President, the Btu tax on ethanol is just one of many devastating provisions included in this budget resolution presented by the Clinton administration and Senate Democrats.

The waterway barge diesel tax will cost an average 400-acre grain farmer $5,000 in lost income. The direct and indirect cost of the Btu tax will cut income by another $1,600 for the average American farmer.

The increased costs of meat inspection will be passed back to the farmer. And, as the Washington Post recently noted, agriculture is getting hit with 6.4 percent of the budget cuts while it comprises only 1.8 percent of domestic spending.

Madam President, Iowa's farm crisis hot line, where people who are in trouble can call in to get help on emergency basis, is receiving the most calls that they have received since the height of the farm crisis in 1986.

In 1989, the average Iowa farmer netted an income of only $14,000. In 1991, that did rise quite a bit to about $21,000. But this budget, with all these tax increases and all these cuts, particularly the energy tax increase, is going to put our farmers and rural Americans out of business.

You have to ask, is that a plan? Again I want to quote from the Ag Commodities News and Views in answering this question. An EPA staff member was asked what would be the benefit to U.S. agriculture by leaving Clinton's energy tax package as is?

The EPA staff member's response was, "there would be fewer farmers."

Has President Clinton declared war against America's farmers, against America's rural citizens?

Has the President gotten carried away with the advice of Ken Cook of the Center for Resource Economics? Cook warned Clinton not to pursue "support from the farm community too aggressively" because Clinton drew "solid opposition in farm country" during the election.

I ask my Democrat colleagues who have talked to the President, is his idea of deficit reduction really an effort at family farm reduction via devastating tax increases?

We need a candid, honest answer. Your answers could help save rural Americans from the devastation of budget resolution, especially the Btu tax. It is the most antifarmer part of the budget.

Mr. NICKLES. I thank my friend and colleague, Senator GRASSLEY. I must say, Senator GRASSLEY worked hard for this amendment in the Budget Committee.

I now yield to the Senator from Kentucky [Mr. MCCONNELL].

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I thank my friend from Oklahoma and commend him for this amendment. We have heard from a lot of Senators tonight, Madam President, about the impact of the Btu tax on America. I want to get very specific in terms of the impact on Kentucky.

In my judgment, the Btu tax is probably not going to produce the revenue that the President anticipates, in any event. Some would argue that it may even end up in the hole. But one thing we know is sure, one thing we know is certain, Madam President: The Btu tax is designed to discourage the use of fossil fuel.

How anyone from a coal-producing State could oppose the Nickles amendment astounds this Senator. Just looking at my State, for example, a University of Kentucky study indicates this tax will cost the Kentucky coal industry about $1 billion a year. That is $1 billion a year on the coal industry in one State, Kentucky. Many financially strapped coal operators will not be able to pass that cost through to their customers. The result: Mine closings.

Overall, the University of Kentucky study predicts the loss of 2,000 to 3,000 Kentucky jobs within 2 years of the implementation of this tax. This study was done by a respected University of Kentucky economist. It took a long, hard look at this and its impact on our State: 2,000 to 3,000 Kentucky coal jobs lost within 2 years, Madam President, of the implementation of this tax. You could not pick a worse tax, from a Kentucky point of view, than this tax.

Also, without some type of rebate for exports which may not even be possible under our trade laws, overseas sales of U.S. coal would simply be killed.

So, Madam President, what I want to talk about is the impact of this tax on one State: My State, Kentucky; $1 billion a year, 2,000 to 3,000 Kentucky coal jobs lost as a result of this tax. If Senator NICKLES' amendment is not successful, you can kiss those 2,000 to 3,000 jobs in Kentucky goodbye. This tax is a disaster for the Commonwealth of Kentucky, not to mention the impact on the country at large which has been described by speaker after speaker tonight. But this is terrible for Kentucky, the worst conceivable tax. All of this in the name of deficit reduction? In the name of deficit reduction, we are going to wipe out 2,000 to 3,000 Kentucky jobs.

Madam President, I rest my case based very narrowly on the impact on Kentucky.

Madam President, I rise today in support of this amendment to strike the energy tax from the budget resolution.

During the campaign, when George Bush predicted that Clinton would raise taxes on the middle class, Clinton howled in protest—and I quote:

> It is a disgrace to the American people that the President of the United States would make a claim that is so baseless, that is so without foundation, so shameless in its attempt to get votes under false pretense * * * it amounts to desperate tactics.

George Bush was right. Bill Clinton is raising taxes on the middle class—through his new Btu tax.

The amendment before us presents my colleagues on the other side of the aisle with a unique opportunity. By voting for it, they can help the President to actually keep one of his campaign promises and they can prevent a very bad idea from becoming law. The fact is, the Btu tax is regressive, inflationary, and will eliminate, not create jobs.

Families earning less than $10,000 a year spend 10 percent of their income on energy—excluding gasoline—while families earning over $50,000 spend less than 3 percent. Low- and middle-income families will bear the brunt of this tax.

The Btu tax actually taxes production, not consumption. This tax will raise the cost of making goods in this country, driving manufacturers and jobs offshore and reducing U.S. exports. That is hardly consistent with President Clinton's other campaign themes: stimulate economic growth and create jobs.

The Btu tax will not raise the revenue Clinton hopes to get. Because it is inflationary and dampens economic activity, the Btu tax actually could reduce income tax revenues. It will also drive up the cost of Federal entitlement programs which are tied to the cost-of-living index.

According to Clinton, the reason we have a Federal budget deficit is because we do not pay enough taxes. Never mind that the average American now works 126 days a year just to pay his or her tax bill. Taxes now take up almost 40 percent of American families' expenses—more than what families spend on food, housing, and clothing.

No, Madam President, the real reason we have a deficit problem is because Government taxes and spends too much. Congress has raised taxes 56 times in the last 30 years and for every dollar in taxes raised, spending has increased $1.59. Since the 1990 budget agreement, spending has actually increased $1.91 for each dollar in taxes raised.

President Clinton says higher taxes are needed to pay for his economic stimulus package. On this point, the President is about 22 months too late. Economic growth was up almost 5 percent last quarter, the seventh consecutive quarterly gain. In fact, the United States enjoyed the highest economic growth of any major industrial nation in 1992. Even if a stimulus was needed, it would take more than the $30 billion Clinton is proposing to put a dent in our $6 trillion economy.

The fact is, the President desperately wants to take credit for an economic recovery that was well underway when he came into office. After the American people feel the full impact of these new taxes, the President's approval ratings may need a stimulus, but for now, the American economy is doing just fine on its own.

Clinton's energy tax will not stimulate economic growth, produce jobs, or reduce the budget deficit. It will only impose a direct burden on middle-class America to pay for bigger Government. I urge my colleagues to support this amendment to scrap the Btu tax.

I certainly hope the Nickles amendment will be successful, and I commend the Senator from Oklahoma for his leadership on this important question. The Btu tax is a disaster for America. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Madam President, I yield 10 minutes to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, I thank the very distinguished floor manager for yielding to me. First, I want to say such equities as exist in the Btu tax can and, in my opinion, will be redressed. The Senator from New Hampshire made a valid point about the impact it will have on New England.

I can tell you as a Senator from a rural agricultural State that farmers get the biggest whammy of all out of the Btu tax, and I intend to do my very best, as my distinguished colleague from Nebraska and the rest of us will later do, to redress that. But make no mistake about it, the battle tonight is to try to find a defeat for the President of the United States. It is not because this is the last chance to address the Btu tax.

I heard the distinguished senior Senator from New Mexico this afternoon say we are only going to cut $7 billion in spending cuts—how silly can you get—over $4 billion in agriculture alone in cuts.

I intend to support this resolution to cut $500 billion off the deficit, and I want to send a clear signal to the American people that the zany years of the past 12 years are over. I cannot believe, as I reflect back on it, that on this very floor, the herd instinct swept across this floor. The President of the United States, Ronald Reagan, came to town on a solemn promise that I will balance the budget. That is the reason he was elected, on that solemn promise. Within 3 years—strike that—within 2 months, after his election, he said if you will only cut $2.5 trillion in taxes over the next 12 years, mostly for the wealthiest people of this country and double defense spending from $150 billion to $300 billion, that is the key to success; that is the key to prosperity and jobs. And the herd instinct swept across this floor.

You are looking at 1 of 11 Senators who did not believe it. A country lawyer from Charleston, AR, population 1,500, my native intelligence told me that is the craziest thing I ever herd, and I voted "no". And 12 years later, we do not have a balanced budget, we have a budget deficit that went from $920 billion when the President made that solemn promise in 1980 that is now over $4 trillion.

The lunacy, absolute lunacy that swept across this body now has this country on the abyss of an economic catastrophe. We have a young man who came from my home State. Yes, he is a dear friend, but I can tell you one thing. I have a credo that I believe in strongly and it is that you can tell more about the truthfulness of what a politician is saying to you by how unpleasant it is to hear it than any other thing. So when that young President went before the U.S. Congress and made his State of the Union Address, what did he do? He did not say, "Oh, if I could just get a line-item veto; oh, if I just had a constitutional amendment to balance the budget; oh, if it were not for that crazy runaway spending, tax-and-spend liberal Democrats." I cannot spend a nickel that Congress does not appropriate.

He did not give you any of that stuff you have been hearing for 12 years. He said, American people—he did not say it. I am saying it—I am paying you the highest compliment a man in public office can pay you. Do you know what that high compliment is? I am putting my trust in you with the truth.

Oh, how difficult it is for politicians to tell people things they would rather not hear. Politicians never think people can handle it. The truth of the matter is they can handle it. There is not a dirt farmer in Franklin County, AR, my home, that does not know that this country is in deep trouble.

About the only thing I have said to my President—and this was unsolicited. I told him, I said, I do not want to burden you, but I want to tell you, you are not just the country's last best hope; you are the country's last hope.

So he says to the American people and the Members of Congress, we are going to raise taxes. We are going to take some of the $2.5 trillion that went mostly to the wealthiest people in the country, we are going to take some of that back and we are going to start that deficit South. And the Btu tax, which is not perfect, I am going to put an investment earned income tax credit in there to help offset the burden of the Btu tax.

Have you heard anybody on the other side mention that tonight? Not one soul. Do you know where they show that? They say, "Well, look how much money the President wants to spend." Look at all this money here. Do you know why all that money is there on the earned investment tax credit? To offset the burden of the Btu tax for working poor people.

You have not heard anybody mention that.

Mr. President, if we had solved all of our problems in the last 12 years—education, crime, housing, health care—if, while we were spending $3 trillion in the last 12 years that we did not have, we had solved those problems, you might make some kind of argument in defense of the wild spending while we cut taxes the past 12 years. But that is not what has happened.

In the same period of time that we were quadrupling the Federal deficit and quadrupling the number of millionaires—and I have nothing against millionaires; I have been trying to join them all my life—we put 3 million people on the streets. I see them every night when I drive home, and you do, too. We have gone to about dead last among the developed nations in education. And there is absolutely no question that we have more people without health care than any nation on Earth—all while we built a deficit that is going to destroy the Nation if we do not heed this President saying this is your last best chance.

The same people who made the arguments about the key to prosperity is to spend $3 trillion you do not have stand before you tonight and say well, it is crazy to say that we are going to create jobs by taxing people. The Btu tax, if it were a gasoline tax, you would hear the same arguments. If it were any kind of tax, you would hear the same arguments.

This afternoon the senior Senator from Texas had a chart saying, why, they want to raise—they want to cut defense spending from 6 percent of GNP, which it was under Ronald Reagan, to 3.2 percent. And they want to increase social spending from 10 percent to 19 percent.

You bet. That is exactly what I want. That is exactly what any sane person would want. You heard the distinguished chairman of the Appropriations Committee this night say domestic discretionary spending as a percentage of the budget and GNP has actually declined. What we spend on ourselves for education, for health care, for highways has declined. Entitlements up about 140 percent, defense up 100 percent, and what we spend to make ourselves a great people declined. Is it not about time we start spending some money on ourselves to take people off the streets, to try to take the guns off the streets? It reminds me of people who stand up and defend being able to walk into a gun shop and buy an imported Chinese AK–47 with no questions asked, which is what the guy who shot up the CIA did.

The PRESIDING OFFICER. The Senator from Arkansas has spoken for 10 minutes.

Mr. BUMPERS. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. The Senator is yielded 1 additional minute.

Mr. DOMENICI. They have no additional time, do they?

The PRESIDING OFFICER. The majority has 9½ minutes remaining.

Mr. BUMPERS. So, Mr. President, I want to plead with my colleagues, if you want to join with Senator KERREY of Nebraska, Senator DASCHLE of South Dakota, and other Senators here from rural areas to try to redress some of the injustices of the Btu tax on agriculture, please join us. We will do it. But do not use a resolution, the budget resolution, to try to embarrass the first President the United States has had who paid them that high compliment of putting his trust in them by telling them the truth. He said folks, we are in a heap of trouble. I would love to tell you something pleasant tonight, but it is not pleasant. We are going to raise your taxes. We are going to cut a lot of spending. But I will tell you what, we have nothing more or less to lose than our whole future, our Nation.

My 3½-year-old grandson who spent the night with me last night deserves a future, so let us start tonight by helping preserve it for him.

I thank the distinguished chairman for yielding to me.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Oklahoma.

Mr. NICKLES. Madam President, I yield the Senator from Delaware 4 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Madam President, I rise today to support this amendment to strike from the President's plan what amounts to a major tax increase on the middle class.

The President's new tax is based on the energy content of oil, coal and natural gas—the lifeblood of our economic strength. Virtually everything Americans do relies on energy usage. Consequently, not only will such a tax hit our manufacturing, farming and transportation sectors, but the service and retail sectors as well. It will inflate the prices of goods across the board and hit our families where they live—literally in their homes, every time they go to the thermostat * * * every time they draw a warm bath for their children * * * every time they turn on the oven or the stove to cook a meal. And on top of these drawbacks, this tax is not fair. Some regions will feel its effect more than others.

I would like to talk about its adverse effect on Delaware. First, under the Clinton plan Delaware has a disproportionate tax increase, placing its tax liability eighth of all States and the District of Columbia. This is from the respected independent research group, the Tax Foundation.

The Wall Street Journal placed Delaware in a similar position. Only Connecticut, New Jersey, the District of Columbia, Alaska, Massachusetts, New York, and Maryland rank ahead of Delaware in the amount of increased taxes their citizens will have to pay. According to the Tax Foundation, the net tax increase in Delaware per person, each year, will be $263. Over the 4-year term of President Clinton, that will be over $1,000 for each man, woman, and child, or $4,000 for a family of four. Obviously, this tax hike will have a dramatic effect on the economy in Delaware. Decreasing consumers' discretionary income to buy goods and services will hurt economic growth, and create inflationary pressures that will further rob the middle class.

My State's largest industry is agriculture, like it is in many other States. And I can tell you the farmers in Delaware know they cannot affort this energy tax, which has been estimated to increase production costs by as much as $1 per acre, or more.

In the northern part of Delaware, the chemical industry is our major employer.

According to the New York Times, the chemical industry is the fourth most energy intensive industry in the Nation, with energy taking up more than 5 percent of manufacturing costs. Chemical manufacturers consume 7 percent of the Nation's total energy supply. About half of that amount will be subject to the Clinton energy tax because of power consumed by production equipment.

It has been estimated that the chemical industry annual fuel bill will be increased by $10 billion, or 12 percent.

Does anyone think that these increased costs will not inflate prices to the consumer?

Does anyone think that increasing production costs in this global economy will improve America's competitiveness? This tax is not—I repeat is not—going to be rebated at the border. Some of us have concerns about our country's ability to compete with new excise taxes that are not export neutral—in other words, taxes that increase the cost of U.S. products, taxes that are not forgiven, when our products are exported.

The chemical industry is the Nation's biggest export sector, larger than agriculture, producing a surplus of $16.3 billion last year, down from $18.8 billion in 1991. Even without this energy tax, forecasts indicate further declines. With the tax, the declines will surely be greater. Only ceramics, metal refining, and paper production have energy costs higher than chemicals, and I might add that since one of our chemical employers owns a major oil company, the northern part of Delaware will have additional difficulties to overcome. After the recent layoffs in the chemical industry in Wilmington, it is hard for anyone in Delaware to support this tax as a growth proposal. In fact, the only growth that we will see from the Clinton tax plan is in the size of the Federal Government.

Finally, I would like to talk about the unfairness of this tax. In the Northeast, and Mid-Atlantic regions, where roughly 40 percent of the homes are heated with oil, we will be asked to pay more than anyone else. While natural gas, coal, and other fuels will be taxed at 25.7 cents per million British thermal units [Btu's], petroleum-based fuels like home heating oil in Delaware will be taxed at more than twice that rate, or 59.9 cents per billion Btu's.

This is not a luxury for Delaware families that President Clinton is trying to tax. this is a necessity. It is not just regions that are unfairly treated under the President's plan. It is the middle class.

This is the same middle class that candidate Bill Clinton told would enjoy a tax cut if he were elected. This new energy tax will hit virtually every family earning more than $30,000, and in fact will hit families earning much less. We all know how the administration arrived at its numbers, using inflated family income by adding health benefits, Social Security payments, imputed rent on their homes and other nontaxable items. Under this proposal, many taxpayers will have to pay the higher taxes, but not get the tax rebates that they had hoped for—the rebates the President indicated they would receive. For example, one of my constituents, Mr. James Barry, wrote to me because he makes less than $30,000 and will have to pay from $300 to $500 a year in higher costs because of the Clinton energy tax. You see, he does not qualify for the earned income tax credit offered by the President, because he's retired. And every retiree without earned income is going to suffer the same fate. So, if you are retired, hold onto your wallets. If the IRS does not get you with the Social Security tax hike, it will get you with the energy tax because you do not qualify for a tax rebate. Those who work and have no children at home, but earn between $9,000 and $30,000 will have a big tax increase, too, because they do not qualify for the President's earned income tax credit, either. Believe me, there are plenty of these families, too.

Simply stated Mr. President, America cannot afford this tax at this time. We must be focused on creating economic growth, competing from a position of strength internationally, and providing security for our families here at home. This tax is not only unfair to certain States and regions in America, but it will be adversely felt by virtually every American.

In sum, we cannot tax America into prosperity.

Mr. NICKLES. Madam President, I yield 4 minutes to the Senator from Idaho. Would you inform me how much time remains on our side?

The PRESIDING OFFICER. Fifteen minutes fifty-five seconds.

The Senator from Idaho [Mr. CRAIG] is recognized.

Mr. CRAIG. I thank my colleague from Oklahoma for yielding and I stand in strong support of his amendment this evening.

I have listened with amazement this afternoon and evening, Madam President, as Senator after Senator has come to the floor and said, "We have got a bad tax, but we have got to vote for it."

You just heard the Senator from Arkansas say it is going to hurt farmers, it is going to hurt families, and it is going to hurt working men and women, and we will fix it sometime down the road, but you have to vote for it tonight.

Citizens in my State were asking me that question. Several weeks ago when

I said I could not support this because it would lay Idaho agriculture to waste, and when I gave them the figures they knew why I could not support this President on this issue. He is wrong. That is why. But the other side of the aisle tonight does not dare give this new President a defeat on his first outing. That is what is at issue here.

The Senator from New York said it is a dumb tax, and it is a dumb tax—and 600,000 jobs in this country. I do not care how you try to subsidize your way out of that one. You cannot do it. And $504 per Idaho family on Btu alone. You know, Idaho is a blessed State. It has a unique resource. It is called hydro. Yet, this administration figured out a way to get to an environmentally benign high-quality, high-producing energy source, hydropower. Why did they do what they did? Here is what they did.

They said we will equate hydro in relation to Btu per kilowatt-hour of 10,315 when other nations of Europe, Sweden, and Norway, say if you do anything over 3,000 in a Btu to kilowatt-hour equivalent, you throw it out of proportion. It is impossible when you look down through the ramifications of this tax application to understand the whys and the wheres other than one thing. Any energy industry in this country that is energy intensive loses. And because this Nation has had the great wisdom to keep its energy costs low, and its productivity high, almost every industry takes a substantial hit.

Now it is not the board of directors, Madam President, and it is not the stockholders that lose. It is the thousands and thousands of working men and women who get the pink slips. That is who loses here.

In Idaho, farmers, ranchers, working men and women, and small business people are dependent upon a relatively inexpensive energy source that now soars through the roof on a very phony improperly applied formula. You are darned right.

The Senator from Arkansas is right. This legislation needs to be fixed. Why do we not send that message tonight to the White House, that it is a bad tax proposal and it ought not go any further?

Mr. SASSER. Madam President, I yield to the distinguished Senator from Nebraska [Mr. EXON] 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair. I thank the chairman.

The measure before the Senate has a lot of attraction for those of us who have been concerned about the Btu tax effect on an energy-intensive industry like agriculture. Just this evening, Madam President, I have confirmed through the administration that if the barge tax is allowed to stand as recommended, the tax in addition to its known hit on family farmers would also cost them 8 cents a bushel to transport corn from Omaha, NE, to New Orleans. This is unconscionable. It is ridiculous. It must be changed and it will be changed.

There are those speeches on the floor tonight—I am not questioning the intensity or the sincerity of those that are making these statements though—that this is the time to foreclose forever under consideration any type of a tax on energy.

I simply say that yet—while I understand they are concerned, and agree with many of them—yet to support this amendment at this juncture without a matter of appreciation and understanding that we currently have of its full effect on the economy as a whole and the President's package as a whole would be untimely.

In addition to the very legitimate concern relative to agriculture, it is also the possibility that the Btu tax might also severely adversely affect the whole economy of the country. These answers are not yet all into the many questions that we impose. If this amendment is adopted, it would put the Finance Committee in a straitjacket. And it would impair if not eliminate the Finance Committee's options to fashion a compromise that would likely be more acceptable to this Senator and probably the Senate as a whole.

The final decisions on these matters, especially for new revenues to meet the worthy deficit reduction goals of the President, should justifiably be made in the committee deliberations—and with the understanding that they would be deliberating this—and then afterwards, finally resolved in the upcoming debate and important votes as part of the reconciliation process.

Therefore, given the fact that all final decisions on the Btu tax, or any possible version thereof, should be made during the committee's deliberations and through the reconciliation debate and votes, I believe it is not wise at this point to rush to a decision we might afterward determine to be too hasty.

This is not the proper time to formally decide the fate of the Btu tax. That matter can and will come to a decision at a later date, only a few weeks down the legislative road.

I would emphasis that the deliberations and negotiations are ongoing with the White House on this and other substantial matters with regard to beginning that all-necessary deficit reduction decisions.

Let us not rush to judgment. It is always easier to kill something than to try to make it work. Constructive criticism, a give-and-take on the ideas and concepts is the only way to reach a deficit reduction goal that is fair to all.

Madam President, I suggest a no vote on the amendment before us.

I reserve the remainder of my time. I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I yield to the Senator from Washington 4 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President, the distinguished Senator from Arkansas tells us that we dare not, we must not embarrass the President of the United States at this early point in his Presidency. We dare not embarrass the President, so we must keep $95 billion in gross new taxes on the American people, but we dare not embarrass the President.

We can deprive 600,000 Americans of their jobs, but we dare not embarrass the President of the United States. The distinguished Senator from Nebraska tells us that to cut $70 billion from the net number of taxes which the Finance Committee must raise will make that committee's task more difficult. Only in the U.S. Senate could we hear, seriously presented, the proposition that to reduce the new tax load by $70 billion will make the tax writing committee's process more difficult.

We dare not lower that tax burden on the American people $70 billion, because it will make it harder on 11 Senators to come up with their answers. This is not reality, Mr. President, in any respect whatsoever. Reality is the 600,000 jobs which will be destroyed by this tax. Reality is that it takes $95 billion in gross new taxes to produce $38 billion in income for the Federal Government to use on new spending programs. Reality is a tax on hydropower described by my colleague from Idaho, which treats hydropower at almost three times the tax of dirty coal in the imposition of a tax which is supposed to help the environment and will have the opposite effect. Reality in my State is an increase in the production cost of aluminum, which will drive at least 10,000 jobs out of the State and out of the United States of America. Many of the defenders of this proposal oppose the North American Free-Trade Agreement, because it will drive jobs to Canada and Mexico, and they vote for a proposal which will have 10 times the adverse impact that even their dreams call for in that respect.

Reality is the President of the United States going to the Boeing Co. and sympathizing with workers losing their jobs, and imposing a tax of between $1 billion and $1.5 billion a year on an airline already losing billions of dollars a year. Reality is the impact on the farms of America, which Senators on the other side say, "we will take care of it." How? By increasing taxes on others? Reality, Mr. President, is the request of the people of the United States that we cut spending before we raise taxes.

The Nickles amendment does exactly that. It accords with the will of the American people, and it is more important than a potential embarrassment to the President of the United States, or adding to the difficulties of 11 majority members of the Finance Committee who, somehow or other, will find it harder to raise $320 billion in new taxes than $395 billion in new taxes.

Mr. NICKLES. How much time is remaining, Mr. President?

The PRESIDING OFFICER. A total of 6 minutes is remaining on your side.

Mr. NICKLES. I yield to the Senator from Missouri for 2 minutes.

Mr. BOND. Mr. President, I appreciate the courtesy of my colleague. I had the opportunity earlier today to talk in broad generalities about the impact of the President's proposal on the economy of this country—the jobs that we would lose, the inflation that this could cause, and the slow-down in economic growth. But I think maybe tonight I will just tell you that I have had the opportunity to talk to many farmers around the State of Missouri, and farmers in Missouri are very sophisticated these days. They have to be good businessmen and women to know how they are going to earn a living, how they are going to keep their families together, how they are going to achieve the goals they have set for themselves and their families.

They have it down to the last cent, and they know what the costs are. They know what their inputs are. They know how much this is going to cost them. We can come up with estimates by various organizations, say $700 to $1,000 for a small farm, maybe $1,500 for a larger farm. Well, the farmers throughout Missouri can tell you specifically what their direct costs will be, costs in terms of diesel fuel, and propane for drying, and transportation costs. But they can only give you an estimate of how much their fertilizer costs are going to go up. Some people said anhydrous ammonia would go up $62. Other equipment they buy is going to have an added cost impact. I have seen, I think, reliable estimates, based on a DRI study of 1987 that a 17.7-cents-per-billion Btu would cost a million jobs. This is more, and it will cost more.

I urge my colleagues to join me in "taking the horse meat out of the rabbit stew" and voting with Senator NICKLES and Senator SHELBY.

Mr. SASSER. Mr. President, I yield 4 minutes to the distinguished Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. KERREY] is recognized.

Mr. KERREY. Mr. President, when President Clinton came before a joint session of Congress, he gave a speech, and I heard both Republicans and Democrats say they were impressed with the speech. Indeed, it seems to me that the speech itself changed the dynamic of the debate in America. He did come and tell the American people the truth.

We have a deficit that, unless we do things definitely now, will radically change the nature of our country, and we have to deal with it. He told us it was going to take cuts in spending and new taxes to get the job done. Well, things were changed for a while, Mr. President, and since that time, I have heard from a variety of interest groups. They say: "We like the idea of reducing the deficit, except we do not like this particular cut; and would you, Senator KERREY, help us restore this particular cut?"

And then came a group of people that said: "Well, Senator, we like the idea of reducing the deficit, but we would like for you to help us fight this particular tax increase." I do not know how it is possible.

Of course, I have heard a lot of people come to the floor and talk in campaigns about the need to make tough choices. Now is the time to make tough choices. I hear many colleagues saying: "Do you not have some easier tough choices?" Well, there are none, Mr. President.

This morning, I had the Congressional Research Service come over and make a presentation to me about what is going on with our entitlement programs, a subject I hope we get to spend some time on. I intend to vote for spending cuts this year. I doubt that I am going to be able to vote for the stimulus package. I heard a presentation, and I expect to come to the floor and share it with my colleagues.

Twenty-five percent of the taxable income today in America goes for the top five entitlement programs. Those entitlement programs do not affect the 90 million American workers. That number will grow to 50 percent in the year 2020. An awful lot of us may not be around then, but our kids and grandkids will be, Mr. President.

If we really look into the future, then we are going to have to get real serious and look people dead in the eye that are part of our political base and say: no, we cannot be all things to all people. It is impossible to reduce the deficit and restore economic health to this country, unless we are prepared to risk, as the President did, our political careers, too.

I will vote "no" on this amendment, Mr. President, because I am coming to the task and will join the President of the United States in making sure that we end this year with serious and meaningful deficit reduction.

Mr. NICKLES. Mr. President, I will be brief, and I will tell my colleagues that we are getting ready to vote in a few moments. I heard people say we are going to fix agriculture in a little bit. The Senator from Wyoming says: "Are we going to raise heating oil in the Northeast?" I know some want to exempt aviation. Are we going to do that to increase the tax on coal? I just will tell my colleagues this is a punitive tax that will put hundreds of thousands of people out of work, and we need to kill this tax now.

Now is the time to kill it. Let us take that direction away from the Finance Committee and say you do not have to raise that $73 billion. Let us tell the Appropriations Committee you do not have to spend that $73 billion.

And for those of my colleagues who are worried about us not having enough money to spend, I will tell them over the next 5 years we are going to spend $8.1 trillion. This is less than a 1-percent cut. I might mention we are spending $1½1 trillion a year right now. That figure is so large you cannot comprehend it. It is more than $6,000 for every man, woman, and child in the United States.

I think we need this amendment to make sure we will not put an additional tax burden and additional spending burden on our future generations.

I hope my colleagues will agree to this amendment offered by myself and Senator SHELBY.

I yield the remainder of our time to the Senator from New Mexico.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time do I have?

The PRESIDING OFFICER. Two minutes 30 seconds.

Mr. DOMENICI. I wonder if I might have one additional minute.

Mr. SASSER. Yes.

Mr. DOMENICI. Mr. President, I would like to break my closing remarks into two parts.

First, I have not been able to respond to the very lengthy statements from that side of the aisle laying the total claim for this budget deficit on Republican Presidents and implicitly on Republican Senators.

I am very pleased that the President of the United States does not think that. I am going to quote from his speech he gave to the American people.

> I tell you this is not to assign blame for this problem. There is plenty of blame to go around in both branches of government and both parties.

I would also remind those who think the Republicans were the only ones that wanted to reduce taxes in 1981, the vote was 89 to 11. As I recall, we had about 51 Senators. Where did all the rest of them come from?

And then I would ask you—I looked at the charts that my good friend, the chairman of the Appropriations Committee, put up here, and he said the last 4 years have been the years that the deficit really went up.

I submit you could do another chart and say those are the years that the

Democrats controlled both Houses by the largest numbers. You could have another chart up along side of it.

That is one reason perhaps that the deficits went up so high. In this body, the Democrats owned the U.S. Senate; in the other House the Democrats had 80 or 90 House Members long on their side.

How in the world can you stand here tonight and talk about those fellows on that side? They were for the rich. How about those fellows on that side? Eighty-nine Senators voted for that tax cut if that was a tax cut for the rich.

So I submit the President of the United States is correct in saying there is plenty of blame to go around.

Having said that, let me suggest that the truth of the matter about this amendment is very simple. I have now looked at how much domestic spending there is in the United States, and let us make this very clear. The domestic spending of the United States in the next 5 years is going to increase, I say to my friend from Oklahoma, by $815 billion.

I do a little arithmetic, and I divide it by five and on average there is a $175-billion increase in the domestic budget every year.

How in the world can we be harming people in the United States when in this amendment we say do not put on the fuel tax, the energy tax, $72 billion net to the Government and take $72 billion out of this increase? Let us do the arithmetic. The budget of the United States, when we are finished with the Nickles amendment, over the next 5 years the domestic budget will grow $743 billion.

I cannot believe that the American people believe we ought to be putting more taxes on while the budget is growing that much. I think they believed that the President said we are going to sacrifice, but the sacrifice was not all in favor of the Government and against the taxpayers.

So I submit this amendment would send a clear message that we do not need 72 billion dollars worth of new taxes, including the most onerous around, the Btu tax, and we do not need $72 billion in program increases when the budget will be increasing $743 billion on the domestic side.

Frankly, I think it is very simple.

The other point I would make for those who say do not do anything, we will fix this tax up in committee, it seems to me then the budget resolution does not mean anything if you are going to fix them all up and in effect the committee is going to take everything that is affected out.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PRESSLER. Mr. President, I strongly support the Nickles amendment. From the very first day President Clinton proposed the British thermal unit [Btu] tax, I have had serious concerns about its potential impact in my State.

I've concluded the energy tax would impose a heavy burden in South Dakota and other rural States. Farmers, ranchers, and small businesses would be heavily impacted. They represent the foundation of South Dakota's economy. They also are fuel-dependent industries. Farmers consume enormous amounts of energy in growing and processing agricultural products. Most important, they have few, if any, ways to pass through increased energy costs. They have to absorb them.

With each passing day, we are learning more and more that agriculture and rural America could be burdened unfairly by the Btu tax. South Dakota's farmers and ranchers cannot afford to pay thousands of dollars in extra taxes. The proposed Btu tax could add 7.5 cents to the cost of a gallon of gasoline; 8.3 cents for diesel fuel; and 2.3 cents for propane. This tax would hit every aspect of agriculture: planting, cultivating, harvesting, heating and drying, and irrigation.

The Btu tax would hit South Dakota corn growers especially hard. The fuel cost-per-acre for corn production in South Dakota already has risen from $21.78 in 1988 to $23.98 in 1990. The Btu tax would increase these costs by an additional 7 to 10 percent. That equates to an additional $1.70 to $2.40 per acre.

However, we also need to look beyond fuel and energy production costs. Fertilizer and pesticide prices would increase as well. For corn growers, drying costs would increase. In South Dakota, those costs already are over $11 per acre for corn. Individually, some cost increases may not seem that great, but when one begins to look at the bottom line, one will conclude that rural America is being asked to shoulder a very heavy burden.

Some numbers being discussed are alarming. The Fertilizer Institute estimates the proposed tax would result in a $4,515 loss in income for the typical 1,500 acre wheat producer. They also estimate the annual loss of income for the typical 700 acre corn producer would be $5,159.

The livestock industry is South Dakota's largest industry—valued at nearly $9 billion. The National Cattlemen's Association estimates that cow-calf operators could face $5.52 in additional taxes per beef cow. This will cost South Dakota cattlemen more than $5 million each year. The rancher's bottom line also is not encouraging.

Farmers have no control over the market. They will be unable to pass these costs through. Mr. President, I know of no South Dakota farmer who could afford to sacrifice $5,000 of his or her hard-earned income each year.

Most alarming, the March 17 Ag Commodities News and Views reported:

> U.S. Farmers aren't going to like what an EPA representative reportedly said at a Friday meeting regarding the Clinton Administration's energy tax proposal—Inside government sources reveal the following: "An EPA staff member was asked what would be the benefits to U.S. agriculture by leaving Clinton's energy tax package as it is. The EPA staff member's response was, "There would be fewer farmers."

Small businesses, often associated with agriculture, consume vast amounts of fuel to travel great distances in rural States like South Dakota. With small business profit margins as narrow as they are, a 10-percent increase in energy costs could force some to lay off their employees, and could put others out of business. Small businesses are the backbone of our Nation. Yet, this tax could break the backs of small business.

Obviously, Mr. President, I should not have to point out the climate differences that exist in our country. Not only does South Dakota have long, cold winters; it has hot, humid summers. While hot and humid is great for corn growth, it also requires large amounts of energy for heating and cooling our homes, schools, and hospitals.

Northern States Power [NSP] serving residents in the most populated portion of South Dakota estimates an increase of 31 cents per kilowatt hour. NSP estimates that the tax would result in an increase of 4.1 percent for residential electrical rates and up to 6.7 percent for businesses. They also estimate 5-percent increases residential gas rates, and business customers would face increases of up to 10.7 percent.

How will these estimated rate increases affect school districts, those living on a fixed income, or hospitals? School districts are very concerned about what an increased utility bill would do to their budgets. We cannot add to their financial burden. Increasing our school's utility bills would decrease their ability to invest in our children.

Out of the 64 counties in South Dakota, 4 are on the top 10 list of the poorest counties in the Nation. Many of the people in these counties receive assistance under the Low Income Energy Assistance Program [LIEAP]. Many run out of LIEAP funds well before the long South Dakota winter is over. What will happen to these people when the cost of energy is increased? Yes, the administration has pledged to increase LIEAP funding. Yet, LIEAP lately has been in desperate need of additional funding. There is no guarantee LIEAP will be fully funded. What will LIEAP recipients do if there is no additional funding?

Mr. President, let there be no misunderstanding: South Dakotans are more than willing to do their fair share in helping reduce our enormous deficit. I've talked to them. I've read their letters. I've heard their phone calls. They are ready to do their part. The issue here is fairness. The proposed Btu tax is unfair to the people of South Dakota.

Instead of finding creative ways to tax Americans, we should focus our attention on constructive ways to cut wasteful government spending. I've said it before—the cuts must come first. The Nickles amendment would do. I urge my colleagues to join me and others in supporting the Nickles amendment.

Mr. DOMENICI. Mr. President, in evaluating the Btu tax, it seems to this Senator that the whereas just don't add up to the therefores.

The administration has clearly articulated three objectives for the Btu tax: According to "Vision of Change," the tax is designed: To reduce environmental harm; to decrease the country's dependence on foreign energy, and to promote energy conservation.

It will do little to encourage conservation or curb energy consumption. The proposal will make our foreign oil dependence worse according to some experts. And it is theoretically flawed if its objective is to encourage clean energy sources that are good for the environment.

ENVIRONMENTAL OBJECTIVE

What is the environmental justification for taxing clean natural gas at the same level as dirty, high sulphur, eastern coal?

This tax is supposed to encourage the use of natural gas by taxing oil at almost twice the rate of gas and coal, but according to CBO the design of the President's tax may encourage coal use because the demand for coal generated electricity may benefit from the relative price changes that take place as a result of the tax.

CBO says that a Btu tax is a blunt tool for achieving environmental goals. "If it were feasible, it would be better to tax the pollution itself rather than the fuel."

The "Environmental Whereases" don't jive with an "Environmental Therefore" to tax clean neutral gas at the same rate as dirty eastern coal.

ENERGY SECURITY

CBO estimates that the tax proposed by the President would cause imports to fall slightly—by about 150,000 barrels per day in the first year after full application—about 2 percent of our average net imports of 6.9 million barrels per day.

To finish the quotes from the CBO testimony, "the benefit associated with energy security would be small" if Congress were to enact a Btu tax. "The U.S. would remain heavily dependent on foreign supplies for its oil and more important, the world would remain dependent on insecure sources of supply."

Philip K. Verleger testified before the Senate Committee on Energy and Natural Resources. It was his opinion that the Btu tax may actually increase U.S. dependence on imports of oil as well as the dollar value of petroleum imports because the tax may exert a greater negative effect on domestic oil production than it does on consumption.

The Btu tax will have a negative impact on domestic oil production, no doubt about that.

We could lose more EOR production in California's San Joaquin Valley alone to more than offset any reduction in gasoline consumption that might occur nationwide.

In my own State of New Mexico, the tax could cost producers an additional $700 million per year. It will cause wells to be shut-in and jobs to be lost.

We will lose refinery capacity.

If the "whereas objective" is conservation, the administration has the wrong "Therefore" in a Btu tax.

Sixty-five percent of petroleum is used for transportation. If the administration's objective is conservation, it has to do more than a 7.5-cent gasoline tax increase.

THE REAL THEREFORES ASSOCIATED WITH THIS PROPOSAL

What are the correct therefores associated with this tax?

If this tax goes into effect, the American manufacturing sector and its workers, pensioners, and customers will be the losers. Our foreign competitors will be the winners.

A Btu tax hits farmers who produce our food twice. Farmers would pay the tax on grain drying, irrigation pumps, confinement facilities, and vehicles, and fuel to run their tractors. They would also pay the Btu tax on the energy used to create the tools of their trade like fertilizer.

According to the American Farm Bureau Federation, the Btu tax will cost American farmers $600 million per year.

In Luna County, NM, this tax will increase the energy bill of farmers by about $4,069 a year. In Luna County, the farmers grow chiles, onions, lettuce, sorghum, and wheat. These crops are not subsidized crops, but they are crops that need a lot of cultivation. A farmer puts a lot of hours on his tractor in order to earn his living. This Btu tax is the opposite of a farm subsidy. Instead of paying farmers to produce, it taxes them if they produce.

These are taxes on rural America, one of the hardest hit sectors of our economy in the past decade. These are American workers who are up at dawn and work til dark. They aren't rich.

Since the farmers' cost of farming will go up, they may have to raise the price of their products. A Btu tax is nothing more than a tax on food.

The Air Transport Association has estimated that the airline industry will pay an additional $1.2 billion per year in higher costs when the tax is fully implemented. Add this tax to the $6 billion that the industry has lost in the last 3 years and another therefore will be more airline bankruptcies; New Mexico has struggled to gain adequate air service. The last thing we need is airline service cutbacks.

The President said he didn't want to tax the low-income Americans, and yet this Btu tax substantially increases their tax burden.

The elderly will be hurt most. The lowest income elderly—families in the first income quintile—will see their taxes go up by 45 percent due to the energy tax. Most elderly do not work, so they would not benefit from the earned income tax credit. Most are not poor enough to qualify for LIHEAP or food stamps.

For many low-income families, the Btu tax will be associated with heat or eat and Btu will come to stand for "Buy thermal underwear."

The administration claims to want to impose a Btu tax because it would combat pollution by improving environmental quality, promote energy efficiency, enhance national energy security and not discriminate against any geographic area.

Instead, what we have is a perverse hidden tax that is going to work like an import fee on domestic production. We are going to tax our farmers; bankrupt our airlines; make us less competitive; make us more oil import dependent. This is the wrong proposal.

According to the American Petroleum institute the Btu tax would have the following impact on New Mexico based on 1990 data.

Increase taxes paid by New Mexicans of $536 per family of four.

New Mexico households would pay an additional $21.4 million in taxes on the electricity they use to heat, cool, and light their homes.

New Mexicans use about 1 billion gallons of gasoline a year and can expect to pay an additional $110 million in additional gasoline taxes.

Businesses in New Mexico would pay an additional $76 million in additional energy taxes for their goods and services.

Mr. LEVIN. Mr. President, by proposing cuts in spending and revenue increases, President Clinton has demonstrated that he is serious about reducing the deficit and has stopped the run from economic reality. It's about time that we have had that kind of Presidential leadership. By proposing targeted investments in areas such as education, transportation, and conversion from a cold war oriented industrial base, President Clinton has showed that he has a vision of how to promote economic development in a way that translates into high paying jobs.

The Nickles amendment strikes at both elements of the Clinton Economic Program. It substantially reduces the anticipated revenue and spending levels with the result that President Clinton would not be able to deliver on the program for economic growth that he promised during the 1992 campaign. It is for that fundamental reason that I will vote against the amendment.

My vote against the Nickles amendment should not be taken as unequivocal support for the Btu tax itself. The budget resolution before us does not mandate a Btu tax. Instead, it leaves it up to the Finance Committee to recommend specifically how that revenue target can be met. I am still exploring the impact of the Btu tax on consumers and employers, particularly in my home State of Michigan. I am open to considering other proposals that would be consistent with the revenue projections in the budget resolution, and I would urge the Finance Committee to consider a range of options to meet its revenue target.

Mr. BAUCUS. Mr. President, I oppose the amendment offered by my colleague from Oklahoma, Mr. NICKLES.

Like many of my colleagues from the West and rural States, I have reservations about the Btu tax. I am concerned about how it might adversely impact several important industries in my home State of Montana: Agriculture, coal, and aluminum production.

Unfortunately, while the amendment before us today may address these concerns, its passage would create far more problems than it could ever solve:

At a time when the American people are demanding that Congress act to address this country's problems, passage of this amendment would only mean more gridlock. It would amount to an undeserved rebuke of a President, who has shown the courage to confront this Nation's problems;

And, at a time when we should be doing more to invest in our young people, our physical infrastructure, and our environmental infrastructure, this amendment would gut the President's investment initiative;

In closing, while this tax and some other aspects of the President's economic plan must change, I intend to be a part of the solution; not a part of the problem; not a guardian of gridlock. If Congress and the administration work together, I am confident we can resolve these problems and pass a plan that will mean a better future for this Nation.

Mr. HATFIELD. Mr. President, I appreciate the opportunity to address my colleagues today on the potential effects of the proposed Btu energy tax on the ratepayers of the Pacific Northwest. I have serious concerns regarding the application of a fossil fuel-based Btu tax on hydroelectric energy.

As I understand it, the proposed Clinton Btu tax is applied to hydropower based on the "average fossil fuel Btu input required to generate equivalent energy." On a per kilowatthour basis, however, several Northwest energy experts tell me, hydro will be taxed at two to three times the rate of coal and other fossil fuels.

As you know, Mr. President, Btu is short for British thermal unit, or the amount of energy required to raise the temperature of 1 pound of water 1 degree fahrenheit. Hydroelectricity, however, does not generate heat. It uses the pressure of falling water to turn turbines to generate electricity. Therefore, the Btu is not directly compatible with hydropower. Yet, despite this fact, the proposed Btu tax applies not only a Btu baseline to hydro, it applies a coal-based Btu equivalent to hydro.

Coal and hydro, however, are different in many ways. For example, to generate 1 kilowatthour of electricity by burning coal, it takes 10,300 Btu's. To generate 1 kilowatthour of electricity by using the falling water pressure of hydropower, it takes the equivalent of 3,400 Btu's. Additionally, coal plants are 36-percent energy efficient while hydroelectric plants are 85- to 95-percent energy efficient.

Clearly, because hydroelectricity does not generate heat and is three times more energy efficient than the coal resource, it is incompatible to attempt to equate the two energy resources on the same tax scale. But that is exactly what the Btu tax does. It applies coal's Btu baseline to 10,300 Btu's per kilowatthour to hydro. This application will cause hydro to pay almost three times the amount of tax per kilowatthour as a fossil fuel plant will pay. For example, the administration's estimates that electricity rates for energy generated by fossil fuels will increase by 4 percent. Hydro's rate increase, however, will be three times that or 12 percent. This 12-percent increase has been confirmed by several Northwest energy users including the Direct Service Industries, American Public Power, the hydro industry and the Bonneville Power Administration.

Essentially, a rate increase of this magnitude could have devastating effects on my region of the Pacific Northwest. Allow me to take a moment to outline the current Northwest energy picture. Hydroelectric energy accounts for at least 62 percent of the energy produced in the Northwest. We are currently in the midst of a 7-year drought in the West which has significantly reduced water availability for electricity generation through hydro. On top of that, we are fighting an extremely costly battle to bring back threatened and endangered Columbia River salmon.

Even before the Btu tax came into the picture, Bonneville Power Administration ratepayers were faced with a 15-percent rate increase, which will take effect this fall, to help pay for costs associated with salmon and low water levels. If a 5-percent Btu tax were added to the existing 15-percent rate increase, the Pacific Northwest could be looking at a 20-percent rate increase this fall. Additionally, when Bonneville completes its next rate case in 1995, rates could jump another 16 to 20 percent to compensate for fish, the remaining 7 percent of the Btu tax, Power Marketing Administration repayment reform and possible low water levels. All in all, over the next 5 years, the Pacific Northwest ratepayers could be encountering a 40-percent electricity rate increase.

This is a worst case scenario, Mr. President, but I must be frank with my colleagues when I say a rate increase of this magnitude would endanger virtually every manufacturing sector of my region's economy. We have 10 to 15 aluminum and other metals manufacturing plants in the Northwest employing over 10,500 workers. Boeing Aircraft, which maintains plants in Seattle, WA and Portland, OR, announced several weeks ago it would be eliminating 28,000 jobs, with more cuts on the way. Other energy intensive industries operating in the Northwest, including pulp and paper manufacturing and chemical manufacturing, would also be distressed.

Mr. President, the stated goals of the Btu tax proposed by the administration are to: First, raise revenue: second, increase energy efficiency; third, improve the environment by reducing fossil fuel use; fourth, reduce foreign oil imports; and fifth, strengthen U.S. economic performance.

A tax on the order of the proposed 12-percent Btu tax on hydro would not help the administration achieve these goals in my region. Although the tax would surely help raise an immediate source of revenue, it would make hydropower uneconomical and have the unwanted effect of forcing my region to look elsewhere for its major sources of fuel.

What other sources of fuel will the Northwest acquire—coal, oil, natural gas, nuclear energy? All of these energy resources are less efficient and pollute the environment with particulate matter, radioactive waste, carbon monoxide, carbon dioxide and other so-called greenhouse gasses. Replacing clean, energy efficient, renewable hydro energy with fossil and nuclear fuels would prevent the administration from achieving its goals of improving energy efficiency, reducing fossil fuel use, reducing greenhouse gasses, and backing out foreign oil imports. Instead, my region would be forced to turn to other, less attractive means of meeting its energy needs.

Not only will the proposed Btu tax cause the Pacific Northwest to look to other less efficient and less environmentally benign energy sources, it will obliterate the administration's goal of improving our Nation's economy. As I stated earlier, the economy of my region would suffer under the rate increase burdens imposed by efforts to save the salmon, low-water conditions and an unfair 12-percent rate increase due to the Btu tax. Basic energy intensive industry in my region will either go out of business or look elsewhere for a more economical place to operate—most likely beyond U.S. borders.

I am not arguing the Northwest should be exempt from contributing its fair share to the Clinton economic plan. The Northwest should, however, be treated equally with other regions of the country which are also largely dependent on one resource for the bulk of their energy. If the Midwest and Northeast must endure 4-, 6-, or 7-percent rate increases due to the Btu tax, so should the Northwest. But, my region should not be unfairly penalized at a time so crucial to its economic and environmental future.

For these reasons, Mr. President, I am supporting the Nickles amendment to strike the Btu tax from the budget resolution until a more equitable solution to reducing the deficit, increasing energy efficiency and enhancing American industrial competitiveness can be found.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the disposition of the Nickles amendment, Senator KENNEDY be recognized to offer an amendment relative to the 1998 funding levels for Head Start; that the amendment be debated this evening and that when the Senate recesses this evening, the Senate stand in recess until Friday, March 19, at 9 a.m.; that following the prayer on Friday, the Journal of proceedings be deemed approved to date and the time for the leaders be reserved for their use later in the day; that the Senate resume consideration of Senate Concurrent Resolution 18, the budget resolution, with the time before 9:10 a.m., equally divided and controlled between Senators KENNEDY and DOMENICI; that the Senate vote on the Kennedy amendment at 9:10 a.m.;

That following the disposition of the Kennedy amendment, Senator GRASSLEY be recognized to offer an amendment relating to domestic discretionary freeze, and that a vote occur on or in relation to the Grassley amendment at 11:30 a.m.;

Following the disposition of the Grassley amendment, the next three first-degree amendments to the resolution be the following in the order listed if the offeror of the amendment is present to submit the amendment: DeConcini amendment, on community policing, Pressler amendment, on the Small Business Administration, and Wellstone amendment, sense of the Senate on ethanol;

That any votes ordered with respect to the amendments listed above occur beginning at 2:15 p.m. on Tuesday, March 23, with 10 minutes for debate, equally divided in the usual form prior to each vote; that no second degree amendments be in order to any of the amendments listed in this agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The text of the agreement follows:

Ordered, That at 9:00 a.m. on Friday, March 19, 1993, the Senate resume consideration of S. Con. Res. 18, the Concurrent Resolution setting forth the congressional budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998, with the time until 9:10 a.m. to be equally divided and controlled by the Senator from Massachusetts (Mr. Kennedy) and the Senator from New Mexico (Mr. Domenici).

Ordered further, That at 9:10 a.m. on Friday, March 19, 1993, the Senate vote on the Kennedy amendment, No. 183.

Ordered further, That upon the disposition of the Kennedy amendment, the Senator from Iowa (Mr. Grassley) be recognized to offer an amendment, relative to domestic discretionary freeze, with a vote on, or in relation to, the Grassley amendment to occur at 11:30 a.m.

Ordered further, That following the disposition of the Grassley amendment, the next three first degree amendments in order to the resolution be the following, in the order listed, if the offeror of the amendment is present to submit the amendment:

DeConcini—Relative to community policing;

Pressler—Relative to the Small Business Administration; and

Wellstone—Sense of the Senate relative to ethanol

Ordered further, That any votes ordered with respect to the above three amendments occur beginning at 2:15 p.m. on Tuesday, March 23, 1993, with 10 minutes for debate, equally divided and controlled, prior to each vote.

Ordered further, That no second degree amendments be in order to any of the amendments listed in this agreement.

Mr. MITCHELL. Mr. President, if I may have the attention of Senators, as a result of this agreement, the vote which will shortly occur will be the last rollcall vote today. There will be two votes tomorrow, one at 9:10 a.m. and one at 11:30 a.m. After the vote at 11:30, there will be no further rollcall votes until Tuesday at 2:15 p.m. However, the three amendments listed here will be offered and those votes scheduled for Tuesday after 2:15 p.m.

The Senate will return to this resolution at 9 a.m. on Monday and will be in session throughout the day and the evening at which time I understand the managers are going to work up a schedule for amendments to be offered and debated at that time, and those votes to be stacked over to Tuesday afternoon. However, Senators should be aware that we will be on the resolution and if no Senators are present time will run against the resolution throughout the day and in the evening on Monday and that the same practice will be followed on Tuesday morning between 9 a.m. and the time that we begin to vote at 2:15 p.m.

Mr. President, I thank the distinguished Republican leader, the Senator from Tennessee, and the Senator from New Mexico, and all those who cooperated in putting together this agreement. This enable us to proceed with this measure in a way that accommodates all Senators to the maximum degree possible.

Mr. DOMENICI. Mr. President, for the Senators on our side we might ask to submit amendments on Monday while we are in session on this resolution. We clearly are going to provide them with an opportunity to debate their amendment before we vote on it if stacked for 10 minutes or so, are we not?

Mr. MITCHELL. Oh, yes. It is my intention that every Senator will have an opportunity to debate his amendment in that fashion until we get to the end of the 50 hours.

I want to make one further statement so every Senator is fully informed as to the schedule. As I said, the Senate will be in session for a long day on Monday. There will be long days on Tuesday and Wednesday as well.

In my discussions with the managers and the distinguished Republican leader, I have made clear that it is my intention that the Senate complete action on this bill by the close of business on Wednesday night whenever that is. We are going to proceed and try to get it done in that way.

I apologize to any Senators for any inconveniences caused by that, but there will be lengthy sessions Monday, Tuesday, and Wednesday, with votes commencing at approximately 2:15 p.m. on Wednesday.

Mr. SASSER. May I inquire of the majority leader with regard to the 10 minutes that will be allocated prior to each vote. Will that 10 minutes be equally divided?

Mr. MITCHELL. Yes. It is my intention that we follow that practice here.

And I make a parliamentary inquiry: The 10 minutes of debate, that time would be counted against the resolution that is used for debate between votes; am I correct in my understanding?

The PRESIDING OFFICER. All time will be charged against the resolution.

Mr. MITCHELL. So what I hope is that the practice, or at least the pattern, we have set here will be followed, so that Senators will have, in fact and in perception, the full opportunity to debate their amendments in a way that accommodates the schedules of as many Senators as possible.

May I inquire of the managers if this arrangement is acceptable and agreeable to them?

Mr. SASSER. It is satisfactory with me, I say to the leader.

So there will be 10 minutes before each amendment when they are stacked, 5 for the proponents and 5 for the opponents?

Mr. MITCHELL. That is correct.

Mr. NICKLES. Mr. President, I ask unanimous consent that two tables be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

$3.86 in taxes for every $1 in spending cuts[1]

President's plan—modified:

	1994–1998
Gross new taxes	360
User fees	18
Total new revenues	378
Tax cuts	(64)
Net new taxes & fees	313
Non-defense spending cuts	131
Non-defense spending increases	(124)
Net non-defense spending cuts	7
Defense spending cuts	74
Net spending cuts	81
Total new taxes & spending cuts	394
Debt service savings	64
Total deficit reduction	458

[1] $313 billion net new taxes and fees / $81 billion net spending cuts = $3.86.

Items which increase the deficit are shown in (parenthesis).

Dollars in billions, compared to the CBO capped Baseline.

Details may not add due to rounding.

CBO capped baseline	1993	1994	1995	1996	1997	1998	Total 94–98	Change 93–98
Revenues	1,143	1,214	1,290	1,355	1,413	1,481	6,753	338
Defense	294	275	268	276	283	291	1,393	(3)
Non-defense	253	264	272	279	287	294	1,396	41
Subtotal, discretionary	547	539	540	555	570	585	2,789	38
Social Security	302	319	335	351	368	385	1,758	83
Other mandatory	471	501	541	563	602	656	2,862	185
Subtotal, mandatory	773	820	876	914	970	1,041	4,621	268
Offsetting receipts	(65)	(69)	(73)	(74)	(76)	(79)	(370)	(14)
Debt service	198	211	231	251	271	293	1,255	95
Outlays	1,453	1,501	1,574	1,645	1,734	1,840	8,295	387
Deficits	(310)	(287)	(284)	(290)	(322)	(360)	(1,542)	(50)

Change to baseline		1994	1995	1996	1997	1998	Total 94–98	
Revenues		36	46	63	76	74	295	
Defense		3	5	(10)	(34)	(37)	(74)	
Non-defense		4	(0)	2	8	14	28	
Subtotal, discretionary		7	5	(9)	(26)	(23)	(46)	
Social Security		0	0	0	0	0	0	
Other mandatory		1	(1)	(7)	(11)	(17)	(35)	
Subtotal, mandatory		1	(1)	(7)	(11)	(17)	(35)	
Offsetting receipts		(3)	(3)	(5)	(4)	(4)	(18)	
Debt service		(2)	(6)	(11)	(18)	(27)	(64)	
Outlays		3	(5)	(31)	(59)	(72)	(163)	
Deficits		(33)	(51)	(93)	(135)	(146)	(458)	

President's plan—mod.	1993	1994	1995	1996	1997	1998	Total 94–98	Change 93–98
Revenues	1,143	1,251	1,336	1,418	1,488	1,555	7,048	412
Defense	294	278	273	265	250	253	1,319	(41)
Non-defense	253	268	272	281	295	309	1,424	56
Subtotal, discretionary	547	545	545	546	544	562	2,743	15
Social Security	302	319	335	351	368	385	1,758	83
Other mandatory	471	502	540	556	591	639	2,827	168
Subtotal, mandatory	773	821	875	907	959	1,024	4,585	251
Offsetting receipts	(65)	(71)	(76)	(78)	(80)	(83)	(388)	(18)
Debt service	198	209	225	240	253	265	1,192	67
Outlays	1,453	1,504	1,569	1,615	1,675	1,768	8,132	315
Deficits	(310)	(254)	(233)	(197)	(187)	(214)	(1,084)	96

Details may not add due to rounding.
Includes $12 billion in stimulus spending.

Mr. NICKLES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 182 proposed by the Senator from Oklahoma [Mr. NICKLES].

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Virginia [Mr. ROBB] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—46

Bennett
Bond
Boren
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Krueger
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—53

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NOT VOTING—1

Robb

So the amendment (No. 182) was rejected.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts, is recognized.

Mr. SASSER. Mr. President, I ask if the distinguished Senator from Massachusetts would withhold for 2 minutes to allow the distinguished Senator from Alabama to make a statement which I indicated he could make following this vote. I was not aware that the Senator from Massachusetts would be recognized immediately after this vote.

Mr. KENNEDY. I will be glad to withhold.

Mr. SASSER. I thank the Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

EXPLANATION OF VOTE

Mr. HEFLIN. Mr. President, I voted against the Nickles amendment after very careful consideration. I have great reservations about the Btu tax and, as the legislative process continues on the President's program, I will be endeavoring to work with all key officials to see if we cannot modify it considerably or substitute other forms of revenue enhancement to replace the Btu tax.

But the Nickles amendment abolishing the Btu tax completely, in my judgment, was a killer amendment. It would have killed the President's program; it would have killed his efforts to reduce the deficit. If the President's program on reducing the deficit is killed, I seriously doubt that the momentum in support of deficit reduction can be rebuilt in the next 4 years.

The Nickles amendment would have also killed the President's program of investing in the future of America's infrastructure, both physical and human. For these and other reasons, I voted against the Nickles amendment

I thank the Chair, I thank the managers of the bill and I thank Senator KENNEDY for yielding.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

AMENDMENT NO. 183

(Purpose: To ensure that fiscal year 1998 funding levels of the Head Start Program are consistent with the levels requested by President Clinton in his investment program)

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself, Senator DODD, Senator FEINSTEIN, Senator MURRAY, Senator KOHL, Senator RIEGLE, and others, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] for himself, Mr. DODD, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. KOHL, and Mr. RIEGLE, proposes an amendment numbered 183.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the resolution, insert the following:

SEC. . ASSUMPTIONS.

In setting forth the budget authority and outlay amounts in this resolution, Congress assumes that the Head Start program will be funded at the level requested by the President for fiscal year 1998.

Mr. KENNEDY. Mr. President, I yield such time as I might use.

Mr. President, I rise tonight to offer an amendment in support of President Clinton's plan to invest in America's children. The President knows well that if we are to keep faith with tomorrow's schoolchildren and our future work force—we must take action now. And that is precisely what this budget does. By finally putting us on a path to full funding of Head Start for all eligible children and families—the President has moved to fulfill a promise made to America's most vulnerable children more than a quarter of a century ago.

Head Start is a premier social program—a long-term experiment that works—and the key to a better and brighter future for millions of American children and families.

For nearly 30 years, the Head Start Program has been providing comprehensive early childhood education, health, mental health, nutrition, and social services to low-income children and their families. More than 12 million children and families have been given a head start in life—and millions more await the opportunity.

Study after study has documented the effectiveness of the Head Start model. From social and cognitive improvements to critically important health screening and increased access to immunizations—Head Start has changed children's lives for the better.

In 1990, it was Gov. Bill Clinton who convinced the Nation's Governors and President Bush to declare our No. 1 education goal to be that by the year 2000, all American children would enter school ready to learn. Recognizing that if we fail to intervene early we may never regain the ground lost, or be able to reach the remainder of our education goals—fully funding Head Start became a cornerstone of that commitment.

And Head Start is not only a early childhood development program but a comprehensive family support program which promotes active parent involvement and self sufficiency. A study released by the Bush Department of Education documented that "Head Start programs involve parents far more than any other early education or care program."

Low-income children and families today face enormous and increasing challenges, struggling to survive in neighborhoods plagued by lack of opportunity, violence, and drugs.

And while Head Start alone will not eliminate poverty in America, the program is helping families to cope and children to succeed. They are entering school ready to learn. We can no longer ignore the benefit of decades of valuable experience and forsake the futures of millions more children. President Clinton knows that while the price of success is high—the cost of failure is far higher—a price our country can ill afford.

What Head Start needs is the long awaited and universally advocated steady infusion of resources necessary to expand both program enrollment and to enhance program quality. For more than a decade, blue-ribbon panels and advisory groups of all stripes have reemphasized that while expanding the number of children served, the Head Start Program must also invest more in each child and intensify the direct services available to families in need.

Never has this been more true. Yet during the decade of the 1980's, while homelessness, substance abuse, AIDS, and family violence were on the rise, the Reagan-Bush administrations gradually eroded the program's quality and effectiveness in an effort to serve more for less.

During the Head Start reauthorization of 1990, our committee heard from Head Start parents, program directors, and child development experts who pleaded for more and better trained staff to help families address their growing problems. They testified that in many programs, family service staff were required to manage caseloads of 150 families, as local programs were instructed to accommodate more children with grossly inadequate resources. Moreover, witnesses testified that many Head Start staff received such low wages they are themselves forced to depend on food stamps and other Government programs to help support their families.

When the Senate unanimously passed the Head Start reauthorization, we entered into a social contract with Head Start eligible children and families intended to reverse these years of neglect. At the core of this promise were two essential commitments. First, enrollment would be expanded to ensure access to Head Start services for all eligible children being left behind. And second, that 25 percent of funding increases would be set aside to strengthen program quality and enhance Head Start's family focus. President Clinton understands, as we do, that program quality can never be sacrificed for program expansion. He is determined to ensure that these intertwined goals move forward hand in hand.

More than for any other social program, a broad-based coalition of child advocates, educators, and CEO's have called for full funding of Head Start now before its too late. Jim Renier, CEO of Honeywell told our committee that failure to follow through on Head Start put "our free enterprise economy, our democratic system, and the American dream itself" at stake. And affirming their commitment to this goal, CED is here today releasing their fourth report in 5 years calling for full funding of Head Start. This should tell us something.

Dr. Ernest Boyer, former Commissioner of Education, has said that the failure to fully fund Head Start was an "immoral, obscene, waste of human talent that is surely a precursor to economic decline and civic sickness." If we had a dollar for every report that recommended universal access to Head Start—we would have served all eligible children and families years ago.

Democrats and Republicans have called for full funding of Head Start for years—perhaps decades. Presidents have campaigned on Head Start, and Presidents have invested in Head Start. Now we need the sustained action proposed by President Clinton to reaffirm our commitment to a time-tested program with a proven track record of success.

If we are serious about our children and our well-intentioned national education goals, it is time to put our resources where our rhetoric have been—in Head Start. It is time to stop praising the program and start paying for the program. That is what President Clinton has committed to do.

After decades of promises—President Clinton has put forward a vision and a budget that embodies a plan for phasing in full funding of Head Start by the year 1999. The President knows that we do not have a single child to waste. That each and every eligible child needs and deserves a Head Start. And he has a plan to ensure that by the year 2000—we will have accomplished this goal.

By passing the budget resolution on the floor today—we take a critically important step toward fulfilling a dream. I urge my colleagues to support this amendment—affirming the President's investment in the Head Start Program, our children, and our future.

Mr. President, I want to review the action Congress has taken in recent years. In 1990, the Congress passed the Head Start reauthorization, which set targets for phasing in full funding of $7.67 billion by 1994. That Act was signed by President Bush. Unfortunately, we have seen that we have not appropriated the funds to keep pace with these targets. And we have seen over the years that although under President Bush there had been requests for funding increase in the Head Start program, that actually Congress took not only the recommendations but went beyond these recommendations in 1990, 1991 and 1992. In 1993, President Bush proposed $2.8 billion, and the Congress appropriated that $2.8 billion. In sum, the previous administration signed an authorization bill calling for $7.67 billion in 1994. President Clinton's 1994 budget request provides a plan to reach that $7.67 billion that President Bush agreed to and signed, instead of reaching that figure in 1994, he does it in 1998.

So, as you can see, this is an extremely reasonable and responsible approach. We have the previous administration whose President committed to and signed that full funding authorization. We now have the action of the Budget Committee to move us forward toward that full funding. What we are basically saying is that with this budget, we are really committed to achieving this worthwhile goal once and for all.

Mr. President, we have seen that Head Start is not a program isolated in and of itself. Our committee is looking at the chapter 1 program reauthorization, a $6.7 billion program that has been extremely effective in working with disadvantaged children. We understand, as we stated both in the reauthorization of 1990, and in consideration of the ESEA, that when the children complete the Head Start Program and begin the K–12 experience, the chapter 1 program must be coordinated with the transitional activities of the Head Start Program. I am confident that President Clinton's elementary and secondary education reform program is going to recognize the linkage that is necessary between Head Start and the early grades, which basically are the target for the chapter 1 programs. This is part of a continuing and ongoing experience which I think all of us understand is essential and necessary.

One of the key elements of the 1990 reauthorization is a recognition that we had to give greater attention and focus to the issues of Head Start quality and quality control. And we provided a set aside to strengthen the quality of Head Start programs nationwide. We believe, by and large, and the record will reflect, that quality deterioration began in the 1980s, where the cost per child in Head Start actually decreased by 13 percent. This occurred because the administration at that time wanted to increase the enrollment with inadequate funds and frequently HHS required enrollment expansion that far exceeded the available resources. It was basically a numbers game. They talked about the Head Start Program and what they effectively would do is require additional students without any money to support them thereby threatening the fundamental integrity of the program.

In 1983, for example, HHS required that nearly 20,000 children be added to the program despite a $40 million decrease in funding after adjusting for inflation. And in 1988, HHS required that 2,500 children be added to the program despite a $26 million decrease in funding. Similarly, in 1989, 2,000 children were added despite a $25 million decrease in real dollars.

So we had a decade where there was pressure to expand the program without the adequate funding and while many of us resisted, unfortunately we saw that some children and programs paid the price. We made adjustments in the 1990 reauthorization program recognizing that fact. And I believe that with the kind of support that this budget resolution provides for the Head Start Program, we will get back to the kinds of success we have seen the Head Start Program provide for children, and families, success which will be carried through with the Education Neighborhood School Reform Act which this President has also committed to, providing $800 million over 3 years.

One of the elements we will be including in that act is the mentoring program to try to help target children who can be identified who are educationally at risk or otherwise at risk. So we are trying to have a compromise and continuous approach and hopefully we will also include the one-stop shopping services either in the schools or in facilities linked to the schools to try to provide additional kinds of help and assistance to so many of the children that are at risk, particularly in the inner cities of this country.

So, Mr. President, this is an extremely important program. It is in many respects a lifeline for millions of children in this country. We welcome the strong commitment and leadership shown by President Clinton. Through this particular vote, we provide an opportunity for this body to demonstrate the overwhelming support for the Head Start Program.

That is the purpose of this amendment. We believe it is of fundamental and basic importance to our children, our future, and to the country itself.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as the Senator from California may use.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. FEINSTEIN. I thank the Senator from Massachusetts.

Mr. President, I rise to support the resolution before us on Head Start. I think—and I look at Head Start not as an economic stimulus but as a major investment in the future of this country. One thing we know, Mr. President, as a country, we do not value education the way we should—not like our competitors in the free world. We find that we underfund education. We find that our fifth and sixth graders cannot read. We find we graduate youngsters from high school that cannot read or write, multiply or add, recognize China on a map, count change in their pocket, or fill out an employment application.

Yes, Mr. President, in my State, 20 percent of all of the students in the largest public school system in the world today do not finish high school; 20 percent drop out. Many are truants, and many find themselves alienated very early on because they cannot compete; they do not know the routine; they cannot adjust to the discipline.

I have found that it is too late by the time a youngster is in the eighth or ninth grade. The time to keep a youngster out of a gang is in grade 3 or 4. And I believe that Head Start, now provided for only 25 percent of the youngsters that need it and want it, can be a major change. It is a jump start because everybody in this body knows the value of early childhood education.

I do not think there is one U.S. Senator, Democratic or Republican, who would think the children cannot learn better than they learn today. And I would think, also, that everyone in this body understands that prior to the age of 6, a child learns their values. They learn the difference between right and wrong. They learn certain a routine and certain discipline, and they gain by their environment.

Head Start is early childhood education, because what it does is take the parent and the child, in a special program for 1 year, and teaches them the routine, the discipline of learning. If there is a problem in the environment, it seeks to work it out. If there is a problem in the family, it seeks to provide the right kind of counseling. Yes, not only is it a jump start, Head Start is also the right start for a young child.

I think we are just coming to know the value of creating a skilled work force. We are finally admitting that our economy is not national. It is, in fact, global. And we are finding that our competitors produce a more skilled work force in this economy than we do.

Most of them have longer school days. Most of them have shorter vacations. Few of them have the kind of dropout rate we do. Few of them have the truancies we do. And the routine and discipline of learning is acquired early on in their lives.

I ran very strongly on full funding of Head Start in California. I think it rang a bell with people because if there is one place people want to invest, it is in our future. And if we invest in our future, what better investment is there than our children, because if our children cannot go into the work force and know the discipline, the routine, and have the ability of gaining an education, then we are lost as a society; then America quickly becomes a second-rate power.

So I am very pleased to say thank you to the President of the United States for making the effort to fully fund Head Start. And for those who would quibble about a stimulus, I would only say, if you really believe that early childhood education is something that can turn around an underfunded, ailing, public education system in this country, then you are going to take the number one step, which is to fully fund Head Start for children that need it and want it.

Mr. President, I often say our children today know the floor plan of Nordstrom's better than they know the map of the United States. And, indeed, how sad it is.

In Orange County, CA, a woman went into court to sue the school district of her city because her child was in the fifth grade and that child could neither read nor write. Head Start is not going to cure every educational problem or dilemma or challenge. What Head Start is going to do is, for that very young youngster, remove them from a home, with their families, counsel with them, work with them, and begin to teach them the elements of learning much earlier on than we do in our system.

I think Head Start has worked for the 25 percent of children who have had it. One thing has been shown. I think one study showed that children who have Head Start are actually 30 percent better able to act, to graduate from high school; and 60 percent better able to get a job by the age of 19.

Those are very important statistics. I think they indicate that this is a program that is well worth every dollar spent.

Mr. President, I am proud to support this resolution. I am proud that the sense of the Senate is that for the first time in history, this Nation is going to put some major dollars into education, and we are going to do it in the way that we can get the most dividend. And, of course, that is Head Start.

Thank you very much, Mr. President. I yield the remainder of my time.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin. Without objection, the Senator from Wisconsin may proceed.

Mr. KOHL. Thank you, Mr. President. Mr. President, in the next few days, as well as the next few months, we are going to be debating our budget.

We are going to be doing our best to strike the right balance between deficit reduction and increment spending. We are going to freeze some programs, cut some programs, and invest in new programs. There will be genuine differences of opinion on whether we can afford to invest in certain things, and a time when our checkbooks will indeed be in the red.

Mr. President, if there is one thing that we should be able to agree on, it is that we must continue to invest in education and the well-being of our Nation's children. We all understand that educational opportunities and excellence is the key to our Nation's economic security and future. So Head Start is a program in which we must continue to invest.

Some question the long-term positive effects of Head Start. And others suggest that the grants should be competitive. But I do not think I have ever heard anyone say that Head Start is a bad program. The debate is only about how good it is. Should we give it a 9 or a 10? Should we spend money renovating facilities and creating safe environments, or should we increase the wages of Head Start workers or change the age of eligible children?

But all of these things, Mr. President, are about making it an even better program. We all agree that Head Start is a very, very good program. Yet, between 1981 and 1989, Head Start programs suffered a 13-percent funding reduction.

Between 1981 and 1989, the percentage of 3- to 5-year-old eligible children actually enrolled in Head Start declined.

To his credit, President Bush increased Head Start funding by 58 percent during his first 2 years. So now we are spending $2.8 billion on Head Start and, yes, that is a lot of money. It is understandable that some might suggest we should freeze or slow down spending on this program. But even with these significant increases in the past 2 years, only 28 percent of economically needy and eligible children in our country have access to the education and services provided under Head Start.

And I believe that we have an obligation to serve all of the eligible children in our country.

In my own State of Wisconsin, 17.5 percent of all children under 6 are being raised below the poverty line; 54 percent of our native American children are being raised in poverty, and a devastating 61 percent of our African-American children under the age of 6 are starting their lives in poverty.

Yet, we are serving only 31 percent of those 3- to 5-year-olds through Head Start. The question before us is whether the other 69 percent are also going to get a headstart in life.

Reaching this goal will not happen without investments. If we are serious, if we really care about our country and the future of our country's children, then we must support and fully fund the Head Start Program.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, given Head Start's impressive record of success, it is long past time to extend its advantages to all of our eligible children. I have taught preschool, and I would guess that I am the only one on this floor that can claim that experience. I have seen the difference it can make for individual children, and whether it is to encourage a child to enjoy music, or to help a child learn basis skills, or to give a child the confidence he or she needs to deal with his or her peers, preschool experience makes a difference.

And I know how important and how effective Head Start is. We need to invest more in Head Start so that all of our children—no matter who they are or where they come from, or how much money they have—enter school equally ready to learn. That is what America is all about.

Over the past 12 years, poverty rates for children have climbed substantially in my State and in this Nation. Currently, one out of every four preschool-age children is poor and, therefore, eligible for Head Start. Yet, in 1992, Head Start served only 29 percent of eligible children. We need to remedy that failure.

As the mother of two children, it is my responsibility to see that they receive the schooling they need. As a country, we have the same responsibility to all of our children. Head Start recognizes that all children, but especially low-income children, need high-quality early childhood education to prepare them for school.

Research clearly shows, and my teaching experience confirms, that the sooner a child begins an early childhood development program, and the more comprehensive its approach, the greater the positive effects on that child. A recent study of early childhood education programs by the Department of Education finds that Head Start programs are much more likely to provide comprehensive services, such as health care and nutritious meals, and to involve parents in their child's learning. It also finds that Head Start programs are more likely to meet national accreditation standards for good quality early childhood programs.

For middle-class children, preschool programs have become a common experience. My own children had the opportunity to go to preschool for several years. All children, from the poorest to the more well off, deserve the same exposure. Given the serious problems low-income families face today, these children need 2 years of Head Start to get ready for elementary school.

About 80 percent of Head Start sites follow the part-day school year schedule typical of traditional preschools. The lack of full-year Head Start programs is especially problematic, because low-income children tend to suffer a greater loss of school-related skills over the summer. One of the things I learned as a preschool teacher is that our children lose a great deal that they learn over the summer, and the full-year programs are extremely important, especially for Head Start children so they do not lose their educational gains and the needed support services during the summer months.

Full-day, full-year Head Start services are essential to many families as well. Many low-income families cannot use Head Start because the parent works full time. Since Head Start was designed to meet the educational needs of children and not to provide child care for low-income women, it does not fit the job schedules of the working poor. We need to fund Head Start to provide full-day, full-year sessions for the children of low income parents with jobs. Until we do, low income mothers will have to piece together child care arrangements for the rest of the workday and year. And I personally know how difficult that is.

Currently, one-third of Head Start children live in families where the head of the household works full-time outside the home. The number of such families who want to use Head Start is likely to grow with an increased national focus on helping low-income families become self sufficient. Full-day, full-year Head Start programs for preschool children will complement jobs, JTPA, adult education, literacy, and other self-sufficiency services for their parents.

Head Start recognizes the vital role that parents play in children's learning and helps them become more actively involved in it. It includes them in the program as decisionmakers and provides parent support services. It encourages parents to volunteer in their children's classrooms. Head Start also trains parents and hires them as staff. Research indicates that Head Start programs have positive effects on the parents of the children enrolled in them. This program strengthens families and helps children realize their full potential.

Investing in Head Start makes financial sense, because it saves money. We can invest $1 for children to attend Head Start today, or we can spend $3 for special education, drug abuse programs, Medicaid, welfare, or prisons for them tomorrow.

In short, Head Start is the best program for meeting the needs of low income preschoolage children. Over two decades of experience with Head Start provides convincing evidence of its effectiveness. This program gives at risk preschool children an early educational experience that improves their changes of later academic success. Children enrolled in Head Start achieve immediate gains in cognitive test scores, socioemotional functioning, and health and nutritional status. Head Start improves school readiness substantially for children whose native language is not English, and for those from economically disadvantaged families. It boosts children's ability to participate in regular elementary school classes. They are less likely to be retained in grade or be placed in special education classes in elementary school, and they also have better attendance rates.

These outcomes demonstrate that Head Start programs produce significant and lasting changes. It equips children to do better in school and makes a difference in their adult lives. All of our children deserve access to Head Start. By funding it fully, we, as a Nation, are investing in the most important form of capital there is—human capital.

Our children are our most critical resource for the future. Let us ensure that they all have a head start in life.

I encourage the support of this amendment.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

PAN AMERICAN COLLEGE OF AGRICULTURE IN HONDURAS (ZAMORANO)

Mr. PELL. Mr. President, I call to the attention of my colleagues a unique American college which recently celebrated the 50th anniversary of its founding while being widely acclaimed as the premier, and most successful, university-level international agricultural institution in Latin America. I am speaking of the Escuela Agricola Panamericana, better known as Zamorano.

Zamorano, located on 15,000 acres in the picturesque Yeguare Valley in Honduras, Central America, has been a model of continuity and stability within Latin America's sometimes unpredictable political environment while providing a top quality education to the region's future leaders, entrepreneurs, and food producers. Zamorano is, essentially, a large working farm where the students are responsible for the production. Zamorano teaches students to overcome fear of failure by giving them the opportunity to make mistakes and learn from them—the basis of the Zamorano educational principle of learning by doing, in agriculture and related fields. All students are encouraged to develop the farmer's persistence and lifelong habits of honesty, hard work, discipline, and confidence in one's own abilities.

The Zamorano curriculum is geared toward graduating students with immediate professional competence and leadership ability. Zamorano's Agronomo program requires students to successfully complete 33 months of dawn-to-dusk training, equally divided between the field and the classroom. This intensive schedule compresses into 3 years the equivalent of 4½ years of college in the United States. The program also includes practical, fieldwork modules not seen in other colleges today. During each of the three 11-month periods, students focus on a different area of agriculture, beginning with horticulture, then agronomy, and finally animal science. The day begins with a 5 a.m. wake-up bell. While some first-year students work in large vegetable fields, second-year students drag nets through fishponds or use machetes and hoes to weed and cultivate field crops such as corn, beans, sugarcane, rice, or sorghum. Third-year students might handle milking of the cows, or learn to cut meats in the animal science lab.

At the dairy plant, students help produce milk, butter, yogurt, ice cream, sour cream, and 16 types of cheese. In the meat sciences laboratory they make frankfurters, sausages, and other processed meats. At the food processing plant, they turn out jellies, marmalades, salsas, sauerkraut, and pickled okra and beans. Most of the food produced at Zamorano supplies the campus dining hall or is sold, along with ornamental plants, at the campus store or through commercial outlets in the capital of Honduras. In addition, the agronomy department produces almost 40 percent of the certified seed for Honduras. The students thus learn to participate in funding their own education while learning to produce for real markets. Much like farmers, they produce the food for their plates, and excess production is sold to help support operation of the college. At the same time, they are learning to help their neighbors and the poor hillside farmers through extension programs in which all students participate.

The curriculum also includes basic sciences such as botany, physics, chemistry, mathematics, agricultural administration, management, and engineering. In addition to practical specialties like computer training, forestry, fisheries, and English. Zamorano has also recently started a new Department of Natural Resources and Conservation Biology, which will help to provide care and resource management for the Uyuca Cloud Forest Preserve near the college, for which management responsibility has been delegated to Zamorano by the Government of Honduras. The students get a balanced view of agricultural science and technology—both the physically demanding uncomfortable and repetitive side and the innovative high tech side.

Up to an additional 2 years may be spent by qualified students in the Ingeniero Agrónomo program, which gives top Agrónomo graduates the opportunity to specialize by doing research and exploring their particular interest under close faculty supervision. As in any graduate program, Ingeniero Agrónomo students work on their own projects, and must present and defend a thesis. Students often opt to complete their Ingeniero Agrónomo degree in two work/study years, usually teaching part-time in order to help cover the costs of their advanced degree. Combined with their Agrónomo degree, Ingeniero Agrónomo graduates receive the equivalent of 6 years of formal education at any U.S. college of agriculture. Many of these students go on to obtain graduate-level degrees at top educational institutions in the United States.

After its founding in 1942, Zamorano grew slowly until 1979 when it entered a period of extensive expansion and improvement under the leadership of Dr. Simon E. Malo, a Zamorano graduate [1954] who had been a professor at the University of Florida. Dr. Malo gathered an outstanding team of professors and personnel, adding 32 teaching positions and 110 courses. Field lab modules were enhanced and research activities escalated. Graduates of the Agrónomo program increased from an average of 65 to 200 a year. Today, Zamorano is one of only two colleges outside the United States to earn, because of their quality and size, a chapter of Gamma Sigma Delta, the U.S. honor society for agriculture. In 1981 Zamorano changed to a coeducational system, recognizing the vital role of women in farm production. Female undergraduates now account for about 15 percent of the student body. Zamorano is committed to increasing that percentage, and to remaining the international institution, free of political influence, that it has always been.

Zamorano believes that well-trained human resources are the most important asset—the real wealth—of a region or country. The college has also recently increased its outreach efforts in response to the immediate and pressing needs of the surrounding communities and the land that is their livelihood. One of Zamorano's many community efforts is its Rural Development Program, which enlists the assistance of both students and graduates. The goal of this program is to improve the way of life of small farmers within the local area, and to incorporate the needs and conditions of the environment into the teaching, training, and research activities of the college. Extension agents, who are all Zamorano graduates, reside in local communities. These agents serve as bridges between the communities and the college, introducing new ideas to the farmers and helping them to implement new technology. Agent-supervised modules bring Zamorano students to the small farms to work hand-in-hand with the farmers to help solve their problems, and to form an understanding of rural conditions and attitudes. This effort is broader than just an agricultural development program; factors such as nutrition, health, and education are inextricably entangled, and only 1 in 3 Honduran farmers are literate. Additional rural outreach efforts by Zamorano include the Literacy Program, house construction projects, a Rural Schools Program, and a world-renowned Integrated Pesticide Management Program. The latter program has been financed at its beginning partially by USAID.

The tropical American region is one of the world's richest ecosystems in species diversity. However, population pressures and struggling economies are leading to the destruction of forest, land, and water resources far exceeding natural renewal rates. During the annual dry season alone, fires in Honduras destroy tens of millions of dollars' worth of potential forest products. Since Zamorano initiated the Uyuca Biological Reserve cloud forest in 1983, students have planted more than 800,000 trees, including 75 new species. One species is the much researched insecticide-producing neem tree. This tree is not only good for firewood, but also grows well in poor soil. Zamorano encourages small farmers to plant other firewood species in private and community wood lots, in order to lessen random forest destruction. Also on Zamorano's agenda is a program to bring urban children to the cloud forest to show them where their water comes from. The college believes it is critical that these children—the voters and consumers of the future—understand what is happening to their water sources and the entire ecological system.

Agriculture is the economic lifeline of the hemisphere's tropical regions, representing about 80 percent of the region's gross production, and providing employment to about 45 percent of the economically active population. The need for increased food production grows more critical as growing populations flood the cities, leaving fewer and fewer rural farmers to produce the food. The strain on the land is significant. One of Zamorano's priorities continues to be preserving the region's resources while expanding its economic potential. While offering its farm as an example of ecological awareness, Zamorano also actively extends its influence toward the betterment of the hemisphere in many other ways, including the following:

First, protecting natural resources through training, extension, and direct intervention;

Second, creating jobs through graduates' entrepreneurial efforts;

Third, modernizing farming methods by developing and introducing new technologies;

Fourth, diversifying agricultural products to improve diets, export earnings, and stabilize economies;

Fifth, improving production efficiency and reducing post harvest losses;

Sixth, introducing new knowledge through agricultural research; and

Seventh, forming cosmopolitan leaders of the hemisphere, imparting the "American" ideals and practices of the Founders and affirming its Latin American history, culture, and essential identity.

At the heart of Zamorano's prominence among Latin American colleges of agriculture is its continuity and stability—its internally maintained and unwavering ability to provide educational excellence year after year. By controlling 90 percent of its funds, Zamorano maintains virtual financial and political independence, and self-sufficiency, and continues to teach despite changes in surrounding political or economic influences. Zamorano is currently undertaking a capital initiative, to recognize its 50th anniversary by building its endowment and scholarship funds, completing a student center, providing needed seed and grain processing equipment, and endowing two faculty chairs. This capital initiative is moving forward under the strong and able leadership of Mr. George P. Gardner, a long-time Trustee of the college, past chairman of United Fruit Co., and articulate spokesperson for this unique and very important institution.

I would urge my colleagues to take notice of the outstanding record of this college, which is bringing hope for the future to so many while performing so well today. My best wishes to Zamorano as it moves forward in the coming years to even higher accomplishments than in its illustrious past.

PATTERNS OF GLOBAL TERRORISM

Mr. LAUTENBERG. Mr. President, on March 5, 1993, I delivered remarks on the bombing of the World Trade Center in New York and the threat international terrorism poses to Americans. As part of my statement, I asked unanimous consent that a letter to Secretary of State Christopher be printed in the RECORD. The letter laid out a series of recommendations for the State Department for including HAMAS and other violent Islamic fundamentalist organizations in its annual report on terrorism.

Unfortunately, a page of that letter, signed by many of my colleagues, was inadvertently deleted. I now ask unanimous consent that a complete version of the letter to Secretary Christopher be printed in the RECORD.

I also ask unanimous consent that the State Department's response to the letter be included in the RECORD. The State Department responded by saying that:

Violent activities of HAMAS during 1992 will be included within the report in the context of the annual report on international terrorism and as a part of our report on the violence of the Intifada which is increasingly associated with HAMAS.

I commend the State Department for this action.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, March 12, 1993.

Hon. FRANK R. LAUTENBERG,
U.S. Senate.

DEAR SENATOR LAUTENBERG: Thank you for the letter from you and your colleagues to the Secretary urging the inclusion of information on HAMAS in the Department's annual report, Patterns of Global Terrorism, to be published in April 1993. I have been asked to respond on the Secretary's behalf.

I want to assure you that evident activities of HAMAS during 1992 will be included within the report in the context of the annual report on international terrorism and as part of our report on the violence of the Intifada which is increasingly associated with HAMAS.

With regard to fund raising activities in the United States, the Department's report deals with international terrorism as the Justice Department has the responsibility for countering terrorist activities inside the United States. The report will describe, to the extent that can be done in an unclassified publication, the support HAMAS and other fundamentalist groups engaging in terrorism violence overseas receive from government and non-government sources in the Middle East. As you know, HAMAS has emerged only relatively recently as a group involved in terrorism.

We appreciate your words of support for our counter-terrorism policy, including for our continuing efforts to discourage other countries from directly or indirectly providing support to terrorist groups.

With best wishes,

Sincerely,

ROBERT A. BRADTKE,
Acting Assistant Secretary,
Legislative Affairs.

U.S. SENATE,
Washington, DC, February 26, 1993.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY CHRISTOPHER: Enclosed is a letter I have circulated in the Senate expressing support for your reported decision to include the activities of Hamas in the State Department's annual report on terrorist organizations.

The letter also urges the State Department to include the activities of other violent Islamic fundamentalist organizations in the Middle East and recommends that the report address a number of specific issues.

I hope the State Department's report will respond to the issues we have addressed in this letter. I look forward to working with you in the future on this and other issues of mutual interest.

Sincerely,

FRANK R. LAUTENBERG.

U.S. SENATE,
Washington, DC, February 25, 1993.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY CHRISTOPHER: We are writing to express our support for your reported decision to include the activities of Hamas in the State Department's annual report on terrorist organizations. We also believe the State Department report should include the activities of other extremist Islamic fundamentalist groups, also supported by Iran, which use violent tactics and have increased in strength in the Middle East in the last year.

It is important to obtain a better understanding of Hamas, which opposes the Middle East peace process, and other violent Islamic fundamentalist groups, which are destabilizing forces in the region. When the report is issued in April we believe it should address a number of important issues.

First, in light of recent news reports that fund-raising for Hamas may be taking place in the United States, we believe the report should include a thorough review of the organization's activities and operations—including fund-raising—in the United States. Such review should be carried out by the appropriate domestic law enforcement agencies.

Second, we believe the report should include information on the level of financial assistance and other support Hamas and other violent Islamic fundamentalist organizations receive from foreign governments, particularly Iran.

Third, we believe the report should include information on the level of assistance and support provided to Hamas and other violent Islamic fundamentalist organizations by non-governmental organizations and individuals in foreign countries, such as Jordan, Iran, Syria, Saudi Arabia, and Sudan.

Fourth, we believe the report should include an analysis of the location of the command and control of Hamas and other violent fundamentalist Islamic organizations, and an overview of military and training operations both inside Israel and elsewhere in the Middle East.

Finally, we would appreciate receiving supplementary reports on Hamas and other violent Islamic fundamentalist organizations. It is important for the Congress and the public to have a fuller understanding of these newly emerging groups which support violence and terrorism.

The militant Islamic Hamas, which supports violent tactics, is a dangerously destabilizing force in the Middle East. It is clear that this group rejects the peace process and supports violence. The Hamas covenant reads ". . .There is no solution to the Palestinian problem except by Jihad. The initiatives, proposals, and International Conferences are but a waste of time, an exercise in futility."

Additionally, the group is irrevocably opposed to Israel's existence. Numerous Israelis have been brutally killed by Hamas terrorists and the group claims responsibility for the recent kidnapping and murder of Moshe Toledano, a civilian border patrolman. When Hamas recently took responsibility for the brutal killing of two Israeli soldiers, Hamas issued a statement saying ". . . Hamas and its armed wing 'Izz-al-din al-Qassam will continue to wage a merciless war until the total liberation of all the land of Palestine".

Israel is not the only country that is threatened by the increasing support from militant Islamic fundamentalist groups similar to Hamas which use terrorist tactics. Violent fundamentalist Islamic organizations are a destabilizing force throughout the Middle East. In the last year, these groups have grown in strength in the region, particularly in Egypt, Algeria, and Tunisia.

Like Hamas, these groups are supported by Iran, are committed to overthrowing governments across the region, and raise the specter of destabilization in the region.

We believe that including Hamas and similar Islamic fundamentalist groups that use violent tactics in the annual report on terrorist organizations is a useful step which will provide a greater understanding of the problems these groups pose in the Middle East. Ultimately, other governments and their citizens must be discouraged from providing financial support for organizations which foster terrorist activities. We encourage you to work toward that end. The United States and the international community must be vigilant in efforts to rid the world of terrorism.

We look forward to working with you on this vital matter, and appreciate your attention to this request.

Sincerely,

Charles E. Grassley, Edward M. Kennedy, John D. Rockefeller, Conrad Burns, Alfonse D'Amato, Larry Pressler, Slade Gorton, Arlen Specter, Phil Gramm, Frank R. Lautenberg, Christopher Dodd, Paul Simon, Herb Kohl, Patty Murray, Russell Feingold, Dale Bumpers, Daniel Inouye, Tom Harkin.

Connie Mack, Bob Smith, Malcolm Wallop, Dan Coats, Don Nickles, Bob Packwood, Jesse Helms, Orrin Hatch, Ernest Hollings, Kent Conrad, Dennis DeConcini, Barbara Mikulski, Daniel Akaka, Daniel Moynihan, Richard Bryan, Harry Reid, Claiborne Pell, Carl Levin, Paul Sarbanes, Donald W. Riegle.

Carol Moseley-Braun, Joseph Lieberman, John Danforth, Dirk Kempthorne, Larry Craig, Charles Robb, Richard Shelby, Harris Wofford, Christopher Bond, Bennett Johnston, Barbara Boxer, Howard Metzenbaum, Dianne Feinstein, Hank Brown, Mitch McConnell, John McCain, Robert Kerrey, Richard Lugar, Bill Bradley.

GUN CONTROL

Mr. KENNEDY. Mr. President, hardly a day goes by in which we do not learn of a new tragedy caused by the proliferation of guns in our society.

But this week there is some good news. The National Rifle Association's failed campaign to overturn gun control legislation in New Jersey may herald a new era of common sense on the gun issue. The American people are sick of the arms race on our streets, and they are making themselves heard. They want us to pass the Brady bill quickly, they want a ban on semiautomatic assault weapons, and they want more robust enforcement of existing licensing requirements.

I would like to call to the attention of my colleagues a column in today's Washington Post. Wade Henderson, the Washington director of the NAACP, has made a very persuasive argument that gun control is both a civil rights issue and a public health imperative. I welcome the heightened involvement of the NAACP in this struggle, and I ask unanimous consent that Mr. Henderson's column be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANGRY AND DEPRESSED ABOUT GUNS

(By Wade Henderson)

The news of Conchita Campfield's death really jolted me. Conchita was a 15-year-old Hyattsville honor student who was shot after a party last weekend when a fight broke out between several youths and spilled onto the street. One of the youths pulled a handgun and fired several shots into the crowd. A 20-year-old boy was arrested and charged with first-degree murder in Conchita's death.

Certainly Conchita's age had something to do with the anger and depression I felt. Perhaps the news struck home because of my own daughters who are close in age to Conchita. I was horrified that one so young could die so violently under otherwise innocent circumstances in which any teenager could easily have been the victim. I was frightened at the thought that there are few ways to protect a child from the escalating, random violence that has become a defining characteristic of urban living.

I was also angry because I realized that Conchita died innocently—like so many other young African Americans—in part, because of easy handgun availability. In this instance, Conchita was killed as a result of the lethal combination of some young man's rage plus the ready access of a high-powered handgun.

At one level, Conchita's death had little impact on public consciousness. We have become impervious to the tragedy of young people dying at the hands of their peers. After all, there has been a 2,100 percent increase in juveniles charged with homicide from 1982 to 1990, so some degree of numbness is understandable. But the question remains: What are we as a nation going to do to stop the steady escalation of gun-related violence?

Unfortunately, the debate over handgun violence has lacked the genuine sense of urgency needed to compel Congress to act. As a result, America is losing its soul to a cancer of violence, but the solutions to the problem are thwarted by the National Rifle Association and mired in political indifference on Capitol Hill.

As I thought more about Conchita, I reminded myself that violent crime is an American dilemma, not an isolated racial issue. Nonetheless, it is time for the NAACP, as the nation's largest civil rights organization, to respond to the growing and disproportionate number of African Americans victimized by crime, as well as the high incidence of African Americans—particularly young African American males—ensnared in the criminal justice system. For too long now, the black community has been silent on these issues.

The National Association for the Advancement of Colored People took a step toward addressing this problem when it recently joined Jim and Sarah Brady in urging Congress to swiftly pass the Brady bill. The NAACP also supports Gov. Douglas Wilder's "one-gun-a-month" initiative, which was recently enacted in Virginia. While we recognized that neither bill will resolve the problem of gun violence, they offer some useful relief.

Gun-related violence is a barrier to the full enjoyment of civil rights. It undermines respect for the rule of law. The NAACP's efforts to promote democratic participation, economic empowerment, educational opportunity and other aspects of a progressive civil rights agenda are compromised if African Americans are not safe in their homes and communities. Even as we pursue these other concerns, we must also seek to reduce the violence.

Modest handgun restrictions such as the Brady bill are a health-related imperative for African Americans. Firearm deaths of young black men have reached crisis proportions. According to a recent study by the Federal Centers for Disease Control, homicide is the leading cause of death for black males aged 15 to 24, and firearms were involved in about 80 percent of these homicides. In some areas of the country, it is now more likely for a black male between his 15th and 25th birthday to die from homicide than it was for a U.S. soldier to be killed in Vietnam.

We feel a special obligation to involve young African Americans in the national debate over gun control. In addition to our legislative network, the NAACP will utilize its Youth and College division in a national lobbying campaign in support of the Brady bill.

Young people are on the front line of one of today's most challenging social crises. Their participation in the campaign to pass the Brady bill has two purposes. First, there are few advocates who bring greater moral authority to the debate about gun-related violence than the young people of our nation who are most often victimized and who have much to lose if controls are not enacted. Second, we hope to demonstrate that they are not powerless to affect issues that have a direct impact on their lives.

The NAACP's support for the Brady bill is a reflection of a broader understanding of civil rights advocacy in the 1990s. We urge Congress to act quickly and to enact the Brady bill as separate legislation. We want to avoid the problems encountered last year, when the Brady bill was incorporated into an omnibus crime control legislation. This measure is simply too important to be held hostage to the illusion of comprehensive crime control.

We are too late to save Conchita, but perhaps we can honor her memory through our actions to save other children.

TRIBUTE TO DR. BILLY F. ANDREWS

Mr. FORD. Mr. President, I rise today to pay tribute to Doctor Billy F. Andrews who is being honored in my State of Kentucky as he steps down as chairman of the department of pediatrics at the University of Louisville School of Medicine. For the past 23 years, countless children, students, and faculty personnel have been touched by Dr. Andrews' undying commitment to the health and well-being of the youngest of our society. His efforts and dedication to pediatric medicine have been recognized worldwide and the department of pediatrics has prospered under his stewardship.

In recognition of his service, I ask unanimous consent that "The Children's Bill of Rights," composed by Dr. Andrews in 1968 and which has been a hallmark for pediatricians over the past quarter of a century, be included in the RECORD following my remarks.

There being no objection, the writing was ordered to be printed in the RECORD, as follows:

THE CHILDREN'S BILL OF RIGHTS

We hold these truths to be self-evident:

That each newborn infant is the most perfect and helpless of all of the creation;

That each newborn is as individual as the stars of our universe;

That each newborn has the inalienable right to be born wanted, loved and protected; and while growing to maturity within and without the womb that every measure possible, as is known, be undertaken to afford the very best environment, nutrition and opportunity for growth and development;

That proper shelter, nutrition, clothes, education and health measures be provided each child to assure that each, with maturity, can assume the full responsibilities of adulthood and citizenship;

That the personhood of each child be fully appreciated and that each be informed of all matters including health as they grow in intellect and in capability; and that they learn to be involved, as maturity allows, and to participate in all decisions concerning their well-being;

That when and if correction is deemed necessary it will be applied with the greatest of respect and care and without mental or physical abuse;

That we shall as a society make every effort to establish for the children of today a firmer footing than we have ourselves enjoyed in all ways;

That we have witnessed from the very mistakes of nature much that has greatly benefited all of mankind and that infants and children with birth defects shall be our responsibility to rear to the fullest potential possible that they, too, shall share the rights to Life, Liberty, and the Pursuit of Happiness which is their birthright;

And that we fully realize that the level of civilization attained by any society will be determined by the attention it has paid to the welfare of its infants and children.

Therefore, in full awareness of these truths, we vow upon our honor and all we hold to be sacred to do our very best to bring about a better world for those who succeed us in order to repay our predecessors for our own gift of life.

—BILLY F. ANDREWS, M.D.

MAY 19, 1968.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up the U.S. Congress—stood at $4,214,305,813,377.83 as of the close of business on Tuesday, March 16.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,407.08—thanks to the big spenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through March 11, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $2.1 billion in budget authority and $0.5 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated March 10, 1993.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 15, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through March 11, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated March 9, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,
ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., AS OF MAR. 11, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level[1]	Current level +/ − resolution
On-budget:			
Budget authority	1,250.0	1,247.9	−2.1
Outlays	1,242.3	1,241.8	−0.5
Revenues:			
1993	848.9	849.4	+0.5
1993–1997	4,818.6	4,820.0	+1.4
Maximum deficit amount	420.8	392.4	−28.4
Debt subject to limit	4,461.2	4,119.7	−341.5
Off-budget:			
Social Security outlays:			
1993	260.0	260.0	
1993–1997	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(2)
1993–1997	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50 million.

Note: Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS MAR. 11, 1993

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			849,425
Permanents and other spending legislation	764,283	737,413	
Appropriation legislation	732,061	743,943	
Offsetting receipts	(240,524)	(240,524)	
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(7,928)	962	
Total current level[1]	1,247,892	1,241,794	849,425
Total budget resolution[2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	2,098	496	
Over budget resolution			535

[1] In accordance with the Budget Enforcement Act, the total does not include the following in emergency funding (in millions of dollars): P.L. 102–229, BA, 0, Outlays, $712; P.L. 102–266, BA, 0, Outlays, $33; P.L. 102–302, BA, 0, Outlays, $380; P.L. 102–368, BA, $926, Outlays, $5,850; P.L. 102–381, BA, $218, Outlays, $13; P.L. 103–6, BA, $3,322, Outlays, $3,322; total BA, $4,467, Outlays, $10,310.

[2] Includes revision under Section 9 of the Concurrent Resolution on the Budget.

Notes: Amounts in parentheses are negative. Detail may not add due to rounding.

ARMED SERVICES COMMITTEE HEARINGS ON THE DEPARTMENT OF DEFENSE POLICY EXCLUDING GAYS AND LESBIANS FROM SERVICE IN THE ARMED FORCES

Mr. NUNN. Mr. President, last month the Senate adopted legislation directing the Armed Services Committee to "conduct comprehensive hearings on the current military policy with respect to the service of homosexuals in the military services." I also made a commitment to our colleague, Senator METZENBAUM, last year during the Senate's consideration of the national defense authorization bill for fiscal year 1993 that the Armed Services Committee would hold comprehensive hearings on this subject this year.

I want to announce today that the Armed Services Committee will begin our hearings on the Department of Defense policy, excluding gays and lesbians from service in the armed forces, during the week of March 29.

I said during the Senate's consideration of this matter, earlier this year, that the committee would begin our hearing in March. With the press of business facing the committee later in the spring, it is essential that we begin our hearings on this important matter this month.

During the past several months, the Members and staff of the Armed Services Committee have met with a large number of individuals and groups on this issue. the committee has received a large number of requests to testify—and suggestions for witnesses—from Members of Congress, advocacy groups, current and former members of the military, and the general public.

My own position on this issue is a matter of public record. I support the current policy that excludes homosexuals from serving in the Armed Forces. However, I fully intend for these hearings to be fair, thorough, and objective. I intend to listen carefully to all of the witnesses who testify. As I said in my remarks to the Senate back in January, my final judgment on this issue will be affected by the testimony we receive from a wide range of witnesses. Although the committee will not be able to hear from every individual and group who has asked to testify in person, the committee will hear testimony from representatives of all sides of this issue.

Our opening hearings will set the context for the committee's review. We will examine the historical and legal background of the current Defense Department policy, including the role of unit cohesion in the development of combat capability. This first phase of our hearings will also closely examine the experience of foreign countries, with respect to the service of gays and lesbians in their Armed Forces, although this hearing will probably take place sometime next month.

Later in our hearing process, the committee will hear from advocacy groups, both those who favor the current policy and those who want to see the current policy changed. I also intend for the committee to conduct as a series of field visits to military installations to hear the views of a broad cross-section of military members on the issues raised by the proposal to change the current policy.

Finally, Mr. President, the committee will hear from the senior civilian and military leadership of the Defense Department, on this issue, after the Defense Department has completed the review that has been ordered by the President.

Mr. President, this is an important and emotional issue, and I want to assure my colleagues that the Armed Services Committee will conduct the comprehensive hearings, on this issue, directed by the Senate in a fair and impartial manner.

MOTOR-VOTER

Mr. PRESSLER. Mr. President, yesterday the Senate conducted five rollcall votes on the so-called motor-voter bill. I was quite ill and was not able to be here on the floor to cast my vote.

Had I been able to come to the Senate floor, I would have voted against tabling, or killing, the following amendments: No. 111, which I cosponsored and which would have exempted States from motor-voter mandates if they could certify they would have to raise taxes to comply with the bill; No. 112, which would have provided for registering people to vote upon their induction into the armed services; No. 128, which would have provided civil penalties for those who fraudulently use voter registration to obtain certain benefits and privileges of citizenship; and No. 129, which would have provided for a study to determine the extent of noncitizen participation in the voting process. These amendments were tabled by wide margins. Lastly, I would have voted against final passage of the motor-voter bill.

My position on motor-voter legislation is well known. I am opposed to the motor-voter mandate. My State of South Dakota, which has one of the highest voter registration rates in the country, does not need Congress imposing yet another unfunded Federal mandate to accomplish something it already is doing quite well.

If a State wants to adopt motor-voter legislation, it can do so anytime it so desires. The South Dakota Legislature has taken a look at motor-voter legislation and rejected it, no doubt due to the fact that over 89 percent of eligible persons in my State already are registered to vote. As is often said in my State, "If it ain't broke, don't fix it."

TO MARK THE PASSING OF REPORTER ELLEN ABRAMS

Mr. DODD. Mr. President, I rise today to ask the Senate to take a moment to remember a distinguished member of the Connecticut press corps who suffered an untimely death Tuesday after being hit by a car while jogging.

Ellen Abrams, a reporter with the ABC affiliate WTNH-TV channel 8, was committed to delivering news to the people of Connecticut. She always brought good humor and a positive attitude to her work. For my part, I must say it was a delight to know her.

Ellen began her career in journalism at WCNX radio in Middletown, CT, and later became the State Capitol correspondent for the Connecticut Radio Network.

In 1986, she joined WTNH as a general assignment reporter. She quickly became known for her thorough, insightful reports, particularly on crime and criminal justice issues in the Greater Hartford area.

Her television series on the prison system in Connecticut, entitled "Equal Justice?" received several awards including a regional Emmy nomination.

Ellen will be remembered for her dedication to informing the public and perhaps more importantly, her belief that journalism helped build a better and stronger society.

My condolences go out to her husband, Peter Darby, a Hartford police officer, and her mother and sister.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair has two announcements on behalf of the Vice President.

The Chair, on behalf of the Vice President, pursuant to title 46, section 1295(b), of the United States Code, as amended by Public Law 101-595, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy:

The Senator from New Hampshire [Mr. GREGG], from the Committee on Commerce, Science, and Transportation; and

The Senator from Minnesota [Mr. DURENBERGER], at large.

The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101-595, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy:

The Senator from Alaska [Mr. STEVENS], from the Committee on Commerce, Science, and Transportation, and

The Senator from South Dakota [Mr. PRESSLER], at large.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 1:10 p.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the Speaker signed the following enrolled joint resolutions:

S.J. Res. 22. Joint resolution designating March 25, 1993, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

S.J. Res. 36. Joint resolution to proclaim March 20, 1993, as "National Agriculture Day."

The enrolled joint resolutions were subsequently signed by the President pro tempore [Mr. BYRD].

At 2:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 416. An act to extend the period during which chapter 12 of title 11 of the United States Code remains in effect, and for other purposes.

H.R. 965. An act to provide for toy safety and for other purposes.

H.R. 1109. An act to amend the Merchant Marine Act, 1936, to establish reemployment rights for certain merchant seamen.

MEASURES REFERRED

The following measures, previously received from the House of Representatives for concurrence, were read, and referred as indicated:

H.R. 965. An act to provide for toy safety and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1109. An act to amend the Merchant Marine Act, 1936, to establish reemployment rights for certain merchant seamen; to the Committee on Commerce, Science, and Transportation.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, March 18, 1993, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 22. Joint resolution designating March 25, 1993, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

S.J. Res. 36. Joint resolution to proclaim March 20, 1993, as "National Agriculture Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-662. A communication from the Chairman of the Defense Base Closure Commission, transmitting, pursuant to law, a report relative to the submission of certified materials; to the Committee on Armed Services.

EC-663. A communication from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide funding for the resolution of failed savings associations, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

EC-664. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the status of extensions regarding the requirement of Section 13 of the Federal Power Act; to the Committee on Energy and Natural Resources.

EC-665. A communication from the Acting Assistant Secretary (Legislative Affairs) of the United States Department of State, transmitting, pursuant to law, a report relative to the allocation of funds to Haitian refugee applicants; to the Committee on Foreign Relations.

EC-666. A communication from the Assistant Legal Adviser for Treaty Affairs, United States Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to March 11, 1993; to the Committee on Foreign Relations.

EC-667. A communication from the President of the United States, transmitting, pursuant to law, notice of his intention to sign an Executive order to extend the waiver of the application of the relevant export criterion of the Atomic Energy Act for an additional 12 months from March 10, 1993; to the Committee on Foreign Relations.

EC-668. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report relative to the Board's implementation of its administrative responsibilities; to the Committee on Governmental Affairs.

EC-669. A communication from the Acting Director of the United States Office of Personnel Management, transmitting, pursuant to law, a report relative to the performance management and recognition system; to the Committee on Governmental Affairs.

EC-670. A communication from the Acting Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report relative to its Freedom of Information Act activities for calendar year 1992; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DECONCINI, from the Select Committee on Intelligence:

Special Report entitled "Committee Activities of the Select Committee on Intelligence, United States Senate, January 3, 1991 to October 8, 1992" (Rept. No. 103-23).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S.J. Res. 27. A joint resolution providing for the appointment of Hanna Holborn Gray as a citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 103-24).

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S.J. Res. 28. A joint resolution to provide for the appointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 103-25).

S.J. Res. 29. A joint resolution providing for the appointment of Wesley Samuel Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 103-26).

S. 564. A bill to establish in the Government Printing Office a means of enhancing electronic public access to a wide range of Federal electronic information (Rept. No. 103-27).

By Mr. FORD, from the Committee on Rules and Administration, without amendment and with a preamble:

S. Con. Res. 13. A concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to commemorate the days of the remembrance of victims of the Holocaust.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KERREY (for himself, Mr. EXON, Mr. GRASSLEY, and Mr. DASCHLE):

S. 610. A bill to amend the Food Security Act of 1985 to exempt the triple base acreage of the producers on a farm from the highly erodible land and wetland conservation requirements of such Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INOUYE (for himself, Mr. AKAKA, Mrs. BOXER, Mr. CAMPBELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, and Mrs. MURRAY):

S. 611. A bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself and Mr. BROWN):

S. 612. A bill to protect the privacy of telephone users by amending section 3121 of title 18, United States Code; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. CONRAD, Mr. INOUYE, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. METZENBAUM, Mr. FEINGOLD, Mr. CAMPBELL, Mr. DORGAN, and Mr. RIEGLE):

S. 613. A bill to prohibit the importation of goods produced abroad with child labor and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 614. A bill to establish a commission on the commercial application of certain defense-related facilities, equipment, processes, and technologies; to the Committee on Armed Services.

By Mr. MCCAIN:

S. 615. A bill to enable Indian tribal governments to provide facilities necessary to carry out essential governmental functions; to the Committee on Indian Affairs.

By Mr. ROCKEFELLER (for himself, Mr. MURKOWSKI, Mr. DECONCINI, Mr. MITCHELL, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, Mr. CAMPBELL, Mr. THURMOND, Mr. SIMPSON, Mr. SPECTER, and Mr. JEFFORDS):

S. 616. A bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans Affairs.

By Mr. SIMON (for himself, Mr. MOYNIHAN, Mr. BRADLEY, Mr. JEFFORDS, Mr. BRYAN, Mr. REID, Mr. SHELBY, Mr. LIEBERMAN, and Mr. ROBB):

S. 617. A bill to authorize research into the desalinization of water and water reuse and to authorize a program for States, cities, or any qualifying agency which desires to own and operate a desalinization of water reuse facility to develop such facilities; to the Committee on Environment and Public Works.

By Mr. RIEGLE (for himself, Mr. Kennedy, Mr. Simon, Mr. DeConcini, Mr. Hatfield, Mr. Glenn, Mr. Robb, and Mr. Levin):

S. 618. A bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. RIEGLE:

S. 619. A bill to amend the Social Security Act to provide improved services to beneficiaries under such Act, and for other purposes; to the Committee on Finance.

S. 620. A bill to amend the Social Security Act to overturn the new limitations placed on private enforceability of State plan requirements by Suter v. Artist M., and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERREY (for himself, Mr. Exon, Mr. Grassley, and Mr. Daschle):

S. 610. A bill to amend the Food Security Act of 1985 to exempt the triple base acreage of the producers on a farm from the highly erodible land and wetland conservation requirements of such act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD SECURITY ACT OF 1985 AMENDMENT ACT OF 1993

Mr. KERREY. Mr. President, given that we are on this budget resolution—I had a longer statement—I will try to condense it. I came to the floor to talk about the philosophy underlying the farm programs. I am not a Representative who has fought either cuts in the program or reforms in the Department of Agriculture. Indeed, I think the Department of Agriculture needs rather radical reform. I have even discussed the possibility that the farm program could be assigned to some other department and we may not need a Department of Agriculture altogether.

I do not want to be identified as someone who has merely come to the floor fighting changes in farm programs. I did not vote for the 1990 farm program. I did not like its direction. It seemed to me that it continued a policy of providing subsidies, and I did not believe it was necessary for us to do it in the way that it was done.

So I am not here today merely to argue against cuts, Mr. President. I am here to introduce a piece of legislation that comes as a consequence of my concern that indeed the taxpayers and consumers are willing to withdraw their support for a farm program altogether. As the occupant of the Chair understands, the farm program is put in place out of equal concern for consumers as well as producers. Unfortunately, the scales have been altogether too unbalanced in favor of the consumers as opposed to producer interests.

Mr. President, I saw very vividly in 1988 when I was campaigning for the opportunity to serve the people of Nebraska what happens when we disregard the intent of the farm program. For all the year 1987 and a part of 1988, the real concern that was going on in America as to our farm programs was we had too big a surplus; that surpluses were causing the farm program to be too expensive; that surpluses were causing commodity prices to be low. Everyone was describing it as a surplus, Mr. President, until back-to-back droughts in 1987 and 1988 converted that surplus into an inventory. Suddenly, people were concerned that perhaps we did not have enough stocks on hand to protect the consumer against potential increases in prices that would occur if those ending stocks get too low.

I have heard far more than I would like, Mr. President, people describing with a considerable amount of ignorance why the farm program is there in the first place. I understand there is deteriorating support, and that is one of the reasons why I am here today.

There is a specific provision in the 1990 farm program called triple base. It is a program under which farmers are told the Government will no longer provide benefits at a certain percentage of crop land base; that farmers would be required to adhere to the very costly conservation and environmental restrictions.

Mr. President, it is because of this triple-base situation that I rise today to introduce legislation intended to establish a simple principle: When the public withdraws benefits from farmers, the public at that point forfeits the right to tell farmers how to farm.

This bill simply says that on a farmer's so-called triple base, or unpaid acreage, the farmer will no longer be subject to the conservation compliance and wetlands protection requirements of current law. Period.

Chief Justice John Marshall declared in 1821 that, "The power to tax involves the power to destroy." If he were around today, observing the role of the Federal Government in our daily lives, Justice Marshall would be tempted, I think, to revise his earlier maxim. The modern-day mutation might be: "The authority to confer benefits involves the authority to impose mandates."

Certainly no segment of our society has come to understand this truth better than American farmers.

There is a perception out there among much of the general public that when the Government pays benefits to farmers, it simply writes out a check; the farmer's only obligation is to cash it. The corn farmer gets a check, the cotton farmer gets a check, and they both get a check simply because they are farmers.

Nothing could be further from the truth.

In a typical example, Mr. President, in order for a corn farmer in Nebraska to be eligible for farm program benefits, that farmer must—go to the local ASCS office and sign up for the farm program; agree to idle a certain percentage of farmland equal to whatever the acreage reduction requirement is for that year; plant a cover crop on this set-aside acreage to protect it against erosion, and control weeds on that ground; and have in place a conservation plan for the entire farm that requires the farmer to farm in certain ways, such as planting specific crops, farming on the contour, constructing terraces on hillsides, establishing perennial covers on waterways, leaving a specified amount of crop residue on the field following harvest, consulting the local Soil Conservation Service office before repairing any ruts created during a wet harvest, and so on and so on and so forth.

Mr. President, you are familiar with the restrictions placed once a farmer has signed up for that program.

In addition, a farmer has to fill out a mountain of paperwork describing the nature of the farming operation, whether it is organized as a corporation or partnership, how many people are involved in the operation, and so forth, in order to make sure that the farmer does not run afoul of the farm program payment limitations.

The consequence of all this regulation is to make sure the farmer is never alone when out in the field. In a sense, today's farmer has two people riding along on the tractor. On one fender is USDA, making sure the farmer is adhering to all farm program and conservation requirements. On the other side is the taxpayer, ready to take away farm program payments if the farmer makes a misstep.

Mr. President, some people may ask why I am introducing this bill. After all, I count myself as a very strong supporter of the conservation compliance requirements that were first enacted in the 1985 farm bill. I even consider myself a supporter of so-called swampbuster provisions—especially if we can bring some reason to the process of defining and regulating wetlands.

But there is one thing I support more than all of these, and that is the farm program itself, and the need to ensure its effectiveness. After all, it is the farm program that helps to guarantee an abundant supply of affordable food for consumers. And more to the point, our farm price support program helps make it possible for farmers to afford the conservation measures that the public, including farmers, tend to support.

For some reason that I do not understand, Mr. President, many people fail to grasp this nexus between our farm and conservation programs. They don't seem to realize, for example, that participation in the corn program has fallen from 90 percent to 75 percent over the past 6 years. Or if they do, they do not seem to recognize that this drop in participation coincided with a steady decline in farm program support levels coupled with the deeper bite of conservation requirements tied to farm program eligibility.

I only wish, Mr. President, that every American could seize this relationship in the way that the Europeans apparently have.

Mr. President, I ask unanimous consent to insert in the RECORD at the conclusion of my remarks an article from Hoard's Dairyman entitled, "German Farmers are Paid to Keep the Countryside Attractive."

This article goes on to describe how German farmers are paid under a program whose title is translated as, "market relief and countryside care premiums." Under the program, 43,000 German farmers are "earning $70 million in special grants from federal and regional governments this year for adopting less intensive methods of production and keeping the countryside tidy." Millions of dollars to keep the countryside tidy. The farmer pictured in the article is paid $117 per acre to "keep the countryside neat."

What a contrast this is with the sense of conservation on the cheap that seems increasingly to pervade our farm programs.

Nothing better exemplifies this trend toward conservation on the cheap than the triple base concept that was introduced with enactment of the 1990 farm bill. Under triple base, farmers were told that, as a cost reduction measure, the government would no longer provide benefits on 15 percent of each farm's cropland base acreage. On those triple base acres, farmers would no longer receive Federal payments. However—however—farmers would still be required to follow stipulated conservation practices on these free acres.

The principle up until 1990 had been: benefits equal mandates. The new principle, apparently, is: forget the carrot, use the stick.

What really caused me to say, enough, however, was the proposal in the proposal in the administration's budget to push the size of the triple base requirement from 15 to 25 percent of a farm's cropland base, with no relief provided on the regulatory side. I simply believe that it is time to reverse this infringement, to stop it once and for all.

By my estimation, this bill, once enacted, will potentially free at least 32 million acres of cropland to be farmed as farmers want to farm it. That total would rise to at least 53 million acres if the administration's proposed increase in the triple base requirement is adopted.

To those who might be alarmed by the lifting of conservation and environmental edicts on tens of millions of acres, I would say this: First, the overwhelming majority of farmers share a conservation ethic that will ensure this land is cared for. They do not need the government telling them how to live it.

Second, if you are indeed concerned about achieving the conservation goals that we have established for our Nation, then please give some thought, considerable thought, to joining us in attempting to strengthen farm income so that we can reach our environmental objectives.

If we stay on our current course, farmers are going to be left with no farm program and little income—only mandates and edicts. If the public is set on withdrawing farm benefits, then I intend to see that the public disengages the mandates and edicts that accompany these benefits. My message will be: You cannot have it both ways. If you are going to take away the carrot, then put away the stick. Do not expect to get conservation on the cheap. Cheap conservation will prove as costly to our rural economy, and to strength as a nation, as cheap food.

The aforementioned article is printed at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GERMAN FARMERS ARE PAID TO KEEP THE COUNTRYSIDE ATTRACTIVE

(By Norman Dunn)

Self-sufficiency is the key to Georg and Christof Mayer's 50-cow dairy unit in Germany's Baden-Württemberg region. Except for 25 percent soybean meal mixed in the grain rations, all feed for the 12,100-pound-average-yield Fleckvieh herd is home-grown on the 148-acre farm.

In comparison with Germany's average $20.35 (U.S. dollars) per 100 pounds producers' milk price, this father-and-son team's average for their 4 percent fat and 3.5 percent protein milk is high at $21.94 per 100 pounds—their creamery sells the milk at a premium in bottles.

But this year, the Mayer family has another income coming onto the farm: along with 43,000 German farmers, they've signed on as "caretakers of the countryside" in a new European Community (EC)-approved program of grants on trial in their area.

While they still come under the EC milk quota and grain compensation schemes, these farmers are earning $70 million in special grants from federal and regional governments this year for adopting less intensive methods of production and keeping the countryside tidy.

If the Mayers cut the stocking rate on some of their pastures, or stop using herbicides on small grains or cut back grass and undergrowth on steep banks, they're awarded a certain number of points per acre under the new voluntary program called MEKA—the German initials for "market relief and countryside care premiums."

At the end of last year, these points were added up and exchanged for hard cash at a rate equivalent to $13.80 per point and with a payment limit of $153 per acre.

"The MEKA program is a new concept for supporting farmers' incomes and, at the same time, rewarding them for activities that help the whole rural society," explains Georg Mayer.

"This is a picturesque region just west of Stüttgart, and we get lots of holidaymakers in the summer. That's why getting paid through MEKA for keeping the landscape neat and tidy is so useful here. The spin-off from tourism helps the villages and farms through bed and breakfast and farm shops."

STOP FLOW OFF THE FARM . . .

He adds that badly needed extra income for farmers should also help stop the flow of young people from the farms.

How does MEKA affect the Mayers' business?

"First, we keep our stocking rates below 0.7 cows per acre," explains son, Christof. "For this move away from intensive stocking, we get 1.25 points per acre—or the equivalent of $17.25 per acre extra at the end of the year."

The Mayers farm where a lot of fruit is grown. Orchards total 650 trees; for leaving the trees standing and for mowing between the trees, 4 points per acre are awarded—or $55.

The grass from these areas is good quality, say the Mayers, and is used for zero-grazing the cows and young stock. One of the changes made to win MEKA points features forage corn. Four points or $55 are awarded per acre for substituting another silage crop for corn—a move to discourage corn where there are soil erosion and nitrate seepage problems.

The Mayers have started to grow a 25 percent red clover and 75 percent meadow grass pasture instead. "Because we're pretty high up here anyway (1,755 feet above sea level) our corn was never top-yielding. We're now getting more feed value from our red clover silage mix in comparison," says Christof. "And, of course, we use much less fertilizer with the pasture."

STILL GROW SOME CORN . . .

Fifteen acres of corn still are grown, though. A mix of first-cut clover silage and corn silage produced maintenance plus 26.5 pounds milk last autumn. Christof feeds for the remaining production in the all-year-round calving herd a 40:40:20 mix of milled home-grown wheat, barley and oats plus 25 percent soyameal.

Fifty milkers and a six-point herringbone parlor with free stall housing and automatic slurry scraping means the Mayers have one of the most modern dairying set-ups in the region, where the average milking herd is between 17 and 18 cows.

This family also differs because it has stayed with the traditional Fleckvieh red and white breed instead of changing over to Friesian/Holstein milkers. The reason: "They perform well on simple homegrown feed, and the bull calves and old cows sell for much higher prices than black and whites," explains Christof. Barren cows fetched the equivalent of $1,040 last fall with three-week bulls making up to $480.

Meanwhile, the Mayers have stopped using plant growth regulator and herbicide in cereals (4 points and 2 points per acre respectively).

Less intensively grown grain is a real alternative to set aside, feels Christof. No growth regulator means nitrogen fertilizer applications have to be cut—thus helping to avoid any nitrate pollution dangers in ground water.

"If we have a special problem with weeds in cereals—with docks, for instance, then we can apply for special permission to use herbicide," adds Georg.

There are many other ways of winning points under MEKA: introducing green manure crops for ploughing in between maincrops, for instance, or reducing output by drilling grain at a minimum six and two-third inches between rows.

Farmers also are rewarded by MEKA for keeping rare farm breeds. For instance, the Hinterwälder cow which has evolved in the Black Forest to graze extremely steep banks is worth 10 points or $138 bonus a head per year.

"Our extra income will be $117 per acre for our orchards and permanent pastures," reckons Georg. "And much of this is money for tidying up the landscape which we do anyway."

On arable land, the MEKA measures taken by the Mayers give an average extra income of $108 per acre.

"Last year, our grain yields didn't suffer because of lack of herbicide or growth regulator. Wheat will top 5,300 pounds (88 bushels) per acre. We always choose high-yielding cereal varieties that stand well anyway.

"To earn our points, we haven't really changed our farming," he adds. "Instead, MEKA offers extra incentives to do more for the environment and the countryside."

Best of all, says Georg Mayer, MEKA means more income for farms—especially in disadvantaged areas—and a better quality of life all-round our in the country.

Mr. GRASSLEY. Mr. President, I concur wholeheartedly in the eloquent words of the distinguished Senator from Nebraska, and am pleased to join as an original cosponsor of this bill.

As the Senator from Nebraska points out—quite cogently in my view—what is threatened here is the very viability of Federal farm programs. If we take, and take, and take—without giving anything in return—why wouldn't a farmer just say "to heck with it," simply forgo farm program benefits and plow fencerow to fencerow. That would be disastrous both to farm prices and conservation practices.

But that is the path we are now taking.

Increasing the nonpaid acres to 25 percent, yet expecting farmers to fully comply with their conservation compliance and wetland protection requirements of current law, will provide many farmers with but another reason to opt out of farm program participation.

And I would suggest to those who view this as an anticonservation, antienvironmental measure, that farmers are the Nation's first conservationists. No one, anywhere, has their livelihood as intricately linked to the land as farmers. In Iowa, the rich soil is our most valuable resource. Farmers know well the benefits preventing soil erosion through a variety of means. Farmers also recognize the cost, waste, and potentially harmful effects of over-application of farm inputs on their land. Farmers recognize that it is not only their bottom line which dictates many conservation practices, but also a desire to farm in a conservation-friendly manner, in ensuring the viability of their land, and the quality of their ground water.

Absolving farmers from conservation compliance and wetland protection requirements on their nonpaid acres will, in all likelihood, not change the practices already performed by most farmers. But, as the Senator from Nebraska ably stated, if the public is set on withdrawing farm benefits, then the public must disengage the burdens that accompany these benefits.

By Mr. INOUYE (for himself, Mr. AKAKA, Mrs. BOXER, Mr. CAMPBELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, and Mrs. MURRAY):

S. 611. A bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants; to the Committee on Commerce, Science, and Transportation.

FLIGHT ATTENDANT DUTY TIME ACT

• Mr. INOUYE. Mr. President, on behalf of our country's flight attendants, I am introducing legislation that would amend the Federal Aviation Act to provide restrictions on the duty-time hours for flight attendants.

Currently, the Federal Aviation Administration [FAA] limits the number of hours that airplane pilots, flight engineers, flight navigators, dispatchers, and air traffic control operators perform. However, flight attendants' duty-time hours are not regulated. As a result, factors such as fatigue and exhaustion threaten a flight attendant's ability to service customers in a safe and satisfactory manner. In addition to providing the various services and conveniences during a flight, flight attendants are responsible for performing routine safety procedures and must be alert and prepared throughout the flight. Flight attendants are trained and prepared to handle emergencies such as, rapid depressurization, cabin fires, passenger illness, and terrorist attacks. Their job is of vital importance to the survival and safety of every passenger and aircraft that exist. In order to ensure safe and proper travel for everyone, the measures and time restrictions stated in this bill must be implemented.

For 15 years now, the FAA has promised to issue some form of flight-duty time stipulation for flight attendants and have not kept their promise. Furthermore the Department of Transportation [DOT] reported that there was no conclusive evidence to prove that a correlation between a flight attendant's fatigue and passenger safety ever existed. However, it is not difficult to understand that a flight attendant who has been on her feet and working for nearly 20 hours will not be able to respond to emergencies or other potential safety hazards in a manner necessary for such situations. Both the FAA and the DOT have acknowledged numerous instances in which flight attendants have been required to work as many as 24 consecutive hours.

Regardless of the dangers that overworked flight attendants pose to the safety of their customers and themselves, the DOT has persistently refused to include them in its protective class of safety sensitive aviation employees. Yet, the DOT has determined that flight attendants are safety sensitive employees. This conflict and inconsistency in position is simply not in the best interest of those who utilize the airways for transportation or employment.

Mr. President, we request unanimous consent that the text of our bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flight Attendant Duty Time Act".

SEC. 2. AMENDMENT TO THE FEDERAL AVIATION ACT.

(a) IN GENERAL.—Title VI of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421–1433) is amended by adding at the end thereof the following new section:

"SEC. 614. DUTY TIME OF FLIGHT ATTENDANTS.

"(a) RULEMAKING PROCEEDING.—Not later than 60 days after the date of the enactment of this section, the Secretary shall initiate a rulemaking proceeding for the purpose of establishing limitations on duty time for flight attendants, including minimum rest requirements.

"(b) FINAL REGULATIONS.—Except in any case in which the prohibitions referred to in subsection (c) take effect, the Secretary shall issue, not later than 240 days after the date of the enactment of this Act, final regulations establishing limitations on duty time for flight attendants, including minimum rest requirements as follows:

"(1) For a domestic flight, a maximum of 14 hours of actual duty time, plus a maximum of 2 additional hours spent deadheading to return to the flight attendant's domicile, and a minimum of at least 10 consecutive hours of rest after each duty period.

"(2) For an international flight, a maximum of 16 hours of actual duty time and minimum of at least 12 consecutive hours of rest after each duty period.

"(3) For a long-range international nonstop flight, a maximum period of actual duty time no more than 4 hours greater than the scheduled duty time, with a maximum period of actual duty time no greater than 20 hours, and a minimum consecutive rest period equal to at least twice the scheduled flight time.

"(4) For all flight attendants, a minimum of eight 24 consecutive hour periods of rest at their domicile per calendar month and at least one 24 hour consecutive period of rest within every 7 days.

"(5) For all flight attendants, at least a continuous 1 hour rest break on any flight scheduled for 8 hours or more of flight time in a designated rest area.

"(c) Mandated Prohibitions.—If the Secretary does not initiate a rulemaking proceeding under subsection (a) before the 60th day following the date of the enactment of this Act or does not issue final regulations under subsection (b) before the 240th day following such date of enactment, no air carrier may after such date operate an aircraft using a flight attendant who has been on duty more hours, or who has had fewer hours of rest, than those required by paragraphs (1) through (5) of subsection (b).

"(d) Modification of Mandated Prohibitions.—The Secretary may issue regulations modifying the prohibitions contained in paragraphs (1) through (5) of subsection (b) if the Secretary determines that such modifications are in the interest of safety and transmits a copy of the modifying regulations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The modifying regulations may not take effect until the expiration of the 90-day period beginning on the date of the transmittal of the modifying regulations to such committees.

"(e) Definitions.—In this section, the following definitions apply:

"(1) Air carrier.—The term 'air carrier' means any air carrier which is subject to the provisions of part 121 or part 135 of title 14 of the Code of Federal Regulations.

"(2) Debriefing time.—The term 'debriefing time' means a time period of at least 30 minutes for domestic flight and of at least 45 minutes for international flight after the block-in time of the last flight or segment of a flight.

"(3) Designated rest area.—The term 'designated rest area' means a passenger seat, sleeper seat, or bunk of an aircraft assigned for crew rest purposes.

"(4) Domestic flight.—The term 'domestic flight' means any flight or segment of a flight worked by a flight attendant totally within the 48 contiguous States and the District of Columbia.

"(5) Duty time.—The term 'duty time' means all time worked for an air carrier at any place and in any capacity and, with respect to flying, shall begin at the required report time and shall end at the conclusion of the debriefing time, or when released by the carrier, whichever is later. Duty time accrues until the crewmember is given a required rest period by the carrier. Time spent deadheading, either on an aircraft or by surface transportation, to or from an assignment by an air carrier, time spent ferrying, and time spent attending meetings and training shall also be considered duty time. Duty time continues—

"(A) throughout a rest period of a shorter duration than that contained in subsection (b)(1), (b)(2), or (b)(3), as the case may be; and

"(B) during in-flight rest periods contained in subsection (b)(5).

"(6) International flight.—The term 'international flight' means any flight worked by a flight attendant for which a take off or landing is scheduled outside the 48 contiguous States and the District of Columbia.

"(7) Long-range international nonstop flight.—The term 'long-range international nonstop flight' means a single nonstop international flight scheduled for 8 hours or more of flight time.

"(8) Report time.—The term 'report time' means a time period of at least 30 minutes prior to the scheduled departure time of the first flight or segment of a flight in a flight attendant's duty period or the time the flight attendant is required to report to work, whichever is earlier.

"(9) Rest.—The term 'rest' means uninterrupted time free from all duty.

"(10) Scheduled flight time.—The term 'scheduled flight time' means the elapsed time based on the time shown in schedules given by an air carrier to a travel agent.

"(11) Secretary.—The term 'Secretary' means the Secretary of Transportation.

"(f) Treatment of Duty Period With Domestic and International Flight Segments.—A duty period with domestic and international flight segments shall be treated as domestic flying for the purpose of calculating duty and rest requirements under this section if the majority of the flight time during that duty period is on a domestic segment or shall be treated as international flying if the majority of the flight time during that duty period is on an international segment.".

(b) Conforming Amendment.—The table of contents contained in the first section of the Federal Aviation Act of 1958 is amended by adding at the end of the matter relating to title VI the following:

"Sec. 614. Duty time of flight attendants.
"(a) Rulemaking proceeding.
"(b) Final regulations.
"(c) Mandated prohibitions.
"(d) Modification of mandated prohibitions.
"(e) Definitions.
"(f) Treatment of duty period with domestic and international flight segments.".•

• Mrs. MURRAY. Mr. President, today I join my colleagues, including the senior Senator from Hawaii who, I would note, has been a steadfast champion of these issues, as an original cosponsor of the Flight Attendant Duty Time Act of 1993.

This bill would provide flight attendants with what I consider to be basic rights of all working people. Those rights should include a minimum rest period and maximum duty time. I also strongly support policies that encourage individuals to spend time with their families, to participate in community activities, and to know they are entitled to their own free time.

One of the most important features of this bill is that it would give flight attendants, many of who are mothers and fathers, the ability to plan the time they spend at home with their families each week and each month. To help carry out the policy, this bill includes a provision to ensure an additional 2 hours of what is called deadheading time to allow flight attendants to return to their homes at the end of domestic trips.

As we fly back and forth to our States, most of us take for granted that during our trips flight attendants are always there to provide a pillow, a blanket, or something to eat or drink. We too often overlook the fact that their primary responsibility is as safety professionals who are charged with protecting the lives, the health and the well being of their passengers.

We expect flight attendants to react to all sorts of in-flight contingencies, from taking care of young unaccompanied children, to solving minor medical problems and even spotting and confronting security situations. Fortunately, as passengers, few of us have ever had to confront a genuine in-flight emergency. However, we would be horrified if we were experiencing a critical in-flight situation and our flight attendants were so exhausted after a 17-to-30 hour day that they could not respond quickly and expertly to an emergency.

It is just this type of situation that makes it so important that we support and pass the Flight Attendant Duty Time Act of 1993. By establishing maximum duty time and minimum rest periods, this bill helps insure that flight attendants will be at their peak, mentally and physically prepared to assist all passengers; including young, elderly and disabled persons, in all circumstances including and especially emergency situations.

The FAA requirements for flight attendants are primarily based upon the assumption that they are the vital human link in assisting passengers immediately during emergency landings and evacuations. Seconds count in these situations where post crash fires and fumes are major killers, and flight attendants must be rested enough to act quickly with clear heads. Studies have shown that every second gained in an evacuation can mean saving another life. During an evacuation, the flight attendant, by far, is the most important member of an airplane's crew. We must take action to ensure that flight attendants have the necessary support to ensure the safety of the people aboard our Nation's airlines.

It is time for our country's policies to catch up with the rest of the world. The basic protections in this bill have been adopted by 23 other countries, and the Federal Aviation Administration has promised Congress for 15 years that it would issue a rule establishing maximum work days and minimum rest periods for flight attendants. It is time that we give this work force, dominated by women, the basic rights that their counterparts in other aviation jobs acquired years ago. I urge my colleagues to join in support of this important legislation.•

By Mr. KOHL (for himself and Mr. Brown):

S. 612. A bill to protect the privacy of telephone users by amending section 3121 of title 18, United States Code; to the Committee on the Judiciary.

TELEPHONE PRIVACY ACT OF 1993

• Mr. KOHL. Mr. President, I introduce the Telephone Privacy Act of 1993 with my distinguished colleague from Colorado, Hank Brown.

Once again American ingenuity has developed a new technology. This new device is known as caller identification [ID]. And it has begun to change the way we use the telephone.

Caller ID is really very simple: when your phone rings, caller ID displays on a screen the number of the person placing the call. If you know the number, you know who is calling. And based on that information, you can decide whether or not to answer the call.

Caller ID is already being offered in a variety of jurisdictions—including Maryland, Virginia, and the District of Columbia—and it will soon be in place in many more States, including Wisconsin. Indeed, this technology is developing so rapidly that some telephone companies soon expect to offer caller ID serves that display the name of the person calling you as well as their telephone number.

In my judgment, caller ID is a welcome development. it can tell us who is calling without requiring us to talk to the caller. And it can allow people to decide if they want to take the call before picking up the phone. As a result of this feature, caller ID will enhance our privacy.

But in my view caller ID also has the potential to invade our privacy and reduce our rights. Telephone companies can force our phone numbers to be displayed every time we make a call even if we have an unlisted number or we do not want people to know where we are calling from. In addition, since the recipient of the call knows the number of the person calling them, they can use a device known as a reverse directory and easily obtain the caller's name and address. That is, caller ID without any restriction can give the person you are calling your name, your phone number and your address—whether you want them to have it or not.

I believe that unrestricted caller ID violates our fundamental right to privacy. For example, people have the right to call a crisis hotline, or a telephone marketer, or even the IRS to ask for help without saying who they are and where they live. Senators and other public figures should be able to call the Washington Post—whose reporters have caller ID on all their phones—without revealing their home phone numbers and addresses. And consumers should be able to call a business and ask for information without being compelled to identify themselves. In my judgment, there is no justification for such forced disclosure. And yet with unrestricted caller ID, every time you place a call to any person or organization, for any reason, you disclose a lot of information about yourself.

In addition to privacy concerns, there are practical problems with unrestricted caller ID: it can be dangerous. Consider a few examples. Undercover officers sometimes call drug dealers from precincts to arrange buys. If a target recognizes where the call comes from, it could ruin the bust or, even worse, result in the death of a policeman. And battered women often take refuge with friends but call home to check on things. If their spouses know where they are staying, further abuse could result.

The point is simply this: phone companies cannot determine when it is safe to reveal our numbers and addresses. There are too many variables that even the phone company cannot foresee.

Fortunately, there is a simple way to realize the benefits of caller ID while avoiding its potential problems: just allow consumers to retain their freedom of choice. Let us decide when we want to reveal our phone numbers and when we do not using another new technology which gives us that choice. It is known as per-call blocking. Per call blocking works this way: when you want to make a call without revealing your number, you simply press a few digits on the phone and the display of your number is blocked. With this per-call blocking option, people can display their numbers when calling friends and family—and they can keep their phone number confidential when they want to.

A growing number of phone companies—and a growing number of States—have recognized the importance of protecting a caller's right to privacy and offer a blocking option. But in order to ensure that all telephone customers retain this crucial freedom of choice, we are introducing the Telephone Privacy Act of 1993.

It would require that telephone companies that offer caller ID give callers, at a minimum, the option of per call blocking. That way consumers can block the display of their telephone numbers on a per call basis without charge.

To accommodate States which have already considered this issue, the proposal "grandfathers in" State laws and regulations which authorize per line blocking if a State has such a system in place at the time that the amendment is enacted. To address the special problems of battered women shelters, the measure requires telephone companies to offer additional privacy safeguards for them. In addition, the legislation will prevent potential abuses by 800 and 900 phone services but it will not block automatic number identification.

As a result of these simple steps, the proposal protects the privacy of callers while ensuring the value of the caller ID service. It would also move the caller ID technology toward a uniform Federal standard rather than a patchwork of inconsistent State laws.

Mr. President, our approach—centered on requiring free per call blocking—makes sense. It balances our need for privacy with our desire to see the caller ID technology develop.

Just as important, Mr. President, is the fact that per call blocking does not reduce the value of caller ID. Let me give you a few examples.

First, blocking will not reduce law enforcement's ability to deter obscene and harassing phone calls. In fact, the telephone technology that makes caller ID possible also makes it possible to stop telephone terrorists without in any way undermining the privacy of law-abiding citizens.

We all know that a few telephone companies market caller ID as the only way to reduce obscene and harassing phone calls. But that's false advertising: the truth is we have the technology—and with this bill the ability—to protect victims and ensure privacy at the same time. Here is how.

Built into the software which makes caller ID operate are other capabilities. For example, there is call trace, which allows a victim of an abusive call to automatically forward the number of the caller to the authorities—merely by dialing a three-digit code. Then there is call return, which allows the recipient to automatically redial the number of the person who just called. And finally, there is call reject, which allows an individual to block all calls to his or her phone from a particular line—forever preventing calls from a telephone harasser. So with the use of these services—call trace, call reject, and call return—harassing phone calls can be stopped.

And best of all, Mr. President, these protective services work even when a number is blocked, and you do not have to subscribe to caller ID at all to use them. In virtually every State in which caller ID is available, phone companies offer these services to everyone, whether they have caller ID or not.

Second, far from reducing the value of caller ID, this legislation is essential to securing its future. Right now, there are serious questions being raised about the legality of caller ID. Most experts, including the Congressional Research Service, have concluded that caller ID is a trap and trace device that violates Federal law. And last year the Pennsylvania Supreme Court agreed: the Court ruled that caller ID violated a provision in the Pennsylvania wiretap statute which is virtually identical to a provision in the Federal version. This legislation would resolve the ambiguities in our Federal wiretap statutes and ensure the legality of caller ID. And it would prohibit States from making caller ID illegal.

Finally, there is one more reason to pass this legislation. Per call blocking already exists—but only for the wealthy. There is a 900 service that charges people a few dollars a minute and allows them to place their calls through a third party intermediary. It is the intermediary's number which is displayed; the recipient of the call never gets to see the phone number of the person actually making it. The existence of such a service supports the essential thrust of our proposal, which is that there are times when you do not want someone you are calling to have your number. But the fact that such a service even exists also is unfortunate because blocking should be a matter of equity as well as privacy. Phone companies should make it available to everyone—rich and poor alike.

Mr. President, during the 102d Congress the Judiciary Committee favorably reported my measure by a 10 to 1 vote. That's not surprising, because it is a joint product of the Committee—Senators LEAHY, BROWN, BIDEN, and THURMOND have all contributed to it and deserve praise.

But since that time we have made, I believe, several important improvements. At the request of Senator THURMOND, we authorized the use of caller ID by most governmental entities, so that they too can receive the benefits of this valuable technology. We also removed the requirement that telephone companies provide blocking from pay phones—in order to deter harassing calls from phone booths. And at the suggestion of Senator METZENBAUM we have provided consumers with greater flexibility by requiring telephone companies to offer Call Trace—free or for a charge—wherever they offer caller ID.

Mr. President, this legislation is clearly a compromise, but it is a fair and balanced one. Simply put, without compromise we do not have legislation. And without Federal legislation we do not protect telephone privacy at all in New Jersey, Virginia, Indiana, Mississippi, and the other States that permit caller ID but mistakenly prohibit blocking.

In conclusion, Mr. President, this measure allows us to expand the use of caller ID while protecting the privacy rights of individuals. We ensure caller ID can grow by making it clear that it is legal under Federal wiretap laws. We protect privacy by ensuring that callers—when they want—will have the right to withhold their numbers. And we allow vigorous pursuit of obscene and harassing phone callers.

Mr. President, ED MARKEY, who chairs the Subcommittee on Telecommunications and Finance, has agreed to introduce a companion measure in the House. And a wide variety of groups support this legislation. We have the backing of the Consumer Federation of America, the American Civil Liberties Union, Public Citizen, Ameritech and the Direct Marketing Association.

Why do so many different organizations favor our approach?

The answer is simple: The Telephone Privacy Act of 1993, Mr. President, is a balanced piece of legislation. It is a measure that is needed. And it is a proposal that ought to become law.

Mr. President, I ask unanimous consent that the bill be printed in its entirety at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telephone Privacy Act of 1993".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the right to privacy of telephone users by enabling them to limit the dissemination of their telephone numbers to persons of their choosing;

(2) to encourage the use of new services which discourage harassing and obscene telephone calls even though information identifying the caller may be blocked; and

(3) to require government entities to give public notice of their use of caller identification service.

SEC. 3. AMENDMENT OF TITLE 18, UNITED STATES CODE.

(a) PROHIBITIONS.—Section 3121 of title 18, United States Code, is amended to read as follows:

"§ 3121. General prohibition on pen register and trap and trace device use; exceptions

"(a) IN GENERAL.—Except as provided in this section, no person may install or use a pen register or a trap and trace device without first obtaining a court order under section 3123 of this title or under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

"(b) EXCEPTIONS.—(1)(A) Subject to paragraph (2), the prohibition of subsection (a) does not apply with respect to the installation or use of a pen register or a trap and trace device by a provider of electronic or wire communication service—

"(i) relating to the operation, maintenance, or testing of a wire or electronic communication service or to the protection of the rights or property of such provider, or to the protection of users of that service from abuse of service or unlawful use of service;

"(ii) to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire communication, or a user of that service, from fraudulent, unlawful or abusive use of service;

"(iii) with the prior consent of the recipient of the communication when the communication may be relevant to an ongoing criminal or counterintelligence investigation;

"(iv) in connection with the provision of call return service; or

"(v) in connection with the provision of caller identification service to a user of that service, if the service provider—

"(I) permits the recipient of a communication to use call trace; and

"(II) permits the originator of a communication to block caller identification—

"(aa) on a per call basis without charge;

"(bb) on a per line basis with or without charge, in a State in which it is authorized by statute or regulation prior to the date of enactment of this clause, and at the request of the originator; and

"(cc) on a per line basis without charge at the request of an originator that is a victim of domestic violence protected by court order, a victim's service program, or a battered women's shelter or other organization providing safe haven for victims of domestic violence.

"(B) Subparagraph (A) (iv) and (v) shall not be construed to require a provider of electronic or wire communication service to enable an originator of a communication to block caller identification—

"(i) on the emergency assistance telephone line of a Federal, State, or municipal police or fire department or on a 911 emergency line;

"(ii) on calls within a customer's system; or

"(iii) of a communication made from a public pay telephone.

"(2) The exception afforded by paragraph (1) does not apply to a communication to a governmental entity on a line that is publicized or represented as ensuring the confidentiality of the originator of a communication, such as an anonymous tip line or a confidential information line.

"(3) The prohibition of subsection (a) does not apply with respect to the use of information that a subscriber to an automatic number identification service or charge number service receives, to the extent that the use consists of—

"(A) use for billing and collection, routing, screening, and completion of the originating telephone subscriber's call or transaction, or for services directly related to the originating telephone subscriber's call or transaction;

"(B) reuse or sale after the recipient orally notifies the originator of the recipient's desire to reuse or sell the information and extends to the originator an option to limit or prohibit such reuse or sale;

"(C) use for the purposes of—

"(i) performing a service or transaction that is the subject of the communication;

"(ii) ensuring the quality of network performance, the maintenance of security, or the effectiveness of call delivery;

"(iii) compiling, using, or disclosing aggregate information;

"(iv) complying with law or a court order; or

"(v) offering to an originator of a communication with which the recipient has an established customer relationship a product or service that is directly related to products or services that the originator has previously obtained from the recipient of the communication; or

"(D) use for any lawful purpose if there is available to the originator of the communication the ability to block caller identification to the recipient—

"(i) on a per call basis without charge; or

"(ii) on a per line basis with or without charge in a State in which it is authorized by statute or regulation prior to the date of enactment of this clause and offered in combination with blocking on a per call basis without charge.

"(4) Nothing in paragraph (3) affects the provision or use of automatic number identification or charge number information by a provider of electronic or wire communication service.

"(c) CIVIL ACTION.—(1) An originator of a communication that is aggrieved by the knowing or intentional failure of a provider of communication service to allow blocking of caller identification as described in subsection (b)(1)(A)(v) may recover from the provider in accordance with section 2707.

"(2) An originator of a communication that is aggrieved by the knowing or intentional use of caller identification information by the recipient of the communication in violation of subsection (b)(3) may recover from the recipient in accordance with section 2707.

"(d) CRIMINAL PENALTY.—(1) Whoever knowingly violates subsection (a) shall be fined under this title or imprisoned not more than one year, or both.

"(2) Paragraph (1) does not apply to the use of information that is made available to the recipient of a communication through an automatic number identification or charge number service.

"(e) PREEMPTION.—Notwithstanding any other provision of law, no State may prohibit, in any way other than in accordance with subsections (a) and (b), the making available by providers of electronic or wire communication services or the use by their customers of caller identification service.

"(f) INTENT OF CONGRESS.—This section is intended neither to endorse nor to facilitate the use of blocking of caller identification by originators of obscene or harassing telephone calls, nor is it intended to limit the enforcement of laws prohibiting such telephone calls.".

(b) DEFINITIONS.—Section 3127 of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(7) the term 'automatic number identification or charge number' means an access signaling protocol in common use by common carriers that uses an identifying signal associated with the use of a subscriber's telephone to provide billing information or other information to the local exchange carrier or any other interconnecting carriers;

"(8) the term 'block' means to prevent or control, and the term 'blocking' means a service that allows the originator of a call to prevent or control, the transmission of information that identifies the originator to the recipient of the call;

"(9) the term 'caller identification' means the transmission of information that identifies the originator of a wire communication to the recipient of the communication;

"(10) the term 'call return service' means a service provided to a user of a communication line that enables a recipient of a communication on that line to initiate a return communication to the originator without disclosing to the recipient the identity of the originator (except in connection with the provider's regular billing process); and

"(11) the term 'call trace service' means a service provided to a user of a communication line that enables a recipient of a communication on that line to cause the identity of the originator of the communication to be disclosed to the service provider's security personnel and to law enforcement officials without disclosing to the recipient the identity of the originator.".

SEC. 4. NOTICE BY GOVERNMENT ENTITIES OF USE OF CALLER IDENTIFICATION SERVICE.

(a) FEDERAL ENTITIES.—A Federal Government entity that uses caller identification service shall publish in the Federal Register and have printed in any phone directory in which its number is listed, for the guidance of the public, notice of the government entity's use of caller identification service within a reasonable time after initiating that use. The Federal Register notice shall describe the scope and purpose of that use.

(b) STATE AND LOCAL ENTITIES.—A State or local government entity that uses caller identification service shall make available and publish in the official publication of that State or local government entity and have printed in any phone directory in which its number is listed, for the guidance of the public, notice of that government entity's use of caller identification service within a reasonable time after initiating that use. The official publication notice shall describe the scope and purpose of that use.•

By Mr. HARKIN (for himself, Mr. CONRAD, Mr. INOUYE, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. METZENBAUM, Mr. FEINGOLD, Mr. CAMPBELL, Mr. DORGAN, and Mr. RIEGLE):

S. 613. A bill to prohibit the importation of goods produced abroad with child labor and for other purposes; to the Committee on Finance.

CHILD LABOR DETERRENCE ACT

Mr. HARKIN. Mr. President, I rise to introduce the Child Labor Deterrence Act of 1993. The bill I'm introducing today prohibits the importation of any product made, whole or in part, by children under the age of 15 who are employed in industry or mining. It is identical to a bill I introduced last August.

Mr. President, UNICEF and the International Labor Organization [ILO] estimate that hundreds of millions of children worldwide under the age of 15 are employed. Many of these children begin working in factories at the age of 6 or 7. They are poor, malnourished, and often work 60-hour weeks for little or no pay.

The situation is as deplorable as it is enormous. In many developing countries children represent a substantial part of the work force and can be found in such industries as glass, metal works, textiles, mining, and fireworks manufacturing.

According to the ILO, children under the age of 15 constitute approximately 11 percent of the work force in some Asian countries, 17 percent in parts of Africa, and a reported 12–26 percent in many countries in Latin America.

We know, for example, that between 5 to 10 million children are illegally employed in Mexico—often in hazardous jobs. In Mexico, 13-year-old girls have been found working 48-hour weeks making electric wiring strips for General Electric in Nogales, and making dashboard components for General Motors at their Delnosa plant.

Mr. President, let me just say that when the administration negotiates a side agreement on workers' rights with Mexico, it should contain an enforceable ban on products produced by child labor. As I have stated many times on the Senate floor, when people ask me what's my bottom line on the Mexican trade agreement, it's simply this: "Our country ought not to import any item from any country that permits the employment of child labor, period. That ought to be our policy." And, I'm determined to make that our country's policy.

The bill I'm introducing, however, is not only about Mexico and the NAFTA negotiations. It goes beyond that.

In Bangladesh, as many as 50,000 children are reported to be working in the garment industry. A former Catholic Sister recently wrote in a newsletter of her visit to the Saraka garment factory in November 1992. She said that 60 percent of the 500 workers in the factory were boys and girls under the age of 13. She tells of a 9-year-old girl who pleaded with her: "Please, can you take me with you? I don't want to stay here anymore." During her visit, the children informed the former Sister that if a child is sick and is absent for 1 day without notification they are docked 3 days' pay.

Mr. President, the United States accounts for more than 50 percent of export earnings from the garment industry in that country.

Conditions in the carpet-weaving industry in Nepal, Pakistan, China, and India are no better than the Bangladesh garment industry.

In Pakistan, the ILO reported in 1991 that an estimated half of the 50,000 children working as bonded labor in Pakistan's carpet-weaving industry will never reach the age of 12—victims of disease and malnutrition.

In India, according to a New York Times report, an estimated 300,000 to 1 million children in that country work in the weaving industry—making carpets for 12 to 16 hours a day. The United States imports over 40 percent of India's carpet exports.

I have press reports from India of children freed from virtual slavery in the carpet factories of northern India. Twelve-year-old Charitra Chowdhary recounted his story—he said, "If we moved slowly we were beaten on our backs with a stick. We wanted to run away but the doors were always locked."

In September, shortly after the Child Labor Deterrence Act was first introduced, about 150 children freed from the carpet industry protested in New Delhi calling for "Childhood not wages."

Mr. President, that's what this bill is about—children, whose dreams and childhood are being sold for a pittance—to factoryowners and in markets around the globe.

It's about protecting children around the globe and their future. It's about eliminating a major form of child abuse in our world. It's about breaking the cycle of poverty by getting these kids out of factories and into schools. It's about raising the standard of living in the Third World so we can compete on the quality of goods instead of the misery and suffering of those who make them. It's about assisting Third World governments to enforce their laws by ending the role of the United States in providing a market for goods made by children and encouraging other nations to do the same.

Mr. President, unless the economic exploitation of children is eliminated, the potential and creative capacity of future generations will forever be lost to the factory floor.

This legislation is not about imposing our standards on the developing world. It's about preventing those manufacturers in the developing world who exploit child labor from imposing their standards on the United States. And, it's about telling those who willingly and knowingly buy and sell goods made on the backs of a child, telling these traffickers of misery that we will not tolerate their dirty trade any longer. They are forewarned. If manufacturers and importers insist on investing in child labor, instead of investing in the future of children, I will work to assure that their products are barred from entering the United States.

Mr. President, as I said last August when I first introduced this bill, it is time to end this human tragedy and our participation in it. It is time for greater government and corporate responsibility. No longer can officials in the Third World or U.S. importers turn a blind eye to the suffering and misery of the world's children. No longer should American consumers provide a market for goods produced by the sweat and toil of children. By providing a market for goods produced by child labor, U.S. importers have become part of the problem by perpetuating the impoverishment of poor families. Through this legislation, importers now have the opportunity to become part of the solution by ending this abominable practice.

There is hope, however, Mr. President. Already, as a result of introducing this bill last August, foreign governments, manufacturers, and importers have begun to take corrective action. According to information I have received, the Oriental Rug Importers Association representing importers from China, Pakistan, Nepal, and India have formed a committee to deal with child labor issues. The Bangladesh Garment Manufacturers and Exporters Association [BGMEA] and the Government of Bangladesh have warned that country's garment industry of the dire consequences of violating Bangladesh law and employing children. The Asian-American Free Labor Institute and the BGMEA have now agreed to cooperate to solve the child labor law violations. American corporations are developing corporate codes of ethics that prohibit the use of child labor in the manufacture of their products. I also have a report from the Economic Times about steps being taken by the Government of India, carpet manufacturers, and importers to end the export of products made by child labor. The proposal being discussed consists of an elaborate labeling system and independent inspections by NGO's that could become a model for other industries currently employing child labor.

I have been informed that the Government of India will require the registration of carpet looms by March 31 and has taken several other steps to prevent the exploitation of children in the carpet industry. And, if the economic exploitation of child labor in India's carpet industry is eliminated, neither manufacturers nor United States importers should fear the passage of this bill.

Mr. President, countries do not have to wait until poverty is eradicated or they are fully developed before eliminating the economic exploitation of children. In fact, the path to development is to eliminate child labor and increase expenditures on children such as primary education.

Mr. President, the Child Labor Deterrence Act of 1993 is intended to strengthen existing U.S. trade laws and help Third World countries enforce their child labor laws. The bill directs the U.S. Secretary of Labor to compile and maintain a list of foreign industries and their respective host countries that use child labor in the production of exports to the United States. Once the Secretary of Labor identifies a foreign industry, the Secretary of Treasury is instructed to prohibit the importation of a product from an identified industry. The entry ban would not apply if a U.S. importer signs a certificate of origin affirming that they took reasonable steps to ensure that products imported from identified industries are not made by child labor. In addition, the President is urged to seek an agreement with other governments to secure an international ban on trade in the products of child labor. Further, any company or individual who would intentionally violate the law would face both civil and criminal penalties.

Mr. President, the bill places no undue burden on U.S. importers. I know of no importer, company, or department store that would willingly promote the exploitation of children. I know of no importer, company, or department store that would want their products and image tainted by having it publicly known that their products are produced by child labor. These entities take reasonable steps to ensure the quality of their goods; they should also be willing to take reasonable steps to ensure that their goods are not produced by child labor.

Mr. President, I am proud to be joined by Senators CONRAD, INOUYE, GRASSLEY, ROCKEFELLER, METZENBAUM, FEINGOLD, CAMPBELL, DORGAN, and RIEGLE in introducing the Child Labor Deterrence Act of 1993. I urge my colleagues to support this legislation. I ask unanimous consent that a copy of the bill and the article from the Economic Times that I mentioned be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 613

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Labor Deterrence Act of 1993."

SEC. 2. FINDINGS, PURPOSE, AND POLICY.

(a) FINDINGS.—The Congress finds the following:

(1) Principle 9 of the Declaration of the Rights of the Child proclaimed by the General Assembly of the United Nations on November 20, 1959, states that ". . . the child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental, or moral development . . .".

(2) Article 2 of the International Labor Convention No. 138 Concerning Minimum Age for Admission to Employment states that, "The minimum age specified in pursuance of paragraph 1 of this article shall not be less than the age of compulsory schooling and, in any case, shall not be less than 15 years.

(3) According to the International Labor Organization, worldwide an estimated 200,000,000 children under age 15 are working, many of them in dangerous industries like mining and fireworks.

(4) Children under the age 15 constitute approximately 11 percent of the workforce in some Asian countries, 17 percent in parts of Africa, and a reported 12–26 percent in many countries in Latin America.

(5) The number of children under age 15 who are working, and the scale of their suffering, increase every year, despite the existence of more than 20 International Labor Organization conventions on child labor and laws in many countries which purportedly prohibit the employment of under age children.

(6) In many countries, children under the age 15 lack either the legal standing or means to protect themselves from exploitation in the workplace.

(7) The employment of children under the age of 15 commonly deprives the children of the opportunity for basic education and also denies gainful employment to millions of adults.

(8) The employment of children under the age of 15, often at pitifully low wages, undermines the stability of families and ignores the importance of increasing jobs, aggregated demand, and purchasing power among adults as a catalyst to the development of internal markets and the achievement of broad-based, self-reliant economic development in many developing countries.

(9) Adult workers in the United States and other developed countries should not have their jobs imperiled by imports produced by child labor in developing countries.

(b) PURPOSE.—The purpose of this Act is to curtail the employment of children under age 15 in the production of goods for export by—

(1) eliminating the role of the United States in providing a market for foreign products made by underage children; and

(2) encouraging other nations to join in a ban on trade in such products.

SEC. 3. UNITED STATES INITIATIVE TO CURTAIL INTERNATIONAL TRADE IN PRODUCTS OF CHILD LABOR.

In pursuit of the policy set forth in this Act, the President is urged to seek an agreement with governments that conduct trade with the United States for the purpose of securing an international ban on trade in the products of child labor.

SEC. 4. IDENTIFICATION OF FOREIGN INDUSTRIES AND THEIR RESPECTIVE HOST COUNTRIES THAT UTILIZE CHILD LABOR IN EXPORT OF GOODS.

(a) IDENTIFICATION OF INDUSTRIES AND HOST COUNTRIES.—The Secretary of Labor (hereafter in this section referred to as the "Secretary") shall undertake periodic reviews using all available information, including information made available by the International Labor Organization and human rights organizations (the first such review to be undertaken not later than 180 days after the date of the enactment of the Act), to identify any foreign industry and its host country that—

(1) utilize child labor in the export of products; and

(2) has on a continuing basis exported products of child labor to the United States.

(b) PETITIONS REQUESTING IDENTIFICATION.—

(1) FILING.—Any person may file a petition with the Secretary requesting that a particular foreign industry and its host country be identified under subsection (a). The petition must set forth the allegations in support of the request.

(2) ACTION ON RECEIPT OF PETITION.—Not later than 90 days after receiving a petition under paragraph (1), the Secretary shall—

(A) decide whether or not the allegations in the petition warrant further action by the Secretary in regard to the foreign industry and its host country under subsection (a); and

(B) notify the petition of the decision under subparagraph (A) and the facts and reasons supporting the decision.

(c) CONSULTATION AND COMMENT.—Prior to identifying a foreign industry and its host country under subsection (a), the Secretary shall—

(1) consult with the United States Trade Representative, the Secretary of State, the Secretary of Commerce and the Secretary of the Treasury regarding such action;

(2) publish notice in the Federal Register that such an identification is being considered and inviting the submission within a reasonable time of written comment from the public; and

(3) take into account the information obtained under paragraphs (1) and (2).

(d) REVOCATION OF IDENTIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may revoke the identification of any foreign industry and its host country under subsection (a) if information available to the Secretary indicates that such action is appropriate.

(2) REPORT OF SECRETARY.—No revocation under paragraph (1) may take effect earlier than the 60th day after the date on which the Secretary submits to the Congress a written report—

(A) stating that in the opinion of the Secretary the foreign industry and host country concerned does not utilize child labor in the export of products; and

(B) stating the facts on which such opinion is based and any other reason why the Secretary considers the revocation appropriate.

(3) PROCEDURE.—No revocation under paragraph (1) may take effect unless the Secretary—

(A) publishes notice in the Federal Register that such a revocation is under consideration and inviting the submission within a reasonable time of written comment from the public on the revocation; and

(B) takes into account the information received under subparagraph (A) before preparing the report required under paragraph (2).

(e) PUBLICATION.—The Secretary shall—

(1) promptly publish in the Federal Register—

(A) the name of each foreign industry and its host country identified under subsection (a);

(B) the text of the decision made under subsection (b)(2)(A) and a statement of the facts and reasons supporting the decision; and

(C) the name of each foreign industry and its host country with respect to which an identification has been revoked under subsection (d); and

(2) maintain in the Federal Register a current list of all foreign industries and their respective host countries identified under subsection (a).

SEC. 5. PROHIBITION ON ENTRY.

(A) PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), during the effective identification period for a foreign industry and its host country the Secretary may not permit the entry of any manufactured article that is a product of that foreign industry.

(2) EXCEPTION.—Paragraph (1) shall not apply to the entry of a manufactured article—

(A) for which a certification that meets the requirements of subsection (b) is provided;

(B) that is entered under any subheading in subchapter IV or VI of chapter 98 (relating to personal exemptions) of the Harmonized Tariff Schedule of the United States; or

(C) that was exported from the foreign industry and its host country and was en route to the United States before the first day of the effective identification period for such industry and its host country.

(b) CERTIFICATION THAT ARTICLE IS NOT A PRODUCT OF CHILD LABOR.—

(1) FORM AND CONTENT.—The Secretary shall prescribe the form and content of documentation, for submission in connection with the entry of a manufactured article, that satisfies the Secretary that the importer of the article has undertaken reasonable steps to ensure, to the extent practicable, that the article is not a product of child labor.

(2) WRITTEN EVIDENCE.—The documentation required by the Secretary under paragraph (1) shall include written evidence that the agreement setting forth the terms and conditions of the acquisition or provision of the imported article includes the condition that the article not be a product of child labor.

SEC. 6. PENALTIES.

(a) UNLAWFUL ACTS.—It is unlawful—

(1) during the effective identification period applicable to a foreign industry and its host country, to attempt to enter any manufactured article that is a product of that industry if the entry is prohibited under section 5(a)(1); or

(2) to violate any regulation prescribed under section 7.

(b) CIVIL PENALTY.—Any person who commits any unlawful act set forth in subsection (a) is liable for a civil penalty of not to exceed $25,000.

(c) CRIMINAL PENALTY.—In addition to being liable for a civil penalty under subsection (b), any person who intentionally commits any unlawful act set forth in subsection (a) is, upon conviction, liable for a fine of not less than $10,000 and not more than $35,000, or imprisonment for 1 year, or both.

(d) CONSTRUCTION.—The violations set forth in subsection (a) shall be treated as violations of the customs laws for purposes of applying the enforcement provisions of the Tariff Act of 1930, including—

(1) the search, seizure and forfeiture provisions;

(2) section 592 (relating to penalties for entry by fraud, gross negligence, or negligence); and

(3) section 619 (relating to compensation to informers).

SEC. 7. REGULATIONS.

The Secretary shall prescribe regulations that are necessary or appropriate to carry out this Act.

SEC. 8. DEFINITIONS.

(1) MANUFACTURED ARTICLES.—A MANUFACTURED ARTICLE SHALL BE TREATED AS BEING A PRODUCT OF CHILD LABOR IF THE ARTICLE—

(A) was fabricated, assembled, or processed, in whole or part;

(B) contains any part that was fabricated, assembled, or processed, in whole or in part; or

(C) was mined, quarried, pumped, or otherwise extracted, by one or more children who engaged in the fabrication, assembly, processing, or extraction—

(i) in exchange for remuneration (regardless to whom paid), subsistence, goods or services, or any combination of the foregoing;

(ii) under circumstances tantamount to involuntary servitude; or

(iii) under exposure to toxic substances or working conditions otherwise posing serious health hazards.

(2) CHILD.—The term "child" means an individual who has not attained the age of 15.

(3) EFFECTIVE IDENTIFICATION PERIOD.—The term "effective identification period" means, with respect to a foreign industry or country, the period that—

(A) begins on the date of that issue of the Federal Register in which the identification of the foreign industry or country is published under section 4(e)(1)(A); and

(B) terminates on the date of that issue on the Federal Register in which the revocation of the identification referred to in subparagraph (A) is published under section 4(e)(1)(B).

(4) ENTERED.—The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(5) FOREIGN INDUSTRY.—The term "foreign industry" includes any entity that produces a manufactured article in any possession or territory of a foreign country.

(6) HOST COUNTRY.—The term "host country" means any possession or territory of a foreign country that is administered separately for customs purposes and on which a foreign industry produces a manufactured article.

(7) MANUFACTURED ARTICLE.—The term "manufactured article" means any good that is fabricated, assembled, or processed. The term also includes any mineral resources (including any mineral fuel) that is entered in a crude state. Any mineral resource that at entry has been subjected to only washing, crushing, grinding, powdering, levigation, sifting, screening, or concentration by flotation, magnetic separation, or other mechanical or physical processes shall be treated as having been processed for the purposes of this Act.

(8) SECRETARY.—The term "Secretary", except for purposes of section 4, means the Secretary of the Treasury.

[From the Economic Times, Dec. 26, 1992]

STEPS TAKEN TO END CHILD LABOUR IN CARPET INDUSTRY

(By Sunil Raman)

A small but significant step towards ending child labour in the carpet industry has been taken by some manufacturers and exporters in cooperation with foreign importers.

At a meeting here on Monday, it was decided to discuss the modalities for forming a working group to implement the labelling system for carpets not woven by children. The meeting was attended by the Association of Carpet Manufacturers Without Child Labour, a 50-member body, Obeetee, a major exporting firm, Indo-German Export Promotion Programme and South Asian Coordination Against Child Servitude.

Earlier, a draft proposal for the labelling system had been accepted at a meeting of these four organisations on December 3, which was also attended by representatives of the U.S. and German embassies.

According to the proposal, once a manufacturer or an exporter joins the scheme, he would be required to submit "a detailed and complete list" of his manufacturing units including the contractors or loom owners with whom he has business relations. The inspection would be carried out by trained inspectors appointed by independent regional or local NGOs, who have no stakes in the carpet trade.

A detailed inspection would then be carried out. A label with a graphic symbol and code numbers giving the name of the actual exporter, the loom owner, the individual loom (every loom is to be marked by a small tamper-proof number plate), and the specific carpet would be affixed on such carpets.

The right to use the label would be provided only to individual manufacturers/exporters, not to groups or association of entrepreneurs. Moreover, the right would be on an annual basis, renewable after regular inspections.

There is a proposal to register the label in Germany as well. It is reported that the U.S. embassy here has responded favourably to such a mechanism.

This development comes in the wake of a bill introduced in the U.S. Senate in August this year by Mr. Tom Harkin, to prohibit "the import of any product, made whole or in part, by children under the age of 15, who are employed in industry or mining."

The purpose of the Child Labour Deterrence Act of 1992 "is to curtail the employment of children under the age of 15 in the production of goods for export by: Eliminating the role of the United States in providing a market for foreign products made by under-age children; and encouraging other nations to join in a ban on a trade in such products."

The bill directs the U.S. secretary of labour to "compile and maintain a list of foreign industries and their respective host countries that use child labour in the production of exports. Once a foreign industry and its host country has been identified as utilising child labour, the secretary of the treasury is directed to prohibit the entry of any manufactured article from that foreign industry."

The bill is slated to be re-introduced in January and sources said the new U.S. administration would seriously consider the issue.

While India's exports of carpets to Germany showed a sharp fall because of the success of the campaign against using child labour, those to the U.S. increased from 15 to 40 percent.

The Indian carpet industry would be jeopardized if the U.S. Congress approves the bill. However, the development of an independent inspection and monitoring system would go a long way in helping the industry from facing any ban. The proposed labelling system is expected to come into force by March next and could become a precedent for other industries employing child labour.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 614. A bill to establish a commission on the commercial application of certain defense-related facilities, equipment, processes, and technologies; to the Committee on Armed Services.

WHITE SANDS MISSILE RANGE ACT

Mr. DOMENICI. Mr. President, I rise today to introduce a bill to create the Commission for the Study of Dual-Use Application of Facilities and Resources at White Sands Missile Range Act. With the end of the cold war, the demise of communism, and the resurgence of democratic principles across the world, the United States can now expand its attention and resources to economic growth and job creation in the American economy.

Last week, President Clinton outlined his goals for the technology portion of our defense conversion efforts, and the Secretary of Defense released a booklet produced by the Advanced Research Projects Agency [ARPA] titled, "Program Information Package for Defense Technology Conversion, Reinvestment, and Transition Assistance."

This booklet lists seven DOD laboratories from my State of New Mexico that have at least 25 percent of their in-house budget dedicated to RDT&E. Five of those laboratories are located at White Sands Missile Range. Only one other State ties with New Mexico for the number of DOD laboratories listed, at one specific location, that have 25 percent of their in-house budget dedicated to RDT&E activities—Maryland's Aberdeen Proving Group.

The March 15, 1993, edition of Defense News reports that the President's plan includes $4.7 billion in developing dual-use technologies with civilian and military applications over the next 5 years; a total of $255 million in fiscal year 1994. The best defense conversion program that can be devised has to start with growth of the American economy, and I commend the President for his efforts to focus on this issue.

Mr. President, the enormity of RDT&E efforts going on at White Sands Missile Range leads me to introduce this measure. This bill will assist the President by first determining exactly what resources at White Sands Missile Range have a dual-use application to private industry, and second by acting as a model for all Department of Defense high technology installations in determining both the method and the need for focusing specific DOD resources to specific private sector initiatives.

I might tell my friends in the Senate that White Sands is currently involved in some of this very work. For example, White Sands Missile Range's electromagnetic radiation effects facilities are being used to test air bags for Chrysler, Honda, and Nissan. This testing is to assure that the air bag system will not erroneously deploy due to spurious electromagnetic radiation. White Sands Missile Range's shock and vibration facilities are being used to test shipping crates for Phillips Electronics. Phillips Electronics was experiencing a large failure rate in their electrical transformers after shipping. White Sands Missile Range is subjecting the crates to a series of vibration and shock tests. Finally, White Sands Missile Range's large temperature test facility is being used to test the heating and cooling system in General Electric's trailer-sized magnetic resonance imaging system. I believe that these examples are just the tip of the iceberg of what can be accomplished, Mr. President.

The Department of Defense has spent over $2 billion in purchasing the land and equipment at White Sands Missile Range. RDT&E activities since 1981 have accounted for $4 billion—the President, and many in Congress like to talk about investment these days—well, Mr. President, these numbers add up to a great investment.

Unfortunately, despite the fact that defense spending is down in real terms by 29 percent in 1993 from the 1985 level, and despite the fact that President Clinton has suggested bringing that figure down to over 40 percent by 1997, the Department of Defense has not looked seriously at how its high technology resources can be utilized by the private sector to compensate for these new budget cuts, and more importantly, to help create growth and jobs in the American economy by utilizing existing DOD resources for private industry initiatives.

The bill I am introducing today will accomplish this by creating a Commission appointed by the Secretary of Defense. This Commission will use the White Sands Missile Range [WSMR] as a model for all high technology Department of Defense installations to evaluate their resources and the application of those resources within the private sector.

White Sands Missile Range is the largest, all overland, test range in the Department of Defense. It occupies 1,874,666 acres. The main range is approximately 37 miles wide and 100 miles long. With its unique combination of test ranges and facilities, instrumentation and equipment, laboratories and scientific personnel, WSMR supports a wide variety of research, development, test and evaluation [RDT&E] programs.

White Sands Proving Ground was established on July 9, 1945, to provide a remote testing site for the Hermes project, a program designed to further develop U.S. rocket technology. The nuclear age was soon ushered in with the detonation of the first atomic device. This event occurred on White Sands Proving Ground at Trinity Site on July 16, 1945.

In 1952, the proving ground became one of 19 Department of Defense tri-service national ranges. White Sands Proving Ground became WSMR in 1958, and in 1962, as part of a major Army reorganization, became one of the installations under the Test and Evaluation Command headquartered in Aberdeen Proving Ground, MD.

During the 1950's, 1960's, and 1970's, WSMR was the site of several major technological events which further shaped the course of this century. In addition to testing Army, Air Force, and Navy systems, WSMR began developing and testing droned and manned flight vehicles, testing propulsion, guidance and instrumentation systems and evaluating nuclear and meteorological effects. During the 1980's, WSMR carried on its tradition of excellence in RDT&E as exemplified by the test and evaluation of the multiple launch rocket system and Patriot, the Navy's Standard Missile, and the landing of the space shuttle *Columbia* at WSMR on March 30, 1982.

WSMR's mission is to provide and operate a national range to support RDT&E for the Army, Navy, Air Force, NASA, and other approved U.S. Government agencies and foreign governments. WSMR consists of a variety of test directorates, support directorates, and tenant organizations. The major test directorates are the Army Material Test and Evaluation Directorate, Nuclear Effects Directorate, Instrumentation Directorate, and the National Range Operations Directorate.

Mr. President, if the President of the United States has his way, we will be reducing our defense budget by over 40 percent between 1985 and 1997. I believe that the Department of Defense should evaluate the potential for use of their high technology resources and facilities within the private sector. The bill that I am introducing will use White Sands Missile Range as a model for this process.

The Commission will report back to the Congress its findings and recommendations within 1 year. I believe this legislation is necessary, and I ask my colleagues to support it.

By Mr. McCAIN:

S. 615. A bill to enable Indian tribal governments to provide facilities necessary to carry out essential governmental functions; to the Committee on Indian Affairs.

INDIAN TRIBAL GOVERNMENT LEASE AGREEMENT ACT

• Mr. McCAIN. Mr. President, I rise today to introduce the Indian Tribal Government Lease Agreement Act. This legislation is intended to promote discussion on alternative methods of financing new school construction. The bill offers one approach that Indian tribes and the Federal Government can take to significantly reduce the large backlog of new construction and rehabilitation of Indian school facilities.

Before discussing the legislation, I want to publicly thank Chairman BYRD and Senator NICKLES for everything the Interior Appropriations Subcommittee is doing under current budgetary conditions to continue annual appropriations for the construction and rehabilitation of Indian schools. This legislation is not intended to diminish their efforts. The purpose of this legislation is to stimulate discussion on alternative financing methods by which the Federal Government and Indian tribes can utilize current appropriations in a manner that will facilitate the new construction and rehabilitation of Indian schools at a quicker pace.

Last year the Committee on Indian Affairs received a firsthand report on the serious conditions existing at Indian school facilities funded by the Federal Government. The Inspector General of the Department of the Interior testified that there were:

> Life-threatening safety deficiencies, code violations, and hazardous health conditions existing in Bureau (of Indian Affairs) schools, dormitories, and other buildings. As a result, thousands of students, teachers, and other government and contract employees currently live and work in buildings that Federal inspectors and Bureau safety officers have classified as unsafe and unsanitary.

The Inspector General went on to state:

> These (Inspector General) reports reveal and describe a deplorable state of Indian education facilities which are often structurally unsound, in disrepair and poorly maintained. Further the degraded condition of Bureau of Indian Affairs classrooms, dormitories, study and recreational areas, and other related facilities, has undoubtedly had a profound adverse effect on the quality of education being provided to Indian children.

Mr. President, how many of us would be willing to send our children to schools that threatened their health and safety? How many of us would be satisfied with having to tell our constituents that the new school they need now will not be built until the end of the decade or longer, even though the existing school facility is in a terrible state of disrepair, or has been officially condemned? How ironic that our advice to the young to "stay in school" is more likely to remind Indian children of the Federal Government's neglect of Indian education than to serve as a source of inspiration to be the best they can be.

While additional appropriations for facilities construction would be a welcome start, it is important to remember that there is a backlog of new construction and rehabilitation for Indian schools and associated facilities that approaches $550 million. Budgetary and fiscal limitations make it unlikely the sufficient funds will be available to reduce this backlog significantly over the next 10 years. Thus, we must explore every reasonable alternative to expediting new school construction. The health, safety and educational well-being of Indian children demand that we do no less.

One way to finance the construction of new schools within the BIA-funded school system would be to have tribes issue bonds, finance the construction of the schools from these bonds, and then have the Federal Government lease the school facility back from the tribe.

Authority exists under the Indian Tribal Governmental Tax Status Act of 1982 for Indian tribes to issue tax exempt bonds for normal and customary "essential governmental purposes"—which would certainly include construction of new schools.

Little use of this authority has been made for governmental purposes because most of these governmental functions are funded by the BIA, IHS, or other Federal agencies at present and tribes have not had to raise funds from their own sources. The Federal Government finances the construction on a pay-as-you-go basis, and does not issue special bonds for such construction purposes.

The pressures of Federal deficits and other demands on the Federal budget have tightly limited the availability of funds for new school construction. This has resulted in a large backlog of schools that need to be replaced, major repairs undertaken or entirely new schools built.

The exact repayment schedule can vary from bond to bond and does not necessarily have to involve a set of exactly equal total payments per year, as characterizes a home mortgage. It is possible to tailor a set of principle payments to meet the specific needs of the bond issuer and purchasers. Nevertheless, as an approximation, a set of equal interest and amortization payments per year is a reasonable estimate of the future funding requirements.

The table below shows what the annual requirements would be for the payment of interest and amortization on a bond issue of $10,000,000. Annual funding requirements for larger or smaller bonds can easily be calculated by applying the appropriate multiple of $10,000,000. For example, a bond of $50,000,000 would require 5 times the annual interest and amortization payments of a bond of $10,000,000.

ANNUAL APPROPRIATIONS REQUIRED TO SERVICE A $10,000,000 BOND

Term of bond	Annual appropriation required (in thousands)			
	5 percent	6 percent	7 percent	8 percent
10 years	$1,295	$1,359	$1,424	$1,490
15 years	963	1,030	1,098	1,168
20 years	802	872	944	1,019
25 years	710	782	858	937
30 years	651	726	806	888

As shown in the table, the payments on a $10,000,000 bond depend on the repayment period and the interest rate. Assuming a 20-year repayment period and 6 percent interest—in the ballpark for current tax exempt financing, the payments on a bond of $10,000,000 would be $872,000 per year. It would be possible to fund $50 million in new school construction by appropriating $4.4 million per year for 20 years.

New school construction funding of $500 million could be undertaken by appropriating $44.0 million per year for 20 years. By way of comparison, the annual appropriation levels for new school construction in FY 92 and FY 93, respectively, was $32.495 million and $34.702 million. Subtracting out the funding set-aside for specific construction projects added by the Congress, the Federal Government will have around $57 million remaining to build approximately 6 schools on the priority list.

In order for tribes to successfully issue tax exempt financing, it might be necessary for them to have a lease agreement with the Federal Government signed in advance for the school facility to be constructed. This would provide the necessary assurance to bond purchasers that the payments on the bonds would be secure. The lease agreement would presumably be for the term of the bond repayment.

Mechanically, the issuance of a bond is not complicated; it is much like obtaining a home mortgage. A decision would have to be made on the term of the bond. Current credit market conditions would then largely determine the interest rate at which the bond could be sold—in the range of 5 to 7 percent at present for tax-exempt bonds, depending on the riskiness of the bond and other factors.

The tribe would have to find an investment banker who would be responsible for doing much of the legal and other paperwork. The investment banker would find the purchasers for the bond. Once the bond was sold, the tribe would have to pay bond attorneys, investment bankers and other fees and would receive the bond revenues to be used for the purpose of financing the school construction.

States and localities all across the United States use these procedures for the financing of roads, hospitals, schools and other public facilities on a routine basis. There is a large network of investment bankers, lawyers and other financial experts available who serve this market—although it has been little used by tribes to date.

Mr. President, it is my hope that all interested parties will carefully examine this approach. I have deliberately chosen to draft this legislation narrowly so as to focus the discussion on the method rather than how broadly it might be applied. The range of projects that could theoretically be funded under this proposal is not as important as finding a consensus approach. Moreover, I want to emphasize to Federal reviewers that the schools proposed to be funded under this legislation are limited to those schools that are already on the Education Facilities Construction Priority Lists of FY 1993 and as thereafter modified. If we are prepared to commit a certain amount of funding each year for new school construction, then it is my hope that we would also be willing to consider alternative methods to utilize those funds in the most prudent manner, bearing in mind that the cost of building and repairing schools that are lower on the priority list will continue to rise under the current method. In some cases, the cost of building a new school is less than the cost of repairing the current facility.

To those in the new administration who are wondering what steps they can take to stimulate Indian reservation economies, let me encourage them to consider the multiplier effects that would occur for reservation and rural economies as a result of accelerating the construction of new schools.

To those in the new administration who are wondering what steps they can take to improve the quality of Indian education, let me encourage them to consider the positive effects that would occur from creating a healthy and safe learning environment for Indian children.

I look forward to receiving the comments of all interested parties on this legislation and to reviewing other alternatives. It is my hope that all interested parties will keep in mind that the ultimate goal of this effort is much more important than simply supplying the necessary bricks and mortar; it is about providing Indian children with the opportunity to learn.

Mr. President, I ask unanimous consent that a copy of the bill be inserted in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Government Lease Agreement Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "Indian tribal government" means the governing body of any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Fund" means the Fund established by section 4.

(4) The term "account" means an account within the Fund established on behalf of an Indian tribal government in connection with a lease agreement entered into by that tribal government pursuant to section 3.

(5) The term "essential governmental function" means any function carried out by, or on behalf of, an Indian tribal government involving the planning, design, construction, repair, improvement, and expansion of education facilities.

SEC. 3. SELF-DETERMINATION AGREEMENTS.

(a) PURPOSE.—The Secretary is authorized, under section 102 of the Indian Self-Determination and Education Assistance Act, to enter into lease agreements with Indian tribal governments pursuant to which the Secretary agrees to lease, for a period of years, facilities constructed by any such tribal government for use in carrying out an essential governmental function.

(b) TERMS.—Any lease agreement shall include such terms and conditions as the Secretary determines necessary or appropriate to assure that the proceeds from bonds, sold by an Indian tribal government for the purpose of constructing a facility to be covered by such lease agreement, will be used only in the manner, and for the purposes, approved by the Secretary.

(c) INDIAN PRIORITY LIST.—In determining which Indian tribal government may enter into a lease agreement under this Act, the Secretary shall follow the Education Facilities Construction Priority list as of fiscal year 1993 or as thereafter modified.

SEC. 4. THE TRIBAL GOVERNMENT LEASE FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Tribal Government Lease Fund. Each Indian tribal government having a lease agreement under this Act shall have an account in such Fund.

(b) CONTENTS OF FUND.—There shall be deposited in the appropriate accounts within the Fund the following:

(1) Moneys appropriated to the accounts for payments in connection with lease agreements under this Act.

(2) Income and gains realized by the account from any investment of excess funds, and the obligations or securities comprising such investments within such account.

(3) Any other receipts of such account.

(c) EXCESS FUNDS INVESTMENT.—If the Secretary of the Interior determines that the amount of money in any such account exceeds the amount required for current needs, the Secretary of the Treasury, at the request of the Secretary of the Interior, may invest such amounts as the Secretary of the Treasury deems advisable in obligations of, or obligations guaranteed by, the Government of the United States, or in such other governmental or agency obligations or other securities of the United States as he deems appropriate.

(d) DEPOSITORY.—The Secretary of the Treasury may deposit moneys of the Fund with any Federal Reserve bank, any depository for public funds, or in such other places and in such manner as the Secretary of the Treasury deems appropriate.

(e) USES.—Moneys in each account within the Fund shall be administered by the Secretary in order—

(1) to effect the payment, when due, of the principal of, and any interest on, bonds issued by the tribal government having such account in connection with a facility covered by a lease agreement under this Act;

(2) to redeem such bonds; and

(3) to make payment of all expenses incurred by the Indian tribal government in carrying out its duties with respect to its account within the Fund.

SEC. 5. AUTHORIZATION OF APPROPRIATION TO THE FUND; APPROPRIATIONS.

Moneys in such Fund, together with all moneys hereafter deposited in such Fund, are hereby appropriated for the purposes of this Act and shall remain available until expended. For fiscal year 1994, and each fiscal year thereafter, there are authorized to be appropriated, to each of the appropriate accounts in the Fund, such sums as may be necessary to make payments under lease agreements under this Act, and to carry out the other provisions of this Act.

SEC. 6. FULL FAITH AND CREDIT.

Any bond issued by an Indian tribal government after the date of the enactment of this Act the proceeds of which are used for the construction of a facility covered by a lease agreement under this Act shall constitute general obligations of the United States of America backed by the full faith and credit of the United States of America.

SEC. 7. AUDIT OF TRANSACTIONS.

(a) In General.—The Comptroller General of the United States is authorized to audit the operations of each of the accounts within the Fund in accordance with such rules and regulations as he may prescribe. Any such audit shall be conducted at the place or places where accounts of the Fund are normally kept. The representatives of the Comptroller General shall have access to all books, accounts, records, reports, files and other papers, things, or property belonging to, or in use by or in connection with the Fund, or the Indian tribal government which pertain to the financial transactions of the Fund and which are necessary to facilitate an audit. Such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, things, and property shall remain in the possession and custody of the Fund, or the Indian tribal government, as the case may be.

(b) Access to Information.—The representatives of the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by any person or entity which has entered into a financial transaction with or involving the Fund, or the Indian tribal government, under this Act, to the extent deemed necessary by the Comptroller General to facilitate any audit of financial transactions pursuant to subsection (a) of this section. Such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such property of such person or entity shall, to the extent practicable, remain in the possession and custody of such person or entity.

(c) Report.—The Comptroller General shall make a report of each such audit to the Congress. Such report shall contain all comments and information which the Comptroller General deems necessary to inform Congress of the financial operations and conditions of the Fund and any recommendations which he deems advisable. Such report shall indicate specifically and describe in detail any program, expenditure, or other financial transaction or undertaking observed in the course of such audit which the Comptroller General deems to have been carried on or made without lawful authority or which is inconsistent with the purposes and provisions of this Act. A copy of such report shall be furnished to the President, the Secretary and the appropriate Indian tribal governments under this Act at the time it is submitted to the Congress.•

By Mr. ROCKEFELLER (for himself, Mr. Murkowski, Mr. DeConcini, Mr. Mitchell, Mr. Graham, Mr. Akaka, Mr. Daschle, Mr. Campbell, Mr. Thurmond, Mr. Simpson, Mr. Specter, and Mr. Jeffords):

S. 616. A bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1993

• Mr. ROCKEFELLER. Mr. President, as the chairman of the Committee on Veterans' Affairs, I am introducing today S. 616, the proposed Veterans Compensation Cost-of-Living Adjustment Act of 1993. I am enormously pleased that the entire membership of the Committee on Veterans' Affairs has joined me as original cosponsors of this important measure—including ranking Republican member Frank Murkowski and Senators Dennis DeConcini, George Mitchell, Bob Graham, Daniel Akaka, Tom Daschle, Ben Nighthorse Campbell, Strom Thurmond, Alan Simpson, Arlen Specter, and Jim Jeffords.

Mr. President, this bill would increase, effective December 1, 1993, the rates of compensation paid to veterans with service-connected disabilities and the rates of dependency and indemnity compensation, or DIC, paid to the survivors of certain service-disabled veterans. The rates would increase by the same percentage as the increase in Social Security and VA pension benefits. The compensation COLA would become effective on the same date that the increase for those benefits takes effect.

Mr. President, we have a fundamental obligation to address the needs of the 2.2 million service-disabled veterans and 345,000 survivors who depend on these compensation programs. The needs of these veterans and survivors are uniquely related to veterans' enormous sacrifices on behalf of our great Nation. Addressing these needs is a top priority of mine as chairman of the Veterans' Affairs Committee.

I represent a State where military service is held in the highest esteem. Ever since I entered public life, to serve the people of West Virginia, I have worked very closely with our veterans and their families. The compensation payments that this bill would adjust affect the everyday lives of over 2½ million veterans and veterans' survivors. It is our responsibility to continue to provide COLA's in compensation and DIC benefits in order to ensure that the value of these top-priority, service-connected VA benefits is not eroded by inflation. Most recently, on October 24, 1992, Congress enacted Public Law 102-510, providing a 3-percent increase in these same benefits, effective December 1, 1992.

The Congressional Budget Office estimates that the December 1, 1993 Social Security and VA pension COLA will be 3 percent. This is a preliminary estimate, but I expect the actual increase will be close to this estimate. The Congressional Budget Office estimates that a 3-percent COLA would cost $325 million in budget authority and $324 million in outlays over current law.

Mr. President, I am proud that Congress has provided annual increases in VA compensation rates every fiscal year since 1976 and I urge all of my colleagues to continue to support these necessary increases.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1993".

SEC. 2. DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES.

(a) In General.—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1993, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2)(A) The Secretary shall increase each of the rates and limitations provided for in section 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code, that were increased pursuant to section 2 of the Veterans' Compensation Cost-of-Living Adjustment Act of 1992 (Public Law 102-510; 106 Stat. 3318; 38 U.S.C. 101 note). The increase shall be made in such rates and limitations as in effect on November 30, 1993, and shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1993, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(B) In the computation of increased rates and limitations pursuant to subparagraph (A), amounts of $0.50 or more shall be rounded to the next higher dollar amount and amounts of less than $0.50 shall be rounded to the next lower dollar amount.

(b) Special Rule.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (2 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) Publication Requirement.—At the same time as the matters specified in section 214(i)(2)(D) of the Social Security Act 42

U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1993, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2)(A) as increased under this section.•

By Mr. SIMON (for himself, Mr. MOYNIHAN, Mr. BRADLEY, Mr. JEFFORDS, Mr. BRYAN, Mr. REID, Mr. SHELBY, Mr. LIEBERMAN, and Mr. ROBB):

S. 617. A bill to authorize research into the desalinization of water and water reuse and to authorize a program for States, cities, or any qualifying agency which desires to own and operate a desalinization of water reuse facility to develop such facilities; to the Committee on Environment and Public Works.

DESALINIZATION RESEARCH AND DEVELOPMENT ACT OF 1993

• Mr. SIMON. Mr. President, today I rise to introduce the Desalinization Research and Development Act of 1993. I am pleased to have bipartisan cosponsors from diverse regions of the country to join me in introducing this legislation. Cosponsors of this legislation include Senators MOYNIHAN, BRADLEY, JEFFORDS, BRYAN, REID, SHELBY, LIEBERMAN, and ROBB.

This bill is identical to legislation that passed the Senate unanimously during the summer of 1992. The purpose of my bill is to restart Federal research and development into desalinization—the process of removing salt or biological impurities from water in order to make it usable for drinking or irrigation.

Desalinization technologies have become more well-known as a result of water shortages in California and disputes over water in other parts of the country and the world. However, many may be surprised to learn that there are 3,500 desalinization plants in 105 countries throughout the world and in 46 States here in the United States. The main issue that still arises with regard to desalinization is its cost. Until more cost-effective technologies can be developed, more widespread use of desalinization technologies will be precluded.

Water shortages cause problems for economic development in areas as diverse as Africa, the Middle East, and Dothan, AL. During trips to the Middle East, I have heard Israeli Prime Ministers and Egyptian Presidents talk more about water than about oil. Many poverty-stricken African nations might be able to grow food to feed their people if they could somehow convert ocean water for irrigation. And in Dothan, AL, business people worry about access to the Chattahoochee River. Examples of disputes over access to water will only continue to grow in the years ahead.

Substantial Federal resources were committed to research and development of desalinization technology in the 1950's and 1960's. According to a report by the Office of Technology Assessment, the United States was generally considered to be at the forefront of desalinization technology throughout the 1960's and into the 1970's. Once governmental support ended, however, Japanese and European companies—many of which were, and still are, indirectly supported by their governments—began getting contracts that previously would have been awarded to American firms. In the face of growing domestic water shortages and strategic international concerns, the Federal Government should renew its commitment to developing low-cost desalinization technologies that can enable U.S. firms to regain their competitive edge in this field.

My legislation has two main parts. First, during Phase I, my bill authorizes the Departments of Interior and Army to conduct a basic research and development program designed to promote more cost-efficient desalinization technologies. During Phase II, demonstration projects will be built to test the new technologies developed during Phase I. The authorization is phased in over 5 years, which is critical if we hope to make any real progress in this area. Finally, my legislation calls upon the Agency for International Development to host a conference at which countries currently using, or hoping to use, desalinization technologies would meet.

Less than 1 percent of the Earth's water can be used directly for human consumption, or agricultural and industrial uses. The world will experience ever increasing needs for fresh water in the decades ahead. It is imperative that we begin to make investments in environmental technologies like desalinization now.

I urge my colleagues to take a close look at this legislation and the positive implications it could have for their States. The Senate passed this legislation unanimously last year. I hope we can do that again this year, and get this legislation enacted into law.•

By Mr. RIEGLE (for himself, Mr. KENNEDY, Mr. SIMON, Mr. DECONCINI, Mr. HATFIELD, Mr. GLENN, Mr. ROBB, and Mr. LEVIN):

S. 618. A bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes; to the Committee on the Judiciary.

SPOUSAL AND CHILDREN IMMIGRATION ACT OF 1993

• Mr. RIEGLE. Mr. President, I rise to introduce legislation which would permit spouses and children of permanent residents to receive visitor and student visas. This bill is designed to correct an inequity which has kept foreign individuals from visiting their spouses or parents in the United States.

Under the Immigration Act of 1990, Congress increased the number of visas for spouses and children of permanent residents. In recent years, however, a 2- to 4-year backlog in the processing of immigrant visa petitions has caused lengthy separations for many families. While applicant spouses and children have patiently waited for the day when they could legally enter the United States as immigrants, they have remained in their home countries, apart from their loved ones.

In an effort to see family members in the United States during the multiyear waiting period, many spouses and children apply for visitor or student visas. Under current State Department policy, however, U.S. consular officials routinely reject these temporary visa requests. Because the spouses and children conveyed a desire to immigrate to this country in their permanent resident petitions, American consulates imply that they would stay indefinitely in the United States against the terms of their visitor or student visas. Following this policy, consular officers deny the visas, preventing immediate relatives of permanent residents of the United States from even seeing family members in this country.

The legislation that I am introducing today—containing the same language as S. 2385, which I sponsored in the 102d Congress—would remedy this situation. It would eliminate the implication that the existence of a petition for permanent residence implies that an applicant will not return to his or her home nation and would remain in the United States after the expiration of a temporary visa. This equitable solution simply grants to immigrant family members the same opportunity to visit the United States as all others desiring to come here as visitors or students.

This legislation anticipates the possibility that some may violate the terms of their visas by overstaying the period which the visa provides. It penalizes spouses or children of permanent residents who overstay their visas by allowing the Secretary of State to delay their permanent visa petitions for 1 year if visa durations are violated.

Mr. President, this legislation has received widespread support in Congress. In the Senate, the chairman of the Judiciary Subcommittee on Immigration and Refugee Affairs, Senator KENNEDY, is a cosponsor of the bill and has formally expressed his support for the measure on the Senate floor. Additionally, the bill has garnered several bipartisan cosponsors. In the House of Representatives, Chairman ROMANO L. MAZZOLI, and four other members of the Judiciary Subcommittee on International Law, Immigration, and Refugees, wrote to the State Department urging it to take a similar action. "We strongly urge you," wrote the subcommittee members "to consider issuing a directive instructing consular officers to take special cognizance of the fact that the existence of an immigrant petition on file need not exclude favorable consideration of an application for a visitors visa coming from the spouse or child of a permanent resident." (April 3, 1992)

During the Presidential campaign, America heard much about the importance of the intact nuclear family. By joining me in remedying this unfortunate situation, we can afford families separated by an unfortunate administrative delay a better chance to remain together as a family unit. I urge my colleagues to support and cosponsor this legislation.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 618

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADMISSION OF CERTAIN "B" AND "F" VISA NONIMMIGRANTS WHO ARE SPOUSES OR CHILDREN OF UNITED STATES PERMANENT RESIDENT ALIENS.

Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end thereof the following new subsection:

"(o)(1) Notwithstanding any other provision of law, no alien—

"(A) who is the spouse or child of an alien lawfully admitted for permanent residence to the United States,

"(B) who seeks admission to the United States for purposes of visiting the permanent resident spouse or parent or for studying in the United States, and

"(C) who is otherwise qualified,

may be denied issuance of a visa, or may be denied admission to the United States, as a nonimmigrant alien described in section 101(a)(15)(B) who is coming to the United States temporarily for pleasure or as a nonimmigrant alien described in section 101(a)(15)(F).

"(2) Whenever an alien described in paragraph (1) seeks admission to the United States as a nonimmigrant alien described in section 101(a)(15)(B) who is coming temporarily for pleasure or as a nonimmigrant alien described in section 101(a)(15)(F), the fact that a petition has been filed on the alien's behalf for classification of the alien as an alien lawfully admitted for permanent residence shall not constitute evidence of the alien's intention to abandon his or her foreign residence.

"(3) Notwithstanding any other provision of law, any alien—

"(A) who is issued a nonimmigrant visa under paragraph (1),

"(B) who was admitted to the United States, and

"(C) who remains in the United States longer than the period authorized for such nonimmigrant status,

shall be ineligible to receive an immigrant visa for a period of up to one year after the alien's priority date has been reached, as the Secretary of State may determine.".•

By Mr. RIEGLE:

S. 619. A bill to amend the Social Security Act to provide improved services to beneficiaries under such act, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY BILL OF RIGHTS ACT OF 1993

• Mr. RIEGLE. Mr. President, at the end of the last Congress I introduced S. 3377, the Social Security bill of rights. That legislation was designed to improve the delivery of services to people who receive benefits under the Social Security Act. It guaranteed the millions of people who rely on Social Security a system that is convenient to use, prompt in its delivery of service and responsive to their concerns. Today I am reintroducing this bill.

As was the case with S. 3377, this new legislation seeks to establish a minimum level of service quality in the system and to remove some of the barriers people have encountered when enrolling in Social Security programs. The legislation also makes other benefit programs—outside of Social Security, yet crucial for many Social Security beneficiaries—more available to people who need them. Let me briefly describe some of the rights I believe beneficiaries should have.

THE RIGHT TO A CONVENIENT SYSTEM

Many Social Security beneficiaries are also eligible for a number of different benefit programs, either under the Social Security Act or programs established under other laws. Unfortunately, the process for applying for these benefits is confusing and often difficult. The problem is further exacerbated by the fact that different agencies handle different benefit applications.

Let me give my colleagues an example. A senior citizen, who receives Social Security retirement benefits, might also qualify for the Supplemental Security Income [SSI] Program if they meet the necessary requirements. This same individual might also be eligible for the Low Income Home Energy Assistance Program [LIHEAP], or for health care benefits under Medicaid, or for Food Stamps. This senior citizen can apply for SSI and Food Stamps at a local Social Security office. But LIHEAP applications in most States are available at either a community action agency or a local social services office—not at the Social Security Office. In order to get a Medicaid application, this person would have to go to a State welfare office.

The current system forces people to go several places to obtain benefits. This is inconvenient, confusing, and ultimately discourages many people from applying for benefits that they need. In many areas of the country, people do not have access to adequate public transportation—they have difficulty getting to just one office, much less several offices.

The Social Security bill of rights establishes a one-stop shopping system. Social Security field offices would distribute and accept applications for the Medicaid and LIHEAP programs. To facilitate the system, SSA will establish a training program for its workers so that they may provide accurate information and advice on completing the forms. The actual processing of the application will continue to be handled by the agencies responsible for it under current law. These agencies will also continue to accept applications directly.

This bill also contains provisions to improve telephone access to local Social Security field offices. Many of my colleagues will recall that in October 1989, the Social Security Administration [SSA] began diverting telephone calls made to local Social Security field offices to a national 800 number. The number of telephone lines to the local office were cut and local office phone numbers were removed from telephone directories. Problems plagued the 800 number system. People got busy signals when they called and, once given the chance to talk to a real person, often received incorrect and misleading information.

In the Ombibus Budget Reconciliation Act [OBRA] of 1990, the Congress required SSA to restore the public's telephone access to local offices at the level generally available on September 30, 1989, and to relist the numbers of the affected offices in local telephone directories. This mandate applied to 834 offices. SSA relisted the office telephone numbers in the directories, but refused to restore many of the phone lines. As a result, local Social Security offices targeted by OBRA 1990 have 30 percent fewer general inquiry lines than they had in place on September 30, 1989.

The General Accounting Office found that busy signal rates averaged 52.5 percent in those offices where public inquiry lines were not replaced, while the busy signal rate in those offices where the lines were maintained was 43.2 percent. Both of these busy signal rates are too high, but it is important to note that restoring the telephone lines at local offices does improve the service SSA provides to beneficiaries. The provision in this bill would require SSA to restore the number of lines to field offices to the September 30, 1989, level

THE RIGHT TO OUTREACH SERVICES

Many homebound senior citizens are eligible for programs like Food Stamps, LIHEAP, and Medicaid. Unfortunately, they do not have the ability to get to a local Social Security office or a local welfare office to find out about, and apply for these benefit programs. That is why the Social Security bill of rights would create an outreach program for homebound seniors. SSA would work with local governments and social service agencies such as Area Agencies for the Aging, local mental health systems, charity groups, and cultural organizations, to identify who these homebound seniors are. SSA personnel will then visit these seniors to explain to them what benefit programs may be helpful to them and to help them apply for benefits.

PROTECTION FROM FRAUD AND ABUSE

Mr. President, in 1988 Congress enacted a law to prevent the misuse of symbols and emblems of the Social Security Administration and the Health Care Financing Administration [HCFA]. The purpose of the 1988 provision was to prohibit organizations from conveying the false impression that their materials and their mailings were endorsed by SSA or HCFA. The provisions in my bill builds upon this framework. It extends the law's coverage to the emblems of the Supplemental Security Income and Medicaid Programs and it prevents the unauthorized duplication of SSA forms and materials. Any penalties collected from the misuse of SSA's emblems and symbols must be deposited into the old-age and survivors insurance trust fund. A provision similar to this one was included in the conference report of H.R. 11, the Revenue Act of 1992.

The Social Security bill of rights also addresses another serious problem facing senior citizens. Unscrupulous organizations take advantage of the elderly by the use of deception and scare tactics. I have received many calls and letters from seniors who have received mailings that suggest that the Social Security trust funds are out of money. Just imagine the horror and anxiety that a senior citizen must go through when they hear that Social Security—the sole source of income for many—is bankrupt.

Clearly there is a need to educate beneficiaries about the status of the Social Security trust funds. This legislation would require SSA to provide all beneficiaries of the old-age and survivors insurance trust fund with information on its financial status, a description of how it is financed and a description of all services provided to beneficiaries free of charge. This information will be sent to all beneficiaries in the annual cost-of-living adjustment notice. We must let beneficiaries know that they need not worry about the financial status of the trust funds.

THE RIGHT TO UNDERSTANDABLE INFORMATION

Mr. President, according to an American Association of Retired Persons report, illiteracy and reading comprehension problems pose a significant barrier to getting benefits for older persons who do not speak English. Information about benefit programs as well as current outreach efforts are primarily aimed at the English-speaking population. Senior advocates in several States have noted a shortage of bilingual personnel in local Social Security offices despite large non-English-speaking populations in that area. This situation discourages people from getting benefits from which they qualify.

My legislation requires Social Security offices to provide materials in other languages where a significant number of people in the area served by the office do not speak English. The level of bilingual services required in the legislation is the same one that exists under the Food Stamp Program. This legislation would extend this requirement to additional Social Security Act programs. It is my hope that all Social Security offices will have bilingual personnel and applications on the premises to serve those people who do not use English as their first language within 180 days of enactment of this legislation.

THE RIGHT TO WORK

Mr. President, people who receive Social Security disability insurance benefits [SSDI] want to work. One man told me that he actually wants to pay taxes—think about it, someone who yearns to file an IRS 1040 form. But this gentleman, like many disabled people on SSDI, chose not to work because under the SSDI Program he could lose his medical benefits if he earned more than $500 a month.

The Social Security bill of rights creates a right to work by extending the work incentives provisions of the Supplemental Security Income [SSI] Program of the SSDI Program. Experience with this provision of SSI has shown that, for most disabled people, continued access to Medicaid health insurance coverage is the most important factor in their successful return to work. This program gives SSI beneficiaries the confidence that attempting to work will not disqualify them for benefits in the future should that work attempt fail. People on SSDI should have the same protection.

This provision is particularly timely now that the Americans with Disabilities Act [ADA] is in full effect. This landmark legislation guarantees that a person with a disability will not be discriminated against in employment and that they will have access to public places, including the workplace. But without adequate incentives to seek work, the promise and the dream of the ADA will go unfulfilled for millions.

ELIMINATION OF THE ONE-THIRD REDUCTION RULE

The Supplemental Security Income [SSI] Program protects millions of blind, aged, and disabled people from destitution by giving them the means to live independent lives. Last year, SSA completed the SSI modernization project, a comprehensive review of the SSI Program. The project convened a panel of experts to assess the SSI Program and make recommendations for improvements.

One of the key goals identified by the modernization project is included in this legislation—the repeal of the one-third reduction rule. The regular monthly SSI Federal benefit standard for 1993 is $434 for an individual and $652 for a couple—this translates into $5,208 and $7,824 per year, respectively. The Federal poverty level is $6,970 for individuals and $9,430 for couples. SSI recipients are living below the poverty level—and remember, these are low-income blind, aged, and disabled people—this Nation's most vulnerable citizens.

Under current law, SSI recipients face a penalty for living in the home of another person, whether that person is a friend or family member. Their benefits are subject to a one-third reduction—33 percent—for in-kind support and maintenance. In-kind support is not cash income, but is actual food, clothing, or shelter that is given to the recipient. SSA does not determine the actual value of any support received, it simply assumes that the total amount is one-third.

The modernization project's panel of experts identified several problems with the so-called one-third reduction rule. First, it pushes people who are already living below the poverty level even deeper into poverty. Second, the rule is demeaning. When a person applies for SSI, or when their eligibility is redetermined, they have to answer a battery of personal questions about their living arrangements—questions about household operating expenses and any help the household gets to meet expenses. One recipient testified before the experts that she was afraid to accept gifts from caregivers for fear that it would place her in violation of the rule. Statements are also obtained from other household members who are not receiving SSI benefits. This intrusion is unwarranted.

The one-third reduction rule is also a disincentive to families helping each other. Informal caregiving from friends and relatives provides valuable assistance to SSI recipients—particularly for the elderly. The rule only places a greater financial burden on the families of these recipients. What's more, the rule encourages moving the recipient out of the home and away from the people who can give them the greatest support. This occurs because SSI recipients who live in public housing are not subject to the rule, but those whose family members help them with housing costs receive a reduced benefit.

Finally, the one-third reduction rule poses administrative problems for SSA. The modernization panel heard testimony from field office employees who reported that the information gathering and decisionmaking process for determining in-kind support is highly subjective and is one of the most time-consuming and complex tasks they perform. Even the most experienced employees have trouble with it.

Mr. President, my legislation will eliminate the one-third reduction rule in order to ease the burden that the present rule places on the families of beneficiaries and the people who administer the program.

DEMONSTRATIONS PROJECTS TO IMPROVE SERVICE

There are two demonstration projects in this bill that I believe would improve the disability system. The first would eliminate, on an experimental basis, the reconsideration level in the disability determination appeals process for SSI and the Social Security Disability Insurance [SSDI] Programs. The disability determination system is plagued by a huge backlog causing lengthy delays in getting people benefits. Under the current system, State agencies are responsible for determining whether a person can qualify for benefits. If an individual's initial application is denied, they may file for a reconsideration of the ruling. The reconsideration is performed by the same State agency that rendered the initial denial of benefits. Very few of these initial denials are overturned in reconsideration.

Under my demonstration project, the States will no longer have to conduct the reconsideration, freeing up State personnel to conduct initial reviews. Instead of going to reconsideration, denied cases will proceed directly to the hearing level. It is my hope that this will result in a decrease in the backlog of cases at State disability determination services.

The second demonstration project would explore changing the orientation of the current SSDI Program from an early retirement system for people too disabled to continue working to a system designed to meet the needs of disabled workers. Under the current system, an individual applying for disability benefits is only evaluated from the narrow perspective of establishing the existence of a medical disability. An applicant has an incentive to heighten the severity of the disabling conditions while the administrators have an incentive to minimize existing maladies. Under current practice, a very complex determination is made with regard to the severity and duration of the disabling condition, and then a decision is made regarding whether a benefit is either awarded or denied.

The demonstration project I am proposing would alter the incentives contained in the current program by integrating a vocational rehabilitation evaluation into the initial and ongoing determination process. Prospective beneficiaries would be assessed based upon their rehabilitation potential as well as their disability.

Mr. President, the Social Security bill of rights will result in better delivery of services and benefits to millions. People who have low incomes; people with disabilities; the elderly—these people have a right to government services that respect their individual needs. This legislation would make Social Security a program that Americans can be proud of.•

By Mr. RIEGLE:

S. 620. A bill to amend the Social Security Act to overturn the new limitations placed on private enforceability of State plan requirements by Suter versus Artist, M., and for other purposes; to the Committee on Finance.

FOSTER CARE LEGISLATION

• Mr. RIEGLE. Mr. President, I rise today to introduce legislation to overturn the Supreme Court's opinion in the case of Suter versus Artist, M. In this case the Court ruled that individuals—mainly low-income children—did not have recourse through the Federal courts when States fail to implement State plan requirements under the title IV–E Foster Care Program of the Social Security Act. According to the Court, the only clear requirement of title IV–E was that States must have a written plan for implementing the program and that the plan must be approved by the Secretary of Health and Human Services. Under this ruling, individuals could only sue if a State did not have an approved plan.

The Suter ruling dealt a devastating blow to thousands of low-income children who potentially would be denied benefits and services that Congress intended them to receive. Although the underlying case in Suter involved the Foster Care Program, its reasoning could be applied broadly to other State plan programs such as Medicaid, Child Support Enforcement, and AFDC. Indeed, the Seventh Circuit Court of Appeals dismissed a suit in an AFDC case using the Suter reasoning. Other States have made attempts to use Suter as a basis for dismissing pending lawsuits in some of these other programs as well.

The legislation I am introducing today makes it clear that when the Congress places requirements in a statute, we intend for the States to follow them. If they fail in this, the Federal courts can order them to comply with the congressional mandate. For 25 years, this was the reading that the Supreme Court had given to our actions in Social Security Act State plan programs. The Suter decision represented a departure from this line of reasoning.

Mr. President, this legislation is the same as a provision included in the conference report to H.R. 11, the Revenue Act of 1992 at the end of the 102d Congress. The language in this bill was the product of lengthy negotiations between the two competing interests in the Suter debate; representatives of numerous social service advocacy groups on the one side and representatives of State governments—including the National Governor's Association—on the other. My bill seeks to restore these interests groups to the status they had prior to Suter without expanding the remedies available in Federal court.

Mr. President, I remember when the Federal courts—particularly the Supreme Court—were the last bastion of protection for the disadvantaged. The Suter decision changed that. It is time that we reopen the courthouse doors to these people. The people who need our social welfare programs must be able to protect their rights under the system. This bill presents us with an excellent opportunity to do that.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. BIDEN, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 185

At the request of Mr. GLENN, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 185, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 211

At the request of Mr. MCCAIN, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 211, a bill to amend the Internal Revenue Code of 1986 to provide tax credits for Indian investment and employment, and for other purposes.

S. 265

At the request of Mr. SHELBY, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 268

At the request of Mr. BAUCUS, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 268, a bill to extend the period during which the U.S. Trade Representative is required to identify trade liberalization priorities, and for other purposes.

S. 359

At the request of Mr. DECONCINI, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from Hawaii [Mr. AKAKA], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 377

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 377, a bill to require a balanced Federal budget by fiscal year 2000 and each year thereafter, to protect Social Security, to provide for zero-based budgeting and decennial sunsetting, to impose spending caps on the growth of entitlements during fiscal years 1994 through 2000, and to enforce those requirements through a budget process involving the President and Congress and sequestration.

S. 384

At the request of Mr. D'AMATO, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 384, a bill to increase the availability of credit to small businesses by eliminating impediments to securitization and facilitating the development of a secondary market in small business loans, and for other purposes.

S. 415

At the request of Mr. BOREN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 415, a bill to require the Attorney General to establish 10 military-style boot camp prisons.

S. 439

At the request of Mr. COATS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 439, a bill to amend the Solid Waste Disposal Act to permit Governors to limit the disposal of out-of-State solid waste in their States, and for other purposes.

S. 455

At the request of Mr. HATFIELD, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 474

At the request of Mr. COATS, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 474, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes.

S. 483

At the request of Mr. SHELBY, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 483, a bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes.

S. 564

At the request of Mr. FORD, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 564, a bill to establish in the Government Printing Office a means of enhancing electronic public access to a wide range of Federal electronic information.

S. 578

At the request of Mr. SASSER, his name was added as a cosponsor of S. 578, a bill to protect the free exercise of religion.

At the request of Mr. KENNEDY, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 578, supra.

S. 587

At the request of Mr. ROTH, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 587, a bill to establish the Mike Mansfield Fellowship Program for intensive training in the Japanese language, government, politics, and economy.

S. 600

At the request of Mr. BOREN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

SENATE JOINT RESOLUTION 32

At the request of Mr. DODD, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of Senate Joint Resolution 32, a joint resolution calling for the United States to support efforts of the United Nations to conclude an international agreement to establish an international criminal court.

SENATE JOINT RESOLUTION 39

At the request of Mr. D'AMATO, the names of the Senator from Indiana [Mr. COATS], and the Senator from Texas [Mr. KRUEGER] were added as cosponsors of Senate Joint Resolution 39, a joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as Emergency Medical Services Week.

SENATE JOINT RESOLUTION 47

At the request of Mr. JOHNSTON, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of Senate Joint Resolution 47, a joint resolution to designate the week beginning on November 21, 1993, and the week beginning on November 20, 1994, each as "National Family Week."

SENATE JOINT RESOLUTION 51

At the request of Mr. DURENBERGER, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 51, a joint resolution designating the week commencing October 3, 1993, as "National Aviation Education Week."

SENATE JOINT RESOLUTION 53

At the request of Mr. HATCH, the names of the Senator from Maine [Mr. COHEN], the Senator from Hawaii [Mr. INOUYE], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Joint Resolution 53, a joint resolution designating March 1993 and March 1994 both as "Women's History Month."

SENATE JOINT RESOLUTION 56

At the request of Mr. BIDEN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Joint Resolution 56, a joint resolution to designate the week beginning April 12, 1993, as "National Public Safety Telecommunicators Week."

SENATE RESOLUTION 35

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of Senate Resolution 35, a resolution expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia.

AMENDMENTS SUBMITTED

OMNIBUS CONGRESSIONAL BUDGET RESOLUTION

HARKIN (AND OTHERS) AMENDMENT NO. 181

Mr. HARKIN (for himself, Mrs. MURRAY, Mr. JOHNSTON, Mr. WELLSTONE, Ms. MOSELEY-BRAUN, Mr. NICKLES, Mr. WOFFORD, Mr. BUMPERS, and Mr. PRESSLER) proposed an amendment to the concurrent resolution (S. Con. Res. 18) setting forth the congressional budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998, as follows:

At the end of the resolution add the following new section:

SEC. . SENSE OF THE SENATE REGARDING THE BARGE TAX.

It is the sense of the Senate that the revenue figure set forth in this resolution does not assume an increase in inland barge fuel taxes beyond those increases already scheduled in current law and nothing in this resolution should be considered to assume such a tax or fee.

NICKLES (AND OTHERS) AMENDMENT NO. 182

Mr. NICKLES (for himself, Mr. SHELBY, Mr. DOMENICI, Mr. WALLOP, Mr. PACKWOOD, Mr. MURKOWSKI, Mr. LOTT, Mr. HATCH, Mr. BOND, Mr. BROWN, Mr. GRASSLEY, Mr. SIMPSON, Mr. LUGAR, Mr. CRAIG, Mr. SMITH, Mr. GREGG, Mr. BURNS, Mr. MCCONNELL, Mr. FAIRCLOTH, Mr. PRESSLER, Mr. HELMS, Mr. KEMPTHORNE, Mr. BENNETT, Mr. COATS, Mr. COVERDELL, Mr. D'AMATO, Mr. MCCAIN, Mr. STEVENS, Mr. GRAMM, Mr. DOLE, Mr. THURMOND, Mr. ROTH, Mr. HATFIELD, Mr. DURENBERGER, and Mr. GORTON) proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 2, line 18, decrease the amount by $952,000,000.

On page 2, line 19, decrease the amount by $9,438,000,000.

On page 3, line 2, decrease the amount by $17,007,000,000.

On page 3, line 4, decrease the amount by $22,127,000,000.

On page 3, line 6, decrease the amount by $23,458,000,000.

On page 3, line 10, decrease the amount by $952,000,000.

On page 3, line 11, decrease the amount by $9,438,000,000.

On page 3, line 12, decrease the amount by $17,007,000,000.

On page 3, line 13, decrease the amount by $22,127,000,000.

On page 3, line 14, decrease the amount by $23,458,000,000.

On page 4, line 6, decrease the amount by $952,000,000.

On page 4, line 7, decrease the amount by $9,438,000,000.

On page 4, line 8, decrease the amount by $17,007,000,000.

On page 4, line 9, decrease the amount by $22,127,000,000.

On page 4, line 11, decrease the amount by $23,458,000,000.

On page 4, line 15, decrease the amount by $952,000,000.

On page 4, line 16, decrease the amount by $9,438,000,000.

On page 4, line 17, decrease the amount by $17,007,000,000.

On page 4, line 18, decrease the amount by $22,127,000,000.

On page 4, line 19, decrease the amount by $23,458,000,000.

On page 5, line 1, decrease the amount by $952,000,000.

On page 5, line 2, decrease the amount by $9,438,000,000.

On page 5, line 3, decrease the amount by $17,007,000,000.

On page 5, line 4, decrease the amount by $22,127,000,000.

On page 5, line 5, decrease the amount by $23,458,000,000.

On page 5, line 11, decrease the amount by $952,000,000.

On page 5, line 12, decrease the amount by $9,438,000,000.

On page 5, line 13, decrease the amount by $17,007,000,000.

On page 5, line 14, decrease the amount by $22,127,000,000.

On page 5, line 15, decrease the amount by $23,458,000,000.

On page 5, line 22, decrease the amount by $952,000,000.

On page 5, line 23, decrease the amount by $9,438,000,000.

On page 5, line 24, decrease the amount by $17,007,000,000.

On page 5, line 25, decrease the amount by $22,127,000,000.

On page 6, line 1, decrease the amount by $23,458,000,000.

On page 6, line 7, decrease the amount by $952,000,000.

On page 6, line 8, decrease the amount by $9,438,000,000.

On page 6, line 9, decrease the amount by $17,007,000,000.

On page 6, line 10, decrease the amount by $22,127,000,000.

On page 6, line 11, decrease the amount by $23,458,000,000.

On page 41, line 17, decrease the amount by $952,000,000.

On page 41, line 18, decrease the amount by $952,000,000.

On page 41, line 24, decrease the amount by $9,438,000,000.

On page 41, line 25, decrease the amount by $9,438,000,000.

On page 42, line 6, decrease the amount by $17,007,000,000.

On page 42, line 7, decrease the amount by $17,007,000,000.

On page 42, line 13, decrease the amount by $22,127,000,000.

On page 42, line 14, decrease the amount by $22,127,000,000.

On page 42, line 20, decrease the amount by $23,458,000,000.

On page 42, line 21, decrease the amount by $23,458,000,000.

On page 50, line 9, decrease the amount by $952,000,000.

On page 50, line 10, decrease the amount by $72,982,000,000.

On page 57, line 18, decrease the amount by $952,000,000.

On page 57, line 19, decrease the amount by $72,982,000,000.

KENNEDY (AND OTHERS) AMENDMENT NO. 183

Mr. KENNEDY (for himself, Mr. DODD, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. KOHL, and Mr. RIEGLE) proposed an amendment to the concurrent resolution (S. Con. Res. 18), as follows:

At the end of the resolution, insert the following:

SEC. . ASSUMPTIONS.

In setting forth the budget authority and outlay amounts in this resolution, Congress assumes that the Head Start program will be funded at the level requested by the President for fiscal year 1998.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., March 18, 1993, to receive testimony on S. 473, the Department of Energy National Competitiveness Technology Partnership Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate, on March 18, 1993, at 10 a.m., to hold a hearing on the nomination of Lawrence H. Summers to be Under Secretary of the Treasury for International Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 18, 1993, at 4:30 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Consumer Subcommittee of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on March 18, 1993, at 9 a.m., on telemarketing fraud.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE AND CIVIL SERVICE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, March 18, 1993, to receive the annual report of the Postmaster General of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., March 18, 1993, to receive testimony on S. 558, the Northern Mariana Islands Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BELMONT SCHOOL "AMERICA'S BEST ELEMENTARY SCHOOLS"

• Mr. CONRAD. Mr. President, I am very proud to recognize and honor the students, parents, faculty, and administrators of the Belmont School in Grand Forks, ND, for their dedication and hard work which has resulted in the school's designation by Redbook magazine as one of "America's Best Elementary Schools."

This outstanding tribute for the Belmont School was announced in the recently released April 1993, issue of Redbook magazine. Redbook recognized Belmont as one of 177 outstanding elementary schools across the Nation. A total of 550 schools among the Nation's 50,000 elementary schools had been nominated by school administrators and educators for this Redbook magazine honor.

In addition, the Belmont School was among 51 elementary schools designated on Redbook's "Best of the States" list. According to Redbook magazine this designation was recommended by 12 national education experts on the basis of the school's innovative curricula, compassionate faculty, impressive test scores, and an uncompromising commitment to excellence.

Mr. President, North Dakotans are honored that Belmont has been chosen among "America's Best Elementary Schools". This is an honor that, without question, has involved considerable hard work and a commitment to excellence by Belmont School officials, teachers, and parents—all contributing to an exceptional learning environment.

As we consider proposals for education reform and the reauthorization of the Elementary and Secondary Education Act of 1965 during the 103d Congress, it is most important that we carefully examine the accomplishments and unique programs of these 177 elementary schools—"America's Best Elementary Schools." These schools are clearly on the right track, and we can learn much from their accomplishments as we debate education reform.

I extend my warmest congratulations to the parents, faculty, administrators, and students at the Belmont School for their hard work in achieving this outstanding honor as "America's Best".

Mr. President, I ask that the articles from Redbook magazine of April 1993, entitled "America's Best Elementary Schools" and the Grand Forks Herald of March 14, 1993, entitled "Belmont One of Nation's Top Schools" be printed at the conclusion of my remarks.

The articles follow:

AMERICA'S BEST ELEMENTARY SCHOOLS

(By Michael J. Weiss)

Three years ago, Craycroft Elementary School in Tucson, Arizona, was an example of everything wrong with public schools. Each day, nearly 15 percent of its 350 students missed class. Home-work was ignored and standardized test scores were among the area's worst.

Then Craycroft, whose student population is about half white and half Hispanic, urged parents to get more involved. The results: Classroom volunteers jumped from 7 to 150. PTO members made house calls to other parents to help tutor their children. With equipment contributed by local businesses, parents helped set up a computer lab and science center.

Today Craycroft is an educational showcase. Some 60 percent of its graduating fifth graders score higher than the national norm on standardized tests. Attendance is 97 percent. Principal Franklin Narducci credits the fact that children learn best when adults show they care about school for the dramatic turnaround.

Success stories like Craycroft's may seem like the exception rather than the rule. But the untold story of American education is that many of the nation's 59,015 elementaries are succeeding.

Indeed, in our annual America's Best Schools project, we found 177 public elementaries worthy of honor, including rich and poor schools, inner city and suburban schools, schools with 200 students and those with more than 1,300. What the winners all have in common is a commitment to finding the best ways to meet the needs of today's young students. They know that a child's first school experiences set the stage for lifelong learning.

But because there's no agreement on how to create the perfect school, the best ones devote an impressive amount of time to experimenting with an array of programs to enhance learning. Such grass roots reforms are steadily changing the way we educate our children:

No more rote learning: Gone is the back-to-basics revival of the eighties with its emphasis on memorization. Educators no longer think kids' heads should just be stuffed full of facts. Instead, the goal is to make pupils independent thinkers. "Kids don't learn much when they're faced with passive activities," says Henry Levin, Ph.D., a Stanford University professor whose Accelerated Schools Project has been adopted by more than 325 schools. Rather than assign fill-in-the-blank work sheets, for instance, teachers at Daniel Webster Accelerated School in San Francisco may ask third-grade students to critique "Charlotte's Web" or fourth graders to analyze "The Cosby Show."

Derailing "tracking:" Although tracking—the practice of grouping children by ability—is still used in about 60 percent of U.S. elementary schools, it's losing favor. Although it may be efficient to move like-minded pupils along in unison, often only the smartest students—who get all the educational goodies—profit. At the low end, classes look more like the Sweathogs from the old sitcom "Welcome Back, Kotter." And a growing number of researchers say that tracking is self-fulfilling: As disadvantaged kids fall years behind their grade levels, they grow to dislike school. Better, they say, to mix children at different levels in the same classroom. They cite studies showing that such classes increase everyone's achievement, including gifted students who help tutor their classmates.

Growing the school year: At 178 days, American kids have one of the shortest school years among industrialized nations. Japanese youngsters, by contrast, go to school for 210 days. The number of year-round schools is rising, albeit slowly: 2,017 public schools have now abolished long summer vacations, substituting shorter breaks throughout the year. (Though many educators know year-round schools could close the performance gap, cost is the major obstacle. An estimated $1 billion is needed for every extra day spent teaching the nation's 42.25 million public-school children.)

Helping the urban poor: A growing number of schools are making an effort to reach disadvantaged students. "Many kids under economic and social stress need special services," says James Comer, M.D., a psychiatrist and director of the Yale University Child Study Center School Development Program. "But most of all, they need an attitude that says, You can succeed." A Dr. Comer-designed program that strives to build an active partnership between parents, teachers, and social workers has been adopted at some 250 schools.

If one lesson is clear, it's that schools must change as our society does. By constantly revitalizing themselves, our 177 winners are leading the way to sparking excellence in all schools.

DOES YOUR SCHOOL MAKE THE GRADE?

Review the following qualities shared by our winners to see if your school measures up.

Involved parents: Winning schools find creative ways to include busy parents in their children's education. At Boston's Mather Elementary, principal M. Kim Marshall sends parents a weekly one-page guide about their kids' schoolwork. At George Washington Carver Elementary School in San Francisco, parents can drop by at their convenience, and take math and reading workshops so they can better tutor their kids. In many top schools, 90 percent of the parents volunteer their time.

A committed principal: Principals of the best schools are determined and caring, and dedicated to children above and beyond the call. At Baltimore's Samuel Coleridge-Taylor Elementary School, principal Deborah Wortham goes door-to-door to introduce herself to parents. R. Karen Craig, the principal at Naches Valley Primary in Yakima, Washington, shares a cafeteria lunch with a different child each day until, by year's end, she's met every pupil.

Nurturing teachers: Outstanding teachers are not only qualified in their craft, they also respect the different ways kids learn, and are dedicated to having all students do their best. At Union Elementary School in Montpelier, Vermont, students who need extra nurturing are often taught by the same teacher for two or three years. At Westridge Elementary in Raytown, Missouri, teams of teachers identify students with academic or emotional problems and then assign a "care teacher" to provide daily encouragement.

An emphasis on the written word: Instead of work sheets and "Dick and Jane" readers, these schools offer a "whole language" approach, meaning kids write at every opportunity and work at developing speaking skills. At Dutch Fork Elementary in Irmo, South Carolina, an in-school mail system encourages younger students to write to their teachers and each other. At the best schools, keeping a journal is as common as carrying a lunchbox.

Hands-on-learning: Experts estimate that 75 percent of all children learn faster and retain more through real-world experiences. Top elementaries feature nature trails, environmental labs, and simulated communities. At E. F. Swinney Applied Learning Magnet in Kansas City, Missouri, students plant gardens and publish their own newspapers. Sixth graders at Mountain Brook Elementary School in Birmingham, Alabama, observe a trial at a county courthouse and then invite a local judge to preside over a mock student trial.

Innovative use of technology: Until recently, high technology at most elementary schools meant an overhead projector and some shared VCRs. But at leading schools such as Floranada Elementary School in Fort Lauderdale, Florida, pupils produce a closed-circuit television program every morning. Many of the nation's best schools fully integrate computers into daily learning by first grade; some even allow students to borrow computers like library books.

Alternative assessments: Progressive elementary schools know that success can't be measured by standardized multiple-choice tests alone. At New Suncook School in Lovell, Maine, teachers evaluate their students through written reports, oral presentations, and group projects. And students contribute a journal entry and a written self-portrait as part of their assessments.

Supportive learning environment: The finest elementaries thrive because they create a climate of high expectations. Dr. Lawrence A. Nixon Elementary in El Paso, Texas, treats all of its 425 students as gifted, providing them with an accelerated curriculum that features laser-disc science equipment.

Exemplary schools reward student success—no matter the arena—with bulletin board displays, awards assemblies, and positive letters home.

Community alliances: Besides the usual visits by local police and fire chiefs, top schools enjoy presentations by business leaders, writers, college professors, and artists. They take students on field trips to see how offices and factories work as well as attend concerts and other cultural events.—M.J.W.

BEST OF THE STATES

Our blue-ribbon panel of education experts judged these 51 schools (one from each state and the District of Columbia) to be among America's top public elementaries. The secret to their success? They combine innovative curricula, compassionate teachers, impressive test scores, and an uncompromising commitment to excellence.

AMERICA'S TOP PUBLIC ELEMENTARIES

State	School and city	Comments
Alabama	Cahaba Heights Community School—Birmingham	This suburban school for 850 prides itself on involved parents (1,520 belong to the PTO) and an innovative curriculum: Students keep journals, correspond with foreign pen pals, and publish a school newspaper.
Alaska	Susitna—Anchorage	To encourage students to become self-directed, Susitna's 600 pupils set their own academic goals, develop plans to achieve them, and lead conferences with their parents and teachers to evaluate their progress.
Arizona	Craycroft—Tucson	This once-troubled school has become a source of state pride by providing its 365 students with unusual learning settings, including a biosphere, desert trail, First Interstate Banking/Math Lab, and Kids' Kitchen; parents can take classes in math, science, computers, and parenting skills.
Arkansas	George Washington Carver Magnet—Little Rock	The state's first elementary math-and-science magnet offers its 603 students a superior curriculum, including a weekly astronomy class. One third of the students are gifted, and 90 percent excel in higher-order thinking skills.
California	Rooftop Alternative School—San Francisco	Rooftop's 339 students achieve impressive results, thanks to award-winning teachers and community consultants who specialize in art, architecture, and science.
Colorado	Nederland—Nederland	This rural school has pioneered a ground breaking space curriculum with hands-on lessons in math, science, and computer technology. To simulate solar-powered space research, students even grow hydroponic plants within a geodesic dome.
Connecticut	Columbus Magnet School—South Norwalk	This exemplary inner-city magnet has overcome numerous urban ills by offering its 328 students high-quality programs in writing and art-appreciation as well as in space exploration and child sexual-abuse awareness.
Delaware	Cedar Lane—Middletown	The 414 students at this rural school are offered myriad extracurricular activities, including French and Spanish courses, music and art clubs, and a calculator team.
District of Columbia	John Eaton—Washington	A novel parent group organizes after-school tutors, funds engaging math courses, and awards faculty grants for special projects.
Florida	Alimacani—Jacksonville	With 475 parents serving as classroom aides, 227 community members involved as mentors and tutors, and 33 business partners providing more than $350,000 in supplies and equipment, this suburban school for 1,301 students thrives.
Georgia	I.N. Ragsdale—Atlanta	A model urban school, Ragsdale offers its 351 students an impressive array of extracurricular activities, such as a mentoring program for at-risk pupils, tutoring for classroom enrichment, rap sessions for girls, and an Honor Court to recognize achievements by all.
Hawaii	Kapunahala—Kaneohe	Many of the 543 students at this suburban school produce a weekly telecast, "Inside Kapunahala," that's earned state recognition for teaching language and video-production skills.
Idaho	Sorensen—Coeur d'Alene	Sorensen's 332 students not only help manage the school as peer mediators and student-council representatives, they also organize clubs—in art, drama, and chess—and recruit teachers and parents to act as advisers.
Illinois	Prescott—Chicago	Serving a poor inner-city population, Prescott has turned itself into a "community learning laboratory," providing students and parents with access to social workers, physicians, college tutors, and business mentors.
Indiana	IPS Key School No. 97—Indianapolis	Described as a cross between a children's museum and a school, Key develops its 179 students' varied abilities through multiage classes; elective courses; daily instruction in music, art, and computers; and nontraditional grading by video presentations and art and writing portfolios.
Iowa	Fillmore—Davenport	This city school reports high test scores and a daily attendance rate above 96 percent, thanks to innovative teaching techniques such as computer-assisted math instruction, peer tutors, and a writing center that published 750 books last year.
Kansas	Village—Emporia	Nearly half of the 554 students at this school voluntarily enroll in summer school courses that include painting, computer math, aeronautics, and field science.
Kentucky	The Virginia Wheeler—Louisville	This progressive primary mixes pupils by ability, not age; students submit video portfolios and other examples of their work for evaluation by teams of teachers—80 percent of whom hold advanced degrees. parents receive weekly progress reports.
Louisiana	Glendale—Eunice	With its computer lab, after-school tutorials, daily French lessons for fourth grades, and award-winning Four-H Club, Glendale provides its 380 students with an enviable, well-rounded program.
Maine	Narragansett School—Gorham	Reform-minded Narragansett offers its 440 students flexible scheduling, multiage classes, gradeless learning, and teacher teams to design class curricula.
Maryland	Forest Knolls—Silver Spring	A suburban school for 475, Forest Knolls has an interdisciplinary curriculum serving three populations: neighborhood K through sixth graders, students with physical disabilities, and those attending a magnet program in communication arts.
Massachusetts	Alfred J. Gomes Magnet School—New Bedford	This inner city magnet for 744 offers a novel career-oriented curriculum in which students take hands-on classes in carpentry, cooking, and computer skills.
Michigan	Chrysler—Detroit	The 230 students here can boast of their impressive 98 percent attendance rate and their award-winning newspaper, Flash, which they write, edit, and publish all year—even during summer vacation.
Minnesota	Cyrus Math, Science, and Technology—Cyrus	This small rural magnet for 110 students is dedicated to innovation from the top—with its teachers sharing the principal's job—down to kindergarten classrooms that are equipped with a reading loft. The ratio of students to computers is 3 to 1.
Mississippi	The Hayes Cooper Center for Math, Science & Technology—Merigold	With a 99 percent attendance rate, this magnet for 190 begins computer instruction in kindergarten. The 13 to 1 teacher-student ratio and a 280-member PTA helped nearly 10 percent of the students win awards at a recent statewide science fair.
Missouri	Wilkinson Early Childhood Magnet Center—St. Louis	Believing that all children learn through discovery, this urban magnet teaches 287 students all the basic skills through the study of science; 1,000 students applied for this past year's 50 openings.
Montana	Garfield Grade School—Billings	Through 91 percent of its 440 students come from low-income families, Garfield consistently wins state and national awards for academic achievement, thanks to a rigorous program that includes hands-on science projects, nearly two hours a day devoted to communication arts, and good-citizen awards.
Nebraska	Fontenelle—Omaha	Fontenelle has become a community center thanks to an outstanding array of after-school classes, including evening computer courses for parents and students, a study center for practicing classroom skills, and challenging activity clubs.
Nevada	Smithridge—Reno	The 640 students get heavy doses of individual attention from foster grandparents, tutors, and business mentors, and lots of extracurricular activities.
New Hampshire	Harold Martin School—Hopkinton	To promote self-reliance, Harold Martin has its 292 students publish their own books, conduct independent research at its award-winning media center, and participate in a "mini-mentor" program matching K through second- and first- through third-grade students in a number of interactive projects and musical programs.
New Jersey	Harriet Tubman—Newark	At Harriet Tubman, students consistently score above the national average on standardized tests due to a program that includes all-day kindergarten, computer lab for every pupil, and even Suzuki-method violin lessons.
New Mexico	Loma Heights—Las Cruces	A model language-arts program offers this school's 495 students an early-morning reading club, poetry-based murals, science and math journals, and a Young Author's Conference to celebrate student writings.
New York	Public School No. 87M—New York City	The 1,127 students at this ethnically diverse school excel thanks to a literature-based reading program, hands-on math activities—and a family atmosphere preserved by parent volunteers and student teachers from six colleges.
North Carolina	Konnoak—Winston-Salem	A successful restructuring effort has introduced the 393 students to team teaching, multiage classes, enriched arts courses, and increased computer literacy.
North Dakota	Belmont—Grand Forks	At Belmont, many of the 314 students take advantage of the school's long list of enrichment activities, notably the Art Smart program, where parents serve as volunteers to assist in pottery, folk art, and mask making.
Ohio	Duxberry Park Arts IMPACT Alternative—Columbus	This novel magnet school integrates the arts with academic coursework. Students might learn about China by mounting a theatrical production complete with songs, dances, and elaborate sets.
Oklahoma	Polk—Oklahoma City	Closed the previous year because of low performance, this urban school has come back with astonishing 28 percent gains in test scores, thanks to a 16 to 1 student-teacher ratio, extended days, and a community alumni group that provides mentors and academic incentives.
Oregon	Slater/Filmore School—Burns	This school has developed a formula for excellence by combining cross-curriculum activities (a unit on insects involves scientific research, poetry, and art) with recognition program for good grades, perfect attendance, and positive behavior.
Pennsylvania	M. Hall Stanton—Philadelphia	Set in an inner city neighborhood, Stanton succeeds by offering its 715 students an intensive academic program, lots of tutoring, incentives for attendance, and the support of an active PTA where all families are involved.
Rhode Island	Francis J. Varieur—Pawtucket	A pioneer in the use of classroom technology, Varieur has its 419 students use computers to write short stories, solve math problems, and keep track of the academic progress.
South Carolina	Oakbrook—Ladson	Oakbrook's 800 pupils participate in a program that features symphony trips and art contests, an all-day media center, an open-door policy for parents, and a newcomers' club that makes the school's highly transient student population feel at home.
South Dakota	Cleghorn Canyon—Rapid City	This school for 250 students revitalized its curriculum by lengthening the school day, adding arts activities, increasing student-teacher contact, and upping the number of parents who serve on school committees.
Tennessee	Brookmeade—Nashville	Parents of Brookmeade's students dial an electronic voice mailbox to hear their child's teacher report on homework assignments, the day's activities, and schedule changes.
Texas	Dr. Lawrence A. Nixon—El Paso	To present real-world learning experiences to its 425 students, Nixon has created a simulated community, with students operating a post-office, grocery store, and more.
Utah	West—St. George	This year-round school features an arts program that integrates music, dance, drama, and the visual arts into the core curriculum; students can display their art-work in four schoolwide galleries.
Vermont	Union—Montpelier	At this progressive elementary, students choose either a conventional single-grade classroom, a multiage class for up to three consecutive years, or a "looping" single-grade class with the same teacher and students for two straight years.

AMERICA'S TOP PUBLIC ELEMENTARIES—Continued

State	School and city	Comments
Virginia	Strawbridge—Virginia Beach	Despite its large student body (1,167 pupils), Strawbridge succeeds thanks in part to a core of parents who volunteer in the classroom, shelve books in the library, and teach after-school classes in Japanese, Spanish, and sign language.
Washington	Naches Valley Primary School—Yakima	Serving a diverse rural population of 423, Naches Valley organizes Family Science Nights at school, hosts student lunches with the principal, and offers peer teaching.
West Virginia	Elm Grove—Wheeling	Elm Grove's comprehensive program for 353 offers computer instruction at all grade levels, before- and after-school kindergarten care, and varied extracurricular activities such as chorus, strings, and band.
Wisconsin	Milwaukee Spanish Immersion School—Milwaukee	This city school not only trains its 510 English-speaking students to become fluent in Spanish, it also offers peer mediators, senior citizen mentors, and involved parents who log nearly 6,600 hours of volunteer service each year.
Wyoming	Pine Bluffs—Pine Bluffs	A pioneer in the "Schools of the 21st Century" model, Pine Bluffs operates from 6:30 a.m. to 6 p.m., offering child care, parental-involvement activities, and programs where students explore job opportunities and the hazards of drug abuse

CATEGORY WINNERS

Our judging panel selected the following 126 schools as the best in their respective categories. The honored schools are listed alphabetically by state within each category; one school from each category is highlighted to provide a more detailed portrait of its successful formula.

Overall excellence

These 72 well-rounded schools excel in many ways. They offer students a success-oriented mix of a creative curriculum and varied extracurricular activities, nurturing teachers, and supportive parent and community members.

Indian Creek Elementary, Indianapolis, Indiana: Despite only modest financial support from a socio-economically diverse community, Indian Creek Elementary still manages to excel thanks to grants, fund-raisers, and a committed faculty. The school offers its 533 students the latest learning tools—including one computer for every two students. But it's not the high-tech wizardry alone that makes this school exceptional. A six-acre outdoor nature center is a living lesson in botany. A nationally recognized artists-in-residence program teaches weaving, mime, and storytelling. And fourth- and fifth-grade students in the French Back-to-Back program take a three-week trip to France while stateside classmates interact with French exchange students. Indian Creek boasts a 98 percent attendance rate and higher than average test scores. "We thrive because our parents and teachers want to be the best," says principal Karen Gould, Ed.D.

Elementary School, City/State

Jim Pearson, Alexander City, Alabama.
Mountain Brook, Birmingham, Alabama.
Westwood, Springdale, Arkansas.
Ezequiel A. Balderas, Fresno, California.
Glenn E. Murdock, La Mesa, California.
Union House, Sacramento, California.
Daniel Webster Accelerated School, San Francisco, California.
Dr. George Washington Carver, San Francisco, California.
Killingly Central School, Dayville, Connecticut.
Stratfield School, Fairfield, Connecticut.
Union School, Unionville, Connecticut.
Tilford W. Miller School, Wilton, Connecticut.
Clover Street School, Windsor, Connecticut.
Floranada, Fort Lauderdale, Florida.
Oak Hill, Jacksonville, Florida.
Southwest, Lakeland, Florida.
Aikahi, Kailua, Hawaii.
Grove Avenue School, Barrington, Illinois.
Daniel Webster School No. 46, Indianapolis, Indiana.
Indian Creek, Indianapolis, Indiana.
East, Pendleton, Indiana.
Tecumseh-Harrison, Vincennes, Indiana.
Valley Park, Overland Park, Kansas.
Arlington, Lexington, Kentucky.
Mary G. Hogsett, Danville, Kentucky.
Millard, Pikeville, Kentucky.
Audubon Montessori School, New Orleans, Louisiana.
New Suncook School, Lovell, Maine.
Mt. Washington, Baltimore, Maryland.
Sanborn School, Andover, Massachusetts.
Graham & Parks Alternative Public School, Cambridge, Massachusetts.
Nantucket, Nantucket, Massachusetts.
Barton, Detroit, Michigan.
Blue Earth, Blue Earth, Minnesota.
New Hope, New Hope, Minnesota.
Susan Lindgren Intermediate Center, St. Louis Park, Minnesota.
D.T. Cox, Pontotoc, Mississippi.
Midway Heights, Columbia, Missouri.
E.F. Swinney Applied Learning Magnet, Kansas City, Missouri.
Cambridge School, Kendall Park, New Jersey.
Sandyston-Walpack School, Layton, New Jersey.
Littleton, Morris Plains, New Jersey.
Dutch Neck School, Princeton Junction, New Jersey.
Hillrise, Las Cruces, New Mexico.
Benjamin Franklin, Binghamton, New York.
West Frankfort, Frankfort, New York.
Tangier Smith P.S. 75, Mastic Beach, New York.
The Emily Dickinson School P.S. 124, New York, New York.
The Yung Wing Elementary School, New York, New York.
Fox Meadow, Scarsdale, New York.
Wantagh, Wantagh, New York.
Barrington Road, Upper Arlington, Ohio.
Caledonia School, East Cleveland, Ohio.
Morgan, Hamilton, Ohio.
Alameda, Portland, Oregon.
Bradford School, Bradford, Rhode Island.
Buist Academy, Charleston, South Carolina.
Satchel Ford, Columbia, South Carolina.
Dutch Fork, Irmo, South Carolina.
Vermillion, Vermillion, South Dakota.
Tulip Grove, Hermitage, Tennessee.
DuPont, Old Hickory, Tennessee.
Ortega, Austin, Texas.
Stonewall Jackson, Dallas, Texas.
Bunker Hill, Houston, Texas.
Christa McAuliffe, Lewisville, Texas.
Huffman, Plano, Texas.
Shepard, Plano, Texas.
W.H.L. Wells, Plano, Texas.
Fidalgo, Anacortes, Washington.
Phantom Lake, Bellevue, Washington.
Milwaukee German Immersion School, Milwaukee, Wisconsin.

Significant Improvement

Despite a lack of resources affluent schools take for granted, these 12 schools have made significant gains in academic achievement, attendance rates, and student behavior. Their strategies are both innovative and inspirational.

Baker's Chapel Elementary, Greenville, South Carolina: For years, Baker's Chapel Elementary had a reputation for mediocrity. But with the 1983 hiring of principal Nancy Farnsworth, everything changed. She insisted that every night the 317 students complete homework in math and reading. Each month, they had to write a book report, finish a science and social studies project, and memorize a poem. Each teacher was required to host three field trips and three outside speakers per year, as well as write one grant application annually. Today the school's curriculum, teachers, and principal have all won awards. Between 1983 and 1990, test scores in reading doubled; in mathematics, they tripled. "If you expect kids to achieve, they're going to," observes Farnsworth.

Elementary School, City/State

Library, Midway, Georgia.
S. Ellen Jones, New Albany, Indiana.
Shady Grove, Monroe, Louisiana.
Samuel Coleridge-Taylor, Baltimore, Maryland.
Mather, Dorchester, Massachusetts.
Dag Hammarskjold School No. 6, Rochester, New York.
Winter Place Primary School, Cincinnati, Ohio.
Pierce, Oklahoma City, Oklahoma.
Baker's Chapel, Greenville, South Carolina.
Whiteville, Whiteville, Tennessee.
Montgomery, Farmers Branch, Texas.
Tiskelwah, Charleston, West Virginia.

Classroom Innovation

Recognizing that not everyone works best in traditional learning settings, these six standout schools are honored for implementing creative and successful curriculum projects to better reach their students.

Yonkers Public School No. 29, Yonkers, New York: Nature is at the heart of the learning process at School No. 29. The school boasts a wildlife bird sanctuary, and students learn about local plants and animals at workshops taught by rangers and scientists. While many schools feature recycling programs, School No. 29 has taken its program further, integrating the environment into all subject areas. The school's three wings are divided into geographic regions—like oceans, marshlands, and deserts—so teachers can develop thematic units for math and reading. Recently, students won a national award for a primer about recycling. "We want students to understand that ecology is a way of life," says principal Marilyn Walder, "not something on a bumper sticker."

Elementary School, City/State

Susan Roll Leach School No.± 68, Indianapolis, Indiana.
Stanton, Stanton, Kentucky.
Bach Open Classroom Program, Ann Arbor, Michigan.
Pierre Laclede, St. Louis, Missouri.
Saco Public School, Saco, Montana.
Yonkers Public School No. 29, Yonkers, New York.

Special-Needs Programs

The judges honored these ten schools for their exceptional efforts to meet the needs of those with physical, emotional, or behavioral learning disabilities.

Vilonia Elementary, Vilonia, Arkansas: At rural Vilonia Elementary, one third of the pupils in some classes of the third to fifth grades are "differently abled," as the school calls them. Everyone learns together thanks to teachers who are jointly certified in elementary and special education, and the fact that kids with disciplinary problems are paired with high school students who serve as role models. Physically or mentally limited pupils work with gifted fifth graders during science activities. "Our goal is to get all students to accept that everyone has a problem of some sort," says principal Ed Bradshaw, who reports that improved self-esteem among all students is the result.

Elementary School, City/State

Educational Program for the Individual Child, Birmingham, Alabama.
Vilonia, Vilonia, Arkansas.
Linda Vista, San Diego, California.
John Quincy Adams, District of Columbia.
Ala Wai, Honolulu, Hawaii.
Hartman, Omaha, Nebraska.
Sarah Collins, Greenville, South Carolina.
Beacon Heights, Salt Lake City, Utah.
Gilbert Linkous, Blacksburg, Virginia.
Emily Dickinson, Redmond, Washington.

Extracurricular Activities

Unlike schools that lock their doors after classes, the five winners in this category excel in offering challenging and mind-expanding activities to enrich students' lives.

Vaughn Road Elementary School, Montgomery, Alabama: For many kids in the Montgomery area, the biggest draw in town for sheer fun isn't the local mall or video arcade. It's Vaughn Road Elementary School's activities program. Once a month, the school's 629 students skip their routine in favor of taking courses in everything from bowling and cake decorating to oceanography and jazz dance. Like free universities, the 42 course offerings are taught by parents, teachers, and business leaders (and funded by a $6,000 grant from a local councilman).

Elementary School, City/State

Vaughn Road, Montgomery, Alabama.
Eccleston, Orlando, Florida.
Frederick Funston Elementary, Chicago, Illinois.
Alpine School, Sparta, New Jersey.
John B. Dey Elementary, Virginia Beach, Virginia.

Parent/Community Involvement

At these 21 schools, supportive parents and community members play a crucial role. These elementaries are honored for their success at turning parent/community involvement into school improvement.

Richey Elementary School, Tucson, Arizona: Many elementary schools look to parents to raise money for T-shirts or trees. But at Richey Elementary School, the parents help preserve their local Indian and Mexican culture. Every day, about ten parents and grandparents volunteer in the trilingual classrooms, serving as tutors and translators, to teach indigenous arts to the 200 pupils who are 47 percent Hispanic, 43 percent Yaqui Indian, and 10 percent black, white, or Asian. Richey also hosts bilingual workshops to teach parents health and parenting skills. Such community activism, says principal Betty Brichta Garcia, has increased student confidence and decreased dropouts. "Here, students graduate with one foot in the majority culture and one in their family culture. And that gives them a better chance at success."

Elementary School, City/State

Pepperell Intermediate School, Opelika, Alabama.
Richey, Tucson, Arizona.
San Juan, San Juan Capistrano, California.
Christopher Columbus School, New Haven, Connecticut.
Lulu M. Ross, Milford, Delaware.
Banyan Creek Community, Delray Beach, Florida.
Fourth Street, Athens, Georgia.
Swainsboro Primary School, Swainsboro, Georgia.
Jose Clemente Orozco Community Academy, Chicago, Illinois.
Muessel, South Bend, Indiana.
Carmody Hills, Capitol Heights, Maryland.
Columbia Park, Landover, Maryland.
Snail Lake, Shoreview, Minnesota.
Westridge, Raytown, Missouri.
Tomasita, Albuquerque, New Mexico.
P.S. 146, New York, New York.
Glenwood, Chapel Hill, North Carolina.
East Goshen, West Chester, Pennsylvania.
Oak, Bartlett, Tennessee.
North Summit, Coalville, Utah.
Atenville, Harts, West Virginia.

HOW OUR GREAT SCHOOLS WERE FOUND

Redbook's America's Best Schools project solicited nominations from the experts: state departments of education, national education organizations, members of the U.S. House of Representatives, and education reporters. School principals then filled out nomination forms, providing quantitative data as well as essays, videos, or clippings. All told, 555 schools sent in detailed nomination packets from every state and the District of Columbia. In an initial review, graduate students from Teachers College, Columbia University in New York City, selected 360 finalists. Then the following panel of 12 judges—all leading education experts—named the 177 winning schools.

Michael Casserly, Ph.D., interim executive director of the Council of Great City Schools, a research and advocacy group representing 47 of the nation's largest urban school districts.

Marie Della Bella, Ph.D., education consultant and manager of the school-recognition programs for the Connecticut State Department of Education.

John Fero, president of the National Association of Elementary School Principals, the professional organization serving more than 26,000 elementary- and middle-school principals.

Sharon Field, Ed.D., associate professor (research) at Wayne State University and program director for Transition and Employment at the Developmental Disabilities Institute.

Virginia Horns-Marsh, Ph.D., professor emerita of the University of Alabama at Birmingham and director of the Children's Creative Learning Center.

Martin Koldyke, Chicago businessman and education activist who founded the Golden Apple Foundation, which awards exemplary teachers and teaching students.

Marjorie J. Kostelnik, Ph.D., past director of the Child Development Laboratory and acting chair of the family and child ecology department at Michigan State University.

Walter J. Leonard, J.D., executive director of Cities in Schools, Inc., the nation's largest nonprofit dropout-prevention program, and former president of Fisk University.

Robert M. McClure, Ph.D., director of the site-based restructuring program of the National Education Association's National Center for Innovation.

Jean Narayanan, acting director of the U.S. Department of Education's Recognition Division, which oversees the Blue Ribbon Schools Program.

Allan Shedlin, Jr., executive director of the National Elementary School Center, an advocacy, policy, and resource center concerned with improving the quality of elementary schools.

Jon Snyder, Ed.D., director of teacher education at the University of California, Santa Barbara, and former research director of the National Center for Restructuring Education, Schools, and Teaching at Columbia University.

[From the Grand Forks Herald, Mar. 14, 1993]

BELMONT ONE OF NATION'S TOP SCHOOLS

(By Steve Schmidt)

Belmont School of Grand Forks has been named by Redbook magazine as one of "America's Best Elementary Schools."

The April edition of Redbook recognizes Belmont as one of 177 outstanding schools and puts Belmont among 51 on its "Best of the States" list.

Redbook, a monthly magazine for young working mothers, with a circulation of more than 3 million, had a panel of 12 national education experts choose the finalists for "America's Best."

Redbook says the 51 state leaders "combine innovative curricula, compassionate teachers, impressive test scores and an uncompromising commitment to excellence."

Belmont, which had been nominated along with two Fargo schools by the state Department of Public Instruction, was the only North Dakota school to make the Redbook honor roll. A total of 550 had been nominated by administrators, education leaders and congressional members from among the nation's 59,000 elementary schools.

In its "Best of the States" listing, Redbook says: "At Belmont, many of the 314 students take advantage of the school's long list of enrichment activities, notably the Art Smart program, where parents serve as volunteers to assist in pottery, folk art and mask making."

Beth Randkiev is principal at Belmont, which last year was named a state and national Blue Ribbon school.

Redbook said its criteria for ranking the best grade schools included involved parents and principals; nurturing teachers; an emphasis on the written word; innovative use of technology; community alliances; alternative ways of assessing student achievement, such as through journals; and an overall supportive learning environment.

Minnesota's "Best of State" entry was Cyrus Math, Science and Technology, a small rural magnet school, with one computer for every three students, in the city of Cyrus. Also recognized were elementary schools in Blue Earth, New Hope and St. Louis Park, Minn.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Howell Heflin:									
Germany	Deutsche mark	1,297.76	895.01			1,750.99	1,207.58	3,048.75	2,102.59
Belgium	Franc	14,529.58	501.02			5,066	166.62	19,595.58	667.64
Total			1,396.03				1,374.20		2,770.23

PATRICK LEAHY,
Chairman, Committee on Agriculture, Nutrition, and Forestry,
Jan. 12, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Joseph H. Kimmitt:									
Japan	Yen		290.00						290.00
China	Yuan		1,480.00						1,480.00
Hong Kong	Dollar		416.00						416.00
United States	Dollar				2,482.17				2,482.17
C. Richard D'Amato:									
Belgium	Franc	13,367	434.00					13,367	434.00
Romania	Dollar		348.00						348.00
Czechoslovakia	Crown	6,925	624.00					6,924	624.00
United States	Dollar				3,611.90				3,611.90
Tim Rieser:									
Kenya	Dollar		176.10				37.00		213.10
Somalia	Dollar						27.43		27.43
United States	Dollar				3,622.00				3,622.00
Total			3,768.10		9,716.07		64.43		13,548.60

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Nov. 12, 1992.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM APRIL 1 TO JUNE 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robert M. Walker:									
Bahrain	Dinar	87.825	233.00					87.825	233.00
Saudi Arabia	Ryal	2,940	784.00					2,940	784.00
United States	Dollar				4,658.00				4,658.00
Total			1,017.00		4,658.00				5,675.00

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Nov. 12, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John W. Warner:									
Belgium	Franc	20,718	618.00					20,718	618.00
Gary L. Sojka:									
Panama	Dollar		132.00						132.00
Colombia	Peso	225,147.16	314.00			71,894	100.00	297,041.16	414.00
Bolivia	Boliviano	1,518.25	375.92					1,518.75	375.92
Venezuela	Dollar		176.00						176.00
Robert G. Bell:									
Former Soviet Union	Dollar		1,200.00						1,200.00
Richard E. Combs, Jr.:									
Former Soviet Union	Dollar		988.95		2,820.00		189.00		3,997.95
Senator Sam Nunn:									
Former Soviet Union	Dollar		1,008.95		2,838.00		140.00		3,986.95
George K. Johnson, Jr.:									
United Kingdom	Pound	1,032	1,599.66					1,032	1,599.66
John W. Douglass:									
Germany	Deutsche mark	678	432.17		239.63				671.80

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Switzerland	Franc	303.20	217.19	2	1.43			305.20	218.62
Yugoslavia	Dollar		6.00						6.00
Richard D. DeBobes:									
Germany	Deutsche mark	709.86	452.14					709.86	452.14
Switzerland	Franc	319.20	229.39	2	1.93			321.20	231.32
Yugoslavia	Dollar		6.00						6.00
Senator Carl Levin:									
Russia	Dollar		180.00						180.00
China	Yuan	2,840	498.00					2,840	498.00
India	Rupee	8,007	283.00					8,007	283.00
Israel	Shekel	1,026	380.00					1,026	380.00
Syria	Dollar		127.00						127.00
Kenya	Shilling	8,744	175.00					8,744	175.00
Richard W. Fieldhouse:									
Russia	Dollar		65.00		11.00				76.00
China	Yuan	2,582	453.00					2,582	453.00
India	Rupee	7,510	266.00					7,510	266.00
Pakistan	Rupee	2,707	106.00					2,707	106.00
Israel	Shekel	886	328.00					886	328.00
Syria	Dollar		125.00						125.00
Kenya	Shilling	10,485	210.00					10,485	210.00
Total			10,952.37		5,911.99		429.00		17,293.36

SAM NUNN,
Chairman, Committee on Armed Services, Jan. 6, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
John E. Mansfield:									
Norway	Dollar		606.00						606.00
United Kingdom	Pound	129.84	250.85			24.92	48.15	154.76	299.00
John J. Hamre:									
Germany	Dollar		327.00						327.00
Belgium	Franc	30,616	1,048.50					30,616	1,048.50
Senator Richard C. Shelby:									
Belgium	Franc	30,616	1,048.50					30,616	1,048.50
Terence M. Lynch:									
Belgium	Franc	30,616	1,048.50					30,616	1,048.50
Germany	Dollar		163.50						163.50
Senator John W. Warner:									
Germany	Deutsche mark	129.27	93.00					129.27	93.00
United States	Dollar				1,735.00				1,735.00
Total			4,585.85		1,735.00		48.15		6,369.00

SAM NUNN,
Chairman, Committee on Armed Services, Oct. 1, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Roy Phillips:									
Belgium	Franc	14,050	466.00					14,050	466.00
Italy	Lira	966,176	872.00					966,176	872.00
Germany	Deutsche mark	790.97	545.50					790.97	545.50
United States	Dollar				3,444.10				3,444.10
Total			1,883.50		3,444.10				5,327.60

JIM SASSER,
Chairman, Committee on the Budget, Nov. 12, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384–22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James P. Beirne:									
Fiji	Dollar	1,373.12	901.00					1,373.12	901.00
Western Samoa	Tala	352.16	142.00					352.16	142.00
United States	Dollar				2,347.60				2,347.60
Benjamin S. Cooper:									
Fiji	Dollar	1,373.12	901.00					1,373.12	901.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384–22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Western Samoa	Tala	352.16	142.00					352.16	142.00
United States	Dollar				2,347.60				2,347.60
Allen P. Stayman:									
Fiji	Dollar	948.77	649.84	25	17.12	9	6.16	982.77	673.12
Western Samoa	Tala	295.12	121.00			20	8.06	315.12	129.06
United States	Dollar				2,347.60				2,347.60
Total			2,856.84		7,059.92		14.22		9,930.98

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, Jan. 4, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator J. Bennett Johnston:									
Sweden	Krona	6,189	1,164.00					6,189	1,164.00
Switzerland	Franc	607.95	472.00					607.95	472.00
United States	Dollar				5,470.10				5,470.10
Total			1,636.00		5,470.10				7,106.10

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, Jan. 4, 1993.

ADDENDUM TO SECOND QUARTER REPORT OF CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM APRIL 1 TO JUNE 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel Akaka:									
Armenia	Dollar		150.00						150.00
Azerbaijan	Dollar		150.00						150.00
Uzbekistan	Dollar		180.00						180.00
Tajikistan	Dollar		102.00						102.00
Kazakhstan	Dollar		113.00						113.00
Total			695.00						695.00

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, Jan. 4, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Roy W. Kienitz:									
Israel	Pound		810.00						810.00
Jordan	Dinar		632.00						632.00
United States	Dollar				3,688.45				3,688.45
Steven J. Shimberg:									
Uruguay	Peso	3,238,080	960.00					3,238,080	960.00
United States	Dollar				3,321.00				3,321.00
Claudia Anne McMurray:									
Uruguay	Peso	3,238,080	960.00					3,238,080	960.00
United States	Dollar				3,281.00				3,281.00
Robert C. Conner:									
Sweden	Krona	4,065	600.00					4,065	600.00
Germany	Mark	450	150.00					450	150.00
France	Franc	5.713.80	1,068.00					5.713.80	1,068.00
United States	Dollar				1,214.90				1,214.90
Total			5,180.00		11,505.35				16,685.35

DANIEL PATRICK MOYNIHAN,
Chairman, Committee on Environment and Public Works, Jan. 20, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator David Durenberger:									
Turkey	Lira	1,663,181	241.00			2,034,249	290.33	3,697,430	531.33
Jordan	Dinar	255.74	380.00					255.74	380.00
Israel	Dollar		700.00				829.53		1,529.53
United States	Dollar				1,875.90				1,875.90
Richard Evans:									
Turkey	Lira	1,663,181	241.00			2,034,249	290.33	3,697,430	531.33
Jordan	Dinar	255.74	380.00					255.74	380.00
Israel	Dollar		700.00				829.53		1,529.53
United States	Dollar				1,875.90				1,875.90
Total			2,642.00		3,751.80		2,239.72		8,633.52

DANIEL PATRICK MOYNIHAN
(For Sen. Quentin N. Burdick),
Chairman, Committee on Environment and Public Works, Oct. 1, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Deborah A. Lamb:									
Chile	Peso		920.00						920.00
United States	Dollar				1,636.00				1,636.00
Total			920.00		1,636.00				2,556.00

LLOYD BENTSEN,
Chairman, Committee on Finance, Jan. 14, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Hank Brown:									
Greece	Dollar		1,338.00						1,338.00
United States	Dollar				1,184.00				1,184.00
Senator Alan Cranston:									
Ukraine	Dollar		194.00						194.00
Latvia	Dollar		205.00						205.00
Estonia	Dollar		205.00						205.00
Kyrgystan	Dollar		246.00						246.00
Kazakhstan	Dollar		340.00						340.00
Turkmenistan	Dollar		162.17						162.17
United States	Dollar				4,029.30				4,029.30
Senator Nancy L. Kassebaum:									
United States	Dollar				5,691.00				5,691.00
Senator Larry Pressler:									
Russia	Dollar		300.00						300.00
Kazakhstan	Dollar		285.40						285.40
Uzbekistan	Dollar		330.00						330.00
Turkmenistan	Dollar		354.12						354.12
Moldova	Dollar		218.00						218.00
Ukraine	Dollar		266.50						266.50
Belarus	Dollar		408.00						408.00
Latvia	Dollar		227.98						227.98
United States	Dollar				6,333.00				6,333.00
Thomas J. Callahan:									
Kenya	Shilling	11,517.75	357.00	69.80	2.16	69.80	2.16	11,657.35	361.32
United States	Dollar				3,932.00				3,932.00
Peter W. Galbraith:									
Croatia	Dollar		360.00						360.00
Serbia	Dollar		330.00						330.00
Hungary	Dollar		165.00						165.00
United States	Dollar				3,354.20				3,354.20
Germany	Deutsche mark	153	116.00					153	116.00
Austria	Dollar		267.00						267.00
Ukraine	Dollar		194.00						194.00
Latvia	Dollar		205.00						205.00
Estonia	Dollar		205.00						205.00
Kyrgystan	Dollar		246.00						246.00
Kazakhstan	Dollar		340.00						340.00
Turkmenistan	Dollar		162.17						162.17
United States	Dollar				2,850.60				2,850.60
Garrett Grigsby:									
Nicaragua	Dollar		390.40						390.40
United States	Dollar				1,050.80				1,050.80
Thomas Kleine:									
Nicaragua	Dollar		390.40						390.40
United States	Dollar				1,050.80				1,050.80
Robyn Lieberman:									
Germany	Deutsche mark	153	116.00					153	116.00
Austria	Dollar		267.00						267.00
Ukraine	Dollar		194.00						194.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 31, 1992—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Latvia	Dollar		205.00						205.00
Estonia	Dollar		205.00						205.00
Kyrgystan	Dollar		246.00						246.00
Kazakhstan	Dollar		340.00						340.00
Turkmenistan	Dollar		162.17						162.17
United States	Dollar				2,850.60				2,850.60
Michelle Maynard:									
Croatia	Dollar		360.00						360.00
Serbia	Dollar		330.00						330.00
Hungary	Dollar		165.00						165.00
Richard L. McCall:									
El Salvador	Colon	9,450	1,125.00					9,450	1,125.00
United States	Dollar				1,108.00				1,108.00
Danielle Pletka:									
Israel	Dollar		75.00						75.00
United States	Dollar				1,259.00				1,259.00
John Ritch:									
Hungary	Forint	83,043	1,075.00					83,043	1,075.00
United States	Dollar				2,435.70				2,435.70
Tim Trenkle:									
United States	Dollar				5,691.00				5,691.00
Bruce Rickerson:									
Russia	Dollar		300.00						300.00
Kazakhstan	Dollar		285.40						285.40
Uzbekistan	Dollar		330.00						330.00
Turkmenistan	Dollar		354.12						354.12
Moldova	Dollar		218.00						218.00
Ukraine	Dollar		266.50						266.50
Belarus	Dollar		408.00						408.00
Latvia	Dollar		227.98						227.98
United States	Dollar				3,704.00				3,704.00
Anne Smith:									
Russia	Dollar		300.00						300.00
Kazakhstan	Dollar		285.40						285.40
Uzbekistan	Dollar		330.00						330.00
Turkmenistan	Dollar		354.12						354.12
Moldova	Dollar		218.00						218.00
Ukraine	Dollar		266.50						266.50
Belarus	Dollar		408.00						408.00
Lativa	Dollar		227.98						227.98
United States	Dollar				3,704.00				3,704.00
Total			18,453.31		50,230.16		2.16		68,685.63

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, Nov. 1, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jerry M. Tinker:									
United States	Dollar				1,409.90				1,409.90
Canada	Dollar	1,519.44	1,271.00					1,519.44	1,271.00
Richard W. Day:									
Canada	Dollar	917.33	767.00					917.33	767.00
United States	Dollar				1,249.03				1,249.03
Mary C. Hawkins:									
United States	Dollar				3,554.90				3,554.90
United Kingdom	Pound sterling	170.72	326.00					170.72	326.00
Finland	Finnmark	1,994.37	485.84					1,994.37	485.84
Total			2,849.84		6,213.83				9,063.67

JOSEPH R. BIDEN, Jr.,
Chairman, Committee on the Judiciary, Nov. 5, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Iskowitz:									
Netherlands	Guilder	2,057.32	1,245.35	371.12	224.65	1,425.00	862.59	3,853.44	2,332.59
United States	Dollar				827.90	697.66	422.31		1,250.21
Total			1,245.35		1,052.55		1,284.90		3,582.80

EDWARD M. KENNEDY,
Chairman, Committee on Labor and Human Resources, Oct. 23, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON ETHICS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Karen L. Bovard:									
Canada	Dollar		425.00				375.00		800.00
United States	Dollar				441.61				441.61
Total			425.00		441.61		375.00		1,241.61

TERRY SANFORD,
Chairman, Select Committee on Ethics, Dec. 18, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
L. Britt Snider			1,098.00		3,545.90				4,643.90
Marvin Ott			1,224.00		3,545.90				4,769.90
Christopher Straub			1,647.80		4,147.00				5,794.80
Don Mitchell			1,158.80		4,147.00				5,305.80
David Garman			390.00		810.00				1,200.00
John Despres			3,833.00		4,871.00				8,704.00
Cullum Clark			2,954.74		3,748.55				6,703.29
Timothy Carlsgaard			1,491.92		5,167.00				6,658.92
Sarah Holmes			1,991.00		3,351.00				5,342.00
Jonathan Zittrain			2,361.00		3,351.55				5,712.55
Christopher Straub			175.00		695.00				870.00
Peter Dorn			660.00		907.10				1,567.10
Total			18,985.26		38,287.00				57,272.26

DAVID L. BOREN,
Chairman, Select Committee on Intelligence, Sept. 30, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Dennis DeConcini:									
United States	Dollar				5,075.00				5,075.00
Ireland	Sterling	115.73	221.00					115.73	221.00
United Kingdom	Sterling	141.39	270.00	19.50	37.23			160.89	307.23
Finland	Mark	1,854.15	451.68					1,854.15	451.68
Jane S. Fisher:									
United States	Dollar				3,554.90				3,554.90
United Kingdom	Sterling	170.72	326.00					170.72	326.00
Finland	Mark	1,994.37	485.84					1,994.37	485.84
Mary Sue Hafner:									
United States	Dollar				3,554.90				3,554.90
United Kingdom	Sterling	170.72	326.00					170.72	326.00
Finland	Mark	1,994.37	485.84					1,994.37	485.84
Delegation expenses:[1]									
United Kingdom							1,869.09		1,869.09
Finland							846.13		846.13
Total			2,566.36		12,222.93		2,715.22		17,503.61

[1] Delegation expenses include direct payments and reimbursement to the Department of State under authority of Sec. 502–B of the Mutual Security Act of 1954 as amended by Sec. 22 of P.L. 95–384.

DENNIS DeCONCINI,
Chairman, Commission on Security and Cooperation in Europe,
Oct. 16, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON POW/MIA AFFAIRS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Frances A. Zwenig:									
Vietnam	Dollar		391.00						391.00
Laos	Dollar		50.00						50.00
Thailand	Baht	22,264	880.00						880.00
United States	Dollar				1,598.00				1,598.00
Total			1,321.00		1,598.00				2,919.00

GEORGE J. MITCHELL, Majority Leader,
ROBERT J. DOLE, Republican Leader,
Sept. 28, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON POW/MIA AFFAIRS, FOR TRAVEL FROM APRIL 1 TO JUNE 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Neal Kravitz:									
United States	Dollar				386.00				386.00
Mexico	Peso	3,113.00	288.00					3,113.00	288.00
Barry Valentine:									
United States	Dollar				386.00				386.00
Mexico	Peso	3,113.00	288.00					3,113.00	288.00
Total			576.00		772.00				1,348.00

GEORGE J. MITCHELL, Majority Leader,
ROBERT J. DOLE, Republican Leader,
Sept. 15, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), U.S. SENATE ARMS CONTROL OBSERVER GROUP, FOR TRAVEL JULY 8–12, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John W. Warner:									
Switzerland	Franc	307	225.00					307	225.00
United States	Dollar				2,303.00				2,303.00
Total			225.00		2,303.00				2,528.00

GEORGE J. MITCHELL, Majority Leader,
ROBERT J. DOLE, Republican Leader,
Sept. 24, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William V. Roth, Jr.:									
Greece	Dollar		549.00						549.00
United States	Dollar				1,146.00				1,146.00
Total			549.00		1,146.00				1,695.00

ROBERT J. DOLE, Republican Leader,
Jan. 14, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Alan K. Simpson:									
Germany	Deutsche mark	1,392	960.00			1,750.99	1,207.58	3,142.99	2,167.58
Belgium	Franc	16,414	566.00			5,066.00	166.62	21,480	732.62
Total			1,526.00				1,374.20		2,900.20

ROBERT J. DOLE, Republican Leader,
Dec. 30, 1992.

SALUTE TO WILLAMETTE BEARCATS

• Mr. HATFIELD. Mr. President, as many of my colleagues know, I am a one-man fan club for Willamette University in Salem, OR. Not only did I receive my undergraduate degree from Willamette, but I also taught there for many years and served on the board of trustees, and I am honored to have the university's new library named for me.

Like a proud grandfather, I come to the Senate floor to brag about Willamette once again.

This past Tuesday, the Willamette University Bearcats men's basketball team became the first team from Oregon ever to win an NAIA National Basketball Championship.

The Bearcats defeated South Dakota's Northern State University by a score of 63–56 to win the NAIA Division II title.

Congratulations go to Willamette President Jerry Hudson, basketball coach Gordie James, and the entire Bearcats team.

I am especially pleased to note that along with its athletic prowess, Willamette has also maintained its academic reputation as one of the finest small universities in America.•

PRAISE FOR AMBASSADOR JOSEPH VERNER REED

• Mr. MOYNIHAN. Mr. President, I rise to bring to my colleagues' attention some words of well-deserved praise for Joseph Verner Reed. Ambassador Reed has served our country in a number of diplomatic capacities which are remarkable in their diversity. Serving most recently as Under Secretary General Special Representative of the Secretary General for Public Affairs, Ambassador Reed has at one time claimed the titles of Chief of Protocol of the United States, United States Representative to the Economic and Social Council of the United Nations, and Ambassador to Morocco—just to name a few. I have no doubt that my colleagues here in the Senate will find of great interest the remarks made by Famara Ibrahima Sagna, Minister of Finance of Senegal, on the occasion of Ambassador Reed's acceptance of the promotion in grade as Grand Officer in the National Order of the Lion as well as Reed's ensuing remarks.

The remarks follow:

REMARKS BY HIS EXCELLENCY FAMARA IBRAHIMA SAGNA, MINISTER OF ECONOMY, FINANCE AND PLAN OF THE REPUBLIC OF SENEGAL, APRIL 6, 1992

Excellencies, ladies and gentleman:

This afternoon, I would like to say how pleased I am for having this opportunity to see that my visit to Washington, D.C., coincides with the occasion which Ambassador Reed and Ambassador Ka have agreed to organize this wonderful gathering. We are gathered here with many of our dear friends to bestow, on behalf of the President of Senegal, His Excellency Abdou Diouf, one of the highest distinctions of Senegal to His Excellency Joseph Verner Reed.

As I recall, little over a year ago, on December 17, 1990, Ambassador Ka had the unique privilege in organizing a gathering to honor Ambassador Reed with the distinction of the Commander of the National Order of the Lion of Senegal, at Blair House. A day that is special to Ambassador Reed, as it was his birthday.

Today Ambassador Ka has organized this gathering which coincides with me present here in Washington, D.C., and I feel it is a great privilege to be a part of this ceremony.

By bestowing on Ambassador Reed the title of the National Order of the Lion of Senegal this year, President Diouf, specifically wanted to thank him on behalf of all his African colleagues for the remarkable achievements which he accomplished at the satisfaction of the entire continent of Africa, during the special United Nations Session of 1986; "On the Critical Economic Situation of Africa".

This afternoon, in just 14 months later, the President of Senegal, His Excellency Abdou Diouf would like to, once again, honor, Ambassador Reed with one of the Highest Distinctions of Senegal: The title of Grand Officer of the National Order of the Lion of Senegal.

President Abdou Diouf wishes to thank you again for all your wonderful achievements while serving at the Chief of Protocol of the United States of America. In bringing Africa more into the inner circles of Washington, D.C.

Mr. President, once again, would like to thank you on behalf of his wife and the Government of Senegal for their successful state visit which you had organized with quality and professionalism here in Washington, D.C. last September.

Today, by bestowing on your this honor, President Diouf, hopes that you, with your new position as the Under Secretary General to the United Nations will continue to strengthen the relations between Africa and the United Nations.

Ambassador Reed, I want to take this opportunity to personally thank you as an old friend, for all that you have done for Senegal and would like to wish you great success in your new important position.

Ambassador Joseph Verner Reed in the name of His Excellency President Abdou Diouf, and by the virtue of the powers confined on me, I now bestow on you the title of Grand Officer of the National Order of the Lion of Senegal.

Thank You.

REMARKS BY AMBASSADOR JOSEPH VERNER REED

Dean of the Diplomatic Corps, Minister of Finance and Economy Sagna and Ambassador of the Republic of Senegal, Ibra Deguene Ka: I am deeply honored by the extraordinary gesture of President Abdou Diouf to take the initiative to promote my grade in the National Order of the Lion to that of Grand Officer.

Mr. Minister and special friend, I thank you for your presence and for your words. It is indeed a signal pleasure to have someone of your senior rank from Senegal to present me the award. Ambassador Ka—to you, who is one of the great diplomats in the diplomatic corps of Washington, I thank you for organizing this elegant ceremony and for gathering family, friends, and colleagues.

Senegal and the Senegalese have been close to my heart for two decades. I have visited Senegal often and consider myself privileged to count as friends, President and Mrs. Diouf and members of their family. I made my first visit to Dakar in 1971—Senegal's first president, the distinguished Leopold Senghor received me. I visited the island of Goré which made a lasting impression on me. That gateway island had brought so many African-Americans to the New World that it is now a shrine. Subsequently, I have crisscrossed Senegal by foot, rail, air, motor—even by canoe. I have a dazzling memory of crossing the river Senegal at high noon, and my memories of visiting Dakar and Saint Louis are rich. I have been privileged to know many Senegalese, in both the public and private sectors, and consider these friendships timeless.

Senegalese diplomats are among the best of the best—and thanks to Senegal's leadership, the historic conclave of the General Assembly in 1986 on the critical economic situation in Africa changed forever the course of economic affairs on the continent. That special session brought the winds of political change from one end of the continent to the other.

Africa is a huge continent with varied parts and people; 51 countries and 800 groups of people with their own art and customs. Africa: a population of 600 million. Morocco lies 9 miles across the Straights of Gibraltar (The Pillars of Hercules) to Africa's sister continent, Europe; the largest desert in the world, the Sahara; the world's longest river, the Nile; Victoria Falls, one of the Seven Natural Wonders of the World; the Atlas Mountains, higher than the Alps. Mount Kilimanjaro at 19,340 feet, and the continent's largest lake, Lake Victoria. But, most important are her people—intelligent, hospitable, warm, and eager for friendships.

Tradition is an honor in societies in Africa—I recall being in Saint Louis and hearing a story that has been handed down for centuries. In Africa story telling is an art; often story tellers use animal characters to teach right from wrong. The stories are gentle, informative, and a critical part of the love of the land.

"THE LEOPARD AND HIS SPOTS

"Once upon a time, all the animals lived in clusters of villages in the forest. If one of them lost a family member, they all joined him to mourn the death of the beloved one.

"One day the ant's mother died, and all the animals decided to form a procession and help the ant mourn his mother's death.

"They walked on the footpath, one after the other, and came by an eggplant farm. Everything was ripe and beautiful.

"Now the leopard's favorite food was eggplant or, as we Senegalese call them, garden-eggs. He waited for all the animals to pass the farm so that he could go and eat some of it.

"He was so greedy that he furiously ate almost everything that was ripe on the farm. Then he could eat no more and went slowly off along the path to join the other animals.

"As soon as he left, the farmer came and saw that all the vegetables he was to collect and take to the market were gone.

"He knew all the animals had passed by, so he ran after them and stopped the one leading the procession. He asked whether they knew which of them had taken his vegetables.

"Each animal said, 'Not me'. Each one denied that they went to the farm. Except the leopard, who did not talk. So the farmer came up with the idea of building a bonfire. He dug a hole and built a fire, than asked each animal to jump over it. He knew that the guilty one would be too heavy or too nervous and would jump into the fire.

"All the animals started singing their songs to show they were not afraid. They jumped one after the other.

"The last one was the leopard. He was reluctant to do it. But he knew if he didn't they all would suspect he was the guilty one.

"Finally he started his song and got ready to jump. But as he jumped, he fell right into the fire. The other animals stood there amazed. They knew he was guilty.

"Now he started yelling, howling and confessing that he did it. He rolled on the ground to put the fire out, and the animals tried to help him. But the fire had burnt patches in his fur, some black, some brown.

"That's why the leopard has all those spots."

President Diouf has been a great and noble leader of Senegal. His leadership was recognized by his friend, President George Bush, when the invitation for a state visit to Washington was issued in the autumn of 1991. That visit was indeed a brilliant one. I counted myself privileged to have been at the President's side when America saluted on the south lawn of the White House the arrival of President Abdou Diouf. A footnote to the history of our two Nations and their bilateral relationship will be the historic farewell ceremony at the Monument Grounds at the Ellipse when President Diouf was given a specially designed farewell ceremony of grand proportions.

Under President Diouf's leadership and with his able men and women in his administration, Senegal has made a valiant and successful effort to overcome hardships. I salute President Diouf for his leadership. The cold war was a debilitating and destructive experience for much of Africa. President Diouf was, and is, a leader in moving Senegal's political and economic forces with the tide of the times. I wish President Diouf and the people of Senegal every success and I look proudly to my promotion in grade of Senegal's highest honor, the National Order of the Lion.•

THE THIRD "SEAWOLF"

• Mr. D'AMATO. Mr. President, the submarine community just received its wake-up call. "Clinton: No Third Seawolf in Budget" was the headline of a story that appeared in the Hartford Courant on March 14, 1993. It's over. The *Seawolf* is dead.

Now what are we going to do? Most submarine supporters had pinned all of their hopes on a third *Seawolf*. In anticipation, the Navy has been a study in obstructionism since termination, objecting to every submarine initiative proposed to provide submarine work. The resultant paralysis continues to this day.

It's time to get off the dime. The House Armed Services Committee markup is 2 months away. We need ideas, good ones, now. It is essential that a submarine be included in the fiscal year 1994 Defense authorization and appropriations conference bills. The ability of this country to produce nuclear-powered submarines is in peril. Once lost, it is unrecoverable. No further President, Congress, or Pentagon, will see the day when new nuclear vendors or shipyards are certified. NIMBYitis will take care of that.

A coalition needs to form quickly around a submarine initiative that will be acceptable to the majority of our colleagues, fit within the budget, and provide relief to nuclear vendors, nonnuclear vendors, and shipyards alike. Otherwise, we will trade away a naval trump card forever.

I ask that the aforementioned Hartford Courant article be included in the RECORD.

The article follows:

[From the Hartford Courant, Mar. 14, 1993]

CLINTON: NO THIRD SEAWOLF IN BUDGET

(By Miranda S. Spivack)

WASHINGTON.—President Clinton's defense budget probably will not include funds for a third Groton-built Seawolf submarine, but high-tech products such as Sikorsky Aircraft's proposed Comanche light helicopter, now on the drawing board, will be funded in this budget plan due next month.

"I thought that at least one more ship should be completed than the [Bush] administration, and then we should in effect transform the operation to produce a smaller follow-on ship." Clinton said Saturday of the Seawolf, now under construction at General Dynamics' Electric Boat division in Groton, Conn.

The president made his remarks in a 20-minute meeting in the Cabinet room with about a dozen Connecticut reporters as he sought to sell his defense cutback and military conversion plan through a series of public appearances and interviews.

He voiced no explicit worries that the deteriorating situation with Russian President Boris Yeltsin might cause him to rethink his defense cuts.

"We are obviously concerned about him." Clinton said. "He represents a passionate commitment to democracy and economic reform. . . . I think we should support that." He said he hoped other democratic nations would step up their backing of Yeltsin, too.

On the Seawolf, Clinton left the door slightly open, but suggested that the nation's submarine builders should look ahead to the next, smaller generation of boats.

"I think it is an open question but I haven't changed my position on it," he said. "The last time I had a conversation about this, there was a general consensus that the design of the Seawolf was not necessary in terms of size, given a declining Soviet threat . . . but that we still need and are quite dependent on submarine technology to maintain our overall military superiority," he said.

During last year's presidential campaign, Clinton voiced support for the Seawolf, though he never said how many he thought should be built. He spoke of the need to protect submarine construction expertise, though he never specifically endorsed Electric Boat as the anointed site. Subs also are built at Newport News Shipbuilding in Virginia, and talks are under way between Newport News and Electric Boat on possible sale or consolidation of the two companies.

A third Seawolf would cost at least another $2 billion, a large sum at a time Clinton is proposing to trim the defense budget by more than $100 billion in the next five years.

Clinton's endorsement of the Comanche, the army's top modernization project, stopped short of support for a particular production plan or schedule. When Clinton was asked about the Comanche at the end of the session, he said he was short on specifics and would provide an answer soon. The White House press office, after conferring with officials at the Defense Department, said Clinton supported "initial production" of the Comanche, which is still several years from coming off the assembly line.

Clinton also spent Saturday morning meeting with reporters from California and Florida, states hit much harder than Connecticut in the administration's proposal, unveiled Friday, to shutter 31 military bases and scale back 134 others, including the Navy's submarine base in Groton.

The morning sessions, which followed Clinton's weekly radio address, excluded most members of the national press corps, who complain that Clinton has offered few opportunities to question him directly since he took office Jan. 20.

Clinton was tieless and clad in a beige sweater and dark sports jacket. He drank from a white mug and answered questions—sometimes talking for several minutes on a single issue—as he sat at a leather oval table in the White House Cabinet room, surrounded by about a dozen reporters from Connecticut news media.

The president stressed his recently unveiled $20 billion plan for defense diversification and tax credits, and he said that Connecticut would receive about $118 million from his separate stimulus package that is designed to provide new jobs for highway, environmental cleanup and community development projects. Each program is subject to congressional approval.

"Obviously those will create a lot of jobs, and some of those will be in the same areas where defense jobs have been lost," he said.

Although Clinton acknowledged that some defense contractors are cool to using military technologies in civilian manufacturing, he said he helped to bring them around. He plans meetings with his administration and defense contractors around the country, saying he wants to get them involved long before contracts with the military expire.

"The thing that has bothered me about this all along is that these contracts have been canceled and then someone comes along and says, "Why don't you think of something else to do?"

"This whole thing has to be coordinated," he said.

He pointed to Sikorsky, a division of United Technologies Corp., for its sales in the civilian and overseas markets, and he cited another, unnamed Connecticut helicopter maker, presumably Kaman Corp. of Bloomfield, for similar diversification.

As for submarine conversion, he said, "I don't know that General Dynamics' options are to know whether that is the right or wrong suit. All I can say is that we are prepared to assist . . . companies that are serious about conversion." But he noted that "submarines have few uses other than military. It's hard to imagine."

He suggested that closing military bases, no matter how painful to communities affected, was the right course for states such as Connecticut because it might save some jobs with defense contractors that have a brighter future if they diversify.

"If you don't close any of them and you have the defense budget going down, it means more reductions for contractors." He said he was committed to maintaining a "very, very high level of technological superiority and military readiness."

Sen. Joseph I. Lieberman, D-Conn., said Saturday he believes Pentagon cuts are moving too swiftly, and he said that building a third Seawolf would be the most "cost-effective way to maintain the submarine industrial base."

But he also acknowledged that if the president does not include the third sub in his budget plan, it will be hard to persuade Congress to fund it anyway,

Rep. Sam Gejdenson, D-2nd District, said that he was not surprised Clinton did not endorse a third Seawolf.

"There is some money already available. . . . It is not impossible but it is a very tough fight," he said.

"it's a long stretch, to get to the next class of boats," Gejdeson said.

Clinton also was asked whether he thought Connecticut should endorse casino gambling beyond the Mashantucket Pequots' complex in Ledyard. He said he was not necessarily the right person to ask because he had grown up in a town that had extensive and illicit gaming parlors until the mid-1960s.

Although he stressed that legalized gambling should be decided State by State, he offered this: "analyze very carefully what the costs and benefits are. It is not a free ride, that's the only thing I will say. . . . It is not an unmixed blessing."•

A TRIBUTE TO LOUISA

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the town of Louisa in Lawrence County, a small town located in the rolling hills of eastern Kentucky on the West Virginia border.

Louisa is the county seat of Lawrence County and sits at the junction of the Levisa and Tug forks of the Big Sandy River. This location brought early success to the town, with the rivers serving as transportation outlets for Kentucky's timber, coal, oil, and gas industries.

Louisa was first settled around 1789 by Charles Vancouver. On the 15,000-acre land grant he received, Vancouver built a fort and farm. He and his men were driven out a year later by native American tribes. Eventually, however, the land was reclaimed by settlers, and Louisa began to grow.

Today, Louisa is a quiet town, void of most of the hustle and bustle found in neighboring cities. Instead, Louisa is filled with charming houses, wide streets, carefully manicured lawns, and historic buildings. Residents are interested in adding to the charm of the town by honoring a local hero. Plans are now underway for the construction of a museum to honor Fred M. Vinson, a Louisa native who was appointed to the Supreme Court by President Harry Truman and later became Chief Justice.

Mr. President, today I honor the people of Louisa for upholding the traditions and values of small-town life, and for their dedication to the town's history. These efforts confirm my belief that Louisa truly is one of Kentucky's finest towns.

Mr. President, I ask that an accompanying article from the Courier Journal be submitted in today's RECORD.

The article follows:

LOUISA

(By John Voskuhl)

U.S. 23 used to go right through Louisa.

And so did a sizable chunk of America's population, it seemed. According to local recollection, it was a hungry chunk.

"There used to be restaurant after restaurant and grocery store after grocery store," said Paul Chandler, whose video store and tanning-bed emporium occupies a 100-year-old building on Louisa's Ricky Skaggs Boulevard.

But Louisa now has a bypass, taking U.S. 23 just west of town. It wasn't long before traffic became too heavy for that two-lane bypass. So a second bypass was built, taking U.S. 23 even farther west and making it four-lane.

And so the inevitable happened. Fewer and fewer travelers found their way off the four-lane and into town. Local shoppers began using the new road to drive a half-hour north to Ashland or south to Paintsville. Louisa lost a few businesses and gained a few vacant storefronts.

As any cardiac patient cay testify, a double bypass tends to slow life down.

"If you wanted to buy a men's suit, you couldn't do it in Louisa," said Nelson Sparks, the Lawrence County attorney, whose family settled in the county in 1821, the same year it was created.

In the many generations since, the Sparkses have watched the county and its town change from a farming community to an early seat of Kentucky's timber, coal and oil and gas industries to a bustling transportation center at the junction of the Levisa and Tug forks of the Big Sandy River.

They've watched the river traffic dry up. They've watched rail transportation dwindle. And for the past few years, they've watched as nearby towns grew while Louisa didn't.

And at least one of them didn't have a big problem with it.

"People always think that if you have a lot of growth and a lot of new businesses and a lot more people coming in, you have a good thing. I don't think that's necessarily true," Sparks said. "I think there is a place in the world for little towns."

Louisa has plenty of pleasant houses, lovely wide streets, fine old buildings and acres of lawns that can only be described as "manicured." Unfortunately, many of the town's trees have also been manicured—trimmed to the point where they sport no greenery. Some have been removed entirely.

Frances Cain, who owns several of downtown's fine old buildings, laments the loss of the trees. She remembers when trees stood on each side of Ricky Skaggs Boulevard—back then it was Main Cross Street—and their leaves formed a canopy over the town's center.

"It was the prettiest town on the river" said Cain, who worked in those days managing the old Garden Theater.

The theater is closed—its lobby houses a baseball-card shop—and the trees have been plucked out or pruned. Cain acknowledged that many needed to be cleared or cut, but she said she thinks city officials went a little too far.

"I think our City Council went tree-happy," she said.

Still, Louisa residents take a measure of pride in the appearance of their town, their homes and their businesses.

For example, on Louisa's outskirts, at Hardin's Used Cars, Helen B. Hardin has established what may be the larger inventory of lawn ornaments in all of Kentucky. She has geese, pelicans, reindeer, cardinals, lions, bears, eagles, turtles, poodles, Saint Bernards, raccoons, pigs, lambs, rams and frogs sitting on settees beneath umbrellas.

She has fake fire hydrants, Roman centurions, Spanish conquistadors and a bust of JFK.

She has a vast assortment of those big, metallic balls that sit on ceramic pedestals; she has gold, silver, green, blue and red balls.

She has an assortment of Madonnas and an array of Jesuses. She has miniatures of Michelangelo's David.

She has Mexican peasants leading burros. She has cigar-store Indians. She has lawn jockeys, both in neutral Caucasian and inflammatory black.

But Hardin declined to discuss her inventory. She had been displeased by a previous newspaper story.

"Called my stuff tacky," she said.

Her husband, J. D. Hardin, who runs the used-car lot, was a bit more forthcoming. He said the lawn-ornament business began about 45 years ago, when his wife dreamed of selling dishware as a way to make extra money. The couple bought about $300 worth of dishes to start and "my wife just went on from there" he said.

Such economic success stories are all too rare in Louisa, according to Howard See an insurance agent who has headed up industrial-development efforts in Lawrence County for nearly 40 years.

The county's industrial park had housed a large carpet mill that went out of business in the late '70s. It's now home to a blue-jeans manufacturer and a produce wholesaler. Yatesville Lake, a man-made lake recently completed by the U.S. Army Corps of Engineers, is expected to draw more visitors to the area.

But See said the community has been slow to foster growth.

"The people of Louisa, as a whole are satisfied to let change come about," See said. "They don't attend meetings very well."

But residents can get stirred up.

Citizens groups rallied against developers who tried to install a hazardous-waste incinerator and against developers who operated a landfill in Lawrence County. After lengthy debates, the incinerator was stalled and the landfill closed.

"You don't think about environmental movements in places like Louisa," said Sparks, the lawyer. "But people here are very committed to those kinds of issues."

Laying contentious issues aside, there's a different reason that keeps Louisa's coffee drinkers from sharing common grounds. The town has two hangouts. Betty's Home Cookin' restaurant, located on old U.S. 23, serves as the hangout for many of Louisa's older residents. Up on the second bypass, a younger group of coffee drinkers has begun congregating at the McDonald's restaurant.

For people like Mike Armstrong, a former Louisa mayor, there's a metaphor in the coffee gatherings. To Armstrong, they symbolize a town in transition, a place where people are torn between old and new, fast and slow, home and away.

More and more Louisa residents are being drawn to the road, to that rolling culture that used to roll through downtown on U.S. 23.

"Sitting in a car and driving 30 minutes is becoming the norm," Armstrong said.

Many folks drive to Boyd or Johnson counties to work, shop, see a movie or eat dinner. A sizable portion of Lawrence Countians travel to neighboring Martin County to work in coal mines.

Cain, the downtown landlord, offered another metaphor. Louisa's downtown, with its fine old buildings, is built over quicksand, she said, because its' so near the rivers. The land at the second bypass, which already has a Pizza Hut and a Sunoco station in addition to McDonald's, is much more solid.

It begs the quesiton: Must the past be lost?

"We used to play on the courthouse lawn—be it football or whiffle ball or whatever," Armstrong recalled. "It was a beautiful, green expanse, Now it's the courthouse annex."

In his office behind the annex, See, the insurance agent, declared that the past never abides for long unless people work at preserving it.

See is one of several Louisa residents who have formed the Fred M. Vinson Memorial Foundation, a non-profit group that's trying to raise money to build a museum to honor the Louisa native who became chief justice of the U.S. Supreme Court.

Vinson served as a congressman and a federal appeals judge. President Franklin D. Roosevelt appointed him director of economic stabilization in 1943, a job that entailed setting prices "from toothpicks to airplanes" to prevent wartime inflation, See said.

Vinson held other posts under FDR, and was appointed secretary of the treasury by President Harry Truman, who eventually put him on the Supreme Court. Vinson's appointment to the Supreme Court made him one of Kentucky's most illustrious statemen, See said.

"Kentucky as a whole should be proud of this man," See said. "He's been dead now 40 years and people have forgotten his contributions because we've let his name die. We shouldn't have."

The history behind Louisa's name has already died.

Some say the town is named after the first white child born at the Tug and Levisa forks. Others contend that it's named for Lousa County, Virginia, the supposed home of some early Louisa settlers. And still other say the name is simply a corruption of Levisa—a theory that's bolstered by the fact that some older residents call their town "Loo-EYES-uh". Instead of the generally accepted "Loo-EASE-uh."

It's clear, however, that Louisa's county was named after Capt. James Lawrence, a hero of the War of 1812, who was fatally wounded in a naval battle.

Lawrence is remembered for his dying order: "Don't give up the ship."

Good advice for a town built on quicksand.

FAMOUS FACTS AND FIGURES

The first lock-and-needle dam in the United States was built across the Big Sandy River at Louisa. Such dams use vertical rods, called needles, that can be raised or lowered to act as valves for controlling the flow of water. Though it's no longer used, the dam is still visible.

The bridge between Louisa and Fort Gay, W. Va., was mentioned in "Ripley's Believe It or Not," a syndicated newspaper feature about odd people, places and things; Ripley's noted that the bridge linked three communities, spanned two rivers, connected two states and had entrances from each of three directions; west, east and south. Believe it or not.

Ricky Skaggs Boulevard, which crosses through the heart of downtown, honors the famous guitar, mandolin, banjo and fiddle player, who was born at Cordell, southwest of Louisa.

Lawrence County settlers kept their towns on a first-name basis in Ulysses, Martha, Wilbur, Clifford, Mattle, Jean, Zelda, Hannah and Ellen. Other nice town names include Overdo, Jettle, Irad, Torchlight and Mazie.

The first white settlement near what is now Louisa was built in 1789 on "the Point," the land between the junction of the Tug and Levisa forks of the Big Sandy River. Charles Vancouver, who had received a 15,000-acre land grant, built a fort and tried to farm. But he and his men were driven out by Native American tribes the next year.•

HANDGUN SHOOTINGS

• Mr. SIMON. Mr. President, once again, I would like to address the issue of handgun violence in our cities. The Chicago Tribune recently ran an article stating that 938 people were murdered in Chicago in 1992. In addition, in the first 11 months of 1992, there were 13,751 nonfatal shootings. Similar statistics exist for our Nation's other major cities.

And while the statistics are astonishing, they do not tell the whole story. The individual victims of the violence present the human side of this ongoing problem. The recent Chicago Tribune article tells the stories of eight of Chicago's shooting victims. Willie Nelson, a retiree, was shot in her home, as she lay in bed. Tina Jones, an 11-year-old student, was shot in her CHA home as she watched TV with her mother. She later said, "I feel bad about it now because we were in our house and I was just shot through the door. If I can't be safe at home, there's nowhere I can be safe."

Mr. President, it is obvious that we can do better in our nation's fight against violent crime. I was recently pleased, during our confirmation hearings of Attorney General Janet Reno, to hear her ideas on integrated approach to fight crime which includes early intervention, drug treatment, and attention to domestic violence. With these initiatives, coupled with tough firearm measures, we can begin to address the violence in our society and finally make strides toward successfully dealing with this enormous problem.

I ask to insert into the RECORD at this point the full text of the January 17 Chicago Tribune article.

The article follows:

WRONG TIME, WRONG PLACE—WHAT IT'S LIKE TO BE SHOT ON CHICAGO'S MEAN STREETS

(By Jeff Lyon)

It is a city awash in blood.

The crackle of gunfire, as much a part of the urban symphony as traffic noise, jackhammers and barking dogs, punctuates the days and nights in certain sections of town. Innocent people are trapped in the crossfire as rival warlords, their henchmen armed to the teeth, battle it out in the streets.

Children are slain on the way to school, some inside the very school buildings themselves. Pregnant women, the elderly, infants, the disabled—it makes no difference to the gunmen, who pursue the slaughter with the recklessness that comes with the suspicion that they are very nearly beyond the law.

The city is not Mogadishu. It is not Sarajevo. It is not Beirut. It is Chicago.

There were 938 people murdered in Chicago during the past year, assuring that 1992 would be the second bloodiest year in the city's history, exceeded only by 1974, when 970 homicides were recorded. The total was already higher than that of 1991, formerly the runner-up for gore.

More than 70 percent of these homicides were committed with guns, according to police. But that statistic does not do justice to the real extent of firearms violence. In the first 11 months of 1992, the number of people shot nonfatally was 13,751, an all-time record.

For a frame of reference consider this: In the first 11 months of 1992, an estimated 2,800 people were killed in Sarajevo, the besieged capital of war-torn Bosnia-Herzegovina. Some 48,000 are said to have been injured, most of them by guns.

Chicago is on a killing and shooting pace somewhere between a third and a fourth that of a city in the midst of a murderous war. It would seem that we need no further proof that parts of Chicago resemble a war zone.

The sheer prevalence of guns is frequently cited as a major cause of urban violence in America. Some experts estimate that there are from 200 to 300 million firearms distributed among the general population of the United States, with some 4 million additional firearms sold annually. Whether this staggering figure is the sole or central reason behind this country's annual toll of more then 26,000 firearm-related fatalities—14,000 homicides, 10,000 suicides and 2,000 accidental deaths—is anybody's guess. But if one lumps together the annual gun fatalities in Japan, Great Britain, Switzerland, Canada, Israel and Sweden, all of which have much more severe restrictions on handgun ownership than ours, they total only a few hundred at best.

Toronto, which like Chicago, has 3 million people and tough handgun laws, notched only 17 firearms deaths in all of 1991. That is because Chicagoans can simply drive to the suburbs or surrounding states to get the guns they desire, but Toronto's citizens cannot.

Firearm injuries cost us $14 billion a year, with more than 80 percent of the burden picked up by taxpayers. Firearms are the seventh leading cause of death nationally and the leading cause of death among black and white teenage boys.

But statistics come without a face, a fact that bothered free-lance writer Stephanie Arena and her husband, photographer Robert Drea. Several years ago, they began chronicling the experiences of Chicago's shooting victims in both word and image for a project entitled "Wrong Time, Wrong Place."

On these pages, eight of these people give their own private account of what it is like to be shot on the mean streets of Chicago.

WENCE EDWARDS

(Dock Worker, Shot Aug. 4, 1991, near the Cabrini-Green building at 1017 N. Larrabee St.)

Walking down Larrabee Street with two friends, on my way to my mother's apartment in Cabrini-Green, I noticed two guys I didn't know, both about 18 or 19 years old, walking toward us. Something about the two didn't feel right. I passed them on the sidewalk, turned around to look back, then faced forward and kept walking. When I turned around again, I saw that one had a gun pointed at my face. I started running, and within seconds the two guys started shooting. I panicked. I was afraid I was going to die. I didn't know I'd been shot. I just ran, and they kept firing. Once I realized I'd been hit in the arm and cheek, I tried to stay conscious. I managed to keep moving until I got behind my mother's building, where I fell to my knees and tried to hole my arm, but my arm hurt too much. I stayed on my knees till the ambulance came. The only thought I had was the pain and whether I was dying.

After the shooting, I identified one guy from police photos. He was probably a member of some gang. They shot me for some kind of gang retaliation—some kind of gang business. The guys with me wore their hats to the right, a sign of being members of being members of a certain gang. I gave up being in this gang, I had a full-time job, then I got arrested and sent to Cook County Jail for robbery, and when I got back to my neighborhood, I got in with the wrong guys. The gang really doesn't have anything to do with getting shot. I just happened to be in the wrong place at the wrong time.

MEEKA JOHNSON

(17-year-old mother of Montanique Jackson, Shot Oct. 22, 1991, at 79th Street and Vincennes Avenue)

Me and my son and my best friend, Julie, and this boy, Leon—we were walking down the street and I was smoking a cigarette, and Leon took the cigarette. Then he put it out, and that made us stop. So I turned around. As soon as I took one step, I got shot, and the bullet hit me so hard I feel to the ground. The first bullet hit me—that's what I think—in the stomach, on the left. It was just darkness. All I thought about was my son because I knew I had him with me. That's why I grabbed him and snatched him down. I had him on my right side, and he just wanted to run because the gunshot scared him so bad. He didn't know what to do. He was going to run toward them because he didn't know where it was coming from. I snatched him down and grabbed him, right alongside of me so he wouldn't get hit. That the only thing that was on my mind—my baby. I got Montanique.

The boys kept going. My friend who was with me, Julie, she said: "Meeka, get up, get up. You aren't hit. Maybe that was a rock or something that hit you." I was like, "No, I'm hit, I'm hit." She was like, "No, you ain't—I don't see no blood or nothing." I'm like, "Unbutton my pants, pull my shirt up." And there was a bullet hole, the bullet hole was right there. And my baby was crying, telling me to get up, "Mamma, get up," and I said, "I'm sorry, baby, I'm shot," and I just lay down and closed my eyes. I thought I was going to die. It was a .45 bullet, and it's still in me. They can't even get it out. It's two inches from my spinal cord. They say it will never move.

RAUL MONT, JR.

(10-year-old student, Shot Sept. 6, 1992, in Eckhart Park, Chicago Avenue and Noble Street)

I asked my father for an ice cream. He said yes, and he bought it for me. I was holding it, and I got it all over my hands. I washed my hands at the drinking fountain and was walking back. I was walking more toward the baseball players in the park, so my dad told me to move over because I might get hit by the ball.

So he moved me over, and he thought it was firecrackers, so he walked closer to me. But it was a gunshot. I thought it was a rocket; I thought it was firecrackers too. I felt like a rock hit me. I said, "Daddy, I'm bleeding." Then my father was saying, "Call the ambulance." But there's no phone around there, so one of the coaches took me to the hospital. They thought that I was not serious because I walked into the hospital. I was a lucky little boy.

(According to Raul's father, Raul Mont Sr., the bullet lodged within one-sixteenth of an inch of the boy's spine and was later removed.)

When I hear a noise, like a car when it explodes [backfires], I go into something. I was out by Irving Park, and I almost ran into a lady because I heard a noise. By my mother's work, by Humboldt Park, I was walking to the store when I heard a noise, and I ran into the store, thinking it was a gunshot.

Before I go to bed, I think that I'm still alive. I don't want to go to that neighborhood again. I talked to Mom about it. My teacher was saying that I'm going to see someone, psychologist, to talk about it.

PATRICK COLVIN

(Police officer, Shot July 13, 1989, at Loomis and 95th Streets)

The day I was shot I was driving home westbound on 95th Street, approaching the intersection of Loomis and 95th. I looked over at a car on 95th also going westbound, waiting to make a left-hand turn onto Loomis. They had their hats turned over to the right side—gangbangers.

Gangbangers play a game with straight people; it's called a "hate stare." If you happen to look over at them, they'll stare at you with this intense look of hate until you look away.

The guy sitting in the back seat gave me the hate stare, so I just gave it right back to him. The loser of the game is the one who looks away first. So I just stared at them for about 10 or 15 seconds. They finally looked away. I didn't pay any more attention.

The light turned green, their car was in the left-turn lane on 95th at Loomis, I was in the center lane. They pulled up and started to make the turn and stopped. I looked over again, and the guy in the back seat was now leaning up against the front seat with a .22-caliber pistol pointed out the side window. I was even with the rear quarter panel, I wasn't next to him, he shot back at an angle.

All I thought about was, this is how I'm going to die, at the hands of some 16-year-old punk. And when the shot went off and hit me in the chest near my shoulder—because I had thought I was going to get it square in the face, since I was staring right down the barrel of the gun—it hurt like hell, but I knew I wasn't going to die. I knew that right away.

TINA JONES

11-year old student, Shot Oct. 2, 1991, at the CHA's ABLA Homes, 1440 W. 13th St.)

I was lying on the floor in front of the door watching TV. I was watching "Blossom," the show that comes on after "Fresh Prince." I was right there on the floor, and then it just sounded like a big noise out there in the hallway. We got out of the way, and that's when I looked—right here—on my side, and I was bleeding bad. I just looked down and saw the blood.

Then my mama opened the door and said: "Who shot my daughter? Anybody who tries to come in here. . . ." and then she slammed the door. I was thinking, "How bad am I hurt?" I was afraid. I was terrified. Afraid I might be dying. Afraid somebody might come in here and hurt me more. I feel bad about it now because we were in our house and I was just shot through the door. If I can't be safe at home, there's nowhere I can be safe. I was in Cook County Hospital for 10 days. It was painful. It's sore now.

Tina Jones' mother, Fredia Cumberlander: There were a lot of people out there, just in front of the door. Men and women, mostly men though, about 30 people or more. I went out there and said, "Somebody shot my daughter, somebody shot my baby," and everybody started breaking toward my door. That's when I said: "I don't want anybody in here. Somebody just shot my daughter, shot my baby." Somebody said, "Your baby's been shot?" I said, "Yeah, my baby's been shot!" I closed the door, then I opened it and said, "Will somebody please call the ambulance for me?" I thought my baby was going to die because she was shot. We're not safe in our own apartment now.

JAMES CARTER

(Shipping and receiving worker, Shot Aug. 25, 1991, on south Commercial Avenue)

I was on the passenger side in the front seat of a car with my brother, and they just ran up to the car and started shooting. We were at a stop sign at Escanaba or Exchange—I don't remember which—and about 25 people surrounded the car. There were three of us; my brother was driving, and a guy named Carmelo was in the car too. When they started shooting, I just saw my son and my brother in my mind. The guys shooting at us threw up gang signs to indicate that they were members of a certain gang, a gang from the West Side. It was too dark to see if they were wearing hats.

When the shooting stopped, they started throwing bottles and stuff at the car. We'd just come back from a liquor store on 87th Street, and it's a shortcut to pass up Commercial so we can hit South Chicago Avenue. There was already a fight going on, but I didn't see the guys till we came to a complete stop. They thought we were gangbangers. I identified who shot me from pictures, and they've been picked up. I was hit in the neck, and the bullet came out of my chest, but there are two other bullets still in my chest. I have to see a neurologist to see if the bullets are going to stay in or be taken out. I was shot with .25-caliber bullets.

I had an 18-year-old brother who was shot and killed almost instantly. He left an infant son. I have feelings of revenge, but there's really nothing I can do about it; it'd just get worse. In the past I was a member of a gang. I regret it; they weren't doing anything for me. I left that gang about three years ago.

WILLIE B. WILSON

(Retiree, Shot Aug. 19, 1991, at 5817 S. Union Ave.)

I was lying in bed, and I couldn't sleep because a van had pulled up out front and they had loud rap music on. And I was lying in the bed praying that they would leave soon or stop the music. I wanted to be at church on time in the morning. They finally got in the van and closed the door and started the motor. I was in bed with my face to the window, at the foot of the bed, and all of a sudden I heard a lot of gunfire.

At first I thought somebody had lit a package of firecrackers, because that's what it sounded like. I discovered it was a gun, and it went on and on. I was afraid to raise my head because I might get hit with a bullet. Then I felt something that stung my face, and I put my hand up to my face and felt something wet. I got up and turned the light on, and then I saw all the blood on my hands. I called to my husband and told him I'd been shot. My husband called 911. I tried to get some clothes on because I had my night clothes on, but before I could, the ambulance was here and I had to go the way I was. What went through my mind was how bad it was, how bad the wound was.

They opened up with Uzis and 9 millimeters. The policeman said they were stationed on the railroad track, over the viaduct. There must have been someone in two different places because there were two different guns. The doctor at the eye clinic said there were no injuries to my eyeball or to the nerve in my eye. The bullet, a 9 millimeter, is still behind my left ear. When I yawn, it feels funny.

JAMES COOPER

(Cab driver, Shot Aug. 15, 1992, at Rockwell Gardens, 2401 W. Monroe St.)

I had a call on my cab radio to pick up a pregnant lady. As I circled the block, a blue car pulled out in front of me and my car hit its rear right tire. There were three guys in the car. They got out and started talking. They said, "Hey man, you messed up my car, you got to pay." I said, "I didn't mess up your car, you pulled out on me." Then one of the guys grabbed a gun. When I saw the pistol, I got back in my car. I'm saying, "How much you want?" He said, "Give me $200." I said, "I'll give you $50." He said, "Nah, you got to do better." So I say, "I'll give you $75, that's all I got." He says, "OK, I'll take that." I said: "Not so fast. Take this card, sign your name saying that you're OK and we settled."

He's got the gun. He was holding it up, moving it around. At this time he didn't put it in my face. He wrote down, "Solid T." I said, "Hey, you've got to put a name down and say you're satisfied." So he wrote his name down and "OK." I was counting the money out. There was more than 75 bucks; I had about 95 bucks. Then a guy came up and said, "I'll take all of that." I said, "Who's this dude?" This new guy said, "This guy is bull _ _ _ _, start shooting his tires out."

So the guy that he told to start shooting, shot my tires out. He shot out the left tire, BOOM, then he shot the rear tire, BOOM. I'm thinking, "It's out of here, now or never." I threw the car in reverse. I stepped on the gas, and it didn't go anywhere; it shut off. I thought, "I'm out of it now." The second guy with the gun came around the car and opened the door from the passenger side and reached in and grabbed the keys to the car. I tried to stop him because if I'm stranded here, I'm lost, it's over. I stopped him, and then he pointed the gun at me. I grabbed the gun barrel and tried to push it down, and he shot me in the leg once. I didn't really feel it. I saw the blood. I still had a good grip on the gun barrel. I saw the blood sprinkling. Then he shot me again. I felt a serious shock wave go down my leg. So I kind of just steered him back out of the car away from me. Everybody's scattering now. There was a big crowd. We're talking 1:40 p.m., right in there. This guy seemed to be definitely the leader, who shot me. He controlled the situation; by the way he came in, he was in charge. I'd never been shot in my life, and I just couldn't believe it.●

IN HONOR OF NATIONAL AGRICULTURE DAY

● **Mr. DURENBERGER.** Mr. President, I rise today to pay tribute to the men and women who work every single day of the year to produce our Nation's agricultural products. The farmers and farm families of Minnesota, like all American farmers, are the backbone of the United States. Our Nation has the largest source of cheap, safe, and plentiful food in the whole world. For this reason, we must honor our farmers throughout the year, not just on National Agriculture Day.

Minnesota's 88,000 farmers farm a tapestry of rolling hill country, great stretches of prairie land, and rich valleys that provide a marvelous mix of soils for a variety of agricultural products—wheat, corn, soybeans, barley, sugarbeets, dairy, beef cattle, hogs, sheep, chickens, turkeys, sunflowers, hay, potatoes, flax, rye, red clover seed, timothy seed, mink, wild rice, dry beans, lamb, eggs, sweet corn, green peas, and honey.

Minnesota is the sixth largest agricultural State. The hard work and effort of just one Minnesota farmer provides enough food to feed 101 people—74 Americans and 27 people overseas. Every Minnesota farmer generates four off-farm private enterprises in the State. Over $70,000 per year in cash receipts are generated from one Minnesota farm. And most of that is spent right in town to cover expenses, thus supporting rural small businesses.

American agriculture and food processing provides 21 million jobs, or 1 out of every 6 jobs in the country. Agriculture is the Nation's single largest industry. Farming alone employs 2.1 million people—as many as the combined work forces of the transportation, steel, and automobile industries.

Furthermore, agriculture accounts for 17 percent of America's gross national product. For every $1 billion in agriculture exports, 25 thousand American jobs are created.

Mr. President, the importance of agriculture to Minnesota and to the United States cannot be disputed. On this day, National Agriculture Day, I submit that our Government ought to do more for farmers and rural America.

The median age of a farmer in Minnesota is 48; across the Nation, it is 53. This Government can and should do more to give incentives for beginning farmers. Where will this Nation be in 15 years when so many of today's farmers will retire? Senator GRASSLEY and I recently introduced legislation to provide tax-exempt private agricultural activity bonds for beginning farmers.

This bill should be approved by the Senate early in this session. Aggie bonds are essential if farm loans are to be made for the next generation of farmers. As America sees record numbers of farmers leaving the land and younger generations moving to the cities, the need for tax-exempt aggie bonds is clear. Federal law constricts the use of the bonds for loans to first-time farm purchases and restricts them to a maximum of $250,000 per family per lifetime.

Local lenders are the primary purchasers of aggie bonds, and it is the local community that benefits from the beginning farmers that are funded by them. As farmers are established by this financing, the benefits of this program ripple out to the implement dealers, seed suppliers, and other services in the rural economy. Tax exemption for aggie bonds is good public policy.

This week Minnesota corn, wheat, and barley growers, cattlemen, and input dealers came to my office and impressed upon me the need for their Government to listen to their concerns. Last weekend I held a rural issues meeting in St. Peter, MN, where rural Minnesotans asked me why their Government took their taxes and then invested them in the cities.

Soon the Senate will be debating Btu taxes on energy and an increase in barge fees from 19 cents a gallon to $1.19 a gallon. Between gasoline and diesel to fuel their tractors, propane to dry their grain, fertilizer for their soil, electricity to run their machinery, and barges to ship their harvest, Minnesota farmers will be paying a huge sum into the Treasury. In fuel costs alone, the average Minnesota wheat grower will have increased costs of $2,000 annually. But what will he get in return?

So, Mr. President, on this National Agriculture Day I do not wish merely to devote my time to honoring the hardworking men and women who provide this Nation's bountiful harvest. I also charge the Senate, and the Federal Government generally, to respect the interests of America's farmers as we craft national policies.

What helps America's farmers is helpful to each and every one of us, from country crossroads communities to our greatest metropolitan areas.●

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that all but 15 minutes of the statutory 2 hours of time on amendment No. 183 be deemed to have been used in debate; that the remaining 15 minutes be divided, 5 minutes under the control of Senator KENNEDY and 10 minutes under the control of Senator DOMENICI; that the vote on the Kennedy amendment now scheduled for 9:10 a.m. tomorrow morning occur instead at 9:15 a.m. tomorrow morning, and that the vote on the Grassley amendment now scheduled for 11:30 a.m. tomorrow morning occur instead at 11:35 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess as under the previous order.

There being no objection, the Senate, at 10:27 p.m., recessed until tomorrow, Friday, March 19, 1993, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, March 18, 1993*

The House met at 11 a.m.

The Reverend James Healy, pastor, Our Lady Queen of Peace Catholic Church, Arlington, VA, offered the following prayer:

Creator God, You are truth, Your law is love. Make these, Your servants, called by Your people, unrelenting in their search for truth, unmatched in their witness to Your love.

Let Your Spirit hover over their daily deliberations. Give them patience and persistence in the face of frustration, conviction and courage in the art of compromise.

Make them passionate and persuasive in defense of the poor, discreet and discerning in demands of the rich. Let the Constitution be their charter and conscience their guide.

In matters of principle, make them intensely serious, in matters of privilege, a little less so.

Make them bold and courageous in leadership, humble and attentive in service for the good of Your people and Your glory, Eternal God.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BURTON of Indiana. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 253, nays 155, not voting 22, as follows:

[Roll No. 75]

YEAS—253

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoke
Holden
Houghton
Hoyer
Hughes
Hutto
Hyde
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Snowe
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torricelli
Towns
Traficant
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—155

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Huffington
Hunter
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pryce (OH)
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—22

Clay
DeFazio
Dornan
Fields (TX)
Ford (TN)
Gallo
Gingrich
Hastings
Henry
Johnston
Laughlin
Mineta
Murphy
Peterson (MN)
Quillen
Spratt
Torres
Tucker
Unsoeld
Washington
Williams
Wilson

☐ 1126

Mr. COBLE changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. McKEON] please come forward and lead the House in the Pledge of Allegiance.

Mr. McKEON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 904. An act to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 80. An act to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek corridor unit, the Big Sandy corridor unit, and the Canyonlands unit;

S. 164. An act to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes;

S. 214. An act to authorize the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate U.S. participation in that conflict;

S. 252. An act to provide for certain land exchanges in the State of Idaho, and for other purposes;

S. 275. An act to direct the Secretary of Agriculture to convey certain lands to the town of Taos, NM, and for other purposes;

S. 326. An act to revise the boundaries of the George Washington Birthplace National Monument, and for other purposes;

S. 328. An act to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes;

S. 344. An act to direct the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Fox and Lower Wisconsin River corridors in the State of Wisconsin as a National Heritage Corridor, and for other purposes; and

S. 375. An act to amend the Wild and Scenic Rivers Act by designating a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers System, and for other purposes.

The message also announced that pursuant to Public Law 102-240, the Chair, announced on behalf of the majority leader his appointment of Dana Connors of Maine, as a member of the National Council on Surface Transportation Research.

The message also announced that pursuant to sections 276d-276g, of title 22, United States Code, the Chair, on behalf of the Vice President, appoints Mr. METZENBAUM, as chairman of the Senate delegation of the Canada-United States Interparliamentary Group during the 103d Congress.

The message also announced that pursuant to section 403(a)(2) of Public Law 100-533, as amended, the Chair, announced on behalf of the majority leader his reappointment of Mary Ann Campbell of Arkansas and his appointment of Barbara Aiello of Maine, as members of the National Women's Business Council.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will not recognize Members for 1-minute requests at this time.

MOTION TO ADJOURN

Mr. BURTON of Indiana. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. BURTON of Indiana moves that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 69, noes 343, answered "present" 1, not voting 17, as follows:

[Roll No. 76]

AYES—69

Allard
Armey
Baker (CA)
Baker (LA)
Ballenger
Bartlett
Bentley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Collins (GA)
Crane
Crapo
DeLay
Doolittle
Duncan
Dunn
Everett
Fawell
Franks (CT)
Gallegly
Gekas
Gillmor
Goodling
Greenwood
Hancock
Hefley
Herger
Hobson
Hoekstra
Horn
Houghton
Hunter
Johnson (CT)
Johnson, Sam
King
Kingston
Lazio
Levy
Lewis (CA)
Lightfoot
Livingston
McCandless
McKeon
Mica
Miller (FL)
Molinari
Myers
Paxon
Pombo
Pryce (OH)
Roberts
Rohrabacher
Shaw
Smith (OR)
Smith (TX)
Solomon
Spence
Stump
Sundquist
Thomas (WY)
Torkildsen
Vucanovich
Walsh
Young (AK)

NOES—343

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dreier
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Fowler
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Grams
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoke
Holden
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Levin
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Snowe
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Taylor (MS)
Tejeda
Thomas (CA)
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walker
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Taylor (NC)

NOT VOTING—17

Clay
Dellums
Dornan
Fields (TX)
Foglietta
Ford (TN)
Gallo
Gingrich
Henry
Lehman
Miller (CA)
Quillen
Tauzin
Tucker
Washington
Williams
Wilson

□ 1145

Ms. SCHENK, Mrs. ROUKEMA, and Mr. HUTCHINSON changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR FURTHER CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 64, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1994

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 133 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 133

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the United States Government for the fiscal years 1994, 1995, 1996, 1997, and 1998. The concurrent resolution shall be considered as read for amendment under the five-minute rule. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed and by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment except as specified in this resolution. All points of order against the amendments printed in the report are waived. If more than one amendment in the nature of a substitute is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House. After the conclusion of consideration of the concurrent resolution for amendment and a final period of general debate, which shall not exceed twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, the Committee shall rise and report the concurrent resolution to the House with such amendment as may have been finally adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

□ 1150

The SPEAKER pro tempore (Mr. MCDERMOTT). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, I yield the customary one-half hour of debate time to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 133 is the rule providing for the further consideration of House Concurrent Resolution 64, the concurrent resolution on the congressional budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

The rule makes in order the four substitutes printed in the Rules Committee report:

First, the Kasich substitute, debatable for 2 hours;

Second, the Solomon substitute, debatable for 1 hour;

Third, the Mfume substitute, for the Black Caucus, debatable for 1 hour;

And finally, the Sabo substitute, consisting of the text of House Concurrent Resolution 64 as reported by the House Budget Committee, debatable for 2 hours.

Should more than one of these substitutes be adopted, the rule provides that only the last to be adopted shall be reported to the House.

The rule waives all points of order against the four substitutes. It also provides a period of 20 minutes of concluding debate, after disposition of all the substitutes.

Finally, as provided for in the Congressional Budget Act, amendments needed to achieve mathematical consistency are also made in order.

Mr. Speaker, as Members are aware, the role of the Budget Committee is, and has always been, to develop a blueprint, a general plan, for the Federal budget.

The budget resolution is the mechanism through which Congress determines appropriate, overall Federal spending and revenue levels, and directs the Appropriations Committee, the Ways and Means Committee, and the various authorizing committees, to report legislation which will achieve the goals outlined in the resolution.

Specific measures to implement the budget resolution—appropriations bills, and reconciliation legislation—will, of course, be considered later. It is through those bills that actual deficit-reduction measures will be debated and, eventually, enacted into law. Right now, today, our purpose is to consider total levels of spending and of revenues.

The Committee on Rules adopted a policy over a decade ago, I remind members, of making in order only comprehensive substitutes to the Budget Committee-reported budget resolution and, in most years, members of both parties have agreed on that approach, on that framework. We adopted that policy for a number of reasons:

Primary among them, first, that we believe that program-level, or line-item amendments to a budget-resolution are inappropriate. Such amendments are the province of the authorizing, appropriating, and tax committees—not the Budget Committee—and are only appropriate for consideration when legislation from those committees is later considered by the House.

Second, program-level amendments unnecessarily prolong debate on the budget resolution. Years ago, when the Rules Committee allowed line-item amendments to the budget resolution, floor consideration of the resolution could often take several weeks—that is, weeks, not days but weeks. The amendments offered were often duplicative amendments, which were also offered to the authorizing and appropriating bills. It was not a constructive use of floor time.

As the minority members of the Rules Committee know, we are quite sympathetic to providing more open rules in many cases. But this is a case where it is completely inappropriate to allow anything more than the comprehensive alternatives that the committee has made, in fact, in order under this rule. The three substitutes made in order do, each of them, offer a comprehensive alternative to the budget as reported by the Budget Committee.

Mr. Speaker, at this point I would like to commend, on behalf of all the members of the Committee on Rules, each of the three authors—the ranking minority member of the House Budget Committee, Mr. KASICH; the gentleman from New York [Mr. SOLOMON]; and the gentleman from Maryland [Mr. MFUME], and his colleagues on the Congressional Black Caucus—for the work they have done in putting together alternative fiscal plans, which do, in fact, give the Members of this House several different options for determining fiscal policy for the years ahead of us.

In all, Members will have four comprehensive budget blueprints, two Republican and two Democratic, from which to choose the best course for the Federal budget for the next 5 years.

I also wish to commend once again, as I did yesterday, and I am sure Members will join me in these remarks, the gentleman from Minnesota [Mr. SABO] for his diligent and effective work in developing a budget resolution in a very difficult time, one of great time constraints, a budget resolution that cuts an additional $63 billion from Mr. Clinton's budget plan over the 5-year period from fiscal year 1994 through fiscal year 1998.

In all, the resolution, as reported by the Committee on the Budget, would reduce the Federal deficit by $42 billion in fiscal year 1994 and by $510 billion over the next 5 years.

These savings, may I again remind our colleagues, represent real, substantive cuts. Under the Committee on the Budget's plan, we will be spending less in actual dollars on discretionary programs in every year, from 1994 through 1998, then we spend in 1993. Thus, discretionary spending will be frozen, with no increase for inflation, for the next 5 years.

The remainder of the $510 billion in deficit reduction is achieved through reconciliation instructions to 13 authorizing committees. Those savings will be enacted this year in a single, omnibus reconciliation bill through permanent changes in the law.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our friends on the other side of the aisle have touted the change that has taken place in the Federal Government—the new beginning—the death knoll for gridlock. True, what we see on the floor today—and in fact almost every day of this fledgling 103d Congress—is an evolution out of gridlock. But gridlock to grief is not exactly what Americans had in mind, and this budget resolution brings us grief.

On the agenda today is a budget resolution that calls for more than $300 billion in new taxes—for those who find billions hard to compute that translates into an average of $500 a year in higher taxes for a typical family with an after-tax income of $34,000. It's a budget for tens of billions of dollars of new spending with minimal and mostly vague spending constraints.

It's a budget that seems to ignore pleas from the American people to cut spending first and a budget that has disregarded collective proposals, including one of mine, to make specific and real budget cuts of hundreds of billions of dollars. It is a budget that leaves us with a rising deficit in 1998—even after enormous tax hikes and tremendous sacrifice.

And it is a budget resolution that will likely pass without the benefit of full scrutiny by all Members because the Democratic majority—even with its 80-vote advantage—has once again engineered a restrictive rule that shuts out many legitimate and relevant amendments. At the end of my remarks, I will submit the open rule substitute and the amendments and votes cast in the Rules Committee on this subject.

The distinguished minority whip asked the question most succinctly yesterday—just what is the Democratic leadership afraid of? What have we got to lose by debating the merits of Mr. WALKER's proposal? He suggested setting up a 10-percent checkoff so taxpayers can ensure that at least some of their money is being channeled to debt reduction.

And what is there to lose from discussing the distinguished minority leader's very responsible proposal to guarantee that no extraneous provisions end up in this budget resolution as it moves through the process? And I cannot understand what we could possibly lose by considering substitutes offered by Mr. BURTON and others to simply limit the growth of all Government spending over 5 years?

In my view, we have absolutely nothing to lose and everything to gain by opening up this process. So I ask my friends on the other side of the aisle—what are you afraid of? And I implore my colleagues in this House to remember that our actions on the budget—our progress in reducing the deficit, creating jobs, and encouraging economic growth—will be the yardstick by which we will be judged.

Voting for a restrictive rule and more taxes, higher spending and minimal budget cuts will be remembered. Members who are unquestioningly following mandates of their leadership will have some explaining to do. I urge a "No" vote on the previous question so we can consider the merits of all the amendments. Failing that, I urge a "No" vote on this rule.

ROLLCALL VOTES IN THE RULES COMMITTEE ON THE PROPOSED RULE FOR THE BUDGET RESOLUTION

1. Dreier motion—for an open rule. Rejected, 3–7. Yeas: Solomon, Dreier, and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat, and Slaughter.

2. Solomon motion—to make in order Walker amendment No. 2 (see attached summary of amendments). Rejected, 3–7. Yeas: Solomon, Dreier, and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat, and Slaughter.

3. Solomon motion—to make in order Walker amendment No. 8. Rejected, 3–7. Yeas: Solomon, Dreier, and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat, and Slaughter.

4. Dreier motion—to make in order Barton amendment No. 3. Rejected, 3–7. Yeas: Solomon, Dreier, and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat, and Slaughter.

5. Goss motion—to make in order Herger amendment No. 4. Rejected, 3–7. Yeas: Solomon, Dreier, and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat, and Slaughter.

6. Goss motion—to make in order Allard amendment No. 12, Rejected, 3–7. Yeas: Solomon, Dreier, and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat, and Slaughter.

7. Dreier en bloc motion—to make in order the following amendments: Everett No. 5, Burton No. 7, Bentley No. 9, Allard No. 11, and Smith (MI) No. 13. Rejected, 3–7. Yeas: Solomon, Dreier, and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat, and Slaughter.

8. Derrick motion—to report rule. Adopted, 7–3. Yeas: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat, and Slaughter. Nays: Solomon, Dreier, and Goss.

AMENDMENTS TO HOUSE CONCURRENT RESOLUTION 64

1. Sanders: Reduces defense (function 050) budget authority and outlays by $15 billion in each of fiscal years 1994–1998. Transfers $9 billion of that to Income Security (function 600) and $6 billion to Education, Training (function 500) in each of fiscal years 1994–1998.

2. Walker: Directs Ways and Means and Government Operations Committees to report, by August 1, 1993. Ways and Means must recommend changes in law to allow taxpayers to designate up to 10 percent of their tax liability to reture the public debt Government Operations must recommend changes in law to sequester each year (make automatic, across-the-board cuts in all spending except social security, debt payments and deposit insurance) an amount equal to the amount taxpayers designate for reducing the public debt.

3. Barton: Directs engrossing clerk to send to the Senate a joint resolution proposing a tax limitation/balanced budget constitutional amendment but only if the House adopts the conference report on the budget resolution by a vote of two-thirds of the total membership.

4. Herger: Reduces amount of total tax increases in each fiscal year by the amount assumed for increased taxes on Social Security benefits. Reduces spending in 5 functions (general science, energy, commerce and housing, transportation, and general government). The deficit amount would be correspondingly lowered in fiscal years 1994, 1996, and 1997 and would be increased in fiscal years 1995 and 1998.

5. Everett: Expresses sense of House that Members may not increase pay if budget deficit has occurred in previous Congress; Members should have pay reduced in deficit was not reduced by previous Congress.

6. Kasich: Reduces the budget deficit by $38 billion in fiscal year 1994 and $450 billion over 5 years. Achieves all savings through spending cuts, but includes some changes in user fees. Contains no spending or tax increases. Reforms, reduces or eliminates more than 160 programs. Reduces defense spending more than $60 billion (half of the President's recommendation); increases retirement age of federal workers; creates block grant for food and nutrition programs; expands use of managed care in the Medicaid program; provides means testing for Medicare benefits for those with incomes over $100,000; includes malpractice reform; cuts $5.5 billion from energy programs; places moratorium on federal land purchases; funds highway programs at baseline levels; cuts federal government by $48 billion over 5 years; cuts federal employees by 50,000 more than the President; freezes COLA's for federal employees, including Members of Congress.

7. Burton: Reduces the deficit by $850 billion over 5 years by limiting the annual growth in overall federal spending to no more than 2 percent.

8. Michel: Establishes a point of order against extraneous matter in any reconciliation legislation considered at the direction of the fiscal year 1994 Budget Resolution. Permits Members to strike provisions that (1) have no budgetary impact, (2) increase outlays or decrease revenues where a committee has not met its reconciliation target, (3) increase outlays or decrease revenues in years beyond those covered by the reconciliation bill, and (4) provisions not in the jurisdiction of the Committee reporting the provisions.

9. Bentley: Caps the fiscal year 1994 budget aggregates and the allocations for each function at the fiscal year 1993 level, plus two percentage points. For fiscal years 1995–1998, caps aggregates and allocations at preceding year's amounts, plus two percentage points.

Directs the Committee of the Whole to report, by May 14, 1993, a reconciliation bill to reduce expenditures by not less than $17.1 billion.

10. Solomon: Lowers total revenues by (1) eliminating several tax increases (including Btu tax, increase in tax on Social Security benefits, and corporate tax hike), (2) raising the income level at which the 36 percent individual tax rate begins (from $140,000 to $200,000 on joint returns), and (3) retaining 10 percent surtax on millionaires. To offset the revenue lost, includes all spending cuts from the Kasich substitute and includes $30 billion in additional cuts (including elimination of Supercollider, stretchout of space station funding, further cuts in legislative branch funding—from 15 to 25 percent, and reduction by 50 percent for highway demonstration projects. Also directs appropriate committees to report, by May 1, 1993, (1) a balanced budget constitutional amendment, (2) legislation providing the President enhanced rescission authority, and (3) legislation modifying maximum deficit amounts (MDAs) to reflect amounts in the resolution and to trigger sequestration if actual deficits exceed MDAs.

11. Allard: Decreases total new budget authority for fiscal year 1994 by $1.673 billion. Decreases outlays as follows: $650 million in fiscal year 1994, $540 million in fiscal year 1995, $291 million in fiscal year 1996, $131 million in fiscal year 1997, and $61 million in fiscal year 1998. Decreases deficit levels in corresponding amounts for each fiscal year. Specifies reductions by budget function, targeting those areas which traditionally have had earmarking or individual projects.

12. Allard: Decreases revenue levels in an amount equal to that which is estimated to result from a Btu tax. Reduces new spending in slightly larger amounts than what would be necessary to offset the lost revenues.

13. Smith (MI): Limits outlay expenditures in fiscal year 1994 to either (1) the outlay level of the Kasich substitute or (2) a limited freeze for fiscal year 1994. The freeze would limit the increase in Medicare and Medicaid expenditures to one-half the CBO estimate (approximately 6.5 percent above the fiscal year 1993 outlays) and permit an increase in Social Security to reflect the additional number of retirees projected. After 1994, the amendment would limit outlay expenditures to either (1) the outlay level of the Kasich substitute or (2) a 1 percent increase in each budget function, including Social Security (which would be adjusted to reflect the increased number of retirees). The amendment assumes the social Security retirement age would be extended by one month per year for 36 years.

14. Mfume: Redistributes among domestic discretionary functions to provide increases for education, competitiveness in new technologies, attacking homelessness and war on drugs. Rejects Btu tax; imposes new corporate and individual equity tax measures.

OPEN VERSUS RESTRICTIVE RULES: 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	8	0	0	8	100

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rules, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Source: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103rd Congress, through Mar. 17, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0 R–3)	PQ: (264–176. A: 259–164. Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: Motor voter	9 (D–1; R–8)	1 (D–0; R–1)	PQ: (248–171. A: 249–170. Feb. 4, 1993).
H. Res. 81, Feb. 16, 1993	MC	H.R. 6: Family planning	8 (D–0; R–8)	1 (D–0; R–1)	
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0	PQ: (243–172. A: 237–178. Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: (248–166. A: 249–163. Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: (247–170. A: 248–170. Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental appropriations	37 (D–8; R–29)	1 (not submitted) (D–1; R–0).	
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1–D not submitted) (D–2; R–2).	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

H. RES. 133

An amendment in the nature of a substitute offered by Mr. GOSS:

Strike all after the resolving clause and insert in lieu thereof the following: "That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the United States for the fiscal years 1994, 1995, 1996, 1997, and 1998. Following any general debate time remaining as provided for in H. Res. 131, the concurrent resolution shall be considered for amendment under five-minute rule. At the conclusion of the consideration of the concurrent resolution for amendment the Committee shall rise and report the concurrent resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion.".

☐ 1200

Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, as the President has presented his economic plan to the country, the Congress has gone out into the country to discuss and listen and debate that plan. Over and over again we hear that what the majority of the Americans want is more spending cuts first before we look at tax increases.

In order to do that, regardless of which budget resolution we adopt today, we have to have process reform. The single most important process reform that we must have is a balanced budget amendment to the Constitution of the United States.

I went to the Rules Committee yesterday to present as an amendment to any budget resolution that would be adopted the Barton-Tauzin balanced budget tax limitation amendment. The amendment was voted on in the House last summer and got 200 votes. It has bipartisan support. It has been endorsed yesterday by the entire Republican conference, all 175 members. The gentleman from Louisiana [Mr. TAUZIN], is my chief Democratic cosponsor, and we have over 25 Democratic cosponsors.

The Rules Committee waived all points of order on all amendments and all alternatives today, but they refused to let the Barton-Tauzin balanced budget amendment come to the floor to be adopted as an amendment to any of these budget resolutions. It does not matter what budget resolution we pass today, until we have process reform with real discipline, the resolutions are not worth the paper they are printed on.

I urge a "no" vote so that we can go back to the Rules Committee and make the Barton-Tauzin amendment in order. We have to have a balanced budget amendment. We have to have it in this Congress. We need a chance to do it today. The Rules Committee said no. We should reject this rule to give us another opportunity.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, the Democrats' tax increases are going to hurt American families. The Democrats' tax increases are going to hurt American employers. But tragically these tax increases will not reduce the deficit. Tax increases never reduce the deficit, and there are a lot of reasons for that.

One important reason is that people actually do behave differently when they are taxed more. This is something that the economic models that are used by the Budget Committee completely disregard. But the fact is when people's maximum marginal tax rates go up by 37 percent, as is the case in this proposal, they are going to get into tax shelters, they are going to get into municipal bonds, and the Federal Government will not get a nickel from those investments. They are going to defer the realization of their income, and yes, they may even do less work, earn less money, and some may even retire from the work force altogether.

Another reason why raising taxes will not decrease the deficit is that increased taxes hurt the economy so badly that they cost jobs loss and they reduce the income that working people make, so that even when the tax rates go up the tax revenues do not.

The fact is that the rich, whom many of these taxes are aimed at, and the corporations, whom many of these taxes are aimed at, are also known as investors and employers, and the constriction of the economy that is going to be caused by these tax increases will reduce revenues.

Finally, even if every nickel of projected tax revenues came into the Federal Treasury, we still would not use them to reduce the deficit, because as we know too well, whenever Congress has gotten extra revenues from tax increases it has spent every nickel and then some. This is the history of 1982, of 1986, of Gramm-Rudman I, of Gramm-Rudman II. There is no reason to believe that will be different this time.

Vote for the Kasich substitute and against the Democrats' proposal.

Mr. BEILENSON. Mr. President, for purposes of debate only, I yield 5 minutes to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, I rise in support of the rule and this budget resolution. I just concluded over 20 town meetings in my district, 6 meetings on the budget alone, trying to help our people understand the problems associated with the hard choices we must make on this issue. People would stand up in those meetings and voice their concerns about some part of the budget. Program services cuts, tax increases, sometimes expressing anger over their Government letting this country get to $4 trillion in debt. But inevitably those same people would come up to me at the end of the meeting and say:

> Congressman, we know the choices are tough, but we can tolerate this debt no longer. Change the direction and turn this country around from the accumulation of more deficits. We know that when the executive branch has told us we never have to pay for anything, that is wrong. And when the legislative branch tells us we never have to do without anything, that's equally wrong. Stop the blaming. Yes, we know that President Reagan doubled the defense budget and cut the taxes of the wealthiest people in this country. We also know that Democrats have opposed the line-item veto to find a mechanism to get the unnecessary and nonpriority spending out of the budget. And we know that all of you let the special interests too greatly affect your decisions. We know that it's not always possible to anticipate an S&L bailout, or a Persian Gulf war, or a flat economy, all of which contribute to the deficit, but Congressman, we also know that if you people choose to work together, you can change the direction of this country and this deficit. Do it.

Mr. Speaker, I support the President's budget because it is the most realistic approach to resolving the deficit crisis facing our country. It recognizes that almost every American will be called upon to help his country. It does not offer an easy course promising no pain, or only pain for those who are in a different economic class than we are. It challenges the wealthiest to pay a fairer share in support of the plight of the middle class in this country and it challenges the middle class to think of the poorest among us.

This debate, sir, is not about Bill Clinton. It is about our children, their nutrition, their health care, their education, their future. This debate is not about Congress, it is about our country. Its future. Our future. This debate is about establishing accountability again by being honest with the people, admitting that some things have to be paid for now and that some nonpriority things have to go now. Years from this moment the history books will look us squarely in the eye and they will record this decision for posterity. Will they say that we found the courage to make the hardest choice in the most difficult of times or will they say that we had not the courage. That we settled for the easy course once again, because we cared more about winning the political battle than we cared about winning the future for our children. In my judgment, the President's budget gives us the best opportunity to win that future.

□ 1210

Mr. GOSS. Mr. Speaker, I yield 5½ minutes to the gentleman from Indiana [Mr. BURTON], the author of the freeze amendment. We cannot hold him responsible for the weather in Washington; this is the budget freeze.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me this time.

I love these impassioned speeches that we just hear from the other side about how we have got to sacrifice and we have to be honest with the American people and that we have to help their country.

We brought a budget alternative to the Committee on Rules yesterday that would not raise America's taxes but would cut Government spending. It would pinch some toes, but it would not cause economic chaos, and they say, "You cannot get there without tax increases."

Well, America, there is a list of $1.1 trillion in spending cuts that could be made that will get us to a balanced budget in 5 to 6 years without any tax increase.

We had the largest tax increase, or one of them, 2 years ago, and they said that would get us to a balanced budget. What did it do? It led to a major recession, and they said it was going to be used for deficit reduction, and for every $1 in new taxes, they spent $2.70. It did not amount to much in deficit reduction, but it did feather a lot of their political nests.

But they will tell you that we have got to raise your taxes, and get this, folks, $402 billion, $325.5 billion in tax increases and the rest in fees and other things they are calling spending cuts, $402 billion in new taxes.

And get this: That is more than double the largest tax increase in history, yet they will tell you that is going to solve our economic problems. What it is going to do is put more taxes on the backs of businesses, and then those businesses who have to pass that on to the consumer are going to do so. It is going to price them out of competition. We are going to lose market share around the world to our competitors, and jobs will be driven out of this country.

Economists are telling us that the Clinton proposal will cost 1.4 million jobs over the next 5 years. All of their spending cuts are in the fourth and fifth years. All the tax increases and new spending is on the front end. We are going to have two Congresses elected between now and when the spending cuts take place. Do you think they will really take place? Not on your life.

They are going to raise your taxes and spend the money. We will never see the spending cuts.

So how do we get to a balanced budget? How do we save our kids and the future of this country? We do it by making the hard choices, by cutting spending.

What my budget does is it caps the growth of spending at no more than 2 percent a year, and we get there by changing, out of this $1.1 trillion, we get there by taking $848 billion out of these spending increases to get to the balanced budget. Sure, we are going to have to make the hard choices, but we do not have to take all of these spending cuts.

Mr. BRYANT. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. No. I do not have the time. I am sorry.

We only have to take $848 billion out of this.

But what do they want to do? They want to convince you and the American people that the only way there is going to be any solution to this problem and the only way we are going to get there is by the pain of more taxes and the pain of more taxes to the tune of more than double the largest tax increase in history.

It is going to put people out of work, drive companies out of this country, offshore into Taiwan and elsewhere, and it is going to hurt the economy dramatically. They are going to do irreparable damage to this economy with those tax increases.

We can cut the spending. The first thing we ought to be doing is taking a meat cleaver to the spending.

Ten years ago we brought in $500 billion in taxes. Today it is $1.2 trillion. We have almost tripled the tax revenues, yet they are still $400 billion short.

The problem is not that we do not have enough money. The problem is they are spending too much.

And now their President wants to load another $402 billion onto your backs.

The answer, if we are going to have shared pain, is not more taxes. The answer is to make hard choices, prioritize spending, cut out a lot of this stuff, and get to a balanced budget, not on the backs of the American people with more taxes, but by spending cuts. That is the answer.

If you look at this chart, you will see that, based upon current revenue projections by CBO, we will be at a balanced budget with a 2-percent solution by right at the turn of the century. If we use their plan, make no mistake about it, in 5 years you will be saddled with these taxes, and the budget will not be balanced. It will be worse. We will be in a bigger deficit hole, and we will have much more unemployment, and for each 1 percent of unemployment, it costs the Treasury and you, the taxpayer, $42 billion, $42 billion, and that is just another one of the problems they are going to create by hurting the economy with higher and higher taxes.

I would just like to say to my colleagues that lest you believe what I am saying, look at what they are doing; lest you believe what I am saying, the first bill they are bringing before this body, spending bill, is $19 billion, and it is almost all pork.

They will tell you that they are trying to cut spending and do the responsible thing. Let me just tell you what is in that bill: $5 million for a beach parking garage in some Congressman's district, $1 million for a cemetery in some Congressman's district, a movie theater, $3.5 million, for historic preservation in some Congressman's district, $4.5 million in gym replacement in some Congressman's district, $3.25 million in a pool, swimming pool renovation, and yet they tell you they are doing the responsible thing.

Cut spending, America.

Mr. BEILENSON. Mr. Speaker, for the purposes of debate only, I yield 5 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Speaker, Members of the House, I would like to say simply that the presentation which I just heard made by the gentleman from Indiana is, in my opinion, and I think it would be backed up by any credible analysis, almost completely and totally incorrect and, I presume, presented to this House for some motive other than simply trying to pass the amendment that he was talking about. I would observe, and I think it is very important to observe, the Committee on Rules permitted the ranking Republican member of the Committee on the Budget, the gentleman from Ohio [Mr. KASICH], to bring forward his proposal for how this budget should be treated as an alternative to the Democratic proposal, and also permitted the gentleman from New York [Mr. SOLOMON], the ranking Republican member of the Committee on Rules, to bring forward his proposal regarding the budget.

I am sorry, Mr. BURTON, that they did not let you bring yours forward, and all I can say is with regard to this long list you very dramatically dropped out here in front of the House, apparently the gentleman from Ohio [Mr. KASICH] did not agree with you either, and apparently the gentleman from New York [Mr. SOLOMON] did not either, because their amendments do not include what you showed the Members of this House.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. BRYANT. And I would say to the gentleman the same thing he just said to me a moment ago when I asked him to yield: Mr. BURTON, I do not have the time.

Mr. BURTON of Indiana. You do. You are the only speaker on your side. Yield for just a moment.

Mr. BRYANT. Mr. Speaker, I stand before the House today——

Mr. BURTON of Indiana. You do not want to answer?

Mr. BRYANT. I would observe, Mr. BURTON, that you did not yield to me, and so I will not afford you the same courtesy. If you choose to stand before this House and present what, in my view, are totally incorrect inferences and totally incorrect assertions, I do not believe that you ought to be allowed to do so without having to defend it and then come forward and ask us to yield to you, and I will not yield to you for that reason.

□ 1220

Mr. Speaker, I rise in support of the Clinton budget and of the Budget package of the Budget Committee of the House. I think it is indeed the first genuine and dramatic step forward in dealing with the economic holocaust that we suffered in the 1980's, when we added approximately $2 trillion to the national debt, based upon budget proposals which came from two Presidents nominated by those on the Republican side of the aisle.

I suggest that it is time for us to step up to the plate and recognize our responsibilities, which are, number one, that we must deal with this budget problem in a way that eliminates deficits and also takes into consideration the absolute necessity to maintain economic growth.

This budget reduces deficit spending over the next 5 years by $510 billion. It is a dramatic improvement in what we have been doing and it is a genuine step forward toward economic viability. It reduces deficits by more than the Republican package which is before us today.

It also limits discretionary spending to the same level that was enacted for 1993, that is for this fiscal year, during each of the next 5 years, and in my opinion that is also a dramatic step forward.

It cuts $63 billion more in spending than even the President proposed to us.

It is a responsible package. It takes into consideration the need to protect economic growth and also to eliminate these deficits, and it is a courageous proposal on the part of President Clinton to come forward and tell the American people that he is not going to be another one of these no pain Presidents. We have had no pain Presidencies for 12 years, and now the pain facing the American people is greater than anything we could possibly have imagined.

I submit to you that a President who is willing to come forward and say we need to make cuts and we need to increase taxes in certain areas is a President with courage who deserves to be followed, and I call upon the Members of the House today to vote for this rule and to follow him.

These new taxes apply to wealthiest Americans who have reaped the benefits of 12 years of Republican rule, who have reaped the benefits of tax changes that have increased their share of the national wealth at the expense of everybody else.

It is not wrong to suggest that they might endure slight increases in the tax rates which they must face on April 15. It is not wrong of us to say that taxes are a part of the solution to a budget problem that is completely out of control.

I submit to you it would be wrong to turn down this package. I urge you to vote for the very responsible rule now pending before the House and to vote for the budget package which follows.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON], the ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding me this time.

I just would like to call to the attention of my good friend, the gentleman form Texas, that I did not include the Burton freeze in my substitute simply because my substitute goes even further. I would be putting spending back in if I did that.

But let me say this. That issue of the freeze is a legitimate issue that should be on this floor for legitimate debate by both sides.

There was a substitute offered by the gentleman from Pennsylvania [Mr. WALKER] which has a check-off of 10 percent of your income tax to go toward reducing this deficit.

Now, some people agree with it, some do not.

They are legitimate issues that should be debated on this floor, and to make those substitutes in order and to have free and open debate would be fair.

I think the gentleman's constituents in Texas would like it. I know mine would, and that is all that I think the gentleman from Indiana [Mr. BURTON] was tying to make on that point.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield.

Mr. SOLOMON. I yield to my friend, the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I just want to say to my colleague, the gentleman from Texas and for the edification of my colleague, the gentleman from Texas, that all of these cuts came from the Kasich plan and the Heritage Foundation. They are very real cuts. They are not imaginery.

The problem is the Democrats do not want to make the hard choices. They would much rather load taxes on the backs of the American people and spend the money, instead of making the hard choices on the cuts that are necessary.

Mr. BRYANT. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Texas.

Mr. BYRANT. Mr. Speaker, I would just like to observe that if indeed the cuts of the gentleman from Indiana are in the plan of the gentleman from New York [Mr. SOLOMON] or they are in the plan of the gentleman from Ohio [Mr. KASICH], that I cannot understand what the gentleman is complaining about. We are going to vote on what the gentleman proposed. If that is true, then the gentleman has no complaint.

Mr. SOLOMON. Mr. Speaker, if I might just reclaim my time, his freeze is not in any of the plans.

Mr. BRYANT. Why not?

Mr. SOLOMON. Well, because it is a different concept and that different concept ought to be debated, because some of us want to make such deeper cuts in specific items.

Mine, for instance, eliminates the superconducting super collider in the gentleman's State of Texas. The gentleman does not like that. Some other people do not like it.

Mine eliminates one-third of the cost of the space station. Some people do not like that. He should have had his day in court.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Speaker, this past decade has been a decade of deficits, deficits created by a gridlocked National Government, a gridlock that resulted because of an unwillingness on the part of political leaders to address honestly those elements of our Federal budget which needed to be restrained if we were truly to eliminate the red ink.

For a decade we denied that in order to solve this monstrous problem, every item within the Federal budget needed to be placed on the table and cuts needed to be applied fairly throughout those accounts.

We denied the reality that in order to get rid of 200 or 300 billion dollars' worth of red ink that Pentagon spending needed to be dramatically curtailed.

We denied the reality that tough choices needed to made within the domestic discretionary spending agenda and that at the very least a spending cap or a freeze needed to be achieved in that area to force programs to compete one against another so that lower priority programs would be cut and higher priority programs would be benefited.

We denied that entitlement spending needed to be part of a budget solution. Yet, health care costs and retirement costs and farm program costs and other mandatory program costs are really the dragon that is eating up so much of this Federal budget and causing a large share of our deficit spending.

We were afraid for a decade to admit that even with the deepest of cuts in the Pentagon and in domestic programs and in the entitlement areas, we would probably have to raise taxes to balance this budget.

The American people proved in 1992 that they were ready to hear the truth. In response, we can credit President Clinton for presenting an honest budget to the country, a budget that has changed the dynamic of the debate about Federal spending.

President Clinton did what his predecessors would not. He put everything on the table.

President Clinton suggested 150 specific program cuts.

President Clinton opened the door to Social Security cuts by suggesting that the wealthiest seniors pay some taxes on their Social Security income as a way of contributing to our deficit reduction goals.

President Clinton admitted that taxes had to be part of the mix. As a consequence this year for the first time in a decade we have had a relatively honest discussion of budget priorities and budget decisions as we approach a solution to this Nation's deficit problems.

The House Budget Committee did the President one better. In the course of their work, they added $63 billion worth of spending cuts to the President's budget package. Effectively they have presented to us a budget that will call upon us to adhere to a 5 year spending freeze on discretionary spending. A spending freeze for 5 years is a tough proposition any way you look at it.

Further, they included additional entitlement cuts by limiting COLA's on certain retirement programs.

This is a tough budget. This is an honest budget. Those of us in the Democratic Party who led the call for additional cuts appreciate the cooperation we have received from the White House and from Chairman SABO in pursuing these additional savings.

As a result, we now have a budget that will help us move closer to the President's goal of reducing the Federal deficit by 50 percent over the next 4 years.

This time around we have an honest debate. This time around we have all the elements on the table.

□ 1230

For the first time in a decade American's and their leaders in Washington are finally facing the fact that there is no easy way to eliminate the deficit, that tough decisions are required. While this may be a tough vote for some Members of Congress, it is the right vote for the country.

Mr. Speaker, I urge a yes vote on the budget.

Mr. GOSS. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I rise to praise the gentleman from Indiana [Mr. BURTON] for the excellent job that he has done in presenting and preparing a freeze resolution.

I have long felt that this is the only sensible way to move on the most difficult question this Congress faces, which is how to get under control the massive deficits in which the Government has been engaged for decades and will be for more.

I particularly appreciate the words of the gentleman from New York [Mr. SOLOMON] that this proposal deserves its day in court.

Mr. Speaker, this is the only proposal before the House that does either not increase fees or not increase taxes. We do not touch Social Security or comparable government retirement programs. We freeze the budget at 2 percent growth rate per year, and by the year 2000, Mr. Speaker, the budget would be in balance, and $848 billion would have been saved.

I say to my colleagues, "If you're talking about fairness, fairness means all programs, but a very small number treated equally and feel the pain equally."

A few weeks ago I introduced H.R. 1099. It was based on two principles, and I suggest that we face up to those principles:

No. 1, that Congress should act like a true board of directors and set the broad target, but set it firmly; No. 2, the President should be held accountable for moving funds within that broad target.

Mr. Speaker, the gentleman from Indiana [Mr. BURTON] has approached that. I have approached it. H.R. 1099 is before the Committee on Government Operations. The freeze type proposal in the nature of a substitute deserves a hearing in committee and on this floor. The Budget Act of 1974 in this regard is completely outdated.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the gentleman from the Commonwealth of Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman from Florida [Mr. GOSS] for yielding this time to me, and, Mr. Speaker, I am obviously disappointed that this rule did not allow a variety of alternatives to come to the floor, one of which the Committee on Rules had before them that was an attempt to allow me to offer the 10-percent checkoff debt buy-down amendment which would give the American people an opportunity for the first time to check off on their tax form money to buy down the national debt and, thereby, at the same time reduce the deficit because it forces the Government to match dollar for dollar every debt buydown dollar with a dollar of spending cuts. This particular proposal not only balances the budget in 5 years, but in 15 years, worked optimally, accordingly to CBO, this is something that actually wipes out the entire national debt.

Now whether my colleagues agree with that as a concept or whether they do not; maybe there are people in this body who just do not want the American people involved in the process, but at least it is something that deserves discussion on the floor. It was an entirely germane amendment. What I am told is that we were told at the Committee on Rules that we could not do this because it was not in the form of a substitute and they only allow substitutes. Well, that is not right.

Mr. Speaker, back in 1991, when we were debating the budget resolution for 1992, the gentleman from Michigan [Mr. FORD] offered a perfecting amendment. He was given an opportunity because he is a Democrat to come to the floor with something other than a substitute. However, Mr. Speaker, when a Republican goes to the Committee on Rules, asks for a perfecting amendment, asks for a procedural amendment, Republicans are told, "No, you may only bring a substitute," and, if you are Mr. BURTON and bring a substitute, you are told, "No, you can't even have that."

Now, if my colleagues wonder why we think this place operates unfairly, just consider how the budget has been debated thus far. First of all, on the budget resolution they got 5½ hours of debate on the Democrat side. We got 4½ hours of debate. That is pretty unfair. They got their amendments; we do not get our amendments. They get their substitutes, and, as my colleagues know, we get only a couple of substitutes, but not what we ask for.

Mr. Speaker, it seems to me this rule is a travesty.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. EVERETT].

Mr. EVERETT. Mr. Speaker, I have heard a lot today on how taxpayers must suffer. Share of pain we call it. I have not heard anything about how the Congress must share the pain with the public.

Yesterday in the Committee on Rules I asked to offer a simple amendment to the budget resolution. It would express the sense of Congress that Members should not receive an increase in pay if there is a budget deficit left by the preceding Congress.

Mr. Speaker, Members of Congress talk a good game of deficit reduction, but in the end do they really care about the fiscal responsibility since there is no penalty? There is a perception in the public that they do not care.

Most American workers get paid according to their job performance, Mr. Speaker, and I ask, "Why should our work place be any different? Why shouldn't Members of Congress receive compensation on a pay-per-performance basis just like other Americans? If Congress cannot reduce the deficit in an effective way, then freeze the pay level.

We are public servants. We serve the public. If anything, we should face higher standards as public servants. There is a national perception that Members of this institution seem to have it backwards.

Mr. Speaker, I firmly believe that before Congress can lead this Nation to face the difficult tasks before us that we must show the Nation we are willing to lead by example. The House should be given a chance to state its position on this concept. The amendment would help change the perception that Congress protects its own purse while taking from the taxpayers.

It is a fair amendment, Mr. Speaker, fair to the Members of Congress and fair to the taxpayer. It would penalize Congress if it did not perform, and it should have been allowed.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 7 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Speaker, I rise in strong support of the President's investment plan. It is exactly what is needed to restore this country to its rightful place as the leader in the international global marketplace through emphasis in education and basic research. This 5-year budget plan will increase funding for education by over $38 billion. This is a solid boost which will arm our students with higher level curriculum, better trained teachers, better equipment, more books and an enhanced teaching capacity in all of our classrooms across America.

President Clinton has put forth a comprehensive plan. I give it vigorous support because it will enhance the lives of women all across this Nation.

Let us not forget that half of American jobs are held by women. A jobs program will help women.

Women have suffered disproportionately over the last decade from failure of the prior administrations to think in terms of investing in the human needs of our working population: education, job training, child care, health, and equal opportunity.

We now have a President who speaks and thinks in terms of investment in human infrastructure.

Today 62 percent of those in poverty are women. Clinton's plan will put thousands of women back to work. This is a direction and priority that has been missing for the last decade.

Head Start for a million more children means jobs for tens of thousands of women. Providing high quality educational programs for these young children will not only employ thousands of women in the Head Start Program, but it will enable thousands more of the mothers of these children to get into jobs and job training.

Of all families who live in poverty, 51 percent are headed by women; 4.5 million women who work, live in poverty despite their jobs. Every time that our program lifts these women out of poverty into better paying jobs, it is a step up in the effort at deficit reduction.

Every child in Head Start opens up the possibility that the parent or parents have a better chance too to tool up their skills and seek a better job to work their way out of poverty. The dividends from our investment in Head Start are enormous.

It is this kind of investment plan seen throughout the Clinton program that promises the best hope for the future in terms of economic recovery and family stability.

Likewise, full funding of WIC for poor women, infants and children will save lives and lower the cost of health care among these most vulnerable and at-risk persons in our society. Every child this program captures means dollars in savings in the future. It is a long-term investment in our future which will pay dividends from the day it feeds a hungry child.

Earned income tax credit will stimulate low-wage earners earning under

$30,000 to stay on the job to receive this credit. Many, if not a majority of these families who will be helped, consist of women wage earners. As they work their way out of poverty they will be reducing the deficit.

Child care support is included in the Clinton plan through the block grant program. If I have any grief about what is missing in the Clinton program it is that it does not provide enough in child care support funding. Women need good, high-quality child care programs. Women with young children make up a good percentage of the work force. They need quality programs where they can leave their children with confidence that they will be receiving a good educational program, as good, if not better, than Head Start. America does not have a nanny problem. Most women cannot afford such a luxury. Women need affordable child care programs available at the workplace, at their colleges, close to their homes and in their communities.

Education funding like chapter I, Job Corps centers, summer jobs for teenagers, job training programs, and others included in the President's plan will help young women move toward their first job better prepared and more highly trained.

To protect them in their jobs, to assure their right to advance without discrimination and harassment, the Clinton plan also provides for additional enforcement in the civil rights of workers, in particular the minorities and women.

Women must be assured access to jobs in this renewed, revitalized America—whether it is infrastructure jobs, small business investment loans to start a new business, or promotions into positions of management.

The President's plan is preserved in tact in this House budget resolution, House Concurrent Resolution 64. It is good for the economy, it reduces the deficit, it raises taxes and cuts spending on an equal ratio of 1 to 1, it will rebuild lives, create jobs, and give hope to millions that finally we have a President who cares about people and indeed puts them first.

I urge a "yes" vote for this resolution because it is good for America and more importantly because it is good for women, and it is the best beginning we have had in 12 years.

□ 1240

Mr. GOSS. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from the midwest coast of Florida, Mr. BILIRAKIS.

Mr. BILIRAKIS. Mr. Speaker, I believe, contrary to the impression we may have been giving for the past few hours to people watching at home, there are many things upon which we can all agree here today.

We all want America to remain the strongest country in the world, both militarily and economically. We want our children to grow up healthy, well-educated, drug free and prosperous. And we want to reduce the burgeoning Federal deficit.

Make no mistake. We don't like it. We don't like having to say, over and over, that Federal Government spending must be contained, that waste must be eliminated, that the bloated bureaucracy must be deflated and that all programs must be examined with an eye toward cutting. We don't like to argue, over and over again, that we need a balanced budget amendment and a line-item veto.

No, it would be much easier to just keep piling money on every program year after year, regardless of effectiveness or continued need. It is far easier to spend money than it is to save money. It is much more pleasant to create programs than it is to cut programs.

In short, it is much easier to give than it is to take away.

Mr. Speaker, I believe all of us would like our President to succeed. But this budget will inflict real and long-term pain on average Americans in many ways.

But perhaps the most important aspect of the President's plan is that the taxes that he has proposed will come immediately, while deficit reduction remains a vague promise and a dim light at the end of the tunnel.

The President's budget raises taxes on Social Security recipients, cuts Medicare reimbursements and imposes a brutally regressive energy tax on everyone, regardless of income.

Americans have said they would pay more taxes to reduce the deficit. They have said they are willing to sacrifice. But they want results. And the fact is that the new tax money which is proposed, tragically, will not go toward reducing the deficit. It will go toward new spending.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinghished gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding time to me.

The question is on the decision of the Committee on Rules not to allow certain amendments to come before this body. I am disappointed that seven Members of the Committee on Rules can dictate what Members of the U.S. Congress will even be allowed to vote on.

We have heard a lot of talk about whether or not we want to balance the budget. During the election campaign, politicians proclaimed that "the Federal Government ought to live within its means" and led voters to believe that they could stop overspending.

My proposal to the Rules Committee, in a request to allow this Chamber to vote on the only balanced budget resolution before it, was denied. This resolution would have frozen wages of not only Government employees, but legislators. It would have limited the growth of Government in the early years from a freeze to a 6.5-percent increase. It would have cut the fat out of much wasteful Government spending. It would have cut $1 trillion out of Government spending over the next 5 years. Eliminating Government overspending would result in interest savings alone of $112 billion. The proposal included budget cuts supported by the Heritage Foundation, the Cato Institute, Bush administration, and Clinton administration.

As we look at this 55-page document that Jon Gauthier of my staff and I put together, it is important to put our actions where our mouth and our political rhetoric is. Government ought to have the kind of restraint on spending that American families must have in order to balance their checkbooks.

Congress agrees that the Federal deficit is not fair to future generations. Congress should not only be allowed to vote on a balanced budget, in fairness to taxpayers, it ought to be required.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding time to me.

We have been hearing a lot of claims about what this budget of Mr. Clinton's will do. We have been told we cannot tolerate this debt, that we must eliminate the deficit, and that this budget reduces debt. I wish it were true.

□ 1250

If it were, I could support it. But under Mr. Clinton's own numbers, under his own predictions, this budget is going to in 4 years increase the debt of America by $916 billion. That is in one term $183 billion more than the first Reagan term. In one term it is $238 billion more in deficit than under the Reagan second term.

In 4 or 5 years under this program, welfare becomes the third largest item in the budget, larger than defense.

Mr. Speaker, this is a budget-busting proposal to move moneys from defense to welfare, and it ought to be defeated.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 1½ minutes to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Speaker, I rise in support of the rule for consideration of the budget resolution for fiscal year 1994. The rule makes in order three alternatives to the Budget Committee's recommendation and allows us to debate the flaws and virtues of each before the American public.

The debate will be about differences of opinion in how we achieve a common goal of reduced deficits, a healthy economy, and meeting the needs of our people. We are not going to quibble over details. The debate today will lay out the basic philosophies of our two major parties and highlight the differences within each party.

Two Republican proposals and two Democratic proposals will be considered. I don't agree with everything in any of them. Everyone who listens to the debate today and everyone voting in this Chamber will find merits in each bill—and problems in the details of all of them. Democracy is a process of principled compromise. In looking at the four proposals that will be debated today, the strongest package—the one that I believe will prevail in the debate—is the budget crafted by the House Budget Committee. It cuts spending deeper than the President requested. It produces $510 billion in deficit reduction over 5 years. It is based on careful assumptions about revenues and spending. It includes incentives for business to invest in the future growth of our economy. It calls for tough decisions on spending priorities and entitlement programs.

I commend the efforts of my Republican colleagues Mr. KASICH and Mr. SOLOMON and my Democratic colleague Mr. MFUME, as well as Budget Committee Chairman SABO. I ask all my colleagues to support the rule so we can move forward with this debate.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Indiana [Mr. BURTON], the author of the freeze.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

Let me just say to my colleagues who may be off the floor, or those who are here on the floor, that we will be having a vote on the previous question. Since we were not able in the Committee on Rules to get our 2-percent-plus freeze brought to the floor for a vote, the only vote we will be able to have on whether or not Members agree with that, will be on the previous question in just a few minutes.

Let me just say to my colleagues, if you do not want to vote for the Democrat $402 billion tax increase, if you would rather approach this from the freeze-plus-2-percent-and-cut-spending approach, then vote for our position on the previous question when it comes up in just a few minutes.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are at about the end of this debate, and I would like to just make a few wrap-up remarks in my remaining time.

Mr. Speaker, first of all, I think that it is important that our colleagues understand that we are not going to be allowed to consider under what is in fact a restrictive rule—and it is not the most restrictive rule, but it is a restrictive rule—we are not going to be able to consider the Michel amendment to protect against extraneous matters being tacked onto the budget. There is certainly not going to be any consideration of the budget freeze proposals we have heard so much about in the last hour. There is not going to be any consideration of the approach of the gentleman from Indiana [Mr. BURTON] to limit the growth of Government spending, and that is something we have had on the floor in past years.

We will not get a chance to fully debate the idea of a national taxpayer checkoff, which has been kicked around quite a while. It has been in the campaign, has been on the floor, is back again, and it is something I think is worthy of debate, and I know many Members would like to have the opportunity to vote on it. It would at least ensure that some of the tax dollars we are talking about would go toward reducing the deficit.

Mr. Speaker, the list goes on. I think this is probably going to be the No. 1 task of this Congress. The fact we are not going to have a chance to debate and vote on those issues somehow seems to me wrong placed.

Mr. Speaker, I would also like to point out we have an automatic debt ceiling extender in this budget resolution, and it means that ceiling is going to go up. I suppose when it gets up over $4 trillion, people's eyes begin to close about that. But the fact is that is serious and it is just going to happen sort of automatically.

Mr. Speaker, I have to urge defeat of the previous question, because that is a vote for Burton, for Walker, and Michel, and I would like to say it is a vote for getting a question of the debt ceiling on the floor too, but it is not.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think we have done a pretty good, and a pretty fair, job on this particular rule. As I mentioned at the outset, all Members will have before them, available for a vote, four comprehensive budget blueprints, two of them by Democrats, and two of them by Republicans, from which they may choose the best course for the Federal budget for the next 5 years. So I ask support of this rule. I think it is a good rule.

Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to rule 5(b)(1) of rule XV, the Chair may reduce to 5 minutes the time for any recorded votes that may be ordered on adoption of the resolution without intervening business.

The vote was taken by electronic device, and there were—yeas 250, nays 172, not voting 8, as follows

[Roll No. 77]

YEAS—250

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento

Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—172

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Brewster
Ford (MI)
Ford (TN)
Henry
Herger
McDade
Quillen
Washington

□ 1315

The Clerk announced the following pair:

On this vote:

Mr. Washington for, with Mr. Quillen against.

Mr. HORN changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McDERMOTT). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 251, noes 172, not voting 7, as follows:

[Roll No. 78]

AYES—251

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—172

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Browder
Ford (MI)
Ford (TN)
Henry
McDade
Quillen
Washington

□ 1324

The Clerk announced the following pair:

On this vote:

Mr. Washington for, with Mr. Quillen against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McDERMOTT). Without objection, a motion to reconsider is laid on the table.

Mr. BURTON of Indiana. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. MOAKLEY. Mr. Speaker, I move to reconsider the vote by which the House agreed to House Resolution 133.

MOTION TO TABLE OFFERED BY MR. BEILENSON

Mr. BEILENSON. Mr. Speaker, I move to lay on the table the motion to reconsider the vote.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. BEILENSON] to lay on the table the motion offered by the gentleman from Massachusetts [Mr. MOAKLEY] to reconsider the vote on House Resolution 133.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 250, noes 172, not voting 8, as follows:

[Roll No. 79]

AYES—250

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—172

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Flake
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Crane
Ford (TN)
Hamburg
Henry
Hinchey
McDade
Quillen
Washington

☐ 1342

The Clerk announced the following pair:

On this vote:

Mr. Washington for, with Mr. Quillen against.

So the motion to table was agreed to.

MOTION TO ADJOURN

Mr. BURTON of Indiana. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. McDERMOTT). The Clerk will report the motion.

The Clerk read as follows:

Mr. BURTON of Indiana moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 60, nays 360, not voting 10, as follows:

[Roll No. 80]

AYES—60

Allard
Armey
Baker (CA)
Baker (LA)
Ballenger
Bartlett
Bentley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Collins (GA)
Cox
Crane
Doolittle
Dornan
Duncan
Dunn
Everett
Ewing
Fields (TX)
Fowler
Franks (CT)
Gekas
Gingrich
Goodling
Greenwood
Hancock
Hansen
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Hunter
Hyde
Johnson, Sam
King
Kingston
Livingston
McCandless
McKeon
Mica
Molinari
Paxon
Pombo
Roberts
Rohrabacher
Spence
Stump
Taylor (NC)
Thomas (WY)
Torkildsen
Vucanovich
Walsh
Young (AK)

NOES—360

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Bachus (AL)
Baesler
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dreier
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Grams
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hoagland

Hochbrueckner
Holden
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walker
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Berman
Ford (TN)
Hamburg
Henry
Hinchey
Johnston
Kaptur
Pickett
Quillen
Washington

☐ 1401

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1994

The SPEAKER pro tempore (Mr. McDERMOTT). Pursuant to House Resolution 133 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution, House Concurrent Resolution 64.

☐ 1401

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998, with Mr. SERRANO in the Chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. When the Committee of the Whole rose on the prior legislative day, all time for general debate had expired.

Pursuant to House Resolution 133, the concurrent resolution is considered as read for amendment under the 5-minute rule.

The text of the concurrent resolution, House Concurrent Resolution 64, is as follows:

H. CON. RES. 64

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994.

The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1994, including the appropriate budgetary levels for fiscal years 1995, 1996, 1997, and 1998, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1993, October 1, 1994, October 1, 1995, October 1, 1996, and October 1, 1997:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1994: $905,300,000,000.
Fiscal year 1995: $970,200,000,000.
Fiscal year 1996: $1,030,600,000,000.
Fiscal year 1997: $1,086,000,000,000.
Fiscal year 1998: $1,135,600,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1994: $27,200,000,000.
Fiscal year 1995: $36,800,000,000.
Fiscal year 1996: $51,000,000,000.
Fiscal year 1997: $66,400,000,000.
Fiscal year 1998: $65,700,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1994: $93,100,000,000.
Fiscal year 1995: $104,900,000,000.
Fiscal year 1996: $111,100,000,000.
Fiscal year 1997: $116,700,000,000.
Fiscal year 1998: $122,500,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1994: $1,222,100,000,000.
Fiscal year 1995: $1,288,200,000,000.
Fiscal year 1996: $1,337,400,000,000.
Fiscal year 1997: $1,393,900,000,000.
Fiscal year 1998: $1,461,200,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1994: $1,217,700,000,000.
Fiscal year 1995: $1,276,700,000,000.
Fiscal year 1996: $1,315,100,000,000.
Fiscal year 1997: $1,355,000,000,000.
Fiscal year 1998: $1,424,800,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1994: $312,400,000,000.
Fiscal year 1995: $306,500,000,000.
Fiscal year 1996: $284,500,000,000.
Fiscal year 1997: $269,000,000,000.
Fiscal year 1998: $289,200,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1994: $4,715,300,000,000.
Fiscal year 1995: $5,076,800,000,000.
Fiscal year 1996: $5,428,400,000,000.
Fiscal year 1997: $5,776,300,000,000.
Fiscal year 1998: $6,141,400,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1993, October 1, 1994, October 1, 1995, October 1, 1996, and October 1, 1997, are as follows:

Fiscal year 1994:

(A) New direct loan obligations, $21,400,000,000.

(B) New primary loan guarantee commitments, $148,000,000,000.

Fiscal year 1995:

(A) New direct loan obligations, $22,100,000,000.

(B) New primary loan guarantee commitments, $152,400,000,000.

Fiscal year 1996:

(A) New direct loan obligations, $32,400,000,000.

(B) New primary loan guarantee commitments, $145,500,000,000.

Fiscal year 1997:

(A) New direct loan obligations, $43,800,000,000.

(B) New primary loan guarantee commitments, $137,000,000,000.

Fiscal year 1998:

(A) New direct loan obligations, $45,500,000,000.

(B) New primary loan guarantee commitments, $137,400,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1994 through 1998 for each major functional category are:

(1) National Defense (050):

Fiscal year 1994:

(A) New budget authority, $263,200,000,000.

(B) Outlays, $276,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $262,000,000,000.

(B) Outlays, $271,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $253,100,000,000.

(B) Outlays, $264,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $247,600,000,000.

(B) Outlays, $248,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $253,400,000,000.

(B) Outlays, $251,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1994:

(A) New budget authority, $19,700,000,000.

(B) Outlays, $18,900,000,000.

(C) New direct loan obligations, $2,400,000,000.

(D) New primary loan guarantee commitments, $14,900,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $18,900,000,000.

(B) Outlays, $18,300,000,000.

(C) New direct loan obligations, $2,500,000,000.

(D) New primary loan guarantee commitments, $15,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $17,500,000,000.

(C) New direct loan obligations, $2,500,000,000.

(D) New primary loan guarantee commitments, $15,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $17,700,000,000.

(B) Outlays, $17,100,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $15,900,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $17,500,000,000.

(B) Outlays, $17,000,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $14,300,000,000.

(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1994:

(A) New budget authority, $18,100,000,000.

(B) Outlays, $17,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $19,300,000,000.

(B) Outlays, $18,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $20,100,000,000.

(B) Outlays, $19,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $20,800,000,000.

(B) Outlays, $20,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $21,300,000,000.

(B) Outlays, $21,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1994:

(A) New budget authority, $4,800,000,000.

(B) Outlays, $3,800,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $5,900,000,000.

(B) Outlays, $4,100,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $5,500,000,000.

(B) Outlays, $4,300,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $5,600,000,000.

(B) Outlays, $4,500,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $5,800,000,000.

(B) Outlays, $4,400,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1994:

(A) New budget authority, $20,600,000,000.

(B) Outlays, $20,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $22,600,000,000.

(B) Outlays, $20,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $22,200,000,000.

(B) Outlays, $21,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $22,400,000,000.

(B) Outlays, $21,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,300,000,000.

(B) Outlays, $21,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1994:

(A) New budget authority, $15,100,000,000.

(B) Outlays, $14,400,000,000.

(C) New direct loan obligations, $12,300,000,000.

(D) New primary loan guarantee commitments, $6,400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $12,200,000,000.

(C) New direct loan obligations, $11,700,000,000.

(D) New primary loan guarantee commitments, $6,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $12,400,000,000.

(B) Outlays, $10,500,000,000.

(C) New direct loan obligations, $11,800,000,000.

(D) New primary loan guarantee commitments, $6,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $11,700,000,000.

(B) Outlays, $10,000,000,000.

(C) New direct loan obligations, $11,300,000,000.

(D) New primary loan guarantee commitments, $6,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $11,600,000,000.

(B) Outlays, $10,000,000,000.

(C) New direct loan obligations, $11,500,000,000.

(D) New primary loan guarantee commitments, $6,600,000,000.

(E) New secondary loan guarantee commitments, $0.

(7) Commerce and Housing Credit (370):

Fiscal year 1994:

(A) New budget authority, $16,900,000,000.

(B) Outlays, $8,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $84,700,000,000.

(E) New secondary loan guarantee commitments, $85,000,000,000.

Fiscal year 1995:

(A) New budget authority, $17,000,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $87,500,000,000.

(E) New secondary loan guarantee commitments, $88,000,000,000.

Fiscal year 1996:

(A) New budget authority, $13,900,000,000.

(B) Outlays, $3,500,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $89,100,000,000.

(E) New secondary loan guarantee commitments, $91,000,000,000.

Fiscal year 1997:

(A) New budget authority, $9,900,000,000.

(B) Outlays, −$10,400,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $91,300,000,000.

(E) New secondary loan guarantee commitments, $94,000,000,000.

Fiscal year 1998:

(A) New budget authority, $10,400,000,000.

(B) Outlays, −$7,200,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $93,300,000,000.

(E) New secondary loan guarantee commitments, $97,000,000,000.

(8) Transportation (400):

Fiscal year 1994:

(A) New budget authority, $40,300,000,000.

(B) Outlays, $36,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $40,900,000,000.

(B) Outlays, $37,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $41,700,000,000.

(B) Outlays, $39,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $43,000,000,000.

(B) Outlays, $39,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $44,200,000,000.

(B) Outlays, $40,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1994:

(A) New budget authority, $8,900,000,000.

(B) Outlays, $8,800,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $2,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $8,600,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $2,500,000,000.

(D) New primary loan guarantee commitments, $3,400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $8,800,000,000.

(B) Outlays, $8,100,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $3,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $9,000,000,000.

(B) Outlays, $8,300,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $3,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $9,200,000,000.

(B) Outlays, $8,600,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

(E) New secondary loan guarantee commitments, $0.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1994:

(A) New budget authority, $56,000,000,000.

(B) Outlays, $52,200,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $19,900,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $60,400,000,000.

(B) Outlays, $55,300,000,000.

(C) New direct loan obligations, $1,700,00,000.

(D) New primary loan guarantee commitments, $20,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $62,100,000,000.

(B) Outlays, $54,500,000,000.

(C) New direct loan obligations, $11,700,000,000.

(D) New primary loan guarantee commitments, $11,100,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $63,800,000,000.

(B) Outlays, $61,100,000,000.

(C) New direct loan obligations, $23,600,000,000.

(D) New primary loan guarantee commitments, $200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $66,900,000,000.

(B) Outlays, $64,300,000,000.

(C) New direct loan obligations, $24,900,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

(E) New secondary loan guarantee commitments, $0.

(11) Health (550):

Fiscal year 1994:

(A) New budget authority, $119,200,000,000.

(B) Outlays, $118,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $133,700,000,000.

(B) Outlays, $132,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $148,100,000,000.

(B) Outlays, $146,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $163,300,000,000.

(B) Outlays, $161,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $180,500,000,000.

(B) Outlays, $178,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1994:

(A) New budget authority, $151,200,000,000.

(B) Outlays, $149,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $171,600,000,000.

(B) Outlays, $167,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $184,200,000,000.

(B) Outlays, $183,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $201,600,000,000.

(B) Outlays, $201,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $221,500,000,000.

(B) Outlays, $221,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1994:

(A) New budget authority, $209,900,000,000.

(B) Outlays, $210,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $218,500,000,000.

(B) Outlays, $219,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $229,900,000,000.

(B) Outlays, $224,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $243,200,000,000.

(B) Outlays, $234,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $249,300,000,000.

(B) Outlays, $243,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1994:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $6,700,000,000.

(B) Outlays, $9,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $7,300,000,000.

(B) Outlays, $10,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $7,900,000,000.

(B) Outlays, $11,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $8,600,000,000.

(B) Outlays, $11,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1994:

(A) New budget authority, $34,700,000,000.

(B) Outlays, $36,300,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $19,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $35,400,000,000.

(B) Outlays, $35,500,000,000.

(C) New direct loan obligations, $1,600,000,000.

(D) New primary loan guarantee commitments, $19,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $36,000,000,000.

(B) Outlays, $34,600,000,000.

(C) New direct loan obligations, $1,600,000,000.

(D) New primary loan guarantee commitments, $19,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $36,200,000,000.

(B) Outlays, $36,400,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $19,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $36,800,000,000.

(B) Outlays, $36,900,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $19,500,000,000.

(E) New secondary loan guarantee commitments, $0.

(16) Administration of Justice (750):

Fiscal year 1994:

(A) New budget authority, $15,100,000,000.

(B) Outlays, $15,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $15,600,000,000.

(B) Outlays, $15,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $15,900,000,000.

(B) Outlays, $16,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $16,100,000,000.

(B) Outlays, $16,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $16,600,000,000.

(B) Outlays, $16,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1994:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $13,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $12,800,000,000.

(B) Outlays, $14,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,200,000,000.

(B) Outlays, $13,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $13,300,000,000.

(B) Outlays, $13,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $13,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1994:

(A) New budget authority, $239,900,000,000.

(B) Outlays, $239,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $260,800,000,000.

(B) Outlays, $260,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $280,100,000,000.

(B) Outlays, $280,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $297,400,000,000.

(B) Outlays, $297,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $314,700,000,000.

(B) Outlays, $314,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1994:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$5,300,000,000.

(B) Outlays, −$5,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$4,000,000,000.

(B) Outlays, −$4,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$5,000,000,000.

(B) Outlays, −$5,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$10,800,000,000.

(B) Outlays, −$10,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1994:

(A) New budget authority, −$30,600,000,000.

(B) Outlays, −$32,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$30,800,000,000.

(B) Outlays, −$32,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$31,000,000,000.

(B) Outlays, −$32,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$31,600,000,000.

(B) Outlays, −$32,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$32,100,000,000.

(B) Outlays, −$33,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

SEC. 4. RECONCILIATION.

(a) Not later than May 13, 1993, the House committees named in subsections (b) through (n) of this section shall submit their recommendations to the House Budget Committee. After receiving those recommendations, the House Budget Committee shall report to the House a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

(b) The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $258,000,000 in fiscal year 1994, $396,000,000 in fiscal year 1995, $1,067,000,000 in fiscal year 1996, $1,918,000,000 in fiscal year 1997, and $2,187,000,000 in fiscal year 1998, and program changes in laws within its jurisdiction, sufficient to result in an increase of outlays as follows: $523,000,000 in fiscal year 1994, $1,524,000,000 in fiscal year 1995, $1,527,000,000 in fiscal year 1996, $1,533,000,000 in fiscal year 1997, and $1,551,000,000 in fiscal year 1998.

(c) The House Committee on Armed Services shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $186,000,000 in fiscal year 1994, $470,000,000 in fiscal year 1995, $782,000,000 in fiscal year 1996, $1,119,000,000 in fiscal year 1997, and $1,383,000,000 in fiscal year 1998, and program changes in laws within its jurisdiction, sufficient to result in a reduction of outlays as follows: $2,012,000,000 in fiscal year 1994, $3,231,000,000 in fiscal year 1995, $4,117,000,000 in fiscal year 1996, $5,103,000,000 in fiscal year 1997, and $5,800,000,000 in fiscal year 1998.

(d) The House Committee on Banking, Finance and Urban Affairs shall report changes in laws within its jurisdiction that provide direct spending, sufficient to reduce outlays, as follows: $220,000,000 in fiscal year 1994, $266,000,000 in fiscal year 1995, $482,000,000 in fiscal year 1996, $704,000,000 in fiscal year 1997, and $726,000,000 in fiscal year 1998, program changes in laws within its jurisdiction, sufficient to result in a reduction of outlays as follows: $141,000,000 in fiscal year 1994, $164,000,000 in fiscal year 1995, $273,000,000 in fiscal year 1996, $373,000,000 in fiscal year 1997, and $406,000,000 in fiscal year 1998, and changes in laws within its jurisdiction to increase revenues, as follows: $63,000,000 in fiscal year 1994, $65,000,000 in fiscal year 1995, $68,000,000 in fiscal year 1996, $70,000,000 in fiscal year 1997, and $73,000,000 in fiscal year 1998.

(e) The House Committee on Education and Labor shall report changes in laws within its jurisdiction that provide direct spending sufficient to increase outlays by $66,000,000 in fiscal year 1994, and to reduce outlays as follows: $93,000,000 in fiscal year 1995, $1,309,000,000 in fiscal year 1996, $3,044,000,000 in fiscal year 1997, and $3,564,000,000 in fiscal year 1998.

(f) The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $4,343,000,000 in fiscal year 1994, $7,493,000,000 in fiscal year 1995, $13,047,000,000 in fiscal year 1996, $17,133,000,000 in fiscal year 1997, and $21,347,000,000 in fiscal year 1998, and program changes in laws within its jurisdiction, sufficient to result in a reduction of outlays as follows: $137,000,000 in fiscal year 1994, $236,000,000 in fiscal year 1995, $663,000,000 in fiscal year 1996, $621,000,000 in fiscal year 1997, and $650,000,000 in fiscal year 1998.

(g) The House Committee on Foreign Affairs shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $2,000,000 in fiscal year 1994, $7,000,000 in fiscal year 1995, $12,000,000 in fiscal year 1996, $16,000,000 in fiscal year 1997, and $18,000,000 in fiscal year 1998.

(h) The House Committee on the Judiciary shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $0 in fiscal year 1994, $0 in fiscal year 1995, $111,000,000 in fiscal year 1996, $115,000,000 in fiscal year 1997, and $119,000,000 in fiscal year 1998.

(i) The House Committee on Merchant Marine and Fisheries shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $0 in fiscal year 1994, $0 in fiscal year 1995, $67,000,000 in fiscal year 1996, $68,000,000 in fiscal year 1997, and $70,000,000 in fiscal year 1998.

(j) The House Committee on Natural Resources shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $137,000,000 in fiscal year 1994, $201,000,000 in fiscal year 1995, $339,000,000 in fiscal year 1996, $406,000,000 in fiscal year 1997, and $414,000,000 in fiscal year 1998, and program changes in laws within its jurisdiction, sufficient to result in a reduction of outlays as follows: $137,000,000 in fiscal year 1994, $236,000,000 in fiscal year 1995, $663,000,000 in fiscal year 1996, $621,000,000 in fiscal year 1997, and $650,000,000 in fiscal year 1998.

(k) The House Committee on Post Office and Civil Service shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $228,000,000 in fiscal year 1994, $935,000,000 in fiscal year 1995, $3,445,000,000 in fiscal year 1996, $4,833,000,000 in fiscal year 1997, and $4,896,000,000 in fiscal year 1998, and program changes in laws within its jurisdiction, sufficient to result in a reduction of outlays as follows: $2,906,000,000 in fiscal year 1994, $4,660,000,000 in fiscal year 1995, $5,825,000,000 in fiscal year 1996, $7,169,000,000 in fiscal year 1997, and $8,164,000,000 in fiscal year 1998.

(l) The House Committee on Public Works and Transportation shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $31,000,000 in fiscal year 1994, $49,000,000 in fiscal year 1995, $62,000,000 in fiscal year 1996, $76,000,000 in fiscal year 1997, and $78,000,000 in fiscal year 1998.

(m) The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $266,000,000 in fiscal year 1994, $364,000,000 in fiscal year 1995, $382,000,000 in fiscal year 1996, $405,000,000 in fiscal year 1997, and $1,163,000,000 in fiscal year 1998.

(n) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the deficit, as follows: by $29,488,000,000 in fiscal year 1994, by $41,319,000,000 in fiscal year 1995, by $61,583,000,000 in fiscal year 1996, by $81,484,000,000 in fiscal year 1997, and by $84,935,000,000 in fiscal year 1998.

(o) For purposes of this section, the term 'direct spending' means spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974 and new budget authority as defined in section 3(2) of the Congressional Budget Act of 1974.

SEC. 5. SALE OF GOVERNMENT ASSETS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that–

(1) from time to time the United States Government should sell assets; and

(2) the amounts realized from such assets sales will not recur on an annual basis and do not reduce the demand for credit.

(b) BUDGETARY TREATMENT.—For purposes of points of order under sections 302, 303, 310, 311, 601(b), 602, and 605 of the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from sales of assets (other than loan assets) shall not be scored with respect to the level of budget authority, outlays, or revenues under those sections.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "sale of an asset" shall have the same meaning as under section 250(c)(21) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Budget Enforcement Act of 1990); and

(2) the term shall not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales at levels consistent with agency operations in fiscal year 1986.

SEC. 6. SENSE OF CONGRESS REGARDING TAX REVENUES AND DEFICIT REDUCTION.

It is the sense of Congress that any legislation enacting tax increases called for in this budget resolution contain language providing that the net revenues generated by the legislation shall not be counted for the purpose of calculating the amount of any deficit increase called for in section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by the Omnibus Budget Reconciliation Act of 1990.

The CHAIRMAN. No amendments are in order except the amendments printed in House Report 103–37, which shall be considered in the order printed in the report and by the named proponent or a designee, shall be considered as read, and shall not be subject to amendment.

If more than one amendment in the nature of a substitute is adopted, only the last amendment adopted shall be considered as having been finally adopted and reported back to the House.

At the conclusion of the consideration of the concurrent resolution for amendment, there shall be an additional period of general debate, which shall not exceed 20 minutes, equally divided and controlled by the chairman and ranking minority member on the Committee on the Budget.

It is now in order to consider amendment No. 1 printed in House Report 103–37.

The Chair recognizes the gentleman from Ohio [Mr. KASICH].

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. KASICH: Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994.

The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1994, including the appropriate budgetary levels for fiscal years 1995, 1996, 1997, and 1998, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1993, October 1, 1994, October 1, 1995, October 1, 1996, and October 1, 1997:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1994: $878,400,000,000.
Fiscal year 1995: $933,800,000,000.
Fiscal year 1996: $979,300,000,000.
Fiscal year 1997: $1,019,600,000,000.
Fiscal year 1998: $1,069,400,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1994: $0.
Fiscal year 1995: $0.
Fiscal year 1996: $0.
Fiscal year 1997: $0.
Fiscal year 1998: $0.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1994: $93,100,000,000.
Fiscal year 1995: $104,900,000,000.
Fiscal year 1996: $111,100,000,000.
Fiscal year 1997: $116,700,000,000.
Fiscal year 1998: $122,500,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1994: $1,183,300,000,000.
Fiscal year 1995: $1,226,700,000,000.
Fiscal year 1996: $1,277,600,000,000.
Fiscal year 1997: $1,350,100,000,000.
Fiscal year 1998: $1,428,900,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1994: $1,184,100,000,000.
Fiscal year 1995: $1,216,700,000,000.
Fiscal year 1996: $1,256,100,000,000.
Fiscal year 1997: $1,312,200,000,000.
Fiscal year 1998: $1,389,000,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1994: $305,700,000,000.
Fiscal year 1995: $282,700,000,000.
Fiscal year 1996: $276,000,000,000.
Fiscal year 1997: $292,600,000,000.
Fiscal year 1998: $319,600,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1994: $4,714,300,000,000.
Fiscal year 1995: $5,055,500,000,000.
Fiscal year 1996: $5,394,100,000,000.
Fiscal year 1997: $5,747,600,000,000.
Fiscal year 1998: $6,123,100,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1993, October 1, 1994, October 1, 1995, October 1, 1996, and October 1, 1997, are as follows:

Fiscal year 1994:
(A) New direct loan obligations, $
(B) New primary loan guarantee commitments, $
Fiscal year 1995:
(A) New direct loan obligations, $
(B) New primary loan guarantee commitments, $.
Fiscal year 1996:
(A) New direct loan obligations, $
(B) New primary loan guarantee commitments, $.
Fiscal year 1997:
(A) New direct loan obligations, $.
(B) New primary loan guarantee commitments, $
Fiscal year 1998:
(A) New direct loan obligations, $.
(B) New primary loan guarantee commitments, $.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1994 through 1998 for each major functional category are:

(1) National Defense (050):
Fiscal year 1994:
(A) New budget authority, $264,000,000,000.
(B) Outlays, $277,900,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $263,200,000,000.
(B) Outlays, $272,600,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $262,700,000,000.
(B) Outlays, $271,000,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $269,000,000,000.
(B) Outlays, $271,900,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $277,700,000,000.
(B) Outlays, $272,400,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):
Fiscal year 1994:
(A) New budget authority, $16,300,000,000.
(B) Outlays, $18,100,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $16,000,000,000.
(B) Outlays, $16,900,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $15,600,000,000.
(B) Outlays, $15,900,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $15,700,000,000.
(B) Outlays, $15,600,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, $15,900,000,000.
(B) Outlays, $15,600,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $0.
(3) General Science, Space, and Technology (250):
Fiscal year 1994:
(A) New budget authority, $17,300,000,000.
(B) Outlays, $17,300,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $17,800,000,000.
(B) Outlays, $17,700,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $18,200,000,000.
(B) Outlays, $18,100,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $18,700,000,000.
(B) Outlays, $18,500,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $19,200,000,000.
(B) Outlays, $19,000,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(4) Energy (270):
Fiscal year 1994:
(A) New budget authority, $4,400,000,000.
(B) Outlays, $3,600,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $4,700,000,000.
(B) Outlays, $3,400,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $3,900,000,000.
(B) Outlays, $2,900,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $3,600,000,000.
(B) Outlays, $2,600,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $3,300,000,000.
(B) Outlays, $2,500,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $0.
(5) Natural Resources and Environment (300):
Fiscal year 1994:
(A) New budget authority, $20,400,000,000.
(B) Outlays, $21,400,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $21,300,000,000.
(B) Outlays, $21,600,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $21,400,000,000.
(B) Outlays, $21,900,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $21,900,000,000.
(B) Outlays, $22,100,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $22,300,000,000.
(B) Outlays, $21,800,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
(6) Agriculture (350):
Fiscal year 1994:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $14,400,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $12,200,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $13,200,000,000.
(B) Outlays, $11,300,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $11,700,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $13,700,000,000.
(B) Outlays, $12,100,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $0.
(7) Commerce and Housing Credit (370):
Fiscal year 1994:
(A) New budget authority, $16,700,000,000.
(B) Outlays, $8,500,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $.
Fiscal year 1995:
(A) New budget authority, $16,600,000,000.
(B) Outlays, $13,000,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $.
Fiscal year 1996:
(A) New budget authority, $13,200,000,000.
(B) Outlays, $3,100,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $.
Fiscal year 1997:
(A) New budget authority, $8,800,000,000.
(B) Outlays, −$11,100,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $.
Fiscal year 1998:
(A) New budget authority, $9,100,000,000.
(B) Outlays, −$8,200,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $.
(8) Transportation (400):
Fiscal year 1994:
(A) New budget authority, $38,900,000,000.
(B) Outlays, $36,100,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1995:
(A) New budget authority, $39,000,000,000.
(B) Outlays, $36,000,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1996:
(A) New budget authority, $39,600,000,000.
(B) Outlays, $36,800,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1997:
(A) New budget authority, $42,000,000,000.
(B) Outlays, $37,400,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.
Fiscal year 1998:
(A) New budget authority, $43,100,000,000.
(B) Outlays, $37,900,000,000.
(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1994:

(A) New budget authority, $8,000,000,000.

(B) Outlays, $8,600,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $7,500,000,000.

(B) Outlays, $8,000,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $7,600,000,000.

(B) Outlays, $7,400,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $7,400,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $8,000,000,000.

(B) Outlays, $7,600,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $

(E) New secondary loan guarantee commitments, $0.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1994:

(A) New budget authority, $51,500,000,000.

(B) Outlays, $50,600,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $51,200,000,000.

(B) Outlays, $49,400,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $51,600,000,000.

(B) Outlays, $45,700,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $52,700,000,000.

(B) Outlays, $50,700,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $54,000,000,000.

(B) Outlays, $52,400,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $

(E) New secondary loan guarantee commitments, $0.

(11) Health (550):

Fiscal year 1994:

(A) New budget authority, $118,100,000,000.

(B) Outlays, $117,600,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $129,200,000,000.

(B) Outlays, $128,700,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $142,900,000,000.

(B) Outlays, $142,100,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $156,300,000,000.

(B) Outlays, $155,300,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $172,500,000,000.

(B) Outlays, $171,200,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $

(E) New secondary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1994:

(A) New budget authority, $147,100,000,000.

(B) Outlays, $145,000,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $163,600,000,000.

(B) Outlays, $158,600,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $179,200,000,000.

(B) Outlays, $177,100,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $199,300,000,000.

(B) Outlays, $197,500,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $220,900,000,000.

(B) Outlays, $219,100,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1994:

(A) New budget authority, $206,200,000,000.

(B) Outlays, $206,400,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $211,000,000,000.

(B) Outlays, $212,900,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $219,800,000,000.

(B) Outlays, $215,100,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $232,000,000,000.

(B) Outlays, $223,500,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $236,800,000,000.

(B) Outlays, $231,500,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1994:

(A) New budget authority, $6,100,000,000.

(B) Outlays, $8,900,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $6,700,000,000.

(B) Outlays, $9,600,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $7,300,000,000.

(B) Outlays, $10,300,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $7,900,000,000.

(B) Outlays, $11,000,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $8,600,000,000.

(B) Outlays, $11,800,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1994:

(A) New budget authority, $35,000,000,000.

(B) Outlays, $36,500,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $35,800,000,000.

(B) Outlays, $35,800,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $36,600,000,000.

(B) Outlays, $35,100,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $37,200,000,000.

(B) Outlays, $37,200,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $37,900,000,000.

(B) Outlays, $37,800,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

(16) Administration of Justice (750):

Fiscal year 1994:

(A) New budget authority, $15,000,000,000.

(B) Outlays, $15,300,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $15,600,000,000.

(B) Outlays, $15,900,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $16,800,000,000.

(B) Outlays, $16,900,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $17,300,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $17,700,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1994:

(A) New budget authority, $13,300,000,000.

(B) Outlays, $13,400,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $13,600,000,000.

(B) Outlays, $14,600,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,900,000,000.

(B) Outlays, $14,100,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $14,400,000,000.

(B) Outlays, $14,000,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $14,900,000,000.

(B) Outlays, $14,700,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1994:

(A) New budget authority, $239,100,000,000.

(B) Outlays, $239,100,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $258,800,000,000.

(B) Outlays, $258,800,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $277,100,000,000.

(B) Outlays, $277,100,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $294,900,000,000.

(B) Outlays, $294,900,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $313,700,000,000.

(B) Outlays, $313,700,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1994:

(A) New budget authority, −$16,000,000,000.

(B) Outlays, −$21,300,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$25,000,000,000.

(B) Outlays, −$35,500,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$28,300,000,000.

(B) Outlays, −$31,100,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$28,000,000,000.

(B) Outlays, −$30,800,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$24,800,000,000.

(B) Outlays, −$26,200,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1994:

(A) New budget authority, −$33,300,000,000.

(B) Outlays, −$33,300,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$33,500,000,000.

(B) Outlays, −$33,500,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$34,700,000,000.

(B) Outlays, −$34,700,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$34,900,000,000.

(B) Outlays, −$34,900,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$35,800,000,000.

(B) Outlays, −$35,400,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

SEC. 4. RECONCILIATION.

(a) Not later than May 1, 1993, the House committees named in subsections (b) through (n) of this section shall submit their recommendations to the House Budget Committee. After receiving those recommendations, the House Budget Committee shall report to the House a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

(b) The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $2,849,000,000 in fiscal year 1994, $3,012,000,000 in fiscal year 1995, $2,444,000,000 in fiscal year 1996, $2,511,000,000 in fiscal year 1997, and $2,473,000,000 in fiscal year 1998, and program changes in laws within its jurisdiction, sufficient to result in an *increase* of outlays as follows: $554,000,000 in fiscal year 1994, $783,000,000 in fiscal year 1995, $852,000,000 in fiscal year 1996, $911,000,000 in fiscal year 1997, and $955,000,000 in fiscal year 1998.

(c) The House Committee on Armed Services shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $900,000,000 in fiscal year 1994, $2,010,000,000 in fiscal year 1995, $1,600,000,000 in fiscal year 1996, $50,000,000 in fiscal year 1997, and $80,000,000 in fiscal year 1998, and program changes in laws within its jurisdiction, sufficient to result in a reduction of outlays as follows: $920,000,000 in fiscal year 1994, $2,360,000,000 in fiscal year 1995, $3,980,000,000 in fiscal year 1996, $5,700,000,000 in fiscal year 1997, and $6,680,000,000 in fiscal year 1998.

(d) The House Committee on Banking, Finance, and Urban Affairs shall report changes in laws within its jurisdiction that provide direct spending, sufficient to reduce outlays, as follows: $429,000,000 in fiscal year 1994, $545,000,000 in fiscal year 1995, $711,000,000 in fiscal year 1996, $703,000,000 in fiscal year 1997, and $778,000,000 in fiscal year 1998, program changes in laws within its jurisdiction, sufficient to result in a reduction of outlays as follows: $87,000,000 in fiscal year 1994, $473,000,000 in fiscal year 1995, $1,209,000,000 in fiscal year 1996, $1,827,000,000 in fiscal year 1997, and $2,065,000,000 in fiscal year 1998.

(e) The House Committee on Education and Labor shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays by $3,215,000,000 in fiscal year 1994, and to reduce outlays as follows: $3,265,000,000 in fiscal year 1995, $2,725,000,000 in fiscal year 1996, $2,785,000,000 in fiscal year 1997, and $2,745,000,000 in fiscal year 1998.

(f) The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $9,813,000,000 in fiscal year 1994, $18,779,000,000 in fiscal year 1995, $22,777,000,000 in fiscal year 1996, $25,613,000,000 in fiscal year 1997, and $28,099,000,000 in fiscal year 1998.

(g) The House Committee on Foreign Affairs shall report changes in laws within its jurisdiction sufficient to reduce outlays, as follows: $551,000,000 in fiscal year 1994, $891,000,000 in fiscal year 1995, $1,194,000,000 in fiscal year 1996, $1,248,000,000 in fiscal year 1997, and $1,281,000,000 in fiscal year 1998.

(h) The House Committee on Judiciary shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $12,000,000 in fiscal year 1994, $45,000,000 in fiscal year 1995, $108,000,000 in fiscal year 1996, $186,000,000 in fiscal year 1997, and $254,000,000 in fiscal year 1998.

(i) The House Committee on Merchant Marine and Fisheries shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $0 in fiscal year 1994, $0 in fiscal year 1995, $67,000,000 in fiscal year 1996, $68,000,000 in fiscal year 1997, and $70,000,000 in fiscal year 1998.

(j) The House Committee on Natural Resources shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $160,000,000 in fiscal year 1994, $170,000,000 in fiscal year 1995, $189,000,000 in fiscal year 1996, $190,000,000 in fiscal year 1997, and $190,000,000 in fiscal year 1998.

(k) The House Committee on Post Office and Civil Service shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $419,000,000 in fiscal year 1994, $666,000,000 in fiscal year 1995, $4,847,000,000 in fiscal year 1996, $6,140,000,000 in fiscal year 1997, and $6,506,000,000 in fiscal year 1998, and program changes in laws within its jurisdiction, sufficient to result in a reduction of outlays as follows: $4,141,000,000 in fiscal year 1994, $7,196,000,000 in fiscal year 1995, $17,980,000,000 in fiscal year 1996, $23,644,000,000 in fiscal year 1997, and $26,784,000,000 in fiscal year 1998.

(l) The House Committee on Public Works and Transportation shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $18,000,000 in fiscal year 1994, $31,000,000 in fiscal year 1995, $94,000,000 in fiscal year 1996, $108,000,000 in fiscal year 1997, and $115,000,000 in fiscal year 1998.

(m) The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide direct spending sufficient to reduce outlays, as follows: $478,000,000 in fiscal year 1994, $602,000,000 in fiscal year 1995, $641,000,000 in fiscal year 1996, $668,400,000 in fiscal year 1997, and $1,438,100,000 in fiscal year 1998.

(n) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the deficit, as follows: by $8,875,000,000 in fiscal year 1994, by $17,873,000,000 in fiscal year 1995, by $25,196,000,000 in fiscal year 1996, by $33,234,000,000 in fiscal year 1997, and by $42,688,000,000 in fiscal year 1998.

(o) For purposes of this section, the term 'direct spending' means spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974 and new budget authority as defined in section 3(2) of the Congressional Budget Act of 1974.

At the end, insert the following new section:

SEC. . SENSE OF CONGRESS.

It is the sense of Congress that any increase in receipts from higher taxes on benefits should be dedicated to the OASDI trust funds as provided under current law; and any diversion of these receipts to other programs will serve only to undermine the integrity of the social security system whose receipts were taken off-budget as part of the Budget Enforcement Act of 1990.

The CHAIRMAN. Under the rule, the gentleman from Ohio [Mr. KASICH] will be recognized for 1 hour, and the gentleman from Minnesota [Mr. SABO] will be recognized for 1 hour.

The Chair recognizes the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I maintain today, as we begin the final legs of the debate, that the choice really is very clear. The Democrats favor larger central government. They think a large Federal Government is the answer. The Republican plan, Mr. Chairman, believes that empowering the individual and getting government off the individual's back is the answer with a smaller Federal Government. The Democrats believe in more taxes. The Republicans have no new taxes. We believe we should cut spending first. The Democrats believe that more government spending is the answer. The Republicans say no new government spending, a smaller Federal Government. The Democrats favor the same, tired, old government institutions. The Republicans stand for change. The Republicans stand for reform in a 84-page reform-oriented document. The Democrats, and my colleagues will not believe this one, they are the ones for gridlock. The Republicans went to the Committee on the Budget and offered 35 amendments to improve the Clinton package by reducing the taxes and substituting specific spending cuts. The Republicans, while trying to be constructive, were absolutely, totally and positively rejected by the majority side who favored gridlock in the House Committee on the Budget. The Democrats are the ones that are blocking the Clinton change program. The President came to the Hill and said he wanted to have more cuts and less spending, but his own party says they will not bear the traffic of reducing the size and scope of the Government. The Republicans, on the other hand, have put the specifics down on the table. We welcomed the Clinton change program. We welcomed the Clinton change agenda. It is unfortunate that he cannot get his own party to support him on that. The Democrats have the job-killer program. The Republicans have the job-creator program.

My colleagues, it all gets down to one simple thing; the choice really is clear. There is a clear choice here, not an echo. The Republicans are for less government, less taxes, less spending, less Federal interference as to a stated philosophy on the majority side that indicates that a larger Federal Government, a larger central government managing the affairs of the United States, is the answer. It did not work in New Jersey. They could not tax their way to prosperity. It will not work in the United States.

Mr. Chairman, we would hope the Republican plan would be adopted. But if the Democrat plan is put into effect, and we believe it will have, unfortunately, a very negative impact on this economy, we will be glad to cross the aisle, and, in the spirit of bipartisanship, end gridlock and get them to accept the notion that reducing the Federal Government, being reform-oriented and believing in change is ultimately the answer for the United States of America.

I urge my colleagues to support the Republican Committee on the Budget substitute to the big government, Democrat plan.

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, lest I forget later, I want to say, you've done a great job in the chair.

The CHAIRMAN. The Chair thanks the gentleman.

Mr. SABO. The gentleman in the chair has been fair and courteous to all the Members in his usual way, and we thank him.

Let me also again express to my colleague, the gentleman from Ohio [Mr. KASICH], an appreciation for his courtesies and all his hard work because he really has worked hard, and the members of his caucus and his staff have worked and, I think, represented the minority well in this process of dealing with the budget.

However, Mr. Chairman, as I indicated yesterday, there is only one thing wrong with all the hard work, and that is they are wrong on substance. The Republican program is not true. It is really sort of an austere version of Bush that got us into the current problems. It is the philosophy of government that, if it had prevailed over the decades, would have us still on gravel roads.

Plus they are driven by another very fundamental fear, a very fundamental fear that we might ask the most affluent in our society to pay some more to reduce the deficit.

□ 1410

We are asking for additional revenues in our package, 73 percent of them paid by individuals with incomes over $100,000 a year, and, boy, that hurts Republicans. They do not like it.

Let me be clear about the Budget Committee resolution that is before us today. It moves forward the program and the vision of a new President who wants to lead this country into a new century of prosperity with jobs that pay decent salaries and an economy that is competitive in the world.

We do that by moving forward his investment program, by his program of streamlining Government to make sure that the Federal Government works effectively.

There are some things I hope my Republican colleagues are right on. I hope they can find all the Bush waste and mismanagement that they talk about. Clearly that will help us meet our budget targets.

But let us be clear about the Budget Committee resolution we have before us. It contains real deficit reduction, $5 to $10 billion over the 5 years, more than the Republican package. More important, in years 1997–98, as we project to the future, it is $25 to $30 billion of additional deficit reduction beyond the Republican plan.

But at the same time it still says we must invest in our kids, we must train our workers, we must invest in the technology that will lead us into the 21st century. We must invest in our infrastructure.

Mr. Chairman, we do have a unique opportunity today. We have the chance to end gridlock. We have the chance for Congress to move forward with the program of a new President with a new vision for America. I ask for an "aye" vote.

Mr. KASICH. Mr. Chairman, I yield 5 minutes to my good friend, the gentleman from North Carolina [Mr. MCMILLAN].

Mr. McMILLAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, in response to our distinguished chairman, the gentleman from Minnesota [Mr. SABO], I would say that we do not particularly admire his position, but we do admire the discipline of the Democrats on the Committee on the Budget. We offered, as our vice chairman pointed out, 30-plus specific recommendations. We offered an alternative that amounts to 428 billion dollars' worth of deficit reduction, more than the President's proposal plus the Democrats on the committee, without a tax increase, and we should not forget that.

We offered specifics, as we were challenged to do, but I want to focus on one specific.

Nothing has greater impact on the growth in Federal spending and the deficit than the issue of health care cost. Anyone who says they can significantly reduce the deficit in this country or eliminate the deficit without addressing health care costs is simply not facing reality.

Let me just mention a few things: Medicare and Medicaid in the budget in the current year will total $226 billion. They did not exist 23 years ago. In 1994 the baseline budget in Medicare and Medicaid would be $259 billion. That is a 15 percent increase over 1993. As you look out over the next 5 years, it increases at an average rate of 12 to 13 percent per year to total $405 billion in 1998.

Medical care costs generally in this economy are increasing at four times the rate of inflation in this country. That is true for the private sector, and it is true for the Federal Government as well. They must be brought in line with the overall rate of inflation, both in the general economy and in the Federal budget as well.

President Clinton, no less, affirmed that principle in his State of the Union Message in which he said health care costs need to be brought in line with the general rate of inflation.

To achieve it, my colleagues, we need to save $330 billion in 5 years out of Medicare and Medicaid against the baseline budget of $1,651,000,000 on those two programs projected over the next 5 years.

That does not mean cutting it, it simply means moderating the rate of increase by 20 percent. President Clinton in his proposal saves $60 billion in health care costs, not counting the $21 billion in additional taxes on Social Security that may be flowed into that program.

Our alternative, the Republican alternative, saves $93 billion, reducing the rate of growth from the average of 12 percent to an average rate of growth of 10 percent. That is not enough, but it is a significant start.

We use most of the President's proposals on health care, and we add some that total some $33 billion in additional savings.

Our savings, and admittedly it is difficult to do this in the absence of health care reform, but our proposed savings are designed to anticipate the probable focus that health care reform is going to make on defensive health care costs caused by excessive litigation, excess capacity, and excess overhead. Any serious health care reform proposal has got to address the cost drivers in the system, and we do this in including everything that the President included, and then some.

We basically go back to managed care in the Medicaid segment of the budget, which is likely to be a part of health care reform and proposes significant savings. Under Medicare we are making moderations in the rate of increase in payments in the first year to hospitals and physicians. That will not go on over the full period of time, but that is interrelated with the whole issue of their refocusing their efforts on the things that are driving up their health care costs: defense practices, excessive overhead, redundant capacity. We can urge them to do that through this process.

We are also trying to advocate consistency in copayments by beneficiaries, which is already very much a part of Medicare. But there are exceptions to that. We recognize that certain low income people cannot do it and we are willing to entertain a modification of that in that respect.

But on balance, it is good public policy for people to pay at least a percentage of the health care costs, because they are the ones that should be most concerned about it and can take action.

Finally, we make some adjustments among the very rich in the premiums that they pay to participate in Medicare. Those that we suggest make significant reductions in the deficit, but will not impose a serious burden on those individuals.

Mr. Chairman, this is not the final solution, but it is an important beginning on achieving some of the cost reductions interrelated with health care reform. I realize that my colleagues on the other side of the aisle will say let us wait and deal with this under health care reform, but I would point out to them that there are dissenting views published by certain members of the Committee on the Budget that state that they are disappointed that the Democratic plan did not address the issue of entitlement spending more than we do in their resolution.

I would suggest that the Republican alternative does exactly that, and, in the words of the President, that we can do better. I think the Kasich amendment does, and I urge my colleagues to support it.

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I yield to my good friend, the gentleman from Texas [Mr. BRYANT], let me just commend the gentleman from North Carolina [Mr. MCMILLAN] on his interest in health care reform. While I do not agree with his copay requirements on certain services that he proposes in this budget, clearly he has focused on a very fundamental problem that we face, and I think everything the gentleman has said about the problems of escalating costs in Medicare and Medicaid are all compelling reasons why President Clinton's approach to having fundamental reform of health care is so incredibly important. Really a cornerstone of what we are doing here today is our expectation that we will have very comprehensive health care reform coming to this Congress from the President in May of this year.

Mr. Chairman, I commend the gentleman from North Carolina [Mr. MCMILLAN] for his interest and work on that issue, because he is right. If we are going to handle the deficit in the long term we need to control health care costs. If our economy is to be competitive, we have to control health care costs. Plus equity demands that we deal with the access problem in our society.

Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. BRYANT].

☐ 1420

Mr. BRYANT. Mr. Chairman, I, at the outset, want to express my personal admiration for the very fine job done by the gentleman from Minnesota [Mr. SABO] in putting this budget together. It is a very difficult job, perhaps the most difficult chairmanship to manage in the House. I am very proud of the work that we have done and proud of his leadership.

Mr. Chairman, the Republican amendment which is before us today might fairly, I think, be labeled the "no-pain amendment."

We have had 12 years now of no-pain Presidents who promised us that we could make this country run without anybody having to pay for it, who promised us that we could continue cutting taxes for the wealthiest segments of our society and still continue to have a government that was meaningful in its ability to take this country forward down a path of progress and to protect our interests abroad.

I think it is very clear, in 1993, that those promises of no pain were false promises, that it was a mistake to promise that to the American people and that, unfortunately, the price which they paid is more pain today than we have ever, ever imagined we would have to suffer in terms of our budget deficits in 1993.

I think also that the Republican amendment is an amendment that dramatically underestimates the American people. Nobody wants to pay more taxes. Nobody wants to suffer budget cuts. But the American people understand that we have to pay for what we do. They understand that we cannot go down a road promising everything, that we cannot avoid having to pay for the benefits of having a strong government that provides roads, that provides a health care system, that provides an education system, that protects our international interests. They understand that.

Yet the Republican amendment one more time comes up here and suggests to all of us who are in this room and who are watching that somehow or another we can continue to step forward as Americans into the world and lead and accept our responsibilities without anybody having to bear any kind of discomfort. It is a false promise. And the American people, who are at a much higher level of understanding than the Republicans think, know this. Unfortunately, as one might expect, this no-pain amendment is also a no-gain amendment.

It provides less deficit reduction than is provided by the Democratic amendment on the floor today. In fact, it only provides, as I understand it, $495 billion in deficit reduction over the next 5 years, whereas the Democratic proposal is $510 billion in deficit reduction over the next 5 years.

If we want real deficit reduction, then vote for the Democratic budget; vote against the Republican alternative. And though it is characterized by its author as being highly specific, anyone who examines it closely will recognize that one-third, fully one-third of the savings that are claimed by this Republican alternative, cannot be found. They are unidentified. They are found in function 920, allocated in a general fashion so that no one knows exactly what they are.

Finally, the Republican proposal is not only the no-gain amendment, it is the no-investment amendment: No additional funds for Head Start, the one program which is unanimously recognized as having done an enormous amount toward raising the children of our least privileged Americans to a level that they can begin to compete and expect to have a future. In the Republican amendment, we do not invest more funds in Head Start.

No defense conversions. I wonder, do they argue to us that it is actually a savings not to invest money in defense conversion, not to invest money in Head Start? Surely, anyone with common sense would recognize it costs us more in the long run not to put money into those needed areas.

No new highway funds. No child immunization increases and no health care increases. Do they actually argue to us that we save money by not increasing the funds we are spending on immunizing children? Surely they would recognize that it costs us more in the long run not to increase funding in that area.

And no increases for education or job training. Do they promise the American people that it is a savings not to increase our investment in education? Surely that is the one area in which a failure to invest will cost us more in the long run.

Mr. Chairman, the Democratic Committee on the Budget majority has come forward with a budget this year that dramatically cuts spending and, in fact, adds $63 billion in cuts above what the President has asked us to do, that recognizes the need to charge a tax structure which has been responsible for the movement of wealth to the upper class and away from working-class and middle-class Americans and instead begin to put the tax burden where it ought to be; that is, fairly borne by all segments of society, rather than just the middle class, and also recognizes the need to begin to invest in our future.

It is a prudent package. It is one that I am proud to stand here and advocate. I am proud of the work done by the gentleman from Minnesota [Mr. SABO] and members of the Democratic Committee on the Budget. I strongly urge Members today to vote against the Republican alternative and vote for a strong future for the American people.

Mr. KASICH. Mr. Chairman, I yield 5 minutes and 30 seconds to the gentleman from Kansas [Mr. ROBERTS], the ranking member of the Committee on Agriculture.

(Mr. ROBERTS asked and was given permission to revise and extend his remarks.)

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, let me just say that, again, the Democrats are up to their old tricks and bad estimates. Look in the area of allowances. My colleagues can see that we here are very specific in terms of what we do. COLA freeze for Federal civilian workers, repeal of Davis-Bacon, eliminate the successorship provisions in Federal contracts. They are very, very specific.

They can lump them any way they want to, but they are the ones that got the "F" on the specific test.

Furthermore, in terms of the area of administrative cost savings, Clinton has about 34, we got about 48. We go all the way down to object class 20, never even though of by anybody on the side over there that did not go with specifics.

Mr. Panetta himself has now, referring to Federal contracts and object class 20. So stop the distortions. They are inaccurate, along with the deficit numbers.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I would like to just quickly correct one thing that was said at the outset of this debate. The suggestion was made that there are more savings, there is more deficit reduction in the Democratic plan. Let us be very clear about that.

The CBO has scored the Clinton plan at $362 billion. The CBO scored the additional Democratic cuts at $63 billion, for a total of $425 billion.

Our plan has $429 billion, slightly more, but roughly equivalent.

Any statement to the contrary that there are more savings scored by CBO in the Democratic plan is not true. It is false. It is a misstatement. It is wrong. It is deceptive.

It is not more savings in the Democratic plan.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for his contributions.

Mr. Chairman, let's go back to square one and the fact everyone in this Congress hoped we could see an end to gridlock and achieve real deficit reduction and economic recovery.

In that regard, President Clinton galvanized public support for these goals with his State of the Union speech. Now, the question is, will the President's plan achieve these goals.

We still do not have access to all of the administration's budget details, they change almost daily and once again we are being asked to vote for a budget plan where snakes will come out of the budget box and bite the beleaguered taxpayer for years to come.

That is no way to conduct business but let us at least take a look at one part of the budget. Last night, the distinguished chairman of the House Agriculture Committee pointed out in eloquent and in most pertinent fashion that one of our budgetary goals should be fairness. He was referring to agriculture.

Simply put, the Clinton budget plan is not fair to rural and small town America and to our farmers and ranchers. Yes, we in agriculture are more than willing to self sacrifice, that is the point. As Chairman DE LA GARZA pointed out, since 1981, the Committee on Agriculture has cut $57 billion from budget authority. The Budget Act of 1990 cut farm program spending by 20 percent. Contrary to public perception and vocal critics, only farm program spending has declined since 1985, an average of 9 percent per year.

Yet, we are singled out for $8.7 billion in budget cuts on top of 4 years of budget cuts. We have had our fingers and toes on the chopping block. With President Clinton's cleaver, we are talking about arms and legs.

This budget vote is not only a vote on the budget but a vote for program policy and who gets represented and who does not. The agricultural share of Department of Agriculture funding is now approximately 32 percent. What's that you say, farm related programs only comprise 32 percent within the Department of Agriculture? That is right and under the Clinton budget that figure will go down to 17 percent at the end of 4 years. This budget dismantles the USDA with little or no debate.

And, what does it do to farmers? Our Republican staff of the House Agriculture Committee estimates the cost of the energy tax close to $2,000 a year for your typical Kansas wheat farm, more in the Pacific Northwest, equally burdensome in the Midwest, California and west Texas; it hits all commodities—not to mention senior citizens in rural area, moving essential goods to rural areas requires more energy.

And, what do we get in return for discriminatory cuts, means testing the farm program and hit hard with an energy tax? The tax pain does not result in any real deficit gain. Thirty-one of the so-called spending cuts are actually user fees that citizens will pay. The ratio of spending cuts to tax increases is completely out of whack and changes daily. The so-called stimulus package is a collection of 75 appropriations that were labeled dogs, cats and pork in the last session and have somehow been magically transformed into essential investment this session. I believe latest Congressional Budget Office estimate is that we are talking about $93,000 per job creation.

And, to make matters worse, the increased tax revenue from the pocketbooks of hard-pressed taxpayers will not go to reduce the deficit but to pay for the laundry list of social welfare programs the President has proposed.

But, back to the farm. It would be one thing if farm prices were even close to the cost of production. They are not. Large crops, a weak global economy and an uncertain export picture due in part to the Russian crisis have caused sudden and deep price declines at the country elevator.

Mr. Chairman, the fact this budget is being presented during National Agriculture Week is a paradox of enormous irony. With this budget plan the President is stepping on the gas for more spending while jamming on the brakes with punitive taxes. The result is we will end up in the ditch. In farm country, this budget is a blueprint for disaster.

Please, my colleagues, let us not go down this impossible trail. The proposals for a spending freeze still make sense and still would result in real deficit reduction. The Kasich budget represents a better alternative. That is a paved road we can all travel and achieve the goals we all want to see accomplished.

□ 1430

Mr. SABO. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. PRICE], a member of the committee.

Mr. PRICE of North Carolina. Mr. Chairman, our debate today is about real choices, choices to move the country forward and build sustainable growth, choices to slash the mountain of debt built up over the last 12 years, choices both to spend less and to spend what we do spend more intelligently, to restore fairness to our Tax Code, to invest our scarce resources in educating and training our people, building our transportation and communications networks, expanding incentives for new research, business development, and job creation.

The President spelled it out dramatically in his economic plan. "Continuing the failed policies of the past 12 years is a choice without a future," he said. "To restore our Nation's economic vitality and reclaim our vision of America we must change course and we must do it now."

We are offered today four alternative budgets, four choices about how to reach a better future. I want to focus my remaining remarks on the proposal now before us, comparing it to the President's plan as reported by the House Committee on the Budget.

Let me begin, though, by commending the gentleman from Ohio [Mr. KASICH] and the gentleman from North Carolina [Mr. MCMILLAN] for rejecting calls from within their party to sit back and promote stalemate and continue the partisan bickering we have seen over the past 12 years. They have put together a comprehensive package that is worthy of debate, but in my opinion it does fall severely short on several grounds.

The Kasich budget, first of all, has less real deficit reduction, to be specific, $15 billion less in deficit reduction, than the committee resolution. The Kasich budget has no growth incentives, no investment dollars, higher deficits, and more Government borrowing. Those are not the ingredients for a bright economic future.

The gentleman from Ohio [Mr. KASICH] claims that his budget plan is the most specific plan offered today. He also claims CBO scoring of his plan. However, CBO was never asked to score this proposal. With regard to the specifics, what he really means is that he plagiarized most of Clinton's specific cuts and then went to the CBO options book and pilfered a few more. Most of the Kasich specifics, in fact, are Clinton specifics or CBO specifics. Fully 80 percent of the real savings in this budget are borrowed from the President or from CBO. Since his budget calls for more borrowing, perhaps it is not surprising that the budget itself has been borrowed!

Let us look at the specifics, those that were not taken from the President or CBO. There are fully $145 billion in this budget in unallocated savings. Since about 50 percent of what he likes to call these overhead costs occur in DOD, presumably he is hiding up to $73 billion in additional defense cuts here. However, it is confusing, because the gentleman from Ohio [Mr. KASICH] claims that he will limit the defense hit to 10 percent or $14 billion of this unallocated pot of money. If so, the remaining $130 billion would have to come out of domestic discretionary spending. That would be a massive, unspecified cut in transportation, health research, education, training, new technologies, and law enforcement. Can he really, seriously believe in that kind of choice?

Another element of the choice is mandates, mandating, for example, that the States impose managed care on Medicaid and then removing $10 billion in funding to the States. Members will want to take special note of this. This is another Federal mandate with less money for the States. If our Governors and local officials hate unfunded mandates, how do we think they are going to feel about defunded mandates?

Then the gentleman from Ohio [Mr. KASICH] proposes something called WIC Plus, to put all nutrition funds into a block grant and cut funding by $8.3 billion. What he really ought to call it is WIC Lite.

The Bush recession, the anemic recovery, mean that more Americans than ever, nearly 26 million people, now need food stamps every month. How many millions of these people would be put on a crash diet by the Kasich budget? WIC Plus, indeed.

Then the Kasich budget would require cash payments from the poorest seniors, who live only on Social Security, for Medicare services like home health care and lab tests, which are currently free. That would take nearly $20 billion out of the pockets of those least able to pay.

What is the bottom line, Mr. Chairman? The Kasich budget includes no full funding for Head Start and WIC, no dollars for defense conversion, no full funding of highway and mass transit and airports, no investment in new technologies. No investment tax credit for business expansion, no targeted capital gains tax cut, no extension of the research and development tax credit, no extension of the tax exemption for mortgage revenue bonds, no extension of the low-income housing tax credit. And for all of that, less deficit reduction and more borrowing.

Mr. Chairman, I intend to reject this Kasich choice and to support, instead, a program for economic growth and tax fairness and sustained investment in American workers and American business, building a brighter and more prosperous future for all of our people.

Support the committee resolution.

Mr. KASICH. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, we are back to the same old false claims again. It is incredible. I tell the Members, we first had the Democrats saying they were one-for-one in spending cuts to tax increases. In the first year it is seven in taxes to one year in cuts, but this logic, and I do not understand how they can even keep getting up and charging it, is so wrong it just calls into mind the credibility of many other figures.

Let us go back to the question of allowances. The Democrats can stand up and they can talk about the fact that there are unspecified allowances, but I urge the Members to pick up a copy of our plan, our most specific plan, where it spells out, and this is the last time I am going to get into it, the COLA freeze for Federal civilian workers, the Davis-Bacon effect, the reduced Federal civilian employment. That is not unspecified. When we have a COLA freeze on Federal workers, that is not unspecified. That is very, very specified.

The problem they have on their side is that they have the gall to come up and talk about laying down our specifics, and then they march into the Committee on the Budget, they march into the Committee on the Budget with 249 billion dollars' worth of tax increases, and when it come time for them to lay their specifics down on the table, their $63 billion that they needed to get under the budget caps, because CBO said their numbers were goofy, when they came back to the Committee on the Budget they would not put their fingerprints on the cuts.

That is why editorially across this country people have said that the House Republican budget committee has the most specific plan, and shame on them for the gridlock, shame on them for spending 10½ hours rejecting it on party line votes, rejecting our specific recommendations, including in the area of allowances.

In the area of allowances, their President has about $30 billion, $34 billion in these allowance cuts titled "streamlining government." We do not just come up with some unspecified term like "streamlining government." We are down in the paper clips, we are down in the travel, we are down in the transportation, we are down in the supplies and printing.

Thank goodness Mr. Panetta has now agreed that it was necessary to do that, and that is why he is sending his OMB circulars saying, Let us get into Government contracts, let us get into object class 20.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I am glad to yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I appreciate the gentleman yielding to me.

I just want to make a point, because it was made again a moment ago, that there is more savings in the Democratic plan than there is in the Republican plan.

Let me repeat it again. Scored by the Congressional Budget Office, the Democratic plan is $425 billion of deficit reduction. The Republican plan, scored by CBO, is $429 billion. Any statement to the contrary is false, untrue, is a misstatement, is misleading.

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, any statement to the contrary is simply not true. The only difference between the two plans, of course, is that we achieve that deficit reduction by spending cuts, by a margin of more than 3 to 1. The Democratic plan achieves that by tax increases.

I also want to comment on something that has been said about the WIC Program, talking about salvaging the WIC Program. I would like to point out that the average funding for WIC, as a component of all food and nutrition programs, has been 5 percent of the total fundings.

□ 1440

Our proposal includes a floor of 12-percent funding for the WIC Program, more than double the historic average that has been spent on WIC. So let us just be straightforward and get the facts straight here.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from North Carolina.

Mr. McMILLAN. Mr. Chairman, I would like to respond to two points that the gentleman from New York just made with respect to the tax incentives that are in the gentleman's proposal. I would simply point out that the Christmas tree with the presents under it that you outlined totaled $70 billion in tax reductions over 5 years, but you pay for those by a Christmas tree that costs $337 billion. So the net increase in tax is $267 billion. Now that may sound good, but it is basically going to be a high cost.

Mr. KASICH. Mr. Chairman, I yield 30 seconds to the gentleman from North Carolina [Mr. McMILLAN].

Mr. McMILLAN. Mr. Chairman, the other thing that I would simply relate to is what I think is an erroneous characterization of the benefits of managed care. We are picking out the Arizona plan from the gentleman's home State, and that is a very constructive way of dealing with out-of-control costs in the Medicaid Program. And the CBO has scored that if it were applied nationally to be a savings of $10 billion, which is exactly the kind of thing that we need to be undertaking if we are going to solve both the problems of cost and access.

Mr. SABO. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY], a member of the committee.

Mr. POMEROY. Mr. Chairman, I would like to begin my remarks by commending the fine work of our chairman, the gentleman from Minnesota [Mr. SABO]. I believe his leadership has been extremely fair and produced an excellent product for this body's deliberation today. I am pleased to be a freshman member of this body and a freshman member of the Budget Committee.

Many of us were sent to Washington as a result of last fall's elections on a wave of change. The voters have had 12 years of Republican economic policy dictated out of the White House, a policy based on three principal components. First, coddle the financially comfortable; second, ignore the poor; and third, mislead the middle class with empty words of support while yielding a financial situation in this country that left them worse off and sharing a higher burden and a higher level of debt that imperiled the future of the next generation. The voters demanded a change, and they got one starting at 1600 Pennsylvania Avenue, a change that has brought forward before this body today an economic recovery package and the steepest deficit reduction package ever proposed by a President and brought to the floor by a Budget Committee.

In contrast, the amendment before us, and I applaud the gentleman from Ohio [Mr. KASICH] for going through the difficult rigors of preparing and overcoming the objections within his own party to put it before us, but when you look at the alternative proposed by this amendment, it is as if the election never happened. It clings fast to the failed policies rejected decisively in last fall's election.

First, it coddles the financially comfortable. Eighty-eight percent of the $240 billion revenue difference between the plans comes from the failure of the Kasich plan to address the incredible wealth amassed by the wealthiest Americans over the last decade, by the failure of the plan to impose restrictions on lobbying deductions or any other taxes for corporations.

The plan clings to that Republican tenet of ignoring the poor. It eliminates all new investment in Head Start, child nutrition, and eliminates the proposed earned investment tax credit designed to help the working poor, and reduces fully 50 percent college student aid.

And, finally, it continues the past failed practices of misleading the middle class. They say no new taxes, no new taxes are in this plan. But if you look at the Medicare section alone, there are new charges assessed without regard to ability to pay, projected to bring in nearly $20 billion. They call them copays, but to the extent these are charges not presently assessed, they are a tax, a tax imposed in the most unfair way of all. Rather than a broad-based tax, rather than a tax based on ability to pay, the $20 billion they will pull in from Medicare recipients comes from the sickest, most elderly of our population.

A final flaw with the Kasich alternative is timing. The same group that said do nothing, do nothing to help this country from slipping into a recession that displaced millions of workers across the country, now want to do nothing to get us going again. And in fact, they front load their cuts in a way that is almost sure to push us back into yet another recession while we are barely sustaining a recovery today.

Small wonder, I think it is small wonder that many Republicans never wanted to see this plan come to the floor. In my opinion, it presents all too clearly the stark contrast in the alternatives before this body today.

I urge rejection of the Kasich amendment.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. FRANKS].

Mr. FRANKS of New Jersey. Mr. Chairman, I do not want us to lose sight of the big picture issue that we are dealing with at this moment, and the issue that we are responding to, the challenge issued by President Clinton to be specific, to come forward with literally dozens of sensible, common sense driven suggestions by which we can reduce the oppressive tax burden on the people of America as well as begin to roll back some of the unnecessary spending that has taken place in this city over the years.

I believe we have met that challenge, and I want to point to one place where I think the American people can relate to just how significantly this Federal Government of ours has grown over the last 20 years.

I would point out that the budget for travel in the Federal Government, the travel budget alone is in excess of $7 billion. This is the class 20 classification the gentleman from Ohio [Mr. KASICH] talked of earlier, $7 billion in travel.

Do Members know what we found when we actually looked at how these moneys were disbursed? In the 12th month of the fiscal year, the very last month, there was a 48-percent increase in the amount spent on travel. Why? Because managers in government decided they should spend down all of their available travel allowances, so it shows up in the final month of the fiscal year.

If we would compel that in the 12th month of the fiscal year they spent simply the average amount spent in the other 11 months, we could save $2 billion. That is how soft the underbelly of this Federal Government has grown.

There are enormous opportunities in telephones, in travel, in printing, in consulting contracts. The Democrats are silent. The Republicans have stepped up and said let us look at these categories. Let us work in good faith to reduce the overhead, administrative expenses of the Federal Government.

Mr. Chairman, my State of New Jersey took a route 3 years ago which said you can tax yourself into prosperity. It has been a disaster, a disaster for the middle class that the proponents of that tax program said that they were seeking to help.

The new energy tax from President Clinton, the tax on Social Security for our seniors, those are going to be harmful to this country. We ought not increase the tax burden. We should meet our responsibility to be specific.

That is what this Republican alternative budget has done.

Mr. SABO. Mr. Chairman, I yield 4 minutes to the gentleman from West Virginia [Mr. WISE], a member of the committee.

Mr. WISE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, before I talk about infrastructure a little bit, this travel thing kind of interests me. It came up in the Budget Committee. I agree that you found some incidents where there has been an abuse of travel or places where apparently travel could have been cut back, and that certainly needs to be done and I applaud you. Of course, that is what we have been doing on our side, and that is what the commission that Vice President GORE has been heading up is doing.

☐ 1450

I just have to ask: Who has been signing the travel vouchers for the last 12 years? Where did this suddenly come from? Did these folks just walk out to the airport without any kind of control?

It seems to me before you come in here talking about all of these great finds, where have you been for the 12 years? That is the problem with your budget. It is a 12-year-old budget. It is 12-year-old rhetoric.

This election was about getting this country moving again. It was not about stagnation. It was about being willing to make the public investment that has to be made, and so just as we are hearing the same tired talk to the last 12 years, I think it is time to realize that there is a new breeze blowing here.

This new breeze is this: There is a siren song out of the Kasich budget, "Oh, we can do it all in cuts. Happy day, all in cuts; there are no taxes. It is only candy. All in cuts, will not hurt anybody." Of course, there are no tax cuts in this one either, the tax cuts that are in our stimulus package. There are no investments in this either, but, "Oh, no, we can do it all."

Well, let us talk about it. There is a reason that public investment is down by one-half, 50 percent, in the last 30 years, from roughly 4½ percent of gross national product to roughly 2½ percent. Why is that? Because of the decline in investment that you have got in this budget that you would propose.

Indeed, we are talking about growth. Let us talk about highways. Under the Kasich budget, do you think you ought to be getting away from the orange barrels that are blocking traffic, the fact that you cannot do the maintenance, the fact that we never get the full amount back from the gasoline taxes that people pay? Do not look to the Kasich budget, because that will cut you over the next few years around $7 billion.

What about mass transit? Do not look to the Kasich budget. That is about a 50-percent cut in that.

Airports: Are you tired of the fact that we only built one major airport in the last 20 years? Do not look to the Kasich budget. They cut that.

Clean water: mandates, once again, without money; the clean water program would be cut roughly $9.2 billion. That is sewers, that is cleaning up our environment, $9.2 billion over 5 years.

Economic conversion: so important that the President has recommended not only in the stimulus package but additional sums to economic development and administration, cut by the Kasich budget. They would not exist, these increases.

What about all of the defense plants that are closing down and the towns and communities that need assistance? They get no help from this budget. Do not look to them.

This election was about getting the economy moving. The Kasich budget is a guarantee of gridlock. It is a no-growth budget.

If you do not believe that investment in this country is important, do not invest in the House budget, but if you do believe that investment is so important, then you have got to invest that vote in the House budget which is very, very crucial: highways, mass transit, growth, economic conversion, all of it in our budget, none of it over there.

I think now people understand why it is so important that the election was about new priorities, and this vote today is about new priorities and whether we get about them.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. INGLIS. I am happy to yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I could not help but, on listening to the last speaker talking about themes, think for the moment that maybe we do have a new theme, the Fleetwood Mac Presidential theme song now ought to be, "Tax, Spend, Think About Cutting Tomorrow." That is the new theme.

Mr. INGLIS. Mr. Chairman, I wonder if the gentleman from Arizona wants to sing that rather than just speak it. That would be nice.

Mr. Chairman, I thank the gentleman for yielding me this time.

I think it is very interesting to follow the gentleman from West Virginia, because two things I have found very interesting in the discussions over the hearings that we had in the Committee on the Budget, particularly from Lloyd Bentsen, Secretary Bentsen.

There are two things that he said that were very interesting to me, or one that I observed there, and actually one when the Director of CBO was speaking.

When Secretary Bentsen was there, I asked him, "Mr. Secretary, I am concerned that this stimulus package is largely a package of pork, that constitutes really a big lump of sugar that is going to help the medicine go down," and the Secretary—and this is in the testimony—the Secretary said, "Well, Mr. INGLIS, it was necessary to get enough votes to make this package work." I appreciate his candor. But the candor does show the problem.

This stimulus package is in large part pork, and the result is that it becomes a big lump of sugar, and that helps the medicine go down of the largest tax increase in the history of the United States.

The second thing about this stimulus package, and this is actually the Director of CBO that testified to this, he pointed out that a $30 billion stimulus package, or if it is, in fact, a $16 billion, and it is sort of difficult to account which one it is, if it is that small, he said it is an insignificant stimulus to a $6 trillion economy that is taking off. However, it is a significant increase in the deficit.

That is what it is, My colleagues, I would ask you to look very closely at that stimulus package and realize that it really is very insignificant to a $6 trillion economy.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, let me ask this of my colleagues and fellow Americans: If not now, when?

If not now, then we do not deserve to represent the people of the United States in this Chamber.

If not now, then we will not be able to look the children of those people in the eye.

If not now, then we place on those children a crushing burden we do not have the moral fiber to shoulder ourselves.

If not now, then we live with the disgrace of our shame, indecision, and outright cowardice for the rest of our lives.

If not now, then we are saying never, and I weep for our country.

The time for change is now.

Mr. KASICH. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. ARMEY], the head of the Republican conference.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let me begin this process by first congratulating the gentleman from Ohio [Mr. KASICH] and the members of the Republican Budget Committee. In the 8 years that I have been in Congress and watched this budget process, this is the most professional, most dedicated, and most real effort that I have seen by any budgeteering group.

They have got the right conceptual framework, that we ought to grow down the size of the Government and allow more freedom to grow up the free-enterprise sector of the American economy, that only by growth in the private sector can we generate the revenues to support this enormous Government spending program, and only then can we decrease the deficit if we combine with that growth in revenues from a growing private sector a containment of growth in the public sector.

It takes courage. It takes commitment. It takes details.

A few weeks ago we were challenged on our side of the aisle to put up or shut up, and the fact of the matter is the Republicans on the Committee on the Budget put up details, pain, sacrifice, not sacrifice by those of us who Senator GRAMM says are pulling the wagon and paying higher taxes by heaping on more taxes, but sacrifice by those who are in the wagon by reductions in Government largesse and containment of the size of Government.

What do we have from the Democrats? The Democrat package can be broken down into three components: the pain, the payoff, and the promise.

The pain is the massive tax increases which are immediate and certain on all of the American people, and if in fact you happen to be earning $30,000 a year and suffering a tax increase by this Clinton plan, they will perform the magic of redefinition and give you by a redefinition of your income the status of being a wealthy American by imputing to you through the Government alleged earnings of your children, the rental value of your home, the inside value buildup of your retirement programs, the cheating on your taxes that this Government under Clinton is assuming that we all do by either unreported or underreported income, they will make you wealthy.

This Presidency is going to make us all wealthy by simply redefining income.

Now, in addition to that pain, we have the payoff to all of the Government agencies, the supporters, the communities. In addition to all of that payoff in this Government stimulate pork package, we have then the promise.

The promise we have all heard before to the American citizens is, once again, the Democrats have said, "Take the pain of the higher taxes, allow us to fulfill the payoff to our constituency groups, allow us to provide the pork early, and we promise you the cuts later."

□ 1500

Ladies and gentlemen, the cuts will not arrive, the cuts will not get off the launching pad. The cuts are the fiction of Democratic budgetary policy. The pain is real, the suffering is optional.

Vote for Kasich, vote against the Democrats' fiction.

Mr. Chairman, the plan offered by President Clinton and the Democrat majority and the one developed by the Budget Committee Republicans offer the American people a stark contrast in our respective parties' approach to tax and budget policy. The Democrats want to tax the people and grow the Government, while Republicans want to grow the private sector and constrain the Government.

The Democrat package contains the largest tax increase in American history and tens of billions in new spending. By contrast, the Republican alternative cuts spending and the deficit $430 billion without increasing taxes, without slashing defense and without cutting Social Security.

The Democrat package can be broken down into three components; the pain, the payoff, and the promise. The pain is massive tax increases, which are immediate and certain. The payoff is the stimulate Government package which, even the Washington Post notes, is an effort to reward Democrat constituencies with taxpayer money. And the promise—one we've heard so many times before—is that a few years from now we'll cut Government spending.

In reality, the Democrat plan will grow the Government and shrink the economy. It will mean fewer jobs for ordinary Americans, particularly when coupled with the new wave of regulations we are certain to see on behalf of Big Labor and other special interests. The reason job growth has been stagnant is that the tax and regulatory burden on small business has increased 34 percent in the last few years. And I remind my Democrat friends that during the Reagan boom—the longest peacetime expansion of the economy in history—it was small business that created 75 percent of the new jobs in America.

What does the Republican plan do? It achieves more deficit reduction than the Clinton plan by reducing Federal spending less than 3 percent. That's right, 3 percent. It's appalling that my friends in the Democrat majority and the new Democrats in the White House would stick the American taxpayer with the largest tax increase in American history while refusing to reduce Government by even 3 percent. In fact, the Democrat plan adds tens of billions in new spending.

While the Democrat plan asks all Americans to pay higher taxes for more Government, the Republican plan asks the beneficiaries of Government largesse to contribute to deficit reduction. The Republican plan cuts Federal overhead, reduces Congress' bloated budget, asks wealthy Medicare recipients to pay a larger portion of their health care costs, requires Federal workers to work until age 62 like everyone else instead of retiring at 55. It reforms foreign aid, puts Medicaid patients in a managed care program, and saves taxpayer dollars by empowering low-income Americans to use housing vouchers instead of building expensive, crime-ridden public housing. And best of all, the Republican plan eliminates unnecessary programs and Government agencies like the Interstate Commerce Commission, which was created in 1887 to regulate the railroads.

I would like to compliment my colleague, Mr. KASICH, and the other Republicans on the Budget Committee for putting together an honest, fair, and well-balanced plan that reduces the deficit without raising taxes. This plan attacks the root of our deficit problem: runaway Federal spending.

Balancing the budget and encouraging a prosperous and growing economy requires a two-point plan. We must first limit Government spending, as this plan does. And we must pass a progrowth package which reduces the cost of capital and labor and encourages our people to save and invest.

Mr. Chairman, I would say in closing that the Clinton tax-and-spend plan will fail. As I told another President 3 years ago during the 1990 budget summit, higher taxes and higher spending will stifle growth in the private economy, kill jobs, and not reduce the deficit. The Clinton plan is the 1990 budget deal part II in super 3–D with twice the tax increase. I urge my colleagues to reject the Big Government Democrat agenda and support the Kasich alternative, which cuts $430 billion from the deficit and gets America back on the path to prosperity by asking Government to sacrifice, not American taxpayers.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER], a member of the Committee on the Budget.

Mr. SCHUMER. Mr. Chairman, the Republican Party is running scared. They could not believe that Bill Clinton would put together a real budget with real numbers that really reduce the deficit. And he did.

He ran on a platform of reinvesting in America but in reducing the budget deficit, and here we are; we are doing it.

Now, I must say I give some credit to the gentleman from Ohio [Mr. KASICH]. Unlike most of the other Republicans who did not want to put up any budget at all, at least he has had the decency and the courage to put together a list of cuts. I wonder how many votes it will get on that side of the aisle. It certainly cannot get a majority of votes.

We are back to playing the same old game, every single Member in this body can put together their own list of cuts that they can vote for without much political damage, without substantively bothering them, and we end up with 435 budgets. But we end up with no budget, and the deficit gets bigger and bigger and bigger.

Well, the American people asked for one thing in the election more than anything else, they asked for an end to gridlock. They really were asking, even those elected from your side of the aisle, to come over and compromise and work on a bipartisan budget. But that was not to be.

And so we alone have come up with a budget. Do we have differences in opinion about what it might be here? Sure. But we are going to pass a budget, and we are going to reduce the deficit, and we are going to play the games that have been played on that side of the aisle about putting together something that 100 or even 150 Members might vote for but cannot carry a majority, because above all we must act.

The Kasich budget puts a dagger at the heart of urban America and puts together a budget that knocks out whatever is left of urban programs. I could do the same and put the budget together that did the same to rural America and get 150 votes on my side of the aisle, but it would not pass and it would not reduce the deficit.

So I say to my colleagues here there is really only one game in town and that is a budget that can pass and reduce the deficit and get us on the road to recovery and end the gridlock.

The budget that the gentleman from Minnesota [Mr. SABO] has taken from the White House and, even, improved is that budget. I urge a "no" vote on the Kasich amendment despite his commendable courage in putting together cuts; and I ask for a "yes" vote on the Democratic proposal.

Mr. KASICH. Mr. Chairman, I yield 4 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. I thank the gentleman for yielding this time to me.

Mr. Chairman, members of the committee, in the last election there was a mandate for change and not a mandate for more of the same. What I am hearing in the course of this debate today is you cannot cut this and you cannot cut that.

Back in 1985 a group of us got together and in 1986 offered budgets on the floor to avert the precise fiscal crisis we are faced with today, and we hear the same refrain: "You can't cut this and you can't cut that."

You are darned right we are front loading the spending cuts; it is no coincidence that in the President's economic plan that all the spending cuts are safely deferred to the years 1997 and 1998. That is because they are never going to happen. Now, the Kasich plan demonstrates how you can achieve the same deficit reduction numbers in the President's economic plan but doing it through spending cuts, without having to raise taxes. And it is specific.

My major concern with the plan on the other side is that we are not going to get the spending cuts. Two, we are not specific.

I have yet to hear how they arrived at the $510 billion. The last we knew through the CBO scoring, it was $425 billion, including the $63 billion in unspecified cuts.

Now, understand, the $30 billion of that $63 billion occurs in 1998. A plug of $30 billion in 1998 that we do not know what is going to happen in terms of cuts.

Now, we know the appropriating and authorizing committees can achieve a recommended aggregate number in a different way, but we have an obligation as members of the Committee on the Budget to at least demonstrate one feasible way as to how you arrive at those numbers, so that we are not reduced to just picking numbers out of the hat, which has happened time and time again here in this Congress. And that is why we are in the situation in which we are today.

Let us look at foreign assistance, because I think it illustrates the difference between the Kasich plan and the budget resolution out of the Committee on the Budget.

We have doubled the cuts in foreign assistance over the budget resolution passed by the Democratic majority in the committee. We doubled them. The President's economic plan originally called for an increase in foreign assistance in 1994 by $51 million. Now, the majority came back and inserted another $2 billion because they realized that it was deficient in this category, but we still doubled them.

Now, the point is that they have not yet been able to specify how they are going to make those cuts in foreign aid. Now, ladies and gentlemen, if you are asking my constituents, whose average per capita income is $14,800, to pay more in home heating oil because of the energy tax, do we not owe it to them to say, "Yes, we are going to cut foreign assistance substantially?" I think they deserve to know from us that we are going to specify cuts in programs like foreign assistance. We can at least double our cuts in foreign assistance if we are asking them to pay more for home heating oil. I think that is logical and fair.

So, what are we getting in return for the largest tax increase in the history of this country? Well, we are getting more spending this year, we are getting a spending cut of $6 billion in 1994 out of a $1.5 trillion budget; only $6 billion in spending cuts. We get spending increases each and every year under the Clinton economic plan.

In return for the taxpayers in this country paying for the largest tax increase in the history of this country, that is, and yes, the spending cuts I have referred to, the majority of them occur in 1997, 1998; only 6 percent of them occur in the first year.

I think we owe the American people more than that, ladies and gentlemen. We can do a better job.

Mr. SABO. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. BERMAN], a member of our committee.

Mr. BERMAN. Mr. Chairman, I want to say initially that I join with some of my other colleagues in paying my respects to the gentleman from Ohio [Mr. KASICH] at least on the process of getting a budget alternative together, putting it out there, providing specifics. He has met the process test.

But on the substance of the budget, I think you have to say this is truly a budget with no vision whatsoever. There are no investments, there are no changes in the priorities. This is a budget that represents the same tired priorities of the last 12 years: neglect, supply-side voodoo economics, and trickle-down mythology.

There appears to be no investment issue either in the spending or in the tax reduction side. There is blatant neglect of education and training priorities.

The Kasich plan does not include full funding of Head Start by 1999. Only 37 percent of eligible children can be enrolled in the Head Start Program, based on the current funding levels assumed in the Kasich alternative. There are no initiatives for the National Service Corps budget. There is no mention whatsoever of youth apprenticeship programs to prepare non-college-bound high school students to make the transition to careers. There is no increase here for summer youth employment and training to put youth to work in summer jobs.

□ 1510

There is no commitment in this budget to research and development.

There is no short-term investment tax credit for new startup companies to accelerate expansion plans and order new equipment.

They do not even propose the permanent extension of credit for research and experimentation.

There is no permanent extension of tax credits for targeted jobs.

There are shortsighted cuts in this budget that hurt the poor, that hurt the environment, that hurt our industrial competitiveness, and make a fundamental onslaught on our basic tenets of foreign policy. I would like to speak to that for just a moment. It is a portion of the budget that I have worked on.

The Sabo budget proposes cuts in the area of the foreign affairs function. But how can anyone in this Chamber who wants to talk sense to the American people propose a budget that rejects and cuts the administration's own suggestions for dealing with the most important national crisis of our time, because everything we want to do in the area of deficit reduction, new investments, downsizing of defense spending, focusing on domestic priorities, all that will be cast aside if the most fundamental question of what happens in the Republics of the former Soviet Union is not dealt with.

The administration proposes focusing on that. The Kasich substitute just wipes out that proposal in its entirety.

This is an issue that can get a lot of applause from people who want to appeal to the lowest common denominator of what the average voter wants to hear, but a budget that requires leadership cannot ignore what the leadership of both political parties, whether it is Richard Nixon or Bill Clinton or any of the people who have thought about this subject say we must do in this particular area.

This budget wipes out all the proposals for peacekeeping operations that are now going on and that have been given bipartisan support on both sides of this Chamber. This is making a mockery in order to say, "Oh, look what we have been able to cut in the administration's proposed budget."

I would like to touch on a couple other areas as well. We have had many debates here about Legal Services, controls, questions of how the program should be run. It is very easy, I guess, for the people who put together the Kasich substitute to decide to wipe out all Legal Services programs, the good ones along with the bad ones, the ones that are doing great jobs along with the ones that might be done, wipe them all out from any Federal budget deficit. Who cares what happens to the poor in the particular area?

On the program again that has tremendous bipartisan support, the Women, Infants, and Children, the WIC Program, and the School Lunch Program that everyone acknowledges are two examples of the best that the Government has been able to do in helping people who deserve to be helped, they combine these programs, assume a massive reduction in funds by savings that they give no discretion of how they will be achieved, and if they are not achieved will pit two of the most vital programs we have here, WIC and the school lunch program against each other for a vastly reduced amount of moneys. That is not a responsible, imaginative, and visionary budget.

I just want to touch on one last issue and that is the assumptions about the Medicare freeze and medical malpractice.

The Kasich substitute says we are going to achieve $14.9 billion in savings by freezing provider costs for Medicare. But will that affect the providers? No. Because the assumption here is that we reform the medical malpractice insurance system and that the $14.9 billion in savings will come from savings realized by those particular kinds of reforms.

The fact is that less than 1 percent of our national health care costs are spent on medical malpractice insurance premiums. The defensive medical malpractices that are assumed for this are totally unrealistic. No expert detached objective person analyzing this could assume there is any logic to that.

So even in the area where they seek to throw out the challenge the most on the credibility of the specifics, the Kasich substitue falls woefully short.

Mr. Chairman, I urge that this substitute be defeated and that the Budget Committee's proposal be adopted.

Mr. KASICH. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I yield to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just heard the comments that were made about WIC, the nutrition program. I just want to make it very clear, that the savings we get are scored by the Congressional Budget Office. They are real savings. They are in there. They are scored by the CBO.

How do you get that kind of saving? By taking 5 percent of all the nutrition programs when you block grant them and when you eliminate the duplication, when you eliminate the overlap of programs, you would probably get more than 5 percent. We used the very conservative number, that is the CBO number of 5 percent.

The Governors want these programs block granted. It is a program that would work for the States and save the American taxpayer $5 billion and not cut any services and allow the same number of dollars or more dollars to go to the WIC Program, which is everybody's No. 1 priority.

Mr. FAWELL. Mr. Chairman, I rise in support of the Kasich amendment and in opposition to House Concurrent Resolution 64. In my view, Congress should forget new taxes, forget new spending, and for once prove to the American people that Congress is interested in and can cut spending. Why do I say this?

First, because as a result of our annual deficits, the national debt is now $4.1 trillion. It is very, very serious.

Second, even if one assumed this budget resolution would be followed, and I frankly do not believe it will be insofar as cutting is concerned in spending, an additional $1.65 trillion will be added to the national debt over the next 5 years, according to their own admission, and still there would be no balanced budget in sight. Perhaps some time in the next century we may get to that, and in the fifth year of this budget, guess what, the deficit would in fact be on the rise, going up.

Third, the public has no faith in the collective will of Congress to cut spending. That is zilcho. New national taxes and spending are up front and forever, but real spending cuts are rare and they are in the outyears.

In fact, House Concurrent Resolution 64 increases spending over fiscal year 1993 in 15 out of the 19 of the major functional categories of the Federal budget for fiscal year 1994.

The people of this Nation do not have to be challenged with new taxes and more spending. They are used to that. They have had enough of it. Congress is the one to be challenged, and the challenge is to cut spending, clean out the barn.

I came to Congress in 1985, the first year of the heralded spending limits of Gramm-Rudman. Those limits were avoided, waived, repealed, scuttled, rewritten, bypassed, and ignored by Congress each time a serious spending cut was required.

I also saw the 1990 budget deficit law passed with its massive new taxes and $500 billion of promised spending cuts. Likewise I saw it manipulated, avoided, waived, abused, and bypassed while deficits and the national debt continued to climb to all-time heights.

Indeed, the stimulus package of $16.2 billion for fiscal year 1993 which soon will be passed by this body is based upon an avoidance of the firewalls and the spending limits of the 1990 Budget Deficit Act. How? Very simple. Just declare the whole darn stimulus package an emergency and, presto, the firewalls and the limits on spending for fiscal year 1993 come tumbling down and we add, guess what, another $16.2 billion of deficits for our children and our grandchildren to pay.

I would submit that Congress has to stop financially abusing future generations of Americans. Our children and our grandchildren have a right to expect Congress to act responsibly.

This is deja vu all over again, the same thing I saw in 1985, the same thing I saw in 1990.

Forget the new taxes. Forget the new spending, and for once show the Nation that this Congress can do something for the Nation in regard to cutting spending. That is the message we ought to be hearing.

Mr. SABO. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DURBIN], a former member of the Committee on the Budget and current chairman of the Subcommittee on Agriculture of the Committee on Appropriations.

Mr. DURBIN. Mr. Chairman, let me say that this morning's newspaper reported that Mr. KASICH's budget was rejected by his Republican conference. I think the gentleman from Ohio deserved better treatment from his Republican colleagues. He at least had the courage to stand up and to make his plan specific and to say what he would do to reduce the deficit, and my hat is off to him.

He came to Congress with me in the same year. He has shown himself to be a man of his word, but I have to echo the comments of the previous speaker, the gentleman from California, though Mr. KASICH has met the procedural requirements, on substantives I find the gentleman's offering wanting.

□ 1520

Let me tell my colleagues why. The Kasich budget is good news for fat cats, bad news for kids. The Kasich budget is good news for the independently wealthy, bad news for infants and children.

During the last 12 years, Mr. Chairman, the tax policies of the Reagan and Bush administrations have given substantial benefits to the wealthiest people in America. Working families know it. They have paid more year in year out. President Bill Clinton has said that, as part of deficit reduction, the wealthiest among us must pay their fair share of taxes, and 70 percent of all of the new tax revenue he is asking for comes from people making over a hundred thousand dollars a year.

Mr. Chairman, the Republican Kasich budget literally insulates all of the fat cats in America from any increase in their income tax rates. Yes; he would freeze in place the current inequity in the Federal tax system which heaps the burden on working families. In that respect the Kasich budget fails the fundamental test of fairness, and then, when we take a look at where the gentleman from Ohio [Mr. KASICH] would make up for that money that he would not take from the wealthiest Americans, we will find that he is cutting programs that are fundamental and essential for the growth of this country, programs for which our Committee on Appropriations has the responsibility.

Let me give my colleagues one specific: the Women, Infants, and Children Supplemental Feeding Program. For those who are not aware of it, it is a program which brings in poor pregnant mothers to help them through their pregnancy, to give them the prenatal care, the nutritional advice they need to have a normal pregnancy and a healthy baby, and then we stay with them. We bring the mothers back with their small children, make sure the children are well fed, go to the doctor and follow the basic requirements to have a normal and healthy life.

My colleagues, this is an investment in the future of America. We cannot build new jobs and a new future for America with low-birth-weight babies who literally break the bank of the Federal Treasury when they show up in the intensive care units and need to be taken care of for months at a time.

Unfortunately the Kasich budget takes a serious cut at the money that is available for the WIC Program by providing a block grant that over a period of 5 years cuts over $6 billion, part of it from this important program.

Second, Mr. Chairman, the Kasich budget is going to eliminate President Clinton's call for universal immunization in America.

It was my pleasure and honor to serve on the Select Committee on Children, Youth, and Families for several years. Children who receive vaccinations in America are healthier kids who avoid the measles and diseases which put them in the hospital and run up the bills again in medical costs. We save $10 for the American taxpayer for every dollar we put in immunizing children.

Unfortunately, my colleagues, under the plan offered by the gentleman from Ohio [Mr. KASICH], immunization is an extravagance. He would not tax the wealthy so that we could immunize the children. I see things differently, and so does President Clinton.

The other point I make is that the President's offering suggests that we improve the earned income tax credit, which is a benefit, a tax benefit, given to working families who are still struggling to get beyond the poverty level. I thought we all agreed, Democrats and Republicans, that, if the husband and wife, mother and father, would go to work and do their 40 hours a week plus, and have small kids at home, that in this Nation of America they should not be living in poverty. With a tax credit we say to these people, "We'll give you a helping hand for your effort. We want you to understand that you are participants in America's future."

Unfortunately the Kasich budget, because it will not tax the wealthiest among us, cuts off this effort by President Clinton to bring dignity to families that are striving to pull themselves out of poverty and welfare.

The bottom line is this: The Democrat budget which we are supporting is going to reduce the deficit more than the Kasich budget, and the Democrat budget is also going to get this economy moving forward again. We are going to ask the wealthiest to pay their fair share. We are going to invest in kids and our future in training, and education and health care because we believe in people.

Those who stand here and support the budget offered by the gentleman from Ohio [Mr. KASICH] are saying by and large, "We should cut out all these programs. We don't need them."

We do need them. Americans need the Democrat substitute.

I urge my colleagues to vote "no" on the substitute offered by the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. LEWIS].

Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Florida. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I sure would like a little less praise from the Democrats and a whole lot more accuracy in regard to our plan.

I think, as everybody here knows and as has been pointed out, I think, on three separate occasions by the gentleman from Arizona [Mr. KOLBE], of course in our block grant program we have full funding of WIC and guarantee that the States can spend no less than 12 percent, and we have covered all these arguments that they make over, and over and over again, and it is almost like saying, "Well, we've got one for one in spending cuts and taxes." That is phony baloney, just like the previous speaker in talking about us gutting WIC. It is simply not true. We have full funding for WIC under our program.

But I will tell my colleagues what we do. We get rid of all the tired, worn-out bureaucracies out there, and we bring real reform.

Mr. Chairman, I thank the gentleman from Florida [Mr. LEWIS] for having yielded to me.

Mr. LEWIS of Florida. Mr. Chairman, I rise in support of the budget amendment offered by the gentleman from Ohio [Mr. KASICH].

This week it become so much easier to show my differences with the Democrats in respect to how to spend my constituents' money.

First, a Democrat report said we should oppose the Kasich budget because it moves in the opposite direction of the Clinton plan. It does not raise taxes. I ask, "Can you believe that? Be against it because it doesn't raise taxes?" Eliminates all spending increases. "Can you believe that? Be against it because it does not eliminate all spending increases?"

Mr. Chairman, that is why I am voting for this Kasich amendment. It does not increase taxes or spending.

Today these same Democrat politicians will approve over $16 billion in deficit spending. That is not just continuing wasteful spending. It is increasing it.

There is $28 million for the District of Columbia, $23 million to change light fixtures in government buildings, $150 million for the IRS. This is spending. The President and the Democrat Congress increases, and this is what we want to cut. The differences are that clear.

Mr. Chairman, I say to the taxpayers, "Grab your wallets and run. This President and this Democrat Congress think you can't be trusted with your own money."

Now the Democrats are selling us on how to invest our constituents' money, and I ask, "Can you believe it? They are now calling taxes an investment?" What a sad commentary, a Democrat controlled Congress that has no idea as to how to operate in the black are now reborn financial planners who want to invest our money. What a joke. Give them more money, and they will spend it.

Mr. Chairman, I think Americans can be trusted to keep their own money. Let us try that philosophy for a budget and an economic policy.

Support the Kasich amendment. It takes the first step toward deficit reduction. It cuts spending and does not raise taxes. It is a good budget.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from North Carolina [Mrs. CLAYTON], president of the freshman class.

Mrs. CLAYTON. Mr. Chairman, I speak today to the urgent need to pass the budget resolution that is before us, and not the Kasich plan. Today we are challenged to take a brave stand for our Nation and the people of our districts. The eyes of the American people are upon us. We are being watched to see if we can make the tough decisions that will enable the American people to again feel secure about their economic well being. To move this country forward we must not be content with business as usual. There are those who will tell us that the economy is well. They will lead us to believe that Main Street is once again booming, and all of our workers are again full at work. While there have been some changes in the economy, there are still far too many Americans caught in the hopelessness and despair of unemployment. Far too many of our children are dying because of inadequate prenatal health care, and far too many of the roads and bridges in our towns and cities are at a point of dangerous disrepair.

The budget resolution before us presents an opportunity for us to make a bold statement, to do the right thing. The deficit is at an unacceptable level and a plan is offered to address the problem. Painful spending cuts across the board are included in this plan. Let me briefly say to my colleagues, that the budget resolution certainly does not please every one, but it is indeed moving in the right direction. It moves us toward a future of investment in the critical physical and human resources that are vital to our Nation's survival.

It directs much-needed attention to the education and immunization of our children.

It prepares our work force for the changing nature of our economy.

It addresses the special nutrition program for women, infants, and children through the WIC program.

It addresses tax changes proposed in the Presidential budget to move the economy, and it has built-in measures to keep it going once it gets on track.

In summary, the budget resolution speaks to the heart of the need once again to focus on the needs of the people of this great Nation. And yes, it also contains a deficit-reduction plan that is not smoke and mirrors. Unfortunately, Representative KASICH, the ranking Republican member on the House Budget Committee has offered a plan that is the reverse of what the House Budget Committee has recommended. Let us look at just a few points of the plan that the Representative has proposed:

DEFICIT REDUCTION

The Kasich plan only lowers the deficit in the first 2 years. It is estimated by the Center on Budget and Policy Priorities that because of the timing difference, this plan does not achieve as much long-term deficit reduction as the President's plan.

Most importantly, this plan places the greatest burden for reducing the deficit on low- and middle-income citizens.

There is no investment in our children, families, or the public infrastructure of our towns and cities.

Job training for our workers is ignored, as is research and technology development. I say it is time for us to reject business as usual, and move quickly to reject the Kasich plan and accept the budget resolution before us. It is a measure that will move this great Nation and its people forward.

Mr. Chairman, let us do this today because it is the right thing to do.

□ 1530

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the very distinguished gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, the President challenged those who oppose his budget to offer their own. Well done, Mr. President. Good politics—good policy. A democratic process should promote the public discussion of alternatives.

So today's debate is about choices, economics, and leadership. Upon what principles do we base our resolve and our approach to deal with the deficit?

I believe we have a deficit because the Government spends too much and is too ineffective and inefficient. The Democratic leadership believes we have a deficit because people are taxed too little.

I believe, and the Kasich plan reflects, the fundamental economic fact that we will never get the deficit under control until the Government gets spending under control.

The Democratic leadership believes we will never get the deficit under control until Government taxes more and spends more.

The energy tax will hurt Americans and cost jobs. Mr. President, western Pennsylvania has thousands of jobs tied to energy sensitive industries. Good jobs in competitive global markets which will be lost. Steel, paper, aluminum—and the list goes on.

Taxing our way to deficit reduction will put some of these people on the unemployment lines. The tax is regressive, inflationary, and a very bad idea.

New spending will increase the cost of long-term Government which predictably will require more revenue. The expansion of Government is a novel approach to deficit reduction. It doesn't make sense to me. We should be looking for ways to make a $1.5 trillion Government better, not bigger.

My colleagues, we cannot tax our way to prosperity and we cannot bluff our way to a balanced budget.

The only way to reduce the deficit is to permanently reduce spending and, by doing so, the size of Government.

In 1980, the American people sent $517 billion to Washington for the Federal Government to spend. By 1989, revenues had grown to nearly $1 billion, yet we remained over $150 billion in the red. So, in spite of taxpayers digging deeper and paying more, the Government's insatiable appetite still could not be controlled.

That's the picture, the more people pay, the more Government spends. Let us add one more certainty to Ben Franklin's list—the only certainties in life are death, taxes, and more Government spending.

The Kasich plan recognizes the need to reduce spending as the only way to reduce the deficit. I don't agree with all of it. I differ with my friend on his approach to Davis-Bacon, legal services, and other components. But, like any blueprint, we can move some lines around to accommodate different priorities. As a spending blueprint for Congress, the Kasich plan offers the most promise to deal honestly with the deficit.

The Kasich budget simply recognizes that before we ask people to open their wallets and pay more taxes, Government should tighten its own belt, and do a much better job with the dollars the American taxpayers already send to Washington.

Mr. SABO. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from Utah [Ms. SHEPHERD].

Ms. SHEPHERD. Mr. Chairman, I rise in reluctant opposition to the Kasich substitute and in support of the Budget Committee's fiscal year 1994 budget resolution.

The gentleman from Ohio is to be commended for his diligence and his passion in crafting his substitute amendment. There is much in the plan that I can support, and will support as the reconciliation process moves forward. I too want to kill World War II-era agricultural subsidies. I especially want to be able to support a budget that doesn't increase taxes.

The Kasich substitute calls for significant budget cuts, no question about it. But it fails on a number of other counts. Most importantly, it fails to pass the test of fairness. The Kasich amendment puts an incredibly unfair burden on the elderly and the poor to balance the budget. It calls for an additional 50-percent cut in Medicare beyond what the Budget Committee recommended, yet it does so in the absence of any plan for comprehensive health care reform.

Kasich asks our senior citizens to pay more, but makes no commitment to seniors to address skyrocketing health care costs.

That's just not fair.

The Kasich plan calls for $8.6 billion in savings over 5 years by consolidating WIC, food stamps, and the School Lunch Program. Mr. Chairman, there is a reason that WIC has bipartisan support—It works. Right now WIC serves just 60 percent of the Nation's women, infants, and children living below the poverty line.

Mr. Chairman, that is just not fair.

The Kasich amendment fails to address the economic realities facing our Nation. We are facing a painful transformation as we wean ourselves from the defense buildup of the 1980's. Cuts in weapons systems have already hit my district. In a few weeks, we are going to vote on a plan to close dozens of military bases nationwide. Yet under the Kasich budget, we cannot help any of the thousands of workers and their communities as they go through this painful transition.

It's just not fair.

Mr. Chairman, we must do more than cut spending if we are to see progress in deficit reduction. We must reprioritize how we spend, for the economy must grow to bring in adequate revenues. Without significant investments in highways and airports, education, job training and R&D, the private sector can't provide the growth necessary to bring the budget into balance. By cutting student aid, by maintaining the status quo on job training, and by eliminating the Commerce Department, the Kasich budget fails to prepare us for the economy of the future.

Mr. Chairman, it's just not fair, and it's just not smart.

Finally, I feel obligated to point out that the Kasich budget includes a provision of particular detriment to the schoolchildren of Utah. Specifically, it would prohibit all Federal land acquisitions for 5 years. This provision could devastate years of negotiation to resolve a long-standing dispute between the Federal Government and the State of Utah over the use of State-owned school trust lands.

I am prepared to cast difficult votes—that's why we were sent here. I want to ensure that the 103d Congress, and the Clinton administration, are heralded by historians as the ones that brought an end to gridlock in Washington and set our Nation on a new course of fiscal responsibility.

The Budget Committee has given us a good framework—a fair framework—

to begin this transition. The Kasich budget in spite of its good points, falls short. I urge its defeat and the adoption of the committee plan.

□ 1540

Mr. KASICH. Mr. Chairman, I yield 1½ minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Wyoming. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I would like to say to the gentlewoman from Utah, if she was worried and concerned about military base closings last Friday, if this Clinton plan gets enacted, which I am sure Les Aspin does not favor, really, if he had his way it would not be anything like this, almost everybody in this country who has anything to do with the military is going to be shaking in their boots when we get to the base closing commissions that are yet to be ahead under this blueprint for Pentagon devastation.

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in support of the Kasich amendment. It has been a very long debate, and I have listened to most of it. We have all thought about this a great deal.

I was particularly interested in my friend from Illinois. He and I had made a trip to Europe last year to help the Baltic States get away from having too much government because that was not an answer to their problem.

I think all of us here have decided where we are. There is no need to talk, in my view, about details. Everyone here, I think, wants to achieve certain goals. Such goals as a strong economy, good, strong dependable jobs, the ability for people to own homes and educate their children. We all want to do this.

Frankly, I am not persuaded that more taxes and more spending is the way to do that. I am not persuaded that we continue to take more money out of the private sector, put it in the public sector is the way to achieve those goals.

Indeed, it seems to me that we do better in achieving these goals with less government, rather than more. Pretty simple. If we have less taxes, rather than more. Pretty simple. We leave dollars in the private sector. That is where jobs and wealth are created.

I cannot imagine the largest tax increase in our history helping us achieve the goals of a stronger economy.

Mr. KILDEE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in strong opposition to the Kasich substitute to the House Budget resolution. The Kasich substitute not only falls about $15 billion short from the committee's deficit reduction efforts, but it also does not include any of the Clinton initiatives for education, for health and job training, nor does it include any of the President's tax incentives for small business investment.

Mr. Chairman, I want to focus my remarks this afternoon on the Republican proposal to lump together several Federal nutrition programs, including WIC, food stamps, and school lunch into one block grant for States.

In the past, Mr. Chairman, we have heard this siren song of block grants being more efficient than targeted Federal programs. And, like in the past, the Republican proposal to throw these programs into one budget bag and then cut them back in their funding by $6.8 billion falls short of what is good.

Why is it that when we have a defense program in trouble, like the B-1 bomber or the C-17 transport plane, defense hawks say we can fix those problems by putting more money or throwing more money at them? Yet somehow, domestic programs like WIC or school lunch are expected to work better and serve more people when we give them less money. And we are, under the Kasich proposal, giving them less, $6.8 billion less over the 5 years.

Mr. Chairman, study after study has shown that cutting WIC funding would be penny-wise and pound-foolish. My subcommittee has jurisdiction over this program, and I am very familiar with it.

The USDA and the GAO and others have found that each dollar spent in the prenatal component of WIC results in savings of between $1.92 and $4.21 in Medicaid costs due to fewer low-weight babies needing hospitalization.

Now, the gentleman from Ohio [Mr. KASICH], I am sure, because I have great respect for him, sincerely believes that WIC is protected in his proposal. But it is not, I assure him. It is not.

I do not think there is anyone in this House more familiar with WIC than I am. Moreover, Mr. Chairman, the Republicans' WIC-plus proposal does not make sense from an administrative efficiency point of view.

Usually, block grants combine Federal programs, which are run by the same State or local agency. However, in this instance, State health departments run the WIC program, because eligibility is based upon health-related needs. Schools, on the other hand, operate the School Lunch Program, because that is where the schoolchildren are, in school. And county welfare agencies operate the Food Stamp Program because eligibility is based upon income level.

We have three separate Federal nutrition programs with three very different target populations with different needs, different venues.

Mr. Chairman, the Kasich substitute has less deficit reduction, over $145 billion in unallocated ghost savings, and has unworkable new proposals like WIC-plus which do not make economic sense or administrative sense.

The gentleman from Ohio [Mr. KASICH] is very sincere. I commend him on his work. But his work falls short of what is needed here. I urge my colleagues to reject the Kasich substitute.

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. KOLBE], for one more refutation.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding time to me.

I have just heard about this program once again. Here we go.

We are not cutting the WIC spending. We are going to cut the administrative overhead. Is there one person out here that thinks that these programs are so efficient that we cannot take 5 percent out for administrative costs? Five percent is what we are talking about taking out.

This thing has been studied since 1974. There was a recommendation in 1974 that we combine these programs. The Governors are asking for this. They want the savings of combining these programs, of reducing the administrative overhead.

We think we can get rid of this legislation. What is it about the School Lunch Program that makes the gentleman think that we should be subsidizing the sons and daughters of millionaires?

We would target these programs to those that are 185 percent of poverty or under. Not to everybody, as the School Lunch Program does.

Our program would guarantee, instead of 5 percent of funding in all these programs for WIC, now, a floor of 12 percent, 2½ times as much funding for WIC as we now have.

Our program would make WIC a real program and let it be run efficiently.

The gentleman wants to keep the bureaucracies in place in the States and the Federal Government.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I rise today in strong support of the budget resolution for fiscal year 1994 and in strong opposition to the Kasich substitute amendment.

We have a choice today, indeed, Mr. Chairman. Do we return to the philosophy of old, a philosophy that has almost ruined the Nation, or do we move forward, move forward with new vision?

We all know that we must reduce the deficit, but the question is, do we do it while at the same time investing—investing in our children, investing in jobs, investing in training and education, or do we choose not to invest in America at all?

The President's economic plan and the budget that has been reported by the Committee on the Budget answers the question by saying that we must invest at the same time as reducing the budget deficit by $510 billion over the next 5 years.

Mr. Chairman, we have heard a lot of criticism about this package from the Republicans, but is it not interesting that it is their party that is responsible for the budget deficit that has ballooned in the last 12 years? And now they want to tell us how to cure it.

Mr. Chairman, we Democrats are saddled with the responsibility of reducing the deficit and at the same time stimulating the economy. And, most certainly, we will not be able to do it with the Kasich amendment.

The resolution of the Committee on the Budget contains the stimulus portion of the President's plan and provides for a real package to reduce the deficit. Investment is just what we imagine it to be, sacrificing and spending today for a benefit tomorrow.

We must invest in the WIC Program. We must invest in SBA loans. We must invest with increased funding for people like the people in my district, hard-working Americans, Mr. Chairman, who have resoundingly rejected the gridlock and failed economic approaches of the Bush and Reagan years and overwhelmingly demanded action, and action and investment right now.

The Kasich amendment is one-dimensional. It is concerned with only one segment of society, and those are the fat cats who made off with big bucks in the 1980's and who now do not want to put their fair share into this till in taxation. It is unfair. It is insensitive, and it is not right.

We still have in this country 8.9 million people and more who are unemployed.

□ 1550

We still have in this country a need to put $1 billion into the summer jobs for disadvantaged youth this summer. We have a situation in Los Angeles right now that we are looking at another riot, and we have not recovered from the riots of last year. We need the investment that is reported by the budget resolution of the Budget Committee.

We need $4 billion for emergency unemployment benefits. We need another $2.6 billion for SBA loans, and most certainly, we need the $1.9 billion for the shortfall in funding for the Pell grant situation. We need the $3 billion for highway projects.

We cannot in any way afford the Kasich amendment and all of the concerns for investment that it overlooks and that it leaves out. The people of America elected President Clinton, and now the people of America must reject the Kasich amendment.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I strongly support the Republican alternative of the Committee on the Budget. It is by far the best plan that will be considered today. The Republican alternative is $430 billion of real, specified deficit reduction. It consists of straightforward cuts, which denies the Government a means to spend more. We cut 160 programs and we tell how we did it.

In contrast to the Democratic plan, the Republican plan gets to work immediately by cutting Federal spending $38 billion in the first year compared to the Democrats' $6 billion cut. Unlike the Democrats, who slapped on $60 billion in generic cuts at the last minute, our plan provides point-by-point, program-by-program specifics of who, what, when, where, and the why of how spending cuts are done.

I am particularly pleased with the cuts we made in the area of administrative overhead and personnel. We aim to reduce the waste, fraud, and mismanagement in Government. Simply, we intend to increase the Government's tooth-to-tail ratio, increasing the part that works and reducing the part that gets dragged around behind.

In the area of overhead we went straight to what is called object class 20 of Federal spending, which includes what the Government spends on travel, transportation, rental payments, printing, consulting, communications, and supplies. These categories add up to a whopping $340 billion annually. We then made sure that we took everything out that was not real, direct, Federal spending so that there could be no quibbling that the cuts we made weren't possible.

We got down to what are called the direct expenses—the money the Goverment actually spends and that came to $222 billion. But we didn't stop there either. We went all the way down to the Clinton number of $55 billion.

And from all these billions of dollars, we took out $7 billion in the first year and $48 billion over 5 years.

The Republicans on the House Budget Committee have produced a plan that will lower deficits and create economic growth from day one. Compare this to the Democrat plan that produces taxes from day one and economic growth from day none.

Today, we have a choice: between more taxes and no taxes. The Democrat plan offers deficit reduction through more taxes. The Republican plan offers deficit reduction through more spending cuts. The Democrats would have you believe that the only way to reduce the deficit is to raise taxes. We Republicans are showing that this is not true.

We do have a choice: Between high taxes and no taxes, between obstacles to economic growth and incentives to economic growth, a choice between words and action, a choice between the taxing and spending that Congress has always done and the real cuts that it has never done. A choice between Democrat and Republican plans. When you compare what they do, the choice is clear.

The CHAIRMAN. The Chair will inform the gentleman from Ohio [Mr. KASICH] that he has 12 minutes remaining, and the gentleman from Minnesota [Mr. SABO] has 9 minutes remaining.

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. COX], a member of the committee.

Mr. COX. Mr. Chairman, I thank the gentleman for yielding time to me.

The Republicans put together the Kasich budget because we are serious about deficit reduction. We believe that we cannot eliminate deficit spending unless we actually cut spending. The Clinton plan, on the other hand, as brought to the floor by the House Democrats, increases spending by $244 billion, and despite the protestations on this side about significant spending cuts, it contains no net spending cuts, not this year, not next year, not any year in the future.

Whom do you believe? I am going to put my money where my mouth is. I will write out a personal check for $100,000, payable to Bill Clinton and the Democratic National Committee, if next year's spending is less than this year's spending. I will resign my congressional seat and I will write 100 times "I apologize to the Democrats. They were telling the truth. They really did cut spending."

Meanwhile, I will put my money and my vote behind the Kasich budget.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to thank the gentleman and the Members of the Republican side of the Committee on the Budget for their very, very fine work. Let me tell the Members, I support the Kasich budget. I do that because it is the only budget we are going to see today that leaves the United States with a modicum of national defense.

Let us go to the baseline and see exactly what we are doing here. President Bush asked the people who won Desert Storm to put together a budget that would maintain the security of the United States and still allow for some efficiencies. Those people, Dick Cheney, the Chairman of the Joint Chiefs, Colin Powell, and others, went to work and they cut about $50 billion out of the 1990 budget agreement. That was the agreement where Democrats and Republicans put together a number that we thought would be adequate to defend America. President Bush went $50 billion below that.

Now the gentleman from Ohio [Mr. KASICH] and the Committee on the Budget have gotten together, they have worked on efficiences, they have pulled down about $60 billion below that level. To me that is just barely enough to defend America, but it is still much better than the Democrat budget.

Interestingly, Mr. Aspin, the former chairman of the House Committee on Armed Services, now Secretary of Defense, put together his option C, and it is just about where the Kasich budget is. It is $60 billion below the Bush baseline.

Let me tell the Members, the world is a very, very dangerous place. I want to go over four things that are happening right now that every Member should think about, because every Member here has young men and women in the armed services who need the right equipment. Everyone here has a duty to defend this country beyond the Constitution. That is the most important social program that we give out.

Right now in the Soviet Union, the former Soviet Union, we still have four states, four Russian states that have nuclear systems. The pink slips on those systems, just who controls them, is still in doubt. We have hard-liners taking over, paralyzing the Yeltsin administration. In Bosnia we have a situation that is blowing up. In North Korea we see the North Koreans pulling out of the nuclear nonproliferation treaty.

We have North Korea posing a great danger to the United States, and we have missiles proliferating around the world, and especially in the Middle East.

Everybody who is responsible here should vote for the Kasich budget. It is the closest thing to the Aspin option C that we have seen, and the Democrat budget absolutely guts national defense. Lastly, the Democrat budget will lead to a round of base closures that will devastate and render into a ghost town every military town in this country.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise in opposition to the substitute offered by the gentleman from Ohio [Mr. KASICH], and in support of the budget resolution reported by the Budget Committee, House Concurrent Resolution 64.

The President and the Democrats in Congress have presented an investment package that carefully balances the needs and ambitions of our country for jobs, housing, education, and economic development, with the daunting reality of an out-or-control budget deficit. The budget accomplishes this delicate balance by fairly placing the greatest burden on those that reaped the greatest returns in the hit-and-run 1980's.

For the first time in more than a decade, the executive and legislative branches of Government are coming together to outline the future of this country. That future is paved by a plan that commits two out of every three dollars saved from spending cuts and revenue increases for deficit reduction, while one out of every three dollars saved is used for new investment. As a result, the budget substantially reduces the deficit while also making sizable investments to address unmet needs.

I admit that I would have preferred a package that went further in addressing the needs of our devastated communities, a package that would have contained more social investment. I was particularly concerned when $63 billion in cuts were added to the President's initial plan. These are real cuts in significant areas, some of which hurt. That is why I feel strongly that the economic stimulus package cannot be altered.

We must recognize that the disastrous economic decisions of the Reagan/Bush years have choked us with a long running economic recession. It has especially affected low-wage laborers and people of color, and damaged the prospects for long-term economic growth in this country.

This Republican substitute sinks us deeper into economic disinvestment. We must oppose the Kasich substitute. We must support the Democratic budget package. And, we must support the President's stimulus package without cuts. Only then, will we get this Nation moving toward investment, growth, and equity.

☐ 1600

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentlewoman from the great city of Columbus, Ohio, Ms. PRYCE.

Ms. PRYCE of Ohio. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I applaud my friend Mr. KASICH's plan to solve our country's problems without raising taxes.

Yesterday, I listened closely as our colleagues have been discussing how we're going to cut the deficit, restore the economy, and create lasting new jobs—all at the same time.

I can tell you right now that raising taxes on working Americans is not the answer. We have been down that road before—of promised fiscal discipline in exchange for higher taxes. We swallowed the bitter tax pill in 1990, and guess what happened? Economic growth slowed down and valuable jobs were lost.

Every day I read letters from back home and I know that for hardworking taxpayers living in middle America, higher taxes will really hit home.

For a lot of families all across America like those in central Ohio, paying more in taxes will mean really feeling the hurt in everyday life—like waiting another year to buy new boyscout uniforms or dropping the piano lessons or putting off the long-awaited family vacation.

Mr. Chairman, how can Congress ask the American people to tighten their belts another inch when they already know the sad truth that higher taxes leads to greater spending—not deficit reduction.

So when we talk about sacrifice, contribution, and patriotism, let's not forget how devastating a tax hike will be to working Americans across this great country.

Let us make those sacrifices and contributions through spending cuts—not taxes. That will be a true act of patriotism for every Member here.

Mr. SABO. Mr. Chairman, might I inquire how much time is remaining?

The CHAIRMAN. The gentleman from Minnesota [Mr. SABO] has 7 minutes remaining, and the gentleman from Ohio [Mr. KASICH] has 8 minutes remaining.

Mr. KASICH. I yield 1 minute to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Chairman, I rise today to address an issue that seems to have completely or partially escaped notice by this body or by the press, therefore our constituents are also completely uninformed.

I am speaking, Mr. chairman, of the 12 years of missed opportunities by this body. Twelve years and millions of dollars worth of work to study, create, and propose methods to eliminate the Federal deficit and balance the budget. I have taken the liberty of bringing several samples to the floor today to illustrate my point.

I have here a book by Alice Rivlin, President Clinton's Deputy Director of the OMB. Written in 1984, this proposal, entitled "Economic Choices," has more meat to it than that proposed by Mr. Clinton.

I am now holding up a copy of a February 1981 CBO report entitled "Reducing the Federal Budget: Strategies and Examples, Fiscal Years 1982–86." This document stresses the reduction of Government spending including infrastructure projects, like highway programs. Let me read the preface to you:

> This report was written in response to a request by twelve members of the House Budget Committee—Robert N. Giaimo, Chairman of the Committee for the 96th Congress, James R. Jones, Chairman of the Committee for the 97th Congress, Barber B. Conable, Jr., Bill Frenzel, Richard A. Gephardt, Delbert L. Latta, Norman Y. Mineta, Bill Nelson, Leon E. Panetta, Ralph S. Regula, Paul Simon, and Timothy E. Wirth—for a report on the possible strategies that could lead to a reduction in the size of the federal budget.

The CBO Director at that time was Alice Rivlin.

And not unlike these books, I have book after book, recommendation after recommendation, all for obtaining the same objective, to eliminate the Federal deficit.

These reports including this 1985 "Compendium of GAO's Views on the Cost Savings Proposals of the Grace Commission."

For 12 years this body has denied the American people any real fiscal responsibility while, all the time it was right here. Right here under our noses volumes and volumes of ideas that would work. They are both Republican and Democrat. And for 12 years, while all of these proposals sat in unanswered waiting, while the years of uncontrolled spending continued. The fiscal dilemma of this Government is not the result of poor administrative policy, rather it is the result of 12 years of unbridled, arrogant, spending at the expense of the American middle class. The same middle class that President Clinton—the Democrat leaders—take more money from.

I would like to offer my support to the Republican counter proposal authored by my colleague, Mr. KASICH. I also want to point out my agreement with my distinguished colleague from Indiana [Mr. BURTON], that the U.S. Government has absolutely no problem raising revenues. Federal revenues have nearly tripled in 10 years to $1.2 trillion.

There is no need to raise taxes. The only thing we need to do is reduce and control the spending of the Federal Government. I urge support of Mr. KASICH's plan. I also urge America and this body to read the fine print: The only failed economic policy the last 12 years is that Congress cannot control spending.

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.

Let me just indicate, Mr. Chairman, that I have a note that suggests that earlier on limiting travel at the end of the year would save $300 million, which is a good suggestion, one of the problems, frankly, is that in relationship to how the minority budget is structured, 60 percent of that savings would come in DOD. And as I understand the minority proposal, you could only make 10 percent of the savings out of DOD.

Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, let me first thank Chairman SABO for yielding me this time and to congratulate him on a job very well done. This, of course, is his floor debut as chairman of our committee, and it has been handled very adroitly, and I appreciate the gentleman's leadership; and also to commend my friend, the gentleman from Ohio [Mr. KASICH] for also making his debut. And while the gentleman may not win his battle today, he has done his job admirably.

I could quarrel, and will slightly, with the gentleman from Ohio's offering. I think in function 400, according to Budget Committee data, there is a 60-percent cut in mass transit operating assistance in the gentleman's proposed budget and a 50-percent cut in mass transit capital assistance which for us in Louisville, KY, is quite devastating.

Also in function 450, which is community and regional development, the budget data suggest that community development block grants would be cut by $500 million, and the community development banks, which we are getting into at home, would be severely limited.

So I certainly support the offering of the gentleman from Minnesota, our chairman, and oppose that of the gentleman from Ohio [Mr. KASICH].

I think it is important to note that there is in the committee bill $510 billion of Federal spending cuts by the year 1997. It reduces the Federal deficit by over $140 billion in that same period of time, and I think it is important to note that the budget numbers used are Congressional Budget Office numbers, which are less optimistic, more pessimistic, than some of the data which could have been used, which means that we have real numbers for a change. We can actually rely upon this data.

I am also told that there is in the near years a $1 to $1 spending cut to tax increase ratio in order to yield these budget savings, and in the out years the ratio is $1.5, actually slightly more, $1.5 of cuts to taxes.

So I think what we have here in the budget is an acknowledgment of what the American people have told us. They want spending cuts more so than they want tax increases, and that is embodied in this bill, $2 of every $3 raised, whether it is raised by cuts or in tax increases, goes toward deficit reduction.

All in all, this is a good investment package, this is a good savings package. Let us adopt the committee bill and oppose and defeat the Kasich amendment.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I rise in support of the Kasich budget and compliment the gentleman from Ohio [Mr. KASICH] and the members of his committee for their hard work. I disagree with some of the specifics, but unlike the Democrat alternative, it is specific.

What it demonstrates is that we can effectively attack the deficit without raising taxes, and, therefore, without hurting the economy.

If we adopt the Kasich budget, we will at least have an opportunity, a viable concept for deficit reduction and economic growth. We will later have plenty of chances to make specific changes in the authorization and appropriation bills.

One reason the Kasich budget is preferable to the committee budget is because it is infinitely more sensible in the way it cuts defense. Kasich demonstrates that defense can be cut. It cuts defense over 5 years by $76 billion. The committee/Clinton budget would slash defense by $127 billion over this same time. That would be irresponsible. Within a year or two we would have to reverse course.

Do not take my word for it. Listen to one of the most respected congressional experts on defense, the gentleman from Pennsylvania [Mr. MURTHA], chairman of the House Defense Appropriations Subcommittee, who today is quoted in the Washington Times as saying that we can't get by for more than 1 year without either spending more money or having a hollow force. That phrase echoes ominously from the Carter administration.

Today, we heard testimony in the Armed Services Committee confirming that even now, we are seeing signs of the hollow-force problem. We are stretched so thin that even a relatively small and benign operation like our help in Somalia has left us unable to maintain Navy training tempo in the Pacific. Similarly, we are allowing some key Army divisions to go undermanned because the pace of the drawdown has caused dislocations. We just have to keep our fingers crossed that these divisions are not needed while they remain undermanned.

Cutting defense, Mr. Chairman, is a serious business. It must be done responsibly. The Democrat budget fails that test. The Kasich budget approaches the issue seriously and responsibly. It is another reason to support the Kasich budget.

Mr. Chairman, ending gridlock seems to mean something different in Washington than it does everywhere else in America.

When the American people talk about ending gridlock, they mean that Members of Congress and the President should put aside partisan differences and produce real solutions to the Nation's problems.

In Washington, ending gridlock means going along to get along. And, let's be clear that going along with the budget resolution before us today will get President Clinton and some Members of Congress the additional funds they need to pay for their favorite programs, but it will also get the American people higher taxes, bigger budget deficits, and a weaker economy.

President Bush negotiated a similarly bad deal in 1990, and I voted against it. Partisanship wasn't an excuse to support bad policy then, and it is not the reason to oppose the Clinton plan now. The reason to oppose the Clinton plan is that it is flawed and won't work.

Problem No. 1: It is weighted far too heavily toward tax increases. The Clinton budget calls for the largest tax increase in American history, including higher taxes on Social Security benefits and a new energy tax that violates the President's pledge not to raise taxes on the middle class. So much for tax fairness.

Problem No. 2: Defense and agriculture are about the only parts of the budget that would actually be cut, by nearly $40 billion, 14 percent and $10 billion, 50 percent respectively. By 1997, defense will have been cut 37 percent since 1985 alone, and defense as a share of gross national product will amount to less than at any time since Pearl Harbor. Other spending will actually increase by about $350 billion, or nearly 24 percent, by fiscal year 1998 under the Clinton plan. So much for spending cuts.

In response to the Congressional Budget Office's criticism that the Clinton program falls more than $60 billion short of the originally claimed savings and receipts, the Budget Committee calls for $63 billion in unspecified miscellaneous spending cuts. So much for specifics.

Problem No. 3: The President's own Office of Management and Budget [OMB] projects that the deficit will fall by only $50 billion by 1998—from the Congressional Budget Office's estimated $291 billion in fiscal year 1994 to $241 billion in fiscal 1998—and then continue to rise thereafter. So much for deficit reduction.

Problem No. 4: The Clinton plan will cause the economy to falter just as it is beginning to recover. According to the National Center for Policy Analysis, the plan will lower capital formation in the United States by $1.8 trillion through 1998; and, as a result, economic growth is projected to be almost half a percentage point lower than it would otherwise be. That translates into 1.4 million fewer jobs created over the next 5 years.

Because the Clinton plan will cause slower growth, the average American family will find itself worse off. The National Center estimates that economic loss to equal more than $1,000 for every man, woman and child in the country.

Mr. Chairman, during the last several weeks, my office has been flooded with phone calls, postcards and letters urging Congress to cut spending first. We have an alternative that would do just that. The Kasich budget includes detailed spending cuts that would produce $429 billion in deficit reduction over 5 years without any tax increases. No one is going to like every spending cut proposed, but it represents the only option for real change and the only option that gets to the root cause of the deficit problem—excessive Government spending.

I urge my colleagues to reject the Clinton budget and support the Kasich alternative.

□ 1610

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I came here 12 years ago with Ronald Reagan, and I hope the American people have not forgotten the mess we had to clean up the last time the Democrats had control of both Houses of Congress and the Presidency. We had the highest interest rates and the highest inflation of any time in this century. We had a lower growth rate and a higher unemployment rate than we have right now.

It took a lot of time and effort for the Republicans to get spending under control and to reduce the increase in taxes that the American people were always facing.

Now, we have that same proposal again from the Democrats. Basically we have the Democrats in control of both Houses of Congress and the Presidency, and they are coming back with the same Carteresque proposals.

The reason the economy faltered 12 years ago, or 14 years ago under the Democrats was not because of Jimmy Carter's stupid smile, and it was not corrected because of Ronald Reagan's personality. It was because of the policies of low taxes and responsible spending policies that gave us the chance in the 1980's to expand.

President Bush gave in to the Democrats 2 years ago and agreed to a tax increase, a Democratic tax increase, which knocked the legs out from under our economy.

The Democrats are now using that as an excuse to even have further tax increases and further spending increases.

I say vote for the Kasich budget. Let us go back to the good old days of growth rather than the really bad old days of Jimmy Carter.

Mr. SABO. Mr. Chairman, I yield 2½ minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, my colleagues, what we are experiencing here today, make no mistake about it, is the fallacy of Reaganomics, the chickens coming home to roost 12 years later, the fallacy of the Reagan program that somehow you could cut taxes, increase spending, and never have to pay the piper.

Well, this is now the moment of truth. My friend, the previous speaker, just spoke about Reagan budget plans. May I remind him that under those two great conservative Presidents, Reagan and Bush, we have had more budget deficits than we have had in the previous 200-and-some-odd years of the United States of America. So when we talk about fiscal responsibility, let us put it where it is, and let us put the irresponsibility where it is as well.

We talk about balanced budgets. Twelve years of Reagan and Bush, not once did the President submit a balanced budget to the U.S. Congress. We talk about cuts, and we know that it is not true that you can get this budget deficit down solely by cutting programs.

Everyone wants somebody else's program to be cut. Everyone wants programs from the other region of the country to be cut. The fact of the matter is that we need to have a reasonable and balanced program, and that is why I rise in strong support of the Clinton budget proposal, House Concurrent Resolution 64, and in opposition to the Kasich substitute.

This is the first time since I have been in Congress that a President has offered a bold economic program for the country. Under House Concurrent Resolution 64, the deficit would be reduced by $510 billion over the next 5 years, and I commend the chairman, the gentleman from Minnesota [Mr. SABO], and the Committee on the Budget for adding $63 billion in additional cuts to the President's plan.

We face serious economic problems today because we have spent the last dozen years avoiding the growing budget deficit.

I commend President Clinton for changing the debate on the Federal budget deficit from smoke and mirrors to a realistic approach to deficit reduction.

Many political groups from across the political spectrum are supporting the budget proposal issued by the President and the Committee on the Budget. Alan Greenspan, a Republican appointee, for one, says it is going in the right direction. The Wall Street Journal ran a front-page article which reported that three conservative University of Michigan economists predict a stronger economy and a shrinking Federal deficit if the President sticks to his plan. They forecast growth of 3.2 percent this year and 2.3 percent growth in 1994. Additionally, they predict a reduction of the Federal deficit to $275 billion in fiscal year 1993, and in fiscal year 1995, the deficit could fall below $175 billion, which is more than $50 billion below where it would be without the proposed changes today.

There are no quick fixes to our economic problems. It took us 12 years to crawl into this, and it will take us a long time to crawl out of it.

But the easy vote today in the short term, voting for the Clinton plan, is the easy vote in the long term, because making difficult decisions today will build a better future tomorrow.

Mr. SABO. Mr. Chairman, for our final speaker, I yield the remainder of our time, 2 minutes, to the distinguished gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, it is my pleasure to speak on behalf of the Democratic notion of fairness before the House today.

When our colleagues on the other side of the aisle say that they want less Government, we need to listen very carefully and hear between their lines.

The American people gave the Republicans 12 years to demonstrate what their kind of leadership means.

The American people voted against them because their record of leadership is very clear.

Republican leadership resulted in the largest budget deficits in our country's history; negative growth in the income of average American families; a decline in child nutrition, health care, housing, and job training.

On the other side, however, Republican leadership also resulted in the enrichment of the military industrial complex and a startling increase in income for those in the top 1 percent of family income groups in this country.

There were very clear winners and losers during the last 12 years of Republican helmsmanship.

It is very clear that Government served the needs of a few of us at the expense of the rest of us.

So the central issue that we must hear between their lines is not about big Government or little Government, but whom that Government is to serve.

Our Nation's budget is a political document that reflects our national priorities—and there are clear winners and losers. But it ought to, as well, be a moral document.

A document that says that we will care for our children; that we will train our youth; that we will prepare our young adults for life that is good and full and productive. And, also, that we will care for our seniors.

Most importantly, Government ought to say to every American child and adult that their talents are wanted and needed.

The budget is where the rubber meets the road. Do we care about diversity? Then we level the playing field so all can participate fully.

Do we care about our children and their education? Then we immunize our children, give them a head start, and teach them to yearn to learn, and then allow them to learn and earn.

Do we care about providing jobs and protecting our environment and just plain old setting a new moral tone in this Country?

We get no relief from the Kasich plan. By contrast, Mr. KASICH is up to the same old time-tested, vote-tested Republican tricks of the past—even cutting food aid for the poor, the WIC Program, legal aid, and community development block grants.

Mr. Chairman, I urge my colleagues to defeat the Kasich plan, because the Republicans just do not get it.

Mr. KASICH. Mr. Chairman, I yield 4 minutes, the balance of my time, to the Republican leader, the very distinguished gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I rise in support of the Kasich substitute, and I have to say at the very outset that I have been somewhat amused at the criticism being leveled by the big guns on the Democratic side of the aisle against the Kasich proposal, rather than touting their own budget that is supposed to reflect all this change in direction, mandated by the American people's vote for the Clinton administration.

Here you are with an 83-vote majority in this House, and you have to devote most of your time criticizing our plan rather than touting your own. Why are you so reluctant to talk about all of those goodies involved in your increased spending? Is it because, to be credible, you have to also talk about all the taxes necessary to fund this level of spending, and that real deficit reduction will have to wait for another day?

We acknowledge that we cannot play Santa Claus here today and have to face up to reality.

Cuts have to be made in a number of sensitive areas, or all of the rhetoric about reducing the size of government has a very hollow ring.

This is, indeed, a defining moment between the two parties, the Democratic Party's approach, and our Republican Party's approach.

The gentleman from Ohio [Mr. KASICH] and our budgeteers have shown clearly that significant, specific cuts, can be made and the deficit significantly reduced without raising taxes.

□ 1620

Now, some will say budgets are only political documents, so why bother with the specifics? But you cannot get to the whole without adding up the sum of the parts.

Mr. Chairman, we are proud of our work product, and that is why we offer it as a substitute. Admittedly, this debate on a budget resolution may only be about choosing which road we intend to follow to get us where we want to go through the balance of this year. The real work will be done in the trenches of our committees over the next few months by way of reconciliation and appropriations bills.

You on the Democratic side have the votes to beat us down today, but this is not the end of the fight; it is just the beginning.

We have a long, long way to go.

And every step of the way, we Republicans will be reminding the American people that the Democratic majority prefers to raise taxes on practically everyone and Republicans do not. Run away from that fact, if you can. Deny it, if it makes you feel better for a time. Pound the drums of class warfare loudly, if that sort of nonsense appeals to you. But, sooner or later, the American people are going to see through it all.

And to my fellow Republicans, in conclusion, I say: The President challenged us to come up with specific cuts. I do not believe he thought we could or would do it. But he underestimated our tenacity and our ability to do just that. Mr. KASICH and all my friends on our side on the Committee on the Budget, stalwart members of that Committee on the Budget, met that challenge brilliantly. We can do no less than support them wholeheartedly with our votes for the Kasich substitute here this afternoon.

Mr. CLINGER. Mr. Chairman, I rise in support of the budget proposed by the gentleman from Ohio [Mr. KASICH].

He and his colleagues on the Budget Committee met President Clinton's challenge to come to the table with alternatives, and their efforts deserve recognition.

I regret that I cannot support the budget proposed by President Clinton. While the President does propose spending reductions, they are modest in comparison to the new taxes he would levy. It is this imbalance that makes it impossible for me to vote for the Clinton plan.

The Kasich plan, in comparison, attacks the deficit by reducing Federal spending.

Radio commentator Paul Harvey struck a chord in my area of Pennsylvania when he urged people to pass on three words of advice to their representative in Congress: "cut spending first."

The Kasich plan does just that. It actually makes the difficult choices we have been talking about for the past decade. I do not agree with each and every spending decision in the plan, but, on the whole, it is even-handed.

Beyond spending cuts, the Kasich plan calls for new user fees to offset the cost of some services, but it does not impose new taxes. While I am not unwilling to consider new taxes, the Btu tax proposed by the administration is unacceptable. The burden imposed by such a tax would fall disproportionately on energy producing States, such as Pennsylvania, and on retirees who are living on fixed incomes.

Finally, the Kasich plan calls for long overdue management reforms, such as performance-based budgeting, that will help to ensure that taxpayers dollars are not wasted through mismanagement.

I urge support for the Kasich alternatives.

Mr. HOBSON. Mr. Chairman, I rise today in strong support of the Republican Budget Committee's alternative. The Democrats challenged the Republicans to develop an alternative proposal with specific spending cuts. Mr. Chairman, we on the Budget Committee rose to that challenge and developed a plan with real spending cuts, in fact, our plan calls for $429 billion in cuts over five years without new taxes and without touching Social Security benefits.

The Democrat's budget proposal calls for the largest tax increase in history, more government, more spending, and fewer jobs. Deficits are reduced by controlling spending, not by increasing taxes and domestic spending as President Clinton and my friends on the other side of the aisle would have you believe. The Republican plan is a real alternative, with no new taxes, less government, more jobs, and more take-home pay.

Since President Clinton announced his economic proposal on February 17, 1993, my office has been flooded with thousands of telephone calls, letters, and postcards from Americans who want to see Congress cut spending first before raising taxes. Mr. Chairman, the American people are tired of bearing the burden of tax increases to pay for wasteful government programs. It is time that Congress take a long hard look at government programs and learn to make sacrifices and budget cuts as the American public has done for years.

In response to our constituents, the Republican proposal will save the typical American family earning $34,000 in after-tax income from paying $488 more annually in Federal taxes. The Republican plans has no tax increases on energy or consumption and lets the 2.5 cents a gallon gasoline tax expire in

1995 as scheduled. Therefore, take-home pay is increased, not decreased for the average family.

Mr. Chairman, the American people are calling for change in Congress. President Clinton is asking the Federal bureaucracy to scale back 112,000 jobs and take about $33 billion in administrative savings. The Republican alternative cuts 162,000 jobs in the bureaucracy, cuts Government overhead $49 billion over 5 years, calls for a 15-percent cut in spending for both legislative and executive branches, and freezes COLA's for Representatives and Senators as well as other Federal workers.

In addition, the Republican plan calls for several commonsense reforms. One example is in regards to social programs. We suggest combining WIC and other food and nutrition programs into WIC-Plus and funding it through block grants to States. Twelve percent of the allocated block grant moneys must go to WIC, but States are given flexibility, the flexibility they need to allocate funds to the programs which show the greatest need. WIC-Plus should serve as a model of reform for other social service programs by combining programs which often overlap, thus best utilizing Government resources and eliminating needless waste.

In regards to national defense, the Republican Budget Committee proposal reduces defense by about $60 billion as opposed to the Democrat plan which reduces national defense by $122 billion over 5 years with no real plans for achieving these cuts. The Republican plan cuts foreign aid programs by more than $13 billion instead of the Democrat proposed cut of only $3.1 billion over 5 years. The Republican plan also provides for greater burdensharing on the part of our transatlantic allies.

Mr. Chairman, the Republican proposal is less costly to the elderly than the Democrats' proposal. Our plan on this side of the aisle would cut Medicare outlays by $73 billion by means testing a portion of Medicare for seniors with incomes over $100,000 which is only fair. On the other hand, the combined Medicare and Social Security tax increase suggested by the Democrats totals $85 billion over 5 years. The Democrat plan achieves most of their Medicare savings on higher part B premiums that impact seniors in all income brackets.

Mr. Chairman, I would also like to share some of the reforms that the Republican Budget Committees' health care working group has suggested. As I have already pointed out, our plan calls for a reduction in Medicare outlays of $73 billion over 5 years and includes a policy to lower malpractice costs thus allowing reimbursement rates to be held constant for 1 year. We also call for coinsurance on home health care and clinical lab services for beneficiaries, increasing cost consciousness in the Medicare system. The health care working group would also like to implement many of the policy reforms suggested by the Republican leader's task force on health. These reforms call for comprehensive health care reform and adopting the Action Now Health Care Reform Act.

In closing, I would again like to point out that in this era of economic recovery, it is imperative that Congress cut spending first before raising taxes. The American people are tired, tired of wasteful government spending, tired of more taxes, and tired of being ignored. They have repeatedly asked for Congress to listen to their concerns and cut spending first. The Republicans have heard the people and our proposal cuts spending first. Mr. Chairman, I ask my friends on both sides of the aisle to join me in supporting the Republican committee's budget alternative.

Mr. CRANE. Mr. Chairman, today I rise to express my opposition in the strongest terms to the proposal being offered today by Bill Clinton and the Democrat majority in Congress.

The budget proposal offered by the Democrats is a recipe for economic and fiscal disaster. It proposes to increase taxes at a time when Americans are already overtaxed. It proposes to increase taxes at a time when we have a fragile economy—higher taxes will only stifle job creation and economic growth. It proposes to continue the path of excessive government spending—excessive spending is the reason our Federal Government is currently saddled with a massive debt.

Depending on whose estimates you believe, Bill Clinton is proposing to raise taxes anywhere from $250 billion to $315 billion. No matter which figure you use, if his proposal becomes law, it will be the largest tax increase in the history of our Nation. Moreover, regardless of the exact figures, his proposal taxes everyone from the small business owner, to the Social Security recipient, to the working middle income American family. And we thought Mr. Clinton was only going to sock it to the rich.

It is an absolute outrage that a man who actually promised middle American taxpayers a tax cut during the campaign can now turn around and unblushingly propose to raise taxes in a magnitude of historic proportions. Mr. Clinton's assertion that the reason he must now raise taxes is because the deficit figure is higher than he anticipated during the campaign is, quite frankly, bull. In fact, last July during the campaign, Clinton predicted even higher deficits—up to $400 billion—than actually materialized. Moreover, Democrat Budget Committee members advising Clinton during the campaign, and working with their good friends at the Congressional Budget Office [CBO], certainly were well aware of what to expect in the way of deficit figures. Most conspicuous among those members is Leon Panetta, former chairman of the House Budget Committee and now Clinton's Director of Office of Management and Budget [OMB]. For Clinton to rationalize raising taxes based on claims of new deficit figures is the height of hypocrisy. This is just another example of Mr. Clinton trying to be slick.

More importantly, regardless of what the actual deficit figures are, it is excessive spending not insufficient tax revenues that has produced our gushing red ink. Indeed, when you combine Federal, State, and local taxes, you find that the American taxpayer is already being taxed at all-time record high levels. Analyzing the Federal budget over the past 12 years further drives home the point. In 1980 revenues to the Federal Treasury were $500 billion. By 1992, revenues had soared to $1.1 trillion—a massive $600 billion increase in 12 years. In other words, in 12 years the American taxpayer shouldered an additional Federal tax burden that was greater than the magnitude of the entire tax burden it took us over 200 years to reach.

One would think that the Federal Government could do just fine with $600 billion in new tax dollars each year, but alas it isn't enough to quench the insatiable thirst of Democrats in Congress. During that same timeframe, Federal expenditures rose from $600 billion to nearly $1.4 trillion—an increase of $800 billion. This simply illustrates the historical fact that for every new dollar the Treasury receives in taxes, Congress spends $1.60 more. Indeed, the 1990 budget deal which had promised spending cuts for every dollar in new taxes, instead resulted in Congress spending an additional $2.37 for every dollar in new taxes.

Republicans have been willing to make the hard choices and make the spending cuts. How many times in the past 12 years have I seen this Congress, on a party line vote, reject Republican amendments to trim as little as 1 percent from an appropriation bill. How many times have I seen the Democrat-controlled Rules Committee decide to prevent Republicans from offering amendments to cut spending and make economies.

Indeed, in that regard I was deeply disappointed that the Democrats did not allow my good friend from Indiana, Congressman DAN BURTON, to offer his budget freeze proposal. I have long been an advocate of an across the board spending freeze. Mr. BURTON's proposal would have made a bigger dent in the deficit than any of the proposals before us today. Moreover, in my view, Mr. BURTON's across-the-board freeze is the fairest way to spread the burden of spending cuts—everyone who benefits from Federal spending must tighten the belt. However, once again, in an abuse of their uninterrupted control of the House of Representatives for the past 40 years, the Democrats decided to gag the opposition rather than debate a viable alternative on its merits.

Republicans have proposed viable alternatives and the budget proposal offered by my good friend, JOHN KASICH, is the kind of proposal that the American public deserves. It proposes no tax increases and will cut the deficit significantly. I can only hope that there are Democrats in the House that can see the error of Mr. Clinton's ways and join Republicans in supporting the Kasich budget.

Mr. Chairman, Bill Clinton has broken his promise to the American people as he has broken so many other promises in his short tenure. Mr. Clinton does not understand one basic fact—Americans are not undertaxed—Congress is spending too much. In my view, Bill Clinton sold the American voter a bill of goods. I am afraid that this President, who received only 43 percent of the popular vote, and this Congress, do not understand the nature of the problem. As Bill Clinton should say "It's spending, stupid."

Mr. BALLENGER. Mr. Chairman, I rise in strong support of the Kasich budget proposal. It is a bold plan and is clearly the best choice to reduce spending and the budget deficit.

The Republican plan is detailed and specific and best of all it reduces the deficit by $429 billion over 5 years without raising taxes, without touching Social Security, without slashing defense and without crippling the economy. The Republican plan is a plain commonsense approach of cutting spending by eliminating outdated programs and reforming or reducing many others.

The Republican proposal reforms Medicaid, public housing, foreign aid programs, the medical malpractice system, and child nutrition programs. The plan also reduces funding for the Corporation for Public Broadcasting, the Arts and Humanities, the Bureau of the Census, and reduces mass transit operating subsidies. The Republican package eliminates unnecessary Government agencies like the Interstate Commerce Commission, and the Travel and Tourism Administration. Further, the plan cancels the advanced solid rocket motor, halts acquisitions of crude oil for the SPR, and imposes a 5-year moratorium on all Federal land purchases. Finally, the plan includes deep cuts in Federal overhead, personnel and travel costs. The plan is good policy and deserves our vigorous support.

I am opposed to the Democratic budget resolution. It is as my Republican colleagues on the House Budget Committee said, a "formula for failure" because it resorts to tax increases to reduce the deficit. The Sabo substitute relies heavily on President Clinton's spending priorities and assumes his proposals for tax increases. While the budget resolution does not enact or fund any of the President's proposals, it sets the aggregate numbers to guide the decisions that will be made in the months ahead.

The Democratic package includes $316 billion in tax increases, one of the largest tax increases in history; $186 billion in Government spending increases on favored domestic programs, $112 billion in undefined defense cuts, $156 billion in nondefense cuts, for a total of $362 billion in deficit reduction.

I object to the new taxes not only because I am convinced that Congress will spend the tax revenue, but because raising taxes by $316 billion I fear will stifle the weak economic recovery. Employers who will be hit with higher taxes under Clinton's plan will have to cut costs and that probably means laying off employees—making the 7.1 percent unemployment rate even worse. Fewer workers mean fewer people paying taxes and Government spending more scarce tax dollars on unemployment benefits. Also taking money out of the pockets of consumers in the form of higher income and energy taxes will mean they have less to spend and invest. That will have an adverse effect on economic growth.

While the economy has been sluggish for the past 18 months, there are positive signs of economic recovery. The last thing we need are policies that raise taxes and increase Government regulation and spending. Economic growth is promoted by reducing Federal controls on private sector production, income and wealth creation, not by higher taxes. President Clinton's plan will hamper job creation and economic expansion by increasing the tax burden on all income groups and raising deficit spending on additional Government programs.

Finally, after conclusion of debate on the budget resolution, the House will take up the stimulus package. I believe we should not spend the $16.3 billion on the short-term economic stimulus package. This spending is largely in the form of Government make-work jobs that in the short run will drive up the deficit, and in the long run will not create lasting jobs. We would be better off to reduce the Federal deficit by an additional $16.3 billion.

The President is suppose to be looking for ways to reduce the deficit—estimated to be $327 billion—and instead has found a way to add over $16 billion in new deficit spending. Such spending is unnecessary and expensive and will result in very few jobs. There are roughly 13 programs in this bill that do not create any jobs and there are another 16 programs that create jobs at a cost of $200,000 or more per job. Obviously, jobs are not the main purpose of this spending program. The OMB Director, Leon Panetta, claims the bill will create 219,000 jobs. At $16.3 billion in total spending, each new job will cost $89,041 per job. As the Republican members of the Appropriation Committee pointed out, the private sector created 219,000 jobs in 17 days in February, when the economy generated an estimated 345,000 jobs in 1 month and at no cost to the Federal Government.

The so-called stimulus package is loaded with pork and includes many non-emergency spending programs all of which will be added to the deficit. Some examples of non-emergency spending include $148 million for IRS tax system modernization, $100 million for a variety of energy conservation programs and activities, $28 million for the District of Columbia to reduce its debt, $800,000 to begin preparing for whitewater canoeing at the 1996 Olympics, $560,000 for air circuit breakers and rest room repairs, and $19.8 million for an overseas vaccination program for children.

I am opposed to excessive spending at a time when our first priority should be reducing the budget deficit.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the Kasich substitute amendment to the fiscal year 1994 budget resolution because it attacks our Nation's budget deficit at the heart of the problem—that is reducing Government spending rather than raising taxes and revenues.

Before discussing the specific details of the various budget proposals before us today, it is important to keep in mind that the budget resolution is a nonbinding document that is not even signed into law by the President. It simply sets spending and revenue targets for the Appropriations, authorizing, and Ways and Means, and Finance Committees of the House and Senate. None of the assumptions of any of these amendments is binding on the House or Senate. In fact, regardless of what happens with these resolutions today, the real work of the House and Senate to reduce the Federal budget deficit is just beginning and will require many long debates and difficult votes in the weeks ahead.

Also it is important to remember that no member will completely agree with every assumption or recommendation made in any of these budget proposals. In making my decision on which amendments to support, I look at the basic tenants and philosophies each uses to achieve our overall goal of reducing the Federal budget deficit. In the case of the Kasich amendment, the substitute budget offered by the Republican members of the Budget Committee, I support the goal of reducing the deficit strictly through cutting spending without raising revenues.

For far too long, every revenue increase approved by Congress with the intent of reducing the budget deficit has actually increased Federal spending and consequently added to the deficit. This tax-and-spend philosophy is what helped drive our Nation into debt and for which we are now paying almost $300 billion per year in interest on the accumulated national debt. This interest payment has accounted for more than 75 percent of the increase in our national debt over the past 12 years.

In comparing the budget resolution reported by the committee to the Kasich amendment, there are a number of glaring differences. The committee recommends $316 billion in tax increases over the next 5 years, which the Congressional Budget Office estimates will cost families with after-tax incomes of $34,000 an additional $500 a year more in Federal taxes.

The Kasich amendment calls for no new income, gasoline, or energy taxes and it does not accept the recommendation by President Clinton to increase the tax rate on Social Security benefits.

Through spending reductions alone, the Kasich amendment would reduce the 1994 budget deficit by $38 billion—more than twice the reduction recommended by President Clinton—and would provide for $430 billion in deficit reduction over the next 5 years—$70 billion more than the proposal by President Clinton.

The two budget resolutions also differ greatly on how to reduce Federal spending. The package recommended by President Clinton calls for $156 billion in nondefense budget cuts versus $370 billion in nondefense budget cuts in the Kasich budget over the next 5 years. President Clinton recommends $112 billion in defense cuts over the same time period, double the amount recommended in the more responsible Kasich budget.

The budget alternatives before us also take extremely different approaches to reducing U.S. foreign aid payments with the Kasich amendment recommending $13 billion in cuts over the next 5 years, versus the $7 billion recommended by President Clinton. Specifically, I strongly support two major cuts in foreign aid included in the Kasich amendment. The first would save $1 billion over 5 years by withholding any future U.S. contributions to the World Bank and other multilateral development banks which, as I have called attention to for many years, have a history of making questionable and unsound loans to foreign nations—often times our adversaries—which will never be repaid. The second recommendation is that the United States also withhold any future contributions to the International Development Association, or IDA, over the next 5 years, resulting in savings of more than $5.5 billion. IDA is the World Bank affiliate which makes low-interest loans to the poorest of nations, many which have the world's worst domestic policies and human rights records.

Domestically, the Kasich amendment recommends that the Federal Government set an example for reducing spending by saving $100 billion over the next 5 years through reduced Federal bureaucracy and overhead expenses. It would reduce Federal employment by

162,000 civilian positions over the next 5 years, 50,000 more than recommended by President Clinton. It also reduces the budget for the operations of the legislative branch by more than 15 percent, a figure which I believe could be increased to 25 percent or more.

Finally, the Kasich amendment has less of an impact on older Americans than President Clinton's proposal. The Kasich amendment recommends no increased taxes on Social Security benefits, as included in the President's plan. It also does not increase Medicare part B premiums for all older Americans, as recommended by the chairman of the Budget Committee. Instead it would initiate a means-testing program for Medicare, which would raise Medicare premiums and deductibles for older Americans with incomes over $100,000. In the past I have opposed means-testing of the Medicare Program and I believe that this recommendation should be the focus of lengthy congressional hearings before it is brought before the House in any legislation to implement the recommendations approved today.

Mr. Chairman, the American people have spoken out and demanded that Congress work to ensure that the Federal Government learns to live within its means. Many of the people from Pinellas County I represent have applauded President Clinton for putting forth a plan to reduce the budget deficit, but even more have said that although this is a good first step, Congress should go further in reducing spending. The Kasich amendment does just that by significantly reducing spending without raising taxes.

Following consideration of the Kasich amendment, we will consider a second proposal which provides for even greater deficit reduction. The so called Solomon amendment takes the Kasich budget cuts and reduces spending over the next 5 years by another $38 billion.

The Solomon amendment provides for no increase in taxes on the middle-class families, no energy taxes, and no increase in the taxes paid on Social Security benefits. It does provide for a surtax on quarter-millionaires, a new 36-percent tax rate for joint filers with incomes over $200,000, and it eliminates the deductibility of compensation over $1 million for business executives, athletes, and entertainers.

This new revenue is used to pay for the extension of some very important tax incentives that help spur business investment and job creation. These include the permanent extension of the research and development tax credit, the targeted jobs tax credit, and the restoration of the deductibility of losses from passive real estate provisions. The Solomon amendment also provides for a capital gains tax deduction for start-up companies and repels the luxury tax on boats—a tax which has shut down many of our state's and our Nation's few remaining boat builders.

Finally, the Solomon amendment would require the committees with appropriate jurisdiction to report to the House later this year legislation to provide the President with line-item veto authority over appropriations and authorizing bills and a constitutional amendment providing for a balanced budget amendment.

While I support the Kasich amendment, should it fail I will support the Solomon amendment. Although it includes revenue increases, there are half as many as recommended by President Clinton, and there are $38 billion more in spending cuts than the committee bill over the next 5 years.

And as I said before, while I do not agree with every provision of the Solomon amendment, such as the significant cut in space station funding and the consolidation of our Nation's intelligence gathering operations, I believe it serves its purpose in providing a framework for debate which relies much more on spending cuts than the President's budget.

Mr. Chairman, in closing I want to express my serious concerns about the procedure under which we consider these budget resolutions today. We are being asked to vote on a budget resolution which is based upon a package which President Clinton will not formally submit to Congress for another 2½ weeks. We are also being asked to vote on a budget resolution today which if implemented would require significant sacrifices by the American people to reduce the Federal budget deficit. Yet, later this evening, we will be asked to consider, without the benefit of amendment, a supplemental appropriations bill that will add $30 billion to the budget deficit for the current year.

In the 6 months we have until the new fiscal year begins, we must dedicate ourselves to making the tough decisions required to reduce spending and get our fiscal house in order. Gimmicks and rhetoric will not do the job. It will require long hours of genuine debate and a series of difficult votes to enable our Nation to reestablish its budgetary priorities. This is the job the American people have sent us here to do and a responsibility they demand we fulfill.

Mr. FRANKS of Connecticut. Mr. Chairman, during last year's Presidential campaign, candidate Bill Clinton pledged to offer middle-class families $60 billion in tax cuts over 4 years.

However, after the election, President-elect Clinton decided to teach the middle class a lesson in gullibility.

The President has proposed an estimated $328 billion in tax increases over 5 years. The Congressional Budget Office estimates that the typical family with an after-tax income of $34,000 will contribute 500 additional dollars a year as their patriotic share of that $328 billion tax increase.

Last month President Clinton defended his broken tax promise to the middle class by stating that the deficit had increased far beyond his earlier estimates.

However, Mr. Clinton was fully aware in July 1992 of more accurate deficit projections.

On July 6, candidate Bill Clinton told Business Week magazine that deficit projections had increased beyond the earlier $250 billion to $400 billion.

In reality, the deficit projected today, $360 billion, is nearly $40 billion less than Mr. Clinton had projected in July.

So I ask, why the radical change in your plans, Mr. President?

I feel that the President's tax-based approach to reducing the deficit is misguided. We have a deficit because of a number of reasons: for example, excessive regulation and paperwork that requires thousands of unnecessary Government officials; billions of dollars of congressional pork projects; and a dominant philosophy in Congress that expensive programs can solve all of our Nation's ills. The only truly effective way for the Federal deficit to be reduced is to put the Government spending machine in reverse. I do not see how taking more money away from Americans is going to make our country a better place.

The President claims that 70 percent of his tax increases will be paid by Americans earning more than $100,000 a year. What the President neglects to mention is that the $100,000 is not based on taxable or adjusted gross income. The $100,000 is in family economic income which includes employer pension contributions and the potential rental cost of a home.

In my district in Connecticut, where the cost of living is higher and homes are worth more, nearly every suburban family will be considered rich under this plan. In fact, according to the independent, nonpartisan Tax Foundation, the residents of the State of Connecticut will suffer more from the Clinton budget than any other State.

Yet the President describes his plan as a deficit reduction plan to gain popular support for his tax increase. Historically, however, tax increases have led to spending increases, not to some new-found responsible management of our Government. The Clinton budget contains no provision to prevent higher tax revenues from being used for more spending. With new tax revenues coming in next year, there will be new apparent opportunities to spend. Do you get the message? Tax and spend.

It's the same old song with a different meaning since Jimmy Carter has been gone.

I support the Kasich plan which offers detailed budget cuts in a credible deficit reduction plan without tax increases.

Mr. SAXTON. Mr. Chairman, I rise today in support of Mr. KASICH's budget substitute. I do so, even though I do not agree with every specific line item.

First, please let me say that Mr. KASICH, the Republican ranking member on the Budget Committee, has done a great job putting his proposal together. I commend him and his staff for their excellent work.

As we all know, a budget resolution is only a blueprint. It is a map that guides us to our final goal. Before us today we have two competing blueprints. The Kasich plan, which I will from now on refer to as the Republican alternative, and the plan put forth by the President and supported by the Democratic leadership.

Each plan is specific in its own way, however, the Republican alternative is more detailed. Despite these specifics, I believe that the overall blueprint is most important. This is true, since the budget recommendations we pass today still have to go through the authorization and appropriation process. At any time during this procedure, the budget can be altered.

Let me first say that I agree with President Clinton that we need to cut the budget deficit and stimulate economic growth. Despite this mutual goal, however, we disagree on the appropriate solution. While the President advocates higher taxes and increased spending, I believe, as the Kasich plan proved, that the deficit can be cut by reducing spending, not by raising taxes.

This debate and vote today is just the beginning. Throughout the next several months, as we discuss the fiscal future of this great country, I will continue to monitor and fight for the hard working taxpayers of the Third Congressional District of New Jersey. I believe that my constituents deserve more and better jobs, lower taxes, and less government interference. If afforded, they will be able to create a better life for themselves and their families.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in support of the Kasich plan because it implements the concept that "the proper solution to spiraling deficits is controlling Federal spending." This plan reduces the Federal deficit by $38 billion in fiscal year 1994 and nearly $430 billion over 5 years without tax increases and without touching Social Security.

During January and February of this year, I conducted 17 town hall meetings throughout my western North Carolina district as well as sending a survey in order to listen to the people's opinions on the issues facing this House. I recently received the results of this survey; over 15,000 responses came back to my office, and they were overwhelmingly opposed to higher taxes, demanding that Congress cut spending first. This, too, was the overwhelming sentiment expressed by the hundreds and hundreds of people who attended our town meetings—as well as the thousands of calls, letters, and postcards I have received in the past 2 months.

The people are speaking and it is our duty to represent their views. Because the Kasich plan does not increase taxes, it is an honest effort at deficit reduction and spreads the pain fairly across all areas. The Kasich plan makes government sacrifice—even the Congress—without increasing taxes on the American people to fund more spending, and without touching Social Security.

We simply cannot use budget gimmickry to paper over this crisis. Yet, for over 20 years, we have had so-called deficit-cutting programs that raise taxes and put off spending cuts until the future—the 1990 budget agreement is a prime example of this. Unfortunately, the future never comes. In the last decade, Congress has increased spending $1.59 for every dollar in increased taxes.

We cannot ask the American people to sacrifice before making the government sacrifice itself. Major American corporations—from IBM to General Motors to Sears & Roebuck—have responded to changes in the marketplace by cutting expenses and becoming more efficient. Before Congress even contemplates raising the American people's taxes it should be obligated to cut the fat from its own budget and make meaningful sacrifice itself. Given its recent history of pay raises, perks, and House bank scandals, Congress needs to adopt a plan to restore its credibility in order to gain the public's support for the tough spending decisions it faces in other parts of the Federal budget. The Kasich plan would save approximately $48 billion over 5 years by reducing the Federal bureaucracy and restraining the growth of Federal pay and perks. In addition, the Kasich proposal cuts civilian Federal bureaucracy by 162,000 and freezes the COLA for all Federal employees, including Members of Congress.

This plan calls for: First, a balanced budget amendment to the Constitution; second, fixed deficit targets; third, enhanced rescission authority for the President; fourth, a seven-point test to help eliminate pork barrel projects; and fifth, allowing taxpayers to check off up to 10 percent of their Federal tax liability to reduce the deficit by contributing to a public debt reduction fund.

In addition to supporting the Kasich proposal, I have proposed a plan to cut legislative branch spending by 25 percent—matching the President's efforts to cut White House staff by an equal amount. My recommendation would cut $567 million in Congress' $2.2 billion budget in its first year and save over $2 billion of the taxpayers' money over 4 years. I plan to offer these cuts as amendments when the Legislative Branch Subcommittee begins to mark up the budget for congressional offices, committees, and support staff.

I urge my colleague to support the Kasich proposal; it achieves meaningful deficit reduction without any tax increases or cuts in Social Security.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio [Mr. KASICH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KASICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 135, noes 295, not voting 5, as follows:

[Roll No. 81]

AYES—135

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bliley
Blute
Boehner
Bonilla
Bunning
Buyer
Callahan
Calvert
Camp
Castle
Clinger
Coble
Collins (GA)
Condit
Cox
Crane
Crapo
Cunningham
DeLay
Dickey
Doolittle
Dornan
Dreier
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Grams
Grandy
Greenwood
Gunderson
Hastert
Herger
Hobson
Hoekstra
Hoke
Houghton
Huffington
Hunter
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
Kyl
Levy
Lewis (CA)
Lewis (FL)
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Oxley
Packard
Paxon
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ridge
Roberts
Rohrabacher
Royce
Santorum
Saxton
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Walker
Walsh
Weldon
Young (FL)
Zeliff
Zimmer

NOES—295

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Byrne
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Hoyer
Hughes
Hutchinson
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
King
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman

Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—5

Faleomavaega (AS)
Ford (TN)
Henry
Quillen
Washington

☐ 1644

The Clerk announced the following pair:

On this vote:

Mr. Quillen for, with Mr. Washington against.

Mrs. KENNELLY, Mr. BROWN of Ohio, and Mr. MINETA changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 103–37.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. SOLOMON: Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994.

The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1994, including the appropriate budgetary levels for fiscal years 1995, 1996, 1997, and 1998, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1993, October 1, 1994, October 1, 1995, October 1, 1996, and October 1, 1997:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1994: $888,760,000,000.
Fiscal year 1995: $952,300,000,000.
Fiscal year 1996: $1,005,500,000,000.
Fiscal year 1997: $1,046,900,000,000.
Fiscal year 1998: $1,096,600,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1994: $10,350,000,000.
Fiscal year 1995: $18,400,000,000.
Fiscal year 1996: $26,300,000,000.
Fiscal year 1997: $27,300,000,000.
Fiscal year 1998: $27,200,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1994: $93,100,000,000.
Fiscal year 1995: $104,900,000,000.
Fiscal year 1996: $111,100,000,000.
Fiscal year 1997: $116,700,000,000.
Fiscal year 1998: $122,500,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1994: $1,177,300,000,000.
Fiscal year 1995: $1,217,900,000,000.
Fiscal year 1996: $1,263,600,000,000.
Fiscal year 1997: $1,331,900,000,000.
Fiscal year 1998: $1,408,200,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1994: $1,180,900,000,000.
Fiscal year 1995: $1,208,800,000,000.
Fiscal year 1996: $1,243,800,000,000.
Fiscal year 1997: $1,295,700,000,000.
Fiscal year 1998: $1,369,000,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1994: $234,400,000,000.
Fiscal year 1995: $186,900,000,000.
Fiscal year 1996: $157,200,000,000.
Fiscal year 1997: $162,900,000,000.
Fiscal year 1998: $180,900,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1994: $4,700,800,000,000.
Fiscal year 1995: $5,041,600,000,000.
Fiscal year 1996: $5,372,600,000,000.
Fiscal year 1997: $5,720,800,000,000.
Fiscal year 1998: $6,092,900,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1993, October 1, 1994, October 1, 1995, October 1, 1996, and October 1, 1997, are as follows:

Fiscal year 1994:
(A) New direct loan obligations, $.
(B) New primary loan guarantee commitments, $.

Fiscal year 1995:
(A) New direct loan obligations, $.
(B) New primary loan guarantee commitments, $.

Fiscal year 1996:
(A) New direct loan obligations, $.
(B) New primary loan guarantee commitments, $.

Fiscal year 1997:
(A) New direct loan obligations, $.
(B) New primary loan guarantee commitments, $.

Fiscal year 1998:
(A) New direct loan obligations, $.
(B) New primary loan guarantee commitments, $.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1994 through 1998 for each major functional category are:

(1) National Defense (050):

Fiscal year 1994:
(A) New budget authority, $262,740,000,000.
(B) Outlays, $277,130,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $260,420,000,000.
(B) Outlays, $270,390,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $258,130,000,000.
(B) Outlays, $267,170,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $262,650,000,000.
(B) Outlays, $266,350,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, $270,890,000,000.
(B) Outlays, $265,880,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1994:
(A) New budget authority, $16,300,000,000.
(B) Outlays, $18,100,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $16,000,000,000.
(B) Outlays, $16,900,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $14,300,000,000.
(B) Outlays, $15,900,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:
(A) New budget authority, $15,700,000,000.
(B) Outlays, $15,600,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:
(A) New budget authority, $15,900,000,000.
(B) Outlays, $15,600,000,000.
(C) New direct loan obligations, $.
(D) New primary loan guarantee commitments, $.
(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1994:
(A) New budget authority, $15,600,000,000.
(B) Outlays, $16,250,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:
(A) New budget authority, $15,620,000,000.
(B) Outlays, $15,770,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:
(A) New budget authority, $15,180,000,000.
(B) Outlays, $15,590,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $15,850,000,000.

(B) Outlays, $15,680,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $16,320,000,000.

(B) Outlays, $16,130,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1994:

(A) New budget authority, $4,400,000,000.

(B) Outlays, $3,600,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $4,700,000,000.

(B) Outlays, $3,400,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $2,600,000,000.

(B) Outlays, $2,900,000,000

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $3,600,000,000.

(B) Outlays, $2,600,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $3,300,000,000.

(B) Outlays, $2,500,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1994:

(A) New budget authority, $20,400,000,000.

(B) Outlays, $21,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $21,300,000,000.

(B) Outlays, $21,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $21,000,000,000.

(B) Outlays, $21,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $21,900,000,000.

(B) Outlays, $22,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,300,000,000.

(B) Outlays, $21,800,500,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1994:

(A) New budget authority, $14,220,000,000.

(B) Outlays, $13,960,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $12,590,000,000.

(B) Outlays, $11,200,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $10,220,000,000.

(B) Outlays, $10,280,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $12,340,000,000.

(B) Outlays, $10,630,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $12,570,000,000.

(B) Outlays, $11,010,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

(7) Commerce and Housing Credit (370):

Fiscal year 1994:

(A) New budget authority, $21,400,000,000.

(B) Outlays, $11,140,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $.

Fiscal year 1995:

(A) New budget authority, $18,190,000,000.

(B) Outlays, $13,180,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $.

Fiscal year 1996:

(A) New budget authority, $740,000,000.

(B) Outlays, $920,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $.

Fiscal year 1997:

(A) New budget authority, $9,540,000,000.

(B) Outlays, −$11,820,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $.

Fiscal year 1998:

(A) New budget authority, $11,240,000,000.

(B) Outlays, −$7,950,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $

(E) New secondary loan guarantee commitments, $.

(8) Transportation (400):

Fiscal year 1994:

(A) New budget authority, $38,120,000,000.

(B) Outlays, $35,940,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $38,250,000,000.

(B) Outlays, $35,780,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $35,640,000,000.

(B) Outlays, $36,440,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $41,240,000,000.

(B) Outlays, $36,940,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $42,320,000,000.

(B) Outlays, $37,360,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1994:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $8,580,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $7,300,000,000.

(B) Outlays, $7,930,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $6,900,000,000.

(B) Outlays, $7,280,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $7,600,000,000.

(B) Outlays, $.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $7,800,000,000.

(B) Outlays, $7,420,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1994:

(A) New budget authority, $51,170,000,000.

(B) Outlays, $50,340,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $51,030,000,000.

(B) Outlays, $49,210,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $45,600,000,000.

(B) Outlays, $45,660,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $52,890,000,000.

(B) Outlays, $50,840,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $54,390,000,000.

(B) Outlays, $52,750,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

(11) Health (550):

Fiscal year 1994:

(A) New budget authority, $118,100,000,000.

(B) Outlays, $117,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $129,200,000,000.

(B) Outlays, $128,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $142,100,000,000.

(B) Outlays, $142,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $156,300,000,000.

(B) Outlays, $155,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $172,500,000,000.

(B) Outlays, $171,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1994:

(A) New budget authority, $147,100,000,000.

(B) Outlays, $145,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $163,480,000,000.

(B) Outlays, $158,480,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $176,980,000,000.

(B) Outlays, $176,980,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $199,180,000,000.

(B) Outlays, $197,380,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $220,900,000,000.

(B) Outlays, $219,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1994:

(A) New budget authority, $206,200,000,000.

(B) Outlays, $206,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $211,000,000,000.

(B) Outlays, $212,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $214,900,000,000.

(B) Outlays, $215,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $,0.

Fiscal year 1997:

(A) New budget authority, $232,000,000,000.

(B) Outlays, $223,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $236,800,000,000.

(B) Outlays, $231,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1994:

(A) New budget authority, $323,100,000,000.

(B) Outlays, $321,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $339,400,000,000.

(B) Outlays, $338,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $354,200,000,000.

(B) Outlays, $354,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $372,600,000,000.

(B) Outlays, $371,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $390,000,000,000.

(B) Outlays, $388,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1994:

(A) New budget authority, $35,000,000,000.

(B) Outlays, $36,500,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $35,800,000,000.

(B) Outlays, $35,800,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $35,000,000,000.

(B) Outlays, $35,100,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $37,200,000,000.

(B) Outlays, $37,200,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $37,900,000,000.

(B) Outlays, $37,800,000,000.

(C) New direct loan obligations, $.

(D) New primary loan guarantee commitments, $.

(E) New secondary loan guarantee commitments, $0.

(16) Administration of Justice (750):

Fiscal year 1994:

(A) New budget authority, $15,000,000,000.

(B) Outlays, $15,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $15,600,000,000.

(B) Outlays, $15,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $16,900,000,000.

(B) Outlays, $16,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $17,300,000,000.

(B) Outlays, $17,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $17,900,000,000.

(B) Outlays, $17,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1994:

(A) New budget authority, $13,170,000,000.

(B) Outlays, $13,280,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $13,470,000,000.

(B) Outlays, $14,470,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,960,000,000.

(B) Outlays, $13,960,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $14,250,000,000.

(B) Outlays, $14,260,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $14,740,000,000.

(B) Outlays, $14,550,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1994:

(A) New budget authority, $208,400,000,000.

(B) Outlays, $208,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $222,000,000,000.

(B) Outlays, $222,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $234,300,000,000.

(B) Outlays, $234,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $245,000,000,000.

(B) Outlays, $245,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $256,100,000,000.

(B) Outlays, $256,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1994:

(A) New budget authority, −$16,000,000,000.

(B) Outlays, −$21,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$25,000,000,000.

(B) Outlays, −$35,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$28,300,000,000.

(B) Outlays, $−31,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$28,000,000,000.

(B) Outlays, $−30,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$24,800,000,000.

(B) Outlays, $−26,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1994:

(A) New budget authority, −$40,200,000,000.

(B) Outlays, −$40,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, −$41,030,000,000.

(B) Outlays, −$41,030,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, −$42,730,000,000.

(B) Outlays, −$42,730,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, −$43,430,000,000.

(B) Outlays, −$43,430,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, −$44,200,000,000.

(B) Outlays, −$44,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

SEC. 4. RECONCILIATION.

(a) IN GENERAL.—Not later than May 1, 1993, the House committees named in subsections (b) through (r) of this section shall submit their recommendations to the Committee on the Budget of the House. After receiving those recommendations, the Committee on the Budget shall report to the House a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

(b) The House Committee on Agriculture shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce outlays, or (3) any combination thereof, as follows: $3,069,000,000 in outlays in fiscal year 1994, $3,512,000,000 in outlays in fiscal year 1995, $2,944,000,000 in outlays in fiscal year 1996, $3,010,000,000 in outlays in fiscal year 1997, and $2,993,000,000 in outlays in fiscal year 1998.

(b) The House Committee on Armed Services shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce outlays, or (3) any combination thereof, as follows: $900,000,000 in outlays in fiscal year 1994, $2,010,000,000 in outlays in fiscal year 1995, $1,600,000,000 in outlays in fiscal year 1996, $50,000,000 in outlays in fiscal year

1997, and $80,000,000 in outlays in fiscal year 1998.

(c) The House Committee on Banking, Finance and Urban Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce outlays, or (3) any combination thereof, as follows: $429,000,000 in outlays in fiscal year 1994, $545,000,000 in outlays in fiscal year 1995, $711,000,000 in outlays in fiscal year 1996, $703,000,000 in outlays in fiscal year 1997, and $778,000,000 in outlays in fiscal year 1998.

(d) The House Committee on the District of Columbia shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce outlays, or (3) any combination thereof, as follows: $0 in outlays in fiscal year 1994, $0 in outlays in fiscal year 1995, $0 in outlays in fiscal year 1996, $0 in outlays in fiscal year 1997, and $0 in outlays in fiscal year 1998.

(e) The House Committee on Education and Labor shall report changes in laws within its jurisdiction sufficient to reduce the deficit as follows: $3,215,000,000 in fiscal year 1994, $3,265,000,000 in fiscal year 1995, $2,725,000,000 in fiscal year 1996, $2,785,000,000 in fiscal year 1997, and $2,745,000,000 in fiscal year 1998.

(f) The House Committee on Energy and Commerce shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce outlays, or (3) any combination thereof, as follows: $9,813,000,000 in outlays in fiscal year 1994, $18,779,000,000 in outlays in fiscal year 1995, $22,777,000,000 in outlays in fiscal year 1996, $25,613,000,000 in outlays in fiscal year 1997, and $28,099,000,000 in outlays in fiscal year 1998.

(g) The House Committee on Foreign Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce outlays, or (3) any combination thereof, as follows: $0 in outlays in fiscal year 1994, $0 in outlays in fiscal year 1995, $0 in outlays in fiscal year 1996, $0 in outlays in fiscal year 1997, and $0 in outlays in fiscal year 1998.

(h) The House Committee on Government Operations shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce outlays, or (3) any combination thereof, as follows: $0 in outlays in fiscal year 1994, $0 in outlays in fiscal year 1995, $0 in outlays in fiscal year 1996, $0 in outlays in fiscal year 1997, and $0 in outlays in fiscal year 1998.

(i) The House Committee on House Administration shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce outlays, or (3) any combination thereof, as follows: $0 in outlays in fiscal year 1994, $0 in outlays in fiscal year 1995, $0 in outlays in fiscal year 1996, $0 in outlays in fiscal year 1997, and $0 in outlays in fiscal year 1998.

(j) The House Committee on Judiciary shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce outlays, or (3) any combination thereof, as follows: $12,000,000 in outlays in fiscal year 1994, $45,000,000 in outlays in fiscal year 1995, $108,000,000 in outlays in fiscal year 1996, $186,000,000 in outlays in fiscal year 1997, and $254,000,000 in outlays in fiscal year 1998.

(k) The House Committee on Merchant Marine and Fisheries shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce outlays, or (3) any combination thereof, as follows: $0 in outlays in fiscal year 1994, $0 in outlays in fiscal year 1995, $67,000,000 in outlays in fiscal year 1996, $68,000,000 in outlays in fiscal year 1997, and $70,000,000 in outlays in fiscal year 1998.

(l) The House Committee on Natural Resources shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce outlays, or (3) any combination thereof, as follows: $160,000,000 in outlays in fiscal year 1994, $170,000,000 in outlays in fiscal year 1995, $189,000,000 in outlays in fiscal year 1996, $190,000,000 in outlays in fiscal year 1997, and $190,000,000 in outlays in fiscal year 1998.

(m) The House Committee on Post Office and Civil Service shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce outlays, or (3) any combination thereof, as follows: $419,000,000 in outlays in fiscal year 1994, $666,000,000 in outlays in fiscal year 1995, $4,847,000,000 in outlays in fiscal year 1996, $6,140,000,000 in outlays in fiscal year 1997, and $6,506,000,000 in outlays in fiscal year 1998.

(n) The House Committee on Public Works and Transportation shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce outlays, or (3) any combination thereof, as follows: $18,000,000 in outlays in fiscal year 1994, $31,000,000 in outlays in fiscal year 1995, $94,000,000 in outlays in fiscal year 1996, $108,000,000 in outlays in fiscal year 1997, and $115,000,000 in outlays in fiscal year 1998.

(o) The House Committee on Science, Space, and Technology shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce outlays, or (3) any combination thereof, as follows: $0 in outlays in fiscal year 1994, $0 in outlays in fiscal year 1995, $0 in outlays in fiscal year 1996, $0 in outlays in fiscal year 1997, and $0 in outlays in fiscal year 1998.

(p) The House Committee on Small Business shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce outlays, or (3) any combination thereof, as follows: $0 in outlays in fiscal year 1994, $0 in outlays in fiscal year 1995, $0 in outlays in fiscal year 1996, $0 in outlays in fiscal year 1997, and $0 in outlays in fiscal year 1998.

(q) The House Committee on Veterans' Affairs shall report (1) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays, (2) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce outlays, or (3) any combination thereof, as follows: $478,000,000 in outlays in fiscal year 1994, $602,000,000 in outlays in fiscal year 1995, $641,000,000 in outlays in fiscal year 1996, $668,400,000 in outlays in fiscal year 1997, and $1,438,100,000 in outlays in fiscal year 1998.

(r)(1) The House Committee on Ways and Means shall report (A) changes in laws within its jurisdiction which provide spending authority as defined in section 401(c)(2)(C) of the Congressional Budget Act of 1974, sufficient to reduce outlays, (B) changes in laws within its jurisdiction which provide spending authority other than as defined in section 401(c)(2)(C) of the Act, sufficient to reduce outlays, or (C) any combination thereof, as follows: $8,875,000,000 in outlays in fiscal year 1994, $17,875,000,000 in outlays in fiscal year 1995, $25,196,000,000 in outlays in fiscal year 1996, $33,234,000,000 in outlays in fiscal year 1997, and $42,688,000,000 in outlays in fiscal year 1998.

(2) The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to increase revenues as follows: $23,700,000,000 in fiscal year 1994, $22,200,000,000 in fiscal year 1995, $26,300,000,000 in fiscal year 1996, $27,300,000,000 in fiscal year 1997, and $27,200,000,000 in fiscal year 1998.

(3) In addition to the instructions in paragraphs (1) and (2), the House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce the deficit as follows: $0 in fiscal year 1994, $0 in fiscal year 1995, $0 in fiscal year 1996, $0 in fiscal year 1997, and $0 in fiscal year 1998.

SEC. 5. SENSE OF CONGRESS REGARDING TAX REVENUES AND DEFICIT REDUCTION.

It is the Sense of Congress that any legislation enacting tax increases called for in this Budget Resolution contain language providing that the next revenues generated by the legislation shall not be counted for the purpose of calculating the amount of any deficit increase called for in Section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended by the Omnibus Budget Reconciliation Act of 1990.

SEC. 6. SPECIAL PROCEDURES.

Pursuant to section 301(b)(4) of the Congressional Budget Act of 1974, as amended, the appropriate committees of the Congress are hereby instructed to report to their respective Houses, not later than May 1, 1993, for the purposes of implementing and enforcing the reductions in spending and deficits as provided for by this resolution, and to be effective for the fiscal years covered by this resolution, the following:

(a) a constitutional amendment requiring a balanced budget;

(b) legislation giving the President enhanced rescission, line-item veto authority subject to disapproval only by the enactment of a joint resolution of the Congress; and

(c) legislation establishing Maximum Deficit Amounts identical to those contained in this resolution and procedures for triggering sequestration when actual deficits exceed such amounts.

SEC. 7. TAXPAYER DEBT BUY-DOWN.

In order to reduce the deficit in fiscal years 1994 through 1998 by avoiding the debt service cost that attend the public debt by retiring portions of that debt and further reducing the deficit by providing the public with an opportunity to get dollar-for-dollar deficit reduction for each dollar contributed to debt retirement—

(1) the Committee on Ways and Means shall submit recommendations by August 1, 1993, to the House of Representatives—

(A) proposing changes in law to allow taxpayers to designate up to 10% of their income tax liability to reduce the public debt; and

(B) establishing a public debt reduction trust fund in the Treasury of the United States to receive those designated funds to buy back the public debt; and

(2) the Committee on Government Operations shall submit recommendations by August 1, 1993, to the House of Representatives proposing changes in law—

(A) providing automatic annual sequestrations (except social security, interest on the public debt, and deposit insurance) equal to the estimated aggregate amount of money deposited in the public debt reduction trust fund; and

(B) providing Congress with the authority to propose reductions in spending to avoid any across-the-board annual sequestration referred to in subparagraph (A).

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. SOLOMON] will be recognized for 30 minutes, and the gentleman from Minnesota [Mr. SABO] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my colleagues, Democrats and Republicans alike, fellow Americans, this is the showdown right now.

I voted for the amendment offered by the gentleman from Ohio [Mr. KASICH] like a great many of my colleagues did over here, and I was proud to do so. But now that the Kasich budget is no longer an option to this body, my colleagues should know that this is the very last chance that Democrats and Republicans will have to strip the Clinton proposal.

☐ 1650

As I said before, I was proud to vote for the Kasich budget. I am sorry it did not pass. But now that it is no longer an option, this is the very last chance that Democrats on that side and Republicans on this side will have to strip the Clinton proposal of two of the most onerous and unfair taxes that this body could possibly levy on middle-class taxpayers and senior citizens, and that, Mr. Chairman, is the Btu energy tax that will drastically reduce the cost of food and gasoline and home heating fuel and every single piece of manufactured goods in America on our constituents. And it will strip out the Clinton Social Security tax increase that almost doubles the Social Security tax on retired American citizens. You do not want to do that.

Mr. Chairman, why is this the last chance? Because if my amendment is defeated on this floor now, your vote against my amendment guarantees that this unfair energy tax and the unfair Social Security tax will become law, and your vote did it.

Mr. Chairman, if Members want to vote for this Solomon consensus, let me tell what it does.

First of all, this Solomon consensus will not raise taxes one dime. It cuts taxes. The Clinton budget calls for $366 billion in new taxes, and we in the Solomon consensus cut taxes by $222 billion, $222 billion by eliminating the increase in the energy tax, by eliminating the Social Security tax, by eliminating the corporate income tax. And we cut President Clinton's tax increase further by changing his new tax bracket from $140,000 up to $200,000 of adjusted gross income before it kicks in. That is a tax cut, not a tax increase.

Mr. Chairman, to stimulate the economy we provide for vital tax incentives. We cut taxes further, not raise them; by extending expiring business tax incentives; by restoring real estate passive loss, that almost bankrupted the real estate industry in this country 6 years ago; by providing capital gains tax deductions for startup companies which is badly needed; and by repealing the luxury tax on boats that most Members on that side of the aisle have sponsored, and just about everybody on this side of the aisle has sponsored. Here is your chance to vote for it, including the gentleman from Michigan [Mr. BONIOR], my good friend.

Mr. Chairman, that cuts $222 billion out of the Clinton tax increases, leaving only this, Mr. Chairman, and I do not address this, but it leaves in the Clinton budget a surtax on millionaires. It leaves some miscellaneous taxes to plug business expense loopholes and it leaves a limit on deductions for executive pay over $1 million.

If there is anything that could be construed as an income tax increase in this substitute here, it is this: we expand that limit of $1 million on executive pay to include movie stars and professional athletes who make 200 times what the average assembly line worker makes at GE in my district or General Motors in your district. Two hundred times.

Mr. Chairman, if Members vote for the Solomon amendment, they remove the middle-class tax increase and put fairness back into the U.S. Tax Code.

Besides fairness, Mr. Chairman, the most important other issue in this budget and facing this Congress and this Nation is reducing the unconscionable deficit that is drowning this Nation in a sea of red ink. Unfortunately, the Clinton budget, even after raising taxes by $336 billion, does little or nothing to reduce spending or to reduce that deficit. Over 5 years President Clinton's budget only cuts spending $219 billion, with practically no cuts in the first 2 years and no procedures to guarantee that we get any cuts in the last 3 years. Members know we will not, without Gramm-Rudman restrictions in there.

Mr. Chairman, here is the real difference between the two bills: The Solomon plan more than doubles the Clinton cuts, cutting $265 billion more than Clinton, and it guarantees those cuts by requiring sequestration procedures that trigger across-the-board cuts if this Congress exceeds these budget limits. These cuts, totaling more than $485 billion, guarantee that we will reduce the deficit by a whopping $620 billion. That is $150 billion more than President Clinton and the Democrat budget over there.

Mr. Chairman, that is real deficit reduction, and it is real tax fairness. Speaking of fairness, remember, as I said in the beginning, this is your absolute last chance to remove the unjust energy tax and the grossly unjust Social Security tax off the backs of the American people who can least afford it.

Mr. Chairman, Members should not let their vote—and I am talking about Democrat Members over there, and their votes over here, Republicans—be the one that saddles these taxes on the American people. If they do they ought to be ashamed of themselves. Members should support this substitute because their constituents will thank them for doing it.

Mr. Chairman, I reserve the balance of my time.

Mr. SABO. Mr. Chairman, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to stand and firmly say I rise in opposition to the Solomon amendment. First of all, I want to compliment the gentleman from New York [Mr. SOLOMON], which I do not do too often. But I want to say to him I think it is an intellectually honest budget in which he admits there had to be some tax increases, and he really does raise taxes to $150 billion over 5 years. I salute that honesty that is out there.

But the gentleman said make sure you know what your vote is doing.

Mr. Chairman, I know what my vote is doing, and I am going to vote "no" with my vote. But let me tell you why: because I think this amendment kills the seed corn we desperately need in the 1990's to reinvest in this economy to make it go and to get back into the global marketplace.

First of all, I am sorry to see the Solomon amendment on the floor on the day we had CEO's from Fortune 500 companies here having a press conference and having a luncheon with Members of Congress, and pleading with them to focus on America's children, immunizations, Head Start, the feeding program, seeing those as investments in America's future work force.

Mr. Chairman, if you vote for the Solomon amendment, you are ignoring those CEO's. It is wonderful to see CEO's here talking about children, talking about the future, and seeing that as our seed corn and something we need to focus on.

Second, it takes out all the conversion money and all the investment strategies for the future. When it comes to conversion, and I could not mean this more seriously, we are in an adapt or die mode. I think if we do not find a way to do this conversion and to use so much of the technology that we invested in for the military, and that is the majority of what we invested in, we invested for the military, if we do not find a way to apply that in the civilian sector so we can retain a strong technology base, we really are going to harm ourselves vis-a-vis national security.

□ 1700

I think the President of the United States has reached a very important balance on this issue that we all must take very seriously. He has focused on basic research and applied research in these new technologies, talking about information highways, talking about how we throw this stuff over the fence and get it into the civilian sector.

He has talked about energy conservation programs. I am sorry, but we will not get serious about it until we start taxing on it. We have seen that over and over again. And until we work on it, it is not going to happen.

There is all sorts of environmental protection and restoration that this will cut out of his budget that, I think, is terribly important, if we are going to get on, first, with the conversion but, second, also manufacturing things that the world needs.

So this Solomon amendment does a very good job in recognizing the need for cuts. It does a good job in recognizing the need for revenues. He has had the guts to raise taxes. But the thing that I feel very bad about is that he left out the seed corn, and the seed corn are kids, and the Kasich amendment did this, too.

Over and over again, we love children to death till we get them to the budget door, and then we drop them like a hot potato.

Things the President has in this budget are things that this country promised to do 35 years ago. It also leaves out the investment and conversion strategies, and it seems to me that for the average American taxpayer, who invested so heavily in this defense research in the 1980's, it is very important that we make sure this now get out and we do everything we can to make this work.

I would hope that Members would vote against the Solomon amendment, even though, as I say, there are some things in there that he has tried very hard to do, and they should vote against it because we not only need to just look at today, we must look at tomorrow.

Tomorrow is about conversion, investments, the global economy we are in, dealing with the environment, dealing with energy research, all those things we put on hold for over 10 years. If we do not get them back, I worry we will not be players in the 21st century. So the piece that gets us the potential to be a player in the 21st century is missing from the Solomon amendment. Therefore, I will vote "no."

Mr. SOLOMON. Mr. Chairman, I appreciate the gentlewoman mentioning children. I have five children and two grandchildren. One of the things we do that the gentleman from Wisconsin [Mr. GUNDERSON] will be speaking about in 1 minute is restore the home equity provision, which is going to allow a lot more children to go to college.

Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, I thank the gentleman for yielding to me because, in response to the distinguished gentlewoman from Colorado, I want everyone to know that from 1994 through 1998, under our proposal, there is a $266 billion increase in revenues through growth. So we have got $266 billion that we are free to reallocate in this program, however we want. We just use the additional tax revenue for deficit reduction.

Mr. UPTON. Mr. Chairman, I rise in strong support of the Solomon substitute. The principles behind this budget are tax fairness for this generation of taxpayers and even greater deficit reduction for the benefit of our next generation.

Mr. Chairman, I received a letter this week from an 80-year-old widow.

> MR. UPTON: I have recently been made aware of the increase in energy taxes that President Clinton has proposed. As a widow, 80 years of age, I am doing the best I can to live on my meager income. I urge you to vote against the energy taxes that the President is proposing.
>
> You, more than most, are aware that Michigan, in particular, is already hard hit by unemployment and welfare without the additional charges that these energy taxes would bring.
>
> During the hard Michigan winter, I try to tighten my belt so I can afford to heat my home—please, I urge you to propose tightening the administration's belt, too.

We had folks like this widow and her granddaughter, who typed it, in mind when we crafted this budget. And unlike the Clinton budget, we do not ask the overburdened middle class to pay more. And we do not ask anyone to pay more in taxes until we cut spending first.

Let me reiterate that, cut spending first. We cut spending in the first year, Mr. Chairman, by $42 billion, this compared to the Clinton budget of $6 billion. And then in the second year, we cut spending by $71.3 billion, as compared to only $10.8 billion in the Clinton budget.

That means that totally, we cut spending $113 billion in the first 2 years of the operation of this budget versus only $17 billion by the Clinton budget.

We ask only that the people who can afford to pay more in taxes, in fact, pay more. But we ensure that this new revenue will not go to new spending but instead to reduce the deficit. We enforce that promise with specific cut suggestions and a line-item veto, a balanced-budget amendment and automatic sequestration enforcement.

By combining the best of the rest, the spending package of the Kasich committee on the budget, along with $38 billion in additional cuts of our own and less than half of the President's tax increases, we reduce the deficit by $170 billion more than the other package.

Mr. Chairman, I include for the RECORD a copy of the letter to which I referred:

> MARCH 8, 1993.
>
> FRED UPTON,
> *House of Representatives*
> *Washington, DC.*
>
> MR. UPTON: I have recently been made aware of the increase in energy taxes that President Clinton has proposed. As a widow, 80 years of age, I am doing the best I can to

live on my meager income. I urge you to vote against the energy taxes that the President is proposing.

You, more than most, are aware that Michigan, in particular, is already hard hit by unemployment and welfare without the additional charges that these energy taxes would bring.

During the hard Michigan winter, I try to tighten my belt so I can afford to heat my home—please, I urge you to propose tightening the administration's belt, too.

Sincerely,

P.S. Thank you to my grand-daughter, Kristen, for typing this letter for me.

Mr. SABO. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I rise, I am sorry to say, to oppose the Solomon amendment, even though I do want to take note, as my colleague from Colorado, Mrs. SCHROEDER did, that the gentleman from New York [Mr. SOLOMON] has indeed tried to create something of a coalition and to draw some of us who believe that those who got most out of the 1980's ought to give something back in the 1990's.

I oppose this amendment chiefly because its spending cuts would undermine the impact of any stimulus program. And while I agree with my colleague from Colorado that we need seed corn, the reasons I want to emphasize at this time are somewhat different, much as I agree with the gentlewoman, but I want to stress the need for a stimulus in order to assure that we get out of this recession with a genuine recovery.

Now, some have been trying to have it both ways, Mr. Chairman. They argue that the President's stimulus is too little to matter, and they argue that it is too much in the face of a full recovery. They can speak this doublespeak only if they ignore certain felt economic realities. They have to first ignore the false starts that we have already experienced in this recovery. False starts signal the need for some further stimulation.

Look at the time period of this recession. Technically it went from July 1990 to April 1991. We are almost 2 years into recovery and, yet, out of the last six quarters, in only the most recent one has growth reached the minimum 4 percent that indicates a period of real recovery. That ought to frighten us. It certainly frightens the people whom I represent.

One would further have to ignore yesterday's report that employers are using overtime at a record unmatched since the 1950's. And they are using overtime rather than employing people, which is why we have 9 million people out there saying, "Where is the recovery?"

One would have to ignore the frightening and startling proportion of the recovery that is in part-time jobs with no benefits. In order to assume that no stimulus is necessary one would have to ignore the missing ingredient in this recovery that has been present in other recoveries, and that is some fiscal policy, tax cuts or spending of some kind that encourages job creation. That is what has been missing in this recovery, and we are feeling it and paying for it.

One would have to ignore, above all, the effects that the President's cuts may have on the recovery itself.

□ 1710

I do not oppose the President's cuts. We have been willing to swallow the President's cuts. We do ask for some balance. We have to ask ourselves, for example, what of the 100,000 Federal jobs the President's attrition program over the next 5 years that will not be available and otherwise would have been available? In the Washington metropolitan region for example 22,000 jobs, would not be available but only half of these jobs, Mr. Chairman, are Federal jobs. The other half are jobs that will not be there in the private sector because of the decline in Federal spending.

The private sector needs a stimulus to pick up the people who are not going to be in the Federal sector because we are going to say to 100,000 of them, "These jobs are no longer available to you."

What of the base closings? Who is going to pick up the 57,000 people put out of work because of the base closings? An unstimulated economy, Mr. Chairman? Only an energetic private sector can pick up these pieces, a private sector that is not afraid to grow, as todays private sector is now; otherwise, business would be bringing people back to work rather than using compulsory overtime.

We must begin the stimulus now in the face of government and private sector cuts, even during a period of supposed growth. I predict that we are going to need more stimulus later, much more, if we do not start now. Leave the President's plan alone. Make jobs, not war, on the floor.

Mr. SOLOMON. Mr. Chairman, I would just say to the gentlewoman, we will not be debating the stimulus plan until much later tonight.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Chairman, I rise in support of the Solomon substitute.

Mr. Chairman, if we stick to the schedule which was published for today, we are going to be considering a so-called economic stimulus package before we leave here tonight. And I am concerned, Mr. Chairman, because if we pass the budget resolution as originally proposed by the President, we are going to be undercutting whatever we, as Congress, do to stimulate the economy.

That is why I supported the Kasich substitute and, failing its adoption, it is why I support the Solomon compromise substitute.

Mr. Chairman, I recall watching the economic summit which then President-elect Clinton called in December. And, I cannot recall one panelist saying that tax increases are what the country needs to bring it out of the economic doldrums. In fact, it seems almost universally agreed that, while tax hikes provide an easy means to close the deficit, they are almost certain to stall whatever recovery is currently taking place.

Mr. Chairman, I am one of those who believes that tax hikes should be used to close the deficit only as a last resort. And, I agree with the President that, if tax hikes are ultimately necessary, they should fall most significantly on those who can best afford to pay.

By seeking to eliminate taxes which erode the buying power of middle-class Americans, the Solomon substitute permits economic growth and helps the President keep his promise to shield the most Americans from taxes they cannot afford to pay.

For these reasons, I will be voting for the Solomon substitute and I urge my colleagues to do the same.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to one of our most knowledgeable Members, the gentleman from New York [Mr. HOUGHTON], a former member of the Committee on the Budget for 6 years and a present member of the Committee on Ways and Means.

Mr. HOUGHTON. Mr. Chairman, there is so much I would like to say about this issue. I only have 2 minutes. I think there is one point that I think is overarching here.

I applaud what the President is doing. I applaud the fact that he has taken the torch and shown us the way. The thing that I feel badly about, despite my respect for a lot of people who put in a great deal of work in this budget process, it really does not get us where we want to go.

I really think the American people, they hear the bugles and they expect to see the horses coming over the hill. Frankly, the horses will not be there unless something like the Solomon substitute is enacted. I will tell the Members why. Because at the end of these 5 years the American people will say, "We have got our debt in pretty good shape, our deficit is continuing to go down."

Wrong. Under the proposals which I see now, particularly the proposal on the Democratic side, the deficit begins to creep up and our debt, owned by the public as a percent of our GDP, now is 53 percent and at that time will be 57 percent.

Frankly, the debt is the critical issue. It does not make any difference what the deficit is; it is the means to an end: the debt, the debt that our children are going to inherit. If we end up at the end of 5 years with a debt higher than it is now as a percent of our productive capacity, I think we have led the American people down the wrong road. I urge the Members to support the Solomon substitute, because it is the only plan that gets the type of numbers we are looking for and does not betray the confidence of the American people in what we are trying to do down here.

Mr. SABO. Mr. Chairman, I yield 5 minutes to the gentleman from North Dakota [Mr. POMEROY], a member of the Committee on the Budget.

Mr. POMEROY. Mr. Chairman, I rise in opposition to the Solomon substitute amendment. There is much in this amendment to be found objectionable. Many of the cuts proposed in the earlier unsuccessful amendment are contained in this amendment. I believe that in certain instances these cuts represent in fact tax increases to the recipients of the most unfair kind.

In the earlier amendment I mentioned the Medicare cuts, $20 billion removed from this program and replaced by higher assessments on Medicare recipients using the laboratory services, receiving home health care, rather than spread any kind of tax obligation on those who have received and have most prospered under our past economic circumstance, rather than spread it broad based over all of this country.

This singles out elderly, sick people and hits them with $20 billion in additional assessments. For that reason alone I would oppose this amendment.

There is more. Elimination of the Federal Crop Insurance Program, elimination of it at a time when we need to be assisting our agriculture producers in risk management, helping them to avoid catastrophes that are the natural occupational hazard unique to agriculture in this country and around the world, they eliminate the opportunity to ensure against risks. This is not a budget-saving item, this is a proposal which will ensure every single year rural Members of this body will propose specific disaster relief measures, measures that will ultimately be funded off budget, that will impact the deficit the amendment's sponsors speak so passionately about.

Elimination of the Federal crop insurance is yet another bad component of this package, and presents, again, sufficient reason to vote against it. I think there are even more overarching issues at stake.

The economy of this country is sick. It may not be in the depth of the recession at the present time, but its rebound is anything but on schedule for a full, healthy recovery. We are 3 million jobs behind. The Solomon amendment fails most utterly in its failure to acknowledge the fragile and tepid state of our present economic recovery.

The chart before us reflects what really is a guarantee for further recession, if we were to hit 1994 with $65 billion in spending reduction with not one iota of the investment component proposed in the President's package.

In summary Mr. Speaker, this amendment fails the test. It has specifics, and many of the specifics justify defeat of the amendment. Moreover, it fails to correctly assess the interlinked nature of the deficit reduction and economic recovery. If the economy goes in the tank again, there will not be the economic recovery reflected in this plan, and in fact, the deficit reduction proposed, absent any effort at stimulating a recovery, guarantees renewed recession for this country.

For this reason, I urge the Members of this body to oppose this amendment.

Mr. UPTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. GUNDERSON], a major player in the writing and drafting and strategy of the Solomon proposal.

Mr. GUNDERSON. Mr. Chairman, I yield to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I just want to briefly correct a matter of fact. While the Clinton budget raises taxes on Social Security on the seniors, our budget does not. Furthermore, in the Medicare section it raises money by means testing premiums and by freezing reimbursements to physicians, not by freezing premiums at the higher rate that the Democrat budget does.

Mr. GUNDERSON. Mr. Chairman, I appreciate the gentlewoman's remarks.

Mr. Chairman, let me address my comments this afternoon to my colleagues on the Democratic side of the aisle. It is no secret that many of them are uncomfortable having to vote for $336 billion in new taxes later on tonight.

My plea to them is before they do that, understand that by voting for the Solomon budget they can cut spending first. This plan has $265 billion more in spending cuts, more than the President's bill, a 4 to 1 ratio of spending cuts to revenue increases, and it makes the tough decisions on the pork-barrel projects that are in the other documents on both sides of the aisle.

□ 1700

Second, before voting for $336 billion in new taxes, understand if you are going to do that, taxes ought to go to deficit reduction, not new spending. This is the plan that cuts the deficit by $637 billion over the life of the budget cycle, $171 billion more than Mr. Clinton.

Third, before dealing with just new taxes, understand this is your only chance to vote against the taxes on the middle-income people of our particular proposal. It is this, the Solomon budget, that eliminates the Btu tax, that eliminates the inheritance tax, that eliminates the Social Security tax.

Before voting for new taxes and new spending, know that this is the alternative where you can make sure that that tax increase goes to fund incentives for economic growth, such as capital gains, such as passive loss, such as the tax extenders. Before you vote for $336 billion in new revenue and $178 billion in new spending, know that this is the one plan that is fair.

As Ross Perot would say if he were standing here, he would say if deficit reduction is our goal, and bipartisanship is our mode of operation, it is the Solomon budget that each and every one of us ought to be voting for. Why? Because it takes the best of both to reduce the deficit.

Imagine we are going through all of this $336 billion in new taxes and we are still going to end up with about $200 billion a year in annual deficits. The American people do not find that acceptable, Mr. Chairman. This is the alternative for you to go home, and before you give the President your due party loyalty later tonight, make sure you can go home and say I voted for tax fairness, I voted to cut spending first, and I voted to use new revenue for deficit reduction.

Vote for the Solomon budget.

Mr. Chairman, I rise in strong support of the Solomon budget substitute.

Last year, Mr. Chairman, the American people sent us a very loud and a very clear message. They told us that they wanted us to work together to get our house in order and to put the American economy back on track. They told us that they wanted the deficits that are threatening their children's futures brought under control, that they wanted a fairer and more equitable tax system, and that they wanted us to put policies in place to get the economy moving.

Mr. Chairman, if the Members of this body were really listening to the American people last year, and if they were really listening to them now, they would be voting for the Solomon substitute. We have put together a budget alternative which is closer to what the American people have told us they want than any other budget resolution which has been offered.

Our budget delivers a third more in deficit reduction over 5 years than the Democrat plan with less than half the new taxes. For every $1 in new taxes that our proposal raises, we cut spending by $4. The Democrat proposal doesn't even cut spending by $1 for every new dollar in taxes—a far cry from what the President promised.

Our spending restraints and cuts, moreover, are specified, not promised. The American people have told us that they are frustrated and angry with the budget shenanigans that they see us engage in year after year. This is an honest budget.

Our plan calls for reductions in spending before, not after, we start collecting new taxes. We aren't asking tax payers to buy any more pigs in the poke.

Finally, our budget gives the American people the kind of economic program they want without asking an already overtaxed middle-class to send even more of its income to Washington.

Republican Members of the House have worked together over the past several days to put together a budget resolution for fiscal year

1994 which we believe truly reflects the priorities and the desire for change among the American people. We believe that it is a budget which both Republicans and Democrats can support.

In assembling the Solomon substitute, Mr. Chairman, we identified three objectives: substantial deficit reduction by means of real restraint and actual cuts in Federal Government spending; a fair and realistic package of proposals to increase Federal revenues by asking the wealthiest Americans—and only the wealthiest Americans—to pay more in taxes, and; an overall budget plan that would not threaten or undermine the prospects for a continuing economic recovery. I believe that we achieved each of those objectives and that they are reflected in our budget resolution.

First, let's look at deficit reduction and how we achieved it. The Solomon substitute achieves substantially more deficit reduction next year and over the next 5 years than either of the budget plans that came out of the House Budget Committee. Our budget reduces the deficit of $620 billion over 5 years. That's about $160 billion more in deficit reduction than the Democrat budget achieves despite the fact that it calls for over a quarter of a billion dollars in net new taxes over the next 5 years.

Our budget achieves deficit reduction primarily by controlling the rate of spending growth in most Federal program spending, and by making actual cuts in other nonessential Federal progams. Those of us who assembled this substitute share with all of our Republicans colleagues the view that America suffers under the weight of this monstrous deficit not because the vast majority of her people are taxed too little, but because the Federal Government spends too much—much too much. Our budget reflects that belief.

Because the Solomon substitute takes the Republican budget committee proposal as its base, it adopts what is in effect a baseline freeze on all nondefense Federal discretionary spending. What this means, in terms that normal people can understand, is that spending for more than 90 percent of all Federal discretionary programs will grow over the next 5 years by an amount equal to the inflation rate over the next 5 years. Critical programs like Pell grants and Head Start will not see their funding cut.

Our proposal does, however, call for and specify actual reductions in funding for other programs. For example, we eliminate funding for the superconducting super collider, cut funding for special interest Federal highway projects, cut agricultural subsidies to individuals with nonfarm incomes of over $100,000, and cut funding for support of the already oversized but still growing Government bureaucracies. As a result of our determination to hold the line on spending, spending cuts account for more than 80 percent of the deficit reduction in the Solomon substitute. Unspecified spending reduction accounts for barely half of the deficit reduction in the Democrat package.

Mr. Chairman, I think that JOHN KASICH and my Republican colleagues on the Budget Committee did a remarkable, and a remarkably honest job in their budget on the savings side. They showed that we can make a substantial dent in the deficit without resorting to unspecified promises of spending restraint and without resorting to the massive tax increases that the administration and the majority leadership are calling for. All of my Republican colleagues involved in drafting this alternative budget share that view.

The American people, however, have made clear that they expect us to produce a budget package that makes more dramatic reductions in the Federal deficit that can be achieved by spending cuts alone. It is for this reason that many of my colleagues and I believe that we need to go significantly further than our Republican colleagues on the Budget Committee. And the only way to do that is by asking the wealthiest Americans to make a contribution in higher taxes. Our alternative budget does that. We raise nearly $140 billion in new taxes over 5 years by incorporating already proposed tax increases on the wealthy, while at the same time stripping all of those new taxes proposed by President Clinton and the Democrats—such as the Btu tax and higher taxes on Social Security recipients—which hit lower and middle-income Americans hard. Contrary to the rehetroic, these taxes will hit middle-income American families and retired Americans hard.

President Clinton made a promise to shield middle-income Americans from the impact of new taxes. The President and his party are breaking that promise. We have a budget which gives them the opportunity to keep it.

Moreover, Mr. Chairman, the new taxes that we include in our proposal do not get implemented until after the spending restraint and the spending cuts we have proposed begin to be implemented. We are not asking any American to again pay for promises which they know have been made and broken many times before. We do indeed cut spending first.

Finally, Mr. Chairman, we sought to bring a budget resolution to the floor which would be pro-growth.

The economy is finally showing signs of life, though no one can take comfort from the extent of the recovery thus far. Job growth statistics, in particular, remain disappointing. Nonetheless, the economy is showing increased strength and the last thing we want to do is sap that strength. We want to support the recovery and keep as many Americans as possible on the job. The Solomon substitute contains a substantial package of tax incentives for business investment which will contribute to productivity growth and the creation of new jobs.

Moreover, though our proposal calls for very substantial reductions in defense spending, it takes into consideration the fact that defense dollars provide more than just guns and jet fighters. Defense dollars provide jobs—millions of jobs for American workers. We have just had a very bitter reminder, Mr. Chairman, of the human pain which defense downsizing entails. And no doubt, there will be more of it. The question, however, is how much more and how fast. Our budget calls for nonadministratively related cuts of $60 billion in defense over 5 years. This is in addition—and it is very important to point this out because many of my Democrat colleagues conveniently fail to do so—to almost $75 billion in cuts that President Bush proposed before leaving office earlier this year. The Democrat budget calls for cuts that are twice as large, will be twice as painful, and will cost twice as many Americans—military and nonmilitary—their jobs.

Mr. Chairman, the Solomon substitute, based on what I've heard from the people in my district and in the places I've traveled across America, is the kind of budget the American people want, and I would urge my colleagues from both sides of the aisle to support it.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MCHALE].

Mr. MCHALE. Mr. Chairman, there is a sense of historic expectation in the House today for we are engaged in a hard-fought battle on issues of real importance. There is an appropriate awareness that the vote on the budget resolution and investment package will reflect a fundamental redefinition of our national goals, a conscious shift from consumption to investment, and a renewed commitment to the traditional ideals of American democracy. In short, Mr. Chairman, if enacted, the Solomon amendment will kill President Clinton's effort to rebuild America.

During the next few hours Members of Congress will rise to present competing visions for our Nation's future. Prompted by timidity and excessive partisanship, some will urge that we reject the President's proposals. By contrast, I believe that 12 years of drift, debt, and decline—12 years of voodoo economics—is long enough. With President Clinton, I believe we must boldly affirm last November's electoral mandate by passing the budget and stimulus package now before the House.

First and foremost, I believe that America's future must be built upon a cornerstone of economic prosperity. It was Hubert Humphrey who once said the best social program is a job. In keeping with that philosophy the Clinton budget will create jobs in both the public and private sectors, rebuild highway and mass transit systems, spur technological research and development, assist urban revitalization through community development block grants and enterprise zones, increase support for small business development, and fully fund the Pell Grant Program so that students from middle-income families can afford to go to college.

Second, I believe that America's future must be defined by the parameters of fiscal responsibility. During the past 12 years we have accrued a $4.1 trillion debt—an unwarranted burden of over $15,000 for each man, woman, and child in America. Mr. Chairman, I want to leave my children something more than a mortgage. The Clinton budget, as amended in committee, reduces the deficit by $510 billion over the next 5 years. The President has proposed 150 specific spending cuts totaling $247 billion—and thereafter, the Budget Committee has cut an additional $63 billion in proposed spending.

As a Democrat who plans to vote for the balanced budget amendment and for the line-item veto, I commend the President's leadership in crafting a budget which reflects a sense of fiscal restraint so lacking during the excessive spending of the 1980's.

Finally, Mr. Chairman, I believe that America's future must be shaped by the traditional ideals of social justice. Taxes must be fair. Burdens should be shared. And opportunity must not be limited to the wealthy few. The Clinton budget will provide full funding for Head Start, WIC childhood immunizations, and the Ryan White AIDs Program. It rejects the special interest tax policies of the last two Presidential administrations.

At the heart of the Clinton budget can be found three basic goals: A realistic stimulus for job creation; a genuine commitment to deficit reduction; and a renewed belief in equality and social justice under law. These are the same reasons I ran for Congress—and these are the reasons I urge my colleagues to reject the Solomon amendment and to support the President's economic plan. The election is over. Rhetoric should be cooled. It is time to govern.

Mr. UPTON. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Connecticut [Mrs. JOHNSON] who is a former member of the Committee on the Budget and now serves admirably on the Committee on Ways and Means and has been indeed an architect of this plan.

Mrs. JOHNSON of Connecticut. I thank the gentleman for yielding the time.

Mr. Chairman, straight talk. Get real. That was Ross Perot's message to Americans and her Government leaders. That was his only message. And the great gift that he gave the people of America was an understanding of the enormity of the deficit and the dark cloud it hangs over our economy and our ability to create the very jobs that our kids' futures depend upon. He gave us that gift, and that is the measure of what we do here on the floor.

I thank my colleague from Colorado [Mrs. SCHROEDER] for recognizing the intellectual honesty of the Solomon proposal that I am a part of proposing to you today. Yes, it is very tough. It cuts spending more rigorously than any other proposal you will have a chance to vote on today.

It also raises taxes. I cannot tell you how many people have come to me on the street saying I am willing to pay more, but I want that coupled with an honest, tough budget that cuts spending. Well, this budget does that. It raises taxes on those most able to pay, and couples those tax increases with two things: the extenders to stimulate the economy, to assure continued production of low-income housing, of research and development, of education and so on, and with the toughest budget cuts anyone has proposed. And in the end the benefit is that we reduce the deficit in a way that will assure growth in America's future.

In contrast, the budget that my colleagues on the other side of the aisle are proposing will leave us in 5 years precisely where we are, with a deficit the same size as we face now, but with spending far higher.

Ask yourselves: Are new taxes, new spending worth being in the same place in 5 years when that place is destroying the job-creating power of America's small-business sector? Look at the testimony we are hearing on the tax provisions in the Democrats' proposal. Over and over again, we are told the new tax burdens far outweigh the investment incentives to create jobs. Small business in Connecticut will be paralyzed by this proposal. Many are barely surviving now and they will pay higher Btu taxes, higher business taxes, higher Medicare taxes, and assume new and heavy paperwork burdens. The small business sector is the job creator in our society. It is the only sector creating jobs, so will strangling it create growth?

I ask my colleagues, for the people, vote for the Solomon amendment. It doesn't kill our job producers with taxes but couples taxes on our truly wealthy with real, serious spending cuts to reduce the deficit far more effectively than any other proposal you'll have the chance to vote on. To turn the economy around, vote "yes."

Mr. SABO. Before yielding further, I would indicate to the gentlewoman from Connecticut that the majority budget resolution substantially reduces the deficit in 1996, 1997, and 1998.

Mr. Chairman, I yield 4 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the chairman of the Budget Committee for giving me the time and for his leadership in bringing this very fine budget resolution to the floor today. I rise in strong support of the resolution and very reluctantly in opposition to the Solomon substitute. The gentleman from New York [Mr. SOLOMON] knows the esteem in which I hold him, but I do not support his budget resolution. I know that comes as no surprise to him.

Mr. Chairman, I am very pleased today and happy because for the first time in a long time, for many of us it is the first time we will have a chance to support a President's budget, a budget which reflects the values of our constituents. I believe that a budget should be a statement of our values. We spend money on what is important to us. We do that in our personal lives, and we should do that as a country.

At long last we have a budget that does this by recognizing that the strength of our country can be defined in the health and well-being of our people as well as our ability to defend ourselves and to keep the peace.

□ 1730

At long last we have a statement of values in our budget which puts people first by investing in people with increased funding for Head Start, WIC, child immunization, and full funding of the Ryan White AIDS Program. That is very critical to my district, and I thank the chairman for the generosity in the budget on that score.

Mr. Chairman, we have heard a great deal about our various deficits. We have had the budget deficit, the trade deficit, the family income deficit, and the list of deficits goes on, and included among those is the social deficit of the last 12 years, a time where social initiatives were starved in order for us to build up other sections of the budget. At long last, this inequity will be redressed, and we will be doing it in a fiscally sound way, fiscally responsible way, as this budget resolution does call for a cut, a reduction, of $510 billion in our own budget deficit over the next 5 years.

In fact, the President asked for cuts, and this Committee on the Budget cut the budget further by $63 billion from the original proposal that they had received.

It is a budget that is a statement of our values, because it creates jobs and gives every person a real opportunity. It assumes increased funding for jobs programs and job training, innovative education and lifelong-learning programs, mass transit, highway construction, research and development, defense conversion, and a variety of other investment programs. It also restores tax fairness to our system by placing the heaviest burden on the most affluent in our society.

This is not about class warfare. It is about redressing the problem of the past 10 or 12 years where the wealthiest in our country enjoyed the benefits of the lightest tax burden. It also contains funds for expansion of the earned income tax credit which rewards low-income people for working. As our President has said over and over again in his remarks, people who work in our country will no longer have an inability to feed their families or to take care of their families, because they will now have the earned income tax credit.

Mr. Chairman, when I was young I remember my parents always saying when there was bad news, whether it was illness or death in the family, "How are we going to tell the children?" I think if we do not support this budget resolution and the stimulus package that goes with it, we will have a difficult time telling the children why, why it was not important to invest in them, why people could understand that investment in infrastructure, of highways, was a stimulus, and a good investment for our country, but investing in our children's education, in Head Start, giving them all a head start was not considered a good investment.

For these reasons, for the children, for our values, for the strength of our country being defined differently, as I said earlier, and the strength in the health and well-being of our country, I urge my colleagues to support this budget resolution, to defeat the Solomon resolution, and then, in conclusion, to support the stimulus package later this evening.

Give the President a chance. The American people want him to succeed. We should, too, in this House.

Mr. UPTON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Solomon amendment.

Mr. Chairman, I rise in opposition to President Clinton's economic package and I do so because I fear we are in danger of squandering a genuine window of opportunity to correct this Nation's fiscal course and halt its competitive slide in the worldwide economy.

The prevailing sentiment from those residents of northern New Jersey who have expressed their support for the Clinton economic proposal—and they are significantly outnumbered by those who oppose it—is that this plan is better than nothing.

I would agree. This plan is better than the status quo. But it is not good enough. And if we fail to act decisively now, we may not get another opportunity like this for years. And by then, it may be too late. Too late to regain our position in the global economy.

Clearly, the budget deficit and our declining position in the global economy require firm action and determined leadership, now. The accumulating national debt pose a real and growing danger to our economic well-being.

The billions of dollars we spend on interest on that national debt is money that is not available to create one job, repair one bridge, pay one medical bill, provide one student loan or train one young American. In addition, those interest payments are slowly strangling economic growth.

Because I view this crisis so seriously, I have always refused to rule out enactment of carefully structured, new taxes designated for deficit reduction. More of this later when I discuss the Solomon amendment.

However, and this is where the Clinton program fails to meet the commonsense test: Before we ask the people of New Jersey and the rest of the Nation to shoulder higher taxes, we must demand significant and enforceable spending cuts. Moreover, we simply can not afford to create new and expanded spending programs.

Yes, there are a number of program cuts in the Clinton package but I am alarmed that it also includes over $180 billion in new spending. Even more alarming is that the President has proposed new programs that—once started—will take on a life of their own and become the budgetary equivalents of new entitlement programs. I speak specifically of the national service program which could open up a budgetary Pandora's box.

No, our approach must be pay as you go—and new spending must be offset by corresponding reductions in other areas. No more of the buy-now-pay-later system that has ruled this city for decades.

And, all spending cuts and deficit reduction goals must be strictly enforceable, with real incentives and penalties to force future Congresses to abide by the framework we establish this year. These enforcement mechanisms are one of the primary reasons the Solomon Amendment gained my support.

Without procedural and system budget reform, any progress we make this year will be in real jeopardy.

Let me remind my colleagues of the path my State of New Jersey has followed. Just 3 short years ago, Gov. James Florio threw money at the schools but without a system of fundamental reforms. We cannot allow President Clinton and this Congress to follow that same failed path.

I am mindful of the President's challenge to those who would oppose his plan to come up with one of their own.

Frankly, the approach that most closely mirrors my approach is that proposed by Mr. SOLOMON of New York and several of my Republican colleagues.

The Solomon plan would bring about a nearly $500 billion reduction in the deficit over 5 years. That is far better than the Clinton's deficit reduction of just $325 billion. The Solomon plan contains no new spending—cuts the Clinton tax increases in half while protecting the middle class and those on Social Security—has a 4-to-1 ratio of spending reductions to tax increases and dedicates all of the higher taxes of deficit reduction. I would add that all of the spending cuts occur before any tax increase takes effect. Most important—the Solomon approach contains mandatory sequestration if, or when, Congress exceeds its budget limits. This is a blueprint, if you will for a sound deficit reduction package. But there is room for improvement and need to modify, for example: It falls into the same old trap of attempting to balance the budget on the backs of those in our society—the frail elderly. It attacks Medicare and Medicaid to the amount of $85 billion. Now, we should not institute a system of means testing without open and complete debate and analysis. This magnitude of cuts I cannot accept because it will greatly tax our frail elderly.

Second, the Solomon plan does not go far enough with some of its spending cuts. Yes, we should eliminate the super collider, but we also should zero out the space station, the advanced solid rocket motor program, the *Seawolf* submarine, end the below market use of Federal lands, significantly curtail the range of agricultural subsidies and the list goes on and on.

What this country also needs is a strong save and invest in America program of tax incentives—targeted capitals gain tax reduction, investment tax credit, expanded IRA's for first-time homebuyers and medical expenses, mortgage revenue bonds, and so forth—that will encourage U.S. business and individuals alike to invest in new plants and equipment to become more competitive in the ongoing global economic wars. We owe it to the American people to take these important steps before we ask them to shoulder additional tax burdens. Indeed, Republicans in the other body are proposing strengthening the package with investment incentives.

Nevertheless, I support the Solomon amendment because it most nearly focuses on the mark for spending cuts and takes the intellectually honest approach of acknowledging the need for marginal tax rate increases and the millionaire's surtax while protecting the middle class.

This is a blueprint that starts us on credible deficit reduction.

Mr. UPTON. Mr. Chairman, I yield 5 minutes to the gentlewoman from Maine [Ms. SNOWE], a member of the Committee on the Budget and a former member of the Joint Economic Committee.

Ms. SNOWE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman and members of the committee, I think the real issue here is which proposal is going to make the genuine cuts that would justify any tax increases.

We already learned through the Kasich plan that you can arrive at a $200 billion deficit in 1998 through spending cuts and not raising taxes, but if you want to get below the $200 billion, then, yes, it would require some tax increases. The Kasich plan established the bottomline in beginning the deficit-reduction effort.

The Solomon plan builds on that strength by accepting some moderate tax increases.

The American people have said to us, "We are willing to risk some new taxes provided we meet two prerequisites, that we cut spending first, and we make a dramatic dent in the Federal budget deficit." And the Solomon plan accomplishes both.

We have heard here today that the budget resolution that has been passed out of the Committee on the Budget will cut spending, but, ladies and gentlemen, it cuts spending in the out years, in 1997 and 1998. The average life of a budget agreement in this Congress over the last decade has been 2, perhaps 3 years.

I think it is telling to look at the charts, and when you see what the Clinton plan will accomplish in spending cuts in 1994 and 1995. It accomplishes about 6 to 8 percent of the spending cuts in the first 2 years out of the 5 years, and hope that these other spending cuts will never occur.

The difference is in this plan that the spending cuts are up front, because the American people should not have to pay for tax increases if they are not going to get the spending cuts, not to mention the fact that the resolution of the Committee on the Budget tremendously taxes people.

Should my constituents pay for an energy tax on home heating oil when we are not making a genuine effort to cut spending?

As you can see here, there is a big difference, ladies and gentlemen, in the terms of tax increases versus spending cuts. The tax increases under the House budget resolution are $336 billion compared to the Solomon plan of $112 billion. The big difference is on the spending cuts, a full $685 billion of the Solomon plan, and only $219 billion with the budget resolution. There is a big difference, ladies and gentlemen, if you want spending to be cut.

The more we increase taxes, the more we spend. Therefore, we have front-loaded the spending cuts in order to demonstrate to the American people that we, in fact, are going to cut spending, that we are not going to use the tax increases to increase Government spending.

Furthermore, the Solomon plan increases the taxes on those people who can best afford it, on those who are earning more than $200,000. That is exactly what President Clinton promised the American people during the course of the campaign. He did not promise to raise taxes on people who were earning $20,000, $30,000, my constituents who earn $14,000, but that is what we have in the House budget resolution. You are taxing the low-to-middle income.

We take that out, and we tax the wealthy.

Mr. SOLOMON. Mr. Chairman, will the gentlewoman yield?

Ms. SNOWE. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, the gentleman is so right, and I would say to my good friend, the gentleman from Minnesota [Mr. SABO], who is the chairman of the Committee on the Budget, and we have great respect for him, he pointed out that, yes, the Democrat budget does have significant cuts in the last 3 years, but the gentlewoman from Maine [Ms. SNOWE] has pointed out that sequestration, in other words, the 1990 Budget Control Act, expires at the end of 1995, and if you look at that chart, as you have pointed out, the Democrat budget cuts only $6 billion in 1994, $10 billion in 1995, and then heavy cuts after the triggering mechanism for sequestration is dead and gone.

In our budget there is a chart underneath there which shows that we have legislation written into our budget which establishes a Gramm-Rudman procedure triggering mandatory sequestration cuts across-the-board if actions by this Congress fail to meet these budget-discipline caps. That means we continue the sequestration and across-the-board cuts for all 5 years.

That is why you ought to be voting for this if you really want to do something for the American people.

Ms. SNOWE. I thank the gentleman for his effort. I also should say that we also accomplish another one of the President's campaign goals and promises, and that was to reduce the deficit by 50 percent over 4 years. This budget does that in 4 years, as well as 5.

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me assure the gentleman from New York that our expectations are that the discretionary spending caps will be continued beyond 1995, through 1998.

Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I spoke before about Reaganomics, the Reaganomics of the Reagan and Bush years. I spoke before about how chickens are coming home to roost, that we are now suffering because of the fallacy of Reaganomics, that you could somehow increase spending, cut taxes, and the day of reckoning will never come, but the day of reckoning is here.

□ 1740

We know that the Reagan-Bush policies have given us high budget deficits. What they have also given us, unfortunately, is high recession and high unemployment, and I rise today in opposition to the Solomon amendment and in strong support of the House Concurrent Resolution 64, which is the budget resolution and President Clinton's economic stimulus package.

I support the entire package and especially the stimulus package because I believe it will help many Americans rise out of the recession that has plagued our economy. Some people look at recent economic figures and claim we do not need to act. But I remind those agents of the status quo that jobs are being cut, not created, in the downsized economy. That leaves many people out of work, many teenagers out on the streets and many families wondering how they will make ends meet.

In our deliberations it is easy to get lost in the numbers game while forgetting the impact our decisions have on the lives of the people we serve.

We talk about billions of dollars and thousands of jobs, but rarely do we focus on the value of a good education or a steady job.

This stimulus package will create 675,000 additional summer jobs for our youth. It will provide extended unemployment benefits to people who want to work but cannot find a job. In my region of the country, the New York City area, 10 percent of the people are unemployed.

It will invest in infrastructure and education so that we can offer the displaced workers and their children a brighter future.

Because we are required to account for the money we appropriate, a dollar figure is attached to these programs and we debate their merits. That is responsible Government. But, I ask, how do you measure the value of hope?

The Childhood Immunization Program in the stimulus package will cost $300 million, but its value in future health care cost savings and the added ability to educate a healthy child cannot be measured. The $753 million we plan to invest in mass transit will create jobs and improve our ability to move people in and out of our cities. Can we really tell how much that means to the economic viability of our urban areas or the quality of the environment? When we appropriate $32 million to fund service jobs for older Americans, can we put a price on the knowledge they pass on to our youth?

To be bold or not to be bold—that is really the question we are debating here today. If we fail to act, we will crush the hopes and expectations of the American people.

Some people will argue that this package goes too far, and others will say it does not go far enough. No one will ever be completely satisfied. The fact is that this stimulus package is well-measured and economically sound. It will create badly needed jobs and invest in the future of our people and our economy.

And perhaps most importantly, it nurtures hope—a commodity that is difficult to measure but definitely needed for us to succeed.

I urge my colleagues to support the stimulus package.

We have not had an urban program or a program for our cities in the past 12 years. It is nice to have a President who cares about our cities.

Last year millions of Americans went to the polls and elected our new President.

The American people voted for change. I support this President. I support his plan, and I support the Budget Committee's resolution.

I have found in my district and indeed across the country the American people support this plan. They will support this plan because they believe that the pain is spread fairly. The pain is spread fairly. The American people want to invest in the future. This is a sound plan. The President is right, and I urge my colleagues to reject all the amendments and support the Budget Committee's plan.

Mr. UPTON. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. McCRERY], a former member of the Budget Committee and now a member of the distinguished Committee on Ways and Means, on the Republican side.

Mr. McCRERY. I thank the gentleman for yielding this time to me.

Mr. Chairman, my support of the Solomon substitute reflects my belief that the deficit and the accumulated national debt constitute the most serious problem facing our Nation. My support is also a reflection of my belief that a short-term approach to dealing with the deficit should contain both spending cuts and revenue increases, but with a heavy emphasis on spending cuts. The Solomon substitute is a serious attempt to deal effectively with the deficit for the short term.

I say "short term" because, as has been eloquently explained by my colleague, the gentleman from North Carolina [Mr. McMILLAN], no long term solution to our deficit problem is complete without reforms to bring down the rate of increase in health care costs.

Before I go further, I want to express my sincere appreciation to the President, the Democrats on the Budget Committee, and to my Republican colleagues on the Budget Committee for their willingness to make tough choices designed to bring down the level of deficit spending by the Federal Government.

Whether the choices are tax increases or spending cuts, they are difficult for a politician to make, and those who have honestly faced those choices and taken a stand are to be commended.

I think the President's plan, though, even as modified by the Budget Committee Democrats, is the wrong prescription to cure our ailing fisc.

The Democrats' plan relies far too much on tax increases, and far too little on spending cuts, to reach a deficit figure in 1998 that is still more than half the size it would be if we did nothing at all.

In fact, the Democrats' plan only cuts spending $6 billion in 1994, $10.8 billion in 1995, including debt service savings, and even if all the spending cuts scheduled for the last 3 years in their plan actually take place, and that is a big if, still, fully 55 percent of the total deficit reduction over 5 years comes from increased taxes.

Now, compare the numbers in the Solomon substitute. In the first year of the plan, spending would be cut $41.7 billion, while taxes would be increased by only $10.3 billion, and, over the 5 years of the plan, only 19 percent of the deficit reduction is due to tax increases, while 81 percent is due to spending reductions. In the Solomon plan, you get over $4 of spending cuts for every $1 of tax increases, while in the Democrats' plan, you get only 80 cents of spending cuts for every $1 of tax increases.

Mr. Chairman, as courageous as each of these choices is, there is a clear philosophical difference between the Solomon plan and the Democrats' plan. Both make an honest attempt to reduce the deficit. But one, the Democrat plan, taxes people first, in a big way —(the Democrats' tax increase is retroactive to January 1, 1993) then only later cuts spending, and that's only promised. The other, the Solomon plan, cuts spending deeply, in the very first year, and continues to rely primarily on spending cuts to achieve $155 billion more in deficit reduction than the Democrats' plan.

Our plan would keep the promises made by the President during the campaign:

It cuts the deficit in half in 4 years, the Clinton/Democrat budget does not.

It does not raise taxes on the middle class; the Clinton/Democrat budget does.

It raises taxes only on those making $200,000/year or more; the Clinton/Democrat plan raises taxes on families making as little as $20,000/year.

Yes, the choice is clear between the Solomon plan and the Democrats' plan. If you want the largest tax increase in the history of the United States; if you want a budget that taxes first, cuts spending later; if you want a budget that doesn't even cut the deficit in half over the next 4 years, then vote for the Democrat budget.

But if you want a budget that cuts spending first; if you want a budget that cuts the deficit in half in 4 years; if you want a budget that seriously cuts Government waste and spending, then the Solomon substitute is the clear choice.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST], a distinguished member of our budget working group.

□ 1750

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding this time to me.

I would just like to remind the American people and those who are going to vote today that we have almost a $300 billion payment for the interest on the national debt right now. None of that money goes for infrastructure. None of that money goes for investment. That money does not go back to the American people.

There are three points I want to make. Our main mission here with this budget is to reduce the debt. Three points.

First, the Solomon package reduces the deficit more than any other package before us today, that is $637 billion in 5 years.

Second, the economic stimulus part of this package, and it is part of this package, is conducive without a doubt, and you would all agree on this, with economic productivity in the private sector, plus something that we seriously need to consider, and please listen to this if you are watching on your monitors in the office, it creates the infrastructure necessary for those programs that we need for children, for education, for the poor, et cetera. It creates those necessary programs, the infrastructure necessary for that, so that they are available.

Third, fair tax structure for the middle class and senior citizens.

Vote for the Solomon amendment.

Mr. SABO. Mr. Chairman, I yield the balance of my 4 minutes to the gentlewoman from California [Ms. WOOLSEY], a distinguished member of our committee.

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today in strong support of House Concurrent Resolution 64 and in opposition to the Solomon amendment.

Although I am the Budget Committee's newest member, I am proud to have played an important role in crafting a Budget Resolution which fundamentally reorders our Nation's priorities.

The American public called on us to shift spending away from defense to programs that address the real concerns of Americans, jobs, health care, education, defense conversion and deficit reduction.

Our budget recognizes the concerns of Americans which have been ignored far too long, while the Solomon amendment continues to neglect them. That is the essential difference between our proposals.

Now is the time to correct these inequities. That is exactly what I came to Washington to do.

I declare today with confidence and pride that the budget resolution reflects our Nation's common agenda.

The budget resolution recognizes that we can invest in our Nation's future by using defense savings to jumpstart the economy, promote long-term economic growth and invest in the people of America.

I am pleased to say that our budget plan will reduce the deficit by $510 billion over the next 5 years. With spending increases being offset by substantial decreases in the defense budget, overall discretionary spending will not increase over the next 5 years under this budget agreement.

Some of my colleagues say that we did not cut enough. Others say that we cut too much. There is no doubt, however, that we crafted a budget that successfully reorders our national priorities in the context of reducing our budget deficit.

Frankly, we were faced with tough choices and we made difficult but responsible decisions.

The budget proposal is balanced, fair, economically responsible and it strikes a common middle ground that will work for all Americans.

We finally have an administration that understands the importance of investing in our infrastructure and in our Nation's most valuable resource, our people.

I strongly encourage my colleagues to defeat the Solomon amendment and support the budget resolution.

Mr. UPTON. Mr. Chairman, I yield myself the 1 minute remaining.

Mr. Chairman, as we listened to all the debate today, I know that the easy vote on all these Budget Resolutions is no, but we came here to make tough choices. We came here to lead, to govern, and in fact we should say no to business as usual.

For all the folks in this country who want real deficit reduction, this is the best plan, and I would urge a yes vote.

This is fairness. This is cutting spending first and that is what the people want. We can give it to them with a vote in favor of the Solomon consensus budget.

I would ask all my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SABO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 20, noes 409, not voting 6, as follows:

[Roll No. 82]

AYES—20

Boehlert
Fish
Gilchrest
Gilman
Gunderson
Hoekstra
Houghton
Johnson (CT)
Levy
McCrery
McHugh
Orton
Regula
Roukema
Shays
Snowe
Solomon
Upton
Walsh
Young (FL)

NOES—409

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McDermott
McHale
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NOT VOTING—6

Faleomavaega (AS)
Ford (TN)
Henry
Myers
Quillen
Romero-Barcelo (PR)

☐ 1818

Messrs. PETE GEREN of Texas, FLAKE, TAYLOR of Mississippi, SMITH of Michigan, CRANE, LAZIO, KYL, and SWIFT changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 103–37.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MFUME

Mr. MFUME. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. MFUME: Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994.

The Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1994, including the appropriate budgetary levels for fiscal years 1995, 1996, 1997, and 1998, as required by section 301 of the Congressional Budget Act of 1974 (as amended by the Budget Enforcement Act of 1990).

SEC. 2. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1993, October 1, 1994, October 1, 1995, October 1, 1996, and October 1, 1997:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1994: $1,256,300,000,000.
Fiscal year 1995: $1,380,468,000,000.
Fiscal year 1996: $1,485,222,000,000.
Fiscal year 1997: $1,599,487,000,000.
Fiscal year 1998: $1,698,470,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1994: $0.
Fiscal year 1995: $0.
Fiscal year 1996: $0.
Fiscal year 1997: $0.
Fiscal year 1998: $0.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1994: $930,100,000,000.
Fiscal year 1995: $104,900,000,000.
Fiscal year 1996: $111,100,000,000.
Fiscal year 1997: $116,700,000,000.
Fiscal year 1998: $122,500,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1994: $1,514,503,000,000.
Fiscal year 1995: $1,558,785,000,000.
Fiscal year 1996: $1,598,269,000,000.
Fiscal year 1997: $1,641,668,000,000.
Fiscal year 1998: $1,717,818,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1994: $1,509,248,000,000.
Fiscal year 1995: $1,575,134,000,000.
Fiscal year 1996: $1,598,838,000,000.

Fiscal year 1997: $1,631,494,000,000.

Fiscal year 1998: $1,697,622,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1994: −$252,948,000,000.

Fiscal year 1995: −$194,666,000,000.

Fiscal year 1996: −$113,616,000,000.

Fiscal year 1997: −$32,007,000,000.

Fiscal year 1998: +$848,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1994: $4,715,300,000,000.

Fiscal year 1995: $5,076,800,000,000.

Fiscal year 1996: $5,428,400,000,000.

Fiscal year 1997: $5,776,300,000,000.

Fiscal year 1998: $6,141,400,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1993, October 1, 1994, October 1, 1995, October 1, 1996, and October 1, 1997, are as follows:

Fiscal year 1994:

(A) New direct loan obligations, $21,400,000,000.

(B) New primary loan guarantee commitments, $148,000,000,000.

Fiscal year 1995:

(A) New direct loan obligations, $22,100,000,000.

(B) New primary loan guarantee commitments, $152,400,000,000.

Fiscal year 1996:

(A) New direct loan obligations, $32,400,000,000.

(B) New primary loan guarantee commitments, $145,500,000,000.

Fiscal year 1997:

(A) New direct loan obligations, $48,800,000,000.

(B) New primary loan guarantee commitments, $137,000,000,000.

Fiscal year 1998:

(A) New direct loan obligations, $45,500,000,000.

(B) New primary loan guarantee commitments, $157,400,000,000.

SEC. 3. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1994 through 1998 for each major functional category are:

(1) National Defense (050):

Fiscal year 1994:

(A) New budget authority, $251,644,000,000.

(B) Outlays, $272,646,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $217,809,000,000.

(B) Outlays, $251,334,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $187,464,000,000.

(B) Outlays, $217,525,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $162,060,000,000.

(B) Outlays, $91,582,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $167,900,000,000.

(B) Outlays, $175,583,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1994:

(A) New budget authority, $20,644,000,000.

(B) Outlays, $19,796,000,000.

(C) New direct loan obligations, $2,400,000,000.

(D) New primary loan guarantee commitments, $14,900,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $19,894,000,000.

(B) Outlays, $19,212,000,000.

(C) New direct loan obligations, $2,500,000,000.

(D) New primary loan guarantee commitments, $15,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $18,896,000,000.

(B) Outlays, $18,413,000,000.

(C) New direct loan obligations, $2,500,000,000.

(D) New primary loan guarantee commitments, $15,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $18,695,000,000.

(B) Outlays, $18,003,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $15,900,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $18,492,000,000.

(B) Outlays, $17,895,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $14,300,000,000.

(E) New secondary loan guarantee commitments, $0.

(3) General Science, Space, and Technology (250):

Fiscal year 1994:

(A) New budget authority, $18,494,000,000.

(B) Outlays, $17,988,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $19,456,000,000.

(B) Outlays, $18,924,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $20,787,000,000.

(B) Outlays, $20,218,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $21,459,000,000.

(B) Outlays, $20,872,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $21,758,000,000.

(B) Outlays, $21,163,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1994:

(A) New budget authority, $5,311,000,000.

(B) Outlays, $4,187,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $6,110,000,000.

(B) Outlays, $4,817,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $6,027,000,000.

(B) Outlays, $4,751,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $5,975,000,000.

(B) Outlays, $4,710,000,000.

(C) New direct loan obligations, $2,100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $5,948,000,000.

(B) Outlays, $4,689,000,000.

(C) New direct loan obligations, $2,200,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1994:

(A) New budget authority, $21,605,000,000.

(B) Outlays, $21,850,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $22,891,000,000.

(B) Outlays, $23,161,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $22,901,000,000.

(B) Outlays, $23,161,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $22,875,000,000.

(B) Outlays, $23,134,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $22,654,000,000.

(B) Outlays, $22,911,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1994:

(A) New budget authority, $15,421,000,000.

(B) Outlays, $14,728,000,000.

(C) New direct loan obligations, $12,300,000,000.

(D) New primary loan guarantee commitments, $6,400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $14,321,000,000.

(B) Outlays, $13,677,000,000.

(C) New direct loan obligations, $11,700,000,000.

(D) New primary loan guarantee commitments, $6,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,159,000,000.

(B) Outlays, $12,568,000,000.

(C) New direct loan obligations, $4,800,000,000.

(D) New primary loan guarantee commitments, $6,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $12,145,000,000.

(B) Outlays, $11,599,000,000.

(C) New direct loan obligations, $11,300,000,000.

(D) New primary loan guarantee commitments, $6,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $11,657,000,000.

(B) Outlays, $11,133,000,000.

(C) New direct loan obligations, $11,500,000,000.

(D) New primary loan guarantee commitments, $6,600,000,000.

(E) New secondary loan guarantee commitments, $0.

(7) Commerce and Housing Credit (370):

Fiscal year 1994:

(A) New budget authority, $24,443,000,000.

(B) Outlays, $12,507,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $84,700,000,000.

(E) New secondary loan guarantee commitments, $85,000,000,000.

Fiscal year 1995:

(A) New budget authority, $21,652,000,000.

(B) Outlays, $16,969,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $87,500,000,000.

(E) New secondary loan guarantee commitments, $88,000,000,000.

Fiscal year 1996:

(A) New budget authority, $19,541,000,000.

(B) Outlays, $5,567,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $89,100,000,000.

(E) New secondary loan guarantee commitments, $91,000,000,000.

Fiscal year 1997:

(A) New budget authority, $14,321,000,000.

(B) Outlays, −$8,499,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $91,300,000,000.

(E) New secondary loan guarantee commitments, $94,000,000,000.

Fiscal year 1998:

(A) New budget authority, $13,100,000,000.

(B) Outlays, −$6,557,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $93,300,000,000.

(E) New secondary loan guarantee commitments, $97,000,000,000.

(8) Transportation (400):

Fiscal year 1994:

(A) New budget authority, $40,689,000,000.

(B) Outlays, $36,780,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $41,910,000,000.

(B) Outlays, $37,883,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $43,130,000,000.

(B) Outlays, $39,987,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $44,351,000,000.

(B) Outlays, $40,090,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $45,572,000,000.

(B) Outlays, $41,194,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1994:

(A) New budget authority, $9,535,000,000.

(B) Outlays, $9,352,000,000.

(C) New direct loan obligations, $2,000,000,000.

(D) New primary loan guarantee commitments, $2,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $9,263,000,000.

(B) Outlays, $9,085,000,000.

(C) New direct loan obligations, $2,500,000,000.

(D) New primary loan guarantee commitments, $3,400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $9,563,000,000.

(B) Outlays, $9,472,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $3,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $9,657,000,000.

(B) Outlays, $9,472,000,000.

(C) New direct loan obligations, $2,600,000,000.

(D) New primary loan guarantee commitments, $3,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $9,736,000,000.

(B) Outlays, $9,549,000,000.

(C) New direct loan obligations, $2,700,000,000.

(D) New primary loan guarantee commitments, $3,600,000,000.

(E) New secondary loan guarantee commitments, $0.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1994:

(A) New budget authority, $61,153,000,000.

(B) Outlays, $57,010,000,000.

(C) New direct loan obligations, $900,000,000.

(D) New primary loan guarantee commitments, $19,900,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $62,212,000,000.

(B) Outlays, $57,997,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $20,000,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $63,653,000,000.

(B) Outlays, $59,340,000,000.

(C) New direct loan obligations, $11,700,000,000.

(D) New primary loan guarantee commitments, $11,100,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $65,076,000,000.

(B) Outlays, $61,417,000,000.

(C) New direct loan obligations, $23,600,000,000.

(D) New primary loan guarantee commitments, $200,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $68,238,000,000.

(B) Outlays, $64,615,000,000.

(C) New direct loan obligations, $24,900,000,000.

(D) New primary loan guarantee commitments, $100,000,000.

(E) New secondary loan guarantee commitments, $0.

(11) Health (550):

Fiscal year 1994:

(A) New budget authority, $123,719,000,000.

(B) Outlays, $122,648,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0

(E) New secondary loan guarantee commitments, $0.

69-059 O—97 Vol. 139 (Pt. 4) 38

Fiscal year 1995:

(A) New budget authority, $137,711,000,000.

(B) Outlays, $136,063,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $152,543,000,000.

(B) Outlays, $166,551,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $168,199,000,000.

(B) Outlays, $166,561,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $185,915,000,000.

(B) Outlays, $184,061,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1994:

(A) New budget authority, $151,710,000,000.

(B) Outlays, $150,310,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $176,748,000,000.

(B) Outlays, $172,319,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $189,726,000,000.

(B) Outlays, $188,490,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $207,648,000,000.

(B) Outlays, $207,030,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $228,145,000,000.

(B) Outlays, $227,733,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1994:

(A) New budget authority, $210,700,000,000.

(B) Outlays, $211,337,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $228,870,000,000.

(B) Outlays, $223,554,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $234,498,000,000.

(B) Outlays, $228,659,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $246,848,000,000.

(B) Outlays, $238,354,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $253,040,000,000.

(B) Outlays, $247,624,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1994:

(A) New budget authority, $323,050,000,000.

(B) Outlays, $321,699,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $339,300,000,000.

(B) Outlays, $338,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $355,600,000,000.

(B) Outlays, $354,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $372,600,000,000.

(B) Outlays, $371,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $390,000,000,000.

(B) Outlays, $388,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1994:

(A) New budget authority, $35,454,000,000.

(B) Outlays, $37,081,000,000.

(C) New direct loan obligations, $1,700,000,000.

(D) New primary loan guarantee commitments, $19,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $36,518,000,000.

(B) Outlays, $38,193,000,000.

(C) New direct loan obligations, $1,600,000,000.

(D) New primary loan guarantee commitments, $19,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $37,227,000,000.

(B) Outlays, $38,935,000,000.

(C) New direct loan obligations, $1,600,000,000.

(D) New primary loan guarantee commitments, $19,600,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $37,936,000,000.

(B) Outlays, $39,677,000,000.

(C) New direct loan obligations, $1,500,000,000.

(D) New primary loan guarantee commitments, $19,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $38,645,000,000.

(B) Outlays, $40,418,000,000.

(C) New direct loan obligations, $1,400,000,000.

(D) New primary loan guarantee commitments, $19,500,000,000.

(E) New secondary loan guarantee commitments, $0.

(16) Administration of Justice (750):

Fiscal year 1994:

(A) New budget authority, $16,336,000,000.

(B) Outlays, $16,285,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $16,456,000,000.

(B) Outlays, $16,405,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $16,521,000,000.

(B) Outlays, $16,469,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $16,925,000,000.

(B) Outlays, $16,872,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $16,987,000,000.

(B) Outlays, $16,934,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1994:

(A) New budget authority, $13,279,000,000.

(B) Outlays, $13,468,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $13,125,000,000.

(B) Outlays, $13,521,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $13,257,000,000.

(B) Outlays, $13,998,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $13,312,000,000.

(B) Outlays, $14,023,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $13,512,000,000.

(B) Outlays, $14,057,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1994:

(A) New budget authority, $208,713,000,000.

(B) Outlays, $208,713,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, $223,740,000,000.

(B) Outlays, $223,740,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, $236,376,000,000.

(B) Outlays, $236,376,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, $246,186,000,000.

(B) Outlays, $246,186,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, $258,020,000,000.

(B) Outlays, $258,020,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(19) Allowances (920):

Fiscal year 1994:

(A) New budget authority, $0.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, –$5,300,000,000.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, –$4,000,000,000.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, –$5,000,000,000.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, –$10,800,000,000.

(B) Outlays, $0.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1994:

(A) New budget authority, –$37,437,000,000.

(B) Outlays, –$39,137,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1995:

(A) New budget authority, –$37,900,000,000.

(B) Outlays, –$39,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1996:

(A) New budget authority, –$38,600,000,000.

(B) Outlays, –$40,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1997:

(A) New budget authority, –$39,600,000,000.

(B) Outlays, –$40,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1998:

(A) New budget authority, –$40,700,000,000.

(B) Outlays, –$41,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

The CHAIRMAN. Pursuant to the rule, the gentleman from Maryland [Mr. MFUME] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland [Mr. MFUME].

☐ 1820

Mr. KASICH. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. KASICH] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I yield myself such time as I may consume.

My thanks, as a preface to my remarks, to the distinguished gentleman who chairs the Committee on Rules as well as the gentleman from New York [Mr. SOLOMON], the ranking minority member on that committee for making in order this amendment that we present this afternoon on behalf of the Congressional Black Caucus in coalition with the House progressive caucus.

Mr. Chairman, we have come here today out of a great sense of urgency and opportunity, a sense of opportunity because we believe we stand on the threshold of the dawning of a new partnership between the executive and legislative branches of our Government, a sense of urgency because the people whom we serve are desperately in need of compassion and immediate action to alleviate the conditions which so imperil and threaten their lives.

Since 1981, the Congressional Black Caucus has developed 10 alternative budgets. The impetus for those earlier budgets was a challenge, quite frankly, from then President Reagan who criticized those who criticized his call for increases in military spending, tax breaks to the wealthy, and the slashing of vital social service programs.

Mr. Chairman, the impetus for the budget that we now bring before our colleagues is to respond to the complete failure, as we see it, of previous business and budget priorities by previous administrations and to create also, as we see it, a new and dynamic approach to national fiscal policy which responds adequately to dramatically changed world conditions.

This budget grows out of the moral imperative that we, as members of the Congressional Black Caucus, and our colleagues in the House progressive caucus believe must be addressed. This alternative is motivated by the pain of those who suffer homelessness, illness without access to medical care, frustrated educational opportunities, the scourge of drug abuse, the violence that runs rampant in too many of our communities, the stagnation of our economy that has plunged millions into unemployment and then despair and then economic marginality.

And so we have worked diligently, Mr. Chairman, in an abbreviated timeframe to develop this document which seeks to find progressive solutions, to advance the cause of human dignity and social progress. We do not posture ourselves today here as an opposition coalition to the President's recommendations or, for that matter, the recommendations of the House Committee on the Budget. Rather, we have set out what we view as a set of aggressive alternative options for our Nation and our Nation's people.

Americans of all races and of all walks of life have suffered, especially during the economic decline that we are so much a part of. The resurgence in acts of racism and sexism and then class have forced themselves onto the front pages of our Nation's press. Our educational system still fails in many respects to prepare our children for their role as citizens and then workers. Our infrastructure is collapsing and small businesses desperately cry out for help. Millions are unserved or underserved by health care systems. And indeed, Mr. Chairman, we live in a world and in an era in which parents do not believe that their children will lead a better life than they once did.

These children of desperation find themselves having no recourse and lost ultimately into the plight and the misery of drugs and then death and then a world of violence. And so then we must find our salvation in responsible and honest budget proposals that challenge us as a nation and as a House to face the future with scourge and with skill and with compassion.

It is for those people and their parents and their grandparents and the hardworking and honest men and women of this Nation that we advance this alternative to give our view of how we make their world a safer and more supportive environment in which to live.

And in summary, our 1994 budget request allocates $1.343 trillion in budget authority. It spends $1.509 trillion in outlays. It raises $1.256 trillion in revenues, and then reduces the deficit to $252.9 billion next year and then eliminates the deficit in total by fiscal year 1998.

For the past 12 years, the caucus has worked hard on these and other budgets. The alternative budget that we bring before our colleagues today attempts to address the failures of the past by taking into account the realities of the present.

To be sure, the Congressional Black Caucus understands that there continues to be a great deal of pain and suffering and so this alternative budget document reaches out to the homeless also and to the uninsured.

This alternative budget seeks to create new educational opportunities and then to replace the courage of drugs with a sense of hope and compassion to human needs.

Our alternative does not indicate any points of opposition to our President. It simply says that we can do better and we can, in fact, do more.

□ 1830

Mr. Speaker, when all is said and done, the budget process and our alternative budget has less to do with politics than it does with the interests of the people who are affected by what we do. The alternative budget we present is fair. It does not pit one segment of our society against another. We are simply concerned that people's interests are protected. The only way we can seek to do that is by being fair and by being compassionate.

This budget we propose today is not about taxing and spending. The alternative budget is about investing and then ultimately receiving dividends on that investment, so we have a choice to pay now, or in fact we can pay later.

We come this afternoon to challenge this House, to confront the real problems of this Nation, and then, after confronting them, to set and make them right again. We are not here for form or fashion, to occupy a place on this floor, to use time or to posture ourselves in any other way.

We have come today to argue the issue of deficits and to argue that those deficits did not come about mysteriously. They came about through misguided priorities.

We are here to argue also for defense, but also out of a realistic understanding that the world has changed. The Warsaw Pact no longer exists. The Soviet Union is but a memory. The Berlin Wall has been reduced to a speed bump, and continued spending of huge amounts on star wars, B-1's and smart bombs while other nations are developing smart minds does not adequately and honestly deal with the people we represent.

We believe that small business development is absolutely crucial. While corporate America continues to downsize and to lay off, it is small business that continues to step forward. This budget embraces that concept and those individuals. It talks about housing and moves us in a real direction.

When the history of this era is written, let it not be said that this House and the Members of this House walked away from an opportunity to really bring about change, walked away from an opportunity, for whatever partisan political wrangling that we ofttimes get involved with, but instead, that we came forward because we were in the North and the South and the East and the West, that we were black and brown and yellow, that we wanted, with white colleagues and black colleagues and people from all sorts of walks of life, to fashion a document that we could bring to this House that we would be proud of, that seeks to reach out to the people of this Nation, wherever they may be.

I ask, Mr. Speaker, that Members of this body give serious consideration to both the debate and to the challenge. The challenge is to do more than what we have come here for, and in doing so, to make our plight, which is the plight of the American people, something that is manageable and sensible by realistic budget priorities.

Mr. Chairman, I recognize that there is a Member opposed, and we await the opposition debate. I reserve the balance of my time, and inquire of the Chair how much time remains on this side.

The CHAIRMAN. The gentleman from Maryland [Mr. MFUME] has 20 minutes remaining.

Mr. KASICH. Mr. Chairman, I yield myself 1 minute and 30 seconds.

Mr. Chairman, I want to take just a moment to, first of all, compliment the gentleman from New York [Mr. SOLOMON], and I also, of course, want to pay deep respect to the gentleman from Maryland [Mr. MFUME] and the members of the Black Caucus.

I can tell the Member that I remember back just a few years ago when RON DELLUMS and I would come to the floor and I would get about 20 votes and he would get about 21 votes, for we came here because we believed in things. I have great respect for the document that has been put together, because I do believe it is intellectually honest. I think it is something that the Members have spent time putting together, defining their priorities, and frankly, as we cross the aisle and listen to the debate, there is an awful lot we can learn from the points that the Members make.

I have to say that the Members on this side of the aisle have graduated one from their class, the gentleman from Mississippi, Mike Espy, who reached across the aisle with Jack Kemp in the concept of home ownership reform, and now that gentleman, one of the leaders in the Democratic conference and in their caucus, is now a member of the President's Cabinet.

I come tonight standing in opposition, but really with deep respect for what the Members are trying to do. I just want to commend them for their commitment and courage for putting forward a program that they deeply believe in.

Mr. MFUME. Mr. Chairman, I thank the gentleman for his kind and gracious remarks. I know they are heartfelt, and certaintly received on this side in the same way.

Mr. Chairman, I yield 2 minutes to the cochair of the House progressive caucus, the distinguished gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding time to me. I want to congratulate the gentleman from Maryland [Mr. MFUME] and the Black Caucus for the outstanding work they have done, not only this year but for many years, and as the conscience of America.

Mr. Chairman, the President's budget is a very good step forward. But it does not go far enough.

There are 16 million Americans who are unemployed or underemployed, and millions more who work for minimum wage. If the economy is recovering we haven't seen it in Vermont. It is absolutely appropriate for the Congress to invest in our deteriorating infrastructure—the roads, bridges, mass transportation, and sewer systems which have been so long neglected. We must rebuild America and, in the process, create hundreds of thousands of decent paying jobs. That's the right thing to do and the alternative budget of the Black Caucus and the progressive caucus does it more strongly than any other budget proposal.

Mr. Chairman, it is not acceptable that 5 million of our children go hungry every day; that American kids sleep out on the street and lack adequate health care and that the United States continues to have, by far, the Highest rate of child poverty in the industrialized world. Ultimately, a nation will be judged not be the size of their nuclear arsenal, or by the number of aircraft carriers they possess—but by how they treat the weakest and most vulnerable members of their society—their children. The alternative budget of the Black Caucus and the progressive caucus provides more support for the children of America than any other budget proposal.

Mr. Chairman, this Nation must finally address the huge deficit crisis that we face. We must ask the very richest people in our society, the people who made out like bandits during the 1980's, to finally start paying their fair share of taxes. Further, with the end of the cold war, we no longer need to spend $130 billion a year defending Western Europe and Japan. We can cut military spending substantially. The alternative budget provides more deficit reduction than the proposal offered by the budget committee.

Mr. Chairman, now is the time to show the American people that our government works for all the people—not just the wealthy and the powerful. Now is the time to pass the alternative budget of the Black Caucus and the progressive caucus.

Mr. MILLER of Florida. Mr. Chairman, I yield 3 minutes to my fellow freshman Republican, the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I am not sure I am here to oppose the proposal, because in many ways it is an improvement over what we are considering to amend. The gentleman from Maryland [Mr. MFUME] suggested that some of our problems have developed because of misplaced priorities. I totally agree. I think priorities probably are more important in determining how we spend our money, rather than increasing taxes.

I am a farmer from Michigan. For a moment, let us try to get some of the tax information out of the mow and down onto the barn floor where we can chew at it a little bit.

What is the goal in reducing deficit spending? I think the goal is to increase savings in this country. This country has a smaller percentage of savings than any of the industrialized countries of the world. Part of that savings is a negative savings because of the overexpenditure of the Federal Government. Part of it is because we have become a consumption economy and we tend not to save, but we have been encouraged to spend, so part of the goal of reducing the deficit is to encourage the amount of money that is available for not only spending for a college education or a new home, but maybe, most importantly, having that money available to spend for improving business and expending business and buying new machinery and tools and equipment.

When we increase taxes, what are we doing? We are reaching into the pocket of what mostly is savings to reduce overspending of the Federal Government, which is a negative spending. In effect, if we are going to really end up with more money that is available to borrow, we have to reduce spending, rather than increasing taxes to deal with the deficit in this country.

I urge my colleagues to consider the fact that now the Federal Government spends half of the total savings of the private sector of the United States of America because of our overindulgence, because of our credit card economy, and our credit card motivations that are putting off the burden to future generations.

I agree with some of the goals and some of the aspirations. I would hope we could realign our priorities to achieve some of those needed objectives, rather than increase taxes.

□ 1840

Mr. MFUME. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Michigan [Miss COLLINS], a member of the Committee on Post Office and Civil Service.

Miss COLLINS of Michigan. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, I rise today in support of the Congressional Black Caucus alternative budget. This budget demonstrates a true commitment to alleviating the human suffering that many Americans have experienced over the past 12 years. No longer must we sit idly by and cringe at the possibility of the President making an announcement that will take more dollars out of the home and food off the table.

When you support the Congressional Black Caucus alternative budget, you will build upon what is good with the Clinton Economic Program. Yet, you will go further in investing in our human capital.

The disproportionate ratio of defense spending to domestic investment is outdated. The CBC alternative will use our peace dividend and invest in the programs people really need. This package will create jobs, feed children, and educate our people.

The American people are screaming for change. Let us hear their cries, and once again invest in our people and their institutions. This investment will stimulate economic growth, and promote the democratic ideal of human dignity. We should do no less.

Mr. MILLER of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HUNTER], who is a real expert on defense.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me the time.

I just want to take this time during these very important budget deliberations to talk a little bit about defense, because this is one area in which we are chartered by the Constitution to provide for the common defense, that is as Members of Congress to see to it that we have adequate navies, armies, and now strategic systems to secure this country. And I think Members may not realize what has happened with respect to defense in this budgeting process.

First, George Bush in his 1993 through 1997 budget brought down the defense budget by $50 billion. He asked Dick Cheney, he ask Colin Powell, Chairman of the Joint Chiefs, to put together a budget that they thought will allow for adequate defense and yet secure much-needed dollars to help reduce the deficit, and they came up with a $50 billion cut.

Now the Democratic budget that will be offered, the base budget that was offered by the Budget Committee, is going to pull defense down $112 billion, actually $127 billion in authority but $112 billion in outlays below the Bush budget. So if we add the $112 billion and the $50 billion in cuts, we are actually now $162 billion below the base budget. That is below what we agreed on in 1990 would be the adequate number of dollars needed for national defense.

Let me tell you a few things that are happening in the world right now that I hope are making the White House take a second look at the defense budget, and I hope would make Members of this body take a second look.

First, in the former Soviet Union we still have four states. That is Russia, the Ukraine, Belarus, and Kazakhistan, which have nuclear weapons. Now theoretically these weapons which happen to be aimed, incidentally, at the United States and our allies, are still under the control of the Soviet rocket forces or the Soviets strategic systems command. But we are not really sure what is going to happen with these missiles. We do not know who has the pink slip on them. The Ukraine is fighting to retain their missiles so that they have autonomous control over these missiles, these strategic warheads that can hit the United States. Mr. Yeltsin now has been paralyzed by the hardliners in Congress. He cannot move. We do not know what is going to happen. Some intelligence analysts in the world say that Mr. Yeltsin will be gone in a few months. That has been said before, but nonetheless, this is a very dangerous situation.

If we move to Bosnia we still are in a very unstable situation which has a great opportunity for increased violence, a great opportunity or a great possibility that United States forces may at some time be required to move and respond. And we have to look at that situation and realize that we cannot just walk away from Europe because the confrontation with the Soviet Union in Europe seems to be winding down.

If we go to North Korea, we will see that the North Koreans just pulled out of the Nuclear Nonproliferation Treaty. The North Koreans are building nuclear systems. And a further danger is that the North Koreans are building ICBM's and have ICBM capability to meet up with those nuclear weapons. There is a major danger there. They have a government that is very aggressive.

If we move further into the area of nuclear proliferation around the world, we see abut 20 nations that are acquiring ICBM capability. They are acquiring ICBM capability and at the same time developing, as Libya did, chemical capability and nuclear capability.

So we are leaving this era of confrontation with the Soviet Union, we think we are leaving this era, but we are entering into a new era of terrorists with high technology. And what we are doing in this budget, in the Democrat-based budget is we are going far below and making far deeper cuts than the cuts that Secretary Aspin as the chairman of the House Armed Services Committee advocated.

Let me tell Members what Chairman Aspin said we ought to do in his so-called option C. He said we need to have enough strength to do a couple of things. We have got to be able to fight a Desert Storm conflict, and at the same time have enough left over to have a contingency operation and also carry out air operations should North Korea invade the South.

The Democrat-based budget is $60 billion below that Aspin level that is manifested on this chart.

We should vote against the Democrat budget.

Mr. MFUME. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. RANGEL], a distinguished member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Chairman, I thank you for the opportunity to share the Black Caucus and Progressive Caucus views with this august body. It is difficult in 2 minutes to try to unload the last 12 years of heavy deficit burden that has been placed on our shoulders.

Nevertheless, very few people have the courage to admit that the only way we can handle this is cut back spending, and yes, get beyond the fiscal policy that exists in "read my lips."

President Clinton has had the courage to state that the only way that we can do it is increase taxes as we move forward to cut spending, and always to remember that unless we have all of our Americans working and productive that we are losing not only our competitive edge, but we are losing the ability to raise revenues. To that end we have lauded the President's efforts and believe that we can do better, and that we can do more, that we do not need an energy tax, even though we do have the earned income tax credit. We can remove that and start moving toward weatherization, that we do not have to put caps, remove the expansion of the Social Security tax from 50 percent to 85 percent, put to do something that people do not like to do, to say that we are prepared to increase the taxes to pay for that.

So what we have done is increase the individual taxes from 36 to 38 percent, put a surtax on the corporate tax making a combination of $12.2 billion increase, increase the capital gains tax from 28 percent to 31 percent raising another $3.5 billion, putting a cap on mortgage deductions and removing the $1 million principal that we have, bringing it to a more realistic $300,000, taking away the second home deduction.

☐ 1850

By combining this, what we have done is reduced the deficit by $15.1 billion and increased revenue by $23.7 billion. It is a good way to go, and I thank the efforts of both the caucuses, Progressive and Black, for allowing us once again to present our views to the House.

Some are attacking the Congressional Black Caucus budget for its revenue provisions. As I said in the debate last night the caucus has generally been ahead of its time when it comes to tax provisions.

For a long time it pushed the concept that it made no sense to tax the working poor; and in the Tax Reform Act of 1986 Congress took millions of working poor off the tax rolls. Similarly it has been pushing for tax incentives to deal with social inequities and they have been recognized in the low-income housing tax credit and the targeted jobs tax credit that we applaud are being made permanent in this proposal.

The caucus has, in every budget it has presented, called for fiscal responsibility while being able to address the problems of our Nation that required investment in people now if we are to avoid the cost of failure in our communities in the future.

The Congressional Black Caucus always recognized that during the Reagan-Bush years that the tax system was skewed to help the rich with the belief their wealth would trickle down for everyone else. This policy resulted in outrageous redistribution of wealth during the decade and in a failure to invest in our people. The caucus was always ready to challenge this empty fiscal policy of "Read my lips."

The Congressional Black Caucus always believed, as the American people are now so clearly indicating, that they are ready to sacrifice and redirect their resources to invest in the future.

The Congressional Black Caucus applauds the President's budget. It is a major step forward in the investment in our people that we need so desperately if we are to turn around the drain on our economy from poverty, drugs, crime, and despair. But, we and the progressive coalition believe we can do better. We offer a tax proposal that is more progressive and is part of the budget that will reduce the deficit to a level even lower than either the President's budget or the Budget Committee's product while providing comparable, if not more concentrated, investment in our people.

On taxes, we strongly stand by our time-honored belief in a more progressive tax code.

That is why we remove the broad-based energy excise tax. That and do not include expanded taxation of Social Security for retirees with incomes as low as $25,000. We know that the increases in the earned income tax credit, energy assistance, and the food stamps will provide some cushion, but we know how bad poor people have had it for the past decade and we know that these offsets are not likely to be sufficient to make up for their losses and the addition of these increases in energy costs.

We cannot understand why we have to continue to subsidize luxury housing while so many are still homeless or ill housed or doubled or tripled up in inner-city apartments. That is why the Congressional Black Caucus would drop the limit on the mortgage from $1 million to $300,000 of principle and eliminate the deduction for second homes.

We are fearful, as many economists are, that with a higher marginal tax rate for the well-off that the 28 percent rate for capital gains will only encourage the gaming and sheltering that we saw prior to the 1986 reform act. Therefore, we would raise the capital gains rate to 31 percent. There will still be a differential, but not as great.

We believe that the corporations in the Nation must also pay their fair share and that it makes sense to keep the top corporate and individual rates close together. Therefore, the Congressional Black Caucus proposes to raise the corporate rate to 38 percent.

I have always been proud of the Congressional Black Caucus budget. In past years we have found our budget too far away from the one that comes down from Pennsylvania Avenue. Today, we are pleased that our proposal and the President's are so much closer together in numbers and in spirit. Because we know that we have to reduce the deficit, cut the overgrowing burden of interest costs, and redeploy our assets to win the economic war of competition by investing in all our people, including those who have, or are on the verge of, losing hope if we are to ensure a better America for all our children.

Mr. MILLER of Florida. Mr. Chairman, I yield 30 seconds to the distinguished whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, I rise to commend the Congressional Black Caucus for its serious and intellectually honest effort to present a budget alternative.

While I disagree with the details of this budget, I want to affirm that there is no problem in America more important than saving the inner city, no problem in America more important than addressing the concerns of the poorest and neediest of Americans.

I look forward very much to working with this reinvigorated and expanded Black Caucus in finding some common and bipartisan efforts to truly help the neediest of Americans.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Chairman, I would like the RECORD to indicate that in the past where there have been programs targeted to help the poor and the homeless that the gentleman from Georgia has been cooperative, and we in the caucus look forward to any way that we can work together starting today.

Mr. GINGRICH. Mr. Chairman, I thank my friend.

Mr. MFUME. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PAYNE], a distinguished member of the Committee on Foreign Affairs.

Mr. PAYNE of New Jersey. Mr. Chairman, the first time since the end of the cold war our country will be allowed to make significant reductions in our national defense budget, finally realizing the elusive peace dividend.

There is a national consensus that we have an obligation to place most of the savings to take better care of our domestic needs by stimulating the economy, creating jobs, and reducing the national debt. But, at the same time, the Congressional Black Caucus takes the strong position that we also have an obligation to right the wrongs of this same cold war, problems that were created in Africa.

Looking at Somalia as a perfect example, no guns are manufactured in Somalia, but there are more guns in Somalia than any country in the world per person. We say that African countries were used as pawns by both the United States and the former Soviet Union in the cold war. In some countries, the two world powers switched alliances, like in Somalia, as some colleges switch basketball coaches.

We have a moral obligation as Americans who have always stood for fairness and humanitarian values to do the right thing now.

We support the reauthorization of the $100 million flexible fund for the Africa Relief, Rehabilitation, and Recovery Fund, also the United Nations peacekeeping and peacemaking, and the United Nations specialized agencies like UNICEF, UNHCR, and UNDP which will also require additional support. The United States should pay up all of its back dues.

We finally request that the African Development Fund receive $1 billion for fiscal year 1994, an increase of $200 million. This is an investment in the future in sustainable development for an environmentally free African continent. America can do no less.

Mr. MILLER of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I came to Washington 12 years ago with Ronald Reagan.

After 4 years of having liberal Democrats control both Houses of Congress and the Presidency, our country was left with the highest interest rates and the highest inflation in this century. We had higher unemployment rates and a negative growth rate than what we have today.

As we set out to clean up the mess, all we heard for the last 12 years was carping and nitpicking from the liberals who put us in the hole in the first place. Over and over again, our program of low taxes and deregulation and controlled spending was ridiculed as trickle-down economics.

No matter how the liberals want to rewrite history, the 1980's resulted in at least moderate improvement in the well-being of Americans at every income level. That is because they were focusing on job creation in the private sector, on rewarding hard work and investment, and on relieving the economy-killing tax and regulatory burden on the people. Almost 20 million new jobs were created with low inflation, low interest rates, and decreasing unemployment. We killed the stagnation monster created by the irresponsibility of the Democrats.

By the way, all the liberals and leftist professors who claimed the Reagan years were so bad have intentionally put the last 2 years of the Carter administration into their calculations of how they analyzed the Reagan years. Those years were so bad that they would drag down any analysis of what the Reagan years are all about.

Yes, the deficit did go up under the Reagan years, but let me say that had the same economic figures and the same economic trends that continued during the Carter years, had it continued during the Reagan years, we would have had a much higher deficit much earlier on.

Well, now the liberal spenders have again captured control of both Houses of Congress and the Presidency. What do they propose to do? Enact the largest tax increase in American history, and they promised not to hit the middle class, and now they propose to clobber the middle class and everybody else.

In 1990 these very same liberal Democrats pressured George Bush into a tax increase in the name of scaling back spending. Well, the spending was never scaled back. I predicted then it would knock the legs out from under the economy and throw people out of work and result in a higher, instead of lower, deficit. That is exactly what happened, and George Bush lost his Presidency in the process.

Incredibly, the economic hardship created by their last tax increase is now being used to justify another tax increase and a further increase in spending which they call stimulus spending—1990 was really the end of the Reagan economic era.

Today, however, we make it official. This budget makes it official. They are back in control, and I predict the economy is going down, and they are going to have to take credit for it.

Mr. MILLER of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KNOLLENBERG], a fellow freshman.

Mr. KNOLLENBERG. Mr. Chairman, I would like to register my opposition to the $16.2 billion so-called stimulus package that the House will vote on today. This package will add $16.2 billion to the deficit at a time when Americans want the deficit cut.

I would like to point out some of the items in this appropriations package. These items do not constitute an emergency and they will not create jobs—$28 million to forgive D.C.'s budget deficit; $117 million for the National Institute on Standards and Technology; $22 million for historical preservation; $23 million to promote a green agenda; $28 million for alternative fuel vehicles; $148 million to the IRS for new equipment; and $38 million for buildings at the Agricultural Research Service.

The list goes on the on. This package is full of pork to pay off political constituencies. Everyone gets something. Everyone except the American taxpayer who gets stuck with the bill.

The administration claims that this stimulus package, which will cost $30 billion when the tax incentives are added, will create 500,000 jobs. Even if this were true, each job is costing $60,000. This is ridiculous when the private sector can create a job for $40,000. And the truth is that this deficit spending program combined with the Democrat tax hikes will destroy more jobs in the private sector than it will create in the Government sector.

Mr. MILLER of Florida. Mr. Chairman, I yield 2 minutes to my fellow freshman, the gentleman from Texas [Mr. BONILLA].

□ 1900

Mr. BONILLA. Mr. Chairman, yesterday I brought my 7-year-old daughter, Alicia, to the floor with me when I voted. Looking at her optimistic face, it troubles me to think that Congress is running up massive expenses that will burden her 20 years from now when she is starting her family and career.

Think about it—today's purchases will be tomorrow's headaches for your children and mine.

Is it not ironic that our voting cards are about the same size as a credit card. The spend now, pay later credit card addiction runs rampant in Congress. Members of Congress just insert their cards in a slot and run up the Nation's bills without worrying about paying for them right now.

But eventually someone will have to pay these bills.

Today we will be voting on a budget which promises deficit reduction but delivers debt. I urge my colleagues to think about the future happiness of our children and the future strength of our country when they vote today.

Let us not use our voting cards as credit cards to run up the Federal deficit. Let us be responsible and vote against this budget.

Mr. MFUME. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. I thank the gentleman for yielding this time to me.

Mr. Chairman, like many of the Republicans, I admire the Black Caucus budget. Unlike them, I plan also to vote for it. The caucus has done the best job, it seems to me, of any of the budgets presented to us in allocating spending according to where it ought to go. No budget is perfect. There are elements of this I would disagree with; when specific implementation came forward, I would vote against one or two pieces. But overall they have done the best job in saying that the victory of the United States in the cold war frees up substantial resources for us to use elsewhere.

They correctly point out that many of those resources in the first instance should go to easing the pain and transition of those who have served this country. The Black Caucus budget deals very well with the short-term problem of those who will be disadvantaged, but it does by far the best job of taking advantage over the longer term of providing funds where we need them: Clean water, housing, et cetera. In the United States this is the best budget for putting the resources where they need to be. If it fails, I will be pleased to vote for the second best budget, but this is the best one today.

Mr. MILLER of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to thank the Black Caucus, and I also agree that they have made an effort. Let me talk about a few areas that I would totally disagree, as a businessperson.

I was at Miramar Naval Air Station just 2 weeks ago, and a young man came up to me, he was a pilot. He said, "DUKE, I am an American; I am not an African-American. I want to explain to you why. I was an enlisted man, and I worked real hard in the Navy and the officers noticed me and they recognized me for the officer program. I worked hard in the officer program, and they elected me to go to pilot training." He is now a young pilot.

Many of the young men and women that serve in our military forces today receive an education by far better than they would in any vocational school that exists in this country today, better than you would from any conversion dollars that you will use today.

I think when you cut the military, you also cut the minority programs. Last week, two of our Democratic Senators from the State of California stood up and said, "We don't want any of our bases to be closed. It impacts our economy too much." But those same two Senators 3 days ago voted to cut $127 billion from the defense programs. You cannot have it both ways. What we need to take a look at, I think, is a balanced defense program that not only aids the military but defends this country and at the same time provides those programs for the inner city. I want to remind the gentleman from the other side that the 29th of March is the anniversary of the Los Angeles riots. If we really want to do something, we need to come up and get some programs that affect those areas.

Mr. MFUME. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New York [Mr. TOWNS].

Mr. TOWNS. I thank the gentleman for yielding this time to me.

Mr. Chairman, let me say to my good friend, the gentlemen from California [Mr. CUNNINGHAM] that this budget deals with the Los Angeles riots. That is what this budget is all about. It deals with the problems in terms of what happened in Los Angeles.

Mr. Chairman, over the past 12 years, America has been gutted. The inner cities and rural areas have been decimated by Government policies which taxed the middle class and gave the rich tax breaks. The scheme bankrupted America, destroyed the spirit of this country for millions of her people, and created a culture of greed and expediency which continues to eat away at the foundations of this country. It is time to rebuild America and place the firm foundation of the American dream in every heart. The CBC alternative budget is the only measure which can do this.

Our budget provides meaningful economic opportunities for those citizens who are able and willing to work, own and become active participants in the economic life of our country. It provides a helping hand to those who have been displaced by changes in the civilian economy or the military atmosphere. It is a sane and humane response to the deeply entrenched and longstanding problems in this Nation.

It is in this budget alternative that their hopes can be made real and their dreams can be given a chance. It is in this budget to rebuild America and provide hope and a change to people who have struggled with unbearable hardships for 12 long years but who refuse to go away and be forgotten. It is in their names that we offer this budget to rebuild their hopes and give their lives and dreams a chance. It is only through this kind of intense infusion of assistance and revenue raising that we can begin to heal the economic hemorrhage that has sapped the lifeblood from every artery in this country.

Mr. MILLER of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

PREFERENTIAL MOTION OFFERED BY MR. BURTON OF INDIANA

The clerk read as follows:

Mr. BURTON of Indiana moves that the committee do now rise and report the resolution back to the House with the recommendation that resolving clause be stricken.

The CHAIRMAN. The gentleman from Indiana [Mr. BURTON] will be recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Chairman, as I understand it, it is 5 minutes on each side, is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. BURTON of Indiana. Mr. Chairman, I apologize for interrupting the proceedings, but we have a very important reason for doing that.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. I thank the gentleman for yielding this time to me. First, I want to applaud my colleague, the distinguished gentleman from Maryland [Mr. MFUME], who has spoken so eloquently in behalf of the Black Caucus alternative. Because of my deep respect for him and his beliefs, I wish I could go along with it. However, as I understand it, this alternative calls for substantial hike in taxes.

Mr. Chairman, somewhere along the line many Members in this House are forgetting that the American Revolution was kicked off as a result of taxes, more specifically taxes without representation.

For example, Mr. BURTON and I were prevented from bringing our plans, which are parallel, because they call for a flat freeze of all Federal expenditures plus 2-percent increase across the board. This combination would balance the budget by the year 2000 without any increase in taxes of any kind, and that would help not only those areas that the Black Caucus want to boost as well as all America, again without raising taxes.

The only real difference between Mr. BURTON's and mine is that I included reconciliation language instructing the Committee of the Whole to reduce what the budget experts say was necessary, the expenditures, by $17.1 billion.

□ 1910

I wanted that so it could be seen by everybody that the budget process was taken out of the back rooms and on to C-SPAN for the public to see. This is the only time the whole budget would be in front of Congress and all Members should be allowed to offer their alternatives, to offer specific budget cuts.

That is the way it should be, in my opinion.

An example. I would cite the efforts of many people to cut the honey subsidy, but the merits of that subsidy should be weighed against everyone else's—in one forum, in one discussion.

When production line workers from McDonnell-Douglas lose their jobs to DOD cuts, these workers have a right to know why. If we show them that their paychecks are being taken away so that others can receive subsidies of one kind or another, these workers will understand what is going on.

That is honesty. We owe them that.

We all need a chance to have more than an up or down vote. I could not support the Kasich program because my constituents are impacted by cutting Amtrak and the Federal workers would be treated unfairly. I wanted to offer amendments, but no rifle shot amendments were made in order.

During the discussion on the rule, Mr. BEILENSON made reference to the fact that some of the proposed amendments would have taken much time on the floor, and the Rules Committee nixed them.

I think the majority was wrong. I believe the country does want to see honey subsidies, defense, and highways debated. In my opinion, last year's election was a referendum on opening up the process.

Since I first proposed an across-the-board freeze in 1988, I have talked to many people, from farmers to seniors to veterans to Federal workers. They all say the same thing: "The budget should not be balanced on my back alone." All of them have been willing to shoulder the burden—if everyone else also does.

Equity, and equity alone, should drive the budget talks.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentlewoman for her kind comments.

Let me just say that we have not had the luxury of bringing our freeze plus 2 percent to the floor for a vote because the Rules Committee would not allow it; so what we have had to do all day long is find a way to bring this to the floor so that people could vote up or down whether or not they want a freeze plus 2 percent, which will get us to a balanced budget by the year 2000 without a tax increase.

I might add, Mr. Speaker, that our program will not hit the COLA's of senior citizens on Social Security or Federal employees or military retirees. It is a program that will work under the 2 percent cap, and we can get to a balanced budget without the $402 billion in tax increases that President Clinton wants and it will do the job.

The only problem is, it pinches some toes. The American people are willing to sacrifice, but they do not want to spend more taxes. They want us to take a meat cleaver to spending. This is the way to do it.

My colleagues, we will be having a vote on this, so if you are for the freeze plus 2 percent instead of these huge tax increases, I hope you will support the Bentley-Burton proposal.

Mr. Chairman, I yield back the balance of my time.

Mr. SABO. Mr. Chairman, obviously I rise in opposition to the motion. We are proceeding with the debate. We intend to move to the conclusion of the budget resolution this evening.

I would urge Members to vote "no" on the Burton motion.

Mr. Chairman, I yield to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, I, too, rise in support of the position enunciated just a moment ago by the chairman of the Budget Committee.

We believe that striking the enacting clause of this bill is the wrong thing to do. It has been an orderly process. We hope to continue that way.

We recognize there are diverse and oftentimes clashing differences on the budget that have been before us, both this budget proposal and the two preceding ones, but we believe quite frankly that to strike the enacting clause is the wrong thing to do and would urge Members to resist the gentleman's motion.

Mr. SABO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 122, noes 302, not voting 11, as follows:

[Roll No. 83]

AYES—122

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bilirakis
Blute
Boehlert
Boehner
Burton
Buyer
Callahan
Canady
Castle
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gingrich
Goodlatte
Goss
Grams
Greenwood
Hancock
Hefley
Herger
Hoekstra
Horn
Huffington
Hunter
Hutchinson
Inglis
Inhofe
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Knollenberg
Kyl
Lazio
Leach
Levy
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McHugh
McInnis
McKeon
Meyers
Michel
Moorhead
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Quinn
Ramstad
Ravenel
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Weldon
Williams
Wolf
Young (AK)
Zeliff
Zimmer

NOES—302

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Barton
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Byrne
Calvert
Camp
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Houghton
Hoyer
Hughes
Hutto
Hyde
Inslee
Istook
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Mann
Manton
Margolies-
  Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)

Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (OR)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (FL)

NOT VOTING—11

Clinger
Faleomavaega (AS)
Ford (TN)
Henry
Maloney
Myers
Quillen
Romero-Barcelo (PR)
Taylor (NC)
Washington
Waxman

☐ 1935

Mr. PORTER and Mr. MILLER of California changed their vote from "aye" to "no."

Messrs. ZELIFF, ROTH, THOMAS of Wyoming, McINNIS, EMERSON, STUMP, McCANDLESS, PAXON, DORNAN, STEARNS, GALLEGLY, COBLE, and Mrs. MEYERS of Kansas changed their vote from "no" to "aye."

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. DURBIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DURBIN. Mr. Chairman, would it be a violation of the rules of the House to characterize a Member as petulant and puerile for continuing to call a series of unnecessary rollcall votes to interrupt the business of this House and the orderly debate?

The CHAIRMAN. The Chair would state that that is not a proper parliamentary inquiry.

The Chair would announce that the gentleman from Ohio [Mr. KASICH] has 11 minutes remaining, and the gentleman from Maryland [Mr. MFUME] has 9½ minutes remaining.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, I wish to congratulate first the Black Caucus for coming up with a budget. Having been a freshman member of the Committee on the Budget. I know how hard it is to put a budget together. I hope their budget gets much more respect from their side of the aisle than our budget did.

Mr. Chairman, in my district in southwest Florida where we have a large number of retirees and small businesses, my constituents have said, "DAN, we are willing to make a sacrifice, we are willing to contribute, but we want to make sure the Government does their fair share first."

Mr. Chairman, that is the basic problem with this plan and the next plan we are going to be voting on. This plan asks for the people to give now and the Government is going to sacrifice some years in the future, maybe in the 104th Congress or the 105th Congress, when many of the Members in this room will not even be here. That is when they are going to sacrifice.

Mr. Chairman, that is the problem with this plan, that it does not have spending now and spending first.

The other problem is when we talk about jobs and the economy and stimulating the economy, I do know a little bit about that as a businessman and a former college professor in business school. What that tells me is I do not understand what economic theory tells you that more taxes generate jobs and stimulates an economy.

☐ 1940

Basic Economics 101 tells us more taxes has that reverse effect. In fact, some studies have been out. DRI-McGraw Hill predicts in 1997–98 more than 700,000 jobs will be lost as a result of the fiscal drag due to the tax increases in the Clinton plan. And this plan is even worse. This plan raises taxes by $421 billion more than the Clinton plan. It increases spending by $141 billion more on the domestic side.

The Goldman Sachs report says the same thing. Taxing income reduces work effort and will yield less revenue than expected.

The people in Florida in my district are saying, "We need to cut the spending first." That is the best way to stimulate the economy, not by raising taxes now and spending at some future date.

I urge my colleagues to vote against this amendment.

Mr. MFUME. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I rise in support of the Congressional Black Caucus budget, with particular appreciation for the way they dealt with function 150.

Mr. Chairman, I rise to commend the sponsors of the Congressional Black Caucus budget for what I view as innovative, farseeing approaches to a number of our national challenges.

Specific among these is the Caucus budget's proposal for international affairs—function 150. The CBC budget allows prudent but needed increases for the function, to fund critical national needs in peacekeeping and development aid.

In the development assistance area, the CBC budget includes much-needed increases for the Africa Development Fund. This is consistent with campaigns that I have participated in in years past to restore and maintain the ADF account at $1 billion.

In doing this, the CBC budget's authors have recognized the fundamental reality of our changing definition of national security. Foreign aid, which accounts for less than 1 per cent of our Federal budget, is a priceless investment providing huge returns to the American public.

Foreign aid is in our political interest. Economic security contributes to political stability and a world that is safer for our children. U.S. development assistance is a vital tool to help children escape disease, starvation, and the ravages of epidemics.

Foreign aid is also our economic interest. By the year 2000 four out of five consumers will reside in developing nations. These countries already provide markets for more than $128 billion, or 30 percent, of U.S. exports, supporting over a million American jobs. Without sustained economic growth, the purchasing power of the developing world will decline. Economic assistance increases the effective demand of foreign markets.

Bilateral foreign aid is cheap: less than one percent of the total Federal budget and a fraction of a percent of GNP. Foreign aid has also taken more than its share of budget cuts during the Gramm-Rudman years, slashed from a total of over $19 billion to $15.8 billion since fiscal year 1985.

I may have one or two problems with other areas of the CBC budget but, as I indicated, I commend its authors for their constructive approach on international affairs. I intend to vote for their substitute, and urge like-minded Members to join me.

Mr. MFUME. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in support of this budget presented by the Black Caucus, a real investment for America's children and America's families and urge its passage.

Mr. MFUME. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. HAMBURG].

Mr. HAMBURG. Mr. Chairman, I rise to support the budget as presented by the Black Caucus and the Progressive Caucus.

Mr. MFUME. Mr. Chairman, I yield such time as he may consume to the gentleman from the Virgin Islands [Mr. DE LUGO].

Mr. DE LUGO. Mr. Chairman, I rise in strong support of the proposal of the Black Caucus and commend them for a proposal well thought out and a real investment in our country.

Mr. MFUME. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. Mr. Chairman, I rise in support of this budget.

Mr. MFUME. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. Chairman, I want to commend the chairman of the Black Caucus for the tremendous job that he has done on this budget and rise in strong support of the budget.

Mr. MFUME. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, the rejection of the motion to strike all after the enacting clause was a very significant vote in that it showed a new attitude that now is sweeping through this Chamber with regard to this very important budget proposal, which follows a tradition of a dozen Congressional Black Caucus budgets that have been a part of this debate for as many years.

And I think that it is very appropriate that we notice that tonight this caucus is joined by yet another caucus in support.

We notice that the Members on the other side of the aisle have approached with the same conviction and seriousness and inquiry into the Congressional Black Caucus budget that the Members who put it together have, and I want to sincerely compliment those Members who have taken the time to examine our budget. I hope that they will join us in a vote.

In addition, we have a complementary staff report from the Committee on Government Operations that justifies the increased military reductions and the increased spending on the domestic side, because we have $310 billion of existing cuts that can be made due to inefficiency and waste. The Vice President of this Nation is heading the task force to reinvent Government in that respect.

I would urge that everyone consider this budget in as careful a way as they can, because it is my belief that this budget will soon be the budget that we will test the will of the American people to turn this Federal Government around.

Mr. MILLER of Florida. Mr. Chairman, I yield 2 minutes to my fellow freshman, the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I have in my hand here a copy of a one-page pictorial essay from Reader's Digest, January 1993. What it does is to rate the moral and ethical standards of several groups of people in our country:

> Small business owners, 64 percent; journalists, big surprise, 39 percent; business executives, 31 percent; lawyer, 25 percent; Member of Congress, 19 percent.

Nineteen percent of the people in the country think that Members of Congress have acceptable moral and ethnical standards. I ask a question relative to the two votes that we are shortly going to make. Do my colleagues really believe that those voters out there, only 19 percent of whom believe that Congress has acceptable moral and ethnical standards, really want this Congress to take their money and spend it for them?

I ask my colleagues to respect the intelligence, the wishes of the American people and please leave the money in the private sector where it will create jobs, real jobs and wealth. Honor their evaluation and the vote that they are making for what we ought to do in these next two votes.

Mr. MFUME. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in strong support of the Black Caucus values-based budget and compliment the gentleman for bringing this excellent product to the floor.

Mr. MFUME. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, this is the first honest Presidential budget in 12 years. This amendment builds on that budget. It recognizes that while we must get the deficit under control, we must also get our economy in order.

We are investing in our public infrastructure at one-half the rate of our competitors. Private investment has decreased from 10 percent in the 1960's to 3 percent.

Our productivity is increasing at one-sixth the Japanese rate.

The President's budget starts us on the road to rebuilding our economy by investing in our country. This amendment recognizes that with the elimination of the Soviet military threat, we can do much more by shifting significant funding from defense to human infrastructure development.

Mr. MILLER of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Chairman, first let me congratulate the Black Caucus and also my colleague, the gentleman from Ohio [Mr. KASICH] for a job well done in presenting some alternatives to this body. I wish we could have more of these kinds of elaborate debates and have the House work its will on a lot of other issues.

The reason I am coming here is because this package is being called a lot of things.

We heard in the Committee on Ways and Means that the real problem here and the real problem for this change that we want in this bill is because this has been a jobless recovery. I cannot tell my colleagues the number of times I have heard the President and Members on this side of the aisle say that this has been a jobless recovery. We need to do something about creating jobs in America. We can have all this growth, as we did in the 1980's, but did not create job growth that we need.

□ 1950

This recovery is not a job growth kind of recovery. We are going to pass this package to create jobs.

Mr. Chairman, I want the Members to hear this. The administration's own numbers, their own numbers on unemployment over the next 5 years, look at them. We will be happy to give them to the Members.

By 1996, 1997, and 1998 and every year in between, the difference between their own projections, and Mr. Chairman, I agree that this is a bit of a laughing matter if we look at the difference between what will happen with the unemployment rate under the administration's own projections, between whether we pass this package and whether we do not.

In 1997, under the administration's own projections, the unemployment rate, if we do nothing today, if we do not change America, will be 5.8 percent. Under the plan, if the plan passes, do Members know what the unemployment rate will be, the dramatic growth of unemployment in America? Under their own projections, 5.7 percent, one-tenth of 1 percent.

This does not just apply to 1997. Look for every year in between, the same thing; 1-percent, one-tenth of 1 percent difference in growth of an employment. That, to me, to go and raise taxes a quarter of a trillion dollars over 5 years for one-tenth of 1 percent, is not a dramatic change in America.

Mr. MFUME. Mr. Chairman, for purposes of debate only, I yield 1 minute to the distinguished gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I, like many of my colleagues, am very pleased that the President has submitted a budget that pays more than lip service to the needs of Americans, both poor and not so poor. I applaud his efforts, but I must say that the various budget proposals that have been debated on the floor of this body thus far have fallen short of the needs of my constituents who have been ignored by past administrations for far too long. The Congressional Black Caucus and Progressive Caucus alternative budget addresses these concerns.

For example, the CBC and Progressive Caucus budget increases the funding for several important programs including community development banks and the Community Reinvestment Act. Banks like Chicago's South Shore Bank and programs like the women's self employment project have shown the world that people can provide for themselves if given the opportunity through good lending programs. These initiatives provide entrepreneurial-thinking low income citizens the ability to get capital to start businesses that will create for themselves and others a way out of poverty. I can think of no better way to invest in the future of America than to tap the potential that is dormant today among the poor of our country.

Further, the CBC budget puts a premium on education and training. It provides $2 billion more in funding for the Pell Grant Program, specifically to raise maximum grant awards from $2,300 to $3,000. This change brings this program a little closer to the reality of college costs in 1993 which, as any of you with children can appreciate, have grown dramatically. The importance of this program cannot be overstated. Pell grants are a major way that we ensure that the hope of a better life exists for children growing up poor in America.

This budget provides $2.4 billion in funding for substance abuse prevention and treatment. Drug-related crime is rampant in America in spite of what those of you who would end the Select Committee on Narcotics might think. Any budget we approve must provide for funds to tackle this very difficult problem. In some areas of the Seventh Congressional District there is the constant late night drug trafficking. Every recognized authority on the subject has pointed to the need for more treatment sources, and for the targeting of our resources on hard to reach and at risk populations as well as increased law enforcement. The CBC alternative provides for both.

Additional funds for transportation, community development block grants, and other infrastructure-building programs will shore up our physical communities while they provide needed jobs to fan the flames of the economic recovery which have only just begun to burn.

Mr. Chairman, I am pleased today that the Congressional Black Caucus and the Progressive Caucus have offered this alternative. At some point we must focus on the social and economic disasters that our cities and communities have come to resemble. If not today, when? I urge my colleagues to support this reasoned and principled alternative budget proposal.

Mr. MILLER of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. MFUME. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I overwhelmingly and unequivocally rise in support of the alternative budget that has been propounded by the CBC, the Congressional Black Caucus, and the Progressive Caucus.

As a new Member of Congress, I am enlightened by the fact that in this year if the President's budget proposal passes, we will fully fund Head Start. However, it has been edifying to me to know that years ago the Congressional Black Caucus had the vision to fully fund Head Start through its alternative budget proposals.

It is enlightening to all of us to know that Members like the gentleman from California [Mr. DELLUMS] and the gentleman from Maryland [Mr. MFUME] and the gentlewoman from Illinois [Mrs. COLLINS] and many others have the vision that this country has needed for so long to do what is morally right.

When I hear people talk on the other side of the aisle about what is morally right, and then they talk about raising taxes, and when they raised taxes for 12 years but the taxes they raised never trickled down to the people who needed them, then I understand that they do not understand the meaning of morality.

Mr. Chairman, this budget may not pass tonight, but one day the fruits of its morality will be reaped.

Mr. MILLER of Florida. Mr. Chairman, I would ask the gentleman how many more speakers he has remaining.

Mr. MFUME. Mr. Chairman, I have two speakers remaining, but under the rule I reserve the right to close debate. I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to conclude by saying that I congratulate the Black Caucus for bringing the issue up of this particular budget proposal. It brings up issues that are very important to us, of inner city problems and minority problems, and I think that need to be brought up.

In my district in Florida, which is mainly a retiree district, we have different issues and problems. I think it is important that we have had this dialog, and I congratulate them.

Mr. Chairman, I yield back the balance of my time.

Mr. MFUME. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. REYNOLDS].

Mr. REYNOLDS. Mr. Chairman, I rise in support of the Congressional Black Caucus substitute.

Mr. MFUME. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT. Mr. Chairman, I specifically rise to support the alternative budget, but also specifically to respond to the two gentlemen from California, one of whom was kind enough to remind us that there is a provision in the Constitution that requires us to provide for the common defense, and the other of whom was kind enough to tell us the reasons we had riots in Los Angeles.

I want to remind them that there is in the same sense in the Constitution a requirement that we ensure domestic tranquility and promote the general welfare. We will have difficulty doing that if the disparity between the rich and the poor continues to grow.

Mr. MFUME. Mr. Chairman, to close debate, I yield my remaining time to the gentleman from California [Mr. DELLUMS], the chairman of the Committee on Armed Services.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] is recognized for 4 minutes.

Mr. DELLUMS. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, I would like to compliment the gentleman from Maryland [Mr. MFUME] for his efforts, and thank him very much for giving me the privilege to close this debate.

Mr. Chairman, on more than one occasion I have stood either in the well of the House or in this place to suggest to all of my colleagues that the most important function in which we can engage is the business of establishing the national budget of this country, because the national budget in a very powerful and profound way reflects our values, our principles, and ultimately, our priorities.

It is thus against that backdrop, Mr. Chairman, that I rise with a great sense of pride and purpose to embrace and wholeheartedly support the budget articulated by my colleagues in the Congressional Black Caucus and the progressive caucus, because it speaks to the highest and the best in us. It is a budget based on courage, boldness, vision, dignity, and integrity.

It is rooted in two realities: on the one hand, the reality that the cold war is over, the Berlin Wall is down, and the Soviet Union has disintegrated; and the second reality, that our people are suffering in unprecedented terms, and we have a moral and intellectual, a political and economic obligation to address that human misery.

This budget is also rooted in the reality of conversion which ultimately, in the long term, will speak to the best of this Nation; fiscal conversion, on the one hand, allowing us to convert from spending billions and billions of dollars building a monument to military madness, on the one hand, to begin to address the myriad social problems of our fellow human beings on the other.

□ 2000

The military budget is capital intensive; the nonmilitary budget is labor intensive. Therefore, this budget has stated in clear and unequivocal terms that the extent to which you address the problems of the poor, the hungry, the malnourished, the underemployed, the undereducated, the infirm and the senior citizens of our society that you simultaneously, first, address social problems, and second, generate employment.

It is also rooted in the reality of structural conversion. How do we really convert from B-2 bombers to mass transit systems? How do we move from building weapons of destruction that we no longer need to enhance the quality of human life?

Mr. Chairman, my distinguished colleagues of the Congressional Black Caucus and the progressive caucus challenge each and every one of us here to the highest and the best that is in us. This moment is above politics. This moment should be beyond partisanship. This moment should be above parochialism. This moment should be rooted in principle, in dignity and integrity. And the extent to which you agree with me is the extent to which you will join my distinguished colleagues who have presented an extraordinary proposal to you to challenge us to our highest and our best.

I thank my colleague for this magnificent opportunity.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Maryland [Mr. MFUME].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SABO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 87, noes 335, answered "present" 5, not voting 8, as follows:

[Roll No. 84]

AYES—87

Abercrombie
Andrews (ME)
Becerra
Berman
Bishop
Blackwell
Bonior
Brown (CA)
Brown (FL)
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
de Lugo (VI)
DeFazio
Dellums
Dixon
Engel
Evans
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Furse
Grandy
Green
Gutierrez
Hamburg
Hastings
Hilliard
Hinchey
Jacobs
Jefferson
Johnson, E. B.
Kennedy
Kopetski
Lewis (GA)
Markey
McDermott
McKinney
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Nadler
Norton (DC)
Oberstar
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Reynolds
Richardson
Roybal-Allard
Rush
Sanders
Schroeder
Scott
Serrano
Stark
Stokes
Torres
Towns
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Washington
Waters
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Wynn
Yates

NOES—335

Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Borski
Boucher
Brewster
Brooks
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fingerhut
Fish
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Natcher
Neal (MA)
Neal (NC)
Nussle
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Ravenel
Reed
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Royce
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—5

Bonilla
Gingrich
Herger
Inhofe
Menendez

NOT VOTING—8

Dingell
Edwards (CA)
Faleomavaega (AS)
Ford (TN)
Henry
Myers
Quillen
Romero-Barcelo (PR)

□ 2020

Mr. KYL, Ms. PRYCE of Ohio, and Messrs. SAXTON, TAYLOR of North Carolina, BURTON of Indiana, KOLBE, and GOODLING changed their vote from "present" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to resume general debate on House Concurrent Resolution 64.

Under the rule, the gentleman from Minnesota [Mr. SABO], will be recognized for 10 minutes and the gentleman from Ohio [Mr. KASICH] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Chairman, we have only one speaker, our concluding speaker. I understand the gentleman from Ohio [Mr. KASICH] has two, so I will defer to him.

Mr. KASICH. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, we have had 2 days of what I think has been particularly interesting, even at times scintillating debate between our two parties as we have contrasted two budget proposals representing the two contesting visions of public policy represented by our parties and the very substantial, real differences between our parties.

Now, the fact of the matter is the Democratic Party has control of the entire apparatus of Government.

Mr. Chairman, the President of the United States has submitted his proposal for a budget to govern the U.S. Government. It is a proposal that I disagree with as being either good Government, good public policy, deficit reduction or job creating.

As I see it, he has asked us to accept a proposal that gives us the single largest tax increase in the history of the country. At the same time we accept that tax increase now on virtually all Americans, he asks us to accept a Government spending program.

Drive this economy forward, the President says with one foot on the accelerator and the other on the brake. It may work. I sincerely hope, for the American people, that the President's proposal works. But I doubt that it will. I think it is bad policy. I am obliged to say so out of respect to the President and out of duty to my constituents.

The fundamental problem that I have with the President's proposal is it will not work to achieve the desired ends of economic growth, job creation, revenue generation to the Federal Government, and then subsequently deficit reduction.

If I thought this program would work, I would ask you to vote for it. This program is based on the misguided idea that we can solve the problems of this country by growing the Government.

Let me just say I want to thank the Democrat majority; the old adage in politics is, "If you have the votes, vote; if you do not, debate." They have worked hard on their side of the aisle, the President has worked hard on their side of the aisle, and they have managed to get the votes on their side of the aisle to pass the President's program.

So, they did not have to allow us a debate, and yet they did. The feature of that debate was the Kasich Republican budget proposal. That proposal, in my judgment, won the debate. The hero of the 1993 budget debate is JOHN KASICH from Ohio because he met the challenge, he and his Budget Committee brought forth the detailed proposition to get an even greater deficit reduction by cutting the size of Government and allowing the private sector to grow. And when the private sector grows, as the 1980's have taught us, revenue accrues to the Government. And if we can grow the private sector and contain growth of the public sector, we can, as we put our children back to work in America, resolve the problem of the deficit.

The gentleman from Ohio [Mr. KASICH] and his proposal won the debate. You Democrats will win the vote, we know that. The President will be allowed to govern with his Democrat Party and the consequences will be felt and judged by the American people. But when that judgment is over and when those consequences are felt, if I am correct in my judgment of the vitality or the lack thereof of the President's proposal, if I am correct in my judgment of the correctness of the Kasich proposal and the vision represented by it, the American people will come back with a different conclusion some day at the polling place. If I am incorrect in my understanding, you Democrats will prosper as a party, as you should.

Mr. Chairman, I remain convinced that in the long run the American people will be governed by good public policy born out of correct, truthful understanding of our own history. They will get that from the Republican Party, if not tonight, later. But eventually they will again get it as they got it in the 1980's under Ronald Reagan.

For tonight, let me say to my colleagues: If you think you can move the American economy forward with one foot on the accelerator of growing Government spending and the other foot on the brake of increased taxation on the American people, if you think that is good public policy, if you think that the solution to the problems of your children's future lies in a growing Government, vote for the Democrat proposal.

If on the other hand you think the simple, obvious truth borne out by the history of the American economy is that our Nation's greatness is found in our people's industry or our people's entrepreneurial spirit, our people's industriousness and that private enterprise and freedom works, and private sector growth serves our children's future, vote "no" for the Democrat proposal and vote "yes" for the Kasich proposal.

□ 2030

Mr. KASICH. Mr. Chairman, to close the debate, I yield the balance of our time to the gentleman from Georgia [Mr. GINGRICH], the distinguished minority whip.

The CHAIRMAN. The gentleman from Georgia [Mr. GINGRICH] is recognized for 5 minutes.

Mr. GINGRICH. Mr. Chairman, let me first commend the Chair. I think this entire House can be very proud of the gentleman from New York [Mr. SERRANO] for the clear, fair, and responsible job he has done today in a long and difficult debate.

I hope that we are maybe tippy-toeing a little bit into a different era, maybe.

I have to comment for a second, though, on what I think was a very destructive rules procedure today for both this bill and the one that will follow. You know, it represents a strategy of smother, denial, and division.

On the one hand, in the following bill we apparently sent up scores of motions to cut spending, of which surely a few were worthy of being voted on, but that was smothered.

The moderate and more fiscally prudent Democrats wanted to offer some amendments on the next bill, but that was denied.

We just saw a vote where frankly we deliberately withheld our side for awhile, because the Black Caucus had been told, unlike the moderate Democrats, "Oh, you can be made in order, you just can't be allowed to win."

I want to make clear first that the defeat was not on our side.

Second, I kept my vote "present" because I will not join your leadership in defeating it.

Now we come to where we are. Finally we are down to the leadership budget.

I must say for just a moment, I think not just the gentleman from Ohio [Mr. KASICH], who has gotten a lot of praise and has earned every bit of it, but the entire Republican Budget Committee membership did exemplary work. They got the highest vote any Republican budget has got in 5 years and they put together an 84-page detailed budget, scored by the Congressional Budget Office which met the President's standards as enunciated up here, not the President's standards as sent to the Budget Committee, because the truth is there is $112 billion in the budget you are about to vote on in additional defense cuts that are unspecified.

I have watched my friends from California, South Carolina, and across the country, talk about base closings under the Bush budgets, and now tonight you are being asked to cast a vote yes for $112 billion below the number that I just heard some people say was already killing the vitally needed bases. Not only is that bad from a back-home standpoint, but you are being asked to cast a $112 billion defense cut with North Korea in a crisis, Iraq, Somalia, Haiti, Bosnia, and the current problems in Russia, a very strange time to be cutting $112 billion additional in defense.

Then you are asked, despite what the President said to us that night when he was here, you are asked for $63 billion in unspecified future domestic cuts.

Now, anyone who is serious about deficit cutting, who knows anything about the Congress, knows that $63 billion unspecified cuts, as compared to an 84-page detailed budget, is just simply a game.

Finally, you are asked to vote for the largest tax increase in history. By the way, that translates in the first year which is the only year which is real, into a $27 billion tax increase and a $4 billion spending cut.

Ross Perot today said he wants $2 in spending cuts for every dollar in tax increases. You are actually going to give the American people $7 in tax increases for every $1 in spending cuts; but of course, Ross Perot and his millions do not really matter to the Democratic majority.

Finally, about this tax increase which will kill jobs, remember, I stood here when the Republican President wanted to raise taxes and I said in 1990 that it will deepen the recession. It will increase unemployment. It will kill jobs.

Those of you who have a boat industry know what that tax bill did.

So what are you going to do this year? You are being asked to vote for an energy tax, not on the millionaires, on every American who uses energy, owns an electric lightbulb, heats a house, air conditions a house, drives a car, every rural American who drives a long distance, every person in agribusiness, every person who buys any product delivered by a truck, probably the most inflationary tax you could invent.

Then you are being asked to punish every senior citizen who spent their working years saving. That is right. If you saved in America, the Democratic budget wants to punish you. Senior citizens are gong to pay a bigger tax on Social Security if you vote yes.

Finally, this is the most antiagriculture, anti-rural America budget ever offered by an American President. As Pat Roberts has proven in the material he sent out analyzing the combined cost.

Medicare in rural hospitals, energy tax on gasoline, a tax on people who drive, the impact of the subsidy cuts in terms of agriculture itself, all these things come together as the most anti-rural American budget ever offered, and you are being asked to vote yes.

Now, there was once a movie which cast the Sundance Kid, in which they had no choice, so they locked arms, they said some words that I cannot repeat on the House floor, and they jumped off a cliff. Cute in the movie, because they have stunt men. There are no stunt men here.

This budget is intellectually unfair. It is not accurate. It does not meet the standards the President of the United States himself proclaimed down here. It is not a good document. It should not be voted on and it is not worthy of a "yes" vote. I urge you to vote "no."

Mr. SABO. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader.

Mr. GEPHARDT. Mr. Chairman, a few months ago, a few days ago in November, the first Tuesday, about 62 percent of the American people cast their vote for substantial change. They were upset primarily I think about the economy. They wanted change in the economy. They were upset not only about unemployment, they were upset about underemployment. They were upset about what they believe is the loss of our standard of living.

They also wanted action. I think they wanted movement. They wanted an end to the argument, the gridlock, the perception of lots of debate and lots of back and forth, but at the end we were not moving. We were not acting.

An older constituent of mine in St. Louis the other day after the President's speech said to me, "I don't know that I agree with everything that Clinton wants, but I think you all had better get it done."

Tonight we can take the first giant step in getting it done, and as we do it tonight it is one of the earliest times that I can remember we have been able to pass a budget resolution.

It is a good budget and it is a good economic program.

President Clinton, Leon Panetta, someone known to all of us, other members of the administration worked diligently and hard on it. In the short time they have had to put together this plan, much of it based on what President Clinton said in the election, much of it based on the facts and circumstances that they met as the came to office. What they met was a budget worse than they thought, worse than anyone thought. What they thought was about $260 billion turned out to be over $350 billion.

They did the best they could. They came up with what I think is a balanced program.

I think members of our caucus and the Budget Committee improved the program.

The President said here the other night that we live with the most conservative economic projections, and when the Congressional Budget Office came back with a re-estimate that said we were $60 billion or so short over 5 years, members of our caucus in the committee, off the committee, went to work made hard decisions, offered further cuts, and those cuts are real. They may not all be lined out line by line, but one of the things we did in 1990 in the budget summit that was productive was that we established caps on spending, and those caps have worked, sometimes to our consternation.

□ 2040

These caps in this budget are real. We will not appropriate above these caps. I think they are better caps because we do not have walls between defense and domestic. We can make those decisions, the tension will be in the process, and we will vote at the end of the day on reconciliation, and each year in appropriations, and we will decide in that time, in that year, where the economy should go and where the spending decisions should be made. But it is real deficit reduction.

As the President said, we will take it from what is now about 5½ percent of GNP a year to about 2½ percent, rather it be no deficit. But given the situation they were presented with, this is substantial and real progress.

Second, he, in the plan, does something to make our tax system more progressive. I think that is very important. One of the things that has made people lose faith in Government, lose faith in their tax system, is the perception and the reality that the people at the top have gotten the greatest tax cuts while their income has increased the most while people in the middle and at the bottom have had their taxes go up the most while their income has gone down the most. And this budget, and the tax bill that will follow, will remedy that, and that is important to the faith, and the hope, and the belief of people.

Finally, Mr. Speaker, this budget and this program has investments. President Clinton believes that something fundamental is happening in our economy. He understands, and understood from the beginning, the start, of his campaign, that it would not be enough to simply get the deficit down, as important and as vital as that is. But he believes, and he told me the other day that he believes it strongly, and he talked about it from the beginning of his campaign, that we had to increase and change the role of government in aiding and abetting primarily what is a private effort in our economy, to create jobs, to create wealth, to create economic success.

Not everyone believes that, and I understand that. We would be in poor shape in this country if all of us believed exactly the same way to get to the goal.

But he believes, and I think most Democrats believe, that something fundamental is wrong with this economy.

We are in a new world. We face tough competition, not only from the Mexicos and the Chinas of the world, but from the Japans and Germanys of the world, and to face, and meet, and succeed with that competition we need a new economic program, a new way of trying to do things.

He believes in education; he believes that we have to better educate our people.

I often, in town hall meetings, have people say to me, "How can I compete against someone in Mexico or China who is earning $1 an hour when I want to earn $20 an hour?" It is the toughest question we face, and the only real answer is:

"It's not protectionism, it's not lowering our standard of living to meet theirs, both of which might work, but not for long. The only real answer is that that worker has to be as productive, as productive as the worker they're competing against in China or Mexico."

There is no other answer. President Clinton understands that. He makes investments over 5 years in the power of people with ultimately is the way we are going to be competitive and successful.

He invests in the infrastructure of our country. Japan will spend double what we will spend in the next 5 years on infrastructure, an island nation of 125 million people, a land mass the size of California, and they will be investing double what we will in infrastructure. What have they figured out that we have not figured out?

He invests in research. Not that government does most of the research, not that government even does a majority of the research, but frankly there are things that have to be done by government the private sector will never do. The space program was an example of that. What we do at the National Science Foundation, what we are doing at Semtech, is an example of a private-public partnership to keep us alive in semiconductors, and 5 years ago we were dead in semiconductors. Today we are back in the game. We have got a majority again of the world market and a new way of addressing economic problems.

So, Mr. Speaker, I say to my colleagues tonight:

"I think we have a President who has a plan. You might not agree with it, but I think he deserves a chance. He deserves a chance. For 12 years the Republican Party has occupied the White House, and maybe you didn't feel that every year you got the program exactly the way you wanted it. But in 1981 I would submit to you that the basics of Reaganomics passed this body with many Democrats joining with many Republicans in voting for it. I was not in that group, but many here did, and the program was in place."

I want to quote what Dick Cheney said on this floor on May 7; I think it was 1981. He said, "We face a national problem. It is not a problem of the Republican Party or the Democrat Party. It is a problem of the United States of America. It is a problem that transcends partisan considerations, and the solution demands support from both sides of the aisle that separate this Chamber." He said, "The American people want to give President Reagan and his new programs a chance." He said, "They want to chart a new course, to try something new, something different, and they want the package that President Reagan has proposed." He concluded by saying, "The American people are watching what we do here today. They want us to act, and to act now."

My colleagues, I think the American people are watching tonight, and I think with all their heart and all their mind they want us to act on their behalf, and they want us to act now. The greatest thing that a President in a government can do, far beyond any program and far beyond any idea, is to give people hope and the feeling of faith that we are on the right track, that we are improving ourselves and that we have an idea of what we are trying to do to make the country succeed.

In the 1930's President Roosevelt came before this body and before the country, and he said, "All we have to fear is fear itself," and he changed people's attitudes. Bill Clinton in just 3 months changed dramatically people's outlook on where we were headed and where this country could go. People went from thinking we are on the wrong track to thinking we are, maybe, back on the right track. Confidence is up. Interest rates have gone down. The market has been up.

My colleagues, the one thing we need to do tonight to save the United States is to stand behind this young man. We want to give him a chance. We want our people to succeed. We want a new day for this country.

Tonight we have that chance, and I urge each of my colleagues, Republican and Democrat, to vote for this program, to give it a chance, and let us see if we can make this country great, and good, and strong again.

Mr. HUGHES. Mr. Chairman, I rise today in support of House Concurrent Resolution 64, the 1994 budget resolution and H.R. 1335, the 1993 Stimulus and Investment Supplemental Appropriations Act. As America looks to build a stronger economy, deficit reduction must be our top priority. I am pleased that the budget resolution and the stimulus package, together, represent a significant deficit reduction plan that will facilitate long-term economic growth and productivity. It is, in essence, President Bill Clinton's noble vision for the future, and it deserves our careful consideration and support.

The budget resolution, faces, straight on, the nearly $200 billion structural deficit which is strangling our economy, and systematically robbing our children of any hope for inheriting an America that is fiscally sound and capable of maintaining her position as the world's leader in today's economy.

The time has come for us to make the difficult decisions in order to make right what has been wrong for far too many years. I firmly believe that the resolution will facilitate this critical decisionmaking process. By holding domestic defense as well as international affairs discretionary spending below fiscal year 1993 levels for the next 5 years, the resolution will significantly reduce the deficit by $42.6 billion in fiscal year 1994 and by a total of $510 billion by 1998. Indeed, this is a strategic plan which appropriately reflects America's changing needs and realignment of spending priorities.

There is no greater long-term threat to the economic and social well-being of our Nation than the enormous budget deficit which grew out of the misplaced priorities of the 1980's. Today I am encouraged, for this resolution, overall, proposes a fair and balanced combination of real spending cuts, tax reforms and entitlement changes which, for the most part, shares the burden of reform as equally as possible, phases in deficit reduction over a number of years, and most importantly, reassures that we are all in this struggle together. Adoption of this measure will, hopefully, mark the beginning of the end of deficit spending and the beginning of the long-awaited comprehensive deficit reduction process, that makes that possible.

What is even more encouraging—if not refreshing—is that the phony economic assumptions and other irresponsible accounting gimmicks have been cast aside. Finally, we are presented with a set of real numbers with which to set fiscal policy and which will empower us to make educated, and responsible, albeit difficult, decisions. I appreciate having the opportunity, and welcome the challenge, to make these critically necessary decisions.

Although for purposes of deficit reduction cutting spending must be our initial step, cutting discretionary spending alone is not enough to achieve our goals. Therefore, in addition to such cuts this plan calls for establishing real control over the growth in direct spending levels. The resolution proposes strategic steps towards controlling entitlement spending which accounts for more than one-half of the national budget and is growing much faster than the economy as a whole. Similarly, the resolution reflects the need to undertake sweeping reforms of our medical system and anticipates a responsible strategy for controlling the escalating costs of health care, the fastest growing part of our Nation's budget.

Certainly, spending cuts alone are not going to solve our fiscal problems. H.R. 1335, the stimulus and investment package now before us is the final element of the overall economic recovery agenda.

The stimulus package will spur new growth and investment and allow the economy to expand on its own. The plan aims to invest in our country and its people by appropriating a greater commitment of funding to infrastructure improvements, job training and retraining and education to assure that we have the skilled work force we need to meet the changing demands of a global economy.

In addition, this stimulus package reflects a responsible industrial policy which provides our basic industries with financial assistance such as new sources of capital at reasonable rates, as well as tax incentives for research and development and investment. Further, progrowth, antipoverty tax initiatives such as the targeted jobs tax credit and the earned income tax credit and limited, targeted capital gains tax cut will be essential elements of the entire economic recovery process.

However, I want to be very clear about this plan. I do not agree with every detail of it. Indeed I have many concerns. First of all, it disturbs me that we are to consider appropriating additional funding for the initiatives outlined in the stimulus package before voting on and implementing the necessary budgetary cuts proposed in the budget resolution.

Moreover, we must find additional cuts in such programs as the $30 billion space station, the $10 billion superconducting super collider and many of our subsidy programs, which we just cannot afford. That should enable us to ease the pressure on the revenue side, which raises taxes on lower and middle income as well as high income Americans.

Additionally, I am troubled by the proposal to freeze the pay and COLA's of Federal workers. They have been on the short end for far too long. To the extent that Federal workers are singled out, the plan is taxing this group of Americans twice.

Also, I have strong reservations about the broad-based Btu tax which may result in hitting hard at the pocketbooks of working men and women. Similarly, I am concerned about the potential effect that tax may have on the competitiveness of certain American industries.

This plan is far from perfect but I do believe that overall this is a worthy plan which will put us on the right course for achieving our goals of deficit reduction and economic growth. Moreover, this is just the beginning of the budget process. I am hopeful that the Senate will include these additional spending cuts in its budget resolution. We must begin making the tough choices and lead our Nation through these difficult and challenging times. Today we have the opportunity to begin building an

America that is greater than ever, and second to none. Therefore I urge my colleagues to join me in accepting this challenge by supporting the 1994 budget resolution and H.R. 1335, the 1993 Simulus and Investment Appropriations Act.

Mr. SKELTON. Mr. Chairman, since the President presented his economic plan to the Nation last month, people at home in Missouri have told me, "I think we should give his program a chance, but I would like to see more cuts."

Tonight, we can do both of those things. The $63 billion in additional cuts proposed by several of us conservative Democrats, the freeze in discretionary spending, and more than $500 billion in deficit reduction over 5 years, contained in the budget resolution, are steps in the right direction. The President's stimulus package includes short-term investment in our Nation, including rural America.

But the budget blueprint is the beginning of a long-term process of reducing the deficit and making our Nation more competitive in the world. As we make spending decisions this year, we have the opportunity for further debate, and the obligation to make sure we implement the cuts approved here tonight. I'm from Missouri, and you're going to have to show me and the rest of America the cuts will be made.

Last November, America voted for change. We must give this administration, and this Congress the chance to work, because if we succeed, our country succeeds.

Mr. STUMP. Mr. Chairman, I rise as ranking minority member of the Veterans' Affairs Committee to express my concerns about House Concurrent Resolution 64 and the direction the House seems to be headed with the veterans' portion of the budget. Just this morning the Veterans' Affairs Committee had a budget hearing at which it received from a number of veterans' service organizations their independent budget proposals for fiscal year 1994 and a candid assessment of the proposals from the administration and the Budget Committee to the extent they have been revealed. What I heard was alarming.

The independent budget for veterans affairs is a comprehensive budget alternative which has been formulated annually for the past seven years by the American Veterans of World War II, Korea and Vietnam, Disabled American Veterans, Paralyzed Veterans of America and Veterans of Foreign Wars. Their budget proposal uses their own financial and staff expertise to identify to Congress the VA's actual needs and funding requirements without reference to budget driven constraints. Each year it has been presented, it has grown in sophistication and credibility to the point that it is one of the Veterans' Affairs Committee's most important references in analyzing the VA's budget requests. I commend them for the important service they are performing for Congress on behalf of all veterans.

The analysis of the proposals from the Administration and the Budget Committee lead to the conclusion that, if they are adopted, the VA health care system would move from its current state of chronic underfunding into an acute financial crisis. Ultimately, the proposals are a prescription for the collapse of the VA health care system as we know it. If you believe I exaggerate, consider the testimony of the veterans' service organizations that testified before the Veterans Affairs' Committee this morning.

Here's what they said:

> Disabled American Veterans—"(I)f VA's discretionary spending is frozen at fiscal year 1993 levels for the next 5 years, VA's ability to deliver quality healthcare in a timely fashion will be severely compromised. This spending freeze, coupled with the nearly 7,000 VA healthcare employee cut mentioned in President Clinton's Vision for Change document, quite simply, will deny critically needed healthcare to tens of thousands of entitled veterans. * * * (W)e view the Budget Committee's recommendations as neither fair nor equitable or in the best interest of our Nation's sick and disabled veterans and their families. This budget again singles out veterans to shoulder a disproportionate share of Federal deficit-reduction."
>
> Paralyzed Veterans of America—"The economic stimulus package specifies that 9,000 full-time employees will fall off VA's payroll over the next 5 fiscal years. Seven thousand of these employees would come from medical care. * * * The number of VA staff assigned to each patient is much lower than the number assigned in comparable settings. VA does not have the staff to meet preventive care needs or to fully implement effective case management programs—both found to be cost effective in care delivery."
>
> AMVETS—"(W)e must point out that spending (constant dollars) for all Federal social programs increased by 361 percent since 1965, while spending for veterans programs increased only 36 percent. * * * Having said that, AMVESTS questions billions in new spending while cutting a net $1.2 billion from VA accounts over the next 4 years. * * * At a time when the thrust of national healthcare reform policy is to broaden the coverage for our citizens, we do not understand and cannot accept a reduced level of services for veterans."
>
> Non-Commissioned Officers Association—"(A) $1 billion management savings is a smoke and mirrors goal which will eventually result in a decline in services to veterans.

The detailed budget request from the Clinton administration for the VA will not arrive until later this month. Those already announced features of it have been incorporated into House Concurrent Resolution 64. I am very concerned about the $3.7 billion in cuts of mandatory spending being recommended for veterans' programs as part of budget reconciliation. Apparently, the money is simply being taken from veterans to finance enormous new Federal expenditures on social welfare programs.

My impression is that veterans are willing to sacrifice their fair share to reduce the deficit but not to finance more Federal spending elsewhere. House Concurrent Resolution 64 clearly passes veterans by as it distributes the peace dividend across the budget spectrum to nonveteran programs.

The Veterans' Affairs Committee receives many complaints from veterans about poor timeliness and quality of VA services. These problems are largely due to chronic underfunding of veterans' programs I have already alluded to.

It is going to be impossible for the VA to provide even its current level of services and benefits to veterans with $1 billion of reductions in discretionary spending achieved by claimed savings from administrative streamlining of veterans' health care, as well as a reduction of 9,000 FTEE.

Furthermore, the Budget Committee's fiscal year 1994 discretionary spending level for VA is $700 million below the CBO baseline. The Budget Committee's recommendation for fiscal years 1994 through 1998 approaches an incredible $7 billion less. Cuts this big will lead to an unacceptable quality of health care for veterans.

Making budget comparisons and precise judgments is not possible without a detailed administration proposal for all Federal departments and agencies, but this much is clear:

First, veterans' programs are not the cause of the explosion in domestic spending which has fueled the deficit;

Second, veterans have already sacrificed for their country and should not be asked to accept deep program cuts in the name of deficit reduction when the budget package claiming deficit reduction also contains significant spending on new programs;

Third, veterans would be required to sacrifice under the President's tax and nonveterans user fee increases just like the public at large while not sharing in the proposed spending increases;

Fourth, the total amount of the proposed VA cuts represents a sacrifice of substantial funding which could have been used for eligibility reform of VA health care or other urgently needed health care delivery improvements;

Fifth, veterans won the cold war and gave us that peace dividend, and they deserve to be first in line for any spending increases, but not at the expense of the defense budget; we need to support servicemembers on the front line as well as shorten the lines of veterans waiting for benefits and health care.

Mr. Chairman, Congress has mandated veterans' programs on behalf of a grateful Nation. These earned veterans' services and benefits should be the highest domestic priority. To their credit, veterans have for years stated their willingness to do their part in reducing the deficit, but the proposed cuts ask veterans to sacrifice far more than their fair share.

Veterans' advocates in Congress have their work cut out for them. The result in this body is nearly certain. But the other body likely will have some differences which must be worked out in conference. It is absolutely essential that by then Members clearly understand the disaster this budget proposal would be for veterans' benefits and services, particularly health care.

Mr. OWENS. Mr. Chairman, I rise in reluctant support of the Budget Committee substitute.

I fully support the comprehensive deficit reduction proposal President Clinton made to us last month. Though I had some misgivings about elements of the Clinton plan, particularly the proposed energy tax, I believe our President did a fair and honest job of trying to balance the need to bring down the enormous budget deficit he inherited from George Bush and Ronald Reagan with the need to significantly expand our response to the equally deadly human deficits we face in educational and training opportunities and access to health, housing, and social services. I applaud

President Clinton for his progressive vision and his commitment to putting people first and I was prepared to fully support the enactment of his entire economic plan into law.

For that reason, I am angry and disappointed that a majority of the Democrats on the Budget Committee refused to support our President's plan and have instead given us a budget which mangles the domestic priorities President Clinton outlined to the Nation last month. The careful balance the President strived to achieve between bringing down the budget deficit and making the additional investments we need to improve our economic competitiveness and address unmet social needs has been destroyed. I fully agree that it is possible and desirable to make cuts in spending in many areas of the budget beyond those called for by the President. There are countless bloated, sacred cows strewn throughout the Federal budget which can and should be attacked, from the ludicrous $6 billion star wars boondoggle to the $30 billion we expend every year to support no less than nine fat-laden intelligence agencies to the absurd subsidies the Agriculture Department pays every year to the producers of wool and mohair. Yet the self-described deficit hawks on the Budget Committee did not target these sacred cows in their zeal for greater deficit reduction; instead, they set their sights on low-income housing, Head Start, education, and the other starving babies of the Federal budget that meet critical human needs in this Nation. Support for education, in particular, has been scraped to the bone by this budget, making it very difficult for the President to carry out the bold education and training initiatives he has sketched out. The maximum award under the Pell Grant Program for low-income college students will likely have to be reduced by $100 to $200 next year. The chapter 1 compensatory education and the individuals with Disabilities Education Act programs will be level funded. Some 60 programs within the Department of Education may be cut by one-third. What we face is the prospect of an education budget worse than anything sought by President George Bush.

Not content with disemboweling the President's long-term domestic initiatives and priorities, many of these same renegade Democrats are now going after his short-term economic stimulus package as well. Enough is enough. This cannot stand. Yes, we must have sensible budget deficit reduction; we cannot afford not to. But at the same time we must also now reverse the damage inflicted by 12 years of gross neglect of human needs; we cannot afford not to do that as well. If the President's economic stimulus and investment initiative does not survive or is gutted by either the House or the Senate, I cannot in good conscience support the Budget Committee's dramatic revision of the President's budget priorities. My constituents and men and women throughout America voted for Bill Clinton because they agreed with him that at long last it was time to put people first in the Nation's Capital again. Attacks on the President's effort to fulfill that commitment must cease.

Mr. PAYNE of Virginia. Mr. Chairman, I rise in strong support of House Concurrent Resolution 64.

The House Budget Committee and Chairman SABO should be commended for drafting a resolution which sets forth a real plan to significantly reduce the Federal deficit over the next 5 years.

This is vital to long term economic recovery and growth.

Further, the budget resolution makes a commitment to carefully invest scarce public resources in our infrastructure and our people.

These investments will maximize the ability of U.S. companies—large and small—to compete in the global economy, thus creating good and lasting jobs for our citizens.

I urge all of my colleagues to vote for this resolution.

Your support will send a powerful and welcome signal to our constituents that we heard the message last November. The gridlock is gone and this Congress and this President are working together to reduce the deficit while investing in America's future.

Mr. LIPINSKI. Mr. Chairman, I rise in opposition to the budget resolution.

Though I appreciate the efforts of President Clinton and the Budget Committee to tackle our budget crisis, we must go farther and do it in a way which does not jeopardize our national safety or unfairly burden our hard-working middle class.

We must go farther because, despite the deficit reduction contained in the budget resolution, the national debt would still increase by $1.2 trillion over the next 5 years. Stop and think about that for a moment; $1.2 trillion in deficits would be a new 5-year record in our country's history.

Add to that dubious distinction the fact that the budget resolution only looks good when we look 4 or 5 years down the road. Hiding around the corner are awesome deficits. The upward spiral begins again in 1998 and will reach the $400 billion mark in the first years of the next century. This plan does not adequately address that longer term picture.

It's true the deficit would be even higher without this program, but that argument approaches the issue from the wrong perspective. Just because we make a terrible situation a little more tolerable doesn't mean we have solved the problem. We haven't even come close.

Of course it's also true that it's not the fault of our new President that the budget crisis is so severe. Twelve years of Reaganomics gave him a clean-up job that few people would want. But even though he didn't create the problem, it's now his problem to fix. As the President's booklet, "A Vision of Change in America," explains so well, our long-term economic strength depends on it.

To move to my specific reservations about the plan, Mr. Chairman, let me first address the issue of tax increases versus spending cuts. I have always believed that serious deficit reduction requires a fair balance between these areas. To say, as some do, that we could balance the budget without any tax increases may be good politics, but it is pie-in-the-sky budget planning. I have looked over many of those plans and there is always a glaring lack of specifics when it comes to the half trillion dollars in spending cuts they would require. Again, that may be good politics, but it is fantasy budgeting.

The problem with the budget resolution is that it is unbalanced in the opposite direction. The budget resolution achieves its deficit reduction almost entirely through tax increases. When you factor in $145 billion of planned new spending and some very creative accounting, the ratio is nearly $2 of tax increases for every $1 of spending cuts. I don't oppose the bulk of the tax increases which are concentrated on the wealthy, but we need to beef up the spending cuts in order to whittle down the $1.2 trillion deficits.

The President made a very fair request for specific recommendations of additional cuts. For help in this area, as well as on the tax side, I turned to the people of the Third Congressional District of Illinois. I have always believed myself to be a representative of their views, so I sought their advice firsthand through townhall meetings and a budget worksheet I supplied them. I would like to share the results of their decisions with you.

For the 10 percent surtax on taxable income above $250,000, 3,374 were in favor, 1,129 were opposed, and 369 were undecided.

For increasing the top individual tax rate from 31 percent to 36 percent, 2,790 were in favor, 1,651 were opposed, and 423 were undecided.

For increasing the top corporate tax rate from 34 percent to 36 percent, 2,365 were in favor, 1,888 were opposed and 586 were undecided.

For increasing the taxable amount of Social Security benefits to 85 percent for individual incomes above $25,000 per year or couples over $32,000 per year, 937 were in favor, 3,672 were opposed and 307 were undecided.

For the Btu energy tax, 638 were in favor, 3,990 were opposed and 207 were undecided.

The top five additional spending cuts recommended by my constituents were eliminating the space station, eliminating the superconducting super collider, eliminating funding for the arts and humanities, closing or converting inefficient or underused facilities in veterans hospitals and reducing military reserve personnel by 16 percent to 920,000.

My constituents also strongly support an increase in the Federal cigarette tax by 24 cents per package and raising the alcohol tax by 50 cents per bottle of wine, spirits or six pack of beer.

The easiest additions we could make to the cuts recommended by my constituents would be in planned new spending. Not spending what we plan to is easier than cutting existing funding. All it takes is a swipe of the pen. The budget resolution includes $145 billion in new spending on what the President calls worthwhile investments. I have no doubt these investments are all worthwhile on their own merits. But it is unrealistic to plan a new spending package of this size while we're facing $1.2 trillion in new debt. We simply can't afford it. We need to go through this package program by program to determine what is essential investment and what we can postpone.

Another issue of concern for me, Mr. Chairman, is spending cuts I believe we perhaps cannot afford to make. These are cases of being "penny wise but pound-foolish," where the long-term cost of the cuts will be greater than the immediate savings. Several areas come immediately to mind.

First, the budget resolution calls for $110 billion in defense cuts above and beyond the

Bush administration's planned reductions. In light of the situation in Yugoslavia, the Middle East, and the possible "rebolshevikation" of Russia, cuts of this size are probably premature. We need to revisit this issue so that we do not jeopardize our national security.

Another important safety cut is the possible layoffs of air traffic controllers. The President's goal of cutting 100,000 jobs out of the Federal bureaucracy would proportionally require as many as 2,000 layoffs of air traffic controllers. As a member of the Aviation Subcommittee, I know first hand that aviation safety would be compromised by such layoffs. Safety should always be our top priority.

Other cuts of concern and reductions of Small Business Administration loans, prison construction, drug control staff, Medicare outpatient services and the strategic petroleum reserve. All of these are issues of national security or pressing social concerns like crime and health care. My constituents put these kind of cuts, especially crime-related cuts, at the very bottom of their lists.

Finally, Mr. Chairman, I turn to the aspects of the budget resolution that most immediately impact the people I represent in the Third Congressional District of Illinois. After a decade of shrinking incomes, growing taxes, and decreasing services, the program asks our Nation's struggling middle class to shoulder even more burdens. I believe we should ask them last, not first.

Specifically, I am disappointed the plan resorts to yet more taxes on the middle class through the new Btu tax on energy. This tax will hit middle-class Americans wherever they turn: at the gas pump, on their electric and gas bills, and through the higher cost of many consumer products. The total tax for the average household will be anywhere from $118 to $460 per year depending on whose estimates you believe. Through any tax on middle class is too much, I would at least hope to see some agreement on the numbers before Congress proceeds. It's too important to go in blindly.

I also have serious concerns about the impact of higher Social Security taxes on our senior citizens. For seniors with incomes above $25,000 individually or $32,000 for couples, the President's plan increases the taxable portion of social security benefits from 50 percent to 85 percent. I do not know anyone who thinks that $25,000 or $32,000 is not middle class. Yet the President's plan asks the most from these middle-class Americans by raising their tax bills several hundred dollars per year in addition to the energy taxes.

Because a significant number of my constituents rely on mass transit to meet their transportation needs, I am also disappointed the program short changes mass transit. Over the last 5 years the plan will provide billions of dollars less than was authorized for those years in 1991 under a President who was considered hostile to mass transit. I also oppose the administration's proposal to provide new gas tax revenues entirely to highway programs, which would change a longstanding policy of providing 20 percent of those revenues to mass transit.

These transportation proposals overlook the fact that mass transit programs contribute to the economic development of our metropolitan areas by creating jobs and relieving traffic congestion. It is shortsighted to ignore our transit needs and deny our cities and counties the benefits they gain from transit programs.

To conclude, Mr. Chairman, the people of the Third Congressional District of Illinois understand the deficit problem and want deficit reduction. But they want a serious and balanced plan which achieves long-term fiscal responsibility without unfairly burdening the middle class. As we finalize our economic program during the next several months, I will continue to consult with my constituents on the merits of the program and any proposed revisions. But at present I must vote "no".

Mr. KANJORSKI. Mr. Chairman, I rise today in strong support of the resolution we are currently considering.

During the last election the American people made it clear that they want action from their Nation's leadership to solve a number of significant problems facing the United States. They also made it clear that our current economic quagmire is unacceptable.

By passing this blueprint for the budget for the next fiscal year we are letting the American public know that the Congress is also concerned about our national debt and that it is willing to take aggressive actions to try to resolve our problems, even if these actions are occasionally unpopular.

It is clear that something must be done to control the Federal deficit. Our national debt is now five times what it was in 1980. Left unchecked, the annual Federal deficit will hit $638 billion by the year 2003. The practical impact would be that living standards, which once doubled every 25 years in this Nation, would take nearly 100 years to double. This is unacceptable.

As many people are quick to point out, the resolution before us includes both spending cuts and tax increases to reduce the deficit. When reviewing the President's proposal, my primary concern is that any increase in taxes be apportioned in an equitable and rational manner. I am convinced that the package we are about to vote on meets the criteria.

The wealthy minority of the Nation, who for years have benefited from trickle down economics, must be required to pay their fair share. Furthermore, we must not put any more strain on families and individuals who are currently just making ends meet. These people, the working and middle classes and the senior citizens, are the backbone of our Nation.

Like most people who have taken the time to carefully review the President's proposal, there are items I disagree with. Nonetheless the overall package places a minority of the burden on the people and the corporations which are in the best position to make concessions.

Furthermore, I strongly support the portion of President Clinton's plan which calls for substantial spending cuts to help bring Federal spending back into line. I will join the President in reviewing every Federal program and making cuts wherever possible, and I would like to take this opportunity to urge the President and my colleagues to take an especially hard look at the increasing trend of academic and corporate welfare.

In addition to the specific cuts that the President has recommended I am committed to remaining an outspoken critic of Government programs that do not benefit the American public, that have a negligible return on their investments, or that are better suited for the private sector.

In my testimony to the House Budget Committee last week, I recommended to the President and my colleagues in the Congress more than $200 billion worth of additional cuts in spending that can be made over the next 5 years. These specific cuts were also detailed in the March 10 CONGRESSIONAL RECORD.

It would be foolish for the President or Congress to ask Americans to make any sacrifices if we are not doing all we can to see that abuse, mismanagement, and unnecessary spending are eradicated.

Those of us who live in America have been the beneficiaries of nearly 200 years of responsible economic policies. However, for the last decade successive Presidents have used their veto power to pursue and impose an irresponsible course of fiscal policies that will deny future generations of Americans the quality of life and expectations that we have enjoyed. This should be unacceptable to all of us.

As a Member of Congress for the last 7 years I have been unduly frustrated by the inability of the leadership of this Nation to take seriously the threat posed by our overwhelming deficit. The U.S. deficit, if left unchecked, could very easily be the downfall of this Nation, and mere lip service will not make it go away. Fortunately, President Clinton has taken a leadership role in redirecting our ship of state. It is now incumbent for the Congress and the American people to support this difficult effort.

Mr. Chairman, colleagues, no solution will be easy, nor will any solution be immediate. Doing nothing, however, would be a crime against the future.

For this reason, I support the resolution currently before us and I urge all of my colleagues to do the same.

Mr. MURTHA. Mr. Chairman, I want to address for a moment the defense portion of the budget resolution.

I believe we can live with the figure for defense for fiscal year 1994 that is embodied in this resolution but it will not be easy, especially if additional budget factors come into play which I will discuss later.

By 1997, it is projected that we will have 1.4 million men and women in uniform, the lowest number since before Pearl Harbor.

By 1997, there will be 12 years of decline in defense except for the one-time spike for Desert Storm.

In a few years defense spending will be the lowest percent of GNP since before World War II.

Within a few years, over 600 overseas bases will be shut down, scaled back, or placed on standby.

We also have had, of course, a significant reduction in domestic bases.

NEW POLICY REQUIRED

Now we all recognize that because of the collapse of the former Soviet Union, significant decreases in defense spending have been warranted.

However, I'd like to make two observations on that issue:

First, as I've already pointed out, dramatic reductions have been made and are projected to be made in the future.

Second, the simple fact is that the new world order is: not orderly; and not very new.

As the former head of the Central Intelligence Agency recently stated: "With the breakdown of communism, age old ethnics, religious, political and regional conflicts have reemerged with a vengeance".

So we live in a very destabilized and volatile global geopolitical situation, and as the world's only superpower we need a robust military capability on that global stage.

North Korea continues to develop nuclear weapons.

Iran continues a vigorous military buildup.

Saddam Hussein is still around.

An unstable Russia currently has tens of thousands of nuclear warheads.

There is a potential of a spreading conflict in the Balkans.

We must develop a defense budget based on a new national security policy as opposed to budgetary numbers driving our decisions.

PERSONNEL ARE KEY

It is difficult to make a precise determination as to what level of force structure and defense spending is needed to deal with the world geopolitical situation.

But there is one constant in this debate that we know we need: well-trained, highly motivated, professional men and women serving in the Armed Forces.

We had that force in Desert Storm.

We have that force today.

However, I have observed long-lead indicators that show we may have quality problems in the future.

First, a poll which gauges the intention of young people to enlist the armed services has been on a downward curve.

Second, recently, the number of high school graduates entering the service is declining. It had been almost 100 percent and now its in the low 90 percent for most of the services.

Third, frequent deployments must be draining morale; one Marine unit I inspected in Somalia had been deployed abroad three straight Christmases.

We must be very careful over the next few years to ensure that a hollow force does not reemerge.

As I look at the defense budget I see some real funding problems we face:

We may very well want to restore the pay cut to at least some of the military.

Anticipated management savings may not materialize.

Inflation estimates may be too low.

If the Btu tax applies to the DOD, DOD will have an additional major bill to pay.

Economic conversion will be expensive.

Cleanup of nuclear and chemical weapon sites and conventional environmental cleanup will be very costly.

The price tag for all these are expanding at the very time the budget is declining.

If significant declines in defense continue in the outyears, we may very well have to decide between quality people versus expensive new hardware programs.

If it comes to that, I will be for retaining the quality force and reluctantly have to oppose various high-dollar hardware programs.

We need to maintain a quality force at all costs.

If a new national security policy is not developed and we abide by the current national security commitments, the outyear budget levels are too low.

Mr. KYL. Mr. Chairman, the Full Employment Act of 1946, as subsequently amended by Humphrey-Hawkins, sets out specific numerical goals for economic policy. As amended, there are three goals:

First, 4 percent unemployment;

Second, 3 percent inflation; and

Third, a 20 percent of gross national product [GNP] cap on Federal spending.

These have been official congressional policy since 1979. But, of course, Congress doesn't meet these goals, particularly the 20 percent of GNP spending limit.

The budget resolution before us today would set spending levels for fiscal year 1994 at about 25 percent of GNP, far above Congress' official established policy.

Like so many other attempts to constrain spending and balance the budget, Congress has simply ignored Humphrey-Hawkins' statutory spending limit goal, and that is why I believe a constitutional spending limit is needed.

With that in mind, I've introduced the balanced budget/spending limitation amendment, which would do three things: require a balanced Federal budget; establish a Federal spending limit, at 19 percent of GNP—a more accurate historical average than Humphrey-Hawkins' 20-percent limit—and, in order to help enforce the foregoing requirements, provides the President with line-item veto authority.

The balanced budget/spending limitation amendment is based upon two fundamental premises: First, the Federal Government must begin to live within its means; second, how the Government lives within its means is as important as the mere fact that it does live within its means.

When the American people say they want a balanced budget, they mean less Government spending, not an increase in their already heavy tax burden. Many of our offices have been flooded in recent weeks with calls, letters, and postcards demanding that Congress cut spending first.

The balanced budget/spending limitation amendment would protect against tax increases—particularly the magnitude of tax increases proposed by the President—by limiting spending to 19 percent of GNP, the average level of revenue the Government has been collecting for the last 25 years.

By tying Federal spending to GNP, the Kyl amendment also gives Congress the incentive to enact pro-growth economic policies. The more the economy grows, the more Congress can spend.

The need for a Federal spending limit is evidenced in two reports, one released by the General Accounting Office [GAO] last June. The GAO projected that, based on current trends, Federal spending could grow to 42.4 percent of GNP by the year 2020, from about 25 percent today, with a real per capita GNP in the year 2020 unchanged from the current level of $24,000 a year. In other words, if Federal spending isn't limited, there will be no improved standard of living for the next generation.

A report released in 1991 by Stephen Moore of the Institute for Policy Innovation came to similar conclusions about the proportion of GNP the Government will command if current trends are followed. The report concluded that:

> Meaningful, constitutional limits on the growth of Federal spending are needed to bring the size of government down to economically sustainable levels. One way to achieve this end would be to limit the percentage of GNP which the government can command from the private economy.

Moreover, according to Dr. James M. Buchanan, the 1986 Nobel laureate in economic sciences:

> Reducing government as a share of GNP from its current level of 25 percent to, say, 20 percent would generate roughly a two percent increase in the rate of growth in GNP. And back-of-the-envelope arithmetic suggests that by the early 2000s, and forever beyond, the real value of the programs financed by government would be larger than they would be under the regime that keeps government's share at 25 percent.

This is precisely what the Kyl amendment will do.

Mr. Chairman, the idea of a Federal spending limit is not new. It is set in law in Humphrey-Hawkins, under which we are debating today.

If this House is serious about deficit reduction, and about meeting the statutory goals it has set for itself, it should reject the budget resolution reported by the Budget Committee, pass the alternative Kasich budget, and then take up the balanced budget/spending limitation amendment.

Let's heed the people's call to cut spending first.

Mr. KLECZKA. Mr. Chairman, the House will soon vote on the budget resolution for fiscal year 1994—House Concurrent Resolution 64. This congressional budget blueprint keeps the implementation schedule of the President's economic program on track, and is almost a month early in terms of the April 15 statutory deadline. We are serious about long-term investment, reduced Federal spending, and deficit reduction, and this plan shows it.

The budget resolution incorporates the long-term investment strategies put forth by President Clinton. It designates true budget priorities, recommending not only how much to fund, but where to fund it. The President targets scarce resources where they are best used—in human capital and physical capital—which comprise the job-creating, growth-producing sector of the economy.

The long-term investment priorities include education, infrastructure, retraining for displaced workers, Head Start, child immunizations against disease, health care research, development of civilian technologies, and community economic development.

The budget resolution also accommodates the President's proposed tax incentives for economic growth, which include incentives for investment in equipment and factory modernization, small business venture capital stock, low-income housing and mortgage revenue bonds, and expansion of the work-based earned income tax credit.

House Concurrent Resolution 64 follows through on the President's goals for deficit reduction, recommending some $510 billion in reduced deficits over 5 years. It would halve the deficit as a percentage of gross domestic product, and more than meet the President's 1997 goal for deficit reduction.

We have unequivocally responded to our constituents, who have called for higher levels of reduced spending. The resolution makes an additional $63 billion in spending cuts, and $11 billion in reduced interest payments.

The spending cuts are tough, and they are real. There will be $90 billion in entitlement savings, including $48.3 billion in reduced Medicare payments to providers. However, Medicare recipients are not hit with higher out-of-pocket expenses. Defense spending is further reduced, and annual discretionary spending is cut back below 1993 levels and then frozen at those levels for 5 years. These are true austerity measures on the part of the Federal Government.

This belt-tightening may not be pleasant for those affected, but the resulting overall economic improvement, such as continued reduction in long-term interest rates, is healthy for both consumers and business investment. A healthy economy will provide more opportunities for high wage jobs and growing incomes. That is what we are working toward with this plan.

Mr. Chairman, the budget resolution incorporates President Clinton's economic plan for investment, deficit reduction and budget priorities. The plan provides the bricks and mortar needed for an improved job market and higher standard of living. With our support for this legislation, we can use these materials to construct a solid economic structure.

Mr. ANDREWS of Texas. Mr. Chairman, today we are considering a budget resolution that mandates the most significant reduction in the budget deficit since I have been in Congress.

This budget reduces the deficit by $510 billion over the next 5 years and cuts spending $63 billion more than the President has proposed.

The economic effect is to cut the deficit as a percent of gross domestic product in half: from 4.9 percent in 1993 to 2.5 percent in 1998. This yields more savings and speeds private sector capital formation resulting in greater economic growth.

The economic assumptions used are conservative; as reported in the Wall Street Journal on Tuesday, many economists think we will, in fact, achieve greater deficit reduction and growth than this budget assumes.

This budget freezes discretionary spending below the 1993 level for the next 5 years and ensures that the 1997 deficit will be $144 billion less than under current spending.

Clearly, more difficult decisions lie ahead of us in the battle to balance the budget.

I hope that we can uncover additional spending cuts in the future and that we enact both a balanced budget amendment and an enhanced rescission process to bring the deficit to zero. But today's resolution moves us closer to a balanced budget than we have been at any time in the past decade.

Mr. LIGHTFOOT. Mr. Chairman, I rise in opposition to the bill. We were elected by people who realize the days of reckless Federal spending must end. They expect us to come here and establish fiscal priorities and make difficult funding decisions between worthy programs.

The bill before us today does none of that. Instead it says; "call the mint and tell them to print up some new money, the Democrats have a new spending bill."

I agree with a number of the goals of this bill. We should give more money to the WIC Program, we should give more money to community development block grant assistance and we should fully fund the 1991 highway bill.

But that funding should come from establishing priorities, making tough choices and cutting other programs. That's governing, that's political courage. Adding to the deficit, as this bill does, is an act of political cowardice. And worse, it's a blatant attempt by President Clinton to attach his name to an economic recovery in which he played no part.

We have been told that this $16 billion emergency bill is both an economic stimulus package and a long-term investment in our people. I wonder how the American people are going to score some of the spending the Democrats have slipped into this bill. How do you think they will score the millions spent in this bill for migratory bird management and fisheries? Does that stimulate the economy or is that an investment in people? How about the millions spent over at the National Science Foundation to give bureaucrats raises? How many jobs will that create?

And no irresponsible spending bill would be complete without the District of Columbia. The District gets $28 million. The Democrats might call that investment or stimulus but in Iowa we call that another bailout of the Nation's most inefficient and bloated local government.

Every effort in committee to make this spending package more responsible or at least accountable was soundly rejected. I personally offered amendments at subcommittee to put this spending on budget, so we don't just borrow more and further exacerbate the deficit.

This bill proposes to stimulate an economy already on the move at a cost of $52,000 per job created. At that rate it won't be very long before the Democrats push us back into recession. But this time they will have no one to blame but themselves.

I urge my colleagues to defeat this bill.

Ms. VELAZQUEZ. Mr. Chairman, I rise today in strong support of our President and in strong support of House Concurrent Resolution 64, the budget resolution for fiscal year 1994. President Clinton told the American people last fall, that if he was entrusted with the responsibilities of executive governance, he would bring change—change from the human disregard of the past decade. He has already delivered on that promise because, like Martin Luther King, he believes that "what self-centered men have torn down, other centered men can build up."

The President and the Democrats in Congress have presented an economic package that will accomplish what no Republican even attempted in 12 years. We have before us an investment package that carefully balances the needs and ambitions of our country—for jobs, housing, education, and economic development—with the daunting reality of an out of control budget deficit. The budget package accomplishes this delicate balance by fairly placing the greatest burden on those that reaped the greatest returns in the hit-and-run 1980's.

Today, for the first time in more than a decade, the executive and legislative branches of Government come together to outline the future of this country. That future is paved by a plan that commits $2 out of every $3 saved from spending cuts and revenue increase for deficit reduction, while $1 out of every $3 saved is used for new investment. As a result, the budget achieves substantial deficit reduction while also making sizable new investments to improve long-term growth and address unmet needs.

I must state for the record that I would have preferred a package that went further in addressing the needs of our devastated communities, a package that would have contained more social investment. I was particularly concerned when $63 billion in cuts were added to the President's initial plan. These are real cuts in significant areas, some of which hurt. That is why I believe that the economic stimulus package cannot be trimmed, cannot be altered. We must hold the line on this cutting frenzy. That is also why I supported the alternative budget package offered by the Congressional Black Caucus and the congressional progressive caucus which mirrored the President's package in many ways but added to it in some areas. This alternative plan achieved added investments for social programs through increasing the top corporate tax rate from 36 to 38 percent and raising the top rate on capital gains income from 28 to 31 percent. The alternative budget also eliminated the two regressive provisions of the Democratic tax package—the energy tax and the increase in taxes on higher income Social Security recipients. But, unfortunately, I realize that we do not have the votes to make these changes to the budget, so I believe strongly that the Democratic budget is the best plan we can pass through the Congress.

To understand fully the need for social investment and economic parity in this country, we need to understand fully the present condition of this country and how we got here. We must realize that the disastrous economic decisions of the Reagan and Bush years have choked us with a long running economic recession, which has particularly affected low wage laborers and people of color, and damaged the prospects for long-term economic growth in this country.

The senseless military buildup of the last decade has been rendered useless by the spread of democracy and the end of the cold war. Money was stripped from housing and other social programs to fuel the missiles and tanks that now sit there and await the arrival of a military enemy, while the enemies of poverty, hopelessness, sickness, and inequality devour our human potential. As Bill Clinton and AL GORE articulated in their campaign literature, "during the 1980's, our Government betrayed the values that made America great: providing opportunity, taking responsibility, rewarding work."

As census data shows, there were 35.7 million poor Americans in 1991, numbers which had not been seen in this country since before the great society programs of the 1960's. It is important to note that this statistic is based on the Government standard of poverty which lists the average poverty threshold for a family of four at under $14,000, which comes to approximately $67 per week to house, feed and clothe each person in that family—an inconceivable standard that requires careful review and revision.

This increase in poverty was particularly sharp among our youngest Americans, with now over 14 million children officially classified as poor. Like the overall number of poor people, this number of poor children is greater than at any time in the last two decades. Certainly, the recession has contributed harshly to these numbers but it is not the sole culprit. Even before the recession we saw many working class families less able to put their hands on the ladder of mobility, let alone attempt a climb. According to the Center on Budget and Policy Priorities in Washington, the principal determinants of these statistics have been declining wages and a weakening of the safety net.

A 1992 census report illustrated that the proportion of full-time year round workers who are paid wages too low to lift a family of four out of poverty has grown sharply in recent years. In 1979, some 12.1 percent of workers were paid wages this low. By 1990, that figure grew to 18 percent. The census data also reveals a long-term increase in poverty rates among working families. The poverty rate for families with children in which the family head works climbed nearly one-fourth between 1980 and 1991.

But the declines in income have not been across the board. Changes to the U.S. Tax Code during the early 1980's robbed Pedro to pay Paul. Average working families paid $5.8 billion more in taxes between 1977 and 1992, while those families earning incomes over $168,000 received a $83.7 billion windfall. This redistribution of income is most starkly portrayed by the statistic that in 1983, the wealthiest 1 percent of the population controlled 31.3 percent of the wealth but by 1989, they controlled 37.1 percent of the wealth. To understand the impact of these numbers think of dividing $100 among 100 people. One person would get $37 and the other 99 people would each receive 68 cents. That is the state of income distribution in this country.

The poisons of racism and sexism have further aggravated wage disparities. While white male weekly incomes average $509, those of black and Hispanics average $374 and $328 respectively. The U.S. Bureau of Labor Statistics also informs us that these same weekly wages were $374 for white women, $323 for black women, and $293 for Hispanic women, making us the lowest paid of all groups.

A second factor pushing poverty rates up over the past decade has been declines in Government assistance programs, especially those for the poor and the unemployed. Many of these Government cuts were directed where we could least afford them, our cities: General revenue sharing was eliminated, urban development action grants were eliminated, community development block grants were reduced by over $15 billion, assisted housing money was cut by over 68 percent and urban mass transit funding was cut by close to $8 billion.

These long-term trends have forcefully intensified the polarization of our society into those that have too much and those that have no chance. In my home state of New York, the 1980's saw a 10-percent decline in the incomes of the poorest fifth of families but an astounding 20-percent increase in the incomes of the richest fifth of families. I believe that this is not what the founding fathers—and mothers—of our nascent Government had in mind when they assembled "to form a more perfect union" and "promote the general welfare" of its citizens.

So it should come as no surprise that our country wanted change. There was a desire by the electorate for representation that was more in touch with them, the desire to vote for someone who had a genuine understanding of the every day hardships faced by American voters, the desire to vote for someone who would fight for their interests, and the desire to vote for someone who would make their lives more secure. So, this country elected a Democrat, Bill Clinton, to represent them in Washington.

We must now translate the political empowerment illustrated by this election, into economic empowerment for all Americans. We must have the vision to advance those initiatives that will help people contribute to the system in the long run, rather than drain from the system. The budget initiatives before us, some directly—others indirectly, will enable our people to produce for themselves.

The budget resolution assumes the major Clinton initiatives that put people first, protect our children and assist the most vulnerable in our society. The budget provides full funding for Head Start. By 1999, this essential proposal will help 1.4 million eligible, disadvantaged children get ready for school, stay healthy with immunizations and health checkups, and receive nutritious meals.

By providing full funding of the Special Supplemental Nutrition Program for women, infants and children [WIC] by 1996, the budget proposal will add 1.9 million pregnant women, infants, and children to this vital program which addresses infant mortality.

To reduce hunger in America, the budget package increases food stamps by $7 billion over the next 5 years. The measure also makes a commitment to our youth by providing 2 million jobs in summer youth employment and training for economically disadvantaged youth aged 14 to 21 as well as funding to repair and maintain Job Corps centers and to begin building new ones.

The package also includes a substantial expansion in the earned income tax credit assistance for very low-income people. The credit would allow a minimum wage worker to at least bring his or her family up to the poverty line. The credit is tied to earnings so it rewards work.

To shelter our people and develop our neighborhoods, the budget package makes a substantial commitment to housing and community development. The package mirrors the President's proposal to increase rental assistance from 40,000 units to 100,000 units by 1998.

Although a comprehensive health care reform proposal will be presented to the Congress by the administration in the spring, the President and the Democrats in Congress did not ignore this issue in the budget proposal. The resolution includes full funding for Ryan White AIDS programs major increases for childhood immunizations, substantial increases in biomedical research for women's health and increases for more health clinics in low-income urban neighborhoods.

Mr. Chairman, this is a budget package that invests in our future and our people. I urge my colleagues to support this budget and then heed the call of Pericles to "wait for that wisest of counselors—time," for time will prove this package to be right for America.

Mr. KLEIN. Mr. Chairman, these last couple of weeks, I have been wading through the letters and listening to the flood of phone calls from my neighbors back home. They are worried about how the economic proposals are going to affect their pocketbooks.

My home State of New Jersey has not bounced back from the recession. It currently ranks 46th in job creation among the 50 States and February's unemployment rate was up from last month at an outrageous 7.8 percent. Our economy needs an extra kick in the pants and the stimulus package is just the boost we are looking for. It promises jobs and it will lay the groundwork for a stable and expanding economy in the future.

The stimulus package would provide $16.3 billion in supplemental appropriations requested by President Bill Clinton for investment in infrastructure; jobs and human resources; community development; and energy, environment, and technology programs. Included in the measure is $4 billion in mandatory spending to cover this year's costs of the recent extension in emergency unemployment benefits and $3 billion from the highway trust fund for road construction and maintenance.

I'm reluctantly voting for the budget resolution. But the fact remains that we need a vehicle to move the process of deficit reduction and economic growth forward. Even though this makes real and significant cuts in the budget deficit; this resolution will reduce the deficit by $510 billion in 5 years. Yet, I still feel that additional cuts are needed and can be found.

I am pleased that the House Budget Committee cut spending by an additional $63 billion and that the Senate is proposing even greater spending cuts. Even I, as a freshman in my first 2 months in office, was personally responsible for saving the Federal Government $70 million in one program. I plan to continue my search for spending cuts whenever and wherever I can find them.

The budget resolution consolidates President Clinton's 5-year economic plan and the $63 billion in spending cuts made by the House Budget Committee. It calls for deficit reduction and investments in programs to generate economic growth over the next 5 years.

The vote on the budget resolution was extremely difficult for me because I am not satisfied with the total package but we have to put a ceiling on the spending we do around here. Even though it is not perfect, it was the best plan offered to achieve my goals of job creation and long-term economic growth. The whole is greater than the sum of its parts. The resolution reported by the Budget Committee significantly reduces the deficit, invests in

America's future, and makes the structural changes that are desperately needed for a healthy, stable, and growing economy.

The real cuts in spending will come out of the Appropriations Committee and the real revenue provisions will come out of the Ways and Means Committee. If I am not satisfied with the results of these committees when they are presented, I simply will not vote for them. But something must be done. For now, the President deserves a change to have his plan move forward.

It is not set in stone. This is only a blueprint. If the spending cuts do not materialize and Congress does not make significant attempts to find additional cuts, then I reserve the right not to support it.

Mr. MINETA. Mr. Chairman, I rise today in strong support of House Concurrent Resolution 64, the budget resolution for fiscal year 1994.

Do I believe that this budget is perfect? No. Perfection is not an art we have mastered in Washington, DC.

I, for one, have long been an opponent of several of the cuts being proposed in this package. I am opposed to cuts in the cost of living adjustments to Federal retirees. I am opposed to cuts in Medicare reimbursement to hospitals and doctors in the absence of national health care reform. I am opposed to raising the percentage of Social Security benefits subject to the income tax.

For every single provision of this budget, I am confident we could find some group of Members in opposition.

But Mr. Chairman, the time has come to finally move forward on our budget crisis and I will not take part in derailing that effort. The future economic and social health of our Nation is at stake in this debate. If we allow ourselves to pick this budget apart piece by piece, it will collapse. This Nation cannot afford for that to happen.

This budget will make a frontal assault on our deficit crisis by producing $510 billion in real deficit reduction over the next 5 years.

It will be long last move America toward the kind of economy we must have in the post-cold-war world by using Federal investment to build a solid base for civilian high-technology industries.

It recognizes that meeting our commitment to infrastructure investment is crucial to stimulate the private sector growth which will create good jobs for our people.

It recognizes that our most precious resources—the American people—have too long been overlooked. By increasing investment in the Head Start Program, in worker retraining, in health care research and treatment, and in the economic viability of our cities, it finally reverses 12 years of neglect.

There is an old saying, Mr. Chairman, that what wears down a traveler is not the mountain in the distance—it is the grain of sand in his shoe. Will the first steps along this road to economic security be painful? Absolutely. But for the good of the Nation, we cannot afford to let that pain stop us from beginning the journey.

We have the opportunity today to place this country firmly on the path to economic prosperity and a brighter future for our children. We cannot let that chance pass us by.

I urge my colleagues to join me in supporting the resolution.

Mr. BORSKI. Mr. Chairman, I rise in support of House Concurrent Resolution 64, the budget resolution for fiscal year 1994, and H.R. 1335 the stimulus and investment supplemental appropriations for fiscal year 1993.

On February 17, 1993, President Clinton unveiled his economic and deficit reduction package and gave this country new direction and new hope for the future.

House Concurrent Resolution 64, and H.R. 1335, together largely embody President Clinton's bold economic proposals. I strongly support these measures, which will reverse the trends of the last 12 years that have created huge deficits and economic decline, and will put us on the path to long-term economic growth.

Under the Reagan and Bush administrations, most Americans experienced a decline in their real wages; their families increasingly had to rely on two-earner couples; they saw the gap between the rich and poor widen; they witnessed growing poverty and homelessness; and they felt the threat of a ballooning Federal deficit impeding economic recovery. Mr. Chairman, the American people have asked for change.

The budget resolution and supplemental appropriations, as a reflection of President Clinton's plan, offer major changes in economic policy necessary to create jobs, reinvigorate the economy, cut the Federal deficit and restore a measure of fairness to the system.

In a recovery that still lacks job growth, the plan will generate more and better jobs for millions of Americans who are out of work. The plan calls for increased funding for jobs programs and job training, mass transit, highway construction, research and development, defense conversion and a variety of other investment programs that will create an estimated 8 million jobs over the next 4 years.

The plan also increases investment in human capital by providing funding for programs such as Head Start, child immunization, education and training initiatives. Creating a more healthy and productive work force is a true investment in our future.

The plan also provides much needed funding for housing and community development to help rebuild and revitalize our cities.

The budget resolution includes a credible deficit-reduction plan, in which the Federal deficit will be reduced by $510 billion over the next 5 years. The resolution adds an additional $62 billion in discretionary spending cuts to the President's proposal. More than half of the deficit reduction plan is to be achieved through spending cuts. The remaining deficit reduction will come from revenue increases.

The budget resolution restores a measure of fairness to the system. The resolution calls for the revenue proposals included in the President's package. The wealthiest few who paid less taxes on higher incomes in the 1980's will be asked to pay their fair share. Those making over $100,000 a year, will pay 70 percent of the new taxes.

With the increased earned income tax credit and increased funding for food stamps, also recommended by the President, people making under $30,000 will pay virtually no increase in taxes and those making less than $10,000 will actually pay fewer taxes.

Mr. Chairman, we may not like all of the items in the President's package, however, it represents a break from the failed policies of the past and a step in the right direction. I urge all of my colleagues to support the President and vote for House Concurrent Resolution 64 and H.R. 1335.

Mrs. LLOYD. Mr. Chairman, today we take a definitive step toward long-term deficit reduction. Long an issue of tremendous concern to Tennessee's Third Congressional District and myself, the national debt has paralyzed our efforts toward steady job growth and economic stability. Taming the national debt will free up critical resources needed for programs that have real promise and provide hope to the men, women, and children of this country.

The budget resolution before us is by no means perfect. It is representative of a compromise between dramatic spending cuts and revenue increases. House Concurrent Resolution 64 is an outline for our spending and revenue intake over the next fiscal year. It is a starting point in the budget process that, as it stands now, will yield $510 billion in deficit reduction over the next 5 years.

I want to applaud the Budget Committee for offering $63 billion more in budget cuts above what the President offered. I was one of several Members who encouraged the committee and the President to find greater savings. We are on the right track. But let's not stop cutting there. Now we should look for even more areas for reductions. Let us issue a challenge to our colleagues to weigh in below the discretionary budget caps for fiscal year 1994 and take an even bigger chunk out of the deficit.

Mr. Chairman, the passage of this budget resolution is not without some pain. While it does not target specific programs or types of tax increases, it does set limits which will undoubtedly have some impact on the public. Thousands of my constituents have called for a good faith effort by Congress to reduce spending before they consider raising any type of taxes. This resolution offers just that. I have heard from many who are willing to consider a fair, but limited tax increase if the spending cuts are there. The next couple of months will afford the Members time to judge the specifics of the package to see if it meets the test of fairness and achieves our objectives.

Failure to pass the fiscal year 1994 budget resolution will show the American people that gridlock and irresponsibility continue to prevail in Congress and the executive branch. Let us move forward with the resolution, begin the budget process, and get this country back on its feet. It is time to make the tough decisions, face our problems head on and launch an all out assault on wasteful Government spending and the national debt. Vote "yes" on House Concurrent Resolution 64.

The CHAIRMAN. All time for debate has expired.

Under the rule, the Committee rises.

□ 2050

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McDERMOTT) having assumed the chair, Mr. SERRANO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the U.S. Government for the fiscal years 1994, 1995, 1996, 1997, and 1998, he reported the concurrent resolution back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KASICH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 243, noes 183, not voting 4, as follows:

[Roll No. 85]

AYES—243

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lloyd
Lowey
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—183

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Long
Machtley
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Nussle
Oxley
Packard
Paxon
Petri
Pickett
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—4

Ford (TN)
Henry
Myers
Quillen

□ 2111

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

REMOVAL OF NAMES OF COSPONSORS FROM H.R. 1178

Mr. STENHOLM. Mr. Speaker, I ask unanimous consent that the names of all of the cosponsors be removed from H.R. 1178.

The SPEAKER pro tempore (Mr. McDERMOTT). Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mrs. MALONEY. Mr. Speaker, I was in a meeting and inadvertently missed rollcall vote No. 83, the motion offered by Mr. BURTON to strike the resolving clause. Since this motion would have killed House Concurrent Resolution 64, the budget resolution, I would have voted "nay."

PERSONAL EXPLANATION

Mr. FLAKE. Mr. Speaker, I wish to state for the RECORD that on rollcall vote number 79, I inadvertently voted "no" when I had intended to vote "yes."

GENERAL LEAVE

Mr. SABO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, in the RECORD on House Concurrent Resolution 64.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT TUESDAY, MARCH 23, 1993, TO FILE PRIVILEGED REPORT ON H.R. 670, THE FAMILY PLANNING AMENDMENTS ACT OF 1992

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight on the night of Tuesday, March 23, 1993, to file a privileged report with respect to H.R. 670, the Family Planning Amendments Act of 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1993

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 132 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 132

Resolved, That upon the adoption of this resolution it shall be in order to consider further in the House the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes. All points of order against the bill are waived. It shall be in order to consider one amendment, if offered by the chairman of the Committee on Appropriations. The amendment shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against the amendment are waived. The previous question shall be considered as ordered on the amendment and on the bill to final passage without intervening motion except one motion to recommit, if offered by Representative Michel of Illinois or his designee. A motion to recommit with instructions shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is yielded for the purpose of debate only.

Mr. Speaker, House Resolution 132 makes in order the further consideration of H.R. 1335, the President's economic stimulus bill, in the House. The resolution waives all points of order against the bill and makes in order one indivisible amendment if offered by the chairman of the Committee on Appropriations. The amendment will be considered as read and debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. The amendment will not be subject to further amendment and all points of order against the amendment will be waived.

Finally, under the resolution the previous question will be considered as ordered on the amendment and the bill to final passage without intervening motion except one motion to recommit, if offered by Representative MICHEL or his designee. If the motion to recommit contains instructions, the motion will be debatable for 1 hour, equally divided by the proponent and an opponent.

Mr. Speaker, in the publication entitled "A Vision of Change for America," the President outlines a plan to begin the process of restoring the American dream for us and our children.

The President's plan has three key elements: economic stimulus, to create jobs now while laying the foundation for long-term economic growth; public investments to increase the productivity of our people and our businesses; and a serious, fair, and balanced deficit-reduction plan to stop the Government from draining the private investments that generate jobs and increase incomes.

Mr. Speaker, H.R. 1335 embodies the first element of the President's three-part plan: the economic stimulus. The bill invests in the improvement of our infrastructure by financing improvements for our highways, airports, and mass transit systems. These improvements will put thousands of Americans back to work and help place our Nation on an equal footing with competitors who have already invested heavily in their infrastructures.

The bill invests in our people by providing additional resources for education and job training like summer youth employment, college loans and grants, and elementary and secondary school assistance. This will help all Americans, not just a privileged few, to acquire the skills it takes to succeed in today's competitive global environment.

The bill also invests in research and development by accelerating the development and use of science and technology through enhanced computer development and deployment, telecommunications network promotion, engineering, and scientific research. This type of investment will ensure our Nation remains a world leader in these fields.

Finally, for those who want to work but cannot find jobs, the bill provides $4 billion to fund extended unemployment benefits to the 1.9 million individuals who have exhausted their State unemployment benefits. The President signed this legislation earlier this month.

Mr. Speaker, House Resolution 132 will allow the House to complete expeditiously its consideration of this important legislation to boost a weak economy, create jobs, and begin to invest in our country's future. I urge my colleagues to support the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my voice may not be strong, but there was no way in the world that I was going to miss the opportunity to rise here in strong opposition to this rule. This gag rule is a clear reflection of a Democratic leadership that opposes open debate, that scoffs at fiscal responsibility, and that pays nothing more than lipservice to the rights of the people's Representatives here in this House.

Mr. Speaker, the vote on this rule represents one of the clearest votes on fiscal responsibility that we will have this year. It presents a distinct choice upon which the American people can judge their elected representatives. The vote on this rule will separate the House of Representatives into two simple groups. On one hand, there are those who support change in Congress, responsibility for spending, and truth in government.

□ 2120

They will vote "no" on this rule; on the other hand, there are those who support business as usual, prolific spending, and want to hide responsibility from the American people—those Members will vote "yes" on this horrible rule.

Mr. Speaker, this closed rule strips every Member of Congress, Democrats and Republicans, of their right to offer an amendment to reduce spending on an appropriations bill. Historically, the vast majority of emergency appropriations bills come to the floor under a procedure that permits Members to call a vote on particular spending items.

Those urgent supplemental appropriations bills were considered under normal procedures because the spending really was urgent. Why does the Democratic leadership require an unprecedented complete gag rule on this $19.5 billion emergency spending bill? Because if amendments to strike spending are permitted, then the truth will come out that most of this spending has absolutely nothing to do with any emergency, will not stimulate any job creation, and is not urgent to anyone but the special interests and politicians.

The Democratic leadership, Mr. Speaker, may think they can hide the specifics of this spending bill from the American people, but they are dead wrong. The American taxpayers are taking the time to see through the smokescreen that is being put up here—and they are not about to be confused or deceived by the phoney leadership amendment that is nothing but an 11th hour attempt to cover up all the waste and pork in this bill.

The vote on this rule is a vote on important amendments to control wasteful spending. Don't just take my word on it—the National Taxpayers Union, the Citizens Against Government Waste, and the Citizens for a Sound Economy all recognize that the vote on this rule is not a procedural vote, it's a real vote for controlling runaway spending. Everyone should be aware that those groups are watching, and scoring, the vote on this rule.

I repeat, they are watching this vote. I know there are many Members in this Congress who could care less about that, but I believe that these organizations truly are a watchdog entity which will gauge this vote.

A "yes" vote on this rule means you oppose a number of bipartisan amendments which will cut nonemergency, nonstimulus spending from this $19.5 billion budget-busting bill.

Now, it must be made clear, just because a Member votes "no" on this rule, it doesn't mean they support every amendment submitted to the Rules Committee, but if someone does cast a "yes" vote, they cannot claim to support even one of the proposed amendments.

A "yes" vote on this rule is a "no" vote on the Stenholm amendment. The Stenholm amendment restricts the emergency designation from any of the spending that does not occur in 1993.

This very thoughtful amendment, which has bipartisan support, would require about $10 billion of this bill to go through the normal appropriation process, reducing the deficit impact of this so-called emergency bill. No member of this House can claim to support Mr. STENHOLM's amendment, or his efforts to control spending, and vote "yes" on this rule.

A "yes" vote on this rule is a vote for $28 million to forgive the debt of the District of Columbia. Is that an emergency? When the American taxpayers are paying higher taxes to reduce our national deficit, it certainly is no emergency, and it provides no stimulus, to the District of Columbia.

The Walsh amendment that was proposed upstairs in the Rules Committee would have allowed it, but of course it is denied, so we will not have an opportunity to delete that under this rule.

A "yes" vote on this rule is a vote for $1.55 million to the Fish and Wildlife Service for fish research and fish atlases which was in the committee's bill. These might be important programs, but they are certainly not emergencies, nor are they a job stimulus. They are more like aquatic pork, pig fish if you will, and if not, they should go through the normal appropriations process. If we had allowed the Hefley amendment we would have had an opportunity to delete that.

Mr. Speaker, a "yes" vote on this rule is a vote to spend all this money without paying for it. The American people want us to be accountable and responsible. They do not want higher deficits—they want us to pay for our programs. The Packard amendment on that would have allowed us to do just that.

A "yes" vote on this rule is a vote to add $2.5 billion to the Community Development Block Grant fund that is already backed up with $4 billion in unspent appropriations. There is no emergency there, Mr. Speaker, and this $2.5 billion will not create a job for years. The Johnson-Buyer amendment would let us vote on that proposal.

Finally, a "yes" vote on this rule is a vote for $148 million in laptop computers for the Internal Revenue Service, $845 million for EPA wastewater treatment programs that the Clinton budget plan said "Don't work," $1.4 million for historical preservation, $187 million for Amtrak, and $9.4 million for a medical library.

Mr. Speaker, the list goes on and on, but none of that spending is for an emergency. None of that spending is stimulus. None of that spending is infrastructure investment. None of that spending is worth breaking the spending caps and adding to the deficit.

Mr. Speaker, this rule vote is a clear choice, a simple vote, and an extraordinarily important statement to American taxpayers. At a time when everyone claims, Democrat and Republican alike, to care about the deficit, the vote on this rule is a, put up or shut up vote. This rule blocks a number of amendments to strike spending that does not fit the President's stated goal of providing short-term economic stimulus to the economy, including the Stenholm amendment.

I urge every Member, Democrats and Republicans, to join me in opposing this rule. This is not a partisan issue, this is not a procedural issue, this is not a procedural vote, it's not an effort to obstruct the President—it's clearly a question of responsibility.

Mr. Speaker, my colleagues, be responsible to the American taxpayer and vote "no" on this terrible rule.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I include for the RECORD the rollcall votes in the Rules Committee on this proposed rule for the supplemental appropriation bill and other votes and data on proceedings in the Rules Committee, as follows:

ROLLCALL VOTES IN THE RULES COMMITTEE ON THE PROPOSED RULE FOR THE SUPPLEMENTAL APPROPRIATIONS BILL

1. Dreier motion—for an open rule plus Solomon line-item veto amendment #3 (see attached summary of amendments submitted). Rejected, 3-7. Yeas: Solomon, Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat and Slaughter.

2. Dreier motion—for an open rule. Rejected, 2-7. Yeas: Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat and Slaughter.

3. Goss motion—to make in order Packard amendment #1. Rejected, 2-7. Yeas: Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat and Slaughter.

4. Goss motion—to make in order Walsh amendment #2. Rejected, 2-7. Yeas: Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat and Slaughter.

5. Goss motion—to make in order Grandy amendment #13 and Kolbe amendment #15. Rejected, 2-7. Yeas: Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat and Slaughter.

6. Dreier motion—to make in order Collins amendment #16. Rejected, 2-7. Yeas: Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat and Slaughter.

7. Dreier motion—to make in order three amendments by Johnson (TX), #18, #19, and #21. Rejected, 2-7. Yeas: Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat and Slaughter.

8. Goss motion—to make in order Talent amendment #23. Rejected, 2-7. Yeas: Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat and Slaughter.

9. Dreier motion—to make in order Gingrich amendment #27. Rejected, 2-7. Yeas: Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat and Slaughter.

10. Dreier motion—to make in order Cox amendment #31. Rejected, 2-7. Yeas: Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat and Slaughter.

11. Dreier motion—to make in order Stenholm amendment #8. Rejected, 2-7. Yeas: Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat and Slaughter.

12. Dreier en bloc motion—to make in order the following amendments: Gallo #5, Grams #6, Gilchrest #7, Goodling #11, Hefley #12, and Kolbe/Packard #14. Rejected, 2-7. Yeas: Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat and Slaughter.

13. Goss en bloc motion—to make in order the following amendments: Lazio #24, Bentley #25, McHugh #26, Baker (CA) #28, Fawell #29, Boehner #30, Skeen #32, and Boehner #33. Rejected, 2-7. Yeas: Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat and Slaughter.

14. Derrick motion—to report rule. Adopted, 7-2. Yeas: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat and Slaughter. Nays: Dreier and Goss.

AMENDMENTS TO H.R. 1335—EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1993

1. Packard: Prohibits obligation of any new spending, except for $4 billion provided to Advances to the Unemployment Trust Fund, until legislation is enacted to offset the cost.

2. Walsh: Strikes the $28 million payment to the District of Columbia.

3. Solomon: Provides enhanced rescission authority to the President on FY 1994 and FY 1995 appropriations bills.

4. Traficant: Prohibits use of funds unless the entity expending funds agrees to comply with the Buy American Act. Expresses sense of Congress that entities receiving funds should buy only American-made products. Requires head of each federal agency providing assistance with funds from the supplemental to provide notice of the sense of Congress.

5. Gallo: Requires head of each federal agency receiving funds to report quarterly on the number and type of full-time permanent new jobs created as a direct result of the funding.

6. Grams: Strikes $1.409 million for National Park Service, National Recreation and Preservation account. The money was appropriated for 28 projects in 23 states to produce measured drawings of significant structures and engineering achievements.

7. Gilchrist: Prohibits use of funds unless Labor Secretary certifies that GNP in the first quarter of 1993 grew at a rate of less than 2.5%.

8. Stenholm: Replaces emergency designation in the bill (section 202) with an emergency designation to permit adjustment of FY 1993 caps only.

9. Stenholm: Replaces emergency designation in the bill (section 202) with an emergency designation that applies only to funds spent out in FY 1993. Any outlays that flow in FY 1994 or after will be treated as budget authority provided in FY 1994 and will not be under the emergency designation.

10. Orton: Rescinds $400 million of unobligated appropriations for HOPE (Homeownership and Opportunity for People Everywhere) grants—combined from FY 1992 and FY 1993 funds; transfers an additional $75 million from the same account to the HOME investment partnerships program.

11. Goodling: Prohibits use of "Summer of Service" funds for a closing summit conference described in the March 8, 1993 Federal Register.

12. Hefley: Reduces by $1.455 million the amount provided for Fish and Wildlife Service (Resource Management). The Committee report states that of the $87.3 million provided for that purpose, $1.455 million would be available for fisheries research.

13. Grandy: Strikes emergency spending designation in the bill.

14. Kolbe/Packard: Requires new budget authority in the bill to be obligated only after equal offsetting reductions are made.

15. Kolbe: Strikes emergency spending designation in the bill.

16. Collins (GA): Provides that none of the funds designated by this bill may be used for any individual who is not a citizen or a lawfully admitted alien of the U.S.

17. Johnson (TX): Strikes $4.696 million for additional salaries and expenses for the National Science Foundation. WITHDRAWN

18. Johnson (TX): Strikes $2.5 billion from the Community Planning and Development—Community Development Grants.

19. Johnson (TX): Strikes $187 million for National Railroad Passenger Corporation.

20. Johnson (TX): Strikes $4.7 million for retrofitting equipment for energy efficiency in Federal buildings. WITHDRAWN

21. Johnson (TX): Strikes $20.663 million for EPA for abatement, control, and compliance to encourage business conversion to more energy efficient equipment.

22. Johnson (TX): Strikes $37.8 million for items relating to "Forest Service—Construction". WITHDRAWN

23. Talent: Substitute—Economic Growth and Job Creation Act of 1993. Title I—Neutral Cost Recovery. Title II—lowers the maximum capital gains rate to 15% for taxpayers in the upper tax brackets and 7.5% for those in the lower tax brackets. Indexes capital gains to compensate for inflation. Title III—creates IRA plus accounts. Title IV—provides a $600 tax credit for families with children age 18 and under.

24. Lazio: Provides $10 million for a National Food Insurance program that permits FEMA to purchase flood-damaged property and relocate flood-insured homeowners to areas not prone to flooding. The funds would be available for the remainder of FY 1993 and FY 1994.

25. Bentley: Requires Federal agency heads to certify that funds spent under this act are used to purchase American produced materials and labor.

26. McHugh: Deletes $800 thousand for design and preliminary planning of the Ocoee River Olympic Venue for whitewater canoeing during the 1986 Olympics.

27. Gingrich: Strikes $1 billion for the summer youth employment program.

28. Baker (CA): Strike $4.7 million for undertaking energy efficiencies in federal buildings by retrofiting equipment.

29. Fawell: Adds a new title which contains a government-wide rescission list of 747 Federally funded projects.

30. Boehner: Strikes activities that are not authorized in law as appropriate uses of Chapter 1 funds.

31. Cox: Strikes $148 million for IRS tax systems modernization.

32. Skeen: Strikes the phrase "unless expressly so provided herein" which has the effect of making all funds appropriated in the bill lapse after September 30, 1993 unless obligated by that date.

33. Boehner: Strikes $9.4 million for National Institute of Health/National Library of Medicine.

34. DeLauro: Upon effective date, a State shall have the flexibility to transfer its FY 1993 apportionments from the Interstate Construction Program or the Interstate Substitution Program among the National Highway Program, Congestion Mitigation and Air Quality Improvement Program, Surface Transportation program, Highway Bridge Replacement and Rehabilitation Program and Interstate Maintenance Program, provided that the transfer shall not exceed 100 percent of a State's FY 1993 apportionment for that specific category.

35. DeLauro: Upon effective date, a State shall have the flexibility to transfer its FY 1993 apportionments among the Interstate Construction Program, the National Highway Program, Congestion Mitigation and Air Quality Improvement Program, Surface Transportation program, Highway Bridge Replacement and Rehabilitation Program and Interstate Maintenance Program, provided that the transfer shall not exceed 100 percent of a State's FY 1993 apportionment for that specific category.

36. Barrett (WI): Adds rehabilitation and construction of schools to the list of projects eligible for funding under the Community Development Block Grants (CDBG).

37. Barrett (WI): Federal Aid Highway—Requires that the State of Washington allocate funding to the largest metropolitan area which is proportional to the percentage of the state's population which resides in that area.

OPEN VERSUS RESTRICTIVE RULES: 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	8	0	0	8	100

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rules, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Source: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Congress, through Mar. 17, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: Motor voter	9 (D–1; R–8)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 81, Feb. 16, 1993	MC	H.R. 6: Family planning	8 (D–0; R–8)	1 (D–0; R–1)	
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental appropriations	37 (D–8; R–29)	1 (not submitted) (D–1; R–0).	
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1–D not submitted) (D–2; R–2).	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS of Texas. Mr. Speaker, tonight, we must make a choice. It is not an easy choice, but it is a clear choice.

We either support the President's economic package with $500 billion in deficit savings and $16 billion in stimulus and investments, or we oppose it.

For many of us most concerned with reducing the deficit, it might be easy to vote "No" on the stimulus/investment package.

But the reality is this: If fiscal conservatives kill the investment package, liberals will kill the budget resolution and budget cuts. This Congress and our country could end up with budget gridlock—the worst of all worlds.

Sometimes, democracy demands compromise. The fact that we have a House and a Senate is itself a compromise of our Founding Fathers—one that has served our Nation well.

Today, we must compromise: not our principles, but our personal agendas. Personally, I would prefer fewer defense and agriculture cuts and a smaller investment package, but I also believe reducing our deficit by $500 billion over 5 years is a historic opportunity. It will create jobs, stimulate our economy and stop the mortgaging of our children's future.

□ 2130

In a democracy, no one has the right to demand "its either my way or no way at all." Not even the President has that right. That's why President Clinton agreed to put spending cuts before new programs and taxes. That's why he accepted $63 billion in extra spending cuts.

That is also why I hope fiscal conservatives will vote "yes" on the stimulus investment package.

For $16 billion in investment spending, we get $500 billion in deficit reduction, including $63 billion in extra spending cuts. That's not a bad deal even for the best of budget cutters.

To my fellow Democrats, for 12 years we have blamed the Republican White House for our deficits and they have blamed us. Republicans and Democrats could each vote "no" on the other's deficit plans and then say "don't blame me."

Today, the time for games and finger pointing and rationalizing "no" votes is over. We must act and act decisively to create jobs and lower the deficit.

I realize there are other options than the President's plan. The fact is anyone with a computer and an imagination can develop a budget plan; that's easy. What's difficult is to develop a plan that can garner 218 votes in this House. Everyone in this House knows the only investment and deficit reduction plan that has any chance of passing today is the President's plan that was modified with input from this Congress.

Is it a perfect plan? No, but it is a solid plan and one that balances the competing interests of liberals, moderates and conservatives, and urban and rural areas.

To sink half of this plan is like shooting a hole in the bottom of a ship. To do so would sink the entire ship, not just the half you don't like. If fiscal conservatives sink the investment package, we also sink $500 billion in deficit reduction and what a tragedy that would be.

This package is well balanced. With it, we can move forward into the future, or we can sink back into the depths of gridlock and finger pointing.

If democracy is to work, we must all be willing to work together. If we wait for perfect, painless solutions our legacy will be a sad one of indecision, gridlock and higher deficits.

The time for negotiation is over. We have all done our best to make a better product. Now we must make a choice. It is a choice between gridlock and a delicate compromise. If we undo this compromise, and end up in chaos, there will not be enough cover in America behind which we can hide. Finger pointing and passing the buck won't work this time.

It is time for us to work together and to govern responsibly. It is time to get Government and America moving again. The choice is ours.

I urge Members to vote "yes" on this rule.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very saddened that someone could call themselves a fiscal conservative and claim to support this rule and this stimulus package which is one of the most detrimental things that could possibly happen to the American people.

Mr. Speaker, I yield 3 minutes to the hard-working ranking Republican on the Committee on Rules, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank my hoarse friend. I hope his voice is better.

Mr. Speaker, I really could not believe my ears a couple minutes ago when I heard, or I think I heard, the previous speaker, although I am not sure I heard right, say that if fiscal conservatives kill this porker, the liberals are going to kill the just-passed budget. Well, boy oh boy, let us kill them all and America will be much better off.

Mr. Speaker, it has been a long night, especially for me, and it is a bad time to bring up bad news. But I have some bad news for all 110 of you new Members that came to this Congress who thought that you had been elected to the first branch of the Government that has the control over the purse strings.

Now, that is what the House of Representatives is supposed to be. Here we are in a so-called emergency supplemental appropriations, so-called emergency, which is a euphemism for spending more of money that we do not have budgeted. Nothing is new around here.

Members, new Members, your leadership has given you virtually no power of the purse in amending this supplemental to reduce spending. They cut you off completely, all 110 of you, and not only do you not have your hands on the purse string, you are being asked to buy off on a bottomless silk purse made up of a sow's ear. The gentleman from South Carolina [Mr. DERRICK], my friend, knows what a sow's ear is, a pretty worthless piece of pork. Nobody eats it. You throw it away.

Mr. Speaker, on well over 80 percent of the 61 supplemental appropriation bills that have been brought before this House from the 95th Congress to the 102d Congress, we have had an open amendment process with the ability to offer amendments to cut spending. Our good friend, the gentleman from Kentucky [Mr. NATCHER], is the chairman of the subcommittee, and has always brought these bills to the floor with open amendment, open striking processes. We have had real power of the purse in the past. But that has been taken away in this rule.

Mr. Speaker, notwithstanding that 37 amendments were filed with the Committee on Rules, Democrat and Republican, on this bill, only one amendment is made in order. Only one amendment was made in order, and it was not even filed. It still has not been filed, and nobody has any idea what is in it or where it is. Is it really only a technical amendment, as somebody told the gentleman from Pennsylvania [Mr. WALKER] and myself the other Thursday night when we were closing up shop here? I would like to know where that amendment is. When are we going to get a chance to see it?

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0 R–3)	PQ: (264–176. A: 259–164. Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: Motor voter	9 (D–1; R–8)	1 (D–0; R–1)	PQ: (248–171. A: 249–170. Feb. 4, 1993).
H. Res. 81, Feb. 16, 1993	MC	H.R. 6: Family planning	8 (D–0; R–8)	1 (D–0; R–1)	
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0	PQ: (243–172. A: 237–178. Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: (248–166. A: 249–163. Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: (247–170. A: 248–170. Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental appropriations	37 (D–8; R–29)	1 (not submitted) (D–1; R–0).	
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1–D not submitted) (D–2; R–2).	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, this rule makes a mockery of democracy. The Democrat leadership should be ashamed of itself that it is force-feeding this bloated piece of pork down the throats of this House without any opportunity to carve out any of the worthless fat.

I really do not think the American people had in mind breaking gridlock with ham hock. My colleagues, this bill is a squealer if I ever heard one, oink, oink, oink, oink, oink.

Mr. Speaker, this is not economic-stimulus package. This is the same old spend-and-spend-and-spend Congress that has got ourselves into this problem over the last 20 years. We really tried to kid somebody.

Vote down this rule. Let us kill this pig before it gets out of the barn.

Mr. Speaker, I am including at this point in the RECORD documents concerning open versus restrictive rules, as follows:

OPEN VERSUS RESTRICTIVE RULES: 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	8	0	0	8	100

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rules, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Source: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103rd Congress, through Mar. 17, 1993.

COMPARATIVE TABLE ON AMENDMENT PROCESS FOR SUPPLEMENTAL APPROPRIATIONS: 95TH–102D CONGRESSES

Congress	Number of supplementals	Open amendment processes		Restrictive amendment processes	
		Number	Percent	Number	Percent
95th	13	13	100	0	0
96th	6	5	83	1	17
97th	11	10	91	1	9
98th	9	6	67	3	33
99th	7	6	86	1	14
100th	4	2	50	2	50
101st	4	3	75	1	25
102d	7	5	71	2	29
Total	61	50	82	11	18

Sources.—House Calendars, Rules Committee Calendars, & bound copies of "Rules Granted," Committee on Rules.

(Note.—When no rule was granted, it is assumed the Appropriations Committee called the supplementals up as privileged and they were considered in the Committee of the Whole under an open amendment process as required by the Rules of the House.)

Compiled by minority staff, House Committee on Rules.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3½ minutes to the distinguished farmer and gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise with great disappointment to oppose the rule to H.R. 1335, the supplemental appropriation for 1993. I had hoped to offer an amendment which I believe represented a reasonable compromise in the supplemental, balancing the goal of spending to invest in economic growth with the equally important goal of controlling the Federal deficit.

Because there seems to be some misunderstanding of what my amendment actually would have accomplished, I want to take this opportunity to make perfectly clear what I had proposed. Since my amendment was not made in order by this rule, some may think that my explanation constitutes closing the gate after the horses are out of the corral. The reason I take the time to do so, however, is both for final clarification here in the House and because I understand that the other body may have the opportunity to vote on an amendment such as I proposed. I would like to help further that debate.

I fully support the intent of the President's stimulus proposal, that being to strengthen our economy. However, I do not believe that the $17-plus billion of the stimulus spending should be added to the deficit. I felt that we should pass a stimulus package that includes spending which truly invests in economic growth and we should pay for it by finding rescissions in consumption spending to offset that spending.

If there is one point I would hope to express as clearly as possible it is this: My amendment would have allowed all spending included in the President's supplemental to go forward, without making any programmatic changes in his proposal. I would not have deleted a single program or a single dollar from the President's plan. Where I differed from the President is that I would require offsets in other appropriations for the approximately $10 billion in spending resulting from the bill in fiscal year 1994 and beyond. The amendment would not have impeded the ability to spend money for economic stimulus. It simply would have required that any stimulus coming from additional spending not add to the deficit after 1993. Frankly, my strong preference is that we pay for the entire supplemental, but in the spirit of compromise I was willing to accept not paying for the spending in the current fiscal year if we agreed to pay for all of the spending in future years.

The purpose of this amendment was simply to require that the spending provided for by H.R. 1335 be within the spending ceilings set in the budget resolution that the House has just approved. With my amendment, the spending provided under this act would have been held harmless under the budget authority and outlay caps for fiscal year 1993, but any outlays resulting from the bill in fiscal year 1994 and beyond would have been subject to the current outlay caps for those years. Under H.R. 1335, nearly 60 percent of the emergency economic stimulus spending will be in fiscal year 1994 and beyond. There will be nearly $600 million in emergency spending in 1997. One cannot argue reasonably for spending money on an emergency basis four years after the emergency declaration.

Tonight we have passed a budget resolution, which I supported, that will move us in the right direction in dealing with our fiscal problems by providing for $510 billion in deficit reduction and a hard freeze in discretionary outlays over the next 5 years. I worry about the message we are about to send to the public if we now pass a stimulus package that immediately exceeds the spending limits included in the budget resolution. In an era when congressional credibility is anything but high, we do ourselves yet greater damage, and we also risk squandering the current public willingness to sacrifice personally for the sake of deficit reduction.

In a recent speech to the National League of Cities, President Clinton argued that spending which invests in economic growth is more important than spending for consumption. That is the spirit in which I had hoped to offer this amendment. The amendment would have required that the spending in the supplemental intended to invest in economic growth be paid for by cutting spending that does not invest in economic growth. If this body decides that the spending included in the supplemental should be a priority, then we should be willing to find offsetting spending cuts to pay for it. We must set priorities in Government spending.

The election last year made it obvious that the public is demanding greater fiscal responsibility from us. The public recognizes that we cannot continue the practice of spending money on every good idea without considering how to pay for it. That is why I was not surprised that some of the strongest enthusiasm for my amendment came from freshman Members who were elected on a mandate of change and responsibility.

The economic cost of increasing the deficit could easily more than offset any benefit from spending intended for stimulus. In testimony before the House Budget Committee just a few weeks ago, Alan Greenspan could not have been clearer about the importance of immediate action on deficit reduction when he stated,

> Reducing the structural deficit is crucial. And action must be taken now. Postponing action would only extend the pattern of sluggish growth of the capital stock and, with incomes and living standards lagging, would ultimately make it even more difficult to engage in the programmatic actions that are necessary.

He continued by saying,

> I find misplaced the fear that deficit reduction would be overdone and create an undesirable degree of 'fiscal drag.' It seems to me highly unlikely that in the current political environment the Congress and the Administration would cut too much too soon from the deficit * * * Fiscal policymakers in turn, by taking difficult but necessary measures to reduce the structural deficit now, can enhance the growth of the economy and promote rising living standards for the American people for years to come.

Like the President, I care about economic stimulus. I believe that it can be achieved only through the pairing of careful investment and deficit reduction.

Based on the House being prevented from considering my amendment, I regrettably must oppose the rule tonight.

Mr. DREIER. Mr. Speaker, I would like to associate myself with the remarks of my friend, the gentleman from Texas [Mr. STENHOLM].

Mr. Speaker, I yield 2 minutes to my very good friend from Sanibel, FL, the gentleman from Florida [Mr. GOSS], a hard-working member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, ask average Americans what emergency means to them, and likely they will tell you a fire, a hurricane, somebody choking, the crash landing of an airplane, something you might call 911 about.

There is no emergency that is dictating the urgent need to go $19 billion-plus further into debt at this time when we are trying to reduce our debt and asking Americans to sacrifice.

Mr. Speaker, the emergency before us is the budget deficit. We are broke. We are $4 trillion in the hole, and we are heading for $5 trillion. We have spent too much, and we should be cutting back today, not trying to pass more.

If we pass this so-called stimulus pork-filled package, perhaps somebody had better call 911 and get some help for our national economy and the American people.

Some would have us believe that Congress owes the President an up-or-down vote on the stimulus package, that our votes today are the supreme test of some type of party loyalty, and I am truly saddened and somewhat amazed that the Democrat majority on the Committee on Rules, especially in today's climate for change, has charged down the path lockstep with a closed rule offering a take-it-or-leave-it option.

We are a separate branch of government by design, and we have a separate responsibility.

☐ 2140

This is gridlock to lockstep. We had many legitimate, worthwhile and cost-saving amendments from dozens of Members on both sides of the aisle that fell by the wayside in the rules process. We do not work for the President. We work for the people, and we owe them more than a rubber stamp on a deficit spending bill whose merits have melted away faster than the snow outside. But we do work with the President—and we try to improve his proposals when we can—that is what this is about.

Amendments were offered from both sides of the aisle to remove the most egregious examples of the skewed priorities in this bill and you have heard some of them.

Members will vote for this closed rule and vote for this bill if they are satisfied with Congress' deficit reduction track record to date. But Members who recognize that change means more than a nifty campaign slogan will join me in opposing both the rule and the bill.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. I thank the gentleman for yielding this time to me.

Mr. Speaker, I can stand here, reel off numbers, and yet, not convince my colleagues of the need for this economic stimulus package. For many the hard numbers—lost jobs and closed plants—just aren't compelling. But today I heard of a worker from a company in my State, a man with 19 years seniority, a wife and 11 children, a mortgage, college tuition, who just lost his job. In Connecticut he joins almost 200,000 others laid off in the last 4 years. Real people, people who work hard, people who deserve better.

Today we can vote to give these people some hope. To show them gridlock is over and that we have listened to them. We have, through hard work, compromise, and conciliation, put together a blueprint for economic recovery.

To reach this point, we agreed to cut spending deeply; to raise taxes broadly and fairly, and to provide people with the aid they needed for jobs, for rebuilding the infrastructure, for taking care of badly neglected urban areas, and for seeing people through a very, very difficult economic time.

But now some of my colleagues are saying that we are on the way to recovery. That we don't need this bill. But, my friends, that doesn't square with the truth.

This so-called recovery has fallen far below previous recoveries on the basis of virtually every economic measure. Employment in manufacturing has actually continued to decline, and hourly wages are now about where they were in 1965.

Mr. Speaker, the case that we need this stimulus package is strong. But more than that, it is part of a package, an agreement under which we all share the sacrifices, endure the pain. Now we must pass this bill as part of this agreement—all of us bound to see both parts succeed, or the entire plan fail. It is your choice. I urge success, I urge a vote for this bill, I urge a vote that will break gridlock and bring hope.

Mr. DREIER. Mr. Speaker, the only hope that we can possibly bring is some sort of relief to the American taxpayers.

Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from Pennsylvania [Mr. WALKER], who is the chief deputy minority whip.

Mr. WALKER. I thank the gentleman for yielding.

This is another in a series of Mussolini rules brought to the floor. This one is a no-spending cut rule, a pork protection rule. It allows one amendment, and it is illegitimate.

This particular amendment was never filed. In fact, it has not been filed to this date. We have no idea what is in it. You would think that an amendment concocted in secret and kept in secret would at least be read to the House of Representatives. But then you look at the rule, and you find out that this particular amendment shall be considered as read. We are not even going to hear what it is when they bring it to the floor.

We were told last night by the chairman of the Committee on Rules that it would be merely a technical amendment. Now we are to understand it is going to be a substantive amendment. What is going on here? Since when do the Members of Congress not have a right to understand what it is they are voting on? Since when do we have no right to strike out spending, which is pork, which is an absolutely outrageous spending?

Why can the minority not see a copy of the amendment that may be offered on the House floor here in a little while? Our leadership cannot even get a hold of the language of the amendment. It is being kept in secret.

It is absolutely wrong; this is Mussolini at his worst.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. I thank the chairman for yielding to me this time.

Mr. Speaker, the same people who are opposing the rule are the same people who say that the economy is good. They say that we do not need a stimulus.

Well, this might be all right in Palm Springs and Beverly Hills, but I say why don't you come to Ohio and find out about the real world?

My district is 14 percent unemployed and more underemployed, and most of Ohio is very heavily unemployed. You say there were 380,000 jobs created in February; 350,000 of them are part time, and they are minimum wage. You insult the people of Ohio, you insult the people of America when you say to them, "Let them eat cake."

I am sure you remember what happened to Marie Antoinette when she said that.

Many of you who oppose the stimulus package are the ones who helped to bring us to despair in the 1990's with your economic policies of the 1980's, not just Republicans alone, but by the Reagan boll weevil Democrats who voted with you. What were the results? Heavy deficit, bad trade policy where our jobs went out of the country, the disappearance of the middle-income category of people, those who pay the bills; more people in poverty and the refusal of you to take a look at smalltown and rural America, those who have lost their tax base and jobs and now cannot help themselves. What other proof do you need? America is in trouble, and they need us.

What kind of a nation are we if we do not help the very people that this country, as Abe Lincoln said, is by, of, and for? Remember, this is a nation of people, not for aristocrats, not for politicians.

So let us stop playing games, let us stop political grandstanding and do something right for a change. Let us win this one for the people.

Mr. DREIER. Mr. Speaker, I am very happy to yield 2½ minutes to my very hard-working friend and leader of the porkbuster coalition, the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. I thank the gentleman for yielding this time to me.

Mr. Speaker, I just want to express myself at this point about what we in the porkbuster group tried to do by coming before the Committee on Rules. I think that, in effect, we were testing the resolve of the Rules Committee and hence, of Congress, to really cut spending. And I think that Congress has, thus far, failed that test.

An awful lot of speakers today have blamed former Presidents for the Nation's $4-trillion debt. But I think we have to go no further than the looking-glass to find out who the culprit really is.

Since there is no line-item veto power to weed out pork appropriations which never have gone through the legislative process, Congress itself must do, in effect, the line-item scrutiny of spending projects, ex post facto, after a session is concluded and vote for the repeal of such spending projects.

That's all that the porkbusters amendment presented to the Rules Committee, as an amendment to the stimulus bill, does. It identified 747 spending projects passed last year as a part of the fiscal year 1993 appropriation, totaling approximately $2 billion, that is, $2 billion of appropriation projects which never went through the established congressional process for spending projects. And it asked that these $2 billion of spending projects be repealed. By doing this, $2 billion of the $16.2 billion to be spent under the stimulus bill would be offset.

As usual, however, the Rules Committee said "no" to such an amendment. That is, the amendment could not even be debated upon the floor of this House to offset spending which will add $16.2 billion to the deficit for fiscal year 1993.

□ 2150

I would like to share with you an editorial from the Chicago Tribune. Just today they were talking about the porkbusters group, which of course is headed by the gentleman from Minnesota [Mr. PENNY] and myself. They say this:

> But it (the porkbusters bill) ought to attract substantial majorities from both sides of the aisles in both Chambers (of Congress). For if Congress can't agree to cut $2 billion for projects the sponsors wouldn't even submit to routine committee scrutiny, how can it be expected to take the ambitious actions needed to erase a $300 billion deficit.

That is my point. If we in Congress cannot put the axe to congressional pork which has been passed outside of the established Congressional rules for passing spending projects, what hope is there that this Congress can really ever be taken seriously about cutting spending after the taxes have been levied and the new spending spree completed? One of the visions for America should be for Congress to reform itself, for Congress to be challenged. Congress will not be challenged I think until we begin to act to clean up the mess right within your own body.

Mr. DERRICK. Mr. Chairman, for purposes of debate only, I yield 2 minutes to the distinguished gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the rule and of the bill.

I want to commend the gentleman from South Carolina for yielding time to me, I want to particularly commend the dean of the Kentucky delegation, the gentleman from Kentucky [Mr. NATCHER] whose bill we will be taking up. I salute my friend and my dean for the excellent work that he has put forth on the bill.

I do not believe that people who might be observing these proceedings really understand all the esoterica and the details of closed and open rules.

What I do think they fully understand is simply this. The President won the election last November. The President stood on this rostrum about a month ago and advanced his plan, both of investments and also of budget changes, to the Nation, and the Nation has adopted that plan and the Nation has weighed in by saying, "Give this fellow a chance to have his program enacted. Let him see if he can pull this off."

That is what we are really here tonight to do, to give the President a chance to achieve his two-part program. These parts are interrelated. They are I think inseparable.

One part is the budget which we earlier passed tonight puts us on a glide path down to lower deficits, it cuts about $500 billion out of the budget, to lower interest rates and lower unemployment rates, and to greater development, greater economic development.

The second part of the program is what we are about to adopt tonight, the stimulus-investment program.

Now, we have heard of capital investment, and it is very commonplace: bridges, highways, the so-called infrastructure, airports. But, we also have something new and different in the gentleman's bill, and that is human investment. We are investing now in education: in Head Start, chapter 1. We are investing in health: immunization programs. We are investing in job opportunities and training: the summer job program.

This is, Mr. Speaker, a strong and a unified and I think inseparable package. It ought to be passed as a package. Let us adopt the rule tonight. Let us pass the gentleman's bill. Let us give President Clinton a chance to have his program enacted.

I believe personally it will lead America to a better day.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to my hardworking friend, the gentleman from Indiana [Mr. BURTON], who has been trying to adjourn the House all day long.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding this time to me.

Let me just say that tonight the Democrat party raised taxes on the American people by $402 billion, but they were doing that, Mr. Speaker, because they wanted to solve our economic problems, and tonight after that they are going to pass a dire emergency supplemental that is so important to the economic well-being of America. Let us see what is in that.

Millions of dollars for beach parking garages, a cemetery, movie theaters, gym replacement, swimming pool renovation, computers that have not yet been purchased, they are going to prepay those, $8 million; $28 million to the District of Columbia; $560,000 for restroom repairs.

Restroom repairs? That is a dire emergency?

Omnibus fish and wildlife research, $3.2 million for large river populations of sickle fin chub, whatever that is.

Get this, the study of traditional and nontraditional forms of popular religion in Sicily. In Sicily, Mr. Speaker, we are going to spend millions of dollars in this dire emergency supplemental, it is so important to the economic well-being of America, right on the heels of a $402 billion tax increase. Baloney.

This is pork, pure and simple. You are at it again. The American people ought to know, these taxes are not going to go for deficit reduction, but for more padding of your congressional district so you can get reelected.—

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the President of the United States for his leadership for sending this smart, well-targeted investment package to the Congress. I thank the leadership of the House, the Rules Committee, and the gentleman from Kentucky [Mr. NATCHER], the chairman of the Committee on Appropriations, on which I serve, for giving us this rule, which gives us the opportunity to vote for the Clinton stimulus package free, clear, and unadulterated.

By voting for this package tonight we can send a clear message to the American people that the tide has turned in their favor at long last, that the spending priorities of this country really do put people first and that the promise of the Clinton campaign is being kept.

One of the previous speakers on the Republican side defined emergencies as fire, earthquake, and other disasters. My colleagues, I would add that 14 million Americans out of work is an emergency as well. In fact, it is 14 million emergencies in 14 million households across the country.

Because we have an unprecedented phenomenon, a jobless recovery, we need this emergency package which puts people to work in rebuilding America, and more importantly, in investing in our children, in their health with child immunization, with their education, with the summer school programs. As we do that, we will be putting women to work in these summer school programs and health programs for children.

So yes, some people have asked the question, is this stimulus an investment package? Yes, it is. It invests in our children, in their education, in their health care, and it is an investment in rebuilding the infrastructure of our country.

Another question is, can the money be spent? As a member of the Health and Human Services Subcommittee of the Committee on Appropriations, I can say that I commend this administration for sending a well-targeted smart bill which targets the amount of money that can be spent, the amount of money that the infrastructure for these programs can absorb in a short period to time, and truly put people to work.

My colleagues, I urge you to support the rule, support the stimulus package. Let us turn the tide for the American people. Let us support the Clinton program.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF], a hard-working member of the Committee on the Judiciary.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, a little earlier we heard a tremendous philosophical debate on the budget. Unfortunately, that debate occurred in a legal vacuum. What I mean is that the budget resolution, whatever is adopted, is not legally binding. The majority can, and do, regularly set it aside when it is convenient to do so, so it does not offer any controls.

For that reason, today, as in the past several years, I have not voted for any of the proposed budget resolutions; however, I do not want any misinterpretation of my view of budget deficit reduction.

I believe, as it has been said here many times, that reducing the budget deficit requires spending control.

Mr. Speaker, I think the proof of that is what are we doing here on the House floor right now? We are considering a proposal by the majority to spend more money.

Now, this is right after we adopted the majority budget resolution in which they claim they were interested in budget deficit containment.

Now Mr. Speaker, I would ask, does an economic plan that starts off with new spending, is it seriously interested in budget deficit reduction: In the words of a very young actor in a recent movie, "I don't think so."

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Rhode Island [Mr. REED].

(Mr. REED asked and was given permission to revise and extend his remarks.)

Mr. REED. Mr. Speaker, I rise in strong support of H.R. 1335, the stimulus and investment supplemental for fiscal year 1993.

I think my colleagues who decry this investment package miss the point of the last election and the main concern of their constituents. Simply put, today's vote is a vote for jobs—jobs for laid-off defense workers, construction workers, and millions of other unemployed Americans—the first real jobs bill this body has acted on in years.

It is also a first step toward reversing the failed budget policies of the past 12 years. In combination with the deficit reduction included in the budget resolution, we will begin to once again productively invest in America.

Some of my colleagues may also object to this fiscal stimulus on the grounds that the economy is already recovering. Well, I would like them to know that there are many people back in my State of Rhode Island and in New England who would say otherwise. Indeed, Rhode Island's unemployment rates remains about a point above the national average. Compared to past recoveries, the current recovery is just not generating enough jobs.

Finally, today's vote is important as a signal to the American people that we can, and we will, act with purpose to reinvigorate our economy. The inaction of the past must give way to action now to rebuild our economy, restore confidence to our people, and reaffirm our commitment to opportunities for all our citizens.

□ 2200

Mr. DREIER. Mr. Speaker, I yield 1 minute to my very dear friend and our California surfer, the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, earlier I mentioned that for 12 years liberals ridiculed the conservative program of low taxes and spending controls as trickle-down economics. By the time the liberals get done with their taxing and spending spree, Mr. Speaker, working people will be taxed out of their jobs, and there will not be anything left to trickle down. But what can we expect from politicians who have the chutzpah to come up here and say they care, politicians who call for tax hikes and then call them contributions, who call for increased Federal spending and call it investment?

I say to my colleagues, "If you buy that double-speak, you'll buy that Bill Clinton never intended to tax the middle class. If you buy that, you'll buy that this is an emergency stimulus package, a stimulus, yes, to inflation, a stimulus to temporary jobs at the cost of permanent jobs. You can talk in double-speak if you want, but the American people realize you can't tax our people into prosperity, and you can't spend down the deficit."

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the distinguished gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, tonight I want to indeed say we want to move forth the rule. We want to move forth the rule because we want to move to end gridlock. It allows us to get to the real emergency, and that is to respond to the declaration of the people.

Many people, I know, do not enjoy the progress of this recovery, and it is an emergency. It is an emergency when people are out of work, when people are hungry, when children do not have opportunities or families do not have opportunities. It is an emergency, my colleagues, when the summer jobs are not there and there is despair in our streets.

Therefore, Mr. Speaker, I urge that we move with a positive vote on the rule and move to approve the stimulus to move America forward.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER], a hard-working freshman Member who had an amendment up in the Committee on Rules that was denied.

Mr. BUYER. Mr. Speaker, I come here to speak against this rule and to Republicans and Democrats alike. We all understand that it is the jobs that we want to address. But it is the manner in which and how we want to address it. There are those that want to create jobs. These are public works jobs, and they go to the urban centers.

Well, Mr. Speaker, I want to stand up for rural America. I was surprised just moments ago to hear from a colleague of mine who has a rural district who said she is for this package. I will share something with my colleagues about those in rural America:

They are honest, hard-working. They have a great deal of integrity. They have strong character because they have always done more with less.

This stimulus package does not stimulate real jobs. It creates public works jobs.

I have heard testimony by colleague after colleague saying, "Let's create jobs." Well, I want to create jobs, too, and, as my colleagues know, I also want to participate in the process like many of my colleagues, Republicans and Democrats alike.

I heard very eloquent speeches here tonight by the gentleman from California [Mr. DELLUMS]; by the majority leader, the gentleman from Missouri [Mr. GEPHARDT], who say, "Let's give our new President a chance." I agree. I want our President to succeed. But likewise the Republicans and Democrats alike want to be given a chance to be constructive in the process of government for which we were brought here to participate in, and that is not being allowed.

I testified before the gentleman from South Carolina [Mr. DERRICK]. I appreciated that. But 37 amendments were denied, and that is wrong.

Mr. Speaker, we seek to be constructive in the process, and likewise we want to be given a chance to help this

President succeed so America can succeed.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, the more recent report on unemployment told it all. We are creating more jobs in this country, but they continue to be part-time jobs without benefits.

We need a growth package, and this will help. It comes only after passage of the budget resolution, so it is linked with deficit reduction. So, these are twins.

I sit on the Committee on Ways and Means, and we are going to have the responsibility to carry out this budget resolution, most of the pieces of it, and I assure everybody, as far as I am concerned, and I think other members of the Committee on Ways and Means have spoken, we will pass a revenue package only after the deficit reduction and the budget cuts are assured. This President has linked deficit reduction and economic growth.

Tonight we go forth, Mr. Speaker, championing both of them.

Mr. DREIER. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota [Mr. GRAMS], another courageous new Member of Congress who came before the Committee on Rules and was denied the right to offer his amendment.

Mr. GRAMS. Mr. Speaker, we have a new President at the head table, and already he is asking Congress to please pass the pork.

Less than 1 hour after this body put its stamp of approval on the largest tax increase in American history, the Democrats are now turning right around and looking to borrow $16 billion for new spending.

That's $16 billion we are going to pass on to our kids, and make them pay interest on for as long as the eye can see.

And what are we borrowing that money for?

There is $3.2 million for research that includes compiling fish atlases on the sickelfin chub.

Borrowing $28 million to pay off the debt for the District of Columbia. That's right. The Federal Government is actually borrowing money to bail out Washington, DC.

And, $5 million for a beachside parking garage.

While most people call this pork, the Democrats call this spending an emergency.

And they view this pork as so sacred, that the Rules Committee prevented me from offering an amendment today to strike $1.4 million from the bill that will be used to hire people to draw pictures of Federal buildings.

Mr. Speaker, a lot of the new spending in the Democrat's bill is being sold on the notion that spending more now will somehow save us money later. This is their idea of investment. In other words, they believe we can actually spend our way out of the deficit.

Well, that's like using your credit card to buy something marked down 10 percent, then turning around and paying 20 percent in interest year after year after year. You may think you are saving money. But when you factor in years and years of interest, the savings disappear into a pool of red ink.

Mr. Speaker, the Democrats are not simply writing a $16 billion check tonight, they're doing it on borrowed funds.

That means that this year, next year, and for every year until the national debt is paid off, we and our children will be paying for the emergency fish atlases, parking garages, and pictures of Federal buildings in this bill tonight.

That is not just wrong—it is crazy. I urge my colleagues to vote against the Democrats' pork bill.

□ 2210

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1½ minutes to the gentleman from California [Mr. FAZIO].

Mr. DIXON. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from California.

Mr. DIXON. Mr. Speaker, I rise today in strong support of H.R. 1335, the Emergency Supplemental Appropriations Act for 1993. While the American economy as a whole has begun to show optimistic signs of improvement and progression, unemployment remains high and job growth rates are meager. The national unemployment rate is currently at 7.1 percent and has exceeded 7 percent for the last 14 consecutive months. Numbers such as these can only be confronted by a comprehensive economic stimulus proposal, such as the bill before us today.

H.R. 1335 provides a total of $16.3 billion for the investment of Federal funds in our infrastructure, urban and rural community development, mass transit, energy, environment and technology initiative programs, all of which are warranted and essential for the far-reaching goal of revitalizing an ailing economy. This bill will create 200,000 jobs this year and 500,000 overall, and would provide insurance against the possibility of the economy slipping back into recession. It will foster greater job growth, fund the retraining of many of our displaced workers, extend unemployment benefits and initiate long-term investments in our country, as well as in our valued citizens.

We must make conscientious efforts to invest in our future.

Mr. Speaker, in some areas, such as my home State of California, economic improvement has not been realized, and is not forecasted to show significant recovery until the end of 1993. In the last year, California has lost 168,000 nonfarm jobs. Of the nine major industry groups, only the services sector has registered a job increase, while four other sectors—retail, manufacturing, mining, and transportation and public utilities—have all shed jobs. Currently, California has the second highest unemployment rate in the Nation, 9.8 percent.

More specifically, in Los Angeles County, the district which I represent, the rate of unemployed workers has soared to an astonishing 11.2 percent, more than 4 percentage points above the national average. The economic condition of my State not only warrants a stimulus package, but depends on it.

Los Angeles County, in particular, stands to benefit from the Emergency Supplemental Appropriations Act for 1993. It would provide the city with $49 million in Federal grants for public works and parks projects, thus initiating a flurry of job creation.

Economic development funds have also been designated to help launch small businesses in parts of south Los Angeles affected by last year's civil disturbances.

This package will bring the State of California almost $100 million for summer youth jobs, Los Angeles will receive about $50 million for its summer program, which will employ 41,000 youth. California will also receive $336 million for community development block grants, nearly $47 million for Head Start, a total of $318 million in additional Federal highway and transit funds, and approximately $44 million for the Ryan White AIDS Program.

California could realize 50,000 jobs from this package through highway construction, summer youth employment programs, and other public works projects.

Mr. Speaker, I strongly urge my colleagues to support the Emergency Supplemental Appropriations Act for 1993, and to help jump-start America back to prosperity.

Mr. FAZIO. Mr. Speaker, reclaiming my time, we have heard a lot about pork on the floor tonight. I think it is important to point out that this bill went through the Committee on Appropriations without anyone adding any earmarking, without anyone adding any line item. We simply took these large aggregates of funding for purposes of growth and investment. We deleted some that we thought could be misinterpreted when we brought the bill to the floor. Not one amendment was added by one member of our committee to earmark or designate funding for anybody's district.

Mr. Speaker, we are trying to do something here that I think the Republican Party has historically believed in. Through the CDBG Program, the Community Development Block Grant Program, we give authority to mayors, city councils, boards of supervisors, and county executives. We give them discretion.

Remember the old Republican philosophy, that the government that governs best is that that is closest to the people? We are not mandating any of these projects that we have heard discussed on the floor tonight or listed in letters to the President. We are willing to give our local leaders the authority to decide on their priorities. That is what this program is all about. So you can yell pork all you want, and it does nothing but obfuscate, nothing but attempt to impose once again the gridlock which the American people have become so tired of. Let's let our local leaders create jobs and meet local needs.

Mr. DREIER. Mr. Speaker. I am happy to yield 2 minutes to my friend, the gentleman from Diamond Bar, CA, Mr. KIM.

Mr. KIM. Mr. Speaker, throughout the debate this week this resolution has been challenged by my colleagues on both sides of the aisle as unacceptable.

Why, because it raises taxes dramatically on the middle class and falls miles short of sensible cuts to lower the deficit.

President Clinton has raised the hopes of the American people with false promises that will not be realized with this huge deficit spending.

Passage of this resolution will harm every taxpayer and every business in our country.

To add insult to injury, after we passed this flawed budget resolution, a so-called emergency spending bill. We are told that this is President Clinton's economic stimulus program. If so, I am dismayed. It is nothing but pure deficit spending.

Take the jobs proposal in this measure. Also this proposal will generate 310,000 jobs in 1993 at a cost of $16 billion. Remember, these are just part-time and temporary jobs with a $16 billion price tag that the taxpayer will pick up, that's $90,000 per job! Temporary jobs.

I find this proposal incredible. Private business created 365,000 new jobs just last month alone at no cost to the taxpayer. Repeat no cost to the taxpayer.

They are asking us to spend tax dollars:

To teach Fortune 500 companies about energy efficiency;

To compile fish atlases;

To study ultrasonic character of texture; and

To provide $148 million for the IRS tax system modernization that GAO has attacked.

And to provide an additional $28 million in emergency aid to the District of Columbia.

There are a lot of cities across America that badly need emergency help. But this resolution seeks only to help Washington, DC, even after we have already given them their full payment of $625 million.

All of these things and all of these tax dollars are supposed to be spent for economic stimulus.

What we have here are more examples of pork barrel spending.

This is my first year in Congress. I was elected and came here with the expectation that real lessons were learned in the campaigns of 1992.

Americans demanded a more responsive and responsible government that cut all the nonsense and inside trading out of America's legislative body.

Where is the outrage of the Democratic freshmen who were sent here with the mandate for reform?

I can't think of anybody in my congressional district who would support and vote for the supplemental spending bill.

It is not fair for taxpayers. It will harm small business. It will hang up the sign in the Congress that reads: "Business as usual."

Mr. DREIER. Mr. Speaker, I am happy to yield 1 minute to my friend, the gentleman from Waterbury, CT, Mr. FRANKS.

Mr. FRANKS of Connecticut. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the Democrats have been talking about "change."

The American public should take that word change very, very seriously.

For the Democrats, the word "tax" has been changed. It is now called contributions.

For the Democrats, the word spending has been changed. It is now called investments.

For the Democrats, piling onto our deficit with a supplemental appropriations bill has been changed. It is now called emergency spending or should I say emergency investments.

For the Democrats, reversing one's position from a tax cut for the middle-class to the highest tax increase in the Nation's history, once known as reneging on a campaign promise, has been changed. It is now referred to as being bold and courageous.

Yes, Mr. Speaker, for the Democrats, it's the same old song with a different meaning since Jimmy Carter's been gone.

Mr. Speaker, I encourage my colleagues to defeat the motion on the rule.

Mr. DREIER. Mr. Speaker, I yield the balance of our time to my friend, our distinguished minority whip, the gentleman from Georgia [Mr. GINGRICH].

The SPEAKER pro tempore (Mr. McDERMOTT). The gentleman from Georgia is recognized for 2 minutes.

Mr. GINGRICH. Mr. Speaker, I would like to ask the distinguished majority first, do they have a copy of the amendment which will be made in order by this rule? Does it exit? Can Members see it?

Mr. DERRICK. Mr. Speaker, is the gentleman directing his attention to me?

Mr. GINGRICH. The gentleman is the majority and controls the time. It is his rule.

Mr. DERRICK. Mr. Speaker, there are a number of us over here in the majority. I did not realize the gentleman was referring to me.

Mr. Speaker, I do not have a copy of that amendment.

Mr. GINGRICH. So the Members are being asked to vote, having tried to follow the request of the Committee on Rules, having filed amendments to cut spending which were available earlier in the week, having put them all out in writing, and having had everything stopped which we revealed and were willing to do to cut spending, we are now asked to vote for a rule which has a secret amendment which will be made somehow available at an appropriate moment to rush through without any Members having seen it.

Second, the distinguished majority leader said in the last debate, "We will not appropriate above these caps," referring to the caps in the budget.

Mr. Speaker, I would ask does this supplemental apply to the caps? We are now the same night taking up an appropriations bill. The majority leader promised us we would not appropriate beyond the caps. Does this bill apply to the caps, I would ask again of the distinguished member of the Committee on Rules representing his party. Are we keeping his leader's word?

Mr. DERRICK. Mr. Speaker, what was the question?

Mr. GINGRICH. I know it is hard to sometimes follow the debate when we get into actual details, but let me just say, the majority leader promised us less than an hour ago that you would not appropriate beyond the caps. Does this bill that is going to be brought to the floor apply to the caps?

Mr. DERRICK. Mr. Speaker, if the gentleman will yield, it does not appropriate any additional funds, no.

Mr. GINGRICH. Does it apply to the caps?

Mr. DERRICK. Mr. Speaker, it does not appropriate any additional funds.

Mr. GINGRICH. It does not apply to the caps, is the honest answer?

Mr. DERRICK. Mr. Speaker, I would suggest the gentleman speak to our leader since he is relying on his statement.

Mr. GINGRICH. The gentleman is managing the floor for him.

Mr. Speaker, let me say to my colleagues, if they want to know why the country wants term limitations, if they want to know why Ross Perot got 19 percent of the vote, if they want to know why people are infuriated with the way Democrats run this House, look at this rule, which breaks the majority leader's word 1 hour after it was given.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are not here tonight to talk about little matters and insignificant matters. We talk about pork; there is no pork in this bill. The other side knows that as well. These are decisions that are made by municipalities and other forms of government under block grants, which, as I recall, President Reagan advocated and had a lot to do with implementing, and leaving the local citizens the opportunity to make these decisions.

□ 2220

I will tell my colleagues that we have an opportunity here tonight to create a new and a hopeful vision for our country.

I grew up in a time when people believed that Government was their friend, that Government defended them, took care of them, when they were in need. Unfortunately, over the last several decades, many of us who have run for Congress, many who have run for our chief executive office, Democrats and Republicans, have run by running down, lambasting those very institutions in which they choose to serve.

The people in 1992, when they voted the present administration in, in my opinion, said once again, as they had said back over generations in this country, that they do want Government to do some things to help this country and that they believe that Government is capable of doing those things to help this country.

They believe that Government is capable of giving our citizens a better education than they received as of late. They believe that Government is able and has the opportunity to find jobs, to create jobs for many of our 9 million people who are unemployed and many of the 6 million people in this country who are underemployed.

They said that they believed that our Government had the ability to help the struggling small business community in this country that has suffered greater bankruptcies than at any time since 1927.

I represent a primarily rural district and, as I ride through my district and go through the small towns and look at the closed textile mills, as I ride through my small towns and I see the closed and vacant store fronts, as I ride through my towns and see the grass and the weeds growing up in the yards, I know, as the American people know, it is time for a Government to step in that is for the people, believes in the people, and is going to use its resources to help the people of this country. Not the very wealthy who gained so much during the 1980's, but the average guy, the average woman out there that has seen their income shrink for the first time in the history of this country.

For the first time in the history of this country, my children's generation, my grandchildren's generation, cannot look forward to having a higher standard of living than I did, for the first time in the 200 years of this country.

The voters of this country have said it is time for our Government to once again take charge and to do the things that are necessary to bring this country once again to full employment and to guarantee a reasonable standard of living for its citizens.

I urge my colleagues to vote for this rule that is fair, to vote for the previous question, and to vote for the investment package.

Mr. Speaker, I move the previous question on the resolution.

PARLIAMENTARY INQUIRY

Mr. DREIER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. McDERMOTT). The gentleman will state it.

Mr. DREIER. Mr. Speaker, would it be in order, since we have not seen a copy of the amendment, would it be proper for us to recess at this time to try and find the amendment that has not been provided to any of us on this side of the aisle or the other?

Mr. DERRICK. Mr. Speaker, I ask for regular order, and I move the previous question on the resolution.

The SPEAKER pro tempore. The regular order is to proceed to ordering of the previous question on adoption of the resolution.

Mr. DREIER. So that would not be a proper thing for us to do then. My parliamentary inquiry is, would it be proper for us to recess, as the gentleman from New York [Mr. SOLOMON] has been searching for the past few minutes for the amendment and has yet to find it?

The SPEAKER pro tempore. That is not a parliamentary inquiry. The proper parliamentary procedure at this point is to proceed to adoption of the resolution.

Mr. DREIER. Even though we have not seen the amendment.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 240, nays 185, not voting 5, as follows:

[Roll No. 86]

YEAS—240

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—185

Allard
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg

Kolbe
Kyl
Lambert
Lancaster
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—5

Ford (TN)
Henry
Myers
Quillen
Williams

☐ 2246

Mr. EWING changed his vote from "yea" to "nay."

Mr. BISHOP changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. NATCHER. Mr. Speaker, pursuant to House Resolution 132, just adopted, I call up for further consideration the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 1335 is as follows:

H.R. 1335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and facilities", $37,569,000, to remain available until the end of fiscal year 1993.

FOOD SAFETY AND INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,000,000.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations", $46,961,000 for the costs of emergency watershed protection operations and for small watershed operations, to remain available until the end of fiscal year 1993.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural housing insurance fund program account", for the costs of very low-income housing repair direct loans, $1,124,000 to subsidize additional gross obligations for the principal amount of loans not to exceed $2,818,000; and in addition, $4,297,000 for the cost of guaranteed unsubsidized section 502 loans, for total loan principal not to exceed $234,805,000.

RURAL DEVELOPMENT ADMINISTRATION

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural development insurance fund program account", for the costs of water and sewer direct loans, $66,821,000, to subsidize additional gross obligations for the principal amount of direct loans not to exceed $470,000,000.

RURAL WATER AND WASTE DISPOSAL GRANTS

For an additional amount for "Rural water and waste disposal grants", $281,767,000, to remain available until the end of fiscal year 1993.

FARMERS HOME ADMINISTRATION

VERY LOW-INCOME HOUSING REPAIR GRANTS

For an additional amount for "Very low-income housing repair grants", $5,635,000, to remain available until the end of fiscal year 1993.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount for "Child nutrition programs" for the Child and Adult Care Food Program, $56,000,000, to remain available through September 30, 1994.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the special supplemental food program, $75,000,000, to remain available through September 30, 1994: *Provided,* That these funds shall be available for grants to States that maintain the standards for eligibility which were in use on January 1, 1993: *Provided further,* That the Secretary may waive regulations governing allocations as necessary to ensure funds are received by States most in need and able to spend additional funds.

THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

For an additional amount for "The emergency food assistance program", $23,481,000: *Provided,* That notwithstanding section 214(h) of the Emergency Food Assistance Act of 1983, as amended, commodities purchased with these funds may be delivered to States through December 31, 1993.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic development assistance programs", $93,922,000.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For an additional amount for "Minority business development", $1,878,000 for program management.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $80,773,000, to remain available until expended.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for "Scientific and technical research and services", $14,088,000, to remain available until expended, of which not to exceed $3,613,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For an additional amount for "Industrial technology services", $103,315,000, to remain available until expended, of which not to exceed $1,400,000 may be transferred to the "Working Capital Fund".

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING, AND CONSTRUCTION

For an additional amount for "Public telecommunications facilities, planning, and construction", $63,867,000, to remain available until expended, of which not to exceed $2,818,000 shall be available for program administration as authorized by section 391 of the Communications Act of 1934, as amended.

RELATED AGENCIES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $8,829,000.

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for "Business loans program account" for the cost of guaranteed loans authorized by section 7(a) of the Small Business Act, $140,883,000, to remain available until expended: *Provided,* That up to $2,000,000 of this amount may be made available for administrative expenses of the guaranteed loans program and may be transferred to and merged with appropriations made available under Public Law 102–395 for "Salaries and expenses", Small Business Administration.

CHAPTER IV

DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia" to provide for essential jobs, public safety, health, and other municipal services in the face of its financial crisis, $28,177,000, to remain available until September 30, 1993.

CHAPTER V

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

For an additional amount for "Construction, general", $3,900,000, to remain available through September 30, 1993, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterway Trust Fund, for one-half of the cost of construction and rehabilitation of inland waterways projects.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee", $13,525,000, to remain available through September 30, 1993.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and maintenance, general", $76,497,000, to remain available through September 30, 1993, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that fund.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH, AND DEVELOPMENT ACTIVITIES

For an additional amount for "Energy supply, research, and development activities", $46,961,000, to remain available until September 30, 1993.

For an additional amount for "Energy supply, research and development activities", $939,000, to remain available until expended for additional in-house energy management projects.

CHAPTER VI

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", $1,878,000, to remain available until September 30, 1993.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for "Oregon and California grant lands", $15,027,547, to remain available until September 30, 1993.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource management", $87,348,000, to remain available through September 30, 1993.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the national park system", $146,519,000.

NATIONAL RECREATION AND PRESERVATION

For an additional amount for "National recreation and preservation", $1,409,000, to remain available until September 30, 1993.

HISTORIC PRESERVATION FUND

For an additional amount for "Historic preservation fund", $22,072,000, to remain available until September 30, 1993, of which $9,600,000 shall be for the National Trust for Historic Preservation: *Provided*, That any matching fund requirements in the National Historic Preservation Act Amendments shall not apply to this amount.

CONSTRUCTION

For an additional amount for "Construction", $83,591,000, to remain available until September 30, 1993.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian programs", $92,044,000, of which $26,257,000 for school operations shall become available for obligation on July 1, 1993 and remain available for obligation until September 30, 1994; and $65,787,000 shall remain available until September 30, 1993.

CONSTRUCTION

For an additional amount for "Construction", $10,332,000, to remain available until September 30, 1993.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National forest system", to be used for maintenance, repairs, rehabilitation, and natural resource conservation activities, $150,000,000, to remain available for obligation until the end of fiscal year 1993.

CONSTRUCTION

For an additional amount for "Construction", to be used for recreation facility and trail construction, $37,844,000, to remain available for obligation until the end of fiscal year 1993.

DEPARTMENT OF ENERGY

ENERGY CONSERVATION

For enhanced "Energy conservation" activities, $100,778,000, to remain available until expended, of which $28,177,000 shall be for implementation of titles III, IV, and V of the Energy Policy Act of 1992 (Public Law 102-486), including no less than $25,677,000 for the acquisition of alternative-fuel vehicles for the Federal fleet and for the conversion of existing vehicles in the Federal fleet to alternative fuels: *Provided*, That such funds shall only be used to pay the cost differential between the alternative-fuel vehicle and the same model of vehicle in its conventional-fuel design, not to exceed $3,500 for any vehicle; and of which $18,784,000 shall be for full funding for a one-time special award of grants under the Institutional Conservation Program; and of which $46,961,000 shall be for grants to States for the Weatherization Assistance Program; and of which $5,635,000 shall be available to the Federal Energy Management Program for expanded training, site audit, and other support functions; and of which $1,221,000 shall be available to establish a fund administered by the Federal Energy Management Program to provide financial assistance for cost-effective energy efficiency improvements to facilities of any Federal agencies other than the Departments of Defense, Energy, and Veterans Affairs, and the General Services Administration.

CHAPTER VII

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", $1,000,000,000, to carry into effect the Job Training Partnership Act, of which $10,500,000 is for activities under part D of title IV of such Act, and $989,500,000 for activities under part B of title II of such Act: *Provided*, That of the funds provided herein for part B of title II, $18,500,000 shall be for territories and entities specified by section 252(a) of the Act, which shall be allotted based on the allotment methodology made to such areas under Public Law 102-170, of which $6,000,000 must be used only to provide academic enrichment activities, as defined by the Secretary: *Provided further*, That of the funds provided herein for part B of title II, each State and service delivery area shall be allotted an amount which, when added to its allotment from Public Law 102-170, results in a total amount which is 25 percent above the total of its allotments under Public Laws 101-517 and 102-302, except that such allotment to each State and service delivery area under this proviso shall be reduced by the amount of its unexpended carryover as of January 30, 1993: *Provided further*, That of the funds provided herein for part B of title II, $294,000,000 shall be for academic enrichment, as defined by the Secretary, and shall be allotted among States and allocated among service delivery areas on the basis of the relative number of economically disadvantaged youth, as defined in section 262 of the Act, in such areas as compared to the total number of economically disadvantaged youth in all States and service delivery areas within each State, respectively, and only to provide academic enrichment activities: *Provided further*, That funds made available herein for academic enrichment shall not be used to supplant other Federal funds for existing academic services or activities, and services shall be maintained at least at the level of funding used for these purposes during the summer of 1992: *Provided further*, That funds provided herein for part B of title II which are not allotted under the first three provisos under this heading shall be allotted to service delivery areas containing the 100 cities with the largest population of economically disadvantaged youth, as defined in section 262 of the Act, on the basis of the relative number of economically disadvantaged youth in each of the service delivery areas as compared to total economically disadvantaged youth in all such service delivery areas: *Provided further*, That data related to economically disadvantaged youth herein shall be based on 1990 Census data: *Provided further*, That of the funds provided herein, except for the $294,000,000 expressly allotted for academic enrichment activities, service delivery areas may transfer up to 10 percent to the program under part C of title II of the Act, if such transfer is approved by the Governor: *Provided further*, That up to 3 percent of each State's allotment for academic enrichment may be reserved for State administration, oversight, and support of a State practitioner's network.

Funds provided in Public Law 102-394 for part B of title III of such Act shall be available for obligation upon enactment of this Act.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community service employment for older Americans", $32,131,000, of which $25,062,000 is for national grants or contracts with public agencies and public or private nonprofit organizations under section 506(a)(1)(A) of the Older Americans Act of 1965, as amended; and of which $7,069,000 is for grants to States under section 506(a)(3) of said Act.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "State unemployment insurance and employment service operations", $14,300,000, to remain available until expended, which shall be expended from the Employment Security Administration account in the Unemployment Trust Fund, to fund worker profiling activities and for oversight of employment programs: *Provided*, That of the funds provided herein up to $2,700,000 may be transferred to the Program Administration account.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds", $4,000,000,000, to remain available until September 30, 1994.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount to carry out title XXVI of the Public Health Service Act, $200,000,000.

NATIONAL INSTITUTES OF HEALTH

NATIONAL LIBRARY OF MEDICINE

For an additional amount to carry out section 301 and title IV of the Public Health Service Act with respect to high-performance computing applications, $9,392,000.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Office of the Assistant Secretary for Health" for carrying out childhood immunization activities under title III and subtitle 1 of title XXI of the Public Health Service Act, $300,000,000, of which $282,800,000 shall be transferred to the Centers for Disease Control and Prevention, of which $4,200,000 shall be transferred to the National Institute of Allergy and Infectious Diseases, and of which $7,000,000 shall be transferred to the Food and Drug Administration.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO THE SOCIAL SECURITY TRUST FUNDS

For an additional amount for "Payments to the Social Security Trust Funds" to reimburse the trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME

For an additional amount for "Supplemental security income" for payment to the Social Security trust funds for administrative expenses, $150,000,000; and, in addition, to provide for making, after June 15 of the current fiscal year, benefits payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount, $302,000,000, of which $142,000,000 shall be derived from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund; and of which $10,000,000, to remain available until expended, shall be to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986.

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for carrying out the Head Start Act, $500,000,000.

DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for concentration grants under section 1006 of the Elementary and Secondary Education Act of 1965, $500,000,000, which shall become available upon enactment and shall remain available to local educational agencies through September 30, 1993: *Provided*, That the number of children counted for section 1006(a) shall be the same as counted for 1993 section 1005 basic grants: *Provided further*, That no State shall receive less than $250,000 of such funds: *Provided further*, That such funds shall only be made available by State educational agencies to local educational agencies upon assurance that at least 80 per centum of such funds shall be liquidated by such agencies by September 30, 1993: *Provided further*, That such funds shall be used for activities that benefit educationally deprived children as authorized under section 1011 and other related activities such as food services, school health services, arts education, and transportation, without regard to whether such activities are otherwise authorized under such section: *Provided further*, That a State educational agency may reallocate any portion of such funds that are not able to be used by local educational agencies in the State to other such agencies on the basis of their relative needs, as determined by the State educational agency, without regard to section 1403(b)(2) of such Act: *Provided further*, That such funds may be used only to supplement, and not to supplant any other funds, including other funds made available under chapter 1 of title I of such Act or under any other Federal program: *Provided further*, That such funds, and the activities carried out with such funds, shall not be subject to or considered in applying section 1006(a)(1)(B)–(D), 1019, 1020, 1021, or 1432(b) of such Act or to section 412(b) of the General Education Provisions Act: *Provided further*, That such funds shall not be treated as funds appropriated, allocated, or received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the purpose of section 1403, 1404, 1405, or 1432(b)(1) of such Act: *Provided further*, That such funds shall not be taken into account for purposes of determining the allocation of funds for any fiscal year under any Federal program.

For an additional amount for grants to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, to carry out subpart 1 of part A of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, $234,805,000, which shall be allocated to such jurisdictions, notwithstanding any other provision of law, so that all counties that, under title III of Public Law 102–394, are allocated less than 92 per centum of the amount they were allocated under such subpart for fiscal year 1992 shall be allocated, under Public Law 102–394 plus this additional amount, 92 per centum of the amount such counties received under such subpart for fiscal year 1992: *Provided*, That such allocations to States shall be ratably reduced if necessary: *Provided further*, That each State shall distribute its portion of such funds to local educational agencies in the State so that all such agencies that, under title III of Public Law 102–394, are receiving less than 92 per centum of the amount they received under such subpart for fiscal year 1992 shall receive, under Public Law 102–394 plus this additional amount, an amount not to exceed 92 per centum of such fiscal year 1992 amount, which percentage shall be ratably reduced as necessary: *Provided further*, That such funds shall not be treated as funds appropriated, allocated, or received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the purposes of sections 1403, 1404, and 1405 of such Act: *Provided further*, That such funds shall not be taken into account for purposes of determining the allocation of funds for any fiscal year under any Federal program.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended, $1,863,730,000, which shall be available through September 30, 1994, of which $493,000,000 shall be available for such awards made for award year 1993–1994, and $1,370,730,000 shall be available for such awards for the 1992–1993 and prior award years.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by—

(a) deleting "$2,000,000,000" and inserting in lieu thereof "$2,250,000,000"; and

(b) deleting "$1,800,000,000" and inserting in lieu thereof "$2,050,000,000";

Provided, That the increase in commitment authority made available by this Act shall be credited entirely to the discretionary fund established by section 507(c)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(c)(1)), without regard to apportionment under sections 507(a) and 507(b) of such Act (49 U.S.C. App. 2206(a) and 2206(b)), or minimum distributions required by sections 507(c)(2) through 507(c)(4) and 508(d) of such Act (49 U.S.C. App. 2206(c)(2)–2206(c)(4) and 2207(d)).

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$15,326,750,000" and inserting "$18,303,000,000": *Provided*, That section 310(c) of said Act is amended by renumbering existing subsection (2) as subsection (2)(B) and by adding a new subsection (2)(A) as follows:

"(2)(A) ninety days after distribution of any increase in the fiscal year 1993 obligation limitation, as enacted October 6, 1992, revise the distribution of such increased funds under subsection (a) if a State has not obligated and received bids on projects for the increased amount distributed, and redistribute amounts to all States able to obligate amounts on projects for which bids can be received no later than August 1, 1993;".

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for "Grants to the National Railroad Passenger Corporation", for capital improvements grants, $187,844,000, to remain available until September 30, 1993.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount for "Formula grants" for capital grants, $466,490,000, to remain available until September 30, 1993, of which $17,423,000 shall be apportioned under section 16, $26,420,000 under section 18, and $422,647,000 under section 9 of the Federal

Transit Act, as amended: *Provided*, That, if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under such Act, at the discretion of the Secretary.

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,700,000,000" and inserting in lieu thereof "$2,182,340,000".

TRUST FUND SHARE OF TRANSIT PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,134,150,000" and inserting "$1,150,000,000" and by deleting "$1,049,025,000" and inserting "$1,064,875,000": *Provided*, That these additional funds shall be apportioned under section 9 of the Federal Transit Act, as amended: *Provided further*, That if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under the Federal Transit Act, at the discretion of the Secretary.

DISCRETIONARY GRANTS

For an additional amount for "Discretionary grants", $270,000,000, to remain available until September 30, 1993: *Provided*, That none of the funds may be available for grants under section 3(k)(1)(A) or section 3(k)(1)(B) of the Federal Transit Act, as amended.

CHAPTER IX

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

For an additional amount for "Information systems", $148,397,000, to fund procurement of computer and telecommunications equipment and services.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

PUBLIC BUILDINGS SERVICE

FEDERAL BUILDINGS FUND

For an additional amount for the "Federal Buildings Fund", $4,696,000 for additional projects to improve energy efficiency at General Services Administration facilities.

CHAPTER X

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care", $201,933,000, for nonrecurring maintenance projects in Department of Veterans Affairs' health care facilities.

For an additional amount for "Medical care", $751,000, to remain available until expended, for additional projects to improve energy efficiency at Department of Veterans Affairs facilities.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, minor projects", $32,873,000, for miscellaneous projects and the National Cemetery Program.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOMELESS ASSISTANCE

TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM

For an additional amount for "Transitional and supportive housing demonstration program", $423,000,000, to remain available until December 31, 1994: *Provided*, That the Secretary shall fund approvable applications for such additional amount in the order submitted, in accordance with requirements established by the Secretary: *Provided further*, That the Secretary may waive, in whole or in any part, any requirement set forth in subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, except a requirement relating to fair housing and nondiscrimination, if the Secretary finds that such waiver will further the purposes of this appropriation: *Provided further*, That notwithstanding section 426(a)(3) of that Act, the applicant shall own or control the site at the time of application: *Provided further*, That the total amount approved for any one applicant may not exceed $10,000,000: *Provided further*, That after December 31, 1994, any of the foregoing amount that is obligated, but which the grantee has not drawn down from its letter of credit, shall be deobligated by the Secretary and shall expire: *Provided further*, That the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of this appropriation.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", $2,536,000,000, to remain available until December 31, 1994: *Provided*, That from the foregoing amount, $25,360,000 shall be available for grants to Indian tribes in compliance with section 106(a)(1) of the Housing and Community Development Act of 1974, as amended, $4,000,000 shall be available for grants under section 107(b)(1) of such Act, and the remainder shall be for States and units of general local government that are eligible under section 106 of such Act: *Provided further*, That the Secretary may waive entirely, or in any part, any requirement set forth in title I of such Act, except a requirement relating to fair housing and nondiscrimination, the environment, and labor standards, if the Secretary finds that such waiver will further the purposes of this appropriation: *Provided further*, That after December 31, 1994, any of the foregoing amount that is obligated, but which the grantee has not drawn down from its letter of credit, shall be deobligated by the Secretary and shall expire.

INDEPENDENT AGENCIES

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

PROGRAMS AND ACTIVITIES

For an additional amount for "Programs and activities", $15,000,000.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

For an additional amount for "Abatement, control, and compliance", $20,663,000.

PROGRAM AND RESEARCH OPERATIONS

For an additional amount for "Program and research operations", $2,818,000.

STATE REVOLVING FUNDS/CONSTRUCTION GRANTS

For an additional amount for "State revolving funds/construction grants", to make grants under title VI of the Federal Water Pollution Control Act, as amended, $845,300,000: *Provided*, That notwithstanding section 602(b)(2) of such Act, no State match shall be required for this additional amount: *Provided further*, That notwithstanding section 602(b)(3) of such Act, States shall enter into binding commitments to provide assistance in an amount equal to 100 percent of the amount of each grant payment within one year after receipt of such grant payment from this additional amount.

For an additional amount for "State revolving funds/construction grants", to make grants authorized under section 319 of the Federal Water Pollution Control Act, as amended, $46,961,000: *Provided*, That notwithstanding section 319(h)(3) of such Act, no State match shall be required for this additional amount.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", $4,696,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for "Research and related activities", $197,230,000.

ACADEMIC RESEARCH FACILITIES AND INSTRUMENTATION

For an additional amount for "Academic research facilities and instrumentation", $4,696,000.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,696,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 202. All funds provided under this Act are hereby designated to be "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

This Act may be cited as the "Emergency Supplemental Appropriations Act of 1993".

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1335, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. MCDERMOTT). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mrs. LLOYD. Mr. Speaker, I rise today in support for the stimulus and investment supplemental appropriations bill but with some reservations.

Mr. Speaker, back in 1981 after the people voted in Ronald Reagan in hopes of a change, I voted for the Reagan budget plan that was widely hailed as critical to the future of this country. I gave it a chance. Unfortunately, it did not yield the results it claimed and today we are worse off as a result. During the past election cycle, the people of this country voted for a change and for Bill Clinton. I believe President Clinton and his plan at least deserve that same chance. If we find over the next couple of years that the intended effects do not take, then we will work to make the needed changes. Supporting the stimulus package does not mean you are necessarily committed to the entire Clinton plan. There is room for improvement and that is where my efforts will be focused.

H.R. 1335, the stimulus and investment package, represents an infusion of resources into programs that will generate job growth in the near term. While the economy has shown limited signs of improvement, it is not up to the level of stability that any thriving economy maintains. A record number of people are still applying for unemployment benefits. The papers continue to regularly report on layoffs nationwide—Boeing, Sears Roebuck, McDonnel Douglas, IBM and others.

The merits of the programs contained in this stimulus and investment package are without question. The labor intensive programs that get a funding boost such as road and bridge construction, wastewater treatment and CDBG's will create jobs in the near term. There are projects in all our districts that will move forward with passage of this bill. Head Start, childhood immunization and Pell grants are all worthy investments. I believe the President has done a good job of choosing programs which are in the best interests of this country both in the short run and the long run.

Mr. Speaker, I feel that I must point out that this package of investments would be far more attractive if it were paid for rather than contributing to the national debt. There were a series of amendments that I would have liked to have voted on, but they were not allowed. I believe the package could be just as successful if we scaled back the appropriation. Hopefully, we will be able to find additional areas for reductions to offset the emergency spending in this bill.

However, the time to act is now, and to give Bill Clinton and his administration a chance to breath new life into our economy.

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise in opposition to H.R. 1335, a bill also known as the Clinton economic stimulus package.

Mr. Speaker, my opposition to this legislation came only after serious reflection and study. I know from talking to my constituents that people want to give the President's economic proposals a chance to work. I, too, want the President's economic programs to succeed because this country, and particularly my home State of New Jersey, have been mired in recession for too long. The President's plan is well intentioned and certainly some of the spending provisions in this bill are needed. However, I have concluded that this bill is the wrong medicine at the wrong time for our Nation's economic ills. Just as a doctor would not prescribe cough medicine to a patient with a broken leg, this Congress should not prescribe more deficit spending to an economy already sick with a national debt exceeding $4 trillion.

Mr. Speaker, this bill would increase our swollen budget deficit by over $16 billion, because this spending has been labeled as an emergency. However, some of the so-called emergency spending contained in this bill is dubious indeed. For example, this bill contains $28 million to help the District of Columbia government balance its budget. How many jobs will that create? And how in good conscience can the bailing out of one of the most bloated and inefficient city governments in the Nation be considered a national emergency?

Another more egregious example of waste in this bill is the $800,000 that would be spent to begin preparing for whitewater canoeing at the 1996 Olympics. Putting aside considerations of whether this spending really constitutes an emergency, this expenditure raises a fundamental question: why is the Federal Government even involved in funding a program like this in the first place? Our Nation's deficit already exceeds $300 billion—when is this Congress going to draw the line on spending?

Mr. Speaker, these are only two examples of the misdirected priorities in this so-called stimulus package. Upon closer inspection, it is plain to see that this plan is riddled with nonstimulus, special interest spending. While this bill does contain some new spending for infrastructure, unfortunately it is only one-quarter of the new spending in the bill. The rest of the bill is merely a hodge-podge of new Government spending on programs that will have little to do with long-term job creation.

It is also doubtful that this bill will have much effect on lowering our Nation's unemployment rate. President Clinton's own Office of Management and Budget estimates that his economic program will produce only about 219,000 jobs—at a cost of $89,000 per job. Unfortunately, OMB only accounts for the jobs created by this new spending—it does not take into account how many hundreds of thousands of jobs will be lost because of the President's proposed tax hike, which will be the largest in our history. According to the Institute for Research on the Economics of Taxation, the President's proposed Btu tax alone would cost the economy 232,000 jobs. We can only speculate how many jobs will be lost because of the other tax increases President Clinton is advocating. Clearly, the job losses caused by the President's new taxes will be substantial, and will surely outstrip whatever limited job creation occurs because of this bill.

If the President is really interested in long-term job creation, he should begin by reducing the Government burden on the small business sector, which historically generates the bulk of new jobs in our economy. An unfettered climate where small business can thrive is the best medicine for a recovering economy, not make-work Government jobs bills.

Mr. Speaker, I do not oppose this legislation solely because my political party differs from that of the President. I have always, and will always, put the welfare of our Nation above partisan differences. I would have gladly worked to pass a stimulus package offered by the President if that package contained measures that would actually create long-term jobs. Unfortunately, this package is at odds with sustained economic growth.

I am sure my colleagues are aware that in a $6 trillion economy, the effects of $16 billion in new spending spread out over 5 years and 256 million people will have a negligible effect, if any. Certainly we in Congress need to address the persistent high unemployment still so pervasive in certain areas of the country. However, declaring an emergency and spending $16 billion now and worrying about how to pay for it later will not increase our competitiveness and will not give us long-term job creation.

Mr. Speaker, this package, in reality, is not an economic stimulus at all, it is a political stimulus, designed to have Congress and the American people swallow the largest tax hike in the history of the republic. Furthermore, it is irresponsible for this Congress to be voting on more spending without first voting on cutting Government or at least voting for the new taxes to finance this new spending. I urge all my colleagues to vote "no" on H.R. 1335.

Mrs. COLLINS of Illinois. Mr. Speaker, for over a decade every year at this time the Congress has had to try to breathe life back into an economic proposal which was dead on arrival—one which was written as if American had no problems, as if there were no poor and the cities were clean and safe and young people all over America had the same opportunity to education and health. We all know that this was not the case then and it certainly is not the case today.

Finally, we have a President who has been to America, not just the America of the wealthy but the America of the poor and the middle class—the America of those urban and rural families who seek to raise their children to succeed in a country of opportunity—the America of those who have been left out during the past decade when our values of tolerance for differences and compassion for the underdog were thrown out and replaced with an emphasis on narcissism.

Mr. Speaker, I know that President Clinton has been to my America because his stimulus and investment proposal, reflects the realities that I myself know, and that my constituents have expressed to me. The President has not turned a blind eye to America's current need while simultaneously thinking about tomorrow.

While far from perfect this plan attempts to provide for the present and future needs of the country in an efficient and cost-effective manner. There are many examples of this: the increase in funding for the Head Start Program, a program which has shown itself to be a useful tool in combating poverty and preparing young children for successful school careers. $500 million in this bill will allow the Head Start Program to remain open during the summer months.

The $1.9 billion in funding for the Pell Grant Program, which is the primary source of Federal aid for low- and moderate-income students will make a difference as to whether or not some child on the west side of Chicago will be able to attend college. The fact that by passing this bill we may instill hope where it has died is cause enough for my support for this bill.

I am pleased that this package includes $1 billion for summer jobs which, while not enough to fully address the crises of unemployment and underemployment suffered by our urban youth does serve as a symbol to our young people that we care what happens to them and that we are busy looking for long-term solutions that will address their needs. Last summer we saw first hand what happens when neglect is allowed to fester in our urban centers. We watched as frustrated youth rioted and burned Chicago, Los Angeles, and many other cities. We have to start addressing the root causes of this frustration. We have to provide hope for our youth.

This package provides $300 million for childhood immunizations. Finally we are learning what most developed countries and many underdeveloped countries have already learned—that systematic prevention of childhood diseases through an organized national immunization system is cheaper and more humane than the medical care that must be provided due to epidemics of these diseases.

The infrastructure investment programs that are funded in this package include $845 million for waste water treatment construction, $2.5 billion in community development grants, and $3.7 billion in funding for highways and mass transit. These programs alone will provide in excess of 150,000 new jobs. This is good news for cities like mine which have aging public facilities and large pockets of unemployment.

Mr. Speaker, I can't say that the President's investment package is perfect. It is nowhere near perfect, but in comparison to the lack of attention that we have grown accustomed to over the past 12 years there is no comparison. I urge my colleagues to pass this package so that we can cut through the neglect and bring America back to life.

Mr. COYNE. Mr. Speaker, I support President's Clinton request for an economic stimulus and investment supplemental appropriations because I share the concern of many Americans that continuation of the current economic recovery is not yet guaranteed.

No one wants to see the United States slip back into recession. Investment in business plants continues to lag behind levels existing in previous recoveries. No one wants to see finding a job made even more difficult. There are still 8.9 million unemployed Americans, with almost 1.9 million out of work for more than 6 months. These are dangers which still confront the U.S. economy.

The House can show its commitment to expanding the current recovery by voting for this economic stimulus and investment supplemental appropriations. This is a responsible package of targeted funding for programs that will create new jobs and provide a powerful ripple effect throughout the economy.

The Clinton administration's package, as approved by the House Appropriations Committee, is expected to create up to 1 million new jobs, including 675,000 summer jobs for disadvantaged young people. Funding for highways and mass transit and other capital investments will have an immediate stimulative effect for thousands of industrial producers.

This package provides $16.3 billion in supplemental appropriations for investment in infrastructure, jobs and human resources, community development, and energy, environment, and technology programs. It provides $4 billion to cover this year's cost of the recent extension in emergency unemployment benefits. It also authorizes the release of an additional $3 billion from the highway trust fund to bring funding for highways and mass transit up to authorized levels.

The President has provided the Congress with an effective plan for sustained economic growth. This plan depends on a triad approach to promoting job opportunities and prosperity. Economic stimulus, investment, and deficit reduction are all vital elements of this program to ensure continued and expanded economic recovery.

Mr. Speaker, this Congress should make clear that it shares President Clinton's vision of a robust economic recovery. I urge my colleagues to remember that the American people are watching our actions. They expect us to do our part to get this country moving again in the right direction.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong support of H.R. 1335, making emergency supplemental appropriations for fiscal year 1993. There are those who argue that we do not need a stimulus package. That the economy is in a recovery. That people are not still feeling the lingering sting of a painful recession.

Well, these misinformed Members have not been to my district in New York and seen the families lacking sanctuary. They have not spoken to the many unemployed that are still hunting for jobs. They have not traveled the crowded, but deteriorated, roads in our region.

There is no doubt that we need this $16.3 billion. In fact, there are still more people unemployed today, after months of so-called recovery, than at the worst point of every other post-war recession but one. We have recovered only 1 manufacturing job for every 20 manufacturing jobs lost since July 1990. This stimulus responds to those frightening numbers by creating 1 million jobs.

In the area of housing and community development, this stimulus package offers a true boost by providing $2.5 billion for community development block grant funds and over $423 million for the Supportive Housing Program to get our homeless off the streets and provide them employment assistance, outpatient health care, and other supportive services.

If you believe we do not need more jobs, if you believe we do not need more roofs to shelter our families, then, and only then, should you oppose this stimulus package.

Mr. Speaker, as Democrats, we understand the plight and daily struggles of most Americans. I urge my colleagues to pass this stimulus measure as is, without any cuts, without any modifications.

Mr. OWENS. Mr. Speaker, I rise in strong support of the Stimulus and Investment Supplemental Appropriations Act and applaud President Clinton for this aggressive initiative to meet the needs of millions of Americans who are unemployed or under employed as a result of the Bush recession.

This legislation promises to both create needed jobs in central Brooklyn and to address some serious unmet social and educational needs in our community. I am particularly pleased by the $1 billion increase this bill provides for the JTPA Summer Youth Employment Program. This will increase funds available in New York City for summer employment opportunities for disadvantaged youth by 40 percent, enabling the city to employ more than 65,000 young men and women in meaningful jobs this summer. Our community now has one of the highest youth unemployment rates in the nation and these jobs are urgently needed. The Department of Labor has also beefed up the educational services that these young people will be offered, ensuring that they maintain or upgrade their skills while they work in service to their community.

The Clinton stimulus initiative will also provide New York City with an additional $15 million to provide Head Start services to disadvantaged preschoolers this summer. Since all of the city's Head Start programs now already do offer services during the summer, these funds will enable the city to serve many more additional eligible children, to expand full-day services, and to improve the quality of the educational and other services provided to children enrolled in the program. Significant numbers of new employment opportunities will be created in our community as a result of this Head Start expansion, particularly for the parents of children enrolled in the program.

This legislation will also provide the New York City school system with an additional $33 million for chapter 1 remedial educational services for disadvantaged children this summer. This will enable the city to provide summer services to more children than ever before. At the same time, the stimulus initiative will help to cushion the severe blow the city will take as a result of the shift to the use of 1990 census data in allocating funds for the regular Chapter 1 Program. The city's schools were slated to lose fully 15 percent of its chapter 1 funding as a result of this shift, jeopardizing services to thousands of youngsters throughout the city. This legislation, however, provides supplemental funding which will reduce our loss to an 8-percent cut. Our programs will still suffer, but thanks to the leadership of President Clinton and Education Secretary Riley, the reductions will be far more manageable and less destructive than they might otherwise have been.

There are a number of other provisions of this legislation which are important to the people of central Brooklyn. Our women's, infants, and children's [WIC] nutritional assistance programs will receive an additional $3 million. An additional $137 million be made available for low-income housing rehabilitation through the community development block grant. The city will receive an additional $103 million for road resurfacing and rehabilitation and $47 million for the construction of wastewater treatment facilities. New York City HIV prevention services funded through the Ryan White Act will receive an additional $10 million.

This initiative represents an important downpayment on the massive effort which is needed to address and reverse the immense deficit in human needs wrought by the Reagan and Bush administrations. It will create jobs, it will provide essential services to our people, and it signals an end to the disastrous era of trickle-down economics and malign neglect of human needs. President Clinton campaigned last fall as the Man from hope. I congratulate him for demonstrating such committed, early leadership to beginning to deliver on that promise to the people of central Brooklyn and throughout the Nation.

The SPEAKER pro tempore. Pursuant to House Resolution 132, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION OFFERED BY MR. MC DADE

Mr. MCDADE. I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman the designee of the minority leader and opposed to the bill?

Mr. MCDADE. The Chair is correct in indicating that I am, Mr. Speaker, and I am opposed to the bill.

Mr. NATCHER. Mr. Speaker, I reserve a point of order on the motion.

The SPEAKER pro tempore. The gentleman from Kentucky reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MCDADE moves to recommit the bill, H.R. 1335, to the Committee on Appropriations with instructions to report the bill back forthwith with the following amendment:

Strike everything under Title I with the exception of page 16, lines 13 through 17, "Advances to the Unemployment Trust Fund and Other Funds";

and further to report as promptly as possible a separate bill containing the funding stricken from title I of H.R. 1335 with instructions to bring the spending levels contained in the bill into compliance with the discretionary spending ceilings established by the Budget Enforcement Act of 1990 (Public Law 101-508) so as not to increase the deficit further than the estimated deficit of $319 billion that is already forecast for this fiscal year.

□ 2250

The SPEAKER pro tempore (Mr. MCDERMOTT). Does the gentleman from Kentucky [Mr. NATCHER] insist on his point of order?

Mr. NATCHER. Mr. Speaker, I do not.

The SPEAKER pro tempore. The gentleman from Kentucky withdraws his point of order.

Pursuant to House Resolution 132, the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. MCDADE].

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion to recommit is not complex. It does two things. The first thing it does is free up the $4 billion for extended unemployment benefits that are needed in the Nation in the next couple of weeks. And, second, it takes the rest of the bill, all of it, all of the spending in this bill, and sends it back to the committee with instructions to find offsets to pay for it, requiring that a new bill come back as promptly as possible.

Mr. Speaker, the instructions to the Committee on Appropriations are to report the bill back as promptly as possible on a deficit-neutral basis, in short, without increasing the deficit by another $15.5 billion. Mr. Speaker, a record $319 billion deficit is big enough. If these programs are so important, then I say let us find the offsets that we can find to pay for them.

Just moments ago this body adopted a plan that promises to reduce the deficit by some $450 billion over 5 years. Mr. Speaker, it makes promises, but no reductions. It promises reductions in the future.It is a nonbinding promise that is structured to provide cover to allow Members to vote for the 19.5 billion dollars' worth of additional deficit spending. Spend now, save later. That does not sound like change to me, and I have been here for 31 years, and it does not sound like very good cover, either.

It does not sound like good cover, because, Mr. Speaker, aside from the unemployment benefits that we are putting into the bill to be spent immediately, this spending simply will not stand up to scrutiny.

We spent an hour yesterday going over the dubious spending in the bill, be it golf courses or reducing the deficit of the District of Columbia by $28 million. We laid out the problems, Mr. Speaker, and those problems are not contradicted: minimal jobs, 219,000 jobs, according to the Office of Management and Budget, at a cost of nearly $90,000 a job; minimal, minimal stimulus with only 19 percent of all the money in this deficit-reduction bill outlaying in this fiscal year; investment spending for programs like a modernization program at the Internal Revenue Service which our own auditing agency, the General Accounting Office, says is obsolete before it is even put in place. And we are going to appropriate the money tonight under the stimulus package to do that? What a stimulus.

And minimal insurance for any recovery, because everybody that has looked at this, including Ross Perot as late as today, has said that $19 billion in a $6 trillion economy will have no impact at all.

But there will be additional costs, about $1 billion a year in additional interest costs, from now to eternity for funding this legislation.

There is simply no getting around the fact that the most immediate effect of this bill will be to increase an already record deficit of $319 billion, and add $19 billion to the Federal debt that now totals $4.1 trillion, or, Mr. Speaker, just about $17,000 for every man, woman, and child in the Nation.

Just a while back, we had the head of the Congressional Budget Office, Robert Reischauer, testify on the Hill, and listen to what he said, and I am quoting him: "Reducing the deficit is the most direct and reliable way to increase national saving and long-run, long-term economic growth." That is the man who is our man, the economist on the Hill. He says that is the way to do it. That is the most direct way. That is the most reliable way.

Mr. Speaker, there is one place to start doing what Mr. Reischauer recommends in reducing the deficit, and that is right here, and that is right now, and not some promise for tomorrow. If you want to spend more money on the programs in this bill, let us pay for it and find the offsets. We can do that.

Mr. Speaker, I have enough faith in this body that I am privileged to have been a Member of for all of these years to know that we can find the offsets and we can find the savings, not with promises, not with some time in the distant future, but right here and now we can do it quickly. If you are for increasing the deficit, Mr. Speaker, then, of course, vote against my motion. But if you believe, like the American people believe in poll after poll after poll, like most economists believe, that enough is enough and that spending money we do not have has got to stop, then vote for this motion to send this bill back with instructions to the committee.

It is the right vote for the right kind of change.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. NATCHER] is recognized for 30 minutes.

Mr. NATCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when the President sent up his message that requested this emergency supplemental bill, we decided in our Committee on Appropriations to do it right. We held hearings on this bill—all 10 subcommittees. We talked to the subcommittee chairmen and all of the members on the committee, and we said to them, "This bill calls for $16,262,994,547, and it is from our new President. It will help as far as the jobs are concerned in this country now."

We held our hearings. We marked this bill up. Mr. Speaker, the bill was reduced just a little over $5 million by directing the Department of Defense to carry out energy conservation projects using available funding. Because of a scoring mistake downtown we also reduced Pell grants and directed the source of funding for Social Security Administration expenses.

Mr. Speaker, in this bill, as you well know, we have funding for infrastructure amounting to $1.3 billion. Some more of the items in here are: additional money for the summer youth employment program of $1 billion; additional summer Head Start money of $500 million; additional education assistance in the form of Pell grants of approximately $2 billion; additional compensatory education funding of $735 million; additional unemployment assistance of $4 billion. There is additional nutrition assistance under the jurisdiction of the Agriculture Subcommittee chaired by my friend, the gentleman from Illinois [Mr. DURBIN] of $154 million; and additional health care funding, Mr. Speaker, of $500 million.

□ 2300

These are only some of the items in this bill.

Mr. Speaker, I would like to ask Members on both sides of the aisle: How would you like to be President of the United States of America, serving 58 days, counting today, 58 days only and say to the Congress of the United States, "I need your help, and I want you to help me"? Fifty-eight days, Mr. Speaker.

Mr. Speaker, I have served with nine Presidents. When President Eisenhower was here, he said to us, "I want to reform the Internal Revenue Code. I want to establish the interstate highway system. I want to set up a Department of Health, Education and Welfare." We stayed with him.

Ronald Reagan became President of the United States after election in 1980, and at the beginning of 1981 he said, "I want your help. I want to implement a $750 billion tax reduction over a 3-year period with indexing into the future, and we helped him.

Jimmy Carter came along and said he wanted a Department of Education. We stayed with these Presidents and helped them.

Mr. Speaker, I can carry you through nine Presidents.

You know, after they are elected, they are our Presidents; President Clinton is our President, and this is our country. I say this to you, we ought to help President Clinton. He is a bright man. He has had the lights on in the White House working late into the night down there for 58 long days.

How would you like to be confronted, as a new President, with a national debt of $4,353,000,000,000? How would you like to be confronted with interest on the national debt of $202 billion?

Mr. Speaker, how would you like to be confronted with the matters that are underway now in Russia, in the republics of the former Yugoslavia, the Haitian matter, North Korea? How would you like to be confronted with these, serving your 58th day as President, and you said to the Congress of the United States, "I want you to help me"? And I say to you—I say to you frankly—we should help him.

You talk about an increase, as far as gross domestic product increase is concerned, of 4.8 percent. Go back to your districts and say to your people, "Why, don't you know, everything is better?" And they will say, "Where is it better?" Not in Kentucky, not in my district. So where is it better? Where is that 4.8 percent increase?

We have 10 million people who want jobs, who are seeking jobs in this country. They are unemployed.

I say to you, Mr. Speaker, we ought to help this President. This is the time to do it. Every Member in this House on both sides of the aisle ought to vote for this bill. You ought to vote for it. Some of you have come in here and picked and clawed at some of these programs in the bill. You do this after all the support we have given you over the years. Why, I stood with you time after time, time after time, and you know it.

And I say to you tonight, Mr. Speaker, this is a time to say to President Clinton, "We are proud of you. You are serving your 58th day, and we are going to help you."

Mr. Speaker, this motion to recommit should be turned down.

Mr. MCDADE. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Ohio [Mr. REGULA].

Mr. REGULA. I thank the gentleman for yielding this time to me.

Mr. Speaker, the chairman was eloquent, but I believe that the responsibility of this body is to examine all programs, to amend them, and work our will. Under the separation-of-powers doctrine, it is not our responsibility to rubberstamp the bill of any President. We are the legislative body, we have to answer to the people. This is the people's House.

And I want to say that we should all support this motion to recommit because what we have before us in the bill is a classic example of spend-now-and-pay-later-and-later.

Every dime is borrowed from future generations. We are putting them in hock, and they will pay interest and they will pay and pay and pay. We have heard the ranking Republican tell us what it will cost per job; $90,000 per job. But I point out also that this body, in the 1993 appropriations bills, still has $20 billion of appropriated and unobligated balances. Why don't we use the money that has already been put in place to stimulate the economy?

These unobligated balances have been reviewed and approved by both Houses, and signed by the President. We have examined them. We have done the job that is our constitutional responsibility. We have put the legislative process to the test.

This is also $16 billion out of the capital pool. It substitutes the judgment of this body of Government for that of the people. It is their money. Government does not create any wealth. The wealth that is out there in the capital pool is created by the people of this Nation.

Let them use the money, to borrow the money instead of us, to buy a home, start a business, modernize a plant, buy a tractor for a farm, finance an education for a young man or woman coming out of high school.

In the long-term, the greatest economic stimulus would be low interest rates and low inflation. Yet this bill goes in the opposite direction, because, as borrowing puts pressure on the credit markets, it drives up interest rates and, ultimately the temptation will be to monetize the debt and thereby create inflation.

Let us keep interest rates low, low inflation and this will make a healthy economy for the long-term. Leave the $16 billion in the capital pool, let the people who create the wealth create the jobs, jobs that are permanent, jobs that add to the economic growth of this Nation, jobs that will make the United States more competitive in the global economy. Letting the people make the economic decisions would be far better than the band-aid that we are proposing to pass tonight. I urge all of you to vote for the motion to recommit.

Mr. NATCHER. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. I thank the gentleman for yielding this time to me.

Mr. Speaker, you are going to hear a lot of figures. They say, "Oh, this bill provides such a small amount of money, $31 billion," that it is not important to the economy.

The important thing is what does the amount in this bill drive? I would just give you one example: There is $141 million, in the bill for the Small Business Administration. But that drives $2.6 billion in loan guarantees. Banks are out of loan guarantee authority, or will be out in May. They are already using the authority for the next quarter but are going to be out for the entire year in May. They need more guarantee authority for the rest of the fiscal year. We depend on small businesses to bring us out of recessions and a relatively small amount of loan guarantees produces thousands of jobs. So, you are not talking about $141 million; we are talking about driving $2.6 billion in loan guarantees.

The same thing applies to EDA. There is a small amount of money in the bill for EDA, but it is very important to get some of these grants out there right now so they can help jumpstart the economy.

Also, there is some money for high tech programs. We need to get started on high technology, let us not wait 8 months. We know we are in need of becoming more competitive in this world economy. We need to get an 8-months' gain on that.

Now, we hear a list of projects batted around here; those are projects which local government could start with—block grants. We have all, including especially on the Republican side, said we want local governments to make their own decisions. They might spend it for some of the things they are talking about, or they might not. That is the block grant approach, and it is the right approach.

In addition to that, I just want to point this out: Whether you consider the amount of money in this bill a small amount of money or not, this initiative has raised optimism and hope in this country. We do not want to kill hope. It would be bad for the economy psychologically. Hope is so important at the present time.

We have had a turnaround from pessimism last December and November, and now people have hope. Let us keep hope alive. Vote against this motion to recommit, vote for the bill.

Mr. MCDADE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Virginia [Mr. WOLF].

□ 2310

Mr. WOLF. Mr. Speaker, I rise in strong support of the motion to recommit.

To pass this bill is like seeing a person who is on a diet then goes out and buys a big chocolate cake with money that they do not even have and they go on a binge before they go on a diet.

In the Appropriations Transportation Subcommittee, we had seven economists who came before the committee. Every economist who came before the committee said it would be a mistake to pass this bill.

Also, this bill has a use or lose provision in it which the Inspector General says can help bring about fraud and waste, because what it means is that the highway people will just shove these things out.

Senator Bentsen when he was chairman of the Joint Economic Committee signed a report that said:

> Such programs like this are not timely enough to even take effect before the end of the recession.

Senator Bentsen went on to say:

> The duration of employment for Public Works jobs is too short to provide meaningful relief for the hard-core unemployed.

Senator Bentsen went on to say:

> Net job creation is quite low leading to a very high cost per job.

At least one member of the Clinton administration knows better.

I strongly support the motion to recommit and urge defeat of the bill.

Mr. Chairman, it is obvious that this legislation will be passed. But can we at least be honest enough to the American people to call it what it is: too little, too late.

We have had a parade of economists before the Transportation Appropriations Subcommittee, on which I serve as the ranking member. Although it is very rare indeed for economists, they have been nearly unanimous in their opinion. This so-called economic stimulus package is not needed, since all the economic indicators are headed in the right direction. And furthermore, according to these economists, not only will this additional spending not stimulate the economy, it could hurt by reigniting inflation and raising interest rates. One of these economists summed this up in an op-ed piece in the Wall Street Journal titled, "If It Ain't Broke, Don't Fix It."

And the response from the new administration? Yes, but this economic recovery is different from previous cycles because the unemployment rate is not going down fast enough nationwide, and remains high in some areas. Therefore, we need to stimulate job creation.

Well, if you buy that argument, then how do we explain the fact that the majority has squelched amendments designed to ensure that any jobs created by this supplemental would go to unemployed workers displaced by the economic downturn?

If you are a highway construction business owner, you probably are not going to run out and hire new people based on the size of infrastructure spending included in this supplemental. What you are going to do is simply give existing workers overtime. Now I ask the majority, how does that help create new jobs and bring down the unemployment rate?

At both the subcommittee and full committee level, I tried to amend this bill to mandate that at least 50 percent of the spending would go to economically displaced workers. The amendment was rejected. I then tried to amend this bill to place a cap on overtime which can be funded through the supplemental. That was rejected, too.

It is obvious that the only thing this spending bill will stimulate is a higher deficit.

And, there is one other thing this bill could stimulate: corruption. The inspector general of the U.S. Department of Transportation testified before our subcommittee concerning longstanding investigations into misused funds and collusive bid-rigging in transit and highway contracts. Concern was expressed that the use-or-lose provisions included in the supplemental spending bill could exacerbate this problem.

It should be noted that the minority also tried to amend this bill by removing the use-or-lose provisions. Even if all preliminary engineering is completed and the right-of-way is acquired, it is nearly impossible to bring a highway project to contract in 90 days.

The economists who appeared before the Transportation Appropriations Subcommittee agreed that instead of throwing more money at our Nation's infrastructure, we should allocate more wisely the money that has already been authorized. As one economist put it, "We cannot continue building 'Field of Dreams' infrastructure projects on the premise that riders will come." It seems to me that use-or-lose provisions encourage precisely that.

Let's expose this legislation for what it is. The economy is on the right track, and unless the new administration does something, former President George Bush is going to get the credit for it. That is not a good reason for passing more deficit spending.

Mr. Chairman, history speaks unequivocally about whether or not countercyclical spending measures work after a recession. They do not.

And that is not just the opinion of the minority in this body.

Following a June 1980 hearing on this subject, the Joint Economic Committee issued a report with the same conclusion. That report was signed by all members of the committee, including the committee's chairman, Senator Lloyd Bentsen, now the Secretary of the Treasury. The report found the following:

Such programs are not timely enough to even take effect before the end of the recession;

The duration of employment for public works jobs is too short to provide meaningful relief for the hard-core unemployed;

Federal public works programs often displace State and local programs, meaning that Federal jobs may simply substitute for State and local jobs. As a consequence, net job creation is quite low, leading to a very high cost per job, ranging from $70,000 to $198,000—and those are 1980 dollars.

If I may quote from this report issued by the Joint Economic Committee:

> A review of the business cycles in the past 35 years shows that government attempts to shorten the duration or reduce the intensity of recessions through countercyclical programs initiated during specific downturns have been ineffective. In a number of instances, the effects of such efforts have been quite different from what was intended. Programs designed to reverse downward economic trends during recessions have frequently accelerated upward trends during the periods of recovery, sometimes with unfortunate results.

To say that this bill will stimulate the economy and help bring down the unemployment rate is a false claim, and a cruel one to any unemployed worker who might pin his or her hopes on it.

And at least one member of the Clinton cabinet knows better.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I would like to take just a moment to respond to some of the red herrings that have been used to attack this bill all throughout the day.

The majority leader told me that he talked to Leon Panetta, the OMB Director, tonight, and he informed him, for instance, that this so-called list of projects in the Interior Department, which is being used to attack this bill, is, in fact, not a list of projects that is in the bill. It is simply a list that was provided to the Secretary of the Interior of possible usages of money, but no decisions have been made about the actual final funding of any of those projects. Mr. Panetta has given flat assurance that projects such as the so-called fish atlas will simply not be funded.

Second, the gentleman from Iowa [Mr. SMITH] has already dealt with the fact that for years people on the Republican side of the aisle said, "My God, quit passing those narrow categorical programs. Give the mayors a chance to operate their own programs through the Community Development Block Grant programs," and so we have done it.

In fact, Gramm-Rudman eliminated the Federal veto we used to have on

Community Development Block Grant programs.

All through the eighties the Republican Party did not blink an eye when Government used billions of taxpayer dollars to finance leveraged buyouts or to finance corporate takeovers that had absolutely no economic value.

Now they are having a collective heart attack because we are taking the money which we cut out of military spending and foreign aid last year and using it to attack our own problems here at home.

We are not spending one dime above the total level of spending previously approved by this Congress for this fiscal year, and they know it and you do, too.

It is about time that we dedicate these revenues to transportation needs, to highway needs, to education needs, to community development needs.

The public knows that most of the opposition to the President's plan is political. For 12 years you have had it your way. It is time for you to get out of the way and let us change America and bring America back to prosperity.

Mr. McDADE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, I rise in strong support of the motion to recommit.

The motion to recommit embodies an amendment that I offered in committee. I went before the Rules Committee to try and get my amendment made in order but they refused.

So I am particularly grateful to my ranking member, Congressman McDADE, and to the Republican leader, Mr. MICHEL, for making my amendment part of this motion.

At a time when the American people are calling for us to reduce the deficit, this stimulus package will add directly $16 billion to the deficit. If one considers the additional interest on that increased debt, that figure reaches nearly $27 billion.

That is what we are talking about here today. Should we burden the American people with additional $27 billion of debt?

This recommittal strikes none of the funding in the President's stimulus package. Not one dime.

This recommittal simply withholds funds for the programs—except for unemployment compensation—until cuts are made elsewhere to pay for these programs. That is exactly what the bipartisan budget agreement of 1990 required.

As the bill stands now, all the funding is designated as emergency and thus is not required to have offsets. However, before my subcommittee, not a single witness from the administration could adequately explain why this spending is an emergency.

In summary, my amendment, which is embodied in this motion to recommit, simply reconfirms what this Congress agreed to 2 years ago; that is, no increased spending without equal cuts or increased revenue. That is the only responsible way to prevent a runaway deficit.

I ask my colleagues to support this motion to recommit and to prevent $27 billion of additional deficit spending. The time is now for fiscal restraint.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, to listen to our friends in the minority, the country is on the road back. If we just keep our hands off the economy, everything will be all right. They have overlooked the fact that we still have, today, 9 million unemployed people looking for work and millions more who have been discouraged and given up and stopped looking for work.

We have 6½ million Americans who are working part-time, who cannot find the kind of work that will really allow them to take care of their families, part-time people who are not covered by health benefits in almost all cases.

In fact, of the 300,000 jobs we have heard so much about that were just created, 82 percent were part-time jobs. They are not real jobs that are going to put bread on the table of the average American family.

In fact, we have recovered only 1 out of 20 manufacturing jobs that we lost during this recession. Only 30 percent of all the jobs lost in this recession have been recovered. Where is the rest? Where are the other 70 percent?

This country continues to hurt. My State of California has a 9.8-percent rate of unemployment.

I do not see any turnaround unless we are willing to go with this President, his vision of the future and his plan for economic recovery.

It is not acceptable simply to sit here and say "keep your hands off the economy." It will heal itself. We have done that, Mr. Speaker. We did that for the last 4 years in the last administration and we are still picking up the pieces.

We have an opportunity tonight to give hope to the American people, to show them we have figured out that a new approach is needed.

I hope we do not sit here and pretend that everything is all right in America. The majority knows it is not. We are ready to act.

Mr. McDADE. Mr. Speaker, I yield 3 minutes to the able gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Speaker, uniquely I rise not to condemn the President's economic stimulus package. In fact, I will agree with you that I will support the economic stimulus portion of his package. That is not what we are arguing tonight.

We are not saying that we oppose an economic stimulus program, although some of us may question the need at this point about whether we need an economic stimulus. Maybe we do, and if we do, then let us create one. Let us create a highway program as our new President wants. Let us give the unemployment moneys necessary to provide for the unemployed as he wants. That might be an economic stimulus, but let us not try to fool the American people.

We grew up in the spoils system of Government and it worked great for 200 years in this country, and I do not know of a better system and I accept that.

I recognize the responsibility of the President to fulfill his commitments to those who supported him.

□ 2320

But for the life of me, Mr. Speaker, I cannot see how bailing the District of Columbia out with $28 million to lessen their deficit, when cities like Mobile need money, too, is an emergency. That is not an emergency appropriation necessity, and neither is it an economic stimulus. It's a campaign promise being paid.

I agree with the President, possibly, that we need to give more money to AIDS research, and I know he is fulfilling a commitment to the entertainment industry that so broadly supported him, and maybe we do need this $200 billion, but how about the Arthritis Foundation? They need research moneys, too. And how about the poor lady in my district who has a daughter with Rhets syndrome who tells me that if we could just get $3 or $4 million appropriated to Baylor University that we could possibly find a cure for Rhet syndrome? And how about the other diseases that need the same attention that AIDS needs?

Sure, Mr. Speaker, we need to do those things, and I admire the President for fulfilling the commitment to those who supported him. I just find it wrong that the President of the United States and the Democrat leadership in this body is trying to disguise this measure to the American people by insinuating it's something in the form of an economic stimulus and is a dire emergency appropriation when most of it is not.

I cannot for the life of me understand how the President, or anybody else, can go before the American people and say, "Let's give a $9 million appropriation to Fish and Wildlife," and expect that to stimulate the economy. Ask the people up in the Northwest if putting more species on the endangered list is going to stimulate the economy, and the gentleman in the chair, the gentleman from Washington [Mr. McDERMOTT], is from that great area of our country.

Mr. Speaker, let us not disguise it. Let us send it back. Let us correct it. Let us support the President's economic stimulus, but the only way we can do it is by revising it to make it a true economic stimulus. I urge you to vote to recommit this package.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, 1 month ago almost to the day the President came, and he spoke not only to us, but he spoke to the American public, and he said to the American public, "You have asked to come here and do a job. I don't have all the answers. But I do have a commitment."

Mr. Speaker, he has shown the courage to place before us a program, a program of action, a program to end gridlock, a program to respond to the problems confronting America.

Is there an emergency? We have argued this before; in fact, yesterday. I suggest to my colleagues that every American who cannot get a job, every parent who sees their child without opportunity, every person who is without health care, says, yes, there is an emergency in my life.

On November 3, as the majority leader said, 62 percent of America said, "We need to move in a different direction." Did they have one single idea? No. Do we in this room have one single idea? No.

But this is an historic day because on this day the House of Representatives accepts the President's challenge to respond and to act. Are we acting perfectly? We will not know that for weeks, months and, perhaps, years to come, but we are taking action. We are not saying "veto."

Mr. Speaker, we took action about a year ago almost to the day and sent to the President a bill that would have, we believed, economically stimulated this country, and the President vetoed that bill. My colleagues will recall he vetoed it because it placed a tax on millionaires, and he said, "No."

Today we are saying yes. We said yes on a budget plan. There were other alternatives. They did not do very well on either side of the aisle, I noticed.

The fact of the matter is, we have adopted a budget that cuts $63 billion above and beyond what the President asked us to cut because this House wanted to be real and honest with the American public. Yes, we have talked about $27 billion additional, but we have cut $63 billion in the budget that we have proposed that will be realized, that will be realized in reconciliation in a few short days, and now on this bill we say, yes, we are going to cut; yes, we are going to discipline the Federal finances; and, yes, we are also going to do what the President told the American public he was going to do, and they responded affirmatively. He said, "We're going to invest in people short term," as we have in this bill, "and long term" as we have in this bill.

It is time for us to act. It is time to respond to the courage of the American people. It is time to say yes to solving problems in America.

Mr. Speaker, tonight we will pass President Clinton's economic package. Before I address the merits of his budget and investment proposals, I would like to commend the leadership of our new President for bringing this day forward. And I would like to thank Chairman SABO for being willing to work with Chairmen CLAY and FAZIO, Congresswoman NORTON, and me to consider alternative methods for achieving savings from Federal workers. I look forward to continuing our work together.

This vote marks a turning point in America's economic destiny. In the last election the American people voted for change.

They rejected the shortsighted borrow-and-spend policies of the status quo that limited our economic competitiveness and would leave our children with enormous bills to pay. They called for a bold plan to end a 25-year pattern of rising budget deficits. A plan that rewards hard work and invests in our future. A strategy that creates high-wage jobs, increases productivity, and improves our standard of living. They asked for a government that reflects their priorities and is on their side.

President Clinton responded to their call. He spoke to the American people clearly and honestly about the challenges we face as a nation and a people.

He presented a concrete strategy to get America back on track. He outlined the tough choices that must be made if America is to live up to her potential. He put our children's interest before our self-interest; the national interest before the special interest. And over the past few weeks, the American people have responded with overwhelming approval of his bold plan.

With Presidential leadership and public support, the House will enthusiastically pass the President's economic strategy.

This budget resolution lays the groundwork for long-term economic growth by redirecting our Nation's spending priorities from consumption to investment.

It funds programs that work and cuts spending on programs that have outlived their usefulness or reward consumption.

The President proposed 150 spending cuts totaling $247 billion over the next 5 years. He challenged us to cut more and be specific—and we cut an additional $63 billion in Government spending. Two of every three dollars saved from spending cuts and revenue increases will be used to cut the deficit.

Since 1980, the Federal deficit jumped from 23 to 90 percent as a percentage of net private savings, and our saving rate has plunged from 6 percent to 2 percent. The Federal debt has quadrupled. It is no wonder that our economy can't grow.

This budget resolution will cut the deficit in real terms by $510 billion over the next 5 years.

It meets the President's challenge of $140 billion of deficit reduction in 1997. Cutting the deficit also saves $16.4 billion in reduced debt management costs and $10 billion in interest savings on the debt.

Why is that important? Because the Federal debt is like a giant sponge, soaking up capital that could be used for investment.

Deficit reduction will serve to keep interest rates down and foster private investment, the prime building block of sustained economic growth and a higher standard of living for all Americans. If we do not cut the deficit, our economic recovery, fragile as it is, will soon top out.

President Clinton has led us out of gridlock. He has focused us on the future and the tough choices that must be made if the 21st century is to be the American century.

He has put our children's interest before our self interest; the national interest before the special interest. He has moved us from thinking about each of us to thinking about all of us. He has made us believe, again, that tomorrow can be better than today, which was better than yesterday. And that is one of America's most profound pillars of strength.

This is the plan that America called for. These are the goals that Americans share. I ask all of my colleagues—Democratic, Republican, and Independent—to join with our President in this sharp break from the failed policies of the past.

Put aside partisan differences for this moment. Listen to your constituents who voted for change. Our new President deserves a chance to succeed. Let us join together as the American team to put the country we love back on the right track.

Mr. McDADE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would like to provide for the RECORD this list and note that every single speaker on the other side, save one, is on the big spender list of the National Taxpayers Union, and I would like to submit that for the RECORD.

Mr. Speaker, my colleagues from the other side have said that we all need to suffer a little to balance the budget, and I think all of us would agree that we could all suffer a little to improve the economy and to reduce the national deficit.

But in 1986 we were asked to do the same thing, and that proved disastrous to small business, and the 1990 tax bill in which our then President moved his lips the deal was for every tax dollar we bring in that we will cut spending by three. But in that we actually increased spending, and at the same time we cut defense by over 30 percent, and think about what a billion dollars is.

Mr. Speaker, my State of California has got an $8 billion debt. We are not talking about thousands, or millions, or billions here, but $4 trillion. That is $17,000 for every resident in the United States, and that is important.

But what is important tonight and even into the future? Take a look, and I think when the public views the proceedings that are going on, if my colleagues take a look at a future vote, if those on the other side really mean what they are saying, they are going to say that when a balanced budget amendment comes up they will support it. If they do not support a balanced budget amendment to balance the budget after raising taxes and not cutting spending, then they should be fired.

And I think the American people ought to take a look, and the only answer is through term limitations of this body. Every economic growth package in this 102d Congress was turned down, and I have an answer for my friend from Mobile, AL: If you want help and save $28 million, then maybe you ought to shift Marion Barry there, and he'll smoke it.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, and Members, I take the well tonight to once again defend the District of Columbia which has traditionally been the whipping post of the Congress, and I guess I should have expected it tonight.

The Mayor of the District of Columbia came to our committee and indicated something that we all knew, and that was that they were having a serious problem in the District with youth and crime. She had initiated a youth and crime initiative, and she asked us to provide $30 million for it. Bush in his short sightedness indicated that he would veto any bill that provided that $30 million.

President Clinton came to Washington and with understanding provided $28.2 million.

Is it an economic stimulus? It is an economic stimulus to 300 people that are going to get paid that would have otherwise been laid off.

Is it an economic stimulus to the District of Columbia who was short of funds, and they keep young men and women out of jail and, thereby, put more money to other projects? That is certainly an economic stimulus.

Will it be an economic stimulus to people who come here and may not be attacked? I think they would think it is an economic stimulus.

□ 2330

To pit the District of Columbia against your city or your State is perfectly ridiculous. This committee, the District of Columbia Appropriations Committee, has fought hard to make sure that the obligations and moneys that are rightfully owed this District are paid; $28.2 million is certainly a cheap price to pay for the mayor and city council to get a grip on the youth and crime programs in this District.

Mr. MCDADE. Mr. Speaker, I yield 1 minute to my friend, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I will put in the whole list of what is not stimulus in this so-called stimulus package.

Mr. Speaker, my colleague who has the district just to the south of me, my access to the sea, the gentleman from California [Mr. COX], made an offer here in good faith. I asked him if he was deadly serious, and he said absolutely.

Mr. Speaker, rather than have the gentleman out there alone, I figure as his partner from Orange County that I should back him up with an equal challenge and add this stimulus package to it:

If this stimulus package creates more jobs than job destruction, I will also resign my seat, scrape up $100,000, and I will be more specific, I promise you I will write the check to Ron Brown. He is one of the 12 out of 14 millionaires in the President's Cabinet, so he must know something about entrepreneurship. I am not going to take the time to write 100 times an apology. I have got a ninth grandchild due in 6 weeks, so I will have plenty of things to do after writing the check and resigning Congress.

I am quite serious. My good friend, who I have the honor of sitting in for occasionally, Rush Limbaugh, has seriously put $1 million cash on the table against the Democratic National Committee as a challenge if anything works in that ugly package that we just passed on in this bill. So it is time for you, to quote Mr. Clinton, to put up or shut up. Give me a matching grant, somebody on this side of the aisle. Any comers?

Mr. Speaker, I rise today to urge my colleagues not to commit a grave error as we consider economic policy this year. That error would be in misreading the current economic indicators and acting upon an ill-timed and misconceived economic stimulus plan.

For months now, the Democrats have seized upon the supposed need for economic stimulus to bring us out of a recession. And their argument once had a constituency even among some Republicans. But now, the situation has changed. Every indication is that the recession has ended, and our economy is well on its way to a healthy recovery. Any economic stimulus at this time through some Government spending scheme would only hurt the recovery and add to the budget deficit at a time when we are trying to reduce it.

Mr. Clinton and the Democrats simply have to let go of this one. Stimulus without a compelling need isn't smart. The only thing this stimulus package would stimulate is the funding of pork out of the taxpayers' coffers. A key indication of this, Mr. Speaker, is the list of who still supports the economic stimulus package, which reads like a who's who of liberal big spenders in Congress. This type of spending is both unnecessary and a betrayal of the mandate of the previous election.

Let's look at some of what all the spending would stimulate:

Pell grant shortfalls, $1.8 billion.

Immunization programs, $300 million.

AIDS prevention programs, $200 million.

EEOC backlog reduction, $9 million.

For CDBG grants, for projects contained in the Conference of Mayors "Ready to Go" projects—such as a golf course, $500,000; a beach parking garage, $5 million; a cemetery, $1 million; historic preservation of a theater, $3.5 million; gym replacement, $4.5 million; and a pool renovation, $3.25 million—$2.54 billion.

To prepay bills that aren't due until fiscal years 1994 and 1995 for a super computer that will not be purchased until 1994, $8 million.

For drawings of 28 significant structures and engineering achievements, $1.4 million.

To begin preparing for whitewater canoeing at the 1996 Olympics, a $10 million program that no one knows who will pay for yet, $800,000.

For EPA green programs to encourage Fortune 500 companies to convert to more energy efficient equipment, including industrial motors, heat pumps, and clothes washers and dryers, $23 million.

To accelerate IRS tax systems modernization despite GAO's major problems with this program, $148 million.

To expand educational opportunity with the $500 million for an expanded title I remedial summer program? Include arts education as an eligible activity.

For air circuit breakers and rest room repairs, $560,000; now that's an emergency.

RESEARCH FUNDS? FOR JOB CREATION?

Throughout the bill, over $450 million in research funds are included which are least likely to provide a quick payout and jobs for the unemployed. Examples of these projects include:

Omnibus Fish and Wildlife Service Research—$3.2 million for such things as compiling two fish atlases and studies on large river populations of sicklefin chub.

Energy research and development—$47 million for such projects as human reliability-assessment and enhancement; materials for a new generation of contact lenses; and nondestructive evaluation instrumentation/ultrasonic characterization of texture.

National Science Foundation research and development—to restore cuts made by Congress in response to grants funded previously, such as a study of traditional and nontraditional forms of popular religion in Sicily—$197 million.

High-performance computing—NIST, NSF, NIH, and NASA—$33.6 million downpayment on a $798 million 5-year program Congress has yet to see or approve.

Equipment for the National Oceanic and Atmospheric Administration—come on—$81 million.

Funding for the Commerce Department's information highways plan—apparently AT&T and MCI aren't laying fiber-optic cable fast enough—$64 million on a $645 million 5-year program not yet authorized.

IRS equipment upgrades, $148 million.

Homeless programs, $423 million—almost half a billion—that's a lot of money. I question what it stimulates.

Balancing the District of Columbia budget, $28 billion. That's billions.

This last item in particular is especially telling. Congress appropriates Federal funds for the District of Columbia every year, and has made a habit of funding a dire emergency supplemental appropriation bill for District of Columbia, as well. Including money for the D.C. budget shortfall in an economic stimulus package is cynical, my colleagues.

There simply is no need for this package at this time. The President wishes to spend $30 billion on a plan to create 500,000 jobs. But last month, the unemployment rate fell to 7 percent and 365,000 jobs were created. This should dissuade us from any notion of need for a stimulus.

As well, the Clinton stimulus package would be ineffective, overall. Government spending like this just does not lead to significant job creation. Only $5 billion will be spent over the next 6 months, according to the OMB, and even the $9 billion Emergency Jobs Act of 1983 created a mere 35,000 very short-term jobs at its peak.

And even if the plan did create 500,000 jobs, it would be at a price of $60,000 per employee, a vast difference from the $40,000 it takes per employee in the private sector. What is more, taking $30 billion out of the private sector in increased taxes could kill as many as 750,000 jobs. Clearly, this would be counterproductive and contrary to Clinton's stated objectives.

Mr. Speaker, all of the political talking heads on the Sunday morning news shows agree. The reason Mr. Clinton must pass this stimulus package is that it is the sugar that helps the tougher, hard-to-swallow budget medicine go down. But Clinton cannot dodge this issue. He should be bold and admit that there is no longer a compelling need for the sweetener.

The President should stop chasing shadows. Increasing spending and paying for it with higher taxes will bring us back to the politics of stagflation, the hallmark of 1970's economics. In any case, Mr. Speaker, we in Congress should not be urging him along this dangerous path. We should recognize the obvious and defeat this untimely so-called fix before we fix ourselves for good.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, the beauty of this body is that so many of us can come together and disagree so completely, as the previous speaker and I do disagree.

Earlier this evening we voted on a budget resolution. Every one of us who ran this fall, with the President or with our former President, Mr. Bush, knows that we had to reduce the deficit. Then the rest of the budget resolution was our new President's, Mr. Clinton's, hand on the new budget, in the direction and the investment, as he calls it, and the improvement in what we will do down the line.

But also what happens when a President wins is he becomes a shepherd, Mr. Speaker. This shepherd said, "I don't have much that I can do, but I can hear the cities that were ignored. I can hear the mayors and the selectmen who say we need help not to raise the property tax. I can hear the children. I can hear the children say that we need some help, that we have to have summer jobs, that we have to have Head Start," which does work.

Mr. Speaker, I am glad to support the President, very glad, because this is his special touch to the budget.

Mr. McDADE. Mr. Speaker, I am delighted to yield 3 minutes to the distinguished gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I just spent the last weekend at a bunch of town meetings back in my district. The question that came out of my people back home time and time again was do you really think that those people believe what they are saying when they talk about what they are doing in Washington?

My response was basically, well, I don't know, but I guess they really do believe that taxes are contributions, and maybe they really do believe that more government is investment, and I guess they really do believe that deficit spending is stimulus and job creation. I guess they really do believe that, as the gentleman from Wisconsin said, the Republicans have been in control of the Government for 12 years.

That is unbelievable. And the American people will believe it when they see what you are doing to their future, when they also see the hole in their wallets of what you are doing to their children.

During this debate on the rule the gentleman from South Carolina said for the first time in the history of this country his children and his grandchildren have nothing to look forward to. Well, I am telling you, after today they have a lot to look forward to. They have got a lot of debt to look forward to, less opportunity to look forward to and that is what you are putting on your children and your grandchildren. You are so cynical that you refused to allow an amendment to pay for this deficit spending you are doing. Unbelievable. And that is all we are asking you to do, is vote for the motion to recommit, so that we can pay for this, so that your children and grandchildren will not have to pay for it in the future. If you will not think about yourselves, if you do not care about this country, at least think about your children and your grandchildren. What are you doing to them? You are just throwing away their future.

Mr. Speaker, that is what we are talking about here, the future, because this will come home later on. When the American people see in the next few months and the next couple of years what you have done because you do control and you do control, because you have the White House, you have the Senate, and you have the House, and you are being irresponsible in what you have.

You are going to pass this. We understand that. But what we are trying to tell the American people is we did not do it, the Democrats did.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, this is no time to recommit; it is a time to commit. It is a time to commit to the American people.

This country is in trouble. Joblessness is at an all time high. Many of our plants have closed, jobs have been exported to Third World countries, and families are in despair and hopelessness. Young people are on American streets without jobs, without job training.

This is not a time for posturing; this is a time to stop the games. This is a time to make sure we do not end this evening with the American public pointing to us and talking about gridlock.

We finally, after 12 long years, have a President who is willing to provide some leadership. He knew he was going to take some knocks. He knew that there would be those who would posture and use this as a time to divide us and to polarize us. But he has courage, and he moved forward and brought an investment package to the Congress of the United States. He said, "Members of Congress, stop the foolishness. Support investing in the American people."

Mr. Speaker, this is his agenda, to put the people first. It is time for us to get on with the business of moving America forward. Let us not recommit; let us commit and do something for the very people who have sent us here to take care of the business of this country.

Mr. McDADE. Mr. Speaker, may I inquire how much time remains?

The SPEAKER pro tempore (Mr. MCDERMOTT). The gentleman from Pennsylvania [Mr. MCDADE] has 9 minutes remaining, and the gentleman from Kentucky [Mr. NATCHER] has 8 minutes remaining.

Mr. McDADE. Mr. Speaker, I am delighted to yield 3 minutes to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Speaker, I do not know if this makes me an authority on this particular matter tonight, but I think I am the only person in this chamber that voted for both the Kasich budget and the Black Caucus budget, which either shows a tremendous foresight on my part or a complete lack of judgment.

Mr. Speaker, let me tell why I did that: because both of those documents, in this Member's view, were real pieces of paper, with real cuts, real taxes, real solutions, some of them horrifying, but nonetheless honest attempts with no quick fixes in the Tax Code, no unspecified cuts, and I thought they deserved my support.

□ 2340

The reason the supplemental does not deserve my support or, I think, any of ours is that it is not real. It is imagined. It is working on a supposition that there is an emergency before us. Not a gulf war, not an earthquake, not a hurricane, but an imagined emergency.

It may be real to some of my colleagues, but let me just try and put this in a perspective that questions nobody's courage but tries to assess the judgment behind that decision.

There is a definition of emergency in our budget law and it reads as follows, and it was agreed to, by the way, by the previous Budget Director, Richard Darman, and the present one, Leon Panetta.

It reads as follows: "A necessary expenditure that is sudden, urgent, and unforeseen and is not permanent and depends on commonsense judgment made on a case-by-case basis."

This is a letter that Leon Panetta sent to the gentleman from Pennsylvania [Mr. MCDADE] in which he also said this package is needed to prevent the reoccurrence of a recession.

I put that question to the Budget Director, Robert Reischauer, who is the person that we not only use to prepare numbers to make these of arguments but the one the President uses now.

He said, "No. There is no recurring recession. And if there were, this stimulus package would only be good for perhaps two-tenths of a percent."

So that begged the question, "Well, then, Mr. Director, what is an emergency?"

And he said, and I think this is the wisest thing I have heard this year, "It is defined by whatever the political leadership on both ends of Pennsylvania Avenue think it is."

Now, is that the definition of the end of gridlock? I think not.

I do not think that is what we are here to do tonight.

Mr. Reischauer said, after he answered that question, he said, "Can I go home now?"

I said to him, "If that is really your answer, we should all go home now," because it is a crime to take our voting cards and put them in these machines and operate under a guise of an emergency, when we know that this is only what the political leadership at both ends of Pennsylvania Avenue have decided it is.

If that is true, if that is really what we are going to do, then why even have a Committee on the Budget? Why not simply say, let us underfund all of our appropriations and then, when we run out of dough, we declare an emergency for whatever purpose. That is a discredit to the Black Caucus. That is a discredit to the gentleman from Ohio, JOHN KASICH, and I think it is a discredit to every Member of this House.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I just wanted to talk a little bit about some of the discussion we have had about things not really being for stimulus. I have heard a list read that, as I would hear them, seem to be complaining because of things that the recipients of community development block grant funding would spend.

We have heard people criticize particular items that had to do with municipal government. Yes, this bill does provide for funds for community development block grants.

We ought to understand, thanks to the Republican Party, we have no control over how that is spent. It used to be that when community development block grant funding was made available to smaller cities, they came to HUD for approval. But in Gramm-Latta, of blessed memory, the Reagan bill of 1981, we gave that power over to the States. So there is now no legal power in the Federal Government to disallow community development block grant selections.

So much of what we have been hearing from our friends on the other side denouncing what Congress is doing is, in fact, living up to the Reagan theory of letting the States decide for themselves. It is a little late for that reconsideration. I welcome it.

I would only say that if we want to confess error by Gramm-Latta, there are some other points we ought to begin with first.

Mr. MCDADE. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, yes, in answer to that last argument, if the various cities are going to spend their money that way, we should not be giving them the money at this time.

Let me note that we started talking about spending caps earlier. I was afraid that the Democrats could not find their spending caps. I found the Democrats spending cap. Here it is.

I will have my colleagues know that down at the White House they do not know whether to play "Hail to the Chief" or "Santa Claus Is Coming to Town," when we hear about where some of this money is going to be spent.

A total of $1.5 million for fish atlases. Hey, $187 million for a great train set for the kids, that is Amtrak; $148 million for laptop computers; $560,000 for restroom repair and $28 million for the District of Columbia from each and every city around the United States. Next year, if they are really good, we are going to give them two U.S. Senators.

Well, if my colleagues believe in Santa Claus, they believe that this is a deficit reduction package. If they believe in Santa Claus, they can believe Government in Washington, DC, can give you something for nothing.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. SARPALIUS].

Mr. SARPALIUS. Mr. Speaker, there are those over there who call this package pork. Let me tell my colleagues, I am wearing what is called a pork tie. So when my colleagues want to know what pork looks like, that is what one looks like. Not all hogs are this pink.

But if we think that pork is an investment in our children who are behind in school and we have an opportunity in the summer to let them improve their skills, their reading skills, mathematical skills and to make productive citizens out of them, when today out of our inmates are people who never finished high school, a high percentage of our people on welfare are people who never finished school, now we have an opportunity to give those young people a second chance.

If we talk about immunizing our children, today under this program we can now do that. For every dollar we spend, it pays $14 down the road. That is an investment.

When we talk about Head Start, where we have children today who are beginning school who cannot even speak English. These are investments in the future. They are not pork.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Speaker, in the last 2 weeks, I have heard some of my colleagues suggest that an investment package is not necessary—that growth rates are up and unemployment numbers down. I say to my friends such is not the case in the Third Congressional District of Florida. The current unemployment rate of 7 percent is still higher than it was when our most recent recession ended 24 months ago. Even more startling is the fact that as the Secretary of Labor said, "The economy is still about 3 million jobs behind where we would be in a normal recovery."

It is time to help the economy create those jobs. How do we do that? By following the President's blueprint for recovery.

Each week, in my district, I am touched by those who cannot find work to support their families, single mothers stretching every penny to make ends meet and part-time laborers looking for full-time jobs. The answer to their prayers will not come in rosy rhetoric, but in quality American jobs.

The President's package will create those jobs and I urge my colleagues to pass it.

Mr. MCDADE. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia [Mr. GINGRICH], distinguished whip of our party.

Mr. GINGRICH. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding time to me.

In some ways, as we applaud back and forth and cheer back and forth, this debate would be funny. But I would suggest to my colleagues in some ways it is truly tragic.

We score debating points off each other, but we are all chipping away at the authority of our system of congressional representation.

In the future, historians can look at today as a case study in the decay of American Government.

As Americans lose trust and authority decays, people rebel in a lot of odd ways. In Italy, the Lombard League and its allies are shaking the entire party structure. In Japan, the dominant party is being shaken to its foundations, and it may split for the first time since its founding after World War II.

In America, 2 weeks ago in the Washington Post, hardly a right-wing publication, only 21 percent of the American people trusted Government to do the right thing.

□ 2350

According to the Washington Post, that trust number of 21 percent is lower than Nixon's during the last week before he resigned in Watergate. That 21-percent trust number is lower than 4 years of Jimmy Carter's Presidency with 13-percent inflation and 21-percent interest rates and 441 days of the hostage crisis.

I would say to all of my colleagues on a nonpartisan basis, why do 79 percent of the American people refuse to trust Washington? I would suggest to the Members that today's House behavior is a case study. Two hours ago on this floor we were promised, promised, that we would not appropriate beyond the caps. Two hours ago, not a lifetime, 2 hours. This bill is deliberately written to be outside the caps, 2 hours later.

Term limitations are driven by distrust of Congress. They are averaging about 77 percent, in every State where they can get to the ballot. Ross Perot's voters say, "Cut spending and cut the deficit."

The "lead or leave" wants us all to sign on, and if we do not cut it in half in 4 years, get out of here. They all say, "Cut spending and cut the deficit".

I heard one of my friends tell us how government can be loved, and it is wonderful. The fact is, last year the most powerful single phrase by any candidate in the Presidential campaign was the following words: "The American people believe government is too big and spends too much." The Washington Post in that same poll reported that by 76 to 9, 76 to 9, people thought the President had not cut spending enough, 76 to 9.

Ross Perot is saying in his new poll, a $2 spending cut for every $1 of tax increase. It should make my more moderate friends happy. At least he is willing to have tax increases. But for that standard of $2 for every $1 tax increase, we ought to have a $34 billion tax cut attached to this bill, because that is how the math works. Since we are raising spending, we ought to be giving the American people back money, because we are failing them. We are not giving them any kind of spending cut in this bill.

Two hours ago the following words were said: "We will not appropriate above these caps." This bill clearly violates that definition. They can come up with sophistry, they can explain how that is for next year, not this year.

The objective fact is, in a country that no longer trusts the U.S. Congress, tonight if the Members vote against this motion to recommit, they are voting for a bigger deficit, for more real borrowing, they are voting to spend money they are not willing to pay for. They are going to increase the amount of money.

By the way, over 5 years that $31 billion is around $37 billion, by the time we add in the interest rate. I ask the Members to please vote for the motion to recommit to keep the Congress' faith.

Mr. NATCHER. Mr. Speaker, I yield one minute to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Speaker, I rise in opposition to the motion to recommit.

A country doctor was called to the outreaches of his county to treat an injured, poor black sharecropper who had an infected leg, on the verge of gangrene. He had a young boy who rode out with him, and after the treatment was completed and the leg saved, but the doctor unpaid, the little boy on the way back to town asked the doctor why he would spend all day riding out to treat a patient yet be unpaid, when he could have stayed in his office and earned many fees from treating patients.

The doctor looked at the young boy and he said, "Son, today we had an opportunity to help somebody."

I say to the Members of the House, today we have an opportunity to help somebody. We have an opportunity to help our ailing country, to help our sick economy, to help our courageous President try to jump start this economy.

We have an opportunity to help somebody: to help our youth, to help the expanding youth projects with Head Start, Chapter 1, childhood immunizations. We have an opportunity to help senior citizens with our service employment for older Americans, our urban areas with housing and economic development, minority business programs, our rural areas, our jobs for small business.

Today, we have an opportunity to help somebody. I urge the Members to pass this economic stimulus package and let us help America.

Mr. McDADE. Mr. Speaker, I would ask, is there 1 more minute remaining on my side?

The SPEAKER pro tempore (Mr. McDERMOTT). The gentleman from Pennsylvania [Mr. McDADE] has 1 minute remaining.

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I say to my colleagues, I will not use even the entire minute. I simply want to remind the House what we are doing here now. The motion to recommit says the $4 billion for unemployment compensation is immediately released. It does not stop any of the other programs. It simply says if we want them, we have to offset them. Just do not add it to the deficit.

Do what the American people are asking us to do. Do the responsible thing. If we are going to have this stimulus program, offset it, and do not add it to the deficit.

Mr. NATCHER. Mr. Speaker, I yield the balance of the time, which I believe is 4 minutes, to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, I yield to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK. Mr. Speaker, I keep hearing some words here: Ross Perot. I keep hearing other words. It is like Tennessee Williams would call mendacity. That is what I have heard tonight, mendacious statements, telling that this particular stimulus package will not get this country going. It will get this country going.

I am sure that each of the Members, regardless of their party, wants to go home and tell the people they represent, "We did something to help you. We didn't do something to stifle you." That is what this budget is all about.

What the Members need to do now is stand up and be counted. Don't worry about your party. People back home don't care what party you are in. You can be an I-ate-a-tater. They don't care. What they want us to bring back to them is something they can use to improve their quality of life.

Vote for this stimulus package tonight. It is an investment in America.

Mr. BONIOR. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. BONIOR. Mr. Speaker, to those who oppose the President's package tonight I want to pose just one question: Where are the jobs?

Where are the jobs for the 16 million people who can't find full-time work? Tonight, 16 million Americans. That's five times as much as the work force in all of New York City.

It's larger than the population of 47 States. For 4 years we've heard that we should not worry about this problem. I remember that Boston Globe headline from a year ago: "Do nothing on Economy, Bush advises." And I remember the administration comments throughout the year.

"No recession." "Mild recession." "The recession has ended." "It's no big deal." Well, finally we have a President who knows it's a big deal. A President who has a plan to get the economy moving. A President who has the broad support of the American people.

The President's plan does many things. But it does one thing above all. It creates jobs. Let me repeat that. It creates jobs, right now—with immediate investment, and in the future, because it invests in the future. Invests in our communities. Invests in education. Invests in training. Invests in health. Invests in affordable housing. Invests in small business. All that will create jobs and growth for America not just next year but into the next century.

That's why three University of Michigan economists said the other day, that if we just stick to the President's plan we'll have an even greater decrease in the deficit than the administration predicts, and even more growth.

There are those in this Chamber tonight who say we shouldn't pass this bill because it's not really an emergency, that we shouldn't be investing $16 billion now. Let me remind them: The level of funding in this bill is $5.5 million below the spending caps set forth in the 1990 budget agreement.

But even more important, we need to invest now if our economy is to grow this year—and next year—and the year after that—so we can finally get our deficit under control.

Some say we are in a recovery. You think it sounded like a recovery to the people at Northwest Airlines last month when they announced they were laying off another 1,000 people? Or McDonnell Douglas when they cut 8,700 jobs? Or Sears—50,000 jobs? Or Boeing: 20,000 jobs? Or General Motors, or IBM or Kodak, or the 80 other large firms who announced big job cuts since January 1.

Some recovery. The personnel experts have great names for it. Downsizing. Restructuring.

Mr. Speaker, it's a pink slip. And it devastates families. In the 23 months of this so-called recovery, job growth has been about one-fifth of the usual recovery.

There are still 3 million more Americans out of work than there were before the recession began. Three million. Let's start putting these people back to work.

Finally, let me say this to my colleagues. Bill Clinton was elected President for a simple reason. Change. People were tired of the status quo. They wanted a President who would act. Who had a plan. This is his plan. Give him the chance to make it work. Listen to the voices all around America. From labor, from business. From private sector and public sector. From farmers and teachers. From assembly line workers and white collar workers. From people in the suites and people on the streets. They are voices for change. They want action. Let's pass the bill right now. Defeat the motion to recommit.

Stand up to the guardians of gridlock just as we've stood up all day to those who want only to delay, to deny, to derail, to deadlock.

Let's send the whole economic package to the President. Let's give him the chance to do what voters want him to do. Let's give the millions who need work and need hope the courage to keep looking. And let them see that we're doing our job to help Americans find theirs.

The SPEAKER pro tempore (Mr. McDERMOTT). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced the noes appeared to have it.

RECORDED VOTE

Mr. McDADE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 244, not voting 5, as follows:

[Roll No. 87]

AYES—181

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hall (TX)
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—244

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—5

Barton
Ford (TN)
Henry
Myers
Quillen

□ 0018

Mr. REED changed his vote from "aye" to "no."

Mr. GREENWOOD and Mrs. JOHNSON of Connecticut changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

□ 0020

The SPEAKER pro tempore (Mr. McDERMOTT). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NATCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 235, nays 190, not voting 5, as follows:

[Roll No. 88]

YEAS—235

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Rogers
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—190

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Coppersmith
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Mann
Manzullo
Margolies-Mezvinsky
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Neal (NC)
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Valentine
Vucanovich
Walker
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—5

Barton
Ford (TN)
Henry
Myers
Quillen

□ 0036

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE SCHEDULE

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I have asked for this time for the purpose of trying to engage the majority whip in a little colloquy about the schedule for the remainder of the week and perhaps next week.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, the schedule is that we will meet on next Tuesday, March 23, at noon and have 7 suspensions. Recorded votes on the suspensions will be postponed until Wednesday, the 24th of March.

Those bills are:

H.R. 904, to establish a National Commission to Ensure a Competitive Airline Industry, concur in Senate amendment.

House Joint Resolution 102, appointment of Barber B. Conable as a Citizen Regent of the Smithsonian Institution.

House Joint Resolution 104, appointment of Wesley S. Williams as a Citizen Regent of the Smithsonian Institution.

House Joint Resolution 105, appointment of Hanna Holburn Gray as a Citizen Regent of the Smithsonian Institution.

House Concurrent Resolution 41, use of rotunda to commemorate victims of the Holocaust.

H.R. 235, Idaho Land Exchange Act.

H.R. 720, Custer National Forest.

□ 0040

On Wednesday, March 24, and the balance of the week, Mr. Speaker, we will meet at 2 p.m. on Wednesday and at 11 a.m. on Thursday. We do not know about Friday as of yet.

Our schedule for Wednesday tentatively is to do H.R. 670, the Family Planning Amendments Act of 1993, subject to a rule.

We will let Members know about Friday as soon as we know, and, hopefully, that will be soon.

I am sure the gentleman from New York [Mr. SOLOMON] is interested in committee funding.

Mr. SOLOMON. Yes.

Mr. BONIOR. We have to do that, as the gentleman knows, by March 23, and we are not expected to do it next week at this time. We will probably do it the following week.

Mr. SOLOMON. The gentleman from Michigan [Mr. BONIOR] says we will not expect to do the committee funding next week?

Mr. BONIOR. That is correct.

Mr. SOLOMON. Then just to clarify again, Mr. Speaker, the gentleman said the pending bills on Tuesday, if there were votes called for, they would be rolled over until Wednesday?

Mr. BONIOR. That is correct.

Mr. SOLOMON. And we will take up the Family Planning Act amendments on Wednesday, and does the gentleman think in his opinion that there might be votes on Thursday on that bill as well?

Mr. BONIOR. We are anticipating votes at this point, yes.

Mr. SOLOMON. We are?

Mr. BONIOR. At this point.

Mr. SOLOMON. We are anticipating votes?

Mr. BONIOR. That could change, but right now we anticipate that Members should be aware that we will probably vote on Thursday.

Mr. SOLOMON. And does the gentleman have any idea about when we might be considering the debt limit which is reaching a critical period?

Mr. BONIOR. Well, we have to do it before the end of the month, and I suspect it would be the following week, not this coming week, but the following week.

Mr. SOLOMON. I see.

Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for enlightening the membership, and I hope he has a nice weekend.

Mr. BONIOR. The same to my friend from New York.

ADJOURNMENT FROM FRIDAY, MARCH 19, 1993, TO TUESDAY, MARCH 23, 1993

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, Friday, March 19, 1993, it adjourn to meet at noon on Tuesday, March 23, 1993.

The SPEAKER pro tempore (Mr. TANNER). Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BONIOR. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

COMMUNICATION FROM HON. DAN ROSTENKOWSKI, CHAIRMAN OF THE COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore laid before the House the following communication from Hon. DAN ROSTENKOWSKI, chairman of the Committee on Ways and Means:

COMMITTEE ON WAYS AND MEANS,
Washington, DC, January 5, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to advise you that, pursuant to sec. 8002 of the Internal Revenue Code, the following Members of the Committee on Ways and Means have been designated to serve on the Joint Committee on Taxation during the 103rd Congress: Dan Rostenkowski (D., IL), Sam M. Gibbons (D., FL), J.J. Pickle (D., TX), Bill Archer (R., TX), Philip M. Crane (R., IL).

Sincerely yours,

DAN ROSTENKOWSKI,
Chairman.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TALENT) to revise and extend their remarks and include extraneous material:)

Mr. REGULA, for 60 minutes, on March 30.

(The following Members (at the request of Ms. LAMBERT) to revise and extend their remarks and include extraneous material:)

Mrs. LOWEY, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. SYNAR, for 60 minutes, on March 23.

Mr. OLVER, for 60 minutes, on March 23.

Mr. OWENS for 60 minutes each day, on April 1, 2, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, and 30.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. TALENT) and to include extraneous matter:)

Mr. BLILEY in two instances.

Mr. COMBEST in two instances.

Mr. GOODLING.

Mr. GINGRICH in two instances.

Mr. HENRY.

Mrs. MORELLA.

Mr. LEACH in two instances.

Mr. KYL.

Ms. DUNN.

Mr. GILMAN.

Mr. SOLOMON.

Mr. HYDE.

Mr. ROGERS in two instances.

Mr. PACKARD.

Mr. SCHAEFER.

Mr. SANTORUM.

Mr. MOORHEAD.

Mr. OXLEY.

Mr. LIGHTFOOT.

Mr. FRANKS of Connecticut.

Mr. BEREUTER.

Mr. PORTER.

(The following Members (at the request of Ms. LAMBERT) and to include extraneous matter:)

Mrs. MALONEY.

Mr. HOCHBRUECKNER.

Mrs. CLAYTON in two instances.

Ms. PELOSI.

Mr. SKELTON.

Mrs. KENNELLY.

Mr. MARKEY.

Mrs. SCHROEDER.

Mrs. MEEK.

Mr. NADLER.

Mr. BROWN of California in two instances.

Mr. BARCIA.

Mr. SPRATT.

Mr. MORAN.

Mr. GIBBONS in two instances.

Mrs. THURMAN.

Mr. BORSKI.

Mr. JACOBS.

Mr. RICHARDSON in two instances.

Mr. TORRICELLI.

Mr. KANJORSKI.

Mr. STUDDS in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 80. An act to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek corridor unit, the Big Sandy corridor unit, and the Canyonlands unit; to the Committee on Natural Resources.

S. 214. An act to authorize the construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict; to the Committee on House Administration.

S. 275. An act to direct the Secretary of Agriculture to convey certain lands to the town of Taos, New Mexico, and for other purposes; to the Committee on Natural Resources.

S. 326. An act to revise the boundaries of the George Washington Birthplace National Monument, and for other purposes; to the Committee on Natural Resources.

S. 328. An act to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes; to the Committee on Natural Resources.

S. 344. An act to direct the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Fox and Lower Wisconsin River corridors in the State of Wisconsin as a National Heritage Corridor, and for other purposes; to the Committee on Natural Resources.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 22. Joint resolution designating March 25, 1993, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

S.J. Res. 36. Joint resolution to proclaim March 20, 1993, as "National Agriculture Day".

ADJOURNMENT

Ms. LAMBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 45 minutes a.m.), under its previous order, the House adjourned until Tuesday, March 23, 1993, at 12 noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Report and amended report of House committees concerning the foreign currencies and U.S. dollars utilized by them during the third and fourth quarter of 1992, in connection with foreign travel pursuant to Public Law 95-384, are as follows:

AMENDED REPORT OF OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Debbie Gebhardt	8/24	8/26	Japan		484.00		(3)				484.00
	8/26	9/4	China		1,752.00		(3)				1,752.00
	9/5	9/6	Thailand		213.00		(3)				213.00
	9/6	9/7	Hong Kong		516.00		(3)				516.00
Committee total											2,965.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Air transportation provided by USAF.

NORMAN Y. MINETA, Chairman, Mar. 11, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Mike Synar	12/20	12/27	South Africa		1,418.50						1,418.50
	12/28	12/30	Belgium		542.00						542.00
Commercial transportation							6,423.44				6,423.44
Committee total					1,960.50		6,423.44				8,383.94

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, Chairman, Mar. 1, 1993.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

918. A letter from the Secretary of Housing and Urban Development, transmitting the Department's 1992 report on the Supportive Housing Demonstration Program, pursuant to 42 U.S.C. 11387; to the Committee on Banking, Finance and Urban Affairs.

919. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

920. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's semiannual report of activities and efforts relating to utilization of the private sector, pursuant to 12 U.S.C. 1827; to the Committee on Banking, Finance and Urban Affairs.

921. A letter from the President and CEO, Resolution Trust Corporation, transmitting a report entitled "Progress of Investigations of Professional Conduct through December 31, 1992", pursuant to Public Law 101-647, section 2540 (104 Stat. 4885); to the Committee on Banking, Finance and Urban Affairs.

922. A letter from the Secretary of Education, transmitting a notice of Final Funding Priorities for the Rehabilitation Research and Training Centers, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

923. A letter from the Secretary of Education, transmitting Final Regulations—Institutional Eligibility under the Higher Education Act of 1965, As Amended; Student Assistance General Provisions, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

924. A letter from the Acting Assistant General Counsel, Department of Energy, transmitting a notice of meeting related to the International Energy Program; to the Committee on Energy and Commerce.

925. A letter from the Chairman, Federal Communications Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

926. A letter from the President, Inter-Americans Foundation, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

927. A letter from the Acting Senior Deputy Chairman, National Endowment for the Arts, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

928. A letter from the Director, Office of Legislative and Public Affairs, National Science Foundation, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

929. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

930. A letter from the Acting Director, Office of Personnel Management, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

931. A letter from the Acting Executive Director, Pension Benefit Guaranty Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

932. A letter from the Secretary, Naval Sea Cadet Corps, transmitting the Annual Audit Report to the Corps for the year ended December 31, 1992, pursuant to 36 U.S.C. 1101(39), 1103; to the Committee on the Judiciary.

933. A letter from the Acting Administrator, Federal Aviation Administration, transmitting a report on assessment of threats in domestic airport security, pursuant to Public Law 101-604, section 106(d) (104 Stat. 3075); to the Committee on Public Works and Transportation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BACCHUS of Florida (for himself, Mr. ZIMMER, Mr. KREIDLER, Mr. BARRETT of Wisconsin, Mr. PAXON, Mr. CAMP, Mr. GREENWOOD, Mr. KLUG, Mr. Lewis of Florida, Mr. Thomas of Wyoming, Mr. Petri, Mr. Gene Green, and Mr. Gutierrez):

H.R. 1395. A bill to amend section 207 of title 18, United States Code, to tighten restrictions on former executive and legislative branch officials and employees; to the Committee on the Judiciary.

By Mr. BEILENSON (for himself and Mr. Leach):

H.R. 1396. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing for House of Representatives election campaigns, to prohibit contributions by multicandidate political committees, and for other purposes; jointly, to the Committees on House Administration, Post Office and Civil Service, and Energy and Commerce.

By Mr. BROWN of California (for himself, Mr. Lantos, Ms. Kaptur, Mr. Berman, Mr. Sanders, and Mr. Towns):

H.R. 1397. A bill to prohibit the importation of goods produced abroad with child labor and for other purposes; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 1398. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to provide for health insurance coverage for workers and the public in a manner that contains the costs of health care in the United States; jointly, to the Committees on Energy and Commerce, Ways and Means, and Education and Labor.

By Mr. CUNNINGHAM (for himself, Mr. Doolittle, Mr. Dornan, Mr. Jacobs, Mr. Baker of California, Mr. Klug, Mr. Goodlatte, Mr. Armey, and Mr. Torkildsen):

H.R. 1399. A bill to provide that certain new Federal programs shall terminate no later than 5 years after the date of enactment of the law that establishes the programs; to the Committee on Government Operations.

By Mr. DINGELL (for himself and Mr. Markey):

H.R. 1400. A bill to amend section 315 of the Communications Act of 1934 with respect to the purchase of broadcasting time by candidates for public office; to the Committee on Energy and Commerce.

By Mr. GIBBONS:

H.R. 1401. A bill to amend the Internal Revenue Code of 1986 to remove U.S. tax barriers inhibiting competitiveness of U.S. owned businesses operating in the European Community; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself, Mr. Studds, Mr. Lipinski, Mr. Bateman, Mr. Cardin, Mr. Payne of Virginia, Mr. Kopetski, Mr. Jefferson, Mr. Pickett, Mr. Andrews of Maine, Mr. Gene Green, Mr. Tauzin, Mrs. Bentley, Mr. Murphy, Mr. Filner, Ms. Thurman, Ms. Snowe, Mr. Hunter, Mr. Murtha, Mr. Reed, Mr. Livingston, Mr. Goodling, and Mr. Torricelli):

H.R. 1402. A bill to amend the Tariff Act of 1930 to provide effective trade remedies under the countervailing and antidumping duty laws against foreign-built ships that are subsidized or dumped and to provide otherwise for fair trade for the U.S. shipbuilding and repair industry; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself, Mr. Pickle, Mr. Crane, and Mr. Rangel):

H.R. 1403. A bill to ensure that the Caribbean Basin Initiative is not adversely affected by the implementation of the North American Free Trade Agreement and to apply "fast track" approval procedures to free trade agreements entered into between the United States and certain Caribbean Basin countries; jointly, to the Committees on Ways and Means and Rules.

By Mr. HOCHBRUECKNER:

H.R. 1404. A bill to amend title 38, United States Code, to provide that amounts received by a veteran in a legal settlement with the Department of Veterans Affairs for injuries arising from the negligence of the Department shall be excluded from determinations with respect to annual income for purposes of programs administered by the Secretary of Veterans Affairs that are income-based; to the Committee on Veterans' Affairs.

H.R. 1405. A bill to amend title 38, United States Code, to revise the formula for payments to States for care furnished to veterans in State homes; to the Committee on Veterans' Affairs.

By Mrs. KENNELLY (for herself, Mr. Shaw, Mr. Andrews of Texas, Mr. Matsui, and Mr. Gephardt):

H.R. 1406. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of the rehabilitation credit under the passive activity limitations; to the Committee on Ways and Means.

By Ms. MALONEY:

H.R. 1407. A bill to prohibit government-to-government and commercial arms sales to any country that is participating in or cooperating with the boycott of Israel by Arab countries; to the Committee on Foreign Affairs.

By Mrs. MORELLA (for herself, Ms. Lowey, Mrs. Mink, Ms. Slaughter, Mr. Olver, Mr. Frank of Massachusetts, Mr. Towns, Mrs. Unsoeld, Mr. Frost, Mr. Rangel, Mrs. Lloyd, and Ms. Maloney):

H.R. 1408. A bill to amend the Elementary and Secondary Education Act of 1965 to address gender equity in mathematics and science education; to the Committee on Education and Labor.

By Mr. THOMAS of California:

H.R. 1409. A bill to amend the Internal Revenue Code of 1986 to reduce compliance costs and administrative burdens in connection with foreign taxes, and for other purposes; to the Committee on Ways and Means.

H.R. 1410. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for States and local income and franchise taxes shall not be allocated to foreign source income; to the Committee on Ways and Means.

H.R. 1411. A bill to amend the Internal Revenue Code of 1986 to double the maximum benefit under the special estate tax valuation rules for certain farm, and so forth, real property; to the Committee on Ways and Means.

By Mrs. UNSOELD:

H.R. 1412. A bill to establish a National Shellfish Safety Program; jointly, to the Committees on Merchant Marine and Fisheries and Energy and Commerce.

By Mr. DREIER:

H.R. 1413. A bill to amend title II of the Social Security Act to eliminate the penalty imposed on wage income earned by individuals who have attained retirement age; to the Committee on Ways and Means.

By Mr. HANSEN (for himself, Mr. Young of Alaska, Mr. Smith of Oregon, Mr. Baker of Louisiana, Mrs. Vucanovich, Mr. Doolittle, Mr. Herger, Mr. Stump, Mr. Dornan, Mr. Skeen, Mr. Thomas of Wyoming, Mr. Taylor of North Carolina, Mr. Packard, Mr. Gallegly, Mr. Hancock, Mr. Emerson, Mr. Armey, and Mr. Zeliff):

H.R. 1414. A bill to amend the Endangered Species Act of 1973 to provide for making determinations of whether a species is an endangered species or a threatened species other than solely on the basis of the best scientific and commercial data available, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and the Judiciary.

By Mr. HOCHBRUECKNER:

H.R. 1415. A bill to provide veterans benefits to certain individuals serving in the U.S. merchant marine in a combat zone during a period of war, and for other purposes; jointly, to the Committees on Veterans' Affairs and Merchant Marine and Fisheries.

By Mr. JACOBS:

H.R. 1416. A bill to amend the Internal Revenue Code of 1986 to include liability to pay compensation under workmen's compensation acts within the rules relating to certain personal liability assignments; to the Committee on Ways and Means.

By Mr. JOHNSTON of Florida:

H.R. 1417. A bill to amend the Family and Medical Leave Act of 1993 to restore the leave rights of certain employees; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Ms. LOWEY:

H.R. 1418. A bill to amend the Internal Revenue Code of 1986 to provide that the treatment of tenant-stockholders in cooperative housing corporations also shall apply to stockholders of corporations that only own the land on which the residences are located; to the Committee on Ways and Means.

By Mrs. MORELLA (for herself and Mr. Lewis of Florida):

H.R. 1419. A bill to authorize research and evaluation programs for monitoring, detecting, and abating lead based paint and other lead exposure hazards in housing, and for other purposes; jointly, to the Committees on Science, Space, and Technology and Energy and Commerce.

By Mrs. SCHROEDER (for herself, Mr. Dellums, Mr. Bacchus of Florida, Mr. de Lugo, Mr. Kennedy, Mr. Johnson of South Dakota, Ms. McKinney, Mr. Serrano, Mr. Hutto, Mr. Ackerman, and Mr. Markey):

H.R. 1420. A bill to amend the Federal Food, Drug, and Cosmetic Act to require ingredient labeling for malt beverages, wine, and distilled spirits and for other purposes; to the Committee on Energy and Commerce.

By Mr. STARK (for himself, Mr. Shays, Mr. Ackerman, Mr. Bacchus of Florida, Mr. Beilenson, Mr. Berman, Mr. Borski, Ms. Byrne, Mr. Clay, Mrs. Collins of Illinois, Mr. Conyers, Mr. de Lugo, Mr. Derrick, Mr. Edwards of California, Mr. Faleomavaega, Mr. Frank of Massachusetts, Mr. Gonzalez, Mr. Gutierrez, Mr. Hochbrueckner, Mr. Jefferson, Mr. Johnston of Florida, Ms. Lowey, Mr. McDermott, Mr. Mazzoli, Mr. Miller of California, Mrs. Morella, Ms. Norton, Mr. Owens, Ms. Pelosi, Mr. Rangel, Mr. Reynolds, Mr. Romero-Barceló, Ms. Roybal-Allard, Mr. Sabo, Mrs. Schroeder, Mr. Studds, Mr. Torricelli, Mr. Towns, Mr. Traficant, Mr. Yates, Ms. Waters, and Mr. Wheat):

H.R. 1421. A bill to amend title 18, United States Code, to prohibit the importation and the manufacture of firearms designed to accept a silencer, bayonet, grenade launcher, flash suppressor, or folding stock, of certain ammunition feeding devices, and of related devices, and to provide for the imposition of enhanced penalties for the possession or the use of any such item in a crime of violence or in a drug trafficking crime; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 1422. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for expenses in connection with the cutting of old-growth redwood timber and certain other redwood timber and to impose an excise tax on the cutting of such timber; to the Committee on Ways and Means.

By Mr. STENHOLM (for himself, Mr. ALLARD, Mr. ANDREWS of Maine, Mr. ARMEY, Mr. BAKER of Louisiana, Mr. BARRETT of Nebraska, Mr. BARTLETT, Mr. BEREUTER, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONILLA, Mr. BREWSTER, Mr. BROWDER, Mr. BROWN of California, Mr. BRYANT, Mr. BURTON of Indiana, Mr. CAMP, Mr. CHAPMAN, Mr. COLEMAN, Mr. COMBEST, Mr. CONDIT, Mr. COSTELLO, Mr. CRAMER, Mr. DOOLEY, Mr. DORNAN, Mr. DUNCAN, Mr. EMERSON, Mr. EWING, Mr. FIELDS of Texas, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GALLEGLY, Mr. GIBBONS, Mr. GLICKMAN, Mr. GOODLING, Mr. GORDON, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HAMILTON, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS, Mr. HEFNER, Mr. HUTCHINSON, Mr. HUTTO, Mr. HYDE, Mr. INHOFE, Mr. JOHNSON of South Dakota, Mr. KLECZKA, Mr. KOLBE, Mr. KOPETSKI, Mr. KYL, Mr. LANCASTER, Mr. LEHMAN, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Ms. LONG, Mr. MCCLOSKEY, Mr. MCCRERY, Mr. MONTGOMERY, Mr. NEAL of North Carolina, Mr. NUSSLE, Mr. OBERSTAR, Mr. OXLEY, Mr. PACKARD, Mr. PAXON, Mr. PENNY, Mr. PICKETT, Mr. POMEROY, Mr. ROTH, Mr. ROWLAND, Mr. ROYCE, Mr. SARPALIUS, Mr. SENSENBRENNER, Mr. SHAW, Mr. SHAYS, Ms. SLAUGHTER, Mr. SMITH of Michigan, Ms. SNOWE, Mr. STUMP, Mr. SWIFT, Mr. TANNER, Mr. TORRES, Mr. TOWNS, Mrs. UNSOELD, Mr. UPTON, Mrs. VUCANOVICH, Mr. WALSH, Mr. WILSON, Mr. YOUNG of Alaska, Mr. ZELIFF, and Mr. ZIMMER):

H.R. 1423. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow licensed veterinarians to order the extra-label use of drugs in animals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts:

H.R. 1424. A bill to amend titles II and XVIII of the Social Security Act to eliminate the 5-month waiting period required in order for an individual to be eligible for benefits based on disability or for the disability freeze and to eliminate the 24-month waiting period for disabled individuals to become eligible for Medicare benefits; jointly to the Committees on Ways and Means and Energy and Commerce.

By Mr. RICHARDSON (for himself, Mr. JOHNSON of South Dakota, and Mr. WILLIAMS):

H.R. 1425. A bill to improve the management, productivity, and use of Indian agricultural lands and resources; to the Committee on Natural Resources.

By Mr. RICHARDSON:

H.R. 1426. A bill to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes; to the Committee on Natural Resources.

By Mr. SPRATT:

H.R. 1427. A bill to extend the existing suspension of duty on tetraamino biphenyl; to the Committee on Ways and Means.

By Mr. GRAMS (for himself, Mr. BARTLETT, Ms. SNOWE, Mr. ARMEY, Mr. BOEHNER, Mr. BUYER, Mr. CASTLE, Mr. DICKEY, Mr. EVERETT, Mr. EWING, Mr. GOODLATTE, Mr. GOSS, Mr. GUNDERSON, Mr. HANCOCK, Mr. HOEKSTRA, Mr. SAM JOHNSON, Mr. LEWIS of Florida, Mr. MANZULLO, Mr. MACHTLEY, Mr. MCCANDLESS, Mr. MINGE, Mr. RAMSTAD, Mr. ROHRABACHER, Mr. SAXTON, Mr. SHAYS, Mr. SMITH of Oregon, Mr. THOMAS of Wyoming, Mr. TORKILDSEN, and Mr. WALSH):

H.R. 1428. A bill to rescind funds appropriated for the Select Committee on Aging, the Select Committee on Children, Youth, and Families, the Select Committee on Hunger, and the Select Committee on Narcotics Abuse and Control, effective April 1, 1993; to the Committee on Appropriations.

By Mr. GEJDENSON (for himself, Mrs. KENNELLY, Ms. DELAURO, Mr. SHAYS, Mrs. JOHNSON of Connecticut, and Mr. FRANKS of Connecticut):

H.J. Res. 159. Joint resolution to designate the month of November in 1993 and 1994 as "National Hospice Month"; to the Committee on Post Office and Civil Service.

By Mr. INHOFE (for himself, Ms. MCKINNEY, Mr. SAXTON, Mr. GUNDERSON, Mr. HASTERT, Mr. HALL of Texas, Mr. TRAFICANT, Mr. GILLMOR, Mr. COLLINS of Georgia, Mr. CONDIT, Mr. PETE GEREN, Mr. BREWSTER, Mr. SLATTERY, and Mr. LAUGHLIN):

H. Res. 134. Resolution amending the Rules of the House of Representatives to cause the publication of Members signing a discharge motion; to the Committee on Rules.

By Mr. GEPHARDT (for himself, Mr. DINGELL, Mr. FORD of Michigan, Mr. MARKEY, Mr. BONIOR, and Mr. WILLIAMS):

H. Res. 135. Resolution to express the sense of the House of Representatives that the Chairman of the Federal Communications Commission take certain action; to the Committee on Energy and Commerce.

By Ms. DUNN:

H. Res. 136. Resolution requiring that unexpended balances in the official allowances of Members of the House of Representatives be returned to the Treasury for deficit reduction; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

59. The SPEAKER presented a memorial of the Senate of the State of New± Mexico, relative to placing conditional human rights provisions on the "Most Favored Nation" trade status of China; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BLILEY introduced a bill (H.R. 1429) for the relief of Charlotte S. Neal; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. FORD of Michigan and Mr. HINCHEY.

H.R. 5: Mr. MCNULTY, Mr. BROWN of California, Mr. MEEHAN, Mr. REED, Mr. POSHARD, Mr. STUDDS, Ms. SLAUGHTER, Mr. GORDON, Mr. BEVILL, and Ms. BROWN of Florida.

H.R. 58: Mr. HORN.

H.R. 59: Mr. PAYNE of Virginia, Mr. LINDER, Mr. TALENT, Mr. BARLOW, Mr. BUNNING, and Mr. ARMEY.

H.R. 112: Mr. GOSS.

H.R. 115: Mr. MCCLOSKEY, Mr. SAWYER, Mr. SANDERS, Ms. PELOSI, Mr. ACKERMAN, Mr. FORD of Michigan, Mr. JACOBS, Mr. RANGEL, Mr. WATT, Mr. JEFFERSON, Mr. TOWNS, Mr. BERMAN, Mr. ROMERO-BARCELÓ, Mrs. CLAYTON, Ms. MALONEY, Mr. TUCKER, Mrs. MINK, and Mr. YOUNG of Alaska.

H.R. 140: Mr. FRANKS of New Jersey, Mr. CRAPO, and Mr. KIM.

H.R. 142: Mr. PETRI.

H.R. 146: Mr. SAM JOHNSON.

H.R. 147: Mr. SAM JOHNSON.

H.R. 159: Ms. DUNN.

H.R. 167: Mr. POSHARD.

H.R. 171: Mr. ARMEY, Mr. ROYCE, and Mr. HANCOCK.

H.R. 212: Mr. REGULA.

H.R. 359: Mr. EVANS.

H.R. 425: Mr. NADLER.

H.R. 426: Mr. NADLER.

H.R. 449: Mr. GREENWOOD.

H.R. 496: Mr. BROWN of California.

H.R. 498: Mr. ROMERO-BARCELO.

H.R. 513: Mr. SKEEN, Mr. EWING, Ms. MARGOLIES-MEZVINSKY, Mr. JOHNSON of South Dakota, Mr. SCHAEFER, Mr. KIM, Mr. UPTON, Mr. HUNTER, and Mr. BURTON of Indiana.

H.R. 535: Mr. MINETA, Mr. SARPALIUS, Mr. APPLEGATE, Mr. BREWSTER, Mr. CALLAHAN, Mr. CARDIN, Mr. CARR, Mr. CLEMENT, Mr. CONDIT, Mr. COSTELLO, Mr. DARDEN, Mr. DE LA GARZA, Mr. DERRICK, Mr. ENGLISH of Oklahoma, Mr. FAZIO, Mr. GEJDENSON, Mr. PETE GEREN, Mr. GENE GREEN, Mr. HOYER, Mrs. LLOYD, Ms. LOWEY, Mr. MAZZOLI, Mr. PENNY, Mr. PETERSON of Minnesota, Mr. POSHARD, Mr. RAHALL, Mr. RICHARDSON, Mr. SANGMEISTER, Mr. SHAW, Mr. SKEEN, Mr. SKELTON, Mr. SMITH of Iowa, Mr. SWETT, Mr. TANNER, Mr. TAUZIN, Mr. WAXMAN, Mr. SPRATT, Mr. ZELIFF, and Mr. BERMAN.

H.R. 539: Mr. LIGHTFOOT, Mr. SPENCE, Mr. RAMSTAD, Mr. SHAYS, Mr. GALLO, Mr. GINGRICH, and Ms. PRYCE of Ohio.

H.R. 558: Mr. GALLEGLY, Mr. EVANS, Mr. MCCOLLUM, Mr. BAKER of Louisiana, Mr. SCHAEFER, Mr. DORNAN, Ms. THURMAN, Mr. HUTTO, and Mr. TAYLOR of Mississippi.

H.R. 561: Mr. LIVINGSTON, Mr. PARKER, Mr. BURTON of Indiana, Mr. TRAFICANT, Mr. HEFLEY, Mr. LAFALCE, Mr. LAUGHLIN, Mr. SLATTERY, Mr. BARCIA, Mr. HAYES of Louisiana, Mr. HOLDEN, Mr. BOEHNER, Mr. ISTOOK, Mr. APPLEGATE, Mr. MYERS of Indiana, Mr. BARTLETT, and Mr. ORTON.

H.R. 640: Mr. HAYES of Louisiana.

H.R. 649: Mr. BLACKWELL.

H.R. 667: Mr. HALL of Texas and Mr. ROYCE.

H.R. 676: Mr. LANCASTER, Mr. BAKER of Louisiana, Mr. COX, Mr. HEFNER, and Mr. LEWIS of Georgia.

H.R. 684: Mr. EWING.

H.R. 692: Mr. FORD of Michigan, Mr. KOPETSKI, Mrs. CLAYTON, Mr. PAYNE of New Jersey, and Mr. REYNOLDS.

H.R. 700: Mr. KOPETSKI.

H.R. 739: Mr. SAM JOHNSON, Mr. ARCHER, Mr. DUNCAN, and Mr. VALENTINE.

H.R. 749: Mr. ORTON, Mr. DARDEN, Mr. MANZULLO, Mr. BILIRAKIS, Mr. GUNDERSON, Mr. ROHRABACHER, and Ms. THURMAN.

H.R. 771: Miss COLLINS of Michigan, Mr. TOWNS, and Mr. STRICKLAND.

H.R. 796: Mr. EVANS, Mrs. UNSOELD, Mr. MCDERMOTT, Ms. SNOWE, Mr. ENGEL, Ms. DELAURO, Ms. EDDIE BERNICE JOHNSON, Mr. HOCHBRUECKNER, Mr. HINCHEY, Mrs. COLLINS of Illinois, Mr. DEFAZIO, Mr. COPPERSMITH, Mr. BARRETT of Wisconsin, Mr. ZIMMER, Mr. STARK, Mr. GILMAN, Mr. PORTER, Mr. GILCHREST, Mr. TOWNS, Mrs. THURMAN, Mr. SHAYS, Mr. GREENWOOD, Mrs. ROUKEMA, Ms. SCHENK, and Ms. ESHOO.

H.R. 799: Mr. ALLARD and Mr. GINGRICH.

H.R. 826: Mr. BATEMAN, Mr. PETERSON of Minnesota, Mr. UPTON, and Mr. ZELIFF.

H.R. 887: Mr. ROYCE.

H.R. 894: Mr. ZELIFF.

H.R. 895: Mr. LEWIS of Florida, Mr. RAMSTAD, Mr. FAWELL, Mr. SENSENBRENNER, Mr. BURTON of Indiana, Mr. LIVINGSTON, and Mr. EWING.

H.R. 896: Mr. FAWELL, Mr. BURTON of Indiana, Mr. LIVINGSTON, Mr. BAKER of Louisiana, Mr. EWING, and Mr. GOSS.

H.R. 930: Mr. OBERSTAR, Mr. PENNY, Mr. WOLF, Mr. ZIMMER, Mr. FRANK of Massachusetts, Mr. LIGHTFOOT, Mr. MAZZOLI, Mr. BREWSTER, and Ms. SLAUGHTER.

H.R. 947: Mr. TAYLOR of Mississippi, Mr. DEFAZIO, and Mr. BLACKWELL.

H.R. 962: Mr. VOLKMER, Mr. PAYNE of Virginia, Mr. OXLEY, Mr. EWING, Mr. DEUTSCH, Mr. GUNDERSON, Mr. TAUZIN, Mr. LINDER, Mr. CRAPO, Mr. LANCASTER, Mr. TALENT, Mr. BARLOW, Mr. PETE GEREN, Mr. RICHARDSON, Mr. ROEMER, Mr. BUNNING, Mr. SKEEN, Mr. ZELIFF, Mr. FRANKS of Connecticut, Mr. ARMEY, Mr. BILBRAY, and Mr. LAUGHLIN.

H.R. 967: Mr. MCHUGH, Mr. LEWIS of Florida, Mr. LEWIS of California, Mr. GALLEGLY, Mr. BOEHNER, Mr. EMERSON, Mr. DOOLITTLE, Mr. KINGSTON, Mr. GILLMOR, MR. KANJORSKI, Mr. MCDADE, Mr. HOLDEN, Mr. QUILLEN, Mr. HUGHES, Mr. KYL, Mr. JOHNSON of South Dakota, Mr. ROTH, Mr. SMITH of Michigan, and Mr. ORTON.

H.R. 1013: Mr. HUTTO, Mr. VALENTINE, Mr. HOLDEN, Mr. BAKER of Louisiana, Mr. MCHALE, and Mr. MORAN.

H.R. 1025: Mr. MCHALE, Mr. TORRES, Mr. ABERCROMBIE, Mr. FORD of Michigan, Mr. SCOTT, Mr. VENTO, Mr. BECERRA, Mr. DICKS, Mr. HAMBURG, Ms. MEEK, and Ms. ESHOO.

H.R. 1026: Mr. GOODLATTE, Mr. LINDER, Mr. GUTIERREZ, Mr. HUTCHINSON, Mr. CANADY, and Mr. MEEHAN.

H.R. 1048: Mr. NEAL of North Carolina and Mr. BRYANT.

H.R. 1067: Mr. WILSON.

H.R. 1085: Mr. MCCOLLUM and Mr. BEREUTER.

H.R. 1086: Mr. DORNAN and Mr. ZELIFF.

H.R. 1087: Mr. BEVILL, Mr. DIAZ-BALART, and Mr. NEAL of North Carolina.

H.R. 1099: Mr. MACHTLEY and Mr. ZELIFF.

H.R. 1121: Mr. TOWNS, Mr. DORNAN, Mr. EMERSON, Mr. NEAL of North Carolina, and Mr. BREWSTER.

H.R. 1131: Mr. TALENT.

H.R. 1135: Mr. LAZIO, Mr. MORAN, Mr. DEFAZIO, Mr. ACKERMAN, and Mr. FROST.

H.R. 1141: Mr. THOMAS of California and Mr. BILBRAY.

H.R. 1142: Mr. DOOLITTLE, Mr. ORTON, and Mr. EWING.

H.R. 1145: Mr. LEVY, Mr. DOOLITTLE, Mr. TORKILDSEN, Mr. MCHUGH, Mr. SOLOMON, Mr. DORNAN, and Mr. TOWNS.

H.R. 1152: Mr. GUNDERSON, Mr. MCDERMOTT, Mr. KOPETSKI, Mr. EVANS, Mr. BEREUTER, Ms. SLAUGHTER, Mr. BECERRA, Mrs. MEEK, Mr. MENENDEZ, Mr. BLACKWELL, and Mr. KILDEE.

H.R. 1153: Mr. LEHMAN, Mr. KOPETSKI, Mr. HOCHBRUECKNER, Mr. SPENCE, Mr. FROST, Mr. EVANS, Mrs. MALONEY, Mr. MENENDEZ, and Mr. FAZIO.

H.R. 1157: Mr. BLUTE, Mr. LAZIO, and Ms. MOLINARI.

H.R. 1164: Ms. ESHOO.

H.R. 1169: Mr. EVERETT, Mr. FRANK of Massachusetts, Mr. BAKER of Louisiana, Mr. ARMEY, Mr. BALLENGER, and Mr. HANCOCK.

H.R. 1195: Mr. VALENTINE, Mr. FINGERHUT, Mr. SPENCE, Ms. SLAUGHTER, Mr. SCHIFF, Mr. RAVENEL, and Mr. TOWNS.

H.R. 1200: Mr. LEWIS of Georgia, Mr. BORSKI, Mr. SABO, and Mr. FLAKE.

H.R. 1208: Mr. LIPINSKI and Mr. TOWNS.

H.R. 1222: Mr. WOLF, Mr. ACKERMAN, Mr. DORNAN, Mr. EWING, and Mr. WALSH.

H.R. 1251: Mr. SARPALIUS and Ms. DUNN.

H.R. 1276: Mr. BARTON of Texas, Mr. BLILEY, Mr. DUNCAN, Mr. SAM JOHNSON, Mr. PACKARD, Mr. CRANE, and Mr. FIELDS of Texas.

H.R. 1285: Mr. STARK, Mr. POSHARD, Mr. BROWN of Ohio, Mr. BURTON of Indiana, and Mr. LEWIS OF FLORIDA.

H.R. 1301: Mr. GALLEGLY.

H.J. Res. 38: Mr. BARCIA.

H.J. Res. 78: Mr. ANDREWS of New Jersey, Mr. BACCHUS of Florida, Mr. BILBRAY, Mr. BONIOR, Mr. BORSKI, Mr. DICKEY, Mr. FRANK of Massachusetts, Mr. GALLO, Mr. GONZALEZ, Mr. HALL of Texas, Mr. HILLIARD, Mr. LEHMAN, Mr. MACHTLEY, Mr. MONTGOMERY, Mr. ORTON, Mr. ROWLAND, Mr. SAXTON, Mr. SCHUMER, Mrs. UNSOELD, and Mr. VOLKMER.

H.J. Res. 84: Mr. WHEAT, Mr. MANN, Mr. RIDGE, Mr. KLINK, Mr. FORD of Tennessee, Mr. KLECZKA, Mr. LEHMAN, Mr. GENE GREEN, Ms. SNOWE, and Mrs. MINK.

H.J. Res. 92: Mr. STUDDS, Mr. LAZIO, Mr. GORDON, Mr. DINGELL, Mr. FISH, Mr. LANCASTER, Ms. THURMAN, Mr. MACHTLEY, Mr. MOAKLEY, Mr. LANTOS, Mr. MURPHY, Mr. SABO, Mr. HUNTER, Mr. COLEMAN, Mr. BILBRAY, Mr. OWENS, and Mr. FLAKE.

H.J. Res. 94: Mr. SPRATT and Mr. CHAPMAN.

H.J. Res. 103: Ms. SHEPHERD, Mr. DERRICK, and Ms. LONG.

H.J. Res. 111: Mr. UPTON, Mr. MANTON, Mr. STOKES, Mr. NEAL of Massachusetts, Mr. FOGLIETTA, Mr. BLILEY, Mr. MYERS of Indiana, Mr. MOAKLEY, Mr. BLUTE, Mr. HEFNER, Mr. GREENWOOD, and Mr. PRICE of North Carolina.

H.J. Res. 130: Mr. ABERCROMBIE, Mr. DE LUGO, Mr. BAKER of Louisiana, Mrs. BENTLEY, Ms. EDDIE BERNICE JOHNSON, Mr. LEWIS of California, Mr. HUGHES, Mr. ROMERO-BARCELÓ, and Mr. FROST.

H.J. Res. 149: Mr. APPLEGATE, Mr. LIPINSKI, Mrs. BENTLEY, Mr. POSHARD, Mr. BATEMAN, and Mr. WALSH.

H. Con. Res. 45: Mr. SERRANO, Mr. REYNOLDS, Mr. SCHAEFER, Mr. MCKEON, Mr. TORRICELLI, Mr. OLVER, Mr. HANCOCK, Mr. GENE GREEN, Ms. THURMAN, Mr. BARNETT of Wisconsin, and Mr. SLATTERY.

H. Con. Res. 46: Mr. COLEMAN, Mr. GENE GREEN, and Mr. SLATTERY.

H. Con. Res. 48: Mr. HUTTO, Mr. FAWELL, and Mr. LIGHTFOOT.

H. Con. Res. 52: Ms. KAPTUR, Mr. MORAN, Mr. COBLE, Mr. BILIRAKIS, Mrs. SCHROEDER, and Mr. MCCURDY.

H. Con. Res. 60: Mr. BERMAN, Mr. GEJDENSON, and Mr. THOMAS of California,

H. Res. 41: Mr. ISTOOK.

H. Res. 53: Mr. COLLINS of Georgia, Mr. HUTCHINSON, Mr. ARMEY, Mr. KIM, Mr. GOODLATTE, Mr. MANZULLO, Mr. KING, Mr. GUTIERREZ, and Mr. ISTOOK.

H. Res. 86: Mr. BROWN of California, Mr. FAZIO, Mr. FILNER, Ms. HARMAN, Mr. MILLER of California, Mr. MINETA, Ms. ROYBAL-ALLARD, Ms. SCHENK, and Ms. WATERS.

H. Res. 108: Mr. EVERETT, Mr. FRANK of Massachusetts, Mr. BAKER of Louisiana, Mr. ARMEY, Ms. PRYCE of Ohio, Mr. BALLENGER, Mrs. MEYERS of Kansas, Ms. DANNER, Mr. TAYLOR of Mississippi, and Mr. KIM.

H. Res. 118: Mr. TORRICELLI, Mr. ACKERMAN, Mr. JOHNSTON of Florida, Mr. ENGEL, Mr. MARTINEZ, Mr. BROWN of Ohio, Mr. DEUTSCH, Mr. WYNN, Mr. MCCLOSKEY, Mr. GILMAN, Mr. GOODLING, Mr. SMITH of New Jersey, Mrs. MEYERS of Kansas, Mr. GALLEGLY, Mr. ROHRABACHER, Mr. LEVY, Mr. ROYCE, and Mr. LAUGHLIN.

PETITIONS, ETC.

Under clause 1 of rule XXII,

19. The SPEAKER presented a petition of the Washington State Bar Association, relative to funding for the Legal Services Corporation; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE SPENDING PRIORITIES REFORM ACT OF 1993

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. FAWELL. Mr. Speaker, today, Congressman TIM PENNY of Minnesota, and I will be introducing the Spending Priorities Reform Act of 1993, also known as Porkbusters III. The measure will repeal the unobligated balances for 747 projects, worth $1.96 billion which were funded in the fiscal year 1993 appropriation bills.

The bill is the result of extensive research of fiscal year 1993 appropriation bills by the pooled staff of the porkbusters coalition, a bipartisan group of 64 Members of the House, 5 Members of the Senate, and 11 national taxpayer groups. Porkbusters seeks the repeal of only procedural pork, that is, spending projects which bypass Congress' established procedures for authorizing and spending taxpayers' money.

The porkbusters group has developed a list of seven tests to identify spending which basically bypasses Congress' own rules. Spending projects which trip at least three evidences of wasteful spending are included in the bill.

We are aware of course that repeal of these projects would not balance the budget. Yet if Congress cannot cut these most egregious projects, we shall never be taken seriously about more substantial cuts in spending.

Why do I say this?

First, because the results of our annual deficits, the national debt, now $4.1 trillion, is so serious. In fiscal year 1993, $300 billion of interest will be incurred by the Federal Government because of the national debt. Congress has not balanced a budget in 23 years—only once in the last 32 years. The share of the debt for each man, woman, and child in America is now $16,000. CBO reports that our national debt is now 51 percent of our Nation's GDP and will climb to 57.9 percent in 4 years.

Second, even if Congress were to pass all the new taxes, new spending and spending cuts suggested by President Clinton, CBO estimates added debt of $1.584 trillion during the next 4 years. In 6 years the new debt will be $2.489 trillion. And there is no balanced budget in sight. Perhaps sometime in the next century?

America is the richest Nation on Earth. Just think what we could do with the $300 billion we spend on interest to meet such challenges as health care and Head Start. Yet, because of the profligate overspending of Congress, we find ourselves borrowing from our children and grandchildren to meet these challenges.

Third, the public has no faith in the collective will of Congress to control their profligate overspending. New national taxes and spending are forever; real spending cuts are rare. Congress, more than the people, has to be challenged and that challenge has to begin with cuts in spending—not more taxes and more spending. I came to Congress in 1985, the first year of the heralded spending limits of Gramm-Rudman. Those limits were avoided, waived, repealed, scuttled, rewritten, bypassed, and ignored by Congress each time serious spending cuts were required. I also saw the 1990 budget-deficit law passed with its massive new taxes and promised spending cuts and likewise saw it manipulated, avoided, waived, abused, and bypassed while deficits and the national debt continued to climb to all-time heights. Indeed, the stimulus package of $16.2 billion for fiscal year 1993 represents an avoidance of the firewalls and spending limits of the 1990 Budget Deficit Act.

Since there is no line-item veto to weed out procedural pork, Congress itself must therefore do so. Cutting procedural pork spending represents the first toddling steps of congressional spending reform. America is looking for a signal that Congress is willing to begin serious cutting of spending. If Congress cannot lay the axe to one of the main roots of pork spending, that is, procedural pork, its resolve to be serious about cutting spending under the President's tax and spend and cut proposals is hollow indeed.

Perhaps, the only way to control congressional overspending is to chain Congress to the Constitution and require Congress to do so. I know it is theoretically true that Congress should be able to cut out pork and guarantee the balancing of the national budget without being constitutionally required to do so. It is also theoretically possible for Congress to guarantee freedom of the press or freedom of religion without having those rights inculcated in our Bill of Rights. But most of us are thankful that those guarantees are in the Constitution and not subject to the whims of Congress.

Mr. Speaker, Congress must stop financially abusing future generations of Americans. Our children and grandchildren have a right to expect Congress to act responsibly. A first step would be the passage of the Spending Priorities Reform Act of 1992.

HONORING MICHAEL J. RILEY AS THE TEAMSTERS' HISPANIC CAUCUS MAN OF THE YEAR

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. TORRES. Mr. Speaker, today I ask my colleagues to join me in congratulating Michael J. Riley, president, Joint Council of Teamsters No. 42 and chairman, Western Conference of Teamsters, on being named as the Teamsters' Hispanic Caucus Man of the Year.

Born in San Francisco, Brother Riley was initiated into the Teamsters in 1948, as a member of local No. 860. While maintaining his membership, Mike graduated from Riordon High School and later attended San Francisco City College.

For 2 years, 1953–54, Mike served in the U.S. Army, attaining the rank of sergeant. After returning from Korea, Mike transferred his union membership to Teamsters local No. 256. At local No. 256, Mike became increasingly active in union affairs. Over the next few years, Mike earned a reputation as a hard worker and visionary leader. In 1956, Mike was hired as an organizer and business representative for the Western Conference of Teamsters. As such, he transferred his membership to Los Angeles teamster local No. 986. At that time, local No. 986 had a membership of less than 500 Teamsters. Over the next three years, Mike's fellow brothers and sisters at local No. 986 took note of his dedicated efforts and, in 1959, elected him vice president.

In 1962, Mike became coordinator for local No. 986 and in 1968 he was elected the local's president and executive administrator. Since 1974, Mike has served as local No. 986's secretary-treasurer. According to Mike's colleagues, under his capable leadership, local No. 986 has steadily grown in size and stature. Today, local No. 986 boasts a membership of more than 18,000 Teamsters.

In addition to his distinguished service to the members of local No. 986, in 1978, Mike was elected president of Teamsters Joint Council No. 42. As president, Mike's responsibilities cover southern California and southern Nevada. In 1981, Mike was appointed an international union representative and in 1985 he was appointed vice president of the International Brotherhood of Teamsters. He held that post until 1992. Mike also serves as a trustee of the Western Conference of Teamsters Pension Trust and he has served several times as a member of the board of directors of the International Foundation of Employee Benefit Plans.

Mike is also active in civic and charitable organizations. He serves as a member of the board of directors of Big Brothers of Greater Los Angeles and the board of directors of Hollywood Canteen. Mike also is vice president of the California Labor Federation AFL–CIO.

Mr. Speaker, Michael J. Riley, for over 40 years, has been a strong advocate for our Nation's working men and women. He has been at the forefront of ensuring that the rights of the thousands of Teamsters throughout the Greater Los Angeles area are protected. This Friday, March 19, 1993, the Teamsters' Hispanic Caucus will honor Michael J. Riley as their Man of the Year. I ask my colleagues to join me in congratulating Mike and to thank him for his years of dedicated service to the causes of organized labor.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

J. EDGAR HOOVER—SLANDER FOR PROFIT

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1993

Mr. MYERS of Indiana. Mr. Speaker, I bring to the attention of our colleagues an article written by a friend of mine, Sam Devine, who served this House for 22 years as the Representative from the 12th District of Ohio. As many of you know, Sam was one of J. Edgar Hoover's G-men before, during and after World War II and can attest to Mr. Hoover's character and integrity. He is especially concerned with recent allegations about Mr. Hoover which have been made public in a book by Anthony Summers. I share Sam's observations with my colleagues for their consideration.

J. EDGAR HOOVER—SLANDER FOR PROFIT

(By Former Rep. Sam Devine)

It really troubles me to read scurrilous attacks on a respected person, after they are dead and gone, and unable to respond, by one who was too cowardly to make allegations when the subject was alive and could defend their honor.

During my many years in Congress, I was personally acquainted with J. Edgar Hoover, longtime Director of the Federal Bureau of Investigation, prior to his death in 1972. He was a man of great integrity and devoted his life to honest, even-handed, law enforcement. I was in touch with him, as were many other Members of Congress, on legislation having to do with the Justice Department and national security.

Recently, a book was thrust upon America by a British author, Anthony Summers, entitled "Official & Confidential—The Secret Life of J. Edgar Hoover."

Curiously enough, the very makeup of the book and the author raises several questions. Namely, what are the principal points of the book? What are the sources that back up the scurrilous allegations? What are the backgrounds of the "sources"? Has the author been previously discredited as a result of his work?

As most of my former colleagues know, I have always been somewhat of a history buff. I enjoy reading and knowing about the heroes of our Country. Consequently, I grow a little suspicious when authors, particularly from foreign countries, constantly defame Americans who have devoted their lives to protecting and defending the United States.

I knew J. Edgar Hoover well enough to realize what he has done for American law enforcement through centralization of fingerprints, scientific crime detection, usage of computerization to promote the splendid National Crime Information Center and many other innovations that have modernized our system of crime detection.

Mr. Hoover had faults like any other human being. He may have stayed on too long in a tough, demanding job, but I seriously doubt that the sensationalized, distorted claims we hear about him twenty years after his death can be anywhere near accurate.

The book to which I make reference, "Official & Confidential—The Secret Life of J. Edgar Hoover," and previous books by Anthony Summers would appear to contain malicious gossip, innuendo and gross distortion.

The chief point of Summers' latest book, the one about Mr. Hoover, seems to be that Hoover was blackmailed by members of organized crime and forced to stop investigations into such crime because the mob had evidence he was a homosexual. These charges are vague and totally lacking in specific facts and dates. Now, let's look at the evidence:

The FBI had no jurisdiction to investigate organized crime until 1961, when President John F. Kennedy signed into law such federal statutes making it a crime for Interstate Transportation of Gambling Paraphernalia, Wagering Information and Travel in Aid of Racketeering Enterprises. The statutes, promoted by both Democrats and Republicans, gave the FBI a whiphand. What were the results?

There were 80 subjects arrested in 1962 under these laws. There were 72 indicted based solely upon FBI evidence. In 1961 through 1972, the year Mr. Hoover died, there were 1,783 convictions of organized crime subjects. These included: Sam Giancana, Johnny Dioguardia, Raymond Patriarca, Sam Decavalcante, Carlos Marcello, Stefano Maggadicio, Nicola Licata, John Cerone, and Anthony Giardada.

But let's look further.

There had to be ongoing intelligence type investigations for the FBI to accumulate sufficient evidence to cause the aforementioned indictments. Much of this evidence was gathered as a direct result of Hoover's Top Hoodlum Intelligence Program which he initiated in the fifties. The investigations into the blinding of syndicated columnist Victor Riesel in the fifties is a splendid tribute to the FBI's careful work at that time. The subject was apprehended, indicted and convicted.

Let's consider another true fact. Summers' book names the deceased hoodlum, Meyer Lansky, as the mobster who blackmailed Mr. Hoover. If so, why did the FBI constantly surveil Lansky and gather considerable evidence on him back in the fifties? And, take into consideration the fact that the FBI had a number of informants inside organized crime. Two were highly placed mob bosses. Facts indicate that at no time did these individuals know of photographs of Hoover and any knowledge of homosexuality possessed by members of organized crime.

In brief, the FBI has had a full court press all along in the field of organized crime. There has been no stoppage, delay or reason to believe anything other than a diligent law enforcement organization doing its serious duty to uphold and defend the laws of the United States.

All of these facts would seem to put the lie to Summers' book and his sleazy trumped up charges.

Who are the sources used by Summers? And what are their backgrounds? A careful check reflects that Summers used convicted perjurers, mobsters, illegal wiretappers and, in rare instances, disgruntled FBI personnel who were either dismissed with prejudice or could not stand up to FBI discipline and left the organization under a cloud! And, customarily with Summers' writing, a collection of deceased individuals who can no longer be called upon to testify. Innuendo, hearsay and third-handed gossip is rampant.

If alleged charges by Summers were ever brought into a Court of Law, or before a Congressional Committee, he would be laughed into ridicule. There are no photographs! There is no proof!

There have been hundreds of FBI agents who worked side-by-side with Mr. Hoover for years. Some of these former personnel later became members of Congress, like H. Allen Smith (Cal.), Paul Kitchen (N.C.), Sam Devine (Ohio), Eldon Rudd (Ariz.), etc. Mr. Hoover was known to them as a straight, tough, well disciplined, deeply religious man who was married to his job, leading the F.B.I. There was no hint of homosexuality known at any time.

To understand completely the nature of such false allegations, we must understand the background of the author: In 1980, Summers wrote a book "Conspiracy" concerning the death of President John F. Kennedy. This publication justly became typical of the tired, archaic, distorted "quick-buck" type books that are rapidly thrown together in order to promote sensationalized sales and make a dollar—regardless of the deliberate falsities shown therein.

In this particular book Summers wrongly accused the CIA of involvement in President Kennedy's assassination and one David Atlee Phillips, a CIA employee, of being subject Lee Harvey Oswald's contact man. Excerpts from this book were carried by the "Observer" in England. These allegations were later repeated in the book "Death in Washington" at a later date.

Mr. Phillips instituted a libel suit and after five years, the author and publisher of "Death in Washington" were forced to give a retraction in the U.S. District Court here, in Washington, D.C. and agreed to make a financial settlement. Mr. Summers' claims were proven to be false.

There is still more. On October 7, 1986, the High Court in London announced the resolution of a libel suit against the London "Observer." This paper agreed to retract Anthony Summers' allegations that alluded David Atlee Phillips had been Lee Harvey Oswald's contact man. The "Observer" agreed to pay Phillips over 100,000 pounds in damages. * * * Based on the facts just stated, how can anyone believe Mr. Summers? It would seem that he has been sufficiently discredited to warrant caution regarding any charges he might make. He is certainly no stranger to gross distortion.

The "Washington Times" of March 7, 1972, in quoting excerpts from another publication, had this to say about Summers: "Irresponsibility isn't quite the word we would use to describe Summers' conduct. Another word better fits him: 'He is a coward who slandered a man who can no longer defend himself'."

Mr. Summers has obviously committed the same errors in writing about Mr. Hoover, a deceased person.

Let us continue to insist on freedom of the press and the First Amendment. I personally will always insist on this premise. But, let us as American citizens while insisting upon literary freedom, also condemn literary license that would defame our Country and its great men.

Yes, criticize whenever the facts clearly justify. We are not perfect, and all should be subject to the rules of society. In observing such rules we should, however, quickly bring to heel those individuals who attempt to capitalize upon our freedoms through the medium of sleaze, outright falsehood and distortions all for the purpose of greed.

Our Country is made of sterner material. The First Amendment does not embrace such liberties.

SUPPORT THE SANCTITY OF LIFE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. DORNAN. Mr. Speaker, today I am introducing the unity human life amendment. I take this action because society has become incredibly desensitized to the miracle of life. Any major newspaper can tell you that much. In fact, human life is taken for granted to such an extent in this country that lyrics from rap songs like "Cop Killa," gang shootings in our schoolyards, and the rhetoric of choice being used to justify the killing of millions of innocent preborn boys and girls no longer seem disturbing to many Americans.

Well, I am one Member of Congress who is greatly disturbed by this gruesome reality and wonder too how shocked and disturbed our forefathers would be if they were alive today in our macabre world? How would they react to over 30 million abortions having taken place in a 20-year span and how would they react to doctors mercifully killing the psychologically depressed? Well, one need not look further than in the words of Thomas Jefferson to learn of the importance life itself had in the shaping of our country and its institutions.

> We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.—Declaration of Independence, 1776
>
> The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government.—Thomas Jefferson, 1809

As Federal legislators, it is our duty to uphold the Constitution and to stand firm for the principles that first created it and continue to shape it today. For this reason, I am once again introducing an amendment to the Constitution declaring life itself to be the paramount and most fundamental right of a person. Although Jefferson and our other forefathers assumed that life itself, in all its complexities, was a self-evident truth and a right, our modern society has diverged and now views life as a simple matter of fact. This is why a human life amendment is needed today.

My bill is entitled the "Unity Human Life Amendment." It was drafted with the support and concurrence of every major pro-life organization including the National Right to Life Committee, the American Life League, the Ad Hoc Committee in Defense of Life, the Christian Action Council, and the March for Life. In my opinion, it is a clear and easily understood piece of legislation. The bill contains three primary elements: First, it states the right to life is the paramount and most fundamental right of a person; second, it defines the word "person"; and third, states that "no unborn person shall be deprived of life by any person: Provided however, that nothing in this article shall prohibit a law allowing justification to be shown for only those medical procedures required to prevent the death of either the pregnant woman or her unborn offspring, as long as such law requires every reasonable effort be made to preserve the life of each."

Mr. Speaker, I urge all my colleagues to return to their American heritage and finally put into law, what our forefathers self-evidently held true—that the right to life is the paramount and most fundamental right of a person.

BEILENSON-LEACH CAMPAIGN FINANCE REFORM BILL

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. BEILENSON. Mr. Speaker, on behalf of myself and Mr. LEACH, I am introducing a bill today to make significant changes in the way congressional campaigns are financed. Our bill is intended to curb the influence that special interests currently have on our legislative process, reduce the amount of money candidates spend running for office, and make congressional elections more competitive.

We believe that changing our campaign finance system in the manner called for by this bill would do more to increase public confidence in our ability to address the Nation's problems fairly and effectively, and to improve respect for Congress, than any other kind of institutional reform we could possibly make.

Our bill, which is summarized below, calls for financing congressional campaigns primarily through small, home-state individual contributions and matching public funds. House candidates who agree to limit their spending to $350,000 for the election cycle would, in return, receive matching funds for each in-state individual contribution of up to $500, along with postal and broadcasting discounts—Out-of-state contributions would be permitted, but not matched. The matching funds would give candidates sufficient resources to run viable campaigns without relying on PAC contributions or large individual contributions, both of which would be banned under this bill.

This proposed system of financing campaigns is designed to shift the focus of fundraising away from Washington, DC, and back to districts where the elections are taking place, so that fundraising becomes an integral part of a candidate's outreach to the voters he or she hopes to represent. It is aimed at strengthening the relationship between Members of Congress and the people who elected them, and assuring voters that their representative is going to be working only for them, not for special-interest groups or wealthy individuals who contributed to their campaigns.

Our proposal provides several incentives for candidates to participate in this voluntary system of public financing. Along with matching funds and postal and broadcasting discounts, participating candidates who have nonparticipating opponents would receive additional public funds in certain circumstances to help ensure that participation does not place them at a financial disadvantage. For example, if the nonparticipating candidate contributed $250,000 or more in personal funds to his campaign, the participating candidate would receive triple matching funds for eligible contributions. If the nonparticipating candidate raised or spent more than $350,000 from any source, the participating candidate would receive a grant of public funds matching the amount above $350,000 raised or spent by the nonparticipating opponent.

Along with reducing the influence of special interests, our bill is aimed at making congressional campaigns more competitive, which we believe our campaign finance laws must do if they are to have any credibility at all. By eliminating PAC contributions, this legislation would eliminate the enormous advantage incumbents have in a system where incumbents have been receiving from 8 to 12 times more in PAC contributions in recent elections than have challengers. In addition, our bill would prevent all House candidates from carrying over more than $25,000 to the next election cycle, thus preventing incumbents from beginning an election cycle with large war chests that discourage challengers.

Finally, our bill provides reforms in the areas of soft money, independent expenditures, bundling, leadership PAC's, and Federal Election Commission requirements for enforcement which are similar to provisions in campaign finance bills which have been introduced by others.

Mr. Speaker, we decided to introduce this bill because we believe that H.R. 3, the bill identical to the one Congress passed last year, does not do nearly enough to solve the most serious problems with our current system: the enormous amount of special-interest money in the system, the growing cost of running for office, and the unfair advantages that the existing system gives incumbents.

The most glaring flaw in H.R. 3 is that it would allow participating candidates to accept as much as $200,000 in PAC contributions in an election cycle, with up to $10,000 from any one PAC. Even though a limit at that level would in fact reduce the amount of PAC contributions typically received by a substantial number of candidates, $200,000 per candidate is still an immense amount of money. It is an amount that leaves the door wide open to the influence that special interests gain through their campaign contributions.

In addition, it is difficult to argue that a $600,000 spending limit—along with significant exemptions and add-ons—represents a meaningful limit on the cost of running for office. House candidates can run viable campaigns on less than that.

Opponents of our approach are likely to raise two arguments against it, and I would like to take this opportunity to respond to them. One is that the public will not accept the idea of tax dollars being spent on political campaigns; the other is that spending limits will make elections less competitive by hurting challengers.

As someone who is deeply troubled by our enormous budget deficits, I find it difficult myself to propose committing tax dollars to new government spending. However, I view establishing this kind of campaign finance system as an important part of getting our fiscal house in order. A fundamental reason why we have had such a difficult time bringing revenues and spending into balance is that special-interest groups, using the influence they gain through their campaign contributions, have so effectively managed to obtain and keep the spending programs and tax benefits they want.

If we want to eliminate reliance on special interests for campaign financing, we must provide public funds—there are no other alternatives for making it possible for most candidates to have sufficient resources to run a campaign.

We believe most Americans understand that such a trade-off is necessary, and are willing to accept the burden of partly financing our campaigns as a price worth paying to have a Congress that is more responsive to them than to Washington lobbyists. In fact, it was very encouraging to see the results of a recent poll by the Center for New Democracy, which found that 72 percent of voters support extending public financing to elections for Congress so long as the new system is part of an overall reform package aimed at limiting special interests.

The other criticism which I feel compelled to respond to is that setting spending limits puts challengers at a disadvantage—that challengers need to spend more than incumbents to overcome the name recognition and other built-in advantages of incumbency. But the reality of our existing system is that only in rare situations do challengers raise more than incumbents. Challengers are typically at an enormous financial disadvantage to incumbents in terms of campaign resources; our proposal would make many, many more races financially competitive.

Mr. Speaker, President Clinton has called on us to enact significant changes in the way we finance our campaigns, and our constituents strongly support him on this issue. We have a better opportunity this year than we have had in many years to change what has become a corrupting, demeaning campaign finance system into one that is truly clean and fair. We offer a proposal to do that, and we urge our colleagues to join us in supporting it.

SUMMARY OF BEILENSON-LEACH CAMPAIGN FINANCE REFORM BILL

Voluntary spending limits for House candidates:

Participating candidates may spend no more than $350,000 per election cycle (or for a special election) plus:

$150,000 extra for the cycle if candidate has competitive primary (where at least one opponent raises or spends at least $50,000); and $100,000 extra in the case of a run-off.

Up to $25,000 for accounting and legal fees and taxes is exempt from the spending limit, and amounts are indexed for inflation.

Ban on PAC contributions:

Participating and nonparticipating candidates are prohibited from accepting contributions from multicandidate political committees, (PACs).

If the prohibition is held unconstitutional, candidates may accept no more than $1,000 from any single PAC per election cycle, and no more than $70,000 in aggregate PAC contributions (with an additional $30,000 allowed in the case of a competitive primary and $20,000 in the case of a runoff).

Limit on Individual contributions:

Participating and nonparticipating candidates may not accept more than $500 from any single individual per election cycle, and contributors must be of voting age.

Benefits to participating candidates:

Matching public funds (dollar for dollar) are provided for instate individual contributions of $500 or less, up to a maximum amount of $175,000. (Out of state contributions are permitted, but not matched). Matching funds are provided in $10,000 increments beginning with the first $10,000 raised.

Participating candidates may use the third-class non-profit postal rate for a number of pieces of mail equal to three times the number of the voting age population in the candidate's district.

Participating candidates may purchase broadcast time at 50% of the lowest charge 30 days before a primary election and 45 days before a general election. Purchased time would be nonpreemptible unless for a reason beyond a broadcaster's control.

Personal contributions:

Participating candidate may contribute $30,000 of own funds, none of which is eligible for matching funds or counts toward $10,000 threshold for matching funds.

If a non-participating candidate contributes more than $250,000 in personal funds to his campaign, his participating opponent may receive triple matching funds for individual contributions.

Protection from Outspending by Nonparticipating Candidate:

If a participating candidate has a nonparticipating opponent who raises more than the participating candidate's limit, the participating candidate shall be entitled to receive a grant of public funds that matches the amount the nonparticipating opponent has raised above the spending limit.

Surplus campaign funds:

Any campaign funds in excess of $25,000 must be deposited in Treasury by March 1 following the November election. Provision is applicable to both participating and non participating candidates.

Declaration of participation:

Must declare intention to participate by January 31 of election year or when filing statement of candidacy with FEC, whichever is later.

Source of public funding:

Appropriations.

Soft money:

All money raised or spent by any party committee solely in connection with a federal election would be subject to federal law for spending, contribution source limits, and reporting, rather than simply state law. Exemption for national party building funds is removed.

State party spending for general election support of a presidential nominee would be limited to 10 cents for each person of voting age population of the state, and 30 cents for federal elections of national, congressional, state, and local party committees.

Independent Expenditures:

A publicly funded candidate who is the target of an independent expenditure may receive additional $10,000 of public funds for every $10,000 spent against him. A candidate who is the target of an independent expenditure used for a broadcast ad may purchase broadcast time immediately following the time paid for by the independent expenditures.

Leadership PACs:

Prohibits a candidate for federal office from establishing, maintaining, or controlling a PAC to contribute to other candidates. Funds in existing leadership PACs must be turned over to Treasury within 60 days of enactment.

Bundling:

Requires that any contributions made through an intermediary be treated as if they were made by the intermediary. No exemptions for non-connected PACs.

Federal Election Commission Requirements:

Requires random audits for both participating and nonparticipating candidates.

Reduces the contribution amount for which contributor information is required from $200 to $50.

Sense of House of Representatives regarding Senate:

Calls on the Senate to act on legislation establishing a corresponding system of campaign financing for Senate elections which includes spending limits, partial public financing, prohibition on PAC contributions, and a strict limit on the amount of campaign funds that may be carried over from one election cycle to the next.

BEILENSON/LEACH CAMPAIGN FINANCE REFORM ACT

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. LEACH. Mr. Speaker, among the most troubling aspects of last year's Presidential election is the fact that nearly 20 million voters cast a vote of "no confidence" in America's two major political parties.

Many were dismayed by the Government's inability to put its fiscal affairs in order; by the actions of incumbent politicians who, as a group, too often appear to place self-interest ahead of the public interest. Ross Perot's supporters, it should be noted, were not alone in holding these concerns. Tellingly, the findings of a public opinion poll reported recently in the Washington Post remind us that only 1 in 5 voters trust the Federal Government to do what is right most of the time.

At issue is the question of whether Congress can re-establish confidence in itself and thus in the American experiment with self-government.

Few actions would do more to signal a serious willingness of legislators to repair the underlying ethical foundations of our democratic institutions than timely passage of legislation to stem the escalating costs of campaigns and prohibit special-interest political contributions.

At a time when candidates of both parties profess the desire to bring deficits under control, it should be stressed that Federal deficits, and more importantly the economic problems they create, are directly related to current campaign financing practices.

Deficits begin in decisions about spending and taxation, which themselves begin in promises and obligations, and all this begins with candidates. It begins in the way campaigns are financed, in commitments to large contributors, no matter who they are.

In America today, the most effective way for a candidate to build support in a bid for legislative office is to isolate every identifiable interest group—especially moneyed groups—and announce support for the group's vested interests. Accommodating interest groups and their political action committees inevitably leads either to the proliferation of Federal spending programs or the weakening of the tax structure, or both.

Fiscal responsibility is impossible to maintain when lawmakers—that is, successful candidates—have committed themselves in advance to support specific tax advantages or

Government expenditures benefiting those having made generous campaign contributions.

The public interest today demands that restraint be placed on the capacity of moneyed interests to influence public policy-making. That's why I'm proud to join my colleague, Mr. BEILENSON of California, in introducing the "House of Representatives Election Campaign Reform Act of 1993.".

Unlike the legislation passed by Congress but vetoed by the President last year, our legislation represents a comprehensive reform agenda.

Rather than permitting candidates for the House of Representatives to accept a total of $200,000 or more every 2 years from political action committees, this legislation proposes that PAC gifts be prohibited. In the unfortunate event that this provision is determined to be unconstitutional, and it should be emphasized that no one can predict with certainty how the Supreme Court might view the issue, this legislation would limit individual PAC contributions to any given candidate to $1,000 per election cycle, with an aggregate limit for all PAC's combined of $70,000 per election cycle.

Rather than permitting candidates for the House of Representatives to raise and spend unlimited resources each 2 years, our legislation provides for a voluntary spending limit of $350,000, with incentives for candidates to comply and disincentives for opponents to spend egregiously. Any candidate, once having received a $10,000 threshold level of in-State contributions, is eligible under our approach for matching Federal assistance, up to $175,000. And, if an opponent spends in excess of $350,000 his or her competitor is eligible to receive matching Federal assistance for such excessive expenditures.

Mr. Speaker, I believe this legislation comes far closer to the kind of real campaign reform the public demands than measures previously considered by this House.

If we are to act responsibly and address the economic and political challenges which confront us, we must come to recognize that status quo approaches to campaign finance and legislative decisionmaking are far more expensive than the system of partial public financing we propose, and that the current system of unrestrained campaign spending benefiting incumbents in almost every instance inhibits electoral competition far more than would reasonable spending limits.

Mr. Speaker, the public interest is best determined by the public. Government of, by, and for the people cannot be a government where influence is purchasable through substantial campaign contributions. It is time to put the ordinary taxpayer first, time for real campaign reform.

INTRODUCTION OF LEGISLATION REGARDING "SPECIAL USE" DEDUCTION

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. THOMAS of California. Mr. Speaker, today I am introducing legislation to increase the amount of the special use deduction that helps families preserve their farms. Farms can be extremely valuable in today's climate, involving millions of dollars in land and other assets. Without updating the special use valuation, families may still find it necessary to sell off farm property in order to pay Federal estate taxes.

The bill I am introducing today will double the special use deduction from $750,000 to $1.5 million per descendant. A doubling of the deduction is in line with what has happened in the economy since the $750,000 level was set in 1991. Gross domestic product is 54 percent higher today, consumer prices are 56 percent higher, and labor costs are 44 percent higher. Unless the special valuation is increased to reflect changes in our economy, the deduction will protect less and less property as families try to preserve their farms in the future.

The bill does not change the rigorous restrictions on using the valuations. Families would have to keep property in agricultural use for 10 years. A family member must actually participate in farming the land; ceasing to use property in agriculture means the family will have to pay additional estate taxes.

The bill will also assist families attempting to keep small businesses intact because they will also be able to employ the expanded special use deduction subject to the same rules they have to follow today.

I hope that my House colleagues will join me in supporting this legislation. At a time when we are seeking to encourage preservation of land, preserve family businesses, and to encourage small businesses of all kinds, the special use deduction obviously needs to be restored to its intended value.

KENTUCKY STUDENTS HONORED

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. ROGERS. Mr. Speaker, I want to ask my colleagues to join me in congratulating some of the finest elementary and high school students in the Fifth Congressional District of Southern and Eastern Kentucky—the winners of the Courier-Journal Conservation Essay and the Jim Claypool Conservation Poster Contest.

The following students were selected for this honor:

Bell County: William Eric Moore (Poster), Page Elementary. Mary Ellen Hunley (Essay), Bell County Middle.

Breathitt County: Lindsey Hudson (Poster), Highland-Turner Elementary. Rebecca Marie Finney (Essay), Mt. Carmel High.

Clay County: Tara Bianca Abner (Poster), Horse Creek Elementary. Heather Elisha Jones (Essay), Manchester Elementary.

Floyd County: Katherine Elizabeth Hall (Poster), Mountain Christian Academy. Melissa LeAnn Dye (Essay), Adams Middle School.

Harlan County: William Paul Carrol (Poster), Cawood Elementary. David Dwain Hensley (Essay), Wallins Jr. High.

Jackson County: Kyle D. Pierson (Poster), McKee Elementary. Brent Gabbard (Essay), Jackson County High.

Johnson County: Byron Gardner (Poster), Paintsville Elementary. Erin Allison Collins (Essay), Flat Gap Elementary.

Knott County: William Thomas Smith (Poster), Hindman Elementary. Sarah Hagans (Essay), Knott County Central High.

Knox County: Jennifer Nicole Abner (Essay), Jesse D. Lay Elementary.

Laurel County: Erin Nichole Yaden (Poster), London Elementary. Koula Zaneta Lynch (Essay), South Laurel Middle.

Lee County: Brandy Flowers (Poster), Southside Elementary. John Michael Abner (Essay), Lee County High.

Leslie County: Brandon Hensley (Poster), Hayes Lewis Elementary. John Patrick Hoskins (Essay), Beech Fork Elementary.

Letcher County: Amy James (Poster), Beckham Bates Elementary. Christopher Paul Smith (Essay), Arlie Boggs Elementary.

McCreary County: Kelly R. Cecil (Poster), Whitley City Elementary. Jeffrey Dale Vann (Essay), McCreary Central High.

Martin County: John Robert Horn (Poster), Warfield Elementary. Mandy Horn (Essay), Sheldon Clark High.

Magoffin County: Matthew Sean Allen (Poster), John T. Arnett Elementary.

Menifee County: Keisha Renee Charles (Poster), Menifee County Elementary. Danielle Tackett (Essay), Menifee County High.

Morgan County: Becky Hampton (Poster), Ezel Elementary. Brad Lawson (Essay), Morgan County High School.

Owsley County: Nicholas Gibson (Poster), Owsley County Elementary. Eric Mason (Essay), Owsley County High.

Perry County: Trevor Pollard (Poster), Dennis C. Wooton Elementary. Leslie Danelle Deaton (Essay), MC Napier High.

Pike County: Heather P. Whitt (Poster), Blackberry Elementary. Leigh Anne Burke (Essay), Brushy Elementary.

Pulaski County: Scott Burton (Poster), Nancy Elementary. Brad Jones (Essay), Somerset High.

Rockcastle County: Emily Lewis Correy (Poster), Roundstone Elementary. Beth Anne Durham (Essay), Brodhead Elementary.

Wayne County: Timothy Vaughn (Poster), Rocky Branch Elementary. Stephanie Southard (Essay), Wayne County High School.

Whitley County: Tood Andrew Rickett (Poster), South Elementary. James Seth Meadors (Essay), Whitley County High.

Wolfe County: Nicholas A. Taulbee (Poster), Wolfe County Middle. Glenna Nicole Morrison (Essay), Wolfe County Middle.

AMENDING SUBPART F OF THE INTERNAL REVENUE CODE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. GIBBONS. Mr. Speaker, today, I am introducing legislation to amend subpart F of the Internal Revenue Code to enable U.S. businesses to function in the single European Community [EC] market more efficiently and competitively. This legislation would facilitate the consolidation of the European activities of U.S. businesses, eliminating duplicative and costly operations and enhancing the ability of U.S. businesses to compete with their foreign competitors.

The EC member nations continue to make steady progress toward a single unified market, and EC and other foreign-based companies are consolidating their European operations to take advantage of the elimination of economic barriers to trade within the EC. For many U.S. companies, however, the consolidation of European operations within the EC, while economical from a non-U.S. tax standpoint, would subject those companies' foreign earnings to current U.S. taxation, regardless of whether repatriated. Thus, U.S. tax law forces U.S. businesses to choose between operating inefficient separate subsidiaries in each European country in which they do business or facing current U.S. taxation on the earnings and profits of centralized European subsidiaries. Our tax laws should not impose unnecessary restrictions on the ability of our U.S. businesses to compete internationally. Unless the subpart F rules are modified, however, U.S. businesses will continue to operate at a significant competitive disadvantage in the EC market.

Traditionally, U.S. businesses have operated in the various EC countries through separate subsidiaries, resulting in the duplication of many costly administrative and operational functions. The elimination of the artificial economic boundaries among the EC countries presents a unique opportunity for these companies to consolidate operations to operate more efficiently in the EC. Our U.S. companies' principle competitors have already begun to centralize functions such as warehousing, accounting, purchasing, sales and services, and inventory management to take advantage of the single-economic market. Needless to say, such rationalization of EC operations enables these foreign companies to operate much more efficiently within the EC with substantial economic savings. Our U.S. tax laws, however, act as a substantial deterrent to similar restructuring by U.S. multinationals.

Under subpart F, the earnings from cross-border sales by European and other foreign subsidiaries are subject to current U.S. taxation unless those earnings are subject to an effective rate of tax comparable to maximum U.S. tax rates. Because of certain timing differences—for example, different depreciation and net operating loss rules—between the respective foreign and U.S. tax regimes, U.S. multinationals operating in the EC often are unable to met this high-tax exception for every taxable year, despite the fact that the EC countries impose tax on corporations at rates comparable to, or in excess of, U.S. rates. In these cases, the earnings of these European subsidiaries are taxed currently in the United States, preventing those subsidiaries from reinvesting those earnings in their active foreign business operations. Thus, U.S. tax law creates a bias in favor of operating in the various EC countries through separate operating subsidiaries performing costly and duplicative functions. Our foreign competitors, meanwhile, are operating in the EC free from such restraints and are able to reinvest their earnings in EC operations free from current home-country taxation.

In addition to their disparate tax treatment, European subsidiaries of U.S. companies are forced to track the movement of inventory between the various EC countries to determine whether sales income may be subject to current U.S. tax. This tracking is an enormous administrative burden for these companies, compounded by the fact that, because such inventory can move freely among the various EC countries without customs restraints, this tracking is necessary only for U.S. tax purposes. Thus, U.S. businesses are forced to incur substantial administrative costs solely to comply with U.S. tax law. These administrative burdens are completely inconsistent with the concept of a unified EC market and further hinder our U.S. firms' ability to compete in the EC.

Japanese and EC-based companies have already begun to consolidate their activities in the EC to take advantage of the unified market and have a distinct advantage in efficiency and operating costs over our US. businesses. For example, a recent article describes Canon's views of the EC market. In that article the President of Canon Europa N.V. describes Canon's plans to move away from a structure of separate marketing and distribution subsidiaries in the various EC countries toward centralized operations to take advantage of the unified market. While foreign companies such as Canon are capitalizing on the opportunity to centralize their EC operations to increase operating efficiency and productivity, our U.S. businesses are being forced by subpart F to continue operating in the EC countries through separate subsidiaries and are finding themselves unable to compete effectively with their foreign competitors. As we delay remedying this problem, our businesses are only falling further behind their competitors.

In 1990, I introduced H.R. 4136 to treat the member countries of the EC as a single country for purposes of applying the subpart F rules. Under H.R. 4136, a U.S. parent would not have been subject to current taxation with respect to the earnings of a controlled EC-country subsidiary that were derived from sales to, or services rendered to, customers located in another EC country. This provision, however, would not have allowed U.S. businesses to avoid U.S. tax by taking advantage of any special EC country tax rules, as it was limited to EC countries that had statutory tax rates approximately equal to or greater than the maximum U.S. corporate tax rate and that did not exempt corporations from taxation of such sales or services income pursuant to a tax holiday or similar special rule.

In 1991, in response to technical concerns raised by the Treasury Department regarding H.R. 4136, I introduced H.R. 2277, which was designed to resolve the same concern addressed in H.R. 4136 but would have done so by modifying the high-tax exception of subpart F. H.R. 2277 would have excluded from subpart F income the earnings and profits of EC subsidiaries from sales to and services rendered for customers in other EC countries if the effective rate of foreign tax paid on those earnings was at least 80 percent of the maximum U.S. corporate tax rate. The bill provided further that foreign net operating losses attributable to periods prior to its enactment would not be taken into account for purposes of determining whether the subsidiary met the modified high-tax exception.

It has become increasingly clear that the general approach originally taken in H.R. 3136—to treat the EC as a single-economic unit but to provide strong antiabuse rules to prevent U.S. tax avoidance—is the simplest and most effective approach to allowing our U.S. businesses to compete fairly in the EC market. The legislation I offer today is identical to H.R. 4136, with the exception of one modification to tighten the antiabuse rules of that approach. This legislation recognizes that the EC members are not tax haven countries but also contains sufficient antiabuse rules to prevent U.S. companies from avoiding taxation on income that, due to special circumstances, is effectively sheltered from foreign taxation. To the extent that EC countries impose a maximum statutory tax rate less than 90 percent of the maximum U.S. corporate tax rate, U.S. companies would not be able to avail themselves of this provision to avoid subpart F taxation. Moreover, this legislation permits the Treasury Department to prescribe regulations to prevent abuses of the EC exception in the case of countries that provide tax holidays, preferential statutory tax rates, or similar special rules. These regulations would not, however, treat simple timing differences, such as depreciation schedules or the availability of net operating losses, as special rules giving rise to abusive tax-avoidance schemes.

Foreign-based companies have already begun to rationalize operations in the EC to promote economies of scale and other efficiencies. Our tax laws should not continue to place our U.S. multinational companies at a competitive disadvantage with their foreign competitors. It is essential, therefore, that we act to remove the subpart F barriers to more efficient U.S. business operations in the EC. This issue has been under consideration for several years, during which time our businesses have only fallen further behind their foreign competitors in streamlining their EC operations. We should act to resolve this matter as quickly as possible.

GENDER EQUITY IN SCIENCE AND MATH EDUCATION

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mrs. MORELLA. Mr. Speaker, today, I am pleased to introduce a bill to amend the Eisenhower Math and Science Education Act to address gender equity in science and math education.

As our Nation moves toward the year 2000, academics, researchers, and classroom teachers are looking for ways in which to study and correct inequities in math and science education. While it is true that many changes have occurred during the past 15 years, women are still underrepresented in math and science fields. Former National Science Foundation Director Erich Block has urged Americans to look to underrepresented women to meet the growing demand for scientists and engineers in the United States.

While girls are taking almost the same number of math and science courses, boys still outnumber girls in upper-level math and advanced chemistry and physics. Research has identified several reasons why boys show more interest in math and science. Boys in math and science classes tend to receive more time and attention than girls. Teachers have been found to give boys more praise, more criticism, and to be more apt to accept boys' responses. According to a report from the American Association of University Women [AAUW], "Even girls who take the same number of math and science courses as boys, and who perform as well on tests, are much less apt to pursue scientific or technological careers than are their male counterparts."

The legislation that I am introducing today, with my colleague, Congresswoman NITA LOWEY, would encourage the recruitment or retraining of more math and science teachers at the elementary and secondary levels. While 45 percent of the math teachers in grades 9 through 12 are women, the sciences present a more discouraging picture. Only 37 percent of high school biology teachers, 34 percent of chemistry teachers, and 22 percent of physics teachers are women. Women continue to be underrepresented in math and science careers. Female teachers would serve as role models to encourage girls' participation in math and science courses, and would reduce the isolation felt by girls who are interested in math and science.

Research shows that although inequitable practices are widespread and persistent, they are nearly always inadvertent. This bill would provide for training for teachers and other school staff to help them identify and change the unexamined practices that create gender inequities. The Federal Government must take the lead in encouraging local school districts to make gender equity training available to teachers, counselors, and administrators.

My legislation would specify that informal education, such as that provided by community-based organizations, is included in the allowed activities for demonstration and exemplary programs. Research indicates that girls decide to take more math and science after participating in math and science sessions they see as more fun, more relaxed, with less pressure and less competition, with more hands-on work and problem solving.

In order to give gender a higher priority in federally funded education research, this legislation would encourage education data, whenever it is technically and economically feasible, to be collected, analyzed, and cross-tabulated by sex, race or ethnicity, and socioeconomic status.

LEGISLATION TO IMPROVE THE LIVES OF VETERANS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to announce the introduction of three bills that will improve the lives of those that have been hit hard during these budget-tightening times, our Nation's veterans.

The veterans of our Nation risked their lives for the United States. It is my belief that they are deserving of our greatest respect. For this reason, I am introducing three bills that will aid them in living their lives comfortably.

BRINGING FAIRNESS TO VETERAN SETTLEMENT CASES

The first bill I am introducing today will bring fairness to veterans who are denied the benefit of receiving legal damage awards by the Department of Veterans Affairs [DVA] due to a loophole in the law. Currently, the DVA includes personal damages awarded veterans in tort claims against the DVA as ordinary income. Therefore, when a veteran accepts a settlement for injuries incurred as a result of DVA negligence, his or her benefits that are means tested, such as pensions, are likely to be reduced. In essence, the veteran is no better off having prevailed on a claim than he or she would have been having lost.

In 1989, Congress enacted a law that excludes personal injury damages awarded as a result of agent orange exposure from being counted as income for the purpose of determining entitlement to Federal benefits. Public Law 101–201 precludes out-of-court settlement payments received by Vietnam veterans who were exposed to agent orange from being counted by the DVA in calculating its income-based benefits. In addition, the law prohibits all Federal agencies from counting as income for means-testing purposes any veteran's out-of-court settlement payment for agent orange exposure. This law, which I sponsored, received unanimous support in Congress.

The legislation that I am introducing is consistent with Public Law 101–201. It will provide that amounts received by a veteran in a legal settlement with the DVA for injuries arising from the negligence of the DVA shall not be counted as income for purposes of determining income-based programs administered by DVA.

REVISION OF DVA STATE HOME PROGRAM PER DIEM FORMULA

The second piece of legislation I am introducing will aid in promoting regional fairness in the DVA State Home Program. With a large number of veterans reaching the later stages of their lives, the DVA will be faced with a greater need for long-term care facilities in the very near future. DVA State home facilities provide cost-effective quality care and are increasingly relied upon by the DVA to meet the long-term care needs of our aging veterans. Under this program, States can compete for Federal grants that provide up to 65 percent of the costs of construction of these facilities. In addition, the DVA provides a per diem for each veteran under care in a designated State home.

The DVA intended for per diem rates to cover 25 percent of State Veterans Home Program costs nationally. However, while medical care costs have skyrocketed, per diem rates have only risen slowly. In States where the cost of care has increased most rapidly, the per diem payment covers a smaller share of costs than in low-cost States. For this reason, the legislation that I am introducing will reimburse individual State homes 30 percent of the cost of caring for veterans in these facilities or the current national per diem rate, whichever is greater. However, the current requirement that these payments not exceed 50 percent of the total cost would remain in effect.

In order to encourage States to build and operate State homes, a reasonable per diem rate must come closer to the actual cost of care. Higher per diem rates would provide this encouragement, and thereby reduce the strain on the DVA to provide such care. This is the very least that can be accomplished to ensure that veterans receive the most appropriate and compassionate care possible considering that veterans' health care is a Federal, not a State, responsibility.

COMBAT MERCHANT MARINERS BENEFITS ACT

Finally, the third bill I am introducing, the Combat Merchant Mariners Benefits Act, will provide benefits for the unsung heroes of the U.S. military, Combat Merchant Mariners.

Combat Merchant Mariners have provided critical support to our troops in the oceans and waterways of the world. While World War II merchant seamen obtained official veterans status, this status has not been extended to mariners who served during the Korean and Vietnam conflicts. These Merchant Mariners were civilians serving in combat, taking on the task of transporting troops and supplies needed to sustain the Armed Forces. They must be treated like all others who served their country during times of conflict.

Mr. Speaker, veterans have been faced with making the ultimate sacrifice for our country. In return for their courageous service, they were promised the best of care for the remainder of their lives. My legislation would go a long way toward providing comfort for veterans, the comfort they were promised and justly deserve. I urge my colleagues to support and cosponsor these three bills.

THE COMMUNITY REVITALIZATION TAX ACT OF 1993

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mrs. KENNELLY. Mr. Speaker, today I am reintroducing the Community Revitalization Tax Act of 1993. This is legislation I have worked on since 1986 to encourage investment in our cities and historic neighborhoods through improvements in the historic rehabilitation tax credit.

The rehabilitation tax credit program for historic structures is not functioning as Congress intended because of the passive loss rules enacted as part of the Tax Reform Act of 1986. Prior to the passage of the 1986 Act, the rehabilitation tax credit was one of the Nation's most successful downtown revitalization tools. National Park Service statistics show that over a 16 year period, the credit stimulated $16 billion in private investment for the rehabilitation of 24,656 buildings over 15 years. It also created 125,306 housing units including 23,377 units of low and moderate income housing. In communities from coast to coast, blighted downtowns were transformed.

The Tax Reform Act subjected the credit to the passive loss rules which reduced to $7,000 the allowable annual credit for individual taxpayers and eliminated the use of the credit completely for taxpayers above a certain income level. These changes have crippled the program, an 80 percent decline in use since 1986. The National Park Service reports that the number of historic rehabilitations has declined from 3,117 projects in fiscal year

1985 to 791 in fiscal year 1992. This decline resulted in a drop in private investment from $2.4 billion to $491 million during the same period. As a result projects needed to revitalize older neighborhoods and commercial centers have not been undertaken for lack of equity capital.

The Community Revitalization Tax Act would raise the allowable annual credit to $20,000 and eliminate the income caps. In this manner, the pool of potential investors will be dramatically expanded, and the amount they can invest will be significantly increased. Restoring the rehabilitation credit will create construction jobs, provide affordable housing, increase the tax base, and return economic vitality to troubled downtowns.

This legislation provides the tax incentives necessary to put equity capital to work to revitalize our cities. I would urge my colleagues to support this vital legislation.

DEFENSE CUTS ARE TOO DRASTIC IN CLINTON PLAN

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. HEFLEY. Mr. Speaker, the Clinton budget deal is a scam. Not only are tax increases called spending cuts, but almost all of the cuts in spending come from defense.

In fiscal year 1993, we will spend $274.3 billion on defense. This is down from the Reagan buildup high of $368 billion in fiscal year 1985. In those 8 years, defense spending has dropped $94 billion or 26 percent of the total defense budget. I would like a Member of this body to show me one other Federal agency which was taken a similar cut during this same period, or even any cut at all. There are none.

Now, I believe that this 26-percent reduction after the cold war was prudent, we need to reduce defense spending. But insanity has set in here in Washington. Once again there is an effort underway to slash defense spending to dangerously low levels.

The Clinton plan calls for $127 billion in defense cuts over the next 4 years. This would mean that from fiscal year 1986–97, defense spending would be cut by approximately 45 percent. Half of the defense budget wiped away.

Defense spending would be far lower than it was under Jimmy Carter when half our navy ships could not leave port because of a lack of spare parts. Under Carter many of our enlisted military personnel were on food stamps, morale was low, and we couldn't even rescue hostages in Iran. We should do everything that we can to make sure that those days do not come back to haunt us again.

All this talk about slashing the defense budget comes at a time when the world is in confusion. Russian President Boris Yeltsin teeters on the edge of a coup. This is happening in a nation which still has enough nuclear weapons in its arsenal to destroy the United States.

North Korea, Iraq, and Iran continue work on developing nuclear capabilities. Two of these nations border the Persian Gulf, the lifeline of our oil supply. Additionally, all three of these nations continue to deny basic human rights to their citizens.

There are many terrorist organizations still operating in the world. The bombing at the world trade center illustrates the point that even U.S. citizens are not immune to the violence.

The world remains a very dangerous place. For 40 years we knew who our adversary was and we could prepare for them on the battlefield. Now we face a very different threat, one that could popup anywhere, at anytime, and our enemy could be anyone.

It is a moral travesty to send our soldiers into battle ill-prepared to fight and win with decisiveness. If we are going to send our sons and daughters to war, we, the Congress, are obligated to provide them with the training, equipment, and leadership to win with the fewest number of casualties.

Mr. Speaker, we need to reduce defense spending after the cold war but it needs to be done in a prudent way. The Clinton plan cuts drastically at our readiness and forces our military personnel to take the brunt of the cuts.

We need to reduce the deficit, but we are fooling ourselves if we believe that slashing the defense budget will reach the end. We need to cut Government spending prudently and across the board. The Clinton plan simply redistributes spending from defense to domestic social programs. It does not cut Government spending. The only substantial cuts are in defense spending. We owe it to those who serve their country to fund defense adequately.

Mr. Speaker, in 1926, H.L. Mencken wrote that "There is no record in history of a nation that ever gained anything valuable by being unable to defend itself." I hope that my colleagues agree and vote to support adequate defense spending. A 45-percent cut over 4 years is not adequate, it is a travesty.

THE HAITIAN REFUGEE DILEMMA

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mrs. CLAYTON. Mr. Speaker, the Haitian refugee dilemma is a human tragedy that has become a familiar symbol of the ongoing human rights violations that have continued to plague the Western world. While we witness the genocide occurring in the former Yugoslavia, a malignancy persists in our own hemisphere.

The Haitians face a truly unfortunate problem. They are faced with a despotic military regime that refuses to acknowledge the fundamental human rights that we as Americans take for granted. At the same time, they face dire conditions if they turn to the dangers of the ocean in their makeshift boats. Under our current policy, these refugees can only look forward to being interdicted while at sea or being incarcerated for literally weeks before they are deported to their troubled land.

Although I support the administration in its policy of discouraging Haitians to jeopardize their lives in their quest for freedom, I strongly urge the administration to expedite the diplomatic channels to speed the return of President Jean-Bertrand Aristide. We must send a clear message to the despotic military junta of Haiti that only President Aristide, the first democratically elected leader in Haiti in 200 years, is the acceptable leader for the Haitian people.

I urge this body to support H.R. 986 which adjusts immigration status for those Haitians who were in the United States prior to January 20, 1993. This legislation allows for the normal naturalization process for Haitians. It does not change or address the administration's policy in regards to those still in Haiti but seeks to justly address those who are caught in the policy limbo. Unlike Cuban refugees, Haitians are unduly locked up as if they had committed a crime. I urge my colleagues to strive toward an immigration policy which is both fair and consistent.

As we stand on the brink of the 21st century, the United States must remain firmly committed to the principals of democracy and human rights. Just as we push for the marketization of the former Communist bloc, so also we must call for the proliferation of justice throughout the world. What better place than in our own backyard.

I strongly urge the administration to continue to work through the United Nations to facilitate the peaceful and speedy resolution of this dilemma.

THE TEN COMMANDMENTS CASE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. GINGRICH. Mr. Speaker, I would like to share an article with my colleagues from my hometown paper the Marietta Daily Journal. I hope they find Mr. Tanksley's article as enlightening as I did.

[From the Marietta Daily Journal, Tuesday, Feb. 9, 1993]

APPEAL OF "TEN" ON TARGET

(By Charles Tanksley)

The recent decision by the Cobb Commission to appeal the U.S. District Court decision directing the Ten Commandments be removed from the Cobb State Court Building or be displayed among other nonreligious documents may turn out to be one of the most important governmental decisions for our community and, indeed, our country.

The Cobb Commission should be congratulated. What is truly at stake cannot be overstated.

Judge Marvin Shoob, who rendered the decision, is one of our most capable, honorable and courageous judges. He was simply following the precedent of current law, which he is sworn to do. Indeed, from a purely legal standpoint, most lawyers would have to concede his ruling is correct.

In the end, this case may be viewed in that light alone, with the U.S. Court of Appeals affirming Judge Shoob without opinion and/or the U.S. Supreme Court declining to hear the case.

Those are the technical and legalistic points of view. They are the anticipated continuation of current legal trends. They also miss an important point, one that is vastly more important to society.

Under Judge Shoob's ruling, the Ten Commandments, which form the moral base for Judeo-Christian ethics and behavior, can only be displayed in the State Court building if they are accompanied by other, non-religious codes. In effect, the ruling says the Commandments, which biblical teaching holds were handed down by God to Moses, and no more hallowed, important or meaningful than any other code or document. It implies further that any effort by government to exalt these rules of conduct over any of these other items is illegal.

While this is certainly in keeping with Court rulings over the past 40 years, it may be safely assumed few Cobb citizens, indeed, few Americans anywhere, would find such a concept rational or acceptable. In fact, indisputable opinion research shows most Americans deeply believe the court's position on these questions are not just wrong, but dead wrong.

In short, by a process of moral erosion, American courts have lost their way on these sorts of issues. They are wrong. Almost all Americans believe they are wrong, but the anti-moral drumbeat continues on and on without challenge or exception.

Our society, our schools and our governments have become so secularized by these recent interpretations of the Constitution that it is no wonder America has experienced a dramatic moral decline.

It may be cited in the current glorification of fiscal excess and irresponsibility, dishonesty, drunkenness, sexual promiscuity, meanness, perversion and violence that has rifled through our society from Hollywood to Capitol Hill and from Wall Street straight down Highway 41 here in Marietta.

Whether we lawyers want to admit it or not, the legal reasoning which has brought us to the point of tearing down the Ten Commandments has played a major role in our nation's moral decline. This is all the more tragic, since such an extreme and harmful interpretation of the Constitution was not necessary to fulfill the directives and purpose of the non-establishment clause and protect individuals from religious coercion.

Indeed, in today's world, non-religion, or even anti-religion, is forced on the people in school, business and, as in this case, the courts.

Young children have easy, daily access to graphic sex and violence on film and television, but excuse the phrase, heaven help them if they attempt even silent prayer in the classroom or at a sporting event.

In Cobb County schools, they don't even allow celebration of Christmas by name any more.

It would have been easy for the Cobb Commission to accept the decision and save the cost of an appeal. They chose a more courageous course, and I believe, the morally correct one.

Because of their decision to appeal, there is at least the possibility the U.S. Supreme Court may have to confront the stark reality of just where we are. One can only hope the nine members of that court, a court that begins each session with the words: "God save this honorable Court and the United States of America," will take this opportunity to honestly assess the disastrous predicament they and their recent predecessors have put this country in and begin to reinterpret the Constitution so as to allow the basic tenents of our spiritual and moral foundation to be invoked in our public institutions, including our schools.

Returning the Commandments to the court house walls, or even returning the right to pray, to the schools, will not alone change society for the better. But an appellate decision that reconfirms the moral base for our ethics and behavior, instead of straining over misguided legal precedents, would be a most encouraging start.

God knows we need one.

[From the Augusta Herald, Mar. 5, 1993]

AS MORAL DECLINE MARCHES ON, COBB APPEALS FOR THE TEN COMMANDMENTS

The recent decision by the Cobb County Commission to appeal the U.S. District Court ruling that the Ten Commandments by removed from the State Court building, or be displayed among other non-religious documents, may be one of the most important decisions that it or any other local government has ever made.

At first glance the case appears to be just another about the establishment clause, freedom of religion and separation of church and state. It may well turn out to be such, with the U.S. Court of Appeals affirming Judge Marvin Shoob without opinion and/or the U.S. Supreme Court declining to hear the case. From a purely legal perspective this is very likely.

Most lawyers would agree that Judge Shoob, who is one of our most capable, honorable and courageous judges, rendered a correct decision in view of the current law set forth in the decisions of the U.S. Supreme Court.

Faced with choice of taking what to many would appear to be the last and defining step in completely serving the roots between the foundation of American law and culture and Judeo-Christian thought, or opting for a remedy which would seem to reduce the "Tablets" to just another code but leave them hanging on the wall, the judge chose the latter course.

The decision is correct in the legal sense, and the Cobb Commission chairman's original inclination not to appeal and waste additional taxpayer's money reflected sound legal advice. However, the case provides as good an opportunity as is likely to arise for our country, or rather our lawyers and judges, to confront a matter which everybody seems concerned about but no one has the courage to talk about.

That issue is the inclination over the last 40 years to interpret the U.S. Constitution and other laws in such a way as to completely eliminate the spiritual and moral foundation of our culture from public life in general.

Ordering the removal of the Ten Commandments would have only been symbolic of what has been done over the years since World War II.

It required skillful legal reasoning to resist the gale wind of legal precedent and popular culture, but the larger issue remains: Have what our courts done been right or good for American society? The answer is a resounding "no."

Coinciding with the recent interpretation of the Constitution and laws which has so secularized American public life and education, America has experienced a dramatic moral decline. It does not mean an occasional failure of character, an immoral act or an immoderate habit. Such has always been the case with human beings, including myself.

Rather, moral decline means the glorification of fiscal excess and irresponsibility, dishonesty, drunkenness, sexual promiscuity, meanness, perversion and violence that has rifled through our society from Hollywood to Capitol Hill, to Wall Street and right through Main Street.

How has modern jurisprudence contributed to our country's moral decline? While the Constitution and laws have been interpreted so as to eliminate the spiritual and moral foundation or our culture from public life and the public classroom, they have also been construed in such a way as to stretch tolerance to the point of creating a licentious society instead of a free society, a society where anything goes, rather than a society where people are free to engage in dialogue, and pursue a livelihood and personal excellence within some reasonable bounds defining decent, as opposed to indecent, behavior.

The interaction of these to major trends in the law has been devastating. Popular culture, free of any legal or self restraint bombards adults, not to mention more impressionable young people, with unmitigated trash.

At the same time, the spiritual and moral foundation of our whole culture, i.e., the Judeo-Christian tradition, is banned from public institutions, including schools. Thus, society is deprived of essential tools for teaching what is right and wrong. The cumulative impact of this state of affairs is conspicuous to the point of being scary.

The interpretation of the Constitution and laws of this country, which has brought us to the brink of removing the Ten Commandments from the State Court building, must be turned on its head. We must restore the people's freedom to invoke the spiritual and moral foundation of our society and culture, whether in the form of the Ten Commandments, the Bible, the Torah or any other form.

We must allow parents and teachers to teach basic moral decency in the schools and utilize the spiritual and moral foundations of our culture if they choose to do so.

Because of the Cobb Commission's decision to appeal, there is at least the possibility that the U.S. Supreme Court will have to confront the stark reality of just where we are. One can only hope that the nine members of that Court, which begins each session with the words "God save this honorable Court and the United States of America," will take the opportunity to honestly assess the disastrous predicament this country is in and begin to reinterpret the Constitution so as to allow the basic tenets of our spiritual and moral foundation to be invoked in our public institutions.

SHIPBUILDING TRADE REFORM ACT OF 1993

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. GIBBONS. Mr. Speaker, I am introducing today legislation that is vital to the economic future of the U.S. shipbuilding industry. This legislation, the "Shipbuilding Trade Reform Act of 1993," is designed to discourage, and to provide remedies against, foreign unfair trade practices in the commercial shipbuilding and repair industries.

Over the past 12 years, foreign governments have poured massive subsidies into the construction and repair of commercial ships while American shipyards have received no

Government subsidies. These subsidy and other unfair foreign trade practices, such as dumping, have been devastating for the American shipbuilding and repair industry, particularly since the industry has no effective remedies under existing U.S. trade law to counter these unfair practices. The result has been the collapse of commercial shipbuilding in the United States, the export of 120,000 shipyard and related jobs, and the closure of more than 40 major yards since 1981.

Although I am a strong proponent of international trade agreements to discipline unfair trade practices, we have, unfortunately, nothing to show for over 3 years of international negotiations and shipbuilding in the Organization for Economic Cooperation and Development [OECD]. Indeed, these negotiations have been moribund since April 1992. Consequently, it is now abundantly clear that, without legislation, our Government will never be able to negotiate a strong and effective international agreement that restores fair trade to the global commercial shipbuilding market. In the absence of such an agreement or legislation, America will risk losing another 180,000 shipyard and related jobs by 1998, and will see its capability to build ships for our Nation's commerce and defense seriously eroded.

The legislation that I introduce today will amend U.S. trade law to provide effective remedies for domestic shipbuilders and repairers against foreign unfair practices. The bill has two parts. Title I closes the loophole in existing countervailing and antidumping duty laws which precludes action against dumped or subsidized sales of ships. The bill merely gives to American producers of commercial ships the same access to remedies under these laws enjoyed by American producers of all other products.

Title II of the bill establishes remedies to deal in particular with those situations that cannot be reached under the countervailing and antidumping duty laws and to discourage the use of subsidies by foreign governments. Under this title, a procedure is established in the Department of Commerce for identifying and listing countries which subsidize the shipbuilding or repair industries. Once listed, a country will have 180 days either to eliminate the subsidies or to sign a trade agreement with the United States to do so. Otherwise, it will face sanctions under this title.

With regard to sanctions, the Secretary of Commerce would be required to impose at least one of several statutorily listed sanctions, such as placing a financial penalty of not more than $1 million per vessel per voyage to the United States against vessels from the subsidizing country; reducing U.S. port calls for such vessels; or closing U.S. ports to those vessels. These penalties would only apply to vessels owned or controlled by citizens of the subsidizing country, or to vessels registered in that country. Consequently, American-flagged vessels—other than those owned or controlled by citizens of the subsidizing country—and American-owned vessels—other than those registered in the subsidizing country—would not be subject to any potential sanctions under this title. These sanctions are modeled after those that are currently available to American shipowners and operators under section 19 of the Merchant Marine Act of 1920 to redress unfair foreign shipping practices.

The remedies provided by title I and title II would not be available against any country that entered into a trade agreement with the United States to eliminate shipbuilding and repair subsidies.

A bill that I sponsored last year to deal with this issue was passed twice by the House, but was not acted upon by the Senate. The bill that I am introducing today has been modified to address various concerns expressed about last year's legislation. Moreover, I understand that a similar bill will soon be introduced in the Senate with strong bipartisan support. Consequently, I am confident that the Congress is now in a position to pass this much needed legislation and send it to the President.

We can no longer afford to stand by while foreign governments subsidize ship prices by an average of 25–30 percent, international negotiations remain at an impasse, and the difficulties of the U.S. shipbuilding and repair industry continue to mount in the face of foreign unfair trade practices. Therefore, this legislation is of the utmost importance to the survival of this vital U.S. industry and I look forward to working with my colleagues to ensure its early passage.

REMEMBERING J.B. MORRIS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. ROGERS. Mr. Speaker, the people of Kentucky lost one of its top public servants when J.B. Morris, the Pulaski County coroner, passed away on Saturday, February 27.

For 24 years, J.B. earned numerous accolades for his leadership of the county coroner's office. J.B. and his colleagues were commended for the administration and recordkeeping system at the coroner's office. According to the local press, because of J.B.'s fine leadership, the Pulaski County office was a role model for other coroners in the State.

But perhaps the finest words spoken about J.B. were contained in the many tributes that appeared in the local newspaper following his death. The daily newspaper in Somerset was filled with words of love and respect from a variety of local officials, community leaders, and friends.

Always one of the county's top votegetters at election time, J.B. Morris was a true and dedicated public servant committed to helping his community. He was active in the Science Hill Kiwanis Club and local Red Cross, as well as the Boy Scouts where he served as scoutmaster. J.B. was also a loving father and husband, and will always be remembered as one of Pulaski County's most distinguished citizens.

Those of us who worked with J.B. always marveled at his accomplishments, but more importantly, we enjoyed his fellowship and faithfulness. For those reasons, he will always be missed.

INTRODUCTION OF LEGISLATION TO IMPROVE AMERICAN COMPANIES' ABILITY TO COMPETE OVERSEAS

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. THOMAS of California. Mr. Speaker, today I am reintroducing two bills I have developed to improve American companies' ability to compete overseas. It would be far better if the United States recognized reality and developed a value added tax to replace our complicated corporate and international tax rules, but many Members of this body have not seen how such a tax would benefit U.S. firms. If people are going to insist on using an income tax system when our trading partners are using VAT's, giving their companies pricing advantages in international markets, then Congress should make our income tax system as supportive of U.S. companies as possible. These bills will give American firms some of the tools they need to survive.

The first bill overrides Treasury regulations so American companies can deduct for taxes paid to States in which they do business. Treasury regulations, which have been applied retroactively, require companies to allocate a portion of the taxes they pay under worldwide formulae to companies' international income. The effect of these rules is to give American firms less than a full deduction for taxes they have actually paid.

The regulations' effect indirectly limits the deduction of these taxes by manipulating a company's foreign tax credit limitation. To prevent foreign taxes from reducing tax on U.S. source income, the credit is limited to a percentage of a company's pre-foreign tax credit U.S. tax liability. That pre-credit liability is divided between the company's foreign and U.S. source income.

Because the pre-credit tax is apportioned by the percentage of a company's taxable foreign source income, the regulations automatically leave some companies with higher U.S. taxes. A company paying State taxes under a worldwide income formula has to allocate some of those taxes to its foreign income. In theory, such taxes are allocated to, and thus deducted from, foreign source income. This allocation reduces the amount of foreign income which, in turn, cuts down the percentage of pre-credit U.S. tax liability that will be allocated to foreign source income. Companies find themselves with nondeductible excess foreign tax credits representing money they have actually paid to foreign tax authorities.

State taxing methods are not at issue here. The Supreme Court has ruled that States can use formulae that impose a tax on a company's worldwide income under certain conditions. These State taxes should be, but are not fully deductible.

The IRS approach is discriminatory, applying only to U.S. firms with foreign operations. For U.S. subsidiaries of foreign companies, all such tax payments are deductible against U.S. tax. U.S. corporations competing with such firms have an additional cost of doing business because they are, in effect, unable to fully deduct their State income taxes. It even affects U.S. companies here because corporations operating in formula States have higher after-tax costs than their competitors. The rule is senseless. Companies should not have to allocate capital on the basis of Federal tax rules. Companies should allocate their resources in relation to markets, not theoretical constructs imposed by the tax code.

Treasury has adopted a different rule for charitable contributions that would serve equally well in resolving the State tax problem. The rule has a use test that allows companies to deduct charitable contributions used in the United States from U.S. income on grounds that such contributions but a company goodwill. That theory ought to apply to State taxes as well. Anyone who has dealt with a State taxing authority can easily recognize the importance of making your payments. If a company does not do that, the State locks its doors and seizes company assets. State taxes are directly tied to a company's ability to do business, perhaps more so than charitable contributions.

I introduced this same bill, then H.R. 1429, in 1991 because it is clear companies should not have to bear a double tax burden simply because they observe the law and pay State taxes. H.R. 1429 was endorsed by several trade groups, including the National Association of Manufacturers, U.S. Chamber of Commerce, Chemical Manufacturers Association, Pharmaceutical Manufacturers Association, American Electronics Association, and the American Petroleum Institute. The National Governors Association, Committee on State Taxation of the Council of State Chambers of Commerce, and the Multi-State Tax Commission also supported the bill.

The new bill solves the problems created by the IRS position by providing that all deductions for State and local corporate income and franchise taxes are allocated to U.S. source income for foreign tax credit purposes. The legislation will yield a full deduction for State corporate income taxes. The bill addresses a competitiveness problem we have thrust on American companies through the Internal Revenue Code, a problem we should resolve as soon as possible.

Second, I am introducing a bill that would greatly simplify taxes paid by companies in international trade through a series of relatively inexpensive options. The bill exempts U.S.-owned foreign corporations not doing business in the United States from the uniform capitalization rules. It would make the passive foreign investment company rules easier to handle by determining PFIC status on the basis of gross receipts, not gross income. It would ease calculation of the foreign tax credit limitations by providing a de minimis rule whereby companies with gross income of less that $1 million in all the current baskets would be allowed to aggregate the income into one limitation basket. Finally, it would end the complexity of the treatment of dividends from noncontrolled foreign corporations.

Taxes play an important role in companies' decisions about allocating capital and entering markets. If we are going to have an income tax, the bills I am introducing today will help American firms make those decisions crucial to their survival. I invite all of my House colleagues to join me in cosponsoring these important items of legislation.

THE YOUNG AMERICAN WORKERS' BILL OF RIGHTS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. BROWN of California. Mr. Speaker, let me begin by saying that I am not opposed to adolescents working for pay under any circumstances. Work can be a positive experience for teenagers from many different walks of life and under many different circumstances.

What I am opposed to is the commercial exploitation of young Americans on the job at a stage in their lives when they have little or no information about how to protect themselves and when it can be very hard for them to strike a good balance between getting a solid education and short-term pressures to earn a paycheck for gas money or whatever.

Recent findings about illegal child labor in the United States by the GAO and reputable media sources are truly shocking.

The 150 percent increase in reported child labor violations since 1983—up from 10,000 to more than 25,000 in 1989.

Reported child labor violations in 1990 increased by 177 percent over the prior year, but the Bush administration actually cut enforcement personnel by 16 percent.

Just prior to a congressional oversight hearing in 1990, the U.S. Department of Labor undertook four highly-publicized sting operations. In less than 3 weeks of serious enforcement activity, they found more than 27,000 minors illegally employed and violations in 41 percent of the businesses inspected.

The GAO found the average fine levied by the Labor Department for the death of a minor in the workplace is $740. In 59 case studies where teenagers had been killed on the job, the U.S. Department of Labor did not even cite 22 employers for any serious violation of child labor or safety laws.

Nationwide there is now the equivalent of fewer than 35 Federal investigators to police child labor violations. While civil penalties were increased in 1990, they still remain at such a low level and the improbability of being caught is so low, that many unscrupulous employers accept whatever penalties are levied as an acceptable cost of doing business.

In short, youth employment is booming in the United States. An estimated 5.5 million youth between 12 and 17 are employed for pay. This figure does not even include illegal employment. Yet, we know for certain that thousands of children, some as young as 6 and 8 years old, work as migrant and seasonal farmworkers, harvesting our Nation's fruits and vegetables. Also uncounted are the youngsters working off the books, in sweatshops in large metropolitan garment districts in Los Angeles and other cities, and on street corners or door-to-door selling candy.

This situation stands in stark contrast with most other industrialized nations. In Japan, for example, it is estimated that only 2 percent of that nation's teenagers are employed for pay outside of their homes.

As American youth are increasingly targeted for employment, disturbing trends are escalating. From the years 1985–90, detected child labor violations increased by 286 percent. Clearly, too many employers are violating existing laws with impunity and endangering the health, education, and future well-being of their young employees.

Where violations abound, injuries commonly follow. Health organizations estimate that tens of thousands of children are hurt in the workplace every year and scores more are killed. Specific nationwide data is unavailable because no Federal agency tracks such information. Workplace injuries and deaths often occur when children are working in violation of U.S. Labor Department hazardous occupation orders. In the most recent Federal child labor stings last April, the percentage of violations attributed to minors working in prohibited hazardous occupations or with prohibited hazardous machines had risen from 21 percent in 1990 to 28 percent in 1992.

Moreover, illegal and inappropriate work is not the only problem. There is growing concern about harmful effects on education standards and performance—the most important job for any American teenager. More than ever our youth are faced with stiff international economic competition inside the classroom and beyond. Yet it is estimated as many as 70 percent of American teenagers are struggling to balance the demands of work and school. Growing numbers of teachers are reporting that education suffers.

Multiple studies now point toward negative results of youth work increasing as work hours climb. One of the experts on adolescent employment—Professor Greenberger at the University of California in Irvine—has shown that among working minors grades tend to decline and students are drawn to easier courses, negative attitudes toward work surface, and drug and alcohol abuse increase. There is a growing consensus among researchers that when work exceeds 20 hours per school week, a student's health and education performance suffer. Some even claim 15 hours per school week should be the limit.

The fact is the child labor provisions of Federal labor law have not been thoughtfully reviewed and updated since 1938. Not surprisingly, the landscape of child labor in 1993 has changed dramatically from what it was 55 years ago.

As this sorry situation has come to light, the response of the Reagan-Bush administrations was to undertake a handful of undercover stings followed by highly publicized media blitzes. Hopefully, the Clinton administration will see that such responses are no substitute for updated, practical laws, and sustained enforcement over time.

I am very pleased to be an original cosponsor of comprehensive legislation to update our child labor laws to address the newer and different violations that compound recurring old problems. It is called the Young American Workers' Bill of Rights (H.R. 1106).

First, the penalties for child labor violators must be made tougher. This bill establishes criminal sanctions for willful violations of child labor laws that result in the death of a minor—

maximum 10 years in prison—or that cause serious bodily injury to a minor—maximum 5 years in prison. Willful and repeat offenders would be ineligible for Federal grants, loans, or contracts for 5 years. They would also be unable to pay the subminimum youth training wage or to employ a minor for 5 years after a repeat violation. Furthermore, a private right of action would be authorized, in cases of serious bodily injury or death, for aggrieved minors or their families against child labor scofflaws that would be coupled with discretionary powers for the States to prevent double dipping for damages vis-a-vis State worker's compensation systems. Such private right of action already exists statutorily to enforce certain minimum wage and hour violations.

Second, the law implementing regulations and enforcement efforts should make clear that getting a good education is the top job for all young Americans. This is a dimension of public policy that could demonstrably improve the quality of public school education without having to spend an additional dime.

Under this bill, work certificates would be required for anybody under age 18 unless he/she is a high school graduate. For the first time, limits of 5 hours per day and 25 hours per week would be established for 16- and 17-year old minors to work during the school and limits of 3 hours per day and 15 hours per week for 1- and 15-year old minors. It does not make sense for juniors and seniors in high school commonly to be working 40 hours per week, while also going to school full time.

Third, the law should emphasize that work experience under the proper circumstances can benefit young Americans. This bill's focus should be on prohibiting the commercial exploitation of children in the workplace and not preventing minors from working for pay at all.

A key feature in this regard is strengthening the work certificate system. Parents, teachers, principals, and health professionals must take more seriously their responsibilities. They are the first line of defense in protecting children from being exploited in the workplace.

Also, the basic conditions under which work certificates can be approved should be revised. For example, before a work certificate is issued to a minor, there should be clear determinations that the proposed work is safe.

Fourth, priority must go to better informing young Americans about their rights and how to protect themselves on the job. By extension, parents of children applying for work certificates must be included in this educational outreach effort.

Currently, minors are routinely instructed in schools on what is expected of responsible employees in the work world. At the time when minors apply for work certificates, why not require that they also be informed and instructed about how to protect themselves on the job? Too often neither working minors nor their parents know their rights. Routinely providing that information would go a long way toward equipping minors to protect themselves.

Similarly, employers of minors should be required to prominently post notices on their jobsites to inform their young employees of their basic rights and protections under the law.

Finally, monitoring and reporting on employment patterns of minors must be improved. Nobody, including the U.S. Labor Department, has wholly reliable and comprehensive statistics on the scope of child labor. Recently disclosed statistics on child labor violators, while shocking by themselves, do constitute only the tip of the iceberg.

Across our country, teenagers are being taken advantage of in every sector of the work force. Now is an opportune time for the 103d Congress in concert with President Clinton to enact overdue safeguards to better protect all young Americans on the job.

CHILD LABOR COALITION

(Co-Chaired by the American Youth Work Center, International Labor Rights Education and Research Fund, and the National Consumers League)

Co-chairs: American Youth Work Center, International Labor Rights Education and Research Fund, and National Consumers League.

Amalgamated Clothing and Textile Workers Union.
American Academy of Pediatrics.
American Federation of Teachers.
Americans for Democratic Action.
Asian-American Free Labor Institute.
Association of Farmworker Opportunity Programs.
B'nai B'rith Women.
Children's Defense Fund.
Coalition of Labor Union Women.
Consumer Federation of America.
Department of Economic Research, AFL–CIO.
Food and Allied Service Trades Department, AFL–CIO.
Frontlash.
General Federation of Women's Clubs.
International Brotherhood of Teamsters.
International Consulting Associates.
International Ladies' Garment Workers' Union.
Jewish Labor Committee.
Labor Council for Latin American Advancement.
League for Industrial Democracy.
Mt. Sinai School of Medicine.
National Child Labor Committee.
National Council of Senior Citizens.
National Education Association.
National Parent-Teacher Association.
National Safe Workplace Institute.
People Against Dangerous Delivery.
Public Employee Department, AFL–CIO.
Service Employees International Union.
Social Democrats, USA.
Transportation Communications International Union.
United Food and Commercial Workers International Union.
The Women's Research and Education Institute.
Work Experience Coordinating Association.

FLEXIBLE MEDICAL ACCESS PLAN

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. CARDIN. Mr. Speaker, today, I am reintroducing the Flexible Medical Access and Cost Containment Act. This bill is similar to H.R. 4889, which I introduced in the 102d Congress. This legislation abides by the three cardinal principles of health care reform by controlling costs, providing for universal access and retaining the high quality of medical services. A summary of the bill follows my statement.

I introduce this legislation to put forward three essential ideas that I hope will be incorporated into any comprehensive health reform legislation. First, States should be enlisted in the cost containment effort. A fully Federal cost containment system will not be sensitive to the needs of our communities. Health care markets, after all, are regional not national. In Maryland, we have a highly successful all-payer system for containing hospital costs. The hospitals support this system because they feel confident that a commission based in Maryland will be best able to balance the needs of hospitals and citizens in Maryland.

Second, if we truly want to test the ability of Government to provide health insurance more efficiently than the private sector, then any new public insurance program should play by the same underwriting, financing and payment rules as private health insurers.

Finally, any mandate for employers to provide coverage must be sensitive to the needs of small business. The Federal Government should ensure that appropriate subsidies are available, that insurance rules make insurance available, and that real cost containment precede mandates.

I look forward to working with my colleagues and President Clinton to enact comprehensive health reform legislation this year.

THE FLEXIBLE MEDICAL ACCESS AND COST CONTAINMENT ACT

1. HEALTH INSURANCE COVERAGE FOR EVERY AMERICAN

In general, universal health insurance coverage would be assured by requiring each employer to provide basic health insurance meeting certain minimum standards to all employees and dependents. Individuals not connected to the workforce would be covered under a new public plan similar to the Medicare program.

2. INSURANCE OPTIONS

Employers could provide the basic benefit package through private health insurance or a self-insured employer plan. Employers could charge employees up to 20 percent of the premiums for the coverage. Firms with fewer than 100 employees would have the option of purchasing a new public plan. Firms purchasing the public plan would be charged a per-enrollee premium based on the community-rated, actuarial cost of providing coverage.

3. ESTABLISHMENT OF THE PUBLIC PLAN

A public plan similar to Medicare would be established. Benefit payments and direct provider relations would be operated, as is Medicare, through fiscal intermediaries at the state level. The plan would operate under the same rules for provider certification and quality assurance as Medicare. The program would be administered by the Department of Health and Human Services. A Public Health Trust Fund would be established to receive funds from the premiums and other revenues dedicated to support of the program.

4. PHASED IMPLEMENTATION OF COVERAGE REQUIREMENTS

As of January 1, 1994, employers with more than 250 employees would be required to provide coverage. As of January 1, 1995, employers with more than 100 employees would be required to provide coverage. As of January 1, 1996, employers with more than 50 employees would be required to provide coverage. As of January 1, 1997, all employers would be required to provide coverage.

5. MULTIPLE EMPLOYER RULES

In the case of families with more than one worker and where both employers offer a private plan, families would choose under which employer plan they would be enrolled. The nonenrolling employer(s) would pay a special premium to the public plan equal to 40 percent of the applicable premium for the public plan. The enrolling employer would receive a subsidy from the public plan equal to that amount for each enrolled employee of another firm.

Families with employees covered by both a private and the public plan would be required to choose coverage under the private plan, and the private plan would receive a subsidy equal to forty percent of the applicable public plan premium for each enrolled employee of another firm. The employer participating in the public plan and the firm's employees would pay the public premium.

Families with all employees covered by the public plan would receive coverage from that plan and each employee and his/her employer would pay the premium. Families with more than one employed person would not be liable for paying the extra employee share(s) of public premiums.

6. HEALTH BENEFITS

Basic benefits: Benefits would generally be the same as under the Medicare program except there would be a single deductible of $250 per individual/$500 per family and an out-of-pocket limit of $2500 per individual/ $3000 per family. Certain new prevention benefits, also added to Medicare and described below, would be included in the basic benefit package.

Children's benefits: Benefits for children would include a well-child care and preventive care as recommended by the American Academy of Pediatrics without copayments or deductibles, and hospital care without copayments or limits on days of care per spell of illness.

Pregnancy benefits: Benefits for pregnancy-related services would include prenatal care, inpatient labor and delivery, postnatal care, and postnatal family planning services based upon the recommendations of the American College of Obstetrics and Gynecology, without copayments and deductibles.

The Secretary of Health and Human Services would be required to establish a system for certifying that insurance plans and employer self-insured plans meet the benefit requirements.

7. HEALTH CARE COST CONTAINMENT

A national limit would be set on the health expenditures of the public plan and of employer plans for services covered under the program and prescription drugs. The limit would equal the average annual percentage increase in the gross domestic product during the most recent 3-year period plus: for 1995, 3.5 percent; for 1996, 2.5 percent; for 1997, 1.5 percent; for 1998, 0.5 percent. In 1999 and thereafter the increase would be equal to the nominal growth in the GNP.

A Federal Health Care Cost Containment Commission would be established consisting of eleven experts in health financing, health insurance, provider reimbursement, and related fields. Commissioners would be appointed by the President with the advice and consent of the Senate. The Commission would allocate allowable health spending among the states.

States would establish commissions to set payment rates for health care services on an annual basis which would result in aggregate expenditures equal to the amount allowable under the state expenditure limit. The federal Commission would also hear appeals by classes of providers on the adequacy of state rates. The extra billing limits of Medicare would apply to the public plan and to all private plans.

The Physician Payment Review Commission is instructed to report to Congress by March 31, 1994, on medical malpractice liability reform.

8. LOW-INCOME ASSISTANCE

Low-income persons and families would be eligible for assistance relating to premiums, deductibles, and coinsurance for which they would otherwise be responsible. For individuals or families with incomes below 100 percent of the federal poverty level, the assistance would equal the total amount of all premiums, deductibles, and coinsurance. For individuals and families with incomes between 100 and 200 percent of the poverty level, the assistance would diminish on a sliding scale.

Both employed persons and persons not connected to the work force could receive assistance, but employers would still pay their share of the costs of coverage for employed persons and their dependents. Persons eligible for aid to families with dependent children, supplemental security income, or the earned income tax credit would be deemed to be eligible for assistance. Other persons would have to apply for assistance. If family income changed during the year, any assistance received would be reconciled to those changes at the end of the year.

Medicare beneficiaries would be eligible for low-income assistance under the same terms except that the assistance available would relate to the part A and part B premiums, deductibles, and coinsurance otherwise due.

9. PREVENTION BENEFITS

Annual mammography screening, colorectal screening, various vaccinations, and well-child care would be required benefits for employer plans and the public plan and would be added to the Medicare program.

10. GROUP HEALTH INSURANCE STANDARDS

General Standards: All group health insurance plans would be required to meet certain standards. Plans not meeting these standards would be subject to a tax equal to fifty percent of the premiums collected and would lose their status as qualified employer plans.

Under the standards, no group insurance plans could discriminate on the basis of health status, claims experience, receipt of health care, medical history, or evidence of insurability of an individual. Pre-existing condition exclusions could only apply for a six month period and could not apply to newborns. No pre-existing condition exclusion could apply if an individual had been covered under another qualified plan or the public plan for more than six months prior to enrollment. All pre-existing condition exclusions would be disallowed starting four years after enactment.

Small Group Standards: No employer with fewer than 100 employees would be allowed to self-insure. Insurers offering insurance plans to small businesses would be required to offer the plan to all small employers on a continuous, year-round basis. Insurers would be required to offer coverage for a full year. Premiums would be required to be community-rated for a given geographic area, but could be adjusted for age, gender, and type of family enrollment. Insurers would be required to offer a minimum benefit package which contained only the basic benefits required for all employers.

11. COBRA CONTINUATION COVERAGE

The health insurance continuation requirements enacted as part of the Consolidated Omnibus Reconciliation Act of 1985 would be repealed.

12. MEDICAID

Medicaid would continue for the currently eligible population for the benefits not covered under this program. Medicaid programs would be required to pay the same rates as all other payors. States would be subject to maintenance of effort rules that would require them to pay the amount they otherwise would have spent for Medicaid benefits into the Public Health Trust Fund.

13. DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS

An additional tax deduction of 20 percent is created to help small businesses afford insurance.

The bill extends the present law 25 percent deduction for health insurance costs of self-employed individuals for 1994 and modifies this deduction for subsequent years to conform to the universal health coverage policies of the bill.

Until the universal coverage provisions of the bill are effective, self-employed individuals and owners of personal service corporations are entitled to deduct 100 percent of their health insurance costs if they provide to all their employees who work more than 17½ hours per week health coverage that meets the requirements of a qualified employer health plan under the bill. If such coverage is not provided, then the deduction for health insurance expenses of such person is limited to 25 percent.

COLORADO EXPERIMENT INFLUENCED NATIONAL STRUGGLE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mrs. SCHROEDER. Mr. Speaker, during the month of March we celebrate women's history. In Colorado, this March is made even more special as it is our 100th anniversary of suffrage. It may have taken us 80 years to have the first woman elected but how wonderful that today there are 54 women elected to Congress. Who would have guessed in 1894 that the largest State of the Union would privilege us with two wonderful woman Senators. Women have made significant contributions in shaping American politics. I can only imagine how great the next 100 years will be.

I would like to share with my colleagues the history of three Coloradan women, who helped pioneer the path for women in government and redefined "politics as usual." Enclosed is an article from The Colorado Statesman, I hope you all enjoy it.

[From the Colorado Statesman, Mar. 5, 1993]

"COLORADO EXPERIMENT" INFLUENCED NATIONAL STRUGGLE

(By Heather Ormsby)

During an economic depression one hundred years ago, Colorado women won the suffrage battle by popular election for the first time in U.S. history. A massive campaign by a group of women and men from diverse backgrounds and from all parts of the state succeeded in winning the vote for women.

In addition to celebrating the centennial of woman suffrage this year in Colorado, March is national Women's History Month. The courage, strength and determination of women in our nation's history is well reflected in Colorado.

Colorado women voted and ran for political office a quarter-century before the 19th Amendment made woman suffrage national law in 1920. The affect of this achievement on Colorado politics was not immediately recognized.

"At the time (1894), women campaigning for elective office was a novelty," said Mary Renstrom of the Suffrage Centennial Committee, part of the Colorado Committee for Women's History. Female lawmakers were seen as amateurs and curiosities, rather than as authentic public figures. Women who undertook what were considered to be male pursuits were defined as oddities.

Marcia Goldstein, also a member of the Suffrage Centennial Committee, said, "Though Colorado had one of the largest populations of women in the West, the whole political system in Colorado was in a turmoil at the time."

"The skills of politicking were taken for granted by men," Renstrom said. "Women had to teach themselves how to lobby, to work with legislators and to draft legislation. I understand the guts it took to run for political office, talk about political issues and to campaign."

The women, however, were not the only ones who had difficulty with these changes. Renstrom illustrated this point with a story she had heard about these times.

"A woman was running for superintendent," she said, "but the man she was running against pulled out as a courtesy to the woman. He did not think it was fair having to be the only man to run against a woman. He was upset that he wouldn't be able to pull any punches in the campaign. People struggled with the concept 'political woman.'"

Renstrom explained that different criteria were used to explain and evaluate the presence and performance of women in a field for which women were expected to have little competence.

When the campaigns for the Tenth Colorado General Assembly of 1894 were over, the first women to sit in the Legislature were Clara Cressingham and Frances S. Klock, both of Arapahoe county, and Carrie C. Holly of Pueblo, all Republicans.

"The elected women had campaigned they were going to cleanse politics and wipe out corruption," Renstrom said. "This came back to haunt them."

People then, as well as now, thought of politics as being corrupt. One of the arguments against suffrage was that if women were to become involved in politics, their reputations would be soiled.

The suffragists, however, argued that for this very reason women should be in politics. Instead of government being a corrupting influence on women, they were going to clean the place up.

"They did try," Renstrom said, "and they passed a lot of progressive legislation. But, the realities hit them smack in the face."

The problem, it seemed, was a lack of experience and training in the government circus ring. "There was no one for them to go to and ask what it was going to be like to be an elected official," Renstrom explained. "They had to learn to compromise. In that way the women were no different than the men."

One of the fears some people had about the suffrage movement was that women would vote as one monolithic force. The liquor industry had fought hard against the suffrage movement out of fear of prohibition which was a political and social concern for a lot of women. But, not necessarily all women.

What men began to realize, Renstrom said, "was that women had divided interests and loyalties." Legislators feared a women's block initially, but politicians found that women divided like men.

Marcia Goldstein said, "The women were more united before the right to vote than after. They were not this giant force," because the women who were elected tended to follow their political party's agenda which did not always follow that of the suffragists.

Many suffragists expected to make some telling and immediate contribution to government. Women were certain a new era was upon them, but many were soon disillusioned because the impact was much less than expected.

The fact that the new "political woman" did not upset the status quo as some had expected, may have actually proved the point of many modern feminists. Women are just as capable in mind and judgment as men. The cry of the Rocky Mountain News on January 1, 1894, "Let the women vote; they can't do any worse than the men have!," was not far off the mark. The question was and still is, can they do any better?"

While this question is being worked out as women across the nation still strive for equal representation in government, it is a fact that Colorado helped lead the way.

In March of 1895, Clara Cressingham, with a bill to encourage sugar beet growing, gained the credit for introducing the first bill in any legislative body by a woman which became the law of a state.

While working hard in the Legislature, these Colorado women also made national tours and spoke at suffrage movements elsewhere about the "Colorado Experiment."

"They really networked with the rest of the suffrage movement," Renstrom said. "I think Colorado definitely influenced the suffrage movement in the rest of the nation."

LESSONS FROM HISTORY III

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. HYDE. Mr. Speaker, today I am placing in the RECORD testimony of Thomas Wilson, defense counsel to Joe Fernandez in Judge Walsh's Iran-Contra prosecutions. Mr. Wilson gave his testimony on March 3 during a hearing held by the Judiciary Committee's Subcommittee on Administrative Law and Governmental Relations. I think we can all learn from it as we contemplate reauthorizing the independent counsel statute:

TESTIMONY OF MR. THOMAS WILSON

Mr. Chairman, my name is Thomas E. Wilson. I am a partner in the Washington, D.C. office of Seyfarth, Shaw, Fairweather & Geraldson. I come before the Subcommittee today to share with you my views concerning H.R. 811, the Independent Counsel Reauthorization Act of 1993. My thoughts on this legislation are informed by the experience I have gained during the six years that I have served as counsel for Joseph F. Fernandez, the former CIA Station Chief of San Jose, Costa Rica who was prosecuted by Independent Counsel Lawrence E. Walsh in connection with the Iran-Contra Affair. Based upon that experience, I believe the Independent Counsel Statute was a bad law which should not be re-enacted.

CONGRESS SHOULD NOT RE-ENACT THE INDEPENDENT COUNSEL STATUE BECAUSE THE INDEPENDENT COUNSEL IS ACCOUNTABLE TO NO ONE

The Founding Fathers of this nation conceived of a government comprising three separate branches—the executive, the legislature and the judiciary. Nothing was more fundamental to the Framers of the Federal Constitution than the concept that the powers of each of the three branches of government remain separate from one another.

The Independent Counsel Statute, however, created a fourth branch of government which, as a practical matter, was largely unaccountable either to the other three branches of government or the political processes which operate to make our public servants accountable to the electorate. The demise of the Independent Counsel legislation gives Congress an opportunity—and, in my view, a duty—to evaluate how the law really operated in order to determine whether its re-enactment is truly in the public interest.

Only someone who has had experience working in the field of law enforcement or as a defense counsel can appreciate fully the vast power and the immense discretion which is placed in the hands of prosecutors. In 1988, Justice Scalia reminded us of this power when he reflected on a speech delivered by Justice Robert Jackson when he served as Attorney General under President Franklin D. Roosevelt. Justice Jackson warned that "the most dangerous power" of any prosecutor is his ability to "choose his defendants"—that is, his capacity to "pick people that he thinks he should get, rather than cases that need to be prosecuted." When prosecutors get confused and start prosecuting people rather than crimes, it no longer is "a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then searching the law books, or putting investigators to work, to pin some offense on him. It is in this realm—in which the prosecutor picks some person who he dislikes or desires to embarrass, or selects some group of unpopular persons and then looks for an offense, that the greatest danger of abuse of prosecuting power lies." *Morrison v. Olson*, 487 U.S. 654, 724 (1988) (Scalia dissenting).

The "sin" of the Independent Counsel legislation is that a pre-selected group of high-ranking government officials identified as potential "culprits"—usually in a highly charged political environment—have the full weight of the federal government hurled at them with the implicit expectations that the "guilty" will be "brought to justice." "[T]he fairness of a process," said Scalia, "must be ajudged on the basis of what it permits to happen, not what it produced in a particular case." *Id.* at 731. Well, in the case of Independent Counsel Lawrence E. Walsh, what has been produced in connection with the Iran-Contra investigation is a case study that illuminates the grisly excesses which the Independent Counsel process encourages.

THE PROSECUTION OF JOSEPH F. FERNANDEZ

Joe Fernandez is an unlikely would-be felon. He is a husband and father of seven children. Before joining CIA, he was a policeman in Dade County, Florida. His performance had been so exemplary that, when he left, the police department retired his shield. He joined CIA in 1967. For twenty years thereafter, he served with the distinction in a series of overseas assignments and at CIA headquarters in Langley, Virginia.

From almost the moment of his return to the United States from Costa Rica in early

1987, Fernandez was pursued relentlessly by Independent Counsel Walsh for more than three years for allegedly making false statements to an officer of the CIA's Office of Inspector General and to two investigators from the Tower Commission. No professional prosecutor would have prosecuted Fernandez.

Fernandez's alleged false statements were made in extremely informal sessions where no formalities were observed and where no transcripts were kept reflecting the questions which Fernandez was supposedly asked and the answers which he gave. Moreover, the notes of the CIA IG and the Tower Commission officers who interviewed Fernandez directly contradicted the charges leveled at him by Independent Counsel Walsh.

Walsh informed Congress in April 1987 that if witnesses were immunized and permitted to testify in the Iran-Contra hearings, it would be impossible later to prosecute them. Fernandez—like North, Poindexter and others—testified on Capitol Hill under a grant of immunity. Walsh still insisted on prosecuting him despite the fact that transcripts of his immunized testimony had been reviewed by virtually every witness that Walsh proposed to call at trial. As a consequence, Walsh knew before he started that any prosecution of Fernandez was bound to fail in the end.

Walsh knew from the outset that any attempt to prosecute a CIA Chief of Station was going to implicate top secret information that almost certainly would not be able to be revealed at trial. Regulations promulgated by the Attorney General under the Classified Information Procedures Act require federal prosecutors before they indict a defendant to consult with the intelligence community in cases which implicate classified information. Walsh was obligated to follow those regulations yet he refused. And that refusal required Attorney General Richard Thornburgh, after Fernandez had been improperly indicted, to withhold from Fernandez classified information vital to his defense, thereby leading the judge in the case to dismiss the indictment on the eve of trial.

Fernandez was never accused of personal venality or official corruption. In fact, he was never even accused of having violated the Boland Amendments, the appropriations measures which from time to time between 1982 and 1987 placed restrictions on funding for the Nicaraguan Contras.

The prosecution of Fernandez was a tragedy. It ruined the career of an able and dedicated public servant and left him and his family with a $1.7 million unpaid legal bill. What is worse for this nation, it radically changed the culture of the CIA's clandestine service by making an organization which was once bold and resolute, tentative and uncertain. In fact, the irresponsible prosecution of Joe Fernandez by Independent Counsel Walsh, and Walsh's manifest indifference to the national security concerns of the Executive Branch of government, may have contributed significantly to the decision of President Bush in December 1989 to launch the invasion of Panama.

THE PANAMA DIMENSION

For years prior to 1989, Presidents Reagan and Bush had used every diplomatic and economic tool available to pressure General Manuel A. Noriega to relinquish power and leave Panama. Nothing had worked.

During the summer of 1989, senior representatives of CIA and other U.S. intelligence agencies were embroiled in an acrimonious debate with Walsh over whether the intelligence community was going to release secret information necessary to permit the Fernandez case to go to trial. In October 1989, as that debate was about to culminate, several Panamanian nationals informed CIA that they were going to mount a coup d'etat against Noriega. Normally, the CIA would have promptly taken steps to facilitate the coup to minimize bloodshed and to bring about a result which was consistent with U.S. foreign policy objectives.

That did not happen. Instead of stepping forward, CIA personnel hung back. Executive Order No. 12333 expressly forbids any person acting for, or on behalf of, the United States government from engaging in assassinations. Coups are messy enterprises in which the targets of the coup sometimes get killed. If United States government representatives were to get involved in the Noriega operation, and Noriega were to be killed, American intelligence officers might find themselves like Fernandez in criminal jeopardy. Even though CIA officials had not instigated the coup, and even though the plan for the coup had not contemplated that Noriega be eliminated, were Noriega to die, the fear was that someone in Washington might charge that CIA officers had broken United States law. CIA already had one field officer in the dock; it did not want any more.

For hours, the leaders of the coup held Noriega at gunpoint. In Washington, decision-makers, many of whom were having to contend with Walsh over the Fernandez case, tried to decide whether, and to what extent, the United States might be able to be involved. In the meantime, the United States government did nothing to help bring the coup to a successful conclusion. Eventually, the coup-attempt failed and Noriega executed as many of those who had been involved as he could find.

Instead of being deposed, Noriega was emboldened. In December 1989, in a move which manifested remarkable hubris even for Noriega, he declared war on the United States. President Bush concluded that the United States could tolerate Noriega no longer and he ordered the Panama invasion.

The existence of the Independent Counsel Statute and the prosecution of Joe Fernandez in a manner that reflected a callous indifference to the national security interests of the United States had the effect of preventing the American intelligence community from seizing the opportunity presented in October 1989 to remove Noriega from power peacefully. While Operation Just Cause was ultimately successful, it cost vast treasure and the lives of 23 American servicemen and hundreds of Panamanians.

CONCLUSION

It is hard to imagine a clearer living example of the kind of prosecutorial excesses against which Justice Robert Jackson warned us than the record which has been amassed by Independent Counsel Lawrence E. Walsh. With the consideration of H.R. 811, Congress has an opportunity to look history full in the face and to learn the lessons which it seeks to teach. Re-enactment of the Independent Counsel Statute is not necessary. The very existence of such a law represents a Congressional vote of "no confidence" in the professional prosecutors who make their careers in the Department of Justice. There is little evidence to indicate that such lack of faith in the established processes of the Executive Branch of government are justified. Also, in a situation like Iran-Contra, the Independent Counsel Statute poses a threat to this nation's national security apparatus. Simply put, it is a bad law which should not be re-enacted.

THE CARIBBEAN BASIN FREE-TRADE AGREEMENTS ACT

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. GIBBONS. Mr. Speaker, today I am introducing legislation, the Caribbean Basin Free-Trade Agreements Act, to expand preferential trade benefits currently granted to countries in the Caribbean region under the Caribbean Basin Initiative [CBI] program and to encourage these countries to enter into reciprocal free-trade agreements with the United States. I regard the text of this bill as a basis for discussion and public comment. I intend to consult closely with the Caribbean countries as well as the private sector and the administration on its content.

Congress authorized the CBI program in 1983, as a response to the economic crisis in the region by granting duty-free access for Caribbean products to the U.S. market and certain tax benefits to encourage investment and industrial development. My intent has always been to expand bilateral trade and investment, rather than unilateral aid.

In 1990, Congress improved the benefits and made the program permanent under the so-called CBI II legislation. From the beginning, however, major product sectors significant to the Caribbean economies and to the success of the program, such as textiles and apparel, footwear, and certain leather-related products, have been excluded from CBI duty-free treatment.

The 24 Caribbean and Central American CBI beneficiary countries are now concerned that the North American Free-Trade Agreement [NAFTA] will adversely impact them by attracting existing and potential investment from the region to Mexico, particularly in the textile and apparel sector. The bill I introduce today would provide so-called NAFTA parity to these countries by granting them the same tariff and quota treatment that will apply to imports from Mexico of textiles and apparel and other products currently excluded from the CBI program once the NAFTA enters into force.

The bill also lays the groundwork for the CBI to become part of longer term economic integration of the entire Western Hemisphere. The bill limits NAFTA parity to a maximum of 3 years and authorizes the President in the interim to seek comprehensive reciprocal trade agreements under extended Congressional fast-track implementing procedures with Caribbean countries. The extension of additional benefits on a permanent basis is thereby linked to countries entering into reciprocal free-trade agreements or acceding to the NAFTA in lieu of the current unilateral CBI program.

I am including a section-by-section summary of the proposed legislation with this statement. I welcome your views and comments on this proposal, and your support, in order to best fulfill U.S. commitments to increase the economic, social, and political stability of this vital Caribbean region.

SUMMARY OF THE CARIBBEAN BASIN FREE TRADE AGREEMENTS ACT

Section 1. Short title.

Section 1 provides that the Act may be cited as the "Caribbean Basin Free Trade Agreements Act."

Section 2. Congressional findings.

Section 2 contains various findings by the Congress on the need for the Act, including to preserve economic advantages under the Caribbean Basin Initiative (CBI) program and avoid potential diversion of investment from the region to Mexico as a result of the North American Free Trade Agreement (NAFTA), and to encourage further reciprocal free trade agreements in the Western Hemisphere.

TITLE I—RELATIONSHIP OF NAFTA IMPLEMENTATION TO THE OPERATION OF THE CARIBBEAN BASIN INITIATIVE

Section 101. Temporary provision to provide NAFTA parity to beneficiary country economies.

Section 101 amends section 213(b) of the Caribbean Basin Economic Recovery Act to provide tariff and quota treatment on imports from CBI beneficiary countries of articles currently excluded from duty-free treatment—textiles and apparel subject to textile agreements; footwear; handbags, luggage, flat goods, work gloves, and leather wearing apparel; canned tuna; petroleum and petroleum products; and watches and watch parts—that is identical to the treatment accorded like articles imported from Mexico under the NAFTA (so-called "NAFTA parity") during a temporary period of up to 3 years. This transitional period would begin on the date that the NAFTA enters into force for the United States, and end on the date that either NAFTA accession or a reciprocal free trade agreement enters into force with the beneficiary country or on the third anniversary of the temporary treatment, whichever is earlier. Criteria under the present program for beneficiary country status would also apply to the NAFTA parity benefits.

NAFTA tariff and quota treatment (lower tariffs or duty-free treatment) would apply to articles which meet NAFTA rules of origin (treating only the United States and CBI beneficiary countries as Parties for this purpose) and subject to NAFTA customs procedures. Imports of currently excluded articles which do not meet the conditions for NAFTA parity would continue to be excluded from the CBI program.

In addition, textile and apparel articles assembled in CBI beneficiary countries from fabrics wholly formed and cut in the United States and goods identified as Caribbean handloomed, handmade, or folklore articles would receive duty-free and quota-free treatment as provided such imports from Mexico under the NAFTA.

The U.S. Trade Representative (USTR) is authorized to establish tariff preferential levels (tariff-rate quotas with duties identical to those applied to like imports from Mexico) during the transition period for Caribbean products that do not meet NAFTA origin rules, after consulting with the domestic industry and other interested parties on the specific articles to be covered, annual quantity levels and adjustments, allocations among beneficiary countries, and other provisions. As with Mexico under the NAFTA, the USTR shall negotiate reductions in existing bilateral textile agreements to reflect quota-free treatment on originating articles during the transition period.

The duty rate resulting from 20 percent reductions provided under the present CBI program or the NAFTA rate, whichever is lower, would apply to imports of handbags, luggage, flat goods, work gloves, and leather wearing apparel during the transition period.

All imports receiving NAFTA treatment would be subject to NAFTA emergency safeguard authorities during the transition period. For ease of administration, NAFTA safeguard authorities would also apply to non-originating textile and apparel imports from CBI beneficiaries.

Duty-free treatment granted under the existing CBI program would continue unchanged during the transition period and would continue thereafter for countries that do not accede to the NAFTA or enter into free trade agreements, subject to the same criteria and conditions as under the present program.

Section 102. Effect of NAFTA on sugar imports from beneficiary countries.

Section 102 requires the President to monitor the effects, if any, of the NAFTA on CBI beneficiary country access to the U.S. sugar market. If he considers NAFTA implementation is affecting or will likely affect market access adversely, the President shall take action after consulting with interested parties and appropriate committees of the Congress or propose legislation necessary or appropriate to ameliorate such effects.

TITLE II—CARIBBEAN BASIN FREE TRADE AGREEMENTS

Section 201. Trade Agreement Feasibility and Objectives.

Section 201 requires the USTR, as soon as practicable, to determine the desirability and feasibility of, and the likely timing for, any CBI beneficiary country or group of countries either to (1) accede to the NAFTA and the supplemental agreements on environmental, labor, and import issues, as appropriate, subject to approval, or (2) enter into comprehensive reciprocal trade agreements with the United States that contain comparable provisions to the NAFTA and achieve applicable objectives under existing CBI and trade agreement authorities.

Section 202. Trade agreement negotiating authority.

Section 202 authorizes the President, before June 1, 1996, to enter into trade agreements with one or more CBI beneficiary countries, subject to prior consultation requirements with Congressional committees of jurisdiction as under section 1102 of the Omnibus Trade and Competitiveness Act of 1988, except that the 60-legislative day period for committee disapproval of negotiations of "fast track" bilateral agreements would not apply.

Section 203. Implementation of trade agreements.

Section 203 applies "fast track" procedures to Congressional consideration of implementing legislation for Caribbean Basin free trade agreements, including the required minimum 90-calendar day advance notice by the President to the Congress of his intention to enter into such agreements.

TRIBUTE TO MS. KAREN S. DAVIS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. GOODLING. Mr. Speaker, it is my pleasure to recognize one of my constituents, Karen S. Davis, who was selected as the 1993 Child Advocate by the Children's Play Room, a parent-child resource center located in Harrisburg, PA. An awards ceremony will be held on Saturday, March 27, 1993, to honor Ms. Davis for her hard work and dedication to helping young people, The board of directors of the Children's Play Room will present the award to Ms. Davis at this ceremony.

Throughout her volunteer career, Ms. Davis has worked to make the future much brighter for many children in south central Pennsylvania. Her accomplishments include the establishment of the John B. Warden Scholarship Fund, to provide transportation for needy families to attend Children's Play Room activities and events, and the Library of Adapted Toys and Equipment Program, a program serving children with developmental delays. She has chaired and served on the board of directors for numerous community groups including Parents Anonymous of Central Pennsylvania, the United Way, and the Hemlock Girl Scout Council.

Mr. Speaker, Ms. Davis certainly is an inspiration and is most deserving of this award. Too often dedicated volunteers receive only the personal satisfaction gained from their work. Awards such as this not only will recognize one outstanding individual, but I hope also will help promote the spirit of volunteerism in our communities. On behalf of the people of south central Pennsylvania, I would like to congratulate Ms. Davis and thank her for many years of service.

BUDGET RESOLUTIONS DO NOT GO FAR ENOUGH

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. STUMP. Mr. Speaker, over the course of the last several weeks, the media has followed our efforts to design a budget resolution which answers the challenge of our constituents to once and for all do something about our horrible national debt. While much has been made of how much deficit reduction is contained in each of the competing budget plans, little, if any attention has been paid to how each of the plans would affect our national debt.

Regardless of what plan we ultimately agree to, the national debt would increase between $900 billion and $1 trillion over the next 5 years. In my opinion, that is too much.

Mr. Speaker, we cannot reduce the national debt while we are adding to it. Nor can we be satisfied with budgets which are only $150 or $200 billion out of balance. We must be prepared, for the sake of the financial welfare of our future generations, to not only reduce the rate of growth of annual deficits, but to eliminate them entirely, to live only within our means and to finally begin to reduce the national debt.

The best and fairest way I can think of to achieve our goal of a balanced budget is to simply freeze Federal spending, or allow it to grow no more than 1 or 2 percent each year. If aggregate spending levels were to be capped, this body would be forced to once and for all examine its current priorities, and make cuts where cuts are needed and eliminate entirely those programs which no longer serve a useful purpose. such a cap would go a long way toward forcing upon us a sense of fiscal responsibility which this body has avoided for too long.

HILLARY'S HEALTH CARE LIST—UNVEILED AT LAST

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. SOLOMON. Mr. Speaker, health care is an important issue to all Americans. This is why so many of my constituents have been concerned about the clandestine nature of the First Lady's Health Care Task Force. With all the secrecy of the Manhattan project, this shadow government has been working behind closed doors to develop a health care system for the United States, the world's model for free and open debate.

A Federal judge ruled last week that Hillary Rodham Clinton's task force must open its meetings to comply with Federal sunshine laws and the Federal Advisory Committee Act. Still, do we know who is serving on this supersecret panel? And to whom are they accountable?

Mr. Speaker, the Albany Times-Union said it best in an editorial on this issue: "Neither reform nor democracy is served in secrecy." Today I am submitting in the RECORD, making it public for the first time, a complete and comprehensive list—some 538 names—of individuals serving on the First Lady's Task Force on Health Care Reform.

This country has learned, over two centuries, that a free and unfettered exchange in public is the best medicine for any of our Nation's problems. And in the end, as the First Lady will soon learn, the truth will come out.

OPEN UP HEALTH CARE DEBATE

The American Medical Association is upset that the President's wife, Hillary Rodham Clinton, will not allow their representatives to give their point of view, and otherwise have their position represented, on the health care reform task force that she heads.

The apparent rationale for the AMA's exclusion is that the First Lady does not want an "interest group" to corrupt the findings and conclusions of the task force. The AMA responds that attempting to solve the nation's health care problems—or even to understand them—without the advice of the nation's doctors is bizarre.

We are inclined to agree with the AMA, and with the federal judge who ruled Wednesday that the task force's secrecy violates statutory law. This is not to say that we think the AMA membership consistently puts the national interest above its own, considerably more narrow, concerns.

Yet, on the issue of the AMA's exclusion, it is difficult to take a position for the simple reason that no one seems to know who is on the task force. The names of its members are being kept secret, as are the group's meetings. Indeed, very little is known about the composition of the panel, aside from the report that it is loaded with lawyers.

Yet, don't lawyers have their own, narrow, interest in how medicine is conducted? Don't they have an interest, for example, in whether medical malpractice suits are statutorily limited or unlimited?

At this point, the most troubling aspect of Mrs. Clinton's task force isn't that it doesn't include the voice of the AMA. It's that it has done its work so clandestinely. This group—almost wholly unknown—might very well be laying the foundation for the biggest overhaul of America's health care system in history. Yet we know almost nothing about it.

The First Lady wants to keep the "interest groups" out. But deciding what constitutes an interest group—especially in the case of health care, which affects everyone—would seem to be rather arbitrary. Aren't those who receive health care benefits an "interest"? Aren't those who pay for it an "interest"? Aren't those who provide it? Those who work for the providers?

The presumption Mrs. Clinton is operating on strikes us as alarming. It is that what is best for America can best be decided by a "disinterested" elite, rather than by the rough-and-tumble process of open debate and all that goes with that messy process.

The whole thing raises serious questions, and not just about the future of health care. It raises the question about just how much influence one unelected person, unaccountable to the voters, is going to wield over the next four years.

FIRST LADY HILLARY RODHAM CLINTON'S HEALTH CARE REFORM TASK FORCE MEMBERSHIP

Addison, Laverne.
Addisonburton, Laverne.
Adler, Michele.
Aiken, Linda.
Alberghini, Theresa.
Allen, Lucy.
Alpert, Cynthia.
Altman, David.
Altman, Stuart.
Altmire, Jason.
Anderson, Bob.
Anderson, Robert.
Antos, Joe.
Arnett, Ross.
Arons, Bernie.
Ash, Sherry.
Atkinson, Leslie.
Aukerman, Glen.
Austein, Cheryl.
Baker, Lawrence.
Ball, Judy.
Bandeian, Stephen.
Banthin, Jessica.
Baquet, Claudia.
Barbour, Galen.
Barstow, Scott.
Baum, Nancy.
Beason, Charlotte.
Beauregard, Karen.
Berenson, Robert.
Bergthold, Linda.
Berner, Kevin.
Berry, Roger.
Besteman, Jacqueline.
Beverly, John.
Bielecki, Colleen.
Biewirth, Maggie.
Billy, Carrie.
Bischoff, Victoria.
Blackburn, Kate.
Blauwet, Roger.
Bloch, Robert.
Block, Abby.
Bloss, Greg.
Blumenthal, Susan.
Bode, Molly.
Boehm, Jennifer.
Boerum, Denise.
Boorstin, Bob.
Borzi, Phyllis.
Brand, Marcia.
Brew, Bill.
Briggs, Bette.
Brock, C.
Brodbeck, Laura.
Brostrom, Molly.
Brown, Richard.
Bruns, Kevin.
Buck, Jeff.
Buckingham, Warren.
Budetti, Peter.
Bueno, Irene.
Buffington, Max.
Buonora, David.
Burner, Sally.
Burnett, Laird.
Burney, Ira.
Buto, Kathleen.
Butongol, Kathleen.
Callahan, Cathi.
Cameron, Alice.
Campbell, Laurence.
Carlson, Ron.
Cavanaugh, Sean.
Challinor, Joan.
Chambers, Caroline.
Chang, Debbie.
Charles, Gerald.
Chavez, Melba.
Clark, Robert.
Clark, William.
Clauser, Steven.
Claxton, Gary.
Clay, Jimmy.
Claypool, Robert.
Clemente, Frank.
Cohen, Allan.
Cohen, Joel.
Cohen, Rima.
Cooper, Barbara.
Cooper, David.
Cooper, Philip.
Copeland, Robert.
Coster, John.
Cox, Ken.
Creenfeld, Helaine.
Crow, Shelly.
Crump, Janice.
Curtis, Richard.
Curtis, Rick.
Cutler, David.
Daniels, Susan.
Davies, Monica.
Davis, Karen.
Davis, Rosemary.
Delew, Nancy.
Demlo, Linda.
Denham, Lori.
Denton, Denise.
Dergnan, Kathy.
Dewane, Mary.
Diegman, Kathy.
Dinkelacker, Bill.
Donahue, Agnes.
Doneski, Ellen.
Doty, Pam.
Doyle, Pat.
Drew, Nancy.
Drummand, Faye.
Duggan, Jim.
Dunn, Van.
Duzor, Deirdre.
Earley, Susan.
Eckert, Kevin.
Eddy, David.
Eddy, Judy.
Edgell, John.
Einholm, Ted.
Einhorn, Ted.
Elattar, Suzanne.
Elders, Jocelyn.
Emmer, Sue.
English, Mike.
Epstein, Arnold.
Ermann, Dan.
Errera, Paul.
Etheredge, Lynn.

Evans, David.
Evistness, Jessica.
Faletti, Tom.
Farley, Dean.
Feder, Judith.
Finan, Steve.
Finigan, Thomas.
Fischer, Celia.
Fish, Jim.
Fishbein, Louise.
Fiske, Mary.
Fitzmaurice, J.
Fleming, Mack.
Fletcher, Bennett.
Forbes, Rip.
Fortier, Julie.
France, Molly.
Franck, Becky.
Frank, Becky.
Frank, Richard.
Frantz, Molly.
Frasche, Mary.
Freeland, Mark.
Friedholm, Deann.
Friedman, Bernard.
Fuy, George.
Gagel, Barbara.
Gale, Joe.
Gatz, Carolyn.
Gaudette, Sylvia.
Gawande, Atol.
Gehan, Margery.
Gillingham, Robert.
Glaze, Steve.
Glied, Sherry.
Glieman, Ed.
Gold, Martha.
Goldman, Howard.
Goldman, Sybil.
Goldstone, Donald.
Goldwater, David.
Golub, Larry.
Goodman, Nancy.
Goodwin, Marsha.
Goody, Brigid.
Goplerud, Eric.
Gordon, Nancy.
Gore, Tipper.
Grams, Todd.
Greenberg, George.
Greenwald, Leslie.
Gross, Marcy.
Grundman, Martha.
Gust, Steve.
Hadley, Elizabeth.
Hadley, James.
Haman, Jeffrey.
Hamerschlag, Art.
Handy, Carolyn.
Harahan, Mary.
Hardock, Randy.
Harper, Mary.
Harris, Skila.
Harvell, Jennie.
Harvey, Molly.
Hash, Mike.
Hastings, Kathleen.
Haverkos, Harry.
Hayes, Charlotte.
Headley, Elwood.
Heath, Karen.
Heenan, Tricia.
Hellinger, Fred.
Hensley, Scott.
Hertz, Tom.
Hickman, Peter.
Hight, Joe.
Hill, Tim.
Hinz, Richard.
Hix, Mike.
Hoagwood, Kimberly.
Hogue, Bonnie.
Holtzblatt, Janet.
Horvath, Jane.
Horvath, Thomas.
Hosek, Susan.
Hovath, Jane.
Huckaby, Michelle.
Human, Jeff.
Hunan, Jeffrey.
Hunter, Gillian.
Ibson, Ralph.
Irwin, Jean.
Iskowritz, Michael.
Ivory, J.
Iwry, Mark.
Jackson, Paul.
Jacobs, Terry.
Jarboe, Kenan.
Jencks, Steve.
Jennings, Christopher.
Jensen, Peter.
Jodrey, Darrel.
Johnson, Don.
Joice, Sylvia.
Jones, Marcia.
Jones, Sandra.
Jorling, Jim.
Joseph-Fox, Yvette.
Justin, Murray.
Kass, David.
Katten, Azar.
Katz, Ruth.
Katzleavy, Judith.
Kazden, Bob.
Kazdin, Bob.
Kazdin, Robert.
Keene, Brad.
Keith, Sam.
Kelley, Lauren.
Kelley, Samuel.
Kemper, Peter.
Kendall, David.
Kennedy, Fortunata.
Kenyon, Kathleen.
Kepner, Colleen.
Kery, Pat.
Kichak, Nancy.
King, Andrea.
King, Gary.
King, Kathy.
King, Roland.
Klein, Jennifer.
Kolodner, Robert.
Koludner, Robert.
Koss, Shannah.
Krahauer, Henry.
Krakauer, Henry.
Kreuger, Alan.
Kronick, Rick.
Kruger, Alan.
Kursh, Gail.
Kutzera, Michael.
Kuzmack, Rich.
Langenbrunner, Jack.
Lasker, Roz.
Lavizzomourey, Risa.
Lawler, Gregory.
Lawson, Eric.
Lawson, Kurt.
Leathers, Howard.
Lee, Phil.
Lefkowitz, Bonnie.
Lehmann, Laurent.
Leshner, Alan.
Levine, Debbie.
Levine, Greg.
Levitt, Larry.
Levy, Helen.
Lewisidema, Deborah.
Lillie, Steve.
Lincoln, Michael.
Lindrew, Jerry.
Link, Ken.
Lipner, Robyn.
Lohr, Kathy.
Long, Steve.
Lopatin, Alan.
Lofti, Sharif.
Lubitz, James.
Lucas, Debbie.
Lutter, Randy.
Lyon, Andrew.
Magruder, Kathryn.
Maguire, Daniel.
Maloney, Daniel.
Manderscheid, Ron.
Manowitz, Michelle.
Mantel, Lewis.
Marconi, Katherine.
Martinez, Felix.
Mather, Susan.
Matton, Greg.
Mays, Jim.
McClenney-Elliott, Lucretia.
McConnell, Bruce.
McConnell, Steve.
McCusick, Dave.
McKee, Timothy.
McKenney, Nampeo.
McKer, Tim.
McNamee, Nikki.
Meadows, Cynthia.
Means, Kathy.
Melman, Lori.
Melnick, Dan.
Mika, Harriet.
Miller, Bernard.
Miller, Edward.
Miller, Melanie.
Miller, Mike.
Miller, Nancy.
Millman, Michael.
Mink, Doug.
Moeller, John.
Moeller, Jonathan.
Molloy, Jane.
Monheit, Alan.
Morgan, Jacqueline.
Mullan, Fitzhugh.
Munnell, Alicia.
Murguia, Janet.
Murray, John.
Murtha, Donald.
Narrow, David.
Nelson, Chuck.
Neuman, Tricia.
Nexon, David.
Nichols, Len.
Nichols, Marjorie.
Norman, Alline.
Norquist, Grayson.
O'Brien, Marygo.
Offner, Paul.
Ogden, John.
Omeara, Janis.
O'Neil, Patricia.
O'Neill, Kim.
Osher, Fred.
Otrin, Susan.
Pahwa, Raj.
Pang, Frederick.
Paradise, Julia.
Patel, Parashar.
Payne, Mary.
Payton, Sallyanne.
Picillo, Theresa.
Pigeon, Steve.
Pires, Sheila.
Plaut, Tom.
Pollitz, Karen.
Portez, Lisa.
Portman, Robert.
Posey, Kendall.
Potetz, Lisa.
Pratt, Donald.
Price, Andrea.
Purkiss, Cynthia.
Puskin, Dena.
Pyle, Thomas.
Quam, Lois.
Rader, Anya.

Rafuse, Bob.
Raymond, Victor.
Reeves, Linda.
Regier, Darrel.
Reinecke, Peter.
Reinhart, Uwe.
Reyes, Louane.
Rice, Cheri.
Richardson, Sally.
Ricketson, Denise.
Rivo, Marc.
Robinson, Sandra.
Rodriguez, Louis.
Rogers, David.
Rosen, Bob.
Rosenbaum, Sarah.
Rosenman, Pat.
Ross, Marjorie.
Roswell, Bob.
Rouse, Beatrice.
Rovin, Lisa.
Rowland, Diane.
Rozen, Robert.
Rueschemeyer, Simone.
Ruyle, Kenneth.
Ryan, Patrick.
Sage, William.
Salmon, Marla.
Sampson, Neil.
Samuelson, Ellen.
Satcher, David.
Scheckel, Lisa.
Scheppach, Raymond.
Schieber, George.
Schmid, Stuart.
Schneider, Andy.
Schulke, David.
Schultz, Bill.
Schuneman, Mary.
Schuster, Jim.
Scott, Sharon.
Seagrave, Chuck.
Shaffer, Ellen.
Sheiner, Louise.
Sheingold, Steven.
Sheldon, George.
Shinn, Ruth.
Shirley, Aaron.
Short, Elizabeth.
Short, Pam.
Short, Pamela.
Shriber, Donald.
Silva, John.
Silver, Jonathan.
Simon, Marsha.
Simpson, Bobby.
Siskind, Fred.
Slackman, Joel.
Smith, Barbara.
Smith, Curt.
Smith, Elmer.
Smith, Mark.
Smith, Mary.
Sobel, Larry.
Sochalski, Julie.
Sofaer, Shoshana.
Solomon, Dan.
Solomon, Loel.
Solomon, Marla.
Spaulding, Vernon.
Springer, Michael.
Starr, Paul.
Steele, Pamela.
Steinauer, Dennis.
Steinbrook, Erna.
Stephens, Sharman.
Stoline, Anne.
Stone, Robyn.
Stroul, Beth.
Suchinsky, Richard.
Sumaya, Ciro.
Svenonius, Diane.
Swire, Andy.
Sykes, Kathy.
Taeuber, Cynthia.
Taplin, Caroline.
Tarmey, Marjorie.
Taylor, Amy.
Taylor, Lois.
Terry, Donald.
Testoni, Maureen.
Thorpe, Ken.
Thurm, Kevin.
Tibaet, Geoff.
Tibbits, Paul.
Tims, Frank.
Torresgil, Fernando.
Trachtenberg, Alan.
Trapnell, Gordon.
Ukockis, James.
Valdez, Bob.
Vanderwater, Paul.
Varma, Vivek.
Varnhagen, Michele.
Veazey, Brenda.
Veloz, Richard.
Vistnes, Jessica.
Volpe, Lane.
Waldo, Dan.
Walker, Edwin.
Walters, Karen.
Wasserman, Mark.
Weich, Ron.
Weich, Ronald.
Weil, Alan.
Weiss, Gail.
Weiss, Marina.
Welch, Peter.
Welch, William.
Wellford, Suzanne.
Welsh, Peter.
Werner, Michael.
Weston, Jennifer.
Whang, Judy.
Wiener, Josh.
Wiggins, Cliff.
Williams, Christine.
Williamson, John.
Wills, Darryl.
Wilson, Frank.
Wilson, Mark.
Winslow, Walter.
Witter, Jon.
Witter, Jonathan.
Woo, Michael.
Woodward, Al.
Woolley, Barbara.
Wren, Robert.
Wyler, Bob.
Yamamoto, Alan.
Yoshikawa, Thomas.
Zarabozo, Carlos.
Zawistowich, Ludmila.
Zelman, Walter.
Zettler, Susan.
Zuvekas, Ann.

HELP HIV HAITIANS IN GUANTANAMO

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mrs. MEEK. Mr. Speaker, I would like to insert in the CONGRESSIONAL RECORD an article by Murray Kempton which appeared in the March 14, 1993 Washington Post entitled "The Haitians, the President and the Colonel." The article reminds all who read it, of the simple humanity of individuals, in this case Col. Stephen Kinder and Col. Larry Zinser, who are the officers in charge of the 264 Haitians at our naval base in Guantanamo. Both men have tried to make an intolerable situation more tolerable for the majority of Haitians who are HIV positive and the many children who are not. Both have expressed their concern for these people by stating that they should be in the United States receiving medical care.

With the funds used to house the Haitians at the base, they could be receiving medical care as do people suffering from cancer and other illnesses. That Cardinal O'Connor is willing to give the Haitians treatment in the archdiocesan hospitals, speaks about those who would not spend one public cent on these unfortunate people. I implore the President to do the compassionate thing, to let the Haitians come here for treatment.

THE HAITIANS, THE PRESIDENT AND THE COLONEL

(By Murray Kempton)

The president of the United States gives no evidence of troubling his mind with the 264 Haitians who wait behind the barbed wire at our naval base in Guantanamo.

He could not be this indifferent if life had taught him that sooner or later history judges every president by the standards of personal honor that command us all to feel the consequences of not telling the truth to those whose one great hope we are.

Col. Stephen Kinder came to Guantanamo last September as military commander over its Haitian internees. His army career began 22 years ago, and he ran the camp on detached leave from the 18th Airborne Corps. Kinder is thus a not untypical specimen of the military that the young Bill Clinton said his generation loathed. The Haitian refugees can scarcely share that harsh assessment, because Col. Kinder was a better friend to them than any official civilian has bothered so far to be.

His charges, Kinder recalls, "kept looking at milestones, like they looked at the presidential election as a milestone."

Any why shouldn't they have? From May to November last, Bill Clinton, the candidate, denounced the Bush administration for snatching Haitian boat people from the open seas and forcing them home without distinction between those who were fleeing persecution and those merely poor and hungry.

From January until now, Clinton, the president, has maintained the Bush blockade and added a blimp to make it even more efficient. In July, candidate Clinton hailed as "right" a Court of Appeals decision voiding Bush's summary repatriation order; this month, President Clinton's Justice Department prayed the Supreme Court to overrule that finding.

And so another milestone has come and gone, and these stranded Haitians are no further along the road. All 264 of those penned on Guantanamo have been found qualified for political asylum. They are debarred because 216 of them have tested HIV-positive. The remainder are their dependents, mostly children, HIV-negative in the main so far.

The squalors of their camp cost the government $56 million a year, it could hardly be more expensive than that to let in 215 fully AIDS-developed patients and treat them as public charges. But such has not been the problem since Cardill John O'Connor offered to open his archdiocesan hospitals to those who are already sick and help find homes and jobs for those who aren't.

In the meanwhile, lawyers for the Justice Department and the Immigration and Naturalization Service were united last week in imploring U.S. District-Judge Sterling Johnson in Brooklyn to leave these unfortunates where they are in circumstances that one doctor has described as worse than prevail in a Louisiana hospital built for lepers and that the government insists are abounding with amenities. Conditions in the camp do indeed sound better than they were; and all the thanks seems to be Col. Kinder's duo.

A portion of barbed wire was removed on his orders to permit access to the soccer field for the internees. He found them a television set and opened the possibility of their calling home. He provided access to sodas and even arranged for the children to visit the base McDonald's for hitherto unimaginable delights that ought to commend them to William J. Clinton's fellow feelings. All these are the small graces Col. Kinder's civilian betters once denied and now set their lawyers to vaunting as though they were their own. Kinder's final word when his duty tour ended was to urge that the Guantanamo camp be closed and its prisoners transferred for proper care in the mainland. Marine Col. Larry Zinger, his successor, expressed the same opinion when he observed in February that "my heart says that they ought to be in the United States."

From the president of the United States all the way down the line, the civilians do not yet know what these soldiers know, which is that we are finally judged for what we do unto the least of our brothers and sisters.

THE CHILD LABOR DETERRENCE ACT OF 1993

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. BROWN of California. Mr. Speaker, today I am introducing legislation along with Senator TOM HARKIN that will prohibit the importation of products made by children under 15 who are employed in factories or mines.

In 1986, the International Labor Organization [ILO] estimated the number of working children under the age of 15 to be at least 200 million worldwide.

Just last year, the ILO issued a 105-page report on the worsening child labor situation and called upon governments to tighten legislation against child labor and improve enforcement and education. Children younger than 14 account for as much as 11 percent of the work force in some Asian countries. In India alone there are an estimated 44 million working children. In Latin America, more than one-quarter of the children are thought to work.

Millions of children, especially in developing countries, can be found working in such dangerous industries as mining, metal works, glass and fireworks manufacturing, commonly without any protection or awareness of the health risks. Often these children are the victims of burns and cuts; many are maimed and left miserably handicapped; and many more contract diseases that lead to death or to incapacitation for life. In recent years Cox newspapers in a series called "Stolen Childhood" and the Christian Science Monitor in a series called "Children in Darkness" documented in detail the heart-wrenching consequences and scope of global exploitation of children in the workplace. I'd be happy to provide reprints on request.

Here are a couple of examples of what they found:

> In Thailand, thousand of young peasant girls work seven days a week inside hole-in-the-wall Bangkok factories called "shophouses" for less than seven cents an hour.
>
> Shadab is 9. Since he was 6, he has spent 12 hours a day, six days a week, squatting in semi-darkness on damp ground, polishing little pieces of metal on high-speed grinding wheel. In the lock factory where he works, the gloom is only broken by a few narrow shafts of light entering through holes in the brick walls, and by a single light bulb. The air is visibly, palpably thick with metal dust, the temperature about 120° F. The bare floor is damp with acid that sloshes from big vats onto the ground. The factory where Shadab works is in Abigash, 80 miles southeast of New Delhi. It employs nine people, five of whom are under 12. The adults are paid more than three times as much as the children, though many of their tasks are the same.

The misery associated with international trading of products made by exploited children goes on out of sight and, almost always, out of mind. Once in a great while, the well-to-do American consumer is jolted upon learning that the beautiful, hand-knotted rug that he bought for $449 at Macy's was made by 7-year-old Moroccan girls who are lucky if they are paid 90 cents a day.

That children are working and sometimes must, is unacceptable, but that they should be forced to work under conditions demonstrably dangerous to their health and safety is reprehensible and must be discouraged in all countries, regardless of differing stages of development. A recent World Health Organization [WHO] study has found that compared with adults, children tend to react differently and more severely when exposed to chemical substances and physical agents at work. There is a growing body of research evidence indicating that the exposure limits recommended for adult workers are not adequate for protecting children. Surely, no children should be exposed to extremely toxic chemicals or to dangerous physical agents like ionizing radiation.

To hear some people talk, we should not be disturbed that imports entering the American marketplace are sometimes made by children working under barbaric conditions. We are told nothing can be done to stop the suffering and, besides, it is none of our business. Still others, knowing in their hearts that they are profiting from something very wrong, seek to forestall U.S. action and tell us to wait for multilateral action. Some of the same bad actors then proceed to quietly frustrate any consensus for international action at the GATT or elsewhere.

I am fervently opposed to the commercial exploitation of children in the workplace. Moreover, I do not believe it is fair to ask American workers to compete with imports made by brutalized children slaving away under medieval working conditions.

Sadly, the number of children working and the scale of human suffering increase every year, despite the existence of more than 20 ILO conventions on child labor and innumerable pieces of high-sounding national legislation in many countries which purportedly prohibit the employment of children under the age of 15. Something else clearly must be done to effectively deter the exploitation of children in the workplace.

I think a key to effective action is drying up international markets for goods made by exploited children.

America should push for the rules of international trade to be changed to pointedly discourage child labor, especially in industry and mining. The basic human rights of children deserve at least as much GATT protection as is already provided to the intellectual property rights of businessmen and to the capital investments of financiers. Simple fairness and due regard for American workers require that we settle for nothing less.

But I also recognize that securing international agreement to outlaw trade in goods made by exploited children will not be easily attained. While the need to act is widely recognized, the political will to do so has been surely lacking. That is precisely why the U.S. should break the long stalemate and move expeditiously to enact legislation to prohibit imports made by children exploited in the workplace. Toward that end, I am pleased to join with my distinguished colleagues in the House and U.S. Senator TOM HARKIN in sponsoring the Child Labor Deterrence Act of 1993.

In shaping U.S. trade policy to discourage the exploitation of children in the workplace, our bill follows a few straightforward guidelines. First, it should be acknowledged that child labor cannot practically be eradicated overnight. Rather priority should go in the near-term to stopping the most egregious forms of exploitation of children in the workplace around the world. In our opinion, the widest possible international consensus can be mobilized around the proposition that children under 15 should not be allowed to work in industry or mining. This approach would prevent younger children from being put to work in occupations where they would be in the greatest danger of traumatic injury or occupational disease.

Second, the U.S. Department of Labor has both the commitment and the expertise to compile and maintain a list of foreign industries and countries that condone child labor in industry and mining for the production of exports. Identifying such foreign industries and host countries each year and releasing that information to the congress and to the general public will alert U.S. importers to be on the lookout to avoid trafficking in child labor products from any of the listed offenders.

Third, rather than placing the onus solely upon the U.S. Government to make certain that manufactured products imported into America are not made by exploited children, that responsibility should be placed primarily upon the importers themselves. Our bill simply requires that U.S. importers, as a condition for bringing a manufactured product into the American marketplace, take reasonable steps and certify in writing that such product was not made by children under the age of 15. Under this approach, eligibility to import would be treated as the privilege that it is and basic standards would need to be upheld if an importer wants to retain the privilege. In the course of doing business, it is reasonable to expect foreign producers and importers not to undermine the international trading system by trafficking in manufactured products made by exploited children.

Fourth, stiff civil and criminal penalties would be imposed upon importers who knowingly violate the prohibition against bringing into the U.S. market manufactured products made by exploited children. Those tempted to violate the import ban would be running the risk that investigators from inside or outside the U.S. Government at anytime will uncover evidence that could be brought to bear in administrative review proceedings and/or a court of law.

Fifth, the United States should push for multilateral action to redress the commercial exploitation of children. The President should seek an agreement with other trading nations to invoke a worldwide ban on trade in products, in whole or in part, made by children under age 15 who are employed in industry or mining.

In conclusion, we recognize that to avoid chaos and global stability, the international trading system must operate according to basic rules of fairness. The fact that current GATT rules assiduously protect property rights, while basically ignoring the rights of working people, including children, reveals much more about our priorities than our logic and ethics. But we have the capacity to change this situation. Access to the American marketplace is powerful leverage that should be used positively to encourage foreign producers and importers to treat defenseless children with dignity, rather than contempt. We cannot accept the bizarre reasoning and skewed priorities whereby international rules and U.S. import laws now protect endangered animals and plants, but remain silent on imports made by children shamelessly exploited in the workplace.

A TRIBUTE TO THE TEXAS TECH LADY RAIDERS

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. COMBEST. Mr. Speaker, I rise today to pay tribute to the women's basketball team at Texas Tech University in Lubbock, TX; the Lady Raiders.

With a sweeping victory in the Southwest Conference basketball tournament in Dallas, the No. 5 ranked Lady Raiders have propelled themselves into the NCAA Women's Basketball Tournament for the sixth time. They will face Washington in the tournament's second round on Saturday, March 20.

A team does not earn national honors just by chance. The Lady Raiders have advanced to a higher level of competition under the watchfull eye of Head Coach Marsha Sharp, who has been selected as Coach of the Year by the Women's Basketball News Service. Coach Sharp's leadership and dedication are evident in the Lady Raiders's highly successful record, as they have won 30 of their past 31 games.

Also instrumental to the Lady Raider's success is forward Sheryl Swoops, of Brownfield, TX. Swoops was named player of the year by Sports Illustrated and USA Today. The six-foot tall All-American senior was also named 1992–93 women's basketball player of the year, for the third time this season. Swoops also earned the honor of Southwest Conference player of the year for a second season in a row. The success of the Lady Raiders can be credited to strong leadership and highly talented players such as Sheryl Swoops.

Mr. Speaker, it is an honor for me to recognize the Texas Tech University Lady Raiders, a team who has turned teamwork, dedication, and persistence into a winning combination and a winning record. A team such as the Lady Raiders is deserving of any honors they receive. I congratulate them on their successful record, and wish them the best of luck during the NCAA tournament.

ALCOHOL INGREDIENT LABELING ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mrs. SCHROEDER. Mr. Speaker, today, along with several of my colleagues who were cosponsors of the legislation last year, I reintroduce the Alcohol Labeling Act. This low-cost proposal requires makers of alcoholic beverages to label each beverage container with the alcohol, other ingredients, and calories it contains.

President Clinton has pointed out that abuse of legal drugs accounts for a very large chunk of our spiraling health care costs. In turn, failing to control health care costs will stymie deficit reduction efforts. Providing consumers with the information they need to make good decisions about drinking is a sound first step in the direction of reforming our national alcohol policy.

We omitted alcoholic beverages when we passed nutrition labeling requirements 2 years ago. As a result, we are still burdened with an alcohol labeling law that dates from the prohibition era of the 1930's. It is so inconsistent that, on the one hand, alcohol contents of wine and distilled spirits must be disclosed, and, on the other hand, beer and malt liquor are not permitted to print alcohol contents on their labels.

Surgeon General Antonia Novello identified the need for labeling alcohol contents at a Select Committee on Children, Youth, and Families hearing entitled "Underage Drinking." She explained to committee members that young, inexperienced drinkers have an urgent need for a user-friendly measure of beverage potency.

This bill creates a new, straightforward unit of serving size called the drink. One drink equals 0.6 ounces of alcohol—the amount usually found in one beer, or one shot of distilled spirits or one glass of wine. Hopefully, a standard gage of the impairment caused by an alcoholic beverage will help avoid the teen overdose deaths we suffer every year.

Binge drinking has not decreased appreciably among teens in recent years—in 1991, 5.4 million junior and senior high school students reported consuming five or more drinks in a row. In one well-publicized case, several teens fatally overdosed on Cisco, a high-octane product that packed the equivalent of five shots of vodka into a container the size of a single beer bottle.

Young consumers are not the only ones who will profit from a knowledge of the contents of alcoholic beverages. Diabetics and others with diet-sensitive health conditions need to know exactly what they are consuming.

The only cost to the taxpayer is $500,000 for a toll-free number—similar to the existing 1–800–Cocaine hotline—for referral for help with a drinking problem. This number and all required information will be legibly printed on each container.

Groups ranging from the Academy of Pediatrics to coalitions of major insurance companies have endorsed this legislation. Several major beer manufacturers have endorsed the notion of disclosing alcohol contents, and the Bureau of Alcohol, Tobacco and Firearms is in the process of releasing interim, voluntary regulations to allow them to do so.

Predictably, some segments of the alcohol industry have complained about the expense of printing new labels, and others within the industry have called the required health information unnecessary or burdensome. Obviously, some expense will be involved, but it will be required only once, and no company will face a competitive disadvantage because all companies must comply.

I urge my colleagues to join me in support of mandating ingredient labeling on alcoholic beverages. As individuals, we need this information in order to be more responsible in our use of alcohol. As a nation, we must end marketing practices that mislead and target our youth.

TRIBUTE TO JOHANN "HANS" STRUFF

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. SANTORUM. Mr. Speaker, it is an honor for me to pay tribute to one of Pittsburgh's good citizens Johann "Hans" Struff who is retiring from dedicated service in the Greater Beneficial Union of Pittsburgh [GBU].

Upon his retirement, he'll be heeding Horace Greeley's advice to "Go west, young man, go west." Hans and Karla will take up residence in California joining their son Lothar and their daughter Sylvia and their respective families, including their two young grandsons, Dylan and Alexander.

Never one to do things half-heartedly, Brother Hans has been an active and vibrant member of GBU since 1963 when he joined the society in Toledo, OH. He held various district offices throughout his years in Toledo from auditor to president. Additionally, in 1966 he became a district representative and proceeded to become GBU's top producer for many years. In fact, he was the first district representative to qualify for the Sales Leader Club and the President's Millionaire Club.

In 1966 and 1970, he served as a national delegate to GBU's National Conventions. At the 1970 convention, Hans was elected regional vice president—south and held that position until July 1981 when he was elected national secretary of the GBU. Following that election, he and his wife Karla relocated to Pittsburgh. Then, at the 1990 convention, the offices of national secretary and national treasurer were combined, and Brother Struff became GBU's first national secretary/treasurer.

Being a dedicated fraternalist, Hans Struff has also served the fraternal benefit system well at both the State and national levels.

From 1972 to 1982, Brother Struff was a member of the board of the Ohio Fraternal Congress, serving as president of the congress in 1980–81. At the OFC's 1986 annual meeting, Hans was selected as its Fraternalist of the Year. After moving to Pennsylvania, he took an active role in the Pennsylvania Fraternal Congress and was a member of its board of directors from October 1989 through October 1992. During the year 1990–91, Brother Struff was president of the PFC, thus setting another first for a GBU officer by having served as president of two different State fraternal congresses.

On the national scene, Hans Struff has given generously of his time on behalf of the National Fraternal Congress of America. He served as chairman of many committees, including the credentials, membership, and Fraternalist of the Year committees throughout the years, beginning in 1973 when he first attended an NFCA annual meeting. In 1988 he was elected to serve a 3-year term on the NFCA board, and that same year he was chosen secretary/treasurer of the NFCA Secretaries section. At the 1990 annual meeting, Hans was elected to serve as the section's president.

Among his many accomplishments, Brother Struff is extremely proud to have been one of the original founders of the famous Toledo German-American Festival Society. He also has acted as the master of ceremonies at the Cleveland Octoberfest since 1979 and subsequently was named Honorary Lieutenant Governor of the State of Ohio on October 16, 1979. In 1986 he received a citation from the Ohio State House of Representatives commending him for his many contributions to the Midwest (Cleveland) Octoberfest.

A date which will always have a special place in Brother Hans' memory is November 15, 1990. That day, at the German Consulate in New York City, Dr. Leopold B. von Bredow, the consul general, presented him with the Cross of the Order of Merit of the Federal Republic of Germany. This decoration was conferred on Brother Struff in recognition of his significant contributions to the strengthening of cultural relations between the United States of America, his adopted homeland, and Germany, the land of his birth.

As Brother Hans prepares for his leave-taking, we all know we shall miss him greatly. His friendly smile and charming personality have endeared him to all who know him, and their numbers are legion. He'll take with him our best wishes for a healthy and happy retirement, and may he and Karla enjoy many, many years together, basking in the California sunshine.

THE CRIMINAL ALIENS DEPORTATION ACT OF 1993

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. MOORHEAD. Mr. Speaker, I am pleased to rise today, along with my colleague Bill McCollum, as an original cosponsor, of the Criminal Aliens Deportation Act of 1993. The problem of criminal aliens crowding our prisons, especially on the State and local level, grows worse each day. We need to place a much greater emphasis on efforts to identify, apprehend, and remove criminal aliens from the United States, particularly those involved in drug-related or violent criminal activity. The purpose of our legislation is to set up procedures to deport criminal aliens from the United States as expeditiously as possible.

Our proposal will streamline the deportation process in two general respects. First, it will expand the most serious class of Federal and State crimes—known as aggravated felonies—for which an alien may be expeditiously deported. Second, the proposal will ensure that aliens convicted of aggravated felonies are deported as quickly as possible upon completion of their sentence. In the case of permanent resident aliens convicted in Federal court, a final deportation order could be issued at an alien's criminal sentencing hearing. For all other aggravated felon aliens, an administratively final deportation order could be issued by the Attorney General, obviating an unnecessary and burdensome administrative hearing process. Judicial review for both categories of aggravated felon aliens would remain. Our proposal will also increase the current penalties against the following classes of aliens: First, those who have been formally deported but who reenter the country without permission, and second, those aliens who have received a final, unappealable order of deportation, but who have failed to depart the country within the required period of time. These toughened penalties are designed to deter illegal aliens who are repeat offenders. The Criminal Aliens Deportation Act of 1993 will not increase our current deficit and meets the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act.

The problems in California with respect to criminal aliens have become insurmountable. California is incurring heavy costs associated with incarcerating criminal aliens in State correctional facilities. There are more than 15,000 undocumented aliens in our State's prison system, at an annual cost of about $330 million. Federal law currently requires the INS to take custody of, and begin deportation proceedings against, undocumented aliens who have been convicted of violent felonies and who have served their minimum sentences, making them eligible for early release into supervised custody. Unfortunately, this procedure has slipped through the cracks, and there has been a lack of cooperation between local and Federal authorities, allowing illegals to be released to the streets rather than to INS officials for deportation proceedings. One of the major flaws in our current deportation process is that the INS lacks sufficient detention space, therefore the alien is paroled into the community with instructions to report several months later for a hearing before an INS officer. Most of these aliens simply disappear and end up back in our State penal system a few months later. In Los Angeles County, more than half of incarcerated illegal aliens are rearrested within 1 year.

According to the GAO, less than 2 percent of the estimated 1 to 2 million deportable aliens are sent out of our country each year. More than 41,000 foreign born criminals are now incarcerated in State prisons, and nearly 20 percent of the total prison population is deportable. California is 185 percent over capacity in its prison population and houses approximately 15,000 illegals at a cost of $21,000 per year per inmate.

The 1986 Immigration Reform and Control Act included a provision to reimburse States for costs incurred for the imprisonment of any illegal alien convicted of a felony. Governor Wilson is requesting a Federal reimbursement of $250 million in fiscal year 1993–94 to pay for the cost of keeping criminals illegally residing in California in the correctional system. The illegal immigration policy in this Nation rests in the hands of the Federal Government and carries with it a financial obligation to pay for services that are mandated by Federal Government policies. The failure of our Federal Government to shoulder its responsibility in this area continuously results in deportable criminal aliens being released on bond with the assumption they will appear for a deportation hearing at a later date. Instead, they descend upon our streets, where they continue to contribute to our Nation's drug and violent crime epidemic.

Mr. Speaker, I urge my colleagues to support this proposal and the House to adopt the Criminal Aliens Deportation Act of 1993.

TRIBUTE TO WILLIAM SACKMANN

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. OXLEY. Mr. Speaker, on the occasion of his recent retirement, I would like to recognize Mr. William Sackmann, from my home of Hancock County, OH. I know I join many other friends from throughout our county in giving Mr. Sackmann our thanks, recognition, and best wishes for a happy and productive retirement.

Mr. Sackmann completed two terms as Hancock County Commissioner, following a long career as an attorney with Marathon Oil Co. at the headquarters in Findlay. He adopted Findlay as his home in 1955, after being transferred there in 1955. He began his career as a public official at age 64 and is now still going strong at age 73. Mr. Sackmann served the people of our county well during his tenure as county commissioner. Consistent with his Republican philosophy, he worked to streamline county government and coordinate it with the private sector.

Active with the Black Swamp Area Council of the Boy Scouts of America, I understand that Mr. Sackmann intends to continue his volunteer work with that organization, as well as other local agencies. He also intends to practice law part time.

My best wishes to Bill Sackmann, his wife, Suzanne, and their children as Bill begins his retirement years.

STIMULUS PACKAGE MAY INCREASE LEAD POISONING AMONG CONSTRUCTION WORKERS

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. BLILEY. Mr. Speaker, President Clinton has asked Congress to raise taxes, in part, to pay for his short-term economic stimulus package. As we debate H.R. 1335, the emergency supplemental appropriations for fiscal year 1993, we should also keep in mind some significant concerns regarding lead poisoning and the need to wait for worker training standards from the Environmental Protection Agency.

The Energy and Commerce Committee's Subcommittee on Health and the Environment recently held a hearing on the question of whether the highway infrastructure portion of the stimulus package would increase lead poisoning among workers by expanding the current activities involving removal of lead-based paint from bridges before EPA has acted to set out accredited worker and contractor training requirements. The testimony was compelling in making the case that accelerating projects without the safeguard of EPA training requirements would increase lead poisoning.

At the hearing, Dr. James Keogh from the occupational health project at the University of Maryland stated that during the early 1980's Baltimore was hit by a wave of lead-poisoning cases and that he suspects the magnitude of this epidemic was due in part to Congress's effort to stimulate the economy by increasing the number of road projects. Richard Dwyer, director of the Brotherhood of Carpenters' health and safety funds, stated that without specific training regarding the hazards of lead, where it is found, and the appropriate work practices necessary to work safely in environments where lead-based paint is present, OSHA standards, no matter how stringent, will not be effective. Mr. Dwyer also stated that "stimulus activities such as Farmers Home Administration grants for low-income housing, the National Trust for Historic Preservation Museum Properties deferred maintenance projects, and the Federal Building Energy Efficiency projects will all involve construction workers in the disturbance of lead-based paint. Other witnesses recounted the physically disabling problems of lead poisoning from the activities covered in the stimulus package."

Last year, former President Bush signed into law the Residential Lead-Based Hazard Reduction Act which required EPA to set training and certification standards for workers and contractors—including those engaged in paint removal from bridges and demolition activities—by April 1994. The act also authorizes training grants for these purposes. Members of Congress, labor unions, and the occupational health community all supported these requirements as critical to ensuring a safe working environment. As the chairman of the Subcommittee on Health and the Environment noted in the recent hearing, the new training programs are not up and running and the current system simply does not provide adequate safeguards to protect workers and the public from lead poisoning.

With a 4.8-percent annual growth rate of the gross domestic product in the last quarter of 1993, seven consecutive quarters of growth, and the recent reports of over 350,000 new jobs in the economy in the last few months, the need to accelerate Federal spending through tax increases in the name of stimulus should not overtake prudent measures to protect workers. Obviously work done in fiscal year 1995 will be safer and performed under established EPA training standards. It would not make sense during the next 2 years to accelerate projects which, as stated at the hearing, would cause a wave of new lead-poisoning cases unless those projects must be done in the near term to provide for the structural safety of the bridges.

I should also note that the administration's plan to provide money only to projects which can implement funding in less than 90 days—a use quickly or lose provision—will make it impossible for States and municipalities to evaluate their training standards or even make short-term changes in worker protection practices for fear of losing the Federal funding.

This is not simply a matter of pumping more money into training. Establishing and making proper training available to workers will take time. Mr. Dean Carleson, from the Federal Highway Administration, stated that proper training would minimize health concerns and that the Highway Administration was not the proper agency to establish training standards. This can only affirm the need to proceed in a prudent fashion consistent with EPA training standards and with the mandates of the 1992 lead legislation.

CUT SPENDING FIRST

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. SCHAEFER. Mr. Speaker, if there is one single message coming through loud and clear from my constituents about the President's deficit reduction proposals, it is simply this: Cut spending first. Eliminate wasteful and inefficient programs, they are telling me, before allowing any new tax increases or new spending.

Well, Mr. Speaker, I am today submitting a plan that does just that. It is a list of $650 billion in program-specific budget cuts over 5 years, more than five times the total cuts proposed by the President and all without a single tax increase.

If these cuts are combined with modest restraint in the growth of new spending and some common sense budget reforms, we can eliminate the deficit—not just cut it in half.

Here, then, are the cuts I propose:

SCHAEFER BUDGET CUTS

(Dollars in billions: All savings reduce the appropriate budget cap)

Description	1994	1994–98
Cuts in defense spending:		
1. President Bush's proposed defense reductions	($5.300)	($74.800)
2. Consolidate intelligence agencies, as described by CBO	(0.355)	(8.470)
3. Defer procurement of a new aircraft carrier, as described by CBO	(0.009)	(1.807)
4. Terminate the C–17 aircraft program, as described by CBO	(0.180)	(8.630)
Subtotal defense spending cuts	(5.844)	(93.707)
Cuts in domestic mandatory spending:		
5. Cap the growth of non-Social Security mandatory spending by allowing increases in mandatory spending for new beneficiaries plus a full cost of living	(15.000)	(257.000)
6. End Federal farm subsidies for wealthy individuals with annual net taxable income over $120,000 and corporations with annual net taxable income over $5 million	(0.225)	(1.040)
7. End Federal export enhancement program bonuses for wealthy individuals with annual net taxable income over $120,000 and corporations with annual new taxable income over $5 million	(1.200)	(6.000)
8. End Federal market promotion program subsidies for wealthy individuals with annual net taxable income over $120,000 and corporations with annual net taxable income over $5 million	(0.010)	(0.050)
9. End Federal International Trade Administration subsidies for wealthy individuals with annual net taxable income over $120,000 and corporations with annual net taxable income over $5 million	(0.090)	(0.130)
10. End Federal Minority Business Development Agency subsidies for wealthy individuals with annual net taxable income over $120,000 and corporations with annual net taxable income over $5 million	(0.009)	(0.049)
11. End Federal National Institute of Standards and Technology grants for wealthy individuals with annual net taxable income over $120,000 and corporations with annual net taxable income over $5 million	(0.039)	(0.199)
12. End Federal Disaster Relief Payments subsidies for wealthy individuals with annual net taxable income over $120,000 and corporations with annual net taxable income over $5 million	(0.001)	(0.005)
13. End Federal unemployment subsidies for wealthy individuals annual net taxable income over $120,000	(0.400)	(1.650)
14. Conform CSRS/FERS child-survivor benefits age to Social Security[1]	(0.005)	(0.075)
15. Base CSRS/FERS survivor annuities on reduced retiree annuity[1]	(0.035)	(0.525)
16. Institute Medicare fee limits over 65: Federal Employee Health Benefits[1]	(0.012)	(0.102)
17. Medicaid: Eliminate mandatory medicaid care[1]	(0.000)	(5.845)
18. Medicaid: Tighten estate asset rules[1]	(0.025)	(0.565)
19. Pay hospitals for impatient services by hospital-based physicians[1]	(0.000)	(0.570)
20. Gradually lower indirect medical education rate to 5.65 percent[1]	(0.000)	(3.540)
21. Set laboratory rates at market levels[1]	(0.390)	(4.480)
22. Phase-in resource-based practice expense[1]	(0.100)	(2.975)
23. Implement single fee for surgery[1]	(0.050)	(0.510)
24. Permanently extend 2 percent laboratory fee update[1]	(0.030)	(1.310)
25. Permanently extend Medicare Secondary Payer (MSP) for disabled[1]	(0.000)	(2.695)
26. Permanently extend IRS/Social Security Administration/Health Care Financing Administration data match[1]	(0.000)	(0.370)
27. Third party liability—Enhance identification of other health coverage[1]	(0.000)	(1.250)
28. Base Medicare direct medical education payments on a national per resident amount[1]	(0.350)	(1.680)
29. Provide electronic billing incentive[1]	(0.000)	(0.440)
30. Medicare: Maintain 1995 ratio of premium collections to program outlays with a 27-percent ceiling[1]	(0.000)	(11.575)
31. Medicaid: Equate matching rates for welfare program[1]	(0.160)	(2.030)
32. Strengthen child support enforcement[1]	(0.027)	(0.505)
33. Equate matching rates for welfare programs[1]	(0.040)	(0.390)

SCHAEFER BUDGET CUTS—Continued

(Dollars in billions: All savings reduce the appropriate budget cap)

Description	1994	1994–98
34. Reform Federal Housing Administration insurance[1]	(0.028)	(0.336)
35. Require States to reimburse the Federal Government for food stamp overpayment errors caused by States, as described by CBO	(0.000)	(0.800)
36. Require States to share default costs in the Student Loan Program[1]	(0.080)	(0.596)
37. Implement Commonwealth of the Northern Mariana Islands funding agreement[1]	(0.006)	(0.043)
38. End Federal subsidy for honey	(0.035)	(0.065)
39. End Federal tobacco loan program	(0.015)	([2])
40. End Federal subsidy for peanut	(0.000)	(0.025)
41. End Federal subsidy for rice	(0.250)	(2.600)
42. End Federal subsidy for cotton	(0.350)	(4.220)
43. Eliminate 0/92 and 50/92 (pay/92) programs starting in 1996[1]	0.000	(1.577)
44. Limit payments on wool and mohair to $50,000 per person[1]	(0.010)	0.278)
45. Permanently extend market promotion program at 1993 level[1]	(0.052)	(0.260)
46 Increase non-eligible payment acres (triple base) starting in 1993[1]	0.000	(1.750)
Subtotal domestic mandatory spending cuts	(19.024)	(320.105)
Cuts in domestic discretionary spending:		
47. Reinstate a cap on overhead costs charged to university research and development grants	(0.100)	(1.000)
48. Freeze Federal agency spending in FY94 and FY95 at FY92 levels. Travel, transportation, rent, utilities, office supplies and other administrative costs are frozen for two years and then adjusted for inflation in FY96–FY98	(4.850)	(45.860)
49. Cut 25 percent of the White House budget[1]	(0.043)	(0.250)
50. Cut 25 percent of the Legislative Branch budget	(0.600)	(3.610)
51. Eliminate tax subsidies for political parties	(0.002)	(0.123)
52. Improve management of VA hospitals[1]	(0.100)	(1.500)
53. Maintain current program level for programs in small agencies[1]	(0.012)	(0.318)
54. No Federal Pay Raise CY94; ECI-Based Raise minus 1 percent CY1995–1997; revise locality pay beginning CY1995[1]	(1.361)	(11.311)
55. Cut 100,000 Federal employees[1]	(0.932)	(10.518)
56. Other administrative savings[1]	(0.676)	(11.252)
57. Streamline Department of Agriculture[1]	(0.038)	(0.466)
58. Streamline Department of Education[1]	(0.070)	(2.252)
59. Streamline Department of Energy[1]	0.000	(0.023)
60. Streamline Department of Health and Human Services[1]	(0.199)	(4.211)
61. Streamline Department of Housing and Urban Development[1]	(0.104)	(2.255)
62. Streamline Department of Justice[1]	(0.025)	(0.211)
63. Streamline Department of Labor	(0.002)	(0.535)
64. Streamline Department of Transportation[1]	(0.010)	(0.166)
65. Streamline Department of Treasury	(0.033)	(0.289)
66. Streamline Dept. of Veterans Affairs[1]	0.000	(0.020)
67. Streamline Army Corps of Engineers[1]	(0.013)	(0.279)
68. Streamline Environmental Protection Agency[1]	(0.010)	(0.358)
69. Streamline other Agencies[1]	(0.100)	(1.059)
70. Bar U.S. payments to international "anticonsumer" organizations for coffee, rubber, jute and tropical timber	(0.003)	(0.017)
71. Eliminate additional funding for Int'l Development Association of the World Bank	(1.250)	(6.250)
72. Limit Eximbank credit to tied-aid	(0.700)	(3.500)
73. Eliminate Russia/Eurasia research[1]	(0.001)	(0.040)
74. Consolidate overseas broadcasting[1]	(0.060)	(0.894)
75. Reorient AID programs and reduce spending[1]	(0.007)	(0.841)
76. Reduce International Security Assistance[1]	(0.084)	(2.526)
77. Reduce Enterprise for the Americas debt forgiveness (AID)[1]	(0.008)	(0.161)
78. End funding for Russian Far East Technical Center[1]	(0.002)	(0.010)
79. End funding for North-South Center[1]	(0.004)	(0.042)
80. Replace Crop Insurance with disaster assistance, as described by CBO	(0.230)	(2.410)
81. Reduce Rural Electrification Administration 5-percent loan subsidy[1]	(0.027)	(0.545)
82. Reduce Economic Research Service Programs[1]	(0.012)	(0.079)
83. Reduce Foreign Agriculture Service Programs[1]	(0.005)	(0.045)
84. Eliminate subsidies for non-power functions of TVA as described by CBO	(0.035)	(0.575)
85. Eliminate Appalachian Regional Commission, as described by CBO	(0.010)	(0.528)
86. End Federal subsidies for under-used AMTRAK routes	0.000	(1.012)
87. Adjust Coast Guard for military pay[1]	(0.029)	(0.336)
88. Replace the commitments for new housing construction with vouchers, as described by CBO	(0.021)	(0.788)
89. Eliminate community development block grants, as described by CBO	(0.160)	(14.210)
90. End funding for Economic Development Administration, as described by CBO	(0.026)	(0.767)
91. Eliminate individual Housing and Urban Development Dept. Special Purpose Grants[1]	(0.005)	(0.853)
92. Eliminate public housing new construction amendments[1]	0.000	(0.101)
93. Repeal Davis-Bacon Act	(0.260)	(3.300)
94. Repeal the Service Contract of 1965 to reduce Federal contracting costs, as recommended by GAO	(0.500)	(2.500)
95. Target funding for health professions curriculum assistance grants[1]	(0.014)	(0.116)
96. Eliminate Trade Adjustment Assistance for firms[1]	(0.001)	(0.044)
97. Terminate State Justice Institute[1]	(0.003)	(0.068)
98. Eliminate SBA earmarked grants[1]	(0.044)	(0.431)
99. Reduce SBA 7(a) business loan subsidies[1]	(0.058)	(0.526)
100. Porkbusters bill—eliminate projects not properly authorized	(2.000)	(2.000)
Subtotal domestic discretionary spending cuts	(14.839)	(143.381)
Receipts:		
101. Increase revenues from IRS tax compliance[1]	(0.011)	(1.537)
Subtotal receipts	(0.011)	(1.537)
Debt service savings:		
102. Shorten maturity of debt securities[1]	(1.634)	(16.354)
103. Interest Savings from above cuts	(1.298)	(77.811)
Subtotal debt service savings	(2.932)	(94.165)
Total deficit reduction	(42.65)	(652.895)

[1] President Clinton's proposal.

[2] Awaiting estimate.

AMENDMENT OFFERED REGARDING THE EMERGENCY SPENDING BILL

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. PACKARD. Mr. Speaker, yesterday I went before the Rules Committee to ask that they rule my amendment, and a joint amendment from myself and Congressman KOLBE, in order when the House considers the President's emergency spending bill.

The committee denied my request, surprisingly, on a party line vote. I can only conclude that the Democrats on the Rules Committee do not want to allow free and open debate about the spending in the President's spending package.

The goal of the Packard amendment and the Kolbe-Packard amendment was to help the administration reconcile the two conflicting ideas of increasing Government spending to create jobs while at the same time reducing the deficit.

The Packard amendment is simply a budget neutral amendment. It would withhold funds for all programs in the spending package, except for unemployment compensation, until the increase in the deficit caused by the remaining programs is offset through other legislation.

The Kolbe-Packard amendment would withhold funds for all programs in the emergency spending bill until spending cuts are made elsewhere so that the deficit does not increase.

The administration has advertised this as a stimulus package. By withholding funds for the programs in the President's emergency spending package until cuts are made elsewhere, our amendments would ensure that we do not add to the deficit, which is a drag on our economy. If we add to the deficit, it seems to me, we defeat the rationale of a stimulus.

Our amendments would have simply required Congress to accept this stimulus package on the basis of the bipartisan budget agreement of 1990 stipulating offsets if spending is increased.

Under the provisions of the 1990 budget agreement, Congress cannot pass legislation in which spending exceeds caps on the three budget categories—defense, domestic, and foreign—thus adding to the deficit. The only exception is when the President and Congress declare that such spending is an emergency.

Not a single witness who testified before my committee as we considered the emergency spending bill could explain to me why this spending qualified as an emergency.

By denying our right to debate and vote on these amendments, we were denied our right to participate in the democratic process on this very important issue.

LET'S STOP THE MINING OF ONE OF OUR NATIONAL SYMBOLS THE MAJESTIC REDWOOD

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. STARK. Mr. Speaker, I am introducing legislation today which will impose a 75-percent severance tax on the mining of old growth redwood. The legislation also imposes a 75-percent severance tax on redwood timber used as security for timber collateralized bonds.

Old growth redwood trees continue to be chain-sawed every working day. These old growth redwood trees are a non-renewable resource, at least over the next 1,000 years or so. They should be treated as other non-renewable resources which are mined by having an excise tax imposed. The excise tax recognizes the public interest and benefit in this non-renewable resource.

The severance tax is also imposed on timber collateralized bonds. What would normally be a renewable resource is now subject to the relentless demands of bond payment schedules. Because of the defining symbolic nature of the redwood tree both to the United States and to the State of California, their harvest schedule cannot be dependent on the needs absentee bond-holders. Timber-harvesting on a bond repayment schedule could be like killing the goose that laid the golden egg. What could be a renewable resource would be exhausted because of the needs of the bondholders could come before responsible forestry.

Mr. Speaker, Maxxam Corp. has been looting the redwood holdings of Pacific Lumber Co. from the day it took over the company in a corporate raid. This legislation will protect the legitimate interests of the American public in the remaining unprotected redwood forests.

NORTH KOREA'S WITHDRAWAL FROM THE NPT THREATENS REGIONAL SECURITY

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. LEACH. Mr. Speaker, last Friday the Democratic People's Republic of Korea [DPRK] mounted an unprecedented challenge to the international nonproliferation regime. In a surprise announcement, the DPRK gave notice of its intent to withdraw from the Nuclear Non-Proliferation Treaty [NPT]. This action, coupled with widely reported appraisals in recent years of nuclear technology development in North Korea, has fueled worldwide suspicions that Pyongyang is bent on establishing nuclear weapons capacity. As a result of North Korea's precipitous announcement, tensions have increased on the Korean Peninsula and prospects for reunification have been set back.

As ever, North Korean motivations remain murky. The DPRK move might be a tactical gambit designed to buy time with the IAEA and test the response of the world community. On the other hand, it could be a manifestation of a regime in crisis; or, worse yet, a prelude to aggressive action against the south. At a minimum, Pyongyang's withdrawal from the NPT represents a fundamental about-face in its recent policy of advancing dialog with the Republic of Korea [ROK] and limited openings to the outside world.

Whatever the North's motivation, the response of the United States must be unequivocal. North Korea's action not only contradicts its treaty commitments under the NPT but the 1991 Joint Declaration on the Denuclearization of the Korean Peninsula, which obligates parties not to possess or develop nuclear weapons. We have no choice in these troubling times except to stand firm with our ally in Seoul in a joint commitment to peace and security on the Korean Peninsula.

In this regard, Pyongyang should understand that there is no partisan or institutional differentiation in the United States in our united concern with the specter of nuclear proliferation on the Korean Peninsula.

This Member joins with the executive branch in urging North Korea to reconsider its intentions. North Korea should take immediate steps to fully comply with the resolution adopted without opposition by the International Atomic Energy Agency [IAEA] Board of Governors on February 25, calling on Pyongyang to fulfill its responsibilities under the NPT and its IAEA safeguards agreement. Such a step is imperative if there is to be any hope of restoring international confidence that North Korea is fulfilling its international responsibilities in the nuclear area. Here it is relevant to observe that, under the NPT, North Korea's obligations to the IAEA remain in force for 90 days, even after formal notification of intent to withdraw.

The concerns of the United States and other members of the world community about the suspected clandestine nuclear weapons program in the North are both serious and well founded. In testimony before the Senate in late February, CIA Director James Woolsey noted that North Korea is probably hiding evidence of a clandestine nuclear weapons program from international inspectors, including enough plutonium to make at least one nuclear weapon.

Six previous routine IAEA inspections have established that North Korea had engaged in an extensive program to develop a capability to produce plutonium, including an unfinished reprocessing plant, at its Yongbyon nuclear complex. In addition, the North Koreans have acknowledged reprocessing a small amount of plutonium. While the focus of IAEA concern appears to be how much plutonium the North has extracted from its reactors in the past, the full dimensions of its nuclear weapons program remains unknown. It is unclear, for example, whether North Korea is still secretly reprocessing plutonium.

NORTH KOREA AND REGIONAL SECURITY

North Korea's apparent quest for a nuclear weapons capability constitutes the most serious threat to regional peace and security in Northeast Asia. The prospect of a nuclear-armed North is of profound concern to the ROK, the United States, Japan, China, Russia, as well as other members of the international community.

As all Members understand, the Korean Peninsula remains the most dangerous potential flashpoint in Asia and perhaps the world. The North Korean conventional military threat—a 1 million man army largely forward-deployed within 100 kilometers of the Demiliarilized Zone—remains of serious concern to the ROK and the United States. In addition, North Korea is emerging as a key supplier for missile programs in Iran as well as Syria. The DPRK is developing a 620-mile missile capable of hitting Japan as well as all of South Korea, where 37,000 United States troops are stationed as a tripwire. The United States also suspects that North Korea may be developing biological weapons. Despite North Korea's economic difficulties, Pyongyang's resources are still disproportionately geared to maintaining a dangerous offensive military capability.

North Korean capabilities to produce and deliver weapons of mass destruction are destabilizing in themselves. Equally worrisome, however, is the thick veil of secrecy with which the world's last Stalinist regime shrouds almost every action. Washington's knowledge of political and military decisionmaking processes in Pyongyang remains extremely limited. Little is known, for example, how the DPRK will react to its increasing isolation. We also remain uncertain about prospects for a smooth transfer of power from the octogenarian "Great Leader" Kim IL-Sung to his designated successor, his son, Kim Jong IL. Likewise, even though the North has intensified the cult of personality surrounding the younger "Dear Leader," we know little about his basic policy views. In tandem with North Korea's military capabilities, the basic nature of North Korea's closed totalitarian system reinforces the tension and insecurity that characterize the politics of the Korean Peninsula.

IAEA SPECIAL INSPECTION AND TEAM SPIRIT

The current crisis arose early this February when the IAEA requested an unprecedented special inspection of two nuclear waste sites at Yongbyon. The IAEA requested the inspection because the sites in question may contain nuclear waste from the operations of a small 5-megawatt research reactor. Inspection of the waste would reveal how long the reactor has been in operation, whether its fuel rods have been changed, and how much plutonium it may have produced.

Pyongyang claims the areas in question are unrelated military sites, accused the IAEA of spying on behalf of the United States, and denied the request. In response, on February 25, the IAEA Board of Governors adopted a resolution calling for North Korea to fulfill its responsibilities under the NPT and IAEA safeguards agreement, or risk having the issue of DPRK noncompliance taken up by the U.N. Security Council.

As Members understand, the IAEA is a U.N.-affiliated international organization. It serves in a dual capacity as a facilitator of the transfer of peaceful nuclear technology to developing nations and as the primary verification mechanism under the NPT to ensure that nuclear materials are not diverted from peaceful purposes to production of nuclear weapons. The NPT commits nonweapons member states to place all of their nuclear activities under IAEA inspection. International safeguards in use by the IAEA before the gulf war were designed to verify the peaceful use of nuclear material in declared nuclear facilities and activities. Clandestine activities—such as those undertaken by Iraq prior to the establishment of the U.N. Special Commission in 1991—were outside the scope of classical IAEA safeguards.

But international concern with the failure of the IAEA to detect Iraq's clandestine nuclear program led the organization's Board of Governors in the summer of 1992 to explicitly approve the right of the agency to conduct special inspection of undeclared nuclear facilities. Although not as intrusive as short-notice, on-demand challenge inspections, the conduct of special inspections should nevertheless provide the international community with a higher degree of confidence that nonnuclear weapons states are complying with their NPT obligations. The United States believes that the principle of special inspections is vitally important to the effective enforcement of the NPT regime, and in that sense is not aimed at any one country. Nevertheless, the special inspection of North Korea would have been the first in IAEA history.

North Korea has also been angered by the resumption of the annual Team Spirit military exercise by the United States and ROK. The exercise was suspended in 1992 in recognition of the steps North Korea had taken to resolve international concerns about its nuclear program. The suspension was also undertaken on the assumption that further progress would be made on implementing the December 1991 Joint North-South Declaration on Denuclearization of the Korean Peninsula, especially agreement on a credible and effective bilateral nuclear inspection regime.

For its part, the United States has been disappointed that North Korean intransigence has led to little progress on a bilateral inspection regime.

The DPRK asserts that mutual inspections should include only civilian nuclear facilities and what it terms "nuclear bases," or bases suspected of having nuclear weapons. North

Korea claims that since it has no nuclear weapons, the only nuclear bases on the peninsula are those of the United States. Thus the DPRK position is that mutual inspections should include only the North's declared nuclear facilities and the nuclear bases and other nuclear facilities in the South—not military bases in the North.

This argument is profoundly specious and without foundation. The public position of the United States is that its bases are open to inspection under any credible and effective mutual inspection regime on which the DPRK and ROK can agree. In addition, in September 1991, President Bush announced the withdrawal of all tactical nuclear weapons from overseas bases, and during his visit to Seoul in January 1992 he implicitly affirmed with ROK President Roh Tae Woo's December 18, 1991, statement that there were no nuclear weapons anywhere in South Korea.

As a result of the North's foot dragging, an October 1992 communique of the United States-ROK Defense Ministers stated that "in the absence of any meaningful improvement in North-South relations, especially on bilateral nuclear inspections," the United States and ROK would continue preparations for Team Spirit in 1993. Here it should be noted that Team Spirit is a purely defensive, well-publized conventional military exercise, with North Korea, Russia, and China each invited to send observers.

THE UNITED STATES AND THE KOREAN PENINSULA

Mr. Speaker, the international community has no desire to corner Pyongyang or encourage it to contemplate desperate action. For its part, the United States bears no permanent enmity toward North Korea. But North Korea's leadership must understand that its decision to withdraw from the NPT has the effect of further isolating the North from the United States and other members of the world community.

If the IAEA is not able to resolve the issue, then the matter will be referred to the U.N. Security Council. Unless the North fundamentally reassesses its decision to withdraw from the NPT, strong diplomatic condemnation and international economic sanctions are surely in order.

Mr. Speaker, if North Korea does not reverse this extremely unfortunate decision, Pyongyang will have jeopardized any hope of ever joining the family of nations and any prospect of establishing closer relations with the United States. Normal dealings with a confirmed rogue state, the first-ever withdrawn from the NPT, is inconceivable.

TRIBUTE TO THE NEW YORK POST

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. NADLER. Mr. Speaker, I rise today to express my solidarity with the writers, editors, and all the employees of the oldest continuously published daily newspaper in the United States—the New York Post. The very survival of the paper is in question and its fate is being decided in Bankruptcy Court this week.

For almost 200 years, the New York Post has enjoyed a long tradition as a mainstay of New York's lively and vital newspaper industry. Now the management of the Post has fallen into the hands of someone whose wholesale firing of reporters and editors tears out the very heart and fiber of that great newspaper. As a business decision alone, this act, which destroys the New York Post's greatest asset—the structural integrity and journalistic excellence of its staff—defies reason. Oftentimes, in pursuit of profit, impetuous acts, such as this, result not in profit but in financial disaster. Sadly, in this case, Abe Hirschfeld's fortune will not be all that will be diminished; the lives of those dedicated men and women who work for the Post and this great newspaper itself will all suffer.

But, beyond the question of business judgment of the Post's new manager, lies the more central question of what qualifications are needed to publish a great newspaper. With trepidation, lest I intrude into the province of the Bankruptcy Court considering this matter, permit me to address a question to the judge who is deciding the future of this national institution. Is wealth all that is required, or should more be demanded? Should the court not require that the owner be someone who has a balanced and judicious view of the role of a publisher in relation to the editors and journalists? Should he or she not be someone who has respect for journalistic integrity and for the important role that the "fourth estate" plays under the first amendment to the Constitution? Or with ownership of this paper?

I give my wholehearted support to the real owners of the Post—those who heroically defend and uphold the rich tradition of true journalism, as envisioned by Alexander Hamilton.

CONGRESSMAN KILDEE CELEBRATES FOURTH ANNIVERSARY OF NEW MOUNT MORIAH BAPTIST CHURCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the House of Representatives to join me in commemorating the fourth anniversary of the New Mount Moriah Baptist Church in Pontiac, MI. To honor this outstanding occasion, the congregation will come together in unity and celebration on Sunday, March 21, 1993.

The New Mount Moriah Baptist Church has been a bedrock of faith and spiritual support for the members of the church since it was organized on April 8, 1989. The pastor, William H. Murphy, Jr., has helped the members through many difficult periods and has given generously of his time, talents, and love to make this church a tremendous resource of spiritual and educational support for the Pontiac community.

The New Mount Moriah Baptist Church celebrated its first service in the ORA Building on Perry Street. The church moved to its current location at 68 West Walton Boulevard and has become the heart of a vibrant Christian community on the north side of Pontiac. Under the leadership of Pastor Murphy, the congregation has grown to 500 members.

Pastor Murphy and his staff have had a strong, unifying influence on the community. Sunday school, Bible studies, and Christian outreach youth and action weekly meetings have been instrumental in molding good families and developing good citizens of the Pontiac community.

Mr. Speaker, without a doubt, our community is a much better place in which to live because of the dedication and leadership provided by the parish of the New Mount Moriah Baptist Church. I urge my House colleagues to join me in congratulating the people of New Mount Moriah Baptist Church for a wonderful, fulfilling 4 years and wish them even greater success in the years ahead.

TERM LIMITS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. BARCIA. Mr. Speaker, today I am cosponsoring two resolutions which call for constitutional amendments to provide for term limits for both Congressmen and Senators. I signed a pledge during the campaign to support efforts to limit the length of service, and I am meeting that pledge.

I am cosponsoring the Inglis resolution, which provides a 6-year limit for Members of the House of Representatives, and a 12-year limit for Members of the Senate. I do so to keep my pledge to the people of Michigan who overwhelmingly supported this particular term limit under Proposal B in last fall's election, and who had only one specific limit proposal before them.

I am also cosponsoring the McCollum resolution, which provides for identical 12-year term limits for Members of the House and Senate. The House and Senate are equal houses of the legislative branch of our Government, and I personally believe that Members of the House and Senate should be treated in the same fashion. To do otherwise would allow the improper impression that one branch is superior to the other. In fact, it is also my view that this particular resolution is more demanding on House Members who need to stand before their constituency every 2 years rather than every 6 to earn the ability to continue through their election.

Term limits are coming. The only question is the specific of those limits. We now have the obligation to work for the best interests of our Nation, and I firmly believe that identical limits for both the House and the Senate is the best policy for our Nation.

TRIBUTE TO RABBI MURRAY LEVINE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. MARKEY. Mr. Speaker, I rise today in honor of Rabbi Murray Levine, a devoted spiritual leader, dedicated teacher and active and caring member of my community.

Rabbi Levine has devoted his life to studying the rituals of Judaism and putting Jewish principles of compassion, charity, and public service into action. In a time when some have tried to widen class divisions, Rabbi Levine has dedicated himself to building bridges. As rabbi at Temple Beth Sholom in Framingham, MA, he has reached out to the community's young people, senior adults and recent immigrants.

From his pulpit in Framingham, Rabbi Levine has inspired his congregation with his insights into the Jewish faith. However, he has not been satisfied simply to preach. Since he first became a rabbi, Rabbi Levine has been deeply committed to promoting mutual understanding among the community's many cultures and religions. He has been an active member of Framingham's Interfaith Council, and he has worked to bring the spirit of community to the homeless shelters, nursing homes and hospitals of my district.

Within his own synagogue, Rabbi Levine's influence can be felt everywhere. The children of his congregation love watching Rabbi Levine's fun and educational presentations at holiday times. Senior adults participating in his lively study groups are energized by his enthusiasm and active teaching methods. Immigrants arriving from the former Soviet Union appreciate the rabbi's efforts to help them get settled in their new country. With such a strong commitment to so many different groups, Rabbi Levine is truly a rabbi for all seasons.

After graduating from the City College of New York, Rabbi Levine entered the Jewish Theological Seminary of America, where he received a Masters of Hebrew Letters degree. Over the course of his 39-year career, Rabbi Levine has established himself as a respected scholar and a widely published author. He holds a Doctor of Hebrew Letters degree, a Doctor of Divinity degree and an honorary doctorate from the Jewish Theological Seminary of America. He has been a frequent contributor to several publications, including, Conservative Judaism, The Jewish Spectator, The Reconstructionist and The American Rabbi.

Rabbi Murray Levine retires this year after 39 years of distinguished service. He will certainly be missed, but I know that his influence will continue to be felt. I wish him the best of luck in the future, and I am confident that the high moral standards and spirit of giving practiced by Rabbi Levine will continue to guide the efforts of the many people he has influenced in the community.

TRIBUTE TO AMERICARES

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. SPRATT. Mr. Speaker, I want to pay tribute to a special humanitarian relief organization called AmeriCares, founded by Robert Macauley in 1982. Since its establishment, AmeriCares has distributed more than a half billion dollars in medicine and other relief to over 73 countries across the globe. It seems that wherever in the world there is a humanitarian need, AmeriCares and its founder, Robert Macauley, are there; and often they are the first relief group to arrive.

Whether it was the Chernobyl disaster in the Ukraine, the Bhopal explosion in India, the war in Kuwait or the Armenian earthquake, AmeriCares has provided critical relief. Since it is a small organization with no bureaucracy, it moves fast—sending humanitarian flights within hours of a disaster. In just the past year, they have sent aid to several foreign countries, including Somalia, Bosnia, Bulgaria, Alabania, and the former Soviet Union. But just because AmeriCares is active in foreign countries does not mean it has forgotten the needs of disadvantaged Americans here at home. AmeriCares distributes a variety of nonpharmaceutical supplies to lower income Americans and operates a much touted Christmas in April Program.

One of the things which makes AmeriCares unique is that it does not rely on large government grants. Instead, the organization primarily depends on donations from private citizens and corporations to fund its work. Another aspect of AmeriCares which stands out is that it maintains the lowest overhead of any comparable organization in the country—1.5 percent. At a time when we recognize that the limits of government's ability to fix every problem, it is encouraging to see the contributions of a private group like AmeriCares. As long as there are floods, hurricanes, earthquakes, droughts, or famines, we will continue to depend on the good work of this organization.

THE LIBRARY OF CONGRESS' FULL POTENTIAL

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. MORAN. Mr. Speaker, on March 4, 1993, the Washington Post published a letter from the Librarian of Congress, the Honorable James H. Billington, in which he clarifies the need for enactment of the Library of Congress Fund Act. The passage of this legislation is crucial to the ability of the Library to continue to meet the needs of traditional users—at no cost—yet also be able to respond to expedited demands of research scientists, lawyers, and other groups on a cost recovery basis. Mr. Billington explained the position of the Library of Congress clearly and concisely in his letter, which I would like to include in the RECORD:

THE LIBRARY OF CONGRESS' FULL POTENTIAL

"Budget Cuts, Not User Fees, Library Told" [Style, Feb. 26] touches on matters that require clarification.

For two years the Library of Congress has proposed legislation (S. 345, The Library of Congress Fund Act) giving it added authority to meet requests for "extra" services from research scientists, lawyers, entrepreneurs and other individuals on a cost recovery basis ("user fees") without increasing the burden to the taxpayer.

Expedited document delivery, picture research and complex legal analyses are some examples of the requests we get now and must turn away because they cannot—and should not—be supported by public monies.

On Feb. 25 I testified at the scheduled Library of Congress budget hearing before the Senate subcommittee on legislative branch appropriations. Contrary to The Post reporter's assertion, I did not appear before the subcommittee "to sell the library's proposal to charge user fees for new electronic information services." I appeared to discuss the library's FY '94 appropriations. The fund bill is before a different committee.

For two hours, the Senate appropriations panel, chaired by Sen. Harry Reid (D–Nev.), and I covered the library's proposed 1994 budget, the library's 1993–2000 strategic plan and current fiscal pressures. Following that, we had a short discussion on the fund act. The Post reporter failed to mention that the legislation was the business of a different committee.

The bill gives the Library of Congress greater authority to do what some 550 other libraries in America now do for patrons in need of "extra" services. The act contains strong controls: (1) It affirms the library's congressional mandate to provide free basic services—e.g., cataloging, reference, inter-library loan, access to the collections. (2) It requires public notice and congressional review of any proposed new specialized services. (3) It protects copyright owners.

All traditional free services have been preserved—and have been augmented dramatically (in ways I explained at the hearing but were not reported in The Post) by putting on-line without charge to the nation both the contents of our recent exhibits and our public catalogue.

The 21st century is almost upon us with its great demands for information that, in the national interest, the library ought to help meet. Those interest groups that fear or do not understand change would have us deny a limited number of needed cost-recoverable services that would help the nation's economic competitiveness but should not be undertaken at taxpayer expense. With the fund legislation, the library, created and sustained by Congress for almost 200 years, will fully realize its potential for serving the entire nation.

JAMES H. BILLINGTON,
Librarian of Congress.

WASHINGTON.

KEVIN BRINK WINS AAU/MARS MILKY WAY HIGH SCHOOL ALL-AMERICAN AWARD

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. HENRY. Mr. Speaker, I would like to take this opportunity to recognize a young man from Grandville, MI. His name is Kevin Michael Brink and he is a senior at Grandville High School. Kevin has recently been selected to be a regional recipient of the prestigious seventh annual Amateur Athletic Union/Mars Milky Way High School All-American Award. The AAU/Mars Milky Way High School All-American Award is part of a continuing program that recognizes student achievers and encourages academic advancement through higher education. Kevin is one of eight outstanding high school seniors—four boys and four young women—from across the country to receive this honor.

Kevin was chosen for his extraordinary academic, athletic, and community service achievements. Academically, he has been ranked first in his class. He's been listed in "Who's Who Among American High School Students" and is a Princeton Book Award recipient. He has been a National Honor Society member, vice president of the student council, and was awarded an academic letter for each of his 4 high school years.

In the athletic arena, Kevin is cocaptain of the wrestling team. A three-time varsity letter winner, a two-time conference champion and a district champion, he has helped lead his team to a State runners-up title. As a starting right guard in football, Kevin has earned two varsity letters. He also holds a black belt in karate.

Despite a demanding schedule, Kevin finds time for a variety of community service activities. Since its founding, he has been involved with U.C.A.B. for YOUTH, an organization chartered by the Boys & Girls Club to build a local youth center. He is president of the group's Youth Advisory Board—Keystone Club. He also participated in L.E.E.P., a 4–H leadership program which culminated in a weeklong nationwide Citizenship Conference in Washington, D.C.

As a regional recipient, Kevin has been awarded a $10,000 scholarship toward his college education and is eligible to become an AAU/Mars Milky Way High School All-American Award National Recipient. In April, two national recipients will be named—one young man and one young woman—and awarded a $40,000 scholarship.

Mr. Speaker, it is with great pride that I ask my colleagues in the House of Representatives to join with me in congratulating Kevin Michael Brink, a young man whose achievements should serve as an inspiration to all young people, as well as to his community.

THE CONGRESS SHOULD CATCH UP WITH THE PRESIDENT

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. OWENS. Mr. Speaker, we are nearing the end of the first step of the very important funding function of the Federal Government. The President with vision submitted his proposal; the Budget Committee with no vision revised his proposals downward, and loyalty now brings all Democrats firmly behind a package that should have done more. A great window of opportunity was opened by the President but the Budget Committee lacked the vision to see the vital objectives for the year 2000. The Budget Committee has joined the conservative Democrats and the Republicans in the grand scheme to preserve the military welfare state. A swindle of the taxpayers is being perpetrated when we insist that the CIA cannot be cut in half, or that star wars cannot be totally eliminated; and there are many other sacred cows left untouched by those who secretly conspire to maintain obsolete weapons systems, unworkable defense initiatives, and boondoggle scientific projects because they provide jobs. Let us have an open and honest massive conversion program to train CIA agents, star wars scientists and technicians, and ex-soldiers. America now needs to mount an overwhelming economic offensive. It is imperative that we cut the umbilical cord from the Defense budget and retool for the products which enhance life.

It is time to shut down the military welfare state. Every job we lose in the defense sector can generate three jobs in the civilian sector. It is time to act boldly. Our President with vision should not be dragged down by wimps who secretly yearn for their good old days of Reagan and Bush.

WIMPS WITHOUT VISION

Budget Committee wimps
Are whining
While NATO Generals
Keep dining
Wimps funding Star Wars
In Phantom skies
Great fiscal minds
Blind in both eyes
Budget Committee wimps
Bowing to burned out
Military pimps
Smiling at scientific whores
From NASA space station doors
Welfare under the rugs
Wimps blackmailed
By CIA thugs
Who long ago
Lost their role
Violating Presidential orders
Of only two years
On the dole
Weary whining
Wimps catering to
Subsidized fat farmers
Whose wives
Dressed in lace
Loudly label welfare mothers
A national disgrace
Budget wimps whining
Star wars fool's gold
For swindlers
Keeps on shining
Democrats in charge
But whining is our style
Never mind courage
In our '93 profile
Play it cool til '94
Watch the voters
Close the vision door.

IN RECOGNITION OF THE 90TH ANNIVERSARY OF THE COMMONWEALTH CLUB OF CALIFORNIA

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Ms. PELOSI. Mr. Speaker, I rise today to commemorate the 90th anniversary of the Commonwealth Club of California, which is the largest and most prestigious public affairs speaking forum in the United States.

The Commonwealth Club was founded in 1903 by San Francisco Chronicle editorialist Edward F. Adams, his managing editor, a president of the University of California, a future president of San Francisco State University, and an attorney who later became justice of the California Supreme Court. The club became an arena where issues of public concern could be debated by educators, government officials, and community leaders. Headquartered throughout its history in San Francisco, the club is an integral part of San Francisco and a major influence throughout California and the Nation. In its early years, the development of its study sections and concern for the issues of the day have resulted in such important reforms as the California grand jury and civil service system, the first statewide water plan, and the establishment of the public defender's office.

The hallmark, however, of the club has been the steady stream of national and international political and social celebrities who have appeared before the organization. Beginning in 1911 with Theodore Roosevelt, even a partial reading of its luminary list of guest speakers reads like a Who's Who listing: William Jennings Bryan, Clarence Darrow, Samuel Gompers, Guglielmo Marconi, Ansel Adams, Lincoln Steffens, Martin Luther King, Jr., Robert Kennedy, Nikita Khrushchev, Paul Robeson, and Audrey Hepburn. In 1933, Franklin Delano Roosevelt introduced his New Deal policies from the podium of the Commonwealth Club.

In 1924, the advent of radio presented new opportunities to take the Commonwealth Club outside of the bay area with a statewide broadcast. Indeed, the regular Friday luncheon speech broadcast has now become the radio industry's oldest program. In the 1950's, the radio show broadened beyond California, and now is carried to over 200 stations across the country on National Public Radio and over commercial stations as well, and selected programs are now carried on television.

The continuing vitality and popularity of the Commonwealth Club is a tribute to its founders' vision and the continuity and wisdom of its leadership. The club has had only six executive directors in its 90 year history: Earle Ashley Woolcott, Stuart Richardson Ward, William L. Hudson, Durward S. Riggs, Michael J. Brassington, and currently, James Rosenthal. They have overseen the growth and expansion of the club including, in 1931, initiating the Commonwealth Club Gold and Silver Medal Book Awards, the oldest and only awards exclusively for California writers. John Steinbeck, William Saroyan, and recently, Amy Tan are among the many notable recipients of these awards.

Now, in 1993, the 17,000 members of the Commonwealth Club of California provide the largest membership base of any public affairs organization in the country. Its nonpartisan approach to the issues ensures that every point of view is represented and debated. Just last year, over 35,000 persons attended its over 500 meetings, luncheons, receptions, regional programs, and study sections.

Mr. Speaker, the Commonwealth Club has dedicated itself for 90 years to "housing diversified convictions on emotionally charged economic, political, and social questions." It is with great pride that, on behalf of the Congress, I commend the Commonwealth Club, the Nation's premier public affairs forum for its contributions to this Nation's debate and study of the important national and world issues of the day.

THE ARAB BOYCOTT ARMS SALES PROHIBITION ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mrs. MALONEY. Mr. Speaker, today, I am proud to introduce legislation that targets one of the most pernicious economic weapons used by Arab nations against Israel—the economic boycott.

My bill is simple. The Arab Boycott Arms Sales Prohibition Act would ban United States weapons sales to any country which participates in the boycott of Israel.

It is difficult to believe that nearly 50 years have passed since the League of Arab States launched an economic boycott of the Jews that lived in what was to become the State of Israel. In the early 1950's this primary boycott—which prevented direct business contacts between Arab States and Israel—was expanded to include a secondary boycott aimed at non-Arab third parties who do business with Israel and a tertiary boycott against companies who deal with blacklisted institutions.

A recent study conducted by the Federation of Israel Chambers of Commerce concluded that the boycott has cost Israel $45 billion in lost trade and investment. The study pointed out that total foreign investment in Israel is only $200 million a year, compared to the $1 billion invested annually in Ireland by United States interests alone. And despite Israel's well-established leadership in such areas as high technology and agriculture, only 5 of the world's largest 500 companies do business in Israel. These dramatic numbers clearly demonstrate that the boycott's shadow impact has severely hampered Israel's economic growth.

The Arab boycott has also been harmful to our own economy. Hundreds of American firms—including many from New York City—are blacklisted from doing business in most of Arab world. This policy is blatantly discriminatory and contrary to free trade, and it unfairly disadvantages our companies and impedes job creation at home and abroad.

Our Government should not reward countries whose actions harm the economic vitality of our only democratic ally in the Middle East. And while some U.S. companies prosper by selling arms to Arab nations, many others are hurt by the boycott. It is particularly distressing that Saudi Arabia and Kuwait still refuse to renounce the boycott, even after Americans fought to preserve the sovereignty of these countries in the gulf war.

I believe that the Arab Boycott Arms Sales Prohibition Act reflects an important statement of principle. And I hope its introduction will help focus attention upon—and ultimately help eradicate—this outrageous act of economic warfare.

DO NOT ELIMINATE THE SBDC PROGRAM

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. COMBEST. Mr. Speaker, I would like to take this opportunity to express my strong opposition to President Clinton's plan to eliminate the Small Business Development Center [SBDC] Program over the next 3 years as part of his economic plan, "a vision of change for America." This program would be replaced with a technology extension network which would virtually duplicate the SBDC Program, adding enhanced efforts in technology and manufacturing.

Small business creates two of every three new jobs in the United States, and is the backbone of a prosperous nation. We cannot expect to compete internationally if we do not have a strong economic foundation which, as we all know, relies heavily on the success and growth of small business. The SBDC Program has proven to be an integral part of our successful small business community by providing much needed services, such as management and technical assistance, that enhances the profitability of small business. I know firsthand the value of SBDC Program as shown by the SBDC at Texas Tech University in Lubbock, TX, which is in my congressional district.

As with all programs, there have been some SBDC's that have experienced problems and I support efforts to improve the current program. On the whole, however, the SBDC Program has proved to be invaluable. For example, the Government Accounting Office [GAO] found an 81 percent approval rating among SBDC Program clients. Furthermore, the SBDC Program actually gave more than it got from the Federal tax coffers. This program has developed strong, productive relationships with State and local government agencies and the business community. it is recognized nationally as the most efficient and effective assistance program to small business.

The President wants to dismantle the SBDC Program and replace it with one which will cost the American taxpayer unnecessarily. Efficiency will be lost and so will several hundred million taxpayer dollars during the phase-out/phase-in of the two programs. I am not sure what vision the President sees for America, but he needs to take another look.

THE CARIBBEAN BASIN FREE-TRADE AGREEMENTS ACT AND NAFTA

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. PICKLE. Mr. Speaker, I am pleased today to join my colleague SAM GIBBONS, chairman of the Subcommittee on Trade, Committee on Ways and Means, in the sponsorship of the Caribbean Basin Free-Trade Agreements Act. I believe this legislation is an excellent starting point for further discussion of the interrelationship between the Caribbean Basin Initiative and the North American Free-Trade Agreement [NAFTA].

Back in 1983, the Congress embarked on an effort to promote economic and political stability in the Caribbean region by enactment of the Caribbean Basin Economic Recovery Act, commonly referred to as the Caribbean Basin Initiative, or CBI. The CBI legislation, granting special tax benefits to Caribbean nations, as well as duty-free treatment for many Caribbean imports, reflected the belief that improved trade, rather than outright aid, was the most effective method for promoting economic and political stability in America's Caribbean and Central American neighbors. CBI benefits were further refined and made permanent in 1990.

The Caribbean Basin Free-Trade Agreements Act responds to the concern of our Caribbean and Central American neighbors that the economic progress they have seen as a result of the CBI legislation will not continue if the NAFTA is adopted. These nations fear that business opportunities and investments will be diverted away from their countries and lost to Mexico.

The Caribbean Basin Free-Trade Agreements Act builds upon and complements the NAFTA. It gives CBI beneficiary countries the opportunity to accede to the NAFTA, with appropriate supplemental agreements, or to negotiate reciprocal trade agreements with provisions similar to the NAFTA. I should emphasize that this legislation is in no way intended to derail or slow down the NAFTA, but rather should be carefully coordinated, and developed hand-in-hand, with the NAFTA.

Economic strength is essential to the political stability of America's neighbors in the CBI region. We took an important first step toward this goal when we enacted the CBI Program. The Caribbean Basin Free-Trade Agreements Act takes us one step further, and I urge my colleagues to support it.

TRIBUTE TO JAMES FARINA, HOBOKEN LIONS CLUB MAN OF THE YEAR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to congratulate Mr. James Farina on his selection as the Hoboken Lions Club's Man of the Year.

The Lions' selection is well founded. Jim's dedication as a community activist and leader serves as an example both to the Lions' membership and the community at large. Jim was the founder of the Hoboken Young Democrats Club, which under his leadership made it possible for the youth of Hoboken to participate in athletic leagues, helping them to develop skills, a healthy lifestyle, and a spirit of competition. In fact, Jim's Hoboken Young Democrats Club made national history in the mid-1970's by sponsoring the first Little League baseball team to allow girls to participate.

In 1974, Jim's dedication to community service inspired him to seek election to the

Hoboken Board of Education, and he has served admirably as a board trustee since that time as president, vice president, and chairman of athletics.

In 1977, the mayor of Hoboken appointed Jim as director of the health and welfare department, where he served until 1984 when he was appointed city clerk.

Jim Farina's contribution to the community has been, and I trust will continue to be, outstanding. In short, Mr. Farina truly exemplifies the Lions' credo, "We Serve."

TRIBUTE TO GEN. EDWIN H. BURBA, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. SKELTON. Mr. Speaker, I take this opportunity to recognize Gen. Edwin H. Burba, Jr., for his exemplary dedication and selfless service to this Nation during more than 34 years as an officer in the U.S. Army. Since entering the Army in 1957, from the U.S. Military Academy, Gen. Ed Burba's career has been by a succession of assignments of increasing responsibility which earned him a reputation for tenacious leadership, keen analytical ability, and sound managerial skills. His leadership is evidenced by his command assignments from platoon through Forces Command—the Department of Defense's largest command consisting of over 1 million men and women.

General Burba's dedication to the Nation extends beyond the Army. He introduced the capstone concept that reflects national military strategy and the increasingly important reserve component role in projecting power worldwide. As supporting commander-in-chief during operations Just Cause, Desert Shield/Storm, and Restore Hope, General Burba oversaw the mobilization of over 140,000 reserve component soldiers and deployment of over 252,000 active component soldiers. His establishment of Joint Task Force Six to counter the major influx of illegal drugs into the United States has greatly improved the effectiveness of the war on drugs and has helped to deter the entry of illegal drugs into the United States. He paved the way for increased civil-military coordination through the forces command crisis action team during Hurricane Hugo, the Boise Interagency Fire Center's wildland firefighting efforts, Joint Task Force-Los Angeles, CA Francisco earthquake, and Hurricane Andrew.

I request that my colleagues join me in expressing heartfelt gratitude to not only General Burba, but to his wife Trish as well for their distinguished service to the Army, Forces Command, and the Department of Defense.

ARTS ADVOCACY DAY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Ms. SLAUGHTER. Mr. Speaker, yesterday, March 17, marked Arts Advocacy Day—the day when arts leaders from across the country come to Washington, DC, to discuss the cultural issues facing their communities and the country as a whole.

It is certainly an important time for this discussion. As we face our Nation's great challenges—the economy, education, trade, community development—we must remember that the arts are an integral part of this discussion and truly one of the country's greatest assets.

Speaking as the Nancy Hanks lecturer for the American Council on the Arts on the eve of Arts Advocacy Day, our former colleague, the Honorable Barbara Jordan, spoke as only she can on this subject—in passionate and insightful terms. In her stunning lecture, Professor Jordan addressed the economic, educational, and unifying aspects of the arts and communicated that the arts are not an adornment but an intrinsic part of the American experience, of the American dream.

I am thrilled to share these comments with my colleagues and insert them in the RECORD. As Chair of the congressional arts caucus, I also humbly ask that my own comments on the occasion of Arts Advocacy Day, as well as those of the caucus' vice chair, Senator JAMES M. JEFFORDS, be inserted.

STATEMENT OF BARBARA JORDAN

I am most delighted to be included among the list of distinguished persons who have presented the Nancy Hanks Lecture. Thank you for the honor.

In 1988, Arthur Schlesinger Jr. gave this lecture. He referred to the well-regarded work he and his father have done in developing and promoting the idea of the cycles of American history. I quote now from his book, which bears that name:

"Wise men have remarked on a pattern of alternation, of ebb and flow, in human history. "The two parties which divide the state, the party of Conservatism and that of Innovation," wrote Emerson in 1841, "are very old, and have disputed the possession of the world ever since it was made. * * * Now one, now the other gets the day, and still the fight renews itself as if for the first time, under new names and hot personalities." Innovation presses ever forward; Conservatism holds ever back. We are reformers spring and summer, in autumn and winter we stand by the old; reformers in the morning, conservers at night. 'Innovation is the salient energy; Conservatism the pause on the last moment.'"

Continuing, from Professor Schlesinger:

"Half a century later, Henry Adams applied a more precise version of the cyclical thesis to the first years of the American republic. "A period of about twelve years," he wrote, "measured the beat of the pendulum. After the Declaration of Independence, twelve years had been needed to create an efficient Constitution; another twelve years of energy brought a reaction against the government then created; a third period of twelve years was ending in a sweep toward still greater energy; and already a child could calculate the result of a few more such returns."

We are properly positioned in time, in this year, 1993, to begin a new cycle. Optimism is fairly dripping from the air. A new generation of leaders struggles—at first somewhat awkwardly—to find its sea legs. Old words are coming out of new mouths as we seek to find our niche. This is not a time to be shy. One way to guarantee that this sense of hope will not be lost is to act on it now.

If your thing, that is, your interest, concern, involvement or passion, is the arts, you are probably at this moment in time some what reluctant to speak too loudly. With all the rhetoric of budget deficits and sacrifice perhaps you feel that it would be somehow sacrilegious to talk about the arts. *Wrong!!* The arts are an integral part of us and have often been pivotal in reinvigorating our national spirit.

The primary thesis of my remarks today is that the arts, instead of quaking along the periphery of our policy concerns must push boldly into the core of policy. The arts are a response to our individuality and our nature and help to shape our identify. Or as a young student in a class at Laguna Gloria Art Museum in my hometown of Austin, Texas, wrote, "Every feeling comes out on my paper and in my drawings." The arts *are not a frill* and should not be treated as such. They have the potential to become the driving force for healing division and divisiveness.

I would guess that few of you in this room think that the arts are a frill. I doubt that you would be here if you held that view. But each of us knows that to further what progress the arts have made as an integral part of American life—we must *reason* with those who are inclined to consider the arts as one of those things to be dealt with seriously much later on.

I want to offer to you today a premise, with which I hope you agree, that in this time of change in American life, in this new administration of hope, in this time of putting people first, it is the arts that are uniquely placed not just to tag along in the changes, but to be part and parcel of every bold new step we take.

I submit to you the idea that the arts can be the validation of the American dream. We heard President Clinton in his address to a joint session of Congress last month speak about renewing our economy so that the American dream can be a possibility for everyone. No one disputes that a healthy economy is part and parcel of the American dream. But it is our job to teach emphatically that the arts are more than just the decorations on that dream.

And what precisely is the American dream? It is—*That we are one people.*

E Pluribus Unum. The Latin phrase on the great seal of the United States literally translated means one from many. We need to re-attach pluribus to unum—the many to the one. That motto challenges our diversity. No nation on the face of the earth had tried so bold an experiment until us, the Americans. No one thought that success would come easily. Even though the founders were aggressive in pursuing liberty, their quest for equality failed to include all. They envisioned no role for former slaves and deferred for a century even thinking about the issue. Even the great Democrat of Monticello, Thomas Jefferson, was apprehensive. He—quoting now from a recent Wall Street Journal article—"feared that a simple biracial America, white and black as equals, would not long endure. He advocated Black Freedom, but remained paralyzed by its implications."

Jefferson articulated his quandary regarding slavery when he said, "We have the wolf by the ears and we can neither hold him, nor safely let him go." What frustration!

The arts can help us painlessly to articulate and showcase our oneness. The arts have no pigmentation. The American Dream has survived many attacks from our deadliest war to Rodney King. That's a long stretch. To borrow a phrase from William Faulkner, I remain confident it will continue not just to survive, but to prevail over the attacks from extremists of every ilk. Today, we are made uncomfortable by newly awakened notions of "ethnic cleansing." Why the discomfort? Perhaps we are haunted by our past. Again, we do not know what to do with that wolf.

Assimilation was *never* the goal of the diverse ethnic groups in America. Inclusion without discomfort is now and ever will be the goal. Maybe one day we will be comfortable enough with each other to drop the hyphens. There should be no hyphenated Americans. The idea of a melting pot was and remains a myth. Universal inclusivity is not a radical idea. The President's Committee on the Arts and the Humanities, writing under the Bush administration, concluded that "American culture incorporates the heritage of many people and thereby provides a unique context for multicultural understanding."

But what is there that can transcend deep differences and stubborn divisions? I suggest—the arts. They have a wonderful universality. Art has the potential to unify. It can speak in many languages without a translator. Art does not discriminate—it ignores external irrelevancies and opts for quality, talent and competence. Let me quote again from the children attending the class at the Austin museum—children who could not have attended without scholarships. When asked if they were surprised at what their classmates had made, as well as what they had made themselves, some of the responses were, "Yes, because I didn't expect to see some of the things I could do," and "Yes, I didn't think I could do it that good," and "I was surprised that all the art work turned out great." Again, art unifies, it does not discriminate.

We are all concerned about the economy. We know it has been in a deep rut and President Clinton is struggling mightily to find the tools to get us out. We need to make our voices heard with the message that the arts should not be overlooked in the economic decisions being made today. I applaud our President for seeking to avoid the quick-fix mentality that got us where we are today. It is only in long-term solutions that we will thrive. And I think the arts offer one of those long-term solutions. Yes, this is one of those "radical" ideas spelled out by none other than the last administration's Committee on the Arts and Humanities.

There is no reason, patrons of the arts, to apologize for beauty. But it is important in this time of economic worries to articulate what is obvious to each of us—that art does more than stimulate and please the senses. The arts, in the words of the President's Committee, are integrally related to the U.S. economy and contribute to our Nation's wealth, competitiveness and growth. If we look just at the copyright industries of broadcasting, records and tapes, motion pictures, theatrical productions, newspapers, periodicals and books, plus computer programming and software, we find a contribution of more than $173 billion, or 3.3 percent of our gross national product. Add art, photography and architecture and you find a contribution of almost 6 percent to the GNP from the arts—more than food, apparel, chemical and refining industries combined.

These figures don't include the economic impact of increased tourism and revitalization of downtown urban areas. Nor do these figures speak to a vital part of the American dream: The arts provide a passage out of poverty for thousands of economically disadvantaged individuals. Professional sports may capture the imaginations of many economically impoverished young people, but the arts—historically more open to all of the diverse segments of our society—provide the careers that can lift young men and women out of poverty.

And why is it that the arts can work this economic magic? It isn't magic, it's common sense. There is a direct relationship between the arts and self-esteem. Again, quoting from the children in the Laguna Gloria museum school: "No one can say you art is ugly because it is in the eyes of the beholder." One child learned "that I could be productive." Self esteem is a good that each individual cherishes. An artist creates beauty and others enjoy it. He or she gets pleasure in knowing that he is the source of that pleasure and thus, regard for self is enhanced.

Self esteem is a value which forecloses destructive tendencies; that is, you cannot feel good about who you are and where you are and simultaneously destroy your neighborhood. Such a contradiction is inherent and would be personally painful and debilitating.

I have just echoed the thoughts of Jacques Barzun, who in the 1973 Mellon Lectures In the Fine Arts, declared that "art is power." He said that art "influences the mind, the nerves, the feelings, the soul" and that it "carries messages of hope, hostility, derision and moral rebuke. It can fight material and spiritual evils and can transmit the ideals of a community now living, long past, or soon to be born." The arts are a multi-generational communicator.

In order for the arts to live up to the ambitious agenda I have prescribed, those of us who are patrons and supporters must be more than distant observers and appreciative spectators. We need to seek a permanent place in public school curricula for arts education. I commend the New York Times for its attention in a number of recent articles entitled "Missing Muses." Those articles point out that art classes teach the very qualities educators can re-invigorate American schools—analytical thinking, teamwork, motivation and self-discipline.

In Austin, an elementary school teacher is quoted as saying, "Fine arts is where every child can succeed. It doesn't matter if the child is a genius or a slow learner. You have a natural at-risk program at every school." A school board trustee said, "Public school arts programs are the only outlet that poor people have. While some families can afford private lessons, there are thousands who can't." That trustee was obviously not in the majority when two years ago, the Austin school board cut art and music and physical education classes out of its kindergarten curriculum as one way of balancing its budget. Some of the district's schools have managed to re-institute those classes, but only through extraordinary efforts by teachers, parents and private contributions.

The arts deserve a higher place on America's public policy agenda. Sondra Myers, the cultural adviser to Pennsylvania's governor, recently wrote:

"At this moment of political change—which offers the promise of a people-centered political agenda—we must wake up to the realities of our rich cultural resources and make the case for the integration of culture into public policy. We need to use every asset at our disposal to restore a sense of community and humaneness to our society, and culture."

We must—to borrow a phrase from the 1960s—seize the moment that has been handed to us. We are embarking on the first movements in a new cycle in American history. We have just completed a cycle during which the arts survived but only by scratching and clawing to hold the gains of the previous cycle. It is up to those of us in this room to lead the way. We must be sure that our President and the Congress—and the American people most of all—understand that the arts can lift us all up.

I listened on January 20, to Maya Angelou as she captured beauty in language. She said:

Here on the pulse of this new day
You may have the grace to look up and out
And into your sister's eyes and into
Your brother's face, your country
And say simply
Very simply
With hope
Good morning.

I listened; I heard; I believed. Patrons, practitioners, supporters of the arts—I say to you—very simply, with hope—Good morning. Have a very good day.

STATEMENT OF REPRESENTATIVE LOUISE M. SLAUGHTER

I greatly appreciate this chance to speak to you all today at this yearly strategy conference which has such an influential role in shaping the national arts agenda. It is a particular pleasure to do so as Chair of the more than 250 bipartisan members of the Congressional Arts Caucus. Arts Advocacy Day is clearly an opportunity for legislators and arts advocates to discuss what they see as the cultural priorities facing their artistic fields and communities. But, it is also an opportunity to convey to the nation the vital and far-reaching role that the arts play in every facet of American life and to insist, with directness and clarity, that the arts not be taken for granted or relegated to a secondary status.

This session of Congress marks a momentous time for America's cultural community and presents us with a tremendous opportunity. The 103rd Congress, along with a new Administration, faces a legislative agenda which promises to have long-lasting implications for our nation's cultural vitality. As we roll up our sleeves to tackle the crucial issues facing our country, we must all work to keep the arts as a national priority across the spectrum of national concerns.

I believe that the mission for each of us here must be to communicate the important link between the arts and such areas as the economy, education, health care and trade. We must convey that the arts are truly our greatest asset, that we flourish as a nation, a society and a civilization when the arts flourish.

Discussion of the arts should include an explanation of the role that the arts play in economic revitalization of our cities, in the anchor they provide to every type of community and the economic impact they have on every aspect of a geographic area—be it through tourism, commerce, business and development. For instance, in my District of Rochester, we are blessed with such extraordinary institutions as the Eastman School of Music, the Garth Fagan Dance Company, the GeVa Theatre and countless other groups, all of which are not only beloved but inextricably tied to the vitality, the character and the success of the area.

For that matter, it should be conveyed that the arts are our most popular and lucrative export and have consistently made a positive contribution to the balance of trade. We should also raise awareness as to tax policy here at home, whether it is through full value for gifts of appreciated property or the ability to deduct legitimate arts and theatre expenses. When we discuss the arts and the legislative agenda, we must explain that the most innovative and effective reforms in education involve the arts, and that only when we educate our children to understand their own and other cultures do we prepare them for the challenges of the future.

Similarly, when there is talk of better educating our children in math and science, we must remind our leaders that the best training in creative thinking in any academic discipline can and should involve the arts.

Certainly, health care will be considered this session, and we must explain that artists have specific concerns regarding health insurance and such issues as hazardous arts materials, AIDS and other matters.

Special attention must be focused in areas such as homelessness and on young artists—not only those studying in conservatorie but those gifted and talented children living in our poorest communities.

Of course, we will work to ensure that the federal arts agencies are treated fairly in the budget process, that postal rates for nonprofit organizations are maintained and that the federal arts agencies are reauthorized in a manner that allows them to continue their exceptional work in fostering artistic excellence and creative expression.

However, in our advocacy, we must be sure that we are fighting the correct battles and acting on accurate information. For instance, the rumor that Leon Panetta, Director of the Office of Management and Budget—a staunch supporter of the arts for many years—intends to do away with all arts funding is simply not true, and it does not serve the arts community well to expend time and energy fighting what is essentially an unnecessary battle. Certainly, a positive expression of support for the arts to the administration or to Members of Congress should never be discouraged.

But, on a more fundamental level, our advocacy for the arts must convey the role that the arts play in the very success and advancement of our nation. We must explain that the arts are our greatest asset, in terms of the economy, education and trade but no less so in the power of the arts to heal, to inspire, to entertain and to bring out the greatest humanity in each of us.

I encourage each of you, in meetings with your Representatives and Senators, to encourage them to join the Arts Caucus if they have not already done so. Quite simply, the Arts Caucus is the most effective link within Congress between legislators and the full range of cultural issues and concerns. By joining the Arts Caucus, they receive a steady stream of factual information and specialized assistance on each and every legislative issue of importance to the cultural community.

Finally, I commend all of you on the work that you do day in and day out to ensure that the arts continue to thrive and to touch the lives of all of our citizens.

STATEMENT OF SENATOR JAMES M. JEFFORDS

I would like to welcome you to our nation's capital—a city which represents the synthesis of a vibrant and successful arts community and host to many of the national and local arts organizations present today. As Vice-Chair and a founding member of the Congressional Arts Caucus, I would like to commend all of you for your crucial work as advocates in generating and preserving support for the arts in America, and I encourage you to keep up your grass roots efforts.

The last several years have demonstrated the importance of recognizing the economic as well as cultural impact of the arts on our neighborhoods, our schools, and especially our homes. This is a great opportunity for your increased participation on the local level—making sure that citizens back home understand the wonderful returns for the community that arts funding provides for less than 1 percent of the entire national budget. You are all well aware that one of the arts' greatest strengths is its ability to cross social, ethnic and even geographic differences, creating a cultural common ground and promoting understanding of those very differences.

To that extent, Congress has and should continue to support endeavors to reach out to underserved rural and urban areas across America. The new administration has pledged support for government funding of the arts, but your efforts are needed to emphasize the daily impact of the arts on the lives of all Americans. Arts organizations and agencies such as the NEA have made tremendous strides in broadening the spectrum for whom and where arts programming is targeted. Still, too many people from too many towns and cities have not been given the chance to fully experience live theater, a musical performance, or have a community center for cultural and family artistic events.

The arts have played a vital role in the reinvestment of our communities and thus an instrumental part in our revitalization. The NEA recently announced its 1993 Challenge grants program to 22 different states and I am proud to say that the Vermont Folklife Center in my home state received a grant for operating costs and program development. Apparently, the NEA received the most applications ever for its Challenge grants, and 31% of the grant recipients were first-timers. These statistics not only demonstrate the growing importance of the arts; they focus on our country's artistic diversity as well as highlighting the private support that needs to be tapped to match public money.

Most importantly, we must work together to build a strong coalition of arts supports. One of the best ways to ensure your Members of Congress are well informed is to encourage them to join the Arts Caucus during your visits tomorrow. And if they are already Caucus members, don't forget to let them know how much you appreciate their membership and commitment.

Let me reiterate, the Congressional Arts Caucus understands the important role that Congress has in determining arts policy. But it is your duty as advocates to speak out for concerned citizens. Now more than ever, you must reach out beyond Congress and directly to the people that are most helped by the arts—your neighbors in every town, city and state across America.

LIVING BY THE LAW

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. PORTER. Mr. Speaker, last Wednesday some in the antiabortion movement raised the debate to a new level after a pro-life zealot tragically shot and killed a physician outside his clinic.

The issue of abortion generates intense emotions. But, in a democratic society, individuals, regardless of their strong feelings, cannot place themselves or their cause above the law.

Yet, following the murder, some within the antiabortion groups created an even more unstable environment by subtly condoning the murderous act and depicting the doctor as a perpetrator rather than a victim. Activist Don Treshman of Rescue America reminded his supporters that "Over a dozen babies would have died Wednesday" if the doctor hadn't been shot.

This encouragement of lawless acts disparages the rule of law we hold sacred. It diminishes the individual and degrades the very sanctity of life that the pro-life movement seeks to defend.

It has helped to lead me to support H.R. 796, the Freedom of Access to Clinic Entrances Act, obviously needed because some in our society, blinded by their fanaticism, cannot live within the ample freedoms provided to all Americans—rights that demand only one responsibility: to live according to the rule of law and respect the equal rights of others.

THE AMERICAN INDIAN AGRICULTURAL ACT OF 1993

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. RICHARDSON. Mr. Speaker, today I am introducing the American Indian Agricultural Act of 1993. I am pleased to be joined by Representatives WILLIAMS and JOHNSON as cosponsors of this very important legislation. This bill will provide a statutory framework for the Federal Government to carry out its trust responsibilities to Native Americans and their agricultural and range lands.

Native Americans suffer the highest poverty and unemployment rates in the Nation. Indian agriculture has been a longstanding source of employment and economic development for Indian tribes and Alaska Natives. Unfortunately, history is ripe with instances where Indian agricultural lands and rangelands have been severely mismanaged and their productivity destroyed. The Federal Government, as trustee, has been a party to the continuing mismanagement of Indian agricultural lands and rangelands. As compared to other federally managed lands, Indian agricultural lands and rangelands do not receive the same level of assistance from the Bureau of Indian Affairs.

Mr. Speaker, Indian agricultural and range lands provide income, employment, and subsistence to many native Americans. Over 33,000 Indian families are actively engaged in agriculture or ranching. In addition, nearly 45,000 native Americans grow agricultural products for subsistence. Nearly 75 percent of the 54 million acres of Indian trust lands are currently used for agriculture. In 1991, the value of agricultural products grown on Indian lands nationally, topped $892 million.

The bill I am introducing today, recognizes the Federal Government's trust responsibility to Indian tribes and their natural resources. The bill also recognizes the fiduciary duty to protect, conserve, and enhance Indian agricultural lands and range lands. These agricultural lands are important natural resources and vital to economic, social, and cultural welfare of Indian tribes and their members. The bill establishes a process for Indian tribes to develop a 10-year management plan for their agricultural lands and range lands. It will increase educational and training opportunities for native Americans in agriculture and land management related areas.

Mr. Speaker, this bill will increase the development and productivity of Indian agricultural and range lands. It will provide for improved management of Indian agricultural and range lands which will increase economic returns, enhance Indian self-determination, and promote employment opportunities for native Americans. I urge my colleagues to support this bill.

KILLING AN INDUSTRY THAT SAVES LIVES

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. GINGRICH. Mr. Speaker, I would like to bring my colleagues' attention to the following Op-Ed piece that recently appeared in the Wall Street Journal. Dr. Steven M. Paul provides us with a vivid testimony about the dangers of attacking a part of the health care industry that saves lives and money—pharmaceutical manufacturers.

Before the Democratic leadership in Congress and the administration launches their next round of attacks on the pharmaceutical industry, they should think of three words: jobs, cost, and health. First, the pharmaceutical industry provided our economy with an astonishing 38 percent job growth throughout the 1980's compared to 5 percent in the manufacturing sector. Furthermore, the drugs provided by this industry allow sick Americans to avoid costly surgery and hospital stays, and most important, the stunning advances made by these drug manufacturers have given people longer, healthier lives. By continuing their unrelenting attacks, the Democratic leadership in Congress and the administration will destroy this important industry.

WHY I'M LEAVING GOVERNMENT FOR A DRUG FIRM

(By Steven M. Paul)

I am the scientific director of the intramural research program of the National Institute of Mental Health, part of the National Institutes of Health. I head the largest and, arguably, most successful government-funded central nervous system (CNS) research program in the world. My federal career, with its opportunities to do exciting science and be of benefit to others, has brought me immense satisfaction. Yet in just a few weeks I will be leaving my government position to become vice president for CNS research at Eli Lilly Co. in Indianapolis. I will be joining the industry that President Clinton has accused of pursuing "profits at the expense of our children."

It is important for me to explain why, for I think the attack on the drug companies by the administration and its friends shows a misunderstanding of the process by which medicines are discovered and brought to bear on human disease. This misunderstanding and the angry rhetoric it produces threaten the future of drug development and the success of the healthcare reform that is one of Mr. Clinton's chief policy objectives.

The attraction of my new job is not primarily financial; my salary here at NIMH is more than comfortable. I am leaving government because of the real—even likely—possibility that in the private sector I will make a direct contribution to discovering and developing drugs to treat some of the world's most devasting brain disorders. This mission is nothing less than noble, whether it is pursued by public agencies or by private companies. Moreover, the development of drugs, vaccines, medical devices and diagnostics has been and will be our most powerful means of saving health-care dollars.

Mr. Clinton's recent charges against American drug companies have never acknowledged the true value of drugs and vaccines. We have a duty to remember the human suffering alleviated by modern vaccines for polio, rubella, whooping cough, measles and other such diseases, or by the new generation of antibiotic, antihypertensive, antiulcer, and antipsychotic drugs introduced over the past 10 years. Retrospective analyses of the performance of today's drugs and vaccines show staggering cost savings.

Such drugs promise to be even more beneficial in the future. As a practicing physician, I know that present treatments for diseases like AIDS, Alzheimer's disease, cancer and schizophrenia are not very effective. Such illnesses now require extensive medical intervention, long-term hospitalization, or even chronic institutionalization, at incredible personal and financial cost.

But biomedical research is in the midst of a revolution that is transforming our basic understanding of disease and our ability to diagnose and treat previously hopeless conditions. If the pharmaceutical industry's critics seriously consider the moral and economic consequences of such a prospect, I cannot believe that they will ignore or mischaracterize it as they have done so far.

The government cannot produce these new medicines. Our contributions are valuable, but our programs do basic, relatively nontargeted research. We simply do not have the money, personnel, or organization needed to develop specific drugs and take the high risks of bringing them to market. Some think that the drug companies' ratio of marketing expenses to research costs is too high. But Eli Lilly, just one such company, spends almost $1 billion a year on high-quality research, as much as NIH spends on all its intramural research programs together. Thus the medicines we need can be found and developed only through private entrepreneurship.

This entrepreneurship cannot simply be counted on as an automatic outgrowth of profit-seeking. Public authorities can easily erode the morale of a chance-taking enterprise like the pharmaceutical industry and send its people scurrying for safer ways to generate corporate income. The adversarial relationship with the industry that the administration and other officials are promoting by characterizing its people as predators creates disincentives to creativity and its consequent innovation.

In the 1992 presidential election, I voted for Bill Clinton because he based his campaign on the politics of inclusion and diversity. He convinced me that he strongly supported U.S. business and technology and that he recognized their contribution to our welfare. I do not understand why a president so intent on improving this country's health, reducing its medical costs, and increasing its domestic and international economic performance through high-technology pursuits would single out for criticism an industry that has made outstanding contributions on all three fronts.

There are questions about the prices and availability of drugs and vaccines that are serious and must be discussed. But the answers are complicated ones and should not be reduced to demagogic rhetoric. I ask the president to elevate this discussion by beginning a reasoned dialogue with the pharmaceutical industry about the public decision that will affect its future. We all need an environment that allows the industry to prosper and support continuing scientific creativity. As Mr. Clinton has eloquently stated, we in this country do not have a single individual to waste. Can we afford to waste a successful industry and the immense benefits that it stands ready to bring us?

STORM OF THE CENTURY

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mrs. THURMAN. Mr. Speaker, seven of the nine counties in my district have been declared Federal disaster areas in the wake of this past weekend's storm of the century which ravaged the Eastern third of the country and leveled many communities in my district. My thoughts and prayers are with those who lost loved ones to the storm, and those who struggle to cope with the loss of home and property in the aftermath of this terrible disaster.

As I express my sorrow and grief, my bereavement is tempered by hope. In the days following the storm, officials at the Federal, State, and local level have acted with speed and efficiency to begin the process of repair and rebuilding.

My thanks go out to President Clinton who responded Monday to my call, and those of other Representatives, to add hard-hit Dixie County to the list of declared disaster areas. I also wish to recognize FEMA officials who answered a request from me and others for a disaster assistance center to be established in Citrus County. That center will open in Crystal River on Friday afternoon.

I look forward to meeting with FEMA representatives tomorrow as I inspect the disaster assistance programs in my district, and look for ways in which my staff and I might continue to lend a hand to those in need.

FEMA has already established six Disaster Assistance Centers:

1. Evans Square Shopping Center, Corner of U.S. 19 and Alligator, Cross City, FL.
2. VFW Post, 3435 Shoreline Blvd., Spring Hill, FL.
3. Marion County McPherson Government Complex, Property Appraisers Office, 501 SE 25th Ave., Ocala, FL.
4. Veterans Memorial Center, 14333 Hicks, Hudson, FL.
5. National Guard Armory, 203 Forest Park Drive, Perry, FL.
6. National Guard Armory, 605 South Bay Street, Eustis, FL.

In addition to FEMA, the following agencies have set up on site administration to help the victims of the storm:

Small Business Administration: The SBA will coordinate directly with FEMA and will be working out of the Disaster Assistance Centers established by FEMA. The SBA has opened its own disaster assistance hotline: 1-800-359-2227.

Social Security Administration: The Ocala office of the Social Security Administration is currently working with the Postmaster to insure that those who are unable to receive their checks at home will be able to get their checks at alternate locations. Any constituent needing assistance with their April 3 check should call the SSA Office at (904) 629-1850.

Department of Agriculture: USDA will also be located at the disaster assistance centers. Any constituent needing additional assistance with storm relief from the USDA should not hesitate to contact my office at 1-800-833-4352.

In addition, the Farmers Home Administration has offices in the following locations:

State Office: Louis Frost, Acting State Director, 4440 NW 25th Place, PO Box 147010, Gainesville, FL 32614, (904) 338-3400.

District Office #3: Charles L. Nichols, District Director, Federal Building, Rm. 248, 207 NW 2nd Street, Box 19, Ocala, FL 34475, (904) 732-9796.

Alachua County: Mel L. Thompson, County Supervisor, 5709 NW 13th Street, Suite C, Gainesville, FL 32606, (904) 376-5858.

Levy, Dixie, Gilchrist Counties: Donna C. Burns, Highway 27, PO Box 1299, Bronson, FL 32621, (904) 495-2831.

Marion County: Rod C. Quainton II, County Supervisor, Federal Building, Rm. 236, 207 NW 2nd Street, Box 20, Ocala, FL 32670, (904) 732-9840.

Sumter, Citrus, Hernando Counties: Dorothy L. Westmore, County Supervisor, 507 N. Market Street, PO Box 217, Bushnell, FL 33513, (904) 793-2821.

The American Red Cross has established a disaster headquarters in Ocala to coordinate relief efforts in all of Florida. Following is the current list of Red Cross Service Centers that were established:

Dixie: Old TG&Y Store, Cross City, FL.

Pasco: Veterans Memorial Center, 14333 Hicks Street, Hudson, FL.

Additionally, the Red Cross will open centers in Hernando Beach and Crystal River. I have talked with the office of Elizabeth Dole and pledged to work closely with them in order to help the victims of this storm as much as possible.

The Red Cross always needs money. Anyone wishing to contribute should do so through their local Red Cross Office.

MEDICINE FOR 724 CHILDREN

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. JACOBS. Mr. Speaker, a few weeks ago I placed a George Will column in the RECORD with the comment that he had slammed one home again.

This article by Mr. Will approaches Churchill's favorite word, sublime.

[From Newsweek, March 22, 1993]

"MEDICINE" FOR "724 CHILDREN"

(By George F. Will)

Herewith an understated introduction to the practice of pediatrics in the inner city: "The young child's attempts to master the age-appropriate fears of monsters under the bed are severely undermined when the child needs to sleep under the bed to dodge real bullets or attempt to screen out the violent fights of his or her caregivers."

That is from a recent article in The Journal of the American Medical Association, which reported a survey of elementary school-age children in New Orleans: 90 percent had witnessed violence; 70 percent had seen a weapon used; 40 percent had seen a corpse. An estimated 10 to 20 percent of Los Angeles homicides are witnessed by children. And a study at Boston City Hospital found 10 percent of the children treated in the pediatric primary care clinic have witnessed a shooting or stabbing before they are 6, half at home, half in the streets.

BCH has been serving Boston since 1864, when Sherman was burning Atlanta. Today there are war conditions, and war effects, in many urban neighborhoods. A recent study found similar post-traumatic stress disorders in children in war-torn Mozambique, Cambodia, the West Bank—and Chicago. The disorders include inability to concentrate, persistent sleep disturbance, flashbacks, sudden startling and hypervigilance, nihilistic and fatalistic orientation toward the future, leading to increased risk taking. To be a witness to violence is to be a victim of violence.

Small wonder that Boston has its share of what are known, in the grim argot of today's cities, as "724 children"—children kept at home, indoors, seven days a week, 24 hours a day, because of the epidemic of violence. Some of the fortunate ones come into contact with the doctors and social workers at BCH, a hard-used hospital that gives new meaning to the phrase "family medicine." Children are patients but families, such as they may be, are treated.

BCH's youngest patients often ask why the adults in their lives—parents, teachers, police—can't keep them safe. BCH physicians and social workers—a commingled group—regard as a treatable health problem the consequences of traumatically learning at an early age that he world is dangerous and unpredictable. A pervasive sense of danger, according to BCH doctors, causes people to make decisions that seem inexplicable to people more safely situated. For example, some women who are HIV-infected will still purposely get pregnant even though there is a 20 to 30 percent risk of having an infected child. Doctors say those odds do not seem so daunting when considered against the odds of being shot, raped, mugged . . . Besides, for the HIV-infected mother, childbirth is an affirmation of normality, of the fact that life goes on. Similarly, for a young inner-city male who sees death before 20 as common on the mean streets, a baby as an heir is an attractive idea.

A child who learns early to fear the world is apt to lose his or her natural proclivity for exploration of the world. A "724 child" may need to be taught how to participate in normal socializing play that other children learn naturally when growing up where civil peace prevails. Because we are apt to parent as we are parented, many unwed mothers or others from the culture of poverty need to be taught—and are movingly eager to learn—about talking, playing and reading with children. So BCH doctors have given children 9,000 books. Reading together can be therapy for families under the stress of crowding in apartments where children are kept on beds to prevent them from crawling on floors flecked with fragments of lead paint.

"Not a quick fix": A BCH doctor notes that it is common to hear grandmothers living in poverty say of young children, "They're smart when they're little. They get dumb when they get older." There is a sad wisdom behind such statements. The children of the poor are apt to be developmentally on a par with middle class children until, say, 2. Then apparent cognitive deterioration, relative to other children—actually, failure to attain potential—is apt to become noticeable. This is a result of various traumas and emotional and cognitive deprivations, in the withering of or failure to articulate parental expectations. This deterioration is neither necessary nor irreversible, but preventing it requires intense, unremitting one-on-one contact whereby a person with the coping skills necessary for flourishing in an urban setting imparts such skills to someone who lacks them. "We know how to do this," says a BCH doctor. "It is fixable. It is just a quick fix."

It doubtless seems anomalous, and may be in some ways inefficient, for so many social services to be dispensed through the urban health care system. But an inner-city hospital often is, for its poorest patients, the point of entry into the system of social services. So BCH's staff find themselves arranging with the employers of patients for time off for hospital visits; or dispensing basic nutritional counseling; or encouraging families to talk about everything from goals to heroes; or suggesting strategies of urban prudence.

This last, especially, can be urgent for health: an inner-city person who becomes a victim of violence has a 40 percent chance of becoming a victim again. This not only because of where he or she lives, but because of an inability to step away from the "bad vibes" of someone else's ugly intent; or because of an inability to get angry—which is normal—without acting out the anger, action being the articulateness of the streets; or because a victim often looks like a victim. Social workers here say that of the appalling numbers of children carrying weapons to school most are not aggressive but frightened. (According to a 1990 survey by the Centers for Disease Control, 1 of every 5 high school students had carried a weapon and 1 in 20 had carried a gun in a 30-day period.) And many of the aggressive ones have been so desensitized by urban life that they feel alive only when enjoying a "rep" (reputation), something most quickly acquired by installing fear.

So BCH's staff does a lot that is not, strictly speaking, medicine, "But," says one doctor, "it's all health." Says another, "This is not like trauma surgery, where you leap in, stop someone's bleeding and are a hero in an instant." Yes, but what BCH does is much more than medicine, and does much for the dignity of doctoring, and although it does not deal in instantaneous drama, it has its own heroism.

THE NEGRO EDUCATIONAL EMERGENCY DRIVE [NEED]: AN IDEA WHOSE TIME HAS COME, 1963-93

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. COYNE. Mr. Speaker, I am pleased to note 30 years of outstanding efforts by the

Negro Educational Emergency Drive [NEED] to provide over 13,000 African-American students from western Pennsylvania with a source of educational financial assistance when all other avenues of assistance have been exhausted.

The NEED organization will celebrate 30 years of service to the African-American community on March 25, 1993. This Pittsburgh-based group has labored over these many years to provide a court of final appeal for African-American students who require special financial assistance to enter or remain in school. NEED financial assistance has empowered these students to overcome the final hurdles of dealing with the increasing cost of seeking a higher education.

I want to commend the efforts of the Negro Educational Emergency Drive over the past 30 years. Special tribute should be given to Florence Reizenstein and Marion Jordon, the founders of NEED. I also want to wish this organization, its executive director, Dr. Herman L. Reid, Jr., its executive committee and its trustees continued success in the future. It is groups like NEED which provide hope for young men and women who work hard to obtain a better education and a brighter future. NEED deserves our recognition and our thanks for the service it provides to young African-American students.

I insert the following statement by Herman L. Reid, Jr., Ed.D., executive director of NEED, in the CONGRESSIONAL RECORD.

NEGRO EDUCATIONAL EMERGENCY DRIVE

(By Herman L. Reid, Jr., Ed.D.)

Thirty years ago, a small group of concerned citizens, led by Florence Reizenstein and Marion Jordon, established the Negro Educational Emergency Drive (NEED). The goal was to provide last dollar financial help to 76 talented financially needy students. Since then approximately 13,000 young people and their families have benefitted from the program.

When the program began, NEED bought books, bus fare and paid tuition, room and board for the 76 students. The last dollar concept remained the same but has blossomed dramatically—the dollar amounts, and the number of people assisted have increased several times over. From a handful of people getting average grants of $300.00 in the 1960s, NEED now supports over 500 scholars each year, with an average grant of $500.00. The grants, primarily tuition, room, board and books, are sent directly to the school. It's last dollar financing—the difference between make or break.

In addition to money, NEED provides counseling. The world of higher education is a maze to every parent looking at the range of financing opportunities and aid. For students on the low end of the economic scale, it is almost impossible to understand, unless you turn to NEED. Volunteers work with parents, educators, students and admissions officers to crack the financial barriers separating students and schools.

In 1992, the Buhl Foundation funded a study to determine the impact that NEED had in the community. Four major findings highlighted the study.

The NEED Alumni are economically viable professionals. They are employed in 50 types of organizations, holding over forty types of occupational roles.

The NEED impact is multi-generational. The benefits associated with completing college level education were reflected in the future plans of NEED Alumni to enroll their children in colleges and universities. The majority (97.3%) of the NEED recipients indicated that they have or intend to encourage their children to earn college level education. If only half of those respondents succeed in sending their children to college, that is over two and one-half times higher than the current rate for the present population served by NEED.

The educational scholarships awarded to NEED recipients yield significantly large returns to our communities. It is estimated that during 1990, NEED Alumni contributed over $131.4 million to our society through financial and volunteering contributions and tax payments while only $7 million was provided as financial support to those individuals through NEED. Various organizations which benefitted from NEED Alumni financial and volunteering contributions include religious, social service, health/medical, educational, civic and arts/cultural.

NEED has been forced to turn away as many as 350 qualified students in a given year. The failure to support a number of qualified NEED applicants results in an enormous cost to our society. The achievements attained by NEED Alumni are an example of the tangible benefits to be gained by supporting those talented individuals with limited financial resources who aspire to higher education. Despite this record of success, NEED has been unable to meet the financial needs of a growing number of talented students, due to a shortage of funds.

As NEED looks to the next decade, a major initiative is being planned. It is the Adopt-A-Student Program. A donor can adopt one of the students that NEED does not have the funds to help by contributing $1,000.00 annually. This program will be started in churches, clubs, businesses and civic organizations. The program is currently operational in more than twenty churches, civic and business groups.

SOPHIA LOREN AND NIAF COMMENDED FOR EFFORTS TO END FAMINE AND HUMAN SUFFERING IN SOMALIA

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. TORRICELLI. Mr. Speaker, today I rise to commend the noted actress, Sophia Loren, and the National Italian-American Foundation [NIAF] for their efforts to end the hunger and human suffering in Somalia.

This month, the award-winning actress participated in two Somali benefits held back-to-back on March 9, and March 10 in Washington, DC, and Florida, respectively. These are the only two benefits for Somali relief that Miss Loren has scheduled in the United States to date. The March 9 black-tie event was held at the Four Seasons Hotel in Washington, DC's Georgetown. The March 10 gala was at The Breakers in Palm Beach, FL.

Both benefits were organized at Sophia Loren's request by the NIAF, a major advocacy group for the Nation's 20 million Americans of Italian descent, based in Washington, DC. The NIAF agreed to sponsor the fundraiser with Ms. Loren without a moment's hesitation for humanitarian reasons, according to NIAF president and former Congressman Frank J. Guarini.

The actress has maintained a long-standing association with the organization. Last October, Miss Loren received the NIAF's 1992 Quincentennial Award. This was the second time in a decade that the NIAF honored the Italian actress. In 1982, Miss Loren was the recipient of the NIAF's Lifetime Achievement Award for the Performing Arts.

Earlier this year, after the United Nations asked the award-winning Italian actress to serve as Goodwill Ambassador for its High Commissioner for Refugees, the actress visited Somalia. "I know from my experience as a child in war-torn Italy of the special plight of refugees and the displaced," she said upon her return.

> But I was not prepared for the depth of feeling that came pouring from my heart as I held a crying, starving Somali baby in my arms while visiting the devastated town of Baidoa. Nothing prepared me for this moment, which has haunted me ever since.

The impact of 5 years of civil war and drought upon the Somali people has drawn the world's attention and pity. It is estimated that more than 300,000 Somali have died either as casualties of the war or because of starvation. About 2 million currently are on the brink of starving to death.

More than 1 million Somali people—80 percent of them women and children—have fled the country as a result of the civil war and famine. Terrorized, they have made long journeys on foot to seek sanctuary in neighboring countries. Currently, there are 500,000 Somali in Ethiopia; 300,000 in Kenya; 65,000 in Yemen and 15,000 in Djibouti, according to estimates by the U.N. High Commissioner for Refugees [UNHCR].

Most of the Somali refugees are in camps run by the UNHCR in these countries. But the UNHCR is staggering under the burden of caring for so many sick and needy people.

In her capacity as U.N. Goodwill Ambassador for refugees, Miss Loren has recently agreed to two fund-raising events and turned to the NIAF for help in coordinating both of them. The NIAF tapped its Washington and Florida networks and also contacted a broad spectrum of other ethnic philanthropic individuals and groups for both events. The funding raised will help provide Somali refugees with food, medicine, blankets, bedding, and clothing, according to Miss Loren.

Miss Loren's career spans four decades and includes more than 80 films. In 1960, at age 26, she received the Academy Award for Best Actress for her performance in "Two Women." In 1991, she received an honorary Oscar for her lifetime contribution to the cinema.

As the major Italian-American voice in the Nation's Capital, the NIAF works closely with Congress and the White House on issues that affect Italian-Americans and their families. The NIAF is dedicated to preserving the history, heritage, and accomplishments of Italian-Americans and to promoting a fair and positive image of them in the media and to the American public. The NIAF also: Uses its national network to keep Italian-Americans informed about important issues; monitors the national media's treatment of Italian-Americans; helps young Italian-Americans reach their educational and professional goals; serves as a clearinghouse of information on the activities and achievements of Italian-Americans; and encourages cultural exchange between the United States and Italy.

The NIAF was founded in 1975 as a nonprofit, nonpartisan organization, according to NIAF Chairman Frank D. Stella. "Our participation in Somali relief efforts is part of the NIAF's mission: To make a difference," Stella said.

HUMAN PROTECTION ACT REINTRODUCED

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. HANSEN. Mr. Speaker, today I rise to reintroduce the Human Protection Act. Since I introduced this bill in the 102d Congress, the economically devastating effects of the Endangered Species Act continue to dominate headlines in our Nation's press.

I am sure that all of us believe in clean air, clean water, and protecting our environment. However, we have gone beyond the point of reason. Some of us have come to the conclusion that protecting a single species of plant or animal is more important than protecting human life. If we do not take sensible precautions, we will continue to destroy the livelihoods of thousands of humans, prevent the development of safe roads and affordable housing, and permanently depress the economy for entire regions of the Nation.

We all support steps taken to protect and preserve habitat for endangered species. However, under the current application of the Endangered Species Act, we have limited ourselves to policies that destroy human lives. How can you tell a family in southern Utah that the protection of habitat for the Mexican Spotted Owl, of which sightings have been limited to a national park in the area, is the reason that their family can no longer make a living?

To provide moderation to the Endangered Species Act—ESA, I am reintroducing the Human Protection Act along with 14 Members of Congress. The bill would amend the ESA to provide flexibility to the act. It would allow economic and social consequences to be considered in the listing of threatened or endangered species, allow adverse consequences to humans to take precedence over plants and animals and require that regulatory actions minimize the encroachments on private property rights.

The Human Protection Act provides flexibility to the act, but it does not limit, eliminate, or repeal protection for threatened and endangered species. The ESA will remain a viable method to protect those species that have become threatened or endangered because of man's influence. Like the National Environmental Policy Act, the Human Protection Act merely refines the process which will be used to list a threatened or endangered species or its habitat and ensure that all relevant factors are considered during the listing process.

Presently, the Secretary of Interior, and in certain instances, the Secretary of Commerce decide whether to list a species as endangered or threatened. The listing of a species triggers certain duties that place prohibitions or limitations on certain actions that may be taken. These actions may range from building a needed dam to shutting down logging in an entire region.

The ESA requires that the Secretary base his determinations regarding the listing of a species solely on the basis of scientific data. This prevents the consideration of social and economic consequences that follow from the listing of a species. The Human Protection Act would allow for the consideration of socioeconomic factors to be considered as part of the listing process.

The second part of the Act prohibits the taking of any action for which the potential economic benefits to society do not outweigh the potential economic costs as they are determined by Executive Order 12.291. This section of the bill requires that regulatory objectives shall be chosen to maximize the net benefits to society. This would aid in strengthening economic considerations in the listing of a species and the establishment of critical habitat.

The last section of the bill requires that the Federal regulatory agency do a "taking implications assessment" prior to promulgating new regulations, and to obtain certification from the Attorney General proving compliance with Executive Order 12.630, which requires agencies to assess the potential for the taking of private property in the course of Federal activity.

This section is vital in the protection of private property. Many estimate that in the establishment of critical habitat, millions of acres of private property is impacted adversely which many constitutional scholars believe implies a taking.

The ESA has impacted the entire Nation. From increasing the cost of affordable housing, to destroying the economic viability of entire regions.

I contend that we cannot continue to place the protection of human beings below that of plants and animals. The time has come to make the ESA more flexible. I urge all my House colleagues to stand up and protect the livelihood of the American family by joining us in cosponsoring this important legislation.

LEGISLATION EXTENDING TARIFF SUSPENSION FOR TAB

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. SPRATT. Mr. Speaker, I am introducing a bill today to extend the tariff suspension for the chemical compound, tetra amino biphenyl or TAB. The suspension expired on December 31, 1992, and my bill would extend the suspension to the end of 1995. A similar bill proposing to extend the tariff suspension on TAB is being introduced into the Senate by Senator THURMOND. I urge the House to give its speedy approval to this bill which is critical to several hundred of my constituents. If Congress does not quickly reinstate the duty suspension, the manufacturer may be forced to stop production of the product which uses TAB and many jobs in my district will be wiped out.

This bill is not controversial. Since my election to Congress several years ago, I have offered two virtually identical bills both of which have easily passed the Congress and been enacted into law. In 1991, I introduced an identical bill which passed the House as part of H.R. 4318, the miscellaneous tariff bill. Unfortunately, H.R. 4318 failed to receive Senate approval because of unrelated issues and the duty suspension ended. There is no domestic source of TAB which means it must be imported from Germany. Because it is not made in the United States, an extension of the duty suspension does not cause injury to any American businesses or workers. Despite the fact that it is not controversial, passage of the bill is critical in keeping open a factory in my district which depends on a regular supply of TAB at a moderate price. TAB is a specialty chemical used solely for the production of a high performance fiber called PBI. PBI has proven to be one of the most effective products on the market in protecting people against dangerous exposure to fire, heat, and toxic chemicals. Commercial applications for PBI include protective fire gear for our military personnel, including pilots, and crash rescue gear.

The only commercial factory in the world manufacturing PBI is located in Rock Hill, SC, in the heart of my district. From the time it began producing PBI and until recently, the company which owns the Rock Hill plant had been losing money on PBI. Just a couple of years ago, the company for the first time turned a small profit on the product. The profit margin has been very narrow, however. Now that the duty has been reinstated, a shadow has been cast over the future of this product. Since the suspension ended, the company has stopped earning a profit from the product and may even be losing money. The extra duty cost simply makes TAB commercially unfeasible. A shutdown in production would force the layoff of several hundred workers in my district and the loss of approximately $20 million in salary and revenue which now come into South Carolina. It would also mean the end of an important fire resistant product which has proved very helpful in saving lives and reducing injuries to thousands of people in hazardous occupations.

Given the importance of this bill in saving U.S. jobs and given the fact that it will not harm any domestic business or workers, I urge my colleagues to give this bill their speedy support.

THE ASSAULT WEAPONS ACT OF 1993

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. SHAYS. Mr. Speaker, today, my colleague from California, Congressman PETE

STARK, and I introduced the Assault Weapons Act of 1993.

This legislation is a comprehensive effort to ban military weapons based on their characteristics, rather than by their names. It is identical to legislation we introduced in the 102d Congress, H.R. 3104.

If H.R. 3104 had passed last year, it would have prevented the sale of the AK–47 police think Mir Aimal Kansi used to kill two people outside the CIA headquarters in Langley, VA. It could also have helped prevent the stockpiling of weapons by the Branch Davidian Sect in Waco, TX.

The recent bombing of the World Trade Center in New York showed once again that the American public can, without notice, be at the mercy of the whims of terrorists and criminals who today have every right and ability to purchase military weapons designed solely for soldiers in battle. We must remove these weapons from our streets.

The Assault Weapons Act would ban the manufacture and importation of firearms designed to accept a silencer, bayonet, grenade launcher, flash suppressor or folding stock. It would also ban the manufacture of all semiautomatic shotguns with fixed magazines of more than 7 rounds—like the 12-round riot shotgun designed for crowd control in South Africa.

In addition to these guns, the bill would ban magazines, belts, feed strips or similar devices which hold more than 10 rounds of ammunition. Finally, the bill would impose a mandatory minimum Federal prison sentence of 10 years for the use of these firearms in a crime of violence or drug trafficking.

Weapons with these features are designed to kill people not wild game. They are used by criminals, not hunters, and have no place on our streets.

I strongly urge my colleagues to join us and the more than 35 other Members who have cosponsored this legislation.

THE INDIAN DAMS SAFETY ACT OF 1993

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. RICHARDSON. Mr. Speaker, today I am introducing the Indian Dams Safety Act of 1993. The Federal Government has a trust responsibility to provide for safe working dams on Indian lands to supply irrigation water; to provide flood control; to supply water for municipal, industrial, domestic, livestock, and recreation uses, as well as for fish and wildlife habitats. This bill helps to ensure that the trust obligation of the U.S. Government to Indian tribal governments is fulfilled with regard to the safety of dams. The measure establishes a dam safety operation and maintenance program within the Bureau of Indian Affairs. Under this program, the Bureau of Indian Affairs is required to bring dams identified as unsafe up to satisfactory levels. The bill is to provide for only operation and maintenance and not to provide additional conservation or storage capacity or for developing benefits beyond those provided for by the original dams. Under the measure, the Secretary may obtain technical assistance from other Federal departments and agencies. The Secretary is authorized under the bill to contract with Indian tribes under the Indian Self-Determination Act to carry out dam safety operation and maintenance duties.

Mr. Speaker, a 1989 Inspector General's report and a 1992 General Accounting Office report make it clear that the Bureau of Indian Affairs needs to be given some direction in the area of dam safety. Although the suggestion has been made by the previous administration that the Bureau of Reclamation take over this responsibility, it is my position that the Bureau of Indian Affairs needs to retain these responsibilities. I believe this measure will provide the Bureau of Indian Affairs with the guidance necessary to significantly improve its performance in the operation and maintenance of Indian dams and to drastically improve the conditions of dams on Indian reservations.

The Subcommittee on Native American Affairs of the Committee on Natural Resources will be holding hearings on this important measure. I urge my colleagues to support this bill.

THE 25TH ANNIVERSARY OF THE MUSEUM OF THE SOUTHWEST

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. SMITH of Texas. Mr. Speaker, at this time I would like to take a moment to observe a significant event in my home district.

This April we celebrate the 25th anniversary of the Museum of the Southwest's move to its permanent location in the Turner Mansion in Midland, TX.

Incorporated in September of 1965 thanks to the financial support of the Junior League of Midland, the museum was created to focus on history, science, and art.

It was housed briefly in two separate locations before settling for good in 1968 in the Turner Mansion, a move made possible by the generosity of the heirs of Fred and Juliette Turner, who built the home in 1934. The site is now listed in the National Register of Historic Places.

Over the years, expansions to the museum complex have included additional gallery space, meeting facilities, the Blakemore Planetarium, and a childrens' museum.

An invaluable facility for the education of Midland's youth, the museum regularly offers a wide variety of displays, exhibits, and community learning activities designed to preserve and promote culture, education, and the arts.

FAIR TAX RELIEF FOR WORKING OLDER AMERICANS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. DREIER. Mr. Speaker, today I am introducing H.R. 1413, which will eliminate the unfair earnings penalty imposed on working older Americans. Older Americans, aged 65 to 69, who earn more than $10,560 annually, are currently penalized with a severe reduction in their social security benefits. This penalty, including Federal taxes, takes away 56 percent of an older worker's marginal income dollars, effectively twice the tax rate on millionaires. The working penalty doesn't affect wealthy seniors who receive most of their income from stocks and investments; it only hurts the working seniors who are attempting to remain financially independent. At a time when many older Americans are struggling from paycheck to paycheck, this punitive tax burden is simply just not fair.

H.R. 1413 eliminates this unfair working penalty. No longer will our Government sanction discrimination against an American merely because of his or her age. No longer will our Government reject the value of our older American's experience and dependability.

H.R. 1413 is cost effective. It allows millions of seniors to return to the work force, thereby expanding the tax base and increasing the amount of tax revenues the Government receives. It also saves the Government over $200 million which is currently wasted in bureaucratic costs by the Social Security Administration to enforce the working penalty. According to one estimate done by two former Treasury Department economists, abolishing the working penalty on seniors would result in a net increase in Federal revenues of $140 million in the first year.

Mr. Speaker, it is time to put a stop to this swindle of senior citizens being perpetrated by the Federal Government. I ask my colleagues to join me in supporting this legislation, to abolish the penalty on working older Americans.

TRIBUTE TO EDWARD G. WILLIAMS

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to Edward G. Williams, a good friend and great American who recently passed away.

Ed Williams and I both came fro the same neighborhood—the Kensington section of Philadelphia. A prolific amateur boxer, he served his country in the U.S. Army Air Corps in the Panama Canal Zone from 1944 to 1948. In 1954, he became a policeman for the city of Philadelphia, serving in the 6th Police District, Juvenile Aid Division, and as a county detective. He also served as commander of the Police AmVet Post and as a trustee and lifetime member of the Fraternal Order of Police Executive Board.

Although he left the police department in 1968 on a medical disability pension, Ed continued to pursue a career in public service. In 1972, he became Democratic ward leader of the 33d ward in the Juniata and Kensington sections of Philadelphia. During this time, Ed also served as the chief investigator for the Philadelphia School Board Revenue Department.

In 1977, I had the honor and pleasure of serving with Ed in the Pennsylvania General Assembly, where served the 177th District of Philadelphia. Ed retired with his wife in 1980 to Wildwood on the Jersey shore, where he continued to serve his fellow neighbors as a member of the Philadelphia Police Retirees of South Jersey.

Ed died on January 31, 1993. he is survived by his wife Marge, two children, Sharon and Ed Jr., and four grandchildren.

Mr. Speaker, I join Ed's family, friends, and former colleagues from the Pennsylvania General Assembly in paying tribute to Ed Williams. He will always be remembered for his 36 years of dedicated public service, particularly on behalf of his beloved 33d ward.

THE ANIMAL MEDICINAL DRUG USE CLARIFICATION ACT

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. STENHOLM. Mr. Speaker, today I am reintroducing the Animal Medicinal Drug Use Clarification Act. Unfortunately, a draft version of the bill language was inadvertently introduced on March 2, 1993. Although there is nothing specifically wrong with the language in H.R. 1178, it is not the version I had asked my colleagues to cosponsor earlier this year.

The most direct way to rectify the situation is to simply reintroduce the bill with the intended language. In so doing, I will ask that the names of all of the cosponsors be removed from H.R. 1178.

I appreciate the understanding of my colleagues and regret any confusion this may have caused.

TRIBUTE TO CHRISTINE MAUMBILA AND STELLA MAXWELL

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. HALL of Texas. Mr. Speaker, before we adjourn today, I would like to recognize two young ladies from Terrell, TX, who were the recent winners of an essay contest in Forney, TX. I attended the Kaufman County Red Ribbon Campaign Kick-Off in Forney where I read the winning essays and presented savings bonds to Christine Maumbila and Stella Maxwell.

Christine Maumbila is a 13-year-old seventh grader at Terrell Middle School. She is the daughter of Frank and Irma Maumbila of Terrell, TX. Christine's essay regarding drug abuse prevention reads as follows:

Many children of America are influenced by not only the good but the bad.

Drugs are one of the biggest influences on our children today. Our own kids are caught in the crossfire and only the ways to say no to drugs can save their lives. Most drug happenings can be stopped. Several ways are useful, but the most effective way to stop drugs starts in the family.

A family should be able to talk to one another about problems they have. Families should also learn how to discipline their children. Have your child know the consequences of using drugs. By telling them about drugs and consequences they will most likely not deal drugs. If you spoil a child and let them get away with numerous mischiefs they will probably sample drugs. Parents should be firm about their rules.

Our elders must help the younger generation. They must guide you in the right ways, and tell you right from wrong. Children of all ages respect their parents and their decisions. Parents who deal drugs should be away from their children when doing it. If a child sees a father or mother using drugs, the child will respect it and begin to experiment with drugs. When a child is raised in a home with high standards, the child will not be a dope dealer, as in a family with low expectations.

Children who use drugs usually are not involved in extracurricular activities. To stay off drugs parents and teachers should provide recreation centers. Rec centers are a place to have fun. A crack house is not. With schooling and a Rec center, you should be much too busy to hang out with the wrong kind of kids. People must understand that things will go bad in life and drugs are not an escape route.

Self confidence and self-esteem also play a big role. Finding your self confidences, or just your positive points can help you stay off drugs. For example, let's say you're a great basketball player. If you try to improve it and get better and better you won't need drugs. Taking drugs to get better at something only makes you worse. Peers, teachers, parents, grandparents and even little brother or sister can boost your self-esteem. You should always try to get positive notes. Negative remarks, some not all are good. Some negative remarks can save your life.

As a result, you can see that the children of America are influenced by not only the good but the bad.

Stella Maxwell, also a winner of the essay contest at the Kaufman County Red Ribbon Campaign, is the daughter of Robert Maxwell. Stella is 13 years old and is a seventh grader at Terrell Middle School. Miss Maxwell's winning essay also addresses the drug problem and her solution to the problem.

YOUTH SUPPORT GROUPS

Drugs. This is a common word that many kids push into the backs of their minds thinking, "I don't use or deal them, so why should I worry?" Unfortunately, a lot of these kids end up using drugs very dangerously, but this can be prevented. One of the most effective ways to prevent it is by joining a youth support group. Schools, churches, and communities hold these. Students are influenced by youth support groups for many reasons.

Support groups for young people give kids a chance to state their own opinion. In some cases, young people don't have the nerve or chance to speak up. Other times, students try to say something, but the adults make them be quiet. In youth support groups, students get to say what they think. This makes children and teens of all ages feel more wanted.

One of the most important reasons that kids join youth support groups is that young people get information that is information on drugs that is interesting and understandable to them and is also given to them in fun ways. They can play games, have guest speakers, and have group discussions. Students have fun doing these things and then more and more kids want to join the support groups. These are some of the reasons that youth support groups influence the kids of today not to use drugs.

Although support groups do a lot for these people, there is still much more that needs to be done. The drug program at our school, D.A.R.E., is not very big, but a lot of fun and educational. I think that we should make it into a community project. D.A.R.E. (Drug Awareness Resistance Education) should still be at schools, but we should make a public club for ages 8–17 and we could meet every month at a public building somewhere. It could be just like the program at school, but bigger. We could also do fundraisers, make posters for the public, and have parties and trips. This will be better for the children and teenagers who don't have a chance to be in the program at school.

If we build a club to influence students to stand up to drugs, it will reduce the chances of kids using drugs.

Mr. Speaker, I thank you for giving me the opportunity to recognize these two special young ladies and their winning essays on drug abuse prevention.

THE NEED FOR AN EFFECTIVE ASSAULT WEAPONS BAN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. STARK. Mr. Speaker, today Congressman SHAYS and I are introducing the Assault Weapons Act of 1993 with 42 bipartisan cosponsors. If enacted, our bill will go a long way toward getting military weapons off the streets.

Despite what the National Rife Association [NRA] would have us believe, poll after poll show that most Americans favor sensible restrictions on these weapons of war. The latest demonstration of the public's opposition to assault weapons on demand policy happened earlier this week. The New Jersey Senate voted unanimously to uphold the State's ban on assault weapons despite the $364,000 the NRA spent to defeat the New Jersey ban.

Over and over we find that these guns are the weapons of choice for the kinds of criminals and psychopaths who should not have access to guns at all.

The American people know that the vast majority of people who use these guns are not sportsmen and hunters but gangs, drug dealers, and psychopaths. Statistics from the Bureau of Alcohol, Tobacco and Firearms [ATF] have shown that although these weapons make up less than 3 percent of the 200 million guns owned by Americans, they account for 6 to 10 percent of guns used in crimes.

Episodes like the standoff between law officials and the Branch Davidians in their Waco, TX, compound and the recent slayings at the CIA headquarters in Langley, VA, only repeat the tragic history of assault weapons' misuse.

It's past time for the Federal Government to do something to get these weapons off the streets.

The Assault Weapons Act of 1993 is a direct approach to controlling a diverse category of weapons. Rather than listing brand names of weapons to be outlawed, our bill outlaws the generic features which characterize military weapons. Specifically, the bill bans guns and attachments designed to facilitate silencers, bayonets, grenade launchers, flash suppressers, with large fixed magazines, or folding stocks.

An AK-47 by any other name, would kill just as efficiently. Banning by feature rather than name eliminates a dangerous loophole which would allow manufacturers to continue making the same weapon under a different brand name.

Our bill also bans weapons and attachments designed to fire an excessive number of rounds in short periods of times. We specifically would outlaw shotguns with fixed magazines of 7 rounds or more—sport shotguns usually hold only 4 to 5—and all ammunition feeders or magazines which hold more than 10 rounds of ammunition.

Finally, the bill increases the penalties and sentences for people who use these military weapons in violent crimes or drug dealing. Our bill makes very clear that the Nation has no tolerance for people who abuse these weapons.

The Assault Weapons Act would not affect police and law enforcement agencies. The Gun Control Act of 1968 specifically exempts police and law enforcement agencies and makes specific exemptions for their guns. As an amendment to that act, our bill would not include police guns.

As chairman of the Ways and Means Subcommittee on Health, I offer my colleagues one final compelling reason to support the Assault Weapons Act: deficit reduction.

The costs of treating assault weapon victims makes health care cost more for us all. The Journal of the American Medical Association [JAMA] estimated in November 1988, that gunshot wounds cost the Nation more than $1 billion in 1984. A study in the April 1991 Journal of Texas Medicine estimated that firearm injuries costs the State of Texas $1.7 billion a year.

The JAMA study also pointed out that shooting victims disproportionately add to our public health spending. Since shooting victims are extremely likely to be poor and young, they rarely have health insurance. As a result, JAMA found that the Government usually paid 85.7 percent of gunshot victims' hospital costs.

By reducing the supply of these weapons, which are frequently used by drug dealers in poor neighborhoods, we can begin to reduce the amount our Government health care system pays for treating gun related injuries. By reducing these health care costs, we reduce our health-related deficit spending.

For this and all the other good reasons I have mentioned, I urge my colleagues to join me, Representative SHAYS, and the original cosponsors of the Assault Weapons Act of 1993.

INTRODUCTION OF CO-OP EQUITY ACT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mrs. LOWEY. Mr. Speaker, I rise to introduce legislation that will end an inequity affecting certain individuals who belong to land cooperatives and yet own their own homes.

Developments where a collective membership owns the property on which homes are built, while the homes themselves belong to individual members of the cooperative, are rare in the United States. Most of these situations occurred because of the housing shortage in the post-World War II era and were the result of a gradual buildup of homes on vacant land that was later sold to a collective ownership. One development where this situation occurs is the Edgewater Park cooperative, which is located in my district.

Unfortunately, because of this unusual ownership arrangement, the residents are not permitted to deduct the cooperatives's mortgage interest and local taxes from their individual taxes, as is the case with other cooperative residents. My legislation would amend the Internal Revenue Code to provide that individuals who live in land-only cooperatives will be accorded the same treatment as other cooperative tenant-stockholders.

The residents of the Edgewater Park cooperative are hard-working people who play by the rules. This bill would ensure that they receive the fair tax treatment they deserve.

THE NATIONAL WILDLIFE REFUGE SYSTEM

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. STUDDS. Mr. Speaker, it is with great pleasure that I rise today to make special note of an important anniversary in our Nation's rich natural resource heritage. It was 90 years ago this week that President Theodore Roosevelt, in an act of great forethought and stewardship, established the Pelican Island Refuge along the east coast of Florida—the first of 51 refuges created during his Presidency—thereby laying the cornerstone for today's expansive National Wildlife Refuge System.

Since the creation of Pelican Island Refuge in 1903, our National Wildlife Refuge System has expanded to 485 refuges comprising a total of over 90 million acres in all 50 States and several territories. The only network of Federal lands managed principally for fish and wildlife, the refuge system is host to a rich diversity of plants and animals including over 220 mammals, 250 amphibians and reptiles, and 200 fish species. Among these are 168 species which are currently listed as threatened or endangered under the provisions of the Endangered Species Act.

While little more than three acres in size, Pelican Island stands tall as a testament to the wisdom of looking ahead—for the benefit of future generations—and setting aside land to provide essential habitat for the preservation of wildlife. As many know, the refuge system has been the site of numerous success stories, with species such as the key deer and whooping crane brought back from the brink of extinction thanks in large part to the role of refuges in protecting their critical habitat. In total, 30 refuges have been established specifically for the purpose of recovering endangered or threatened species.

Coincidentially, the celebration of the important legacy of Pelican Island coincides this year with the reauthorization of the Endangered Species Act. This is an opportune time for us to take a step back and look at the refuge system as a whole to determine whether these lands are contributing as effectively as possible to the goal of preserving our Nation's rich biodiversity. We must ask ourselves whether this network of lands is being used to its fullest potential to prevent declines in species and their habitats, and to contribute to the recovery of species that have already become endangered. Moreover, does it serve as a model for managing wildlife needs on all our Federal lands? If the answers to these questions are "No" we must identify the steps that can be taken to reach those goals.

Mr. Speaker, I take great pride in the vast tracts of land that have been set aside in our refuge system, both of their infinite beauty and for the promise they hold for the future. Each refuge is, in fact, an island of life—an invaluable touchstone for the future. As such, we owe it to ourselves and to generations to come to ensure that these lands are managed in the most ecologically and environmentally sound manner possible.

SPEECH OF GEORGE McGOVERN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. HALL of Texas. Mr. Speaker, before we adjourn today, I wish to share with you a speech given by former Presidential candidate George McGovern, and reported as a guest editorial by the Wall Street Journal. It relates the true confession of a former ultraliberal leader who has learned the facts of life about free enterprise only after he himself became an employer. I think it is appropriate to quote Justice Frankfurtur who said, "Wisdom too often never comes, and so one ought not to reject it merely because it comes late." This guest editorial was submitted to me by one of my constituents, Mr. Gordon Campbell of Tyler, TX.

The guest editorial by George McGovern from the Wall Street Journal reads as follows:

> It's been 11 years since I left the U.S. Senate, after serving 24 years in high public office. After leaving a career in politics, I devoted much of my time to public lectures that took me into every state in the union and much of Europe, Asia, the Middle East and Latin America.
>
> In 1988, I invested most of the earnings from this lecture circuit acquiring the leasehold on Connecticut's Stratford Inn. Hotels, inns, and restaurants have always held a spe-

cial fascination for me. The Stratford Inn promised the realization of a longtime dream to own a combination hotel, restaurant and public conference facility— complete with an experienced manager and staff.

In retrospect, I wish I had known more about the hazards and difficulties of such a business, especially during a recession of the kind that hit New England just as I was acquiring the inn's 43-year leasehold. I also wish that during the years I was in public office, I had had this firsthand experience about the difficulties business people face everyday. That knowledge would have made me a better U.S. Senator and a more understanding presidential contender.

Today we are much closer to a general acknowledgement that government must encourage business to expand and grow. Bill Clinton, Paul Tsongas, Bob Kerrey and others have, I believe, changed the debate of our party. We intuitively know that to create job opportunities we need entrepreneurs who will risk their capital against an expected payoff. Too often, however, public policy does not consider whether we are choking off those opportunities.

My own business perspective had been limited to the small hotel and restaurant in Stratford, Conn., with an especially difficult lease and a severe recession. But my business associates and I also lived with federal, state and local rules that were all passed with the objective of helping employees, protecting the environment, raising tax dollars for schools, protecting our customers from fire hazards, etc. While I never have doubted the worthiness of any of these goals, the concept that most often eludes legislators is: "Can we make consumers pay the higher prices for the increased operating costs that accompany public regulation and government reporting requirements with reams of red-tape?" It is a simple concern that is nonetheless often ignored by legislators.

For example, the papers today are filled with stories about businesses dropping health coverage for employees. We provided a substantial package for our staff at the Stratford Inn. However, were we operating today, those costs would exceed $150,000 a year for health care on top of salaries and other benefits. There would have been no reasonable way for us to absorb or pass on these costs.

Some of the escalation in the cost of health care is attributed to patients suing doctors. While one cannot assess the merit of all these claims, I've also witnessed firsthand the explosion in blame-shifting and scapegoating for every negative experience in life.

Today, despite bankruptcy, we are still dealing with litigation from individuals who fell in or near our restaurant. Despite these injuries, not every misstep is the fault of someone else. Not every such incident should be viewed as a lawsuit instead of an unfortunate accident. And while the business owner may prevail in the end, the endless exposure to frivolous claims and high legal fees is frightening.

Our Connecticut hotel, along with many others, went bankrupt for a variety of reasons, the general economy in the Northeast being a significant cause. But that reason masks the variety of other challenges we faced that drive operating costs and financing charges beyond what a small business can handle.

It is clear that some businesses have products that can be priced at almost any level. The price of raw materials (e.g.; steel and glass) and life-saving drugs and medical care are not easily substituted by consumers. It is only competition or antitrust that tempers price increases. Consumers may delay purchases, but they have little choice when faced with higher prices.

In services, however, consumers do have a choice when faced with higher prices. You may have to stay in a hotel while on vacation, but you can stay fewer days. You can eat in restaurants fewer times per month, or forgo a number of services from car washes to shoeshines. Every such decision eventually results in job losses for someone. And often these are the people without the skills to help themselves—the people I've spent a lifetime trying to help.

In short, "one-size-fits-all" rules for business ignore the reality of the marketplace. And setting thresholds for regulatory guidelines at artificial levels—e.g., 50 employees or more, $500,000 in sales—takes no account of other realities, such as profit margins, labor intensive vs. capital intensive businesses, and local market economics.

The problem we face as legislators is: Where do we set the bar so that it is not too high to clear? I don't have the answer. I do know that we need to start raising these questions more often.

As we adjourn today, I hope this editorial will be of interest to you, and I appreciate the opportunity to share it with you. It reflects, as a Wall Street author evaluated Senator McGovern's speech, that a politician's dream is a businessman's nightmare.

THE BITTERSWEET BALLAD OF BILLY ECKSTINE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. STOKES. Mr. Speaker, the Nation recently mourned the loss of one of its most gifted and talented entertainers, Billy Eckstine. On March 8, 1993, the renowned singer and band leader passed away at the age of 78. As the first black male vocalist to routinely land ballads on the pop charts and to gain an international audience; the first black singer to make the cover of Life magazine and a mentor of the big band sound, Billy Eckstine has distinguished himself in the musical history of our Nation.

William Clarence "Billy" Eckstine was born in Pittsburgh and later moved to Washington, DC where he attended Howard University. He won his first of many talent shows at the age of 19 at the Howard Theater and in 1939, began his career as a vocalist with the Grand Terrace Orchestra under the direction of Earl Hines. In the ensuing years, he would launch a solo act, organize his own big band and produce such hit records as "A Cottage for Sale," "Prisoner of Love," "I Surrender, Dear," "Everything I Have Is Yours," "Blue Moon," "My Foolish Heart," "Caravan," "Body and Soul", and "I Apologize."

Mr. Speaker, many consider Billy Eckstine the greatest male vocalist of our time. Unfortunately, as a result of the pervading racism in this country, Eckstine was never accorded the awards, movie contracts and exclusive recording contracts that he warranted. Instead, he watched as Frank Sinatra and other white singers garnered the honors and accolades that he so deserved. Billy Eckstine was another great talent who had to endure the fate of being black in a racist society yet he never let this deter him from writing and singing some of the most beautiful songs ever recorded.

I will fondly remember Billy Eckstine as a friend whom I respected and admired greatly. A real gentleman, Billy Eckstine always held himself in a dignified manner as to bring pride to his race. He was a role model and a mentor to his many admirers.

Mr. Speaker, I want to share with my colleagues several articles which appeared in the Washington Post announcing the passing of Billy Eckstine. I ask that my colleagues join me in paying tribute to him as we recognize his musical genius.

THE BITTERSWEET BALLAD OF BILLY ECKSTINE

A VOICE THAT SHOULD HAVE HAD NO LIMITS

(By Richard Harrington)

Blessed with matinee-idol looks and a wonderfully rich baritone, Billy Eckstine was the singer of romantic ballads in the late '40s and early '50s. Songs like "My Foolish Heart," "I Apologize" and "My Destiny" turned Eckstine, who died yesterday at age 78, into a national heartthrob, the first black singer to become an American sex symbol.

As the first black male vocalist to routinely land sensuous ballads on the national pop charts, Eckstine offered a new, powerfully resonant image to a country in which color was an often insurmountable barrier to success. Indeed, despite his outstanding talent and looks, Eckstine never developed the kind of movie career his peer, Frank Sinatra, had. Eckstine was sometimes called "the Sepia Sinatra," but in reality, Sinatra should have been called "the White Eckstine."

"They never let him become the sex symbol he could have been," Quincy Jones said a few years ago. "If he'd been white, the sky would have been the limit."

Instead, the limit was a long recording career—one of Eckstine's finest albums was a 1986 collaboration with saxophonist Benny Carter—and constant touring on the supper club and jazz festival circuit. He also earned a hallowed place in American music history, not only for his vocal work, but for his mentoring of the big band that incubated the be-bop movement in jazz.

That band, which existed from 1944 to 1947, featured Charlie Parker, Dizzy Gillespie, Art Blakey, Dexter Gordon, Fats Navarro and Sarah Vaughan. Eckstine used his burgeoning popularity to fund the band, which was clearly ahead of its time and therefore both commercially and critically ignored.

By the mid-'40s, Eckstine was already known as "Mr. B" (Duke Ellington simply called him "the sonorous B"), having established himself as the singer with the Earl Hines Orchestra on such bluesy hits as "Stormy Monday" and "Jelly Jelly," a million-seller that Eckstine wrote himself. He also shone on ballads like "Somehow," "You Don't Know What Love Is" and "Skylark." And that was the emotional terrain he explored in subsequent years.

Ironically, in the very early '40s, Eckstine (then billed as Billy X-tine) had been critically slammed in a major music magazine for his "shattering tremolo and a pompousness in phrasing not unlike that of operetta performance." A few years later, when his voice deepened and accrued a persistent vibrato, he was voted top male singer in poll after poll. Eckstine could drop his voice down basso, or send it skyward tenor, but it was that mellifluous, mesmerizing baritone that seduced a nation.

The man's beauty didn't hurt. Neither did his urbane fashion sensibility—you couldn't pay enough to sound like Mr. B, but you could probably afford to look like him—particularly by wearing shirts with Mr. B rollcollars and draping your jacket over your shoulders. He was the original sharp-dressed man, the embodiment of hip elegance.

Though born in Pittsburgh, Eckstine came to Washington in time to attend the fabled Armstrong High School and Howard University, though eventually the pull of the Howard Theater would prove far greater. He won amateur contests with dead-on impersonations of Cab Calloway; years later, singers like Arthur Prysock and Johnny Hartmann would build careers imitating Eckstine. After a four-year stint with Hines ended in 1943, and after laying his popularity on the line with his big band, Eckstine focused on a solo career utilizing what Ellington dubbed the "sensuous semantics" of highly stylized songs like "Prisoner of Love," "Everything I Have Is Yours" and "Fool That I Am."

Still, even though he made the cover of Life magazine, a black magazine had warned in the '50s that "a racial stop sign looms between [Eckstine] and a first class future." In fact, the singer's nonexistent film career was Eckstine's own choice, for at the height of his popularity, he had turned down roles that were racially demeaning. At the time, those were about the only roles available to black Americans in Hollywood. Eckstine also knew that blatant Jim Crow South, and the more subtle discrimination of the North. And while he was not an activist on a level with some of his peers, Eckstine was very much a symbol of intelligence, talent and pride—and thus proved a barrier-breaker as well as a trend-setter.

The years were kind to Billy Eckstine's voice, just as that voice had been kind to generations of song lovers. Dizzy Gillespie once said of that '40s heyday, "No other band like [Eckstine's] existed in the world." He could just as easily have been talking about Mr. B.

SINGER-BANDLEADER BILLY ECKSTINE DIES

Billy Eckstine, 78, the singer-bandleader whose warm baritone graced a string of post-World War II hits such as "Fools Rush In" and "Everything I Have Is Yours," died March 8 while undergoing treatment at Montefiore Hospital in Pittsburgh.

Mr. Eckstine, who lived in Las Vegas, recently had suffered a stroke.

Known as Mr. B, he established a new and romantic style of singing, delivering ballads in a strong, vibrant baritone, with impeccable diction. One of America's most popular vocalists in the late 1940s and early 1950s, he drew bigger audiences at New York's Paramount theater in 1950 than record-setter Frank Sinatra. The same year, touring with the George Shearing Quintet, he had two sold-out concerts at Carnegie Hall in one day. There were said to be 80,000 Eckstine fan clubs in the United States, Canada and England.

Billy Eckstine was the first black singer to make the cover of Life magazine and the first to develop an international appeal through his interpretation of love songs. He had a host of imitators, set trends in fashion and was pursued by bobbysoxers. Hip young men copied the elegant singer's style of dress—shirts with rolled collars and jackets draped off the body.

His hit records included "A Cottage for Sale," "Prisoner of Love," "I Surrender, Dear," "Everything I Have Is Yours," "Blue Moon," "My Foolish Heart," "Caravan," "Body and Soul" and "I Apologize."

His career took a pounding late in the 1950s as rock-and-roll gained to popularity. But he rebounded with a series of hit albums for Mercury Records and was in great demand on the nightclub circuit. His last big hit was "Passing Strangers," a duet with Sarah Vaughan.

Mr. Eckstine, who also played valve trombone, directed a band that at one time or another included Dizzy Gillespie, Fats Navarro, Miles Davis, Gene Ammons, Dexter Gordon, Charlie Parker, Sonny Stitt, Art Blakey and Lucky Thompson, as well as Vaughan.

Unlike most swing bands that accompanied singers, the Eckstine band played powerful, thick chords and rhythmically complex figures. It is credited with being the first big bop band.

He was born William Clarence Eckstein—he changed the spelling of his name when he was an adult—in Pittsburgh, where he lived until he was a teenager. He then moved to Washington and attended Armstrong High School, where his sister taught. He also studied physical education at St. Paul Normal and Industrial School in Lawrenceville, VA., and attended Howard University.

During his student years, Mr. Eckstine was more interested in football than in music. But at age 19, he won the first of many amateur shows and a week's engagement with the band at Washington's Howard Theater. Mr. Eckstine won the $10 price by imitating Cab Calloway, singing a nursery rhyme lyric with interpolated scatting.

He went on to work at small clubs and theaters in Washington and Pittsburgh, then sang for two years at the De Lisa Club in Chicago.

He was hired as vocalist with the Grand Terrace Orchestra of Earl "Fatha" Hines in 1939. Three years later, Mr. Eckstine heard Vaughan at an amateur show and encouraged Hines to hire her. While with Hines, Mr. Eckstine taught himself to play trumpet and valve trombone. He recorded as vocalist on two blues hits, "Jelly, Jelly" and "Stormy Monday."

In the 1930s and 1940s, the heyday of radio, music publishers who wanted to plug their new songs would take them to orchestras with national broadcasting contracts.

"They usually wouldn't give the songs to black singers because they thought black singers didn't have clear-enough diction," Mr. Eckstine recalled in a 1974 interview. "This was in the day of 'race records.' They gave blues to black singers. But Earl fought against that. I was given plug songs by the bid publishers. I did 'Skylark,' and my version outsold Bing Crosby's."

Mr. Eckstine left Hines in 1943 and spent a year as a solo nightclub act before founding his own big band, which featured the then-emerging be-bop style.

The band was active only three years during the mid-1940s, but had pivotal influence on be-bop. While Mr. Eckstine's focus on love songs pushed him to wider stardom, he continued to believe in bop.

It influenced his own records, and he gave work and encouragement to many of its players. He also wrote a few tunes of his own. John Coltrane was so fascinated by one of them, "I Want to Talk About You," that he recorded it several times.

Mr. Eckstine was twice divorced. His survivors include seven children, four grandchildren and a great-grandchild. A son, Ed, is president of Mercury Records, and another son, Guy, heads Mercury's jazz division. A daughter, Gina, is a singer in Las Vegas and toured with her father in the 1980s.

THE SHIPBUILDING TRADE REFORM ACT OF 1993

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 18, 1993

Mr. STUDDS. Mr. Speaker, the U.S. shipbuilding and ship repair industry is at a crossroads. In the past 12 years, over 60,000 jobs have been lost, and more than 40 shipyards forced to close. If we do not act now, our industrial base will be endangered and we will risk the loss of an additional 180,000 shipyard and related jobs by 1998. The bill we are introducing today is a first step. It provides remedies against the unfair trade practices of foreign nations that plague the international commercial shipbuilding and repair industry and siphon jobs from U.S. yards.

The 1981, the U.S. Government stopped direct assistance to domestic commercial shipbuilding but did nothing to discourage foreign governments from continuing massive subsidy programs to bolster their commercial shipyards. Since then, our shipbuilding industry has become almost entirely dependent on construction for the U.S. military. Planned reductions in Navy ship orders mandate that U.S. shipyards enter the international commercial shipbuilding market, and that they do so now. Unless American yards are given the chance to compete for commercial ship contracts in an unsubsidized world, we will only have one or two yards left in this country.

Let me give you just one example to illustrate where we are today. In my own district, the Fore River Shipyard once churned out ship after ship. During its peak in 1943, the shipyard employed 32,000 people—that very same shipyard now employs fewer than 50.

In 1989, recognizing that subsidies provided a major impediment to the reentry of American shipyards into the commercial marketplace, the Shipbuilders Council of America sought the intervention of the U.S. Trade Representative. However, multilateral negotiations through the Organization for Economic Cooperation and Development proved fruitless, and were broken off in April 1992.

It is up to Congress to take the initiative. The jobs that would be lost in the collapse of the shipbuilding industry are irreplaceable. The skills of highly trained designers, engineers, and builders are essential to the maintenance of a strong industrial base that is capable of responding to our national security needs.

Last year, the House passed the Shipbuilding Trade Reform Act of 1992 twice, only to see it sink in the Senate. That was then. This is now. I sincerely hope that the seachange that has swept through all of Washington has made our Capitol a more hospitable venue for legislation to save our shipyards.

American shipyards must be given the opportunity to compete. We can not allow the policies of foreign countries to destroy a vitally important industry and with it many thousands of American jobs.

SENATE—*Friday, March 19, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. DORGAN].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray: *Blessed is the nation whose God is the Lord.—Psalms 33:12.*

Eternal God, our Founding Fathers were not saints, they were sinners like all of us. But they took God seriously. In times of trouble they called upon Him in prayer. They were free in speech and writing to acknowledge their faith—their need of God. They attributed the wisdom which founded our Nation as coming from God, they depended on Him, trusted in Him, served Him.

Gracious God, our Father, may the faith of our fathers be ours at this critical time when so much being debated either threatens or secures the future. Give us faith to trust You, to pray to depend on You for guidance.

We pray in His name who is the Way, the Truth, and the Life. Amen.

RESERVATION OF LEADER TIME

The acting PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of Senate Concurrent Resolution 18, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 18) setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

The Senate resumed consideration of the concurrent resolution.

Pending:

Kennedy Amendment No. 183, to ensure the fiscal year 1998 funding levels of the Head Start Program are consistent with the levels requested by the President in his investment program.

AMENDMENT NO. 183

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 9:15 a.m. shall be divided, with 10 minutes under the control of the Senator from New Mexico [Mr. DOMENICI] and 5 minutes under the control of the Senator from Massachusetts [Mr. KENNEDY] with a vote on the Kennedy amendment No. 183 to occur at 9:15 a.m.

Mr. DOMENICI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator will State his parliamentary inquiry.

Mr. DOMENICI. Mr. President, as I understand it, amending a budget resolution is a restrictive process. Amendments must be germane, as I understand it, under section 305(b)(2) of the act and the precedents set.

I would ask the following questions: Does this amendment strike?

The ACTING PRESIDENT pro tempore. The Chair would advise the Senator that the amendment does not strike. It is an insert amendment that adds the language.

Mr. DOMENICI. Does this amendment change a number?

The ACTING PRESIDENT pro tempore. The Chair would advise the Senator that the amendment does not change a number.

Mr. DOMENICI. Does this amendment restrict some power in the resolution?

The ACTING PRESIDENT pro tempore. The amendment on its face does not appear to.

Mr. DOMENICI. As I understand it, those are the four tests; am I right, Mr. President?

The ACTING PRESIDENT pro tempore. The Chair would advise the Senator from New Mexico, those are generally the four tests.

Mr. DOMENICI. I thank the Chair.

Is this then a sense-of-the-Senate or sense-of-the-Congress?

The ACTING PRESIDENT pro tempore. It is the opinion of the Chair that it is nonbinding language and it is the equivalent of a sense-of-the-Senate resolution.

Mr. DOMENICI. I thank the Chair.

Then I assume, Mr. President, that if the Senator from New Mexico was to inquire as to whether this amendment was germane, the Chair would answer "yes"?

The ACTING PRESIDENT pro tempore. The practice in the past, the Chair would advise the Senator from New Mexico, is to allow these type of amendments.

Mr. DOMENICI. Now, Mr. President, just on that point—and, clearly, I understand the issue and I do not want to use time on it, but it would seem to me we have now added another kind of germaneness to this and it is called "the equivalent of a sense-of-a-Senate."

Having said that, let me just make a few points.

First, to my good friend from Massachusetts, Senator KENNEDY, no one needs to reaffirm, nor does he, his great support for this program and for programs like it. Frankly, in his career, this has been a part of what concerns him greatly, and I commend him for that.

Having said that, Mr. President, let me just lay a little bit of background for us on this.

The Head Start Program has enjoyed a 125-percent increase during the last 4 years. Republicans as well as Democrats have a strong record of supporting the program. It is funded at a level of $2.6 billion for the current fiscal year. That is a 26 percent increase from the previous year.

President Clinton recommends what is called full funding for the Head Start Program, which would mean an additional increase over a baseline, which is already growing, of $11.2 billion in budget authority and $9.6 in outlays for an expansion of this program.

The President proposes $500 million for the summer Head Start Program in his stimulus program and an additional $2.7 billion in authority over baseline, growing at the rate of inflation starting point, for a 5-year growth in this summer program.

One might make the argument that, with an unexpended balance in excess of $1.2 billion at the beginning of this fiscal year, we should perhaps question the ability of the program to effectively absorb funding increases of this magnitude. We might also want to consider the counsel of one of Head Start's original founders, who claims that only about 35 to 40 percent of the currently operating programs are of high quality.

We should perhaps look more closely at the draft HHS inspector general's report, which found that they need to strengthen the monitoring of grantees, and on and on.

My friend from Oklahoma, whose counsel I truly appreciate, is here. I understand he would like a couple of minutes to state his position and the position of for our side.

I yield 2 minutes to my friend from Oklahoma.

Mr. NICKLES addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I thank my friend and colleague, Senator DOMENICI.

Mr. President, I ask unanimous consent to have three things printed in the RECORD. One is a table showing Federal spending on Head Start. It will show that we spent $819 million in 1981. By 1990, that amount had just about doubled to $1.255 billion. This year, 1993, we will spend $2.78 billion. It has more than doubled again just in the last 4 years.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FEDERAL SPENDING ON HEAD START

[Dollar amount in millions]

	Amount	Change	Percent change
Year:			
1981	$819		
1982	912	$93	11
1983	912	0	0
1984	996	84	9
1985	1,075	79	8
1986	1,040	−35	−3
1987	1,131	91	9
1988	1,206	75	7
1989	1,235	29	2
1990	1,552	317	26
1991	1,952	400	26
1992	2,202	250	13
1993	2,802	600	27

Mr. NICKLES. I also ask unanimous consent to have printed in the RECORD two articles. One is from the Washington Post dated February 19. The headline reads: "As Politicians Expand Head Start, Experts Question Worth." And also an article that was in today's New York Times, "Head Start Is Criticized, Even by Its Friends."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 19, 1993]

AS POLITICIANS EXPAND HEAD START, EXPERTS QUESTION WORTH

(By Mary Jordan)

Extolled by Republicans and Democrats alike, Head Start is America's favorite program for preschoolers. But as President Clinton pledges to more than double to $6 billion the funding for Head Start—essentially making it an entitlement for poor children—academics are increasingly questioning its claims and worth.

Others, including the founder of Head Start, warn that it may be expanded too fast and that one in three of the preschool centers is so poorly run it is a waste of money.

"Politicians always seem to be the last people to catch on to academic trends," said John Hood, author of a 1992 Cato Institute study that showed that new research is "raising doubts about the efficacy of Head Start." "Even boosters of the program grant that by itself it will not create huge benefits," he said.

Several recent studies dispute the long-held assertion that $1 invested in Head Start saves many dollars later in health, education, even criminal justice bills. They contend that Head Start, a program born in the Great Society to provide schooling, food and health services to poor 3- and 4-year-olds, has immediate benefits, but that they often wear off as early as the second grade.

Edward Zigler, the Yale professor who founded Head Start during the Johnson administration, believes the concept is still a good one but recommended against putting more money into it unless it is improved.

He cited a new report by the Health and Human Service Department inspector general that calls many of the programs poorly administered and unsuccessful in giving youngsters even basic care.

"If 30 percent closed down, there would be no great loss," Zigler said.

"Why put a lot of kids in a program that is no good?" he said. "Until the program has reached a certain minimum level of quality, they shouldn't put one more kid in it." He estimated that 35 to 40 percent of the Head Start centers are "high quality."

Because so many people desperately want to help poor children and Head Start has shown more promise than many other anti-poverty programs, it has been a popular political cause. But an increasing number of critics say the program was expanded fast without quality control.

The number of youngsters the programs serves has doubled in the past few years. It now serves 800,000 preschoolers.

Last year, then-President George Bush approved a $600 million increase bringing the total annual cost to $2.8 billion.

According to those familiar with the new inspector general report, some centers have been given so much money so fast that they cannot spend it. They have not been able to recruit enough new students and teachers. Also, because 47 percent of the teachers are paid only $10,000 a year, it has been difficult to recruit a quality staff.

This week, Clinton pledged an additional $514 million infusion to continue Head Start programs this summer. He also proposed adding another $785 million next year and wants to double Head Start's budget to nearly $6 billion by 1997.

"We all know that Head Start, a program that prepares children for school, is a success story," Clinton said during his televised address to Congress Wednesday night. "We all know that it saves money, but today it just reaches barely over a third of all the eligible children. Under this plan every eligible child will be able to get a head start."

"This is not just the right thing to do; it is the smart thing." However, Republicans like Rep. Bill Archer (R-Tex.) aren't so sure.

"There is clearly no definitive, conclusive study on the cost-benefit of the program over the long term," he said. "But there are some studies that show a high degree of fade-out" of the program's benefits if there is no follow-through.

Some studies have shown that Head Start raises a child's standardized test scores and increases the likelihood that the student will not be placed in expensive special education programs.

But even supporters agree that some of the program's benefits can disappear shortly after the program ends. They argue that Head Start is well worth its price tag but good follow-through programs are essential.

Common sense, Zigler said, tells people it is a good idea to give disadvantaged preschoolers vaccinations, food and phonics lessons. But, Zigler added, "any honest person is saying let's do this carefully and not throw our money away."

[From The New York Times, Mar. 19, 1993]

HEAD START IS CRITICIZED, EVEN BY ITS FRIENDS

(By Jason DeParle)

WASHINGTON, March 18—At the moment of its crowning political success, Head Start, the lavishly praised preschool program, is suddenly being subjected to quibbles, criticisms and outright assaults.

President Clinton has extolled the program as an example of Government at its best and is asking Congress to increase financing by more than $9 billion over the next five years, which could double the program's size by then.

But several Government and academic reports, some new and some newly emphasized, say the program suffers from considerable management problems and has not produced the results that some of its supporters have long claimed.

AN AWKWARD SITUATION

The debate has created an awkward situation for some Head Start advocates, who are celebrating the program as a grand success while acknowledging that it needs some patching up. Or, as Helen Blank, a lobbyist at the Children's Defense Fund, puts it, "The program is the greatest program ever, and it needs some strengthening."

Mr. Clinton has said that every dollar spend on the program will bring $3 in future cost savings. But his arithmetic derives from a single study of a different preschool program, not Head Start.

Studies of Head Start have typically found that most of its academic benefits wear off after three years, with children who attend the program then performing no better than those who did not.

Supporters of the program contend that it also produces other benefits, like bringing improved health care to children and better social services to their families. But two unpublished Government reports suggest that these benefits may have been misreported and exaggerated, and they suggest that a larger Head Start program may have difficulty finding qualified teachers and adequate buildings.

In addition, the program has received some strong, if affectionate, criticism from one of its most eminent supporters, Edward Zigler, a psychologist at Yale University who helped found it.

In recent weeks, Mr. Zigler has repeatedly said that he thinks only about half the nation's 1,400 Head Start programs are of high quality, while about a quarter are "marginal" and the rest are so poorly run that they are doing virtually nothing to help the children.

Some of these problems have been quietly recognized for years. But they are now receiving new attention in a debate that is no longer simply about an effort to teach children their colors but a virtual referendum on the efficacy of Government programs.

Mr. Zigler's frank remarks are intended to bring more support to the program, in the form of higher teacher salaries and more intensive social services. But even if such improvements occur, Mr. Zigler has said, he thinks the program's benefits will continue to fade after several years unless significant improvements are made in the public school system.

Some Congressional conservatives have seized on the criticisms to oppose Mr. Clinton's proposal and paint the President as a spend-happy liberal who is wasting taxpayers' money.

THE CRITERIA CHANGE

Part of the confusion over the program's accomplishments stems from the fact that Head Start has been justified on different and shifting grounds.

Some supporters emphasize the program's immediate effect on a child's academic skills. Others say that while those benefits wear off, the program produces important health benefits and social skills. And still others emphasize the effect the program has on parents both in encouraging them to be involved in their children's education and in offering them jobs as instructors.

The most recent round of conflict centers on two draft reports from the Inspector General at the Department of Health and Human Services. The reports, which have not been made public, question the extent to which the program is improving children's health or bringing new services to their families.

DISPUTE ON IMMUNIZATION

The report examined the files of 3,100 children in 80 different Head Start programs. While Head Start officials have contended that 88 percent of the enrolled children are fully immunized, the investigators said the records showed complete immunizations for only 43 percent of the children.

They said they were unsure whether the remaining children were missing their immunizations or whether, the programs had simply not recorded them. The report also found that only 28 percent of the families enrolled received most or all of the social services they need.

A second report also questioned the ability of the system to accommodate a sudden large expansion, saying that 40 percent of the programs had recently experienced problems in hiring qualified staff, more than a quarter had been unable to enroll eligible children and a third had major problems in finding enough space for an expanded program.

Officials at the Department of Health and Human Services are disputing some of the findings. "It is our feeling that this overstates the problem," said Avis Lavelle, a department spokeswoman. She said the discrepancy in immunization rates was probably due to poor records, not missing services.

But she added, "Let me be very clear in saying this. We acknowledge that there are problems in terms of uneven quality in the delivery of services."

BIGGER AND BETTER BOTH?

Mr. Clinton has pledged to add $1.8 billion next year to the $2.8 billion currently being spent, but has not said how the money will be spent. This sets the stage for a fight between those most eager to expand the program's enrollment and those who want to improve its quality. "The discussions are really just beginning," said an Administration official involved in them.

Mr. NICKLES. I will just read a couple of paragraphs from these articles:

"Others, including the founder of Head Start"—they are talking about Mr. Zigler—"warn it may be expanded too fast and that one in three of the preschool centers is so poorly run it is a waste of money."

It also cites "* * * a Cato Institute study that showed that new research is 'raising doubts about the efficacy of Head Start.'"

I will read another quote, and this is by Mr. Zigler. It says: "Why put a lot of kids in a program that is no good?" He said. "Until the program has reached a certain minimum level of quality, they shouldn't put one more kid in it." He estimated that 35 to 40 percent of the Head Start centers are "high quality."

Mr. President, I am not an expert on this program. I have supported Head Start in the past and I know of some programs in my State that are doing a good job and I compliment them for it. But I will conclude with this last sentence——

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DOMENICI. I yield an additional minute to the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized for 1 additional minute.

Mr. NICKLES. Talking about Mr. Zigler, "Common sense, tells people it is a good idea to give disadvantaged preschoolers vaccinations, food and phonics lessons. But," Zigler added, "any honest person is saying let's do this carefully and not throw our money away."

Mr. Zigler is the founder of the Head Start Program. He is saying we should do a better job with the money we are spending before we throw away additional resources. I happen to think he is correct.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who seeks time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

Mr. President, it is so interesting to listen to my friends here on the floor talk about Mr. Zigler. He was the founder of the Head Start Program. He was the one, in 1969, when the Westinghouse study came in—which was a poor study, under a Republican administration, with Secretary Richardson—who was able to persuade the President to continue the program.

Then in 1980 he did another study, analyzing the Head Start Program, talking about its benefits and about its needs, talking about the importance of not just adding more children but the importance of quality of those programs and strengthening the parental involvement and talking about follow-through programs. The administration for 10 years ignored those recommendations.

Then in 1990 we have this study of the Head Start Program making a series of recommendations again, and the Bush administration abolished them.

The issue here is we have a good program and we have to make it better. We hear the opponents say: Look, what is happening to those children is we are not having the adequate followthrough. That is the problem with the schools, not the Head Start Program.

Mr. President, we had allocated in 1990, when George Bush signed that program, full funding. It passed here unanimously. President Bush supported that program. Now under President Clinton we say we want to do what President Bush signed on to do, and we will take 4 more years in doing it. And now the opposition party is saying no way.

Mr. President, it just does not make sense. We understand the importance of taking the Chapter 1 Program, which we will be reauthorizing this year, taking the recommendations of the other studies that have been made on this program to strengthen it, enhance it. But it comes with poor grace, Mr. President, from those who have refused to take the recommendations of Mr. Zigler on this, to distort and misrepresent his position.

I had the opportunity to talk with him 15 minutes ago and he said he deplored those individuals who were distorting and misrepresenting his position on this issue.

Mr. President, I reserve the remainder of my time and I ask unanimous consent to have a number of letters and materials in support of the Head Start printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

YALE UNIVERSITY,
New Haven, CT, March 9, 1993.

Hon. EDWARD KENNEDY,
Chairman, Senate Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: In view of your long history of commitment to and effective advocacy for our nation's Head Start program, I wanted to share with you the enclosed letter signed by 16 scholars and early childhood experts. As you will read, these experienced professionals enthusiastically support President Clinton's proposal to fully fund and strengthen Head Start.

I look forward to continuing to work with you on efforts to make quality Head Start services available to every child in need of them.

Cordially,

EDWARD ZIGLER,
Sterling Professor of Psychology.

MARCH 4, 1993.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: We the undersigned enthusiastically endorse President Clinton's proposal to strengthen and fully fund Head Start. We urge you to work to ensure that his proposal is approved by the Congress, sending a strong signal to the nation that our government recognizes the importance of investing in our children's development and potential.

Expanding Head Start is the best way to guarantee that all children enter school ready to learn. The program supports both young children and their families through a range of comprehensive services. Evidence from research clearly demonstrates that high quality comprehensive preschool programs yield substantial long-term benefits for low-income children, promoting their healthy development and future success.

We strongly support the Administration's commitment to make the resources available to strengthen the quality of Head Start, and are pleased to see their emphasis on this important issue. For too many years, Head Start programs have been pushed to expand enrollment without sufficient attention to improving quality.

Head Start has many excellent programs and some that need strengthening. The fact that some Head Start programs need improvement cannot and should not be used as an excuse for delaying, whittling down, or opposing the President's effort. The proposed investments are urgently needed now, both to further strengthen Head Start's quality and to expand the program so that all eligible children can participate.

Therefore, we urge you to support President Clinton's full funding request for Head Start. Fulfilling the promise of full funding is long overdue, and is a necessary step in helping America's disadvantaged children get the foundation they need to be tomorrow's leaders, taxpayers, and productive citizens.

Sincerely,

Dr. J. Lawrence Aber, Associate Professor of Clinical and Developmental Psychology, Columbia University.

Dr. Ernest Boyer, President, The Carnegie Foundation for the Advancement of Teaching.

Dr. T. Berry Brazelton, Professor of Pediatrics, Harvard Medical School.

Dr. Urie Bronfenbrenner, Jacob Gould Schurman Professor of Human Development and Family Studies, Cornell University.

Dr. Robert Cooke, Chairman, Scientific Advisory Board, Joseph P. Kennedy Foundation and Chairman, Head Start Planning Committee.

Dr. Eugene Garcia, Dean of Social Sciences, University of California, Santa Cruz.

Dr. Edmund W. Gordon, John M. Musser Professor of Psychology Emeritus, Yale University.

Dr. Sharon Lynn Kagan, Senior Associate, Bush Center, Yale University.

Drs. Craig and Sharon Ramey, Directors, Civitan International Research Center and Professors, University of Alabama, Birmingham.

Dr. Julius B. Richmond, Professor of Health Policy Emeritus, Department of Social Medicine, Harvard Medical School.

Dr. Sandra Scarr, Commonwealth Professor of Psychology, University of Virginia, Charlottesville.

Ms. Lisbeth Schorr, Director, Harvard University Project on Effective Services.

Dr. David Weikart, President, High/Scope Educational Research Foundation.

Dr. Sheldon H. White, Professor of Psychology, Harvard University.

Dr. Katherine Taaffe Young, Assistant Director, Task Force on Meeting the Needs of Young Children, Carnegie Corporation of New York (affiliation for identification purposes only).

Dr. Edward Zigler, Sterling Professor of Psychology, Yale University.

THE WHITE HOUSE,
Washington, DC, March 11, 1993.

REMARKS BY THE PRESIDENT TO CHILDREN'S DEFENSE FUND CONFERENCE

The PRESIDENT. Thank you very much. Ladies and gentlemen; distinguished members of the Children's Defense Fund board; Secretary Reich and Secretary Riley—did you see the way Secretary Reich rushed out when they said the President of the United States? (Laughter.) That's not true; I pushed him through the door so I could get a laugh out of it. (Laughter.)

My dear friend, Marian Wright Edelman, as usual, your introduction has left me nothing to say. (Laughter.)

I will say this: I know a lot of people will come here and tell you how much they appreciate people who are children's advocates; not very many people appreciate it enough to marry one—and I did. (Laughter and applause.) I also have savaged the ranks of the CDF board. My wife had to resign because she was married to a presidential candidate. And then Donna Shalala had to resign because I gave here a job. (Laughter.) Which on Sunday, she'd probably rather swap for being chair of the Children's Defense Fund board.

I am delighted to be here. I look out on this crowd and I see many old friends that—you know, a lot of people ask me what it's like to be President. And I don't know if I can explain it, but it is different. [Laughter.] And the other day—people either want to walk around on tippy-toe or take a baseball bat and whack your head off. There seems to be nothing in between. And the other day Hillary had a number of people into the White House on the first floor to some sort of meeting. And I got off on the floor and I had to go someplace else. And all of a sudden, all these people were there. And I walked out into this crowd and I started shaking their hands. And the guy who was with me said, "Oh, Mr. President, I'm so sorry that you had to deal with all those people." I said, "That's all right, I used to be one." (Laughter.)

I hope I will be again some day. (Laughter.) Meanwhile, I'm going to depend on you and the American people to keep me just as close to humanity as I possibly can.

I've just come from a remarkable event in Maryland with a number of members of the Congress who are friends of the Children's Defense Fund. We were there—Secretary Reich was there with me; we flew back. And we were at a plant that belongs to Westinghouse. It used to be a defense plant and it is increasingly becoming a domestic technology plant. And we went there to announce an economic conversion program to try to help more people who are losing their jobs from military cutbacks either in the private or the public sector find new opportunities moving toward the economy of the 21st century. (Applause.)

This is a very important thing. We've been reducing defense since 1985, and no nation would so reduce one sector of its economy that provided so many high-wage, high-growth jobs that was on the cutting edge of new technology. No other nation would ever have done what we've done with no clear strategy but what to do with all those resources, all those people, to try to help to build our economic base. So we will continue to reduce defense, as we must, but we're trying to plan for the future of those people and those incredible resources.

I saw military technology turn into an electric car that will drive over 80 miles an hour and which may hold the promise of ending our dependence on foreign oil and cleaning up our atmosphere. I saw a police car with a computer screen with visual imaging developed for defense technology, which can now be used immediately to transmit to police officers who have it pictures of missing children immediately while they're in their car. (Applause.) I saw a plane with radar technology which just came back from dealing with the difficult incident in Waco, Texas; and another plane—defense technology—another plane with a different sort of technology now which can be put on all of our commercial air flights to detect wind shears, which is one of the major causes of airline misfortunes now among commercial airlines.

I say all this because—everybody says, well, that's a great idea, and it's self-evident, and why haven't we been doing this. But it is simply reflective of a problem we have had in this country for some time, which is that we have undervalued the importance of increasing the capacity of our people. We have talked a lot about a lot of things in America, but when you strip it all away and you look at where we have been sort of out of sync with many other countries and with where we have to go in the future, it is clear that on a broad range of areas, we have simply undervalued the importance of making a commitment to the idea that we don't have a person to waste, that everybody counts, and that what you can do affects not only your future but mine as well. (Applause.)

These, of course, are the arguments that the Children's Defense Fund has been making since its inception in its struggles to get a better deal for America's children. They have become far more important arguments in the last decade.

In 1985, a remarkable thing happened, a thing altogether laudatory in our country: our senior citizens became less poor than the rest of us—a thing we can be proud of. People used to have to live in absolute agony wondering what would happen to their parents. You still do if you have long-term care problems. But most elderly people now, because of Social Security and supplemental security income and Medicare, can look forward to a security—and because of the pension reforms of the last several years, can look forward to a security in their later years that 10 or 20 or 30 years ago was utterly unheard of. And it is really a testimony to the farsightedness of our country.

However, at the same time, in the same decade, we began to experience a new class of poor people who were dramatically undervalued. They were little children and their poor parents—usually their single poor parents. And they had no advocates in many councils of power. If it hadn't been for the Children's Defense Fund and a few others who walked with them through life, many of the good things which have been done would not have been done, and all the things which were done were not enough to reverse the trends of the 1980s when the elderly became less poor and the children became more poor.

Now, because many of you in this room have continued this fight, and because of the decisions the American people made in the last election, we once again have a chance to invest in the hopes and the dreams of our children. (Applause.)

I have asked the United States Congress to embrace a program that recognizes, as was said earlier, that we have two big deficits in this country. We have a huge budget deficit, but we also have a huge investment deficit. It was a cruel irony of the last 12 years that we not only took the government debt from \$1 trillion to \$4 trillion, with annual deficits now in excess of \$300 million projected for the next few years unless we change it, but we found a way in all of that to actually reduce our investment in our future at the national level.

How could it happen? Well, it happened because of a big military buildup, it happened because of a big tax cut early, it happened because health care costs have been completely out of control, it happened because an underperforming economy didn't produce many revenues. But it happened also because there were not enough people who said we must constantly invest in the most important thing in a modern society—the capacity of the people to be healthy and strong and good.

So you have all these anomalies. The United States, the world's strongest economy, has the third worst record in the Western

Hemisphere for immunizing its children against preventable childhood diseases. The United States, a country that has dominated the economy of the world for the last half a century, has higher rates of adult illiteracy and school dropout and dysfunction among adults than most of its major competitors, and the highest rate of incarceration of any country in the world—something we rank first in.

That bespeaks our inability to make the diversity of our country a source of strength instead of weakness, and to deal with the stark dilemmas of poverty in ways that at least give the children a chance to do better. Well, now we have a chance.

The good news is we know a lot about what works. We've known for years through clear studies that, though not perfect, Head Start and WIC and immunizations really do make a difference. We know that if you give children a better life and you strengthen their families, you make the economy stronger and you free up money to be spent on things like that economic conversion program I just visited today.

We know that if we focus on people and their capacities, it really does work. That's why I was really pleased that the first bill I signed was the Family and Medical Leave Act because it will, even to those who oppose it, make their businesses more productive, not less, by securing family life and making it possible for people to be good parents. (Applause.) That's why the long-term economic plan and the short-term economic stimulus I asked the Congress to embrace includes funds to put our people first for 700,000 summer jobs for young people; for the beginnings of summer Head Start programs where they don't exist; for beginning to set up the infrastructure of immunization where it isn't so that we can start to do the work that has to be done.

We have simply got to invest in our people in ways that work. Marian has already said it, but I will reiterate—this budget is funded by the Congress, will fully fund Head Start and WIC—(applause)—will create a network of immunization efforts which will permit us to finally immunize our little children against preventable childhood diseases. (Applause.) Something that will save, over the long run, ten bucks for every dollar we put into it. How do you explain—I mean, how can you possibly justify to anybody, that our country with the power of it's economy, that produces the vast majority of vaccines produced anywhere in the world, is better only than Bolivia and Haiti in this hemisphere in immunizing our children?

And you know, you have to have a certain core of immunization to make sure that there will be no outbreak of diseases. We are dangerously, perilously close to falling below that core of immunized children in many different areas. This is a big deal, folks.

So I hope that we will have this attitude now, that we ought to invest as we cut the deficit. The plan that I presented to the Congress reduces the deficit dramatically, has 150 specific budget cuts, starts with an example from the White House staff. We cut the staff in the next fiscal year 25 percent below the staffing levels that I found when I came. We cut $9 billion out of the administrative costs of federal agencies. And I mean they're real cuts; they're going into the budget. They cannot be escaped. (Applause.)

I'm glad you're clapping for that, you know, because the people that are attacking me act like anybody that wants any money from the government just loves all that bureaucracy you have to put up with. I know better. (Laughter and applause.)

We also raised some tax money. I saw the proof of an article by David Stockman coming out in a magazine soon which talked about how the clear problem is that the tax base of this country was dramatically, fundamentally and permanently eroded in 1981; that Social Security's about the same percentage of gross national product today as it was back in 1981.

So we have to raise some more money if we want to reduce the debt. But we also try to reverse the investment gap in things that you didn't come here to talk about, like transportation and clean water and better sewage systems, and things that will strengthen the environment and put people to work and increase our productivity. (Applause.) And things like community development operations to add jobs to high unemployment areas; in national service, which Marian mentioned, and in other areas that will increase the capacity of people to work, to grow, to learn, to flourish.

Now, there are people, believe it or not, who, number one, don't want to pass a stimulus package at all because they say the economy's great. That's because most people in Washington are employed. Talk to them about that, will you. (Laughter.) And who think that this program would be even better if it didn't have any new investment at all.

Now, to be fair to those people, there are basically three lines of attack—you're going to the Hill; I want you to know I need your help. I need your help because there are a lot of people without jobs, there are a lot of people without adequate jobs. Most of the new jobs created in this last round—365,000 last month—hallelujah, that's great. But more than half of them were part-time jobs that don't have health care benefits for the kids and the families. (Applause.)

You need to know what they are saying—the people against whom you must argue. They will say, number one, we can cut the deficit even more if we just didn't have any investment. Or if we didn't take—pass any of the President's spending programs, we could cut the deficit as much and raise taxes less.

The problem with that argument is those people think there is absolutely no difference between putting another child in Head Start and keeping somebody working in an agency when the job is no longer needed and can be phased out, in supporting a regulatory apparatus that has long since lost its justification, in funding a pork barrel project that can't possibly be justified. In other words, these people think anything the government spends is equally bad. Educating a kid to go to college is the same as continuing the subsidy for sheep or any other program. No difference. Government spending is government spending is government spending. There is no difference.

Now, do you believe that in your own lives?

Q. Noooo.

The PRESIDENT: No, I mean, in your lives. If you take home a check every month, is it the same whether you spend it on making a house payment, making a car payment, saving money for your child's education, or just paying for an extra helping at dinner? Of course not. There are distinctions in the relative impact of how you spend your pay, how your business invests its money, and how your government invests your money. And so when people tell you there's no difference, tell them that's wrong. (Applause.)

And then there is a crowd that says, well, these programs don't really make any difference; Head Start doesn't work and there's no proof Head Start works. Now, this is an interesting argument. (Laughter.) These people say—most of those who think there's no proof Head Start works still believes trickle-down economics did. (Applause.)

Until I proposed phasing in the full funding of this program, many of those who themselves objected had previously voted to expand it. To be fair, President Bush praised Head Start at every turn. A few years ago, Senator Dole introduced his own legislation to expand it. Sure, there are serious criticisms rooted in the fact that this is not a new program. There are people who say it's not evenly good across the country. That is true. There are people who say it could be managed better. That's true. There are people who say that cognitive improvements don't always last more than two years after children stop attending, depending on where they are. That's true.

One big deal is how strong the parents' involvement really is. There are those who say—(applause)—there ought to be more school-based programs or more home-based programs, and we've worked hard on that at home. All that's true. That is not an excuse not to fully fund Head Start. (Applause.)

Our programs will serve more children, but it will also strengthen the quality of Head Start and put some flexibility back into the program so that it can meet the needs of the different communities that are served. But those who choose to ignore the overwhelming evidence of the program's success have an obligation to tell us why more children with high self-esteem and better grades and better thinking skills and better predictable long-term performance is such a bad idea. I think it's a great idea. (Applause.)

But we must, in fairness to the criticisms, become our own most severe critics. That's where you come in, because all of you live out there where these programs work. You could give a better criticism of what's wrong with most of these public programs that those who don't want to find them. Most of you could. So tell them you know it is up to us to be our own most severe critics.

I just asked the Vice President to review every program in the government; come back to me in six months with all kinds of other things that we can stop doing or that we can modify, or that we can push back to people at the grassroots level. If we who believe in government don't have the courage to change it, we cannot expect those who don't to help us in our efforts. (Applause.)

And this is just the beginning. Just two days ago I asked Secretary Shalala to draft a new child welfare initiative to combine family support and family preservation services—(applause)—to do more to build on the work of Senator Rockefeller and Congressmen Matsui and Congresswoman Shroeder; and to do more for families at risk, especially those at risk of foster care placement, even as we try to strengthen our efforts to enforce child support enforcement for those who have been abandoned by one parent. (Applause.)

Now, there is a third argument against this effort. There are those who say, yes, Head Start's a good deal; WIC is a good deal. The immunization's a good deal; and yes, we ought to invest as opposed to consume. There is a distinction to be drawn in the way this money is spent and investment is better—investment in our children, our future. But we still ought not to do it because we need even more deficit reduction.

And let me say, that is an argument you must treat with respect. We have gone from a $1-trillion deficit to a $4-trillion deficit in 12 years. We have imposed a crushing burden on the present, and a bigger one on the future. And if you think about it, it's really an income transfer. Now that we're spending 15 cents of every dollar you pay the government—most of you are middle class people—and we spend 15 cents of every dollar you pay the government paying interest on the debt. Those bonds are largely held by upper income people. So there are now a lot of liberals in the Congress who are rethinking their old positions on things like the mechanisms by which we move to balance the budget on the theory that we're spending all this money having an income transfer from middle-class taxpayers, lower-income taxpayers, to people who hold the bonds because we didn't have the discipline to run our budgets better.

And if we don't do something about the deficit—we just keep on spending like we are—by the end of the decade, your annual debt will be $653 billion a year. The interest service will be about 22 cents of your tax dollar. Twenty cents on the dollar of every dollar in America, public and private, will go to health care. So we have to change.

But my answer to those who say, well, let's just don't invest because this deficit is such a big problem, is, number one, we got into this mess over 12 years, and we have more than four years to get out of it. (Applause.) Number two, we are reaping the benefits of the clear and disciplined and determined effort that the congressional leadership has now agreed to make with me to bring the deficit down. We have interest rates at very, very low rates. We have the stock market back up.

People say, hey, this thing is going to work. All of you can now look at whether you should refinance your home or your car. Businesses should refinance their debt. If we get all this debt refinanced in the next year, that will add $80 to $100 billion back in our economy. We are reaping the benefits of a disciplined program to reduce the deficit today. But if we do not also at the same time recognize that for 12 years we have ignored our obligations to invest in our jobs, in our people, in our education, if we don't do that we will pay for that neglect tomorrow, just like we're paying for yesterday's neglect today. We can do both things. (Applause.)

There's another argument you need to make—and I'm speaking for my wife now, as well as for me—which is that if you just cut out all these programs that we believe in, if you just cut them plumb out, you'll still have an increase in the deficit again, starting in about five years, because of the explosion in health care costs. The real, ultimate answer to the deficit problem is to bring health care cost in line with inflation and provide a decent system of health care for all Americans. (Applause.)

And we can do that. So, with discipline, with a willingness to both cut and tax, with a willingness to reduce consumption expenditures and increase investment in our future, we can do the things that we have to do. But we can't walk away from any of our challenges and expect the results America needs. If we walk away from the health care challenge, it doesn't matter what they do on all these other cuts, you'll be swallowed up in debt five or six years again—if we walk away from the health care challenge.

If we walk away from the challenge to raise some more revenues and cut the spending we must, we'll lose control of our economic destiny even if we spend more money on the programs you want. You'll be raising and educating healthier, more well-educated kids to a weaker economy.

But if we reduce the deficit and we forget about the fact that in the world we live in, the only thing that really counts is people, every factory can be moved overseas. Three trillion dollars in money crosses national lines every day. Everything is mobile except us; we're here, we don't want to move. (Laughter.) All we've got's each other now in America. (Applause.)

That's what we've got. And if we ignore that, we don't think those little kids that live in the Mississippi Delta, in my home state, many of whom never see a dentist the whole time of their childhood, need a better shot in life because of us as well as them; if we don't believe that those kids that are sitting out there in the barrios in Los Angeles, in the black community, in the Hispanic community, in the Asian-American community, waiting for the resolution of the Rodney King trial only because it stands for everything else that ever happened to them—(applause)—not because of the trial but because of what it stands for—if we don't think that we need to prove that a county like Los Angeles County with people from 150 different racial and ethnic groups can live together and learn together and grow together and if they play by the rules can have the right to earn a decent living, and we don't think that effects the rest of us, we haven't learned very much in the last 12 years. (Applause.)

And so I ask you to do this: I ask you to go to the Congress and ask them to support this program. And go with respect, because I promise you most of these people are trying to come to grips with the dilemmas of this time. And they have gotten one big message; that is that we made a horrible mistake to let the deficit get out of hand like we did in the last 12 years. And they deserve respect for getting that message. And they now have a President who will take the lead and face some of the heat for the unpopularity of the decisions which have to be made. Go with respect for that. Say you had to do that and we respect that. (Applause.)

But remind them that out in the country where you live, bringing down the deficit is important if it gives people jobs and raises people's incomes, and if there are people out there who can seize the opportunities of the future. And what you represent is the future. You represent the needs of the people who will not be able to perform even with a sensible economic policy unless we do better in health care, in education, and in dealing with the needs of our poorest children. That is what you represent. None of this other stuff will amount to a hill of beans unless we put the American people first in all of these decisions.

That is the message I plead with you to bring to the Congress. (Applause.) Thank you, and God bless you all.

REPORTS ADVOCATING DEMOCRATIC SCHEME OF FULL FUNDING FOR HEAD START

(After 28 Years, Head Start Is Still Rich With Promises—Short On Funding)

"From all perspectives, Head Start works. The problem is that today, a quarter century after Head Start was authorized by Congress, two-thirds of those eligible still are not being served. Over the years literally millions and millions of young children have been ignored. This is inexcusable. How can America continue to justify denying children access to a program that will help them succeed in school and in life, and that will benefit the nation in the long run? It is as unethical as withholding a vaccine that would protect children from a dreaded disease.

"We propose giving all children the right to such a service—with full funding by 1995. This is one peace dividend that would pay off handsomely in the long run."—"Ready to Learn: A Mandate for the Nation (1992)," the Carnegie Foundation for the Advancement of Teaching, Dr. Ernest Boyer, President.

"Children who have not received the care and developmental stimulation that provide a foundation for learning are often at serious risk of experiencing a succession of failures in school. These early experiences of failure can lead to detachment from the educational process and later school drop out. Moreover, the presence in a classroom of even a few children who are unprepared for school can disrupt the class, distract other students, and lessen the teacher's effectiveness, thereby undermining the entire class's educational process.

"The National Commission on Children recommends that all children, from the prenatal period through the first years of life, receive the care and support they need to enter school ready to learn. In particular, we urge that Head Start be available to every income-eligible child in the United States."—"Beyond Rhetoric: A New Agenda for Children and Families," National Commission on Children (1991).

"CED continues to support full funding of Head Start to increase enrollment of all eligible three-to-five-year-olds, and we urge Congress to follow through with the appropriations that will match the full-funding authorization targets by 1994. We also believe that it is equally important that Congress promote the effectiveness of Head Start by ensuring adequate funds for maintaining the quality of services in both new and existing programs.

"We believe that it is more important than ever to act on the knowledge that our children are our future. If we fail to nurture and educate all our children, we will be closing the doors of opportunity to a growing number of young people and excluding them from participation in the mainstream of American life. The cost of failure is enormous, for what is at stake is the survival of our free-enterprise economy, our democratic system, and the American dream itself."—"The Unfinished Agenda: A New Vision for Child Development and Education," Committee for Economic Development (1991).

"In the last few years, various blue-ribbon panels of business and education leaders, governors, and others have for immediate steps to reverse troubling trends among young disadvantaged children. The concerns emerge from evidence indicating that millions of poor young children suffer from inadequate "building blocks" necessary to reach their full cognitive potential. Such disturbing trends pose serious barriers to ensuring a competent and competitive future workforce.

"The reports urge investments in cost-effective, preventive programs for disadvantaged young children as part of a broader "early intervention" strategy necessary for these children to become part of a strong workforce. In particular, these panels have focused on effective programs that serve only a small portion of the eligible children.

"While calling for bold deficit reduction measures, business leaders, governors, and others have urged Congress to target available resources on expanding key effective programs such as WIC and Head Start." "Investing in Young Children," Center on Budget and Policy Priorities (1991).

Other Reports calling for Universal Access to Head Start for eligible 3, 4, and 5 year old children include but are not limited to:

Report of the National Task Force on School Readiness (1992)—chaired by Governor Bill Clinton;

"Leave No Child Behind"—Children's Defense Fund (1992);

"Alive and Well: A Research and Policy Review of Programs for Poor Young Children Children"—National Center for Children in Poverty (1991);

"Concern for Younger Generations"—AARP (1991);

"Head Start: The Nation's Pride, A Nation's Challenge—Silver Ribbon Panel (1990);

National Governors Task Force Report on Children (1989);

"The Common Good: Social Welfare and the American Future"—Ford Foundation (1989);

"To Secure Our Future: The Federal Role in Education"—National Center on Education and the Economy (1989);

"Reclaiming the American Dream: Fiscal Policies for a Competitive Nation"—Council on Competitiveness (1988).

THE BUSINESS COMMUNITY SPEAKS

"The first of the national education goals emphasizes that all children should start school ready to learn. One could argue that this is the most important goal of all because it is the beginning of life, a critical period, that sets the stage for virtually all of an individual's later achievement.

"We must, at a minimum, continue the commitment made last year to fully fund the Head Start program of all eligible 3-5 year olds. To fully fund an enriched Head Start program that could serve 3, 4, and 5 year olds, would be in the range of $6 billion to $7 billion, according to the best estimates available based on current population surveys."—William H. Kohlberg, President, National Alliance of Business.

"We need to make an even larger commitment for the future, the very near future. Head Start should be expanded so that every poor child who needs its comprehensive approach can benefit from it. Among the recommendations in our policy statement is full funding of all eligible three to five year olds by the end of 1994."—Mr. Frank Doyle, Senior Vice President, General Electric.

"We are pleased to see that the principle of early intervention to promote school readiness is now receiving the support it needs and deserves from the highest levels of our political leadership—President Bush and the nation's governors. We continue to support full funding of Head Start to increase enrollment of all eligible 3-5 year olds, and we urge Congress to follow through with the appropriations that will match full funding authorization targets by 1994."—James J. Renier, Chairman and Chief Executive Officer, Honeywell, Inc.

HEAD START: TWENTY-EIGHT YEARS OF ACHIEVEMENT

Every day, in thousands of communities across America, children come to Head Start to learn to work with other children, to receive a rich set of early experiences, and to learn about the world around them. Their parents are encouraged to play an active and central role in their early learning experiences.

Head Start helps children build the confidence and skills they need to succeed in school and to become the leaders, taxpayers, and productive citizens of the future. A Head Start experience for all eligible children is vital to achieving our nation's first education goal—that all children enter school ready to learn.

Head Start is a very special program. It recognizes that in order to thrive, young children must not only have a quality early education, but also must be healthy and well nourished and have their parents actively involved in their learning. The program's multifaceted approach is essential to its success in helping low-income children and families:

Children who have a good preschool experience will be better prepared for school.

Children who are provided breakfast, and enough to eat during the rest of the day, will be better able to concentrate in school and generally more likely to thrive.

Children who are immunized and receive regular check-ups and health care will be healthier, which means they will miss less school and have more energy and heightened attention when they are in class. This can help improve their performance throughout their school careers.

Low-income parents who are struggling to support their children against overwhelming odds receive the help they need to become stronger partners in their children's learning experiences and to take steps toward self-sufficiency themselves.

Low-income communities can draw strength by helping themselves and running their own programs.

Head Start parents read to their children more, and show more interest in their children's reading and writing skills than similar non-Head Start parents. They also have their children help more around the house.

Head Start forges strong and innovative community partnerships. For example, two New Jersey Head Start centers, two federally-funded community health centers, and the Prudential Foundation have worked together to establish satellite clinics at each of the Head Start centers. Head Start children, their siblings younger than six, and other children in the community may receive physical exams, immunizations and certain primary health services in these satellite clinics.

Head Start provides jobs for Head Start parents and community residents. More than a third of its staff are parents of current or former Head Start children.

HEAD START CHILDREN

The children enrolled in Head Start come from a diverse group of families, almost all of whom are struggling to survive on extremely low incomes. Families must have incomes below the federal poverty line to be eligible for Head Start. In 1993, for example, a family of three would have to have a gross annual income of less than $11,900 for their child(ren) to participate in Head Start. Up to ten percent of children may be from families with incomes above the poverty line.

Head Start primarily serves children between the ages of three and five, with the majority of the children being age four. Head Start's Parent and Child Centers and migrant programs provide services to families with infants and toddlers. Children with disabilities make up 13 percent of Head Start's enrollment.

RACE AND ETHNICITY OF CHILDREN IN HEAD START, 1992

Hispanic (23.0%)
Asian (3.0%)
Native American (4.0%)
White (33.0%)
Black (37.0%)

HEAD START'S SPECIAL DIMENSIONS

The Head Start program has changed and improved over time to better meet the needs of low-income children and families. Congress, policymakers, and communities have given the program the opportunity to grow, experiment and learn. The history of the Head Start model is one of adaptation, flexibility, and innovation.

Head Start has served as a national leader in the development and evaluation of innovative early childhood programs for disadvantaged children and their families. The quality and diversity of early childhood development services provided in Head Start has been improved through a wide array of special projects and activities.

Ensuring quality services: A recent national study of various child care and early childhood education settings, funded by the U.S. Department of Education, found that Head Start programs were more likely to meet national accreditation standards for good quality early childhood development programs and to have lower turnover rates than many other early childhood and child care settings. They were also more likely to provide comprehensive services and to involve parents in their children's learning. This quality is maintained by the Head Start Performance Standards which serve as a guide to programs and help them offer high quality services to disadvantaged children and their families.

Credentialing for Head Start Staff: The Child Development Associate (CDA) program, created by Head Start in 1972, helps to insure that a pool of trained staff are available to work with young children. The program provides important training and credentials for workers in Head Start and other child care programs so that they can offer better services to children and families.

Reaching isolated families: Home Start allows isolated families, particularly in rural areas, to receive Head Start's educational, health, and social services at home rather than at a center.

Meeting the needs of diverse children and families: Multicultural and bilingual efforts in Head Start help meet the diverse needs of families and children. Almost one-fourth of children in Head Start are from Hispanic families, and Native-American and Asian children are also represented. Among the recipients of the program are children whose primary language is not English as well as recent immigrants.

Serving children with disabilities: Resource Access Projects provide training materials to Head Start teachers working with children with disabilities, who by law must make up at least 10 percent of Head Start's national enrollment.

Nurturing families with infants and toddlers: Parent Child Centers serve families with young children from birth to age three. These centers help parents learn about the needs of their children and about the supportive services available in the community.

"Head Start has not only helped me directly in the center, but it has helped me outside. I've been able to grow. Being a part of the parent policy council has really enriched my life. Now, I am going to college and I'm seeking a higher education and a better way of life for my children. . . . We have a wonderful staff. We are like a family and we're always helping one another and enriching one another's life. . . . The STEP Program, the Parent Policy Council, the Center meetings, any way that you're involved with other members of Head Start, really helps you to grow . . . really enriches your life. And it's really enriched mine."—A Head Start Parent.

EARLY CHILDHOOD DEVELOPMENT PROGRAMS ARE COST-EFFECTIVE

The positive results of high quality comprehensive early childhood development programs have been documented by study after study and indicate both short- and long-term benefits, especially for children of low-income families. For example:

In the Perry Preschool Project, two groups of low-income three- and four-year olds were randomly selected for follow-up; one group attended the program while the other did not. A comparison of the two groups at age nineteen showed that those enrolled in the program were less likely to be school dropouts, dependent on welfare, or arrested for delinquent or criminal activity. On average, this program saved at least $3.00 for every $1.00 invested.

A similar study by the Institute for Developmental Studies at New York University School of Education tracked participants in an early childhood development program in Harlem. The 178 young people who participated in an extensive program similar to Head Start were found to have benefited significantly in their adult lives. They now are twice as likely to be employed as those who did not participate in such a program. Participants also are more likely to have graduated from high school and to have gone on to some form of post-secondary education.

While these studies were not of Head Start programs, they strongly demonstrate the effect that comprehensive quality programs can have on children's lives. The federal government has not conducted similar long-term studies of Head Start, though research has found that Head Start helps children do better in school and improves their health status. It is clear from all of these research efforts that good quality, comprehensive programs like Head Start can make a difference.

SUPPORT FOR HEAD START IS WIDESPREAD

Over the past 25 years, Head Start has enjoyed tremendous support throughout America. President Clinton pledged in his 1993 State of the Union Address to fully fund Head Start by eligible children still are not served by Head Start. Sufficient funds should be guaranteed so that by FY 1999, all eligible children are able to participate.

Ensuring that Head Start can adapt to meet families' needs

Head Start programs must also have the flexibility to meet the needs of the families they serve and offer them high quality, effective services. In order to accomplish these goals, an investment plan for Head Start must:

Offer full-day, full-year Head Start

Today, most Head Start programs operate on a part-day, part-year basis. This means that many low-income parents who are either working full-time, or are struggling to become self-sufficient and find a job, cannot use the program. Those Head Start programs that want to provide full-time care must put together complex funding packages with federal child care dollars to extend their hours. This makes it exceedingly difficult for Head Start to be able to respond to the needs of families in their communities. Head Start programs should be able to offer the choice of full-day, full-year services so that children do not have to be shifted between numerous caregivers in a single day, and so that children of low-income working parents can participate.

Make Head Start available during the summer months

The majority of Head Start programs close during the summer months. Low-income children typically do not have summer camp or other special programs awaiting them, and thus many are left to play on streets that are becoming increasingly dangerous. Others spend endless hours in vacant lots or empty and overheated apartments, in some cases cared for by siblings as young as six or seven years old.

Allowing Head Start to remain open during the summer benefits children, their families, and low-income communities. Children will be better able to sustain the gains that they have made during the school year, and will have access to the many essential services (such as health care and nutritional meals) that Head Start provides. They will also have a safe and stimulating haven during the long summer. Furthermore, their parents will be able to continue to receive the important services they need—such as access to assistance in dealing with problems such as inadequate job skills or illiteracy or substance abuse.

Help families with infants and toddlers

Head Start serves primarily three- and four-year-olds, but is designed to allow local areas the flexibility to meet the needs of their communities. Research is clear that most effective programs for low-income children begin early in a child's life. Given the extraordinary stresses faced by today's poor families—such as substance abuse and homelessness—and the dearth of services available for families with very young children, it is more important than ever before that help be made available to families of infants and toddlers.

HEAD START'S QUALITY AND EFFECTIVENESS

Head Start is this nation's premier early childhood program. It builds on what we know works for children, catching health and developmental problems early and involving parents in their children's learning. Yet opponents of Head Start are seeking to delay, whittle down, or even defeat President Clinton's proposal to fully fund the program by raising concerns about the program's quality and effectiveness.

While a few critics of Head Start question the program's quality, there are many excellent Head Start programs around the country. A recent study by the U.S. Department of Education found that Head Start programs are much more likely than other early childhood programs to provide comprehensive services such as health care and nutritious meals, and to involve parents in their children's learning. It also found that Head Start programs are more likely to meet national accreditation standards for good quality early childhood programs than many other early childhood and child care programs.

As might be expected from a program that is serving more than 700,000 children through nearly 1,400 grantees, some Head Start programs need improvement. The weaknesses of these programs often can be traced directly to past federal policies which increased substantially the numbers of children participating in Head Start without adequate attention to quality. Responding to the concerns of the Head Start community, Congress took a series of important steps in 1990 to improve quality. The new Administration is committed to building upon these steps to make sure that Head Start meets its full potential.

We know that Head Start and programs like Head Start work for low-income children and their families. Research has found that children enrolled in Head Start are less likely to be in special education classes or retained in grade. Head Start also improves children's health and nutritional status, provides a strong source of support for their parents, and helps parents become more actively involved in their children's learning. While the federal government has not conducted long-term studies of Head Start, studies of other high quality comprehensive early childhood programs repeatedly have shown that such programs can help low-income children do better in school and go on to lead more productive lives.

The fact that some Head Start programs need improvement cannot and should not be used as an excuse to oppose full funding for Head Start—in fact, the President's proposal is needed now precisely to strengthen program quality while also enabling all eligible children to participate.

HEAD START: THE NATION'S PRIDE, A NATION'S CHALLENGE

EXECUTIVE SUMMARY

Head Start approaches its 25th anniversary with an impressive record of achievement and a new set of challenges. Over the years, Head Start has provided comprehensive services including health, education, parent involvement and social services to more than 11 million children and their families. The program has proven to be a sound investment in our nation's future and has received widespread support from parents, the general public, policymakers and the business community.

Since 1965, the importance of effective early childhood programs has grown and the demands on Head Start services have increased. During the past 25 years, the percentage of children living in poverty has escalated at an alarming rate. Today, American families are much more likely to have working mothers and to be headed by single parents. At the same time, problems such as substance abuse and homelessness pose serious threats to child development and family life.

Despite these new challenges, funding for this very successful program has fallen far short of meeting the needs of poor children and families. Inadequate funding is a serious barrier to protecting program quality, expanding enrollment and encouraging services that are more responsive to today's families. Furthermore, although new funding streams for early childhood programs have emerged, they do not come close to filling the gap for critically needed high quality comprehensive services or for establishing a cohesive early childhood system.

To meet these challenges and to build on Head Start's success, the Silver Ribbon Panel recommends that the federal government:

Invest in the quality of Head Start to ensure that the program provides effective comprehensive services to children and families.

We believe that ensuring the quality of Head Start should be the top priority. Immediate steps should be taken to increase staff compensation and training; expand the program's capacity to provide family support and developmentally appropriate practice; and improve facilities, transportation and program oversight. A portion of Head Start funding should be earmarked for such improvements.

Increase funding so that all eligible children who need Head Start can participate and local programs can provide services that meet the needs of today's families:

We believe that all eligible children in need of Head Start services should have access to high quality programs. Since we know that low-income children and families today have a variety of needs, our vision of Head Start includes expanded enrollment and service delivery that is more responsive to such diversity. This means providing additional program options, including full day, and allowing multiple years of service that may begin at a younger age.

Provide leadership to build a more coordinated and effective system of services for children and families through collaboration and research:

We see Head Start becoming a model of quality, a catalyst for change and a source of innovation within a network of services for young children and families. This vision calls for increased efforts to promote collaboration and research. Collaboration should focus on continuing the progress made in Head Start as children move on to public school, fostering linkages, between Head Start and other early childhood programs, building the supply of and access to other human services, and enlisting the support of the business community.

The panel endorses three broad principles regarding Head Start funding. First, it is a federal responsibility to ensure adequate resources for program improvement and expansion. This means making Head Start a priority in the national budget and providing federal leadership to encourage other public and private investments in the Head Start program.

Second, Head Start expenditures per child should be increased. Expenditures must be adequate enough to meet program quality and flexible enough to meet local needs. Third, Head Start expansion must be accompanied by the continuation, improvement and expansion of other early childhood and human services needed by low-income families.

We conclude by suggesting the establishment of a formal Head Start advisory committee to consider the recommendations set forth by the panel and advise on long range plans. We believe that such an ongoing group would help ensure that the spirit of this 25th anniversary will move Head Start successfully into the twenty-first century.

Actual Head Start Funding History: 1991, $1.95 billion; 1992, $2.2 billion; 1993, $2.8 billion; 1994, 0.

1990 Head Start Reauthorization Funding Targets: 1991, $2.38 billion; 1992, $4.2 billion; 1993, $5.9 billion; 1994, $7.67 billion.

Clinton Head Start Full Funding Plan: 1994, $4.15 billion; 1995, $4.97 billion; 1996 $5.81 billion; 1997 $6.74 billion; 1998, $7.67 billion.

Currently, Head Start funding is less than 50 percent of amount the Congress authorized for 1993 in the 1990 Reauthorization;

President Clinton has set us on a responsible course by laying out an investment strategy designed to achieve in 1998—what the Congress authorized for 1994;

PROJECT HEAD START STATISTICAL FACT SHEET

Head Start budget	Fiscal year 1992 actual	Fiscal year 1993 appropriation
Local Head Start projects:		
Projects in States and territories	$1,967,107,000	$2,497,788,000
Native American and migrant programs	153,755,000	185,308,000
Total	2,120,862,000	2,683,096,000
Support activities:		
Training and technical assistance/special projects for children with disabilities	47,076,000	58,588,000
Research, demonstration and evaluation	8,500,000	8,899,600
Monitoring/program review	5,402,000	5,702,000
Transition	20,000,000	20,000,000
Total	2,201,800,000	2,776,289,600

Note.—Number of grantees (fiscal year 1992), 1,370.

OTHER FACTS

The program is administered by the Administration for Children, Youth and Families (ACYF), Administration for Children and Families (ACF), Department of Health and Human Services (DHHS).

Grants are awarded by the DHHS Regional Offices and the ACYF Native American and Migrant Program Branches to local public agencies, private non-profit organizations and school systems for the purpose of operating Head Start programs at the community level.

During the 1991–1992 operating period Head Start programs report that:

13.4 percent of the Head Start enrollment consisted of children with disabilities (mental retardation, health impairments, visual handicaps, hearing impairments, emotional disturbance, speech and language impairments, orthopedic handicaps and learning disabilities).

82 percent of the Head Start teachers had degrees in early childhood education or had obtained the Child Development Associated (CDA) credential.

578 programs operated a home based program. Home based services were provided to 44,630 children by 4,396 home visitors.

33.8 percent of the staff were parents of current or former Head Start children. Over 606,000 parents volunteered in their local Head Start program.

94.7 percent of Head Start families needing social services received social services from Head Start and/or through referrals to other agencies.

68 percent of Head Start families have incomes of less than $9,000 per year and 84 percent have yearly incomes of less than $12,000.

Head Start programs are encouraged to use non-Head Start resources in their communities for Head Start children and their families. Recent data show that 63.1 percent of the Head Start children are enrolled in the Medicaid/Early Periodic Screening Diagnosis and Treatment (EPSDT) program which pays for their medical and dental services.

Parent and Child Centers were initially launched in 1967 to provide comprehensive services to low income families with children up to three years of age. There are 106 Centers currently in operation around the country. The primary objectives of the Head Start Parent and Child Care Center program are the improvement of the overall developmental progress of the child, with emphasis on the prevention of a variety of developmental deficits, increasing parent's knowledge of their own children, enhancing parental skills, and strengthening the family unit.

Transition Projects—thirty-two community based organizations were awarded grants in 1991 to demonstrate effective strategies for supporting children and families as they make the transition from the Head Start program through kindergarten and the first three grades of public school. The organizations include Head Start grantees and public school systems. These projects are testing whether providing continuous comprehensive services to Head Start children will maintain and enhance the early benefits attained by the children and their families.

FISCAL YEAR 1992 STATE ALLOCATIONS

	Dollars	Enrollment
State:		
Alabama	40,020,653	13,012
Alaska	4,434,437	1,067
Arizona	20,728,637	6,179
Arkansas	22,296,763	8,213
California	219,422,605	52,658
Colorado	19,353,453	6,604
Connecticut	18,694,186	5,311
Delaware	4,454,359	1,333
District of Columbia	9,672,836	2,639
Florida	67,551,798	20,567
Georgia	52,224,673	16,080
Hawaii	7,546,861	1,974
Idaho	6,745,366	1,658
Illinois	99,851,613	28,802
Indiana	31,054,289	10,213
Iowa	16,484,282	5,266
Kansas	14,175,344	4,705
Kentucky	38,053,223	12,467
Louisiana	48,205,498	15,804
Maine	9,476,491	3,132
Maryland	27,042,600	7,594
Massachusetts	42,347,763	10,159
Michigan	82,320,773	26,174
Minnesota	24,372,946	7,136
Mississippi	71,861,334	22,343
Missouri	35,641,002	11,972
Montana	6,436,066	1,961
Nebraska	10,284,375	3,154
Nevada	4,000,263	1,073
New Hampshire	4,080,063	1,016
New Jersey	54,531,708	11,688
New Mexico	13,655,100	4,958
New York	153,857,920	34,688
North Carolina	44,259,298	14,083
North Dakota	4,283,464	1,458
Ohio	84,964,311	29,132
Oklahoma	24,077,616	8,977
Oregon	17,759,806	3,885
Pennsylvania	82,449,211	22,414
Puerto Rico	95,628,988	29,031
Rhode Island	6,964,242	2,293
South Carolina	27,716,497	9,025
South Dakota	5,421,037	1,691
Tennessee	39,270,696	12,481
Texas	113,611,730	36,394
Utah	10,668,599	3,403
Vermont	4,556,353	1,129
Virginia	33,134,302	9,455
Washington	27,533,158	6,361
West Virginia	18,959,237	5,842
Wisconsin	31,052,342	9,665
Wyoming	3,370,992	1,128
Outer Pacific	6,252,538	5,439
Virgin Islands	4,293,601	1,422
American Indian	65,914,802	17,559
Migrant Programs	87,839,902	27,211
Total	2,120,862,000	621,078

Enrollment:	
Fiscal year 1992	621,078
Projected for fiscal year 1993	721,268
Ages (percent):	
Number of 5-year-olds and older	7
Number of 4-year-olds	63
Number of 3-year-olds	27
Number under 3 years of age	3
Racial/ethnic composition (percent):	
American Indian	4
Hispanic	23
Black	37
White	33
Asian	3
Number of classrooms:	
Fiscal year 1992	31,254
Projected for fiscal year 1993	36,300
Average cost per child:	
Fiscal year 1992	3,415
Projected for fiscal year 1993	3,720
Staff:	
Paid staff: (fiscal year 1992)	109,345
Projected for fiscal year 1993	126,984
Volunteers: (Fiscal year 1992)	950,175
Projected for fiscal year 1993	1,105,454

PROJECT HEAD START

	Enrollment	Congressional appropriation
Fiscal year:		
1965[1]	561,000	$96,400,000
1966	733,000	198,900,000
1967	681,400	349,200,000
1968	693,900	316,200,000
1969	663,600	333,900,000
1970	477,400	325,700,000
1971	397,500	360,000,000
1972	379,000	376,300,000
1973	379,000	400,700,000
1974	352,800	403,900,000
1975	349,000	403,900,000
1976	349,000	441,000,000
1977	333,000	475,000,000

PROJECT HEAD START—Continued

	Enrollment	Congressional appropriation
1978	391,400	625,000,000
1979	387,500	680,000,000
1980	376,300	735,000,000
1981	387,300	818,700,000
1982	395,800	911,700,000
1983	414,950	912,000,000
1984	442,140	995,750,000
1985	452,080	1,075,059,000
1986	451,732	1,040,315,000
1987	446,523	1,130,542,000
1988	448,464	1,206,324,000
1989	450,970	1,235,000,000
1990	540,930	1,552,000,000
1991	583,471	1,951,800,000
1992	621,078	2,201,800,000
1993	[2] 721,268	2,776,289,600

[1] Summer only

[2] Projected enrollment for fiscal year 1993.

Note.—A total of 13,140,000 children have been served by the program since it began in 1965.

TABLE B.—*Fiscal year 1992 Head Start enrollment*

Region I:	
Connecticut	5,311
Maine	3,132
Massachusetts	10,159
New Hampshire	1,016
Rhode Island	2,293
Vermont	1,129
Total	23,040
Region II:	
New Jersey	11,688
New York	34,688
Puerto Rico	29,031
Virgin Islands	1,422
Total	76,829
Region III:	
Delaware	1,333
District of Columbia	2,639
Maryland	7,594
Pennsylvania	22,414
Virginia	9,455
West Virginia	5,842
Total	49,277
Region IV:	
Alabama	13,012
Florida	20,567
Georgia	16,080
Kentucky	12,467
Mississippi	22,343
North Carolina	14,083
South Carolina	9,025
Tennessee	12,481
Total	120,058
Region V:	
Illinois	28,802
Indiana	10,213
Michigan	26,174
Minnesota	7,136
Ohio	29,132
Wisconsin	9,665
Total	111,122
Region VI:	
Arkansas	8,213
Louisiana	15,804
New Mexico	4,958
Oklahoma	8,977
Texas	36,394
Total	74,346
Region VII:	
Iowa	5,266
Kansas	4,705
Missouri	11,972
Nebraska	3,154
Total	25,097
Region VIII:	
Colorado	6,604
Montana	1,961
North Dakota	1,458
South Dakota	1,691
Utah	3,403
Wyoming	1,128
Total	16,245
Region IX:	
Arizona	6,179
California	52,658
Hawaii	1,974
Nevada	1,073
Outer Pacific	5,439
Total	67,323
Region X:	
Alaska	1,067
Idaho	1,658
Oregon	3,885
Washington	6,361
Total	12,971
Indians	17,559
Migrants	27,211
National total	621,078

Final State tables

Fiscal year 1992:	
Connecticut	$18,694,171
Maine	9,476,482
Massachusetts	42,347,733
New Hampshire	4,080,060
Rhode Island	6,964,235
Vermont	4,556,350
New Jersey	54,531,674
New York	153,857,818
Puerto Rico	95,628,902
Virgin Islands	4,293,597
Delaware	4,454,355
District of Columbia	9,672,828
Maryland	27,042,577
Pennsylvania	82,449,145
Virginia	33,134,274
West Virginia	18,959,220
Alabama	40,021,964
Florida	67,552,007
Georgia	52,222,062
Kentucky	38,053,187
Mississippi	71,861,269
North Carolina	44,259,257
South Carolina	27,716,471
Tennessee	39,270,659
Illinois	99,851,528
Indiana	31,054,260
Michigan	82,320,697
Minnesota	24,372,925
Ohio	84,964,226
Wisconsin	31,052,313
Arkansas	22,296,739
Louisiana	48,205,452
New Mexico	13,655,086
Oklahoma	24,077,589
Texas	113,610,274
Iowa	16,484,267
Kansas	14,175,330
Missouri	35,640,966
Nebraska	10,284,366
Colorado	19,356,537
Montana	6,436,060
North Dakota	4,282,718
South Dakota	5,421,032
Utah	10,670,343
Wyoming	3,370,989
Arizona	20,728,619
California	219,422,451
Hawaii	7,546,855
Nevada	4,000,259
Outer Pacific	6,252,522
Alaska	4,434,434
Idaho	6,745,361
Oregon	17,759,794
Washington	27,533,139
Fiscal year 1993 estimate:	
Connecticut	$21,987,000
Maine	11,147,000
Massachusetts	49,606,000
New Hampshire	4,848,000
Rhode Island	8,187,000
Vermont	5,311,000
New Jersey	64,188,000
New York	181,234,000
Puerto Rico	112,579,000
Virgin Islands	5,058,000
Delaware	5,248,000
District of Columbia	11,398,000
Maryland	32,104,000
Pennsylvania	99,554,000
Virginia	39,442,000
West Virginia	22,228,000
Alabama	47,089,000
Florida	92,336,000
Georgia	66,051,000
Kentucky	45,097,000
Mississippi	83,507,000
North Carolina	54,041,000
South Carolina	32,952,000
Tennessee	47,967,000
Illinois	117,503,000
Indiana	37,803,000
Michigan	106,880,000
Minnesota	30,593,000
Ohio	109,942,000
Wisconsin	40,842,000
Arkansas	26,231,000
Louisiana	62,587,000
New Mexico	18,998,000
Oklahoma	32,148,000
Texas	171,557,000
Iowa	19,600,000
Kansas	17,755,000
Missouri	45,760,000
Nebraska	12,279,000
Colorado	25,566,000
Montana	8,172,000
North Dakota	5,542,000
South Dakota	6,445,000
Utah	12,985,000
Wyoming	4,152,000
Arizona	34,934,000
California	302,307,000
Hawaii	8,893,000
Nevada	6,389,000
Outer Pacific	7,345,000
Alaska	5,230,000
Idaho	8,030,000
Oregon	22,227,000
Washington	37,286,000

Mr. DOMENICI. Mr. President, I would, by way of inquiry, ask my friend—perhaps on his time since I do not have any—where was Congress when all these suggested recommendations for change were made? Did they go to sleep? Congress could have done them, if they wanted to modernize the program. Why do we not modernize it?

Mr. President, I am not here to argue we should not fully fund Head Start. I do not know what level it ought to be funded at. But I doubt very seriously, and I say this to the Senate, that when it comes out of the appropriations process that it is going to be anywhere close to $12 billion in new money for Head Start, because they are going to make some inquiries about it and they are going to spend the money in here—because it is in here for everything, not just Head Start—they are going to spend it on some other programs.

If I were a betting man I would bet with pretty big odds the appropriators will not fund this to the amount that is to be recommended by the President.

This is not a difficult amendment. It should not be contentious. The Republicans have supported Head Start. For those who want to support this proposal this morning, I view their vote as one saying we support Head Start. I do not think you have to vote against it on this side at all. If you want to vote for it, it is saying we support Head Start. It is nothing more, nothing less.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico yields the floor. The Senator from Massachusetts has 2 minutes remaining.

Mr. KENNEDY. I yield that time to the Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized for 2 minutes.

Mr. DODD. Mr. President, in the time that remains, let me make the point that has just been made in a sense by the Senator from New Mexico. This is a program that has enjoyed tremendous bipartisan support over the years. The reason for the amendment is there will be a series of amendments offered calling for freezes across the board, no additional funding, maintaining levels of spending at last year's levels.

I think many of us who believe in reducing spending in certain areas, keeping it even with last year in other areas, and increasing it in certain areas, want to make the point here with this amendment that on this program, on Head Start, we believe more investments are necessary.

We fully understand it may be difficult to achieve the levels of full funding I would like to see or that my colleague from Massachusetts or others would like to see. But it is critically important that on this issue we make it clear—this is a program where we do not believe that spending ought to be maintained at last year's levels or rolled back. We ought to be investing more.

Ed Zigler is a good friend of mine—from Connecticut, of course. We have worked with him on so many programs over the years. Head Start does have some difficulties. The quality need to be improved. We understand that. If you are going to expand the program, as it should have been a decade ago, clearly you want to do more in the area of teachers' salaries, the quality of the program in terms of services available at these sites, how well equipped those sites are, and the like. So there is no question at all as you expand you want to maintain that quality or improve it.

But I suspect, frankly, that those who over the years have been disappointed that Head Start had such support, at the first slight criticism about the program they want to jump on it and suggest we should not go forward and increase appropriations and spending for it.

Mr. President, this amendment, while it does not have the ability to appropriate funds, is an important statement. You cannot be for this and then vote for caps across the board. If you are for Head Start, this is the program you ought to be behind.

Mr. President, I want to reiterate a few points about the history of full funding for Head Start, as well as the program's quality. The concept of providing enough funds to give every eligible child the chance to participate in Head Start is by no means new to this body. In 1990, we authorized funding levels sufficient to do just that. Not one of my colleagues on either side of the aisle opposed that bill. In fact, because there was agreement on these provisions and therefore no need to debate, I had to request special floor time for statements just so this historic moment—so important to millions of poor children and their families—would not go unmarked. So, I say to my colleagues, that the concept embodied in this amendment before us today is something they have wholeheartedly endorsed before.

As I said, there are concerns about Head Start's quality. When I began looking at the program in preparation for the 1990 reauthorization, I realized it had been on starvation rations during the 1980's. The program was expanded with an appallingly low expenditure per child. Training funds for Head Start staff had been cut. Little technical assistance was offered to grantees, who are often vital antipoverty agencies struggling to provide good services to their very needy communities.

So, we addressed this need in the reauthorization legislation, creating a mechanism to ensure a steady stream of funds meant solely to improve quality. We gave Head Start quality an immediate shot in the arm—10 percent of the 1991 appropriation went to quality enhancement. Now, 25 cents of every new dollar that goes to Head Start must be spent on quality improvements: increasing staff salaries which often are at poverty levels, purchasing equipment, repairing buildings, training staff to deal with the difficult problems Head Start families face. We also have required Head Start teachers in every classroom to obtain credentials by 1994 and have increased funding specifically for training.

We are continuing to focus on quality, looking for ways to improve the Department of Health and Human Services' capacity to monitor programs and offer technical assistance. Most important, we now have an administration that takes seriously its mission to administer the program and work with local programs to make Head Start even stronger. Overall, Head Start is a strong program, and we have the basic machinery in place to deal with its problems. Given that, I feel comfortable in moving to extend the program to the poor children and families of America who desperately need its services.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. KENNEDY]. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] and the Senator from West Virginia [Mr. ROCKEFELLER], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. LOTT], and the Senator from Alaska [Mr. STEVENS], are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 84, nays 12, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—84

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Thurmond
Warner
Wellstone
Wofford

NAYS—12

Danforth
Dole
Faircloth
Gregg
Hatch
Helms
Kassebaum
Nickles
Packwood
Roth
Smith
Wallop

NOT VOTING—4

Lott
Mikulski
Rockefeller
Stevens

So the amendment (No. 183) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, last night we voted on the Nickles-Shelby amendment eliminating the Btu tax. We had an opportunity to save jobs, to keep our U.S. businesses competitive, and to help the United States.

Consumers, especially middle- and lower-income families—rural families from facing another tax bill.

FARMING

We had an opportunity to help keep our farms from going broke. Farming is a tough business.

Farmers must face the unpredictability of mother nature, the uncertainty and instability of foreign markets and Government redtape.

The Btu tax will add to those difficulties.

For an average 430-acre corn farm, the direct costs from the Btu tax for farm fuel use and fuel used to dry grain, amounts to $800 per year.

For a typical Kansas farm with 700 acres of wheat and 300 acres of milo, the direct fuel costs alone would range from $900 to $1,300 per year.

In western Nebraska, a 2,700-acre Summer-Fallow wheat farm would pay an additional $1,000 in direct fuel taxes.

These are very conservative estimates that do not include the added cost for irrigation, fuel-intensive inputs such as fertilizer, and home heating. If you add those costs, the estimates would easily double.

Not only does the farmer take a double hit in both added fuel costs and input costs, he also gets hit at the grain elevator when he sells his crop.

For those producers isolated from either a river terminal or export terminal—such as in western Kansas—prices received are discounted to reflect the cost of transporting that grain to its ultimate destination. Increased transportation costs from the Btu tax will be passed on to that farmer, resulting in lower farmgate prices.

But what makes this tax especially unbearable is that farmers cannot simply pass these costs on to someone else. Farmers are price-takers—all of the costs of this misguided tax proposal will be passed on to them in the form of higher input costs and lower commodity prices.

NOT JUST FARMERS

But it is not just farmers, it is everyone.

Kansas City Power & Light estimates that in Kansas, the President's Btu tax proposal will cost over $51 million.

That translates to rate increases of approximately 5.9 percent for residential customers, 6.44 percent for stores, shopping centers, office buildings, and 9.4 percent for manufacturing concerns.

A higher tax could force many small trucking companies into bankruptcy. By raising the cost of transportation this raises the costs of goods.

The National Association of Manufacturers estimates that at a minimum, one-third of the total Btu tax will fall directly on manufacturing firms. According to their estimates, we stand to lose over 600,000 jobs.

Our economy cannot afford job losses.

DO NOT KNOW THE DETAILS

Mr. President, I have focused on the effects of the Btu tax as we know them today. Tomorrow the cost to farmers, businesses, consumers could be double, triple, or worse.

In reality, we do not know exactly how this tax works. We do not know where the tax is imposed—on oil for example, does the producer pay the tax? Does the refiner pay before or after the refining process? Is it assessed at the refinery rack? Do the wholesalers or retailers pay the tax? Or is it the consumers who pay? Ultimately it will be the consumers who pay higher prices.

We do not know what fuels are exempt. There are meritorious cases for exemptions—farmers, home heating oil, the list goes on, and once we start the exemption route what will that do to the gasoline tax? Anything not exempt will get a higher tax.

We understand that the administration is still trying to make it work. They may never figure it out and then we are stuck with raising some $73 billion.

From where? From taxpayers.

I commend Senators NICKLES and SHELBY for offering this important amendment and look forward to eliminating the tax during reconciliation

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Iowa [Mr. GRASSLEY] is to be recognized.

Mr. SASSER. Mr. President, before moving into the discussion and debate on the Grassley amendment, I entered into a discussion earlier this morning with the minority staff director of the Budget Committee, and I am confident he has advised the distinguished ranking member of our problem. We have a number of Senators who could be accommodated in catching airplanes, if we could move the vote that is scheduled now for 11:35 back 10 minutes to 11:25. I ask my friend from New Mexico, if he has any objection to that taking place? I suggest that we simply shave 5 minutes off either side. Apparently, because of an airline schedule, a number of Senators on our side would be accommodated, and I suspect some on your side would be also.

Mr. DOMENICI. Why do we not start the debate, and I will talk a little bit on my side and get back to him, perhaps in the middle of the debate, and give an answer. I lean toward trying to do it, because I understand the scheduling problem, but I have to talk to the leader.

Mr. SASSER. I thank the Senator.

AMENDMENT NO. 184

(Purpose: To freeze nondefense discretionary spending across the board for five years)

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself, Mr. NICKLES, Mr. BOND, Mr. BURNS, Mr. D'AMATO, Mr. COVERDELL, and Mr. HATCH, proposes an amendment numbered 184.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 11, decrease the amount on line 15 by $800,000,000.

On page 11, decrease the amount on line 16 by $500,000,000.

On page 11, decrease the amount on line 23 by $1,400,000,000.

On page 11, decrease the amount on line 24 by $1,000,000,000.

On page 12, decrease the amount on line 7 by $2,000,000,000.

On page 12, decrease the amount on line 8 by $1,500,000,000.

On page 12, decrease the amount on line 15 by $2,600,000,000.

On page 12, decrease the amount on line 16 by $2,100,000,000.

On page 12, decrease the amount on line 23 by $2,100,000,000.

On page 12, decrease the amount on line 24 by $2,500,000,000.

On page 13, decrease the amount on line 9 by $500,000,000.

On page 13, decrease the amount on line 10 by $300,000,000.

On page 13, decrease the amount on line 16 by $1,000,000,000.

On page 13, decrease the amount on line 17 by $800,000,000.

On page 13, decrease the amount on line 23 by $1,500,000,000.

On page 13, decrease the amount on line 24 by $1,200,000,000.

On page 14, decrease the amount on line 5 by $2,000,000,000.

On page 14, decrease the amount on line 6 by $1,700,000,000.

On page 14, decrease the amount on line 12 by $2,500,000,000.

On page 14, decrease the amount on line 13 by $2,200,000,000.

On page 14, decrease the amount on line 20 by $200,000,000.

On page 14, decrease the amount on line 21 by $100,000,000.

On page 15, decrease the amount on line 3 by $300,000,000.

On page 15, decrease the amount on line 4 by $200,000,000.

On page 15, decrease the amount on line 11 by $500,000,000.

On page 15, decrease the amount on line 12 by $400,000,000.

On page 15, decrease the amount on line 19 by $600,000,000.

On page 15, decrease the amount on line 20 by $500,000,000.

On page 16, decrease the amount on line 2 by $800,000,000.

On page 16, decrease the amount on line 3 by $700,000,000.

On page 16, decrease the amount on line 11 by $800,000,000.

On page 16, decrease the amount on line 12 by $400,000,000.

On page 16, decrease the amount on line 19 by $1,500,000,000.

On page 16, decrease the amount on line 20 by $1,000,000,000.

On page 17, decrease the amount on line 2 by $2,100,000,000.

On page 17, decrease the amount on line 3 by $1,600,000,000.

On page 17, decrease the amount on line 10 by $2,800,000,000.

On page 17, decrease the amount on line 11 by $2,300,000,000.

On page 17, decrease the amount on line 18 by $3,600,000,000.

On page 17, decrease the amount on line 19 by $2,900,000,000.

On page 18, decrease the amount on line 2 by $100,000,000.

On page 18, decrease the amount on line 3 by $100,000,000.

On page 18, decrease the amount on line 10 by $300,000,000.

On page 18, decrease the amount on line 11 by $200,000,000.

On page 18, decrease the amount on line 18 by $400,000,000.

On page 18, decrease the amount on line 19 by $400,000,000.

On page 19, decrease the amount on line 2 by $600,000,000.

On page 19, decrease the amount on line 3 by $500,000,000.

On page 19, decrease the amount on line 10 by $700,000,000.

On page 19, decrease the amount on line 11 by $700,000,000.

On page 19, decrease the amount on line 19 by $200,000,000.

On page 19, decrease the amount on line 20 by $100,000,000.

On page 20, decrease the amount on line 2 by $300,000,000.

On page 20, decrease the amount on line 3 by $200,000,000.

On page 20, decrease the amount on line 10 by $400,000,000.

On page 20, decrease the amount on line 11 by $400,000,000.

On page 20, decrease the amount on line 18 by $600,000,000.

On page 20, decrease the amount on line 19 by $500,000,000.

On page 21, decrease the amount on line 2 by $700,000,000.

On page 21, decrease the amount on line 3 by $700,000,000.

On page 21, decrease the amount on line 11 by $500,000,000.

On page 21, decrease the amount on line 12 by $400,000,000.

On page 21, decrease the amount on line 19 by $1,000,000,000.

On page 21, decrease the amount on line 20 by $1,200,000,000.

On page 22, decrease the amount on line 2 by $1,400,000,000.

On page 22, decrease the amount on line 3 by $2,000,000,000.

On page 22, decrease the amount on line 10 by $1,800,000,000.

On page 22, decrease the amount on line 11 by $2,900,000,000.

On page 22, decrease the amount on line 18 by $2,300,000,000.

On page 22, decrease the amount on line 19 by $3,900,000,000.

On page 23, decrease the amount on line 3 by $200,000,000.

On page 23, decrease the amount on line 4 by $100,000,000.

On page 23, decrease the amount on line 11 by $500,000,000.

On page 23, decrease the amount on line 12 by $200,000,000.

On page 23, decrease the amount on line 19 by $700,000,000.

On page 23, decrease the amount on line 20 by $400,000,000.

On page 24, decrease the amount on line 2 by $900,000,000.

On page 24, decrease the amount on line 3 by $600,000,000.

On page 24, decrease the amount on line 10 by $1,100,000,000.

On page 24, decrease the amount on line 11 by $800,000,000.

On page 24, decrease the amount on line 20 by $1,100,000,000.

On page 24, decrease the amount on line 21 by $300,000,000.

On page 25, decrease the amount on line 3 by $2,100,000,000.

On page 25, decrease the amount on line 4 by $1,200,000,000.

On page 25, decrease the amount on line 11 by $3,100,000,000.

On page 25, decrease the amount on line 12 by $2,200,000,000.

On page 25, decrease the amount on line 19 by $4,100,000,000.

On page 25, decrease the amount on line 20 by $3,200,000,000.

On page 26, decrease the amount on line 2 by $5,200,000,000.

On page 26, decrease the amount on line 3 by $4,200,000,000.

On page 26, decrease the amount on line 11 by $600,000,000.

On page 26, decrease the amount on line 12 by $300,000,000.

On page 26, decrease the amount on line 18 by $1,200,000,000.

On page 26, decrease the amount on line 19 by $900,000,000.

On page 26, decrease the amount on line 25 by $1,800,000,000.

On page 27, decrease the amount on line 1 by $1,500,000,000.

On page 27, decrease the amount on line 7 by $2,400,000,000.

On page 27, decrease the amount on line 8 by $2,100,000,000.

On page 27, decrease the amount on line 14 by $3,100,000,000.

On page 27, decrease the amount on line 15 by $2,700,000,000.

On page 27, decrease the amount on line 22 by $100,000,000.

On page 27, decrease the amount on line 23 by $100,000,000.

On page 28, decrease the amount on line 5 by $300,000,000.

On page 28, decrease the amount on line 6 by $300,000,000.

On page 28, decrease the amount on line 12 by $400,000,000.

On page 28, decrease the amount on line 13 by $400,000,000.

On page 28, decrease the amount on line 19 by $500,000,000.

On page 28, decrease the amount on line 20 by $500,000,000.

On page 29, decrease the amount on line 2 by $700,000,000.

On page 29, decrease the amount on line 3 by $700,000,000.

On page 30, decrease the amount on line 24 by $800,000,000.

On page 30, decrease the amount on line 25 by $400,000,000.

On page 31, decrease the amount on line 6 by $1,400,000,000.

On page 31, decrease the amount on line 7 by $800,000,000.

On page 31, decrease the amount on line 13 by $2,000,000,000.

On page 31, decrease the amount on line 14 by $1,200,000,000.

On page 31, decrease the amount on line 20 by $2,700,000,000.

On page 31, decrease the amount on line 21 by $1,700,000,000.

On page 32, decrease the amount on line 2 by $3,400,000,000.

On page 32, decrease the amount on line 3 by $2,200,000,000.

On page 32, decrease the amount on line 11 by $100,000,000.

On page 32, decrease the amount on line 18 by $200,000,000.

On page 32, decrease the amount on line 25 by $300,000,000.

On page 33, decrease the amount on line 7 by $400,000,000.

On page 33, decrease the amount on line 14 by $500,000,000.

On page 33, decrease the amount on line 21 by $700,000,000.

On page 33, decrease the amount on line 22 by $600,000,000.

On page 34, decrease the amount on line 5 by $1,300,000,000.

On page 34, decrease the amount on line 6 by $1,200,000,000.

On page 34, decrease the amount on line 13 by $1,900,000,000.

On page 34, decrease the amount on line 14 by $1,800,000,000.

On page 34, decrease the amount on line 21 by $2,600,000,000.

On page 34, decrease the amount on line 22 by $2,400,000,000.

On page 35, decrease the amount on line 5 by $3,200,000,000.

On page 35, decrease the amount on line 6 by $3,100,000,000.

On page 35, decrease the amount on line 14 by $600,000,000.

On page 35, decrease the amount on line 15 by $500,000,000.

On page 35, decrease the amount on line 21 by $1,100,000,000.

On page 35, decrease the amount on line 22 by $900,000,000.

On page 36, decrease the amount on line 3 by $1,600,000,000.

On page 36, decrease the amount on line 4 by $1,400,000,000.

On page 36, decrease the amount on line 10 by $2,100,000,000.

On page 36, decrease the amount on line 11 by $2,000,000,000.

On page 36, decrease the amount on line 17 by $2,600,000,000.

On page 36, decrease the amount on line 18 by $2,500,000,000.

On page 36, decrease the amount on line 25 by $600,000,000.

On page 37, decrease the amount on line 1 by $600,000,000.

On page 37, decrease the amount on line 7 by $1,200,000,000.

On page 37, decrease the amount on line 8 by $1,100,000,000.

On page 37, decrease the amount on line 14 by $1,800,000,000.

On page 37, decrease the amount on line 15 by $1,700,000,000.

On page 37, decrease the amount on line 21 by $2,400,000,000.

On page 37, decrease the amount on line 22 by $2,300,000,000.

On page 38, decrease the amount on line 3 by $3,100,000,000.

On page 38, decrease the amount on line 4 by $3,000,000,000.

On page 38, decrease the amount on line 11 by $100,000,000.

On page 38, decrease the amount on line 12 by $100,000,000.

On page 38, decrease the amount on line 18 by $600,000,000.

On page 38, decrease the amount on line 19 by $600,000,000.

On page 38, decrease the amount on line 25 by $1,600,000,000.

On page 39, decrease the amount on line 1 by $1,600,000,000.

On page 39, decrease the amount on line 7 by $3,000,000,000.

On page 39, decrease the amount on line 8 by $3,000,000,000.

On page 39, decrease the amount on line 14 by $4,900,000,000.

On page 39, decrease the amount on line 15 by $4,900,000,000.

On page 7, decrease the amount on line 8 by $5,000,000,000.

On page 7, decrease the amount on line 9 by $17,000,000,000.

On page 7, decrease the amount on line 10 by $37,000,000,000.

On page 7, decrease the amount on line 11 by $65,700,000,000.

On page 7, decrease the amount on line 12 by $103,900,000,000.

On page 4, decrease the amount on line 17 by $5,000,000,000.

On page 4, decrease the amount on line 18 by $17,000,000,000.

On page 4, decrease the amount on line 19 by $37,000,000,000.

On page 4, decrease the amount on line 20 by $65,700,000,000.

On page 4, decrease the amount on line 21 by $103,900,000,000.

On page 8, decrease the amount on line 7 by $5,000,000,000.

On page 8, decrease the amount on line 8 by $17,000,000,000.

On page 8, decrease the amount on line 9 by $37,000,000,000.

On page 8, decrease the amount on line 10 by $65,700,000,000.

On page 8, decrease the amount on line 11 by $103,900,000,000.

On page 5, decrease the amount on line 1 by $5,000,000,000.

On page 5, decrease the amount on line 2 by $17,000,000,000.

On page 5, decrease the amount on line 3 by $37,000,000,000.

On page 5, decrease the amount on line 4 by $65,700,000,000.

On page 5, decrease the amount on line 5 by $103,900,000,000.

Mr. GRASSLEY. Mr. President, I yield myself such time that I may consume, but I would appreciate it if the person keeping time would let me know when 15 minutes have elapsed.

The ACTING PRESIDENT pro tempore. The chair will do that.

Mr. GRASSLEY. Mr. President, several of my colleagues want time to speak. The cosponsors of my amendment are Senators NICKLES, BOND, BURNS, D'AMATO, COVERDELL, and HATCH. Senator D'AMATO has asked for 10 minutes, and other people want some time to speak for the amendment. I am not going to yield to anybody who wants to speak against it for time off my side. I urge particular members of the Budget Committee to participate in this debate, because this is a very important part of the sound process of people on this side of the aisle, as well as a few on the other side of the aisle, I hope, to get this budget deficit down and under control.

First of all, I remind people on the other side of the aisle that you are in kind of a similar position as I was during the Reagan administration when I made a successful effort in the 1985 budget season to cut defense, freeze defense. We adopted that on a 50 to 49 vote. That vote led to the plateauing of Defense expenditures for the next 5 years. And it cut out all the new money that had been in the Reagan budgets for 1982, 1983, 1984, and 1985. And it finally put us into a position where, starting in 1990, we could builddown defense.

I think on that particular amendment, there were 12 Republicans and 38 Democrats who voted in a bipartisan fashion to freeze the Reagan defense budget. We did it because it was an irresponsible buildup. We needed to spend more money on defense than was being spent in the Carter years. In fact, in the last years of the Carter's administration, they had decided to spend more on defense. They saw the necessity of it. It was just a case of Republicans throwing money at the defense budget.

I fear that we have a new President now, and his party and power in the Congress are going to be throwing money irresponsibly at domestic programs, maybe not quite to the extent that Reagan did in regard to defense, but still irresponsibly so, considering the fact—get this—that we have a $350 billion deficit.

So I am asking people on the other side of the aisle to be willing to be Members of a Congress as an independent branch of the Government that has a constitutional responsibility.

Mr. President, I hope that the Democrats will see themselves in pretty much the same vein, same position as some Republicans saw themselves in under the Reagan administration, and that they will see that the financial situation is even worse now, because we have a $350 billion deficit, and that we have to do more than was ever even done during the 1980's to keep expenditures down.

So I am offering this across-the-board freeze in budget authority for nondefense discretionary savings. This amendment assumes the fiscal year 1993 budget authority totals for each function, for each of the next 5 years. Let me say to my colleagues, particularly on the other side of the aisle, because this decision was made in the other body just last night on the budget they adopted. They adopted as part of their budget the same 5-year across-the-board freeze of nondefense discretionary expenditures as this amendment has. I suggest that that ought to be pretty significant to the people of the other side of the aisle in this body, when they vote on this amendment. It seems to me like if it is OK for the Democrats in the other body, it ought to find a lot of friends on the other side of the aisle in this body.

This amendment would create $104 billion in savings, thereby reducing the debt by that same amount. We do not spend it someplace else. You are not having this Iowa farmer taking some of the money and spending it on the entitlement subsidies for agriculture. We are going to save this money the same way as when we adopted the amendment to freeze the Reagan defense budget in May 1985.

This amendment would also, though, express a sense of the committee and a sense-of-the-Senate that low-income programs in the nondefense discretionary should be held harmless for inflation, so that people who are clients of these programs, who are below the poverty guidelines and cannot afford to absorb inflation, will be held harmless.

Now, of course, the justification for this freeze is simply the size of the debt and the growing size of the debt. As you see, this red line showing how even under the Clinton proposal if adopted as proposed by President Clinton without one change by either body, you are still going to have at the end of 4 years, $5.8 trillion, at the end of 5 years $6.2 trillion if this program goes through just the way President Clinton proposes it.

Now, I want to say that you know I have made a great deal in two speeches on this floor during this debate about how the debt had gone up so much under the first Reagan term, so much under the second Reagan term, and so much under the Bush term, as compared to the $1 trillion that it took 200 years to reach.

You know that makes it sound like the President of the United States is the one that is responsible for the deficit. I always say you can charge a President with maybe lack of leadership when things like this happen but when you get right down to the bottom line of why does it happen the answer to why it happened and how it happened is the Congress of the United States and the Constitution of the United States that gives this body and the other body the power of the purse, and it is a legal fact of life in American processes of government that a President of the United States cannot spend one penny that we in the Congress do not give him the authority to spend.

And so, you know for the first 6 years of the Reagan Presidency there was a Republican Senate and Democratic House. The last 6 years, and you will find a massive increase here, because of the 1990 budget resolution and also with Democrats gaining control of the both Houses of the Congress, the fact is that if anybody thinks that this Republican just blames Republican Presidents, I blame where the Constitution responsibility and power lies and that is with the Congress of the United States appropriating too much money.

I charge Republican Presidents with maybe not vetoing enough bills, or using the jawboning powers they have to suggest to Congress to spend less money or maybe not even proposing lower levels of expenditure in the first place.

The per capita effect of all this debt as of today is $17,600 per man, woman, and child in America. This proposed budget plan by the Democrats, as I totaled it up, would add another $1.4 trillion to that and that would increase the per capita debt for each man, woman, and child in America from the present $17,600 up to $24,400. It is an increase of 39 percent in the debt burden of each American, and I ought to remind people that on an annualized basis that is an 8-percent increase in the debt and we are only going to have 3.8 percent inflation over that same period of time.

So, you know it is one thing to borrow to keep programs going to maybe make up for inflation, but it is quite another and even worse policy to borrow money twice the rate of inflation so that we can spend here and then raise taxes in the process. And you know what we never learn here when we talk about raising taxes or borrowing money to spend more. It is just a simple fact of life that you cannot raise taxes high enough to satisfy the appetite of Congress to spend money and not just during this period of time, but for the last 50 years we have been taxing $1 and spending $1.57. So, you know, we have to do something about our appetite to spend money if we are really going to get this debt under control.

I think that this is more than enough justification, because of this increase in the debt, to take care of the deficit and debt problem before we add new spending, and that is why I am proposing that we freeze and not add new spending and, as I said, this would save $104 billion of the debt.

I am not sure my colleagues are aware of what the deficit baseline does in the outyears, and that is beyond what is on this chart which ends in 1998. It ought to be an absolute shock to all of us what happens and if my colleagues are aware of what happens I hope that they would be shocked. Page 38 of our budget resolution here is called Budget Outlook. I am not going to turn to the page and read from it, but it shows what the deficit will be in just 5 years after this 5-year budget, the 5-year budget that we are working on right now in the Senate. If we take no action, it is going to show that the deficit would be $653 billion in the year 2003, $653 billion.

Now in this budget we see only 5 years out. Obviously, the changes in this budget will lower that deficit number in the year 2003, but if that number starts moving up toward $400 billion, even after we pass this package, we are in big, big trouble.

This is a fantastic growth that is irresponsible and what is even more important is this chart shows the green being what Reagan twice and Bush once thought they were going to have in a deficit, and it ended up this big. This is what Congress thought they were going to have and we based our budgets on this as well, and it came out this much. But you see this is what they had hoped to have and this is what they ended up having. Just to think this is what Clinton hopes to have this as his proposed deficit and if reality follows the path of the last three administrations you know this figure as a matter of reality is going to be much higher, so instead of having $871 billion accumulated for the deficit for 4 years, we are going to have much worse than that.

I think I want to help the other side of the aisle and help candidate Clinton keep his promises. Last summer he said that he would not raise taxes on the middle class if the deficit would grow. Candidate Clinton said he would reduce new spending rather than increase taxes.

The ACTING PRESIDENT pro tempore. The Chair advises the Senator from Iowa he has consumed 15 minutes of his time.

Mr. GRASSLEY. I am going to yield the floor for a few minutes for a response.

Mr. SASSER. Mr. President, I yield 5 minutes to the distinguished Senator from Pennsylvania.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. SPECTER] is recognized for 5 minutes.

Mr. SPECTER. Mr. President, I thank the Chair and I thank my distinguished colleague from Tennessee, the chairman of the Budget Committee, for according me some time to speak this morning.

First, I commend my distinguished colleague from Iowa, Senator GRASSLEY, for his initiative here and his thoughtfulness which is characteristic, and it is with some regret that I oppose the amendment which my friend from Iowa has submitted. I do make this opposition, and I do state this opposition not because I disagree with the objectives which Senator GRASSLEY has articulated but because I think that it is unrealistic, really counterproductive to talk in terms of an overall freeze.

When the distinguished Senator from Iowa talks about his interest in having $104 billion in savings, I agree with him, and it is possible that we might even be able to have more than that in savings, but when the Senator from Iowa talks about a freeze on nondefense discretionary spending, that is a standard which I think the Congress ought not to adopt but instead ought to look at the programs individually to see which ones can be cut and to acknowledge the fact that there are some which may require increases.

I serve as the ranking Republican on the Appropriations Subcommittee of Labor, Health, and Human Services, and Education, and when the chairman of that subcommittee, Senator HARKIN, and I review those voluminous sheets it is an excruciating job to make a determination as to what those allocations ought to be. And there are many of those programs which ought to be cut. There are some of those programs which ought to be increased. And if we approach the budget in terms of a freeze, we are not going to be giving that individual attention.

Illustrative of the kinds of programs which require an increase are the programs like Healthy Start which was put into effect recently after years of intensive effort by this Senator to give prenatal care and postnatal care to young women, many in their teens who are delivering babies which weigh a pound, 18, and 20 ounces, to a child about as big as my hand. It is a human tragedy and a financial heavy cost ranging up to $150,000 per child. Or when you take a look at some of the programs in health care to try to divert some of the medical students away from the specialists and to rural health care, there again is an area where some increased costs may be required. In the labor field when you talk about mine safety, there is a need in some of those areas to have increases.

So I believe what is necessary today, Mr. President, is a very close, hard, analytical look at the budget in its entirety.

As tempting as it is to talk about a freeze, and as good as that may look when the summaries of votes are printed in the newspapers, or as good as it may look on a press release, I believe that it is unrealistic, and especially so, as we look at the fiscal year 1994 budget.

We are facing more problems and more complex issues this year. As we have a new administration with President Clinton and as we have the very heavy proposals on increased taxation and the heavy proposals on new programs, I believe that we absolutely have to tackle the deficit.

I have long supported the line-item veto and a constitutional amendment for a balanced budget. But the way to get there from here is not with any generalizations, as attractive as they may appear on the surface, but, instead, a hard line-by-line analysis, where we will have an eye to cutting programs, but where, realistically, we must look to see what programs may require an increase in funding. And that is the kind of individual analysis which I think the Congress has to undertake this year.

So it is for those reasons, briefly stated, that I am constrained, with reluctance, to oppose the work of my colleague, Senator GRASSLEY.

I have served with him for the 12 years-plus that I have been in the Senate. We sit next to each other on the Judiciary Committee. He has been, for a time, on the Appropriations Committee. His motives are of the best. But I think we are going to have to take a look individually, as opposed to the generalization of a total freeze.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. GRASSLEY. Mr. President, I yield myself 1 minute.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. GRASSLEY] is recognized for 1 minute.

Mr. GRASSLEY. I would like to make a response to my friend from Pennsylvania, and also I see the distinguished chairman of the Appropriations Committee is in the chair as President pro tempore.

I think the important thing to remember is that we are working on a budget. The Senator from Pennsylvania complains that this is going to not give discretion. We are freezing function by function here. It gives the Appropriations Committee an ample opportunity to adjust within the function certain programs to meet the needs of the day. And I admit that those change.

So we are freezing the function number and not the specific program that the distinguished member of the Appropriations Committee is concerned about.

The other thing, I say to the Senator from Pennsylvania and all of my colleagues, including the chairman of the Appropriations Committee, is the fact that the President of the United States himself has suggested that some of these programs not just be frozen, but some of these programs be cut. And you have to deal with that, as well.

So I do not think there is anything egregious or anything that denies too much discretion to the Appropriations Committee in this amendment.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SASSER. Mr. President, I yield such time as the Senator from Pennsylvania may require.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I shall not take long. I do not have too much opportunity to debate with my colleague, Senator GRASSLEY, on the floor. We have quite a few discussions privately, but not too many on the floor. But I do want to make a responsive comment.

When the distinguished Senator from Iowa talks about freezes within functions, that poses the precise problem that I was describing in my earlier 5-minute presentation. There is some flexibility within the functions, but if there is a freeze on the function, you cannot go above that level.

And let me say very emphatically that when we go over these sheets—and I do not think the American people have an idea as to how complicated they are. The Presiding Officer, the distinguished President pro tempore, the chairman of the Appropriations Committee, knows they are enormous. And even within functions we need some flexibility and we need to make a hard analysis.

The difficulty is, if you talk about a freeze, that raises a presumption pretty close to an irrefutable presumption—I do not want to get involved in that too much—that the programs will stay, that they will be retained where they really ought to be cut.

And where my distinguished friend from Iowa—he is talking to another of the survivors of the class of 1980; there are only five of us left—makes a comment about the President wanting to cut some programs, he is making my argument.

If you adopt the Grassley amendment and you have a freeze, then the presumption is that the programs are going to stay at their current level.

I know this is a generalization and you can make modifications within. But I know that argument would be advanced for every program, if there is any possibility of a cut.

So when Senator GRASSLEY comments about what President Clinton has said about cutting, that is precisely the point that this Senator was making earlier.

I know this is a good-faith disagreement, but I hope my colleagues will reject this amendment, notwithstanding the very fine motivation by the proposer of the amendment.

I thank my colleague from Tennessee.

Mr. SASSER. I thank the Senator from Pennsylvania.

The PRESIDENT pro tempore. The Senator from Tennessee.

Mr. SASSER. I thank the Chair.

The Senator from Pennsylvania, I think, hits the nail on the head. The time for these so-called freezes has passed. The time now is for us to make the hard choices, to make the difficult choices, and decide which programs or which initiatives need to be funded at current services levels, which need to be increased, and which need to be decreased. And, of course, that is something that does not lend itself to a freeze.

One important point of clarification: The freeze that is being proposed here by the distinguished Senator from Iowa, my good friend, is not the same as the House-passed freeze. It is not even close.

I will be getting the difference in numbers here very soon, but just let me make a larger point.

As we now calculate it, we are talking about reducing domestic discretionary spending by about $119 billion over 5 years.

Let me just demonstrate what we are up against. We have just had a vote here on one of the central elements of the Clinton investment package. In that vote, the Senate, by an overwhelming majority—84 to 12—voted to fully fund President Clinton's initiative in the Head Start Program. Twenty-nine Senators from the minority side voted in favor of the President's initiative to fully fund Head Start. Even the sponsor of this freeze amendment, Senator GRASSLEY, just voted in favor of Senator KENNEDY'S amendment in support of additional spending for Head Start.

The President has proposed $14.5 billion in increases above inflation for Head Start over the next 6 years. He proposes to cut the headroom for the Head Start increases. That is precisely what my friend from Iowa is proposing.

This demonstrates that you cannot have it both ways. You cannot say, "I am for a freeze; I want to freeze all these domestic discretionary programs," and then turn around and vote to fully fund Head Start to the tune of $14.5 billion in increases in the Head Start Program over the next 5 years.

Now, what is going to happen on this Grassley freeze initiative here this morning?

Are the 29 Senators on the other side of the aisle who just voted to raise Head Start funding by $14.5 billion between now and 1998, are they now going to come down and vote for the freeze? That is precisely the kind of ploy that causes the American people to lose faith.

I say to my friends on the other side of the aisle, that is precisely why they are not seen as being serious about dealing with the deficit problem or proposing any kind of significant, meaningful alternative to this President's economic proposals or his budget proposals.

President Clinton went before the American people in a joint session of Congress, and he stated specifically what he was going to do. He said: Look, the ox is in the ditch. We have a serious problem in this country. I am not going to blame the minority. I am not going to blame Presidents who came before me. There is enough blame to go around for everybody.

What the President said, quite candidly, and I thought very courageously, was: I am going to play the hand that has been dealt me.

Then he proceeded to lay out to the American people what needed to be done. First, to reduce these gargantuan deficits; and, second, to get our economy moving once again, to make it productive, to make it start creating jobs for our citizens who want work.

He told the American people there is going to have to be some shared contribution from all of us.

Contrast that with these efforts to pick, pick, pick, pick at the President's proposals and his economic reform plan and his budget that is on the floor here today. We have seen no comprehensive alternative. We simply see a pick, pick, pick—pick here, pick there. But there is no plan.

This is the second amendment coming from the minority side, and it is one that simply proposes an unspecified freeze with no specifics whatsoever. I congratulate the Senator for at least spreading his freeze across the functions. But this still does not make the hard choices that are going to have to be made.

Let me just address a question to my friend from Iowa. We have, according to one calculation, approximately $103 billion in an across-the-board freeze coming out of discretionary accounts, according to his proposal. Another calculation we made has $119 billion. So you lower the overall discretionary total by one of those amounts.

Defense makes up over one-half of that total discretionary pot.

Do you contemplate a 55 percent or so—of your freeze or cuts—coming out of the defense budget?

Mr. GRASSLEY. I specifically said, and the amendment is written accordingly, Mr. President, that it is nondefense discretionary expenditure. And the figure is $104 billion.

Mr. SASSER. I thank you for answering my question. You see, here we are with the cold war effectively over, with our only potential opponent, the only other superpower now not only not a superpower, but coming to the United States and the whole so-called free world with its hand out, begging—begging.

Our citizens here in this country are deeply concerned about the education of our children. By any standard we read these days, we find that the students here in this country, the United States, are not getting the same quality of education as students in Japan, students in Germany, students in France, students in Korea. Our people are concerned about education. Yet, with the cold war over, here we have a freeze that cuts money out of discretionary spending and leaves the money for the weapons and the military untouched.

Mr. GRASSLEY. Mr. President, will the Senator yield?

Mr. SASSER. I will be pleased to yield to my friend for a question.

Mr. GRASSLEY. Sure. First of all, remember we are not freezing defense. We are cutting defense in this budget, and have been cutting defense since 1990.

The point you are making in opposition to my amendment—just remember, I have already taken a stand with you on cutting more defense.

Mr. SASSER. I appreciate what you are saying. I yielded for a question.

The PRESIDENT pro tempore. If the Senator will allow the Chair to make an observation, under the rules, the Senators are to address one another through the Chair and in the third person; not in the second person. And the Chair apologizes for the interruption.

Mr. SASSER. I thank the Chair.

Mr. President, what we have before us is a national problem. Some say it is a national crisis.

It is no exaggeration to say it is a national disgrace. And you have but to walk a scant six or seven blocks from this Capitol Building and you will see it. It is the deterioration and decay of our cities. It is a culture that now has become firmly embedded in criminality.

We have in the urban areas of this country a danger that prevents law-abiding citizens from walking the streets. And what we need to deal with these problems is not a freeze across the discretionary spending programs that might bring jobs, that might bring education, that might bring the forces of law and order through the agencies of the Federal criminal justice system to bear on this problem; what we need is not a freeze, what we need is an increase in our efforts in those particular areas.

What about the health of our citizens? That is a very, very serious and very difficult problem, as pointed out earlier by the distinguished Senator from Pennsylvania on the floor, the ranking member of the Health and Human Services Appropriations Subcommittee. He pointed out that there are many areas in the jurisdiction of that Appropriations subcommittee where there need to be increases, not a freeze. And he pointed out clearly if this freeze becomes effective, or if the Senate should approve this freeze, that assumption would carry very great weight in the Appropriations subcommittees themselves.

I say to my colleagues that if there is one thing that is crystal clear in the election this last November, it is that there is a mandate for change in this country. The incumbent President who was defeated in November got—if memory serves me correctly—what, 38 percent of the vote, nationally? I do not remember precisely, but a shockingly small percentage of the American people voted to maintain the status quo; voted to stay the course, to use the slogan that was so popular a few years ago.

No, the American people voted for a change. They want change. They want us to start investing in this country again. The American people are asking us to look homeward. They are asking us to examine what we have neglected right here at home; to do something about our schools and our cities and our health care system, and our rural communities; to do something for the hard-working Americans who have lost their jobs and who cannot find new ones.

So the answer to that carry from the heartland, do we answer that with over 100 billion dollars' worth of indiscriminate, unspecified cuts that are aimed—where? Squarely at home. Squarely at those very targeted investments that 84 U.S. Senators just voted for—for example, to increase funding for this Head Start Program.

President Clinton's investment program is structured to respond to the needs of this country, and that is why the polls are showing that the American people, by over a 2-to-1 margin, are supporting his program even though they know it is going to mean increased contributions from them, increased taxes, if you will. By over 2 to 1 they supported this when contrasted with a program emanating from the other side that says let us just keep it the way it is and not do anything.

Mr. President, this kind of amendment should not be adopted by the Senate. I have great admiration for my friend from Iowa. He knows that. We have collaborated together on many other matters in times past and, I think, worked together very effectively. But I say to my friend from Iowa we have already scaled back the investment package in the original Clinton plan by $40 billion in savings in the Senate Budget Committee Resolution that is on the floor, and we spread it specifically across the board. We did it because we needed to comply with the caps that were in law placed there by the Budget Enforcement Act of 1974 and 1975.

Let me just say this. This deficit reduction package that is before us today, I say to my friend the Senator from Michigan, is massive—is massive—$502 billion in deficit reduction, the largest deficit reduction package in the history of the United States of America.

The President indicated to some of us privately—and now it has been broadcast across the land from this Senate floor so I suppose we can talk about it—that the Prime Minister of Great Britain had expressed concern about the magnitude of this deficit reduction package because of the fiscal drag that it would attach to the economy of the United States.

Now, if we move forward as my friend from Iowa is proposing and tack on another $100 billion to this deficit reduction package, that would in all likelihood create just enough downward force, create just enough fiscal drag to push this economy, which is struggling to come out of recession now, into a tailspin. It is just not well calibrated economically. And we all know what happens when the economy goes into a tailspin, when we fall off into recession. We know what happens. Revenues fall off as unemployment goes up. For every 1 percent the unemployment rate goes up, it costs the Federal Government; it raises the deficit by more than $50 billion.

We have to get this recession behind us and get this economic recovery to creating jobs. So what we have done, in collaboration with President Clinton, is to create a finely calibrated, well-thought-out, relatively precise budget resolution which will reduce the deficit by over $500 billion over 5 years but do it in such a manner that it will not throttle this recovery in the cradle.

Mr. President, may I inquire how much time is remaining on my side?

The PRESIDENT pro tempore. The Senator from Tennessee has 30 minutes remaining.

Mr. SASSER. I will yield the floor now, Mr. President.

Mr. President, before yielding the floor, I see my friend from——

Mr. RIEGLE. I might just inquire of you—I know Senator GRASSLEY is ready to speak. I would like some time, if you could yield it to me.

The PRESIDENT pro tempore. Senators will please address other Senators in the third person, not in the second person.

Mr. RIEGLE. I appreciate the advice of the Chair.

Mr. SASSER. Let me just say, Mr. President, I will be pleased to yield time to the distinguished Senator from Michigan. We have been alternating. Perhaps it would be best, if the distinguished Senator from Iowa wishes to proceed, if we were to yield to him.

Mr. RIEGLE. Before the Senator proceeds, if the Senator from Iowa will indicate how long he may take so I can plan, I would like to be here to be able to speak following the Senator from Iowa.

Mr. GRASSLEY. Mr. President, my plan is to yield 10 minutes to the Senator from Oklahoma. Before that I have two unanimous-consent requests.

Mr. President, I ask unanimous consent to add Senators SMITH and DOLE as cosponsors.

AMENDMENT 184, AS MODIFIED

Mr. GRASSLEY. Second, I ask unanimous consent that my amendment be modified—and this is a technical change—on page 6 to indicate a decrease in each of those amounts.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection to the several requests. They are granted.

The amendment (No. 184), as modified, is as follows:

On page 11, decrease the amount on line 15 by $800,000,000.

On page 11, decrease the amount on line 16 by $500,000,000.

On page 11, decrease the amount on line 23 by $1,400,000,000.

On page 11, decrease the amount on line 24 by $1,000,000,000.

On page 12, decrease the amount on line 7 by $2,000,000,000.

On page 12, decrease the amount on line 8 by $1,500,000,000.

On page 12, decrease the amount on line 15 by $2,600,000,000.

On page 12, decrease the amount on line 16 by $2,100,000,000.

On page 12, decrease the amount on line 23 by $3,100,000,000.

On page 12, decrease the amount on line 24 by $2,500,000,000.

On page 13, decrease the amount on line 9 by $500,000,000.

On page 13, decrease the amount on line 10 by $300,000,000.

On page 13, decrease the amount on line 16 by $1,000,000,000.

On page 13, decrease the amount on line 17 by $800,000,000.

On page 13, decrease the amount on line 23 by $1,500,000,000.

On page 13, decrease the amount on line 24 by $1,200,000,000.

On page 14, decrease the amount on line 5 by $2,000,000,000.

On page 14, decrease the amount on line 6 by $1,700,000,000.

On page 14, decrease the amount on line 12 by $2,500,000,000.

On page 14, decrease the amount on line 13 by $2,200,000,000.

On page 14, decrease the amount on line 20 by $200,000,000.

On page 14, decrease the amount on line 21 by $100,000,000.

On page 15, decrease the amount on line 3 by $300,000,000.

On page 15, decrease the amount on line 4 by $200,000,000.

On page 15, decrease the amount on line 11 by $500,000,000.

On page 15, decrease the amount on line 12 by $400,000,000.

On page 15, decrease the amount on line 19 by $600,000,000.

On page 15, decrease the amount on line 20 by $500,000,000.

On page 16, decrease the amount on line 2 by $800,000,000.

On page 16, decrease the amount on line 3 by $700,000,000.

On page 16, decrease the amount on line 11 by $800,000,000.

On page 16, decrease the amount on line 12 by $400,000,000.

On page 16, decrease the amount on line 19 by $1,500,000,000.

On page 16, decrease the amount on line 20 by $1,000,000,000.

On page 17, decrease the amount on line 2 by $2,100,000,000.

On page 17, decrease the amount on line 3 by $1,600,000,000.

On page 17, decrease the amount on line 10 by $2,800,000,000.

On page 17, decrease the amount on line 11 by $2,300,000,000.

On page 17, decrease the amount on line 18 by $3,600,000,000.

On page 17, decrease the amount on line 19 by $2,900,000,000.

On page 18, decrease the amount on line 2 by $100,000,000.

On page 18, decrease the amount on line 3 by $100,000,000.

On page 12, decrease the amount on line 10 by $300,000,000.

On page 18, decrease the amount on line 11 by $200,000,000.

On page 18, decrease the amount on line 18 by $400,000,000.

On page 18, decrease the amount on line 19 by $400,000,000.

On page 19, decrease the amount on line 2 by $600,000,000.

On page 19, decrease the amount on line 3 by $500,000,000.

On page 19, decrease the amount on line 10 by $700,000,000.

On page 19, decrease the amount on line 11 by $700,000,000.

On page 19, decrease the amount on line 19 by $200,000,000.

On page 19, decrease the amount on line 20 by $100,000,000.

On page 20, decrease the amount on line 2 by $300,000,000.

On page 20, decrease the amount on line 3 by $200,000,000.

On page 20, decrease the amount on line 10 by $400,000,000.

On page 20, decrease the amount on line 11 by $400,000,000.

On page 20, decrease the amount on line 18 by $600,000,000.

On page 20, decrease the amount on line 19 by $500,000,000.

On page 21, decrease the amount on line 2 by $700,000,000.

On page 21, decrease the amount on line 3 by $700,000,000.

On page 21, decrease the amount on line 11 by $500,000,000.

On page 21, decrease the amount on line 12 by $400,000,000.

On page 21, decrease the amount on line 19 by $1,000,000,000.

On page 21, decrease the amount on line 20 by $1,200,000,000.

On page 22, decrease the amount on line 2 by $1,400,000,000.

On page 22, decrease the amount on line 3 by $2,000,000,000.

On page 22, decrease the amount on line 10 by $1,800,000,000.

On page 22, decrease the amount on line 11 by $2,900,000,000.

On page 22, decrease the amount on line 18 by $2,300,000,000.

On page 22, decrease the amount on line 19 by $3,900,000,000.

On page 23, decrease the amount on line 3 by $200,000,000.

On page 23, decrease the amount on line 4 by $100,000,000.

On page 23, decrease the amount on line 11 by $500,000,000.

On page 23, decrease the amount on line 12 by $200,000,000.

On page 23, decrease the amount on line 19 by $700,000,000.

On page 23, decrease the amount on line 20 by $400,000,000.

On page 24, decrease the amount on line 2 by $900,000,000.

On page 24, decrease the amount on line 3 by $600,000,000.

On page 24, decrease the amount on line 10 by $1,100,000,000.

On page 24, decrease the amount on line 11 by $800,000,000.

On page 24, decrease the amount on line 20 by $1,100,000,000.

On page 24, decrease the amount on line 21 by $300,000,000.

On page 25, decrease the amount on line 3 by $2,100,000,000.

On page 25, decrease the amount on line 4 by $1,200,000,000.

On page 25, decrease the amount on line 11 by $3,100,000,000.

On page 25, decrease the amount on line 12 by $2,200,000,000.

On page 25, decrease the amount on line 19 by $4,100,000,000.

On page 25, decrease the amount on line 20 by $3,200,000,000.

On page 26, decrease the amount on line 2 by $5,200,000,000.

On page 26, decrease the amount on line 3 by $4,200,000,000.

On page 26, decrease the amount on line 11 by $600,000,000.

On page 26, decrease the amount on line 12 by $300,000,000.

On page 26, decrease the amount on line 18 by $1,200,000,000.

On page 26, decrease the amount on line 19 by $900,000,000.

On page 26, decrease the amount on line 25 by $1,800,000,000.

On page 27, decrease the amount on line 1 by $1,500,000,000.

On page 27, decrease the amount on line 7 by $2,400,000,000.

On page 27, decrease the amount on line 8 by $2,100,000,000.

On page 27, decrease the amount on line 14 by $3,100,000,000.

On page 27, decrease the amount on line 15 by $2,700,000,000.

On page 27, decrease the amount on line 22 by $100,000,000.

On page 27, decrease the amount on line 23 by $100,000,000.

On page 28, decrease the amount on line 5 by $300,000,000.

On page 28, decrease the amount on line 6 by $300,000,000.

On page 28, decrease the amount on line 12 by $400,000,000.

On page 28, decrease the amount on line 13 by $400,000,000.

On page 28, decrease the amount on line 19 by $500,000,000.

On page 28, decrease the amount on line 20 by $500,000,000.

On page 29, decrease the amount on line 2 by $700,000,000.

On page 29, decrease the amount on line 3 by $700,000,000.

On page 30, decrease the amount on line 24 by $800,000,000.

On page 30, decrease the amount on line 25 by $400,000,000.

On page 31, decrease the amount on line 6 by $1,400,000,000.

On page 31, decrease the amount on line 7 by $800,000,000.

On page 31, decrease the amount on line 13 by $2,000,000,000.

On page 31, decrease the amount on line 14 by $1,200,000,000.

On page 31, decrease the amount on line 20 by $2,700,000,000.

On page 31, decrease the amount on line 21 by $1,700,000,000.

On page 32, decrease the amount on line 2 by $3,400,000,000.

On page 32, decrease the amount on line 3 by $2,200,000,000.

On page 32, decrease the amount on line 11 by $100,000,000.

On page 32, decrease the amount on line 18 by $200,000,000.

On page 32, decrease the amount on line 25 by $300,000,000.

On page 33, decrease the amount on line 7 by $400,000,000.

On page 33, decrease the amount on line 14 by $500,000,000.

On page 33, decrease the amount on line 21 by $700,000,000.

On page 33, decrease the amount on line 22 by $600,000,000.

On page 34, decrease the amount on line 5 by $1,300,000,000.

On page 34, decrease the amount on line 6 by $1,200,000,000.

On page 34, decrease the amount on line 13 by $1,900,000,000.

On page 34, decrease the amount on line 14 by $1,800,000,000.

On page 34, decrease the amount on line 21 by $2,600,000,000.

On page 34, decrease the amount on line 22 by $2,400,000,000.

On page 35, decrease the amount on line 5 by $3,200,000,000.

On page 35, decrease the amount on line 6 by $3,100,000,000.

On page 35, decrease the amount on line 14 by $600,000,000.

On page 35, decrease the amount on line 15 by $500,000,000.

On page 35, decrease the amount on line 21 by $1,100,000,000.

On page 35, decrease the amount on line 22 by $900,000,000.

On page 36, decrease the amount on line 3 by $1,600,000,000.

On page 36, decrease the amount on line 4 by $1,400,000,000.

On page 36, decrease the amount on line 10 by $2,100,000,000.

On page 36, decrease the amount on line 11 by $2,000,000,000.

On page 36, decrease the amount on line 17 by $2,600,000,000.

On page 36, decrease the amount on line 18 by $2,500,000,000.

On page 36, decrease the amount on line 25 by $600,000,000.

On page 37, decrease the amount on line 1 by $600,000,000.

On page 37, decrease the amount on line 7 by $1,200,000,000.

On page 37, decrease the amount on line 8 by $1,100,000,000.

On page 37, decrease the amount on line 14 by $1,800,000,000.

On page 37, decrease the amount on line 15 by $1,700,000,000.

On page 37, decrease the amount on line 21 by $2,400,000,000.

On page 37, decrease the amount on line 22 by $2,300,000,000.

On page 38, decrease the amount on line 3 by $3,100,000,000.

On page 38, decrease the amount on line 4 by $3,000,000,000.

On page 38, decrease the amount on line 11 by $100,000,000.

On page 38, decrease the amount on line 12 by $100,000,000.

On page 38, decrease the amount on line 18 by $600,000,000.

On page 38, decrease the amount on line 19 by $600,000,000.

On page 38, decrease the amount on line 25 by $1,600,000,000.

On page 39, decrease the amount on line 1 by $1,600,000,000.

On page 39, decrease the amount on line 7 by $3,000,000,000.

On page 39, decrease the amount on line 8 by $3,000,000,000.

On page 39, decrease the amount on line 14 by $4,900,000,000.

On page 39, decrease the amount on line 15 by $4,900,000,000.

On page 7, decrease the amount on line 8 by $5,000,000,000.

On page 7, decrease the amount on line 9 by $17,000,000,000.

On page 7, decrease the amount on line 10 by $37,000,000,000.

On page 7, decrease the amount on line 11 by $65,700,000,000.

On page 7, decrease the amount on line 12 by $103,900,000,000.

On page 4, decrease the amount on line 17 by $5,000,000,000.

On page 4, decrease the amount on line 18 by $17,000,000,000.

On page 4, decrease the amount on line 19 by $37,000,000,000.

On page 4, decrease the amount on line 20 by $65,700,000,000.

On page 4, decrease the amount on line 21 by $103,900,000,000.

On page 8, decrease the amount on line 7 by $5,000,000,000.

On page 8, decrease the amount on line 8 by $17,000,000,000.

On page 8, decrease the amount on line 9 by $37,000,000,000.

On page 8, decrease the amount on line 10 by $65,700,000,000.

On page 8, decrease the amount on line 11 by $103,900,000,000.

On page 5, decrease the amount on line 1 by $5,000,000,000.

On page 5, decrease the amount on line 2 by $17,000,000,000.

On page 5, decrease the amount on line 3 by $37,000,000,000.

On page 5, decrease the amount on line 4 by $65,700,000,000.

On page 5, decrease the amount on line 5 by $103,900,000,000.

Mr. GRASSLEY. I yield to the Senator from Oklahoma 10 minutes.

The PRESIDENT pro tempore. The Senator from Oklahoma [Mr. NICKLES] is recognized for 10 minutes.

Mr. NICKLES. I thank the Chair.

I wish to compliment the Senator from Iowa. He has shown consistency and he has shown courage. I might tell the Presiding Officer and my other colleagues that Senator GRASSLEY and I came to the Senate at the same time. I remember a Grassley freeze amendment back in the early 1980's. I remember cosponsoring a Grassley-Nickles freeze amendment with Senator HOLLINGS and a couple other Senators. So the Senator from Iowa has shown great consistency and he has shown great courage on this issue, and I respect that because he did it when it was not popular even on our side of the aisle. I respect somebody who stands for principle and does it consistently and sometimes when it is not an easy thing to do.

I wish to make a couple of comments, Mr. President, in regard to the comments made by the chairman of the Budget Committee. He mentioned that this is a $502 deficit reduction package. Those are his words. They are not the words of the Congressional Budget Office. The Congressional Budget Office has stated that this deficit reduction package totals $458 billion, and it is not the largest deficit reduction package in history. I might mention that in 1990 we had a so-called deficit reduction package which was going to reduce the deficit by $500 billion. I will tell my colleagues that it did not reduce the deficit by $500 billion. What it did, is aggravated a recession. It expanded a recession because of increased taxes.

I also tell my colleagues that the tax increases proposed in this resolution are twice as high as the tax increases proposed in the 1990 budget resolution. I fear that the budget resolution we are getting ready to pass—and I can tell the majority has the votes in order and they are going to pass it. They are going to keep everybody lined up, and they are going to pass this resolution. But I really fear what it is going to do to the coal industry, to the oil and gas industry, to the airline industry, to the farmers and ranchers, to the people who are exporting products. I think this budget and the bill that is going to come out of it as a result of reconciliation are going to put a lot of people out of work.

The Senator from Iowa has an amendment—I had one last night and, unfortunately, we failed by a few votes, but we had our chance, and we had a good debate. I respect the Presiding Officer, the Senator from West Virginia, because he stood on his principles. He has talked about investment ever since I have been in this body, and he talked about it last night and spoke well. And he carried the day.

But the Senator from Iowa has an amendment today which would just cut taxes and spending. It is very straightforward. He says let's cut spending. It may total $104 billion or $119 billion. I hope it is $119 billion, and I hope his amendment will pass. I believe very strongly that we can afford to do it.

I have heard people say, that, if we pass this amendment, we will not have money for education; we will not have it for health; we will not have it for infrastructure; we will not have it for Head Start.

And I might say, for my colleagues that voted for full funding for Head Start, that the budget resolution we have before us right now does not fully fund Head Start. We do not fully fund Head Start in this budget until 1999.

What we do is spend a lot of money in this budget. A lot of times my colleagues lose sight of where we are. This chart refers to the fact that spending has really been increasing. Taxes have been relatively constant for the last couple of years, and spending has been exploding.

Under this budget resolution, we have big taxes, the largest tax increase ever proposed in history; $359 billion in new taxes, $64 billion in tax cuts—most of those will not do anything really for the economy—for a net tax increase of $295 billion. There are also users fees that will really hurt the mining industry and other industries, of $18 billion.

What does this budget due to spending? It contains $124 billion in so-called investments. That is spending, in many cases politician's pork barrel. It cuts spending $131 billion, for a net spending cut of $7 billion.

Let us compare the spending cuts versus the tax increases. The tax increases are $295 billion. The net domestic spending cuts are $7 billion. There is no comparison.

But wait a minute. I thought I heard President Clinton say something different in his State of the Union Speech. I believe that people should be held accountable for what they say. I respect Senators when they say something. I expect they mean it. I expect the President of the United States to mean it. He stated in the State of the Union, that this package was balanced. He said it will have just as much in spending cuts as we will have in tax increases.

Mr. President, those are not the facts. The facts are that this package has $3.85 in tax increases for every $1 of spending cuts. That is not balanced. That is not fair. That is recessionary, in my opinion. The tax increases of 1990 put a lot of people out of work. The tax increases in this package are going to put a lot more people out of work and make a lot more people dependent on Government assistance. I fear that is exactly the route that we are heading.

For those who think this amendment's cut of $119 billion over the next 5 years will just emasculate our ability to spend money, over the next 5 years under the so-called modified budget we are going to spend over $8 trillion. The amendment of the Senator from Iowa would reduce that by $100-plus billion. Big deal.

I look at the amount of new money we will spend on nondefense, and mandatory spending, over the next 5 years compared to 1993. We will spend $1 trillion more in the next 5 years than what we are spending this year.

If we could actually not spend any more than we are spending today, 1993, we could balance this budget. We are now spending $1.5 trillion. There are 12 zeros in a trillion dollars. I know the Presiding Officer understands that. That is equal to $6,000 for every man, woman and child in the United States. That is a lot of money.

But we are not going to spend just that amount of money. Spending will increase dramatically. Nondefense and mandatory, 1994, increases by $67 billion; 1995, $136 billion; 1996, $191 billion; 1997, $267 billion; and by 1998, $356 billion.

That is $1.18 trillion of additional moneys we will spend in nondefense areas just compared to 1993. The Senator's amendment does not say we are only going to spend what we spend in 1993. He says we are going to freeze domestic discretionary. He will allow all the entitlement programs to continue to grow.

I hope we will have an amendment later by me and others that will try to cap entitlements because entitlements are exploding in cost. Medicaid last year, 29 percent growth increase. And this administration is running around handing out hundreds of millions of dollars to States so Medicaid will increase even more. Unemployment compensation grew at 48 percent last year. Not 4.8 percent, I said 48 percent. Yet, Congress has already passed an unemployment extension expanding that $5.8 billion. Did we pay for it? No. That was $5.8 billion. All that did was increase the deficit.

Is it not interesting to note that the net domestic spending cuts over the next 5 years under President Clinton's package, the budget before us, is $7 billion, and we have already spent it. We are spending $5.8 billion increasing the deficit. That already wipes out the net domestic spending.

So really what you have in this package, in the budget package we have before us, is massive tax increases and cutting defense. That is it. That is it. That is it in its totality. What you are looking at doing is really, I think, suffocating our economy.

What the Senator from Iowa says, let's have some spending cuts if we are going to increase taxes $313 billion. Let's at least cut $100 billion in spending. Over the next 5 years we will spend over $8 trillion. Surely we can cut $100 billion. He happens to be exactly right. I compliment the Senator from Iowa, and I hope his amendment will be adopted.

Mr. President, I ask unanimous consent to have several tables printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD as follows:

CBO CAPPED BASELINE

	Growth over 1993					Total
	1994	1995	1996	1997	1998	
Revenues	71	147	212	270	338	1,038
Defense	(19)	(26)	(18)	(11)	(3)	(77)
Non-Defense	11	19	26	34	41	131
Subtotal, discretionary	(8)	(7)	8	23	38	54
Social Security	17	33	49	66	83	248
Other mandatory	30	70	92	131	185	507
Subtotal, mandatory	47	103	141	197	268	756
Offsetting receipts	(4)	(8)	(9)	(11)	(14)	(45)
Debt service	13	33	53	73	95	265
Outlays	48	121	192	281	387	1,030

CBO CAPPED BASELINE—Continued

	Growth over 1993 1994	1995	1996	1997	1998	Total
Deficits	23	26	20	(12)	(50)	8
Addendum:						
Non-Defense and mandatory with interest	67	147	211	292	390	1,107
Non-Defense and mandatory without interest	54	114	158	220	296	842

PRESIDENT'S PLAN—MODIFIED

	Growth over 1993 1994	1995	1996	1997	1998	Total
Revenues	108	193	275	345	412	1,333
Defense	(16)	(21)	(29)	(44)	(41)	(151)
Non-Defense	15	19	28	42	56	159
Subtotal, discretionary	(2)	(2)	(1)	(3)	15	8
Social Security	17	33	49	66	83	248
Other mandatory	31	69	85	120	168	472
Subtotal, mandatory	48	102	134	186	251	720
Offsetting receipts	(6)	(11)	(13)	(15)	(18)	(63)
Debt service	11	27	42	55	67	202
Outlays	51	116	162	222	315	867
Deficits	56	77	113	123	96	466
Addendum:						
Non-Defense and mandatory with interest	67	137	191	267	356	1,018
Non-Defense and mandatory without interest	57	110	149	212	289	816

CBO CAPPED BASELINE

	1993	1994	1995	1996	1997	1998	Total 1994–98	Change 1993–98
Revenues	1,143	1,214	1,290	1,355	1,413	1,481	6,753	338
Defense	294	275	268	276	283	291	1,393	(3)
Non-Defense	253	264	272	279	287	294	1,396	41
Subtotal, discretionary	547	539	540	555	570	585	2,789	38
Social Secuity	302	319	335	351	368	385	1,758	83
Other mandatory	471	501	541	563	602	656	2,862	185
Subtotal, mandatory	773	820	876	914	970	1,041	4,621	268
Offsetting receipts	(65)	(69)	(73)	(74)	(76)	(79)	(370)	(14)
Debt service	198	211	231	251	271	293	1,255	95
Outlays	1,453	1,501	1,574	1,645	1,734	1,840	8,295	387
Deficits	(310)	(287)	(284)	(290)	(322)	(360)	(1,542)	(50)

CHANGE TO BASELINE

	1994	1995	1996	1997	1998	Total 1994–98
Revenues	36	46	63	76	74	295
Defense	3	5	(10)	(34)	(37)	(74)
Non-Defense	4	(0)	2	8	14	28
Subtotal, discretionary	7	5	(9)	(26)	(23)	(46)
Social Security	0	0	0	0	0	0
Other mandatory	1	(1)	(7)	(11)	(17)	(35)
Subtotal, mandatory	1	(1)	(7)	(11)	(17)	(35)
Offsetting receipts	(3)	(3)	(5)	(4)	(4)	(18)
Debt service	(2)	(6)	(11)	(18)	(27)	(64)
Outlays	3	(5)	(31)	(59)	(72)	(163)
Deficits	(33)	(51)	(93)	(135)	(146)	(458)

PRESIDENT'S PLAN—MODIFIED

	1993	1994	1995	1996	1997	1998	Total 1994–98	Change 1993–98
Revenues	1,143	1,251	1,336	1,418	1,488	1,555	7,048	412
Defense	294	278	273	265	250	253	1,319	(41)
Non-Defense	253	268	272	281	295	309	1,424	56
Subtotal, discretionary	547	545	545	546	544	562	2,743	15
Social Security	302	319	335	351	368	385	1,758	83
Other mandatory	471	502	540	556	591	639	2,827	168
Subtotal, mandatory	773	821	875	907	959	1,024	4,585	251
Offsetting receipts	(65)	(71)	(76)	(78)	(80)	(83)	(388)	(18)
Debt service	198	209	225	240	253	265	1,192	67
Outlays	1,453	1,504	1,569	1,615	1,675	1,768	8,132	315

PRESIDENT'S PLAN—MODIFIED—Continued

	1993	1994	1995	1996	1997	1998	Total 1994–98	Change 1993–98
Deficits	(310)	(254)	(233)	(197)	(187)	(214)	(1,084)	96

Note.—Details may not add due to rounding. Includes $12,000,000,000 in stimulus spending.

The PRESIDENT pro tempore. The time of the Senator has expired. Who yields time?

Mr. SASSER. Mr. President, I yield 10 minutes to the distinguished Senator from Arkansas.

The PRESIDENT pro tempore. The senior Senator from Arkansas [Mr. BUMPERS] is recognized for not to exceed 15 minutes.

Mr. BUMPERS. Mr. President, thank you.

I thank my good friend, the distinguished manager of this bill, Senator SASSER, for allowing me to speak for a few minutes on this amendment.

First of all, I say to my good friend from Iowa, I have a great respect for him. I consider him one of the more thoughtful and one of the more courageous Senators here.

Let me also say in a form of exculpation of my own past conduct, that I have voted for budget freezes in the past after what can only be described as the unmitigated economic and tax disaster of 1981. When the 1981 tax cut started leading to these budget deficits, I supported freeze amendments. I must say in a self-serving way I predicted in a speech an hour before we passed that 1981 tax cut bill, I said if you pass this and you are going to create deficits "big enough to choke a mule." And we passed it, and we created deficits big enough to choke a mule.

Senator HOLLINGS of South Carolina then became the leader in the Senate on precisely what the Senator is trying to do here, freeze spending. I was a lot more concerned then about freezing defense spending than I was about domestic discretionary spending, but I supported Senator HOLLINGS on several occasions.

But subsequent to that time, as recently as last year, the President pro tempore, the Presiding Officer, the chairman of the Appropriations Committee, all one person, Senator ROBERT C. BYRD from West Virginia, did extensive studies about where all the money went after 1981.

I said last evening, but it will bear repeating right now, defense spending doubled. I can remember Jimmy Carter's last year in the Presidency, the defense budget was $145 billion. Shortly thereafter, it went to $300 billion.

The study of the chairman of the Appropriations Committee further showed that entitlements or mandatory spending went up 140 percent, or some such figure as that.

Contrary to what the people across the country believe, foreign aid stayed virtually stagnant.

But the thing that was the shocker in the chairman's study was that domestic discretionary spending, which is what the Senator's amendment seeks to address here, domestic discretionary spending, which is what we spend for childhood immunizations, housing, health care, highways, student loans, what we spend to make ourselves a better educated, more prosperous people, more cultured people, had hardly gone up a dime. Think about that.

So while I would like to support a freeze, we now have a President who is saying: "I intend to do something about the deficit." We had a President 12 years ago who said: "I am giving you my solemn promise that if you will trust me, we will balance the budget." The American people believed him, and they put their faith in him, and they voted for him overwhelmingly two times. Since he held up his hand and said, "I will faithfully protect, defend, and preserve the Constitution of the United States," we have spent $3 trillion that we did not have.

You do not have to be a rocket scientist to understand all of this. I just got through saying where the money went, and it did not go for domestic discretionary spending.

When I was joining with my friend from South Carolina, Senator HOLLINGS, in trying to freeze spending, I was desperate. It was the only thing I knew to do. So I cosponsored his amendments. I am still desperate but, happily, I have a colleague who is also desperate, and his name is William Jefferson Clinton. He said to the American people in his State of the Union Address: Folks, this is it on letting these deficits sky rocket. He said, without saying, I would rather not tell you these unpleasant facts.

I have to say that I really do not include my friend from Iowa in this, but I can tell you one thing; I heard a lot of speeches over here in the last 24 hours and, as I say, I specifically exempt my friend from Iowa from this, which said, in effect, doing the same old thing is the solution; do nothing. And every study shows that if you do nothing, we will have a $7.5 trillion national debt in the year 2003.

Again, borrowing a page out of Ronald Reagan's book, that amendment is equivalent to a string of $1 bills laid end-to-end that will reach to the Sun and back 3½ times. Think about that. I think President Reagan used a metaphor of one-hundred-dollar bills. He said the debt was equal to a stack of bills 67 miles high, just peanuts compared to what it is now—67 miles high. I remember it now. A stack of thousand dollar bills 67 miles, and everybody "oohed and aahhed" and said: this not unbelievable? I am sorry Ronald Reagan cannot be here today to tell us how high that stack would be now. I will tell you how high it would be. It would be four times a thousand—no, I am not that good a mathematician. I am talking about dollar bills, so we know it would be a thousand times higher than that times three for the $3 trillion.

The Senator comes in and says, the thing that will make our children healthier and better educated and make us more competitive and provide job training for people who have lost their jobs, the Senator is saying, let us freeze that spending.

This budget resolution is a first step in cutting the size of this deficit, the deficit between now and 1998, by $500 billion. The chart the Senator has up over there about the future deficits, I do not quarrel with that. What I quarrel with is something that is left unsaid, and that is what the deficit is going to be if we do not adopt this resolution. Everybody knows. Yes, the deficit in 1998 is going to be $200 billion. But if you do nothing, who knows what it is going to be. It is going to be at least $350 billion to $500 billion. So everybody is saying, "let us do nothing," because the national debt is going to be $6.2 trillion in 1998. What is left unsaid is that it is going to be a lot bigger than that unless we adopt this resolution and start imposing some discipline on ourselves.

Once we adopt this resolution, the Appropriations Committee is going to go through the 602(b) allocation process. You know what we have to do in the 602(b) allocation process? You are not on that committee. You ought to sit around the table with us and see the agony we go through trying to get our spending within the limits that this budget says we have to come up with. And once we do that, you know that it is not easy to come out here and get 60 votes to change it. If you want to add spending that is going to raise the deficit, you have to get 60 votes. If you want to increase spending, that takes 60 votes. If you want to cut taxes, that takes 60 votes.

Last year when I ran for reelection, I listened to a lot of people saying it took only 50 votes to raise taxes and 60 votes to cut taxes. Is that the way it ought to be? Anything that adversely affects the deficit and raises the deficit ought to require 60 votes.

Mr. President, I say to my good friend from Iowa, once again, that I think the Senator from Iowa has supported some of my amendments on the space station, super collider, and I applaud him for that. I want to assure him I am going to give him a chance to do it again I am going to try to do something about a bloated intelligence budget. Think about it. The New York Times says its budget is $30 billion. I say that CNN will give you 15 billion dollars' worth of that for free. And SDI, we have spent $35 billion on that, Mr. President, and we are back to square one. We have discarded seven of the eight technologies we started out with.

Admiral Crowe who I think is the best military man this country has had since George Marshall, said $2 billion is more than enough for SSI. A solid rocket motor for NASA at $3.5 billion that they do not even want. There is some spending, Senator.

The space station, it's going back to the drawing board. Why not give that thing a merciful death, instead of going back to the drawing board, and not mess with freezes.

Cut real specific programs. Stiffen your spines, colleagues. Do not go for one of these pap solutions. Just stand right up here and say: I am against this program; I am against that, and we are going to save some real moneys. Senator SASSER, Senator WARNER, Senator COHEN, Senator BRYAN, Senator LAUTENBERG, and I are going to stand on this floor this fall in the appropriations process and give you and your colleagues and our colleagues the chance to save $350 billion over the next 25 years on these boondoggle programs. You vote with us. I know you will. You have in the past.

The PRESIDENT pro tempore. The Senator will please address other Senators in the third person and not in the second person.

Who yields time?

Mr. SASSER. I see the distinguished Senator from Michigan on the floor. Mr. President, how much time do we have remaining?

The PRESIDENT pro tempore. The Senator has 16 minutes 18 seconds.

Mr. SASSER. I yield 10 minutes to the distinguished Senator from Michigan.

Mr. RIEGLE. I thank the Senator from Tennessee, and I thank the Chair.

Mr. DOMENICI. Mr. President, I wonder if you will let me ask the chairman a procedural question.

Mr. RIEGLE. If I can do it without losing time off my time.

Mr. DOMENICI. Of course.

Mr. President, I ask unanimous consent that I be permitted to engage in a process question with the chairman and it be charged equally.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. I thank Senator RIEGLE.

You inquired of me about an hour ago as to whether the Senator from New Mexico could agree to vote sooner than agreed in the unanimous-consent agreement. I am trying to do that and probably can do it.

On the other hand, I have sent to the chairman and to the majority leader a suggestion that we not waste all afternoon and just charge it to the resolution because we are going to have a lot of time left over after the three other amendments that are agreed to. I would hope that you would agree that we could offer some additional amendments. I sent them to you by way of the exact title.

The PRESIDENT pro tempore. The Chair apologizes but the rules of the Senate are the rules of the Senate, and they require Senators address other Senators in the third person and not in the second person.

Mr. DOMENICI. I thank the Chair.

The PRESIDENT pro tempore. The Chair thanks the Senator.

Mr. DOMENICI. The Senator from New Mexico is accustomed to doing otherwise until reminded by the distinguished chairman and Presiding Officer, and it will be difficult. So I do not mind if you continue to interrupt me until I get it right.

Mr. Chairman, I would hope that you could let us know whether we can offer some of these amendments this afternoon under some timeframe that is agreeable and that if you want to second degree them, if the Senator or the majority leader wants to second degree them, we would even agree that that can be done next week as part of the voting process?

Mr. SASSER. Mr. President, we follow the process now of discussing this matter with the majority leader and the Senator from Tennessee will advise the Senator from New Mexico very shortly what would be the disposition of the request to take up these amendments this afternoon.

Mr. DOMENICI. I thank the chairman and, Senator RIEGLE, I will ask your indulgence for taking the time from what you said. Thank you.

The PRESIDENT pro tempore. The Senator from Michigan

Mr. RIEGLE. Mr. President, just a word or two of background here.

Last year in 1992 here in America, our Government had an economic plan for every country in the world except our own. There was an economic plan for Kuwait, one for Mexico, one for China, and all the other countries, but none for America.

The American people had enough of that. They voted out that administration. They voted for a big change. They voted in a new President because they wanted a new economic plan.

And to the great credit of the new President, President Clinton, he has developed an economic plan. He has brought it forward. It is here now. It is a solid plan. It is a good plan for America. It is a plan to create job growth in our country, to help our people to invest in America for a change, and to get this economy of ours moving, and to help the people in our society who have not participated in what economic strength there has been, to help them get into the system and get up to higher ground.

So I applaud the President for what he has done, but I will tell you this: The amendment by the Senator from Iowa will cut the heart right out of the President's plan, cut the heart right out of it, because the President's plan is trying to do several important things at once. He's trying to bring down the Federal budget deficit over a period of years, which is necessary but very difficult to do. He is trying to shift the spending priorities in the country so we start to invest more in our people and in job growth and in job preparation so we can have a stronger economy and we can get more of our people participating in the system and able to provide for themselves.

He is also trying to keep inflation down, and already the signal is clear in that area and we have seen the price of long-term Government bonds, the long-term interest rate, drop down. It dropped down again yesterday, and that is enormously helpful to our economy, and it is starting to provide some lift and even some job growth.

So the President's plan is very carefully balanced to achieve these objectives. Central to his plan is the creation in the private sector of our economy an additional 8 million jobs over the next 4 years. It is essential that this job creation take place and much of it is driven by the very shift in priorities that the Senator from Iowa would turn aside and not allow to happen.

For example, he would take and interfere with in his amendment important investments in the highway system, important investments in our mass transit system, in air traffic modernization, in environmental engineering and technology development, and the community development block grants. We know our local communities in many cases are in terrible difficulty. They do not have the financial resources they need just to meet their essential human needs.

Enterprise zones are something we have talked about for years around here. This President wants to get it done and with an enhanced wraparound approach that it takes to make enterprise zones work.

There is now funding for community development banks and defense conversion. We have all these defense facilities closing. We have to spend money to help the communities adjust to that kind of economic dislocation.

Head Start, child nutrition, and immunization. We can not let our children get sick from diseases. We do not immunize them. We spend $10 to treat a sick child when we should spend $1 on the front end to provide the immunization to avoid the sickness and in some cases the death and in any event save us money down the line.

The same thing for summer jobs. We have to have summer jobs in this country. We have a massive unemployment rate particularly in inner cities. There is no sign of hope of their being able to get jobs and job training and job experience unless we see that it happens.

That is why we elected a new President. We tried it the other way. We tried it the other way for 12 long years, and we have had all the emphasis on foreign policy, and now we have a President that says let us invest in America and let us change those priorities around.

I want to show you how this business recession we have been in now nearly 2 years looks when you look in terms of just the job creation aspect of it. If you look at the previous seven recessions we have had prior to this one, and you look at the job loss coming down several months into the recession, the bottoming out of job loss and then in past recessions how by 21 months after the start of the recession we are out of the recession and up here we are in positive ground adding jobs to the economy.

This is this recession, the red line. We have not even gotten back and regained the jobs that we had when this recession started. So right now we are down here. We should be up here. That is about 3 to 4 million jobs.

The President is addressing that issue in his plan, and the Grassley amendment cuts right against it and will thwart it.

Here is the story just this week out of the New York Times. It says "New Jobs Lack the Old Security in Times of 'Disposable Workers.' The 40-hour week with benefits is in decline."

It talks about the hollowing out of our job base.

We have to invest in America; we have to invest in our workers. We have to invest in their economic futures, not just look every other place but look at our own people.

Our people in this last election said they want a change. They voted for a change. The President has a plan. He deserves to have that plan supported and we cannot come in here now and start carving it to pieces, because one Senator or another Senator has an idea of his own as to how he would do it if he were President. If you wanted to do that, run for President. See if you can get elected. If you can, then we will take a look at your plan, but do not tackle this President from behind when he is striving to get a plan in place that is balanced and makes sense and that the country needs.

The country wants this kind of change in direction, and we desperately need it.

Here is a recent issue of Business Week magazine, just 2 or 3 weeks ago. The headline of this business journal is, "Jobs, Jobs, Jobs—The Economy Is Growing But Employment Lags Badly."

The very things on this list are designed to help foster job creation, make people job ready, enrich the job base of the country, invest in our people, invest in the economic strength of the country.

So we cannot cut this out. To come along now and propose cutting this out makes no sense.

I do not say that with disrespect to the Senator from Iowa. He has his point of view. But we have to think about the whole country. We cannot just think about one point of view or one State. We have to think about 50 States, and we have to think about all the people in our country out there who need an opportunity to be able to make a living to provide for themselves and provide for their families.

In just this morning's newspaper there was a story about an elderly, homeless woman in Washington who froze to death last night in an old car in this city. She is just one of many.

Think about the young children out in homeless shelters right now and other people in the country right now who are looking for a chance to have just a little piece of the American dream.

Finally, after 30 years, we get a President elected who wants to do something about helping the people of this country and comes in with a request with a plan to do it.

Now we have people coming from the other side of the aisle and they want to chop it to ribbons. They do not have a coherent plan of their own to put in place.

I say with due respect they are not offering a plan in replacement of this plan. They want to nickel and dime it to death, chip off this, chip off that.

But the part that is being proposed here chips off the very piece that brings hope and promise and possibility to people in our society, who want to produce and need to produce and need to earn a living and need to feed themselves and feed their kids.

That is what this is about, and I am proud finally to have a President who understands that problem and a first lady as well who understands that problem.

We are going to get this economic plan in place and start the job growth and then we are going to reform the health care system so we do not keep turning our back on people in that area as well.

But that is what people voted for. People voted for change. They did not vote for the same old things. But what I see coming here in the way of efforts to take and try to wreck the President's program, it is the same old thing we saw before. We have been down that road.

We had 12 years of that. And this is where it has brought us, right here. We are getting no real job creation in the country because that whole economic scheme did not work.

So we have to change direction and we have a President with the courage and vision to put a plan on the table that is balanced and fair and that meets all these objectives at once. It deserves support.

We are not going to get this chance again. If we allow this plan to get shot in the back by amendments like this, we are not going to get anything done. We are going to be right back into gridlock. People do not want that. They voted that out. People in both parties and Independents said, "We have had enough of that and we have had enough of having an economic plan for every other country in the world and none for ours."

It is time for a plan for America. President Clinton has given a plan for America. It ought to be recognized and ought to be supported. Let us put it in place. Let us get this country moving again. Let us give our people some chance to get up to higher ground.

More and more people in our society are sliding backward. Even those that had jobs are finding that their real incomes are dropping. Many will lose their health care coverage or their health care coverage is being scaled back. They are working harder and harder and getting less and less for it.

We have a President that understands that problem and wants to reverse it. So he has given us a plan of several parts to get that job done. This is a critical part that has been targeted here by this amendment by the Senator from Iowa. This is a part we need. This is the part that is investing in our own people.

How can we say to our own people who are on the outside looking in that we want to bring them in the economic system, but, "Sorry, we cannot do anything for you. We cannot help you help yourself"?

We help everybody else in every other place. We have a free-trade agreement with Mexico, we have plans for every other country, but, "Sorry, we can't help you."

Baloney. That is over with. People voted that out. They voted for something different. They voted to do something for this country. And, thank goodness, we have a President who is willing to lead. We ought to support him and vote this amendment down.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Iowa is recognized.

Mr. GRASSLEY. I yield 10 minutes to the distinguished ranking Member from New Mexico, Senator DOMENICI.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank the distinguished Senator for the 10 minutes.

I want to thank the immediate past Presiding Officer, the chairman of the Appropriations Committee, for reminding us of one of the real cordialities of this institution which suggests that we do not speak to each other in the first tense but, rather, in the third party.

Mr. BYRD. Will the Senator yield?

Mr. DOMENICI. Yes.

Mr. BYRD. Mr. President, there is a reason for this rule. I did not create it.

The reason for the rule is to keep down acerbities in debate. So there is a good reason for the rule. We all fall into the habit; I do myself.

I hesitate to insist on the rule, but it should be followed. It is like pointing a finger at someone. It is rather personal. And the rules are calculated to keep debates impersonal.

I thank the distinguished Senator.

Mr. DOMENICI. Mr. President, let me suggest what I think the Grassley amendment is all about and why the Senator from Iowa is doing this, as I view it, and that is because I think it helps the American people understand what is going on in the budget of the United States.

So let me start by, once again, referring back to a quote of note, August 17, 1988, Newsweek. This is the quote:

> There is a lot of evidence that you can sell people on tax increases if they think they are investment.

Now the person that said that—and I am sure he understood it very, very well—was then-Governor Clinton, now President Clinton. You can sell the American people on tax increases if they think you are going to use the new taxes for an investment.

The problem is that if you ask most Americans, they also think that this economic plan—which has now been encapsulated in a splendid kind of language like it is going to produce 9 million new jobs.

I am sure anybody that has a plan would say it is going to create jobs, because we need jobs.

But I want to remind Senators, there is a very, very big difference between saying it is going to create 8 million or 9 million jobs and the reality of the economy of America and the proposal.

So, essentially, what Senator GRASSLEY is trying to put before us and those who are interested in American fiscal policy—budgeting—is the following:

We have been told that we are going to cut the spending of the Federal Government. What the Senator is suggesting is that this plan before us does not cut the spending of the Federal Government.

In fact, he is saying one simple proposition is true, and it is this. He is saying to Americans: "Fellow Americans, don't you think that we ought to at least freeze the expenditures of our Federal Government as it pertains to domestic spending that we appropriate every year and can control?" He is saying: "Don't you think, after all the rhetoric is done, that it would be good to start by saying, 'Taxpayers, before we tax you $295 billion, very simply, we want to freeze the expenditures of our Government.'"

He chooses, in a very simple way, to put that in an amendment and say: "Do you not think that before we tax Americans at every level—poor people, retired people, working poor, rich people—before we tax all of you people, we ought to make sure that something credible, something that you can comprehend, something that you would believe, is going to happen to the Federal budget?"

And he says, as simple as can be: "Freeze it."

Now, is a freeze too onerous? Is a freeze too onerous when you are asking the American people to pay this enormous enough tax to get the deficit under control?

When you take away all of the language that people are using about "you can't do this, you can't do that," the truth of the matter is that a budget freeze is a more appropriate tool to reduce spending in a budget resolution than a litany of things you are going to cut.

We heard eloquent remarks here on the floor by the distinguished Senator from Arkansas [Mr. BUMPERS]. He suggested that we ought to list the items, not the freeze.

Let me make this point. Listing items in this budget resolution as to what you will not spend or what you will spend is in no way binding on the Appropriations Committee of the U.S. Senate. When they are finished, they are going to follow totals and they are going to decide what they add to and what they subtract from.

Senator GRASSLEY is giving them a new overall total in budget authority and outlays that represents clearly that you are not going to let domestic discretionary programs grow regardless of their quality: "You choose"—U.S. Senators and Congressmen—"of this enormous amount that we are going to spend, you choose which ones are investments and which ones are not. But do not spend more than you spent this year."

I hope my friend will agree that is the essence of what he is asking us to do.

So, when you get rid of all the underbrush, with people talking about investments, people talking about specific cutting, his amendment is understandable.

Do you think if you walk down the street and say—and everybody says they support this plan that is before us—I am in Belen, NM—you say: Look, Mr. Chavez, would you think we ought to tax the American people to get the deficit down? And he probably would say, "Well, I am willing to sacrifice."

Then you say, "Well, Mr. Chavez, do you think we ought to tax the American people so the Government can grow?" This Government has been out of control. This diagram shows the problem. Taxes in the United States have not dropped dramatically like some are saying. Do you see the blue line? It is the spending that has gone up dramatically.

So it seems to me the next question you would ask that constituent in New Mexico is, "Do you not think we ought to restrain Government?"

And he would say, "Until you restrain the Government, you ought not tax me." That is what I think he would say. And there is no restraint in this budget other than in defense. In the final analysis, the picking and choosing of winners and losers and cuts and add-ons has yielded essentially, on the domestic side of our budget, no significant cuts. The net effect of adds and minuses is you are just about where you started with them all going up.

So it seems to me that anyone who wants to send the right signal to the Congress and the President that before we put on new taxes we ought to keep faith with the American people and say we are not going to spend any more next year than we did this year in this very large account of our Government.

Frankly, I have been at this long enough where I would tell you my preference. My preference is we do not do this kind of cutting. I do not mean across the board. It is perfectly all right on a budget resolution. But I think we ought to seriously understand that we are not, and the President is not, cutting the part of Government that is growing out of all proportion to reality—the mandatory non-Social Security entitlement programs.

I believe, since everyone says you cannot do that, and if anybody comes down here and talks about it the other side of the aisle goes ballistic because they say you are going to get Medicare and you are going to get Medicaid, so the Senator from Iowa has an alternative. You cannot do anything else, so he is saying freeze it, do not spend any more year after year for the next 5 years on domestic appropriated accounts, and put that in law before you put this big huge tax that has been debated over and over on the floor on the American people.

Frankly, I do not think anybody ought to get mixed up about the Government of the United States producing jobs. Frankly, I do not believe the U.S. Government produces jobs other than those they hire and put on the Federal payroll. I think the private sector produces jobs in the United States. Frankly, I cannot believe we really feel and are going to vote as if taxing our people $295 billion is going to create jobs.

I close by saying, if anybody finds that the amendment of the Senator from Iowa is not specific enough, then I just ask they review the March 18

Federal page of the Washington Post, hardly a newspaper that speaks for us.

Will the Senator yield me 1 additional minute?

Mr. GRASSLEY. I yield the Senator from New Mexico 1 minute.

Mr. DOMENICI. The Washington Post hardly speaks for our side of the aisle. But let me tell you they are suggesting the budget of the President of the United States that is before us is tremendously lacking in specifics. In fact, the bureaucracy, looking at their own budgets, say we do not know where we are going to cut all these things. Federal streamlining has been an objective. Until somebody tells us what to cut, it is just a nice piece of rhetoric. It says: magic budget-cutting bullets; a touch of wishful thinking; a pinch of Democratic unity.

Frankly, I think the amendment that is before us is far more effective than a magic budget-cutting bullet, where items are stated but then others are added to it, the net effect of which is you do not cut.

I thank the Senator for bringing this to our attention. It is very lucid, it is very easy to understand. I think it is going to begin to educate many Senators, those who are interested, that we are really not cutting the growth of Federal Government in exchange for these taxes we are going to ask our people to pay.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Senator from New Mexico for a very fine statement in support.

I would like to add Senator FAIRCLOTH as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I then yield 10 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, let me commend the Senator from Iowa for his amendment. I am pleased to speak for it and be a cosponsor.

In my speaking to citizens of New York, I would say that, uniformly, they have been supportive of that portion of the President's program as it relates to reducing the deficit.

I have spoken to people of great financial means, wealthy individuals, and they say, "We do not mind paying more provided it reduces the deficit."

I have spoken to working middle-class families who the program will impact. If you own a home in Long Island and you make $45,000 a year and have two children, you are having a tough time making it. Real property taxes generally average $4,000 to $5,000 a year. Commuting into the city is $200 a month plus; running an automobile is absolutely essential. By the time that family gets done, it has a pretty tough time making it, let alone providing for an opportunity to send their children to school. Yet, they are willing to make the sacrifice.

But I have to tell you something. We are kidding those people. We are kidding them. We are not making a sacrifice. That new tax money is not going to reduce the deficit. But, that is what Senator GRASSLEY's amendment is intended to do. It says freeze spending because, if we freeze spending and save $105 billion, that reduces the deficit by $105 billion.

But what do we have here instead? We have a canard. We have a charade. We have a whole new system of taking money from working families, middle-class families, and sending it to millions of others. And that is wrong. Do you mean to tell me a family that has an income of $30,000 a year should be taxed $500 a year more and that is just from the Btu tax.

Let me show you some charts; $95 billion is what we are going to make Americans pay in the form of a new energy tax. You take a family that has a $30,000 income and lives out in Long Island or in upstate New York, say Syracuse. You are going to cost them anywhere from $400 to $600 a year more and you are going to take $95 billion out of the overall economy.

By the way, the end, it is incredible. You wind up with nothing—nothing.

And, what we have done is we set up a whole new entitlement program—wonderful. We give out $7.2 billion more in food stamps; $25 billion more in ETIC's over a 5-year period of time, almost a 50-percent increase in the Tax Credit Program. Working middle-class families will be taxed so that millions more people can get a check sent from the Federal Government.

Most people do not know what the earned income tax credit is. It means there will be people getting $1,100 to $1,400 a year because they are poor. They may have an income of $17,000 or $18,000 and have one or two children. The Government is going to send them an earned income tax credit—in some cases as high as $1,400. And who are you taking the money from? You are taking money from people who are making $30,000, $35,000. The rich guy is not going to pay any more on this Btu tax than the working middle-class man or women.

This is a canard. We should not have this tax. If you did not have this tax, you would not suffer one iota. You would help the economy. And, you would keep more money in the economy if you adopted Senator GRASSLEY's proposal. Is it so tough to say freeze, do not increase your spending?

Now we are met with the cries: Oh, you mean you will not give vaccinations, you mean you will not spend the $300 million to expand the program? Of course we will. We would have to make the tough choices within the limits of a bill. Why would you take that program which would cast shadows upon us and make us look like we cannot differentiate between the necessities and those which may not be nearly as important as health care and the immunization program?

My colleague from Iowa is not saying do away with that extra $300 million for immunizations. But what we possibly could say is maybe mass transit funding would have to be reduced in order to pay for immunizations. That affects my State more than any other. That would be tough. Maybe there would be some other projects that we would have to put on the back burner as opposed to doing away with child immunization. We must make tough choices without increasing taxes on hard working families across America.

Let me tell you something. I have dubbed this budget "You Touch It and They Tax It." This chart shows the homeowner today, working middle class, husband and wife who earn $50,000. They are not rich. They pay $5,000 to $6,000 in property taxes. And in addition, what do we have here? A tax on what? We tax whether it is a dishwasher, the doorbell, computer, water heater, the lawnmower, the curling iron, the hair dryer, television, microwave, power tools, snow blower—whatever it is, we tax it. That is what this budget does. Incredible.

You touch it and they tax it. They tax things that move and things that do not move. We are into a new business here. This business is, let us make another 5 million dependent people, who will get Government checks and say, "Oh, thank you, Washington." And who will pay? The poor fellow making $30,000 or $35,000 a year will pay for it.

I do not mind if you want to hit the millionaires, let them fight for themselves. But what does this budget do? It goes to the homeowner, whether it is Buffalo, Rochester, Iowa. Eighty percent of the homeowners in my area heat their homes with home heating oil. You double the rap on them, drive up their taxes $500 a year, and then you use those taxes to redistribute income.

The socialists are going to a capitalistic system and we are becoming socialist. A guy makes 35,000 bucks and we are going to tax him $3,500 more, because we decided if you make $17,000 and you have one kid, the Government should give you money and we need to get that money from somewhere. That is where the heck we are moving. Terrific; great. That is social responsibility? Baloney. That is income distribution, and it reeks.

I think somebody has figured out we get 5 more million people getting these checks in the mail and they say,"Who gave them to us? Oh, oh, we have to vote for them." That is a reelection effort. It is incredible.

Look, help people who need help; child immunization. You mean to tell me in all the billions of dollars we spend we cannot identify $300 million within the budget? Why not freeze? Maybe we will not be able to do some of the things we would like to do and we will have to put good projects on hold in order to meet necessities. Would it not be nice to reduce the deficit by $105 billion? If we are really going to take someone's money, let us make sure it goes to reducing the deficit and not new spending programs? Why drive the cost of energy up simply to go into this business of saying, oh, well, we are going to give more food stamps out, we are going to give more tax credits out, we are going to give more heating out, and we are going to pull the economy down. I did not think that is what we were about.

I find it difficult to understand our mission here. I hope it is that we will support our friend from Iowa. I do not think we are going to. I think it is going to be a straight party-line vote. I think that is unfortunate. And I think, by the way, the biggest culprits of all have been the media, in failing to correctly identify what is taking place as it relates to income distribution. They think it is funny. I think they are funny. I wonder how they can say a $73 billion increase in energy tax when it is really a $95 billion increase and when very little of it—when you take a look at the impact of the spending and where it is being allocated—goes to deficit reduction.

I wonder why they are so busy attempting to shield that from the public and refusing to let them really know. I understand one thing. I understand it is pretty tough to really get to that when many of my own colleagues, including this Senator, did not—until I saw page 31 of the concurrent resolution of the budget—understand how these new spending programs take place and how the money is eaten up.

I thank my friend and colleague from Iowa. I certainly hope that we can put a curb on spending. We should be curbing spending, cutting taxes, and privatizing. That is how you get this economy going; that is how you create jobs.

Mr. GRASSLEY. Mr. President, I yield 2 minutes to the distinguished Republican leader, Senator DOLE.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, we have heard a lot of talk from President Clinton and those on the other side of the aisle about the need for shared sacrifice, or the nicer sounding "contributions."

Senator GRASSLEY's amendment makes a simple statement: Before the President and my Democrat colleagues ask the farmer, the shopkeeper, the nurse, the truck driver, and the senior citizen to reach into their pockets and make a contribution to deficit reduction—before the American people are asked to send more of their hard-earned money to Washington—Senator GRASSLEY wants to make sure that every Government program takes a hit. This approach is simple; it is fair; and it reflects the emphatic message we all heard on election day from Republicans, Democrats, Independents, and Perot supporters.

With the budget that is before us today, the Democrats have made it clear that they put Government first. Republicans have a different vision for America. This approach puts business as usual out of business.

A FREEZE IS TOUGH MEDICINE

In addition to the small nondefense discretionary cuts outlined in the Sasser plan that is before us today, this amendment would apply a 1-year across-the-board freeze to all nondefense discretionary programs. Taking this step would reduce the deficit by an additional $96 billion over 5 years.

That is tough medicine, but it is a fair and equitable remedy. These are the kinds of decisions President Clinton and the distinguished chairman of the Budget Committee would have made in their plan if they were serious about reducing the deficit. They are the kinds of decisions some of us made back in 1985. They are the kinds of decisions some of us made back in 1985. They are the kinds of decisions the American people expect—and want—us to make.

But those who are forcing us to cast votes on this budget without the facts—without the legally required details—are not serious about reducing the deficit. They are only serious about getting their plan through Congress before we get a chance to find out what is in it.

PAYING FOR PRIORITIES

President Clinton and my colleagues on the other side of the aisle have argued that it is time to shift priorities and increase Government spending on programs that they believe are important investments for America's future.

Do not get me wrong, many Government programs do work. Some may even deserve an increase, but the American people would be better served if these new priority investments were financed with cuts in other programs instead of tax increases. My colleagues on the other side of the aisle have finally recognized that additional defense cuts cannot pay for all their pet programs. Their mistake is in assuming that the American taxpayer should make up the shortfall. We believe that the deficit should be reduced by putting Uncle Sam on a diet, not by forcing working Americans to tighten their belts.

While I would prefer to see the some of the savings from Senator GRASSLEY's freeze go to reduce the record tax increases in the budget that is before us today, SENATOR GRASSLEY has decided that the savings from his amendment should go to deficit reduction, and that is a goal I have always supported.

This is an amendment about fairness. It is an amendment about priorities. A vote for this amendment is a vote for responsible deficit reduction, a vote for limiting Government, a vote for the American taxpayer, and a vote for our Nation's future.

Mr. President, I am only going to take a couple minutes. I know other people on both sides have a number of commitments. We have a number of opportunities to debate the package and determine where we are going to finally come down.

I think Senator GRASSLEY's amendment make a simple statement. It is something people can understand, it is something people would support. In fact I think 24 to 28 Democrats have voted for freezes over the past few years. I assume if we all vote today and we all vote for it, it will be 73 to 20-some. So it looks like the amendment will carry unless I missed something. I probably have.

Go out and ask the farmer, the shopkeeper, the small businessman, the truck driver, the senior citizen, to reach into their pockets to make a contribution, we are now told, for deficit reduction before the people are asked to send more of their hard-earned money to Washington.

So Senator GRASSLEY wants to make certain every Government program takes a hit. This approach is simple, is fair and reflects the emphatic message we all heard on Election Day from Republicans, Democrats, Independents, and Ross Perot supporters. I just support this as an opportunity we should not pass up. This gets you, as I understand, about $96 billion in a 1-year freeze. It seems to me that it is an opportunity we are going to have. We will have other opportunities. I think Senator GRASSLEY is right on target.

I would prefer to see some of the savings of Senator GRASSLEY's freeze go to reduce the record tax increases in the budget before us. Senator GRASSLEY decided that savings from this amendment should go to deficit reduction, and that is a goal we have all supported.

Again, I will just say for the record some of us still have scars from deficit reduction battles. We still bear the scars of the May 10, 1985, vote at 2 o'clock in the morning when we prevailed by a vote of 50 to 49, and 1 Democrat voted with us, the late Ed Zorinsky from the State of Nebraska. We did tough things. We cut spending. We did not stop anywhere. We did a lot of things people said should not be done. We did not raise taxes, but we did cut spending. That is what is lacking in President Clinton's package. I urge my colleagues—this will be a step in the right direction—to support Senator GRASSLEY's amendment. I yield back the remainder of time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Senator BOND wanted time on my side. I hope he will get out here quickly because I have a few minutes left.

I ask unanimous consent to add Senator HELMS as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I yield 3 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator has 4 minutes and 16 seconds left. The Senator from Missouri has 2 minutes and is recognized.

Mr. BOND. Mr. President, I thank my friend from Iowa. It is very simple. We have a problem: We are spending too much. We are spending more than we take in. If that happens to a family, the first thing you do is look at making cuts. You look at living within your budget. This freeze says quite simply that we are going to have to start living within our means. That is the way that you get the budget under control, not raising taxes. For every dollar that we have raised taxes around this place, we have raised spending $1.59.

Some of my colleagues are pointing out all the wonderful programs that they say would be cut if we froze it. They are not necessarily going to be cut. There are a lot of programs that have been mentioned as being victims of these cuts that I would favor and I will support. But we have to establish a budget and live within it, establish priorities.

If we cannot establish priorities and fund things that are important, like Head Start, like programs for children, like building highways, then we do not belong in this place.

In response to President Clinton's invitation, I offered a list of $220 billion of cuts; cutting out programs, cutting back on administrative costs of Congress and elsewhere, changing programs to make them more cost-effective. That is what we ought to be doing when we pass a budget resolution establishing a plan under which we can live and under which we can take care of the legitimate priority needs of this country.

If we are serious about reducing the deficit—and I hope that everybody understands we need to be serious about it—the best way to start is by adopting this amendment to say while we are trying to bring the deficit down, do not increase spending which increases the deficit. We have too big a deficit which leads to increased debt, which leads to inflation and, with the tax increases that are currently in this budget plan, will cost us jobs. I urge my colleagues to support this amendment.

I thank the Chair, and I thank my friend from Iowa. I urge support of this amendment.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. First of all, I ask unanimous consent to have printed in the RECORD the names and the dates and the particular across-the-board freeze resolutions that 28 different Democrats have supported in the past years, so people will know that there are a lot of people on the other side of the aisle in support of the principle of an across-the-board freeze, and I hope, as Senator DOLE says, we get those altogether so that we can in fact have a broad-based majority for a very responsible approach to bringing this deficit down.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEMOCRATS SUPPORTING AN ACROSS-THE-BOARD SPENDING FREEZE

Senator and legislative vehicle	Date
Baucus:[1 2 3]	
S.J.Res. 345, sponsor	Aug. 10, 1984.
Cosponsor, Tsongas budget freeze amendment	Oct. 5, 1984.
S. 32, principal cosponsor	Jan. 3, 1985.
K–G–B–B I freeze amendment, cosponsor	May. 9, 1985.
S.Res. 329, cosponsor and statement	Nov. 20, 1987.
K–G–B–B II freeze amendment, cosponsor	Dec. 10, 1987.
Biden:[2 3]	
Cosponsor, Tsongas budget freeze amendment	Oct. 5, 1984.
S. 32, principal cosponsor	Jan. 3, 1985.
K–G–B–B I freeze amendment, corponsor	May. 9, 1985.
S.Res. 329, cosponsor and statement	Nov. 20, 1987.
K–G–B–B II freeze amendment, cosponsor	Dec. 10, 1987.
Bingaman:[2] Voted for K–G–B–B I freeze	May 9, 1985.
Boren:[2 3]	
Cosponsor, Tsongas budget freeze amendment	Oct. 5, 1984.
S.Res. 329, cosponsor	Nov. 20, 1987.
Boxer: H.J.Res. 78, cosponsor	Jan. 22, 1985
Breaux: S.Res. 329, cosponsor	Nov. 20, 1987.
Bumpers:[2 3] S.Res. 329, cosponsor	Nov. 20, 1987.
Conrad:[3] S.Res. 329, cosponsor and statement	Nov. 20, 1987.
Daschle:[3] S.Res. 329, cosponsor	Nov. 20, 1987.
DeConcini:[2] Voted for K–G–B–B I freeze	May 9, 1985.
Dodd:[2 3] S.Res. 329, cosponsor	Nov. 20, 1987.
Dorgan:[1]	
H.J. Res. 78, sponsor	Jan. 22, 1985.
H.R. 1965, sponsor	April 9, 1987.
H.R. 1123, sponsor	Feb. 27, 1989.
Exon:[3]	
Cosponsor, Tsongas budget freeze amendment	Oct. 5, 1984.
S.Res. 329, cosponsor and statement	Nov. 20, 1987.
Glenn: S.Res. 329, cosponsor and statement	Nov. 20, 1987.
Harkin:[2] Voted for K–G–B–B I freeze	May 9, 1985.
Hollings:[2 3] S. Res. 329, cosponsor and statement	Nov. 20, 1987.
Inouye: Cosponsor, Tsongas budget freeze amendment	Oct. 5, 1984.
Leahy: Cosponsor, Tsongas budget freeze amendment	Oct. 5, 1984.
Levin:[3]	
Cosponsor, Tsongas budget freeze amendment	Oct. 5, 1984.
S.Res. 329, cosponsor and statement	Nov. 20, 1987.
Mitchell:[1] His alternative fiscal year 1983 budget contained a domestic discretionary spending freeze at fiscal year 1982 levels.	June 18, 1982.
Nunn:[3] S.Res. 329, cosponsor	Nov. 20, 1987.
Pell:[2] Voted for K–G–B–B freeze	May 9, 1985.
Pryor:[2]	
Cosponsor, Tsongas budget freeze amendment	Oct. 5, 1984.
S.Res. 329, cosponsor	Nov. 20, 1987.
Statement supporting budget freeze	Sept. 8, 1984.
Simon:[2] Voted for K–G–B–B freeze	May 9, 1985.

[1] Sponsor of an across-the-board spending freeze.

[2] Voted for Kassebaum-Grassley-Baucus-Biden (K–G–B–B I) freeze amendment May 9, 1985.

[3] Voted against tabling the K–G–B–B II freeze amendment Dec. 10, 1987.

Note.—S. 32 is substantively the equivalent of the K–G–B–B I amendment. S. Res. 329 is substantively the equivalent of the K–G–B–B II amendment.

Source: Congressional Record.

Mr. GRASSLEY. Mr. President, in closing, the President has set an example by asking all Federal employees to forgo a pay raise next year. Members of Congress have taken that same pledge. So I think we have set the stage in a bipartisan way for commanding the high moral authority that is necessary for the adoption of this across-the-board freeze of domestic programs which was adopted last night by the Democrats in the House of Representatives. If we freeze here in Washington our own pay, the pay of Federal employees, the American people will be willing to contribute in my view by living on for a period of time what they are being appropriated now. That is why I think this amendment should be adopted, to save $104 billion.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Tennessee has 4 minutes 45 seconds.

Mr. SASSER. Mr. President, first I want to correct one misapprehension. The freeze that is being offered today by Senator GRASSLEY is not the same as the so-called freeze that was adopted last evening by the House of Representatives.

The Senate Budget Committee resolution, which is essentially the Clinton budget, as modified, already scales $40 billion off of domestic discretionary spending, scales $40 billion off the President's so-called investment package. This was done to get us below the caps that are in the Budget Enforcement Act for 1974 and 1975. It was also done to make some savings where we felt we could.

Now, the amendment of the Senator from Iowa is well meaning, Mr. President, but it simply misses the mark almost entirely. If we look at where the growth in spending has occurred between the years 1991 and 1992, we find that it is not in domestic discretionary spending which my friend from Iowa is aiming at. It comes in other areas. The largest growth in this period between 1981 and 1992—and these are real increases, not nominal increases but real increases in dollars corrected for inflation. We find the largest growth is in entitlements at $983 billion.

Now, what accounts for that? It is accounted for principally by the growth in Medicare and Medicaid costs, and Social Security. Social Security, Medicaid, and Medicare account for 95 percent of the growth in entitlements. Does the amendment of my friend from Iowa affect this growth in entitlements at all? None whatsoever.

Where has been the next largest real growth in spending over the period from 1981 to 1992? It occurred during the Reagan military buildup principally in the period from 1981 through 1992. Real growth in military spending was $679 billion. Now, this category over here entitled domestic discretionary, which represents 15 percent of the budget over the next 5 years, that is the area that my friend from Iowa wishes to impose a freeze upon. But you see that is not the problem because there has been a $430 billion real decrease in domestic discretionary outlays in the period from 1981 to 1992.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SASSER. My time has expired?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. Mr. President, I rise today in support of this amendment.

Mr. President, after the elections last November, I, like many Americans, was hopeful that we would finally end congressional gridlock and get a tough deficit reduction plan. However, in looking at this budget resolution, I am sorely disappointed.

This budget resolution is not the bold deficit reduction plan we were promised, it is business as usual. It includes the largest tax increase in history, raising taxes by over $300 billion in the next 5 years. Rather than reduce the deficit, it even increases the deficit in the first few years. This plan can only be called one thing: tax and spend.

The plan does promise that the deficit will be reduced 3 and 4 years from now. Mr. President, have we not learned anything from the past? The Omnibus Budget Reconciliation Act of 1990 raised taxes with the promise of deficit reduction in the future—and just look where that got us. We spent $1.91 for every $1 in new taxes. Yet, here we are again, increasing taxes—and on the middle class as well as those with higher incomes—and spending in the short term in exchange for promises of long-term deficit reduction. Well, Mr. President, when it comes to this latest deficit reduction plan, Utahns have a credo in common with our fellow citizens from Missouri: show me.

This economic plan claims to foster economic growth and create new jobs. Mr. President, I personally have a difficult time seeing how an economic plan based on increased taxes and spending will do either of these. By taking resources from the private sector for consumption by the Government, we are effectively choking off growth and job creation in Utah and everywhere else.

This amendment takes the first step in solving our budget crisis. It creates savings and lowers the debt. This is true deficit reduction, not a hollow promise. Only by controlling the growth of spending are we going to be able to reduce the deficit. This amendment represents a good, solid step toward controlling and reducing spending. It puts us on the path of solving the problem of our growing deficit.

I urge my colleagues to take a stand. Let's make the tough choices and show the American people that we can do something real to reduce the deficit.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

Mr. GRASSLEY. I ask for the yeas and nays.

Mr. SASSER. Mr. President, I move to table the Grassley amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] and the Senator from Pennsylvania [Mr. WOFFORD] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. LOTT] and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 42, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—54

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Specter
Wellstone

NAYS—42

Bennett
Bond
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Kempthorne
Kohl
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Thurmond
Wallop
Warner

NOT VOTING—4

Lott
Mikulski
Stevens
Wofford

So the motion to table the amendment (No. 184), as modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I yield 10 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. Speaker, we are dealing with the budget.

Mr. DOMENICI. Will the Senator yield for an inquiry on my time?

Mr. LEAHY. If I could on the time of the Senator from New Mexico, yes.

Mr. DOMENICI. I in no way want to deny the Senator the opportunity to speak. I thought the order of business was that the Senator from Arizona was to be immediately recognized for an amendment. Is that not correct?

Mr. SASSER. Is that the order?

The PRESIDING OFFICER. The order provides the next amendment will be offered, not that he be recognized after the vote.

Mr. LEAHY. Mr. President, if there has been agreement made, I was not aware of it. I certainly would not want to interfere with anybody.

Mr. DECONCINI. How long does the Senator want?

Mr. LEAHY. The Senator from Vermont is going to ask for 10 minutes. If I could have some time within the hour or so I would be happy to yield.

Mr. SASSER. Mr. President, let me make an inquiry.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, the Senator from Vermont did advise me earlier that he wished to speak for a few moments. I took that to mean 2 or 3 minutes. I inadvertently advised him that we could make time available. I have no objection, if it meets with the approval of the ranking member and Senator DECONCINI, to yield 10 minutes off the bill to my friend from Vermont at the present time.

Mr. LEAHY. The Senator from Arizona, I understand, Mr. President, has a plane to catch. I would be happy to yield to him and take the 10 minutes later if that is OK.

Mr. SASSER. Could I yield a minute to the Senator from Arizona to get his views on the matter.

Mr. DECONCINI. I thank the chairman.

I wish to catch an airplane at approximately 1 o'clock. It would be a favor to me, but I would be glad, in the meantime, after I offer the amendment and talk on it, to yield time to the Senator from Vermont. The Senator from New Jersey wants 5 minutes, and, if I control the time, I will yield 5 minutes on the amendment, and then I would offer to do the same for the Senator from Vermont.

The PRESIDING OFFICER. The Senator from New Mexico is recognzied.

Mr. DOMENICI. This is on my time.

Mr. President, I really believe that the Senate intended that we proceed from the Grassley amendment to the DeConcini amendment to the Pressler amendment. Senator PRESSLER has a plane to catch, too, and he will not even get to offer his amendment.

I ask unanimous consent that the order be that immediately following the disposition of the DeConcini time on the bill, that the next—that is what the UC says—that the next order of business will be the amendment of Senator PRESSLER.

Mr. SASSER. Mr. President, I think that is the way to proceed.

The PRESIDING OFFICER. Is there objection to that request?

Mr. SASSER. Mr. President, I think the way to proceed here, if I might suggest to the Chair and to the distinguished Senator from Arizona, is to proceed on the amendment of the distinguished Senator from Arizona and then, during the course of that debate, if he wishes to yield time to the Senator from Vermont, that is a matter to address to the proponent of the amendment.

Mr. DOMENICI. I did not hear the chairman.

Mr. SASSER. To recapitulate to my friend from New Mexico, what I am suggesting is that we proceed in the order as agreed upon; that is, let the Senator from Arizona lay down his amendment, speak on it, and, if during the course of the debate the Senator from Arizona chooses to yield time to the Senator from Vermont off the amendment, he is within his rights to do so.

The PRESIDING OFFICER. What does the Senator from New Mexico say?

Mr. DOMENICI. Let me say we are in a bind. We are putting ourselves in a situation where a Republican Senator is not going to get a chance to offer his amendment. I really believe we ought to be fair about this and use minimum amounts of time.

Mr. DECONCINI. If the Senator will yield, it is really an inquiry. Is there a time limit on the DeConcini amendment? And what is that?

The PRESIDING OFFICER. There will be a time limit once the DeConcini amendment is offered.

Mr. DECONCINI. I do not want to infringe on the time of the Senator from South Dakota, because I have the same problem. I understand we just went with a Republican amendment and now it is proper to go here. I am not going to take the full hour. The Senator wants 5 minutes, and there may be one or two other Senators. The Senator from Vermont is accommodating us within that timeframe. I would yield to him his time. And he may want to speak on this amendment because it deals with law enforcement. So that would be my intention. I do not want to mislead anybody. I do not intend to ask for additional time that is already set aside, I want to assure the Senator from New Mexico.

Mr. SASSER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator will state it.

Mr. SASSER. There is an hour reserved on each side, is that correct, on this amendment?

The PRESIDING OFFICER. For every first-degree amendment an hour is reserved on each side.

If the Senator from Tennessee will yield for a moment, does the Senator from New Mexico withdraw his UC request?

Mr. DOMENICI. Mr. President, I ask unanimous consent that it be in order that the Pressler amendment, which was scheduled to go next—and he would not be able to be here in an hour to use—I understand they can use the hour, the two Senators who sought recognition can use it off the amendment of Senator DECONCINI. I ask it be in order that at 10:30 Monday morning Senator PRESSLER offer his amendment.

Mr. PRESSLER. I will not be back on Monday. Do it on Tuesday.

Mr. DOMENICI. 10:30 on Tuesday. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. SASSER. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 185

(Purpose: To ensure that fiscal year 1988 funding levels for Community Policing—Cops on the Beat—program are consistent with the levels requested by President Clinton in his investment program)

Mr. DECONCINI. Mr. President, I send an amendment to the desk on behalf of myself, the Senator from Texas [Mr. KRUEGER], the Senator from Nevada [Mr. BRYAN], the Senator from Delaware [Mr. BIDEN], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Massachusetts [Mr. KERRY] and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself, Mr. KRUEGER, Mr. BRYAN, Mr. BIDEN, Mr. WOFFORD, and Mr. KERRY, proposes an amendment numbered 185.

At the end of the resolution, insert the following:

SEC. . ASSUMPTIONS.

In setting forth the budget authority and outlay amounts in this resolution, Congress assumes that the Community Policing ("Cops on the Beat") program will be funded at the level requested by the President for fiscal year 1998.

Mr. DECONCINI. Mr. President, this is not a complicated amendment. It is an amendment to just ensure in the most positive way we can that the authorizing committees and the appropriating committees will fund the community policing program that is assumed and referenced in the budget agreement before us.

Mr. President, on the streets of America there is a murder every 21 minutes, one robbery every 46 seconds, one burglary every 10 seconds, and one motor or vehicle theft every 19 seconds.

That might be an interesting conversation for a family at the breakfast table or picnic table or around the household or club. But this is a serious problem we have with crime in our streets today. We are losing control of our streets and our neighborhoods to gangs and drugs and violent crime. Americans should not have to tolerate this level of crime. Our violence is 5 times that of Canada, 10 times over that of England, very civilized countries and good friends and we have so much in common, but we have more in common about the violent crimes on our streets. Americans should not have to tolerate a murder rate which, if unabated, will see 100,000 Americans murdered in the next 4 years. That is a lot of senseless murder and violence that is going on in our society.

The need for more police on the street is well documented. But the lack of police resources is not due to lack of recruits. Rather, the problem is that State and local governments are financially unable to hire new police officers.

Look at my own State of Arizona. In 1990, Arizona had the third highest reported crime rate in the United States. It has consistently ranked among the top five States in the last 7 years, something that, needless to say, this Senator is not proud of nor is anyone from my State.

There is approximately one police officer for each 400 residents of a city or town in Arizona. In Phoenix, the 10th largest city in the United States, approximately 2,000 officers serve a population of well over 1 million people. And in Tucson, my hometown of approximately 400,000 people, 800 officers have to serve that population. In fact, in Phoenix, the Phoenix Police Department is so strapped for resources and manpower that they are finding it increasingly difficult to even respond to the 911 emergency calls.

Mr. President, this is deeply disturbing. In recent years, several police departments have returned to the old idea of the cops on the beat, and the Senator from Delaware, Senator BIDEN, the chairman of the Judiciary Committee, is the one who has promoted this in the crime bill year after year that we passed only to see it stymied for reasons we all know.

It is a great approach that stresses the importance of the police-citizen partnership in controlling crime in our streets. But, with strapped resources and inadequate manpower, our local police cannot meet the problem.

The amendment to the budget resolution today supports President Clinton's campaign promise, his budget and his speech to the United States in reference to that budget, calling to put 100,000 police officers on the streets. It will put crime-fighting resources where every American knows they are needed most—in our neighborhoods and on our streets.

Mr. President, the amendment I am offering will ensure that funding levels for the community policing program are consistent with the $1.7 billion requested by President Clinton in the investment program that he has put forward.

Finally, Mr. President, what is community policing? For those who may not be familiar with it, advocates of community policing regard this approach as extremely helpful and useful because officers are free to engage more directly in the protective crime prevention professional process that they are trained to do. Operations are more visible to the public. Increased police are available to see and to respond. Citizens become partners in this effort and they improve the relations between the police and the public. Because you see the police, you know the police, they are stationed there, and you get to actually identify with them.

The Nation has to recognize the price of crime. Good schools cannot flourish where children have to worry about gangs, guns, and drugs in their classrooms. They cannot even go outside to play or participate in sports without getting beat up, somebody selling them drugs, or getting gunned down.

Profitable businesses cannot open where streets are just crowded with crime. People are not going to visit the stores. People who work there are not going to be safe. The owners are not going to be safe.

Strong families cannot be built when the neighborhoods are lost to drugs and gangs.

So, Mr. President, I urge my colleagues to support this amendment.

I yield 5 minutes to the Senator from New Jersey.

Mr. BRADLEY addressed the chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. DECONCINI. I ask unanimous consent, without losing my right to the floor, that I may yield 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY. I thank the distinguished Senator from Arizona for yielding.

I rise in support of this amendment. Yesterday on the floor of the Senate, I introduced a package of bills that respond to the problems of urban America. One of those bills was the $200 million community policing initiative that would provide matching grants to local governments and community groups to do community policing.

As the Senator from Arizona said, community policing is also part of the omnibus crime bill, and has the full support of President Clinton.

A few weeks ago, I spoke with a merchant in one of New Jersey's cities. He told me that when he calls the police—and he is only a few blocks from city hall—it takes about 3 hours for them to respond. Therefore, he has made the decision, in order to protect himself, that he is going to arm himself, and he now has several guns in his store to protect himself.

The point is that too often in America police departments measure their success only in terms of their response.

A police department will say, "Well, we are successful, because we had 1,000 911 calls and we responded to 900 of them."

But the point is not to have some kind of bureaucratic measure of police performance, but rather to determine whether the security of people who live in the neighborhoods has increased because of police performance. And that is really what community policing is all about. It attempts to involve the police much more directly with those residents who are victimized every day by crime.

People ask me, "Well, is there an analogy for this?" I draw the analogy, really, with the U.S. military and the intelligence business in the Persian Gulf war.

We were very successful in deploying military technology in the Persian Gulf war. But the key to the deployment of that military technology was intelligence—the knowledge of where to deploy it and when to deploy it.

By analogy, in urban America, police departments are frequently operating blindly.

If people in our communities are involved with the police departments, they can identify where, in the apartment and housing project, all the drugs are stored? What happens to the people on the corner when the cops come and they flee? Where do they assemble again?

There can be a much greater involvement—police walking the beat, more police available to more citizens, more direct contact; not necessarily a social worker role, but a much more accessible police officer. That is what lies behind the impetus toward community policing.

Let us make no mistake: If this succeeds, by its own definition, it will mean there will be more arrests. And if there are more arrests, the question will be: Where will we put those who are arrested?

Often in America's cities and urban areas, the jails are chock-full. So when we enter into community policing, we have to go into it with the knowledge that it might expose the need for other reforms.

And I have full confidence, if we pass a community policing bill this year, that the Clinton administration will give thorough consideration to the full implications of community policing.

I believe, if done successfully, it can increase confidence and security on the part of those who are in the midst of the turmoil of urban America today.

I would submit for the RECORD a speech given by the former commissioner of police in New York City, Lee Brown. It is entitled, "Violent Crime and Community Involvement."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Reprinted in Vital Speeches of the Day, Jan. 1, 1992]

VIOLENT CRIME AND COMMUNITY INVOLVEMENT—COMMUNITY POLICING

(By Lee P. Brown, New York City Police Commissioner)

Good evening. First, I want to thank Director Sessions for convening this important conference. In doing so, he recognizes that violence is an issue of national concern. It is a problem individual police agencies cannot hope to successfully deal with alone, in isolation from one another.

In New York, the New York City Police Department and the FBI enjoy an outstanding, cooperative relationship due, in large measure, to the leadership of Assistant FBI Director Jim Fox. We have joined forces in many areas, including our Joint Task Force against drug trafficking, against organized crime, against auto larceny, and against domestic terrorism. Our joint bank robbery task force is the nation's oldest such effort—a model for the country. And the NYPD/FBI partnership in fighting organized crime has been a nightmare for the mob.

We value the relationship, and, again, welcome this conference on an issue of concern to all of us.

You have spent today, as you will tomorrow, examining many of the aspects of violence. So I won't dwell on what many of you have heard already, or will hear tomorrow. Instead, I want to touch briefly on violence, and then talk about how policing is changing; how the police need to form partnerships in the community; and how police executives need to recognize their new importance in society.

The general epidemic of violence sweeping America goes so deep, and is so pervasive as to be viewed as a disease by our leading research institutions. The Federal Centers for Disease Control in Atlanta reported, for example, that the homicide rate among black males, ages 15 to 24, rose by two thirds in the last five years. In fact, homicide is the leading cause of death among black males ages 15 to 24. Homicides account for 42 percent of all deaths in this group. And firearms are involved in 78 percent of these homicides.

The report by the Centers for Disease Control listed a number of contributing factor; namely, "immediate access to firearms, alcohol and substance abuse, drug trafficking, poverty, racial discrimination, and cultural acceptance of violent behavior."

I find it as alarming, as it is depressing, that we now track and measure homicides by age and ethnic groupings much as we tracked and measured diseases like polio or malaria.

I am no doctor of medicine. But I am a doctor of criminal justice. And I can tell you this: If the mosquito is the agent of malaria, then the illegal gun is surely the agent of homicide. Public health officials eventually learned that the way to combat malaria was not to swat mosquitoes, but to drain the swamp. And although we confiscated 17,575 illegal guns in New York City last year, we are still "swatting mosquitoes." The "swamps" are in other states where it is too easy for just anybody to buy a handgun.

We have tough gun control laws in New York. Other states don't. The way to control guns in New York is to "drain the swamps" that surround us. And that can be accomplished only through tough federal gun control. That's why I was a strong supporter of the Brady bill. That's why I support an outright ban on assault weapons, applicable to all states. And that's why I support mandatory jail sentences for gun possession.

Look again at what the Centers for Disease Control said were the factors concerning record-making homicide rates: "Immediate access to firearms, alcohol and drug abuse, drug trafficking, poverty, racial discrimination and cultural acceptance of violent behavior."

Those are issues that go beyond the borders of any city or any state. They should be addressed as part of a national agenda to combat crime and violence. I have asked President Bush to name a national commission, comprised not only of the best minds in law enforcement, but in the fields of economics, education, public health and other relevant fields.

Local police agencies can't go it alone. That's true nationally, as it is in our own back years. I am a strong proponent of community policing. To get a handle on violence or any other serious problem in the community, the police need to build partnerships in the neighborhood. They need to use resources other than their own, be they governmental, voluntary or commercial.

Now, more than at any other time in our history the police officer is called upon to cope with the collapse of a range of social institutions—a collapse that would have seemed unimaginable to the nation's leaders of just a generation past.

Today's police officer contends with the debris of social and institutional collapse. The collapse includes the failure of primary and secondary schools in so many of the nation's urban centers. It includes the collapse of affordable health services, and affordable housing. It is marked by a dearth of residential care for people who are severely, mentally ill. The traditional family structure, the ultimate safety net, has also collapsed in many places, with more and more American households headed by single women with children, living in poverty.

Last week in Minneapolis, at the meeting of the International Association of Chiefs of Police, one of the nation's most respected experts in child development and children's issues, Marion Wright Edelman, made an interesting observation. She said, "for too many of our poorest children, the police are the only one making a difference."

That is an important observation that no police leader should ever lose sight of.

Faced with the uncertainties and instability that stem from these social and institutional failures, the police officer's job is more demanding and complex than ever before. Clearly, in order to make a difference, the police must form working partnerships in the community, and use all the resources of government, business, the schools—all the resources available to it—to try to resolve some of the recurring problems. Otherwise, we will function only as incident responders, never getting to the root causes of crime, violence and fear.

I believe in community policing. I see it as a logical and rational use of police resources in a manner that will make a difference. We are implementing it in New York City. We are getting people in the community to help identify and solve their own problems. Community policing gives individual police officers a chance to be more creative and independent in their approach to police work. We are letting them be problem solvers. Community policing is also helping to prevent crime in the first place.

I believe the greater the complexity of our social problems, the greater the need for community policing. But I fear that some people in law enforcement and government may reach the opposite conclusion. I am concerned that as crime-related problems grow in severity and complexity, there will be a temptation to revert to the superficial reassurance of the paramilitary response alone.

I predict that as urban conditions worsen, there will be mounting pressure to abandon community policing and use the police as temporary occupying forces, there to put down disturbances. We must resist such pressure. We should do just the opposite. That is, we should make the police officers permanent, highly visible fixtures in the neighborhood, known personally to the people who live and work there.

And police leaders must be more assertive about their new role. With few exceptions, you are better educated and better trained in policing and social problems than were your predecessors. Your attendance at this conference is evidence of what I am talking about.

One of the great demands for a police executive, and those under your command, is to adhere to values in the face of the collapse of values all around us. To be a police officer in urban American today is to bear witness to that collapse. We witness it in the utter disregard for human life that begins at so early an age. We witness it in the murders committed for a leather jacket or a pair of sneakers or as the result of some minor insult. That disregard for human life is a direct and very real threat to society at-large, and to police officers, in particular.

You have an important voice in determining how society addresses the threat. There are all sorts of theories behind crime and violence. Some say certain people are biologically predisposed to crime—the "born criminal" theory. Others say the social environment is the cause. Others point to lack of education, or purely economic factors.

What ever the cause of crime and violence, one thing is certain: the police do not control the causes. We deal with the outcomes. In fact, all of us in policing should be more assertive in demanding that other leaders in the community address the problems we see on the street. They must learn that crime and violence are not police problems alone. And it is our responsibility to educate them to that fact.

You are as important in your community as any banking executive, or college president, or corporate leaders in determining how to attack the problem of violence in our communities. Perhaps more important.

But you cannot do it alone.

You should demand that the others play a role. And I would suggest that police executives, as a rule, have been lax in asserting their primacy in this regard. We have, for too long, attempted to deal with these problems in isolation. Just as community policing calls for a new role for the beat cop, it also calls for a new role for the police chief.

As important leaders in the community, you have to assert yourself, demand the respect you deserve, and get the attention you and other police professionals deserve.

It works. And it can make a difference.

Let me give you a few examples from my own experience. In Houston, I saw the increase of violence against persons—mainly among people who knew each other—the kind of violence we are seeing all over the country. The police dealt with it as far as we could. But I also went to the University of Texas Health Science Center at Houston, and asked what their public health professionals knew about it. What were they doing in terms of research and prevention?

The result was the creation of a Center for the Study of Interpersonal Violence at the Texas Medical Center. That meant we put some of the best minds in the country, available right there in Houston, to work with the police. It meant we also put their research dollars to work for us.

I also went to the clergy for their help, and created the Houston Ministers Against Crime. In this way, we put the reach and the resources of the churches of Houston at the Police Department's disposal in anti-drug campaigns, youth programs and the like.

If you are not including your clergy and your educators in the fight against crime and violence, you are wasting precious resources.

As Police Commissioner in New York City, I have had the C.E.O.s of some of the world's largest corporations come down to Police Headquarters to sign a pledge to work with the police in combatting drug use. Some people thought they'd never show up. In fact, we had an overflow crowd. Under an umbrella group, called PACT, or Police and Community Together, we have the active involvement of large corporations. We held similar sessions for local and foreign press.

Using the studies by the National Centers for Disease Control, I went to our own city Health Department and suggested that it get involved. It is now viewing violence as a health issue, as is the secretary of the Federal Department of Health and Human Services.

In New York we are working with education officials, we are introducing conflict resolution training in the schools, along with our program on drug prevention and gun safety.

Another example is the United Way: The United Way regularly comes to police leaders to help with United Way fund raising campaigns. Well, we went to the United Way and said: here's the problems our cops are dealing with on the street. "What can the United Way agencies do to help?"

"United Way agencies have a certain expertise. They have experience. Tell me what you're going to do to get in there with the police to save a neighborhood?" They responded and are now part of a joint effort to use their resources with ours to address the crime problem.

You need to bring these kinds of challenges to your educators, or public health people, to voluntary and social service agencies, and to the corporate world.

You need to let the appropriate people know—yes arresting drug dealers and users is important—but so is adequate drug treatment programs.

You are the people who must articulate effective approaches to the problem of crime and violence.

You also need to help set the agenda when it comes to legislation.

For years, the National Rifle Association could sit back and count on the police leaders to be meek as a lambs when it came to gun control. Many of us are sportsmen. So the NRA figured they could count on the police to keep quiet, even as police officers were gunned down in a flood of firepower: everything from the Saturday night specials to the assault rifle were in the criminal arsenal.

But the NRA can't rely on the police to be silent any longer. The involvement of police officials in legislation favoring a waiting period for handguns is evidence of that. The same is true from pending legislation on assault rifles.

You can't afford for a moment longer to be shy about asserting yourselves.

The police are called upon to deal with increasing violence among children. But have you demanded that the schools in your jurisdiction teach conflict resolution as a part of the curriculum in elementary schools?

The Centers for Disease Control have recognized violence as an epidemic of sorts. But has your own local Health Department?

If not, why not? Tell them it's their Police or Sheriff's Department calling, and you want their involvement. Tell them you want to meet so that the health professionals can help combat what is going down on the streets of their city or town or county.

You have to be part of the agenda-setting leadership in America, whether it is laws pertaining to guns, drugs or the exposure of children to violence on television.

On the street level, our cops have to let the law abiding public help identify the problems and define the solutions.

Among the leadership circles, you have to assert yourself and demand the participation of other community resources.

That's community policing!

And that's the way of the future.

Mr. BRADLEY. Mr. President, I strongly support this amendment and I think community policing is an important initiative. It needs to be more thoroughly thought through, but it is an important development. I strongly support this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DECONCINI. Mr. President, I yield 10 minutes to the Senator from Vermont.

Mr. LEAHY. I thank the Senator from Arizona.

Mr. DOMENICI. Did the Senator want to get the yeas and nays?

Mr. DECONCINI. Yes. I thank the Senator from New Mexico.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I thank the Senator from Arizona. I hope that Members will listen to what he said. He has had a long and distinguished career in law enforcement prior to coming here and he speaks on a subject he knows very well.

THE MISSION OF FOREIGN AID IN THE POST-COLD-WAR ERA

Mr. LEAHY. Mr. President, some weeks ago I spoke at length on this floor about the urgent need for a top to bottom reform of our foreign aid program. A few days ago, I urged a major shift in funding priorities toward a bold new aid program to help Russia make the transition to democracy.

Today, I would like to offer some views on how the purposes of our foreign aid program, especially the bilateral economic assistance provided through the Agency for International Development, might be redefined. Reform essentially means redefining how foreign aid can best serve U.S. national interests in the post-cold-war era.

Over 30 years ago, President Kennedy said that the purposes of foreign aid were to advance our national security interests and to further the cause of freedom and justice around the world. Those basic purposes remain valid today. But the way we define national security interests and what we try to achieve with foreign aid must reflect fundamentally changed international conditions and challenges.

What are our foremost national interests today, what goals should we set to further those interests, and how can we use foreign aid to achieve those goals?

Today, in the third of a series of speeches I will make during the first 100 days of the new administration on foreign aid reform, I will share my thoughts on defining new goals for foreign aid. In later speeches, I will discuss how we can achieve those goals, including streamlining and strengthening the agencies that implement our foreign aid program.

The formidable challenge we face is to design a foreign aid program that looks to the future, that the American people can support. That will not be easy. In a time of dwindling budgets and a focus on domestic needs, and of disillusionment with foreign aid as we know it, it is one thing to agree that the system needs fixing. It is quite another to agree on the remedy and to put that remedy into practice.

Our task is made all the more difficult by the fact that powerful interests have major stakes in our existing foreign aid budget. We all know those interests will fiercely resist change.

Any redefinition of foreign aid should begin with the premise that no single mission or purpose, such as containing communism, or combating poverty, will suffice. As the world has become more complex with the disappearance of the simplicities of the East-West division, so the purposes of foreign aid must be more subtle and, frankly, impossible to explain in a catchy phrase or slogan.

The starting point of any successful reform must be the establishment of a clear relationship between foreign aid and widely accepted U.S. national interests. That is the problem today. Such a clear relationship no longer exists. Reform means building a new consensus about what interests foreign aid is to serve. If we succeed in doing that, we will at last have an agreed set of goals and can design new programs and better implementation methods.

In my view, all thought of foreign aid as charity, a perpetual state of dependency by other nations upon American generosity, has no place in a renewed foreign aid program. If it is to continue much longer, foreign aid must be turned into a kind of U.S. national investment in peace, stability, growth, and justice abroad. The American people need to see that foreign aid directly serves tangible U.S. interests.

By that I do not mean to denigrate the humanitarian impulse which motivates much of current U.S. foreign aid. Just the opposite. The generosity of the American people largely sustains the present foreign aid program. Polls consistently show the only form of foreign aid the American people strongly favor is that which helps people overseas, especially poor people, improve their lives.

It is precisely that kind of foreign aid that I am arguing is in the national interests of this Nation. Aid aimed at people should be the essence of a new foreign aid program.

What are the specific U.S. national interests that can be served or advanced by foreign assistance? There are many papers, studies, and reports on this question. But when all is said and done, in the international arena the United States seeks:

A healthy global environment in which natural resources are used wisely and the world's population is in balance with the ability of the Earth to sustain it;

Stable democratic, pluralistic systems with open, responsive governments in which all people participate and feel a stake;

Growing economies which can provide markets for U.S. products, and economic justice and participation for the peoples of the developing world.

Clearly, every one of these interests directly affects the quality of American life, as well as that of the peoples of the developing world. An aid program that protects the global environment, curbs runaway international population growth, promotes democracy and human rights, and stimulates sustainable economic growth with equity will advance our own national well-being. That kind of foreign aid would, in reality, be a form of U.S. national investment abroad, with measurable returns to American citizens.

That we live in an increasingly interdependent world, and that protecting our national well-being compels us to be part of a larger, global effort, has been said by many people before, but let me give a few examples to illustrate the point:

The strength of our economy depends on the strength of the world economy, but the very countries that hold the most promise as future markets for our exports are today the ones most in need of assistance of restructure and expand their economies. In the 1980's, because of unwise economic policies and poor foreign aid programs, over $30 billion in U.S. trade with the developing world was lost. That cost the United States 600,000 jobs. And it meant even deeper misery in the developing nations whose economies stagnated or declined.

It has been estimated that every additional $1 billion in U.S. exports creates 20,000 new jobs in the U.S. foreign aid that is aimed at promoting sustainable growth in the Third World offers a way to stimulate rapid growth in United States export sales.

Conversely, misused or wasted foreign aid costs jobs in this country as well as abroad. When we use our scarce foreign aid dollars to prop up corrupt or incompetent governments, we cost the American taxpayer returns in growing foreign economies and more jobs here at home.

Many of these countries have been torn by war and are struggling to protect a fragile peace and rebuild their economies. Their failure to build stable political institutions and functioning, sustainable economies has meant major foreign policy problems for us. Out of the misguided policies of the 1980's came Somalia, Zaire, Liberia, and Sudan. These four nations accounted for 80 percent of United States foreign aid in sub-Saharan Africa in the 1980's, and today every one is in a state of collapse. Not only did large-scale aid from us not prevent anarchy, it actually promoted it by allowing dictators to avoid the need to build workable institutions.

Look at what our old ally, President Mobutu, has done with millions of American tax dollars he pocketed during the Reagan-Bush years, while we pursued an ill-fated policy in support of Jonas Savimibi in Angola. Today, Zaire is plundered, its people are starving, and Mobutu is holed up in his palace. In Angola, rather than accept defeat at the polls, Savimibi prefers to sacrifice what little is left of that ruined country.

Aid given to dictators, corrupt rulers, and oppressive or incompetent governments means new Zaires and Somalias, more millions wasted, and more costly interventions by United States military forces.

Our natural environment is inseparable from the global environment. The destruction of the Earth's remaining forests, most of which are located on other continents where exploding populations are destroying the natural resource base, threatens to dramatically change our own climate.

In India, a country torn by religious and civil strife, and an impoverished population that will grow by another 100 million by the end of this decade, the forests are being burned in millions of household stoves that are pouring carbon dioxide into the atmosphere we share.

If, working with the international community, we cannot stop global warming, pollution of the air and water, destruction of the world's biodiversity, and the unsustainable exploitation of the world's natural resources, our standard of living and the lives of our children and grandchildren will suffer.

There are countless other examples. But the point is inescapable. Foreign aid that responds to these kinds of challenges advances real U.S. national security interests. It is not a giveaway, it is an investment in our Nation's future.

Before we can agree on where we go from here, we first need to understand where we are. What does our foreign aid program look like today?

Many Americans, including some elected officials, are confused about the size and content of the foreign aid program. Frequently, I am asked why, rather than send aid overseas, we do not use those dollars to reduce the deficit.

The fact is that the foreign aid appropriation—some $14 billion in fiscal year 1993—consists of only about seven-tenths of 1 percent of the Federal budget. By comparison, this year Americans will spend one and a half times as much on cigarettes.

When most people think of foreign aid they think of AID, [the Agency for International Development]. AID's fiscal 1993 budget of $6.5 billion funds our bilateral economic development programs, which pays for everything from cement to medicines, and supports programs as diverse as protecting wildlife in Africa to training police in Central America. But that amounts to less than half of the activities that are usually considered foreign aid. The remainder is accounted for by:

U.S. contributions to the international financial institutions, and private and international debt reduction programs administered by the Treasury Department;

Refugee assistance, voluntary contributions to the U.N. specialized agencies, international antinarcotics efforts, and international antiterrorism activities administered by the State Department;

Military assistance, grants, loans and loan guarantees, military education and training, and related programs administered by the Defense Security Assistance Agency;

Trade promotion and export assistance programs administered by the Export-Import Bank, the Overseas Private Investment Corporation, the Trade and Development Agency, and others;

The Peace Corps, and a handful of small specialized programs, such as the Inter-American Foundation and the African Development Foundation.

In addition, many other agencies have foreign aid programs funded either by transfers from AID or by direct appropriations outside the foreign operations appropriation. These include: A substantial humanitarian assistance program in the Defense Department; export promotion and technical assistance programs of the Department of Agriculture, including the Foreign Agricultural Service; the Foreign Commercial Service of the Department of Commerce; the international environmental programs of the Environmental Protection Agency; international nuclear safety programs of the Department of Energy; and international labor programs of the Department of Labor. The list goes on to include nearly all Cabinet departments and many sub-Cabinet agencies.

It should be obvious that any comprehensive attempt to rationalize and restructure our foreign aid program cannot be limited to reforming AID an agency which everyone agrees is in dire need of reform. Greater policy coherence and improved results from our foreign aid program will require far more effective coordination throughout the Federal Government.

While the foreign aid program, broadly defined, consists of a multitude of programs funded and administered by over 20 departments and agencies that rarely listen to each other or even bother to find out what the others are doing, AID itself is a collection of independent and uncoordinated yet often duplicative, overburdened parts. AID today consist of almost 400 organizational units that are attempting to implement over 39 separate objectives and many more earmarks and directives imposed by both Congress and the executive branch.

This kind of bilateral assistance cannot go on any longer. The mission of AID has to be clarified so that it knows what the President and Congress want it to do. Its current maze of objectives must be reduced to a clear set of broad goals which will allow it to design programs to achieve those goals.

In my next speech, I plan to go into more detail on how AID might be changed to become a more manageable, more effective, foreign aid agency. Suffice it to say here that AID, much maligned for mismanagement, waste, redtape, and unresponsiveness, often deservedly so, has been asked to do the impossible and then savagely criticized for failure to achieve it.

A good deal has been written about how we can achieve some semblance of coordination of foreign aid throughout the Federal bureaucracy, and how we can transform AID into an efficient, effective agency. The Deputy Secretary of State has begun a study of these issues, and says he will have a proposal for the Congress to consider by the end of April. I have met with the Deputy Secretary to discuss foreign aid reform and appreciate his willingness to consult closely with the Congress during this process.

As an aside, I am disturbed by the delay in naming a new Administrator of AID. The delay has been costly to the present reform efforts. It has meant, for example, that AID had little or no input into the fiscal 1994 foreign assistance budget request—a budget that in large part will have to be defended and administered by AID. It has meant that AID has had no voice at the policy table who can speak with the authority of a White House appointment. And it has meant that AID probably the Agency most affected by the reform effort, has been essentially a passive object, not an active participant in designing its own future.

Mr. President, while any consensus on a new vision and set of goals for foreign aid will take time and compromise, I believe we can begin by reaffirming that we have a national interest in securing for others the same rights and values we cherish ourselves, and in helping to create a better future for all.

I would like to suggest some guidelines to help us through what will be a difficult process:

Congress and the executive branch must consult regularly throughout the process. Our goals must be America's goals, or we will see a repetition of the policy disputes, scandals, and loss of trust that have plagued our foreign aid program for the past decade and more. Again, I welcome the efforts Deputy Secretary Wharton has made to begin a new era of cooperation.

Foreign aid has not failed. It has many successes to its credit. In the past three decades, developing countries, as a group, have performed better economically than the wealthy countries in terms of growth rate of per capita income. Average life expectancy and adult literacy have increased sharply since 1960, and child mortality rates have halved in a generation. The green revolution, eradication of smallpox and other diseases, child immunization programs that raised coverage in developing countries from under 5 percent 25 years ago to 80 percent today, are other examples of the many successful programs the United States supported.

Foreign aid played its part in these achievements, together with the support of the aid recipients themselves.

As the world's only superpower, we have global responsibilities. We are both the biggest producer and the biggest consumer Nation. While we alone cannot solve the world's problems, neither can they be solved without us. Unless we use our enormous financial and human resources to lead other countries in a common purpose, whether it be to protect the Earth's environment or to prevent future Somalias, these goals will continue to elude us.

Our strength at home and abroad go hand in hand. Reforming foreign aid can contribute to strengthening our economic competitiveness by helping to create the conditions overseas to generate new markets for our exports. But unless our technology can compete with what the Germans and the Japanese are producing, they will be the ones who benefit from those markets, not us.

We must strive for consistency between what we say and what we do. Time and again with our mouths we preached about democracy and human rights while with our dollars and weapons we supported dictators and oppressive regimes. The result was cynicism at home and resentment abroad.

We should focus on results, and remember that spending money should never be an end in itself. In the past, we have too often measured success by how much money we spent, rather than on what we actually accomplished with it. If we are going to convince the American people that they should continue to pay for foreign aid, they need to see they are getting their money's worth, and in a period of declining budgets it had better be more for less.

More and bigger is not always better. A persistent criticism of the foreign aid bureaucracy is that it is out of control. Piles of reports mandated by Congress that no one reads, long lists of people to sign off on even the most mundane decisions, months of delays to implement a simple directive—this is the rule, not the exception. No matter how successful we are at shifting the focus of foreign aid, unless we streamline the mechanisms that design and implement and evaluate programs, we will continue to be disappointed with the results. We need to rein in the Medusa, to simplify the decisionmaking process in every way possible.

There are no shortcuts and no magic formula. Today, millions of Americans continue to live below the poverty line. Economic growth that both reduces poverty and protects the environment for future generations—what we refer to today as sustainable development—is still a goal for our own country, not just the developing countries. Only by investing in people and in institutions can sustainable development be achieved.

We should emphasize what we do best. Increasingly, we have tried to be all things to all people. We have to choose and we have to set priorities and stick to them. Our resources are limited. Time is limited. We need to concentrate on the things we do best, and coordinate with other donors to avoid a duplication of efforts.

With these guidelines in mind, we can set out to identify the challenges that should be the focus of our foreign aid program in the years ahead.

In doing so, we should all maintain a sense of humility about the difficulty of this undertaking. It is sobering to note how accurately President Kennedy's words of over 30 years ago still apply:

> While our aid programs have helped to avoid economic chaos and collapse, and assisted many nations to maintain their independence and freedom * * * many of the nations we are helping are not much nearer sustained economic growth than they were when our aid operation began. Money spent to meet crisis situations or short-term political objectives * * * has rarely moved the recipient nation toward greater economic stability.

Creating the social, political, and economic conditions for global sustainable development requires a strategy that can take us well into the next century. This is a challenge to leadership. For the sake of our children, we must respond.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994

The Senate continued with the consideration of the concurrent resolution.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from Arizona for his usual courtesy. I yield to the distinguished senior Senator from Tennessee, who once again is carrying out the Herculean, and sometimes Sisyphean chore of bringing through a budget resolution. Like Sisyphus, he will persist. But, unlike Sisyphus, I predict that he will succeed.

I yield to the Senator from Tennessee.

Mr. SASSER. Mr. President, I thank the distinguished Senator from Vermont for his kind words. I rise today in support of the amendment offered by the very able Senator from Arizona [Mr. DECONCINI].

The DeConcini amendment supports additional investment in the Community Policing Program as envisioned by President Clinton.

What is the community policing initiative all about? The community policing initiative provides unique and very needed approaches to addressing the very serious problem of criminality in our Nation's cities.

I am sorry to say—and I am ashamed to say, really—that crime in our Nation's cities has gotten out of control. We pick up the newspapers here in Washington, DC, and we hear stories of innocent bystanders being taken victim by carjackers. We all remember the horrible story of a young mother with her baby who had her car carjacked in the suburbs of Washington. The carjackers threw the baby out the window and the young mother was left to dangle out the door on a seat belt until she was fatally injured as she brushed against an automobile as the carjackers sped away.

We hear stories of youngsters carrying pistols into schools, committing crimes. I think it is a sad commentary on the times that we live in that metal detectors are necessary in many of the public schools in certain urban areas of this country. Too often we hear stories of people who fear going out in their communities because of violence. Let us face the facts. Criminality and criminal conduct have become part of the culture in certain areas of this country.

It is not going to be easy to deal with this problem. It needs to be approached in a lot of ways. One is to provide proper education, job training, opportunity for young people as they grow from children into adolescents and then into adulthood. That is the way to deal with the new generation coming on. But I think we have to face the unhappy fact that some in the older generation now are simply incorrigible and they are going to have to be dealt with by more widespread and more pervasive law enforcement.

We hate to admit it, but it is a fact: Our Nation has become so violent that the United States of America is the most violent Nation on the face of the Earth. The United States of America, the land of the free and the home of the brave, has the highest murder rate of any country in the world.

In this country, the United States, we have more rapes than any country in the world. We may have been surpassed in recent months in some areas of Bosnia. But year in and year out, there are more rapes in the United States than any other country in the world.

We have the highest rate of theft, and what is sad about it is no other nation even comes close to what is happening in this country. We have more murders, more premeditated cold-blooded murders in the capital city, Washington, DC, a city of approximately 500,000 people, than they have in all of South Africa, a nation of 26 million people. What does that say about the violence and the criminality that is embedded in the culture in the Nation's Capital?

We have looked the other way for too long with this problem. We have had a lot of rhetoric and not much action coming out of the administrations for the past 12 years that have occupied the executive branch of this Government. But fortunately for all of us, President Clinton has recognized the need to address the very severe crime problem in this Nation.

His community policing initiative is only one component of a comprehensive anticrime initiative. Also included in the President's crime initiative is a police corps program, and what this police corps program will do is to provide college scholarships to young people. In exchange, they would serve as police officers for a certain period of time to pay the Government back for their college scholarships.

One of the problems that local police forces have been having in recent years in hiring and retaining policemen is the escalating cost of police force fringe benefits, driven primarily by health care costs. With these young police officers coming in, serving 2 to 4 years in their police forces, many times engaging in conduct that will be less hazardous for police officers, the cost to the cities of these young police officers will be greatly reduced.

It is also felt that many of these young college educated individuals who move into the police force to pay for their college education, doing police work in exchange for the Government helping them get through college, will find police work to their liking and they will stay in the police forces around this country and will upgrade the caliber of police officers. More police officers will have college degrees. More police officers will know about things like sociology, psychology, criminology. They will be better able to police our streets and enforce law and order in this country.

Also included in President Clinton's program is a criminal records upgrade program to assist the various 50 States in improving their criminal records infrastructure link with the criminal information database maintained by the Federal Bureau of Investigation so that they can more quickly identify individuals or the profiles of individuals who might be in their States committing criminal acts.

It will also, of course, have increased funds to meet the costs associated with detaining and incarcerating the growing Federal prison population; more money to put people in prison who committed criminal acts and to keep them there.

The community policing initiative is a necessary component of the President's overall crime package. Alliances between community residents and the police are essential for making neighborhoods safe and drug free. The President's community policing initiative will focus on activities that bring the police together with the people who live in the community to build relationships of trust and to promote security. We find many times that the people in neighborhoods that are being terrorized by hoodlums and drug dealers and murderers really are afraid to talk to the police. They are not sure they can trust the police, and they are afraid that somehow if they try to cooperate with the police that the criminals will find out about it and punish them.

This President's community policing initiative will work to build relationships of trust between the police officers and those they seek to protect. It will do so by utilizing techniques that we have gotten away from and we need to have more of, like policemen walking the beats, policemen on foot walking through the neighborhoods so that the people can see them and, more important, the criminals can see them, and they will be more than just a car whizzing down the street that is here one second and gone the next. They will be real people in real police uniforms with real badges with real pistols on the belt who will be there to protect the people and the people can see them and talk to them and get to know them. More important, they can get to know the people and get to know what is happening in that neighborhood and develop sources of information in that neighborhood, and get to know who the good guys are and who the bad guys are and, in that way, more effectively protect the people in the neighborhood and enforce the law.

The President's program provides for citizen neighborhood watches to inform the police, to inform the officer walking on the beat what is going on. It also calls for targeted mobile police units to come in and aid that foot patrolman when he or she needs help. These mobile police units will work to increase positive interaction between the citizens and the police.

President Clinton's economic plan includes $1.1 billion for community policing initiatives through 1998. The President's community policing initiative is desperately needed.

We need to get more policemen on the streets walking up and down those beats, talking to the people, finding out what is going on. We need to have more mobile police units that can get there in a split second to back them up when they have to enforce the law. We need to have better intercommunication between the criminal records maintained by State governments and the Federal Bureau of Investigation, and President Clinton's program provides for that.

His program provides for an infusion of idealistic college educated young people in the police forces across the Nation. These young people can bring with them the skills and the idealism that only youth have, to bring new intellect to the police forces and to set a better example for the young people in the urban neighborhoods they will police.

All this is part of this President's program, his economic program, his program to revitalize this country. It is in this young President's budget, and we need to support it.

Some of my friends on the other side of the aisle have spent a lot of time in the last 2 days talking about the President's program, trying to pick it apart, saying he wants to just raise too much money to do too many things. If we listen to some of them and we carried out the budget cuts they have been proposing, to borrow a phrase from my distinguished friend, Congressman MARTIN SABO over on the House side, they would have us traveling on gravel roads again. We would not be traveling on superhighways. We would not have the funding for air traffic control; the air transportation system would continue to deteriorate. We would not have the funding for things like this community police initiative which is so desperately needed to bring security to our citizens. It is a basic function of government, a fundamental function of government that it should make its citizens free of fear in their homes and in their places of work, to protect their property and to protect their lives. And any government that does not do that is failing in the fundamental duties to which government should be dedicated.

Our Government is failing in that now, and President Clinton's police initiative will go a long way towards saying that these goals are fulfilled.

Mr. President, I might ask how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 23 minutes 13 seconds remaining on the amendment.

Mr. SASSER. I see the distinguished Senator from Illinois has arrived on the floor. I would inquire of her if she wishes to speak.

Ms. MOSELEY-BRAUN. I do.

Mr. SASSER. I yield the Senator from Illinois 10 minutes of the time controlled by the proponents of the amendment.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. I thank the Chair.

I rise to talk a little bit about the importance of this initiative, community policing. It is long overdue. It is an idea whose time is now. Quite frankly, community policing really takes us back to an old fashioned idea we talked about, about the beat cops and the police on the street. It is most importantly, however, Mr. President, an effective crime prevention strategy. It worked before to make our communities safe. It can work now to make our communities safe.

Senator SASSER, the distinguished Senator from Tennessee, talked about the importance of having law enforcement officials as part of the community, to get to know the people, to be there before the fact, before crime has happened. This is a formula that has worked in time past in our country. We got away from it and the result was that people in communities throughout this Nation have been victimized more and more and more from the absence of community policing.

I would like to bring your attention, Mr. President, to an article that appeared just this morning in the New York Times which talked about "Crime Down in New York for Second Year in a Row," and part of that article, and I think it is pertinent to this debate, talks about one of the reasons for the decline in crime. It says:

> Police department officials and some criminal justice experts also gave some of the credit to the addition of 3,000 officers to the force since the fall of 1990 from 25,000 uniformed officers to 28,000 and a further strengthening of community policing in the city's diverse neighborhoods where beat officers have been trying to resolve problems in partnership with their residents.

Well, Mr. President, this proactive approach to law enforcement makes sense. It has worked before. It can work again. We just simply have to give the President's program support.

For the last several years we have really approached law enforcement backward. It has all been after the fact. It has all been reactive and we have paid and paid again for our failure to understand that effective crime prevention saves money in many different ways. It saves money because we are not just using our tax dollars to buy sophisticated equipment that the local law enforcement community does not have access to. It saves money because we do not bear the costs of the victimization. All the people who are victims of violent crime particularly pay in human terms in enumerable amounts of suffering, not to mention financial loss. Again, we pay for our failure to understand that if you prevent crime as opposed to just reacting to it you save money, you save the taxpayers.

It also will save money because right now average citizens, taxpayers are paying for the incarceration of criminal offenders after the fact at a rate that averages out, Mr. President, at about $20,000 a year per person. So we have a huge jail population. We have the largest jail population, in fact, in the world at this point, per capita. And we are doing that because our approach has been reactive instead of proactive, instead of being preventive.

This community policing initiative seeks to give us the capacity to prevent crime before it happens, to stop crime before it happens, to give communities the ability to deal with community problems before law-abiding citizens become victims.

Mr. President, I come from a law enforcement background. My father was a police officer, my uncle a police officer, my only brother is a homicide detective in Chicago. I grew up in a family in which respect for the law was important, and I know there are many law-abiding citizens out there who believe we can only achieve domestic security if we are safe to walk home. People right now live in terror of what is going on in the streets, and we seem to have turned our backs on those people. We have said to them it is OK to let crime happen; we will just let it go on; we are just going to turn our back, ignore it, maybe it will go away. And the crime hurts the innocent, the victimization happens, and the taxpayer still winds up paying as our only response has been to lock people up and throw away the key. That has not worked. Everybody knows it has not worked, Mr. President.

The essence of community policing is its belief that only when a police force and the community it protects work hand in hand can we really make people feel safe in their homes and on our streets. Who knows better what threatens the safety and well-being of a particular neighborhood than the community residents themselves? And who is better prepared to deal with those threats than a local police force that has been truly integrated into the community? But for too long, Mr. President, we have believed that the best way to deploy our police was to use police officers almost as judicial firefighters who would rush from crime scene to crime scene to put out the latest blaze of violence. Our focus has been on arrest rates and response times.

The community policing approach turns that misguided philosophy on its head, Mr. President. It is built upon the irrefutable premise that if you can prevent a crime before it starts, you need not focus on response times because no response will be necessary at all.

So going back to the basics, going back to community policing as a response, to put more police on the streets where it can make a difference we will begin to protect our communities, protect our citizens, and in the long run will save taxpayers' dollars. The $1.7 billion that the President is suggesting is the best money we can spend to restore our domestic security and begin to provide the local communities with the kind of help and support they need in order to beef up community police, again, the police on the beat give communities the capacity to deal with the rising crime and the rising victimization.

I think this approach, Mr. President, commends itself to all of us. It is an effective crime prevention strategy. It is turning away from the failed approach of locking the barn door after the horse is out, putting people in jail after the crime is committed, letting people be victims. It says that we in the Senate understand the President's approach to providing our people with some security where they live. We understand that most Americans want to live in secure communities. We understand that law enforcement at the local level is what matters the most. It does not serve our interest to pay for a court system, to pay for a jail system, to pay for sophisticated machinery and studies when the people who are actually on the frontline are not getting any help from us.

Mr. President, I can tell you that it has been my experience, both coming from a law enforcement family and, indeed, as a prosecutor, that an ounce of prevention really is a pound of cure in this instance. And an ounce of prevention will give us the ability to get our communities back, to make our streets safe again, to keep women—particularly—from being victims, afraid to go home.

We can begin to put our resources where it can do the most good. That makes government work better. That makes government more efficient. That is effective kind of prevention strategies that ought to be supported.

I urge our colleagues, Mr. President, on the other side of the aisle to support this initiative. They have been talking about law and order all these years and, all it seems they meant was law in some abstract sense and order may be out in the middle of the cornfield as opposed to somewhere where we need it the most. We need it in these communities, where community police can make a difference. We need it to stop people from being victims. If they are serious about law and order they will get behind the initiative and support it.

This is a proactive approach. Support the initiative and its preventive approach. I urge our colleagues to support community policing as an idea not only whose time has come but as an idea that has proved itself time and time again. That is our history and our experience.

Mr. President, I yield the remainder of my time. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand from the distinguished chairman that we want time charged equally. So we are not going to have a quorum call. We will go talk and we will leave it out of a quorum call and charge it equally. Is that what we do when we do not ask for one?

Mr. SASSER. Mr. President, I would suggest to put it into a quorum call and charge it equally on both sides.

Mr. DOMENICI. I have no objection.

Mr. SASSER. Mr. President, I suggest the absence of a quorum, and ask unanimous consent the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

Mr. DOMENICI. Madam President, I am going to speak for 2 minutes and then yield back any time I have. I understand they are going to yield back any time they have on the DeConcini amendment. Then we will go on to the Wellstone amendment.

I have a statement I want to make with reference to the DeConcini amendment.

Madam President, this amendment sets assumptions in the Senate that President Clinton's community policing/cops on the beat initiative be fully funded for fiscal year 1998.

According to CBO, the President's proposal would cost $50 million in budget authority and $11 million in outlays in 1994. Over 5 years, this initiative would require funding of $1.1 billion in budget authority and $720 million in outlays.

This is a new grant program to localities that aims to make our streets safe again by putting 100,000 new police officers back on the streets and expanding community policing, "Putting People First" pages 114, 56, and 50.

I support the idea of a street-level attack on crime and the intentions of the Senator from Arizona are admirable. However, the adoption of this amendment will not necessarily ensure funding for the President's new program.

It is difficult to lock in spending for any of the President's new programs before the authorizing committees review the merits of this idea, create the program, and authorize the funding.

Madam President, I applaud the Senator for his attempt to make it clear to the American people that crime is a critical national, as well as local, issue.

I just want to make two points. First of all, it seems to me that we are now getting into a very, very serious and dangerous habit regarding the budget resolution. This proposal would be out of order, according to an exchange we had this morning with the Parliamentarian, unless it was a sense-of-the-Senate resolution and yet it reads like it is not.

So I am going to call it a sense-of-the-Senate resolution and just tell the Senate what we are doing. We are putting before us a budget resolution that is nonbinding as to anything. It has a lot of assumptions in it, and now we are going to come along and offer a very precise amendment and say it is not specific but we all want you to vote to tell the appropriators that you want this funded fully.

We could go through every item on the budget, if we had enough time, and vote on our sense when we know it is not binding and when we know it cannot be done, there is not enough to go round.

Having said that, I merely want to say that the amendment is also drawn off the President's putting people first book, and Chairman SASSER's amendment has already changed putting people first dramatically, and what you have done is you put off the funding for this program until 1997 but the amendment is still numbered by the dollars off of the President's putting people first.

I do not have any objection to that. It is just that these numbers that we are voting on do not apply anymore, because the distinguished chairman, to get more savings, assumed that these programs were going to be put off for 3 years.

Mr. KRUEGER. Mr. President, I rise in support of Senator DECONCINI's community policing amendment.

Burglary, theft, rape, family violence, child abuse, murder, drug abuse, these are words we do not like to hear, and yet we hear them daily. We hear them daily because crime is so pervasive in our communities and neighborhoods that there is no escape. Regardless of your income, race, gender, or age, you could be a victim of a crime.

That is a national disgrace. I cringe to think that this is the America other countries call the land of hope. Our crime rate redefines what we mean when we call America the land of hope. Hope for what? Hope not to be assaulted? America should not have to tolerate crime, and we will not have to if we give community policing the support it needs to work.

Community policing puts more law enforcement officers on the streets and in our neighborhoods so that we can stop crimes before they happen. Community policing also focuses on assigning the same officers to the same neighborhoods so that a unity builds between law enforcement and citizens. That unity helps to fight crime because the officers are more in touch with the problem and can work with the community members to kill the problem at the root. Each community has its own crime problems and a case-by-case remedy has been proved to be more effective for fighting crime than the current system which is a blanket, citywide approach.

In Texas, community policing has been very successful in Dallas and Austin. The Dallas Police Department and the Austin Police Department find that crime is reduced where community policing is applied—particularly effective when fighting the drug war. The officers target the pushers and work to identify problems that social services can address so that the quality of life is improved. Improving the quality of life helps to eliminate the criminal element.

The Austin Police Department has benefited so greatly from community policing since they started 2 years ago that they consider it a concept rather than a program. Since January 1992, Austin's crime rate dropped 15 percent. Moreover, the Austin Police Department is below the national average of officers per persons compared to other like cities, and they still managed to reduce crime with the help of this concept. Austin has been able to wipe out crack houses in neighborhoods, contain gang problems, and control grafitti by using community policing.

Although both cities have been successful fighting crime by using community policing, Dallas does not have the resources to apply the concept department wide. If we could reduce crime in every city by 15 percent, that would make the investment worthwhile. I think we should make the investment and provide the funds necessary to ensure that all States, cities, and towns can implement community policing.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. DOMENICI. Madam President, I am prepared to go to the Wellstone amendment.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. First of all, let me thank the Senator from New Mexico.

AMENDMENT NO. 186

Mr. WELLSTONE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. HARKIN, Mr. PRESSLER, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, Mr. EXON, Mr. SIMON, Mr. KERREY, and Mr. BAUCUS, proposes an amendment number 186.

At the end of the concurrent resolution, add the following:

SEC. . SENSE OF THE SENATE ON ENERGY TAX.

It is the sense of the Senate that any increase in revenues set forth in this resolution do not assume an energy tax or fee on nonconventional fuels, including solar, geothermal, wind, and biomass-derived fuels (including biomass-derived ethanol and methanol).

Mr. WELLSTONE. Madam President, first of all, I offer this amendment to the budget resolution on behalf of myself, Senators HARKIN, PRESSLER, GRASSLEY; the distinguished Presiding Officer, Ms. MOSELEY-BRAUN; Senators EXON, SIMON, KERREY, and BAUCUS.

Let me also add, on the basis of discussions I have had with Senators, really, on both sides of the aisle, I believe that there will be widespread support for this amendment.

Again, to just reiterate one more time the language of the amendment.

> It is the sense of the Senate that any increase in revenues set forth in this resolution do not assume an energy tax or fee on nonconventional fuels, including solar, geothermal, wind, and biomas-derived fuels (including biomas-derived ethanol and methanol).

Madam President, I have been a supporter since day one for the basic parameters of President Clinton's economic plan, including his proposal for a broad-based energy tax, and I continue to support both.

My intention here today is to address an error in the administration's draft proposal for how an energy tax will be implemented. That is really what we are talking about. The administration's proposal for a Btu tax would "exempt nonconventional fuels, including solar, geothermal, biomass and wind."

Madam President, this is entirely proper. While an energy tax's main purpose is to raise revenue to deal with the deficit, the administration has also listed some good nonrevenue reasons why it would raise money in such a way as to exempt certain sources of energy; namely, those that are nonconventional, with a focus on renewal. That is appropriate from the point of view of our economy, the environment, and for some other public policy reasons which I will mention in a moment.

These have to do with energy competitiveness. These have to do with economic competitiveness. They have to do with national security. They have to do with the environment. They are some really important public policy reasons.

At the same time that the administration's draft plan for an energy tax exempts the nonconventional fuels that I just mentioned, the proposal also explicitly includes biomass-derived ethanol and methanol among the fuels that would be subject to tax. That is in the draft proposal. This is a clear inconsistency with no policy justification.

I would like to read for a moment from an OMB document talking about the objectives of the energy tax part.

> Increase energy efficiency of economy for long-run competitive advantage;
>
> Improve environment through reduced growth of fossil fuel consumption and modest incentives favoring cleaner fuels;
>
> Enhance national security and U.S. trade balance by reducing oil imports;
>
> Strengthen economic performance through vigorous deficit reduction, boosting long-term U.S. investment, productivity and growth and encouraging U.S. exports.

Ethanol is a biomass fuel. It is a nonconventional biomass fuel. It is a nonconventional source of energy. It is not a fossil fuel. It is a biomass fuel. It is a successful domestically produced renewable and, most important, it fits the very nonrevenue objectives of the energy tax that have been set out by the administration itself.

That is the reason I offer this sense-of-the-Senate amendment today to the budget resolution.

Ethanol helps increase, not decrease, energy efficiency for our Nation's economy and, therefore, it contributes to the economic competitiveness of our country.

The Washington Post had a piece the other day which indicated that, in fact, we are yet importing more oil, which is a serious problem from the point of view of our environment.

If we are to be serious, Madam President, about the problem of global climate change, we are going to have to make a connection between how we produce and consume energy and the protection of that environment for ourselves, our children, and our grandchildren.

Ethanol biomass, a particularly clean fuel, is not fossil fuel. Ethanol helps improve the environment through reduced reliance on fossil fuel consumption in favor of cleaner fuel, and ethanol enhances national security and the U.S. trade balance by decreasing—reducing—oil imports.

As we all know, Madam President—you certainly do, coming from the State of Illinois, and other Senators who come from agriculture States; I am sure the Senator from Michigan knows this well, too, coming from the Midwest—ethanol also provides additional markets for our agriculture producers, which contributes to a healthier rural economy.

And, Madam President, we certainly cannot underestimate the difficulties that people in rural America face.

Senator RIEGLE, from the State of Michigan, has been on this floor many, many times. I have presided quite often while he has spoken. Over, and over, and over again, he talks about bread and butter economic issues. He talks about jobs. He talks about health care. He talks about child care. He talks about the economies of local communities. He talks about the importance of opportunity, real opportunity, for people. He talks about hope. He talks about the need to invest in our economy. He talks about the importance of beginning to redefine national security as a security of our local communities where, again, there is gainful employment. I do not just mean jobs. I mean jobs that people can count on with decent wages and with decent fringe benefits.

I want to suggest today on the floor of the U.S. Senate that all these bread and butter economic issues are every bit as important in rural America as in urban America. The economic pain, and sometimes the poverty, may be more hidden but it is no less real in rural America.

So, Madam President, I have said from the beginning that I support the President's plan. I have been out front in supporting it in the State of Minnesota and will continue to do so.

I am pleased to see that we finally moved away from smoke and mirrors. I think there is so much support for the President's proposal that people feel as if it represents some change. People see that there is a focus on bringing the deficit down.

But as, again, the Senator from Michigan knows, and the distinguished Presiding Officer knows, we had, I thought, a fine meeting with the President yesterday in which we emphasized to the President: Yes, deficit reduction, but let us keep our eye on the prize. And part of that prize, a big part of that prize, is in the economy that produces jobs for people.

We have to invest in our economy. We have to invest in ourselves. We have to invest in people in our communities.

Madam President, it is in this spirit that I offer this amendment. I cannot emphasize enough the importance of ethanol as a biomass fuel, clean fuel. It is a part of the future for our country that we focus on renewables. It is important to Agriculture, important to rural America, and, I say to the Senator from Michigan, Senator RIEGLE, important to job creation.

Madam President, I think, really, we are at a point in time where we are trying to think about economic development models, where the entrepreneurship, the actual decisionmaking, the actual investment of capital and, therefore, the actual benefiting, actually happens at the community level.

There is enormous potential for ethanol in this respect. And it is in this spirit that I introduce this amendment and I remain very confident that when we vote on Tuesday, the Senate will deliver a really strong message to the people in our country. And that message is: Rural America counts. That message is to agriculture, and farmers: You are not out of sight out of mind. And that message is going to be: We are serious about an energy policy that in part—and I think the larger the part the better—focuses on saved energy, efficient energy use, and renewables.

It is vitally important, and I will just read this one more time, that we go on record that it is the sense of the Senate that any increase in revenues set forth in this resolution do not assume an energy tax or fee on nonconventional fuels including solar, geothermal, wind and biomass-derived fuels including biomass-derived ethanol and methanol.

Mr. HARKIN. Madam President, this amendment is very basic. It just corrects an inequity in the original tax package that came over from Treasury. The President's plan places a broad tax on energy production based on Btu or energy content. In addition to raising revenue, this Btu tax has several goals: The Btu tax seeks to reduce pollution by encouraging energy conservation. The Btu tax seeks to cut greenhouse gas emissions. The Btu tax seeks to reduce our dependence on imported oil. And the Btu tax is structured to move our Nation toward alternative, cleaner burning fuels.

To promote these objectives, the Btu tax quite properly excludes renewable or nonconventional energy derived from solar, wind, and biomass. But ethanol, which is clearly a biomass fuel, was not covered by this nonconventional fuel category. This special treatment for biomass-derived ethanol makes no sense.

Ethanol fuel meets all four criteria for the Btu tax exclusion: Ethanol reduces pollution, and has been used successfully for years in cities such as Denver, Albuquerque, and Phoenix to reduce carbon monoxide, the main ingredient of winter smog in many cities. Ethanol reduces our dependence on imported oil, by substituting a clearly home-grown product. Ethanol reduces greenhouse gas emissions, since the crops absorb as much carbon dioxide during the growing season as the ethanol releases during combustion. And ethanol is an alternative fuel, and obviously moves us closer to our goal of alternative, cleaner burning fuels.

Madam President, if it smells like a renewable fuel, tastes like a renewable fuel, and feels like a renewable fuel, it must be a renewable fuel. Ethanol is a renewable fuel, and deserves the same tax exclusion as solar, wind, and other biomass fuels.

I urge adoption of the Wellstone-Harkin ethanol amendment.

Mr. PRESSLER. Madam President, last week I introduced Senate Concurrent Resolution 17, a sense of the Congress resolution which states that ethanol and other biomass fuels should be exempt from any new energy tax enacted during the 103d Congress. Since then, I have worked closely with the Senators from Minnesota and Iowa, Senator WELLSTONE and Senator HARKIN, in a bipartisan effort to ensure that ethanol receives the same exemption as other exempted biomass-derived fuels.

Taxing ethanol while excluding other renewable fuels simply does not make sense. Ethanol is one of the cleanest burning fuels available and our most successful renewable fuel. Ethanol helps reduce carbon monoxide, toxins, and greenhouse gases that contribute to global warming. There is no more environmentally friendly fuel in use today. Additional taxes on ethanol would discourage its use.

We must develop policies that encourage and promote greater use of domestically produced renewable fuels. There is a great public demand for alternative fuels such as ethanol to reduce our reliance on foreign oil. Use of these fuels will lead to a cleaner environment. Ethanol has become one of the most valuable additives to boost gasoline octane and reduce automobile air pollution.

For weeks, many have said that ethanol was not included in the proposed energy tax. Yet, when exemptions to the Btu tax were identified by the Treasury Department, ethanol was never mentioned. Just last week many were saying ethanol was not going to be subject to the Btu tax. Last week, it was uncertain what the administration would do regarding ethanol. I felt then the best way to help the administration reach a decision was to demonstrate congressional support for exempting ethanol.

That was the reason I introduced my legislation last week. Today, it is now explicitly clear that the administration wants to tax biomass-derived ethanol. This is wrong. That is why my colleagues and I are introducing this amendment.

Subjecting ethanol to the proposed Btu tax while excluding other renewable fuels is not good policy. We must not discourage the production and use of ethanol. We should encourage it.

Farmers and ranchers in South Dakota are extremely worried over the proposed Btu tax. In fact, the proposed tax could result in fewer farmers and ranchers in my State. If there are to be new energy taxes, we must improve what is being proposed. Excluding ethanol from the Btu tax is a necessary improvement. Many South Dakotans have contacted me on this and our farmers and ranchers are closely watching this debate. There are clear partisan differences in this budget resolution. However, this amendment has strong bipartisan support. I thank my colleagues from Minnesota and Iowa for their leadership in this effort. I urge my colleagues to support this amendment.

I ask unanimous consent that several South Dakota editorials in support of an ethanol exemption be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Mitchell Daily Republic, Mar. 2, 1993]

ETHANOL SHOULDN'T HAVE ENERGY TAX

Well, Mr. Clinton, you messed up on this one.

The president's proposed energy tax, as of last word, would not exempt ethanol.

Big mistake.

Those of us here in the Corn Belt—where the tall corn grows that's used for the production of ethanol—don't understand Clinton's rationale.

The point of the energy tax, number one, is to reduce the deficit. We agree with that. However, we don't understand why the president would tax a renewable resource.

One of the reasons for such an outstanding deficit is all of the money that goes to the purchase of foreign oils. Why tax a homegrown fuel that would decrease our dependence on foreign oil?

Corn-based ethanol is a resource that we can grow at home forever. It's better for the environment. We don't need to rely on foreign goods that pollute the air and water.

And, at a time when public awareness and the use of ethanol is increasing, an additional tax isn't needed—especially on a cleaner burning, renewable fuel.

We have to agree with Jim Peeples of Information Resources Inc., which supports ethanol use. He said, "If this becomes the final part of the proposal, I think the president is going to find himself needlessly picking a fight."

Our boxing gloves are on the shelf and ready to go, if need be.

[From the Mitchell Daily Republic, Mar. 2, 1993]

SHOULD ETHANOL BE INCLUDED IN THE PROPOSED ENERGY TAX?

"No. The energy tax is to develop funds and encourage people to be energy savers and to cut down. Ethanol already is doing that. Ethanol is energy efficient. By its linkage as a fuel, it's being unfairly taxed."—Dina Brandt, executive director, Lake Francis Case Development Corporation, Chamberlain.

"Absolutely not. The energy tax is set up to address the financial problems afflicting us like the trade deficit and the national debt. Ethanol, if anything, has played a part to help the economy—to penalize it would have a negative effect. It's basically been our country's reliance on imported petroleum products that's gotten us into this mess. If anything, ethanol should be rewarded and exempted."—Trevor Guthmiller, marketing development director, South Dakota Corn Utilization Council, Sioux Falls.

"From the standpoint of ethanol producers, virtually all forms of renewable energy are exempted. We'd like to see ethanol get the same advantages in the marketplace. Our company feels ethanol should not be included in the tax because of the way it's made and because of its advantages as a domestically produced fuel. A non-clean burning, imported fuel should not be taxed at the same rate as a domestically-produced, clean burning fuel."—Jeff Broin, general manager, Broin Enterprises Incorporated, Scotland.

[From the Aberdeen American News, Mar. 17, 1993]

GIVE ETHANOL INDUSTRY A CHANCE TO PROVE ITS MERITS

Up here in the north country, the corn is rarely as high as an elephant's eye. Long winters and a relatively short growing season limit our bragging rights to somewhere around tusk region. Nevertheless, corn production is a key element in South Dakota agriculture—especially since the advent of the ethanol industry.

The corn-alcohol fuel has boosted corn prices some 20 percent to 40 percent and the ethanol industry has created jobs here and in neighboring states. It's to our advantage to keep up the momentum.

But trouble looms. Within the next 90 days or so, the Environmental Protection Agency is expected to decide whether ethanol meets Clean Air Act guidelines in the nation's smoggiest cities. Ethanol proponents also maintain their fuel should qualify for an exemption from the president's proposed new energy taxes as a renewable domestic fuel.

A clean-burning fuel, ethanol reduces carbon monoxide pollution. But ethanol blends evaporate more rapidly than ordinary gasoline and increase ozone formation.

According to the ethanol industry, that is offset by the fuel's reduction of carbon monoxide emissions, which also contribute to ozone.

While oil companies and environmentalists maintain that ethanol should be barred from the worst ozone-polluted cities, industry officials say there are sufficient studies to show that their fuel doesn't worsen smog pollution.

Point, counterpoint. Too many questions, not enough facts.

Which is a sure sign that it's too soon to abandon ethanol. If the president and EPA will give it a chance, corn may yet power another giant industry.

Mr. WELLSTONE. Madam President, I suggest the absence of a quorum. I ask unanimous consent that time on the quorum call be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I would like to have time in support of the Wellstone amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. If the Senator will yield, let me inquire how much time presently exists on the Wellstone amendment?

The PRESIDING OFFICER. The Senator from Michigan controls 45 minutes.

Mr. RIEGLE. How much time does the Senator from Iowa wish to have?

Mr. GRASSLEY. I would like to have about 6 minutes, if I could?

Mr. RIEGLE. Let me yield 8 minutes to the Senator from Iowa.

Mr. GRASSLEY. I may not use all of that but I am glad to have it. I thank my friend for doing that.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I am very pleased to be a cosponsor and to join my colleague from Minnesota, Senator WELLSTONE, in offering this amendment. I think it is really kind of a shame that he has to go to the trouble of offering this amendment, from the standpoint of common sense, as well as from the standpoint of what the statute says about ethanol. It is a shame, as I said, that this amendment even has to be offered and that we have to fight this battle.

I think it would be very difficult for President Clinton, or people who work for him, to say that ethanol is not a biomass energy and to argue instead that it is a conventional fuel. If they are having any difficulty in understanding what biomass is, I think it is very clear in the definitions within title XLII, section 8802 of our United States Code. This section defines:

> The term "alcohol" means alcohol (including methanol and ethanol) which is produced from biomass.

Then it goes on to define the term "biomass" meaning—

> * * * any organic matter which is available on a renewable basis, including agricultural crop and agricultural wastes and residues.
>
> The term "biomass fuel" means any gaseous, liquid or solid fuel produced by conversion of biomass.

If that is not clear enough, then there is title XXVI, section 29 which states:

> The term "biomass" means any organic material other than (A) oil and natural gas (or any product thereof) and (B) coal (including lignite) or any product thereof.

So, Madam President, I happen to believe that we in this body are going to make clear that ethanol should be guaranteed an exemption from the Btu tax in the very same way as we thought originally on hearing comments from the administration on the budget that the Btu tax was to be exempted and later finding out that maybe it was not. Consequently, several of us, under the leadership of Senator WELLSTONE, have put in this amendment.

I want to suggest and I cannot with absolute certainty say the situation is exactly the same in President Clinton's administration as was in President Bush's administration. I can tell you from some battles that we Republicans had with our own administration just last year on the subject of ethanol, we found too often odd forces between environmentalists, on the one hand, working with big oil, on the other hand, to prevent a proethanol regulation to be written under the clean air bill.

There might be some of this that carries over into this administration as well. I hope not, but some evidence of this came out yesterday in a little bulletin called Ag Commodities News and Views, and I want to quote:

> Vice President Al Gore is said to be "strenuously working against efforts to exempt ethanol from President Clinton's proposed Btu tax," says one source.
>
> A source very familiar with the meetings on this issue says that Gore is, "dead set against any exemption for ethanol."

Madam President, this is somewhat of a surprise because we all remember that we had the very good help of then Senator GORE to help us promote ethanol. I kind of wonder what has happened between serving in the Senate on this issue and his attitude now on ethanol, now that he is Vice President.

I hope it is not the same as what was present in the previous Republican administration because it is an awful big battle to overcome. We all know that there is competition between MTBE, as one oxygenated fuel, versus ethanol, as an alternative fuel under the clean air bill.

Certainly such a tax, if it were on ethanol, would assure that MTBE monopolizes our reformulated fuels program pushing ethanol and, in a sense, agriculture out. That would make, of course, big oil very happy, particularly ARCO which is the largest manufacturer and importer of MTBE. I believe that we import about 70 percent of that MTBE, so it makes us further reliant on foreign sources of energy if MTBE replaces corn that is produced in the agricultural regions of the United States and then made into ethanol.

My colleagues may have also noted that there are recent articles detailing the sudden fondness and support ARCO has directed at President Clinton's energy tax proposals. This is some of this influence that I thought was in the last administration and I hoped was not in this administration. But, Madam President, the Btu tax on ethanol is just one of many devastating provisions included in this budget that hurts agriculture.

We have already evidently, because of Senator HARKIN's leadership, made a clear point that the increase in the barge diesel tax of $1 a gallon should not go through. I hope that we follow through on that in the reconciliation bill. But this would cut down, depending on the size of the farming operation and the diversity of it, at least $5,000 in a lot of farming operations.

The direct and indirect costs of the Btu tax will cut yet another $1,600. I stated that in my debate last night.

The increased cost of meat inspection will be passed back to the farmer as well. So this ethanol issue is just one of many in this budget that is not very good for agriculture.

The Washington Post recently noted that agriculture is getting hit with 6.4 percent of the budget cuts while it comprises only 1.8 percent of the domestic spending.

Iowa's farm crisis hot line, which is a one-stop shopping place to get help, for emotional or financial stress if you are in agriculture, from people who have dealt with these crises in the past, is receiving the most calls it has seen any time since the height of the farm crisis in 1986.

This budget, I think, particularly if we do not get these ethanol issues taken care of, is going to put more of our farmers and rural Americans out of business. Is that part of the plan? Again, I would like to refer to the Ag Commodities News and Views to answer my question.

> An EPA staff member was asked, what would be the benefits to U.S. agriculture by leaving Clinton's energy tax package as is?
>
> The EPA staff member's response was, "there would be fewer farmers."

I only hope that President Clinton will start looking at this plan, the Btu tax and all the other things that impact on agriculture, including the ethanol issue that is in Senator WELLSTONE's amendment. I do not think President Clinton wants to hurt the farmers, and I hope that he will not. I hope he will look at it again and review it.

I would like to have one additional minute off the time on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, in conclusion, I simply hope we in agriculture, and I am in agriculture—my son operates our family farm—I hope, for the 2 percent of the people who provide the food for the other 98 percent of the people in this country, that this budget is reviewed from the point of view of the impact on agriculture and agriculture obviously will have to pay something toward getting the deficit down. Nobody in agriculture says otherwise. I suppose that can be some taxes as well as expenditures. But the point is it has to be more in proportion to the impact on the budget.

The President got a message from Ken Cook at the Center for Resource Economics. He warned President Clinton, and this was back in late November or early December, not to pursue "support from the farm community too aggressively" because Clinton drew "solid opposition in farm country" during the election.

There are a lot of people out there saying this President should not listen to agriculture because maybe not enough farmers voted for him. The bottom line is that I believe the President understands a lot about agriculture, even though he comes from a State that is a little bit different farmingwise than Iowa is.

But the President should review this program, including what is in the Wellstone amendment, to make sure that he is giving agriculture the fair shot that he said during the campaign he was going to give it.

I yield the floor.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Who yields time?

Mr. REID. Madam President, I ask the manager of the bill to yield to me 10 minutes.

Mr. SARBANES. On the amendment?

Mr. REID. Off the amendment.

Mr. SARBANES. I yield the Senator 10 minutes off the time on the amendment.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 10 minutes.

Mr. REID. Madam President, on January 27 of this year, a new era began, the hydrogen era. That really is good news for this country. The bad news though, is that it did not begin in the United States. On January 27, a transit bus utilizing hydrogen in a fuel cell was demonstrated by a Canadian company, Ballard Power Systems. Ballard developed this fuel cell with strong support from the Canadian Government. Also, the Elenco bus in Belgium is scheduled to roll out later this year, again with reliance on a fuel cell provided by foreign technology.

It should be noted that last year the United States did complete the first phase of a passenger vehicle, a development program, by utilizing a Canadian fuel cell supplied by Ballard. Later this year, the U.S. Department of Energy, in conjunction with the Department of Transportation, will launch the first of three U.S. assembled fuel cell buses. The only problem, once again, is that this program will rely on a fuel cell developed and marketed by Fuji Electric of Japan, and it is ironic that this fuel-cell technology is based on Government patents obtained in the United States.

This is not the first time we have used our scientific genius to come up with new technology, only to have it developed in other countries. There are many examples. Magnetic levitation, Madam President, is the best as far as I am concerned. Two scientists, stuck in traffic in New York—these were scientists from MIT—said we should do something so that we do not have these problems, and they went back to their laboratories and discovered magnetic levitation, the ability to propel huge vehicles through the air, a fraction of an inch off the ground, at speeds of about 300 miles an hour. It is what we need to alleviate the problems we have on our highways and our airports.

This discovery was in the early part of the 1960's. The U.S. Federal Government helped for a very short period of time. We stopped. The technology went to Japan and Germany, and it is now being developed there. They have prototypes, magnetic levitated vehicles that will be used in the United States. That is too bad because we, in effect, allowed tens of thousands of jobs to go across the oceans after making the inventions here in the United States.

I talk about hydrogen because it is another example of where we are not doing what needs to be done. It is often argued that the United States is the world leader in fuel cell technology, yet the stark reality is that we are lacking in our commitment to this area of technology.

I have often heard that there are huge technological barriers to bringing fuel-cell technology on line, but the barriers do not seem to be slowing down the Japanese, the Germans, or the Belgians.

The answer is U.S. companies, both large and small, are ready and willing to compete. We can perfect hydrogen technologies here at home. We have the ability and the knowledge. What is lacking is the commitment, the commitment of this Government to be involved in the development of technology.

This is not some socialistic view that was recently developed in the United States. We can go back to the early years of this country. Take, for example, Madam President, 1844. In that year, a man came to this Congress, to the Capitol of the United States and said I have a great idea. He was able to convince the Congress and the President to make an appropriation of $40,000 to build a telegraph line between Baltimore, MD, and Washington, DC. The rest is history. The Federal Government appropriated $40,000. After that, the telegraph lines swept not only the United States but the world and revolutionized communications.

The Federal Government must be involved in new, innovative technology, and we have not been. We do not have the commitment in this modern-day America, and that is too bad.

Monday morning my subcommittee of the Committee on Environment and Public Works is going to hold a hearing. This hearing will start next Monday at 9:30. We are going to have witnesses from a broad cross-section of the private sector and people from the Government to offer testimony in support of the conclusions I have just stated.

We need, I repeat, a commitment from our Government which, until now, has made hydrogen and transportation fuel cells a policy and budgetary afterthought. Let me give you an example of why I say that.

Last year we, as a Government, spent on this technology $4 million; the grand sum of $4 million for research and development of hydrogen. We spent $12 million on fuel-cell development.

When you weigh what is going on in other countries with what we are doing in research and development for nuclear fission, $700 million; $500 million for fossil fuel, the amount we are spending for hydrogen and fuel cells seems hardly worth mentioning.

Yes, we also need a better commitment from Congress, a better commitment to invest in these high-payoff technologies, thereby sharing some of the risks with industry, which is standing at the doorstep waiting to perform.

Yes, we need a commitment from the motor vehicle industry—from the boardroom to the showroom—and the major oil companies across America which must eventually market and ship new sources of energy, to provide the engineering, design, manufacturing, and marketing skill that this technological revolution will require.

I have visited with leaders from the business and private sector. I visited numerous demonstration projects in the Western United States that are involved in various aspects of hydrogen technology. I know for a fact that there is great interest across the corporate and business community to develop hydrogen energy technologies and even convert some existing demonstration projects into commercial applications, as will be brought out in the testimony at the hearing next week.

Why is fuel cell transportation technology so important? Because it will serve as an important link in bridging the gap between our present reliance on fossil fuels to a cleaner and sustainable source of energy, hydrogen.

President Clinton and Vice President GORE in their recent release, "Technology for America's Economic Growth, a New Direction to Build Economic Strength," clearly outlined the need for a task force to link the research efforts of the major auto manufacturers and relevant agencies within Government to develop a clean car. The task force will investigate, among other things, fuel cells for hybrid vehicles and the production of methanol and hydrogen from natural gas, which is now plentiful, municipal waste and other waste products, energy crops, and the electrolysis of water.

Dr. John Gibbons, former head of technology assessment and now President Clinton's Director of Science and Technology Policy, will be testifying at the upcoming hearing on elements of this new technology plan relating to the areas I have just described. I believe the commitment from the administration in this area is abundantly clear, but we must transfer this good thought process to money so that we can put hydrogen to work.

I came to the floor several weeks ago and talked about the havoc that was being wreaked upon our global environment by oilspills. They continue to occur around the world, millions of gallons of oil being spilled in our oceans; the continuing use of hydrocarbons for industrial purposes and vehicle fuels continue to drive the policymaking process in the direction of more and more regulation to deal with pollution and emissions. These new mandates as they occur, because of the demands on our present environment, end up costing the American consumer billions of dollars. If we had hydrogen fuel, and there was a wreck in the oceans with the hydrogen tanks, the emissions would be water vapor.

The question before us then is simply this: Are we interested in pursuing a policy that brings us to the point where environmental goals are accomplished through renewable energy technology? This point, when it is achieved, will mean saving billions of dollars.

And no one has to sacrifice along the way. As a matter of fact, quite the contrary will take place. Our national labs, many of which have contacted me about the upcoming hearing and have expressed their interest, can participate in developing these new environmental and energy technologies. Business need not suffer because they can participate and profit from this endeavor. Fuel cells, solar/hydrogen technologies, biomass conversion technologies, and a wide range of others mean new jobs, and future growth in our economy.

Hydrogen-fueled transportation will mean that future generations will retain their personal mobility without sacrificing our environment. Whether future generations of Americans will make these advanced systems or buy them from our neighbors is a question we as a society must answer.

The use of hydrogen energy in broader commercial applications will stabilize our environment, free billions of dollars to invest in our economy, and along the way offer thousands of people currently employed in our labs, the defense industry, and elsewhere the opportunity to continue to work in the field of emerging environmental and renewable energy technologies.

This, Madam President, must be the vision of the future, of our great country and, of course, thereafter the vision of the world.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Madam President, I wonder if I could have time yielded for a matter that is not current to the issue before us?

Mr. SARBANES. I yield 10 minutes off the amendment if the Senator wants it.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

THE OREGON WAIVER

Mr. HATFIELD. I thank the manager of the bill for yielding time.

Madam President, about a month ago I stood before the body and asked for cooperation to urge a decision on the Oregon Medicaid waiver.

At that time it was very important to have a prompt decision, based on my communication with Governor Roberts and the speaker of the house, Mr. Campbell, and the president of the senate, Senator Bradbury, due to the State's responsibility once the waiver is granted to come up with $100 million of State contribution to implement the plan.

Secretary Shalala, who had the authority to grant the waiver, was asked to make this decision by the date March 19. I want to say that she has met her date. She has done so with the cooperation of many forces for which we are very grateful. Secretary Shalala has indicated today at noontime that she is going to approve if certain conditions are met at the State level, the Oregon waiver.

Let me just state very briefly what that means, because all, I think, agree that health care in America is in a critical condition. I believe that the Oregon plan can be the first step to recovery. For the simple proposition is this:

The Oregon Legislature, under the leadership of former Senator John Kitzhaber, a medical doctor, a Democrat, is leading us into the idea of bringing about universal coverage for the people of our State for basic health care.

Senator Kitzhaber, along with the Republican leadership on the house side, and working with the Governor, Gov. Barbara Roberts, proved that a bipartisan effort was possible to develop this kind of universal health care.

Madam President, there are 688 separate medical procedures that are ranked in the State of Oregon's plan. But the point is simply that we are going to take those 688 medical procedures, ranking them in how much longevity or extension of life can be achieved by certain procedures. Why should a person my age at public expense have a heart valve or a very expensive procedure if doing that would only extend my life by 3 to 4 years as against covering all women or a certain number of women with prenatal care with the potential of a life ahead? Those are tough decisions. People say, that is rationing medical care. Yes. But what is a cruel system? We ration medical care today on economics. Those who have resources have access. Those who have no resources have no access.

This waiver will mean that the Medicaid part of our contribution to Oregon will cover 120,000 Oregonians who are not now covered. It means the State must come up with approximately $100 million of State aid to cover these Oregonians. Oregonians who today have no coverage. Indeed, a very innovative kind of proposal.

I stress the bipartisan support this proposal has. I especially want to commend the legislative delegation from Oregon, my colleague, Senator PACKWOOD, Congressman WYDEN on the House side, two very strong leaders on behalf of this Oregon waiver, along with all the other members of the delegation for their work on securing the waiver.

We attempted to get this waiver through Congress several years ago. There are two-ways in which the waiver can be granted—through the legislative branch and/or the executive branch. With well-intentioned meaning it was set aside by Senator GORE. It was blocked on the House side by Congressman WAXMAN, two people who have great concerns about health care. I do not challenge their motivations.

Nevertheless, having failed in the legislative branch, we went to the executive branch to get the waiver. Again, there was bipartisan support from the State. Secretary Sullivan in effect signed off. We had OMB to sign off. The President, Mr. Bush, was very enthusiastic for it. But the Justice Department and the lawyers became involved.

There were legitimate questions raised about how this would impact on Americans With Disabilities Act. There were those who went to Oregon at the time representing the Justice Department trying to work out some semantics, and that proceeded but not sufficiently in time to get the waiver under the Bush administration.

Candidate Clinton in this last election stated his support for the Oregon waiver. Now as President of the United States and through the action of his Secretary of HHS, Ms. Shalala, they have fulfilled that campaign commitment, and they have sent us on our way to get this in operation.

Madam President, I cannot emphasize too strongly the fact that we today again are fashioning medical care on economics. The kind of prioritizing of medical procedures in Oregon will cover everybody with primary care. Sure, it is going to be tough for those who want some more expensive procedures. We all want them to save our lives at a time, or the lives of our family or our friends. But when you are looking at a constriction of capability of delivery being the restriction of economic dollars, we obviously have to set some kind of tough decisions and priority.

That has happened in Oregon. I understand the State of New York and the State of Vermont, and other States, want to follow in some form of an innovation at the State level. I think if we were really honest today, we would have to say before we consider an expansion of coverage at the national level, we need the experimentation, get the track record, the demonstration at the State level. What else is again a recommitment to the essence of federalism, where so many progressive national laws have been based upon the experience of the States? This, in the field of health care gives Oregon, one of the great leaders of our country of innovative legislation, an opportunity to try coverage for all people at a basic level.

Madam President, I congratulate Secretary Shalala. She has expedited getting the administration on track, and with getting her house built. She probably put in a lot of hours to be able to achieve this deadline of today. She is to be commended for this hard work. We are all very grateful to Secretary Shalala.

I yield the floor.

Mr. DOMENICI. Madam President, I will speak on my time off the amendment that is pending. But before the distinguished Senator from Oregon, Senator HATFIELD, leaves the floor, I just wanted to say that I really compliment the Senator on the statement this morning.

Just a few years ago, even that statement would have been something that no one would dare talk about, because the truth of the matter is that nobody wants to talk about the fact that we might not be able to take care of every single health delivery system activity in the United States in exactly the way we do right now. Some may be delayed a little longer than we have been used to delaying. Some that are not so critical to our well-being may indeed have to take their turn instead of getting taken care of tomorrow morning. Some expensive procedures may have to be evaluated with reference to their real effect.

Overall, sooner or later, the United States is going to have to find out what the real effects of health delivery to people are. It is not just going to be because we have been doing it and the doctor knows how to do it without risking your life in doing this; it does not mean we are going to keep doing those things. We are really going to find out what the outcomes are. The Senator from Oregon may be on the way to being the pioneer in America in trying to determine what the effect of the health delivery services and medical care really are in terms of outcomes. That has not been done in the United States.

Believe it or not, with all of our sophistication, we have not done very much outcomes evaluation, even with reference to some of our drugs. I see my friend, Senator PRYOR, here. I mean, they do not hurt, and they make you feel better. Real outcomes, though, as compared with whether we know how to do this, and it will not hurt you, and in the process we take care of something. What does it mean once you put it out on the street and everybody starts doing it in their medical offices and hospitals? I compliment the State of Oregon; I think he put it right on the mark.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994

The Senate continued with the consideration of the concurrent resolution.

Mr. DOMENICI. Madam President, I am trying to make sure that I understand the parliamentary situation for a moment. There is a pending Wellstone amendment, and there is some time left on it on our side, if we assume that we are going to use the full hour. How much is that time?

The PRESIDING OFFICER. There remains 53 minutes in opposition on the amendment.

I see my friend, Senator DURENBERGER, here. I assume he wants to talk to the Senate today about either the Wellstone amendment and/or an amendment he might have in the future with reference to a similar subject.

I yield 10 minutes to Senator DURENBERGER.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. DURENBERGER] is recognized.

Mr. DURENBERGER. Madam President, I am pleased to have this opportunity to speak both relative to the sense-of-the-Senate resolution offered by my colleague from Minnesota and also to an amendment which I intend to file later and have acted upon later that addresses this same issue in a slightly different way.

Madam President, I came to the Senate from Minnesota back in 1978, and I was not here more than a couple of months, and we saw the crisis develop in Iran, and we saw an energy crisis develop all over this country. I was plunged almost immediately into the debate over energy policy in this country.

The Senate Finance Committee was deeply involved in it. We did the windfall profits tax. We did a whole variety of energy, policy-inducing, conservation-inducing, tax-related policies, which at that time were intended to make America, in the eyes of some, energy independent and, in the eyes of others, to give us some sense of energy direction.

In that period of time, the end of the 1970's and 1980's, my State of Minnesota sort of stuck out at the end of the pipes. We do not make any fuel sources there. We import them. Most of the things that we grow or make in Minnesota, we have to export to distant markets. Our pipelines from Canada were sort of shutdown when prices for natural gas went up. So our prices went up all over the place, and we were being strangled. So we had a lot of first hand experience in wind-operated wind mills, which sprung up on our farms, and that could then be cogenerated into farm housing.

In the backyard was the old still. I come from the part of Minnesota which, in current times, is famous for

Lake Wobegon and the Keillor Prairie Home Companion. In the old basement was Minnesota 13, which was the best moonshine in America. My father actually worked his way through college by playing basketball on the weekends and carrying a little moon in the rumble seat of his automobile down to the Twin Cities, which was 80 miles away and dispensing it.

Well, in the late 1970's and early 1980's, those stills became alternative fuel sources on farms, because alcohol was being generated back there not to peddle to the basketball audiences or the bars in Minneapolis or St. Paul, but it was being peddled to be blended with gasoline into this new thing called gasohol. Today, we call it ethanol, and we have a natural gas derivative, which is somewhat comparable to it, other than in its environmental impacts, that comes from natural gas called methanol.

So there is much to say about the amendment before us. I have drawn a rich history of experience in the Senate, the last being in the debate on the clean air act. In that debate, we did a lot on reformulated gasolines; we did a lot on reformulated fuels and a lot of things to clean up the air, and made a lot of decisions which people have been trying to undo since then, many of which dealt with cleaner burning oxygenated fuels like ethanol. So I do not come here from just a parochial interest. I come here from a fair amount of experience trying to find an energy policy for America, and also trying to find in renewal fuels an opportunity for my constituents.

So at the appropriate time in the course of this debate, I will offer an amendment which will be a lot more than a sense-of-the-Senate amendment. It will actually reduce revenue, and it will contain offsetting spending cuts. In other words, it is going to give us a real road map, and it will give some breathing room to the Finance Committee, I say to my colleague from Arkansas on the floor right now, to use up when we take up reconciliation.

If we do not cut the revenue requirements levied on the Finance Committee, it will be difficult to argue that we are really serious.

I ask my colleagues to consider whether, with all the pressures on the Finance Committee, we can be sure we will accomplish our goals without shutting down the other interests which will be competing with ethanol for advantage.

My amendment will state the Senate's intention. We do not raise taxes elsewhere to take care of ethanol in terms of the Btu tax. We actually cut taxes on spending a little bit.

If you want to send a signal to the Finance Committee, I say to my friends, let us show them we mean business. The people interested in helping ethanol want us to really accept it, not to make promises that are going to turn out to be just empty promises.

My amendment will cut spending in function 920 by the revenues foregone by not taxing ethanol. Why should ethanol be exempt from the Btu tax? Currently, the U.S. Government has invested in ethanol. It has an advantage of 7 cents a gallon over regular gasoline, and the reason for that Congress agreed. Ethanol was better for the environment. It is better because it reduces smog and gives cleaner air to breathe. It is that simple.

When I came to the Senate, as I said, in the seventies, there was a great deal of interest in a mixture that was 10 percent ethanol and 10 percent gasoline because of the energy problems facing the Nation. As consciousness of environmental degradation increased during the eighties, we recognized the health and environmental benefits as well.

Beside cutting down on smog, ethanol has another environmental advantage. One of the most serious pollution problems that our northern cities face in the winter time is carbon monoxide. Look at the signs in Denver and Minneapolis at the airport: Do not let your car idle at this particular point.

When you start a car on a cold winter morning, the fuel does not burn well, and carbon monoxide is produced in quantities enough to be detrimental to breathe to those with heart problems and pregnant women. It reduces carbon pollution because it contains more oxygen molecules and other components of gasoline and improve the combustion process in cold engines.

Many of the 40 cities of America that do not meet Federal carbon pollution standards are looking for ethanol as a partial solution to the problem.

In 1990 it was my amendment to the Clean Air Act that required the EPA issue regulations for gasoline that will reduce smoking emission by 15 percent by 1995. The Senate, the House of Representatives, and the President agreed with me that ethanol will help us make our air cleaner. Ethanol production is still getting off the ground and without the investment, if I may use President Clinton's words, that the Government currently makes in ethanol we could ruin this industry. That would be bad for the environment, but it would also be very bad for Minnesota and America's farmers.

Not only do the farmers grow the corn that makes the Nation's ethanol, but they have invested in the ethanol facilities themselves. Without the American farmer community, the reformulated gasoline amendment to the Clean Air Act would never have been approved.

So, Madam President, with corn prices below $2 a bushel, the corn farmers of Minnesota, Iowa, and the rest of that part of the country are not only hurting, as you heard on the floor here in the last 24 hours, many are on the brink of disaster.

Industrial use of corn is good for the farmer and rural communities that rely on them. So far, Minnesota farmers and farm cooperatives have invested $109 million in 4 ethanol plants that produce 40 million gallons of ethanol annually. Plans are to build another in rural Minnesota to produce 126 million gallons of ethanol yearly.

Just the construction of these new plants will add an additional $8.6 million to rural Minnesota communities.

Last night, Madam President, we were unable to roll back the entire energy tax, but we will have the opportunity to provide a real incentive for a renewal, environmentally sound energy source or, to put it differently, today we have the opportunity to prevent additional tax being levied on the back of the American farmer.

We can do it in a way that is as binding a way as we possibly can in a budget resolution that will make sure that our intentions are honored all the way through the process.

So I urge my colleagues to support the amendment that I will offer at an appropriate time later in the debate on this resolution.

ORDER OF PROCEDURE

Mr. DURENBERGER. Madam President, I ask my colleague from New Mexico if he would have any objection to my taking 2 minutes as though in morning business for some matters that I need to discharge.

Mr. DOMENICI. I have no objection. We are still going to use our hour. We are going to take 2 extra minutes. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MARTHA FINCH

Mr. DURENBERGER. Madam President, in the midst of all the difficulties and problems and darkness of the world we live in, every now and then a clear beacon of hope and courage shines out. One such beacon was Martha Finch, whose incredible, inspiring life ended yesterday after 31 remarkable years.

Martha grew up in the western suburbs of the Twin Cities. After a distinguished high school career, which was recognized by the Minneapolis Chamber of Commerce when they named her Outstanding All Around Woman of her school, she went on to the St. Lawrence University in New York. There she received all-American honors in both track and swimming. She set a record for the 200 yard butterfly that still stands today. She had qualified to run in the Boston Marathon.

Then her life changed. Struck by a motorcycle during a training run in Colorado, she suffered a severe brain damage in 1983. After a year in the hospital and numerous operations, she brought the same determination to her recovery that she did to her athletic endeavors.

She became involved in the Minnesota Head Injury Association, and helped advance understanding among Minnesotans for the need for awareness and treatment of individuals with traumatic brain injuries.

She became involved in the disability rights issues, and was a part of the Minnesota groups that help us pass the landmark Americans with Disabilities Act in 1990.

She helped me develop a major piece of legislation entitled the Brain Injury Rehabilitation Quality Act, S. 3002, which I will continue to work to pass.

She also became a regular volunteer in my office, helping us with the computer work in my Minneapolis office.

Our sense of sadness at her passing, which is very deep, is overwhelmed by our sense of gratitude for having known such a person as Martha. If ever a thought of complacency or self-pity or slackness entered our mind, one glimpse of Martha, or one of her priceless notes, straightened us up and pushed us forward.

William Faulkner wrote, "I decline to accept the end of man * * *. I believe mankind will not only endure, it will prevail." Martha Finch, did not just endure. From the beginning of her life to the end, she prevailed.

LEARNING FROM THE ASPIN EXPERIENCE

Mr. DURENBERGER. Madam President, the illness of a major public figure usually piques our national interest in the specifics of the disease, and in the possible treatments. We all remember President Bush's heart rhythms, President Clinton's asthma, and President Reagan's skin cancer and hearing aid. Aside from illnesses in our own families, this is how most Americans learn about advancements in medical science.

Les Aspin, my former Hill colleague who is now Secretary of Defense, is the latest to become the object of America's medical attention. Fortunately for Les, he is poised to receive a medical technology that may save and extend his life—and all Americans are praying for his recovery.

In today's Washington Post, we all learned something about his disease—obstructive hypertrophic cardiomyopathy, which amounts to a thickening of the heart muscle. The implantation of a pacemaker may change the physiology of his heart by improving its pumping capacity.

As a Minnesotan—and as a Senator committed to health reform—I think we can learn a valuable lesson from Secretary Aspin's unfortunate condition.

Minnesota is the birthplace of cardiac pacing technology. Working out of his garage in Minnesota back in 1958, Earl Baaken teamed up with C. Walton Lillehie at the University of Minnesota to build the first battery-operated pacemaker.

Through the years, the technology has advanced from cumbersome external devices, to implants the size of hockey pucks, to the tiny, highly complex, multifaceted devices available today.

Les Aspin is receiving a dual-chambered device, first made available in the 1980's. The safety of this device is well established. However, in his case, it is being used for a new purpose. The New York Times referred to it as "an ingenious use of an older medical technology."

It is worth noting that doctors are generally not free to pursue these ingenious uses. Every new application of an already approved device must be reviewed by the U.S. Food and Drug Administration.

Madam President, it is absolutely essential that we have timely review of new applications of existing technology to treat new states to disease. We need an agency that moves quickly—so that all patients, not just those in the public eye, have access to them.

I hope, based on this experience with Les Aspin, that FDA will be encouraged to move quickly to approve dual chamber pacemakers for this kind of condition.

Fortunately for Mr. Aspin, he does not have another type of heart condition characterized by a rapid heartbeat. Over 150,000 Americans do. If he needed a defibrillator to correct accelerated heartbeats, he would not be able to get the state-of-art technology in America. He could get the pacemaker implanted, but doctors would have to crack open his chest surgically to do so.

A more advanced product—made in Minnesota—that allows doctors to implant the device without major surgery subjected to several years of delay. The result: Patients in Europe and other parts of the world received this new product long before it was available to Americans. Fortunately, this device was finally approved late last fall.

There is a remarkable irony here. The very best technology is invented in America—but too often Americans themselves are deprived of it.

Conclusion: We have to encourage our Government regulators to move with all deliberate speed.

And Les Aspin is fortunate that he will receive his pacemaker now. Another problem looming on the horizon may threaten the availability of pacemakers and other implantable products in the future. Many implantables include small amounts of dacron, teflon, and other materials necessary for their fabrication.

Because of their fear of product liability lawsuits, suppliers of small amounts of these critical components are considering restricting their supplies. Unless we can figure out how to limit the liability of remote suppliers, the availability of many lifesaving products may be compromised.

One aspect of Secretary Aspin's condition that has been very little discussed is the cost of his care. As we grapple with cost issues more generally in the consideration of health reform, Secretary Aspin's pacemaker ought to be a useful reminder of the benefits of technology and its contribution to quality, state-of-the-art care.

What happens to these technologies if the Government arbitrarily imposes cost controls? Will inventors stop inventing in a market hostile to technology?

Innovation is an ongoing process—the evolution of the pacemaker illustrates this. Just as pacemaker technology has changed from the 1950's to the 1990's, so will it continue to improve into the 21st century.

Our concern with cost control should not blind us to the incredible advances that may be coming in our future. It is far better to eliminate unnecessary services than to block the invention that will make our medicine better—and more cost effective—in the 21st century.

Madam President, let me conclude by asking my colleagues to say a prayer for Les Aspin's speedy recovery—and to learn from his misfortune.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994

The Senate continued with the consideration of the concurrent resolution.

THE BUDGET RESOLUTION

Mr. DURENBERGER. Madam President, I would like to take just a few minutes at the outset of this debate to outline my views on the budget resolution that has now come before us.

I think it would be fair to say that few Members on my side of the aisle have been as willing to give credit to the efforts President Clinton has made in a wide variety of areas, including his framing of a budget proposal, to address this Nation's vital needs. The President's work on health care reform, in which he has been ably assisted by the First Lady, Hillary Rodham Clinton, is another example of the leadership he has been able to offer us.

THE ECONOMY

The President inherited an economic situation that is, far from being a disaster, not at all that bad.

Under President Bush, growth was up sharply. Inflation was down, as it had been for years. Unemployment declined, under President Bush, nearly to the level it was at before the recession began, and it has now reached that level again.

Productivity is up, sharply—and is probably largely responsible for the fact that unemployment has not yet declined further. And productivity is the key to economic progress.

Interest rates were down under President Bush, and long-term rates have come down even further.

We are, however, still faced with an unacceptable budget deficit, a staggering national debt, rising health care costs, and entitlement costs that are out of control.

WHAT WILL THIS BUDGET PRODUCE?

I regret to say that this budget is simply the wrong budget for a recovering economy and the wrong budget for a country dealing with a large deficit. I hope it can be improved in the amendment process, but if it is not improved, I doubt that I can support it.

It does not address the budget deficit effectively or appropriately. Now it is being rushed through the Congress by party line votes, before we even have seen the details.

THE STIMULUS PROGRAM

The President's proposal starts by spending a great deal of money on an unneeded stimulus program. That program runs up the deficit while spending money on a lot of programs that, with few exceptions, either don't fund jobs or are likely, at best, to fund only a few jobs—and then only several months or even years down the road. For every new dollar spent on these few and distant jobs, a dollar will be squeezed out of the economy in the form of taxes and borrowing, and will serve only to dampen the recovery.

Even after the modifications made by the Budget Committee Democrats, the deficit in 1993 actually goes up by $6 billion from what it would have been absent this program—this at a time when the American people are demanding deficit reduction.

THE 1994 BUDGET

What about the budget plan for fiscal 1994?

Spending on the discretionary part of the budget goes up by $6 billion over the baseline.

Spending on mandatory programs is cut not one penny, compared to the CBO baseline. And the baseline is a sort of artificial concept—in fact, spending is going to go up by $45 billion between 1993 and 1994 under current policy. We're not even addressing that problems in this budget package.

I would point out that these baseline increases—over the next 6 years—eat up many times the amount of the proposed spending cuts, and that's before all the program spending increases are factored in.

How about taxes? Well, they do up by $36 billion over the baseline in that 1 year. That's $8 billion more in taxes than even the President proposed.

THE OUT-YEARS

The first law of budgeting ought to be: get the spending cuts first. And that law is not lost on the voters. In my State, even those who support the President's plan think we ought to get the cuts first.

This budget turns that law on its head. Nearly all the spending cuts, such as they are, come at the end of the process—when they are subject to renewed political pressure to postpone or strike them.

And even assuming that the spending cuts come—and I doubt that they will—the balance is all out of whack.

We are raising taxes about $3 for every $1 of spending cut, over the 6 years of this program.

DO WE NEED TO RAISE TAXES?

We should only raise taxes as part of a truly balanced deficit reduction program, only when they are truly needed, and only if the taxes are effective, fair, and not harmful to the economy.

But those arguing for tax increases have not yet carried the burden of persuasion. They haven't come close. If we bind ourselves to raise $295 billion during the next 6 years, we are talking about the biggest tax increase ever to pass the Congress.

Mr. President, during the 6 years between 1993 and 1998, the Federal Government will spend roughly $3,336 billion on discretionary programs, if we do nothing. If we adopt all these tax increases, and the rest of the so-called cuts in this package, we will cut about $49 billion—that is, instead of spending $3,336 billion, we will spend $3,287 billion. That is a decrease of less than 2 percent.

When it comes to mandatory and entitlement spending, the Federal Government will spend roughly $5,418 billion, if we do nothing. If we adopt all the changes in this package, we will cut about $38 billion—almost all in the last 2 years of the package.

We have to be able to cut discretionary and mandatory spending by more than about 1 percent over the course of a 6-year program. And yet that is all the cutting that occurs in this package.

In 1985, and at other times, I and other Republican Senators were willing to make tough decisions to cut back on entitlement programs. We passed those cuts—and they were real cuts—by the narrowest of margins here, but were unable to get them enacted into law.

In that key 1985 vote, we wheeled our former colleague from California, Pete Wilson, in here on a gurney to vote for serious cuts in entitlements. His deciding vote gave the Senate a brief, shining moment of victory in the battle against the deficit. On that vote, we stepped up to the plate—and brought America as close to fiscal sanity as it has been in the last decade.

The results of that 1 day of achievement were subsequently undone. And the deficit kept on mounting.

Madam President, we cannot let the people down again.

During the next few days, we will have the opportunity to take up a series of amendments to this budget. I hope that they will be reviewed carefully, on the merits, by all my colleagues. All of us want an effective budget proposal. It is time to put politics aside and vote for the amendments that will give our constituents the real reforms they seek.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Madam President, I yield myself as much time as needed. I am waiting for some Senators on our side. But I do not want to delay matters.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, if Senators CONRAD BURNS or SLADE GORTON are here, we would like very much for them to talk about amendments they are going to offer next week as soon as they can.

Madam President, I want to take a little time to talk about the energy tax which is being requested by the President of the United States, commonly known as the Btu tax, which means that we are going to make an effort to tax certain of our energy sources in the United States from natural gas to hydropower to everything that comes from crude oil, coal and nuclear. We are going to attempt to tax them on the basis of the British thermal unit measurement, but we are going to have varying rates that we are going to apply to these.

One of the things that really struck me is that for a while it was being said that this was an environmentally sound approach. I have done my very best to see how it is environmentally sound to tax in the manner that is being recommended.

First, the highest taxes of all are the British thermal units that come from crude oil, from oil, and the way it is being proposed, Madam President, is that you are going to tax those Btu's coming from crude oil in such a way that and at a collection point in the stream of its development in such a way that you are going to build a big incentive in favor of foreign products that are made from crude oil, the things that refineries make, the things that are distilled from it, gasoline, diesel fuel, and many others. You are going to give foreign production of those an advantage over our own which seems to me to mean that you put an import fee on our own crude oil. We need that about like we need a hole in the head.

Our domestic production is already so expensive compared to others that we are not producing as much crude oil as we should.

But what is happening with this tax is that you are going to cause America to produce less crude oil. Its independent producers and its majors are going to produce less, and that has now been steady. So we diminish our production. Lo and behold, we thought this was going to dramatically cause us to import less. It turns out, we are not going to import less. Over time, we are going to import more.

So I think it is a pure dud when it comes to its efficacy on changing anything on the crude oil side, excepting more dependence and less American production.

Now that comes about in a strange way, because we tax it higher than others. It is very interesting. We tax it very, very much higher than we tax coal. So you can burn coal and produce these British thermal units per certain quantity of coal, and that is taxed far less than crude oil.

Frankly, we cannot understand how that makes environmental sense. We really do not believe that the products of burning coal are going to less pollute the environment than the products that comes from crude oil that are used in a variety of ways, especially since you are not going to use any less crude oil products with the tax because you are going to use more imports.

In addition, the cleanest two fuels, maybe the cleanest three—natural gas, hydropower, and nuclear power—are taxed higher than coal. We do not think that makes sense. But they are the cleanest and they are taxed higher than coal.

Now, I do not know why this happened. It sounds like some kind of regionalism, at best. And maybe it is more than that. Maybe it is just a reference toward coal. I see no reason why we ought to do that as a nation.

We have natural gas in abundance. It is very clear we were moving in the direction of using it. Now we are going to penalize it.

So I am going to offer an amendment next week on this subject which will let the Senate vote on whether they want this kind of discrimination among our fuels, with no rational or commonsense reason for it.

Frankly, I think we ought to encourage the production of American crude oil and we ought not penalize it. We ought to encourage the use of natural gas, the cleanest of the fuels, not penalize it. If we are going to penalize, we ought to penalize in the reverse order of this proposal. So that will be one amendment.

The second amendment I will have, it seems to me that the Department of Defense, which is already getting ratchetted down by $112 billion new set of cuts on top of the $73 billion that President Bush had, that we are going to ask the Defense Department to pay this new Btu tax.

We think it is going to cost $800 million a year. We think it is about close to $4 billion over this 5-year budget.

My amendment is going to be very simple. It is going to say: Why not exempt from the tax the fuel the Government uses for its defense? Do we want to take it out of one pocket and put in the other tax pocket. To take it out of Defense that way seems to me to be rather irrational.

On the other hand, the way this tax is collected in the proposal by our President makes it so difficult that maybe you cannot even exempt Defense. Because, you see, if you go by gasoline, it has not been added to the price of gasoline as a tax. So that you say, "Oh, on this one, do not collect 8 cents, because it is taxed way beyond that at the wellhead." So that nobody ever knows that there is a tax, you see. That is part of this Btu. Nobody knows on their electric bill, their heating fuel bill, their bill to the Defense Department for all these various things, the bill the farmer pays for all those fuels on the farm, nobody says there is a tax added to it. They are just going to pay 7 cents more, 8 cents more, 10 cents more, and the tax will be hidden.

Nevertheless, I am going to ask the Senate to make a little bit of sense out of why should we make the Defense Department pay, when it is just our own money, our own dollars being put back in the tax coffers. It seems to me to be kind of absurd.

So those are two amendments that I will be offering next week.

I will be talking now about a third amendment that I will offer next week.

For those who are wondering why I am doing this this way, let me just suggest that when we get back on the bill, we may not have time on these amendments. We may have 2 minutes; we may not have any time.

On every amendment that is going to be called up, each side could talk an hour on the amendment itself, and there may be no time to even discuss what you have in mind at the end. There may only be an hour on 20 amendments.

So I think I will use part of my time on the Wellstone amendment to talk about the third amendment. I call it a delayed enrollment of the stimulus package.

There is a growing bipartisan concern about this so-called stimulus package. Hopefully, we will discuss it in depth on the floor, because it will be an appropriation bill.

Suffice it to say, I do not think the American people would be as excited about it if they understood that there are a lot of things in it that nobody would consider a stimulus.

There is $23 million in this proposal to help the 500 biggest American corporations conserve energy. I do not know how that is a stimulus. Frankly, it is kind of absurd. We are going to give them $23 million in grants and then we are going to have a Btu tax coming right behind it, going to charge them far more than we ever granted to them to conserve.

I would think you should not have both. If you are going to raise their tax, perhaps on the Btu's and energy, that will probably stop consumption, if it is wasteful. But why, then, give the tax dollars away in the name of a stimulus?

Also, there is $28 million in that package, it is my recollection, to help the District of Columbia to restructure its debt, or pay its debt. I really do not think the American people believe that our President had in mind a $16 billion stimulus package that had things like that in it.

But the overriding issue is, why should we increase the deficit by that amount of money, $16 billion, why should we do that if we are not even sure we are going to get the savings that the President claims in his budget proposal?

So all I am going to do with that amendment is, I am going to say that we ought to delay the stimulus package until Congress has finished its work on the legislation, which will pay for it and which will supposedly cut the deficit.

Now I think that is kind of fair. That is saying to our taxpayers, at least to those who want to spend this money—I do not want to spend this money. I think the economy is recovering fine. I do not want to pay $50,000 a job, which is the average cost of a new job under the stimulus package. I do not think our taxpayers ought to pay that.

There has been 600,000 new jobs proposed without us spending this money, and we are not going to do any better trying to target it around with Federal money at $50,000 to $55,000 a job. So I do not want it at all.

But I am afraid the Senator from New Mexico is going to lose. So I would like them to delay putting it into effect until we pass the language in the legislation that says, here is how we are going to take care of the deficit, even the deficit reduction the President speaks of.

So, that is a third one.

Then I am not at all sure I am going to have very much time on a fourth one next week so I am going to talk about it for a moment. Sooner or later, before we finish, the Senate will have to vote on this one.

This reconciliation instruction in this package says that we are to reconcile and create a new law that will say "no debt limit will be considered outside of reconciliation." That means if there is a year that we do not have a budget resolution that mandates new taxes or new spending cuts, we would not have any way to pass a debt limit extension.

I think the theory was good. I think the Senator who wanted this, who has been working on this, had a real good idea in mind.

But we could have to raise the deficit because we were off on our estimates, and we may not at all be trying to reduce them back to that level because we made estimating errors. But the debt may run out. What are we going to do? We are going to have to pass a budget resolution that includes reconciliation so we can put a debt limit extension bill in.

I really think the way we are doing it now, be it cumbersome, difficult—vehicles used by Members to offer all kinds of amendments—I really think the U.S. Senate probably does not want to risk the validity of our national debt and our ability to continue to pay checks to Social Security and other things, which is what happens when you cannot extend the debt. I do not think we would want to limit that in a way we cannot quite fathom from the standpoint of economics and the like, that we are really going to guess that maybe we will be able to extend it in reconciliation only.

That is a fourth one.

At this point I inquire how much time does the Senator from New Mexico have in opposition to the Wellstone amendment?

The PRESIDING OFFICER. There is 29 minutes and 20 seconds remaining on the amendment.

Mr. DOMENICI. I will use the 20 seconds right now. How much time is there on the other side?

The PRESIDING OFFICER. There remain 12 minutes.

Mr. DOMENICI. I wonder if I might make a proposal that we both yield back our time and that we, nonetheless, count the time yielded back against the resolution in the manner that it would have evolved had we used our time?

Mr. PRYOR. I would respond by saying that as long as the time yielded back is charged against the Wellstone amendment.

Mr. DOMENICI. Right.

Mr. PRYOR. That is satisfactory to us.

Mr. DOMENICI. I add that to my request. In other words, we yield back our time and it will be just as if we each used our hour against the resolution in the manner described.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. From our side, I assume we are ready to move off the resolution. I understood perhaps the majority side was, so long as we used that amount of time.

Mr. PRYOR. Madam President, I think it would be appropriate at this time to suggest the absence of a quorum, with the time being charged equally against both sides.

The PRESIDING OFFICER. The absence of a quorum has been suggested.

Mr. DOMENICI. Reserving the right to object, and I must, just because I need to understand it.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Mexico.

Mr. DOMENICI. Madam President, I understand the majority has a Senator who wants to speak for 10 minutes on the amendment. I would like to propound a unanimous-consent request to my friend from Arkansas that says when that Senator arrives he can speak for 10 minutes, and that we will charge each side the full hour on the amendment as if we used it, and then we will go and we will get off the resolution. Is that fair enough?

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, the Senator from Arkansas has just been advised there is one additional Senator, I believe on this side of the aisle, who is desirous of speaking on the amendment—I assume on the Wellstone amendment.

Madam President, I still think it might be in the best interests of the Senate for the moment to suggest the absence of a quorum, with the time being charged to each side equally.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Madam President, it is my understanding that the proponents' side for the Wellstone amendment has 12 minutes remaining on the amendment.

The PRESIDING OFFICER. That is correct.

Mr. PRYOR. Madam President, given that information I therefore yield those 12 minutes to the distinguished Senator from North Dakota [Mr. DORGAN].

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I thank the Senator from Arkansas for yielding the time.

I have been listening with great interest to the discussion about the budget, which has wandered to and fro for a couple of days now in this Chamber. Some of the discussion suggests to me that one could have been in a coma, and upon awakening, asked essentially the same questions that were asked before they went into the coma a year or two earlier. It is as if some people here have missed both time and events.

Let me describe what I mean. Some stand up in this Chamber and say: The President has proposed tax increases. Tax increases? We do not want tax increases. We do not need tax increases. That is not a solution that is good for this country.

We have heard that before. I have heard that for a number of years on the floor of the U.S. House where I served. It was always, no, no tax increases. I joined those who said we do not like taxes. I personally do not like taxes, I would prefer not to pay taxes. It would be nice if the tax rate in America were zero. Of course, that is not possible. We do some important things together in something called government. We do them together for a lot of good reasons.

We need to educate our children, so we have a school, and we pay for it. It is called government. We are concerned about safety, having our neighborhoods and communities safe, so we hire police. It is called government.

Frankly, not too long ago a young 2-year-old named Mike ate a cheeseburger at a fast food hamburger restaurant and died because bad meat got through the inspection system in this country. Everyone expects that meat will be safe to eat, but it was not. Right this minute, somewhere a meat inspector is protecting the safety of the American people. It is called government. Government is not evil; government is not bad. There are a lot of government functions that are necessary and good and part of our daily living.

I would like it if we did not have to pay for that, but we do. I understand that and we all understand that. However, in recent years we have gotten a lot of government. We have had more government than we can pay for. We are charging $1 billion a day to the children because, we are spending $1 billion more than we are raising in revenue. This country is heading in the wrong direction and this country is in trouble.

In November 1992, the American people said we want to change the direction of this country. We wanted fundamental economic change and we elected Bill Clinton as President of the United States.

Bill Clinton has sent to this Chamber a plan. This plan is for fundamental economic change. It is a new direction, a new opportunity for this country, and I agree with him. Oh, I have seen all the charts, and I have heard all the eloquent speeches in this Chamber. You can see the slices of a million lances on where and why it is wrong.

The fact is it represents economic change, and a new direction. Those who say "no" are those who want to guard the gridlock: "Gee, let us just keep doing what we have been doing." It is the old Beatles song, "Let It Be; Just Let It Be." If we let it be, this country is not going to survive. We must have economic change.

Madam President, in recent days, we have seen our friends on the other side of the aisle stand up and they say, "You know, in the last quarter of the year, we had 4.8-percent economic growth, we don't need this plan, and we don't need economic stimulus. This country is just charging toward economic growth."

The Wall Street Journal says, "we have this tremendous economic growth," but it admits we do not have many jobs with it. Tell me, what is economic growth without jobs? A meal without food? What is economic growth if you do not have jobs?

We are in a situation where we need economic growth with real jobs and real opportunity. So we are told because of these economic indicators, this regurgitation of economic information from economists, that the country is now all right and we do not have to do anything. That is what we are told.

I would like to just spend a couple of minutes talking about what the economic indicators indicate in this country. For all those folks who find that the economic indicators give them comfort for the weekend, I would like to say what the economic indicators really indicate.

Did you know that of the 4.8 percent in economic growth, one-half percent was Hurricane Andrew? The interesting thing is, these economists—who could do this blindfolded in a bunker, never having seen humanity or reality—simply measure a quantification of effort. A giant hurricane comes through and knocks down buildings, and creates rampant destruction. This measures the economic startup to repair and rebuild, and do all the things you have to do to respond to a natural disaster.

But the interesting sidelight is, it does not measure the destruction. So you have an economic indicator that says, hey, this is a pretty good deal; we had a big hurricane and the country is growing again. The indicator does not happen to measure the fact that we lost a tremendous number of lives and value because of the hurricane.

Economic indicators might show a growth rate which is entirely false in terms of how the country is progressing.

Let me talk just a bit more about what economic indicators really indicate. The economists would have us believe that if the economic indicators are simply up, the country is actually moving ahead. But if there is a car accident this afternoon outside this building, and the activities from it are measured as economic growth. A car accident is translated into economic growth, just as the hurricane is, because somebody goes to the hospital, health care workers have to work on them, somebody has to fix a dented fender, and lawyers will do very well because there will probably be a lawsuit.

The question is: Is that growth? Does that move the country ahead? The answer is, of course not.

What is growing in America? We are growing litigation. Everybody knows that. We are growing more and more lawsuits. Does that mean we are moving the country ahead? No but it means more GNP.

We are growing gambling. A third of a trillion dollars is gambled in this country. Does that move the country ahead? No. It sparks the GNP, but is that a sign of economic health? It is not a sign of economic health to me.

We are growing disease and cancer. We have an enormous problem with cancer in this country, which also shows up in GNP in increased health care costs. We are growing bankruptcies. We are growing plastic surgery, cosmetic surgery.

If you just take a look at what economic indicators indicate, it is not altogether clear, if you show a quarter of an economic growth—if a fair share of that growth comes from a hurricane—that this country is doing well. No, I do not think anybody can conclude that there is any information on the horizon that does not suggest the need for fundamental economic change. Change from what we have been doing for a decade.

We have had people on both sides of the aisle speak as to what went wrong, and who caused it. I have a lot of notions about that. There is a lot of trouble in Government. The public sector has been off track something fierce with enormous debts and deficits. And yet, some of those who have been the fiercest critics of government are up in corporate suites and have outdone us with debt. Debt to them was no deterrent. They were not trying to figure out how to build a better product and how to sell it for a better price, they were trying to figure out how to buy another company and take it apart.

Debt works in both the public and private sectors. We have had an orgy of greed, it seems to me, in both areas. You cannot take a look at the eighties with its hostile takeovers, junk bonds, and excesses of greed, and not understand this country's trouble. The 1980's are going to go down in the history books like the gay nineties and the roaring twenties. The eighties will be registered in the history books with respect to its excesses.

We have a lot of work to do to put this country back on track.

What we ought to be saying, "President Clinton, your plan is a change in direction; it moves us in a different direction; we are going to move forward; we are going to push for it; we are going to put this country back on track."

Is the President's plan perfect? Of course not. Can I make improvements? I expect so. I suspect everybody here has some ideas, and we will make adjustments here and there. But is it change? You bet it is change.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DORGAN. Madam President, I request an additional 10 minutes out of the time on the resolution.

Mrs. MURRAY. No objection.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. DORGAN. If the economic indicators are not truly indicators to a robust growth in the right direction, then what do they indicate and where do we want to go?

Well, it seems to me, we want to move toward the goals President Clinton has established for this country. A family cannot spend more than it has and a business cannot spend more than it has. They must balance their checkbooks. So let us look at this budget through the eye of a family, the American family.

We are sitting down some night looking at the problem. Our problem is we are spending too much. We are spending more money than we are bringing in. What as a family will we do? Will we cut our spending? Sure; we should. Will we try to find ways to secure more income for our family? We should. But would we not also figure out if there were some ways for us to invest in our family? We would support finding a way to get more income and then we would invest in our family as well. And believe me, there is a difference in investment and spending.

If our family, husband and wife, smoke two packs of cigarettes a day, they are spending about $3,500 a year on cigarettes. Is that an investment? No; I do not think so. Is it spending? Of course, it is spending.

But if you took that same $3,500 and they did not smoke it up, but instead invested it in a kid's education, is that different? Of course it is. One is spending to smoke and one is investing in the family's future. That is all Bill Clinton is saying.

President Clinton is asking us let us look at three approaches. Let us increase some taxes because we must. Let us ask the wealthier in this country to pay more because they should. Let us cut some spending because it is appropriate. But let us also invest, so that when we get this country jump started and start moving, we will have opportunity in the future due to the investments we are making today. When we invest in American children, in education and opportunity, that is an investment that will yield enormous rewards for us for years to come.

If we do not deal with this appropriately, if we do not enact fundamental economic change in this budget plan, then this country is not going to move ahead with the kind of growth and opportunity that we deserve. He is also offering us a different trade policy, and we must have that as well as economic change; a different education policy, and we must have that as well as economic change; a different health care policy, and we must have that as well as economic change.

Let me just spend a moment on each of them.

Health care. Put an American car next to a Japanese car and ask a person to come up and shop for those two cars. It is the same car, same reliability, same quality, same everything, except one is going to cost you $700 more. Do you know why? Because that company had to spend $700 more on its health care costs. That is the American car. It makes us uncompetitive aside from all the other problems of health care; it means we are losing in the international market place, aside from the fact that some young kid is not getting health care and some old woman who desperately needs it, is not getting the health care they need. It also is making this country loose ground in the international marketplace.

So we must fix our health care system. We will not control our Federal deficit unless we deal with our health care system and control skyrocketing costs. President Clinton is offering a change in direction in health care. Jimmy Carter threatened all in the health care industry with cost containment. He said, "You all control your own costs or we are going to slap cost containment on." Ronald Reagan came to town and do you know what he said? "My friends from the health care industry, let me send a word to all of you: I don't believe in cost containment; I don't believe in cost controls; you do whatever you want."

And they sure did. The price of drugs, the price of hospitals, and the price of doctor care has skyrocketed right through the roof. President Clinton is going to propose significant health care reform.

Education reform. We cannot continue down the road we have been on with our schools in this country. We have to change. We are not going to compete with other countries in the world unless we reform our education system. Much of what President Clinton proposes as stimulus is an investment in education. Build the infrastructure, and invest in education, that invests in this country's future.

On trade, what the President is saying is radical to some, but very simple to me. He simply says to other countries, send your goods here; they are welcome to be sold in our country because we want our consumers to have a wide range of choices, but we only expect one thing from you. We expect when you send your goods here, you open your markets to us. That is what we expect. It is what we deserve.

We have not for a long, long while had someone stand up for the economic interests of the American producer. And I frankly am sick and tired of a trade policy that fundamentally gives in and says we do not care; ship your goods to us, but close your markets to us.

That is a trade policy which is bankrupting this country. It is unfair to American producers, unfair to American workers, and fundamentally unfair to this country. It is darned well time we had a trade policy that insists on trade fairness. I am talking about the Canadian trade agreement which sold out American farmers, the Mexican agreement which will also sell out many American farmers, and many other trade agreements in which we simply do not have fair trade.

President Clinton is asking for change in economic policy, in trade policy, in education, and health care. I listened to this debate, and much of it was very instructive and very good, but some of it was just the same tired chorus of an old song that everybody knows, but does not harmonize at all in this country.

This country is not moving ahead. It can and it will, but it is not. And it will not until we pass a bill that represents fundamental economic change to move in a different direction; invest in people; deal with the deficits in a real way; fix our education system; fix our health care system; and insist on fair trade. When we do that, this country will get up in the morning and feel good about itself and say we are the biggest, the best, the strongest, with the most; we can compete anywhere in the world, and do well.

That is what President Clinton asks of us. We can in 100 ways and in 100 days describe why this is all wrong. I understand that technique. I have used it I suppose from time to time in my career. But what is the alternative? It is to keep doing what we have always done. And what has that gotten us the last 12 years? In a whole mess of economic trouble.

President Clinton has sent down here a ladder, why not try and pull ourselves up?

It will take a little courage. I would prefer not to vote for any taxes. Heck, I would like that. But, I am willing to vote for some taxes that the people who I represent do not like, because I think that we all need to risk our jobs in order to fix what is wrong in this country.

I have a little boy in kindergarten named Brendan. His sister Haley is 3. On his first day of kindergarten we were talking to Haley and Brendan about what he was going to learn.

We told Haley: "Brandon is going to learn to read in kindergarten."

He came home the first evening, and Haley was waiting for him with a book. She handed him the book, and she said, "Read this."

Well, that's the way a lot of people in this country think, and a lot of people in this Chamber think—instant results. This is the land of instant coffee, instant pudding, Jiffy Lube, and the quick fix.

This is a very tough problem, and it is not going to be solved overnight. This is going to take a lot of courage and a lot of time and a lot of diligence by good people who are willing to risk their careers.

But as tough as the problem is, I am convinced that tomorrow is going to be better than today if we all decide to put aside all the partisan differences and climb our way out of the economic hole. Let's get behind this President, fix what is wrong in this country, and move ahead.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Pennsylvania is recognized.

Mr. BURNS. Madam President, I yield to my friend from Pennsylvania 15 minutes.

Mr. SPECTER. I thank my colleague.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. SPECTER. Madam President, in addressing the pending amendment by the Senator from Minnesota [Mr. WELLSTONE], it is the sense of the Senate that any increase in revenues does not assume an energy tax on nonconventional fuels. It may be that Senator WELLSTONE'S amendment does not go far enough in prohibiting any energy tax at all. I had hoped to have made these points earlier in the debate, but our schedules here are very complicated. This is the first opportunity I have had to seek the floor to raise my concern about the scope of the tax increases.

In citing statistics, I am always concerned as to their accuracy, being primarily trained for a courtroom where you have to have authentic evidence. But I am advised that taxes in the United States will grow from $1.143 trillion this year to $1.406 trillion in 1998; and that the cost of the energy tax on coal, illustratively, will be $5.35 per ton, or an increase of some 26 percent, with the National Coal Association estimating that the tax would increase the average electric generator fuel cost by about 17 percent—which is an enormous consumers' increase—whereas the administration projects a homeowners' electric bill increase of only 3 percent.

In citing this wide variance, I note again my concern as to the accuracy of the statistics. But as I have reviewed the facts and figures, Madam President, I am led to the inevitable conclusion that the energy tax is a tax on lower- and middle-income families. Half of the new energy tax, I am advised, will be paid by families with less than $50,000 in income; and the lowest-income, elderly families will see their taxes go up by some 45 percent due to the energy tax. The Congressional Budget Office reports that 17 percent—or $5.5 billion of the total tax increase of $32 billion over 5 years—17 percent will be paid by elderly with incomes under $50,000 a year, which is a very alarming statistic.

The statistics available to me show that there will be an increase in the gasoline tax of 7.5 cents a gallon; an increase in home heating oil of 8.3 cents a gallon; an increase in natural gas of 26 cents per gallon, cf. Three-quarters of energy is consumed by manufacturing, agriculture, and transportation. So that the Btu tax really becomes a tax on manufacturing, agriculture, and transportation, which will hit very heavily on the key group of States, one of which is my State of Pennsylvania.

Madam President, I said both publicly and privately that this Senator wants to support President Clinton in solving the problems of the country.

I know that the American people are fed up with gridlock. I said on this Senator floor in November 1991 that unless action was taken at that time—I took the floor and urged the cancellation of the December 1991 and January 1992 recesses—there would be 537 people looking for new work: 435 in the House; 100 in the Senate; and two others—the President and Vice President.

But wanting to cooperate does not mean a blank check. I am enormously concerned with the tax increases. I have introduced a sense-of-the-Congress resolution which I intend to press further on in the debate on this budget resolution. It is my belief there ought not to be any tax increases at all until every last effort is made to cut expenses and to eliminate unnecessary programs.

In 1990, when the new budget arrangement was under consideration, I conducted a series of open-house town meetings and found almost a uniform view—certainly at least a consensus—that people were prepared to pay new taxes if, and only if, they went exclusively for deficit reduction. I believe that any increase in taxes, including the energy tax, has to be calculated in that way.

Madam President, I do not conduct polls to reflect my own position. But I think it is not irrelevant to note that of the 4,000 letters which this Senator has received from February 18 until today, on the President's budget proposal they are running almost 10 to 1 against the President's proposals as to taxes. Further my district offices in Scranton, Allentown, Harrisburg, Erie, Pittsburgh, and Philadelphia, has received some 1,721 callers against the President's proposals, with emphasis on the taxes, and 295 in favor.

I think it informative, Madam President, to cite a few of the letters which I have received as illustrations, one dated February 18 from Mr. Bruce P. Bengtson, of Maier's Bakery in Reading, PA, where he write that he and his brother are president and executive vice president of a family-owned subchapter S corporation. He points out:

> Being a subchapter S corporation, any excess of receipts over expenditures from the business is treated as part of our personal income therefore pushes us into the category which you have defined as "the rich," a group you categorically castigated in your radio address of Saturday, February 6, as "those who got the most and gave the least during the past 12 years."

This letter is being written to President Clinton with a copy to this Senator.

The letter goes on to point out that:

> Your proposal—

Referring to the President's proposal—

> Would increase our taxes by 20 percent, would cause us to significantly scale back the reinvestment program in our business, and would seriously cripple our efforts to become technologically state-of-the-art.

A similar letter which I received from Robert E. Murray, of Energy Resources, Inc., a company from Brockway, PA, recites that the proposed energy tax of the Clinton-Gore administration would be cataclysmic for Pennsylvania. And I point out that:

> We will encounter a 12 percent electric rate increase for every Pennsylvania household, individual on fixed income, and every factory that depends on our electricity and which has a product that must compete with other States and foreign countries.

He goes on to note the devastating impact on steel and metal industries.

Further, it notes that Research Data International is projecting that the proposed energy tax will reduce the Nation's gross domestic product by at least $170 billion, and will eliminate a minimum of 600,000 American jobs. Those remarks from two relatively small companies were echoed by the letter from Charles A. Corry, president of USX, one of the Nation's biggest companies, where Mr. Corry, in writing to the President, again sending a copy to this Senator, noted that: "All energy taxes are disproportionate in their effect."

He points out that "it would be unfair to attempt to balance the budget through any energy tax scheme, since each tax option under construction effectively picks winners and losers." And he goes on to point out that the devastating effect that the energy tax would have on the steel and oil businesses, which are prominent in USX's repertoire.

From those companies, Madam President, to a letter from an individual, William L. Snyder from Wyomissing, PA, who notes that he is a retiree, whose income falls into the $30,000 to $50,000 category. Then he states:

> I'm willing to pay my fair share, but this is not fair. This is too much to throw at an income group for whom the President promised no increase in taxes.

In a similar letter from a Mr. Richard Faber of Blue Bell, PA, who notes that he and his wife are senior citizens, 66 and 67, with a taxable income of $48,000. He points out:

> In reviewing the case studies above, I am at a loss in trying to understand how or where these case studies represent "fairness."
>
> Please do not support this inequitable part of the Clinton proposal.

In a similar letter of Miss Grace Meehan from Philadelphia, who points out that being single and earning under $30,000, 75 percent of her income goes to overhead. In her letter she states,

> If we can cut Government spending, it might be worth increased taxes if Government used the money to lower the deficit, and not spend it on additional or current programs.

Madam President, I ask unanimous consent that the full text of the preceding letters be printed in the RECORD, along with a letter from Miss Rosella Bianco, who writes about concerns for taxes on people in middle income, and also Mr. Thomas Ways, who makes the same point in a letter dated February 21.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ENERGY RESOURCES, INC.,
Brockway, PA, March 1, 1993.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: The proposed energy tax of the Clinton/Gore Administration, which is to be levied on a heat content, or BTU, basis, will result in disastrous economic consequences and job losses for Pennsylvania. The Administration states that the BTU tax has been selected because the cost burden thereof will be fairly distributed among all regions of the Country, but this assertion is totally false.

This is because the vast majority of Pennsylvania's electricity is produced from coal. The proposed tax targets coal, which costs only about one-third the price of natural gas on a BTU basis, more than any other fuel. The weighted average price increase nationally under this proposed tax would be 17.66 percent for coal, 17.70 percent for oil, and only 11.07 percent for natural gas.

But, the adverse impact on the citizens of Pennsylvania will be much greater. This is because Pennsylvania's coal has a higher heat, or BTU, content, but lower price, due to its high sulfur content and/or low mining costs and demand. Thus, any tax levied on a heat, or BTU, basis will place a disproportionately high economic burden on Pennsylvanians.

For example, Energy Resources, Inc. currently sells its 12,500 BTU/lb. coal to the State's electric utilities for about $22.00 per ton. The proposed 25.7¢ per million BTU tax amounts to a $6.43 per ton, or twenty-nine percent (29 percent), increase in the cost of coal. Since about forty percent (40 percent) of the cost of electricity is the coal fuel, using our coal we will encounter a twelve percent (12 percent) electric rate increase for every Pennsylvania household, individual on fixed income, and every factory that depends on our electricity and which has a product that must compete with other states and foreign countries. Pennsylvania's steel and other metal industries, for instance, which already have difficulty in competing with foreign countries, will be particularly hard hit by this ill-conceived energy tax.

The prestigious research group of Research Data International has projected that the proposed Clinton/Gore energy tax will reduce the Nation's gross domestic product by at least $170 billion, more than the amount of revenue that the government will collect, and will eliminate a minimum of 600,000 American jobs. We are certain that a disproportionately high number of these jobs will be lost in Pennsylvania's mines and factories. The resulting decrease in economic activity will also produce lower collections of individual income, social security, and corporate taxes. This proposed tax will raise the price of every consumer item that requires energy in its production, manufacturing, or transportation.

It will disproportionately hurt the poor and place yet another burden on middle income families. You will recall that, when the organization of petroleum export companies raised the price of oil in the mid-1970's, both inflation and unemployment drastically increased.

On behalf of our employees at Energy Resources and the additional indirect jobs that depend on the survival of our Company and Mines, we urge you to exhaust all efforts in the Congress to defeat any kind of energy tax, with those based on heat, or BTU, or carbon, being the most damaging to Pennsylvania.

We will be pleased to meet with you or provide additional information on the insidiously flawed Clinton/Gore energy tax at your convenience. All Pennsylvanians urgently need your help!

Sincerely,

ENERGY RESOURCES, INC.,
ROBERT E. MURRAY,
Shareholder.

MAIER'S, THE BAKER OF BREADS,
Reading, PA, February 18, 1993.

Senator ARLEN SPECTER,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: Enclosed find copy of a letter I have sent to President Clinton. I enclose it for your information and ask you to vote against a tax increase, not only because of its negative effect on our business, but also because of the negative effect of a tax increase on the country's shaky economy emerging from the recession induced by the last tax increase of 1990.

Our business needs increased after-tax income to finance the investments we must make to become state-of-the-art and remain competitive, so we may protect the jobs we have created and, hopefully, create more.

Thank you for your consideration.

Sincerely,

BRUCE P. BENGTSON.

MAIER'S, THE BAKER OF BREADS,
Reading, PA, February 18, 1993.

President CLINTON,
Washington, DC.

DEAR PRESIDENT CLINTON: My brother-in-law and I are President and Executive Vice President, respectively, of the family-owned sub-chapter S corporation on whose stationery I am writing. At the time we began our work with this company, it consisted of a single plant employing approximately 250 people and generating about $7 million in annual sales. Within about five years, as a defensive move to remain in business, we acquired two other bakeries, more than doubling our size and number of employees. Since then, through our work and efforts and that of our management team, we have been able to expand to 1,050 employees and a level of sales about 12 times that when we began.

We are a small capitalization company, having only about ⅙ the capital of a so-called average small-capitalization company. We are too big to qualify for SBA loans and too small to issue our own commercial paper. The jobs we have succeeded in creating in the intervening years have not been minimum-wage jobs, but have been what your Secretary of Labor calls "well-paying jobs," generating wages in the $12–$15 an hour bracket. We are in a very basic, highly-competitive business where a few pennies a loaf can make the difference between a profit and a loss for the year.

Being a sub-chapter S corporation, any excess of receipts over expenditures from the business is treated as part of our personal income and therefore pushes us into the category which you have defined as "the rich," a group you categorically castigated in your radio address of Saturday, February 6th as "those who got the most and gave the least during the past 12 years."

After I stopped smarting in anger at being so labelled after all our work of the past 12 years, my more rational self began to think: "Perhaps President Clinton doesn't realize all the ramifications of his tax proposal. He says he's interested in creating well-paying jobs. We have created well-paying jobs over the last 12 years. Perhaps he doesn't realize that we and others like us, pushed into higher brackets by virtue of the earnings of our business, are the targets of his proposed tax on 'the rich.' Surely he does not mean to impose a punitive tax on us when we are plowing back the after-tax proceeds of our business into machinery and equipment replacements and upgrades in an attempt to become state-of-the-art so we can continue to support the well-paying jobs we have created and, hopefully, create more of them. That would not be consistent with his stated objectives."

Your proposal would increase our taxes by 20 percent, would cause us to significantly scale back the reinvestment program in our business, and would seriously cripple our efforts to become technologically state-of-the-art. Example: We just replaced a 41-year-old bread mixer in our Easton plant, but it cost over $250,000. We need more internally-generated capital provided by after-tax earnings to invest in our business, not less. In a business as cost competitive as ours, there is no way we can pass a tax increase of that magnitude on to the consumers of our product and expect to remain competitive on the store shelves.

Mr. President, what we need is not a tax increase on those like us who are pushed into the category you call "the rich" by existing tax laws, but rather Federal spending decreases to move toward a balanced Federal budget. We need a reinstatement of the investment tax credit to help us with our reinvestment and job-creation program rather than a punitive income tax hike to cripple our reinvestment efforts.

Your tax proposal's impact on our salaries is not the issue. Your tax proposal's impact on our business and our ability to reinvest and create more jobs is the issue. I strongly urge you to reconsider all the ramifications of your proposal. If we and others like us are able to continue to grow and prosper, creating more jobs for tax-paying citizens in the process, the resulting tax revenues will substantially outweigh any revenue dollars you might generate by this extremely unwise proposed tax increase.

Thank you for your consideration.

Sincerely,

BRUCE P. BENGTSON.

USX CORP.,
Pittsburgh, PA, February 8, 1993.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: On the eve of the announcement of your proposed economic growth and deficit reduction plan, I would like to offer an assessment of the energy tax components currently under consideration. As the chief executive of a corporation engaged in basic manufacturing and energy production, I believe the perspective I offer is unique and hope my comments will be of assistance to you in your effort to create jobs and stimulate economic growth.

The goal you have established for your Administration, halving the federal budget deficit by 1997, is both laudable and essential. The deficit is an albatross to our nation's long term economic competitiveness and must be eliminated. As you have often stated, however, the measures required to achieve a balanced budget should be broadly applied and any sacrifice must be shared.

Although we may disagree on the necessity of raising federal revenues at this time, I will not discuss my general opposition to increased taxes. Rather, I urge you to avoid falling into the trap of thinking energy taxes are equitable or in the best long-term interest of our economy.

All energy taxes are disproportionate in their effect. It is a simple fact that some industries use more energy than others. Likewise, the type of energy used by various consumers varies greatly. It would be unfair to attempt to balance the budget through any energy tax scheme, since each tax option under consideration effectively picks winners and losers. An energy tax might be characterized by some as a tax on consumption, but it is an even bigger tax on production. All industry in the United States runs on energy. Inexpensive energy is key to our international competitive advantage and taxing it will have a dampening effect on the entire economy. If a "broad-based" energy tax is enacted, the American manufacturing sector, and its workers, pensioners, and customers will be the losers. Our foreign competitors who are by and large exempt from their governments' energy taxes will be the winners.

The environmental benefits of an energy tax are overstated and misleading. While the environmental community is propounding the alleged conservation virtues of an energy tax, the truth is that the market already rewards conservation and penalizes excess energy consumption. Existing law, such as the recently enacted Clean Air Act, for instance, now requires industry to make substantial investments in environmental improvement. These investments are a form of taxation that has been felt heavily in the manufacturing sector—especially in the oil and steel business. For several years now, USX, like many other corporations, has been engaged in costly, multi-year investment programs (at a great tax disadvantage) in order to meet new federal pollution standards. This existing burden must be considered before it is compounded by new, direct energy taxes.

Economic growth, investment, and job creation must not be undermined in the zeal to reduce the deficit. It is difficult to achieve a balance between thrusting the economy back into recession and reducing the deficit. The relatively small pool of available capital will either be claimed by the federal treasury or reinvested in the private sector. This is especially true in our beleaguered manufacturing sector. The economic effects of any large energy tax could well prove counterproductive to your Administration's broader economic goals by resulting in increased unemployment, lower investment in new plant and equipment, reduced exports due to higher costs of production, and inflation. A "broad-based" energy tax would be the most disruptive and unpredictable force to inject into our current deficit reduction/economic growth predicament and it would be devastating to our industrial base.

Mr. President, our nation's industrial base, perhaps the entire U.S. economy, is at an historic crossroads. For too long, our government has pursued tax, trade, and regulatory policies that disadvantage our ability to manufacture domestically and compete internationally. As you prepare to lead America into the 21st century, please ask yourself and your Administration to consider where industrial capacity fits in our nation's future. If you conclude as I do that a vital manufacturing base is essential for continued prosperity and security, then an economic program that encourages investment and growth must be pursued.

Yours very truly,

C.A. CORRY.

Wyomissing, PA, February 23, 1993.

Hon. ARLEN SPECTER,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: I'm a retiree whose income, with Social Security, falls into the $30–50,000 category. The attached article indicates the average tax increase in this range will be $204 per year. I estimated my 1992 taxes based on the forecast 85% tax rate on Social Security, as opposed to the current 50%. My taxes would have gone up $980! At this rate, I'll be giving back more than $1,000 of my Social Security income in 1993. With the estimated $204, this is a $1,200 increase.

I'm willing to pay my fair share, but this is not fair. This is too much to throw at an income group for whom the President had promised no increase in taxes.

In the middle income tax range, no one else is expected to pay an increase on their income, except those on Social Security.

I am asking you, as my Senator in Congress, to vote against an increase in the percentage of Social Security payments to be taxed.

Very truly yours,

WILLIAM L. SNYDER.

TRANSCRIPT OF RICHARD FABER'S LETTER

Blue Bell, PA, February 19, 1993.

DEAR SENATOR SPECTER: My wife and I are retired senior citizens (ages 67 and 66). Our income consists of my pension from my former employer, investment income and social security (taxable income for 1992, line 37 of Form 1040 of $48,000).

Please note that net tax increase under the Clinton proposal for the retired couple as calculated and shown above. Our next increase will be even more because our income is higher.

In reviewing the case studies above, I am at a loss in trying to understand how or where these case studies represent "fairness".

Please do not support this inequitable part of the Clinton proposal. Certainly a modification is in order.

Very truly yours,

RICHARD FABER.

PHILADELPHIA, PA,
March 1, 1993.

Senator ARLEN SPECTER,
Philadelphia, PA.

DEAR SIR: Over the past several years, I have become increasingly concerned about government spending. After listening to President Clinton's State of the Union address, I am determined to become more knowledgeable about how my tax dollars are being spent.

I was unemployed for 18 months, searching for a full time position in Washington, DC, Virginia, Maryland, etc. (By the way I never applied for unemployment. Instead I choose to work part time for $5/hour and cash in my IRA. Unemployment was to be a last resort.) I was fortunate to finally gain a position in Philadelphia. I'm single, making under $30,000, spending nearly 40% of my pay for rent for a small apartment in Center City, paying $200 a month to pay off credit card bills (primarily used for expensive doctor appointments and prescription medication when I was unemployed), car payments and car insurance. I drive my car on the weekends and park it in Center City. For this privilege, I pay approximately $1300 per year on insurance for a car that is rated low in auto thief/loss. Over 75% of my income goes to "overhead". This does not include groceries, utilities, clothing, transportation to/from work, gasoline, medication, etc.

I am reviewing my income and spending habits and am considering picking up a job on the weekends as well as refinancing my auto loan to lower my monthly debt.

So obviously, I'm concerned about higher taxes. I paid the city of Philadelphia over $1100 in taxes, the Commonwealth of PA and VA, Social Security, Federal taxes as well as state, city and local sales taxes. I don't have any children, so I wont be getting any earned income tax break. But if we can cut government spending, it might be worth increased taxes if government used the money to lower the deficit, and not spend it on additional or current programs.

My job (as an advertising media planner) is to work within a given budget, track that budget and make certain that the client does not overspend. At the same time providing my client with the most effective means of advertising the company's product.

Since I work within budgets at my job, I want to try my hand at balancing the Federal Budget. You see, my job has trained me to analyze data impartially; and to look at the big picture as well as the small. I have no hidden agendas, no pork barrel pet projects, no one lobbying me, and I ask if the item passes the common sense test. In other words, I feel that I can bring objectivity to the project.

So, I would like your assistance. I would like for you to forward to me a copy of the President's economic plan to include the specific tax increases as well as the specific budget cuts. Also, please forward a copy of the Congressional Budget Report that is being used as the "official" budget document. (Bill wants specific cuts, I'll find him specific cuts.)

Personally? Without Line Item Veto and Balanced Budget Amendment, the deficit is only going to grow. Funny he did not mention that during the State of the Union address. How come? Is he afraid to make himself and his fellow democrats look bad when they refuse to give it to him? Afraid to show the American people that when it comes down to brass tacks, he can't move the Congress either? These two items are the key to lowering the deficit. By the way, what ever happened to the Gramm-Rudman Act?

I don't think Congress is capable of making the hard decisions. So I am going do it for them.

Thank you for your time.

GRACE MEEHAN.

PITTSBURGH, PA,
February 24, 1993.

President BILL CLINTON,
White House, Washington, DC.

DEAR PRESIDENT: I am writing to you to appeal to your conscience and straight thinking which I know you are capable of using.

You have suggested that social security benefits should be taxed at 85% of income in place of the present 50%. But when you were campaigning you stated that you would not tax the middle class American which you stated was an income of $40,000 a year. But you are proposing this tax on social security recipients making $25,000/32,000 which is below the middle class income.

You stated that the upper income bracket of $160,000 would be taxed but not the middle class of $40,000, but you propose taxing social security recipients at $25,000 for single people and $32,000 for married couples.

You surely do not think $25,000 income represents a rich person!! Our senior citizens worked hard and saved for their retirement and even the government encouraged them to do so with I.R.A.'s. These people who were raised during the deep depression learned to live on less and save because they knew what it was to have nothing. They were afraid to retire with nothing for medical expenses, etc. And in this present society people cannot depend on their children to take them into their home and care for them when they are old! In my generation we took our grandparents/parents into our homes and cared for them but that is not true now, we have to have sufficient money saved to go into a nursing home which is expensive!

You have asked how you can cut and I am telling you what to cut: cut out the space program which is a waste of my tax money in my estimation; cut out the large pensions of our former presidents and their expense accounts, etc.; cut out all the fancy parties at the White House; cut your salary and all the senators, congressmen and their expense accounts and you will probably balance the deficit.

I am sure you know what I am talking about—you and your wife were activists during your years in college—I am sure you can empathize with our senior citizens now!

Please do not turn against those who voted for you. You came out for the "gays" because they voted for you and you promised to help them—so do not forget the people who built America—the senior citizens!

Social Security should have never been taxed, but Pres. Reagan did just that and now you are adding insult to injury by raising the tax. If you feel that you have to include social security in your attempt to cut the deficit, you should not tax any social recipient who has an income under $40,000 which is the middle class income according to your statement.

Please do me the courtesy of answering my letter.

Sincerely,

ROSELLA BIANCO.

THOM & CHARLOTTE WAYS,
Wexford, PA, February 21, 1993.

Hon. ARLEN SPECTER,
Liberty Avenue, Pittsburgh, PA.

DEAR SENATOR SPECTER: I have tried to carefully review President Clinton's proposals for solving the economic problems that beset our nation. [I am in agreement that all Americans should be willing to sacrifice to reduce the national debt and give our children a better future. However, in looking at the program presented I fear I find the same old tax and spend strategy being "sold" to us. I am asking that you oppose any tax increase before dramatic cuts are made across the board in *all federal programs.* As a matter of fact, I would propose that Congress enact a law that any tax increase *must* be used to reduce the deficit. No new spending programs should be enacted without corresponding cuts in other programs to fund them.]

With the burden of federal, state and local taxes increasing at a dramatic rate we will soon reach the point where our only recourse will be to remove all current representatives and vote in people who will finally face facts and take unpopular (to special interests) stances on entitlements.

Senator, I look to you to stand firm in the face of the liberal democratic forces and do the right thing for those of us who kept the faith and voted for you to represent us.

Sincerely,

THOMAS WAYS,
Member of Council,
Franklin Park Borough.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BURNS. How much time do we have remaining on this side?

The PRESIDING OFFICER. The Senator has 15 minutes remaining on his side.

Mr. BURNS. Madam President, I yield myself as much time in that 15 minutes as I might take.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BURNS. Madam President, I will be offering Monday or Tuesday an amendment exempting the off-road fuel tax out of the Btu tax as submitted by this resolution.

It is interesting to hear those who represent farm States as we take a look and see what is in this package and how it is packaged and how it will impact our No. 1 industry, especially in the State of Montana.

In 1991, farmers and others consumed 1.4 billion gallons of gasoline and some 2.8 billion gallons of diesel fuel in off-road uses. That is our tractors, our combines, our balers, in other words, everything it takes to keep a farm or ranch rolling.

Farmers are price takers. They cannot pass those added costs along. They cannot send it so it increases the prices of food in grocery stores on down the line. They are unable to do that, because they operate with a raw product on a commodity market. In fact, farmers are at the end of the line. They buy retail, sell wholesale, and pay the freight both ways. It is an industry that has been like that. We are not saying that is bad. That is just the way it is.

But here is a tax that is placed on them that they cannot pass along and they cannot write it off of their income tax. It is there for them to pay and they get no tax credits at all for that. They will pay it and cannot pass it along.

I do not think there has been a lot of farms and ranches that have been too profitable since about 1981 or 1982. I am an auctioneer. I sold out a lot of good friends in the mid-1980's when the heartland was really hurting and when you went and sold a friend out and sometimes you did not get any commission because if you had taken the commission that is the only money that they would have had whenever they moved off the farm.

If you do not think food production is not a tenuous thing, I will offer a little example. Friday night they forecasted a big storm here on the east coast. Everyone went to the grocery stores. They closed the grocery stores at 10 o'clock because they sold out.

There are 60 days of food in the pipeline for this society to feed and clothe a society, food and fiber, and farmers and ranchers are the fifth largest user of energy in this country.

When you come from a State that is not only an energy producer, but also an energy consumer, with longer winters, driving longer spaces, covering more miles—you know, in 30 minutes you can be across three States in the East; in 30 minutes we are not even out of the lane. If you measured it as a crow flies from Eureka, MT, to Alzada, MT, it is farther than Chicago to Washington, DC.

And you are going to tell me this is fair. I have to take exception to that, because it is not fair.

So, we are asked to absorb this cost without the ability to pass it along.

Consumers in this country dictate food prices through the food processing industry, and it is highly competitive. We know who is going to pay the difference.

So, with that, we will offer that amendment. We will also offer the amendment to exempt diesel fuel from the Btu tax. Those two amendments will be coming from us on Monday.

They all have very, very high overhead. Those folks representing farm States say, "Yes, I can pass a sense of the Senate. We are still going to support the President's package."

We all know what a sense of the Senate is. It is not doing anything, and you are sent here to represent a farm State and those people. I mean these are the people who have the callouses on their hands. They are starting to plant crops. They are starting to pull out the machinery, getting ready to plant another crop and harvest another crop, to be the No. 1 producer in the State of Washington, as it is in Montana, the largest industry.

You are asking those people who have these callouses on their hands and also the people that sign the checks on both sides to absorb this cost to be fair and still ask to produce food and fiber for this society.

They already pay more than their share. If you want to figure up what they pay in real estate taxes, sales taxes, and we do not get depreciation anymore, do not get investment tax credits. We are still asked to produce.

We were getting $3 for wheat in 1948. We are only getting $2.75 right now. A pound loaf of bread has 6 cents worth of wheat in it—6 cents.

How long can you ask that man, who is the most productive and most efficient man in the world, to do this and still absorb 8 cents a gallon gas and 7 cents on diesel? You are asking him to absorb that without any way of passing that along.

I guess we might as well go back and start farming with horses again. That is OK with me. I just lost my father back in December. That is the way he farmed.

If you want to talk about bad times, you say this is a bad time, if you want to talk about the 1950's any gray hair around here will remember the fifties and farm prices in the fifties, early fifties, or do you want to talk about the thirties? My dad on 140 acres of two rocks and one dirt his gross income was $28.70 in 1933. You think we are in bad times, when the majority of the people in this body spent more than that just to drive to work this morning. I know they spent more than that on their hotel and motel and their lunch.

So, what are we asking? What are we asking when we have an economy that is starting to grow? We are going to say: No. We are going to tax you, and the Government is going to provide the jobs.

I do not believe that, and I do not think the American people believe it either.

Now, let us get two terms here. There is a deficit and deficit is what we spend over what we take in. We deficit spend but we accumulate debt at the end.

At the end of this, if it all went through, if the President's plan was signed right now, we will have accumulated, in the next 4 years, $1 trillion more debt. We will have put that on our children and our grandchildren—$1 trillion more. It will be up around $5 trillion. That is what the debt will be.

So we have not addressed the debt. We have not done anything about the debt. And if you look at the fifth year, as far as deficit spending is concerned, that rises. It just balloons, goes right off the map.

So let us not hoodwink the American people into saying that this is the answer or we are off in a new direction. I believe we are off in a new direction—the wrong one.

Let us let small businessmen make a profit. Let us let our agriculturalists make a profit. And that is where we are going to get our jobs. Two out of three jobs created in this country will come from small business. Two out of three new first jobs comes from small business. It does not come from Government. It comes from small business.

The only reason they go into business is there is a chance for profit. We have new opportunities in agriculture, and I really believe that. I think we have so many opportunities out there. But we are not going to be allowed to develop those opportunities if we have more taxes and we have to fork it over to Uncle Sam in a massive transfer of wealth.

I do not think that is fair; when you are asking the most efficient industry in the world to carry the load, and that is food and fiber. And do you know why they chose to tax there? Because it is renewable. It comes every year. Every year it comes. It grows up.

We harvest it and we tax it. That does not help feed people. That does not help clothe people. But it is renewable and it is wonderful in this great United States of America. It is about the only country in the world where we can have fresh lettuce and fresh carrots in the Northern Hemisphere all winter long. Did you know that? No other country in the world can do that. The distribution and processing system is the best in the world.

The Chair knows that. She comes from California, the leading agricultural State in this Union, as long as they get water; and they are getting water, and we watch that very closely.

So what we are saying here is, let us take a look at this in common sense. Those are the two amendments that I will be offering.

And when we start talking about Btu, let us change that from British thermal units to we better tighten up. Because it is coming, America. They are going to get your money. And they are going to get it hidden. They are not going to get it where you can see it. You are going to pay it, whether you like it or not.

Madam President, I will be offering those amendments on Monday or Tuesday to be voted on.

Mr. DASCHLE. Madam President, I commend President Clinton for his prompt follow through on his promise to change America, and I strongly support this resolution endorsing one of the central elements of his "Vision of Change for America"—the promotion of the use of renewable, environmentally benign, and domestically produced energy sources.

After 12 years of a rudderless energy policy, President Clinton is offering America a fresh approach. Last month, the President spelled out that approach in plain language when he announced that, "the administration will launch initiatives to develop new, clean, renewable energy sources that cost less and preserve the environment."

The President is absolutely correct in promoting environmentally benign energy sources. This resolution reinforces the President's vision by urging that fuels like ethanol, which are renewable, clean, and environmentally benign, be encouraged over fuels that are not.

The promotion of domestically produced ethanol is particularly well-founded, because it contributes to the achievement of three of the President's top goals—environmental protection, job creation, and deficit reduction.

First, ethanol is an environmentally advantageous fuel. Ethanol blends reduce ozone forming carbon monoxide emissions by up to 25 percent and displace up to 10 percent of the benzene, lead, and other toxic and ozone-forming elements of base gasoline. Ethanol is also one of the few motor vehicle fuels we use that actually reduce the greenhouse gas CO_2, according to the highly respected Oak Ridge National Laboratory.

Second, ethanol development creates good jobs here in America. Nothing is more central to this administration than the interrelationship between job creation and environmental protection, and ethanol provides one of the most dramatic success stories in this regard. The American ethanol industry not only has helped clear up the air, it has used more than 350 million bushels of corn every year, providing an additional 25 cents per bushel of corn sold in rural America.

Pure and simple, ethanol is one of the most effective ways we have found to improve farm income, create jobs, and stabilize rural economies. For every 100 million new gallons in production, 5,000 new jobs are created in rural America. Moreover, substituting over 900 million gallons of imported oil, methanol, or MTBE with domestically produced ethanol creates jobs here at home and improves our national trade balance and energy security outlook.

Finally, the administration is correctly placing a high priority on deficit reduction, and here, too, ethanol plays a constructive role. According to the General Accounting Office, the ethanol program saves the Government as much as $560 million every year in reduced farm program costs and increased rural economic development. And, speaking of subsidies, the last time I checked ethanol did not require a multibillion-dollar military tanker escort or a full-scale war to ensure its safe delivery to market from South Dakota.

So, any way you look at it, encouraging the use of ethanol fits the Clinton-Gore vision for America. We are wise to support that vision.

There may be some in this Chamber whose rhetoric in this debate is aimed primarily at scoring cheap political points back home. That would be unfortunate.

The fact of the matter is that the administration has not yet finalized the details of how the Btu tax will be implemented. Furthermore, everything we know about President Clinton's past record as a Governor and vision for the future suggests that ethanol will play a central role in his administration's environmental and energy policies.

So, as one who has long championed the development of a viable and expanding domestic ethanol industry, and who authored the law to extend the solar, geothermal, and ocean thermal tax credits, I compliment the President on his commitment to the development and promotion of renewable energy sources, strongly support treating all renewables the same under the proposed Btu tax, and urge adoption of the pending resolution.

Mr. DOLE. Madam President, it is unfortunate we have to engage in this type of amendment; it is unfortunate we did not vote to get rid of this hideous tax last night. But now, just hours after my colleagues on the other side of the aisle voted to impose the Clinton Btu tax on just about every type of fuel and on every American using those fuels, we are deciding that proposal was wrong, that ethanol should be exempt.

I am in favor of the Wellstone amendment, but I am against the need for the Wellstone amendment—the Btu tax. This small exemption is not going to solve the problems in rural America that will come from the Btu tax. Farmers will still have their taxes increased by hundreds, if not thousands, of dollars each year. Those living in big cities or the suburbs will not have to pay that much. Why? Why did the Democrats vote to increase taxes on farmers by thousands of dollars and not on residents of urban areas? And why did they vote to impose higher taxes on those living in the Northeast, who heat their homes with oil, than they did on those who live in some other area where a choice of heating fuels is available to consumers? Why the geographic warfare; what is the purpose?

Madam President, we will provide our colleagues an opportunity to make other small corrections in the Clinton Btu tax. There should be, no doubt, an exemption for farmers and for heating oil. We should also decide whether to exempt the poor and the elderly. We should vote on whether our cash-strapped States and municipalities should be exempt, and so on and so on.

So, we will have the opportunity to vote on these matters and attempt to correct a serious mistake we made last night to impose this tax. I, for one, am most grateful when I travel to my home State tonight, no one will ask me why I voted to impose this regressive new tax on the American people.

Mr. BURNS. I might inquire, how much time do I have remaining? I have 3 minutes remaining; is that right?

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. BURNS. I will yield back the remainder of my time and yield at this time to the Senator from South Carolina.

I inquire of the Senator how much time he needs.

Mr. THURMOND. Madam President, I have several matters I want to speak on. On this resolution, I will take about 9 or 10 minutes.

The PRESIDING OFFICER. The Senator may proceed on the resolution.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT TO PRECLUDE A FREEZE ON MILITARY PAY IN 1994 AND ANY FUTURE MODIFICATIONS TO THE CURRENT PAY RAISE FORMULA

Mr. THURMOND. Madam President, I rise today to discuss a matter of grave importance to the men and women serving in the Armed Forces.

On behalf of myself and Senator MCCAIN, I will soon be introducing an amendment to the budget resolution. Our amendment will ensure the Department of Defense is adequately funded to allow Active and Reserve component military personnel to receive a pay increase for fiscal year 1994 and to ensure that military personnel pay increases for fiscal year 1995 through 1998, as established under current law, are not subject to additional reductions.

The President asked all Americans to sacrifice as we move forward together to reduce the budget deficit. I agree with his call for shared sacrifice, but I am concerned that our finest young men and women are being asked to bear an unfair burden while others are not.

Madam President, as we meet today, there are American servicemen and women serving proudly all around the world. They are putting their lives on the line in Somalia, Bosnia, Southwest Asia, and elsewhere, as part of United Nations efforts and in defense of the interests of the United States. These brave young Americans and their families are sacrificing every day. They are far from home, many are separated from their families. They are selflessly serving to keep America free and to keep our commitments and responsibilities as a world power.

Madam President, our great service men and women give more to the country, individually and as a group, than the vast majority of us who enjoy the comforts and freedom they provide. They do not ask the American people for much. More than anything, these young Americans want our respect and support. They want us to know they are out there and that we do not take them for granted.

What message do we send to these soldiers, sailors, airmen and marines when we virtually single them out and freeze their pay? How do we ask a young parent to leave his or her family and go protect our interests while freezing the pay which will provide for their family?

Madam President, historically, the adequacy of military pay raises has been measured against annual increases experienced by average Americans, as measured by the Department of Labor's employment cost index. In the 1970's military pay shortfalls were identified as a major contributing factor to the reduced retention of skilled noncommissioned officers and to the hollow force. The Congress recognized this situation and approved full comparability catchup military pay raises in 1981 and 1982.

After several years of pay caps between 1983 and 1988, military pay raises have tracked closely with the employment cost index since 1989. The proposal before the Senate today will freeze military pay for fiscal year 1994 and limit raises to 1 percent below the normal statutory raise for fiscal years 1995 through 1998. What this means is that military pay raises after 1994 will be 1½ percent below the employment cost index.

Madam President, from 1982 to the present, military pay raises lagged behind private sector raises by almost 12 percent. The proposed freeze and pay raise limits will widen the gap to 20 percent. The administration has indicated they want to spare families earning less than $30,000 annually. Over three-quarters of the enlisted service members earn less than $30,000 per year. The proposed pay freeze and limits on future raises will result in greater sacrifices by this group than any other.

Because pay freezes and reduced raises compound, the proposal in the budget will impose lifelong penalties on our military personnel. It is inevitable that allowing military pay to slip below the national average will lead to recruiting problems, retention problems, and return to the hollow forces of the 1970's.

We now have an all-volunteer military which does everything we as a nation ask of them, and yet they ask for very little in return. As I said earlier, what they really want is our respect and support. I, for one, do not think freezing their pay is respectful or supportive.

Madam President, this amendment will add $11 billion in budget authority and outlays to the recommended levels for national defense over 5 years. These fund only provide for continuing military pay raises under current law. It is not intended to increase any other program. In point of fact, over 5 years more than $3 billion of the $11 billion will go to the military pension account and will not leave the Treasury.

I hope we will not close our eyes to the lessons of the past. I hope we do not allow the current superb state of military readiness to erode and force high quality personnel to leave due to lack of support. I urge my colleagues to show their support for the men and women in our Armed Forces and vote for this amendment.

THE NICKLES AMENDMENT (NO. 182)

Mr. SMITH. Madam President, I rise in support of the Nickles amendment, and urge my colleagues to lend their support to eliminating the discriminatory and regressive Btu tax.

The Clinton Btu tax will severely hurt New Hampshire consumers. A State-by-State ranking of the impact of this tax shows that New Hampshire consumers will be hit the fourth hardest in the Nation. Worse, New Hampshire and other New England States that depend on oil to heat homes during the cold winter are being asked to sacrifice—not for deficit reduction—but for more Government spending.

The Nickles amendment is simple. It says to the American people, "We will cut spending before we raise taxes." The Nickles amendment would eliminate the Btu tax, and make up the lost revenue by telling the Federal Government, "No new spending."

Candidate Clinton spent a great deal of time in New Hampshire last year. He told my middle-class constituents that he was going to cut—not raise—their taxes. Ironically, a vote for the Nickles amendment will put the President a little bit closer to his campaign promise.

I am proud to be a cosponsor of the amendment, and I urge its adoption.

Mr. THURMOND. Madam President, I ask unanimous consent we go into morning hour.

The PRESIDING OFFICER. Is there objection? The Senator from Washington.

Mrs. MURRAY. Reserving the right to object, it was my understanding the time was going to be taken from the resolution?

Mr. THURMOND. I have about 6 minutes on this subject. Then I want to pay a tribute to Senator DOLE'S brother who passed away recently. It will take about 6 minutes. I need about 5 minutes to pay a tribute to the Citadel on its sesquicentennial anniversary.

The PRESIDING OFFICER. The Senator from Washington.

MORNING BUSINESS

Mrs. MURRAY. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina may proceed.

THE FISCAL YEAR 1994 BUDGET RESOLUTION

Mr. THURMOND. Madam President, I rise today to discuss my general concerns regarding the President's economic plan and the proposed budget resolution.

One month ago, President Clinton unveiled what he described as a comprehensive economic plan for the Nation, "A Vision of Change for America." I commend him for putting forth his plan. I am certainly ready to work with him to develop a significant, long-term economic plan to improve our Nation's well-being and to create new jobs.

However, we must be careful that we do not impair the recent improvements in our Nation's economy. For example, the economy grew 4.8 percent in the fourth quarter of last year, according to revised figures reported by the Commerce Department. This was the strongest quarterly growth rate in 5 years. In addition, the Labor Department recently reported that the unemployment rate has fallen to 7 percent and that productivity growth is at a 20-year high.

Finally, statistics of economic performance provide further evidence of a strong and growing economy. The index of leading economic indicators recently had the largest monthly gain in nearly a decade. Reported increases in housing starts, surges in sales of domestically built autos, and the rise in factory orders for durable goods all indicate the economy is improving.

I would like to emphasize that I am not arguing that our Nation is in perfect health and that further improvements are not necessary. Certainly the corporate restructuring and layoffs recently announced in the computer and aircraft industries and by retail giants is cause for concern. Additionally, there is great distress in many parts of the country, and especially in my own State, over potential military base closings and associated reductions in military and civilian employment. Nevertheless, the prescription should not be further taxation and deficit spending. These policies could impair the recent growth in our economy and further remove the capital required for private investment, job creation, market expansion, and sustained economic growth.

I would like to turn to the budget resolution. I must state my concern that we are proceeding on debate of a budget resolution without having the President's budget before us. The burden of production of a budget rests with the administration. However, Budget Committee hearings, presentation of committee views and estimates, even markup and reporting of the resolution itself have occurred without a budget before the Congress.

The budget resolution we are considering today calls for revenue increases of $295 billion, one of the largest—if not the largest—tax increases in the history of our great Nation. I am extremely concerned that the resolution proposes such a large tax increase without further restraint in Government spending. Tax increases should be the measure of last resort.

The budget resolution places limitations on new budget authority and outlays by budget function. However, the resolution does not make real reductions in total Government spending or in the level of public debt. Total Government spending continues to increase each year under this plan. This increased spending and the accompanying annual deficits are projected to result in an increase in the national debt of nearly $1.5 trillion.

There are some spending reductions in the plan. My concern is in the reshuffling of spending and where those reductions occur. For example, the plan proposes real and significant reductions for our national defense. I believe that in order to maintain the peace and to create an environment where reason can prevail, our Nation must maintain a credible force. However, reductions in planned spending for national defense is reduced over $112 billion. This reduction is almost double the $60 billion originally proposed by the administration.

Another area of real reduction is in agriculture. Careful review of the plan reveals a heavy burden placed on the agricultural and rural elements of our society. These areas have suffered greatly in recent years, and additional strain may have a detrimental impact on these fundamental areas of our Nation's society.

Nearly all other budget functions receive considerable increases in outlay authority. The health and Medicare functions nearly double over the 5 years of the budget plan. Outlays for education, training, employment, and social services also enjoy substantial growth. While these areas need assistance, we must be careful to ensure that Federal spending on these areas is cost effective.

In conclusion, let me comment on the path we are undertaking. We have a great opportunity to make significant strides toward doing what the people of this great Nation would have us do, as their elected representatives. The Nation wants to see its Congress and President work toward real reductions in Government spending, eliminate deficit spending, and reduce the public debt. However, there is no mandate for more Government programs, increased spending and debt, or higher taxes on all Americans.

As we proceed through these budget deliberations and the ensuing authorization and appropriation process, I hope that we can focus on the Nation's economy first. There is room for, and undoubtedly will be, genuine disagreement on some issues. Such disagreement is expected and even healthy in our form of government. I encourage each of my colleagues to seriously consider all proposals which may be offered during this debate on the budget resolution.

A TRIBUTE TO KENNY DOLE OF KANSAS

Mr. THURMOND. Madam President, I know I speak for all Members of the Senate in extending our deepest sympathy to our Republican leader, Senator DOLE, on the passing of his brother, Kenny. There is a very special bond between brothers, and having recently lost a brother myself, I know the sorrow that is felt by Senator DOLE.

While I was not privileged to know Kenny Dole, I have heard Senator DOLE talk about him with great affection and pride on numerous occasions. While BOB came to Congress, Kenny remained in their home town of Russell, KS. An oil lease broker by trade, Kenny Dole was also a very public-spirited man, and he devoted countless hours to helping people. Upon Kenny's death, the former publisher of the Russell Daily News said "I don't even know the number of people he's helped and the things he's done for the community."

Kenny Dole never met a stranger, and, just like his brother, he could always be counted upon to spice up any conversation by his ability to make people laugh. He was also like his brother in his deep and abiding love for his country. Citizens in Russell will tell you that Kenny flew a flag on every patriotic occasion, and that his chest would swell with pride whenever he spoke of our Nation.

Kenny Dole was his brother's biggest supporter. He was a loving husband, father and grandfather, and a loyal and caring friend. Like his brother, Kenny Dole was committed to making a difference, and he did so in a personal and very special way. He will be deeply missed.

I extend my deepest condolences to our leader, for whom we all have the utmost affection and respect; to his lovely wife, Elizabeth, and the rest of his fine family. Our thoughts and prayers are with all of them in this time of sorrow.

THE SESQUICENTENNIAL ANNIVERSARY OF THE CITADEL

Mr. THURMOND. Madam President, I rise today to pay tribute to one of my State's most unique and historic institutions, The Citadel, which is celebrating its sesquicentennial anniversary on March 20, 1993.

The South, and South Carolina in particular, has a long and distinguished tradition of patriotism and military service. From the War for American Independence to humanitarian efforts in Somalia, South Carolinians have proudly served in our Armed Forces and contributed to the defense of this Nation. The concept of the citizen-soldier is truly alive in South Carolina, especially on the grounds of The Citadel, the Military College of South Carolina.

Though the school was established in 1842, The Citadel can trace its beginnings to 1780, when the residents of Charleston built a fortress to protect the town from the British. The fortress became a State arsenal in 1822, and became officially known as The Citadel. It remained an arsenal until the State legislature passed an act in 1842 to establish a military college there. The following year, 20 cadets reported to The Citadel for instruction, beginning a tradition of excellence in education, service, and citizenship that has lasted 150 years.

The Citadel's mission has been to create whole men, individuals who will excel in any undertaking or profession. The college accomplishes this by creating an environment where undergraduates are challenged from the moment they step on campus and join the corps of cadets. For the next 4 years, each cadet is encouraged to develop his mind, body, and spirit through a number of activities. Cadets are required to take 4 years of Reserve Officer's Training Corps training and participate in athletic activities. Cadets also participate in NCAA Division I-AA sports. In fact, The Citadel won the Southern Conference championship in 1992.

Additionally, cadets are expected to maintain a commitment to academics and a high grade point average. The Citadel is consistently ranked as one of the best liberal arts colleges in the Nation, and it enjoys one of the highest graduation rates for athletes in the Nation. It also has the highest student graduation rate among public colleges and universities in South Carolina.

Madam President, as demanding as life at The Citadel may be, it is successful in producing bright, assertive, and well-rounded young men. The Citadel can proudly point to legions of graduates who have gone on to leadership positions in the military, government service, business, and almost every other walk of life.

From the arrival of the first cadets in 1843 to today, the Military College of South Carolina has served our State and Nation by molding whole men—men of valor, discipline, integrity, and honor.

The Citadel has grown from one city's fortress to one of our Nation's greatest bastions of academic endeavor. Madam President, I salute The Citadel on this important anniversary. I have no doubt it will continue to perform its vital mission for years to come.

Long live The Citadel.

THE NEW ELECTRIC RAILWAY JOURNAL

Mr. SPECTER. Madam President, the publisher of the New Electric Railway Journal, Paul Weyrich, called my attention to a floor statement made by Senator PRYOR. Mr. Weyrich asked me to review the substance of Senator PRYOR's statement with a review and a response. He raised several concerns regarding the publication of the New Electric Railway Journal by the Free Congress Foundation, a nonprofit tax-exempt organization.

Because of my concern for inappropriate spending in these days of huge deficits, my interest was aroused by Senator PRYOR's statement and the media interest it generated in the Washington Post and on NBC News. So I decided to look into the matter of Federal funding for the journal.

Based on my review, I conclude that the Federal grant for this journal is a success story of Government funding. I want to share my findings with my colleagues so they may determine for themselves whether the project is worthwhile and has been successful.

According to information provided to me—again, I note the difficulty of absolute certainty, but I made my best efforts to be as sure as I can—the idea for the Journal arose in 1987 among interested parties at George Mason University under the Free Congress Foundation. The original Electric Railway Journal was published from 1908 to 1932 as the trade magazine of the interurban transportation trolley industries. As they went into decline, they were replaced by journals related to buses and other transportation modes.

With the revival of interest in electric railway, starting in 1980 with the opening of the San Diego trolley, the idea of starting a new trade journal arose. Dr. James Palmer, an engineering professor and director of the George Mason University Center for Regional Mobility, advised my staff that he provided the impetus for the new journal, which would be a transportation think tank. Dr. Palmer had served as administrator for the Research and Special Projects Administration and was, in fact, an appointee in President Carter's Transportation Department.

As is well known, the Urban Mass Transit Administration was interested in promoting light rail development. In 1988, there was no publication, as I am told, designed to review transportation policy issues focusing on the development of a light rail for urban and interurban mass transit. Dr. Palmer advised that he, in collaboration with the Free Congress Foundation, submitted an application to UMTA for a 4-year grant to assist with the startup of the journal.

The grant proposal, prepared by Dr. Palmer, spelled out that George Mason University faculty would provide technical input on substantive issues and articles for publication of the journal, as well as guidance on marketing, and the Free Congress Foundation was to be responsible for production, land, selling, print, and mailing. It was explained to me that the Free Congress Foundation was involved, because George Mason University does not have experience in magazine design and production and needed a production partner for the venture.

I am further advised that there was review by the UMTA staff leading to the proposed grant being approved for 4 years, 1988 through 1992, with a grant totaling $398,047, of which the Free Congress Foundation was to receive $273,295, which is substantially less than the half million dollars alleged.

The funds received were to pay for the costs of producing the journal, and no one has suggested, to my knowledge, that the funds were in any way misused.

When the original grant expired, George Mason University applied for a 2-year extension, which was granted with an increase of $128,000 of which the Free Congress Foundation was to receive $111,000. Again, as I am advised, the Free Congress Foundation was made explicit in the renewal grant application. With a 2-year extension, the Free Congress Foundation will have received approximately $384,000 for its efforts in producing the journal.

Madam President, I highlight the fact that the role of the Free Congress Foundation has been known since the initial application and certainly refutes any suggestion of laundering through the university.

The publication is a joint venture. This relationship has always been explicit. So I suggest that the use of the term "laundered" is really unfortunate. Nothing appears to be inappropriate in the way a professor of a public university sought a Federal grant to produce this journal.

Because the bylaws of the Free Congress Foundation prohibited them from accepting Government grants, the grant was made to George Mason University, but the role of Free Congress Foundation was explicit throughout the entire time.

The New Electric Railway Journal has proved to be successful.

While there are, according to Mr. William S. Lind, publisher of a journal and a former Senate staffer, about 14 other periodicals for the railway industry, the New Electric Railway Journal is the only one focusing on light rail and the only publication providing this kind of a voice as renewer or commentator on the trade. I am advised the other magazines are published by fans of railroads and trolley for transportation companies.

Beyond that, Madam President, the journal has been widely successful, according to Mr. Lind in the 2 years. When the 2-year extension was sought in 1992, the journal covered 90 percent of its costs and has sales approximating 8,000 copies per issue.

On its face, the journal is nonpolitical. It does not take either a liberal or conservative perspective.

Dr. Palmer of George Washington University was quoted in the Washington Post saying, "We look at the journal as being apolitical. It is hard to believe that a journal that talks about transit is somehow political."

In sum, Madam President, I would suggest that where a Presidential appointee with expertise in the field submits a grant application, as the foundation noted at the outset, it is entirely appropriate based on the facts provided to me. I would encourage my colleagues to examine the new Electric Railway Journal as I have. I submit it has met the requirements for the initial grant and renewal, and it has fully satisfied the terms of that grant and has met the goal set out.

I thank the Chair for the indulgence. I thank my colleague for allowing me this time and yield the floor.

RETIREMENT OF PATTI KUEBLER

Mr. GRASSLEY. Madam President, I would like to take this opportunity to congratulate Patti Kuebler of Waterloo, IA, for 10 successful years working with Operation Threshold.

Patti was in large part responsible for the development of such new programs as the Transitional Housing Program for Homeless Families, the Homeownership Program for Low-Income Families, Family Development Self-Sufficiency Program, Project S.U.C.C.E.S.S. with the Waterloo School System, and the Affordable Heating Assistance Program, just to name a few.

I would like to thank Patti for her outstanding commitment and leadership to both local and State councils, including the Black Hawk County Local Homeless Coordinating Board, the I-Care Advisory Council, Cedar Valley Food Bank Operations Committee, and the Cedar Valley United Way Planning and Allocation Committee.

Patti has given much to the people of Waterloo and the State of Iowa. It is because of exceptional people like Patti Kuebler that every tomorrow is a little bit brighter for the citizens of Iowa.

TRIBUTE TO PAUL F. SEMONIN, JR.

Mr. McCONNELL. Madam President, it is with great sadness that I rise today to honor an outstanding Louisvillian who recently passed away. Paul F. Semonin, Jr., of Louisville, KY, was an outstanding citizen as well as a leader in his profession and community.

Madam President, Paul Semonin was indeed a success in business. He was president of the board of Paul Semonin Realtors, a real estate and development firm founded by his father in 1914. Paul Semonin, Jr. took over the company in 1941 and under his stewardship the company grew up to the largest most successful real estate firm in the Commonwealth of Kentucky.

During his career he served as president of the Louisville Board of Realtors and the Kentucky Association of Realtors. Additionally, he was a vice president and director of the National Association of Realtors. In addition, Paul Semonin was responsible for the development of several residential and commercial properties, among these was Indian Hills, one of the most respected subdivisions in Louisville.

While we all admire a successful entrepreneur, I believe that Paul Semonin was even more prosperous as an individual. All who dealt with him came away knowing they had encountered a Kentucky gentleman in the truest sense of the word. In fact, while he was known as a shrewd businessman, he also carried with him a reputation as a kind, considerate, and caring human being.

Reputation was important to Paul Semonin, in fact he had a motto that guided the way he conducted himself in all aspects of his life. Madam President, I would like to share this motto now with my colleagues because I feel it is something we can all benefit from.

YOUR REPUTATION

> A reputation for honesty and integrity, and one deserving of confidence, creates for you the image that *best* assures profits in this business.
>
> *With* it, success will be yours and doors will swing wide to you.
>
> *Without* it, your fate surely is one of mediocrity and failure.

Paul Semonin was a friend of mine, and Madam President, I can say with great certainty that he lived his life with that motto in mind. With it as his guide one can easily understand Paul Semonin's lifelong success. His commitment to integrity and honesty was unwavering and shone through in everything he was involved in.

Madam President, I ask my colleagues to join me in honoring the memory of Paul F. Semonin, Jr. Louisville will certainly miss his presence and devotion to excellence. The city can however take solace in the knowledge that Paul Semonin Realtors will carry on proudly in his legacy.

RETIREMENT OF JUSTICE BYRON WHITE

Mr. DOLE. Madam President, I join with all Members of this Chamber in extending our best wishes to Supreme Court Justice Byron White, who announced today that he would retire from the Court this summer.

Justice White has given 31 years of his life to an extremely demanding job, and he is very deserving of a happy and healthy retirement.

Later this year, President Clinton will fulfill his constitutional duty of nominating a new Justice, and sending his name to the Senate for our advice and consent. His will be the first Democrat nomination to the Supreme Court in over a quarter of a century.

When I first came to the Senate, the Supreme Court nomination process was very civilized. What was once civilized, however, has now become politicized.

Throughout the Reagan and Bush administration, the Democrats have exhibited an unfortunate willingness to turn confirmation hearings into partisan inquisitions.

As we exhibited throughout the confirmation process of the Clinton Cabinet, it is the intention of Members of this side of the aisle to restore some dignity to the confirmation process.

During the campaign, candidate Clinton said that he would place a litmus test in his judicial nominations. It is my hope that President Clinton will not take this dangerous step, and will simply select the person—man or woman—who he believes is best qualified to serve on the Nation's Highest Court.

The President could do no better than nominating someone who had the same devotion to upholding—and not rewriting—the Constitution. And the same commitment to safeguarding America from crime as did Justice Byron White.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Madam President, the Federal debt—run up by the U.S. Congress—stood at $4,214,956,287,399.95 as of the close of business on Wednesday, March 17.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,409.61—thanks to the big spenders in Congress for the past half century. The interest payments on this massive debt average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

BROAD-BASED COALITION OF FARM, OIL, AND ENVIRONMENTAL INTERESTS EMERGING IN SUPPORT OF ETBE

Mr. DASCHLE. Madam President, yesterday the Senate had what I thought was a very enlightening debate about where ethanol should fit among our national priorities. That debate emphasized the ways in which a viable domestic ethanol industry can contribute to important environmental, energy, agricultural and budget policy goals. The question facing policymakers is how best to promote development of that industry.

The broad challenge facing ethanol proponents is how to expand the market for ethanol and make its cost competitive with other fuels. This challenge will be affected by policymakers' responses to three important questions.

First, how will ethanol be treated by the President's Btu tax?

Second, will ethanol be allowed to play a role in the Clean Air Act reformulated gasoline program [RFG] in ozone nonattainment areas?

And third, what potential does the commercialization of ethyl tertiary butyl ether, or ETBE, hold for future ethanol production?

We discussed the Btu tax question on this floor yesterday, and I will not belabor it further today. A proposed RFG rule, which is extremely important to the development of the domestic ethanol industry, particularly in the short-term, was promulgated by the Bush administration last October and published for public comment last month by EPA. I support that rule and believe strongly that finding a way for ethanol to play a role in improving air quality in ozone nonattainment areas, as was the intent of Congress, is both essential and doable. I look forward to working with Clinton administration officials toward that end.

Today, however, I want to take a minute to comment on the tremendous promise of ETBE and call my colleagues' attention to legislation that could help move this promising, environmentally benign renewable fuel to commercialization.

Madam President, I have been a strong supporter of the entire spectrum of renewable fuels. It is only natural, however, given the State I represent, that much of my interest has been directed toward the enhanced commercialization of agriculturally derived fuels, such as ethanol.

I am proud to say that, since my first involvement in this issue as a freshman Congressman 14 years ago, the fuel ethanol industry has made impressive strides on a number of fronts. Particularly noteworthy has been the commercial development of new technologies, spanning the spectrum from substantial reductions in the amount of energy required to manufacture a gallon of ethanol, to new methods of utilizing ethanol in gasoline as a means of improving motor vehicle performance and reducing fuel-related emissions.

One of the most dramatic recent examples has been the commercialization of ETBE, an ether produced by chemically combining ethanol with isobutylene, which refiners have found advantageous in making cleaner burning, reformulated gasoline with lower volatility and toxics. Over the past several years, ETBE has emerged in the eyes of petroleum refiners, automobile manufacturers and air quality experts as one of the oxygenates likely to be in widespread use over the next few years.

And what does this mean for the domestic ethanol industry? It means a tremendous new market opportunity that has attracted the support of the agricultural community, oil companies and environmentalists, three important interests that have not often seen eye-to-eye on energy policy.

Last month, an unprecedented coalition emerged to sign a letter to Treasury Secretary Lloyd Bentsen requesting his support for "a legislative initiative to promote greater use of ethanol derived ethers such as ethyl tertiary butyl ether, better known as ETBE, in the manufacture of reformulated gasolines." The letter specifically proposes "to broaden the existing blenders income tax credit for ethanol used in the manufacture of ethers for gasoline blending."

In advocating the establishment of specific tax incentives for the commercialization of ETBE, the letter further states that, "by creating new market opportunities for domestically produced ethanol derived ethers, economic growth and investment opportunities can be developed across the country. It is a policy that makes sense for America and a sustainable energy future."

Madam President, I ask unanimous consent that a copy of the ETBE letter to Secretary Bentsen and two fact sheets on ethanol-based ethers be inserted in the RECORD at the conclusion of my remarks.

And just what groups cosigned this precedent-setting letter to Secretary Bentsen? The names are significant: Amoco Oil; ARCO Chemical; Ashland Oil; the Clean Fuels Development Coalition, the National Corn Growers Association, the Oxygenated Fuels Association, Pekin Energy, the Renewable Fuels Association, and Texaco, Inc.

And what exactly is at stake in this effort to promote the commercialization of ETBE? Consider the potential contribution of this renewably derived fuel.

One hundred twenty billion gallons of gasoline are sold in the United States each year, and the Clean Air Act Amendments of 1990 have set the stage for a major transformation of this huge market. By mandating the use of certain nonpetroleum based additives, commonly known as oxygenates, on a large scale beginning in 1995, this statute, through its reformulated gasoline [RFG] provision, has created a huge potential market that could be met in large measure by the establishment of environmentally clean, alternative liquid fuels facilities around the country.

Proper implementation of the RFG program over time could help reduce the Nation's trade deficit by displacing imported oil, stimulate the creation of stable, skilled jobs, improve air quality, and provide alternative value-added outlets for producers of natural gas, grain and even coal. All regions of the country could benefit, and the Nation's energy security could, for the first time in recent memory, see real improvement.

Put in perspective, technology advances that enable the cost-effective conversion of renewable alcohols to fungible, clean-burning, low volatility gasoline additives like ETBE, TAEE and similar compounds address nearly all of the policy objectives that have been set by the Clinton administration for putting the American economy back on track. The benefits affect a myriad of critical national priorities: environmental quality; job creation; consumer savings; and agricultural and energy security.

Madam President, I am hopeful that 1993 will be the year when national energy and environmental policy recognizes the full potential of renewable fuels for meeting these critical national policy goals. All renewable fuels should be exempt from the President's Btu tax. RFG rules should acknowledge a scientifically supportable role for ethanol in ozone non-attainment areas. And Congress should enact legislation that promotes the commercial viability of ETBE.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEBRUARY 9, 1993.

Hon. LLOYD M. BENTSEN,
Secretary, Department of the Treasury, Washington, DC.

DEAR MR. SECRETARY: The organizations listed below respectfully request your support for a legislative initiative to promote greater use of ethanol derived ethers such as ethyl tertiary butyl ether, better known as ETBE, in the manufacture of reformulated gasolines. Specifically, we propose to broaden the existing blenders income tax credit for ethanol used in the manufacture of ethers for gasoline blending.

We believe that expansion of this credit as outlined below would provide the following advantages:

Support American agriculture by creating additional opportunities for ethanol in the form of ETBE to be used in gasolines.

Provide U.S. refiners with more flexibility in making reformulated gasolines as required under the Clean Air Act.

Promote energy security by reducing dependence on both imported crude oil and imported gasoline blending components.

Promote job opportunities by encouraging expansion of domestic ether and ethanol production capacity.

To carry out these goals, we propose the following three changes to the existing tax credit for ethanol used to manufacture ETBE:

1. Make the tax credit available to a broader range of taxpayers by making it equally creditable against the Alternative Minimum Tax as well as regular income tax.

2. Remove the tax credit from taxable income, consistent with other tax credits.

3. To facilitate IRS enforcement, make the tax credit applicable to the ETBE at the point of manufacture, rather than at the blender location.

By creating new market opportunities for domestically-produced ethanol derived ethers, economic growth and investment opportunities can be developed across the country. It is a policy that makes sense for America and a sustainable energy future.

Should you have any questions, please contact either James Pruitt (Texaco: 202-331-1427), Eric Vaughn (Renewable Fuels Association: 202-289-3835), or Doug Durante (Clean Fuels Development Coalition: 301-913-9636). At your convenience, representatives of our organizations would be happy to meet with you or your staff to review our proposal in greater detail. We would appreciate any support your office could provide in advancing our initiative.

Respectfully,

Amoco, ARCO Chemical Company, Ashland Oil Company, Clean Fuels Development Coalition, National Corn Growers Association, Oxygenated Fuels Association, Pekin Energy, Renewable Fuels Association, Texaco Inc.

ETHANOL-BASED ETHERS—ETBE AND TAEE

Clean Air Act requirements to make cleaner burning, reformulated gasoline (RFG) with lower volatility and toxics has created new interest in ethanol-based ethers such as ETBE (ethyl tertiary butyl ether) and TAEE (tertiary amyl ethyl ether).

Energy/Environmental Policy Benefits.—Relative to other oxygenates, ethanol-based ethers provide refiners with more flexibility and economic advantages in making RFG.

Unlike other oxygenates, ETBE lowers gasoline volatility;

ETBE provides more octane and will enable refiners to maintain product quality;

ETBE enhances energy security by displacing more gasoline produced from imported crude, and reduces our dependence on imported methanol and MTBE sources for RFG production. This decreases our trade imbalance and puts more biomass energy into our transportation energy pool;

Because ethanol in the form of ETBE can be pipeline shipped, it will be able to penetrate markets that the current gasoline supply infrastructure makes difficult.

These combined benefits reduce refinery investments and decrease the cost of making low volatility and reformulated gasolines.

Farm/Rural Development Policy Benefits.—ETBE is made with domestic ether capacity and would draw on mostly domestic, non-petroleum energy sources for raw materials.

ETBE Helps American Agriculture: Millions of bushels of corn could be used in the production of ethanol for ether manufacture, increasing rural income and decreasing farm program costs.

ETBE Creates Jobs: Expands domestic ether capacity and ethanol production which creates jobs across the country in farming, plant operation, and transportation and domestic energy development.

Removing Barriers to ETBE Commercialization.—With imports suppressing methanol market prices below full production costs and foreign MTBE capacity being developed with subsidized raw materials, full development of U.S. ETBE production is currently unattainable. Improvements in the alcohol tax credit's effectiveness are necessary for commercialization to continue.

Broad Support.—A cross section of oil refiners, ethanol producers, farmers, and consumers support changes to the alcohol tax credit which will make ethanol based ethers competitive with other oxygenates.

Regulations proposed by the EPA to implement the reformulated gasoline requirements of the Clean Air Act will require significant capital investment by refiners. According to the proposed rule, refiners will be required to reduce the amount of aromatics currently used for octane to no more than 25 percent; reduce mass-based VOC emissions by dramatically reducing gasoline volatility; and, add to least 2.0 percent oxygen in gasoline to further reduce exhaust emissions.

Several oxygenates will compete for this new market, including the methanol-based ethers—MTBE and TAME. But the stringent requirements for refiners to reduce the volatility of gasoline has created new interest in ethanol-based ethers as well. While not used today, both ETBE (ethyl tertiary butyle ether) and TAEE (tertiary amyl ethyl ether) will actually reduce the volatility of gasoline when blended, and as a result could provide refiners with significant flexibility and economic advantages in the production of low volatility gasolines when compared to the methanol-based options.

ETBE can reduce the cost of producing reformulated gasoline: ETBE is another that is produced by chemically combining ethanol with isobutylene. Most isobutylene for others is derived from butanes, a product in natural gas liquids. Each gallon of ETBE contains about 0.42 gallons of ethanol. The production of TAFE is similar to ETBE except that the ethanol is chemically combined with isoamylene, a volatile and atmospherically reactive hydrocarbon that is currently blended into gasoline.

COMPARISON OF BUTYL ETHERS AT 2.0 PERCENT OXYGEN IN RFG

	MTBE	ETBE
RVP	+0.02	−0.48
Octane	+2.4	+3.1
Volume (percent)	11.0	12.8

As noted by the above table, ETBE actually lowers gasoline volatility (RVP) when blended in gasoline, even in low RVP, summer grade RFG. When blended for oxygen, it also provides 25% more octane. With this added flexibility, refiners may significantly reduce the capital investment necessary to meet RFG volatility and aromatic requirements. As an example, refiners must decrease their summer grade of gasoline in the south from 7.8 psi to 7.2 psi. ETBE will provide 0.5 psi of that 0.6 psi reduction when blended for oxygen in RFG.

In addition, the higher volume of ETBE necessary to meet the oxygen content specification for RFG will result in a greater displacement of other gasoline compounds such as benzene, sulphur, olefins and high boiling compounds currently in gasoline. The combination of greater displacement and higher octane will assist the refiners in reducing aromatics such as benzene, toluene and xylene, thereby assisting refiners in meeting the required 15% reduction in toxics. This will enable refiners to produce RFG without sacrificing gasoline performance or quality.

Finally, it is important to note numerous studies by industry, EPA and other institutions conclude that ETBE compares quite favorably to MTBE on both emissions and performance.

ETBE Economics: Given the superior blending, performance and emissions characteristics of ETBE, a refiner's decision to use ethanol as a feedstock for ethers, as opposed to methanol, would appear to be both obvious and simple. Unfortunately, the economic advantage for methanol, which has been imported from foreign energy sources for as low as 25 cents per gallon, makes the manufacturers of ETBE produced from American grain-derived ethanol uneconomic, and a change to the existing ETBE credit is necessary for commercialization to continue.

Proposed changes to the ETBE Credit: In 1990, the Internal Revenue Service clarified that ethanol used in the production of ETBE or similar ethers qualified for the 54 cent-per-gallon alcohol blenders credit under Section 40 of the Code. However, the structure of the credit lends itself to a number of limitations. For one, the value or use of this credit is dependent upon a refiner's tax status which fluctuates from year to year. A company will not be able to take advantage of the ETBE credit anytime it falls into Alternative Minimum Tax or is not producing any taxable income. Another problem is that the credit is currently claimed by the gasoline marketer rather than the ether producer. ETBE will be distributed in gasoline blends by a number of refiners at many different marketing locations. Thus, it will be difficult, if not impossible, for the ETBE producer to capture the value of the credit from the market place. It also creates accountability problems for IRS in trying to monitor and enforce the qualifying volume of ethanol at all the possible gasoline marketing locations. Lastly, the value of the tax credit is mitigated by its designation as taxable income. As a result of these limitations, the availability of the credit has not stimulated the expected commercialization of ETBE.

To make the section 40 credit workable and allow ethanol based ethers to be competitive with other oxygenates for ether manufacture, three amendments to the Internal Revenue Code are necessary:

(1) *Make the credit available to a broader range of potential customers.*—The credit should not be subject to a taxpayer's tax status. The credit should be equally creditable against the Alternative Minimum Tax as well as regular income tax.

(2) *Make the credit competitive.*—To make ethanol based ethers competitive with other oxygenates, the credit must be removed from taxable income, consistent with other tax credits.

(3) *Improve IRS enforcement.*—The credit should be applied to the smaller number of ETBE manufacturers, rather than to the hundreds of potential ETBE blenders in the market place.

Public Policy Benefits of a More Workable ETBE Credit: By creating new market opportunities for domestically-produced ethanol, tremendous economic growth and investment opportunities will develop across the country.

ETBE Helps American Agriculture: While methanol can be produced from domestic natural gas (itself an important alternative fuel), future methanol demand will most likely be satisfied by expending foreign capacity with low cost natural gas. However, ethanol for ETBE is produced from American grain, increasing rural income and decreasing farm program costs.

ETBE Creates Jobs: If most of the growth in new ether demand created with the U.S. Clean Air Act is satisfied by new foreign MTBE capacity, it will only result in a net reduction of U.S. jobs to accommodate the imported oxygenate. However, ETBE will only be produced domestically using U.S. ethanol production which is labor intensive and creates many thousands of jobs across the country in farming, plant operation, and transportation.

ETBE Enhances Energy Security: Relative to other oxygenates, ethanol-derived ethers such as ETBE displaces even more gasoline produced from imported crude. Since ETBE will almost exclusively be made from U.S. raw materials, development of this ether will reduce dependency on imported methanol or MTBE as well as imported crude for gasoline. Therefore, ETBE produced from ethanol will reduce our trade imbalance and increase U.S. energy security.

ETBE Enhances Refining/Marketing Operations: Ethanol in the form of ETBE can be pipeline shipped. Therefore, it will be able to penetrate markets that the current gasoline supply infrastructure makes difficult.

It is important to note that changing the ETBE credit to allow ethanol to compete effectively with methanol for ether production is supported by a broad cross section of oil refiners, ethanol producers, farmers, and consumers. It is a policy which makes sense for America and a sustainable energy future.

AMERICA'S ROLE IN ASIA—INTERESTS AND POLICIES

Mr. INOUYE. Madam President, I wish to call to the attention of the Senate a very important report on America's role in Asia. Indeed, the title of the report, "America's Role in Asia—Interests and Policies," signifies both the promise of the future of America's relations with Asia and the necessity of devising effective policies which will achieve that promise. No longer can we afford to mouth the platitudes, to give voice to the cant of diplomacy; we must engage, we must perform, we must defend America's interests with policies grounded in a learned understanding of the new Asia and America's role in that vital region of the world.

I am grateful, Madam President, to the distinguished scholars and policy experts from both in and out of government who contributed of their time and intellect and energy to inform the report prepared by the Center for Asian Pacific Affairs of the Asia Foundation. This report argues that Asia rivals Europe in importance to the United States. It also makes clear that the region has never received sustained, high-level attention from either the Congress or the executive branch. Regrettably, the report notes that U.S. prestige and influence have declined in Asia. Fortunately, the report recommends steps to be taken to reverse this decline.

Madam President, I do not intend to discuss the report at length today; it should be read. It is well written and informative. I do not pretend to improve on it in these remarks. But, I believe it should be read—no, studied—by my colleagues. I am not unaware of the fact that we must concern ourselves with domestic affairs, but I am also not ignorant of the fact that foreign affairs have a tremendous impact on our ability to provide safety, security, and economic welfare for our people. If Members of the Senate learn nothing more from this report than the fact that America now sells more to Japan than it does to Germany, Italy, and France combined, it will be worth the reading. If they also learn that, despite the volume of American sales, Japan amassed a surplus of $100 billion in its trade with the United States last year, the report may—I say may—awaken us to the need to devise policies to protect and enlarge United States interests in Asia.

Madam President, to avoid excessive costs, I will not ask that the full text of the report be printed in the RECORD. I would, however, ask that the foreword, preface, and part I—the crux of the report—be printed in the RECORD. The full report can be obtained from the Asia Foundation.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

FOREWORD

In September 1991, The Asia Foundation's Center for Asian Pacific Affairs (CAPA) convened a planning conference to develop a project on America's role in Asia following the end of the Cold War. In January 1992 William Fuller, the president of The Asia Foundation, and CAPA's executive director, Casimir Yost, asked the two of us to chair a working group to:

Examine the political, economic, and security changes occurring in Asia;

Explore the implications of these changes for American interests and policies; and

Produce a report making recommendations with resoect to U.S. policies and priorities in the Asia-Pacific region, including Northeast, Southeast, and South Asia.

The working group, which met four times between May and October 1992, was composed of American policy experts from in and out of government. Lt. General (ret.) William Odom chaired a separate study group focusing on security challenges facing the United States in the Asia-Pacific region. General Odom's group met twice, and his group's findings were reported to our group. In addition, a preliminary draft of the final report was reviewed by the CAPA Advisory Council chaired by Douglas Bennet, President of National Public Radio.

This report on "America's Role in Asia—Interests and Policies" reflects the discussions of these seven meetings. Roughly 70 people, representing a spectrum of opinion and expertise, were involved in one or more of these meetings. William Barnds, who has worked in both the executive and legislative branches of the U.S. Government, and Casimir Yost, executive director of CAPA, were primary drafters of the report. Members of the working group were not asked to agree formally to the final statement. For government officials who participated in our deliberations, this would have been particularly inappropriate. All members of the working group joined in their individual capacities; none spoke on behalf of any agency or institution.

This report provides a framework for considering America's role in Asia. It is divided into two parts. Part I summarizes major findings arising from our deliberations, identifies immediate issues requiring decisions, and outlines longer-term priorities for U.S. policies in the Asia-Pacific region. Part II analyzes these longer-term priorities and offers specific recommendations for pursuing them.

We commend this report to policymakers and analysts, and we support its recommendations. We believe, and the report argues, that the primary and immediate challenges facing our country are at home. However, we firmly believe that in an interdependent world our domestic problems can best be addressed in a stable, international environment characterized by expanding economic well-being and an increasing commitment to democratic values. The United States must continue to play a significant role in global affairs to ensure these positive developments. This report seeks to illuminate the issues and provide direction as policymakers proceed to form policies toward a region vital to America.

We are grateful to The Brayton Wilbur Foundation and The Lynde and Harry Bradley Foundation, Inc., for assisting in the underwriting of the deliberations of the working group and to The Asia Foundation's Center for Asian Pacific Affairs for sponsoring this effort. This report, of course, should not be taken as an expression of Foundation views, but its production is very much in keeping with the Center's efforts to convene bipartisan groups to examine the difficult challenges facing the nations and peoples of the Asia-Pacific region. It is intended that future CAPA-sponsored working groups will examine in greater depth issues identified in this report as being critical to "America's Role in Asia."

ROBERT SCALAPINO,
Co-Chair, America's Role Working Group, Robson Research Professor of Government Emeritus, University of California at Berkeley.

LEWIS COLEMAN,
Co-Chair, Ameria's Role Working Group, Vice Chairman of the Board, BankAmerica Corporation.

PREFACE: SEIZE THE MOMENT

Despite domestic challenges confronting it today, the United States is the strongest nation in the world—economically, politically, and militarily America's strength, however, is increasingly dependent upon the vitality and stability of other key global regions. No nation, even the strongest, can stand aloof and alone in these times.

Of the key global regions, none may be more crucial to U.S. interests than the Asia-Pacific region. Indeed, we are already a part of his region, with the western United States extending into the mid-Pacific. Asia is our economic lifeline, the locale of nations that will play key roles in the 21st century and a primary testing ground for settling regional disputes.

On balance, there is reason for optimism regarding the future of Asia. Economically it continues as one of the fastest developing regions in the world. Politically, the basic trend is toward greater openness, even within most authoritarian states. And with ideology having declined in importance, political differences are a reduced obstacle to economic and cultural interaction. The risks of a major power conflict in this region are fewer than they have been at any time in the 20th century. Today, most nations, whatever their political system, are concentrating on domestic concerns.

There is no absence of problems, to be sure. Two divided nations continue to exist in Asia, having made progress in their mutual relationships, but with no final resolution in sight. Moreover, a variety of other territorial issues exists, some between major countries. In southern Asia, ethnic, religious, and regional differences provide additional complexities. Despite the end of the Cold War, military budgets of many Asian nations continue to rise. Nor can nuclear proliferation be ignored.

Beyond this, rapid economic development creates its own problems. Class and regional differences grow. Urbanization brings new challenges, as does the breakdown of traditional values. Asia is spearheading this age of global revolution, taking the risks implicit in progress.

Understandably, the question of how to balance stability and development is everywhere a central concern.

In this setting, the continuing presence of the United States is crucial, to Asia and to us. Virtually every Asian nation wants the United States to remain a major actor in the region, recognizing the need for a balancing force, a cushion between states still burdened with hostile legacies. Further, they see the United States as a source of advanced technology and training for the coming Asian generations, and an important market for Asian exports; a political system that, whatever its shortcomings, has inspired many as the best means of liberating the human spirit, and a culture that partakes of every variation, classical and modern.

The task for the United States is first to realize that in this revolutionary age, there can be no final answers, no permanent institutions. Accepting complexity and experimentation are essential. We must operate at unilateral, bilateral, regional, and global levels simultaneously, the mix altered as each situation demands. The supreme challenge for America's leaders is to explain complex issues and incremental approaches so Americans accept constructive long-term engagement rather than demand short-term solutions.

It is also important that the broad movement be from unilateralism to multilateralism—both in decision-making and the execution of policies. Americans rightfully demand greater burden-sharing in international affairs from other nations; we must also accept greater decision-sharing.

In the years ahead, the allocation of authority among subnational, national, and international institutions will be crucially important to peace and development in Asia as elsewhere. This issue will never be finally resolved, with constant re-examination as required, as the United States herself has so graphically illustrated. Nationalism is and will continue to be a powerful force, but many concerns of great import to citizens of modern states are local in nature. At the same time, economic tides drive us toward new regional and global experiments, and the revolution in communications makes isolation increasingly passé, even for the most remote nations. For these reasons, we—and others—must operate at many levels simultaneously.

Of paramount importance is getting our own house in order. But attention paid exclusively to domestic issues would be self-defeating and, indeed, impossible, given the nature of the contemporary world. This is the 1990s, not the 1930s. In addition to supporting current regional and global efforts, we must bargain rigorously to obtain fair trade and investment practices. The American people will accept no less, nor should they. But in the economic realm, as in other realms, we must build coalitions opposing exclusiveness, national or regional, and continue to support the principle of a free and open marketplace—of goods and ideas. The latter goal is built into American culture.

At the same time, it is imperative that here, too, we build coalitions. Democracy and human rights values must be internationalized to be advanced effectively. Within these values, moreover, there is room for variation, depending upon the given culture and stage of development of a nation. The world never has been and will never be cast in a single mold.

In dealing with authoritarian states, it is wise to remember that even in the most rigid, elements of pluralism are present, a product of the extraordinary developments of recent years. Leninism is fighting a rearguard action. It is the mark of a sophisticated policy that plays to such pluralist elements, noting that international involvement abets greater diversity and openness in authoritarian states. Isolation buttresses extremism.

Finally, this is the age when the term, "comprehensive security," has become almost universally accepted, with economic and social quotients recognized as growing in importance. It is proper that our military budget be reduced and our military strategy be reconsidered, with an increasing emphasis upon rapid deployment and mobile forces. It is also proper that nations aligned with us accept greater responsibility for their own defense, especially in terms of ground forces.

But at this delicate juncture there is still no substitute in this vital region for American military credibility; nothing would be more destabilizing than a precipitous strategic withdrawal of the United States.

We are at a juncture of history when the opportunities for creative, new policies are unexcelled. The type of global conflict that devastated the world twice in this century is virtually impossible at present. Science and technology now offer new ways of solving or reducing age-old economic and social problems. And most leaders and people are in a flexible, experimental mood with respect to economic, social, and political issues and institutions. The window of opportunity that exists today may not always be present. No one can predict what the power configurations of the 21st century will be, especially if we have not created new policies and a new set of institutions, regional and global.

PART I. CHANGE IN ASIA

An Overview

This is a time of enormous fluidity in Asia. The receding Russian presence has stimulated improved relations between a number of states in the region. Rapid economic growth has created prosperity in many countries of the region and has fostered an expanding middle class. Intraregional trade is more than 40 percent of all Asian trade—up from 30 percent in 1986. And widening participation in governance is occurring in many countries in the region.

A central question now is how Asia will organize itself. Regional stability could be undermined by leadership succession struggles in Vietnam, China, North Korea, and Indonesia. The unresolved issue of Korean unification is particularly troubling because of the pivotal geographic position of the two Koreas between Japan and China. Government institutions in much of the region are weak; there are no region-wide multilateral institutions. Historical animosities and undefined roles for regional players foster uncertainly. Official economic cooperation in Asia has only recently begun to develop, with the formation of Asia-Pacific Economic Cooperation (APEC), a regional forum.

The United States and Asia

In recent years, American policy-makers in the Executive Branch and Congress have focused much of their attention on the enormous challenges and opportunities created by the political upheavals in the formal Soviet Union and Central Europe. No one can question the importance of the breakup of the Soviet empire and of the unification of Germany.

However, there has been a deterioration in our ties with key Asian states. In some cases we were not at fault. Pakistan seems determined to proceed with its nuclear program. The Philippine Senate refused renewal of our base agreements. China's treatment of its citizens strained Bijing's relations with many capitols beyond Washington.

However, Asia has not received sustained, high-level attention in the U.S. Executive Branch and Congress in recent years. Few members of Congress are knowledgeable about Asia, and senior cabinet officers have given only sporadic attention to the region. Individual issues have excited interest, but there has not been broad U.S. engagement with the region and its leaders. Further, U.S. Government economic policies toward the region have been poorly coordinated.

Regrettably, U.S. prestige and influence are declining in Asia. In part, this is simply a reflection of the rising influence of other players in the region, including Japan and China. However, other factors are also important: Asian leaders are disturbed at our inability to take the hard decisions to restore the health of our domestic economy. They worry that their access to the huge American market will be significantly restricted. Second, many Asian leaders do not believe the United States will remain committed to maintaining its security commitments in Asia. They worry about the deterioration of our relations with both China and Japan. Many Asian leaders want the U.S. militarily and economically engaged in the region, not the least as a hedge against expanding Chinese or Japanese power.

At the same time, some Americans fear the rising competitiveness of Asian economies and they question the justification for maintaining U.S. forces in Asia.

A fundamental rupture of trans-Pacific links is unlikely in the short run. Our residual strength in Asia is enormous. Our markets, our military presence in the region, our technology, and our higher-education system are all important components of American influence.

But we are witnessing the gradual weakening of political ties between this country and the region while private, commercial, and financial links are growing. Loss of U.S. political influence in Asia means more decisions will be made in Asian capitals without reference to U.S. wishes or interests. Reversing this trend requires greater American attention to the region and new, more constructive U.S. policies.

Challenges and Opportunities in the Asia-Pacific Region

Asia rivals Europe in importance to the United States and presents us with a complex security environment. Six of the world's nine largest armies are Asian, and the military budgets of many Asian nations are rising. Animosities among and within a number of Asian countries are high. While the direct threat to the United States has declined, risk of conflict disrupting regional stability remains substantial on the Korean Peninsula, around the borders of China, and between India and Pakistan. Through its military presence in Asia and treaty relationships, the United States supports regional stability. Our presence has facilitated the Asian economic boom. Our precipitous withdrawal could have dangerous adverse consequences for regional stability and economic prosperity.

The new or emerging leaders of Asia are, by and large, pragmatists less committed to ideology than their predecessors and determined to capture the economic potential of the region. They see prosperity coming through cooperation, not confrontation.

This is a region where there is growing acceptance of market economies, and there are enormous opportunities for positive engagement between Asian nations and the United States, already an active participant in Asia's economic growth.

In 1980 U.S. trans-Pacific trade roughly equaled our trade with Western Europe. By 1991 U.S. trade across the Pacific was over 40 percent greater than our trade with Western Europe, totaling more than $315 billion. We sell more to Japan than to Germany, Italy, and France combined. In 1991 we sold more to Indonesia alone that to all of Central and Eastern Europe. Asian growth rates insure growing markets for a wide range of U.S. goods and services. Asian infrastructure projects offer huge opportunities for U.S. firms. Roughly two million American jobs can be related to U.S. merchandise exports of $118 billion to the Asia-Pacific region in 1991. Exports of American services to the region are, of course, responsible for many tens of thousands of additional jobs.

Finally, Asian nations are struggling with many of the same issues that concern us: environment, health, the role of women in society, and governance. We can and should learn from each other.

Meeting Challenges and Seizing Opportunities in Asia

The Clinton administration and the Congress face significant challenges at home and abroad. The president was elected with a mandate for domestic renewal and change, but must be alert to global risks and opportunities. Foreign crises can interfere with domestic renewal, while active participation in the global economy can help the United States restore its domestic economic health.

It is essential that the administration continually solicit and listen to Asian views. For too long, Asia has been treated as relatively unimportant. Further, we should not let single issues dominate our relations with individual nations. This does not mean that the United States should ignore its critical interests or deeply held views. It does mean that we must take into account the multiplicity of our interests in the region and with individual countries.

We must develop a policy of active engagement with the Asia-Pacific region. The Clinton administration faces immediate issues in Asia, coupled with the necessity to craft a long-term approach to the region. Some questions cannot be avoided; others can be avoided only at great risk. The consequences of bad decisions can endure for a long time. It is precisely because our major focus must be on domestic priorities that foreign policy questions must be handled with extraordinary care.

Few issues can be handled unilaterally by the United States. Some can be managed bilaterally, but increasingly we and our Asian partners must work cooperatively through regional and multilateral organizations and coalitions to meet security, economic, environmental, and other challenges. Successful diplomacy in the 1990s and beyond will increasingly entail our operating on multiple levels.

The Immediate Agenda

What follows is a checklist of issues relating to our Asia-Pacific interests that need prompt attention. Most of the issues requiring immediate attention cannot be solved quickly. What is needed are solid beginnings to good, longer-term policies.

The United States must expand its exports abroad as part of a broad-based effort to improve America's domestic economic performance. Prompt conclusion of the Uruguay Round of trade talks, on terms acceptable to the United States, will facilitate this expansion in Asia and around the world. Insuring that the North American Free Trade Agreement (NAFTA) does not exclude imports from the other regions will help open and expand markets in Asia. Improving the ability of the various U.S. Government agencies to coordinate global economic policy will help lay the groundwork for success.

Many Asians are apprehensive about the durability of U.S. security commitments, including maintaining a substantial military presence in the region. It is essential that these commitments be reaffirmed promptly. Doing so would not be inconsistent with a subsequent review, carried out with our Asian partners, of how these commitments might best be pursued in the future.

The centrality of the U.S.-Japan alliance should be reaffirmed, while setting in place a process for reviewing and coordinating U.S. policies toward this critical Asian partner.

U.S. relations with China may face an early test. It is vital that the Clinton administration prepare for comprehensive dialogue with China on issues ranging from human rights, to trade, arms transfers, and regional security. It would be unwise to take immediate action on any one aspect of the bilateral relationship pending a full review of our overall relationship with the Peoples Republic of China (PRC).

The administration should focus immediate attention on the broad issue of weapons of mass destruction in the Asia-Pacific region. While solutions will not come easily, this problem is worsening and could affect the peace and stability of the region, from South to Northeast Asia.

Subject to continued progress on the Prisoner-of-War/Missing-in-Action (POW/MIA) issue, progressive normalization of relations with Vietnam should continue, leading to a listing of the U.S. embargo and diplomatic relations.

The future stability of Cambodia is in serious doubt. The United Nations' presence there must receive our continuing support to reduce further disruptions by the Khmer Rouge. This crisis is an important test case of the world community's ability to fashion and sustain multilateral responses to security challenges in the post-Cold War era.

The Long-Term Agenda

Nothing will be simple for the United States in the Asia-Pacific region.

Asia's continuing remarkable economic progress offers a huge and expanding market for U.S. goods and services, but Asian penetration of the U.S. market remains a significant challenge. Our security problems in the region are, at once, easier and more complex. Easier because Soviet power is no more. Russia is unlikely to exert serious influence in Asia for some time to come. More complex because the remaining threats are more localized and the contribution to regional stability of the American military presence in the region more difficult to explain. Finally, while progress has occurred in Asia in the direction of opening political processes, authoritarian and Leninist states remain. Asia is not destined to have a single political order.

Our relations in the region, including every bilateral relationship, will be characterized by elements of cooperation and competition. Other countries will demand to be part of decisions, particularly where their interests are directly affected. Consultation will be more important in the future. We will have to be mindful about the limits of our influence. We cannot expect to be both less present in the region and more influential. We must guard against actions taken to satisfy narrow constituencies in this country, that do not further broad U.S. interests in the region.

Increasingly, we must seek multilateral approaches to the security, economic, political and environmental challenges in Asia. The era of America dictating to individual countries is largely over, except where our most vital interests are directly involved. We should look on this emerging reality as providing the opportunity for unprecedented trans-Pacific cooperation.

The central task of the Clinton administration is to craft and implement a strategy toward the Asia-Pacific region that accommodates this complexity while furthering U.S. participation in Asian economic growth, maintenance of peace and stability in the region, and the peaceful evolution of authoritarian regimes toward more open political systems. In these efforts, progress will not be linear. We should expect setbacks. We may face difficult choices between preserving particular American jobs and furthering a free-trade system and between arms exports and arms control.

It is essential for three reasons that the United States develop a comprehensive, coherent approach to Asia and that the president take pains to articulate that policy to the citizenry: (1) the American people will not support a policy they cannot understand, (2) an unsupported and incoherent policy will be attacked and undermined in Congress, and (3) continued cooperation between Asian states and the United States will depend on our credibility as an active player in the region.

Asia is important to the United States, but not all of the Asia-Pacific region is equally important to us. U.S. interests in their fullest dimensions—economic, security, political—come together in Northeast Asia. The focus of our interests in Southeast Asia will be primarily, but not exclusively, economic. Constructive American relations with the Association of Southeast Asian Nations (ASEAN) will enhance stability in the region. In South Asia we have a special interest in insuring that the risks of nuclear and missile proliferation not become greater and that the terrible problems of hunger, disease, and population growth are addressed.

U.S. policies in the Asia-Pacific region should, therefore, focus on the following priorities which are identified in brief below and examined in detail in Part II of this report:

Seizing economic opportunities,
Safeguarding U.S. security and political interests,
Sustaining and expanding freedom,
Recasting the U.S.-Japan relationship,
Setting Sino-American relations in a new context,
Confronting environmental challenges.

Seizing Economic Opportunities in Asia

Special attention must be paid to the opportunities and challenges offered by the Asia-Pacific region, which holds the fastest growing economies in the world. Advancing American economic competitiveness is a challenge not only for U.S. firms and workers but also for the U.S. Government. Not only must conditions in our domestic economic environment encourage higher productivity, but the U.S. Government must continue its drive to open markets throughout the world and to harness a wide range of currently underfunded and often uncoordinated government programs to support most effectively the expansion of U.S. exports.

Safeguarding U.S. Security and Political Interests in Asia

It remains in our interest that no single foreign power dominate Asia. The threat of a direct attack on the United States has virtually disappeared. However, our military presence in the region contributes to stability by helping to prevent regional animosities from erupting. Regional peace could be disrupted on the Korean Peninsula, between China and one of its neighbors, or between India and Pakistan. Major conflict could place in jeopardy important U.S. economic interests in the region. It is critical, therefore, that for the foreseeable future the United States maintain a credible forward-based military presence in Asia. Alterations in the American military role in Asia are inevitable, but we must continue to work with others in the region to foster peaceful settlement of disputes. This requires our continued physical presence on the ground in Asia, even if at reduced levels.

Sustaining and Expanding Freedom in Asia

Economic growth and the attractiveness of democratic values and processes have spurred political liberalization in a number of Asian countries. The linkage between economic well-being and the prospects for greater political openness in Asia is clear. Pluralism is increasing in most, though not all, of the authoritarian regimes in Asia. This trend deserves our encouragement. We must support emerging democracies through both government and private initiatives. A premium, moreover, must be upon internationalizing such causes as support for human rights. In most cases, the cause of greater political openness is advanced by engaging rather than isolating. We should seek not to impose our institutions, but rather to encourage indigenous efforts at reform. We must make it clear, however, that the United States supports more open and democratic political systems.

Recasting the U.S.-Japan Relationship

The U.S.-Japan relationship is the central U.S. bilateral relationship in Asia. If it is positive, much else falls into place in the region. If it is adversarial, our interests throughout the region can be harmed. We must not let one issue so dominate the relationship that the whole relationship is adversely affected. Greater partnership with Japan must be forged on a wide range of issues. This requires that we include Japan in the decision-making process. Japan, in turn, must play a more responsible role in global economic and political affairs. It is in the U.S. interest that we work on a common agenda with Japan seeking global economic growth, expanded assistance to developing countries, greater political openness, new approaches to regional tensions, and preservation of the environment. We should not seek a greatly expanded role for Japan in the security field. That would only exacerbate fears among Japan's neighbors. Japan's limited role should not, however, preclude its direct participation in United Nations operations, such as those currently underway in Cambodia. We should seek agreement with Japan on what constitutes equitable sharing of the burdens imposed on both our countries in playing leadership roles around the world.

Setting Sino-American Relations in a New Context

If Japan offers a good opportunity for constructive collaboration with the United States, China poses a risk of confrontation.

Our dilemmas with respect to China are real. We have a significant trade deficit with China and differences with respect to Chinese arms transfers and human rights policies. Fifteen nations border on China and many have important ongoing or potential differences with the Peoples Republic of China (PRC). On the other hand, China is capable of exerting positive influence over the Khmer Rouge in Cambodia and over North Korea. China's seat on the U.N. Security Council allows Beijing to block action as well as facilitate United Nations responses to crises. Very significant economic linkages have been formed among southern China, Hong Kong, and Taiwan. In sum, China is and will continue to be a significant regional power and one capable of playing a global role in certain instances.

It is not in our interest that China be isolated. It is in our interest that China become more involved in the world community by facing the complexities that international participation inevitably brings. China remains a test case of the proposition that, in time, economic liberalization can lead to political liberalization. It is in America's interest that both occur and that our policies encourage both.

Confronting Environmental Challenges in Asia

It is inevitable that immediate issues will dominate the administration's agenda, but joining with our Asian partners in confronting the environmental challenges of the region must command administration and congressional attention. This cannot be a unilateral effort of the United States; only cooperative actions can succeed. Fresh approaches and, perhaps, new institutions must be considered.

We must reassert our support of family planning efforts in Asia. (More than half of all global population growth occurs in Asia with an annual increment in excess of 50 million people.)

Moreover, the U.S. Government should actively support the transfer of environmental technology and methods to Asian countries and peoples.

HELEN HAYES: IN MEMORIAM

Mr. HOLLINGS. Madam President, the entire Nation and much of the world mourns the passing on Wednesday of Helen Hayes, but there is a special sadness here in Washington and in the capital city of my State of South Carolina.

Helen Hayes was a daughter of the District of Columbia—born, raised, and schooled here. She began her stage career at the age of 5 at the National Theater in 1906, and ended it here 66 years later in a performance at Catholic University's Hartke Theater. Less well known is the fact that Helen Hayes had a special relationship with the University of South Carolina in Columbia, where she received an honorary degree and devoted herself to improving the school's drama program.

Madam President, Helen Hayes will be long remembered as the grand lady of American theater in the 20th century. Those of us who were privileged to know her personally will also remember her as one of the grand human beings of the 20th century. Our grief at Helen Hayes' passing is tempered by our vivid memory of her rich and passionate life.

ROBERT KENNEDY REMEMBERED BY MARK SHIELDS

Mr. HOLLINGS. Madam President, Mark Shields is a columnist for the Washington Post and a popular television pundit. A quarter century ago, he was our colleague here on Capitol Hill as an adviser to then-Senator Robert Kennedy of New York. Bobby and I were both freshman Senators together, and I have tremendously fond memories of our times together.

Those memories were brought back to me as I read Mark Shields' superb memoir of Bobby Kennedy's 1968 campaign in Monday's Post. Shields vividly recalls Bobby's remarkable blend of toughness and compassion, and how those qualities allowed him to unite urban blacks and northern working-class whites behind his candidacy.

Madam President, the Shields column titled "'Twenty-Five St. Patrick's Days Ago* * *': Robert Kennedy Was a Different Kind of Candidate," will strike a chord in all of us who have devoted our lives to politics. I commend it to my colleagues, and to that end I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

It was not like most presidential campaigns where the terminally careful candidate strives not to make waves, mistakes or powerful enemies. It was a different campaign, one where the presidential candidate would regularly and harshly scold his audiences for their selfishness. For the candidate, it was not enough merely to comfort the afflicted who loved him; he deliberately chose to afflict the comfortable as well.

Twenty-five St. Patrick's Days ago, after hesitating probably too long, Robert Kennedy began his run for president. Since 1968, an awful lot has changed in our country and in our world. But the legacy of Robert Kennedy is timeless: That rare candidate who has the guts to tell an audience both what the candidate obviously believes and what the audience obviously does not want to hear can succeed politically and, more important, move a people.

Since Robert Kennedy, in the insightful words of the conservative thinker, Jeffrey Bell, "no liberal leader has come close to uniting blacks and northern working-class whites." Never was that special appeal of RFK more apparent than on May 6, 1968, when his open convertible was cheered by the crowds on the streets of Gary, Ind. On one side of the candidate was Tony Zale, a hometown hero to the Eastern European Americans and former middleweight champion, and on the other Richard Hatcher, the first black mayor of the city.

During the last quarter century of clear Republican dominance of our presidential politics, the GOP had been the warrior party of big shoulders, quick fists and growing defense budgets. During that same time, the Democrats had been the nurturing, compassionate, more traditionally maternal party, especially good with children, the sick and the elderly.

Uniquely, Robert Kennedy was both authentic warrior and genuine nurturer. Tough and combative, called "ruthless" by his elitist critics, Kennedy relentlessly preached a political gospel of compassion. His backbone was rock hard; his heart did bleed for all those who lived on the margin and in the shadows.

Earlier in Indianapolis, Robert Kennedy, according to The Post's David Broder, had "encountered the sharpest heckling of his Indiana campaign at the Indiana University Medical Center." Kennedy was there "booed and hissed as his observations on Social Security, segregation, the draft and the relationship of government and medicine drew strong opposition from many in his audience." One medical student demanded of Robert Kennedy: "Where are you going to get the money for all these federally subsidized programs you are talking about?" In reply, conspicuous for its concise candor, Kennedy made his campaign managers wince: "From you."

There was none of the old reliable politician's talk about waste, fraud and abuse or closing loopholes. Kennedy simply and straightforwardly spoke the allegedly unpalatable truth. He afflicted the comfortable.

Only three weeks later at Creighton University in Omaha, just two days before the Nebraska primary, Kennedy asked how many of his mostly college audience favored deferring students from the draft then in effect. The majority of the hands went up. Kennedy made no effort to conceal his indignation.

"Look around you. How many black faces do you see here? How many American Indians, how many Mexican Americans? . . . If you look at any regiment or division of paratroopers in Vietnam, 45 percent of them are black. You're the most exclusive minority in the world. Are you just going to sit on your duffs and do nothing or just carry signs in protest?"

In Indianapolis and Omaha, Robert Kennedy told all of us he knew he could not get everyone's vote, that he was willing to write off some constituencies. In Gary, Robert Kennedy offered a Democratic populist vision that embraced and appealed to both American blacks and American working-class whites.

RFK's populism argued that just as schools test students, communities ought to be able to test their schools, that the federal welfare program was destructive and hurtful to the poor and that, because he believed in a government that was effective and energetic, decentralization of power away from Washington must be achieved. That was liberal heresy in 1968.

Full disclosure and the conflict of interest fever require that I reveal that I worked for Robert Kennedy in that 1968 campaign. And 25 years later, I still miss him.

NATIONAL AGRICULTURE DAY

Mr. PRESSLER. Madam President, this week, citizens throughout the country are paying tribute to American farmers and ranchers. Having grown up on a family farm, it was with a sense of pride that I cosponsored Senate Joint Resolution 36, proclaiming March 20, 1993, as "National Agriculture Day."

America's leadership in agriculture is unequaled in the world. In no American workplace is there found the kind of hard work, productivity, cooperation, neighborly concern, creative use of applied science, and independence than on our farms and ranches. More than 200 different commodities are produced on more than 2 million farms in this country, either for domestic or foreign markets.

Agriculture as an industry contributes an estimates 21 million jobs, or 17 percent of the national work force, and accounts for nearly 16 percent of the gross national product. Annually, the United States exports over 40 billion dollars' worth of farm products, amounting to 12 percent of world farm trade. These exports reduce our deficit in nonfarm trade by 17 percent. Each dollar of those exports generates another $1.59 in economic activity, much in the nonfarm sector.

Madam President, agriculture is America's No. 1 industry. American agriculture, in turn, is No. 1 in the world. American farmers grow about 50 percent of the world's soybeans, 40 percent of the world's corn, and 25 percent of the world's grain sorghum. American agricultural production totals $138 billion—$73.5 billion in corps and $64.3 billion in livestock.

All of this means jobs. The U.S. food and fiber system provides jobs for more than 20 million people, from farmers to processors to supermarket clerks.

Each U.S. farmer and rancher supplies enough food and fiber for more than 128 poeple—94 people in this country and 34 abroad. The American farmer truly feeds the world. At home, U.S. consumers spend over $500 billion each year on food.

Madam President, U.S. farmers and ranchers are already the most productive in the world. Yet, they continue working to improve their productivity. Output per acre was 40 percent higher in 1987 than in 1967. An hour of farm labor produces nearly eight times as much food and other crops in 1987 as it did in 1947.

My State of South Dakota is truly representatives of American agriculture. Agriculture is South Dakota's No. 1 industry, and it is the Nations' No. 1 industry. Recently, South Dakota State University [SDSU] issued a report which measured the impact of South Dakota agriculture. The study shows that agriculture in South Dakota contributes $13.2 billion to the State's economy. That amount is more than three times larger than any other single industry in the State. The SDSU study also explains that just a 1-percent increase in South Dakota's agricultural output would increase the State's industrial output by $141 million, create 1,230 jobs, and increase wages by $19 million.

Madam President, South Dakota is among the leading agricultural States in the Nation. Consider the following national rankings:

No. 1 producer of oats;

No. 2 producer of rye;

No. 2 producer of flaxseed;

No. 2 producer of sunflower seed;

No. 5 producer of all hay;

No. 6 producer of barley;

No. 6 producer of all wheat;

No. 9 producer of soybeans for beans; and

No. 9 producer of corn.

Nationally, South Dakota also ranks 8th in cash receipts from farm marketings of cattle and calves, wheat, and barley; 9th in hogs and soybeans; 10th in sorghum grain; and 13th in corn. South Dakota is ranked 20th in the Nation in cash receipts from total farm marketings, 14th in livestock marketings, and 28th in crops. If South Dakota were a separate country, it would be among the top 10 corn-producing countries in the world.

South Dakota exported over $750 million of agricultural products in 1990. Feed grains and products were the leading commodity, valued at $247 million, followed by wheat, $165 million, and soybeans, $134 million. South Dakota also utilizes more ethanol than any other State in the Nation.

Madam President, that is quite impressive. The fine South Dakotans involved in agriculture can be justifiably proud of their contribution not only to South Dakota but to the Nation. The fine Americans producing our Nation's food and fiber can be justifiably proud as well. They have successfully met the challenges of recent years and are ready to confront the challenges that lie ahead. Their story is remarkable. It is one that is not told often enough, but it is one worth repeating over and over again.

Today we take off our hats to the American farmer. In no other sector of the world is there found greater productivity, dedication, or flexibility to survive in a constantly changing world. Let us all salute the fine Americans who contribute to making American agriculture the No. 1 industry in the world.

Madam President, I ask unanimous consent that an article from a local South Dakota paper honoring National Agriculture Week in South Dakota be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Freeman Courier, Mar. 17, 1993]

SOUTH DAKOTA HONORS AGRICULTURE

Governor George S. Mickelson has officially proclaimed March 14–20, as National Agriculture Week in the state of South Dakota.

A news release from the South Dakota Department of Agriculture notes National Agriculture Week in South Dakota is a time to honor the people involved with the state's number one industry. Agriculture leads the way in providing a base for South Dakota's economy by employing more people than any other industry. The people involved with agriculture in South Dakota are extremely efficient and productive. Each farmer and rancher in the state produces enough food and fiber to feed well over 100 people. Their contribution to the economy of South Dakota is irreplaceable. Finally, the news release notes, this production is accomplished while serving as stewards and guardians of the environment which provides their livelihood.

In South Dakota, National Agriculture Week also recognizes the solid base that farm and ranch families provide for the rural communities of the state. The observance notes their work in religious, social, political, and business institutions contributes to the strong moral fiber of their communities and South Dakota. In addition, the young people of the farm and ranch communities provide a bright future for the progress of the state.

The efforts of the agriculture community often go unheralded, unnoticed and unappreciated, the South Dakota Department of Agriculture notes. Every day of the year Americans, not to mention people throughout the world, depend on the productivity of farmers and ranchers in South Dakota and the rest of the United States.

MORE NURSES, BETTER MEDICINE

Mr. INOUYE. Mr. President, I would like to call to your attention a readily available resource we have in our Nation to help solve the current crises of access to health care: America's nurses. They are eager and ready to help in providing primary care to our Nation. Recently, an article appeared in the New York Times by two nationally recognized nursing leaders, Linda Aiken and Claire Fagin, entitled "More Nurses, Better Medicine." It addressed both possibilities and roadblocks to enhanced utilization of nurses in our country that I believe we should consider.

Our Federal strategies to increase the number of primary care physicians have failed. It is estimated that it will take until 2040 to produce the required number of primary care physicians. Currently, only 14 percent of medical school graduates in 1992 are planning careers in primary care.

However, within nursing there exists a category of nurses called advanced practitioners. These nurses are fully capable and qualified to answer the cries of our Nation for accessible, affordable, and quality health care. Advanced practice nurses have specialized training beyond their basic education. They serve as nurse practitioners, certified nurse-midwives, nurse anesthetists, and clinical nurse specialists.

Advanced practice nurses such as nurse practitioners can substitute for physicians for 90 percent of the primary care needed for children, and 60–80 percent required by adults. Numerous studies have documented the cost-effectiveness, and more importantly, the equal quality of utilizing advanced practice nurses, yet barriers remain. Restrictive laws and regulations must be removed to allow nurses in advanced practice to improve access to care. If we are to solve this Nation's health care dilemma, we must give consideration to the following suggestions:

Provide direct reimbursement through Medicaid and Medicare at the same rate as physicians;

Allot bonus payments to physicians and nurses that provide care in undeserved areas;

Provide hospital admitting privileges to certified nurse midwives and nurse practitioners; and

Reallocate GME funds to support training of advanced practice nurses.

In addition to better utilization of nurses, it is important that we sponsor creative options to nurture our nurses through provision of expanded opportunities. One of the many opportunities currently available to nurses is a congressional fellowship. Fellowships and internships teach nurses to participate in the health policy process. I am very proud to say that I currently have two congressional nurse fellows in my office, Diana Kupchella and Rebecca Long, who are contributing valuable expertise to the development of health policy. We must continue to support nurses with such experiences in order to nurture a profession so disparately needed.

In pursuing our goal of achieving a functional and accessible health care system we must examine the alternatives. The Sun has set on our current health system. Soon, a new day will be on the horizon. I suggest that we look beyond the night and consider America's nurses as a bright ray of hope for the future.

Mr. President, I ask unanimous consent that these remarks and the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 11, 1993]

MORE NURSES, BETTER MEDICINE

(By Linda Aiken and Claire Fagin)

PHILADELPHIA.—The U.S. has a shortage of primary-care physicians. This limits the options for improving access to cost-effective health care. Nurses are a national resource with the potential to meet this challenge.

Since the late 1960's, Federal policy has promoted two strategies to increase primary care. The first included Federal support for establishing a new physician specialty in family practice. It has not yet been successful. Between 1970 and 1990, the proportion of doctors in primary care declined, and the rate of decline is accelerating.

In contrast, the second strategy—employing advanced-practice nurses (nurse practitioners, clinical nurse specialists and nurse midwives)—has been enormously successful. Two decades of research, summarized last summer in the Yale Journal on Regulation, gives clear evidence that advanced-practice nurses provide care of comparable quality and at a lower cost than doctors do.

Advanced-practice nurses can safety substitute for physicians for up to 90 percent of primary care needed by children and 80 percent required by adults. The Yale report concluded that significant financial, legal and professional barriers prevent the effective use of nurses.

Yet nurse practitioners and nurse midwives prescribe fewer drugs, use fewer tests and select lower-cost treatment and settings.

Historically, nurses have been more likely than doctors to practice in areas where there is insufficient health care. Nurse anesthetists deliver 85 percent of anesthesia services in rural areas. Approximately one in five nurse practitioners and midwives practice in rural areas, and close to 50 percent of them work in inner cities.

International comparisons suggest that at least 75 percent of all prenatal care and delivery of babies could be safely provided by nurse midwives. But in the U.S., nurses deliver less than 4 percent of births.

The following ideas would lead to the more productive use of nurses:

To increase primary care for Medicaid recipients, nurse practitioners and certified nurse midwives should qualify for direct reimbursement at the same rate as physicians. Bonus payments should be given to doctors and nurses in underserved rural and urban areas.

Where fee-for-service arrangements exist, qualified nurses should be eligible for direct reimbursement by Medicare. This would save costs, not increase them.

Hospitals must be required to offer admitting privileges to nurse midwives and nurse practitioners as a condition of participation in Medicaid and Medicare. Without admitting privileges, nurses cannot practice under state, Medicare and Medicaid legal guidelines.

The high cost and uncertain availability of malpractice insurance for nurse midwives impede the growth of the midwifery practice. Malpractice insurance reform and possibly tort reform are required.

America needs a collaborative system where health care professionals are used appropriately and cost effectively. By better using nurses for primary care, the goals of national health care reform—improved access to appropriate services at affordable cost—can be achieved.

REAPPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair announces, on behalf of the Republican leader, pursuant to Public Law 101–509, his reappointment of Dr. Donald McCoy, of Kansas, to the Advisory Committee on the Records of Congress.

BILL PLACED ON CALENDAR—H.R. 416

Mrs. MURRAY. Madam President, I ask unanimous consent that H.R. 416, an act to extend the period during which chapter 12 of title XI of the United States Code remains in effect, received today from the House, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAPITOL ROTUNDA COMMEMORATION FOR VICTIMS OF THE HOLOCAUST

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 39, Senate Concurrent Resolution 13, a concurrent resolution permitting the use of the Capitol Rotunda; that the concurrent resolution be agreed to; that the motion to reconsider be laid upon the table; and that the preamble be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (S. Con. Res. 13) was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 13

Whereas, pursuant to such Act, the United States Holocaust Memorial Council has designated April 18 through April 25, 1993, and April 3 through April 10, 1994, as "Days of Remembrance of Victims of the Holocaust"; and

Whereas the United States Holocaust Memorial Council has recommended that a one-hour ceremony be held at noon on April 20, 1993, and at noon on April 6, 1994, consisting of speeches, readings, and musical presentations as part of the days of remembrance activities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the United States Capitol is hereby authorized to be used on April 20, 1993 from 8 o'clock ante meridian until 3 o'clock post meridian and on April 6, 1994, from 8 o'clock ante meridian until 3 o'clock post meridian for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

MEASURE PLACED ON THE CALENDAR

The following bill, previously received from the House of Representatives for concurrence and remaining undisposed of, was read the first and second times and placed on the calendar:

H.R. 416. An act to extend the period during which chapter 12 of title 11 of the United States Code remains in effect, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself and Mr. COHEN):

S. 621. A bill to amend the Older Americans Act of 1965 to establish the National Resource Center for Grandparents; to the Committee on Labor and Human Resources.

By Mr. LEVIN (for himself, Mr. COHEN, and Mr. PRYOR):

S. 622. A bill to authorize appropriations for the United States Office of Special Counsel, the Merit Systems Protection Board, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CONRAD (for himself and Mr. AKAKA):

S. 623. A bill to amend title 5, United States Code, to clarify the application of the Whistleblower Protection Act of 1989 to certain personnel matters of the Department of Affairs; to the Committee on Governmental Affairs.

By Mr. ROTH:

S.J. Res. 68. A joint resolution proposing an amendment to the Constitution of the United States relative to prayer in public schools and public buildings; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolution and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself, Mr. MCCAIN, Mr. ROCKEFELLER, Mr. BURNS, Mr. SPECTER, Mr. MATHEWS, and Mr. PRESSLER):

S. Res. 81. A resolution to express the sense of the Senate with respect to the availability and affordability of health care coverage and services in our Nation; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself and Mr. COHEN):

S. 621. A bill to amend the Older Americans Act of 1965 to establish the National Resource Center for Grandparents; to the Committee on Labor and Human Resources.

NATIONAL GRANDPARENT RESOURCE CENTER ACT OF 1993

• Mr. PRYOR. Mr. President, today I am joined by Senator COHEN in introducing the National Grandparent Resource Center Act of 1993. Congressman WILLIAM HUGHES, the acting chairman of the House Aging Committee, has introduced H.R. 1223, the House companion. This legislation would establish, under title II of the Older Americans Act, a national center of information and referral to grandparents who need assistance in raising their grandchildren, obtaining visitation rights or any number of other areas of need. This legislation represents an effort to begin to address the great need for information and support that the changing role of grandparents has created. Congressman Tom Downey and I first introduced the grandparents resource center bill last year. As many of you may know, Congressman Downey was one of the first Members of Congress to begin looking at these issues. While he was the chairman of the House Aging Committee's Subcommittee on Human Services, he worked diligently to help these grandparents and their grandchildren, and we all owe him a huge debt for bringing these very important concerns to our attention. I am pleased that Congressman HUGHES is taking up where Congressman Downey left off.

Members of the Senate Aging Committee, myself included, first became aware of this need last July at an Aging Committee hearing that examined the growing phenomenon of grandparents who are raising their grandchildren. The members of the committee heard powerful testimony that was both horrifying and poignant, appalling and uplifting. I would like to share some of what I learned that day.

It is difficult to know exactly how many American children are being raised—either solely or partly—by their grandparents, but estimates range anywhere from 3.2 million to upward of 4 million. This is an increase of about 40 percent in the past 10 years. The reasons for this dramatic increase are varied, but usually the natural parents are unwilling or unable to care for their children because of drug and/or alcohol abuse, divorce, teenage pregnancy, abandonment, physical or sexual abuse, death, imprisonment, or even murder.

Although you most often find grandparents raising their grandchildren in the inner cities, this trend cuts across all social, economic, ethnic, and racial lines. It is happening everywhere. In fact, many of us probably know someone who has had to take on the responsibility of caring for their grandchildren full-time. In July, I heard firsthand how this effects the grandparents—and the grandchildren—on an everyday basis.

Mrs. Joan McMillin of Bellflower, CA, shared some of the most powerful testimony I have ever heard at a Senate hearing. Her statement began with the story of her two small grandchildren witnessing the murder of their mother—Mrs. McMillin's daughter—by their father. With that began her and her husband's 3½-year struggle to gain permanent custody of their grandchildren.

She described how she and her husband were battered by the system—the complex structure of courts and child and family welfare agencies. They constantly had to battle the belief that they were too old to raise the children. The stress and strain caused her husband to have three strokes, forcing him to lose his business, their livelihood, and their health insurance. Mrs. McMillin said that she and her husband used to be a typical middle-aged middle-class couple—her husband enjoying an occasional game of golf, and that she believed in shop til you drop. Now, by the end of the month, they often do not have enough food in the house.

The hardships that these grandparents are willing to endure to care for these children are truly awe-inspiring. They not only have the enormous strain on their finances and their health, but many have to contend with feelings of shame and failure, wondering where they may have gone wrong with their own children. Their marriages are under tremendous pressure, as are friendships and relationships with other family members. Some of them have aging relatives to care for as well. And all too often, the grandchildren themselves are emotionally troubled. Many of these children have seen things that we cannot even imagine.

Yet, these grandparents would have it no other way. Mrs. Mary Shaheen of Yarmouth, Maine, who was accompanied by her 11-year-old grandson Nathaniel whom she is raising, said, "I certainly would not have considered any other option. * * * I sign his report card * * * with the same pride and love as any parent who has brought their child into the world."

As I listened to the testimony, I wondered at these truly heroic efforts of so many seemingly ordinary people. How do they do it? Many grandparents point to the assistance they receive from various grandparents' support groups. Mrs. McMillin said that their local group, Grandparents as Parents, is what keeps her and her husband going. Others say they are just doing what they have to, and they try not to think too much about it.

So why does our system make it so difficult for grandparents to step in to raise these children? Why is it easier to place children in foster care than with a grandparent? Shouldn't we be doing things to encourage grandparents? Throughout history, they have played a vital role in family life. Some grandparents in Hope, AR, helped to raise a President of the United States. Mr. President, the legislation that we are introducing today is just one small step to begin to help these everyday heroes.

In the end, it is the children we need to protect. They are the ones who are most affected by the system, especially when it doesn't work. I cannot say it any better than 11-year-old Nate Shaheen: "I just have one thing to say. I think all grandchildren that live with their grandmas love it."

I urge my colleagues to join us in support of the National Grandparent Resource Center Act of 1993.•

• Mr. COHEN. Mr. President, I am pleased to join Senator PRYOR today in introducing the Grandparents National Resource Center Act of 1993. This legislation recognizes the increased role of grandparents in today's society.

Millions of grandparents nationwide are starting over as parents. These seniors are trying to put their families back together, often in the face of huge bureaucratic, financial, and emotional obstacles.

The incidence of grandparents being thrust into parenthood a second time around is a clear indication of many of the societal ills this country is facing. Drug and alcohol addiction, sexual and physical abuse, murder, crime, divorce, teenage pregnancy, and AIDS, have reached epidemic proportion. They are crippling the American family and are forcing our grandparents back into parenthood to raise their children's children.

The elderly are among the hidden victims of these societal problems that are placing unforeseen responsibilities and burdens on the shoulders of our Nation's seniors.

Last year, the Senate Special Committee on Aging held a hearing on this issue. Senator PRYOR and I heard compelling, often tragic stories of the problems these seniors face. For example, grandparents must cope with the needs of drug-exposed infants, or children who bear the scars of physical or emotional abuse. In addition, at the same time that many grandparents are facing painful feelings of guilt about what went wrong with their own children, they must battle a complicated and expensive legal system, and fight to be recognized as the primary caregivers of their grandchildren.

The legislation that Senator PRYOR and I are introducing today will establish a National Grandparent Resource Center to serve as a central source of information and assistance to older individuals who are raising their grandchildren. The Center will provide a valuable reference for grandparents on legal, financial, and emotional support systems available to assist them in meeting the often unforeseen difficulties in raising their grandchildren. A toll-free number will be provided to increase access to the Center.

While this legislation is not a panacea for all of the problems facing this special group of grandparents, it is a step in the right direction. I will soon introduce a package of legislation that will address the bureaucratic barriers confronting grandparents raising their grandchildren in order to ease their struggle as they attempt to keep their families together.•

By Mr. LEVIN (for himself, Mr. COHEN, and Mr. PRYOR):

S. 622. A bill to authorize appropriations for the United States Office of Special Counsel, the Merit Systems Protection Board, and for other purposes; to the Committee on Governmental Affairs.

OFFICE OF SPECIAL COUNSEL REAUTHORIZATION ACT OF 1993

• Mr. LEVIN. Mr. President, today I am introducing a bill to reauthorize, for an additional 3 years, the Office of Special Counsel—the Government agency charged with protecting Federal employee whistleblowers. I am pleased that Senators PRYOR and COHEN, two long-time stalwarts in the battle to protect whistleblower rights, have agreed to join me as original cosponsors of this measure.

We all know that Federal employee whistleblowers save taxpayers dollars every day by helping to identify potential problems and wrongdoing at an early stage. These brave individuals deserve our respect and our thanks, but all too often they are threatened instead with on-the-job harassment, negative job ratings, unfavorable transfers, denial of promotions, and even dismissal.

Four years ago, Congress sought to address the problem by unanimously enacting the Whistleblower Protection Act of 1989, a landmark piece of legislation which offered whistleblowers substantial new job protections that were not previously available. I wrote and sponsored that legislation because of the compelling evidence that the existing system was not serving the interest of whistleblowers.

It is not enough, however, for Congress to enact new legislation. If whistleblowers are to be fully protected, the law must be faithfully implemented in the spirit in which it was written. Unfortunately, there is evidence that this has yet to be done. Although the record shows that the Office of Special Counsel has obtained corrective action for almost a hundred whistleblowers since the enactment of the Whistleblower Protection Act, a recent GAO report reveals that far more have been left to pursue relief on their own.

The GAO report shows that out of more than 1,000 cases brought to OSC under the Whistleblower Protection Act through the end of fiscal year 1991—OSC obtained corrective actions or favorable dispositions—that is settlements—in 57 cases.

Individual whistleblowers pursued 175 cases that were dropped by OSC, and obtained 52 settlements and 5 reversals. Individual whistleblowers, who gave up on OSC without waiting for their cases to be closed, achieved an additional 18 settlements or reversals.

Overall, these numbers indicate that 75 whistleblowers who originally sought help from OSC were able to get some form of relief on their own, compared to only 57 who were able to get relief through OSC. While there is no way to compare the results achieved in cases settled by OSC to those achieved in cases settled by individual whistleblowers, these statistics suggest that OSC may have given up on more meritorious whistleblower cases than it has pursued to a successful conclusion.

This record raises serious questions about the OSC's record of implementing the Whistleblower Protection Act. Simply put, if OSC's performance does not improve soon, we will have to give serious consideration to alternative approaches to whistleblower protection, including proposals to abolish the Office of Special Counsel altogether.

Mr. President, the bill that I am introducing with Senators PRYOR and COHEN today, would reauthorize the Office of Special Counsel for another 3 years, while at the same time addressing some of the problems we have had with the performance of this office. I first introduced this bill last year, and it was approved by the Governmental Affairs Committee and the full Senate in the last Congress, but died at the end of the session when the House failed to act.

The most important limitation placed on the Office of Special Counsel by this bill is the limited reauthorization period—substantially less than the 5 years originally requested by OSC. The bill that we are introducing today would extend the authorization of the Office of Special Counsel, but only for 3 years.

This reauthorization gives the Office of Special Counsel an opportunity to improve its operations and become more aggressive in its efforts to protect whistleblowers. At the same time, the short period of the reauthorization should keep the office on a short leash and put it on notice that improvements are expected. If OSC fails to become more aggressive in its efforts to protect whistleblowers, we will have to consider more significant changes to the statute 3 years from now.

The bill contains a number of other provisions that would clarify provisions of the Whistleblower Protection Act, address issues raised in last year's hearings, and ensure that the statute operates as intended. In particular, the bill would—

First, extend the coverage of the Whistleblower Protection Act to employees of Federal corporations;

Second, clarify the rules governing OSC disclosure of information about whistleblowers;

Third, require OSC to debrief, upon request, whistleblowers whose cases have been terminated;

Fourth, establish a fixed time limit for OSC to take action on whistleblower cases; and

Fifth, make several other minor changes to the act.

On the first point, some categories of employees—those who work for entities which are not agencies of the Federal Government but which are directly related to the Federal Government—are not covered by the Whistleblower Protection Act. This is because the Whistleblower Protection Act is codified as a part of the civil service laws, and those laws specifically exempt employees of federally owned corporations from their coverage. Although such employees are commonly viewed as Federal employees, they are not covered by the requirements and protections of the civil service laws and that means they are not subject to the benefits of the Whistleblower Protection Act.

There are important reasons for exempting Government corporations from some of the laws governing other Federal agencies. In some cases, we may want to encourage the use of innovative management techniques. In other cases, we may want Government corporations to run like private businesses, so we choose to give them latitude in the management of their personnel. However, this does not mean that we intend to allow employees in these corporations who blow the whistle on fraud, waste, or mismanagement to be without protection from, or a remedy for, retaliation, since significant amounts of taxpayer dollars are at stake.

These Federal corporations include the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, the Pension Benefit Guarantee Corporation, the Federal Home Loan Mortgage Corporation, the Federal Crop Insurance Corporation, the Overseas Private Investment Corporation, the Export-Import Bank of the United States, the Neighborhood Reinvestment Corporation, and Federal Prison Industries.

Each of these corporations exercises significant Federal regulatory or management responsibilities, and whistleblowers in their ranks deserve the same protections as other Federal employees. The provision in our bill—which was not included in last year's bill—would ensure that these public servants have a remedy if they are subject to retaliation when they disclose fraud, waste, or abuse in the Federal Government.

On the second point, section 1212(g) of the statute already prohibits the Office of Special Counsel from releasing any information about a whistleblower's case, except in accordance with the Privacy Act.

Despite this provision, however, many whistleblowers believe that OSC routinely releases information about whistleblowers to their employing agencies. While OSC denies any improper release of information, it also insists that section 1212(g) does not in any way restrict its ability to use information about whistleblowers during the course of an investigation in any way it pleases.

The Office of Special Counsel obviously needs to use information during investigations, and in some cases, use necessarily requires disclosure. In other cases, however, disclosure may be seriously detrimental to the interest of a whistleblower. OSC's insistence on absolute discretion to use information in any way it pleases has undermined confidence in the Office, and may even subject some whistleblowers to needless harassment.

Like last year's bill, this year's bill would clarify the existing statutory provision on the release of information and require OSC to develop a policy addressing types of information that may, and may not, be disclosed to agency officials without the consent of the whistleblower. This approach would address the problem of OSC releasing confidential information without limiting the office's ability to conduct investigations.

On the third point, the statute currently requires OSC to provide a close-out letter to whistleblowers whose cases are terminated. Each such letter is statutorily required to include a summary of the relevant facts ascertained by the Special Counsel, including the facts that support, and the facts that do not support, the whistleblower's allegations.

However, many whistleblowers complain that OSC's close-out letters are perfunctory, and give little information about OSC's investigation or the facts of the case. Some have sought to remedy this problem by gaining access to the OSC's investigative files.

Giving whistleblowers a right of access to OSC investigative files may not be appropriate, because such files might contain confidential information about persons other than the whistleblower. Also, witnesses might be less candid with OSC investigators if they knew that OSC files would be open to the whistleblower. On the other hand, OSC is statutorily required to assist whistleblowers, and should not treat them the same way as any Federal agency would treat a routine FOIA request.

This year's bill, like last year's, would address this problem by requiring OSC to provide each whistleblower whose case is closed with the name of an OSC employee who will be available to respond to reasonable questions about the case. This change would give whistleblowers greater access to OSC information without going to the extreme of opening OSC investigative files to individual whistleblowers.

On the fourth point, section 1214(b)(2)(A) of the statute states that if OSC finds reasonable grounds to believe that a prohibited personnel practice has occurred, it must notify the agency and give it an opportunity to correct the problem. Section 1214(b)(2)(B) then provides that if, after a reasonable period of time, the agency does not act to correct the prohibited personnel practice, the Special Counsel may petition the Board for corrective action.

However, OSC has informed us that only one determination has ever been made under 1214(b)(2)(A). Instead of utilizing the statutory mechanism, OSC has chosen to pursue open-ended negotiations with the agency, leaving the whistleblower hanging. For this reason, we learned last year that OSC had 21 pending whistleblower investigations that had been open for an average of about 1½ years, but had not made a reasonable grounds determination in a single case.

This year's bill, like last year's, would address this issue by establishing a fixed schedule for OSC to take action. In particular, OSC would be given 240 days to make a determination whether or not there was a reasonable basis to believe that a prohibited personnel practice has taken place. This period could be extended, if necessary for OSC to complete its investigation, but only with the consent of the whistleblower.

The other changes carried over from last year's bill would: (a) Conform the discovery standard in whistleblower cases to the standard in the Federal Rules of Civil Procedure; (b) clarify that a prevailing whistleblower is entitled to attorneys' fees and any other reasonable costs incurred directly or indirectly by the whistleblower; (c) clarify that an agency decision to ordering psychiatric testing or examination of employees is a personnel action, subject to review in a whistleblower case; and (d) allow a Special Counsel to serve beyond the 5-year term, if necessary to prevent a vacancy in the Office.

In addition to the provisions carried over from last year, this year's bill would: (a) Reauthorize MSPB for an additional year, to put it on the same authorization cycle as OSC; (b) require MSPB to refer possible prohibited personnel practices identified in independent of right of action cases to OSC to take appropriate action; (c) limit the exclusion of confidential, policymaking positions to those that are designated prior to the personnel action; and (d) make compliance with merit systems principles a consideration in performance appraisals of Federal managers.

Mr. President, the successful operation of the Whistleblower Protection Act is dependent in large part on the agency primarily charged with enforcing that act—the Office of Special Counsel. This bill sends a message to the Special Counsel and to the Office as a whole that we take the protection of whistleblowers seriously, and that we expect and intend them to be aggressive in pursuing the vindication of whistleblower rights. I hope that our colleagues will join us in supporting this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

(a) Merit Systems Protection Board.—Section 8(a)(1) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note; Public Law 101–12; 103 Stat. 34) is amended by striking out "1989, 1990, 1991, 1992, 1993, and 1994" and inserting in lieu thereof "1993, 1994, and 1995".

(b) Office of Special Counsel.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note; Public Law 101–12; 103 Stat. 34) is amended by striking out "1989, 1990, 1991, and 1992" and inserting in lieu thereof "1993, 1994, and 1995".

SEC. 2. OFFICE OF SPECIAL COUNSEL.

(a) Succession.—Section 1211(b) of title 5, United States Code, is amended by inserting after the first sentence: "The Special Counsel may continue to serve beyond the expiration of the term until a successor is appointed and has qualified, except that the Special Counsel may not continue to serve for more than one year after the date on which the term of the Special Counsel would otherwise expire under this subsection.".

(b) Limitations on Disclosures.—Section 1212(g) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking out "provide information concerning" and inserting in lieu thereof "disclose any information from or about"; and

(2) in paragraph (2), by striking out "a matter described in subparagraph (A) or (B) of section 2302(b)(2) in connection with a" and inserting in lieu thereof "an evaluation of the work performance, ability, aptitude, general qualifications, character, loyalty, or suitability for any personnel action of any".

(c) Determinations.—Section 1214(b)(2) of title 5, United States Code, is amended—

(1) by redesignating subparagraphs (A), (B) and (C) as subparagraphs (B), (C) and (D), respectively;

(2) by inserting before subparagraph (B) (as redesignated by paragraph (1) of this subsection) the following:

"(A)(i) Except as provided under clause (ii), no later than 240 days after the date of receiving an allegation of a prohibited personnel practice under paragraph (1), the Special Counsel shall make a determination whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken.

"(ii) If the Special Counsel is unable to make the required determination within the 240-day period specified under clause (i) and the person submitting the allegation of a prohibited personnel practice agrees to an extension of time, the determination shall be made within such additional period of time as shall be agreed upon between the Special Counsel and the person submitting the allegation."; and

(3) by inserting after subparagraph (D) (as redesignated by paragraph (1) of this subsection) the following new subparagraph:

"(E) A determination by the Special Counsel under this paragraph may not be admissible as evidence in any judicial or administrative proceeding, without the consent of the person submitting the allegation of a prohibited personnel practice.".

(d) Reports.—Section 1218 of title 5, United States Code, is amended by inserting "cases in which it did not make a determination whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken within the 240-day period specified in section 1214(b)(2)(A)(i)," after "investigations conducted by it,".

SEC. 3. INDEPENDENT RIGHT OF ACTION.

(a) Subpoenas.—Section 1221(d) of title 5, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) At the request of an employee, former employee, or applicant for employment seeking corrective action under subsection (a), the Board shall issue a subpoena for the attendance and testimony of any person or the production of documentary or other evidence from any person if the Board finds that the testimony or production requested is not unduly burdensome and appears reasonably calculated to lead to the discovery of admissible evidence.".

(b) Referrals.—Section 1221(f) of title 5, United States Code, is amended by adding after paragraph (2) the following new paragraph:

"(3) If, based on evidence presented to it under this section, the Merit Systems Protection Board determines that there is reason to believe that a current employee may have committed a prohibited personnel practice, the Board shall refer the matter to the Special Counsel to investigate and take appropriate action under section 1215.".

(c) Attorneys' Fees.—Section 1221(g) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking out "and any other reasonable costs incurred" and inserting in lieu thereof "and any other reasonable costs incurred directly or indirectly by the employee, former employee, or applicant."; and

(2) in paragraph (2), by striking out "and any other reasonable costs incurred," and inserting in lieu thereof "and any other reasonable costs incurred directly or indirectly by the employee, former employee, or applicant,".

SEC. 4. PROHIBITED PERSONNEL PRACTICES.

(a) Personnel Actions.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (ix) by striking out "and" after the semicolon;

(2) by redesignating clause (x) as clause (xi) and inserting before such clause the following:

"(x) a decision to order psychiatric testing or examination; and"; and

(3) in the matter following designated clause (xi) (as redesignated by paragraph (2) of this subsection) by inserting before the semicolon the following: ", and in the case of an alleged prohibited personnel practice described in subsection (b)(8), an employee or applicant for employment in a Government corporation as defined in section 9101 of title 31, United States Code".

(b) Covered Positions.—Section 2302(a)(2)(B) of title 5, United States Code, is amended to read as follows:

"(B) 'covered position' means, with respect to any personnel action, any position in the competitive service, a career appointee position in the Senior Executive Service, or a position in the excepted service, but does not include any position which is, prior to the personnel action—

"(i) excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character; or

"(ii) excluded from the coverage of this section by the President based on a determination by the President that it is necessary and warranted by conditions of good administration.".

(c) AGENCIES.—Section 2302(a)(2)(C) of title 5, United States Code, is amended in clause (i) by inserting before the semicolon: ", except in the case of an alleged prohibited personnel practice described in subsection (b)(8)".

(d) INFORMATIONAL PROGRAM.—Section 2302(c) of title 5, United States Code, is amended in the first sentence by inserting before the period ", and for ensuring (in consultation with the Office of Special Counsel) that agency employees are informed of the rights and remedies available to them under this chapter and chapter 12 of this title".

SEC. 5. PERFORMANCE APPRAISALS.

Section 4313(5) of title 5, United States Code, is amended to read as follows:

"(5) meeting affirmative action goals, achievement of equal employment opportunity requirements, and compliance with the merit systems principles set forth in section 2301 of this title.".

SEC. 6. IMPLEMENTATION.

(a) POLICY STATEMENT.—No later than 6 months after the date of enactment of this Act, the Special Counsel shall issue a policy statement regarding the implementation of the Whistleblower Protection Act of 1989. Such policy statement shall be made available to each person alleging a prohibited personnel practice described under section 2302(b)(8) of title 5, United States Code, and shall include detailed guidelines identifying specific categories of information that may (or may not) be communicated to agency officials for an investigative purpose, or for the purpose of obtaining corrective action under section 1214 of title 5, United States Code, or disciplinary action under section 1215 of such title, the circumstances under which such information is likely to be disclosed, and whether or not the consent of any person is required in advance of any such communication.

(b) TERMINATION STATEMENT.—The Special Counsel shall include in any letter terminating an investigation under section 1214(a)(2) of title 5, United States Code, the name and telephone number of an employee of the Special Counsel who is available to respond to reasonable questions from the person regarding the investigation or review conducted by the Special Counsel, the relevant facts ascertained by the Special Counsel, and the law applicable to the person's allegations.

SEC. 7. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act shall be effective on and after the date of the enactment of this Act.●

● Mr. PRYOR. Mr. President, I rise today to join Senators LEVIN and COHEN in introducing legislation to reauthorize the Office of Special Counsel. Similar legislation was approved by the Senate last year, however, the House did not act on the bill. The Office of Special Counsel [OSC], therefore, is currently operating without authorization.

The Whistleblower Protection Act of 1989 established the Office of Special Counsel as an independent agency with the mandate to protect employees, especially whistleblowers, from prohibited personnel practices. The Whistleblower Protection Act was the result of years of effort and was intended to address deficiencies in the operations of the OSC. The act, among other things, established a simpler and fairer standard for whistleblowers in proving retaliation and gave whistleblowers increased procedural protections and guarantees of confidentiality.

While the OSC has shown some improvement in dealing with whistleblowers, my subcommittee continues to hear from people who have had disappointing and frustrating encounters with the OSC. These experiences, in large part, are the reason why the House Post Office and Civil Service Committee did not reauthorize OSC.

The bill we are introducing today would reauthorize OSC for 3 years. It would also clarify the rules governing OSC disclosure of information about whistleblowers, require the OSC to provide detailed information to employees when their cases are terminated, and establish a 240-day time limit for OSC to make a determination regarding whistleblower cases.

Mr. President, Congress relies on whistleblowers to bring to our attention information on problems within the Government that otherwise we would never find. Whistleblowers often act at their peril and we must do all that we can to ensure that whistleblowers are not punished for their actions. This bill makes some improvements to the Whistleblower Protection Act to make their plight somewhat easier. I look forward to working with Senators LEVIN and COHEN on this legislation.●

By Mr. ROTH:

S.J. Res. 68. A joint resolution proposing an amendment to the Constitution of the United States relative to prayer in public schools and public buildings; to the Committee on the Judiciary.

PRAYER IN SCHOOLS

● Mr. ROTH. Mr. President, today I am reintroducing legislation to restore voluntary prayer to our Nation's public schools. This amendment is essentially identical to legislation which I have introduced in previous Congresses. It would restore freedom of worship to our public schools, and would restore a right of local control over schools which the Supreme Court usurped in the Engel versus Vitale case decided over three decades ago.

In Engel in 1962, and again in Abington School District versus Schempp in 1963, the Court held that State-sponsored prayer or Bible reading in public schools violates the first amendment to the Constitution. The holdings in these cases, which have been reconfirmed and elaborated on in Lemon versus Kurtzmann (1971), Wallace versus Jaffree (1984), and other cases, deny the State authority to conduct or prescribe almost any religious exercise or display—even when participation is voluntary. They still remain in force, and the law of the land.

Mr. President, although three decades have passed since the Supreme Court decided these cases, public reaction to the decisions remains strong. Throughout our Nation, there is strong support for voluntary prayer in public schools. In the State of Delaware, surveys which I have conducted indicate that nearly 80 percent of those polled favor a constitutional amendment to permit voluntary prayer in public schools.

The amendment which I am introducing would guarantee the right of all persons "lawfully assembled, in any public school or other public building which is supported in whole or in part through the expenditure of public funds, to participate in voluntary prayer." This amendment is not aimed at imposing a particular religion on any individual. The Constitution bars this in its prescription of Government establishment of an official religion. The Constitution does not, however, deny individuals the right to pray if they so wish. Indeed, it does just the opposite. I believe that our forefathers devised the Constitution to guarantee and preserve the freedom of religion rather than the freedom from religion. It seems incongruous that this Nation, whose birth certificate invoked the blessing of God upon its struggle for freedom, should now outlaw prayer—even voluntary prayer—in public schools.

Mr. President, there is a wave of violence sweeping through our Nation's primary and secondary schools which is robbing America's children of the quality of education to which they are entitled. While school prayer can never be an effective substitute for parental guidance or religious training, I believe the return of school prayers would help restore a sense of individual morality that at times seems forgotten. It is not too farfetched to believe that there may be some correlation between the total absence of prayer or meditative silence in schools and this wave of violence that is plaguing our educational institutions.

Mr. President, it is time that we stop denying our children the right to reaffirm their faith and dependence on God. It is time for Congress to give effect to the public outcry for action. Let us not allow three more decades to pass before we act on this most important matter.

Mr. President, I now send to the desk my proposed constitutional amendment in supportive of prayer in public schools and ask unanimous consent that the text be printed in the RECORD.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 68

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public school or other public building that is supported in whole or in part through the expenditure of public funds, to participate in voluntary prayer.

"SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.".•

By Mr. CONRAD (for himself and Mr. AKAKA):

S. 623. A bill to amend title 5, United States Code, to clarify the application of the Whistleblower Protection Act of 1989 to certain personnel matters of the Department of Veterans Affairs; to the Committee on Governmental Affairs.

WHISTLEBLOWER PROTECTION FOR DVA EMPLOYEES ACT OF 1993

• Mr. CONRAD. Mr. President, over the past few weeks, a number of health care employees of the Department of Veterans Affairs Medical Center in Fargo, ND, have written to me regarding their concern that DVA medical personnel, especially those individuals who report irregularities or other inappropriate medical care at VA medical centers, are not adequately protected under the Whistleblower Protection Act, Public Law 101–12, title 5.

Department of Veterans Affairs employees have reported that section 7425b of title 38 supersedes title 5 and exempts DVA health care workers under title 38 from the provisions of the Whistleblower Protection Act.

I have also been informed that a report, dated November 9, 1992, by the Committee on Government Operations of the House of Representatives, on deficiencies in the Department of Veterans Affairs medical quality assurance program confirms that DVA medical employees are exempt from the provisions of the Whistleblower Protection Act.

The report, entitled "Continuing Deficiencies in the Department of Veterans Affairs Medical Quality Assurance Program," discusses how DVA employees who report fraud, abuse, and other inappropriate medical care at DVA medical facilities have been subject to harassment, intimidation, and other deplorable treatment by DVA management or supervisory personnel. The report describes numerous instances of employees who have lost their jobs in the Department and had their lives severely disrupted as a result of their attempts to expose poor quality patient care at DVA medical facilities—all the result of not having adequate protection under the Whistleblower Protection Act.

The Committee on Government Operations recommends (H. Rept. 102–1062) that legislative action be taken to ensure that title 38 employees are not exempt from the provisions under title 5, the Whistleblower Protection Act.

I ask unanimous consent that the findings, part D and recommendations of House Report 102–1062, which relate to the reporting of VA patient care and whistleblower protection for DVA employees, be printed at the conclusion of my remarks.

Mr. President, I am very concerned that health care personnel in the Department of Veterans Affairs are not adequately protected under the provisions of the Whistleblower Protection Act. There is no question that VA employees must be covered under this act, not only to ensure that workers are protected against harassment, intimidation, and job loss but also to assure veterans that they are receiving the highest quality health care at VA medical facilities. This can only be accomplished by encouraging the medical staff to report fraud, patient abuse, and other inappropriate medical care at DVA health care facilities.

To assure veterans that the quality of patient care is one of the highest priorities at Department of Veterans Affairs medical facilities, and to protect dedicated VA employees who report irregularities at DVA medical centers, I am introducing legislation today to clarify that the provisions of the Whistleblower Protection Act (title 5) apply to title 38 health care employees of the Department of Veterans Affairs—the exemption of title 38 medical workers from the provisions of title 5 would end.

I am especially pleased that my colleague and distinguished member of the Senate Committee on Veterans Affairs, Senator DANIEL AKAKA, is joining as an original sponsor of this important legislation.

I urge the Members of the Senate Committee on Government Affairs to review the concerns of DVA health care employees regarding whistleblower protection as soon as possible, and to report a measure to the Senate that will assure VA employees that they are adequately protected when they report patient abuse or other inappropriate medical care at VA medical centers.

I ask unanimous consent that the text of this legislation be printed at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF APPLICATION OF ACT.

(a) OFFICE OF SPECIAL COUNSEL.—(1) Subchapter II of chapter 12 of title 5, United States Code, is amended by inserting after section 1216 the following new section:

"§ 1216a. Jurisdiction over certain Department of Veterans Affairs personnel matters

"The provisions of this subchapter shall apply with respect to health-care professionals who are employed by the Veterans Health Administration and appointed under section 7306, 7401(1), 7405, or 7406 of title 38, former health-care professionals who were so employed and appointed, and applicants for positions of such employment and appointment.".

(2) The table of sections at the beginning of chapter 12 of such title is amended by inserting after the item relating to section 1216 the following new item:

"1216a. Jurisdiction over certain Department of Veterans Affairs personnel matters.".

(b) INDIVIDUAL RIGHT OF ACTION.—(1) Subchapter III of chapter 12 of title 5, United States Code, is amended—

(A) by redesignating section 1222 as section 1223; and

(B) by inserting after section 1221 the following new section 1222:

"§ 1222. Jurisdiction over certain Department of Veterans Affairs personnel matters

"The provisions of this subchapter shall apply with respect to health-care professionals who are employed by the Veterans Health Administration and appointed under section 7306, 7401(1), 7405, or 7406 of title 38, former health-care professionals who were so employed and appointed, and applicants for positions of such employment and appointment.".

(2) The table of sections at the beginning of chapter 12 of such title is amended by striking out the item relating to section 1222 and inserting in lieu thereof the following new items:

"1222. Jurisdiction over certain Department of Veterans Affairs personnel matters.

"1223. Availability of other remedies.".

(c) PROHIBITED PERSONNEL PRACTICES.—Section 2302 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(e) Paragraphs (8) and (9) of subsection (b) shall apply with respect to health-care professionals who are employed by the Veterans Health Administration and appointed under section 7306, 7401(1), 7405, or 7406 of title 38, former health-care professionals who were so employed and appointed, and applicants for positions of such employment and appointment.".

(d) PREFERENCE IN TRANSFERS.—Section 3352 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(g) The provisions of this section shall apply with respect to health-care professionals employed by the Veterans Health Administration and appointed under section 7306, 7401(1), 7405, or 7406 of title 38.".

(e) APPELLATE PROCEDURES.—Section 7701(b)(2) of title 5, United States Code, is amended by adding at the end the following new subparagraph:

"(D) The provisions of this paragraph shall apply with respect to health-care professionals who are employed by the Veterans Health Administration and appointed under section 7306, 7401(1), 7405, or 7406 of title 38, and applicants for positions of such employment and appointment.".

[(f) EFFECTIVE DATE.—The amendments made by subsections (a) through (e) shall take effect as if included in the provisions of Department of Veterans Affairs Health Care Personnel Act of 1991 (Public Law 102–40; 105 Stat. 187) to which such amendments relate.]

CONTINUING DEFICIENCIES IN THE DEPARTMENT OF VETERANS AFFAIRS MEDICAL QUALITY ASSURANCE PROGRAM

D. THE DVA DISCOURAGES THE REPORTING OF POOR QUALITY CARE BY HARASSING WHISTLEBLOWERS OR FIRING THEM

According to Tom Devine, director of the Government Accountability Project, "The Department of Veterans Affairs in a leader on the merit system anti-honor roll for one simple reason: free speech repression has been a way of life at this agency."[42] The subcommittee's investigation of the treatment of whistleblowers by the DVA confirms this characterization. Honest employees have had their jobs eliminated and their lives destroyed because they attempted to expose poor patient care.

One whistleblower's case is illustrative. James Nash is a physician's assistant at the DVA medical center in Cheyenne, WY. In March 1991, he discovered that patients diagnosed with cancer had not been informed of the results of their tests. The hospital's urologist had left, and no one had followed up with the patients whom he had tested for cancer. Four months later, the departed urologist had not been replaced, and the patients still had not been informed that they had cancer.[43]

Nash notified his superiors at the hospital about the situation, and was told the patients would be treated at the DVA medical center in Denver. But he began receiving telephone calls from the patients in August, and learned that they had not been contacted. By September, frustrated that the patients had not been informed of their cancers more than 6 months after the tests, Nash told his story to local newspapers.[44]

On September 16, 1991, the day after Nash went to the press, he was relieved of his duties as a physician's assistant and transferred to the library, where he had no work to do. Later, he was scheduled for a physical examination that was expected to lead to a forced removal from his job because of a back injury that he had, but that had never prevented him for doing his assignments.[45]

Only after the intervention of the subcommittee was Nash's job restored. The DVA conducted an investigation of the Cheyenne situation and concluded that Nash had been correct. The hospital director was reassigned and improvements were made at the facility, including the hiring of a urologist. All the evidence indicates that, had it not been for the subcommittee's review of this matter, Nash would have been fired instead of recognized as the hero that he was.

Dr. Mary Brothers, a surgeon at the DVA medical center in Leavenworth, KS, was not so lucky. In 1980, while Dr. Brothers was working as a part-time staff surgeon at the hospital, she observed an attempt by the hospital administration to fire the facilities chief surgeon. The chief surgeon had made allegations—later proven to be accurate—that a physician at the hospital was conducting fraudulent drug research. When Dr. Brothers supported the chief surgeon and confirmed the allegations of fraud, she was dismissed. The chief surgeon was demoted and transferred to another hospital.[46]

Dr. Brothers sued the DVA, and in 1987 won a jury award of more than $100,000 in damages. The award was overturned by an appellate court, which ruled that the Merit Systems Protection Board was the appropriate venue for adjudication of the complaint.[47]

Dr. David Shaller, a rheumatologist at the DVA hospital in Wilkes-Barre, PA, was fired for attempting to expose poor patient care. Dr. Shaller complained about the transfer of seriously ill patients to the facility's nursing home care unit, which he believed was not equipped to care for the patients.[48]

The hospital investigated Dr. Shaller's allegations and concluded they had no validity. He appealed their decision to the regional office on July 8, 1988. Several weeks later, the DVA inspector general received anonymous allegations charging Dr. Shaller with sexual misconduct. The allegations were disproved.[49]

Two months later, Dr. Shaller was assigned to nursing duties in the hospital. When he discovered additional patient care problems, he reported them to Central Office. He also reported the allegations to another DVA physician and the head of a medical commission. He was fired for releasing patient information, even though he was attempting to obtain better treatment for the patients.[50]

The committee believes these examples are typical of the treatment received by DVA whistleblowers. The Department is able to harass and intimidate its employees because of provisions contained in title 38 of the U.S. Code that exempt all medical employees of the Department from the Whistleblower Protection Act. According to Bruce Stark, an attorney who specializes in defending Government whistleblowers, the exemptions give the DVA ". . . nearly dictatorial power over its medical personnel, and none of the protections for whistleblowers accorded other federal employees."[51] His advice to DVA medical personnel is, "Don't be a whistleblower."[52]

Stark described the case of one of his clients: "Dr. Maxwell was put on display in the hospital library and finally relegated to taking photographs of employees for new identification badges in the personnel office. One can imagine the humiliation this caused Dr. Maxwell, who has worked for the Swedish Public Health Service, teaching oral surgery; who has taught oral surgery in Zurich, Switzerland; who was an oral surgeon for the Virginia Health Service, and had been a dental consultant to the National Health Service Corporation, under the U.S. Public Health Service. One need not be an M.D. to get the message that if you are a whistleblower you will be fired or forced out of the hospital in public disgrace. Your years of education will be lost and your reputation left in shreds. Such a despotic system does not attract the best medical professionals nor retain them once they learn about the system."[53]

The committee believes that, in light of the failure of the DVA quality assurance system to prevent and correct poor medical treatment, the Department's punishment of personnel who attempt to expose poor quality care closes out the last possible mechanism within the hospital system to address problems. Unless the DVA changes its policies and procedures, the poor quality of care provided to veterans will remain known only to those who provide it.

III. RECOMMENDATIONS

A. THE QUALITY ASSURANCE PROGRAMS AT THE DVA CENTRAL OFFICE MUST ESTABLISH AN IMPROVED SYSTEM OF COMMUNICATIONS WITH THE MEDICAL CENTERS THEY OVERSEE

In the committee's view, the major cause of the continuing failure of the DVA's quality assurance system is its lack of information about the actual level of quality of care in each of the medical centers managed by the Department. Since the inception of veterans health care, the hospitals have behaved as if they were islands, insulated from oversight. The medical centers have been irresponsible and cavalier about reporting requirements, and cases involving the most serious types of malpractice are not reported at all.

The hospitals have an incentive to provide inaccurate reports, because they want to maintain good images with their superiors in Washington. Further, physicians have an incentive to not report poor quality that had been covered up because they will almost certainly be punished if they do.

In light of these weaknesses in self-reporting, the committee believes it is foolish for Central Office to continue to rely on an antiquated system. There are better alternatives.

The committee recommends that the Department increase the number of site visits to facilities to examine medical records. The committee also recommends that the DVA make better use of its ability to retrieve computer data from patient treatment files. The subcommittee's exercise proved that data can be retrieved to identify quality problems.

The Department can improve on the subcommittee's demonstration. For example, the patient treatment files do not contain the best possible information, and the committee recommends that the files be modified to include specific data that can be used to identify quality of care problems. Also, the hospitals need to provide uniform information that can be used effectively. Under the current haphazard reporting system, it is sometimes impossible to detect systemic problems because comparable reporting is not achieved from the medical centers.

B. SUPERVISION OF RESIDENTS AND INTERNS IS INADEQUATE AND SHOULD BE IMPROVED

The subcommittee's investigation showed that supervision of residents and interns is not always taken seriously by DVA physicians. The view of one physician mentioned earlier in this report, that he has to sign supervisory forms at private hospitals because insurance will not reimburse him otherwise, but feels no incentive to do so at DVA facilities, is an attitude that appears pervasive in the system.

The committee believes it would be a simple matter for the DVA to require that all supervisory forms be signed, and that if they are not, disciplinary action will be taken. Otherwise, unsupervised and inexperienced physicians will continue to treat veterans, raising the risk of poor quality care.

C. THE CREDENTIALING AND PRIVILEGING SYSTEM IS NOT MEETING PROGRAM REQUIREMENTS AND MUST BE IMPROVED

Ensuring good quality care begins with the hiring of competent medical staff. The IG's most recent investigation found the same problems identified by the subcommittee's earlier investigation. Hospitals are not verifying the records of physicians upon hiring and quality assurance information is not used in the renewal of privileges.

As in the case of unsupervised medical staff, the committee recommends that disciplinary action be taken in cases where routine verification of credentials and privileging data is not conducted.

D. EXEMPTIONS OF THE WHISTLEBLOWER PROTECTION ACT CONTAINED IN TITLE 38 OF THE UNITED STATES CODE SHOULD BE OVERTURNED BY THE U.S. CONGRESS

The subcommittee's investigation revealed the deplorable treatment of medical personnel who attempt to expose poor quality care. DVA management has often behaved unconscionably in punishing whistleblowers, and has acted with impunity because the employees have no protection.

The committee can ascertain no benefit from exempting DVA title 38 employees from the Whistleblower Protection Act—only harm. We strongly urge the appropriate legislative committees to consider this recommendation and take action to repeal the title 38 exemption.

Moreover, the committee strongly recommends that the Secretary of Veterans Affairs review the Department's record in the handling of whistleblowers and provide guarantees that such retaliation will no longer be tolerated.

FOOTNOTES

[42] Ibid., testimony of Tom Devine, director, Government Accountability Project, transcript p. 194.

[43] Ibid., testimony of James Nash, transcript p. 165.

[44] Ibid.

[45] Ibid., transcript p. 168.

[46] Ibid., testimony of Dr. Mary Brothers, transcript pp. 169 to 171.

[47] Ibid., p. 174.

[48] Ibid., testimony of David Shaller, transcript p. 181.

[49] Ibid.

[50] Ibid.

[51] Hearings, testimony of Bruce Stark, transcript p. 157.

[52] Ibid.

[53] Ibid., transcript p. 161.●

ADDITIONAL COSPONSORS

S. 66

At the request of Mr. NICKLES, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 66, a bill to amend title IV of the Social Security Act to enhance educational opportunity, increase school attendance, and promote self-sufficiency among welfare recipients.

S. 81

At the request of Mr. NICKLES, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 81, a bill to require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, and for other purposes.

S. 177

At the request of Mr. DOLE, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 177, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 261

At the request of Mr. LAUTENBERG, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 261, a bill to protect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

S. 262

At the request of Mr. LAUTENBERG, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 262, a bill to require the Administrator of the Environmental Protection Agency to promulgate guidelines for instituting a nonsmoking policy in buildings owned or leased by Federal agencies, and for other purposes.

S. 335

At the request of Mr. INOUYE, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 335, a bill to require the Secretary of Commerce to make additional frequencies available for commercial assignment in order to promote the development and use of new telecommunications technologies, and for other purposes.

S. 412

At the request of Mr. EXON, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 412, a bill to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

S. 416

At the request of Mr. DECONCINI, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 416, a bill to authorize the provision of assistance to the victims of war in the former Yugoslavia, including the victims of torture, rape, and other war crimes and their families.

S. 440

At the request of Mr. GORTON, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 440, a bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to control the diversion of certain chemicals used in the illicit production of controlled substances, to provide greater flexibility in the regulatory controls placed on the legitimate commerce in those chemicals, and for other purposes.

S. 452

At the request of Mr. CONRAD, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 452, a bill to amend chapter 17 of title 38, United States Code, to establish a program of rural health-care clinics, and for other purposes.

S. 470

At the request of Mrs. BOXER, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 470, a bill to amend chapter 41 of title 18, United States Code, to punish stalking.

S. 481

At the request of Mr. SIMON, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 481, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts the same rights given by section 8(f) of such Act to employers and employees in the construction industry, and for other purposes.

S. 485

At the request of Mr. PRESSLER, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 485, a bill to amend the Motor Vehicle Information and Cost Savings Act to require motor vehicle damage disclosure.

S. 620

At the request of Mr. RIEGLE, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 620, a bill to amend the Social Security Act to overturn the new limitations placed on private enforceability of State plan requirements by Suter v. Artist M., and for other purposes.

SENATE JOINT RESOLUTION 49

At the request of Mr. KENNEDY, the names of the Senator from Nebraska [Mr. KERREY], the Senator from Connecticut [Mr. DODD], the Senator from Rhode Island [Mr. PELL], the Senator from Hawaii [Mr. INOUYE], the Senator from New Jersey [Mr. BRADLEY], the Senator from Hawaii [Mr. AKAKA], the Senator from North Dakota [Mr. CONRAD], the Senator from Montana [Mr. BAUCUS], the Senator from Alabama [Mr. HEFLIN], the Senator from Georgia [Mr. NUNN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Washington [Mr. GORTON], the Senator from Maine [Mr. COHEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from South Dakota [Mr. PRESSLER], the Senator from Montana [Mr. BURNS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Virginia [Mr. WARNER], the Senator from Rhode Island [Mr. CHAFEE], the Senator from New York [Mr. D'AMATO], the Senator from South Carolina [Mr. THURMOND], the Senator from New Mexico [Mr. DOMENICI], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Missouri [Mr. BOND], the Senator from Kentucky [Mr. FORD], the Senator from Oklahoma [Mr. BOREN], the Senator from Massachusetts [Mr. KERRY], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Ohio [Mr. METZENBAUM], the Senator from South Dakota [Mr. DASCHLE], the Senator from Michigan [Mr. LEVIN], the Senator from Alabama [Mr. SHELBY], the Senator from Tennessee [Mr. SASSER], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from California [Mrs. FEINSTEIN], the Senator from North Dakota [Mr. DORGAN], the Senator from Arizona [Mr. DECONCINI], the Senator from West Virginia [Mr. BYRD], the Senator from Virginia [Mr. ROBB], the Senator from Nebraska [Mr. EXON], the Senator from Oklahoma [Mr. NICKLES], the Senator from Missouri [Mr. DANFORTH], the Senator from Indiana [Mr. COATS], the Senator from New Hampshire [Mr. GREGG], the Senator from Iowa [Mr. GRASSLEY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Utah [Mr. HATCH], the Senator from Delaware [Mr. ROTH], the Senator from Oregon [Mr. PACKWOOD], the Senator from Colorado [Mr. BROWN], the Senator from Idaho [Mr.

CRAIG], the Senator from Georgia [Mr. COVERDELL], the Senator from North Carolina [Mr. HELMS], the Senator from Arizona [Mr. MCCAIN], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of Senate Joint Resolution 49, a joint resolution to designate the week of March 28, 1993, through April 3, 1993, as "Distance Learning Week."

SENATE JOINT RESOLUTION 52

At the request of Mr. PACKWOOD, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Alabama [Mr. SHELBY], the Senator from Hawaii [Mr. AKAKA], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of Senate Joint Resolution 52, joint resolution to designate the month of November 1993 and 1994 as "National Hospice Month."

SENATE JOINT RESOLUTION 53

At the request of Mr. HATCH, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Joint Resolution 53, a joint resolution designating March 1993 and March 1994 both as "Women's History Month."

SENATE JOINT RESOLUTION 54

At the request of Mr. MURKOWSKI, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Indiana [Mr. COATS], the Senator from Montana [Mr. BAUCUS], the Senator from Hawaii [Mr. INOUYE], the Senator from South Dakota [Mr. PRESSLER], the Senator from New Mexico [Mr. DOMENICI], the Senator from Mississippi [Mr. COCHRAN], the Senator from Hawaii [Mr. AKAKA], the Senator from New Jersey [Mr. BRADLEY], the Senator from Ohio [Mr. GLENN], the Senator from Nevada [Mr. BRYAN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Tennessee [Mr. MATHEWS], the Senator from Arkansas [Mr. BUMPERS], the Senator from New York [Mr. D'AMATO], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Alabama [Mr. SHELBY], the Senator from Ohio [Mr. METZENBAUM], the Senator from South Carolina [Mr. THURMOND], the Senator from North Dakota [Mr. CONRAD], the Senator from Maine [Mr. MITCHELL], the Senator from Colorado [Mr. BROWN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Alabama [Mr. HEFLIN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Nevada [Mr. REID], the Senator from Arizona [Mr. DECONCINI], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Joint Resolution 54, a joint resolution designating April 9, 1993, and April 9, 1994, as "National Former Prisoner of War Recognition Day."

SENATE JOINT RESOLUTION 62

At the request of Mr. BIDEN, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from New Jersey [Mr. BRADLEY], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Nevada [Mr. REID] were added as cosponsors of Senate Joint Resolution 62, a joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Rights Week."

SENATE RESOLUTION 81—TO EXPRESS THE SENSE OF THE SENATE WITH RESPECT TO THE AVAILABILITY AND AFFORDABILITY OF HEALTH CARE COVERAGE AND SERVICES IN OUR NATION

Mr. MCCONNELL (for himself, Mr. MCCAIN, Mr. ROCKEFELLER, Mr. BURNS, Mr. SPECTER, Mr. MATHEWS, and Mr. PRESSLER) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 81

Whereas millions of American men, women, and children lack adequate access to health care and health insurance;

Whereas in 1992, health care spending in the United States exceeded $838,000,000,000; and

Whereas the Department of Commerce predicts health care spending will increase by 12.1 percent in 1993: Now, therefore, be it

Resolved, That it is a shared interest of both the public and private sectors at the Federal, State, and local levels to provide access to high quality, affordable health care coverage and services for every man, woman, and child in the United States, and that collectively we commit ourselves to take the necessary steps towards that goal.

• Mr. MCCONNELL. Mr. President, last week, I listened with interest to my colleagues from both sides of the aisle discuss the importance and need for health care reform in our country. I regret that I was unable to participate in the discussions, but I would like to take this opportunity to offer a resolution I hope all my colleagues will support.

I come to the floor today knowing that few national issues are as important to Americans than health care reform. Millions of our fellow citizens are without health insurance or adequate access to medical care, and health care spending—which accounted for 13.2 percent of our gross domestic product in 1991—continues its rapid climb.

Those of us who have long been involved in health care reform know that there are no easy solutions to this crisis. While many may disagree on what path of reform is best to follow, we all share the common goal of expanding access to, and containing the costs of, medical care in our country. Proponents of all types of reform—from pay or play to managed care—embrace this common goal.

The resolution that I offer today simply makes clear that health care reform is a top priority to the Senate. It recognizes our compatriots who lack adequate access to medical care, and the alarming increase in our Nation's health care spending. Most importantly, Mr. President, this resolution acknowledges the interest of both the public and private sector in providing health care coverage to all Americans, and it encourages the Senate to work towards this goal.

I want to emphasize that this resolution does not advocate any one method of reform. I leave this opportunity to individual Senators, many of whom have already introduced their own health care bills. With some 700,000 Kentuckians who are uninsured or underinsured, my State is not immune from this crisis, and I intend to offer my own suggestions for health care reform in the very near future.

I strongly urge my colleagues to lend their support to this measure. In doing so, we unquestionably place health care reform among the Senate's top priorities.

Mr. President, I offer this resolution on behalf of myself and Senators MCCAIN, ROCKEFELLER, BURNS, SPECTER, MATHEWS, and PRESSLER.•

AMENDMENTS SUBMITTED

OMNIBUS CONGRESSIONAL BUDGET RESOLUTION

GRASSLEY (AND OTHERS) AMENDMENT NO. 184

Mr. GRASSLEY (for himself, Mr. NICKLES, Mr. BOND, Mr. COVERDELL, Mr. BURNS, Mr. D'AMATO, Mr. HATCH, Mr. SMITH, Mr. DOLE, Mr. FAIRCLOTH, and Mr. HELMS) proposed an amendment to the concurrent resolution (S. Con. Res. 18) setting forth the congressional budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998, as follows:

On page 11, decrease the amount on line 15 by $800,000,000.

On page 11, decrease the amount on line 16 by $500,000,000.

On page 11, decrease the amount on line 23 by $1,400,000,000.

On page 11, decrease the amount on line 24 by $1,000,000,000.

On page 12, decrease the amount on line 7 by $2,000,000,000.

On page 12, decrease the amount on line 8 by $1,500,000,000.

On page 12, decrease the amount on line 15 by $2,600,000,000.

On page 12, decrease the amount on line 16 by $2,100,000,000.

On page 12, decrease the amount on line 23 by $3,100,000,000.

On page 12, decrease the amount on line 24 by $2,500,000,000.

On page 13, decrease the amount on line 9 by $500,000,000.

On page 13, decrease the amount on line 10 by $300,000,000.

On page 13, decrease the amount on line 16 by $1,000,000,000.

On page 13, decrease the amount on line 17 by $800,000,000.

On page 13, decrease the amount on line 23 by $1,500,000,000.

On page 13, decrease the amount on line 24 by $1,200,000,000.

On page 14, decrease the amount on line 5 by $2,000,000,000.

On page 14, decrease the amount on line 6 by $1,700,000,000.

On page 14, decrease the amount on line 12 by $2,500,000,000.

On page 14, decrease the amount on line 13 by $2,200,000,000.

On page 14, decrease the amount on line 20 by $200,000,000.

On page 14, decrease the amount on line 21 by $100,000,000.

On page 15, decrease the amount on line 3 by $300,000,000.

On page 15, decrease the amount on line 4 by $200,000,000.

On page 15, decrease the amount on line 11 by $500,000,000.

On page 15, decrease the amount on line 12 by $400,000,000.

On page 15, decrease the amount on line 19 by $600,000,000.

On page 15, decrease the amount on line 20 by $500,000,000.

On page 16, decrease the amount on line 2 by $800,000,000.

On page 16, decrease the amount on line 3 by $700,000,000.

On page 16, decrease the amount on line 11 by $800,000,000.

On page 16, decrease the amount on line 12 by $400,000,000.

On page 16, decrease the amount on line 19 by $1,500,000,000.

On page 16, decrease the amount on line 20 by $1,000,000,000.

On page 17, decrease the amount on line 2 by $2,100,000,000.

On page 17, decrease the amount on line 3 by $1,600,000,000.

On page 17, decrease the amount on line 10 by $2,800,000,000.

On page 17, decrease the amount on line 11 by $2,300,000,000.

On page 17, decrease the amount on line 18 by $3,600,000,000.

On page 17, decrease the amount on line 19 by $2,900,000,000.

On page 18, decrease the amount on line 2 by $100,000,000.

On page 18, decrease the amount on line 3 by $100,000,000.

On page 18, decrease the amount on line 10 by $300,000,000.

On page 18, decrease the amount on line 11 by $200,000,000.

On page 18, decrease the amount on line 18 by $400,000,000.

On page 18, decrease the amount on line 19 by $400,000,000.

On page 19, decrease the amount on line 2 by $600,000,000.

On page 19, decrease the amount on line 3 by $500,000,000.

On page 19, decrease the amount on line 10 by $700,000,000.

On page 19, decrease the amount on line 11 by $700,000,000.

On page 19, decrease the amount on line 19 by $200,000,000.

On page 19, decrease the amount on line 20 by $100,000,000.

On page 20, decrease the amount on line 2 by $300,000,000.

On page 20, decrease the amount on line 3 by $200,000,000.

On page 20, decrease the amount on line 10 by $400,000,000.

On page 20, decrease the amount on line 11 by $400,000,000.

On page 20, decrease the amount on line 18 by $600,000,000.

On page 20, decrease the amount on line 19 by $500,000,000.

On page 21, decrease the amount on line 2 by $700,000,000.

On page 21, decrease the amount on line 3 by $700,000,000.

On page 21, decrease the amount on line 11 by $500,000,000.

On page 21, decrease the amount on line 12 by $400,000,000.

On page 21, decrease the amount on line 19 by $1,000,000,000.

On page 21, decrease the amount on line 20 by $1,200,000,000.

On page 22, decrease the amount on line 2 by $1,400,000,000.

On page 22, decrease the amount on line 3 by $2,000,000,000.

On page 22, decrease the amount on line 10 by $1,800,000,000.

On page 22, decrease the amount on line 11 by $2,900,000,000.

On page 22, decrease the amount on line 18 by $2,300,000,000.

On page 22, decrease the amount on line 19 by $3,900,000,000.

On page 23, decrease the amount on line 3 by $200,000,000.

On page 23, decrease the amount on line 4 by $100,000,000.

On page 23, decrease the amount on line 11 by $500,000,000.

On page 23, decrease the amount on line 12 by $200,000,000.

On page 23, decrease the amount on line 19 by $700,000,000.

On page 23, decrease the amount on line 20 by $400,000,000.

On page 24, decrease the amount on line 2 by $900,000,000.

On page 24, decrease the amount on line 3 by $600,000,000.

On page 24, decrease the amount on line 10 by $1,100,000,000.

On page 24, decrease the amount on line 11 by $800,000,000.

On page 24, decrease the amount on line 20 by $1,100,000,000.

On page 24, decrease the amount on line 21 by $300,000,000.

On page 25, decrease the amount on line 3 by $2,100,000,000.

On page 25, decrease the amount on line 4 by $1,200,000,000.

On page 25, decrease the amount on line 11 by $3,100,000,000.

On page 25, decrease the amount on line 12 by $2,200,000,000.

On page 25, decrease the amount on line 19 by $4,100,000,000.

On page 25, decrease the amount on line 20 by $3,200,000,000.

On page 26, decrease the amount on line 2 by $5,200,000,000.

On page 26, decrease the amount on line 3 by $4,200,000,000.

On page 26, decrease the amount on line 11 by $600,000,000.

On page 26, decrease the amount on line 12 by $300,000,000.

On page 26, decrease the amount on line 18 by $1,200,000,000.

On page 26, decrease the amount on line 19 by $900,000,000.

On page 26, decrease the amount on line 25 by $1,800,000,000.

On page 27, decrease the amount on line 1 by $1,500,000,000.

On page 27, decrease the amount on line 7 by $2,400,000,000.

On page 27, decrease the amount on line 8 by $2,100,000,000.

On page 27, decrease the amount on line 14 by $3,100,000,000.

On page 27, decrease the amount on line 15 by $2,700,000,000.

On page 27, decrease the amount on line 22 by $100,000,000.

On page 27, decrease the amount on line 23 by $100,000,000.

On page 28, decrease the amount on line 5 by $300,000,000.

On page 28, decrease the amount on line 6 by $300,000,000.

On page 28, decrease the amount on line 12 by $400,000,000.

On page 28, decrease the amount on line 13 by $400,000,000.

On page 28, decrease the amount on line 19 by $500,000,000.

On page 28, decrease the amount on line 20 by $500,000,000.

On page 29, decrease the amount on line 2 by $700,000,000.

On page 29, decrease the amount on line 3 by $700,000,000.

On page 30, decrease the amount on line 24 by $800,000,000.

On page 30, decrease the amount on line 25 by $400,000,000.

On page 31, decrease the amount on line 6 by $1,400,000,000.

On page 31, decrease the amount on line 7 by $800,000,000.

On page 31, decrease the amount on line 13 by $2,000,000,000.

On page 31, decrease the amount on line 14 by $1,200,000,000.

On page 31, decrease the amount on line 20 by $2,700,000,000.

On page 31, decrease the amount on line 21 by $1,700,000,000.

On page 32, decrease the amount on line 2 by $3,400,000,000.

On page 32, decrease the amount on line 3 by $2,200,000,000.

On page 32, decrease the amount on line 11 by $100,000,000.

On page 32, decrease the amount on line 18 by $200,000,000.

On page 32, decrease the amount on line 25 by $300,000,000.

On page 33, decrease the amount on line 7 by $400,000,000.

On page 33, decrease the amount on line 14 by $500,000,000.

On page 33, decrease the amount on line 21 by $700,000,000.

On page 33, decrease the amount on line 22 by $600,000,000.

On page 34, decrease the amount on line 5 by $1,300,000,000.

On page 34, decrease the amount on line 6 by $1,200,000,000.

On page 34, decrease the amount on line 13 by $1,900,000,000.

On page 34, decrease the amount on line 14 by $1,800,000,000.

On page 34, decrease the amount on line 21 by $2,600,000,000.

On page 34, decrease the amount on line 22 by $2,400,000,000.

On page 35, decrease the amount on line 5 by $3,200,000,000.

On page 35, decrease the amount on line 6 by $3,100,000,000.

On page 35, decrease the amount on line 14 by $600,000,000.

On page 35, decrease the amount on line 15 by $500,000,000.

On page 35, decrease the amount on line 21 by $1,100,000,000.

On page 35, decrease the amount on line 22 by $900,000,000.

On page 36, decrease the amount on line 3 by $1,600,000,000.

On page 36, decrease the amount on line 4 by $1,400,000,000.

On page 36, decrease the amount on line 10 by $2,100,000,000.

On page 36, decrease the amount on line 11 by $2,000,000,000.

On page 36, decrease the amount on line 17 by $2,600,000,000.

On page 36, decrease the amount on line 18 by $2,500,000,000.

On page 36, decrease the amount on line 25 by $600,000,000.

On page 37, decrease the amount on line 1 by $600,000,000.

On page 37, decrease the amount on line 7 by $1,200,000,000.

On page 37, decrease the amount on line 8 by $1,100,000,000.

On page 37, decrease the amount on line 14 by $1,800,000,000.

On page 37, decrease the amount on line 15 by $1,700,000,000.

On page 37, decrease the amount on line 21 by $2,400,000,000.

On page 37, decrease the amount on line 22 by $2,300,000,000.

On page 38, decrease the amount on line 3 by $3,100,000,000.

On page 38, decrease the amount on line 4 by $3,000,000,000.

On page 38, decrease the amount on line 11 by $100,000,000.

On page 38, decrease the amount on line 12 by $100,000,000.

On page 38, decrease the amount on line 18 by $600,000,000.

On page 38, decrease the amount on line 19 by $600,000,000.

On page 38, decrease the amount on line 25 by $1,600,000,000.

On page 39, decrease the amount on line 1 by $1,600,000,000.

On page 39, decrease the amount on line 7 by $3,000,000,000.

On page 39, decrease the amount on line 8 by $3,000,000,000.

On page 39, decrease the amount on line 14 by $4,900,000,000.

On page 39, decrease the amount on line 15 by $4,900,000,000.

On page 7, decrease the amount on line 8 by $5,000,000,000.

On page 7, decrease the amount on line 9 by $17,000,000,000.

On page 7, decrease the amount on line 10 by $37,000,000,000.

On page 7, decrease the amount on line 11 by $65,700,000,000.

On page 7, decrease the amount on line 12 by $103,900,000,000.

On page 4, decrease the amount on line 17 by $5,000,000,000.

On page 4, decrease the amount on line 18 by $17,000,000,000.

On page 4, decrease the amount on line 19 by $37,000,000,000.

On page 4, decrease the amount on line 20 by $65,700,000,000.

On page 4, decrease the amount on line 21 by $103,900,000,000.

On page 8, decrease the amount on line 7 by $5,000,000,000.

On page 8, decrease the amount on line 8 by $17,000,000,000.

On page 8, decrease the amount on line 9 by $37,000,000,000.

On page 8, decrease the amount on line 10 by $65,700,000,000.

On page 8, decrease the amount on line 11 by $103,900,000,000.

On page 5, decrease the amount on line 1 by $5,000,000,000.

On page 5, decrease the amount on line 2 by $17,000,000,000.

On page 5, decrease the amount on line 3 by $37,000,000,000.

On page 5, decrease the amount on line 4 by $65,700,000,000.

On page 5, decrease the amount on line 5 by $103,900,000,000.

DECONCINI (AND OTHERS) AMENDMENT NO. 185

Mr. DECONCINI (for himself, Mr. KRUEGER, Mr. BRYAN, Mr. BIDEN, Mr. BRADLEY, Ms. MIKULSKI, and Mr. KERRY) proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the resolution, insert the following:

SEC. . ASSUMPTIONS.

In setting forth the budget authority and outlay amounts in this resolution, Congress assumes that the Community Policing ("Cops on the Beat") program will be funded at the level requested by the President for fiscal year 1998.

WELLSTONE (AND OTHERS) AMENDMENT NO. 186

Mr. WELLSTONE (for himself, Mr. HARKIN, Mr. PRESSLER, Mr. GRASSLEY, Ms. MOSELEY-BRAUN, Mr. EXON, Mr. SIMON, Mr. KERREY, Mr. BAUCUS, and Mr. BURNS) proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the concurrent resolution, add the following:

SEC. . SENSE OF THE SENATE ON ENERGY TAX.

It is the sense of the Senate that any increase in revenues set forth in this resolution do not assume an energy tax or fee on nonconventional fuels, including solar, geothermal, wind, and biomass-derived fuels (including biomass-derived ethanol and methanol).

JEFFORDS AMENDMENT NO. 187

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the resolution add the following new section:

SEC. . SENSE OF THE SENATE REGARDING RESEARCH AND DEVELOPMENT.

(a) FUNDINGS.—The Senate finds that—

(1) the earmarking of funds for research and development has increased dramatically over the past few years; and

(2) this trend, if not reversed, threatens the scientific leadership and future growth of America.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) in allocating monies for research and development pursuant to this budget resolution, research and development activities funded under a competitive process should be given priority over those funded under a noncompetitive process; and

(2) the funds allocated for earmarked research and development by the appropriations subcommittees should not exceed the amount of funds allocated for such purposes in fiscal year 1991, fiscal year 1992, or fiscal year 1993, whichever is less.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR REGULATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Friday, March 19, beginning at 9 a.m., to conduct a hearing on the adequacy of the Nuclear Regulatory Commission's rules and regulations to protect commercial nuclear powerplants against terrorism and sabotage.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REAUTHORIZATION OF THE INDEPENDENT COUNSEL STATUTE

• Mr. LEVIN. Mr. President, on January 21, 1993, Senator COHEN and I introduced a bill, S. 24, to reauthorize the independent counsel law. As everyone knows by now, the longest and most complex matter referred to an independent counsel has been the Iran-Contra case handled by Judge Lawrence Walsh.

Earlier this week, the Wall Street Journal ran an editorial concerning certain expenses incurred by Judge Walsh's office. I request that a copy be included in the RECORD at the end of my statement. The editorial was misleading in several respects, and I would like to set the record straight.

By law, the General Accounting Office [GAO] is required to conduct audits of each independent counsel office. When GAO audited several offices for the first time last year—including those of Judge Walsh, Arlin M. Adams, James R. Harper, James C. McKay, and Whitney North Seymour, Jr.—it found some instances of what it believed to be overpayments. These overpayments were for items such as erroneous compensation time, annual leave, travel reimbursement, and compensation—See GAO report, October 9, 1992, B-250044, "Financial Audit: Expenditures by Nine Independent Counsels," GAO/AFMD-93-1.

With respect to each of these five offices, GAO then applied its standard procedure to determine whether reimbursement of these overpayments should be required or whether repayment should be waived. GAO's analysis of such matters is governed by statute and regulation—5 U.S.C. 5584(a); 4 CFR 91, 92. Under these rules, repayment is not required if GAO finds:

> That the erroneous payment occurred through an administrative error and that there is no indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee * * * having an interest in obtaining a waiver of the claim. Generally, a waiver is precluded when an employee * * * knows, or reasonably should know, that an erroneous payment has occurred.—4 CFR 91.5(b).

Relying on the work it performed in the course of its audits, GAO found that none of the overpayments to the five independent counsel offices were the result of fraud, misrepresentation, fault, or lack of good faith, and that there was no evidence they knew or should have known of the errors. Accordingly, GAO waived repayment in each case, including Judge Walsh, and sent letters to that effect dated February 5, 1993, to each office.

Now, the Wall Street Journal in its editorial characterizes this whole process as a "pardon" for Judge Walsh. That is nonsense. It is the same thing that happens if an agency mistakenly calculates a departing employee's accrued annual leave and pays him too much. If the agency discovers the mistake after the fact—and it was an honest mistake, with no fraud involved and no way the employee could have known about it—a waiver is appropriate.

The Wall Street Journal makes another misleading claim about GAO's actions concerning Judge Walsh—that "the government will look the other way if some of the violations continue." Again, this just is not the case. What GAO really said is that there are some ambiguities in current law about how certain travel and subsistence expenses should be handled when an independent counsel and staff are away from their home base. Since the situation is not clear-cut, GAO said that it "would not object to continuation of these reimbursements in order to allow the Congress an opportunity to address the issue."

Again, Judge Walsh is not getting a "pardon" or any special treatment from GAO. Under similar circumstances, when GAO has found questionable payments and traced the problem to an ambiguous law, it gives the recipient the benefit of the doubt and flags the issue for Congress to clarify. As a matter of fact, the bill that Senator COHEN and I have introduced does just that. We address the issue of per diem and travel expenses so independent counsels and GAO will not have to grapple with this ambiguity in the future.

We hope that our bill to reauthorize the independent counsel moves quickly, fixes what needs to be fixed and improved, and gets the independent counsel system back on track where it belongs.

The article follows:

[From the Wall Street Journal, Mar. 15, 1993]

A PARDON FOR WALSH

Seems like only yesterday that Judge Lawrence Walsh was all over the networks denouncing George Bush's "outrageous" pardon of Caspar Weinberger. Well, it now turns out that the Government Accounting Office, also an arm of Congress, has just given Judge Walsh a pardon of his own for extensive violations of federal pay and procurement rules by his office. Better yet, the government will look the other way if some of the violations continue.

Last year, it was discovered that because of an "oversight" at the GAO, popularly known as Congress's watchdog agency, there hadn't been an audit of Mr. Walsh's office as the law required, since his probe began in 1987. So they scoured all the independent counsel, and discovered that Mr. Walsh's problems were the most severe. No wonder: His empire accounts for an astounding 90% of the $43 million directly spent by all independent counsel since 1978.

Among other things, the GAO audit found that Mr. Walsh and his top deputy, Craig Gillen, had been reimbursed improperly by taxpayers for as much as $78,000 in food and lodging. Other violations of government rules included using a government-leased vehicle and flying first class. And Messrs. Walsh and Gillen failed to pay required Washington, D.C., income taxes, despite living in the city during most of this period. They've since paid the taxes and a penalty.

Mr. Walsh bitterly disputed the GAO's findings. Then, in an October 5, 1992, letter to the Comptroller General he asked for a "waiver" of all overpayments and irregularities "made in the past and similar future disbursements for the limited period prior to the completion of our remaining activities." In short, Judge Walsh wanted a pardon-both past and future.

He got it. Last month Deputy Comptroller General Milton Socolar sent letters to Judge Walsh and to the other independent counsel waving the government's right to collect money for any violations. Mr. Socolar told us that the waiver "amounts to a forgiveness of legal obligations because there was no evidence of fraud or misrepresentation." He asked for an end to all unauthorized payments, but granted a waiver in the case of Judge Walsh's travel and lodging expenses and for future violations. The justification for this extraordinary dispensation is that since Congress had not provided for the reimbursement of expenses for an independent counsel who worked away from home, the government should pay for them anyway.

Now, when a citizens group called Americans for a Balanced Budget filed a Freedom of Information Act request for the financial records of Mr. Walsh's office, they were turned down. A January 21 letter said this "would be an unwarranted administrative burden." But that reason isn't one of the exemptions allowed under FOIA and is ludicrous given that the financial records were recently handed over to GAO auditors; Judge Walsh was informed that he was clearly violating FOIA rules, and last week his lawyers agreed to surrender the documents.

Having fought for and won his pardon, Judge Walsh could still run afoul of other ethics laws. There are questions about his hiring of a firm to stage a mock trial before 36 Washington, D.C., residents to test his prosecutorial case against Mr. Weinberger. Such a trail could have cost as much as $50,000 and there are reports the contract was given to a San Francisco firm without taking any other bids. If so, that would be a clear violation of federal contract law. The prosecutor's office says it believes it has complied with federal regulations. The biannual GAO audit of Mr. Walsh's office is due out shortly.

So Judge Walsh's legion of crusading attorneys keeps ticking, running the taxpayers' meter while it prepares its "final" (promise?) report on the Iran-Contra affair. The law that authorizes independent counsel expired last December 15, and it has yet to be renewed. Justice Department officials say they have "no jurisdiction" over Judge Walsh. Congress's watchdogs have just given his operation a blanket pardon for noncompliance with government rules.

Gosh, isn't there anyone out there other than us interested in getting some accountability into this unsupervised, uncontrolled creature of the '80s? How about the Reno Justice Department? How about the White House's ethicists?●

A TRIBUTE TO WEST POINT

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to the historic town of West Point, located on the Ohio River just north of Fort Knox in Hardin County.

When I think of West Point, I immediately recall a small town with a monumental past. In fact, West Point's founding, only 3 days before the signing of the Declaration of Independence, signaled a colorful future for this river city.

West Point served as a Union outpost for Gen. William Tecumseh Sherman during the Civil War. Sherman's fort was the first in what proved to be a great courtship between West Point and the U.S. military. In fact, close ties are still maintained between West Point and nearby Fort Knox.

West Point also benefited from its location on the Ohio River. Residents take pride in the powerful shipping industry which once prospered in West Point. Many remnants from this era still exist thanks to the reluctance of residents to build a floodwall or move the city to higher grounds. Instead, the Ohio River has become a beacon for new residents who are intrigued by the historic waterway.

Today, citizens hope to draw on West Point's rich heritage to entice tourists to the town. Once in West Point, visitors are invited to concerts at the 500-seat West Point Country Opry. They may also take a stroll through the numerous craft and antique shops, and spend the night in one of the town's quaint bed and breakfasts. Whatever they choose, visitors are more than welcome in West Point.

Mr. President, I honor the people of West Point. Their desire to open their doors to guests and share their town's heritage makes West Point one of Kentucky's finest towns.

Mr. President, I ask that a recent article from Louisville's Courier Journal be submitted in today's CONGRESSIONAL RECORD.

TOWN'S HOPES FOR SURVIVAL ARE PINNED ON ARTS, CRAFTS

(By Joseph Gerth)

There aren't many places where people look forward to a traffic jam, but Richard Briggs is eagerly awaiting the next time the streets in West Point are in gridlock.

In his 67 years, traffic has come to a standstill only once—during a citywide yard sale last fall—and Briggs, the unofficial city historian, was out of town.

"I missed it and I'm sorry I did, but I hope it happens again this year," he said.

Residents still talk of the great West Point traffic jam and many of them see it as more evidence of the Hardin County river town's resurgence, which started with the opening two years ago of several craft stores and a country inn.

For many who travel Dixie Highway between Louisville and Fort Knox, West Point is little more than a traffic light and an old, dilapidated motel that sits empty on the side of the road.

But turn off Dixie Highway and you'll find the core of what city officials hope will be Kentucky's answer to the arts and crafts businesses in Nashville in Indiana's Brown County.

While West Point is still a long way from being a tourist attraction of that magnitude, folks are upbeat and they point out that there are four times as many businesses in town as there were only three years ago.

The city of about 1,200 sits on the narrow wedge of land where Hardin County reaches the Ohio River. The population is about half what it was just 30 years ago but West Point has remained self-supporting.

"We have to be," said Mayor Gene Smith. "We're kinda on an island here; we have to drive through Meade County just to get to our county seat" in Elizabethtown. The city has its own water and sewer systems and operates one of the smallest independent school districts in the state.

Now the city is striving to secure its future by drawing new businesses and trying to become a tourist mecca.

Although a few long-time residents don't like recent changes, others say the city is settling into its new role.

Just a few years ago, however, few people thought the town would amount to anything. Smith, in fact, had worried that increasing expenses and a dwindling tax base would mean an end to one of the state's oldest cities.

Settlers first landed at the confluence of the Ohio and Salt rivers three days before the signing of the Declaration of Independence in 1776. Twenty years later, Samuel Pearman and James Young laid out West Point, named because it was the westernmost supply post for explorations.

During the Civil War, West Point became a Union outpost when Gen. William Tecumseh Sherman built Fort Duffield on a hill just east of the city. In 1903, the War Department established Camp Young, the forerunner to nearby Fort Knox, in West Point.

Over the years, West Point was ravaged by floods from the Ohio and Salt rivers and after the 1964 flood, there was talk of moving the city to higher ground or building a floodwall. But neither was done and residents say that is one of the best things about West Point: its rich history as a shipping center was left intact.

(The impoundment of the Salt River as Taylorsville Lake in 1983 has helped protect the city from flooding.)

"This is about the only river town left without a floodwall to block the view," said police Chief Terry Ames. "You can see the river from about anywhere in town."

The trip back for West Point has been a long one. During the 1970s West Point was a haven for transients who got in legal or financial trouble in Jefferson County and needed to move on. They would stop first in West Point until trouble caught up to them, then they would move on again.

"Every couple of years, you'd see the same people come through," Ames said.

During that time, West Pointers, as they call themselves, were looked down upon. Students from West Point who attended high school in Hardin County were referred to as "river rats."

With much of the low-cost rental property gone, Ames said he likes his hometown much better because the new businesses have seemed to give residents more pride.

"It amazes me because I've sat here since I was a kid and watched it go from a really nice town to low income to this," he said.

When Smith took office in 1982, the city had no industry and few businesses. He and other city officials began trying to recruit, but after failing several times, they looked elsewhere.

"We were looking for fast food, big shopping centers, industry, that sort of thing, but it wasn't happening here.

We're in a vacuum here," he said.

"Then we started thinking, with our history, our geographical location, why couldn't it be a Brown County-type thing?"

City leaders trekked to Brown County to learn how to make the same kind of businesses succeed in West Point. A couple of craft shops and a restaurant or two opened in the early '80s but officials didn't market the town very well and the businesses folded within a year.

Then Carol Goldsmith began talking about the huge potential for tourism to be had in West Point. Goldsmith, who now operates the Ditto House bed and breakfast with her husband, Gaylen, said her confidence made some people think "she don't have her bricks stacked just right."

But an infusion of investors from outside West Point made Goldsmith look prescient.

The community has banded together and is working with the state to rebuild Fort Duffield as it was during the Civil War. The city has also lured steamboats to its banks for limited engagements the past two summers and hopes to land a paddlewheeler on a permanent basis.

But some oldtimers aren't completely sold on tourism or the new state of the city. Kurby Curl, 89, said he and other long-time residents don't like business owners with few ties to West Point "coming in here and telling us how to run our city. . . . They're all good people but we just don't like them telling us what to do."

West Point is trying to navigate some rough waters around City Hall. The attorney general's office has been looking into aspects of city government. The mayor said the investigation centered on budgeting and bidding procedures and that his administration has received a clean bill of health from the attorney general.

"They told us we're fine. . . . As far as I know we're clean as a button," he said last week.

But Ed Lynch, a spokesman for the attorney general, said the investigation is continuing. "We were asked by the city council to investigate some matters concerning city government and that's all I can say," he said.

Lynch would not say what the investigation is about.

One of those trying to look beyond what some say is "petty politics" is Dave Arnce of Meade County. He opened his West Point Antique Mall in 1991 after falling in love with the town, despite the fact that, when he was a soldier at Fort Knox in the 1970s, West Point was little more than a speed trap.

His earliest memories are of trips to the city jail to bail out soldiers being held on traffic charges. He said Judge Gladys Stackhouse "was known all over the United States. Don't go near the hangin' judge," soldiers were warned.

After he retired from the Army, he and his wife bought the old T.C. Williams General Merchandise and Drug store and converted it into their new business.

"You get addicted to this town. Each time a new shop opens, you feel a part of it," he said.

At no time was that more evident on Feb. 20 when the new West Point Country Opry, a 500-seat theater, was dedicated.

Ivan Jennings, who lives in Jefferson County, had operated a similar business in Missouri in the late 1960s and early '70s. On his first trip to West Point after the resurgence began, he told his wife, Edna, "If I ever do another country music show, it will be here."

Before he knew it, Ivan's brother Raymond and his wife, Rita, were moving from near Hannibal, Mo., to help run the business.

The night before their grand opening, the building was far from finished: seats from an old college auditorium weren't yet installed, speakers weren't hooked up and the building was a mess, according to Edna Jennings.

Ivan Jennings said he was sure the Opry would miss its opening until, while installing speakers, he looked out and saw about 40 West Pointers assembling the seats. "They just piled in here and helped out. . . . and they stayed until midnight doing it," he said.

One of those people was Rube Yelvington, who moved his home and part of his tourism business from outside St. Louis after spending a few days in West Point last March.

Yelvington has since started publishing The West Point Voice, which is more a public-relations tool than a traditional newspaper. He prints 12,000 copies each month and distributes them to anyone who will read about his adopted home.

"It was the river, the history and the people" that brought him here, said Yelvington, who is running for mayor this year.

"You can't kick a rock here that something historic doesn't come out from underneath it."

Population (1990): West Point, 1,216; Hardin County, 89,240.

Per-capita income (Hardin County, 1990): $13,469, or $1,506 below the state average.

Jobs (Hardin County, 1991): Manufacturing, 4,947; wholesale/retail, 8,047; services, 4,440; state/local government, 4,391; and construction, 1,123.

Media: Newspaper—The West Point Voice, The Radcliff Sentinal, The Elizabethtown News-Enterprise. Louisville radio and television serves the area.

Transportation: Air—Commercial air service available at Louisville's Standiford Field, 28 miles northeast of West Point, Roads—U.S. 31W (Dixie Highway). Rail—Paducah and Louisville Railway.

Education: West Point Independent Schools, 237 students: Hardin County Public Schools, 12,701 students; McKendree College; Elizabethtown Community College.

Topography: River bottom land at the confluence of the Ohio and Salt rivers.

FAMOUS FACTS AND FIGURES

John James Audubon stayed at Young's Inn, on Elm Street, and wrote of his experiences in "The Passenger Pigeon." James Buchanan, Andrew Jackson, Henry Clay, Wendell Willkie and Jenny Lind, the Swedish Nightingale, all stayed at Young's Inn, which is now a private home and apartment building.

Former Louisiana Gov. James A. Noe was West Point's "adopted son," according to a 1959 Courier-Journal story. Noe, who was born in Harrison County, Ind., and lived for a time in Louisville, often visited his sister, Arminda Noe Greer, who ran the West Point Hotel. Noe was one of Huey P. Long's top aides and gave the "Kingfish" blood transfusions after Long was fatally wounded at the Louisiana Capitol.

One of the largest fish ever caught in Kentucky was a 157-pound gar taken from the Salt River at West Point in 1920 by Steve Simpson.

A house at 201 Elm St. was an early prefabricated home ordered from the Sears Roebuck Catalog and assembled in 1899.

Founder James Young owned the city until his death in 1849. Not only did he own the unsold lots, he operated the first ferries, across the Salt and Ohio rivers, Young's Inn and the only restaurant and saloon. His son-in-law owned the stagecoach that served West Point, and Young was instrumental in building the Louisville and Nashville Turnpike, which follows the approximate route of Dixie Highway.

Randy Atcher, star of the old WHAS kiddie show "T-Bar-V," and his brother, Bob, star of the old "Wilson National Barn Dance" radio show, were raised in a house on Elm Street.•

KEVIN MICHAEL BRINK, AAU/MARS MILKY WAY HIGH SCHOOL ALL-AMERICAN AWARD

• Mr. RIEGLE. Mr. President, I rise to honor Kevin Michael Brink, a high school senior attending Grandville High School in Grandville, MI. Out of a nationwide pool of 12,000 high school students, Kevin was recently selected as one of eight regional recipients of the AAU/Mars Milky Way High School All-American Award.

This prestigious award honors young men and women for their outstanding academic, athletic, and community service achievements. Throughout his high school years, Kevin has excelled in each of those areas. He is valedictorian of his class, has multiple varsity letters in wrestling and football, and has a dedicated record of service to his community.

Kevin's many accomplishments and fine character were the reasons I nominated him earlier this year for an appointment to the U.S. Naval Academy in Annapolis, MD.

I am pleased to join Kevin's parents, teachers, friends, and classmates in commending him for his accomplishments and congratulating him for receiving this well-deserved award.•

NORTH AMERICAN COMMISSION ON THE ENVIRONMENT

• Mr. DURENBERGER. Mr. President, on Wednesday, March 17, I spoke on the North American Commission on the Environment negotiations that began on that day, and which will supplement the North American Free-Trade Agreement. I asked that a statement by Senator CHAFEE be printed after my statement—however it was not. I now ask unanimous consent that Senator CHAFEE's statement be printed in the RECORD.

The statement follows:

STATEMENT BY SENATOR JOHN H. CHAFEE

Ambassador Kantor, it is a pleasure to have you testify before our Committee on the proposed environmental side agreement to the NAFTA.

Frankly, it is curious that there is such a hullabaloo about the environmental aspects of this Agreement. No one raised environmental questions when we did our free trade agreements with Canada, or with Israel. Yet suddenly complaints are heard that this Agreement, which is far "greener" than any previous Agreement, is not green enough. This is claimed because unlike Canada and Israel, Mexico is a developing nation. But developed nations frequently are more environmentally unsound with their esoteric and dangerous chemicals, than are developing nations.

From the very onset of these NAFTA negotiations, the environment has been a key factor. Throughout the NAFTA discussions, the Environmental Protection Agency (EPA) participated actively, releasing a Review of U.S.-Mexico Environmental Issues, and formulating the Border Plan. Moreover, EPA officials actually sat at the negotiating table, as members of nine USTR negotiating teams.

Environmental organizations also contributed, serving in a formal advisory capacity. They served on five of the eight senior-level Trade Policy Advisory Committees, which advise the President on negotiating objectives and bargaining positions.

In perhaps the most impressive indication that environmental considerations in trade policy are here to stay, last year a new position was created at USTR: "Deputy Assistant US Trade Representative for Environmental Affairs."

But having achieved such remarkable steps for the environment, it now seems that these accomplishments are taken for granted or dismissed outright, and now are considered merely the starting point from which we begin anew today.

For example, recently Senator Riegle sent you a letter, signed by 25 senators, expressing the statement that "the NAFTA, as it currently stands, fails to serve American interests in * * * environmental protection." But when one looks at the signatories, this dire warning hardly comes as a surprise. Of the 25 senators, 23 were here during the 1991 fast track debate—and all but 5 of those senators voted against fast track, passage of which was essential for this Agreement.

Thus, most of these are senators who are, and always have been, flat-out opposed to the NAFTA. Some will grab any handy rationale—including becoming born-again environmentalists—to defeat it, or at least slow it down until it dies a painful, lingering death.

Mr. Ambassador, no matter what environmental side agreements you make, you will not satisfy most of these senators. There are more of them than there are of you, and they can keep you working night and day with more and more demands. I advise you to save your strength and instead to simply do what you think is right and do it quickly, no matter what criticism from that quarter is hurled your way. 25 senators may have signed that letter, but 75 senators did not.

The Mexicans have made it clear that they will not accept proposals that infringe on their national sovereignty or that are inconsistent with the objectives of the Agreement—two principles that we can hardly object to. After all, as you said last week, Mr. Ambassador, what is sauce for the goose, is sauce for the gander.

The strength of environmental advocacy lies in the credibility of its proponents. If those of us who consider ourselves environmentalists wish to be taken seriously by others, we must not squander our precious credibility by continuously and loudly pressing for the impossible or the impractical. Yes, the perfect is the enemy of the good.

As the Washington Post said yesterday: "NAFTA is the best and only hope of [environmental perfectionists] for better enforcement of the air and water rules in Mexico. If they defeat it in Congress, they will have sacrificed their only lever for better cooperation."

On a recent trip to Mexico I found, as in most countries struggling with rapid development, pollution. But I also found determined efforts to relieve and resolve environmental problems. The task is monumental; but the commitment to making progress, genuine.

Mexicans are not doing this to please a few U.S. senators who complain loudly and condescendingly about Mexico's pollution, but are doing this for the well-being of their own citizenry, who increasingly are talking "green" and voting Green.

The best way to ensure that Mexico's environment is cleaned up is to help Mexico become a prosperous country; and that means the NAFTA. If we overburden the Agreement, and allow it to slip away, we will have passed up a chance to boost our own economic and environmental fortunes, and we also will have missed an opportunity to make a major contribution to long-term economic growth and stability in this hemisphere.

It has been said "there is a tide in the affairs of men, which taken at the flood, leads on to fortune." What a disservice we would make to prevent and future generations if we missed that tide.•

FACES OF THE HEALTH CARE CRISIS

• Mr. RIEGLE. Mr. President, I rise today to continue my effort to put a face on the health care crisis confronting America. The high cost of health care is having a devastating impact on businesses and retirees. We have all read and heard stories about retirees who have lost their health benefits or a company that has had to cut its retiree health benefits. I continue to hear from hundreds of retirees in my State of Michigan who have had their benefits substantially reduced or even eliminated. Douglas and Gail Slack of Traverse City, MI, are senior citizens whose retiree benefits have been cut. The Slacks wrote to me in February 1993 to tell me about their situation.

After spending 37 years at Burroughs—which later became Unisys—as a computer repairperson, Douglas

Slack, now 55 years old, had earned the full medical benefits that Unisys offered. In May 1992, Douglas was laid off by Unisys, forcing him into an early retirement. Last fall the Slacks received a letter from the company informing them that their employer's contribution to their health care coverage would be phased out at the end of 3 years and their monthly contribution increased. Unisys would still offer health care benefits to all retirees, but at a much higher price. In 1993, their monthly contribution is $50. In 1994, it is estimated that the Slacks will have to pay in about $200 per month, and in 1995, they will have to pay at least $460 a month. That is quite a large sum for people who are living on a fixed retirement income of $690 a month. This high increase in the cost of health benefits will force the Slacks to make tough decisions in their life. Their income will barely be enough to pay their bills much less pay for health care. Douglas and Gail will not qualify for Medicare until they reach the age of 65 years. The Slacks are caught in a catch-22.

Douglas' wife Gail, age 54, has had an ongoing infection since 1987 and requires three different types of daily medications to fight off infection and reduce pain. With this condition, no other medical plan will carry them, so they are forced to depend on the medical plan offered by Unisys.

Unfortunately, the Slacks situation is not uncommon. According to a recent study by A. Foster Higgins, two-thirds of all companies plan to reduce retiree health benefits or shift more of the cost into the retirees; 6 percent have, or plan to, cut retiree benefits completely.

Skyrocketing health care costs are a back-breaking burden on some businesses and have affected their ability to compete domestically and internationally. The central problem is we do not have a level playing field for many U.S. businesses who, unlike their competitors, carry these retiree health costs. This is particularly burdensome in sectors where workers retire several years prior to Medicare eligibility.

High retiree health costs are a major destabilizing factor in certain key manufacturing industries in this country, including auto parts, heavy trucks, steel, telecommunications, and agricultural implements.

In the auto industry, there is a $600-per-vehicle cost differential between the Japanese transplants and the big 3 domestic manufacturers due solely to health care costs. Retiree health costs are a major reason for this competitive disadvantage—accounting for more than $350 per vehicle or about one-third of the total health care cost per vehicle.

Companies that volunteer to provide coverage to retirees are in fact relieving the burden on the public sector, but high costs are making it impossible for many companies to continue offering benefits. Reducing their health care costs in this area would increase their competitiveness and help revitalize the manufacturing sector.

Health care costs continue to be a burden on businesses that have been offering health care benefits, in particular, those in the manufacturing sector. Costs are difficult to control and these businesses have in fact been subsidizing health care costs for others, including many small businesses who do not offer benefits. This occurs because companies that provide health insurance are having to pay more to cover the costs of uncompensated care—a practice known as cost-shifting. That is why any health care reform proposal must address the competitive inequities facing companies with high retiree health care costs.

For the Slacks, the increasing cost of medical benefits means that Douglas will have to take a minimum wage job now in order to cover the price of health care. The loss of insurance coverage for retirees is another sign that our Nation's health care system must be reformed. I will continue to do all that I can to make sure that the Slacks and all other retired Americans have access to high quality affordable health care.•

ORDERS FOR MONDAY, MARCH 22, 1993

Mrs. MURRAY. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Monday, March 22; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of Calendar No. 34, Senate Concurrent Resolution 18, the concurrent budget resolution; that with respect to any votes ordered to occur relative to amendments offered during Monday's session, that these votes occur not prior to the votes previously ordered to occur on Tuesday, March 23; that the Senate resume consideration of the DeConcini amendment No. 185 on Tuesday, March 23 at 2:15 p.m., with the vote on or in relation to the amendment occurring at 2:25 p.m. on Tuesday, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, MARCH 22, 1993, AT 9 A.M.

Mrs. MURRAY. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 4:07 p.m., recessed until Monday, March 22, 1993, at 9 a.m.

SENATE—*Monday, March 22, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Blessed is the nation whose God is the Lord.—Psalm 33:12.

Eternal God, as we look at the situation in Russia, we find ourselves unspeakably grateful for the wisdom of our Founding Fathers which gave America its form of government. As the struggle between President Yeltsin and the parliament increases, we are impressed with the profound insights which conceived three branches of Government providing a system of checks and balances and dividing power.

With profound appreciation, we realize they had no model to which they could turn. In the conviction that God was guiding, they created the plan which has produced and sustained the greatest nation on Earth for more than two centuries. They looked to God, trusted in God, depended on God to lead them in their deliberations.

Mighty God, protect us from secularism that forgets God and operates solely on the basis of the best that humans can do. Restore to us the faith of our fathers and renew us in our commitment to that faith.

To the glory of God and the preservation of our national life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

Mr. BINGAMAN. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 22, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BINGAMAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 1994–98

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of Senate Concurrent Resolution 18, which the clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 18) setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

The Senate resumed consideration of the concurrent resolution.

Pending:

(1) DeConcini Amendment No. 185, to ensure that fiscal year 1998 funding levels for Community Policy program are consistent with the levels requested by the President in his investment program.

(2) Wellstone Amendment No. 186, to express the sense of the Senate that any increase in revenues set forth in this resolution do not assume an energy tax or fee on nonconventional fuels.

The ACTING PRESIDENT pro tempore. Who yields time?

Since no one yields time, time will be charged equally against both sides on the resolution.

Mr. NUNN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUMPERS). Without objection, it is so ordered.

Mr. SASSER. Mr. President, I ask for the yeas and nays on the Wellstone amendment No. 186.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SASSER. Mr. President, I ask unanimous consent that Senator WELLSTONE's amendment be laid aside under the previous order to be disposed of following the disposition of Senator DECONCINI's amendment No. 185.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I see the Senator from New Mexico [Mr. BINGAMAN] is seeking recognition.

Mr. DOMENICI. Mr. President, will Senator BINGAMAN yield for a procedural question?

Mr. BINGAMAN. I yield.

Mr. DOMENICI. I thank the Senator. There are a number of Senators around who want to offer amendments. Could we just with the Senator's permission state what our intention is at this point, even without a firm unanimous-consent agreement of what amendments would come up in what order?

Mr. SASSER. Mr. President, following disposition of the Bingaman amendment, there will be two Nunn amendments, followed by a Wallop amendment, followed by a Gorton amendment, followed by a Brown amendment, and followed by a Domenici amendment.

I was just trying to figure out why we have four Republican amendments in a row. I am advised we had four Democratic amendments Friday before adjourning. So this will put us back on an even keel.

Following the Domenici amendment, we will take up the Democratic amendment and then use the alternation form.

Mr. DOMENICI. Mr. President, might I just say as far as the Republican amendments for those who would be interested, the Wellstone amendment would be a western amendment with reference to grazing, mining, et cetera, but not the inland waterways, and it will take out the money and pay for the taxes with cuts.

The Gorton amendment will be on the inland waterways. It will take out the money and pay for it with the domestic cuts.

The Brown amendment is an overall administrative overhead reduction. Domenici is a defense amendment wherein I will add back to the defense sufficient funds to get the defense mark to where the President was during his campaign, $60 billion instead of what he has now.

Those are our four. I thank the chairman and I thank Senator BINGAMAN.

AMENDMENT NO. 188

(Purpose: To state the assumptions of the resolution regarding fees for domestic livestock grazing on Federal lands and royalty fees for hardrock mining)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico, [Mr. BINGAMAN] (for himself, Mr. BAUCUS, Mr. BRYAN, Mr. REID, Mr. DECONCINI, Mr. CAMPBELL, and Mr. DOMENICI) proposes an amendment numbered 188.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the resolution, add the following new sections:

SEC. . SENSE OF SENATE REGARDING GRAZING FEES.

It is the sense of the Senate that the assumptions underlying the levels of revenues set forth in this resolution include the assumption that fees charged for domestic livestock grazing on lands under the jurisdiction of the Secretary of Agriculture and the Secretary of the Interior in western States should be set at an amount that permits the ranching industry to remain viable and reflects the economic realities of the industry, rather than at an amount that meets arbitrary revenue targets.

SEC. . SENSE OF SENATE REGARDING HARDROCK MINING ROYALTY FEES.

It is the sense of the Senate that the assumptions underlying the level of revenues set forth in this resolution include the assumption that royalty fees charged for hardrock mining should be set at an amount that permits the mining industry to remain viable in the United States and reflects the economic realities of the industry, rather than at an amount that meets arbitrary revenue targets.

Mr. BINGAMAN. Mr. President, the amendment that I have sent to the desk is a sense-of-the-Senate amendment regarding two economic issues that affect western public lands and the economy of the west. The two issues are fees for domestic livestock grazing on Federal lands and, second, royalties for hardrock mining on Federal land.

Mr. President, we in the West have to be realistic about the prospect for changes in the grazing fee structure, and I am prepared to do this. I also can support the establishment of a royalty for mining on Federal lands, but I feel strongly that these changes need to be structured in a way that recognizes the importance of the continued viability of these industries and supports that continued viability. We cannot impose fees that are punitive in their effect and we cannot impose fees and royalties that threaten the economic future of these industries and the communities that depend upon them.

Whatever we do in this area needs to make sense. We need to figure out what these industries can reasonably accommodate and peg any increased fees to those economic realities.

Mr. President, when I speak about the rural communities in the West, I know something about that subject, having grown up in one of those communities in Silver City, NM. In Silver City, in Grant County, we depend heavily upon ranching. We also depend heavily upon mining. They are both very important industries.

I would note, Mr. President, that one of the things we will be debating in the next several days is a proposal to create summer jobs, publicly funded summer jobs. In Grant County, NM, summer jobs for most students means jobs in ranching, jobs in mining. I myself had a job in the copper smelter in Hurley, NM, during one of the summers that I was in school.

It does not make sense to arbitrarily set a revenue figure and then to establish the fee structure based on that arbitrary target. It is, in my view, the reverse of how we need to handle these matters.

I do not have today the exact formula that we should adopt in the case of grazing fees or in the case of royalties. I believe, myself, it will take a lot of work on the part of Congress, the administration, and the interested public to come up with the proper changes in both respects.

But I do think it is important to point out some of the facts about grazing and mining on public lands and to talk a little about the Budget Committee's numbers and the President's proposal.

First, about grazing fees, Mr. President. For the Interior Department—that is the BLM grazing fees—the budget resolution calls for about $53 million in additional revenue over the next 5 years. There are various estimates as to what that translates into in terms of increased grazing fees. There are some estimates that say this means a 33-percent increase annually. There are other estimates that peg it substantially higher than that.

But the kind of increase that has been talked about would take the grazing fee from $1.86 per AUM to close to $7.50 per AUM by 1998.

In my view, Mr. President, that is an unacceptable increase. Such an increase would devastate many of the small ranchers in my State. I am very convinced that we cannot afford, in the West, to kill off the small ranching enterprises. We have about 3,500 Federal land permittees in my State alone. They represent about 50 percent of New Mexico's ranchers. About three-quarters run less than 100 head of cattle. This is a small operation. In fact, many of these ranchers have jobs in town because they cannot make a living from ranching alone. People are not getting rich from public land ranching in New Mexico. It is a tradition in their families. It is a labor of love. It is not a way to get rich.

Land ranchers can pay a higher fee than they are paying today for access to BLM and Forest Service range land, but it is important that we realize the ranching industry is not monolithic. The very large enterprises are in a very different financial position than small ranchers. I think whatever changes we make to the grazing fee structure needs to reflect that reality.

Let me also, Mr. President, talk for a minute about mining royalties. There is no question that changes in the 1872 mining law are overdue. The present Presiding Officer today has taken the lead in bringing about those changes, and I respect his commitment in this respect.

But I believe that some additional financial gain is appropriate for the Federal Government from mining on Federal land. However, we are told that the budget resolution before us today reflects a belief that we can impose a 12.5-percent gross royalty on mining on public lands and still maintain a viable industry. If that is the assumption, then I believe it to be totally unrealistic. I do not believe royalties on a gross basis are imposed in any other area that we deal with on public lands. The Budget Committee figures are based upon an annual value of mineral extraction of $1.2 billion, as computed by the GAO. The administration numbers assume a much higher value, about $3 billion.

Mr. President, it is clear that there is substantial confusion as to the amount of revenue that can realistically be generated by a royalty on hardrock mining.

My amendment today simply makes the point that that royalty needs to be set with a view to the realities of the mining industry. A 12.5-percent gross royalty could shut down a significant portion of U.S. mining activity, and that is not in anyone's best interest.

Last week 11 of us here in the Senate visited with President Clinton, Vice President GORE, and OMB director Panetta on the impact of the President's proposals on Western States. I was pleased and impressed with the President's reactions to our concerns. He demonstrated a keen understanding of the issues that the ranching and mining industries face. He assured us that the creation and retention of jobs, American jobs, is his top priority, that he wants to implement a program fair to everyone, and that he will allow us to do just that.

Mr. President, I assured President Clinton at that meeting—and I will say here for the RECORD today—that I support him. I support his economic program. I want to work with the administration to establish fee structures that call upon extractive industries to pay their fair share, but I also believe that those fee structures need to allow them to remain in business.

The sense-of-the-Senate resolution that I propose today simply expresses that intention.

Mr. President, I would point out that this amendment is being sent to the desk on behalf of myself, Senator BAUCUS, Senator BRYAN, Senator REID, Senator DECONCINI, Senator CAMPBELL, and Senator DOMENICI. I believe that is the list of cosponsors at this time.

I reserve the remainder of my time and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wonder if Senator BINGAMAN will yield me 3 or 4 minutes off his amendment?

Mr. BINGAMAN. I will be glad to yield time to my senior colleague.

Mr. DOMENICI. Mr. President, I support this amendment, although clearly I would favor an amendment that would take the money out, the amount of money that represents the two fees, the royalty and the fee. And there will be an amendment to do that.

But when I understand the severity with which the Western States, and in particular our State of New Mexico could be hit if the assumption of 12.5 percent royalty and the very dramatic increase in grazing fees—if those assumptions were carried out, I think it would wreak havoc with our rural communities. Clearly a State like ours would suffer. And the amount of money would not do an awful lot with reference to the national debt and deficit and the like.

Mr. President, I believe the President's grazing fee proposal would have a severe jobs impact in my State. The President's overall proposal that affect Western States would have an even bigger impact.

I am not alone in my concerns with the administrations proposal. My colleague, Senator BINGAMAN, also has the same concerns. In fact, Mr. President, he and other western Senators have written the President expressing their concerns.

The individuals that own and work on the ranches are very hard working individuals and would also like to help reduce our deficit. But, I believe that these individuals would be driven off of the public lands.

As I understand, Mr. President, the Office of Management and Budget has assumed that grazing fees would go up by 33 percent per year with the fee ending up at $7.99 per animal unit month [AUM].

I have done some analysis on this to see what happens to a ranch in southwestern New Mexico.

With a 33-percent per year increase, the net income for the medium-size ranch in southwestern New Mexico would decrease to $15,262 from $25,966. This is before the rancher pays himself. This rancher ends up paying the Federal Government an additional $24,000 over the 5-year period. Mr. President, this does not even include the tax proposals and the energy tax. I believe this ranchers not income falls even further when you take these other proposals into account.

This is $24,000 that is taken out of the community in which this rancher lives. In all reality do you think this ranch would stay in business. Well, I do not believe so.

Mr. President, these individuals that own and work on these ranches are not the fly-by-night type of business. In fact, Mr. President, these ranches have been in business for about 36 years. These are individuals whose average age is about 55.

Mr. President, I do not believe we should ask the rancher to pay more when the Senate-reported budget resolution includes $124 billion in new spending.

MINING

A mining royalty of 12.5 percent would have severe negative impacts on hardrock minerals industry.

Results from a study show that after 10 years, the quantity of gold mined would be reduced by 33 percent, and the amount of molybdenum, and other metals would be reduced by 12 percent.

Capital expenditures by the hardrock-mining industry would be substantially curtailed, from an estimated $1.33 billion in 1987 dollars to $92 million.

Direct employment loss in hardrock mining industries would be 4,100 jobs in gold mining and an additional 2,700 jobs in other hardrock mining.

Mr. President, let me once again state I will support this. I am glad to be a cosponsor but I really do believe we ought to consider seriously, in the Senate, not letting reconciliation work its way on these two measures. I say to my friend, Senator BINGAMAN, what is going to happen if we leave the instruction in and we leave the dollars in, it is going to be decided in the committees in a very expeditious way. We will only have a little bit of time and the Senator's considered approach may be lost in the shuffle in these last-minute discussions when they have to come up with dollars. So I hope we would get some additional support when we try to take out the money represented by the grazing fees and the mining royalties.

Mr. President, I ask unanimous consent to have a table of jobs in the mining industry for selected States printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

JOBS IN THE MINING INDUSTRY FOR SELECTED STATES

State	Number of direct employed	Average salary
Alaska	1,047	$62,046
Arizona	13,996	29,297
California	14,332	35,606
Colorado	7,560	38,680
Idaho	2,971	28,120
Montana	4,819	29,149
Nevada	12,979	31,985
New Mexico	7,829	28,219
Washington	3,782	30,269

Source: American Mining Congress.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I yield any time I had.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I will be pleased if, on my colleague's hour, he yields to Senator CRAIG?

Mr. BINGAMAN. I will be glad to yield—let me defer to the manager.

Mr. SASSER. I say to the Senator from New Mexico, other Senators are coming to speak, I understand, in favor of his amendment.

Mr. BINGAMAN. How many minutes does the Senator need?

Mr. CRAIG. May I have 5?

Mr. BINGAMAN. Let me yield 3 minutes at this point and then if we have more time later on I will be happy to yield that.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 3 minutes.

Mr. CRAIG. Mr. President, let me stand in support of the Senator's amendment because I think it speaks to the issue of the budget resolution and the economic crisis that this country is now in, in a rather perverse way. I mean by that, that this Congress now finds it necessary to look at the traditional way that it has done things in the processes of raising revenue. But beyond the revenue process, it now begins to speak to the ways it has managed its public resources and begins to question them. And, therefore, we put in jeopardy many of the industries in the public lands of the West that have been able to utilize those resources over the last century and provide the economic sustenance to our public land Western States, and I speak of mining and grazing.

Although my colleague from New Mexico speaks of holding harmless, if you will, the industries involved, I am certainly in support of that approach. I will much more strongly support the Wallop approach to strike these entirely, because I do not think it is good business for our Government to begin to squeeze on the very economies of this Nation that have built our economic base.

The proposed changes in the mining law are coming in a variety of different forms. But clearly last week, before the Energy and Natural Resources Committee, we heard very convincing testimony that a 12.5-percent royalty, or an 8-percent royalty on gross revenues of the mining industry, would put literally thousands of working men and women out of work in public land States of the West, or at least where mining largely resides on those public properties.

That is an unacceptable approach. Certainly, this Congress and this President, for that matter, who speaks of economic development and creating jobs, should not be in the business of putting people out of work. A couple of years ago we thought we were going to be cute around here when we passed a royalty tax and found it literally was a net cost to our Government in the fact that it did not generate revenues and, more important, and in a more tragic way, it put people out of work.

I do not think there is any other way to argue that a royalty fee of the magnitude proposed by our President, or by Senators in other types of legislation, will put people out of work in the West.

Mining at best is a marginal business with tremendously expensive up-front costs to develop a mining resource. It literally takes years and years to be able to extract from that resource the investment that caused it to come on line. Our public policy over the last century has recognized that.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. DOMENICI. I will yield a minute off the bill.

The PRESIDING OFFICER. The senior Senator from New Mexico yields an additional minute.

Mr. CRAIG. I thank my colleague for yielding.

Our public policy over the last century has recognized this important ingredient, especially in the mining industry, of the huge requirement of capital to bring online these kinds of sources. As a result, it is said there would be no royalty fee, that the taxes paid by the companies involved and the taxes paid by the employees of those companies would be adequate because of the kind of economies they generated, in large States like New Mexico or Idaho that were held substantially by the Federal Government.

That was enough. Today, because of our inability to manage our budgets, we are in a scramble for resources and now that policy is debated, and that is at hand.

I thank my colleague from New Mexico for proposing this amendment. I will support it, but I will also support amendments to strike entirely from this effort, grazing fee increases and royalties to the mining industry that I think would cause great damage to the resources of the public land in the West.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, I do not see any additional Senators wishing to speak at this time. I have been advised that Senator BAUCUS and perhaps Senator DECONCINI and others would like to speak before the conclusion of the budget resolution.

I will defer to the Senator from Tennessee.

Mr. SASSER. I think there are some Senators perhaps on the way to the floor to speak on the amendment of the Senator. Does the Senator wish to speak further on his own amendment?

Mr. BINGAMAN. I do not.

Mr. SASSER. Then I suggest that we insert a quorum call. Let me ascertain if these Senators are on the way, and that the quorum call be charged against Senator BINGAMAN, or——

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I suggest the absence of a quorum and ask the time be charged equally against both sides.

The PRESIDING OFFICER. The quorum call is appropriate and will be charged to both sides equally. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SASSER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, I ask for the yeas and nays on the Bingaman amendment.

The PRESIDING OFFICER. Is there sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SASSER. Mr. President, I ask unanimous consent that the amendment of Senator BINGAMAN be laid aside under the previous order, to be disposed of following the disposition of Senator WELLSTONE's amendment No. 186.

Mr. DOMENICI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, is it laid aside or is it completed and laid over for a vote?

Mr. SASSER. It will be laid aside under the previous order, as I understand it, to be disposed of by vote following the disposition of the Wellstone amendment.

Mr. DOMENICI. But there is no reservation of time; whatever Senator BINGAMAN had left is not reserved under the previous order?

Mr. SASSER. No, not that I know of.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me just clarify. I do not object. We still have 10 minutes of debate before the vote occurs; is that correct?

Mr. SASSER. That is correct—the Chair may respond, but that is correct.

Mr. BINGAMAN. I thank the Senator from Tennessee.

The PRESIDING OFFICER. The Chair advises the Senator from Tennessee that was not part of the previous order.

Mr. SASSER. Mr. President, I was incorrect. I am advised that pursuant to the unanimous-consent order on Friday, there will be 10 minutes of debate equally divided on the amendments that were disposed of on Friday. But there is no such agreement for amendments that will be coming up today, as I understand it.

The PRESIDING OFFICER. The Senator is correct.

Mr. SASSER. So if the Senator wishes 10 minutes to debate his amendment when it comes up for a final vote on Tuesday, it will be necessary to seek unanimous consent to do that.

Mr. BINGAMAN. Mr. President, since there are several Senators who have asked to speak briefly on this issue who are not here at this time, I ask unanimous consent that we be allowed 10 minutes of debate equally divided on this amendment prior to the vote occurring on Tuesday.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object. Mr. President, I say to my colleague that I think we are going to stack a lot of amendments. If we do that on them, instead of the leader having 2½ hours for the 15-minute rollcall votes, we are going to have 10 minutes in between each. I suggest, would those Senators be available today who want to speak to it?

Mr. BINGAMAN. I do not believe all of them will be.

Mr. DOMENICI. Why do you not ask to be permitted to reserve whatever amount of time—15, 20 minutes—and that time be set aside until a convenient time on the floor so you still have some left, rather than previous to the rollcall?

Mr. BINGAMAN. If that is acceptable with the Senator from Tennessee, I withdraw the previous unanimous-consent request, and I ask unanimous consent that I be allowed to reserve 15 minutes of time to be used by proponents of this amendment at some time prior to the vote.

The PRESIDING OFFICER. Is there objection to this request?

Mr. DOMENICI. I have none.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, under the previous agreement, the next amendment to be considered will be the Nunn amendment on defense.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Georgia is recognized.

AMENDMENT NO. 189

(Purpose: To express the sense of the Senate regarding budget functional category 050 adjustments for changes in inflation assumptions and in assumptions regarding Federal pay increases)

Mr. NUNN. Mr. President, is it appropriate under the procedure we are operating under to send the amendment to the desk?

The PRESIDING OFFICER. The amendment is appropriate at this time. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. NUNN] proposes an amendment numbered 189.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the concurrent resolution add the following:

SEC. . SENSE OF THE SENATE REGARDING THE EFFECTS OF CHANGES IN INFLATION ASSUMPTIONS AND IN ASSUMPTIONS REGARDING FEDERAL PAY INCREASES ON SENDING LEVELS FOR NATIONAL DEFENSE AND OTHER FEDERAL FUNCTIONS.

It is the sense of the Senate that—

(1) if the estimates for inflation for fiscal years 1994 through 1998 used in the President's fiscal year 1994 budget request and this concurrent resolution are too low, the amounts for budget authority and outlays for the national defense (050) and other budget functions should be increased to offset the adverse effects of the higher inflation; and

(2) if Congress does not enact legislation freezing Federal pay levels for fiscal year 1994 and reducing the rates of increase in Federal pay levels for fiscal years 1995 through 1997, as assumed for the President's fiscal year 1994 budget request and this concurrent resolution, there should be appropriate increases in the amounts of budget authority and outlays for the National Defense (050) and other budget functions in this concurrent resolution to allow the departments and agencies of the Federal Government to meet the resulting increases in costs for pay.

Mr. NUNN. Mr. President, the amendment I am offering today expresses the sense of the Senate on two important issues that deal with the defense budget. This amendment expresses the sense of the Senate that if the assumptions about inflation and about future Federal pay increases contained in the Clinton administration's budget request and this resolution turn out to be inaccurate, the national defense function and other appropriate budget functions should be increased to reflect these increased costs.

This is a followup to the concerns I voiced in a speech to the Senate on March 5. I would like to briefly recap those concerns to explain the purpose of this amendment today.

Mr. President, the defense budget has been, and will continue to play a big role in deficit reduction. Defense budgets have been cut each and every year since their high point in 1985. The defense budget in 1993 was nearly 30 percent smaller than the 1985 budget level, once adjusted for inflation.

In 1990, Congress and the administration reached an agreement in the budget summit for deep reductions in the defense budget. These reductions were appropriate in light of the collapse of the Warsaw Pact. The budget summit agreement was supposed to produce $500 billion in deficit reductions by 1995.

Not only did we fail to reduce the deficit by $500 billion, the deficit is expected to actually increase by $500 billion during this period. So there was a rather large gap between expectations from that summit and what actually occurred; of course, about half of that gap can be explained by what happened to the economy.

Despite this, the defense budget was cut just as planned at the summit. All the defense cuts that were planned were made, but the rest of the savings did not materialize. For the last several years, defense has been the only part of the overall budget where we have achieved any significant deficit reduction. I hope everyone who doubts that will check the numbers, because it happens to be absolutely true.

Unfortunately, there continue to be those who seem to believe the defense budget can bear all of the budget cuts and that we can get the deficit under control if we only cut the cold war part of the defense budget out. I am astounded when I hear people talk as if the defense budget has not been cut, because they obviously do not care about arithmetic or the facts. The Defense Department is in the midst of a massive builddown.

Mr. President, for the 5-year period, 1993 through 1997, the defense budget was being cut by $386 billion by the Bush administration. President Clinton's budget proposals would cut an additional $122 billion. We need to have this in mind as the starting point and the context for our analysis. The defense budget is being cut sharply. Those who believe the defense budget has not been substantially reduced since the end of the cold war are flat out wrong.

Mr. President, the public needs to understand that this is the starting point as we evaluate the administration's proposals for additional reductions in the defense budget. I believe the Defense Department is certainly carrying its fair share of the sacrifice toward putting our fiscal house in order.

President Clinton has recommended a budget that would cut $122 billion from the defense budget baseline outlined by President Bush last year. I should note that President Bush had already cut out $50 billion from the levels agreed to at the 1990 budget summit. So the Clinton budget proposal, plus the Bush budget cuts, would cut defense a total of $172 billion for the period from fiscal year 1993 through fiscal year 1997 from the 1990 budget summit levels.

President Clinton's recommendation to cut $122 billion is made up of five major elements: First of all, the $60 billion in cuts outlined clearly by President Clinton during the campaign last fall; second, the $7.4 billion cut that Congress made last year during fiscal year 1993; third, the $10 billion President Clinton has recommended to offset the anticipated shortfall in savings from the defense management review and other initiatives such as base closures; fourth, $18 billion to reflect the impact of freezing civilian and military pay in 1994 and holding annual pay raises to 1 percent below the cost of living for the following 3 years; and finally, a $27 billion reduction to reflect lower inflation estimates. This $122 billion reduction has already been reflected in the defense budget that is embedded in the budget resolution we are considering today.

Mr. President, I think the $60 billion level is something that is understood. This was a figure that the President campaigned on. The public knew where he stood. He made it clear. They knew where his opponents stood on the issue, and President Clinton was elected President of the United States on that platform.

We will have to wait on the details to evaluate the specific programmatic reductions because we do not have those details now. We do not have a complete budget from President Clinton. So what we have are round numbers now without any real detailed map as to how the reductions are going to be made.

I anticipate that we will get the details on the 1994 defense budget soon, perhaps as early as next week, but we will not get the 5-year Clinton defense budget for many months, perhaps as late as the fall of this year or even later than that, maybe not until early next year. So we are a long way from getting the 5-year budget that would reflect these numbers. That is one thing that makes this debate very difficult.

Mr. President, concerning the $7.4 billion we cut in 1993, frankly, I thought—and I think everybody else on our committee thought—at the time those cuts were being made that this was a downpayment on the $60 billion since it was a cut in the 1993 to 1997 timeframe that had been identified as the overall timeframe in which the $60 billion would be cut. But the Clinton administration took a contrary view on that and the $7.4 billion cut last year is not counted against the $60 billion.

Mr. President, I believe the Clinton administration has acted responsibly on the issue of the offset for savings that are probably overstated in the Bush baseline budget. This is something that I have talked about for months and months, but I am not sure that it is commonly understood. Frankly, I believe the savings that were assumed in the Bush budget are significantly overstated, based on reports I have received from the General Accounting Office and from others. The administration has made an allowance of $10 billion as a hedge against overstated savings in the Bush budget. I believe the problem could be much worse because of the Bush administration's inflated assumptions. But I have received assurances from the Clinton administration that if the independent panel established to look at this problem uncovers a much bigger problem, the Defense Department will not be punished for the phony savings that they have inherited from the Bush administration. And if that is to be done, then the money will have to be added back in the defense budget. That is not the subject of this amendment this morning, however.

Mr. President, this leaves two areas of concern addressed by this amendment: The pay freeze for military and civilian employees and the reduction caused by adjusted inflation assumptions.

First, the pay freeze proposal. The administration has recommended, and this budget resolution assumes, a freeze on Federal pay in fiscal year 1994. The administration went on to propose that cost of living adjustments be reduced by 1 percentage point off the recommended pay adjustments after 1994.

Mr. President, nearly 7 out of every 10 Government employees work for the Department of Defense either as a civilian or in uniform. The Office of Management and Budget calculates that the total savings from the pay freeze represents $26 billion Governmentwide, and that $18 billion of that total is in the Defense Department. Mr. President, I am not sure all of my colleagues fully understand that this resolution assumes that in 1994 there will be no Federal pay raise, in 1995, 1996, and 1997 there will be a subtraction of 1 percent from the inflation adjustment, which means that based on the present numbers there will be a 2-percent pay raise, in fiscal 1996 a 1.7-percent pay raise, and in fiscal 1997 a 1.6-percent pay raise.

Mr. President, this is a matter of policy for the Congress to determine, but having been here for a number of years and observed us in action, I question whether the Congress is willing to freeze military and civilian pay in 1994 and then pay 1 percent less than the rate of inflation for the following 3 years, if at the same time all the military retirees, retired civil servants, and all Social Security recipients receive the full cost-of-living adjustment each and every year.

What this means is that young troops in Somalia, or if we go into Yugoslavia, will not be keeping up with the inflation rate while people who have been retired from the military for years will be keeping up. Now, we are going to have to examine that as a policy. My argument does not go to that policy this morning, but it does go to the likelihood that the policy will be in some respects adjusted.

The question is this: Since the pay freeze was not intended to cut defense—it is not part of the $60 billion cut. This $18 billion is on top of that—if Congress rejects or amends the freeze, should the defense budget be increased rather than force DOD to cut more programs or fire more people? The money has been taken out of the defense budget and the question is what happens if Congress rejects the pay freeze.

Mr. President, I have had several detailed conversations with senior people in the administration. They have assured me that if Congress rejects the Governmentwide pay freeze proposal, the defense budget should be increased. That is the intention of the Clinton administration. If Congress decides to exempt DOD alone, or the military alone, however, the administration believes that DOD should cut other programs to pay for the pay raise.

In other words, if just defense is exempted, then defense should not be made whole, but if the whole Government policy is changed, then in my view—and the Clinton administration agrees with this—defense should be protected.

I believe this is the correct course of action. I believe the administration assurances should be incorporated in our deliberations today, which is why I offered the amendment which expresses the sense of the Senate that if Congress rejects or amends the pay freeze proposal Governmentwide, the defense budget will be increased accordingly so that the defense programs are not slashed to offset a rejection of the pay freeze that is being assumed.

Mr. President, the second issue addressed by this amendment is inflation. One year has elapsed since the time President Bush submitted his 5-year plan, and President Clinton prepared his campaign position on the defense budget.

The recession hung on longer than President Bush predicted. Interest rates and inflation rates are lower. In short, the economic assumptions in the Bush budget which the administration used as its defense baseline are out of date and need to be revised. Under these newer inflation assumptions, OMB cut out a net total of $27 billion from the defense budget. In theory, this is an economic adjustment that does not cut anything real if the lower inflation numbers are accurate. This is not described in any way as a cut in defense. It is simply revised inflation assumptions. It assumes only that things will not cost as much in the future as we thought last year they would cost. Unfortunately, we do not have a very good record when it comes to forecasting inflation.

I certainly do not believe that this is phony budgeting. Both OMB and the Congressional Budget Office are forecasting the same inflation rates. I hope that inflation bottoms out at 2.4 percent, and I hope it stays there for the next 5 years, but I am skeptical that it will.

Mr. President, both OMB and CBO are making these projections as we are now emerging from a 3-year-long recession. Of course, inflation looks low right now and with DOD's perspective it looks like it will stay low forever, but in truth both OMB and CBO forecast only 2 years into the future and then assume that identical conditions will prevail for the next 3 years.

This is really a 2-year assumption on inflation, and then a projection carrying 3 years further. This is standard practice in long-range forecasting, but those of use voting on the budget resolution and the defense number need to know the implication of this assumption. We have to recognize that there will be a very serious impact in defense if inflation is higher for the 5 years than now projected.

Accuracy in budgeting for inflation does not matter as much for any other part of the Federal Government as it does for defense. Let me give one or two examples. When DOD buys a weapons system, it uses what we call the full funding principle. If the Navy were to buy an aircraft carrier today, it has to include in the budget this year the entire cost of the carrier, even though the carrier will be built gradually over 7 years and the money will be paid out over 7 years.

This means the Navy has to budget today for the inflation that it expects will occur in the next 7 years. That is very difficult to do. If OMB and CBO make a mistake and underestimate inflation, the Navy will not have enough money to complete the aircraft carrier project. It will have to request more money to complete the carrier, and that will look like a cost overrun down the line. This is just one example but it applies to all the DOD programs that run for more than 1 year.

Mr. President, this problem affects DOD more than any other department because DOD buys more capital equipment than any other Federal agency.

Mr. President, as I pointed out 2 weeks ago, the administration's own budget demonstrates an inflation problem for the Defense Department even before we get started. In the book, "A Vision of Change for America," OMB indicates that inflation will be somewhat higher than what is assumed in the budget if the President's budget program is enacted. That is in the OMB's own document. But the Defense Department has allowed the budget only the lower inflation level, not the level that OMB believes will occur if their policies are adopted. This difference amounts already—based on their projections—to over $16 billion from 1994 through 1997. If the economy performs as OMB believes it will, and not as DOD has been allowed to budget for, the Department of Defense is already facing a $16 billion shortfall that will have to be made up by cutting defense programs.

Mr. President, I raised a number of concerns about the defense budget with the administration. I worked very closely with the Department of Defense, OMB, and the White House. And I received assurances from the administration that the defense will be held harmless on some of these concerns. But I do not have that kind of assurance on the issue of inflation.

The administration is aware of the serious implications of failing to budget accurately for inflation, and they have said over and over again they do not intend to let inflation wreck the defense budget. But I strongly believe that if the defense budget is mechanically reduced to reflect lower inflation estimates which has been the case, as it has been mechanically reduced, the defense budget should be mechanically increased in inflation turns out to be higher than we have budgeted.

Some people may say this is unfair treatment favoring the defense budget. But that is not accurate. I would point out that at present every other element of the Federal budget, except defense, is functionally held harmless for changes in inflation estimates. The defense budget is affected more than any of the others. Defense should be treated with the same degree of fairness that we give to other parts of the Federal budget.

For that reason, my amendment states it is the sense of the Senate that the underlying defense program should not be penalized by our failure to adequately budget for inflation. If the defense budget can be mechanically lowered to reflect lower inflation estimates, it should also be mechanically raised to reflect higher inflation estimates, if they occur.

I believe these two provisions are essential if we are to honestly say that we are not cutting the defense budget by $122 billion. I can accept reductions in the defense budget from lower inflation assumptions only if we are consistent in the way we budget for pay raises and inflation, and agree that the national defense function and other applicable budget functions need to be increased in the future if inflation goes up, and if the Congress decides not to accept the pay freeze for military and civilian personnel.

Mr. President, I submit that this amendment is entirely consistent with the Clinton administration's budget proposal and will assure that the budget proposals are more accurately carried out than if we ignore the impact of these assumptions, which could be very, very serious if they turn out to be inaccurate.

Mr. President, I hope that the Senate will pass this amendment. I have a second amendment on the same subject. But I will yield the floor at this point.

Mr. SASSER. Mr. President, will the distinguished Senator yield to me 10 minutes?

Mr. NUNN. Yes. How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator from Georgia has 41 minutes remaining.

Mr. NUNN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 10 minutes.

Mr. SASSER. I thank the distinguished Senator from Georgia.

First, let me say I sympathize with the uncertainties expressed about the economy that are expressed in the sentiment of the distinguished Senator from Georgia. I do not think any of us can be sure about inflation projections over the next 5 years. That is equally true of all growth projections, projections of growth in the economy, growth in revenue projections, as we learned in the spring of 1991. To our shock we suddenly had lost somewhere in the neighborhood of about $140 billion in revenue that had been projected over 5 years when we entered into the 1990 summit agreement. We learned that that revenue lost, in essence, wiped out most of the new revenues that were to be raised in the 1990 summit agreement.

I cite this simply to indicate that economic projections, revenue projections, projections about how much we will spend on Medicare and Medicaid, projections about interest rates, all of these projections over a 5-year budget cycle or 5-year budget are subject to change.

I wish that we could reduce the projections to a finite science, but we have been unable to do that. I anticipate we will never be able to do that with any precision in human affairs.

I would say to my friend from Georgia, however, that on the score of inflation, there may be less cause for concern if the President's package is fully adopted. It should be obvious this budget resolution is really directed toward deficit reduction—502 billion dollars' worth of deficit reduction over 5 years.

The fear of many economists or the fear of some economists is, as I have said earlier on this floor, that this deficit reduction package is so large that it could represent a drag on the economy, could push us into even lower economic growth, and actually end up lowering inflation rather than raising it.

So I say to my friend I am not that concerned about inflation at the present time. We are cutting programs, we are raising revenue. There is very little in a program like that that should stoke up the fires of inflation.

Clearly, no one believes that we are going to be able to solve the deficit problem as massive as it is simply by restraining spending in the military budget.

The Senator from Georgia indicated that we are reducing military spending to the tune of $107 billion over 5 years. I would point out that while we are reducing military spending by $107 billion, we are maintaining military spending levels over the 5 years at $1.316 trillion.

Yes, I say to the Presiding Officer, we will continue to spend over the next 5 years, $1.316 trillion for military purposes even after we have absorbed the reductions that are proposed by President Clinton.

That amounts to just under 2 percent per year in military spending over the 5 years, a 2-percent-per-year reduction over the 5 years.

Now, I might say that the economic assumptions built into this budget are assumptions of the Congressional Budget Office that do not even include the consequences of this deficit reduction package that is being adopted.

So as I said earlier, it seems to me that inflation numbers may not be our chief worry.

With regard to pay, I think the President has stated very clearly that he is asking some measure of shared sacrifice from all of our citizens, and he believes very strongly that Government must show a willingness to tighten its belts first. The President has stepped up to the plate first with a deep cut in the White House staff. He is streamlining all the agencies. He is reducing Government employment across the board.

The President has called for Congress to cut its staff, which we are doing and have done. He has called on Congress to take a cost-of-living adjustment freeze, which we are doing, along with every other civilian Federal employee, as he has asked the military personnel to do, and civilian employees of the Department of Defense.

In other words, the President of the United States has asked all branches of Government to take the same cost-of-living adjustment freeze for 1 year.

I have not seen any wavering on that score on the part of the President. I would expect the economies that he is asking us to take to happen across the board, as promised, in Government.

Now, Mr. President, that is on the particular points raised by the amendment of the distinguished Senator from Georgia.

Let me just address the general issue, because I think it is important that Senators understand what this budget resolution does to the discretionary accounts and what it does not do, and military spending is a discretionary account.

It does set a binding number concerning how much the Appropriations Committees can allocate to its subcommittees in the aggregate. There are 13 Appropriations subcommittees, and what this budget resolution does is simply set a large number, which is described as discretionary spending, and that is allocated among the 13 Appropriations subcommittees, including the Defense Subcommittee, which has jurisdiction over military spending.

The budget does not contain a fixed number for military spending this year. Unlike the past 3 years, the fiscal year 1994 budget does not have a fixed number on the so-called 050 function, and that is the function that deals with military spending.

I say that simply to remind my colleagues that the rules are different this year from what they have been in the last 3 years. The Appropriations Committee will not begin working on its bills for some weeks yet, and the Defense appropriations bill is nearly always the last one we do, because it is so large and so complicated.

If inflation has changed by the time we get to the Defense appropriations bill, or the pay issue has been altered in some way, we will have plenty of time to incorporate that set of changes into the appropriations process.

I do not believe that either of these areas is likely to change for fiscal 1994 unless we get attempts to break the unity of President Clinton's approach to Government austerity. If we attempt to do that by a peeling off of one group of employees here, and say this is not going to apply to employees of the Federal Aviation Administration because their work is so pressure packed, so vital, and so important to all the air travelers; or we say we have to exempt the doctors in veterans hospitals because it is the only way we can keep them. If we do not, they are going to leave and all of them will go into private practice. Or, if they are in private practice, they will allocate none of their time for doing part-time work at veterans hospitals. Or we say: Gosh, we have to exempt the scientist at NASA. If we do not exempt those scientists from the pay cut across the board, or the cost-of-living adjustment freeze, then we are going to lose some of them, or morale is going to suffer.

My point is we have to keep this unity of approach that President Clinton has asked us to do, and that is a shared contribution from all of us in the Federal service, whether we serve here in the Congress, whether we serve in the Department of Agriculture, whether we serve in the Department of Commerce, or whether we serve, yes, even in the Department of Defense.

Now, as far as the outyears go, let me make a general point with regard to our military spending. Our spending on military matters is now in competition with our spending on every other domestic need.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. SASSER. Mr. President, will the Senator from Georgia allocate me an additional 2 minutes? I am getting ready to agree with his amendment.

Mr. NUNN. Mr. President, I wish to make sure the Senator from Tennessee agrees with the amendment before I yield unlimited time.

Just on the risk of knowing the spirit of his presentation, I yield an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for an additional 2 minutes.

Mr. SASSER. Mr. President, I thank my friend from Georgia. He is demonstrating his usual generosity here this morning, and I very much appreciate it.

But military spending is now in just competition with all other Government spending and I think, frankly considering the time in which we live in March 1993, that is the way it ought to be, considering that the other superpower has collapsed and the military threat that has persisted for the past half century certainly has diminished very, very greatly.

The Appropriations Committee now will be weighing our national security needs against our needs in education, and our needs in health care, for example. The military budget will be weighed against our needs in training our job force so that we can have a state-of-the-art jobs training program in this country, or our spending on criminal justice.

We are all alarmed, shocked, and disheartened, I might say, by the continuing criminality in many of our major cities. We now see that criminal conduct is part of the broad culture in many of the major urban areas of this country. We see youngsters growing up, and when they are queried about what they want to do when they grow up, some say they want to be drug dealers. So clearly some changes are going to have to be made there, and military spending is in competition with this other spending across the board.

But I have confidence that the Senate, through the appropriations process, will reach a sensible and balanced disposition of the available funds. But the simple fact stands that nothing in this resolution dictates the Clinton number with regard to military spending. Nothing dictates any number in this resolution for defense.

If we reach July of this year and the world situation has dramatically altered, or the economy somehow has burst into full-scale inflation as a result of any overly robust dynamic, over heated recovery, then we will be able to alter the appropriations bills accordingly.

I would therefore say to my friend, the distinguished chairman of the Armed Services Committee, that although I frankly do not believe his amendment is truly necessary, I will be willing to accept it if there is a willingness on the minority side to do the same. I think we can speed up the process if we do it that way.

Does my friend from New Mexico have any objection to accepting this amendment at the proper time?

Mr. DOMENICI. Might I just speak with Senator NUNN for a moment about it?

Mr. NUNN. If I may just make the point, I do hope it will be accepted, but I will want a rollcall vote.

Mr. DOMENICI. I am for a rollcall vote if the Senator is for one, because he is entitled to it. We are going to vote on it if that is his pleasure.

Did the Senator finish?

Mr. SASSER. I yield back the remainder of my time, if I have any remaining, to the distinguished Senator from Georgia.

Mr. NUNN. Mr. President, does the Senator from New Mexico wish to speak on this amendment?

Mr. DOMENICI. Yes, I do.

I understand the way we handle the time, since Senator SASSER, from the majority side, has spoken in favor of the amendment, that in behalf of Senator DOLE, I am given time on the amendment in opposition to the amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I am not in opposition to the amendment, and I do not know if the distinguished Republican leader would be in opposition to the amendment.

Is it appropriate, since this is just a giving of time, for me to speak in favor of the amendment while allocating the time in opposition?

The PRESIDING OFFICER. Despite the lack of opposition of the Senator, the minority does control time on the amendment.

Mr. DOMENICI. I thank the Chair.

I yield myself 5 minutes. I will not take a lot of time.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, frankly—I say to my friend, Senator NUNN—I totally support the concept of the idea. I wish I could feel as confident about this amendment doing what he wants it to do if adopted as presented, because obviously it is not in any way changing either a reconciliation instruction or changing any numbers, which would be a little more emphatic than merely a sense of the Senate.

But I commend the Senator for what he is trying to do, because I think it is to be expected, if history around the Congress is any indicator of the way things are going to be now for the next 2 or 3 years, that nothing much is changed by way of how Congress appropriates. And my big fear is that we will not get the saving that the Senator is speaking of, and nonetheless we will cut defense elsewhere.

If I can be part of any resolution—sense-of-the-Senate or otherwise—that says if you do not cut the pay for the military and military civilians and all the other civilians, then you do not cut defense by the amount that you would have gained from that, which is annual outlays of pay in exchange for which you are going to have to get rid of military men, and procurement is going to be hit something like $18 billion.

So I support it.

But I would take a minute to say, it is very interesting—and I say this to my friend, the chairman, who says, no numbers are binding. Really, we could have done the pay in a binding manner. The defense authorization committee could have been mandated to save defense money and the assumption could have been that they put in the pay cap as part of the reconciliation instruction instead of just an authorization bill.

We also could have done that to Government Operations for all the rest of civilian employees. If we want a binding set of numbers with a change in the way we pay our Federal employees, we could have mandated the two committees to use reconciliation, and you probably would have come much closer, I say to Senator NUNN, to get it done.

I am very fearful, leaving it to the appropriation process to implement this every year for the next 3 years after the first one, that we will never get the savings that are contemplated on the pay side. But I do believe, contrariwise, defense will be held to the numbers in the budget resolution. If none of the numbers are binding, as my friend from Tennessee says, on the appropriation side—and he suggested if the world changes, you can even get more defense out of this budget—why not saving so much on domestic, which I assume he is saying because none of the function numbers are binding, they are fungible, they are mixed. If that is the case, then why is there such a big interest in having a fixed plan? The fixed plan is nothing more than, it seems to me, a statement of a number of assumptions upon which numbers were built.

Having said that, I commend the chairman of the Defense Authorization Committee and the Armed Services Committee for his genuine concern on this amendment and the one that follows that during this defense builddown, defense is apt to get hit more than prescribed in this budget resolution, because many will want to use it to pay for more domestic spending.

I have no other time that I want on my side, but I will hold it until we are finished.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, if it is appropriate at this time, I would like to ask for the yeas and nays on the amendment at appropriate time in the overall procedure.

Mr. SASSER. Will the Senator withhold?

The PRESIDING OFFICER. Is there a sufficient second?

Mr. NUNN. I would be glad to withhold.

The PRESIDING OFFICER. The Senator withholds his request.

Mr. SASSER. I just wanted to propound a question to my friend from Georgia.

In the event that the amendment of the Senator from Georgia prevails and in the event the inflation rate does go higher than is postulated in the budget resolution, it is true that the additional moneys that finance the Department of Defense would have to be borrowed; is that correct?

Mr. NUNN. The Senator is correct.

Mr. SASSER. So, in essence, what we would be doing is raising the deficit to finance the Department of Defense. In the event inflation exceeded our expectations in the budget resolution or in the event we did not act to curtail the cost-of-living adjustment for employees of the Department of Defense as to military personnel, we would have to raise the deficit?

Mr. NUNN. The Senator is correct. That is also true for every other account in the Government, which is already going to be protected against inflation under current practices because, as mandatory programs go up and inflation goes up, everybody gets more Social Security, everybody gets more entitlements. And also under the current procedure of the Budget Committee, the domestic programs are protected, because under current policy their baseline is adjusted for inflation.

The difficulty is defense is programmed over a 5-year period and defense has large purchases and defense is the one that is exposed here.

So I would say the Senator is correct. If inflation goes up, that will cause the deficit to go up, except to the extent there are additional revenues that will come in because inflation adds to some revenues, as I understand it, to the overall budget.

Mr. SASSER. Mr. President, does the Senator wish to proceed to ask for the yeas and nays?

Mr. NUNN. Mr. President, I ask for the yeas and nays on the amendment, at the appropriate time.

The PRESIDING OFFICER. Is there a sufficient second? Evidently, there is a sufficient second.

The yeas and nays were ordered.

Mr. NUNN. Mr. President I believe the Senator from Tennessee, before I propose my next amendment, is going to propound a unanimous-consent request as to the sequence on voting on this amendment.

I would like to reserve the time I have remaining, so if there is any other debate desired on this amendment that I would be able to have time for that purpose. But I do not intend to use it unless other Senators care to speak on it and I do not ask for time before the vote tomorrow.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I ask unanimous consent that all time on the pending Nunn amendment be reserved for use later today and that the amendment be laid aside under the previous ordered to be disposed of following the disposition of the amendment No. 188 offered by Senator BINGAMAN.

Mr. DOMENICI. Reserving the right to object, and I probably will not.

I wanted to ask my friend Senator NUNN, just because we happen to have a number of amendments debated today and we sort of tentatively agreed, I wonder if the Senator would state an amount of time, instead of all the time remaining; maybe 10 minutes?

Mr. NUNN. I would be agreeable to that.

Let me ask the Chair, if I could, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Georgia has 23 minutes remaining.

Mr. DOMENICI. Could you get by with 10 of that?

Mr. NUNN. Mr. President. I ask unanimous consent that 10 minutes be reserved.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. SASSER. Mr. President, I ask unanimous consent that no second-degree amendments be in order to any of the amendments the Senate has so far laid aside for disposition tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Let me object and tell the Senator that I will very quickly return and tell him that I probably will not. Let me look at the list and ask around, but I probably will not object.

The PRESIDING OFFICER. Objection is heard.

Mr. SASSER. The next amendment is a Nunn amendment.

Mr. NUNN. Mr. President, I did not understand. Do we have a unanimous-consent agreement as to when this amendment will be voted on? Has that been entered?

The PRESIDING OFFICER. The Chair states that the amendment will be voted on following the vote on the Bingaman amendment.

Mr. NUNN. I thank the Chair.

AMENDMENT NO. 192

(Purpose: To express the sense of the Senate regarding the relationship between appropriations for fiscal year 1994 for budget functional category 050 (national defense) and the levels of budget authority and outlays that are provided for in this concurrent resolution for such fiscal year for such functional category)

Mr. NUNN. Mr. President, if it is appropriate, I send another amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. the clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] proposes an amendment numbered 192.

At the end of the concurrent resolution add the following:

SEC. . SENSE OF THE SENATE REGARDING THE CONSISTENCY OF LEVEL OF APPROPRIATIONS FOR NATIONAL DEFENSE FOR FISCAL YEAR 1994 AND THE BUDGET RESOLUTION.

It is the sense of the Senate that—

(1) appropriations for fiscal year 1994 for the programs, projects, activities, and au-

thorities under budget functional category 050 (national defense) should be made at the levels of budget authority and outlays that are provided for in this concurrent resolution for such functional category for such fiscal year; and

(2) if the appropriations for fiscal year 1994 for such programs, projects, activities, and authorities are less than the levels of budget authority and outlays that are provided for in this concurrent resolution for such functional category for such fiscal year, the savings resulting from the lesser levels of appropriations should be used only for reducing the deficit in the budget of the United States.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, the amendment I have just offered expresses the sense of the Senate that the level of defense spending for fiscal year 1994, requested by President Clinton and established in this budget resolution, should not be reduced unless the cut in defense is used to reduce the Federal deficit.

This amendment seeks to support the defense spending level requested by President Clinton and to remove the incentive to cut the defense budget to increase spending for other programs.

If there are reductions in the level of defense budget authority later in the defense authorization appropriations process, this amendment says very clearly that these savings should go only toward reducing the deficit.

I have spoken at length about the reductions that have already been made in the defense budget. I will not repeat those arguments on this amendment. Just suffice it to say the defense budget has been reduced each and every year since the high point of 1985. In fiscal year 1993, after adjusting for inflation, the defense budget was 30 percent smaller than fiscal year 1985 level. Under President Clinton's proposal and under this budget resolution, the defense budget will decline by more than 40 percent, after adjustment for inflation, from 1985 through 1997. And military personnel and the Armed Forces will be reduced about 30 percent.

Clearly we have been and we are reducing the defense budget in light of changes in the world and in light of the need to reduce the overall Federal spending to bring the deficit under control. As a matter of fact, as I have clearly laid out this morning, defense is the only part of the Federal budget where we made a meaningful contribution toward deficit reduction since the 1990 budget summit agreement.

Mr. President, this is not a matter of philosophy. This is a matter of simple arithmetic. All you have to do is add and subtract. You do not have to read any treatise on government or decide whether you are a liberal or conservative. All you have to do is add and subtract to conclude that defense is the only part of the Federal Government where we have made a meaningful, significant contribution toward deficit reduction since the 1990 budget summit agreement.

The purpose of this amendment is very simple. Since the 1990 budget summit agreement, we have had what some people have called firewalls separating domestic discretionary spending and defense spending. These firewalls meant that any savings from reductions in defense spending could not be spent in other areas of the Federal budget. If the defense budget was reduced, the savings would go only toward reducing the deficit. That is what we have operated on around here for the last 3 years.

The firewalls did not prevent the defense budget from being reduced. They were not intended to, and they did not. Last year, for example, we reduced the defense budget by $7 billion below President Bush's fiscal year 1993 budget request. We went $7 billion below what was requested.

These reductions came about as a result of careful review of defense programs and what we needed to spend on these programs. Since savings in the defense budget last year could not be spent on other programs, the reduction in the fiscal year 1993 defense budget were not driven simply by the need to find money to spend on nondefense programs.

Mr. President, I submit, and this is conjecture on my part but it is based on a lot of observations and experience, that if that firewall had not existed last year our deficit now would be $7 billion more, because that $7 billion that came out of defense, in my view, would have been put on other programs rather than on the deficit, where it was put.

I am concerned about the reduction in defense spending contained in this resolution. It is a reduction of $122 billion over 5 years from the last Bush administration 5-year defense plan, and a reduction of $18 billion in fiscal year 1994 alone.

The House-passed budget resolution would add an additional $3 billion in cuts over the 5-year period. This amendment, if passed, would send a signal that the Senate does not support the cut to President Clinton's defense budget adopted by the House. That is one indirect effect of this amendment.

Frankly, when the details in the cuts in the defense program in fiscal year 1994 and over the next 5 years become available—and I believe we will get those 1994 numbers sometime in the next 2 or 3 weeks; we will not get the 5-year number until sometime in this fall—but when those become available I think a lot of people here who are not paying a lot of attention to the defense numbers will become more concerned.

In my view the cuts in defense spending in President Clinton's budget and in this resolution are deep enough. In fact, they may be too deep. We need to remove any possible incentive for Congress to make further reductions in defense spending, either in the 302(b) allocation process or in the authorization and appropriations bills, in order to transfer funds to nondefense programs.

If that is going to be done, let us do it on the budget resolution out here on the floor during this week. Let us not wait and do it later. Anybody who wants to come out here and reduce defense more and put it in a nondefense program, be my guest. I will not support that, but this is the time to do it.

What this amendment will try to prevent is doing it back-door later on, instead of doing it in the open today. If you want to cut the defense budget more than it is cut in this budget resolution, more than President Clinton has recommended for this year and for the next 4 years, then let us do it on the budget resolution. Let us debate it on the budget resolution. Let us not wait until sometime in the fall and have $4 billion shifted out of defense to pay for some domestic program in the appropriations process.

Mr. President, I am not saying that the defense spending targets in the budget resolution are spending floors. This is not a floor amendment. I am not saying the Armed Services Committee or the Appropriations Committee must authorize or appropriate every dollar for national defense contained in this resolution. That is not what I am saying. I am not arguing that at all.

The Armed Services Committee and the Appropriations Committee, if this sense-of-the-Senate amendment passes, would continue to have full authority and responsibility to carefully review the details of the defense budget. If either committee finds they can reduce spending and save money by cutting out any remaining soft spots in the budget request, that is fine with me. We all support elimination of unnecessary spending wherever it is, whether it is defense or anywhere else. The Appropriations Committee and our committee and our excellent staffs I think do a good job reviewing the budget. We all want to continue doing that tough job and to scrub the budget.

What I do want to happen this year is for the defense budget to be cut, so that more of the discretionary funds can be used for domestic purposes, despite the numbers contained in this budget resolution and despite President Clinton's request. That is where the process can break down and I am fearful it will break down.

Frankly, I would prefer to offer an amendment that would reestablish the binding firewall between defense and nondefense for fiscal 1994 that we have had since the budget summit agreement of 1990. But there is no way to do that on this concurrent resolution. Therefore, this is a sense of the Senate, expressing that. I hope there will be other opportunities to make this binding in the coming weeks.

In the meantime I have to resort to the next best thing. I am offering my colleagues the opportunity to express the sense of the Senate that we expect the subsequent steps in the congressional review of the 1994 defense budget to follow the funding levels contained in this budget resolution. This sense-of-the-Senate amendment does not treat the spending on defense as a floor. It simply states that we mean what we say in this budget resolution and that any appropriations for national defense below the level contained in this resolution should be used to lower the budget deficit, not to increase other programs over the resolution levels.

In other words, this amendment simply expresses the Senate's desire that the national defense authorization and appropriations process conform to the outlines of this budget resolution in the area of defense spending, as well as in the area of nondefense discretionary spending. If the Congress decides to make reductions below the level of defense spending requested by President Clinton, those savings should go to reducing the deficit, not to increasing domestic spending over the levels allowed by this budget resolution.

Mr. President, President Clinton has stated that his budget cuts defense as deeply as he believes it should be cut. Certainly I think that is a strong statement that we need to emphasize. I think it may have already been cut further than it should be. But I want to make sure it is not cut deeper than the level contained in this budget resolution especially not just to allocate more funds to domestic discretionary spending.

Mr. President, I urge my colleagues to support this amendment, which I consider to be a very important amendment in terms of the overall budget debate.

Mr. DOMENICI. Will the Senator yield 5 minutes to the Senator from New Mexico?

Mr. NUNN. I will be glad to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, once again, while I have generally been somewhat critical of sense-of-the-Senate resolutions that we have already adopted or are in the mill, because they do not do anything and they are really not quite sense of the Senate in terms of past sense-of-the-Senate resolutions, this one seems to me to be absolutely right and it is a sense of the Senate. It is not trying to change the budget resolution, as I understand it. It merely says since we cannot in this process get caps on defense that say if you go below them all the money goes to deficit reduction, and we cannot do that on the process here, the Senator from Georgia has said, to minimize the natural temptation, which is to take money from defense and spend it on domestic programs in the appropriations process, because that is the time you do the allocating and it is very easy to see that much more domestic spending is desired by the Members, so you just go up and say let us take another $5 billion, $10 billion out of defense.

Frankly, unbeknownst to a lot of people in the second, third, maybe fourth year of the Reagan administration, a huge amount of defense money was spent on domestic programs. At that particular time, I was telling President Reagan his defense numbers were too big. The Senate voted them in, the House voted them in and then appropriations took much of that defense money and spent it on domestic.

When we went to the bipartisan economic summit 3 years ago of executive branch members and both Houses, I was a proponent of 5 years of caps so that defense knew where they were for 5 years, domestic knew where it was for 5 years, and foreign assistance knew. And if you broke those caps, you got a sequester on the remaining programs.

The compromise at that conference was 3 years and 2 years. When you do not have a defense cap, you just pile domestic, defense, and foreign affairs all into one big expenditure bushel.

What Senator NUNN is trying to do is to send a clear signal that if you are going to cut defense more than the President recommends, the extra cuts go to deficit reduction, not to more domestic spending; is that a fair analysis of the amendment?

Mr. NUNN. The Senator is entirely correct. I am saying also, further, that anyone who wants to have defense cut below the budget resolution or below President Clinton, this is time to do it on the floor, not to wait until 4 months from now, after the Senate has arrived at a number, and then cut it later without any debate or further adjudication by the Senate. I think this is the time to have the debate. I hope if anyone wants to do that, they will come over and offer an amendment, we will debate it and we will abide by whatever the Senate decides.

Mr. DOMENICI. I thank my friend for his explanation and I am pleased to support it.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I wonder if the distinguished managers will yield to the Senator from Virginia about 2 minutes.

Mr. NUNN. I am not sure which side the Senator is going to speak on. Knowing him for years, I will gamble 5 minutes on him.

Mr. WARNER. Mr. President, I rise to support the distinguished Senator from Georgia and indeed the managers of the bill. The distinguished chairman of the Armed Services Committee never hesitates to speak out on these issues. I commend him for his appearance yesterday on "Meet the Press" where he outlined in general these amendments which I wholeheartedly support.

I think I can safely speak for our side of the aisle on the Senate Armed Services Committee, in the absence of the distinguished ranking member, Mr. THURMOND, that we will work with him toward this end and strongly support him. I will be offering an amendment, as the manager knows, along these same lines later on in the day, but I think it is important that our chairman initiated these amendments this morning, and we will join with him later in the afternoon. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I wonder if the Senator will yield me another minute?

Mr. NUNN. I will be glad to yield.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, Senator NUNN reminded this Senator when he spoke of anybody who wants to cut defense more should offer an amendment to cut it, I do not think anybody is going to do that. But I want you to know, and I want the Senate to know, I will do the opposite. I will offer an amendment to put the defense numbers back. When President Clinton campaigned, he said he would cut $60 billion. I am going to put the $60 billion in an amendment, and whatever is extra in there I am going to take out and pay for domestic programs so we have a deficit-neutral amendment.

Mr. SASSER. Mr. President, I yield myself some time off the amendment.

The PRESIDING OFFICER. The Senator from Tennessee.

UNANIMOUS-CONSENT AGREEMENT

Mr. SASSER. Mr. President, before doing so, I ask unanimous consent that no second-degree amendments be in order to any of the amendments that the Senate has so far laid aside for disposition tomorrow.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SASSER. Mr. President, on the issue of the resurrection of the wall between defense spending or military spending and other kinds of spending, I will observe that the 1990 budget agreement intentionally built an "in" into the walls in 1994. My friend from New Mexico says he wanted to extend 5 years. Some wanted to extend it into perpetuity, I am sure. I was opposed to the imposition of the walls at all. I think military spending and spending for international purposes ought to be weighed in the balance with other spending we do. It ought to be in competition with other types of spending, including, as I said earlier, spending on education, spending on health, spending on job training—a whole host of other programs. I, frankly, do not see why spending on the military should be sacrosanct and above the competition for all other spending.

My friend from Georgia indicated a moment ago that military spending had been cut 40 percent since 1985. I always find it strange that those who are concerned about reductions in military spending go back to the year 1985 to cite the magnitude of the reductions since then. It just so happens that 1985 was the high water mark of the exorbitant defense spending of the Reagan era which helped put us behind this fiscal eight ball we find today.

These geniuses of fiscal and strategic planning between the period of 1981 and 1987 decided to reduce the revenues flowing into the Federal Government by 20 percent, and they paid for it, Mr. President, by raising defense spending about one-third in real terms. That is what I call real fiscal genius. As a result of that, we find ourselves today with a national debt that has literally quadrupled since Ronald Reagan took office in 1981.

Now let us put some reality into this discussion of military spending and let us not start out from these false high water marks that were the result, I think, of irrational and even ill-planned and ill-conceived military spending.

In David Stockman's book, if you bother to read it, you will find that even he says there was confusion about military spending and, as a matter of fact, there was confusion between Stockman and then the Secretary of Defense Caspar Weinberger. Mr. Weinberger advocated more spending, and that Mr. Stockman understood and, as a result, the military spending that came out of this confusion in 1982 was much larger than anybody had anticipated or needed to be absorbed in the military industrial pipeline. That is when you got the $600 toilet seats and all of the other ridiculous cost overruns.

But let us use some realistic numbers. In 1975, in the Nixon-Ford defense budget, they were spending $232 billion in constant 1993 dollars; $232 billion in constant 1993 dollars in the Nixon-Ford budget.

In 1979, Jimmy Carter had raised that $232 billion constant dollar figure to $250 billion. And you remember it is Jimmy Carter that my friends on the other side always want to point the finger at as being responsible for the hollow army, and the aircraft that would not fly, and a whole host of other allegations that are made against President Carter which I think are unfounded. He was raising military spending, as he had agreed with our allies, at the rate of 2 percent per year in real dollars corrected for inflation, a rational and responsible military buildup in military spending.

Bear in mind that in 1979 and in 1975, when we were spending $232 billion in constant dollars in 1975 and $250 billion in constant dollars in 1979, the evil empire was intact. The Soviet Union still maintained the largest land army in the world, perhaps secondary to that of the People's Republic of China, certainly had more tanks, a whole host of military hardware there. We now know that some of it was of very poor quality, but they had it anyway.

At that time, we thought $250 billion in 1979 in constant dollars was adequate to deal with the Soviet Union. Now the Soviet Union has collapsed and is no more and we are the last remaining military superpower on the face of the Earth.

So now they come to the floor of the Senate. President Clinton will spend $263 billion in constant dollars in 1994, $13 billion more than Jimmy Carter was spending in 1979, $31 billion more than the last Ford-Nixon military budget, and they lament the fact we have cut military spending so much and the implication is that the military budget is contributing more than its fair share in deficit reduction.

If the Clinton budget is carried through to a conclusion, in 1998 we will be spending $240 billion in constant dollars for the military. That is $8 more than President Richard Nixon and President Gerald Ford thought was necessary in 1975 when the Soviet Union was intact and was the other antagonistic military superpower in the world.

So, Mr. President, I do not think, given this particular day in time, it is unrealistic to ask that military spending be in competition with all other Government spending, as I said earlier, spending for education, spending for health, spending for job training, spending to try to develop a trade policy that will put us first in the world—a whole host of programs.

Now, I am prepared to debate this whole issue at the appropriate time once we have settled on the 302(b) allocations for Appropriations Subcommittees and we really know what we are arguing about. We will have plenty of opportunity to debate this and other enforcement issues when we get to reconciliation where it truly belongs.

But in the meantime, Mr. President, I will withhold my support from this proposition. After all, when we go back to 1985 and start comparing military spending then with what was happening in domestic spending at that time, it was military spending that had helped starve some of these domestic programs during the decade of the 1980's. And as the distinguished chairman of the Senate Appropriations Committee has demonstrated with great eloquence and force and graphically with charts on this floor so many, many times in times past, it was spending for domestic purposes, spending here at home for our own people that has been so restrained and did decline in real terms during the decade of the 1980's when we were seeing this virtual explosion of military spending.

So I would hope when we start talking about the magnitude of military spending and comparing it to reductions that it might have taken we do it in a realistic way and we go back over the whole history of military spending rather than starting at these high watermarks such as 1985. I think that leaves us with a rather slanted view on it. I am sure it is not the intent of anyone to do that on the floor here today.

(Mrs. FEINSTEIN assumed the chair.)

Mr. SASSER. So, Madam President, I would simply say that I will withhold my support of this proposition at this time.

I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I would just like to say, briefly, the Senator from Tennessee says defense should be weighed against domestic, education, health, and so forth. I think that is correct, and that is what we do on this budget resolution. And that is why I said a little while ago anyone who wants to come out and take money out of defense and put it on education or health, this is the time to do it.

What I am suggesting is once we make this decision on the floor, let us stick to it. Let us not come up later in the year when the Senate itself does not have a chance to act on it and then have it cut in the 302(b) process which is not debated on the floor, which is not voted on on the floor of the Senate, which is not a decision of the Senate. It is a decision of the Appropriations Committee.

The Senator from Tennessee is on that committee so he will have another chance, but the Senator from Georgia will not have another chance. This is the time we have to debate this. So when the Senator from Tennessee says let us weigh it against domestic, then I say great. Let us do it. Let us do it.

I assume that is what the Budget Committee did in their resolution when they brought this number out here for defense, and they brought a number out for domestic discretionary, and they brought a number out for taxes, and they brought a number out for entitlements. I assume that that weighing has taken place. If not, let us finish it this week. Once we arrive at a decision, then let us say if we find cuts in defense, they go to the deficit; we do not get into this shifting from defense to domestic discretionary or any other category.

Madam President, the Senator said let us go back in time and not take 1985 for the baseline. I would like to just take us back in time of fiscal year 1963. If you look at 1963—I do not know whether anyone can see this chart, but I will just go over it orally. In fiscal 1963 compared to fiscal 1993 at that stage of the Federal budget, entitlement programs were 23 percent. That is the red figure—23 percent of the Federal budget was entitlements. In 1993, 49 percent of the Federal budget is entitlements, from 23 percent to 49 percent.

Now, let us look at defense. Defense is the green here. In 1963, defense was 53 percent of the Federal budget. That was when we had a Democratic President by the name of John F. Kennedy. In 1993, defense is 22 percent of the budget. We do not have to go back to 1985 for any kind of baseline.

We can go back into a longer reference of history as the Senator from Tennessee recommended. The domestic discretionary under John F. Kennedy was 17 percent of the Federal budget; today it is 16 percent of the Federal budget. The interest on the debt was 7 percent. Today, unfortunately, because of the fiscal practices we have had, it is 14 percent.

So the defense budget taken over any period of time over the last 35 to 40 years has come down in real terms. The period of time that the Senator from Tennessee referred to in the 1974 and 1975 timeframe—the 1979 timeframe was a period of time, particularly in 1974 and 1975, where we were literally bleeding because we did not have enough money going into the volunteer force. We were going down in quality. Our high school graduates had gone down to a very low point, and we had more category 4's at that time than anyone ever believed advisable. Almost 45 percent of the overall U.S. Army recruits were coming in the lowest possible middle category acceptable, which was category 4. We cannot afford to go back to that period of time.

Since then, we have raised pay very substantially. And if you plug in the pay increases and the skill bonus increases to get us up to a quality volunteer force, then these numbers in 1975 and 1974 would be adjusted substantially upward.

I think everyone should recognize that, Madam President. My remarks here today can be summarized by saying if we are going to reduce the defense budget and put it in other categories, then have at it. Let us do it out on the floor. Let us do it now. Let us let the Senate decide. Let us vote on it. As the chairman of the Armed Services Committee, I will abide by the Senate's verdict. And I will do everything I can to implement that verdict.

But what I do not want to happen is to come out here and have the Clinton number adopted in the budget resolution and then back door all year long take money out of defense and plug it into other programs without having the Senate decide that. This is the time for the Senate to decide it. And if this amendment is passed, then the Senate will have expressed its very strong view that this defense number should be firm.

Madam President, I want to say to everyone, it is easy to get out here and deal with big abstract numbers and take big cuts without knowing from where they are going to come. That is what we are dealing with. We do not know from where the defense cuts are coming. We do not have a Clinton budget on defense. We do not have a 1-year budget. We hope to have that in the next week or two. We certainly do not have a 5-year budget. And we will not have that until sometime in the fall.

I am not trying to put up a wall except for 1 year. I know it is difficult to ask people to put up a wall beyond 1 year, so I am saying let us take it 1 year at a time. Whatever we decide on defense during this debate, let us stick to it during this year and then we will make the adjustments as time goes by. And if—I repeat—if anyone on the Appropriations Committee or anyone on the Senate floor when we consider the defense bill or the appropriations bill can identify cuts that 50 percent of the Senate agrees with, then that money will be taken out of defense to go to the deficit. There is nothing in this amendment that in any way precludes more defense cuts than President Clinton recommended.

What it does is it says if these cuts are made, they are going to deficit reduction. That is what the amendment does.

I hope at the appropriate time, it will be passed.

Mr. DOMENICI. Will the Senator yield on his amendment?

Mr. NUNN. Yes; 3 minutes.

Mr. DOMENICI. Madam President and fellow Senators, I think I heard the chairman contend in his remarks, the chairman of the Budget Committee, that it was defense spending that created this big deficit that we now have that we have to fix. I would just like to put in the RECORD, in constant dollars again—so we are dealing with apples and apples—in 1974–75, the year the chairman alluded to as the Ford-Nixon years, or Nixon-Ford years, all of domestic spending, including entitlements was $439 billion. Today—same dollars, apples and apples—it is $788 billion. So it has almost grown by two times.

Actually, it is the entitlement programs of America that are getting us the budget deficit that we have. And in the budget resolution, there are hardly any entitlement savings, the big savings are all out of defense.

All the Senator from Georgia is saying as if you want to cut defense more—I have heard Senators come to the floor during the last 4 or 5 days of the debate and say they are going to cut defense more; I have heard that. They are going to let us do that in appropriations. But the point is, if you cut defense in appropriations and spend it somewhere else, you are surely not going to cut the deficit. What you are going to do is cut whatever it is that people have on their amendment to cut more in defense.

There are a number of Senators in that group that are going to cut it some more. Unless they are willing to reduce the expenditures of Government, they obviously are leaving it there to be spent elsewhere. That is essentially what I understand our friend from Georgia is trying to say to the Senate: Cut defense more; do it right here on the floor and take it out of the defense numbers that the President submitted. Do not just shift it over and spend it on domestic.

I wish the Senator's amendment were for more than 1 year. The Senator clearly knows to give the Defense Department of the United States time to plan. If we want to save money, give them a 2- or 3-year trend line, and they will save you real money, and do it in an orderly way.

To do it every year, and in the vagaries of appropriations, seems to me to be a very poor way in a troubled world to manage the Defense Department, as large and complex as ours, as people-oriented as ours. And, frankly, I think we are doing a great injustice to our people to do it in that way.

I thank the Senator.

Mr. NUNN. Madam President, I say to the Senator from New Mexico, I agree it ought to be done for more than 1 year, and I will support that amendment. The problem is that I do not believe we would get enough votes for that amendment. I need to maximize these votes. I am not sure we will get the number of votes needed for this amendment.

I certainly wholeheartedly agree with the multiyear numbers.

Mr. SASSER. Madam President, before yielding to my friend, am I controlling time in opposition?

The PRESIDING OFFICER. The Senator controls time in opposition.

Mr. SASSER. Madam President, before yielding to my friend from Arkansas, just let me make a couple of points. One is that much has been made here today—and has been made on this floor in times past, and will be made in the future—about the growth of entitlements vis-a-vis military spending. But one point that is never made is that entitlements pay for themselves, partially. Some of them pay for themselves totally, but every dime of military spending comes directly out of the Federal Treasury.

The largest entitlement of the Federal Government is Social Security. Social Security, the Social Security trust fund, will have a $60 billion surplus this year. Let us just suppose we did away with the largest entitlement program. What would we have left? We would have a deficit that would be $60 billion larger than what is being predicted presently by the Congressional Budget Office.

Let us look at some of the other entitlements. Medicare, part A, is paying for itself now. It would go into deficit in a short period of time. But as of today, it is paying for itself.

Many of these other entitlements, like civil service pay, civil service annuitants pay into that during the course of the time that they work for the Federal Government. Contrast that with military retirees, who pay not one dime from the military into the Federal Treasury for their retirement.

Ask these lieutenant generals, who are sitting around drawing these large retirements right now, how much they paid into their retirement funds. Not one dime.

What about civilian retirees, on their health insurance? They continue to pay part of their health insurance after they are retired. Contrast that with military retirees. First, they never paid one dime into a health insurance provision while they were on active duty, and when they retire they do not pay one dime into it.

Yet, they are still supported along the way.

So when we talk about entitlements being the problem, yes, there is growth in entitlements. And 85 percent of the growth is entitlements, or 95 percent, really comes from three entitlement programs: Social Security, which will have a $60 billion surplus this year; then 85 percent of the growth, if you take Social Security out of it, comes from Medicare and Medicaid.

That is a result of the explosion in the health care costs. But even at that, Medicare part A is not in deficit at this time. It is still paying for itself.

We can go back to the 1960's, and talk about percent of Government spending. That is really meaningless, because in the early 1960's, in the Kennedy administration, there was no Medicare. During the decade of the 1960's and 1970's, under administrations of both parties, it was determined by the Congress and Presidents of both parties that the Federal Government wished to do more in certain areas. The real measure of the effect of military spending and what needs to be spent is not the percentage of gross domestic product. It is not the percentage of total Government spending that occurred in prior years. It is the measure of spending that takes place in constant dollars.

If the country were threatened, as we perceived it to be threatened during the sixties of seventies, then perhaps the argument would not be as valid about reducing the military spending.

If the threat is profound enough, then we ought to spend whatever it takes to make sure that the country can defend itself. But the point being made here is that the threat has virtually evaporated or certainly it has dissipated dramatically. Given that, we are still spending more in constant dollars for defense in 1994 than we spent during the Nixon-Ford years in 1975 or the Carter years in 1979, of $250 billion in constant dollars, even after we had had a defense buildup moving there for about 3 years.

So I am not quarreling with the proposition here today that any savings in military spending should go to deficit reduction. What I am quarreling with is what I perceive to be the undercurrent here that some are going to come out here and try to reach into the military pot and diminish the preparedness of the country to put into domestic programs.

Our real threat, Madam President, is not one that comes internationally from some foreign military power. Our real threat is right here in this country, and you have only to walk five or six blocks from this Capitol and you see it. I daresay that not many of us in this body want to walk five or six blocks from this Capitol after dark. Much of that is the result of the last 12 years of neglect of the domestic needs and domestic priorities of this country.

Our real threats are not international. Our real threats are from within, because we simply have not addressed the problems internally that a modern industrialized state should address and ought to address and I think will address under this new Clinton administration for the next 4 years.

Our friend from Arkansas has arrived on the floor, and I will be delighted to yield him as much time as he requires.

Mr. BUMPERS. Will the Senator yield 10 minutes?

Mr. SASSER. I am pleased to yield 10 minutes to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Madam President, first of all, I commend the distinguished Senator from Tennessee for the statement he just concluded. I am rather reluctant to say what I am about to say because he has already said just about everything that needs to be said.

Mr. NUNN. Will the Senator yield for one monment?

Mr. BUMPERS. I am happy to yield.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I want to make it clear that my remarks on defense include, by my definition, a description of what is also important, the intelligence budget. The intelligence budget is largely part of defense, as we all know. I think in this day and time with the Soviet empire having broken up, with conflicts emerging all over the world, our intelligence budget now is enormously important and is a very vital part of our national security.

So all my remarks this morning on both amendments, I want it understood, include intelligence also.

I thank the Senator from Arkansas.

Mr. BUMPERS. Madam President, let me also say I am not sure how I am going to vote on this amendment. I think I am probably going to support the Senator from Georgia even though I want to voice my reservations about it.

No. 1, it is a sense-of-the-Senate resolution. We all know, of course, that is a monumental eunch around here. No. 2, it reminds me of an elderly woman in my hometown who gave me a home remedy for a sinus infection. She said: "Hey, I don't know how good it is, but it won't do no harm."

This is the exact way this amendment is. It will not do a lot of good, but it does no harm for us to stand here and debate a very legitimate concern. I share the concern of the Senator from Georgia about the deficit. I am not certain that I believe that everything we take from the defense budget should automatically go to deficit reduction, and I yield to no one in my concern for the deficit. I yield to no one on my part in votes to deal with the outrageous spending binge and the outrageous economic policies of the last 12 years from which we are just now beginning to sober up.

But the assumption of this amendment that causes me more pain than anything else is to assume—and it does assume—that defense is more important than any other facet of domestic spending in this country. Everybody in this body knows that Betty Bumpers and I have labored in the childhood immunization vineyards since the second year I was Governor of my State.

Mr. NUNN. Madam President, will the Senator yield?

Mr. BUMPERS. I am happy to yield.

Mr. NUNN. I just want to make it clear to the Senator from Arkansas that this amendment in no way precludes money being shifted on the floor of the Senate in this resolution from defense to anything else, domestic, health, education, Head Start.

All I am saying is that amendment says once we have arrived at the number here on the budget resolution in the entire Senate, let us not later on this year through some other process, a 302 allocation process not voted on by the Senate as a whole, let us not shift money at that stage into other programs.

I am not saying by this amendment that defense is more important than anything else. I am saying that whatever we decide on the floor of the Senate is what we ought to do. The Senate ought to decide this issue. If there is going to be an amendment to reduce defense, let us do it during this debate. I will not support it, because I think we have taken all we can prudently out of defense at this stage. I want to make that clear. That is a fundamental distinction.

Mr. BUMPERS. Madam President, let me say I appreciate the colloquy, and I appreciate the observations the Senator just made.

I respond by saying that the Senator himself said this morning that we will not receive the President's proposed defense budget until later in the year. So this body is in no position today to say that we ought to cut the intelligence budget by 20 percent—I am in a mood to say that, but the body is not. We are not in a position to say we want to cut the 50 function here by $1 billion on the assumption we are going to kill the C-17 next year or another $1 billion because we are going to kill the V-22 Osprey.

My point is, if this were not just a sense-of-the-Senate resolution, we would be taking away essentially our prerogative this fall to pick and choose between those things that we think are really important to defense and those things that we think are not so important and, finally, those things that we think are not as important in defense as for example, an additional $300 million in childhood immunizations, the full funding of Head Start and a whole host of things, like student loans.

If you give me a choice between cutting the intelligence budget, by $10 billion—and we are not going to do that; we would be lucky to cut it $1 billion. Give me a choice between cutting the intelligence budget by $1 billion and putting the money in Head Start.

So my point is when the committee of the Senator from Georgia gets the President's budget, it is going to go to markup, the Armed Services Committee is going to pick and choose between a whole lot of weapons. I can tell you right now, for example, I would like to cut intelligence. I do not know what I want to do about the C-17. One of the reasons I do not want to debate the issue here today is I am not sure yet about the C-17. I daresay not many people are. I am not sure about the V-22 Osprey either. I think I am going to vote against that. I know I am going to vote dramatically to limit the production of the Trident, D-5 missiles. I know I am going to vote to cut at least $1 billion out of SDI.

Here is my point. I want those savings to go into deficit reduction, but, if at that point it has become palpably clear that the proposed universal childhood immunization program is not going to be funded, then I would like to move some of those savings to immunization. I happen to think that things like that and how well we educate our children are just as important as defense.

The Senator from Tennessee made a very salient point. You cannot walk five blocks from this building at night without being in fear of your life. This country has lost its cultural heritage and its cultural basis. I am not suggesting that if you put more money into it, that is going to be a solution. But I can say one thing. There are some things—if we do not put more money into, we are going to pay a price.

As I said a moment ago, we are now just beginning to sober up from one of the strangest binges I have seen, which Professor Tobin up at MIT, a Nobel laureate in economics, said in 1988 represented the most profligate, irresponsible tax and economic policies in the history of the world. Not just in the United States, but in the history of the world.

I could not agree with him more. But every time I stood on the floor and made those points, I got run over like I had been hit by a Mack truck. I did not vote for that tax bill in 1981 which has brought us to this sorry mess. You think about that one. Madam President, You were not here then, but we passed that tax bill in 1981 over my vigorous objection, and in 1983, just to show you what a beautiful bill that was, General Electric Corp. made $3.7 billion and got a $700 million refund out of the U.S. Treasury.

People across the country were saying, "Well, that can't be."

That is like hardrock mining. I see some of my friends here who are going to offer an amendment on hardrock mining in a moment.

You debate what I have been trying to do for 4 years on hardrock mining and I promise you the American people, when they find out that this has been going on all of these years, will demand a saliva test for every Member of this body.

No wonder Ross Perot has a certain appeal—not with me. But if Ross Perot knew about hardrock mining, he would have sure talked about it last night.

So, Madam President, the question of defense is always, how much is enough? What is a threat and are we prepared to meet that threat?

There are Members of this body who think the threat is always 10 times greater than it is and who are willing to spend 20 times as much as necessary to meet it.

There is not anybody in this body who is more zealous of a strong defense than this Senator.

Madam President, let me give you a little statistic. If you do not remember anything else I said—that is what I tell high school graduates—you remember this: In 1993, we will spend twice as much as the 10 biggest potential adversaries we have, from Iraq to China to Russia to North Korea, right on down the list, the 10 biggest potential adversaries this country has, we will spend this year twice as much on defense as all 10 of them combined.

And yet, I am troubled by some of these cuts.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. BUMPERS. I ask for 1 additional minute.

Mr. SASSER. I yield to the distinguished Senator 2 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator from Arkansas is recognized for 2 minutes.

Mr. BUMPERS. Madam President, I will conclude in less than 2 minutes and summarize by simply saying that Senator Mansfield, who was the majority leader when I came here, used to say: "Each Senator is as important as any other Senator." With the utmost respect for this 90-year-old elder statesman, that is not correct.

The Senator from Georgia chairs the Armed Services Committee. This body invariably defers to him. And I am not objecting to that. His knowledge of the issue is awesome. And when I see him on "Meet the Press," as I did yesterday, he is always articulate and compelling and backs up what he believes with good information.

Sometimes we disagree and sometimes we agree.

But this kind of amendment takes away prerogatives of this body. We ought to address how much defense we need. We ought to decide which weapons fit into the threat. If the Osprey does, I will vote for it, if I feel that it does.

I cannot imagine us continuing to produce a D-5 missile when we already have more warheads than the START agreement allows us to have. Why are we continuing to produce those things?

And the intelligence budget, I am told by the New York Times, is close to $29 or $30 billion. CNN will give you half of it now, free. Why are we spending $30 billion.

Why are we spending money for the space station? Why do we not just buy the Russian space station? They had one up there for 5 years and you could buy it for a year's supply of TV dinners. No, we have to spend billions on our own. No wonder the people of this country are upset.

I do not want the prerogative taken away from me today about what I am going to do this fall. I will be with the Senator on a lot of these amendments and I will be opposed to him on some of them.

But I want to see the President's budget. I want to hear briefings. I am on the Defense Appropriations Committee. We hear the same witnesses that the Senator's committee hears. I want to hear them. I want to hear General Powell and his successors and all the Chiefs and then decide.

Having said that, since this is a sense-of-the-Senate resolution, I am inclined to vote with the Senator. And I promise the Senator that, unless I find something that is absolutely compelling that I think defense money is not as important as, I am certainly going to vote to put it on defense or allow every dime we can get over into deficit reduction.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, I have no other speakers to speak in opposition.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I ask for the yeas and nays at this time.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Madam President, I ask unanimous consent that all time on the pending Nunn amendment be yielded back and that the amendment be laid aside, under the previous order, to be disposed of following the disposition of amendment No. 189, offered by Senator NUNN.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Madam President, reserving the right to object, I would like to reserve some time. Is any time now being reserved before these amendments are voted on? If no one else is doing it, I will not do it.

But I will say to my friend from Tennessee, if people start asking for 10 minutes of debate, I would like to get 10 minutes reserved on this one, if I could be protected on that.

Mr. SASSER. No time has been reserved. There was some time reserved last week, but there has been none reserved this week.

Mr. NUNN. I would like to reserve for later on today, Madam President, 10 minutes of my time, and I ask unanimous consent to that effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. I would also ask my colleague from Tennessee, if people start getting any debate before the amendments are voted on tomorrow afternoon, I would like to get 10 minutes on this one or whatever other people are asking for. I will not ask for that now.

Mr. SASSER addressed the Chair.

Mr. SASSER. I see the distinguished Senator from Wyoming on the floor. Under the previous agreement, his amendment will be next in order.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 194

(Purpose: To alter the instructions to the Energy and Natural Resources Committee by reducing the amounts assumed to be generated through increases in grazing fees, changes to the mining laws of the United States, increases in recreation fees, and imposition of an irrigation surcharge)

Mr. WALLOP. Madam President, on behalf of myself, Senators DOMENICI, MURKOWSKI, CRAIG, BURNS, GORTON, KEMPTHORNE, and BENNETT, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. WALLOP], for himself, Mr. DOMENICI, Mr. MURKOWSKI, Mr. CRAIG, Mr. BURNS, Mr. GORTON, Mr. KEMPTHORNE, and Mr. BENNETT, proposes an amendment numbered 194.

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 48, line 20, strike "$125,000,000" and insert in lieu thereof "$42,000,000";

Page 48, line 21, strike "$1,124,000,000" and insert in lieu thereof "$372,000,000";

Page 54, line 20, strike "$110,000,000" and insert in lieu thereof "$27,000,000";

Page 54, line 21, strike "$996,000,000" and insert in lieu thereof "$244,000,000".

Page 41, line 16, strike "−$3,900,000,000" and insert in lieu thereof "−$3,983,000,000";

Page 41, line 18, strike "−$3,400,000,000" and insert in lieu thereof "−$3,483,000,000";

Page 41, line 24, strike "−$6,800,000,000" and insert in lieu thereof "−$6,924,000,000";

Page 41, line 25, strike "−$6,500,000,000" and insert in lieu thereof "−$6,624,000,000";

Page 42, line 6, strike "−$8,300,000,000" and insert in lieu thereof "−$8,450,000,000";

Page 42, line 7, strike "−$8,000,000,000" and insert in lieu thereof "−$8,150,000,000";

Page 42, line 13, strike "−$10,400,000,000" and insert in lieu thereof "−$10,595,000,000";

Page 42, line 14, strike "−$10,000,000,000" and insert in lieu thereof "−$10,195,000,000";

Page 42, line 20, strike "−$10,600,000,000" and insert in lieu thereof "−$10,800,000,000";

Page 42, line 21, strike "−$10,700,000,000" and insert in lieu thereof "−$10,900,000,000";

Page 71, line 13, strike "$516,900,000,000" and insert in lieu thereof "$516,750,000,000";

Page 71, line 14, strike "$544,700,000,000" and insert in lieu thereof "$544,550,000,000";

Page 71, line 16, strike "$527,300,000,000" and insert in lieu thereof "$527,105,000,000";

Page 71, line 17, strike "$543,300,000,000" and insert in lieu thereof "$543,105,000,000";

Page 71, line 20, strike "$544,000,000,000" and insert in lieu thereof "$543,800,000,000";

Page 71, line 21, strike "$561,200,000,000" and insert in lieu thereof "$561,000,000,000";

Page 16, line 11, strike "$21,200,000,000" and insert in lieu thereof "$21,283,000,000";

Page 16, line 12, strike "$21,600,000,000" and insert in lieu thereof "$21,683,000,000";

Page 16, line 19, strike "$23,000,000,000" and insert in lieu thereof "$23,124,000,000";

Page 16, line 20, strike "$21,900,000,000" and insert in lieu thereof "$22,024,000,000";

Page 17, line 2, strike "$23,600,000,000" and insert in lieu thereof "$23,750,000,000";

Page 17, line 3, strike "$22,600,000,000" and insert in lieu thereof "$22,750,000,000";

Page 17, line 10, strike "$24,600,000,000" and insert in lieu thereof "$24,795,000,000";

Page 17, line 11, strike "$23,300,000,000" and insert in lieu thereof "$23,495,000,000";

Page 17, line 18, strike "$24,500,000,000" and insert in lieu thereof "$24,700,000,000";

Page 17, line 19, strike "$23,500,000,000" and insert in lieu thereof "$23,700,000,000".

Mr. WALLOP. Madam President, I yield myself 10 minutes off of the amendment.

The PRESIDING OFFICER. Please proceed, Senator.

Mr. WALLOP. Madam President, the amendment I offer today would reduce the reconciliation assumption assigned to the Energy and Natural Resources Committee by two-thirds. My amendment is justified for two very simple reasons. First, the underlying assumptions used to generate the revenues based on increased fees are just not credible. If we enacted legislation which precisely carried out the Budget Committee's assumptions, our reconciliation provisions simply would not generate the anticipated revenue. Second, clearly, these provisions tax the West. I cannot stand by and watch my western constituency taxed through user fees to support new urban spending programs which will not help them in the least.

Madam President, quoting the Senator from Arkansas, the Senator from New Mexico has proposed an amendment, to be considered tomorrow, which is a sense-of-the-Senate resolution doing essentially the same thing. That is an amendment which makes a nice circumstance for people to vote and show they care about the west, but it has no teeth. And it still requires the underlying obligation to achieve the reconciliation number out of somebody else's hide.

What an odd business we are engaged in—raise park fees to pay for food stamps to give to people who have been put out of work by a Btu tax. President Clinton has certainly created a comprehensive plan. It is a plan to expand dependency on the Federal Government.

Let me go through each of the items reconciled to the Energy Committee to crystallize our problem. First, of the assigned $1.124 billion, only $244 million fall in the clearly do-able category and probably will achieve the savings assigned by CBO. Specifically, I am talking about the $43 million saved through decreased funding for the Northern Marianas and $201 million saved by permanently extending the current appropriations language on net mineral receipts. While I do not like the net receipts proposal, it does represent real money, unlike most other provisions in the Budget Committee's recommend instructions.

Setting that $244 million aside, the committee is left with $880 million in assigned savings—almost all of which is based on false assumptions. I would start by giving CBO credit for injecting some rationality into the numbers by cutting President Clinton's assumptions for these same accounts by $893 million! But, that is a 50-percent reduction. Unfortunately, CBO did not finish the job.

For example, let us review the grazing fees proposal. The Administration's proposal assumes a 33-percent increase in grazing fees per year for 5 years and no reduction in AUM's. The Congressional Budget Office modified OMB's assumptions to reflect their belief that there would be a 2-percent reduction in AUM's for every 10-percent increase in the fee. Also, they assumed, and I agree, that once the fee exceeds $4.85, the Government would begin losing revenue.

The assumptions by OMB and CBO only scratch the surface on what this latest assault on the Western States would cost the taxpayers, users, and job market. The numbers are simply not achievable. In reality, the grazing industry will not contribute $82 million to the economy over a 5-year period for the simple reason that they can not. There will be no one left in business. If that is Secretary Babbitt's plan, then for heaven's sake have him say so out loud. But let us not attribute it to savings.

The 1993 Westwide Industry Studies were produced by Drs. John Fowler and Fred Obermiller—both gentlemen have been widely quoted by both sides of the grazing issue. These men are also respected by proponents and opponents of higher grazing fees.

According to their recent studies, by using CBO projections, one-half of the Federal land livestock industry would cease to exist when the Federal grazing fee reaches and exceeds the $4.50/AUM range.

Prior to the $4.50 range, many of the smaller businesses will fold. As the fee is increased each year, more and more ranchers will throw in the towel at $4.50 and the industry will be effectively destroyed.

This assault on the Western States, in other words, translates to the fact that approximately 82,150 ranch jobs would be lost the first year that the fee reaches $4.50. These 82,150 jobs do not include the job loss by support industries in rural communities. The effect is cumulative—82,150 jobs does not include the effect at hardware stores, banks, tractor and pipe outlets, et cetera—the list just keeps expanding.

According to the same study, at the same time as the job loss occurs, we would be removing over $4 billion in commerce from the rural West annually.

There are other costs associated with this proposed fee increase. Each year public agencies would need to expend $11,344,000 for water maintenance for wildlife use and $1,620,000 for road maintenance for public access because the ranchers will not be around to absorb these duties.

By agreeing to this measure, we would eliminate half of the industry; the next year we would start to eliminate the other half. And no one has seriously considered the $4 billion loss in commerce that would also occur each year.

Last but not least, instead of reducing the cost of Government operations, we increase the cost with no measurable increase in revenues, and we destroy both an industry and a lifestyle.

In the West, stable economies and a stable stewardship of our lands, require stable ranching communities. Secretary Babbitt said as much in his confirmation hearings, yet he does not now seem to remember. This report shows that the average rancher has spent an average of 31 years on the ranch, he is 54 years old and his family has been at it for 79 years. The Clinton budget will make them the newest addition to our welfare system. We will also continue to discourage young people from taking up ranching—which is the lifeblood of many small Western communities.

Next, I want to talk a bit about recreation user fees which are supposed to generate $245 million in new revenue.

The President proposes to expand the number of parks where maximum fees can be charged, establish new park fees where none have existed before, and remove legislative prohibitions against the collection of fees from Park Service and Forest Service areas.

We have addressed these same issues in committee on more than one occasion. After long and protracted debate, we recently and significantly raised entrance fees. For example, we raised the cost of Golden Eagle Passports from $10 to $25. At Yellowstone National Park, the fees went from $3 to $10. In other park areas fees were increased as much as 50 percent. Even though we have attempted to raise additional fees the response has always been the same—"not in my State" or "we need an exemption for the Statue of Liberty, Independence Hall, the Lincoln Home, U.S.S. *Arizona* Memorial, any park unit within the District of Columbia, Arlington House, San Juan National Historic Site, Canaveral National Seashore, and both Gateway National Recreation Areas." We also heard over and over again that we cannot have the public pay a $10 fee at major western national park areas when their tax dollars already are used to operate and maintain those parks.

The last time we increased fees, Senators asked for all sorts of exemptions—even though 50 percent of the fee receipts were targeted to go back to the same parks that collected them. Under President Clinton's proposal, revenues collected would not be directed to any park or Forest Service activity. They go to the general fund.

The CBO assumptions do not take into account the cost of collecting the new fees nor the cost of the necessary infrastructures to collect the fees in the first place.

Let me explain—there is a proposal to collect fees at Lake Mead National Recreation Area. The Park Service will be required to absorb the entire cost of constructing entrance stations which will necessitate the redesign and realignment of highways. Power will be needed and in some cases, the closest electrical outlet will be 50 miles in the distance. Offices, restrooms, signing, ticket machines, cash registers, vehicles will also be needed. The entire operation must be constructed or purchased within the Service's existing budget. But keep in mind, the President does not propose to provide them with any additional revenue. The President proposes to degrade the National Park System.

Some of the items I have just mentioned can be considered one time expenditures, however, servicewide the drain on the existing budget will certainly devastate other important programs, particularly if you add to the price of start up, the cost of operation and maintenance of the collection system. Additional personnel, materials and supplies will be bought and paid for on a yearly basis.

Parks and forests will have to absorb the cost of fee collection within budgets that cannot maintain current programs let alone new ones. Should we allow this provision to go forward, hundreds of young people will be hired to collect money so senior citizens can pay more. In many cases, the cost of collection will exceed the revenue obtained.

Recently, I understand that Great Falls National Park, just a few miles from the Capital, decided not to have any staff at entrance booths due to budget and personnel shortages. So, who is going to collect the new fees—Yogi the Bear?

In some cases, fees should be raised and can be justified, but not to the extent assumed by CBO.

Next, I would like to talk about the assumptions related to hardrock mining reform. CBO estimates that reform will generate $580 million in holding fees of $100 per claim and royalties of 12.5 percent of gross value of production.

Just last Tuesday, the Energy Committee held a hearing on mining reform. Secretary Babbitt, Chairman JOHNSTON, and Senator BUMPERS, the leading Senate proponent of mining law reform, all agreed that a 12.5-percent gross royalty was too high. If we have to enact legislation that is driven by the existing numbers, we will devastate the U.S. mining industry. When coupled with the Btu tax, production rates are expected to decline by 22 percent, direct and indirect job loss will exceed 27,000, and the cost not the savings to the U.S. Government will exceed one-half billion dollars by the year 2004. We can do a sensible mining reform bill but not within the context of reconciliation. It would be bad policy, bad politics and, most importantly, bad economics to do so. The revenue estimates do not work. All of the economists said so. All of the proponents of serious reform said so.

Finally, I want to discuss the irrigation surcharge. The proposal includes a

$60 million irrigation surcharge. When asked, CBO and OMB said there were $60 million in unspecified loopholes in Reclamation law which could be closed, but we should talk to the Bureau of Reclamation to find out specifics.

They have assigned them, but they do not know what they are. But the reclamation people will.

So we asked the Bureau, and they replied in effect, the only way is a phrase saying "notwithstanding any other provision of law or contract, water users shall pay additional fees." That would make it work.

Madam President, listen again to what they said:

> Notwithstanding any other provision of law or contract, water users should pay additional fees.

But listen to the response when we asked whether existing contracts prevent such fees. Yes, they said, unless we make the fees a tax.

Madam President, I also serve on the Senate Finance Committee, and I know Finance, not Energy, does taxes. So we can forget about the proposal as described by the budget. We can impose a fee as a condition of contract renewal, as we did just last year in the Presiding Officer's State, the Central Valley of California. But it would take years to approach the level of revenues assumed in this budget.

In conclusion, Madam President, my amendment is necessary because, as President Clinton indicated, we need to deal with real numbers to achieve real savings. My amendment still requires the Energy and Natural Resources Committee to achieve savings of $372 million. But unlike the numbers assumed by the Budget Committee, these numbers are achievable. The Budget Committee's numbers will cost thousands of jobs and actually end up costing this Government money. It is a senseless assault on the West that hurts our overall economy and runs counter to the goals which President Clinton says he seeks to achieve.

Madam President, I urge the adoption of my amendment.

How much time does the Senator from Montana desire?

Mr. BURNS. Madam President, I would like to request 10 minutes, but I think I can get it done in less time than that.

Mr. WALLOP. Madam President, I yield 10 minutes, and when the chairman of the committee returns, I will ask that we be permitted to reserve 5 minutes on this side for tomorrow because the Senator from New Mexico, [Mr. BINGAMAN] has been given 10 minutes on his amendment covering the same topic. I will ask for that. In the meantime, I yield 10 minutes to the Senator from Montana and ask he try to save some of it.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Madam President, I thank the Senator from Wyoming [Mr. WALLOP]. Nobody makes a more compelling argument on user fees on public lands than the Senator from Wyoming. But I am not real sure you can make a compelling argument and you can base it with real numbers and real facts is exactly what the American people are looking for. I think they want this President to be successful. They know that the numbers do not mesh, but they want so much for something to work. I think when we bring that into the debate, it is the emotion of the subject rather than the subject matter at hand.

I was interested in the very compelling argument made by the Senator from Arkansas [Mr. BUMPERS] who said the amendment, just prior to this one offered by the Senator from Wyoming, limits our options later on as to what we can do and our versatility; maybe we want to change direction with what we do with this budget. Maybe this whole resolution which has been sent to the floor limits our options on what we would like to see happen in the West, as far as taxation is concerned. I agree with the Senator from Arkansas that it limits our options and to really debate the issues.

User fees, hardrock mining, grazing fees, recreation fees, irrigation, water—all of these royalties that come off of hardrock—will be devastating to the West.

Madam President, there are many aspects to users fees which greatly concern me. One is the increase in grazing fees and the effects that it will have on my home State of Montana—38 percent of my State is public land. Even though that does not sound all that great when compared to Nevada or even Wyoming, it is still around 28 million acres. When those grazing fees go up and a ranch which depends on public lands for grazing becomes economically unviable, then that ranch sells out and is no more. Drive out through the West and you see an old homestead that is rotting away, that family is gone, that unit is taken away, and that tax base is gone. All at once, a ranch that is viable is now split up into little old ranchetts of 20 acres and the habitat for our wildlife in the wintertime is gone forever. Therefore, our wildlife and what we are trying to do with our ecology in the West is taken from us.

Wildlife in the West winter on private lands. They do not winter on public lands because there is no water or feed there in the wintertime. There just is not.

Ranchers are supposed to contribute $82 million by 1998 to the Federal Treasury in grazing fees alone under this resolution. It has been estimated that higher grazing fees would have a huge impact on local business, and it is true. In neighboring Wyoming, if you raised a grazing fee by $1.25, it would equal a $1.3 million loss to the local economies and the ranchers that are found there, and the small towns. It would come from a county with fewer than 2,000 residents, where the only tax base and only revenue they have is what is generated through the livestock industry.

Madam President, as a former county commissioner, I understand the economics of rural areas and it is hard for those not from the West to understand the impact of Federal lands on the residents of Western States. Of the 93 million acres of land in Montana, over 35 percent is owned by the Federal Government. Current grazing fees are based on a formula that has been time tested, and it is fair. If there is one issue that I have heard from this administration, it is fairness. Let me tell you right now, it is not fair.

In addition to the grazing fees, mining interests will be hurt. In fact, right now it seems like the West is under siege.

So, Madam President, I rise today to cosponsor an amendment offered by Senator WALLOP regarding the user fees which are included in the package before us today. I have said it a lot in the past weeks, the West is under siege.

The package the President and the democratic members of the Chamber have placed before us is not fair to all Americans. The Western States are going to pay a much bigger price for the new Government spending included in the modified Clinton plan.

Our amendment specially deals with user fees. Fee increases include hardrock mining holding fees, increased recreation fees, irrigation water surcharges, increased grazing fees, and hardrock mining royalties.

Madam President, there are many aspects of the user fees which greatly concern me. One is the increase in grazing fees—the effects of such an action would be devastating on my home State of Montana.

Ranchers are suppose to contribute $82 million by 1998 to the Federal Treasury in grazing fees alone. It has been estimated that higher grazing fees would have a huge impact on local businesses. In neighboring Wyoming, if you raise the grazing fee by $1.25 it would equal a $1.3 million loss to the local economy. Raise the fee by $2.50 and you cause a loss of $2.1 million to the local economy. In Prairie County, MT, local officials estimate that the loss would be some $1.0 million. That would come from a county of fewer than 2,000 residents.

Madam President, as a former county commissioner, I understand the economics of our rural areas. It is hard for those not from the West to understand the impact that Federal lands have on the residents of the Western States. Of 93 million acres of land in Montana, over 35 percent are federally owned.

The current grazing fee is based on a formula that has been tested and proven fair. And that is the issue, Madam President, fairness. The increases in the package before us today are not fair.

In addition to grazing fee increases, Western States' mining interests are going to be severely hurt by the increased user fees. Mining activities are important to my State's economy by supplying communities with a tax base that helps to fund schools, construct roads, and other necessary programs at the local level.

In my home State of Montana, operating mines employ about 3,500 people with a payroll equaling $150 million. These employees pay $5 million a year in State taxes, and the mines added $24 million a year in State severance and property taxes. In 1990, nonfuel mineral production in Montana was valued at $573.8 million.

President Clinton has included increases in hardrock mining holding fees and mining royalties. Future mining activities are hinged on the opportunity for exploration. And exploration is mostly carried out by small miners. The current attacks on small miners seriously jeopardize the entire mining industry.

These increases will actually decrease revenues to the Federal Treasury. Now people may ask why? Well let me say it as clear as possible. Since the increases will virtually stop mineral exploration and send mining activities currently being done in the United States overseas, the tax base that we currently have will be reduced.

One last point I would like to touch on is the increased user fees for recreation. As I said early, over 35 percent of Montana is owned by the Federal Government. These lands are Montanans' backyards. Montanans are outdoor people who often choose to live in the State for the recreational opportunities. And Montanans are good stewards of the land entrusted to them. Increasing the recreation fees on our backyards hardly seems fair, either.

President Clinton has said he wants to be fair to all Americans—well, I honestly believe he does not understand the economics of Western States. This package before us is not fair. Western States will pay—or contribute—much more than their fair share.

There is hope, however. This amendment strikes these fees and tackles the fiscal problems facing our Nation by reducing new spending by $934 million to account for the reduction in the fees. And I urge my colleagues to vote in favor of this amendment.

Madam President, I want to remind my colleagues of one thing—and I would be remiss if I was not standing on this floor when we talk about hardrock mining—3,500 people in any State are employed in the hardrock mining industry. They are the highest paid jobs in my State, and with increase in royalties, those jobs will go to Mexico and they will go to Chile. They will not happen in my State of Montana. That concerns me. We lose that tax base, and that tax base pays for schools and roads, pays for our welfare services. Everything that everybody else wants in their communities as services provided by local government will be gone, or those few that are left will be asked to pay more to fill the void once that mining is gone, and it is going to go. Let me tell you right now, it is going to go.

I was on a television show over the weekend where the Secretary of the Interior said that every country in the world charges royalties on their public lands. Let me tell you, that is an incorrect statement.

Mexico just took off their royalties. Chile just took off theirs. They tried to charge royalties. What happened? Their mining industry went away.

I yield back to the Senator the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. Madam President, I wonder if I may have 10 minutes.

Mr. WALLOP. I yield 10 minutes to the Senator from Alaska.

The PRESIDING OFFICER (Mr. ROBB). The Senator from Alaska is recognized for 10 minutes.

Mr. MURKOWSKI. I thank the Chair and I thank my colleague from Wyoming.

Mr. President, I rise today to support the pending western amendment to cut the budget instructions to the Energy Committee by two-thirds.

The budget resolution instructions to the Energy Committee are really an outrageous attack on western values. They attack mining, water, farming, and grazing. One could even conclude that the cowboy, the symbol of the rugged independent spirit of the West, is under attack by these instructions.

The budget will raise the cost of water for farmers but not for municipal and industrial consumption—the same water, the same reclamation project but it will cost more if you want to grow food. These instructions seem to favor swimming pools and flowers over farm crops. I question the logic of that, Mr. President.

I wonder if there is another agenda here. Are miners and farmers and ranchers to be run off the range? Well, they have tried it before, and I think it is fair to say they are trying it again. Is it suddenly wrong to produce minerals, to raise cattle, grow food? Let me explain how these instructions will destroy one segment and that is the mining industry in particular.

The President's proposed budget would reform the mining law of 1872 by instituting a 12.5 percent royalty on mineral production of mining.

Mr. President, we support changes in the mining law. There have been changes in the mining law of 1872 for a number of specific corrections that were needed. But for over a century the mining law of 1872 has performed admirably in pursuit of its stated objective, and that is to develop minerals on certain Federal lands. Coupled with the perseverance, the hard work and the eternal optimism of American miners, the mining law has allowed the mining industry to play a major role in the development of the economies and infrastructure of Western United States and my State of Alaska.

A 12.5-percent royalty on gross production would end this productive partnership and simply destroy the mining industry in the United States today. It is not a case of reform, Mr. President. As I indicated previously, we support reform, but we do not support the dismantlement of this important industry.

Let us go through the impact of a 12.5-percent royalty on gross mining production. First, existing mines will mine only the very highest grade ore and billions of dollars of lower grade ore will simply never be mined.

New mines will simply not open. New jobs will not be created. Capital expenditures in mining will decrease.

American mining companies will move overseas, Mr. President. We will have to import our lead, our zinc, our gold, our silver, export our dollars, export our jobs.

Thousands of mining and mine-related jobs would be lost across the Nation. Why? We would simply become noncompetitive.

It is important to relate to the fact that minerals and mineral prices are set by international competition, competition from Australia, New Zealand, South Africa, and we either compete or we do not. But if we are carrying a 12.5-percent royalty and the other nations are not, that makes us noncompetitive.

We heard testimony in the Energy Committee that if a 12.5-percent royalty is combined with the President's proposed Btu tax on energy used in mining, as many as 27,000 jobs would be lost over the next 10 years.

The royalty would actually create—and I think this is important and has been overlooked, Mr. President—the royalty would create a net loss, a net loss to the Federal Treasury over the next 10 years. The royalty would only generate additional revenues of $477 million while declines in mining production, mining profitability, loss of employment and a lower level of overall economic activity would diminish Federal tax revenues by over $1 billion. The net loss to the Treasury would be $544 million.

In other words, Mr. President, by the time we go through this, we are not creating a net revenue increase but we are creating a net loss in an industry that would cost the Treasury $544 million. I challenge my opponents to refute, Mr. President, that reality of what the loss would be.

Finally, State and local governments could expect to lose $169 million in tax revenues each year.

Mr. President, it costs money to mine. It costs money to explore for minerals, to evaluate the economic potential of a deposit, to construct a mine, to begin a mine, to mill, refine the ore, and to reclaim the land. This particular proposal of the administration suggests a royalty on gross mine production. It does not take into account the money it costs to mine.

A royalty on gross production would mean that for every dump truck of ore coming out of the mine, the dollar value of the mineral content of that ore would be taxed at 12.5 percent. It would be calculated right there at the dump truck. The problem with that is when the ore comes from the mine, it does have a mineral content but it is not in a marketable form.

In fact, I would suspect that if a dump truck dumped its load of ore right here on the Capitol steps, it would sit there until the hardworking folks from the superintendent's office came up and shoveled all that valuable ore in a dumpster and hauled it to the trash.

The value of the ore in the dump truck is the gross production from the mine, and this points out the exact problem with the royalty on gross production.

The administration, very frankly, has not thought out well the impact of a gross tax of 12.5 percent because they do not understand the application of gross, I gather. A royalty on gross production ignores the cost to explore and find the ore body. A royalty on gross production ignores the cost of developing, permitting, and constructing a mine. A royalty on gross production ignores the cost of labor and materials to produce minerals. A royalty on gross production ignores the cost of milling, crushing, leaching, separating, concentrating, and purifying the ore into a metal. A royalty on gross production ignores the cost of transportation, moving the ore to market. That is a big cost in my State of Alaska. A royalty on gross production ignores the cost of stabilizing and reclaiming the mine land.

A royalty on gross production ignores all these costs but certainly a mining company cannot ignore these costs. These are normal costs of mining. The typical net profit on gross mining production is 6 percent, so it is not hard to see, Mr. President, that a 12.5-percent royalty on gross would be a disaster.

It would simply export our mineral industry overseas and leave us dependent on imported minerals.

Mr. President, 4 years ago in my State of Alaska, Greens Creek, a subsidiary of Kennecot opened a new mine near Juneau, AK, at a cost of $180 million. It is the largest producer of silver in the United States. It employs 230 people, contributes $15 million in payroll. Is Greens Creek the sort of mine that should be paying an additional 12.5-percent royalty?

Why not tack on a 12.5-percent gross production royalty? I will tell you why not. On April 1 of this year, the Greens Creek mine is going to close. It is located on a rich ore body, but it could not overcome the dramatic drop in world prices for silver, lead, zink, and gold. It was opened 4 years ago. It was state of the art, met all of the environmental requirements. But it could not make a net profit—not a gross profit, but a net profit.

Mexico has the message. They are dropping their 7-percent tax, or royalty, on mine production. We have seen a tremendous increase in interest in Mexico. The point is we are driving our industries offshore.

There is a myth that somehow has been articulated in this body that mining is a ripoff of the Federal Treasury. Mines that make a profit provide Federal, State, and local taxes.

There is a mining claim in Nevada that may contain some 10 billion dollars' worth of gold.

Mines would spend some $2 billion in capital investment.

Federal Government would receive about $720 million in corporate income tax.

It would employ 4,000 employees per year for 10 years, that's $2 billion in wages.

These wages would generate $600 million in FICA and personal income taxes.

Profit and employment from mining machinery firms alone would generate another $300 million in taxes.

Significant cost savings from unemployment compensation that would not be paid to unemployed workers.

And tax revenue to local and State governments.

That is no rip-off. Sounds pretty good to me. In fact, the benefit to the Federal Treasury is actually higher than a 12.5-percent royalty would generate.

But here is the catch. If the mine had to pay a 12.5-percent royalty on gross production, it might never open. Then there will be no revenue.

Mr. President, mines provide needed minerals for economic development. They provide jobs in times when jobs are scarce. When we import metals, we export jobs.

The PRESIDING OFFICER. The Chair reminds the Senator the 10 minutes allocated to the Senator have expired.

Mr. MURKOWSKI. I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER. Is there objection?

Mr. WALLOP. I yield 2 more minutes.

Mr. MURKOWSKI. I thank the Chair.

Shutdown mines do not provide anything to anyone. A 12.5-percent royalty will shut down mines in this country. It will drive the mining industry out of the United States.

So why has the administration proposed such a disastrous royalty? Simply put, they do not understand the hardrock mining industry. They think hardrock mining is like producing oil and gas from Federal leases. Oil and gas comes out of the ground in a form ready for market. The Government can even take inkind oil and gas and generate funding. But, Mr. President, that is not the case with minerals. The minerals must be refined.

When I proposed to the Secretary of the Interior that the Government collect its proposed gross royalties on hardrock production inkind, he did not seem to think it was such a great idea. Imagine that one out of eight dump trucks full of mined ore dumped its load in a little pile for the Government. All the mines would have a little Federal royalty pile just full of valuable minerals.

Why did not the Secretary like that? Because the Government would have to spend money, a lot of money, before they could generate one penny to the Treasury just like the mining companies because it would have to be refined.

Another indication of the administration's intention regarding the mining industry in America was revealed by the Secretary of the Interior, testified before the Energy Committee:

> Another approach worth considering * * * is a severance tax on production from any mineral deposit that has been patented out of Federal ownership in recent years.

Well, what is he up to? A tax on production from private lands. I wonder how recent the Secretary contemplates. Back to the Louisiana purchase? Shall the U.S. Government simply reach into the pockets of every mining company that has ever mined in America? We do not know at this time.

Finally, in closing, Mr. President, there is room for reasonable changes in the mining law, and we support that.

I will be pleased to work with my Senate colleagues to bring about changes in the law that will prevent abuses of the law and undue degradation of the Federal lands.

But I will vigorously oppose any changes that will signal the end of the American mining industry.

To consider major mining law reform within the context of this budget resolution and under this compressed time frame is simply not acceptable to this Senator. It is reckless and irresponsible. The implications of the proposed changes to the mining law may be disastrous. They may bring about the death of the American-mining industry. They will surely put miners out of work.

If this Congress desires to change the mining law, let us change it with deliberation and care. Let us do it within the authorizing committee. And let us take the time necessary to ensure that should we act, we act on the side of caution. Not act with abandon and without all the facts.

The mining business is a tough business. International competition is fierce. The world price for metals is not set in America. American companies are already disadvantaged internationally since American mines pay higher wages and must comply with much tougher environmental standards.

The mining law of 1872 has allowed for the United States to pay these wages, provide the environmental safeguards and provide a return to the local, State, and Federal treasuries.

A 12.5-percent royalty would destroy the American mineral industry.

I urge my colleagues to support this amendment to reduce the instructions to the Energy Committee by the amounts assumed as a result of enactment of mining law reform.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, the distinguished Senator from Arkansas will control the time in opposition to the Wallop amendment.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas [Mr. BUMPERS].

Mr. BUMPERS. I thank the senior manager for yielding me the time. I must say he may want to recant part of that because my main opposition to the Wallop amendment does not deal with park fees or grazing fees. But I would certainly have enough time left after I speak, to yield to anyone else who want to oppose the amendment on those grounds.

First of all, I want to say to the Senator from Wyoming and his colleagues who are of like mind on this issue, that I know that a 12.5-percent royalty on hardrock mining is not feasible. My bill, and Congressman RAHALL's bill, both call for 8-percent royalties. I think that is doable.

Secretary Babbitt testified before our committee the other day that he, too, would be willing to rethink this position of 12.5 percent. But having said that, Mr. President, I want to say first of all that the person who estimated how many jobs would be lost under the proposal to start, for the first time in history, charging royalties for minerals taken off lands that belonged to the taxpayers of this Nation, said in open hearing that he had not considered how many jobs would be lost on a sliding scale.

Incidentally, you would be interested in knowing that the Gold Institute paid for that study. Those are the people who are mining gold off Federal lands and not paying one red cent for it. They paid for this study about this supposed mammoth loss of jobs.

But I asked him. I said, Mr. Evans, did you take into consideration the jobs that are going to be created to clean up the thousands of economic environmental disasters that the mining industry has walked away from the past 125 years, 76 of them on Superfund sites, with an estimated cleanup cost of up to $50 billion? Did he take into consideration how many people are going to have to be employed to clean this mess up?

No. He had not.

Did he even take into consideration the fact that the Galactic Resources mine in Colorado, which only started in 1986 and promptly took bankruptcy, left an environmental disaster for the people of this country to pick up the tab for. That is how recent the problem is, Mr. President.

"Mr. Evans, did you take into consideration that the taxpayers of America at this moment have 55 people on the payroll in Colorado cleaning up a mess that I have been trying to address here for 4 years?"

No. He had not considered that.

And Galactic is in bankruptcy. So you know how much help you are going to get from them in cleaning up this mess.

Mr. President, I am not going to try to cover every point because every point is going to be covered later this year when this debate is considered for real. This is just a little opening sparring match.

With regard to grazing fees, I do not know what I am going to do on that. It is a big problem.

I will tell you a personal vignette. I rent a pretty good upland pastureland farm, I rented it ever since I was elected Governor 22 years ago. I rent it for $10 an acre and I have 260 acres. I rent it for $10 an acre and it will carry about 70 cows and calves. So you figure that out, I say to the Senator. That comes out to about $30 per year. But I do not want to get distracted on grazing fees.

What I want to say is that here is the reason I get livid on this subject and get started to preaching instead of talking.

Think about this, Mr. President: The mining companies of America, Britain, and Canada since 1872 have been able to file claims on Federal lands between 500 and 600 million acres. They can go put four stakes in the ground covering four corners of 20 acres, go to the courthouse and file a claim, and that land becomes theirs or mining purposes if they are willing to pay $100 a year to keep it. We just recently passed that for fiscal year 1993–94 only. If they are willing to pay $100 a year to keep that 20-acre claim alive, that is all they have to do.

Mr. WALLOP. Will the Senator yield for observation?

Mr. BUMPERS. Yes.

Mr. WALLOP. Mr. President, I wonder if he cares to recalculate how much he is getting for an AUM. Maybe that is why the Senator rents the farm.

Mr. BUMPERS. The way I calculate it, it is about $30.

Mr. WALLOP. A little over 4. It comes to little over 4, I would say to the Senator, if he carries about 70 acres.

Mr. BUMPERS. If it takes three cows to an acre and you get $10 an acre, is that not $30?

Mr. WALLOP. No. You have 12 AUM months. That would be times 12, is $540.

Mr. BUMPERS. The Senator is correct.

Mr. WALLOP. The Senator only getting about $4 and the people on public land have an obligation that their renter does not have.

Mr. BUMPERS. The Senator is right. It is less than $4, I say to the Senator. We charge, as I understand it right now, the grazing fee which is $1.82.

Mr. WALLOP. The Senator is correct.

What are the obligations of your renter?

Mr. BUMPERS. To pay my rent January 1.

Mr. WALLOP. That is right. You do the rest, the maintenance—and you provide the supplies and other things, which is different.

The PRESIDING OFFICER. The Chair reminds Senators to please direct questions through the Chair.

Mr. WALLOP. With apologies, I am saying to the Senator, through the Chair, that the renters on the public land have different obligations than do private renters, and I also venture to say the other Arkansas families probably do not have to put up with the public going through their property all the time either?

Mr. BUMPERS. No, I do not. I let people quail hunt on my land. That is about all I permit there other than raising cattle.

The Senator is correct. That is the reason I said in the beginning I have not been heavily involved in the grazing fee battle. But obviously the renter of my farm is paying considerably more for AUM than grazing fees. I pay for fence maintenance and other repairs made on the place, and so on.

As I understand, it is that way with grazing fees, is it not?

Mr. WALLOP. No.

Mr. BUMPERS. I do not want to be distracted. That is another debate. I did not come here to debate.

Mr. WALLOP. All right.

Mr. BUMPERS. I want to proceed by saying, Mr. President, where I was. You put down 4 stakes and cover 20 acres, and that is a mining claim. Incidentally, you can file as many 20-acre claims as you want. If I find gold under that I go to the Bureau of Land Management and I say I would like to buy the 20 acres; it has gold under it. And the BLM will make a study to determine whether or not it actually does have commercially minable gold under it, and if it does he will pay a maximum of $5 an acre.

Does anybody here doubt that?

Just before the last election, when it was fairly apparent to everyone that George Bush was going to be defeated, the administration which has always championed this scam, the Bureau of Land Management in Nevada issued what they called a first-half certificate, to the American Barrick Mining Co. Barrick is a Canadian company. They had approximately 2,000 acres of mining claims. They went to the Bureau of Land Management and in what was an expeditious handling of patent applications nearly unprecedented in the annals of this law, just shortly before the election the BLM gave Barrick the first-half certificate to 2,000 acres of land. If they perfect that claim Barrick will pay—these figures are slightly off—$5 an acre for the princely sum of $10,000 to the American people in exchange for 2,000 acres of land.

Let me repeat it in case you do not believe it. Barrick is about to get patented, that is, they are going to get a deed to 2,000 acres of land, for $5 an acre. And, Mr. President, you know what lies under that 2,000 acres, that they are going to pay $10,000 for? Ten billion dollars' worth of gold.

You want another one? In 1990, I came within two votes on this floor of stopping this so-called patenting process where people get a deed to land for $2.50 or $5 an acre. You think that did not send a red flag up to the American mining companies?

Within 4 days of that vote, the Stillwater Mining Co. in Montana went to the Bureau of Land Management and said, "We want to buy this 2,000 acres of land here in Montana." And BLM said, "That is just hunky-dory with us." So they gave them a first-half certificate, just as they did Barrick. They are now in the process of completing that transaction and Stillwater Mining Co. will get a deed for 2,000 acres of land for which they, too, will pay $10,000.

And, Mr. President, what lies beneath that 2,000 acres of land? Thirty-eight billion dollars, 38 billion dollars' worth of palladium and platinum.

And you know what poor old Uncle Sugar's taxpayers are going to get? You guessed it—zip, zero, not 1 dollar. Unless my bill passes this year.

Now, Mr. President, we stand in the committees, we sit in the committees and we sit on this floor, and we stand on this floor, squealing like a pig under a gate about how terrible the deficit is, and allow the minerals underlying Federal lands—it does not belong to Montana or Nevada, Arizona, Idaho, you name it; it belongs to 250 million Americans—to be given away. We are trying to get the deficit down and I just listed for you, Mr. President, a gift, a gift of 48 billion dollars' worth of minerals to the American Barrick Mining Co. and the Stillwater Mining Co. And the Mineral Policy Center says that right.

There are now 552 patents pending. I am talking about other companies, who have filed for a deed to be given to them. Do you know what the estimated mineral value underneath the land is? Eighty-six billion dollars. And if my bill does not pass, this year, that $86 billion also goes out the window.

The Senator from Wyoming said a moment ago if you pass my bill the American mining companies are going to go out of the country, offshore. That is an interesting statement since 16 of the 25 biggest company mining companies in this country—every one of them pillaging the Federal domain—are from out of this country. American Barrick, who just accepted the first-half certificate for 10 billion dollars' worth of gold is a Canadian company. They are enjoying big profits. And in their last prospectus said, "We expect to remain highly visible for the foreseeable future."

Why would they not, when the U.S. Government is giving them 10 billion dollars' worth of gold for nothing? What a deal.

Of the 780,000 claims—you hear that, Mr. President, there are 780,000 claims filed and pending in this country covering about 40 to 45 million acres.

And do you know what is really interesting? Two thousand of those claims are in national parks.

Mr. President, I was in London a couple years ago. I picked up a paper, and there was my picture on the front page of the London Telegraph.

I thought: This is pretty nice. I have just been here for 24 hours and I already got my picture on the front page. I began to read the story.

Do you know why my picture was on the front page? Because of this legislation. And do you know why the British were concerned about it? Because 4 of the top 10 mining companies in the United States are British-owned or controlled.

For example, the Newmont Mining Co. in Nevada is 49 percent owned by Sir James Goldsmith. I do not know him; have nothing against him. That was just a part of the story.

They mine on some private land. They mine on private land in Nevada.

Now, as I said, in a presentation this morning discussing the amendment of the Senator from Georgia, if you do not remember anything else I say during this debate today, I want you to remember this: The mining companies have no objection to paying as much as 18 to 25 percent royalties on gold mined off private lands.

Do you know how I know that. Because the Newmont Mining Co., the British company I just alluded to, they mine land in Nevada and they right now are paying 18-percent royalty on gold mined from the mine in Nevada.

Do you know what else they do? They pay the railroads, whom we very generously gave millions of acres of land to around the turn of the century in order to build transcontinental railroads, they own millions of acres and still own the mineral rights to this. And these same mining companies, who are willing to pay an 18-percent royalty to a private landowner, are also happy to pay up to 10 percent royalties to the railroad companies.

And these same mining companies, if they mine land that is owned by the State, they are happy to pay either a royalty or a severance tax, or both.

Look at this.

In Alaska, if you mine on Alaskan State lands, you pay 3 percent of your net income; up to 7 percent for severance taxes. They get both royalty and severance.

Arizona, they get 2 percent of gross sales on State lands and 2.5 percent of the net severance base.

Look at Montana, where the Stillwater Mining Co. is. They are going to mine 38 billion dollars' worth of palladium and platinum, for which they are not going to pay the United States a dime. But they would not have any problem paying Montana 5 percent of the fair market value of those minerals if the mine was on State lands. Nor do they have any problem paying Montana an additional 1.6-percent severance tax.

Just look at the list. You cannot mine on State lands in any State in America without paying a royalty, or severance tax, or both, but you can mine all you want to on Federal lands. You do not even have to file a reclamation plan demonstrating, that you will clean up the mess when you finish in some instances—and not pay Uncle Sugar a dime.

As I said, if you do not remember anything else I said, remember that.

Ask anybody who is a defender of the 1872 mining law: Why is it you guys are willing to pay up to 18 percent to private owners, 10 percent to the railroad companies, and anywhere from 2.5 to 10 percent to the States, and it is not even yours? It belongs to the 250 million people in this country.

Mr. President, when the Senator from Wyoming talked a moment ago about mining companies in this country going offshore, No. 1, that is not going to happen, but that is what the British and Canadian companies are doing. They are going to our shores because they saw a bird nesting on the ground in the United States, they saw a place where they could mine all they want to and not pay a dime for it.

And I do not blame them. They would need a saliva test if they did not take advantage of that.

Mr. President, let me just make one other point. Why is it, while you are asking the other questions, why is it that nobody in this country thinks for a moment about giving the U.S. Government 12.5 percent of the gross proceeds for coal?

The Senator from Wyoming has a tremendous amount of Federal coal out there.

There are billions and billions of tons of Federal coal in Wyoming on Federal land, and they are going to pay a 12.5-percent royalty for it.

And for all those people who want to mine coal underground on Federal lands, they are going to pay an 8-percent royalty.

And if you want to take natural gas off Federal lands you have to pay 12.5-percent. There are a few people around here who remember about the day when I was having lunch and I found out the Federal Government had just leased Fort Chaffee, 33,000 acres of Fort Chaffee, 2 miles from my home. I am sitting in my father's house having lunch and somebody called and said they just leased 33,000 acres of land for gas drilling for a dollar an acre.

I am not going to debate that one again, because I finally won it. But it took 8 years. It took me 8 years standing right here screaming my lungs out before we stopped giving away Federal lands by a lottery, just like you play bingo.

And do you know what? In that particular case, I think it was Texas Oil and Gas, I forget the name of the company, they just went to the Geological Survey and said, "I would like to have that 33,000 acres down in Fort Chaffee."

They said, "Well, we don't find that to be a known geological structure. Here it is. Give me $33,000."

And they did it, despite the fact that that particular 33,000 acres was surrounded by about 500 gas wells, including about 5 that Betty and I have a fighting interest in.

We got that stopped.

And when we re-let it on a competitive basis, Mr. President, take a guess at what it brought? That original 33,000 acres that brought $33,000, we let it on a competitive basis and it brought $43 million.

Well, the Governor of our State went to every school district in our State, handing out checks. He was a Republican. Here I am a Democrat who got the $43 million, and our Republican Governor went around giving away the money we got. But I did not mind, he was a good fellow. On geothermal resources, royalties range from 10 to 15 percent. If you want to drill for oil, you are not only going to pay a bonus for the privilege of looking for it, if you find it you are going to pay a 12.5-percent royalty for every barrel you take out. So why would you and everybody else not go looking for gold and silver and copper, knowing you can get it all for $5 an acre and never pay a red cent?

Mr. President, that is the reason I am adamantly opposed to the amendment of the Senator from Wyoming, who is my good friend. He is the ranking member on our committee and I have worked with him a number of times. We disagree, perhaps more than we agree, but we do agree sometimes. We disagree on this.

If my colleagues are to tell their constituents back home that we are treating their money as though it were our own, do not vote for this amendment.

The Senator from Wyoming says that about $1.2 billion worth of hardrock minerals are being taken off these lands. I do not know what that includes. I do not know whether that includes lands we already gave people deeds to or whether it just includes the lands where people are mining on Federal lands without a patent. But I can tell you one thing, most people think that is a lowball figure. There are people who think as much as $4 billion a year is being taken off of Federal lands for which you and your children are not getting 1 red cent.

Now that Bruce Babbitt is Secretary of the Interior and William Jefferson Clinton is President of the United States, I believe something is going to happen this year. It would not have happened if George Bush had been reelected. But it is time, as I said, to sober up around here and deal with this.

So I strongly urge my colleagues—not because there is not some merit in the amendment by the Senator from Wyoming, but to say it could be construed as dampening our ability to pass this bill this fall.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from Wyoming [Mr. WALLOP].

Mr. WALLOP. I yield myself 3 minutes and I hope the Senator from Arkansas will stay here for a period of that time. He has given a good argument in behalf of my amendment. He has also given a long-winded argument on behalf of mining reform, which is something that the committee has agreed it will take up this year.

This amendment merely says the reconciliation process is not the place to do it. And the Senator from Arkansas' own argument says we should not do it under reconciliation as well because he said—and I quote him—that the 12.5-percent is not doable. His own bill calls for 8.5 percent. But we end out, Senator—are bound by the instructions for the amount of money and there is no other hide to take it out of.

The Senator even said he might even agree with me on the grazing fees but we have no chance of having him agree with me on the grazing fees if the reconciliation instructions come down. And the Senator did not address at all the obligation to raise money from reclamation projects which can only be done by the Finance Committee and not our committee.

The Senator did not address at all the issue of fees in the national parks. He made a speech in behalf of his mining reform bill which is in front of the committee and one way or another is going to be considered this year. But if we consider it under reconciliation, we simply will not be able to give it the kind of consideration that it ought to have, where we find out what the consequences of a 8.5-percent royalty are; whether it is gross receipts or otherwise.

So I say the Senator's argument was eloquent in behalf of his bill and eloquent in behalf of my amendment.

It is really seriously not possible to achieve the money that the reconciliation instructions require us to achieve on the assumptions that they will get a 12.5-percent royalty.

I will say all of them, Senator JOHNSTON, Secretary Babbitt, the Senator from Arkansas, and myself, all agree that the 12.5-percent was not doable and would not achieve that level of revenue. So I would just say that it is important to keep in mind what the argument we just heard said.

I yield 5 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah [Mr. BENNETT] for up to 5 minutes.

Mr. BENNETT. Mr. President I had planned to talk about grazing fees but I must, while the Senator from Arkansas is on the floor, make a quick comment about the statements he made. He refers to the billions of dollars in the ground that are being given away. May I say to my friend from Arkansas, I have a very small interest in a mining operation in California that has been appraised of having 200 million tons of a mineral. If you value it at $100 a ton, which is about the cost of fill dirt, that means there is in the ground there, $20 billion worth of value.

If he wants to buy the entire thing, I will get it for him for under $100,000. It is available on any basis because we cannot make it pay. But on an appraisal basis, the billions are there.

I rise to talk about grazing fees. I appreciated the comments of the Senator from Arkansas when he talked about the grazing fees with which he is familiar in his own land. And the colloquy that took place between the two Senators from Arkansas and Wyoming respectively on the value of the animal unit month on that particular land—there were comments back and forth.

I have a table comparing the operating costs for animal unit month on public land ranch versus private land ranch units.

I ask unanimous consent it be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

EXHIBIT 3

COMPARISON OF OPERATING COSTS PER AUM ON PUBLIC LAND RANCH VERSUS PRIVATE LAND RANCH UNITS

This table, following the Federal standards established in the 1966 fee study, updates the 1966 results to 1990 values.

TOTAL GRAZING COSTS ON OPERATIONS USING FEDERAL GRAZING PERMITS AND PRIVATE LEASES

Operation	Federal grazing permits	Private leases
Lost animals	$1.82	$1.12
Association fees	.27	0
Veterinary	.45	.53
Moving livestock to and from	1.11	1.16
Herding within operation	1.86	.77
Salt and feed	2.32	3.09
Travel to and from operation	1.49	1.19
Water (production items)	.27	.20
Horse	.50	.31
Fence maintenance	.89	.92
Water maintenance	.69	.55
Development depreciation	.37	.10
Other	.44	.47
Totals	12.48	10.41
Federal grazing fee (1990)	1.81	0
Private forage value (includes lessor's overhead and risk) (1990)	0	4.35
Total operating costs P/AUM	14.29	14.79
Capitalized cost of grazing permit [1]	3.25	0
Total costs	17.54	14.79

[1] Internal Revenue Service valuation of grazing permit at $650 per animal unit month; Montana, 1980, capitalized cost is calculated using 6% as the long term rate of return as in the 1966 fee study. (650/12X6%=3.25).

Note.—Actual out-of-pocket cost equals ranch unit purchase price divided by 12 months, and multiplied by the long term cost of money. i.e. ($1,000/12=$83.33X10% = $8.33 per AUM; Dr. Fowler, NMSU.)

Source: Dr. Darwin Nielsen, Utah State University.

Mr. BENNETT. Mr. President, you will notice that the total at the bottom of the chart, when they add up all of the costs of the operations, show that the typical Federal grazing—grazing on the Federal land typically costs $17.54 per animal month, and the typical grazing on private leases costs $14.79. There is a disparity between the actual cost of running cattle on public land and private lands. And it is to the disadvantage of the public land right now. But we are talking about raising the fees even more and making that disparity even wider.

During the campaign, when I found this out, I said to some of the people in Utah, why under this circumstance do you even want to run cattle on public land if you have this wide a disparity? They laughed and indicated that I was the city slicker who did not understand. They said, "In Utah, we do not have any choice."

I have heard the Senator from Montana talk about the 30, 35 percent of his State that is controlled by the Federal Government. I would welcome him down to Utah where 69 percent—69 percent—of the land in the State is owned by the Federal Government, another 6.8 percent by State government. We are over three-quarters controlled by public land and the people in Utah who want to run cattle have no choice.

So as we raise grazing fees, they do not have any place else to go except—and this is a real option—out of business.

The average income for a Utah rancher from his cattle operation is $7,500 per year. Most of the people who are involved in ranching in Utah have other jobs. This is supplementary income for them. You add the additional grazing fees called for in this resolution and these people will simply get out of the business.

The Federal Government will not get the additional fees that are so well calculated and placed in the budget estimate. They will not even get the fees they are getting now. These people will simply go out of the business and the Federal revenue will go down.

Madam President, all of us applaud President Clinton's courage and strength in doing what he can to bring the budget deficit down as low as possible. If we can get him to understand the reality of what is going on with respect to grazing fees, we can help him in that goal. Because right now his advisers, who apparently do not understand the realities of life in the West, are making a proposal to him that will in fact produce less revenue to the Federal Government and will not help bring down the deficit.

One last item. In Utah, many of the ranches have their value, their real estate value, tied to the amount of grazing rights that they exercise. If you make those grazing rights less valuable, you make the ranches less valuable. It will have a major hit on the real estate values in my State to increase these fees, as in a separate issue with respect to the revenue. That is why, Mr. President, I intend to support this amendment.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. WALLOP. Mr. President, I yield the junior Senator from Idaho 5 minutes.

Mr. BUMPERS. Mr. President, I wonder if the Senator from Wyoming will spend 30 seconds with me on my time.

Mr. WALLOP. I will be happy to.

Mr. BUMPERS. Is it not true that many Western States also charge well above the Federal grazing fee for the privilege of grazing on State lands?

Mr. WALLOP. I think that is true. I will tell the Senator the rest of the story that is involved. In Wyoming, for example, when you lease public land, you lease it is as though it were private land and you have control over that land and you do not have the obligations that the public lands require: Building water supplies, building fences and other kind of things. You have quite totally different business arrangements.

Mr. BUMPERS. My second question is: Is it not true they spend about $73 million a year—the Senator would say that is because they are so intrusive in the whole thing—but the figures I have show that we spent $73 million a year administering this program and we only got about $27 million back. We are subsidizing the grazing program by $50 million. Is that figure incorrect?

Mr. WALLOP. Mr. President, I say to my friend that is incorrect. If he read the studies of BLM, he would have found they made a slight profit on it. It depends; in the Forest Service study they attribute the cost of the management of the land to grazing, management for recreation, the management for timber.

Mr. BUMPERS. I yield 1 additional minute off my time.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute. The Senator has consumed 1½ minutes already.

Mr. BUMPERS. I saw a story in the Post the other day about a fellow out in Nevada who was squawking because the BLM had said he was overgrazing the land. That has been a constant problem and a concern of all of us. When I read he was having to get by, having to skimp along with about 700,000 acres of Federal land, I must say my tears dried up very quickly, and that does not help your cause when I read stories like that.

Mr. WALLOP. Mr. President, could I ask for time to respond?

Mr. BUMPERS. I have some additional time.

Mr. WALLOP. Mr. President, let me just suggest, if you compare 700,000 acres in Nevada and 700,000 acres in Arkansas, it might be a rather startling comparison.

The PRESIDING OFFICER. The time allocated to the Senator for Arkansas has expired at this time.

Mr. WALLOP. Will the Senator yield another minute to respond?

Mr. BUMPERS. Sure. I will be happy to yield off my time.

The PRESIDING OFFICER. The Senator yields an additional minute. The time will be charged to the Senator from Arkansas.

Mr. WALLOP. I say, I have no sympathy with people who overgraze the land either. That is a management problem totally unrelated to the amount of fee that is charged. That is incompetent management, and I will also say that I am quite in favor of the BLM who has taken the rancher in my State to task for subleasing, and they are going to withdraw that lease. But that is unrelated to the fee that is charged.

So the most important thing is to try to keep the eye on what is at issue, and what is at issue is that thousands of good, honorable, caring ranchers we have put out of business by a fee that is raised by a third every year.

Mr. BUMPERS. Mr. President, just 1 additional minute.

I am not trying to needle the Senator, but I keep looking at the figures here that really trouble me. That is, for example, a 1986 study by Colorado State University found that over 900 permittees of BLM lands, that is 900 ranchers permitted to do grazing, subleased their allotments for an average price of $7.76. That is well over $5 an acre profit for somebody who got a permit and turned around and sublet it to somebody else.

Would the Senator not agree that ought to be stopped?

Mr. WALLOP. Mr. President, again on the Senator's time, yes, it ought to be stopped and, yes, it already has been stopped. They are now dropping the leases. But I will also say the lease of property for 1 year is not quite the same as having the obligation of maintaining that property over a period of many years. So you have a 1-year advantage of trying to make a herd survive in a drought condition and it is worth a lot more just to keep a herd alive than it is to have to go into a total dispersion.

Each of these figures are lovely tales and they show up well in front of the television cameras and they are absolutely irrelevant to the amount of the fee that is charged.

I now yield to the Senator from Idaho.

The PRESIDING OFFICER. The Chair reminds the Senator from Arkansas that a total of 5 minutes has expired, chargeable to his time.

The Chair recognizes the Senator from Idaho for up to 5 minutes, chargeable to the Senator from Wyoming.

Mr. KEMPTHORNE. Mr. President, I than, my colleague for yielding to me.

Mr. President, I rise in support of the amendment offered by the Senators from Wyoming an Montana. I believe this will address the unfair burden in the allocation of this shared sacrifice.

With regard to grazing fees, I believe the current fee structure is absolutely adequate and is good policy as well. The formula is based upon fair market value. The Taylor Grazing Act was never intended to be a money-making proposition for the Federal Government. It was designed to help States that have vast tracts of public land in the West with management of those lands, and it has accomplished that purpose.

I remind my colleagues, who are these people who are helping us to manage this public land? In Idaho, I will tell you they are third, fourth, and fifth generation Idaho farming and ranching families. They are people of the soil who have been working that same land season after season, year after year. In Idaho, over 80 percent of the cattle will at some time graze on that public land. Over 60 percent of the sheep at some time will graze on public land. The improvements made to the public lands are absolutely essential. If any one of these ranching families and if they allow the overgrazing of the land, then they are out of business the next year. It is to their own best interest that they put into place good management practices.

Again, I remind you they are people of the soil that they love that land.

In Three Creek, ID, for example, where you have miles upon miles of sagebrush, they have undertaken to put in underground irrigation systems, bringing about great improvement. There are additional benefits then that are derived because of this improvement. Since 1960, for example on Federal land, the elk population has increased 782 percent. The moose population has increased 476 percent. There is an example in New Mexico, at the Cervieta National Wildlife Refuge, where for the last 15 years the land has been off limits to grazing, and, in essence, that area is now becoming desert. But the grazing area outside of that natural refuge is thriving.

The proposed grazing fee increase would be devastating to our Nation's agriculture families. Add to that the per acre surcharge increase for water, and this budget would simply begin to put farm communities out of business.

With regard to the mine holding fee and the 12.5-percent royalty fee, under the current proposal, one company in my State will go from a net income of $500,000 before State and Federal taxes to a significant loss. The mine would be compelled to shut down and, in this case, the shutdown would mean a direct loss to the Federal and State treasuries of the tax revenues on that net income. There would be no taxable royalties paid to property owners. One million four hundred thousand dollars in taxable salaries and wages would be gone.

I urge the Senate to adopt this amendment. A policy currently embodies in the budget resolution strikes at the heart of the western economy and a way of life. The amendment would provide an opportunity for reason and evaluation of the grazing fee structure, mining law, and water issues rather than viewing them merely through the prism of demand for new revenues to underwrite the congressional appetite for spending.

The PRESIDING OFFICER (Mr. HARKIN). Who yields time?

Mr. DOMENICI. Mr. President, we have how much time?

The PRESIDING OFFICER. Fourteen minutes and ten seconds.

Mr. DOMENICI. How much time does the Senator desire?

Mr. CRAIG. Five.

Mr. DOMENICI. I yield 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CRAIG. Mr. President, I rise in support of the amendment to the budget reconciliation act presented to us today by our colleagues from Wyoming and Montana. Several have spoken to the issue of revenue that is embodied in budget reconciliation. What is so critical today, for those who may not understand the budget process, and that probably makes up about 99.9 percent of the American people, as we deal with the budget issues and as we set these established lines for revenue-raising purposes that we call into play public policy that will ultimately decide in especially Western public land States whether certain businesses will remain reasonably profitable, marginally profitable, or go out of business altogether.

Someone who is not from a public lands State will find that very difficult to understand. They do not realize that in my State of Idaho, or in Wyoming, or Montana, or Nevada, or New Mexico, that a vast majority of the land is not owned by private interests, it is owned by the taxpayers, by the Government. As managing agencies have the responsibility of administering public policy on that land, we establish the guidelines of administration. The budget reconciliation act says that the authorizing committees must go forward and establish certain dollar purposes, raising the revenue in a variety of categories that are under our jurisdiction and responsibility.

In other words, what they are saying is that we no longer have the flexibility we have had for over 200 years in this Congress to apply public policy to certain Federal management areas that allow us to discretion of understanding how the businesses and the private sector there that play with those public policies really reacts and/or acts.

You have heard the Senator from Arkansas for well over 20 minutes today talk about the tremendously damaging policy, public policy, known as the 1872 mining law, and how it has caused certain interests in this country to profiteer. But when he was asked: Is not the royalty that is proposed within this resolution too high, his answer was, yes, more than likely, and that it would probably put people out of work.

All of a sudden, when asked very tough questions, the tone of his charges, or allegations, or statements of fact, began to change, because what is happening in the Budget Reconciliation Act is that they are tying the hands of the very committees that understand the policy and have the authority to change it in concert with those industries involved to make sure they can make some profit while at the same time paying back in a responsible fashion.

I and others who have worked on issues of mining and grazing recognize some need for adjustment and change. Last year, I joined with my Senator from New Mexico in talking about mining policy. The Senator from Arkansas does not own this issue. We all worked together on it, and we decided that fair market value was the reasonable way to approach the transfer of public land to private land for the purpose of mining. Now, we all understand those types of things and the need for change, but we also understand that you cannot put people out of business.

I am not at all confident that this administration understands that, because if they understood it as clearly as I think many of us do, this amendment that we are debating at this moment would not be necessary. We would not need to argue that the Energy and Natural Resources Committee of the Senate and the corresponding committee of the House have the authority to go in and change the grazing law or change the mining law in a way that allows the public owners of this property to recognize some compensation but does not drive those who are associated with it from the private sector out of business.

Cattlemen will go out of business in the State of Idaho based on this effort to raise grazing fees. We held hearings last week on mining law. Noted economists said that over 27,000 working men and women would be out of business, out of work in the Western States if a 12.5-percent royalty went forward.

If the 8.5-percent royalty of the Senator from Arkansas goes forward, well over 12,000 to 14,000 men and women will be out of work. Now, what does the Senator say? Well, he says we are going to put them back to work. We are going to pass reclamation law and put them back to work.

Do you know who makes that decision? The Appropriations Committee. The Federal Government is going to say who works in Western States, not the private sector, not the individual. Senators sitting on the Appropriations Committee are going to make a decision on who gets the money to do the reclamation work that establishes the new job. I am telling you that is no job at all, because if the Senator from West Virginia decides that Idaho needs the money and Montana does not need the money, and Montanans are out of work, Montanans will not be working.

Now, that is reality. That is what is going on at this moment. That is why it is so darned important that we support the Senators from Wyoming and Montana in this amendment granting back to the authorizing committees the appropriate authority to establish the public policy that allows the kind of law that works.

That is what the citizens of this country want, not arbitrary and capricious approaches that are going to put thousands of men and women out of work.

I yield back the remainder of my time.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. DOMENICI. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, might I ask Senator BUMPERS—if he is managing the bill—on the Bingaman amendment, at Senator BINGAMAN'S request, we yielded back all our time and went to the next amendment. But before we did that, we said that Senator BINGAMAN would have 15 minutes before the vote on his amendment, if he desired it.

I wonder, when we are through here, if we might set aside 5 minutes before we vote.

Mr. BUMPERS. Certainly.

Mr. DOMENICI. I hope we do not do that while they are all stacked but, rather, we find another time when we could do that. We will try to work together.

Mr. BUMPERS. Fine.

Mr. DOMENICI. I propose that unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank my friend. Let me make two very brief points, and then hopefully Senator BUMPERS might want to speak again. Then I think we are finished on our side. And have nothing remaining on our side.

Mr. President, I just want to talk about some very basic ideas that are being proposed in this entire economic plan of the President's with reference to Western States with large publicly owned properties within their State boundaries.

For many Americans, it seems inconceivable that within their State, the U.S. Government might own 50 percent of all of the real estate. If that is inconceivable to many Americans, especially those who do not live in the West and Southwest, what about 65 percent? That sounds really like it is incredible, that the U.S. Government would own such a large portion. Actually, I think we have some States, Mr. President, where it is even higher. So obviously the States where that situation exists—and I am just going to call them the Western States for this discussion, although it is not all of them but most of them—have a much larger economic and jobs relationship to the public domain, and the Federal land. This is because the public land has yielded jobs for the rural communities for generations on generations, because it is mining on the public domain that caused jobs to be created and communities to get started.

I might reiterate, my good friend, Senator BINGAMAN, comes from the small town of Silver City. I think it would be a mighty small, if not a nonexistent, community if it were not for copper mining that started many decades ago.

There are a number of towns and communities all over the West that are dependent on public lands.

There are also Western communities where the lumbering and the grazing has brought families to the area. On grazing we find that families have lived on their land and grazed on public land for decades. We have third generation families who have remained on the land earning a living.

So it is obvious that, as compared to the rest of the country, if there is an economic plan or a deficit reduction plan that goes to the heart of that, then, obviously, it is a very big concern from the standpoint of jobs and maintaining our small communities.

So I have to repeat what many have said, including many Democrat Senators, some of whom went to visit the President. Essentially, I believe they are saying that the President is extracting over $1 billion from individuals in Western rural areas. This is on top of the tax proposals, including the energy tax and the Btu tax.

This plan of the President's has asked for shared sacrifice. I think many Americans think it is shared sacrifice. I would vote for it if I thought it was. But, frankly, I do not think to have so many new taxes and that many new fee proposals are shared sacrifice. I think it is putting taxes on instead of reducing the Government's expenditures. But, aside from that, shared sacrifice would be all right if it was not that the West was doing an extraordinary amount of sacrificing.

The President is trying to create new jobs, but his fee increase proposals include a 12.5-percent mining royalties and increased grazing fees. I don't believe that ranchers can stay in business if the fee goes up to $7.99 per animal unit month.

What is going to happen is they are going to abandon these grazing permits. There is going to be no continuity on the Federal lands. Frankly, if you really want to see the high plains of New Mexico, the grasslands, go right down the drain, then get rid of the continuity that these ranchers have provided who have taken care of the land in a good manner because they treat it just as they treat their own.

It seems to me that some of my fellow western Democrat leaders have written both Mr. Panetta at the OMB and the President expressing similar concerns.

I am absolutely convinced that the best way to handle this is to take the extremely high fees out of this budget. That is what the Wallop-Domenici-and-others amendment does. This amendment allows the committee to do it in an orderly manner and not in some quick hurry-up reconciliation bill where they change the laws of our land which have been in existence for a hundred years and decades. It just is not going to work right if we force the committees to do something unrealistic. If we do, we are going to be awfully sorry, or we are going to find somebody else to tax because we will not be able to work this. And we will have a total mistake as to what mistaken identity, so to speak, as to what we are voting on and what comes out.

So it is an economic issue in essence, not environmental issue. We can fix the environmental in any bill. We can argue that on the floor, and have five or six ways of agreeing on the environment. But the economic part does not make sense in terms of penalizing the West this much.

I yield back whatever time I might have had on the amendment at this time.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator is recognized for up to 25 minutes.

Mr. BUMPERS. I want to speak a couple of minutes. I do not want the Senator from Mexico to yield his time back as I speak because he may wish to respond.

Mr. President, I want to say to my good friend from Idaho, Senator CRAIG, that, No. 1, if he ever hears me lower my voice on this issue, he will know that I have laryngitis. I have never lowered my voice on this issue because I consider this to be one of the most outrageous practices still going on in America. There are others. But they pale in comparison to this one.

Second, I want to say to the Senator from New Mexico, regarding Stillwater Mining Co., the reason Stillwater Mining Co., which is located in Montana, is not paying a royalty is because Montana does not charge a royalty to Stillwater because Stillwater is operating on Federal lands. What they are getting off Stillwater is a severance tax.

But here is the point. Stillwater Mining Co., in Montana, if they were mining not on Federal land, but on State lands, would pay the State of Montana 5 percent of their gross sales and 1.6 percent of the gross value in excess of $250,000 for gold, silver, platinum, and palladium. Because they are not on State land, they are on Federal land, they only pay the severance tax, which brings me to my next point.

I do not mean this to denigrate any of my colleagues. They are all my friends. We just have differences. But not one single Senator, Mr. President, has answered this very simple question: Why is it that the mining companies have no problem paying up to 18 percent in royalties if they are going to mine on your land or mine or anybody else's private land, just as Newmont Mining Co. does in Nevada—18 percent to take gold off private land. They do not have any problem with that. They are not forced to lay off anybody. If they lease railroad lands, which they do, even though the Government gave that land to the railroads around the turn of the century, if they lease railroad lands to take gold or silver or platinum or palladium or any of the other hardrock minerals, they pay them up to 10 percent, plus what they have to pay the State.

Newmount Mining Co., which pays 18 percent royalty for all they take out of the ground there to a private owner, do you know what else they do? They pay a severance tax of 2.5 percent to the State of Nevada. If they take gold out from under the lands that they lease from the railroads, if it is in Wyoming, they not only will pay a 10-percent royalty, but they will pay the State of Wyoming 5 percent if they mine on State lands.

It is the U.S. Government that needs a saliva test, not the States. They have enough sense to collect a royalty. You cannot blame them. And in most instances, the States charge both a royalty and a severance tax. And here is the question: Why is it they will all go broke if they are required to pay so much as one red cent to the owners of the minerals, the people of the United States?

You will hear the subject changed. You will hear them shift from one excuse to the next, but you just never get an answer to that very simple question.

As I said earlier this morning, here we are grappling with a deficit of monumental proportions, trying to get it down, and in the past 2 years the BLM has given first-half certificates to two companies, handed it to them on a platter, on land containing 48 billion dollars' worth of hardrock minerals for which the U.S. Government will not receive 1 red penny.

Every one of these States will. They all will. Barrick Mining Co., a Canadian-owned company, will. Newmount Mining Co., British-owned, will reap a very handsome profit. They can only prosper, it does not make any difference how much royalty they pay everybody else, they can prosper. But if they have to pay it to the U.S. Government, they will go broke and put everybody out of work.

Finally, when it comes to reconciliation, I share some of the concerns of the chairman of our committee. My reform bill is a very fairly comprehensive bill. It includes reclamation and land use planning provisions in addition to royalties and holding fees.

So the Senator from New Mexico could get up and say, "Well, Senator, you got reclamation in here. I make a point of order that this is extraneous material." I might then have to get 60 votes to keep that provision in the reconciliation bill. We will need to take a close look at this issue in committee.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. BROWN. Mr. President, will the distinguished Senator yield?

Mr. BUMPERS. Mr. President, I yield such time as I have remaining to my good friend from Tennessee, Senator SASSER.

The PRESIDING OFFICER (Mr. DASCHLE). The Chair will state that Senator SASSER now controls 18 minutes and 30 seconds of time.

Mr. SASSER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SASSER. Mr. President, did you say that I was controlling time?

The PRESIDING OFFICER. Senator BUMPERS yielded whatever time remaining him to the Senator from Tennessee in his capacity as chairman of the Budget Committee.

Mr. SASSER. I see. I thank the Chair.

I see Senator BROWN is on his feet to speak in support of the amendment.

Who is controlling time on Senator DOMENICI's side?

Mr. DOMENICI. I am.

The PRESIDING OFFICER. Senator DOMENICI's time, however, has expired.

Mr. DOMENICI. How much time does the Senator desire?

Mr. BROWN. I would like just 2 minutes.

Mr. DOMENICI. I yield 2 minutes off the bill in opposition to the amendment.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. BROWN. Mr. President, I certainly want to rise in response to the very excellent question posed by the distinguished Senator from Arkansas. He has spent a great deal of time here and has been kind enough to prepare a chart that addresses the various royalties that are involved in mining.

I might say at least it is my observation that indeed some properties do merit an 18-percent royalty, and some properties are of such a nature in terms of mining potential that a 5-percent royalty is all that they merit, and other properties are speculative enough that perhaps no gross royalty up front is needed, but no royalty but some encouragement to get people simply to explore it and some royalty afterwards.

The bottom line is the taxpayers ought to get the maximum amount available to them. Sometimes that would be 18 percent, sometimes it might be 20 percent, sometimes it might be 10 percent, and sometimes 5 and 4 and 3 percent. The bottom line is by going with a flat percentage, what happens is on the ground that will not yield that that is not of such quality that it will yield that you will simply discourage any activity. By going with a flat percentage you will not get the maximum amount that you can from very good properties.

What makes logical sense, I think, is to try and develop a way of bidding these out or getting the maximum revenue potential out of them not going to a flat percent.

So I would say to my distinguished friend from Arkansas, the answer to the question he poses is that what we ought to be about here is getting the maximum return to the taxpayer dollar, not coming in with a formula will have a significant number of properties simply shut down and not mined at all.

I yield back, Mr. President.

The PRESIDING OFFICER (Mr. DASCHLE). Who yields time?

Mr. BUMPERS. Mr. President, I just want to make one final point: I think Senators should know that since this law went on the books in 1872, courtesy of the signature of Ulysses Grant, we have given 3.2 million acres of Federal lands away. We have deeded for either $2.50 an acre or $5 an acre, 3.2 million acres. That is larger than the size of Connecticut.

As I said earlier today, if we do nothing this year there is another 86 billion dollars' worth of minerals that will be taken for nothing compliments of Uncle Sucker.

One comment I did not make is this one. Once the Bureau of Land Management under present practice gives somebody a deed to this land, they do not care what happens to it.

Did you know that?

In Colorado, someone bought land for, I think, $256 and sold it for $450,000. You know where most of this land goes? Just like grazing, it is sublet. Some little miner goes out and leases 500 acres and he turns around and sublets it to someone else.

We had a guy testify before our committee last Congress who said that was his business. He is not a miner. He is not looking for minerals. He is looking for property.

In Oregon 4 or 5 years ago, we let about 1,700 acres of land go in the Oregon National Monument out there are on the seashore and gave a deed to 250 acres. You know what it had on it? Sand. Do you know the justification for giving a deed to someone? It was a rare kind of sand.

They found out they sold land that everybody in Oregon was concerned about, so they began negotiating for it back. They paid $19,000 for this land in Oregon. Do you know what the U.S. Government is prepared right now to pay them back for it? $10 million.

Summer homes all over Wyoming and Montana are on this land, because BLM never checks it again. Some of it is sold for ski resorts, real estate developments, because the BLM never looks at it again.

All you have to do is read the GAO report on the subject. You talk about abuse. That is the reason I cannot get terribly excited about whatever abuses there are concerning grazing. They pale compared to this.

Mr. President, I believe the time has come, I divinely hope it has, that we are going to address this problem. If the Senator from Wyoming had cut his figure down a little it might have made some sense. You know on a bill of $1.2 billion that has been assigned to the Energy Committee to cut $800 million on the floor of the Senate before we even looked to see where we would get the money is precipitous and premature.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I listened very carefully to the arguments that have been made here today. I compliment the very distinguished Senator from Arkansas for the eloquent statement that he has made here on the floor on this Wallop amendment. I find his logic as usual to be clear, convincing and almost irresistible.

Mr. President, without commenting further on the merits of the underlying assumptions in this amendment, just let me say that once again we have an amendment brought before this body to delete some $752 million over 5 years, as I read it, from revenues that would be flowing into the Federal Treasury, if the amendment were not adopted. But it pays for these revenue deletion with what I would call a black box. Once again the author of this amendment relegates to function 920 that old place holder function, the responsibility for paying for this loss of $752 million.

There is no specification in this amendment as to how these revenue losses will be made up. There are no specified spending cuts, Mr. President, to indicate how the Treasury will be made whole from these loss of revenues here that are being proposed. It is the same tired old song we have been hearing now for about 3 days.

There is the vigorous assertion that this Clinton budget, as modified, is just chock full of unnecessary spending and what we need to do is to reduce this spending. We have to cut this unnecessary spending, they say, before we get around to raising any revenues, but then when the time comes to stand and deliver and say what these spending cuts are to be, then all of the brave talk about wasteful spending suddenly evaporates, and with a wink and a nod and a whisper we hear the words "unspecified cut." What I ask my colleagues is an unspecified cut? We had unspecified cuts offered in the Budget Committee to the tune of almost $700 billion as this resolution made its way through the budget process in the committee.

Maybe these are not the best ways to raise revenues and fees. I do not pretend to know as much about hardrock mining certainly as my distinguished colleague from Arkansas does. I do not pretend to know nearly as much about grazing fees as my distinguished friend from New Mexico, Senator BINGAMAN, does. We do not have hardrock mining in the State of Tennessee, and we do not have Federal land that we pay grazing fees on or run cattle over them.

But clearly if we are going to forgo this revenue as advocated in the budget of President Clinton and as voted out of the Budget Committee, then we ought to know how we are going to pay for it. If we do not know how we are going to pay for it, we are just going to say some unspecified cut, another black box, that is the same kind of problem or the same solution, Mr. President, that got us into the problem we are in now.

That is the kind of fiscal planning that we have been engaged in over the past 12 years. And that is what the American people said they had enough of in November. They want to know what you are going to do here. If you are going to forgo the revenues, they want to know specifically what you are going to cut so that this budget is going to balance out at the end.

We are back in the old business here of saying we are going to forgo the revenue; there is not going to be any fees; there is not going to be any taxes; and, by the way, we will get around to these unspecified cuts later on. They are going to be unspecified.

Do you remember those black boxes, those unspecified cuts that the Director of Office and Management and Budget, Mr. Richard Darman, used to send up here? They made the budget bottom line look good. But, the problem was, when we got around to trying to find the cuts to pay for any revenue that had been forgone, or to find the cuts to lower the budget deifict, they just were not there. They just evaporated into thin air.

I guess it was Friday, Mr. President, that 28 Members—and they are my friends—from the other side of the aisle in the minority voted in favor of the President's spending level for Head Start. They want to spend the money for Head Start.

I agree with them. I think it is a good program. I think we need to fully fund Head Start. Yes, it needs some improvements. Yes, Head Start has suffered some problems in recent years, primarily because of funding levels and not adequate teacher salaries. But at bottom, Head Start is an excellent program that takes children who are disadvantaged and gives them a push up the ladder.

Twenty-eight Members of the minority voted for that Friday. I think that is a fine program.

Tomorrow we will have a vote on the Clinton spending level for community policing. And I will wager now that many of our friends on the other side will vote for that, too. And that is fine.

Everybody is in favor of community policing. I support it. I have spoken strongly for it on the floor here of the U.S. Senate. It is an excellent initiative on the part of the Clinton administration to put some policemen on the street, on beats, take them out of the cars. Let them walk the streets of the cities once again and get to know what is happening in the streets in their precincts. Get them out of the cars and put more policemen on the streets.

The community policing initiative will provide for mobile reaction units, so that overwhelming force can be concentrated, if necessary, to back up that policeman on the street.

The community policing bill will provide for a national police corps, wherein young people can go to college and, if they will agree to serve in police forces for a term of years after they get out of college, the Federal Government will help defray their tuition expense. It is an excellent program to put better-educated young people in the police force that have a background in sociology, psychology, criminology, a whole host of things that will elevate our efforts to try to bring some law and order back to the streets of this country.

And, yes, some will say that this national police corps will attract these young people to stay in police work, make it a career, and make the police forces more effective. I support that; and many on the other side will tomorrow, I suspect.

But the question is: How are we going to pay for it?

The Clinton budget proposes ways to pay for these initiatives. But we cannot pay for them with amendments like this, that simply say the amendment is offset by reducing increased spending in function 920, which is simply a placeholder in the Federal budget. It does not indicate how it is going to be paid for.

If it said we are going to forgo these fees and we are going to pay for this by a reduction in force in the National Park Service, well, that would be something. Then we could debate that an decide whether or not we are better off with a reduction of force in the National Park Service or are we better off taking the fees and keeping the park rangers on the job.

But this does not say that. It simply says, we are going to forgo the revenues and we have some little unspecified matter in the Federal budget and we will take care of that later.

Well, it just cannot work that way anymore. It cannot work that way anymore, whether it is increasing funding for Head Start, whether it is increasing funding for criminal justice, whether it is increasing funding for roads and bridges, whether it is increasing funding for education or health or even military spending.

We now have to find a way to pay for it. We have to get away from this old habit of the past 12 years of simply saying we will spend now and borrow and pay for it.

If you want to spend money, you have to have a way to pay for it.

In this instance, President Clinton says we are going to pay for it with fees on hardrock mining. We are going to pay for it by increasing grazing fees.

Mr. DOMENICI. Mr. President, might I ask what it is he is going to pay for with that? Might the Senator enlighten us?

Mr. SASSER. I would be pleased to.

He says we are going to bring this budget closer into balance with these revenues.

And I say this, Mr. President: All of the revenues that are raised in this budget are going for deficit reduction—for deficit reduction. This President is trying to reduce the deficit and he is willing to make the hard decisions and take his case to the American people to do that.

I do not know whether these are the proper things to do or not. I will have to defer to some of my friends on this side and defer to the Senator from Arkansas and the junior Senator from New Mexico.

All I can say is, I do not see, if we forgo the fees that are here and the royalties that are here, what happens.

I will tell you what is going to happen if we forgo this. This is simply going to mean that the deficit goes up that much more. That is what is going to happen. Because the cuts that they allude to here to pay for it, they simply are not there. That is illusory.

So, Mr. President, in the final analysis, and after all the bombast is over and done with, this amendment, proposed by the distinguished Senator from Wyoming, carries no more force than the sense-of-the-Senate amendment proposed by the junior Senator from New Mexico [Mr. BINGAMAN] this morning.

So, for that reason, at the appropriate time, I will be compelled to oppose the amendment offered by our friend from Wyoming.

Mr. President, have we asked for the yeas and nays on this?

Mr. DOMENICI. The Senator from New Mexico asks for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SASSER. Mr. President, I was off the floor a moment ago, and I would like to clarify the unanimous-consent request that was propounded a few moments ago. I hope my friend will listen carefully. I think it has been cleared with him.

Mr. President, I ask unanimous consent that the pending Wallop amendment be laid aside to be disposed of following the Nunn amendment, No. 192, and that prior to disposition of the Wallop amendment, there be 10 minutes of debate on the amendment equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, the next amendment is an amendment offered by the distinguished senior Senator from Colorado [Mr. BROWN] dealing with administrative costs.

Mr. DOMENICI. Mr. President, I wonder if I might yield myself, with the concurrence of the chairman, 10 minutes off the resolution, and then I will yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I would not do this, but we have used our time on the amendment and I want to move along. And Senator BROWN has indicated to me he does not want to use a full hour, so I am going to talk just a little bit. I cannot leave the statements of the distinguished chairman unchallenged with reference to what this amendment does and what it does not do. And his argument with reference to where are the specifics.

Frankly, what has happened is that the chairman and apparently those representing the President thus far, want to keep this budget resolution intact in terms of all of the taxes and fees to be raised. And whenever you talk about reducing any of those, the discussion then occurs on the chairman's side and the Democratic side: Where are the specific cuts?

Mr. President, for those who are interested in this process, the specific cuts are there, because there are no specifics in this budget. So our good friend, the chairman, heralded across this land that they were improving the President's proposals by cutting additional spending. I ask that somebody look at the budget resolution and see where the $31 billion in new domestic cuts are? They are in that same little black box, function 920, called allowances.

There is nothing in there that says where the $31 billion are coming from, because the normal way to handle budget resolutions is to decrease the total outlays and total budget authority of discretionary spending whenever you are desirous of cutting the budget.

Essentially, who can tell us that a reconciliation instruction—this is budget tease; let us put it in understandable language. When we finish this resolution, we will have ordered the Energy Committee, by force of law: Produce for your Government new user fees within your jurisdiction amounting to a reduction of $752 million by Senator WALLOP's amendment.

He says: No, No; wait a minute. Take that authority, take that order away, and taken $752 million away from that committee so they do not have to do that.

You tell me that anybody in the West is going to believe that is not an effective way to deal with this discriminatory treatment of the West with reference to jobs. Tell me that a sense-of-the-Senate resolution saying: We do not like this; we hope the committees do differently, is as effective as taking away the order to the committee to produce within a certain number of days a bill that can hardly be amended on the floor that puts those user fees in place. And they only have so many user fees within their jurisdiction that they can do.

It just seems to me that the Wallop, Domenici, and other amendment on this side of the aisle is the real amendment for the West. And for those who are wondering whether they should vote for the West, the jobs that come with mining and grazing, and the other things that are being discriminated against by the President in his anti-western proposals. You tell me, if is it more important for the West that we take away from the Energy Committee, the actual dollar numbers and say the numbers are not there anymore. The order to do it is gone? Would you think the ranchers, the miners, the thousands of people employed by the mining and livestock industries, would stand up and say horray, do that? And then to stand up on the floor of the Senate and say we do not have any justification for it in terms of affecting the deficit of this country is another absolute misstatement of the budget resolution.

We match right up against that $752 million reduction in the President's add-ons. And we say: Take that much out of the budget, out of the programs that can be funded dollar for dollar. The budget comes out the same, and the West says: Do not put us out of business and they try to put us back in business by spending Federal money. Just take the Federal expenditures equal to it out.

If the Senator from New Mexico was to say our $752 million is—$50 million from Head Start, $26 million—do you know what would happen? Somebody would stand up on the floor of the Senate and say that does not mean anything. All you are doing is lowering the budget authority for the appropriators to spend money, and you cannot tell them where to do it and where not to do it. And that is right.

So I just could not let my good friend, the chairman, get by with the so-called black box—where are the specifics—because we will just give it back to him. Where are the President's add-on's in this budget? Are they there? Can anybody find them in this budget. They assume they are there. They told America they are there. They are not in this budget. We think they are in, because the appropriations are going to find enough money in these huge limits they have given them to spend for those programs. And they are in functions that include many other things.

Where are their cuts that they proposed the other day, $31 billion, to make this a better resolution? They are not in there, saying we have cut this program and that program. They are in function 920, just like the $752 million used to keep this amendment budget neutral.

Having said that, I am pleased to yield the floor. I understand my friend from Colorado will offer his amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. REID. Senator BINGAMAN has offered a sense-of-the-Senate resolution. Would it be in order now to make remarks on that resolution?

The PRESIDING OFFICER. Under an unanimous-consent agreement, the Senator from Colorado was to be recognized for purposes of offering an amendment that he has sponsored.

Mr. REID. I ask unanimous consent I be added as a cosponsor to the Bingaman sense-of-the-Senate resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I do not know the limitations of our unanimous consent but, indeed, if the distinguished Senator from Nevada wishes to speak right now and take a few minutes, with Senator DOMENICI'S permission, I will be glad to wait a few minutes before I offer my amendment.

Mr. REID. I appreciate that very much. If the Senator will offer his amendment, I will again seek recognition to speak for no more than 5 minutes.

Mr. BROWN. Perhaps that is the proper way to do it.

Mr. DOMENICI. If Senator SASSER thinks it is all right, I just ask consent Mr. REID speak for 5 minutes off of Senator BINGAMAN'S time, and then we proceed by unanimous consent to the amendment by the Senator from Colorado [Mr. BROWN].

The PRESIDING OFFICER. Without objection, the Senator from Nevada is recognized for 5 minutes.

Mr. REID. Mr. President, first of all I extend my appreciation to my friend from Colorado, Senator BROWN and also to the two managers of the bill.

The amendment offered by Senator BINGAMAN, of which I am now a cosponsor, is certainly something that is important for this body. In effect, what the sense-of-the-Senate resolution says is that the livestock and mining industries in America are willing to do their fair share, but no more.

The livestock industry, in the western part of the United States, has been through 6 years of very difficult droughts. They are holding on, many of them, by their fingernails. Excessive increases in the grazing fee will put many out of business.

The former director of the Bureau of Land Management, Cy Jamison, had begun developing a very innovative plan that is now being tested in some areas of the country. I think it should have the opportunity to proceed.

Basically, what that program would do is allow incentives for livestock producers to improve range conditions and protect riparian areas. Those that do a good job taking care of the land while raising livestock would benefit under the fee formula.

This is an alternative which deserves consideration before we proceed. Whatever method we ultimately end up with, Mr. President, it should be one where the livestock industry is not driven out of business.

Which brings me to the next part of the sense-of-the-Senate resolution, which deals with royalty fees on hardrock mining. There is not anyone that I have been able to find—and I say this without question or reservation—who will say that the mining industry can withstand an 8-percent royalty, let alone a 12-percent royalty on gross proceeds. That is why it is important that we continue the negotiations with the environmental community, the mining community, and the administration to come up with a formula that the mining industry can live with.

We all recognize the situation regarding patents must change. Senator DOMENICI and I sponsored legislation last year that called for revamping the way the patents are issued; that is, if they are used for any purpose other than mining, that they would revert back to the Federal Government; that there be some reclamation provisions and bonding provisions that should be in any law that is passed.

Also, anything that is done regarding how much mining companies pay for minerals taken from the public lands should be something that takes investment costs into consideration. This includes exploration, mining, beneficiation and transportation costs. Some States apply this net-proceeds concept to assess severence or proceeds taxes. I believe it is considerably more fair than a royalty on gross proceeds. It is a concept that deserves consideration when we get to this particular aspect of the budget.

Whatever our solution is, it should be something the hardrock mining industry can survive. In recent years we have turned the tables on the trade balance for certain hardrock minerals. During the last 3 years, we have exported more gold than we imported. We should make every effort to sustain this success and we can only do that if we follow the intent of the sense-of-the-Senate resolution as it relates to hardrock mining.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 196

(Purpose: To reduce function 920 to reflect a freeze of Federal department and agency overhead in fiscal year 1994 and fiscal year 1995, and an adjustment for inflation through 1998)

Mr. BROWN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 196.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 1, decrease the amount by $2,324,000,000.

On page 5, line 2, decrease the amount by $4,708,000,000.

On page 5, line 3, decrease the amount by $4,031,000,000.

On page 5, line 4, decrease the amount by $2,938,000,000.

On page 5, line 5, decrease the amount by $2,947,000,000.

On page 5, line 11, decrease the amount by $2,324,000,000.

On page 5, line 12, decrease the amount by $4,708,000,000.

On page 5, line 13, decrease the amount by $4,031,000,000.

On page 5, line 14, decrease the amount by $2,938,000,000.

On page 5, line 15, decrease the amount by $2,947,000,000.

On page 5, line 22, decrease the amount by $1,793,000,000.

On page 5, line 23, decrease the amount by $4,087,000,000.

On page 5, line 24, decrease the amount by $4,225,000,000.

On page 5, line 25, decrease the amount by $3,161,000,000.

On page 6, line 1, decrease the amount by $2,970,000,000.

On page 6, line 7, decrease the amount by $1,793,000,000.

On page 6, line 8, decrease the amount by $4,087,000,000.

On page 6, line 9, decrease the amount by $4,225,000,000.

On page 6, line 10, decrease the amount by $3,161,000,000.

On page 6, line 11, decrease the amount by $2,970,000,000.

On page 6, line 17, decrease the amount by $1,793,000,000.

On page 6, line 18, decrease the amount by $4,087,000,000.

On page 6, line 19, decrease the amount by $4,225,000,000.

On page 6, line 20, decrease the amount by $3,161,000,000.

On page 6, line 21, decrease the amount by $2,970,000,000.

On page 7, line 1, decrease the amount by $1,793,000,000.

On page 7, line 2, decrease the amount by $4,087,000,000.

On page 7, line 3, decrease the amount by $4,225,000,000.

On page 7, line 4, decrease the amount by $3,161,000,000.

On page 7, line 5, decrease the amount by $2,970,000,000.

On page 7, line 8, decrease the amount by $1,793,000,000.

On page 7, line 9, decrease the amount by $5,880,000,000.

On page 7, line 10, decrease the amount by $10,105,000,000.

On page 7, line 11, decrease the amount by $13,266,000,000.

On page 7, line 12, decrease the amount by $16,236,000,000.

On page 8, line 7, decrease the amount by $1,793,000,000.

On page 8, line 8, decrease the amount by $4,087,000,000.

On page 8, line 9, decrease the amount by $4,225,000,000.

On page 8, line 10, decrease the amount by $3,161,000,000.

On page 8, line 11, decrease the amount by $2,970,000,000.

On page 41, line 17, decrease the amount by $2,324,000,000.

On page 41, line 18, decrease the amount by $1,793,000,000.

On page 41, line 24, decrease the amount by $4,708,000,000.

On page 41, line 25, decrease the amount by $4,087,000,000.

On page 42, line 6, decrease the amount by $4,031,000,000.

On page 42, line 7, decrease the amount by $4,225,000,000.

On page 42, line 13, decrease the amount by $2,938,000,000.

On page 42, line 14, decrease the amount by $3,161,000,000.

On page 42, line 20, decrease the amount by $2,947,000,000.

On page 42, line 21, decrease the amount by $2,970,000,000.

On page 71, line 13, decrease the amount by $4,031,000,000.

On page 71, line 14, decrease the amount by $4,225,000,000.

On page 71, line 16, decrease the amount by $2,938,000,000.

On page 71, line 17, decrease the amount by $3,161,000,000.

On page 71, line 20, decrease the amount by $2,947,000,000.

On page 71, line 21, decrease the amount by $2,970,000,000.

Mr. BROWN. Mr. President, this particular amendment responds to the request for specifics and for efforts to bring the deficit in line. When the President offered his challenge to the Congress to come up with specific proposals that would in detail spell out how this country could deal with this very serious deficit problem, we came together with a deficit reduction package totaling $679 billion. Obviously not all of the 117 provisions that we include in that bill will be offered. But we have picked out at least some of them that I think cover the various areas that our deficit reduction package deals with.

This particular one is one that deals with overhead, and the amendment before the body is one that suggests that what we ought to do is not increase Government overhead expense for administering programs for the next 2 years and then allow cost-of-living for the next 3.

Is that realistic, Mr. President? The facts are these: Civilian employment by Government, in other words the number of Government employees that we have, is going to be reduced by 100,000, according to the President's hiring freeze. Along with that 100,000 reduction, which is already contemplated in this bill, will come lower costs with regard to travel, with regard to the various other forms of transportation, with regard to rent, with regard to heat, with regard to supplies, with regard to printing. Specifically for those who follow it, Government object class No. 20 and object class No. 30, as you go through it.

This amendment is quite specific. What we are dealing with is a question of travel, transportation, rent, utilities, office supplies and other administrative costs.

Mr. President, if we cannot control overhead spending with 100,000 reduction in personnel, if it is not reasonable to suggest we simply go a couple years without increasing it, then this Congress does not have the courage to face up to any cuts. This ought to be an easy one.

The Office of Management and Budget took a look at this amendment and suggested that it would save approximately $46 billion. The Congressional Budget Office took a look at it and estimated it lower. As I think many Americans who are watching today will appreciate, the Office of Management and Budget and the Congressional Budget Office are different people. They have different focuses and sometimes they differ in their estimates. They came up with a $26.6 billion savings for this amendment.

One of the concerns that was raised by the Democratic majority staff in the Budget Committee is the potential that this figure might be difficult to obtain or that it might overlap in some other efforts. They estimated that there could well be some overlapping and that there was clearly $16.2 billion in savings that did not in any way overlap. Thus, that is what is included in this amendment: Total savings of $16.2 billion over the space of 5 years simply by controlling overhead expenses.

It is related to specific budget categories that we operate under. I believe it is not a large estimate. It is the lowest estimate of what this kind of control ought to bring.

Mr. President, I will address this further in later comments. But I think while we are so tight on time, at this point, I would like to yield some of the time that I have on this amendment to other Senators who have other amendments who will not have time to address them or bring them before the body. At this point, I would like to yield to the distinguished junior Senator from Idaho such time as he may consume.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, I would like to thank my colleague from Colorado for his courtesy.

Mr. President, I rise today to continue pointing out specifics of where cuts can and I believe should be made. I have filed an amendment at the desk that deals specifically with that. The amendment that I reference today seeks a 25-percent across-the-board cut in the fiscal year 1994 legislative branch budget from the fiscal year 1993 levels. The amendment provides for an increase for inflation for each subsequent year through 1998.

This amendment gives Congress the opportunity to act immediately on what I believe the people of Idaho and all Americans are demanding; that Congress get its own financial house in order and reduce the cost of Government first before it considers placing additional burdens on American taxpayers.

I have received countless letters and the phones in the office have been ringing off the hook with one simple message from my constituents: Cut spending first. What better place to start than Congress? What better time to begin than right now?

Mr. SASSER. Mr. President, parliamentary inquiry. Is the Senator from Idaho speaking in support of the Brown amendment?

The PRESIDING OFFICER. The Senator from Colorado has yielded part of his time on the Brown amendment to the Senator from Idaho to speak on another amendment but it is off the time of the Senator from Colorado.

Mr. SASSER. May I ask, no other amendment is pending other than the Brown amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. SASSER. So the Senator from Idaho is simply consuming time allocated to the Brown amendment to speak on an amendment that is not pending.

The PRESIDING OFFICER. The Senator is correct.

Mr. SASSER. I thank the Chair.

Mr. KEMPTHORNE. Mr. President, to continue, what better place to start than Congress and what better time to begin than right now? The American people have given us a clear message that they are weary of ever-growing Federal budgets, ever-rising levels of spending.

In 1950, the Federal Government was spending $1,500 for every person in the country. By 1990, it was spending $4,700 per person. As a share of our gross national product, Federal spending rose from 15 percent of total output in 1950 to more than 25 percent of GNP in 1992. This Congress has, with little regard to the deficit, mortgaged the American future and now seeks to foreclose on American businesses.

Are the American people justified in their anger over spending that is absolutely out of control?

You bet they are. And Congress cannot control its insatiable appetite for spending and the proof is right here in our own budget. In this time when the President asks the people to lower their financial expectations and sacrifice, should not this Congress show that we are willing as a group to lead the way for the American people? We should and must be an example of fiscal responsibility by proving that we are capable of controlling our own spending.

Congress appropriates over $2 billion a year for the functions of the legislative branch. This year those legislative branch outlays will total $2.275 billion. In the past decade, the increases in legislative branch appropriations have more than doubled the rate of inflation. A 25-percent cut would allow for a budget slightly above inflation adjusted 1982 level. Since then, the legislative branch budget has increased 95 percent. However, over the same period, the consumer price index rose only 44.4 percent. The savings suggested by this amendment are real and significant, $60 to $85 million in each year from 1994 to 1998. The total savings suggested by this amendment would total cuts equivalent to $2.2 billion.

Many will argue that the Congress has already cut its budget, but the budget has not been cut in a way that demonstrates to the people that there is a new spirit of fiscal responsibility on the Hill.

The CBO estimates actual expenditures during fiscal 1993 will be a mere 6.5 percent below the 1992 level. Besides, those cuts come from bookkeeping shifts and associated agencies budgets and not from cuts in congressional operations.

President Clinton, in "Putting People First," said that he would reduce White House staff by 25 percent, and he challenged Congress to do the same. After the election when asked about President Clinton, I said I would extend the hand of cooperation on areas of mutual agreement. Well, President Clinton, I say that I am here to extend that hand of cooperation and to take you up on your challenge. Both the White House and Congress should be cut 25 percent.

In a Newsweek article published on March 22, Rich Thomas, the author, detailed some of the waste and excess in both the executive and legislative branches of Government. He reminds us that although family farms and farmers have taken a terrible hit in the last several decades, the Department of Agriculture still maintains one employee for every five farmers. We might do more for farmers by hiring them five farm employees than by making them support five Department of Agriculture workers who burden them with regulations and redtape.

The Japanese parliament, the Diet, with half the population of the United States, has one tenth the staff of the U.S. Congress.

There is a lot of anguish involved in real budget cutting, but there is a lot of anguish in America. Our deficit is out of control and our own free-for-all spending is the cause. We have no one to blame but ourselves. Tough choices will have to be made, but you know those tough choices are made in American business every day. American business is downsizing, getting lean and learning to live with less and learning to compete. That is what we have to do. We have to get lean and we have to learn to live with less.

The rate of growth in the operation of the Senate alone exceeds the rate of growth in Medicare, Medicaid, and agriculture programs. It is my hope that this spending reduction will be an impetus to streamlining and improving the way Washington works. Specifically, this amendment should guide and give weight to recommendations from the Joint Committee on the Organization of Congress due out in December to reform costly committee systems of both the House and Senate and to reduce redundant and often confusing procedures in committees and on the House and Senate floors.

We all know that the budget must be balanced. Even the President knows that it must be balanced. He chooses to forestall the inevitable with tax proposals and spending proposals, but even he believes that the budget must be balanced. Balancing the budget will require a shared sacrifice, and I suggest that this body learn the meaning of the word.

Mr. President, I say to the American people, yes, the Congress of the United States can cut its budget. Yes, the Congress can sacrifice. And, yes, a 25-percent cut in Congress' budget is the right start. I commend President Clinton for taking the needed first step by announcing he would cut White House staff by 25 percent. While some doubt whether or not this will actually be accomplished, I think it was a gesture that the American people welcomed. The American people are now waiting to see if Congress has the courage and the determination to lead this country out of its budget problems. They want results, not political posturing. This amendment, if adopted, would produce $2.2 billion in savings to the American people. With those savings, we can spare the American people more taxes. Just think, with just this act we can make a difference.

Mr. President, that is the decision that must be made.

I yield back now to the Senator from Colorado.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Colorado.

Mr. BROWN. I commend the distinguished Senator from Idaho for his courageous amendment. If the amendment which he proposes passes—it simply implements President Clinton's suggestion—Congress will still have a staff that is 6 to 7 times bigger than any nation in the world has for their legislative body. Let me repeat that. We will still have, even if the amendment is adopted, a staff that is 6 to 7 times bigger than any nation on the face of the Earth.

I cannot believe there are many Americans who could look at the congressional operation and not feel that the 25-percent cut as proposed by the distinguished Senator is not only reasonable but perhaps that Congress should do much more than that. One thing I do know, leadership is all about setting an example, and until this Congress is willing to provide the kind of leadership in dealing with their own expenditures that they are asking other people in this country to do, we are simply not going to have the success this Nation demands.

Many Americans as they listen to this budget debate must wonder about the figures. The truth is this, Mr. President. We have proposed before us not a budget that dramatically cuts the deficit but one that increases spending.

Let me be specific. The President's proposal calls for $315 billion of new spending or increases in spending over the 5-year plan. That is, expenditures 5 years from now will be $315 billion a year more than they are in this current budget cycle. We are not cutting spending, as has been advertised for this budget. What we are doing is increasing it at a slower rate than we might have.

If Americans, the working men and women across this country, view our accounting system with some skepticism, it is understandable. I do not fault the distinguished chairman of the Budget Committee, the Senator from Tennessee. The truth is that the Budget Act has spelled out the way we are required to calculate deficits, deficit reduction, expenditures, revenue, outlays. All of that is spelled out. What the Budget Committee has done is simply followed the rules and laws that this Congress has passed.

But the simple fact is that the way this has been put together, Americans are misled about what we are doing to the budget. The President's proposal calls for huge increases in spending and thus the strong interest on the Republican side, and I believe it is shared by all Americans, whether they are Democrats or Republicans, of trying to find additional specific areas to trim waste and to control the increases in spending.

Another specific I think is offered to us by the distinguished senior Senator from Idaho [Senator CRAIG] to whom I would now yield such time as he may consume.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I thank my colleague from Colorado for yielding. I associate myself with the Senator's remarks and efforts of providing very specific cuts, not only to the Senate but to the President, who has asked for just that in an effort to stem the tide of a runaway Federal budget, a runaway Federal debt.

Let me also associate myself with the remarks of the Senator from Idaho, who has just spoken, who, in the words of my Colorado colleague, has moved forward with a very courageous amendment. It is not easy in the Senate or the House to talk about real cuts because in a personal way we know that they mean real people. We know our staffs and work with them on a daily basis, and I am sure the workload oftentimes says we do not have enough staff to go around. But we also know that in the private sector, any company, if it were in the kind of trouble financially in its inability to balance its budget or show a profitable bottom line as the Congress of the United States and our Federal Government, is engaged this very moment in downsizing, downsizing at a very rapid pace, moving its work force out and off from its payroll.

The only entity in the United States today that is growing at any rate at all is the Federal Government and Federal employment. Let me suggest that even with the proposed cuts our President has come up with through attrition in Federal employment, based on new programs, new concepts, new spendings that this President has advocated, my guess is at the end of 4 years Federal employment will be larger then than it is today.

So that 150,000 employees will not be missed in essence in sheer numbers because they will be replaced by new employees for new or different programs.

I am at this moment speaking to an amendment that I have filed at the desk that is in keeping with specific cuts recommended by our President and certainly fitting into the total package that the Senator from Colorado has presented.

I am talking about an old concept. I am talking about an idea that has been debated on the floor of the U.S. Senate probably every year since its passage in 1931. I am talking about the Davis-Bacon Act, an act that required that the minimum wage rates paid in each classification of laborer or mechanic on federally financed construction, repair, and alteration contracts be determined by a locally prevailing wage so established by the Department of Labor.

Since 1931 and the enactment of that legislation, there have been a myriad of changes in labor law, additions and subtractions to that labor law. But prevailing wage under Davis-Bacon has always stayed. Why? Because federally funded contracts were always substantially more inflated than the private contracts. It was designed to operate that way. One of the reasons it was designed to operate that way in the 1930's was to pull this country up from the depths of the recession, to put men and women back to work at a livable wage on which they could provide for themselves and their families.

No longer does that environment and no longer does that situation exist. Yet, the disparity in wage and wage-setting rates clearly exists today, as it did in 1931, as Davis-Bacon, the act itself, was intended to address.

What does it mean? What would it mean if in fact every contract for construction under these categories were let in the private sector between now and the end of the first Clinton administration? What would it mean to the Federal taxpayers and to the budget of this country? It is estimated on the low side that it would represent a reduction in Federal expenditure of about $3.2 billion.

Does it mean that working men and women would be paid less? Yes, in certain categories, it means just that. But it does mean they would receive the same amount of pay in a federally contracted job that they do in a privately contracted job just across the street in the same town, in the same labor area.

Then, obviously, the question has to be asked, Mr. President: Why the difference today? Why the disparity? The disparity exists by an antiquated law that no longer fits the environment of the work force in America. But because of the largess of taxpayers of this country, we have debated this issue on the floor of the House and the Senate of the U.S. Congress every year since 1931 with no changes being made.

Now, at a time when this President is driving toward deficit reduction, at a time when I hope he is leading the Congress in that direction, let me suggest to this President that, if he truly means to make meaningful cuts in the budget, bring down the deficit, bring down the debt, one of the ways to do it is to put Federal construction and private construction on an equal footing.

That is just the dollar side. That is just the $3.2 billion inside the Federal budget. What about other kinds of things that happen out there? What about the anticompetitive nature that oftentimes drives the private sector out because they cannot compete in this environment? Well, there would be a greater chance of that going away and creating a great deal more equal footing than the kind that is currently represented in the law.

What about the millions and millions of dollars of paperwork that is required just to stay in compliance with the processes of Davis-Bacon? Hundreds of millions of dollars are spent each year by the Department of Labor, millions of dollars by the CBO, all of them making sure that Federal construction falls within the categories. That is on the Federal side.

What about the private side, the private contractor that wants to bid a Federal contract and needs to make sure they are in full compliance of the law so they do not fall under the watchful eye of the Department of Labor? What about the millions of dollars that are being spent there on an annual basis?

Our President talks about economic stimulus. Much of the stimulus was to attempt to generate jobs in the private sector, but the problem with generating jobs in the private sector with public dollars is that they are done at an inflated rate. They are done not in a competitive environment, not equal to the private job just across the street from the Federal work site, but done in a 25- to 35-percent more costly approach.

That is why more than ever before amending the Davis-Bacon Act, changing it by striking it from the Budget Reconciliation Act, makes all the sense in the world.

What happens in fiscal 1994? Well, in budget authority, it is down by $460 million; fiscal 1995, down by $470 million; fiscal 1996, down by $470 million.

Mr. President, those are real cuts, real cuts in a Federal budget, real savings to the taxpayers of this country. Through 1997 and 1998, you gain the cumulative effect of $3.2 billion. That is why I came forward today to offer this particular amendment to budget reconciliation.

If our President is sincere, and I truly believe he is, if the Congress of the United States is sincere in what they do, then I think it is so fundamentally important that this amendment pass for the first time since 1931.

About an hour and a half ago you heard the 1872 mining law talked about, the language of obsolescence was used, language that was not in tune with modern day thinking. Let me suggest to you that amending a law that was written in 1931 that has demonstrated its almost impossible nature to administer over the years, studies done way back in the forties, the fifties, sixties, studies as current as the mideighties saying the Department of Labor still had not devised the right formula creating the equitability of the application of the Federal construction costs so you could gain a true prevailing wage. But because we always have a little extra money to borrow and a little extra money to spend, we have paid the billions of dollars.

There are a few things that I agree with when Ross Perot steps forward to speak as he did last night; that is, that we ought to run a lean machine, that we ought not to take from the American taxpayer that which we should not to run the essentials of Government. Why should we inflate Federal construction work by $3.2 billion more than its equivalent if it were operated in the private sector, which on the construction job men and women find clearly workable, high quality paying jobs in the private sector? I suggest we not.

Last night Ross Perot spoke of a balanced budget amendment to our Constitution that I and others have been champion of for a good number of years. How do you get to a balanced budget? You get there by taking out of Federal law antiquated law that drives the spending process, as the Davis-Bacon Act.

You guarantee in the law the protection of the workers, and we did that with the Fair Labor Standards Act of 1938.

We did that with the National Labor Relations Act of 1935 and amendments to that in 1947 and 1959. We made darn sure throughout the years that the working men and women of this country were treated fairly and equitably in the workplace. We allowed them collective bargaining because we thought it was a right and a responsibility and that is in the workplace. That is the dynamics. But on top of it all, we said if you are employed on a federally paid for work site in a federally paid for job, you will be paid an extra higher wage under Davis-Bacon because of a formula that exists. That extra higher wage today costs the taxpayers of this country over the lifetime of the 4-year budget that we are talking about here or 4 years of budgets that we are talking about here approximately $3.2 billion.

So when amendments are called up to vote late tomorrow under this UC, I will call this amendment up for the purpose of voting on it here. Senators will have a real, fair, and balanced opportunity to cut approximately $3.2 billion from a budget and bring about meaningful savings, savings of the kind that are offered in the amendment and my colleague from Colorado, Senator BROWN, by my colleague from Idaho, the junior Senator, Senator KEMPTHORNE.

Mr. President, those are real cuts, not resolutions that speak of holding, keeping, maintaining, assuring that certain things will or will not happen. These are line-by-line, dollar-per-dollar cuts based on Congressional Budget Office figures that show the true cost of Davis-Bacon applied to the different areas of the budget.

Mr. President, I am not sure that I can get more specific. I do not think there is any other way to meet the challenge of President Clinton when he said, "Show me your specifics and I will take a look at them," than the way we presented these amendments this afternoon. They are real cuts.

The American people need to record them as that and they certainly need to speak to their Senators as to adhering to the responsibility of bringing down the deficit, moving us toward a balanced budget and reducing the overall debt and, most assuredly, reducing the overall demand on the American taxpayer. The dynamics of it and economy in the workplace rest in the balance. This is one real approach toward accomplishing that.

I urge my colleagues when this amendment is called for a vote to stand up and cut from the Federal budget over the next 4 years in real dollar cuts $3.2 billion.

Mr. President, I ask unanimous consent to print in the RECORD additional material on this.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 17, 1993.

DEAR COLLEAGUE: When S. Con. Res. 18, the FY 1994 Budget Resolution, comes to the floor, I will offer an amendment to save $3.3 billion in outlays over five years by repealing the Davis-Bacon Act of 1931.

Contrary to its legislative intent, the Act does not protect local contractors and local labor markets from unfair, itinerant competition. In fact, Davis-Bacon reserves the $50 billion market of federal contracting—and much more once you factor in state-, locally-, and privately-matched funds—for a small club of large contractors that milk the federal procurement system by following Davis-Bacon projects all around the country, benefitting from a set of rules and a bureaucratic process that shut the local competition out of the bidding process.

Davis-Bacon discourages small and minority-owned firms from bidding on federal projects. In so doing, it closes the door of job opportunity on those entry-level workers who are most in need of help up to the first rung of the economic ladder, by shutting out those employers which, experience shows, are the most likely to bring them into the work force and teach them skills.

The Davis-Bacon Act applies to virtually all construction, alteration, repair, and rehabilitation, that receives any amount—in some cases, even very small matching amounts—of federal funding. It applies to about a fifth of all construction activity in America, and to tiny painting and decorating contracts as much as to heavy and highway construction.

While it may be relatively obscure to most, Davis-Bacon actually is one of the most pervasive, pernicious influences in federal contracting. Its repeal would be a simple matter of economy, efficiency, and competition in government contracting, and is exactly the kind of policy change that will be absolutely necessary if we are ever to get deficits under control.

I'm including some additional materials with this letter and look forward to your cosponsorship and support of this amendment. If you have questions, or to cosponsor, please contact Damon Tobias or Ann Mires of my staff at 4-2752.

Sincerely,

LARRY E. CRAIG.

CRAIG AMENDMENT TO SENATE CONCURRENT RESOLUTION 18 TO SAVE FEDERAL CONSTRUCTION COSTS THROUGH INCREASED COMPETITION WITH REPEAL OF THE DAVIS-BACON ACT OF 1931

Current law.—The Davis-Bacon Act requires that the minimum wage rates paid on federally-financed construction projects valued at more than $2,000 be based on "prevailing" rates. "Prevailing" rates, set by the Department of Labor (DOL) for the various classes of mechanics and laborers, are often arbitrary or based on union rates, rather than on comprehensive surveys.

Proposal.—Repeal the Davis-Bacon Act of 1931 (and conform the Copeland Act of 1934), to reduce Federal construction costs through more-open competition.

Reasons for adoption of plan.—

(1) Davis-Bacon unnecessarily inflates federal construction costs by hundreds of millions of dollars every year.

(2) Small employers are burdened with hundreds of pages of paperwork by being required to report virtually every detail of their payrolls to the government on a weekly basis.

(3) Davis-Bacon has a disproportionate, adverse impact on women, minorities, dislocated workers, and training-level job aspirants, who are most often hired by small and minority firms.

(4) Rather than reflect local labor standards and protect local employers as intended, Davis-Bacon disrupts local labor markets and disadvantages local contractors.

(5) A small number of large contractors specializing in following Davis-Bacon projects around the country benefit at the expense of small, often minority-owned, businesses.

(6) Small, nonunion contractors find it difficult to bid on federal projects with outmoded, "union-speak" work rules. Most do not categorize each employees and every task by rigid craft distinctions, especially for less-skilled tasks.

(7) Any justification that originally existed for Davis-Bacon has been mooted subsequently by enactment of the minimum wage, an elaborate federal procurement system, and changes in the economy and industry practices.

(8) DOL frequently issues out-of-date determinations and cannot reasonably issue 10,000–20,000 accurate determinations a year, each covering multiple worker categories.

(9) The General Accounting Office (GAO) and others have recommended repeal.

Savings:

ANNUAL SAVINGS

[In billions of dollars]

Savings from CBO baseline	Fiscal year— 1994	1995	1996	1997	1998	Cumulative 5-year savings
Budget authority	−.460	−.470	−.470	−.480	−.500	−2.380
Outlays	−.200	−.560	−.750	−.850	−.930	−3.290

BACKGROUND ON THE DAVIS-BACON ACT OF 1931 AND WHY IT SHOULD BE REPEALED

The Davis-Bacon Act of 1931 requires that the minimum wage rates paid to each separate classification of laborer or mechanic on federally-financed construction, repair, and alteration contracts be those determined to be locally "prevailing" by the Department of Labor. Often these rates are significantly higher than the actual averages for the locality. The last major amendments to the Act were enacted in 1935.

ECONOMIC, INDUSTRY, AND LEGAL OBSOLESCENCE

Davis-Bacon was a Depression-era response to reports that unscrupulous, fly-by-night contractors were hauling gangs of "itinerant, cheap, bootleg labor" around the country to undercut local firms on federal public work projects, at a time when there was little other new construction.

The Davis-Bacon Act predated virtually all of today's basic worker protections, including the minimum wage (Fair Labor Standards Act of 1938), right to bargain collectively (National Labor Relations Act (NRLA) of 1935, with major amendments in 1947 and 1959), and special construction industry rules (incorporated into the NLRA). Davis-Bacon was the first federal wage law to apply to nongovernmental workers.

Unlike the 1920s and before, there are now numerous barriers to a fly-by-night, itinerant contractor who would seek to win a federal contract by offering an irresponsibly low bid based in part on exploitative wages and shoddy workmanship. Nothing even remotely resembling today's elaborate federal procurement process (which includes prequalification and determination of contractor responsibility in order to bid on government contracts) existed when Davis-Bacon was enacted.

Today, federal and federally-assisted construction accounts for about a fifth of all construction. Like the economy in general, construction is far more diversified than in the 1930s and has evolved more flexible work assignments.

In private sector construction today, unlike Davis-Bacon construction, craft lines are not rigid and a single, semi-skilled "helper" may assist, in turns, a skilled journeyman plumber, electrician, and carpenter. Much training today is on-the-job and cross-disciplinary. Such practices maximize employment and training opportunities.

While implementation last year of the DOL regulation allowing the restricted use of helpers will allow federal projects to reflect prevailing industry practices more accurately, Davis-Bacon still generally requires strict assignment of, and payroll reporting on, workers on a rigid craft-by-craft basis.

ANTI-COMPETITIVE EFFECTS

The Act discourages many small and minority-owned firms from even bidding on federal work, resulting in a loss of competition that further drives up costs. The anti-small business bias that has developed in the operation of Davis-Bacon becomes especially unconscionable in light of the fact that firms with 9 or fewer people make up about 80% of all construction industry employers.

The high costs Davis-Bacon incurs by often requiring above-truly-prevailing wages and needless paperwork have been exhaustively documented. However, because of the near-impossibility of proving a negative, the costs of foregone competition—the greater economy and higher quality that would result from more contractors competing for more contracts—can rarely be estimated. The two most conservative and frequently-reported cost estimates, those of the Congressional Budget Office (CBO) and General Accounting Office (GAO) did not even attempt to quantify the costs of foregone competition.

Even more unfortunate is the human cost of foregone competition. Women, minorities, dislocated workers, entry- and training-level job aspirants, who are most in need of help up the first rungs of the economic ladder, enter the work force principally through small businesses. Yet Davis-Bacon slams the door of employment opportunity on these Americans.

CONTRARY TO CONGRESSIONAL INTENT

The clearly-expressed and long-repeated purpose of Davis-Bacon was to reflect locally prevailing labor standards and to protect local workers and employers from itinerants "poaching" on local work and artificially driving down local wages, by cutthroat bidding on government contracts sizeable enough to distort local markets.

Whatever justification originally may have existed for Davis-Bacon, the Act has come to work diametrically counter to its original purpose. Studies have found that, instead of preserving jobs for local workers and contractors, the Act actually makes it more likely that non-local firms will work on public projects. In his scholarly 1986 study for the Wharton School, Prevailing Wage Legislation, Armand J. Thieblot found that local contractors perform a higher percentage of private contracts than they do Davis-Bacon jobs. GAO made a similar finding in its hallmark 1979 report.

For example: A contractor will encounter serious labor discord when he or she must choose which crew to assign to a public project mandating wages 50% or 100% higher than the private project that will be left to another crew. Morale problems also have been reported when employees are shifted back and forth between sometimes-wildly-inflated Davis-Bacon rates and genuinely prevailing, local market wages.

The result is a bifurcated industry. Most small, minority, and independent contractors avoid Davis-Bacon work like the plague. A relative handful of large contractors specialize in Davis-Bacon work, even to the extent of moving work crews around the country, taking work away from the local contractors and workers Davis-Bacon was intended to protect.

Attempting to defend the Act, Davis-Bacon contractors, have actually (and inadvertently) buttressed this observation of a non-local bias in Congressional testimony. One Ohio contractor a few years ago spoke of the 75% of his business that involved Davis-Bacon, and of winning contracts from New Orleans to South Carolina to the Far West.

ADMINISTRATIVE DIFFICULTIES AND INACCURATE DETERMINATIONS

In its 1979 report, GAO found that, "after nearly 50 years, the Department of Labor has yet to develop an effective program to issue and maintain accurate wage determinations, and it may be impractical to ever do so. . . ."

In his 1986 study, Professor Thieblot described the task faced by DOL employees:

"The task . . . is of monumental proportions. . . . [E]ach determination might consist of rates (and several fringe benefit amounts) for anywhere from 12 to more than 300 job categories. . . .

"If we were to assume, for the sake of argument, that all wage determinations were made on the basis of surveys, that a typical rate determination set wages and four different categories of fringe benefits for thirty categories of laborers and mechanics, and that for validity at least a dozen survey rates would be necessary to establish each one, then something over 200 payment numbers must be accumulated from a variety of sources (typically by telephone), verified for accuracy, analyzed to identify the prevailing rates (typically by hand), compiled into a determination, and issued by each wage determination specialist in every hour of a 2,000-hour work year. This amounts to 3.33 numbers per minute per [person], or approximately one every 18 seconds, assuming no coffee breaks, or any other duties.

"Of course, surveys are not made for all wage determinations, many of the determinations issued are simply reissues of old rates, and many of the others—although called surveys—consist of little more than looking in the file for whatever negotiated rates might be found there. The above comments are included to illustrate the absurdly large task that would be required to administer Davis-Bacon as it is *thought* to be administered." (Emphasis added.)

In a given year, DOL issues anywhere between 10,000–20,000 individual project or area determinations; prevailing wages usually are determined for an individual county. In addition, determinations are made for four major kinds of construction: Residential, commercial, heavy, and highway.

Given the daunting challenge of conducting a thorough wage survey, its no surprise that some DOL analysts simply use (or approximate) well-known union rates, apply arbitrary adjustments to stale determinations, or otherwise guesstimate from fragmentary data.

This also helps explain why, in the 30 localities GAO studied in detail, it found 12 in which the DOL rates were too high and 18 in which they were too low. Where the rates were too high, they disrupted local standards and "imported" non-local contractors. However, where GAO found the DOL rates too low, they had no effect on the true market wages already prevailing in the locality.

PAPERWORK BURDENS

The Copeland Act of 1934 requires that employers on Davis-Bacon contracts submit certified payroll records to the Department of Labor or contracting agency every week.

Approximately 11 million payroll reports are submitted annually to contracting agencies, at an estimated cost of 5.5 million hours of industry employee tim. An estimated 5.5% of all of DOL's paperwork is generated by Copeland and Davis-Bacon. Copeland requirements for collecting, inspecting, and storing these reports extends to the various contracting agencies. Paperwork costs to contractors, passed on to the taxpayers, have been estimated at $100 million a year by DOL and $50 million by CBO.

The current flood of paperwork discourages small firms, which would have to hire additional clerical personnel and/or invest in new equipment, from bothering to bid on even small subcontracts. The requirement that payroll reports be submitted weekly is especially burdensome to small contractors who use a bi-weekly payroll on their private sector projects.

BUDGET IMPACT OF DAVIS-BACON

CBO estimates that the prevailing wage provisions of Davis-Bacon increase total federal construction costs by about 1.5%. Repealing the Act would reduce costs by about $180 million in fiscal 1994 and about $2.9 billion over the next five years.

In addition, the paperwork requirements of the Copeland Act account for an estimated 0.2% of total contract costs.

CBO estimates that the Davis-Bacon and Copeland Acts add the following "cost premium" to total federal construction costs (i.e., these amounts would be saved if Davis-Bacon were repealed and federally-funded construction was exempt from Copeland Act):

ANNUAL SAVINGS

[in billions of dollars]

Savings from CBO baseline	Fiscal year—					Cumulative 5-year savings
	1994	1995	1996	1997	1998	
Budget authority	−.460	−.470	−.470	−.480	−.500	−2.380
Outlays	−.200	−.560	−.750	−.850	−.930	−3.290

Note.—CBO does not assume—as do Davis-Bacon's few defenders—that wages would be driven below prevailing market rates in arriving at these estimates.

Source: CBO, March 17, 1993.

In the mid-1980s, the Department of Defense estimated its Davis-Bacon-induced cost premium at 5%. GAO in 1979 estimated an average of 3.4%. Most estimates have placed this cost inflation in the 3%–10% range. While cost estimates reflect an average premium, the impact on individual projects varies dramatically. The impact on some community development projects has been estimated by local officials as high as 20%–50%. An Oregon State University study found Davis-Bacon to inflate costs in rural areas by 26%–38%.

It should be noted that these figures are increases to total construction costs, not just labor costs. Labor costs generally account for well under 50% of total construction costs.

Regulatory changes in the mid-1980s and 1992 implementation of the regulation allowing employment of helpers would reduce some of these costs—thus, CBO's current 1.7% estimate. However, the fundamental problem, that it is almost impossible to accurately determine large numbers of prevailing rates, remains.

ECONOMIC/UNEMPLOYMENT EFFECT OF DAVIS-BACON

The construction industry has been hit particularly hard by the sluggish economy. Davis-Bacon further weakens employment in the construction sector of the economy by increasing costs.

A 1980 study by the American Enterprise Institute found that Davis-Bacon "increases frictional unemployment in the construction trades" by reinforcing artificial wage differentials.

CBO's 1983 study agreed that Davis-Bacon reduces employment in federally funded construction projects. The CBO study also suggested that Davis-Bacon may have an inflationary impact because the higher wages on federal projects could spill over to private construction as private contractors raise wages to maintain their work force to compete with federal construction.

A DIVERSE COALITION, A UNIFORM CONSENSUS

GAO has called for complete repeal of Davis-Bacon. The Grace Commission exhaustively surveyed the available literature and reached the same conclusion. The Act has been harshly criticized, and repeal or substantial reform endorsed, by groups as diverse as the U.S. Hispanic Chamber of Commerce, National Center for Neighborhood Enterprise, National Association of Counties, National League of Cities, National School Boards Association, National Association of Housing and Redevelopment Officials, National Taxpayers Union, Citizens Against Government Waste, and American Farm Bureau Federation.

The National Association of Minority Contractors, at various times, has said: "The law . . . is poison to minority contractors. [It has a] terrible effect . . . on minority employment. . . ." "Davis-Bacon stifles the introduction of minority laborers into the construction industry. . . . [I]t is clear that the requirements of Davis-Bacon serve to discourage fair minority participation in the federal construction market."

(Prepared by the Office of U.S. Senate Larry Craig.)

THE COALITION TO REFORM THE DAVIS-BACON ACT

Air Conditioning Contractors of America.
American Farm Bureau.
American Public Transit Association.
American Road and Transportation Builders Association.
Associated Builders and Contractors.
Associated General Contractors.
Brick Institute.
Citizens Against Government Waste.
Contract Services Association.
Fluor Corp.
Independent Electrical Contractors, Inc.
Institute for Justice.
Labor Policy Association.
National Aggregates Association.
National Association of Counties.
National Association of Home Builders.
National Association of Manufacturers.
National Association of Minority Contractors.
National Center for Neighborhood Enterprise.
National Federation of Independent Business.
National League of Cities.
National Ready Mix Concrete Association.
National Roofing Contractors Association.
National School Boards Association.
National Stone Association.
National Tax Limitation Committee.
National Taxpayers Union.
National Utility Contractors Association.
Printing Industries of America.
Public Service Research Council.
U.S. Chamber of Commerce.

ABC ASSOCIATED BUILDERS
AND CONTRACTORS, INC.,
Washington, DC, March 18, 1993.

Hon. LARRY E. CRAIG,
U.S. Senate, Washington, DC.

DEAR SENATOR CRAIG: During consideration of the FY94 budget resolution, Senator Larry Craig will be offering an amendment to repeal the Davis-Bacon Act. The Davis-Bacon Act today not only increases the cost of federal construction, but also discriminates against minority and women workers. On behalf of Associated Builders and Contractors and its more than 16,000 member companies, I strongly urge you to support Senator Craig's amendment.

The Congressional Budget Office (CBO) has estimated that repeal of the Davis-Bacon Act will save $3.3 billion cumulatively over the FY94-FY98 five year period. That is a significant amount of taxpayer dollars that can either be used for deficit reduction or to stimulate the economy and create jobs—which are the foremost issues on the American agenda today.

Further, the Davis-Bacon Act's prejudicial history and continuing discriminatory effect on America's minority and women workforce cast a shadow on the civil rights strides that our national has made since the law's enactment in 1931. Clearly, no one can support discrimination as being in the best interest of the American people.

In an effort to achieve our national goals of economic recovery and equality for all, I commend Senator Craig's amendment as a strong step in the right direction. Again, I urge you to support repeal of the antiquated Davis-Bacon Act.

Sincerely,

CHARLOTTE W. HERBERT,
Vice President, Government Relations.

ASSOCIATED BUILDERS AND
CONTRACTORS,
Washington, DC.

To: Damon Tobias.
From: Julie Renjilian.
Date: March 18, 1993.
Re: Information You Requested.

DAMON. Here is some information that might be helpful. I couldn't find anything on the number of wage determinations made in a year (general or project), but I will keep looking around. I did find some information on construction unemployment—it is double the average for the nation. I am also sending along some Davis-Bacon "horror stories" you may want to cite. I sent a lot of the same stuff to Diane Moery with Senator Nickles earlier, in case you want to check on what he is planning to say.

The information you sent me is being faxed to the coalition as we speak. Let me know if I can do anything else to help.

P.S. In case you are wondering why I typed this—my handwriting isn't as pretty as yours! FYI—Charlotte should be back tomorrow too. Talk to you soon!

[From Insight, Nov. 29, 1992]

VOLUNTEERS NEED NOT APPLY

(By Shawn Miller)

(Summary: All Philomath, Ore., needed was a small federal grant to help build a library. Townspeople had offered their labor for free. That's when Uncle Sam invoked a much-criticized law requiring that all workers on subsidized projects be paid "prevailing"—i.e., union—wages, something the city could not afford.)

Before Sept. 4, most of the 3,040 residents of Philomath, Ore., had never heard of the Davis-Bacon Act. To be sure, they have had a more pressing issue on their minds than the intricacies of federal labor law.

Nestled comfortably in the Willamette Valley, about 75 miles southwest of Portland, the tiny city has been hit hard by the plummeting fortunes of the Northwest's timber industry. Since the 1880s Philomath has relied on the Diamond B, WTD Industries and other lumber mills for its economic and social sustenance. The closing of Diamond B earlier this year left almost a third of the city jobless. One potential fate can be seen in the dozen or so contemporary ghost towns that encircle Philomath, haunted only by the occasional northern spotted owl.

In fact, even if a Philomathite wanted to research Davis-Bacon and learn more about the wage law, which has been called everything from an "antique" to a "modern-day Jim Crow" to "the cause of everything that's wrong with this country except for AIDS," he would have to drive a ways. The city's library, a mere 1,000 square feet, is woefully small. In a way, that is why Davis-Bacon came to Philomath.

For 15 years, city officials have sought a way to build a new library. A 1990 tax limitation initiative that lowered annual revenues to the city by 20 percent, along with the inert local economy, seemed to rule out the possibility of raising enough money for such a project. But in June 1991, the city received a $112,000 Federal Library Construction Grant, administered by the state of Oregon.

For Jeff Lamb, owner and operator of Auto Cars Unlimited and the library fund-raising chairman, it was like winning the lottery. Using the federal grant as a rallying point, he was able to galvanize the community into raising the $600,000 needed to complete the project. In the 10 days following the grant announcement, residents and businesses agreed to donate $70,000. Publicity stunts also brought in cash: A public torching of a vacant house on the site of the new library drew 1,000 curious spectators who donate $10,000 to the cause.

But the centerpiece of the fundraising effort was the promise of volunteer labor by the townspeople. The city takes pride in its role as the unofficial volunteer capital of America. Unpaid labor provided Philomath with a city park, and volunteers staff the Fire Department. Philomath Middle School proudly displays a framed letter from Barbara Bush congratulating students who spent a late spring weekend planting trees on city streets.

Lamb, as shrewd a public relations maven as even put on a grease suit, has tried to parlay this volunteer spirit into some free publicity. He dubbed Philomath with the slogan "What's Flight with America" and sent a videotape by that name, extolling the city's virtues, to NBC, ABC, PBS and CBS's 60 Minutes. "With the tough times this place has gone through, it would have been easy to pack it in and give up," Lamb says. "We're showing that an old dog can learn new tricks."

But on Sept. 4, Uncle Sam threw the old dog a rubber biscuit: The Wage and Hour Division of the Labor Department ruled that the Philomath library project was in violation of the Davis-Bacon Act, which stipulates that contractors must pay workers an established "prevailing wage" when engaging in any construction that is federally subsidized. Because the library was being partly financed by the federal grant, Labor decided that there could be no volunteers; anyone working on the project had to be paid the prevailing wage in the area for construction work—$20 and $25 an hour, according to City Manager Hal Million.

Philomath reacted as if slapped in the face: first with disbelief, then anger. Physician David Grube, a volunteer worker, couldn't understand the government's reason for delivering such a verdict. "Here we were, a little town trying to do our best for our community, and we were being told we couldn't volunteer to build our own library," says Grube. "Livid" is how Million describes his own reaction. And Lamb went ballistic.

Launching a blitz that eventually would lead to a face-to-face confrontation with Benton County Commissioner John Dilworth and Labor officials in Washington, Lamb told every reporter who would listen that "the country had gone straight to hell," and he fired off a packet of new clips with the declaration "Alert! Federal Government Gone Nuts!" scrawled in red ink across the cover. Lamb's promotional video was reworked, and he give it a new title: *What's Wrong with America*.

Lamb is by no means the first person to decry Davis-Bacon. From its inception in 1931, the law has survived a barrage of attacks focusing on its propensity to dramatically drive up the costs of federal or federally subsidized construction projects. By mandating high labor prices, Davis-Bacon ensures that contractors can't compete by paying their workers less than a bureaucratically defined prevailing wage.

Economist Milton Friedman has said of the act: "From the outset it was special interest legislation, designed to have payers provide a subsidy—in concealed form—to members of construction unions and to union leaders."

There is a substantial body of statistics backing up Friedman's assessment. In 1979, Congress's General Accounting Office, which typically offers only limited critiques of federal programs, produced at 276-page report title *The Davis-Bacon Act Should Be Repealed*. The Congressional Budget Office recently proclaimed that repealing the act would save the federal government not only $1.3 billion in construction costs each year but $7.3 billion in spending authority and $4.7 billion in outlays by 1997. The Department of Labor has calculated that for every billion spent on federal projects, 2,000 new jobs could be created if labor prices weren't fixed.

Davis-Bacon doesn't discourage the government's taste for excessive paperwork, either. The Copeland Act, a 1934 addendum, requires that employers for federal or federally subsidized projects submit payroll reports each week to Labor or a contracting agency. A study by the staff of Sen. Larry Craig, an Idaho Republican, estimates that 11 million such payroll reports are prepared by contractors each year, at a cost of 5.5 million hours of employee time. At Davis-Bacon rates, the cost to taxpayers for labor on the paperwork alone comes to about $100 million a year.

Damon Tobias, counsel to Craig, sees the law and an anachronism—a labor subsidy passed during the Depression and left on the books after the economy recovered. He points to details left unchanged: In 1935, for example, the act was extended to all public works projects costing $2,000 or more; the figure remains at $2,000, a meaningless number in 1992.

From 1929 to the act's passage in 1931, 700,000 construction workers lost their jobs and industry wages fell by roughly 50 percent. Taking advantage of opportunities to be had in fledging federal public works projects, contractors competed for government work chiefly by seeing who could offer the lowest wages. This was not exactly what the program's architects had in mind. Hence passage of the act, which tried to protect well-paid construction jobs by having the labor secretary set prevailing wages. The law achieved its other goal of steering contracts to local firms by destroying opportunities for workers from poorer areas (often Southern blacks) to do work for lower wages.

It also made the determination of prevailing wages a political football. Union wage scales often are exaggerated by government agencies, argues a recent study on the effects of Davis-Bacon by the Heartland Institute in Chicago, which researchers state and local issues and seeks alternatives to reliance on government programs. According to the study, "'Prevailing wages' determined by government for construction in rural areas may be much higher than those actually paid by local contractors."

University of Chicago economist Yale Brozen, for example, has found that the Labor Department's prevailing wage for the Appalachian region of Western Pennsylvania is pegged to union pay scales in Pittsburgh. But wages in Pittsburgh tend to be twice as high as those in outlying areas. Rural contractors, as a result, refuse to bid on federal water and sewage projects, which are then snapped up by big-city contractors who are accustomed to paying the higher wages. In these cases, Davis-Bacon does little to protect the interests of local businesses, as per its intention. In fact, says Tobias, it does just the opposite: "It's a perfect example of a horse created by a committee that turns out to be a camel."

Unions do not necessarily disagree. Terry Yellig, a private Washington lawyer who represents the AFL-CIO's Building and Construction Trades Department, agrees that the point of Davis-Bacon is to prohibit labor competition. But the only people who benefit from competition, he insists, "are contractors who pay substandard wages and shirk their responsibilities with regard to fringe benefits." In testimony before the House Committee on Education and Labor in 1982, Robert Georgine, president of the union's building trades department, said that wage competition would "undermine hard-won local labor standards and permit unscrupulous wage-cutting employers to monopolize the construction industry."

A related criticism of Davis-Bacon—that it is racist legislation that makes it difficult for minorities to get work on federal construction sites—hits a tender spot among those affiliated with unions. "That nonsense is so gross, it makes me want to puke," says Yellig. "The pretense behind that assumption is that we should not deprive women and minorities of the right to work for less money."

Mike Shannon, senior project director for the National Association of Minority Contractors, says Yellig's point would be valid if there were equal percentages of unemployed and unskilled white and minority workers. But that's not the case. "The reality," he says, "is that there are high numbers of unemployed, unskilled minorities, especially in the inner cities, who would benefit if we could hire them at less than the prevailing wage."

Shannon laments the extent to which Davis-Bacon hampers his ability to hire minority workers: "If someone picks up a piece of steel, he's a steelworker, and if someone picks up a piece of wood we have to pay him the wages of a carpenter, and we just can't afford to do that." Shannon adds that he would like to be able to hire unskilled minority workers "of the street" for $12 an hour, "a pretty decent wage," but cannot afford to hire them at the Davis-Bacon rate of close to $25. "And if we don't hire a minority," he asks, "who will?"

Even the most die-hard defenders of Davis-Bacon acknowledge that it was prompted by union fears of competition from black laborers willing to work for less than union members. In 1927, a Southern contractor won a contract to build a federal hospital on Long Island, N.Y. Instead of using more expensive local labor, the contractor hired several thousand workers—mostly black—from Alabama.

Rep. Robert Bacon of New York didn't appreciate jobs in his district going to out-of-state laborers, and he proposed what would become the Davis-Bacon Act. In complaining about the injustice done to his state, Bacon decried the evils of nonunion labor. According to the Wall Street Journal, Georgia Rep. William Upshaw smiled knowingly at this as an obvious reference to Southern black workers and commiserated that this was a "real problem within any community with a superabundance of Negro labor." Four years later, during floor debates over Davis-Bacon, Alabama Rep. Miles Allgood apologized for his state's placing "cheap colored labor" directly in"competition with white labor."

Whatever their public and private motives, the authors of Davis-Bacon, it's safe to say, did not foresee its use as a deterrent to free volunteer labor. In fact, Yellig says the AFL–CIO has "nothing against anybody volunteering their time," as in Philomath. But Lamb and Million say they believe the union's Oregon branch was the driving force behind the Department of Labor's initial decision against the volunteers. Oregon AFL–CIO President Irv Fletcher "sicced the feds on us," Lamb says bluntly.

Fletcher initially was concerned with another federal grant, for $144,000, that Philomath wanted for training out-of-work timber workers in the construction industry. He says the program is a "sham and a scam," claiming it leads workers "down the primrose path" of working on city projects without receiving adequate wages.

Philomath won the training program grant despite the sate AFL–CIO's opposition, and Benton County Commissioner Dilworth suggested the workers get on-the-job training at the library site. "I figured they might as well work on something that was going to help the community," he says.

When Fletcher successfully argued that this was in direct violation of Davis-Bacon, the Oregon Economic Development Department ordered City Manager Million to check with the Department of Labor about the library volunteers. Robert Provencio, director of Labor's Wage and Hour Division district office in Portland, ruled that all laborers on projects receiving any funds from the federal government had to be paid the prevailing wage—no exceptions "Fletcher aimed at the training program and hit the library instead," say Million.

Dilworth says he believes, based on the decision's timing, that Provencio was "well coached" by the unions. When Philomath applied for the library grant, he says, it was "crystal clear" that volunteer labor was going to be used, and there were no complaints from any corners. By September, volunteer labor already had been used to set the building's foundation, with a lack of interest from unions and the Department of Labor.

Both Provencio and Fletcher dismiss the charges that they plotted against the Philomath library. "To this day I have no idea when the program started," says Provencio, "but when it came to my attention I saw nothing in Davis-Bacon that allowed for volunteers." Fletcher chuckles at the idea of his having any influence with the Bush administration's Department of Labor: "As far as I can tell, [Labor Secretary] Lynn Martin isn't returning my calls."

Lamb was prepared to return the federal grant in order to keep using volunteer labor, but the city made a last-ditch attempt to save the funds. While in Washington on other business, Dilworth spent the weekend of Sept. 12 with an aide to Republican Sen. Mark Hatfield of Oregon, knocking on congressional doors and winning a Monday morning meeting with Labor officials.

Dilworth's argument was simple: Davis-Bacon mandates that "all laborers and mechanics employed by contractors and subcontractors" be paid prevailing wages; the city of Philomath, he said, was not acting as a contractor or subcontractor.

Monday afternoon, Million received a fax from the San Francisco branch of the Department of Labor agreeing with Dilworth's argument and giving the go-ahead to the volunteers. "It was amazing how quickly they moved," says Lamb. Construction is to be complete in June.

Bill Gross, deputy assistant administrator of the Wage and Hour Division, says the agency had not been given the full range of facts by its Portland office initially and had mistakenly assumed the volunteers were under the supervision of paid contractors.

Philomath officials think political considerations had more to do with the decision than a sudden burst of common sense. The story of Philomath's struggles to build a library had gotten heavy press coverage in the Northwest, with the federal government cast as the villain.

"Voluntarism is as American as motherhood and apple pie," says Dilworth, "and it looked like the Bush administration was keeping people from helping themselves in some tough economic times." The day Philomath was informed of Labor's final decision, President Bush just happened to be campaigning in Oregon. "We were damn lucky it was an election year," says Million.

Lamb hopes that Philomath's victory over the Davis-Bacon Act will have an impact beyond the construction of a new library for his city. "If what we went through helps some other town in the same situation down the road, it will have been worth it."

He may get his wish. While in Washington, Dilworth heard talk of an effort by Hatfield to push legislation in the 103rd Congress protecting the rights of volunteers under Davis-Bacon. Lamb, ever community-minded, thinks he has the perfect name for the new legislation: the Philomath Act.

[From the Cincinnati Enquirer, Mar. 1, 1993]

Davis-Bacon: Kill Costly Law Rooted in Bias

The 1931 Davis-Bacon Act robs taxpayers with computer-like efficiency. Its "prevailing wage" requirement for all work on federally aided building projects forces up costs by equating prevailing wages with union scales. That denies jobs to thousands of minority group members.

In a treatise titled, "The Davis-Bacon Act: Let's Bring Jim Crow to an End." Washington lawyer David Bernstein challenges President Bill Clinton and Labor Secretary Robert Reich to bring suit. Bernstein recalled what Congress conveniently forgot Davis-Bacon is a Jim Crow product.

It originated with an Alabama builder's award in 1927 of a contract to build a Veterans hospital on Long Island, N.Y. The contractor brought a crew of blacks to work on the project. Bernstein said that Rep. Robert Bacon, R-N.Y., was "appalled that blacks from the South were working on a federal project in his district," and created Davis-Bacon Act to protect "white" jobs.

The law has been modified so that now the union wage is the prevailing wage only in heavily unionized urban areas. But that's exactly where minority workers need jobs. If Clinton gets the infrastructure repair program he wants, it should be as economical as possible, with as many jobs as possible, and without discrimination.

Getting Davis-Bacon off the books would help. Court action would be best, to get rid of the Davis-Bacon state clones, like Ohio's, and let market forces prevail on public as well as private projects. Clinton and Labor Secretary Robert Reich should master the courage to act.

[From the Cincinnati Enquirer, Feb. 25, 1993]

Court Date Set for Tower Place Lawsuit

Cincinnati will be asked to pay $750,000 in back wages if a lawsuit is resolved in favor of the Ohio attorney general's office, state officials said Wednesday. Hearings are to begin next month.

The attorney general, on behalf of the Ohio Department of Industrial Relations, filed the action more than two years ago against the city and developers of Tower Place, demanding that prevailing wages be paid to construction workers on the downtown project, which opened in August, 1991.

State law requires that workers on publicly financed projects earn wages comparable to those paid union workers.

A Hamilton County common pleas judge dismissed the case, saying the mall construction was not covered by the law. The attorney general appealed, and an appeals court sent it back to common pleas court for further hearings, scheduled to begin March 24 before Judge Ann Marie Tracey.

A spokeswoman for the attorney general's office said an audit determined that prevailing wages would call for an additional $750,000 for 424 workers.

Cincinnati argued in 1989 that the law did not apply because the city did not own nor would it run the mall.

The industrial relations department argued that the city owned the property where the mall was built and prepared the site, and was responsible for assuring that prevailing wages were paid.

[From the Portland Oregonian, Apr. 29, 1986]

End This Tax-Dollar Waste

Many Oregonians are certain there is waste in government, but they are not always in a position to point it out. City Manager Tom Reber of Sandy, in Clackamas County, has his finger right on the fat and offers some advice taxpayers ought to repeat to legislators and legislative candidates:

Repeal Oregon's "Little Davis-Bacon Act." Oregon Revised Status 279–348.

The act requires that governments require the firms they contract with to pay the "prevailing wage." On the surface, that sounds fair. In practice, it is wasteful and severely damages the credibility of public-service spending.

Reber gave this example in a publication of the League of Oregon Cities:

Sandy sought bids in 1984 for a modification of its sewage treatment plant. Based on wages paid by five metal-fabrication companies in Sandy, the prevailing wage was $10 an hour plus benefits. However, the successful contractor, one of the Sandy firms had to pay its employees $18.04 an hour plus benefits, because the "prevailing wage" was based on that paid by other interested firms from Portland and Salem.

"Although they made more money, I'm sure they (the local employees) feel the city wastes money," Reber said.

Thus, the Little Davis-Bacon Act requires taxpayers to pay more than needed to get a project done, drains money that otherwise could be spent for other needed public projects and erodes public confidence in government thrift. The Sandy project did not amount to a lot of dollars. But combined with other projects, it shows the act to be a multimillion-dollar abuse.

The League of Oregon Cities passed a resolution urging the 1987 Legislature to repeal Oregon's version of the pork-barrel law. Concerned Oregonians ought to ask their legislative candidates where they stand on it.

[From Builder & Contractor, May 1990]

Congress' Deconstruction Theory

(By Patrick Barry)

What if there were a way to build more low-income housing, invigorate the national economy and help the small business owner, all in one shot? What if the stroke of a congressional pen would help rebuild the nation's crumbling bridges and highways even as it reduces the budget deficit? While we're dreaming, why shouldn't this same initiative help minority and female workers gain a foothold in one of America's highest paying industries?

Such an opportunity exists. But standing in the way are two powerful groups that are so busy defending an old-fashioned idea that they are blind to its shortcomings. The culprits: Big Labor and its mostly Democratic support team in Congress. Even though each could score important gains in membership and power with the right move, they're not making it.

What's needed is the repeal or substantial reform of the Davis-Bacon Act, a law passed in 1931 to protect construction workers from being exploited. It was a reasonable idea back then, before minimum-wage and other labor laws were in effect. It set a "prevailing wage" on federally supported building projects, effectively guaranteeing a decent paycheck for the brick masons and carpenters who built that era's post offices and highways. Today, though, the law has a different effect. It is a business-stifling paperwork monster that costs taxpayers $12 million annually just to administer and as much as $1 billion a year in added construction costs.

So says just about everyone from Ronald Reagan to the Association of Minority Contractors of America to left-leaning nonprofit housing groups like Chicago's Bethel New Life Inc., whose efforts to build low-income housing are hindered by high labor costs and dwindling federal support. A study by Oregon State University in 1982 found that the act drove up construction costs in rural areas by 26 to 37 percent. In 1979, after the GAO conducted studies of Davis-Bacon that led to negative conclusions, it did a full-scale investigation that found a program so difficult to administer fairly—and so expensive to the nation—that it wrote a scathing report with this breathtakingly concise title: "The Davis-Bacon Act Should Be Repealed."

SACRED PIG

That was 10 years ago, but the act lives on, as does the cult-like respect for it on Capitol Hill. A good measure of that idolatry came last November when the Senate Labor and Human Resources Committee rejected the Bush nominee for head of the Labor Department's wage and hour division, Debra Bowland. No Democrats on the committee questioned Bowland's ability, but in voting against her, they pronounced her guilty of something apparently much worse than incompetence. Bowland's defect? She opposed Davis-Bacon.

From lock-stop thinking like that, you'd never guess this legislation costs taxpayers $2.8 million a day, or, if you'd rather, $10 billion a decade. And that's only the drain on the federal budget; it doesn't take into account what that $10 billion could buy in the way of new roads to help U.S. factories institute just-in-time shipping or new housing to inject some life into the Bronx or Watts. Nor does it reflect the stifling effect the law has in the inner city, where unemployed workers are looking for entry-level jobs—not a $26-an-hour wage that no one will pay them.

"You want to know how to solve the low-income housing crisis? Get rid of Davis-Bacon." That's what Elzie Higginbottom says, and Higginbottom builds low-income housing in Chicago's grim South Side ghetto and manages his 2500 units with a magic touch. Down the street from Chicago's biggest high-rise projects, where graffiti mars the hallway outside the police station and where stores hide behind steel-plate security doors. Higginbottom's manicured and tightly managed properties somehow repel broken glass and gangs. He has built high-rise housing downtown as well, luxury housing, establishing a reputation among developers and government regulators as someone who knows how to work federal guidelines for all they're worth. But he can't beat Davis-Bacon.

THE HIGGINBOTTOM LINE

The law requires Higginbottom to pay the prevailing wage to all workers on federally assisted projects of more than 11 units. In Chicago, that means paying carpenters $23 an hour, including benefits, and paying laborers $18.82 an hour for hauling in the drywall. The prevailing wage, as set by the Department of Labor, is a rough and frequently inaccurate average of wages contained in a survey by the department. The GAO found it is often higher than it should be. In fact, the wage sometimes looks startlingly like the local wages paid under union contracts.

So let's say Higginbottom wants to hire some of the unskilled black men from the neighborhood where he is building houses. He is black himself and fiercely committed to building a social and economic base in Chicago's poor neighborhoods. But to give a local guy a chance, Higginbottom has to pay him a wage set by Department of Labor bureaucrats. "I've got to start out a guy at $16 an hour to find out if he knows how to dig a hole. I can't do that."

Instead, Higginbottom and other contractors on federal construction jobs must grit their teeth and work to the Davis-Bacon requirements. Sometimes that means filling out eight forms just to get started. It always means paying workers weekly and sending weekly reports to the Department of Labor, at an industry-wide cost of roughly $190 million per year. It means using workers only in strict job classifications, or changing a carpenter's pay scale to the electrician's rate in the middle of the day because he threaded a piece of electrical conduit through a wall, or to a truck driver's rate because he drove a flatbed truck across the lot.

It doesn't matter if the construction firm is a nonunion "open shop" where innovation and get-the-job-done attitudes are encouraged; the rules, almost a carbon copy of union contracts, apply to everyone. And since the unions helped write the regulations, that means you can't use "helpers" on the job except in very limited circumstances. "If a helper picks up a hammer, he's a carpenter; if he touches steel, he's a steelworker, at steelworker's wages," says Ralph C. Thomas III, executive director of the 3500-member National Association of Minority Contractors.

One of the most striking effects of the law is the way it makes life difficult for the little guy; the immigrant, the black or woman contractor operating out of a rusty Ford van, the painter who hires students or unskilled labor as helpers. The Baltimore-based Enterprise Foundation, a developer of low-income housing nationwide, has found that even in areas like Dallas, where Davis-Bacon wages aren't out of line, the law drives up prices because small contractors are scared away by the paperwork and other requirements. "When the small firms shy away from the job, that kicks us up to the next level of contractor," says Gene Ruckle, a development specialist for the foundation. "When we go out to the bigger firms, they say 'Aha!' and give us a nice fat bid."

The law's tentacles have reached beyond federal projects, because many states have passed local prevailing-wage laws. So when a one-school elementary district in California created a special tax to paint the school and approved a low bid of $33,600 from a three-person contracting company, it ran into trouble. A pro-union advocacy group complained to the state's Department of Industrial Relations, and sure enough, the contractor was paying his painter only $20 an hour and a young helper only $8.50 an hour. The law required both to earn $26 an hour, the prevailing wage. (Nineteen states have recently repealed these so-called "Little Davis-Bacons." After Florida exempted school districts from such provisions, it calculated an immediate 15 percent savings.)

If that doesn't scare away small contractors, the paperwork and bureaucracy might. In Chicago, immigrant Korean shop owners and a polyglot mix of small-property owners have brought inner-city commercial strips back to life using an innovative and low-cost city program. The city used federal Community Development Block Grants to help merchants spruce up their facades, and over the past 10 years in one commercial district alone, 192 of 750 storefronts have put up new awnings, installed lighted signs, and built or rebuilt their brick and terra-cotta facades, each time getting a rebate of 30 percent of the project cost. The jobs are typically small, about $40,000 on the average, and most of the contractors are tiny construction companies. Some of them even specialize in facade work.

It was a good program. While it lasted. This year a municipal legal eagle realized that the program falls under the Davis-Bacon Act's provisions. So now the contractors must pay their electricians $26.03 an hour, while the guy who trowels mortar between the bricks gets $23.34. It doesn't matter if the company was paying $15 or $18 an hour, or if the company is a family operation that pays what it can. The wage must be the Davis-Bacon rate. And the forms must be filled out. "Most of the contractors are Hispanic or Korean," says Mike Reardon, who administers the program for the Lawrence Avenue Development Corp. "English is the second language for most of the merchants, and now they've got to fill out eight forms just to get started. We are essentially making it impossible for the small guy to do this; we're closing the little guy out."

But let's say a contractor decides he wants or needs the federal job, as is often the case for a struggling young firm. He fills out the paperwork, makes a bid and wins the job. The tuckpointer and electrician get a raise because of Davis-Bacon. But then on the next job, a private one with no federal connection, the boss must decide whether to set the wage back to the old level (bad for morale) or bid at the higher wage and possibly lose the project (bad for business). "The workers can't understand [when the wage is cut]," says Thomas of the Minority Contractors Association. "It causes personnel problems, and you get job-jumping, especially among the premium personnel. The point is, Davis-Bacon isn't very popular with blacks in construction."

STILL CRAZY AFTER ALL THESE YEARS

But the act remains quite popular with Democratic members of Congress. The current battle on the Hill is over a pair of amendments to the act, one introduced by Democratic Rep. Charles Stenholm, which calls for a substantial reduction of paperwork, more use of helpers, and the exemption from Davis-Bacon provisions for projects of $250,000 or less (the current threshold is an almost meaningless $2000). Most opponents consider the Stenholm amendments a solid first step, since repeal at this point seems unlikely.

The other amendment, backed by Rep. Austin Murphy and Rep. Augustus Hawkins, both Democrats, is billed as reform but actually strengthens the law, widens its impact, and adds to the bureaucracy. It raises the threshold for new work to $50,000, but adds more paperwork through a new category—rehab work—with a $15,000 threshold. It also incorporates new language to prohibit off-site use of lower-priced labor, adds a complex framework to allow workers to sue for damages if they don't receive Davis-Bacon wages, and requires the Department of Labor (DOL) to do a wage survey every two years in all 3000 U.S. counties, a job that many critics consider undoable without a large increase in the size of the DOL bureaucracy.

The AFL–CIO and its Building Trades Council are actively promoting the Murphy-Hawkins amendment while labeling the Stenholm approach "draconian" and bad for American workers. "If we lost Davis-Bacon, you would quickly see the return of the practices that made Davis-Bacon necessary in the first place," says Jay Power, legislative representative of the AFL–CIO. "People would be coming in from out of state and stealing jobs from your local contractors. These people would eat their own young to get a contract."

Power tells Republican members of Congress that, should the Stenholm amendment pass, these "baby-eaters" will grab contracts on the local post office and highways, "and we'll have a new Davis-Bacon in a month." This argument might have held water back in 1931, when two Republicans, Rep. Robert L. Bacon and Sen. James Davis, sponsored the law to stop roving contractors who used gangs of low-paid workers to snare federal building jobs. But the GAO and Oregon State studies showed that the opposite is true today: Because of Davis-Bacon, local firms are less likely to work on federal jobs, while larger, non-local firms are more likely to work on them. As for the "fly-by-night" contractors slashing wages to steal jobs, the GAO report points out that when wage protections were eliminated from the Walsh-Healey Public Contracts Act, there was "apparently no adverse effect on wage rates."

Besides, today's construction workers are in high demand. There is a labor shortage predicted by the end of the century, so their wages aren't likely to drop. In most big cities, carpenters, bricklayers, electricians and plumbers earn at least $20 per hour with benefits. The national average is $12.69 an hour, which is the highest hourly wage of the 10 occupational sectors surveyed in 1987 by the Bureau of Labor Statistics. As an Oregon contractor pointed out to a congressional subcommittee in April, "This hardly seems like a situation in need of federal protection."

What the Building Trades Council and its backers in Congress seem unwilling to admit is that the United States is reaching the end of the era when its economy was big and strong enough to protect a coddled workforce. If there is just one lesson that's been learned in the steel and auto industries in the past decade, it is that rigid labor practices, high wages, and a stubborn union attitude seldom lead to lasting victory. The steel industry's punch in the gut was brutal: the companies lost $12 billion in five years, and the United Steelworkers of America saw the permanent loss of 500,000 steel jobs nationwide.

The blow to the auto industry came more slowly, but just as forcefully; after years of small defeats as imports gained market share, unionized plants began closing and workforces were cut as sub-assembly work was contracted out to more competitive, nonunion shops. Then the Japanese automakers marched in and told the United Auto Workers where to go: the union is still smarting from its recent defeat in Smyrna, Tenn., where Nissan workers voted 2 to 1 against unionization.

The building trades are doing no better. As the unions hold out for Davis-Bacon, their position in the industry is slipping badly. The rigid work rules that scare businesses away from old-line union towns like Chicago and Detroit are apparently putting union contractors out of business as well. In 1970, only 30 percent of the country's contracting firms were open shop; by 1987 they had taken over 70 percent of the market place, according to the Associated Builders and Contractors. ABC, the nation's fastest-growing construction association, with 18,000 member companies, most of them nonunion. Even the big contractors are switching over, with 40 percent of the top 400 construction companies now open shop up from just 8 percent in 1973.

Jay Power of the AFL-CIO says the unions are fighting back with pilot programs that reduce wages and eliminate some costly work rules. One new program in the San Francisco Bay Area, for instance, allows contractors to bid jobs under $2 million with a 20 percent wage reduction for journeymen workers. Another in Washington, D.C., sweeps away some of the restrictive work rules that have made union work so expensive. But Power puts the small changes in perspective by backhandedly describing the type of practices still going on: In Washington, D.C., he says, "they're getting rid of the two guys in the elevator [to] operate it]." Why were there two guys in the first place? "In case one has to pee."

The road back for the steel industry, which once again makes some of the best and least expensive steel in the world, has been paved with many such work-rule changes. Union workers at IN/Tek, Inland Steel Industries' new joint venture with Nippon Steel Co. of Japan, have thrown out job classifications almost completely (there were once seven classifications just for crane operators). They run the super-efficient mill in Indiana under just two job titles: operators, who run the 2000-footlong cold-rolling machine, and equipment controllers, who maintain it. Change and worker initiatives are evident throughout the industry: Weirton Steel's unionized workers took over the whole company, and the 3900-member union at LTV Steel's Bar Division voted to buy the division and run it themselves. Progress is slower in the auto industry, but the buzz words are becoming familiar: teamwork, worker participation, flexibility.

While steel and auto workers marched to the brink with the help of torpid upper management, the trade unions are doing it with a different but equally well-meaning ally: Congress. Democrats have become so tightly linked with unions and so dependent on the unions vote that Rep. Stenholm's reform amendment has picked up only about 50 Democratic supporters. "Davis-Bacon is a blood oath for the Building Trades Council, and the council has a lot of support in Congress," says Damen Tobias, counsel for Stenholm. Tobias says many congressmen are so used to voting the union line that they aren't paying attention to the substance of either of the current amendments, both of which are billed as "reform" measures.

Equally difficult to understand is the lack of awareness of what Stenholm-type reform of the law could do for the nation's health. It could help the nation address five overlapping crises: the growing federal debt that eats up $173 billion a year in interest: the looming infrastructure crisis, which at some point soon will force hundreds of billions of dollars worth of needed construction; the growing gap between the demand for skilled labor and the large pool of people too unskilled to do it; the shameful need to build or rebuild housing for the poor; and the decline of the nation's unions, which once represented 34 percent of the workforce but now claim just 18 percent. Three groups could benefit by making their rhetoric mean something: the Democrats, the Republicans and the unions. The Democrats have the best shot at it.

The unions if they let Davis-Bacon reform come sooner rather than later, could begin attracting the minorities and women who will be tomorrow's workers and dues-payers. They could chalk up some badly needed organizing victories by jumping in when small contractors try to cut wages, and they could once again earn a reputation as an ally of the little guy. But if past experience is any guide, we shouldn't wait for unions to lead that charge.

The Republicans don't show much promise either. When HUD Secretary Jack Kemp spoke to the National League of Cities convention in Atlanta this past November, he preached his free-market gospel and said, "The entrepreneurial democratic system is the greatest anti-poverty weapon the world has ever seen." But when asked if he would unleash that weapon by working to repeal or reform Davis-Bacon Kemp hemmed and hawed, praised the progress unions have made, and finally said, "We can work with the unions."

That's a far cry from what Kemp told The Washington Post in 1986 when he was fighting for Davis-Bacon exemptions for maintenance workers at the Kenilworth-Parkside Resident Management Corp. in Washington, D.C., one of the earliest and most successful tenant-managed public housing developments. He was passionate back then: "Someday somebody is going to ask organized labor what they're for in the inner city, welfare and foodstamps, or jobs and housing for the poor."

Since Kemp's lost the fervor, maybe the Democrats will gain some, although at this point most of them still seem to think that defending Davis-Bacon is a way to help the little guy. Whether they have the insight and courage to reverse that thinking could indicate their changes of regaining power in the 1990s.

ABC has persuaded the Bush administration to include Davis-Bacon reform as part of President Bush's budget. The administration's amended budget assumptions are based on increasing the Davis-Bacon threshold to $250,000 with an expanded use of helpers. This translates into a savings of $190 million in 1991 and a five-year savings of $2.5 billion.

ABC has also gained the key support of three members of the Senate and House Budget committee, Sen. Don Nickles (R-Okla.) and Reps. Dick Armey (R-Texas) and Mervin Leath (D-Texas) have agreed to offer Davis-Bacon reform measures in their respective budget committees.

The budget resolution is the "blueprint" from which all other committees must find savings. Including Davis-Bacon in the budget resolution will give political and economic leverage to the authorizing committee to exclude Davis-Bacon from the programs within their jurisdiction.

Mr. CRAIG. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, the distinguished Senator from Nevada is on the floor, and I will allocate to him such time as he may consume.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I extend my appreciation to the Senator from Tennessee, the manager of this bill.

Mr. President, because of the parliamentary situation, it may not be possible for me tomorrow or the next day to speak to the amendment offered by the junior Senator from Idaho. That being the case, when the Senator does offer the amendment, I wanted to make sure that the record is clear as to the multitude of problems it poses. I would hope—although I have little confidence he will—that the Senator would reconsider his desire to offer the amendment.

As I understand the amendment, it would reduce funding for most elements of the legislative branch of Government by some $569 million below the freeze provided in the resolution. This would include both Houses of Congress and most of the related agencies funded in the legislative branch appropriation bill. It does not include the Library of Congress or the Copyright Office.

I have worked in the years that I have been a Member of the Appropriations Committee with a number of people, including the senior Senator from the State of Oregon, to try to improve the various elements that make up the legislative branch of Government.

I am surprised that the junior Senator from Idaho is going to offer this amendment because I think it is clear that whacking, and I say that literally, the Congressional Budget Office, the Government Printing Office, the Capitol Police, and other related agencies will severely damage this branch of the Government, notwithstanding its effects on the House and the Senate, which may be its intended target. Senators and staff watching these proceedings or reading these proceedings tomorrow should not think for a second that the House is going to save us as they have done in the past.

In the past, we have had Members here who have voted with abandonment at these cutting amendments, recognizing that the House would come along in conference and save them from themselves.

The House has made it clear that they no longer will do that.

You may be sure that, in the end, this amendment that is going to be offered by the junior Senator from Idaho would apply only to the Senate, not to the House.

So, all staff and all Senators should realize that the Senate is going to be the body to feel the impact of this amendment by the time we are through conference on the fiscal year 1994 bill.

No one in this Chamber seriously believes that cuts of this magnitude can be made without serious and irrevocable damage to the institutional capacities to the agencies of the legislative branch of Government.

Perhaps it is time to remind ourselves that we are an equal branch of Government with the executive and the judicial branch. I think there are some, and it is surprising to me, who are in the legislative branch of Government who would like to do away with the legislative branch of Government. They seem to want us to have a form of government where the Executive is all powerful. Or perhaps they favor the parliamentary form where the party in power makes all the decisions and the Parliament ratifies whatever the Prime Minister wants done.

I wonder what a James Madison, a John Jay, Thomas Jefferson, or other Framers would think of such a direct assault on the first branch of Government?

There have been statements about how large the legislative branch of Government is in the United States compared to other Governments. I think the statement was made that we are 10 times larger than Japan. But really, let us analyze that. The legislative branch of Government includes the Library of Congress, Copyright Office, Congressional Budget Office, General Accounting Office, Government Printing Office, Secretary of the Senate, Sergeant at Arms, which includes the Capitol Police, and others.

The General Accounting Office has about 5,000 employees. The Library of Congress has about 5,000 employees. In other countries, such agencies of Government are not considered part of Parliament. Moreover, parliamentary bodies require less support staff because there is no separation of powers principle in parliamentary systems.

Also, there have been references to the Canadian system. Of course, keep in mind that a member of the Canadian Parliament represents 50,000 people and someone in the United States about 600,000; some difference. And, of course, in Canada, Senators are appointed and have relatively no power.

Every Senator has a stake in the outcome of this proposal. As the junior Senator from Idaho knows by looking at a little bit of history, the legislative branch has had significant attention focused on it the last several years. The ranking member of the Legislative Branch Subcommittee, when I first became chairman, was DON NICKLES of Oklahoma. To say that DON NICKLES is frugal is an understatement. And it was with DON NICKLES that this Senator started some serious work on congressional franking.

I do not think there is a Member of this body that could say that we have not made tremendous reforms in franking, both in the Senate and in the House. There was much more reform needed in the House, and it was accomplished albeit maybe not to everyone's satisfaction. But significant improvement was made with House franking.

The Senate has been stripped of almost all of its ability to mail. We, in effect, now have the ability to mail to people who write to us, and that is about it. I do not think that there is a Senator now that sends a newsletter. I might be wrong, but I doubt it. Because under our franking rules, we do not have enough money to send one letter to every household in our State.

So for Members of the Senate and their staff and other people watching these proceedings, they should understand that tremendous changes have taken place in this body over the last 4 years as it relates to the franked mail.

Now, in effect, a Member of the U.S. Senate can answer their mail, and that is about it. If this amendment passes, all Senators should realize that you probably will not be able to answer your mail.

So I say, every Senator has a stake in the outcome of this proposal. It is up to the Senate to decide whether we are prepared to defend this institution and maintain the resources necessary to support the proper discharge our duties, and our duties are constitutional in nature.

I do not intend to detain the Senate long, but I think it is important to make a point or two.

Let us put this proposed amendment in the perspective it deserves. First, we now have a joint bipartisan committee—not a committee of the majority, but a bipartisan committee—composed of an equal number of Democrats and Republicans, both in the Senate and the House, 12 from each body, that has been given the mandate to improve the effectiveness and efficiency of Congress.

This includes a review of committee structure, staffing, support agency activities, intercameral relationships, and a range of related issues.

We have been holding hearings under the leadership of Senator DOMENICI and Senator BOREN on our side. These hearings have taken days already this year; not hours, not days, I could say weeks. We have taken tremendous amounts of time to try to figure out ways that this body can become more effective and more efficient. The overall aim is to streamline the structure of our institutions and to strengthen the capacity of Congress to perform its intended role as a partner in policymaking. That is what we are. We are an equal branch of Government. We are the people's branch of Government.

It is easy to come on this floor and throw spears and daggers at the legislative branch of Government. Congress has always been the whipping boy for the 200 years of this Republic.

But there comes a time when you have to stand up for this constitutional part of our Government.

Frankly, a know-nothing, across-the-board slash, as this amendment calls for—28 percent—makes a mockery of the joint committee.

Second, the leadership of both Houses has committed the legislative branch to match the reductions in administrative expenses and personnel the President has announced for the executive branch.

Under this plan, legislative branch staffing will be drawn down by 1,400 positions in 2 more years. And administrative overhead will be cut by 14 percent over the next 4 years. We have already begun. And it is not, "We will do it." We have already made cuts.

Everyone understand this; everyone listen, Mr. President. The fact is that the legislative branch has 500 fewer employees than it did 10 years ago—500 fewer employees than it had 10 years ago. Moreover, the fiscal 1993 Legislative Branch Appropriation Act now in effect reduced spending below actual fiscal 1992 levels by $150 million or 6.5 percent.

We made a commitment on this floor last year, in the fall when we were debating the legislative branch appropriation bill, that we would cut this appropriation bill over a period of 3 years by 15 percent. Now, based on what we did last year, we are going to be ahead of that.

These reductions, which are already in place, eliminate 800 full-time positions from the legislative branch; not in the future, but this fiscal year. So we have already begun the process of retrenchment and restraint in the legislative branch.

Indeed, we, the legislative branch, have taken the lead. I am always, by staff and some Senators, "teased" I guess is the right word, given a hard time, about how much we have cut the ability of Senators to mail and to do thing that they cannot do now that they could do before.

We have set the pattern as to what we should do and what we have done. Thus, in real terms, virtually every agency funded in the legislative branch is now operating with fewer resources than it did even a year and a half ago. And we will continue on that downward trajectory the next few years.

As I said at the outset of our hearings last month, the Legislative Branch Subcommittee intends to meet or exceed the objectives announced by the leadership, but we will do so in a responsible, rational way, unless we are mandated not to do so by this body.

If this body wants this amendment to pass, we will do our job. And among the things that will be required as a result of that is that half of the State offices will close. I have one in Reno, Carson City, and Las Vegas—I will have to close at least one of those offices. And the Presiding Officer, the Senator from Alabama, will have to close half of his. I see Senators on the floor from Alaska, Idaho, Colorado, New Mexico—half of their State offices will close: Fact. So, if that is what this body wants, that is what we, the Legislative Branch Subcommittee, will carry out.

We are the elected branch of the Government. The judicial branch is not. There are two persons, the President and Vice President, who work in the executive branch of Government who are elected. They run in tandem.

As I mentioned before, I realize ridiculing the Congress is a time-honored tradition in this country. I personally chose public service, in seeking election from the State of Nevada. I chose public service because that is what I wanted.

I believe that we in this country should do what we can to interest young people in public service. I am proud of the fact I am a Member of the U.S. Senate. I think it is a body that has great dignity and it has had a distinguished role in major issues of public policy for 200 years. I am proud I am a Member, and even though I realize it is easy to ridicule Congress, that does not take away from the fact I am proud I am a Member of this body.

A certain skepticism toward public officials is healthy in a democracy and skepticism toward this body is healthy. No one can deny Congress often presents an all-too-inviting target for those who find amusement in lampooning hypocrisy, pomposity, and the other human frailties often exhibited in this body. But there is a line between healthy criticism and a hateful contempt for the institutions of representative government.

It is more than a little unusual, I think, that the sponsors of this amendment generally call themselves conservatives. For if there is a unifying principle, as I thought that I understood conservative political thought, it is the distrust of state power, especially executive power. And it is not accidental that the first step authoritarians take, once they seize power, is to dissolve the legislature, or failing that, to destroy its independence and reduce it to the status of vassal.

Historically, conservatives have been in the forefront of the defense of the prerogatives and independence of parliamentary bodies, especially in the United States. So, one can scarcely imagine what conservative lions in the Senate such as Senator Russell and Senator Dirksen would have to say about a move that would seriously weaken the Congress' ability to go face to face with the executive branch of Government.

Make no mistake about it, that is what this proposed amendment would do. Here we are with people who claim the same conservative lineage, proposing to do exactly that. And that is to so weaken the legislative branch of Government that it could not do what its time-honored tradition says it should do—what its constitutional responsibility says it should do.

Every Senator should take the time right now to calculate the effect of a 28-percent reduction in his other office allowance. I am going to guarantee—I have talked about it a little before—but I will guarantee, if this amendment is adopted, that will be the result at a minimum.

I can say that with some assurance on the basis of conversations and dealings that I have had with my counterparts in the House Appropriations Committee. It is clear they are no longer in the mood to pull the Senate's chestnuts out of the fire. If the Senate approves this amendment, do not be surprised that the House will modify it in conference so that the Senate has the opportunity to live with the consequences.

Interestingly, I have been on this floor trying to have this body be responsive. As you recall, 3 weeks ago I was here, asking that the Senate go along with the suggestion that I had to abolish the Senate Aging Committee. That was a small step in the right direction, I thought. But basically I lost that amendment because many Senators wanted to see what the joint committee was going to do. Was the joint committee going to be responsible and really make this body more efficient and more effective? And, therefore, many Senators voted against my amendment so they could wait and see what the joint committee would do.

Well, I hope those same Senators will be attentive. In fact, as some will note, Roll Call, the little publication we all so often see around here, blames the defeat of that amendment on the Republicans. That is what the editorial said. It said that those 11 Senators who did not vote with me were wrong, but most of those 11 said the reason they voted the other way was they wanted to see what the joint committee will do.

Time will show how they feel about this. The Legislative Branch Subcommittee will be very interested in how Senators choose to vote on this amendment when it comes time to mark up next year's appropriations bill.

We can certainly accommodate those who wish to reduce their office expenses. That is very easy to do. I also suggest, if there are Senators in this body who feel their personal office staff is too large, that they have too many people answering the mail, for example, we will be happy to reduce their office allotment. But Members and the public should know that from January 1, 1993, to February 4, 1993, a little over a month, some 4.2 million calls were made to the Senate and House offices.

Someone had to answer those, I assume. When someone calls my offices I hope we would answer them. I know sometimes when there is a particularly vexatious debate going on here, people are calling all the time, and I cannot get through to my office. Sometimes it will be busy, or the phone rings too many times before it is answered. So if there are some of you who think you do not want your phone answered or your mail answered, that is your privilege. But do not penalize the people of the State of Nevada. When any constituents call one of my offices, I want someone to answer the phone. And please allow me to be able to answer the mail.

We can allocate this proposed $569 million cut any way the subcommittee wishes, and the full committee after that, and the Senate after that. But any reduction in a particular budget will have to be offset by even deeper cuts in other agencies or activities. We cannot push things over here and hope it does not show up over there. We are no longer able to do that.

So I suggest regarding the work that has been done these past 4 years by Senator GORTON from Washington, Senator NICKLES from Oklahoma, we have done a good job of cutting the legislative branch budget.

So I hope my friend from Idaho will reconsider as to whether or not he is going to offer the amendment. I hope he would not. I hope he will allow the joint committee to take its course. I hope he will allow the Legislative Branch Appropriations Committee to take its course, to see if in fact we are going to live up to the commitments we made in this body. I hope there will be an opportunity to let us perform, to see if we can, in fact, do what we said we would do. We have lived up to every promise that we have made and we will continue to do so within the best of our ability.

This cut is too much. It does not take into consideration the true facts about how the legislative branch works. Everyone thinks when we talk about the legislative branch of Government that it includes just the staff of Senators and Members of the House. The fact of the matter is the legislative branch is much broader than that. It subsumes, for example, the Congressional Budget Office, which both the White House and the Congress have agreed is going to be "the" body that will be used to get estimates and determine projections that this Budget Committee uses and on which national policy will be based.

I have spoken to Dr. Reischauer. Simply, they cannot do it. They have been on a pattern these last 2 years where they have had less to maintain current services and have suffered cutbacks. It is impossible for them to absorb another cutback of 28 percent; they cannot do it. I think that Senator DOMENICI and Senator SASSER, who have to work with them on a daily basis, recognize what a heavy workload and important function they have.

I express my appreciation to the Senator from Tennessee for allowing me to speak at this time, keeping in mind the fact when this amendment is offered, after all the debate, all the time is expired on this resolution, I might have an opportunity so I can express my appreciation to the Senator.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I thank the Senator from Nevada for his statement today and for the very diligent effort that he makes on behalf of the Congress and on behalf of the U.S. Senate in dealing with the Legislative Branch Appropriations Subcommittee.

He made a very eloquent statement today, I thought, outlining the very well-conceived economies that the Legislative Branch Appropriations Subcommittee anticipates in the future and has brought to fruition in the past under his leadership.

This is a thankless job, I know, I say to my friend from Nevada, because I chaired the Legislative Branch Appropriations Subcommittee some years ago. It seems that it is a right of passage that most new Senators rush in and wish to cut the legislative branch appropriations, and why not? Congress has been the whipping boy, literally, of the American people since the time this republic was conceived. Congress has never been particularly popular with the American people until they get in trouble—until they get in trouble. When something is on the verge of happening that they perceive to be against their interest or they are concerned about something that affects their lives on a daily basis, who do they turn to first. Of course, they turn to their Congressmen or they turn to their Senators.

It has become a sort of an axiom in this country, when you do not like something you say, "Write your Congressman." As the Senator from Nevada knows, indeed, they are writing these days.

My office is being simply deluged with correspondence from my home State of Tennessee, and I am delighted to hear from every one of those constituents. I think every one of those constituents who writes me deserves a well-conceived, timely response to their letter and, of course, my office, as has others, has been deluged with telephone calls.

I see the Senator from North Carolina thinks this is amusing. If he wishes to join in making a cut in the legislative budget, let him lead the list. There is no compulsion on any Senator to take the funds that are allocated to him or her under the legislative branch appropriations bill. If anyone wants to step up and say, "I'm getting too much money, I've got too much staff, et cetera, and I want to make some economies," I am confident that the Senator from Nevada would welcome that news.

Already, 14 percent will be cut from the overhead of the Congress in the next 2 years, and well it should be. There is no question but what we have too much staff and we have grown too large in recent years. The distinguished Senator from Nevada has taken matters in his hands and is moving forward in a well-conceived plan to reduce the expenses here and do it in such a way that business is not disrupted and Senators can respond to the needs of their constituents in a timely fashion.

This budget that falls under the legislative branch, as the distinguished Senator said, also encompasses the Congressional Budget Office, and I hope the Senator from Nevada will correct me if I am wrong, but I think it also encompasses the Library of Congress, does it?

Mr. REID. It is my understanding that this amendment excludes the Library of Congress.

Mr. SASSER. It did exclude it. How about the Government Printing Office?

Mr. REID. It did not exclude that. The only ones it excluded are the Copyright Office and the Library of Congress, to the best of my understanding.

Mr. SASSER. So the Government Printing Office would suffer very substantial cuts and there will be cuts in Government publications.

I think the point is made here, we are all in favor of reductions, we are all in favor of reducing the expenses of running the Congress, as we are in favor of reducing the whole expense of Government.

I am going to propose an amendment in the not-too-distant future to give my colleagues over there a chance to make some reductions. Under the defense budget as outlined by President Bush, he was going to reduce the base force I think to 1.6 million men and women. President Clinton wants to reduce the base force in the military to 1.4 million. I am going to propose an amendment some time in the future to reduce that force down to 1.2 million.

I say to my colleagues, if we reduce that force by that much, we will save $7 billion a year. Those are savings that amount to something. So if we are talking about real reductions and real Government personnel, there is a way we can do it, given the times that we live in now. Does the Senator from Nevada wish additional time?

Mr. REID. Yes, if I could take just a minute or two, and I appreciate that.

The Senator from Idaho stated earlier that legislative branch spending has gone up higher than Medicaid. I am sure that people watching this said, "Oh, those dirty rats, how can they do that?" The fact is that just is not true. It is not even close to being true.

The Congressional Budget Office reports that Federal outlays for Medicare and Medicaid increased 165 percent during the past 10 years and that is some 85 percent more than this branch of Government has increased. So they were only off by 85 percent.

I will also suggest this, in amplifying what the manager of this resolution has said: The legislative branch of Government is an important branch of Government. It is the peoples' branch of Government. As the managers of the resolution said, when someone gets in trouble or a group gets in trouble, they come to us.

During the Roosevelt years, when the executive branch of Government packed the Supreme Court, who saved this country from court packing? It was started by a Senator from Nevada, a junior Senator who said that is too much. He, of course, was joined by many others, and the attempt at court packing was terminated, defeated.

We recently have received a report about what has gone on in recent years in El Salvador. It relates the killing of nuns and other very vicious things to the policy conducted by the Government in power in that country, which the U.S. Government was supporting. Who raised a hue and a cry that that was wrong. The Congress.

So whenever the executive branch starts stepping out of line, as it often does. The courts and the Congress are there to check it. The Constitution was set up so that the three branches of Government would always fight for power. This is what the separation of powers is meant to be. So allow the legislative branch of Government to have the ability to fight back. This amendment would strip this body of being able to do that.

Mr. BROWN addressed the Chair.

Mr. SASSER. Will the Senator withhold for just a moment? I see the distinguished Senator from New Mexico arriving on the floor.

Mr. President, I ask unanimous consent that the Senator from Nebraska be allowed to proceed as in morning business for a period not to exceed 8 minutes and that the time so consumed be charged against the time under the control of the majority on this amendment.

The PRESIDING OFFICER (Mrs. MURRAY). Is there an objection?

Mr. DOMENICI. Reserving the right to object, let me be honest with my friend from Tennessee and my friend from Nebraska.

I have had a number of Senators ask if they could proceed as if in morning business, and perhaps I was wrong but I told them that I thought we had a very firm agreement that we were going to use 10 hours on the agreement on amendments today. I had told them that I thought that precluded morning business. So I do not know whether there is another way for the Senator to do it, but if it is a subject matter that is unrelated I do think it is pretty difficult for me to agree to unanimous consent. Could I just have the Senator's thoughts about that?

Mr. SASSER. Let me say to my friend from New Mexico, we have just discussed amendments that have not been offered, as my friend knows, one, an amendment on the legislative branch and another on a labor matter. I think my friend from New Mexico was not aware that was going to occur and has discouraged other Senators from doing it.

We could just yield 8 minutes here to the distinguished Senator from Nebraska and perhaps enter into a statement that we just cannot do it anymore.

Mr. DOMENICI. Fine. I would not mind that. I wonder if the Senator might be able to tell us—the pending amendment is the Brown amendment. Whatever else was discussed, they are not pending amendments.

Mr. SASSER. That is correct.

Mr. DOMENICI. Could the Senator give us an idea—if we ask Senator BROWN how much time he needs, and we have no other speakers on his amendment—how much time the Senator might need. That might make it very easy for me to do this.

Mr. SASSER. I think if we yield—parliamentary inquiry. How much time do we have remaining?

The PRESIDING OFFICER. Twenty-and-a-half minutes remain.

Mr. SASSER. If we yield 10 minutes to the Senator from Nebraska and I reserve 2 minutes for myself, I think that would be adequate for us.

Mr. DOMENICI. Great. How much time does the Senator need?

Mr. BROWN. I think 10 minutes would more than do me. I have had a request from the distinguished Senator from North Carolina as well to address the Senate.

Mr. DOMENICI. How much time would the Senator from North Carolina need on this amendment?

Mr. HELMS. I need 2 or 3 minutes to respond to the Senator from Tennessee, who made a rather awkward statement just now. Just say 3 minutes.

Mr. SASSER. I would be pleased to hear from the Senator from North Carolina for 2 or 3 minutes.

Mr. DOMENICI. If we enter into that agreement, we will have 13 minutes on our side, 10 minutes for Senator BROWN to respond, 3 minutes for Senator HELMS, and the Senator from Tennessee will have 12, 10 for Senator KERREY and 2 for himself, and then we go on to the next amendment. Is that fair enough?

Mr. SASSER. Yes.

The PRESIDING OFFICER. Is there objection to the request. The chair hears none, and it is so ordered.

The Senator from Nebraska is recognized for 10 minutes.

Mr. KERREY. I thank the Chair and I thank my friend from Tennessee and my friend from New Mexico for allowing me to proceed.

(The remarks of Mr. KERREY pertaining to the introduction of S. 626 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CRAIG. Madam President, I yield 3 minutes to the distinguished Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, I appreciate the courtesy of my friend for yielding me this time. I had not intended to ask for any. But my friend from Tennessee has a short fuse, and I feel there should be some clarification. I do not know what Senator SASSER was talking about awhile ago when he made certain statements, so I asked the clerk to bring me the transcript. But as I understand it, the Senator from Tennessee was challenging me to do something about cutting spending, and trying to balance the budget. And I will ask him, if he will answer me yes or no, if that is what he was saying. Would the Senator—I do not want him to make a speech on my time.

Mr. SASSER. I think the rules of the Senate require Senators address each other in the third person. I would respond to the Senator from North Carolina simply by saying that——

Mr. HELMS. Madam President, I do not yield to the Senator, I do not yield to him for that purpose. I know the rules of the Senate and I believe the record will show that I addressed him in the third person.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. If the Chair will bear with me, the record shows that the Senator from Tennessee said:

> I see the Senator from North Carolina thinks this is amusing. If he wishes to join in making a cut in legislative budget, let him lead the list.

Madam President, I have been doing that since the Senator from Tennessee was in knee pants, since the day I came here on January 3, 1973.

He further said, according to the transcript:

> There is no compulsion on any Senator to take the funds that are allocated to him or her under the legislative branch appropriations bill. If anyone wants to step up and say "I'm getting too much money, I've got too much staff, et cetera, and I want to make some economies," I am confident that the Senator from Nevada would welcome that news.

Good for the Senator from Nevada, because that is exactly what I have been doing since January 3, 1973, long before Senator SASSER ever saw this Chamber as a Senator.

In fact, according to our records—this was called in by my staff—from the day I took office in 1973 to the end of fiscal year 1992, I have returned $2,839,098.83 in funds that I did not spend that were allocated to me.

Furthermore, I think the Senator from Tennessee may want to take a look at the cost of operating the Senate's committees. I am the ranking member of the Senate Committee on Foreign Relations. I had quite a fight with the Senators in the majority on whether they were going to take money that we had saved—I ask the Senator from Idaho if this is not so—and spend it for their own staff, money that we had saved, something like $300,000.

And in case that the Senator from Tennessee wants to challenge me on whether I have saved money for the taxpayers, I will be glad——

The PRESIDING OFFICER. The 3 minutes yielded——

Mr. HELMS. I ask for 30 more seconds.

Mr. CRAIG. I yield the distinguished Senator an additional minute.

Mr. HELMS. As a matter of fact, Madam President, I ask unanimous consent that the following statement including the heading on it, which is headed "Irresponsible Congress? Here's Today's Boxscore" be printed in the RECORD at the conclusion of my remarks. It begins with my saying, "Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,215,541,907,772.13 as of the close of business on Thursday, March 18.".

I thank the Senator for yielding.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

(Statement by Senator Jesse Helms)

Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,215,541,907,772.13 as of the close of business on Thursday, March 18.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. (This has been what is called "deficit spending"—but it's really a form of thievery.) Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,411.89—thanks to the big spenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there has been a Congress with the courage and the integrity, to maintain a balanced Federal budget? The arithmetic speaks for itself.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Madam President, I wish to commend the Senator from North Carolina for the economies apparently that he has effected during his years in the Senate. He is quite correct. I did not arrive at the Senate as early as he did. I came here in January 1977. During those years, I say to my colleagues, I also have returned funds in some years, perhaps not all years, to the Senate Treasury, or wherever these funds are returned to. But I commend the Senator for his economy.

Mr. HELMS. I thank the Senator.

Mr. SASSER. I think that is a fine thing. I hope that all Senators will take that as an example.

I simply was saying to my colleagues that if anyone wants to follow the example of the Senator from North Carolina and return funds to the Treasury, they certainly can do that. They are under no compulsion to spend all of the moneys that are allocated to them under a legislative appropriations bill. I assume that many of those who will support the amendment offered by the distinguished Senator from Idaho will follow the example of our distinguished friend from North Carolina and return funds to the Treasury so that they can practice as they vote here on the floor of this body.

Mr. HELMS. Madam President, I thank the Senator.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CRAIG. Thank you, Madam President.

The amendment that is before the body, I will simply summarize at this point in the following fashion. It is an effort to find additional areas that the President requested where this Nation can indeed save money.

Why should we do it? This chart on my left I think describes it graphically as perhaps clearly as anything could. The national debt has exceeded $4 trillion. The gross interest on the national debt is in excess of $300 billion a year, and this coming year the simple fact is that current budget plan suggests that total increase in spending of $315 billion a year by the end of the budget cycle.

Indeed, it is an effort, through a large tax increase and other measures, including reductions in the military, to reduce the potential increase in the deficit.

But the truth is we do not do enough to reduce the deficit in this plan. Thus, the amendment that is before us is simply saying this: We want to limit the increase in overhead expense, "overhead" being defined as travel, lease expense, contracting expense, office supplies, utilities, and printing.

It is a reasonable amendment. It is an amendment that recognizes there will be 100,000 fewer Federal employees because of the President's freeze, and adjusts overhead expense with regard to that.

It does not cut. It simply says for a couple years you are not going to increase overhead spending, and you are going to have cost-of-living thereafter.

Madam President, the measure, I think, is quite clear, to make sure that we do not overlap anything else in this document.

We specifically exclude, from this limitation on the increase in overhead, the Defense Department, because it is dealt with elsewhere. We limit loans made by the Department of Agriculture. And we have reduced the original amount of the amendment some $10 billion to make sure it does not interfere with other limits on overhead that are within the President's proposal. It is a responsible effort; it is a reasonable effort, one that makes a good deal of sense, over $16 billion over 5 years. I hope it has the support of Members of the Senate.

I might simply add one comment with regard to the forthcoming

Kempthorne amendment that apparently we will have a vote on.

I have the greatest respect for the distinguished Senator from Nevada [Mr. REID]. He, in my opinion, has made a sincere and honest effort to get a handle on the cost of running the legislative body. He has done a better job, at least in this Senator's view, than any chairman of that subcommittee that I am aware of in the House and Senate in recent years.

I say that because while we do not have the same conclusion with regard to the Kempthorne amendment, I have enormous confidence in Senator REID and admiration for his distinguished record.

I might simply say that the warnings that Western civilization will come to an end should we enact a 25-percent cut in the legislative body strikes me more of displaying someone's sense of humor than reality. The 25-percent cut is not some draconian measure. It is the measure recommended by the President of the United States.

The suggestion that we are going to have an inability to answer phone calls or respond to mail if we have a 25-percent cut seems to me simply not an accurate assessment. How many phone calls do the operators on the automatic elevators answer? How many letters do the operators on the automatic elevators answer?

There are thousands and thousands of areas in which we can save money, and millions of dollars that can be saved.

Let me say, the committee that I first served on when I came to Congress in 1980 was Interior, the committee that my predecessor served on and his predecessor before him. The first day of business, I noticed we had over 100 people in the audience. I asked one of the members on the committee how it was, on the House Interior Committee, on something you would not have thought controversial, that you have well over 100 people show up. The answer was quite simple. They were not citizens. They were staff, paid staff.

The chairman of the committee, Congressman Aspinall, years before had said he had run the committee on four full-time staff members, and they had done more work than in any time before or since in terms of legislation, and in terms of hearings. He said he did not need four; that he could have done all of it with two. Yet, by 1980, they had well over 100.

Madam President, that staff has increased dramatically since them.

We are not talking about ending Western civilization if we reduce the staff of Congress and the cost of Congress by 25 percent. We are simply talking about some commonsense limitation on committee staff, which does not affect your answering the mail or answering phone calls. We are talking about eliminating silly things like elevator operators on automatic elevators, and talking about eliminating staff of select committees where they do not even have legislative authority.

I think what we are talking about is simple common sense. It still leaves us with a staff six times bigger than any other country in the world.

Let me simply suggest I think the amendment of the Senator from Idaho is simple common sense, not draconian politics.

I now yield back the remainder of my time and request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SASSER. Madam President, prior to yielding back the remainder of my time on the amendment, let me make just a few comments.

First, on the question of the Brown amendment itself, the amendment does make it sound so very easy, that you simply put a freeze on overhead, and eureka, you have some $16 billion in savings over 2 years.

What the amendment does, however, is grossly overestimate what is called overhead or what can be defined as overhead, or what the Office of Management and Budget defines as overhead.

During the debate on the unemployment bill, there was a similar amendment offered from the minority side. That amendment said that Government spends some $664 billion a year on overhead. Somehow, they included in that amendment purchases of fighter aircraft, and tanks, and other things that were counted as overhead and were not overhead.

So, to his credit, the distinguished Senator from Colorado takes the tanks out of his overhead amendment. But the overhead base included in the Senator's amendment is still, I think, in an order of magnitude above what it should be.

The Office of Management and Budget estimates that nondefense overhead amounts to about $22 billion a year. The amendment before us uses a base for freezing that is 8 or 9 times that figure. The amendment defines nondefense overhead as the nondefense portions of object classes 20 and 30. The base is so large it appears to include items that are clearly not overhead.

Let us take NASA, for example. Under this amendment, 89 percent of NASA's gross obligations are counted as overhead. I, for one, think the space station ought to be canceled. But clearly, as dubious as the merits of that project are, it is not an overhead expense, and the NASA example shows that this amendment is flawed.

I do agree we must cut overhead and expense, and that is exactly what the President does. The President proposes an ambitious attack on expenses in Government, including overhead expenses.

Agencies of the executive branch are required to cut administrative costs by 14 percent by 1997.

Madam President, with regard to a reduction in the legislative branch appropriations here, and a further reduction in expenses of the operation of Congress, maybe that is something we ought to do. Nobody is suggesting that the world is going to come to an end if we cut the congressional budget by 25 percent.

The distinguished Senator from Nevada, who has the responsibility for making a thoughtful study of these matters in his subcommittee and recommending to the Congress what should be done, has indicated that he is recommending a 14-percent cut and a reduction of some 1,400 employees, if memory serves me correctly, over the next 2 years. I think that is a significant reduction.

With regard to a 25-percent further reduction, I say to my friends on the other side, and perhaps some on this side who wish to support this amendment in favor of a 25-percent reduction, if they support it and if they vote for it, they could follow the example of the distinguished Senator from North Carolina [Mr. HELMS] and go ahead, should this amendment fail, and make the 25-percent reduction themselves; simply cut their office accounts by 25 percent and return that money to the Federal Treasury, and by their example, they might very well convince the rest of this body to demonstrate that, indeed, we can reduce this budget by 25 percent and there will be no serious repercussions.

I, for one, would welcome such an experiment, and perhaps we could all learn from that. I, for one, think that, at the present time, the 14-percent reduction is sufficient. But I could be convinced by my colleagues on the other side with regard to this amendment that perhaps 25 percent is what we ought to do.

I look forward to watching and waiting, and seeing how it works out, if any of them takes up my proposal to exercise a voluntary 25-percent cut if they support this amendment.

Madam President, has all time been consumed on this amendment?

The PRESIDING OFFICER. The Senator has 3 minutes and 25 seconds remaining.

Who yields time?

Mr. SASSER. I am pleased to yield back the remainder of my time.

Mr. DOMENICI. I yield back any time that we may have. I do not know if we had any.

The PRESIDING OFFICER. Does the Senator from Colorado has yield back his time?

Mr. DOMENICI. I yield back the time on behalf of the Senator from Colorado.

Mr. SASSER. Madam President, I ask unanimous consent that the pending Brown amendment be laid aside, to be disposed of following the Wallop amendment No. 194. and that, prior to the disposition of the Brown amendment, there be 10 minutes of debate on the amendment, equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SASSER. Madam President, I believe—and this is not in the form of a unanimous consent request, but just by agreement here—the next amendment would be the Gorton amendment.

Mr. DOMENICI. In the Senator's absence, I was discussing with the Senator's chief of staff that Senator GORTON will not be back for about an hour or so. And since the next amendment was going to be the Domenici amendment, I thought I might offer it and he would offer his after that.

Mr. SASSER. That is satisfactory with me, Madam President. I have been looking forward to the Domenici amendment for some time. I always look forward to an inspired and passionate address here on the part of my distinguished friend from New Mexico.

Mr. DOMENICI. Madam President, I was hoping you were getting some of that even when I did not have an amendment. But I guess I better gear up even when I do not have one and get with the medicine here on the floor.

AMENDMENT NO. 198

(Purpose: To adjust defense spending consistent with a $60 billion reduction from last year's defense plan over 1994 to 1998)

Mr. DOMENICI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for himself, Mr. COHEN, Mr. WARNER, and Mr. COATS, proposes an amendment numbered 198.

Mr. DOMENICI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 10, line 4, increase the amount by $3,000,000,000.

On page 10, line 5, increase the amount by $1,400,000,000.

On page 10, line 11, increase the amount by $5,200,000,000.

On page 10, line 12, increase the amount by $1,900,000,000.

On page 10, line 18, increase the amount by $12,400,000,000.

On page 10, line 19, increase the amount by $7,900,000,000.

On page 10, line 25, increase the amount by $22,600,000,000.

On page 11, line 1, increase the amount by $24,100,000,000.

On page 11, line 7, increase the amount by $24,200,000,000.

On page 11, line 8, increase the amount by $21,800,000,000.

On page 41, line 17, increase the amount by –$3,000,000,000.

On page 41, line 18, increase the amount by –$1,400,000,000.

On page 41, line 24, increase the amount by –$5,200,000,000.

On page 41, line 25, increase the amount by –$1,900,000,000.

On page 42, line 6, increase the amount by –$12,400,000,000.

On page 42, line 7, increase the amount by –$7,900,000,000.

On page 42, line 13, increase the amount by –$22,600,000,000.

On page 42, line 14, increase the amount by –$24,100,000,000.

On page 42, line 20, increase the amount by –$24,200,000,000.

On page 42, line 21, increase the amount by –$21,800,000,000.

Mr. DOMENICI. Madam President, I yield myself 10 minutes of the time that I will have on this amendment.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 10 minutes.

Mr. DOMENICI. The first thing I want to say to everyone in the body is that I have not had an opportunity to circulate this amendment. So anybody in the Senate that wants to support an amendment that will return the defense cuts to what the President promised in his campaign and no more are welcome to join me as cosponsors, because that is what it does.

In plain, simple language, it says the President of the United States ran using a book that he called a plan. He said this plan was the only plan around and, in that plan, he essentially said, "I am going to propose that we cut $60 billion out of defense, in addition to what President George Bush had recommended."

Now there was a little confusion during the campaign, but I am absolutely positive that the $60 billion was used over and over. And I have a direct quote of the President during this campaign when he said $60 billion over 5 years. Some people thought it might be 4 years. We are going to take him at what we think was his word, at $60 billion over 5 years.

What we do essentially in this amendment is we say, reduce defense by the amount of money that will get it down to the $60 billion reduction that the President spoke of. And in order to do that we would have to reduce his defense cuts by $67 billion in program authority and $57 billion in outlays—$67 billion in program authorization for our Defense Department, the men and women in the military and all the things we procure and the other things we do in the military, and $57 billion less in cuts on the outlay side.

I am going to speak of the $57 billion and round it out to $60 billion in my comments. And I will be saying, and those who support me will say, we are putting back into defense $60 billion. We think putting that back gets it right to the mark where the President of the United States, with his plan, promised the American people we would be in defense.

As a matter of fact, I might say, parenthetically, we are worse off today and there is more fear and trepidation in the world than there was when that plan was being sold. I am sure, if we were in the midst of a Presidential campaign today, with the Soviet Union being where the Soviet Union is today, that there would be a lot more attention paid by the American people to how much is enough and how much is too much when it comes to America paying for the men and women—the best we have ever had—that run our military, the civilians that back them up, the technology money we are spending to improve our capabilities, and just the overall maintenance of the finest military the world has ever seen, and I believe our finest ever.

So, how do I do that? I suppose if my friend, the Senator from Tennessee, the chairman of the committee, argues as he has in the past, he will begin to say this is a meaningless amendment, because there really are not any specifics in this budget.

Let me tell you, anybody that wants to send more than just a sense-of-Senate message to the appropriators of the U.S. Congress and to the President of the United States about defense ought to vote to increase the function within this budget for defense by $60 billion and reduce somewhere else things we were going to spend on that are not as important to us as defense. And we do that in exactly the way that it has been done forever with budget resolutions.

So if my friend, the chairman, gets up and says, "It is in function 920; there are no specifics," that is true. It is exactly where it belongs, in terms of cutting domestic spending. It is in exactly the same place that the chairman put $31 billion when he said, "I want to cut more than the President." He put $31 billion unspecified and said we are cutting that and we put it in function 920.

So we are simply saying this: While the President's budget is saying to the American people, I want to increase domestic spending $124 billion in new programs and add-on programs, all in the name of wanting to invest more, that is the new use of the words. It is not spending the taxpayers money, I say to my friend from Maine, it is investing their money. So $124 billion is going to be used for that.

And we are saying, "Wait a minute. Wait for awhile here. Take $60 billion of those new expenditures, cut them, and make sure we keep our defense as it was promised to the American people during the campaign."

And, I might say, I even questioned then, as well as my friend who is standing on the floor from the State of Virginia [Mr. WARNER] might have questioned, whether that was not too big of a cut.

But the point of it is: We want very much for Senators to have a chance to return this budget to where the President had his numbers when he ran for the Presidency. We believe that anyone who get up here and argues that they know what our add-on is going to do and they know what the President's $127 billion in additional cuts are going to do, let me just say, there is no defense budget before us. So anybody that is surprised should not be surprised from our side.

We asked that there be no budget resolution before this Senate until we had a budget. In particular, we said we would like a defense budget. We would like to see what you propose to cut. There is no such document.

So we are actually saying, since there is not, let us go back to the numbers he said to the American people when he campaigned—that is our President—and let us not take real chances, and to pay for that new defense addback, which will still have us cutting defense $60 billion under President Bush's plan. That will be the defense cut.

Most of our people who are on the defense committees truly believe it is going to be difficult to get these kinds of cuts the President is asking for in this budget resolution.

So, this is a straightforward, simple kind of amendment. I do not know what we are adding and what we are subtracting, because I do not have any defense budget.

I believe, by the time we are finished imposing a defense cut as big as is in this resolution, that we are going to see more American jobs lost by virtue of those additional expenditures being cut from defense than all the stimulus package and the investments, proclaimed in the budget as investments, would produce. I believe that we will lose between 1.2 to 1.8 million jobs in the military, civilian-military jobs, and jobs directly related to defense by this large a cut.

I am not for keeping defense just to keep jobs. But I am suggesting it is kind of a sham to say we need a stimulus of $12 billion to keep the economy going on the domestic side, it is an urgent emergency, while at the same time we are slashing defense an additional $67 billion over that which candidate Clinton thought was appropriate just 6 months ago.

I am hopeful we will have a lot of support on our side. I am very sorry we did not get to circulate it. I am hopeful some Democrats will see their way clear to send a message that we do not need so many increases in domestic spending while we are doing this enormous cut job on defense; that we ought to be a little realistic and take back some of those domestic add-ons and not jeopardize our defense and add to our unemployment.

Senators COHEN, WARNER, and COATS want to be added as cosponsors. They also will speak, I understand.

I yield 5 minutes to my friend from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. As I understand it, President Clinton has proposed $112 billion more in defense cuts than President Bush did a year ago, and that President Bush's cuts were $50 billion deeper than those called for in the 1990 budget agreement. The 1990 budget agreement itself cut $350 billion over 5 years. So we have already committed ourselves to a $400 billion cut from the last cold war budget.

I do not know how we are going to achieve these deep cuts without producing exactly the kinds of results the Senator from New Mexico has been talking about, that is, putting thousands of people out into the unemployment lines, particularly at a time when the world is a less more stable place than it was even during the cold war era.

If you look at the headlines today, you will see that the United States is actively considering a major commitment in Bosnia. Not just air drops of food and medicines, but a much more significant allied role in that region.

If you look at the morning headlines, you will see what North Korea is up to, in terms of pulling out of the nuclear nonproliferation treaty in perhaps its own desire to develop nuclear weapons.

If you look at the recent reports of what is taking place in the Middle East, on the Gaza Strip—how many people are being stabbed to death, and then shot to death in return.

If you look at what is taking place in Russia itself, there is a constitutional crisis we are told today. And the resolution of that crisis may very well have a negative impact upon world peace.

Let me add just one other footnote about the problems we are confronted with domestically. We just had the recent announcement of base closures in this country and the reaction by the Members saying, "Do not shut our bases down."

So everybody is for slashing defense at a time when we may have greater commitments in the world. Ironically, many of the people calling for greater and greater defense cuts also ask that their defense facilities and production lines not be touched.

We simply cannot proceed on that basis.

Madam President, I understand there are legitimate concerns about wasteful spending in defense. And no one can stand on this floor and tell you, plausibly, at least, that there is no waste in defense. There is waste in defense like every other Government program.

Of course there are many ways to deal with that waste.

One way to reduce wasteful spending would be to empower the President with expedited rescission authority.

Mr. DOMENICI. May I ask a question? Will the rescission approach actually include defense as an appropriated account that would be subject to rescission or line-item veto?

Mr. COHEN. Yes. I am now filing an amendment that calls for expedited rescission that would apply to all spending.

My amendment will express the sense of the Senate that the President be given expedited rescission authority.

Under current law, a rescission request does not take effect unless Congress affirmatively approves the request within 45 days. The Congress can—and often does—simply ignore these requests, allowing them to wither on the vine.

I believe rescission authority needs to be strengthened for it to be more effective in reducing Government waste. The question, of course, is what is the best way to strengthen rescission authority without undermining the balance of powers between the legislative and executive branches.

The Senate has voted a number of times on a proposal to give the President enhanced rescission authority. Under that proposal, the burden of action is shifted in that a rescission request would automatically take effect unless the Congress voted to reject the request within 20 days.

The enhanced rescission proposals have failed in the past because a majority of Members believed they would shift too much power to the President. If rescission requests took effect unless the Congress affirmatively rejected the requests, the President and 34 Senators could exert extraordinary influence over the appropriations process.

On the other hand it is clear that the current situation that allows Congress to simply ignore rescission requests is simply inappropriate.

One way to expand rescission authority without upsetting the balance of power is through expedited rescission authority. Under this authority, Congress would be required to vote on rescission requests within 20 days. Rescissions would not take effect without congressional approval, but Congress could no longer simply ignore rescission requests, allowing them to expire through neglect.

I believe that expedited rescission offers a better alternative than the statutory line-item veto whereby each item in a bill would be separately enrolled, allowing the President to either sign or veto each item. While this approach would avoid the constitutional problems associated with other proposals to strengthen rescission authority, separate enrollment would not permit the rescission of wasteful spending found in conference reports because these reports do not constitute statutory language and, therefore, not enrollable.

Past efforts to strengthen rescission authority have also been criticized because they would affect appropriated spending only. I think those criticisms are legitimate. Wasteful spending is not limited to appropriations bill. Tax expenditures, as my colleague from New Jersey, Senator BRADLEY, recently pointed out in the Wall Street Journal, also have been a source of wasteful spending. A wasteful tax credit is no different than a wasteful appropriation and, as such, should be subject to rescission authority.

Insofar as direct, mandatory spending accounts for nearly half of the Federal budget and is the fastest growing part of the budget, it too should be subject to rescission authority. My proposal would subject all spending to expedited rescission authority.

My amendment also states that rescinded funds should go to deficit reduction, and finally that this new authority be sunsetted at the conclusion of the 103d Congress. By sunsetting this authority, we will be able to test this new approach without committing to it indefinitely.

There is broad bipartisan support for expedited rescission.

In his 1988 budget, President Reagan proposed, "a change of law that would require the Congress to vote 'up or down' on any proposed rescission, thereby preventing the Congress from ducking the issue by simply ignoring the proposed rescission and avoiding a recorded vote."

Last November, then President-elect Clinton expressed an interest in the expedited rescission bill that passed the House last year by a vote of 312-97. In President Clinton's words, expedited rescission is functionally almost identical to the procedures he used as Governor of Arkansas to reduce wasteful spending.

Last month, two scholars—Thomas Mann of the Brookings Institute and Norman Ornstein of the American Enterprise Institute—endorsed expedited rescission in their testimony before the Joint Committee on the Organization of Congress of which I am a member.

Expedited rescission authority by itself will not significantly reduce the deficit, and I certainly do not offer this proposal as a panacea to deficit reduction. Much harsher medicine will have to be swallowed to achieve that goal. By the same token, we should employ every possible tool in our efforts to reduce the deficit. I think expedited rescission should be one of those tools.

I realize that expedited rescission does not go far enough for some of my colleagues and goes too far for others. For this very reason, I submit that expedited rescission offers a responsible and workable alternative to both the status quo and proposals that would shift too much power to the President.

Last November, the American people voted for increased accountability in Washington. Expedited rescission provides greater accountability by requiring Congress to vote on rescission requests. Congress would no longer be able to duck the tough votes.

Expedited rescission will not by itself balance the budget, but it will enhance accountability. I urge my colleagues to support this amendment when it is considered later on.

In concluding, let me return to the pending amendment offered by Senator DOMENICI.

I want to commend the Senator for his effort to restore an adequate level of defense spending. We should recognize that we are cutting deeply into the heart of the defense budget at a time when we may be called upon perhaps this year to begin making commitments in Bosnia and other places that we had not anticipated even just a few months ago.

So, I commend the Senator for his effort. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I yield myself 1 minute.

Might I say to my friend from Maine, I greatly appreciate his remarks. Frankly, I believe something like an enhanced rescission approach, applying also to defense, would make sure that less of the unneeded things are in defense, and no matter how much we decide to cut in a budget resolution, it is going to be difficult for people not to play some kind of parochial politics. So I commend him, even as it pertained mostly to civilian and nondomestic, I think it would apply to defense also and I encourage him to offer that amendment during this process.

Mr. COHEN. It will be an expedited rescission.

Mr. DOMENICI. Expedited rescission.

I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. WARNER. Madam President, I want to express my support for the two amendments the chairman of the Armed Services Committee introduced this morning.

The first of these amendments expresses a sense of the Senate to restore funds that have been taken out of the defense budgets for the next 5 years—up to $27 billion—if inflation is higher than the administration has estimated.

Those of us who were here in the late 1970's, early 1980's recall the effect of the high inflation rates of the late 1970's when virtually all of our defense programs were underfunded due to the effects of higher than estimated inflation.

Since the Clinton administration has already reduced the defense budget to account for the more optimistic rates of inflation used, then the money should be restored if inflation turns out to be higher during these years.

I also agree with the second provision of the Nunn amendment which expresses a sense of the Senate that moneys removed from the budget, due to the proposed Federal pay freeze for fiscal year 1994 and reduced pay increases for fiscal years 1995 through 1997, should be restored to the budget if Congress decides not to enact these pay restrictions for Federal workers and military personnel.

If the Congress chooses not to go along with the pay restrictions and the money is not added back to the defense budgets, then the military services will have to take this money out of their hides, causing further reductions in other vital defense programs.

I also support the other amendment Senator NUNN introduced this morning which expresses a sense of the Senate that, if the Congress appropriates less than the levels provided for in the budget resolution for defense, then the resulting savings may be used only for reducing the budget deficit.

Madam President, for too long, some members of Congress have viewed the defense budget as the cash cow to be used to fund other programs. With the reductions that have been made to the defense budget, this practice is no longer possible.

If further cuts are made to defense, the savings should be used to reduce the deficit, not to fund other programs.

Turning to my amendment on the budget resolution, Madam President, speakers throughout the day have addressed the question of our Nation's defense in the light of the ever-changing world situation. They have done it, I believe, in a very conscientious and constructive manner.

The Senator from Maine [Mr. COHEN] with whom I have been privileged to serve some 14 years in the Senate Armed Services Committee, enumerated with some specificity those situations that are having an effect on the world as we speak here today.

The purpose of an amendment, which I will at the appropriate point in this proceeding offer, is to include in this budget resolution, in the form of an expression of the sense of the Senate, a specific reference to the fact that the U.S. Senate, indeed the Congress as a whole, is on standby.

We are on standby to come back to this Chamber and, if world events so require, to reconsider whatever budget action flows as a result of this resolution in the formation of our defense budget.

I want those words in this resolution, because this resolution is going to go across the world as a beacon. The resolution should not be misinterpreted. I do not know how it will finally be worded or what the figures will be. But it is my hope that my resolution and some of the other constructive suggestions by other Senators can be included, so that beacon clearly states that the action we take today might well have to be undone tomorrow as a consequence of events in this world.

I would want this Senate on record, recognizing that this defense budget is something that has to, in a real-time basis, be changed irrespective of the fiscal considerations. We have to be on standby, Madam President, to make those changes to ensure that our Nation's defense can meet any threat and to enable the Commander in Chief of our Armed Forces to have the resources necessary to provide a strong defense for our Nation and our allies and our friends.

Madam President, as the Members of the Senate know, the United States is in the midst of a substantial drawdown of its military might as a result of changes in the world. In the post-cold-war era, threats to America's interests are likely to arise from regional or national instabilities abroad—such as Iraq's threat to Kuwait that prompted operation Desert Storm. The threat of a massive land war in Europe, or the use of nuclear weapons against the United States or its Armed Forces, no longer dominates our military planning. To meet our military needs for the future, the United States is moving to a smaller, but well-trained well-equipped, mobile, and highly capable military force. These are President Bush's defense legacies—a regional defense strategy and a plan for smaller, but highly effective, Armed Forces.

President Bush set us on a path of substantial, but prudent, defense reductions. Measured from the last cold war baseline—the pre-budget summit baseline of 1990—President Bush's fiscal years 1993-97 budget proposal cut $386 billion from the baseline of $1.8 trillion.

The Bush administration emphasized that progress down the path of defense reductions depended on continued favorable progress in the world situation. It was always understood that, if new and serious threats to America's interests were to develop, America might have to slow down, stop, or even reverse the drawdown of its Armed Forces.

Against this backdrop of deep, but prudent, reductions in defense, the Clinton administration has decided upon deeper cuts to the Nation's military might. During the campaign, President Clinton indicated that he would make defense cuts $60 billion deeper than those planned by President Bush. It now appears that President Clinton's defense cuts will be about twice that deep—on the order of $120 billion more than those planned by President Bush.

In the view of many of us, these new, deep defense cuts by the Clinton administration are of concern. Congress must scrutinize these proposed cuts carefully, to ensure that America will continue to have the military capability it needs to protect its interests.

The concurrent resolution on the budget is our first opportunity to reflect the will of the American people with respect to Federal Government spending, including defense spending. The resolution, of course, sets the ground rules for Congress' later consideration of bills to authorize and appropriate funds. But the resolution also signals America's intentions to other countries. This resolution sends a clear signal to the world that America plans in the coming years to reduce sharply its military capabilities.

It would be my hope that the Senate would pass a budget resolution that in an appropriate fashion provides more resources for the national defense than the majority of the Budget Committee proposed. If that is not to be the case, however, it is important to make clear that Congress stands ready to reconsider the defense figures in this resolution, if world events so require.

If, for example, the nuclear-armed Russian Republic were to return to the control of an authoritarian regime hostile to the United States, or North Korea's saber-rattling actually turned into an attack on our South Korean ally, Congress should reconsider the deep defense cuts contemplated by this resolution.

At an appropriate point, I will offer an amendment—at the desk, numbered 193—to express the sense of the Senate that Congress should reconsider the defense budget amounts, if a material change in the U.S. security situation occurs. In my view, it would be our duty to do so, for the Constitution places on Congress—not on the President or anyone else, but on Congress—the responsibility to raise and support armies and to provide and maintain a navy. It is Congress that must decide how big or small—or how well trained and equipped—our military must be to defend America and American interests.

If the world falters in the move toward democracy, human rights, free enterprise, and peace—and instead new threats to American interests arise—Congress must be prepared to reconsider promptly the very deep defense cuts under this resolution. My amendment will clearly express the readiness of the Congress to do so.

I ask unanimous consent that the text of my amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT 193

On page 2, after the table of contents that begins on line 7, insert in Section 1 the following new subsection:

"(c)(1) It is the sense of the Senate that the Congress should promptly reconsider the amounts determined and declared by the Congress in this resolution to be the appropriate levels of new budget authority, outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1994 through 1998 for the National Defense (050) functional category, in the event of a material change in situation affecting the security interests of the United States.

"(2) For purposes of paragraph (1), a material change in situation affecting the security interests of the United States includes, but is not limited to—

"(A) an attack, or events indicating the significant potential for attack, on the United States, the armed forces of the United States, or a treaty ally of the United States, including the Republic of Korea;

"(B) a return to non-democratic government in the Republic of Russia;

"(C) a substantial deployment of United States military forces in support of humanitarian or international peacekeeping or peacekeeping missions, including in the former Yugoslavia; or

"(D) the establishment of a government hostile to the interests of the United States in a nation now or in the future possessing the capability to deliver nuclear weapons upon the United States, the armed forces of the United States, or a treaty ally of the United States.".

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Madam President, I yield 10 minutes to the distinguished Senator from Iowa [Mr. GRASSLEY].

The PRESIDING OFFICER. The Senator from Iowa is recognized for 10 minutes.

Mr. GRASSLEY. Madam President, I will be voting against the Domenici amendment, but I want to make it very clear I rise to speak more generally about the defense budget and the defense numbers and to say that I have some appreciation for what Senator DOMENICI is trying to do with his amendment because it is not just the point of more money for defense, but also to make the point that President Clinton had taken certain stands during the campaign and those stands have changed since the campaign has been over in regard to defense numbers.

Even though I am going to vote against the Domenici amendment, I have some appreciation of what he is trying to accomplish, and I think he is contributing much to the debate.

There appears to be, of course, mounting concern, as evidenced by Senator DOMENICI's amendment, about the potential consequences of President Clinton's defense cuts. Obviously, Senator DOMENICI thinks the President's cuts go too deep. Of course, on the other hand, there are a few in this body who think we ought to go further than what President Clinton advises.

President Clinton has presented a new funding screen for the Department of Defense called "topline numbers," starting at $264 billion in fiscal year 1994 and declining slightly to $255 billion in fiscal year 1998. These numbers represent an estimated reduction of $105 billion over 5 years, as compared to the adjusted Bush baseline. The cut in the fiscal year 1994 is a relatively modest $6 billion.

While small the first year, the reductions appear to be more substantial in the outyears.

But what is the real meaning of President Clinton's defense budget numbers over the 5-year period of time? Are the cuts real? What weapons systems will have to be delayed or terminated? How will the force structure and personnel levels be downsized?

No one can answer those questions with a great deal of certainty today. Without that information, Madam President, it is difficult for us to make reasoned judgments on the defense budget, whether it be the Clinton figures or whether it be the Domenici numbers.

I think the chairman of the Armed Services Committee, Senator NUNN, demonstrated this when he recently presented a thoughtful analysis of the Clinton administration defense budget. In a speech that he gave on the floor March 5, when Senator NUNN readily admitted that there are a number of unanswered questions about the Department of Defense budget figures. Unfortunately, he said, the answers will not come until after we vote on this budget. That was true on March 5, and I think it is still true today.

Senator NUNN said this:

> The answer to these important questions will not come until later this year, because DOD at that stage is deferring any review of the details beyond a narrow treatment of adjustments in fiscal year 1994.

There is only one way to change the budget numbers in the Pentagon computers, and that is with a formal program and budget review. That, of course, is known as the PDM/PBD process; that is, program decision memo/program budget decision process. There has not been such a review in a long time. It seems to me like that review is essential to making sure we know exactly what we are doing through whatever numbers are adopted in this budget.

The defense numbers before us are nothing more than a few notional cuts produced by high-level policy people. These numbers are, in a sense, linked to nothing. We have no idea what these cuts mean in the outyears.

Secretary of Defense Aspin knows that Department of Defense budget data is unreliable at best, so he has convened an independent panel of experts known as the Odeen panel to examine the budget books.

He wants the panel to help him make an honest appraisal of where we are right now with the current program and to determine what it costs and what should be the realistic number from which to make the Clinton reductions.

What is the real DOD topline number then? That is, of course, the basic question that must be answered by the Odeen panel. The Odeen panel is expected to finish its work sometime this month.

Two big unresolved Department of Defense money issues loom on the horizon, and I think they will still be looming there for a long time after the Odeen panel report. These two big unresolved money issues will shape the outcome of Secretary Aspin's ongoing top-to-bottom review of the Pentagon budget. The two questions are: First, can the $76 billion in savings from management efficiencies and base closures assumed by President Bush be realized? And second, to what extent are the costs of ongoing weapons programs underestimated?

It is always safe to assumed at the Pentagon that savings are grossly overestimated and that costs are underestimated. That will mean just one thing down the road: It is going to mean deeper cuts in programs and personnel.

Despite the lack of hard information on the new defense cuts, I still think President Clinton is on the right track on defense. With the cold war behind us, the numbers can come down. But how far, I do not think any of us can say with a great deal of confidence. And maybe it is the same thing on where should we stop? How much is enough for our new responsibilities under the new world order?

Of course, we need to have a clear picture of what the Armed Forces will be called on to do in the this new environment. What is their mission? We need to define our role in the post-cold-war era before moving beyond the Clinton plan.

Madam President, I am one who believes that the world we face toady is potentially more unstable and more uncertain then the one that we faced during the cold war, but our military needs are very different today than if we were going to defend in the cold war environment that we were in. Our military needs have thus changed. Those differences need to be analyzed and explained.

As they make the transition to the first post-cold-war defense budget, I hope President Clinton and Secretary Aspin are able to avoid past pitfalls. Pentagon procurement programs have tremendous momentum of their own. That is always a problem for every appropriations or budget process that we go through. When you are trying to save money, more of it is saved in the outyears than immediately. Of course, all that energy is not easily redirected within the Pentagon procurement process. There is going to be, as we know, stubborn resistance to change.

What I fear most of all is that the bureaucrats in the Pentagon will cling tenaciously to all the cold war relics, programs like the Seawolf submarine, B-2 bombers, F-22 fighters, Comanche helicopters and SDI and revert to the policies and practices of the 1970's.

They will try in this position to sustain cold war defense programs on a post-cold-war budget, and that just simply is not doable.

They will rob the readiness and training accounts to preserve the relics in the process. We will end up with a hollow force. That was a problem recognized even by President Carter as he started to turn around defense spending even before President Reagan came on to the scene. With a hollow force, you have planes that cannot fly because of the lack of spare parts, and you have ships that cannot be put to sea because of the lack of trained crews.

Mr. SASSER. Will the Senator from Iowa yield for a question and observation on that point?

Mr. GRASSLEY. Yes.

Mr. SASSER. The Senator makes a very excellent point. On the question of defense spending going up under the Carter administration, I think the Senator was saying the military build up started up even before the Reagan administration.

Was the Senator aware that in constant dollars, we were spending $232 billion on the military budget in 1975 during the Nixon-Ford administration? It went up to $250 billion by 1979 under President Carter in constant dollars. So that is, what, an $18 billion increase in constant dollars under President Carter.

Under the Clinton program, as proposed here in this budget, we will be spending $277 billion in constant dollars for fiscal year 1994.

So I say to my friend from Iowa that even after the demise of the Soviet Union, in constant dollars we will be spending $45 billion more in 1994 under this Clinton program than under the last Nixon-Ford budget and will be spending $27 billion more than the last Carter budget.

I thought my friend from Iowa, who has such a concern about trying to effect economies in this area and save money, would be interested in those figures.

Mr. GRASSLEY. I will accept the accuracy of the statements. I believe generally I would have that picture in my mind, and I think the point is well made that there is going to be still much money spent. But I think the distinguished Senator from Tennessee will appreciate the fact that with any less spending, still the old process tends to hold sway and that it takes a massive force to bring about change in the Department of Defense regardless of how much less, whether it is a small amount less or greater amount.

Mr. SASSER. I certainly agree with my friend from Iowa.

Mr. GRASSLEY. Could the Senator yield me maybe 5 more minutes?

Mr. SASSER. I will be pleased to yield to the Senator an additional 5 minutes.

Mr. GRASSLEY. So then the Senator from Tennessee does agree that that is a major problem. I happen to believe, even with President Clinton's defense numbers, that a plan need not be a ready-made prescription for such a hollow force that I have spoken about which existed sometime during the Carter administration. A $260-billion-a-year budget should be sufficient to field a force that is fully capable of meeting the demands of world politics of this post-cold-war era. A hollow force need not be Clinton's destiny lest those who have the power of the purse fail to exercise their responsibilities. We must work to maintain the proper balance between readiness and modernization accounts when the Department of Defense money pie is divided up.

Madam President, now is not the time to start carving up the defense pie. Secretary Aspin needs time to clean up the books and find out where we are and make this massive overview that is always necessary when a country is redefining its national security objectives. And we are still in that process, probably not at the same point we were 3 years ago when the Berlin Wall came down and the Soviet Union divided, but we are still in that process. We have to get things correctly defined. He needs time to determine the true costs of defense programs in place today, to make the cuts necessary to bring the Pentagon into line with President Clinton's budget figures, and to connect the new figures to some kind of coherent policy and coherent strategy.

Madam President, the cold war is history. As we are reminded, as colleagues can legitimately remind us, maybe we are not out of the woods yet, at least the cold war as we knew it between 1945 and 1990 is history. The defense budget must now, and can, come down. President Clinton's plan brings it down. The resolution before us keeps it down. Proposals will be made to pump it up again, and I think that these are inconsistent with our military needs in the new world order. That is why I will be voting for the figure that is in the resolution before us.

I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. SASSER] is recognized.

Mr. SASSER. Madam President, the amendment offered by the distinguished ranking minority member of the Budget Committee is not a new one.

Mr. DOMENICI. Madam President, might I just ask, since Senator COATS has been waiting, how much time does the Senator think it will be that he speaks—30 minutes?

Mr. SASSER. I do not think more than 15 minutes.

Mr. DOMENICI. I thank the Senator.

Mr. SASSER. The amendment offered by my distinguished friend from New Mexico, the ranking member of the Budget Committee, is not a new amendment. It was offered and discussed in the Budget Committee markup of President Clinton's budget and was subsequently rejected by a strong bipartisan majority on the committee.

I will not repeat in their entirety the arguments made in the committee by either the proponents or opponents of this amendment. But I would like to briefly make some basic points Members should consider as they decide where they stand on this amendment to increase military spending.

First, assertions by the proponents of this amendment aside, President Clinton has matched the promises made by candidate Clinton on defense spending. All throughout the campaign President Clinton vowed to reduce Pentagon programs by $60 billion over a 4-year period. This promise is spelled out on pages 28 and 29 of his campaign document, "Putting People First."

Under the plan offered by President Clinton, and adopted in its entirety by the Budget Committee, defense programs will be reduced by $59.9 billion during President Clinton's 4 years in office. The additional $29 billion in savings from the military budget would not reduce one single program or dismiss one additional Pentagon employee.

President Clinton achieves savings throughout the entire Federal Government, including the Pentagon, as a result of a Government-wide proposal to reduce the pay of all Federal employees. The President does not just single out military personnel or Pentagon employees. The President says that all Federal employees shall have a freeze on their pay next year—no cost-of-living adjustment. The sacrifice being asked of the Pentagon employees is no more or less than that being requested of employees at any other Federal agency. And if this pay freeze is implemented, this measure will save the Pentagon some $18 billion between 1994 and 1997.

The final component of the President's defense savings total stems from the growing concern that the Bush budget did not fully fund its military programs. And I think even some of our friends on the other side would concede that. If this concern had not arisen, the Clinton savings totals could be reduced by $10 billion between 1994 and 1997.

Interpretation of campaign promises aside, let us talk about what this amendment is really all about. It is about deciding the proper level of military spending in the post-cold-war world.

I call my colleagues' attention to something that is really a collector's item. You will remember when Secretary Weinberger first started publishing this very interesting volume called "Soviet Military Power," which he published first, I believe, in the early 1980's. This was the last one, "Soviet Military Power 1990," put out under the auspices of the Pentagon over the signature of the Secretary of Defense at that time, Mr. Richard Cheney.

Here is what Mr. Cheney said in late 1990:

> Prudence demands that we focus on the most dangerous challenge to our national security. The military might of the Soviet Union is enormous and remains targeted on the United States and our allies. All evidence indicates this fact will not change.

So said the Secretary of Defense, Mr. Richard Cheney, in this volume entitled "Soviet Military Power" in late 1990, I say to my friend from Iowa, this is what they were saying in late 1990. Quoting Dick Cheney:

> Prudence demands that we focus on the most dangerous challenge to our national security. The military might of the Soviet Union is enormous, and remains targeted on the United States and on our allies, and all evidence indicates this fact will not change.

My friends, it has changed. The Soviet Union is no more. It no longer exists. The United States is the only remaining military superpower on the face of the globe.

Here, in this year, 1994, although we are the only remaining superpower on the face of this globe, President Clinton proposes to spend $277 million on the military; proposes to spend over the next 5 years $1.316 trillion; yet is criticized for not spending enough—criticized for not spending enough.

Let us compare what he is spending with other administrations. I have asked the staff of the Senate Budget Committee to compile a listing of what has been spent per year by the military in constant dollars. As my colleagues know, those are dollars corrected for inflation. In other words, $1 in 1975, under this calculation, would be worth the same as $1 in 1994.

Here is what Richard Nixon and Gerald Ford spent in 1975, when Mr. Brezhnev was in the Kremlin and the Soviet Union had the largest army on the face of the Earth, and had tens of thousands of tanks threatening Western Europe, nuclear submarines cruising under the waters all around the world, and intercontinental ballistic missiles pointed at the United States. Here is what Mr. Nixon and Mr. Ford spent in 1975: $232 billion in constant dollars.

President Carter was elected, and there was a feeling across the country that we were not doing enough for military spending. President Carter entered into an agreement with our allies in Western Europe that we would increase defense spending by roughly 2 percent a year in real dollars corrected for inflation. He entered into that agreement with all of our NATO allies. The Carter administration did that, and raised defense spending in 1979 to $250 billion a year in constant dollars. They raised the Ford-Nixon administration some $18 billion in defense spending.

President Carter increased defense spending by roughly 2 percent per year, as agreed upon with our Western allies. None of them did it, though, except the British, probably the country that was most on its back financially. The Germans did not do it. Even though the Soviet divisions were on their border, they did not do it. Just the United States and the British, came close to living up to the agreement.

That was $250 billion a year.

This Clinton budget that is being criticized for not spending enough will spend $277 billion in constant dollars on the military next year, some $27 billion more in constant dollars than Jimmy Carter was spending, and some $45 billion more in constant dollars than Richard Nixon and Gerald Ford were spending. And the only difference is that the Soviet Union has collapsed. There is no other military superpower on the face of the globe other than the United States of America.

I have a criticism of the Clinton defense budget, also. My criticism is that it spends too much, not that it does not spend enough, as my friends on the other side of the aisle would say. My criticism is that, in the world we live in today, $277 billion a year, or $1.316 trillion over 5 years, is too much to spend on the military when you take into consideration the desperate fiscal condition this country is in: enormous deficits, enormous national debt, enormous domestic needs in education, in health care, and in basic research and development in trying to make ourselves competitive in the international world markets.

Our infrastructure is falling down around our ears. Criminality is rampant in the urban areas of this country. And President Clinton is being criticized for spending only $1.316 trillion over the next 5 years on the military; being criticized because he only spends $47 billion more in constant dollars than Gerald Ford and Richard Nixon spent when Brezhnev was ruling in the Kremlin, and the Soviet Union looked as if it were invincible.

Sometimes you wonder if our friends are really serious about these amendments. But I assume they are.

That is what this amendment is about: Trying to determine the proper level of military spending in the post-cold-war world.

I would have thought $1.316 trillion would have been big money by anyone's standards. But to underscore—bear in mind, I think President Clinton is spending too much—the fact that President Clinton provides ample spending for the Pentagon, the Clinton plan would cut the military spending levels proposed by President Bush by less than 2 percent a year on average for the period 1994 to 1998—less than 2 percent a year. Less than 2 percent from a Bush defense budget that even its supporters now concede was overpriced and out of date.

The opponents of this amendment obviously feel that $1.316 trillion is not enough. No; that is not enough. We have to add another $60 billion to this total. And never mind we do not have the money. Why, we will borrow it or do something. We have to have another $60 billion to throw to that Pentagon money mall. They would reduce the Clinton plan defense savings from less than 2 percent annually to less than 1 percent annually.

If this amendment were adopted, military spending would climb to $1.371 trillion, an annual average for the 5-year period of nearly $275 billion.

I know these figures are mind-boggling and you cannot keep track of them. But just remember, $275 billion versus $232 billion in constant dollars when Nixon was in the White House. Is this what the post-cold-war security of the United States requires, I ask my colleagues: $275 billion a year for the military, in a world where the senior military adviser to the President, Gen. Colin Powell, Chairman of the Joint Chiefs of Staff, recently said, and I quote:

> I am running out of demons. I am running out of villains. I am down to Castro and Kim Il-song.

So said the chairman of the Joint Chiefs of Staff.

Now, the third point I would like to make to those listening to this debate is that the $60 billion in program cuts is readily achievable. It can be done in a manner so that nobody gets any pink slips as far as military personnel are concerned.

And, remember, just in order to keep the force at the present level of 1.7 million people, we have to go out and recruit over 200,000 people every year. We have to go out and recruit over 200,000 additional people a year just to keep it at the present level. That is the rate of attrition among military personnel in this country.

So, after looking at the numbers, the programs, and the threats this Nation faces, an objective person could easily conclude that $60 billion in program cuts is too little and not too much.

In examining the options for reducing the Bush military budget, President Clinton has two broad options—today's forces and tomorrow's weapons. I have a table here which illustrates the Bush administration's proposals with regard to force structure for the period 1994 through 1997.

If you will note, beginning in 1993, the Bush administration estimated a base force—and that is active duty personnel—of 1.767 million. They were going to reduce those in 1994, this present fiscal year, from 1.767 million down to 1.685 million. So they were bringing the force down by 82,000 in this 1-year period. Then between 1994 and 1997, the additional cuts were going to be minimal, just another 59,000 personnel out of the base force, so you are down to 1.626 million.

By the end of 1997, President Bush proposed having 1.626 million people in the active force. He proposed taking the 14 active army divisions and shrinking them from 14 down to 12 divisions by 1997. No divisions would be cut in 1994.

He proposed taking the Navy and shrinking it down from the 13 carrier battle groups plus one training carrier to 12 carriers plus one training carrier by 1997.

Bear in mind, nobody else has any aircraft carriers except a couple old clunkers I think the British still have that are left over from World War II, and maybe the French have one. The Russians have one that is not really capable of launching or recovering high performance jet aircraft, and they have another one under construction that they are now thinking about selling, I think, to the higher bidder. Perhaps China is going to buy that aircraft carrier, except the Russians cannot decide who owns the aircraft carrier they are building, whether it is owned by Russia or owned by the Ukraine, so they are in dispute about who actually owns it. But it does not make any difference; we are going to keep 12 battle groups running plus one training carrier.

As to tactical fighter wings, President Bush was going to shrink it down from 27 in 1994 to 26 in 1997. We were going to lose one tactical fighter wing.

Look at this. Strategic bombers—now, bear in mind this is with the Soviet Union gone. Under the Bush budget, we were going to raise the number of strategic bombers—that is B–52's, B–1's, B–2's—up from 194 in 1993 to 210 in 1997.

What was it Will Rogers said? We would be the only country in the world going to the poor house in an automobile. We will be the only country in the world flying to the poor house in a B–2 bomber if we follow this scenario here under the Bush budget. So you are actually going up by 11 strategic bombers under the old Bush program.

The Marine Corps, which I think is one of our best buys in military dollars, we are going to take that down from seven active regiments to six regiments in 1997.

So, that shows you there is plenty of room in the old Bush budget for making some savings, and that is precisely what we intend to do here.

According to an analysis by the Congressional Budget Office and the Congressional Research Service, President Clinton could save $20 to $30 billion of the $60 billion he is proposing just by gradually reducing our active forces down to the 1.4 million level he proposed in the campaign. That is what he said in the campaign. He is going to reduce it down from 1.6 million to 1.4 million. And at 1.4 million, that leaves us a military establishment that is exceeded in size only by Russia and by the People's Republic of China, and, of course, their army does a lot of things. It is in the business of manufacturing radios and heaters. It serves as much as anything else as sort of an industrial arm of that government. So we will have the third largest military force in the world in numbers, and qualitatively nobody can compare to the quality of our weapons. If we shrink this down to 1.4 million, that saves $20 billion to $30 billion.

The second chart I want to show the Senate deals with the weapons systems in the Bush budget. This chart shows 17 weapons systems that the Bush budget called for between 1994 and 1997. That would consume almost $120 billion in budget authority.

Let us just see where we can make some reductions here. We have $5.6 billion we are spending for the B-2 bomber in budget authority, $7.3 billion in outlays under the old Bush budget. Who needs the B-2 bombers? I do not think they are ever going to be built.

We are spending $15.6 billion for a C-17 transport aircraft. This is a very troubled program. There is serious doubt as to whether the C-17's will ever be acquired in any number whatsoever, and some way why buy the C-17 when you can buy the C-5B or 747 at half the price of the C-17 and carry much more cargo.

Or look at the expenditure here for the Trident II, D-5 missile, $6.2 billion. Never mind that the Trident I missile carried by our nuclear submarines already has 8 warheads on its MIRVed warhead—8 warheads, and 24 missiles per Trident submarine. And these hydrogen bomb warheads can exact enormous destruction. One Trident submarine could decimate what was left of the old Soviet Union within 2,500 miles or 2,000 miles of the coastline—and that is just one Trident. But the Trident I missiles, so said some of the Bush defense planners, was not good enough. We needed a Trident II missile that had even more capability and was a little more accurate, not that anything could survive within 50 miles of where a Trident I hit, but we needed a better one.

That is $6.2 billion there. I think that will never be built. I hope it is not.

Then let us look here at the strategic defense initiative—star wars. Hold your hats here, my colleagues: $30 billion in budget authority for star wars between 1994 and 1997. You tell me we cannot save $60 billion out of this defense budget?

The largest single program in this budget is the SDI initiative, star wars, $30 billion. An average annual expenditure of $7.5 billion for this dubious technology. Its 1993 level was $3.8 billion, a level that I thought was much too high and the distinguished Senator from Arkansas and I tried to cut. We did finally get it cut down to $3.8 billion, $500 million, but it took us 3 days on the floor of this Senate. You would think the world was coming to an end, but we did it—$3.8 billion, what was left was too much but that was the best we could do.

In other words, 25 percent of the President's total programmatic savings could be achieved just by limiting SDI to about $4 billion annually. Obviously still more could be saved if one reduces funding on such cold war systems as the B-2 bomber, the F-22 fighter, the C-17 transport and a new aircraft carrier.

In addition to the other weapons systems on this chart, other saving options include intelligence activities. The New York Times says we are spending $29 billion to gather intelligence. We were spending $30 billion, they said, when the old Soviet Union was operating.

Mr. Gates, the former head of the CIA, said 25 percent of their resources were allocated toward spying on the Soviet Union. Well, that is gone now. Surely, we could save some money out of that $29 billion defense budget. CBO says we could save several billion out of the intelligence budgets over the next 5 to 10 years.

How about bringing nuclear weapons production programs in line with arms control? That could save another $4 billion or $5 billion.

President Clinton's $60 billion in program savings could be achieved by implementing four really very moderate proposals. One, reduce the base force down from 1.6 million to 1.4 million—and that is what he said he would do in the campaign; second, holding SDI to a $4 billion expenditure annually rather than $7 plus billion that was allocated under the Bush budget; three, scaling back intelligence expenditures by 10 percent over 4 years.

Since 25 percent of the intelligence funding was going to spy on the old Soviet Union, scaling it back by 10 percent now that the Soviet Union is gone, that seems very, very modest to me.

And four, realigning our nuclear weapons production activities. In light of the newly signed arms control agreements, that can be done.

In summary, President Clinton's defense path is consistent with the pledges made by candidate Clinton. It is more than enough to meet the security needs of this country in the post-cold war world and can be easily achieved without disrupting our military forces.

I think the time of the Senate would be better spent debating whether the Clinton military spending numbers are too high, rather than too low. And I think we will be debating that at some length in the not too distant future.

This whole argument reminds me of a bumper sticker I saw that says: "I long for the day when schools have all the money they need and the Pentagon has to hold a bake sale to build a B-2 bomber."

Well, some of us think that might make some sense in the world in which we live now.

But, simply stated, Mr. President, achieving $60 billion in additional defense cuts and, still giving the Pentagon $1.316 trillion over the next 5 years, I do not think is going to cause any problems out at the Pentagon. Certainly it is not going to endanger the security of the United States. It is a number that is easily achievable.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I yield 10 minutes to my friend from Indiana, Senator COATS.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Madam President, I thank the Senator for yielding me time.

Madam President, I want to spend most of this 10 minutes discussing the amendment itself and the question of what is an adequate level of spending for defense, but I would just like to take 1 minute or so to talk about the budget resolution before us in general.

Madam President, last year's national debate on deficits and spending was serious and sophisticated. All three Presidential candidates were forced to a new level of detail in their proposals. It was encouraging. But it makes this budget resolution all the more disappointing.

The administration has offered budget tricks, hidden taxes, and half-hearted spending cuts. And the President has asked us to approve his plan without seeing most of its details. All this is bad enough. It is unbearable when sold as "a new era of integrity in the budget process."

Where is the promised agenda for change? How many times must we go through this exercise before Congress understands that the American people are not undertaxed, their Government spends too much?

If economic growth is the object, this budget fails. If deficit reduction is the goal, this budget fails. It only succeeds in one exceptional and extraordinary thing: proposing the largest tax increase in American history.

We talk of growing the economy. We talk of stimulus. But massive new taxes constrict our economy and bleed it of productive power.

The budget resolution before us, in my opinion, is too extreme on taxes, too timid on real reform, and way short on spending cuts. And while it calls for change, it essentially repeats the mistakes of the past.

We do not just have a disagreement over numbers here, we have a disagreement over economic philosophy. The Clinton approach is a tried and failed formula.

If the budget before us was something new, we might say, "Well, let us give the President the benefit of the doubt. He wants change. We want change. This is his proposal. Let us give it a chance to work."

Unfortunately, we have seen this before.

In the last decade, taxes have been raised four times explicitly for deficit reduction. In the year following each hike, the deficit actually increased. Since the 1990 budget agreement—legislation with eerie resemblances to the budget before us—the deficit has grown from 3.1 percent of gross domestic product to 5 percent of GDP. Why is this? Because taxes slow economic growth and thus reduce tax revenues themselves. And because Congress has repeatedly failed to enact meaningful spending cuts, even those cuts it previously agreed to make as part of past so-called economic recovery and deficit reduction plans.

So while this budget resolution and this economic plan calls for change, it does repeat, I fear, the mistakes of the past. In the end, I am afraid we are going to hear that tired old refrain: We got the higher taxes, we got the higher spending, and we have a deficit that remains out of control.

Madam President, in my remaining time I would like to address the question of how this proposed budget affects our national defense. And I want to point out that what the Domenici amendment seeks to do is not enact some Pentagon wish list. It does not enact some Republican, conservative support-the-military-give-us-everything-and-we-will-worry-about-the-deficit-later proposal.

All the Domenici amendment does is attempt to enact President Clinton's own proposals as stated during his campaign.

On page 133 of President Clinton's campaign document, Putting People First, President Clinton called for defense cuts totaling $60 billion over 5 years. Now, in the budget resolution before us, it has more than doubled that. In fact, he has taken it up to $127 billion. All the Domenici amendment seeks to do is to bring it back to the level that President Clinton asked for during his campaign.

Larry Kudlow, the chief economist at Bear Stearns, has observed that the economic slowdown, precipitated by the 1990 agreement, cost the Treasury $183 billion in additional revenues when compared with the 4 years prior to the agreement. These lost revenues would have reduced our budget deficit significantly.

We also have considerable experience with proposed spending cuts. Congress traditionally jumps at the opportunity to pass tax increases but finds a million reasons to block spending reductions. More than that, Congress also finds reasons to fund new programs. That is why for every $1 in new taxes, in the 1990 budget agreement, there was $2.37 in new spending.

What we do in this body is decide who gets tax dollars. That is how individual Members gather and measure power. This leads to a natural, upward pressure on the number of programs and the amount of their funding. It is human nature. It is a fact of our history. But it is a habit that must be broken.

Yet the budget resolution before us promises more of the same. It starts with $124 billion in entirely new Government spending—an odd way to begin the task of deficit reduction. It raises taxes by an unprecedented $360 billion. It increases entitlement spending over the next 5 years by over 25 percent. It increases domestic discretionary spending in that period by about 20 percent. This is the definition of tax and spend.

Even on its own assumptions, this budget resolution is not a long-term plan for reducing our deficit. While it will have some short-term effects, after 4 years the deficit will start to rise again. In 1998, by CBO estimates, it will be $228 billion.

The short record that the Clinton administration has compiled on the deficit is already tainted. President Clinton started his campaign promising $3 in cuts for every $1 in new taxes. Now the cuts are $1 for every $3-plus in new taxes.

In the Senate Budget Committee, $96 billion in new cuts were added to the President's anemic program. Why were these additional cuts necessary? Because the Congressional Budget Office announced that President Clinton had overestimated deficit reduction by $67 billion. Sixty-seven billion dollars in cuts were required just to get us back to the starting point.

What, in the final analysis, will this plan accomplish? It increases taxes and guts defense to pay for more domestic spending. This is simply a reshuffling of Federel budget priorities, not a reformation of the way we do business.

The only way to cut the deficit is to cut spending. This is the only real measure of the sincerity of Congress. When Republicans in the Senate Budget Committee proposed 30 amendments with cumulative spending cuts totaling over $900 billion, every cent of those reductions was defeated.

This is disappointing and deceptive. But the new taxes in this plan are deadly. This is where the people of my State feel targeted.

An energy tax is hidden—but its effects are real. And those effects will have a disproportionate impact on my State. This tax will enter directly into product prices, increasing our cost of living and reducing the competitiveness of our products in world trade.

Energy taxes are inflationary—they result in higher prices for everything from groceries to clothing for the average family, because energy and gasoline are major factors in production and distribution of consumer goods.

Estimates from the American Petroleum Council and the National Association of Manufacturers say that the proposed energy tax will destroy 600,000 to 700,000 jobs across the Nation.

There is no doubt about it—the energy tax will hit Hoosiers hard. It will hit Indiana industry—steel and auto, in particular. It will hit our farmers. It will hit our families.

The large U.S. Integrated Steel Manufacturers estimate the energy tax will cost them $400 million per year. One company, NUCOR in Crawfordsville, IN, will shell out an additional $2 million per year—an increase in their rates of over 13 percent.

General Motor's car and truck divisions estimate an additional $270–$340 million per year in energy costs. This comes on top of a loss last year of 27,000 jobs and $4.5 billion.

As the number one steel producing State in the Nation and as a top employer in the auto industry, Indiana will bear a large part of the burden this tax imposes.

Hoosier farmers will be hit as well. The American Farm Bureau estimates that the proposed energy tax will cost U.S. farmers an additional $1 billion. On a typical Midwest farm, the total burden, on average, would be $1,600 per year.

Indiana would be in the top 10 States hit by this new tax burden. The typical Hoosier family of four would pay as much as $600 extra per year. An average American household already spends 7 percent of its income on energy.

Back when President Clinton was talking about a tax rebate for the middle class, he observed the following—"$400, people say it's not very much money. I think it's a lot of money. It's enough for a mortgage payment. It's enough for clothes for the kids, and enough to have a big, short-term impact on the economy."

Four hundred dollars is a lot of money to the average Hoosier family. It is real money. And it will mean real suffering.

President Clinton's economic package is too extreme on taxes, but too timid on real reform. It calls for change, but repeats every mistake of the past. And in the end we will hear the tired refrain: Higher taxes, higher spending and a deficit that remains beyond control.

Madam President, in this budget debate, we are not merely determining America's economic future, we are defining America's place in the world.

That place today is one of honor and influence. For five decades we bore the burdens of the long, twilight struggle. We refused to be intimidated by the largest military force the world has ever known. We paid the cost in resources and lives to contain aggression. And all the while we provided a voice for democratic freedom, and a home for the exile.

Our century has never been more accurately called the American century than at its end. We are history's unique example of power without aggression. We are history's unique marriage of ideals and strength.

But world influence is not something that can be expanded and contracted as quickly as numbers in a budget. Our credibility and power are rooted in decisions made a decade ago. And the decisions we make today will determine America's role in the world for a new century.

To make those weighty choices—choices that will be binding on America's future—we require two things. First, we must have a broad strategy, setting out our Nation's future military needs and commitments. Second, we need a set of hard and specific budget numbers in order to have an informed debate. Unfortunately, at this moment, we have neither. We are being asked to adopt a 5-year defense plan without details on where cuts will come or what their effect might be. We are being asked to make heavy decisions with lightweight resources.

Even though the details of the Clinton defense budget are uncertain, it is clear the direction is dangerous. We are in a bidding war over defense cuts, and no one knows precisely where it will end. In his campaign, President Clinton started with $60 billion in defense reductions over 5 years. But the cuts he now proposes, according to the President's numbers, are more than double that amount.

This comes layered on top of substantial reductions already made by President Bush. As Senator NUNN has commented,

> Those who claim that defense has not been substantially reduced since the end of the cold war are flat out wrong. * * * the Defense Department in the past few years has carried more than its share of sacrifice for lowering the deficit. Indeed, the Defense Department seems to be the only part of the Federal Government that has carried its fair share.

How will an additional $120 billion-plus in defense cuts proposed by the President effect our military? Will our technological edge be dulled? Will the quality of life and morale of our soldiers be undermined? Will we compromise the speed with which we can respond to aggression?

These are questions that echo in a void. We have adopted a mindset of cut now, ask questions later. But this is not just a matter of numbers on paper or grist for political dealmaking. Our choices will determine the quality of our force, the safety of our soldiers, and our ability to act in the world.

Yes, the cold war has ended—not with a bang, but a whimper. Today, America is a lonely superpower. Careful cuts in defense should be carefully considered. But America must remain a Nation firm in its resolve to keep its power and keep the peace. The reason is simple: A dangerous world still demands a sharpened sword.

We do not need the hypothetical wars of the future to prove this point. Just count the dead and count the threats in a world that is supposed to be at peace.

The fragmentation of empires is always a moment of unique and heightened danger. It was true of a disintegrating Ottoman Empire; of the end of British rule in India. It is true among the ruins of the Soviet empire as well. The Russian Republic threatens to descend into anarchy. A nuclear superpower could be on the brink of civil war—for the first time in world history.

Civil disorder rages in Tajikistan. Riots rip through Uzebekstan. Georgia threatens to arm for war with Russia. Instability and uncertainty sweep a continent.

Central Europe—where two world wars began—is again in the grip of nationalist and ethnic violence. The passions that overthrew communism in ancient nations are now turned against each other. Ethnic cleansing is no longer a term from yellowed history books, but a cause of present suffering.

The Middle East is in the midst of what Prime Minister Rabin has called the greatest arms race in the history of the region. Iran is buying the world's best weapons and technology—combining oil money, military power, and an aggressive ideology. It threatens to become a regional superpower, with nuclear, biological, and chemical capabilities—the whole arsenal of indiscriminate death.

Missiles and nuclear technology spread easily from hand to hand. The CIA estimates that 15 or 20 developing nations will have ballistic missiles by the end of the century. The Stalinist leaders of North Korea near completion of a nuclear bomb. The Ukraine, Belarus, and Kazakstan are new members of the nuclear club. How many of my colleagues even know the name of the President of Belarus who now has his finger on the nuclear button. How many recognize that the world's third largest nuclear power is now the Ukraine?

When missiles and weapons of mass destruction proliferate, the world quickly becomes a frightening place. Every third world coup and revolution, every rise to power of an unbalanced tyrant, could present the prospect of blackmail and sudden suffering. Regional threats would be automatically transformed into global crises.

In fact, according to Jane's Defense Weekly, there are currently 73 world flash points around the globe. These include 26 conflicts involving two or more countries at war, or which threaten the stability of a current government. The list also describes 23 areas where there is potential conflict based on ethnic or religious tensions and rivalries.

America faces a confusing world of risk. We still must navigate through mines in the mist. Our defense strategy, and our defense spending, must take this fact seriously. But I have yet to hear a strategy from the Clinton administration. And I have yet to see their specific numbers on spending. The world requires more of American leadership.

A.M. Rosenthal of the New York Times has written,

> and what is American strategic thinking? There may be answers to these questions. But we need judgments on risks as well as opportunities, not only from journalists or congressional supporters but from the one man who carries responsibility for our safety and its conservation.

President Clinton, that is you.

In 1989, when Iraq invaded Kuwait, America faced an uncertain world. But we were certain of our strength. After that conflict, President George Bush could say, with no prospect of contradiction: "No one—no one in the whole world doubts us anymore."

In 5 years or 10 years when conflict comes, will we feel the same confidence? That question should focus our minds like a hangman's noose. And it should cause a debate on the budget that is more sober and serious than the President and his people have been.

President John F. Kennedy, speaking to the requirements of American security, said:

> Above all, worlds alone are not enough. The United States is a peaceful Nation. And where our strength and determination are clear, our words need merely to convey conviction, not belligerence. If we are strong, our strength will speak for itself. If we are weak, words will be of no help. * * * Our successful defense of freedom was due not to the words we used, but to the strength we stood ready to use on behalf of the principles we stand ready to defend.

Madam President, we know our principles. But will the world in the future have questions about our strength? These are the uncertainties that invite conflict and tempt tyrants, and that is why the defense budget we eventually pass in this body will bear and must bear the weight of history.

Mr. President, I want to thank the Senator from New Mexico for the additional time, and I yield back whatever extra time I might have.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I yield myself as much time as I use.

Before the Senator from Indiana leaves the floor, might I not only thank him for coming down here today and helping on this amendment, but his remarks were eloquent. I very much appreciate them. I think he has truly made a point. It serves no real purpose to come down and give a list of hypothetical things that can be cut and should be cut when none of us know exactly what has been planned from the very beginning in the Clinton budget. We have no idea whether SDIO, strategic defense initiative is coming down or going up; we have no idea on anything because we have no budget.

We have never done this before. We never had a budget resolution on defense with no defense budget. It seems you are making a point of why gamble in very difficult times? Do it in an orderly manner, and we would accept orderliness as being his campaign commitment, even though we think that is a pretty big cut, instead of twice that amount without knowing what we are talking about.

The Senator affirms in his remarks that we ought to go with the President's original declared statement of defense cuts and not gamble on a list we know nothing about; is that a fair statement?

Mr. COATS. Madam President, if the Senator will yield.

Mr. DOMENICI. I yield.

Mr. COATS. I will indicate that is a very fair statement. We do face an uncertain world. I wish we could stand here and say 5 or 10 years from now everything will be peaceful and calm, nuclear weapons proliferation will not be a problem; that we will not need to, once again, call on what has been our strength. I think we know we live in an uncertain world. In that event, we need to make very careful and very certain cuts to make sure we have the military to respond to whatever conflict arises.

Mr. DOMENICI. Madam President, as soon as our chairman indicates a willingness, I am prepared to yield back time, if he is, and also to proceed to Senator LEAHY's WIC amendment.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, we are willing to yield back the remainder of the time. If the Senator from New Mexico will hold on, have the yeas and nays been ordered?

Mr. DOMENICI. Madam President, might I do this, if we can find out whether or not we are ready to move the Domenici amendment over to the column with the other amendments on votes tomorrow, if we can get the UC on that, I would very much appreciate it, and then we will be willing to yield our time. Could I take just 2 minutes, while I am standing, off my time and ask how much time remains?

The PRESIDING OFFICER. The Senator has 25 minutes remaining.

Mr. DOMENICI. I just want to take 2 minutes.

Mr. LEAHY. Will the Senator from New Mexico yield for just a moment.

Mr. DOMENICI. I will be pleased to yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Madam President, we would be willing to enter into a unanimous-consent agreement such that the pending Domenici amendment be laid aside to be disposed of following the Brown amendment No. 196. If the Senator would like I can propound this unanimous-consent request.

I ask unanimous consent that the pending Domenici amendment be laid aside, to be disposed of following the Brown amendment No. 196; that prior to the disposition of the Domenici amendment there be 10 minutes of debate on the amendment equally divided in the usual form; and that no second-degree amendments be in order to the Domenici amendment or any other amendment that the Senate has so far laid aside for disposition tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, can we add the other unanimous-consent provision that each side have 5 minutes? Was that in there?

Mr. LEAHY. Ten minutes of debate equally divided in the usual form.

Mr. DOMENICI. I am ready to yield back my time, and I have no objection to that unanimous-consent request.

Mr. LEAHY. We yield back the remainder of our time.

The PRESIDING OFFICER. Without objection, it is so ordered. All time is yielded back.

Mr. DOMENICI. Madam President, I understand Senator LEAHY is going to go next with his amendment, and then I understand, if we have time and I hope we do, we are going to go with Senator GORTON's amendment and see where we are at that point. Is that our understanding?

Mr. LEAHY. That is my understanding on behalf of the chairman.

Mr. DOMENICI. Madam President, I ask for the yeas and nays on the Domenici amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 202

(Purpose: To ensure that fiscal year 1998 funding levels for Women, Infants, and Children (WIC) Program are consistent with the levels requested by President Clinton in his investment program)

Mr. LEAHY. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mrs. MURRAY, Mrs. BOXER, and Mr. AKAKA, proposes an amendment numbered 202.

Mr. LEAHY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the concurrent resolution insert the following:

SEC. . ASSUMPTIONS.

In setting forth the budget authority and outlay amounts in this resolution, Congress assumes that the Women, Infants, and Children (WIC) program will be funded at the level requested by the President for fiscal year 1998.

Mr. LEAHY. Madam President, what I will be doing in the amendment is supporting full funding for the WIC program. The WIC program is the Women, Infants, and Children Supplemental Food Program. As the distinguished Presiding Officer knows, this country has tested various programs to help people less fortunate. Some have worked, and some have worked very, very well. Others have not worked at all. I think as we go through the debate on the budget, all of us must be honest enough to admit if there are programs that do not work. What that is the case, we should get rid of them.

I think most Senators realize that the WIC Program has worked and has worked very, very well. One of the reasons it has worked is that it has received strong bipartisan support over the years.

WIC is set up to help people at a very critical time in their life. It helps low-income women during their pregnancy, or later when they are breastfeeding. It helps the yet to be born when they are developing as a fetus, and later after they are born. It also feeds children during their early developmental years.

Madam President, I feel fortunate that I grew up in a family far from wealthy but one where we had full meals and where we could be assured of decent, good nutrition.

My wife and I were fortunate that with our own children, we were able to do the same. But we could walk out of this hall today, for just a few minutes and find people not so fortunate. We could find infants and pregnant women unable to get adequate nutrition, and not just in Washington, DC. We could put a map of the United States up here, toss a pin onto the map in any community in the United States and do the same thing. We could find pregnant women and infants unable to get adequate nutrition during those very important times.

In fact, when you consider all the pregnant women, infants or children who are eligible for benefits, you find 3.5 million people who cannot get benefits because of funding limitations. In this wealthy, powerful Nation, a nation that is able to produce surplus food, we have 3.5 million pregnant women, infants and children unable to get the WIC program because of funding limitations.

In fact, a GAO study reports WIC only serves 55 percent of all eligible pregnant women. Now that is a disgrace. It is really a disgrace because if you invest in WIC, you are investing in America. You are investing in the future of America with each dollars invested in our children.

I remember the strong bipartisan applause for President Clinton when he proposed to fully fund WIC during the State of the Union Message. I say bipartisan support because we have worked together in the past to support WIC. I think with pride at the number of times when, as chairman of the Senate Agriculture, Nutrition and Forestry Committee, and earlier as a Member, I joined with the distinguished senior Senator from Kansas [Mr. DOLE] in supporting the WIC Program. I see other members of the Agriculture Committee on the floor; the distinguished senior Senator from North Dakota [Mr. CONRAD] who has been a strong supporter and advocate of the WIC Program.

We are one of the industrialized nations that does poorly on infant mortality. Where WIC has been used, we see a reduction in infant mortality. Where WIC has been used, we see improved prenatal care, something that is so important to a child if they are going to be able to make it later on. WIC reduces premature births. Again, just using common sense we know that good nutrition during pregnancy means fewer premature births. WIC provides for basic nutrition needs and it increases the birthweight of babies, something that should come as no surprise.

The Surgeon General's "Report on Nutrition and Health" says that the average medical costs of a low birthweight baby can exceed $39,000. Far better to spend just a few dollars and try to save that $39,000. Invariably we as taxpayers or parents or those who pay for medical insurance premiums, will pay for the extra costs.

Now, I use that example of the $39,000 to put this into perspective. It costs around $30 per month for the food in the WIC food package for that pregnant woman or that child. If you avoid a low birthweight baby, you could save $39,000. WIC provides better care and nutrition for low-income women.

We know that for every WIC dollar spent on a pregnant woman, the associated savings in Medicaid costs for illnesses beginning the first 60 days after birth range from a low of $1.92 to $4.21 for newborns and mothers. Is there anybody here who thinks that we should not be controlling Medicaid costs? Here is one place we can have a direct tradeoff in Medicaid costs through the WIC Program.

I spoke earlier about how we are an industrialized nation. Now, we pride ourselves, and justifiably so, as Americans. We created the world's greatest economy, the world's greatest military, and certainly the world's greatest democracy. We are looked at with envy by so much of the rest of the world. But when you talk about our infant mortality rate, we are number 20 behind 19 other industrialized nations. In case we think we are talking about just supergiants, Hong Kong is ahead of the United States. Hong Kong has a lower infant mortality rate. Singapore does better. Spain does better.

I think that we ought to our budget priorities straight. I will vote for tens of billions of dollars in spending cuts on the floor of the Senate, including some programs that I might have once thought were worthwhile but are not cost effective today. I think President Clinton and the American people made the right choices in supporting the WIC Program.

My amendment is very clear. It says that the budget resolution assumes WIC will be funded at the level requested by the President for fiscal year 1988. That will permit a multiple-year phase-in fully fund WIC.

When the President spoke of putting people first, he promised to fully fund WIC. The American public wants him to carry out that promise. His proposed budget, "A Vision for Change in America," does just that.

Now, I hope that this will not be a matter of real debate in the Senate. In fact, Mr. President, while we have Senators on the floor, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER (Mr. CONRAD). Is there a sufficient second? There is not a sufficient second.

Mr. LEAHY. I ask for the yeas and nays on this amendment, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. I thank the Chair.

Mr. President, I spoke earlier of the infant mortality rates. Let me, if I might, try to do this for the 12 people who still have black and white TV sets. I want you to know you are not missing anything.

Here is the ranking of the developed industrialized, countries. We find that Japan does the best on live births. Next to Japan, Sweden. Next to Sweden is Finland. Next to Finland is Hong Kong. Next to Hong Kong is the Netherlands. Next to the Netherlands is Canada. Next to Canada is Germany, and next to Germany is Switzerland. Next to Switzerland is Ireland. Next to Ireland is Denmark. Next to Denmark is France. Next to France is Singapore. Next to them the United Kingdom. Next to the United Kingdom is Austria, and next to Austria is Belgium. Next to Belgium is Spain. Next to Spain is Australia. Next to Australia is Norway. Next to Norway is Italy, and then finally we get to the United States.

Mr. President, is there any one of us in this Chamber who is a parent who does not love their children and think how wonderful it was that they were born and raised?

Think of the sorrow, though, Mr. President, of those who have seen a child lost at the very time of birth. Think how much greater the sorrow has to be when you realize that was something that could have been avoided simply by adequate nutrition.

In fact, Dr. Nichols, doctor of pediatrics at Baylor College of Medicine, testified before the Senate Budget Committee that 20,000 infant deaths can be prevented each year just by improving prenatal nutrition and care. The Surgeon General's "Report on Nutrition and Health" said that babies with low birthweight had a greater risk of having developmental handicaps, birth defects, respiratory, and other infectious diseases, behavior problems, and other complications.

Study after study has proven the effectiveness of WIC. In fact, at one time USDA officials tried to change the results of one of these studies. The outcry was so strong that they had to admit what they had done.

You do not need to be a pediatrician or a scientist to know that if you have adequate and decent nutrition during pregnancy, that the mother is going to be in better condition and the child, when born, will also be in better condition. You do not need to be a pediatrician or a scientist to know if that child, in the first years of his or her life, gets decent, adequate nutrition, that child is going to be better off.

I have said in various other contexts that we do have a commitment to our children because they are the future of this Nation. It was once said that if you want to touch the past, you touch a stone; if you want to touch the present, you touch a rose; but if you want to touch the future, you touch a child.

This is one way that children can be touched from the moment they are born, with decent nutrition. That is not a political judgment. That is just plain common sense. If we want to compete with the rest of the industrialized world, we do not want to have high infant mortality rates. If we want to have an educational system second to none, we do not want children going to school without adequate nutrition.

But ultimately it comes down to one other thing. For 19 years I have been saying on the floor of the Senate that, if we do not address hunger issues in America, then we are not facing up to our own sense of morality. We have been blessed as no other nation on Earth with secure borders, great expenses of land, the ability to produce enough food for 250 million people, and also have food available for sale or delivery to tens of millions of people around the world.

We use far more of the world's resources than any other nation on Earth. Having done all that, out of a sense of morality, we should not condone hunger and hunger-related diseases or disabilities in our Nation. It strikes at the very moral fiber of this Nation when we do.

There has to be some sense among all of us no matter what our religious background, no matter what our philosophical background, that if we are so blessed as a nation, we owe at least some responsibility to those who go hungry in this Nation. How can we say to the Nation that we can accept the blessings bestowed on us, but allow people, sometimes millions of people, to go hungry?

And certainly when we consider the most needy, the low-income newborn infant or the pregnant woman who is at nutritional risk, they ought to be given an opportunity to have some of the nutritional benefits that the rest of us take for granted.

Mr. President, I know that the distinguished Senator, Senator MURRAY is here. I know she also has strong feelings about the WIC Program.

How much time is available to the Senator from Vermont?

The PRESIDING OFFICER. The Senator has 20 minutes and 18 seconds remaining.

Mr. LEAHY. Mr. President, how much time would the Senator need? I yield 5 minutes or such time as the Senator from Oregon needs.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. LEAHY. I apologize. I was thinking Washington State as I said Oregon. I apologize to the distinguished Senator from Washington State. I rarely make that mistake, especially as one of my best friends, my former chief of staff, lives in Everett, Washington. I was talking with him just hours ago. I had that in mind.

Please, I hope that the Senator from Washington State will accept my apologies especially as she comes from such a wonderful and beautiful State.

Mrs. MURRAY. Thank you, Mr. President.

No apology is necessary. Oregon is a beautiful State. However, I am glad to represent the State of Washington.

Mr. President, I rise today to thank my colleague from Vermont and to also fully support this amendment that will fully fund the program of WIC.

WIC is one of the programs that helped prevent health problems caused by inadequate nutrition. The program provides food and nutrition education to low-income pregnant women, new mothers, infants, and children under the age of 5.

My colleague from Vermont has done a fabulous job in outlining why this program is so essential for us to fully fund today. We know that it improves the health of mothers and babies and it reduces health care costs at a time when our Nation is facing a $820 billion health care budget. We know that every dollar invested in the program produces a $2 to $4 Medicaid savings for newborns and their mothers.

However, currently, only about three-fifths of all the eligible women, infants, and children are served by the WIC Program. Over 3 million children and pregnant women do not receive WIC's cost-effective benefits because of inadequate funding.

The benefits of the WIC Program are undisputed. When combined with adequate prenatal care and good women's health care preconception, the benefits of WIC are multiplied. WIC lowers the occurrence of late fetal death. Children who participate in WIC are better prepared for school. And, WIC benefits help motivate women to seek prenatal care earlier in their pregnancies.

So often we talk on the floor of the Senate about programs that general, average people say, gosh, will that ever affect my life. In fact this morning I was speaking to a very large group here and I told them how important it was that as U.S. Senators and Congressmen we begin to pass policies that general, average people who get up and go to work every day say, that is going to make a difference in my life. People like me, people who are raising kids, people who are caring for their parents, people who are balancing their own paychecks and their jobs, want us, as U.S. Senators, to pass policies that make a difference for real people.

After I spoke, a woman from the audience came up to me and said: "WIC is one of the programs you are talking about. I was on WIC when my children were young and it made a difference for me. Because that program was there, I today am a fully participating member of the U.S. citizenship. I work, I am raising my family, and I am here today doing that because WIC was available for me." And she said to me, "I hope that you can continue to fund this program for other people, it was there for me when I needed it, I want it there for others."

I want to thank my colleague for offering this amendment and urge all of my colleagues on the floor to support this amendment. It is important for everyday average people in our country.

Mr. President, I yield the time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Washington for her statement and, of course, I certainly thank her for her support of what is an extremely important sense-of-the-Senate resolution. I believe that if we have a strong vote on this supporting WIC, it will send a clear message of where Senators stand on this issue, especially when we look at some of the very specific funding amounts later.

Mr. President, I understand from the Senator from New Mexico that he wishes to speak and I will be glad to yield to him on his time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first I thank Senator LEAHY for trying to save as much time for a couple other amendments that we hope to be able to offer today before we leave at 7 o'clock or so tonight.

I do want to say to him that I am waiting for Senator HATFIELD. I believe he is going to come down and use a little bit of my time, and he will have an amendment. I think he is just going to talk about another health issue and perhaps offer his amendment related to this when we get to the offering of amendments that are not listed and that we have not agreed upon for today.

I just want to make a couple remarks about this program and the current situation in our country, because there are literally scores of Senators on both sides of the aisle that support the WIC Program. There are many, many of those who are worried about the health of newly born infants who support this program.

It is a very, very good program. It is innovative in the sense that a parent gets the WIC program almost like a doctor's prescription. You get precisely what the WIC program offers for that nutritional program and nothing else, which is kind of an exciting way to approach something in our country. You really are going to get a rather effective response. Benefits are not going to be traded in for something else. It is not going to be abused. It is just kind of like the doctor prescribing medicine for you. That is what you get. If you take it, presumably you get better.

So it is an effective program. Those who are concerned about what our country is doing in this regard as it might relate to infant mortality rates, I have not heard a direct relationship from anyone who has done research on that, but the program probably has some effect.

Let me just tell you that this program has received a 47-percent funding increase since 1989. So we have been very busy up here accepting the admonitions of our friend, Senator LEAHY, and others. Senator DOLE has been a strong booster of this, among others. It has gone up 47 percent since 1989. It is now $2.8 billion during this fiscal year, and clearly it is going to continue up.

I want to make the point, however, that I think if the Clinton budget is going to be adopted, clearly everybody ought to vote with Senator LEAHY and give their support to this program. Among the Federal programs, it is a good one and everyone knows that a sense-of-the-Senate resolution is about the best thing Senator LEAHY can do to indicate support.

The appropriators end up deciding how much they are going to put in, and we have many times on the floor, I must say, had assumptions that they did not live up to. It is their prerogative to take all the moneys that are going to be appropriated and divide it up, and those subcommittees decide what they are going to spend money on.

I imagine—in fact I am with this statement saying to my staff, and perhaps asking a few of the minority staff of Appropriations, to follow clearly if

President Clinton's budget passes in its entirety and all of this new money goes, to follow that to see if the President's desired list of new programs get accomplished.

I would be very surprised if the appropriators took the entire list of things he said he wanted that are new that he wants to add to. They probably will find areas he forgot, areas they think are more important.

All we are doing when we adopt the Leahy amendment, and I in no way with these remarks have anything but praise for it, but all we are doing is saying from the standpoint of the Senate we would like to express our desire and our support for the WIC program and, we hope you fund it as much as the President asks for. That is really about it, because you cannot direct the appropriations in this. If you start doing that, it is immediately out of order. The appropriators will come down here and say there is nothing in the budget law that permits you to do that or, in fact, the budget resolution would become the appropriating mechanism for the Congress and everyone knows that is not the case.

The budget resolution does not do the appropriating for the Congress, does not carry out the appropriations for the President. It is a blueprint and within it certain assumptions are made.

So anyone that wants to support this can do it on the basis that I just explained.

They can do it on another basis, clearly legitimately. They can say, "I support this so much, that when it comes time I am not going to support other domestic programs as much." They can say that, too. One may vote for it, as many might, and say "If I have to choose I will choose this over many other domestic programs. I would not fund others so much so we will come out just the same on the budget. But I am for this a little more than the others."

But you cannot do that today, because that is not what we are talking about. We are talking about numbers, raw bulk numbers that go to committees and then they make the decisions.

Having said that, while I wait for my friend, Senator HATFIELD, I want to make two additional remarks.

We are getting close to the end of the day and I wanted to summarize because there are more and more people who are asking us a little more about what is in the President's plan and what is in this budget. They heard a speech by the President. They hear a lot of things by other people, and some are wondering what is in it.

So one more time I repeat what is in it in very general terms, but I think it is pretty much true. There is not any doubt, the one thing that is for certain in this budget is that there are $295 billion in net new taxes. One might say they do not want the energy tax; one might say they do not want the income tax; one might say they do not want another tax, that is in this proposal. But the truth of the matter is there are only certain things you can tax that are left around this country, and the President has proposed income tax marginal rates going up, surtax on millionaires, a very large energy tax amounting to well over $72 billion gross.

If you do not want one of them or the other, the truth of the matter is you cannot escape one thing. You are voting for $295 billion in new taxes and you are ordering the committee that produces taxes to do that.

So that is one thing you are doing.

You are also saying that there is $124 billion in new programs and add ons to existing programs. Let me repeat the number: $124 billion. We are not certain exactly what they are going to be, but we can take the President's list that he has told the American people about and we can say they are in this long list of things he wants to add to the budget.

Now the Senator from New Mexico wants everybody to understand one more time that this is an add-on to the domestic programs. While the President is saying let us cut some domestic programs, the only problem is he cuts $131 billion and adds $124 billion.

I think the other thing we should all know is that all of the domestic programs get cut $7 billion net, while we are raising taxes $295 billion.

So what is left? What is left is what my friend, the chairman, has been talking about this morning. We are cutting defense. And defense is getting cut to make up that difference that has been spoken of by way of cuts. The end product is that the $295 billion in net new taxes is still about 3 to 1, just slightly less than 3 to 1 new taxes to spending cuts. About $3 in new taxes; about $1 in spending cuts.

I use that because while we want WIC to go up—and many are going to vote for it on the basis that it should be the highest priority among the domestic programs and thus justify saying. "I want to be on record as being for funding it fully"—there is no real significant domestic savings in this budget before us.

And just in case Americans were supporting this thinking there were, I just want to make sure that everybody knows that has not changed. There still are not very many net cuts in the domestic side of this budget.

Mr. President, I yield 10 minutes to Senator HATFIELD.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 10 minutes.

Mr. HATFIELD. Thank you, Mr. President.

Mr. President, I first would like to associate myself with the pending amendment by the Senator from Vermont [Mr. LEAHY] indicating my agreement and support for putting a special focus on the Women, Infants, and Children Care Program. Senator LEAHY has, for many years, been the leader, both in the Appropriations Committee and on the floor on behalf of this program.

AMENDMENT NO. 206

Mr. HATFIELD. Mr. President, I have an amendment filed at the desk upon which I would like to speak at this point. I believe it is No. 206.

Mr. President, last year a significant milestone passed unnoticed by many in this body. For the first time in over 20 years, Congress funded the National Institutes of Health below the level of funding requested by the administration. This is for all areas of medical research, mental and physical. I noticed, Mr. President, and I considered it a warning sign that our biomedical research enterprise was, like so many other valuable endeavors around here, falling prey to the budgetary squeeze.

As the ranking member of the Appropriations Committee and a member of the Labor/HHS Subcommittee, I know all too well the difficulties we face in dividing an increasingly strained financial pie among our domestic priorities. Yet I also know that if we do not place a priority on those tools within our arsenal which are true investment opportunities, we will have done less than our best to maximize the use of Federal dollars which have been entrusted to us by the citizens of this country.

The United States has built an impressive biomedical enterprise over the last 200 years. Today, the National Institutes of Health boasts the world's largest research hospital, supports medical research in nearly 1,700 institutions throughout the country, and has backed the work of more than half of the 100 scientists who have been awarded the Nobel Price of medicine and physiology since World War II.

The fruits of this enterprise, however, are strikingly little known and underappreciated. Medical research has enriched the lives of millions of individuals by improving human health, reducing disability, increasing productivity, and enhancing the quality of life in this country and abroad. Yet now many Americans identify increased medical research as one of the answers to the pain and suffering caused by disease and disability? How many Americans understand that advances in medicine today have been made possible through the prudent investment of their tax dollars in this enterprise? Clearly, not enough.

The budget resolution before us today does not reflect the kind of increased investment in biomedical research we need in order to end disease and disability in this country. Therefore, I rise today, Mr. President, to urge my colleagues to endorse a sustained investment strategy in health research and development over the next 5 years. Further, as a body, I hope we will recognize today that biomedical research is a critical part of an effective national strategy for addressing our current health care crisis.

The achievements in medical research to date are due, in large measure, to strong Federal support for this public-private partnership. In 1991, the Federal Government's share of national health research an development exceeded 40 percent. Appropriations to the National Institutes of Health which supports nearly three-fourths of the Federal health research and development effort, have more than doubled over the past decade. This resolve has enabled the NIH to fund over 29,000 research grants and to train nearly 14,300 research scientists in fiscal year 1992.

The biomedical sciences have entered an era of unprecedented opportunity that offers promise of developing the means to prevent or cure diseases which have long afflicted humankind, to reduce the costs of health care, and to increase the productivity of our Nation and its citizens. Yet by financial measurements, all the trendlines are heading downward for the NIH.

Fault lines are forming in the pillars upholding the biomedical enterprise. The squeeze in Federal fiscal constraints and competing budget priorities are pressuring its very foundation. The funding of NIH research grant applications which have been reviewed and found eligible for funding has fallen below 15 percent in some Institutes and under 25 percent in most, compared with rates of 30 percent or more in the preceding two decades. In 1976, the overall award rate for research grants at the NIH was 48 percent—we funded half of all the peer reviewed, approved grants that were submitted by researchers. In 1992, the overall award rate was 26.7 percent—meaning that 3 out of every 4 grants that were recommended for funding went unfunded; 75 percent of approved research is unfunded. Under the fiscal year 1992 appropriation, the overall NIH award rate will be about 24.3 percent—half of the percent that we funded in 1976. Simply put, we are not funding the same amount of quality science that we funded in 1976.

Field surveys by the National Science Foundation reveal that as much as 50 percent of the laboratory instrumentation around the country is inadequate for current research needs. Nearly 40 percent of all research space is judged to be in need of repair in order to be used more effectively.

The translation of basic research to clinical application and patient care, the ultimate measure of the value of biomedical research, is at risk: In the last 2 years alone, nearly $280 million in clinical trials were not initiated due to lack of funds.

Repair of these fault lines is essential if we are going to maintain the momentum established over the last 200 years. Without repair, we will slow the pace of research and miss important research opportunities. Opportunities such as: First, gene therapy—recent clinical trials show great promise in treating certain forms of cancer and severe immune deficiency; second, cancer care—detection, treatment, and most importantly, prevention; and the other two in the big three—opportunities in heart disease and AIDS.

Without repair, new investigators will become discouraged and leave the field as the percentage of approved grants funded each year continues to decline. Without repair, instrumentation and facilities needs will go unmet further slowing research progress. Without repair, the necessary pool of young trained investigators will not be available to lead this important endeavor into the next century. Without repair, we stand to lose our position as the world's leader in biomedical sciences and technology.

These impending threats are very real, and come at a time when the opportunities in this field are limitless. It is estimated that approximately $800 million in NIH-supported clinical and applied research has the potential to realize 1-year savings of between $5.2 billion and $6.7 billion based upon 1989 prices.

One month ago, Mr. President, the Senate approved, by vote of 93 to 4, S. 1, the authorization for the National Institutes of Health. By virtue of its special status as the first bill introduced in the 103d Congress, this bill, which is currently in conference, should have set a national priority on the work currently underway at the National Institutes of Health. The bill authorized $18.4 billion in budget authority for the biomedical research enterprise.

Yet, the budget resolution we consider today does not reflect the national priority S. 1 promised for biomedical research. The budget resolution does not adequately address the kinds of increases needed in health research and development to keep the biomedical enterprise on a forward track.

Earlier this month I sent a letter to the distinguished chairman and ranking member of the Senate Budget Committee asking for increased budget authority for the health function, so that the Appropriations Committee can provide increased funds for the NIH in the fiscal year 1994 appropriations process. I urged the committee to consider a 15-percent increase from current year funding, an increase of $156 billion. If we were able to increase the NIH budget by 15 percent each year for the next 5 years, we could double the budget in current dollars by 1998, and in the process, raise the ratio for funding approved research grants to 1 in 3.

I ask unanimous consent that this letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. Mr. President, since this level of increase was not reached in committee, I come to the floor today with a simple sense of the Senate resolution, amendment No. 206, calling the attention of my colleagues to the state of affairs in the biomedical research enterprise and asking for an endorsement of a long-term investment strategy in this area.

The promise of biomedical research must be viewed in terms of its return in human terms and in savings to the Federal Government. Biomedical research creates new treatments, new products, new jobs, and new industries. Investments in basic and clinical research have provided a firm foundation for advancements in biotechnology, pharmaceuticals, and medical devices. In the biotechnology industry alone, sales totaling $6 billion in 1992 are expected to reach $60 billion by the turn of the century. For every dollar that we invest in medical research, $13 are saved in health care costs, absenteeism, and lost productivity. Not many other Government programs can boast of a 1-to-13 return for every dollar invested. Furthermore, NIH-supported research creates jobs in virtually every community in America.

How many of us have said on this floor that the future of America's economic viability depends on controlling entitlement growth and addressing the rising costs of health care? We must develop an effective strategy to control the growth in health care costs which in 1992 represented 14 percent of GNP and are projected to reach 18 percent by the year 2000. A report just released in my State indicated that health care costs rose 14 percent in 1991 and 1992 in Oregon and nationally, at a rate of 12 percent. The report forecasts that health care spending in Oregon will reach $25 billion by 2000 without State and national reform of the health care system. Fortunately, last Friday Secretary Shalala granted Oregon a long-awaited Medicaid waiver so that the State can proceed with implementing the Oregon health plan, which will ultimately result in universal access to health care within my State.

Currently, the United States spends over $800 billion annually in health care, yet less than 2 percent is reinvested in the study of illness, disability, and disease. The defense industry, in contrast, allocates 15 percent of its budget for research and development. This inequity is now emerging and shouting its vulnerability to an absent audience.

We as a Nation stand little chance of achieving long-term solutions to our health care crisis unless we expand our knowledge about the best methods to manage and control disease. Biomedical research is the logical, but often forgotten partner in any plan crafted to reform our Nation's lumbering health care system. I am concerned that we have heard very little about the role of medical research in health care reform or as a sound economic investment, either from those in the administration or those in Congress.

The President did include $300 million for fiscal year 1994 in this "Vision of Change for America," for a variety of activities related to the Public Health Service. Within this category, however, NIH research is just one of four items: AIDS, women's health, and immunizations. It appears that the President's budget will provide for level funding for the NIH, which will continue to slow the progress of biomedical research.

I recall in 1982, when President Reagan gave his State of the Union Address, he stated:

> The protection of our national security has required that we undertake a substantial program to enhance our military forces. * * * A recognition of what the Soviet empire is about is the starting point. Winston Churchill, in negotiating with the Soviets, observed that they respect only strength and resolve in their dealings with other nations. That's why we've moved to reconstruct our national defense.

As a result, a substantial defense buildup was embarked upon by the Reagan administration and the Congress. Military spending increased by $120 billion under the Reagan administration, in fact, in 18 months the military spends on research and development what the NIH has spent since the turn of the century. In the past decade, U.S. military spending more than doubled, from less than $130 billion in fiscal year 1979 to $300 billion in fiscal year 1989.

Even today, we continue to protect the budget of the military. This morning my friend, Senator NUNN, the chairman of the Armed Services Committee, offered an amendment which would seek to prohibit the ability of the Senate to utilize defense cuts for other domestic programs. While I have great respect for my colleague from Georgia, I must disagree with his assertion that the defense budget should be insulated from further reductions because it already has absorbed adequate cuts.

While it is important to set our targets through the budget resolution process I cannot see the value of putting up fences around defense. I recognize that Senator NUNN's proposal is not new, that we have for quite some time been living with restrictions on our ability to alter the defense number in this budget. But I do not see any wisdom in making inalterable, final decisions on how we allocate our resources to benefit national security unless we are willing to redefine national security programs beyond simply the Pentagon's activities.

We need to embark upon a disease defense buildup like that undertaken in the 1980's to respond to the perceived military threat of the Soviet's. Repair of the faults threatening the integrity of our biomedical enterprise and our health care system will require nothing less than a mobilization of resources and resolve. We must reorder our Nation's budget priorities from programs which destroy life to those which will preserve and enhance life.

A strong nation and strong economy are dependent on a healthy population. As our former colleague, Warren Magnuson, used to say, "health is the wealth of the Nation." The first link in the chain of maintaining a healthy people and healthy economy is medical research supported through the National Institutes of Health. I urge my colleagues to support this amendment as a first step to an increased Federal focus on America's biomedical research enterprise.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 9, 1993.

Hon. JIM SASSER, *Chairman,*
Hon. PETE DOMENICI, *Ranking Member,*
Senate Budget Committee,
U.S. Senate, Washington, DC.

DEAR JIM AND PETE: As you prepare to mark-up the FY '94 Budget Resolution, I hope you will increase the budget authority for the health function so that the Appropriations Committee can provide increased funds for the biomedical research enterprise at the National Institutes of Health (NIH). I urge the Committee to consider the high return rate on the federal dollar in this area, $13 for every $1 invested, when looking for opportunities to hasten the economic recovery currently underway in America.

The future of biomedical research and its contribution to our society is limited currently by financial constraints. Last year Congress appropriated $10.4 billion to the NIH. While this was an increase over previous funding levels, it is inadequate in several respects. The United States currently spends over $800 billion annually in health care, yet less than 2 percent is reinvested in the study of illness, disability and disease. The defense industry, in contrast, allocates 15 percent of its budget for research and development. This inequity is beginning to show.

Within NIH itself, fault lines are forming in the pillars which support the biomedical enterprise; the squeeze of federal fiscal constraints and competing budget priorities are pressuring its very foundation. The funding of NIH grant applications which have been reviewed and found eligible for funding has fallen below 15 percent in some categories and under 25 percent in many, compared with rates of 30 percent or more in the preceding two decades. Field surveys by the National Science Foundation reveal that as much as 50 percent of the laboratory instrumentation around the country is inadequate for current research needs. Finally, the translation of basic research to clinical application and patient care, the ultimate measure of the value of biomedical research, is at risk: in the last two years alone, nearly $280 million in clinical trials will not be initiated due to the lack of funds.

Biomedical research is the logical, but often forgotten, partner in any plan crafted to reform the nation's lumbering health care system. Conducting research to improve health and cut health care costs is a surefire way to find the dollars to provide the coverage Americans want and expect, and in addition, it creates jobs. In 1990, at the request of Congress, the NIH identified examples of NIH-supported research leading to health care advances that had resulted in dollar savings in terms of lower medical costs and recaptured wage earning potential from reduced illness of disability. For example, the NIH invested $679,000 in research for lower cost treatment for kidney stones, resulting in a savings of $300 million minimum annually. Twenty-seven million invested in alternatives to heart bypass surgery have resulted in a savings of $258 million annually. Numerous striking examples abound.

I believe the budget resolution for fiscal year 1994 should reflect a greater emphasis on the needs of the biomedical research enterprise. I hope you will consider a fifteen percent increase from current year funding by raising the amount of FY '94 budget authority for the health function (550) by $1.56 billion, so that we can work together on the Appropriations Committee to achieve a fifteen percent increase in the NIH budget. If we were able to increase the NIH budget by 15 percent each year for the next five years, we could double the budget in current dollars by 1998, and in the process, raise the ratio for approved research grants to 1 in 3.

In order to offset these additional sums, it would be most appropriate to look towards the national defense function (050). While I understand that the defense budget will be reduced this year, I am confident that additional funds could be subtracted in order to support domestic health programs in the manner described above.

Thank you for your consideration.

Kindest regards.

Sincerely,

MARK O. HATFIELD,
Ranking Minority Member.

Mr. HATFIELD. Mr. President, I hope this amendment can be accepted by both sides at the appropriate time.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself 2 minutes on the amendment.

Mr. President, I wanted to just compliment my friend, Senator HATFIELD, for his eloquent statement and for the philosophy and issues that he raises in it. I do not think there is any question but that, other than for a couple of programs within NIH, maybe AIDS and one other, that there is not a substantial increase in the NIH budget proposed by the President. Is that correct?

Mr. HATFIELD. That is correct.

Mr. DOMENICI. And I think he makes a very good point. We are talking about investments. Clearly I always asked, is the National Institutes of Health an investment? And I get an immediate response that it is.

Also, within the NIH, and I am sure it is controversial but it surely has some wellness and some preventive health potential of high magnitude, the genome or genetic research program is two-thirds within NIH. That is about $186 million a year. We hope it grows at least with inflation so it can continue to take the chromosomes in the human body and map them, so eventually our great medical and biomedical scientists will be able to, perhaps, find cures related to the location of defects within the chromosome system. I am sure that is one of the many kinds of wellness, prevention, disease elimination, and disease control ideas that my friend Senator HATFIELD had in mind.

Mr. HATFIELD. I thank my colleague.

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. DOMENICI. I am ready to yield back time on the Leahy amendment if the chairman is.

Mr. SASSER. How much time is remaining on the Leahy amendment?

The PRESIDING OFFICER. The Senator from Tennessee controls 35 minutes and the Senator from New Mexico 36½ minutes.

AMENDMENT NO. 202

Mr. SASSER. Mr. President, let me just speak very briefly on the Leahy amendment.

I rise in support of the amendment offered by the distinguished Senator from Vermont. I am pleased to tell the Senate that this budget resolution as reported by the Senate Budget Committee, provides sufficient resources to fully fund the program for feeding women and infants in 1996, as called for by President Clinton.

The WIC Program, the so-called Women, Infants, and Children Feeding Program, probably has been one of the most successful domestic programs of the last 20 years. I think most unbiased observers would say that the Federal Government, the American people, and the overall economy has been well served by the WIC Program. For what is a relatively small amount of money it has delivered services to these women, by way of prenatal nutrition, that has reduced significantly the number of smaller babies or babies that are not carried to term who, as a result, have reduced medical expenses necessary to care for these premature babies.

It is not uncommon for a premature baby born to a mother who has not had adequate nutrition to cost as much as $30,000 to $40,000 a week, just to maintain them in some of the hospitals where these babies are treated and where an effort is made to try to sustain life.

There is no question that this program has been very helpful and been a significant improvement, allowing deprived children to grow up strong and healthy, and not hungry and weak and susceptible to disease and other maladies later in life.

Early this year, the Department of Agriculture listed some of the outstanding accomplishments of the many State WIC agencies. What is so remarkable is the dedicated people who are involved in this WIC Program, the Women, Infants, and Children Feeding Program. They are primarily women. In Florida, for example, WIC on Wheels provided immediate support to participants after Hurricane Andrew had literally devastated south Florida.

In Oklahoma, Illinois, Kansas, Louisiana, Maryland, Massachusetts, North Carolina, the State of Washington, management improvement by State WIC agencies improved the quality of care for all of the children in that State.

In my own State of Tennessee, for example, some 35 percent of the eligible women, infants, and children, are not being served by WIC. I have gone up into the mountainous areas of Tennessee and met with some of the dedicated women in the WIC Program there. I have seen some of the results of their efforts as they move into these poor areas in Appalachia, where there is not work, through no fault of the husband in the family. He is simply unable to find work. And you hear tales of children not getting adequate nutrition, going hungry, going to school hungry, infants being hungry.

The WIC Program has been a godsend for many of these families who otherwise would be in very desperate straits, and a godsend for the infants and children that it serves.

As I say, 35 percent of the children who are eligible in my State are not being served, and I intend to see these people get the services they need when and if this Clinton budget as modified is passed.

Last year, nationwide some 2 million eligible children were not served by the WIC Program; 2 million children in this country at nutritional risk. And if you walk around, you can see some of them when you get into some of the deprived areas. You see some of them as young adults. They are slight of frame and stature. They do not seem to have the look of quickness and intelligence in their eyes that you see in others who have gotten adequate nutrition in their formative and growing years.

President Clinton has addressed this problem in his budget plan. He has called upon Congress to fully fund WIC by 1996. I think we ought to heed the call of the President of the United States in this particular instance. He knows what he is talking about. He was Governor of a State where he saw the same rural poverty that I have seen in my native State of Tennessee and has seen these young children and infants in their mother's arms who clearly did not have adequate food, clearly were not getting the kind of nutrition that their young bodies needed to grow, and their young minds needed to develop the intellectual capacities that they would ordinarily develop if they were getting adequate nutrition.

This is really not a partisan matter at all. This WIC Program has support on both sides of the aisle, probably much more over here than the other side, but there is considerable support for the WIC Program among my Republican colleagues as well. And indeed President Bush in his budgets sought to increase funding for WIC in many instances.

But if the November elections were about anything in this country, they were about change, and the American people called for a new direction. They called for an end to stagnation. They called for an end to neglect. I think it is time to rebuild our crumbling infrastructure. It is time to create meaningful jobs for all of our citizens; I mean well-paying jobs. And yes, I think, Mr. President, it is time that we got about the business of feeding the hungry children who are among us. This amendment calls for the Congress to do just that. I am pleased that the distinguished Senator from Vermont offered this amendment. I am pleased to see our very able new colleague, Senator MURRAY, of Washington, come and speak so strongly in support of this amendment.

So, Mr. President, I urge my colleagues to support this amendment when it comes before us for a vote Tuesday or Wednesday of this week.

Mr. President, I am prepared to yield back the remainder of our time on this amendment if my friend on the other side is prepared to yield back his time.

Mr. DOMENICI. Mr. President, I am prepared to yield back the remainder of the time, and I assume we will have the typical unanimous-consent request.

Mr. SASSER. I yield back my time and I ask for the yeas and nays on the Leahy amendment, if they have not already been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. SASSER. Mr. President, I ask unanimous consent that the pending Leahy amendment be laid aside to be disposed of following the Domenici amendment No. 198; that prior to the disposition of the Leahy amendment, there be 10 minutes of debate on the amendment equally divided in the usual form; and that no second-degree amendments be in order to the Leahy amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, at this point, I would also like to clear up a procedural point that we left unresolved this morning during consideration of the amendment No. 189 and amendment No. 192, proposed by the senior Senator from Georgia.

This morning the Senator from Georgia requested that a short period for debate on these amendments be scheduled prior to the votes on these amendments in a manner similar to that of other amendments. We assured the Senator from Georgia we would seek such debate.

In furtherance of that commitment, Mr. President, I ask unanimous consent that prior to the disposition of the Nunn amendments numbered 189 and 192, there be 10 minutes of debate on each amendment equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, the next amendment in line, according to our unofficial agreement, is an amendment to be offered by the distinguished Senator from Washington [Mr. GORTON]. I see he is on the floor at the present time.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 209

(Purpose: Delete increases in inland waterways diesel fuel user fee and offset the revenue losses by reducing domestic discretionary increases by equivalent amount including a sense of the Senate that the WIC, Head Start, and childhood immunization programs be held harmless from these spending reductions)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. BOND, Mr. LOTT, and Mr. COCHRAN, proposes an amendment numbered 209.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 18, decrease the amount by $19,000,000.

On page 2, line 19, decrease the amount by $64,000,000.

On page 3, line 2, decrease the amount by $127,000,000.

On page 3, line 4, decrease the amount by $251,000,000.

On page 3, line 6, decrease the amount by $329,000,000.

On page 3, line 10, decrease the amount by $19,000,000.

On page 3, line 11, decrease the amount by $64,000,000.

On page 3, line 12, decrease the amount by $127,000,000.

On page 3, line 12, decrease the amount by $251,000,000.

On page 3, line 14, decrease the amount by $329,000,000.

On page 4, line 6, decrease the amount by $19,000,000.

On page 4, line 7, decrease the amount by $64,000,000.

On page 4, line 8, decrease the amount by $127,000,000.

On page 4, line 9, decrease the amount by $251,000,000.

On page 4, line 11, decrease the amount by $329,000,000.

On page 4, line 15, decrease the amount by $19,000,000.

On page 4, line 16, decrease the amount by $64,000,000.

On page 4, line 17, decrease the amount by $127,000,000.

On page 4, line 18, decrease the amount by $251,000,000.

On page 4, line 19, decrease the amount by $329,000,000.

On page 5, line 1, decrease the amount by $19,000,000.

On page 5, line 2, decrease the amount by $65,000,000.

On page 5, line 3, decrease the amount by $127,000,000.

On page 5, line 4, decrease the amount by $251,000,000.

On page 5, line 5, decrease the amount by $329,000,000.

On page 5, line 11, decrease the amount by $19,000,000.

On page 5, line 12, decrease the amount by $64,000,000.

On page 5, line 13, decrease the amount by $127,000,000.

On page 5, line 14, decrease the amount by $251,000,000.

On page 5, line 15, decrease the amount by $329,000,000.

On page 5, line 22, decrease the amount by $19,000,000.

On page 5, line 23, decrease the amount by $64,000,000.

On page 5, line 24, decrease the amount by $127,000,000.

On page 5, line 25, decrease the amount by $251,000,000.

On page 6, line 1, decrease the amount by $329,000,000.

On page 6, line 7, decrease the amount by $19,000,000.

On page 6, line 8, decrease the amount by $64,000,000.

On page 6, line 9, decrease the amount by $127,000,000.

On page 6, line 10, decrease the amount by $251,000,000.

On page 6, line 11, decrease the amount by $329,000,000.

On page 41, line 17, decrease the amount by $19,000,000.

On page 41, line 18, decrease the amount by $19,000,000.

On page 41, line 24, decrease the amount by $64,000,000.

On page 41, line 25, decrease the amount by $64,000,000.

On page 42, line 6, decrease the amount by $127,000,000.

On page 42, line 7, decrease the amount by $127,000,000.

On page 42, line 13, decrease the amount by $251,000,000.

On page 42, line 14, decrease the amount by $251,000,000.

On page 42, line 20, decrease the amount by $329,000,000.

On page 42, line 21, decrease the amount by $329,000,000.

On page 50, line 9, decrease the amount by $19,000,000.

On page 50, line 10, decrease the amount by $790,000,000.

On page 57, line 18, decrease the amount by $19,000,000.

On page 57, line 19, decrease the amount by $790,000,000.

On page 71, line 13, decrease the amount by $127,000,000.

On page 71, line 14, decrease the amount by $127,000,000.

On page 71, line 16, decrease the amount by $251,000,000.

On page 71, line 17, decrease the amount by $251,000,000.

On page 71, line 20, decrease the amount by $329,000,000.

On page 71, line 21, decrease the amount by $329,000,000.

Mr. GORTON. Mr. President, during the course of a spirited debate on an amendment last week stating the sense of the Senate that the very significant waterway user fee not be an ultimate part of the budget, this Senator and others promised another amendment on the same subject with what we consider to be considerably more teeth. This is that amendment.

The amendment, from a technical standpoint, is relatively long because it must deal with several places in the budget resolution itself. But a short summary is that it explicitly removes the reference in the budget resolution to the waterway user fee and matches that $790 million decrease on the tax side of the ledger by lowering the total amount of taxes reconciled with the Senate Finance Committee and by lowering the increases in discretionary nondefense spending by an equal amount.

Therefore, it differs from the sense-of-the-Senate resolution in two significant respects: First, by lowering the total amount of taxes in the Senate budget resolution by the amount of the waterway user fee; and, second, by retaining whatever deficit reduction this budget resolution actually includes by lowering discretionary nondefense spending by exactly the same amount of money.

I am not sure we need repeat what was almost unanimous on this floor, that is to say, the arguments against the waterway user fee, to the same degree of detail that they were discussed on the floor of this body last Thursday. Nevertheless, it is important to remind our colleagues of several parts of that Thursday debate.

The first is that in a very real sense this is a relatively modest amendment, with almost $295 billion in new taxes proposed for the course of the next 5 years by this budget resolution. This amendment deals with less than $1 billion, lowering the taxes by only that amount and lowering spending by only that amount. At the same time, this is a peculiarly important amendment because of the way in which this proposal and the President's budget singled out one relatively modest but vital element in our transportation system for what must be, by 5 to 10 to 15 times, the largest single increase in taxes anywhere in the budget itself.

At the present time, the fuel used on our inland waterways is taxed at a relatively modest amount, not greatly different from that of the Federal tax on gasoline, an amount which will automatically go up in the future as high as 19 cents a gallon. The budget presented by the President of the United States proposes, by 1997, not a tax of

19 cents a gallon but a tax of $1.19 a gallon, or an increase of significantly in excess of 500 percent.

The amount of that tax increase is measurably greater than the total profits of all of the barge lines, all of the inland waterway carriers in the United States combined. That is true with respect to the principal barge operator in my own State of Washington along the Columbia River, where the impact, of course, is equally great on the State of Oregon as it is on the State of Washington. It is true on the Mississippi system. It is true on eastern waterways. It is true from one extremity of this Nation to another.

Just why it is that the President's budget singles out the users of our inland waterways for such an overwhelming, such a punitive increase of taxes is very difficult to determine. Certainly, it has nothing to do with fuel efficiency. Goods are carried on our inland waterways at a considerably lower use of fuel per ton mile served than is the case with most transportation on land.

Certainly this cannot be with respect to improving the environment. Obviously, one of the most efficient methods of transportation which gets more per ton mile than other forms is a benign influence on the environment. To shift the transportation of these goods, even if it were practicable to do so, either to rail or to trucks would increase the adverse impact on the environment.

Certainly this tax is not to relieve congestion because whatever occasional congestion there may be at some locks on some rivers in the United States, it is nothing like the congestion which we find on our highways.

The budget, in short, singles out an efficient, environmentally benign form of transportation for a punitive tax. It makes the same fictional assumption that is made with respect to many other elements of this budget, and that is that even a 500-plus percent increase in taxes would have no impact whatsoever on the use of our waterways for the carriage of goods. We have simply a mathematical calculation that where a tax at 19 cents a gallon would produce X dollars, a tax of $1.19 would produce Y dollars and Y is somewhat five times larger than X just as $1.10 is more than five time 19 cents.

In fact, of course, great changes would be wrought by a charge of this sort—great changes, almost all of which would be adverse. Close to half of all of the transportation by barge is in agricultural goods. Most of those agricultural goods, by their very nature, are destined for export markets. The United States at the present time is faced with intense competition for export markets in agricultural products, and especially in grain, by reason of heavy subsidies in Canada, the European Community, and other grain-exporting nations. The net result of a tax like this, increasing the cost of grain in our international markets, would be sharply to decrease those export markets. Less would be exported, less would be transported, less in the way of this tax would be collected, unless, of course, Mr. President, we intend to turn right around and add the entire net increase in these taxes to farm subsidies, which, of course, would be playing a zero sum game without any reason whatsoever.

This tax. Mr. President, is another tax on the agricultural segments of our economy, which even without regard to this one already will be subjected to the most significant increases in taxation of any major sector in the economy of the United States.

Having outlined the objections to this form of taxation, Mr. President, I think I can say that the statements I have made are not controversial. I do not remember a single Member in either party, urban or rural, on the floor of this body last week, when we debated the sense-of-the-Senate resolution, saying, no, we think it is a good tax; we think it will collect this amount of money; we do not believe it will destroy jobs, lessen exports, and the like. Everyone who spoke on this issue agreed with this proposition, and that sense-of-the-Senate resolution passed by an overwhelming majority on the floor of the Senate.

So why should we repeat the exercise? Why should we take this over again? Two reasons or more, Mr. President, perhaps three. While we were debating the acceptance of the Senate resolution on the floor of the Senate, the House of Representatives was, of course, debating the entire budget resolution, a resolution which it passed late on Thursday night. Nothing, to the best of the knowledge of this Senator, in that House resolution did even what the sense-of-the-Senate resolution does. The House was restricted in the number of amendments with which it could deal. I do not believe it dealt with an amendment of this sort. As a consequence, any conference between the House and the Senate would only have a sense-of-the-Senate resolution, which has no impact on the House whatsoever, but no differences with respect to this issue between the House position and the Senate position.

Passing this amendment, however, Mr. President, will cause just such a difference to take place. The Senate resolution will have different assumptions. It will have different assumptions on this subject. I suspect House Members, if they are able to have their will known on this view, will agree with Members of the Senate as to the lack of desirability of this proposal.

So it seems to this Senator it is far more important that we deal with this issue, with this relatively small but particularly ill-advised tax, by literally amending it out of the budget resolution and making the task of the Senate Committee on Finance at least modestly easier by not requiring it, as the sense-of-the-Senate resolution passed last Thursday does, simply to increase taxes on someone else in order to remove the assumption that this tax will be imposed.

Second, of course, this amendment pays for that relatively modest reduction in the tax burden imposed by this budget resolution by reducing very slightly the hundreds of billions of dollars of new spending which are either called for or are assumed in the budget resolution at the present time.

I suspect, Mr. President, it is going to be very difficult to argue the proposition that we cannot find $800 million of economies, that we cannot call for $800 million less in the way of spending increases over a 5-year period in order to prevent the imposition of this injustice. So the differences are these. This is for real. This will create a difference between us and the House. This is paid for by lower spending, rather than by increased taxes on some other group of Americans who do not know that they are at risk because no one who supported that sense-of-the-Senate resolution last Thursday, said: Fine, we will make the money up from group A, group B, group C, group D.

But we know that if we go only with the sense-of-the-Senate resolution, and if it is acceded to by the Finance Committee, some other set of taxpayers will have to come up with these hundreds of millions of dollars of new taxes.

Finally, Mr. President, this particular amendment I believe almost certainly will result in less objection from the White House than would be the case with most of the other amendments relating to taxes and spending that have been, and will be, debated by this body.

This is a tax, an element of the budget resolution, which seems to have fallen through the cracks. It no longer, apparently, has any source in the administration. No one in the administration is willing to claim to be the source, the intellectual strength, behind the proposal for this tax. It was, apparently, taken out of some earlier abstract study, and put into the budget resolution without thought as to its consequences.

As a consequence, about 2 weeks ago, the President himself suggested that it was not a good idea. I would like to quote from a story in the Washington Post of a week ago, Friday. In the middle of the story it says this:

> Clinton himself has suggested that the proposed tax was not supposed to have been that stiff. "I'm not sure that the way that structure, the plan, was originally designed, that it was supposed to be up that much," Clinton told an interviewer with WWL-TV in New Orleans. "I think that should be reexamined," he added.

And that ends the quote from the Washington Post.

The President himself recognizes that this tax is unwise. The Senate recognizes that this tax is unwise. The only question is will we, in effect, send our conferees to the House with a firm position on the part of the Senate that we do not want this tax, that we do not want this additional amount of money in taxes added onto the backs of some other, as yet unnamed, group of Americans. And, can we afford the modest reduction in spending of some $800 million over 5 years for which this amendment calls?

Mr. President, I ask unanimous consent that two bits of correspondence, one a letter to me dated March 8, 1993, from a coalition including the Agricultural Retailers Association and some other dozen organizations; and a letter to the distinguished chairman of the Senate Budget Committee from the National Grain Trade Council dated March 9, 1993, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 8, 1993.

Hon. SLADE GORTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR GORTON: We, the undersigned agricultural and agribusiness organizations, respectfully urge you to reject the proposed 525% increase in the Inland Waterways Fuel Tax contained in the Administration's economic proposal. We believe this tax increase is neither fair nor well-reasoned. It will mean lost jobs, lost exports, and lost farm income at a time when we can ill afford any such losses.

Agriculture relies heavily on barge transportation. Agricultural products comprise nearly 35% of all products moved on inland waterways, and over half of all export grain moves by barge. A conservative estimate is that the cost of barging grain would increase about $.10/bushel, in addition to the $.10/gallon BTU tax that has been proposed. Fuel costs of a typical barge movement on the Mississippi River would increase by $70,000! Our comprehensive inland waterways system provides U.S. agriculture with a great competitive advantage over other countries, but this tax would put our export competitiveness at risk.

Some say that commercial uses of the inland waterways system should pay all construction and maintenance costs. The fact is that the river system has been improved for many other reasons, including flood control, water supply, and hydropower. Many communities up and down America's rivers benefit from such public investment.

This proposal also works at cross-purposes with the Administration's environmental objectives. Barge transportation uses less fuel per ton-mile, creates less air and noise pollution, uses less steel and other materials per unit of cargo-carrying capacity, and claims a superior safety record in petroleum and hazardous material movements.

Perhaps worst of all, increased transportation costs brought on by this tax would be passed directly to U.S. farmers. A 1985 study by the Department of Agriculture projected that 70% of such costs are borne by producers. Our projections show potential farm income losses of up to $431 million annually, just in states bordering inland waterways. The economic ripple effects would surely be felt by all of agriculture in disruptions of transportation patterns and higher costs for other shipping modes. Consequently, farmers' prices would be driven down, and their costs for inputs like fertilizer would be driven up. Federal budget outlays would also increase through larger deficiency payments brought on by lower market prices, a cost not accounted for in the Administration's revenue projections.

We believe that a 525% increase in the inland waterways fuel tax, on top of other sacrifices U.S. agriculture has been asked to make, goes well beyond a fair contribution, and we urge your opposition to the increase.

If you have any questions or need additional information, please contact Todd Kemp or David Barrett at the National Grain and Feed Association at (202) 289-0873.

Agricultural Retailers Association,
American Corn Millers Federation,
American Feed Industry Association,
American Soybean Association,
National Agricultural Chemicals Association,
National Association of Wheat Growers,
National Barley Growers Association,
National Corn Growers Association,
National Farmers Organization,
National Grain and Feed Association,
National Oilseed Processors Association,
Terminal Elevator Grain Merchants Association.
The Fertilizer Institute.

NATIONAL GRAIN TRADE COUNCIL,
Washington, DC, March 9, 1993.

Hon. JAMES SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our concern with the President's proposal to increase the inland waterway user fee. The President's economic package would increase the per gallon tax on diesel fuel from 19 cents to $1.19 over four years to fully recover shallow-draft navigation operation and maintenance costs.

We understand the need for deficit reduction and reduced federal spending. We fully support those goals and want to cooperate in that effort. But, we feel the proposed increase in the waterway user fee unfairly singles out one segment of the economy to bear a disproportionate share of the burden. As you consider the President's economic proposal, we hope you will look at the magnitude, the impact, and the fairness of the waterway user fee proposal.

The magnitude: the proposal would increase the current waterway user fee by over 500 percent. With the cost of diesel fuel at about 60 cents per gallon, the new user fee would amount to twice the cost of the fuel.

The impact: the magnitude of the fee increase would ripple through the economy. Agriculture would be particularly hard hit. Over one-half of the nation's grain exports move by barge. The fee increase would mean an added cost of about 10 cents per bushel for corn, soybeans, wheat, and other grains moved by barge for export. While barge operators would bear the initial brunt of the increase, economics will push that cost back upstream to grain merchandisers, to farmers, and eventually to consumers. Much of the $840 million that would be collected would be reflected in lower farm prices.

Fairness: the Administration's proposal is based on the premise that commercial navigation is the sole beneficiary of the nation's inland waterways. That is not the case. The inland waterways system was developed for multiple uses, including flood control, irrigation, hydropower, and municipal water supply. To single out one user, the barge industry, to pay the entire cost of a system with multiple beneficiaries is unfair.

Users of the inland waterways do not object to paying their fair share. What that fair share is was the subject of a protracted debate in the mid-1980s which resulted in the current fuel tax which reimburses the Corps of Engineers for one-half of the cost of inland navigation construction and rehabilitation projects. That was a major departure at the time, given the time-honored concept that the "waterways would be forever free."

The National Grain Trade Council, the North American Export Grain Association, and the Terminal Elevator Grain Merchants Association are concerned that the proposed fee increase, if enacted, would be devastating for those who rely on barge transportation to ship bulk commodities such as grain. We believe the magnitude, impact, and inequity contained in this proposal argue against its adoption by Congress.

Sincerely,

MICHAEL BRAUDE,
Chairman, National Grain Trade Council.
STEVEN A. MCCOY,
President, North American Export Grain Association.
JAN R. MOYER,
President, Terminal Elevator Grain Merchants Association.

Mr. GORTON. Mr. President, I suspect there are some other Members who do wish to speak on this issue. But for the time being, this Senator yields the floor.

The PRESIDING OFFICER. Who yields time? If no one yields time, the time will be deducted equally from both sides.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I will vote against the amendment offered by my distinguished colleague from Washington, Mr. GORTON. We debated at length last week on this floor reservations many of us have regarding the very steep increase in the barge tax. In fact, the sense-of-the-Senate amendments addressing these concerns, which I supported—by the way, it was offered by the distinguished Senator from Iowa [Mr. HARKIN], and it passed by an overwhelming margin. Very few Senators voted against it.

I feel we have done all we can do in the context of a budget resolution to make clear the Senate position on this particular matter.

I had discussions here on the floor of the Senate with the distinguished chairman of the Finance Committee. I remind my colleagues that the budget resolution cannot dictate to the Finance Committee what revenues to raise to meet this particular target. We discussed it at great length here. And the chairman of the Finance Committee made a point telling us that in this budget resolution we cannot direct the Finance Committee what revenues to raise or what revenues not to raise. That was a matter entirely within the purview of the Finance Committee.

Then, of course, we would have the option when it came to the floor to either agree with the Finance Committee's initiative with regard to revenues and vote for it, or to disagree with it and reject it by a majority vote.

So this amendment in many ways is a nullity. This amendment would reduce the Finance Committee's revenue target without being able to guarantee that the Finance Committee could not go ahead and consider implementing the tax anyway.

The chairman of the Finance Committee, the distinguished Senator from New York, made it crystal clear that he was not going to allow the Senate, in a budget resolution, to dictate to his committee what revenues they could raise and what revenues they could not raise.

We have gone as far as we can by a sense-of-the-Senate resolution that passed by an overwhelming margin. I have here the rollcall vote—82 Senators voted in favor of the sense-of-the-Senate resolution stating we did not want to have a waterways tax instituted to the extent that had originally appeared in the budget resolution—88, I correct myself, Mr. President, 88 to 12. Only 12 of our colleagues voted to raise these revenues by way of a waterways tax.

So the Senate has expressed itself overwhelmingly on this particular matter.

I fail to see why we are going through this exercise once again with this particular amendment, when the chairman of the Finance Committee has indicated to us that we cannot dictate to him precisely what revenues to raise, and what revenues not to raise.

I must say that this has become the trend and the established pattern now on the part of my colleagues on the other side of the aisle, to call for a reduction in a revenue measure, and make up for that by going to the good old unspecified reduction in the allowances function of the budget.

In other words, what they are saying is we do not want these revenues but we are not going to say what to put in place of them.

In committee the Senator from Washington suggested that the cuts in spending included in this amendment should come from the international function of the budget.

Mr. DOMENICI. Good.

Mr. SASSER. The Senator from New Mexico nods his ascent to that.

While I commended him for offering a special cut, I could not support at that time the deeper cuts that are already assumed in function 150, the so-called international function of the budget. But at least my friend from Washington, when he offered this amendment is the Budget Committee, specified how he was going to pay for it. He was going to cut the international function of the budget, and we know what that means. That means there would be some reductions in aid going to Israel, some reductions in aid going to Egypt, perhaps some reduction in aid going to Somalia, a whole host of countries, but at least we knew what the Senator from Washington was talking about and he sat and told us straightforwardly: "I am opposed to this tax, but I am going to tell you how we can make a cut to put it in its place so that we do not have to increase the deficit to do away with these revenues." I respect him for that. I am glad he did it.

But now he comes to the floor and he presents us with another one of these so-called black box cuts, and I wish this amendment specified specifically where the cuts were to be made as the amendment did in the Budget Committee, because that is what we need. The President has said: "Tell me where you want to cut, be specific, and we will entertain it."

If one comes to this floor and specifically says this is what ought to be reduced in order to forgo this particular revenue measure, it is something that ought to be considered and considered seriously.

But when we come with only an unspecified cut, we are simply saying this is a black box cut; we do not know where the cuts are going to come from. The cuts have to come out of somewhere and it is going to end up coming out of discretionary spending. No question about it.

We know the view of our colleagues on the other side with regard to increased reductions in discretionary spending as it deals with the so-called defense or military budget. The distinguished ranking member has offered an amendment and argued very eloquently and persuasively, as is his habit here, that we should add back $60 million to the military budget.

It is my view that spending $1.316 trillion for the military is sufficient over the next 5 years. I indicated to my colleagues that even under this Clinton budget, which some say is entirely too lean with regard to the military, that his $277 billion which the Clinton administration will spend in 1994 for the military in constant dollars is some $45 billion more than was spent in 1975 in the last Nixon budget when the "Evil Empire" was intact and Mr. Brezhnev was reigning supreme from the Kremlin, and every May Day Mr. Brezhnev and his colleagues, Mr. Beria, the chief of the Soviet secret police apparatus, the NKVD—KGB I think was the later name—standing on Lenin's tomb and reviewing the massive military forces of the Red Army, and the Red Army held all of Eastern Europe, division after division after division backed by tens of thousands of tanks and tens of thousands of artillery pieces arrayed in Eastern Germany. At that time, the Nixon administration felt that $232 billion in constant 1993 dollars was enough to spend on defense.

But my colleagues were saying that, well, $277 billion is not enough now that the "Evil Empire" has collapsed and we are the only remaining superpower in the world; we have to spend another $60 billion over the next 5 years.

I did not agree with that, and I thought I made that point that the President was spending not too little on military, he was spending too much.

I make this point about military spending, because this reduction, if it comes, will have to be taken out of discretionary spending, and it is obviously not going to come out of military spending, or it is obvious that my friends on the other side of the aisle—and to be fair some on this side—do not want any further reductions in military spending, although I think we ought to take some. Some ought to be allocated to deficit reduction. Some ought to be allocated to these long neglected domestic priorities.

If we exclude defense from where we are going to make up this reduction, we have one or two alternatives. We can either take it out of domestic discretionary spending, or we can simply raise the deficit by that much.

I am categorically opposed to raising the deficit to finance forgoing any revenue that we have got before us today and opposed as I am to this runaway field. I think if we are going to propose that these revenues be forgone we ought to specifically say where we are going to make these cuts.

The old borrow-and-spend days are over. They are over, I say to my friends. That is what prevailed here for the past 12 years.

That is why we are in the jam that we are in. That is why we all sit here peering around the eight ball—I would say the fiscal eight ball—and we are behind the fiscal eight ball because we are in a very precarious posture here.

This President is proposing the largest deficit reduction package in the history of this country, $502 billion over 5 years. Some of my colleagues say: Oh, well, he cannot possibly make it. There is always slippage in the numbers. And that may be true. But he is trying, and he is thinking in big terms, and as someone told me in my childhood many years ago: You have got to think big to do big. This President is thinking big, I say to my friend from Iowa, when it comes to reducing the deficit, $502 billion over 5 years.

Now we applaud the number. We are all in favor of reducing the deficit. But the problem comes when we get around to determining how are we going to pay for reducing this deficit?

And we cannot continue to reduce the deficit, we have no chance of meeting the President's goal, if we are going to forgo revenue and not say what spending reductions we are going to make to pay for them.

Now when we get in the area of discretionary spending, where would we make the cuts that finances revenues lost?

We are witnessing in this country the unpardonable reappearance of childhood diseases that we once though were conquered. Are we going to make reductions in this very critical childhood immunization program in an effort to forgo this revenue increase? I think not. I do not think this body wants to do that. The President certainly does not want to do it. And I do not think the American people want to do it.

The proposed investment in the WIC Program of $2.6 billion over the next 4 years would allow us to serve all eligible children from age 1 to 4, including the 2 million children who were not served this year.

And I think we all agree in this Chamber that it is shameful that the richest country in the world has the type of Third World hunger we have in some areas of this country. If this Nation is to prosper, our smallest citizens must grow up to be healthy and not hungry, and develop their bodies and develop their intellect with proper nutrition.

I say to my colleagues, this hunger is not just in the core of the urban cities in this country. It is in the rural areas, too.

I have seen it with my own eyes in the Appalachian area of my State. I have talked to these mothers with hungry children. And I talked to their fathers who want to work, are desperate for work, would do anything for a job, but simply cannot find work. And I talked to the little children, who tell us what happens when the food starts running out at the end of the month or the end of the week, and how mama and papa quit eating, and then how the oldest children quit eating to try to keep the food there for the youngest ones.

That really should not be happening in the United States of America. And nobody on either side of the aisles really wants that to occur; I am confident of that.

But if we start trying to forgo some of this revenue and say, "Well, we are going to pay for it out of discretionary spending," those are the kind of hard choices that we are forced to make.

Let us look at another area of discretionary spending: Full funding of the Job Corps 50-50 program, which would increase the size of the Job Corps by 50 percent by the year 2001. That means an additional 34,000 of our most disadvantaged youth would be helped. The 4-year cost of $341 million on Job Corps expansion pales next to the thousands of dollars that are spent to incarcerate a young person; or the hundreds of thousands of dollars doled out for a lifetime of welfare for the incalculable loss to the economy from wages never spent and taxes never paid.

I do not believe anyone would suggest they would want to reduce the Job Corps Program.

As a matter of fact, I well remember when the distinguished Senator from Utah, Senator HATCH, who, I believe was the chairman at that time of the Labor Committee, rose to the occasion and saved the Job Corps Program and said, "This is an expenditure of Federal funds that gives disadvantaged young people the opportunity to learn a trade, to make something of themselves, to make a positive contribution to this economy."

Mr. President, I personally had the opportunity just a few weeks ago to meet with some of the Job Corps students from different areas of the country, some from California, some from Ohio, if I am not mistaken. They were learning all kinds of trades. Some were carpenters.

I remember engaging in a nail-pounding contest with one of the students. I have done a little carpentry work myself in times past. Before I could lick that nail two licks with my hammer, he had driven his nail all the way down.

Now, I examined it a little more carefully and I found he was using a heavier hammer than I was using, Mr. President. But he was a very skilled young man.

Young Job Corps students learning how to be plasterers were there; young Job Corps students learning how to lay bricks, a highly skilled occupation, if I may say so, Mr. President.

I tried to lay a few bricks myself many years ago. By the time I got through, the brick wall that I was laying was just as wavy as it could be and mortar was everywhere except where it should have been, between the joints of those bricks.

I learned then how highly skilled bricklayers are. And, of course, it is a very well-paid occupation.

These young people in the Job Corps are learning how to lay bricks, learning how to build buildings. They will not be on the street corners selling dope. They will not be coming through the juvenile courts. And they will not end up being children having children. They will not end up in a lifetime on the welfare roles.

No, these Job Corps students will be out there as meaningful citizens of this country, contributing to this economy, and, yes, paying taxes.

So, I do not know of anybody, Mr. President, who would want to take these revenues that we are forgoing here and turn around and cut the Job Corps.

Well, where else can we go here to try to find some money to pay for this in discretionary spending? How about the summer youth employment and training program?

Now, $2 billion is budgeted over 4 years. That would finance about 2 million additional summer jobs for young people. The unemployment rate for the targeted 14 to 21 age group is staggering.

Will we sacrifice this critical program and risk a long, hot summer of idleness, of frustration, of potential violence? Will the riots of Los Angeles spread to your city or my city?

I will tell you, Mr. President, when these youngsters get out of school and are on the streets, they need to have something to do. The best thing to do would be to have them in a private job somewhere. But there are not enough of those around. I wish there were. The next best thing to do is simply to get them in one of these youth employment programs in the summertime, keep them off the streets, and let them learn the basic discipline of the workplace.

You know, one of our real problems is that many of these young people growing up in a deprived environment do not know the basic things about holding a job. They do not know that you have to get out of bed in the morning and be on time for the job. They do not quite grasp that.

They do not quite understand that you have to be there every day, except when you are sick or you had some tragedy in your family or some compelling critical reason why you cannot be there. You are expected to be on the job.

Many of them do not understand you are supposed to show up on the job clean, clean-shaven, having taken a bath, ready to do a day's work.

Many of them simply do not understand that. And this youth summer program could go a long way towards getting these young people to understand the culture of work. That is really what we are talking about, the culture of the workplace. They simply do not know about it and they do not understand it.

I could go on and on at great length, as my friend from Washington knows. I will simply say, although I agree with the thrust of his amendment, I do not frankly think we ought to be imposing this waterways tax, and I have said that and I voted that way. I do not see how we could simply delete these revenues from our budget resolution here and sit back and just say, oh, well, we will take it out of domestic discretionary spending; or, oh, well, we will just let the deficit go up that much more.

So I am going to sit down now, and yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the distinguished junior Senator from Mississippi, Senator LOTT, was unable to participate in this debate this afternoon, but wanted to be on record as strongly supporting this amendment.

He asked—and I ask unanimous consent, in his name—that a letter to him reflecting his support for the amendment be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN PORTLAND CEMENT ALLIANCE,
Washington, DC, March 18, 1993.

Hon. TRENT LOTT,
U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: I am writing to congratulate you and your colleagues for introducing an amendment to eliminate the inland waterways fuel tax from the budget resolution. We strongly support this amendment.

As you are aware, the proposal will increase the tax on fuel used on inland waterways from the scheduled 19 cents-per-gallon in 1994 to $1.19 per gallon. This cost is in addition to the proposal Btu tax which would add approximately 10 cents-per-gallon to the price of fuel.

The portland cement industry relies heavily on the inland waterway system for the transportation of coal, raw materials and its product. Consequently, as an industry which also consumes massive amounts of energy in the manufacturing process, we anticipate that the fuel could, in conjunction with the Btu tax, result in a six to eight percent increase in the cost of cement.

Therefore, we urge adoption of your amendment and we stand ready to assist you in this regard.

Sincerely,

PEGGY RENKEN HUDSON,
Vice President.

Mr GORTON. Mr. President, I yield 6 minutes to the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I thank the Senator from Washington for his amendment. I support his amendment. I thank him for yielding me a few minutes to reiterate some points I have made so often on this floor that are applicable to this amendment, but also applicable to several other provisions of the bill.

I rise in support of Senator GORTON's amendment because I think it is one of the features in this bill that is so antiagriculture and consequently, Midwest, and anti the farmers of my State of Iowa.

I could say this about the Btu tax that was debated last week. We went down to defeat trying to strike that. It is in there. It is still very antiagriculture because agriculture is such a highly energy-intensive business. It just takes a lot of energy to produce a lot of food, so we can have cheap food and high-quality food for the consumers of this Nation.

I do not suppose I would make such a point about so much of this budget, whether it was the Btu tax or the barge fee increase that this amendment deals with, that it is so bad and so antifarmer, if it were not for the fact that so much of the defense of the budget comes from the other side of the aisle. I know so many of the people on the other side of the aisle who are very proagriculture, very profarmer, who are willing to help that segment of the economy to be strong so we can continue to produce a high-quality food product at a relatively inexpensive price. And they have been very defending of that segment of our economy.

But so often there are also ones who say we ought to do more to keep people in agriculture, or to get new people into agriculture. So we are not having this situation like we do at this very time, this very time, where the average age, at least, of the farmers in my State, is 58 years of age. There is only 3 percent of the farmers, of the 103,000 units in our State, that are operated by people under 30 years of age. And of this aging population of farmers, 25 percent will be retiring in the next 5 years. Nobody disputes those statistics. And everybody in this body thinks we must do something about it.

One way to do something about it, frankly, is not to pass the things that are in this budget resolution that are going to put so many farmers out of business, so we will have another problem we have to deal with, that if we had a sound tax policy, it would not lead to that.

I talked about the Btu tax. But also this $1 per gallon increase in the waterway user fee is going to add 12 to 18 cents per bushel to the cost of exporting grain shipped from my part of the country, the upper Midwest.

Of course, as we all know, the price of grain is determined in the world marketplace. We are in a world marketplace whether we like it or not, and our grain is going to have to compete with the grain in the world marketplace. It is likely that none of the increased costs imposed on barge transportation can be passed on to the buyers. Because if there is some justification for increasing the price of grain because of this $1 per gallon, the people of this world do not have to buy their corn from Iowa. They can buy it from Argentina, or a lot of other places, at that world market price. So they are not going to be able to pass this on.

Also, the merchandising margins in the industry are very thin and are not capable of absorbing a tax which will substantially increase and exceed the margins of both grain and the barge industries.

The increased cost of transporting grain then is going to be borne largely by the U.S. farmers in the form of lower costs of market prices paid to the producer. For corn destined for export—and corn is the leading grain produced in my State; we are the No. 1 corn-producing State of the Nation—it is going to mean additional expenses of $18 to $27 per acre. Farmers' margins of profit are not such they can absorb this amount.

So these lower prices paid to producers will cause significantly increased Government outlays in the form of higher deficiency payments to producers, thereby adding to the Federal deficit.

So on the one hand, while we are going to raise the fee for the use of barges to bring more money into the Federal Treasury, and drive down the income to farmers because you are increasing the cost of transportation, you are going to turn right around and pay that amount of money out of this pocket to pay more deficiency payments to the farmers because the price of grain is going to be lower. When that happens, there are higher deficiency payments.

So in a very real sense, a proposal like this to increase the barge fee by $1 is taking money out of one pocket and putting it into the other, or robbing Peter to pay Paul.

Barge traffic also is very much safer. It is environmentally cleaner. And it is much cheaper than transportation by rail or truck. Raising user fees will cause increased rail and truck transportation, modes of transportation which are not as safe, as clean, or as cheap as barge transport.

So, for the sake of the farmers of America, I hope this body will reconsider this $1 fee and vote for the Gorton amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wonder if the floor leader could advise me of what the time sequence is. I have a series of amendments we have discussed.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time remains on the Gorton amendment?

The PRESIDING OFFICER. Senator GORTON controls 35 minutes, and Senator SASSER controls 34 minutes.

Mr. DOMENICI. I wonder, was Senator GORTON finished?

Mr. GORTON. The Senator from Washington was not quite finished, but he will use less than 10 minutes of the 35 which remain.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I wonder if the floor manager could advise me of what the disposition is, after the Gorton amendment and after the next 10 minutes, as far as the remaining time is concerned.

Mr. SASSER. Mr. President, we had anticipated adjourning on this matter at 7 o'clock this evening. So after the expiration of the time on this amendment, we shall be out of time. I understand the Senator from Alaska has an amendment which has been penciled in here on my list. We would be agreeable to laying it down and then coming in and debating it first thing tomorrow morning, if that is agreeable with the Senator from Alaska. We will try to accommodate him on that matter. We had previously scheduled the Bingaman amendment for the first thing tomorrow morning. The Senator from New Mexico seems to be eager to get this amendment up.

Mr. DOMENICI. Yes. Mr. President, I get myself in a jam, so I am asking from some help. I figure about how long it is going to take and I tell somebody to come down. It turns out I have not been right once. Instead of being finished, we are 30 or 40 more minutes. I had asked the Senator from Alaska to come down because he has a number of amendments. We just finished discussing with staff on both sides, of those many amendments, the one he would offer tonight has to do with fuel oil, aviation fuel oil; that he would not offer the other amendments; that you all wanted to wait until tomorrow. Now we are going to run out of time, if we stick to the 7 o'clock going out time. When Senator GORTON is finished, we could go to his amendment and agree to 20 minutes tonight. I will take it all off my side of the resolution.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I want to accommodate my friend in any way we can. We had agreed some time ago that we would go until 7 o'clock this evening. We have been here since 9 o'clock this morning. We are agreeable to laying down the Senator's amendment and taking it up first thing tomorrow morning. I think that is adequate.

Mr. GORTON. Will the Senator yield?

Mr. SASSER. I will be pleased to yield.

Mr. GORTON. Maybe it will help the two Senators who are managing the resolution and my friend from Alaska, this Senator will be willing to defer his last 10 or 15 minutes until tomorrow in order to allow the Senator from Alaska to lay down his amendment and at least outline it before 7 o'clock, if the two leaders will give this Senator time on his amendment tomorrow.

Mr. SASSER. I would have no objection to that. Would the Senator from Washington then reserve the remainder of his time?

Mr. GORTON. I will only reserve 10 minutes of it, I say to my friend from Tennessee.

Mr. DOMENICI. Will the Senator agree then his amendment will go over, as all the others have, and will be voted on following the previous ones and he will have some time before that to discuss it?

Mr. GORTON. I gather I have that in any event. I hope that at some convenient time tomorrow this Senator could have 10 more minutes on his amendment.

Mr. DOMENICI. Let me ask that the amendment be temporarily set aside.

Mr. MURKOWSKI. I wonder, Mr. President, in view of the pending question of proceeding tomorrow, recognizing that there might be a few minutes left tonight, I want to accommodate my friend from Missouri who wants time on the amendment. Yet specifically how much time might we have in the morning?

Mr. SASSER. Let me say to my friend from Alaska, there are 2 hours under each amendment under the rules that will be equally divided. So you could have an hour if you took all of that time, and then I assume if it was an urgent matter that the ranking member will consider additional time off the bill.

Mr. MURKOWSKI. Might I inquire, Mr. President, my amendment is going to take some time. I could start first thing in the morning?

Mr. SASSER. That is satisfactory with myself.

Mr. MURKOWSKI. If that is satisfactory, Mr. President, I will just take a few minutes now to lay the amendment down, with the understanding that I can proceed first thing in the morning with my amendments. That will enable my colleague from Missouri to speak very briefly tonight.

Mr. SASSER. May I inquire of my friend from Alaska how much time he will consume tomorrow morning?

Mr. MURKOWSKI. I imagine, Mr. President, that I would like to reserve somewhere in the area of 40 minutes.

Mr. SASSER. That is satisfactory, Mr. President.

Mr. DOMENICI. How much did the Senator say?

Mr. MURKOWSKI. The Senator from Alaska said at least 40 minutes.

Mr. DOMENICI. Mr. President, I hope that as the Senator gets ready for the morning, he might consider a little less time than that when it comes up. I do not think we ought to agree to anything other than the amendment coming up and no more than 40 minutes, if that is satisfactory with you, and then maybe we can look at all the time we have, and if you can accommodate not using quite that much.

Mr. MURKOWSKI. The Senator from Alaska will be willing and if I may proceed with the offering of the amendment.

The PRESIDENT pro tempore. What is the proposal?

Mr. SASSER. Mr. President, I ask unanimous consent that the amendment offered by the Senator from Washington [Mr. GORTON] be temporarily laid aside; and that the Senate proceed to consideration of the amendment of the Senator from Alaska; that upon adjournment at 7 p.m. and reconvening at 9 a.m. tomorrow morning, that the first order of business, following the preliminary opening procedure, will be the amendment of the Senator from Alaska, with time to be allocated between both sides not to exceed 40 minutes per side.

Mr. MURKOWSKI. Mr. President, I correct the floor manager. I will have amendments, and the terminology that was used was "amendment."

Mr. SASSER. I thought we were proceeding on the airline amendment.

Mr. MURKOWSKI. That is correct. But we were not going to finish it tonight because of the limited time.

Mr. SASSER. That is correct, but I will say to the Chair that it was my understanding, Mr. President, that we were going to lay down the airline amendment. First we were going to lay aside the Gorton amendment, proceed to the airline amendment offered by the Senator from Alaska, adjourn at 7 p.m., reconvene at 9 a.m. and following the opening procedures of the Senate, proceed directly to the amendment of the Senator from Alaska on the airlines at 9 a.m.

Mr. MURKOWSKI. That is correct. I was going to lay down one amendment tonight, the airline amendment.

Mr. SASSER. That is correct.

Mr. MURKOWSKI. And the remainder of my amendments tomorrow.

Mr. SASSER. Mr. President, that is not the way I understood it then. I would not be in a position to agree with that. I want to accommodate the Senator on the airline amendment. In doing that, the Senator from Washington is relinquishing his time and we are squeezing the Senator from New Mexico back who is supposed to start tomorrow at 9 a.m., to accommodate the Senator from Alaska on the airline amendment. That is as far as we can go at this point.

Mr. GORTON. Will the Senator from Tennessee ask for the yeas and nays on my amendment?

Mr. SASSER. I will be pleased to. I ask for the yeas and nays on the Gorton amendment.

The PRESIDENT pro tempore. Is there sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MURKOWSKI. I would like to proceed, if I can.

The PRESIDENT pro tempore. The amendment pending before the Senate is the amendment by Mr. GORTON.

Mr. SASSER. Mr. President, I ask unanimous consent that the Gorton amendment be temporarily laid aside and that the Senate proceed to the consideration of the airline amendment, to be offered by the distinguished Senator from Alaska.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection. The amendment by Mr. GORTON is temporarily laid aside, and the amendment by Mr. MURKOWSKI will be sent to the desk.

The Senator will send the amendment to the desk and let the clerk state the amendment.

AMENDMENT NO. 203

(Purpose: To conform the budget resolution with the assumption that the assumed Btu tax will not apply to aviation fuel)

Mr. MURKOWSKI. Mr. President, I call up amendment No. 203 and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself, Mr. DANFORTH, Mr. STEVENS, Mr. MCCAIN, and Mr. GORTON proposes an amendment numbered 203.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 18, decrease the amount by $117,000,000.

On page 2, line 19, decrease the amount by $585,000,000.

On page 3, line 2, decrease the amount by $1,053,000,000.

On page 3, line 4, decrease the amount by $1,406,000,000.

On page 3, line 6, decrease the amount by $1,406,000,000.

On page 3, line 10, decrease the amount by $117,000,000.

On page 3, line 11, decrease the amount by $585,000,000.

On page 3, line 12, decrease the amount by $1,053,000,000.

On page 3, line 13, decrease the amount by $1,406,000,000.

On page 3, line 14, decrease the amount by $1,406,000,000.

On page 4, line 6, decrease the amount by $117,000,000.

On page 4, line 7, decrease the amount by $585,000,000.

On page 4, line 8, decrease the amount by $1,053,000,000.

On page 4, line 9, decrease the amount by $1,406,000,000.

On page 4, line 11, decrease the amount by $1,406,000,000.

On page 4, line 15, decrease the amount by $117,000,000.

On page 4, line 16, decrease the amount by $585,000,000.

On page 4, line 17, decrease the amount by $1,053,000,000.

On page 4, line 18, decrease the amount by $1,406,000,000.

On page 4, line 19, decrease the amount by $1,406,000,000.

On page 5, line 1, decrease the amount by $117,000,000.

On page 5, line 2, decrease the amount by $585,000,000.

On page 5, line 3, decrease the amount by $1,053,000,000.

On page 5, line 4, decrease the amount by $1,406,000,000.

On page 5, line 5, decrease the amount by $1,406,000,000.

On page 5, line 11, decrease the amount by $117,000,000.

On page 5, line 12, decrease the amount by $585,000,000.

On page 5, line 13, decrease the amount by $1,053,000,000.

On page 5, line 14, decrease the amount by $1,406,000,000.

On page 5, line 15, decrease the amount by $1,406,000,000.

On page 5, line 22, decrease the amount by $117,000,000.

On page 5, line 23, decrease the amount by $585,000,000.

On page 5, line 24, decrease the amount by $1,053,000,000.

On page 5, line 25, decrease the amount by $1,406,000,000.

On page 6, line 1, decrease the amount by $1,406,000,000.

On page 6, line 7, decrease the amount by $117,000,000.

On page 6, line 8, decrease the amount by $585,000,000.

On page 6, line 9, decrease the amount by $1,053,000,000.

On page 6, line 10, decrease the amount by $1,406,000,000.

On page 6, line 11, decrease the amount by $1,406,000,000.

On page 41, line 17, decrease the amount by $117,000,000.

On page 41, line 18, decrease the amount by $117,000,000.

On page 41, line 24, decrease the amount by $585,000,000.

On page 41, line 25, decrease the amount by $585,000,000.

On page 42, line 6, decrease the amount by $1,053,000,000.

On page 42, line 7, decrease the amount by $1,053,000,000.

On page 42, line 13, decrease the amount by $1,406,000,000.

On page 42, line 14, decrease the amount by $1,406,000,000.

On page 42, line 20, decrease the amount by $1,406,000,000.

On page 42, line 21, decrease the amount by $1,406,000,000.

On page 50, line 9, decrease the amount by $117,000,000.

On page 50, line 10, decrease the amount by $4,567,000,000.

On page 57, line 18, decrease the amount by $117,000,000.

On page 57, line 19, decrease the amount by $4,567,000,000.

On page 71, line 13, decrease the amount by $1,053,000,000.

On page 71, line 14, decrease the amount by $1,053,000,000.

On page 71, line 16, decrease the amount by $1,406,000,000.

On page 71, line 17, decrease the amount by $1,406,000,000.

On page 71, line 20, decrease the amount by $1,406,000,000.

On page 71, line 21, decrease the amount by $1,406,000,000.

The PRESIDENT pro tempore. The Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. Mr. President, on behalf of Senators DANFORTH, STEVENS, MCCAIN, and GORTON, I offer an amendment that reduces revenues assumed to be raised by the Btu tax by $4.5 billion over 5 years to exempt the effect of the tax on airline fuel. The revenue loss is offset, Mr. President, by cutting an equal amount of the $124 billion of new spending which is in the President's proposal.

Mr. President, further, I would like to draw the attention of this body to the realization that the Btu tax is in itself inefficient, and proposes to raise $95 billion in new taxes, but subtracting the revenue loss due to business deductions and other revenue losses associated with implementing a new tax, we find that we lose $24 billion, leaving roughly $71 billion.

Further, as we subtract the cost of increased funding for food stamps, a loss of $9 billion; the earned income tax credit, a loss of $20 billion; the low-income home energy assistance program, a loss of $2 billion, we are left with a deficit reduction of nearly $40 billion.

We raise $95 billion in taxes and get about $40 billion in deficit reductions. At most, I question the advantage of this proposal.

Mr. President, the Btu tax is unfair to those who depend on oil. It taxes oil at 60 cents, other forms of energy at 27 cents. It hits coal States much harder, and it hits big States much harder.

Just what does the Btu tax do to the airline industry? It costs the airline industry approximately $4.5 billion. The industry lost $4.7 billion last year, $8 billion over the last 3 years, and has never earned more than $1.7 billion collectively.

Fuel expenses account for 15 percent of each carrier's operating expense. Airlines are now paying about 68 cents per gallon for aviation fuel and would face an estimate of a 10- to 15-cent increase under the President's plan. For American Airlines alone, an airline that lost over $1 billion this year and over one-half billion dollars last year, the tax would cost tens of millions of dollars. As a consequence, American Airlines is grounding 25 of its DC–10's.

Mr. President, in the last year, the third straight year of multi-billion-dollar losses, U.S. airlines have canceled or delayed purchases of aircraft valued at $27 billion. United alone would reduce its domestic schedule, close stations, and cancel plans to fly some international routes. Now the President proposes to tax the airline industry $1.5 billion more per year. That assumes the same number of people will fly. If higher ticket prices turn business travelers and pleasure travelers away, the loss will be even more devastating.

Mr. President, in my State we have one airline in bankruptcy. Alaska Airlines has lost $19 million and has been forced to shut down local routes, cancel maintenance hangars, and streamline operations.

Further, Mr. President, 117,000 jobs were lost in the aerospace industry last year, 38,000 jobs were lost in civilian aircraft production, and 47,000 more are in danger this year. United alone will furlough 2,800 workers and an additional 1,900 will not be hired as expected. Northwest laid off an additional 1,000 workers in January on top of 1,600 laid off since June of last year.

In February, Mr. President, Boeing announced the layoff of 23,000 and 5,000 more by mid-1994. President Clinton flew in an airplane and was driven in a car to go visit the Boeing plant.

Competitiveness. Airbus will be cheaper because it will not have to pay the new energy tax. Aircraft owners and pilots will be hit hard. Higher taxes mean higher ticket prices. The payoff, Mr. President, is as a consequence of the tremendous burden placed on this industry, at a time when it can hardly afford such a tremendous cost, associated with recognizing the realization once this application has been implanted on the airlines, we still will be faced with the reality that we will be carrying a deficit well over $200 billion and a national debt of $1.4 trillion higher.

Mr. President, in order to accommodate my friend from Missouri, I yield some remaining time, 5 minutes perhaps, but prior to doing that, let me conclude by saying I must ask the question, who is ultimately harmed in the end as a consequence of this proposal? It is people who have to fly because of remote locations for business reasons, or people who depend on our airline industry for employment, hotels, tourism, business, and manufacturers.

As a consequence, Mr. President, I feel that the justification for waiving this tax on an industry that is having such a difficult time is warranted. I urge that my colleagues accept the amendment as proposed by the Senator from Alaska.

Mr. SASSER addressed the Chair.

The PRESIDENT pro tempore. How much time does the Senator from Alaska yield to the Senator from Missouri?

Mr. MURKOWSKI. I yield 5 minutes to my friend from Missouri.

Mr. SASSER. Mr. President, if the Senator will withhold just a minute, we are past the time that we previously allocated to move off of this resolution and begin winding up the Senate.

So I ask unanimous consent that the Senator from Missouri be allocated 5 minutes to speak on the airline amendment, and at the expiration of that 5 minutes, the Senate move off the budget resolution for this evening until 9 o'clock tomorrow morning.

The PRESIDENT pro tempore. Is there objection?

Mr. DOMENICI. I have no objection.

The PRESIDENT pro tempore. The Chair hears no objection. The Senator from Missouri [Mr. DANFORTH] is recognized for 5 minutes.

Mr. DANFORTH. I thank the Chair; I thank the Senator from Alaska and the managers of the bill for their courtesy.

Mr. President, this chart shows the profitability or lack of profitability of the airline industry in recent years. It demonstrates, as the Senator from Alaska pointed out, that if you go back to 1981—in effect, go back for the whole history of the U.S. air industry—only once in the history of the airline industry has it earned in the aggregate $1.7 billion. That is the top figure. For the last 3 years the airline industry has lost a total of $8 billion. So it is a losing proposition.

The estimates of the effect of the Btu tax on the airline industry are that it will cost that industry somewhere between $1.4 and $2.1 billion. In other words, we have created, by this tax, an impossibility. At a time when the airlines are losing tremendous amounts of money, an additional load of $1.4 to $2.1 billion is an impossibility.

Some would say well, cannot the airlines simply pass that on to the passengers? The answer to that question is no, because the problem is the airlines are not full now. Most of the airplanes that are flying, commercial airlines that are flying, are simply not full. Fare wars have been used to try to get additional traffic on the airlines.

So this amendment deals with a situation that otherwise would be literally impossible. The President, to his credit, has recognized the problem of the airline industry and that other industry which is totally dependent on the airline industry, which is the aircraft manufacturing business, both distressed industries.

As Senator MURKOWSKI pointed out, when the President went out to Seattle, Washington, he spoke to the Boeing people. This morning's New York Times has a front page article which indicates that the President is planning to take some steps to try to help the airline and aircraft manufacturing businesses. I give him credit for doing that. But this is really a blockbuster.

If we have the Btu tax without some built-in relief for the airline industry, this really is a body blow, I think a lethal body blow, to both the airline industry and the aircraft manufacturing business. For that reason, I think this amendment is absolutely essential to the success and, hopefully, to the health of an industry.

Just one other point, Mr. President, and that is that in an effort to make ends meet, both the airline industry and the aircraft manufacturing business have been cutting back on their work forces very dramatically and asking employees, in the case of the airlines, to give back pay, to give back various benefits of employment to keep the airlines afloat.

I know that has been the case for example with respect to TWA which does such a huge business in my own State of Missouri.

At a time when the employees are making real sacrifices, for us to say all right, please, cough up, airline industry, an additional $1.4 to $2.1 billion really is an outrageous situation.

So I compliment the Senator from Alaska for offering this amendment. I thank the managers for their patience.

ORDER OF PROCEDURE

The PRESIDENT pro tempore. Under the order previously entered, the pending resolution is now set aside, and consideration of the resolution will be resumed tomorrow morning.

BINGAMAN AMENDMENT ON GRAZING FEES AND MINING ROYALTIES (AMENDMENT NO. 188)

Mr. DECONCINI. Mr. President, I am pleased to be a cosponsor of Senator BINGAMAN'S sense-of-the-Senate amendment stating that the assumptions underlying the budget resolution include the assumption that increased grazing fees and the institution of mining royalties should be set at amounts that permit the industries to remain economically viable. The budget resolution before us today provides for increases in the fees paid by the livestock industry and the hardrock mining community. The increased fees assumed in the budget resolution right now will pose significant hardships on both industries with the potential loss of thousands of jobs.

While specific program savings are not mandated in the budget resolution, it does lock in dollar savings to be achieved through the reconciliation process. Figures provided by the Office of Management and Budget indicate that $82 million in new revenue from livestock grazing on public lands, and $467 million in royalties from the hardrock mining industry, would be required to meet the savings targets included in the resolution.

Mr. President, the increase in fees and royalties necessary to meet the numbers assumed in the President's budget is beyond the livestock and mining industries' ability to pay and remain in business. It will severely inhibit both industries' fiscal capability of utilizing public lands as provided for under law. The implementation of formulas to derive these new revenues creates the very real possibility of lost jobs for tens of thousands of workers with entire communities left in economic ruin and a way of life destroyed.

It is my belief, and I hope the belief of the entire Senate, that the objective of providing new revenue sources should not be achieved at the expense of western economies. A sound, diverse economy in the West is critical to our national strategy for economic recovery. I, and other western Senators, are working together with industry and the administration to come up with proposals that will allow the mining and grazing industry to continue to operate. One thing is fundamental—new revenues must be based upon the capability of the industry to pay and still remain viable.

The Senate must recognize the importance of both the livestock and mining industries to the economic life of many communities in the West. We all recognize the need for raising new revenues, but revenue raising proposals must be tempered with the social and economic reality of their impacts on local economies. I urge my colleagues to support Senator BINGAMAN'S sense-of-the-Senate resolution to the budget resolution.

MORNING BUSINESS

The PRESIDENT pro tempore. Without objection, there will now be a period for the transaction of routine morning business with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. DOMENICI addressed the Chair.

The PRESIDENT pro tempore. The Senator from New Mexico.

THE MURKOWSKI-DANFORTH AMENDMENT

Mr. DOMENICI. Mr. President, I thank the Chair.

Might I say to Senator MURKOWSKI and Senator DANFORTH before they leave, the Senator from New Mexico compliments them on the amendment. I think it is obvious that something like this has to happen. It has to be for real, and it appears to this Senator that they are going to give the Senate an opportunity to send as loud a message as they can under a budget resolution with this amendment. I hope the Senate supports it.

I think it is an excellent approach, and once again I apologize to Senator MURKOWSKI for not being able to assure him on other amendments of given amount of time, and a certain time that it will come up. It is just a very complex process. I will do my best, very best, to accommodate on other of his amendments as we move through the ensuing 2 days.

Mr. MURKOWSKI. Mr. President, if I may respond to the minority floor manager—

Mr. DOMENICI. On my time, I yield 5 minutes. I yield to the Senator from Alaska. How much time do I have left?

The PRESIDENT pro tempore. The Senate ceased debate on the resolution in accordance with the unanimous-consent order. Accordingly, the Senate is now in morning business.

Mr. DOMENICI. I was speaking as if in morning business for 5 minutes as the Chair said that I had a right to do. I have not used that 5 minutes, have I?

The PRESIDENT pro tempore. The Senator may be recognized in his own right or another Senator may yield time.

Mr. MURKOWSKI. I very much appreciate the Senator from New Mexico.

The PRESIDENT pro tempore. The Senator from Alaska is recognized for not to exceed 5 minutes.

THE MURKOWSKI AMENDMENTS

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I want to thank both of my colleagues for attempting to accommodate my amendments.

Let me first say it is my intention to offer a home heating oil amendment which would basically address the issue of the surcharge which is placed on the oil industry, but the amendment that I am proposing tomorrow would address specifically taking off the 34-cent surtax because, as the Senator from New Mexico and I have discussed from time to time, the question of equity is one that I think we should all examine very closely as we look at the Btu tax. The Btu tax proposes a 25.7-cents-per-million Btu equitably across the board—that is for coal, that is for hydro, and that is for gas. But it seems like when we came to the issue of oil there was more funding needed. So we put a surtax on, 34 cents.

So it would be the intention of the Senator from Alaska tomorrow to address this in an amendment that I have already filed relative to striking that. And the justification is again one of equity, Mr. President. I feel that I was somewhat advised rather inconspicuously yet directly enough that if I intended to bring that up today, there would be considerable talk until the time expired.

As a consequence, I was forced to go with my amendment on taking up the Btu tax on the airline industry. But I assure this body that the Senator from Alaska will demand a vote inasmuch as my amendment has been properly filed to do away with the surtax on home heating oil, which indeed is not equitable as we look at the issue of all energy sources standing a fair burden of the tax load.

I yield the remainder of my time to my friend from New Mexico, who yielded to me.

TRIBUTE TO HARRY MITCHELL UPON HIS RETIREMENT FROM TEMPE HIGH SCHOOL

Mr. DECONCINI. Mr. President, I rise today to pay tribute to an outstanding citizen from the community of Tempe, AZ, Mayor Harry Mitchell. My purpose today is not to extol his virtues as mayor. I will address those virtues at a later date. Today, I want to honor Mayor Mitchell for an outstanding teaching career at Tempe High School that spanned 28 years.

Mayor Harry Mitchell began his career in Tempe as a bus driver for the Tempe school district while working his way through Arizona State University where he received both his B.A. and his masters degree in public administration. A retirement party to honor Mayor Mitchell's 28-year tenure at Tempe High is being planned by former students, teachers, and administrators for March 27, and I want to add my voice to the chorus of those who will be honoring him for his many years of dedicated service to the youth of Tempe, AZ. During his long tenure at Tempe High, Harry has touched the lives of thousands of students who have passed through his classrooms. I know those lives have been enriched both educationally and personally under Harry's tutelage. Harry Mitchell's work both in the school and in the community provide a marvelous example of the very best in public service. While Harry has received many distinguished awards over the years, I am certain that the retirement party and tributes being planned by his former students and colleagues will rank among the most rewarding.

Some of the most inspiring words I have ever heard were spoken by Christa McAuliffe, the first teacher chosen for America's space program who lost her life in the tragic accident of the *Challenger*. She said: "I touch the future. I teach." And Harry has touched the future of several generations of Tempe's youth. I thank him for his service. I am certain that his lifetime commitment to public service will continue.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,215,541,907,772.13 as of the close of business on Thursday, March 18.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayer's money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,411.89—thanks to the big spenders in Congress for the past half century. The interest payments on this massive debt, average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-671. A communication from the Director of the Export-Import Bank of the United States, transmitting, pursuant to law, notice of a transaction involving U.S. exports to the United Mexican States (Mexico); to the Committee on Banking, Housing and Urban Affairs.

EC-672. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1992 in the Department of Education; to the Committee on Governmental Affairs.

EC-673. A communication from the President of the United States, transmitting, pursuant to law, notice of the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council; to the Committee on Foreign Relations.

EC-674. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report on the Government In the Sunshine Act for calendar year 1992; to the Committee on Governmental Affairs.

EC-675. A communication from the Assistant Secretary of Defense (Production and Logistics), transmitting, pursuant to law, notice of the force structure plan for the Armed Forces; to the Committee on Armed Services.

EC-676. A communication from the Secretary of the Treasury, transmitting, a draft of proposed legislation entitled "Thrift Depositor Protection Act of 1993"; to the Committee on Banking, Housing and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-49. A resolution adopted by the Legislature of the State of New Jersey; to the Committee on Banking, Housing and Urban Affairs.

"ASSEMBLY RESOLUTION NO. 106

"Whereas, The high cost of housing is causing serious financial problems for renters, especially low-income families, fixed-income senior citizens and the disabled; and

"Whereas, This Legislature has attempted to alleviate these problems by passing legislation intended to return excess property taxes in the form of rebates to those suffering the greatest tax hardships; and

"Whereas, The United States Department of Housing and Urban Development (HUD), through an interpretation of an existing regulation, will be undermining the efforts of this legislative body by requiring payment under the State's property tax rebate programs to be treated as income in calculating whether or not low-income residents are eligible for certain rental subsidies; and

"Whereas, Such regulations should not be allowed to nullify these worthwhile State programs because the property tax rebates granted are not new income but represent a return of income already included in HUD calculations; and

"Whereas, H.R. 753 was introduced in Congress by Representative Donald M. Payne of this State on February 2, 1993 and has been referred to the Banking Committee of the U.S. House of Representatives; and

"Whereas, H.R. 753 addresses the problem created by the HUD interpretation by exempting the New Jersey property tax rebate from being included as income in that agency's calculation of eligibility for low-income housing assistance; now, therefore,

"Be it resolved by the General Assembly of the State of New Jersey:

"1. This House memorializes the Congress of the United States to pass H.R. 753.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be sent to the presiding officers of each House of Congress, to Rep. Henry B. Gonzalez, chairman of the Banking Committee of the U.S. House of Representatives, and to each member of Congress from New Jersey."

POM-50. A joint resolution adopted by the legislature of the State of South Dakota relative; to the Committee on the Judiciary.

"SENATE JOINT RESOLUTION 3

"Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

"Whereas, state revenue growth has diminished dramatically, forcing budget reductions and tax increases in order to maintain federal services and programs; and

"Whereas, rising costs and declining fiscal conditions of the states have resulted in financial difficulty for the states in financing federal programs; and

"Whereas, immediate measures must be taken to ensure that the states will be given adequate funding and flexibility to carry out the federal programs that are turned over to them; and

"Whereas, under Article V of the Constitution of the United States, amendments to the federal constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary or on the application of the legislatures of two-thirds of the several states that the Congress shall call a constitutional convention for the purpose of proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths of the several states;

"Now, Therefore Be It Resolved, by the Senate of the Sixty-eighth Legislature of the State of South Dakota, the House of Representatives concurring therein, that the Legislature does hereby make application to the Congress of the United States to call a limited constitutional convention pursuant to Article V of the Constitution of the United States for the specific and exclusive purpose of proposing an amendment to the federal constitution prohibiting the federal government from reducing the federally financed proportion of the necessary costs of any existing activity or service required of the states by federal law, or from requiring a new activity or service, or an increase in the level of an activity or service beyond that required of the states by existing federal law, unless the federal government pays for any necessary increased costs;

"Be It Further Resolved, that this application and request be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose;

"Be It Further Resolved, that copies of this Joint Resolution be sent by the Secretary of State to each member of the South Dakota Congressional Delegation; and

"Be It Further Resolved, that the Secretary of State is directed to send copies of this Joint Resolution to the presiding officers of both Houses of the Legislature of each of the other states in the Union, the Clerk of the United States House of Representatives, and the Secretary of the United States Senate."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. 535. A bill to authorize the Board of Regents of the Smithsonian Institution to plan and design an extension of the National Air and Space Museum at Washington Dulles International Airport, and for other purposes (Rept. No. 103-28).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DURENBERGER:

S. 624. A bill to extend until January 1, 1999, the existing suspension of duty on certain unimproved wools; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. COCHRAN, and Mr. COVERDELL):

S. 625. A bill to require the Secretary of Agriculture to use certain unexpended disaster assistance funds, to the extent necessary, to provide emergency crop loss assistance for certain losses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERREY (for himself, Mr. EXON, Mr. MOYNIHAN, Mr. BRADLEY, Mr. HATFIELD, Mr. DASCHLE, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 626. A bill to establish a system of State-based electronic libraries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY:

S. 627. A bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standard for coverage under that Act, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURENBERGER:

S. 624. A bill to extend until January 1, 1999, the existing suspension of duty on certain unimproved wools; to the Committee on Finance.

WOOL DUTY SUSPENSION ACT OF 1993

• Mr. DURENBERGER. Mr. President, today I am introducing legislation to suspend the duty on certain imported coarse wools through January 1, 1999.

The United States does not produce wools not finer than 46's in commercial quantities. However, these wool fibers, because of their loft and resilience, are used extensively by U.S. textile mills, including Faribault Woolen Mill Co., in Minnesota. They are used in carpets, blankets, hosiery, upholstery, industrial felts, coatings, knitting yarns, and certain fabrics. These coarse wools have been allowed to be imported in the United States duty-free for many years.

The law providing for duty suspension expired on December 31, 1992, and as of January 1, 1993, the U.S. Customs Service began collecting duties on coarse wool. This legislation would be retroactive to January 1, 1993.•

By Mr. McCAIN (for himself, Mr. COCHRAN, and Mr. COVERDELL):

S. 625. A bill to require the Secretary of Agriculture to use certain unexpended disaster assistance funds, to the extent necessary, to provide emergency crop loss assistance for certain losses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURE DISASTER BILL

• Mr. McCAIN. Mr. President, I rise today to introduce legislation to provide relief for farmers who have suffered losses due to recent natural disasters. Our Nation has been besieged by unusually violent patterns of weather: the hurricanes in the Southeast last year, the most recent blizzards that have blanketed the South and a series of rainstorms that deluged the normally dry Southwest. Over the past year, these and other disasters have caused the loss of human life as well as a tremendous amount of damaged and lost property.

Some people may view this inclement weather as a mere inconvenience, but to farmers in my State and across the Nation, the extraordinarily severe crop damage caused by this weather has imperiled their livelihoods and devastated local economies.

Mr. President, the legislation I am introducing today would provide relief for farmers across the Nation who have suffered losses due to the recent disasters. It is my understanding that relief money authorized for farmers who suffered losses as a result of hurricanes Iniki and Andrew and typhoon Omar is still available. This legislation is intended to ensure that the Secretary has the legislative authority to make these funds available for those affected by recent disasters.

Several of my colleagues and I have sent a letter to Secretary Espy to confirm if these funds are available and, if so, to ask that this remaining relief be granted to farmers who have incurred more recent losses. The provisions of this bill are simple and straightforward. They would provide relief for crops planted in 1992 for harvest in 1993 that were damaged as result of natural disasters that occurred between January and March of this year. This measure will not require the authorization of new money. It seeks to use previously authorized funds which, I have been informed, are presently unobligated.

My colleagues may be aware that recent rainstorms in the Southwest have wreaked havoc in my home State of Arizona. In just 2 months we have received our average annual amount of rainfall. The flooding has destroyed homes, washed out bridges, and dislocated hundreds of families.

One of the most severely affected areas of my State has been the agricultural center of Arizona, Yuma County. Flooding along the Gila River in Yuma has had a dramatic effect on farms and homes. Arizona's Department of Agriculture has estimated the cost of cleaning up and restoring the fields for use may be more than $100 million. Additionally, in-ground crops and future harvests have been damaged.

More than 5,000 acres of in-ground crops in the final stages of production have been destroyed. The estimated loss of these crops is more than $10 million. Arizona produces more than 75 percent of our Nation's winter lettuce. The loss of these crops has had a dramatic effect on its price. I am sure my colleagues remember a few weeks ago when the price of lettuce skyrocketed. Admittedly, part of this hike was due to the media hysteria regarding the anticipated losses. Nevertheless, at its peak, the price nearly tripled to $24 a box.

Losses to the production of future crops has also contributed to problems the farmers in Arizona face. As many as 35,000 production acres of farmland have been inundated by water and possibly damaged for more than a year. The rains have also caused the water tables to rise, further damaging fields.

These problems are not solely affecting Arizona. The recent blizzard has damaged crops in many of the Southern States, resulting in frost and wind damage.

Mr. President, I realize that this measure will not fully cover all farmers affected by recent storms, but it will provide some immediate relief to those most adversely affected. It is my hope that later this year Congress will consider providing further assistance to those affected by these and other natural disasters. I am ready to work with my colleagues to accomplish that goal.

I offer this legislation to provide assistance to farmers who need help now. I am sure that my colleagues are aware that farmers represent only 2 percent of our Nation's population. Yet, they provide food for all Americans, reliably and economically. I hope my colleagues will join me in supporting the quick passage of this measure and help our Nation's farmers in their time of great need.•

• Mr. COCHRAN. Mr. President, I am pleased to join my friend from Arizona, Mr. McCAIN, as a cosponsor of this bill to provide disaster assistance to farmers who have suffered losses from recent adverse weather conditions.

Mississippi sustained severe damage to peach orchards and vegetable crops earlier this month when a major ice and snow storm hit the State bringing freezing temperatures, blizzard-like conditions, and tornadoes.

The cold temperatures killed at least 80 percent of Mississippi's peach crop and the entire blueberry crop. The storm also caused significant damage to the early season vegetable crops. It is estimated that losses will be in excess of $18 million in our State alone.

The McCain bill will allow farmers with crop losses in the first 3 months of this year to apply for disaster assistance under the same terms and conditions of previous farm disaster programs that were authorized for 1990, 1991, and 1992. The fact that no crop insurance is available for many of the producers suffering losses makes the enactment of this bill even more critical.

I urge other Senators to join us in this effort to ensure that disaster assistance will be made available to eligible farmers.•

By Mr. KERREY (for himself, Mr. EXON, Mr. MOYNIHAN, Mr. BRADLEY, Mr. HATFIELD, Mr. DASCHLE, Mr. BINGAMAN, and Mr. LIEBERMAN):

S. 626. A bill to establish a system of State-based electronic libraries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ELECTRONIC LIBRARY ACT OF 1993

Mr. KERREY. Mr. President, I am today introducing a bill—the Electronic Library Act of 1993—which would authorize the establishment of State-based electronic libraries. Senators EXON, MOYNIHAN, BRADLEY, DASCHLE, LIEBERMAN, BINGAMAN, and HATFIELD are joining me as cosponsors of this legislation.

The purpose of the State-based libraries is to accelerate the formation of useful and diverse archival information. However, these libraries will not be passive archives.

Instead, these libraries would be responsible for providing access to a wide range of hardware, software programs, data resources, and networking capabilities. The libraries would be responsible for demonstration and outreach activities for developing training and education programs in the use of computer and networking technology. They would be responsible for demonstrating the growing hardware and software which will allow teachers and others to create their own programs and materials.

The State-based electronic library could become a part of a State college or university. It could be located inside of State government using the data bases of State agencies as its foundation. It could also become a cooperative venture of existing municipal libraries. It is possible a State may decide to establish its electronic library as a profit-making venture. These kinds of decisions should be made by State leaders, not the Federal Government.

The unifying requirement of this legislation is that State electronic libraries should be collaborative partnerships between the Federal, State, and possibly municipal governments, primary and secondary schools, postsecondary educational institutions, and the private sector. The best partnership would involve business, teaching, technical, and creative expertise.

Properly designed, they can promote job creation by helping businesses find new customers and assisting in the development of a new class of information entrepreneurs. Properly designed, they can help people become better informed citizens. The information held by governments at all levels should become more accessible and useable. Properly designed, they can be a resource for parents and teachers who want to use technology to improve their instruction skills. Properly designed, they will be a place where young people want to go to learn to read, write, and explore.

This last point deserves special emphasis and attention. Communication technologies are viewed by many of us as a mixed educational blessing. We regard it as a curse when entertainment is the only use. It has shortened attention spans, dulled the capacity of our senses to imagine and create, pulled our communities off the street into the vortex of a hundred million cathode ray tubes, and pushed down our verbal and writing ability.

In the March 21 New York Times, Albert Shanker, president of the American Federation of Teachers, discusses an analysis of lower verbal SAT scores. He makes the valid point that our colleges need to set higher standards if our high school students are going to make the effort needed to excel. It is a topic for a separate discussion, but it is worth quoting Mr. Shanker's last paragraph—because I agree with it:

> Shouldn't schools and parents be doing more? Shouldn't they be putting pressure on youngsters—holding kids to higher standards and forcing them to work harder? They can try, but unless they can say, "You won't get into college unless you work harder and meet standards," the pressure is not going to work. In lowering their standards, colleges have undermined the authority of public schools and parents to demand more of students.

To that I say "Amen," Mr. President.

However, we need to do more than raise standards for entrance to college. We adults need to demonstrate that we value learning, and we need to build according to these values. That is where libraries come in.

Public libraries—which made a relatively new technology, the book, available to all regardless of income—are a unique American institution. No other country has demonstrated such a commitment to universal education and learning. This Jeffersonian commitment derives from the idea of what constitutes a citizen.

America's experiment with the public library was a decision by private and public philanthropy to endow every American with the opportunity to read and study. America—unlike her industrial competitors—made virtue of universal, ubiquitous access to books and other written materials. Our libraries were more than a place to read. They became advocates for reading, and as such became responsible for producing millions of informed and prepared citizens.

Lately, things have not gone so well for libraries. Not only are they often the first thing closed when local money is tight, but we adults have been asleep to the competitive demands on our children's leisure time. While we were asleep, the late 20th century public library has been eclipsed by video stores, cable television, and the ever-expanding world of entertainment. This year more Americans will check out video tapes at video stores than will check out books at public libraries.

I do not object to entertainment, but in excess it endangers our culture, our capacity for self-government, and our ability to compete economically.

While we have been busy entertaining ourselves, the world has become more complicated and difficult. Today's American citizen—if he or she expects to make informed decisions—must know more, not less, than was needed a generation ago.

While we have been entertaining ourselves, the American workplace has changed. Never before has the correlation between the ability to learn and income been so strong. Never before has the need for more than just a strong back been such a prerequisite for economic success.

To earn your way into the middle class today, a worker must be able to do far more than a generation ago. As workers become thinkers as well as doers, verbal skills become much more important.

Thus, the study referred to by Mr. Shanker earlier is worth examining again. This study, in the January 13, 1993, "Chronicle of Higher Education," by Christopher Shea, analyzed the decline over the past 20 years in the proportion of students who get top scores on the verbal scholastic aptitude test [SAT]. Given the importance of verbal skills in the workplace, Shea's observations are chilling.

According to his statistics, fewer students scored 600 in 1992 than in 1972, even though more students took the exam. In absolute numbers, 116,630 scored above 600 in 1972 and only 75,243 in 1992.

To seal the dire conclusion, Mr. Shanker cites another study, "The Other Crisis in Education," by Daniel Singal of Hobart William Smith College. Mr. Singal notes a 50 to 60 point drop on the verbal SAT of students going to selective colleges. His conclusion:

> These kids are less able to understand what they read than students a generation ago, so they need shorter and easier assignments. They are less able to write or think or carry on a coherent argument. And, because they have read less and understood less, they also know less.

Mr. President, for the sake of our culture, our democracy, and our economy, we urgently need to turn this around. I believe communication technology—properly applied by adults who care about reading and writing—can help. I believe the State electronic libraries could be the resource needed by communities grappling with this challenge.

Mr. President, there are increasing opportunities for the application of technology to both formal and informal learning. The hardware, while confusing at times, is becoming increasingly available and financially accessible—thanks largely to a very competitive marketplace, by the way. The Internet, one of our Government's most democratic creations, is experiencing user growth of 15 percent a month. Worldwide usage is projected to be a billion in just 6 more years.

The capabilities of the National Research and Education Network [NREN], when it becomes available, will offer even greater possibilities. A number of demonstration programs are underway in schools and school districts throughout the country.

The Library of Congress is both demonstrating new technologies and engaged in efforts to make information available electronically. Various departments and agencies of the Federal Government, including the National Agricultural Library and the National Library of Medicine, are rapidly making more valuable information available to the public.

Unique collaborative partnerships are possible, and the only limit is our imagination—where is Rod Serling when we need him? Imagine, for example, a team of geography, language, history, or science teachers at a State electronic library forming a partnership with NASA in order to use full motion digitized graphics of the surface of the earth in the classroom. Imagine a similar partnership with the National Center for Atmospheric Research or one of the Department of Energy laboratories to teach science in the home or the school.

Even where there is such imagination in our community, problems still exist. Most schools do not have adequate computers and other hardware. Educational software development is moving ahead but it is currently difficult to keep up with changes in the market in order to make decisions about the utility of the growing variety of programs.

Networking is hindered both by lack of connectivity and by prohibitive costs of line usage. Few schools have lines into individual classrooms. Teachers, students, and parents need training in the use of the technology and information about what is available. Users need information and experience with the technology in order to produce their own materials for classroom or in-home use. This can involve sophisticated reproduction equipment, scanners, and software programs.

Mr. President, an important point about this legislation is that it does not focus exclusively on schools. State electronic libraries will be a resource for schools, businesses, and households. This legislation also seeks to build upon what we have already done, especially with Internet. And it is an attempt to position us to make use of what is to come.

It would allow for prototype projects which would pull together the hardware, software, and networking capabilities which do exist, publicize and demonstrate the possibilities, make training and information opportunities available, and also demonstrate current production capabilities.

I have devoted considerable time in Nebraska working to expand distance-learning opportunities and networking capabilities. I am very proud of what we have been able to do. I cannot recount all our efforts here today, but I can tell you that we have become experienced with distance learning using two-way audio-video. We have produced award-winning programs and courses which are taught in over 20 other States. We have a project in which a number of small rural schools share a loop. We have over 1,000 teachers connected to Internet although they suffer the burden of relatively expensive and difficult access to 800 lines.

I have also spent considerable time with hardware companies, software companies, and networking interests throughout the country. I know there are exciting and challenging materials available.

However, I have heard again and again the same complaints. The vision is not clear. It is hard to understand what is available now, much less what can be done in the future. The current technologies are confusing and, even though costs are dropping dramatically, there are still barriers to the purchase of equipment and software, much less services. Information and training are needed.

State electronic libraries will give communities the catalyst they need to get and keep things moving. Acting as a storer of information, producer of useful software, as well as a trainer of people. State electronic libraries will permit the community to accomplish a critical goal: making certain the technology serves people and not the other way around.

This legislation borrows heavily from an existing National Science Foundation program, the State systemic initiative [SSI]. SSI is a model program for several reasons important in the technology field. First, it is a multiyear program. Second, it seeks to bring together many interests. Third, it seeks to make systemwide change. Fourth, it seeks to involve the business community, State and local governments, parents, educators, and students.

This legislation is a modest supplement to other efforts. I intend to support other legislation which will provide direct assistance to schools, libraries, and community-based facilities. It is my intent to support additional connectivity to Internate for K–12. It is my intent to support other efforts to develop electronic data resource and software. It is my intent to work to make live access universally available and affordable for every American school.

Mr. President, the most important element of this entire program is to make certain that human values determine use. Human beings were meant to be more than efficient shoppers and informed selectors of the latest game or entertainment choice. Communication technology should serve higher needs, too.

The worst thing we could do is to create a cult of technologists. Human spirit and soul cannot be digitized. As much as I believe we need to build State electronic libraries, I also believe we should bear in mind the advice of such skeptics as Neil Postman. I close my presentation with a few sentences from his essay in the November 1, 1992, Washington Post:

> There is no technological solution to the problems of education in America. It is a billion-dollar American delusion that the application of new technologies will make a significant difference, in the long run, to what happens in the classroom. All instructional technologies are only a means to an end. The problem we face is that the end is unclear to some, a matter of indifference to others, and contemptible to still others. If there is no clear purpose for education—acceptable to teachers, parents and children—schooling does not work. People must believe that education is worthwhile—indeed, that their culture is worthwhile—in order for school to have significant meaning. When citizens do not believe they have a culture worth preserving, their children are beset with sorrows including a lack of hope, conviction, trust and aspiration. They are, in a word, unteachable. When citizens believe they have a worthy culture (not just an economy), their children are not difficult to teach and will learn what they need to learn from available technologies.
>
> All instructional technologies—new and old—are impotent machines unless we have some meaningful story to tell our children. It may be a story about their souls, or their minds, or their history, or their country, or even their planet. But it must be strong and romantic and inspiring. It must be capable of touching the heart and nerves, and it must explain who they are and why they are here and what is expected of them. And, of course, we who tell it must believe it. If we believe it, the children will believe it. If the children believe it, our problem is solved, and computers won't have a damn thing to do with it.

Well said, Mr. Postman, and enough said, Mr. KERREY.

By Mr. KENNEDY:

S. 627. A bill to amend the act of March 3, 1931, known as the Davis-Bacon, to revise the standard for coverage under that act, and for other purposes; to the Committee on Labor and Human Resources.

REFORM OF THE DAVIS-BACON ACT

Mr. KENNEDY. Mr. President, 62 years ago, Congress enacted the Davis-Bacon Act to promote stability, efficiency, and quality in federally funded construction projects, to protect the Government and the taxpayer from shoddy contracting practices, and to ensure that the spending power of the Federal Government was not abused and misused to undermine local prevailing wage standards.

The premise that underlies the Davis-Bacon Act is as valid today as it was in 1931. Workers on federally funded construction projects should be paid no less than the prevailing wage in that locality for that kind of work. The men and women who work in the construction industry—who build our bridges and our highways, our hospitals and our schools—deserve the act's protections today as much as they did 60 years ago.

In recent years, numerous debates have taken place over various proposals to amend the Davis-Bacon Act. In each instance, we have reaffirmed our support for the act and rejected attempts to weaken its protections. However, in the course of those debates, both supporters and critics of the act have raised legitimate issues relating to the scope of the act's application and the manner in which it is administered and enforced. Those issues deserve to be seriously addressed—not in piecemeal fashion, but in a comprehensive way.

I am therefore introducing today a series of proposed amendments to the Davis-Bacon Act. The bill presents a fair and balanced approach to the issues that have been raised in the course of our debates over this important statute.

One of the key provisions of this legislation is a substantial increase in the size threshold for coverage under the act from the current level of $2,000 for all construction contracts to $100,000 for contracts for new construction and to $15,000 for contracts for repair, alteration, or demolition. The current thresholds are out of date and the new levels will significantly reduce the burdens associated with administering small contracts.

The bill also would eliminate 75 percent of the paperwork necessary for employer payroll reporting under current law. While reporting provisions are necessary to ensure that workers are receiving the correct wages, monthly instead of weekly reports, will reduce the paperwork that has become a burden to many firms.

The bill also addresses concerns that the act is not being adequately enforced by adding new mechanisms for enforcing prevailing wage requirements against contractors who violate the law. It prohibits the Department of Labor from issuing wage determinations based on out-of-date wage data. And it codifies the existing authority of the Secretary of Labor to issue regulations, administrative decisions and legal interpretations concerning the act that are final and binding on other agencies. Other major provisions would strengthen current law requiring prevailing wages on Federal lease/construction projects; define the scope of prevailing wage surveys to include all similar construction work in the applicable area; define the terms "apprentice," "trainee," and "helper"; and limit the use of "helpers" to prevailing local practices. The bill also clarifies the application of State or local prevailing wage laws to projects covered by the Davis-Bacon Act.

These are major and timely reforms to improve the administration and enforcement of the act while preserving its important protections for workers, taxpayers, and the Government. I urge my colleagues to support this legislation, and I ask unanimous consent that the text be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DAVIS-BACON ACT REVISION.

The Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Davis-Bacon Act'.

"SEC. 2. CONTRACT REQUIREMENTS.

"(a) REQUIRED PROVISIONS.—

"(1) IN GENERAL.—A contract described in subsection (b) shall—

"(A) contain a provision stating that the various classes of laborers and mechanics under the contract shall be paid minimum wages based upon wages determined by the Secretary under subsection (b) to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, or other civil subdivision of the State in which the work is to be performed or in the District of Columbia if the work is to be performed there; and

"(B) contain a stipulation that the contractor or subcontractor under the contract shall pay all laborers and mechanics under the contract—

"(i) unconditionally;

"(ii) not less often than once a week; and

"(iii) without subsequent deduction or rebate on any account;

the full amounts accrued at time of payment irrespective of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers or mechanics.

"(2) LABORER OR MECHANIC.—An individual shall for purposes of this subsection be considered a laborer or mechanic under a contract subject to this subsection if the person who entered into the contract paid, directly or through a subcontract, compensation to the individual for services performed as a laborer or mechanic to carry out the contract.

"(b) CONTRACTS COVERED.—

"(1) IN GENERAL.—The requirements of subsection (a) apply to any contract—

"(A) to which the United States or the District of Columbia is a party, or for the construction, prosecution, completion, alteration, repair, renovation, demolition or reconstruction of buildings or works financed in whole or in part by loans, grants, revolving funds or loan guarantees from the United States, or constructed on land owned by the United States unless exempted or otherwise limited by Federal law; and

"(B) which is in excess of—

"(i) $100,000 for new construction (including painting and decorating; or

"(ii) $15,000 for alteration, repair, renovation, rehabilitation, demolition or reconstruction (including painting and decorating);

of public buildings or public works of the United States or the District of Columbia or of buildings or works financed in whole or in part by loans, grants, revolving funds or loan guarantees from the United States, or constructed on land owned by the United States unless exempted or otherwise limited by Federal law.

"(2) PREEMPTION.—Neither the requirements of subsection (a) or the provisions of any other Federal law or regulation shall preempt the application of requirements for the payment of wages or fringe benefits or both adopted by State, local and tribal governments otherwise applicable to contracts for the construction, prosecution, completion, alteration, repair, renovation, demolition or reconstruction of buildings and works financed in whole or in part by loans, grants, revolving funds or loan guarantees from the United States, or constructed on land owned by the United States, unless compliance with such requirements would make it impossible to comply with the requirements of subsection (a).

"(3) MULTIPLE CONTRACTS.—

"(A) IN GENERAL.—Any 2 or more contracts for any construction project (including any alteration, repair, renovation, rehabilitation, reconstruction, demolition, painting or decorating project) that—

"(i) individually do not exceed the applicable amount prescribed by paragraph (1)(B);

"(ii) in the aggregate do exceed such amount; and

"(iii) all relate to the same work or related work at the same project;

shall be treated as a single contract for purposes of subsection (a).

"(B) ENFORCEMENT.—For the purpose of enforcing the requirements of subsection (a) for contracts which under subparagraph (A) are to be treated as a single contract, any interested person may bring an action against the Secretary of the department, the head of the agency, or contracting authority which entered into such contracts. Such an action may be brought in any United States district court for the district in which the violation of subsection (a) is alleged to have been committed or in the United States District Court for the District of Columbia. Such an action shall be commenced not later than 90 days after the day on which the last labor was performed under the contract with respect to which the action is brought.

"(C) RELIEF.—If in an action brought under subparagraph (B) the court finds that there has been a violation of subsection (a), the court may order such relief as may be appropriate, including—

"(i) compliance with subsection (a) in the payment of wages under the contracts subject to subsection (a); and

"(ii) the payment by the Secretary of the department, the head of the agency, or contracting authority which entered into such contracts of prevailing wage rates in accordance with that subsection from the date construction began under the contracts involved in such action until the date of the judgment of the court, together with interest, at a rate determined by the court, based on the difference between the wages paid under such contracts and the wages required to be paid under such contracts by subsection (a).

"(D) ATTORNEY'S FEES.—If an interested person prevails in an action brought under subparagraph (B), the court in such action shall assess the defendants in the action a reasonable attorney's fee and other litigation costs reasonably incurred by the interested person.

"(4) LEASES.—If the United States or the District of Columbia has entered into a contract to lease a building or work or portion thereof and if performance of a contract for the construction, alteration, repair, renovation, rehabilitation, demolition or reconstruction of the building or work or portion thereof subject to the lease is required for fulfillment of the contract to lease, the contract for the construction, alteration, repair, renovation, rehabilitation, or reconstruction of the facility shall be subject to subsection (a) if the contract meets the requirements of paragraph (1)(B).

"(c) APPRENTICES, TRAINEES, AND HELPERS.—

"(1) APPRENTICES.—An apprentice who is employed under a contract subject to subsection (a) may be paid less than the rate required by such subsection if the apprentice is—

"(A) employed pursuant to and individually registered in a bona fide apprenticeship program registered with the Bureau of Apprenticeship and Training of the Department of Labor or with a State Apprenticeship Agency recognized by the Bureau; or

"(B) employed in the apprentice's first 90 days of probationary employment as an apprentice in such an apprenticeship program and is not individually registered in the program but has been certified by the Bureau of Apprenticeship and Training or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

"(2) TRAINEES.—A trainee who is employed under a contract subject to subsection (a) may be paid less than the rate required by such subsection if the trainee is employed pursuant to and individually registered in a program which has received prior approval which is evidenced by formal certification by the Bureau of Apprenticeship and Training of the Department of Labor.

"(3) WAGE RATES.—Notwithstanding any other provision of law, no apprentice or trainee will be permitted to work under a contract subject to subsection (a) at less than the prevailing wage rate unless such apprentice or trainee is registered in a program described in paragraph (1) or (2).

"(4) HELPERS.—A helper who is employed under a contract subject to subsection (a) may be paid less than the rate required by such subsection if—

"(A) the helper is employed in a classification of helpers the use of which prevails in the area in which the helper is employed;

"(B) the scope of the duties of the helper is defined and is separate and distinct from the duties of either a laborer or a mechanic; and

"(C) the helper is not used as informal apprentice or trainee.

"(d) POSTING.—A contractor or subcontractor under a contract described in subsection (b) shall post the scale of wages required to be paid under such contract in a prominent and easily accessible place at the site of the contract work.

"SEC. 3. WAGES.

"(a) DEFINITION.—As used in this Act, the terms 'wages', 'scale of wages', 'wage rates', and 'minimum wages' include—

"(1) the basic hourly rate of pay; and

"(2) the amount of—

"(A) the rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program; and

"(B) the rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the laborers and mechanics affected;

for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accidental insurance, for vacation and holiday pay, for defraying costs of apprenticeship, joint labor-management committees or similar programs, or for other bona fide fringe benefits, but only if the contractor or subcontractor is not required by other Federal, State, or local law to provide any of such benefits.

"(b) PREVAILING WAGE.—

"(1) DEFINITION.—For purposes of paragraph (2), the term 'prevailing wage' when used to describe the wages required to be paid a laborer or mechanic under a contract subject to section 2(a) means the wages determined by the Secretary to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, or other civil subdivision of the State in which the work is to be performed or in the District of Columbia if the work is to be performed there. In making such a determination for projects of a particular character in an area, the Secretary shall consider the wages paid for all projects regardless of the source of funding of the same character in the area under contracts which have been entered into for amounts not less than the amounts prescribed by clause (i) or (ii) of section 2(b)(1)(B).

"(2) WAGE DETERMINATIONS.—For purposes of a contract subject to section 2(a), the Secretary shall issue wage determinations based upon the most recent data submitted to the Secretary. No wage determination that is based on data that is older than 3 years shall be considered "prevailing" within the meaning of this Act. In the event that the Secretary has no such data, the prevailing wage for purposes of such contract shall be the highest prevailing wage determined by the Secretary to be prevailing in an area in the State which is comparable to the area in which the contract is to be performed.

"(c) WAGE PAYMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the obligation of a contractor or subcontractor to make wage payments in accordance with the prevailing wage determinations of the Secretary, insofar as this Act and other Acts incorporating this Act by reference are concerned, may be discharged by—

"(A) the making of payments in cash;

"(B) the making of contributions of a type referred to in subsection (a)(2);

"(C) the assumption of an enforceable commitment to bear the costs of a plan or program of a type referred to in subsection (a)(2); or

"(D) any combination thereof.

"(2) CONTRIBUTIONS AND COSTS.—In discharging the obligation to make wage payments to laborers and mechanics in accordance with the prevailing wage determinations of the Secretary, a contractor or subcontractor may only include contributions described in subsection (a)(2)(A) and costs described in subsection (a)(2)(B) which do not exceed the aggregate of contributions and costs determined by the Secretary to be prevailing under subsection (b).

"(d) OVERTIME.—In determining the overtime pay to which a laborer or mechanic is entitled under any Federal law, the regular or basic hourly rate of pay (or other alternative rate upon which premium rate of overtime compensation is computed) of the laborer or mechanic shall be deemed to be the basic hourly rate of pay, except that where the amount of payments, contributions, or costs incurred with respect to the laborer or mechanic exceeds the prevailing wage applicable under subsection (b), the basic hourly rate of pay shall be arrived at by deducting from the amount of payments, contributions, or costs actually incurred with respect to the laborer or mechanic, the amount of contributions or costs of the type described in subsection (a)(2) actually incurred with respect to the laborer or mechanic or the amount determined under subsection (a)(2) but not actually paid, whichever amount is the greater.

"SEC. 4. ENFORCEMENT.

"(a) ACTION BY THE SECRETARY.—The Secretary, on the initiative of the Secretary or at the request of a laborer or mechanic, or interested person, shall investigate compliance by a contractor with the requirements of section 2 and may take such action under section 8(1) to secure compliance with such requirements as may be appropriate.

"(b) COVERAGE REVIEW.—

"(1) PETITION FOR REVIEW OF COVERAGE.—If the Secretary of a department, head of an agency, or contracting authority determines that a contract entered into by the Secretary, agency head, or contracting authority which involves construction (including alteration, repair, renovation, rehabilitation, reconstruction, demolition, painting, or decorating) of a building or works is not subject to section 2(a), any interested person may petition the Administrator to review such determination. The Administrator shall complete the review requested and issue a decision within 60 days of the date the petition is received. Such decision shall be reviewable by the Secretary of Labor who shall make a determination within 90 days. Such determination shall be binding upon the Secretary of a department, agency head or contracting authority.

"(2) JUDICIAL REVIEW.—

"(A) IN GENERAL.—Any interested person adversely affected or aggrieved by—

"(i) the determination by the Secretary of Labor made on a petition filed under paragraph (1); or

"(ii) if the Secretary denies a petition filed under paragraph (1), the determination of a Secretary of a department or head of an agency under paragraph (1) with respect to which the petition was filed;

may obtain review of such determination in any United States court of appeals for the circuit in which such person is located or in the United States Court of Appeals for the District of Columbia Circuit by filing in such court, within 60 days following issuance of such determination, a written petition praying that such determination be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court in which it is filed to the Secretary or agency head which made the determination and to other interested persons.

"(B) FILING OF RECORD.—Upon transmittal of the petition, the Secretary, agency head, or contracting authority which made the determination shall file in the court the record of the proceeding upon which the decision to be reviewed was made and the questions determined in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court—

"(i) shall have exclusive jurisdiction of the proceeding and of the questions determined in the proceeding; and

"(ii) shall have the power—

"(I) to grant such temporary relief or restraining order as it deems just and proper;

"(II) to decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of the determination subject to review and in so doing, the court shall apply the standards of review set forth in section 706 of title 5, United States Code;

"(III) to make and enter upon the pleadings, testimony, and proceedings set forth in the record a decree affirming, modifying, or setting aside, in whole or in part, the determination subject to review; and

"(IV) to enforce such determination to the extent that it is affirmed or modified.

The decision of the court shall be final except that it shall be subject to review by the Supreme Court of the United States as provided in section 1254 of title 28, United States Code.

"(c) ADMINISTRATIVE COMPLAINT PROCEDURE.—

"(1) IN GENERAL.—Any laborer or mechanic under a contract with the United States or the District of Columbia or another contract described in section 2(b)(1) or any interested person may file an administrative complaint with the Administrator to review the wage payments to the laborer or mechanic under such contract to determine if the wage payments have been made in accordance with section 2(a).

"(2) ADMINISTRATOR.—

"(A) DETERMINATION.—The Administrator shall determine if wage payments have been made in accordance with section 2(a) within 120 days of the receipt of the administrative complaint.

"(B) HEARING.—Either the complainant or the employer involved in the administrative complaint may, within 15 days of the date of issuance of the determination of the Administrator, request a hearing on the determination before an administrative law judge. The determination of the Administrator shall be deemed to be a final agency action if no request for a hearing is made within such 15 days.

"(C) REQUEST FOR REFERENCE.—If the Administrator does not make a determination on an administrative complaint within 120 days of its receipt, the complainant may request that the administrative complaint be referred to the Chief Administrative Law Judge of the Department of Labor for assignment to an Administrative Law Judge of the Department of Labor to make the determination requested by the administrative complaint.

"(3) ADMINISTRATIVE LAW JUDGE.—

"(A) IN GENERAL.—The administrative law judge—

"(i) to whom a determination of the Administrator has been referred under a request for a hearing under paragraph (2)(B); or

"(ii) to whom an administrative complaint has been referred under a request for a hearing pursuant to paragraph (2)(C);

shall within 90 days of a request conduct a hearing on the record in accordance with section 554 of title 5, United States Code, with respect to such administrative complaint or determination.

"(B) HEARINGS.—In any proceeding before an administrative law judge, the employer under the contract reviewed shall have the burden of demonstrating that the wage payments under the contract were made in accordance with such section. The administrative law judge shall have the power to issue orders requiring the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In the case of contumacy, failure, or refusal of any person to obey such order, any District Court of the United States or of any Territory or possession, within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which said person who is guilty of contumacy, failure, or refusal is found, or resides or transacts business, upon the application by the Administrator or the complainant, shall have jurisdiction to issue to such person an order requiring such person to appear before him or representative designated by him, to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof. The administrative law judge shall issue a decision as to whether wage payments have been made in accordance with section 2(a) within 30 days after he receives the transcript of the hearing proceedings.

"(C) REVIEW BY SECRETARY.—Within 30 days of the date of issuance of the decision by an administrative law judge, the complainant or the employer involved in the petition may request the Secretary to review the decision of the administrative law judge. The decision of the administrative law judge shall be deemed to be a final agency action if no request for review is made within such 30-day period or, within 30 days of the date the decision is made, the Secretary does not grant a request to review the decision of the administrative law judge.

"(D) GRANTING OF REQUEST TO REVIEW.—The Secretary may grant a request to review a decision of an administrative law judge only if the Secretary determines that the request presents a substantial question of law or fact. If the Secretary grants a request for a review, the Secretary, within 90 days after receiving the request, shall review the record and either adopt the decision of the administrative law judge or issue exceptions. The decision of the administrative law judge, together with any exceptions, shall be deemed to be a final agency action.

"(4) WITHHOLDING OF SUMS.—Upon a determination by the Administrator pursuant to paragraph (2), or the administrative law judge pursuant to paragraph (3), based on a finding that petitioner is likely to succeed on the merits of his or her claim, the Secretary of Labor shall direct the Secretary of the department or the head of the agency, or contracting authority which entered into the contract subject to the requirements of section 2 to withhold from any moneys payable on account of work performed by the contractor or subcontractor under such contract, any other contract described in section 2(b)(1), or any other federally-funded or assisted contract the contractor may have with the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in paragraph (5)(A).

"(5) DECISION.—The decision of the Administrator, an administrative law judge, or the Secretary on a petition under this subsection for the review of the wage payments under a contract may include—

"(A) the awarding of damages to the petitioner in the amount of twice the amount of wages not paid in accordance with section 2(a) if it is found on review of the petition that the petitioner was willfully not paid wages in accordance with such section; and

"(B) in addition to any award to the petitioner, a reasonable attorney's fee to be paid by the employer and the cost of the action.

"(6) PAYMENTS.—The Secretary shall pay directly to laborers and mechanics from any accrued payments withheld under the terms of the contract any wages found by the Secretary of Labor under this subsection to be due laborers and mechanics under section 2(a). The Secretary shall distribute a list to all departments of the Federal Government giving the names of the person and/or corporation, partnership or association the Secretary of Labor has found under this subsection to have disregarded their obligations to employees and subcontractors. No contract shall be awarded to the persons and/or corporations, partnerships or associations appearing on this list or to any corporation, partnership, or association in which such persons have an interest until 3 years (or 5 years in the case of a second debarment) have elapsed from the date of publication of the list containing the names of such persons and/or corporation, partnership, or associations.

"(7) RIGHT OF ACTION.—If the accrued payments withheld under the terms of a contract subject to section 2(a) are insufficient to reimburse all the laborers and mechanics with respect to whom there has been a failure to pay the wages required by such section, the Secretary shall bring an action against the contractor and the contractor's sureties for the payment of the wages required by such section, and in such an action it shall be no defense that such laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds.

"(8) TIME.—An action seeking judicial review of a final agency action under this subsection shall be brought within 30 days of the date of such action.

"(d) CIVIL ACTIONS.—

"(1) IN GENERAL.—Any employer who violates section 2(a) shall be liable to each laborer or mechanic affected in the amount of the laborer or mechanic's unpaid wages and, if the violation was willful, in an additional equal amount as liquidated damages.

"(2) ACTIONS.—An action to recover the liability prescribed by paragraph (1) may be maintained against any employer in any Federal or State court of competent jurisdiction by any interested party or by any one or more laborers or mechanics for and in behalf of the laborer or mechanic or laborers or mechanics and other laborers or mechanics similarly situated. No laborer or mechanic may be a party plaintiff to any such action unless the laborer or mechanic gives the laborer or mechanic's consent in writing to become such a party and such consent is filed in the court in which such action is brought. No civil action may be brought or maintained under this paragraph by a laborer or mechanic with respect to the laborer or mechanic's wages if a petition is or has been filed by that laborer or mechanic under subsection (c) with respect to the laborer or mechanic's wages.

"(3) ATTORNEY'S FEE.—The court in an action brought under paragraph (2) shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant and the cost of the action.

"SEC. 5. TERMINATIONS.

"Every contract subject to section 2(a), shall contain a provision that in the event it is found by the contracting officer or the Administrator that any laborer or mechanic covered by the contract has been or is being paid a rate of wages less than the rate of wages required by section 2(a) to be paid under the contract or subcontract, the Government may, by written notice to the contractor, terminate the right of such contractor to proceed with the work or such part of the work as to which there has been a failure to pay the required wages and to prosecute the work to completion by contract or otherwise. The contractor and its sureties shall be liable to the Government for any excess costs incurred by the Government because of the termination of the contract.

"SEC. 6. CONSTRUCTION.

"This Act shall not be construed to supersede or impair any authority otherwise granted by Federal law to provide for the establishment of specific wage rates.

"SEC. 7. NATIONAL EMERGENCY.

"In the event of a national emergency, the President may suspend the provisions of this Act.

"SEC. 8. ADMINISTRATION OF ACT.

"The Secretary of Labor shall—

"(1) take such action as may be appropriate to ensure compliance with the requirements of this Act and to enforce its requirements; and

"(2) promulgate appropriate standards and procedures to be observed by contracting officers with respect to contracts to which this Act applies.

An action by the Secretary under section 4 or this section or by a court under section 4 to enforce the requirements of this Act with respect to a contract shall require the application of this Act to the contract from the date of the contract or the beginning of the work.

"SEC. 9. DEFINITIONS.

"As used in this Act:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Wage and Hour Division of the Department of Labor.

"(2) CONSTRUCTION, ETC.—The terms 'construction', 'prosecution', 'completion', 'repair', 'alteration', 'renovation', 'demolition' and 'reconstruction' mean all types of work performed by laborers and mechanics which relates to a particular building or work financed in whole or in part by loans, grants, revolving funds or loan guarantees from the United States, or located on land owned by the United States unless exempted or otherwise limited by Federal law, including without limitation, altering, remodeling, painting and decorating, the transporting of materials and supplies to or from the building or work by the employees of the construction contractor or its subcontractors, including independent hauling contractors, and the manufacturing or furnishing of materials, articles, supplies or equipment for the project from facilities dedicated exclusively, or nearly so, to the prosecution of the building or work financed in whole or in part by loans, grants, revolving funds or loan guarantees from the United States, or located on land owned by the United States unless exempted or otherwise limited by federal law.

"(3) INTERESTED PERSON.—The term 'interested person' means any contractor likely to seek or to work under a contract to which section 2(a) applies, any association representing such a contractor, any laborer or mechanic likely to be employed or to seek employment under such a contract, or any labor organization which represents such a laborer or mechanic.

"(4) PROJECT.—The term 'project' means all construction necessary to complete a new facility, building or work, or to complete an alteration, repair, renovation, rehabilitation, demolition or reconstruction (including painting and decorating) of a facility, building or work, regardless of the number of contracts involved so long as all contracts are related in purpose and time.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Labor.".

SEC. 2. PAYROLL INFORMATION.

(a) AMENDMENTS TO COPELAND ACT.—Section 2 of the Act of June 13, 1934 (40 U.S.C. 276c) is amended—

(1) in the first sentence, by striking out everything after "shall" the second time it appears and inserting in lieu thereof the following: "maintain payroll and other basic records relating to the payroll for the work on such buildings or public works, preserve such records for a period of 3 years after the completion of such work, and furnish with respect to employees employed in such work and not later than the 10th day of each month a statement which sets forth the following information for each employee for each payroll period ending during the preceding calendar month: The name, address, social security number, employment classification, number of hours worked daily and during the payroll period, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits), all deductions made, and actual wages paid."; and

(2) by adding after the first sentence the following: "If a contractor or subcontractor fails timely to submit the certified payroll reports as required herein, the Secretary of the department or the head of the agency which entered into or authorized the funding of the contract subject to the requirements of this section shall suspend all payments to the contractor or subcontractor. Any interested person may obtain a copy of any statement provided under this section from any department, agency or contracting authority which is required by law, regulation, or the terms of a contract or grant, to maintain a record of such statement notwithstanding section 552(b) of title 5, United States Code.".

(b) ELECTRONIC REPORTING.—The Secretary of Labor shall undertake a study to determine the feasibility of employers using electronic methods to comply with the reporting requirements under section 2 of the Act of June 13, 1934. The Secretary shall report to the Congress not later than one year after the date of the enactment of this Act on actions taken by the Secretary and employers to facilitate electronic reporting of payroll information.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. WARNER, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from New York [Mr. D'AMATO], the Senator from Mississippi [Mr. COCHRAN], the Senator from Arkansas [Mr. PRYOR], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 50, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson.

S. 88

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 88, a bill to amend the National School Lunch Act to remove the requirement that schools participating in the School Lunch Program offer students specific types of fluid milk, and for other purposes.

S. 91

At the request of Mr. THURMOND, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 91, a bill to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes.

S. 155

At the request of Mr. DASCHLE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 155, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 195

At the request of Mr. HELMS, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 195, a bill to repeal the mandatory 20 percent income tax withholding on eligible rollover distributions which are not rolled over.

S. 317

At the request of Mr. DECONCINI, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 317, a bill to reform Customs Service operations, and for other purposes.

S. 381

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 381, a bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs.

S. 424

At the request of Mr. DODD, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 424, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 470

At the request of Mrs. BOXER, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 470, a bill to amend chapter 41 of title 18, United States Code, to punish stalking.

S. 479

At the request of Mr. DODD, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 479, a bill to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act of 1940 and through business development companies.

S. 487

At the request of Mr. DANFORTH, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 525

At the request of Mr. HATFIELD, the names of the Senator from Montana [Mr. BURNS] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 525, a bill to establish the Educational Flexibility Act.

S. 542

At the request of Mr. PRYOR, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 542, a bill to amend the Internal

Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 578

At the request of Mr. KENNEDY, the names of the Senator from Maine [Mr. COHEN] and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of S. 578, a bill to protect the free exercise of religion.

S. 591

At the request of Mr. D'AMATO, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 591, a bill to authorize the President to suspend the application of laws and regulations that impede economic revitalization and growth.

S. 600

At the request of Mr. BOREN, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

S. 602

At the request of Mr. BREAUX, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 602, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the Medicare Program for individuals with diabetes.

SENATE JOINT RESOLUTION 28

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Joint Resolution 28, a joint resolution to provide for the appointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.

SENATE JOINT RESOLUTION 42

At the request of Mr. BUMPERS, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 42, a joint resolution to designate the month of April 1993 as "Civil War History Month."

SENATE JOINT RESOLUTION 50

At the request of Mr. SPECTER, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 50, a joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 55

At the request of Mr. HATCH, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Colorado [Mr. BROWN], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from New York [Mr. D'AMATO], the Senator from Rhode Island [Mr. PELL], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Joint Resolution 55, a joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week."

SENATE JOINT RESOLUTION 56

At the request of Mr. BIDEN, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Alabama [Mr. SHELBY], the Senator from Hawaii [Mr. AKAKA], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 56, a joint resolution to designate the week beginning April 12, 1993, as "National Public Safety Telecommunicators Week."

AMENDMENT NO. 186

At the request of Mr. PRESSLER, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of Amendment No. 186 proposed to S. Con. Res. 18, an original concurrent resolution setting forth the congressional budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998.

AMENDMENTS SUBMITTED

OMNIBUS CONGRESSIONAL BUDGET RESOLUTION

BINGAMAN (AND OTHERS) AMENDMENT NO. 188

Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. BRYAN, Mr. REID, Mr. DECONCINI, Mr. CAMPBELL, and Mr. DOMENICI) proposed an amendment to the concurrent resolution (S. Con. Res. 18) setting forth the congressional budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997, and 1998, as follows:

At the end of the resolution, add the following new sections:

SEC. . SENSE OF SENATE REGARDING GRAZING FEES.

It is the sense of the Senate that the assumptions underlying the levels of revenues set forth in this resolution include the assumption that fees charged for domestic livestock grazing on lands under the jurisdiction of the Secretary of Agriculture and the Secretary of the Interior in western States should be set at an amount that permits the ranching industry to remain viable and reflects the economic realities of the industry, rather than at an amount that meets arbitrary revenue targets.

SEC. . SENSE OF SENATE REGARDING HARDROCK MINING ROYALTY FEES.

It is the sense of the Senate that the assumptions underlying the level of revenues set forth in this resolution include the assumption that royalty fees charged for hardrock mining should be set at an amount that permits the mining industry to remain viable in the United States and reflects the economic realities of the industry, rather than at an amount that meets arbitrary revenue targets.

NUNN AMENDMENT NO. 189

Mr. NUNN proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the concurrent resolution add the following:

SEC. . SENSES OF THE SENATE REGARDING THE EFFECTS OF CHANGES IN INFLATION ASSUMPTIONS AND IN ASSUMPTIONS REGARDING FEDERAL PAY INCREASES ON SPENDING LEVELS FOR NATIONAL DEFENSE AND OTHER FEDERAL FUNCTIONS.

It is the sense of the Senate that—

(1) if the estimates for inflation for fiscal years 1994 through 1998 used in the President's fiscal year 1994 budget request and this concurrent resolution are too low, the amounts for budget authority and outlays for the national defense (050) and other budget functions should be increased to offset the adverse effects of the higher inflation; and

(2) if Congress does not enact legislation freezing Federal pay levels for fiscal year 1994 and reducing the rates of increase in Federal pay levels for fiscal years 1995 through 1997, as assumed for the President's fiscal year 1994 budget request and this concurrent resolution, there should be appropriate increases in the amounts of budget authority and outlays for the National Defense (050) and other budget functions in this concurrent resolution to allow the departments and agencies of the Federal Government to meet the resulting increases in costs for pay.

BURNS AMENDMENT NOS. 190–191

(Ordered to lie on the table.)

Mr. BURNS submitted two amendments intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra, as follows:

AMENDMENT NO. 190

On page 2, decrease the amount on line 18, by $420,000,000.

On page 2, decrease the amount on line 19, by $440,000,000.

On page 3, decrease the amount on line 2, by $460,000,000.

On page 3, decrease the amount on line 4, by $480,000,000.

On page 3, decrease the amount on line 6, by $500,000,000.

On page 3, decrease the amount on line 10, by $420,000,000.

On page 3, decrease the amount on line 11, by $440,000,000.

On page 3, decrease the amount on line 12, by $460,000,000.

On page 3, decrease the amount on line 13, by $480,000,000.

On page 3, decrease the amount on line 14, by $500,000,000.

On page 4, decrease the amount on line 6, by $420,000,000.

On page 4, decrease the amount on line 7, by $440,000,000.

On page 4, decrease the amount on line 8, by $460,000,000.

On page 4, decrease the amount on line 9, by $480,000,000.

On page 4, decrease the amount on line 11, by $500,000,000.

On page 4, decrease the amount on line 15, by $420,000,000.

On page 4, decrease the amount on line 16, by $440,000,000.

On page 4, decrease the amount on line 17, by $460,000,000.

On page 4, decrease the amount on line 18, by $480,000,000.

On page 4, decrease the amount on line 19, by $500,000,000.

On page 5, decrease the amount on line 1, by $420,000,000.

On page 5, decrease the amount on line 2, by $440,000,000.

On page 5, decrease the amount on line 3, by $460,000,000.

On page 5, decrease the amount on line 4, by $480,000,000.

On page 5, decrease the amount on line 5, by $500,000,000.

On page 5, decrease the amount on line 11, by $420,000,000.

On page 5, decrease the amount on line 12, by $440,000,000.

On page 5, decrease the amount on line 13, by $460,000,000.

On page 5, decrease the amount on line 14, by $480,000,000.

On page 5, decrease the amount on line 15, by $500,000,000.

On page 5, decrease the amount on line 22, by $420,000,000.

On page 5, decrease the amount on line 23, by $440,000,000.

On page 5, decrease the amount on line 24, by $460,000,000.

On page 5, decrease the amount on line 25, by $480,000,000.

On page 6, decrease the amount on line 1, by $500,000,000.

On page 6, decrease the amount on line 7, by $420,000,000.

On page 6, decrease the amount on line 8, by $440,000,000.

On page 6, decrease the amount on line 9, by $460,000,000.

On page 6, decrease the amount on line 10, by $480,000,000.

On page 6, decrease the amount on line 11, by $500,000,000.

On page 41, decrease the amount on line 17, by $420,000,000.

On page 41, decrease the amount on line 18, by $420,000,000.

On page 41, decrease the amount on line 24, by $440,000,000.

On page 41, decrease the amount on line 25, by $440,000,000.

On page 42, decrease the amount on line 6, by $460,000,000.

On page 42, decrease the amount on line 7, by $460,000,000.

On page 42, decrease the amount on line 13, by $480,000,000.

On page 42, decrease the amount on line 14, by $480,000,000.

On page 42, decrease the amount on line 20, by $500,000,000.

On page 42, decrease the amount on line 21, by $500,000,000.

On page 50, decrease the amount on line 9, by $420,000,000.

On page 50, decrease the amount on line 10, by $2,300,000,000.

On page 57, decrease the amount on line 18, by $420,000,000.

On page 57, decrease the amount on line 19, by $2,300,000,000.

On page 71, decrease the amount on line 13, by $460,000,000.

On page 71, decrease the amount on line 14, by $460,000,000.

On page 71, decrease the amount on line 16, by $480,000,000.

On page 71, decrease the amount on line 17, by $480,000,000.

On page 71, decrease the amount on line 20, by $500,000,000.

On page 71, decrease the amount on line 21, by $500,000,000.

AMENDMENT NO. 191

On page 2, decrease the amount on line 18, by $280,000,000.

On page 2, decrease the amount on line 19, by $280,000,000.

On page 3, decrease the amount on line 2, by $294,000,000.

On page 3, decrease the amount on line 4, by $294,000,000.

On page 3, decrease the amount on line 6, by $309,000,000.

On page 3, decrease the amount on line 10, by $309,000,000.

On page 3, decrease the amount on line 11, by $324,000,000.

On page 3, decrease the amount on line 12, by $324,000,000.

On page 3, decrease the amount on line 13, by $339,000,000.

On page 3, decrease the amount on line 14, by $339,000,000.

On page 4, decrease the amount on line 6, by $280,000,000.

On page 4, decrease the amount on line 7, by $280,000,000.

On page 4, decrease the amount on line 8, by $294,000,000.

On page 4, decrease the amount on line 9, by $294,000,000.

On page 4, decrease the amount on line 11, by $309,000,000.

On page 4, decrease the amount on line 15, by $309,000,000.

On page 4, decrease the amount on line 16, by $324,000,000.

On page 4, decrease the amount on line 17, by $324,000,000.

On page 4, decrease the amount on line 18, by $339,000,000.

On page 4, decrease the amount on line 19, by $339,000,000.

On page 5, decrease the amount on line 1, by $280,000,000.

On page 5, decrease the amount on line 2, by $280,000,000.

On page 5, decrease the amount on line 3, by $294,000,000.

On page 5, decrease the amount on line 4, by $294,000,000.

On page 5, decrease the amount on line 5, by $309,000,000.

On page 5, decrease the amount on line 11, by $309,000,000.

On page 5, decrease the amount on line 12, by $324,000,000.

On page 5, decrease the amount on line 13, by $324,000,000.

On page 5, decrease the amount on line 14, by $339,000,000.

On page 5, decrease the amount on line 15, by $339,000,000.

On page 5, decrease the amount on line 22, by $280,000,000.

On page 5, decrease the amount on line 23, by $280,000,000.

On page 5, decrease the amount on line 24, by $294,000,000.

On page 5, decrease the amount on line 25, by $294,000,000.

On page 6, decrease the amount on line 1, by $309,000,000.

On page 6, decrease the amount on line 7, by $309,000,000.

On page 6, decrease the amount on line 8, by $324,000,000.

On page 6, decrease the amount on line 9, by $324,000,000.

On page 6, decrease the amount on line 10, by $339,000,000.

On page 6, decrease the amount on line 11, by $339,000,000.

On page 41, decrease the amount on line 17, by $280,000,000.

On page 41, decrease the amount on line 18, by $280,000,000.

On page 41, decrease the amount on line 24, by $294,000,000.

On page 41, decrease the amount on line 25, by $294,000,000.

On page 42, decrease the amount on line 6, by $309,000,000.

On page 42, decrease the amount on line 7, by $309,000,000.

On page 42, decrease the amount on line 13, by $324,000,000.

On page 42, decrease the amount on line 14, by $324,000,000.

On page 42, decrease the amount on line 20, by $339,000,000.

On page 42, decrease the amount on line 21, by $339,000,000.

On page 50, decrease the amount on line 9, by $280,000,000.

On page 50, decrease the amount on line 10, by $280,000,000.

On page 57, decrease the amount on line 18, by $294,000,000.

On page 57, decrease the amount on line 19, by $294,000,000.

On page 71, decrease the amount on line 13, by $309,000,000.

On page 71, decrease the amount on line 14, by $309,000,000.

On page 71, decrease the amount on line 16, by $324,000,000.

On page 71, decrease the amount on line 17, by $324,000,000.

On page 71, decrease the amount on line 20, by $339,000,000.

On page 71, decrease the amount on line 21, by $339,000,000.

NUNN AMENDMENT NO. 192

Mr. NUNN proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the concurrent resolution add the following:

SEC. . SENSE OF THE SENATE REGARDING THE CONSISTENCY OF LEVEL OF APPROPRIATIONS FOR NATIONAL DEFENSE FOR FISCAL YEAR 1994 AND THE BUDGET RESOLUTION.

It is the sense of the Senate that—

(1) appropriations for fiscal year 1994 for the programs, projects, activities, and authorities under budget functional category 050 (national defense) should be made at the levels of budget authority and outlays that are provided for in this concurrent resolution for such functional category for such fiscal year; and

(2) if the appropriations for fiscal year 1994 for such programs, projects, activities, and authorities are less than the levels of budget authority and outlays that are provided for in this concurrent resolution for such functional category for such fiscal year, the savings resulting from the lesser levels of appropriations should be used only for reducing the deficit in the budget of the United States.

WARNER AMENDMENT NO. 193

(Ordered to lie on the table.)

Mr. WARNER proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 2, after the table of contents that begins on line 7, insert in Section 1 the following new subsection:

"(c)(1) It is the sense of the Senate that the Congress should promptly reconsider the amounts determined and declared by the Congress in this resolution to be the appropriate levels of new budget authority, outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1994 through 1998 for the National Defense (050) functional category, in the event of a material change in situation affecting the security interests of the United States.

"(2) For purposes of paragraph (1), a material change in situation affecting the security interests of the United States includes, but is not limited to—

"(A) an attack, or events indicating the significant potential for attack, on the United States, the armed forces of the United States, or a treaty ally of the United States, including the Republic of Korea;

"(B) a return to non-democratic government in the Republic of Russia;

"(C) a substantial deployment of United States military forces in support of humanitarian or international peacekeeping or peacemaking missions, including in the former Yugoslavia; or

"(D) the establishment of a government hostile to the interests of the United States in a nation now or in the future possessing the capability to deliver nuclear weapons upon the United States, the armed forces of the United States, or a treaty ally of the United States.".

WALLOP (AND OTHERS) AMENDMENT NO. 194

Mr. WALLOP (for himself, Mr. Domenici, Mr. Murkowski, Mr. Craig, Mr. Burns, Mr. Gorton, Mr. Kempthorne, and Mr. Bennett) proposed an amendment to the concurrent resolution (S. Con. Res. 18) supra, as follows:

Page 48, line 20, strike "$125,000,000" and insert in lieu thereof "$42,000,000";

Page 48, line 21, strike "$1,124,000,000" and insert in lieu thereof "$372,000,000";

Page 54, line 20, strike "$110,000,000" and insert in lieu thereof "$27,000,000";

Page 54, line 21, strike "$996,000,000" and insert in lieu thereof "$244,000,000".

Page 41, line 16, strike "−$3,900,000,000" and insert in lieu thereof "−$3,983,000,000";

Page 41, line 18, strike "−$3,400,000,000" and insert in lieu thereof "−$3,483,000,000";

Page 41, line 24, strike "−$6,800,000,000" and insert in lieu thereof "−$6,924,000,000";

Page 41, line 25, strike "−$6,500,000,000" and insert in lieu thereof "−$6,624,000,000";

Page 42, line 6, strike "−$8,300,000,000" and insert in lieu thereof "−$8,450,000,000";

Page 42, line 7, strike "−$8,000,000,000" and insert in lieu thereof "−$8,150,000,000";

Page 42, line 13, strike "−$10,400,000,000" and insert in lieu thereof "−$10,595,000,000";

Page 42, line 14, strike "−$10,000,000,000" and insert in lieu thereof "−$10,195,000,000";

Page 42, line 20, strike "−$10,600,000,000" and insert in lieu thereof "−$10,800,000,000";

Page 42, line 21, strike "−$10,700,000,000" and insert in lieu thereof "−$10,900,000,000";

Page 71, line 13, strike "$516,900,000,000" and insert in lieu thereof "$516,750,000,000";

Page 71, line 14, strike "$544,700,000,000" and insert in lieu thereof "$544,550,000,000";

Page 71, line 16, strike "$527,300,000,000" and insert in lieu thereof "$527,105,000,000";

Page 71, line 17, strike "$543,300,000,000" and insert in lieu thereof "$543,105,000,000";

Page 71, line 20, strike "$544,000,000,000" and insert in lieu thereof "$543,800,000,000";

Page 71, line 21, strike "$561,200,000,000" and insert in lieu thereof "$561,000,000,000";

Page 16, line 11, strike "$21,200,000,000" and insert in lieu thereof "$21,283,000,000";

Page 16, line 12, strike "$21,600,000,000" and insert in lieu thereof "$21,683,000,000";

Page 16, line 19, strike "$23,000,000,000" and insert in lieu thereof "$23,124,000,000";

Page 16, line 20, strike "$21,900,000,000" and insert in lieu thereof "$22,024,000,000";

Page 17, line 2, strike "$23,600,000,000" and insert in lieu thereof "$23,750,000,000";

Page 17, line 3, strike "$22,600,000,000" and insert in lieu thereof "$22,750,000,000";

Page 17, line 10, strike "$24,600,000,000" and insert in lieu thereof "$24,795,000,000";

Page 17, line 11, strike "$23,300,000,000" and insert in lieu thereof "$23,495,000,000";

Page 17, line 18, strike "$24,500,000,000" and insert in lieu thereof "$24,700,000,000";

Page 17, line 19, strike "$23,500,000,000" and insert in lieu thereof "$23,700,000,000".

KEMPTHORNE (AND OTHERS) AMENDMENT NO. 195

(Ordered to lie on the table.)

Mr. KEMPTHORNE (for himself, Mr. Brown, Mr. Craig, Mr. Bennett, Mr. Faircloth, Mr. Gregg, and Mr. Coverdell) submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra; as follows:

On page 5, line 1, decrease the amount by $569,000,000.

On page 5, line 2, decrease the amount by $504,000,000.

On page 5, line 3, decrease the amount by $441,000,000.

On page 5, line 4, decrease the amount by $375,000,000.

On page 5, line 5, decrease the amount by $307,000,000.

On page 5, line 11, decrease the amount by $569,000,000.

On page 5, line 12, decrease the amount by $504,000,000.

On page 5, line 13, decrease the amount by $441,000,000.

On page 5, line 14, decrease the amount by $375,000,000.

On page 5, line 15, decrease the amount by $307,000,000.

On page 5, line 22, decrease the amount by $515,000,000.

On page 5, line 23, decrease the amount by $503,000,000.

On page 5, line 24, decrease the amount by $463,000,000.

On page 5, line 25, decrease the amount by $398,000,000.

On page 6, line 1, decrease the amount by $330,000,000.

On page 6, line 7, decrease the amount by $515,000,000.

On page 6, line 8, decrease the amount by $503,000,000.

On page 6, line 9, decrease the amount by $463,000,000.

On page 37, line 14, decrease the amount by $441,000,000.

On page 37, line 15, decrease the amount by $463,000,000.

On page 37, line 21, decrease the amount by $375,000,000.

On page 37, line 22, decrease the amount by $398,000,000.

On page 38, line 3, decrease the amount by $307,000,000.

On page 38, line 4, decrease the amount by $330,000,000.

On page 71, line 13, decrease the amount by $441,000,000.

On page 71, line 14, decrease the amount by $463,000,000.

On page 71, line 16, decrease the amount by $375,000,000.

On page 71, line 17, decrease the amount by $398,000,000.

On page 71, line 20, decrease the amount by $307,000,000.

On page 71, line 21, decrease the amount by $330,000,000.

BROWN AMENDMENT NO. 196

Mr. BROWN proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 5, line 1, decrease the amount by $2,324,000,000.

On page 5, line 2, decrease the amount by $4,708,000,000.

On page 5, line 3, decrease the amount by $4,031,000,000.

On page 5, line 4, decrease the amount by $2,938,000,000.

On page 5, line 5, decrease the amount by $2,947,000,000.

On page 5, line 11, decrease the amount by $2,324,000,000.

On page 5, line 12, decrease the amount by $4,708,000,000.

On page 5, line 13, decrease the amount by $4,031,000,000.

On page 5, line 14, decrease the amount by $2,938,000,000.

On page 5, line 15, decrease the amount by $2,947,000,000.

On page 5, line 22, decrease the amount by $1,793,000,000.

On page 5, line 23, decrease the amount by $4,087,000,000.

On page 5, line 24, decrease the amount by $4,225,000,000.

On page 5, line 25, decrease the amount by $3,161,000,000.

On page 6, line 1, decrease the amount by $2,970,000,000.

On page 6, line 7, decrease the amount by $1,793,000,000.

On page 6, line 8, decrease the amount by $4,087,000,000.

On page 6, line 9, decrease the amount by $4,225,000,000.

On page 6, line 10, decrease the amount by $3,161,000,000.

On page 6, line 11, decrease the amount by $2,970,000,000.

On page 6, line 17, decrease the amount by $1,793,000,000.

On page 6, line 18, decrease the amount by $4,087,000,000.

On page 6, line 19, decrease the amount by $4,225,000,000.

On page 6, line 20, decrease the amount by $3,161,000,000.

On page 6, line 21, decrease the amount by $2,970,000,000.

On page 7, line 1, decrease the amount by $1,793,000,000.

On page 7, line 2, decrease the amount by $4,087,000,000.

On page 7, line 3, decrease the amount by $4,225,000,000.

On page 7, line 4, decrease the amount by $3,161,000,000.

On page 7, line 5, decrease the amount by $2,970,000,000.

On page 7, line 8, decrease the amount by $1,793,000,000.

On page 7, line 9, decrease the amount by $5,880,000,000.

On page 7, line 10, decrease the amount by $10,105,000,000.

On page 7, line 11, decrease the amount by $13,266,000,000.

On page 7, line 12, decrease the amount by $16,236,000,000.

On page 8, line 7, decrease the amount by $1,793,000,000.

On page 8, line 8, decrease the amount by $4,087,000,000.

On page 8, line 9, decrease the amount by $4,225,000,000.

On page 8, line 10, decrease the amount by $3,161,000,000.

On page 8, line 11, decrease the amount by $2,970,000,000.

On page 41, line 17, decrease the amount by $2,324,000,000.

On page 41, line 18, decrease the amount by $1,793,000,000.

On page 41, line 24, decrease the amount by $4,708,000,000.

On page 41, line 25, decrease the amount by $4,087,000,000.

On page 42, line 6, decrease the amount by $4,031,000,000.

On page 42, line 7, decrease the amount by $4,225,000,000.

On page 42, line 13, decrease the amount by $2,938,000,000.

On page 42, line 14, decrease the amount by $3,161,000,000.

On page 42, line 20, decrease the amount by $2,947,000,000.

On page 42, line 21, decrease the amount by $2,970,000,000.

On page 71, line 13, decrease the amount by $4,031,000,000.

On page 71, line 14, decrease the amount by $4,225,000,000.

On page 71, line 16, decrease the amount by $2,938,000,000.

On page 71, line 17, decrease the amount by $3,161,000,000.

On page 71, line 20, decrease the amount by $2,947,000,000.

On page 71, line 21, decrease the amount by $2,970,000,000.

CRAIG (AND OTHERS) AMENDMENT NO. 197

(Ordered to lie on the table.)

Mr. CRAIG (for himself, Mr. BROWN, Mr. NICKLES, Mr. HATCH, Mr. MCCAIN, and Mr. FAIRCLOTH) submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 5, line 1, decrease the amount by $460,000,000.

On page 5, line 2, decrease the amount by $470,000,000.

On page 5, line 3, decrease the amount by $470,000,000.

On page 5, line 4, decrease the amount by $480,000,000.

On page 5, line 5, decrease the amount by $500,000,000.

On page 5, line 11, decrease the amount by $460,000,000.

On page 5, line 12, decrease the amount by $470,000,000.

On page 5, line 13, decrease the amount by $470,000,000.

On page 5, line 14, decrease the amount by $480,000,000.

On page 5, line 15, decrease the amount by $500,000,000.

On page 5, line 22, decrease the amount by $200,000,000.

On page 5, line 23, decrease the amount by $560,000,000.

On page 5, line 24, decrease the amount by $750,000,000.

On page 5, line 25, decrease the amount by $850,000,000.

On page 6, line 1, decrease the amount by $930,000,000.

On page 6, line 7, decrease the amount by $200,000,000.

On page 6, line 8, decrease the amount by $560,000,000.

On page 6, line 9, decrease the amount by $750,000,000.

On page 6, line 10, decrease the amount by $850,000,000.

On page 6, line 11, decrease the amount by $930,000,000.

On page 6, line 17, decrease the amount by $200,000,000.

On page 6, line 18, decrease the amount by $560,000,000.

On page 6, line 19, decrease the amount by $750,000,000.

On page 6, line 20, decrease the amount by $850,000,000.

On page 6, line 21, decrease the amount by $930,000,000.

On page 7, line 1, decrease the amount by $200,000,000.

On page 7, line 2, decrease the amount by $560,000,000.

On page 7, line 3, decrease the amount by $750,000,000.

On page 7, line 4, decrease the amount by $850,000,000.

On page 7, line 5, decrease the amount by $930,000,000.

On page 7, line 8, decrease the amount by $200,000,000.

On page 7, line 9, decrease the amount by $760,000,000.

On page 7, line 10, decrease the amount by $1,510,000,000.

On page 7, line 11, decrease the amount by $2,360,000,000.

On page 7, line 12, decrease the amount by $3,290,000,000.

On page 8, line 7, decrease the amount by $200,000,000.

On page 8, line 8, decrease the amount by $560,000,000.

On page 8, line 9, decrease the amount by $750,000,000.

On page 8, line 10, decrease the amount by $850,000,000.

On page 8, line 11, decrease the amount by $930,000,000.

On page 41, line 17, decrease the amount by $460,000,000.

On page 41, line 18, decrease the amount by $200,000,000.

On page 41, line 24, decrease the amount by $470,000,000.

On page 41, line 25, decrease the amount by $560,000,000.

On page 42, line 6, decrease the amount by $470,000,000.

On page 42, line 7, decrease the amount by $750,000,000.

On page 42, line 13, decrease the amount by $480,000,000.

On page 42, line 14, decrease the amount by $850,000,000.

On page 42, line 20, decrease the amount by $500,000,000.

On page 42, line 21, decrease the amount by $930,000,000.

On page 71, line 13, decrease the amount by $470,000,000.

On page 71, line 14, decrease the amount by $750,000,000.

On page 71, line 16, decrease the amount by $480,000,000.

On page 71, line 17, decrease the amount by $850,000,000.

On page 71, line 20, decrease the amount by $500,000,000.

On page 71, line 21, decrease the amount by $930,000,000.

DOMENICI (AND OTHERS) AMENDMENT NO. 198

Mr. DOMENICI (for himself, Mr. COHEN, Mr. WARNER, and Mr. COATS) proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 10, line 4, increase the amount by $3,000,000,000.

On page 10, line 5, increase the amount by $1,400,000,000.

On page 10, line 11, increase the amount by $5,200,000,000.

On page 10, line 12, increase the amount by $1,900,000,000.

On page 10, line 18, increase the amount by $12,400,000,000.

On page 10, line 19, increase the amount by $7,900,000,000.

On page 10, line 25, increase the amount by $22,600,000,000.

On page 11, line 1, increase the amount by $24,100,000,000.

On page 11, line 7, increase the amount by $24,200,000,000.

On page 11, line 8, increase the amount by $21,800,000,000.

On page 41, line 17, increase the amount by −$3,000,000,000.

On page 41, line 18, increase the amount by −$1,400,000,000.

On page 41, line 24, increase the amount by −$5,200,000,000.

On page 41, line 25, increase the amount by −$1,900,000,000.

On page 42, line 6, increase the amount by −$12,400,000,000.

On page 42, line 7, increase the amount by −$7,900,000,000.

On page 42, line 13, increase the amount by −$22,600,000,000.

On page 42, line 14, increase the amount by −$24,100,000,000.

On page 42, line 20, increase the amount by −$24,200,000,000.

On page 42, line 21, increase the amount by −$21,800,000,000.

HATFIELD AMENDMENT NO. 199

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE CONCERNING MEDICAL RESEARCH.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has built an impressive biomedical enterprise over the past 200 years. Today the National Institutes of Health boasts the world's largest research hospital, supports medical research in nearly 1,700 institutions throughout the country, and has supported the work of more than half of the 100 scientists who have been awarded the Nobel Prize of Medicine and Physiology since World War II.

(2) The fruits of this enterprise have enriched the lives of millions of individuals by improving human health, reducing disability, increasing productivity and enhancing the quality of life in this country and abroad.

(3) These achievements are due, in large measure, to the strong Federal support for this public/private partnership. Appropriations to the National Institutes of Health have more than doubled over the past decade. This resolve has enabled the National Institutes of Health to fund over 29,000 research grants and to train nearly 14,300 research scientists in fiscal year 1992.

(4) The biomedical sciences have entered an era of unprecedented opportunity that offers promise of developing the means to prevent or cure diseases which have long af-

flicted humankind, to reduce the costs of health care, and to increase the productivity of our Nation and its citizens.

(5) Biomedical research creates new treatments, new products, new jobs and new industries. Investments in basic and clinical research have provided a firm foundation for advancements in biotechnology, pharmaceuticals and medical devices. In the biotechnology industry alone, sales totaling $6,000,000,000 in 1992 are expected to reach $60,000,000,000 by the turn of the century.

(6) Assuring stable economic growth for the future requires that Federal resources be allocated to segments of our economy which consistently have provided a good return. For each dollar invested, medical research has returned up to $13.

(7) Fostering economic growth also requires that an effective strategy be developed to control the growth in health care costs, which in 1992 represented 14 percent of the Gross Domestic Product and is projected to reach 18 percent by the year 2000.

(8) Sustained support for the continuum of medical research, which begins at the bench, proceeds to clinical application and treatment outcome evaluation, and culminates in the prevention, treatment and cure of diseases is an essential ingredient for reducing health care costs and maintaining the high quality of care.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congress maintain its strong commitment to medical research by embarking upon a sustained investment strategy in health research and development over the next 5 years and that support for the continuum of medical research should be a central feature in any plan to reform the United States health care system.

COHEN AMENDMENT NO. 200

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the resolution add the following new section:

SEC. . SENSE OF THE SENATE REGARDING ENHANCED RESCISSION AUTHORITY INCLUDING TAX EXPENDITURES AND DIRECT SPENDING.

It is the sense of the Senate that the President should be granted expedited rescission authority over items of appropriation, tax expenditures, and direct spending. The expedited authority should provide that—

(1) Congress would be required to vote on rescission requests; within 20 days;

(2) rescinded funds would be used to reduce the deficit; and

(3) the new authority would expire at the conclusion of the 103d Congress.

HATFIELD AMENDMENT NO. 201

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE CONCERNING MEDICAL RESEARCH.

(A) FINDINGS.—The Congress finds the following:

(a) The United States has built an impressive biomedical enterprise over the past 200 years. Today the National Institutes of Health boasts the world's largest research hospital, supports medical research in nearly 1,700 institutions throughout the country, and has supported the work of more than half of the 100 scientists who have been awarded the Nobel Prize of Medicine and Physiology since World War II.

(2) The fruits of this enterprise have enriched the lives of millions of individuals by improving human health, reducing disability, increasing productivity and enhancing the quality of life in this country and abroad.

(3) These achievements are due, in large measure, to the strong Federal support for this public/private partnership. Appropriations to the National Institutes of Health have more than doubled over the past decade. This resolve has enabled the National Institutes of Health to fund over 29,000 research grants and to train nearly 14,300 research scientists in fiscal year 1992.

(4) The biomedical sciences have entered an era of unprecedented opportunity that offer promise of developing the means to prevent or cure diseases which have long afflicted humankind, to reduce the costs of health care, and to increase the productivity of our Nation and its citizens.

(B) Biomedical research creates new treatments, new products, new jobs and new industries. Investments in basic and clinical research have provided a firm foundation for advancements in biotechnology, pharmaceuticals and medical devices. In the biotechnology industry alone, sales totaling $6,000,000,000 in 1992 are expected to reach $60,000,000,000 by the turn of the century.

(6) Assuring stable economic growth for the future required that Federal resources be allocated to segments of our economy which consistently have provided a good return. For each dollar invested, medical research has returned up to $13.

(7) Fostering economic growth also requires that an effective strategy be developed to control the growth in health care costs, which in 1992 represented 14 percent of the Gross Domestic Product and is projected to reach 18 percent by the year 2000.

(8) Sustained support for the continuum of medical research, which begins at the bench, proceeds to clinical application and treatment outcome evaluation, and culminates in the prevention, treatment and cure of diseases is an essential ingredient for reducing health care costs and maintaining the high quality of care.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budget authority and outlay totals set forth in this resolution assume that the Committee on Labor and Human Resources will make every effort to embark upon a sustained investment strategy in health research and development over the next 5 years and that support for the continuum of medical research should be a central feature in any plan to reform the United States health care system.

LEAHY (AND OTHERS) AMENDMENT NO. 202

Mr. LEAHY (for himself, Mrs. MURRAY, Mrs. BOXER, and Mr. AKAKA) proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the concurrent resolution insert the following:

SEC. . ASSUMPTIONS.

In setting forth the budget authority and outlay amounts in this resolution, Congress assumes that the Women, Infants, and Children (WIC) program will be funded at the level requested by the President for fiscal year 1998.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 203

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself, Mr. DANFORTH, Mr. STEVENS, Mr. MCCAIN, and Mr. GORTON) submitted an amendment intended to be proposed by them to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 2, line 18, decrease the amount by $117,000,000.

On page 2, line 19, decrease the amount by $585,000,000.

On page 3, line 2, decrease the amount by $1,053,000,000.

On page 3, line 4, decrease the amount by $1,406,000,000.

On page 3, line 6, decrease the amount by $1,406,000,000.

On page 3, line 10, decrease the amount by $117,000,000.

On page 3, line 11, decrease the amount by $585,000,000.

On page 3, line 12, decrease the amount by $1,053,000,000.

On page 3, line 13, decrease the amount by $1,406,000,000.

On page 3, line 14, decrease the amount by $1,406,000,000.

On page 4, line 6, decrease the amount by $117,000,000.

On page 4, line 7, decrease the amount by $585,000,000.

On page 4, line 8, decrease the amount by $1,053,000,000.

On page 4, line 9, decrease the amount by $1,406,000,000.

On page 4, line 11, decrease the amount by $1,406,000,000.

On page 4, line 15, decrease the amount by $117,000,000.

On page 4, line 16, decrease the amount by $585,000,000.

On page 4, line 17, decrease the amount by $1,053,000,000.

On page 4, line 18, decrease the amount by $1,406,000,000.

On page 4, line 19, decrease the amount by $1,406,000,000.

On page 5, line 1, decrease the amount by $117,000,000.

On page 5, line 2, decrease the amount by $585,000,000.

On page 5, line 3, decrease the amount by $1,053,000,000.

On page 5, line 4, decrease the amount by $1,406,000,000.

On page 5, line 5, decrease the amount by $1,406,000,000.

On page 5, line 11, decrease the amount by $117,000,000.

On page 5, line 12, decrease the amount by $585,000,000.

On page 5, line 13, decrease the amount by $1,053,000,000.

On page 5, line 14, decrease the amount by $1,406,000,000.

On page 5, line 15, decrease the amount by $1,406,000,000.

On page 5, line 22, decrease the amount by $117,000,000.

On page 5, line 23, decrease the amount by $585,000,000.

On page 5, line 24, decrease the amount by $1,053,000,000.

On page 5, line 35, decrease the amount by $1,406,000,000.

On page 6, line 1, decrease the amount by $1,406,000,000.

On page 6, line 7, decrease the amount by $117,000,000.

On page 6, line 8, decrease the amount by $585,000,000.

On page 6, line 9, decrease the amount by $1,053,000,000.

On page 6, line 10, decrease the amount by $1,406,000,000.

On page 6, line 11, decrease the amount by $1,406,000,000.

On page 41, line 17, decrease the amount by $117,000,000.

On page 41, line 18, decrease the amount by $117,000,000.

On page 41, line 24, decrease the amount by $585,000,000.

On page 41, line 25, decrease the amount by $585,000,000.

On page 42, line 6, decrease the amount by $1,053,000,000.

On page 42, line 7, decrease the amount by $1,053,000,000.

On page 42, line 13, decrease the amount by $1,406,000,000.

On page 42, line 14, decrease the amount by $1,406,000,000.

On page 42, line 20, decrease the amount by $1,406,000,000.

On page 42, line 21, decrease the amount by $1,406,000,000.

On page 50, line 9, decrease the amount by $117,000,000.

On page 50, line 10, decrease the amount by $4,567,000,000.

On page 57, line 18, decrease the amount by $117,000,000.

On page 57, line 19, decrease the amount by $4,567,000,000.

On page 71, line 13, decrease the amount by $1,053,000,000.

On page 71, line 14, decrease the amount by $1,053,000,000.

On page 71, line 16, decrease the amount by $1,406,000,000.

On page 71, line 17, decrease the amount by $1,406,000,000.

On page 71, line 20, decrease the amount by $1,406,000,000.

On page 71, line 21, decrease the amount by $1,406,000,000.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 204

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. CHAFEE, and Mr. SMITH) submitted an amendment intended to be proposed by them to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 2, line 19, decrease the amount by $24,000,000.

On page 3, line 2, decrease the amount by $120,000,000.

On page 3, line 4, decrease the amount by $216,000,000.

On page 3, line 6, decrease the amount by $288,000,000.

On page 3, line 11, decrease the amount by $24,000,000.

Page 41, line 16, strike “–$3,900,000,000” and insert in lieu thereof “–$3,940,000,000”;

Page 41, line 18, strike “–$3,400,000,000” and insert in lieu thereof “–$3,440,000,000”;

Page 41, line 24, strike “–$6,800,000,000” and insert in lieu thereof “–$6,868,000,000”;

Page 41, line 25, strike “–$6,500,000,000” and insert in lieu thereof “–$6,568,000,000”;

Page 42, line 6, strike “–$8,300,000,000” and insert in lieu thereof “–$8,394,000,000”;

Page 42, line 7, strike “–$8,000,000,000” and insert in lieu thereof “–$8,094,000,000”;

Page 42, line 13, strike “–$10,400,000,000” and insert in lieu thereof “–$10,546,000,000”;

Page 42, line 14, strike “–$10,000,000,000” and insert in lieu thereof “–$10,146,000,000”;

Page 42, line 20, strike “–$10,600,000,000” and insert in lieu thereof “–$10,745,000,000”;

Page 42, line 21, strike “–$10,700,000,000” and insert in lieu thereof “–$10,845,000,000”;

Page 71, line 13, strike “$516,900,000,000” and insert in lieu thereof “$516,806,000,000”;

Page 71, line 14, strike “$544,700,000,000” and insert in lieu thereof “$544,606,000,000”;

Page 71, line 16, strike “$527,300,000,000” and insert in lieu thereof “$527,154,000,000”;

Page 71, line 17, strike “$543,300,000,000” and insert in lieu thereof “$543,154,000,000”;

Page 71, line 20, strike “$544,000,000,000” and insert in lieu thereof “$543,855,000,000”;

Page 71, line 21, strike “$561,200,000,000” and insert in lieu thereof “$561,055,000,000”;

Page 16, line 11, strike “$21,200,000,000” and insert in lieu thereof “$21,240,000,000”;

Page 16, line 12, strike “$21,600,000,000” and insert in lieu thereof “$21,640,000,000”;

Page 16, line 19, strike “$23,000,000,000” and insert in lieu thereof “$23,075,000,000”;

Page 16, line 20, strike “$21,900,000,000” and insert in lieu thereof “$21,975,000,000”;

Page 17, line 2, strike “$23,600,000,000” and insert in lieu thereof “–$23,709,000,000”;

Page 17, line 3, strike “$22,600,000,000” and insert in lieu thereof “$22,709,000,000”;

Page 17, line 10, strike “$24,600,000,000” and insert in lieu thereof “$24,778,000,000”;

Page 17, line 11, strike “$23,300,000,000” and insert in lieu thereof “$23,478,000,000”;

Page 17, line 18, strike “$24,500,000,000” and insert in lieu thereof “$24,678,000,000”;

Page 17, line 19, strike “$23,500,000,000” and insert in lieu thereof “$23,678,000,000”;

Page 37, line 7, strike “$13,600,000,000” and insert in lieu thereof “$13,593,000,000”;

Page 37, line 8, strike “$14,900,000,000” and insert in lieu thereof “$13,593,000,000”;

Page 37, line 14, strike “$414,500,000,000” and insert in lieu thereof “$14,485,000,000”;

Page 37, line 15, strike “$14,900,000,000” and insert in lieu thereof “$14,885,000,000”;

Page 37, line 21, strike “$15,100,000,000” and insert in lieu thereof “$15,068,000,000”;

Page 37, line 22, strike “$15,300,000,000” and insert in lieu thereof “$15,268,000,000”;

Page 38, line 3, strike “$15,500,000,000” and insert in lieu thereof “$15,467,000,000”;

Page 38, line 4, strike “$15,700,000,000” and insert in lieu thereof “$15,667,000,000”;

On page 3, line 12, decrease the amount by $120,000,000.

On page 3, line 13, decrease the amount by $216,000,000.

On page 3, line 14, decrease the amount by $288,000,000.

On page 4, line 7, decrease the amount by $24,000,000.

On page 4, line 8, decrease the amount by $120,000,000.

On page 4, line 9, decrease the amount by $216,000,000.

On page 4, line 11, decrease the amount by $288,000,000.

On page 4, line 16, decrease the amount by $24,000,000.

On page 4, line 17, decrease the amount by $120,000,000.

On page 4, line 18, decrease the amount by $216,000,000.

On page 4, line 18, decrease the amount by $288,000,000.

On page 5, line 2, decrease the amount by $24,000,000.

On page 5, line 3, decrease the amount by $120,000,000.

On page 5, line 4, decrease the amount by $216,000,000.

On page 5, line 5, decrease the amount by $288,000,000.

On page 5, line 12, decrease the amount by $24,000,000.

On page 5, line 13, decrease the amount by $120,000,000.

On page 5, line 14, decrease the amount by $216,000,000.

On page 5, line 15, decrease the amount by $288,000,000.

On page 5, line 23, decrease the amount by $24,000,000.

On page 5, line 24, decrease the amount by $120,000,000.

On page 5, line 25, decrease the amount by $216,000,000.

On page 6, line 1, decrease the amount by $288,000,000.

On page 6, line 8, decrease the amount by $24,000,000.

On page 6, line 9, decrease the amount by $120,000,000.

On page 6, line 10, decrease the amount by $216,000,000.

On page 6, line 11, decrease the amount by $288,000,000.

On page 41, line 24, decrease the amount by $24,000,000.

On page 41, line 25, decrease the amount by $24,000,000.

On page 42, line 6, decrease the amount by $120,000,000.

On page 42, line 7, decrease the amount by $120,000,000.

On page 42, line 13, decrease the amount by $216,000,000.

On page 42, line 14, decrease the amount by $216,000,000.

On page 42, line 20, decrease the amount by $288,000,000.

On page 42, line 21, decrease the amount by $288,000,000.

On page 50, line 10, decrease the amount by $648,000,000.

On page 57, line 19, decrease the amount by $648,000,000.

On page 71, line 13, decrease the amount by $120,000,000.

On page 71, line 14, decrease the amount by $120,000,000.

On page 71, lines 16 and 17, decrease the amounts by $216,000,000.

On page 71, lines 20 and 21, decrease the amounts by $288,000,000.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 205

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself, Mr. STEVENS, and Mr. CRAIG) submitted an amendment intended to be proposed by them to the concurrent resolution (S. Con. Res. 18), supra, as follows:

Page 48, line 20, strike “125,000,000” and insert in lieu thereof “85,000,000”;

Page 48, line 21, strike “$1,124,000,000” and insert in lieu thereof “$631,000,000”;

Page 54, line 20, strike “$110,000,000” and insert in lieu thereof “$70,000,000”;

Page 54, line 21, strike “$996,000,000” and insert in lieu thereof “$503,000,000”;

Page 41, line 16, strike “–$3,900,000,000” and insert in lieu thereof “–$3,940,000,000”;

Page 41, line 18, strike “–$3,400,000,000” and insert in lieu thereof “–$3,440,000,000”;

Page 41, line 24, strike “–6,800,000,000” and insert in lieu thereof “–$6,868,000,000”;

Page 41, line 25, strike “–$6,500,000,000” and insert in lieu thereof “–$6,568,000,000”;

Page 42, line 6, strike “–8,300,000,000” and insert in lieu thereof “–$8,394,000,000”;

Page 42, line 7, strike "–$8,000,000,000" and insert in lieu thereof "–8,094,000,000";

Page 42, line 13, strike "–$10,400,000,000" and insert in lieu thereof "–$10,546,000,000";

Page 42, line 14, strike "–$10,000,000,000" and insert in lieu thereof "–$10,146,000,000";

Page 42, line 20, strike "–$10,600,000,000" and insert in lieu thereof "–$10,745,000,000";

Page 42, line 21, strike "–$10,700,000,000" and insert in lieu thereof "–$10,845,000,000";

Page 71, line 13, strike "$516,900,000,000" and insert in lieu thereof "$516,806,000,000";

Page 71, line 14, strike "$544,700,000,000" and insert in lieu thereof "$544,606,000,000";

Page 71, line 16, strike "$527,300,000,000" and insert in lieu thereof "$527,154,000,000";

Page 71, line 17, strike "$543,300,000,000" and insert in lieu thereof "$543,154,000,000";

Page 71, line 20, strike "$544,000,000,000" and insert in lieu thereof "$543,855,000,000";

Page 71, line 21, strike "$561,200,000,000" and insert in lieu thereof "$561,055,000,000";

Page 16, line 11, strike "$21,200,000,000" and insert in lieu thereof "$21,240,000,000";

Page 16, line 12, strike "$21,600,000,000" and insert in lieu thereof "$21,640,000,000";

Page 16, line 19, strike "$23,000,000,000" and insert in lieu thereof "$23,075,000,000";

Page 16, line 20, strike "$21,900,000,000" and insert in lieu thereof "$21,975,000,000";

Page 17, line 2, strike "$23,600,000,000" and insert in lieu thereof "$23,709,000,000";

Page 17, line 3, strike "$22,600,000,000" and insert in lieu thereof "$22,709,000,000";

Page 17, line 10, strike "$24,600,000,000" and insert in lieu thereof "$24,778,000,000";

Page 17, line 11, strike "$23,300,000,000" and insert in lieu thereof "$23,478,000,000";

Page 17, line 18, strike "$24,500,000,000" and insert in lieu thereof "$24,678,000,000";

Page 17, line 19, strike "$23,500,000,000" and insert in lieu thereof "$23,678,000,000";

Page 37, line 7, strike "$13,600,000,000" and insert in lieu thereof "$13,593,000,000";

Page 37, line 8, strike "$14,900,000,000" and insert in lieu thereof "$13,593,000,000";

Page 37, line 14, strike "$414,500,000,000" and insert in lieu thereof "$14,485,000,000";

Page 37, line 15, strike "$14,900,000,000" and insert in lieu thereof "$14,885,000,000";

Page 37, line 21, strike "$15,100,000,000" and insert in lieu thereof "$15,068,000,000";

Page 37, line 22, strike "$15,300,000,000" and insert in lieu thereof "$15,268,000,000";

Page 38, line 3, strike "$15,500,000,000" and insert in lieu thereof "$15,467,000,000";

Page 38, line 4, strike "$15,700,000,000" and insert in lieu thereof "$15,667,000,000";

HATFIELD AMENDMENT NO. 206

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the appropriate place, insert the following:

SEC. . ASSUMPTIONS.

It is the sense of the Senate that the budget authority and outlay totals set forth in this resolution assume that the Committee on Labor and Human Resources will make every effort to embark upon a sustained investment strategy in health research and development over the next 5 years and that support for the continuum of medical research should be a central feature in any plan to reform the United States health care system.

BROWN AMENDMENTS NOS. 207 AND 208

(Ordered to lie on the table.)

Mr. BROWN submitted two amendments intended to be proposed by him to the concurrent resolution (S. Con. Res. 18), supra; as follows:

AMENDMENT NO. 207

On page 5, line 1, decrease the amount by $29,000,000.

On page 5, line 2, decrease the amount by $29,000,000.

On page 5, line 3, decrease the amount by $29,000,000.

On page 5, line 4, decrease the amount by $29,000,000.

On page 5, line 5, decrease the amount by $29,000,000.

On page 5, line 11, decrease the amount by $29,000,000.

On page 5, line 12, decrease the amount by $29,000,000.

On page 5, line 13, decrease the amount by $29,000,000.

On page 5, line 14, decrease the amount by $29,000,000.

On page 5, line 15, decrease the amount by $29,000,000.

On page 5, line 22, decrease the amount by $0.

On page 5, line 23, decrease the amount by $24,000,000.

On page 5, line 24, decrease the amount by $94,000,000.

On page 5, line 25, decrease the amount by $3,000,000.

On page 6, line 1, decrease the amount by $0.

On page 6, line 7, decrease the amount by $0.

On page 6, line 8, decrease the amount by $24,000,000.

On page 6, line 9, decrease the amount by $94,000,000.

On page 6, line 10, decrease the amount by $3,000,000.

On page 6, line 11, decrease the amount by $0.

On page 6, line 17, decrease the amount by $0.

On page 6, line 18, decrease the amount by $24,000,000.

On page 6, line 19, decrease the amount by $94,000,000.

On page 6, line 20, decrease the amount by $3,000,000.

On page 6, line 21, decrease the amount by $0.

On page 7, line 1, decrease the amount by $0.

On page 7, line 2, decrease the amount by $24,000,000.

On page 7, line 3, decrease the amount by $118,000,000.

On page 7, line 4, decrease the amount by $121,000,000.

On page 7, line 5, decrease the amount by $121,000,000.

On page 7, line 8, decrease the amount by $0.

On page 7, line 9, decrease the amount by $24,000,000.

On page 7, line 10, decrease the amount by $94,000,000.

On page 7, line 11, decrease the amount by $3,000,000.

On page 7, line 12, decrease the amount by $0.

On page 8, line 7, decrease the amount by $0.

On page 8, line 8, decrease the amount by $24,000,000.

On page 8, line 9, decrease the amount by $94,000,000.

On page 8, line 10, decrease the amount by $3,000,000.

On page 8, line 11, decrease the amount by $0.

On page 36, line 25, decrease the amount by $29,000,000.

On page 37, line 1, decrease the amount by $0.

On page 37, line 7, decrease the amount by $29,000,000.

On page 37, line 8, decrease the amount by $24,000,000.

On page 37, line 14, decrease the amount by $29,000,000.

On page 37, line 15, decrease the amount by $94,000,000.

On page 37, line 21, decrease the amount by $29,000,000.

On page 37, line 22, decrease the amount by $3,000,000.

On page 38, line 3, decrease the amount by $29,000,000.

On page 38, line 4, decrease the amount by $0.

On page 71, line 13, decrease the amount by $29,000,000.

On page 71, line 14, decrease the amount by $94,000,000.

On page 71, line 16, decrease the amount by $29,000,000.

On page 71, line 17, decrease the amount by $3,000,000.

On page 71, line 20, decrease the amount by $29,000,000.

On page 71, line 21, decrease the amount by $0.

AMENDMENT NO. 208

On page 5, line 1, decrease the amount by $60,000,000.

On page 5, line 2, decrease the amount by $65,000,000.

On page 5, line 3, decrease the amount by $72,000,000.

On page 5, line 4, decrease the amount by $78,000,000.

On page 5, line 5, decrease the amount by $86,000,000.

On page 5, line 11, decrease the amount by $60,000,000.

On page 5, line 12, decrease the amount by $65,000,000.

On page 5, line 13, decrease the amount by $72,000,000.

On page 5, line 14, decrease the amount by $78,000,000.

On page 5, line 15, decrease the amount by $86,000,000.

On page 5, line 22, decrease the amount by $60,000,000.

On page 5, line 23, decrease the amount by $65,000,000.

On page 5, line 24, decrease the amount by $72,000,000.

On page 5, line 25, decrease the amount by $78,000,000.

On page 6, line 1, decrease the amount by $86,000,000.

On page 6, line 7, decrease the amount by $60,000,000.

On page 6, line 8, decrease the amount by $65,000,000.

On page 6, line 9, decrease the amount by $72,000,000.

On page 6, line 10, decrease the amount by $78,000,000.

On page 6, line 11, decrease the amount by $86,000,000.

On page 6, line 17, decrease the amount by $60,000,000.

On page 6, line 18, decrease the amount by $65,000,000.

On page 6, line 19, decrease the amount by $72,000,000.

On page 6, line 20, decrease the amount by $78,000,000.

On page 6, line 21, decrease the amount by $86,000,000.

On page 7, line 1, decrease the amount by $60,000,000.

On page 7, line 2, decrease the amount by $65,000,000.

On page 7, line 3, decrease the amount by $72,000,000.

On page 7, line 4, decrease the amount by $78,000,000.

On page 7, line 5, decrease the amount by $86,000,000.

On page 7, line 8, decrease the amount by $60,000,000.

On page 7, line 9, decrease the amount by $125,000,000.

On page 7, line 10, decrease the amount by $197,000,000.

On page 7, line 11, decrease the amount by $275,000,000.

On page 7, line 12, decrease the amount by $361,000,000.

On page 8, line 7, decrease the amount by $60,000,000.

On page 8, line 8, decrease the amount by $65,000,000.

On page 8, line 9, decrease the amount by $72,000,000.

On page 8, line 10, decrease the amount by $78,000,000.

On page 8, line 11, decrease the amount by $86,000,000.

On page 30, line 24, decrease the amount by $60,000,000.

On page 30, line 25, decrease the amount by $60,000,000.

On page 31, line 6, decrease the amount by $65,000,000.

On page 31, line 7, decrease the amount by $65,000,000.

On page 31, line 13, decrease the amount by $72,000,000.

On page 31, line 14, decrease the amount by $72,000,000.

On page 31, line 20, decrease the amount by $78,000,000.

On page 31, line 21, decrease the amount by $78,000,000.

On page 32, line 2, decrease the amount by $86,000,000.

On page 32, line 3, decrease the amount by $86,000,000.

On page 49, line 22, decrease the amount by $60,000,000.

On page 49, line 23, decrease the amount by $361,000,000.

On page 57, line 7, decrease the amount by $60,000,000.

On page 57, line 8, decrease the amount by $361,000,000.

GORTON (AND OTHERS) AMENDMENT NO. 209

Mr. GORTON (for himself, Mr. BOND, Mr. LOTT, and Mr. COCHRAN) proposed an amendment to the concurrent resolution (S. Con. Res. 18), supra, as follows:

On page 2, line 18, decrease the amount by $19,000,000.

On page 2, line 19, decrease the amount by $64,000,000.

On page 3, line 2, decrease the amount by $127,000,000.

On page 3, line 4, decrease the amount by $251,000,000.

On page 3, line 6, decrease the amount by $329,000,000.

On page 3, line 10, decrease the amount by $19,000,000.

On page 3, line 11, decrease the amount by $64,000,000.

On page 3, line 12, decrease the amount by $127,000,000.

On page 3, line 13, decrease the amount by $251,000,000.

On page 3, line 14, decrease the amount by $329,000,000.

On page 4, line 6, decrease the amount by $19,000,000.

On page 4, line 7, decrease the amount by $64,000,000.

On page 4, line 8, decrease the amount by $127,000,000.

On page 4, line 9, decrease the amount by $251,000,000.

On page 4, line 11, decrease the amount by $329,000,000.

On page 4, line 15, decrease the amount by $19,000,000.

On page 4, line 16, decrease the amount by $64,000,000.

On page 4, line 17, decrease the amount by $127,000,000.

On page 4, line 18, decrease the amount by $251,000,000.

On page 4, line 19, decrease the amount by $329,000,000.

On page 5, line 1, decrease the amount by $19,000,000.

On page 5, line 2, decrease the amount by $65,000,000.

On page 5, line 3, decrease the amount by $127,000,000.

On page 5, line 4, decrease the amount by $251,000,000.

On page 5, line 5, decrease the amount by $329,000,000.

On page 5, line 11, decrease the amount by $19,000,000.

On page 5, line 12, decrease the amount by $64,000,000.

On page 5, line 13, decrease the amount by $127,000,000.

On page 5, line 14, decrease the amount by $251,000,000.

On page 5, line 15, decrease the amount by $329,000,000.

On page 5, line 22, decrease the amount by $19,000,000.

On page 5, line 23, decrease the amount by $64,000,000.

On page 5, line 24, decrease the amount by $127,000,000.

On page 5, line 25, decrease the amount by $251,000,000.

On page 6, line 1, decrease the amount by $329,000,000.

On page 6, line 7, decrease the amount by $19,000,000.

On page 6, line 8, decrease the amount by $64,000,000.

On page 6, line 9, decrease the amount by $127,000,000.

On page 6, line 10, decrease the amount by $251,000,000.

On page 6, line 11, decrease the amount by $329,000,000.

On page 41, line 17, decrease the amount by $19,000,000.

On page 41, line 18, decrease the amount by $19,000,000.

On page 41, line 24, decrease the amount by $64,000,000.

On page 41, line 25, decrease the amount by $64,000,000.

On page 42, line 6, decrease the amount by $127,000,000.

On page 42, line 7, decrease the amount by $127,000,000.

On page 42, line 13, decrease the amount by $251,000,000.

On page 42, line 14, decrease the amount by $251,000,000.

On page 42, line 20, decrease the amount by $329,000,000.

On page 42, line 21, decrease the amount by $329,000,000.

On page 50, line 9, decrease the amount by $19,000,000.

On page 50, line 10, decrease the amount by $790,000,000.

On page 57, line 18, decrease the amount by $19,000,000.

On page 57, line 19, decrease the amount by $790,000,000.

On page 71, line 13, decrease the amount by $127,000,000.

On page 71, line 14, decrease the amount by $127,000,000.

On page 71, line 16, decrease the amount by $251,000,000.

On page 71, line 17, decrease the amount by $251,000,000.

On page 71, line 20, decrease the amount by $329,000,000.

On page 71, line 21, decrease the amount by $329,000,000.

PRESSLER (AND OTHERS) AMENDMENT NO. 210

(Ordered to lie on the table.)

Mr. PRESSLER (for himself, Mr. BURNS, Mr. BENNETT, Mr. COATS, and Mr. KEMPTHORNE) submitted an amendment intended to be proposed by them to the concurrent resolution (S. Con. Res. 18), supra, as follows:

At the end of the concurrent resolution add the following new section:

SEC. . SENSE OF THE SENATE REGARDING TAXATION OF SMALL BUSINESSES, FAMILY FARMS, AND FAMILY RANCHERS.

It is the sense of the Senate that no revenue increase set forth in this concurrent resolution assume a tax rate on income generated by small businesses, family farms, or family ranches (regardless of the manner by which such businesses, farms, and ranches are organized) above the highest corporate tax rate.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that the hearing scheduled before the Committee on Energy and Natural Resources on S. 447, to facilitate the development of Federal policies with respect to those territories under the jurisdiction of the Secretary of the Interior, has been postponed. The hearing was originally scheduled to take place on March 30, 1993, at 2:30 p.m., and will be rescheduled at a future date.

For further information, please contact Allen Stayman of the committee staff at 202-224-7865.

JOINT COMMITTEE ON PRINTING

Mr. FORD. Mr. President, I would like to announce that the Joint Committee on Printing will hold an organizational meeting on Wednesday, March 24, 1993, at 11 a.m. in SR-301.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON TOXIC SUBSTANCES, RESEARCH AND DEVELOPMENT

Mr. SASSER. Mr. President, I ask that the Subcommittee on Toxic Substances, Research and Development, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Monday, March 22, beginning at 9:30 a.m., to conduct a hearing on the environmental aspects of current hydrogen/renewable energy programs to receive testimony regarding the interface between these programs and existing environmental regulation, emerging environmental technologies, and pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE 75TH ANNIVERSARY OF BIELARUSIAN DECLARATION OF INDEPENDENCE

• Ms. MOSELEY-BRAUN. Mr. President, on March 21, 1993, the Bielarusian Coordinating Committee of Chicago will observe the 75th anniversary of the Declaration of Independence of Bielarus, and the 20th anniversary of the Bielarusian Coordinating Committee of Chicago.

Bielarusian-Americans in my State and across this Nation are happy that the country of their ancestry—Bielarus—is now free and independent.

Bielarus has a long history of domination by other powers, but has never lost its desire for independence. From the 13th to 18th century, Bielarus was controlled by the Polish-Lithuanian state; it then came under the Tsarist rule. A short-lived Bielarusian Republic existed in 1918, until the invading Red Army imposed Communist rule.

The collapse of communism in Eastern Europe and in the former Soviet Union has led to dramatic new gains for those seeking freedom from Soviet domination, and Bielarus had declared its independence on August 25, 1991.

The steps made by Bielarus on the road to democracy are still fragile, Mr. President. The country is one of the most conservative in terms of political and economic development. I look forward to observing the changes regarding religious rights, freedom of the press, and the building of a free-market economy, and I hope to see the building of a real democratic process that includes stronger democratically oriented political parties, free elections, and a strong commitment to basic human rights and freedoms.

I am proud to recognize the accomplishments of the Bielarusian-American community in Chicago in honor of this anniversary, and I wish them great success in their efforts and their commitment to their brothers and sisters in Bielarus.•

SUPPORT OF S. 88, THE NATIONAL SCHOOL LUNCH ACT AMENDMENTS OF 1993

• Mr. CHAFEE. Mr. President, I am pleased to join today as a cosponsor of S. 88, legislation introduced by my distinguished colleague, Senator LUGAR, to amend the National School Lunch Act to remove the requirement that school lunch programs offer whole milk to students.

Mr. President, we in Congress are struggling to figure out how to slow the skyrocketing cost of health care in this country. Soaring health care costs are sapping our businesses, driving up the deficit, and leaving millions of Americans without access to needed services. Unfortunately, while we all agree that something must be done about this problem, there is little agreement as to what that something is. One principle on which there is widespread agreement, however, is that if we are to arrest the growth in health care spending, we need to place far greater emphasis on promoting good health and less on treating bad health.

It is in this spirit that I join as a cosponsor of S. 88. Nutrition experts agree that diet and health go hand in hand. According to the Surgeon General's 1988 Report on Nutrition and Health, the chief dietary problem among Americans today is the overconsumption of foods that are high in fat. High fat diets contribute substantially to a greater incidence of heart disease, high blood pressure, stroke, and obesity, and in turn, to our Nation's ever increasing health care expenditures.

It is also widely acknowledged that the dietary habits we develop as children tend to shape our adult eating patterns. Thus, children with high fat diets are likely to become adults with high fat diets. Conversely, children with healthful diets tend to continue those habits as adults.

Given all we know about the link between nutrition and health, one would think that our national school lunch program, which serves 25 million students, would make every effort to help children develop healthy habits to last a lifetime.

Ironically, under the National School Lunch Act, we currently require schools which participate in the Federal school lunch program to offer whole milk as well as unflavored lowfat milk to students—despite the fact that the Dietary Guidelines for Americans, published jointly by USDA and HHS, recommend that people over age 2 drink skim or lowfat milk, which contain significantly smaller amounts of fat.

S. 88 would amend the National School Lunch Act to take the decision about what kind of milk to serve out of the hands of the Federal Government and place it where it belongs—in the hands of local school lunch professionals. Under this legislation, school lunch programs would remain free to offer whole milk if they so desire, but no longer would they be required to do so.

Granted, this is not a monumental change, but it is a common sense one. Developing healthful eating habits among our citizens should be a primary component of our efforts to arrest the growth in health care costs. What better time to foster those habits than when our youngsters are in school.

I congratulate my good friend Senator LUGAR for introducing this legislation, and urge my colleagues to join as cosponsors.•

TRIBUTE TO FORMER CONGRESSMAN FRANK HORTON

• Mr. D'AMATO. Mr. President, I rise today to salute a dear colleague of mine, former Congressman Frank Horton, and to extend to him my best wishes on behalf of myself and our great State of New York.

Congressman Horton is a great man and is the epitome of the "all around good guy". He is a native of Texas and attended Louisiana State University and Cornell University Law School. He then married Marjorie Wilcox of New York, and together they had two sons. Mr. Horton began to practice law in Rochester, after being admitted to the New York bar in 1947. He became extremely active in civil defense and Boy Scout work, and served as the president of the Rochester Community Baseball, Inc., and vice president of the International Baseball League. He later decided to serve as a member of the city council of Rochester, and entered national politics as a Congressman when he was elected as a Republican to the 88th Congress. There, he served as the distinguished ranking minority member of the Committee on Government Operations. Mr. Horton has also traveled across the world as an investigative missionary for the Cabinet Committee on International Narcotics Control. He was a member of the Republican task force on International Economic Policy and dean of the New York Republican delegation. He was so well-respected among his peers and fellow New Yorkers that he was reelected to each succeeding Congress after 1962. He retired after the 102d Congress and is now residing in Rochester. New Yorkers have been fortunate to have such an outstanding man to serve them in the U.S. House of Representatives, and I wish him well in the years to come. I salute him for his contributions to New York and to our country.•

SENATE QUARTERLY MAIL COSTS

• Mr. FORD. Mr. President, in accordance with section 318 of Public Law 101-520, I am submitting the summary tabulations of Senate mass mail costs for the first quarter of fiscal year 1993, that is the period of October 1, 1992 through December 31, 1992, to be printed in the RECORD, along with the quarterly statement from the U.S. Postal Service setting forth the Senate's total postage costs for the quarter.

The tabulations follow:

SENATE QUARTERLY MASS MAIL VOLUMES AND COSTS FOR THE QUARTER ENDING DEC. 31, 1992

Senators	Original total pieces	Pieces per capita	Original total cost	Cost per capita
Adams	4,775	0.00098	$1,065.65	$0.00022
Akaka				
Bennett				
Bentsen	803,625	.04731	142,305.37	.00838
Biden		.46557	47,269.76	.07096
Bingaman	54,925	.03625	11,263.67	.00743
Bond				
Boren				
Boxer				
Bradley				
Breaux				
Brown				
Bryan	52,577	.04375	23,524.28	.01957
Bumpers				
Burdick				
Burns				
Byrd				
Campbell				
Chafee	107,950	.10758	15,332.67	.01528
Coats				
Cochran				
Cohen				
Conrad				
Coverdell				
Craig	104,955	.10425	18,593.85	.01847
Cranston				
D'Amato				
Danforth	88,600	.01731	12,613.07	.00246
Daschle				
DeConcini				
Dixon				
Dodd				
Dole				
Domenici	558,173	.36841	80,061.76	.05284
Dorgan				
Durenberger	130,200	.02976	22,915.03	.00524
Exon				
Faircloth				
Feingold				
Feinstein				
Ford				
Fowler				
Garn				
Glenn	1,175	.00011	994.64	.00009
Gore				
Gorton	100,860	.02072	17,778.68	.00365
Graham				
Gramm				
Grassley				
Gregg				
Harkin				
Hatch	22,600	.01312	3,217.16	.00187
Hatfield	234,375	.08246	39,666.97	.01396
Heflin	625,100	.15471	100,176.54	.02479
Helms				
Hollings				
Jeffords	24,113	.04285	7,494.45	.01332
Johnston	104,100	.02467	14,670.88	.00348
Kassebaum				
Kasten				
Kempthorne				
Kennedy				
Kerrey				
Kerry	31,700	.00527	5,965.55	.00099
Kohl				
Lautenberg				
Leahy				
Levin	21,200	.00228	4,364.77	.00047
Lieberman	77,812	.02367	25,421.53	.00773
Lott	412,700	.16038	59,738.05	.02322
Lugar	35,950	.00648	5,601.73	.00101
Mack				
Mathews				
McCain				
Metzenbaum				
Mikulski				
Mitchell	382,700	.31166	54,480.21	.04437
Moseley-Braun				
Moynihan	1,580,135	.08783	289,074.56	.01607
Murkowski				
Murray				
Nickles				
Nunn				
Packwood				
Pell				
Pressler	15,900	.02284	2,368.58	.00340
Pryor				
Reid				
Riegle	180,160	.01938	26,134.30	.00281
Robb				
Rockefeller				
Roth				
Rudman				
Sanford				
Sarbanes	663,450	.13875	95,275.78	.01993
Sasser	149,500	.03065	21,190.21	.00434
Seymour				
Shelby				
Simon	1,174,729	.10277	169,393.42	.01482
Simpson	70,100	.15455	9,620.86	.02121
Smith				
Specter				
Stevens	92,750	.16862	15,392.69	.02798
Symms				
Thurmond				
Wallop				
Warner				
Wellstone	126,575	.02893	18,020.40	.00412
Wofford				

Other offices	Total pieces	Total cost
The Vice President		
The President pro tempore		
The majority leader		
The minority leader		
The assistant majority leader		
The assistant minority leader		
Secretary of majority conference		
Secretary of minority conference		
Agriculture Committee		
Appropriations Committee		
Armed Services Committee		
Banking Committee		
Budget Committee		
Commerce Committee		
Energy Committee		
Environment Committee		
Finance Committee		
Foreign Relations Committee		
Governmental Affairs Committee		
Judiciary Committee		
Labor Committee		
Rules Committee		
Small Business Committee		
Veterans' Affairs Committee		
Ethics Committee		
Indian Affairs Committee		
Intelligence Committee		
Aging Committee		
Joint Economic Committee		
Joint Committee on Printing		
JCMTE Congress Inaugural	655	$193.25
Democratic Policy Committee		
Democratic conference		
Republican Policy Committee		
Republican conference		
Legislative counsel		
Legal counsel		
Secretary of the Senate		
Sergeant at Arms		
Narcotics Caucus		
Select Committee POW/MIA		

U.S. POSTAL SERVICE,
Washington, DC, March 11, 1993.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Detailed data on franked mail usage by the U.S. Senate for the first quarter, Fiscal Year 1993, is enclosed. Total postage and fees for the quarter is $2,958,025.

A summary of Senate franked mail usage based upon the first quarter of actual data for Fiscal Year 1993 is as follows:

Volume	10,739,411
Revenue per piece	0.2755
Revenue	$2,958,025
Provisional payments (prorated to December 11, 1992)	$3,913,044
Excess in provisional payments	$955,019

The First Postal Quarter results, when projected to an annual figure based upon an adaptation of historical trends for Senate franked mail activity, provide the following estimates for FY 1993:

Volume	72,595,281
Revenue per piece	$0.2230
Total revenue	$16,188,748
Current appropriation	$20,000,000
Estimated surplus	$3,811,252

However, due to substantial deviations in Senate quarterly mailing patterns, these estimates are considered debatable.

If you or your staff have any questions, please call Tom Galgano of my staff on (202) 268–3255.

Sincerely,

ALFRED CARREON, JR.,
Manager, Post Office Accounting, Finance, and Planning.

FRANKED MAIL—POSTAL QUARTER I, FISCAL YEAR 1993

Subcategories	Pieces	Rate	Amount
SENATE			
1. Letters: 1st class (total)	6,965,126	$0.2900	$2,019,887
2. Flats: 1st class (total)	92,240	1.0907	100,606
3. Parcels:			
Priority—up to 11 oz			
Priority—over 11 oz	14,796	4.7014	69,562
4th class—regular	21,194	3.8805	82,243
Total	35,990	4.2180	151,805
4. Orange bag pouches:			
First class	48,419	.3609	17,474
Priority—up to 11 oz	657	2.9011	1,906
Priority—over 11 oz	2,701	5.1026	13,782
Total	51,777	.6405	33,162
5. Agriculture bulletins:			
First class			
Priority—up to 11 oz			
Priority—over 11 oz			
3d class			
4th class special (Bk)	59	9.5424	563
Total	59	9.5424	563
6. Yearbooks: 4th class special (Bk) (total)	22	1.5000	33
7. Other (odd size parcels):			
Priority—up to 11 oz			
Priority—Over 11 oz	1,089	36.9311	40,218
4th class special (Bk)			
4th class regular	4,876	11.1204	54,223
Total	5,965	15.8325	94,441
Total outside DC	346,965	.4715	163,599
Permit imprint mailings:			
1st class single piece rate			
3d class bulk rate	3,569,662	.1228	438,309
Parcel post—PI	300	18.1867	5,456
First class single piece—PI			
Address corrections (3547's)	160	.3500	56
Address corrections (3d CL)	9	.3334	3
Mailing list corrections (10 names or less)			
Mailing iist corrections (more than 10 names)			
Mailgrams:			
IPA—international priority airmail			
Mailing fees (registry, certified, etc.)			
Postage due/short paid mail			34
Permit fees			
Miscellaneous charges/adj			
Express mail service			95,856
Subtotal	11,068,275	.2805	3,103,810
Adjustments (GFY to PFY 1992)	(328,864)	.4433	(145,785)
Grand total	10,739,411	.2755	2,958,025

A TRIBUTE TO MIDWAY

• McCONNELL. Mr. President, I rise today to pay tribute to the great central Kentucky town of Midway in Woodford County.

Midway was founded in the early 1830's by the Louisville and Ohio Railroad. At the time, tracks were being placed between Lexington and Frankfort, a town midway between the two cities developed. Although the Louisville and Ohio Railroad soon closed, Midway, which contains streets named for former L&O executives, flourished.

Today, most Kentuckians equate Midway with the beautiful, rolling horse farms which have brought the bluegrass international attention. Names like Millford, Airdrie Stud, and Hurstland stand tall in this small community as a reminder of Kentucky's prominence in the horse industry.

Horses, however, are not Midway's only resource. Midway College, originally established in the mid-19th century to provide a formal education for female orphans, today provides baccalaureate programs for more than 800 students and is the largest employer in Midway. Midway also boasts an active historic business district. Visitors, can stroll through the nostalgic buildings, shop at numerous antique stores, and dine at the elegant Holly Hill Inn located on the edge of town.

Perhaps, however, Midway's greatest resources are its people. Midway residents hope to see growth and prosperity in their future, but they also realize the importance of maintaining small-town values. Residents are ready to work and willing to sacrifice for their town, but they want to hold onto the sense of community which draws them together.

Mr. President, I honor the town of Midway and the good people who make this Kentucky town such an outstanding community. Midway residents should be proud of their heritage and excited about their bright future.

Mr. President, I ask that an article from Louisville's Courier-Journal be submitted in today's CONGRESSIONAL RECORD.

The article follows:

MIDWAY

(By Fran Ellers)

Some high schools have more students than Midway has residents, but virtually no other town in Kentucky has as many advantages as the Woodford County community.

Encircled by horse farms and anchored by a private college, Midway sits on an interstate highway between two major cities in the wealthiest county in Kentucky.

It is suffused with charm. The railroad tracks that run through the business district are lined with homes and buildings that are certifiably historic, or architecturally significant, or both. Most are occupied, some by successful retailers.

It has a glistening new elementary school and a ritzy new subdivision. Intriguing people live there. On Saturday mornings Gov. Brereton Jones, who owns nearby Airdrie Stud Farm, goes to a diner to jaw with old friends who advise him on politics. On Sundays, the Rev. Peggy Bright—one of three women pastors in Midway—leads the Midway Presbyterian Church.

And during the week, in an obscure but elegant office on Main Street, a local visionary plots how to make it all better.

A local visionary?

It is something few small towns have but most of them—even Midway—need. For in spite of ample prosperity and charm, Midway sank into a sort of community depression about two years ago—partly because Logan's, a key clothing store, had closed and partly because so much energy was going into a dispute over development of land near Interstate 64.

Signs of the malaise are on Main Street, also known as Railroad Street. The Midway business district, with its pretty painted storefronts, antique shops and small restaurants, once stood as a model for struggling downtowns. Although some businesses are still successful, it's apparent that others are not. Paint peels, stores change hands and some are open only part time.

So new landlord Henry Alexander—who admits, rather than proclaims, that he is "trying to be a visionary"—is talking about turning Midway around.

"It's not something you do easily. I figure I'll be an old man before it's done," says Alexander, an entrepreneur who made his money by selling and managing horse farms.

"I just think it can be made better. . . . I'm very near the point of just committing to it completely and, as the old saying goes, just have at it. If you've got it in you, you have got to do something about it."

It's not that Alexander wants to muscle aside Midway's city council, which is supporting development, or stampede the struggling merchants guild. He has purposely steered clear of both so he can remain objective.

But Alexander has the ideas—they come tumbling out in conversation—and the means to influence the future. His financial interests include at least four buildings on Railroad Street. He also has experience on development issues as one of the leaders in the compromise over the widening of historic Paris Pike in Fayette and Bourbon counties. He was a member of the preservation group that once opposed it.

He also has intent, and that counts for a lot. "Henry can do it," says Rose Lyons, who runs the Holly Hill Inn, a restaurant and inn in a Victorian home at the edge of town.

"I feel like his heart and his head are in the same place," agreed Becky Moore, a leader in the fight against major development along the interstate. Although Moore said she regrets that Alexander hasn't joined the group that is fighting major development, "He's in the best position to sort of take advantage of what we've done."

Obviously Alexander isn't the first local visionary—others have contributed to the development of Railroad Street and other aspect of Midway—nor is he the only one now.

In recent years Midway College, which was a junior college for women, took a calculated risk in adding baccalaureate degrees, while retaining its identity as the state's only women's college. It is now growing again, both as a commuter campus for adults who need a degree to get better jobs, and as a home for traditional college students.

Furthermore, Mayor Carl Rollins, Moore and others have been trying to improve things in Midway—even though they are sometimes at cross purposes. They compromised on developing the new subdivision, for instance, but remain at loggerheads on developing the area near the interstate.

Alexander would focus energy and finances on ideas that could work downtown, while contemplating how to reach a compromise on the interstate issue. The son of horse-farm groom who grew up along Paris Pike, Alexander became a successful horseman and at one time owned a farm near Midway. About five years ago he bought a building downtown, but later the retail climate began to suffer.

"I sort of woke up one day and thought, 'My building's not worth a nickel,'" Alexander said recently. "It became a matter of, do you go forward or do you just pull back?"

Alexander went forward, buying three other buildings, including the vacant Logan's, which at one time drew customers from all over Central Kentucky. He has been looking for a clothier for the building—and may have found one, he said. But he has bigger ideas. He and his wife have been visiting small towns in other states for inspiration.

"The only thing I'm absolutely sure of is that it seems to a little business district like Railroad Street, the most important thing is a restaurant," he said.

Midway already has two on Railroad Street, but Alexander would like to see a bigger draw—such as an old-fashioned boarding-house restaurant, the kind at which heaping helpings are passed around in big bowls.

"Most everything we're thinking of is built in some way around nostalgia," he said. He added, "It just seems today that we have lost a lot of values in our lives. Your can sort of regain that feeling in a little town like Midway. My push right now is just trying to * * * recapture that."

The development issue is related. Midway sits off I–84 on a stretch of horse farms between Lexington and Frankfort, but there is little development for a much longer stretch, one of the most scenic in the Bluegrass Contemplating, say, a McDonald's at the Midway exit is unthinkable to many.

But Mayor Rollins is perfectly willing to make such an inflammatory suggestion, saying that while there is no plan for a McDonald's, he doesn't think it would be a bad idea.

Midway should think about the changing needs of the families who live there, and think about the long term, particularly if the horse industry continues to falter, he said.

Young families "would like to see a place where you could go get something to eat quick," he said. Even though the unbroken expanse of horse farms is arguably Midway's ace in the hole, "We can't continue to expect the horse farms around here to continue to maintain this parklike atmosphere" without some sort of tradeoff.

Rollins says that to provide services, the city needs a broader tax base, even though he admits that the budget is in no trouble. Midway, whose biggest employer is the college, should provide jobs for its citizens like "any healthy city," he says.

But Moore and others wonder why people in Midway work in Lexington, Frankfort and Versailles, where there are plenty of jobs within a short commute. Small businesses are best for Midway, they contend.

Small businesses have certainly prospered, D. Lehman & Sons has been open on Winter Street for about 150 years, and has an established clientele for its antiques. It's also still in the family, William Feagin, 23, is managing it now, and hopes to restore the old family home nearby and live there. Years ago David Lehman designed some of the town's homes and buildings, giving them a distinctive flair.

Around the corner on Railroad Street, The Red Brick House, which offers antiques and gifts, opened 20 years ago to begin an earlier resurgence. Proprietor Ann Sullivan wants to help revive Midway as well, but is concentrating for now on what seems like a small thing—a "Welcome to Midway" sign.

The sign is actually an old controversy. Years ago, Phyllis George Brown, the wife of then-Gov. John Y. Brown Jr., helped arrange for an interstate exist sign that says "Historic Midway," one way of luring people to stop. But that didn't comply with federal law so the state took it down, along with another sign that was visible from the interstate. Recently the state erected a sign alerting visitors to the historic district but there still isn't a bona fide welcome sign.

As Sullivan, a young mother, discussed Midway one recent afternoon, Liz Columbia, who also works at The Red Brick House, recalled when things were different—when trains came through town regularly, and when people milled around on Saturday nights at the stores of a variety of eccentric proprietors.

"Then they all died off and nobody else took over. That's the time when you mother came in town," she told Sullivan.

Sullivan's mother, Marilyn Griese, helped get Railroad Street going, but died late last year. But she never quit believing in Midway, Sullivan said.

"My mother said right before she got sick, it will come back."

Population (1980): 1,290; Woodfort County, 19,955.

Per capita income (Woodford County, 1989): $21,819, or $7,996 above the State average.

Jobs (Woodford County, 1989): Manufacturing, 3,223; wholesale/retail, 1,303; services, 1,133; state/local governments, 658; contract construction, 292.

BIO employees: Midway College is the biggest employer in Midway with 100 jobs; others are Tococo Inc, maker of blue jeans, 75; and Northside Elementary, 47.

Transportation: Roads—I-64, U.S. 62 and U.S. 421 all serve Midway as does the old Frankford Pike, Rail—Midway is not served by CSX, Air—Lexington's Blue Grass field is just a few minutes away.

Media: Besides Midway College publications, the Woodford Sun, a weekly newspaper, circulates in Midway.

Education: The new Northside Elementary has 356 students. Also, 57 attend Woodbridge Academy for students with learning disabilities. Midway College had about 800 full-time and part-time students last fall.

Topography: Midway, in the heart of the Bluegrass, is surrounded by rolling land and horse farms.

FAMOUS FACTS AND FIGURES

Midway College, Kentucky's only women's college, evolved from the Kentucky Female Orphan School, which was established to provide a formal education for young woman who—in the mid-19th century—had little prospect for schooling of any kind. Today, Midway College offers a broad array of programs for its more then 800 students.

A West Virginia native, Gov, Brerston Jones married Elizabeth Alexander Lloyd, a member of a prominent Woodford County family. He operates Airdree Stud, a thoroughbred farm not far them Midway.

Midway was the first town in Kentucky to be laid out by a railroad, on a railroad, in the early 1930's the Louisville & Ohio Railroad was laying track from Lexington to Frankfort and Midway was laid out midway between the two cities. As a railroad, the L&O didn't last long—the Louisville and Nashville Railroad eventually took over—but it named the streets in Midway after some of its executives, such as Winter, Turner, Gratz, Bruen and Higgins. The track still runs thought the center of town, but trains only go through once or twice a day, locals say.

Midway makes two culinary claims to fame—the Trackside Pie at Depot restaurant, which won first prize in Procter & Gamble's 1984 national dessert bakeoff, and Porterhouse steaks. The trackside has elements of Derby, pecan and chess pie—chocolate chips, nuts and coconut flakes. The Depot has changed hands in the last decade, but the pie remains a staple. The Porterhouse steak apparently originated in the late 1870's when Susan Porter operated a boarding house on Winter Street called the Porter House, which served the big cut of beef.•

CONGRESSIONAL RESEARCH SERVICE REPORTS AND IRAQI NUCLEAR AND CHEMICAL WEAPONS AND COUNTRIES AND COMPANIES CONTRIBUTING TO PROLIFERATION

• **Mr. McCAIN.** Mr. President, several months ago, I asked the Congressional Research Service to prepare summaries of what we had learned about Iraq's efforts to develop chemical, biological, and nuclear weapons. I have now received the first two of these reports, "Iraq's Nuclear Achievements: Components, Sources, and Stature." (93–323 F) and "Iraqi Chemical Weapons Capabilities" (93–2928 F).

I encourage my colleagues to read both reports. I believe that they are essential for anyone interested in national security, proliferation, and arms control. They provide further documentation of just how dangerous a nation Iraq has become and the threat it has posed to peace.

The report on chemical weapons provides a summary of findings of the United Nations to date and a detailed list of the companies that sold Iraq equipment and feedstock used in its chemical weapons efforts.

Some of these companies may well be innocent, but many had to have known what they were doing. In many cases, their governments also deliberately turned a blind eye to what such companies were doing. The results were the killing of tens of thousands of Iranians and Kurds, many innocent women and children.

The Congressional Research Service found references to 15 United States firms whose equipment contributed in some way to Iraq's chemical weapons efforts. Many of these firms almost certainly did not know the end use of the goods that were sold while others seem to have been little more than Iraqi fronts. Nevertheless, the fact that any American firms were involved is warning that we need to tighten our export controls and intelligence efforts.

More important, the CRS report shows that the key sellers were firms in Germany, and that firms in nations like Austria, Belgium, India, Italy, The Netherlands, and Switzerland also played an important role. I hope that the Governments and media of these countries will study the list provided by the Congressional Research Service, take every possible step to expose the facts, and act to develop stronger national sanctions and controls. We all need to work together to stop this threat to all mankind.

I hope the new Chemical Weapons Convention will help convince nations and companies not to sell the technology and weapons of mass destruction to states like Iraq, Iran, Libya, and North Korea.

It is quite clear, however, that we cannot rely on international arms control efforts alone. We need to use the full power of the American economy to confront supplier countries and companies with powerful sanctions in terms of a loss of access to American market. We also need to arouse the conscience of the world by naming names, even when these involve U.S. firms or firms in allied countries. We need to make it clear that a desire to export cannot be translated into exporting death.

The report on Iraq's nuclear weapons teaches us a similar lesson. It has had extensive review by the Department of Energy, and it too provides a new list of the countries and companies that sold Iraq equipment and material for use in its nuclear weapons program, as well as an up-to-date summary of the findings of the U.N. Special Commission and IAEA on Iraq's progress in developing nuclear weapons.

It provides still further evidence of how urgent it is to focus on the nations that are the greatest threat to peace. It makes it clear that Iraq has mastered most of the design problems in building a nuclear weapon and that it will retain substantial nuclear technology in spite of the U.N. and IAEA effort. It also makes it clear that we can only prevent Iraq from building a bomb in the future if we enforce a rigid embargo on further sales of nuclear and dual use technology.

It also contains the names of 14 U.S. firms. Once again, most of these American firms almost certainly had no knowledge of how their technology would be used, but such a list demonstrates that we need to tighten our efforts. Once again, the list of suppliers from other nations makes it clear that Europe provided the vast majority of the technology and equipment used in Iraq's nuclear weapons effort, and that several European companies may well have known the probable end use of their sales.

It is my sincere hope that the Clinton administration will add to these lists and tell the world the names of all of Iraq's suppliers of mass destruction. I hope it will also break our silence regarding which governments and companies deliberately turned a blind eye to such exports. It is obscene that any government or company should deliberately threaten the lives of millions of innocent people in the Middle East.

It is clear that we badly need to strengthen the International Atomic Energy Authority, the Nuclear Non-Proliferation Treaty, and every aspect of our export controls. We need to do this not only to halt further efforts in Iraq, but to place similar limits on the efforts of states like India, Iran, Libya, North Korea, and Pakistan.

At the same time, it is again clear that we cannot rely on international arms control efforts alone. We need to use the full power of the American economy to confront supplier countries and companies with powerful sanctions in terms of a loss of access to the American market.

We need to arouse the conscience of the world by naming names, even when these involve U.S. firms or firms in allied countries. We need to take every possible step to expose the facts, and act to develop stronger national sanctions and controls. If we do not give the fight against proliferation this priority, we will inevitably see nuclear weapons used against our friends and allies, and possibly against our own forces. Further, we will create a world in which even the most peaceful states may feel forced to acquire such weapons as a deterrent. There could be no greater tragedy than ending the nuclear arms race between East and West only to see it reborn in the developing world.•

DISTURBING REPORTS FROM UZBEKISTAN

• Mr. DECONCINI. Mr. President, I regret to have once again to call the attention of my colleagues to the poor human rights record of the newly independent State of Uzbekistan. Several weeks ago, I reported in this RECORD how, despite high hopes after my visit to the country last April, the political situation in Uzbekistan had deteriorated last year to unacceptably low levels, with numerous reports of beatings, arrests, and arbitrary imprisonment of opposition activists. Unfortunately, the situation remains unchanged, and perhaps worse.

Last week, I had the honor as chairman of the Helsinki Commission to meet with Abdumannob Pulatov, the Uzbek human rights activist who had been abducted in Bishkek, Kyrgyzstan, by Uzbek security agents and forcibly returned to Tashkent, Uzbekistan, where he was made to stand trial on the charge of "insulting the dignity and honor of the president." Mr. Pulatov was found guilty of this crime, sentenced to 3 years, and then "amnestied" by the Government. He was released and now lives in Moscow. Mr. Pulatov's case was given widespread attention by American and international human rights organizations, including the Helsinki Commission.

Regrettably, however, the story does not end there. Mr. Pulatov and his family fled to Moscow because he believed that they would be safe there. But even this appears to be in question and there is reason now to fear for his safety. I have received reports that several days prior to Mr. Pulatov's planned visit to the United States, a visit sponsored by the Union of Councils for Soviet Jews, security forces from Uzbekistan were in Moscow, attempting to prevent Pulatov's traveling to our country. In the end, it required the protective services of both the United States Embassy and the Moscow office of the New York-based Helsinki Watch to ensure that Mr. Pulatov was able to board the plane in Moscow and fly to the United States.

Clearly, any action seeking to interfere with Mr. Pulatov's right to freedom of travel represents a clear violation of all international human rights norms and standards of civilized behavior. I urge the Uzbek Government to cease all harassment of Mr. Pulatov, and to respect his rights as defined in international documents such as the Helsinki Final Act and the U.N. Declaration on Human Rights, which include the rights to freedom of speech and travel.

Mr. President, it is not just Mr. Pulatov's fundamental rights to free speech that are being violated by the authorities in Uzbekistan. There are many other citizens of Uzbekistan who are under arrest or already in prison because of their political beliefs. Last summer, Mr. Pulat Akhunov, a leader of the opposition Birlik movement in Uzbekistan and a former deputy in the Soviet Parliament, was arrested and sentenced to 1½ years in prison on charges of hooliganism. Concern for Mr. Akhunov has heightened recently, as he has been charged with new crimes, including possession of narcotics, charges which the authorities will no doubt use to keep Mr. Akhunov in prison longer than his original conviction called for. Such charges of hooliganism and fabricated drug charges are unfortunately all too familiar to those of us involved in the human rights struggle in the days of the old Soviet Union. These were standard tactics used against dissidents who dared to speak out against the Soviet Government, and it is apparent that the Uzbek Government is continuing to use the methods of the old days.

Other members of the opposition Birlik movement have been arrested or have faced increasing government harassment. Nosir Zakirov was recently arrested and denied access to legal access. Olim Karimov was arrested on January 19, 1993 and charged with anti-state activities. Other Birlik activists, including Shukhrat Ismatuallaev, Madamin Narzikulov, and Talib Yakubov, have been fired from their jobs due to their political activities, and prevented from gaining employment elsewhere.

Another Uzbek citizen, Inamjan Tursunov, has also been the subject of these old style tactics. Mr. Tursunov is a regional leader of the only registered opposition party in Uzbekistan, the Erk Party, and a deputy in the Uzbekistan Parliament. He was recently sentenced to 2 years, again on the charge of hooliganism, a charge that was almost certainly fabricated in order to silence his political activities. Another Erk Party member, Otanazar Oripov, was arrested last December for his political activities. In fact, the Erk Party, though it is the only registered opposition party in Uzbekistan and hence the only one allowed by the Government to function openly, has come under escalating Government harassment, including the confiscation of its funds, which has effectively closed it down. Its leader, Mohammed Salih, has been the subject of increasing Government persecution. He was forced to go into hiding a number of times in recent months. I received a letter from Mr. Salih a few days ago in which he appealed for international support against a campaign on the part of the Uzbek Government to arrest him on charges of treason. And this, Mr. President, is the head of the legally registered opposition party.

There are many others who can only be called political prisoners in Uzbekistan. Bobur Shakirov has been in custody since last August, charged with "attempting to overthrow the government." Mr. Shakirov was arrested for his activities in a public organization called Milli Majlis, [National Assembly], a roundtable group of different opposition organizations, whose activities the Government has termed treasonous. Sadly, this is not the first prison experience for Mr. Shakirov, who spent 10 years in prison camps during the Brezhnev years on charge of anti-Soviet agitation and slandering the Soviet regime. Khazratkul Khudaiberdiev was also arrested in December, 1992, for his involvement with this group.

That same month Abdulla Utaev, chairman of the Islamic Renaissance Party, was arrested and he remains in prison. The Islamic Renaissance Party has been banned by the authorities since its inception, and its members continually face severe harassment. Though his party is religious in orientation, it is nonviolent in method; moreover, the banning of religiously based parties is prohibited in the CSCE's Copenhagen document. It is clear that Mr. Utaev was arrested solely for his political activities.

Mr. Speaker, some may argue that there is little we can do to help these people unjustly imprisoned in a far-off country. Others may contend that we should not put pressure on the regimes in the central Asian countries, since they have, after all, been independent for just over a year. Yet to those who maintain that there is little that we can do, I say that to the contrary, Mr. Pulatov is only the most recent in a long line of cases whereby long-term imprisonment, even death, did not ensue because of outside attention to the case, and international pressure on the Government. Furthermore, Mr. Pulatov and others are convinced that those mentioned here were imprisoned mainly because the outside world was unaware of their situation.

Yes, it is true that the central Asian countries have only just gained their independence and that we must be realistic and not expect miracles in their progress toward democratization. It is also true that these countries have suffered greatly under the Russian and Soviet colonialist yoke. But our sitting by while egregious human rights violations are occurring will not further the process of democratization in those countries, nor will it ameliorate the desperate economic conditions which these new States face. We applaud the rightful entrance of the central Asian countries into the international community, a move from which we all can benefit. But the positive cultural and economic contribution the States of central Asia can make will be sadly lost if their most valuable resource, their people, after so many decades of Soviet repression, are still not allowed the freedom to realize and cultivate their potential as free human beings.●

THE QUALITY CENTER

● Mr. SHELBY. Mr. President, I rise today to share with my colleagues an article that recently appeared in the Birmingham News concerning the quality center that has been established at Samford University in Birmingham, AL. The quality center function is to act as a center for quality improvement for all aspects of the university. So far, the results have been outstanding, both for the faculty and students. This is the kind of innovation that we need to encourage if we are truly interested in improving education in America. Mr. President, I ask that the article from the Birmingham News be printed following my remarks.

The article follows:

[From the Birmingham News, Jan. 3, 1993]

QUALITY CENTER AT SAMFORD VIEWS STUDENTS AS CUSTOMERS

(By Jeff B. Hansen)

The Total Quality Management craze that swept through American corporations in recent years is reaching academic institutions such as Columbia University, Carnegie-Mellon University, the University of Wyoming, the University of Wisconsin and Oregon State University.

In Birmingham, one academic example is Samford University and its 3-year-old Quality Center.

"This is an internal effort at quality improvement," said John Harris, assistant to the provost for quality assessment at Samford.

The quality movement was founded in manufacturing and used with striking success by Japanese auto and truck manufacturers after World War II. The movement spread to service industries such as health care.

The advent of quality assessment at Samford—a quiet, orderly campus—means looking at a university with different eyes.

"A lot of faculty have a hard time thinking of students as customers," Harris said.

One who doesn't is Jennings Marshall, an associate professor of economics.

"Think of this as a business where your entire customer base turns over every four years," he said. "We've got to get new customers all the time."

Early in the quality effort at Samford, Harris had a statistician teach statistics to Samford President Thomas Corts, the provost, and vice presidents.

"One skill managers have to have is how to think about patterns rather than react to events," Harris said. Statistics, used properly, can reveal patterns in a meaningful way.

One crux in quality improvement efforts is to identify, map out and understand the process through which work actually gets done.

Then, the process is measured statistically and improved for consistent results.

Another crux is deciding on goals, so the entire organization achieves a constancy of purpose.

In their quality effort, Samford's staff has pounded out answers to questions like: What's the mission of the university? Who are the customers? What values does the school live by and what is its vision for the future?

They also identified eight "cross-functional" processes in the university—processes such as living, enrolling or records management that cut across several administrative departments—and began an effort to understand, map and gauge the performance of each.

One result was cutting the response time for dormitory repairs from somewhere between two and seven days to within 12 hours.

Another cross-functional team—the freshman experience—is looking at the entire first year, at ways it can thrive or sour for students.

"We understand a university is not like manufacturing, but the administrative principles and people relationships are the same," Harris said.

The bottom line on quality improvement at Samford is still up in the air.

"Most people have thought that quality in education means more cost," Harris said. "But in industry, as quality increases, cost has gone down.

"We need to do that in education; that would be a major breakthrough for Samford," Harris said. "We haven't done it yet."

Besides self-examination and improvement, the Samford Quality Center also offers courses to businesses, given on campus or at a site chosen by the company.

Training includes facilitator classes for those who will lead quality teams, actual coaching or support of quality control teams and basic teaching of the statistical tools of quality.

Marshall teaches statistical process control—a batch of simple quantitative tools workers can wield to reveal problems in the work process.

Students get a calculator, a pocket-sized "cheat sheet" of statistical formulas and charts, and encouragement to drop their fear of statistics.

"A lot of people have a phobia about numbers," said Marshall. "There's that natural fear. I have to show them the tools we use can be easily learned.

"As they see how numbers can help them, then they get over it."

Using statistics together with a problem-solving process gives employees a new concept of their workplace and new powers to improve it, Harris said.

"What Jennings (Marshall) does is teach workers to view their work process and act upon it as process," Harris said.

"Most companies don't have anybody who's real comfortable with statistics," Marshall said. ●

THE CALENDAR

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of Calendar Nos. 36, 37, 38, and 40; that the joint resolutions and bill be deemed read three times, passed; and the motion to reconsider the passage of these measures be laid upon the table en bloc; further, that the consideration of these items appear individually in the RECORD, and any statements appear at the appropriate place.

The PRESIDENT pro tempore. Is there objection?

Mr. DOMENICI. Reserving the right to object, I will not object. Let me state now, Mr. President, that the Senator from New Mexico did not comment on the lengthy consent agreement with reference to the budget resolution. But I want the record to reflect that I understand that is exactly what we have agreed to. I compliment the leadership for putting it in a form that is so clear. I am sure our Members will now understand very clearly where we are tomorrow. I have no objection to the last request that the Senator made.

The PRESIDENT pro tempore. There being no objection, the requests of the Senator from Tennessee are granted.

SMITHSONIAN INSTITUTION BOARD OF REGENTS APPOINTMENT ACT OF 1993

The joint resolution (S.J. Res. 27) providing for the appointment of Hanna Holborn Gray as a citizen regent of the Board of Regents of the Smithsonian Institution, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S.J. RES. 27

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), a vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, shall be filled by the appointment of Hanna Holborn Gray of Illinois. The appointment is for a term of 6 years and shall take effect on the date of approval of this resolution.

SMITHSONIAN INSTITUTION BOARD OF REGENTS APPOINTMENT ACT OF 1993

The joint resolution (S.J. Res. 28) providing for the appointment of Barber B. Conable, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S.J. RES. 28

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), a vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, shall be filled by the appointment of Barber B. Conable, Jr., of New York. The appointment is for a term of 6 years and shall take effect upon the date of approval of this resolution.

SMITHSONIAN INSTITUTION BOARD OF REGENTS APPOINTMENT ACT OF 1993

The joint resolution (S.J. Res. 29) providing for the appointment of Wesley Samuel Williams, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S.J. RES. 29

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), a vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, shall be filled by the appointment of Wesley S. Williams, Jr., of the District of Columbia. The appointment is for a term of 6 years and shall take effect upon the date of approval of this resolution.

GOVERNMENT PRINTING OFFICE ELECTRONIC INFORMATION ACCESS ENHANCEMENT ACT OF 1993

The bill (S. 564) to establish in the Government Printing Office a means of enhancing electronic public access to a wide range of Federal electronic information, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Printing Office Electronic Information Access Enhancement Act of 1993".

SEC. 2. AMENDMENTS TO TITLE 44, UNITED STATES CODE.

(a) IN GENERAL.—Title 44, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 41—ACCESS TO FEDERAL ELECTRONIC INFORMATION

"Sec.
"4101. Electronic directory; online access to publications; electronic storage facility.
"4102. Fees.
"4103. Biennial report.
"4104. Definition.

§4101. Electronic directory; online access to publications; electronic storage facility

"(a) IN GENERAL.—The Superintendent of Documents, under the direction of the Public Printer, shall—

"(1) maintain an electronic directory of Federal electronic information;

"(2) provide a system of online access to the Congressional Record, the Federal Register, and, as determined by the Superintendent of Documents, other appropriate publications distributed by the Superintendent of Documents; and

"(3) operate an electronic storage facility for Federal electronic information to which online access is made available under paragraph (2).

"(b) DEPARTMENTAL REQUESTS.—To the extent practicable, the Superintendent of Documents shall accommodate any request by the head of a department or agency to include in the system of access referred to in subsection (a)(2) information that is under the control of the department or agency involved.

"(c) CONSULTATION.—In carrying out this section, the Superintendent of Documents shall consult—

"(1) users of the directory and the system of access provided for under subsection (a); and

"(2) other providers of similar information services.

The purpose of such consultation shall be to assess the quality and value of the directory and the system, in light of user needs.

"§4102. Fees

"(a) IN GENERAL.—The Superintendent of Documents, under the direction of the Public Printer, may charge reasonable fees for use of the directory and the system of access provided for under section 4101, except that use of the directory and the system shall be made available to depository libraries without charge. The fees received shall be treated in the same manner as moneys received from sale of documents under section 1702 of this title.

"(b) COST RECOVERY.—The fees charged under this section shall be set so as to recover the incremental cost of dissemination of the information involved, with the cost to be computed without regard to section 1708 of this title.

"§4103. Biennial report

"Not later than December 31 of each odd-numbered year, the Public Printer shall submit to the Congress, with respect to two preceding fiscal years, a report on the directory, the system of access, and the electronic storage facility referred to in section 4101(a). The report shall include a description of the functions involved, including a statement of cost savings in comparison with traditional forms of information distribution.

"§4104. Definition

"As used in this chapter, the term 'Federal electronic information' means Federal public information stored electronically.".

(b) CLERICAL AMENDMENT.—The table of chapters for title 44, United States Code, is amended by adding at the end the following new item:

"41. Access to Federal Electronic Information .... 4101".

SEC. 3. STATUS REPORT.

Not later than June 30, 1994, the Public Printer shall submit to the Congress a report on the status of the directory, the system of access, and the electronic storage facility referred to in section 4101 of title 44, United States Code, as added by section 2(a).

SEC. 4. SPECIAL RULES.

(a) OPERATIONAL DEADLINE.—The directory, the system of access, and the electronic storage facility referred to in section 4101 of title 44, United States Code, as added by section 2(a), shall be operational not later than one year after the date of the enactment of this Act.

(b) FIRST BIENNIAL REPORT.—The first report referred to in section 4103 of title 44, United States Code, as added by section 2(a), shall be submitted not later than December 31, 1995.

Mr. SIMON. Mr. President, I would like to extend my appreciation to my esteemed colleague from Kentucky for his hard work in passing S. 564, the Government Printing Office Electronic Information Access Enhancement Act.

The fundamental purpose of this act is to enhance public access to Federal electronic information through the Government Printing Office. As I read the bill, therefore, the act preserves without change existing channels for that access. The Superintendent of Documents will continue to insure that the development of the directory, online access system, and electronic storage facility authorized by new section 4101 does not result in the withholding, delaying, or restriction of access to Federal electronic information in the form of magnetic tapes or other bulk media. Parties requesting this data must continue to be treated in a nondiscriminatory fashion, and no new restrictions on reuse or redissemination of the data may be imposed.

Mr. FORD. That is correct. As the committee report on the act makes absolutely clear, nothing in this act should be construed to authorize the Superintendent to impose any restrictions on the public's use or reuse of Federal electronic information, or to diminish the public's timely and nondiscriminatory access to such information through existing means.

ORDERS FOR TOMORROW

Mr. SASSER. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Tuesday, March 23; that following the prayer, the Journal of proceedings be deemed approved to date; and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of Calendar No. 34 (S. Con. Res. 18), the concurrent budget resolution; that upon resuming the budget resolution, there be 80 minutes remaining for debate on the Murkowski amendment No. 203 with no second-degree amendment in order thereto; that when the time is used or yielded back the amendment be temporarily laid aside; and, that should a vote be ordered to occur with respect to this amendment, the vote occur upon disposition of the Gorton amendment No. 209, and with respect to the Gorton amendment No. 209, I ask unanimous consent that there be 20 minutes for debate on the amendment equally divided and controlled in the usual form; that the vote on or in relation to the

Gorton amendment No. 209 occur upon disposition of the Leahy amendment No. 202; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party luncheons.

The PRESIDENT pro tempore. Is there objection to the several requests of the Senator from Tennessee? The Chair hears no objection. The requests are agreed to.

RECESS UNTIL 9 A.M. TOMORROW

Mr. SASSER. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:18 p.m., recessed until tomorrow, Tuesday, March 23, 1993, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 22, 1993:

DEPARTMENT OF THE TREASURY

FRANK N. NEWMAN, OF CALIFORNIA, TO BE AN UNDER SECRETARY OF THE TREASURY, VICE JEROME H. POWELL, RESIGNED.

LESLIE B. SAMUELS, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE FRED T. GOLDBERG, JR., RESIGNED.

DEPARTMENT OF STATE

GEORGE EDWARD MOOSE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE, VICE HERMAN JAY COHEN, RESIGNED.

DEPARTMENT OF ENERGY

THOMAS P. GRUMBLY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENTAL RESTORATION AND MANAGEMENT), VICE LEO P. DUFFY, RESIGNED.

DEPARTMENT OF THE TREASURY

JACK R. DEVORE, JR., OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE DESIREE TUCKER-SORINI, RESIGNED.

EXTENSION OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 23, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 24

9:00 a.m.

Labor and Human Resources

Business meeting, to markup S. 25, to protect the reproductive rights of women.

SD–430

9:30 a.m.

Armed Services

To hold closed hearings on international security environment.

SR–222

Energy and Natural Resources

To continue hearings on S. 473, to promote the industrial competitiveness and economic growth of the U.S. by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the U.S.

SD–366

10:00 a.m.

Environment and Public Works

To hold hearings on assessing environmental threats.

SD–406

Finance

To hold hearings to examine the Administration's proposals to stimulate the American economy.

SD–215

Foreign Relations

Closed briefing, on the Treaty on Open Skies, with 12 Annexes (Treaty Doc. 102–37).

S–116, Capitol

Governmental Affairs

Business meeting, to mark up S. 171, to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and S. 20, to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government.

SD–342

11:00 a.m.

Joint Printing

To hold an organizational meeting.

SR–301

11:30 a.m.

Foreign Relations

To hold hearings on the nomination of Joan E. Spero, of New York, to be Under Secretary of State for Economic and Agricultural Affairs.

S–116, Capitol

1:30 p.m.

Veterans' Affairs

To hold hearings on proposed legislation relating to veterans compensation cost of living adjustments, and to examine the processing and adjudication timeliness and staffing of veterans claims.

SR–418

2:00 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for energy and water development programs.

SD–192

Foreign Relations

To hold hearings on the nomination of Harriet C. Babbitt, of Arizona, to be the Permanent Representative of the United States to the Organization of American States, with the rank of Ambassador.

SD–419

MARCH 25

9:30 a.m.

Governmental Affairs

To hold hearings to examine the breakdown of the Internal Revenue Service tax enforcement regarding multi-national corporations.

SD–342

10:00 a.m.

Banking, Housing, and Urban Affairs

Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1994 for the Resolution Trust Corporation.

SD–538

Commerce, Science, and Transportation

To resume hearings on S. 4, to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce.

SR–253

Finance

To continue hearings to examine the Administration's proposals to stimulate the American economy.

SD–215

Foreign Relations

Business meeting, to consider the nominations of Strobe Talbott, of Ohio, to be Ambassador at Large and Special Adviser to the Secretary of State on the New Independent States, and Joan E. Spero, of New York, to be Under Secretary of State for Economic and Agricultural Affairs.

SD–419

Judiciary

Business meeting, to consider pending calendar business.

SD–226

Joint Organization of Congress

To resume hearings on congressional reform proposals.

S–5, Capitol

10:15 a.m.

Foreign Relations

To hold hearings on the nomination of Timothy E. Wirth, of Colorado, to be Counselor of the Department of State.

SD–419

MARCH 26

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the nominations of Terrence R. Duvernay Sr., of Georgia, to be Deputy Secretary of Housing and Urban Development, Jean Nolan, of Maryland, to be an Assistant Secretary of Housing and Urban Development, and Lawrence H. Summers, of Washington, D.C., to be an Under Secretary of the Treasury.

SD–538

Governmental Affairs

Federal Services, Post Office, and Civil Service Subcommittee

To hold hearings to examine firearms import licensing and policies.

SD–342

MARCH 29

10:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for energy and water development programs.

SD–192

2:00 p.m.

Appropriations

Energy and Water Development Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1994 for energy and water development programs.

SD–192

MARCH 30

9:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for energy and water development programs.

SD–192

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

9:30 a.m.
Energy and Natural Resources
To hold hearings on the science of global climate change.
SD-366

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.
SD-G50

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1994 for energy and water development programs.
SD-192

2:30 p.m.
Energy and Natural Resources
To hold hearings on S. 447, to facilitate the development of Federal policies with respect to those territories under the jurisdiction of the Secretary of the Interior.
SD-366

MARCH 31

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, the Veterans of World War I, the Vietnam Veterans of America, the American Ex-Prisoners of War, the Non-Commissioned Officers Association, and the National Association of Uniformed Services.
345 Cannon Building

1:30 p.m.
Veterans' Affairs
To hold oversight hearings on the cost and other factors affecting the health care choices of veterans.
SR-418

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for energy and water development programs.
SD-192

APRIL 1

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Highway Administration, focusing on implementation of the Intermodal Surface Transportation Efficiency Act.
SD-116

2:00 p.m.
Energy and Natural Resources
Renewable Energy, Energy Efficiency, and Competitiveness Subcommittee
To hold oversight hearings on opportunities and barriers to commercialization of renewable energy and energy efficiency technologies.
SD-366

APRIL 20

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on sustainable development goals and strategies.
SD-138

APRIL 21

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Transportation.
SD-192

APRIL 27

9:30 a.m.
Governmental Affairs
To hold hearings to examine environmental problems in the Federal Government.
SD-342

MAY 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and U.S. international economic and commercial interests.
SD-138

MAY 6

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.
SD-138

MAY 11

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and U.S. foreign policy and security interests.
SD-138

MAY 13

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.
SD-138

MAY 18

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and transnational issues, focusing on population, environment, health, narcotics, and anti-terrorism issues.
SD-138

MAY 25

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on foreign assistance and the transition to democracy in the former Soviet Union and eastern Europe.
SD-138

MAY 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.
SD-138

JUNE 8

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.
SD-138